

Resolution of Council

31 October 2022

Item 13.11

Rosebery Eligibility Low Rise Medium Density Housing Code

Moved by Councillor Scott, seconded by Councillor Chan -

It is resolved that:

- (A) Council note the NSW Low Rise Housing Diversity Code came into effect on 1 July 2020;
- (B) Council note the City has:
 - (i) consulted extensively with residents in the R2 zone in Rosebery about the impact of the Low Rise Housing Diversity Code; and
 - (ii) with the support of Local Government NSW, successfully sought to temporarily exempt the Rosebery Special Character Area identified in Sydney Local Environmental Plan 2012 from the Low Rise Housing Diversity Code, until 31 December 2022;
- (C) Council note:
 - (i) the Lord Mayor wrote to the former Minister for Planning and Public Spaces, requesting the Rosebery Special Character Area identified in Sydney Local Environmental Plan 2012 be exempted from the Low Rise Housing Diversity Code, as resolved by Council on 20 July 2020, and a temporary exemption was granted for a period of two years;
 - (ii) the Lord Mayor wrote to the Minister for Planning, again requesting the Rosebery Special Character Area identified in Sydney Local Environmental Plan 2012 be exempted permanently from the Low Rise Housing Diversity Code, in April 2022;
 - (iii) the NSW Government has agreed with the City that the Rosebery Estate covenant, which limits dwellings to one storey, continues to apply and the SEPP does not overrule it;

- (iv) as a result, from 1 January 2023, any two-storey development or addition within the Rosebery Estate must be assessed as a development application, and it cannot be approved as Complying Development;
 - (v) the Minister advised the exemption will not be made permanent. The Housing Codes will again come into force in Rosebery Estate from 1 January 2023; and
 - (vi) in light of the NSW Government's response, the Lord Mayor again wrote to the Minister for Planning asking he make sure that private certifiers know that they cannot issue Complying Development Certificates for two-storey developments and to confirm how his Department will prevent private certifiers from issuing incorrect Complying Development Certificates in the Rosebery Estate; and
- (D) the Chief Executive Officer be requested to provide an update to Councillors via the CEO Update about how City staff have informed private certifiers of the NSW Government's decision.

The amended motion was carried unanimously.

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