

11 MAYORAL MINUTE

11.1 Mayoral Minute: Akuna Street development

Attachments

Nil

Enclosures

Nil

Item 11.1

RECOMMENDED

That Council

1. Rejects the Housing Development Authority's (HDA) recommendation to the NSW Minister for Planning and Public Spaces, the Hon. Paul Scully, to declare the proposal for a fourteen (14) storey residential development on the Akuna Street site, owned by Level 33, as a State Significant Development.
2. Calls on the NSW Minister for Planning and Public Spaces, the Hon. Paul Scully, to refuse the recommendation of the Housing Delivery Authority for the Akuna Street site, owned by Level 33.
3. Calls on Level 33 to proactively work with Council and the community on a design for the Akuna Street site which is consistent with the vision for the site as outlined in the *Kiama Local Environmental Plan 2011* (LEP) and Kiama Development Control Plan (DCP) 2020.

Report

As Mayor, I share the community's concerns over the heights for the Akuna Street development (including Akuna Street, 100 Terralong Street and 55–61 Shoalhaven Street) discussed and recommended as acceptable by the NSW Government's Housing Delivery Authority (HDA). This site is owned by Level 33 Property Developers. I do not support 14-storey buildings anywhere in the town centre of Kiama. They are far too high and completely out of character for our town.

Level 33 have recently withdrawn their Local Environmental Court (LEC) case regarding its Development Application (DA). Council was compelled to attend court to defend its planning controls, which found the DA too high, too bulky, and raised traffic concerns. When summonsed, Council is legally obliged to defend its position. Council will now pursue costs through the court system.

In June 2025, Council became aware that Level 33 had submitted an Expression of Interest (EOI) to the NSW Government's Housing Delivery Authority (HDA) to declare the site and a 14-storey proposal as a State Significant Development (SSD). On 16 September the HDA recommended that the Minister utilise his powers to declare

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the proposal as SSD. In their recommendation the HDA noted that an existing DA on the site was currently with the LEC and that the Minister was unable to make a declaration until such time as the matter was either resolved or withdrawn from the LEC.

As the previous DA has now been withdrawn the Minister is now in a position to declare the proposal as SSD. This is a matter for the NSW Government and the Minister, not Council.

However, the community can rest assured we are advocating on its behalf for the Minister to refuse the application and ensure that the heights are more appropriate for a community of our size and scale. To that end we have written to the Minister and a copy of that letter is again attached for information.

Council previously wrote to Minister Paul Scully to communicate the community's concerns and tabled that letter publicly at the October council meeting. To date no reply has been received.

I have also met personally with our Local Member of Parliament Katelin McInerney to express our concerns. I am aware that these views are shared by the Local Member.

Council has previously raised concerns with the Minister that the HDA's published transcripts show that the panel undertakes very little discussion on each EOI. I am also aware that concerns have recently been published around the integrity and governance structures of the HDA. The NSW Leader of the Opposition has recently called for an independent review of all HDA recommendations as it has been revealed that an unauthorized AI tool was used to collate information before the HDA. The integrity of any planning process must be maintained.

Council welcomes the news that the NSW Audit Office is undertaking a review of the governance arrangements for the HDA and we look forward to these improvements in policies, processes and transparency. As the new planning reforms are rolled out across the State it is understandable that such significant changes require reviews of governance and procedures to ensure the integrity of decision-making processes.