

15 REPORT OF THE DIRECTOR STRATEGIES AND COMMUNITIES**15.1 Fire and Rescue Joint Inspection Report - Stage 5 Blue Haven**

CSP Objective: Outcome 3.3: We love where we live and are strongly connected within our region. Growth and development will be managed sustainably, thoughtfully and equitably, while preserving our built and natural heritage.

CSP Strategy: 3.3.2 Manage development and growth sustainably and thoughtfully.

Delivery Program: 3.3.2.1 Council meets the legislative requirements for Planning and Assessment.

Item 15.1

Summary

On 23 July 2025 Council's Building Assessment Coordinator received a request for a Fire Safety Order from Council's Infrastructure and Operations Directorate for the building known as Blue Haven Stage 5 (2 Havilah Place, Kiama).

This report fulfils Council's obligation under Schedule 5, Part 8, Section 17(2) of the *Environmental Planning and Assessment Act 1979* (the Act) to table any report of any inspection carried out by the Commissioner of Fire and Rescue NSW under Section 9.32 of the Act.

Financial implication

The tabled report outlines recommendations from the Commissioner required to be implemented at Blue Haven Stage 5.

Some of these recommendations may have financial implications for Council.

Risk implication

The risks associated with Blue Haven Stage 5 are well known and have been made public. The Commissioner's report seeks to resolve these risks.

Policy

Environmental Planning & Assessment Act 1979.

Consultation (internal)

Executive Leadership Team.

Communication/Community engagement

Fire & Rescue NSW.

Attachments

Nil

Enclosures

1 Report - Fire and Rescue NSW [↗](#)

Report of the Director Strategies and Communities

15.1 Fire and Rescue Joint Inspection Report - Stage 5 Blue Haven (cont)

RECOMMENDATION

That Council:

1. Receive the enclosed report from the Fire & Rescue NSW in accordance with Schedule 5, Part 8, Section 17(2) of the Environmental Planning and Assessment Act 1979, and
2. Note that a further report will be provided to Council at their Ordinary December 2025 meeting to determine whether it will exercise its powers to give a fire safety order for the building known as Blue Haven Stage 5.

Item 15.1

Background

On 23 July 2025 Council's Building Assessment Coordinator received a request for a Fire Safety Order from Council's Infrastructure and Operations Directorate for the building known as Blue Haven Stage 5 (2 Havilah Place, Kiama).

During routine maintenance and works at the site it was identified that significant fire safety deficiencies were present in the building fabric and fire safety systems. The operators of Blue Haven Stage 5 had engaged external consultants to prepare detailed reports of the identified deficiencies and proposed methods of achieving adequate fire safety for the building occupants.

Upon review of the order request and supporting reports prepared by AE&D Pty Ltd (Accredited Fire Safety Engineers and Unrestricted Building Surveyors) Council sent a request for a 'Comment on an occupied building' to Fire and Rescue NSW on 30 July 2025.

Following further investigation Council sent a further request to Fire and Rescue NSW on 1 September 2025 to request a Joint Inspection.

On 30 September 2025 Fire and Rescue NSW Officers attended Blue Haven Stage 5 (2 Havilah Place, Kiama) accompanied by Council's Building Assessment Coordinator and Development Officer to perform the requested Joint Inspection.

As a result of this inspection carried out pursuant to Section 9.32(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) an inspection report has been furnished by Fire and Rescue NSW on 4 November 2025 pursuant to Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act

This report is required to be tabled pursuant to Schedule 5, Part 8, Section 17(2) of the EP&A Act and advice regarding Council's determination of whether it will exercise its powers to give a fire safety order provided to the Commissioner of Fire and Rescue NSW under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

15.2 Grants and Donations Program - Round 1

- CSP Objective: Outcome 1.1: We value a strong sense of belonging, where social and cultural life thrives, and residents, families, friends and visitors feel welcome and included..
- CSP Strategy: 1.1.1 Support and deliver the initiatives that encourage community connection and social interaction for all residents
- Delivery Program: 1.1.1.2 Empower and build a connected, resilient, safe and cohesive community through partnerships and community development programs and initiatives.

Item 15.2

Summary

Kiama Council values the contributions of community groups, interest groups, artists, event professionals and businesses to the community. The contributions significantly enhance the well-being and economy of our community.

Council's Grants and Donations Program aims to support initiatives, events and activities that address identified community needs and interests; and promote and foster a vibrant, inclusive, resilient, innovative, and sustainable community within the Kiama Local Government Area (LGA).

This report presents the recommendations for funding from Round 1 of the Signature Community Events Grants, Cultural Grants and Health and Sustainability Grants. It also provides a status update on the Small Community Grants Program.

Financial implication

Costs associated with the recommendations in this report are included in Council's budget for the current financial year. The recommended amounts within this report are included in the tables below.

The total 25/26 budget for the Signature Community Events Grants, Cultural Grants and Health and Sustainability Grants is \$85,000. This report recommends allocating a total of \$31,787, thereby leaving \$52,213 available for funding in Round 2.

Risk implication

The recommendations of the report have been made consistent with the adopted Grants and Donation Policy and Guidelines. The Policy and Guidelines are consistent with the recommendations of the Internal Audit and ICAC recommendations. There is a risk that a resolution contrary to this recommendation would be inconsistent with the adopted Policy.

Policy

Kiama Council's Grants and Donation Policy and Guidelines (2024).

Consultation (internal)

In accordance with section 4.2 in the Grants and Donations Policy, all applications are reviewed by an internal Grants Assessment Panel. A total of three assessment panels were convened to assess the applications. The panels were comprised of at least three Council staff with expertise relevant to the specific funding program.

Report of the Director Strategies and Communities

15.2 Grants and Donations Program - Round 1 (cont)

Applications were assessed against five criteria:

1. Benefit to the community;
2. Alignment with Council's Community Strategic Plan;
3. Value for money/financial justification;
4. Capacity and capability to deliver the project; and
5. Contributes to being an accessible, safe sustainable, and inclusive event/program for the community.

Communication/Community engagement

The Grants Programs were promoted via Council's communication channels (Website, media release, newsletters, and social media) and through various community networks.

The Community Development team created an Electronic Direct Mail (EDM) to share information package for round 1 of the Grants Program. Further, the team offered 1:1 meetings with potential applicants to discuss project ideas, eligibility criteria, budgeting and the online applications procedures. These engagement activities provided the opportunity to discuss changes to the Grants Program with the potential applicants, and record feedback.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse the following recommended applications for funding:

1. Kiama District Ministers Fraternal, Carols in the Park - \$3,750.
2. Lions Club of Gerringong, Gerringong Christmas Parade - \$7,000.
3. Kiama Jazz & Blues Festival, Let's Play! - \$7,000.
4. Gerringong & District Historical Society, Werri Beach Estate Centenary-\$1,153.
5. Healthy Cities Illawarra, Let's Play Kiama - \$5,302.
6. Slow Bird Productions, Finding your path documentary - \$1,082.
7. Damico Sound, Music in the Park - \$2,500.
8. Kiama Illawarra Pride Choir, Inaugural Concert - \$2,500.
9. The Everyday Table Kiama, Shared Meals Connection Food Skills - \$2,000.

Background

Endorsed in March 2024, the Grant and Donations Policy (the Policy) provides the framework for managing Council's Grants Program, its expenditure and accountability processes. The Policy is publicly available on Council's website: <https://www.kiama.nsw.gov.au/Services/People-and-community/Grants/About-grants-donations>

The Policy provides the framework for Council to manage the allocated funds to the Grants Program in an effective, efficient and equitable manner and in compliance with Section 356 of the Local Government Act 1993 - the use of public funds.

Council's Grants and Donations Guidelines for Applicants assist applicants when applying for Council grants and ensure they understand their obligations. The Guidelines are publicly available on Council's website: <https://www.kiama.nsw.gov.au/Services/People-and-community/Grants/About-grants-donations>

This report presents the outcomes of the Round 1 of the Grants and Donations program for the 2025-2026 Financial Year. Details are outlined in the following tables.

Signature Community Event Grant Program

Council received eight (8) applications for funding this round. Of the eight (8) applications, five (5) are recommended for funding as follows:

Applicant	Kiama District Ministers Fraternal		
Project title	Carols in the Park		
Amount requested	\$3,750	In-kind component	\$750
Location	Kiama	Program Date	December 2025
About the applicant	The Kiama District Ministers Fraternal exists to serve the local Kiama community and is made up of member churches from Generosity, Anglican, Baptist, Presbyterian, Uniting & Catholic.		
About the project / event	Kiama Carols in the Park is a free, family-friendly Christmas event held at Hindmarsh Park. The event features live music, traditional carols and community performances, and aims to foster inclusion, celebrate local culture, and strengthen Kiama's vibrant community spirit.		
Beneficiaries	Kiama LGA community and residents, local schools, community choirs, businesses and visitors.		
Assessment	Recommended for full funding of \$3,750		

Report of the Director Strategies and Communities

15.2 Grants and Donations Program - Round 1 (cont)

	The assessment panel found the project to align with the objectives of the Grants Program and is considered to have significant community benefit and financial justification.
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Applicant	Lions Club of Gerringong		
Project title	Gerringong Christmas Parade		
Amount requested	\$7,000	In-kind component	N/A
Location	Gerringong	Date	December 2025
About the applicant	The Gerringong Lions Club is a volunteer organisation dedicated to supporting the local community through service, fundraising, and fellowship. With all funds directed to charity, the club assists residents in need, improves community spaces, and fosters connection through events and collaborative initiatives.		
About the project / event	The Gerringong Christmas Parade, a tradition since 1988, unites locals and visitors in a vibrant celebration of community spirit. Delivered by the Gerringong Lions Club, it features colourful floats, performers and family entertainment. It aims to foster inclusion, creativity, and pride while supporting local businesses and strengthening the Kiama region's festive identity.		
Beneficiaries	Tourism, local business, Kiama LGA community and surrounds.		
Assessment	Recommended for full funding of \$7,000 The assessment panel found the project to align with the objectives of the Grants Program, with significant social/economic benefit and good financial justification.		

Applicant	Kiama Jazz & Blues Festival		
Project title	Kiama Jazz & Blues Festival - Let's Play! March 6-8		
Amount requested	\$7,000	In-kind component	N/A
Location	Kiama	Program Date	March 2026

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15.2 Grants and Donations Program - Round 1 (cont)

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About the applicant	The Kiama Jazz & Blues Festival is a local community organisation dedicated to celebrating live music and culture. It aims to unite artists, venues, and audiences in an inclusive, grassroots event to enrich Kiama's creative identity and community spirit.
About the project / event	The Kiama Jazz & Blues Festival is a community-led celebration uniting 38 local venues and key partners including WollCon, SIMA, and the Kiama Surf Club. Supported by local sponsors and media, over 220 musicians bring world-class performances, collaboration, and creativity to Kiama's vibrant cultural scene each year.
Beneficiaries	Kiama LGA community, tourism, local artists, local business.
Assessment	Recommended for funding of \$7,000 The assessment panel found that the project aligns with the objectives of the Grants Program.

Applicant	Gerringong and District Historical Society Inc		
Project title	Werri Beach Estate Centenary		
Amount requested	\$3,000	In-kind component	Nil
Location	Gerringong	Program Date	April 2026
About the applicant	The Gerringong Museum preserves local history through exhibitions, community loans and collaborations with the Kiama Library and schools. It hosts events and speakers to engage residents and promote cultural heritage.		
About the project / event	The Gerringong & District Historical Society is celebrating the 2026 centenary of Werri Beach Estate, established in 1926. The program includes a commemorative book, exhibition at GLaM Gallery, historical video, guest speaker, and guided walking tours, honouring Werri Beach's rich heritage and community spirit within the Kiama region.		
Beneficiaries	Gerringong community, Werri Beach Estate residents, local businesses.		

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15.2 Grants and Donations Program - Round 1 (cont)

Item 15.2

Assessment	Recommended for part funding of \$1,153 (\$453 in-kind) The assessment panel found the project to align with the objectives of the Grants Program, however approved partial funding as the application was ranked low in value for money, including in-kind contribution to support use of the Council-owned hall. Werri Beach is a significant Aboriginal site. The Panel is recommending funding on the condition that the applicant consult and engage the Traditional Owners, through the Aboriginal Advisory Group for the Aboriginal heritage component of this event.
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Applicant	Healthy Cities Illawarra		
Project title	Let's Play Kiama		
Amount requested	\$6,402	In-kind component	\$1,000
Location	Kiama	Program Date	January 2026
About the applicant	Healthy Cities Illawarra promotes preventative health and inclusive, thriving communities through various programs focusing on healthy eating, physical activity, active transport and community well-being for all ages.		
About the project / event	Let's Play Kiama proposes a community event focuses on physical, mental, and social well-being through inclusive, intergenerational play. Featuring facilitated activities, it targets older children and Aboriginal youth, fostering social connection, healthy habits, and community engagement, while providing information, resources and supportive spaces for families.		
Beneficiaries	Kiama LGA Residents, tourism, local businesses.		
Assessment	Recommended for part funding of \$6,302 (\$1000 in-kind) The assessment panel found the project to align with the objectives of the Grants Program, however approved partial funding as their transport component of operational costs was deemed ineligible according to Grant Guidelines.		

Council received three more applications which were not recommended for funding:

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15.2 Grants and Donations Program - Round 1 (cont)

- The Creative Business Hub's (sole-trader) application for \$7,000 to hold The Creative Business Summit.

The applicant is a for-profit company rather than a not-for-profit or eligible sole trader. While the event received one-off Cultural Grant seed funding last year and provided value for local creatives, the repeated event mainly offers a commercial benefit to the applicant rather than to the broader Kiama community and therefore does not align with Signature Event objectives. The panel also noted the budget exceeds the stated expenditure, raising concerns about financial planning and sustainability.

- Expressive Art Experience's (sole-trader) application for \$7,000 to hold Daisy Spring Festival.

The applicant is a sole trader, where Cultural Grants typically support sole traders as emerging artists not commercial enterprises. The event includes elements like entry fees, merchandise sales, and a high organiser fee for the applicant. It mainly promotes the applicant's business rather than a broader beneficial community event, and the budget also demonstrated expenditure exceeding income.

- Kiama Cricket Club's application for \$7,000 to hold their 170th Anniversary Gala Celebration.

The application is to host a dinner event for guest and ranked low in value for money. The event had very little benefit for the broader Kiama community and therefore does not align with Signature Event objectives.

The assessment panel scored these applications lower against the Grant Guidelines and eligibility criteria as they did not meet key requirements such as not-for-profit status, broad community benefit, or suitability as Signature Events. Applicants will be contacted with feedback and encouraged to reapply with a more aligned proposal or consider alternative funding programs.

Cultural Grants

Council received four applications for funding this round. Of the four (4) applications, three (3) are recommended for funding as follows:

Applicant	Slow Bird Productions		
Project title	Finding Your Path Documentary		
Amount requested	\$2,500	In-kind component	Nil
Location	Kiama	Program Date	January 2026
About the applicant	Wendy Saunders is a Screen & Media student and creative arts facilitator passionate about empowering women aged 50+ through art, nature, and storytelling, fostering connection, resilience, and wellbeing across the Illawarra region.		

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15.2 Grants and Donations Program - Round 1 (cont)

Item 15.2

About the project / event	Finding Your Path is a short documentary celebrating women aged 50+ as they rediscover purpose, creativity, and connection through nature, art, and storytelling in the Kiama region. It highlights resilience, community, and the beauty of aging, challenging stereotypes and showcasing renewal through creativity and place.
Beneficiaries	Older isolated female residents of Kiama, Women 50+, local creatives and business.
Assessment	Recommended for full funding of \$2,500 The assessment panel found that the project aligns with the objectives of the Grants Program.

Applicant	Damico Sound		
Project title	Music in the Park		
Amount requested	\$2,500	In-kind component	\$179
Location	Kiama	Program Date	January 2026
About the applicant	Damico Sound is a creative professional live sound and lighting operator and licensed electrical contractor. He has offered sound services for Council many times in the past for creative programs.		
About the project / event	The proposed event is a concert in Hindmarsh Park to be held on the Orry Kelly stage. It will employ a variety of emerging local performers with the opportunity to showcase themselves as artists and be paid. It is also an opportunity to activate the performance precinct in Hindmarsh Park with a public outdoor concert that is open to the entire community.		
Beneficiaries	Kiama LGA residents, local musicians, tourists, businesses.		
Assessment	Recommended for full funding of \$2,500 The assessment panel found that the project aligns with the objectives of the Grants Program and beneficial to Kiama LGA residents and families.		

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15.2 Grants and Donations Program - Round 1 (cont)

Applicant	Kiama Illawarra Pride Choir		
Project title	Development of Pipe Band culture and participation in Kiama.		
Amount requested	\$2,500	In-kind component	\$500
Location	Kiama	Program Date	April 2026
About the applicant	Founded in 2021, the Kiama Illawarra Pride Choir (KIPC) is an inclusive, non-auditioned choir for the LGBTQIA+ community and allies, promoting connection, well-being, and inclusiveness through diverse musical performance.		
About the project / event	The choir plans to host an afternoon community event featuring a one-hour to ninety-minute performance complemented by a catered afternoon tea. This event will showcase the Kiama Illawarra Pride Choir's repertoire and the talents of members, celebrating music with family, friends, and the wider community in an inclusive setting.		
Beneficiaries	Kiama LGA Community, Kiama's LGBTQIA+ community, families.		
Assessment	Recommended for full funding of \$2,500 (\$500 inkind) The assessment panel found that the project aligns with the objectives of the Grants Program and benefits the social and cultural outcomes within the community.		

Item 15.2

Council received a further application which was not recommended for funding as follows:

- Diana Plater (Freelance journalist/writer) applied for \$2,500 to produce a brochure about the Cedar-getters. The assessment panel did not recommend funding as it did not meet eligibility criteria, being for-profit and involving paid wages. It aligned more with a historical project than a cultural program and scored lower than other applications. The applicant will be contacted with suggestions to reframe the project for future funding consideration.

Health and Sustainability Grants

Council received one application which was recommended for funding as follows:

Applicant	The Everyday Table - Kiama
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15.2 Grants and Donations Program - Round 1 (cont)

Project title	Everyday Table – Shared Meals, Connection & Food Skills		
Amount requested	\$2,000	In-kind component	Nil
Location	Kiama	Program Date	October 2025
About the applicant	The Everyday Table is a community-led organisation in Kiama Downs, run by volunteers and supported by Generocity Church, providing meals, an affordable pantry, and programs that reduce food insecurity and strengthen community wellbeing.		
About the project / event	The Everyday Table is a volunteer-led, community initiative in Kiama Downs, providing free weekly shared meals, a low-cost pantry, and distribution of donated goods. Supporting mental wellbeing, reducing isolation, and promoting sustainable food practices, the program strengthens community connections while ensuring accessible, healthy food, aligning closely with the Health and Sustainability Grants Program.		
Beneficiaries	Isolated seniors, low-income individuals, children, volunteers, and socially disadvantaged community members.		
Assessment	Recommended for full funding of \$2,000 The assessment panel found that the project aligns with the objectives of the Grants Program, offering community benefit to disadvantaged members.		

Item 15.2

15.3 Post exhibition endorsement: Planning Agreement - South Kiama Urban Release Area

CSP Objective: Outcome 3.3: We love where we live and are strongly connected within our region. Growth and development will be managed sustainably, thoughtfully and equitably, while preserving our built and natural heritage.

CSP Strategy: 3.3.3 Manage and promote land use planning to retain distinct town and villages.

Delivery Program: 3.3.3.1 Support and strengthen our diverse communities through regional collaborations and local connections.

Item 15.3

Summary

The purpose of this report is to seek Council's endorsement of the Planning Agreement for the South Kiama Urban Release Area for finalisation.

This Planning Agreement applies to the whole of the South Kiama Urban Release Area and is associated with the Stage 1 Development Application 10.2025.68.1. Under the Planning Agreement, the applicant will provide material public benefits including dedication of land, construction of works and monetary contributions totaling approximately \$30M. The Draft Planning Agreement was exhibited between 25 August and 22 September 2025 and 11 submissions were received (see Enclosure 1).

It is recommended that the Planning Agreement - South Kiama Urban Release Area (Enclosure 2) be endorsed for finalisation. Once executed, the Planning Agreement will apply to all subdivision developments, the register will be updated, the Agreement will be implemented and monitored, and updates will be included in the Annual Report.

Financial implication

The Planning Agreement aims to mitigate any short and long term financial impact to Council as a result of the development. The developer will construct, fund and deliver all of the community infrastructure required to facilitate the development, and will also provide funding to Council for ongoing costs. The contributions will be provided prior to the issue of a Subdivision Certificate for each stage. The monetary contributions will be held in a restricted asset account, invested in accordance with the Council's Investment Policy and allocated toward the relevant expenditure as part of the annual budget preparation.

Risk implication

A Planning Agreement is a voluntary arrangement that is negotiated and agreed to between the developer and council.

The Planning Agreement is progressed separately but concurrently to the Development Application (DA) assessment. It is preferable that the Planning Agreement be executed before the DA is determined. Alternatively, a condition could be imposed requiring the Planning Agreement be executed, however there is a greater risk with this option. The recommendations in this report aim to ensure that these timeframes align.

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15.3 Post exhibition endorsement: Planning Agreement - South Kiama Urban Release Area (cont)

The proposed Planning Agreement provides a formal legal instrument to manage and mitigate any risks associated with the developer dedicating land to council and ensures a funding source for the ongoing maintenance. The Planning Agreement also provides security through registration on land title and a bank guarantee.

If a Planning Agreement is not entered into then there is no certainty on how the infrastructure will be funded or delivered and the public benefit will not be provided.

Policy

The Planning Agreement has been prepared and assessed in accordance with:

- *Environmental Planning and Assessment Act 1979.*
- *Environmental Planning and Assessment Regulation 2021.*
- Local infrastructure contributions practice notes, DPHI, 2025.
- Kiama Council's Planning Agreements Policy 2024.

Consultation (internal)

The Planning Agreement has been discussed at the internal Development Contributions Coordination Group (DCCG) meetings throughout the negotiations. This enabled ongoing consultation with staff from Planning, Finance and Infrastructure. Finance and Infrastructure were also specifically consulted to review the cost estimates provided and the Property team were consulted in regard to the parks and assets.

The applicants Letter of Offer was also reported to the Executive Leadership Team for approval.

Communication/Community engagement

The Draft Planning Agreement and Explanatory Note were publicly exhibited for 28 days between Monday 25 August and Monday 22 September 2025.

During the public exhibition period, 11 submissions were received. The key issues raised in the submissions, council staff responses, and any recommended changes are provided in the Public Exhibition Engagement Report (Enclosure 1).

The Draft Planning Agreement was also reviewed by Council's lawyers (at the Developer's cost).

The Developer also met with the CEO and the Director Strategies & Communities on 28 October 2025 to discuss the status of their development.

Attachments

Nil

Enclosures

- 1 Public Exhibition Engagement Report: South Kiama Urban Release Area Planning Agreement [⇒](#)
- 2 Planning Agreement - South Kiama Urban Release Area [⇒](#)

Report of the Director Strategies and Communities

15.3 Post exhibition endorsement: Planning Agreement - South Kiama Urban Release Area (cont)

RECOMMENDATION

That Council:

1. Note the Public Exhibition Engagement Report for the South Kiama Urban Release Area Planning Agreement.
2. Note that pursuant to s55(3)(i) of the Local Government Act 1993, Council resolve not to invite tenders under s55(1) of that Act for works on Council land associated with the Planning Agreement given that a satisfactory contract result is more likely to be achieved as a result of the works being delivered by the developer.
3. Delegate authority to the CEO to make minor and inconsequential changes to the Planning Agreement, including updating the reference of Part Lot 101 in DP 1077617 (part of 11 Weir Street, Kiama) to the proposed Lot 21 upon completion of the subdivision currently being carried out under approved Development Application 10.2025.80.1.
4. Delegate authority to the CEO to finalise and enter into the Planning Agreement - South Kiama Urban Release Area.
5. Require the appropriate condition of consent to be imposed on any future development applications to which the Planning Agreement applies.
6. Note that, as per the enclosed Agreement, the Developer is responsible to complete all necessary works in order for the required Subdivision Certificates to be issued.
7. Note that the Planning Agreement Register will be updated accordingly.

Planning Agreement

A Planning Agreement is a voluntary agreement between a planning authority and an applicant, under which the developer is required to provide a monetary contribution, the dedication of land or another material public benefit, to be used for or applied towards a public purpose.

The process to prepare a Planning Agreement is set out in the legislation, practise note and Council's Policy. A summary of the steps in the process is:

Step 1: Negotiations, 'in principle' agreement, Letter of Offer.

Step 2: Letter of Offer accepted, Draft Planning Agreement prepared.

Step 3: Draft Planning Agreement endorsed by Council and exhibited.

Step 4: Final Planning Agreement endorsed by Council and executed by CEO.

Step 5: Implementation and monitoring of the Planning Agreement.

The site

The South Kiama Urban Release Area is located to the west of the M1 Princes Highway and borders Saddleback Mountain Road to the north and Weir Street to the south. The site is approximately 40 hectares in land area and in total will

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15.3 Post exhibition endorsement: Planning Agreement - South Kiama Urban Release Area (cont)

accommodate approximately 380 residential lots, open space, environmental conservation, stormwater management and associated infrastructure, and will be carried out over four stages.



Figure 1: Land to which the Planning Agreement applies

The Stage 1 subdivision DA was lodged on 21 May 2025 and seeks approval for 81 residential lots and associated infrastructure including roads, riparian corridor and open space. The Stage 1 DA was on public exhibition between 11 June and 9 July 2025. This application is currently under assessment.

The Stage 1 DA included a letter of offer to enter into a Planning Agreement. The Planning Agreement is progressed separately but concurrently to the DA assessment.

Proposal

A Planning Agreement has been negotiated to secure infrastructure delivery and funding for the South Kiama Urban Release Area development as follows.

Step 1: Negotiations, 'in principle' agreement, Letter of Offer.

The applicant, White Constructions and Developments Pty Ltd, and the two appointed council officers negotiated the 'in principle' terms of this agreement in accordance with Council's adopted Planning Agreements Policy and delegations. The internal Development Contributions Coordination Group and the ELT have received regular updates as these negotiations have progressed.

The negotiations were successful, and the Stage 1 DA was accompanied by a Letter of Offer to enter into a Planning Agreement in accordance with s7.4 of the EP&A Act and Council's Planning Agreement Policy.

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15.3 Post exhibition endorsement: Planning Agreement - South Kiama Urban Release Area (cont)

The offer is considered reasonable as it will ensure the infrastructure required to support the development is delivered and will also provide ongoing funding for Council to maintain some of the infrastructure. It is therefore considered that the Planning Agreement will result in a positive outcome for Council and the community.

Under the Planning Agreement the applicant proposes to provide the following:

- Three (3) local parks (land dedication, embellishment, 2-year maintenance period)
- Riparian Corridors (land dedication, revegetation works, 5-year maintenance period, monetary contribution for on-going maintenance).
- Stormwater infrastructure (dedication of land, construction of four bioretention basins, 2-year maintenance period).
- Upgrade of Saddleback Mountain Road, upgrade of Weir Street and a pedestrian link from the Underpass to South Kiama Drive.
- Monetary contribution toward the historic cemetery.
- Monetary contribution toward maintenance of retaining walls.
- Monetary contribution toward administration (ie staff costs).

Key provisions of the agreement include:

- While the Planning Agreement is associated to the Stage 1 Development Application 10.2025.68.1 it applies to the whole of the South Kiama Urban Release Area development. The Agreement will be registered on title to ensure ongoing compliance.
- The value of land, works, and monetary contributions has been costed by the applicant at over \$30 million, which equates to over \$80k per residential lot.
- The monetary contributions will be indexed annually until the date of payment.
- The riparian maintenance costs are based on a discounted (net present value) rate and will be held in an externally restricted reserve which will earn interest and thereby increase the amount of funding.
- The monetary contributions will be a funding source for future expenditure.
- All contributions will be provided on a stage by stage basis (ie before the Subdivision Certificate is issued for each stage).
- The Planning Agreement will exclude Section 7.12 contributions from the 'development to which the Planning Agreement applies' which is the initial subdivision and associated infrastructure. The Planning Agreement will not apply to the residential lots created, and the Section 7.12 Contributions Plan will apply to the dwelling construction and any future DAs on the land.
- Security will be provided through a framework that includes registration on title, a bank guarantee, and all requirements will need to be satisfied before a Subdivision Certificate is issued.

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15.3 Post exhibition endorsement: Planning Agreement - South Kiama Urban Release Area (cont)

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- In some instances, it may be reasonable to accept a bond for outstanding works (for example if there were delays with the embellishment of a park) and the Planning Agreement will allow for this.

It is noted that some of the infrastructure is required to facilitate the development and is not required to be included in a Planning Agreement (thereby essentially overstating its value) however the inclusion will further solidify the requirements, as well as providing certainty on timing, and will not have any negative impact to Council.

The value of non-cash (ie land and works) contributions stated in the Draft Planning Agreement are notional as Council will value the assets based on its usual fair value process, and Council is not 'paying' or reimbursing the developer this amount. The monetary contributions have been reviewed and appear reasonably accurate.

It is noted that by entering into this Agreement Council will only forfeit Section 7.12 contributions associated with the initial subdivision. Section 7.12 contributions are capped at 1% the estimated cost of the development. The estimated cost for Stage 1 is approximately \$13M meaning that the applicable 7.12 contribution would be \$130,000 for Stage 1. Assuming similar costs for the remaining stages, the likely Section 7.12 contributions for the entire release area would be approximately \$520,000. This is significantly less than the notional value of the Planning Agreement.

Step 2: Letter of Offer accepted, Draft Planning Agreement prepared.

The Letter of Offer was reported to Council's Executive Leadership Team (ELT) at their meeting on 4 June 2025, with support given for the negotiations to continue.

A formal response was provided to the applicant on 6 June 2024.

A Draft Planning Agreement and Explanatory Note were then prepared based on the templates in Council's Planning Agreement Policy.

Step 3: Draft Planning Agreement endorsed by Council and exhibited.

The Draft Planning Agreement and Explanatory Note were reported to Council at the meeting on 19 August 2025 and endorsed for public exhibition. The documents were publicly exhibited for 28 days between Monday 25 August and Monday 22 September 2025.

During the public exhibition period, 11 submissions were received. The key issues raised in the submissions, council staff responses, and any recommended changes are provided in the Public Exhibition Engagement Report (Enclosure 1).

It is noted that the majority of feedback received from the community related to the development the subject of the associated DA. It is clear that Council could seek to make its communication about Planning Agreements clearer to the community. No changes were made to the draft Planning Agreement as a result of community feedback.

Ongoing negotiations between the developer and staff continued throughout the exhibition period, including a meeting between the developer and the CEO and the Director Strategies & Communities. Feedback from the developer was considered and where appropriate included in the final Agreement.

Report of the Director Strategies and Communities

15.3 Post exhibition endorsement: Planning Agreement - South Kiama Urban Release Area (cont)

The Draft Planning Agreement was also reviewed by Council's lawyers (at the Developer's cost).

Step 4: Final Planning Agreement endorsed by Council and executed by CEO.

This report presents the final Planning Agreement for endorsement by Council.

The Public Exhibition Engagement Report (Enclosure 1) provides a summary of the exhibition process, submissions received, responses and any proposed changes as a result of submissions.

The Draft Planning Agreement was also reviewed internally and by Council's lawyers which resulted in minor amendments.

A Final Planning Agreement (Enclosure 2) has now been prepared and includes the following changes based on Council legal advice and further negotiations:

- Background (C) – updated to note that the Developer owns part of the Land
- Clause 27.5.2 - updated to include a statement supporting the amount.
- Clause 31 Registration on Title – updated to only require registration on Land owned by the Developer.
- Clause 32 - updated to remove references to Landowner.
- Schedule 1 (1) - reference to Lot 3 DP 258605 removed. This is the Historic Cemetery to which the Planning Agreement does not apply (see Map).
- Schedule 1 (1) – Lot 101 in DP 1077617 is in the process of being subdivided to excise the part of the land within the Urban Release Area, and the Planning Agreement will only apply to the proposed lot 21. The subdivision to excise the portion of land in the URA is currently being carried out under approved Development Application 10.2025.80.1 (see Map).
- Schedule 1 (6) – updated to clarify that s7.12 is excluded from all subdivision developments (including future stages) and that s7.11/s7.12 is not excluded from future DAs (ie dwelling construction).
- Schedule 2 (C. Work) - Clarify that works are to be approved with Development Application and Subdivision Works Certificate, Clarify the maintenance period, Clarify that maintenance plan to be approved by Council.
- Schedule 2 (C. Work) – Clarify in relation to timing that 'relevant stage' is the 'stage in which the land is included'.
- Schedule 5 – Staging Plan has been updated to provide clearer boundary lines.
- Other minor changes, including formatting and numbering.

As the Planning Agreement is associated to the Stage 1 DA, it is preferable that the Planning Agreement is executed before the DA is determined. Alternatively, a condition could be imposed requiring the Planning Agreement be executed, however there is a greater risk with this option. The recommendations in this report aim to ensure that the Planning Agreement can be executed prior to DA determination.

Report of the Director Strategies and Communities

15.3 Post exhibition endorsement: Planning Agreement - South Kiama Urban Release Area (cont)

Step 5: Implementation

The Planning Agreement will be registered on the title of the Land owned by the Developer.

The Planning Agreement will be added to Council's Planning Agreements Register.

A condition of consent will be imposed on any approval issued for the Stage 1 DA (and the DA for all subsequent stages) requiring the terms of the Planning Agreement to be satisfied prior to the issue of a Subdivision Certificate.

The terms of the agreement will be monitored as the development progresses through the Development Contributions Coordination Group.

Updates on the implementation will be publicly provided in Council's Annual Report.

Conclusion

This Planning Agreement applies to the whole of the South Kiama Urban Release Area and will secure public benefit contributions of approximately \$30M, including land dedication, construction of works, and monetary contributions.

It is recommended that Council delegate authority to the CEO to finalise and enter into the Planning Agreement.

Once executed, the Planning Agreement Register will be updated, and annual updates on the implementation will be included in the Annual Report.

15.4 Quarterly Compliance Report: July to September 2025

CSP Objective: Outcome 5.2: Governance is transparent and builds trust

CSP Strategy: 5.2.3 Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions

Delivery Program: 5.2.3.2 Our elected officials are supported through good systems and records.

Item 15.4

Summary

This report outlines compliance matters undertaken by the Environment & Compliance Team during the July to September 2025 period.

Financial implication

Income generated from compliance related activities is included in the adopted 2024-25 budget. These figures have been derived from analysing compliance trends from previous years and are therefore subject to change.

Risk implication

Compliance related activities are often associated with risks. Many compliance matters evolve into Court matters.

The Environment & Compliance Team attempt to mitigate these risks by applying an education program to inform the community of their compliance obligations and working with community on improvement mechanisms prior to issuing infringement notices (i.e. fines).

Policy

The draft Compliance & Enforcement Policy was reported to Council for exhibition at the ordinary June 2025 meeting. No submissions were received and the Policy was adopted at the conclusion of the exhibition period.

Consultation (internal)

The Environment & Compliance Team have had ongoing internal discussions with Council's subject matter experts (i.e. building certifiers etc) on relevant matters.

Communication/Community engagement

As part of undertaking compliance matters, the Environment & Compliance Team have informal communication with the community.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council receive and note the compliance activities undertaken by the Environment & Compliance Team for the quarter July 2025 to September 2025.

Background

This report contains compliance matters undertaken by the Environment & Compliance Team for the quarter July to September 2025.

The Team is responsible for responding to customer requests for a wide range of compliance matters, including but not limited to:

- unauthorised development/building work.
- food shop inspections.
- swimming pool inspections.
- onsite sewage management system (OSSMS) inspections.
- parking compliance.
- abandoned vehicle compliance.
- noise complaints.
- contamination matters.

2024-25 Quarter 4 compliance activities

The following table shows the compliance activities undertaken by the Environment and Compliance team for the quarter.

**Traffic patrols	
Patrols conducted	0
Infringements issued	0
Total infringement value	\$0.00
Vehicle spaces inspected	
CRM requests received and actioned	51
Food shops	
Number of food shop inspections	36 5 star – 13 4 star – 13 3 star – 7 Failed – 3
Number of food shop re-inspections	2 5 star – 0 4 star – 0 3 star – 1

Report of the Director Strategies and Communities

15.4 Quarterly Compliance Report: July to September 2025 (cont)

	Failed – 1 Improvement Notices – 0 Warning letters – 1
Number of temporary food stall permits/mobile food van permit issued	Temporary food stall permits issued - 9 Mobile food van permits issued – 2
On-site Sewage Management system (OSSM) inspections	
Number of OSSMs inspected	41 Approved - 38 (14 high risk, 24 low risk) Defective - 3 (1 x high risk, 2 low risk)
Swimming pool inspections	
Number of swimming pools issued with certificates of compliance or non-compliance	8
Companion animal statistics	
Complaints	70
Pro Active Patrols	149
Fines issued (PINs)	0
Animals impounded	4 dogs
Animals released to owner	4 dogs
Animals rehomed	0
Animals euthanized	0

** Council did not have a Compliance Officer – Parking during the above period.

Conclusion

Collating and publishing this data enables Council to assess the effectiveness of current enforcement strategies and identify trends in behaviour.

This data helps identify trends in behaviour, areas with frequent violations, and the overall impact of fines on compliance. This data allows Council to make informed decisions about potential changes to regulations, adjust patrol frequencies, and allocate resources more effectively to improve compliance management in the community. Additionally, this information may support discussions around public transportation options and alternative solutions to improve space turnover and compliance.

Report of the Director Strategies and Communities

15.4 Quarterly Compliance Report: July to September 2025 (cont)

The Team will continue to provide and refine these reports on a quarterly basis, in line with other quarterly reporting schedules. In future reports more financial data will be provided.

The Compliance & Enforcement Policy provides a standard approach for compliance activities which will assist the community and the elected Council to understand how compliance activities will be managed.

Item 15.4

15.5 Quarterly Planning and Development Report - July to September 2025

CSP Objective: Outcome 4.2: We are well connected within our local community, and to our region.

CSP Strategy: 4.2.2 Manage landuse planning to retain distinct towns and villages.

Delivery Program: 4.2.2.1 Ensure Council's planning systems and processes are contemporary and transparent

Item 15.5

Summary

This report provides information on the following matters, for the period July to September 2025 (Q1 2025/26):

- dwelling approvals and completions;
- average Development Application lodgement and assessment timeframes; and
- Strategic Planning timeframes.

Council's Development Assessment timeframes and dwelling approval rates are a key focus for numerous stakeholders. In response to the National Housing Crisis all tiers of government have signed the National Housing Accord and have been given dwelling targets. In an attempt to speed up dwelling approvals, the NSW Government have issued the *Environmental Planning and Assessment (Statement of Expectations) Order 2024* (the Order) to all NSW councils, which sets out assessment and lodgement timeframes.

It is recommended that Council note the information in this report, continue to advocate for changes to the League Table calculation methods so they are reflective of Council's processing times, and require a further report for the October to December quarter.

Financial implication

Council has a statutory responsibility to assess and determine Development Applications (DAs) that are lodged on land within the Kiama Local Government Area. The assessment of these applications is generally carried out by internal staff and for some applications external contractors are engaged. Council generates income from the assessment of DAs and other planning related applications and certificates. Both the income and expenses are included in the adopted 2025/25 budget.

Good practice in development assessment will have an indirect financial benefit to Council through reduced legal costs and better planning outcomes.

Failing to meet housing targets will reduce the Council's ability to access State and Federal funding associated with the National Housing Accord.

Risk implication

The purpose of the Statement of Expectations Order is to outline the circumstances when the Minister could determine to revoke a council's planning and development functions (i.e. assess and determine DAs etc.). If a council routinely fails to meet these timeframes the Minister may remove the council's planning functions.

It is likely that, given the Ministerial Expectations, Council will need to cease being lenient with applicants and be more inclined to reject or refuse deficient applications.

Report of the Director Strategies and Communities

15.5 Quarterly Planning and Development Report - July to September 2025 (cont)

Delays in assessment timeframes can lead to an increase in litigation activities.

It is noted that the lodgement timeframe expectation decreased from 14 days to 7 days from 1 July 2025. Council staff have discussed this with the Department of Planning, Housing and Infrastructure (DPHI) and have been verbally advised that this is not a realistic expectation and will not cause action to be taken.

Policy

The following local and state policies and legislation are relevant:

- *Environmental Planning and Assessment Act 1979.*
- *Environmental Planning and Assessment Regulation 2021.*
- NSW Planning Minister Statement of Expectations Order.
- Kiama Council Development Assessment Policy 2024.

Consultation (internal)

The Planning and Development team meet regularly on an ongoing basis to review current processes, timeframes, and to identify areas for continual improvement.

Communication/Community engagement

Development and planning related applications are notified in accordance with the adopted Kiama Community Participation Plan (2019) and legislative requirements.

Council's adopted Development Assessment Policy is available on Council's website.

The NSW Government League Table is publicly available at <https://www.planning.nsw.gov.au/policy-and-legislation/housing/faster-assessments-program/council-league-table>.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council note:

1. The Planning and Development report for the period July to September 2025 (Q1 2025/26), specifically that:
 - (a) Dwelling approvals and completions are significantly lower than the annualised Dwelling Targets.
 - (b) Expected Development Application lodgement timeframes (i.e. 7 gross average days) have not been met, with the actual average lodgement timeframe of 14 days.
 - (c) Expected Development Application assessment, timeframes (i.e. 105 gross average days) have been met, with an actual average assessment timeframe of 72 days;

Report of the Director Strategies and Communities

15.5 Quarterly Planning and Development Report - July to September 2025 (cont)

Item 15.5

- 2. That an internal review of the Community Participation Plan, DA Policy and associated Delegations, with a view to further streamline and expedite assessment timeframes, has been commenced.
- 3. That, in order to reduce Development Application lodgement timeframes, Council will commence enforcing a requirement to provide pre-lodgement additional information and Development Application fees within two (2) business days. Failure to adhere to these timeframes will result in the Development Application being returned/rejected.
- 4. The new Planning & Development Hub duty service has commenced, and several community drop-ins have occurred.
- 5. That a similar report will be provided for the October to December 2025 period.
- 6. The CEO will continue to advocate changes to the Council League Table calculation method to ensure that additional information requests (ie stop the clock), amended plans (ie revised proposal) and Land and Environment Court deemed refusal timeframes are acknowledged and excluded from the Council assessment times.

Background

Council's Development Assessment timeframes and dwelling approval rates are a key focus for numerous stakeholders. In response to the National Housing Crisis all tiers of government have signed the National Housing Accord and have been given dwelling targets. In an attempt to speed up dwelling approvals, the NSW Government have issued the *Environmental Planning and Assessment (Statement of Expectations) Order 2024* (the Order) to all NSW councils, which sets out assessment and lodgement timeframes.

Dwelling Targets

On 29 May 2024, the Secretary of the Department of Planning, Housing and Infrastructure issued 5-year housing targets for all councils within the Six Cities Region, including Kiama. As a component of the National Housing Accord, Kiama's housing target is 900 new completed homes by 2029, which equates to 180 per year.

The dwelling approvals (based on Development Application (DA) approvals and Complying Development Certificates (CDCs) issued) and dwelling completions (based on Occupation Certificates issued) are shown below:

2025/26	Total dwelling approvals	Total dwelling completions
July	10	1
August	4	2
September	11	5
Q1	14	8
Percentage of Q1 target	N/A	17%

Report of the Director Strategies and Communities

15.5 Quarterly Planning and Development Report - July to September 2025 (cont)

It is noted that the dwelling target for the Kiama LGA is 900 completed dwellings over five years, or 180 dwellings per year. In the 2024-25 year there were 67 dwelling completions which is 37% of the annual target.

While the approval of new dwellings is still less than the desired annualised target it should be stressed that this is not a poor reflection of Council. Given the reduced assessment timeframes and DA backlog discussed above it is evident that fewer applications for new dwellings are being received. This could be attributed to the rising cost of living, (at the time) high interest rates, increased construction costs and uncertainty associated with local and State planning reforms.

Ministerial Order of Expectations

On 1 July 2024, the Minister Planning & Public Spaces issued an Order under section 9.6 of the *Environmental Planning & Assessment Act 1979* outlining the NSW Government's expectations for how planning matters are to be dealt with. This Order covers:

- DA lodgement timeframes.
- DA assessment timeframes.
- Planning Proposal timeframes.
- Strategic Planning timeframes.

Development Application Lodgement timeframes

From 1 July 2025, the Order set the ultimate goal of an average of 7 gross lodgement days, decreasing from the previous expectation of 14 days.

The DA lodgement timeframes are calculated as follows:

- The timeframe is calculated from when the customer submits the application on the Portal, to the date fees are paid and the application is accepted by Council (ie date submitted to date lodged).
- During this time applications are reviewed by Council's pre-lodgement team and checked for accuracy and completeness before fees are paid and the application is accepted by Council (ie lodged).
- The timeframe for the applicant to provide any additional information and to pay the lodgment fees is included in the lodgement timeframe.
- If the application is returned or rejected (ie not accepted by Council) the application is not included in the average timeframe calculation.

The lodgement timeframe is therefore dependent upon both the applicant and Council staff. In response to the Statement of Expectations it is noted that councils will be more inclined to provide less time for applicants to provide additional information and to pay the DA fees. Councils will also be more inclined to return incomplete applications, which will reduce customer satisfaction.

The average development application lodgement days for Q1 2025/26 are:

Report of the Director Strategies and Communities

15.5 Quarterly Planning and Development Report - July to September 2025 (cont)

2025/26	Applications					
	Submitted	Returned	Lodged (accepted)	Average lodgement days	Number meeting 7 day expectation	% meeting 7 day expectation
Jul	32	4	22	16	0	0%
Aug	29	1	19	13	1	5%
Sept	28	5	22	13	3	14%
Q1	89	10	63	14	4	6%

Note: The number of applications submitted, returned and lodged do not add up month by month as applications are submitted, returned and lodged in different months.

The annual performance of Kiama Council and annual improvements are:

Year	Applications Lodged	Average Lodgement Timeframe	Improvement from previous year
2023/24	189	35 days	N/A
2024/25	158	15 days	57%
2025/26 (to date)	63	14 days	7%

For a regional reference, the Council League Table (lodgement) for the four Illawarra-Shoalhaven councils for Q1 2025-26 shows:

Council	Number of applications lodged	Average lodgement days	Number of applications meeting expectation	% of applications meeting expectations
Kiama	63	14	4	6%
Shellharbour	205	5	174	85%
Shoalhaven	213	4	186	87%
Wollongong	251	5	205	82%

The comparison between Council's is not straightforward, as each Council has different application volumes, resourcing levels and internal processes. For example, Kiama Council's Development Application (DA) Policy provides applicants with 7 days to make payment, whereas some other Councils only provide 24 hours. In addition, other Councils often offer more flexible payment methods, including online, which streamline the payment process for applicants. A review of the DA Policy, and migration to Technology One in 2027 will help improve these timeframes.

Council continues to work with the NSW Government on refining how the DA lodgement timeframes are calculated.

Development Application Assessment timeframes

The Order sets out expected timeframes that a Council should carry out their planning and development functions. For the assessment of local Development Applications:

- Average of 115 gross days between 1 July 2024 and 30 June 2025.
- Average of 105 gross days between 1 July 2025 and 30 June 2026.
- Average of 95 gross days between 1 July 2026 and 30 June 2027.

It is worth remembering that these figures are specific for Kiama Council and are different from the net 40 day deemed refusal period following which applicants can commence Land and Environment Court proceedings.

The Order also requires councils to:

- Prepare assessment reports for regionally significant DAs within 250 days.
- Comply with reporting requirements for variations to development standards.

The DA assessment timeframes are calculated as follows:

- The timeframe is based on date lodged to date determined – end to end.
- A ‘determination’ includes an approval, refusal and deferred commencement.
- An application to modify an existing approval is not counted.
- An application that is withdrawn by the applicant is not counted.
- The assessment timeframe is not paused for the ‘stop the clock’ period where additional information is requested to be provided by the applicant.
- The assessment timeframe is not reset if the applicant submits amended plans.
- The Christmas closedown period (and any public holidays throughout the year) are counted in the assessment timeframe.
- Any deemed refusal will continue to count towards the Council assessment timeframe, even though the application is with the Land and Environment Court.

The assessment timeframe is therefore dependent upon both the applicant and Council staff and timeframes that are routinely excluded are counted, as well as Land and Environment court proceedings which are out of Council’s control.

The average development application assessment days for Q1 2025-26 are:

Applications					
2025/26	Lodged	Determined	Average assessment days	Number meeting 105 day expectation	Percentage meeting 105 day expectation
Jul	22	8	65	6	75%
Aug	19	14	59	12	86%
Sept	22	15	87	12	80%
Q1	63	37	72	30	81%

Note: The number of applications lodged and determined will not add up month by month as applications are lodged and determined in different months.

Report of the Director Strategies and Communities

15.5 Quarterly Planning and Development Report - July to September 2025 (cont)

The annual performance of Kiama Council and annual improvements are:

Year	Applications Determined	Expectation	Average Assessment Timeframe	Improvement from previous year
2023/24	187	N/A	165 days	N/A
2024/25	172	115 days	105 days	36%
2025/26 (to date)	37	105 days	72 days	31%

Item 15.5

For regional reference, the Council League Table (Assessment) for the four Illawarra-Shoalhaven Councils Q1 2025/26 shows:

Council	Expectation days	Average assessment days	Number of applications assessed	Number of applications meeting expectation	% of applications meeting expectation
Kiama	105	72	37	30	81%
Shellharbour	73	47	165	137	83%
Shoalhaven	105	109	231	161	70%
Wollongong	99	91	212	163	77%

In addition, Council continues to work with the NSW Government on refining how the DA lodgement timeframes are calculated.

Outstanding Development applications:

As at 30 September 2025 there were 59 undetermined DAs in the system. Of these DAs:

- **1 is a Regionally significant DA – the SRPP is the consent authority (250-day Statement of Expectation timeframe)**
 - It has been in the system for 622 days.
- **58 are local DAs (105-day Statement of Expectation timeframe)**
 - 5 (9%) have been in the system for more than 105 days
 - 20 (34%) have been in the system for more than 41 days but less than 105 days
 - 33 (57%) have been in the system for 40 days or less.

Report of the Director Strategies and Communities

15.5 Quarterly Planning and Development Report - July to September 2025 (cont)

Commentary is provided on each DA over 105 days as at 30 September 2025.

DA Number	Assessment days as at 30/09/2025	Comments
Regionally Significant DAs – Statement of Expectation timeframe: 250 days		
10.2023.220.1 1 Akuna Street, 100 Terralong Street and 55-61 Shoalhaven Street, Kiama Mixed use development	622	Land and Environment Court – Before the SRPP was able to meet and consider the application, the proponent filed a Class 1 deemed refusal appeal in the Land and Environment Court on 19 March 2025. The hearing is scheduled for 10-12 December 2025. It is noted, that the applicant is intending to file and serve a Motion to amend the development application by 8 September 2025. Under the provisions of clause 38 of the Environmental Planning and Assessment Regulations 2021, resets the lodgement day to the date the DA was amended. Note: For the purposes of the League Table, the NSW Planning Portal does not have the functionality to reset the lodgement day and the statutory assessment timeframe.
Local DAs over Statement of Expectation timeframe: 105 days Application with the Land and Environment Court (LEC)		
10.2025.92.1 19 Bourrool Street, Kiama	109	This application has been appealed as a deemed refusal in the Land and Environment Court. Council is engaging with the Applicant through the s34 conciliation process. It is noted, that the applicant is intending to file and serve a Motion to amend the development application. Under the provisions of clause 38 of the Environmental Planning and Assessment Regulations 2021, resets the lodgement day to the date the DA was amended. Note: For the purposes of the League Table, the NSW Planning Portal does not have the functionality to reset the lodgement day and the statutory assessment timeframe.
Local DAs over Statement of Expectation timeframe: 105 days Application with Council		

Report of the Director Strategies and Communities

15.5 Quarterly Planning and Development Report - July to September 2025 (cont)

DA Number	Assessment days as at 30/09/2025	Comments
10.2025.68.1 40 Saddleback Mountain Road, Kiama	145	This is the subdivision DA for Stage 1 of the South Kiama Urban Release Area. Council staff are working through issues with the Applicant relating to road priority and traffic, acoustic requirements, servicing, biodiversity and subdivision design. Referral comments from internal departments (Heritage, Property, Environmental Health and Engineering) are outstanding. Referral comments from external departments (DCCEEW – Water, Heritage NSW) are outstanding.
10.2025.71.1 1 Fern Street, Gerringong	130	Council staff are working through issues with the Applicant relating to demonstrating existing use rights of the development. Referral comments from internal departments (Building Surveying) are outstanding. This DA needs to be reported to the elected Council for determination as it exceeds staff cost of works and clause 4.6 variation delegations. Staff are aiming to report this matter to the Council before the end of the year.
10.2022.109.5 15 Blackwood Street, Gerringong	117	Council staff are working through issues with the Applicant relating to engineering and stormwater design. Note: As this application is a modification application, it does not count towards the League Table data.
10.2025.84.1 104 Belinda Street, Gerringong	116	Council staff are working through issues with the Applicant relating to waste collection, geotechnical issues, and basement excavation and de-watering. Additional information relating to basement excavation and de-watering is outstanding and the application requires concurrence from DCCEEW – Water for a de-watering license. This DA needs to be reported to the elected Council for determination as it seeks to vary control 6.5.2 in Chapter 6 of KDCP 2020 which sets a minimum 25m frontage for residential flat buildings / shop top housing.

Item 15.5

Report of the Director Strategies and Communities

15.5 Quarterly Planning and Development Report - July to September 2025 (cont)

DA Number	Assessment days as at 30/09/2025	Comments
		Staff are aiming to report this matter to the Council once additional information has been received, concurrence has been issued by DCCEEW and matters resolved.

Item 15.5

The above applications generally contain complex planning matters which require detailed and tailored collaboration to resolve. Staff are continuing to work closely with applicants, colleagues and the community to achieve the best possible outcome.

Planning Proposal (PP) timeframes

- PP-2024-2097 Urban Release Area Clause (Council led):
 - LEP amendment has been made and published on NSW Legislation Website, in accordance with Gateway requirements, on 11 July 2025.
- PP-2025-61 Sunnymede rezoning (Proponent led):
 - Gateway Determination received 28 July 2025 with a completion timeframe of nine (9) months (i.e. 28 April 2026).
 - Public Exhibition completed, state agency consultation is in process.
 - Due to be reported to Council for final approval early 2026
- PP-2025-1047 Housekeeping 2025 (Council led):
 - Gateway Determination received 3 July 2025 with a completion timeframe of eight (8) months (i.e. 1 March 2026).
 - Public Exhibition completed August 2025.
 - Post exhibition Council endorsement 16 September 2025.
 - Completed six (6) months ahead of time
- PP-2025-1618 Rear of 2A Pheasant Point Drive Kiama (Proponent led):
 - Application lodged on 3 September 2025 and under initial assessment.
 - Due to be reported to Council December 2025 in accordance with NSW Government's LEP Making Guidelines.

Strategic Planning timeframes

Council's LSPS was originally adopted in 2020 and in conjunction with the preparation of the Local Housing Strategy underwent a minor review in 2025.

The Local Housing Strategy was adopted in July 2025 and endorsed by the Department of Planning in October 2025.

The Draft Employment Lands Strategy was on placed on public exhibition following the 19 August 2025 Council meeting. Staff are currently reviewing the draft in line with submissions and a revised draft Strategy will be provided to the December 2025 Council meeting for re-exhibition.

Report of the Director Strategies and Communities

15.5 Quarterly Planning and Development Report - July to September 2025 (cont)

Conclusion

Council staff are continuing to review all aspects of the development assessment and strategic planning processes, much of which is legislated by the NSW Government, and will continue to improve our assessment timeframes, systems, strategic framework, customer experience, responsiveness and communication to applicants.

Item 15.5

**15.6 Submission - State Significant Development Modification Application
MP05_0099-Mod-2 - Beach Road, Gerroa - Regional Quarries & Concrete
Pty Limited**

CSP Objective: Outcome 3.3: We love where we live and are strongly connected within our region. Growth and development will be managed sustainably, thoughtfully and equitably, while preserving our built and natural heritage.

CSP Strategy: 3.3.2 Manage development and growth sustainably and thoughtfully.

Delivery Program: 3.3.2.1 Council meets the legislative requirements for Planning and Assessment.

Item 15.6

Summary

This report recommends that Council endorse a submission to the NSW Department of Planning, Housing and Infrastructure (DPHI) on Modification 2 (Mod-2) for the Gerroa Sand Quarry (MP05_0099).

The modification proposes increasing the annual transport limit from 80,000 to 120,000 tonnes, with no changes to footprint, operating hours, or transport routes.

Council staff have reviewed the Modification Report and have prepared and sent the enclosed submission to the NSW Department of Planning to ensure the 6 November 2025 deadline was met.

The submission concludes that the application has not adequately addressed the impacts of transport routes and heavy vehicles and requests further information be provided through an updated traffic impact assessment; with modification to condition (9) of the approval in relation to contributions for road maintenance and repair.

Financial implication

There are no direct financial implications associated with lodging the submission.

There are financial risks for Council associated with the proposed modification. Heavy vehicles are restricted to utilising local Kiama LGA roads to access the M1. This will result in higher road maintenance costs if contributions are not proportionate.

Risk implication

The identified controls particularly clarification of the legal basis for contributions, updated indexation, and reinforced environmental monitoring are considered adequate to mitigate potential impacts.

Failure to endorse and lodge the submission may expose Council to governance and reputational risks, as the quarry operates partly within the Kiama Local Government Area (LGA) and Council is expected to represent community interests in the statutory assessment process.

Policy

- *Environmental Planning and Assessment Act 1979* (Section 4.56 - Modification of Development Consent).
- State Environmental Planning Policy (Resources and Energy) 2021.
- Council's Community Strategic Plan 2022–2032.

Report of the Director Strategies and Communities

- 15.6 Submission - State Significant Development Modification Application
MP05_0099-Mod-2 - Beach Road, Gerroa - Regional Quarries & Concrete
Pty Limited (cont)

Consultation (internal)

Engineering & Technical Services.

Environment & Compliance.

Planning & Development.

Communication/Community engagement

The modification was publicly exhibited on the NSW Planning Portal from 16 October to 6 November 2025.

Attachments

Nil

Enclosures

- 1 Kiama Municipal Council Submission - SSD Modification Application
MP05_0099-Mod-2 - Beach Road, Gerroa [↗](#)

RECOMMENDATION

That Council:

1. Note that the enclosed submission has been made to the NSW Department of Planning, Housing and Infrastructure in response to State Significant Development modification MP05_0099-Mod-2 – Beach Road Gerroa by staff to ensure the exhibition period was met.
2. Endorse the enclosed submission letter to the NSW Department of Planning, Housing and Infrastructure in response to State Significant Development modification MP05_0099-Mod-2 – Beach Road Gerroa.

Background

The Gerroa Sand Quarry, located 2km southwest of Gerroa, spans Kiama and Shoalhaven LGAs and operates under Project Approval MP05_0099, last modified in 2022 to extend extraction and add a dredge pond.

The current Modification 2 application, lodged by Regional Quarries & Concrete Pty Ltd (Cleary Bros), seeks approval under Section 4.56(1a) of the Environmental Planning and Assessment Act 1979.

The proposed change involves a 50% increase in annual product transport (from 80,000 tonnes per annum to 120,000 tonnes) while maintaining all other operational conditions.

The report provides that the proposed modification would not alter the approved maximum or average heavy vehicle movement limits for the Quarry or the proportional distribution of Quarry-related traffic using the approved transport routes to/from the north or south of the Project Site.

Report of the Director Strategies and Communities

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However, as a result of the modification requiring an increase of larger vehicles from small trucks to tri-axle, eight-wheeler truck and dog configurations, Council staff are not satisfied that the proportional distribution of the approved transport routes have not changed and impacts properly assessed.

Traffic route from Beach Road to Princes Highway via Berry includes a height restriction of 3.3m located on Tannery Road Berry due to the rail overpass. Heavy vehicles will be unable to use this route.

Community feedback indicates most truck movements use Crooked River Road via Belinda Street, raising concerns about pedestrian safety and road impacts.

The modification report has not adequately addressed the impacts of transport routes and heavy vehicles, where changes conflict detail provided in the traffic impact statement provided by Cardno in 2018 through Mod 1.

Council staff are to request that DPHI ensures that an updated traffic impact assessment is provided to support the application prior to making a determination.

In addition, as a result of these changes to transport routes, a modification will be required for Condition (9) in relation to contributions for the maintenance/repair of public roads. Staff have requested that this condition be updated to reflect that the majority of traffic movements associated with this proposal occur on local Kiama LGA roads.

Council requests that the updated details of the traffic impact assessment inform DPHI to provide clear conditions as to how the contributions are calculated, indexation method, timing of payment; including review of cost/tonne of material haul and distribution to the Local Government Road Authorities.

A draft condition is suggested below pending further information of a traffic impact assessment:

9 Local infrastructure contributions

In accordance with Section 7.11 of the *Environmental Planning and Assessment Act 1979*, a contribution as shown in the table below must be paid to the relevant Council in July each year:

(a) Shoalhaven City Council	\$0.30 per tonne of material hauled from the site
(b) Kiama Municipal Council	\$0.20 per tonne of material hauled from the site

The contribution amount is the base amount as at September 2008 and will be indexed until the date of payment in accordance with the Producer Price Index Roads and Bridge Construction (Series ID A2333685A). Evidence of payment must be provided to Council.

Condition reason: To ensure contributions are levied toward the maintenance and repair of public roads.