

Friday, 15 July 2011

Transitional arrangements to deliver fairness for existing SEPP 53 applications

The NSW Government today introduced transitional arrangements that will ensure fairness in the handling of a limited number of existing development applications in Ku-ring-gai, following the removal of laws established by the former Government that caused great concern to the local community.

The arrangements will apply to only 13 dual occupancy proposals (on sites across the council area) that were being processed at the time the new government repealed *State Environmental Planning Policy No. 53 – Metropolitan Residential Development (SEPP 53)* to give control over dual occupancy developments back to Ku-ring-gai Council.

At the time, Ku-ring-gai was the last council area in the State where SEPP 53 applied.

However, to ensure fairness for the 13 applications in the system prior to the repeal the Government has introduced transitional arrangements.

The transitional arrangements provide that:

- SEPP 53 will still apply to development applications for dual occupancy that were lodged prior to the repeal but not yet determined;
- If a development application was lodged prior to the repeal but subsequently refused or withdrawn following the repeal (before the commencement of the savings provisions) those limited number of applicants will have the opportunity to lodge a new development application (for the same development) under SEPP 53 within the next six months; and
- If a development application was lodged prior to the repeal but subsequently refused following the repeal, SEPP 53 will need to be considered a part of any review by the council or appeal to the Court.

All other future dual occupancy development applications will be considered by Ku-ring-gai Council in line with its existing planning controls.

The NSW Government remains committed to ensuring local councils have such planning decisions returned to them.

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