

Plan for Implementation of Recommendations

Investigation into the Corrupt Conduct of a Willoughby City Council Officer

Please complete this schedule with information about how your agency plans to implement each of the ICAC's corruption prevention recommendations arising from the investigation into Operation Churchill. The implementation plan should include details of the actions, timeframes and how your agency proposes to evaluate the effectiveness of the implementation of each recommendation. Please provide the name of a contact person in your agency from whom we can seek more detail if needed. This document should be returned to the ICAC in writing and electronically to apedroza@icac.nsw.gov.au by no later than 31 August 2011.

Recommendation 4.

That the NSW Department of Planning and Infrastructure prepares and makes public guidelines that specify which activities and what work associated with a development are to be used by planning authorities when calculating the estimated costs of works.

Summary of response

The recommendation will be:

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

The Department of Planning and Infrastructure (DP&I) will prepare guidelines in the form of a Planning Circular that addresses the calculation of "estimated cost of works" under clause 255 of the *Environmental Planning and Assessment Regulation 2000*. The draft Circular will be reviewed internally. In addition comments will be sought from the Local Government and Shires Associations and key industry organisations. The Circular is expected to be released as soon as possible and will be communicated to councils and other stakeholders.

Supporting material

The Department has developed a draft planning guideline in response to Recommendation 4 of ICAC Report June 2011: *Investigation into the corrupt conduct of a Willoughby City Council Officer*. This guideline is a draft Planning Circular which details the types of works that are to be considered in the estimated cost of development, the manner in which the consent authority should review the estimate and provides information to aid the consent authority in the determination of the estimated cost.

Following an initial review of the draft Planning Circular, which was circulated to the Local Government and Shires Associations, council planning professionals (including Willoughby Council), Department staff, building industry professional groups and building industry representatives, submissions received were assessed and the draft Circular was amended to reflect the issues raised.

In order to ensure that all stakeholders are given the opportunity to comment on the draft Circular before its publication, the Department of Planning and Infrastructure is considering publicly exhibiting the draft Planning Circular for a period of 21 days, inviting comment during this time. It is anticipated that this exhibition may commence very soon. The draft Circular will be available on the Department's website and councils will be notified of the exhibition.

Following the exhibition of the draft Circular, the Department will take into account any submissions received and publish a final Circular as soon as possible.

Proposed evaluation methods

The Department of Planning and Infrastructure will monitor the effectiveness of the guidance in the Planning Circular by carrying out a survey one year after the final publication of the Circular.

The purpose of the survey will be to monitor whether the guidance provided in the Planning Circular has been beneficial to councils in estimating costs of development. Because building construction costs vary considerably, it is important to monitor whether the guidance provided in the Circular is effective and beneficial in estimating costs for councils. Furthermore, the Department wants to ensure that any guidance it has provided in this area is up to date and it may even be necessary to monitor these guidelines again after the initial period review.