



New South Wales

State Environmental Planning Policy No 53—Metropolitan Residential Development (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

Her 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 of the Minister for Planning.

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 825

Clause 1 State Environmental Planning Policy No 53—Metropolitan Residential Development (Amendment No 6)

State Environmental Planning Policy No 53— Metropolitan Residential Development (Amendment No 6)

1 Name of Policy

This Policy is *State Environmental Planning Policy No 53—Metropolitan Residential Development (Amendment No 6)*.

2 Aims of Policy

This Policy aims to amend *State Environmental Planning Policy No 53—Metropolitan Residential Development* to facilitate the erection of well-designed residential flat buildings on certain land at St Leonards.

3 Land to which Policy applies

This Policy applies to land within the local government area of Lane Cove known as 1–16 Duntroon Avenue, St Leonards, and being lots 1 and 2, DP 567316, and lots 3–16, DP 7650.

4 Amendment of State Environmental Planning Policy No 53— Metropolitan Residential Development

State Environmental Planning Policy No 53—Metropolitan Residential Development is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Relationship to other environmental planning instruments

Insert after clause 5 (3):

- (4) *Lane Cove Local Environmental Plan 1987* is amended as set out in Schedule 6.

[2] Schedule 6

Insert after Schedule 5:

Schedule 6 Amendment of Lane Cove Local Environmental Plan 1987

(Clause 5 (4))

Clause 19I

Insert after clause 19H:

19I Development of certain land—Nos 1–16 Duntroon Avenue, St Leonards

- (1) This clause applies to land known as 1–16 Duntroon Avenue, St Leonards, being lots 1 and 2, DP 567316, and lots 3–16, DP 7650 (the *subject land*).
- (2) Despite the provisions of this or any other environmental planning instrument applying to the subject land, development for the purpose of residential flat buildings may be carried out, with development consent, on the subject land, if the development is the subject of a development application that relates to the whole of the subject land.
- (3) The development standards set out in subclauses (5)–(10) (the *special development standards*), apply to the erection of residential flat buildings on the subject land.

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- (4) If, in relation to the land to which this clause applies, a special development standard differs in any respect from a development standard that deals with the same subject-matter and is contained elsewhere in this plan (*a local development standard*), the special development standard replaces the local development standard and the local development standard ceases to apply to the land to which this clause applies.
- (5) The following provisions apply generally to any residential flat building erected on the subject land:
- (a) the building must comply with the dimensions, building envelopes, building alignments and maximum building heights set out in the Duntroon Avenue Reference Plan,
 - (b) the building may not exceed 55 metres in length (measured along the side facing Duntroon Avenue),
 - (c) the building may not have a depth exceeding 20 metres (measured at right angles to the side comprising its primary facade),
 - (d) the dwellings in the building must achieve an average energy rating of at least 4 stars, and each dwelling must achieve an individual energy rating of at least 3.5 stars, under the Nationwide House Energy Rating Scheme established under the auspices of the Australian and New Zealand Minerals and Energy Council,
 - (e) at least one tenth of the dwellings in the building must have 3 bedrooms or more,
 - (f) the ratio between:
 - (i) the total floor area of all buildings erected or proposed to be erected on the subject land, and
 - (ii) the area of the subject land,must not exceed 2.33:1.
- (6) Subclause (5) does not prevent minor articulation features (such as balconies, corners of buildings, window structures, wall embellishments and parts of habitable and non-habitable rooms that are designed to enhance the architectural appeal of the building) from extending up to 0.6 metres beyond any

building envelope, alignment or dimension established for residential flat buildings on the subject land, either by this clause or by the Duntroon Avenue Reference Plan.

- (7) In relation to the dwellings in any residential flat building erected on the subject land:
- (a) ceiling heights within habitable rooms must be at least 2.7 metres,
 - (b) no window of a habitable room in any dwelling may be situated:
 - (i) closer than 12 metres to any window of a habitable room in any other dwelling, or
 - (ii) closer than 9 metres to any window of a non-habitable room in any other dwelling,if the 2 windows face each other,
 - (c) each dwelling must have at least 10 cubic metres of storage space, excluding kitchen and bathroom cupboards and built-in or walk-in wardrobes in bedrooms,
 - (d) each balcony to which access is gained from a habitable room (other than a bedroom):
 - (i) must have a width (measured along the face of the building) of at least 2.5 metres, and
 - (ii) must have an area of at least 8 square metres.
- (8) In relation to the outdoor areas surrounding the residential flat buildings erected on the subject land:
- (a) landscaping must be provided in the areas indicated for that purpose in the Duntroon Avenue Reference Plan, and
 - (b) no podium or boundary wall fronting Duntroon Avenue may have a height exceeding 1.2 metres above the level of the adjacent footpath.
- (9) In relation to car and bicycle parking facilities for the residential flat buildings erected on the subject land:
- (a) the underground car park associated with those buildings must not extend beyond the area allowed for that purpose in the Duntroon Avenue Reference Plan,

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- (b) subject to paragraph (d), the number of car parking spaces (other than visitor car parking spaces) must not exceed the number calculated by allowing:
 - (i) one space for each dwelling having one or two bedrooms only, and
 - (ii) 1.5 spaces for each dwelling having more than two bedrooms,
 - (c) subject to paragraph (d), the number of visitor car parking spaces must be at least one tenth, but must not exceed one fifth, of the total number of dwellings,
 - (d) the number of car parking spaces (including visitor car parking spaces) must not exceed 280,
 - (e) the number of bicycle parking spaces (other than visitor bicycle parking spaces) must be at least one third of the total number of dwellings,
 - (f) the number of visitor bicycle parking spaces must be at least one tenth of the number of dwellings.
- (10) Residential flat buildings erected on the subject land should, where practicable, consider the acoustic privacy of neighbourhoods in the vicinity and residents by:
- (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and
 - (b) ensuring acceptable noise levels in internal living and sleeping areas of new dwellings.

Note. Australian/New Zealand Standard AS/NZS 2107:2000, *Acoustics—Recommended design sound levels and reverberation times for building interiors* and Australian Standard AS 3671-1989 *Acoustics—Road traffic noise intrusion—Building siting and construction* should be referred to in establishing acceptable noise levels.

- (11) Nothing in this clause limits the operation of:
- (a) *State Environmental Planning Policy No 1—Development Standards*, or
 - (b) *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*,

with respect to the erection of residential flat buildings on the subject land and, in the application of *State Environmental Planning Policy No 65—Design Quality of Residential Flat*

Development, clause 30 (2) (c) of that Policy is taken to refer to the publication *Residential Flat Design Code (Tools for improving the design of residential flat buildings)* (Department of Planning 2002) instead of to the publication *Better Urban Living Guidelines for Urban Housing in NSW* (Department of Urban Affairs and Planning and NSW Government Architect).

(12) In this clause:

Duntroon Avenue Reference Plan means the plan entitled *State Environmental Planning Policy 53 (Amendment No 6)*, prepared by the Department of Planning and dated October 2002, a copy of which is deposited in the Sydney Office of the Department of Planning.

floor area of a building means, despite clause 6 (1), the sum of the areas of each floor of the building where the area of each floor is taken to be the area within the internal face of the external closing walls or external windows as measured at a height of 1 400 millimetres above each floor level, but excluding the following areas:

- (a) the area of main building entrances and associated foyers and lobbies,
- (b) common vertical circulation (that is, stairs, stairwells, lifts, lift wells, landings between flights of stairs on different floors or levels, but not lift lobbies on floors above the ground floor),
- (c) underground storage areas, vehicular access and service areas and car parking areas,
- (d) plant rooms, and vertical mechanical services and vertical ducting,
- (e) balconies, including those enclosed by operable screening devices,
- (f) void space above double height spaces.

habitable room has the same meaning as it has in the *Building Code of Australia*.

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residential flat building means, despite clause 5 (1), a building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),

but does not include a Class 1a building or a Class 1b building under the *Building Code of Australia*.

Note. Class 1a and Class 1b buildings are commonly referred to as ***town houses*** or ***villas*** where the dwelling units are side by side, rather than on top of each other.

BY AUTHORITY