



KIAMA MUNICIPAL COUNCIL
your council, your community

Kiama Development Control Plan 2020

Chapter 1. Introduction and Administration



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

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Chapter 1. Introduction and Administration

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Topic 1.1 - Name of this DCP

This plan is known as the Kiama Development Control Plan (DCP) 2012 as prepared in accordance with [Division 3.6](#) of *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

Topic 1.2 - Adoption and Commencement

Commencement of the DCP

The Kiama DCP 2012 was adopted by Council on 31 July 2012 and came into effect on 24 August 2012.

Amendments to this DCP

Amendment Number	Chapter/Change	Commencement Date
1	<u>New Chapter</u> Chapter 29 – Flood Liable Land, insertion of chapter This chapter contains information and development controls needed to prepare and assess development applications on flood prone land.	19/06/13
2	<u>New Chapter</u> Chapter 30 – Heritage, insertion of chapter This chapter assists in enabling an understanding of the significance of heritage, and ensuring that future development is undertaken in accordance with legislative requirements and is sensitive to the significance of heritage items.	21/06/13
3	<u>Amendment</u> Chapter 2 – Overall Controls, deleted controls Heritage controls from Section 20 & 21 were repealed, as they have been updated and consolidated, in Chapter 30 Heritage.	25/09/13
4	<u>Amendment</u> Re-numbering of pages – re-formatting.	02/10/13
5	<u>Amendment</u> Chapter 3 – Preservation & Management of Trees & Vegetation This chapter provides clear guidelines and specific controls which can be used for the preparation and assessment of tree management and development applications.	11/06/14
6	<u>New Chapter</u> Chapter 31 – Site Specific Controls – Wyalla Road Residential Release Area	17/03/15

Amendment Number	Chapter/Change	Commencement Date
	The Wyalla Road Residential Release Area is to comprise of high quality mixed residential and housing for Seniors and People with a Disability development that incorporates and utilises the high quality natural scenic character of the Jamberoo area. The residential release area is to comprise a mix of low density residential allotments, housing for seniors and people with a disability, a community facility and an environmental management area. The development is to attain visual amenity through linkages to Hyams Creek corridor and scenic hills beyond.	
7	<p><u>Amendment</u></p> <p>Chapter 12 – Short Term Rental Accommodation</p> <p>The amendments to this Chapter aim to ensure that minimum bin size requirements and additional best practice guidelines for waste management for STRA be incorporated to address issues of inadequate waste provisions at many STRA properties, particularly in light of the changing kerbside waste service.</p>	18/11/15
8	<p><u>Amendment</u></p> <p>Chapter 7 – Subdivision</p> <p>The main amendments to the DCP relate to the clarification of the different road hierarchy types and an increase in minimum street widths to 6.5, 8, 9.5 and 11.5 metres for Access Streets, Access Roads and Minor and Major Collector roads respectively, based on traffic volumes.</p>	13/01/16
9	<p><u>Amendment</u></p> <p>Chapter 9 – Car Parking</p> <p>This Chapter has undergone revision to address identified issues, provide better clarity and increase development opportunities.</p>	01/06/16
10	<p><u>Amendment</u></p> <p>Chapter 5 – Medium Density</p> <p>This chapter has been amended to include controls for development encompassing 3 or more dwellings/units is classed as medium density development and includes: Residential Flat Buildings, Multi dwelling Housing, Boarding Houses, Group Homes, Seniors Housing, Shop Top Housing.</p>	10/08/16
11	<p><u>New Chapter</u></p> <p>Chapter 32 – Cedar Grove – Stage 2</p> <p>Site specific chapter for Cedar Grove Stage 2 which refers to a residential release area located on the western edge of</p>	10/08/16

Amendment Number	Chapter/Change	Commencement Date
	Kiama. The release area contains a range of lot sizes aimed at giving greater choice and diversity for housing options.	
12	<u>Amendment</u> Chapter 32 – Cedar Grove – Stage 2 Amendments to establish building lines for larger residential lots.	11/3/17
13	<u>Amendment</u> Chapter 31 – Site Specific Controls – Wyalla Road Residential Release Area Amendments to establish building line and address minor errors.	03/06/17
14	<u>Amendment</u> Chapter 2 – Overall Controls Minor amendments relating to neighbour notification policy.	30/10/17
15	<u>New Chapter</u> Chapter 33 – Jamberoo Village New chapter to ensure development within the Jamberoo Village respects and positively contributes to the desired future character of the village.	10/01/18
16	<u>Amendment</u> Chapter 13 – Tourist Accommodation Restructure of chapter to include controls for Bed & Breakfast Accommodation, Farm Stay Accommodation and Eco Tourist Accommodation.	10/12/18
17	<u>Amendment</u> Chapter 3 – Preservation & Management of Trees & Vegetation This chapter provides clear guidelines and specific controls which can be used for the preparation and assessment of tree management and development applications. This chapter has been amended to reflect the new <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> .	12/01/19
18	<u>Amendment</u> Chapter 30 – Heritage Minor Amendments to include controls relating to items of Aboriginal Cultural Heritage and site specific controls for the Pheasant Point Heritage Conservation Area.	15/6/19
19	<u>Amendment</u>	1/11/19

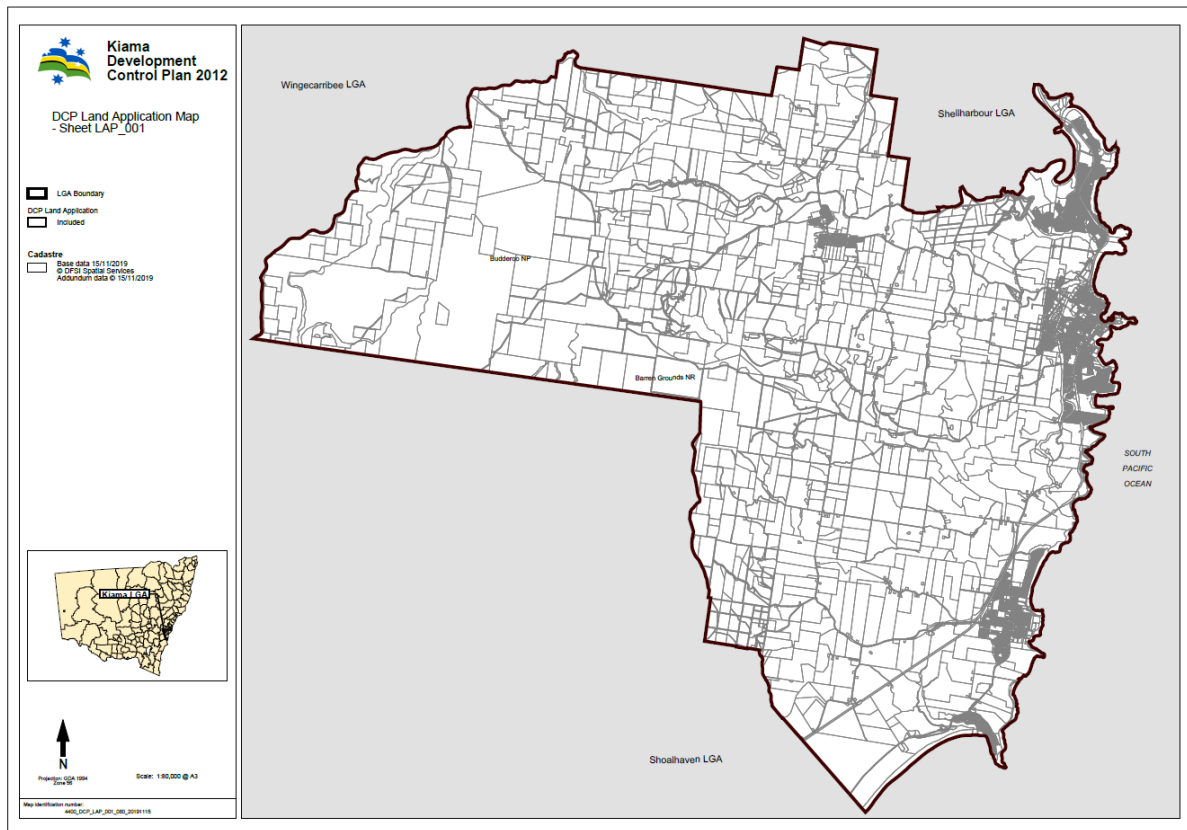
Amendment Number	Chapter/Change	Commencement Date
	Chapter 2 – Overall Controls Repealing Sections 24-35 neighbour notification policy. Neighbour notification policy now contained in Community Participation Plan.	
20	<u>New Structure</u> Restructure of all existing controls into a simplified structure. New rural use controls.	4/04/2020
21	<u>Amendment</u> Chapter 3 – Common Requirements Minor Amendments to Topic 3.4 to update Onsite sewage management controls. Chapter 6 – Residential Accommodation Minor Amendments to Topic 6.3 to move existing controls to new supporting Guideline Documents. Chapter 7 – Commercial Premises Minor Amendments to Topic 7.1 and Topic 7.2 to move more technical controls and design details to supporting Guideline Documents. Chapter 10 – Visitor Accommodation and Tourism Minor Amendments to retitle 'Topic 10.3 – Serviced Apartments', remove reference to STRA and modify controls to relate to serviced apartments. Introduction of a new Topic for events (Topic 10.5 – Events) and reference to new supporting Guideline Document.	25/08/2021

Savings and Transitional Arrangements

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Topic 1.3 - Where this DCP Applies

This plan applies to land within the Kiama Local Government Area where the [Kiama Local Environmental Plan \(LEP\) 2011](#) applies.



Topic 1.4 - How to Use this DCP

How to Use this DCP

The DCP applies to all development that may be carried out with development consent. Council must consider this DCP when assessing your development application under the provisions of the EP&A Act.

Any application for development in the Kiama Municipality will need to address the provisions contained in this DCP. Throughout this DCP you may find a combination of Objectives, Mandatory Controls, Performance Criteria and Acceptable Solutions.

Objectives: For each Section or topic of relevance, objectives will clearly state what Council seeks to achieve once the Controls or the Performance Criteria are met.

Mandatory Controls: Are specific, prescriptive measures required for achieving the desired objectives.

Performance Criteria: Identify how a development should perform so that the desired objectives can be achieved.

Acceptable Solutions: Indicate how the development can achieve the desired performance and objectives.

This DCP is divided into the following Parts and Chapters:

- Introduction and Administration
 - Site Considerations
 - Common Requirements
 - Development Specific Controls
 - Area Specific Controls

Variations to DCP controls

The EP&A Act enables Council to be flexible in applying the provisions and controls of our DCP and to allow reasonable alternative solutions that achieve the objectives of those controls/standards for dealing with that aspect of the development.

Objectives

O:1.4.1 To make provisions that an applicant may make a written submission to Council to request a variation if the provisions of any part of a chapter are unnecessary or unreasonable having regard to the circumstances of the site and the application sought.

An applicant may make a written submission to Council to request a variation to the provisions of a Chapter in this plan if:

- the development site has special or exceptional conditions that justify the variation sought. It will be compulsory to demonstrate that a functional development is impossible on site without seeking a variation, or
- the provisions of a Chapter in this plan do not have appropriate regard to the development proposal, or
- the application to vary the provisions of a Chapter in this plan must accompany the development application and shall be submitted to Council with the appropriate fee as fixed by Council, or
- in requesting a variation, the applicant must consider whether any other reasonable option is available and each of the objectives of the specific controls to be varied.

Note: Council will assess any variation based on planning principles and compliance with the objectives within the particular chapter.

Topic 1.5 - Aims of this Plan

Aims

The aim of our DCP is to:

- provide detailed development controls which support the Kiama Local Environmental Plan 2011;
- ensure future development responds positively to the qualities of the site and the character of the surrounding locality;
- ensure that development does not detract from the natural, cultural and agricultural values of the Kiama Local Government Area;
- promote development that is sustainable, appropriately designed for the climate and adaptable;
- promote development that is accessible and adaptable to meet the existing and future needs of all residents;
- ensure appropriate information is submitted with Development Applications;
- ensure that development contributes to the quality of the natural and built environments;
- ensure development is of a high design standard and energy efficient;
- promote development that encourages liveable, safe and sustainable living and working environments; and
- promote development that adds to the character of Kiama and assists in promoting a liveable, sustainable environment.

The objectives of our DCP will be outlined separately in each section.

Ecologically Sustainable Development

The [Local Government Act 1993](#) states ecologically sustainable development (ESD) requires the effective integration of economic and environmental considerations in decision-making processes. The [Integrated Planning and Reporting](#) framework also requires councils to address social, environmental, economic and civic leadership issues in an integrated way.

A number of principles underpin ecologically sustainable development and can be used to guide our decision making and actions. They include:

- The precautionary principle.
- Intergenerational equity.
- Biodiversity and ecological diversity.
- Improved economic valuation including environmental factors.

The Precautionary Principle states that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

Intergenerational equity requires the present generation to ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.

ESD mandates that the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making, including in the formulation, adoption and implementation of any economic and other development plan, program or project.

Economic valuation of the environment is an anthropocentric concept: it is the value of those environmental goods and services that impact on human welfare.

Kiama Municipal Council is committed to the principles of ESD. The principles of ESD form part of the assessment process and should be taken into consideration when planning any development within the Kiama Municipality. The following landscaping suggestions should be included in landscape plans, when required, to facilitate the principles of ESD:

- Native Gardens to provide a habitat for native fauna.
- Retain bushland to prevent further loss of native plants and animals.
- Minimise large expanses of open lawn areas.
- Minimise impervious surfaces by using porous materials or increasing garden bed size.
- Plant trees to aid in wind and shade protection, noise abatement and a more pleasing environment.
- Use and integrate local materials into the landscape where possible.
- Minimise earthworks.
- Minimise potential for erosion and sedimentation.
- Minimise demolition and excavation material by reusing, recycling or disposing in an environmentally sustainable manner.
- Retain existing mature trees and shrubs.
- Use rainwater tanks to conserve water.
- Allocate an area for composting of green waste.

Climate Change

Council recognises and anticipates that climate change will become an increasingly relevant issue for building design in the coming years.

As new homes built under this Policy or as complying development will be affected by climate change within their normal expected lifetime, it is timely for new home owners to consider the potential consequences of climate change in designing their new homes. This will be particularly relevant if people anticipate remaining in their new homes over the next 20 years or more during which time the impacts of a changing climate are likely to be more noticeable.

Council is not yet in a position to determine what land may be impacted by sea level rise, coastal processes, flooding and rising water table, or impacts of higher temperatures, possibility of bushfire events. Until the required investigations and studies are completed, Council recommends that people building new homes in any low lying area near the coast or a waterway, or in the more remote and vegetated areas should exercise caution and discretion in commissioning designs for new homes and have regard to the recommended voluntary design guidelines to the extent they see fit in their particular circumstances.

The impacts of changed weather events may result in Kiama experiencing more intense rainfall and storm events, destructive winds, higher temperatures, more drought periods and heatwave conditions. New development must be designed and constructed to ensure environmentally sustainable buildings that can more easily cope with climate change over time.

New homebuyers/builders are encouraged to consider environmental and flexible design measures that will, if incorporated in the initial design stage, be achieved in many cases at minimal cost while making homes more:

- environmentally pleasant to live in overtime as climate changes.
- easily adapted if they are located in low lying areas potentially affected by sea-level rise, coastal processes, storm surge, rising water table or flooding.
- likely to maintain their value and be more marketable if they are sold, and potentially subject to lower insurance premiums.

In some locations as knowledge is improved, climate change impacts may require mandatory controls to be applied.

New homes are likely to be affected by the impacts of changing weather conditions including:

- hotter summers and more frequent droughts and heatwave conditions.
- increasing risk of bush fires.
- more frequent severe weather events such as destructive storms, hail and damaging winds,
- flooding of waterways in floodplains and valleys.
- sea/tidal inundation and rising water tables in low lying areas near the coast and estuaries.
- coastal erosion and associated coastal processes in foreshore locations associated with predicted sea level rise and severe weather events.
- higher summer temperatures.

Urban Design

Urban design aims at the creation of useful, attractive, safe, environmentally sustainable, economically successful and socially equitable places. Good urban design pursues local identity and sense of place, cultural responsiveness and purposeful environmental innovation. It achieves a high level of quality, comfort, safety, equity, beauty and cohesion

in the overall, physical outcome of all the development, planning, engineering, architectural and landscape design decisions that contribute to urban change. Urban design includes, but is not limited to:

- public domain/open space design;
- urban development/architecture design;
- adaptive reuse and urban infill design;
- urban landscape design;
- public infrastructure design;
- sustainable development;
- accessibility and mobility;
- community development;
- cultural heritage;
- culturally sensitive design; and
- safety by design.

Our DCP strives to establish good urban design in all of our towns and villages. Proposed development that does not positively contribute to the urban design of our towns and villages will generally not be supported.

Relationship to Other Documents

Our DCP relates to and should be read in conjunction with:

State Environmental Planning Policies

Certain *State Environmental Planning Policies* (SEPPs) may also apply to certain lands in the Kiama Municipality. The provisions of any SEPP will prevail over this DCP, in the event of any inconsistency. Different SEPPs cover a range of development including but not limited to secondary dwelling, boarding houses, education facilities, hospitals, seniors living, infrastructure and complying development.

Our **Tree Preservation and Vegetation Management** section of [Chapter 2](#) is to be read in conjunction with *SEPP (Vegetation in Non-Rural Areas) 2017* when applying for a permit for vegetation clearing in non-rural areas.

Our DCP does not apply to 'exempt' or 'complying' development identified in the relevant environmental planning instruments. However, Council recommends that other public authorities take this DCP into account when determining activities under [Part 5](#) of the EP&A Act 1979.

Local Strategic Planning Statement

Our [local strategic planning statement \(LSPS\)](#) will set out the 20-year vision for land-use in the Kiama Municipality, the special character and values that are to be preserved and how change will be managed into the future. Future versions of the Kiama DCP will need to be consistent with the LSPS.

Kiama Local Environmental Plan 2011

The DCP provides detailed planning and design guidelines to support the planning controls in the [Kiama Local Environmental Plan \(LEP\) 2011](#).

Kiama Community Participation Plan 2019

Our [Community Participation Plan \(CPP\)](#) outlines how we engage the community in our planning functions under the EP&A Act, including making decisions on proposed development.

Kiama Local Infrastructure Contribution Plans

Council has a number of [Contributions Plans](#) which allows Council to levy contributions on development consents issued for land within the Kiama Municipality. These contributions assist the provision of community facilities or infrastructure to meet demand created by development.

Our DCP is also to be read in conjunction with the following:

- [Environmental Planning and Assessment Act, 1979](#);
- [Environmental Planning and Assessment Regulation 2000](#);
- [Local Government Act 1993](#);
- [National Construction Code \(NCC\) / Building Code of Australia \(BCA\)](#);
- Relevant [Australian Standards](#) as identified throughout this DCP;
- [Land and Environment Court Planning Principles](#); and

Any other policy or document identified for consideration throughout this DCP.

Environmental Health Guidelines

We have prepared a number of [best practice guidelines](#) for various engineering and environmental health works. Council has also adopted master plans and technical specifications for certain areas of the Municipality.

Our DCP is also to be read in conjunction with the following:

- [Design and construction specifications](#)

How to contact Council

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