

## **State Environmental Planning Policy (Affordable Rental Housing) 2009**

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### **54A Savings and transitional provisions—2011 amendment**

- (1) Division 1 of Part 2, as in force before its amendment by *State Environmental Planning Policy Amendment (Affordable Rental Housing) 2011* (the **amending SEPP**), continues to apply to development, if:
  - (a) the land on which the development is situated is owned by the Land and Housing Corporation and was owned by that Corporation immediately before the amendment, and
  - (b) the development is commenced not later than 2 years after the amendment.
- (2) If a development application (an **existing application**) has been made before the commencement of the amending SEPP in relation to development to which this SEPP applied before that commencement, the application may be determined as if the amending SEPP had not been made.
- (3) If an existing application relates to development to which Division 1 or 3 of Part 2 applied, the consent authority must not consent to the development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.
- (4) Despite subclause (2), clause 13 (2) (as in force before the amendments made by the amending SEPP) does not apply to development the subject of an existing application and any such application is to be determined by applying instead clause 13 (2) and (3) as inserted by the amending SEPP.