



New South Wales

State Environmental Planning Policy No 53—Metropolitan Residential Development (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Urban Affairs and Planning. (S97/00449)

CRAIG KNOWLES MP

Minister for Urban Affairs and Planning

1998 No 10

Clause 1 State Environmental Planning Policy No 53—Metropolitan Residential Development (Amendment No 1)

State Environmental Planning Policy No 53— Metropolitan Residential Development (Amendment No 1)

1 Name of Policy

This Policy is *State Environmental Planning Policy No 53—Metropolitan Residential Development (Amendment No 1)*.

2 Aims, objectives etc

This Policy aims to clarify the application of certain provisions of the Principal Policy relating to:

- (a) its commencement, and
- (b) the repeal of the environmental planning instruments referred to in clause 5 (1) of the Principal Policy, and
- (c) the suspension of certain agreements, covenants and similar instruments.

3 Principal Policy

In this Policy, *State Environmental Planning Policy No 53—Metropolitan Residential Development* is referred to as the Principal Policy.

4 Amendment of Principal Policy

The Principal Policy is amended as set out in Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 2 Commencement

Insert “26 September 1997” after “on”.

[2] Clause 5 Relationship to other environmental planning instruments

Insert “environmental planning instruments in their entirety” after “following”.

[3] Clause 8

Omit the clause. Insert instead:

8 Suspension of certain covenants etc

- (1) Any agreement, covenant or similar instrument imposing restrictions on the erection of buildings or the use of land, or otherwise affecting the development of land, does not apply to the extent necessary to enable development to be carried out in accordance with this Policy or a consent granted under the Act pursuant to this Policy, except as provided by subclause (2).
- (2) Subclause (1) does not apply to a covenant in favour of Sydney Water Corporation Limited or a water supply authority listed in Schedule 1 to the *Water Supply Authorities Act 1987*.
- (3) Before this clause, as substituted by *State Environmental Planning Policy No 53—Metropolitan Residential Development (Amendment No 1)*, took effect, the Governor approved this clause under section 28 of the Act.

1998 No 10

State Environmental Planning Policy No 53—Metropolitan Residential Development (Amendment No 1)

Schedule 1 Amendments

[4] Clauses 35 and 36

Insert after clause 34:

35 Development applications lodged not later than 31 March 1998 in respect of certain areas

- (1) Despite this Policy, a development application that is lodged not later than 31 March 1998 in relation to land within one of the following local government areas, namely:

City of Canterbury

Concord

City of Penrith

City of Randwick

City of Rockdale

Waverley

may be dealt with and determined in accordance with the instruments referred to in clause 5 (1) rather than in accordance with this Policy as if those instruments had not been repealed by this Policy but continued in force.

- (2) This clause applies to a development application made before, on or after the date on which this clause took effect.

36 Certain development applications relating to land to which SREP No 17—Kurnell Peninsula applies

A development application:

- (a) that relates to land to which *Sydney Regional Environmental Plan No 17—Kurnell Peninsula* applies, and
- (b) that was lodged before the date of commencement of *State Environmental Planning Policy No 53—Metropolitan Residential Development (Amendment No 1)*, and

(c) that had not been finally determined as at that date,

is to be determined as if Schedule 1 [5] to *State Environmental Planning Policy No 53—Metropolitan Residential Development (Amendment No 1)* had not been made.

[5] Schedule 1 Local government areas

Insert “, except that part to which *Sydney Regional Environmental Plan No 17—Kurnell Peninsula* applies” after “Sutherland”.