



**Preparation of Development Control  
Plans Policy**  
Adopted 20 March 2018  
Environmental Services





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# Preparation of Development Control Plans Policy

## 1.0 Purpose

The purpose of this Policy is to guide and standardise Council's preparation of a Development Control Plan (DCP) and associated chapters.

The principal purpose of a DCP is to provide guidance on the following matters to the persons proposing to carry out development:

- giving effect to the aims of the Kiama Local Environmental Plan (LEP)
- facilitating development that is permissible under the Kiama LEP
- achieving the objectives of land zones under the Kiama LEP.

The provisions of a DCP are not statutory requirements. A DCP cannot be inconsistent with the provisions of the Kiama LEP and cannot prohibit development where it is permitted by the Kiama LEP.

The Kiama Development Control Plan 2012 (DCP 2012) was adopted by Council on 31 July 2012. The DCP 2012 contains general development control as well as site specific area for specific locations throughout the Municipality.

This policy is concerned with the preparation of new chapters, amendments to existing chapters and the preparation of entirely new DCPs.

## 2.0 References

This document should be read in conjunction with:

- Kiama Local Environmental Plan 2011
- Kiama Development Control Plan 2012, and
- *Environmental Planning and Assessment Act 1979*

## 3.0 Steps in process

With the adoption of this policy, the preparation of all DCPs will need to adhere to the following process.

### 3.1 Preparation of draft DCP

Generally, for new chapters or entirely new DCPs, Council staff will prepare the desired structure and generic controls. Specific controls may be omitted from the first draft to enable constructive consultation.

Where a new chapter is required to be prepared as part of a Planning Proposal the proponent will be required to pay relevant fees, in line with Council's adopted Fees and Charges. Applicants who wish to prepare their own chapter will still need to adhere to the requirements of this policy.

Specific amendments to existing chapters will be made clear in any draft.

Public authorities, including elected Council members, and members of the public should also discuss concept DCPs with staff prior to submitting or resolving to prepare a DCP. This will ensure that the preparation of all DCPs follow the same process and that Council resources are utilised efficiently.

### 3.2 Draft adopted by Council

All draft DCPs will be reported to Council for adoption prior to exhibiting publicly.

### 3.3 Consultation

Section 18 of the *Environmental Planning and Assessment Regulation 2000* outlines that a draft DCP is to be publicly exhibited in the following manner:

- notify in a newspaper of the places, dates and times for inspection of the draft plan,
- publicly exhibit a copy of the draft DCP and the LEP, and
- specify in the notice the period during which submissions about the draft may be made.

The *Environmental Planning and Assessment Regulation 2000* prescribes that a draft DCP must be publicly exhibited for at least 28 days.

For site specific chapters/controls Council will notify the affected and adjoining landowners. Council will also notify the appropriate community representative group. Consultation will be carried in accordance with any community participation plan/policy adopted by Council.

Certain types of draft DCP may require a public workshop (refer 4.0).

### 3.4 Final draft and adoption of DCP

Council reviews all of the submissions made during the consultation period. The draft DCP may be varied at this point as a response to concerns raised.

The final draft DCP is again reported to Council. Council may at this point:

- resolve to adopt the draft DCP
- resolve to adopt the draft DCP with amendments or changes to the draft. Depending on the magnitude of changes this may require re-exhibition
- Council may resolve not to proceed with the draft DCP. Notice of a decision not to proceed with a draft DCP must include the Council's reasons for the decision.

### 3.5 Publication of DCP

If adopted, Council will prepare for a public notice to be placed in a local newspaper within 28 days of the decision being made. Due to office closures over the Christmas period, Council will generally not consider draft DCPs at the December Council meeting. This will ensure that Council is able to meet its legislative requirements.

A DCP comes into effect on the date that the public notice is given in the local newspaper, or on a later date specified in the notice.

## 4.0 Public workshops

When establishing new chapters or significant changes to existing controls Council may hold a public workshop in order to ascertain the community's opinion on the matter.

Public workshops will be open to all members of the public to express their opinions.

Public workshops will be carried in accordance with any community participation plan/policy adopted by Council.

## 5.0 Notes

1. There are costs associated with the preparation of DCPs. An overview of associated costs can be found in Council's fees and charges schedule.
2. Council has the ability to recoup costs associated with the assessment and preparation of a DCP. Section 25AA of the Environmental Planning and Assessment Regulation provides that where an owner of land asks a

relevant planning authority to either prepare or assess a DCP, the relevant planning authority may recover the costs of preparing the planning proposal from the landowner.

## 6.0 Fees

Please refer to Council's fees and charges for the assessment and preparation of a DCP.

## 7.0 Document control

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