

## Item 13.11

### Notices of Motion

#### Rosebery Eligibility Low Rise Medium Density Housing Code

By Councillor Scott

It is resolved that:

- (A) Council note the NSW Low Rise Medium Density Housing 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 Medium Density Housing Code; and
  - (ii) with the support of Local Government NSW, successfully sought to exempt the Rosebery Special Character Area identified in Sydney Local Environmental Plan 2012 from the Low Rise Medium Density Housing Code, permanently, from the commencement of the code;
- (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 Medium Density Housing Code, as resolved by Council on 20 July 2020, and that this request 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 Medium Density Housing 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, currently, 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.

- (vi) in light of the NSW Government's response providing only a further temporary exemption, that the City of Sydney will continue to advocate for the Rosebery Special Character Area identified in Sydney Local Environmental Plan 2012 to be exempted from the Low Rise Medium Density Housing Code permanently; and
- (D) the Chief Executive Officer be requested to provide an update to Councillors via the CEO Update about City advocacy activities and outcomes.

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