**Details of MANLY DCP Amendments (in relation to Trees, Waste and other Administrative Matters)**

**1.3 Relationship to other Plans and Policies**

<insert additional listing: ‘Northern Beaches Waste Management Plan’>

**…**

**2.2 Applications that are not required to be notified**

2.2.1 Applications for the following types of development are not required to be notified:

…

1. ~~Section 96(1) applications~~ Modifications of Consent involving minimal environmental impact

**….**

**2.5 Additional Legislative Requirements**

…The requirements for public exhibition and notification of development applications for designated development are specified in ~~Section 79~~ Schedule 1 of the EP&A Act and Clauses 77-81 of the EP&A Regulation. ….

**2.7 Applications ~~under Section 96, Section 96AA or Section 96AB of the EP&A Act~~ to Modify Consents and Review Applications to Modify Consents refused or the conditions imposed**

Certain modification applications ~~lodged under Section 96, Section 96AA or Section 96AB of the EP&A Act, except for Section 96(1) applications~~, will be exhibited and/or notified as per the original development application as follows:

• Applications to Modify Consents including consent issued by the Court.

• Applications for a review of a modification application that are refused or where conditions are imposed

except for:

• Applications to Modify Consents involving minor error, misdescription or miscalculation.

**2.8 Notification requirements for ~~applications under Section 82A of the EP&A Act~~ Requests to Review a Determination**

Applications lodged ~~under Section 82A of~~ requesting a review of a Determination pursuant to the EP&A Act will be exhibited and/or notified as per the original development application.

**…**

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

**3.3.2.1. Requirements for ~~Tree~~ ~~Development Applications~~ Vegetation Clearing Permits**

~~All trees are prescribed for the purposes of clause 5.9 of the Manly LEP 2013.~~ Authority to clear a tree or other vegetation, is regulated in this plan in accordance with State Environmental Planning Policy (Vegetation in Non-Urban Areas) 2017 i.e. ‘Vegetation SEPP’. In particular, Part 2 of the Vegetation SEPP sets out the authority to clear vegetation and Part 3 provides for Council to declare under this DCP when a Vegetation Clearing Permit may be issued for clearing of vegetation.

**Note**: However a permit under Part 3 of the Vegetation SEPP (clause 10(3)) cannot allow the clearing of vegetation that is or forms part of a heritage item or that is within a heritage conservation area, or that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the council is satisfied that the proposed activity:

* is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
* would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.
1. A person shall not ringbark, cut down, top, lop, remove, poison, injure, or wilfully destroy any ~~prescribed tree or bushland vegetation unless authorised by a current Development Consent.~~ tree or bushland vegetation that requires a Vegetation Clearing Permit under the provisions of Part 3 of the Vegetation SEPP. This includes damage to a tree or bushland vegetation by:
2. Damaging or tearing live branches and roots;
3. Damaging the bark, including attachment of objects using invasive fastenings, the fastening of materials around the trunk of trees which may result in a detrimental impact on tree health;
4. Tree topping, where large branches and/or the trunk of the tree is removed from the top of the trees canopy;
5. Tree lopping, where branches are removed to reduce the height and spread of the tree.
6. Damaging the root zone of a tree by way of compaction, including storage and stockpiling materials;
7. Changing of ground levels within the root zone of a tree by way of excavation, trenching, filling or stockpiling;
8. Under scrubbing of bushland vegetation;
9. Burning of vegetation (not part of a Hazard Reduction Certificate); or
10. Any other act or activity that causes the destruction of, the severing of trunks or stems of, or any other substantial damage to, some or all of the bushland vegetation in an area.

~~Where such activities are required as part of other works for which a Development Application (DA) is required, the works will be assessed as part of the DA~~.

~~This control does not apply to Council or its duly authorised servants or agents to carry out approved maintenance or works, including those covered under Part 5 of the Environmental Planning & Assessment Act.~~

~~Works conducted in accordance with a Hazard Reduction Certificate issued under the Rural Fires Act 1997 for asset protection hazard reduction works do not require a permit.~~

An authority to clear vegetation is not required under the Vegetation SEPP:

1. if it is clearing authorised by development consent i.e. a ‘DA’ under Part 4 of the Environmental Planning and Assessment Act 1979. Note: However this authority to clear vegetation without a permit does not extend to clearing merely because it is a part of or ancillary to the carrying out of exempt development (see clause 8(1) of Vegetation SEPP).
2. if it is clearing of a kind that is an activity authorised by an approval, or carried out by a determining authority within the meaning of Part 5 of the Environmental Planning & Assessment Act after compliance with that Part.
3. if the clearing was an emergency firefighting act or emergency bush fire hazard reduction work within the meaning of the Rural Fires Act 1997 (the ‘Act’), or bush fire hazard reduction work to which section 100C(4) of the Act applies or vegetation clearing work under section 100R of the Act.
4. ~~Development Applications (Tree DAs)~~ ~~are~~ A Vegetation Clearing Permit is required for:
	1. Removal or cutting down of any tree over 5 metres high;
	2. Pruning of more than 10 percent of a tree canopy.
	3. The removal or cutting down of vegetation in “*Bushland*”.

For the purpose of this clause “*Bushland*” means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation (as defined by the *Local Government Act 1993*).

1. In applying for a Vegetation Clearing Permit, the applicant must demonstrate that any tree to be removed as part of a ~~Tree DA~~ Vegetation Clearing Permit meets one or more of the criteria of the Removal of Tree Test in Part C of Schedule 4 and the Tree Retention Assessment in Part D of Schedule 4. An arborist report may be required to satisfy this requirement.

**3.3.2.2 Requirements for ~~other~~ Development Applications (DAs)**

When a DA is required for clearing vegetation, the following requirements apply:

1. Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.
2. Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided.
3. Development must also avoid any impact on trees on public land.
4. For DAs involving the construction of new buildings and works containing Classes 2-9 (BCA), the information contained in Part E of Schedule 4 is to be submitted.
5. Where trees proposed to be retained may be affected by the construction of new buildings and works of Classes 1 and 10, a Tree Protection Plan as per Part F of Schedule 4 is to be submitted.

**3.3.2.3 Exceptions to Requirements**

1. Council may consider a variation to the requirements where Council is satisfied a tree or other vegetation:
2. is dying or dead and is not required as habitat for native fauna; or
3. is a risk.
4. Trees can be removed or pruned without Council ~~consent~~  ‘s authorisation of a Vegetation Clearing Permit which are:
5. In an area in which the Council has authorised their removal as part of a hazard reduction program, where that removal is necessary in order to manage risk
6. Required to be removed under other legislation (including the *NSW Rural Fires Act 1997* and the *Environmental Planning and Assessment Act 1979*).
7. Removed by Rural Fire Services because they pose or will pose a significant threat to access along required fire trails or to human life, buildings or other property during a bushfire.
8. ~~In a National Park within the meaning of the~~ *~~National Parks and Wildlife Act 1974~~*~~.~~
9. A tree where the immediate removal is essential for emergency access or emergency works by the Council, the State Emergency Service or a public authority.
10. A tree in a container, other than in a planter box that forms part of a building, or in a container that is permanently fixed to a structure.
11. A field-grown tree propagated as part of a commercial horticultural or agricultural enterprise.
12. Council’s ~~consent~~ authorisation of a Vegetation Clearing Permit is not required for:
13. The removal of any tree on the Exempt Tree Species List (see Table 1).
14. Reasonable maintenance involving trimming and pruning of up to 10 percent of a tree's canopy within a 12 month period (all pruning works must be in accordance with *Australian Standard AS 4373:2007 Pruning of amenity trees*).
15. The pruning or removal of hedges (unless required by conditions of a development consent).
	1. *“Hedge”* means groups of 2 or more trees that:
	(a) are planted (whether in the ground or otherwise) so as to form a hedge, and
	(b) rise to a height of at least 2.5 metres (above existing ground level).
16. The removal of a tree, where the base of the trunk of the tree at ground level, is located within 2 metres of an existing approved building (not including decks, pergolas, sheds, patios or the like, even if they are attached to a building).
17. The removal of deadwood from a tree.
18. Removal of any species of parasite mistletoe or parasitic plant from any part of a tree to ameliorate the effects on the tree from such a parasite
19. The removal of trees which are considered a high risk / imminent danger to life and property by a Level 5 qualified arborist. These trees can be removed without Council consent by the owner of the tree subject to the owner obtaining written confirmation from the arborist that clearly states the following:
	* The arborists qualifications: AQF Level 5 Arborist or equivalent;
	* That the tree(s) is declared a ‘high risk’ or is an imminent danger to life and property;
	* That immediate removal of the tree(s) is recommended.
	* A copy of the report must be sent to Council for record keeping purpose.

***Notes:*** <No change to notes>

**3.8 Waste Management**

~~Note: This plan requires the lodgement of Waste Management Plans that demonstrate sound waste management practices that will reduce, reuse and recycle resources~~

Relevant objectives to satisfy in relation to this paragraph include the following

Objective 1) ~~Minimise overall environmental impacts of waste in accordance with regional waste plans and Federal and State Government waste minimisation targets.~~ To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).

Objective 2) Encourage environmentally protective waste management practices on construction and demolition sites which include:

* sorting of waste into appropriate receptors (source separation, reuse and recycling) and ensure appropriate storage and collection of waste and to promote quality design of waste facilities;
* ~~provision~~ adoption of design standards that complement waste collection and management services offered by Council and private service providers;
* building designs and demolition and construction management techniques which maximises avoidance, reuse and recycling of building materials and which will minimise disposal of waste to landfill; and
* appropriately designed waste and recycling receptors are located so as to avoid impact upon surrounding and adjoining neighbours and enclosed in a screened off area.

Objective 3) Encourage the ongoing minimisation and management of waste handling in the future use of premises.

~~Objective 4) Provide advice to intending applicants on:~~

* ~~matters to be considered when assessing the waste implications of DAs;~~
* ~~sound waste management practices and requirements for the preparation of waste management plans; and~~
* ~~the reduction and handling of waste during the demolition and construction phase.~~

Objective 4) To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.

Objective 5) To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.

Objective 6) To minimise any adverse environmental impacts associated with the storage and collection of waste.

Objective 6) To discourage illegal dumping.

**Requirement**

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’

3.8.1 Waste and Recycling Storage Areas

~~Garbage storage areas must be of sufficient size to store the number of bins required by Council, being:~~

~~For single dwellings and duplexes and multi-unit dwelling with individual waste and recycling storage areas: 1 x 80 litre bin for residual waste, 2 x 120 litre bins for paper and co-mingled (container) recycling, 1 x 240 litre bin for vegetation recycling.~~

~~For multi-unit dwellings where there is a common waste and recycling storage area, Council allocates a 240L general waste bin, a 240 litre paper recycling bin and a 240 litre co-mingled (container) recycling bin to be shared by every 4 residential dwellings. Provision for space for a 240 litre vegetation bin should be included where such bins are allocated.~~

~~For mixed use developments: The building must include no less than two independently designated areas or garbage rooms for commercial and residential occupants; to keep commercial waste and recycling separate to residential waste and recycling.~~

~~For commercial developments: Council does not provide a waste collection service for commercial developments. It is recommended that private waste contractors are consulted early in the development process to ensure that garbage storage areas are adequately designed.~~

~~Any waste storage facility must be architecturally designed to reflect the design style of the proposed /existing building and not detract from the visual amenity and streetscape character in the immediate vicinity. And should also be wholly contained within the property and not placed on any leased or Council land. In this respect, the storage facility must be screened from the street frontage in a manner that improves the streetscape appearance of the facility~~

**~~3.8.2 Demolition and Construction Waste Management~~**

~~Requirements for the management of wastes, particularly in relation to the demolition of buildings are as follows:~~

* ~~Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval;~~
* ~~Any material moved off-site is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1998;~~
* ~~Demolition and construction waste dockets demonstrating lawful disposal of waste must be retained onsite and kept readily accessible for inspection by regulatory authorities such as Council, the Environmental Planning Authority or Work Cover NSW;~~
* ~~Waste is only to be disposed of at an appropriately licensed facility;~~
* ~~Production, storage and disposal of hazardous waste are only conducted in accordance with any applicable Environmental Planning Authority guidelines.~~

**~~3.8.3 Composting~~**

~~In relation to single dwellings, a composting facility should be installed on site where practicable, away from the main building and in such a way that it does not adversely impact on neighbouring properties.~~

~~Multi-unit dwellings are to designate a non-paved area (minimum 0.8m x 0.8m) on site as space for communal or individual composting or worm farming units.~~

~~All commercial premises should investigate opportunities to compost food waste wherever practicable.~~

**~~3.8.4 Management of Commercial Waste~~**

~~Council may impose conditions on a DA to encourage waste minimisation such as the following:~~

* ~~Businesses operating from the premises must engage a contractor to collect their waste and recycling separately.~~
* ~~Consider providing alternatives to plastic bags for the purposes of carrying items purchased from the premises.~~

### 4.4.1 Demolition

Where development involves demolition, the applicant is to demonstrate that the degree of demolition considers any existing building on the land that should be retained and appropriately adapted in order to: … , and

c) Comply with the requirements of the Northern Beaches Waste Management Policy

**Schedule 10 – Standard Dimensions for Bins and Recycling Containers**

<delete this Schedule>

**Schedule 13 – Extracts from Environmental Planning and Assessment Act**

<delete this Schedule>