



# Section 68

## FACT SHEET

### What is a section 68 approval?

Section 68 of the Local Government Act 1993 specifies a range of activities where approvals are required to be obtained from Council. These are often in addition, or ancillary, to Development Application (DA) requirements and are known as 'section 68 approvals'.

Council is the only authority that can issue section 68 approvals. A section 68 approval letter must be obtained prior to carrying out the activity. In the interest of community health and safety, it is particularly important that commercial activities have been issued with their required section 68 approval(s) prior to commencement of operations.

### What has changed, why now?

Since the introduction of the NSW Planning Portal, Development Applications (DA) and Construction Certificates (CC) must be applied for separately and exclusively through the NSW Planning Portal. Previously Councils were able to incorporate Section 68 approvals into the DA/CC application.

With the process now standardised across NSW, all Section 68 approvals must be applied for separately, and prior to the lodgement of the CC.

### What types of activities generally require a section 68 approval?

#### Temporary structures & places of public entertainment

- Install a manufactured home, moveable dwelling, or associated structures on land (outside a caravan park).

#### Water supply, sewerage & stormwater work

- Carry out water supply work.
- Draw water from a Council water supply or a standpipe (including selling the water).
- Install, alter, disconnect, or remove a meter connected to a service pipe.
- Carry out sewerage work.
- Carry out stormwater drainage work.
- Connect a private drain or sewer with a Council controlled public drain or sewer.

#### Management of waste

- Transport waste over or under a public place for a fee or reward.
- Put waste in a public place.
- Put a waste storage container in a public place.
- Dispose of waste into a Council sewer.
- Install, construct, or alter a waste treatment device or a human waste storage facility (such as a septic tank) or a drain connected to any such device or facility.
- Operate an on-site sewage management system (OSMS).

## **Community Land**

- Engage in a trade or business.
- Direct or procure a theatrical, musical, or other entertainment for the public on community land.
- Construct a temporary enclosure for the purpose of entertainment.
- Play a musical instrument or sing on community land for fee or reward.
- Set up, operate, or use a loudspeaker or sound amplifying device on community land.
- Deliver a public address or hold a religious service or a public meeting on community land.

## **Public Roads**

- Swing or hoist goods across or over any part of a public road by means of a lift, hoist, or tackle over the footway.
- Expose, or allow to be exposed (whether for sale or otherwise) any article in, on, or to overhang any part of the road or outside a shop window or doorway abutting the road, or to hang an article beneath an awning over the Road.

## **Other Activities**

- Operate a public car park.
- Operate a caravan park or camping ground.
- Operate a manufactured home estate.
- Install a domestic oil or solid fuel heating appliance, other than a portable appliance.
- Install or operate an amusement device.
- Use a standing vehicle or any article for the purpose of selling any article in a public place.
- Carry out an activity prescribed under the Local Government Regulations.

## **How to apply?**

Applications can be made through the any of following:

1. NSW Planning portal <https://pp.planningportal.nsw.gov.au/>
2. Online at council website <https://www.clarence.nsw.gov.au/Forms/Section-68-activity-application> The following require a separate application to be completed; installation of water meter, water plumbing and sanitary drainage work or on site waste water system.
3. In person at Council Customer Service Centres , 2 Prince Street, Grafton or, 50 River Street, Maclean.