

**From:** [noreply@feedback.planningportal.nsw.gov.au](mailto:noreply@feedback.planningportal.nsw.gov.au) on behalf of [Planning Portal - Department of Planning and Environment](#)  
**To:** [REDACTED]  
**Subject:** Rosebery Estate  
**Date:** Wednesday, 13 January 2021 8:00:14 PM

---

Submitted on Wed, 13/01/2021 - 19:59

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

**Name**

[REDACTED]

[REDACTED]

**I would like my submission to remain confidential**

Yes

**Info**

**Email**

[REDACTED]

**Suburb/Town & Postcode**

Rosebery

**Submission**

I support the exemption (and a permanent exemption), for the following reasons:

- CDC clause 120(2)(c) supports the exemption to exclude applications within the Rosebery Estate
- CDC clause 120(2)(c) gives validity to the permanent establishment of the exemption in the Rosebery Estate
- the exemption would signal to developers that the Rosebery Estate is under a special exemption due to its character
- the exemption is one way where the regulators of the CDC CODES - can enforce and regulate their own exclusion clause within the CODE

There is no confusion in the Community as to how clause 1.20(2)(c) applies. That is covenant can not be overriden. If application proceeds they must comply with the covenant. However, there is no administrator or regulator that would take responsibility for the governance and implementation of the rules.

The planning Minister, Fair Trading and Council's inaction to administer and regulate its own rules and planning CODES has caused friction and disharmony within the community. The lack of action borders on (if not) negligence. By doing nothing to regulate and enforce their own rules has and will result in increased costs being forced on individual owners to pursue legal action for the enforcement of the covenant. The regulators are open to counter law suits!. The courts have ruled on the validity of the covenant - that is not the issue. Residents buy in the area knowing of the restrictions on their titles.

**I agree to the above statement**

Yes