

### **3.1 Proposed Exhibition of Draft Development Control Plan 2012**

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TRIM REFERENCE: F2011/00282 - D02806624

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#### **SUMMARY**

This report details changes made to "Development Control Plan (DCP) 2005 – Development Controls for Wyong Shire", to create a new DCP 2012 and seek Council's approval to the public exhibition of the draft plan. The draft plan relates to the whole of the Shire and has been prepared to complement and supplement the controls within the draft Wyong Local Environmental Plan, 2012 (draft CLEP, 2012). It comprises a summary and compilation of the controls and issues within the existing DCP 2005 and incorporates relevant additional Council policy directions and requirements. The plan is proposed to be exhibited for public comment with the draft CLEP in 2012.

#### **RECOMMENDATION**

- 1 That Council place on public exhibition the draft Development Control Plan 2012 in conjunction with the draft Wyong Local Environmental Plan, 2012, for a period of two months for public comment.**
- 2 That Council receive a report detailing the issues and comments raised and amendments proposed to address matters of concern, following completion of the public exhibition period.**

#### **BACKGROUND**

##### **Purpose**

Reforms to the NSW Planning System have required each Council in NSW to prepare a new Local Environmental Plan (LEP) which is consistent with a Standard Instrument issued by the NSW Government. In this regard, Council has undertaken a major review of its existing planning documents. This review has culminated in the preparation of a Shire wide Settlement Strategy; the preparation of Draft LEP 2012; and the preparation of an amended development control plan, DCP 2012.

The DCP fits within a hierarchy of environmental planning documents reflected in the current legislation, the Environmental Planning and Assessment (EP&A) Act. The hierarchy consists of State Environmental Planning Policies (SEPPs) and other State level strategies, Regional Plans and Strategies, including the Central Coast Regional Strategy, and LEPs and DCPs. Strategies and structure plans also have a place within the hierarchy, even if not reflected in the current legislation, for example, the North Wyong Shire Structure Plan (NWSSP) prepared by the State and Council adopted planning strategies, such as The Entrance Peninsula Planning Strategy (TEPPS), the Wyong-Tuggerah Strategy and the Toukley Strategy.

The Shire-wide DCP must be prepared in accordance with and reflect the recommendations and outcomes of all of the above Plans and Strategies.

The DCP must also incorporate the direction and requirements of plans prepared in accordance with other planning relating legislation, for example the Coastal Zone Management Plan (prepared under the Coastal Protection Act and the Tuggerah Lakes Estuary Management Plan (EMP) prepared in accordance with the Estuary Management Manual.

The purpose of the Shire-wide DCP is to reflect all of the abovementioned strategic level documents and provide more detailed requirements, development controls, guidance and performance standards and objectives for a broad range of activities and land uses.

#### **History**

On 25 March 2009, Council resolved to formally commence the preparation of draft Wyong LEP 2012, draft DCP 2012, and in addition, adopted a Rezoning Requests Strategy.

On 12 October 2011 Council resolved unanimously on the motion of Councillor Eaton and seconded by Councillor Wynn:

- 1 *That Council endorse the revised Wyong LEP project schedule and 'composite' content of the new LEP instrument.*
- 2 *That Council place the draft Settlement Strategy on public exhibition concurrently with the exhibition of the draft Wyong LEP and Wyong DCP 2012.*
- 3 *That Council authorise the General Manager on behalf of all Councillors to lodge applications for pecuniary interest exemption to the Minister for Local Government under Section 458 of the Local Government Act 1993.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## CURRENT STATUS

The draft DCP has been prepared in a simplified and consistent style and format, with controls supported by relevant development objectives. The DCP is intended to be a web-based document, which enables relevant provisions to be hyperlinked to more detailed explanations in other relevant sections, thereby reducing repetition and overall bulk. The Chapters are in as final a form as can be provided at this date. Several diagrams and drawings are being redrafted for clarity and potential revisions may result from the public and government consultation processes in relation to the draft LEP.

## THE PROPOSAL

To supplement and provide additional detail to the requirements within the draft LEP 2012, Council has prepared draft *Development Control Plan 2012 – Development Controls for Wyong Shire*, (DCP 2012). The draft DCP has been prepared to address a range of objectives, including to enunciate Council's requirements for sustainable quality development and environmental outcomes whilst incorporating flexibility to encourage economic development and employment within the Wyong Shire.

DCP 2012 contains 49 Chapters within six Parts, which are essentially a summary of relevant provisions from the 115 Chapters of DCP 2005, with unnecessary or outdated material removed. References to zones and land use definitions have been updated in accordance with the NSW Government's Standard Instrument for LEPs, and specific Clauses proposed for draft LEP 2012. The review also introduces new chapters/provisions relating to car parking, engineering design, heritage controls, development on coastal lands, WSUD and development on the floodplain. The Table within Attachment 1 summarises the results of the review of DCP 2005 provisions, and their inclusion into draft DCP 2012.

Part 1 of draft DCP 2012 contains the Table of Contents, and details how the Chapters integrate and relate to other legislation. Part 1 also details a Glossary of Terms used in the DCP, additional to those defined within draft LEP 2012, together with Council's Notification provisions for applications.

### **Potential change to Chapter 3.7 Heritage Conservation**

Draft DCP 2012 Chapter 3.7 provides for 3 or 4 Heritage Conservation Areas. These are proposed at Oakland Avenue, The Entrance, at South Tacoma and Wyong Town Centre. The consideration of the areas at South Tacoma and Wyong Town Centre was deferred at the Council Meeting held 13 July 2011 and will be reconsidered at the Council Meeting on 8 February 2012. Chapter 3.7 is therefore subject to change in relation to the identified Heritage Conservation Areas at South Tacoma and Wyong depending on the outcome of the Council meeting on 8 February, 2012.

## **OPTIONS**

Current planning legislation in NSW requires that there be one DCP only from any relevant planning authority, the local Council or the Director-General of the Department of Planning & Infrastructure (DoPI) applying to any one site. This can be effected via either a single DCP per site, via precinct DCPs that incorporate all development controls relevant to each site and exclude the operation of other controls, or via an appropriately referenced Shire-wide DCP. The most efficient way to comply with these provisions is to contain all of Council's DCP controls within one DCP, with individual Chapters detailing the relevant controls on the basis of land constraints and capability and the relevant development type proposed. The attached Table details the way in which relevant provisions from the Chapters of DCP 2005 have been incorporated within draft DCP 2012.

Council needs to adopt a new DCP which directly relates to and supplements/clarifies the provisions of the new LEP (refer Material Risks and Issues below). Due to the schedule adopted for the completion of the LEP, the draft DCP has been prepared for exhibition purposes and will be refined having regard for government authority referrals and public consultations.

It is considered important for Council to adhere to the program schedule for exhibition of the DCP, so that clear guidance can be provided to intending developers and the community to facilitate employment generating development, the protection of the natural environment and to maintain residential amenity.

The adoption of a concise and comprehensive DCP will provide clarity in Council's expected standards based on clear objectives, will minimise disputes and encourage superior design quality outcomes.

## **STRATEGIC LINKS**

### **Wyong Shire Council Strategic/ Annual Plan**

The development of DCP 2012 is identified under Principal Activity 6 – Environmental Land Use as a 1 year Annual Plan Activity. The service performance indicator is "Comprehensive DCP reviewed and developed by 30 June 2012".

### **Contribution of Proposal to the Principal Activity**

Nil

### **Link to Community Strategic Plan (2030)**

The draft LEP 2012 and associated reviews (Settlement Strategy and review of DCP 2005) is a key major project for the organisation.

### **Budget Impact**

The development and public exhibition of draft DCP 2012 is contained within and provided from the budget allocation for draft LEP 2012.

## **PUBLIC CONSULTATION**

Draft DCP 2012 has been prepared in support of the draft LEP 2012 as drafted prior to referral to government authorities for consultation. This consultation must be completed and issues resolved prior to requesting the Minister to permit formal public exhibition of the draft LEP 2012. As such, Draft DCP 2012 may be subject to amendment to accord with and support provisions of the version of the draft LEP 2012, which is eventually authorised for public exhibition.

Draft DCP 2012 will be placed on public exhibition with the draft LEP 2012 and Settlement Strategy documents for 2 months in order to allow the public additional opportunities to familiarise themselves with the documents and prepare relevant submissions. This exceeds the statutory 28 days required by Clause 18 of the EP&A Regulation, 2000.

During the public exhibition period it is intended that staff will consult with industry professionals, Precinct Committees and the general public. Details of the public engagement strategy are currently being developed.

## **GOVERNANCE AND POLICY IMPLICATIONS**

Draft DCP 2012 has been prepared having regard to the CCRS, the draft NWSSP, Council's draft Settlement Strategy and draft LEP 2012. As such it updates the information currently contained within some existing Council Policies, Information Sheets and website content. Review of these documents will be programmed as part of the Land Use and Policy Development Unit Work Program over the coming months and following formal adoption by Council.

## **STATUTORY REQUIREMENTS**

Section 74C of the EP&A Act 1979 provides for the preparation of DCPs by Council, addressing aspects of development. The form, content and methodology for the preparation and adoption of a development control plan are specified in the EP&A Regulation 2000.

As Council has prepared a new draft LEP in accordance with Ministerial Directions, it has been necessary to consolidate and revise Council's DCP controls so that they correctly relate to the provisions of the new LEP.

In accordance with SEPP No. 65 – Design Quality of Residential Development, the Draft DCP was referred to the SEPP 65 Central Coast Design Review Panel for comment on 25 January, 2012. Councillors will be briefed on the comments made by the Panel on 1 February 2012, as opportunity is not available to include those comments prior to the printing of this report.

**MATERIAL RISKS AND ISSUES**

The EP&A Act provides that where the provisions of a DCP are inconsistent with an LEP, those provisions have no effect. DCP 2005 is inconsistent with draft LEP 2012 as the zone types, definitions and clauses are totally different, due to the Standard Instrument which forms the basis of the LEP. Should Council not prepare, exhibit and adopt a new DCP to support its new LEP, DCP 2005 would continue (unless formally rescinded to apply), but be generally of no effect or use. The intended guidelines, design information and controls the existing DCP provides would be invalid and of no assistance to the development community or Council's assessment staff.

**CONCLUSION**

Draft *Development Control Plan 2012 – Development Controls for Wyong Shire*, will supplement the draft LEP 2012, and is essentially a summary of material previously existing within DCP 2005, revised to address the Clauses and Zone types within the new instrument (with additional minor amendments). At this stage it is a working draft, which may be subject to amendments following the completion of Section 62 Consultation with NSW Government agencies on the draft LEP.

**ATTACHMENTS**

- 1 Summary of DCP 2005 Review      D02896622

### Summary of DCP 2005 Review

DCP 2005 Chapter No.	Action	DCP 2012 Chapter No.	Chapter Name	Summary of Chapter Intent	Comments
1	Delete		Coleridge Rd	Development of small commercial area	Commercial area is fully developed including car parking & landscaping.
2	Delete		Ourimbah Rural	Control the residential development of rural lots	The WLEP covers minimum lot sizes & all merits based issues are covered by State Legislation or other guidelines introduced since Chapter 2 was adopted.
3	Retain	6.13	Ourimbah Commercial	Development of a set of shops between King and Glen	Area yet to be redeveloped by all landowners. Diagrams and text revised to reflect future works
4	Delete		Norah Head	Development of small commercial area	Commercial area is fully developed
5	Delete	5.3	Long Jetty - Pacific St	Laneways to rear of shops	Laneway provisions covered under consolidated The Entrance Chapter
6	Retain	5.4	Main Rd Toukley	Building height restrictions between Dunleigh and Yaralla	Chapter amalgamated into Greater Toukley Chapter. Interim measure pending the adoption of a Toukley Masterplan.
7	Retain/New	5.2	Wyong TC	Implementation of Wyong/Tuggerah Strategy and LEP Controls for Wyong Town Centre Area.	Replaced by new Wyong Town Centre Chapter developed out of adopted Wyong Strategy and the recent revision to Wyong LEP 1991. Significant issues addressed include building heights and heritage preservation
8	Delete		Mardi Urban Release	Subdivision development - Mardi	The Chapter has served its purpose for all areas zoned 2(b) which are now developed.
9			Not in use (NIU) at time of review		
10	NIU				
11	Retain	2.2	B&B's	Controls for bed and breakfast accommodation	Revised to meet Section 5.4 LEP 2012 re size and location of B&Bs. Other provisions updated to be consistent with current standards.
12	Retain	6.4	B /Vale ( Keren Ave)	Subdivision development - lot consolidation requirements	Development yet to be finalised. Revised to indicate future works required.
13	Retain	3.4	Interim Conservation Areas	Preservation of green corridors	Retain, pending the adoption of the North Wyong Structure Plan. Future DCP amendment will incorporate these provisions within a Biodiversity Chapter.
14	Retain	3.6	Tree Mmt	Controls for the removal and management of vegetation	Revised to be consistent with LEP 2012. Addition of biodiversity maps ( moved from LEP 2012). Future DCP amendment will incorporate these provisions within a Biodiversity Chapter.
15	NIU				
16		5.4	Toukley East	Laneways to rear of shops between Heador and Ray	Chapter amalgamated into Greater Toukley Chapter. Interim measure pending the adoption of a Toukley Masterplans.
17	Delete		Leewood Cl	Rural Subdivision - completed	Area developed in accordance with DCP
18	Delete		Gwand. S Land Pt	Contribution plan for works pre-dating s94.	No longer required. Covered under relevant DSP and S 94 Plan

DCP 2005 Chapter No	Action	DCP 2012 Chapter No	Chapter Name	Summary of Chapter Intent	Comments
19	Delete		Beckingham Rd	Contribution plan for works pre-dating s94.	No longer required works either completed or issues covered under Southern Lakes S 94 Plan
20	NIU				
21	Retain	5.2	Pac. Hwy Wyong	Rear lane access for properties on River Rd	Considered in consolidated Wyong Chapter.
22	Delete		W/Vale Education	Proposed Education precinct to the west of Railway at Warnervale	No longer relevant. This area falls within Precinct 7A Masterplan
23	Retain	2.7	Caravan Pks	Controls for the development of tourist and residential parks	Retained generally as previous.
24	Delete		Clothing Bins	Address amenity issues of Clothing Bins on private land	To be covered in SEPP Exempt and Complying Development
25	Delete		Main Rd/Lakeview Toukley	FSR restrictions and laneway parking	Parking has been provided. Only relevant provision is an FSR requirement that is addressed in LEP 2012 & will be further considered in the Toukley Masterplan.
26	Delete		North Entrance (Magenta)	Magenta Shores Development	A DA consent has been issued for this site which sets boundaries for the resort development. A substantial proportion of the development is complete and further development is reliant on this consent. Any proposal to modify the development must be substantially the same as approved. Any additional or significant variation to development would need to be via a LES & LEP process and require State Government Approval. On this basis the current Chapter can be removed.
27	NIU				
28	Retain	6.1	Hue Hue Rd	Controls for rural residential development along Hue Hue Rd and identification of environmentally sensitive land to be dedicated to Council	Retained generally as previous but with updated zoning and lot identification. The contributions in Chapter 28 are now included in the Contributions Plan for Wyong, and the relevant DSP and have therefore been removed from this chapter.
29	Delete		BV Industrial	Restricts minimum lot sizes to relatively large lots to attract and restrict area with dedicated b-double route to large users such as Mars and Sanitarium.	Council decision to eliminate minimum lot sizes for industrial development
30	Retain	3.1	Wetlands	Protect wetland habitat and encourage land use practices to enhance wetland sustainability	Retained. Mapping updated. Consistency with LEP 2012. Future DCP amendment will incorporate these provisions within a Biodiversity Chapter.
31	Delete		Charmhaven Shops	Shopping Centre Development - parking, access etc	Development complete
32	Delete		Kanwal URA	Residential Subdivision	Development complete



DCP 2005 Chapter	Action	DCP 2012 Chapter	Chapter Name	Summary of Chapter Intent	Comments
33	Delete		North Wyong URA	(Wattanobbi) Residential Subdivision	Development complete
34	Delete		Charmhaven Ind	Industrial Subdivision	Estate fully developed as per DCP (and even further developed).
35	Retain	6.6	Buff Pt	Residential Subdivision	Several road extensions and subsequent subdivisions yet to be completed. Any Contributions covered by Budgetwoi DP & DSP
36	Retain	6.11	N Wyong Ind	Controls for the North Wyong Industrial Area.	Recently revised. Updated to be consistent with the LEP. Deletion of minimum lot sizes for subdivision
37	Delete		Mardi URA	Controls for residential subdivision in Mardi.	Chapter developed for release of residential land which has now been developed with all roads, drainage, open space and quarry rehabilitated. Any future app. would be dealt with under Ch64.
38	Retain	6.19	W Vale East Ind.	Subdivision layout and Contributions	Buffer land still to be dedicated as part of subdivision. Contributions now covered under area S94 Plan.
39	NIU				
40	NIU				
41	NIU				
42	NIU				
43	NIU				
44	Delete		San Remo Community C	Site specific DCP to generally facilitate an area of residential dev, a Community Centre & provide separation for other uses from an adjacent hotel/motel.	The redevelopment of the hotel/motel site under existing use rights for a shopping centre and pub (DA/1796/2005) has significantly changed the area & its needs (such as the further subdivision of the land reserved for community facilities to provide for drainage etc). The DCP is complete and dev in the area has moved beyond what was envisaged in the DCP
45	Retain	6.16	Freeway Service Centres	Controls for the development of Freeway Service Centres at Warnervale.	CH 45 is site specific and while the land has been developed some provisions will need to remain to ensure the scale & style of dev. is consistent. The existing provisions in the LEP relating to this site are unlikely to transfer into the new LEP.
46	Delete		Tumbi Valley	Set controls for the release of residential land in the in the Tumbi Valley area	Confirmed that Contributions covered under S Lakes CP and any works remaining to be completed in the area are covered in the CP
47	NIU				
48	NIU				
49	Retain	6.17/6.2	Warnervale Wadalba URA	Controls for residential subdivision in Warnervale- Wadalba	The majority of the residential land in this locality has been developed or is approved for development. Development that has occurred in the Wadalba Town Centre Area is not reflective of the original DCP Plan and has moved beyond the original design. Chapter size has been significantly reduced. The Louisiana Rd Infill Precinct has been separated into its own chapter (6.2).
50	Retain	2.6	Advertising	Controls for Advertising Signage	Updated to reflect SEPP 64 and the provisions of SEPP Exempt and Complying Development
51	NIU		NIU		
52	NIU		NIU		
53	NIU		NIU		

DCP 2005 Chapter	Action	DCP 2012 Chapter	Chapter Name	Summary of Chapter Intent	Comments
54	Delete		Blue Haven URA	Residential Subdivision	Residential Subdivision generally completed. Any future works can be covered by the generic subdivision chapter. Plan shows prohibitive access to Link Rd/ Blue Haven Way - this will now be covered in LEP
55	NIU				
56	NIU				
57	NIU				
58	Retain	2.3	Dual Occs	Controls for Dual Occupancy Development	Generally retained as is .Updated to reflect LEP definitions and any other Legislative changes.
59	Delete		Hutton Rd	Residential Flat Development at North Entrance on a site located between Hutton Rd and Wilfred Barrett Dr The Entrance North (Paris Apartments)	The provisions are out of date & irrelevant. Development is complete. Site will fall under the consolidated The Entrance Chapter.
60	Retain/New	5.3	The Entrance	Implementation of The Entrance Peninsula Strategy.	Significant issues addressed include future character, building heights, scale and setbacks
61	Retain	2.11	Parking	Car Parking and Transport Requirements	Revised to reflect car parking requirements for LEP2012 land uses, provide information on design and submission requirements for developments.
62	Retain	2.8	Child Care	Controls for child care centres	Updated to reflect changes to Government Departments, State and Federal Government requirements and to reduce the impact of child care centres on residential area.
63	Retain	2.5	Home Based Employment	Controls for Home Based Employment	Updated to cover areas where SEPP Exempt and Complying does not apply and new LEP 2012 definitions.
64	Retain	2.4	RFBs	Controls for the design and construction of residential flat buildings	Generally retained as is. Updated to reflect LEP definitions and any other Legislative changes.
65	Retain	3.8	On Site Sewer Management	Controls for the installation and maintenance of On Site Sewer Management Systems	Generally retained as is. Updated to reflect LEP definitions and any other Legislative changes.
66	Retain	pt4	Subdivision		Generally retained as is. Updated to reflect LEP definitions, controls and any other Legislative changes. Deletion of minimum lot sizes for industrial lots
67	Delete	manuals	Engineering Rqmts	Engineering Design and Construction requirements for works related to Development Applications	Significantly revised to bring to current standards and converted to Design Manuals to allow greater flexibility in application.
68	NIU				
69	Retain	3.1	Waste Mmt	Controls for site waste management	Generally retained as is .Updated to reflect LEP definitions and any other Legislative changes.
70	Retain	pt 1	Notification	Public Notification Requirements	Updated to reflect LEP definitions and any other Legislative changes. Moved to introductory section of consolidated DCP
71	Retain	2.14	Brothels		Revised to meet current accepted standards. Addition of requirements for Home Based Sex Services and Restricted Premises added. Updated to be consistent with LEP 2012 definitions etc.
72	Delete		Farm Dams	Standards for the construction of farm dams.	Chapter is a technical guide for the construction of dams as it does not provide development controls. Existing content potentially conflicts with SEPP E&C, and Council's draft Earthworks Policy re: filling. There is more up to date info available from DPE and DWE and Council's Engineering Guidelines

DCP 2005 Chapter	Action	DCP 2012 Chapter	Chapter Name	Summary of Chapter Intent	Comments
73	Retain	6.18	Warnervale Business Pk	Development Controls for Industrial and other permissible development in the Warnervale Business Park	Most of the controls in this Chapter relate to works that have already been completed. Will eventually be superseded by a WEZ DCP. This chapter must be maintained to allow development to continue in this locality until the WEZ DCP is adopted. Reference to minimum lot sizes has been removed.
74	Delete		Moala Pde	Controls for residential development and subdivision	Development of this area completed or approved for construction. Controls are outdated with various changes to the original concept being permitted.
75	Retain	2.12	Industrial	General controls for Industrial Development	Updated to reflect LEP definitions and any other Legislative changes.
76	Retain	3.7	Conservation of the Built Environment	Preservation and consideration of buildings of heritage significance	Updated to include provisions consistent with the recent Heritage Review and the LEP controls
77	Retain	3.5	Coastal Hazards	Controls for development on coastal land that are potentially exposed to coastal instability.	Significantly altered document that has been developed out of the recently adopted Coastal Zone Risk Management Plan.
78	Retain	6.9	Mannering PK	Area of infill subdivision	The continuation of Mike CI is yet to be completed.
79	Retain	6.13	Lower Tumby URA	Residential Development Controls for land surrounding the Mingara Complex.	Mostly developed except one portion of R2 land (lot 712) that could sustain approx 40 residential lots. this Ch should be retained until lot 712 is developed.
80	Retain	6.14	Tuggerah	Controls for commercial and industrial development for Tuggerah including Tuggerah Straight, Industrial, Business Park and Westfield	Significant sections of this plan are being dealt with under the Westfield Pt 3A Application. Controls have been maintained for these areas until the 3A Application is finalised and the plan will be reviewed at that time. Updated to consider Mariners site. Updated to reflect LEP changes.
81	Retain	5.1	Retail	Sets hierarchy of and function of retail centres within the Shire.	Reviewed relatively recently and therefore retained generally as is with updates to reflect LEP definitions and any other Legislative changes. There is currently a review of the Retail strategy and chapter being undertaken and amendments may be made once completed.
82	NIU				
83	Retain	3.9	Hydroponics	Framework for the assessment of commercial hydroponic and undercover horticultural development in Wyong Shire	Updated to reflect LEP definitions and any other Legislative changes.
84	NIU				
85	Delete		Exempt	Lists potential Exempt Development (generally no approval required) under Wyong LEP 1991 and the requirements to be met to achieve Exempt Development	Once the next round of amendments to SEPP E&C are complete 99% of CH 85 will be superfluous. There are only a couple of minor uses not covered by the SEPP which are permitted under CH 85 such as amusement devices etc.; however it is not worth retaining for these few uses.
86	Delete		Complying	Lists potential Complying Development (fast track applications) under Wyong LEP 1991 and the requirements or conditions to be met to achieve Complying Development	There are only a few developments permitted as complying dev. Under CH 86 that are not included in SEPP E&C. The latest discussion paper proposes expansion of the SEPP which will close most of the gaps. Therefore its reasonable to repeal Ch 86. See attachment

DCP 2005 Chapter	Action	DCP 2012 Chapter	Chapter Name	Summary of Chapter Intent	Comments
87	Delete		Bateau Bay South URA	Residential area to the west of the Entrance Road and to the south of Cresthaven Ave Bateau Bay	Chapter created with the rezoning of land & related to the residential subdivision which has now been completed .
88	NIU				
89	Delete		Glenn Valley Rural Res	Controls for residential development and subdivision of rural residential land in this locality	Content is outdated or addressed by other planning documents.
90	NIU				
91	NIU				
92	Delete		Lake Haven Centre Support	Shopping Centre Additions to the west of Lake Haven Shopping Centre ( Bunnings etc)	Development Completed
93	NIU				
94	Retain	2.13	Emergency Services Location	Controls to minimise the impact of Emergency Facilities ( e.g. - Fire Stations)	Certain Emergency Services are now permissible with and some without consent under SEPP Infrastructure. Controls are to be maintained where Council is the Consent Authority.
95	NIU		NIU		
96	Retain	6.2	Woodbury PK	Site specific controls for tower development on certain land in Mardi.	DA for tower development recently refused. There is currently a DA under assessment for 3 storey development on this lot. However draft LEP 2012 still maintains the previous height controls of 33 and 37.5 m. Chapter to be maintained until such time as a development is approved on site and construction commenced.
97	New	3.2	WSUD	Controls for the treatment of stormwater emanating from dwellings, subdivisions etc. to meet water quality objectives for discharge to receiving waters.	Draft Chapter is as per approved for Public Exhibition by Council December 2010 excepting updating to reflect LEP 2012 definitions etc.
98	NIU		NIU		
99	Delete		Building Lines	Building line and setback requirements for development	Controls retained and absorbed (or already duplicated) into relevant chapters, the majority being included into the single dwellings chapter.
100	Retain	2.1	Dwellings	Controls for the construction of single dwelling houses	Reformatted to DCP 2012 structure. Building lines added. Updated to reflect LEP definitions and any other Legislative changes.
101	NIU				
102	NIU				
103	NIU				
104	NIU				
105	Delete		Highview - San Remo	Controls for residential subdivision of land on the eastern side of San Remo	Development Complete.

DCP 2005 Chapter No	Action	DCP 2012 Chapter No	Chapter Name	Summary of Chapter Intent	Comments
106	NIU				
107	NIU				
108	NIU				
109	Retain	6.7	West Wyong	Controls for residential subdivision of land at West Wyong ( back of Chapmans Hill and north of TAFE).	Still relevant for guiding planning /development requirements. Amended to reflect current legislation and conditions on site.
110	Retain	6.3	Bateau Bay - Centre Support	Controls for suitable commercial development on a site located directly to the south of Bay Village	Yet to be commenced. Updated to reflect LEP 2012
111	Retain	2.10.	Hoardings	Controls for the construction and management of hoardings on building sites	Relatively recent document generally retained as is with Updates to reflect LEP 2012 and other legislation.
112	Retain	2.15	Public Art	Public Art to be provided for developments valued at greater than \$5M	Retained generally as is. Updated to reflect LEP 2012
113	New	3.3	Flood Mmt	Controls for development on the floodplain	Controls developed from the outcome of the Tuggerah Lakes Flood Risk Management Study and the studies currently being undertaken for other catchments within the Shire.
114	Retain	6.8	Lake Munmorah Village Centre	Coles Site	Stage 1 is completed. Controls need to be maintained for stage 2. Updated to reflect LEP 2012.
115	New	6.1	Key Sites	Provide guidance in the preparation of concepts, Masterplans and site specific DCP Chapters for Iconic Development of the Key Sites to which this Plan applies.	As previously presented to Council.