

JR & Co.
(URBAN)

Item 15.3

Planning Proposal
Kiama Town Centre Special Entertainment Precinct

October 2026

Prepared for: Kiama Municipal Council



Enclosure 1

FINAL DRAFT

JR & Co. (Urban) Pty Ltd
Urban Planners
77-81 Buckland Street
Chippendale NSW 2008
www.jrand.co



Kiama Town Centre SEP
Planning Proposal

Report Title	Planning Proposal – Kiama Town Centre Special Entertainment Precinct
Project	Kiama Town Centre Special Entertainment Precinct
Prepared By	JR & Co (Urban) Pty Ltd ABN: 90 169 086 935 77-81 Buckland Street, Chippendale NSW 2008 Mobile: 0412 580 305 Email: hello@jrand.co
Client	Kiama Municipal Council

Document control			
Date	Prepared by	Reviewed by	Version
31 08 26	John Riordan Director & Principal Planner RPIA REAP	Louise Bochner	Draft 1
09 09 26		Consultant Planner	Draft 2
11 09 26		MPIA	Draft 3
28 09 26			Draft 4
01 10 26		Felicity Lewis	Draft 5
07 10 26		Director, Studio GL	Final Draft 6

Note: Cover image is an artist impression only

JR & Co.

(URBAN)

*Kiama Town Centre SEP
Planning Proposal*

Table of Contents

1.0	Introduction	4
2.0	Background	9
3.0	Objectives and Intended Outcomes	10
4.0	Explanation of provisions	11
4.1	Mapping	11
4.2	Intended effect	11
4.3	Accompanying documents	12
4.3.1	Kiama Town Centre Special Entertainment Precinct Management Plan ..	12
4.3.2	Draft Kiama DCP - Special Entertainment Precinct section	21
5.0	Justification and Site-Specific Merit	23
6.0	Maps	58
7.0	Community consultation	60
8.0	Project timeline	62

List of Figures

Figure 1: Kiama Town Centre Special Entertainment Precinct	5
Figure 2: Land use zoning of SEP	6
Figure 3: Land use character of the Kiama Town Centre SEP	7
Figure 4: Sound Category Area	14
Figure 5: Sound Category Areas (SCAs) Map	15
Figure 6: Sound Category Area example	16
Figure 7: Internal Noise Criteria	16
Figure 8: Outdoor dining deemed to satisfy locations	27
Figure 9: Transport and infrastructure	55
Figure 10: Draft Kiama LEP 2011 SEP Map	58
Figure 11: Sound Category Area Map for Special Entertainment Precinct section of Kiama DCP	59

JR & Co.

(URBAN)

Kiama Town Centre SEP
Planning Proposal

1.0 Introduction

Kiama plays a key strategic role as defined by the NSW Government within the draft *Illawarra-Shoalhaven Regional Plan*. The draft region Plan builds on the current *Illawarra Shoalhaven Regional Plan 2041* and sets the strategic land use framework for the Illawarra-Shoalhaven Region for the next 20 years, which includes five local government areas (LGAs), including Kiama Municipality. As an identified activity centre Kiama will provide for local jobs and services, along with supporting housing growth at a low to mid rise scale.

The visitor economy is an important sector of Kiama and the broader region. Similarly, the retail economy is important to the community, providing both services and jobs. Supporting tourism is a strategic focus of the area, along with enhancing the growth of the local retail and service economy.

Kiama Town Centre is a key commercial centre of the Municipality and comprises a mix of land uses and activities. This includes commercial, retail, housing, tourism, community services and facilities, and open space. The Town Centre however presently trades during daytime hours, except for a few venues and shops. There is opportunity to grow the night-time economy to create an even more active and vibrant Town Centre, to be enjoyed by both visitors and the community. This will provide positive benefits to the community, businesses and visitors, and would enhance the presence of the Town Centre overall.

Whilst activation and vibrancy are important, equally the amenity for residents and other non-commercial activities, needs to be supported. This is to ensure the Kiama Town Centre remains as a mixed-use locality, including with housing that benefits from being located with established infrastructure.

A Special Entertainment Precinct (SEP) is an NSW Government initiative for Councils to help support their night-time economy. It provides for a mechanism for the Council to establish a management framework for entertainment sound and trading hours, for a designated locality in a Local Government Area (LGA). A SEP supports for a vibrant and going-out precinct with a night-time economy, whilst providing for sound amenity for the affected neighbourhood within and around.

A SEP is established under Section 202 of the *Local Government Act 1993*. It can be a precinct (or streetscape or a single venue) where a sound management framework and trading hours are provided within a Precinct Management Plan. It is established through an amendment to the Local Environmental Plan that applies to the land.

Kiama Municipal Council received NSW Government funding to prepare an after dark strategy and establish its first Special Entertainment Precinct (SEP) in October 2025. The Kiama After Dark Strategy, which applies to the whole Kiama LGA, was adopted by Council on 15 September 2026. It provides for a framework to support the night-time economy and includes various actions to implement. An action of the After Dark Strategy is to prepare a SEP for the Kiama Town Centre:

'Focus Area Two: Planning and Placemaking

Action 2.1:

'Trial a Special Entertainment Precinct (SEP) for Kiama CBD that establishes a framework to support enhanced after-dark vibrancy, while balancing the amenity of sensitive receivers within the Kiama Town Centre and surrounding areas. The SEP should align with the aspirations of the Kiama Local Housing Strategy 2025 and respond appropriately to the zoning framework prescribed under the Kiama LEP 2011'...

This planning proposal seeks to establish the Kiama Town Centre Special Entertainment Precinct ('Kiama Town Centre SEP') via designating the SEP area, with associated operating legislation and plans, within the *Kiama Local Environmental Plan 2011*.

An associated SEP Management Plan (SEPMP) and an amendment to the Kiama Development Control Plan (DCP) will support the Kiama Town Centre SEP.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

The Kiama Town Centre SEP area comprises a focused area of the Town Centre and travels along Terralong Street, Collins Street, Manning Street, and Hindmarsh Park. Refer to Figure 1 below.



Figure 1: Kiama Town Centre Special Entertainment Precinct

On the edges of the SEP to the north and to the south, it forms a transition to the surrounding neighbourhoods. To the west, there is also a mix of commercial uses including retail and sensitive uses such as seniors living. To the east, there is also a mix of commercial uses.

The rail station is a transportation hub that provides for regional and intercity rail access. This access extends further north and with the Sydney CBD (via Shellharbour and Wollongong) and south to Bombaderry (via Berry). The rail station is located within the SEP. Buses also directly service the SEP area with stops located on Collins Street and Terralong Street. Public transport tends to be more morning/daytime focused, especially buses. Active transport options include walking and cycling routes, which provide for connections beyond the SEP.

Car travel is a dominant mode of transport to and from the SEP, noting the regional location, and proximity to the M1/Princes Highway. The streets within and around the SEP area provide for parking, including sign-posted and metered parking to support turn-over and reduce intrusion.

The land area of the Kiama SEP is largely zoned E1 Local Centre under the *Kiama Local Environmental Plan 2011*. This area supports a broad land use activity mix of employment generating /commercial uses, mixed-use (shop top housing), seniors living, tourist and visitor accommodation including hotel and motel. Hindmarsh Park is at the centre of the SEP and zoned RE1 Public Recreation. Areas are also zoned SP2 Infrastructure to reflect their infrastructure function such as for community facilities, information and education facilities and the rail corridor. Refer to **Figure 2** which provides an illustrative overview of the land use zoning of the SEP and surrounds.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

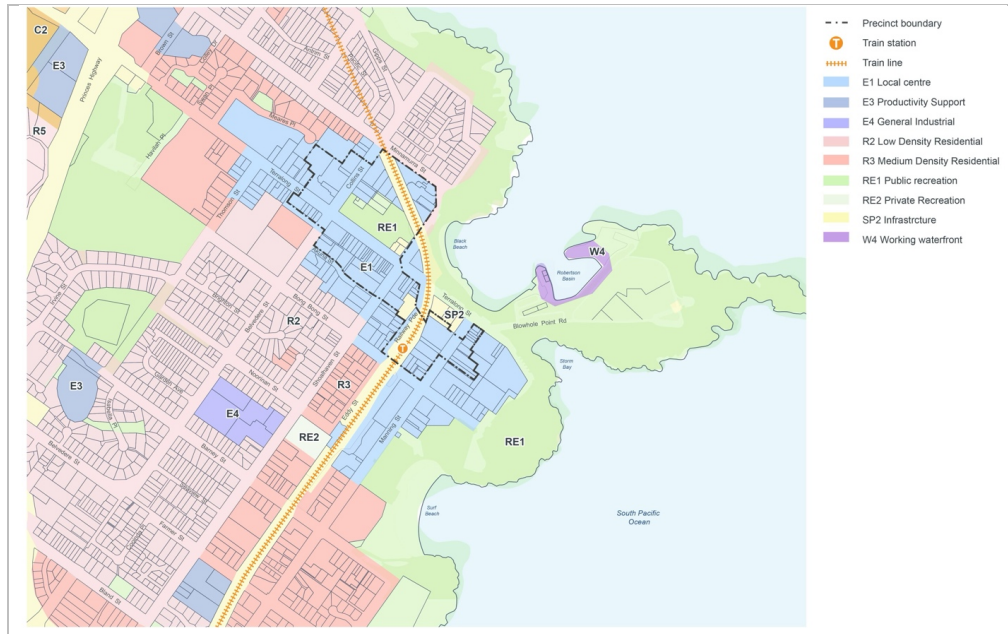


Figure 2: Land use zoning of SEP - The area of the SEP is zoned E1 Local Centre and RE1 Public Recreation under the Kiama LEP 2011. It also includes areas of SP2 Infrastructure.

The Kiama Town Centre SEP area includes a variety of premises and businesses, including food and drink premises, pubs, and shops. Social and cultural infrastructure is located within and adjacent including library, open space, courthouse, police station and public amenities. Public areas are formalised with open space and include pathways that providing for connectivity in and around the SEP.

Sensitive receivers are also within and around the Kiama Town Centre SEP. These receivers comprise housing (including mixed-use/shop-top housing), seniors living, tourist and visitor accommodation. The E1 Local Centre zone also permits other sensitive receivers in the SEP such as medical centres, centre-based childcare facilities and places of public worship.

Housing is planned to continue in and around the Kiama Town Centre and as part of mixed-use development, noting the benefits of established infrastructure and to support housing supply including in accordance with the National Housing Accord. This is reflected by the *Illawarra Shoalhaven Regional Plan 2041* that supports for housing in strategic centres of the region and the responding Kiama Local Housing Strategy. Previous amendments to the Kiama LEP 2011 also support housing density in the Town Centre. The draft *Illawarra Shoalhaven Plan* also retains a housing supply focus.

Refer to **Figure 3** below which provides an overview of the land use character mix.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

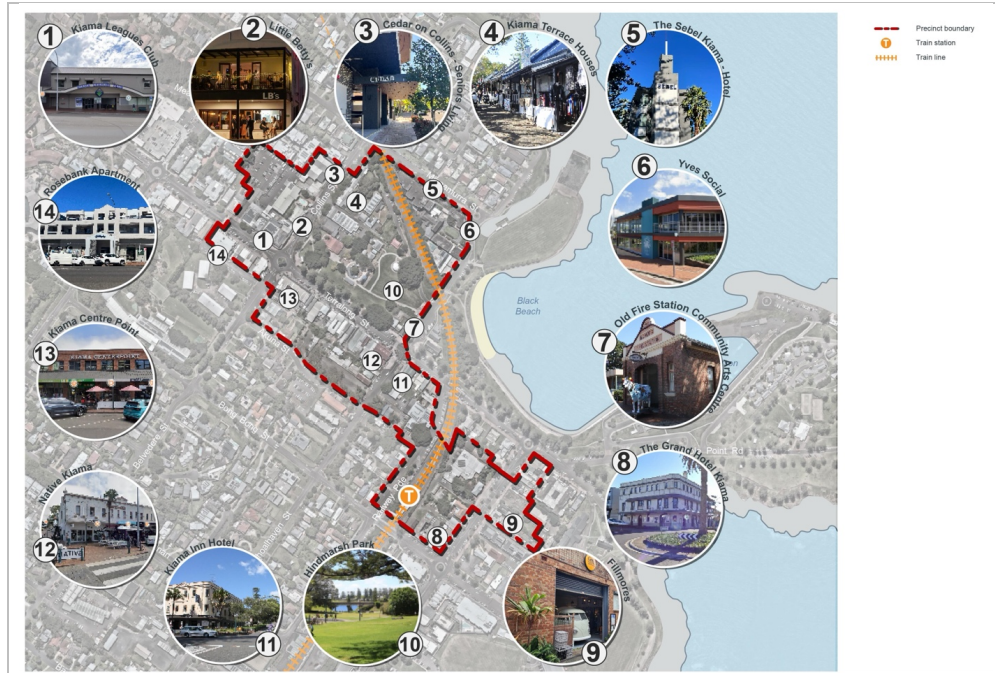


Figure 3: Land use character of the Kiama Town Centre SEP - There is a mix of licensed and unlicensed premises, together with sensitive receivers such as housing within and surrounding the SEP area

An important aspect of the Kiama Town Centre SEP is to maintain the land use activity mix, by mitigating the potential for noise conflict between commercial premises and sensitive receivers. This is through a sound management framework for entertainment sound emitted by premises and trading hours and provided by a SEPMP and the proposed *Special Entertainment Precinct* section of the Kiama DCP 2020. Both these plans for the Kiama Town Centre SEP ultimately seek to achieve vibrancy, especially at night-time, whilst supporting neighbourhood amenity within and around the SEP.

The SEP will provide a framework to make it clear to residents, premises, performers, Council, other authorities, developers, and other stakeholders what the expectations are for entertainment sound and trading hours for the Kiama Town Centre SEP.

SEP Trial

Once the SEP is legislated in the Kiama LEP 2011, a trial period of 24 months is to first occur of the Kiama Town Centre SEP. This SEP trial period provides the opportunity to:

- Assess the benefits and impacts of the Kiama Town Centre SEP, across a range of seasonal trading periods;
- Allow premises within the Kiama Town Centre SEP time to establish, resource and operate at optimum capacity from the extended trading hours provided by a Special Entertainment Precinct Management Plan (SEPMP);
- Allow residents, businesses, licensed and unlicensed premises and the community to experience the Kiama Town Centre SEP, evaluate it, and provide meaningful feedback to Council throughout the trial period; and

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

- Provide Council the opportunity to receive effective community feedback, evaluate the effectiveness of the SEP and, if necessary, review and/or calibrate the SEPMP and *Special Entertainment Precinct* section of the Kiama DCP to continue its effective operation.

The SEP is to be established by this planning proposal without a sunset Clause, as required by the NSW Government *Special Entertainment Precinct Guidelines*. The SEP would remain in the Kiama LEP 2011, including after the 24-months trial period. A further planning proposal would be required to seek to remove the SEP from the Kiama LEP 2011, if deemed required.

This planning proposal has been made in accordance with [section 3.33](#) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Housing and Infrastructure's Local Environmental Plan Making Guideline (2026). The planning proposal identifies that the Kiama Town Centre SEP will satisfy and give effect to relevant state, regional and local plans, including the draft *Illawarra Shoalhaven Plan*, is consistent with applicable State Environmental Planning Policies (SEPPs) and consistent with the applicable Section 9.1 Ministerial Directions.

The planning proposal identifies that the Kiama Town Centre SEP would not result in detrimental environmental and economic effects, and social effects are expected to be overall positive. The Kiama Town Centre SEP can be expected to be supported by an appropriate level of infrastructure. Overtime transport infrastructure may evolve, further underpinning the operation of the SEP.

The planning proposal has been prepared with early consultation. Kiama Municipal Council will undertake formal consultation, including with the community, on a Gateway Determination. This includes to exhibit the planning proposal in accordance with requirements. The SEP trial period will also provide opportunity for Council to receive feedback on its effectiveness, both positive and negative. As such, the SEP will be informed by both consultation and engagement to ensure the best outcomes for the locality.

The planning proposal should be read together with:

- **Attachment A** – Draft Kiama Town Centre Special Entertainment Precinct Management Plan (SEPMP) prepared in accordance with the [NSW Special Entertainment Precinct Guidelines](#) and [section 202](#) of the *Local Government Act 1993*. This provides a management framework for entertainment sound in the Kiama Town Centre SEP. The SEPMP also provides for the trading hours, and the compliance framework for disturbances related to entertainment sound and trading hours breaches.
- **Attachment B** – Draft amendment to the Kiama Development Control Plan 2020 (Kiama DCP 2020). This proposes the *Special Entertainment Precinct* section to be added under Chapter 12 Topic 12.7 of the Kiama DCP 2020. This section provides planning controls for new or modified licensed and unlicensed premises, and for sensitive receivers, that may require a Development Application (or Modification Application) so that these can suitably mitigate against the effects of entertainment sound.
- **Attachment C** – Draft Special Entertainment Precinct Map. This is for inclusion within the *Kiama Local Environmental Plan 2011*. This map designates the area of the Kiama Town Centre SEP and the operation of the above plans.
- **Attachment D** - After Dark Economy Strategy. Adopted by Kiama Municipal Council in September 2026, this strategy supports the establishment of the SEP. The planning proposal is an outcome of this strategy, as discussed further under Section 5.0 Part A.
- **Attachment E** – Acoustic Report titled *Kiama Special Entertainment Precinct Sound Management Framework* prepared by Marshall Day Acoustics. This report has informed the sound management requirements of both the SEPMP and the *Special Entertainment Precinct* section of the.

This planning proposal has links to legislation, plans and policies to assist reading.

JR & Co. (URBAN)

*Kiama Town Centre SEP
Planning Proposal*

2.0 Background

On the 30th of April 2021, [section 202](#) of the *Local Government Act 1993* was gazetted by the NSW Government enabling Councils to establish a Special Entertainment Precinct.

In October 2025, Kiama Municipal Council received NSW Government support and funding to prepare a After Dark Strategy and establish its first Special Entertainment Precinct (SEP), being the 'Kiama Town Centre SEP', and through an initial trial period. This was in response to support from a State local Member, petition by local business, and support from Kiama Municipal Council.

In late 2025, the Council tendered to seek place making, urban planning and acoustic experts, to help develop the After Dark Strategy and establish the Kiama Town Centre SEP.

Experts were engaged by Council during the first quarter of 2026. Reactivate Consulting were engaged to coordinate the preparation of the After Dark Strategy and SEP, together with a consultant team. Studio GL and J R & Co (Urban) were engaged as part of that team, to undertake the strategic planning for the SEP including preparing this planning proposal, Special Entertainment Precinct Management Plan and Special Entertainment Precinct section of the Kiama DCP 2020. Marshall Day Acoustics was engaged as part of that team, to provide acoustic engineering services which has informed the acoustic requirements for the SEP.

Working with Kiama Municipal Council (and Marshall Day and Reactivate Consulting) Studio GL and J R & Co (Urban) have therefore prepared:

- The Planning Proposal (this document);
- The Kiama Town Centre SEP Management Plan (refer to Attachment **A**);
- Special Entertainment Precinct section in the Kiama DCP 2020 (refer to Attachment **B**);
- Outline of the Special Entertainment Precinct Map, to support drafting of the amendment to the Kiama LEP 2011 (Attachment **C**);
- Kiama After Dark Strategy (Attachment **D**); and
- Acoustic Report titled *Kiama Special Entertainment Precinct Sound Management Framework* supporting the SEP (Attachment **E**).

As part of preparing the planning proposal contact has been made with relevant agencies. Further community and stakeholder consultation will be undertaken, as outlined below, including on receipt of a Gateway Determination.

JR & Co. (URBAN)

*Kiama Town Centre SEP
Planning Proposal*

3.0 Objectives and Intended Outcomes

The objectives and intended outcomes of the planning proposal are to:

- Endorse the Kiama Town Centre SEP by clearly defining an after-dark precinct that supports businesses, enhances community activities and encourages investment;
- Support the successful coexistence of entertainment, hospitality, commercial and sensitive receivers within the Kiama Town Centre through a balanced approach to vibrancy and sound amenity;
- Support and strengthen the early morning, twilight and evening economy, by encouraging businesses to extend trading hours and support a variety of activities;
- Support the demands of licensed premises and unlicensed premises to enable hospitality, entertainment, commercial and housing to coexist to enhance the vibrancy of the Kiama Town Centre;
- Support live music, cultural and community events to accommodate all age groups, to enhance Kiama as a diverse and vibrant destination, while creating a strong sense of place;
- Reinforce Kiama's Town Centre as a vibrant after-dark experience to increase visitation and amenity; and
- Provide a clear compliance framework to ensure activities within the SEP abide by trading hours, entertainment acoustic management guidelines, so to provide certainty for businesses, investors, residents and visitors.

JR & Co.

(URBAN)

Kiama Town Centre SEP
Planning Proposal

Item 15.3

Enclosure 1

4.0 Explanation of provisions

The objectives and intended outcomes of the planning proposal will be achieved by amending Part 6 of the Kiama LEP 2011, to include the following Clause:

Clause 6.15 Special Entertainment Precinct

Special Entertainment Precinct

- i) *This clause applies to land identified as the "Kiama Town Centre Special Entertainment Precinct" on the Special Entertainment Precinct Map.*
- ii) *For the Local Government Act 1993, section 202, a special entertainment precinct is established on the land to which this clause applies.*

Note:

- The above Clause is indicative only and subject to drafting by Parliamentary Counsel's Office, should the planning proposal be supported to amend the Kiama LEP 2011.
- A Section 10.7 Property Certificate would note the Kiama Town Centre SEP, as part of a property being designated on the applicable Kiama LEP map.
- The planning proposal is without a sunset Clause. Should the planning proposal be supported to amend the Kiama LEP 2011, the above Clause would remain in the Kiama LEP 2011 after the trial period. Removal of the Clause from the Kiama LEP 2011 would require a separate LEP amendment.

4.1 Mapping

A Special Entertainment Precinct Map is to be added to the *Kiama Local Environmental Plan 2011* Maps, to enable proposed Clause 6.15 of the Kiama LEP. A draft of this map is provided at **Attachment C**. A map extract is provided at **Section 6.0** of this planning proposal.

This map will designate the land area of the Kiama Town Centre Special Entertainment Precinct and enable the Special Entertainment Precinct Clause to be incorporated.

The intended effect of the amendment to the *Kiama Local Environmental Plan 2011*, and an overview of the accompanying documents to give effect to the amendment, are discussed below.

4.2 Intended effect

The intended effect of the proposed amendment to the *Kiama Local Environmental Plan 2011* is to establish the Kiama Town Centre SEP and provide clarity to businesses, residents, investors, visitors, performers, NSW Police, the regulatory officers of Liquor and Gaming NSW, Council and other relevant stakeholders, of the requirements and expectations of trading hours, sound and acoustic parameters in the SEP area.

It will support licensed and unlicensed premises carrying out an entertainment activity. It will also support entertainment activity on public areas of the SEP.

It would support and enhance the vibrancy of the Kiama Town Centre, especially after dark, and provide for sensitive receivers within the SEP appropriate sound amenity.

It would also support new or relevant modified sensitive receiver development in and around the SEP to incorporate adequate sound attenuation measures for entertainment sound. In addition, new or

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

modified retail premises to provide for adequate sound attenuation to mitigate the impact of entertainment sound.

4.3 Accompanying documents

To operate a SEP in accordance with section 202 of the *Local Government Act 1993*, two (2) documents are required to give effect to the proposed Kiama LEP 2011 clause, which include:

- A Special Entertainment Precinct Management Plan (SEPMP); and
- Amendment to Kiama Development Control Plan (DCP).

4.3.1 Kiama Town Centre Special Entertainment Precinct Management Plan

Section 202D(2) of the *Local Government Act 1993* requires Council to prepare a Precinct Management Plan for a SEP:

(2) Before the special entertainment precinct is established, the council for the area in which the special entertainment precinct will be located must prepare a plan (a precinct management plan) that provides for the following—

- (a) the trading hours for premises in the special entertainment precinct,
- (b) the regulation of sound from entertainment activity from premises in the special entertainment precinct,
- (c) that the process for managing complaints in relation to licensed premises in the proposed special entertainment precinct is the process set out in the *Liquor Act 2007*, Part 5, Division 3.

Section 202D(4) of the *Local Government Act 1993* requires Council to publish the Precinct Management Plan on Council's website for the proposed Special Entertainment Precinct area.

A Precinct Management Plan has been prepared for the Kiama Town Centre SEP ('*Kiama Town Centre Special Entertainment Precinct Management Plan*') in accordance with the NSW Special Entertainment Precinct Guidelines. The SEPMP is the operational plan for the Kiama SEP, and defines the entertainment sound requirements and trading hours for premises, including incentives for live music and live performance, and the compliance framework for entertainment noise and trading hours breaches. The SEPMP is provided at **Attachment A**.

The sound criteria within the SEPMP have been developed in response to the acoustic engineering analysis undertaken by Marshall Day Acoustics. Refer to **Attachment E** for a copy of their Acoustic Report for the SEP.

The SEPMP includes the following:

- A place analysis, providing an overview of the SEP including related policy;
- The vision and objectives of the Kiama Town Centre SEP;
- Operation of planning approvals in the Kiama Town Centre SEP with regards to consent conditions for entertainment noise, trading hours, and live entertainment;
- Operation of liquor licenses;
- Monitoring and evaluation processes;
- SEP suspension and revoking thresholds;
- Sound management framework – entertainment sound requirements for licensed, unlicensed premises, and in public areas;
- Trading hours - for licensed and unlicensed premises, businesses that do not carry out an entertainment activity, and in public areas;
- Compliance framework for entertainment noise disturbances and trading hours breaches; and
- Planning guidance.

The SEPMP is designed to provide venues, businesses, residents, community members, performers, Liquor and Gaming NSW (L&GNSW), Kiama Municipal Council, NSW Police, and industry representatives with clear guidance on the requirements and responsibilities regarding entertainment sound requirements and the trading hours within the Kiama Town Centre SEP.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

Item 15.3

Enclosure 1

It supports businesses to manage the entertainment sound they may emit. It also allows sensitive receiver development, for example shop top housing and seniors living development, located within the SEP to have a clear understanding of the entertainment sound levels they should expect at their property.

Sound management and trading hours

Sound management

The SEPMP provides management requirements for entertainment sound in the SEP.

'Entertainment sound' relates to an entertainment activity carried out by licensed and unlicensed premises, and on public areas, of the SEP. The definition of an 'entertainment activity' is provided under section 202A of the Local Government Act 1993. The *NSW Special Entertainment Precinct Guidelines* described it as:

'...means an activity carried out for purposes of entertaining members of the public, including live or recorded music. It includes other performances and activities carried out for purposes entertaining the public, for example karaoke, trivia, bingo and comedy and private functions in licensed premises which provide hospitality services, for example a wedding, party or ticketed event, or the provision of food and drink services whether accompanied by entertainment or not. It includes the set up and pack down, rehearsals and sound checks, entry and exit of patrons from premises and other activities on the premises by patrons and staff.'

For the purposes of the sound management requirements in the SEPMP, licensed and unlicensed premises in the Kiama Town Centre SEP that carry out an entertainment activity are termed as 'venues', as they may emit entertainment sound. For example, food and drink premises such as cafes, restaurants, pubs, and similar, as they emit entertainment sound during their operation and trading. This includes the use of their outdoor areas for outdoor dining, as well, undertaking live music or other live performance.

Public areas where a public event provides for a live performance, including live music such as a concert, or a festival, is an entertainment activity for purposes of the SEP.

The SEPMP provides the entertainment sound requirements for:

- Venues – existing licensed premises, and existing unlicensed premises that undertake an entertainment activity;
- New or modified venues – new or modified licensed premises, and unlicensed premises that undertake an entertainment activity; and
- Public events – including a concert or a festival, on public land.

Requirements for new or relevant modified sensitive receiver development are also provided. However, these premises would be expected to largely refer to the proposed *Special Entertainment Precinct* section of the Kiama DCP 2020 for the applicable planning controls.

Public events on public land, such as a concert or a festival, are largely exempt development under Schedule 2 of the *Kiama Local Environmental Plan 2011*. Accordingly, would generally refer to the requirements of the SEPMP.

Regulation of entertainment sound

Entertainment sound is to be regulated through sound criteria provided by a Sound Category Area and Internal Noise Criteria.

Sound Category Areas (SCAs) provide criteria for allowable entertainment sound level of an entertainment activity to be generated by venues or from a public event. Sound Category Area noise limits are the external noise levels from the venue or public event to a receiver, measured at lot

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

boundaries in and around the SEP. See **Figure 4** below. SCA's are distributed across the Kiama Town Centre SEP, reflective of the activities and uses, and appropriate levels of activation.

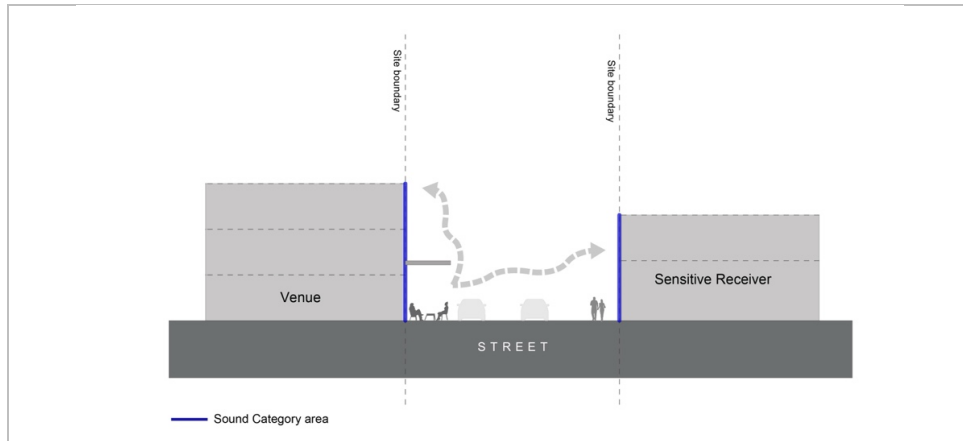


Figure 4: Sound Category Area

Ultimately the noise limits of the SCAs are so that entertainment sound that is emitted in the SEP can achieve appropriate vibrancy, whilst the sound amenity for sensitive receivers in and around the SEP is protected.

For the purposes of the SEP a 'sensitive receiver' is a use comprising permitted residential accommodation, tourist and visitor accommodation, a place of public worship, a health services facility, educational facilities (including early childhood and childcare), or office.

Within and around the Kiama Town Centre SEP, shop top housing is permitted in the E1 Local Centre zone. In addition, seniors living and other housing typologies are located. Planning controls also provide for housing uplift. Tourist and visitor accommodation are located within the SEP area. Collectively, these sensitive receivers need to be protected in the Kiama Town Centre SEP, including as currently provided or that may be delivered in the future under the planning controls. This includes protecting any other sensitive receivers that are permitted in the E1 Local Centre zone that applies to the SEP such as medical centres, centre-based childcare facilities and places of public worship.

The Kiama Town Centre SEP outlines different SCAs with their own noise levels. These are SCA 1 (coloured purple), SCA 2 (coloured orange), SCA 3 (coloured green). These provide external entertainment sound limits for the Kiama Town Centre SEP, seeking to provide for vibrancy whilst supporting amenity in and around the SEP for sensitive receivers. SCA 1 is the highest sound emitting category for the precinct, with SCA 3 the lowest sound emitting category.

The core of the Kiama Town Centre SEP is SCA 1 and follows Terralong Street and Collins Street, and includes commercial uses, with some seniors living and tourist and visitor accommodation. The open space area of Hindmarsh Park, where public events can occur, is also largely framed with SCA 1. The SEP then transitions to SCA 2 which includes commercial, mixed-use, seniors living, other housing, tourist and visitor accommodation activities, and the library. A current centre-based childcare facility/kindergarten on Collins Street, is located within SCA 2 boundary. SCA 3 is generally located toward certain boundaries and edges of the Kiama Town Centre SEP, and includes residential uses that interface with the SEP. On other boundaries, SCA 2 is proposed, providing for an interface to other mixed-use localities.

See **Figure 5** for the Kiama Town Centre SEP SCAs.

JR & Co.
(URBAN)

Kiama Town Centre SEP
Planning Proposal

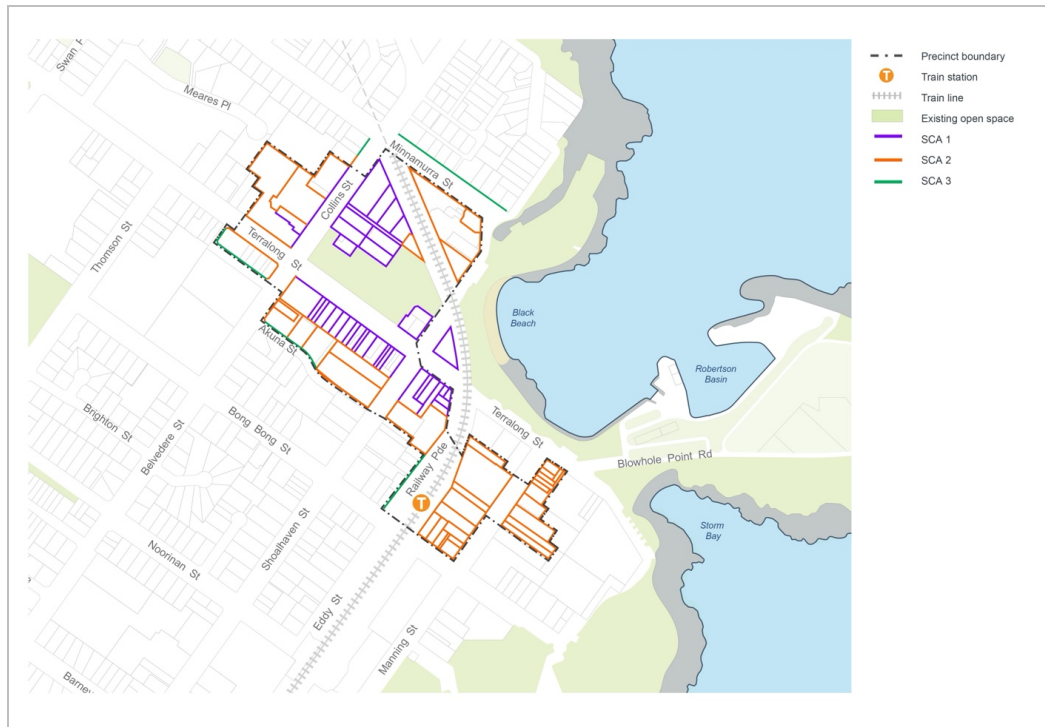


Figure 5: Sound Category Areas (SCAs) Map

In applying the SCA's, a venue or public event would generally consider the Sound Category Area that they may be in proximity to, for the applicable noise limits. Where a site adjoins a road the nearest affected potential receiver boundary is likely to be on the opposite side of the road, therefore the SCA limits need to be achieved at the nearest receiver boundary, not at the boundary of the venue.

Refer to **Figure 6** below for an example.

With public events, an added plus 5 dBA on the noise levels for the applicable SCA (SCA 1) is provided. This would support public events on public land to suitably operate with entertainment sound, including any amplification provided to facilitate a live performance. This approach is appropriate, noting that public events are of a temporary nature on public land in the SEP (being Hindmarsh Park and closed sections of Terralong Street) and remain under event licencing enforced by Kiama Municipal Council.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

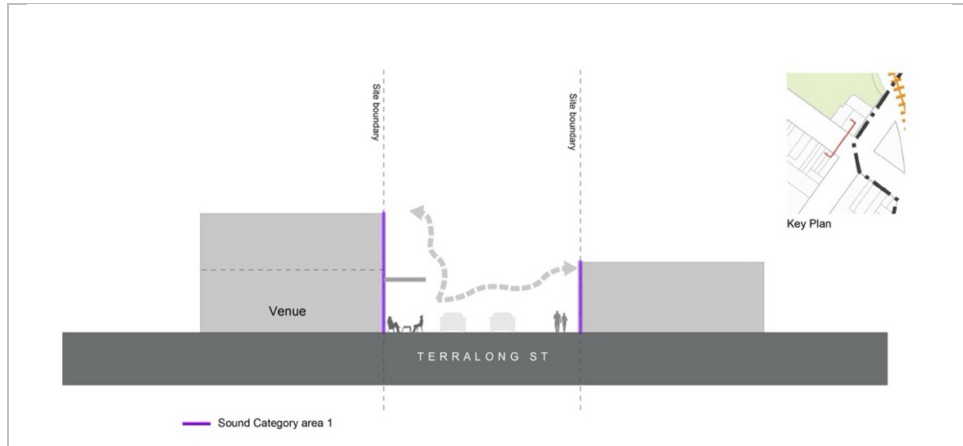


Figure 6: Sound Category Area example

Here SCA 1 reflects the noise level that needs to be considered by a venue trading in this example. At this location of the Kiama Town Centre SEP, on Terralong Street and opposite the Old Fire Station Community Arts Centre, a premises with outdoor dining area would need to consider the noise levels of SCA 1 to trade. This includes when outdoor seating may need to be removed at a certain time at night or other mitigation measures to achieve compliance with the noise limits.

SCAs do not consider the following:

- Sound transferred through common walls/floors when a venue adjoins a sensitive receiver; and
- Regulation of sound levels in internal spaces of sensitive receivers within the SEP due to outside noise ingress (via the building façade).

In these circumstances, Internal Noise Criteria is provided for the Kiama Town Centre SEP to address situations where the sound emitted would be from a venue that is located within the same or an adjacent building that is attached to a sensitive receiver. Therefore, entertainment sound transferred through the building element, such as through a wall or ceiling or floor. Sound criteria are then applied to the appropriate amount of entertainment sound transferred to the adjoining sensitive receiver. This may require an appropriate sound attenuation response by a new or relevant modified venue, for example through a ceiling or wall treatment, to appropriately mitigate.

Refer to **Figure 7** below.

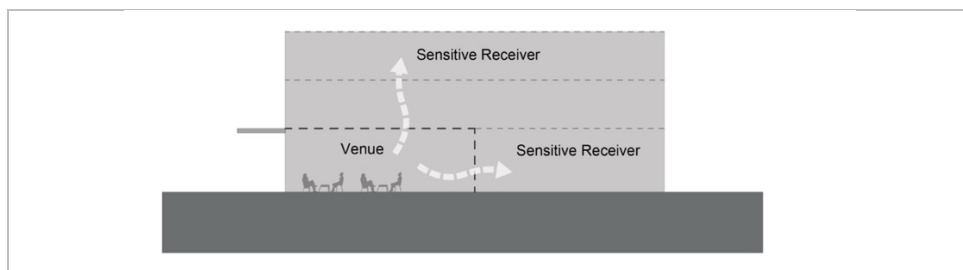


Figure 7: Internal Noise Criteria

JR & Co. (URBAN)

*Kiama Town Centre SEP
Planning Proposal*

An acoustic consultant may be required in circumstances to determine compliance with the SEPMP. However, the SEP sound management framework offers a unique 'deemed to satisfy' approach for low impact entertainment activity, for outdoor dining where it meets certain criteria. This would support the evolution of the SEP as venues first experience the management framework especially through the 24 months trial period. Refer to further response under Question 1 below which outlines this deemed to satisfy approach.

The Kiama Town Centre SEPMP regulates entertainment sound. Businesses and shops that operate in the SEP do not undertake an entertainment activity (i.e. a non-venue) and therefore not affected by the sound criteria. If these do however decide to undertake an entertainment activity, then they would be required to adopt the applicable venue sound criteria and trading hours. These premises must however ensure they have planning permission for undertaking entertainment activity. They may potentially employ, for example, the Cultural SEPP provisions provided by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, such as [Subdivision 15AB](#) *Entertainment associated with existing premises*, or others.

The SEPMP also does not provide sound criteria for:

- General vocal noise from people in the public domain areas of the SEP;
- Plant or machinery or other industrial noise emitted by a venue or business in operation; and
- Vehicular, traffic, rail or aircraft noise.

These would be considered under other regulatory frameworks.

Trading hours

The SEPMP provides for maximum trading hours of 5.30am to 1.00am for the Kiama Town Centre SEP.

To achieve these trading hours, a venue must be able to satisfy the SCA's they effect. If the venue is attached to a sensitive receiver, for example by being in the same building (e.g. shop top housing), the venue will need to also demonstrate compliance with the Internal Noise Criteria of the SEPMP to be able to achieve the trading hours. Accordingly, the final hours are affected by compliance with the sound criteria.

Businesses who do not carry out an entertainment activity and are not emitting entertainment sound (i.e. a business or a shop), are also provided with similar trading hours of 5.30am to 1.00 am. This is so they may also trade later and further enhance the vibrancy of the SEP area.

Listed premises are identified by the SEPMP to enable their continued trading at night-time in accordance with their development consent. This ensures these are not provided with a reduction in their trading hours by being located within the Kiama Town Centre SEP area. Council may also list premises if and where required through the operation of the SEP.

For public events, the hours are by event category and provided within a separate Event Toolkit published by Kiama Municipal Council on the [event organiser's hub page](#) on the council website and would remain. Event hours are by event category, and within the SEP maximum hours of 5.30am to 1.00am. Events are to operate in accordance with a Temporary Event Licence, or other approval, from Kiama Municipal Council.

Compliance framework

The SEPMP provides a compliance framework for:

- Entertainment noise disturbances; and
- Trading hours breaches.

JR & Co. (URBAN)

*Kiama Town Centre SEP
Planning Proposal*

This has been drafted on knowledge of common practice. However, it is noted that it may be further refined as a result of the feedback from consultation processes with authorities and stakeholders through the making of the SEP.

The SEPMP compliance framework does not cover:

- General vocal noise from people in public e.g., talking
- Plant or machinery noise
- Vehicular or traffic noise
- Aircraft noise
- Anti-social behaviour
- Dumped rubbish
- Littering

For these disturbances, existing frameworks would apply.

Entertainment noise disturbances

Entertainment noise disturbances related to licensed premises are handled by Liquor and Gaming NSW (L&GNSW). Entertainment noise disturbances for unlicensed premises are handled by Kiama Municipal Council Compliance framework. Entertainment noise disturbances from public events on public land are handled by Kiama Municipal Council.

Compliance processes will vary depending on the nature and degree of the disturbance. Processes are summarised below:

Venue: Licenced Premises – L&GNSW

L&GNSW encourages a process whereby prior to lodging an entertainment noise complaint the licensed premises are contacted directly by the person/s affected by the disturbance, to seek to resolve the issue directly first with the premises. This may quickly resolve the issue without further authority action.

Following receipt of a noise complaint, L&GNSW will handle the complaint through their procedures and in accordance with [Part 5](#) of the *Liquor Act 2007*.

The noise complaint would be assessed on a risk-based approach to determine the best course of action and response.

L&GNSW would need to be satisfied that the premises have exceeded the entertainment sound requirements for venues of the SEPMP. This may necessitate further information to substantiate, including investigation.

L&GNSW can then determine an appropriate response to the issue. Where an exceedance is identified against the entertainment sound requirements of the SEP, and depending on the degree of exceedance, an educative approach with the licensed premises may be first undertaken to remind them of the requirements of the SEPMP and to seek a commitment from premises to resolve the sound disturbances appropriately including within a timely manner.

If further complaints are received, then additional focused guidance to resolve the entertainment sound disturbance would be considered by L&GNSW. This may involve requesting changes to the licensed premises operation, such as closing certain windows and doors, placing security in areas with loud patrons, lowering volume or others deemed suitable.

JR & Co. (URBAN)

*Kiama Town Centre SEP
Planning Proposal*

It's also expected in circumstances concessions may need to be made by affected sensitive receivers, such as closing their windows or doors at certain times where appropriate or working around occasional episodes of higher sound levels.

Mediation between the complainant and the licenced premises, may also be coordinated by L&GNSW, to resolve the issue in circumstances.

Further enforcement action may be determined as appropriate by L&GNSW, and in accordance with the requirements under Part 5 of the *Liquor Act 2007*. This is dependent on the nature of the entertainment noise exceedance, the complaint and the compliance history of the venue.

Licensed premises are exempt from offensive noise provisions of the *Protection of the Environment Operations Act 1997* and associated Regulation, however only where they operate in accordance with the entertainment sound requirements of the SEPMP.

Licensed premises may be ultimately removed from the Kiama Town Centre SEP, if and where there are on-going disturbances, and a demonstrated lack of commitment by the venue operator to resolve.

Venue: Unlicensed premises – Kiama Municipal Council

For unlicensed premises (which also includes BYO premises) it is encouraged by Council, that prior to lodging an entertainment noise complaint the unlicensed premises are first contacted directly by the person/s affected by the disturbance. This is to seek to resolve the issue directly first with the premises.

On Council's then receipt of a noise complaint, and pending the information received, Council would investigate.

Council will need to be satisfied that the premises have exceeded the entertainment sound requirements for venues provided by the SEPMP.

The premises would be contacted for a response. Further information to substantiate a noise complaint through other investigative processes may also be necessary.

If the unlicensed premises are found to be operating in accordance with the entertainment sound requirements of the SEPMP, then the person/s that made the complaint, and the premises, would be provided with feedback from Council.

If the premises are found to be exceeding the entertainment sound requirements of the SEPMP, depending on the degree of entertainment sound exceedance, Council may take an educative response first to remind the unlicensed premises of their requirements under the SEPMP.

Council would seek a commitment from premises to resolve the noise disturbance appropriately, including within a timely manner.

If ongoing disturbances occur, Council may consider further approaches to achieve a resolution. This may involve requesting changes to the premises operation (such as closing windows and doors, or lowering volume, or other deemed suitable).

Concessions may also need to be made in circumstances by an affected sensitive receiver, such as closing their windows or doors at certain times where appropriate or working around occasional episodes of higher sound levels.

Mediation between the complainant and the unlicensed premises, may also be coordinated by Council, to resolve the issue in appropriate circumstances.

Council retains enforcement powers, such as under the *Protection of the Environment Operations Act 1997* and associated Regulation, where the entertainment sound emitted during operation is in exceedance of the sound requirements of the SEPMP.

JR & Co. (URBAN)

*Kiama Town Centre SEP
Planning Proposal*

Unlicensed premises may also be ultimately removed from the Kiama Town Centre SEP, if and where there are on-going disturbances and limited commitment by the premises to resolve these.

Public events – Kiama Municipal Council

Entertainment noise disturbances from public events on public land, such as concerts and festivals, would be handled by Kiama Municipal Council.

On receipt of a public event entertainment noise complaint, and pending the information received, Council would investigate. Council will need to be satisfied that the public event is exceeding the entertainment sound requirements as outlined in the SEPMP.

If the event is found to be operating in accordance with the entertainment sound requirements of the SEPMP, then the person/s that made the complaint, would receive feedback from Council.

If the public event is found to be exceeding the entertainment sound requirements of the SEPMP, Council may take an educative response first to remind the event of the relevant sound criteria under the SEPMP.

For on-going events, Council would seek a commitment from the event to correct the sound disturbance appropriately, including within a timely manner.

If ongoing disturbances occur, Council would consider further approaches to achieve a resolution. This may include suitable mitigation measures.

Council retains enforcement powers, such as under the *Protection of the Environment Operations Act 1997* and associated Regulation, where the entertainment noise emitted during event operation is in exceedance of the sound requirements of the SEPMP.

A noise breach would be recorded by Kiama Municipal Council. A recorded breach would be considered by Kiama Council as part of a future application received for another event licence.

Role of NSW Police

The NSW Police retain powers to investigate anti-social behaviour, or similar, in accordance with policing procedures. The applicable NSW Police command is the Lake Illawarra Police District and includes the Kiama Police Station.

The NSW Police will work in partnership with L&GNSW and Kiama Municipal Council with respect to entertainment noise complaints.

Where the NSW Police are contacted regarding an entertainment noise complaint, NSW Police would relay these to L&GNSW for licensed premises. For unlicensed premises, or a public event on a public land of the SEP, the NSW Police would relay these to Kiama Municipal Council.

The NSW Police may attend a noise complaint, however where an immediate response is required, and particularly when outside the operating hours of L&GNSW and Kiama Municipal Council.

Where the NSW Police attend a noise complaint, they will attempt to resolve issues directly with the premises or public event and may contact the person/s who made the complaint to relay the premises response.

If the noise complaint does require immediate action and is for licensed premises, NSW Police may issue an improvement notice under the *Liquor Act 2007*. The NSW Police may subsequently make a statutory disturbance complaint to L&GNSW, to action accordingly.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

NSW Police are granted powers under the *Protection of the Environment Operations Act 1997* and associated Regulation to conduct offensive noise investigations, and this would be where the entertainment noise received is considered to not be in accordance with the SEPMP.

Trading hours breaches

Kiama Municipal Council will investigate breaches for licensed premises and unlicensed premises relating to trading hours. This includes whether they are a venue or non-venue in the Kiama Town Centre SEP.

Council will need to substantiate that the premises are not in accordance with the trading hours of the SEPMP (including those venues/premises listed in the SEPMP who are permitted to trade later). This may necessitate an investigative process to determine.

Kiama Municipal Council will contact the premises/operator regarding a breach and then seek to determine the best approach to achieve compliance with the trading hours of the SEPMP. This may require a planning application, if and where the premises seeks to trade again beyond the hours of the SEP. The *Special Entertainment Precinct* section of the Kiama DCP provides a merit-based approach for these circumstances.

Public event hours

With respect to public events on public land, Kiama Municipal Council will also investigate event hours breaches in the SEP.

Council will need to substantiate that the event is not operating in accordance with the event hours provided by a Temporary Event Licence, or similar. As noted earlier, event hours are outlined in the Event Toolkit on the Kiama Council website and are within the SEP hours.

Noting the temporary nature of these activities, where there is a breach, Council would first undertake an educative approach with operators to achieve compliance.

Council may undertake a more focused approach to regularise, especially where the event is soon repeated, and an event hours breach reoccurs.

A breach would be recorded by Kiama Municipal Council. A recorded breach will be considered by Council as part of a future application received for another event licence.

4.3.2 Draft Kiama DCP - Special Entertainment Precinct section

The Kiama Development Control Plan 2020 (Kiama DCP) provides planning controls that support the *Kiama Local Environmental Plan 2011*.

The *Special Entertainment Precinct Guidelines* identifies the preparation of a DCP for a SEP. This is for new or relevant modified development, that require a Development Application or Modification Application, so that they may be suitably designed to mitigate for entertainment sound by being in the Kiama Town Centre SEP.

To respond to the Guidelines, an amendment to the Kiama DCP has been drafted. The amendment titled *Special Entertainment Precinct* is provided at **Attachment B**. It is proposed that this will form a section within the Kiama Development Control Plan 2020 on the making of the Kiama LEP amendment. Specifically, within Chapter 12 Topic 12.7 of the Kiama DCP.

The *Special Entertainment Precinct* section of the Kiama DCP provides for planning controls for new or relevant modified sensitive receiver development, or for new or modified premises (including venues) that require a Development Application (DA) or a Modification Application.

JR & Co. (URBAN)

*Kiama Town Centre SEP
Planning Proposal*

This section of the Kiama DCP requires development to be designed to mitigate the potential effects of entertainment sound.

The Special Entertainment Precinct section of the Kiama DCP provides planning controls for:

- New or modified licensed and unlicensed venues, and the sound criteria they would need to comply with;
- Sensitive receiver development and entertainment sound attenuation requirements; and
- Requirements for where trading hours are to be sought greater than the SEPMP trading hours.

The DCP section also includes controls for mixed-use development. This would relate to development that is permitted in the E1 Local Centre zone that may include shop-top housing, or similar, and therefore include both venues and sensitive receivers.

To ensure consistency across the planning documents of the SEP, the *Special Entertainment Precinct* section of the Kiama DCP 2020 generally complements the sound criteria of the SEPMP – therefore is based upon the same Sound Category Area/s and an Internal Noise Criteria approach. This provides consistency to the sound management framework of the Kiama Town Centre SEP.

The *Special Entertainment Precinct* section of the Kiama DCP would be used by residents, developers, relevant new or modified premises, Kiama Municipal Council and other applicable consent authorities to ensure that development is suitable against sound criteria for the SEP.

It will seek to provide for residents, and the occupants of other sensitive receiver development, suitable sound amenity and support for new or relevant modified venues to trade appropriately and therefore support for vibrancy.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

Item 15.3

Enclosure 1

5.0 Justification and Site-Specific Merit

Section A – Need for the planning Proposal

Question 1: Is the planning proposal a result of a local strategic planning statement, strategic study or report

The planning proposal is in response to an action of the Kiama After Dark Strategy. It was endorsed by Kiama Municipal Council for public exhibition in June 2026. Following public exhibition, it was updated to engagement outcomes and adopted by Kiama Municipal Council on the 15th September 2026. The strategy has been prepared as part of NSW Government investment in the local night-time economy.

It also achieves the planning priorities and related actions under the endorsed Kiama Local Strategic Planning Statement (LSPS) and the Community Strategic Plan (CSP).

An Acoustic Report prepared by Marshall Day Acoustics also has informed the Kiama Town Centre SEP, to provide for a site-specific entertainment sound management framework response.

These are detailed below. Further commentary on the LSPS is outlined under Section 4 of this Planning Proposal. Consistency with the CSP is outlined under Question 4.

Kiama After Dark Strategy

NSW Government funding was received by Kiama Municipal Council in October 2025, as part of an investment program to investigate and enhance the night-time economy, including to plan and trial a Special Entertainment Precinct. As part of the funding, an after dark strategy was first prepared ('Kiama After Dark Strategy').

The strategy underpins the SEP and provides a framework to guide the after dark economy for the broader Municipality.

'Kiama After Dark' explores opportunities for growth in twilight and night-time activity across the Kiama LGA. The Strategy aims to create the right conditions for a safe, vibrant and well-managed night-time economy that strengthens Kiama's social and economic fabric, supports live music and entertainment, and encourages local business growth, while respecting local character, residential amenity and community expectations. It focuses on an 'after dark' approach, rather than a 24-hour economy, and emphasises a safe, inclusive and experience-led activation outcomes.

The After Dark Strategy aligns with the NSW Government's Vibrancy Reforms, and broader region and local strategic priorities which also identify the night-time economy as an area for growth.

The strategy provides for a 10-year, phased plan across five key focus areas to deliver practical outcomes. These focus areas are:

- Focus Area One: Leadership, Collaboration and Governance
- Focus Area Two: Planning and Placemaking
- Focus Area Three: Vibrancy
- Focus Area Four: Connectivity
- Focus Area Five: Identity

Focus Area Two: *Planning and Placemaking* is relevant to the proposal. This seeks to:

Establish a supportive and adaptable regulatory framework that enables a diverse range of evening and night-time activities, while prioritising safety, accessibility, and respect for the local environment and community. This

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

focus area also recognises the critical role of place-based infrastructure in enabling vibrant and sustainable night-time experiences.

Action 2.1 under Focus Area Two is to prepare a Special Entertainment Precinct in the Kiama Town Centre. Accordingly, the planning proposal responds to this by seeking to establish the Kiama Town Centre SEP.

The SEP will support a range of appropriate after dark activities and includes an appropriate compliance framework to support maintaining appropriate operation.

Social analysis

The After Dark Strategy is underpinned by a social geography analysis report prepared by the firm Geografia. This examined current night-time activity, behaviour patterns, and economic contributions, identifying opportunities and trends that can inform future planning, investment, and strategic decision-making.

This report identifies the following, and the response of the SEP to these is noted:

- A night-time economy base exists in areas of essential service and service-based activity; therefore, a local night-time economy workforce is present.
Response: The SEP seeks to enhance the after dark economy for unlicensed premises and business, in addition to licensed premises, providing for services and amenity to night-time workers in the municipality and surrounds.
- Kiama Town Centre is the main locality for night-time economy activity in the municipality.
Response: This supports the Kiama Town Centre SEP as a suitable locality for the first SEP in the Municipality.
- There is an older resident profile, and opportunity to expand offerings in twilight and early night-time periods.
Response: The SEP supports to provide for twilight and the early night economy to support the amenity for these residents, in addition to other after dark activities.
- Visitor profile is toward family friendly and experience-based offerings, and opportunity to support for such.
The SEP supports to provide for a range of entertainment activity across licensed premises and unlicensed premises, in addition supporting public events, including markets, therefore providing for variety and access to different age groups.
- Support for an after dark atmosphere that is safe, welcoming and accessible.
Response: The SEP would also work with other initiatives to improve public domain atmosphere and promote a safe place, such as those presented by the separate Kiama Town Centre Strategy prepared by Studio GL for Council.
- Summer seasonal demand is generally strong, and opportunity to enhance all year trading.
Response: The SEP provides for a framework to incentivise trading over all seasonal periods, especially through cooler months, in addition to the warmer months periods.
- Dining and entertainment are a large component of spending focus, and there is opportunity to diversify.
Response: This SEP provides for a management framework that can accommodate a range of entertainment activity, in addition to food and drink, increasing offerings and experiences over a period of time.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

- High visitors spend, and opportunity to capture more resident spend rather than leakage to surrounding local government areas.

Response: The SEP provides a framework to enhance the after dark economy of Kiama Town Centre which will support to improve overnight visitor expenditure and support the local retail economy with enhanced amenity and services to the community.

Kiama Local Strategic Planning Statement (LSPS)

The Kiama Local Strategic Planning Statement is Council's 20-year vision for land use planning in the LGA. The LSPS outlines several priorities and actions.

Theme two (2) – 'Develop a diverse and resilient economy' and the associated planning priorities - foster economic diversity (PP5); manage tourism development and visitor economy (PP6) and strengthen commercial centres (PP7), all directly support the planning proposal.

Theme five (5) – 'Foster vibrant and accessible places' and the associated planning priorities - support and create vibrant places (PP14) and celebrate and protect local character (PP16), also directly support the planning proposal.

With respect to Theme 2 and the associated planning priority (PP5), the proposal supports the development of a diverse and resilient economy within Kiama Town Centre. It enables Kiama Town Centre SEP as an after dark economy, with the relevant framework to support entertainment sound, enhance vibrancy and facilitate investment in the area. Planning priority PP6, the proposal enhances the opportunity for tourism development and increased visitor revenue, by offering after dark entertainment and activities to attract more visitors to Kiama. This would also assist with existing 'economic leakage' out of Kiama to other LGAs in the region.

The proposal would be strengthened by PP7, as the commercial core of Kiama Town Centre would create a diverse offering after dark and throughout the day, to enhance the economy and provide greater opportunity for entertainment, activities and events for all age groups.

With respect to Theme 5, and the associated planning priority PP14, the planning proposal supports this by enhanced after dark vibrancy of the Kiama Town Centre SEP area, through later night trading and performance incentives provided by the SEP. Planning priority PP16, supports the proposal as the SEP aims to celebrate the existing natural beauty of Kiama, protect and enhance the existing local character and create a sense of place.

SEP Acoustic Report

The planning proposal is supported by the Kiama Town Centre Special Entertainment Precinct Management Plan (**Attachment A**) and proposed amendment to the Kiama Development Control Plan (**Attachment B**). Both documents support the establishment of the Kiama Town Centre SEP and enable the amendment to the Kiama LEP 2011.

The preparation of these documents is a result of an Acoustic Report titled *Kiama Special Entertainment Precinct Sound Management Framework* prepared by Marshall Day Acoustics. This Acoustic Report has developed the sound requirements for the area of the Kiama Town Centre SEP including the sound criteria of Sound Category Areas (SCAs) and an Internal Noise Criteria.

The Acoustic Report has been developed with sound surveys and consideration of appropriate terms of reference including the NSW Government *Special Entertainment Precinct Guidelines*. The SCA's are unique to the Kiama Town Centre SEP area, to provide for a place-based sound framework, responsive to achieving appropriate vibrancy whilst responding to the amenity of place.

A 'deemed to satisfy' approach for certain outdoor dining has also been developed for the SEPMP, to avoid the need of an acoustic assessment. The applicable criteria are:

- The outdoor dining occurs within frontages of Terralong Street, Collins Street, Collins Lane, and Manning Street (see Figure 8 below),
- Occurs between the hours of 7.00am and 10.00am,

JR & Co. (URBAN)

*Kiama Town Centre SEP
Planning Proposal*

- Does not exceed an area of 40 sqm and 20 patrons per premises,
- Music is low level background music, and does not exceed 60dB (other than 1 metre from the speaker),
- A Plan of Management is in place for licensed venues, so that patrons are monitored or anti-social behaviour is discouraged, and
- Any other requirements, including on a development consent, footway approval or other are satisfied.

This deemed to satisfy approach supports to achieve suitable vibrancy, without administrative burden, especially for premises.

It also supports for an evolutionary approach, including through the SEP trial. Food and drink premises in the Kiama Town Centre, which is a predominant retail character of the Town Centre, can first trade later to experience the SEP, without the need of significant investment.

As further entertainment activities may occur through the growth of the SEP, suitable acoustic augmentation can then be suitably facilitated through acoustic certification processes, together with any necessary planning approvals.

Where the deemed to satisfy approach cannot be achieved, including through the SEP trial, an acoustic assessment would be required and to demonstrate to satisfy the sound criteria of the SEP, and with necessary sound augmentation measures. This would be through the requirements for planning applications (including subsequent Construction Certificates and Occupation Certificates), or Footway Approvals.

A copy of the Acoustic Report is provided with the planning proposal at Attachment E.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

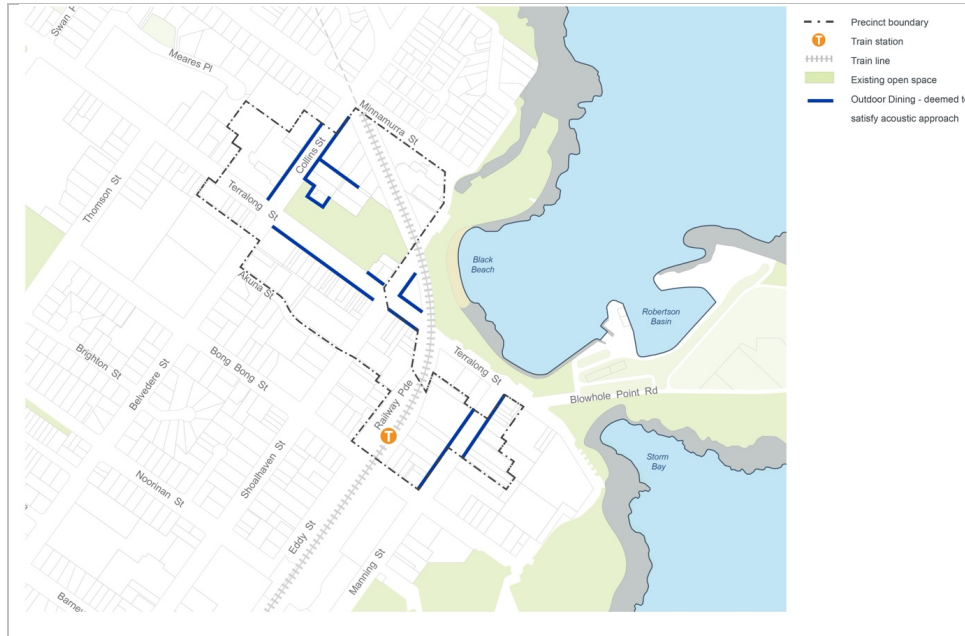


Figure 8: Outdoor dining deemed to satisfy locations - Where the requirements are satisfied, an acoustic assessment is not required at these locations.

Section B - Relationship to the strategic framework

Question 2: Will the planning proposal give effect to the state land use plan and relevant region plan (including and exhibited draft plans or strategies)

State Land Use Plan

The State Land Use Plan provides for the overarching direction for land use activity in NSW. It outlines the long-term vision for land use over the next 20 years, guiding how the State will evolve, including responding to change. It supports the growth of NSW with a further 1.8 million people, an extra 1.2 million homes and 20% more jobs. The State Plan also establishes a strategic planning framework comprising three tiers of plans being the State Plan, the applicable region plan, and local plans.

The State Land Use Plan is underpinned by seven (7) land use Priorities:

- Aboriginal outcomes – recognise Country in planning outcomes,
- Housed – Delivering affordable, diverse housing in accessible locations,
- Prosperous – Growing resilient, innovative economies,
- Connected – Linking communities with safe, reliable and resilient and efficient transport systems,
- Resilient – Supporting a sustainable environment and biodiversity to help achieve net zero emissions and build climate resilience,
- Liveable – Building vibrant places that support quality of life, and
- Coordinated – Aligning land use with infrastructure delivery.

The State Land Use Plan is part of a new three tier strategic planning framework.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

The draft *Illawarra Shoalhaven Plan* outlines further to implement the Priorities of the State Land Use Plan through Responses. Consistency of the planning proposal with the draft *Illawarra Shoalhaven Plan* is discussed further below.

The planning proposal gives direct effect to the land use Priority *Liveable* of the State Land Use Plan. The plan identifies the role of Special Entertainment Precinct's to support cultural activity while supporting safe, active and inclusive places. It notes:

'By enabling diverse day and night-time uses in centres and neighbourhoods, strategic land use planning can strengthen local economics, including the visitor economy, while supporting social connection and community resilience across NSW'.

As outlined by this planning proposal, the SEP will support the local economy and visitor economy. Accordingly, the proposal gives effect to the State Plan.

Illawarra Shoalhaven Regional Plan 2041

Prepared by the Department of Planning, Industry and Environment (now the Department of Planning, Housing and Infrastructure) in 2021, this region plan provides a 20-year land use strategy (to year 2041) for the Illawarra Shoalhaven area. It outlines the strategic vision and direction for the region with respect to housing growth, jobs, infrastructure and a providing for a healthy environment.

The plan applies to the LGAs of Wollongong, Shellharbour, Kiama and Shoalhaven. It informs directions of land use planning to create for an overall connected, sustainable, and vibrant Illawarra-Shoalhaven region. It is intended to be replaced by the draft *Illawarra Shoalhaven Plan* (2026), discussed further below.

Under this region plan, Kiama is identified as a strategic centre of the region. Strategic centres are defined as those that are *'well-serviced centres with opportunities for new housing'*. Unlocking housing opportunities in Kiama is a focus of the region plan, together with other strategic priorities.

The region plan is based on themes. These are:

- A productive and innovative region
- A sustainable and resilient region
- A region that values people and places
- A smart and connected region

Within these themes there are objectives, and strategies, to achieve.

Of relevance to the planning proposal are the themes:

- A productive and innovative region, and
- A region that values people and places.

These are discussed below.

Region plan theme: a productive and innovative region

The vision under this theme is noted (in part):

'The Illawarra Shoalhaven will leverage new and innovative economic opportunities to increase the number of jobs in knowledge services, health, research, advanced manufacturing, defence and the visitor economy'.

Corresponding objective under this is:

Objective 5: Create a diverse visitor economy

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

The tourism/visitor economy is a key aspect of the region, and due to the attractions of characterful towns and places, key natural attractions, food and drink, and events. This includes for Kiama and the Town Centre, noting its tourist attractions and supported by tourist and visitor accommodation within.

Supporting and sustaining the tourism and visitor economy, including by complementary products and experiences, is identified by the plan.

Corresponding strategy 5.1 of this objective of the regional plan notes:

'Create an environment for a diverse visitor economy. Strategic planning and local plans should consider opportunities to:

- ...
- *support the development of places for artistic and cultural activities; and*
- *support appropriate growth of the night-time economy*
- ...

The planning proposal gives effect to this objective. It provides for the appropriate growth of the Kiama Town Centre night-time economy, including to diversifying it, noting it is largely daytime orientated at present. It supports to enhance the experience for both visitors and the community, and the economic benefits this may result.

The proposal also gives effect to the following other objectives under this region plan theme:

Objective 6: Activate the region's harbours to promote a blue highway

Within this objective, maritime related tourism is to be enhanced in the region. The *Kiama Harbour Revitalisation Action Plan* prepared by Transport for NSW is identified to guide investment in Kiama Harbour and improve the marine experience for maritime users and broader community. A land use priority of the *Kiama Revitalisation Action Plan* is to:

'Section 2.4 Land uses

3.d Spread and lengthen the visitation to the harbour through all seasons and times of day'

The related action of this land use priority in the revitalisation action plan is:

'Explore appropriate balance of new activities which will ensure a night-time economy, increased visitation during current off-seasons and increase overnight stays'

Corresponding strategy 6.1 of this objective in the region plan notes to:

'Activate the region's harbour and ports as well as their related commercial areas in strategic planning and local plans'

Whilst the Kiama Harbour is not within the SEP, by encouraging night-time activities in the adjacent Kiama Town Centre SEP, this may have broader positive flow on effect to the Kiama Harbour locality to also have after dark enhancement through separate initiatives. Therefore, it is not inconsistent with the Kiama Revitalisation Framework.

Objective 7: Response to the changing nature of retail

The retail sector is noted in the region plan to provide the second largest sector of employment in the Illawarra Shoalhaven region. This objective notes the evolution to the retail sector, and the importance of maintaining diverse uses and activities to support that evolution. In addition, implementing public design measures to enhance centre activation and for a vibrant street life.

Corresponding strategy 7.1 notes:

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

'Respond to the changing nature of retail. Strategic planning and local plan should consider opportunities to:

- Provide flexibility and facilitate a broad range of commercial, business and retail uses within centres'*

Kiama Town Centre is an important retail locality within the Illawarra Shoalhaven region, which provides for a range of commercial business and services. It is identified as an employment lands locality by Council's Employment Lands Strategy, as outlined further.

The proposal gives effect to this objective by supporting the night-time economy in the Kiama Town Centre. It supports the opportunity for greater evening trading by venues and premises that are within the SEP. This enhances and diversifies the retail economy of Kiama, by extending trading patterns which are mainly daytime orientated. This also is expected to provide benefits to the community, including jobs, and for enhanced retail amenity and services.

Region plan theme: A region that values people and places

The vision under this theme includes to increase housing supply. In addition, increasing the amenity of places and their vibrancy, including by supporting the night-time economy.

Objective 18 under this theme in the region plan, identifies the need for housing supply in the right locations. Kiama is noted as a strategic centre and where housing increases would mostly occur largely through in-fill development (to best protect the environment from urban sprawl).

The planning proposal gives effect to this objective by establishing the SEP with a sound framework (through the SEPMP and *Special Entertainment Precinct* section of the Kiama DCP 2020) to support the amenity of housing that exists, or may occur in the future, within and around the Kiama Town Centre. This ensures that after dark vibrancy is appropriate and does not affect the supply of housing, which is an important land use activity.

In addition, Objective 24 under this theme of the regional plan notes:

'A place with night-time activity can be dynamic and contribute to the local economy. These places are usually mixed-use centres with adequate noise control, appropriate operating hours, and safe late-night travel options. A fun and safe night-time economy meets the social and recreational needs of shift workers, young people, tourists and visitors'.

Corresponding strategy 24.1 under this Objective note:

'Support public art major events and cultural activities. Strategic planning and local plans should consider opportunities to:

- ...
- Support the night-time economy'*
- ...

The planning proposal gives effect to this objective of the region plan. It provides for an after dark vibrancy framework in an appropriate location through trading hours and entertainment sound controls, including incentives for live performance and live music, provided by a SEPMP and the *Special Entertainment Precinct* section of the Kiama DCP 2020. The SEP will enhance the amenity of the locality, including for the community, and is expected to provide benefits to the local economy including jobs and services and support the visitor economy.

Draft Illawarra Shoalhaven Plan (2026)

This draft region plan provides an update to the *Illawarra Shoalhaven Regional Plan 2041*. It builds upon the current region plan and provides a revised strategic land use framework for the Illawarra Shoalhaven region for the next twenty years. It applies to Wollongong, Shellharbour, Kiama, Shoalhaven and Wingecarribee LGAs.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

The draft plan aligns to the State Land Use Plan. It provides for Responses to implement the Priorities of the State Land Use Plan.

As noted earlier, the priorities of the State Land Use Plan are *Aboriginal outcomes, Housed, Prosperous, Connected, Resilient, Liveable and Coordinated*.

The draft Illawarra Shoalhaven Plan provides under the Priority 'Liveable':

'Build capacity for vibrant communities'

Local initiatives, such as Kiama's Night Time Economy Strategy and Special Entertainment Precinct trial, are strengthening the role of centres as places for arts, culture and entertainment'.

The planning proposal directly is consistent with this Priority, by implementing the Kiama Town Centre SEP.

With respect to the Responses, the draft region plan outlines these as follows:

- Response 1 - Increase housing supply in the urban growth area
- Response 2 - Prioritise housing diversity and choice to meet changing household needs
- Response 3 - Align sequenced infrastructure delivery with growth priorities
- Response 4 - Support a vibrant centres network, anchored by Wollongong as the region's principal CBD
- Response 5 - Intensify and grow the region's industrial lands potential and capacity for future industries
- Response 6 - Deliver Australia's first Urban Renewable Energy Zone
- Response 7 - Unlock the productivity, economic and lifestyle benefits between the region and south west Sydney
- Response 8 - Define appropriate land use pathways to support Aboriginal outcomes
- Response 9 - Protect the region's natural places so both people and nature can thrive as the climate changes
- Response 10 - Connect and grow the network of regional public open space and events infrastructure

These Responses then inform actions for Government, as well as guide practitioners.

The relevant Responses to the planning proposal are *Response 1 Increase housing supply in the urban growth area, Response 4 Support a vibrant centres network, anchored by Wollongong as the principal CBD, and Response 10 Connect and grow the network of regional public open space and events infrastructure*.

As identified by Table 1 below, the planning proposal is consistent with these relevant Responses.

Table 1: Draft Illawarra Shoalhaven Plan consistency assessment

Draft Plan Response	Planning Proposal
Response 1: Increase housing supply in the urban growth area.	Consistent
Strategic outcomes:	The planning proposal affects land zoned E1 Local Centre, which permits for housing as mixed-use development.
• Urban land is contained within the urban growth area. • Land use planning and infrastructure decisions are prioritised in feasible locations. • Development avoids locations which are sensitive to environmental changes, such as sensitive water catchments, coastal areas and high	Seniors living development is also located in the SEP. The planning proposal provides for a sound management and trading hours framework that support for sensitive receivers, which includes housing, so that these can be appropriately maintained within the E1 Local Centre zone.

JR & Co.

(URBAN)

*Kiama Town Centre SEP
Planning Proposal*

Draft Plan Response	Planning Proposal
environmental value land, including regional biodiversity corridors,	The planning proposal therefore supports maintaining the Kiama Town Centre to provide for housing, contributing to maintain housing supply for the region, together with other urban growth initiatives.
Response 2: Prioritise housing diversity and choices to meet changing housing needs. Strategic outcomes: - Density is focused in locations that are best connected to jobs and services through rapid transport. - Land use planning and infrastructure decisions are prioritised in feasible locations.	Consistent See comment above. The planning proposal provides for a sound management and trading hours framework that supports to sustain housing in the E1 Local Centre zone, including of a mixed-use development form. It supports for housing density in a location with established infrastructure, including with access to rapid transport with the Kiama rail station.
Response 4: Response 4 Support a vibrant centres network, anchored by Wollongong as the principal CBD Strategic outcomes: - Centres are prioritised for population serving jobs, with complementary residential land uses located outside of defined commercial cores. - CBD and major centres reflect a density and diversity of services that is proportionate to their role in the local centres network.	Consistent Kiama is an activity centre under the draft Illawarra Plan. These are service orientated localities, providing services to residents and workers. The planning proposal enhances the Kiama Town Centre to provide services to the community. It supports the retail economy, through an after dark trading framework, enhancing jobs and retail services. It aligns to the employment generating E1 Local Centre lands of the Town Centre. The Response also notes prioritising flexibility in centres: <i>'Kiama is emerging as having greater levels of mixed-use development in traditional employment zones'</i> Mixed-use development is an important aspect of the Kiama Town Centre. It provides for well-located housing, integrated with established infrastructure. In addition, it supports employment outcomes through the commercial components located at ground/lower-level components. The SEP framework responds appropriately to mixed-use development, through appropriate sound management controls that support after dark vibrancy in the ground/lower-level commercial components, and sound amenity to the above residential areas. Accordingly, the SEP supports the retail economy of the Town Centre, including where located as part of mixed-use development.
Response 10: Connect and grow the network of regional public open space and events infrastructure. Strategic outcomes: - Communities have access to high-quality open space, cultural and recreational opportunities within 800m of where they live and can be accessed by public and or active transport. - The quantity of and access to high quality and diverse local public space is improved as a network in the urban growth area.	Consistent The SEP aligns to the NSW Vibrancy reforms. It is intended to enhance the after dark character of the Kiama Town Centre, in response to an After Dark Strategy ('Kiama After Dark'). The SEP framework will support for entertainment activity to occur as part of licensed and unlicensed premises, support public events, as well as provide incentives for live music and live performances generally. It will provide benefits to both the local economy and the

Item 15.3

Enclosure 1

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

Draft Plan Response	Planning Proposal
Infrastructure and accommodation has the capacity to adapt to large scale events in CBD and major centres, as supported by public and active transport.	visitor economy, including enhancing amenity and services. It will increase cultural and creative experiences. It will support enhancing place outcomes, improving the evening character of the Town Centre. Accordingly, the SEP will complement the event infrastructure of the region.

The planning proposal, therefore, appropriately gives effect to the draft *Illawarra Shoalhaven Plan*.

Question 3: Is the planning proposal consistent with any other applicable State and regional studies or strategies

NSW 24-Hour Economy Strategy

Prepared by the NSW Office of the 24-Hour Economy Commissioner, this Strategy provides for a state-wide blueprint for a 24-hour economy.

The blueprint is set out across five (5) strategic pillars which set out actions to enhance NSW's 24-hour economy. These are:

1. An enabling regulatory framework;
2. Vibrant, Coordinated Precincts and Places;
3. Night-time Workers, Culture and Industry Collaboration;
4. Safety, Mobility, Access and Inclusion; and
5. Authentic Storytelling.

A Special Entertainment Precinct, developed in response to NSW government after dark vibrancy reforms, aligns with the strategy to improve the 24-hour economy of the State.

The planning proposal is consistent with pillar one (1) of *An enabling regulatory framework*, by creating the Kiama Town Centre Special Entertainment Precinct in the Kiama Local Environmental Plan 2011, and with the associated plans of the SEPMP and the *Special Entertainment Precinct* section of the Kiama DCP 2020.

The planning proposal also aligns with pillar two (2) of *Vibrant Coordinated Precincts and Places* by supporting diverse and vibrant outcomes in after dark periods by the Kiama Town Centre SEP. In addition, pillar three (3) *Night-time workers, Culture and Industry Collaboration* by enhancing the support to night-time workers, business and entrepreneurs through the framework of the SEP.

The planning proposal is, therefore, consistent with this strategy to enhance the NSW night-time economy.

Question 4: Is the planning proposal consistent with a council LSPS or local strategy or strategic plan.

Kiama Local Strategic Planning Statement (2025 update)

Prepared by Kiama Municipal Council in 2020, and reviewed and updated in year 2025, the Kiama Local Strategic Planning Statement (LSPS) provides for a 20-year land use planning vision to manage the growth of Kiama, balanced with respecting its character and the environment.

The LSPS ultimately seeks to appropriately build the capacity of both the Kiama township and the rural community. It presently aligns to the *Illawarra-Shoalhaven Regional Plan 2041* and supports to

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

give effect to this regional plan at the municipality. (Once the draft Illawarra Shoalhaven Plan is endorsed by Minister for Planning and Public Spaces, the LSPS will also align in response, including with any necessary revisions).

The LSPS is based on land use planning themes, with various actions and planning priorities (PP) within. These themes are:

1. Manage sustainable growth
2. Develop a diverse and resilient economy
3. Protect rural landscapes
4. Mitigate and adapt to climate change and protect the environment
5. Foster vibrant and accessible places

Themes 2 and 5 are considered relevant to the planning proposal.

Theme 2 'Develop a diverse and resilient economy'

Planning priorities focused to this theme are:

- PP5 – Foster economic diversity.
- PP6 – Manage tourism development and visitor economy.
- PP7 – Strengthen commercial centres.

Most relevant priority to the planning proposal is PP6 – *Manage tourism development and visitor economy*.

The relevant action under this priority:

'Drive tourism growth beyond its current seasonal peak and develop opportunities that will grow overnight visitor expenditure'

The planning proposal is consistent with this action. It supports to enhance the night-time vibrancy of Kiama through the implementation of the Kiama Town Centre SEP. The SEP would support visitors to stay longer in Kiama, by enhancing the opportunities offered after dark, such as later trading food and drink offerings, live performance experiences and other entertainment activities. It therefore supports to help to drive tourism growth, including overnight visitor expenditure, and across all seasonal periods rather than just warmer months.

The proposal also is consistent with PP5 – *foster economic diversity*. Of note, the following action:

'Support growth in key industries and encourage 21 Century industry and business models through well planned urban and regional land development'

As noted by the *Illawarra-Shoalhaven Regional Plan 2041* the visitor and retail economies are key sectors (industries) of the region. Similarly, the draft *Illawarra Shoalhaven Plan* supports employment growth in these sectors. The planning proposal encourages their growth. It supports the visitor economy, by enhancing after dark offerings, supporting increased overnight expenditure. It also supports the retail economy, through expanding after dark trading opportunities including jobs and retail services available to the community.

The planning proposal is also consistent with PP7 – *Strengthen commercial centres*, and of note the following action:

'Develop and enact an implementation strategy for the Kiama Town Centre Study recommendations that relate to Council assets, road networks etc'

The planning proposal supports the recommendations of the Kiama Town Centre Study. The relevant being:

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

'Night-time economy'

Audit of current night-time venues in the centre incl. operating hours of facilities and businesses and occurrence of temporary events in public and private places such as outdoor cinema, evening/ night markets, live music performances and the like. Investigation into potential to extend opening hours of library'

The SEP provides for later night trading of venues and premises by the SEPMP, including live music and live performance incentives. It supports events in public places.

In addition, the planning proposal complements the after dark atmosphere recommendations of the Kiama Town Centre Study:

'Night-time atmosphere'

Audit of current lighting and CPTED/ Safer By Design assessment; Identification of additional areas (i.e. pedestrian links, laneways), built form landmarks and landmark trees for priority (up-) lighting; Consultation with private building owners where applicable (i.e. heritage buildings)'

Council has also invested in after dark activation through fairy lighting within street trees and festoon lighting along Terralong Street. Opportunities for further public domain improvements have also been identified by Council including enhanced lighting, wayfinding and signage to improve accessibility, safety and visitor navigation.

The after dark trading provided by the SEP would encourage the implementation of additional public domain initiatives, where these are practical and feasible. Therefore, support for a further enhanced after dark atmosphere in the Town Centre.

Theme 5: Foster Vibrant and Accessible Places

This theme is focused to responding to the character and place of Kiama. The planning priorities under this theme are:

- PP14 – support and create vibrant places
- PP15 – identify and safeguard heritage significance
- PP16 – celebrate and protect local character

Most relevant planning priority to the planning proposal is to PP14 - *support and create vibrant places*.

The planning proposal is consistent with this planning priority as it supports for enhanced after dark vibrancy of the Kiama Town Centre, through later trading and live music and live performance incentives, provided by the accompanying SEPMP. This also brings benefits to the SEP, including increased activation and a sense of safety.

The planning proposal also supports PP16 – *celebrate and protect local character*, as the SEP aims to protect and enhance the existing local character and create a sense of place through the precinct based night-time economy framework.

The planning proposal is, therefore, consistent with the Kiama LSPS.

Other relevant local strategic plans

Other local strategic plans and strategies operate within Kiama. These are considered also applicable to the planning proposal, and include:

- Kiama Community Strategic Plan 2025 - 2035
- Kiama Local Housing Strategy (2025)
- Creative Kiama Cultural Plan 2025 - 2029
- Kiama Regional Economic Development Strategy (REDS) – Update 2023
- Kiama Visitor Economy Strategy 2035

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

- Kiama Employment Lands Strategy (2026)

Kiama Community Strategic Plan 2025 - 2035

The Kiama Community Strategic Plan 2025 - 2035 (CSP), prepared by Kiama Municipal Council, provides a long-term high-level plan to guide the Kiama community.

The CSP provides the Kiama municipality the priorities of the area and the ways that these will be delivered. It ultimately seeks to prepare Kiama best for the future.

This plan is based on four (4) focus areas that define Council's long-term goals for the Kiama community. To implement these, the CSP notes partnership with other levels of government, businesses and organisations.

The four (4) focus areas of the CSP for Kiama are:

- Liveable
- Sustainable
- Resourceful
- Responsible

Of relevance to the planning proposal, is the CSP focus area 'Resourceful'. A goal under this focus area is:

'3.2 - An economy that balances tourism opportunities with resident needs and ensuring we (Kiama) doesn't lose our community feel'

A corresponding strategy to achieve this goal is:

'3.2.3 – support a safe, inclusive and vibrant nighttime economy that helps foster youth employment, social engagement and cultural expression'

The CSP then further notes as a priority/action in 2025 and beyond is:

'Work with 24-Hour Economy Commissioner and Office of the Local Government to implement appropriate components of the Government vibrancy reforms'

The SEP provides for a framework for a vibrant night-time economy, responsive to the character of the locality. The SEP would enhance amenity for the local community and the visitor economy and provides for a balanced approach.

The SEP is a mechanism that aligns to the NSW Government's vibrancy reforms, as outlined above in response to Question 3. As part of preparation of the SEP, Council has engaged with the Office of the 24-Hour Economy Commissioner. Accordingly, is prepared to appropriately respond to the NSW Government's vibrancy initiatives.

The planning proposal is, therefore, consistent with the Kiama Community Strategic Plan.

Kiama Local Housing Strategy (2025)

The Local Housing Strategy (LHS) guides the housing growth of Kiama to year 2031. The LHS provides a framework for the right location of the housing and especially focuses to infrastructure or in suitably existing zoned locations.

The LHS also aligns to the National Housing Accord which sets a target for additional homes (1.2 million dwellings) over the next five years, measured from year 2024.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

Item 15.3

Enclosure 1

The LHS acknowledges the benefits of housing growth and especially for housing where it is appropriately located. Communities can experience benefits and overall better amenity by being co-located with established infrastructure. This provides for better quality of life and stimulates local economies by attracting new businesses and residents.

Housing growth also provides the opportunity to deliver more diverse housing typologies, that cater to a broader demographic of people.

The vision for the future Kiama LGA is to therefore have well planned communities, with dwellings in the right locations, with services and infrastructure.

To support the vision, LHS has four (4) priorities. These are outlined as follows:

1. Priority 1 – sufficient and well-located housing supply
2. Priority 2 – diversity of housing options
3. Priority 3 – infrastructure is provided to support population growth
4. Priority 4 – the centres and villages thrive

Needs are also identified by the LHS. Of relevance are:

-
- *Increase density in our centres for smaller homes, flats and apartments*
- *Housing that enhances local centres with services*
-

Infill development is encouraged by the LHS (supported by appropriate greenfield development in certain locations). This aligns with the *Illawarra Shoalhaven Regional Plan 2041* that supports for appropriate infill housing development in Kiama to reduce the environmental effects of continuous urban sprawl. Similarly, the draft *Illawarra Shoalhaven Plan* supports for growth in urban growth areas.

The Kiama LHS identifies that there is capability to provide for greater housing densities in existing centres. (It notes that Kiama Town Centre has planned for infill housing opportunities through LEP amendments).

An opportunity of the plan is to:

- *Encourage new housing growth within existing centres and facilities to make use of existing infrastructure*

The planning proposal supports the vision and priorities of the Kiama LHS. The land of the SEP includes land that is zoned E1 Local Centre which provides for housing as part of mixed-use development (shop top housing) and seniors living development. Land surrounding the SEP is also zoned R2 Low Density Residential, therefore providing for residential accommodation.

The SEP provides for a sound management framework to support vibrancy, however, also seeks to provide amenity for sensitive receivers within and on its interfaces. Sensitive receivers include housing. The accompanying SEPMP and *Special Entertainment Precinct* section of the Kiama DCP including sound criteria for new or appropriately modified development, to support sound amenity for sensitive receivers.

Accordingly, the planning proposal is not inconsistent with the LHS to support housing growth, including for within the Kiama Town Centre. It supports to maintain and develop new residential uses that can be provided with suitable sound amenity. This is through the sound criteria of the accompanying SEPMP and *Special Entertainment Precinct* section of the Kiama DCP 2020.

Creative Kiama Cultural Plan 2025 - 2029

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

The Creative Kiama Cultural Plan (Cultural Plan), prepared by Kiama Municipal Council, seeks to maintain, and nurture, the arts and cultural heritage of Kiama. It is based on a framework to leverage art and culture, to achieve diverse outcomes throughout Kiama.

The strategic framework includes four (4) pillars, with strategies and actions within. These are

1. First Nations first;
2. Creative learning and participation;
3. Opportunities and partnerships;
4. Creative infrastructure.

Pillar 2 and Pillar 4 are considered relevant to the planning proposal.

Pillar 2 Creative learning and participation seeks to 'provide greater access to creative learning, professional development for artists and support for small creative industries'.

Under Pillar 2, the relevant strategy and actions are:

Strategy: Support a vibrant night economy

Actions:

- Explore partnerships with local businesses to host after-hours events, such as micro-music festivals and offer new opportunity for artists.
- Develop strategies to foster a night-time economy to particularly support the local music scene.

The planning proposal is consistent with Pillar 2. It responds by providing for the Kiama Town Centre SEP, which will foster the night-time economy in Kiama. The SEP provides incentives for the local music scene by providing for a sound management framework that accommodates for such. It also supports increased liquor licence trading hours for licensed venues in the SEP who provide live music or live performances, and through a separate liquor trading hours application process with L&GNSW.

Pillar 4 Creative infrastructure seeks to 'expand spaces and venues for exhibitions, performances, artistic participation, ensuring more opportunities for engagement in arts and culture'.

Under Pillar 4, the relevant strategy and actions are:

Strategy: Promote a thriving night economy

Action:

- Advocate for more evening performances, late night cultural events, and creative markets. Seek inspiration funding from Live Music Office/Live and Local.
- Scope the development of a permanent outdoor projection gallery.

The planning proposal supports for more evening vibrancy. As noted above, the SEP provides for liquor licence incentives for licensed venues to provide live music or live music performances. In addition, the SEPMP provides a sound management framework to support public events, also supporting activation and vibrancy.

The planning proposal, therefore, is consistent with the Cultural Plan. It supports the implementation of strategies and actions of the relevant Pillars.

[Kiama Regional Economic Development Strategy – 2023 Update](#)

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

The Regional Economic Development Strategy (REDS), prepared by the NSW Department of Regional NSW, guides policy and investment decisions to enhance the resilience of Kiama and drive sustainable and long-term economic growth.

The economic vision under the REDS 2023 is:

'To be a strong vibrant economy outside of current holiday peaks with carefully managed growth and employment opportunities in tourism, agribusiness and other emerging industries and to capitalise on the region's unique opportunities in digital connectivity'

A strong vibrant economy is therefore sought, including with managed growth in tourism, and other emerging industries.

The strategy identifies significance of tourism/visitor economy in Kiama, providing some 1,679 jobs in the region and a spend of \$223 Million (year 2021).

The tourism/visitor economy is therefore identified as the key industry of Kiama (as also identified by the separate region Plans).

Consultation from preparing the REDS identified a priority for Kiama to refresh the Kiama Town Centre and expand visitor economy opportunities. This is to support for maximising the value the visitor economy may provide to Kiama.

The strategies of the REDS are:

1. Drive tourism growth beyond its current seasonal peak and develop opportunities that will grow overnight visitor expenditure.
2. Enhance liveability of Kiama and capitalise on the region's unique opportunities to drive economic development.
3. Support growth in key industries and encourage twenty-first century industry and business models through well planned urban and regional land development.

It is noted that the endorsed *Kiama Strategic Tourism and Events Plan 2022 - 2026* (prepared by Kiama Municipal Council) includes a similar goal to grow overnight visitor expenditure.

Enablers are provided by the REDS to deliver the above strategies. Of relevance to the planning proposal are the following under Table 2:

Table 2: REDS Enablers

Strategy	Enabler
1. Drive tourism growth beyond its current seasonal peak and develop opportunities that will grow overnight visitor expenditure.	Identify opportunities to grow attractions and agritourism experiences across the region
2. Enhance liveability of Kiama and capitalise on the region's unique opportunities to drive economic development.	Plan for the revitalisation of Kiama Town Centre, including exploring opportunities for a heritage precinct, to identify opportunities to improve amenity through civic space and community assets.

The planning proposal seeks to reduce a night-time activity gap by providing for later trading, therefore enhance the amenity for visitors. This supports for growing overnight visitor expenditure and tourism growth.

The planning proposal also enhances the liveability of Kiama for the community. By providing the opportunity for premises to trade later the SEP would also enhance the amenity provided for residents

JR & Co.
(URBAN)

Kiama Town Centre SEP
Planning Proposal

in the locality. It also supports the economy of the Kiama Town Centre, including to expand jobs that are made available by the night-time economy.

The planning proposal is, therefore, consistent with the Regional Economic Development Strategy.

Kiama Visitor Economy Strategy 2035

Prepared by Kiama Municipal Council, the Visitor Economy Strategy (VES) provides a framework to manage visitor growth and protect place whilst delivery benefits for residents, businesses and visitors.

It sets the vision, strategic goals, key initiatives and provides five (5) focus areas to guide implementation.

The vision statement provided by the VES is:

‘By 2035, Kiama will inspire visitors with authentic coastal experiences that commit them to nature, heritage and community. It will be a sustainable, culturally rich and community supported destination where visitors stay longer, do more and contribute to a thriving local economy, vibrant culture and the protection of Kiama’s unique environment’.

With respect to strategic goals and key initiatives to support the vision, strategic goal number 5 is relevant to the planning proposal:

‘5. Activate the night-time economy and cultural economy

Objective: Position Kiama as a vibrant coastal destination with a thriving night-time and cultural economy.

Initiatives:

- *Enrich visitor and resident experiences by supporting increased evening activities, live performance, dining and events, curate precinct activation in the Harbour and town centre.*
- *Develop the Night-Time Economy Strategy and progress the Special Entertainment Precinct trial to concentrate nightlife residential impacts are management.*
- *Improving lighting, safety and transport arrangements that support movement after dark, balance activation with amenity through noise and place management.*
- *Integrate night-time itineraries and cultural storytelling into destination campaigns’.*

Focus area number 4.5 *Night-time and Cultural economy* is then relevant to guide the implementation of the strategic goal. This notes that the night-time economy strategy (being the Kiama After Dark strategy), and the progression towards a Special Entertainment Precinct.

With respect to both implementing the strategic goal and focus area, the strategy then outlines relevant priority actions. These are outlined below under Table 3.

Table 3: Relevant priority actions

Strategic Goal: Activate the Night-Time Economy		
Focus Area: 4.5 Night-Time and Cultural Economy		
4.5.1 Deliver coordinated night-time activation by implementing the Night-Time Economy strategy and progressing <u>Special Entertainment Precinct (SEP)</u> planning, aligning with the NSW 24-Hour Economy Strategy and events-led growth objectives of the NSW Visitor Economy Strategy 2035.	Deliver	Short Term
4.5.2 Use the Global Transport Management Plan to enable timed street closures and pedestrian only zones on Terralong Street to support evening events, outdoor dining and cultural activation.	Deliver	Short Term

JR & Co. (URBAN)

*Kiama Town Centre SEP
Planning Proposal*

4.5.3 Support NSW Government, Office of the 24hr Economy initiatives that promote local venue collective to access funding for developing night-time activations.	Advocate	Short Term
4.5.4 Support community organisations to activate Hindmarsh Park with events such as twilight movies and live music and other cultural programming, enhance after dark amenity for residents and visitors.	Advocate/ Partner	Short Term
4.5.5 Support live music venues and outdoor performance spaces through small grants, streamlined approvals and alignment with NTE planning to grow a diverse cultural calendar and year-around vibrancy.	Deliver	Short Term

The planning proposal directly relates to priority action 4.5.1, by implementing the SEP. It supports for night-time activation, whilst managing for potential residential impacts through sound management and trading hours, as outlined by the SEPMP and the *Special Entertainment Precinct* of the DCP.

It will support the visitor economy, by reducing gaps in current evening activity for overnight visitors, supporting to position Kiama as a vibrant coastal destination.

Establishing the Kiama Town Centre SEP is, therefore, consistent with the Visitor Economy Strategy.

[Kiama Employment Lands Strategy \(2026\)](#)

The Employment Lands Strategy establishes a comprehensive planning framework to direct the management and development of employment lands within the Kiama LGA over the next 20 years, until 2044. It supports for Kiama to be appropriately maintained with employment lands, for a sustainable future.

Employment lands are those that permit activities that generate employment. For Kiama, these are lands that are zoned in the *Kiama Local Environmental Plan 2011* as E1 Local Centre and E3 Productivity Support, E4 General Industrial and in addition W4 Working Waterfront.

Land zoned E1 Local Centre permits for commercial uses - such as offices, retail (including shops, food and drink premises, entertainment) and business premises. Other employment lands provide for industrial activities, industrial retail outlets and industry (including both light and heavy industry) and some maritime related.

As outlined earlier, the planning proposal affects land that is zoned E1 Local Centre in the SEP, therefore contains commercial and business uses. The SEP will support commercial uses on the E1 zone lands in their trading. It will therefore strengthen the E1 zone employment lands of the Kiama Town Centre and enhance the benefits that these provide to the local economy, including night-time economy related jobs.

The planning proposal is, therefore, consistent with the employment lands strategy.

[Question 5: Is the planning proposal consistent with applicable Ministerial Directions \(section 9.1 Directions\) or key government policy](#)

Consistency of the planning proposal with the applicable Ministerial Directions is provided below at **Table 4**.

JR & Co.

(URBAN)

Kiama Town Centre SEP
Planning Proposal

Table 4: Consistency with applicable section 9.1 Ministerial Directions

Ministerial Directions (2026)	
Directions under s.9.1(2)	Consistency
Priority 1: Aboriginal Outcomes	
P1.1 Aboriginal Land Planning	N/A The planning proposal does not affect Aboriginal Land Council land.
P1.2 Cultural Guidance	Consistent The planning proposal would not expect to result to materially change planning intent or result in significant environment impact or land use impacts, noting its purpose to the after dark economy.
Priority 2: Housed	
P2.1 Housing	Consistent The planning proposal does not affect a residential zone. However, the E1 Local Centre zone, which is a commercial/business zone and largely affects the SEP, permits housing above ground floor commercial/retail with consent (mixed-use development/ shop top housing). Senior Housing is also permitted in the E1 Local Centre zone. A focus of the Kiama Local Housing Strategy and the <i>Illawarra Shoalhaven Regional Plan 2041</i> is to best provide housing in established centres, including the Kiama Town Centre, supporting to expand housing choice and access to established infrastructure (notwithstanding some greenfield growth). The draft <i>Illawarra Shoalhaven Plan</i> also seeks to best provide for housing in established localities, and with access to rapid transport. The planning proposal supports to maintain and encourage housing within and around SEP through the SEPMP and the proposed <i>Special Entertainment Precinct</i> section of the Kiama DCP 2020. This is by way of the sound criteria and controls of these documents that seek to achieve sound amenity to housing (a sensitive receiver) located within and surrounding the SEP area as part of after dark vibrancy. The planning proposal therefore supports for the supply of housing in and around the Town Centre that is serviced well by existing infrastructure, including public transport.
Priority 3: Prosperous	
P3.1 Employment	Consistent The planning proposal remains to support the objectives of the E1 Local Centre land use zone that largely affects the SEP and does not seek to alter its area or reduce floor space. The planning proposal will support business confidence of operating in the E1 Local Centre zone, especially for after dark trading, by providing for precinct-based entertainment sound requirements and trading hours. These encourage for vibrancy, whilst minimising impacts to sensitive receivers within and surrounding the SEP, including housing. It will also make clear to property purchasers that they are in a SEP, therefore seek to reducing potential entertainment sound conflicts. The planning proposal therefore supports to maintain, and encourage, business investment in and around the SEP. It supports the E1 Local Centre zone lands, which are employment lands for Kiama, and the benefits that they may provide of employment and services to the community including expanding those related to the night-time economy. It will also support the visitor economy by increasing the opportunity for growing overnight expenditure, through the enhanced night-time amenity offered. This will also support for jobs related to the visitor economy with this sector a significant employment generator for the region.

Item 15.3

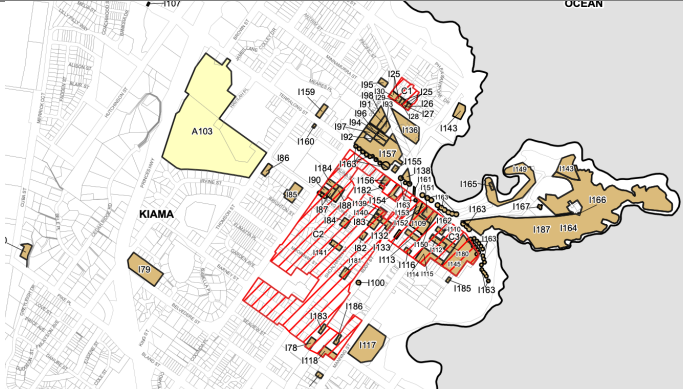
Enclosure 1

JR & Co.

(URBAN)

Kiama Town Centre SEP
Planning Proposal

Ministerial Directions (2026)	
Directions under s.9.1(2)	Consistency
P3.2 Rural	N/A The planning proposal does not affect a rural zone or a rural conservation zone.
P3.3 Airport safeguarding	N/A The planning proposal does not affect land near a regulated airport, and which includes a defence airfield.
P3.4 Mining and Petroleum Production	N/A The planning proposal does not affect mining, petroleum production and extractive industries.
P3.5 Oyster Aquaculture	N/A The planning proposal does not affect a 'Priority Oyster Aquaculture Area'.
P3.6 Mine Subsidence and Unstable Land	N/A The planning proposal is not on land declared as mine subsidence or has been identified as unstable.
Priority 4: Connected	
P4.1 Integrating Land Use and Infrastructure	Consistent The planning proposal supports for the integration of land use and infrastructure. The <i>Special Entertainment Precinct</i> section of the Kiama DCP and the SEPMP both seek to maintain residential opportunities, in proximity to established infrastructure of the town centre including transport infrastructure, social infrastructure and physical infrastructure. Therefore, supports the E1 Local Centre zone as a locality in the Illawarra Shoalhaven region that can provide for in-fill housing that is well integrated with established infrastructure. It also supports to strengthen the employment and service generating role of the E1 Local Centre zone, especially into after dark periods, therefore further making efficient use of infrastructure. The SEP area is in a central locality of Kiama, with access to public and active transport. This includes public transport of both regional/inter-city rail and regional bus access. It supports for these services to also be investigated for further night-time enhancement, improving transport infrastructure into night-time periods.
Priority 5: Resilient	
P5.1 Strategic conservation planning	N/A The planning proposal does not seek to rezone land that is mapped for strategic conservation planning under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
P5.2 Conservation	Consistent The planning proposal does not relate to an environmentally sensitive area including to introduce or alter a C2 Environmental Conservation zone or a C3 Environmental Management zone. The SEP area does include items of environmental heritage listed in heritage schedules of the Kiama LEP 2011 and Conservation Area. See Heritage Map extracted below.

Ministerial Directions (2026)	
Directions under s.9.1(2)	Consistency
 <i>Heritage Map – extracted from the Kiama LEP 2011. Heritage Conservation areas hatched in red and heritages marked in brown.</i> The Planning Proposal does not seek to alter heritage and conservation provisions provided by the Kiama Local Environmental Plan 2011. Section 5.10 of the Kiama LEP 2011 includes requirements for heritage items, and where a development consent is required. These are supported by Chapter 4 Heritage and Cultural Conservation under the Kiama DCP 2020. These provisions remain applicable for the SEP area. Where relevant, sound attenuation would be developed in reference to this section of the Kiama LEP 2011 and Kiama DCP 2020, including if/where development consent would be necessary noting heritage and conservation restrictions, to appropriately implement requirements to satisfy sound criteria related to a heritage item or a building in a conservation area.	
P5.3 Foreshore and Water Catchment Areas	Sydney Water Catchment N/A The planning proposal does not affect land that is under the application of this Direction. Regulated catchment N/A The planning proposal does not affect land that is under the application of this Direction. Sydney Harbour Foreshores and Waterway Areas N/A The planning proposal does not affect land that is under the application of this Direction.
P5.4 Contaminated Lands	Consistent The planning proposal does not propose to change the use of the land and contamination process will remain to the SEP area.
P5.5 Acid Sulfate Soils	N/A The planning proposal does not affect land that has direct probability of acid sulfate soils, as identified by available on-line mapping.

JR & Co.

(URBAN)

Kiama Town Centre SEP
Planning Proposal

Item 15.3

Enclosure 1

Ministerial Directions (2026)	
Directions under s.9.1(2)	Consistency
P5.6 Threatened species, threatened ecological communities and their habitat	N/A The planning proposal does not affect land that is on the Biodiversity Values Map, as identified by the Biodiversity Values Map and Thresholds on-line mapping tool.
P5.7 Flooding	Consistent The planning proposal would not impact any flood provisions due to its purpose. (New or modified development in response to the SEP would remain to also consider any separate flood requirements, if and where relevant).
P5.8 Coastal Management	Consistent The planning proposal does affect land within a coastal zone, as defined under the <i>Coastal Management Act 2016</i> . These are coastal environment area and coastal use area , as mapped under <i>State Environmental Planning (Resilience and Hazards) 2021</i> . The planning proposal does not seek to rezone land to increase development or change the physical footprint; rather it seeks to support the establishment of the SEP in the established town centre area to enhance night-time vibrancy of development within a planned existing footprint. Accordingly, remains for consistency with the Direction.
P5.9 Planning for Bushfire Protection	N/A The planning proposal does not affect land that is, or in proximity to, mapped as bushfire prone land as per the NSW Rural Fire Service online mapping.
Priority 6: Liveable	
P6.1 Reserving Land for Public Purposes	Consistent The planning proposal does not create, alter or reduce land reserved for a public purpose in the local government area.
P6.2 Willandra Lakes Region	N/A The planning proposal does not affect land that is under the application of this Direction.
Priority 7: Coordinated	
P7.1 High pressure dangerous goods pipeline	N/A The planning proposal does not affect land with a high-pressure pipeline.

Question 6: is the planning proposal consistent with applicable SEPPs?

A summary of State Environmental Planning Policies that apply is outlined below at **Table 5**.

Table 5: SEPPs that apply

State Environmental Planning Policy (SEPP)	Applicable	Relevant	Consistent
SEPP (Biodiversity and Conservation) 2021	Yes	No	-

JR & Co.

(URBAN)

Kiama Town Centre SEP
Planning Proposal

State Environmental Planning Policy (SEPP)	Applicable	Relevant	Consistent
SEPP (Exempt and Complying) 2021	Yes	Yes	Yes
SEPP (Housing) 2021	Yes	Yes	Yes
SEPP (Industry and Employment) 2021	Yes	No	-
SEPP (Planning Systems) 2021	Yes	Yes	Yes
SEPP (Primary Production) 2021	Yes	No	-
SEPP (Resilience and Hazards) 2021	Yes	Yes	Yes
SEPP (Resources and Energy) 2021	Yes	No	-
SEPP (Sustainable Buildings) 2021	Yes	No	-
SEPP (Transport and Infrastructure) 2021	Yes	No	-

Detailed consistency assessment against the relevant SEPPs is outlined below at **Table 6**.

Table 6: Consistency assessment of relevant SEPPs

State Environmental Planning Policy (SEPP)	Assessment
<u>SEPP (Exempt and Complying Development Codes) 2008</u>	Consistent The Exempt and Complying Development Codes SEPP (Codes SEPP) provide for codes-based development, either by an exempt planning pathway or via complying development pathway. The planning proposal would not conflict with the Codes SEPP; and in circumstances work together with the relevant provisions for exempt or complying development in the SEP. Premises/venues in the SEP may remain to consider use of the complying development provisions under Part 5 or 5A of the Codes SEPP to undertake fit out works and or establish their lawful use, where it is permitted by the SEPP. Sound attenuation requirements may be suitably achieved through such fit out works, particularly for internal noise criteria (e.g. treatment of a common interface as required by the SEPMP). Premises may also consider the use of the exempt development provisions under Part 2 of the Codes SEPP within the SEP, where it is permitted by the SEPP. For example, to provide for outdoor dining for premises in accordance with exempt development provisions, which include incentives for a SEP. Or, for entertainment within existing premises. As noted by Section 202E of the <i>Local Government Act 1993</i>, where a Complying Development Certificate (CDC) would be issued for premises with conditions for regulating sound from an entertainment activity (entertainment noise), these conditions would not operate where inconsistent with the SEPMP. In addition, trading hours conditions on a CDC would not operate where the trading hours are less than the trading hours of the SEP. Accordingly, the planning proposal gives effect to this section of the <i>Local Government Act 1993</i> to the SEP.
<u>SEPP (Housing) 2021</u>	Consistent Shop top housing and seniors living are within the SEP, permitted by the E1 Local Centre zone that largely applies. Residential accommodation is located on the SEP interfaces. Housing is a sensitive receiver.

JR & Co.
(URBAN)

Kiama Town Centre SEP
Planning Proposal

State Environmental Planning Policy (SEPP)	Assessment
	Section 3 of SEPP (Housing) 2021 provides the following principles: (a) <i>enabling the development of diverse housing types, including purpose-built rental housing,</i> (b) <i>encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i> (c) <i>ensuring new housing development provides residents with a reasonable level of amenity,</i> (d) <i>promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i> (e) <i>minimising adverse climate and environmental impacts of new housing development,</i> (f) <i>reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i> (g) <i>supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i> (h) <i>mitigating the loss of existing affordable rental housing.</i> The planning proposal is consistent with these Housing SEPP principles. Sound criteria within the SEPMP and the <i>Special Entertainment Precinct</i> section of the Kiama DCP 2020 would apply to housing within the SEP. These criteria would: • Support for housing that can be provided with a reasonable level of sound amenity, responding to SEPP principle (c), • Support to allow the delivery of housing in Kiama, which makes good use of existing infrastructure and services, responding to SEPP principle (d) and consistent with the Kiama LHS, the <i>Illawarra Shoalhaven Regional Plan 2041</i> and the draft <i>Illawarra Shoalhaven Plan</i>, to appropriately locate residential activities, and • Support the design of housing that reflects and enhances the locality, with appropriate sound attenuation, responding to SEPP principle (f).
<u>SEPP (Planning Systems) 2021</u>	Consistent The Planning System SEPP provides for state significant development, regionally significant development and state significant infrastructure planning pathways for projects. The planning proposal does not conflict with this SEPP. It provides for new or relevant modified development to remain to be undertaken by the development pathways provided by the Planning Systems SEPP, where they are applicable to the type of development. The planning proposal would support for these developments to be appropriately designed to mitigate best against entertainment sound. The <i>Special Entertainment Precinct</i> section of the Kiama DCP 2020 provides for guidance to the design of new or relevant modified sensitive receiver development that may be affected by this SEPP. For example, larger shop-top housing, if and where this may occur in the SEP, and trigger the relevant SEPP criteria.

Item 15.3

Enclosure 1

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

State Environmental Planning Policy (SEPP)	Assessment
<u>SEPP (Resilience and Hazards) 2021</u>	Consistent Chapter 2 of the SEPP (Resilience and Hazards) The SEP is part of the <i>Coastal Vulnerability Area</i> and <i>Coastal Use Area</i> under Chapter 2 of the SEPP (Resilience and Hazards) 2021. The Planning Proposal is not inconsistent with the SEPP, and any future development will remain to be subject to the provisions. Chapter 4 of the Resilience and Hazards SEPP (R&H SEPP) provides controls for the remediation of land. These provisions do not conflict with the planning proposal and can remain to be considered by relevant development in the SEP.
<u>SEPP (Sustainable Buildings) 2021</u>	Consistent The Sustainable Buildings SEPP focuses to the sustainable design of certain residential and non-residential development. This includes energy use, water use and thermal performance. The planning proposal remains for this SEPP to be additionally applied for the design of relevant development. It is expected to not cause conflict with the proposal, noting that the Sustainable Building SEPP does not provide acoustic requirements for entertainment sound.
<u>SEPP (Transport and Infrastructure) 2021</u>	Consistent SEPP (Transport and Infrastructure) (T&I SEPP) provides requirements for noise and vibration associated with rail infrastructure. An operating rail line is located adjacent to the SEP. Section 2.100 of the T&I SEPP includes acoustic requirements to mitigate the impact of rail noise and vibration to sensitive receivers. The T&I SEPP provisions for acoustic mitigation would remain by the planning proposal to new or relevant modified sensitive receiver development in the SEP, where these are triggered. These T&I SEPP provisions would be considered, in addition to the <i>Special Entertainment Precinct</i> section of the Kiama DCP, by relevant planning applications. The planning proposal would not conflict with the intent of these provisions, noting that the proposal is focused to entertainment sound and not infrastructure sound/vibration impacts. Whilst the planning proposal does have a focus to entertainment sound, it complements the T&I SEPP, seeking to also mitigate the impact of sound to sensitive receiver development.

Section C – Environmental, social and economic impacts

Q7. Is there any likelihood that critical habitats or threshold species, populations or ecological communities, or their habitats will be adversely affected because of the proposal?

No. The planning proposal affects an area of an established Town Centre. There are no known critical habitats, threshold species, populations or ecological communities that would be adversely affected because of the planning proposal.

The area of Hindmarsh Park is affected by the SEP. Hindmarsh Park is an urban park and already accommodates public events, such as festivals and live performances, and includes a dedicated performance structure (Orry Kelly stage). Accordingly, the planning proposal would not introduce additional impacts to the open space area.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

Adjacent waterway areas are not covered by the SEP, therefore are not affected.

Q8. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The planning proposal may have the potential for environmental effects. However, these are expected to be overall appropriately managed by the proposed sound management framework and trading hours. Therefore, the SEP is expected to not result in significant negative environmental impacts.

The SEP trial period of 24 months also provides for Council to monitor and adjust aspects appropriately, supporting for the potential for negative environmental effects, if they do arise, to best be mitigated.

Entertainment noise

A potential environmental impact to consider by this planning proposal for the SEP is for increased entertainment noise. This includes by the after dark trading offered by the trading hours of the SEPMP, and incentives for live music and live performances for licensed venues by being located within the SEP.

The SEP provides for sound requirements to manage entertainment noise. These have been appropriately developed with acoustic engineering input from acoustic engineers, based on the sound environment and to achieve appropriate vibrancy. This is by the SEPMP and the *Special Entertainment Precinct* section of the Kiama DCP 2020.

These documents provide for sound management by Sound Category Areas and Internal Noise Criteria, and with trading hours requirements, to mitigate entertainment noise effects.

Other noise conditions on a development consent, or in premises operation by other legislation, would also remain to assist with the mitigation of non-entertainment sound. For example, noise emitted from mechanical plant and equipment.

Therefore, any potential for unwanted entertainment sound because of the planning proposal can be suitably managed by the SEPMP and the *Special Entertainment Precinct* section of the Kiama DCP.

The SEPMP also outlines the compliance framework for entertainment noise disturbances in the SEP, if and where these may arise. This includes the measures to be undertaken by the principal authorities involved in compliance for the Kiama Town Centre SEP, being L&GNSW for licensed premises and Kiama Municipal Council for unlicensed premises and public events. NSW Police also remain to manage or assist with compliance issues in the SEP, where required.

The SEPMP encourages that a complainant contacts the venue first to resolve the issue. Where a complaint is then received by L&GNSW or Kiama Municipal Council, and a disturbance is legitimately identified by the respective authority, an educative approach first of reminding venues of the entertainment sound requirements of the SEP would be undertaken where appropriate. More focused compliance approaches do remain available if venues provide ongoing noise disturbances. This includes the exclusion of the venue from the SEP, in ultimate circumstances.

A focus of the SEP is to mitigate entertainment noise through the framework of the SEPMP and the *Special Entertainment Precinct* section of the Kiama DCP 2020. Both these plans support after dark vibrancy of the Kiama SEP, whilst providing sound amenity for sensitive receivers that are located within and around the SEP. Therefore, seeks to mitigate potential conflict, including between residential and non-residential land use activities.

This is consistent with an objective of the E1 Local Centre zone under the Kiama LEP 2011 to provide both residential and non-residential uses and activities, and support for a vibrant Town Centre:

'Zone E1 Local Centre

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

1 Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To encourage mixed use buildings that include a component of housing located above retail and business premises.
- To encourage development that is compatible with the commercial centres hierarchy
- To encourage development that has a high level of accessibility and amenity and prioritises pedestrians
- To encourage new development that provides diverse and active street frontages in order to attract pedestrian traffic and contribute to vibrant, diverse and functional streets and public spaces'.

Conversely, the planning proposal may create positive after dark environmental effects over time through suitably managing entertainment sound through the SEPMP and the *Special Entertainment Precinct* section of the Kiama DCP. This includes supporting for active street frontages, vibrancy, and amenity for residents and tourists and generate employment opportunities, complementing the objectives of the E1 Local Centre zone.

The Kiama Town Centre SEP will be monitored during the 24 months trial period by Kiama Municipal Council, and this provides the opportunity to fine-tune the sound management framework and trading hours, if deemed required by Council on completion of the trial.

Accordingly, the potential for nuisance entertainment sound as a result of the SEP and associated detrimental environmental impact to the amenity of the locality, is low. This is because entertainment sound will be appropriately mitigated and managed by the SEPMP and the *Special Entertainment Precinct* Section of Kiama DCP.

Pedestrian traffic noise

A potential environmental impact to consider is for pedestrian noise disturbances to sensitive receivers associated with after dark trading. This is as a result of the trading hours provided by the SEPMP and pedestrians using public domain areas, including to enter and leave premises, and move around the SEP.

Venues would be expected to remind patrons to leave quietly, as part of their normal operations. In addition, the compliance framework provided by the SEPMP notes that L&GNSW may investigate noise from patrons including noise from those leaving licensed premises. It also provides for Kiama Municipal Council to do the same for unlicensed premises in the SEP.

Accordingly, the potential environmental effect of pedestrian traffic noise can be appropriately managed if and where this may arise.

More broadly, people that come to the Kiama Town Centre SEP would remain accountable for their own personal conduct/behaviour, especially in public areas of the Town Centre. The Kiama Police/Lake Illawarra Police District however remain available to action anti-social behaviour in public areas, as also noted by the SEPMP. Refer to further discussion below under Social Effects.

Nevertheless, the SEP will be monitored by Council through the trial period, and this may determine whether any further mitigation measures are deemed necessary to manage pedestrian noise issues. For example, Council could communicate with venues and businesses in the SEP area to remind patrons to leave quietly, if deemed required.

JR & Co. (URBAN)

*Kiama Town Centre SEP
Planning Proposal*

Item 15.3

Enclosure 1

Vehicle access and traffic

A potential environmental impact of the SEP is for increased car traffic and parking issues, especially at evening and night-time periods, as a result of increased visitors to venues and premises.

The Kiama Town Centre is in proximity to the M1/Princes Highway, which provides rapid regional roadway connections including from Wollongong, Nowra and further north to Sydney and south to Batemans Bay and beyond.

Public parking would be available. This would be via ample on-street parking options around the town centre. These are currently sign-posted and include metered parking area, to support turn over/availability of parking spaces. In addition, line marked public parking areas surround the SEP. Some premises also provide on-site parking, such as the Kiama Leagues Club.

At present during the day, on-street public parking options may be busier at times. After dark, there is expected to be more capacity. Accordingly, as the SEP largely seeks to establish an after dark economy, it is considered by this planning proposal that there is public parking availability for increased night-time activity.

Roadways within and surrounding the SEP are observed by Kiama Municipal Council to be generally uncongested in evening periods. Accordingly, there is expected capacity of roadways within and around the SEP. In daytime periods of the SEP, these would remain to continue to operate as existing.

Kiama Municipal Council would review any feedback received regarding vehicle and traffic issues on conclusion of the SEP trial period and can then determine whether further measures are ultimately necessary to encourage movement to and from the SEP. For example, street signposting and amendments to parking metering to increase parking turnover after dark, and travel management plans (including for premises, if considered applicable).

Kiama Municipal Council will also continue to separately engage with relevant authorities to support an increase in public transport services. As discussed further in this Planning Report under Question 10, initial feedback from Transport for NSW as part of this planning proposal is that there is investigation to adjust services of public transport more broadly.

Precinct tidiness

A potential environmental effect to consider is for increased waste and precinct tidiness due to an increased number of evening visitors through the trading hours provided by the SEPMP.

The SEP does not seek to amend the waste management requirements of venues or premises. These would continue to be required to undertake their own waste management procedures and cleaning in accordance with requirements.

There are also ample public bins in and around the SEP (and the broader town centre) which Council manage, and their collection occurs regularly.

Street cleaning is also regularly undertaken by Council and would continue.

Visitors and patrons of the SEP would be expected to also still use the toilet facilities of venues, where required. Public toilets are however available within the SEP and on Terralong Street. These amenities are regularly cleaned by Council.

Outdoor dining does occur in areas of the SEP, and the SEPMP permits for outdoor dining into evening periods by venues. Venues would be required to remain to operate their outdoor dining areas in accordance with the procedures outlined by their Footway Approvals or development consents

JR & Co. (URBAN)

*Kiama Town Centre SEP
Planning Proposal*

provided from Kiama Municipal Council. This includes requirements for their orderly operation, including strict pedestrian accessibility and safety requirements.

Public events would also be required to operate in accordance with waste management procedures, and other relevant operational requirements, as outlined within the separate Kiama Municipal Council Event Toolkit.

Council will monitor the tidiness of the SEP through the trial. If required, Council can contact venue managers to remind premises of their waste management/ precinct cleaning requirements and operation of outdoor areas.

Council operational staff will also continue to monitor street bins and street cleaning, and any amendments can be identified and reviewed by Kiama Municipal Council as deemed required.

Accordingly, any precinct tidiness as a result of this planning proposal to establish the SEP can be suitably managed.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

The economic and social effects of the planning proposal are expected to be overall positive. These are outlined below.

Economic effects

The visitor economy is a key economic sector of the Illawarra Shoalhaven region. There is a focus by plans to grow overnight visitor expenditure, and by way of enhancement to the night-time economy.

Currently, a limited number of venues and premises trade later into the evening and night-time within the Kiama Town Centre. Therefore, the after dark activity offered is less to visitors by comparison to daytime where more premises are open and trading.

The Kiama Town Centre SEP provides a precinct wide approach to enhance after dark vibrancy and reduce the gap in the type of entertainment activities available especially after dark. This is expected to support for visitors to stay longer, by being able to enjoy after dark going out places and activities in the Town Centre.

The SEP provides for an initiative to support overnight visitor expenditure, by expanding the after dark offerings that can be made available to visitors. Therefore, it will positively support the visitor economy.

The retail economy is also a key economic sector of the Illawarra Shoalhaven region. It is envisaged that the SEP would positively support and enhance retail activities and offerings.

It will support the growth and diversity of the retail economy, through greater after dark trading. Providing the opportunity to increase trading by retailers also provides the opportunities for local jobs, along with enhancing the retail experience and choice, for the whole Kiama community.

The SEP would enable premises and businesses to clearly understand the entertainment sound requirements and trading hours that are to be satisfied, as well as, associated compliance framework. It would provide more certainty around investment and operating decisions for businesses, through a precinct-based framework. Therefore, support for a positive business image of the Town Centre and the employment lands that are located within.

The provision for live music or live performance in venues is encouraged by the SEP. The inclusion of public areas in the SEP, including Hindmarsh Park and Terralong Street, support for public events including concerts and festivals. These activities would support the cultural economy, and the potential economic benefits of local jobs and revenue these may also provide.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

The SEP also provides for residents and occupants of other sensitive receiver development, that are located within or adjacent to the Kiama SEP, clarity to the expected sound environment to be achieved at the properties. This supports to maintain and provide for new housing in and around the SEP, and the economic benefits that housing also brings to the Town Centre including supporting venues and businesses, as well as planning efficiencies of integrating land use with established infrastructure.

Overall, it is considered the SEP would therefore provide for positive economic effects for the region and the local community. By appropriately stimulating the night-time economy the SEP is expected to support the visitor economy, the retail economy, the cultural economy and maintain to provide for housing in the Town Centre.

Whilst the SEP is focused to an area of the Kiama Town Centre, this is a central locality of the Kiama LGA. Accordingly, any economic activity within the SEP as a result the planning proposal would be expected to have broader flow-on (and positive) economic effects to the image of other areas of the Town Centre and the Municipality. Therefore, it is not expected that the planning proposal would result in detrimental impacts to the area or Municipality more broadly.

Social effects

Through opportunities for after dark vibrancy provided by the SEP the social benefits to visitors, residents and workers would be enhanced. It will support social interaction, build community and support a sense of place. These are positive social effects of the SEP.

The SEP would also be expected to compliment night-time surveillance of the locality. This is through greater pedestrian traffic movements to, from and around the precinct associated with evening trading.

In addition, the SEP encourages for active frontages, including in the evening. This complement's an objective of the E1 Local Centre zone, which states in the Kiama LEP 2011:

- *'To encourage new development that provides diverse and active street frontages in order to attract pedestrian traffic and contribute to vibrant, diverse and functional streets and public spaces'.*

Many restaurants and cafes located within the Kiama Town Centre include outdoor dining. The SEP would further support these premises, as well others, to trade later. The SEP aligns with other planning initiatives and policies, such as outdoor dining as exempt development for SEP's through *State Environmental Planning Policy (Exempt and Complying Codes) 2008* (Codes SEPP), encouraging further outdoor activation.

The SEP, therefore, is expected to provide for more evening pedestrian traffic and contribute to place activation which is expected to have positive social effects. This includes enhanced passive surveillance, a sense of safety and a welcoming nature, especially after dark.

The SEP also provides the opportunity to introduce more live music and other activities into the Kiama Town Centre. This is through the entertainment sound requirements and enabling pathways to seek extended liquor trading hours for venues that are in the SEP. In addition, the provision of public events that support live music or live performances, including for different age groups. These will encourage creative and cultural development for the community, a positive social effect.

The SEP supports for sensitive receiver development, especially housing, within or adjacent to the SEP area through the sound management framework provided. The provision of housing within the Town Centre is consistent with the intent of the *Illawarra Shoalhaven Regional Plan*, the draft *Illawarra Shoalhaven Plan*, and the *Kiama Local Housing Strategy*. The SEP therefore maintains for the co-location of housing, together with the established social and cultural infrastructure of the Kiama Town Centre, and the positive social effects this provides.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

Supporting licenced and unlicensed premises to trade and operate after dark may lead to potential issues of increased anti-social behaviour, a potential social effect to consider by the SEP proposal. The NSW Bureau of Crime Statistics and Research Data identifies Kiama as generally having a lower level of crime in comparison to surrounding areas of the region.

The SEPMP however proposes a compliance framework that outlines the role of the NSW Police (Lake Illawarra Police District), if anti-social behaviour occurs. In addition, L&GNSW would also investigate noise complaints related to patrons leaving licensed premises. Council would also investigate noise complaints related to patrons that are leaving unlicensed premises.

Therefore, the compliance framework outlined by the SEPMP would support to best mitigate anti-social behaviour, if and where this may arise.

NSW Police powers also remain across areas of road safety, driving under the influence of alcohol, drug and alcohol and other behavioural offences. Ultimately people are however responsible for their own behaviour with regards to compliance against state-wide based regulations for these and other elements.

The SEP trading hours do not automatically override trading hours on a liquor licence. Premises would need to apply to L&GNSW for an adjustment to liquor licence trading hours. Accordingly, it would be expected that premises would be required to remain to demonstrate a commitment to the Responsible Service of Alcohol when seeking and operating extended liquor trading hours, supporting also to mitigate the risks of potential drink driving and other risk issues.

As required by the *NSW Special Entertainment Precinct Guidelines*, the SEPMP includes measures for suspension or revoking of the SEP. This provides a mechanism if and where this would be ultimately required due to negative social effects, or for other reasons deemed necessary.

Premises may also be excluded from within the SEP, where there are ongoing compliance issues.

Section D – Infrastructure (Local, State and Commonwealth)

Q10. Is there adequate public infrastructure (physical and social) for the planning proposal?

The SEP is serviced by established public infrastructure as outlined below.

Transport and connectivity

NSW State buses travel between Shellharbour and Kiama Town Centre, with stops directly on Terralong Street and Collins Street. These operate until early evening. Some venues also currently provide for their own shuttle bus services for patrons.

Kiama Station is located within the SEP. The rail station is part of the South Coast rail line and connects the Kiama Town Centre with Shellharbour, Wollongong and Central to the north. To the south, it connects to Bombaderry and via Gerringong and Berry. These services operate into the evening, however, are less frequent through the night.

Active transport (walking and cycle) also support access to and from the SEP.

Refer to **Figure 8** below.

The Illawarra Taxi Network is also available, however through booking arrangements.

Limited ride share infrastructure is also available to support the Kiama SEP, with these operating through the day and after dark periods, however through booking arrangements.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal



Figure 9: Transport and infrastructure

Public transport would support daytime and early evening aspects of the SEP, however in the later night-time trading periods, car vehicle transport would largely provide for access and connectivity. This would be to support when modes of public transport are less frequent, and in circumstances may cease operating.

With respect to parking infrastructure, as noted under Question 8, on-street parking areas provide for public parking to support the SEP. Towards evening and at night-time, there is public car park availability. Some premises also provided for on-site parking, which will also support parking management. Accordingly, there is expected to be parking to support the SEP in after dark trading.

Council will monitor the SEP through the trial period and may review public parking management measures to mitigate intrusion and provide parking turn-over, if considered necessary, as discussed earlier under Question 8.

As part of preparing the planning proposal, consultation with Transport for NSW (TfNSW) has been undertaken to discuss public transport availability. TfNSW has advised they are investigating adjustments to public transport services, as part of more broad regional enhancements. The associated increased visitation and activity as a result of the Kiama Town Centre SEP is recognised as a mechanism to further investigate increased public transport to and from the Kiama Town Centre. This would be expected to provide for benefits more broadly for Kiama through the increased access to public transport.

Accordingly, there are appropriate transport infrastructure measures to support the Kiama Town Centre SEP. Whilst car borne travel modes are expected to adequately support most access to and from the SEP, especially after dark, there is active transport modes and some evening public transport. Public transport also provides daytime access.

The SEP also supports a commitment toward a shift to greater public transport access to and from the Kiama Town Centre, more broadly. Council will continue to work with TfNSW to advocate for more public transport services.

JR & Co. (URBAN)

*Kiama Town Centre SEP
Planning Proposal*

Police and emergency medical services

With respect to Police, the SEP is serviced by the Kiama Police Station located on Terralong Street and the Lake Illawarra Police District, located at Oak Flats, when the Kiama Police station is not operating (the Lake Illawarra Police District operates 24-hours).

With respect to health services, Kiama is part of the Illawarra-Shoalhaven Local Health District (ISLHD). Regarding emergency medical services, the nearest 24-Hour emergency hospital is Shellharbour Hospital located at Oak Flats. A new integrated hospital is being built at Dunmore, north of Kiama, and will provide an expanded emergency department.

Kiama Ambulance Station is located on Terralong Street, further east of the SEP. This would be the nearest ambulance base to support the SEP, where Ambulance services are necessary.

The NSW Police remain important to support the compliance and safety of the SEP, together with L&GNSW and Kiama Municipal Council. Similarly, the LHD is important with respect to emergency and health services for the SEP.

Early consultation with the NSW Police and the LHD has occurred as part of preparing the Planning Proposal and feedback received. This is outlined under the response to **Section 7.0**.

Whilst no objection to the SEP has been identified as part of the early consultation, the provision of safety and surveillance is identified as an important aspect to ensure the success of the SEP. The appropriate management of the locality, including with licensed premises, is critical. Ultimately, the SEP should not result in increased crime or safety issues and place significant pressure on the NSW Police and the ISLHD.

The Kiama Town Centre SEP seeks to provide for vibrancy across a variety of premises and places. This includes to incentivise for the trading of not just licensed premises, but also unlicensed premises, shops and public events for the community responding to the After Dark Strategy, and the social analysis (prepared by Geografia), as outlined at Section 5.0, Part A earlier. It seeks to provide for a suitable range of entertainment activity through an area specific management framework, supporting to improve experiences for all ages and demographics.

Licensed premises in the SEP will remain to operate in accordance with licence requirements. As noted under Question 9, the SEP trading hours do not override the trading hours on a liquor licence. Licensed venues would remain to require to both seek, and be granted, liquor licences including for any extended or adjustment to the trading hours made available by being located within the SEP. Plan of Management requirements will remain to operate, where applicable, including the requirements around Responsible Service of Alcohol, safety, security, patron management and so on.

The SEPMP also includes a measure for premises to consider safety as part of an Application Checklist. In addition, outlines a clear compliance framework including for premises to be suspended or removed from the SEP.

The SEP also is considered to support the implementation of public domain enhancements, such as lighting, as presented by the separate Kiama Town Centre Strategy prepared by Studio GL, as outlined earlier.

Nevertheless, as part of the ongoing SEP making process, the NSW Police and Kiama Municipal Council will work together to undertake a CPTED analysis, and to develop any appropriate and feasible mitigation measures to emphasise safety and reduce potential crime and emergency effects, if and where these may arise.

Public exhibition of the planning proposal also provides premises to be made aware ahead of the SEP and be ready to remain responsive to legislative requirements, supporting to uphold community safety, and providing best efforts so that NSW Police and emergency services are not challenged. This

JR & Co.
(URBAN)

Kiama Town Centre SEP
Planning Proposal

includes to maintain standards of responsive alcohol service where licensed, as expected under their current operations, and other operational measures.

Further consultation with the NSW Police and the ISLHD is expected to occur through the making of the SEP, as outlined under **Section 7.0**, including to provide commentary on the outlined compliance measures of the SEPMP.

Item 15.3

Enclosure 1

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

6.0 Maps

Mapping for the Kiama LEP 2011 and Kiama DCP 2021 are both required to fulfill the planning proposal.

These maps are included below at **Figure 9** and **Figure 10**.

Kiama LEP 2011

The planning proposal seeks to insert a Special Entertainment Precinct Map in the Kiama LEP 2011. The Map will be titled *Special Entertainment Precinct* and will outline the land area of the Kiama Town Centre Special Entertainment Precinct. The Map forms part of the *Additional Local Provisions* Maps of the LEP and enable the proposed Clause 6.15 of the Kiama LEP 2011.

A draft map is provided below, prepared by Kiama Municipal Council. A copy is provided at **Attachment C**. The map may be finalised by Kiama Municipal Council in accordance with any mapping requirements of a Gateway Determination.

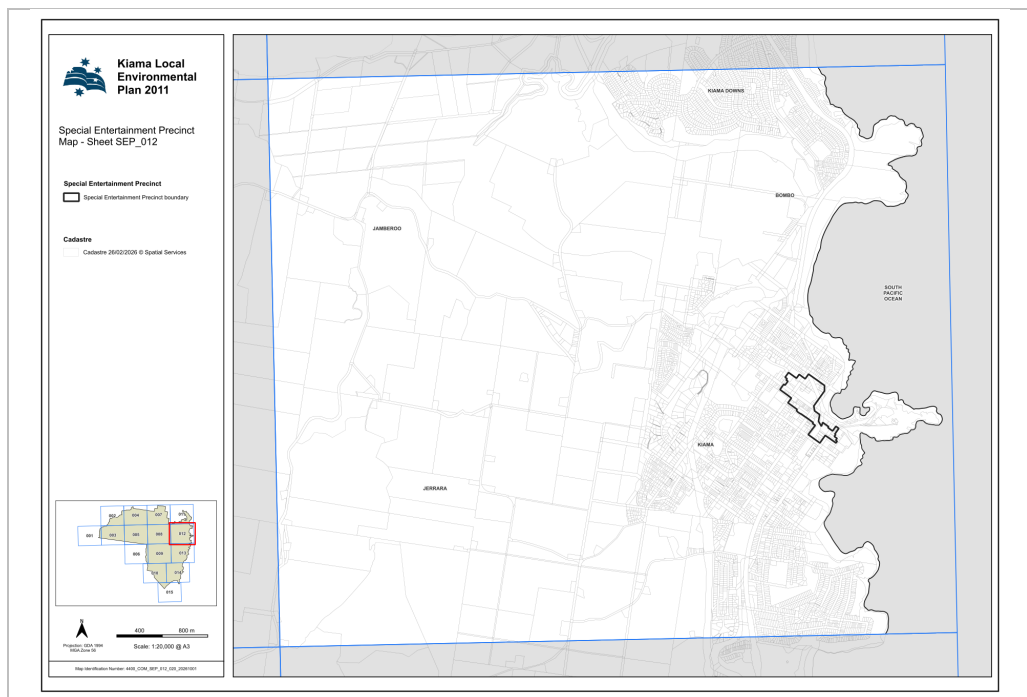


Figure 10: Draft Kiama LEP 2011 SEP Map

Kiama DCP 2020

The map below designates the Sound Category Area Map to support the amendment to the Kiama Development Control Plan 2020 for the inclusion of the *Special Entertainment Precinct* section.

The map identifies the location of properties on and around the SEP land area within a Sound Category Area (SCA). The SCA determines the exposure of entertainment sound at a property boundary. This then affects the sound attenuation response of new or relevant modified sensitive

JR & Co. (URBAN)

*Kiama Town Centre SEP
Planning Proposal*

receiver development, or new or modified premises that require a Development Application or Modification Application, to provide for adequate sound amenity.

Other maps may also be provided to this section of the Kiama DCP to support the purpose of the amendment including the land area it effects and so on.

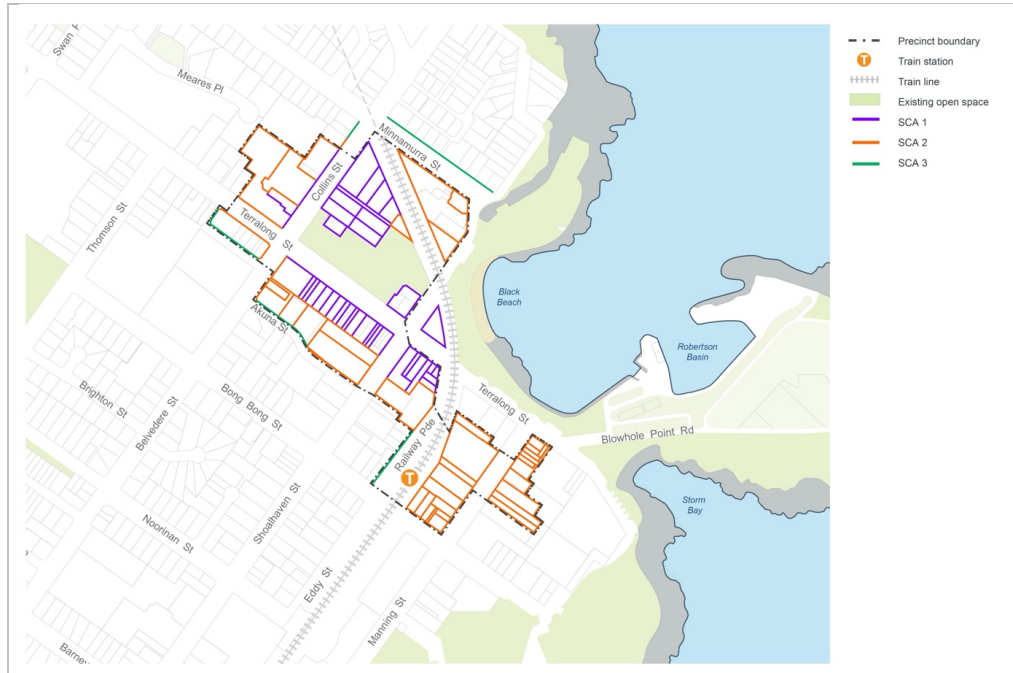


Figure 11: Sound Category Area Map for Special Entertainment Precinct section of Kiama DCP

Item 15.3

Enclosure 1

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

Item 15.3

Enclosure 1

7.0 Community consultation

As noted above, initial consultation has been undertaken with relevant agencies prior to the submission of the planning proposal to the Department for Gateway Assessment.

A summary of the consultation completed is below at **Table 7**.

Table 7: Pre Gateway consultation summary

Stakeholder	Preliminary comments
NSW Police (Lake Illawarra Police District)	Preliminary comments received from NSW Police summarised as follows: • No objection to the SEP. • Safety and crime prevention measures however are necessary for its success, and prior to its implementation. These are to be developed through a CPTED analysis undertaken with NSW Police. • Support for a SEP that provides for a range of entertainment activities, and for all ages and demographics. • Wish to remain engaged in the SEP making process, to support its success and the effective and safe operation.
Transport for NSW	Preliminary comments received from TfNSW are summarised as follows: • Acknowledge the SEP. • TfNSW is investigating to adjust public transport services for regions. The SEP would highly complement the increase, and usage, of public transport more broadly to and from Kiama. • Bus services are anticipated to first increase, and on weekends (Sundays). • Active transport modes are walking and private cycle facilities. • SEP may provide for benefits to improve sense of safety and activation around the rail station, supporting also to complement adjustments to public transport.
NSW Health (Illawarra-Shoalhaven Local Health District)	Preliminary comments received from the Local Health District are summarised as follows: • No objection to the SEP. • Support for a SEP that provides for a range of activities, for all ages. • Should not result in potential issues and place strain on health services especially related to alcohol and emergency services. • Acknowledge approach by NSW Police for a CPTED analysis, prior to implementation, to support its safe operation and reduce impacts to emergency services.
Liquor and Gaming NSW	Preliminary comments received from Liquor and Gaming are summarised as follows: • No objection to the SEP. • Focus of compliance will be likely for licensed venues that morph into undertaking further entertainment activity, without understanding licensing requirements. • Important that the SEPMP is clear on licensing requirements. • Will review in detail the SEPMP, following a Gateway Determination.
Office of the 24 Hour Economy Commissioner	• Support the establishment of a SEP. • Support a wider area (as proposed), to provide for a range of premises, business and localities.

JR & Co. (URBAN)

Kiama Town Centre SEP
Planning Proposal

Stakeholder	Preliminary comments
	Acknowledge the potential evolution of the Kiama Town Centre SEP, from food and drink premises as the main entertainment activity, to an increase with other entertainment activities.

Consultation with local businesses also occurred through the making of the After Dark Strategy, coordinated by Kiama Municipal Council and Reactivate Consulting. A range of business stakeholders attended. Commentary focused on ways in which the SEP will benefit the area, and how businesses will use the SEP provisions to enhance Kiama's night-time economy. Public comments from the exhibition of the After Dark Strategy are favourable toward enhancements to the night-time economy of Kiama more broadly, which the SEP will contribute to.

Further consultation with the above authorities is expected to be undertaken through the LEP making process and in accordance with any requirements of a Gateway Determination. Other authority engagement outlined by a Gateway Determination will also be suitably undertaken by Council.

Consultation with the community, and other relevant stakeholders, through the public exhibition and feedback phase of relevant SEP documentation on the Kiama Municipal Council website is to also occur. This is to be in accordance with the Gateway Determination requirements. Kiama Municipal Council may also adjust the public consultation to provide for additional exhibition time if deemed necessary.

A Night-Time Economy Working Group (NTEWG), comprising local businesses, venue operators and key stakeholders, will be established and to meet regularly and to provide a forum for ongoing engagement, collaboration, monitoring and including review of the SEP trial period outcomes. This will help to inform any improvement and future decision-making with respect to the SEP.

Following the 24 months trial period of the SEP, monitoring and community engagement will form part of Council's ongoing management of the SEP. The community will continue to have opportunities to provide feedback through Council's established channels, with feedback and performance data informing the ongoing operation of the Kiama Town Centre SEP.

JR & Co.
(URBAN)

Kiama Town Centre SEP
Planning Proposal

8.0 Project timeline

An indicative timeframe for the planning proposal is shown below at **Table 8**. The timeframe is an estimate only, noting that authority assessment times may vary.

As noted earlier, public exhibition and government agency consultation will be undertaken in accordance with Gateway Determination requirements. If the Department allocates Kiama Municipal Council as the plan making authority for the Kiama LEP 2011 amendment, then drafting and plan making steps below may change.

Table 8: Timeline

Action	Date
Consideration by Kiama Municipal Council	October 2026
Kiama Municipal Council decision	October 2026
Submit Planning Proposal to the Department for Gateway Assessment	October 2026
Receive Gateway Determination from the Department	End of 2026 (prior to 23 rd of December 2026)
Complete any changes required by Gateway Determination	End of January 2027
Public exhibition and government agency consultation	Through February 2027
Consideration of submissions	March 2027
Post exhibition report to Council for endorsement	End of March 2027
Submit to the Parliamentary Counsel's Office for drafting	April 2027
LEP Amendment is made	May/June 2027
Plan notified	May/June 2027

JR & Co.
(URBAN)

*Kiama Town Centre SEP
Planning Proposal*

Attachment A

Kiama Town Centre Special Entertainment Precinct Management Plan

Prepared by Studio GL and J R & Co (Urban) for Kiama Council (Separate Cover)

Item 15.3

Enclosure 1

JR & Co.
(URBAN)

*Kiama Town Centre SEP
Planning Proposal*

Attachment B

Kiama Town Centre Special Entertainment Precinct Development Control Plan

Prepared by Studio GL and J R & Co (Urban) for Kiama Municipal Council (Separate Cover)

Item 15.3

Enclosure 1

JR & Co.
(URBAN)

*Kiama Town Centre SEP
Planning Proposal*

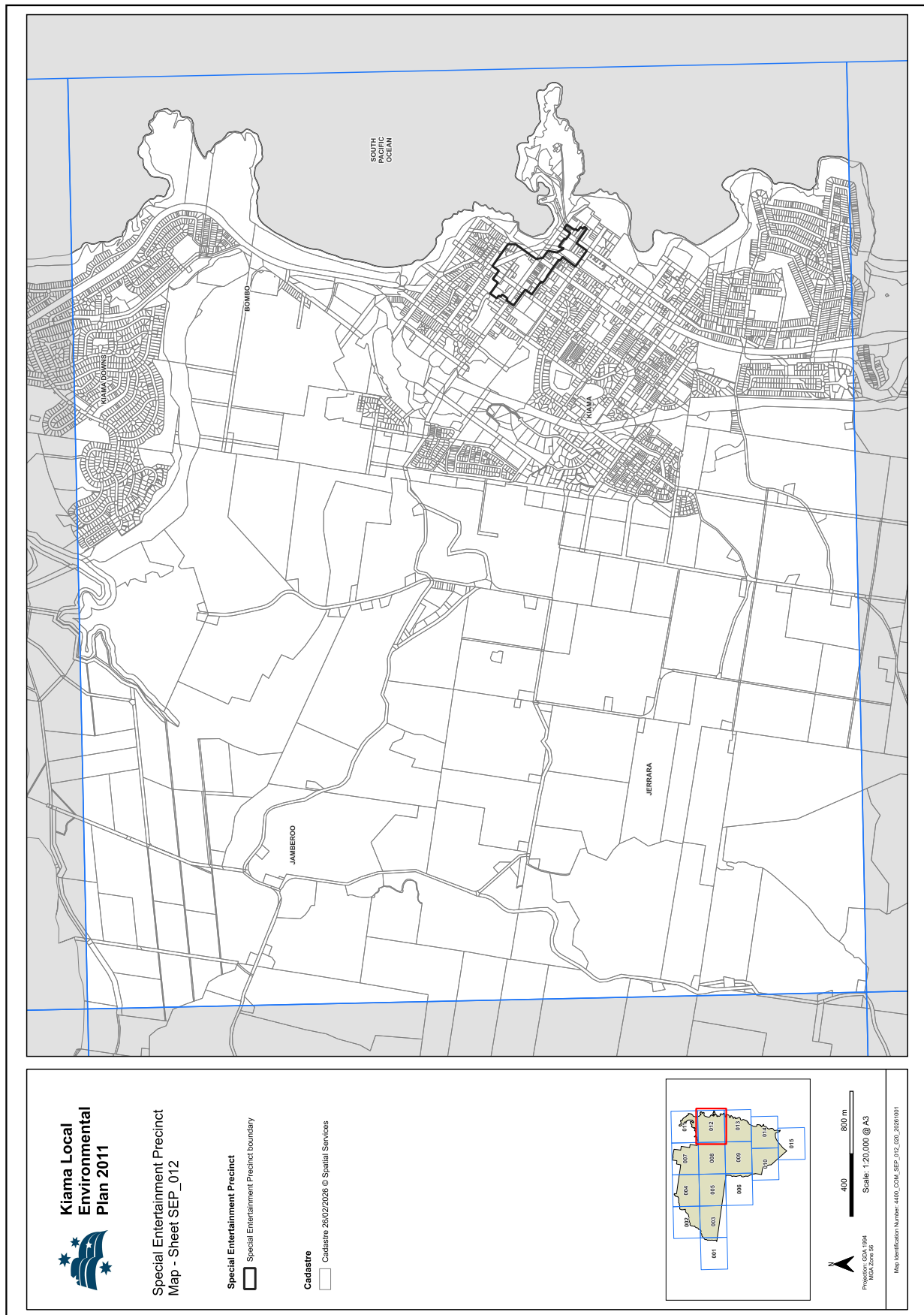
Attachment C

Kiama Town Centre Special Entertainment Precinct Map

Prepared by Kiama Municipal Council

Item 15.3

Enclosure 1



JR & Co.
(URBAN)

*Kiama Town Centre SEP
Planning Proposal*

Attachment D
Kiama After Dark Strategy

Prepared by Reactivate Consulting, with input from Studio GL and J R & Co (Urban) (Separate Cover)

Item 15.3

Enclosure 1

JR & Co.
(URBAN)

Kiama Town Centre SEP
Planning Proposal

Attachment E
Acoustic Report

Kiama Special Entertainment Precinct Sound Management Framework
Prepared by Marshall Day Acoustic Engineers (Separate Cover)

Item 15.3

Enclosure 1



DRAFT

Item 15.3

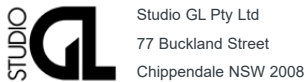
Enclosure 2

Document Information

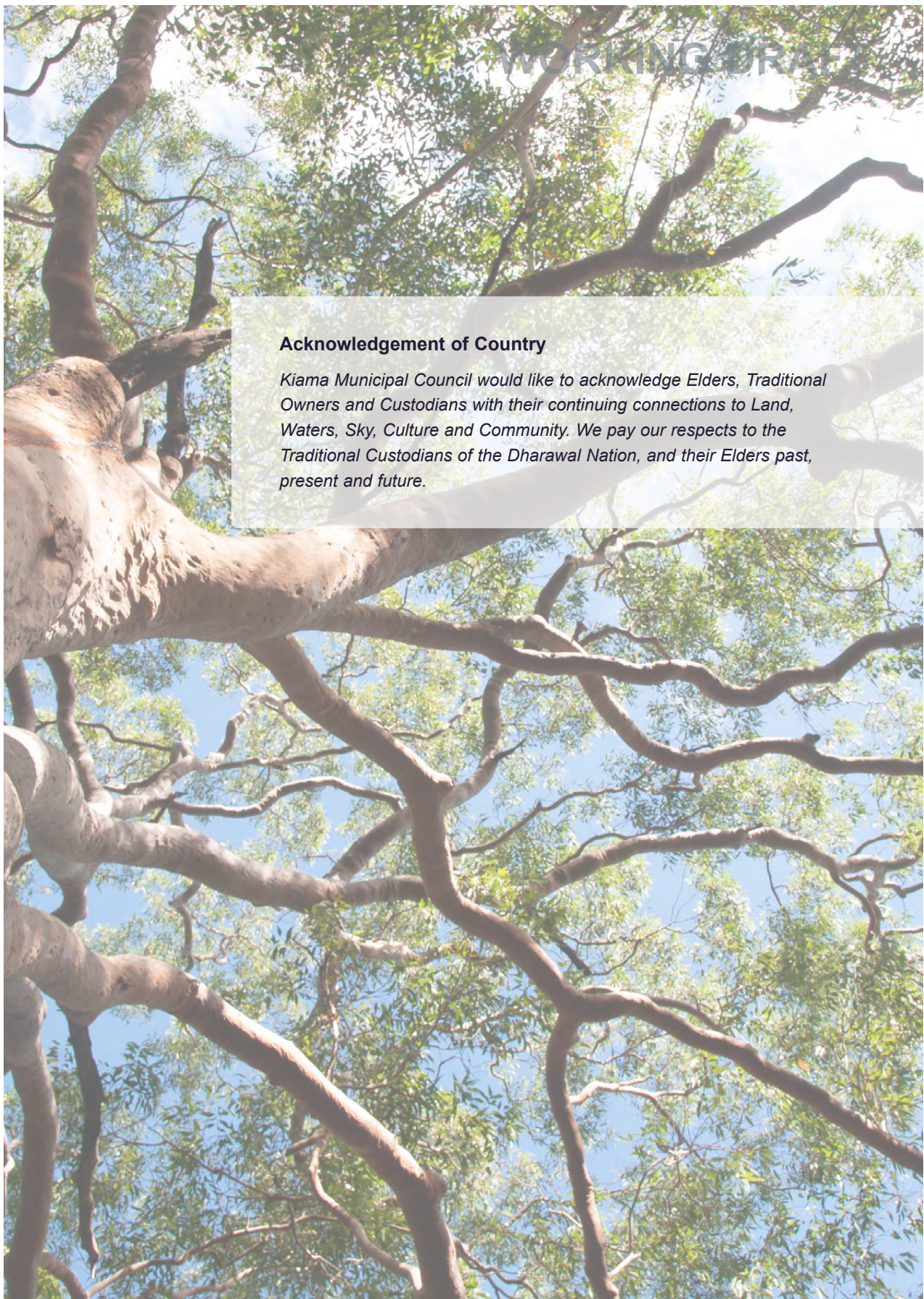
Job title	Kiama Town Centre Special Entertainment Precinct
Client	Kiama Municipal Council
Job number	25064
Report title	Precinct Management Plan
File name	25064_Kiama_SEP_PMP

Revision	Date	Prepared by	Approved by
Working Draft	31/08/2026	FL, JR, GT, DR	FL
Working Draft	09/09/2026	FL, JR, GT, DR	FL
Draft	28/09/2026	AN, FL, JR	FL
Draft	01/10/2026	FL, JR, GT, DR	FL
Draft	07/10/2026	FL, JR, GT, DR	FL
Final			

Note: This document takes into account the particular instructions and requirements of our client. The report layout is designed to be printed at A4 portrait.



Cover image: evening view along Terralong Street, Kiama (source: Reactivate, 2026)
All images are sourced from Studio GL unless otherwise stated.



Acknowledgement of Country

Kiama Municipal Council would like to acknowledge Elders, Traditional Owners and Custodians with their continuing connections to Land, Waters, Sky, Culture and Community. We pay our respects to the Traditional Custodians of the Dharawal Nation, and their Elders past, present and future.



Item 15.3

Enclosure 2

DRAFT

Table of Contents

Item 15.3

Enclosure 2

Part 1
Place

Understanding the Precinct

P01. About This SEPMP9

P02. The Identified Area12

P03. SEP Vision and Objectives.....14

P04. Place-based Planning16

P05. Policy and Planning Context.....22

Part 2
Management

Managing the Precinct

M06. Sound Management25

M07. Trading Hours36

M08. Compliance Framework.....42

Part 3
Governance

Delivering the Precinct

G09. Communication and Engagement57

G10. Monitoring and Evaluation59

G11. Exclusions.....62

G12. Suspension or Revocation of the SEP63

Appendix

A. Checklists65

B. Policy Considerations66

C. Planning Guidance71

D. Licensed Premises74

E. Listed Premises75

F. Key Definitions.....76

G. FAQs.....79



DRAFT

Item 15.3

Enclosure 2

What is a SEP?

A Special Entertainment Precinct (SEP) is an area identified for increased vibrancy at night. It is intended to encourage and support live music and other night-time activities through extended trading hours and noise controls, that provide certainty for venues and businesses, but also for residents living in and near this activated area.

What is a SEPMP?

A Special Entertainment Precinct Management Plan (SEPMP) is a mandatory plan that regulates sound generated by entertainment activity from premises and events in open space within the SEP. It must identify the trading hours for both licensed and unlicensed premises, the sound management framework and sound attenuation requirements which apply to certain types of development, and the process for managing complaints if these controls are not complied with.

How do I use this document?

This document is intended to be used by a wide variety of stakeholders. It provides information for businesses wishing to establish a venue in the precinct, for residents that may be purchasing a property within or near to the precinct, for developers on sound attenuation requirements for various types of residential development in the area. It also sets out the framework for Council and Liquor and Gaming NSW, so they can manage development and respond to complaints made regarding activity within the precinct.

What will it change?

A SEPMP replaces the entertainment sound and trading hours requirements in individual, complex venue development applications and modification applications, with a single area-wide operational plan. It seeks to balance vibrancy and local amenity. For licensed premises, the sale and supply of liquor remain separately regulated under the Liquor Act 2007 and the trading hours and conditions of the relevant liquor licence.

How is it structured?

This document is structured into three Parts:

Part 1: Place - which is about understanding the precinct and its context;
Part 2: Management - which sets the controls in place for managing the precinct; and
Part 3: Governance - which includes information on governance for the precinct.

DRAFT

Part 1

PLACE *Understanding the Precinct*

PART 1: PLACE
Understanding the Precinct

PART 2

PART 3

APPENDIX

- P01: About This SEPMP
- P02: The Identified Area
- P03: SEP Vision and Objectives
- P04: Place-based Planning
- P05: Policy and Planning Context

This Part provides an overview of the SEPMP. It includes background information, key definitions, plan application, the vision and objectives, the movement and access framework, and the relationship to other plans and legislation. It also provides an outline of the application of development consent and complying development certificate conditions whilst the SEP is operating.

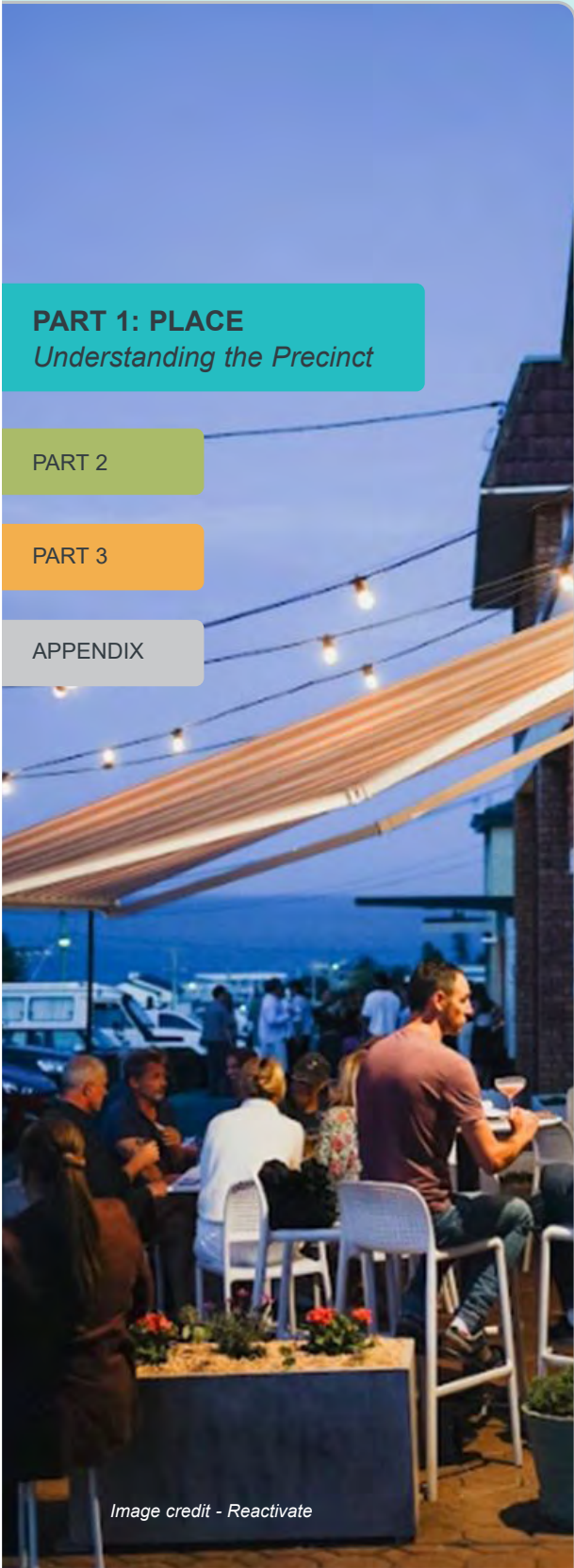


Image credit - Reactivate

DRAFT

P01 About This SEPMP

Chapter P01 About This SEPMP

P01-1 Overview

Kiama is a regional town of approximately 8,000 people, located on the south coast about three hours from Sydney. Known for its beaches, dramatic coastline and world-renowned Blowhole, Kiama is a favourite location for visitors and residents alike.

A more diverse and active after dark environment enhances the experience of Kiama for these visitors and residents, supporting both early morning and late-night activities.

Special Entertainment Precincts (SEPs) are designated areas where tailored trading hours and sound management conditions are established to encourage live performance, investment, support later-trading businesses, and foster vibrant, safe and diverse going-out districts.

This Special Entertainment Precinct Management Plan (SEPMP) sets out the controls that will regulate trading hours for premises within the SEP, the sound that can be produced from entertainment activity carried out by premises within the SEP, and the process for managing complaints relating to trading hours or sound for these premises.

In setting out these requirements, this SEPMP aims to provide greater trading and operational certainty for venues and businesses, whilst also balancing the needs of residents.

Why do we need a SEP?

SEPs are part of a broader set of reforms recently introduced by the NSW Government to support and grow the night-time economy across NSW.

SEPs recognise the important contribution live music and cultural activity make to local economic growth, but also their role in supporting a sense of community by bringing people together and strengthening community bonds through shared experiences.

A Joint Select Committee on Sydney's Night-Time Economy in 2019 revealed one of the significant factors inhibiting after dark activity was regulatory complexity, including convoluted planning and liquor licencing rules.

SEPs aim to provide a clearer and fairer approach for businesses operating in the night-time economy, while balancing the needs of local communities.

What are the benefits of a SEP?

- Encourages a broad and diverse mix of night-time uses with broad community appeal that reflect the diverse entertainment and recreational needs of visitors and residents
- Encourages late night trading premises that contribute to vibrancy and vitality
- Supports late trading of unlicensed premises, such as shops and cafes
- Encourages more performance, creative and cultural uses in licensed premises and dedicated performance venues

DRAFT

P01 About This SEPMP

P01-2 Status of the SEP

In order to develop the balance required between vibrancy and noise amenity, the SEP will operate initially for a trial period of 24-months, during which it will be monitored and evaluated. This trial period will provide an opportunity for Council, venues and the wider community to test out the provisions and make adjustments if they do not achieve the desired outcome.

The SEPMP is published on the Kiama Municipal Council website and adopted by Council. It is the responsibility of businesses, venue operators, property owners and residents within the SEP to ensure they access, refer to and comply with the current version of the SEPMP and its requirements.

P01-3 The SEP Trial

The Kiama Town Centre SEP will commence in May 2027 (pending Department of Planning processes) and operate for a 24-month trial period.

The purpose of the SEP trial is to:

- Allow premises within the Kiama Town Centre SEP time to establish, resource and operate at optimum capacity, including to the extent of the trading hours provided in the SEP.
- Allow residents, businesses, licensed and unlicensed premises and the community to experience the SEP, evaluate it, and provide meaningful feedback to Kiama Council throughout the trial and at the conclusion.
- Assess the benefits and any impacts of the Kiama Town Centre SEP, across a range of seasonal trading periods.

This SEPMP, together with the Special Entertainment Precinct planning provisions incorporated within Topic 12.7 of Chapter 12 of the Kiama Development Control Plan (DCP) 2020, may be reviewed and refined following the evaluation of the SEP trial.

At the completion of the trial period, Council will review monitoring results, stakeholder feedback and operational outcomes to determine whether the SEP has achieved its intended objectives. Based on this review Council may continue the SEP, amend its provisions or boundary, extend the trial period, or discontinue the SEP if it is determined that the desired outcomes have not been achieved or that impacts cannot be appropriately managed.

Item 15.3

Enclosure 2



Artist impression of evening activation along Collins St

DRAFT

P02 The Identified Area

Chapter P02
The Identified Area

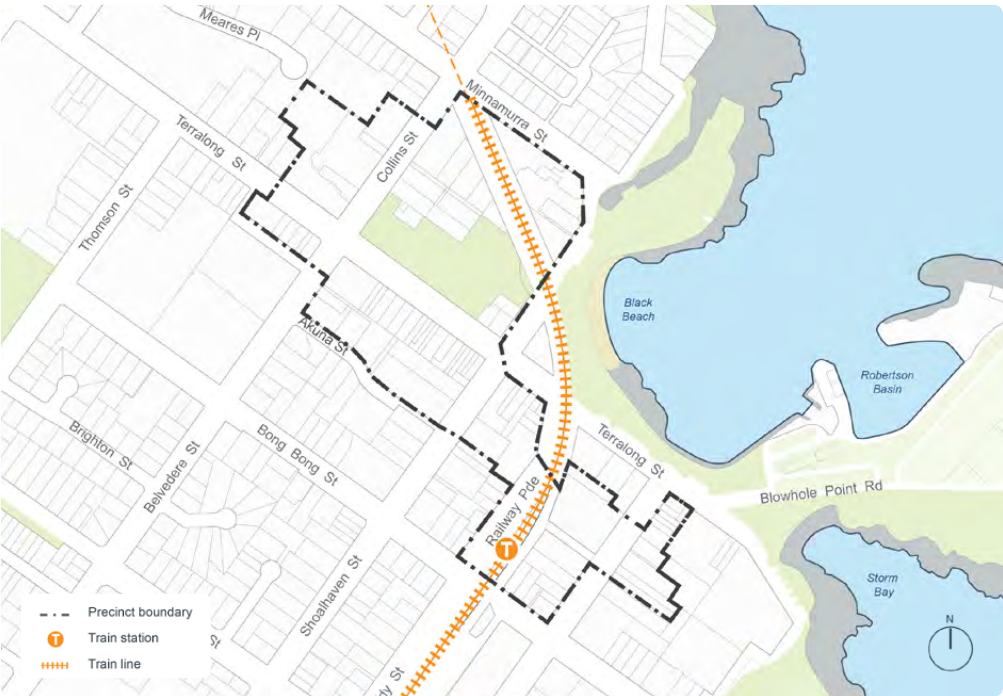


Figure 2 The Kiama Town Centre Special Entertainment Precinct area

The Kiama Town Centre SEP applies to the area identified in Figure 2 above.

Item 15.3

Enclosure 2

DRAFT

P02 The Identified Area



Source: Aerial by Dee Kramer

P02-1 Areas in the Kiama Town Centre SEP

The Kiama Town Centre SEP sits within the broader town centre environment that includes major retail, community, tourism and heritage assets, such as Kiama Village (Woolworths and specialty shops), Kiama Harbour, Blowhole Point, Black Beach, Surf Beach and numerous heritage buildings that contribute to Kiama's identity and appeal.

The centre also includes the Kiama Municipal Council Administration Centre and Council Chambers.

The SEP area, as identified in Figure 2, includes the following areas:

- the retail and hospitality along Terralong Street and turning into Manning Street, featuring shops, local fashion boutiques, artisan homewares and cafes
- Hindmarsh Park, providing an open-air event space with views towards the harbour

- community facilities such as the Kiama Library and Old Kiama Fire Station which is now a community centre and art gallery
- historic hotels such as the Kiama Inn Hotel and The Grand Hotel;
- the Kiama Leagues Club;
- a range of other bars and licensed venues providing a diverse range of options for night-time activities
- the Kiama Train Station

Future development within the SEP area includes a mixed-use precinct that would span Akuna Street.

For a list of all licensed premises see Appendix D.

DRAFT

P03 SEP Vision and Objectives

Chapter P03 SEP Vision and Objectives

P03-1 Precinct Vision

In alignment with the NSW Government's vibrancy reforms and the Kiama After Dark Strategy, Kiama Town Centre will be a vibrant, safe and economically successful after-dark destination, where community, culture, events, and heritage come together. Through planning, placemaking and business-friendly regulatory settings that respect Kiama's unique coastal character and sense of place, the precinct will provide confidence for investment, support local enterprise and enable activity to thrive in a strong and sustainable way.



Image credit - Pointfootage

DRAFT

P03 SEP Vision and Objectives

P03-2 Objectives

The objectives of the Kiama Town Centre SEP and this SEPMP are outlined as follows:



1. Establish a Vibrant and Inclusive After-Dark Precinct

Establish a clearly defined after-dark precinct that provides certainty, coordination and support for businesses, community activities and investment, encouraging incremental activation, participation and growth over time, while prioritising safety, accessibility, and respect for the local environment and community.



2. Celebrate Culture, Creativity and Community

Support live music, arts, cultural expression, community activation and intergenerational activities that strengthen Kiama's distinctive and diverse character and create a strong sense of place.



3. Strengthen the Night-Time Economy

Strengthen the diversity, appeal and economic sustainability of the town centre's twilight, evening and early morning economy by encouraging increased visitation, participation, extended trading and business activity.



4. Position the Town Centre as a Destination

Reinforce Kiama Town Centre's role as the Municipality's principal destination for after-dark experiences, activation and investment.



5. Enable Investment, Innovation and Adaptive Reuse

Provide a clear and enabling regulatory framework that supports investment, activation and innovative economic opportunities in the hospitality, entertainment and cultural sectors, as well as the adaptive reuse of existing buildings and public spaces for placemaking purposes.



6. Balance Amenity with After-Dark Activity

Provide a clear and balanced framework for trading hours, entertainment sound and acoustic management that gives certainty and guidance to businesses, venue operators, investors, residents and visitors, while supporting the successful coexistence of entertainment, hospitality, commercial and residential uses within the Kiama Town Centre.



7. Balance Vibrancy with Amenity

Support the successful coexistence and cooperation of entertainment, hospitality, commercial and residential stakeholders within the Kiama Town Centre through a balanced approach to vibrancy and amenity.

DRAFT

P04 Place-based Planning

Chapter P04
Place-based Planning

Item 15.3

Enclosure 2

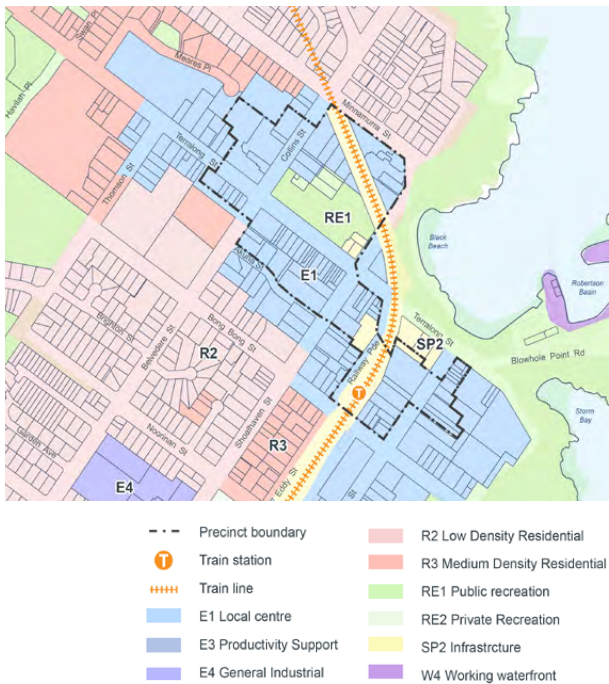


Figure 3 Existing SEP LEP land zoning - provides an overview of the land use activities within and around the SEP.

The Kiama Town Centre SEP contains a number of existing venues. Entertainment activities occur across the area, including live music events and open air events, with food and drink provided at a wide range of restaurants, cafes and bars.

Many of these venues are licensed premises that operate well into the evening, contributing to the existing night-time economy and cultural life of Kiama.

The SEP will support these venues, and encourage new venues to create a sustainable area that is vibrant and attractive into the after-dark hours.

P04-1 Accessibility

Kiama Town Centre is accessible via a range of transport options, including the South Coast rail line, regional and local bus services, walking and cycling networks, and private vehicles. The town centre is highly walkable, with key attractions, accommodation, dining, entertainment venues, public open spaces and the Kiama railway station all located within close proximity. However, transport services become more limited during evening hours, particularly in relation to bus frequencies and on-demand transport options such as taxis and ride-share services. While public transport use is encouraged, many visitors and residents continue to rely on private vehicles, with parking demand increasing during peak tourism periods, major events and holiday seasons. These accessibility considerations should be taken into account when planning and managing activity within the SEP.

DRAFT

P04 Place-based Planning

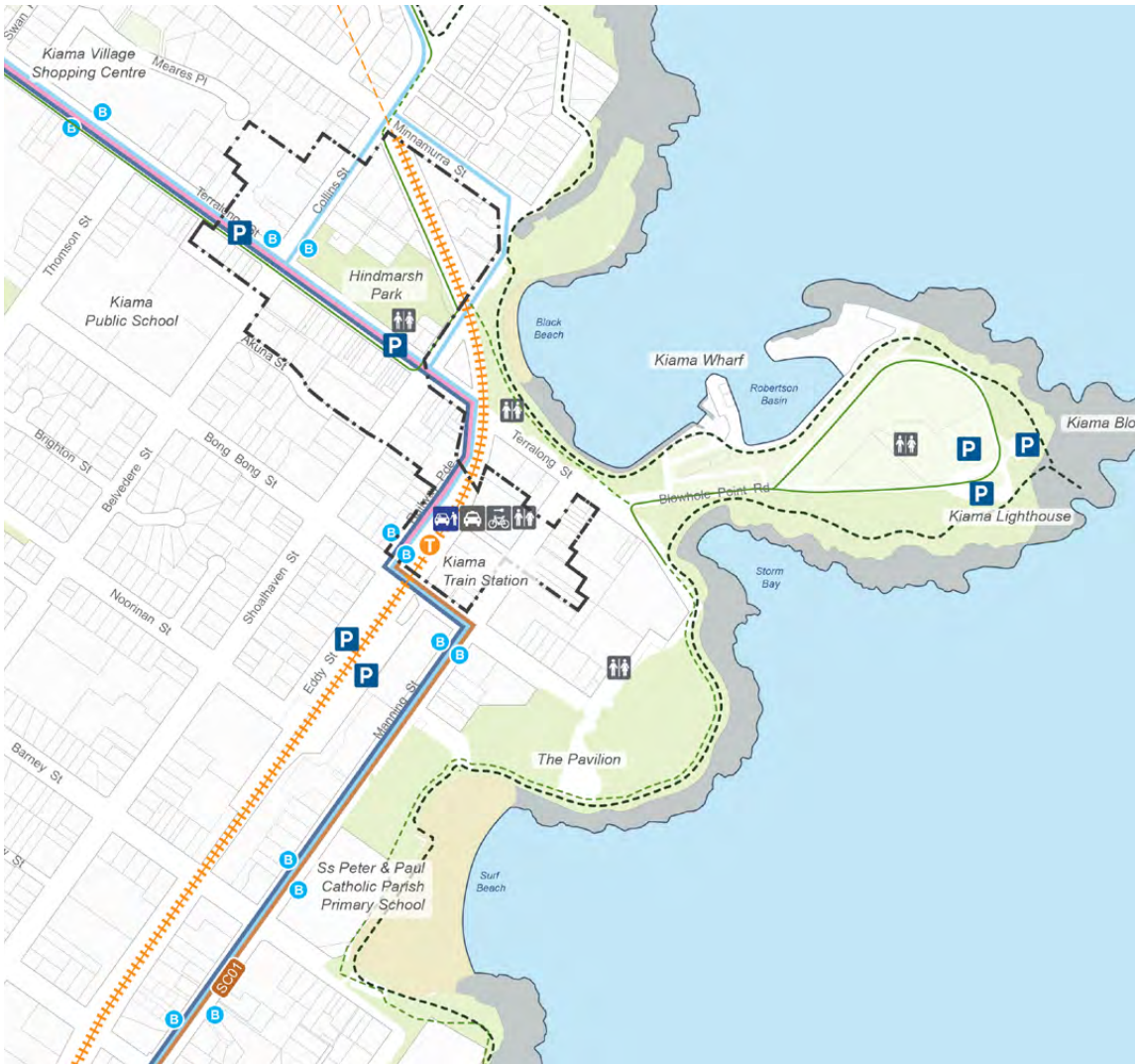


Figure 4 Existing access and infrastructure map

DRAFT

P04 Place-based Planning

P04-2 Land Use Conflict and Amenity

The Kiama Town Centre is one of the region's main tourism, shopping and commercial destinations. There are a number of residential properties and other sensitive receivers within and immediately adjacent to the SEP area, including aged care facilities, shoptop housing, tourism accommodation and child care centres.

Measures to manage the potential land use conflicts, for existing residents and future development in the SEP or on adjoining sites have been identified in this SEPMP.

All licensed premises within the town centre have existing approval to operate. Some of these approvals have noise mitigation measures to reduce or prevent potential conflicts with both residents and other businesses. The intent of this SEPMP is not to disadvantage any existing premises, in relation to existing approved controls.

P04-3 Public Domain

Council has been working to improve the public domain across the town centre through encouraging outdoor dining, delivering street festivals and events, and utilising opportunities to bring art into the public domain. Hindmarsh Park is activated by various facilities, including a large playground and outdoor stage. Council has also invested in after-dark activation through fairy lighting within street trees and festoon lighting along Terralong Street.

All areas across the town centre are regularly maintained and serviced by Council. Opportunities for further public domain improvements have been identified, including enhanced lighting, wayfinding and signage within the Sandstone Walk precinct, the pedestrian connections linking Collins Street, Terralong Street and Hindmarsh Park, and key linkages between the railway station and Terralong Street to improve accessibility, safety and visitor navigation.

P04-4 Existing Infrastructure

The following infrastructure elements are available within and immediately adjacent to the Kiama Town Centre SEP:

Car Parking

On street parking is widely available in and around the Kiama Town Centre SEP area. During peak periods parking along Terralong Street can become very congested, especially with day tourists who are less aware of other parking options.

Significant amounts of on-site parking is available at the Kiama Leagues Club, and at the Kiama Shopping Village. Blowhole Point provides extended parking, as does the on-street, commuter parking along Railway Parade.

Toilets

Public toilets are located on Terralong Street, Old School Flat, Black Beach and Kiama Harbour.

Cycle Racks

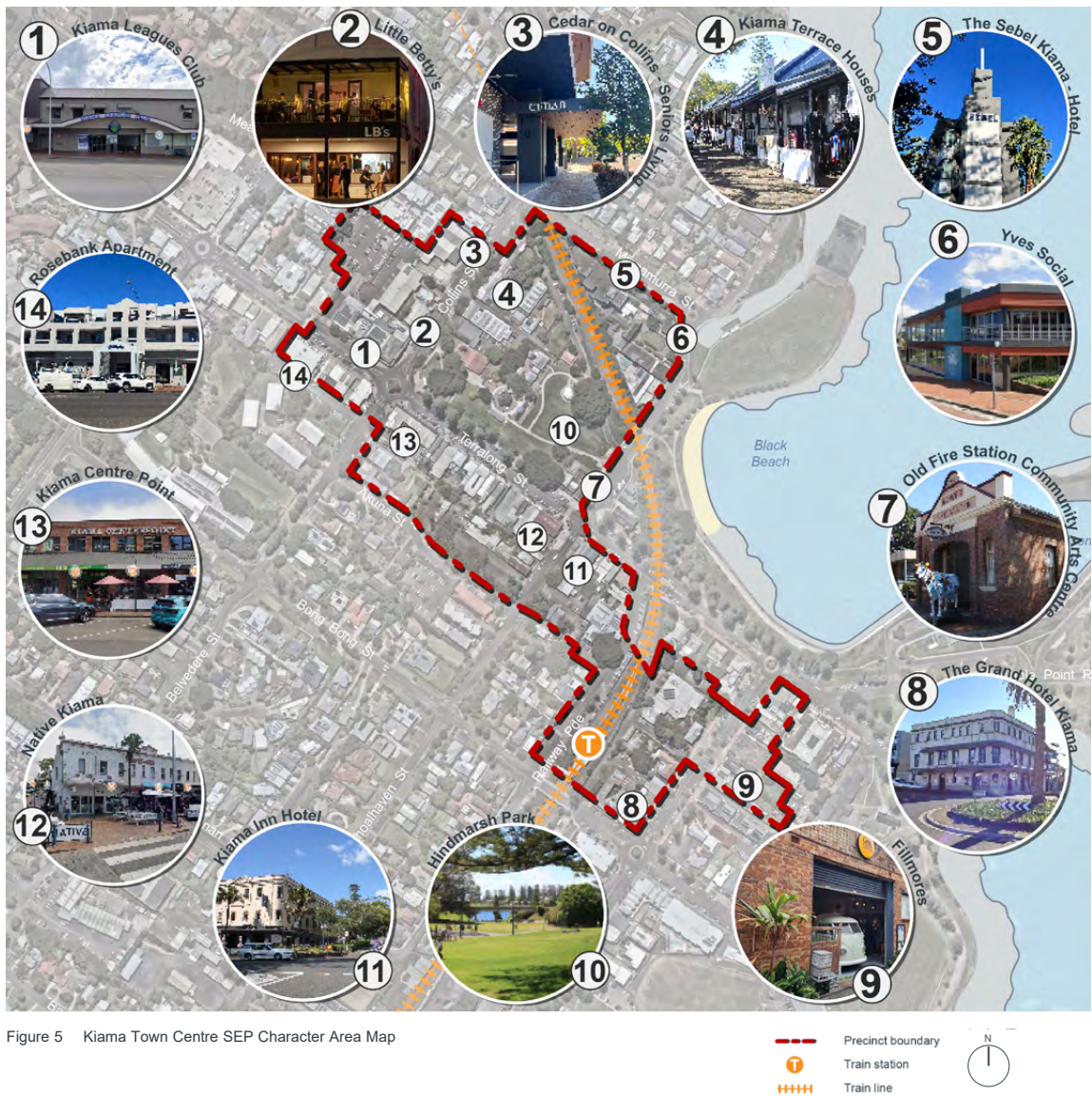
Cycle racks are located on Collins Street, Hindmarsh Park and Kiama Visitor Information Centre. Kiama Railway Station has bike parking and secure bike locker facilities.

DRAFT

P04 Place-based Planning

Item 15.3

Enclosure 2



DRAFT

P04 Place-based Planning

P04-5 Safety and Inclusion

The SEP contains active frontages throughout, where shopfronts interact with publicly accessible areas. There are also a range of outdoor dining areas along the street, which provide a sense of surveillance across the public domain.

Surveillance is also provided from residential apartments, commercial premises, and the library that adjoin the public areas.

Levels of lighting are variable across the SEP. Some areas are well lit, including the newly-installed festoon lighting along Terralong Street and in the street trees, as well as lighting outside individual venues. However, parts of the public domain, including open spaces, are less well lit.

The train station is an area that is currently poorly lit at night, decreasing its attractiveness for people looking to access Kiama via public transport.

There is limited CCTV across the SEP. Council does not have a public CCTV system, and coverage is generally limited to that provided by private venues.

Kiama Police Station is not a 24-hour station, and is operational generally only during business hours, Monday to Friday.

P04-6 Purple Flag Accreditation

The SEP is to be part of a broader Kiama Town Centre Purple Flag Accreditation, for which Council have received a Purple Flag Readiness Grant. A Purple Flag self-assessment report is expected to be complete within 6 months. This internationally recognised accreditation celebrates vibrant, diverse and well managed night-time precincts. The accreditation would identify that Kiama Town Centre meets the core principles of Purple Flag:

Wellbeing: welcoming, clean and safe

Movement: a secure pattern of arrival, circulation and departure

Appeal: a vibrant choice and rich mix of entertainment and activity

Place: a stimulating destination and vibrant place

Strategic alignment: a clear aim and a common purpose

Item 15.3

Enclosure 2

DRAFT

P04 Place-based Planning



Source: Kiama Winter Street Festival

P04-7 Business Precinct Collaboration

Town centres that are attractive and vibrant often result from the collocation of a diverse range of venues and offerings, to meet the needs of different age groups and interests. This then attracts a critical mass of people that produces the illusive 'vibe' that creates the sense of occasion and brings people together through shared experiences.

Kiama currently has twenty licensed premises within the SEP boundary, with other venues due to open in the near future. The hotels and club are of a size to support live entertainment events that could attract large numbers of people and generate significant sound.

There are numerous unlicensed venues across the SEP, including retail outlets, cafes and community facilities that could also host entertainment activities at a smaller scale.

Once established, the Night-Time Economy Working Group (NTEWG), comprising local businesses, venue operators and key stakeholders, will meet regularly to provide a forum for ongoing engagement, collaboration, monitoring and review of the SEP trial, helping to inform continuous improvement and future decision-making.

DRAFT

P05 Policy and Planning Context

Item 15.3

Enclosure 2

Chapter P05
Policy and Planning Context

This chapter provides an overview of how the SEP interacts with a variety of other strategies and policies.

P05-1 Policies Referenced

The establishment of the Special Entertainment Precinct is consistent with several NSW Government policies and plans.

NSW Policies and Plans	
24-Hour Economy Commissioner Act 2023 and the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023	The aim of the Reforms is to encourage safe and thriving night-time economies across NSW, by supporting the live music sector, streamlining liquor licensing, and simplifying regulations for Licenced venues.
Liquor Act 2007	The Liquor Act 2007 has been amended by recent Vibrancy Reforms to support the night-time economy. This has included changes to complaints handling and Liquor Licensing hours.
Protection of the Environment Operations Act 1997	Noise pollution is regulated under the POEO Act, with specific policies and regulations setting standards for acceptable noise levels and times for residential, commercial, and industrial sources. In the SEP, Council sets the standards for sound emissions from entertainment activity for both licenced and unlicenced premises, via the SEPMP.
State Environmental Planning Policy (Exempt and Complying Codes) 2008 (Codes SEPP)	Amendments to the Codes SEPP, via the Cultural State Environmental Planning SEP is aimed at supporting live entertainment, hospitality and cultural activities, and is a key step to creating a more vibrant night-time economy in NSW.
The Illawarra Shoalhaven Regional Plan 2041	Sets a 20-year strategic land use planning framework for the region, aiming to protect and enhance the region's assets and plan for a sustainable future. Objectives for the Region include creating a diverse visitor economy and responding to the changing nature of retail, with an overarching theme of supporting a region that values people and places.
The draft Illawarra Shoalhaven Plan	This plan is intended to update The Illawarra Shoalhaven Regional Plan 2041 and is currently on exhibition. This plan provides for Responses to Implement the Priorities of the State Land Use Plan, at the regional level. These priorities are: Aboriginal outcomes, Housed, Prosperous, Connected, Resilient, Liveable and Coordinated.

DRAFT

P05 Policy and Planning Context

P05-1 Policies Referenced

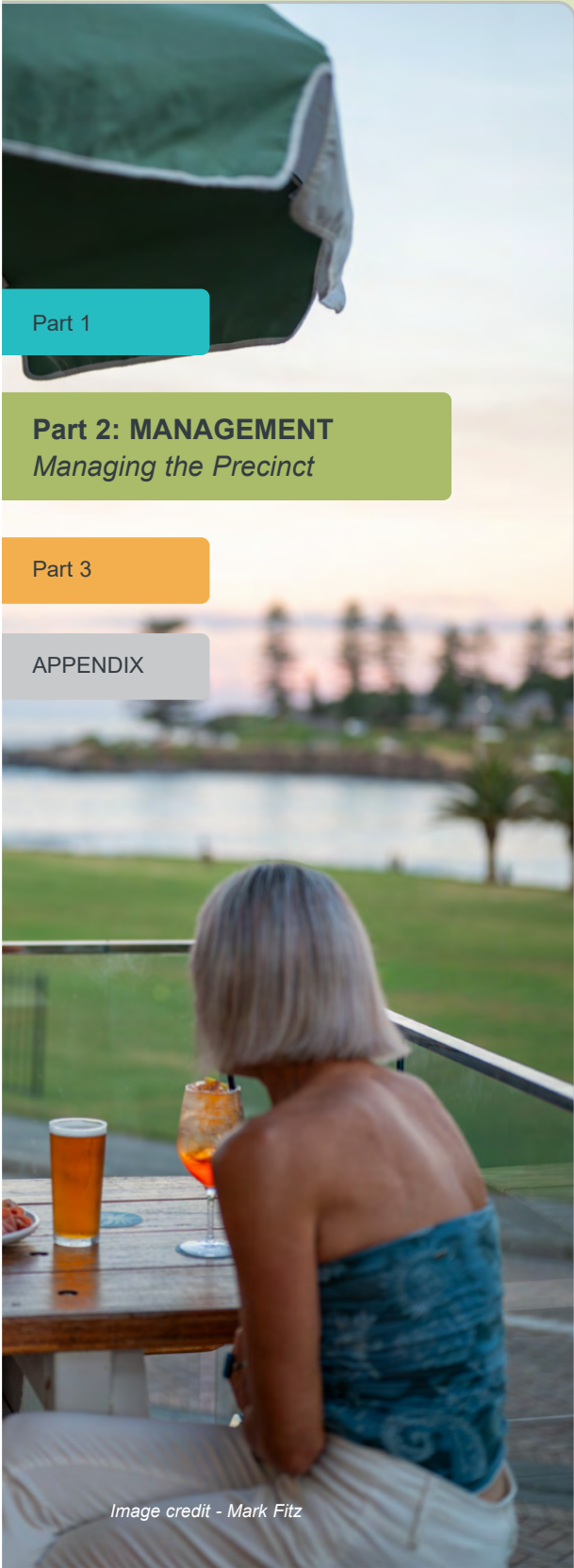
The establishment of the Special Entertainment Precinct is also consistent with several Kiama Municipal Council policies and plans.

Council Policies and Plans	
Kiama Local Environmental Plan 2011 (KLEP)	The KLEP establishes the Kiama Town Centre Special Entertainment Precinct and identifies the land to which it applies. Refer to Appendix B.
Kiama Development Control Plan 2020 (KDCP)	The KDCP provides for the SEP and sets controls that apply to development that requires development approval (Development Approval or Modification Approval). Refer to Appendix B.
Kiama Community Strategic Plan 2025–2035	Sets out the community's priorities and aspirations, outlines strategies and actions to achieve those goals, and guides all other council plans and activities to ensure a shared direction for the community's future. The Plan has four focus areas, being: Liveable, Sustainable, Resourceful and Responsible.
Kiama Regional Economic Development Strategy 2023	Identifies the significance of the tourism/visitor economy, and the importance of growing overnight visitor expenditure.
Kiama Visitor Economy Strategy 2035	Provides a framework to manage visitor growth and protect place whilst delivering benefits for residents, businesses and visitors, identifying the night-time economy as a key lever for experience growth.
Creative Kiama Cultural Plan 2025-2029	Seeks to maintain and nurture the arts and the cultural heritage of Kiama. The Plan uses a framework based on four pillars, being: First Nations first; Creative learning and participation; Opportunities and participation; Creative infrastructure.
Kiama Town Centre Study	A guiding document for future strategic planning and plan making functions across the town centre.
Kiama After Dark Strategy	Sets out a 10-year program of actions to strengthen after-dark experiences, support local businesses, enhance public spaces and encourage cultural, community and economic activity across the Kiama Municipality.

Item 15.3

Enclosure 2

DRAFT



Part 1

Part 2: MANAGEMENT
Managing the Precinct

Part 3

APPENDIX

Image credit - Mark Fitz

Part 2

MANAGEMENT

Managing the Precinct

M06: Sound Management

M07: Trading Hours

M08: Compliance Framework

This Part of the SEPMP provides:

- Entertainment sound requirements
- Trading hours
- Compliance framework for entertainment noise disturbances and operating hours breaches

It affects:

- Existing premises
- New or modified premises
- Public events
- Sensitive receivers
- Businesses or shops that wish to provide a temporary entertainment activity

NOTE: Certain development may require a Development Application (DA) or a Modification Application (MOD), therefore refer to the Special Entertainment Precinct section of the KDCP (see Appendix B). After development approval, premises will be required to operate in accordance with the SEPMP entertainment and trading hours requirements.

Acoustic guidance in this part can be applied whether the premises is established by the SEPMP or the KDCP.

DRAFT

M06 Sound Management

Item 15.3

Enclosure 2

Chapter M06 Sound Management

This chapter provides the entertainment sound criteria for all venues operating in the SEP, which are based on two forms of sound criteria, being

- Sound Category Areas - entertainment sound externally emitted from a venue or public event to a receiver, and
- Internal Noise Criteria – noise level within a Sensitive Receiver.

The sound criteria that inform the entertainment sound requirements have been developed by Marshall Day Acoustics, with reference to the *NSW Office of the 24 Hour Economy Acoustic Toolkit*.

Preparation has been informed by the existing entertainment sound conditions of the locality, background sound and context, through a sound survey.

The sound requirements are not intended to disadvantage premises operating prior to the establishment of the Kiama Town Centre SEP; but rather provide support for premises to trade later and encourage increased vibrancy whilst maintaining sound amenity for more acoustically sensitive uses.

For the purposes of this SEPMP, this is from activity carried out for the purposes of entertaining members of the public, including live and recorded music; activities associated with the sale of liquor and the operation of food and dining services; patron ingress and egress; and venue set-up and pack-down, rehearsals, and sound checks.

Entertainment activities may be undertaken by licensed and unlicensed premises, including cafés, restaurants, bars, pubs, clubs, function venues, community facilities, cultural venues and similar uses.

For the purposes of this SEPMP these premises are termed 'venues' and this definition includes both their indoor and outdoor areas.

This SEPMP does not apply to sound generated by premises or activities that do not involve entertainment activities. For the purposes of this SEPMP, these are termed 'non-venues'.

Advisory notes

Shops or businesses that undertake a temporary entertainment activity, for example a live performance associated with a retail evening, will need to consider the Sound Category Areas and Internal Noise Criteria of the SEPMP.

The SEPMP does not regulate sound from other potential noise emitting activities, including:

- Mechanical noise, such as plant and equipment, associated with the venue
- Patron noise associated with entering and leaving a venue, or congregating immediately outside a venue, is considered. General vocal noise occurring within public areas of the SEP and outside the control of a venue operator is not attributed to individual venues.
- Traffic, rail or aircraft noise

Existing frameworks to regulate these instances will continue to operate for non-entertainment sound sources.

DRAFT

M06 Sound Management

M06-1 Sound Criteria

Sound Category Areas

Sound Category Areas (SCAs) identify different sound management zones within the SEP. These categories have been developed having regard to existing noise levels, including entertainment sound, traffic and other background noise sources.

The Kiama Town Centre SEP SCA's are informed by the existing acoustic environment, developed from surveys across the SEP, and balanced with application of suitable vibrancy objectives.

The sound management approach for the precinct and surrounding areas is guided by the following principles:

- Recognising existing levels of activity within the town centre and the positive contribution that entertainment venues make to the vibrancy, culture and economic prosperity of the community.

- Acknowledge both the current and planned future land uses to establish sound emission requirements that support the ongoing operation of entertainment venues while accommodating the evolution of the precinct over time
- Balancing the activation and growth of the SEP with the reasonable amenity expectations of sensitive receivers, including residents located within and adjacent to the precinct
- Providing greater certainty and consistency for businesses, residents and regulatory authorities regarding sound management expectations and compliance requirements
- Supporting the sustainable growth of entertainment activities while minimising the risk of cumulative noise impacts associated with additional live music and entertainment venues



Figure 6 External Sound Categories section diagram

DRAFT

M06 Sound Management

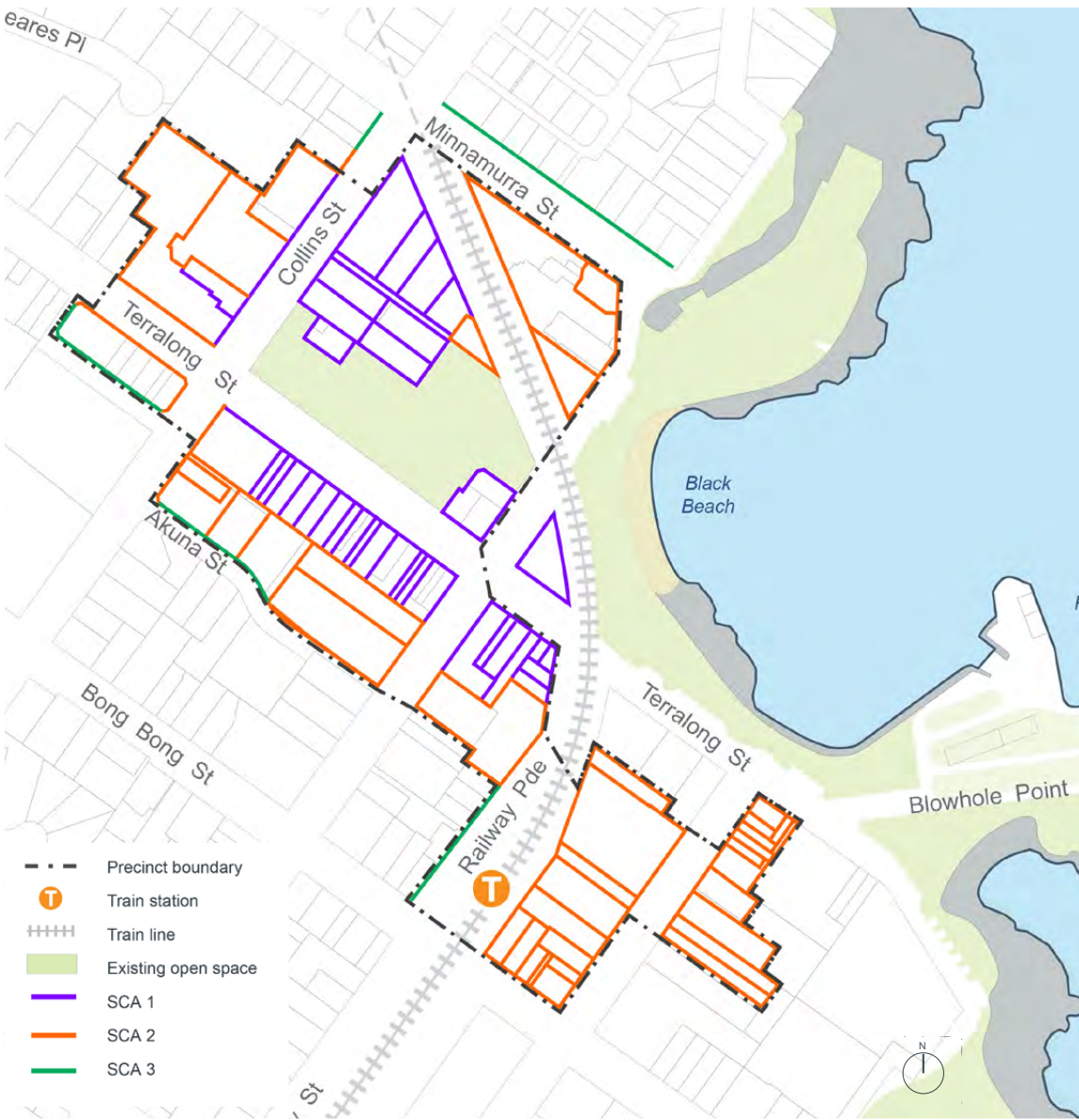


Figure 7 Sound Category Area map

Item 15.3

Enclosure 2

DRAFT

M06 Sound Management

M06-1 Sound Criteria

Table 1 Kiama Sound Category Areas (SCAs)

Sound Category Area	Entertainment Activity Character	
	Application notes – Day, Evening, Early Night	Application notes – Late Night
SCA 1	Supportive of entertainment venues with some outdoor activation and music. High level music would be confined to internal spaces within a high performance acoustically rated building envelope.	Entertainment uses would be restricted in the Late Night, requiring most activity to occur inside, within a high performance acoustically rated building envelope.
SCA 2	Reduced intensity of entertainment sound levels, with most loud music in well enclosed venues. Allows for outdoor activation for patrons and low-level music.	Entertainment uses would be restricted in the Late Night, requiring most activity to occur inside, within a high performance acoustically rated building envelope.
SCA 3	Used as a buffer zone in the residential interface to the SEP. Higher-intensity entertainment uses are unlikely to be feasible in this zone due to low SCA sound levels.	Used as a buffer zone in the residential interface to the SEP. Higher-intensity entertainment uses are unlikely to be feasible due to low SCA sound levels.

Venue sound criteria

The following Venue Sound Criteria applies in the Kiama Town Centre SEP:

- (i) The entertainment sound emitted from a venue must not exceed the Sound Category Area maximum Noise Sound Levels specified in Table 2, and by reference to the Sound Category Area locality shown in Figure 7.

Item 15.3

Enclosure 2

DRAFT

M06 Sound Management

Table 2 Kiama Sound Category Areas (SCAs) L_{eq} (15min)

SCA	Day/Evening 6am – 10pm			Early Night 10pm – 12am			Late Night 12 am – 6am		
	dBA	63Hz	125Hz	dBA	63Hz	125Hz	dBA	63Hz	125Hz
SCA 1	65	65	65	65	65	65	50	55	50
SCA 2	60	58	56	55	50	46	50	50	46
SCA 3	50	50	48	38	50	46	38	50	46

NOTE: Time bands in Table 2 do not indicate trading will necessarily be permitted in these hours.

Refer to M06-2 for reductions in SCA levels, to account for Cumulative Noise at Sensitive Receiver.

In order that cumulative noise at sensitive receivers from all venues does not exceed the SCA levels, the entertainment sound from any individual sound generating development must not exceed:

- (a) the relevant SCA (as defined in Table 2 and Figure 7) minus 3 dB where the boundary is common between the entertainment venue and sensitive receiver; or
- (b) the relevant SCA (as defined in Table 2 and Figure 7) minus 5 dB where the boundary is not a common boundary between entertainment venue and sensitive receiver.



Source: Kiama Winter Street Festival

DRAFT

M06 Sound Management

M06-1 Sound Criteria

Internal Noise Criteria

Internal noise criteria identifies the maximum level of noise that needs to be considered when assessing noise impact for the following Sensitive Receiver Internal Noise Criteria applies in the Kiama Town Centre SEP:

- (i) The maximum level of noise to be received internally within a Sensitive Receiver must not exceed the Sensitive Receiver Internal Noise Criteria specified in Table 3.
- (ii) This level applies to Sensitive Receivers that are adjacent to a venue, or within the same development.

The internal noise criteria establishes the noise attenuation measures that will be required.

Table 3 Sensitive Receiver Internal Noise Criteria L_{eq}(15min)

Receiver	Period	dBA	63 Hz	125 Hz
Residential sleeping area	Day/Evening	35	50	40
Residential sleeping area	Night	28	43	38
Residential living area	Any time	35	50	40
Short stay accommodation - tourist, visitor, hostel - living areas	Any time	40	55	45
Short stay accommodation - tourist, visitor, hostel - sleeping areas	Day/Evening	40	55	45
Short stay accommodation - tourist, visitor, hostel - sleeping areas	Night	33	50	44
Education facilities including early childhood and childcare	When in use	35	52	46
Place of public worship	When in use	38	55	49
Health services facility	Day/Evening	40	57	51
Health services facility (wards with sleeping areas only)	Night	35	52	46
Offices	When in use	40	57	51

DRAFT

M06 Sound Management

M06-2 Acoustic requirements for sound generating venues

Objective: To ensure new and modified sound generating venues do not unreasonably impact on acoustic amenity of sensitive receivers.

Within this SEPMP entertainment sound is managed via a balanced (place-based) approach to ensure emitters are responsible for achieving the external sound criteria at sensitive receivers, while receiver developments are responsible for their facade design to mitigate noise ingress and achieve the internal sound criteria. New sensitive development must incorporate appropriate sound attenuation.

Where a new or modified entertainment venue is proposed within the SEP, an Acoustic Report must be prepared by a suitably qualified acoustic consultant.

The Acoustic Report must:

- Detail the proposed use and operation of the site including the layout, nature of entertainment provided, hours of operation etc.;
- Identify the specific SCA levels for Entertainment Sound from the venue, and the boundaries to which they apply; and
- Detail the required noise attenuation measures to be included in the development, in order to ensure the requirements in (a) and (b) below are met.

The SCA requirements apply at the lot boundaries of all potential or existing receivers to all floor levels up to the maximum building heights allowable under the Kiama LEP. This includes the boundaries of any lot which is zoned such that a sensitive receiver use is permitted (including permitted with consent).

Note that where a site adjoins a road the nearest affected potential receiver boundary is likely to be on the opposite (far side) of the road, i.e. the SCA limits would need to be achieved at the nearest receiver boundary, not at the boundary of the venue.

The above does not preclude outdoor activities that do not satisfy the above, but such areas would be subject to the standard requirements of developments in the SEP.

New or significantly modified venues, that are attached to a sensitive receiver, are to also achieve the Sensitive Receiver Internal Noise Criteria under Table 3. This may require mitigation measures as part of the fit-out.



Source: Kiama Winter Street Festival

DRAFT

M06 Sound Management

M06-3 Outdoor dining – deemed to satisfy acoustic approach

A deemed to satisfy approach is provided in the SEPMP to reduce the need for an acoustic assessment for certain outdoor dining activities within the SEP. Noise generated by outdoor dining, as identified within this section, is not counted as a component of the SCA emissions from a premises, and therefore an Acoustic Report will not be required.

Outdoor dining deemed to satisfy requirements are:

- The dining occurs in accordance with the frontage identified in Figure 8
- Outdoor dining occurs only between the hours of 7.00am and 10.00pm
- The total outdoor dining area does not exceed 40m² and 20 patrons
- If music is provided in the outdoor dining area, it is of low-level background music level only. That is music noise levels that do not exceed 60 dBLAeq(1min) at any point in the outdoor dining

area, other than within 1m of a loudspeaker

- That a plan of management is in place and that patrons are monitored and anti-social behaviour is discouraged
- The outdoor dining operates in accordance with any required approval from Kiama Municipal Council
- Footpath Dining: While SEPs loosen restrictions on music, sound levels, and operating hours, footpath dining itself remains governed by strict accessibility and safety standards.

The above does not preclude outdoor activities that do not satisfy the above, but such areas would be subject to the standard requirements of developments in the SEP.



Source Outdoor dining area at Cin Cin

DRAFT

M06 Sound Management



Figure 8 Outdoor Dining - deemed to satisfy map

Item 15.3

Enclosure 2

DRAFT

M06 Sound Management

Item 15.3

Enclosure 2

M06-4 Acoustic requirements for sensitive receivers

A sensitive receiver is any development comprising residential accommodation, tourist and visitor accommodation, a place of public worship, a hospital, a medical centre, an office, respite day care centres and an educational establishment or centre-based child-care facility. These are premises where there is an expectation of sound amenity.

Existing sensitive receiver

For an existing sensitive receiver located in and around the Kiama Town Centre SEP refer to Section M06-1 to identify the relevant Sound Category Area, which will identify the amount of entertainment sound expected to be received at the property boundary. The Internal Sound Criteria, in the same section, then details the sound levels that noise attenuation measures will need to address.

For mixed-use developments, where the sensitive receiver shares a wall, floor or ceiling with the noise source, Internal Noise Criteria in Section M06-5 also provides for the level of entertainment sound expected to be transferred through the relevant building element.

New or modified sensitive receiver

If a new sensitive receiver development is being designed, or there is significant modification proposed to an existing facility, refer to Section M06-1 for the relevant requirements that will need to be met in relation to the Sound Category Areas and Internal Noise Criteria.

Objective: To ensure new and modified sensitive receivers mitigate for entertainment sound such that appropriate acoustic amenity is maintained for occupants.

Where a new or modified sensitive receiver development is proposed within a Sound Category Area an Acoustic Report must be prepared by a suitably qualified acoustic consultant.

The Acoustic Report must:

- Identify Entertainment Sound levels impacting each facade based on the SCAs defined in this document
- Include consideration of Entertainment Sound from existing venues approved and operating prior to the commencement of the SEP; and
- Detail the required noise attenuation measures to be included in the development in order to meet the Internal Noise Criteria set out in Table 3. Where the required noise attenuation measures necessitate that the external windows / doors of a receiver are to be closed in order to achieve compliance then the recommendations must also consider appropriate ventilation requirements such that occupants are supplied with ventilation in compliance with the National Construction Code, Apartment Design Guide or other relevant guidelines, when such windows / doors are closed. This may be via acoustically attenuated air paths, mechanical ventilation systems or other means

For modifications or additions to existing sensitive receivers the internal criteria apply only to the new or modified components of the development.

Note that new or modified developments may also need to separately consider noise other than entertainment sound, for example noise from road traffic or rail noise. Noise generated by the development, for example by mechanical services, may also need to be separately considered. These aspects are not considered by the Sound Management Framework.

DRAFT

M06 Sound Management

Indicative construction implications

The following provides indicative guidance on building construction requirements. Actual requirements will depend on the proposed building design and the findings of a site-specific acoustic assessment.

SCA1

Accommodation (including short-stay accommodation and health services facilities with overnight wards) and educational establishments are likely to require upgrades to the building envelope, including glazing, walls and roof/ceiling construction, to meet internal acoustic criteria. Alternative ventilation is also likely to be required to enable occupants to close windows while maintaining adequate fresh air.

Many places of public worship, daytime health services facilities and offices constructed of masonry materials may be capable of achieving the internal criteria without specific building upgrades.

SCA2

Accommodation is generally unlikely to require significant acoustic upgrades, particularly where contemporary or masonry construction is proposed. Non-residential uses are also unlikely to require building upgrades. Alternative ventilation may still be required.

SCA3

Contemporary accommodation and non-residential development are generally expected to achieve the internal acoustic criteria without specific acoustic upgrades.

Where short-stay accommodation is under the same ownership as a sound-generating venue, these provisions do not apply. However, consideration should be given to future changes in ownership or land use, including conversion to permanent residential accommodation, when determining construction standards.



Source: Kiama Jazz and Blues Festival

DRAFT

M06 Sound Management

M06-5 Acoustic requirements for mixed-use developments

For mixed-use developments within the SEP, that being a development with both an entertainment venue and sensitive receivers within the same building, an Acoustic Report must be prepared by a suitably qualified acoustic consultant.

The Acoustic Report must address all the requirements set out in Sections M06-2 and M06-4 as applicable to the development.

The Internal Noise Criteria set out in Table 3 must be met for venues within the development. This will include making provision for sound reduction for internal (venue) to internal (receiver) noise paths through building components.

For existing mixed-use buildings where a new entertainment venue is proposed (or an existing entertainment venue in a mixed-use building is applying for significant operational changes) the venue is required to implement sound insulation performance upgrades to the building such that the transmission of entertainment noise into the sensitive receiver component of the mixed-use building satisfies the internal noise criteria set out in Table 3.

Where a new sensitive receiver is being developed in a mixed-use building with an existing entertainment venue the sensitive receiver is required to implement sound insulation performance upgrades to the building, such that the transmission of entertainment noise from the existing venue operations satisfies the internal noise criteria (per Table 3) in the new residential premises. This applies where the sensitive receiver development is new, for example where the building is extended.

It also applies where the new sensitive receiver is of a different receiver type to that located in the space previously, with lower internal noise criteria, for example conversion of office space to residential use. This does not apply where the development does not change the usage type, for example refurbishment of a residential unit or refit of an office.

The transfer occurs via a building element, such as a wall, ceiling or floor, or glazing unit, located between the receiver and the venue. See diagram below to explain:

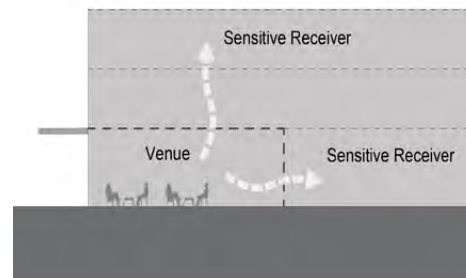


Figure 9 Internal sound emission diagram

DRAFT

M06 Sound Management

M06-6 Public Events

Kiama Municipal Council has an Event Toolkit available via the event organiser hub on their website which outlines the information and requirements for a Public Event, including approvals, noise management and operating hours by event category. Events are frequently held in Hindmarsh Park (utilising Orry Kelly Stage) and on closed sections of Terralong Street.

A Noise Management Plan may be required for a Public Event as per the Event Toolkit. This is for when amplified sound would be expected to be used, or where Council believe there is a risk of noise.

The Noise Management Plan would be prepared in accordance with the requirements of the Toolkit and would include demonstrating to the satisfaction of Council that the entertainment sound requirements at Section M06-1 of this SEP are met.

Specifically, the entertainment sound emitted from a public event must not exceed the Sound Category Area maximum Noise Sound Levels specified in Table 2 plus 5dB (during Day/Evening and Early Night period), and by reference to the Sound Category Area locality shown in Figure 7. This allowance is in recognition of the short term nature of events, and the limited number of events held a year.



Source: Kiama Winter Street Festival

DRAFT

M07 Trading Hours

Item 15.3

Enclosure 2

Chapter M07 Trading Hours

This Chapter provides for the trading hours for the Kiama Town Centre SEP.

Maximum trading hours are provided for:

- Venues
- Non-venues (a premises that does not carry out an entertainment activity)

A list of premises is also provided, who are allowed due to an existing approval, to operate beyond the trading hours as set out in the SEPMP. Refer to Appendix E.

Public event hours would be in accordance with those specified by event category in the Kiama Municipal Council Event Toolkit.

Along with the Sound Management Framework, the SEPMP establishes the trading hours for licensed and unlicensed premises in the SEP that carry out an entertainment activity(venues).

These trading hours support dawn and after dark trading. They work with the sound requirements to support vibrancy, whilst protecting the amenity of sensitive receivers in and around the precinct.

Maximum trading hours between 5.30am and 1.00am are identified in the SEP.

For a venue to achieve these hours, compliance with the entertainment sound requirements as identified is required. Note: for licensed venues, the liquor license sets the hours during which alcohol can be served.

Non-venues, which do not generate entertainment sound and are generally considered low-impact uses, may also operate between 5.30am and 1.00am within the SEP. This is to encourage more activity and activation within the precinct, which supports the vibrancy of the area as a whole.

Exceptions

A premises in the SEP with lawfully approved trading hours greater than the SEPMP may continue to operate and trade in accordance with those trading hours as set out on their operating development consent.

These current premises are listed in Appendix E of the SEPMP.

DRAFT

M07 Trading Hours

Advisory notes

- (a) Premises operating within the trading hours specified in the SEPMP are not required to obtain separate planning approval or modification to adjust their trading hours. The trading hour conditions of an existing development consent or Complying Development Certificate are switched off by the SEPMP while it is in force.
- (b) Premises with existing development approval to trade beyond those hours specified in the SEPMP may continue to operate in accordance with their existing approval.
- (c) Compliance with the SEP trading hours does not remove the requirement for venues to comply with the applicable entertainment sound requirements in Section M06-2, nor their liquor licence trading hours.



Source: Kiama Winter Street Festival

Item 15.3

Enclosure 2

DRAFT

M07 Trading Hours

M07-1 Liquor licensing

Liquor licence trading hours remain applicable and are not altered by the trading hours outlined in the SEPMP.

Licensed premises that wish to trade beyond their approved liquor trading hours must apply to Liquor & Gaming NSW or the Independent Liquor & Gaming Authority.

Licensed venues that host live music or performance may be eligible for longer trading hours as well as reduced licensed fees where certain criteria are met.

One-hour liquor trading extension on all nights of the week

Eligible licensed premises located in the SEP may be approved to trade an additional one-hour beyond their normal liquor trading hours on any night of the week, where certain criteria are met.

Venues must apply to Liquor & Gaming NSW to access the extension.

Accessing two-hour trading extension

Venues that meet eligibility requirements for the live music venue or live performance venue scheme can access a maximum of two hours extended trading.

Venues must apply to Liquor & Gaming NSW to access the two hours extended trading.

Eligible venues will be placed on the live music and performance list. Licensed premises must be on the list before they can trade the additional hours.

Permanently amending trading hours

Venues seeking to permanently extend their liquor license trading hours to align with the SEPMP will need to apply to the Independent Liquor & Gaming Authority for:

- an Extended Trading Authorisation (ETA) to trade past midnight, or
- a Change of Condition (CoC), if the venue is seeking to change their liquor trading hours but finish before midnight.

Venues must attach a copy of this SEPMP to their application. They are not required to provide Development Application evidence of approval for increased hours with their licence extension.

Item 15.3

Enclosure 2

DRAFT

M07 Trading Hours

M07-1 Liquor licensing

More Information

Information about how to apply for extended trading, live music and performance incentives can be found on the NSW Government website.

Apply to be a participating venue in a SEP:

<https://www.nsw.gov.au/business-and-economy/liquor-and-gaming/liquor-licensing/sound-regulation-for-licensed-venues/incentives-for-live-music-and-performance-venues#toc-eligibility-for-participating-venues-located-in-a-special-entertainment-precinct>

NSW live music and performance venue application:

<https://eforms.liquorandgaming.nsw.gov.au/forms/nsw-live-music-and-performance-venue-application>

Manage, modify or move your liquor licence NSW Government:

<https://www.nsw.gov.au/business-and-economy/liquor-and-gaming/liquor-licensing/apply-manage/modify-manage>

Incentives for live music and performance venues:

<https://www.nsw.gov.au/business-and-economy/liquor-and-gaming/liquor-licensing/sound-regulation-for-licensed-venues/incentives-for-live-music-and-performance-venues>



Source: Kiama Winter Street Festival

Item 15.3

Enclosure 2

DRAFT

M07 Trading Hours

Item 15.3

M07-2 Trading Hours Requirements

M07-2-1 Venue trading hours

The following maximum trading hours are provided to a venue:

- 1. Venue trading hours in the SEP may not exceed the maximum trading hours provided within Table 4.

Table 4 Maximum trading hours for Venues Kiama Town Centre SEP

Category	Indoor hours	Outdoor hours
Venue	5.30am to 1.00am	5.30am to 1.00am

- 2. Notwithstanding Table 4, the maximum trading hours for a venue are provided only where the entertainment sound requirements, outlined by Chapter M06 of this SEPMP, are achieved.
- 3. An exception to the maximum trading hours under Table 4 is provided to only those premises listed in Table 9. These premises may trade in accordance with the trading hours of their relevant development consent prior to, or after, the SEP trading hours.

M07-2-2 Non-venue trading hours

The following maximum trading hours are provided for a non-venue:

- 1. Non-venue trading hours in the SEP may not exceed the maximum trading hours provided within Table 5.

Table 5 Maximum trading hours for Non-venues Kiama Town Centre SEP

Category	Indoor hours	Outdoor hours
Non-venue	5.30am to 1.00am	5.30am to 1.00am

- 2. An exception to the maximum trading hours under Table 5 is provided to only those premises listed in Appendix E. These premises may trade in accordance with the trading hours of their relevant development consent prior to, or after, the SEP trading hours.
- 3. Where a non-venue is permitted to undertake a temporary entertainment activity, the maximum trading hours may only be achieved where the entertainment sound requirements under Chapter M06 are satisfied.

Enclosure 2

DRAFT

M07 Trading Hours

M07-2 Trading Hours Requirements

M07-2-3 Listed premises

Listed premises are only those venues and non-venues that have a current lawful approval and may operate outside the SEPMP trading hours as noted by their development consent.

A listed premise must operate in accordance with any entertainment noise conditions on the relevant development consent, when trading outside of the SEPMP trading hours.

Refer to Appendix E for a table of listed premises.

Kiama Municipal Council may update the listed premises at any time.

M07-2-4 Public events

Hours for a public event will be set via a Temporary Event Licence, guidance is provided within the Kiama Council Events Toolkit.

Achieving the maximum events hours may only occur where the entertainment sound requirements, outlined by Chapter M06 of this SEPMP, are achieved.



Source: Diggies, Kiama

Item 15.3

Enclosure 2

DRAFT

M08 Compliance Framework

Chapter M08 Compliance Framework

This Chapter details the compliance procedures for entertainment sound disturbances and trading hour breaches.

Various authorities are involved with compliance, including Liquor & Gaming NSW (L&GNSW) and Kiama Municipal Council, and where necessary the NSW Police. Depending on the compliance issue, a first line approach is to resolve noise and trading inconsistencies through a proactive and educative approach.

Other compliance procedures or formalities may be necessary, especially if breaches are repeated.

Premises may ultimately be removed from the Kiama Town Centre SEP where there are on-going issues and/or there is no genuine commitment to operate in accordance with the sound management requirements and trading hours outlined for the SEP.

The SEP is a shared responsibility. Venue operators, Council and relevant NSW Government agencies each have different roles in supporting a safe, vibrant and well-managed precinct.

Licensed venues in a SEP are exempt from noise pollution laws under the Protection of the Environment Operations Act 1997. This exemption applies if the venue operates in line with this Precinct Management Plan.

People can still lodge a statutory disturbance complaint under the Liquor Act 2007 against a licensed venue within a SEP. However, there is a higher threshold that applies before a complaint can be upheld.

To learn more about managing complaints see, the Guide for venues in handling noise complaints (<https://www.nsw.gov.au/business-and-economy/liquor-and-gaming/liquor-licensing/sound-regulation-for-licensed-venues/venue-guide-for-sound-disturbances>) and the Guide for residents about noise complaints (<https://www.nsw.gov.au/business-and-economy/liquor-and-gaming/liquor-licensing/sound-regulation-for-licensed-venues/community-guide-to-noise-disturbances>).

This plan applies to the operation of all premises within the SEP, and manages the regulation and compliance procedures relating to entertainment sound.

This plan does not apply to other sources of disturbance, including:

1. Vocal noise from people in public e.g., talking
2. Plant or machinery noise
3. Vehicular or traffic noise
4. Aircraft noise
5. Anti-social behaviour
6. Dumped rubbish
7. Littering

For these disturbances, please follow existing complaint channels.

DRAFT

M08 Compliance Framework

Item 15.3

Enclosure 2

M08-1 Compliance framework

The SEPMP provides a compliance framework for managing sound from entertainment activities and responding to non-compliance with SEP trading hours.

Living, working or visiting within the Kiama Town Centre SEP means some level of entertainment activity and entertainment sound can be expected. The purpose of the SEP is to support a vibrant and active precinct while managing impacts through defined trading hours and sound criteria. Complaints and compliance action will focus on circumstances where there is evidence of non-compliance with the SEP requirements or where impacts are considered unreasonable.

In summary:

- **Entertainment sound from licensed premises:** Liquor & Gaming NSW is responsible for receiving and investigating complaints relating to entertainment sound from licensed premises and administering any compliance action in accordance with Part 5, Division 3 of the Liquor Act 2007. This is applicable for licensed premises, includes their outdoor areas, and where patrons make noise disturbance on leaving these venues within the Kiama Town Centre SEP.
- **Entertainment sound from unlicensed premises:** Kiama Municipal Council (KMC) is responsible for receiving and investigating complaints relating to entertainment sound from unlicensed premises, including associated outdoor areas, within the Kiama Town Centre SEP. KMC is also responsible for managing complaints relating to noise disturbances caused by patrons leaving these premises. This includes premises operating on a BYO alcohol basis.

- **Complaints received by police:** Lake Illawarra Police District (NSW Police) works in partnership with KMC and L&GNSW by referring relevant noise complaints for investigation and action, while continuing to respond to noise-related matters where NSW Police has jurisdiction or enforcement responsibilities.
- Lake Illawarra Police District will continue to consider anti-social behaviour or crime issues in accordance with NSW policing procedures.
- KMC will be the authority for trading hours complaints that are received for licensed premises and unlicensed premises within the Kiama Town Centre SEP.
- KMC will be the authority responsible for licensing and compliance relating to events on public land.



Source: Kiama Winter Street Festival

DRAFT

M08 Compliance Framework

M08-2 Summary of complaints handling

Table 6 below provides an overview of complaints handling for entertainment noise disturbances and breaches of trading hours. It also includes information on other disturbances complaint handling, separate to the SEP.

Table 6 Summary of complaints handling

Disturbance	Responsible agency to handle complaint	Contact
Entertainment sound from licensed venues, including: - Amplified or live music including rehearsals and sound checks - Other forms of entertainment, such as karaoke, trivia, bingo, comedy and raffles - Ongoing patron noise on or within the venue including noise from patrons entering and exiting, talking and singing to music, and activities associated with the sale of liquor and the operation of food and dining services - Patron behaviour when leaving a venue, including anti-social behaviour, yelling or swearing.	Liquor & Gaming NSW (L&GNSW)	Phone: 1300 024 720 Mon-Fri 9am-4pm Portal https://www.nsw.gov.au/departments-and-agencies/dciths/liquor-gaming-nsw/contact-us/liquor-gaming-nsw-contact-portal or online 'Contact Us Form' here
Entertainment sound from unlicensed venues, including: - Amplified or live music including rehearsals and sound checks - Other forms of entertainment, such as karaoke, trivia, bingo, comedy and raffles - Ongoing patron noise on or within the premises including noise from patrons entering and exiting, excessive patron numbers, talking and singing to music - Patron behaviour when leaving a premises, including anti-social behaviour, yelling or swearing	Kiama Municipal Council	Phone: (02) 4232 0444 Email: council@kiama.nsw.gov.au Online form: 'Reporting Noise to Council' here

Item 15.3

Enclosure 2

DRAFT

M08 Compliance Framework

M08-2 Summary of complaints handling

Disturbance	Responsible agency to handle complaint	Contact
Entertainment sound from public events, including: • Amplified or live music or live performance • Ongoing patron noise on or within the event area including noise from patrons entering and exiting, excessive patron numbers, talking and singing to music • Patron behaviour when leaving, including anti-social behaviour, yelling or swearing	Kiama Municipal Council	Phone: (02) 4232 0444 Email: council@kiama.nsw.gov.au Online form: 'Reporting Noise to Council' here
Trading hours breaches in the SEP: • Unlicensed premises • Licensed premises • Entertainment activity on public areas	Kiama Municipal Council	Phone: (02) 4232 0444
Outside the SEP Compliance Framework (entertainment noise and trading hours) – For Information Only		
Other noise disturbances from licensed and unlicensed premises and public events - • Waste disposal and collection • Mechanical noise (ventilation, air conditioning, kitchen exhaust, refrigeration and similar plant) • Deliveries, including unloading and loading	Kiama Municipal Council	Phone: (02) 4232 0444 Email: council@kiama.nsw.gov.au Online form: 'Reporting Noise to Council' here
Other noise disturbance from a public area - • Amplified or live music where not related to a public event	Kiama Municipal Council	Phone: (02) 4232 0444
Anti-social behaviour or similar, including - • An act of violence, criminal activity, vandalism, use of a prohibited drug or property damage	Kiama Police Station Lake Illawarra Police District (24 Hours)	Kiama Police Station: (02) 4247 4150 Lake Illawarra Police District: 131 444 Emergency: 000

Item 15.3

Enclosure 2

DRAFT

M08 Compliance Framework

Item 15.3

Enclosure 2

M08-3 Entertainment sound disturbances from Venues

The SEPMP provides a framework for managing entertainment sound disturbances from venues. Authorities involved in managing these disturbances are principally Liquor and Gaming NSW (L&GNSW) and Kiama Municipal Council (KMC), and which is responsible is dependant on licensing.

Advisory note

It is encouraged prior to lodging an entertainment noise complaint that the venue is contacted directly by the affected person/s. This may efficiently resolve the disturbance first without authority involvement. Commonly the venue may not be aware of causing a disturbance and contacting the venue manager or the licensee of the premises, may quickly resolve the disturbance without further need for authority action.

Resolutions may involve minor changes to the venues operation such as closing certain windows and doors, placing security in areas with loud patrons, lowering volume or advising a resident of when the entertainment will end. It's also expected in these discussions concessions may need to be made by residents, including closing their windows or doors, and working around occasional episodes of higher sound levels.

M08-3-1 Licensed venues

L&GNSW is responsible for handling entertainment noise disturbances for licensed venues. This includes entertainment noise emitting from within the licensed venue and their outdoor areas.

Some level of noise will arise from the normal operation of a licensed venue. This includes noise from patrons, live or amplified music and other entertainment.

Licensees have an obligation to minimise any negative impact on residents and businesses. This means that licensees must ensure the operation of the venue does not detract from the amenity of community life.

Kiama Municipal Council does not handle entertainment noise disturbances from licensed

venues. Any complaints that are received by Council will be provided to L&GNSW. L&GNSW may however engage with Council as part of considering and determining compliance action for the venue.

The L&GNSW website outlines procedures to lodge a noise complaint for consideration by L&GNSW. L&GNSW will handle noise complaints in accordance with the requirements and criteria of the NSW Liquor Act 2007.

On receipt of a noise complaint by L&GNSW, it will be assessed by L&GNSW on a risk-based approach.

This approach will be based on potential factors, such as:

- Attempt by the affected person/s to resolve the noise disturbance with the venue manager or licensee (see Advisory Note above)
- The context of the complaint, including type, frequency, seriousness, and the timing of the alleged disturbance
- Degree of evidence provided by the complainant, or the premises has a history of noise compliance issues
- Whether the venue has any existing noise-related conditions on its liquor licence
- Whether the noise disturbance is reasonable in the context of the premises in question
- Whether the complaint aligns to L&GNSW regulatory priorities

L&GNSW can then determine an appropriate response to the complaint. L&GNSW responses may include:

- Encouraging the complainant and the venue manager (and /or licensee) to resolve the issue together
- Provide for mediation between the complainant and the licensee, guided by L&GNSW inspectors
- Remedially engaging with the venue to provide education and support. This gives the venue an opportunity to put proactive measures in

DRAFT

M08 Compliance Framework

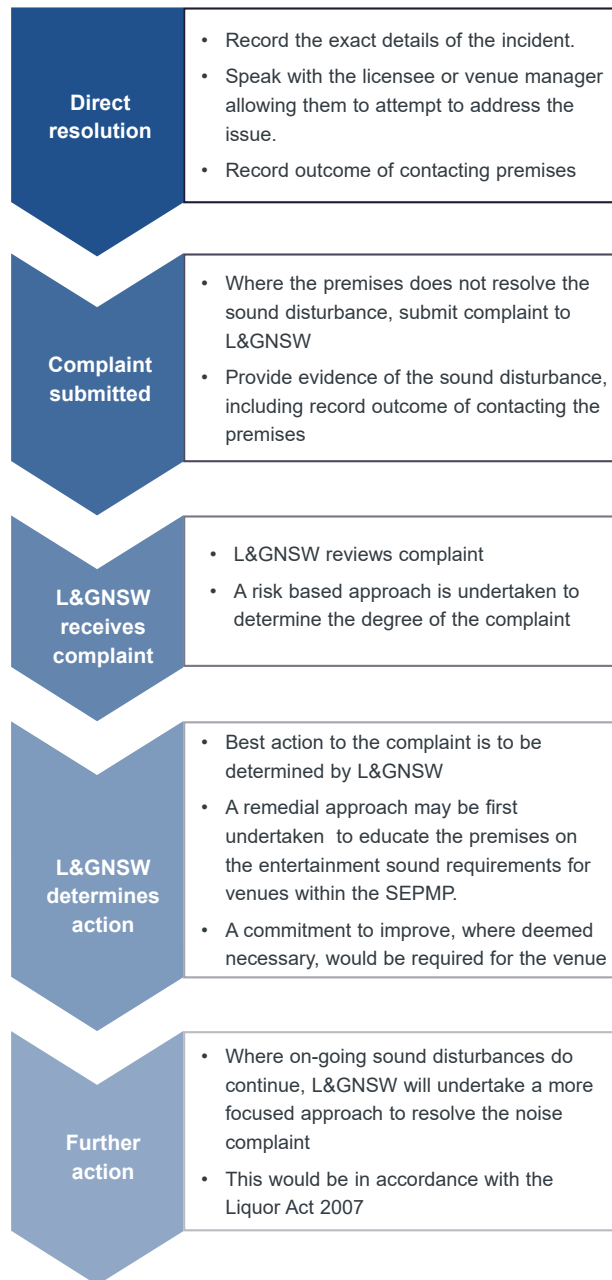
M08-3 Entertainment sound disturbances from Venues

- place and may result in a timely resolution
- Recording the complaint and however deciding to undertake no further action
 - Referring the complaint to another compliance authority, such as the Lake Illawarra Police Command or Kiama Municipal Council, where the issue is not under the care of L&GNSW
 - Allocating the complaint to a L&GNSW inspector for further investigation

L&G NSW would need to be satisfied that the premises are exceeding the entertainment sound requirements of the SEP. This may require further information to substantiate the noise disturbance, including conducting further investigations.

If premises are found to be exceeding the entertainment sound requirements of the SEPMP, depending on the degree of non-compliance, an educative approach may be first undertaken. This would seek to remind the venue of the entertainment sound requirements of the SEP, and provide for an appropriate time commitment for the venue to implement corrective measures.

If on-going noise complaints are received, and depending on the exceedance, then more focused guidance to resolve the noise complaint would be determined by L&GNSW, and in context with the procedures and requirements of the NSW Liquor Act 2007.



Item 15.3

Enclosure 2

DRAFT

M08 Compliance Framework

M08-3 Entertainment sound disturbances from Venues

Liquor & Gaming NSW (L&GNSW) may not investigate every noise complaint, particularly where the matter is assessed as minor in nature. To assist L&GNSW in assessing and investigating a complaint, the following information should be provided:

- Details of the alleged breach (date, time and duration)
- Details of any attempts made to resolve the issue directly with the venue.
- Contact details for the complainant and the licensed venue.
- Any supporting evidence, such as photographs, videos or noise logs.

Statutory disturbance complaints in SEPs

People can still lodge a statutory disturbance complaint against a venue in a SEP. However, a higher threshold applies before the complaint can be upheld.

To uphold the complaint, both of the following must be true:

- The venue did not follow the sound management rules in the precinct management plan
- The level of disturbance was unreasonable. For example, if acoustic testing shows the venue's noise clearly exceeds the sound limits in the plan.

If there's evidence that the venue has breached the sound limits, L&GNSW may take regulatory action. This could include:

- Issuing a direction under section 34A of the Gaming and Liquor Administration Act 2007 to require the venue to follow the precinct's sound management rules
- Issuing an improvement notice under the Liquor Act 2007 if the venue has breached the Liquor Act or contributed to unreasonable noise.

DRAFT

M08 Compliance Framework

Item 15.3

Enclosure 2

M08-3 Entertainment sound disturbances from Venues

M08-3-2 Unlicensed venues

Kiama Municipal Council is responsible for handling entertainment noise disturbances from unlicensed venues, including BYO premises. This includes entertainment noise emitting from the unlicensed premises, as well any associated areas of the premises such as outdoor dining.

Within the SEP, any complaints related to entertainment sound from an unlicensed venue or BYO premises should first be directed in a civil manner to the venue. If a resolution is not reached, then a complaint can be made to Kiama Municipal Council. Council can be contacted directly regarding a noise complaint through communication channels outlined in Table 6,

On receipt of a noise complaint, Council will review first to determine if there is enough information to substantiate the complaint. The complainant may be contacted by Council staff for further information. Council staff will also contact the venue for a response.

Council would need to be satisfied that the premises is exceeding the entertainment sound requirements of the SEP. This may require further information to substantiate the noise disturbance, including conducting further investigations.

If the premises are found to be operating in accordance with the related entertainment sound requirements of the SEPMP, then the complainant and the premises will be provided with feedback on the outcome.

If the premises are found to be exceeding the entertainment sound requirements of the SEPMP, depending on the exceedance, Council may initially undertake an educative approach to remind the venue of the need to comply with the SEPMP.

Council may also seek as part of this process, a commitment from the premises to a time-frame within which changes will occur, to ensure sound disturbance are reduced in the future.

If further noise disturbances continue to occur, Council will consider further approaches to resolve the issue. This may include a mediation process, if suitable. The complainant, the premises manager and Council staff will be present at a mediation to seek a resolution.

Other more focused process may also be undertaken.

Council does retain enforcement powers under the Protection of the Environment Operations Act 1997, however this is only applicable where the noise is determined to be in exceedance of the entertainment sound requirements of the SEPMP.

A summary overview is illustrated on the next page.

DRAFT

M08 Compliance Framework

M08-3 Entertainment sound disturbances from Venues

Figure 10 Unlicensed premises: Entertainment sound disturbances process overview

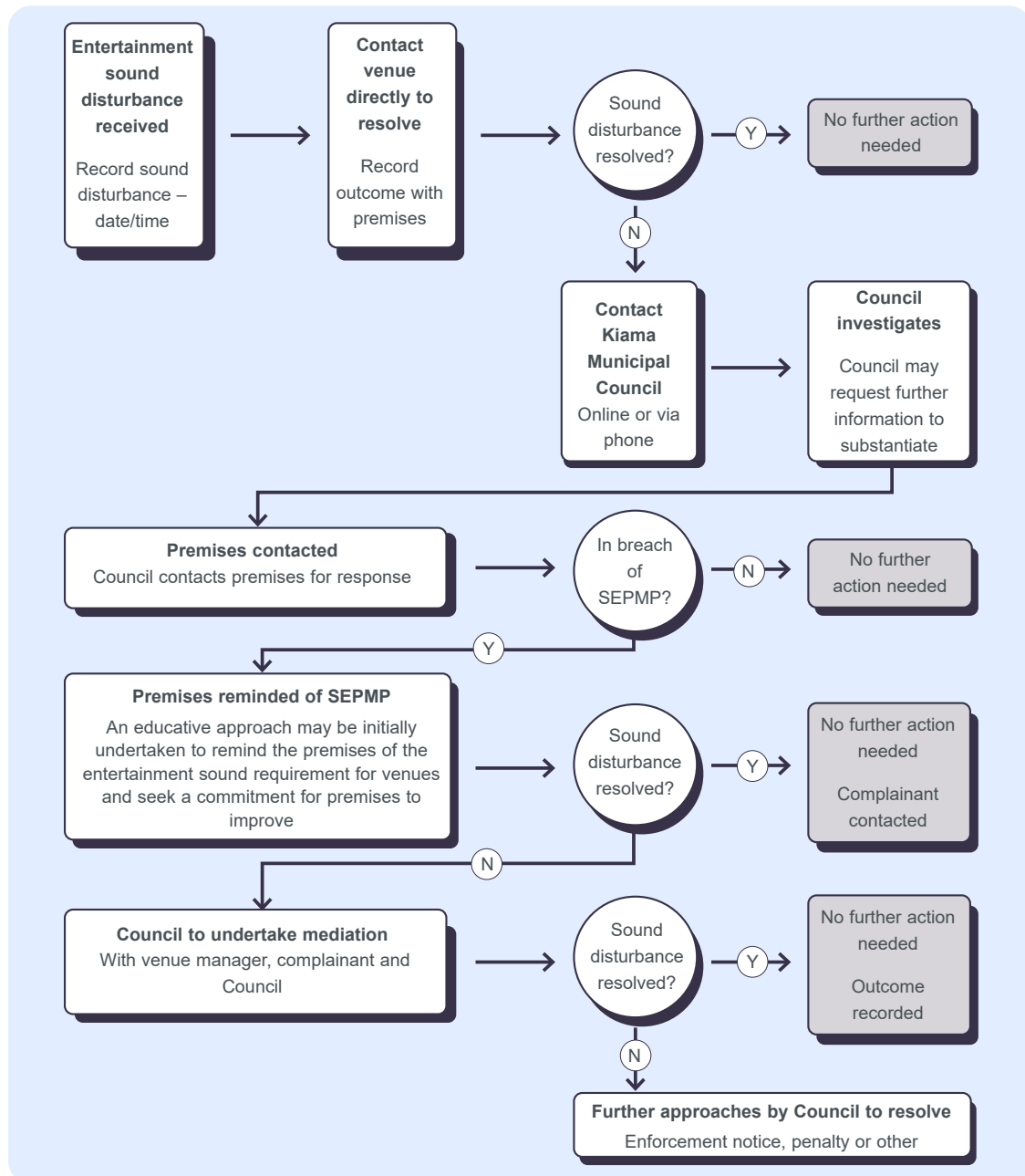




Image credit - Peter Izzard

DRAFT

M08 Compliance Framework

M08-4 Entertainment sound disturbance from public areas

Entertainment noise disturbances from public events within the Kiama Town Centre SEP will be managed by Kiama Municipal Council.

Council can be contacted directly regarding a noise complaint through communication channels outlined in Table 6.

On receipt of a complaint, Council will review to determine if there is enough information to substantiate the complaint. The complainant may be contacted by Council staff for further information. Council staff will also contact the event operator for a response.

Council would need to be satisfied that the event is exceeding the entertainment sound requirements of the SEP. In addition, other requirements, such as any hours for amplified music as outlined by a Noise Management Plan prepared for the event would be considered. This may require further information to substantiate the noise disturbance, including conducting further investigations.

If the event is found to be operating in accordance with the related entertainment sound requirements of the SEPMP, then the complainant will be provided with feedback on the outcome.

Where found to be exceeding the entertainment sound requirements of the SEPMP, noting the temporary nature of a public event, Council staff would mostly seek to undertake an educative approach to address the disturbance with the event operator. For example, reminding the operator to implement any noise mitigation as outlined within a Noise Management Plan, or requesting further noise mitigation measures. A non-compliance, or breach may be recorded against the event operator which will form part of the consideration for any future event licensing purposes.

With a regular or an ongoing event, Council may seek, as part of this process, a time commitment from the event operator, to ensure sound disturbances are lessened in a timely manner.

If required, a more focused approach can be determined by Council staff if on-going complaints continue with events. This includes reviewing operational aspects.

DRAFT

M08 Compliance Framework

M08-5 Role of the NSW Police

The Lake Illawarra Police District provides policing services to Kiama, including the Kiama Town Centre SEP. Police operate from the Kiama Police Station on Terralong Street part-time and the Lake Illawarra Police District Command at Oak Flats 24hrs a day.

Where an immediate response is required in relation to a noise disturbance, particularly outside the operating hours of Kiama Municipal Council (KMC) or Liquor & Gaming NSW (L&GNSW), complaints may be reported to NSW Police. Contact details are provided in Table 6,

NSW Police may respond to noise-related incidents and seek to resolve issues directly with the venue.

Where a complaint relates to entertainment sound from a venue within the SEP, NSW Police may make an initial assessment of the circumstances and refer the matter to the appropriate authority for further investigation and action as required. Compliance with the entertainment sound criteria and management requirements contained within this SEPMP is assessed by Liquor & Gaming NSW for licensed premises and by Kiama Municipal Council for unlicensed premises, including premises operating on a BYO basis.

NSW Police also have powers under the Protection of the Environment Operations Act 1997 to investigate and assess offensive noise in circumstances where the disturbance is not otherwise regulated under the SEP framework, the Liquor Act 2007 or other relevant legislation.



Image credit - Peter Izzard

Item 15.3

Enclosure 2

DRAFT

M08 Compliance Framework

M08-6 Trading hours breaches

Kiama Municipal Council is the responsible authority to investigate trading hour breaches for all premises within the Kiama Town Centre SEP. This includes whether they are a 'venue' or a 'non-venue'.

Complaints may be submitted through the channels outlined in Table 6, p44. Council will investigate reported breaches and determine an appropriate response.

In the first instance, Council may adopt an educative approach to help premises achieve compliance with SEP trading hour requirements. Where non-compliance persists or breaches are significant, Council may undertake further compliance action, including requiring the relevant planning approvals for extended trading hours.

A summary of the trading hour compliance process is provided on the following page.

Public event hours

Kiama Municipal Council is the responsible authority to investigate operating hour breaches for public events in the Kiama Town Centre SEP.

Council can be contacted directly regarding an event hours complaint through communication channels outlined in Table 6.

On receipt of a complaint, Council staff will review. Further information may be required by Council to consider the complaint, including contacting the event operator and/or through an investigation process, to identify if the event is not operating in accordance with the event hours, their issued Temporary Event License, or as outlined by the SEPMP.

Where found to be exceeding the event hours requirements, noting the temporary nature, Council staff would first seek to undertake an educative approach to address the disturbance with the event operator to achieve compliance.

Council may undertake a more focused approach to achieve compliance, especially where the event is ongoing and repeated operating breaches occur.

Item 15.3

Enclosure 2

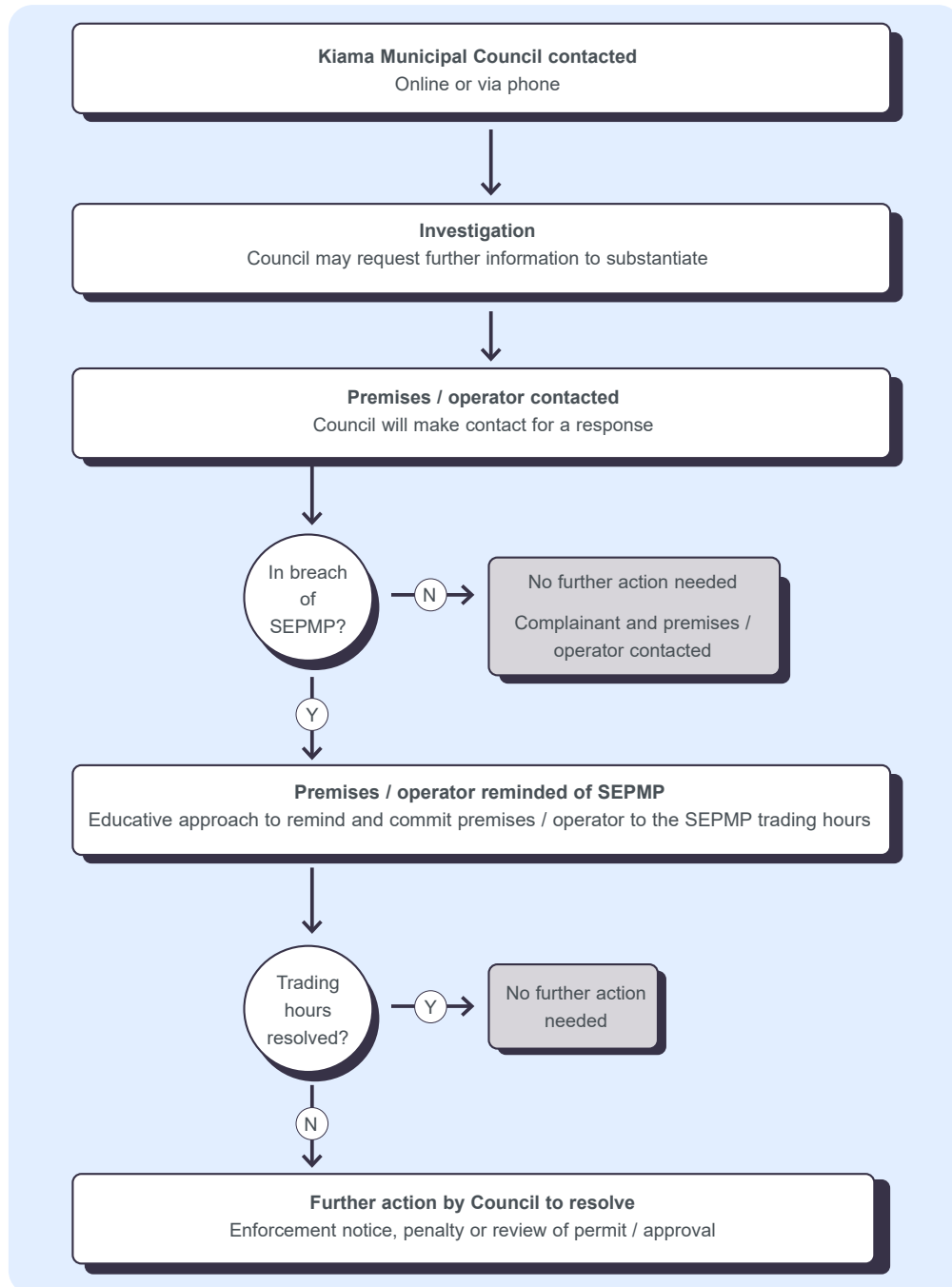
DRAFT

M08 Compliance Framework

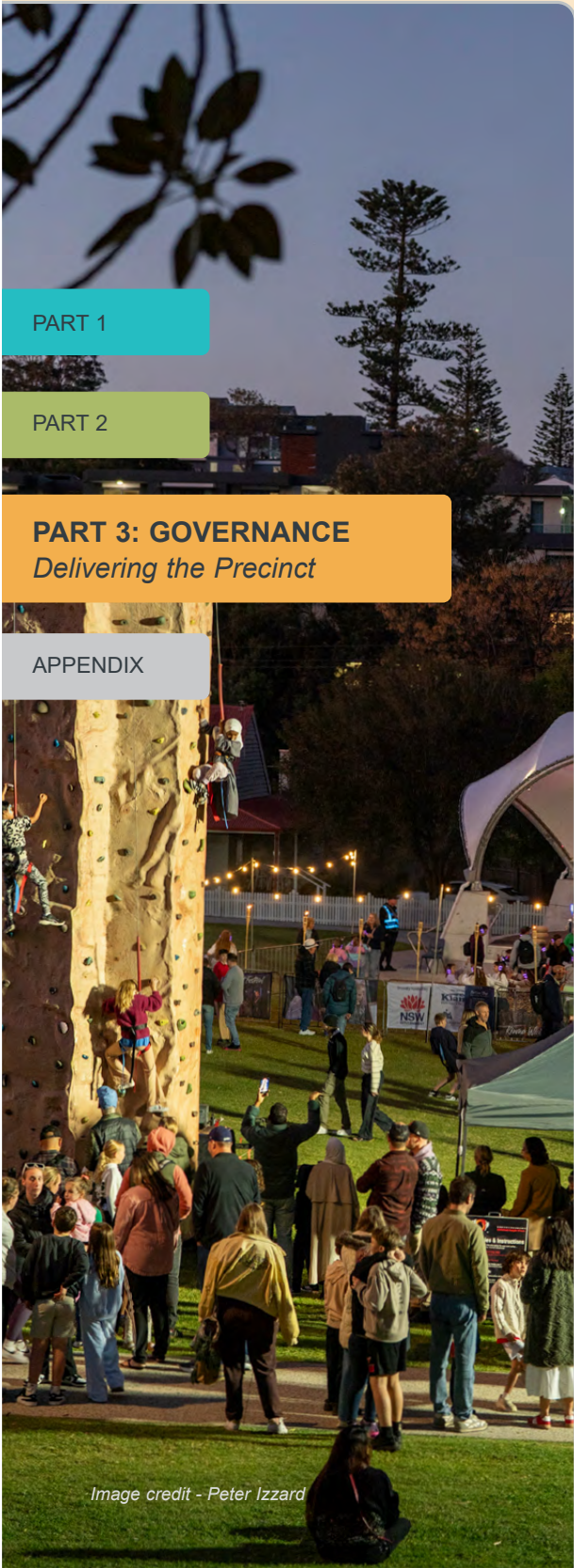
Item 15.3

Enclosure 2

Figure 11 Trading hours disturbances process overview



DRAFT



Part 3

GOVERNANCE

Delivering the Precinct

- G09: Communication and Engagement
- G10: Monitoring and Evaluation
- G11: Exclusions
- G12: Suspension or Revocation

This Part of the SEPMP relates to the governance of the SEP. It outlines the communication and engagement processes, the monitoring and evaluation that will occur, the exclusions that are in place and the process for suspension or revocation of the SEP.

Item 15.3

Enclosure 2

DRAFT

G09 Communication and Engagement

Item 15.3

Enclosure 2

Chapter G09
Communication and Engagement

G09-1 Consultation to prepare the SEPMP

To inform the development of the planning controls under which the Kiama Town Centre SEP will operate, a series of communication and engagement activities were undertaken with relevant agencies. This includes:

- NSW Office of the 24 Economy Commissioner
- NSW Police (Lake Illawarra Police District)
- NSW Health (Illawarra Shoalhaven Health District)
- NSW Liquor and Gaming

Council has also established a Special Entertainment Precinct Reference Group comprising representatives from local businesses and venues, NSW Police, Liquor & Gaming NSW, Health, Transport and Council officers.

Key Relevant Agencies	
Office of the 24 Hour Economy Commissioner	Council has been in regular communication with the NSW Office of the 24 Hour Economy Commissioner, to ensure that the SEP is meeting the objectives of the SEP process overall, and to get specific feedback on certain elements as they were developed.
NSW Police – Lake Illawarra Police District and NSW Health – Illawarra-Shoalhaven Local Health District	Consultation was undertaken with both the Lake Illawarra Police District and the Illawarra Shoalhaven Health District, to gain an understanding of the likely impacts of a SEP on the provision of Police and Emergency Health services.
Transport for NSW	Transport for NSW was a key stakeholder in the development of the SEP. It was recognised that increased visitation and activity generated through the SEP may help demonstrate demand for improved public transport services and connectivity, supporting the long-term accessibility of the town centre after dark.
Liquor and Gaming NSW	Liquor and Gaming NSW are an integral part of the management of any SEP, given their role in managing liquor licensing, and responding to complaints relating to licensed venues.

DRAFT

G09 Communication and Engagement

G09-1 Consultation to prepare the SEPMP

Wider community

Community engagement undertaken as part of the development of the Kiama After Dark Strategy provided valuable insights into community aspirations and concerns regarding after-dark activity across the Municipality and within the Kiama Town Centre. Feedback indicated broad support for a vibrant and activated town centre, including increased dining, entertainment, cultural and community experiences, provided these outcomes are balanced with appropriate measures to protect residential amenity, safety and local character. These findings have informed the development of the SEP and its focus on balancing vibrancy with community amenity.

Establishment of the SEP

Whilst the SEP is being established there will be on-going engagement with the various stakeholders. The Department of Planning, Housing and Infrastructure will be consulted through a formal Planning Proposal submission process, which will also trigger formal review of the proposal by various government agencies. The exhibition process, managed by Council, will enable more widespread community consideration and feedback on the specific controls being considered.

Trial Period

Prior to commencement of the SEP, Council will notify residents, businesses and stakeholders within and adjoining the precinct about the commencement of the trial period.

A Night-time Economy Working Group made up of various stakeholders will assist in monitoring and reporting on the success of the SEP during the trial period.

Community feedback will be collected through a dedicated SEP webpage, which will include an online feedback form and a short survey. Council will also undertake direct community engagement throughout the trial period through scheduled engagement pop-ups and other stakeholder engagement activities.

Feedback received through these channels, together with complaint and enquiry data, will be monitored and reviewed throughout the trial.

The SEP will be trialled for a period of 24 months to enable businesses, residents, visitors and stakeholders to experience and evaluate the operation of the precinct and the effectiveness of the SEP controls. Monitoring and evaluation will be undertaken throughout the trial to assess performance, identify opportunities for improvement and inform any future amendments to the SEP framework.

At the conclusion of the trial period, Council will prepare an evaluation report summarising monitoring outcomes, stakeholder feedback and key findings. This report will be considered by the Night-time Economy Working Group, which will provide advice to Council.

Item 15.3

Enclosure 2

DRAFT

G10 Monitoring and Evaluation

Chapter G10 Monitoring and Evaluation

During the trial period, KMC will monitor the Kiama Town Centre SEP implementation.

On completion of the trial, outcomes will be considered by KMC and amendments to the SEP may be required, including corresponding amendments to this SEPMP and the SEP section of the Kiama DCP, to support the effective operation of the SEP.

G10-1 Monitoring Plan

The following outcomes framework provides a structured approach to define, track, and report on the desired changes (outcomes) that the SEP aims to achieve. These outcomes will assist Council to measure progress toward the SEP objectives, ensure accountability, improve decision-making, and provide a shared understanding of what success of the Precinct looks like for the Kiama community.

Monitoring and evaluation will provide ongoing opportunities for Council to amend trading hours and sound controls if required in response to issues identified during the operation of the SEP, in consultation with NSW Government agencies, businesses and the community.

A Monitoring Plan for Kiama Town Centre SEP is provided on the following page.



Image credit - Peter Izzard

DRAFT

G10 Monitoring and Evaluation

G10-1 Monitoring Plan

Table 7 Monitoring Plan for Kiama Town Centre SEP

Objective	Short Term Outcome (12 months)	Measure	Medium Term Outcome (24 months)	Measure	Long Term Outcome (5+ years)
To create conditions that encourage and sustain live entertainment, culture and creativity	Venue operators and businesses are aware of, understand and support sound controls and trading hours	Number of venues demonstrating an intention to provide / providing more live music / entertainment	Increased music, entertainment and cultural events	Number of live performances and events Month 24	Thriving, vibrant and sustainable SEP, that contributes to the economic growth, business development and the identify of the area as a regional entertainment destination
To stimulate economic activity by providing more diverse night-time activities for visitors and residents			Higher revenue and sales for night-time businesses		
To provide greater operational certainty for venues and businesses by establishing consistent sound controls and trading hours		• Number of venues and businesses utilising later trading hours • Number of venues and businesses utilising extra trading hours incentives • Number of non-entertainment related businesses demonstrating intention to extend trading hours	Business confidence and investment intentions	• Number of venues and businesses increasing trading hours • Number of venues increasing trading hours to support live entertainment • Number of venues and businesses utilising incentives	Increased local employment opportunities

Item 15.3

Enclosure 2

DRAFT

G10 Monitoring and Evaluation

G10-1 Monitoring Plan

Objective	Short Term Outcome (12 months)	Measure	Medium Term Outcome (24 months)	Measure	Long Term Outcome (5+ years)
To balance the creation of a thriving night-time economy with quality of life for residents	The SEP is generally supported through the public exhibition period	Number of resident complaints	On-going resident support	Number of resident complaints	Continued coexistence of residential, commercial and entertainment uses
		Number of compliance matters resolved through education		Stakeholder satisfaction with SEP processes	
				- Attendance at street festivals and after-dark events - Participation in community activities - Perceptions of safety after dark - Use of public spaces after dark	

Operation of the SEP

Following the trial period, monitoring and community engagement will form part of Council's ongoing management of the SEP. The community will continue to have opportunities to provide feedback through Council's established channels, with feedback and performance data informing the ongoing operation and improvement of the precinct.

Item 15.3

Enclosure 2

DRAFT

G11 Exclusions

Chapter G11 Exclusions

Certain premises are excluded from a SEP, in accordance with the requirements of the Local Government Act 1993.

These premises include adult entertainment venues, restricted premises such as sex shops and adult bookstores, brothels or sex service premises.

This is outlined under the Local Government Act, as follows:

Section 202B (2):

- (2) If the area for which a special entertainment precinct is established includes relevant premises—
 - (a) the premises are taken not to be included in the special entertainment precinct, and
 - (b) the precinct management plan for the special entertainment precinct does not apply to the premises.

relevant premises means the following—

- (a) premises used for the purposes of a brothel or other sex services,
- (b) premises used for adult entertainment of a sexual nature,
- (c) premises that, due to the nature of the business conducted on the premises, restrict access to patrons or customers who are 18 years of age or older. For example, sex shops, adult bookstores.

Accordingly, these premises are not covered by the Kiama Town Centre SEP and remain under separate regulatory frameworks.

DRAFT

G12 Suspension or Revocation of the SEP

Item 15.3

Enclosure 2

Chapter G12
Suspension or Revocation of the SEP

G12-1 Suspension of the Kiama Town Centre SEP

The Kiama Town Centre SEP may be suspended by Kiama Municipal Council at any time during its operation.

In determining if the Kiama Town Centre SEP should be suspended, KMC would consider (and in accordance with the Office of the 24-Hour Economy Commissioner Special Entertainment Precinct Guidelines):

- If the quiet and good order of the neighbourhood of the Kiama Town Centre SEP is being unreasonably disturbed because of the cumulative impact of trading operations or the behaviour of patrons after they leave premises or public areas within the SEP.
- Sustained patterns, over a significant period of time, of high levels of anti-social behaviour and violence which are leading to impacts to public safety and amenity.
- The Kiama Town Centre SEP is not being exercised in the public interest.
- The continuation of the Kiama Town Centre SEP is not in the public interest.
- Where suspension is the only option after unsuccessful attempts to resolve substantiated non-compliances of a significant number of premises, through premise management, and the modification of precinct trading hours and/or sound criteria which have impacted public amenity and safety, but which KMC considers can be remedied within a certain timeframe.

G12-2 Revoking the Kiama Town Centre SEP

The Kiama Town Centre SEP may be revoked by KMC, where deemed ultimately necessary.

In determining if the Kiama Town Centre SEP should be revoked, KMC would consider (and in accordance with the Office of the 24-Hour Economy Special Entertainment Precinct Guidelines):

- Whether venues did not take up the opportunity to host live music and performance, and venues and non-venues did not take up the opportunity to have extended trading hours.
- Where KMC changes the strategic direction of the SEP.
- Where high levels of anti-social behaviour and/or violence is occurring in the Kiama Town Centre SEP on an ongoing basis, that are impacting public safety and amenity.
- Where revocation is the only option to address impacts of a significant number of premises/businesses in breach of venue management conditions, precinct trading hours and/or entertainment sound requirements, and there are substantiated complaints following attempts to address them resulting in significant impacts on public amenity and safety which cannot be resolved.

DRAFT

Appendix

- A: Checklist
- B: Policy Considerations
- C: Planning Guidance
- D: Licensed Premises
- E: Listed Premises
- F: Key Definitions
- G: FAQs

These Appendices provide additional supporting information or guidance for aspects of the SEP.

PART 1

PART 2

PART 3

APPENDIX

Item 15.3

Enclosure 2

Image credit - Mark Fitz

DRAFT

A Checklist

Appendix A
Checklist

**A-1 Application Checklist –
Venue Operators/Applicants**

Before applying, please consider the following:

- Proposed use and hours
- Entertainment activities
- Indoor/outdoor areas
- Patron capacity
- Acoustic considerations
- Entry/exit and patron management
- Deliveries and waste
- Outdoor dining
- Lighting/signage
- Accessibility
- Safety, including any on-site CCTV
- Relationship to neighbouring properties
- Required approvals and supporting documentation.

Item 15.3

Enclosure 2

DRAFT

B Policy Considerations

Appendix B Policy Considerations

B-1 Kiama Local Environmental Plan 2011



Figure 12 Illustrative Kiama Town Centre SEP map in the Kiama Local Environmental Plan 2012

The Kiama Special Entertainment Precinct (SEP) is legislated under the Kiama LEP 2011 by way of a proposed Special Entertainment Precinct clause, together with associated LEP mapping which designates the Kiama Town Centre SEP area.

Key relevant points:

- A majority of the town centre is zoned E1 Local Centre which focuses on the provision of business, commercial and community uses.
- Residential uses within the E1 zone are only permissible as shop-top housing.
- The rail line and several civic/ community uses such as the post office, library and the arts centre are zoned SP2 Infrastructure.
- A significant number of heritage listed items are located along Terralong Street, Collins Street and the northern parts of Manning and Shoalhaven Streets.

Any Section 10.7 Property Certificate sought after the SEP becomes operational will reflect a properties inclusion within the Kiama Town Centre SEP land area. This provides awareness for owners and property purchasers of the Kiama Town Centre SEP and that it as a night-time precinct.

DRAFT

B Policy Considerations

B-2 Special Entertainment Precinct section of the Kiama DCP 2020

The SEP section of the Kiama DCP 2020 outlines controls for new or relevant modified development in the Kiama Town Centre SEP that requires a Development Application (DA) or Modification Application (MOD).

These planning controls, in Topic 12.7 Chapter 12 of the Kiama DCP 2020, would:

- Govern new or modified sensitive receiver development, such as residential accommodation or other, located within the SEP.
- Affect new or modified licensed or unlicensed premises that would carry out an entertainment activity (venue) and require a DA or MOD to be lawfully established or operate. For example, small bars, pubs, or food and drink premises that cater for more than 100 persons or outdoor dining areas where required.

Provides requirements for premises that wish to seek trading hours that extend beyond the SEP trading hours.

The sound controls under these provisions within the Kiama DCP 2020 provide mitigation of the potential transfer of entertainment sound to sensitive receivers. They support to 'future proof' the Kiama Town Centre SEP against impacts of entertainment sound and therefore support the on-going vibrancy of the precinct.

Anyone preparing a relevant DA or MOD for a site within the Kiama Town Centre SEP boundary must read and apply the requirements of the Special Entertainment Precinct section of the Kiama DCP 2020.



DRAFT

B

Policy Considerations

B-3 Operation of Development Consents and Complying Development Certificates

The Environmental Planning and Assessment Act 1979 (As Amended) (EP&A Act) provides for a consent authority, such as Kiama Council or a Planning Panel, to issue a development consent for the use of land.

The EP&A Act also provides for a certifying authority, such as a Certifier, to issue a Complying Development Certificate for the use of land.

These are planning consents, and commonly subject to conditions of consent. The conditions mitigate the impact of the use, reflective of the development, and can be construction related operational in their nature.

Development consents

For the SEP, a development consent that includes conditions for regulating sound from an entertainment activity (entertainment sound/noise condition) that are inconsistent with the SEPMP entertainment sound requirements will not have effect. In addition, trading hours that are less than those of the SEPMP, including live entertainment hours, and/or prohibit live entertainment either wholly or in part, will not have effect.

Instead, the entertainment sound requirements and the trading hours requirements, provided at Part 2 of the SEPMP, will apply to the premises.

Development consents do not need to be modified to enable the entertainment sound requirements and the trading hours of the SEPMP, nor do they need to seek to modify live entertainment hours if these are also noted on the development consent.

All other development consent conditions will continue to apply. This includes any conditions related to mechanical plant noise, operation of outdoor areas, a Plan of Management (excluding any criteria for trading hours or entertainment sound), security requirements, the operating capacity of a venue with respect to maximum number of patrons, staffing levels and so on.

The trading hours of the SEPMP do not set or override liquor licence trading hours. Liquor trading remains subject to the Liquor Act 2007 and the trading hours and conditions of the relevant liquor licence.

Complying Development Certificate

For the SEP, any Complying Development Certificate (CDC) conditions for entertainment noise that are inconsistent with the entertainment sound requirements of the SEPMP will not have effect.

In addition, trading hours on the CDC that are less than the trading hours of the SEPMP will not have effect.

Instead, the entertainment sound requirements and the trading hours provided at Part 2 of the SEPMP will apply to the subject premises.

A CDC does not need to be amended to enable the entertainment sound requirements or trading hours of the SEPMP.

All other conditions of a CDC however continue to apply.

DRAFT

B Policy Considerations

B-4 Liquor licences

Exception to SEPMP trading hours

Premises, with lawfully approved trading hours that are greater than the trading hours of the SEPMP, may continue to trade under those (later) hours of their active development consent.

This is outlined at Chapter M07 of the SEPMP, and in Appendix E.

However, these listed premises would need to adhere to the entertainment noise requirements on their development consent when trading outside the SEPMP trading hours.

Entertainment sound/noise conditions on an existing development consent or CDC do not have an effect where they are inconsistent with this SEPMP, and the premises would be required to operate in accordance with the entertainment sound requirements at Part 2 of this SEPMP.

Trading after the SEPMP trading hours, however, would then default to the entertainment noise requirements and trading hours provided on the applicable development consent.

Premises may also seek trading hours greater than those on the SEP, however would require a DA or MOD to do so in accordance with the SEP section of the Kiama 2020.

Licensed premises within the Kiama Town Centre SEP that serve or sell alcohol are required to have a liquor licence in place. This does not include a 'BYO' premises.

Liquor licences are granted and regulated by Liquor and Gaming NSW (L&GNSW) and the Independent Liquor and Gaming Authority (ILGA).

Liquor licences contain a range of conditions and requirements that must be upheld by the licensee and operator, whilst alcohol is being served at the premises. These conditions can cover a range of matters, including but not limited to, security, noise management, liquor licence boundaries, operation in accordance with a premises Plan of Management, and the hours for the service of liquor by the premises.

The SEP does not override any liquor trading hours on a liquor licence. Liquor trading remains subject to the Liquor Act 2007 and the trading hours and conditions of the relevant liquor licence. A premises being in a SEP however does provide the opportunity to apply for extended liquor trading hours where live music or other live performance is provided at the premises as outlined below.

LA10 conditions on a liquor licence do not apply in the SEP.

Extended liquor license trading: live music and performance venue

Licensed venues that host live music or performance may be eligible for longer trading hours as well as reduced license fees where certain criteria apply.

DRAFT

B

Policy Considerations

B-6 Protection of the Environment Operations Act 1997

Information about the criteria and how to apply for extended trading, live music and performance incentives can be found in section M07-1 Liquor licensing of the SEPMP. Approved venues that wish to access the maximum 2 hours of extended trading must satisfy the below criteria:

Event times: Eligible performances may be held after 6pm on weekdays, and after 12 noon on weekends, for at least 45 minutes.

Number of performances: Live music venues in regional areas must host at least 104 live music performances per year.

B-5 Plans of Management

Licensed premises, and in some instances unlicensed premises, are commonly required to operate under a Plan of Management. Prepared by the premises operator, a Plan of Management supports the premises to trade appropriately.

Where any criteria of a Plan of Management (such as trading hours or entertainment sound) may conflict with the criteria of the SEPMP, the SEPMP will override these.

Where the Plan of Management provides for entertainment noise measures, these measures should be reviewed against the sound management framework at Chapter M06 so that these align with the entertainment sound requirements for venues provided in this SEPMP.

Some new or modified premises may also require a Plan of Management to operate in the SEP. For example, a pub, small bar or other.

The Protection of the Environment Operation Act 1997 (POEO Act) and associated Regulation is NSW legislation and seeks to protect and enhance the environment, including reducing risks to human health from pollution and environmental degradation. The Act includes provisions for offensive noise.

The POEO Act is administrated by the NSW Environmental Protection Agency (EPA). It provides for noise enforcement measures for response and resolution of noise complaints, including for use by Council and the NSW Police, and in accordance with the offensive noise provisions of the Act.

Where a premises within the SEP operates in accordance with the entertainment sound requirements of the SEPMP at Part 2, they would not be subject to the offensive noise/sound provisions of the POEO Act.

Refer to Chapter M08 of the SEPMP for Compliance Processes.

DRAFT

C Planning Guidance

Appendix C
Planning Guidance

Note: Premises must seek their own advice from an accredited Certifier, Council or a Planner with respect to confirming the planning pathway, and requirements, for their project.

This Appendix provides planning guidance for the application of the SEPMP to:

- Existing premises already operating, whether they operate as a venue or non-venue, and
- New or modified premises. This includes use of an outdoor area associated with the venue and temporary entertainment within premises.

For public events, refer to the separate Event Toolkit, which is available via the Kiama Municipal Council event organiser’s hub.

This outlines the requirements for public events in Kiama. Public events, including markets, are generally exempt development under the Kiama Local Environmental Plan 2011.

C-1 Existing premises

Established premises in the SEP must satisfy the sound management and trading hour requirements under the SEPMP.

Where a venue seeks to operate with increased trading hours, and with no changes to the premises otherwise, they may choose to voluntarily undertake an acoustic assessment to confirm compliance with the relevant entertainment sound requirements.

An Acoustic assessment will support the venue to verify achievement of compliance with the sound criteria of the SEPMP, whilst enjoying the benefits of after dark trading. Guidance to Acoustic assessment is provided at Chapter M06.

A non-venue can increase their trading hours in accordance with the SEPMP without the need for an Acoustic assessment. These premises do not

emit entertainment sound. However, a non-venue must operate in accordance with the trading hours framework provided under Chapter M07.

C-2 New or modified premises

New or modified venues within the Kiama Town Centre SEP, would require a planning approval for their lawful use. Similarly, a non-venue in the SEP (shops, business) would also require planning approval for lawful use.

In some instances, planning approval is not required, such as for outdoor dining, being exempt development.

Development Application Pathway

A Development Application (DA) or Modification Application (MOD) to Kiama Municipal Council may be necessary to establish the premises. For example, for licensed venues such as a small bar, pub or registered club, or where a food and drink premises seeks greater than 100 patrons, or outdoor dining for premises (licensed or unlicensed) that cannot be established through exempt or complying development processes.

This includes where the complying development cannot apply to the land, due to restrictions.

Where the premises seeks to undertake an entertainment activity, an Acoustic assessment, prepared by an acoustic engineer, would be required with any application to Council. Refer to Section M06-2.

Where a DA, or MOD is required, the premises are required to refer to the separate SEP section of the Kiama DCP.

DRAFT

C

Planning Guidance

Item 15.3

Enclosure 2

C-2 New or modified premises

To ensure consistency for the SEP, the DCP provides matching sound requirements – by Sound Category Areas and Internal Noise Criteria.

When seeking a DA, new premises are required to identify the trading hours. This allows Council to:

- Determine whether the trading hours are required to be listed as a venue who may be required to trade in accordance with their development consent when permitted to operate outside the SEP trading hours (and be listed in Appendix E); and
- Place the trading hours on a development consent, providing certainty to the premises if the SEP happens to be suspended or revoked.

Complying Development Certificate Pathway

Lawful use of the premises may be established through a Complying Development Certificate (CDC) under the complying development pathways within the State Environmental Planning Policy (Exempt and Complying Codes) 2008 (Codes SEPP). Part 5 and Part 5A of the Codes SEPP provides for the fit out and use of premises, through a CDC process.

The general requirements for complying development, as well as the relevant development standards under the Codes SEPP, must be satisfied for any CDC.

Where the premises seeks to undertake an entertainment activity, an acoustic assessment prepared by an acoustic engineer would be required with any application for the CDC to the appointed Certifier. Refer to Section M06-2.

Premises would continue to receive conditions on their CDC for trading hours and noise. Trading hours conditions would 'switch off' where they are more restrictive than the trading hours of the SEPMP. Any conditions that relate to entertainment noise would 'switch off' where the conditions are inconsistent with the SEPMP.

Retaining these conditions on the CDC provides for protection to the premises if the Kiama Town Centre SEP is suspended or revoked.

Exempt development

Outdoor dining

In some circumstances, outdoor dining associated with lawfully established food and drink premises may be undertaken as exempt development under Codes SEPP.

A development consent is required for the internal area of the premises associated with the outdoor dining area. Other requirements for exempt development are to be satisfied in response to the section applied, including the general requirements for exempt development, as set out in the Codes SEPP.

Footpath dining

An exempt development pathway provides for a footway dining approval from Kiama Municipal Council for the use of a public footway (e.g. use of an area associated with premises for outdoor dining) under Section 2.40A of the Codes SEPP and in accordance with the NSW Roads Act 1993. Further Council information on footway dining approval is available on Council's website.

Outdoor dining (private or public land)

Alternatively, where a footway dining approval is not relevant, the use of public land or private land for outdoor dining as exempt development is provided under Section 2.40C of the Codes SEPP. For registered clubs, the use of land for outdoor dining is under 2.40F of the Codes SEPP.

The development standards that support section 2.40C(Section 2.40D) provide for outdoor dining initiatives for a SEP, allowing up to 30% additional patrons or a maximum of 100 patrons.

DRAFT

C

Planning Guidance

Use of outdoor areas by premises through exempt development must comply with the relevant entertainment sound requirements for venues and trading hours of this SEPMP.

Acoustic assessment

Where exempt development is applied related to the use of public land for outdoor dining associated with a venue, an Acoustic assessment is not required where it complies with the deemed to satisfy acoustic requirements for the SEP. Refer to Section M06-3.

Where deemed to satisfy requirements are not achieved, the development may remain as exempt development, and may require Kiama Municipal Council landowner approval to proceed. Council may request an Acoustic assessment to ensure compliance with the entertainment sound requirements of the SEP. For example, this would occur through the Council assessment of an application for a footway dining permit. Alternatively, proponents may submit an acoustic assessment with this landowner approval to Council as part of documentation to support.

On land of a registered club, an acoustic assessment is recommended where these exempt development provisions are used, to support compliance with the SEP.

Where the use of an outdoor area is not achievable through an exempt development planning pathway, then a DA to Council would be required for outdoor dining. It would then require an Acoustic assessment to support the DA. Refer to Section M06-3.

Entertainment within existing premises

Entertainment activity associated with lawfully established premises may be undertaken as exempt development under Section 2.30AC of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). This situation does not require a planning approval (via a DA process) to occur.

This is generally for a temporary or short term event, no more than two occasions in a period of seven days Monday to Sunday and must meet the development standards. This would suit short periods of entertainment activity in premises. The requirements and relevant development standards of the Codes SEPP must be satisfied. Pending the nature of the entertainment activity, an acoustic assessment may be necessary, to support compliance with the SEP.

C-3 New or modified sensitive receiver

A Development Application (DA), Modification Application or Complying Development Certificate would be necessary to establish or modify a sensitive receiver.

If they are to be established via a Development Application or a Modification Application, the Special Entertainment Precinct section of the Kiama DCP would apply.

An Acoustic assessment, prepared by an acoustic engineer, would be required with any application to demonstrate acoustic compliance.



Source: Kiama Jazz & Blues Festival

DRAFT

D Licensed Premises

Appendix D
Licensed Premises

Table 8 Licensed Premises within Kiama Town Centre SEP

Licensed Premises within Kiama Town Centre SEP	
Blackbeach Brewhouse (expected to open early 2027)	Collins St, Kiama
Centrepont Pizza	14/106 Terralong St, Kiama
Frida's Cantina	40 Collins St, Kiama
The Grand Hotel Kiama	49 Manning St, Kiama
Hanoi on Manning	10 Manning St. Kiama
The Hungry Monkey	5/32 Collins St, Kiama
Jaws Seafood	106 Terralong St, Kiama
KG Cafe	42 Terralong St, Kiama
Kiama Inn	50 Terralong Street, Kiama
Kiama Leagues Club	109 Terralong St, Kiama
Little Betty's	1/55 Collins St, Kiama
Loui's	34-36 Manning St, Kiama
Manning Street Local	43 Manning St, Kiama
Miss Arda	62 Terralong St, Kiama
Park Central	84 Terralong St, Kiama
Penny Whistlers	5/31 Shoalhaven St, Kiama
Saltwater Kiama	104 Terralong St, Kiama
Short Black	88 Terralong St, Kiama
Uncle Fukus	42 Collins St, Kiama
Yves / The Sebel Kiama	31 Shoalhaven St, Kiama
Zia's	45 Collins St, Kiama

Item 15.3

Enclosure 2

E Listed Premises

Item 15.3

Enclosure 2

At time of publication no venues have development approval to operate beyond the SEP hours

Kiama Municipal Council may update this table at any time

Note: Non-Venues that currently trade outside the SEP hours make continue to do so.

DRAFT

F Key Definitions

Appendix F
Key Definitions

CDC	Complying Development Certificate
DA	Development Application
KDCP 2020	Kiama Development Control Plan 2020
Entertainment activity	An entertainment activity is defined under section 202A of the Local Government Act 1993. Under the NSW Special Entertainment Activity Guidelines it is described as: ...means an activity carried out for purposes of entertaining members of the public, including live or recorded music. Includes other performances and activities such as karaoke, trivia, bingo and comedy or private functions in licensed premises which provide hospitality services, and the provision of food and drink services whether accompanied by entertainment or not. Also includes the set up and pack down, rehearsals and sound checks, entry and exit of patrons from premises and other activities on the premises by patrons and staff.
Entertainment sound	The sound emitted when carrying out entertainment activity, from licensed and unlicensed premises but does not include any noise associated with other activities such as mechanical plant, equipment and ventilation, servicing, construction, waste disposal and collection.
Internal sound criteria	The internal sound levels required to be achieved within sensitive receivers. This is based on the receiver building envelope noise attenuation, in response to the External Sound Category cumulative level.
Licensed premises	Any retail or business or community facility, including a recreation facility, that is regulated under the Liquor Act 2007. This may include food and drink premises, pubs, small bars, liquor shops, theatres, clubs and the like. It may also include associated outdoor areas used as part of a licensed premises trading, for example outdoor dining.
L&GNSW	Liquor and Gaming NSW, responsible for regulating licensed premises including entertainment noise complaints.
Non-venue	Unlicensed premises that do not carry out entertainment activity. For example shops and businesses.

Item 15.3

Enclosure 2

DRAFT

F Key Definitions

Night-time	The time period between 6pm - 10pm (Evening), 10pm - 12am (Early Night) and 12am - 6am (Late Night)
Public areas	Publicly accessible spaces and places within the Kiama Town Centre SEP. This includes both private and public domain areas that the public may access. They provide for movement and access, as well locations for an entertainment activity, such as live music and other cultural programs.
Relevant premises	Premises excluded from the SEP, under Section 202B(3) of the Local Government Act 1993
Residential accommodation	As defined within the dictionary of the Kiama Local Environmental Plan 2011: <i>residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—</i> (a) attached dwellings, (b) boarding houses, (baa) co-living housing, (c) dual occupancies, (d) dwelling houses, (e) group homes, (f) hostels, (g) multi dwelling housing, (h) residential flat buildings, (i) rural workers' dwellings, (j) secondary dwellings, (k) semi-detached dwellings, (l) seniors housing, (m) shop top housing, <i>but does not include tourist and visitor accommodation or caravan parks.</i> As permitted on the applicable land use zone.
Sensitive receiver	Development comprising residential accommodation, tourist and visitor accommodation, a place of public worship, a health services facility, an educational facility (including early childhood or childcare), or office.
SEP	Special Entertainment Precinct ('Kiama Town Centre Special Entertainment Precinct')

Item 15.3

Enclosure 2

DRAFT

F Key Definitions

Key Definitions

SEPMP	Special Entertainment Precinct Management Plan ('Kiama Special Entertainment Precinct Management Plan').
Unlicensed premises	Any retail or business or community facility that is not regulated under the Liquor Act. This may include premises food and drink premises, amusement centres, selling groceries, clothing, homewares and the like businesses such as dry-cleaners, gyms, hairdressers and the like, or community facilities such as libraries or recreational centres and the like. It also includes the outdoor areas used as part of an unlicensed premises trading, for example outdoor areas for dining.
Venue	Licensed premises or unlicensed premises, including indoor and outdoor areas related to the premises, that carry out an entertainment activity.
Venue sound criteria	The external entertainment sound limit from a venue, equal to a sound category noise level.

Item 15.3

Enclosure 2

DRAFT

G FAQs

Appendix G FAQs

Item 15.3

Enclosure 2

What is a Special Entertainment Precinct (SEP)?

A defined area where Council has special provisions to manage entertainment, trading hours and sound through a precinct management plan, supporting a vibrant night-time economy while considering the needs of residents, businesses and visitors.

Why has this area been established as an SEP?

The Kiama Town Centre SEP was advocated in 2024 by the State local member, a petition by local businesses and supported by Kiama Council.

Funding was received by Council to create a Night-time Economy Strategy and investigate a SEP. A SEP in the town centre became a key action of the Kiama After Dark Strategy and is intended to support a vibrant, safe and inclusive town centre.

It provides a framework to encourage live music, dining, cultural activities and community events while balancing the amenity of residents and other businesses.

What does the SEP mean for residents?

The SEP does not mean unrestricted noise or unlimited trading hours. It establishes clear rules for entertainment sound, trading hours and venue operations, while providing mechanisms for complaints, monitoring and compliance

What does the SEP mean for businesses and venues?

The SEP provides greater clarity around trading hours and entertainment activities. It aims to support investment, activation and business growth while providing a clear framework for venues operating within the precinct.

Can venues operate later or provide live entertainment?

The SEP framework supports extended trading and live entertainment where permitted under the precinct management plan and relevant legislation. Businesses must continue to meet applicable planning, licensing, safety and other requirements.

DRAFT

G

FAQs

FAQs

What does the SEP mean for new development?

New residential and other noise-sensitive development within or adjoining the SEP should be designed with an understanding of existing and future after-dark activities. Appropriate acoustic design measures may be required to ensure compatibility between residential, commercial and entertainment uses.

Will new residential development need to consider entertainment noise?

Yes. New residential and other noise-sensitive development should be designed with an understanding of the existing and future night-time activities within the SEP and meet applicable acoustic and planning requirements.

What if I have a noise or disturbance complaint?

Complaints are managed according to the type and source of the noise. Entertainment sound from licensed premises is generally managed through Liquor & Gaming NSW, while Council continues to manage other relevant noise matters.

If in doubt contact Council, who can advise on the correct pathway for lodgement of a complaint.

Does being in an SEP change existing planning or development approvals?

The SEP framework may affect certain conditions relating to entertainment sound or live entertainment where they are inconsistent with the precinct management plan. Other applicable planning and regulatory requirements continue to apply.

What happens if the SEP doesn't work?

The SEP will be trialled and monitored. Community feedback, complaint data and other performance measures will be reviewed throughout the trial period. At the conclusion of the trial, Council will evaluate the outcomes before making any decision about the future of the SEP

Item 15.3

Enclosure 2

DRAFT

G FAQs

FAQs

Who decides whether the SEP becomes permanent?

Council will consider the outcomes of the trial, including monitoring data, community feedback and advice from the Night-Time Economy Working Group and other stakeholders, before determining whether the SEP should continue, be amended or be revoked.

Where can I find more information?

The precinct management plan provides detailed information about the SEP, including its boundaries, operating framework, trading hours, sound management and relevant responsibilities. Further information is also available from Council and the NSW Government (<https://www.nsw.gov.au/business-and-economy/office-of-24-hour-economy-commissioner/vibrancy-reforms/seps>).



Source: Kiama Winter Street Festival
Image credit - Peter Izzard

Item 15.3

Enclosure 2





MARSHALL DAY
Acoustics 

**KIAMA SPECIAL ENTERTAINMENT PRECINCT
SOUND MANAGEMENT FRAMEWORK**

Rp 001 r02 20251229 | 7 October 2026



Marshall Day Acoustics (Australia) Pty Ltd
ABN: 42 687 698 184
Gadigal Eora Country
C 14, 372 Wattle Street
Ultimo NSW 2007
T: +612 9282 9422
www.marshallday.com

Project: KIAMA SPECIAL ENTERTAINMENT PRECINCT (SEP)

Prepared for: Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Attention: Sally Bursell

Report No.: Rp 001 r02 20251229

Disclaimer

Reports produced by Marshall Day Acoustics (Australia) Pty Ltd are based on a specific scope, conditions and limitations, as agreed between Marshall Day Acoustics and the Client. Information and/or report(s) prepared by Marshall Day Acoustics may not be suitable for uses other than the specific project. No parties other than the Client should use any information and/or report(s) without first conferring with Marshall Day Acoustics.

The advice given herein is for acoustic purposes only. Relevant authorities and experts should be consulted with regard to compliance with regulations or requirements governing areas other than acoustics.

Copyright

The concepts and information contained in this document are the property of Marshall Day Acoustics (Australia) Pty Ltd. Use or copying of this document in whole or in part without the written permission of Marshall Day Acoustics constitutes an infringement of copyright. Information shall not be assigned to a third party without prior consent.

Document Control

Status:	Rev:	Comments	Date:	Author:	Reviewer:
01DRAFT	-	Draft for client discussion	26/6/2026	M Ottley	S Connolly
02DRAFT	-	Updated draft following feedback	30/7/2026	M Ottley	G Lee
Superseded	-	Issued following feedback	16/9/2026	M Ottley	S Connolly
Superseded	r01	Issued following feedback	1/10/2026	M Ottley	S Connolly
Issued	r02	Issued following feedback	7/10/2026	M Ottley	S Connolly



TABLE OF CONTENTS

1.0	INTRODUCTION	5
2.0	BACKGROUND AND PLANNING CONTEXT	5
3.0	TRADING HOURS	5
4.0	STAKEHOLDER CONSULTATION	5
5.0	EXISTING ACOUSTIC ENVIRONMENT	5
6.0	SOUND MANAGEMENT FRAMEWORK	6
6.1	SEP Area	6
6.2	Definitions	6
6.3	Objectives	7
6.4	SEP Sound Category Areas and sound levels	8
6.5	Acoustic requirements for sound generating venues	10
6.6	Outdoor dining exemptions	11
6.7	Acoustic requirements for sensitive receivers	12
6.7.1	Indicative construction implications	13
6.8	Acoustic requirements for mixed-use developments	13
6.9	Public events in Hindmarsh Park or Terralong Street	14
7.0	DEVELOPMENT ASSESSMENT DOCUMENTATION GUIDELINES	15
7.1	Documentation for sound generating venues	16
7.2	Documentation for sensitive receivers	16

APPENDIX A GLOSSARY OF TERMINOLOGY

APPENDIX B CRITERIA JUSTIFICATION

APPENDIX C FEASIBILITY OF ACOUSTIC TREATMENT TO ACCOMMODATION

APPENDIX D METEOROLOGICAL DATA DURING SURVEYS

APPENDIX E HINDMARSH PARK

APPENDIX F FRIDAS CANTINA / UNCLE FUKU'S

APPENDIX G YVES SOCIAL

APPENDIX H GRAND HOTEL

APPENDIX I BOWLING CLUB



APPENDIX J LEAGUES CLUB

APPENDIX K AMBIENT - TERRALONG STREET

APPENDIX L AMBIENT – 15 BONG BONG STREET

APPENDIX M AMBIENT – 29 BARNEY STREET

APPENDIX N AMBIENT – 9 EDDY STREET

APPENDIX O AMBIENT – 48 THOMSON STREET

APPENDIX P AMBIENT – 19 MINNAMURRA STREET

APPENDIX Q AMBIENT – 19 MEARES PLACE

APPENDIX R AMBIENT – 6 AKUNA STREET

APPENDIX S AMBIENT – 1/27 COLLINS STREET

APPENDIX T AMBIENT – 64 MANNING STREET

APPENDIX U AMBIENT – IRT HARBOURSIDE

APPENDIX V AMBIENT – 69 SHOALHAVEN STREET

Item 15.3

Enclosure 3



1.0 INTRODUCTION

This report sets out the proposed Sound Management Framework (SMF) for the Kiama Town Centre Special Entertainment Precinct (SEP). This has been developed as part of the Kiama Night-Time Economy Strategy, Kiama After Dark, and forms part of the larger Kiama Town Centre Special Entertainment Precinct Management Plan (SEPMP) prepared for the precinct. This report also includes details of noise surveys carried out in and around the Kiama town centre, which have been used to inform the development of the framework.

This Sound Management Framework has been developed with reference to the NSW Special Entertainment Precinct Guidelines published by the Office of the 24-hour Economy Commissioner.

2.0 BACKGROUND AND PLANNING CONTEXT

As a priority action of the Kiama After Dark Strategy, Kiama Municipal Council has resolved to establish a SEP trial.

SEPs provide a framework for councils to support and manage entertainment sound and trading hours within a defined area through a SEPMP.

To determine the maximum noise levels that may be generated by entertainment activities within the precinct without causing unreasonable disturbance, acoustic modelling, noise monitoring and precinct-wide analysis have been undertaken. The resulting Sound Management Framework (SMF) establishes the sound criteria and limits for entertainment activities that will inform preparation of the SEPMP, associated amendments to the Development Control Plan (DCP), and the Planning Proposal required to establish the precinct.

3.0 TRADING HOURS

The SMF provides applicable criteria for all times of day and night, however this does not imply that 24-hour trading is permissible. Trading hours for the SEP are defined within the Kiama Town Centre SEPMP.

4.0 STAKEHOLDER CONSULTATION

We understand Council has undertaken initial consultation with local business operators. We also understand that stakeholder engagement will continue throughout the project, including as part of the Planning Proposal, DCP amendment and SEPMP preparation and exhibition processes.

Marshall Day Acoustics (Australia) Pty Ltd (MDA) attended meetings with Council staff to discuss the drafting of the Sound Management Framework on 3 July, 8 July, 13 August and 11 September 2026.

5.0 EXISTING ACOUSTIC ENVIRONMENT

In order to quantify the existing acoustic environment in and around the Kiama CBD, two attended surveys were undertaken on the following days and times:

- Friday 6 March 17:00 – 23:00
- Wednesday 29 April 19:30 – 23:30.

Surveys were conducted using Brüel & Kjær 2250 Sound Level Analysers (Serial No: 3010249 & 3010265), calibrated prior to and following measurements using Brüel & Kjær Type 4231 Sound Level Calibrators (Serial No: 3027268 & 3027271).

Weather conditions during each survey from the nearest Bureau of Meteorology weather station are summarised in Appendix D. Note that this data may not accurately reflect conditions on the ground throughout the measurements, due to the weather station's distance and height relative to the measurement area. Concurrent weather readings were taken sporadically throughout each



measurement using a handheld anemometer at microphone height, with local wind speeds remaining below 5 m/s throughout all measurements.

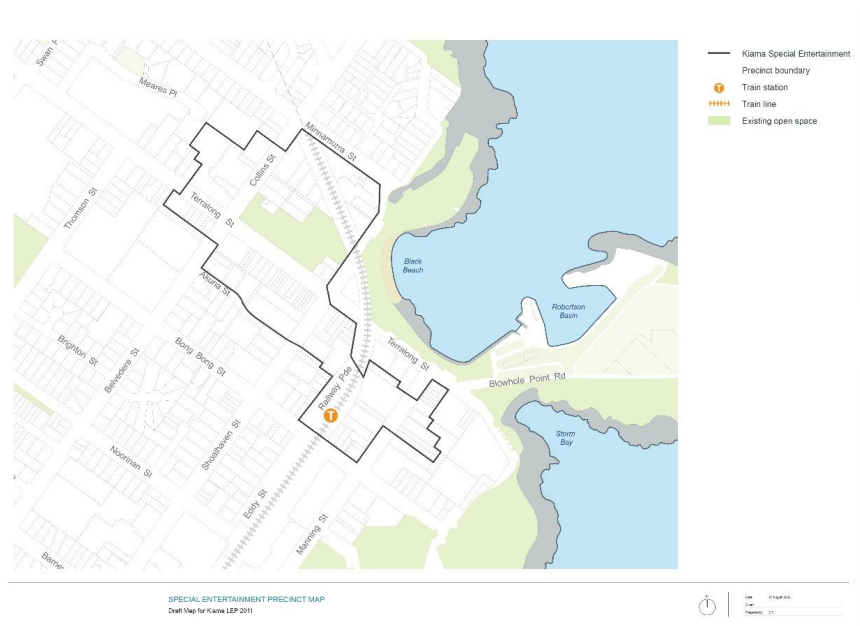
The measurement results from all surveys are summarised in Appendix E to Appendix V, grouped by venue/measurement location.

6.0 SOUND MANAGEMENT FRAMEWORK

6.1 SEP Area

The proposed area covered by the SEP is shown in Figure 1.

Figure 1: SEP Area



6.2 Definitions

Entertainment activity: Has the same meaning as in Section 202A of the Local Government Act 1993. An activity or performance carried out for the purposes of entertaining members of the public, including live or recorded music, karaoke, trivia, bingo and comedy. It includes private functions in licensed premises, for example, a wedding, party or ticketed event, and also the provision of food and drinks services in licensed premises, whether accompanied by another entertainment activity or not. It also includes activities associated with the aforementioned activities, for example, set up and pack down, rehearsals and sound checks, the entry or exit of persons from premises, and other activities by patrons or staff on the premises, for example, staff announcements and sound caused by patrons.

Entertainment sound: Sound from 'entertainment activity' as defined in Section 202A of the Local Government Act 1993. This includes sound produced at an entertainment venue including live or recorded music, theatre, karaoke, trivia, bingo and comedy. Patron noise from entertainment venues is also assessed as entertainment sound. Note that other noise sources at entertainment venues, such as mechanical services, carparks etc are assessed by council, outside of the SEP framework.



Entertainment venue: A premises, either licensed or unlicensed, which hosts patrons including for the provision of live or recorded entertainment. Adult entertainment, sex service or restricted premises are excluded from this definition.

Licensed premises: A premises holding a liquor licence under the Liquor Act 2007 including a hotel licence, a club licence, a small bar licence, an on-premises licence or a producer/wholesaler licence.

Modified sensitive receiver: this includes applications for external or internal alterations or additions to sensitive receivers.

Residential living area: a room used for normal domestic activities including but not limited to a living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but excluding a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Residential sleeping area: a sleeping area or bedroom primarily intended for sleeping and resting.

Sensitive receiver: includes residential accommodation (including seniors living accommodation), short stay tourist and visitor accommodation, education facilities (including early childhood and childcare), health services facilities, places of public worship, and offices.

Short stay accommodation: tourist and visitor accommodation including backpackers' accommodation, hotel or motel accommodation, serviced apartments and short-term rental accommodation with commercial arrangements for stays of up to 3 months at a time.

Suitably qualified acoustic consultant: a consultant having a grade of Member (or higher) of the Australian Acoustic Society (AAS) or a consultant practicing as part of a member firm of the Association of Australasian Acoustical Consultants (AAAC).

Unlicensed premises: A premises not holding a liquor licence, or a premises with only a Bring Your Own Alcohol (BYO) licence or permit.

6.3 Objectives

Kiama Municipal Council have articulated the following vision for the SEP:

In alignment with the NSW Government's vibrancy reforms and Kiama After Dark, Kiama Town Centre will be a vibrant, safe and economically successful after-dark destination, where community, culture, events, and heritage come together. Through planning, placemaking and business-friendly regulatory settings that respect Kiama's unique coastal character and sense of place, the precinct will provide confidence for investment, support local enterprise and enable activity to thrive in a strong and sustainable way.

We understand the following are objectives for the SEP:

1. Establish a clearly defined after-dark precinct that provides certainty, coordination and support for businesses, community activities and investment, encouraging incremental activation, participation and growth over time, while prioritising safety, accessibility, and respect for the local environment and community.
2. Support live music, arts, cultural expression, community activation and intergenerational activities that strengthen Kiama's distinctive and diverse character and create a strong sense of place.
3. Strengthen the diversity, appeal and economic sustainability of the town centre's twilight, evening and early morning economy by encouraging increased visitation, participation, extended trading and business activity.



4. *Reinforce Kiama Town Centre's role as the Municipality's principal destination for after-dark experiences, activation and investment.*
5. *Provide a clear and enabling regulatory framework that supports investment, activation and innovative economic opportunities in the hospitality, entertainment and cultural sectors, as well as the adaptive reuse of existing buildings and public spaces for placemaking purposes.*
6. *Provide a clear and balanced framework for trading hours, entertainment sound and acoustic management that delivers certainty and guidance for businesses, venue operators, investors, residents and visitors.*
7. *Support the successful coexistence and cooperation of entertainment, hospitality, commercial and residential stakeholders within the Kiama Town Centre through a balanced approach to vibrancy and amenity.*

6.4 SEP Sound Category Areas and sound levels

SEP Sound Category Areas (SCA) identify different sound management zones within the town centre. These categories have been developed having regard to existing ambient noise levels, including entertainment sound, traffic and other background noise sources.

The sound management approach for the precinct and surrounding areas is guided by the following principles:

- recognise existing levels of activity within the town centre and the positive contribution that entertainment venues make to the vibrancy, culture and economic prosperity of the community
- acknowledge both current and planned future land uses to establish sound emission requirements that support the ongoing operation of entertainment venues while accommodating the evolution of the precinct over time
- balance the activation and growth of the SEP with reasonable amenity expectations of sensitive receivers, including residents located within and adjacent to the precinct
- provide greater certainty and consistency for businesses, residents and regulatory authorities on sound management requirements
- support sustainable growth of entertainment activities while minimising the risk of cumulative noise impacts associated with additional live music and entertainment venues.

The SEP boundary is focused on Kiama's established town centre to recognise its role as the municipality's primary commercial, tourism, dining and entertainment hub. While residents within and adjacent to the town centre can reasonably expect a higher level of activity and associated sound than would occur in predominantly residential areas, the SEP framework retains clear sound management requirements to ensure entertainment activity remains compatible with residential amenity.



Figure 2: Sound Category Areas (SCA)



SCA 1 applies primarily to lots on Terralong Street and Collins Street in the town centre. These streets are the main traffic routes through Kiama and are associated with higher ambient noise levels. The SCA 1 also includes the E1 Local Centre zoned land bounded by Hindmarsh Park, Collins Street and the railway line, which is primarily commercial and is impacted by both existing road and rail noise. The SCA 1 frontages are all within the E1 Local Centre Zone, with most receivers being either commercial or mixed use developments.

SCA 2 applies primarily to the area one block back from the SCA 1 frontages, as well as a section on Manning Street, north of Bong Bong Street. These areas are all within the E1 Local Centre Zone. Existing development within SCA 2 is generally commercial or mixed use developments.

SCA 3 applies primarily to the area along the residential interface between the town centre and the residential area surrounding it. SCA 3 is intended primarily to protect future new residential developments that adjoin the SEP boundary. The limits for SCA 3 are such that the construction of noise generating developments within SCA 3 are unlikely to be viable. SCA 3 includes land within the E1 Local Centre, and R2 Low Density Residential areas.

Table 1: Application notes for Sound Category Areas

SCA	Application notes – Day, Evening, Early Night	Application notes – Late Night
SCA 1	Supportive of entertainment venues with some outdoor activation and music. High level music would be confined to internal spaces within a high performance acoustically rated building envelope.	Entertainment uses would be restricted in the Late Night, requiring most activity to occur inside, within a high performance acoustically rated building envelope.



SCA	Application notes – Day, Evening, Early Night	Application notes – Late Night
SCA 2	Reduced intensity of entertainment sound levels, with most loud music in well-enclosed venues. Allows for outdoor activation for patrons and low-level music.	Entertainment uses would be restricted in the Late Night, requiring most activity to occur inside, within a high performance acoustically rated building envelope.
SCA 3	Used as a buffer zone in the residential interface to the SEP. Higher-intensity entertainment uses are unlikely to be feasible in this zone due to low SCA sound levels	Used as a buffer zone in the residential interface to the SEP. Higher-intensity entertainment uses are unlikely to be feasible due to low SCA sound levels

Maximum noise levels for entertainment sound in the Sound Category Areas are set out in Table 2. The SCAs apply to all uses emitting entertainment sound, as defined in this document. This includes music and patron noise but does not include noise from mechanical plant and equipment or noise in the public realm associated with patrons leaving a site.

Table 2: Sound Category Area maximum entertainment sound noise levels $L_{eq}(15min)$

SCA	Day/Evening 6 am – 10 pm			Early Night 10 pm - 12 am			Late Night 12 am – 6 am*		
	dBA	63 Hz	125 Hz	dBA	63 Hz	125 Hz	dBA	63 Hz	125 Hz
SCA 1	65	65	65	65	65	65	50	55	50
SCA 2	60	58	56	55	50	46	50	50	46
SCA 3	50	50	48	38	50	46	38	50	46

*note that SCA levels do not indicate trading will necessarily be permitted in these hours

6.5 Acoustic requirements for sound generating venues

To ensure cumulative noise at sensitive receivers from all venues does not exceed the SCA levels, the entertainment sound from any individual development must not exceed:

- the relevant SCA (as defined in Table 2 and Figure 2) minus 3 dB where the boundary is common between the entertainment venue and sensitive receiver; or
- the relevant SCA (as defined in Table 2 and Figure 2) minus 5 dB where the boundary is not a common boundary between entertainment venue and sensitive receiver.

The provision in part (a) above applies where there is a common boundary between the venue and receiver, as it is not likely that more than one venue will share the same common boundary with the same receiver.

Where a new or modified entertainment venue is proposed within the Special Entertainment Precinct, a Noise Impact Assessment must be prepared by a suitably qualified acoustic consultant.

The Noise Impact Assessment must:

- detail the proposed use and operation of the site including the layout, nature of entertainment provided, hours of operation, etc
- identify the specific SCA levels for entertainment sound from the venue, and the boundaries to which they apply
- detail the noise attenuation measures and management controls required to meet (a) and (b).



The SCA requirements apply at the lot boundaries of all potential or existing receivers to all floor levels up to the maximum building heights allowable under the Kiama LEP. This includes the boundaries of any lot where the zoning permits a sensitive receiver use (as defined in Section 6.2), with or without consent.

Note that where a site adjoins a road the nearest affected potential receiver boundary is likely to be on the opposite (far side) of the road, i.e. the SCA limits would need to be achieved at the nearest receiver boundary, not at the boundary of the venue.

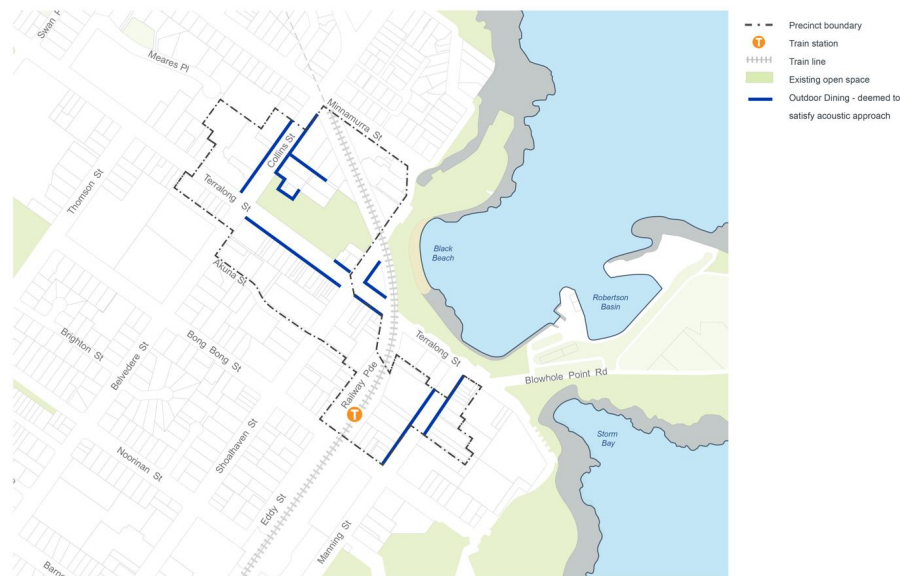
6.6 Outdoor dining exemptions

One of the aims of the SEP is to encourage outdoor dining activation along the main roads in the town centre. To encourage this type of activation, outdoor dining is allowed as a permissible activity without provision of an acoustic report, and noise from outdoor dining does not count towards the premises' SCA emissions. This permissible activation applies only where all the following conditions are met:

- dining occurs in the areas designated as "Outdoor dining – deemed to satisfy acoustic approach" areas as shown in Figure 3
- dining occurs only between the hours of 7 am and 10 pm
- the total outdoor dining area does not exceed 40 m² or 20 patrons
- any music in the outdoor dining area is low-level background music only, not exceeding 60 dB LAeq(1min) at any point in the dining area, except within 1 m of a loudspeaker
- a plan of management is in place such that patrons are monitored and loud or antisocial behaviour is discouraged
- all other requirements of Council are satisfied.

The above does not preclude outdoor activities that do not satisfy the above, but such areas would be subject to the standard requirements of developments in the SEP.

Figure 3: Outdoor dining area map





6.7 Acoustic requirements for sensitive receivers

Objective: To ensure new and modified sensitive receivers mitigate for entertainment sound such that appropriate acoustic amenity is maintained for occupants.

Where a new or modified sensitive receiver development is proposed within a Sound Category Area a Noise Impact Assessment must be prepared by a suitably qualified acoustic consultant.

The Noise Impact Assessment must:

- identify entertainment sound levels impacting each facade based on the SCAs defined in this document
- include consideration of entertainment sound from existing venues approved and operating prior to the commencement of the SEP
- detail the required noise attenuation measures to be included in the development in order to meet the internal noise criteria set out in Table 3.

Table 3: Internal noise criteria for sensitive receivers $L_{eq}(15min)$

Receiver	Period	dBA	63 Hz	125 Hz
Residential sleeping area	Day/Evening	35	50	40
Residential sleeping area	Night	28	43	38
Residential living area	Any time	35	50	40
Short stay accommodation - tourist, visitor, hostel - living areas	Any time	40	55	45
Short stay accommodation - tourist, visitor, hostel - sleeping areas	Day/Evening	40	55	45
Short stay accommodation - tourist, visitor, hostel - sleeping areas	Night	33	50	44
Education facilities including early childhood and childcare	When in use	35	52	46
Place of public worship	When in use	38	55	49
Health services facility	Day/Evening	40	57	51
Health services facility (wards with sleeping areas only)	Night	35	52	46
Offices (excludes retail)	When in use	40	57	51

Where the required noise attenuation measures necessitate that the external windows/doors of a receiver are to be closed in order to achieve compliance then the recommendations must also consider appropriate ventilation requirements such that occupants are supplied with ventilation in compliance with the National Construction Code when such windows/doors are closed. This may be via acoustically attenuated air paths, mechanical ventilation systems or other means.

For modifications or additions to existing sensitive receivers the internal criteria apply only to the new or modified components of the development.

Note that new developments may also need to address noise other than entertainment sound, for example noise from road traffic or rail noise. Noise generated by the development, for example by



mechanical services, may also need to be assessed. These aspects are not considered by the Sound Management Framework.

6.7.1 Indicative construction implications

The following indicative impacts on construction requirements are provided for information, noting that requirements will vary depending on the building.

Accommodation (including short stay accommodation and health services facilities with overnight wards) and education facilities constructed within SCA 1 are likely to require construction upgrades to their building envelope, e.g. glazing, walls and roof/ceiling to increase acoustic performance, particularly in the low-frequency region. Many places of public worship, health services facilities (daytime use) and offices are likely to be compliant without building upgrades where they are of masonry (e.g. brick or concrete) construction. Alternative ventilation is likely to be required, so that occupants can close their windows to reduce noise internally if they chose, whilst still being provided fresh air.

Accommodation within SCA 2 are not likely to require specific acoustic upgrades in order to meet the internal acoustic targets, particularly where they are of masonry construction. Contemporary dwelling construction is likely to provide sufficient acoustic attenuation to the building envelope in many cases. Non-residential uses in SCA 2 are not likely to require building upgrades. Alternative ventilation is likely to be required, so that occupants can close their windows to reduce noise internally if they chose, whilst still being provided fresh air.

Accommodation within SCA 3 are not likely to require specific acoustic upgrades in order to meet the internal acoustic targets. Contemporary dwelling construction is likely to provide sufficient acoustic attenuation to the building envelope in most cases.

Where a short stay accommodation facility is under the same ownership as a sound generating venue, for example a Hotel offering both entertainment and on-site accommodation, the provisions of this section do not apply. However, developers should consider the future of such facilities, as converting such short stay accommodation to permanent residential accommodation, or selling the accommodation (motel) component to a third party, may not be possible if provision is not made for noise control during construction.

6.8 Acoustic requirements for mixed-use developments

For mixed-use developments within the SEP, that being a development with both an entertainment venue and sensitive receivers within the same building, a Noise Impact Assessment must be prepared by a suitably qualified acoustic consultant. These provisions also apply where a venue and receiver are in physically connected buildings, for example terrace buildings, such that noise transfer may occur directly via the building structure.

The Noise Impact Assessment must address all the requirements set out in Section 6.5 and Section 0 as applicable to the development.

The internal noise criteria set out in Table 3 must be met for noise from both external venues and the proposed venue within the development. This includes construction that provides the required sound insulation between the venue and receivers within the same building.

For existing mixed-use buildings where a new or significantly modified entertainment venue is proposed, the venue must upgrade the building's sound insulation so that the transmission of entertainment noise into the sensitive receiver component of the mixed-use building satisfies the internal noise criteria set out in Table 3.

Where a new sensitive receiver is being developed in a mixed-use building with an existing entertainment venue, the developer must upgrade the building's sound insulation. The upgrades must be carried out such that the transmission of entertainment noise from the existing venue operations satisfies the internal noise criteria (per Table 3) in the new residential premises. This



applies where the sensitive receiver development is new, for example where the building is extended. It also applies where the new sensitive receiver is of a different receiver type to that located in the space previously, with lower internal noise criteria, for example conversion of office space to residential use. This does not apply where the development does not change the usage type, for example refurbishment of a residential unit or refit of an office.

6.9 Public events in Hindmarsh Park or Terralong Street

Council facilitates a number of short term events in Hindmarsh Park or on closed sections of Terralong Street, between Collins Street and Railway Parade. Guidance on such events is provided in the *Kiama Municipal Council - Events Toolkit*.

Where short term events are to occur in Hindmarsh Park or on closed sections of Terralong Street, between Collins Street and Railway Parade:

- the event noise levels may be up to 5 dB above the SCA1 noise levels (at SCA1 boundaries) during the Day/Evening and Early Night periods
- Council may at its discretion request an acoustic impact assessment prior to the event that demonstrates compliance with the above.

These allowances recognise the importance of such events to the Kiama, the benefit of the events to the community and the limited occurrence of such events (compared to a permanent venue).



7.0 DEVELOPMENT ASSESSMENT DOCUMENTATION GUIDELINES

In accordance with Section 202E of the Local Government Act, development application (DA) conditions applying to venues and regulated noise control levels, are superseded by the sound criteria contained in this Sound Management Framework for premises in the Kiama SEP.

Operating past the extended operating hours allowed under the SEPMP

Premises located in the SEP and seeking to operate past extended trading hours will need to lodge a Development Application with the proposed operating hours. The application will need to be accompanied with an individual plan of management and acoustic assessment report addressing the requirements of this SMF assessing the impacts relating to noise and the operations to ensure that the business will not unreasonably impact the amenity of the neighbourhood.

Premises currently operating beyond the allowed extended operating hours

Premises currently operating beyond the allowed extended operating hours can continue to operate as per their existing consent.

Footpath dining

While SEPs loosen restrictions on sound levels and operating hours of entertainment venues, footpath dining remains governed by strict accessibility and safety standards.

Extended operating hours and outdoor dining licences

The operating hours identified in the SEPMP are also applicable to outdoor dining areas. Venues and businesses interested in providing outdoor dining will first be required to submit an application to Council to obtain a licence/permit for trading.

Patron capacity

Any patron capacity increase must still comply with the SCA levels in this framework.

Hosting live entertainment performances or events

Existing and new venues and businesses, and new developments located in the applicable sound category areas must comply with the sound levels identified in the Sound Management Framework. It is recommended that a suitably qualified acoustic consultant be engaged to ensure compliance with the relevant acoustic criteria.

In some instances, however, the Vibrancy Reforms Cultural SEPP may permit a venue (where it meets the required development standards), to increase total patron capacity without needing to modify the maximum patron capacity stated in an existing development consent. Any such provisions do not override patron limits set by other approvals or regulatory requirements, such as a liquor license, or building code and fire safety requirements. Venue operators are responsible for ensuring compliance with all applicable approvals and requirements. Information on permissible capacity modifications is provided within the SEPP.

Changes to buildings or entertainment areas to meet the sound criteria documented may also require approval through a Development Application if the works cannot be supported under the SEPP (Exempt and Complying Development Codes). For more information contact the Council's duty planning officer.

Development in the SEP under provisions of the SEPP (Exempt and Complying Development Codes)

There may be instances where development within the SEP is approved via a SEPP (Exempt and Complying Development Codes) pathway, rather than via a Development Application. In such instances the timing of documentation may differ from those set out in Section 7.1 and Section 7.2 however in all cases the proponent will be required to achieve compliance with the noise criteria set out in this Sound Management Framework.



7.1 Documentation for sound generating venues

At the Development Application stage acoustic documentation for a sound generating facility shall include:

- identification of proposed use, location and times of use
- maximum allowable or proposed internal sound pressure levels relating to entertainment sound
- the required sound transmission loss of building elements (such as roof, walls and doors) in octave bands necessary to provide the sound reduction
- detailed description of all external and internal construction elements necessary to provide the required sound transmission loss
- predicted sound pressure levels for entertainment sound at each relevant boundary (existing or potential receiver boundary)
- identification of SCA limits at each relevant boundary (existing or potential receiver boundary)
- an outline of any management procedures or restrictions required.

At construction certificate stage, the applicability of the details provided at DA stage must be confirmed. Where the design has been developed to include, for example, different construction details, the information outlined above for DA stage must be updated and provided. Any additional details necessary to permit construction must also be included.

At occupation certificate stage, a certification letter from an appropriately qualified acoustic consultant must be provided confirming that all required acoustic constructions have been incorporated into the completed development.

Within 3 months of commencement, a compliance letter from an appropriately qualified acoustic consultant shall be submitted confirming that the venue-specific noise levels have been met at all relevant boundaries.

7.2 Documentation for sensitive receivers

At the Development Application stage acoustic documentation for a sensitive receiver development shall include:

- identification of entertainment sound levels impacting each facade based on the SCAs defined in this document
- detail the required sound reduction measures to be included in the development in order to meet the internal noise criteria
- provision of the required sound transmission loss of building elements (such as roof, walls and doors) in octave bands necessary to provide the sound reduction, as well as documented size and areas of facade elements
- detailed description of all external and internal construction elements necessary to provide the required sound transmission loss
- predicted sound pressure levels for entertainment sound in each living or sleeping area.

At construction certificate stage, the applicability of the details provided at DA stage must be confirmed. Where the design has been developed to include, for example, different construction details, the information outlined above for DA stage must be updated and provided. Any additional details necessary to permit construction must also be included.



At occupation certificate stage, a certification letter from an appropriately qualified acoustic consultant must be provided confirming that all required acoustic works have been incorporated into the completed development.

Item 15.3

Enclosure 3



APPENDIX A GLOSSARY OF TERMINOLOGY

Background sound	The sound that is continuously present in a room or outdoor location. Often expressed as the A-weighted sound level exceeded for 90 % of a given time period i.e. L_{A90} .
Frequency	Sound occurs over a range of frequencies, extending from the very low (e.g. thunder) to the very high (e.g. mosquito buzz). Measured in units of Hertz (Hz). Humans typically hear sounds between 20 Hz and 20 kHz. High frequency acuity naturally reduces with age most adults can hear up to 15 kHz.
Hertz (Hz)	The unit of frequency, named after Gustav Hertz (1887-1975). One hertz is one pressure cycle of sound per second. One thousand hertz – 1000 cycles per second – is a kilohertz (kHz).
Noise	A subjective term used to describe sound that is unwanted by, or distracting to, the receiver.
Octave band	The interval between one frequency and its double. Sound is divided into octave bands for analysis. The typical octave band centre frequencies are 63 Hz, 125 Hz, 250 Hz, 500 Hz, 1 kHz, 2 kHz and 4 kHz.
A-weighting	A set of frequency-dependent sound level adjustments that are used to better represent how humans hear sounds. Humans are less sensitive to low and very high frequency sounds. Sound levels using an “A” frequency weighting are expressed as dB L_A . Alternative ways of expressing A-weighted decibels are dBA or dB(A).
C-weighting	A frequency weighting used to approximate the response of the human ear to sounds with strong low frequency components (typically between 25 Hz and 125 Hz) at high noise levels (typically greater than 85 decibels).
dB	Decibel. The unit of sound level.
L_{A10}	The A-weighted sound level exceeded for 10% of the measurement period, measured in dB. Commonly referred to as the average maximum noise level.
L_{A90}	The A-weighted sound level exceeded for 90 % of the measurement period, measured in dB. Commonly referred to as the background noise level.
L_{Aeq}	The equivalent continuous A-weighted sound level. Commonly referred to as the average sound level and is measured in dB.
Sound insulation	The ability of a material or construction to reduce sound travelling through it.
Sound isolation	Separating two building elements so that they don’t transfer sound from one to the other. Carefully selected isolation products can be used to maintain acoustic separation, if a connection is needed.
Transmission loss (TL)	The reduction in sound level resulting from sound passing through a material or construction.



APPENDIX B CRITERIA JUSTIFICATION

As part of the Sound Management Framework a justification is to be provided outlining why allowable noise levels have been selected.

Defining of areas and receivers

The Sound Category Areas have been defined based around the town centre, with the SEP confined to the E1 Local Centre zoned area.

SCA 1

SCA 1 applies primarily to lots on Terralong Street and Collins Street in the town centre. These streets are the main traffic routes through Kiama and are associated with higher ambient noise levels. The SCA 1 also includes the E1 Local Centre zoned land bounded by Hindmarsh Park, Collins Street and the railway line, which is primarily commercial and is impacted by both existing road and rail noise. The SCA 1 frontages are all within the E1 Local Centre Zone, with most receivers comprising either commercial or mixed use developments.

If comparing to the SC levels in the Acoustic Toolkit the SCA 1 levels are similar to SC3 with slightly lower bass for Day/Evening and Early Night. They are similar to SC4 for the Late Night period with slightly lower bass.

SCA 2

SCA 2 applies primarily to the area one block back from the SCA 1 frontages, as well as a section on Manning Street, north of Bong Bong Street. These areas are all within the E1 Local Centre Zone. Existing development within SCA 2 is generally commercial or mixed use developments.

If comparing to the SC levels in the Acoustic Toolkit the SCA 2 levels are similar to SC4.5 for Day/Evening in terms of overall dBA level, but closer to SC5 for low frequency (music) levels. They are similar to SC4.5 for Early Night in terms of overall dBA level, but closer to SC6 for low frequency (music) levels. They are similar to SC5 for the Late Night period.

SCA 3

SCA 3 applies primarily to the area along the residential interface between the town centre and the residential area surrounding it. SCA 3 is intended primarily to protect future new residential developments that adjoin the SEP boundary. The limits for SCA 3 are such that the construction of noise generating developments within SCA 3 are unlikely to be viable. SCA 3 includes land within the E1 Local Centre, and R2 Low Density Residential areas.

If comparing to the SC levels in the Acoustic Toolkit the SCA 3 levels are similar to SC6 for Day/Evening. They are lower than SC6 for the Early Night and Late Night periods.

Technical sound criteria parameters

An L_{eq} descriptor was chosen to align with the majority of noise policy in NSW, with no specific sleep disturbance criteria (e.g. L_{max}). This is consistent with the recommendations of the NSW Special Entertainment Precinct Acoustic Toolkit (the Acoustic Toolkit).

A period of assessment of 15-minutes was selected for both entertainment venue and sensitive receiver levels to ensure consistency between the venue and receiver designs.

Frequency specific criteria have been adopted with 63 Hz and 125 Hz octave band levels, as well as an overall A-weighted level. A C-weighted limit was considered instead of the octave band limits, however it did not provide sufficient nuance to appropriately address low frequency music noise. Levels for 31.5 Hz octave band were also considered, as included in the Acoustic Toolkit however this was not adopted for three main reasons:

1. Sound transmission loss data is not available in the 31.5 Hz octave band for most common building materials.



2. Calculation of internal noise levels within small rooms (e.g. bedrooms) at 31.5 Hz is very difficult as room modes dominate the response. In fact internal levels at 31.5 Hz may vary significantly across the room due to room modes.
3. Our experience is that where entertainment noise from venues is controlled at 63 Hz and 125 Hz to meet specific criteria (e.g. the SCA levels) the 31.5 Hz levels tend to also be controlled in order to maintain an appropriate spectrum shape for audiences. In other words 31.5 Hz tends to not be the controlling frequency for noise disturbance from music venues.

Criteria have been specified as absolute levels, i.e. not relative to background noise, for consistency (including where there is effect from more than one emitter) and ease of application.

No requirement for narrow band analysis or penalties for annoying characteristics have been proposed. This is on the basis that criteria have been set with the noise of music and patrons in mind, i.e. they have been set in consideration of that character already.

The three periods Day/Evening 6 am to 10 pm, Early Night 10 pm to 12 am and Late Night 12 am to 6 am were determined in consultation with Council and informed by stakeholder feedback. The start of the Daytime period at 6 am reflects the existing early morning activation in Kiama. We note that whilst the Acoustic Toolkit recommends a minimum 8-hour night period, consistent with World Health Organisation guidelines, the Early Night period in fact has equal or lower targets than those given as an example for the 'bedroom – night' criteria in the Acoustic Toolkit. That is, the residents within the proposed SEP would have a period of 8 hours per day with internal bedroom noise criteria at or below the example criteria given for 'bedrooms – night' in the Acoustic Toolkit.

Selection of noise criteria levels

In setting Sound Category Area maximum entertainment sound noise levels consideration was given to the following:

- existing noise levels measured from entertainment venues as part of this process
- the ambient noise environment in the different SCAs not related to entertainment noise, particularly the impacts from surf/ocean noise, roads and commercial development
- the regional nature of Kiama, i.e. that it is expected to have a different character to an urban location like Kings Cross or the Parramatta CBD
- the Council intention that the SEP is to be a mixed-use area with both entertainment venues and residential use.

In setting internal noise criteria for sensitive receivers consideration was given to the following:

- that future accommodation developments within an existing SEP will expect some impact from entertainment noise in an area and that an objective of inaudibility is not appropriate (consistent with the Acoustic Toolkit)
- a range of existing research and standards such as: the DEFRA studies regarding low frequency disturbance (including NANR45 Proposed Criteria for the Assessment of Low Frequency Noise Disturbance); the World Health Organisation Guidelines for Community Noise; and Australian/New Zealand Standard AS/NZS 2107:2016 *Acoustics – Recommended design sound levels and reverberation times for building interiors*
- internal criteria and approach taken in other jurisdictions including: Inner West Council SEPs; Goulburn SEP (also prepared by MDA); City of Sydney DCP 2012 Section 3.18 Acoustic Amenity; City of Parramatta Late Night Trading Development Control Plan; Fortitude Valley Special Entertainment Area noise limits; the (now superseded) Victorian Environment Protection Regulations 2021 base noise limits for indoor entertainment venues.



In selecting the specific internal limits for Kiama the internal night (early night and late night) levels for accommodation are lower than those for some other jurisdictions. This is on the expectation that target levels should be lower in a regional area than those in an urban area/capital city and that the intention for the SEP is to encourage residential development including within SCA 1.

Item 15.3

Enclosure 3

APPENDIX C FEASIBILITY OF ACOUSTIC TREATMENT TO ACCOMMODATION

To test the feasibility of currently available building materials to be applied to new residential developments within the SEP, we have carried out calculations based on a notional apartment located in SCA 1.

Note that the calculations and constructions below are of a conceptual nature and are provided only for demonstrative purposes. They must not be used as the basis for assessment or design of any development.

Scenario A considers a living area in a sensitive receiver in SCA 1 during the Day/Evening, when external noise levels will be at their highest. The notional room design adopts the following parameters:

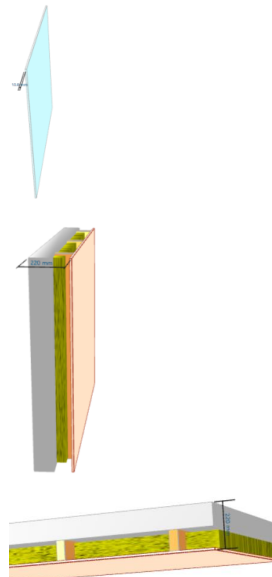
- a room volume of 81 m³ (6 x 5 x 2.7 m)
- a reverberation time of 0.5 seconds
- a window area of 8 m² (4 x 2 m)
- a wall construction with a 110 mm masonry element and separate internal wall lining of 1 x 10 mm plasterboard with insulation in a 100 mm cavity (for example brick veneer construction)
- roof construction with a minimum 100 mm masonry slab and 10 mm plasterboard ceiling 100 mm below with glasswool insulation in cavity.

In Scenario A, the glazing would comprise an acoustic rated system with performance in the order of R_w 37, which might be achieved by a 10.76 mm laminated glass in acoustic rated frame. A specialist acoustic rated system would be required, including for external glazed doors.

The example constructions assumed for Scenario A are set out in Table 4 below.

Table 4: Scenario A example constructions

Element	Example construction
Glazing	10.76 mm Laminated Glass in an acoustic rated frame to R_w 37 Partition surface mass = 25 kg/m ²
External wall	Panel 1: 110 mm Masonry Frame: Timber stud (100 mm x 45 mm), Stud spacing 600 mm, Cavity Width 100 mm + 60 mm glasswool (10kg/m ³) 60 mm Panel 2: 1 x 10 mm plasterboard Partition surface mass = 265 kg/m ² , Mass-air-mass resonant frequency = 63 Hz
Roof-ceiling	Panel 1: 100 mm Concrete Frame: Timber stud (100 mm x 45 mm), Stud spacing 600 mm, Cavity Width 100 mm + 90 mm glasswool (22kg/m ³) 90 mm Panel 2: 1 x 10 mm standard plasterboard Partition surface mass = 242 kg/m ² , Mass-air-mass resonant frequency = 61 Hz





Scenario B considers a sleeping area in a sensitive receiver in SCA 1 during the Early Night, when the difference between external and internal levels are highest (during the Late Night period the internal criteria are the same but external levels are 10 dB lower). The notional room design adopts the following parameters:

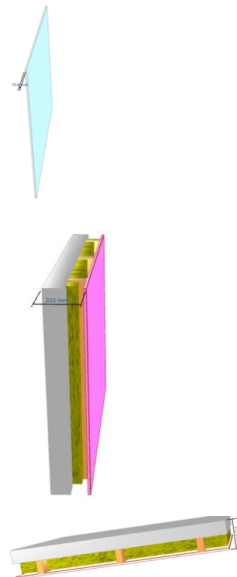
- a room volume of 43 m³ (4 x 4 x 2.7 m)
- a reverberation time of 0.3 seconds
- a window area of 4 m² (2 x 2 m)
- wall construction with 110 mm masonry element and separate internal wall lining of 1 x 13 mm fire rated plasterboard with glasswool insulation in a 100 mm cavity (for example brick veneer construction)
- roof construction with a minimum 100 mm masonry slab and 13 mm plasterboard ceiling 100 mm below with glasswool insulation in cavity.

In Scenario B the glazing would comprise an acoustic rated system with performance in the order of R_w 37, this might be achieved by a 10.76 mm laminated glass in acoustic rated frame. A specialist acoustic rated system would be required, including for external glazed doors.

The example constructions assumed for Scenario B are set out in Table 5 below.

Table 5: Scenario B example constructions

Element	Example construction
Glazing	10.76 mm Laminated Glass in an acoustic rated frame to R_w 37 Partition surface mass = 25 kg/m²
External wall	Panel 1: 1 x 110 mm Masonry Frame: Timber stud (100 mm x 45 mm), Stud spacing 600 mm, Cavity Width 100 mm + 60 mm glasswool (10kg/m³) 60 mm Panel 2: 1 x 13 mm CSR Gyprock 13 mm Fyrchek plasterboard Partition surface mass = 268 kg/m², Mass-air-mass resonant frequency = 52 Hz
Roof-ceiling	Panel 1: 100 mm Concrete Frame: Timber stud (100 mm x 45 mm), Stud spacing 600 mm, Cavity Width 100 mm + 90 mm glasswool (22kg/m³) 90 mm Panel 2: 1 x 13 mm standard plasterboard Partition surface mass = 243 kg/m², Mass-air-mass resonant frequency = 56 Hz





The above scenarios demonstrate:

- that compliant residential apartments could be constructed within SCA 1
- that significant acoustic upgrading is likely to be required to facade elements including glazing, walls and roof/ceilings
- the required upgrades are likely to be achievable with commercially available building materials and solutions.

Item 15.3

Enclosure 3



APPENDIX D METEOROLOGICAL DATA DURING SURVEYS

Table 6: BoM data throughout measurements on Friday 6 March 2026

Date	Time	Temp °C	App temp	Dew point	Rel hum %	Delta T	Wind dir.	Speed km/h	Gust km/h	Rain mm
6/03/2026	17:00	23.2	21.9	20.7	86	1.6	SSW	28	37	0
6/03/2026	17:30	23.1	22.2	20.6	86	1.6	SSW	26	37	0
6/03/2026	18:00	22.9	23	20.4	86	1.6	SSW	20	30	0
6/03/2026	18:30	23.1	23.5	20.6	86	1.6	SSW	19	24	0
6/03/2026	19:00	23.4	24.6	20.7	85	1.8	SSW	15	20	0
6/03/2026	19:30	23.3	26	20.6	85	1.8	WSW	7	9	0
6/03/2026	20:00	22.9	26.4	20.4	86	1.6	SW	2	4	0
6/03/2026	20:30	22.7	25.4	20.6	88	1.4	S	7	13	0
6/03/2026	21:00	22.9	25.9	20.8	88	1.4	SSW	6	7	0
6/03/2026	21:30	22.8	24.3	20.5	87	1.5	S	13	19	0
6/03/2026	22:00	22.5	22.8	19.7	84	1.8	S	17	22	0
6/03/2026	22:30	22.6	23.4	19.8	84	1.8	S	15	17	0
6/03/2026	23:00	22.6	24.1	19.8	84	1.8	S	11	13	0
6/03/2026	23:30	22.4	24.3	19.8	85	1.7	S	9	13	0

Table 7: BoM data throughout measurements on Wednesday 29 April 2026

Date	Time	Temp °C	App temp	Dew point	Rel hum %	Delta T	Wind dir.	Speed km/h	Gust km/h	Rain mm
29/04/2026	20:00	18.3	18.5	14.8	80	2	W	7	9	0
29/04/2026	20:30	17.4	17.6	14.7	84	1.6	W	7	11	0
29/04/2026	21:00	17.8	18.1	15.1	84	1.6	W	7	11	0
29/04/2026	21:30	17.6	17.9	14.9	84	1.6	W	7	9	0
29/04/2026	22:00	17.3	17.7	14.8	85	1.4	W	6	7	0
29/04/2026	22:30	17.2	17.3	14.5	84	1.6	W	7	9	0
29/04/2026	23:00	17.3	17.4	14.4	83	1.7	W	7	9	0
29/04/2026	23:30	17.3	17.4	14.4	83	1.7	W	7	7	0

APPENDIX E HINDMARSH PARK

Site description: Hindmarsh Park is a public open space located along Terralong Street in the Kiama town centre. The park includes a children’s playground, and a small performance stage named the Orry Kelly Stage, used for community events and live performances. The nearest residential receiver is located directly behind the Orry Kelly stage, within the park.

Measurement location(s): Measurements were taken within Hindmarsh Park, approximately 15 m adjacent to the Orry Kelly Stage. Additional measurements were taken in the alleyway along the northeastern side of the park, in a carpark area overlooking the train line.

Friday evening measurement (Location 1): Noise levels were influenced by passing vehicles on Terralong Street, music from the Orry Kelly stage, and children playing in the park. Background ambient noise was dominated by general park activity and distant traffic on surrounding streets. The music performance consisted of a single vocalist with a guitar amplified through two electronic speakers.

Friday evening measurement (Location 2): Noise levels were influenced by passing vehicles on Collins Street and Terralong Street, birds in nearby trees, and children playing in the playground. Background ambient noise was dominated by general park activity and mechanical plant noise from The Sebel. Music was mostly inaudible, with low-frequency energy at 63 Hz and 125 Hz was associated with occasional single guitar strums, rather than continuous music.



Table 8: Summary of measurements at Hindmarsh Park

Date Time Location	L _{A90} L _{A10} L _{Aeq}			Octave band L _{A90}								Octave band music measured								Notes
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k	
6/03/2026 17:05 L1	46	55	52	55	51	45	43	41	37	29	21	62	66	55	46	53	37	31	26	L _{Aeq} controlled by cars on Terralong Street, music from Orry Kelly stage, and children playing in playground L _{A90} controlled by hum of activity within the park, and distant traffic on surrounding streets Music performance featured a single vocalist with a guitar, connected to two electronic speakers
6/03/2026 17:22 L2	46	52	50	56	52	46	43	42	36	29	21	62	61	50	45	-	-	-	-	L _{Aeq} controlled cars on Collins and Terralong Streets, birds in nearby trees, children playing in playground L _{A90} controlled by hum of activity within park, mechanical plant from The Sebel 63 and 125 Hz associated with a single strum of guitar, not a continuous level

APPENDIX F FRIDAS CANTINA / UNCLE FUKU'S

Site description: Frida's Cantina and Uncle Fuku's are neighbouring food and beverage venues located on Collins Street in Kiama town centre. Both premises feature rear outdoor seating areas in addition to indoor dining, with Frida's offering Mexican-style cuisine and Uncle Fuku's providing Asian-style dining and a bar with entertainment. Surrounding land uses comprise a mix of commercial premises, with the nearest residential receivers located adjacent to the rear of the properties.

Measurement location(s): Measurements were taken in the rear parking area of Uncle Fuku's, with direct view of the rear seating areas of both Uncle Fuku's and Frida's Cantina.

Friday evening measurement (Location 1): Noise levels were influenced by passing vehicles on Collins Street and some patron activity in the outdoor seating area of Uncle Fuku's. Background ambient noise was dominated by activity within Hindmarsh Park and surrounding traffic. Measured music represents sound from the PA system at Frida's Cantina, along with some patron activity in the rear seating area of Uncle Fuku's.



Date Time Location	Octave band L_{A90}				Octave band music measured							Notes									
	L_{A90}	L_{A10}	L_{Aeq}		63	125	250	500	1k	2k	4k		8k								
6/03/2026 17:43 L1	47	53	51		55	51	46	44	42	38	32	24	57	55	47	46	43	41	39	32	L_{Aeq} controlled cars on Collins Street, some patron activity in outdoor seating of Uncle Fuku's L_{A90} controlled by activity within Hindmarsh Park, and surrounding traffic noise Music measured represents noise levels associated with music playing on PA system of Fridas Cantina, and some patron activity within the rear seating area of Uncle Fuku's

APPENDIX G YVES SOCIAL

Site description: Yves Social is a food and beverage venue located at 1/42 Manning Street in the Kiama town centre. The premises features indoor dining and a rear outdoor seating area and regularly hosts live music performances during daytime and evening trading. It operates daily from approximately 7 am to 10 pm, is adjacent to the Kiama Harbour Hotel, and the nearest residential receivers are located along Collins Street.

Measurement location(s): Measurements were taken on the curb of the venue on Minnamurra Street, approximately 8 m from the venue. Additional measurements were taken on the curb of Shoalhaven Street, approximately 10 m from the venue.

Friday evening measurement (Location 1): Noise levels were influenced by vehicle movements on Minnamurra Street and music playing within the restaurant. Background ambient noise was dominated by waves crashing on the shore, general activity within the restaurant, and distant traffic. Measured music levels were associated with a live band featuring amplified vocals, drums, guitar, and saxophone.

Friday evening measurement (Location 2): Noise levels were influenced by vehicles passing on Shoalhaven Street and music within the restaurant. Background ambient noise was dominated by patron activity in the outdoor seating area and noise breakout from the internal dining space. Measured music levels were associated with a live band featuring amplified vocals, drums, guitar, and saxophone.

Wednesday evening measurement (Location 3): Noise levels were influenced by vehicles passing on Shoalhaven Street and Minnamurra Street. Background ambient noise was dominated by mechanical noise to the south, ocean noise and distant traffic. The venue was closed throughout the measurement period.



Table 10: Summary of measurements at Yves Social

Date Time Location	L _{A90}			L _{A10}			L _{Aeq}			Octave band L _{A90}									Octave band music measured									Notes
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k									
6/03/2026 18:07 L1	50	62	59	58	55	52	47	44	41	38	33	68	74	58	52	51	43	42	40	L _{Aeq} controlled vehicle movements on Minnamurra Street, and music playing within restaurant L _{A90} controlled by waves crashing on shore, hum of activity within restaurant, and distant traffic noise Measured music levels associated with live band which featured amplified vocals, drums, guitar and saxophone.								
6/03/2026 18:19 L2	52	63	60	56	54	50	51	47	44	39	34	71	72	65	57	53	48	43	35									
																				L _{Aeq} controlled by vehicles passing by on Shoalhaven Street, and music within restaurant L _{A90} controlled by patron noise from outdoor seating area of restaurant, and noise breakout from internal dining Measured music levels associated with live band which featured amplified vocals, drums, guitar and saxophone.								

Date Time Location	L _{A90}			Octave band L _{A90}							Octave band music measured							Notes		
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k		4k	8k
29/04/2026 21:44 L3	44	51	54	48	51	42	42	39	35	29	18	-	-	-	-	-	-	-	-	L _{Aeq} controlled by vehicle movements on Shoalhaven and Minnamurra Streets L _{A90} controlled by mechanical noise to the south, ocean noise and distant traffic Yves Social appeared closed throughout the measurement, with no noise audible from the venue

APPENDIX H GRAND HOTEL

Site description: Grand Hotel Kiama is a historic pub and hotel located at 49 Manning Street in Kiama's town centre, offering bistro dining, a bar and on-site accommodation. The venue features indoor and outdoor patron areas and regularly hosts live music and entertainment, particularly on Friday and Saturday evenings, as well as other social events. It operates with typical trading hours from midday through to late evening (extended on weekends) and is situated among commercial premises with nearby residential receivers along surrounding streets such as Bong Bong Street and Collins Street.

Measurement location(s): Measurements were taken east of the site along Bong Bong Street at positions approximately 30 m and 70 m from the venue. Additional measurements were taken nearer to the venue, approximately 25 m from the venue façade.

Friday evening measurement (Location 1): Noise levels were influenced by vehicle movements on Bong Bong Street and Manning Street. Background ambient noise was dominated by patron noise from the venue outdoor seating area.

Friday evening measurement (Location 2): Noise levels were influenced by vehicle movements on Bong Bong Street and Manning Street. Background ambient noise was dominated by patron noise from the venue outdoor seating area.

Wednesday evening measurement (Location 3): Noise levels were influenced by vehicle movements on Bong Bong Street and Manning Street. Background ambient noise was controlled by patron noise from within the venue.

Wednesday evening measurement (Location 4): Noise levels were influenced by vehicle movements on Bong Bong Street and Manning Street. Background ambient noise was controlled by mechanical plant from the nearby residential properties, and surf noise to the east. Noise breakout in the form of patron voices was audible from the open doors of the venue.

Wednesday evening second measurement (Location 4): Noise levels were influenced by vehicle movements on Manning Street. Background ambient noise was controlled by surf noise to the east. The venue was closed throughout the measurement with no noise breakout audible.

Wednesday night second measurement (Location 3): Noise levels were influenced by vehicle movements on Bong Bong Street and Manning Street, and a single helicopter pass-by overhead. Background ambient noise was controlled by mechanical plant nearby the Grand Hotel. The venue was closed throughout the measurement with no noise breakout audible.



Table 11: Summary of measurements at the Grand Hotel

Date Time Location	L _{A90}			Octave band L _{A90}								Octave band music measured								Notes
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k	
6/03/2026 19:24 L1	57	66	65	54	55	54	53	51	50	45	38	-	-	-	-	-	-	-	-	L _{Aeq} controlled vehicle movements on Bong Bong and Manning Streets L _{A90} controlled by patron noise associated with hotel and distant traffic noises Some music faintly audible from venue, but masked by patron noise from outdoor seating area
6/03/2026 19:36 L2	58	68	68	57	54	53	54	52	51	47	37	61	57	56	-	-	-	-	-	L _{Aeq} controlled vehicle movements on Bong Bong and Manning Streets L _{A90} controlled by patron noise and music associated with hotel Some music faintly audible from venue, but mostly masked by patron noise from outdoor seating area
29/04/2026 19:33 L3	45	56	55	51	48	43	42	40	36	31	20	-	-	-	-	-	-	-	-	L _{Aeq} controlled vehicle movements on Bong Bong and Manning Streets L _{A90} controlled by patron burble from within venue Patron burble within venue with open doors typically 43 – 45 dBA

Date Time Location	L _{A90} L _{A10} L _{Aeq}			Octave band L _{A90}								Octave band music measured								Notes
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k	
29/04/2026 20:13 L4	41	51	50	46	44	41	38	36	32	26	18	-	-	-	-	-	-	-	-	L _{Aeq} controlled vehicle movements on Bong Bong and Manning Streets L _{A90} controlled by mechanical plant and substation from nearby residential properties, and ocean noise Noise breakout from patrons within venue up to 52 dBA, with typical levels of 40 – 44 dBA
29/04/2026 22:10 L4	41	45	44	44	45	42	39	37	32	26	17	-	-	-	-	-	-	-	-	L _{Aeq} controlled vehicle movements on Manning Street L _{A90} controlled by surf noise Venue appeared closed throughout the measurement with no noise audible from venue
29/04/2026 22:55 L3	42	56	57	50	45	42	40	38	34	26	18	-	-	-	-	-	-	-	-	L _{Aeq} controlled vehicle movements on Bong Bong and Manning Streets, and a single helicopter pass-by overhead L _{A90} controlled by mechanical plant nearby the Grand Hotel Venue appeared closed throughout the measurement with no noise audible from venue

APPENDIX I BOWLING CLUB

Site description: Kiama Bowling & Recreation Club is a lawn bowls club and social venue located at 100 Shoalhaven Street on the corner of Noorinan Street in Kiama. The club features indoor bar and dining areas as well as outdoor lawn bowling greens and seating and regularly hosts social entertainment including live music and events alongside sporting and recreational activities. It operates daily with typical hours from around 10 am through to late evening (extended on weekends) and is situated among commercial premises with nearby residential receivers along adjoining streets such as Shoalhaven Street and Noorinan Street.

Measurement location(s): Measurements were taken on Noorinan Street, at positions approximately 50 and 55 m from the building façade.

Friday evening measurement (Location 1): Noise levels were influenced by patrons exiting the bowling club and vehicles on Noorinan Street. Background ambient noise was dominated by music within the bowling club, insects, and distant traffic on Manning Street. Constant amplified music was audible from within the club, with low-frequency energy (63 Hz and 125 Hz) associated with the kick drum and mid-to-high frequencies associated with vocals and other instrumentation.

Wednesday evening measurement (Location 2): Noise levels were influenced by passing cars on Noorinan Street and Shoalhaven Street. Background ambient noise was controlled by surf noise to the east, nearby mechanical plant noise and at higher frequencies, insect noise. The venue was open throughout the measurement but no noise audible from within.

Wednesday night measurement (Location 2): Noise levels were influenced by a distant train pass-by, and a single car pass-by on Shoalhaven Street. Background ambient noise was controlled by surf noise and distant traffic noise. The venue was closed through the measurement, and no noise was audible from within.

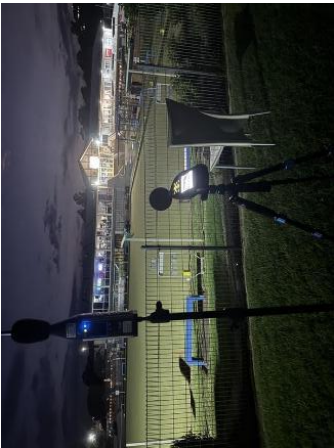


Table 12: Summary of measurements at the Kiama Bowling & Recreation Club

Date Time Location	L _{A90}			Octave band L _{A90}								Octave band music measured								Notes
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k	
6/03/2026 20:00 L1	48	56	55	54	53	45	40	39	45	32	24	68	68	48	42	41	47	35	26	L _{Aeq} controlled patrons exiting the bowling club, entering vehicles along Noorinan Street L _{A90} controlled by music within bowling club, insects and distant traffic on Manning Street Constant amplified music audible from within the bowling club Low frequency (63, 125 Hz) associated with thumping kick drum from speakers, while mid-high frequency associated with vocals and other instrumentation
29/04/2026 19:55 L2	43	48	54	45	43	39	41	38	33	26	28	-	-	-	-	-	-	-	-	L _{Aeq} controlled by passing cars on Noorinan and Shoalhaven Streets L _{A90} controlled by surf noise, nearby mechanical plant to the east and insect noise at higher frequencies Venue was open throughout the measurement, but no patrons outdoors and no noise from venue was audible

Date Time Location	L _{A90}			L _{A10}			L _{Aeq}			Octave band L _{A90}								Octave band music measured								Notes
	L _{A90}	L _{A10}	L _{Aeq}	L _{A90}	L _{A10}	L _{Aeq}	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k	
29/04/2026 22:39 L1	38	45	46				41	41	41	37	37	37	34	29	23	30		-	-	-	-	-	-	-	-	L _{Aeq} controlled by a distant train pass-by, and a single car pass-by on Shoalhaven Street L _{A90} controlled by surf noise and distant traffic noise Venue was closed throughout the measurement period with no noise audible from within

APPENDIX J LEAGUES CLUB

Site description: Kiama Leagues Club is a registered club and social venue located at 109 Terralong Street in the Kiama town centre, offering multiple bar areas, a bistro and alfresco/outdoor dining. The club hosts regular entertainment including live music on Saturday nights and Sunday afternoons in addition to sporting facilities, TAB, gaming and weekly promotional events, with trading hours typically from around 10 am through to late evening/early morning on weekends. Surrounding land uses comprise a mix of commercial premises, with the nearest residential receivers located along surrounding streets such as Collins Street and Bong Bong Street.

Measurement location(s): Measurements were taken on the pathway on Collins Street directly adjacent to the club, approximately 4 m from the building façade.

Friday evening measurement (Location 1): Noise levels were influenced by vehicle movements on Collins Street and Terralong Street. Background ambient noise was controlled by patron noise from within the Leagues Club and distant traffic noise from Terralong and surrounding streets.

Friday evening second measurement (Location 1): Noise levels were influenced by vehicle movements on Collins Street and Terralong Street, and music breakout from the Leagues Club. The background ambient noise was controlled by patron noise within the club, as well as distant traffic noise from Terralong and surrounding streets. Measured music levels were associated with a performing vocalist with amplified vocals and band.

Wednesday evening measurement (Location 2): Noise levels were influenced by vehicle movements along Terralong Street. The background ambient noise was controlled by water flow noise at 124 Terralong Street, mechanical plant noise from the Leagues Club and at higher frequencies, insect noise. The venue was open and operating throughout the measurement, but the only noise from the venue was mechanical – no patron or music noise breakout was audible.



Table 13: Summary of measurements at Kiama Leagues Club

Date Time Location	L _{A90}			L _{A10}			L _{Aeq}			Octave band L _{A90}											Octave band music measured											Notes
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k													
6/03/2026 20:35 L1	56	63	61	56	55	53	53	52	47	40	36	-	-	-	-	-	-	-	-	L _{Aeq} controlled vehicle movements on Collins and Terralong Streets L _{A90} controlled by patrons and distant traffic noise No music measured from venue, only faint music on PA at least 10 dB below patron noise												
6/03/2026 20:48 L1	61	70	67	60	61	60	59	57	51	44	37	72	71	67	65	62	57	46	41	L _{Aeq} controlled by music from venue, and loud traffic pass-bys on Collins and Terralong Streets L _{A90} controlled by raised patron noise within venue and distant traffic Amplified music in the form of a live vocalist, with a corresponding increase in patron noise Noise breakout primarily via glazing on Collins Street facade												

Date Time Location	L _{A90}			L _{A10}			L _{Aeq}			Octave band L _{A90}								Octave band music measured								Notes	
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k								
29/04/2026 21:14 L2	49	63	59	53	54	48	46	44	38	32	38	-	-	-	-	-	-	-	-	L _{Aeq} controlled by vehicle movements along Terralong Street L _{A90} controlled by water flow noise at 124 Terralong Street, mechanical plant noise from the Leagues Club and high frequency insect noise Leagues club operating throughout measurement, but no patron or music noise audible from venue							



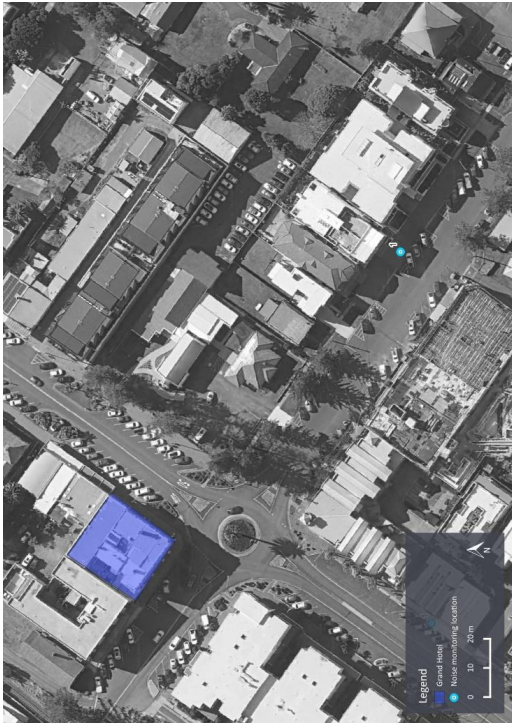
APPENDIX K AMBIENT - TERRALONG STREET

Site description: A position located on the boundary of Hindmarsh Park along Terralong Street, facing multiple commercial residences.

Measurement location(s): Measurements were conducted on the footpath along Terralong Street.

Friday evening measurement (Location 1): Steady activity along Terralong Street, both by pedestrians walking by and cars passing by on Terralong Street. Constant activity by children within Hindmarsh Park play area.

Date Time Location	L _{A90}			L _{A10}			L _{Aeq}			Octave band L _{A90}								Octave band music measured								Notes
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k							
6/03/2026 19:01 L1	52	63	62	57	53	51	48	48	45	39	30	-	-	-	-	-	-	-	-	L _{Aeq} controlled vehicle movements along Terralong Street L _{A90} controlled by distant traffic along Terralong Street, and children playing within Hindmarsh Park						

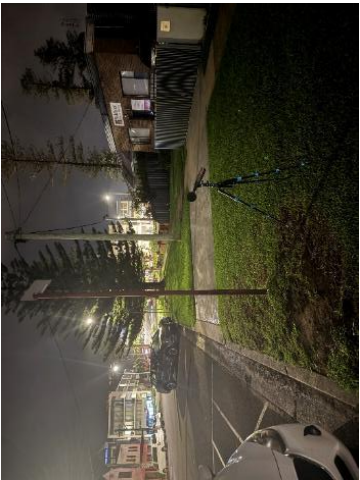


APPENDIX L AMBIENT – 15 BONG BONG STREET

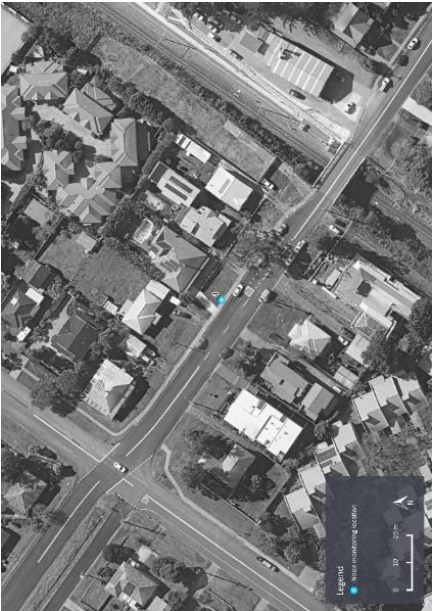
Site description: A residential receiver to the southeast of the Kiama CBD. Nearby businesses include Slow Dough and the Grand Hotel Kiama.

Measurement location(s): Measurements were conducted at the front of 15 Bong Bong Street on the grassed area between the footpath and road.

Friday evening measurement (Location 1): Moderate activity by vehicles passing along through roundabout connecting Bong Bong Street and Manning Street. Constant low hum of activity from the Grand Hotel audible between traffic pass-bys.



Date Time Location	L _{A90}			L _{A10}			L _{Aeq}			Octave band L _{A90}								Octave band music measured								Notes
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k							
6/03/2026 21:15 L1	44	51	51	49	47	44	40	37	35	34	37	-	-	-	-	-	-	-	-	L _{Aeq} controlled traffic movements on Manning Street L _{A90} controlled by mechanical services from Kove Apartments, insect noise and patrons outside the Grand Hotel						



APPENDIX M AMBIENT – 29 BARNEY STREET

Site description: A residential receiver to the south of the Kiama CBD. The nearest business is the Kiama Bowling & Recreation Club.

Measurement location(s): Measurements were conducted at the frontage of 29 Barney Street on the grassed area between the footpath and road.

Friday evening measurement (Location 1): Low activity by vehicles on Barney Street and Belvedere Street, with some activity by residents leaving the Bowling club along Belvedere Street. Measurement was significantly influenced by insect noise.

Table 16: Summary of measurements at 29 Barney Street

Date Time Location	Octave band L_{A90}			Octave band music measured								Notes
	L_{A90}	L_{A10}	L_{Aeq}	63	125	250	500	1k	2k	4k	8k	
6/03/2026 21:36 L1	51	60	57	45	41	35	33	33	34	50	33	L_{Aeq} controlled vehicle movements on Belvedere and Barney Streets, insect noise and patrons leaving the Bowling & Recreation Club L_{A90} controlled by insect noise, and distant traffic on Manning Street



APPENDIX N AMBIENT – 9 EDDY STREET

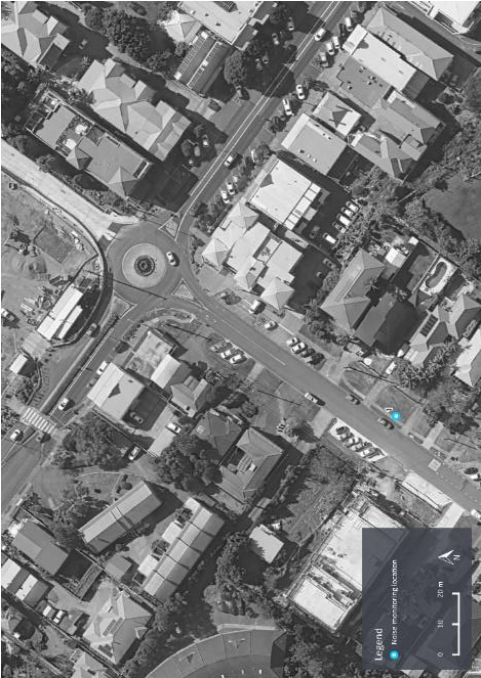
Site description: A residential receiver located to the north of the Bowling club, south of the central Kiama CBD.

Measurement location(s): Measurements were conducted at the frontage of 9 Eddy Street on the grassed area between the footpath and road.

Friday evening measurement (Location 1): Background noise measurements controlled by occasional vehicle movements along Eddy Street, and patrons leaving the Bowling club walking past the measurement position.

Table 17: Summary of measurements at 9 Eddy Street

Date Time Location	L _{A90} L _{A10} L _{Aeq}			Octave band L _{A90}								Octave band music measured							Notes	
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k		8k
6/03/2026 21:52 L1	42	49	50	48	46	42	39	38	33	31	29	-	-	-	-	-	-	-	-	L _{Aeq} controlled vehicle movements on Eddy Street, and patrons leaving the Bowling & Recreation Club L _{A90} controlled by waves crashing and distant traffic on Manning Street



APPENDIX O AMBIENT – 48 THOMSON STREET

Site description: A residential receiver located to the northwest of the Kiama CBD. The nearest businesses to the receiver include Terralong Street Surgery and Woolworths Kiama.

Measurement location(s): Measurements were conducted at the frontage of 48 Thomson on the grassed area between the footpath and road.

Friday evening measurement (Location 1): Background noise measurements were controlled by occasional vehicle movements along Terralong Street. Measurement was heavily influenced by elevated insect noise.

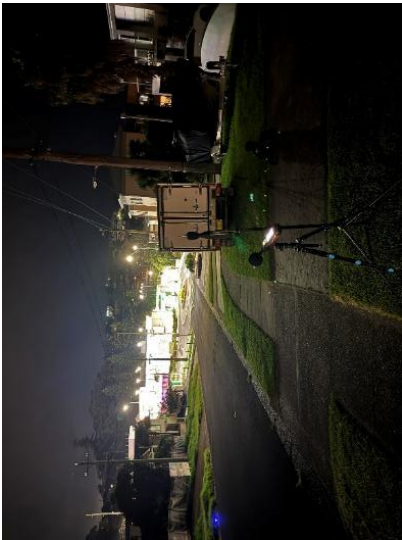
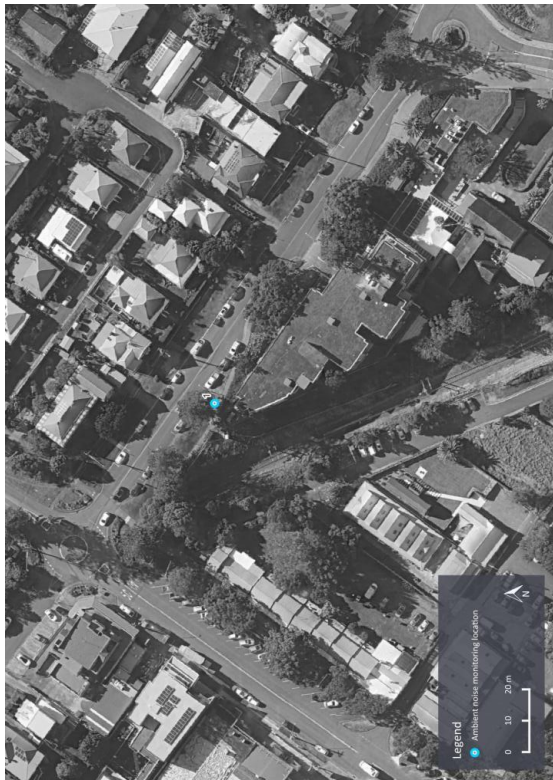


Table 18: Summary of measurements at 48 Thomson Street

Date Time Location	Octave band L_{A90}			Octave band music measured								Notes
	L_{A90}	L_{A10}	L_{Aeq}	63	125	250	500	1k	2k	4k	8k	
6/03/2026 22:12 L1	40	48	51	43	40	32	29	28	27	34	37	L_{Aeq} controlled vehicle movements on Terralong Street L_{A90} controlled by insect noise and distant traffic along Terralong Street



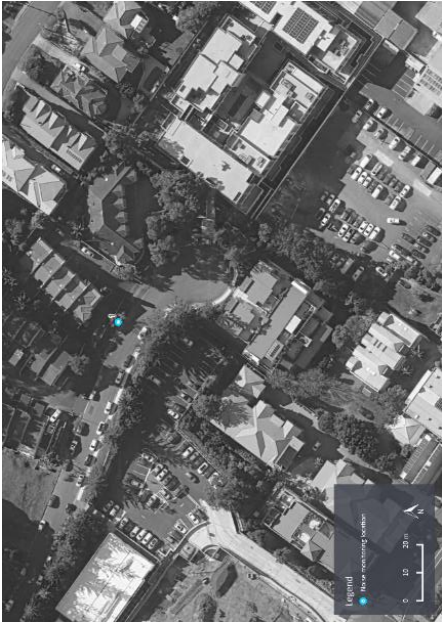
APPENDIX P AMBIENT – 19 MINNAMURRA STREET

Site description: A residential receiver to the north of the Kiama CBD. The nearest businesses include the Sebel Kiama and the Bellevue Boutique Hotel.

Measurement location(s): Measurements were conducted across the road of 29 Barney Street on the grassed area between the footpath and road.

Friday evening measurement (Location 1): Background noise level controlled by vehicle movements along Minnamurra Street and Collins Street. Measurements were influenced by both elevated insect noise and mechanical noise emanating from the Sebel.

Date Time Location	Octave band L_{A90}			Octave band music measured								Notes						
	L_{A90}	L_{A10}	L_{Aeq}	63	125	250	500	1k	2k	4k	8k							
6/03/2026 22:37 L1	41	49	53	46	44	41	37	33	27	36	29	-	-	-	-	-	-	L_{Aeq} controlled vehicle movements on Minnamurra and Collins Streets, and some resident activity within The Sebel
																		L_{A90} controlled by mechanical noise associated with The Sebel and insect noise



APPENDIX Q AMBIENT – 19 MEARES PLACE

Site description: A residential receiver located north of the Kiama CBD. The receiver is surrounded for the most part by residential dwellings, with some commercial and retirement homes to the south and west.

Measurement location(s): Measurements were conducted at the frontage of 19 Meares Place on the grassed area between the footpath and road.

Friday evening measurement (Location 1): Background noise measurement was controlled by vehicle movements along Terralong Street and Collins Street, with almost no noise generation from local businesses. No vehicle movements along Meares Place, with some influence of distant mechanical noise from the Cedar on Collins retirement village and elevated insect noise.

Date Time Location	L _{A90}			L _{A10}			L _{Aeq}			Octave band L _{A90}								Octave band music measured								Notes
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k							
6/03/2026 22:55 L1	45	52	50	43	47	44	37	34	28	40	40	-	-	-	-	-	-	-	-	L _{Aeq} controlled loud vehicle movements in surrounding streets						
																				L _{A90} controlled by insect noise and mechanical noise associated with the Cedar on Collins retirement village						



APPENDIX R AMBIENT – 6 AKUNA STREET

Site description: A residential receiver located south of the Kiama CBD. The receiver is surrounded for the most part by residential dwellings, with commercial premises on Terralong Street one street to the north.

Measurement location(s): Measurements were conducted at the frontage of 6 Akuna Street on the grassed area between the footpath and road.

Friday evening measurement (Location 1): The background noise measurement was controlled by distant traffic movements, and a single helicopter pass-by overhead. The background ambient noise level was controlled by distant surf noise, and at higher frequencies, insect noise.

Table 21: Summary of measurements at 6 Akuna Street

Date Time Location	Octave band L_{A90}			Octave band music measured								Notes						
	L_{A90}	L_{A10}	L_{Aeq}	63	125	250	500	1k	2k	4k	8k							
29/04/2026 21:00 L1	38	45	44	43	40	35	35	33	27	28	30	-	-	-	-	-	-	L_{Aeq} controlled by distant cars and a single helicopter pass-by overhead L_{A90} controlled by surf noise and at higher frequencies, insect noise

APPENDIX 5 AMBIENT – 1/27 COLLINS STREET

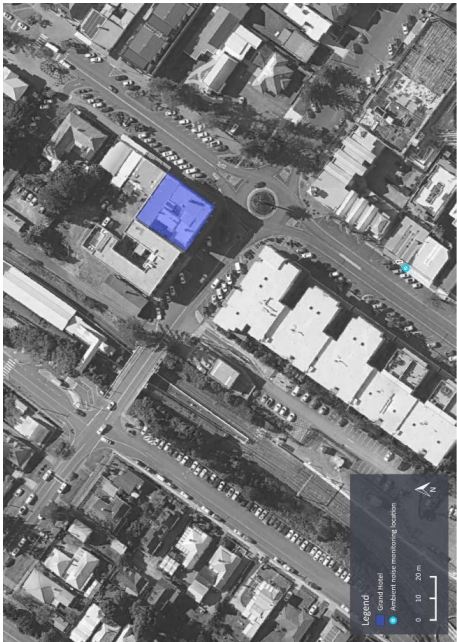
Site description: A commercial receiver located in the northwest area of the Kiama CBD. The receiver is surrounded by residential dwellings to the north, east and west, and commercial properties to the south along Collins Street.

Measurement location(s): Measurements were conducted at the frontage of 1/27 Collins Street on the footpath.

Friday evening measurement (Location 1): The background noise measurement was controlled by distant traffic movements, and a single helicopter pass-by overhead. The background ambient noise level was controlled by distant surf noise, and at higher frequencies, insect noise.



Date Time Location	L _{A90}			L _{A10}			L _{Aeq}			Octave band L _{A90}								Octave band music measured								Notes
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k							
29/04/2026 21:29 L1	38	58	60	43	41	39	36	34	27	24	23	-	-	-	-	-	-	-	-	L _{Aeq} controlled by vehicle movements along Collins Street L _{A90} controlled by surf noise, distant traffic and at higher frequencies, insect noise						



APPENDIX T AMBIENT – 64 MANNING STREET

Site description: A commercial receiver located south of the Grand Hotel Kiama. The receiver is surrounded by a mix of residential and commercial properties along Manning Street.

Measurement location(s): Measurements were conducted at the frontage of 64 Manning Street on the footpath.

Friday evening measurement (Location 1): The background ambient noise level was controlled primarily by distant surf noise to the east.

Table 23: Summary of measurements at 64 Manning Street

Date Time Location	Octave band L_{A90}			Octave band music measured								Notes
	L_{A90}	L_{A10}	L_{Aeq}	63	125	250	500	1k	2k	4k	8k	
29/04/2026 22:22 L1	42	53	54	44	43	41	40	37	33	26	14	L_{Aeq} controlled by passing vehicles along Manning Street L_{A90} controlled by distant surf noise



APPENDIX U AMBIENT – IRT HARBOURSIDE

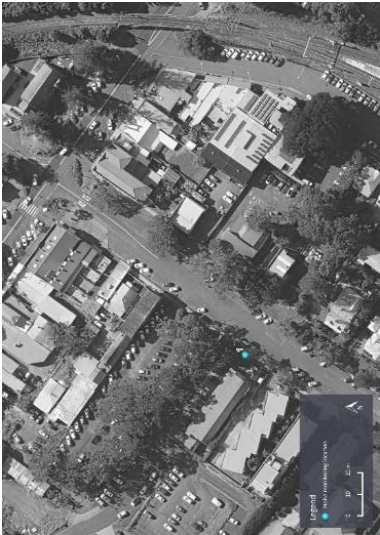
Site description: IRT Harbourside is a retirement community located at 4 Terralong Street. The community is surrounded by a mix of commercial and residential receivers and is exposed to the coast to the north and east.

Measurement location(s): Measurements were conducted to the west of the IRT Harbourside boundary on Terralong Street, near the front boundary of the Kiama Anglican Church.

Friday evening measurement (Location 1): The background ambient noise level was controlled primarily by distant surf noise to the north and east.

Table 24: Summary of measurements at IRT Harbourside

Date Time Location	L _{A90}			L _{A10}			L _{Aeq}			Octave band L _{A90}								Octave band music measured								Notes
	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k							
29/04/2026 20:29 L1	46	51	50	50	49	45	43	41	38	31	22	-	-	-	-	-	-	-	-	L _{Aeq} controlled by ocean waves crashing onto the shore, and vehicle movements on Blowhole Point Road						
																				L _{A90} controlled by ocean noise						



APPENDIX V AMBIENT – 69 SHOALHAVEN STREET

Site description: 69 Shoalhaven Street, currently a commercial laundromat, is surrounded by commercial receivers to the north and east along Shoalhaven Street, and residential receivers along Akuna Street and to the south.

Measurement location(s): Measurements were conducted on the corner of Shoalhaven Street and Akuna Street, outside of 69 Shoalhaven Street.

Friday evening measurement (Location 1): Noise levels were influenced by a few vehicle pass-bys along Shoalhaven Street and Akuna Street. The background ambient noise level was controlled primarily by distant surf noise to the north and east. The Kiama Inn Hotel was open and operating throughout the measurement, but no noise was audible from within the venue.

Table 25: Summary of measurements at 69 Shoalhaven Street

Date Time Location	L _{A90}			L _{A10}			L _{Aeq}			Octave band L _{A90}								Octave band music measured								Notes
	L _{A90}	L _{A10}	L _{Aeq}	L _{A90}	L _{A10}	L _{Aeq}	63	125	250	500	1k	2k	4k	8k	63	125	250	500	1k	2k	4k	8k				
29/04/2026 20:47 L1	38	48	50				46	43	39	36	33	28	24	23	-	-	-	-	-	-	-	-	-	L _{Aeq} controlled by a few vehicle movements along Shoalhaven and Akuna Streets L _{A90} controlled by distant surf noise		



DRAFT

Item 15.3

DRAFT Development Control Plan (DCP) Amendments to support the Planning Proposal – Kiama Town Centre Special Entertainment Precinct

**Kiama Development Control Plan 2020 - Chapter 12 Location Specific Controls
Topic 12.7 Kiama Town Centre**

INSERT a new section at the end of Chapter 12.7 (page 185)

Topic 12.7 - Kiama Town Centre Special Entertainment Precinct

General

This section of Topic 12.7 applies to land within the Special Entertainment Precinct as established by clause 6.15 of the Kiama LEP 2011 and identified in the Kiama LEP 2011 Special Entertainment Precinct Map. See also Figure 1 below.

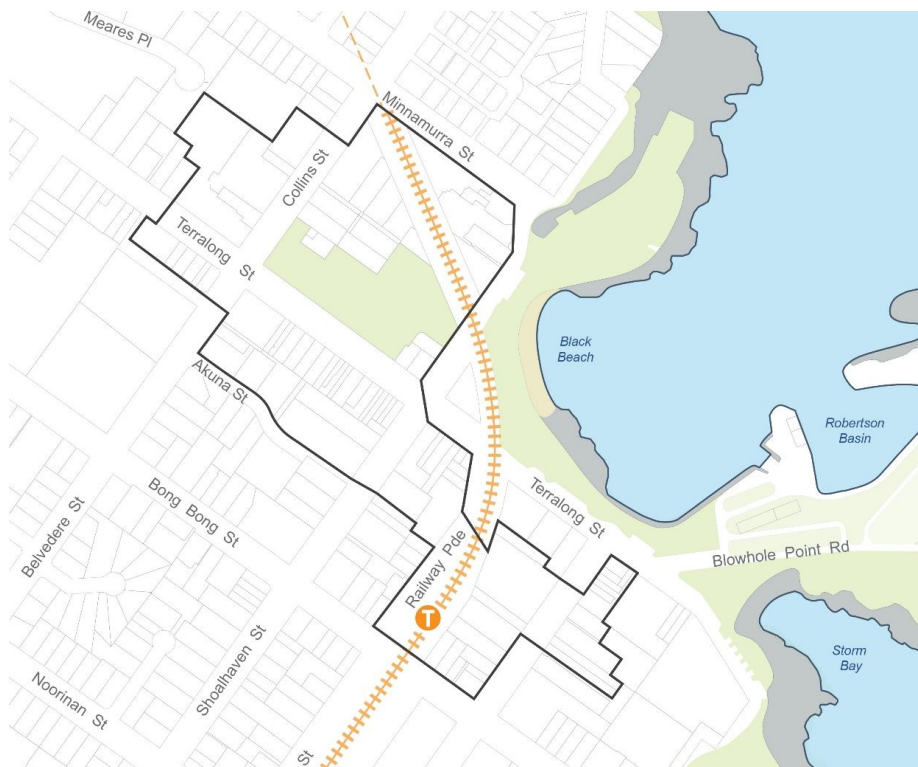


Figure 1 Kiama Town Centre SEP boundary map

Kiama DCP 2012 – Chapter 12. Location Specific Controls

Enclosure 4



DRAFT

Item 15.3

Enclosure 4

Objectives

- O:12.7.142 To support the operation of the Kiama Town Centre Special Entertainment Precinct.
- O:12.7.143 To establish clear acoustic performance standards for venues, sensitive receivers and new development within the Precinct.
- O:12.7.144 To ensure development is designed and managed to respond appropriately to entertainment sound.
- O:12.7.145 To provide certainty regarding trading hours while supporting entertainment activity and protecting residential amenity.

Provisions

1. This section of the DCP should be read in conjunction with the following:
 - a) Kiama Town Centre SEP Management Plan (SEMP)
 - b) Clause 6.15 of Kiama LEP 2011 and
 - c) The Special Entertainment Precinct Map in Kiama LEP 2011
2. The acoustic provisions in this section of the DCP apply to the following:
 - a) New and modified Venues,
 - b) New and modified Sensitive Receivers,
 - c) New and Modified Mixed-Use Development, or
 - d) Where trading hours are being sought that are greater than the trading hours of the SEMP.

Definitions

Entertainment activity – An activity carried out for the purposes of entertaining members of the public including live or recorded music. Includes other performances and activities such as karaoke, trivia, bingo and comedy or private functions in licensed premises which provide hospitality services, and the provision of food and drink services whether accompanied by entertainment or not. Also includes set up and pack down, rehearsals and sound checks, entry and exit of patrons from the premises and other activities on the premises by patrons or staff.

Entertainment sound – The sound emitted when carrying out entertainment activity, from licensed and unlicensed premises but does not include any noise associated with other activities such as mechanical plant, equipment and ventilation, servicing, construction, waste disposal and collection.

Internal Sound Criteria – The internal sound levels required to be achieved within sensitive receivers. This is based on the receiver building envelope noise attenuation, in response to the External Sound Category cumulative level.

Non-venue – Unlicensed premises that do not carry out entertainment activity. For example shops and businesses.



DRAFT

Sensitive Receiver – Development comprising residential accommodation, tourist and visitor accommodation, a place of public worship, a health services facility, an educational facility (including early childhood or childcare), or office.

Venue – Licensed or unlicensed premises, including indoor and outdoor areas related to the premises, that carry out an entertainment activity.

Sound Category Areas and Applicable Sound Levels

Objectives

- O: 12.7.146 To define the maximum permissible exposure to entertainment sound for properties located within a Sound Category Area.
- O: 12.7.147 To control cumulative impacts of entertainment sound resulting from the operation of multiple venues.

Controls

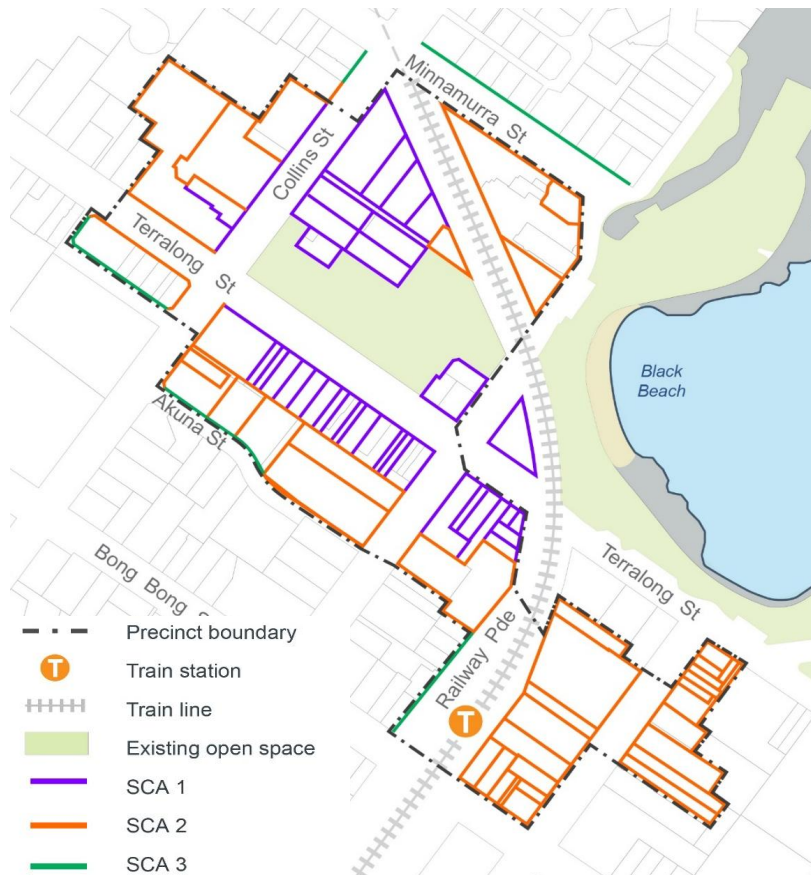


Figure 2 Kiama Town Centre SEP Sound Category Areas Map



DRAFT

Item 15.3

Enclosure 4

12.7.212 Entertainment sound from venues within the SEP must not exceed the Venue Sound Criteria, equivalent to the Sound Category Area levels specified in Table 1 by reference to Figure 2.

12.7.213 The Sound Category Area levels apply at:

- a) At the lot boundaries of all potential or existing receivers to all floor levels up to the maximum building heights allowable under the Kiama LEP, or other environmental planning instrument.
- b) Potential receiver includes the boundaries of any lot which is zoned such that a sensitive receiver is permitted with consent by the zone.

SCA	Day/Evening 6am – 10pm			Early Night 10pm – 12am			Night 12 am – 6am		
	dBA	63Hz	125Hz	dBA	63Hz	125Hz	dBA	63Hz	125Hz
SCA 1	65	65	65	65	65	65	50	55	50
SCA 2	60	58	56	55	50	46	50	50	46
SCA 3	50	50	48	38	50	46	38	50	46

Table 1 Sound Category Area maximum entertainment sound noise levels $L_{eq(15min)}$

Note: delineation of Sound Category Area hours does not designate trading hours.

12.7.214 For any new venue, where existing or potential future venues in the vicinity may also generate entertainment sound, the proposed development must comply with a sound level that is:

- a) 3dB below the levels specified in Table 1, where the boundary is common between the venue and the sensitive receiver, or
- b) 5dB below the levels specified in Table 1, where the boundary is not a common boundary between the venue and the sensitive receiver.

12.7.215 Where a proponent can demonstrate that cumulative noise from nearby existing or future venues is highly unlikely, Council may permit the full noise limit in Table 1 to be applied to the site (without the 3dB or 5dB adjustment).

12.7.216 If the new or modified venue is attached to an existing or potential sensitive receiver, the proposed development must also comply with the Sensitive Receiver Internal Noise Criteria as provided within Table 3.

12.7.217 If the venue is part of a mixed-use development, refer also to the mixed-use controls.

Acoustic Requirements for Sensitive Receivers

Objectives

O:12.7.148 To ensure that new or modified receivers are designed and constructed with appropriate sound attenuation measures to achieve the required internal sound criteria and allow them to coexist.

Controls



DRAFT

Item 15.3

Enclosure 4

12.7.218 A new or modified sensitive receiver is required to achieve the identified Internal Sound Criteria for sensitive receivers specified in Table 2.

12.7.219 In achieving the criteria in Table 2, the entertainment Sound Levels impacting each façade, based on the SCAs defined in Table 1 and Figure 2, are to be considered.

Receiver	Period	dBA	63 Hz	125 Hz
Residential sleeping area	Day/Evening	35	50	40
Residential sleeping area	Night	28	43	38
Residential living area	Any time	35	50	40
Short stay accommodation - tourist, visitor, hostel - living areas	Any time	40	55	45
Short stay accommodation - tourist, visitor, hostel - sleeping areas	Day/Evening	40	55	45
Short stay accommodation - tourist, visitor, hostel - sleeping areas	Night	33	50	44
Education facilities including early childhood and childcare	When in use	35	52	46
Place of public worship	When in use	38	55	49
Health services facility	Day/Evening	40	57	51
Health services facility (wards with sleeping areas only)	Night	35	52	46
Offices (excludes retail)	When in use	40	57	51

Table 2 Internal noise criteria for sensitive receivers $L_{eq}(15min)$

12.7.120 Where acoustic attenuation measures are proposed that may restrict the use of openable windows or otherwise affect natural ventilation, the development is to demonstrate that an appropriate ventilation and acoustic amenity outcome is achieved, having regard to the objectives and design guidance of the National Construction Code, Apartment Design Guide or other relevant guidelines.

12.7.221 Noise impact from other sources, such as road, rail and mechanical plant/equipment would remain to be assessed separately in accordance with relevant Standards and policies

12.7.222 If the sensitive receiver is part of a mixed-use development, refer also to the mixed-use controls.

Mixed-use Developments

Objectives



DRAFT

Item 15.3

- O:12.7.149 To future-proof mixed-use development so that they can provide for entertainment activity and maintain appropriate acoustic protection for sensitive receivers.
- O:12.7.150 To address sound transmission from venues that are within the same building as sensitive receivers, including through common walls, ceilings and floors.

Controls

- 12.7.223 For any mixed-use development application containing a sensitive receiver within the SEP, an acoustic report must be prepared by a suitably qualified acoustic consultant that demonstrates that the non-residential floor space could be adapted as an entertainment venue and still satisfy the Sensitive Receiver Internal Sound criteria identified in Table 2.
- 12.7.224 A new or modified venue that may emit entertainment sound to an existing attached sensitive receiver is required to install attenuation measures to comply with the Sensitive Receiver Internal Sound Criteria specified in Table 2 to address sound transfer via the common interface (wall, ceiling or floor).
- This is measured at the most potentially affected location (no less than 1 metre) from the common interface.
- 12.7.225 A new or modified sensitive receiver that may receive entertainment sound from an existing attached venue is required to install attenuation measures to comply with the Sensitive Receiver Internal Sound Criteria specified in Table 2 to address sound transfer via the common interface (wall, ceiling or floor).
- This is measured at the most potentially affected location (no less than 1 metre) from the common interface.

Trading Hours

Objectives

- O:12.7.151 To specify allowable trading hours within the Special Entertainment Precinct.
- O:12.7.152 To support entertainment activity while protecting the amenity of the surrounding land uses.

Controls

- 12.7.226 The trading hours of a Venue or Non-Venue within the SEP must not exceed the Maximum Trading Hours as provided in Table 3.

Category	Trading hours
Venue	5.30am to 1.00am
Non-Venue	5.30am to 1.00am

Table 3 Venue and Non-Venue Maximum Trading Hours

Enclosure 4



DRAFT

Item 15.3

- 12.7.227 Venues are to comply with the Sound Category Area levels and Sensitive Receiver Internal Sound Criteria as identified above.
- 12.7.228 Venues and non-venues listed in Appendix 3 of the SEPMP may trade in accordance with the trading hours of their development consent.
- 12.7.229 Where a venue or non-venue is demonstrated to not have a significant or unreasonable amenity impact on nearby sensitive receivers, extended trading hours may be considered by Council.

Plan of Management

Objectives

- O:12.7.153 To ensure the operation of venues are appropriately managed.
- O:12.7.154 To ensure ongoing management practices for venues are clearly identified.
- O:12.7.154 Provide certainty for the consent authority, operators, and the local community regarding the ongoing management practices that will be implemented to manage the proposed noise impacts on the neighbourhood.

Controls

- 12.7.230 Venues must be supported by a Plan of Management that specify ongoing management practices for the premises.
- 12.7.231 The Plan of Management shall address the following at a minimum:
 - a) Hours of operation
 - b) Staff numbers
 - c) Details of live and amplified music, including where live entertainment and amplified sound may occur
 - d) Details of live entertainment including stage locations, set up/pack down, ticketing, queue management etc.
 - e) Measures to manage patron behaviour including any measures for arriving and leaving premises
 - f) Processes to manage complaints relating to noise (for example complaints register)
 - g) Details of sound attenuation measures
 - h) Any noise limiting devices, including their operation
 - i) Safety and security
 - j) Lighting and illuminated signage
 - k) Ongoing waste management
 - l) Deliveries

Enclosure 4