**Details of draft PITTWATER DCP 2014 Amendment 24 (in relation to Tree, Waste and other Administrative matters)**

**A1.7 Consideration before consent is granted**

Council will also have regard to ~~Section 79C~~ the matters for consideration under section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979

**…**

**A5.1 Exhibition, Advertisement and Notification of Applications**

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

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

…

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

**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….

**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. …

**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.

**…**

**B4.22 Preservation of Trees and Bushland Vegetation**

**Outcomes**

<no change proposed>

**Controls**

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

1) ~~All trees are prescribed for the purposes of clause 5.9 of the Pittwater LEP 2014~~ 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.

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:

* + Damaging or tearing live branches and roots;
	+ 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;
	+ Tree topping, where large branches and/or the trunk of the tree is removed from the top of the trees canopy;
	+ Tree lopping, where branches are removed to reduce the height and spread of the tree.
	+ Damaging the root zone of a tree by way of compaction, including storage and stockpiling materials;
	+ Changing of ground levels within the root zone of a tree by way of excavation, trenching, filling or stockpiling;
	+ Under scrubbing of bushland vegetation;
	+ Burning of vegetation (not part of a Hazard Reduction Certificate); or
	+ 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. ~~Tree 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, ~~T~~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 Appendix 16 (P21DCP) and Tree Retention Assessment in Appendix 17 (P21DCP). An arborist report may be required to satisfy this requirement.
2. ~~Applications for the removal of bushland on land under the Warringah LEP 2011 must address relevant objectives and requirements of Parts E2, E3, E4, E5, E6, E7 and E8 of the Warringah DCP 2011.~~ <see Attachment 5 - Detailed amendments to Warringah DCP>.

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

When a DA 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 Appendix 18 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 Appendix 19 is to be submitted.
6. ~~DAs which require the removal of bushland on land under the Warringah LEP 2011 must address relevant objectives and requirements of Parts E2, E3, E4, E5, E6, E7 and E8 of the Warringah DCP 2011.~~ <see Attachment 5 - Detailed amendments to Warringah DCP>.

**Variations**

Council may consider a variation to the requirements where Council is satisfied:

* a tree or other vegetation is dying or dead and is not required as habitat for native fauna.
* a tree or other vegetation is a risk.

**Trees can be removed or pruned without Council ~~consent~~  ‘s authorisation of a Vegetation Clearing Permit which are:**

* 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
* Required to be removed under other legislation (including the *NSW Rural Fires Act 1997* and the *Environmental Planning and Assessment Act 1979*).
* 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.
* ~~In a National Park within the meaning of the~~ *~~National Parks and Wildlife Act 1974~~*~~.~~
* 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.
* 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.
* A field-grown tree propagated as part of a commercial horticultural or agricultural enterprise.

**Council’s ~~consent~~ authorisation of a Vegetation Clearing Permit is not required for:**

* The removal of any tree on the Exempt Tree Species List (see Table 1).
* 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*).
* The pruning or removal of hedges (unless required by conditions of a development consent).

*“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).

* 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).
* The removal of deadwood from a tree.
* 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
* 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:
	1. The arborists qualifications: AQF Level 5 Arborist or equivalent;
	2. That the tree(s) is declared a ‘high risk’ or is an imminent danger to life and property;
	3. That immediate removal of the tree(s) is recommended.
	4. A copy of the report must be sent to Council for record keeping purpose.

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

1. **…**
2. **C1.12 Waste and Recycling Facilities (Design Criteria for Residential Development)**

**Outcomes**

~~Waste and recycling facilities are accessible and convenient, and integrate with the development. (En)
Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment. (En, S)~~

To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development.

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;
* 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.

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

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.

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

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

To discourage illegal dumping.

**Controls**

~~Waste and recycling receptacles are to be stored within the property boundaries.

Separate bins are to be provided for waste (garbage), paper recyclables and container recyclables.

Where residential development consists of three or more dwellings, either as attached dwellings or as part of a community title scheme, a communal waste and recycling enclosure shall be provide for waste and recyclables (paper and containers). The enclosure shall be designed in accordance with the~~*~~Better Practice Guide for Waste Management in Multi-unit Dwellings (Department of Environment and Climate Change, June 2008)~~*~~. Waste and recycling enclosures are to be provided at or behind the front, side and rear setback requirements contained within the Controls of this document. The enclosure/s shall be of an adequate size, integrated with the building design and site landscaping, suitably screened and located for convenient access for collection.

Additionally the waste and recycling enclosure shall be designed as follows:~~

1. ~~constructed of solid material, cement rendered and steel, trowelled to a smooth, even surface and made vermin proof. Framing in timber is not permitted;~~
2. ~~the floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the enclosure. Wastewaters shall be drained to the sewer;~~
3. ~~stormwater shall not enter the floor of the enclosure such that the sewer system will be contaminated by rainwater;~~
4. ~~the enclosure is to be roofed. Roof water shall be directed to an approved stormwater disposal system;~~
5. ~~enclosures shall be vented to the external air by natural or artificial (mechanical ventilation) means. The installation and operation of the mechanical ventilation system shall comply with Australian Standard~~*~~AS/NZS 1668.1:1998: The use of ventilation and air conditioning in buildings – Fire and smoke control in multi-compartment buildings~~*~~and Australian Standard~~*~~AS 1668.2:2012: The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings~~*
6. ~~hot and cold water hose cocks shall be located within the enclosure; and~~
7. ~~The enclosure shall be of adequate size to accommodate the following bin numbers and capacity:~~
	1. ~~80 litres per household per week of garbage;~~
	2. ~~70 litres per household per week of paper recyclables, and~~
	3. ~~70 litres per household per week of container recyclables.~~

 ~~For shop top housing developments the residential waste and recycling enclosure is to be physically separated from the commercial/trade waste and recycling enclosure.~~

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

**Variations**

Nil

**Advisory Note**

For specific controls in relation to the Waste and Recycling Facilities for the Elanora Heights Village Centre, refer to Part D5.46 of this DCP.

**Information to be shown on the Development Drawings**

Floor plans shall clearly show the location and dimension of waste and recycling storage facilities proposed on the site.

1. **...**
2. **C2.9 Waste and Recycling Facilities (Design Criteria for Commercial Development)**

**Outcomes**

<amend in the same manner as Section C1.12 above>

**Controls**

<amend in the same manner as Section C1.12 above>

**Variations**

Nil

**Advisory Notes**

Floor plans shall clearly show the location and dimension of waste and recycling storage facilities proposed on the site.
~~For specific controls in relation to the Waste and Recycling Facilities for the Elanora Heights Village Centre, refer to Part D5.46 of this DCP.~~  <and omit Part D5.46 of this DCP.>

**…**

**C3.10 Waste and Recycling Facilities (Design Criteria Industrial Development**)

**Outcomes**

<amend in the same manner as Section C1.12 above>

**Controls**

<amend in the same manner as Section C1.12 above>

**Variations**

Nil

**Advisory Notes**

Floor plans shall clearly show the location and dimension of waste and recycling storage facilities proposed on the site.
~~For specific controls in relation to the Waste and Recycling Facilities for the Elanora Heights Village Centre, refer to Part D5.46 of this DCP.~~

**Information to be shown on the Development Drawings**

Floor plans shall clearly show the location and dimension of waste and recycling storage facilities proposed on the site

#### …

#### ~~D5.46 Servicing - Waste Management and Recycling - Elanora Heights Village Centre~~

**~~Outcomes~~**

~~Accessible and convenient waste and recycling facilities integrate with the development.
Waste and recycling facilities do not adversely impact upon amenity of the adjoining development or the natural environment.~~

**~~Controls~~**

~~All waste storage and servicing will be carried out within the basement area.~~

~~A waste management plan shall be prepared for green and putrescible waste, garbage, glass, containers and paper.~~

~~Every dwelling will include a waste cupboard or temporary storage area of sufficient size to hold a single day's waste and to enable source separation.~~

~~Garbage collection areas and servicing areas for residential use are within the basement and not visible to the street.~~

~~Temporary waste holding areas will be provided according to the Temporary Waste Holding Areas diagram.~~

~~Temporary Waste Holding Areas diagram~~