

Local Approvals Policy

DOCUMENT AUTHORISATION

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5	23/11/	2023	15.11/23	This Policy was put into the new Policy Template, significant amendments to assist with ease of readability and interpretation, and relevant legislation updates. Additional requirement for A-Frame signage and removal of public seating criteria. There have been no changes to the Policy that in any way change the meaning of the Policy.	B&EHO	Council	
4	23/03/	2017	25.03/17	Review	MPRS	Council	
3	27/08/	2015	14.08/15	Review	MPRS	Council	

Note: Document Control continued at Appendix G

2/2/24

General Manager Date

ACKNOWLEDGEMENT OF COUNTRY

Glen Innes Severn Council acknowledges and pays respect to the Ngoorabul people as the traditional custodians of this land, their elders past, present and emerging and to Torres Strait Islander people and all First Nations people.

PURPOSE

The purpose of this Policy is to clarify circumstances where an approval must be obtained from Council prior to carrying out activities listed in the Table to Section 68 of the *Local Government Act 1993* ("the Act"), refer to Table 1 for a list of the activities.

This Policy has been prepared and adopted under Chapter 7, Part 3 of the Act and consists of the following three parts:

Part 1: Legislative Exemptions

Specifies the circumstances in which a person is not required to obtain a particular approval from Council.

Part 2: Assessment Criteria for Approvals

Specifies the criteria Council must consider when determining whether to give or refuse an approval of a particular kind.

Part 3: Other Matters

Specifies other matters relating to approvals.

It is also the purpose of this policy to:

- 1. satisfy the requirements of Section 158 ("Preparation of draft local policy for approvals") of the Act;
- 2. specify any circumstances where Council approval is not required before carrying out an activity;
- 3. specify criteria the Council must consider in determining an application for an approval;
- 4. specify other matters relevant to seeking approvals from Councils;
- 5. encourage the consolidation of Council policies in relation to approvals under the Act; and
- 6. assist Council in meeting their obligations under Section 77 of the Act by bringing relevant matters to the notice of applicants.

APPLICABILITY

The Policy applies to the whole of the Glen Innes Severn Council Local Government Area unless otherwise specified. In certain circumstances this may alter the existing arrangements of what activities do and what activities do not need approval in both towns and rural areas.

OUTCOMES

The objectives of Council's Local Approvals Policy are to:

- provide an integrated framework for dealing with applications for approval with clear quidelines.
- apply common and consistent requirements and procedures for the relevant types of approvals.
- ensure consistency and fairness when dealing with applications for approval.
- make Council's requirements for approvals readily accessible and understandable to the community.
- assist the Council in the carrying out of its responsibilities under Chapter 7 of the Act.

ROLES AND RESPONSIBILITIES

DELEGATIONS

Delegations conferred on staff to assess and approve applications are set out in the relevant Council Officers delegations.

DEFINITIONS

Expressions used in the Policy are defined in the Dictionary at the end of the *Local Government Act 1993* (the "Act Dictionary"). Some commonly used definitions from the Act Dictionary have been included below, as well as additional definitions used only for the purposes of this policy.

Approval means approval of an activity listed in the Table of Section 68 in the Act and should not be confused with any requirement for a '**Development Consent**' issued in accordance with the provisions of the *Environmental Planning and Assessment Act* 1979.

Classified road means any of the following: a main road, a State highway, a freeway, a controlled access road, a secondary road, a tourist road, a tollway, a State work. See *Roads Act 1993*, Part 5 for further details.

Mobile Food Vending means all types of registered or unregistered vehicles which are used for the sale of articles, on a public road or in a public place, making brief intermittent stops, and does not involve the erection of stalls, hoardings or any other physical structures.

Public Place means a public road, bridge, jetty, wharf, road ferry, public bathing reserve, public baths, public land and other land which is a public place under the Act.

Relocatable Home means:

- a) a manufactured home, or
- any other moveable dwelling (whether or not self-contained) that comprises one or more major sections, including any associated structure that forms part of the dwelling,

but does not include a tent, caravan or campervan or any moveable dwelling that is a vehicle of a kind that is capable of being registered within the meaning of the Road Transport Act 2013.

sewerage work means the construction, alteration, extension, disconnection, removal, ventilation, flushing, cleansing, maintenance, repair, renewal or clearing of any sewerage service pipes or fittings or fixtures communicating or intended to communicate, directly or indirectly, with—

- a) a septic tank, an effluent or a sullage disposal system, or
- b) any sewer of a council,

and includes work of sanitary plumbing and work of house drainage.

Temporary stalls (food or other articles) means structures used for the selling of articles either directly or from a stall or standing vehicle in a public street or a public place.

Examples of street stalls activities include:

- fundraising or commercial stalls in public malls or on footpaths
- sale of fruits and vegetables from barrows on a footpath
- sale of newspapers from a stand on a footpath
- sale of food, drinks, fruits or vegetables from a stall, standing vehicle, trailer or structure (e.g. kiosks) in a pedestrian mall, near a tourist area, sporting venue or the like not being on private land

Other expressions used in this Policy are defined as required in the applicable section of the Policy and in the Dictionary at the end of the *Local Government Act 1993* (the 'Act Dictionary').

POLICY STATEMENT

APPROVALS TO WHICH THE POLICY APPLIES

This Policy applies to the regulatory function of Council to grant approvals under Section 68 of the Act as listed in Table 1, Column 1. Column 2 specifies if exemptions are provided for by the Regulations and Column 3 specifies if exemptions are provided for by the Policy.

When consulting the table over page, ensure the applicable appendices is referenced to ensure that exemptions comply with any conditions that may be applicable.

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	TABLE 1:		
SECTION 68 ACTIVITIES Regulations Policy			
Part A: Structures of Places of Public Entertainment (Appendix A)			
1.	Install a manufactured home, moveable dwelling, or associated structure on land	Yes	No
2.	(Repealed)	-	-
3.	(Repealed)	-	-
Par	t B: Water Supply, Sewerage and Stormwater Drainage Work (Appendix B)	
1.	Carry out water supply work	No	Yes
2.	Draw water from a council water supply or a standpipe or sell water so drawn	Yes	Yes
3.	Install, alter, disconnect or remove a meter connected to a service pipe	No	No
4.	Carry out sewerage work	No	No
5.	Carry out stormwater drainage work	No	Yes
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	No	No
Par	t C: Management of Waste (Appendix C)		
1.	For fee or reward, transport waste over or under a public place.	Yes	No
2.	Place waste in a public place.	Yes	Yes
3.	Place a waste storage container in a public place.	No	Yes
4.	Dispose of waste into a sewer of the council.	Yes	Yes
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.	Yes	No
6.	Operate a system of sewerage management (within the meaning of Section 68A)	Yes	No
Par	t D: Community Land (Appendix D)		
1.	Engage in a trade or business	No	No
2.	Direct or procure a theatrical, musical or other entertainment for the public.	No	Yes
3.	Construct a temporary enclosure for the purpose of entertainment.	No	No
4.	For fee or reward, play a musical instrument or sing.	No	Yes
5.	Set up, operate or use a loudspeaker or sound amplifying device.	Yes	No
6.	Deliver a public address or hold a religious service or public meeting.	No	No
Par	t E: Public Roads (Appendix E)		
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.	No	No
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.	No	Yes
3.	(Repealed)	-	-
Par	t F: Other Activities (Appendix F)		
1.	Operate a public car park.	Yes	No
2.	Operate a caravan park or camping ground.	No	No

3. Operate a manufactured home estate.	No	No
 Install a domestic oil or solid fuel heating appliance, other than a portable appliance. 	Yes	Yes
5. Install or operate amusement devices.	Yes	No
6. (Repealed)	-	-
7. Use a standing vehicle or any article for the purpose of selling any article in a public place.	No	Yes
8. (Repealed)	-	-
9. (Repealed)	-	-
 Carry out an activity prescribed by the regulations, or an activity of a class or description prescribed by the regulations. 	Yes	No

PART 1: LEGISLATIVE EXEMPTIONS

A person is exempt from the necessity to obtain a particular approval of the council in the circumstances specified in this Part, and applicable activity appendix.

If exemptions are not provided by either the Regulations or by this Policy, or if exemption criteria cannot be met, approval from Council is required. Should it be unclear whether a particular activity requires approval, Council should be contacted to discuss further prior to work commencing. Consultation should be undertaken early in the planning process.

Whilst a person may carry out an excepted exempt activity specified in this Part without requiring approval of Council, this does not prevent a person from applying for an approval.

The exemptions do not apply to consents required by any other legislation, including the *Environmental Planning and Assessment Act 1979*. It is a condition of exemption that the person carrying out an activity specified in this Part must comply with:

- the relevant exemption criteria for the activity in question under the Act and the Local Government (General) Regulation 2021 and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, and
- the relevant performance standards prescribed in the Building Code of Australia or relevant Australian Standard, if applicable.

If subsequent activities involve an increase over and above the exemption circumstances detailed in this Part, approval will be required for the further activity. All exemptions are subject to the conditions referred to in clauses 31, 44, 51, 68 and 73 of the *Local Government (General) Regulation 2021.*

This part specifies those activities that may be undertaken without obtaining the separate approval of Council under Section 68 of the Act, being that;

- the exemptions that apply to those activities which are of a minor, or common nature, and which have comparatively minimal impact, and
- the activities must be conducted in accordance with the provisions outlined in this Policy.

A person who fails to obtain prior approval, or who carries out an activity contrary to an approval or criteria for exemption, may be guilty of an offence under Section 626 and Section 627 of the Act.

Where an activity requires approval under the Act and the *Environmental Planning and Assessment Act 1979* it may be applied for as part of the Development Consent Application.

PART 2: ASSESSMENT CRITERIA FOR APPROVALS

If a proposed activity does not fit the criteria for an exemption or is not in the list of exempted activities, it will need Council approval. There are also activities for which no exemptions from approval exist, and approval must always be obtained.

This part details the criteria Council must take into consideration in determining whether to give or refuse approval of an application to conduct an activity.

2.1. General Matters for Consideration

The matters that Council must consider in determining whether to approve applications are:

- The matters prescribed in Section 89 of the Act and its Regulations;
- Any relevant adopted Council Policy, performance standard or criteria; and
- Principles of ecologically sustainable development.

2.2. Council's Development Control Plan and Policies

The Glen Innes Severn Council Development Control Plan 2014 and related Policies are included as criteria for the assessment of applications where relevant, unless the activity is exempted under Part 1 of this Policy.

Note: Section 163 and 164 of the Act identify that any policy, which is not consistent with or is more onerous than the Act or Regulations, is void. With the exemption of certain aspects that are not identified in the Act or it's Regulations.

2.3. Council Specific Criteria

Criteria can be found in the applicable activity appendices.

PART 3: OTHER MATTERS

3.1 Application for other activities

Applications for all other activities (as described in Table of Section 68 of the Act) not listed in this Policy are to be on the approved form available on Council's website and will be assessed in accordance with Section 89 of the Act.

3.2 Lodgement of an Application

Applications must be made on the approved form and accompanied by the information required on the form. Any application which is unclear or illegible may be returned. Additional information may be listed in the Act or Regulations for a specific activity and should also accompany an application.

Any relevant fees and charges listed in Council's Operational Plan must be paid at the time of lodgement.

3.3 Refund of fees

The fee associated with any application which is withdrawn in writing or returned due to being unclear or illegible shall be refunded. If the application is withdrawn prior to assessment commencing, the full application fee shall be returned. If assessment of the application has been completed the fee is non-refundable.

3.4 Determination

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

The period of approval will vary depending on the type of activity, work undertaken or specified activity dates on the application. If works have not commenced or the activity has not occurred during the nominated time, then the approval may lapse.

In such cases, and depending on the circumstances, an applicant can seek to lodge a new application.

3.5 Review of Determination

A determination can be reviewed under section 100 of the Act. A request to review must justify the reasons for review and be made in writing within twenty-eight (28) days of Council's determination. Fees as listed within Council's Operational Plan apply. The determination of a review is final.

3.6 Record of Approvals

A record of approvals is required to be kept under section 113 of the Act. The record of approvals may be viewed at Council's offices.

LEGISLATION AND SUPPORTING DOCUMENTS

Relevant Legislation, Regulations and Industry Standards include:

- Local Government Act 1993,
- Local Government (General) Regulation 2021,
- Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2021,
- Environmental Planning and Assessment Act 1979,
- Environmental Planning and Assessment Regulation 2021,
- Environmental Planning and Assessment (Building Certification and Fire Safety) Regulation 2021,
- Plumbing and Drainage Act 2011,
- Protection of the Environment Operations Act 1997,
- Protection of the Environment Operations (General) Regulation 2022,
- Protection of the Environment Operations (Waste) Regulation 2014.
- Protection of the Environment Operations (Noise Control) Regulation 2017,

- The National Construction Code (Building Code of Australia),
- Glen Innes Severn Local Environmental Plan 2012,
- Planning for Bushfire Protection 2019,
- Roads Act 1993,
- Road Transport Act 2013.
- Road Rules 2014.
- Work Health and Safety Act 2011,
- Work Health and Safety Regulation 2017.

Relevant Council Policies and Procedures include:

- Building Over Sewers Policy;
- Domestic Waste Management Policy;
- Enforcement Policy;
- Erosion and Sediment Control Policy;
- Liquid Trade Waste Policy;
- Local Orders Policy No. 1 Guidelines for Keeping of Animals for Domestic Purposes;
- Local Orders Policy;
- Vehicle Crossing and Nature Strip Policy.

VARIATION AND REVIEW

The Local Approvals Policy will be reviewed every three (3) years, or earlier if deemed necessary, to ensure that it meets the requirements of legislation and the needs of Council. The term of the Policy does not expire on the review date, but will continue in force until superseded, rescinded or varied either by legislation or a new resolution of Council.

Appendix A

Part A: Structures of Places of Public Entertainment

A.1 Install a manufactured home, moveable dwelling or associated structure on land

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE
Installation of a manufactured home on land within a manufactured home estate, provided it is designed, constructed and installed in accordance with the relevant requirements of Division 4, the site is not liable to flooding and the installation occurs with the consent of the holder of the approval to operate manufactured home estate concerned and it is not occupied by any person until a certificate of completion has been issued for it,	Clause 9 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021
OR	
Installation of an associated structure on land within a manufactured home estate if the structure is designed, constructed and installed in accordance with Division 4 and the site is not liable to flooding and the installation occurs with the consent of the holder of the approval to operate manufactured home estate concerned.	
Installation of moveable dwellings and associated structures in caravan parks and camping grounds, provided the structure is designed, constructed and installed with the relevant provisions of the Regulations, the site is not liable to flooding and the installation occurs with the consent of the holder of the approval to operate the caravan park or camping ground concerned.	Clause 74 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021
Installation of not more than 2 caravans, campervans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months.	Clause 77(a) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021
Installation of not more than one caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner's dwelling-house, so long as it is used for habitation only by the owner or by	Clause 77(b) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

members of the owner's household and is maintained in a safe and healthy condition.	
Installation of a caravan or campervan on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land.	Clause 77(c) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021
Installation of a moveable dwelling or associated structure on land to accommodate a person who has been displaced as a result of a natural disaster if the moveable dwelling or associated structure is-	Clause 77(d) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021
(i) maintained in a safe and healthy condition, and	
(ii) removed within-	
(a) 2 years after it is installed, or	
(b) if the relevant local approvals policy for the moveable dwelling or associated structure specifies a longer period - the longer period.	

POLICY EXEMPTIONS

NIL

COUNCIL CRITERIA

Council Criteria to be considered in approving a moveable dwelling or associated structure on land for temporary occupation while constructing a dwelling

Approval may be given to occupy a caravan, mobile home or relocatable dwelling on land, subject to the following conditions:

- Development Consent: A development application and construction certificate (or complying development certificate) to erect a permanent dwelling, has been submitted and approved by Council.
- 2. **Application:** An application under Section 68 of the Act, must be submitted and approved by Council.
- 3. **Options:** Options available for temporary accommodation are a caravan, mobile home or relocatable dwelling. A shed will not be approved as temporary accommodation under any circumstances.

Facilities Required

Amenities

An application to occupy temporary accommodation will only be approved if the following amenities are provided:

- a kitchen sink and facilities for the preparation and cooking of food; and
- a bath or shower; and
- clothes washing facilities, comprising at least one washtub and space in the same room for a washing machine; and
- a closet pan and washbasin.

If any of the these facilities are detached from the main building or caravan, they must be set aside for the exclusive use of the occupants of the building.

Water Supply

An adequate water supply must be provided and may be either:

- Reticulated town water supply;
- 22,500 litre rainwater tank fitted with a pressure pump and plumbed to the facilities in the accommodation.

On-site Sewage Management

All sewage effluent produced must be disposed of in an approved manner and may include:

- Connection to Council's sewerage system;
- An approved on-site sewerage system such as septic tank or aerated waste treatment system. A pit toilet will not be approved.

Note: An application and approval under Section 68 of the Act will be required prior to the installation of any plumbing or sanitary drainage facilities.

Bushfire Prone Areas

Any approval for temporary accommodation will require all bushfire protection requirements for a permanent dwelling to be met by the temporary accommodation.

These will include the temporary accommodation meeting the required BAL construction requirements, asset protection zones to be established, access roads to be completed and required water supplies to be established.

Commencement of Occupation

Occupation of any temporary accommodation may only commence after:

- the approved water supply has been connected to the accommodation by a licensed plumber and inspected by Council;
- the approved On-Site Sewerage management system has been installed and connected to the accommodation by a licensed plumber and inspected by Council:
- The footings or concrete slab for the approved dwelling have been completed, or documentary evidence of commitment to imminent commencement (such as a valid contract with a builder or paid booking for concrete delivery) is submitted.

Period of Occupation

The maximum period for the occupation of temporary accommodation is twelve (12) months. Extension to this time will be subject to a written request and the merit of individual cases.

Appendix B

Part B: Water Supply, Sewerage and Stormwater Drainage Work

B.1 Carry out water supply work

water supply work means the construction, alteration, extension, disconnection, removal, flushing, cleansing, maintenance, repair, renewal or clearing of any pipes or fittings of any water service communicating or intended to communicate, directly or indirectly, with any water main of a council, but does not include changing a washer.

LEGISLATIVE EXEMPTIONS

NIL

POLICY EXEMPTIONS

Some water supply works are exempt if carried out on properties not located within, or connected to, the Glen Innes or Deepwater water supply district network. Minor extension of existing residential or rural water supply service comprising such works as the;

- relocation of taps.
- installation of water storage tanks not requiring the consent of Council.
- residential and rural garden irrigation works utilising a private water supply.

All works are to be undertaken in accordance with the Plumbing and Drainage Act 2011, National Construction Code Vol. 3 - Plumbing Code of Australia, AS/NZS 3500 - Plumbing and Drainage and the NSW Code of Practice - Plumbing and Drainage.

The licensed plumbing contractor undertaking the works is to supply Council with the appropriate NSW Fair Trading paperwork at each stage of works as required.

COUNCIL CRITERIA

NIL

B.2 Draw down water from a Council water supply or a standpipe or sell water so drawn

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE	
An employee of a council acting in the course of his or her employment may draw water from a water supply system or standpipe without the prior approval of the council.	Clause 24 of the Local Government (General) Regulation 2021.	

POLICY EXEMPTIONS

A person may draw water from the standpipe at the Council's truck wash facility for the purpose of washing out livestock transporters provided payment has been made using the installed AvData system.

A person may draw water from the Council standpipes located at Dunn Avenue, Glen Innes and Gough Street, Deepwater provided payment has been made using the installed AvData system.

COUNCIL CRITERIA

NIL

B.5 Carry out stormwater drainage work

stormwater drainage work means the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal, flushing, cleansing or clearing of any stormwater drain communicating or intended to communicate, directly or indirectly, with any stormwater channel of a council.

LEGISLATIVE EXEMPTIONS

NIL

POLICY EXEMPTIONS

The following stormwater works are exempt if they are undertaken on a block of land with a single dwelling house;

- Repair or replacement of existing stormwater drainage lines, including guttering and downpipes, or
- New works to connect a building with a maximum roof area of 100m².

All works are to be undertaken in accordance with the Plumbing and Drainage Act 2011, National Construction Code Vol. 3 - Plumbing Code of Australia, AS/NZS 3500 - Plumbing and Drainage and the NSW Code of Practice - Plumbing and Drainage.

The licensed plumbing contractor undertaking the works is to supply Council with the appropriate NSW Fair Trading paperwork at each stage of works as required.

<u>Note</u> - Any works within Council's Road Reserve will require an approval under S138 of the *Roads Act* 1993, e.g. connecting storm water drainage lines to the street kerb & gutter, culvert or the like.

COUNCIL CRITERIA

NIL

Appendix C

Part C: Management of Waste

C.1 For fee or reward, transport waste over or under a public place

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE
The transporting of waste over or under a public place for fee or reward is exempt if;	Clause 48(a) of the Local Government (General) Regulation 2021.
 the activity is licensed under the Protection of the Environment Operations Act 1997, or 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 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 relevant requirements of the regulations made under the <i>Protection of the Environment Operations Act</i> 1997.	

POLICY EXEMPTIONS

NIL

COUNCIL CRITERIA

NIL

C.2 Place waste in a public place

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE	
The placing of waste in a public place is exempt, if it is done in accordance with arrangements instituted by the council.	Clause 48(b) of the Local Government (General) Regulation 2021.	

POLICY EXEMPTIONS

In accordance with the exemption given in Clause 48(b) of the Regulation, the placement of Council supplied domestic 140L, 240L and 360L rubbish bins on the kerb for collection must comply with the following criteria, in line with Council's Domestic Waste Management Policy:

- Uncontained waste (for example plastics bags and loose cardboard boxes) are not permitted to be placed next to, or on top of bins.
- Bins should be put out for collection the night before the scheduled collection day and must be removed from the public place as soon as possible after collection that same day and stored on private property.
- Bins must be placed immediately in front of the resident's property and/or located at an approved service pick up point.
- Lids of bins must remain closed, and the area surrounding the bins must be kept tidy at all times.
- The resident is responsible for the cleanliness of their bins.

Note: This relates to the normal weekly collection service of bins provided by the Council. Additional information may be found in Council's Domestic Waste Collection Policy.

COUNCIL CRITERIA

NIL

C.3 Place a waste storage container in a public place

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE
NIL	NIL

POLICY EXEMPTIONS

The installation of a waste storage container (i.e., a Skip Bin not a general waste bin) is exempt from requiring approval subject to the following requirements;

- 1. must be associated with a single dwelling on a single residential property,
- 2. a maximum of one (1) container can be installed per property,
- 3. must have a maximum capacity of 2m³,
- 4. cannot be installed for a more than 72 hours.
- 5. must be located so it does not interfere with vehicular or pedestrian traffic (Council may request the container be moved if it is likely to pose a danger),
- 6. installation of appropriate barricades, guards, lighting and reflectors shall be provided where necessary to prevent the container being a traffic hazard,

- 7. all waste shall be secured to prevent being dislodged by wind and other forces including animals, and
- 8. is not to be used for the disposal of hazardous or noxious material.

Note: Chemicals and materials such as asbestos cement sheeting require separate arrangements to be made for their disposal.

COUNCIL CRITERIA

NIL

C.4 Dispose of waste into a sewer of the Council

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE
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.	Clause 48(c) & (d) of the Local Government (General) Regulation 2021.

POLICY EXEMPTIONS

In accordance with the exemption given in Clause 48(c) of the Regulation, the disposal of septic tank effluent into a sewer of the Council from a residence and the disposal by contractors of septic tank contents collected within the Glen Innes Severn Council Local Government Area at Council nominated dump points is exempt from requiring approval.

COUNCIL CRITERIA

NIL

C.5 Install, construct or alter a waste treatment device or human waste storage facility or a drain connected to any such device or facility

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE
The installation, construction or alteration of a waste treatment device, if that installation, construction or alteration is done -	Clause 48(e) of the Local Government (General) Regulation 2021.
(i) under the authority of a licence in force under the <i>Protection of the Environment Operations Act 1997</i> , or	
(ii) in a vessel used for navigation, or	
(iii) in a motor vehicle that is registered within the meaning of the <i>Road Transport Act</i>	

2013 and is used primarily for road	
transport.	

POLICY EXEMPTIONS

NIL

COUNCIL CRITERIA

NIL

C.6 Operate a system of sewerage management (within the meaning of Section 68A)

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE	
So much of the operation of a system of sewage management as is limited to an action carried out -	Clause 48(f) of the Local Government (General) Regulation 2021.	
(i) under the authority of a licence in force under the <i>Protection of the Environment Operations Act 1997</i> , or		
(ii) in a vessel used for navigation, or		
(iii) in a motor vehicle that is registered within the meaning of the <i>Road Transport Act</i> 2013 and is used primarily for road transport.		
Temporary exemption for purchaser of land	Clause 47 of the Local Government (General) Regulation 2021.	
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		

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continue to operate that system of sewage
management without approval until the
application is finally determined.

POLICY EXEMPTIONS

NIL

COUNCIL CRITERIA

NIL

Appendix D

Part D: Community Land

D.2 Direct or produce a theatrical, musical or other entertainment for the public

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE
NIL	NIL

POLICY EXEMPTIONS

The undertaking of an activity as described above is exempt from requiring approval subject to the following requirements.

- a) Must be located in a specially designated area as determined by Council;
- A current Certificate of Currency of Public Liability, stating Council as an interested party, must be in place and cover the entire period of proposed activity;
- c) Performers wishing to perform in Council park land must contact Council's Manager of Recreation and Open Spaces and obtain a Park Booking Permit;
- d) Performers wishing to perform on Council Road Reserves must contact Council's Department of Infrastructure to obtain approval under the Roads Act 1993;
- e) The activity shall not cause offensive noise as defined in the *Protection of the Environment Operations Act 1997*;
- f) Activities shall only occur between the hours of 8am and 10pm Monday to Saturday, with the exception of activities associated with recognised Council sponsored events, such as the annual Celtic Festival;
- g) Performances must not involve the use of dangerous materials and/or implements;
- h) Performances must not include drawing or marking any footpaths or affixing any matter or structure to footpath paving;
- i) Must not use a public address, sound system or amplified equipment;
- j) Performers may receive voluntary donations from the audience, but may not solicit funds; and
- k) The activity shall incorporate appropriate risk management practices so as to avoid injury or loss.

The activity must not:

- a) occur outside Town or village centres;
- b) be within 5 metres of a taxi stand or intersection;
- c) involve the use of pyrotechnics; and

d) must not be undertaken in any area adjacent to a residential premise, educational establishments or place of public worship.

Note: Any person conducting an activity under this exemption must comply with any direction of an authorised officer of Council. Council and Police have the right to remove people if they are causing a nuisance to the public. This includes excessively repetitive performances.

COUNCIL CRITERIA

NIL

D.4 For fee or reward, play a musical instrument or sing

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE
NIL	NIL

POLICY EXEMPTIONS

The undertaking of an activity as described above is exempt from requiring approval subject to the following requirements.

- a) Must be located in specially designated areas as determined by Council;
- b) The individual shall secure a Certificate of Currency of Public Liability Insurance to a minimum limit of liability of \$20 million in favour of Council. The policy must indemnify Council in the event of any member of the public suffering injury or property damage attributable to any exempt activity undertaken, or any item associated with the activity. The policy must be obtained PRIOR to activity and be with the individual at all times;
- c) Performers wishing to perform in Council park land must contact Council's Manager of Recreation and Open Spaces and obtain a Park Booking Permit;
- d) Performers wishing to perform on Council Road Reserves must contact Council's Department of Infrastructure to obtain approval under the *Roads Act* 1993:
- e) Performers may receive voluntary donations from the audience but may not solicit funds;
- f) The activity shall not cause offensive noise as defined in the *Protection of the Environment Operations Act 1997*;
- g) Activities shall only occur between the hours of 8am and 10pm Monday to Saturday, with the exception of activities associated with recognised Council sponsored events, such as the annual Celtic Festival;
- h) The activity shall incorporate appropriate risk management practices so as to avoid injury or loss; and
- i) The activity must not incorporate the use of a loudspeaker or sound amplifying device.

COUNCIL CRITERIA

NIL

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D.5 Set up, operate or use a loudspeaker or sound amplifying device

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE
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.	Clause 49 of the Local Government (General) Regulation 2021.

POLICY EXEMPTIONS

NIL - Council currently has no Notices on any public land relating to the use of loudspeakers and/or amplifying equipment.

COUNCIL CRITERIA

NIL

Appendix E

Part E: Public Roads

E.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

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE
NIL	NIL

POLICY EXEMPTIONS

Display an A-Frame or sandwich board sign on footpath outside premises

The undertaking of an activity as described above is exempt from requiring approval subject to the following requirements.

- a) A-frame signs are not permitted outside a business where the footpath has been approved, or meets the policy exemptions, for outdoor dining;
- b) The business shall secure a Certificate of Currency of Public Liability Insurance to a minimum limit of liability of \$20 million in favour of Council. The policy must indemnify Council in the event of any member of the public suffering injury or property damage attributable to any exempt activity undertaken, or any item associated with the activity. The policy must be obtained PRIOR to placing any article on the public footway and be with the business at all times. A copy of the Certificate of Public Liability shall be given to Council annually;
- c) A Maximum of one (1) sign is allowed per business;
- d) Displayed information is to be pertinent to the business;
- e) The sign shall not exceed 1 metre in height with the advertising panel not exceeding 900 mm high by 600 mm wide;
- f) Must be located against the wall immediately outside the front of the business and cannot be further than 700mm from the front of the shop or business;
- g) A minimum of 1.5 metres of unobstructed footpath to be maintained at all times between the sign and the kerb; and
- h) The sign must not present an obstruction or risk to public safety and must be secured or weighted to prevent the sign being overturned by pedestrians or the wind.

Outdoor dining on footpaths

- a) Must be located on a suitably constructed surface that is sufficiently level to allow for the safe use of the furniture:
- b) The business shall secure a Certificate of Currency of Public Liability Insurance to a minimum limit of liability of \$20 million in favour of Council. The policy must indemnify Council in the event of any member of the public

suffering injury or property damage attributable to any exempt activity undertaken, or any item associated with the activity. The policy must be obtained PRIOR to placing any article on the public footway and be with the business at all times. A copy of the Certificate of Public Liability shall be given to Council annually;

- c) A minimum of 1.5 metres of unobstructed footpath to be maintained at all times between the outdoor dining area and the building or kerb, depending on the uniform location of the dining furniture;
- d) To be located to allow for continuous easy movement of pedestrians along the footpath;
- e) To be located so as not to interfere with car parking and vehicular movement;
- f) If installed in Grey Street must have a 600mm minimum setback from the kerb of a parallel car park;
- g) Must be designed and located so that furniture will not be placed within 1.5 metres of any disabled car parking space;
- h) Must be located directly in front of the premise to which it relates unless written consent from the adjoining owner/s or proprietor/s has been provided; and
- i) The footpath area between the shop or business premises shall be kept clean at all times and any spilt food, liquid or other material likely to cause injury shall be removed immediately by the business.

Note:

- 1. Street furniture must be of a high quality, i.e. powder coated, polished aluminium, brushed or stainless steel, natural or painted timber are preferred. Domestic style furniture is not permitted as it is not generally considered to be of a suitable quality, design, aesthetic or durability.
- 2. Umbrellas are to be securely anchored; however permanent anchoring is not permitted. Umbrellas are to be a minimum of 2.2m high above the footpath when open and located a minimum of 400mm from the kerb line.
- 3. All furnishings are to be removed from the public domain and stored elsewhere outside of trading hours.
- 4. Barriers are to be used to define the outdoor dining area. The barriers are to be of a metal frame and canvass fill and maximum height of 900mm.
- 5. The minimum practical depth for an outdoor dining area is 1.0 metre. This provides adequate space for one (1) table and two (2) chairs. Each additional chair is to be allocated an extra 0.5 metres of footpath area.

Use of footpaths by shopkeepers, for the storage of a variety of goods and articles on the footpath directly outside their specific premises

- a) A minimum of 1.5 metres of unobstructed footpath to be maintained at all times between the goods and the kerb;
- b) The business shall secure a Certificate of Currency of Public Liability Insurance to a minimum limit of liability of \$20 million in favour of Council. The policy must indemnify Council in the event of any member of the public suffering injury or property damage attributable to any exempt activity undertaken, or any item associated with the activity. The policy must be obtained PRIOR to placing any article on the public footway and be with the

- business at all times. A copy of the Certificate of Public Liability shall be given to Council annually;
- c) Goods displayed shall relate only to the business conducted at the premises;
- d) The holder of the approval shall maintain the display area in a clean and tidy condition at all times during trading hours;
- e) All goods or display stands shall be secure and finished to not pose a danger or cause injury to pedestrians and shall be removed from the footpath when outside of trading hours;
- f) Public address systems, cash registers and the like are prohibited;
- g) Footpath trading activities must be located on a safe, stable, hard surface that is sufficiently level to provide adequate stability to display stands;
- h) Display racks and stands must be suitably weighted down to prevent overturning by customers, pedestrians or the wind, and must not be on wheels without secure working locking mechanisms; and
- i) The footpath trading activity is not to extend beyond the side property boundary of the premises.

Use of the Town Square, Grey Street footpaths between Meade and Bourke St, for market days and street stalls

- 1. Approved items for sale are restricted to bric-a-brac, whole fruit and vegetables, fresh produce, and pre-packaged cakes, jams and preserves;
- 2. All items for sale must be placed off the ground on tables or trestles erected specifically for the intended purpose and removed directly after the activity;
- 3. Each stall holder shall secure a Certificate of Currency of Public Liability Insurance to a minimum limit of liability of \$20 million in favour of Council. The policy must indemnify Council in the event of any member of the public suffering injury or property damage attributable to any exempt activity undertaken, or any item associated with the activity. The policy must be obtained PRIOR to placing any article on the public footway and be kept at the stall at all times. A copy of the Certificate of Public Liability shall be given to Council annually;
- 4. The Town Square and footpath area shall be kept clean at all times and any spilt food, liquid, or other material likely to cause injury, shall be removed immediately by the relevant stall operator or event organiser;
- 5. All stalls and related activity conducted within the Town Square must be confined within the bollard area.
- 6. All activities on the footpath area must:
 - a) Have a confirmed booking through Councils Visitor Information Centre prior to the activity;
 - b) Obtain the permission of the adjoining business owner or proprietor prior to conducting any activity;
 - c) Maintain a minimum unobstructed footpath width of 1.5m at all times between the stall and kerb:
 - d) Be located to allow for continuous easy movement of pedestrians along the footpath; and
 - e) Be located so as not to interfere with car parking and vehicular movement.

Note:

- 1. Sale of hot food and coffee are not permitted, other types of food vending activities are to comply with the Food Safety Standards Code, *Food Act 2003* and any other applicable legislative requirements.
- 2. Any person conducting an activity under this exemption must comply with any direction of an authorised officer of Council.

COUNCIL CRITERIA

Council criteria to be considered when approving the erection of a hoarding or scaffold

In all cases where construction, demolition, building maintenance or excavation is being carried out, and the building or excavation is within 3.5 metres of the street alignment, a protective/security fence or hoarding at least 2.1m high shall be constructed to form a barrier between the works and adjacent land.

In cases where buildings that are within 3.5 metres of the street alignment are over 6 metres in height above the footpath, an overhead protective structure hoarding shall be constructed to prevent danger from falling objects.

Overhead protective structure hoardings shall also be constructed where material is to be hoisted over a public land, or any other situation where a danger is posed by falling objects.

Hoardings shall be constructed in accordance with the WorkCover Code of Practice 1995. Any alternative designs to these approved methods are to be designed to applicable Australian Standards by a Structural Engineer, and approval obtained from Work Cover prior to construction.

Protective/security fence hoardings shall be erected to ensure a minimum of 1.2m unobstructed footpath, or temporary footpath, for pedestrians. Deviations from these requirements are at the discretion of Council.

- a) Hoardings shall remain in place until work is completed and maintained in a good state of repair and working order at all times;
- b) Lighting is to be provided and maintained, for the duration of the works, to ensure safe access and use of footpaths adjacent to hoarding outside of daylight hours;
- c) No advertisements of any kind shall be affixed to the hoardings, excepting a board not exceeding 2.4 metres x 1.8 metres, detailing the architect's and builder's details, information about the subject building, and any notices in respect of the existing or future occupancies of the building;
- d) Hydrants or other service access points shall not be covered in any way, and access must be kept clear at all times;
- e) Uprights shall be fixed into soleplates and shall not be inserted into the roadway or footpath surface;
- f) Any roofed structure placed on top of the hoarding is to slope toward the building site. The hoarding itself is to be made waterproof to ensure all water runoff is

directed onto the building site and is not to cause a nuisance to pedestrians or other road users:

- g) Entry points to the site are to be kept clear of debris, loose materials and obstructions at all times, and are to be provided with gates which open inwards in all cases. Vertical posts at entry points shall be effectively braced and reinforced to prevent dislodgment, i.e. in the event of a collision by a vehicle;
- h) A traffic control plan is to be provided where pedestrians are required to utilise the street or road for access;
- i) The applicant shall secure a Certificate of Currency of Public Liability Insurance to a minimum limit of liability of \$20 million in favour of Council. The policy must indemnify Council in the event of any member of the public suffering injury or property damage activity undertaken, or any item associated with the activity. The policy must be obtained PRIOR to placing any article on public land and be kept on site at all times. A copy of the Certificate of Public Liability shall be given to Council annually while hoarding is installed; and
- j) Any damage to Council infrastructure incurred as a result of the presence of the hoarding or any works carried out in the vicinity shall repaired/replaced/cleaned by the applicant to the satisfaction of Council. Full cost of reparations shall be borne by the applicant. Kerb and Gutter shall not be cut or damaged in any way. Access for weld or track type vehicles over kerb and gutters shall be properly protected against damage or interference.

Appendix F

Part F: Other Activities

F.1 Operate a public car park

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE
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.	Clause 66 of the Local Government (General) Regulation 2021.
In this section, development consent has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i> .	

POLICY EXEMPTIONS

NIL

COUNCIL CRITERIA

NIL

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

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE
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 <i>Environmental Planning and Assessment Act</i> 1979.	Clause 70 of the Local Government (General) Regulation 2021.

POLICY EXEMPTIONS

Compliance can be achieved by installation as per the manufacturer's instructions, recommendations and that:

- a) The heater has a compliance plate stating that it conforms to AS 4013 -Domestic Solid Fuel Burning Appliances - Method for Determination of Flue Gas Emission;
- b) The structural integrity of building will not be adversely affected;
- c) The top of chimney/flue is a minimum of 1m and a maximum of 3m above roof ridge;
- d) All installations are to be in accordance with the provisions the National Construction Code, National Construction Code Housing Provisions and AS 2918 - Domestic Solid Fuel Burning Appliances - Installation; and
- e) Any openings created are to be adequately weatherproofed.

Note:

- 1. Operation of the device should be in accordance with the Environment Protection Authority "Guidelines for Selecting, Installing and Operating Solid Fuel Heaters."; and
- 2. Consideration should be given to the location, chimney/flue height and likely smoke effects on adjacent occupants.

COUNCIL CRITERIA

NIL

F.5 Install or operate amusement devices

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE
Amusement devices not required to be registered under the <i>Work Health and Safety Regulation 2017</i> may be installed or operated without the prior approval of the council.	Clause 71 of the Local Government (General) Regulation 2021.
Note:	
See the Work Health and Safety Regulation 2017, Schedule 5, Part 2 for items of plant that are required to be registered.	
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.	Clause 75 of the Local Government (General) Regulation 2021.

- 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 Work Health and Safety Regulation 2017, and
 - c) the device
 - i. is to be or has been erected, and
 - ii. it to be or is being operated,
 - iii. 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
 - d) there exists for the device a current log book as referred to in that Regulation, Chapter 5, Part 5.2, Division 4, Subdivision 2, 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 section 74.

POLICY EXEMPTIONS

NIL

COUNCIL CRITERIA

NIL

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

LEGISLATIVE EXEMPTIONS	REGULATION CLAUSE
NIL	NIL

POLICY EXEMPTIONS

Undertaking community street stalls, street collections (including badge/pin days) and the distribution of promotional information by individuals is subject to the following conditions.

- 1. A minimum unobstructed footpath width of 1.5m must be maintained at all times around the activity to allow safe pedestrian movement;
- 2. The activity shall not cause offence or obstruction;
- 3. Consent from the owner of the store must be obtained for the activity to take place in front of their store;
- 4. Use of a public address system, sound amplifying device or the like is prohibited;
- 5. The surrounding area is to be maintained in a clean and tidy condition and free of hazards and rubbish:
- 6. Each activity shall secure a Certificate of Currency of Public Liability Insurance to a minimum limit of liability of \$20 million in favour of Council. The policy must indemnify Council in the event of any member of the public suffering injury or property damage attributable to any exempt activity undertaken, or any item associated with the activity. The policy must be obtained PRIOR to placing any article on the public footway and be kept at the stall at all times. A copy of the Certificate of Public Liability shall be given to Council annually;
- 7. Activities of this kind are only permitted within village/town centres.
 - a) Street collections must be for a registered charity where monies are channelled direct to the charity. Collectors may receive voluntary donations from the audience but may not solicit funds;
 - b) Not occur within 5 meters of a taxi stand or intersection;
 - c) Not occur in any area adjacent to a residential premise, educational establishments, place of public worship or in any park or reserve.

COUNCIL CRITERIA

Council criteria to be considered in approving a standing vehicle for the purpose of selling any article in a public place

In considering applications for approval Council shall have regard to the *Street Vending Guidelines* published on the Department of Local Government's website.

F.10 Carry out an activity prescribed by the regulations, or an activity of a class or description prescribed by the regulations

	LEGISLATIVE EXEMPTIONS		REGULATION CLAUSE
1.	I. For the purposes of item 10 of Part F of the Table to section 68 of the Act, domestic greywater diversion is prescribed as an activity that requires the prior approval of the council.		Clause 75A of the Local Government (General) Regulation 2021.
2.	may b	ver, domestic greywater diversion be carried out without the prior val of the council if -	
	,	s carried out in accordance with the umbing Code of Australia, and	
	,	sewage management facility is not stalled on the premises concerned, d	
	•	e following performance standards e achieved -	
	i.	the prevention of the spread of disease by micro-organisms,	
	ii.	the prevention of the spread of foul odours,	
	iii.	the prevention of contamination of water,	
	iv.	the prevention of degradation of soil and vegetation,	
	V.	the discouragement of insects and vermin,	
	vi.	ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,	
	vii.	the minimisation of any adverse impacts on the amenity of the premises concerned and surrounding lands.	
3.	not a if the beyon	e to comply with subsection (2)(c) is breach of that performance standard failure was due to circumstances and the control of the person carrying e domestic greywater diversion.	
4.	In this	section -	

domestic greywater diversion means the installation and operation of a system for diverting greywater generated on residential premises to a garden or lawn on those premises, but does not include the manual collection and re-use of greywater (for example, by means of a bucket or similar receptacle).

greywater means waste water from washing machines, laundry tubs, showers, hand basins and baths, but does not include waste water from a kitchen, toilet, urinal or bidet.

residential premises does not include premises comprising more than one dwelling.

POLICY EXEMPTIONS

NIL

COUNCIL CRITERIA

NIL

Appendix G

Document Control Continued

PREVIOUS VERSIONS:	DATE:	RESOLUTION NO:	DESCRIPTION OF AMENDMENTS:	AUTHOR / EDITOR:	REVIEW / SIGN OFF:
3	23/03/2017	25.03/17	Review	MRPS	Council
2	27/08/2015	14.08/15	Review	MRPS	Council
1	22/11/2012	21.11/12	Review	MRPS	Council