



ACTIVITY APPROVAL APPLICATION GUIDE

(SECTION 68 OF THE *LOCAL GOVERNMENT ACT 1993*)

MAY 2024

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Application Process

An approval for an activity under Section 68 of the *Local Government Act 1993* can be sought from Council by applying through the NSW Planning Portal, either as a stand-alone application for the activity, or in conjunction with a Development Application which is seeking approval under the *Environmental Planning and Assessment Act 1979* for a use to which the activity is related.

Stand-alone application	Application made in conjunction with Development Application
<p>Applicant creates a log in for the NSW Planning Portal or uses an existing log in/ ServiceNSW account</p> <p style="text-align: center;">↓</p> <p>Applicant submits a S68 Application through the NSW Planning Portal</p> <p style="text-align: center;">↓</p> <p>Council carried out preliminary assessment, requests further information if require and issues a Quote/Invoice</p> <p style="text-align: center;">↓</p> <p>Council assesses application under Section 68 of the <i>Local Government Act 1993</i></p> <p style="text-align: center;">↓</p> <p>Council determines application and issues a "Notice of Activity Application Determination" under the provisions of the <i>Local Government Act 1993</i>, which is uploaded to the NSW Planning Portal</p>	<p>Applicant creates a log in for the NSW Planning Portal or uses an existing log in/ ServiceNSW account</p> <p style="text-align: center;">↓</p> <p>Applicant submits a Development Application through the NSW Planning Portal</p> <p style="text-align: center;">↓</p> <p>Applicant ticks Section 68 box on Development Application form</p> <p style="text-align: center;">↓</p> <p>Applicant also submits a S68 Application through the NSW Planning Portal</p> <p style="text-align: center;">↓</p> <p>Council carried out preliminary assessment, requests further information if require and issues a Quote/Invoice</p> <p style="text-align: center;">↓</p> <p>Council assesses application under Section 68 of the <i>Local Government Act 1993</i></p> <p style="text-align: center;">↓</p> <p>Council determines application and issues a "Notice of Activity Application Determination" under the provisions of the <i>Local Government Act 1993</i>, which is uploaded to the NSW Planning Portal</p>

Note 1: Some activities, such as the installation of a relocatable dwelling, the operation of a Caravan Park, and the operation of a Manufactured Home Estate will still require Development Consent under the *Environmental Planning and Assessment Act 1979* for the use of the land in addition to any approvals required under Section 68 of the *Local Government Act 1993*.

Information Required to Accompany Application

To help minimise delays in application processing times, documentation supporting a Section 68 Activity Application should be prepared in accordance with this guide.

Onsite Sewerage Management Systems (Human Waste Storage Facility)

On-site sewage management systems, such as septic tanks, aerated waste treatment systems, and greywater irrigation systems, are required in areas without sewer access. These systems treat wastewater and the end product, effluent, is then disposed of in designated areas. Approval must be obtained before installing, upgrading or altering an on-site sewage management system.

Technical components, such as topography and soil type, must be addressed by a qualified consultant to ensure the system is sustainable. Council has an On-Site Sewage and Wastewater Management Strategy and an On-site Wastewater Model excel spreadsheet to guide the design of installation, upgrades and any required alterations.

The On-Site Sewage and Wastewater Management Strategy identifies what should be included in a consultant's report and plumber's report and in what situation either report is applied.

<https://www.lismore.nsw.gov.au/Council/About-Council/Our-strategies-and-plans/Onsite-Sewage-and-Wastewater-Management-Strategy>

Plans and Elevations

These drawings will clearly document the proposed buildings or works. If the proposal is for alterations/additions to an existing building, the new work is to be coloured.

The following information should be shown on all plans, elevations and sections, unless otherwise specified below:

Title block

- Name of architect, designer or draftsman and contact details.
- Drawing number and date, eg plan number 1 of 20.
- Amendment drawing number and date (where relevant).
- A table of amendments and descriptions of each amendment.
- Applicant's name (if a company, the company's name and ABN).
- Address of the property.
- File names for electronic documents (where applicable).

Orientation

- North point (true solar north) – on plans only.

Scale

- Use standard scales such as 1:100 or 1:200. A scale of 1:50 may be used for small properties.

Levels

- Contours, ground levels, floor levels, ceiling levels and roof levels. Contours and levels must be expressed as Reduced Levels (RLs) or levels to Australian Height Datum (AHD) and presented in not greater than one-metre intervals.

Include the following details on plans, elevations and sections where relevant:

Plans

- Plans must be drawn with clarity.
- All plans must be consistent with each other.
- Location of proposed new buildings, alterations or works (show setback distances from boundaries).
- Existing buildings (show outline only).
- Room layout, partitioning, location of windows and doors.
- Room dimensions, areas and proposed use.
- Courtyard dimensions and areas.
- Walls and fences.
- Total floor area and floor space ratio.
- Disabled person's access.
- Vehicle entrance and exit driveways.
- Car parking and loading areas (show layout and dimensions).
- Trees being retained and proposed for removal (show trunk and canopy dimensions to scale).
- Letter boxes.
- Private open spaces.
- Where privacy maybe an issue, the location of windows of the buildings on adjoining properties.
- Wall construction.
- Spot levels of existing ground (expressed as Reduced Levels (RLs) or levels to AHD) at the corners of proposed buildings and at significant changes in levels around the perimeter of proposed buildings.

Elevations

Draw an elevation viewed from each direction showing:

- Existing buildings (show outline only).
- Building facade, windows (including size and sill height), roof profile.
- Materials and external finishes (eg. wall, roof, window, door and fence materials, paint colours, etc).
- Existing and finished ground levels, floor levels, ceiling levels, eave levels and roofline levels (expressed as Reduced Levels (RLs) or levels to AHD) (show driveway grade).
- Chimneys, flues, exhaust vents and ducts (show height in relation to adjoining roof levels).
- Details of any signage proposed (including dimensions, materials, method of fixing, any illumination, content-identification signage or advertising, etc.).
- Retaining walls and fences (indicate height).
- Extent of excavation or filling of the site including levels (expressed as Reduced Levels (RLs) or levels to AHD).
- Location of adjoining buildings showing address, height, setbacks and other relevant features.
- Height of levels expressed as Reduced Levels (RLs) or levels to AHD.

Owner's consent

You must obtain the consent of the landowner. **If there is more than one landowner, every owner must sign.** If the application form is not signed by the landowner(s), Council will not accept your application. The following are considered to be acceptable forms of owner's consent:

1. Individual Ownership and Joint Owners

All owners **MUST** sign the application form/or provide a letter of authority stating:

- the correct Lots and DP/SP/NPP the application is to be lodged on
- the site address/es and
- the development description

2. Company Ownership

A company can provide owners consent with or without a common seal and the application or authorisation letter must be signed by:

- a) two (2) directors of the company; or
- b) a director and a company secretary of the company; or
- c) for a proprietary company that has a sole director who is also the sole company secretary-that director.

3. Owners Corporation (Strata Plan)

When the owner of a lot is the Owners Corporation the corporation must either:

- a) Sign and stamp the application form; or
- b) provide letter of authority on the corporation's letterhead or with the corporation seal. If the corporation does not have a corporation seal or letterhead, the corporation secretary is to sign the application form/letter of authority stating so.

When the application is lodged on a Strata Plan the Owners consent is required from the Owners Corporation as well as the owner of the subject lot. This can be in the form of:

- a) A letter on the corporation's letterhead or with the corporation seal. If the corporation does not have a corporation seal or letterhead, the corporation secretary is to sign the application form/letter of authority stating so; or
- b) The official minutes of Body Corporate meeting giving consent for that particular application. There should be verification of the minutes by seal or signatures by office bearers or at the very least a signed covering letter verifying the minutes.

If either of the above cannot be provided consent is required from all unit owners in the Strata Plan.

4. Department of Education Ownership

If the Principal of a school signs the development application on behalf of the owner they must also provide a letter of Authority from the Department of Education or a letter from the Minister of the Department of Education.

5. Legal representative for the true owner(s)

Where a person is legally authorised to provide consent on behalf of the true owner(s) in a Power of Attorney, Executor or Trustee capacity, documentary evidence of that legal authority must be attached to the application form/letter of authority or in the case of a Power of Attorney they must provide their Power of Attorney Number.

6. Crown Land

When the application relates to Crown Land the application form/letter of authority must be signed by an authorised officer from the Department of Lands.

7. The site is in the process of changing hands or has changed hands in the past six months

- A settlement letter from a solicitor stating that settlement has taken place and the date of settlement must be provided; or
- The current landowners consent to lodge the application; or
- The transfer of title

Note: If the proposed works affect a joint wall or fence, consent of both property owners is required.

Modifications and reviews

If there are changes to the plans submitted with a modification application or with a request for a review of determination, the plans must clearly distinguish the changes from the plans that were originally determined.

- The method for distinguishing the changes is to be by highlighting, shading, hatching or 'clouding' so the changes are apparent on black & white copies.
- Changes to dimensions, wording, notations, RLs and other text must be clouded.

The title block of amended plans must show the issue or version of the amendments with an identifying title/caption.

Specifications

The specifications are to:

- Describe the construction (including the standards that will be met), the materials which will be used to construct the building (and the methods of drainage, sewerage and water supply).
- State whether the materials proposed to be used are new or second hand and give details of any second-hand materials to be used.

Stormwater and Sewerage Design Plans

Design plans for Sewer and Stormwater network extensions must be prepared in accordance with the Northern Rivers Development and Design Manual.

<https://www.lismore.nsw.gov.au/Building-and-planning/Development-Applications/Development-and-design#section-1>

An application for stormwater treatment measures requires the following to be submitted:

- A site plan of the property and adjacent footpath / road drawn at an appropriate scale showing buildings, hardstand areas, landscaped areas, internal storm water drainage system and proposed storm water treatment measures;
- A detailed design and engineering plans and specifications and a report relating to the proposed permanent stormwater management measures that fully demonstrates compliance with the Lismore Development Control Plan or other standard approved by Council;
- A copy of operating and maintenance procedures/manuals.

Pipe Work Details and Layout

Pipe work details and layouts plans should detail pipe and pit sizing and should include the following:

- A scale bar and be of a standard scales such as 1:200 or 1:500.
- Name of designer or draftsperson and contact details.
- Drawing number and date, e.g. plan number 1 of 20.
- Amendment drawing number and date (where relevant).
- A table of amendments and descriptions of each amendment.
- North point.
- All easements on the land.

Water Meter Connections/Disconnections

A Section 68 Application is to be submitted. Once the application has been approved a Water Meter or Service Enquiry Form will be sent to the applicant. Once this has been returned to Council, the Water Maintenance Coordinator will get in touch with customer to arrange site visit, provide an application form and advise of fees payable. Once this application form is completed and fees paid application will be assessed and customer will be advised of outcome.

If customer is requesting information regarding a second water meter at a block of units, townhouses or duplex:

There are two options that you can consider if you wish to install a separate water meters for each unit/townhouse/duplex. Regardless of option you should contact a licensed plumber for advice and a quote to complete these works.

Option 1: Installation of a council meter at the property boundary. This option would require you to submit a water meter enquiry form to council and pay a council fee for supply and installation of a water meter. In addition to this you may also have to pay for a section 68 applications. Charges as per **Fees and Charges**. This meter remains property of council and internal connection of meter to property water line would need to be completed by a licensed plumber. Once connected this meter would have its own water bill issued every quarter (including its own fixed service charge which would previously been shared with other unit/townhouse/duplex).

Option 2: Installation of private meters at each unit (your plumber will advise you of the best way to do this). There is no fee payable to Council to install these meters and council officers will not read these meters or issue separate water accounts. Council would continue to read the council meter and issue one account for this meter alone. It would be up to individual owners/tenants of the properties to read the private meters and work out how much each property would pay to cover the one council water account bill issued each quarter.

Structural Engineering Certificate – Caravan Parks and Manufactured Homes

Please find more information on the NSW Legislation – *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings Regulation 2021*:

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0461#statusinformation>

And Planning Circular PS21-016:

<https://www.planning.nsw.gov.au/sites/default/files/2023-03/planning-circular-ps-21-016-approval-install-relocatable-flatpack-homes-caravan-park-manufactured-home-estate.pdf>

Structural Engineers details of the following components of construction:

- Soil Classification.
- Foundation structural details.
- Snow and wind loads for the location.
- Wind bracing type, location and installation specification.
- Tie-down type, location and installation specifications.
- Retaining wall locations and structural details (if required).

In addition, in accordance with Clause 51 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 'manufactured homes' 'relocatable homes' or associated structure constructed off site are required to be certified by a practicing structural engineer to be structurally sound. Clause 51 specifies that:

(2) *A certificate issued under this clause:*

The engineer's certificate must—

(a) certify that the manufactured home or associated structure complies with all relevant standards, codes and specifications, and

- (b) include specifications for—
 - (i) the way in which the manufactured home or associated structure must be transported and installed, and
 - (ii) the footings, if any, on which the manufactured home or associated structure must be installed.
- (3) Specifications for footings or tie-down systems must consider—
 - (a) the design gust wind speed, and
 - (b) the soil type, and
 - (c) other design considerations relevant to the location in which the manufactured home or structure will be installed.

Note: In accordance with Clauses 52 and 143 of *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* a manufactured home or associated structure must be designed to resist loads as determined in accordance with the following design codes, as appropriate:

- (a) AS/NZS 1170.1:2002, *Structural design actions—Part 1: Permanent, imposed and other actions*,
- (b) AS/NZS 1170.2:2011, *Structural design actions: Wind actions or AS 4055:2021, Wind loads for housing*,
- (c) AS/NZS 1170.3:2003, *Structural design actions, Part 3: Snow and ice actions*,
- (d) AS 1170.4—2007, *Structural design actions, Part 4: Earthquake actions in Australia*.

In the case of building work that involves associated structures that are to be separately accredited, evidence of any accredited component, process or design sought to be relied upon is to be submitted

Caravan Park (or Camping Ground) Operations Document

A "Caravan Park (or Camping Ground) Operations Document" (CPOD) should include all details of the proposed park including:

- Number of staff.
- Expected number of customers/residents.
- Hours of operation.
- Number of sites (including short and long term sites and dwelling sites).
- Expected vehicle movements.
- Number and location of carparking spaces.
- All potential impacts (such as noise, traffic etc.) and proposed mitigation.

The CPOD should also clearly demonstrate (through the provision of appropriate clearly marked plans etc.) how the proposed Caravan Park complies with all requirements of Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* including:

- Land and Dwelling Site requirements;
- Setbacks;
- Roads;
- Utility services;
- General.

Note: This could form an appendix to your Statement of Environmental Effects (See DA Guide for

further information).

Manufactured Home Estate Operations Document

A "Manufactured Home Estate Operations Document" (MHEOD) should include all details of the proposed park including:

- Expected number of residents.
- Number of sites.
- Expected vehicle movements.
- Number and location of carparking spaces.
- All potential impacts (such as noise, traffic etc.) and proposed mitigation.

The MHEOD should also clearly demonstrate (through the provision of appropriate clearly marked plans etc.) how the proposed Manufactured Home Estate complies with all requirements of Division 4 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* including:

- General requirements.
- Design requirements.
- Construction requirements.
- Installation services.

Note: This could form an appendix to your Statement of Environmental Effects (See DA Guide for further information).

Heating Appliance Details

Heating Appliance Details shall include:

- Make and model.
- Manufacturer's details.
- Details of installer.
- Date of installation.
- Position of heater (including diagram) (i.e. fireplace, against wall, freestanding).
- Location of flue and chimney.

Events Application

Please see Council's information regarding planning an event in the Lismore City Council LGA, the Events Guide and Application form. This application **IS NOT** lodged through the NSW Planning Portal.

<https://www.lismore.nsw.gov.au/Community/Events-and-venues/Planning-an-event>

Modifications, Reviews and Appeals

If you are dissatisfied with the determination of your stand-alone Section 68 application you may contact us to clarify issues and discuss your options.

Options available to you include:

- A review of determination of your application. A review cannot be made more than 28 days from the date of the notice of determination of the application. You must complete an application form and pay an additional fee for the review.
- An application to modify an approval. This may be appropriate if you disagree with particular conditions of approval or decide to amend certain aspects of the proposal. You must complete an application form and attach a written justification for the proposed modification.
- An appeal to the Land and Environment Court. An appeal must be commenced within 12 months of the date of the notice of determination. Before proceeding to a Court hearing, the Court may arrange a mediation conference if this is acceptable to both parties.

NOTES: There are limitations on the changes which can be made by modifying consents or reviewing determinations. Modifications must result in the activity being substantially the same as the approved activity.

Reviews may make changes to activity applications which do not make the works substantially different from what was approved or refused.

If the activity is not substantially the same a new application will be required. A review request is appropriate where you want the determination in its totality reviewed. A modification is appropriate where you only want to change an aspect of the consent or where you want a condition of approval reconsidered.

Separate procedures apply for combined Development Applications / Activities Approval Applications and are outlined in the **Development Application Preparation and Lodgement Guide**.

<https://www.lismore.nsw.gov.au/Building-and-planning/Development-Applications>