

# Central Coast Council Local Approvals Policy

Date Adopted: XX/XX/20XX  
Revision: 1



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## 1. Policy Objectives

- 1.1. The Objectives of this Policy are to:
- 1.1.1. Satisfy the requirements of Section 158 of the *Local Government Act 1993 (LG Act)*;
  - 1.1.2. Provide guidance to applicants requiring an approval for an activity under Section 68 of the LG Act within the Central Coast Council Local Government Area (**LGA**);
  - 1.1.3. Specify any circumstances where Council approval is not required before carrying out an activity;
  - 1.1.4. Specify criteria Council must consider in determining an application for an approval under Section 68 of the LG Act;
  - 1.1.5. Specify other matters relevant to seeking approval from Council;
  - 1.1.6. Encourage the consolidation of Council policies in relation to local approvals under the LG Act;
  - 1.1.7. Assist Council in bringing relevant matters to the notice of intending applicants in accordance with Section 77 of the LG Act; and
  - 1.1.8. Ensure consistency between this Policy and other relevant legislation that outline exemptions and criteria relating to approvals.
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## 2. Policy Statement

- 2.1. The purpose of a Local Approvals Policy ("the Policy") is to identify those activities under Section 68 of the LG Act that are:
- 2.1.1. Exempt from requiring a separate approval from Council under Section 68, subject to meeting specified criteria (where relevant); or
  - 2.1.2. Required to obtain a Section 68 approval, subject to meeting specified criteria (where relevant).

### 3. Policy Structure

- 3.1.** In accordance with Section 158 of the LG Act, the Policy is divided into 3 parts:
- 3.1.1. **Part 1 - Exemptions:** specifies the circumstances in which a person is exempt from requiring a particular approval from Council. Section 6 of this Policy provides an overview and the specific exemptions for each Activity are included in the relevant appendix.
  - 3.1.2. **Part 2 - Criteria:** specifies the criteria (if any) which Council must consider when determining whether to grant approval to a particular activity. Section 7 of this Policy provides an overview and the specific approval criteria for each Activity are included in the relevant appendix.
  - 3.1.3. **Part 3 - Other Matters:** specifies other matters relating to approvals not dealt with by the LG Act or *Local Government (General) Regulation 2021 (Regulations)* including information on the application process and supplementary documentation. This information is provided in Section 11 of this Policy.
- 3.2.** Appendices have been used to detail each activity covered under this Policy and any applicable legislative and local exemptions and/or criteria for each activity. Appendices are to be read in conjunction with Sections 6 (Part 1) and 7 (Part 2) of this Policy.
- 3.3.** Appendices have been titled with the name of the activity under Section 68 of the LG Act followed by a letter and number. These letters and numbers reference the activity under Section 68 of the LG Act as shown in Table 1. For example, busking or street theatre relates to 'For fee or reward, play a musical instrument or sing' under Part D Point 4 (D4) of Section 68 of the LG Act.
- 3.4.** Please note that where necessary, extracts of legislation have been included in the relevant Appendix. Extracts have not been included for all references. Links to the online legislation have also been provided for clarity.
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### 4. Land to Which the Policy Applies

- 4.1.** The Policy applies to all land within the Central Coast Council LGA.

## 5. Approvals to Which the Policy Relates

- 5.1. This Policy applies to the regulatory function of Council to grant approvals under Section 68 of the LG Act, as reproduced in Table 1.

Table 1 – Section 68 of the LG Act (Source: Local Government Act 1993)

<p><b>Part A – Buildings, temporary structures or moveable dwellings</b></p> <ol style="list-style-type: none"> <li>1. Install a manufactured home, moveable dwelling or associated structure on land</li> <li>2. Repealed</li> <li>3. Repealed</li> </ol>
<p><b>Part B – Water supply, sewerage and stormwater drainage work</b></p> <ol style="list-style-type: none"> <li>1. Carry out water supply work</li> <li>2. Draw water from a council water supply or a standpipe or sell water so drawn</li> <li>3. Install, alter, disconnect or remove a meter connected to a service pipe</li> <li>4. Carry out sewerage work</li> <li>5. Carry out stormwater drainage work</li> <li>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</li> </ol>
<p><b>Part C – Management of waste</b></p> <ol style="list-style-type: none"> <li>1. For fee or reward, transport waste over or under a public place</li> <li>2. Place waste in a public place</li> <li>3. Place a waste storage container in a public place</li> <li>4. Dispose of waste into a sewer of the council</li> <li>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</li> <li>6. Operate a system of sewage management (within the meaning of section 68A)</li> </ol>
<p><b>Part D – Community Land</b></p> <ol style="list-style-type: none"> <li>1. Engage in a trade or business</li> <li>2. Direct or procure a theatrical, musical or other entertainment for the public</li> <li>3. Construct a temporary enclosure for the purpose of entertainment</li> <li>4. For fee or reward, play a musical instrument or sing</li> <li>5. Set up, operate or use a loudspeaker or sound amplifying device</li> <li>6. Deliver a public address or hold a religious service or public meeting</li> </ol>
<p><b>Part E – Public Roads</b></p> <ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>3. (Repealed)</li> </ol>

**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
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

**5.2.** “**Approval**” under this Policy means approval of an activity listed in the Table of Section 68 of the LG Act. This should not be confused with any requirement for a “**Development Consent**” issued in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 (EPA Act)*.

**5.3.** In certain circumstances, an activity that requires approval under Section 68 of the LG Act can sometimes be applied for as part of a development application for a development requiring approval under Section 4.12 of the EPA Act. In most, but not all, cases, separate Section 68 approval would therefore not be required for that activity as it would be incorporated into the development consent. The relevant parts of Section 4.12 of the Environmental Planning and Assessment Act is shown below.

(3) *If the consent authority is a council, a person (other than the Crown or a person acting on behalf of the Crown) may, in the same development application, apply for development consent and approval for anything that requires approval under the following provisions of the Table to section 68 of the Local Government Act 1993, namely—*

*paragraph 1 of Part A*

*paragraph 1–6 of Part B*

*paragraph 1–5 of Part C*

*paragraph 1 of Part E*

*paragraph 1–5 or 10 of Part F.*

(4) *In determining a development application to which subsection (3) applies, the council may apply any of the provisions of or under the Local Government Act 1993 that it could apply if the development application were an application under that Act for the relevant approval. In particular, if development consent is granted, the council may impose a condition that is authorised under that Act to be imposed as a condition of an approval.*

(5) *If development consent is granted to a development application to which subsection (3) applies, the council is taken to have granted the*

*relevant approval under the Local Government Act 1993 that authorises the activity, but that Act has no application to the approval so taken to have been granted.*

- (6) *In granting development consent to a development application to which subsection (3) applies, the council may, without limiting any other condition it may impose, impose, in relation to the approval taken to have been granted under the Local Government Act 1993, either or both of the following conditions—*
- (a) *a condition that the approval is granted only to the applicant and does not attach to or run with the land to which it applies,*
  - (b) *a condition that the approval is granted for a specified time.*
- (6A) *A reference to a council in subsections (3)–(6) includes a reference to a Sydney district or regional planning panel, or a local planning panel or delegate, that has the function of determining the development application.*

- 5.4. In some instances, an activity will require approval under both Section 4.12 of the EPA Act and Section 68 of the LG Act. For example, street stalls on public land in association with a special event. The special event would require development approval and then the street stalls would require Section 68 approval (depending on criteria).
- 5.5. Approval under the LG Act is not required for items 1, 2, 3, 4 or 6 of Part B of Section 68. These activities are approved under the *Water Management Act 2000* as Central Coast Council is a Water Authority.
- 5.6. Reference made to any Act, Regulation, planning instrument, standard or other document, or any authority, agency or the like, shall be taken to be a reference to any subsequent or replacement document or authority. Where there is an inconsistency between the LG Act or the Regulations and this Policy, the LG Act or the Regulations will prevail.

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## 6. Part 1 – Exemptions from the Necessity to Obtain Approval

- 6.1. This part of the Policy specifies those activities that may be undertaken without obtaining the separate approval of Council under Section 68 of the LG Act.
- 6.2. The exemptions apply to those activities which are of a minor or common nature and which have minimal impact. The activities must be conducted in accordance with the provisions outlined in this Policy. If an applicant cannot meet these provisions, approval would be required.
- 6.3. If the activity is subsequently increased over and above the exemption criteria, then approval will be required.

- 6.4. Should any doubt exist as to whether a particular activity requires approval, consultation with Council prior to work commencing or the activity being carried out is recommended and should occur early in the planning process.
  - 6.5. The exemptions can be:
    - 6.5.1. Legislative Exemptions: exemptions available under the Regulations or other relevant legislation; and/or
    - 6.5.2. Local Exemptions: exemptions available under this Policy, only in the specified circumstances.
  - 6.6. Details of exemptions relating to each activity are included in the relevant appendix of this Policy and are summarised in Table 2.
  - 6.7. The exemption provisions do not apply to buildings or structures proposed to be erected over an existing easement or sewer main.
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## 7. Part 2 – Criteria Considered When Determining Applications For Activities That Are Not Exempt

- 7.1. This Part of the Policy 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 the following sections of the *Roads Act 1993* (**Roads Act**):
    - 7.1.1. Section 125: Approval to use road for food or drink premises;
    - 7.1.2. Section 138: Works and structures, or
    - 7.1.3. Section 139A: Street vending consents and charges in built-up areas.
  - 7.2. To achieve the objectives of the Policy with regards to approving activities that do not adversely impact on the amenity of residents and visitors, the requirements outlined in Section 89 of the LG Act will be taken into consideration.
  - 7.3. The criteria can be:
    - 7.3.1. Legislative Criteria: criteria available under the Regulations or other relevant legislation; and/or
    - 7.3.2. Local Criteria: criteria available under this Policy.
  - 7.4. Details of criteria relating to each activity are included in the relevant appendix of this Policy and are summarised in Table 2.
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## 8. Activities Covered Under This Policy

**8.1.** Table 2 summarises activities covered under this Policy, identifies if the activity includes any exemptions listed under Part 1 as well as any criteria under Part 2, details of application forms required by Council and page references under this Policy.

Table 2 – Summary of Relevant Activities under Section 68

Section 68 Reference	Section 68 Activity	Activity in Policy	Example Activity	Legislative Exemption (Part 1)	Local Exemption (Part 1)	Legislative Criteria (Part 2)	Local Criteria (Part 2)	Application Required by Council	Appendix
Part A – Structures or Places of Public Entertainment	Install a Manufactured Home, Moveable Dwelling or Associated Structure on Land	Install a Manufactured Home, Moveable Dwelling or Associated Structure on or in Caravan Park, Manufactured Home Estate or on Crown Land	Manufactured home, Moveable dwelling, Caravan, Campervan, Tent.	Y	Y	Y	-	Activity Application Form (Section 68 Local Government Act) or as provided by Central Coast Council	<a href="#">Appendix 1, Activity 1, Page 21</a>
		Install a Manufactured Home, Moveable Dwelling or Associated Structure on Private Land	Manufactured home, Moveable dwelling, Caravan, Campervan, Tent.	Y	-	Y	-	Activity Application Form (Section 68 Local Government Act) or as provided by Central Coast Council	<a href="#">Appendix 1, Activity 2, Page 24</a>
Part B – Water Supply, Sewerage and Stormwater Drainage Work	Carry Out Stormwater Drainage Work	Carry Out Stormwater Drainage Work - General	Construction or alteration of stormwater drain, not approved with existing development approval.	Y	-	Y	-	Activity Application Form (Section 68 Local Government Act)	<a href="#">Appendix 2, Activity 1, Page 27</a>
Part C – Management of Waste	For Fee or Reward, Transport Waste Over or Under a Public Place	For Fee or Reward, Transport Waste Over or Under a Public Place	Transporting waste that is licenced under the Protection of the Environment Operations Act 1997.	Y	-	-	-	-	<a href="#">Appendix 3, Activity 1, Page 28</a>
	Place Waste in a Public Place	Place Waste in a Public Place	Red, green and yellow lidded waste bin provided by Council.	Y	-	-	-	-	<a href="#">Appendix 4, Activity 1, Page 30</a>

Section 68 Reference	Section 68 Activity	Activity in Policy	Example Activity	Legislative Exemption (Part 1)	Local Exemption (Part 1)	Legislative Criteria (Part 2)	Local Criteria (Part 2)	Application Required by Council	Appendix
	Place a Waste Storage Container in a Public Place	Place a Bulk Bin/Skip Bin in a Public Place	Mini Skip, Building Waste Container.	Y	-	Y	Y	Road Occupancy License – within Council road and/or road reserve Activity Application Form (Section 68 Local Government Act) – not on road	<a href="#">Appendix 5, Activity 1, Page 32</a>
		Place a Clothing Donation Bin in a Public Place	Clothing bins provided by charities such as The Smith Family, The Salvation Army, Vinnies, Australian Red Cross, Anglicare.	Y	-	-	Y	Road Occupancy License Activity Application Form (Section 68 Local Government Act)	<a href="#">Appendix 5, Activity 2, Page 34</a>
	Install, Construct or Alter a Waste Treatment Device or a Human Waste Storage Facility or a Drain Connected to any Such Device or Facility	Install, Construct or Alter a Waste Treatment Device or a Human Waste Storage Facility or a Drain Connected to any Such Device or Facility	On-site sewerage management system	Y	-	Y	Y	Application to Install On-Site Sewage Management System	<a href="#">Appendix 6, Activity 1, Page 36</a>
	Operate a System of Sewage Management (within the meaning of section 68A)	Operate a System of Sewage Management	On-site sewerage management system	Y	-	Y	-	Application for Approval to Operate a Sewage Management System	<a href="#">Appendix 7, Activity 1, Page 39</a>
Part D – Community Land	Engage in a Trade or Business	Street Stalls on Public Land	Stall as part of a special event in park or council open space	-	-	-	Y	Refer to relevant Policy as listed in Appendix.	<a href="#">Appendix 8, Activity 1, Page 43</a>
		Fundraising on Public Land	Stall for fundraising by charity such as Rotary Club, Lions Club.	-	-	-	Y	Application for a permit to undertake fundraising activities, hawking, collecting of monies, canvassing, soliciting or public address in the Central Coast City area	<a href="#">Appendix 8, Activity 2, Page 45</a>
		Hiring of Council Park Reserve for an Event	Exempt events might include small birthday parties or other private	-	Y	-	Y	Refer to relevant Policy as listed in Appendix.	<a href="#">Appendix 8, Activity 3, Page 45</a>

Section 68 Reference	Section 68 Activity	Activity in Policy	Example Activity	Legislative Exemption (Part 1)	Local Exemption (Part 1)	Legislative Criteria (Part 2)	Local Criteria (Part 2)	Application Required by Council	Appendix
			events. Events requiring approval may include, entertainment events, recreational events, education events, cultural events, markets, exhibitions, festivals, fetes, concerts, circuses and the like.						
		Outdoor Dining and Associated Structures on Public Land	Dining associated with a café or similar that fronts open space or beach front areas.	-	-	-	Y	Outdoor Trading Area Application	<a href="#">Appendix 8, Activity 4, Page 47</a>
	For a Fee or Reward, Play a Musical Instrument or Sing	Busking or Street Theatre	Individual buskers, group buskers to a maximum on five members.	-	Y	-	Y	Busking Application Form S138 Roads Act Approval where in Road Reserve	<a href="#">Appendix 9, Activity 1, Page 49</a>
	Set Up, Operate or Use a Loudspeaker or Sound Amplifying Device	Set Up, Operate or Use a Loudspeaker or Sound Amplifying Device	PA System.	Y	-	-	Y	Casual Open Space Hiring Enquiry Form Special Event Application Form	<a href="#">Appendix 10, Activity 1, Page 50</a>
	Deliver a Public Address or Hold a Religious Service or Public Meeting	Ceremonies on Public Land	Wedding ceremony, Memorial services, or Religious ceremonies.	-	-	-	Y	Wedding Ceremony Application Form	<a href="#">Appendix 11, Activity 1, Page 52</a>

Section 68 Reference	Section 68 Activity	Activity in Policy	Example Activity	Legislative Exemption (Part 1)	Local Exemption (Part 1)	Legislative Criteria (Part 2)	Local Criteria (Part 2)	Application Required by Council	Appendix
Part E – Public Roads	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	Applications Relating to Public Roads	Hoarding, Scaffolding, Excavation works, Vehicular access crossings.	Y	-	Y	-	Hoarding and Scaffolding Form Road Occupancy Licence Road Opening Permit Vehicle Access Crossings Application	<a href="#">Appendix 12, Activity 1, Page 54</a>
	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	Outdoor Dining and Associated Structures on Footpaths	Footpath dining associated with adjoining café or restaurant.	-	-	Y	Y	Outdoor Trading Area Application	<a href="#">Appendix 13, Activity 1, Page 56</a>
		Street Stalls on Public Roads	Stall on footpath for selling goods, charity fundraising or political stalls. Not associated with nearby businesses.	-	-	Y	Y	Application for a permit to undertake fundraising activities, hawking, collecting of monies, canvassing, soliciting or public address in the Central Coast City area	<a href="#">Appendix 13, Activity 2, Page 57</a>
		Business Use of a Public Footpath for Outdoor Trading	Sales of goods on footpath related to adjoining or adjacent business such as clothing racks, flower stands, fruit display or similar.	-	-	Y	Y	Outdoor Trading Area Application	<a href="#">Appendix 13, Activity 3, Page 60</a>
		Operate a Public Car Park	Operate a Public Car Park not within a Road Reserve	Use of Council land for a temporary public car park associated with an event.	Y	-	Y	-	Activity Application Form (Section 68 Local Government Act)
Part F – Other Activities	Operate a Caravan Park or Camping Ground	Operate a Caravan Park or Camping Ground	Caravan park or camping ground operation.	Y	-	Y	Y	Activity Application Form (Section 68 Local Government Act) or as provided by Central Coast Council Application Approval to Operate a Caravan Park and/or Camping Ground and/or Manufactured Home Estate – Section 82 Objection	<a href="#">Appendix 15, Activity 1, Page 64</a>

Section 68 Reference	Section 68 Activity	Activity in Policy	Example Activity	Legislative Exemption (Part 1)	Local Exemption (Part 1)	Legislative Criteria (Part 2)	Local Criteria (Part 2)	Application Required by Council	Appendix
	Operate a Manufactured Home Estate	Operate a Manufactured Home Estate	Manufactured home estate operation.	-	-	Y	Y	Activity Application Form (Section 68 Local Government Act) or as provided by Central Coast Council Application Approval to Operate a Caravan Park and/or Camping Ground and/or Manufactured Home Estate – Section 82 Objection	<a href="#">Appendix 16, Activity 1, Page 67</a>
	Install a Domestic Oil or Solid Fuel Heating Appliance, Other than a Portable Appliance	Install a Domestic Oil or Solid Fuel Heating Appliance, Other than a Portable Appliance	Wood or solid fuel heater.	Y	Y	-	Y	Activity Application Form (Section 68 Local Government Act)	<a href="#">Appendix 17, Activity 1, Page 69</a>
	Install or Operate Amusement Devices	Install or Operate Amusement Devices	Electric train, land borne inflatable device.	Y	-	Y	Y	Refer to relevant Policy in appendix	<a href="#">Appendix 18, Activity 1, Page 71</a>
	Use a Standing Vehicle or Any Article for the Purpose of Selling Any Article in a Public Place	Mobile Food and Drink Vehicles on Council Land and Road Reserves	Ice cream van, coffee van.	-	-	Y	Y	Temporary and Mobile Food Business Notification	<a href="#">Appendix 19, Activity 1, Page 75</a>

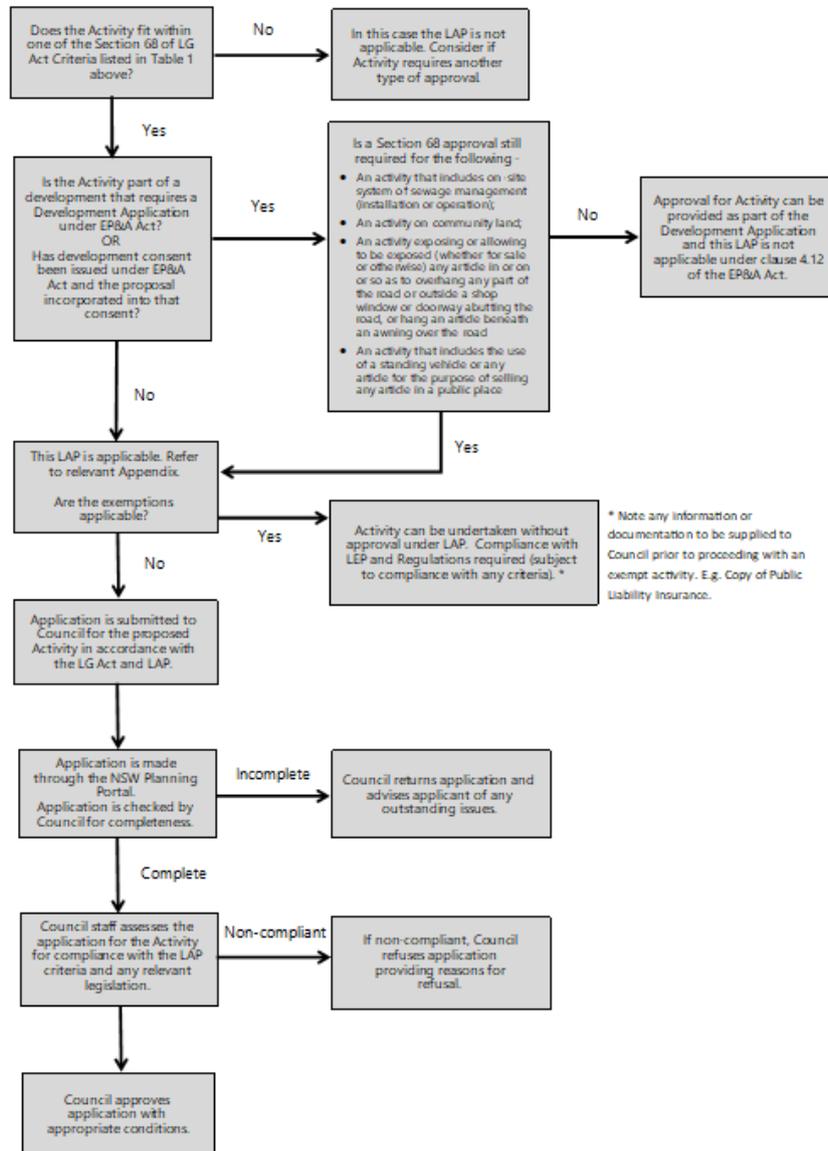
## 9. Policy Definitions

- 9.1. Expressions used in the Policy are defined in the Dictionary at the end of the LG Act and Regulations, other NSW legislation, *Work Health and Safety Regulation 2017*, Safe Work Australia, and relevant Australian Government, and Council Policy and Guidelines.
  - 9.2. Commonly used definitions (including some from these sources) have also been included within each Appendix to which they relate.
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## 10. Approvals Process

- 10.1. The flow chart below summarises how activity applications are processed by Council, and how this Policy relates to such applications.

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## 11. Part 3 – Application Processes and Other Matters Relating to Approvals

### Lodgement of An Application

- 11.1. Applications have a specific form and/or guide designed to assist in the lodgement of an application under this Policy. Refer to each Appendix for further detail.
- 11.2. 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.
- 11.3. 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, would be refunded.

### Assessment of an Application

- 11.4. Additional information may be needed, particularly where an application is more complex. Where this is the case, Council will contact the applicant within 21 days of receipt of an application.
- 11.5. Due to the nature and type of works/activities requiring approval under the LG Act and the Roads Act, they are generally not notified or publicly exhibited.
- 11.6. Applications can be amended by the applicant prior to determination provided that the variation is minor.

### Determination

- 11.7. Once determined, a notice will be issued advising whether the application has been approved or refused.
- 11.8. 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 undertaken or held during the nominated time, then the approval will lapse.
- 11.9. In such cases, and depending on the circumstances, an applicant can seek to lodge a new application or alternatively request to modify/extend an existing application or approval.

### Review of Determination

- 11.10. 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 would apply. The determination of a review is final.

### Fees and Charges

- 11.11. Fees for activities listed in Table 2 and detailed in the Appendices are indicated in the Schedule of Fees and Charges adopted by Council for the relevant financial year and are available on Council's website.

#### **Refunds**

**11.12.** Reference is to be made to Council's Schedule of Fees and Charges for any applicable refunds associated with applications made under this Policy.

#### **Records Management**

**11.13.** Records of approvals are required to be kept under Section 113 of the LG Act. These records are to be made available to the public.

**11.14.** Staff must maintain all records relevant to administering this Policy in a recognised Council record keeping system and in accordance with Council's Information and Records Management Policy.

#### **Enforcement Action**

**11.15.** In accordance with Section 109 of the LG Act, an approval may be revoked or modified in any of the following circumstances –

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

#### **Compliance, monitoring and review**

**11.16.** Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.

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## 12. Policy Administration

<b>Business Group</b>	Planning and Environment
<b>Responsible Officer</b>	Unit Manager Strategic Planning
<b>Associated Procedure (if any, reference document(s) number(s))</b>	Local Approvals Policy Internal Guideline (For Internal purposes only).
<b>Policy Review Date/Policy Revocation</b>	Three years from date of adoption unless there is a general election. The Policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election, unless Council revokes it sooner.
<b>File Number / Document Number</b>	D15870436
<b>Relevant Legislation (reference specific sections)</b>	<p>This Policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> <li>▪ <i>Environment Planning and Assessment Act 1979</i></li> <li>▪ <i>Local Government Act 1993</i></li> <li>▪ <i>Local Government (General) Regulation 2021</i></li> <li>▪ <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i></li> <li>▪ <i>Roads Act 1993</i></li> <li>▪ <i>Work Health and Safety Regulation 2017</i></li> </ul>

<p><b>Relevant desired outcome or objectives as per Council's Delivery Program</b></p>	<p>Choose Themes</p> <p><b>Goal B: Creativity, connection and local identity</b></p> <p>B-B2: Promote and provide more sporting, community and cultural events and festivals, day and night, throughout the year.</p> <p>B-B4: Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors.</p>
	<p><b>Goal D: A place of opportunity for people</b></p> <p>S-D2: Support local business growth by providing incentives, streamlining processes and encouraging social enterprises.</p> <p><b>Goal G: Good governance and great partnerships</b></p> <p>R-G4: Serve the community by providing great customer experience, value for money and quality services.</p>
<p><b>Related Policies / Protocols / Procedures / Documents (reference document numbers)</b></p>	<ul style="list-style-type: none"> <li>▪ Information and Records Management Policy (D14025241)</li> <li>▪ Code of Conduct</li> <li>▪ Delegations Register</li> </ul> <p>Note: There are a number of internal/Council documents that have the potential to be applicable. The details of relevant documents are included in applicable Appendices.</p>

### 13. Policy Authorisations

No.	Authorised Function	Authorised Business Unit / Role(s)
1	Authorise assessment, inspection and compliance of all activities identified within this policy.	All assessing, inspection and compliance officers in: Environment and Planning Infrastructure Services Water and Sewer Community and Recreation Services

### 14. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	<<Enter text...>>	<<Enter text...>>
2	<<Enter text...>>	<<Enter text...>>

### 15. Appendices

Appendix 1: Install a Manufactured Home, Moveable Dwelling or Associated Structure on Land

Appendix 2: Carrying Out Stormwater Drainage Work

Appendix 3: For Fee or Reward, Transport Waste Over or Under a Public Place

Appendix 4: Place Waste in a Public Place

Appendix 5: Place a Waste Storage Container in a Public Place

Appendix 6: Install, Construct or Alter a Waste Treatment Device or a Human Waste Storage Facility or a Drain Connected to any Such Device or Facility

Appendix 7: Operate a System of Sewage Management (within the meaning of section 68A)

Appendix 8: Engage in a Trade or Business

Appendix 9: For a Fee or Reward, Play a Musical Instrument or Sing

Appendix 10: Set Up, Operate or use a Loudspeaker or Sound Amplifying Device

Appendix 11: Deliver a Public Address or Hold a Religious Service or Public Meeting

Appendix 12: 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

Appendix 13: Expose or Allow to be Exposed (whether for sale or otherwise) Any Article in or on or so as to Overhand Any Part of the Road or Outside a Shop Window or Doorway Abutting the Road, or Hang an Article Beneath and Awning Over the Road

Appendix 14: Operate a Public Car Park

Appendix 15: Operate a Caravan Park or Camping Ground

Appendix 16: Operate a Manufactured Home Estate

Appendix 17: Install a Domestic Oil or Solid Fuel Heating Appliance, Other than a Portable Appliance.

Appendix 18: Install or Operate Amusement Devices

Appendix 19: Use a Standing Vehicle or Any Article for the Purpose of Selling Any Article in a Public Place

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## Appendix 1 – Install a Manufactured Home, Moveable Dwelling or Associated Structure on Land

**Note:** This Appendix relates to the installation of dwellings or associated structures only. Refer to Appendices 15 and 16 relating to the operation of a caravan park or manufactured home estate respectively.

### Definitions

**associated structure** means—

(a) a carport, garage, shed, pergola, verandah or other structure designed to enhance the amenity of a moveable dwelling and attached to or integrated with, or located on the same site as, the dwelling concerned, or

(b) a separating wall between 2 moveable dwellings.

**caravan park** means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

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

(a) that comprises one or more major sections, and

(b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the [Road Transport Act 2013](#),

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

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

**moveable dwelling** means—

(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or

(b) a manufactured home, or

(c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.

**private land** means land the fee-simple of which is not vested in the Crown, and land that the Crown has lawfully contracted to sell.

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

(a) whether or not self-contained, and

(b) that consists of at least 1 major section, including an associated structure forming part of the dwelling.

### Activity 1 - Install a Manufactured Home, Moveable Dwelling or Associated Structure in a Caravan Park, Manufactured Home Estate or on Crown Land

Activity classed as an A1 Activity under Section 68 of the LG Act.

#### Legislative Exemptions (Part 1)

The regulation of movable dwellings is governed by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (LG MHE/CP Regulation)*. The object of this Regulation is to provide opportunities for affordable alternatives in short-term and long-term accommodation by setting standards for design, construction and siting. The regulation also includes conditions for installation of movable dwellings which are exempt from requiring approval. Details of these exemptions are provided below, divided into sections relating to specific locations and type of dwelling.

#### Manufactured homes in a manufactured home estate

Section 9 of the LG MHE/CP Regulation relates to the installation of manufactured homes (and associated structures) within a manufactured home estate that is not located within flood liable land and is single storey in height. It must also be constructed in accordance with Division 4 of Part 2 of the Regulation and not occupied until a certificate of completion has been provided to Council. Any installation must be carried out by the holder of the approval or with their consent.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#sec.9>

**Note:** Council's notice of flood liable land is included within a Section 10.7 Certificate under the *Environmental Planning and Assessment Act 1979*.

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

Section 74 of the LG MHE/CP Regulation provides criteria for the installation of a relocatable home, annexe, associated structure, caravan, campervan, tent or moveable dwelling within a caravan park or camping ground where approval is not required. It should be noted that if the installation is for a relocatable home, rigid annexe or associated structure, the land cannot be flood liable and the structure can only be single storey in height. The extract of Section 74 below includes the relevant criteria.

##### Section 74 –

- (1) *The approval of the council is not required for the installation of the following—*
- (a) *a relocatable home or associated structure on a dwelling site within a caravan park if it is designed, constructed and installed in accordance with Division 4,*
  - (b) *a caravan, tent or annexe on a dwelling site within a caravan park if it is designed, constructed and installed in accordance with the Division 5,*
  - (c) *a tent on a camp site within a camping ground,*
  - (d) *a campervan—*
    - (i) *on a dwelling site within a caravan park, or*
    - (ii) *on a camp site within a camping ground,*
  - (e) *a moveable dwelling or associated structure on a dwelling site within a caravan park or a camp site within a camping ground if—*
    - (i) *the manager of the caravan park or camping ground is reasonably satisfied the installation is necessary to accommodate a displaced person, and*
    - (ii) *the moveable dwelling or associated structure is designed, constructed and installed in accordance with Division 4 or 5.*

- (2) The installation of the relocatable home, annexe, associated structure, caravan, campervan or tent must be carried out by, or with the consent of, the holder of the approval to operate the caravan park or camping ground.
- (3) This section does not apply to the installation of a relocatable home, rigid annexe or associated structure—
  - (a) on flood liable land if the council has given written notice to the holder of the approval that the land is flood liable land, or
  - (b) with more than 1 storey.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#sec.74>

Section 73A confirms approval is not required for the installation of a moveable dwelling or associated structure within land used for the purposes of a caravan park or camping ground that is permitted without development consent under Chapter 3, Part 10 of *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*. This part of the Housing SEPP relates to temporary emergency accommodation.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#sec.73A>  
<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714#ch.3-pt.10>

If in association with a Development Approval under the Environmental Planning and Assessment Act 1979, Section 4.12 and as referenced in Section 5.3 of this Policy.

Note:

- i) Council's notice of flood liable land is included within a Section 10.7 Certificate under the *NSW Environmental Planning and Assessment Act 1979*.
- ii) In accordance with Section 78 of the LG MHE/CP Regulation, Council cannot approve the installation of a caravan, campervan or tent on a Crown reserve or land reserved or dedicated under the National Parks and Wildlife Act 1974. Contact Crown Lands or NSW National Parks for approval.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#sec.78>

Additionally, the use of caravans, campervans and tents on Crown reserves is dealt with under the *Crown Land Management Act 2016* and on lands reserved or dedicated under the *National Parks and Wildlife Act 1974* is dealt with under that Act.

### Local Exemptions (Part 1)

Where a manufactured home estate or caravan park is located on flood liable land, the installation of a manufactured home, moveable dwelling or associated structure is permitted without prior approval of Council in accordance with the following criteria.

- The caravan park or manufactured home estate has a flood management plan endorsed by Council and developed in accordance with the Floodplain Development Manual,
- The dwelling is installed in accordance with the requirements of the above flood management plan,
- The minimum floor height of the dwelling is certified by a flood engineer and a copy of the engineer's certificate is submitted with the notice of completion, and
- The design and installation of the dwelling is in accordance with Division 4 or Division 5 for an associated structure of the Regulation.

### Legislative Criteria (Part 2)

The *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* (LG MHE/CP Regulation) also provides factors Council must consider when providing approval for installation of moveable dwellings in caravan parks and manufactured home estates. Details of these Criteria are provided below, divided into sections relating to specific locations and type of dwelling.

#### Relocatable Home on Flood Liable Land

Section 75 of the LG MHE/CP Regulation specifies factors that Council must consider when evaluating applications for installation of relocatable homes on flood liable land that do not meet the local exemptions detailed above. They include consideration of principles in the Floodplain Development Manual and that the home must be designed, constructed and installed in accordance with Division 4 and Division 5 of Part 3 of the Regulation.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#sec.75>

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

Section 76 of the LG MHE/CP Regulation relates to the installation of a relocatable home, rigid annex or associated structure within a caravan park or camping ground that exceeds 1 storey. Council must consider the likely impacts of the proposed installation on occupiers of an adjoining relocatable home and any land adjoining the caravan park or camping ground.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#sec.76>

Part 2 & Part 3 of the LG MHE/CP Regulation sets out provisions relating to manufactured home estates, manufactured homes, caravan parks, camping grounds and moveable dwellings. Full extracts of the LG MHE/CP Regulation are not included here but applicable criteria should be referenced as required. Council will evaluate applications for relocatable homes and associated structures in accordance with the design, installation, construction and general provisions outlined in the LG MHE/CP Regulation.

### Local Criteria (Part 2)

There are no specific local criteria.

#### Application Details

- Activity Application Form (Section 68 Local Government Act) or as provided by Central Coast Council.

#### Advice

- Transport to and from the site may need approvals, including a Road Occupancy License. Consultation with Council is required to determine transport requirements.
- In accordance with section 41 of the LG MHE/CP Regulation, manufactured homes are to be constructed and assembled off-site. Council will not support development that does not comply with section 41 of the Regulation.
- Not permitted in the Road Reserve of Council drainage land.

## Activity 2 - Install a Manufactured Home, Moveable Dwelling or Associated Structure on Private Land

Activity classed as an A1 Activity under Section 68 of the LG Act.

### Legislative Exemptions (Part 1)

The regulation of movable dwellings is governed by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (LG MHE/CP Regulation)*. The object of this Regulation is to provide opportunities for affordable alternatives in short-term and long-term accommodation by setting standards for design, construction and siting. The regulation also includes conditions for installation of movable dwellings which are exempt from requiring approval. Details of these exemptions are provided below, divided into sections relating to specific locations and type of dwelling.

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

Section 77 of the LG MHE/CP Regulation relates to the installation of a caravan, tent, moveable dwelling or associated structure on privately owned land that is not in a caravan park or camping ground. Details of the exemptions are included in the extract of Section 77 below.

Section 77 –

- (1) *The approval of the council is not required for the installation of the following—*
- (a) *2 caravans or tents if they are not occupied for—*
    - (i) *more than 2 consecutive days, and*
    - (ii) *more than 60 days in a 12 month period,*
  - (b) *1 caravan on land occupied by the owner of the caravan in connection with the owner's dwelling house if the caravan is—*
    - (i) *used for habitation only by the owner or members of the owner's household, and*
    - (ii) *maintained in a safe and healthy condition,*
  - (c) *a caravan on pastoral or agricultural land if the caravan is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land, or*
  - (d) *a moveable dwelling or associated structure on land to accommodate a person who has been displaced as a result of a natural disaster if the moveable dwelling or associated structure is—*
    - (i) *maintained in a safe and healthy condition, and*
    - (ii) *removed within—*
      - (A) *2 years after it is installed, or*
      - (B) *if the relevant local approvals policy for the moveable dwelling or associated structure specifies a longer period—the longer period*

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#sec.77>

If in association with a Development Approval under the *Environmental Planning and Assessment Act 1979*, Section 4.12 and as referenced in Section 5.3 of this Policy.

### Local Exemptions (Part 1)

There are no specific local exemptions.

### Legislative Criteria (Part 2)

Section 81 and Division 4 of Part 3 of the LG MHE/CP Regulation sets out provisions relating to manufactured homes, caravans, tents and moveable dwellings not located within caravan parks and manufactured homes estates. Extracts from the LG MHE/CP Regulation are not included here but applicable criteria should be referenced as required. Council will evaluate applications in accordance with the design, installation, construction and general provisions outlined in the LG MHE/CP Regulation.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#sec.81>

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#pt.3-div.4>

### Local Criteria (Part 2)

There are no specific local criteria.

Note:

- i) Where a moveable dwelling is to be located on Private Property and is connected to mains gas, electricity, telephone, water, sewer or an onsite sewage management system it is considered a permanent structure and will require development consent under EPA Act for the land use (i.e. secondary dwelling, dual occupancy or residential dwelling)
- ii) For a moveable dwelling to be considered exempt under Section 77 of the Regulation it must be on a registerable trailer in accordance with the Roads Management Act, this includes the provision of a VIN number with axle and wheels.

### Application Details

- Activity Application Form (Section 68 Local Government Act) or as provided by Central Coast Council.

### Advice

- Transport to and from the site may need approvals, including a Road Occupancy Licence. Consultation with Council is required to determine transport requirements.
- Manufactured homes installed on and not associated with an approved caravan park, camping ground or manufactured home estate or on private land not as a result of a natural disaster require development consent under the EPA Act.
- In accordance with Section 41 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*, manufactured homes are to be constructed and assembled off-site. Council will not support development that does not comply with section 41 of the Regulation.
- The connection of essential services, with specific mention of gas, are to be undertaken by licenced contractors to ensure fire safety.
- Council must hold oversight for connections occurring to Council water and sewerage infrastructure to ensure functionality of assets.
- Not permitted in the Road Reserve of Council drainage land.

## Appendix 2 – Carry Out Stormwater Drainage Work

### Definitions

**stormwater drainage work** 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.

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### Activity 1 - Carry Out Stormwater Drainage Work - General

Activity classed as a B5 Activity under Section 68 of the LG Act.

#### Legislative Exemptions (Part 1)

If in association with a Development Approval under the *Environmental Planning and Assessment Act 1979*, Section 4.12 and as referenced in Section 5.3 of this Policy.

#### Local Exemptions (Part 1)

There are no specific local exemptions.

#### Legislative Criteria (Part 2)

The legislative criteria detailed below are from the *Local Government (General) Regulation 2021 (LG General Regulation)*. Division 3 of Part 2 of the LG General Regulation covers applications and conditions for approvals relating to water supply, sewerage and stormwater drainage work.

Section 15 of the LG General Regulation outlines the criteria Council must consider when determining an application to carry out stormwater drainage work.

*Section 15 –  
In determining an application for an approval the council must have regard to the following considerations:*

- (a) the protection and promotion of public health,*
- (b) the protection of the environment,*
- (c) the safety of its employees,*
- (d) the safeguarding of its assets,*
- (e) any other matter that it considers to be relevant in the circumstances.*

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.15>

Part 2 of Schedule 1 of the LG General Regulation specifies mandatory standards for stormwater drainage work, including that such works must comply with the Plumbing Code of Australia.

Note:

- i) Section 138 Roads Act Works Approval is required for any works within the road reserve (such as opening the road for utility services).

#### Local Criteria (Part 2)

There are no specific local criteria.

#### Application Details

- Activity Application Form (Section 68 Local Government Act)

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## Appendix 3 – For Fee or Reward, Transport Waste Over or Under a Public Place

### Definitions

**public place** means—

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- (b) a public road, public bridge, public wharf or public road-ferry, or
- (c) a Crown reserve comprising land reserved for future public requirements, or
- (d) public land or Crown land that is not—
  - (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or
  - (ii) a common, or
  - (iii) land subject to the [Trustees of Schools of Arts Enabling Act 1902](#), or
  - (iv) land that has been sold or leased or lawfully contracted to be sold or leased, or
- (e) land that is declared by the regulations to be a public place for the purposes of this definition.

**trade waste** means all liquid waste other than sewage of a domestic nature.

**waste** means—

- (a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or
- (b) trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or
- (c) garbage, being all refuse other than trade waste and effluent, and includes any other substance defined as waste for the purposes of the [Protection of the Environment Operations Act 1997](#), and a substance is not precluded from being waste merely because it is capable of being refined or recycled.

### Activity 1 - For Fee or Reward, Transport Waste Over or Under a Public Place

Activity classed as a C1 Activity under Section 68 of the LG Act.

#### Legislative Exemptions (Part 1)

The legislative exemptions detailed below are extracts from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 48(a) of the LG General Regulation relates to the transporting of waste that is licensed under the Protection of the Environment Operations Act or waste that is not being collected or deposited in the Central Coast LGA.

Section 48(a) –

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

- (i) the activity is licensed under the Protection of the Environment Operations Act 1997, or
- (ii) the activity is being carried out in the Sydney metropolitan area as defined in Part 3 (Interpretative provisions) of Schedule 1 to that Act, or

- (iii) *the waste is being transported through the area of the council and is not being collected or deposited in that area.*

<https://legislation.nsw.gov.au/view/html/inforce/current/s1-2021-0460#sec.48>

If in association with a Development Approval under the Environmental Planning and Assessment Act 1979, Section 4.12 and as referenced in Section 5.3 of this Policy.

**Local Exemptions (Part 1)**

There are no specific local exemptions.

**Legislative Criteria (Part 2)**

There are no specific legislative criteria.

**Local Criteria (Part 2)**

There are no specific local criteria.

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## Appendix 4 – Place Waste in a Public Place

### Definitions

**domestic waste** means waste on domestic premises of a kind and quantity ordinarily generated on domestic premises and includes waste that may be recycled, but does not include sewage.

**public place** means—

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- (b) a public road, public bridge, public wharf or public road-ferry, or
- (c) a Crown reserve comprising land reserved for future public requirements, or
- (d) public land or Crown land that is not—
  - (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or
  - (ii) a common, or
  - (iii) land subject to the [Trustees of Schools of Arts Enabling Act 1902](#), or
  - (iv) land that has been sold or leased or lawfully contracted to be sold or leased, or
- (e) land that is declared by the regulations to be a public place for the purposes of this definition.

**waste** means—

- (a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or
- (b) trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or
- (c) garbage, being all refuse other than trade waste and effluent, and includes any other substance defined as waste for the purposes of the [Protection of the Environment Operations Act 1997](#), and a substance is not precluded from being waste merely because it is capable of being refined or recycled.

### Activity 1 - Place Waste in a Public Place

Activity classed as a C2 Activity under Section 68 of the LG Act.

#### Legislative Exemptions (Part 1)

The legislative exemptions detailed below are extracts from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 48(b) of the LG General Regulation relates to placing Council issued red, green and yellow lidded waste bin within the road reserve. Approval is not required by Council if placed per the arrangements instituted by Council.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.48>

If in association with a Development Approval under the Environmental Planning and Assessment Act 1979, Section 4.12 and as referenced in Section 5.3 of this Policy.

#### Local Exemptions (Part 1)

There are no specific local exemptions.

**Legislative Criteria (Part 2)**

There are no specific legislative criteria.

**Local Criteria (Part 2)**

There are no specific local criteria.

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## Appendix 5 – Place a Waste Storage Container in a Public Place

### Definitions

**clothing donation bin** means portable metal bin of painted, sturdy construction, with a weatherproof tilt chute at the top on the front permitting clothing to be deposited, a locked door permitting the charity which owns the bin to empty it and marked with the name of the charity and a 24 hour contact telephone number. (Definition derived from Hills Shire Council Local Approvals Policy)

**public place** means—

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- (b) a public road, public bridge, public wharf or public road-ferry, or
- (c) a Crown reserve comprising land reserved for future public requirements, or
- (d) public land or Crown land that is not—
  - (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or
  - (ii) a common, or
  - (iii) land subject to the Trustees of Schools of Arts Enabling Act 1902, or
  - (iv) land that has been sold or leased or lawfully contracted to be sold or leased, or
- (e) land that is declared by the regulations to be a public place for the purposes of this definition.

**Waste storage container** means bulk rubbish container or other structure designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance. This does not include any container used in connection with regular domestic rubbish collections.

(Definition derived from Council of the City of Sydney)

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### Activity 1 - Place a Bulk Bin/Skip Bin in a Public Place

Activity classed as a C3 Activity under Section 68 of the LG Act.

#### Legislative Exemptions (Part 1)

If in association with a Development Approval under the Environmental Planning and Assessment Act 1979, Section 4.12 and as referenced in Section 5.3 of this Policy.

#### Local Exemptions (Part 1)

There are no specific local exemptions.

#### Legislative Criteria (Part 2)

The legislative criteria detailed below are extracts from the *Local Government (General) Regulation 2021* (LG General Regulation). Division 4 of Part 2 of the LG General Regulation covers applications, conditions and standards for approvals relating to the management of waste.

Section 27 of the LG General Regulation requires Council to consider any requirements or guidelines provided by Transport for NSW in relation to the location, size and visibility of the bulk bin/skip bin.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.27>

**Local Criteria (Part 2)**

The following local criteria are applicable:

- Any requirements or guidelines issued by the Transport for NSW relating to location, size and visibility of the container.
- If located within Council's road and/or road reserve, it must not impact normal vehicle and/or pedestrian movements.
- The container shall be well maintained and clearly marked with the name of the supplier including a 24 hour contact telephone number.
- The container shall not remain in the public place for more than seven (7) consecutive days.
- The container shall not be used for putrescible or hazardous waste.
- The applicant is responsible for the cost of repairs to Council assets that may be damaged during the placement and removal of the container.
- The area around the container must be kept clean and tidy at all times.
- The location of the container is not proposed on a road carriageway or public reserve.
- The location of the container is not proposed in such a way that it -
  - Prevents access along a grassed nature strip or verge,
  - Is located on a formed footpath or cycleway,
  - Prevents or restricts access to public utility infrastructure such as water hydrants, stop valves or service pits, or
  - Restricts sight distance for vehicles at an intersection or for vehicles leaving a driveway.
- The container is not proposed immediately adjacent to a travelling lane on a Transport for NSW controlled State Arterial Road or a Council controlled Sub-arterial Road.
- The bulk bin/skip bin supplier shall have as a minimum, Public Liability Insurance of \$20,000,000 with respect to any one claim.

**Application Details**

- Application for Bulk Bin/Skip Bin not on road - Activity Application Form (Section 68 Local Government Act)
- Application for Bulk Bin/Skip Bin within Council's road and/or road reserve - Road Occupancy Licence (ROL).
- Accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges.

**Advice**

- This section does not apply to shipping containers.
- This section does not apply to household waste and recycling bins.
- Council reserves the right to order the removal of any waste container, if such container, or the activity associated with it in the opinion of Council, causes a nuisance.
- Specific arrangements are required for the removal and disposal of asbestos.
- The approval issued by Council in a form of a ROL is subject to changes and/or cancellation with short notice at the discretion of TfNSW, a NSW Police Officer or an authorised Council Officer. By lodging an application for and accepting a ROL, the applicant is accepting the risk of changes with short notice. The appropriate TfNSW certificates are held in relation to the requested ROL and the traffic control plan proposed will be implemented by those holding the necessary certification.

- It is the ROL applicant's responsibility to ensure the security and safety of the occupied road space including outside of working hours. Council will not be responsible for any injuries or damages caused by the proposed occupancy and its associated traffic controls.
- The ROL applicant may be liable for any additional costs incurred by Council for the reinstatement of and/or improvement to traffic control measures to make a site safe in the case that the Contractor fails to do so.
- For activity within Crown Road or State Road, consultation with the appropriate State Government Authority should be undertaken to determine the correct approval pathway.

### Activity 2 – Place a Clothing Donation Bin in a Public Place

*Activity classed as a C3 Activity under Section 68 of the LG Act.*

#### Legislative Exemptions (Part 1)

If in association with a Development Approval under the Environmental Planning and Assessment Act 1979, Section 4.12 and as referenced in Section 5.3 of this Policy.

#### Local Exemptions (Part 1)

There are no specific local exemptions.

#### Legislative Criteria (Part 2)

There are no specific legislative criteria.

#### Local Criteria (Part 2)

The following local criteria are applicable:

- Any requirements or guidelines issued by Transport for NSW relating to location, size and visibility of donation bins.
- The donation bin is not to be located on a road carriageway or road reserve.
- The donation bin is not to be located in a floodway.
- When proposing a location for a donation bin, consideration should be given to any known antisocial behaviour in the area, history of rubbish dumping and whether there are currently any other donation bins in the area.
- The location of the donation bin must not:
  - Prevent access along a grassed nature strip or verge,
  - Be located on a formed footpath or cycleway,
  - Prevent or restrict access to public utility infrastructure such as water hydrants, stop valves or service pits, or
  - Restrict sight distances for vehicles at an intersection or for vehicles leaving a driveway.
- The donation bin supplier shall have as a minimum, Public Liability Insurance of \$20,000,000 with respect to any one claim.
- A maximum of two (2) donation bins by the same charitable organisation can be located on a single parcel of community land within the Local Government Area.
- A maximum of six (6) donation bins in total, will be permitted on single parcel of community land.

Application Details

- Application for donation bin (are not permissible on road) – Activity Application Form (Section 68 Local Government Act).
- Accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges.

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## Appendix 6 – Install, Construct or Alter a Waste Treatment Device or a Human Waste Storage Facility or a Drain Connected to any Such Device or Facility

### Definitions

**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.

**human waste storage facility** means a device for holding or disposing of human waste, including a cesspit, septic tank, septic closet, water closet, chemical closet, humus closet and combustion closet.

**operate a system of sewage management** means hold or process, or re-use or otherwise dispose of, sewage or by-products of sewage (whether or not the sewage is generated on the premises on which the system of sewage management is operated).

**operate a system of sewage management** includes the following—

(a) use artificial wetlands, transpiration mounds, trenches, vegetation and the like in related effluent application areas,

(b) hold or process sewage that is to be subsequently discharged into a public sewer.

**operate a system of sewage management** does not include any of the following—

(a) any action relating to the discharge of sewage directly into a public sewer,

(b) any action relating to sewage or by-products of sewage after their discharge into a public sewer.

**sewage management facility** means—

(a) a human waste storage facility, or

(b) a waste treatment device intended to process sewage, and includes a drain connected to such a facility or device.

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### Activity 1 – Install, Construct or Alter a Waste Treatment Device or a Human Waste Storage Facility or a Drain Connected to any Such Device or Facility

*Activity classed as a C5 Activity under Section 68 of the LG Act.*

This section relates to the installation of an onsite sewage management system, such as an aerated wastewater treatment system, septic tank, composting toilet, and the associated land application area for the discharge of the wastewater after treatment. It does not relate to the approval to operate such devices or facilities. Refer to Appendix 7 for approvals related to the operation of such devices or facilities.

### Legislative Exemptions (Part 1)

The legislative exemptions detailed below are from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 48(e) of the LG General Regulation relates to a waste treatment device that is installed, constructed or altered under the authority of a licence, in a vessel (boat) used for navigation or in a registered motor vehicle.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.48>

### Local Exemptions (Part 1)

There are no specific local exemptions.

### Legislative Criteria (Part 2)

The legislative criteria detailed below are from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 29 of the LG General Regulation specifies the environmental and health matters and guidelines Council must take into consideration when determining an application for the installation, construction or alteration of a sewage management facility. The extract below includes the relevant legislative criteria.

Section 29 –

- (1) *In determining an application for approval to install, construct or alter a sewage management facility, the council must take into consideration the matters specified in this section.*
- (2) *Environment and health protection matters the council must consider whether the proposed sewage management facility (or the proposed sewage management facility as altered) and any related effluent application area will make appropriate provision for the following:*
  - (a) *preventing the spread of disease by microorganisms,*
  - (b) *preventing the spread of foul odours,*
  - (c) *preventing contamination of water,*
  - (d) *preventing degradation of soil and vegetation, discouraging insects and vermin,*
  - (e) *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,*
  - (f) *the re-use of resources (including nutrients, organic matter and water),*
  - (g) *the minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land.*
- (3) *Guidelines and directions - The council must consider any matter specified in guidelines or directions issued by the Director-General in relation to the matters referred to above.*

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.29>

### Local Criteria (Part 2)

The application for the installation of an onsite wastewater management system and/or land application requires the submission of a wastewater management plan prepared by a suitably qualified wastewater consultant.

The wastewater management plan is to address all of the site and soil features as outlined in the following guidelines:

- Australian Standard 1547:2012,
- Environment & Health Protection Guidelines On-site Sewage Management for Single Households NSW DLG (1998),
- Designing and Installing Onsite Wastewater Systems A Water NSW Current Recommended Practice 2019
- NSW Health Accreditation Guidelines.

Please note where these guidelines have been updated or superseded, then the newest version will apply.

Any proposed onsite wastewater management system must:

- Be a NSW Health Accredited system,
- Be supported by a detailed treatment system design plan prepared by a suitably qualified wastewater consultant, if unable to be an accredited system, and
- Not be a pump out system unless an existing system has failed and there are no on-site options available.

#### Application Details

- Application to Install On-site Sewage Management System

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## Appendix 7 – Operate a System of Sewage Management (within the meaning of Section 68A)

### Definitions

**domestic greywater diversion** means the installation and operation of a system for diverting greywater generated on residential premises to a garden or lawn on those premises, but does not include the manual collection and re-use of greywater (for example, by means of a bucket or similar receptacle).

**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.

Meaning of “operate a system of sewage management”

**operate a system of sewage management** means hold or process, or re-use or otherwise dispose of, sewage or by-products of sewage (whether or not the sewage is generated on the premises on which the system of sewage management is operated).

**operate a system of sewage management** includes the following—

(a) use artificial wetlands, transpiration mounds, trenches, vegetation and the like in related effluent application areas,

(b) hold or process sewage that is to be subsequently discharged into a public sewer.

**operate a system of sewage management** does not include any of the following—

(a) any action relating to the discharge of sewage directly into a public sewer,

(b) any action relating to sewage or by-products of sewage after their discharge into a public sewer.

### Activity 1 - Operate a System of Sewage Management

Activity classed as a C6 Activity under Section 68 of the LG Act.

This section relates to the approval to operate a system of sewage management. It does not relate to the approval to install such devices or facilities. Refer to Appendix 6 for approvals related to the installation of such devices or facilities.

### Legislative Exemptions (Part 1)

The legislative exemptions detailed below are from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 48(f) of the LG General Regulation includes exemptions to approval relating to the operation of a system of sewage management where the system is being operated under an Environment Protection licence, where it is located within a vessel used for navigation (boat) or in a registered motor vehicle.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.48>

Section 75A(2) of the LG General Regulation includes exemptions for the operation of greywater diversions devices. To be exempt the system must meet the criteria included in the extract below:

- (2) However, domestic greywater diversion may be carried out without the prior approval of the council if—

- (a) it is carried out in accordance with the Plumbing Code of Australia, and
- (b) a sewage management facility is not installed on the premises concerned, and
- (c) the following performance standards are achieved—
  - (i) the prevention of the spread of disease by micro-organisms,
  - (ii) the prevention of the spread of foul odours,
  - (iii) the prevention of contamination of water,
  - (iv) the prevention of degradation of soil and vegetation,
  - (v) the discouragement of insects and vermin,
  - (vi) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
  - (vii) the minimisation of any adverse impacts on the amenity of the premises concerned and surrounding lands.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.75A>

Note:

- i) Following the sale of land, Council will transfer the approval to operate the onsite sewage management system to the new owner once the transfer of land notice has been provided to Council.
- ii) Greywater diversion means the installation and operation of a system which diverts greywater on a residential premises. It does not include the storage of greywater.

**Local Exemptions (Part 1)**

There are no specific local exemptions.

**Legislative Criteria (Part 2)**

The legislative criteria detailed below are extracts from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 43 of the LG General Regulation outlines matters that council must consider when evaluating the proposed sewage management system (or the proposed sewage management system as altered) and any related effluent application area. The system should consider appropriate provision for the environmental and health matters or guidelines as specified under the Regulation.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.43>

Section 44 of the LG General Regulation outlines the performance standards for the operation of a system of sewage management Council must consider when determining an application. These performance standards are set to protect public health and the environment and are included in the extract below.

*Section 44 –*

- (1) *A system of sewage management must be operated in a manner that achieves the following performance standards—*
  - (a) *the prevention of the spread of disease by micro-organisms,*
  - (b) *the prevention of the spread of foul odours,*
  - (c) *the prevention of contamination of water,*
  - (d) *the prevention of degradation of soil and vegetation,*

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

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.44>

Section 45 of the LG General Regulation includes further conditions of approval in relation to the operation of a system of sewage management. These are detailed in the extract below.

*Section 45 –*

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

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.45>

#### **Local Criteria (Part 2)**

There are no specific local criteria.

#### **Application Details**

- Application for Approval to Operate a Sewage Management System
- Be accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges.
- Following the receipt of a Land Transfer notification by Council, an approval to operate will be issued to the new owner. Refer to Section 46 of the LG General Regulation.

## Appendix 8 – Engage in a Trade or Business

### Definitions

**Not-for-profit (NFP) organisations** are organisations that provide services to the community and do not operate to make a profit for its members (or shareholders, if applicable).

**offensive noise** means noise—

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances—

(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

**Open Space** means Any community land and/or Crown Land reserves where Council is the Crown Trust Manager used for structured or casual recreational activities including mountains, bushlands, beaches, foreshores, estuaries, informal passive reserves and active recreation areas.

**Political Party** means a body or organisation, whether or not incorporated, having as one of its objects or activities the promotion of the election to Parliament or to a council of a candidate or candidates endorsed by it or by a body or organisation of which it forms part.

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

(a) a public road, or

(b) land to which the Crown Land Management Act 2016 applies, or

(c) a common, or

(d) a regional park under the National Parks and Wildlife Act 1974.

**public reserve** means—

(a) a public park, or

(b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or

(c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or

(d) any land dedicated or taken to be dedicated under section 49 or 50, or

(e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913, or

(f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989, or

(g) Crown managed land that is dedicated or reserved—

(i) for public recreation or for a public cemetery, or

(ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Land Management Act 2016, being Crown managed land in respect of which a council has been appointed as its Crown land manager under that Act or for which no Crown land manager has been appointed, or

(h) land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act 1986, or

(i) land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act 1993, and includes a public reserve of which a Council has the control under section 344 of the Local Government Act 1919 or section 48, but does not include a common

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

**road** includes—

- (a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and
- (b) any part of a road and any part of any thing referred to in paragraph (a), and
- (c) anything forming part of a road or anything forming part of any thing referred to in paragraph (a).

**Temporary Event Approval** means a contractual agreement between Central Coast Council and a person or organisation applicant for which an applicant may conduct an event or activities on an agreed open space area/s owned and managed by Central Coast Council. The 'Temporary Event Approval' will not allow for exclusive use of the land and the general public must be able to access the agreed upon reserve/s at all times.

**Trade or Business** means any activity with a principal purpose to derive profit to an individual(s) or company and/or where a fee is obtained for a service provided.

### Activity 1 - Street Stalls on Public Land

*Activity classed as a D1 Activity under Section 68 of the LG Act.*

#### Legislative Exemptions (Part 1)

There are no specific legislative exemptions.

#### Local Exemptions (Part 1)

There are no specific local exemptions.

#### Legislative Criteria (Part 2)

There are no specific legislative criteria.

#### Local Criteria (Part 2)

The following local criteria are applicable:

- Street stalls are only permitted on public land for special events that are the subject of a development approval.
- Where the subject of a development approval, stalls are to be positioned in accordance with the requirements set out by the special event development approval.
- An adequate number of receptacles must be provided for the disposal of waste. All waste arising from the stand or stall must be removed and the public land is to be kept free of litter during the period of the operation of the street stall or stand.
- The name of the organisation must be prominently displayed on the stall. No other signage is permitted.
- Stalls shall only operate between the hours stipulated by the special event approval (as required), including set up/set down of the stall.
- The stall must be "attended" at all times, except where remaining overnight. Where remaining overnight, security is to be provided.
- The stall must not hinder the passage of pedestrians or vehicles or create a nuisance or objectionable noise.
- The immediate area surrounding a stall is to be left in a clean and tidy condition and kept clear of hazards.
- Material displayed by stall holders must be non-discriminatory, apolitical (excluding those associated with a political party), secular and inclusive.

- No liquor is to be sold or served from the stall except where Council has granted specific approval and an appropriate liquor license is obtained from licensing authorities (NSW Office of Liquor Gambling and Racing). Note: all Council open space areas are alcohol free zones.
- Street stalls involving the selling of food must comply with the requirements of the NSW Food Act 2005.
- No public address system or the like are to cause offensive noise.
- Stall must not be located within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.
- The stall holder shall have as a minimum, Public Liability Insurance of \$20,000,000 with respect to any one claim.
- No more than three representatives of the stall holder are to be in attendance at any one time.
- Waste management must comply with the Waste Management Plan submitted as part of special events application (where applicable).

#### Application Details

- Applications for an approval are to be submitted as detailed in the relevant policy listed below, and via forms on Council's website:
  - Events on Open Space Areas
  - Licensing of a Trade or Business on Open Space Areas
- A copy of the Contractor's Certificate of Currency for Public Liability Insurance which provides a minimum coverage of not less than \$20,000,000.
- Accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges.
- Where food is to be sold, evidence that the food-vending stall has been subject to a food safety inspection by a local Council within the current financial year.
- Where stalls intend to fundraise, evidence of current fundraising license from the Office of Liquor, Gaming and Racing.
- Appropriate liquor license is obtained from licensing authorities (NSW Office of Liquor Gambling and Racing).

#### Advice

- An individual or group carrying out these activities must exercise good risk management practices at all times so as to avoid injury or loss to others.
- For details on political signage refer to State Environmental Planning Policy (Industry and Employment) 2021. Political signs for election campaigns are regulated under the Parliamentary Electorate and Elections Act 1912.
- Council has uninsured community group public liability that may cover stall holders. Contact the insurance team to see if Council's public liability insurance policy will cover low risk activities, as required.
- Excludes outdoor dining not approved as part of special event. Reference is to be made to Appendix 13 for this activity.

### Activity 2 - Fundraising on Public Land

*Activity classed as a D1 Activity under Section 68 of the LG Act.*

#### **Legislative Exemptions (Part 1)**

There are no specific legislative exemptions.

#### **Local Exemptions (Part 1)**

There are no specific local exemptions.

#### **Legislative Criteria (Part 2)**

There are no specific legislative criteria.

#### **Local Criteria (Part 2)**

Applications for fundraising on Public Land will be assessed in accordance with Council's Fundraising Activity Guidelines or relevant subsequent policy/guideline. Please consult the Guidelines for more information about matters Council will consider when determining applications.

#### **Application Details**

- Application for a Permit to Undertake Fundraising Activities, Hawking, Collecting of Monies, Canvassing, Soliciting or Public Address in the Central Coast City Area
- Certificate from Office of Liquor, Gaming and Racing for fundraising activities.
- Public Liability Insurance - Certificate of Currency with minimum cover of \$20,000,000
- Accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges.
- Non-profit event fees would be applicable as per Council's fees and charges.

#### **Advice**

- Criteria is to be read in conjunction with Council's Fundraising Activity Guidelines or relevant subsequent policy/guideline.

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### Activity 3 - Hiring of Council Park, Reserve for an Event

*Activity classed as a D1 Activity under Section 68 of the LG Act.*

#### **Legislative Exemptions (Part 1)**

There are no specific legislative exemptions.

#### **Local Exemptions (Part 1)**

A formal booking is not required to be made through Council if gathering meets the below criteria:

- Less than 80 people.
- Maximum of 3 hour duration.
- Structure allowance of up to 12 chairs, 1 table, and 2 small shade gazebos weighted by sandbags (pegs are not permitted).
- Is unable to be located on a sporting field, or within Memorial Park The Entrance, Terrigal Foreshore Park, Kibble Park Gosford, Toukley Village Green and Wyong Town Park.
- All waste must be removed by gathering organiser.
- Must not be related to a wedding ceremony or reception.

- Amusement devices such as jumping castles and inflatables are not permitted.

**Legislative Criteria (Part 2)**

There are no specific legislative criteria.

**Local Criteria (Part 2)**

Applications for hiring of council park or reserve for a special event will be assessed in accordance with Council’s Event Guidelines – Events on Open Space Area Guidelines and Events on Open Space Areas Policy or relevant subsequent policy/guideline. Please consult the Event Guidelines for more information about matters Council will consider when determining applications.

**Application Details**

- Applications for an approval are to be submitted as detailed in the relevant policy listed below, and via forms on Council’s website:
  - Events on Open Space Areas
  - Licensing of a Trade or Business on Open Space Areas
- Dependant on the size of the event, applications to Council are to include –
  - Risk Management Plan – Outlining all possible risks that may occur, however unlikely, and how you intend to eliminate or control these risks.
  - Environmental Risk Assessment – Outlining all environmental hazards and how they are to be assessed and controlled.
  - Traffic Management Plan.
  - Pedestrian Management Plan.
  - Public Liability Insurance – Certificate of Currency with minimum cover of \$20,000,000.
- Accompanied by the relevant fees, charges and security deposits listed in Council’s Schedule of Fees and Charges.
- Late applications will be declined (or charged a late fee if it is deemed possible to process in time).
- Notification timeframes must be adhered to. It is safer to assume the longer notification timeframe applies if you are not sure which category your event falls in. Refer to below table –

Event categories	Approximate attendance	Application form required	Notification timeframe
Medium	80-500 people	Special Event Application	Four months prior to event
Large	500-1000 people	Special Event Application	Seven months prior to event
Major	More than 1000 people	Special Event Application	Nine months prior to event

**Advice**

- Criteria is to be read in conjunction with the Council’s Event Guidelines – Events on Open Space Area Guidelines, Events on Open Space Areas Policy or relevant subsequent policy/guideline.

- Events and activities deemed to be of major significance or impact and attracting large numbers of people will require a development application (DA) and approval. Events of this category will be determined by Council's event officer.
- The 'event category' is determined not just by attendance figures but also can be ranked in a higher category if the event is complex, involves multiple stakeholders and/or has significant impact to the surrounding community.
- Does not include wedding ceremony bookings. Reference is to be made to Appendix 11 for further detail.
- Does not include bookings for Memorial Park The Entrance, Kibble Park Gosford, Toukley Village Green and Wyong Town Park. For these areas, you must reach out to the relevant team to secure your small, medium or large event.
- Things to consider when planning your event –
  - Council open space areas are for general community use and cannot be retained exclusively.
  - Provided facilities such as barbecues are to be available for all visitors to the location.
  - Existing structures provided at the location such as weather sheds, tables and chairs are available on a first-come-first-served basis.
  - All Council open space areas are alcohol free zones.
  - Structures such as jumping castles or inflatables etc. are not permitted on Council land except for special events that require separate event application.
- As per special event guidelines and terms and conditions of hire:
  - As per Council's Fees and Charges, fees are Non-refundable.
  - Monetary compensation cannot be claimed for the inability to utilise the location/s stipulated in the approval for reason including but not limited to Council restoration or construction works, lack of use by the hirer, inclement weather or any other unforeseen circumstances.
- Separate process for use of the road reserve i.e. temporary road closure, traffic management plan.

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#### Activity 4 - Outdoor Dining and Associated Structures on Public Land

*Activity classed as an D1 Activity under Section 68 of the LG Act.*

##### **Legislative Exemptions (Part 1)**

There are no specific legislative exemptions.

##### **Local Exemptions (Part 1)**

There are no local exemptions.

##### **Legislative Criteria (Part 2)**

There are no legislative criteria.

##### **Local Criteria (Part 2)**

Applications for Outdoor Dining and Associated Structures on public land will be assessed in accordance with Councils Outdoor Trading Specification or relevant subsequent policy/guideline.

Please consult the Outdoor Trading Specification for more information about matters Council will consider when determining applications.

#### Application Details

- Outdoor Trading Area Application.
- Site Plan.
- Accessibility Statement.
- Additional details for a structure in an Outdoor Trading Area. Refer to Council's Outdoor Trading Specification or relevant subsequent policy/guideline.
- Accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges.
- All public health and safety compliances must be adhered to. The proposals must submit relevant insurances along with the application including Public Liability Insurance - Certificate of Currency with minimum cover of \$20,000,000.
- Appropriate liquor license is obtained from licensing authorities (NSW Office of Liquor Gambling and Racing).

#### Advice

- Criteria is to be read in conjunction with the Council's Outdoor Trading Specification or relevant subsequent policy/guideline, Austroads Guide to Road Design Part 6A "Paths for Walking and Cycling" and AS1428.1 – "Design for Access and Mobility" or relevant subsequent policy/guideline.
- Approval is subject to the business owner entering into a licence agreement attached to their approval, which when executed by the business owner and Council, will constitute a licence to occupy and use the approved footpath area for the purpose of outdoor dining.
- Pedestrian movement patterns are continuously monitored and may lead to variation or revocation of an approval at any time should Council consider it to be in the public interest to do so. In these circumstances, reasonable notice shall be given and a reasonable period of time, as set out in the approval, will be provided before the notice becomes effective. Notice periods will be abridged where there is any risk to public safety and amenity.
- The approvals will automatically cease upon any change of ownership or occupancy of the associated premises or if the business ceases to trade.
- The term of leasing of the Council footpath is three years (also 3 years for fixed structures). Inspection must be carried out prior to the expiry of term by a responsible Council Officer. It is solely Council's discretion to extend, modify and terminate the lease.
- The approval is not transferable. Outdoor dining approvals are given to the operator of a premises, not a business or location.

## Appendix 9 – For a Fee or Reward, Play a Musical Instrument or Sing

### Definitions

**busking** means sounding or playing a musical instrument, singing or reciting or performing conjuring, juggling, puppetry, miming, dancing or other entertainment or doing any of these things concurrently (definition derived from Hills Shire Council Local Approvals Policy).

**community land** means land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the Local Government Act 1993.

### Activity 1 – Busking or Street Theatre

Activity classed as a D4 Activity under Section 68 of the LG Act.

#### Legislative Exemptions (Part 1)

There are no specific legislative exemptions.

#### Local Exemptions (Part 1)

Busking or Street Theatre is exempt from the need for approval provided they have a Council approved busking licence including a valid Central Coast Council Busking Approval Card and the applicant complies with Council's Busking Guidelines or relevant subsequent policy/guideline. Please consult the Busking Guidelines for more information.

Refer to local criteria if the above is not applicable.

#### Legislative Criteria (Part 2)

There are no specific legislative criteria.

#### Local Criteria (Part 2)

The following local criteria are applicable:

- All Buskers (or people wishing to undertake busking) on community land within the Central Coast Local Government Area must obtain a valid Busking Approval Card.
- The process of obtaining a Busking Approval Card is to occur in accordance with Council's Busking Guidelines or relevant subsequent policy/guideline. Please consult the Busking Guidelines for more information.

#### Application Details

- Busking Application Form
- Section 138 Roads Act Approval where in road reserve

#### Advice

- Buskers and Street Theatre performers are required to have public liability insurance for a minimum of \$20M. Council has an Uninsured Community Group Liability policy that may cover buskers or street performers, depending on the activity they are performing. Contact the Insurance team to enquire if this policy will apply to specific performers.
- Criteria is to be read in conjunction with the Council's Busking Guidelines or relevant subsequent policy/guideline.

## Appendix 10 – Set Up, Operate or Use a Loudspeaker or Sound Amplifying Device

### Definitions

**community land** means land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the Local Government Act 1993.

**Offensive noise** means noise—

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances—

(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

### Activity 1 – Set Up, Operate or Use a Loudspeaker or Sound Amplifying Device

Activity classed as a D5 Activity under Section 68 of the LG Act.

#### Legislative Exemptions (Part 1)

The legislative exemptions detailed below are from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 49 of the LG General Regulation confirms that where a notice has been erected on land permitting the use of a loudspeaker or sound amplifying device on public land, a person may carry out these activities without approval from Council. The notice will specify the set up, operation and use of the device and any use must be in accordance with the notice.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.49>

This section also allows for the use of a loudspeaker or sound amplifying device where local exemptions are specifically listed under Part 1 of a Local Approvals Policy. There are no local exemptions listed under Part 1 of this Policy as shown below.

Note:

- i) There are offensive noise provisions under the NSW Protection of the Environment Operations Act 1997. Contact Council for more information. Also, Council approval is needed where no notice is erected.

#### Local Exemptions (Part 1)

There are no specific local exemptions.

#### Legislative Criteria (Part 2)

There are no specific legislative criteria.

**Local Criteria (Part 2)**

Applications to set up, operate or use a loudspeaker or sound amplifying device will be assessed in accordance with Council's Event Guidelines – Events on Open Space Area Guidelines or relevant subsequent policy/guideline. Please consult the Event Guidelines for more information about matters Council will consider when determining applications.

**Application Details**

- Applications for an approval are to be submitted as detailed in the relevant policy listed below, and via forms on Council's website:
  - Casual Open Space Hiring Enquiry Form
  - Special Event Application Form
- Section 138 Roads Act Approval where in road reserve

**Advice**

- Criteria is to be read in conjunction with the Council's Event Guidelines – Events on Open Space Area Guidelines or relevant subsequent policy/guideline.

## Appendix 11 – Deliver a Public Address or Hold a Religious Service or Public Meeting

### Definitions

**Open Space** means Any community land and/or Crown Land reserves where Council is the Crown Trust Manager used for structured or casual recreational activities including mountains, bushlands, beaches, foreshores, estuaries, informal passive reserves and active recreation areas.

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

- (a) a public road, or
- (b) land to which the Crown Land Management Act 2016 applies, or
- (c) a common, or
- (d) a regional park under the National Parks and Wildlife Act 1974.

**Temporary Event Approval** means a contractual agreement between Central Coast Council and a person or organisation applicant for which an applicant may conduct an event or activities on an agreed open space area/s owned and managed by Central Coast Council. The 'Temporary Event Approval' will not allow for exclusive use of the land and the general public must be able to access the agreed upon reserve/s at all times.

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### Activity-1 - Ceremonies on Public Land

Activity classed as a D6 Activity under Section 68 of the LG Act.

Note:

- i) This section includes wedding ceremonies.

#### Legislative Exemptions (Part 1)

There are no specific legislative exemptions.

#### Local Exemptions (Part 1)

There are no specific local exemptions.

#### Legislative Criteria (Part 2)

There are no specific legislative criteria.

#### Local Criteria (Part 2)

Applications for Ceremonies on Public Land will be assessed in accordance with Council's Event Guidelines – Events on Open Space Area Guidelines or relevant subsequent policy/guideline. Please consult the Event Guidelines for more information about matters Council will consider when determining applications.

#### Application Details

- Wedding Ceremony application form (where applicable).
- Accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges.

#### Advice

- Criteria is to be read in conjunction with Council's Policy – Events on Open Space Areas, Events on Open Space Policy or relevant subsequent policy/guideline.

- Not permitted within the road reserve unless part of an event managed through the event application.
- Fees are payable as provided for in Council's Fees and Charges Schedule. Fees will be reviewed annually in line with Council's review of fees and charges.
- Separate approval required if undertaken in the road reserve.
- Notification timeframes within the Events Policy must be adhered to.

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## Appendix 12 – 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

### Definitions

**public authority** means a public authority constituted by or under an Act, a government department or a statutory body representing the Crown, and includes a person exercising any function on behalf of the authority, department or body and any person prescribed by the regulations to be a public authority

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

**road** includes—

- (a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and
- (b) any part of a road and any part of any thing referred to in paragraph (a), and
- (c) any thing forming part of a road or any thing forming part of any thing referred to in paragraph (a).

### Activity 1 - Applications Relating to Public Roads

*Activity classed as a E1 and E2 Activity under Section 68 of the LG Act.*

#### Legislative Exemptions (Part 1)

If in association with a Development Approval under the Environmental Planning and Assessment Act 1979, Section 4.12 and as referenced in Section 5.3 of this Policy.

#### Local Exemptions (Part 1)

There are no specific local exemptions.

#### Legislative Criteria (Part 2)

The legislative criteria detailed below are from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 50 of the LG General Regulation requires the Council to consider the Roads Act 1993 and any other standards or policies enforced by public authorities relating to public roads when determining applications for activities relating to public roads.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.50>

#### Local Criteria (Part 2)

There are no specific local criteria.

#### Application Details

- Hoarding and Scaffolding Form - This application form must be completed for all temporary structures including hoarding, scaffolding, fencing and/or overhead structures to be erected on public land in order to undertake building construction, building maintenance or other construction activities.

- Road Occupancy Licence – This application form is required for any works undertaken within Council's road reserve that affects vehicle and/or pedestrian traffic flow.
- Road Opening Permit - This application form must be completed for excavation works on Council's road reserve.
- Vehicle Access Crossings Application - This application form relates to Vehicle Access Crossings for new single and/or secondary dwellings and all existing residential, commercial and industrial developments.
- Accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges.

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## Appendix 13 – 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

### Definitions

**Outdoor Dining** means an outdoor place on Council controlled footpaths, the principal purpose of which is to provide food or beverage for public consumption in association with an adjacent approved food business (definition derived from Camden Council Local Approvals Policy).

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

- (a) a public road, or
- (b) land to which the Crown Land Management Act 2016 applies, or
- (c) a common, or
- (d) a regional park under the National Parks and Wildlife Act 1974.

**public road** means a road which the public are entitled to use  
**road** includes—

- (a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and
- (b) any part of a road and any part of any thing referred to in paragraph (a), and
- (c) any thing forming part of a road or any thing forming part of any thing referred to in paragraph (a).

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### Activity 1 - Outdoor Dining and Associated Structures on Footpaths

*Activity classed as an E2 Activity under Section 68 of the LG Act.*

#### Legislative Exemptions (Part 1)

There are no specific legislative exemptions.

#### Local Exemptions (Part 1)

There are no specific local exemptions.

#### Legislative Criteria (Part 2)

The legislative criteria detailed below are from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 50 of the LG General Regulation requires Council to consider the Roads Act 1993 and any other standards or policies enforced by public authorities relating to public roads when determining applications for activities relating to public roads. Relevant sections of the Roads Act relating to outdoor dining include Sections 125, 127, 137A, 138, 139A, 139C, 139D, 139E, and 141.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.50>

### Local Criteria (Part 2)

Applications for Outdoor Dining and Associated Structures on footpaths will be assessed in accordance with Councils Outdoor Trading Specification or relevant subsequent policy/guideline. Please consult the Controls and Guidelines for more information about matters the Council will consider when determining applications.

### Application Details

- Outdoor Trading Area Application.
- Site Plan.
- Accessibility Statement.
- Additional details for a structure in an Outdoor Trading Specification. Refer to Council's Outdoor Trading Specification or relevant subsequent policy/guideline.
- Accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges.
- All public health and safety compliances must be adhered to.
- The proposals must submit relevant insurances along with the application including Public Liability Insurance - Certificate of Currency with minimum cover of \$20,000,000.
- Appropriate liquor license is obtained from licensing authorities (NSW Office of Liquor Gambling and Racing).

### Advice

- Criteria is to be read in conjunction with the Council's Outdoor Trading Specification or relevant subsequent policy/guideline, Austroads Guide to Road Design Part 6A "Paths for Walking and Cycling" and AS1428.1 – "Design for Access and Mobility" or relevant subsequent policy/guideline.
- If constructed in road reserve, the roads authority and any utility providers maintain the right to remove at any time.

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## Activity 2 - Street Stalls on Public Roads

*Activity classed as a E2 Activity under Section 68 of the LG Act.*

This activity relates to street stalls on public roads that are not associated with nearby businesses.

### Legislative Exemptions (Part 1)

There are no specific legislative exemptions.

### Local Exemptions (Part 1)

There are no specific local exemptions.

### Legislative Criteria (Part 2)

The legislative criteria detailed below are extracts from the *Roads Act 1993* and are relevant to structures relating to street vending or sale of articles or similar on a public road or street, including associated footpaths.

Section 139A of the *Roads Act 1993* relates to street vending structures and should be read in conjunction with Section 138 of the *Roads Act 1993*.

*Section 139A –*

- (1) A roads authority, in granting consent under this Division to the erection of a structure in, on or over a public road and located in a built-up area, may, without limiting section 139, impose conditions—
- (a) permitting the use of the structure for the purpose of selling any article or service, and
  - (b) requiring payments in the nature of rent.
- (2) The term of a street vending consent is to be such period (not exceeding 7 years) as is specified in the consent.
- (3) For the purposes of this section, a structure is located in a built-up area if the structure is located in, on or over a part of a public road that is lit by street lighting located at intervals of not more than 100 metres for a distance of not less than 500 metres.
- (4) Nothing in this section prevents a roads authority from granting a consent under this Division that permits the use of a structure in, on or over a public road and not located in a built-up area for the purpose of selling any article or service.

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-033#sec.139A>

Section 139F of the *Roads Act 1993* relates to street vending structures and relates to the guidelines issued by Office of Local Government and Transport for NSW (previously known as Roads and Maritime Services).

*Section 139F –*

*When considering whether to grant, extend or transfer a street vending consent, or other consent under this Division permitting the use of a structure in, on or over a public road not in a built-up area, for the purpose of selling any article or service, the roads authority must comply with guidelines relating to street vending jointly issued by Roads and Maritime Services and the Office of Local Government.*

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-033#sec.139F>

**Local Criteria (Part 2)**

The following local criteria are applicable:

- The proposed street stall is to be located on footpath area only and not within road pavement.
- Limited to no more than 2 street stalls on any one day within 100m on the same footpath street frontage.
- A minimum of 1.2 metres is required between each stall.
- The stall shall not exceed 1.8m x 0.9m in horizontal surface measurements and must be placed in position to not cause obstruction to pedestrian or vehicular traffic and shall be placed as near as possible to the property boundary.
- An adequate number of receptacles must be provided for the disposal of waste. Ensure that all waste arising from the stand or stall is removed and that the footpath is kept free of waste during the period of operating the street stall or stand.
- The name of the organisation must be prominently displayed on the stall, not on the footpath. No other signage is permitted.
- Must have the written consent of the business or organisation outside which the stall is to be situated and adjacent businesses.
- Must not to be located within 500m of any retail outlet or any premises selling a similar product if that outlet is open.

- Must be located no closer than 800mm to the back of kerb.
- A 2.0 metre wide unobstructed section of footpath is to be maintained at all times from the building façade, adjacent shops or buildings. In some instances this distance may be reduced where the applicant can demonstrate that there is an accessible path of travel and that there will be no increased impact on pedestrian access when the stall is in place.
- Stalls shall only operate between the hours of 8:00am and 10:00pm. Set up/shut down of stalls shall only occur within one hour of trading hours.
- If the stall is to remain on site overnight, security is to be provided.
- The stall must be "attended" at all times.
- The stall must not hinder the passage of pedestrians or vehicles or create a nuisance or objectionable noise.
- The immediate surrounding area is to be left in a clean and tidy condition and kept clear of hazards.
- Material displayed by stall holders must be non-discriminatory, apolitical (excluding those associated with a political party), secular and inclusive.
- No liquor is to be sold or served from the stall except where Council has granted specific approval and an appropriate liquor license is obtained from licensing authorities (NSW Office of Liquor Gambling and Racing). Note: all Council open space areas are alcohol free zones.
- Street stalls involving the selling of food must comply with the requirements of the NSW Food Safety Regulations.
- That stall must not include a public address system or the like, nor cause offensive noise.
- Stalls should not be located within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.
- The stall holder shall have as a minimum, Public Liability Insurance of \$20,000,000 with respect to any one claim.
- No more than three representatives to be in attendance at any one time.

#### Application Details

- Application for a permit to undertake fundraising activities, hawking, collecting of monies, canvassing, soliciting or public address in the Central Coast Local Government area.
- A copy of the Contractor's Certificate of Currency for Public Liability Insurance which provides a minimum coverage of not less than \$20,000,000.
- Not associated with an existing business. Refer to Appendix 13 Activity 3 for business use of a public footpath for street vending.
- Accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges.
- Where food is to be sold, evidence that the food-vending stall has been subject to a food safety inspection by Central Coast Council within the current financial year.
- Where stalls intend to fundraise, evidence of current fundraising license from the Office of Liquor, Gaming and Racing.
- Appropriate liquor license is obtained from licensing authorities (NSW Office of Liquor Gambling and Racing).

#### Advice

- Criteria may be site specific and subject to change, based on Council review.
- An individual or group carrying out these activities must exercise good risk management practices at all times so as to avoid injury or loss to others.
- Refer also to Street Vending Guidelines issued by the NSW Office of Local Government and Transport for NSW.
- Accredited organisations seeking to conduct street stalls on public property are able to conduct up to five stalls per year with approval. All other regulations still apply. Applicants are to contact Council to identify if their organisation qualifies.
- For details on political signage refer to State Environmental Planning Policy (Industry and Employment) 2021. Political signs for election campaigns are regulated under the Parliamentary Electorate and Elections Act 1912.
- Council has uninsured community group public liability that may cover stall holders. Contact the insurance team to see if Council's public liability insurance policy will cover low risk activities, as required.

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#### Activity 3 - Business Use of a Public Footpath for Outdoor Trading

*Activity classed as a E2 Activity under Section 68 of the LG Act.*

#### Note:

- i) This activity must relate to an existing business adjoining or adjacent to the footpath.

#### Legislative Exemptions (Part 1)

There are no specific legislative exemptions.

#### Local Exemptions (Part 1)

There are no local exemptions.

#### Legislative Criteria (Part 2)

The legislative criteria detailed below are from the *Roads Act 1993* and are relevant to structures relating to outdoor trading, street vending or sale of articles or similar on a public road or street, including associated footpaths.

Section 139A of the *Roads Act 1993* relates to street vending structures and is to be read in conjunction with Section 138 of the *Roads Act 1993*. An extract of the legislation is provided above relating to Appendix 13, Activity 2.

Section 139F of the *Roads Act 1993* relates to outdoor trading, street vending structures and to the guidelines issued by Office of Local Government and Transport for NSW (previously known as Roads and Maritime Services). An extract of the legislation is provided above relating to Appendix 13, Activity 2.

#### Local Criteria (Part 2)

Applications for business use of footpath for outdoor trading or street vending will be assessed in accordance with Council's Outdoor Trading Specification or relevant subsequent policy/guideline. Please consult the Guidelines for more information about matters Council will consider when determining applications.

#### Application Details

- Outdoor Trading Area Application.
- Site Plan.
- Accessibility Statement.
- Additional details for a structure in an Outdoor Trading Area. Refer to Council's Outdoor Trading Specification or relevant subsequent policy/guideline.
- A copy of the Contractor's Certificate of Currency for Public Liability Insurance which provides a minimum coverage of not less than \$20,000,000.
- Accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges.

#### Advice

- Criteria is to be read in conjunction with the Guidelines Outdoor Trading Specification or relevant subsequent policy/guideline.
- Refer also to Street Vending Guidelines issued by the NSW Office of Local Government and Transport for NSW.
- Must be in association with an existing business.
- All items must be removed from the footpath and stored within the shop, outside of the approved trading hours.

## Appendix 14 – Operate a Public Car Park

### Definitions

**public car park** means any premises used for the purpose of accommodating vehicles of members of the public on payment of a fee, but does not include a pay parking space under the Road Transport Act 2013 prescribed by the regulations.

### Activity 1 – Operate a Public Car Park not within a Road Reserve

*Activity classed as an F1 Activity under Section 68 of the LG Act*

Note:

- i) This activity relates to the operation of a public car park on public or private land and that is not located within a road reserve. A public car park is an area or building reserved for the public to park their cars. For example, a temporary public car park associated with an event.

### Legislative Exemptions (Part 1)

The legislative exemptions detailed below are from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 66 of the LG General Regulation relates to the operation of a public car park. If an approval or development consent has already been granted for the operation of the public car park in question, the public car park may be operated without the consent of Council provided the car park complies with any conditions of the approval or consent.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.66>

If in association with a Development Approval under the Environmental Planning and Assessment Act 1979, Section 4.12 and as referenced in Section 5.3 of this Policy.

### Local Exemptions (Part 1)

There are no specific local exemptions.

### Legislative Criteria (Part 2)

The legislative criteria detailed below are extracts from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 53 of the General Regulation relates to the matters Council must take into consideration when determining an application for operation of a public car park. Matters include, but are not limited to, traffic movements, needs analysis, safety design for users and pedestrians, and consultation with Transport for NSW.

Section 53 –

*In determining an application for approval to operate a public car park the council is to take the following matters into consideration—*

- (a) *the views of Transport for NSW about the application,*
- (b) *the effect of the car park on the movement of vehicular traffic and pedestrian traffic,*

- (c) *whether the number of vehicles proposed to be accommodated is appropriate having regard to the size of the car park and the need to provide off-street parking facilities within the car park for the temporary accommodation of vehicles,*
- (d) *whether the means of ingress and egress and means of movement provided or to be provided within the car park are satisfactory,*
- (e) *whether there will be adequate provision for pedestrian safety and access for people with disabilities,*
- (f) *whether the internal design of parking facilities and system of traffic management are satisfactory,*
- (g) *whether, in the case of a car park that is a building, adequate ventilation is provided or to be provided,*
- (h) *the Work Health and Safety Act 2011, 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.*

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.53>

#### **Local Criteria (Part 2)**

There are no specific local criteria.

#### **Application Criteria**

- Approval to Operate - Activity Application Form (Section 68 Local Government Act).
- Traffic management plan.
- Special event approval required if associated with special event.
- May need TfNSW approval depending on location. Further consultation with Council required to determine location.

## Appendix 15 – Operate a Caravan Park or Camping Ground

### Definitions

**caravan park** means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

### Activity 1 – Operate a Caravan Park or Camping Ground

*Activity classed as an F2 Activity under Section 68 of the LG Act*

#### Note:

- i) All caravan parks or camping grounds require an approval to operate under Section 68 of the LG Act. The approval to operate includes conditions that must be complied with for the operation of the park or ground. The LG MHE/CP Regulation includes requirements for the operation of the park.
- ii) This Appendix relates to the operation of a caravan park or camping ground. Refer to Appendix 1 relating to the installation of dwellings or associated structures within a caravan park or camping ground.

### Legislative Exemptions (Part 1)

Section 73A confirms approval is not required for the operation of a caravan park or camping ground that is permitted without development consent under Chapter 3, Part 10 of *State Environmental Planning Policy (Housing) 2021*. This part of the Housing SEPP relates to temporary emergency accommodation.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#sec.73A>

### Local Exemptions (Part 1)

There are no specific local exemptions.

### Legislative Criteria (Part 2)

The legislative criteria detailed below are from the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* (LG MHE/CP Regulation).

Section 71 of the LG MHE/CP Regulation includes the factors Council must consider prior to the approval of the operation of a caravan park or camping ground. The relevant factors are included in the extract below.

#### Section 71 –

- (1) *The council must not grant an approval unless satisfied it will be designed, constructed, maintained and operated—*
  - (a) *in accordance with Division 3, Subdivisions 1–8, or*
  - (b) *for a primitive camping ground—in accordance with Division 3, Subdivision 9.*

- (2) *In deciding whether or not the approval allows the installation of a relocatable home, rigid annexe or associated structure on flood liable land, the council must consider the principles contained in the Floodplain Development Manual.*

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#sec.71>

Section 73 of the LG MHE/CP regulation includes reference to the conditions of approval to operate a caravan park or camping ground that any approval must include. The extract below includes the details of the conditions.

Section 73 –

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

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#sec.73A>

Council will evaluate all relevant activity applications to ensure that:

- (a) Supporting plans and documents clearly demonstrate an intention to comply with the requirements of the LG MHE/CP regulation as detailed above.
- (b) Where such an intention is not demonstrated, an assessment will be made of whether it is feasible for the applicant to comply and hence whether it is appropriate to issue a

conditional approval or hold the application pending the supply of the necessary information.

### Local Criteria (Part 2)

In accordance with section 91 of the LG MHE/CP regulation, any variation to the setbacks specified in the regulation will be considered on a merits based assessment. However, the minimum setback must not be less than 1.2m between moveable dwellings or manufactured homes and must meet fire safety and sound insulation requirements of the ABCA.

#### Application Details

- Approval to Operate - Activity Application Form (Section 68 Local Government Act) or as provided by Central Coast Council.
- Refer to Appendix 1 for installation of dwellings.
- Application for Approval to Operate a Caravan Park and/or Camping Ground and/or Manufactured Home Estate – Section 82 Objection
- A copy of the Contractor's Certificate of Currency for Public Liability Insurance which provides a minimum coverage of not less than \$20,000,000.

#### Advice

- The renewal of an approval to Operate can be issued without the lodgement of a new section 68 application, providing there have been no changes to the community map and layout of the caravan park or camping ground or there are no changes to the conditions of approval required. If an updated community map and certificate of currency for insurance, is submitted to Council 30 days prior to the expiry of the approval to operate, council will issue the renewal.

## Appendix 16 – Operate a Manufactured Home Estate

### Definitions

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

### Activity 1 – Operate a Manufactured Home Estate

*Activity classed as an F3 Activity under Section 68 of the LG Act*

Note:

- i) Manufactured home estates require an approval to operate under Section 68 of the LG Act. The approval to operate includes conditions that must be complied with for the operation of the home estate. The LG MHE/CP Regulation includes requirements for the operation of the manufactured home estate.
- ii) This Appendix relates to the operation of a manufactured home estate. Refer to Appendix 1 relating to the installation of dwellings or associated structures within a manufactured home estate.

### Legislative Exemptions (Part 1)

There are no specific legislative exemptions.

### Local Exemptions (Part 1)

There are no specific local exemptions.

### Legislative Criteria (Part 2)

The legislative criteria detailed below are extracts from the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* (LG MHE/CP Regulation).

Section 6 of the LG MHE/CP Regulation relates to the factors Council must consider prior to the approval of the operation of a manufactured home estate. Council must ensure that the estate is designed, constructed, maintained and operated in accordance with Division 3 and the Floodplain Development Manual has been considered.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#sec.6>

Council will evaluate all relevant activity applications to ensure that:

- (a) Supporting plans and documents clearly demonstrate an intention to comply with the requirements of the LG MHE/CP Regulation.
- (b) Where such an intention is not demonstrated, an assessment will be made of whether it is feasible for the applicant to comply and hence whether it is appropriate to issue a conditional approval or hold the application pending the supply of the necessary information.

### Local Criteria (Part 2)

In accordance with section 91 of the LG MHE/CP regulation, any variation to the setbacks specified in the regulation will be considered on a merits based assessment. However, the minimum setback

must not be less than 1.2m between moveable dwellings or manufactured homes and must meet fire safety and sound insulation requirements of the ABCA.

#### Application Details

- Approval to Operate - Activity Application Form (Section 68 Local Government Act) or as provided by Central Coast Council.
- Refer to Appendix 1 for installation of dwellings.
- Application Approval to Operate a Caravan Park and/or Camping Ground and/or Manufactured Home Estate.
- A copy of the Contractor's Certificate of Currency for Public Liability Insurance which provides a minimum coverage of not less than \$20,000,000.

#### Advice

- In accordance with section 36 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, manufactured homes estates cannot be used for the manufacture, construction or reconstruction of moveable dwellings. Council will not support development that does not comply with section 36 of the Regulation.
- The renewal of an approval to Operate can be issued without the lodgement of a new section 68 application, providing there have been no changes to the community map and layout of the estate or there are no changes to the conditions of approval required. If an updated community map and certificate of currency for insurance, is submitted to Council 30 days prior to the expiry of the approval to operate, council will issue the renewal.

## Appendix 17 – Install a Domestic Oil or Solid Fuel Heating Appliance, Other than a Portable Appliance

### Definitions

**domestic oil heating appliance** means an electrical heating appliance that is filled with oil, but does not burn oil to produce heat.

**solid fuel heating appliance** means an appliance that releases heat through combustion. Solid fuels include wood, peat and coal.

**portable appliance** means an electrical heating appliance which is not filled with oil or other substance that is used to produce heat through combustion.

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### Activity 1 - Install a Domestic Oil or Solid Fuel Heating Appliance, Other than a Portable Appliance

Activity classed as an F4 Activity under Section 68 of the LG Act

### Legislative Exemptions (Part 1)

The legislative exemptions detailed below are from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 70 of the LG General Regulation relates to the installation of a domestic oil or solid fuel heating appliance where plans and specifications for the appliance have been included in a relevant building approval under the relevant sections of the Environmental Planning and Assessment Act 1979.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.70>

If in association with a Development Approval under the Environmental Planning and Assessment Act 1979, Section 4.12 and as referenced above and in Section 5.3 of this Policy.

### Local Exemptions (Part 1)

The following local exemptions are applicable:

- Structure: - complies with Australian Standard AS/NZS 4013:1999 - rain excluders, if used, are of a type which do not impede the vertical flow of exhaust gases.
- Installation: - in accordance with Australian Standard AS 2918-2001 and undertaken by licensed installers.
- Siting: - chimney or flue a minimum of 300mm above any structure within a 3.6 metre horizontal radius.
- Point of Discharge: - the top of the chimney or flue shall be at least one (1) metre higher than any other building within a fifteen (15) metre radius.

### Legislative Criteria (Part 2)

There are no specific legislative criteria.

### Local Criteria (Part 2)

The following local criteria are applicable:

- Refer to relevant sections of LG General Regulation and the Building Code of Australia. The proposed solid or oil fueled heater must:
  - comply with AS/NZS 2918:2001 Domestic solid fuel burning appliances – Installation.
  - be marked in accordance with AS/NZS 4013:2014 Domestic Solid Fuel Burning Appliances – Method 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:
  - The minimum discharge height of the chimney (flue) is to be 1m above any structure within a 15m horizontal radius.
  - 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.

#### Application Details

- Activity Application Form (Section 68 The LG Act).
- Accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges.

## Appendix 18 – Install or Operate Amusement Devices

### Definitions

**amusement device** means plant operated for hire or reward that provides entertainment, sightseeing or amusement through movement of the equipment, or part of the equipment, or when passengers or other users travel or move on, around or along the equipment, but does not include—

- (a) a miniature train and railway system owned and operated by a model railway society, club or association, or
- (b) a ride or device that is used as a form of transport and that is, in relation to its use for that purpose, regulated under another Act or an Act of the Commonwealth, or
- (c) a boat or flotation device—
  - (i) that is solely propelled by a person who is in or on the boat or device, and
  - (ii) that is not attached to any mechanical elements or equipment outside the boat or device, and that does not rely on any artificial flow of water to move, or
- (d) any plant specifically designed for a sporting, professional stunt, theatrical or acrobatic purpose or activity, or
- (e) a coin-operated or token-operated device that—
  - (i) is intended to be ridden, at the one time, by not more than 4 children who must be below the age of 10 years, and
  - (ii) is usually located in a shopping centre or similar public location, and
  - (iii) does not necessarily have an operator.

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

**Inflatable amusement device** means a device fabricated from flexible materials and relies on internal air pressure to maintain its shape.

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### Activity 1 - Install or Operate Amusement Devices

Activity classed as an F5 Activity under Section 68 of the LG Act

#### Legislative Exemptions (Part 1)

The legislative exemptions detailed below are from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 71 of the General Regulation details that devices that are not required to be registered under the Work Health and Safety Regulation 2017 may be installed and operated without the prior approval of Council. Division 5 Part 2 of the Work Health and Safety Regulation 2017 identifies the following devices as not requiring registration:

- a) class 1 devices,
- b) playground devices,
- c) water slides where water facilitates patrons to slide easily, predominantly under gravity, along a static structure,
- d) wave generators where patrons do not come into contact with the parts of machinery used for generating water waves,
- e) inflatable devices, other than inflatable devices (continuously blown) with a platform height of 3 metres or more,

- f) any devices that are, or may be, operated by manual power.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.71>

Section 75 of the LG General Regulation identifies the circumstances where a small amusement device may be installed or operated without the prior approval of Council. A small amusement device means an amusement device that is designed primarily for the use of children 12 years of age or under and includes such amusement devices as mini-Ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute.

Section 75 –

- (2) *A small amusement device may be installed or operated without the prior approval of the council if—*
- (a) *the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and*
  - (b) *the device is registered under the Occupational Health and Safety Regulation 2001, and*
  - (c) *the device—*
    - (i) *is to be or has been erected, and*
    - (ii) *it to be or is being operated,**in accordance with all conditions (if any) relating to its erection or operation set out in the current certificate of registration issued for the device under that Regulation, and*
  - (d) *there exists for the device a current log book within the meaning of Chapter 5 of that Regulation, and*
  - (e) *in the case of a device that is to be or is installed in a building, fire egress is not obstructed, and*
  - (f) *there is in force a contract of insurance or indemnity for the device that complies with clause 74.*

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.75>

Section 74 of the LG General Regulation outlines the requirements for a contract of insurance or indemnity required for the installation and operation of an amusement device.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.74>

If in association with a Development Approval under the Environmental Planning and Assessment Act 1979, Section 4.12 and as referenced in Section 5.3 of this Policy.

#### **Local Exemptions (Part 1)**

There are no specific local exemptions.

#### **Legislative Criteria (Part 2)**

The legislative criteria detailed below are from the *Local Government (General) Regulation 2021* (LG General Regulation).

Section 72 of the General Regulation identifies the circumstances Council must consider when granting an application for an approval to install or operate an amusement device. Criteria includes ground suitability, that the device is registered and will be installed in accordance with its

registration, that the device has a logbook and that there is a contract of insurance or indemnity for the device.

*Section 72 -*

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

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

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.72>

Section 74 of the LG General Regulation outlines the requirements for a contract of insurance or indemnity required for the installation and operation of an amusement device.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sec.74>

**Local Criteria (Part 2)**

Applications to install or operate an amusement device will be assessed in accordance with Council's Event Guidelines – Events on Open Space Area Guidelines or relevant subsequent policy/guideline. Please consult the Event Guidelines for more information about matters Council will consider when determining applications.

In addition, the following criteria relate to land-borne inflatable devices:

- No structures or inflatables for private use (i.e. Child's birthday parties, family gatherings etc.) are permitted on Council or public land.
- Council will only permit the installation of a land-borne inflatable device if it is part of a community inclusive / public event.
- The device must be secured and anchored with points provided according to the manufacturer's instructions and relevant technical standards.
- The amusement device operator business shall have as a minimum, Public Liability Insurance of \$20,000,000 with respect to any one claim.
- The device must be evacuated when wind gusts exceed the manufacturer's guidelines or when the wind gusts are over 40 km per hour.
- The device must be installed with suitable impact absorbing mats if they are in areas where patrons can fall off any unfenced platform of the inflatable e.g. entrance and exits.
- The device must be supervised at all times by people who are competent to operate the device safely.
- The device must be monitored so the device is not used at the same time by more than the recommended maximum number of patrons.

- The device must be monitored so electrical or other powered components of the inflatable cannot be interfered with by patrons, in particular children.
- The device must be inspected regularly for wear or rips in the fabric.
- The device must be located to avoid any services.
- A structural engineer is required to specify suitable tie down requirements and certify the device has been installed in accordance with requirements prior to operation.
- The device must not be located within the road reserve.

#### Application Details

- Applications for an approval are to be submitted as detailed in the relevant policy listed below, and via forms on Council's website:
  - Events on Open Space Areas, or
  - Licensing of a Trade or Business on Open Space Areas.
- Further to Section 74 of the abovementioned Regulation, a copy of the Contractor's Certificate of Currency for Public Liability Insurance which provides a minimum coverage of not less than \$20,000,000 is to be provided.
- Work Cover certificate.
- Structural engineer certificate and specifications for device.

#### Advice

- Criteria is to be read in conjunction with Council's Event Guidelines – Events on Open Space Area Guidelines or relevant subsequent policy/guideline.
- Structures such as jumping castles or inflatables etc. are not permitted on Council land except for special events that require separate event application.
- Not permitted within road reserve unless in association with a relevant event approval.

## Appendix 19 – Use a Standing Vehicle or Any Article for the Purpose of Selling Any Article in a Public Place

### Definitions

**Approved Event(s)** means a festival, fete, sporting event, carnival, fair, community event, market or the like which has been approved either by a development consent or the appropriate forms from Councils Open Space and Recreation and Community Facilities (Events) Teams.

**Authorised Officer** means an Officer appointed and delegated by Council to exercise functions under the provisions of the Local Government Act 1993 and NSW Food Act 2003. In regard to the NSW Food Act 2003 Authorised Officers include Environmental Health Officers (EHO) and the Section Manager Environment and Public Health. The Unit Manager Environmental Compliance Services and the Director Environment and Planning have specific delegations for purposes of enforcement of the Food Act.

**Event Organiser** means a person or organisation responsible for organising an Approved Event including appropriate approvals, e.g. Development Consent and/or event approval.

#### **Food includes:**

- (a) Any substance or thing of a kind used, or represented as being for use, for human consumption (whether it is live, raw, prepared or partly prepared), or,
- (b) Any substance or thing of a kind used, or represented as being for use, as an ingredient or additive in a substance or thing referred to in paragraph (a), or
- (c) Any substance used in preparing a substance or thing referred to in paragraph (other than a substance used in preparing a living thing) if it comes into direct contact with the substance or thing referred to in that paragraph, such as a processing aid, or
- (d) Chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum, or
- (e) Any substance or thing declared to be a food under a declaration in force under section 6 of the Food Standards Australia New Zealand Act 1991 of the Commonwealth, whether the substance, thing or chewing gum is in a condition fit for human consumption.

However, Food does not include a therapeutic good within the meaning of the Therapeutic Goods Act 1989.

**Food Business** means a business, enterprise or activity that involves: (a) The handling of Food intended for sale, or (b) The sale of Food. Regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involved the handling or sale of Food on one occasion only. **Food Premises** means any premises including land, vehicles, parts of structures, tents, stalls and other temporary structures, boats, pontoons. It also includes any other place declared by the relevant authority to be premises (under the Food Act 2003) kept or used for the handling of Food for sale, regardless of whether those premises are owned by the Proprietor, including premises used principally as a private dwelling, but does not mean food vending machines or vehicles used only to transport Food.

**Food Safety Standards** means the standards contained in Chapter 3 of the Australian New Zealand Food Standards Code. Food Standards Code means the Australia New Zealand Food Standards Code.

**Mobile Food Vehicle** means a mobile food vending vehicle is any means of transport, whether self-propelled or not or otherwise designed to be movable from place to place, and which is used for selling food, whether on land, sea or air.

**Private Land** means land owned by a person, company, State Government or crown land and all other lands not classified as Public Land.

**Offensive noise** means noise—

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances—

(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

**Public place** means—

(a) a public reserve, public bathing reserve, public baths or public swimming pool, or

(b) a public road, public bridge, public wharf or public road-ferry, or

(c) a Crown reserve comprising land reserved for future public requirements, or

(d) public land or Crown land that is not—

(i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or

(ii) a common, or

(iii) land subject to the Trustees of Schools of Arts Enabling Act 1902, or

(iv) land that has been sold or leased or lawfully contracted to be sold or leased, or

(e) land that is declared by the regulations to be a public place for the purposes of this definition.

**Sell** means to:

a) Barter, offer or attempt to sell, or

b) Receive for sale, or

c) Have in possession for sale, or

d) Display for sale, or

e) Cause or permit to be sold or offered for sale, or

f) Send, forward for deliver for sale, or

g) Dispose of by any method for valuable consideration, or

h) Dispose of to an agent for sale on consignment, or

i) Provide under a contract of service, or

j) Supply Food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee of a term of the employee's contract of service, for consumption by the employee at the employee's place of work, or

k) Dispose of by way of raffle, lottery, or other game of chance, or

l) Offer as a prize or reward, or

m) Give away for the purpose of advertising or in furtherance of trade or business, or

n) Supply Food under a contract (whether the contract is made with the consumer of the Food), together with accommodation, service or entertainment, in consideration of an include charge for the Food supplied and the accommodation, service or entertainment, or

o) Supply Food in the course of providing services to patients in public hospitals or inmates in correctional centres, or

p) Sell Food for the purpose of resale.

**Temporary Food Stall** is any structure, food stall, mobile food vehicle, any van, truck, trailer or moveable module, tent or gazebo used for the purpose of selling any article of food. A temporary food stall may be erected, installed or located on public land or private land at sporting events, fetes, fairs, festivals, carnivals, community markets or similar events.

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### Activity 1 - Mobile Food and Drink Vehicles on Council Land and Road Reserves

*Activity classed as an F7 Activity under Section 68 of the LG Act*

Note:

- i) This activity related to the operation of a mobile food and drink vehicle on Council land and road reserves when not associated with an approved community event.

#### Legislative Exemptions (Part 1)

There are no specific legislative exemptions,

Note:

- i) Whilst there are no legislation exemptions for mobile food and drink vehicles on Council land and road reserves (which is the subject to this policy), there are legislative exemptions that apply when trading from private property (not subject to this policy). Contact Council for further information.

#### Local Exemptions (Part 1)

There are no specific local exemptions.

#### Legislative Criteria (Part 2)

The *NSW Food Act 2003* and *NSW Food Regulation 2015* regulate the handling of food for sale and the sale of food and to provide for the application of the *Australian New Zealand Food Standards Code* in NSW. Mobile food and drink trucks, including their design and construction, must comply with all the requirements of this legislation.

Additionally, *section 100 of the NSW Food Act 2003* requires the proprietor to give written notice to Council of their intention to conduct business within the Central Coast LGA.

<https://legislation.nsw.gov.au/view/html/inforce/current/act-2003-043#pt.8-div.1>

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2015-0622#sec.1>

<https://www.foodstandards.gov.au/code/Pages/default.aspx>

Note:

- i) Design and construction requirements exist to ensure the construction, fit out and operation of mobile and temporary food businesses are appropriate for the storage, preparation, handling and sale of food.
- ii) In addition to the legislation and standards above, mobile food and drink vehicles must comply with the *Guidelines for Mobile Food Vending Vehicles*

[https://www.foodauthority.nsw.gov.au/sites/default/files/2021-02/mobile\\_food\\_vending\\_guidelines.pdf](https://www.foodauthority.nsw.gov.au/sites/default/files/2021-02/mobile_food_vending_guidelines.pdf)

- iii) Development consent will also be required where business trades on private or Council land and road reserves where they don't satisfy the requirements of subdivision 27A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572#pt.2-div.1-sdiv.27A>

**Local Criteria (Part 2)** The following criteria are applicable:

Notification forms:

- Completed notification forms must be submitted to Council at least 21 days prior to commencing operations.

Location:

- Exclusion Zones - Mobile food trucks are not permitted to trade from the following locations:
  - On a Classified Road as defined by Transport NSW.
  - Within 1km of the Central Business District of Terrigal, Gosford, The Entrance, Umina or Wyong
  - Within 500 metres of a patrolled beach
  - Within 500 metres of any retail outlet or of any premises selling a similar product during that outlet's operating hours.
- The vehicle is not permitted to 'set up stand' nor remain at anyone selling point for more than 4 hours without a customer.
- The vehicle must move a minimum of 500 metres between each selling point.
- The mobile food vehicle must not set up in a public car park.
- The vehicle is not permitted to trade on main roads and through streets with a speed limit of greater than 50 km/hr or 80km/h where the carriageway has wide shoulders.
- Vendors must not stop on a hill or bend where sight distance is limited nor located in front of driveways or entrances to properties unless the permission of the property owner has been obtained.
- The vehicle must be removed from its location within 15 minutes of closure and the area around the vending vehicle must be left in a clean and waste free state.
- Mobile vendors must not operate within 500m of any public park or reserve, sports field or retail premises where permission has been granted by the council to trade, unless the council grants specific exemption from this requirement (i.e. for a specific community event)
- Mobile vendors must not operate within 500m of other mobile food vendor where permission has been granted by the council to trade, unless the council grants specific exemption from this requirement (i.e. for a specific community event)

Safety:

- The vehicle is not to create a traffic hazard, obstruction or dangerous situation.
- No additional flashing or rotating lights, except those required under Motor Traffic legislation are permitted.

Operation:

- Documentation of approval shall be kept with the vehicle at all times. This documentation must indicate that the approval is consistent with the area(s) and time(s) in which the vendor is actually operating. Vendors must be able to present this documentation of approval to an authorised Council officer or delegated authority of Council on request.

- The vehicle must not be offensive to surrounding residential uses i.e cause lighting or noise nuisance.
- The owner or person in charge of the vehicle shall not allow any "noise device" to be used or operated in any public place for informing members of the public that articles are on sale from that vehicle:
  - a) before 8.00am and after 7.00pm on any day;
  - b) whilst the vehicle is stationary;
  - c) for longer than 30 seconds in any period of three minutes;
  - d) within 50 meters of schools (during school hours), hospitals and places of worship (during use on any day);
  - e) more often than once every two hours in the same length of street; and
  - f) louder than 75dB(A).
- Vendors are only permitted to operate between the hours of 6:00am and 10:00pm.
- Waste 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 at an approved location.
- Vendors are required to operate in accordance with any conditions of approval from the Transport for NSW, as well as the Transport for NSW Corporate Policy for Mobile Vending in Rest Areas.
- No liquor is to be sold or served from the mobile food van except where Council has granted specific approval and an appropriate liquor license is obtained from licensing authorities (NSW Office of Liquor Gambling and Racing). Note: all Council open space areas are alcohol free zones

#### Food Safety Requirements

- The vehicle and its operation shall comply with the NSW Food Authority's Mobile Food Vending Vehicles Guideline or relevant subsequent policy/guideline wherever applicable.
- Mobile food vending vehicles are required to undergo an annual food safety inspection by the relevant Local Government Authority.
- Evidence of current registration and a satisfactory food safety inspection of the mobile food vending vehicle within the current financial year shall be kept with the mobile food van at all times.
- Mobile Vendors must be able to present their license approval to an authorised Council officer or delegated authority of Council on request.
- No liquor is to be sold or served from the mobile food van except where Council has granted specific approval and an appropriate liquor licence is obtained from licensing authorities (NSW Office of Liquor Gambling and Racing). Note: all Council open space areas are alcohol free zones.

#### Inspections and Associated Fees

- Authorised officers may enter and inspect premises that they reasonably believe are being used in connection with the handling of any food intended for sale. Inspections may take place at any time during any event. It is an offence to obstruct access to an Authorised Officer.

- Where an inspection is conducted of the business an inspection fee and or administration fee will be charged in line with Council's adopted fees and charges. The business is liable for all fees charged.
- Exemptions of fees will apply to registered charities, not-for-profit organisations, community organisations and School Parents and Citizens Associations where proof of charity is provided with application.

#### Application Details

- Temporary and Mobile Food Business Notification.
- Where an inspection report has been provided by a Council other than Central Coast council, a Food Premises Assessment Report dated within the past 12 months is to be submitted with the application.
- Council Food Safety Certification.
- A site map must be provided by mobile food vehicles on where they wish to set up at sports fields.
- Appropriate liquor license is obtained from licensing authorities (NSW Office of Liquor Gambling and Racing).
- Accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges
- A copy of the Contractor's Certificate of Currency for Public Liability Insurance which provides a minimum coverage of not less than \$20,000,000.

#### Advice

- All applications received are subject to approval by the Councils asset manager.
- Criteria is to be read in conjunction with the NSW Food Authority Mobile food vending vehicles operation, construction and food handling guidelines or relevant subsequent policy/guideline.
- Food preparation at home or any other premises associated with mobile and temporary food businesses may require development consent. Contact Council for further information or seek independent planning advice. Confirmation will be sought prior to the issue of any Approval.