



New South Wales

Local Government (Approvals) Regulation 1999

under the

Local Government Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

Harry Woods MP

Minister for Local Government

Explanatory note

The object of this Regulation is to repeal and remake, with modifications, the *Local Government (Approvals) Regulation 1993*.

Section 68 of the *Local Government Act 1993* sets out activities that may be carried out only with prior council approval. Generally, this Regulation specifies matters to be taken into consideration in determining applications for such approvals, conditions that can be attached to approvals and standards to be complied with in relation to approvals. The Regulation deals with the following particular matters:

- (a) the matters to be taken into consideration by councils in determining applications for approvals in relation to the installation of temporary structures or the use of buildings or temporary structures as places of public entertainment (Part 2, clauses 6 and 7),
- (b) the standards to be complied with in relation to council approvals for the installation of temporary structures or the use of buildings or temporary structures as places of public entertainment and other matters relating to those approvals (Part 2, clauses 8–12),

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- (c) the standards to be complied with in relation to council approvals for water supply, sewerage and stormwater drainage work and other matters relating to those approvals (Part 3),
- (d) applications for, and determination of, council approvals relating to the management of waste (including sewage) (Part 4, Divisions 2 and 3),
- (e) the conditions to be attached to such approvals (Part 4, Division 4),
- (f) the performance standards for sewage management facilities (Part 4, Division 5),
- (g) the accreditation by the Director-General, Department of Health, of sewage management facilities (Part 4, Division 6),
- (h) the approval and operation of systems of sewage management (Part 4, Divisions 7 and 8),
- (i) the exemption of certain activities related to waste management from the requirement to obtain council approval (Part 4, Division 9),
- (j) council approvals relating to activities on community land and public roads (Part 5, Divisions 1 and 2),
- (k) council approvals relating to public car parks (Part 5, Division 3),
- (l) council approvals relating to the installation of domestic oil or solid fuel heating appliances (Part 5, Division 4),
- (m) council approvals relating to the installation and operation of amusement devices (Part 5, Division 5),
- (n) council approvals relating to the operation of undertakers' businesses and mortuaries (Part 5, Division 6),
- (o) other matters of a minor, consequential or ancillary nature (Part 1, Part 4 (Division 1) and Part 6).

The Regulation is made under the *Local Government Act 1993*, including section 748 (the general regulation-making power) and various other provisions referred to in the Regulation.

The Regulation refers to:

- (a) the *Building Code of Australia* (published on behalf of the Australian Building Codes Board) for the purpose of prescribing, throughout the Regulation, standards applicable to certain activities for which council approval is required, and

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- (b) the *Plumbing and Drainage Code of Practice* (published by the Committee on Uniformity of Plumbing and Drainage in New South Wales) and the *Manual of Authorization Procedures for Plumbing and Draining Products* (SAA MP 52–1991) (published by Standards Australia) in relation to the carrying out of water supply, sewerage and stormwater drainage work (Part 3 and Schedule 2).

The Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Local Government (Approvals) Regulation 1999*.

2 Commencement

This Regulation commences on 1 September 1999.

3 Definitions

(1) In this Regulation:

building includes a proposed building.

Building Code of Australia means the document of that name published on behalf of the Australian Building Codes Board in October 1996, together with:

- (a) any amendments made to it by the Board, and
- (b) any variations of it approved by the Board in relation to New South Wales,

before 1 July 1999.

house drain means that part of the sewerage service that conveys (or is intended to convey) the discharges from soil pipes and waste pipes on premises.

house service pipe means such part of a water service pipe as is not a property service pipe.

inspector means an employee of the council who is an authorised person for the purposes of exercising the functions of an inspector under this Regulation.

interceptor trap or *boundary trap* means a trap for preventing the passage of air or gases from the sewer to the house drain and located at some point between the sewer and the lowest inlet of the house drain.

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licensed contractor, in relation to carrying out water supply, sewerage or drainage work, means the holder of a licence in force under the *Home Building Act 1989* that authorises the holder to carry out that work.

Manual of Authorization Procedures means the *Manual of Authorization Procedures for Plumbing and Draining Products* (SAA MP 52–1991) published by Standards Australia.

pan means any movable receptacle kept in a closet and used for the reception of human waste.

Plumbing and Drainage Code of Practice means the code of practice published by the Committee on Uniformity of Plumbing and Drainage in New South Wales under the title “New South Wales Code of Practice—Plumbing and Drainage”, as published in Gazette No 89 of 17 July 1992, at pages 5098–5146.

property service pipe means such part of a water service pipe as lies between the service main and the water meter or, if there is no water meter, the boundary of the premises served by the service pipe.

qualified supervisor, in relation to the carrying out of water supply, sewerage or drainage work, means the holder of an endorsed licence or supervisor certificate in force under the *Home Building Act 1989* authorising the holder to carry out or to supervise that work.

septic tank means a fixed receptacle of watertight material used in connection with the storage or bacterial treatment of sewage.

service main means a water main or a sewer main.

sewage of a domestic nature includes human faecal matter and urine and waste water associated with ordinary kitchen, laundry and ablution activities of a household. It does not include the contents of a pan, septic tank, cesspool or privy.

sewer main means a sewer main forming part of the council’s sewerage system, and:

- (a) includes risers or junctions provided by the council to enable a sewerage service to be connected to the main, and
- (b) if the main is located outside premises that are to be served—includes risers and the sewers and fittings connecting the main to the premises, but only up to the boundary of the premises or, if a boundary trap or interceptor trap is installed, up to the trap.

sewerage service, in relation to premises:

- (a) means the pipes, fittings or fixtures used or intended to be used in connection with the premises for the purpose of conveying sewage or permitted discharges from the premises to the council's sewerage system, and
- (b) if a septic tank is installed on the premises and connects or is intended to connect (directly or indirectly) with the council's sewerage system—includes a septic tank, an effluent tank or a sullage tank,

but does not include a septic tank intended to discharge to a related effluent application area (as defined in Part 4).

soil pipe means any pipe that conveys the discharge from human waste storage facilities, or from operating theatres or morgues, to the house drains.

the Act means the *Local Government Act 1993*.

trade waste means liquid trade or factory wastes or chemical or other impurities from any business, trade or manufacturing premises other than domestic sewage, stormwater or unpolluted water.

trap means any fitting designed to retain a quantity of water to prevent the passage of air or gases through such fitting.

waste pipe means any pipe that conveys discharges to a house drain from fixtures (other than human waste storage facilities) or operating theatres or morgues.

water main means a water main forming part of the council's water supply system, and, if premises are or are to be connected to the main, includes water pipes and fittings connecting the main to the premises to the point within the premises at which the water meter is or is to be installed.

water service pipe means a pipe that connects premises to a water main.

- (2) Expressions used in this Regulation that are defined in the *Building Code of Australia* (but not defined in the Act or this Regulation) have the meanings set out in the Code.
- (3) For the purposes of this Regulation:
 - (a) a reference in the *Building Code of Australia* to the **appropriate authority** is a reference to the relevant authority exercising approval powers under the Act, and

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(b) the reference in the *Building Code of Australia* in the definition of ***Certificate of Accreditation*** to a State or Territory accreditation authority is a reference to the Director-General when exercising his or her functions under Division 5 of Part 1 of Chapter 7 (sections 120–123B) of the Act.

(4) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

4 To what areas and councils does this Regulation apply?

(1) This Regulation applies to those parts of the State that are constituted as areas for the purposes of the Act.

(2) This Regulation applies to county councils in the same way as it applies to councils.

Note. Matters not dealt with by this Regulation may be dealt with by a local approvals policy under the Act. The requirements of the regulations may be varied or not complied with, if the council approves, in the circumstances specified in section 82 of the Act.

5 Exclusion of certain matters

This Regulation does not apply to:

(a) the installation of manufactured homes, moveable dwellings or associated structures on land, or

(b) the operation of manufactured home estates, caravan parks or camping grounds.

Note. The operation of manufactured home estates, and the installation of manufactured homes in manufactured home estates, are governed by the *Local Government (Manufactured Home Estates and Manufactured Homes) Regulation 1995*. The operation of caravan parks and camping grounds, and the installation of moveable dwellings (including manufactured homes) both in caravan parks and camping grounds and elsewhere, are governed by the *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995*.

Part 2 Approvals relating to the installation of temporary structures and the use of buildings or temporary structures as places of public entertainment

6 Matters to be taken into consideration by council in determining whether to approve the installation of a temporary structure on land

- (1) In determining an application for approval to install a temporary structure on land the council must take into consideration:
 - (a) whether the structure:
 - (i) will be structurally sound and capable of withstanding the loadings likely to arise from its use, and
 - (ii) will contain reasonable provision for the safety of persons proposed to be accommodated in the structure, in the event of fire, particularly in relation to egress, and
 - (iii) will contain reasonable provision for the prevention or suppression of fire and the prevention of the spread of fire, and
 - (b) whether the ground or other surface on which the structure is to be erected is sufficiently firm to sustain the structure while it is being used and is not dangerous because of its slope or irregularity or for any other reason.
- (2) Subclause (1) (a) does not apply to a temporary structure that is accredited under Division 5 of Part 1 of Chapter 7 of the Act.

7 Matters to be taken into consideration by council in determining whether to approve the use of a building or temporary structure as a place of public entertainment

- (1) In determining an application for approval to use a building or temporary structure as a place of public entertainment the council must take the following matters into consideration:
 - (a) whether any consent required under the *Environmental Planning and Assessment Act 1979* for the use of the building or structure for the purpose has been given,

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Part 2 Approvals relating to the installation of temporary structures and the use
of buildings or temporary structures as places of public entertainment

- (b) whether the use of the building or structure for the purpose contravenes provisions of that Act or of any environmental planning instrument within the meaning of that Act, in so far as the Act or instrument applies to the land.
- (2) If the application relates to an existing building or temporary structure, the council must not approve the use of the building or structure as a place of public entertainment unless the council, having regard to the circumstances of the case, is of the opinion that the building or structure, with such alterations as it may require:
- (a) will be structurally sound and capable of withstanding the loadings likely to arise from the use, and
 - (b) will contain reasonable provision for the safety of persons proposed to be accommodated in the building or structure, in the event of fire, particularly in relation to egress, and
 - (c) will contain reasonable provision for the prevention or suppression of fire and the prevention of the spread of fire.

8 Standards to be met for approval

- (1) The council must not grant an application for an approval referred to in Part A of the Table to section 68 of the Act unless it is satisfied that the activity as proposed to be carried out will comply with any applicable standards established by this Regulation or by or under the Act.
- (2) This clause is subject to clause 9.

9 Conditions of approval

- (1) It is a condition of an approval referred to in Part A of the Table to section 68 of the Act that the activity approved, and any building or work associated or carried out in connection with the activity, complies with any applicable standards established by this Regulation or by or under the Act.

-
- (2) However, the council may approve the use of an existing building as a place of public entertainment without the building being made to comply with the Act and the provisions applicable to that use (provisions EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 of Volume One of the *Building Code of Australia* excepted) if the council, having regard to the circumstances of the case, is of the opinion that the building, with such alterations as it may require, satisfies clause 7 (2).
 - (3) Despite subclause (2), the council may approve the use of an existing building as a place of public entertainment without the building's being made to comply with the provisions of EP1.3, EP1.4, EP1.6, EP2.2 and EP3.2 of Volume One of the *Building Code of Australia* if the council has received a report from the Commissioner of New South Wales Fire Brigades to the effect that, in the opinion of the Commissioner, the building might be exempted from being made to comply with those provisions.
 - (4) An approval granted under subclause (3) must be granted subject to any conditions that the Commissioner might recommend.

10 Places of public entertainment and temporary structures

It is a condition of an approval to use or permit the use of a building or temporary structure as a place of public entertainment that the provisions of Schedule 1 are complied with.

11 Adoption of Building Code of Australia

- (1) The standards for activities specified in item 3 of Part A of the Table to section 68 of the Act that are approved and the standards that are to be met in order for such activities to be approved are (apart from any standards set out in this Regulation) the relevant provisions of:
 - (a) the *Building Code of Australia*, if the activity is the use, or permitting the use, of a building as a place of public entertainment, or
 - (b) Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*, if the activity is the use, or permitting the use, of a temporary structure as a place of public entertainment.

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Part 2 Approvals relating to the installation of temporary structures and the use of buildings or temporary structures as places of public entertainment

- (2) In the event of an inconsistency between the provisions of the *Building Code of Australia* and the provisions of this Regulation, the provisions of this Regulation apply.
- (3) This clause does not limit the operation of any other law governing the construction, maintenance, management or use of a building.

12 Activities for which approval is not required

The following activities may be carried out without the prior approval of the council subject to such conditions as are specified:

(a) **Use of temporary structures as places of public entertainment**

The use of a temporary structure as a place of public entertainment, or the permission of the use of a temporary structure as a place of public entertainment, if:

- (i) the installation of the temporary structure on the land on which it is situated is the subject of an approval, and
- (ii) the temporary structure is accredited under Division 5 of Part 1 of Chapter 7 of the Act, and
- (iii) any conditions to which the accreditation is subject are complied with at all times while the temporary structure is being used as a place of public entertainment, and
- (iv) the provisions of Schedule 1 are complied with at all times while the temporary structure is being used as a place of public entertainment.

(b) **Use of class 9b buildings for public meetings**

The use of a building that is a class 9b building for the purpose of a public meeting, or the permission of the use of a such a building for that purpose.

Part 3 Approvals relating to water supply, sewerage and stormwater drainage work

Division 1 Applications for approvals

13 Standards and requirements to be met for approval

The council must not approve an application for an approval allowing water supply, sewerage or stormwater drainage work to be carried out unless it is satisfied that the activity as proposed to be carried out will comply with any applicable standards set out or referred to in Schedule 2 and with any other applicable standards or requirements set out or referred to in this Regulation.

14 Installation of water meters

A council may require an application for an approval relating to the installation of a water meter to be accompanied by a completed water meter identification form provided by the council for the purpose.

15 Matters to be considered when determining applications for water supply, sewerage and stormwater drainage approvals

- (1) This clause applies to the following activities:
 - (a) carrying out water supply work,
 - (b) drawing water from the council water supply or a standpipe,
 - (c) installing, altering, disconnecting or removing a water meter connected to a service pipe,
 - (d) carrying out sewerage work,
 - (e) carrying out stormwater drainage work.
- (2) In determining an application for the purposes of section 68 of the Act for an approval to do any of the activities to which this clause applies, the council must have regard to the following considerations:
 - (a) the protection and promotion of public health,
 - (b) the protection of the environment,

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Part 3 Approvals relating to water supply, sewerage and stormwater drainage work

Division 1 Applications for approvals

- (c) the safety of its employees,
- (d) the safeguarding of its assets,
- (e) any other matter that it considers to be relevant in the circumstances.

Division 2 Conditions of approvals

16 Approvals to be subject to a condition requiring compliance with standards and requirements

It is a condition of an approval allowing water supply, sewerage or stormwater drainage work that:

- (a) the activity approved, and
- (b) any building or work associated or carried out in connection with the activity,

complies with any applicable standards set out or referred to in Schedule 2 and with any other applicable standards or requirements set out or referred to in this Regulation or any other Regulation under the Act or the *Environmental Planning and Assessment Act 1979*.

17 Discretionary conditions for carrying out water supply work

The council may, in giving an approval to carry out water supply work, impose either or both of the following conditions:

- (a) a condition that requires the work to be carried out within such time as the council considers reasonable, and
- (b) a condition that requires a qualified supervisor to attend at the place at which the work is carried out at such times as the council directs.

18 Connection to water or sewerage mains

(1) It is a condition of an approval for an activity that involves the connection of water service pipes or property service pipes to a water main or the connection of drains to a sewer main that the connection must:

- (a) comply with any operating requirements notified by the council, and

- (b) be carried out:
 - (i) by a person authorised by the council, or
 - (ii) by or under the control of a council officer.
- (2) The council may, as a condition of approving the connection to a water or sewer main, require that the connection must not be started until at least 2 days' notice of intention to start the work has been given to the council.

19 Cutting into sewer main

- (1) It is a condition of an approval for an activity that involves the cutting of a junction into a sewer main that the cutting of the junction must:
 - (a) comply with any operating requirements notified by the council, and
 - (b) be carried out by a qualified supervisor acting under the supervision and in accordance with the directions of the council.
- (2) The council may, as a condition of an approval for a junction to be cut into a sewer main, direct that the work must not be started unless at least 2 days' notice of intention to start the work has been given to the council.
- (3) The council may, as a condition of an approval for a junction to be cut into a sewer main, require the work to be carried out by the council for a specified charge if the council has decided that the work should be carried out by the council.

20 Person carrying out water supply, sewerage or stormwater drainage work to hold permit

It is a condition of an approval referred to in item 1, 4, 5 or 6 of Part B of the Table to section 68 of the Act that a person must not begin carrying out the activity approved unless the person is the holder of a permit issued in accordance with the *Plumbing and Drainage Code of Practice*.

21 Inspection and certification of water supply, sewerage and stormwater drainage work

An approval referred to in item 1, 4, 5 or 6 of Part B of the Table to section 68 of the Act is subject to the following conditions:

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Part 3 Approvals relating to water supply, sewerage and stormwater drainage work

Division 2 Conditions of approvals

- (a) a person must not put into use a soil, waste or house drain pipe, or cover up or conceal from view an underground or enclosed water supply, sewerage or stormwater drainage work or put into use such a work, until the work has been inspected and certified:
 - (i) by the council or a suitably qualified person determined by the council, or
 - (ii) if the work is of a type for which the approval of the Minister for Land and Water Conservation is required under section 60 of the Act—in accordance with subparagraph (i) or, if that Minister has specifically authorised inspection and certification by another suitably qualified person, by that person,as having been constructed in accordance with the Act and this Regulation,
- (b) any such inspection and certification must be carried out in accordance with the *Plumbing and Drainage Code of Practice* and the requirements of the council,
- (c) a person undertaking the construction of a water supply, sewerage or stormwater drainage work must provide every reasonable facility and all necessary information to enable inspection of the work for the purposes of paragraph (a),
- (d) in particular, such a person must, if required to do so by a person carrying out an inspection for the purposes of paragraph (a), produce the plan (if any) of the work for that person to look at,
- (e) a person carrying out water, sewerage or stormwater drainage work must immediately rectify to the satisfaction of the council any defect revealed by an inspection under paragraph (a).

22 Defective water supply, sewerage or stormwater drainage work to be rectified

- (1) It is a condition of an approval referred to in item 1, 4, 5 or 6 of Part B of the Table to section 68 of the Act that a licensed contractor who carries out the activity approved must, if ordered to do so by the council, rectify any defect in the work that is due to faulty

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workmanship or defective material, but only if the council notifies the contractor of the defect after the date of issue by the contractor of a certificate to the effect that the work has been carried out as required by the Act and the *Environmental Planning and Assessment Act 1979*.

- (2) A licensed contractor so notified must bear the cost of rectifying the defect.

23 Diagrams of sewerage or stormwater drainage work

- (1) It is a condition of an approval referred to in item 4 or 5 of Part B of the Table to section 68 of the Act that, if the activity approved is carried out on private premises, the person who carries out the activity must provide to the council a diagram of any drains installed in accordance with the approval.
- (2) Such a diagram must show:
- (a) the level of the drains in relation to the sewer main junction and the finished ground level, and
 - (b) the distances from the drains to the nearest boundaries of, and buildings on, the premises.

Division 3 Exemption

24 Approval not required to the drawing of water by council employees

A council employee 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.

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Clause 25 Local Government (Approvals) Regulation 1999

Part 4 Approvals relating to management of waste

Division 1 Preliminary

Part 4 Approvals relating to management of waste

Division 1 Preliminary

25 Definitions

In this Part:

environmentally sensitive area includes:

- (a) land or an area listed in the definition of environmentally sensitive area in Part 3 of Schedule 3 to the *Environmental Planning and Assessment Regulation 1994*, and
- (b) any land or area:
 - (i) within 100 metres of a natural waterbody, wetland or coastal dune field, or
 - (ii) with a high watertable, or
 - (iii) with highly permeable soils or acid sulphate, sodic or saline soils, or
 - (iv) within a drinking water catchment, or
 - (v) within the water catchment area of an estuary where the entrance to the sea is intermittently open.

public sewer means a sewer operated by a council or a county council, a water supply authority (within the meaning of the *Water Supply Authorities Act 1987*), a State owned corporation specified in Schedule 1 or 5 to the *State Owned Corporations Act 1989* (or a subsidiary of such a corporation) or any other public or local authority.

related effluent application area, in relation to a sewage management facility, means the area of land (if any):

- (a) where it is intended to dispose of the effluent and any by-products of sewage from the facility, or
- (b) to which the effluent and by-products are intended to be applied.

sewage includes any effluent of the kind referred to in paragraph (a) of the definition of ***waste*** in the dictionary to the Act.

sewage management facility means:

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

Division 2 Applications for approvals

26 Disposal of waste into sewers—matters included

The matters for which an approval is required under item 4 of Part C of the Table to section 68 of the Act (dispose of waste into a sewer of the council) include the discharge into such a sewer of the following:

- (a) the contents of a pan, septic tank, cesspool or privy,
- (b) waste matter that is not of a domestic nature from stables, cow-sheds, dairies, market places, washing areas or other premises,
- (c) trade waste.

27 Matters to accompany applications relating to discharge into sewers

- (1) An application for approval to discharge trade waste into a sewer under the control of a council or which connects with such a sewer must be accompanied by the following:
 - (a) plans and specifications of the work to be done,
 - (b) plans and specifications of the apparatus to be used,
 - (c) details of the nature and quantity of the waste and the rates of discharge of the effluent.
- (2) An application for approval to discharge pan contents or septic tank effluent from premises to a sewer under the control of a council or which connects with such a sewer must be accompanied by details of the following matters:
 - (a) the nature of the waste proposed to be discharged,
 - (b) the quantity of waste proposed to be discharged,
 - (c) the proposed rate of discharge of waste,
 - (d) the proposed frequency of discharge of waste.

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Division 2 Applications for approvals

28 Matters to accompany applications for approval to install or construct sewage management facilities

- (1) An application for approval to install or construct a sewage management facility on any premises must be accompanied by the documents specified in this clause.
- (2) **Plan.** The application must be accompanied by a plan, to scale, showing the location of:
 - (a) the sewage management facility proposed to be installed or constructed on the premises, and
 - (b) any related effluent application areas, and
 - (c) any buildings or facilities existing on, and any environmentally sensitive areas of, any land located within 100 metres of the sewage management facility or effluent application areas, and
 - (d) any related drainage lines or pipework (whether natural or constructed).
- (3) **Specifications.** The application must be accompanied by full specifications of the sewage management facility proposed to be installed or constructed on the premises concerned.
- (4) **Site assessment.** The application must be accompanied by details of the climate, geology, hydrogeology, topography, soil composition and vegetation of any effluent application areas related to the sewage management facility together with an assessment of the site in the light of those details.
- (5) **Statement.** The application must be accompanied by a statement of:
 - (a) the number of persons residing, or probable number of persons to reside, on the premises, and
 - (b) such other factors as are relevant to the capacity of the proposed sewage management facility.
- (6) **Operation and maintenance.** The application must be accompanied by details of:
 - (a) the operation and maintenance requirements for the proposed sewage management facility, and
 - (b) the proposed operation, maintenance and servicing arrangements intended to meet those requirements, and

- (c) the action to be taken in the event of a breakdown in, or other interference with, its operation.
- (7) This clause does not apply to an application for approval to install or construct a sewage management facility on any premises if the applicant declares in the application that the facility will remain on the premises for no more than 12 months.

Note. The information that is to accompany such applications (and applications for approval to *alter* a sewage management facility) is to be determined by the council in each particular case. Section 81 of the *Local Government Act 1993* provides that an application for an approval under Part 1 of Chapter 7 of that Act (in which category such applications fall) must be accompanied by "such matters as may be prescribed by the regulations and such matters specified by the council as may be necessary to provide sufficient information to enable the council to determine the application".

Division 3 Determination of applications for approvals

29 Matters to be taken into consideration by council in determining applications for approval to place a building waste storage container on a road

In determining an application for approval to place on a road a building waste storage container, the council is to take into consideration any requirements or guidelines relating to the location, size and visibility of building waste storage containers that are notified to the council from time to time by the Roads and Traffic Authority.

30 Applications for approval to discharge waste into sewers

An approval by a council under section 68 of the Act to discharge trade waste (whether treated or not), pan contents or septic tank effluent into a sewer of the council may be granted only:

- (a) if the Director-General of the Department of Land and Water Conservation has concurred with the approval, or
- (b) if:
- (i) the council has, in accordance with Part 3 of Chapter 7 of the Act, adopted a local approvals policy relating to the discharge into its sewerage system of trade waste or the contents of a pan, septic tank, cesspool or privy, and

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Clause 30 Local Government (Approvals) Regulation 1999

Part 4 Approvals relating to management of waste

Division 3 Determination of applications for approvals

- (ii) the Director-General of the Department of Land and Water Conservation has, because of that policy, given the council notice in accordance with section 90 (2) of the Act that the concurrence may be assumed, and
- (iii) the approval is in accordance with that policy.

31 Matters to be taken into consideration in determining applications for approval to install, construct or alter sewage management facilities

- (1) In determining an application for approval to install, construct or alter a sewage management facility, the council must take into consideration the matters specified in this clause.
- (2) **Environment and health protection matters.** The council must consider whether the proposed sewage management facility (or the proposed sewage management facility as altered) and any related effluent application area will make appropriate provision for the following:
 - (a) preventing the spread of disease by micro-organisms,
 - (b) the prevention of the spread of foul odours,
 - (c) preventing contamination of water,
 - (d) preventing degradation of soil and vegetation,
 - (e) the discouragement of insects and vermin,
 - (f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
 - (g) the re-use of resources (including nutrients, organic matter and water),
 - (h) the minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land.
- (3) **Guidelines and directions.** The council must consider any matter specified in guidelines or directions issued by the Director-General in relation to the matters referred to in subclause (2).

32 Standards to be met for approval

- (1) The council must not grant an application for an approval to discharge into a sewer of the council polluted matter from stables, cow-sheds, dairies, market places, washing areas or other polluted premises unless:
 - (a) the premises have roofing sufficient to prevent the entry of rainwater from the roof to the sewerage system and all necessary steps are taken to ensure that no rainwater can be discharged onto that place from adjoining areas, and
 - (b) the premises are paved with materials approved by, and the paving is graded to the satisfaction of, an inspector.
- (2) The council must not grant an application for an approval to install, construct or alter a waste treatment device or sewage management facility unless it is satisfied that the activity as proposed to be carried out will comply with any applicable standards established by this Regulation or by or under the Act.

Division 4 Conditions of approvals

33 Compliance with standards

- (1) It is a condition of an approval referred to in item 4 of Part C of the Table to section 68 of the Act (dispose of waste into a sewer of the council) that:
 - (a) the activity 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) It is a condition of an approval referred to in item 5 of Part C of the Table to section 68 of the Act (management of waste) that:
 - (a) the activity approved, and
 - (b) any building or work associated or carried out in connection with the activitycomplies with any applicable standards established by this Regulation or by or under the Act.

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Clause 34 Local Government (Approvals) Regulation 1999

Part 4 Approvals relating to management of waste

Division 4 Conditions of approvals

34 Disposal of trade waste

- (1) The council may, as a condition of granting an approval to dispose of trade waste into a sewer of the council:
 - (a) require that the volume of waste discharged be measured and determined by a meter or some other device specified by the council, or
 - (b) determine:
 - (i) the maximum aggregate daily quantity of effluent that is to be allowed to pass from trade premises into the sewer, and
 - (ii) the characteristics of the waste permitted to be discharged, and
 - (iii) the maximum permissible rate of discharge, and
 - (iv) the size and capacity of the house drain for conveying the effluent into the sewer, and
 - (v) the times during which the discharge is permitted.
- (2) The council may, as a condition of granting an approval under section 68 of the Act, require the applicant to ensure that all or any of the following are complied with:
 - (a) that the aggregate daily quantity of trade waste allowed to pass from the premises into the council's sewerage system does not exceed a quantity specified in the approval,
 - (b) that the rate of discharge of trade waste from the premises does not exceed a rate so specified,
 - (c) that the size and capacity of the drain for conveying trade waste into the system are in accordance with a size and capacity so specified,
 - (d) that trade waste is discharged into the system from the premises only during periods so specified,
 - (e) that the volume of trade waste to be discharged into the system is measured and determined by meter or some other means of measurement approved by the council,
 - (f) that any specified modifications to any works on the premises for the treatment of trade waste, or to the method of treating trade waste discharged from the premises, are carried out.

35 Waste treatment devices

- (1) It is a condition of an approval to install, construct or alter a mechanical device that treats waste by compaction, shredding or other means that this clause is complied with.
- (2) An occupier of premises on which waste is deposited must comply with any directions given by the council from time to time as to the use of the device.
- (3) The waste treatment device and any part of the premises on which it is situated used in connection with the device must be maintained in a sanitary condition.

36 Use of sewage management facilities

It is a condition of an approval to install, construct or alter a sewage management facility that the facility is not used (or used as altered) until the council has given the applicant for approval notice in writing that it is satisfied that the facility has been installed, constructed or altered in substantial accordance with the approval.

37 Position of closets

The council may, as a condition of an approval to install, construct or alter a human waste storage facility require the alteration of its design and proposed position, having regard to its effect on the amenity of the locality.

Division 5 Performance standards

38 Sewage management facilities generally

A sewage management facility:

- (a) must be made of durable and non-corrosive components, each having an expected service life of at least:
 - (i) 5 years, in the case of a mechanical or electrical component, and
 - (ii) 15 years, in any other case, and
- (b) must be installed or constructed:
 - (i) in accordance with the appropriate specifications and in accordance with good trade practice, and
 - (ii) so as to allow ease of access for maintenance, and

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Part 4 Approvals relating to management of waste

Division 5 Performance standards

- (iii) with regard to the health and safety of users, operators and persons maintaining the facility, and
- (c) must be installed or constructed so as to make appropriate provision for access to and removal of contents in a safe and sanitary manner, and
- (d) must, if it is intended to be a permanent fixture, be anchored to prevent movement.

39 Closets for certain toilet systems

- (1) A human waste storage facility must not be installed in any part of a building unless that part of the building complies with the following requirements:
 - (a) it is adequately ventilated to the outside air,
 - (b) the walls and roof are of weatherproof material,
 - (c) the floor is of material that is impervious to water and is drained.
- (2) The part of the building in which a human waste storage facility (other than a water closet) is permanently installed must be designed and located so as to allow human waste to be removed without being carried through any dwelling-house or public building or any building in which any person may be, or may be intended to be, employed in any manufacture, trade or business.

40 Cesspits

- (1) A cesspit:
 - (a) must be deep, dark and fly-proof, and
 - (b) must be constructed and maintained so as to prevent both the access of surface waters to it and the escape of matter from it, and
 - (c) must not be located where it can possibly pollute any water used or likely to be used for human consumption or for any domestic or dairy purposes, and
 - (d) must not be located where the normal level of the ground water is less than one metre below the bottom of the cesspit.
- (2) If a cesspit is emptied, its contents must be disposed of in a sanitary manner and in accordance with any requirements of the council.

41 Mechanical waste treatment devices

- (1) A bag used for the retention of waste in a mechanical device that treats waste by compaction, shredding or other means must be of a kind approved by the council.
- (2) Treated waste kept on premises after treatment other than wholly within the device is to be deposited in a receptacle of a kind approved by the council.

Division 6 Accreditation of sewage management facilities

42 Application of Division

- (1) This Division applies to such models of the following sewage management facilities as are generally available for purchase by retail:
 - (a) chemical closets,
 - (b) combustion closets,
 - (c) wet composting closets,
 - (d) waterless composting closets,
 - (e) septic closets,
 - (f) septic tanks,
 - (g) holding tanks and collection wells used for the receipt and storage of effluent (other than those intended to be emptied after each use, such as chamber pots),
 - (h) waste treatment devices designed to comminute or macerate and discharge sewage to a sewerage system,
 - (i) waste treatment devices that mechanically recirculate sewage through a bed of sand to produce treated effluent,
 - (j) waste treatment devices that receive and treat sewage before discharging effluent to a common effluent drainage scheme,
 - (k) waste treatment devices that use aeration to produce treated bio-solids and effluent from sewage,
 - (l) any other kind of sewage management facility specified in a notice published in the Gazette by the Director-General for the purposes of this clause.

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Clause 42 Local Government (Approvals) Regulation 1999

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Division 6 Accreditation of sewage management facilities

- (2) However, this Division does not apply:
- (a) to a sewage management facility intended to treat:
 - (i) sewage of a non-domestic nature, or
 - (ii) sewage from premises normally occupied by more than 10 persons, or
 - (iii) an average daily flow of sewage exceeding 2 000 litres, or
 - (b) to the part of a sewage management facility that consists of a drain connected to the facility, or
 - (c) to any other component of a sewage management facility that is specified in a notice published in the Gazette by the Director-General of the Department of Health for the purposes of this clause.

43 Facilities to be accredited

- (1) The council must not approve the installation or construction of a sewage management facility to which this Division applies unless the council is satisfied that the facility is to be installed or constructed to a design or plan that is the subject of a certificate of accreditation from the Director-General of the Department of Health, being a certificate that is in force.
- (2) Subclause (1) does not apply to or in respect of a sewage management facility:
- (a) that is to be installed or constructed as a model for the purposes of testing, or
 - (b) that is designed, and is to be constructed, by the owner or occupier of the premises on which it is to be installed, or
 - (c) that is specifically designed, by a person other than the owner or occupier of the premises on which it is to be installed, for those premises.

Division 7 Approval required to operate system of sewage management

44 Meaning of “operate a system of sewage management”

- (1) In this Part, *operate a system of sewage management* means hold or process, or re-use or otherwise dispose of, sewage or by-products of sewage (whether or not the sewage is generated on the premises on which the system of sewage management is operated).
- (2) Without limiting subclause (1), *operate a system of sewage management* includes the following:
 - (a) use artificial wetlands, transpiration mounds, trenches, vegetation and the like in related effluent application areas,
 - (b) hold or process sewage that is to be subsequently discharged into a public sewer.
- (3) However, *operate a system of sewage management* does not include any of the following:
 - (a) any action relating to the discharge of sewage directly into a public sewer,
 - (b) any action relating to sewage or by-products of sewage after their discharge into a public sewer.

45 Prescribed activity under section 68 of the Act

The operation of a system of sewage management is a prescribed activity for the purposes of item 10 of Part F of the Table to section 68 of the Act.

Note. The effect of this subclause is to require a person to obtain local council approval to operate a system of sewage management. See clause 51 (f) for exemptions.

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Clause 46 Local Government (Approvals) Regulation 1999

Part 4 Approvals relating to management of waste

Division 7 Approval required to operate system of sewage management

46 Matters to be taken into consideration in determining applications for approval to operate system of sewage management

In determining an application for approval to operate a system of sewage management, the council must consider any matter specified in guidelines or directions issued by the Director-General in relation to the environment and health protection matters referred to in clause 31 (2).

Note. This Regulation does not prescribe the matters that are to accompany an application for approval to operate a system of sewage management. Section 81 of the *Local Government Act 1993* provides that an application for an approval under Part 1 of Chapter 7 of that Act (in which category such an application falls) must be accompanied by "such matters as may be prescribed by the regulations and such matters specified by the council as may be necessary to provide sufficient information to enable the council to determine the application".

Division 8 Operation of system of sewage management

47 Performance standards for operation of system of sewage management

- (1) A system of sewage management must be operated in a manner that achieves the following performance standards:
 - (a) the prevention of the spread of disease by micro-organisms,
 - (b) the prevention of the spread of foul odours,
 - (c) the prevention of contamination of water,
 - (d) the prevention of degradation of soil and vegetation,
 - (e) the discouragement of insects and vermin,
 - (f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
 - (g) the minimisation of any adverse impacts on the amenity of the premises and surrounding lands,
 - (h) if appropriate, provision for the re-use of resources (including nutrients, organic matter and water).

- (2) Failure to comply with subclause (1) is not a breach of that performance standard if the failure was due to circumstances beyond the control of the person operating the system of sewage management (such as a fire, flood, storm, earthquake, explosion, accident, epidemic or warlike action).
- (3) A system of sewage management must be operated:
 - (a) in accordance with the relevant operating specifications and procedures (if any) for the sewage management facilities used for the purpose, and
 - (b) so as to allow the removal of any treated sewage (and any by-product of any sewage) in a safe and sanitary manner.

48 Further condition of approval in relation to operation of system of sewage management

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

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Clause 49 Local Government (Approvals) Regulation 1999

Part 4 Approvals relating to management of waste

Division 8 Operation of system of sewage management

49 Approval to operate system of sewage management extends to concurrent owners and occupiers

If an owner or occupier of land is the holder of an approval to operate a system of sewage management on the land (being an approval that is in force), any other owner or occupier of that land may operate the system of sewage management (without obtaining a further approval) in accordance with the conditions of the approval.

50 Temporary exemption for purchaser of land

- (1) Despite the other provisions of this Regulation, a person who purchases (or otherwise acquires) land on which any sewage management facilities are installed or constructed may operate a system of sewage management without the approval required under section 68 of the Act for the period of 3 months after the date on which the land is transferred or otherwise conveyed to the person (whether or not an approval is in force, as at that date, in relation to the operation of a system of sewage management on that land).
- (2) Further, if the person duly applies, within the period of 2 months after the date on which the land is transferred or otherwise conveyed to the person, for approval to operate the system of sewage management concerned, the person may continue to operate that system of sewage management without approval until the application is finally determined.

Division 9 Exemptions

51 Activities for which approval is not required

The following activities may be carried out without the prior approval of the council subject to such conditions as are specified:

(a) **Transport waste**

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

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

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

Note. A person who transports waste for fee or reward in circumstances that do not require a pollution control licence issued by the Environment Protection Authority must comply with the requirements of clause 17 (2) of the *Protection of the Environment Operations (Waste) Regulation 1996*.

(b) **Place waste in a public place**

The placing of waste in a public place, if it is done in accordance with arrangements instituted by the council.

(c) **Discharge of domestic sewage into sewer**

The discharge of sewage of a domestic nature into a sewer of the council, if it is done in accordance with arrangements instituted by the council.

(d) **Dispose of effluent into sewer**

The disposal of septic tank effluent into a sewer of the council, if the premises are within a Common Effluent Drainage District declared by the council.

(e) **Install, construct or alter a waste treatment device**

The installation, construction or alteration of a waste treatment device, if that installation, construction or alteration is done:

- (i) under the authority of a licence in force under the *Protection of the Environment Operations Act 1997*, or
- (ii) in a vessel used for navigation, or
- (iii) in a motor vehicle registered under the *Traffic Act 1909* that is used primarily for road transport.

(f) **Operate a system of sewage management**

So much of the operation of a system of sewage management as is limited to an action carried out:

- (i) under the authority of a licence in force under the *Protection of the Environment Operations Act 1997*, or
- (ii) in a vessel used for navigation, or
- (iii) in a motor vehicle registered under the *Traffic Act 1909* that is used primarily for road transport.

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Clause 52 Local Government (Approvals) Regulation 1999

Part 5 Approvals relating to activities on community land and public roads and other activities

Division 1 Community land

Part 5 Approvals relating to activities on community land and public roads and other activities

Division 1 Community land

52 Approval for the use of loudspeaker or amplifying device on community land not required in certain circumstances

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 (as the case may be), in Part 1 of the local approvals policy applying to the land.

Division 2 Public roads

53 Matters for consideration by council in determining whether to approve applications relating to public roads

In determining an application for an approval under Part E of the Table to section 68 of the Act the council must take into account any relevant standards and policies of public authorities applying to the use of the road.

54 Compliance with standards—approvals relating to public roads

It is a condition of an approval referred to in Part E of the Table to section 68 of the Act that the activity approved, and any building or work associated with or carried out in connection with the activity, complies with any applicable standards established by this Regulation or by any regulation in force under the Act or the *Environmental Planning and Assessment Act 1979*.

Division 3 Public car parks

55 Matters to accompany applications relating to the operation of a public car park

An application to operate a public car park must be accompanied by the following:

- (a) 3 copies of a plan that sufficiently identifies the land concerned and the streets to which the land has frontage and, if the car park comprises the whole or part of a building, describes the building, its location on the site and any other purpose for which it is to be used,
- (b) details of the number of vehicles proposed to be accommodated in the car park and the manner in which this is to be done,
- (c) details of the means or proposed means of entry to or exit from the car park and as to the method of movement within the car park,
- (d) details of the off-street parking facilities available for the temporary accommodation of vehicles awaiting access to the car park,
- (e) details of ventilation to be provided if it is a building,
- (f) details of any petrol or oil or any motor service facilities to be provided in the car park,
- (g) details of the proposed hours of operation of the car park and as to the method or proposed method of receiving the fee or charge and the location or proposed location of any facility for receiving the fee or charge.

56 Matters to be taken into consideration by council in determining whether to approve the operation of a public car park

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

- (a) the Roads and Traffic Authority's views about the application,
- (b) the effect of the car park on the movement of vehicular traffic and pedestrian traffic,

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Clause 56 Local Government (Approvals) Regulation 1999

Part 5 Approvals relating to activities on community land and public roads and other activities

Division 3 Public car parks

- (c) whether the number of vehicles proposed to be accommodated is appropriate having regard to the size of the car park and the need to provide off-street parking facilities within the car park for the temporary accommodation of vehicles,
- (d) whether the means of ingress and egress and means of movement provided or to be provided within the car park are satisfactory,
- (e) whether there will be adequate provision for pedestrian safety and access for people with disabilities,
- (f) whether the internal design of parking facilities and system of traffic management are satisfactory,
- (g) whether, in the case of a car park that is a building, adequate ventilation is provided or to be provided,
- (h) the *Occupational Health and Safety Act 1983*, and the regulations made under that Act, as regards the safety of persons who will be employed at the proposed car park or of persons who will go there,
- (i) whether there will be adequate provision for the management of stormwater and the minimisation of stormwater pollution.

57 Standards to be met for approval

The council must not grant an application for an approval to operate a public car park unless it is satisfied that the activity as proposed to be carried out will comply with any applicable standards established by this Regulation or by or under the Act.

58 Compliance with standards

It is a condition of an approval to operate a public car park that the activity approved, and any building or work associated with or carried out in connection with the activity, complies with any applicable standards established by this Regulation or by any regulation in force under the Act or the *Environmental Planning and Assessment Act 1979*.

59 Number of vehicles

The council may, as a condition of an approval to operate a public car park, specify the maximum number of vehicles that may be parked at any one time.

60 Entries, exits and driveways

- (1) Vehicles must not enter and leave a public car park through the one driveway. Vehicles must not enter or leave a public car park except through the entrance or exit openings provided.
- (2) Entrances, exits and driveways are to be provided and arranged, maintained and operated so as to facilitate the orderly entrance and exit of vehicles.
- (3) Exits must not be blocked by gates and other obstacles while the car park is open to the public.

61 Surfaces

All traffic ramps, parking spaces, entrance and exit driveways and holding areas are to be surfaced with material approved by the council.

62 Fencing

Land used as a public car park must be fenced to a height determined by the council and with materials approved by the council.

63 Lighting

A public car park is, while open to the public, to be lit to the satisfaction of the council.

64 Vehicles

A vehicle is not to be permitted to park in a public car park unless any petrol tank on the vehicle is fitted with a turn cap or seal that is kept closed except when opened for the purpose of refuelling.

65 Fire extinguishers

A public car park must be provided with a sufficient number of fire extinguishers. The fire extinguishers must be emptied and recharged every 6 months.

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Clause 66 Local Government (Approvals) Regulation 1999

Part 5 Approvals relating to activities on community land and public roads and other activities

Division 3 Public car parks

66 Speed limit

Notices must be displayed in a public car park directing that vehicles are to be driven at a speed not greater than 8 kilometres per hour.

67 Obstruction of roads

A public road must not be used for the purpose of holding or marshalling vehicles in connection with a public car park.

68 Concurrence required for operation of public car park

The council must not grant an application for approval to operate a public car park except with the concurrence of the Roads and Traffic Authority (given having regard to its functions under the *Traffic Act 1909* and the *Roads Act 1993*). The Authority may give concurrence subject to conditions.

69 Approval for operation of public car park not required in certain circumstances

- (1) 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.
- (2) In this clause, *development consent* has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.

Division 4 Domestic oil or solid fuel heating appliances

70 Standards to be met for approval

The council must not grant an application for an approval to install a domestic oil or solid fuel heating appliance (other than a portable appliance) unless it is satisfied that the activity as proposed to be carried out will comply with any applicable standards established by this Regulation or by or under the Act.

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Domestic oil or solid fuel heating appliances	Division 4

71 Compliance with standards

It is a condition of an approval to install a domestic oil or solid fuel heating appliance (other than a portable appliance) that the activity approved, and any building or work associated with or carried out in connection with the activity, complies with any applicable standards established by this Regulation or by or under the Act.

72 Adoption of Building Code of Australia

All matters relating to the installation of a domestic oil or solid fuel heating appliance (other than a portable appliance) are to be governed by the applicable provisions of the *Building Code of Australia*.

73 Approval for installation of domestic oil or solid fuel heating appliance not required in certain circumstances

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 under Part 4A of the *Environmental Planning and Assessment Act 1979*.

Division 5 Amusement devices

74 Activities for which approval is not required

Amusement devices not required to be registered under the *Construction Safety Regulations 1950* may be installed or operated without the prior approval of the council.

75 Standards to be met for approval

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

- (a) that the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and
- (b) that the device is registered under the *Construction Safety Regulations 1950*, and

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Division 5 Amusement devices

- (c) that the device is to be or has been erected in accordance with all conditions relating to its erection set out in the current certificate of registration issued for the device under those Regulations, and
- (d) that there exists for the device a current log book within the meaning of those Regulations, and
- (e) that there is in force a contract of insurance or indemnity for the device that complies with clause 77.

76 Compliance with standards

It is a condition of an approval to install or operate an amusement device, that the activity approved, and any building or work associated with or carried out in connection with the activity, complies with the following standards:

- (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 *Construction Safety Regulations 1950*,
- (c) all conditions subject to which the device is so registered and all relevant requirements of those Regulations are complied with,
- (d) the device is installed (including erected) and operated in a safe manner.

77 Insurance

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 which indemnifies to an unlimited extent (or up to an amount of not less than \$10,000,000 in respect of each accident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability.

78 Approval for installation or operation of small amusement devices not required in certain circumstances

(1) In this clause:

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).

(2) A small amusement device may be installed or operated without the prior approval of the council if:

- (a) the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and
- (b) the device is registered under the *Construction Safety Regulations 1950*, and
- (c) the device:
 - (i) is to be or has been erected, and
 - (ii) it to be or is being operated,
 in accordance with all conditions relating to its erection or operation set out in the current certificate of registration issued for the device under those Regulations, and
- (d) there exists for the device a current log book within the meaning of those Regulations, and
- (e) in the case of a device that is to be or is installed in a building, fire egress is not obstructed, and
- (f) there is in force a contract of insurance or indemnity for the device that complies with clause 77.

Note. The *Construction Safety Act 1912* and the *Construction Safety Regulations 1950* referred to in this Division are subject to repeal by Schedule 2.1 and 2.2 of the *Occupational Health and Safety Amendment Act 1997* when commenced.

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Part 5 Approvals relating to activities on community land and public roads and other activities

Division 6 Undertakers' businesses and mortuaries

Division 6 Undertakers' businesses and mortuaries

79 Use of approved mortuaries by undertakers

It is a condition of an approval to operate an undertaker's business that the operator has access to, and uses, an approved mortuary for the purposes of the business.

80 Compliance with standards

It is a condition of an approval to operate a mortuary that the activity approved, and any building or work associated with or carried out in connection with the activity, complies with any applicable standards established for mortuaries by the *Local Government (Orders) Regulation 1999*.

Part 6 Miscellaneous

81 Form of application for accreditation of components, processes, designs or temporary structures

For the purposes of Division 5 of Part 1 of Chapter 7 of the Act, an application for the accreditation of a component, process, design or temporary structure must:

- (a) be in writing, and
- (b) include a description of the component, process, design or temporary structure to which it relates, and
- (c) be accompanied by a copy of a certificate of accreditation issued by the Building Accreditation Authority of Victoria, if it is so accredited, or if it is not, documentary evidence of any test procedures, results, performances or appraisals relevant to the proposed accreditation that have been obtained from a recognised appraisal body.

82 Public notice of draft local approvals policies

The public notice required to be given by the council under section 160 (1) of the Act must:

- (a) be published in at least one local newspaper circulating at least once weekly in the area, and
- (b) be so published on at least 2 separate occasions, the first occasion being not more than 7 days before the commencement of the public exhibition of the draft local policy and the second occasion being at least 7 days but not more than 14 days before the conclusion of the period during which submissions may be made to the council in relation to the policy.

83 Public notice of approval

- (1) For the purposes of section 675 of the Act, the prescribed manner of giving public notice of the granting of an approval is to publish the notice in at least one local newspaper circulating at least once weekly in the area of the council.

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Part 6 Miscellaneous

- (2) For the purposes of section 675 of the Act, the prescribed form of public notice of the granting of an approval is a form that includes:
- (a) a precise indication of the location of any place in relation to which the approval is granted (for example, the address of the place and any other description to help a reader identify the place) and a brief description of the subject-matter of the approval, and
 - (b) a statement to the effect that a record of the approval is available for inspection, without charge, at the office of the council during its ordinary office hours.

84 Matters to be submitted to council

If this Regulation requires evidence or a document to be submitted to council, any copy of the evidence or document is to be a complete and unabridged copy of the original.

85 Application may be made for approval for exempted activity

A person may apply for approval under the Act for the carrying out of an activity, and the application may be determined, even though the person is exempted from the necessity to obtain approval by a local approvals policy.

86 Local approvals policies—standards

- (1) If a person is exempt (because of a local approvals policy) from the requirement to obtain approval for an activity, the exemption is subject to the condition that the activity comply with the standards referred to in clauses 9, 33, 47, 54, 58, 71, 76 and 80.
- (2) However, the activity must so comply only to the extent that the provisions (and the standards to which they refer) would apply to the activity if the activity had not been the subject of an exemption under the local approvals policy.
- (3) However, if the local approvals policy specifies, as the circumstances (or as part of the circumstances) for the exemption, that the activity is carried out in such part of an area, or such an area, as is specified in the policy, subclauses (1) and (2) do not apply to the activity.

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Clause 86

Miscellaneous

Part 6

- (4) Subclause (3) does not prevent a local approvals policy from specifying compliance with one or more of the standards referred to in subclause (1) as part of the circumstances for an exemption under section 158 (3) of the Act.

87 Repeal

- (1) The *Local Government (Approvals) Regulation 1993* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Local Government (Approvals) Regulation 1993*, had effect under that Regulation continues to have effect under this Regulation.

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Local Government (Approvals) Regulation 1999

Schedule 1 Management and use of places of public entertainment

Schedule 1 Management and use of places of public entertainment

(Clauses 10 and 12)

1 Fire safety officers

- (1) If a place of public entertainment has a grid or means of flying scenery over the stage and an approved capacity of more than 2 000 persons or, if the council so directs, there must be on duty, at all times while the place of public entertainment is open to the public for a stage performance, such number of competent fire safety officers as the council may determine in respect of the place of public entertainment.
- (2) A fire safety officer:
 - (a) must wear a distinctive uniform identifying that person as such, and
 - (b) must ensure that fire fighting equipment is in the correct location and is in an operative condition, and
 - (c) must report to the owner of the premises, or occupier, any fire hazard or situation which the fire safety officer considers may be prejudicial to public safety.
- (3) Whenever the public is in attendance at the premises, a fire safety officer is not to be required to carry out duties other than those referred to in subclause (2).

2 Stage hands

- (1) There must be at least one suitably trained person in attendance in the stage area at all times during a stage performance for the purpose of operating, whenever necessary, the proscenium safety curtain, drencher system and smoke exhaust system.
- (2) Except where a fire safety officer is on duty in accordance with the requirements of clause 1 (1), the person referred to in subclause (1) must, in addition to the requirements of that subclause, perform the duties specified in clause 1 (2) (b) and (c).

3 Projection suites

- (1) When a film is being screened at a place of public entertainment, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where they are installed (the *projection room*) must be in attendance at the place of public entertainment.
- (2) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the *Building Code of Australia*, the person required by subclause (1) to be in attendance must actually be in the projection suite in which the projection room is located during the screening of a film.
- (3) No member of the public is to be present in the projection suite during the screening of a film.

4 Smoking and drinking

- (1) Persons must not smoke or consume liquor in the auditorium, projection suite, stage area or wings or in a plant room, store room or property room.
- (2) Subclause (1) does not apply to smoking if the place of public entertainment is being used for the purposes of a public meeting or for the purposes of:
 - (a) a public entertainment being conducted at a place where meals or liquor are being served, or
 - (b) a public entertainment that consists of public dancing,and if the occupier of the place of public entertainment consents to persons smoking.
- (3) Subclause (1) does not apply to smoking by persons who are doing so as a necessary part of a performance being conducted on stage or in an auditorium.
- (4) Subclause (1) does not apply to the consumption of liquor:
 - (a) at licensed premises within the meaning of the *Liquor Act 1982*, or

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Local Government (Approvals) Regulation 1999

Schedule 1 Management and use of places of public entertainment

- (b) at premises in respect of which there is in force a permit that has been issued by a police officer of or above the rank of sergeant and that permits the consumption of liquor at those premises.

5 Naked flames

- (1) A person must not:
 - (a) expose flame, or
 - (b) carry, or have in his or her possession, an explosive, flammable liquid or gas,in a place of public entertainment.
- (2) Subclause (1) does not apply to:
 - (a) the striking of matches or the use of cigarette lighters in connection with smoking where smoking is permitted in accordance with clause 4, or
 - (b) the exposure of flame in connection with the preparation and serving of meals in approved areas, or
 - (c) the exposure of flame in connection with the use of a heater, or
 - (d) the carrying of flammable liquid or gas in a cigarette lighter.
- (3) The council may, subject to such conditions as it may determine, permit the use of:
 - (a) exposed flame, or
 - (b) explosives, or
 - (c) flammable liquid or gas,by a performer or performers for the purpose of a performance being conducted.
- (4) If smoke, gas, other chemical or a similar substance is used for the purpose of a performance, it must be used in such a way as not to:
 - (a) create a hazard, or
 - (b) cause alarm or discomfort to the audience.

6 Dangerous performances

- (1) Performances that involve danger to the public are not to be promoted or conducted.
- (2) In particular, a nitrate film must not be exhibited in a place of public entertainment.

7 Marking of aisles and cross-overs

If it is intended that the audience at a performance be seated on the floor, aisles and cross-overs are to be clearly defined on the floor.

8 Aisle lights to be energised

Aisle lights referred to in NSW Variation H 101.20.3 in Volume One of the *Building Code of Australia* must be energised when the public is in attendance and the main auditorium lighting is dimmed or extinguished.

9 Locks

Any key-operated fastening fitted to an exit door or gate used by the public as a main entrance must be arranged so that, whenever the public is in attendance, the tongue or bolt is locked in the retracted position to enable the door or gate to yield to pressure from within.

10 Rope barriers

A rope barrier may be used across or at the side of an aisle, but only if:

- (a) it is secured with spring clips which become unfastened when pressure is exerted on the rope, and
- (b) it has a centre fastening only, and
- (c) it does not trail on the floor when released.

11 Proscenium curtains

If a proscenium safety curtain is installed:

- (a) there must be no obstruction to the opening or closing of the safety curtain, and
- (b) the safety curtain must be operable at all times.

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Local Government (Approvals) Regulation 1999

Schedule 1 Management and use of places of public entertainment

12 Council may require fire-safety information

The council may at any time require the owner or occupier of the building to furnish a certificate from the National Building Technology Centre, or other approved testing authority, as to the early fire hazard or flammability properties of the finish of a wall, ceiling or floor, or of a curtain, blind or cinematograph screen.

13 Copy of approval

A copy of the approval for the place of public entertainment must be conspicuously displayed in the place of public entertainment.

14 Application of Schedule to temporary structures

- (1) This Schedule applies to temporary structures in the same way as it applies to places of public entertainment.
- (2) This Schedule does not apply to a class 1 or class 10 building.

Schedule 2 Standards for water supply, sewerage and stormwater drainage work

(Clauses 13 and 16)

1 Compliance with the Plumbing and Drainage Code of Practice

Water supply work, sewerage work and stormwater drainage work must comply with the *Plumbing and Drainage Code of Practice* except where otherwise provided in the Act, this Regulation or the *Local Government (Water Services) Regulation 1999*.

2 Premises to be connected to water supply by an independent house service pipe

- (1) Unless the council authorises otherwise, premises must not be connected to a property service pipe linked to the council's water supply system except by an independent house service pipe.
- (2) An independent house service pipe connecting premises to the council's water supply system must have a stop-valve within the premises:
 - (a) at a place that is not more than 450 millimetres from the road alignment, or
 - (b) at some other place approved by the council.
- (3) An independent house service pipe must be laid to each allotment of land that is separately occupied, unless alternative arrangements have been made with the council.
- (4) If the council authorises the connection of 2 or more premises by means of a single house service pipe, there must (unless all the premises are occupied by one household or firm as a residence of place of business) be installed on each of those premises:
 - (a) a separate stop-valve that complies with subclause (2), and
 - (b) a separate water meter to measure the water supply to those premises.
- (5) A house service pipe may be laid at a depth less than that specified in the *Plumbing and Drainage Code of Practice* if authorised in writing by the council.

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Schedule 2 Standards for water supply, sewerage and stormwater drainage work

3 Chemical dispensing units not to be connected to water supply system

- (1) A connection must not be made between the council's water supply system, or a pipe or fitting supplied with water from that system, and any device or fitting designed to be used to dispense a chemical compound capable of contaminating the water supply, unless the device or fitting is of a type approved by the Director-General of the Department of Land and Water Conservation or complies with the *Manual of Authorization Procedures*.
- (2) The council's water supply system, or a pipe or fitting supplied with water from that system, must not be directly connected to a device or fitting designed to be used to dispense a chemical compound capable of contaminating the water supply, unless that device or fitting is of a type approved for such connection by the Director-General of the Department of Land and Water Conservation or complies with the *Manual of Authorization Procedures*.

4 Water meters

- (1) Water supply services must be provided through a water meter unless alternative arrangements have been approved by the council.
- (2) A water meter (other than a water meter hired from or provided by the council) to be installed on premises connected or to be connected to a water supply system must:
 - (a) be of a size and class approved by the council, and
 - (b) be fitted with stop-valves and such other fittings as may be specified by the council.
- (3) A water meter through which water supply services are provided to premises must be accessible to the council at any time.
- (4) If required by the council:
 - (a) such a water meter must be protected by being enclosed in a box constructed of metal, wood or other strong durable material, and
 - (b) such a box must be fitted with a lock and key of a type approved by the council.

5 Joint sewerage services prohibited

- (1) Any house drain on premises connected to a council's sewerage system must be kept separate from that of all other premises.

- (2) The only fittings and fixtures permitted to discharge into such a house drain are those located on the premises.
- (3) A house drain on premises that are to be connected to a council's sewerage system must be laid within the boundary of the premises until it:
 - (a) reaches that system or the boundary nearest that system, or
 - (b) emerges into a public place.

6 Requirements as to water closet suites

- (1) A water closet suite must not be installed unless it complies with subclause (2) or is a type approved under subclause (3).
- (2) A water closet suite must:
 - (a) have a cistern with a maximum flushing volume of at least 6 litres, and
 - (b) if the suite is to be installed in a class 1 or class 2 building (as defined in the *Building Code of Australia*):
 - (i) the cistern must be of the dual flushing kind, and
 - (ii) the suite must satisfy the requirements of the *Manual of Authorization Procedures*.

However, a water closet suite also complies with this subclause if it is to be connected to a soil stack and has a cistern with a flushing volume of at least 4 litres.

- (3) The Director-General of the Department of Land and Water Conservation may approve in writing a type of water closet suite that:
 - (a) has a different maximum flushing capacity from that referred to in subclause (2) (a), or
 - (b) in the case of a suite that is to be installed in a class 1 or class 2 building, does not satisfy the requirements of subclause (2) (b) (ii).

Note. A **soil stack** is a vertical sewer pipe located in a multi-storey building.

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Schedule 2 Standards for water supply, sewerage and stormwater drainage work

7 Materials for use in water supply, sewerage or stormwater drainage work

- (1) Materials used in carrying out water supply, sewerage or stormwater drainage work referred to in item 1, 4 or 5 of Part B of the Table to section 68 of the Act must be of a kind authorised for the purposes of the work:
 - (a) by the Director-General of the Department of Land and Water Conservation, or
 - (b) under the *Manual of Authorization Procedures*.
- (2) If an inconsistency arises under subclause (1), the authorisation of the Director-General of the Department of Land and Water Conservation prevails.

BY AUTHORITY
