



Item No: 2.13
Title: For Public Exhibition - Draft Central Coast Local Approvals Policy
Department: Environment and Planning

28 November 2023 Ordinary Council Meeting

Reference: F2010/00542 - D15843304
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Recommendation

That Council:

- 1 *Endorses public exhibition of the Draft Central Coast Draft Local Approvals Policy (Attachment 1) for a period of not less than 42 days in accordance with Section 160 of the Local Government Act 1993.***
- 2 *Following public exhibition:***
 - a. *Obtain the consent of the Chief Executive Officer of NSW Office of Local Government for Part 1 of the Local Approvals Policy prior to adoption.***
 - b. *Seek delegation to Council's Chief Executive Officer from the Chief Executive Officer of NSW Office of Local Government for any updates to the policy to respond to legislative changes.***
- 3 *Subject to obtaining the consent of the Chief Executive Officer of NSW Office of Local Government for Part 1 of the Local Approvals Policy, receive a further report:***
 - a. *on the outcomes of the public exhibition, and***
 - b. *seeking approval to adopt the policy.***

Report purpose

To provide an overview of the draft Local Approvals Policy (the draft Policy) and obtain approval to proceed to public exhibition.

Executive Summary

The *Local Approvals Policy* applies to the regulatory function of the Council to grant approvals under Section 68 of the *Local Government Act, 1993* (the LG Act).

Section 68 of the LG Act requires a person to obtain approval from Council before carrying out certain activities, except where local or legislative exemptions apply.

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The purpose of the Policy is to supplement the provisions of the LG Act and the *Local Government (General) Regulation 2021* by identifying activities that are exempt from requiring separate approval from Council and to specify the criteria for those activities where approval is required.

The Draft Policy will regulate the efficient, consistent, and streamlined application process in a coordinated manner, across the Central Coast local government area (LGA).

Background

Central Coast Council has not previously had a Local Approvals Policy. Both the former Gosford City Council and Wyong Shire Council had Local Approvals Policies. Wyong's policy was repealed in 2013 and Gosford's lapsed.

The Draft Policy has been prepared in accordance with the provisions of the LG Act. The Draft Policy includes the following mandatory parts:

- Part 1 - Exemptions: specifies the circumstances in which a person is exempt from requiring a particular approval from the Council.
- Part 2 - Criteria: specifies the criteria which the Council must consider when determining whether or not to grant approval to a particular activity.
- Part 3 - Other Matters: specifies other matters relating to approvals not dealt with by the LG Act or Regulations including information on the application process and supplementary documentation.

A Local Approvals Policy is automatically revoked 12 months after a Local Government election.

Current Status

Central Coast Council has not had a Local Approvals Policy to regulate approvals under Section 68 of the LG Act. Instead, applications for relevant activity are assessed under current policies and legislation by the respective section of Council.

Report

The Draft Policy establishes criteria (where relevant) for activities which require approval under Section 68 of the LG Act. It also specifies the circumstances in which an activity is exempt from requiring a Section 68 approval from Council. Where an exemption applies, and all the listed criteria are met, the Policy eliminates the need for a Section 68 application to be submitted.

Activities captured by the Local Approvals Policy include (but are not limited to): the installation of manufactured homes, moveable dwellings and caravans; the construction or alteration of stormwater drainage, the management of waste e.g. skip bins, clothing donation bins; on site sewer management systems; activities on community land e.g. street and fundraising stalls,

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events, outdoor dining, busking/street theatre, use of a loudspeaker/sound amplifying device, and ceremonies; activities on public roads e.g. vehicle access crossings, outdoor dining, street stalls (both associated and not associated with adjoining business), operation of a car park; and the operation of caravan parks, camping grounds or a manufactured home estate; the installation of a wood or solid fuel heater; installation or operation of amusement devices; and mobile food vehicles on council land and road reserves.

The Policy will provide a transparent and streamlined approval process for Section 68 activities. The Policy will provide greater certainty on the exemption criteria for applications, what information is required to be submitted as part of any application, and the assessment considerations.

Figure 1 provides a flow chart summarising how this Policy relates to activities under section 68 of the LG Act and how such applications are processed by Council.

Consultation

The Draft Policy has been prepared with significant input from the relevant sections of Council that issue local approvals. Internal consultation has been undertaken within relevant sections including Environment and Public Health, Roads Technical Services, Engineering Services, Open Space and Recreation, Building Assessment and Certification, Development Assessment, Water and Sewer, Events and Placemaking, Community Facilities, Economic Development and Property, Insurance, Waste Services and Trade Wastes and Governance.

It is recommended that the Draft Policy be placed on exhibition for community feedback in accordance with Section 160 of the LG Act. As the Draft Policy includes local exemptions under Part 1 (Exemptions from the Necessity to Obtain Approval), consent is required from the Chief Executive Officer of the NSW Office of Local Government (OLG) for the adoption of that part prior to Council adopting the Policy. Any changes required by the OLG will be reported back to Council with the outcomes of the public exhibition.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.

The following statement is provided in response to this resolution of Council.

Policy is aimed at creating a streamlined and efficient process for Council and business community. The budget for the preparation of the Draft Policy is included in the adopted 2023-2024 Budget.

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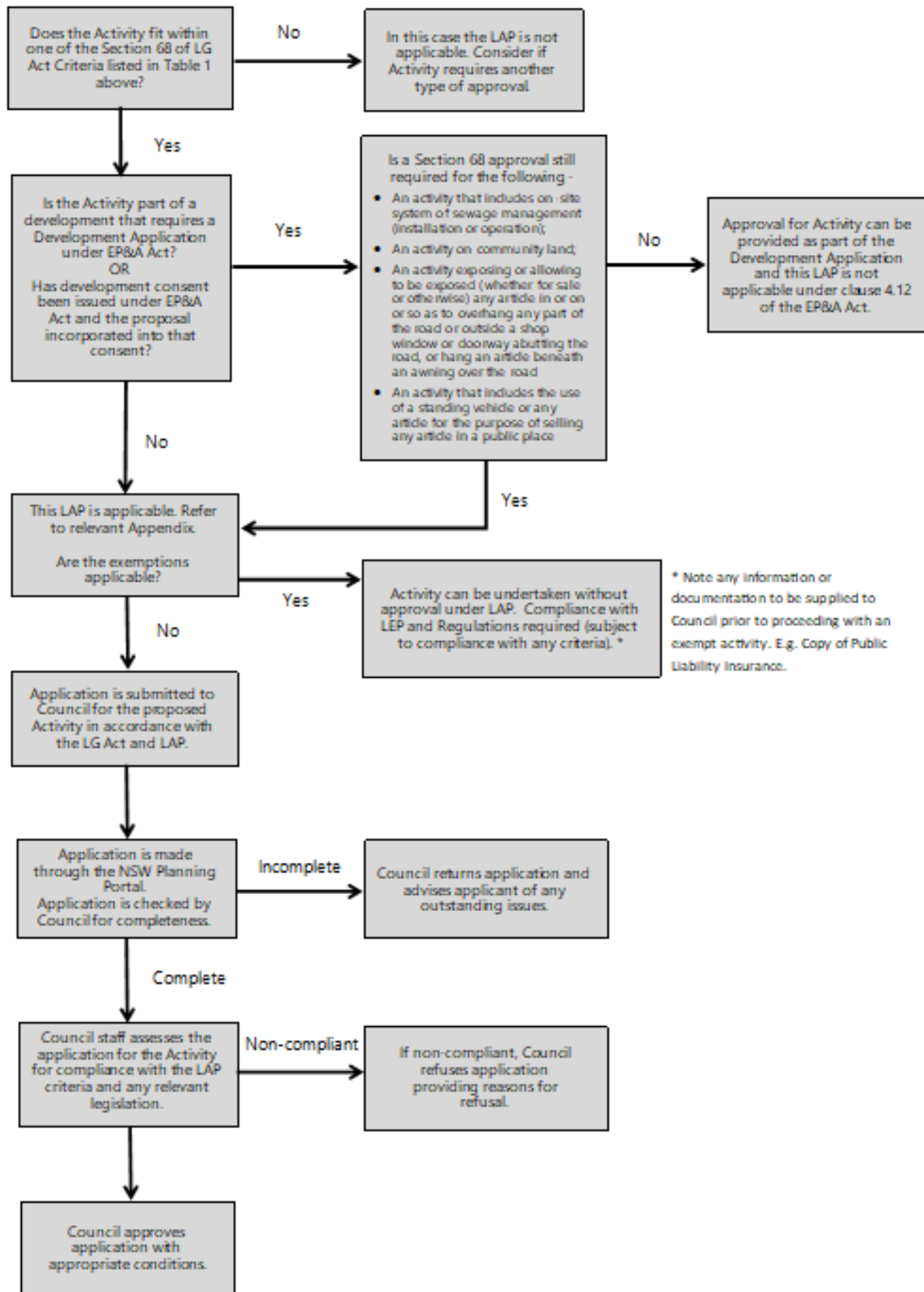


Figure 1 – Flowchart

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Link to Community Strategic Plan

Goal B: Creativity, connection and local identity

B-B2: Promote and provide more sporting, community and cultural events and festivals, day and night, throughout the year.

B-B4: Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors.

Theme 2: Smart

Goal D: A place of opportunity for people

S-D2: Support local business growth by providing incentives, streamlining processes and encouraging social enterprises.

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G4: Serve the community by providing great customer experience, value for money and quality services.

Risk Management

The Draft Policy applies to the regulatory function of the Council to grant approvals under Section 68 of the *Local Government Act, 1993*. Publicly exhibiting the Draft Policy will allow the community to review it and provide input prior to finalisation.

Options

- 1 Endorse the draft Policy for public exhibition. This will reinforce Council's commitment to an efficient, consistent, and streamlined process which benefits users by clearly identifying the exemptions that apply and, for applicants, the application requirements and process. **This is the recommended option.**
- 2 Resolve not to endorse the Draft Policy for exhibition. Not recommended. This option would result in ongoing uncertainty in the applicable exemptions, application requirements, and assessment considerations for activities identified under Section 68 of the LG Act.

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Attachments

- 1  Draft Local Approvals Policy Provided Under Separate Cover D15870436