



**BYRON
SHIRE
COUNCIL**

Policy

Local Approvals

2022

Information about this document

Date consented to by OLG	23 December 2022
Resolution No	22-485
Document Owner	Director Sustainable Economy and Environment
Document Development Officer	Manager Sustainable Development
Review Timeframe	To be reviewed within 12 months of an election
Last Review Date	29 September 2022
Next Scheduled Review Date	September 2025

Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.
DM1006408	24/6/2010	Adopted Ordinary meeting Res 10-462
E2012/12765	6/12/2012	Reported to Council Res 12-939 - Draft Policy on Exhibition Advert E2012/27625
E2013/12131	20/2/2013	After close of exhibition, no submissions received. Forwarded to Director General for concurrence in accordance with Res 12-939 Point 3.
E2013/12131	14/4/2014	Director General's Approval S2014/4363 Section 162 Consent
E2016/83973	5/07/2017	Reviewed and amended for Council report to Ordinary Meeting of 4 August 2017.
E2018/9938	01/02/2018	Amendment to Part C5
E2018/85866	22/10/2018	After close of exhibition, no submissions received. Forwarded to Director General for concurrence in accordance with Res 18-006 Point 3.
E2018/86076	30/10/2018	Consent given 22/10/18 – policy effective 6 November 2018
E2018/114185	11/12/2018	Part F5 Consent given (DoP) 11/10/18 – policy effective 19 December 2018
E2022/13577	29/09/2022	Draft for review by Council and submitted for consent by

Doc No.	Date Amended	Details/Comments eg Resolution No.
		OLG
E2023/2435	23/12/2023	Finalised following consent provided by OLG

Further Document Information and Relationships

Related Legislation	<p>Section 68 Local Government Act 1993</p> <p>Local Government Act, 1993 - particularly Chapter 7</p> <p>Local Government (General) Regulation 2021</p> <p>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</p> <p>The Environmental Planning and Assessment Act 1979</p> <p>The Environmental Planning and Assessment Regulation 2021</p> <p>Planning for Bushfire Protection 2019</p> <p>Building Code of Australia</p> <p>Byron Shire Council Local Environmental Plan.</p> <p>Section 163 of the Act requires that the Policy is void to the extent that it is inconsistent with the Act or the regulations.</p> <p>Section 164 of the Act requires that the policy cannot impose a more onerous criterion than does the Act or regulations in relation to a specified aspect of an activity.</p>
Related Policies	Byron Shire Council Policies (various, as adopted by Council)
Related Standards, Procedures, Statements, documents	

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

CONTENTS

1. Title	1
2. Status and purpose of the policy.....	1
3. General aims of the Policy	1
4. Commencement of the Policy	1
5. Amendment of the Policy	1
6. Revocation of the Policy.....	1
7. Revocation of the Policy.....	2
8. Approvals to which the Policy applies.....	2
9. Definitions	3
10. Notes in the text	4

Part 1 - Exemptions

1. Exemptions under this Local Approvals policy	5
2. Exempted activities	5
3. Limit of activities carried out by exemption	6
4. Areas in which the exemptions apply	6

Schedule of Exemptions to Approval

Part A – Structures or places of public entertainment.....	7
Part B – Water supply, sewerage, and stormwater drainage work	9
Part C – Management of waste	12
Part D – Community Land	16
Part E – Public roads.....	16

Part 2 - Criteria

1. General matters for consideration	21
2. Council's development control plans and policies	21
3. Application of the policy	22

1. Title

This Policy (“The Policy”) is called the “Byron Shire Council - Local Approvals Policy”.

2. Status and purpose of the policy

The Policy is a Local Approvals Policy prepared and adopted under [Chapter 7, Part 3 of the Local Government Act, 1993](#) (“the Act”).

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

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

3. General aims of the Policy

1. To provide an integrated framework for dealing with applications for approval with clear guidelines.
2. To apply common and consistent requirements and procedures for the relevant types of approvals.
3. To ensure consistency and fairness in the way the Council deals with applications for approval.
4. To make the Council’s policies and requirements for approvals readily accessible and understandable to the community.
5. To assist the Council in the carrying out of its responsibilities under Chapter 8 of the Act.

4. Commencement of the Policy

The Policy was reported to Council on X (Resolution X) and commences on X.

5. Amendment of the Policy

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

- Not applicable

6. Revocation of the Policy

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

Note: Automatic revocation of the Policy is provided for by Section 165(4) of the Act.

7. Revocation of the Policy

The Policy applies to all land within The Byron Shire Council Local Government area.

8. Approvals to which the Policy applies

The Policy applies to the regulatory function of the Council to grant approvals under [Section 68](#) of the Local Government Act, as reproduced in the table that follows. Under Section 68, approval by Council is required for the following activities:

Part A: Buildings, temporary structures or moveable dwellings

1. Install a manufactured home, moveable dwelling or associated structure on land
2. (Repealed)
3. (Repealed)

Part B: Water Supply, sewerage, and stormwater drainage work

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

Part C: Management of waste

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

Part D: Community Land

1. Engage in a trade or business
2. Direct or procure a theatrical, musical, or other entertainment for the public

3. Construct a temporary enclosure for the purpose of entertainment
4. For fee or reward, play a musical instrument or sing
5. Set up, operate, or use a loudspeaker or sound amplifying device
6. Deliver a public address or hold a religious service or public meeting

Part E: Public roads

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

Part F: Other Activities

1. Operate a public car park
2. Operate a caravan park or camping ground
3. Operate a manufactured home estate
4. Install a domestic oil or solid fuel heating appliance, other than a portable appliance
5. Install or operate amusement devices (within the meaning of the Construction Safety Act 1912)
6. (Repealed)
7. Use a standing vehicle or any article for the purpose of selling any article in a public place
8. (Repealed)
9. (Repealed)
10. Carry out an activity prescribed by the regulations, or an activity of a class or description prescribed by the regulations

9. Definitions

Words or expressions used in the policy have the following meaning:

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

Commercial premises	means a building or place used as an office or for other business or commercial purposes but does not include a building or place elsewhere specifically defined in Council's planning Instruments.
Install	means to place in position for service or use.
Refreshment room	means a building or place, such as, a restaurant, café, tearoom, eating at house or the like, the purpose of which is to provide food for consumption on the premises.
Shop	means a building or place used for the purpose of selling, exposing, or offering for sale by retail or hire, goods, merchandise or material, but does not include a building or place elsewhere specifically defined in Council's Planning Instruments or a building or place used for a purpose elsewhere specifically defined.
Take-away food outlet	means a shop for the sale of prepared food to the public.
Temporary structure	includes a tent, marquee, stage and street stall.
Waste storage container	in this policy relates to mini-skips and the like up to 4 m ³ in size.

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

10. Notes in the text

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

Part 1 - Exemptions

The following are exemptions from the necessity to obtain approval to install certain structures or carry out certain activities.

1. Exemptions under this Local Approvals Policy

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

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

- a. the relevant exemption circumstances or requirements listed in the below schedule; and
- b. the relevant performance standards prescribed in the Local Government Act 1993, the Regulations, and the Building Code of Australia (“BCA.”).

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

Note: Activities within Council Roadway or on Council land will also require a separate approval under the Roads Act 1993.

2. Exempted activities

Even though an activity may be exempted by this policy from the need to obtain approval under the Local Government Act, it may still require development consent under the Environmental Planning and Assessment Act.

Some activities under the Environmental Planning and Assessment Act are also exempt and these are detailed in SEPP – Exempt & Complying Development Codes – 2008. If in doubt, developers are encouraged to seek advice from Council to ensure they qualify for the exemption.

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

- a) The amenity of adjoining or neighbouring property
- b) The provision of adequate drainage
- c) Any potential fire risks

- d) Structural stability
- e) External finishes
- f) Avoid creating an obstruction or risk to public safety
- g) Avoid creating a harbourage for vermin
- h) Not create a nuisance
- i) Public health

3. Limit of activities carried out by exemption

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

4. Areas in which the exemptions apply

Options listed in the following under Part 1 apply to all land within the jurisdiction of the Byron Shire Council Local Government area.

Schedule of exemptions to approval

Section 158(3) - Local Government Act, 1993

To be read in conjunction with the preceding Clauses.

Part A Structures or places of public entertainment

A1 Install a manufactured home, moveable dwelling, or associated structure on land

Exemption circumstances:

1. Installation of manufactured home, moveable dwelling, or associated structure must be in accordance with the Clause 74, Clause 77 and Clause 78 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

Requirements:

1. Connection of services (water, sewer, stormwater) to the manufactured home, moveable dwelling, or associated structure may require the prior approval if it does not meet exemption under Part B of the s68 of the Local Government Act, 1993.
2. Connection of electrical power & telecommunications must be in accordance with relevant standards.
3. A separate approval may be required to remove any vegetation to facilitate access and placement of the manufactured home, moveable dwelling, or associated structure.
4. A manufactured home, moveable dwelling, or associated structure to be placed on land other than a caravan park or camping ground:
 - a. must not be located:
 - i. upon a Council road reserve.
 - ii. within the 3.0m of a boundary with a frontage to a public road.
 - iii. within 900mm of a boundary which adjoins a property not under the same ownership of the lot upon which the manufactured home, moveable dwelling, or associated structure is to be placed;

Council Land Exemption circumstances:

2. Installation of manufactured home, moveable dwelling, or associated structure on land owned or managed by Byron Shire Council with an agreement that has been signed between Council and the operator and a development consent is in force for the use of the land for the purpose of provide
 - a. short,
 - b. medium or

- c. long term accommodation
for at risk or vulnerable persons.

Requirements”

1. Connection of services (water, sewer, stormwater) to the manufactured home, moveable dwelling, or associated structure may require the prior approval if it does not meet exemption under Part B of the S68 of the Local Government Act, 1993.
2. Connection of electrical power and telecommunications must be in accordance with relevant standards.
3. A separate approval may be required to remove any vegetation to facilitate access and placement of the manufactured home, moveable dwelling, or associated structure.
4. The manufactured home, moveable dwelling, or associated structure is to be placed on land in accordance with the development consent in force for the use of the land and constructed to a standard no less than the requirements detailed *Division 4 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*, other than sections 133–136.

Note:

A reference to a caravan park is taken to be a reference to the land on which the relocatable home or associated structure will be installed.

Advisory notes

1. Exemptions are permitted by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
2. Section 68 of the Local Government Act 1993 prohibits a person from installing a moveable dwelling or associated structure on land without prior approval of Council, except in so far as the Regulations (and any other instruments) allow the moveable dwelling or associated structure to be installed without that approval.

Part B - Water supply, sewerage, and stormwater drainage work

B1 Carry Out Water Supply Work

Exemption circumstances

1. Any water supply work undertaken by Council or an agent of Council at the specific request of Council.
2. Minor extension or minor alteration of existing residential water supply service (reticulated supply or tank water supply), where works:
 - a. are isolated from any fire services,
 - b. are not associated with a Home Business, Home Occupation or Home Industry
 - c. do not to include additional fixtures
 - d. comprise only of such works as the relocation of existing fixtures within an approved room under a previous development consent.
3. The repair or replacement of damaged or leaking plumbing in an emergency.
4. Residential garden irrigation works, and rural irrigation works using a private water supply.

Requirements

1. Water supply work must comply with the 'Deem to Satisfy Provisions' of the *Plumbing Code of Australia* and Council requirements and not include any backflow prevention devices or thermostatic mixing valve that are required to be registered with Council.
2. A 'Notice of Works (NOW)', in accordance with the *Plumbing and Drainage Act*, must be provided to Council prior to works commencing.
3. A Certificate of Completion (COC), in accordance with the *Plumbing & Drainage Act*, must be provided to Council upon completion of water supply works.
4. Any drinking water supply must meet the Australian Drinking Water Guidelines by the National Health and Medical Research Council.
5. The works are isolated from any fire services.
6. The works are not connected to any recycled reticulated water supply.

Advisory note

1. Any water supply drawn from a river, creek, bore or the like may require separate approval from the *Department of Natural Resources* prior to carrying out of water supply works.
2. Water drawn from a river, creek, bore or other natural water courses are unlikely to comply with the safe drinking water standards set down by the Australian Drinking

Water Guidelines by the *National Health and Medical Research Council*, unless appropriate treatment and management processes are in place.

3. Further exemptions exist for development for or on behalf of the Crown under the Act. Please consult with Council for specific requirements relating to Crown development.

B2 Draw water from a Council water supply or a standpipe or sell water so drawn

Exemption circumstances

1. An employee of Council acting during their employment may draw water from a water supply system or standpipe without prior knowledge of the Council.

Advisory note

1. The Local Government (General) Regulation 2021 Division 3 Subdivision 3 provides for this exemption
2. Further exemptions exist for development for or on behalf of the Crown under the Act. Please consult with Council for specific requirements relating to Crown development.

B4 Carry out sewerage work

Exemption circumstances

1. Any sewerage work undertaken by Council or an agent of Council at the specific request of Council
2. Minor extension or minor alteration of existing residential sanitary plumbing and drainage system (reticulated sewer only), where works:
 - a. are not associated with a Home Business, Home Occupation or Home Industry.
 - b. comprise only of such works as the relocation of existing fixtures within an approved room under a previous development consent.
3. The repair or replacement of damaged or leaking sanitary plumbing or drainage in an emergency.
4. The connection of swimming pool water and backwash where it is connected to the existing yard gully incorporating a 100mm air gap. All plumbing works must comply with *AS 3500.2 – National Plumbing and Drainage Code. (Section 10.9 and figure 10.2)*

Requirements

1. Sewerage work is to comply with the 'Deem to Satisfy Provisions' of the *Plumbing Code of Australia and Council* requirements.
2. A 'Notice of Works' (NOW), in accordance with the *Plumbing and Drainage Act* must be provided to Council prior to works commencing.
3. A 'Certificate of Completion' (COC) and Sewer Services Diagram SSD, in accordance with the *Plumbing & Drainage Act*, must be provided (where new works are undertaken under slab or external of the building footprint), to Council upon completion of sanitary plumbing and drainage works.

Advisory note

1. Pool filter cartridge systems that do not require back washing are exempt.
2. Further exemptions exist for development for or on behalf of the Crown under the Act. Please consult with Council for specific requirements relating to Crown development.

B5 Carry out stormwater drainage works*Exemption circumstances*

1. Relates to private stormwater drainage works only. It does not relate to stormwater drainage work that is, or will become, under the control of Council or other public authority).
2. Repair or replacement of existing stormwater drainage lines including guttering and downpipes.
3. New stormwater drainage works complying with conditions of a development consent and the plans and/or specifications attached to a Construction Certificate or Complying Development Certificate, or the activity is in conjunction with exempt development under the provisions of the Environmental Planning and Assessment Act.

Requirements

4. Drainage work to comply with:
 - a. AS/NZS 3500.3:2015 Plumbing and drainage Stormwater drainage,
 - b. Prescriptive measures of Council's Development Control Plan relating to Stormwater Management,
 - c. Requirements of Council's Guidelines for Stormwater Management.
5. All care is to be taken to ensure the safety of the public in general, road users, pedestrians, and adjoining property.

Public liability insurance cover, for a minimum amount as specified by Council, is to be obtained and maintained for the duration of the construction of the works. Council is not held responsible for any negligence caused by the undertaking of the works.

Advisory note

1. Separate approval may be required prior to the removal, lopping, or pruning of any trees required because of stormwater drainage works (refer Council's Development Control Plan for Preservation of Trees and Other Vegetation).
2. Separate approval will be required under Section 138 of the Roads Act 1993 for works and structures on a public road.
3. Separate approval will be required under Section 68 of the Local Government Act 1993 for the connection of stormwater drainage to a stormwater channel or pipeline under the control of Council (refer Item B6 of Table to Section 68 and below).
4. Further exemptions exist for development for or on behalf of the Crown under the Act. Please consult with Council for specific requirements relating to Crown development.

B6 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

Exemption circumstances

1. Any sewerage work undertaken by Council or an agent of Council at the specific request of Council

Requirements

1. Sewerage work is to comply with the *Deem to Satisfy Provisions* of the Plumbing Code of Australia and Council requirements.

Advisory note

1. Further exemptions exist for development for or on behalf of the Crown under the Act. Please consult with Council for specific requirements relating to Crown development.

Part C - Management of waste

C1 For fee or reward, transport waste over or under a public place

Exemption circumstances

1. The activity is licensed under the Protection of the Environment Operations Act 1997,
or
2. The waste is being transported through the area of the council and is not being collected or deposited in that area.

Advisory note

1. The Local Government (General) Regulation 2021 Division 4 Subdivision 8 provides for this exemption

C3 Place a waste storage container in a public place

Exemption circumstances

1. The waste storage container must be associated with a maximum of two (2) dwellings on a single residential premises,
or
2. Be associated with a Council approved event.

Requirements

1. Only one waste storage container per property or in accordance with the requirements of the Council approved event.
2. Each waste storage container is to have a maximum capacity of 4^m3.
3. Maximum period of storage is two weeks or in accordance with the requirements of the Council approved event.

4. Must be located to not interfere with vehicular or pedestrian traffic including:
 - a. Driveway line of sight under AS2890.1.
 - b. Minimum 6m from a street corner or intersection
 - c. Road sign posted speed 60km/h or less when the bin is placed within 3.0m of active traffic lane.
 - d. No obstruct to pedestrian footpath/ access.
5. Where bin installation requires short term impeding of the active traffic lane, traffic controls measures must be employed by the bin supplier.
6. Company supplying bin must carry a current certificate of currency of a public liability policy of a reputable insurer, with coverage of \$20million.
7. Appropriate barricades, guards, lighting between sunset and sunrise, and reflectors must be provided where necessary to prevent the container being a traffic hazard.
8. Waste must be secured to prevent being dislodged by wind and other forces including animals.
9. Must not be used for the disposal of hazardous or noxious material.
10. No waste bins are to be placed on Council land/ Crown reserve without the landowner's consent.

Advisory note

1. This relates to the use of mini skips and not the normal weekly domestic waste collection service.
2. For Council approved events, the number of waste receptacles must be to the requirements of the approved event.
3. Commercial premises require a separate approval from Council under s68 of the Local Government Act and the Roads Act.
4. Council may require the relocation of a container where it is or is likely to pose a hazard.
5. Many chemicals and materials such as asbestos cement sheeting pose a threat to public health and safety and separate arrangements are to be made for their disposal.
6. See Swing of Goods criteria above for use of cranes to install skip bins.

C4 Dispose of waste into a sewer of the Council

Exemption circumstances

1. Residential properties are exempt from the requirement to obtain approval for the disposal of waste into a Council sewer provided:
 - a. A Development Application or Complying Development Certificate has been issued for building works the activity is approved, and
 - b. any building or work associated or carried out in connection with the activity complies with any applicable standards established by any Regulation in force under the Act or the Environmental Planning and Assessment Act 1979.
2. The repair or replacement of damaged or leaking plumbing in an emergency.
3. Permit the installation of NSW Health accredited grey water diversion devices that.

- a. do not store or retain wastewater, and only divert wastewaters from the laundry, shower, and bathroom fixtures (but not toilet or kitchen fixtures), and,
- b. are carried out in accordance with the Deem to Satisfy Provisions of the Plumbing Code of Australia and Council requirements, and,
- c. a sewage management facility is not installed on the premises concerned, and,
 - i. achieves the following performance standards:
 - ii. prevents the spread of disease by microorganisms,
 - iii. prevents the spread of foul odours,
 - iv. prevents contamination of water,
 - v. prevents degradation of soil and vegetation,
 - vi. discourages insects and vermin,
 - vii. ensures that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
 - viii. minimises any adverse impacts upon amenity of the premises and surrounding lands,
 - ix. if appropriate, provides for the re-use of resources (including nutrients, organic matter and water). Dispose of the grey water by subsurface means for the reuse of grey water.

Advisory note

1. The Local Government (General) Regulation 2021 Division 4 Subdivision 3 provides for this exemption

C5 Install, construct, or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility

Exemption circumstances

1. Application to connect drains to an existing onsite sewage management facility, subject to the following conditions:
 - a. There is no additional load on the existing onsite sewage management system.
 - b. Fixtures must be approved under a development consent.
2. A licensed plumber is to be engaged to carry out the work in accordance with approved plans, specifications, conditions of approval, the requirements of the Plumbing Code of Australia and AS/NZS 3500 must be adhered to.
3. The plumber is to obtain a permit from Byron Shire Council and submit a *Notice of Commencement of Plumbing Works* prior to commencing any plumbing or drainage work. If there is more than one plumber carrying out works, then separate permits will have to be lodged stating specifically the works that are to be carried out.
 - a. The following inspection/s will be required for the SEWAGE WORK (fees are applicable as per Council fees and charges):

- i. Internal drainage
 - ii. External drainage
 - iii. Final Inspection
- b. A licensee is required to provide to Council and owner of the property after completion of the work and within 48 hours, a *Compliance Certificate* and *Sewer Services Diagram/ Works as Executed drawings*.

Advisory note

1. Council will send each plumber proformas of these documents when the *Notice of Work* permit has been issued by Council to allow the plumber to commence work.
2. Inspections will not take place unless the plumber or the plumber's representative is on-site.
3. Fees will be charged for all inspections in accordance with Council's current Fees and Charges.
4. Re-inspection fees will apply to plumbers not on-site for inspections.
5. Facilities within an exempt development building do not qualify for this exemption from approval under Section 68. A separate s68 approval for connection of drains is required.
6. Where a development meets all the requirements under C5 above and is not connected to a reticulated water supply (Council or Rous Water) the water supply works can also be undertaken as exempt from approval in accordance with approved development stamped plans.

C6 Operate a system of sewage management

(Within the meaning of Section 68a)

Exemption circumstances

1. Systems installed and Systems serving a single allotment of land involving pumping directly into a Byron Shire Council reticulated sewerage system, (such as pump out effluent systems servicing private residences such as those used in New Brighton and Billinudgel) where:
 - a. Approval has been obtained from Byron Shire Council for the connection to the council sewer, and,
 - b. Any system of sewage management must be operated in a manner that achieves the following performance standards:
 - i. prevents the spread of disease by microorganisms,
 - ii. prevents the spread of foul odours,
 - iii. prevents contamination of water,
 - iv. prevents degradation of soil and vegetation,
 - v. discourages insects and vermin,
 - vi. ensures 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. minimises any adverse impacts upon amenity of the premises and surrounding lands,
- viii. if appropriate, provides for the re-use of resources (including nutrients, organic matter, and water).

Advisory note

1. On-site sewage management systems (OSMS) are otherwise required to obtain approval to operate under Subdivision 6 of the *Local Government (General) Regulation 2021*.

Part D – Community Land

Part D4 For fee or reward, play a musical instrument or sing

Exemption circumstances

1. Approval to undertake busking (as defined in Council's current Busking Policy) other than busking involving dangerous and circus acts is not required.
2. Buskers must apply to Council for a busking permit using the current form.
3. All busking must be in accordance with Council's current Busking Policy.
4. Dangerous and circus acts (as defined in Council's current Busking Policy) are not exempt from requiring an approval.

Advisory note

1. For further details refer to Council's Busking Policy.
2. Council and the NSW Police have the power to remove buskers if they are causing a nuisance to the public (including neighbouring business owners).

Part E – Public roads

E1 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

Exemption circumstances

1. Unloading of goods including building materials from delivery vehicles within Council Roadway using a small crane attached to the delivery vehicle (Crane Truck).
2. Unloading of goods including building materials from delivery vehicles within Council Roadway using a mobile Franna Crane.

Requirements:

1. The Franna Crane or Crane Truck must be a registered vehicle.
2. The Franna Crane or Crane Truck operator must carry current public liability insurance to the value of \$20 Million.
3. The Crane operations must meet Essential Energy requirements for setbacks from overhead and underground power infrastructure.

4. Where required separate approvals by NSW Police, Safe Work NSW and Transport for NSW shall be obtained.
5. The installation and operations of the crane shall be in accordance with Safe Work NSW and Safe Work Australia requirements.
6. Any damage to Council infrastructure must be repaired to Council satisfaction.

Advisory note

1. All terrain and rough terrain cranes usage over Council roadway require a separate s68 approval.
2. For Transport for NSW roads, owner's consent must be obtained.
3. For use of any crane over Council Reserve or Crown Land a separate landowners consent must be obtained.
4. This approval does not exempt the activity (swing of goods) from obtaining a separate approval for any Traffic Guidance Schemes (TGS) under s138 of the Roads act 1993.

E2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road

E2.1 Placement of pay telephones on footpaths

Exemption circumstances

1. Acceptable public liability insurance in accordance with Council's policy must be obtained.
2. Not more than one telephone per premises.
3. Located outside commercial premises, refreshment rooms, shops or take-away outlets within a defined town or village centres.

Advisory note

1. Pay telephones shall not be located where security or safety of persons may be at risk.

E2.3 Installation of roll-up under awning blinds

Exemption circumstances

1. Not attached to premises listed as a Heritage Item or located within a Heritage Conservation Area without Development Consent.
2. The material of the blinds shall comply with the provisions of the BCA with respect to combustibility and smoke hazard indices.
3. Awnings shall be structurally adequate to support loads.
4. Blinds shall be parallel to the kerb.
5. Outside edge of the blind is to be minimum 600 mm clear of the kerb line and minimum 2400 mm clear of the footpath.
6. No advertising shall be displayed on the blind.

7. The colour of the blind shall complement the colour scheme of the building.

Part F Other activities

F4 Install a domestic oil or solid fuel heating appliance

Exemption circumstances

1. Installation by a contractor accredited by Council.
2. Council is notified in writing of the installation along with the accredited contractor's details, after the installation.
3. Installation to be in accordance with the Building Code of Australia, AS 2918 – Domestic solid fuel burning appliances and the NSW EPA requirements.

Advisory note

Existing legislation enables Council to take appropriate action to overcome any nuisance, which may arise from the installation of solid fuel heating appliances.

F5 Install or Operate Amusement Devices

(Within the meaning of the Construction Safety Act 1912)

Exemption circumstances

1. Small amusement devices as defined by cl75 of the *Local Government (General) Regulation 2021* 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 jumping castles (and the like), 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.
2. A small amusement device may be installed or operated without the prior approval of the Council if:
 - a. the landowner has consented to the installation and operation of the amusement device.
 - b. the amusement device/s is operated for the period of the event and is removed within 2 days of completion of the event.
 - c. the ground or other surface on which the device is to be or has been erected does not involve the removal of any vegetation and 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
 - d. the device is registered under the [Occupational Health and Safety Regulation 2001](#), where required
 - e. the device:
 - i. is to be or has been erected, and
 - ii. is 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

- f. there exists for the device a current logbook within the meaning of Chapter 5 of that Regulation, and
- g. in the case of a device that is to be or is installed in a building, fire egress is not obstructed, and
- h. there is in force a contract of insurance or indemnity for the device that complies with clause 74 of the Local Government Regulation 2021 (\$10,000,000 minimum indemnity).

Advisory note

1. Council can regulate noise generating activities under the Under Protection of Environmental Operations Act 1997 and the Environmental Planning and Assessment Act 1979.
2. Any inflatable devices that involve water storage or swimming areas must consult with Council in relation to approvals and requirements to maintain water quality and or fencing requirements.

F7 Use a standing vehicle or any article for the purpose of selling any article in a public place

F7.1 Street Collections (including Badge/Pin days), information and promotional displays

Exemption circumstances

1. Collections must not to occur:
 - a. Within 20 metres of a bus stop, pedestrian crossing, taxi stand or intersection.
 - b. In areas adjacent to a residential premises, educational establishment, or place of public worship.
 - c. Within a park or reserve.
2. A minimum of 2.5 metres of footpath must be available for public movement.
3. The activity must not cause offence or obstruction.
4. Must not include a public address system or the like.
5. Collectors must clearly display identification of the charitable organisations or businesses that the activity benefits.
6. The surrounding area must be maintained in a clean and tidy condition and free of hazard and rubbish.

Advisory note

1. Further detail in relation to other activities, including street stalls, etc can be obtained from Council's Policy on Activities in Public Places.
2. Approvals are not required for Local, State or Federal Elections.

PART 2 - CRITERIA

Council must consider when determining applications

1. GENERAL MATTERS FOR CONSIDERATION

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

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

2. COUNCIL'S DEVELOPMENT CONTROL PLANS AND POLICIES

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

Development Control Plans

1. Development Control Plans as adopted by Council.

Council Policies

2. All relevant Council policies, as formally adopted by Council.

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

PART 3 - OTHER MATTERS RELATING TO APPROVALS

1. APPLICATION OF THE POLICY

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

Approvals or consents may be required for certain other activities under the provision of separate legislation, particularly in regard to the erection of other buildings which is controlled by the provisions of the Environmental Planning and Assessment Act 1979.

Activities within Council Roadway or on Council land will also require a separate approval under the Roads Act 1993.