
Item No: 9.2
Subject: **MAYORAL MINUTE REGARDING MINISTER SCULLY RESPONSES -
ADVOCACY ON THE LOW AND MID-RISE HOUSING POLICY TO BE TABLED
AT THE MEETING OF COUNCIL MONDAY 23 JUNE 2025**
Author: Sarah Swan, Councillor
Approver:

Purpose of the Report:

To update Council on the responses received from the Minister for Planning and Public Spaces relating to Council correspondence regarding the Low and Mid-Rise Housing Policy.

Alignment to Delivery Program:

Recommendation:

THAT Council:

- A. Note the correspondence received from the Minister for Planning and Public Spaces on 25 August 2024 and 7 May 2025 relating to the Low and Mid-Rise Housing Policy.
- B. Resolves that subject to feedback from the NSW Government that it may consider alternatives to the Low and Mid-Rise Housing Policy, request staff to prepare an alternative housing scheme for Rose Bay and Double Bay that facilitates housing growth but does this in a sustainable and strategic way that addresses the key issues associated with the current Low and Mid-Rise Housing Policy.
- C. Requests the General Manager to arrange a meeting between the Minister for Planning and Public Spaces and the Mayor.

Executive Summary:

Discussion:

Since 2024, Woollahra Council has advocated to the NSW Government against the significant implications of the Low and Mid-Rise Housing Policy (LMR Policy) in the Woollahra Local Government Area (LGA) and strongly opposed its inappropriate planning controls that will have catastrophic impacts on our community.

In response to our continued advocacy on these issues, it is disappointing to note that only two letters of response have been received from the NSW Government on 25 August 2024, and 7 May 2025. A copy of all correspondence can be viewed on [Council's website](https://www.woollahra.nsw.gov.au/Building-and-development/NSW-Governments-planning-changes-to-low-and-mid-rise-housing).

<https://www.woollahra.nsw.gov.au/Building-and-development/NSW-Governments-planning-changes-to-low-and-mid-rise-housing>

Our Council's adopted planning strategies to deliver more housing have been ignored. The fact that we are on track to meet our five-year housing target has been ignored. Finally, the reality that

local government is most appropriately placed to prepare place based, best practice strategic local plans has been ignored.

Most recently, on 24 February 2025, I wrote to the Hon. Paul Scully MP, Minister for Planning and Public Spaces (Minister) requesting an urgent meeting on the LMR Policy finalisation.

On 7 May 2025 a letter was received from the Minister. However, my request for a meeting was ignored. I understand from Mayor Nemesh of Waverley Council that he has had two meetings with the Minister since November 2024. This term, the only communication that the Minister has made to me and this Council about arranging a meeting has been by way of statements made to the media. I therefore, again, formally ask him to attend a meeting with me.

In a pro-forma, standard response likely used to evade meaningful engagement with all councils and residents across NSW, the Minister acknowledged Council's feedback and asserted that the Department of Planning, Housing and Infrastructure (DPHI) had undertaken extensive engagement with all affected councils, including Woollahra. However, "extensive engagement" is not a statement with which I would agree when the vast majority of our community were unaware of the nature and extent of the changes, particularly when changes of this nature will fundamentally undermine our LGA's unique character.

The letter from the Minister simply repeated the NSW Government's commitment to increasing housing supply while maintaining local character and heritage, and noted that further guidance and support will be provided to councils during implementation of the LMR Policy.

We have also had no engagement with essential service providers to understand how the additional infrastructure required to support density and population growth will be delivered by the NSW Government. In particular, despite our continued requests for information regarding Sydney Waters' capacity in our LGA, no information on future waste and sewerage provision has been provided. We are aware that consultation has occurred between Sydney Water and DPHI on the current housing targets and the TODs. However, we do not accept that there has been any consultation with Sydney Water on the capacity implications from the LMR reforms.

Concerningly, the NSW Government has completely disregarded our advice on the complex hydrogeological conditions that exist in Rose Bay and Double Bay. Much of these suburbs sits in a basin, and have a high water table that are prone to destabilising buildings when earthworks and dewatering occur. Reports lodged with development applications to address such concerns only take single sites into account, and have no regard to the highly damaging impacts of cumulative changes to subterranean water flows.

If the NSW Government is adamant about retaining Rose Bay as a Town Centre under the LMR reforms, residents and businesses of Woollahra will want to know: Will the State Government take on the role of insurer and provide a suitable indemnity, and reform the Home Building Compensation Fund to include buildings over three storeys?

I also note that two Councils, Inner West Council and Ku-ring-gai Council, have had discussions with the NSW Government on alternative Transit Oriented Development (TOD) scheme. These discussions did not include alternative approaches to the LMR Policy which still applies in both Council areas.

Firstly, in April 2024, Inner West Council was granted a deferral by the NSW Government to prepare alternate TOD master plans. The deferral for Ashfield, Dulwich Hill and Marrickville Stations was until December 2024, and the deferral for Croydon Station was until January 2025. However, after conducting further feasibility studies, in December 2024, Council determined that the TOD scheme lacked commercial viability. As a result, Council requested a further deferral from the TOD scheme and LMR Policy and resolved to prepare an LGA-wide LEP by April 2025. Despite this, in January 2025, the NSW Government proceeded with the TOD scheme in the Inner West Council as originally proposed, without modifications.

In response, in May 2025 Inner West Council endorsed for public exhibition the alternate approach to the TOD scheme and LMR Policy, *Our Fairer Future Plan – Council's approach for new housing in the Inner West*: <https://yoursay.innerwest.nsw.gov.au/our-fairer-future-plan>
The plan seeks to remove the current TOD and LMR controls in the Inner West.

Secondly, Ku-ring-gai Council pursued a legal challenge to exclude the TOD scheme at Roseville, Lindfield, Killara and Gordon Stations. This matter is ongoing, however Ku-ring-gai Council worked with the NSW Government in meditation on an alternative TOD scheme. On 5 June 2025, Ku-ring-gai Council resolved to approve the post exhibition report on the alternative TOD scheme, and the Council is now working with the NSW Government to progress the scheme.

The above outcomes show a level of receptiveness to alternative TOD schemes. However, I note that the separate LMR Policy remains in place for Ku-Ring-Gai Council and Inner West Council. I further note that the NSW Government has not turned off LMR planning controls for any Council with land that meets the LMR Policy criteria in LMR housing areas.

One of our objections to Rose Bay being included as Town Centre under the LMR Policy is that despite the Minister's assertion to the media, Rose Bay does not meet the Government's own definition of a Town Centre i.e. it does not include a full line supermarket.

It is incredibly disappointing that we have had such a poor response from the Minister in the formulation and implementation of such a significant shift in planning policy. It appears to me that metropolitan led strategic planning has been abandoned by this State Government.

Despite preparing nine pieces of correspondence and having only received two responses, I will continue to advocate against the LMR Policy with the NSW Premier and Minister to urge the NSW Government to recommit to a strategic planning framework and to collaborate with local councils on an alternative best practice planning response for the benefit of our community.

It was pleasing today to meet with Stephen Bali MP, Parliamentary Secretary for Planning and Public Spaces, who was able to see first hand some of the significant consequences of the Government's plans, and to hear our case that local government is best placed to do the planning for future housing growth.

In the meantime, I will request Council Staff to continue to monitor updates related to the LMR Policy implementation and provide updates to Council as further guidance is issued. This will involve keeping the community informed by providing updates on Council's website.

Cr Sarah Swan Mayor

Options:

Community Engagement and / or Internal Consultation:

Policy Implications:

Financial Implications:

Resourcing Implications:

Conclusion:

Attachments:

None