

Mutual Recognition of Local Approvals Guidelines

For councils and mobile businesses

September 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Introduction

These Guidelines are intended to assist NSW councils and mobile business operators to apply the Mutual Recognition Scheme for certain approvals granted under Section 68 of the *Local Government Act 1993* (Act). The primary objective of the Mutual Recognition Scheme is to reduce the administrative and cost burden on councils and mobile businesses associated with local approvals, improving economic opportunity and increasing vibrancy in public spaces.

The development of the Mutual Recognition Scheme and these Guidelines has been a collaborative effort, informed through engagement with various NSW Government agencies, local councils and the mobile business sector, delivering a balanced and flexible approach.

Amendments to the Act and Local Government (General) Regulation 2021 (Regulation) have made the Mutual Recognition Scheme available to all NSW councils. The legislative changes give councils discretionary powers to recognise approvals issued by other NSW councils for specific activities under Section 68 Part D1-6 and Part F7 of the Act.

These Guidelines provide examples for the application of the Mutual Recognition Scheme using three common mobile business types that operate on community land or public spaces:

- mobile food vendors
- buskers
- outdoor fitness trainers

While these Guidelines support best practice application of the scheme focusing on the key business types above, they may also apply to other activities. These Guidelines should be interpreted and applied in conjunction with the relevant sections of the Act and the Regulation.

As the Office of Local Government (OLG) continues to monitor the implementation of Mutual Recognition, feedback is appreciated to determine the need for future changes or guidance. Contact details can be found at the end of these Guidelines.

Definition of key terms

Key term	Definition
Busker	Refers to an individual or group engaging in entertainment activities (for example, playing a musical instrument, singing or street performance) on community land, requiring approval under Section 68 Part D of the <i>Local Government Act 1993</i> .
Local Conditions	Refers to the policies and conditions set by individual councils that relate to activities, approvals and mobile business operations being undertaken within that council area.
Mobile Business	Refers to any individual or business, undertaking an activity on community land or a public place, requiring approval under Section 68 Part D or F7 of the <i>Local Government Act 1993</i> .
Mobile Food Vendor	Refers to any individual or business, that sells food and/or beverages from a vehicle or temporary structure operating on community land or a public place, requiring approval under Section 68 Part D1 or F7 of the <i>Local Government Act 1993</i> . This may also include coffee carts, food trucks, vans and trailers.
Outdoor Fitness Provider	Refers to an individual or business offering paid physical training sessions on Community Land, requiring approval under Section 68 Part D of the <i>Local Government Act 1993</i> .
Principal Approval	Refers to the initial approval obtained from any NSW council under Section 68 Part D or F7 of the <i>Local Government Act 1993</i> .
Recognition Certificate	Refers to the formal notification of acceptance of recognition provided to a mobile business following receipt of a Request for Recognition and containing the particulars set out in the Local Government (General) Regulation 2021.
Request for Recognition	Refers to the formal request submitted by a mobile business holding a Principal Approval to a Secondary Council, seeking recognition of that approval to operate in that council area.
Secondary Council	Refers to any NSW council where a mobile business with a Principal Approval wishes to operate by submitting a Request for Recognition and/or issues a mobile business with a Recognition Certificate.

What is mutual recognition of an approval?

When approval is required under Section 68 of the *Local Government Act 1993*

Section 68 of the Act requires individuals to obtain prior approval from council before carrying out certain activities within that council area. Section 68 of the Act covers activities undertaken on community land or public spaces such as managing waste, installation of structures, and engaging in trade or business on community land.

Which approvals can be recognised?

Amendments to the Act and Regulation provide NSW councils with powers to recognise an approval issued by any other NSW council under Parts D1-6 and F7 of Section 68 in the Act.

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 F - Other Activities

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

For example, mobile food vendors operating on community land would be approved under Part F7, Outdoor Fitness Providers under Part D1 and Buskers under Parts D4-5 depending on the equipment being used.

Whilst councils are now able to recognise any approval determined under these parts, the Mutual Recognition Scheme is **non-mandatory**. Each council has discretion over which approvals they will recognise and individual processes for administering recognition.

Mutual recognition powers specifically relate to approval issued under Section 68 of the Act, and do not apply to any other type of approval or legislative requirement (for example, approvals required under the *Food Act 2003*).

What is the difference between a Section 68 approval and mutual recognition?

The primary difference is in the application and assessment processes. The aim of mutual recognition is to significantly reduce the administrative burden on both councils and mobile businesses around Section 68 approvals. When recognising an approval, there is no need for councils to re-assess an activity as this has already been completed by another council. The Request for Recognition removes duplication in paperwork, time, and the information required, providing a reliable, streamlined verification process.

When does mutual recognition take effect?

Commencement of legislation

The introduction of the Mutual Recognition Scheme is facilitated by amendments to the *Local Government Act 1993* and *Local Government (General) Regulation 2021*, which commenced in September 2025.

What do councils need to do to begin recognising approvals?

No formal resolution or opt-in is required for councils to begin recognising approvals. Mobile businesses can request recognition from the commencement of the legislative amendments; however, councils may require time to develop a process to accept requests for recognition. Mobile businesses are encouraged to contact councils regarding mutual recognition processes to confirm if and how they can have their approval recognised.

By maintaining current and readily accessible information about the council's administration of mutual recognition requests and the processes involved, councils will be able to more efficiently manage enquiries. This may include updating information on the council's website or other public sources of information.

How does mutual recognition work?

Step-by-step guide to requesting recognition

Prior to requesting recognition, a mobile business must first obtain a Principal Approval with a council. Principal Approvals are any existing or new approval issued by any NSW council under Section 68 Parts D1-6 and F7 of the Act.

After obtaining a Principal Approval, mobile businesses can request recognition by another NSW council through the following process:

1. Mobile business submits a Request for Recognition to another council in NSW (Secondary Council). The Request for Recognition must contain at minimum:
 - a. a copy of the Principal Approval
 - b. a copy of any conditions not specified in the Principal Approval (if required, and does not include conditions imposed by a council policy)
 - c. the date of expiry of the approval, if not specified in the approval
 - d. other details as required on the Secondary Council's Request for Recognition
2. The Secondary Council assesses the Request for Recognition and issues either:
 - a. if approved, with or without conditions - a Recognition Certificate
 - b. if refused - reasons for refusal

If a Request for Recognition has been refused by the Secondary Council, the mobile business can apply for a Principal Approval with that council instead.

This process is illustrated in Figure 1 below.

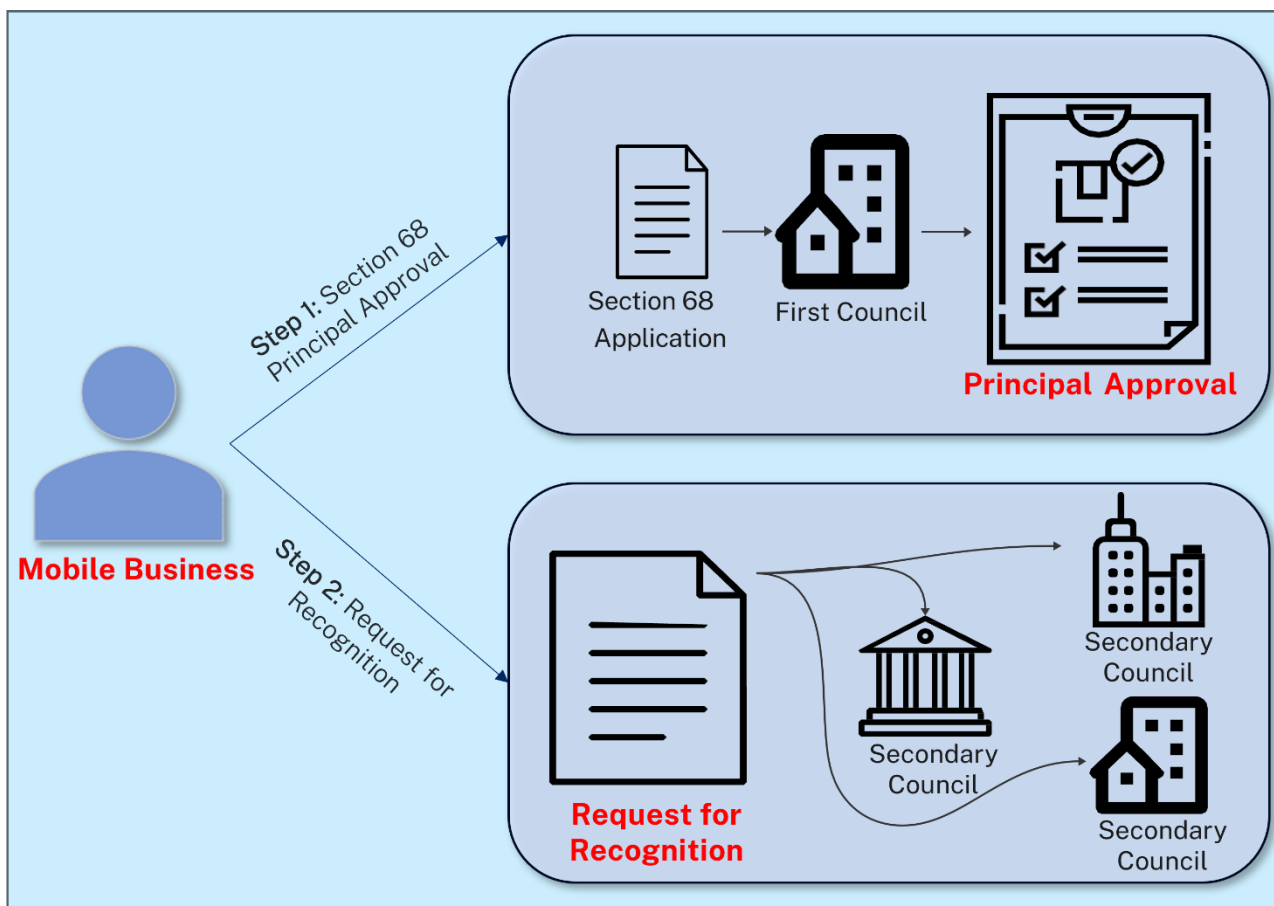


Figure 1. Principal approval and recognition process

Forms and processes

To support the consistent and efficient implementation of the Mutual Recognition Scheme, OLG has developed a suite of best practice forms and templates, which are available on the OLG website at <https://www.olg.nsw.gov.au/programs-and-initiatives/mutual-recognition/>

These best practice resources are non-mandatory. Councils have the flexibility to retain existing forms and processes or use the OLG templates (and modify to suite local requirements as necessary).

Although existing council forms, templates and processes may be suitable for application of mutual recognition requests, further guidance is provided below on procedural aspects to assist councils with determining suitability of existing processes and guiding adjustments.

Principal Approval – Section 68 Approval

The Principal Approval process involves a council determined approval for an activity solely within that local government area following the Section 68 approval process.

Councils are likely to have existing Section 68 approval processes in place, however OLG has developed a dual ‘application package’ set of forms which councils may wish to adopt or use to

update their current process. Should a council adopt these forms, Principal Approval will be sought by mobile businesses by submitting a Section 68 Activity application and an Operational Plan of Management.

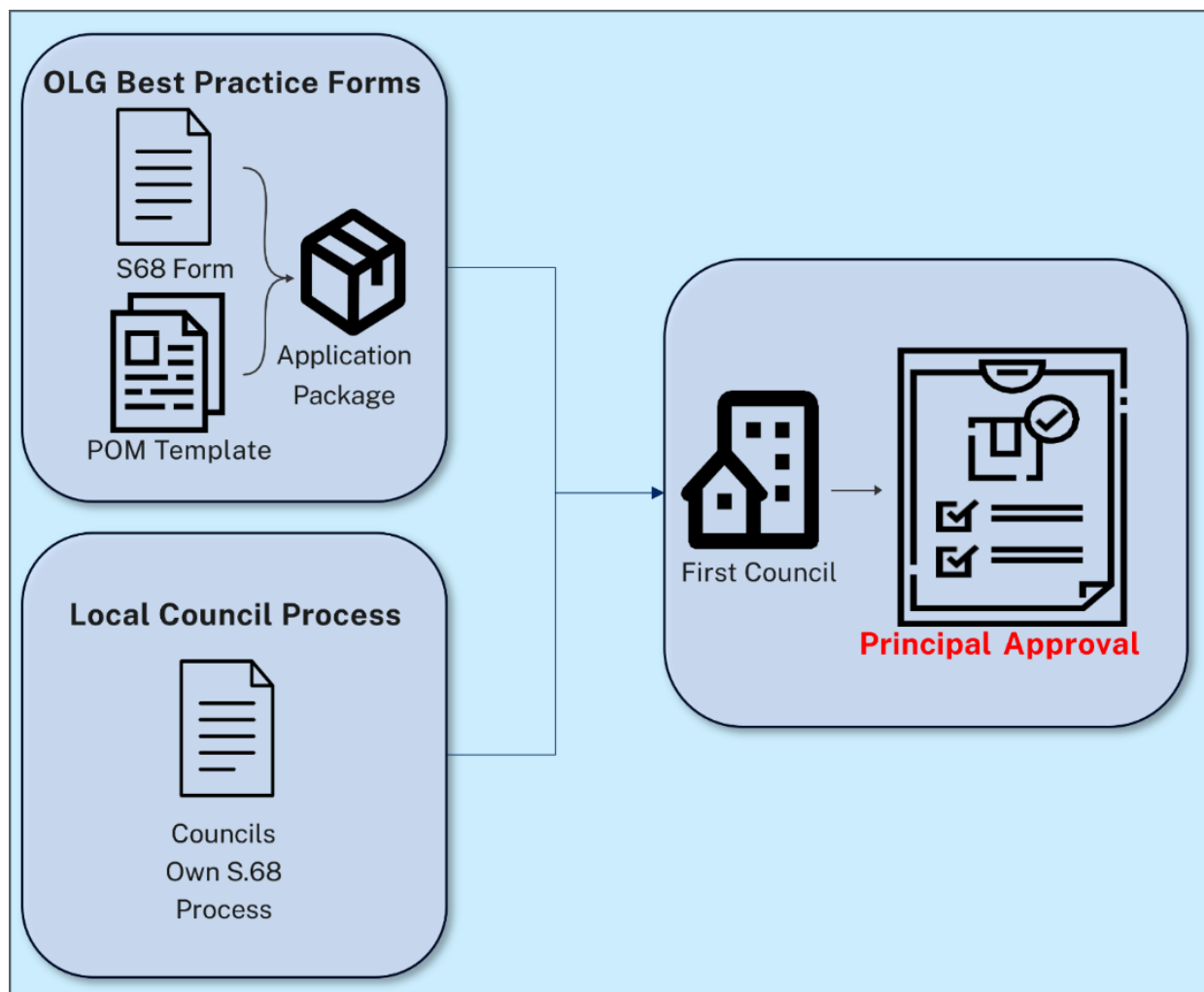


Figure 2. Principal Approval process and forms

Request for Recognition – available once Principal Approval received

The Request for Recognition process involves a mobile business submitting their request for recognition with a Secondary Council. As part of this process, a mobile business will need to provide a copy of their current Principal Approval issued by the first council so that this can be verified by the Secondary Council along with the request form.

OLG has developed a best practice Request for Recognition form that captures relevant information and complies with the requirements of the Regulation. Councils may use or modify this form to suit local preferences or prepare their own that meets the minimum requirements set out in the Regulation.

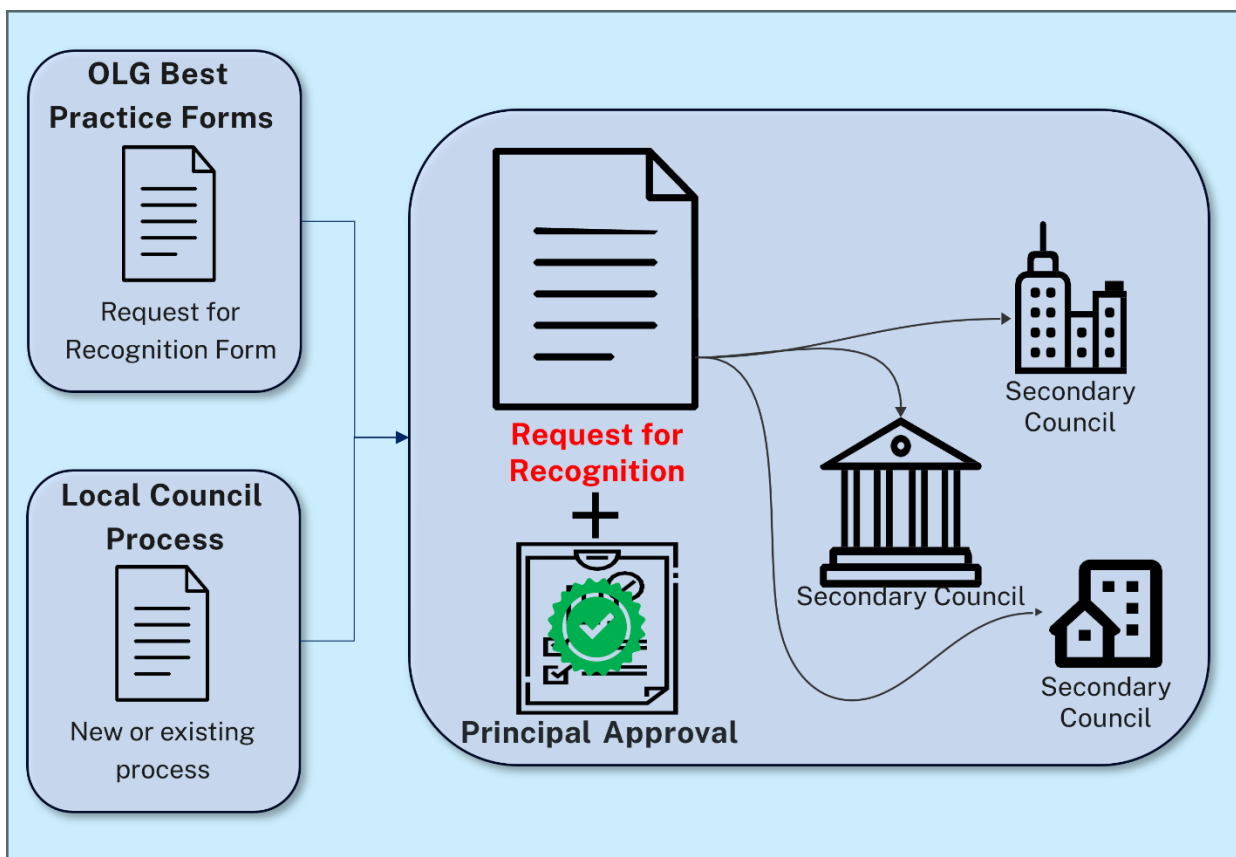


Figure 3. Request for Recognition process and forms

Recognition Certificate – issued upon determination of Request for Recognition

When a Secondary Council has determined a Request for Recognition (approve, approve with conditions, or refuse), the Secondary Council must issue the applicant with a Recognition Certificate. The Regulation prescribes the minimum required information that must be included by a council when issuing this certificate as follows:

- a description of the approval subject to the application
- the name of the council
- the date from which the recognition certificate operates
- the date the recognition certificate lapses.

If the council refuses to grant the application, the council must give written notice to the applicant specifying the following:

- a description of the approval subject to the application
- the name of the council
- the reasons for the refusal

The OLG best practice Request for Recognition form captures these prescribed details so councils can use it as the Recognition Certificate as well.

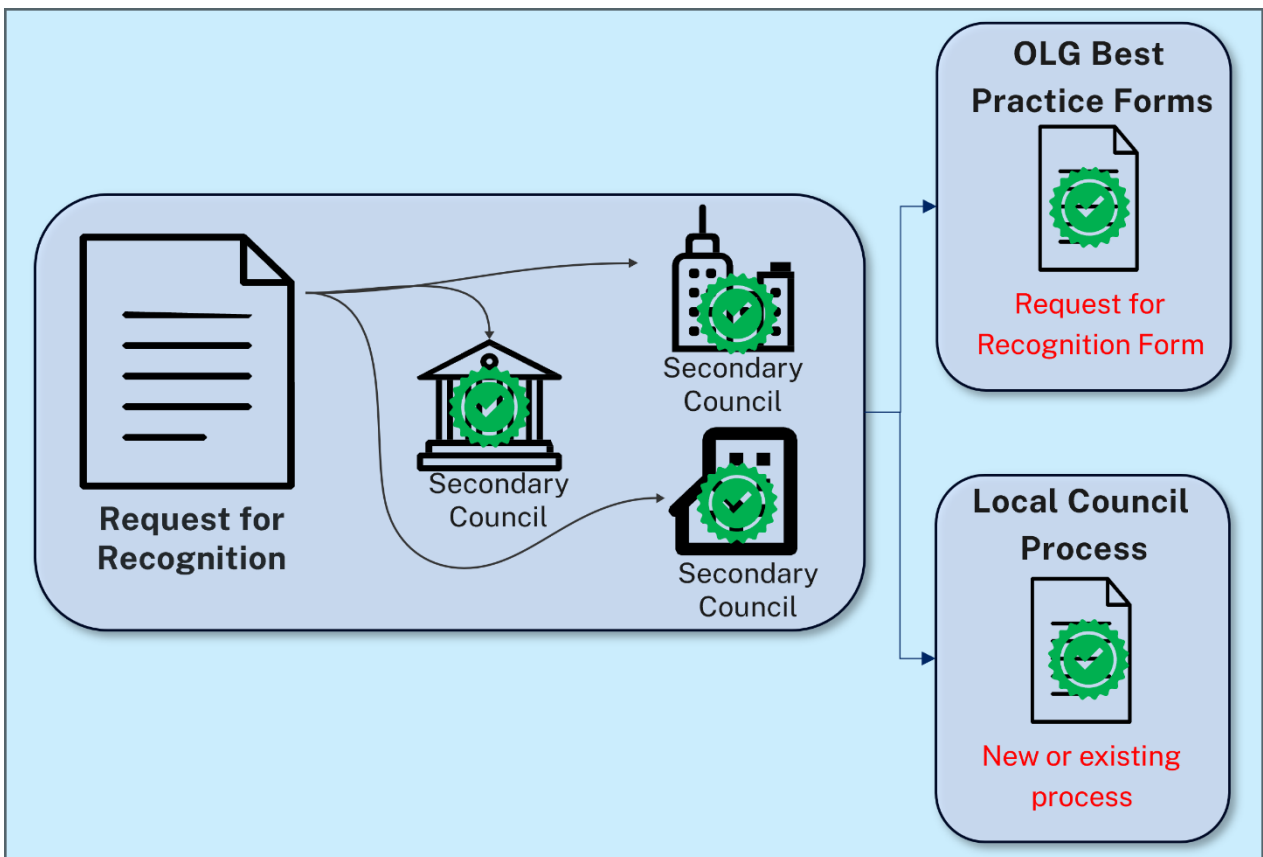


Figure 4. Recognition Certificate process and forms

Are approvals automatically recognised?

Approvals are not automatically recognised. Mobile businesses must obtain an approval or recognition from each council in the areas they wish to operate. This ensures public safety risks are minimised as councils are aware of all local activity and are able to effectively enforce and regulate compliance within their local government area.

Can councils choose to recognise approvals for a selection of activities?

Councils are not required to consider or accept Requests for Recognition for every activity under Parts D1-6 and F7. However, they are encouraged to develop and actively promote policies that clearly explain any Section 68 activities and approvals they will or won't consider for recognition.

The requirements for Section 68 approvals often vary between councils and each may also have different a process for requesting recognition. Councils are encouraged to collaborate and strive for consistency in processes. This will provide confidence that approvals have been thoroughly assessed to a common standard through a robust and transparent process. OLG has provided optional best practice forms to assist in achieving this.

Compliance and enforcement

Local conditions apply in each council area

The Mutual Recognition Scheme ensures councils retain the authority to enforce their Local Conditions and policies on mobile business activity within their council area.

‘Local Conditions’ is the blanket term used to describe any requirements, rules or restrictions that may apply within that council area. Many councils may already have Local Conditions established in a Local Approvals Policy. Mobile businesses are obligated to comply with the Local Conditions of the council they are operating within. This ensures that councils retain their ability to manage local amenity, public safety, community concerns and other relevant conditions within their areas.

Given that mobile businesses operating under mutual recognition are subject to Local Conditions, it is critical for councils to clearly and effectively communicate these policies to mobile businesses seeking approval to operate in their areas. This communication should occur when councils issue a Principal Approval or a Recognition Certificate.

Local Conditions may cover aspects such as permitted operating hours, designated trading locations, proximity to brick-and-mortar businesses, acceptable noise levels, waste disposal or any other public impact and safety measures.

OLG has developed a model policy template to assist councils in developing appropriate Local Conditions. This policy template can be amended to suit local circumstances. The Policy template can be found on the OLG website at <https://www.olg.nsw.gov.au/programs-and-initiatives/mutual-recognition/>

Enforcement powers also apply to recognised approvals

Recognition Certificates are subject to the same enforcement and regulatory actions as if they were approvals issued by the council. This means that councils can revoke, modify, add conditions, issue orders and penalties upon Recognition Certificates.

Mobile businesses must carry proof of recognition

Councils will continue to conduct compliance checks and take regulatory action in line with relevant legislation and policies. This may include requesting proof of valid approval to trade within the council area and may include a copy of the Principal Approval, Recognition Certificate, and any other relevant licences or permits that form part of the conditions of that approval.

When an approval is revoked or modified

In the case where a Principal Approval has been revoked (cancelled), the mobile business must, within 24 hours, notify councils that have issued Recognition Certificates for the Principal Approval. If the mobile business does not notify the relevant councils, those councils may each issue a penalty to the mobile business. This is to ensure compliant behaviour and ensure that mobile businesses do not trade on a revoked approval.

Fees

Setting fees for recognising an approval

The Mutual Recognition Scheme does not change councils' powers to set fees. Councils are also not required to charge a fee for recognising a Principal Approval. However, if councils do adopt a fee for submitting a Request for Recognition, the fee should generally:

- Be lower than the cost of issuing a Principal Approval, and
- Reflect the minimal administrative burden to council of recognising an approval

Practical Examples

Please note the examples below are illustrative only and are not reflective of any in force council policies. Mobile businesses should check with the relevant council, Principal Approval or Recognition Certificate for processes and conditions that apply to their proposed activity.

Example 1 – Food Trucks

A food truck operator lives in the Silverpine Shire Council area and owns 3 food trucks. The operator must obtain separate Principal Approvals (Section 68 approval) for each of their food trucks from any NSW council.

As the operator wants to trade in the Silverpine Shire area, they would submit a Section 68 application to Silverpine Shire Council for the food truck and receive Principal Approval valid for 12 months.

Two weeks later the operator wishes to use the same truck in a neighbouring council area. After verifying on Eastmoor Regional Council's website that council will consider recognising Section 68 approvals for food trucks, the operator would submit a Request for Recognition to Eastmoor Regional Council. This is accompanied by a copy of the Principal Approval issued by Silverpine Shire Council.

Eastmoor Regional Council would check that the proposed activity on the Request for Recognition form matches the activity approved by Silverpine Shire Council and would issue a Recognition Certificate. The Recognition Certificate would also contain a link to Eastmoor Regional Council's local policy on food trucks.

The operator receives the Recognition Certificate and checks the local policy to ensure their planned operation is compliant with Eastmoor Regional Council's local conditions (in a permitted area, within designated trading hours etc). Although the Principal Approval was issued by Silverpine Shire Council, the Silverpine Shire Council local conditions do not apply when trading in Eastmoor Regional Council area.

The operator also notes that the expiry date is the same as the expiry date on the Principal Approval. The operator would be able to trade with that food truck in Eastmoor Regional Council area until the expiry date on the Recognition Certificate.

If the operator wants to trade using another food truck in Eastmoor Regional Council area, they must submit a new Request for Recognition to council using a Principal Approval given for the same truck.

Example 2 – Busker

A group of circus performers want to do live busking performances in Windara and Ironridge. One of the group members (the applicant) is responsible for obtaining the required approvals from Windara Coast Council and Ironridge City Council.

The applicant would submit a Section 68 approval to Windara Coast Council using council's process and organise to pay the application fee. Council would conduct their assessments and issue a Principal Approval.

The Principal Approval includes a copy of Windara Coast Council local conditions for busking, which the applicant ensures the other group members understand. The group performs in line with council policies and safety procedures.

After a successful performance in Windara, the applicant approaches Ironridge City Council to see whether they would consider a Request for Recognition for busking. If Ironridge City Council confirms, then the applicant would submit a Request for Recognition.

If Ironridge City Council notices that the Request for Recognition includes a new, high-risk performance that is not noted on the Principal Approval issued by Windara Coast Council, it could refuse to recognise the approval.

The applicant discusses this with the group, and they collectively decide to submit a Section 68 application to Ironridge City Council for their new performance.

If Ironridge City Council approves, the group would now be able to perform in Ironridge and Windara Coast Council areas up to the expiry date on each Principal Approval and following the relevant local policies.

Ironridge City Council also could have issued a Recognition Certificate with a condition to note that the new high-risk component of the performance is not recognised. Under this scenario the group could have decided to perform without the new component in Ironridge.

Example 3 – Outdoor fitness

A personal trainer wishes to run 1:1 and group fitness sessions across multiple local government areas on the NSW coast. After receiving Section 68 approval from Bellmere Council, they would submit a Request for Recognition to Sunhollow District Council and Thornbrook Valley Council. Both councils issue a Recognition Certificate to the trainer.

The trainer has checked on Sunhollow District Council's website and notes that some parks require trainers to book space prior to using the space. The trainer books the space and runs their outdoor session.

During the training a council compliance officer conducts a check. The trainer is able to produce a copy of the Principal Approval issued by Bellmere Council, the Recognition Certificate issued by Sunhollow District Council and the booking confirmation. The council officer is satisfied that the training is being conducted safely and in accordance with the recognised activity. No further action is taken by council.

Contact Us

Please contact the Office of Local Government Sector Policy and Frameworks team if you have a question or need help.

Email: olg@olg.nsw.gov.au

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