



New South Wales

State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011

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*.

BRAD HAZZARD, MP
Minister for Planning and Infrastructure

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1 Name of Policy

This Policy is *State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Aim of Policy

The aim of this Policy is to enact transitional provisions consequent on the repeal of *State Environmental Planning Policy No 53—Metropolitan Residential Development*.

4 Definitions

In this Policy:

dual occupancy development means development allowed under Part 3 of the repealed Policy.

previous development application means a development application made before the repeal of the repealed Policy that was determined by refusing consent, or withdrawn, after that repeal and before the commencement of this Policy.

the Act means the *Environmental Planning and Assessment Act 1979*.

the repealed Policy means the *State Environmental Planning Policy No 53—Metropolitan Residential Development*, as in force immediately before its repeal.

5 Land to which Policy applies

This Policy applies to land within the local government area of Ku-ring-gai to which the repealed Policy applied immediately before its repeal.

6 Relationship with other environmental planning instruments

If there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of that inconsistency.

7 Continued application of SEPP 53 to certain dual occupancy development

The repealed Policy continues to apply to the following:

- (a) a development application for dual occupancy development made before the commencement of this Policy, not being a development application that was finally determined by the Court before that commencement,
- (b) a further development application for dual occupancy development that was the subject of a previous development application and that is made not later than 6 months after the commencement of this Policy,
- (c) a development application for dual occupancy development that is subject to an application (whether made before or after the commencement of this Policy) for a review under section 82A of the Act, not being an application for a review that was finally determined before that commencement.