NSW GOVERNMENT
Department of Planning

PLANNING circular

PLANNING SYSTEM	
State environmental planning policies	
Circular	PS 08–014
Issued	14 November 2008
Related	PS 08–003 May 2008

Reporting variations to development Standards

The purpose of this circular is to remind councils of their responsibilities to complete quarterly returns on variations to development standards under delegations using State Environmental Planning Policy No. 1 - Development Standards or similar provisions under the Standard Instrument. The returns for the past two quarters – 1 April to 30 June 2008 and 1 July to 30 September 2008 – are to be forwarded to the Department by no later than 4 weeks from the date of this circular.

Introduction

Circular PS 08-003 reminded councils of their responsibilities to monitor the use of the Director-General's assumed concurrence under State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) or under clause 4.6 of the Standard Instrument (or similar provision) on a quarterly basis.

Councils were reminded of the need to keep accurate records of the use of SEPP 1, or the relevant provision of the Standard Instrument and to report quarterly from the April to June 2008 quarter.

Reports due 4 weeks from date of this Circular

Despite the previous circular, a number of councils have not submitted their responses to the Department for the period 1 April to 30 June, which were due on 31 July 2008.

Councils are now advised that they are to forward their reporting of the use of SEPP 1 or clause 4.6 of the Standard Instrument (or similar provision) for the periods 1 April to 30 June and 1 July to 30 September **within 4 weeks from the date of this circular.** Where a council has not exercised its concurrence in a particular quarter, then a nil return is to be forwarded.

Quarterly reports are to be emailed to developmentstandards@planning.nsw.gov.au

If a council does not respond to this request by 15 December 2008, then the Director-General will commence the process of revocation of the concurrence.

Councils are to then report quarterly within one month of the end of the quarter. Failure to do so will trigger a review into the need to revoke of the concurrence.

Further Requirements

In response to the findings of the recent ICAC investigation into corruption allegations affecting Wollongong City Council, councils are required to adopt the following four measures:

1) Establish a register of development applications determined with variations in standards under SEPP 1;
2) Require all development applications where there has been a variation greater than 10% in standards under SEPP 1 to be determined by full council (rather than general manager or nominated staff member);
3) Provide a report to each council meeting on the development applications determined where there had been a variation in standards under SEPP 1;
4) Make the register of development applications determined with variations in standards under SEPP 1 available to the public on the council's website.

Further information

The Department will also be undertaking a number of random audits in 2009 on SEPP 1 decisions based on the data received this year.

Links to SEPP 1 and the Standard Instrument can be found on the Department of Planning's website at: http://www.planning.nsw.gov.au

If you have further enquiries, please phone the Planning Information Centre 02 9228 6333 or email information@planning.nsw.gov.au

Note: This and other Department of Planning circulars are published on the web at www.planning.nsw.gov.au/planningsystem

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