

From: noreply@feedback.planningportal.nsw.gov.au on behalf of [Planning Portal - Department of Planning and Environment](#)
To: [REDACTED]
Subject: Rosebery Estate
Date: Monday, 25 January 2021 3:03:33 PM

Submitted on Mon, 25/01/2021 - 15:01

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

[REDACTED]

Suburb/Town & Postcode

MASCOT

Submission

Thanks you for the opportunity to make a submission on the proposal.

I would like to express my opposition to that proposal, as it appears on the planning portal and in the Explanation of Intended Effects.

In short, the proposal creates uncertainty for residents, is unfairly capricious and restrictive, is inconsistent with how other builds in the Estate have been treated, and punishes owners who want to update their properties to suit their needs. The transitional provisions also punish owners who bought their property on the understanding that the Housing Code and the Low Rise Housing Diversity Code would apply to any development they wanted to make.

The Rosebery covenant dates from the early 1900s. The covenant has been inconsistently applied and enforced since then (or not been applied at all), so its legal validity is questionable. In any event, its significance and relevance, over a century later, is diminished. To exclude Rosebery from the Code (even temporarily) because of this covenant, and because a small community group objects to changes to the suburb, would be inconsistent with the treatment afforded to other developments in the Estate. (I also note that earlier this year the Lord Mayor letter-dropped 1,675 properties in Rosebery advising that she would be recommending to the Minister for Planning and Public Places that the Code not apply but that only 59 submissions opposing the Code were made during the subsequent consultation process. To say there is a majority of community support for this is misleading.)

The proposal also unreasonably restricts the ability of residents to update and in some cases modernise their homes where they want to (particularly relevant to Rosebery given the age and condition of much of the housing stock). The suburb is becoming increasingly attractive to young families (like me and my family) who are attracted to its proximity to the city, its green space and its community 'feel'. They are adding much to the area's demographics but they also want the option of being able to build homes to suit their family needs. My wife and I chose Rosebery for a reason but had we known that we would be prevented for at least two years from being able to choose how we wanted to renovate the property, we would have looked elsewhere.

The EIE references the 'special character' of Rosebery and I am aware that a small minority think that houses delivered under the Code are 'out of character' with the suburb. But there is no difference between Rosebery and other inner city suburbs which are recognised as having historical significance but which also permit residents to build under the Code. One only needs to travel to neighbouring Mascot, Alexandria, Eastlakes and Kensington to see a variety of different styles, including Californian bungalows, interspersed with double storey houses. Why is an exception being made for Rosebery?

It is also misleading to state that a two year pause on CDC approvals still permits people to build under the DA process. The front and side setback rules under the DA process means that it is not possible to build a true two storey home as it will be a heavily compromised build when compared with a build permitted under CDC. The Government should be protecting residents' property development rights.

The EIE also states that an exclusion from the Code for two years will provide certainty for landowners. I disagree. It will create a great deal of uncertainty, and angst, for owners who are or may be considering work on their properties and who in some cases have already committed significant financial resources on the understanding that the Code would be applied consistently with other builds.

This leads me to my final comment, about the proposed saving and transitional provisions described in the EIE. The EIE states that it is proposed that an application for a CDC that has been made but not finally determined before the commencement of the Policy, assuming that happens, will be determined as if the Policy had not commenced. This is unfairly restrictive. It is only fair and equitable for this proposal to not apply to contracts which have exchanged before the commencement date of the Policy. The CDC process takes time. It would be grossly unfair to a purchaser who has signed a contract for sale on the basis that the Code will apply to them to now say that it won't if they haven't submitted a CDC application before the commencement date. At a minimum, the Government should reconsider this part of the Proposal.

I agree to the above statement
Yes