



Section 68

Frequently Asked Questions

PART A - STRUCTURES			
Relevant Section	When an application is required	Definitions of relevant terms	Exemptions from approvals – <u>if applicable</u>
1.	Install a manufactured home, moveable dwelling or associated structure on land.	<p>When installing any movable dwelling, manufactured home, or an associated structure, being any structure intended to enhance the amenity of a movable dwelling and is attached to, integrated with, or located on the same site as the concerned movable dwelling.</p> <p><u>"Manufactured home"</u> means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:</p> <ol style="list-style-type: none"> that comprises one or more major sections, and that is not a motor vehicle, trailer, or other registrable vehicle within the meaning of the Road Transport Act 2013, and includes any associated structures that form part of the dwelling. <p><u>"Moveable dwelling"</u> means:</p> <ol style="list-style-type: none"> any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or a manufactured home, or any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition. <p><u>"Associated structure"</u> means:</p> <ol style="list-style-type: none"> a carport, garage, shed, pergola, verandah or other structure designed to enhance the amenity of a moveable dwelling and attached to or integrated with, or located on the same site as, the dwelling concerned, or a separating wall between 2 moveable dwellings. 	<p>Local Government (Manufactured Home Estates, Caravan Parks, Camping grounds ad moveable Dwellings) Regulation 2021.</p> <p>Clause 77 - Installations for which approval not required. The approval of the council is not required for the installation of the following:</p> <ol style="list-style-type: none"> 2 caravans or tents if they are not occupied for: <ol style="list-style-type: none"> more than 2 consecutive days, and more than 60 days in a 12-month period, 1 caravan on land occupied by the owner of the caravan in connection with the owner's dwelling house if the caravan is: <ol style="list-style-type: none"> used for habitation only by the owner or members of the owner's household, and maintained in a safe and healthy condition, a caravan on pastoral or agricultural land if the caravan is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land, or 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: <ol style="list-style-type: none"> maintained in a safe and healthy condition, and removed within: <ol style="list-style-type: none"> 2 years after it is installed, or if the relevant local approvals policy for the moveable dwelling or associated structure specifies a longer period—the longer period. <p>In this section, <i>caravan</i> includes <i>campervan</i>.</p>

PART B - WATER SUPPLY, SEWERAGE AND STORMWATER DRAINAGE WORK				
Relevant Section		When an application is required	Definitions of relevant terms	Exemptions from approvals – <u>if applicable</u>
1.	Carry out water supply work	When undertaking any development that will connect to or involve the alteration or extension of a water service that is connected to Councils water supply system.	<p><u>"Water supply work"</u> 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.</p>	<p>Plumbing and Drainage Act 2011 Section 10 - Emergency work does not have to be pre-notified.</p> <ol style="list-style-type: none"> 1) Emergency work does not have to be pre-notified. 2) Emergency work is plumbing and drainage work carried out in an emergency: <ol style="list-style-type: none"> a) to prevent waste of water, or b) to restore a water supply that has been shut off to prevent waste of water, or c) to free a choked pipe, or d) to protect public health or safety, or e) to prevent damage to property. <p>Plumbing and Drainage Regulation 2017 Section 11 - Exemptions for minor works relating to notices of work, notifications that work will be ready for inspection and certificates of compliance.</p> <p>The following plumbing and drainage work is exempt from the operation of sections 9, 13 and 15 of the Act:</p> <ol style="list-style-type: none"> a) tap ware replacements, b) kitchen, laundry or bathroom renovations, or replacement of fixtures such as sinks, toilets, basins and bidets, so long as no plumbing has been changed (that is, the location of the fixtures has not changed), c) replacement of a hot water unit, d) plumbing and drainage work to access a sewer line through an inspection opening or similar opening (including, for example, digging and exposing a sewer line and opening a section of a sewer line), but only if the work is for the purpose of preparing a sewer service diagram and no other plumbing and drainage work is undertaken
4.	Carry out sewerage work	<p>When undertaking any development that will connect to or involve the alteration or extension of a sewerage service pipe that is connected to:</p> <ol style="list-style-type: none"> a) Council's sewerage system; or b) An onsite wastewater system e.g. a septic tank or AWTS. 	<p><u>"Sewerage work"</u> 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:</p> <ol style="list-style-type: none"> a) a septic tank, an effluent or a sullage disposal system, or b) any sewer of a council, and <p>includes work of sanitary plumbing and work of house drainage.</p>	

PART B - Continued			
Relevant Section	When an application is required	Definitions of relevant terms	Exemptions from approvals – <u>if applicable</u>
5.	Carry out stormwater drainage work	When undertaking any development that will connect to or involve the alteration or extension of: a) a stormwater service that is connected to or will discharge directly or indirectly, with any stormwater pipe or channel of Council.	<p><u>"Stormwater drainage"</u> 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.</p> <p>The following stormwater maintenance works are exempt from the requirement to obtain a Section 68 approval: a) to free a choked / blocked pipe, or b) to protect public health or safety.</p>

PART C - MANAGEMENT OF WASTE			
Relevant Section	When an application is required	Definitions of relevant terms	Exemptions from approvals – <u>if applicable</u>
4.	Dispose of waste into a sewer of the council	When undertaking any development that will involve the discharge of liquid trade waste into a sewer of Council (including renewals of existing trade waste approvals to discharge). The application is required to be approved prior to any discharge occurring.	<p><u>"Waste"</u> means: a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or b) trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or</p> <p>There are no exemptions available.</p> <p>Note: Any renewal of an existing trade waste approval is managed by Council's Utilities Department, contactable on 4823 4444.</p>

			<p>operation, including any building or demolition work, or</p> <p>c) garbage, being all refuse other than trade waste and effluent, and</p> <p>includes any other substance defined as waste for the purposes of the Protection of the Environment Operations Act 1997, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.</p>	
PART C - Continued				
Relevant Section		When an application is required	Definitions of relevant terms	Exemptions from approvals – <u>if applicable</u>
5.	Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.	<p>When undertaking any development proposing the installation or modification of:</p> <p>a) A waste treatment device (e.g. a grease trap / arrestor); or</p> <p>b) A waste storage facility (e.g. a septic tank or onsite wastewater system)</p>	<p><u>"Human waste"</u> means human faeces and urine.</p> <p><u>"Human waste storage facility"</u> means a device for holding or disposing of human waste, including a cesspit, septic tank, septic closet, water closet, chemical closet, humus closet and combustion closet.</p>	A Section 68 application may not be required to <u>alter</u> a waste treatment device whereby an authorised officer of Council provides a written direction to the owner to repair or alter the system due to defects identified during a routine inspection.
6.	Operate a system of sewage management (within the meaning of Section 68A).	<p>In one of the following circumstances.</p> <p>a) On completion and prior to the use of a new or modified onsite wastewater system; or</p> <p>b) For the renewal of an existing approval to operate an onsite wastewater system.</p>	In relation to this, <u>"operate a system of sewage management"</u> means hold or process, or re-use or discharge, 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).	<p>There are no exemptions available.</p> <p>Note: Prepurchase inspections, change of ownerships and renewals (of an existing approved system) are managed by Council's Environmental Health team, contactable on 4823 4444. Renewal forms are available via the following link: Renewal Form - Septic</p>

PART D - COMMUNITY LAND			
Relevant Section	When an application is required	Definitions of relevant terms	Exemptions from approvals – <u>if applicable</u>
1.	Engage in a trade or business.	<p>When proposing to engage in a trade or business on community land.</p> <p><u>“Community land”</u> means land that is classified as community land. There are 2 classifications for public land: “community” and “operational”.</p> <p>Certain land that is vested in or under the control of a Council is taken to have been classified as community land. For example recreational land, parks, sporting fields etc.</p>	<p>Engaging in a trade or business at approved community events, sporting events, or markets that are held on community land may be exempt, provided prior approval from the event organiser or operator is obtained.</p> <p>All other trade or business proposals must be in keeping with any plan of management in place and must have written landowners consent.</p>

PART E - PUBLIC ROADS			
Relevant Section	When an application is required	Definitions of relevant terms	Exemptions from approvals – <u>if applicable</u>
2.	Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road	<p>When occupying or using a road including display or storage of goods and items and/or engaging in a trade or business in or on a public road. For example:</p> <ul style="list-style-type: none"> a) Roadside stalls, b) Use of a footpath for outdoor dining, c) A frame signage 	<p><u>“Public road”</u> means a road which the public are entitled to use (and includes the road reserve, footpath, and public carparks).</p> <p>There are no exemptions available.</p> <p>All proposals must be accompanied with a traffic management plan and must have written land-owners consent (for the lodgement of an application) from Council, prior to lodging an application.</p> <p>Additional approvals under the Roads Act 1993 may be applicable.</p>

PART F - OTHER ACTIVITIES				
Relevant Section	When an application is required	Definitions of relevant terms	Exemptions from approvals – <u>if applicable</u>	
2.	Operate a caravan park or camping ground	<p>In one of the following circumstances:</p> <p>a) On completion and prior to the use of a newly constructed caravan park or camping ground; or</p> <p>b) For the renewal of an existing approval to operate a caravan park or camping ground.</p>	<p>“Caravan” means a moveable dwelling designed to be capable of being registered as a trailer but does not include a camper trailer.</p> <p>“Camp site” means an area of land within:</p> <p>a) a camping ground, on which a campervan or tent may be installed, or</p> <p>b) a primitive camping ground, on which a campervan, tent or caravan may be installed, and</p> <p>designated as a camp site by the approval for the camping ground.</p>	<p>Local Government (Manufactured Home Estates, Caravan Parks, Camping grounds ad moveable Dwellings) Regulation 2021.</p> <p>Section 73A - Operation of caravan parks or camping grounds for which approval is required.</p> <p>For the Act, section 68, the approval of the council is not required:</p> <p>a) To install a moveable dwelling or associated structure on land used for the purposes of a caravan park or camping ground that is permitted without development consent under State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 10 (Temporary Emergency Accommodation), or</p> <p>b) To operate the caravan park or camping ground.</p>
4.	Install a domestic oil or solid fuel heating appliance, other than a portable appliance	<p>When installing a solid fuel heating appliance other than a portable appliance.</p>	<p>“Solid fuel heater” means a space heater or combination heater / cooker equipped with one or more heat generators fuelled with solid fuels of fossil origin (e.g. a wood heater).</p>	<p>Local Government Regulation 2021.</p> <p>Section 70 - Approval for installation of domestic oil or solid fuel heating appliance not required in certain circumstances.</p> <p>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 6 of the Environmental Planning and Assessment Act 1979 (i.e. a Construction Certificate).</p>

PART F - <i>Continued</i>			
Relevant Section	When an application is required	Definitions of relevant terms	Exemptions from approvals – <u>if applicable</u>
5.	Install or operate amusement devices	When intending to install or operate any amusement devices, such as mechanical rides at a fairground or carnival	<p>Local Government Regulation 2021.</p> <p>Section 75 - Approval for installation or operation of small amusement devices not required in certain circumstances.</p> <p>In this section, small amusement device means an amusement device that is designed primarily for the use of children 12 years of age or under and includes such amusement devices as mini-Ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute. A small amusement device may be installed or operated without the prior approval of the council if:</p> <ul style="list-style-type: none"> 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 Work Health and Safety Regulation 2017, and the device: <ul style="list-style-type: none"> i. is to be or has been erected, and ii. it to be or is being operated, in accordance with all conditions (if any) relating to its erection or operation set out in the current certificate of registration issued for the device under that Regulation, and c) there exists for the device a current logbook as referred to in that Regulation, Chapter 5, Part 5.2, Division 4, Subdivision 2, and d) in the case of a device that is to be or is installed in a building, fire egress is not obstructed, and e) there is in force a contract of insurance or indemnity for the device that complies with section 74.

PART F - Continued

Relevant Section	When an application is required	Definitions of relevant terms	Exemptions from approvals – <u>if applicable</u>	
<p>7.</p>	<p>Use a standing vehicle or any article for the purpose of selling any article in a public place</p>	<p>When selling items from a vehicle (e.g. a coffee or food van) from a public place e.g. the roadside.</p>	<p><i>“Public place”</i> means:</p> <ul style="list-style-type: none"> a) a public reserve, public bathing reserve, public baths, or public swimming pool, or b) a public road, public bridge, public wharf, or public road-ferry, or c) a Crown reserve comprising land reserved for future public requirements, or d) public land or Crown land that is not: <ul style="list-style-type: none"> i. a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or ii. a common, or iii. land subject to the Trustees of Schools of Arts Enabling Act 1902, or iv. land that has been sold or leased or lawfully contracted to be sold or leased, or e) land that is declared by the regulations to be a public place for the purposes of this definition. 	<p>When vending at approved community events, sporting events, or markets; mobile food vendors can sell food at approved events and community markets that are held on public land provided prior approval from the event organiser or operator is obtained.</p> <p>When vending on private land the State Environmental Planning Policy (Exempt and Complying Development) Code 2008 applies. Read the <i>Exempt Development Fact Sheet</i> in conjunction with the following link to the exempt policy: https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572</p> <p>All other vending from a public place, including use of community land or public roads requires a Section 68 approval. Additional approvals under the Roads Act 1993 may be applicable.</p>