

14 REPORT OF THE DIRECTOR STRATEGIES AND COMMUNITIES**14.1 Endorse for Gateway: Planning Proposal PP-2026-486 - Jamberoo Heritage Review**

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.

Summary

The purpose of this report is to seek Council's endorsement to submit the Jamberoo Heritage Review Planning Proposal PP-2026-486 to amend Schedule 5 of the Kiama Local Environmental Plan 2011 for Gateway Determination.

This Planning Proposal has been informed by the Jamberoo Heritage Study which was prepared by Niche Environment and Heritage in 2022 (with assistance from Council staff and members of the Kiama and District Historical Society), an independent peer review (City Plan Heritage, 2023) and staff consideration of submissions of the Study.

The PP seeks to amend the Kiama LEP 2011 as follows:

1. List six new individual heritage items in Part 1 of Schedule 5 Environmental Heritage.
2. List two new local Heritage Conservation Areas (HCA) in Part 3 of Schedule 5 Environmental Heritage.
3. Amend three (3) existing heritage items in Part 1 of Schedule 5 Environmental Heritage.

To support the proposed Heritage Conservation Areas, *Chapter 4 Heritage and Cultural Conservation* of the Kiama Development Control Plan 2020 will be updated to include Topic 4.4 Heritage Conservation Areas to include controls for the 2 new HCA areas in Jamberoo.

Financial implication

The Jamberoo Heritage Study (Niche Environment and Heritage) and the Independent Peer Review (City Plan Heritage) were prepared by consultants in previous budget years. The community consultation undertaken in 2025 and preparation of the Planning Proposal was completed internally using existing resources.

The recently engaged Heritage Advisor, which is part funded through a Heritage NSW grant, was also used as a resource for this project.

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Risk implication

There is a risk that affected landowners may object to their property being listed as a heritage item or in a heritage conservation area (HCA).

The finalisation of the Jamberoo Heritage Review will ensure that appropriate controls are in place to recognise, protect and manage the heritage values within Jamberoo. Finalisation of the Review will also ensure that development proposals put forward to Council are considered against an adopted strategic planning document and current controls. If the Review is not finalised there is a risk that heritage values may be lost or compromised.

Policy

The Jamberoo Heritage Review has been carried out in accordance with:

- *Environmental Planning and Assessment Act 1979.*
- *Heritage Act 1979.*
- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (2013).
- Assessing Heritage Significance (Heritage Officer, 2001).
- Assessing significance for Historical Archaeological Sites and Relics (Heritage Council, 2009).
- Illawarra Shoalhaven Regional Plan 2041 (NSW Government, May 2021).
- Local Strategic Planning Statement (Kiama Council 2020, updated 2025).
- Community Participation Plan (Kiama Council, 2019).

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

- *Environmental Planning and Assessment Act 1979.*
- Local Environmental Plan Making Guideline, DPHI, August 2023 and relevant Ministerial Directions issued under s9.1 of the EP&A Act.
- Kiama Council's Planning Proposal Policy, 2023.
- Kiama Council's Community Participation Plan, 2019.

Consultation (internal)

The PP has been discussed within the Strategic Planning team and with Council's Heritage Advisor *Everick Heritage Pty Ltd*.

Communication/Community engagement

In 2022 initial community consultation was carried out as part of preparing the initial heritage review study, and in 2023 further consultation occurred when the Study was placed on public exhibition.

As part of recommencing the project in 2025, the Jamberoo Heritage Study (Niche Environment and Heritage) and the Independent Peer Review (City Plan Heritage) were placed on public exhibition 24 October - 30 November 2025.

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The submissions received during both exhibition periods are summarised in the Public Exhibition Engagement Report (Enclosure 1).

Direct landowner consultation has also occurred, including regular updates and an information session on 16 October 2025.

If a Gateway Determination is made, the Planning Proposal and Kiama DCP Chapter 4 Heritage and Cultural Conservation Topic would be placed on public exhibition to enable community, stakeholder and state agency consultation to occur.

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Attachments

Nil

Enclosures

- 1 Public Exhibition Engagement Report - Jamberoo Heritage Review [⇒](#)
- 2 Planning Proposal - PP-2026-486 - Jamberoo Heritage Review [⇒](#)
- 3 Draft Amendments to Kiama DCP 2020 - Chapter 4 - Topic 4.4 [⇒](#)

RECOMMENDATION

That Council

1. Note the submissions received during public exhibition (Enclosure 1).
2. Endorse the Jamberoo Heritage Review Planning Proposal PP-2026-486 (Enclosure 2) for the purpose of seeking a Gateway determination.
3. Submit the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway determination.
4. When submitting the Planning Proposal for a Gateway determination, identify that Council is seeking to be authorised as the Local Plan Making Authority.
5. Delegate to the Chief Executive Officer to undertake the necessary actions to comply with any conditions of a Gateway including public exhibition and consultation with the community, key authorities and government agencies.
6. Place the Draft Kiama Development Control Plan 2020 – Chapter 4 Heritage and Cultural Conservation, Topic 4.4 Heritage Conservation Areas on public exhibition concurrently with the Planning Proposal.
7. Receive a further report regarding the finalisation of the Planning Proposal and adoption of the amendment to Kiama Development Control Plan 2020 – Chapter 4, Topic 4.4.

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BackgroundLocal Strategic Planning Statement 2020 (updated 2025)

The Kiama Local Strategic Planning Statement (LSPS) 2020 (updated 2025) is a 20-year planning vision which nominates land use, transport and sustainability objectives in alignment with the directions set out by the Illawarra-Shoalhaven Regional Plan.

The LSPS includes actions to establish a holistic program to review the existing heritage register contained in Schedule 5 of the Kiama (LEP) 2011 and to update associated inventory sheets to ensure all relevant information is available regarding the heritage significance of the listed items/areas.

The first area reviewed as part of this program was the Kiama Town Centre. This was completed in 2024 and resulted in two new Heritage Conservation Areas, and seven new individual heritage listings.

Jamberoo Village was selected as the second area to be reviewed based on the volume of heritage items and this review is currently in progress.

The Gerringong Heritage Review is expected to be completed alongside the Gerringong Town Centre Study and will commence in a future budget year.

Local Housing Strategy 2025

The unique heritage and architecture of the buildings, and their importance to the Kiama community is reiterated in the Local Housing Strategy.

The non-negotiable principles for greenfield development include:

- *Heritage places, items and values are identified and preserved as appropriate*

Jamberoo Heritage Study (Niche Environment and Heritage, 2022)

To assist Council with the review of heritage within Jamberoo an external consultant, Niche Environment and Heritage (Niche), were engaged. Council staff worked with members of the Kiama & District Historical Society to provide local advice to the consultant on areas and items worth investigating/reviewing. Niche finalised their investigation/review with the Summary Report and draft updated Inventory Sheets being submitted to Council early November 2022.

The scope of Niche's works was limited to the following:

1. Heritage Review of existing and potential heritage items and/or areas in Jamberoo.
 - i. Review approximately 40 items within the study area, and provide recommendations and justification for their listing. This includes existing items which could be removed from the heritage list,
 - ii. Provide recommendations and justification for 2 - 4 potential heritage conservation areas, within the study area, to be formulated.
2. Update associated inventory sheets for existing items within the Study Area and items proposed as part of this review.

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Niche undertook site visits in December 2021 and January 2022. Additional site visits were undertaken in September 2022 as part of refining and finalising their findings.

Niche's Summary Report recommended:

- amendments to 3 existing heritage items,
- 17 new individual heritage items,
- 2 new Heritage Conservation Areas.

In early 2023, community engagement was conducted in accordance with our community engagement policy. This included public information sessions, notifications to affected landowners, and a dedicated website page with relevant information.

During the consultation, there were strong concerns raised by the community about the processes used to prepare the Study, as well as the finding of the Study. Many property owners of proposed listings opposed their properties being heritage listed and refuted the content of the supporting report.

As a result of the community consultation and feedback, Council paused the review program and committed to an independent peer review being carried out.

Independent Peer Review (City Plan Heritage 2023)

Whilst the Heritage NSW guidelines had been followed and the consultants employed (Niche) were qualified in their field, a secondary peer review was undertaken to provide some certainty and reassurance to residents. This was funded by the NSW Department of Planning, Housing & Infrastructure and at no cost to Council or ratepayers.

The Independent Peer Review was carried out by City Plan Heritage. The review process included on-site meetings and discussions with community members as well as site inspections. An assessment of the Heritage Significance of each of the proposed items and Conservation areas was also undertaken. The peer review report was received from the City Plan Heritage in 2023.

In summary, the Independent Peer Review findings were:

- The amendments to 3 existing heritage items were supported,
- 7 of the 17 proposed new individual heritage items were supported,
- The 2 new Heritage Conservation Areas were supported.

Due to internal staff resourcing the project was then paused.

2024 update

An update on this project was provided to Council at the April 2024 Council meeting.

2025 Community Consultation and Planning Proposal

The project was re-commenced by the strategic planning team in August 2025.

At the 16 September 2025 Council meeting a report for information was provided, containing the project background, an update and next steps.

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In September and October 2025 direct consultation with affected landowners occurred, including an information session on 16 October 2025.

At the 21 October 2025 meeting Council endorsed placing both heritage studies on public exhibition. The public exhibition period was 24 October to 30 November 2025.

The feedback received during the public exhibition period (Enclosure 1) was used by the Strategic Planning Team to prepare a Planning Proposal (Enclosure 2) to amend the Schedule 5 - Environmental Heritage of the Kiama LEP 2011.

Amendments to the Development Control Plan chapter (Enclosure 3) have also been prepared to provide guidance for the new/proposed Heritage Conservation Areas.

Further community consultation will be carried out as part of exhibition of those documents.

As shown at Table 1, following consideration of both studies and submissions, the City Plan Heritage recommendations were all accepted, and in addition, one item that was recommended is not proposed to proceed. Although this property is not supported as a proposed heritage item, it remains as a contributory item with the proposed Churchill Street HCA.

Table 1 Properties considered for heritage listing

Property Address	Proposed Heritage Item Name	Recommended for Heritage Listing by Niche Environment?	Supported by City Plan Heritage?	Included in Planning Proposal? (Enclosure 2)
1 Allowrie Street Jamberoo	Jamberoo RSL Hall and Sandstone wall	Yes	Yes	Yes
4 Allowrie Street Jamberoo	Timber cottage	Yes	No	No
27 Allowrie Street Jamberoo	Timber cottage	Yes	No	No
19 Chapel Lane Jamberoo	Timber Cottage	Yes	Yes	Yes
48 Churchill Street Jamberoo	Timber House - 'Elmsmere'	Yes	Yes	Yes
50 Churchill Street Jamberoo	Cottage	Yes	No	No
65 Churchill Street Jamberoo	Timber Cottage (Doctors surgery)	Yes	Yes	Yes
69 Churchill Street Jamberoo	Timber Cottage	Yes	No	No
71 Churchill Street Jamberoo	Timber Cottage	Yes	Yes	Yes

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Property Address	Proposed Heritage Item Name	Recommended for Heritage Listing by Niche Environment?	Supported by City Plan Heritage?	Included in Planning Proposal? (Enclosure 2)
197 Clover Hill Road Jamberoo	Glen Murcott Designed House	Yes	Yes	Yes
6 Drualla Road Jamberoo	Cottage	Yes	Yes	No
16 Factory Lane Jamberoo	Small Dairy Cottage	Yes	No	No
26 Factory Lane Jamberoo	Timber Cottage	Yes	No	No
10 Golden Valley Road Jamberoo	House - Doone	Yes	No	No
218 Jamberoo Mountain Road Jamberoo	Walsh Farm - 'Homelands'	Yes	No	No
6 Macquarie Street Jamberoo	House - Original	Yes	No	No
159 Wyalla Road Jamberoo	Cowan Brae	Yes	No	No

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As shown at Table 2, both HCAs are proposed to proceed with, with the reduced curtilage for the Churchill Street as recommended by City Plan Heritage.

Table 2 Proposed Heritage Conservation Areas

Proposed Heritage Conservation Area	Recommended for Heritage Listing by Niche Environment?	Supported by City Plan Heritage?	Included in Planning Proposal (Enclosure 2)
Allowrie Street HCA (see Figure 1)	Yes	Yes	Yes
Churchill Street HCA (see Figure 2)	Yes	Yes, with reduced curtilage	Yes, with reduced curtilage

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Figure 1: Proposed Allowrie Street HCA

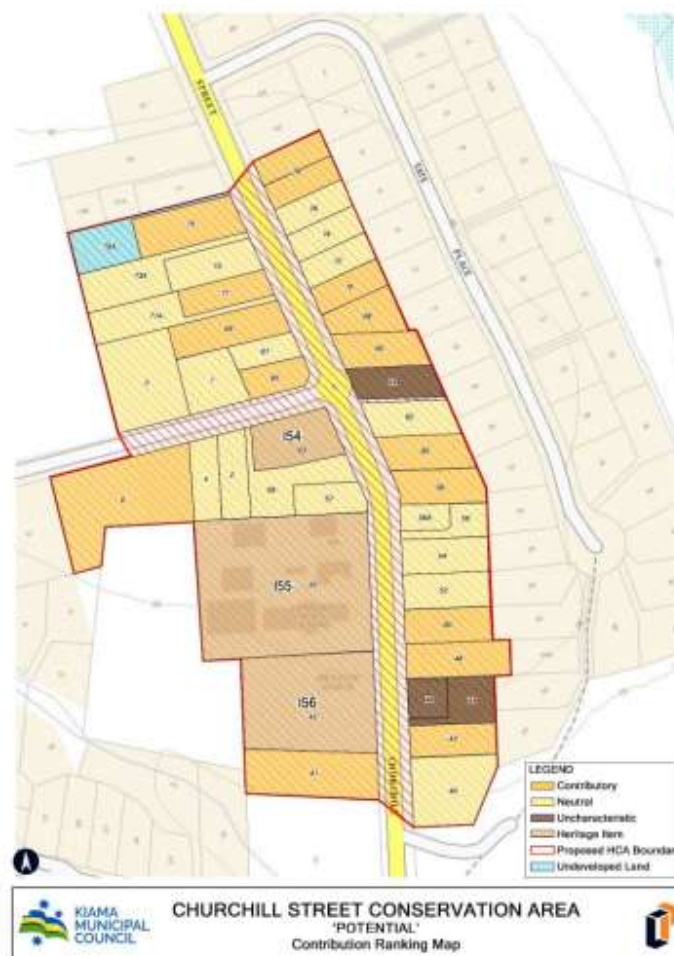


Figure 2: Churchill Street HCA

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As shown at Table 3, there are amendments to the existing map layer to reflect recent subdivisions that have occurred.

Table 3 Changes to existing Heritage Items:

Property Address	Heritage Item Name and Number	Proposed change and reason for amendment
15 Allowrie Street JAMBEROO Lot 1 DP 783821	I40 - Commercial building	This allotment has been subdivided into 2 lots - lots 51 and 52 DP 1177120. - Lot 51 incorporates the heritage listed commercial building and should be retained in the heritage map. - Lot 52 does not include a heritage listed building. The heritage map layer will be updated to include only Lot 51 DP 1177120, and the property description updated accordingly.
15 Wyalla Road JAMBEROO Lot 48 DP 779575	I74 - Jamberoo Uniting Church Hall	This allotment has been subdivided into 3 lots - lots 1, 2 and 3 DP 1219246. - Lots 1 and 2 are residential allotments and do not contain a heritage listed building. - Lot 3 includes the two heritage items (I74 and I76) and should be retained in the heritage map. The heritage map layer will be updated to include only Lot 3 DP 1219246 and the property description updated accordingly.
15 Wyalla Road JAMBEROO Lot 48 DP 779575	I76 - Jamberoo Uniting Church	This allotment has been subdivided into 3 lots - lots 1, 2 and 3 DP 1219246. - Lots 1 and 2 are residential allotments and do not contain a heritage listed building. - Lot 3 includes the two heritage items (I74 and I76) and should be retained in the heritage map. The heritage map layer will be updated to include only Lot 3 DP 1219246 and the property description updated accordingly.

In summary, the Planning Proposal (Enclosure 2) proposes:

- Six new individual heritage items.

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- Two new Heritage Conservation Areas.
- Amendments to three existing heritage items.

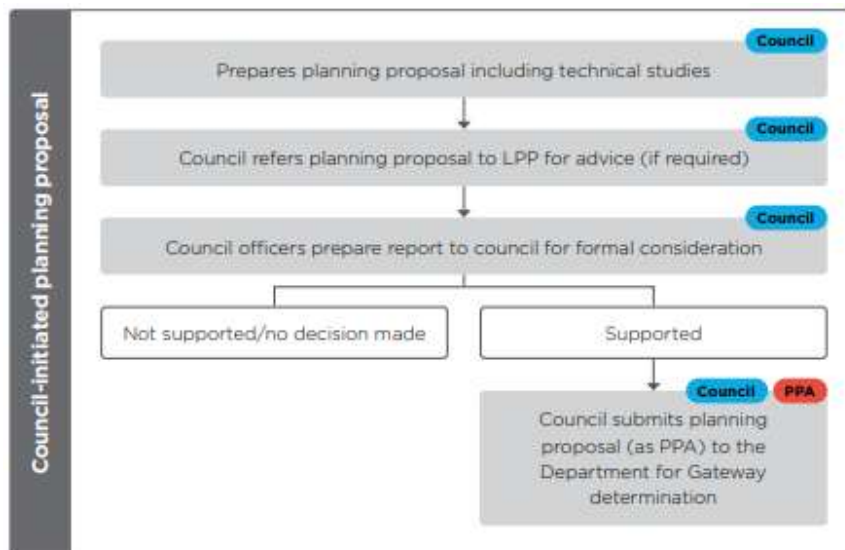
Planning Proposal

A Local Environmental Plan establishes statutory planning controls for land including the zone, permissible and prohibited development, minimum lot size, height limits and floor space ratio.

Planning Proposal (PP)

A Planning Proposal (PP) is the process to amend the zoning or development standards in a Council's Local Environmental Plan (LEP).

The Planning Proposal process is set out in the *Local Environmental Plan Making Guidelines* (NSW Department of Planning and Environment, August 2023). A summary of the steps in A Council led PP the process is:



Stage 1: Scoping Proposal – Not required for Council led Planning Proposal

Stage 2: Planning Proposal – Council prepares Planning Proposal and report to Council for formal consideration.

Stage 3: Gateway Determination – If supported, Council submits the planning proposal (as PPA) to the Department for Gateway Determination.

Stage 4: Post Gateway – Council actions Gateway requirements.

Stage 5: Public Exhibition and Assessment – actioned by the Council.

Stage 6: Finalisation of the change to the LEP- Council endorsed, PCO drafts LEP changes and finalised by DHPI.

Proposal

The PP seeks to implement the Jamberoo Heritage Review and amend the Kiama LEP 2011 by amending Schedule 5 of the LEP to add six new heritage items, two new heritage conservation areas and amendments to three existing heritage items:

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1. List the following six new individual heritage items:
 - i. 1 Allowrie Street, Jamberoo (Lot 11 DP 626845) – RSL Hall and sandstone wall (Item I188)
 - ii. 19 Chapel Lane, Jamberoo (Lot 1 DP 152116) – Timber Cottage (Item I189)
 - iii. 48 Churchill Street, Jamberoo (Lot 72 DP 786971) – Timber House “Elmsmere” (Item I190)
 - iv. 65 Churchill Street, Jamberoo (Lot 3 DP 32096) – Timber Cottage (Doctor’s Surgery) (Item I191)
 - v. 71 Churchill Street, Jamberoo (Lot 101 DP 819244) – Timber Cottage (Item I192)
 - vi. 197 Clover Hill Road, Jamberoo (Lot 1 DP 862101) – Glenn Murcutt Designed House (Item I193)
 2. List the following two new local Heritage Conservation Areas (HCA):
 - i. Allowrie Street Heritage Conservation Area (C4)
 - ii. Churchill Street Heritage Conservation Area (C5)
 3. Amendments to three existing heritage items in Schedule 5:
 - i. I40 – Commercial Building – reduce curtilage and update address.
 - ii. I74 – Jamberoo Uniting Church Hall – reduce curtilage and update address.
 - iii. I76 – Jamberoo Uniting Church – reduce curtilage and update address.

To implement the above, the following LEP Heritage map sheets will be amended:

- i. 4400_COM_HER_008_20260220.
- ii. 4400_COM_HER_008_20260220.
- iii. 4400_COM_HER_008_20260220.
- iv. 4400_COM_HER_008_20260220.

Stage 1: Pre-lodgement Scoping proposal

This step is not required for a Council led PP.

Stage 2: Planning Proposal – assessed by Council staff, then endorsed by Council

The PP has been reviewed and assessed against all relative criteria including:

- *Environmental Planning and Assessment Act 1979.*
- NSW DPHI’s Local Environmental Plan Making Guideline, 2023.
- Relevant Ministerial Directions issued under s9.1 of the Act.
- Kiama Council’s Planning Proposal Policy, 2023.

This PP is considered administrative in nature and seeks to protect Heritage.

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The Local Environmental Plan Making Guidelines outline that a Planning Proposal is required to have both Strategic Merit and Site-Specific Merit for a Gateway Determination to be issued.

Strategic Merit test

The strategic merit test poses three main criteria for assessing the strategic merit of a Planning Proposal. Proposals must be:

1. Consistent with the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment., or
2. Consistent with a relevant local strategy that has been endorsed by the Department., or
3. Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.

The PP has strategic merit as it is consistent with the Kiama LSPS. The LSPS includes actions to establish a holistic review program to review the existing heritage register contained in Schedule 5 of the Kiama LEP 2011 and to update associated inventory sheets to ensure all relevant information is available regarding the heritage significance of the listed items/areas. The Objective of the PP is to protect items and areas of heritage significance and ensure appropriate controls are in place when considering new developments.

Site-Specific Merit test

The Planning Proposal must demonstrate that it has site-specific merit. In order to establish site-specific merit, the PP must meet the following criteria.

1. The natural environment (including known significant environmental values, resources or hazards).
2. The existing uses approved uses and likely future uses of land in the vicinity of the land subject to the proposal.
3. The services and infrastructure that are or will be available to meet the demands arising from the Planning Proposal and any proposed financial arrangements for infrastructure provision.

The proposal has site specific merit as it will ensure that each lot has the intended and applicable planning controls, and that there are no unintended planning outcomes.

Ministerial Directions

The PP is consistent with all Section 9.1 Ministerial Directions that apply to the site. Please refer to Table 1 for the Section 9.1 Ministerial Directions Compliance Checklist.

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Table 4 Assessment of s9.1 Ministerial Directions - Compliance Checklist

Ministerial Direction	Comment
1. Planning Systems	
1.1 Implementation of Regional Plans	The PP is consistent with the Illawarra Shoalhaven Regional Plan 2041. It is considered that the proposed amendments to the Kiama LEP 2011 are consistent with Objective 23: Celebrate, conserve and reuse cultural heritage Strategy 23.1 aims to identify, conserve and enhance cultural heritage values. Therefore, the PP is consistent with Direction 1.1.
1.2 Development of Aboriginal Land Council Land	The sites included in this PP are not identified on the Land Application map of <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> . Therefore, this direction does not apply to the PP.
1.3 Approval and Referral Requirements	This direction does not apply to the PP.
1.4 Site Specific Provisions	This direction does not apply to the PP.
Planning Systems – Place-based	
1.5 to 1.22	These directions do not apply to the Kiama LGA.
2. Design and Place	
There are currently no Directions in this Focus Area.	
3. Biodiversity and Conservation	
3.1 Conservation zones	There are no sites located in environmentally sensitive areas, nonetheless the PP seeks to protect and conserve heritage values. This direction does not apply to the PP.
3.2 Heritage Conservation	The PP will not alter the existing provisions of the Kiama LEP 2011 and Kiama DCP 2020 which give effect to heritage conservation. The PP seeks to list 6 new individual heritage items, list 2 new heritage conservation areas of significance and make minor amendments to 3 existing heritage items.

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	Chapter 4, Topic 4.4 of the Kiama DCP 2020 will also be updated to include controls specific to the two new HCA's. Once listed, the provisions of Clause 5.10 Heritage Conservation of the Kiama LEP would apply to these sites and areas. The provisions of Clause 5.10 of the Kiama LEP seek to conserve the environmental heritage of Jamberoo. Therefore, the PP is consistent with Direction 3.2.
3.3 Sydney Drinking Water Catchments	This direction does not apply to the PP.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	This direction does not apply to the Kiama LGA.
3.5 Recreation Vehicle Areas	The direction does not apply to the PP.
3.6 Strategic Conservation Planning	The direction does not apply to the PP.
4. Resilience and Hazards	
4.1 Flooding	The PP seeks to list new heritage items and heritage conservation areas in the Kiama LEP 2011 for Jamberoo and does not propose additional urban development on flood affected land. Therefore, the PP is considered consistent with Direction 4.1
4.2 Coastal Management	The sites included in this PP are not located within a Coastal Management Zone and therefore the direction does not apply to the PP.
4.3 Planning for Bushfire Protection	This direction does not apply to the PP.
4.4 Remediation of Contaminated Land	This direction does not apply to the PP.
4.5 Acid Sulfate Soils	This direction does not apply to the PP.
4.6 Mine Subsidence and Unstable Land	The direction does not apply to the PP.
5. Transport and Infrastructure	

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5.1 Integrating Land Use and Transport	The direction does not apply to the PP.
5.2 Reserving Land for Public Purposes	The direction does not apply to the PP.
5.3 Developing Near Regulated Airports and Defence Airfields	The direction does not apply to the PP.
5.4 Shooting Ranges	The direction does not apply to the PP.
6. Housing	
6.1 Residential Zones	The PP applies to sites that are located in a Residential zone. The PP seeks to list new heritage items and heritage conservation areas in the Kiama LEP 2011 for Jamberoo. The PP will not impact on the environment, resource lands, or the access to infrastructure and services on the sites. Therefore, the PP is consistent with Direction 6.1.
6.2 Caravan Parks and Manufactured Home Estates	The direction does not apply to the PP.
7. Industry and Employment	
7.1 Business and Industrial Zones	The Allowrie Street HCA area is located in a Business Zone. The HCA area will add an additional layer to the properties within the boundaries that will protect and conserve heritage values. The PP will not result in a loss of employment zone and will not reduce the potential floor space area for employment uses and related public services in Employment Zones. Therefore, the PP is consistent with Direction 6.1.
7.2 Reduction in non-hosted short-term rental accommodation period	The direction does not apply to the PP.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	The direction does not apply to the PP.

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8. Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	The direction does not apply to the PP.
9. Primary Production	
9.1 Rural Zones	The sites in the PP are not located in a rural zone therefore this Direction does not apply to the PP.
9.2 Rural Lands	The direction does not apply to the PP.

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Stage 3: Gateway Determination – issued by DPHI

Should the recommendations in this report be endorsed, the next steps are for the Planning Proposal to be submitted to the Department of Planning, Housing and Infrastructure for a Gateway determination. Council should also advise that they are seeking to be authorised as the Local Plan Making Authority (LPMA). The LPMA is the authority responsible for making the LEP as identified by the Gateway determination. This may be the Minister (or delegate) or the relevant council

Stage 4: Post Gateway – Council (or PPA) actions Gateway requirements.

The Gateway determination may include conditions requiring additional information, public exhibition and consultation with key authorities and Government agencies which will be actioned by Council staff accordingly.

Stage 5: Public Exhibition and Assessment

Once all additional information, agency engagement has occurred, the Planning Proposal will be placed on public exhibition in accordance with Council's Community Participation Plan (CPP) 2019 and the Gateway conditions. This includes making the Planning Proposal documents publicly available for a minimum of 28 days and notifying members of the community who made be affected.

Stage 6: Finalisation of the change to the LEP- Council endorsed, finalised by DHPI.

Following this consultation process, the Planning Proposal would be reported back to Council with a recommendation that the Proposal is progressed to finalisation and that Council use its plan making delegations to finalise the relevant amendments to Kiama LEP 2011.

To amend the Kiama LEP 2011, Council must request the NSW Parliamentary Counsel's Office (PCO) to draft the legal instrument that will give effect to this PP, in accordance with section 3.36(1) of the *Environmental Planning & Assessment Act, 1979*. Following receipt of the final legal instrument and mapping, Council will refer the final instrument to the NSW Department of Planning, Housing and Infrastructure for review and Gazettal in the Government Gazette and NSW Legislation website.

Once the PP is finalised, Council officers will arrange for the NSW Government State Heritage Inventory mapping and database to be updated accordingly.

Development Control Plan

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To support the proposed Heritage Conservation Areas (HCAs) additions to the Kiama Development Control Plan 2020, Chapter 4 Heritage and Cultural Conservation, Topic 4.4 Heritage Conservation Areas have been prepared (Enclosure 3).

Heritage Conservation Areas (HCAs) are streetscapes, suburbs, areas and precincts that are recognised by a community for their distinctive historic character. They often evidence a historic period of development and an architectural style with a high proportion of original buildings. HCAs are protected because they have been identified as having a cohesive sense of place and character which is valued by the community.

Buildings within HCAs are identified as contributory, neutral or uncharacteristic.

- **Contributory buildings** generally originate from the significant era of development of the HCA and display the key characteristics of the area through their architectural style and typology, scale, form, features and materials.
- **Neutral buildings** usually originate from the original era of development but have been much altered, although the alterations can usually be reversed. Contemporary buildings that respond to the significant scale and character of the HCA can also be neutral.
- **Uncharacteristic buildings** are usually buildings from a later era that are inconsistent with the scale and form of characteristic development.

The DCP establishes planning controls based on the category of each property.

The proposed amendments and additions are provided in Enclosure 3.

Conclusion

This Planning Proposal seeks to amend Part 1 Heritage Items and Part 3 Heritage Conservation Areas of Schedule 5 Environmental Heritage of the Kiama LEP 2011.

It is recommended that Council support Planning Proposal PP-486 (Enclosure 1) and submit it to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

It is also recommended that the draft Kiama Development Control Plan 2020 Chapter 4, Topic 4.4 be endorsed for public exhibition along with the Planning Proposal.

The outcome of the public exhibition will then be reported back to Council, along with recommendations regarding finalisation of the PP and adoption of the DCP chapter.

14.2 Opting-in to provisions of the Rock Fishing Safety Act 2016

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 14.2

Summary

The report is being presented to Councillors to seek endorsement for Kiama Council to opt-in to provisions of the Rock Fishing Safety Act 2016, following a series of coastal fatalities and strong community and agency support for making life jackets mandatory at high-risk rock fishing locations across the municipality. Recent deaths, ongoing Coronial enquiry and the high incidence of rock fishing drownings in the Kiama area have highlighted the need for a coordinated safety approach. The report outlines the outcomes of formal community engagement, which shows broad support for declaring high-risk rock platforms, as well as the financial and risk implications for Council. Councillors are asked to note the engagement findings and delegate authority to the CEO to request a formal declaration from the Minister for Local Government.

Financial implication

Direct financial implication to Council will include installation of signage depicting the declared zones. There is State funding in the form of Recreational Fishing Trust grants that can be applied for once the Declaration of the areas have been formalised.

It is estimated that the cost for the purchase and installation of signage at appropriate locations across the coastline of the municipality will be between \$5,000 - \$8,000.

Risk implication

Currently Council's actions relating to Rock Fishing in our Local Government Area are being investigated as a part of Coronial inquest because of the missing father and son that were Rock Fishing in Storm Bay. In addition to this the growing number of deaths and near drownings due to Rock Fishing means that the risk implications of not declaring these rock platforms as high risk would be detrimental to Council's risk profile.

Policy

Compliance and response measure for regulating Rock platforms that are declared high risk is governed by the *Rock Fishing Act 2016* and Rock Fishing Safety (declared Areas) order 2016. Police and Fisheries Officers are authorised officers under the Act. Council's Compliance Officers will not be undertaking any regulatory action under this Act.

Consultation (internal)

Councils Property Team, Compliance team, Risk Team, Community Outcomes team, Supervising Beach Lifeguard, GIS Officer and Communications team have been consulted in relation to Rock Fishing Safety.

Communication/Community engagement

Council undertook a survey to gauge what the community thought about Rock Fishing Safety in the municipality and if Council should declare high risk rock platforms making it mandatory for people rock fishing to wear approved life jackets. This was conducted online through Council's website and social media platforms for the period between 14 November 2025 to 1 February 2026. In addition to this Council officers attend the Gone Fishing workshop held by Surf Life Saving NSW on Sunday 16 November 2025 and Council officers also attended the community pop up stalls held at the Farmers Market on Wednesday the 3 December 2025 and the Gerringong IGA on Thursday 4 December 2025.

Several agencies and government organisations were approached for feedback. Further information on the various engagement activities is included in the associated Community Engagement Report.

Attachments

Nil

Enclosures

- 1 Draft map - high-risk rock fishing location - 1 - Minnamurra Headland [⇒](#)
- 2 Draft map - high-risk rock fishing location - 2 - Cathedral Rocks - Bombo Headland [⇒](#)
- 3 Draft map - high-risk rock fishing location - 3 - Blowhole Point [⇒](#)
- 4 Draft map - high-risk rock fishing location - 4 - Marsden Head [⇒](#)
- 5 Draft map - high-risk rock fishing location - 5 - Coastal Walking track coastline [⇒](#)
- 6 Draft map - high-risk rock fishing location - 6 - Gerringong Headland [⇒](#)
- 7 Draft map - high-risk rock fishing location - 7 - Black Head [⇒](#)
- 8 Community Engagement Report - Rock Fishing Safety [⇒](#)

RECOMMENDATION

That Council:

1. Notes the findings of the Rock Fishing Safety Community Engagement Report.
2. Delegates to the CEO to request the Minister for Local Government make a declaration under the Rock Fishing Safety Act 2016 that the Kiama Local Government Area (LGA) is an area where high-risk rock fishing takes place (high-

risk rock fishing locations within the Kiama LGA are those described and identified on the maps enclosed to the report).

Background

Rock fishing remains one of the highest-risk recreational activities in the Kiama LGA. Since January 2006, twelve (12) coastal drowning deaths have been associated with rock fishing, including two (2) recent fatalities off Gerroa during the Australia Day long weekend. In addition, two (2) people have lost their lives after being swept from the rocks while walking in the Old Bombo Quarry area.

Council officers continue to work closely with key agencies to develop a holistic, multi-agency approach to improving rock fishing safety. This includes initiatives focused on education engagement, communication, and safety equipment.

The *Rock Fishing Safety Act 2016* (the Act) is the only legislative mechanism in New South Wales (NSW) that requires rock fishers to wear an appropriate life jacket at high-risk locations.

In acknowledgement of the ongoing fatalities along our coastline, on 19 July 2022 Council resolved to undertake stakeholder and community engagement on a proposal to opt-in to the provisions of the Act. Formal community engagement was carried out from 14 November 2025 to 1 February 2026, and the findings from this consultation now form a key component of the proposal for Council to opt-in to the legislation.

Feedback from the community consultation and previous correspondence to Council indicates that overall, the community, government agencies and community organisations are in favour of Kiama Council opting-in to provisions of the *Rock Fishing Safety Act 2016* and declaring Rock Platforms in the municipality as high-risk areas requiring people to wear approved life vests while rock fishing.