

## **Division 4**

### **67A-67C (Repealed)**

## **Chapter 7 What are the regulatory functions of councils?**

### **Part 1 Approvals**

#### **Division 1 What activities require approval?**

##### **68 What activities, generally, require the approval of the council?**

- (1) A person may carry out an activity specified in the following Table only with the prior approval of the council, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.
- (2) This section does not apply to the carrying out of an activity specified in Part B of the following Table—
  - (a) on land within the area of operations of the Sydney Water Board under the [Sydney Water Act 1994](#), or
  - (b) on land within the area of operations of the Hunter Water Board under the [Hunter Water Act 1991](#).
- (3) This section does not apply to the carrying out of an activity specified in item 1, 2, 3, 4 or 6 of Part B of the following Table on land within the area of operations of a water supply authority constituted under the [Water Management Act 2000](#).

##### **Note—**

A person who fails to obtain an approval or who carries out an activity otherwise than in accordance with an approval is guilty of an offence—see secs 626 and 627.

#### **Table**

##### **Approvals**

###### **Part A Structures or places of public entertainment**

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

###### **2, 3 (Repealed)**

###### **Part B Water supply, sewerage and stormwater drainage work**

- 1** Carry out water supply work
- 2** Draw water from a council water supply or a standpipe or sell water so

drawn

- 3** Install, alter, disconnect or remove a meter connected to a service pipe
- 4** Carry out sewerage work
- 5** Carry out stormwater drainage work
- 6** Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer

### **Part C Management of waste**

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

### **Part D Community land**

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

### **Part E Public roads**

- 1** Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
- 2** Expose or allow to be exposed (whether for sale or otherwise) any article in

or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road

### **3 (Repealed)**

## **Part F Other activities**

**1** Operate a public car park

**2** Operate a caravan park or camping ground

**3** Operate a manufactured home estate

**4** Install a domestic oil or solid fuel heating appliance, other than a portable appliance

**5** Install or operate amusement devices

### **6 (Repealed)**

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

### **8, 9 (Repealed)**

**10** Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations

## **68A 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 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).
- (2) Without limiting subsection (1), ***operate a system of sewage management*** includes the following—
  - (a) use artificial wetlands, transpiration mounds, trenches, vegetation and other effluent polishing, dispersal or re-use arrangements in related land 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.

(4) In this section—

**public sewer** means a sewer operated by a council or county council, a water supply authority (within the meaning of the *Water Management Act 2000*), 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 land application area**, in relation to a sewage management facility, means the area of land (if any) where it is intended that effluent and bio-solid waste from the facility will be re-used, applied or dispersed into the environment.

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

#### **68B Approvals not personal property under *Personal Property Securities Act 2009* (Cth)**

An approval under this Part is declared not to be personal property for the purposes of the *Personal Property Securities Act 2009* of the Commonwealth.

**Note—**

The *Personal Property Securities Act 2009* of the Commonwealth does not apply in relation to a right, licence or authority granted by or under a law of a State that is declared by the law not to be personal property for the purposes of that Act.

## **Division 2 Crown activities**

### **69 Crown exemption from approval to do things incidental to erection or demolition of building**

Section 68 does not require the Crown or a person prescribed by the regulations to obtain the approval of a council to do anything that is incidental to the erection or demolition of a building.

### **70, 71 (Repealed)**

### **72 Determination of applications by the Crown**

(1) A council, in respect of an application for approval made by the Crown or a person prescribed by the regulations, must not—