|  |  |
| --- | --- |
| **ITEM 10.3** | **Amendments to Development Control Plans in Relation to the Management of Trees and Waste** |
| **REPORTING** **MANAGER** | **Executive Manager Strategic & Place Planning** |
| **TRIM file REF** | **2018/167892** |
| **ATTACHMENTS** | **1** **Summary of Waste Amendments (Included In Attachments Booklet)**  **2** **Summary of Tree Amendments (Included In Attachments Booklet)**  **3** **Details of draft Manly DCP 2013 Amendment 12 (Included In Attachments Booklet)**  **4** **Details of draft Pittwater DCP 2014 Amendment 24 (Included In Attachments Booklet)**  **5** **Details of draft Warringah DCP 2011 Amendment 14 (Included In Attachments Booklet)**  **6** **Details of draft Warringah DCP 2000 Amendment 3 (Included In Attachments Booklet)** |

|  |
| --- |
| **EXECUTIVE SUMMARY** |

**PURPOSE**

To seek approval to exhibit proposed amendments to Council’s Development Control Plans (DCPs) to address new State Government tree and vegetation removal requirements, standardise waste management requirements for new development and to reference recent amendments to the Environmental Planning and Assessment Act 1979.

**SUMMARY**

With the commencement of State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP) in late 2017, approval requirements for the removal of trees and vegetation were removed from Council’s Local Environmental Plans.

Permits for the removal of trees and vegetation are now required under the Vegetation SEPP and in accordance with Council’s Development Control Plans (DCPs). Amendments are required to Manly DCP 2013, Pittwater DCP 2014, Warringah DCP 2011 and Warringah DCP 2000 to reference the Vegetation SEPP and to identify and standardise the process for permits for the removal of vegetation. No changes are proposed to the standardised criteria for the removal of vegetation adopted by Council in August 2017.

It is also proposed to amend Council’s DCPs to adopt standardised Waste Management Guidelines which have already been adopted by Council for the Warringah DCP 2011.

Minor administrative updates are also proposed to all Council’s DCPs to reference recent amendments to the structure and nomenclature of the Environmental Planning and Assessment (EP&A) Act 1979.

The proposed changes are supported by Council’s Tree Services, Bushland and Biodiversity, and Waste Management teams.

*Do not delete this line*

|  |
| --- |
| **RECOMMENDATION OF ACTING** **General Manager Planning Place & Community**  That:   1. Council approve the exhibition of amendments to Council’s Development Control Plans (DCPs) including Manly DCP 2013, Pittwater DCP 2014, Warringah DCP 2011 and Warringah DCP 2000 to address new requirements for tree and vegetation clearing permits, reference standardised Waste Management Guidelines, and update references to the recently amended Environmental Planning and Assessment Act 1979; 2. The matter be reported to Council following public exhibition of the proposed amendments. |

*Do not delete this line*

|  |
| --- |
| **REPORT** |

BACKGROUND

**1. Preservation of Trees and Bushland Vegetation**

On 25 August 2017 the standard LEP provisions for Preservation of Trees or Bushland Vegetation in Council’s LEPs (clause 5.9) were repealed and replaced by provisions in the State Environmental Planning Policy (Vegetation in Non- Rural Areas) 2017 (Vegetation SEPP).

These changes are part of a suite of NSW Government reforms concerning Land Management Biodiversity Conservation for Biodiversity certified land, stewardship sites and native vegetation clearing.

As a result of the changes, it is proposed to amend Council’s DCPs to reference the Vegetation SEPP and to update the DCP provisions for the preservation of trees and bushland vegetation as follows:

* Replace reference to ‘Tree Development Applications’ with ‘Tree and Vegetation Clearing Permits’ as the Vegetation SEPP requires the issue of a permit to clear a tree or other vegetation in most circumstances (Development Applications will still be required where the tree/vegetation removal is proposed as part of other development e.g. house construction).
* Replace references to requirements prescribed under ‘clause 5.9’ of the LEPs to instead read ‘Part 2 of the Vegetation SEPP’ and make other minor edits which clarify the authority to clear a tree or other vegetation.
* Omit reference to requirements in National Parks as this land is regulated under different legislation and the Vegetation SEPP does not apply.

A detailed summary of proposed DCP amendments for the preservation of trees and bushland vegetation is provided in Summary of Tree Amendments (Attachment 2) and details of the DCP amendments for each DCP are provided in Attachments 3 to 6.

The proposed changes have been agreed upon by all relevant business units of Council. No changes are proposed to the standardised criteria for the removal of vegetation adopted by Council in August 2017.

**2. Waste Management Guidelines**

On 25 October 2016 the Council adopted Warringah Waste Management Guidelines in conjunction with amendments to Warringah DCP 2011. The broader application of these Guidelines across Northern Beaches Council area has been considered and agreed upon by all relevant business units of Council.

It is therefore proposed to amend the Manly and Pittwater DCPs so that all Northern Beaches DCPs have the same provisions that Development comply with Waste Management Guidelines as follows:

* Amend Manly and Pittwater DCPs to include a statement, in the same manner as Warringah DCP, that ‘All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan’
* Amend Warringah DCP to include reference to the application of the Waste Management Guidelines to land to which both Warringah LEP 2011 and Warringah LEP 2000 applies (consistent with the referencing already in the adopted Waste Management Guidelines).
* Amend the existing Waste Management Guidelines and template for Waste Management Plans (which currently apply to former Warringah area only) to ‘Northern Beaches Waste Management Guidelines’ incorporating some additional guideline information from the Manly DCP in relation to the design of waste and recycling storage areas and the management of commercial waste, and to include a reference to Council’s Single Plastics Policy.

A detailed Summary of Waste Amendments (Attachment 1) and the DCP amendments for each DCP are provided in Attachments 3 to 6.

**3. Other Administrative Improvements**

Recent amendment to the *Environmental Planning and Assessment Act 1979* (EP&A Act)included comprehensive restructuring of the various chapters, divisions and sections. For example, a Section 96 Application for the modification of a development consent now sits under Section 4.55 of the EP&A Act.

It is proposed to amend all references to provisions in the EP&A Act in all the DCPs, to refer to the generic description of the section wherever possible, for example, Section 96 applications will now be described as a ‘Modification Application’. Where that is not possible, references are also updated to reflect the new sections of the EP&A Act.

**CONSULTATION**

The drafting of proposed changes to the DCPs has been undertaken in consultation with Council’s Tree Services, Bushland and Biodiversity, and Waste Management teams.

The recommended public exhibition of the draft amendments to the DCPs will be in accordance with legislative requirements under the Environmental Planning and Assessment Regulation 2000 and Council’s Engagement Strategy. This will include an advertisement in the local newspaper and 28 day exhibition period.

**FINANCIAL CONSIDERATIONS**

The proposed DCP amendments are operational matters for Council and there are no significant financial considerations.

**SOCIAL CONSIDERATIONS**

The proposed DCP amendments are minor and will have no significant social impacts.

**ENVIRONMENTAL CONSIDERATIONS**

The adoption of standard provisions across all Council DCPs for tree and bushland vegetation clearance requirements and the management of waste will create greater certainty for the community, resulting in more consistent and better environmental outcomes.

**GOVERNANCE AND RISK CONSIDERATIONS**

The proposed DCP Amendments improve operational matters in a range of areas, creating greater certainty for the community and Council staff, improving governance and reducing risk.