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| **ITEM 12.1** | **Amendments to Pittwater Development Control Plan 2014 in Relation to a Range of Environmental Controls**  |
| **REPORTING** **MANAGER**  | **Executive Manager Strategic and Place Planning**  |
| **TRIM file REF** | **2019/125594**  |
| **ATTACHMENTS** | **1** **Details of Draft Amendments to Pittwater Development Control Plan 2014**  |

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| **SUMMARY** |

**PURPOSE**

To seek approval to exhibit draft amendments to the Pittwater Development Control Plan 2014 to improve and standardise requirements for water quality management, on-site stormwater detention systems, and to update controls for estuarine and coastal risk management assessment of new development.

**EXECUTIVE SUMMARY**

Council’s Natural Environment and Climate Change team has sought amendments to the Pittwater Development Control Plan 2014 (Pittwater DCP) to improve and standardise requirements for water quality management, on-site stormwater detention systems, and to update controls for estuarine and coastal risk management assessment of new development.

The proposed changes include:

* Consolidating requirements for different development types.
* Aligning stormwater quality requirements with Council’s adopted Water Management Policy.
* New water quality treatment requirements for land located in “coastal environment areas” identified under State Environmental Planning Policy (Coastal Management) 2018.
* Removal of requirements for sediment control pits for dwelling houses (given their failure to be maintained).
* Removal of on-site detention requirements in defined Flood Risk Precincts.
* Updating a range of terms and references to reflect recent changes to legislation.

The proposed changes go some way towards a standardised approach to stormwater management across all development control plans (DCPs) and policies in the Northern Beaches Local Government Area ahead of the comprehensive review and preparation of Local Government Area wide controls that will be included in the Northern Beaches Local Environmental Plan and Development Control Plan by 2021.

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| **RECOMMENDATION OF** **Director Planning and Place** That Council:1. Approve draft amendments to Pittwater Development Control Plan 2014 relating to water quality management, on-site detention, and estuarine and coastal risk management assessment shown in Attachment to the report for public exhibition for at least 28 days.
2. Note that the draft amendment to Pittwater Development Control Plan 2014 will be reported to Council following the public exhibition period.
3. Delegate authority to the Chief Executive Officer to make any changes prior to the public exhibition of the draft amendments to Pittwater Development Control Plan 2014 as a result of consideration of this report by Council.
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| **REPORT** |

BACKGROUND

Controls for water quality and management in new development on the Northern Beaches are currently contained in Development Controls Plans (DCPs) associated with current Local Environmental Plans (LEPs) and a related water management policy.

Development on land under Warringah LEP 2011 is subject to the Water Management Policy 2015, which is implemented through Warringah DCP 2011. Similarly, in Manly, various stormwater policy (specifications) are referenced in Manly DCP 2013 and in local provisions of the Manly LEP 2013. The Pittwater DCP contains a range of environmental controls in Part B and Appendices incorporating water quality and management controls.

A comprehensive review of the controls in all existing LEPs and DCPs will be undertaken as part of the development of the Northern Beaches LEP and DCP which is due to be completed in 2021. However, Council’s Natural Environment and Climate Change team has identified the need for amendments to the Pittwater DCP as follows:

* Standardise and align water quality controls with best practice
* Amend dealing with the circumstances in which Onsite Detention (OSD) facilities are required.

The proposed changes will improve the clarity and consistency of controls across the LGA. In particular priorities have been identified to address the Pittwater DCP. The changes will update terminology and references to relevant legislation, particularly as it relates to coastal hazard guidelines.

**Proposed Amendments**

***Water Quality***

The provisions for water quality for low density residential development and other types of development are consolidated into a new section dealing with water quality overall.

The proposed consolidated clause will include:

* An additional objective to protect and improve the ecological condition of beaches, lagoon, waterways, wetlands and surrounding bushland
* Standardised Storm Water Quality Requirements consistent with Council’s adopted Water Management Policy referenced in Warringah DCP 2011, including performance requirements for different pollutants, the creation of a restriction on title to maintain stormwater measures, and certification of proposals by a storm water engineer (excluding dwelling houses)
* Removal of requirements for sediment capture pits for dwelling houses because the pits are not being maintained, are consequently not effective in capturing sediment, and are potentially adding to pollutant build-up in the environment
* New requirements for water quality treatment for land located in the “coastal environment area” mapped under the State Environmental Planning Policy (Coastal Management) 2018 (including dwellings), where proposed development seeks to increase impervious area by more than 50sqm. Such developments must install a filtration device that removes organic matter and coarse sediments from storm water prior to discharge.

***Onsite Storm Water Management***

It is proposed that on-site stormwater detention requirements (clause B5.7) will not apply in areas defined as a Flood Risk Precinct as the requirement is redundant. This is consistent with current practice elsewhere across the Northern Beaches and Sydney. Separate controls will continue to apply to Warriewood Valley.

It is also proposed to clarify provisions in relation to the development of any property that cannot discharge storm water into a public drainage system. Specific reference is now included to clause 5.10 - Storm Water Discharge in to Public Drainage System, for further guidance.

***Hazard (Estuarine) Control Amendments***

Minor amendments are proposed to update references in clauses B3.7 to B3.10 of the DCP. These clauses deal with Estuarine Hazard Controls for a range of development types (low and medium density residential, business, industrial and subdivision).

***Other Miscellaneous Infrastructure Matters***

In undertaking this DCP amendment review, Council’s Development Engineering & Certification team has recommended minor amendments to guidelines dealing with driveway surface treatment. The amendments seek to limit access driveways on public road reserves to plain concrete only. Provisions for ‘cosmetic’ access driveways with a finish consisting of asphaltic concrete or paver construction are to be omitted from this DCP due to concerns relating to safety and risk and to ensure consistency with provisions in the other DCPs.

**CONSULTATION**

The drafting of proposed changes to the DCP has been undertaken in consultation with the Natural Environment and Climate Change and Development Engineering & Certification teams.

The public exhibition of the draft amendments to the DCP will be in accordance with legislative requirements under the Environmental Planning and Assessment Regulation 2000 and Council’s Engagement Strategy. This will include notification in the local newspaper and online engagement on Council’s ‘Have your Say’ page.

**TIMING**

Public exhibition of the draft amendments will be for a period of at least 28 days. Following the review and consideration of submissions a further report will be presented to Council to finalise the DCP Amendments.

**LINK TO COUNCIL STRATEGY**

The amendments proposed seek to ensure better management of our water catchments including improvements to water quality. This will be facilitated via improvements to the relevant planning controls. This aligns with the following goals of the Community Strategic Plan, Goal 2 - *Our Environment and community are resilient to natural hazards and climate change,* Goal 5 - *Our built environment is developed in line with best practice sustainability principles* and Goal 19 *- Our Council is transparent and trusted to make decisions that reflect the values of the community.*

**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 updated, standardized and streamlined DCP provisions 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.