

Activities Approval Policy (Local Government Act 1993)

Policy Title	Activities Approval Policy
Responsible Manager(s)	Director Planning
Contact Officer(s)	Manager – Development and Environment
Directorate	Planning
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Strategic Focus Area	Thriving, Responsive
Delivery Plan Link	112. Provide receptive and responsive development assessment services
Operational Plan Link	112 (g) Provide certification inspection services.

Introduction

This Activities Approval Policy has been developed and adopted under Chapter 7, Part 3 of the *Local Government Act 1993* (the Act). This Policy is designed to outline specific activities which may be carried out, under certain circumstances, with or without the need to obtain approval from Council.

Purpose

The purpose of this policy is to:

- Establish an integrated framework for dealing with activities carried out on public lands with clear guidelines in accordance with Chapter 7, Part 3 of the *Local Government Act 1993* (the Act).

Objectives/Aims

This Policy objectives/aims are to:

- Promote an integrated framework for dealing with activities carried out on public lands with clear guidelines.
- Specify circumstances where Council approval is not required before carrying out an activity.
- Clarify what activities require approval from Council.
- Ensure consistency and fairness in the manner in which Council deals with applications for activity approvals.
- Make Council's policies and requirements for activity approvals readily accessible and understandable to the community.
- Support the vitality, amenity and economic viability of Hilltops townships.
- Ensure shop owners and tenants requirements, pedestrians and footpath activities can be safely and fairly accommodated.

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Approvals to which this policy applies

Outdoor activities on public land, such as displaying charity bins, footpath dining and the display of advertising or other materials, plus activities on private land, such as sewerage works, require approval from Council under Section 68 of the *Local Government Act 1993*. Section 68 states that the following activities need approval from Council:

Part A: Structures or places of public entertainment

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

Part B: Water supply, sewerage and stormwater drainage work

- Carry out water supply work.
- Draw water from a council water supply or a standpipe or sell water so drawn.
- Install, alter, disconnect or remove a meter connected to a service pipe.
- Carry out sewerage work.
- Carry out stormwater drainage work.
- 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.

Part C: Management of Waste

- For fee or reward, transport waste over or under a public place.
- Place waste in a public place.
- Place a waste storage container in a public place.
- Dispose of waste into a sewer of the council.
- Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.
- Operate a system of sewage management (within the meaning of s68A).

Part D: Community land

- Engage in a trade or business.
- Direct or procure a theatrical, musical or other entertainment for the public.
- Construct a temporary enclosure for the purpose of entertainment.
- For fee or reward, play a musical instrument or sing.
- Set up, operate or use a loudspeaker or sound amplifying device.
- Deliver a public address or hold a religious service or public meeting.

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.
- 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

- Operate a public car park.
- Operate a caravan park or camping ground.
- Operate a manufactured home estate.
- Install a domestic oil or solid fuel heating appliance, other than a portable appliance.
- Install or operate amusement devices.
- Use a standing vehicle or any article for the purpose of selling any article in a public place (including mobile food vans).
- Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.

Policy Details

PART 1: EXEMPTIONS FROM OUTDOOR ACTIVITY APPROVALS

An activity may be exempt from the need to gain an activity approval where it meets determined standards. The activities that are exempt from approval are specified in **SCHEDULE 1**. This does not, however, prevent a person applying for approval to carry out an activity specified in the Schedule.

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

- The relevant exemption requirements listed in **SCHEDULE 1**; and
- The relevant standards prescribed by the *Local Government Act 1993* and its Regulations, including the Building Code of Australia, Plumbing Code of Australia and Australia New Zealand Food Standards Code; and
- Any need to have public liability or other insurances in place to cover their activities.

The exemptions do not relate to Development Applications, Complying Development Certificates or approvals required under any other legislation

An outdoor activity may be exempt from approval where it meets certain standards. However, this does not prevent a person applying for approval to carry out an outdoor activity to ensure their activity is permitted and approved by Council.

PART 2: CRITERIA FOR OUTDOOR ACTIVITY APPROVALS

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

These pieces of legislation require that Council determining an outdoor activity application must:

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

If no requirements are established and no criteria are adopted, Council will:

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

In considering the public interest, Council must take into account:

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

PART 3: GENERAL REQUIREMENTS

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

Applicants must ensure the completed application form, and all required information is submitted. Incomplete applications will be rejected.

Each activity application will be considered on its merits and assessed against the criteria established in this Policy.

Public Liability insurance to the value of \$20M, which indemnifies Council against any claims which may be made as a result of use of public land must be held and renewed every year for the life of an approval.

It is the responsibility of interested parties using Council footpaths for activities under Section 68, part E of the *Local Government Act 1993* to obtain current Public Liability Insurance, which indemnifies Council against any claims which may be made as a result of use of public land, to the value of \$20M.

Such insurance is to be maintained by the interested party, and an up to date, current copy, must be immediately provided on request from the Council.

An approval may not be granted on a footpath of a classified road (i.e. a highway or main road) or within its corridor for any activity, without the agreement of Transport for NSW (TfNSW). Council will refer those activity applications to TfNSW for their advice.

3.1 OTHER MATTERS RELATING TO OUTDOOR ACTIVITY APPROVALS

Lodgement of an application

Most activities have a specific form and/or guide designed to assist in the lodgement of the application. Depending on the type of work or activity, fees may apply and must be paid at the time of lodgement in accordance with Council's fees and charges.

An application may be rejected within 7 days of receipt if it is not clear as to the approval sought or if the application is not easily legible. If applicable, fees paid will be refunded.

Assessment of an application

In assessing more complex applications, additional information may be needed. Where this is the case, Council will contact the applicant within 21 days of receipt of an application.

Determination

Once the application has been determined, a notice will be issued to the applicant advising whether the application has been approved or refused.

The approval period may vary depending on the type of outdoor activity or work undertaken. If works have not commenced or where the outdoor activity is not held during the nominated time, then the approval may lapse. In such cases, and depending on the circumstances, the person lodging the application can seek to lodge a new application or alternatively request to modify an existing application.

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

When does an approval lapse?

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

- (a) A request is received by Council in writing prior to the date on which the approval may lapse
- (b) Council determines that the approval should be extended

Previously held approvals

A person or business who holds a valid and operational outdoor activity approval from the former Councils of Boorowa, Harden or Young may continue to operate under that approval unless otherwise notified by Council.

Revocation

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An approval may be revoked or modified by Council 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 the Local Government Act relating to the subject of the approval,
- (d) for any failure to comply with a condition of the approval.

Council will inform, by notice, the revocation or modification of an approval under s68 of the Act, to:

- (a) each person who, in its opinion, will be disadvantaged by the revocation or modification of the approval, and
- (b) each person and authority whose concurrence was required to the granting of the approval.

Breach of policy and/or conditions of approval

A breach of this Policy is deemed to occur when there is a:

- (a) failure to obtain appropriate approvals, where required, and provide required documentation for activities under Section 68 of the *Local Government Act 1993*, and Sections 125 and 138 of the *Roads Act 1993*;
- (b) failure to adhere to conditions of approval for an activity under Section 68 of the *Local Government Act 1993*, and Sections 125 and 138 of the *Roads Act 1993*; or
- (c) failure to maintain, and provide upon request, required Certificate of Currency insurance information, as per this Policy, or
- (d) carrying out of an activity from the Table to Section 68 of the *Local Government Act 1993*, without an approval, and on the basis of an exemption as per Schedule 1 of this policy, otherwise in accordance with the conditions to which the exemption is subject.

Failure to obtain an approval, comply with the conditions of an approval, or the conditions of an exemption (as per Schedule 1 of this policy), for the carrying out of an activity under Part A of the table to Section 68 is guilty of an offence under Sections 626 and 627 of the Act.

Maximum penalty:

- 50 penalty units (individual)
- 100 penalty units (corporation)

Failure to obtain an approval, comply with the conditions of an approval, or the conditions of an exemption (as per Schedule 1 of this policy), for the carrying out of an activity under Parts B to F of the table to Section 68 is guilty of an offence under Sections 626 and 627 of the Act.

Maximum penalty:

- 20 penalty units

Enforcement action may be taken in response to breaches, in accordance with legislation and Council's *Enforcement Policy*.

3.2 CONDITIONS RELATED TO CERTAIN ACTIVITIES

Footpath display of goods

The following conditions apply to any approval for the display and sale of goods on the footpath. Goods for display or sale shall:

- Not extend more than 1 metre out from the building line;
- Not exceed 1.2 metres in height for goods and 1.5 metres for clothes racks;
- Ensure that at least 1.8 metres of the footpath is kept clear for pedestrian traffic;
- Only be placed along the building line of the business to which they relate;
- Only be placed on the footpath during shop/premises opening hours;
- Be structurally sound and designed to ensure the business furniture such as tables, stands or racks, will not be blown over or displaced by weather events. Clothes racks shall be prevented from movement by locked wheels, sandbags etc;
- Be non-illuminated, either internally or externally;
- Not have sharp, pointed, jagged edges, jagged corners or protrusions; and
- Not be affixed to any premises, footpath, parking control sign, street furniture or pole.

Footpath advertising signs

Approval may be granted for business owners (not stallholders) to display portable advertising signs on the footpath directly in front of their business premises. Such signs are to refer only to the business or to goods for sale at the business and must comply with the following:

- Not extend more than 1 metre out from the building line;
- Be constructed to a maximum height of 1.2 metres and a minimum height of 80cm;
- Ensure at least 1.8 metres of the footpath is clear for pedestrian traffic;
- Only be placed along the building line of the premises to which they relate, unless:
 - (i) the sign is incorporated into an approved footpath dining area – see policy criteria below.
 - (ii) the sign is located adjacent to permanent street furniture such as chairs or bins, or permanent structures such as verandah posts.
- Only be placed on the footpath during shop/premises opening hours;
- Be of a colour that is easily seen and will not be a trip hazard;
- Be structurally sound and designed to ensure it will not be affected by weather events;
- Be not illuminated either internally or externally;
- Not comprise of any moveable parts (e.g. spinning, flapping etc.)
- Be self-supporting and not rely on posts or chains for stability; and
- Not be affixed to any premises, footpath, parking control sign, street furniture or poles.

Advertising flags

Free-standing

“Teardrop’ flags, whereby the flag surface is under tension and remains rigid (similar to those depicted in Figure A below), are permitted subject to the following criteria:

- Not extend more than 1 metre out from the building line;
- Not exceed 2.5 metres in height;
- Ensure that at least 1.8 metres of the footpath is kept clear for pedestrian traffic;
- Only be placed along the building line of the premises to which they relate;
- The flag must only advertise the business (and its goods) at that premises;
- Flags shall be professionally made and maintained in good condition;
- Each flag shall be adequately anchored and secured to ensure stability in wind;
- Each flag shall be removed from the footpath at the close of business each day; and
- Not be affixed to any premises, footpath, parking control sign, street furniture or pole.

Figure A



Typical ‘Teardrop Flag’ design

Figure B



Typical ‘Feather Flag’ design

‘Feather Banners’, or other banners which are not rigid or tensioned, and flap around (like those depicted in Figure B) are not permitted under the provisions of this policy.

Wall-mounted flags

The following criteria will apply for any approval for the installation or display of a wall-mounted advertising flag located on, or overhanging, the footpath (as depicted in Figure C below):

- Not extend more than 1 metre out from the building line
- Installed at a minimum height of 2 metres (no part of the flag shall breach this)

- The flag must only display material which advertises the business being conducted at that premises
- Flags shall be professionally made and maintained in good condition
- Each flag shall be adequately anchored and secured to ensure stability in wind
- Each flag shall be removed from the footpath at the close of business each day.

Figure C



Typical wall flag

Footpath dining and structures

The following criteria will apply for any approval for footpath dining and structures (other than advertising signs) placed on the footpath:

- All furniture and other obstructions shall be located outside of the clear kerb zone in Table 1 below:

Table 1 - Clear Kerb Zone:

On street parking direction	Clear kerb zone width (measured from front of kerb)
Parallel	600mm
Front-in	920mm
Rear in	1200mm

- Ensure that at least 1.8 metres of the footpath is kept clear for pedestrian traffic (the pedestrian zone). Should table service be provided, all staff providing the service must provide right of way to pedestrians using the footpath;
- Outdoor dining areas are to be adjacent the premises to which they relate;
- Sound generating devices or amusement devices are not permitted as part of outdoor dining;
- All furniture is to be removed from the footpath when the business is not open to the public;
- The operator is to ensure the good conduct of patrons and that noise is kept to a minimum;

- Outdoor dining areas are to be maintained in a clean condition and kept free of litter; and
- All outdoor dining areas are to be smoke-free;

Tables and Chairs

- Furniture is to be properly maintained and kept clean at all times;
- All furniture must be aesthetically suitable and involve a colour scheme and materials that are both
- practical and serviceable and in keeping with its surrounding area and shop front;
- All furniture is to be removed at the close of business;

Dining Umbrellas and Barriers

- Any umbrella to be used for outdoor dining on a public footpath is to be of non-reflective material.
- All umbrellas must maintain a minimum vertical clearance height of 2.1m from existing ground level;
- All umbrellas must be secured by a removable stand and weighted to ensure safety;
- The number of umbrellas shall be limited to the number of approved tables;
- All umbrellas and barriers must not impede pedestrian traffic in the footpath zone;
- Be of sound construction and in a well-maintained condition; and
- Advertising on umbrellas and barriers must be related to the business premises where they are erected.

Street Stalls, Raffles And Collections

Eligible charitable or community organisations may conduct street stalls at the following approved locations within the towns and villages of the Hilltops Local Government Area. A booking is to be made for the activity at the relevant Hilltops Council Administration office.

Boorowa

Shopfront, with owner's permission required in writing, on Marsden or Pudman Streets

Harden

Council's Neill Street kiosk, or Kruger Street Stall Centre.

Murrumburrah

Shopfront, with owner's permission required in writing.

Young

Island outside Westpac building on Boorowa Street, or road blister outside SWS Credit Union building, Lynch Street Young.

Other areas

Public building such as a hall or shopfront (owner's permission required in writing).

In addition, street stalls must:

- Be located against the building frontage, unless otherwise approved;
- Display appropriate identification of the organisation on the stall,
- Not to exceed two tables (card table size) and four chairs; and

- Not solicit sales and/or public collections, unless conducted in compliance with the *Charitable Fundraising Act 1991*.

Street stall cleanliness

The business owner/tenant/street stall operator shall maintain the cleanliness of the area affected by the business/street stall and leave the area in an orderly condition at the end of trading. Council street litter bins are not to be used for the disposal of waste materials.

Street furniture (lighting, bins, seats) is provided for the use of community members and is not to be used in conjunction with a business' outdoor activity or to secure business furniture/barriers.

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SCHEDULE 1 - Exemptions

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

Exemption within the Policy cease to have effect once the Policy lapses.

Activity	Exempt Criteria
Part A: Manufactured homes, moveable dwellings and structures	
Manufactured home in a caravan park. Clause 74*	Installation of moveable dwellings and associated structures in caravan parks and camping grounds, provided the structure is designed, constructed and installed in accordance with Division 4 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> . That it is only one storey, the site is not liable to flooding and the installation occurs with the consent of the holder of the approval to operate the caravan park or camping ground concerned.
Moveable dwellings and associated structures in caravan parks and camping grounds. Clause 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 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>, (b) a caravan, tent or annex on a dwelling site within a caravan park if it is designed, constructed and installed in accordance with Division 5 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>, (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 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>. (2) The installation of the relocatable home, annex, 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.

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	(3) This section does not apply to the installation of a relocatable home, rigid annex 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.
Caravans, campervans or tents on any land. Clause 77(a)*	Installation of not more than 2 caravans, campervans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months
Caravans or campervans on land with an existing dwelling house. Clause 77(b)*	Installation of not more than 1 caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner's dwelling-house, so long as it is used for habitation only by the owner or by members of the owner's household and is maintained in a safe and healthy condition.
Caravans or campervans on agricultural land for seasonal workers on the land. Clause 77(c)*	Installation of caravans or campervans on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land.
Moveable dwelling or associated structure on land to accommodate displaced persons (natural disaster). Clause 77(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.
Part B: Water supply, sewerage and stormwater drainage work	
Carry out water supply, stormwater drainage or sewerage works	Water supply, stormwater drainage or sewerage works (excluding point of connection works involving Council's water and sewer services and/or works involving a septic tank, an effluent or a sullage disposal system) are exempt from the need for approval provided that it complies with the following criteria: a) For the repair or replacement of existing plumbing and drainage works or stormwater drainage lines only; b) The work must comply with Council's Plumbing and Drainage Policy and the <i>Plumbing and Drainage Act 2011</i>; and c) The work must not require the cutting or excavation of any public road, footpath or kerb and gutter and/or tree removal unless approved under Section 138 of the <i>Roads Act 1993</i>. In this Policy, a) Sewerage work means the construction, alteration, extension, disconnection, removal, ventilation, flushing, cleansing, maintenance, repair, renewal or clearing of any sewerage service pipes or fittings or fixtures communicating or intended to communicate, directly or indirectly, with: a septic tank, an effluent or

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	a) a sullage disposal system; or any sewer of a council, and includes work of sanitary plumbing and work of house drainage. b) Water supply work means the construction, alteration, extension, disconnection, removal, flushing, cleansing, maintenance, repair, renewal or clearing of any pipes or fittings of any water service communicating or intended to communicate, directly or indirectly, with any water main of a council, but does not include changing a washer. c) 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.
Part C: Waste management	
Transport waste Clause 48(a)^	The transporting of waste over or under a public place for fee or reward if the activity is licensed under the <i>Protection of the Environment Operations Act 1997</i> ; or the waste is being transported through the area of the Council and is not being collected or deposited in that area.
Place commercial waste in public	In accordance with the exemption given in Clause 48(b) of the <i>Local Government (General) Regulations 2021</i>, the placement of a commercial waste storage container in a public place is exempt from the need for approval provided that it complies with the following criteria: a) Must relate to an existing approved and lawful use; b) Maximum of one 240 litre bin and only where the waste collection area on private property is not accessible to the collection agency; c) Must be located so as to not disturb traffic flow, impede pedestrian movement, restrict driver sight lines, access or loading zones; d) Must not be offensive nor contain hazardous, liquid or clinical waste; e) May only be placed in a public place for collection by a waste contractor the night before the scheduled collection and must be removed as soon as possible and stored on private property. In the event of service disruption, containers must be stored on private property until the service can be provided; f) Commercial waste must be collected and disposed of by a commercial contractor. Waste cannot be removed from the premises to be disposed of in a street litter bin. g) All containers must be vermin proof and cleaned on a regular basis without causing storm water pollution; h) The area where the container is placed in public for collection must be kept cleaned; and i) Uncontained waste (such as plastic and cardboard) is not permitted to be placed next to or on top of containers in the public place.
Place domestic waste in public	In accordance with the exemption given in Clause 48(b) of the <i>Local Government (General) Regulations 2021</i>, the placement of a domestic waste storage container in a public place is exempt from the need for approval provided that it complies with the following criteria: a) Domestic waste must be contained in the Council approved waste storage containers and only placed in a public place for the purposes of collection by Council; b) Uncontained waste is not permitted to be placed next to or on top of containers in a public place;

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	c) Waste storage containers may be put out for collection the night before the scheduled collection and must be removed from the public place as soon as possible and stored on private property; d) Waste storage containers must be placed immediately in front of the resident's property (or an approved service pick up point); e) Lids of waste storage containers must remain closed, and the container surrounds be kept tidy at all time; and f) Waste storage containers must be kept clean and free of stains, odours and debris; and be in full working order with no cracks, missing wheels, lids or pins.
Part D: Community land	
Sound amplifying device or loudspeaker Clause 49^	A loudspeaker or sound amplifying device may be set up, operated or used on community land without the prior approval of the Council if it is done in accordance with a notice erected on the land by the Council or if it is done in the circumstances specified, in relation to the setting up, operation or use by sports clubs
Sports clubs charging a fee for spectators	Sports clubs with prior written approval from Council for the use of the associated sporting facility may charge a spectator fee to cover its commitments to a sporting association.
Events	Events are exempt from the need for approval provided that it complies with the following criteria: a) Comply with the Council's Event Planning Guidelines; b) Obtains insurance \$20 million public liability insurance; and c) Obtain consent under Section 138 of the <i>Roads Act 1993</i> (when applicable)
Part E: Public roads	
Events	Events, including street stalls, raffles and collections, are exempt from the need for approval provided that it complies with the following criteria: a) Comply with the Council's Event Planning Guidelines; b) Obtains insurance \$20 million public liability insurance; and c) Obtain consent under Section 138 of the <i>Roads Act 1993</i> (when applicable, does not apply to street stalls, raffles and collections) d) Regarding street stalls, raffles and collections, comply with the conditions of this policy for such activities.
Outdoor Dining	The use of footpaths, for the purpose of outdoor dining, are exempt from the need for approval provided that it complies with the following criteria: a) Comply with the general and specific conditions in Part 3 of this policy; b) Obtains insurance \$20 million public liability insurance; and c) Obtain consent under Section 125 of the <i>Roads Act 1993</i> (when applicable) d) Are in conjunction to a lawfully operating business
Use of footpath for advertising signage and display of goods	The use of footpaths, for the purpose of advertising signage and display of goods, are exempt from the need for approval provided that it complies with the following criteria: a) Comply with the general and specific conditions in Part 3 of this policy; b) Obtains insurance \$20 million public liability insurance; and

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	c) Are in conjunction to a lawfully operating business
Part F: Other activities	
Domestic oil or solid fuel heating appliance Clause 70^	A domestic oil or solid fuel heating appliance (other than a portable appliance) may be installed without the prior approval of the council if details of the appliance are included in plans and specifications for the relevant building approved by a Construction Certificate or Complying Development Certificate under the <i>Environmental Planning and Assessment Act 1979</i> .
Operation of a public car park Clause 66^	A public car park may be operated without the prior approval of the council if approval for its erection or operation has already been given by the council in connection with another approval or development consent and the car park complies with any applicable conditions of that approval or development consent.
Jumping castles and amusement devices Clause 71^	Amusement devices not required to be registered under the <i>Work Health and Safety Regulation 2017</i> may be installed or operated without the prior approval of the Council if there is a contract of insurance or indemnity for the device that complies with Clause 74 (see below) of the Regulations, and be approved under Section 138 of the <i>Roads Act 1993</i> , if the device is on or over a public road, including a footpath.
Small amusement devices Clause 75^	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, b) the device is registered under the <i>Work Health and Safety Regulation 2017</i>, c) the device is erected and operated in accordance with all conditions relating to its erection or operation set out in the current certificate of registration issued for the device under those Regulations, d) there exists for the device a current logbook within the meaning of those Regulations, in the case of a device that is to be or is installed in a building, fire egress is not obstructed, e) there is in force a contract of insurance or indemnity for the device that complies with Clause 74 (see below) of the Regulations, f) be approved under Section 138 of the <i>Roads Act 1993</i>, if the device is on or over a public road, including a footpath. In this Policy, small amusement device means an amusement device that is designed primarily for the use of children 12 years of age or under (includes such amusement devices as mini-ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute).
Amusement devices public liability Clause 74^	It is a condition of an approval to install or operate an amusement device that there must be in force a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$10,000,000 in respect of each accident) each person who would be liable for damages for death or personal injury arising out of the

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	operation or use of the device and any total or partial failure or collapse of the device against that liability.
Amusement Devices- General	Amusement Devices may be installed or operated without the prior approval of the Council if: a) The device is being installed and operated in conjunction with an approved event b) Compliance with Council's Event Management Framework is maintained. c) 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, d) The device is registered under the Work Health and Safety Regulation 20171, e) The device is erected and operated in accordance with all conditions relating to its erection or operation set out in the current certificate of registration issued for the device under those Regulations, f) There exists for the device a current log book within the meaning of those Regulations, in the case of a device that is to be or is installed in a building, fire egress is not obstructed, g) There is in force a contract of insurance or indemnity for the device that complies with Clause 74 (see below) of the Regulations, h) Be approved under Section 138 of the Roads Act, 1993, if the device is on or over a public road, including a footpath.
Domestic greywater diversion. Clause 75A^	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.

* Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

^ Local Government (General) Regulation 2021

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Document History

Date	Status	Version	Resolution	Description
September 2022	Draft	0.1		Draft Activities Approval Policy reviewed and reformatted
26 October 2022	Draft	0.2		Draft Activities Approval Policy presented to Council for endorsement, public exhibition 28 days.
26 October 2022	Draft	0.3	22/249	Draft Activities Approval Policy be placed on public exhibition and submissions for 28 days
24 November 2022	Final	1.0	22/249	No submissions received after 28 day public exhibition - Enforcement
March 2025	Draft	1.1		Draft Activities Approval Policy reviewed and reformatted
23 April 2025	Draft	1.2		Draft Activities Approval Policy presented to Council for endorsement, public exhibition 42 days.
23 April 2025	Draft	1.3	25/102	Draft Activities Approval Policy be placed on public exhibition and submissions for 42 days
6 June 2025	Final	2	25/102	No submissions received after 42 day public exhibition - Enforcement

- This Activities Approval Policy shall be reviewed within 12 months of an election, and thereafter at intervals of no greater than four years. Any review will ensure this Policy continues to meet all statutory requirements and the operational needs of Hilltops Council. The Policy may also be reviewed at other times as determined by Hilltops Council.
- Under Section 165(4) of the *Local Government Act 1993*, this Policy will be automatically revoked 12 months after the NSW local government elections, unless Council resolves to do so sooner.
- This Policy commences on and from the date of adoption by Hilltops Council as listed in the document history and replaces all previous versions.