

## Ordinary Meeting

**Meeting Date:** Monday, 08 August, 2022

**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra

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<b>Document history</b>				
<b>Version Number</b>	<b>Date Adopted by Council</b>	<b>Resolution Number</b>	<b>Date of Commencement</b>	<b>Type</b>
1				

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

Shoalhaven Local Approvals Policy 2022

## 1 Introduction

### 1.1 Purpose

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

### 1.2 Application

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

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

<p><b>Part A: Structures or places of public entertainment</b></p> <ol style="list-style-type: none"> <li>1 Install a manufactured home, moveable dwelling or associated structure on land.</li> </ol> <p><b>Part B: Water supply, sewerage and storm water 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 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> </ol> <p><b>Part F: Other activities</b></p> <ol style="list-style-type: none"> <li>1 Operate a public car park.</li> <li>2 Operate a caravan park or camping ground.</li> <li>3 Operate a manufactured home estate.</li> <li>4 Install a domestic oil or solid fuel heating appliance, other than a portable appliance.</li> <li>5 Install or operate amusement devices.</li> <li>7 Use a standing vehicle or any article for the purpose of selling any article in a public place.</li> <li>10 Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.</li> </ol> <p><i>Note: Section 68 Part F 6, 8 and 9 have been repealed.</i></p>
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### 1.3 Objectives

The objectives of the Shoalhaven LAP are to:

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

### 1.4 Structure

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

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

### 1.5 Exempt works and activities

There are some works and activities that can be undertaken without the need to apply for approval provided that they meet certain criteria and standards. These works and activities are listed in a wide range of documents and include the Local Government Regulations and the *Environmental Planning and Assessment Act 1979*.

#### **Local Government Act and Regulations**

The Local Government (General) Regulation 2021 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 specify works or activities that are exempt.

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

#### **Environmental Planning and Assessment Act 1979**

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

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for building works and other activities on private land such as landscaping.
- State Environmental Planning Policy (Transport and Infrastructure) 2021 for works undertaken by public authorities such as the construction of school rooms, installation of street furniture, playground equipment, etc.
- State Environmental Planning Policy (Miscellaneous Consent Provisions) for the erection of tents and marquees on private land or for community events.
- Shoalhaven Local Environmental Plan 2014 and Shoalhaven Local Environmental Plan (Jerberra Estate) 2014 provides exemptions for specified activities within certain zones that can be carried out without development consent such as dairies (pasture based),

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solid fuel heaters and temporary events on public land/public roads/associated temporary structures.

CL22.345 - Attachment 1

## 2 Part 1: Exemptions

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

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

**Advisory Note:** The exemptions outlined in this document are given in the belief that those activities can function effectively without Council involvement provided that all appropriate guidelines are complied with by the operator. There are, however, other activities that require some degree of regulating and/or co-ordination. In these cases an application and approval is required.

### 2.1 Section A: Legislative exemptions

The Local Government (General) Regulation 2021 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021:

- List activities that are exempt from the need for approval.
- Specify conditions applicable to exemptions. Reference should be made to the relevant provisions before proceeding with the proposed activity.

An outline of the legislative exemptions is below.

<b>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</b>	
<b>Conditional Exemptions</b>	
<b>Section 9</b>	<p>(1) The prior approval of the council is not required for:</p> <p>(a) the installation of a manufactured home on land within a manufactured home estate, so long as:</p> <p style="margin-left: 20px;">(i) it is designed, constructed and installed in accordance with the relevant requirements of Division 4, and</p> <p style="margin-left: 20px;">(ii) it is not occupied by any person until a certificate of completion has been issued for it, or</p> <p>(b) the installation of an associated structure on land within a manufactured home estate, so long as it is designed, constructed and installed in accordance with the relevant requirements of Division 4.</p> <p>(2) An exemption provided for by this clause applies in respect of the installation of a manufactured home only if such installation is carried out by or with the consent of the holder of the approval to operate the manufactured home estate concerned.</p> <p>(3) An exemption provided for by this clause does not apply to the installation of a manufactured home on flood liable land if the council has notified in writing the holder of the approval to operate the manufactured home estate concerned, before that installation, that the land is flood liable land.</p> <p>(4) An exemption provided for by this clause does not apply to the installation of manufactured homes, or associated structures, of more than one storey in height.</p>
<b>Section 74</b>	Installation of moveable dwellings and associated structures in caravan parks and camping grounds, provided the structure is designed, constructed and installed with the relevant provisions of the Regulations, the site is not liable to flooding and the

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	installation occurs with the consent of the holder of the approval to operate the caravan park or camping ground concerned.
<b>Section 77(a)</b>	<p>Installation of not more than 2 caravans, campervans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months.</p> <p><i>Note: Exemptions under Section 77(a) relate only to the caravan, campervan or tent itself. Prior approval of Council is required if wastewater is connected to sewer, or stored, treated or disposed of on site in accordance with C5 and C6 activities.</i></p> <p><i>For the purpose of this LAP, the term caravan includes a tiny house built on a trailer which has the capability of being registered under the Road Transport Act 2013.</i></p>
<b>Section 77(b)</b>	<p>Installation of not more than one caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner's dwelling-house, so long as it is used for habitation only by the owner or by members of the owner's household and is maintained in a safe and healthy condition.</p> <p><i>Note: Exemptions under Section 77(b) relate only to the caravan or campervan itself. Prior approval of Council is required if wastewater is connected to sewer, or stored, treated or disposed of on site in accordance with C5 and C6 activities.</i></p> <p><i>For the purpose of this LAP, the term caravan includes a tiny house built on a trailer which has the capability of being registered under the Road Transport Act 2013.</i></p>
<b>Section 77(c)</b>	<p>Installation of a caravan or campervan on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land.</p> <p><i>Note: Exemptions under Section 77(c) relate only to the caravan or campervan itself. Prior approval of Council is required if wastewater is connected to sewer, or stored, treated or disposed of on site in accordance with C5 and C6 activities.</i></p> <p><i>For the purpose of this LAP, the term caravan includes a tiny house built on a trailer which has the capability of being registered under the Road Transport Act 2013.</i></p>
<b>Section 77(d)</b>	Installation of a moveable dwelling or associated structure on land to accommodate a person who has been displaced as a result of a natural disaster, so long as it is maintained in a safe and healthy condition and removed within three (3) years.
<b>Unconditional Exemptions</b>	
<b>Section 78</b>	Installation of a caravan, campervan or tent on Crown reserves or on land that is reserved or dedicated under the <i>Forestry Act 1916</i> .

<b>Local Government (General) Regulation 2021</b>	
<b>Exemptions: Drawing of water by Council employees (B2 activity)</b>	
<b>Section 24</b>	An employee of a council acting in the course of his or her employment may draw water from a water supply system or standpipe without the prior approval of the council.
<b>Exemptions: Transport waste (C1 activity)</b>	
<b>Section 48(a)</b>	<p>The transporting of waste over or under a public place for fee or reward if:</p> <ul style="list-style-type: none"> <li>• The activity is licensed under the <i>Protection of the Environment Operations Act 1997</i>, or</li> <li>• The activity is being carried out in the Sydney metropolitan area as defined in Part 3 of Schedule 1 of the Act, or</li> <li>• The waste is being transported through the area of the Council and is not being collected or deposited in that area.</li> </ul>
<b>Exemptions: Place waste in a public place (C2 activity)</b>	
<b>Section 48(b)</b>	The placing of waste in a public place, if done in accordance with arrangements













































































































































































