

3.2 Proposed Miscellaneous Amendments to Central Coast Development Control Plan 2022

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Recommendation

That the Committee recommends that Council:

I. Endorses the public exhibition of Miscellaneous Housekeeping Amendments to Central Coast Development Control Plan 2022; and

II. Considers a further report on the outcomes of the public exhibition process.

Report Purpose

To provide information regarding a group of miscellaneous Development Control Plan (**DCP**) amendments and seek support for the public exhibition of the DCP amendments.

Executive Summary

Amendments to *Central Coast Development Control Plan (CCDCP) 2022* have been prepared for public exhibition. The amendments have been identified to improve the development application process and provide greater clarity for the community and developers who use Council's DCP.

Background

On 1 August 2022 CCDCP 2022 and *Central Coast Local Environmental Plan (LEP) 2022* came into effect. The DCP provides detailed planning and design guidelines to support the provisions of the LEP. CCDCP is a significant document which is currently being made up of 87 separate chapters.

Since the implementation of CCDCP 2022, various operational challenges and general feedback pertaining to the DCP have been systematically collected from both staff and the public.

A significant number of issues that have been identified through the practical implementation of the DCP. These matters generally consist of outdated, ambiguous, inconsistencies or typographical errors. Many of these issues can be resolved through minor changes and will help to streamline the development assessment process.

The preparation of a report for the CCDCP miscellaneous amendments coincides with the Improving our Development Assessment Service (**IDeAS**) Project. As such some DCP improvements identified in this project have been included in this DCP Review.

It is proposed that the amendments to CCDCP be placed on public exhibition for a minimum of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Report

The proposed amendments are listed in Attachment 1. The proposed amendments have been intentionally limited to those that will have one or more of the following positive outcomes:

- Provide clarification/reduce uncertainty
- Result in simplification
- Remove typographical errors
- Provide clearer guidance
- Provide greater consistency
- Remove superfluous/outdated information
- Reduction in assessment times

To ensure that the amendments can be made in a timely manner, significant rewriting of controls or chapter reviews have been omitted from this process. Due to procedural, reporting and public exhibition requirements the review of these DCP requirements is expected to take five to six months to complete the entire process from start to finish.

In addition, to the proposed DCP changes outlined in this report, the Strategic Planning Unit will also be programming various residential and Employment DCP chapters to be reviewed and updated as part of implementation work for the Central Coast Local Housing and Employment Land Strategy. It is also likely that the State Government's Planning Reforms, will progressively roll out over the next year, will require other DCP amendments to be made. For example, the Department of Planning Housing and Infrastructure (DPHI) are proposing a Statewide Community Participation Plan (CPP) to be adopted by the second half of 2026. This would override or repeal any Council CPP or Notification DCP Chapter thus triggering further DCP Review work.

This is the first of a series of DCP amendments which will focus on streamlining the DA process, to address issues in the short term, while a more comprehensive review of Council's residential and employment controls are undertaken.

Stakeholder Engagement

The list of DCP changes has been put together based on a list of issues that have been identified by staff and the community since CCDCP came into force.

In addition, there has been recent consultation with staff undertaken in preparing the DCP amendment list. Simple changes to processes and information (most notably the Development Application Notification Process) have been included into this DCP Revision package.

The public exhibition period will allow for any additional minor changes to be considered by the Council. If it is considered these changes do not warrant re-exhibition they will be included in the report to Council following exhibition for consideration.

Financial Considerations

Financial Year (FY) Implications

The proposal does not have financial implications for the current year but impacts outer years in the LTFP. The LTFP will need to be updated in the next review.

Budget and Long-Term Financial Plan (LTFP) Impact

The FY adopted budget includes funding for this proposal.

Link to Community Strategic Plan

Our Place - The levers that help our people to live, move and enjoy their life on the Central Coast.

Goal - PL1: Balanced and sustainable urban planning, land development and housing supply.

Strategy - PL 1.2: Facilitate and advocate for a range of housing options to meet the diverse and changing needs of the community.

Risk Management

Nil.

Critical Dates or Timeframes

The proposed CCDCP amendments must take effect by July 2026 to support IDeAS Project timelines. As such, the amendments will need to be considered at the March Ordinary Meeting of Council to allow for public exhibition, consideration of submissions and reporting the results of community consultation back to Council to seek adoption of the DCP changes.

Attachments

1. Attachment 1 CCDCP Amendment List [11 pages]

DCP Chapter		Section / identifier	Issue	Proposed Amendment	Positive Outcome
1.2	Notification	1.2.3.2	Removal of newspaper reference The State Government removed the requirement for advertisements in Newspapers in 2021 due to Covid restrictions and in addition, many local papers across the state were ceasing to operate at the time.	1.2.3.2 – remove reference to ‘local newspaper’ and replace this with a reference to Council’s Website.	-Clarification -Remove obsolete information
1.2	Notification	App A	Notification for industrial and commercial Developments Current wording relating to industrial and commercial development is ambiguous with regard to whether low impact proposals such as fitouts or change of use within industrial and commercial zones require notification.	Clarify wording to clearly state that industrial development or commercial development within corresponding land use zones does not require notification.	-Clarification -Reduce assessment time.
1.2	Notification	App A	Notification - innominate uses s.1.2.2.3 b states ‘In instances where a proposed land use is not mentioned in the Notification Table and/or Council is of the opinion a proposal will have little or no environmental impact, public notification will not be required.’ However, Appendix A mandates 14-day exhibition for innominate land uses. This contradicts s.1.2.2.3 b. If a proposal for an innominate land use needs notification due to potential environmental impacts it will be notified as per s.1.2.2.3 or under s.1.2.2.4 Public Interest, if it is considered that the proposal will or has generated public interest.	Remove the ‘all other development’ row from the table in Appendix A.	-Clarification -Reduce assessment time.

DCP Chapter		Section / identifier	Issue	Proposed Amendment	Positive Outcome
1.2	Notification	1.2.1.3 & 1.2.2.3 b	Definition of 'little or no environmental impact' As above, existing s.1.2.2.3 states, 'where Council is of the opinion a proposal will have little or no environmental impact, public notification will not be required'. There is currently no information provided on what is considered little or no environmental impact	Add information to the Glossary (s.1.2.1.3) clarifying what is considered little or no environmental impact.	-Clarification
1.2	Notification	App A	Secondary Dwelling Notification Unlike dwelling houses and ancillary development or additions, all secondary dwellings have a mandatory 14-day notification period whether or not they comply with all of Council's requirements or not. This is not consistent.	Remove the separate reference to secondary dwellings under Appendix A and co-locate the land use in the table with the requirements for dwelling house notification	-Consistency -Reduce assessment times.
1.2	Notification	App A	Dwelling House Notification – variations Any variation to controls, <u>no matter how minor</u>, requires a 14-day notification period. This requires a full initial assessment at time of lodgement and incorporates applications where there is no environmental impact on neighbours. If significant variations are sought it is expected that an application will require detailed assessment and therefore notification will not be the critical factor for timely	Remove the requirement for notification of a dwelling house DA where there are minor variations with the requirement for notification being 'where in the opinion of Council the proposal may have undue impact on the amenity of surrounding properties.'	-Consistency -Reduce assessment times.

DCP Chapter		Section / identifier	Issue	Proposed Amendment	Positive Outcome
			determination and can be commenced after a full assessment of potential environmental impacts has been completed if considered appropriate. As per current practice, notification will occur 'where in the opinion of Council the proposal may have undue impact on the amenity of surrounding properties'		
1.2	Notification	App A	Zone Exemption for Notification of certain land uses. For several land uses (e.g. funeral homes, tourist and visitor) accommodation there is exemption for notification in some zones. It is proposed to simplify this table and remove these exemptions. These applications are relatively rare and it is considered that it is preferable to simplify this process.	Remove exemptions for business, industrial and special use zones	-Clarification -Simplification
1.2	Notification	1.2.2.1	Application of the Chapter to Advertised, Designated, State Significant Development The DCP Chapter currently indicates that the Chapter does not apply to certain development types as mentioned above. These forms of development are dealt with under the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&AR 2021). There are some instances where the Regulation does not provide all required information, e.g. dealing with amendments.	It is proposed that the chapter is reworded and apply to all development proposals however noted that where there is any inconsistency the Regulation prevails.	-Clarification
1.2	Notification	1.2.2.6 a	Requirement for Models This section refers to "Plans, models and any written material submitted".	Remove the reference to models from this section	-Clarification

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			Models are not a specified requirement for an application. Staff are occasionally questioned why a model is not available to view.		
1.2	Notification	1.2.2.10	Minor Amendment Notification This section refers to the opinion of Council or staff with the appropriate delegated authority. The information regarding staff delegation has caused confusion.	Remove reference to staff delegation. This is a mandatory function of Council that must be adhered to.	-Clarification
1.2	Notification	All	Typos and consistency Some definitions in bold and some not. Other minor typographical errors noted.	Review chapter for consistency in text and typographical errors.	-Clarification
2.1	Dwelling Houses Secondary Dwellings and Ancillary Development	2.1.3.1	Setbacks – Residential Lots – Part e Waterfront setback (absolute water frontage) The bracketed wording ‘absolute water frontage’ is problematic as it alludes to the 6.0m and 10.0m controls only apply to direct waterfront properties. This is not intended and contradicts the control which also refers to ‘setback from the waterbody or from land that is unzoned land or zoned public recreation or open space which adjoins the waterway’	Remove reference to ‘absolute water frontage	-Clarification -Reduce uncertainty
2.2	Dual Occupancy and Multi Dwelling Housing	2.2.10.4	Fencing Requirements Fencing, subclause e states: “.....A combination of materials and articulation of the fence plane is required in order to achieve better presentation to the public domain, as illustrated above.” The illustrations that are referred to provided examples only and relate	Omit reference to fencing diagrams.	-Clarification -Reduce uncertainty

DCP Chapter		Section / identifier	Issue	Proposed Amendment	Positive Outcome
			to a pre-amalgamation DCP Chapter.		
2.2	Dual Occupancy and Multi Dwelling Housing	2.2.5 b	Side Setback Control is considered complicated to read. This control is the same as under Chapter 2.1, but it has the aid of a diagram that helps clarify the application of the clause.	Control is the same as under Chapter 2.1, but it has the aid of a diagram that helps clarify the application of the clause. A similar diagram to be added to Chapter 2.2	-Clarification -Consistency
2.2	Dual Occupancy and Multi Dwelling Housing	2.2.10	Swimming Pools – Dual Occupancy Swimming pools are often proposed for dual occupancies. There are controls in Chapter 2.1 guiding swimming pool development but not guidance under Chapter 2.2.	Insert the provisions relating to swimming pools under Chapter 2.1 into Chapter 2.2	-Clarification -Reduce uncertainty
2.3	Residential Flat Buildings	2.3 Fig.1	Reference to Chapter 2.5 Retail Centres, Should be Chapter 2.5 Commercial Development.	Reference to Chapter 2.5 Retail Centres to be amended to Chapter 2.5 Commercial Development.	-Typo -Clarification
2.4	Subdivision	2.4 Table 2	Dual Occupancy Subdivision Need clarification to indicate that the minimum subdivision allotment size and minimum width requirement in Table 2 is not applicable/required for Dual Occupancy Subdivision that is undertaken under the provisions of the LEP.	New Note: <i>Provisions relating to the subdivision and minimum lot size for dual occupancy development is as per CCLEP 2022.</i>	-Clarification -Reduce uncertainty
2.4	Subdivision	2.4 Table 2	Torrens Title Subdivision It needs to be made clear in Table 2, that the minimum subdivision	New Note: <i>Where the minimum lot size as shown on the lot size map of CCLEP 2022 is</i>	-Clarification -Reduce uncertainty

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			allotment size should be as per the Lot Size Map. There may be instances where a minimum lot size under the LEP is unusual (e.g. 1850 m sq. to allow for sloping sites) and this (LEP) control prevails.	<i>larger than as shown in the table above, the lot size map prevails.</i>	
2.5	Commercial Development	2.5.3.1/2.5.3.2	Typo The DCP chapter has a typographical error and refers to section 2.5.3.1 Building Heights and Section 2.5.3.1 Ceiling Heights.	The numbering needs to be amended to 2.5.3.2 Ceiling Heights.	-Typo. -Clarification
2.5	Commercial Development	2.5.3.2 & 2.5.4.2	New Development definition The chapter to be amended to clarify that the term "new development" should apply to the erection of new buildings only, and not a change in use of an existing building where no additional floor space is proposed. It is apparent that existing buildings may not be able to attain some of the standards required under the DCP Chapter – e.g. floor to ceiling heights.	Provide a definition of 'new development' for the purpose of this chapter being: erection of new buildings only, and not a change in use of an existing building where no additional floor space is proposed.	-Promote redevelopment -Clarification -Reduce uncertainty
2.6	Commercial Hydroponics		Delete Chapter Rarely used if at all. Can rely on merits assessment and consultation/guidance from State Government Authorities.	Delete Chapter	-Simplification of DCP
2.9	Industrial Development	2.9.2.3	Dual frontage setbacks of industrial developments: The DCP chapter is currently unclear regarding which setback to apply to secondary frontages. This creates uncertainty regarding	<i>New Note- secondary setback to be considered as a front setback</i>	-Consistency -Clarification

DCP Chapter		Section / identifier	Issue	Proposed Amendment	Positive Outcome
			landscaping requirements, building setbacks etc. Secondary street frontages (i.e. rear/parallel roads) should be treated as a front setback rather than a rear setback. This is consistent with the way SEPP Exempt and Complying Development 5A.10, deals with blocks that have street frontages at both the front and rear. Note this does not change the current controls for corner lots which are provided for in the DCP Chapter.		
2.13	Transport and Parking	2.13.4.4(b)	3-point turn vs 3 movements: 2.13.4.4(b) states: 'For developments where car parking is proposed along or at the end of a common driveway, or access handle/right of way, an adequate manoeuvring area must also be provided on-site so that the vehicles of residents can enter and leave the site in a forward manner using no more than a 3-point turn'. This can be misinterpreted as a 3-point turn within the site/driveway and not as per AS/NZS2890.1 which permits 3 turns in total for entry and exit to the site	This clause be amended to reference compliance with user class 1 in AS/NZS2890.1 to allow for 3 turns in total for entry and exit to the site. This shall apply to all dual occupancies and multiple unit development.	-Clarification -Reduce uncertainty
2.15	Signage and Advertising	2.15.1.6	Permissibility of Advertising The following points have created confusion and do not relate to DCP requirements and are related to land use permissibility issues that should only be identified/dealt with under LEPs or SEPPs. A development application for signage:	Delete final dot point under 2.15.1.6 and 2.15.1.6 (a)	-Clarification -Reduce uncertainty

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			- Can only be lodged on land where signage not prohibited is permissible under Central Coast LEP 2022 or other Environmental Planning Instrument such as <i>State Environmental Planning Policy (Industry and Employment) 2021</i> and <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>. - a Must verify that the signage relates to the approved use of the land upon which it is located except as otherwise permitted under other instruments such as <i>State Environmental Planning Policy (Industry and Employment) 2021</i> and <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>.		
3.5	Tree and Vegetation Management	3.5.3.2	Reference to Act 3.5.3.2 Exemptions under this DCP refers to Schedule 3 of the Biosecurity Act 2015. This should refer to Schedule 2.	Replace reference to 'Schedule 3' in 3.5.3.2 g with 'Schedule 2'	-Typo
4.3	Terrigal Village Centre	Figure 4.3.2	Figure 4.3.2 – Terrigal Village Centre Map showing excluded Rapedo Lands: This map is incorrect and does not match the Height of Buildings provisions under CCLEP 2022. Lot 107 DP547828 (1 Campbell Cr, Terrigal.	Revise map to reflect the extent of the DCP Chapter	-Typo -Clarification
4.5	Wyong Town Centre		East Wyong Character Area: Information has been omitted from this chapter and was also omitted from original DCP.	Insert omitted section of Wyong Town Centre DCP relating to East Wyong.	-Clarification -Better guidance for development

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			As a result, the chapter is missing a description of the area and requirements for new development.		
5.6	Lisarow – Toomeys Road		Outdated Chapter The dwelling house is built. Steepness of land and environmental constraints will restrict further development to the site.	Delete Chapter	-Remove superfluous information
5.10	Pearl Beach, Residential Development	5.10.9d i	Typo – Setbacks 5.10.9 d (i) refers to the incorrect clause (5.10.9b(iii)). It should refer to 5.10.9c.	Change 5.10.9 d (i) to refer to 5.10.9c	-Typo
5.13	Georges Fruit Barn		Outdated Chapter Floor space requirement has been included in the CCLEP 2022 as part of the Deferred Matters Planning Proposal (Schedule 1 Clause 28 – Use of land at 251 Scenic Highway, Terrigal). This chapter can be deleted.	Delete Chapter	-Remove superfluous information
5.14	Various Suburbs		5.14.7.1 Reeves Street, Narara – road widening not required anymore- delete. 5.14.7.3 Pandala Road, Narara – site has been developed - delete. 5.14.8 - Springfield –completed	5.14.7.1 – Delete 5.14.7.3 – Delete 5.14.8 – Delete	-Remove superfluous information
5.15	Gosford Racecourse		Outdated Chapter This Chapter related to an additional permitted use for the land as a recreation facility (major) under Gosford LEP 2014. Clause 2.8 of CCLEP 2022 identifies and enables a temporary use of land - the additional permitted use is no longer in place. The Chapter relates specifically to flooding issues on this site. Any future proposal will be assessed against contemporary	Delete Chapter	-Remove superfluous information

DCP Chapter		Section / identifier	Issue	Proposed Amendment	Positive Outcome
			flood studies, risk management plans and revised DCP		
5.17	Forresters Beach		Outdated Chapter Retirement village site is fully developed. The land to the south is also fully developed. DCP chapter not required.	Delete Chapter	-Remove superfluous information
5.22	Hamlyn Terrace - Louisiana Road Infill Precinct		Outdated Chapter Competed except for a road connection proposed to be provided through 110 Louisiana Rd, Hamlyn Terrace. This issue has been dealt with under conditions of consent (DA/953/2008/A)	Delete Chapter	-Remove superfluous information
5.24	Berkeley Vale - Keren Avenue Residential		Outdated Chapter Development is now completed. DCP chapter not required.	Delete Chapter	-Remove superfluous information
5.30	Jilliby - Hue Hue Road		Outdated Chapter Development is now completed. DCP chapter not required.	Delete Chapter	-Remove superfluous information
5.33	Tumbi Valley Residential		Outdated Chapter Development is now completed. DCP chapter not required.	Delete Chapter	-Remove superfluous information
5.37	Warnervale East Wadalba Northwest		Missing Section of Mapping Mapping missing a section of Settlement Drive.	Update DCP Chapter to reflect proposed development outcome.	-Typo Clarification
5.40	The Entrance Key Site Development		Outdated Key (Iconic) Site Chapter The provisions relating to Key Sites only apply to successful development applications lodged on or prior to 23 December 2018 under the provisions of Clause 7.11 of Wyong LEP 2013.	Delete Chapter	-Remove superfluous information

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5.42	Berkeley Vale - Anderson Road		Outdated Chapter Subdivision completed with no ongoing considerations from the DCP. DCP chapter not required.	Delete Chapter	-Remove superfluous information
5.45	Toukley Beachcomber Key Site		Outdated Key (Iconic) Site Chapter The provisions relating to Key Sites only apply to successful development applications lodged on or prior to 23 December 2018 under the provisions of Clause 7.11 of Wyong LEP 2013. Consent was not pursued and has lapsed. Site has since been redeveloped.	Delete Chapter	-Remove superfluous information
5.49	Northern Areas Key Sites		Outdated Chapter Provisions have lapsed. Chapter to be repealed. DCP chapter not required.	Delete Chapter	-Remove superfluous information