



New South Wales Government
Independent Planning Commission

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INDEPENDENT PLANNING COMMISSION

ANNUAL REPORT 2020-2021

October 2021



Acknowledgement of Country

The Independent Planning Commission acknowledges and pays respect to all the Traditional Custodians and their Nations of NSW. The Commission recognises and acknowledges that the Traditional Custodians have a deep cultural, social, environmental, spiritual, and economic connection to their lands and waters.



The Hon Rob Stokes MP
Minister for Planning and Public Spaces
Parliament House
SYDNEY NSW 2000

Dear Minister

In accordance with clause 7(1) of Schedule 2 to the *Environmental Planning and Assessment Act 1979*, I am pleased to submit the Annual Report on the operations of the Independent Planning Commission for 2020-2021.

As a result of the 1 July 2020 establishment of the Office of the Independent Planning Commission under Part 3 of Schedule 1 to the *Government Sector Employment Act 2013*, a separate Annual Report for that agency has been submitted to you in accordance with section 9 of the *Annual Reports (Departments) Act 1985* for presentation to Parliament.

I would like to record my appreciation for the contributions of my fellow Commissioners especially the Deputy Chairs of the Commission, Peter Duncan, John Hann and Dianne Leeson; the work of the Office of the Independent Planning Commission in supporting the Commission; the Departments and Agencies that supply material for the Commission, especially the Department of Planning, Industry & Environment; and the individuals, professional and industry bodies, and community groups that are major stakeholders and who provide important feedback; and those who make submissions and presentations to the Commission.

Yours sincerely

Mary O'Kane
Chair

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1. Chair's overview

The Independent Planning Commission completed its first full year operating under the new arrangements post the Productivity Commissioner's Review of the IPC. All recommendations of the Review have now been implemented apart from the final stages of the new case management system.

Governance

In line with the Review recommendations, the Commission's governance policies and practices have been brought into line with the Audit Office's 'Governance Lighthouse' guidelines. Three Deputy Chairs were appointed - Peter Duncan, John Hann and Dianne Leeson – to provide high level advice and assistance to the Chair and the Commission more generally.

In February 2021, I released the Commission's new Strategic Plan which will guide the work of the Commission while continuing to build certainty and confidence in our decision-making.

The Commission has established a Risk and Compliance Committee, which is tasked with 'assisting the Chair in discharging the IPC's governance responsibilities, specifically oversight of a risk management framework and monitoring of compliance'. I would like to thank John Hann for his work as the inaugural Chair of this Committee and Peter Duncan who has taken over as Chair in recent months.

In June 2021, the Commission hosted an *Inter-jurisdictional Forum of Independent Planning Bodies* from NSW, Victoria, South Australia, Western Australia, Ireland, and London, with a focus on best practice and challenges in making transparent and timely planning decisions. We are hoping this Forum, which was opened by the Minister, will become an annual event, with South Australia set to host a second forum next year.

Office of the Independent Planning Commission

A major milestone was reached when the Office of the Independent Planning Commission (OIPC) was created as a separate agency under the *Government Sector Employment Act 2013* on 1 July 2020. The OIPC is the staffing agency that provides administrative, professional, and technical support to the Commission as it undertakes its statutory functions. As Chair of the Commission, I am also Head of Agency for the OIPC.

Caseload and performance

The Review recommended that the Commission focus on cases that are more complex and contentious in nature and delegate SSD modification applications to the Department of Planning, Industry & Environment (the Department). This year the Commission's caseload was slightly lower than last year (~10%), though it included holding seven high profile public hearings into coal and gas developments.

The Minister's Statement of Expectations issued in May 2020 (**see Appendix 3**) has provided the Commission with key performance indicators (KPIs) on time taken to complete its various types of cases. In 2020-21 the Commission has met or bettered its timing KPIs for all case categories. In line with the Statement of Expectations, the Commission has also sought formal stakeholder and community feedback on qualitative measures of the Commission's performance, with **88%** of surveyed speakers at online public hearings and meetings reporting the overall performance of the Commission to be good, very good or excellent.

Commissioners

The Review recommended 'transitioning to a smaller pool of Commissioners, with a stronger focus on decision-making skills rather than technical expertise'. In 2020-21, **four** new Commissioners were appointed while 12 others ended their terms. The total number of Commissioners is now **18**; down from **27** in 2019-20.

I would like to acknowledge the contributions of Commissioners whose terms ended in this period: Ms Carol Austin, Mr Ross Carter, Mr Soo-Tee Cheong, Mr John Hann, Ms Catherine Hird, Mr Andrew Hutton, Professor Zada Lipman, Ms Ilona Millar, Mr Russell Miller AM, Mr Steve O'Connor, Mr Tony Pearson and Mr Geoff Sharrock.

And I would like to welcome the new Commissioners: Mr Terry Bailey, Dr Sheridan Coakes, Ms Juliet Grant and Mr Tony McAvoy SC.

Sadly, Professor Garry Willgoose died on 26 February 2021 after a battle with brain cancer. Garry made a considerable contribution to the State of NSW not only through his work on the Commission and the Mining and Petroleum Gateway Panel but also through his significant research in fluvial geomorphology and modelling landscape evolution with the University of Newcastle. He was a wonderful friend and colleague to many on the Commission and will be sorely missed.

Mining and Petroleum Gateway Panel

The Mining and Petroleum Gateway Panel remains a subcommittee of the Commission. On 1 February 2021, a new Panel was appointed, comprising: Professor Neal Menzies (Chair), Professor Ian Anderson, Emeritus Professor Joan Esterle, Dr Clinton Foster PSM, Mr Hugh Middlemis, Dr Catherine Moore, and Dr Glen Walker.

I acknowledge the work of the previous Panel, ably led by Professor Snow Barlow.

Public consultation during the COVID-19 pandemic

We are always striving to find new ways to ensure everyone who wants to have their say on matters before the Commission can do so. This year we introduced an online registration process for public hearings and meetings and rolled out improvements to the Commission's 'Have Your Say' portal that allows interested individuals and groups to lodge submissions online.

During the COVID-19 pandemic, the Commission was not able to hold face-to-face public hearings and meetings. However, we found technological solutions to ensure interested individuals and groups could still participate in the decision-making process for complex and contentious SSD applications. In 2020-21, the Commission hosted seven electronic public hearings and 13 electronic public meetings from a central broadcast studio with registered speakers presenting to the Panel via videoconference or telephone.

This move also increased the accessibility and transparency of the Commission's decision-making processes, with an average of 50 speakers at each of these online events and hundreds more tuning into the livestreams of proceedings.

To ensure the continuation of the work of the Commission during COVID-19 restrictions, Panels worked with Applicants and other parties to find ways to overcome the challenges around site inspections and locality tours, including conducting virtual inspect site inspections using drones.

Stakeholders

We continue to seek feedback on our operations and build stronger relationships with our key government, industry and community stakeholders. In addition to our regular six-monthly meetings with stakeholders, we recently invited them to submit written questions about the Commission, its policies and processes. The Commission provided detailed responses to their questions and posted all questions and answers on our website to help foster a better understanding of the Commission and our role in the planning system.

Mary O'Kane
Chair

2. The Commission

The Independent Planning Commission of NSW (the Commission) was established under the Environmental Planning and Assessment Act 1979 (EP&A Act) on 1 March 2018 as a consent authority for state significant development in New South Wales.

Who we are

The Commission operates independently of other government departments, including the NSW Department of Planning, Industry and Environment (DPIE), and has an important role to play in building community confidence in the decision-making processes for major development and land-use planning state-wide.

The Commission is not subject to the direction or control of the Minister for Planning and Public Spaces (the Minister) or any government agency, except in relation to procedural matters as set out under the EP&A Act and in the Minister's Statement of Expectations.

The Office of the Independent Planning Commission NSW (OIPC) was established as a separate agency under the Government Sector Employment Act 2013 (GSE Act) on 1 July 2020.

The OIPC provides professional and technical support to the Commission and its members and is the main point of contact for the public and Government agencies. It coordinates and facilitates the Commission's decision-making processes and aims to provide efficient, transparent, and high-performing support services.

The Commission's new Strategic Plan 2020-23 sets out its role, functions, values and performance measures and guides the Commission in its operations.

Purpose and values

The purpose of the Commission is to provide high quality determinations and advice that meet the objects of the EP&A Act and build and maintain trust in the NSW planning system.

The Commission's values are reflected in the way its members and staff act and carry out their duties.

- Independence:** Commissioners are independent and objective in the decisions they make and advice they provide. The OIPC is separate from other government departments and agencies.
- Integrity:** Our processes are undertaken with a high degree of openness and transparency and in line with ethical conduct.
- Engagement:** We encourage and facilitate stakeholder participation in decision-making processes and in providing feedback on our policies and procedures.
- Quality:** The Commission makes fair, timely and robust decisions, and instils a work culture of excellence and continuous improvement.
- Timeliness:** The Commission delivers timely determinations within the legislative and Government policy framework to serve the people of NSW.

What we do

The **key functions** of the Commission are to:

- determine State significant development applications where there is significant opposition from the community (50 or more 'unique' public objections) or where a local Council objects to the application
- conduct public hearings for development applications and other planning and development matters, or
- provide independent expert advice on any planning matter (but not development applications), when requested by the Minister or Planning Secretary.

Heritage advice

Under the Heritage Act 1977, the Minister responsible for heritage can seek an independent review by the Commission of a proposed listing of an item on the State's Heritage Register. The Commission's advice is not binding on the Minister.

What we don't do

The Commission does not:

- make policy. The Commission has no policy-making function and the scope of its decision-making is bound by legislation and guided by government policy.
- consider things that are not in its remit as defined in the EP&A Act. The Commission must only consider issues that fall under the mandatory or relevant considerations in the Act.
- consider the reputation of an applicant or whether they are a 'fit and proper person'. The Commission's determination only relates to the proposed use of the relevant land.
- undertake assessments of state significant development applications. This is done by the Planning Secretary on behalf of the Commission. This arrangement was recognised by the Minister in the Statement of Expectations for the Independent Planning Commission.

Commission structure and members

Constitution of the Commission

Members of the Commission are appointed by the Minister. Members are initially appointed for terms of up to three years and cannot serve more than six years in total.

Commissioners in 2020-21

In the reporting period, twelve Commissioners' terms ended and fourteen serving Commissioners had their terms extended for another three years. As at 30 June 2021, there were a total of **18** Commissioners, **44%** of whom are female. More information on these Commissioners is provided at **Appendix 1**.

Managing conflicts

The Commission maintains a high standard of conflict of interest disclosure in general and in reference to specific cases when they are considered by a Commission panel. Full details of the Commission's conflict of interest policies and procedures are provided on the Commission's website.

Commissioner inductions and meetings

The Commission provides an induction pack and specialised training for new commissioners to explain the Commission's organisational structure, policies and procedures, and day-to-day operations. Commission members meet quarterly to discuss lessons learned from recent cases, planning issues and policies relevant to their work. Briefings on policy developments and training on specialised aspects of the Commission's operations are also provided at these meetings.



Pictured: Our Commissioners meet quarterly to discuss lessons learned from recent cases, planning issues and policies relevant to their work.

Table 1 Commissioners who served between 1 July 2020 and 30 June 2021.

| Commissioner | Term |
|---------------------------------|-----------------------------------|
| Professor Mary O’Kane AC, Chair | 1 February 2018 – |
| Ms Carol Austin | 1 August 2017 – 31 July 2020 |
| Mr Terry Bailey | 4 May 2021 – |
| Professor Snow Barlow | 1 October 2017 – |
| Mr Ross Carter | 3 May 2015 – 3 May 2021 |
| Mr Soo-Tee Cheong | 1 November 2017 – 31 October 2020 |
| Professor Alice Clark | 1 October 2017 – |
| Dr Sheridan Coakes | 4 May 2021 – |
| Mr Peter Cochrane | 1 August 2017 – |
| Mr Peter Duncan AM | 1 August 2017 – |
| Professor Chris Fell AO | 26 July 2018 – |
| Ms Juliet Grant | 4 May 2021 – |
| Mr John Hann | 3 May 2015 – 2 May 2021 |
| Ms Catherine Hird | 1 October 2017 – 25 October 2020 |
| Mr Andrew Hutton | 3 May 2015 – 3 May 2021 |
| Ms Dianne Leeson | 1 August 2017 – |
| Ms Wendy Lewin | 26 July 2018 – |
| Professor Zada Lipman | 3 May 2015 – 3 May 2021 |
| Professor Helen Lochhead | 1 August 2017 – |
| Professor Richard Mackay AM | 1 August 2017 – |
| Mr Tony McAvoy SC | 4 May 2021 – |
| Ms Ilona Millar | 3 May 2015 – 3 May 2021 |
| Mr Russell Miller AM | 1 August 2017 – 31 July 2020 |
| Mr Steve O’Connor | 3 May 2015 – 3 May 2021 |
| Mr Adrian Pilton | 26 July 2018 – |
| Mr Tony Pearson | 1 August 2017 – 31 July 2020 |
| Mr Geoff Sharrock | 1 October 2017 – 25 October 2020 |
| Ms Annelise Tuor | 1 August 2017 – |
| Professor Garry Willgoose | 1 June 2016 – 26 February 2021 |
| Dr Peter Williams | 1 August 2017 – |
| Mr Chris Wilson | 26 July 2018 – |

Mining and Petroleum Gateway Panel

The Mining and Petroleum Gateway Panel is a subcommittee of the Independent Planning Commission appointed by the Chair of the Commission. It is responsible for the expert assessment of mining and petroleum proposals located on strategic agricultural land.

The Gateway Panel was established under Division 5 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP) on 4 October 2013 and became a subcommittee of the Commission in 2018.

Functions of the Gateway Panel

All new NSW mining and petroleum proposals located on strategic agricultural land must be issued a Gateway Certificate in order to proceed to the development application stage. Gateway Panel members carry out assessments of mining and petroleum proposals against a range of criteria relating to potential agricultural and water impacts.

A Gateway Certificate may include recommendations for better management of the impacts of a proposal or for further studies to be undertaken during the development application stage.

The Gateway Panel has the following functions:

- to determine applications for gateway certificates
- provide advice to the consent authority under clause 17B (1) of the Mining SEPP in relation to applications for development consent
- provide advice to the Minister or the Planning Secretary under clause 21(2) of the Mining SEPP in relation to applications for development consent
- provide advice to the Planning Secretary under clause 3(4A)(b) of the Environmental Planning and Assessment Regulation 2000 in relation to the preparation of environmental assessment requirements
- and such other functions as may be imposed or conferred on the Panel by this Policy or any other law.

As a subcommittee of the Commission, the Gateway Panel is supported in the exercise of its functions by the Office of the Independent Planning Commission.

Members of the Gateway Panel

On 1 February 2021, the following members were appointed to the Gateway Panel for three-year terms: Professor Neal Menzies (Chair), Professor Ian Anderson, Emeritus Professor Joan Esterle, Dr Clinton Foster PSM, Mr Hugh Middlemis, Dr Catherine Moore and Dr Glen Walker.

They replaced outgoing Gateway Panel members Professor Snow Barlow, Professor Alice Clark, Ms Catherine Hird and Mr Geoff Sharrock.

As required by the Mining SEPP, the Chair of the Commission consulted with the Minister for Planning and Public Spaces, the Minister for Resources, Minister for Energy and Utilities and the Minister for Primary Industries on the proposed membership of the Gateway Panel.

Table 2 Appointments to the Mining and Petroleum Gateway Panel 1 February 2021.

| Gateway Panel Member | Key area of expertise |
|---|-----------------------------------|
| Professor Neal Menzies (Chair) Dean of the School of Agriculture and Food Science, University of Queensland | Agriculture and soil science |
| Professor Ian Anderson Director, Hawkesbury Institute for the Environment | Agriculture and soil science |
| Emeritus Professor Joan Esterle Chair of the Vale-University of Queensland Coal Geoscience Program | Mining and Petroleum Development |
| Dr Clinton Foster PSM Former Chief Scientist of Geoscience Australia | Petroleum Geology and Exploration |
| Mr Hugh Middlemis HydroGeoLogic | Hydrogeology |
| Dr Catherine Moore GNS Science | Hydrogeology |
| Dr Glen Walker Grounded in Water | Hydrogeology |

3. Performance

The Minister’s Statement of Expectations, which took effect on 1 May 2020, introduced new key performance indicators to ensure ongoing timeliness and quality of the Commission’s decisions.

2020-2021 cases

In 2020-21, the Commission worked on a total of **40** cases – **35** were new referrals and five cases were carried forward from the previous reporting period. These comprised:

- **30** state significant development (SSD) applications for determination, including holding **seven** public hearings
- **nine** requests for advice on planning proposals and other planning-related matters
- **one** request for advice under the Heritage Act.

The Commission conducted public hearings at the Minister’s request for **seven** SSD applications: the Vickery Extension Project; Narrabri Gas Project; Russell Vale Underground Extension Project; Maxwell Underground Coal Project; Dendrobium Mine Extension Project; Tahmoor South Coal Project; and Mangoola Coal Continued Operations Project. This was the highest number of Ministerial requests for public hearings in five years and comprised **17.5%** of the total caseload in 2020-21.

Cases completed in 2020-21

The Commission completed **36** cases in 2020-21 and carried forward **three** cases into 2021-22. Of the **27** SSD and modification applications determined by the Commission during the reporting period:

- **26** were approved in line with the recommendation provided in DPIE’s whole-of-government assessment report
- **one** was refused contrary to the recommendation in the assessment report.

See **Appendix 2** for more detail on cases determined by the Commission in 2020-21.

Location of cases

Cases were located across New South Wales – although more cases were in metropolitan Sydney in 2020-21 than in recent years. The Commission’s cases were spread across **31** local government areas in 2020-21 – with **17** in the Sydney metropolitan area and **23** in regional and rural NSW.

Type of cases

The Commission worked on a diverse range of case types in 2020-21:

- resources (e.g. mining, gas extraction) (**10**)
- urban development (**14**)
- industrial (**5**)
- renewable energy (e.g. solar farm, wind farm) (**5**)
- schools (**4**)
- hospitals (**1**)
- other infrastructure (**1**)

Public hearings & meetings

Under the EP&A Act, the Minister may formally ask the Commission to hold a public hearing in relation to a development application or any other planning matter at any time. When the Commission holds a public hearing into an SSD application for which it is the consent authority, merit appeal rights in respect of that application are extinguished.

When determining other SSD applications, the Commission is not required to hold its own public meeting; however, the Commission may elect to do so as community participation is considered to be integral to the decision-making processes for complex and contentious State significant development.

Challenges presented by COVID-19

The COVID-19 pandemic prevented the Commission from holding face-to-face public hearings and meetings during the reporting period; however, the Commission found innovative technological solutions to ensure interested individuals and groups could still participate in its decision-making process.

Under its model for electronic public hearings and electronic public meetings, the Commission hosted live-streamed events from a central broadcast studio with stakeholders presenting to Panels via videoconference or telephone.

This model aligns with the *Environmental Planning and Assessment Amendment (COVID-19 Planning Bodies) Regulation 2020*, introduced on 30 April 2020, that required planning bodies, including the Commission, to conduct public hearings and public meetings by electronic means. Under the regulation, a public hearing or public meeting must:

- be held by means of an audio link or audio-visual link, and
- be able to be heard or viewed by electronic means by a member of the public at the time it is held.

As shown in **Table 3**, the Commission held **seven** electronic public hearings and **13** electronic public meetings in 2020-21. Moving these events online during the pandemic has facilitated greater participation in the Commission's decision-making processes and increased accessibility and transparency – particularly for the most complex and contentious cases, which have generally been held over a number of days.

The design and delivery of the online format for these events has been informed by qualitative surveys of participants across six electronic public hearings and meetings over 2020-21 (see '**Qualitative Performance**' on page 23 below). These evaluations assist the Commission as it continues to encourage and promote participation in its decision-making processes.



Pictured: Commissioners Peter Duncan AM and Adrian Pilton host an electronic public meeting as part of their decision-making process for the Greenwich Hospital redevelopment.

Table 3 Electronic Public Hearings and Meetings in 2020-2021.

| Case | Registered speakers | Livestream views* |
|--|---------------------|-------------------|
| Public Hearings | | |
| Vickery Mine Extension | 76 | 1,550 |
| Narrabri Gas Project | 364 | 12,580 |
| Russell Vale Coal Underground Expansion Project | 88 | 1,006 |
| Maxwell Underground Coal Project | 59 | 960 |
| Dendrobium Mine Extension Project | 80 | 1,944 |
| Tahmoor South Coal Project | 90 | 2,720 |
| Mangoola Coal Continued Operations Project | 31 | 742 |
| Public Meetings | | |
| Dunmore Lakes Sand Project Modification 2 | 15 | 196 |
| Walla Walla Solar Farm | 32 | 246 |
| Jindera Solar Farm | 10 | 88 |
| Springdale Solar Farm | 19 | 148 |
| Culcairn Solar Farm | 25 | 210 |
| Blue Gum Community School | 16 | 71 |
| Pitt Street South Over Station Development | 9 | 103 |
| Redevelopment of Greenwich Hospital (Concept) | 30 | 158 |
| Moriah College Redevelopment | 12 | 66 |
| Moorebank Intermodal Precinct West – Stage 3 | 8 | 38 |
| Roseville College - New Sport and Wellbeing Centre | 8 | 76 |
| Harbourside Shopping Centre Redevelopment | 16 | 190 |
| Glebe Island Concrete Batching Plant and Aggregate Hand Facility | 32 | 349 |
| Combined total | 1020 | 23,441 |
| Average per event | 51 | 1,172 |

*Source: Google Analytics

Performance against the Minister's Statement of Expectations

The Minister's Statement of Expectations, which took effect on 1 May 2020, introduced new key performance indicators (KPIs) to ensure ongoing timeliness and quality of the Commission's decisions.

Timeframe KPIs

From the date the Commission receives DPIE's Assessment Report, the Commission is expected to meet the following determination timeframes:

- **five weeks** (35 calendar days) for 'routine' determinations (no public meeting or hearing), modifications with political donations.
- **eight weeks** (56 calendar days) for determinations subject to a public meeting, and
- **12 weeks** (84 calendar days) for determinations subject to a public hearing.

When undertaking Gateway and Rezoning Reviews, the Commission is expected to provide its advice to the Planning Secretary within **five weeks** (35 calendar days) including any meetings and preparation of the advice, unless otherwise agreed with the Planning Secretary

In setting these timeframes, the Minister has acknowledged that DPIE also has an obligation to ensure the Commission is made aware of upcoming matters, provide adequate assessment documentation and respond to information requests in a timely manner, in accordance with the Memorandum of Understanding between DPIE and the Commission.

Timing exclusions

The Minister's Statement of Expectations (see **Appendix 4**) requires the Commission's case processing times to be reported as a 12-month rolling average, "*excluding any time where the Commission has requested further information from the Department or the Applicant*".

In 2020-21, these 'timing exclusions' were calculated conservatively, such that any delay in the provision of additional information to the Commission beyond the original deadline set by the Commission did not accrue to the Commission's case processing time KPI. From 2021-22, timing exclusions will follow the precise wording of the Statement of Expectations and will exclude from the Commission's case processing time "any time" where the Commission has requested and is awaiting further information from DPIE or the Applicant.

The conservative approach taken to timing exclusions in 2020-21 means the reported averages for the Commission's case processing time presented in this section are slight overestimates – i.e. the Commission did better than the graphs show. In this section, the Commission has also presented the average total case time for each case type to show the average number of days that elapsed between the date of referral to the Commission to the date of its decision or provision of advice.

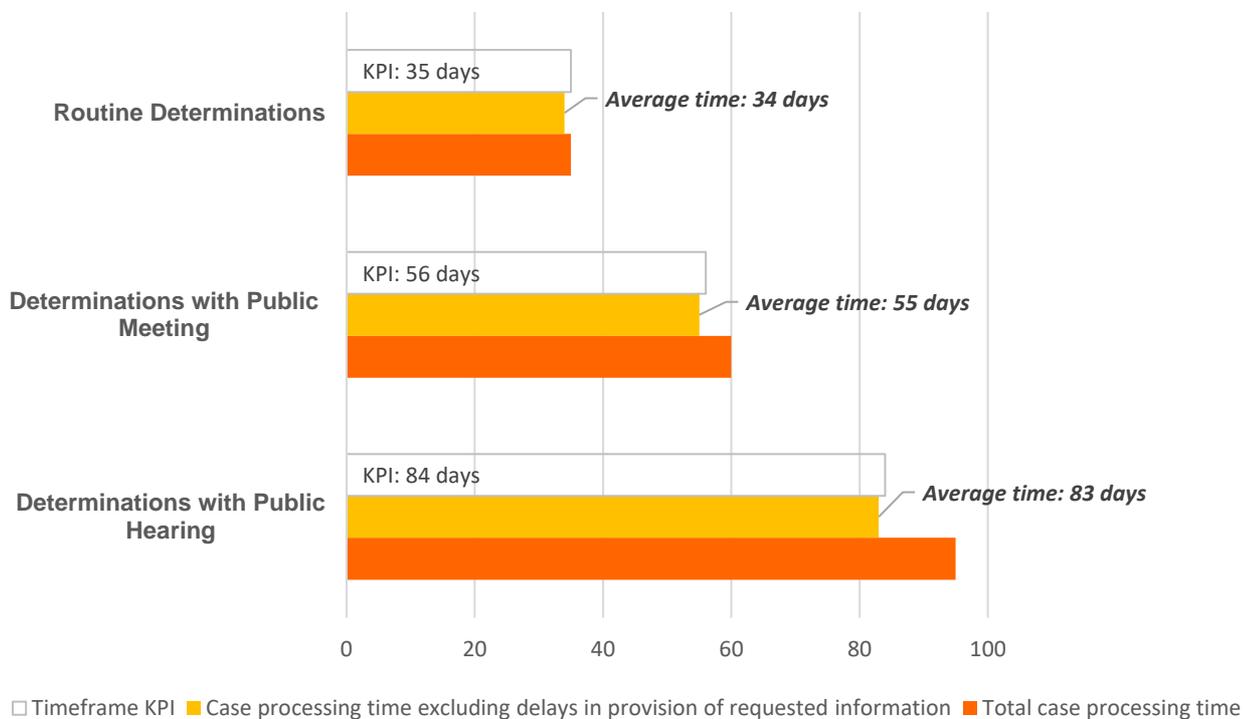
The period between 20 December 2020 and 26 January 2021 was also excluded from the case processing time KPI. This recognises the fact that it can be difficult for stakeholders if the Commission undertakes its community consultation on cases during this period because many stakeholders are away or not available during the Christmas/New Year and school holiday period.

State significant development determinations

In 2020-21, the Commission completed **six routine determinations** (no public hearing or meeting) in an average of **34 days** (35 days without 'timing exclusions'); **seven determinations subject to a public hearing** in an average of **83 days** (95 days without 'timing exclusions'); and **14 determinations subject to a public meeting** in an average of **55 days** (60 days without 'timing exclusions').

Figure 1 shows the Commission's case processing times for each determination category as a 12-month average. How these are calculated is set out under '**Timing Exclusions**' on page 20 above.

Figure 1 Average IPC case processing times (determinations) 2020-21



Gateway and Rezoning Reviews

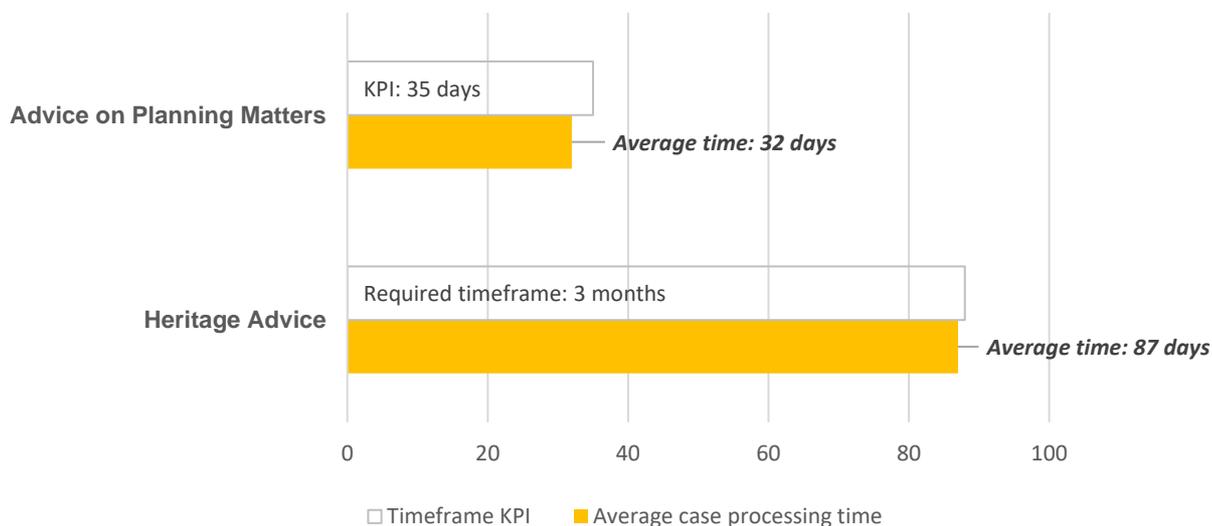
The Commission completed **eight** requests for advice in 2020-21 in an average processing time of **32 days**. No timing exclusions were applied in the period.

It also received **one** request for advice under the Heritage Act which was completed in **87 days**. This advice was not subject to the timing KPIs set out in the Minister’s Statement of Expectations but was instead completed within the three-month timeframe set under clause 21 of the *Heritage Regulation 2012*.

More information about requests for advice completed by the Commission in 2020-21 can be found at **Appendix 3**.

Figure 2 shows the Commission’s case processing times for each advice category as a 12-month average.

Figure 2 IPC case processing times (advice matters) 2020-21



Mining and Petroleum Gateway Panel

Timeframes for processing Mining and Petroleum Gateway Certificates are specified in the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

There were no applications received for Gateway Certificates in 2020-21.

Qualitative performance

In line with the Minister's Statement of Expectations, the Commission has commenced a process of monitoring its performance from a qualitative perspective, including consideration of stakeholder feedback about its objectivity, independence, transparency, and responsiveness.

In 2020-21, **five** public hearings and meetings that were held online due to the COVID-19 pandemic and associated restrictions around public gatherings were evaluated on behalf of the Commission by Newgate Research: the Narrabri Gas Project; Tahmoor South Coal Project; Mangoola Coal Continued Operations Project; Harbourside Shopping Centre Redevelopment; and Glebe Island Concrete Batching Plant and Aggregate Handling Facility.

Participants in these events were surveyed about their experience in directly engaging with the Commission, with a total of **192** people responding to the five surveys.

In relation to the Commission's key indicators of qualitative performance:

- **88%** reported that overall performance and interactions of the Commission was either good, very good, or excellent.
- **86%** reported that they were treated with respect by the Commission
- **68%** reported that they felt listened to by the Commissioners during their presentation, and
- **61%** said they understood how their feedback would be taken into account.

The Commission also undertakes regular consultation and engagement with key government, industry and community stakeholders to seek feedback on what we're doing well and what we could do better, to build community confidence in the decisions it makes.

This year, the Commission wrote to stakeholders and provided them an opportunity to pose whatever questions they had about the Commission's policies and processes. The Commission provided detailed responses to their questions and posted all questions and answers on our website to help foster a better understanding of the Commission and our role in the planning system.

As a result of the feedback from these bodies, the Commission also refined several of its policies in 2020-21, including its:

- Additional Material Policy
- Code of Conduct
- COVID-19 Addendum to the Independent Planning Commission's Public Hearing Guidelines, Public Meeting Guidelines and Site Inspection & Locality Tour Guidelines.

The Statement of Expectations also requires the Commission to examine the legal robustness of its determinations – see **Legal Proceedings: Table 6** below.

Requests under the GIPA Act

The Government Information (Public Access) Act 2009 (GIPA Act) requires agencies to provide access to government information and encourages proactive release of such information.

Much of the information held by the Commission is available on its website, including the following:

- Transcripts of Panel meetings with the Department, Applicant and other stakeholders
- Notices and transcripts of public meetings and hearings
- Submissions and correspondence received on cases
- Commission reports including advices, public hearing reports and determinations
- Commission Code of Conduct
- Procedural guidelines
- Media releases
- Directions from the Minister
- Past annual reports

Other information may be made available on request as detailed in the Commission's Access to Information document, available on our website.

The Commission received one formal request under the Government Information (Public Access) Act 2009 during 2020-21. See **Table 4** below.

Table 4 Requests under the GIPA Act 2009 received in 2020-21.

| Case / Subject | Date received | Applicant | Acknowledged | Due | Response sent | Status |
|------------------------------|---------------|------------------------|---------------|------------|---------------|---------------------------------|
| Dendrobium Extension Project | 22 March 2021 | Lock the Gate Alliance | 22 March 2021 | 5 May 2021 | 5 May 2021 | Determined with access provided |
| Narrabri Gas Project | | | | | | |
| Vickery Extension Project | | | | | | |

Complaints

The Commission appreciates public feedback on its processes and considers that feedback carefully in accordance with its 'Complaints Management Policy', available on our website.

Objections to a development proposal or comments on the outcome of a case are not regarded as formal complaints for complaints handling and management purposes. They are dealt with as part of the applicable determination or advice process that applies to the relevant case.

The Commission received a small number of complaints from the public in the reporting period, the main feature of which was dissatisfaction with the Commission not conducting in-person, face-to-face public hearings and public meetings.

The Commission responded to these complaints and explained that the electronic public hearing and electronic public meeting formats were required under clause 294 of the *Environmental Planning and Assessment Regulation 2000* as part of the response to the COVID-19 pandemic.

Legal proceedings

There were several legal proceedings in progress in relation to determinations made by the Commission which were commenced in 2020-21. See **Table 5** below.

Table 5 Legal proceedings commenced in 2020-21 in progress.

| Case | Project | Commission Determination Date | Class of Appeal | LEC/CoA Decision |
|---|----------------------|-------------------------------|-----------------|----------------------------|
| <i>KEPCO Bylong Australia Pty Ltd v Bylong Valley Protection Alliance Inc</i> [2021] NSWCA 216 | Bylong Coal Project | 18 September 2019 | N/A | Court of Appeal |
| <i>Illawarra Coal Holdings Pty Ltd v Independent Planning Commission of NSW</i> (Land and Environment Court proceedings 123973 of 2021) | Dendrobium Coal Mine | 5 February 2021 | Judicial review | Land and Environment Court |
| <i>Mullaley Gas and Pipeline Accord Inc v Santos NSW and Independent Planning Commission of NSW</i> (Land and Environment Court proceedings 363113 of 2020) | Narrabri Gas Project | 30 September 2020 | Judicial review | Land and Environment Court |
| <i>Residents Against Intermodal Development Moorebank Incorporated v Independent Planning Commission and Qube Logistics and SIMTA</i> (Land and Environment Court proceedings 167960 of 2021) | Moorebank Stage 3 | 11 May 2021 | Merit appeal | Land and Environment Court |

The Minister's Statement of Expectations also requires the Commission to examine the legal robustness of its determinations. Legal proceedings resolved in 2020-21 in which the Commission was a party – either in its own right or as the Minister's delegate – are set out in **Table 6** below.

Of those cases, one was a judicial review in which the legal robustness of the Commission's determination was upheld and the challenge dismissed. The two remaining cases were merit appeals by applicants against decisions by the Commission to refuse development consent.

In both of those cases, additional information provided by the respective applicants after the determinations by the Commission, along with changes to the applications, were sufficient for the Commission to agree to the Court granting consent.

Table 6 Appeal outcomes 2020-21.

| Case | Project | Class of Appeal | LEC/CoA Decision | Court Decision Date | Outcome |
|--|---------------------------------------|------------------------|----------------------------|----------------------------|--|
| <i>Crookwell Development Pty Ltd v Independent Planning Commission</i> [2020] NSWLEC 1484 | Crookwell III Wind Farm | Merits appeal | Land and Environment Court | 14 October 2020 | Conciliated outcome – consent granted by the Court with the agreement of the IPC |
| <i>Australand Residential Edmondson Park Pty Limited as trustee for Australand Residential (Edmondson Park) Trust v The Minister for Planning and Public Spaces</i> [2020] NSWLEC 1611 | Edmondson Park Concept Approval Mod 8 | Merits appeal | Land and Environment Court | 7 December 2020 | Conciliated outcome – consent granted by the Court with the agreement of the IPC |
| <i>KEPCO Bylong Australia Pty Ltd v Independent Planning Commission (No 2)</i> [2020] NSWLEC 179 | Bylong Coal Project | Judicial review | Land and Environment Court | 18 December 2020 | Appeal against refusal dismissed |

Finances

For information about the Commission's finances, please refer to the Annual Report of the Office of the Independent Planning Commission, which is responsible for managing the Commission's budget.

The OIPC's audited financial statements are included at **Appendix 5**.

4. Appendices

1. Commissioner biographies



Mary O'Kane AC, Chair

Professor Mary O'Kane is the Chair of the Independent Planning Commission, a company director, and Executive Chairman of O'Kane Associates, a Sydney-based consulting practice specialising in government reviews and research and innovation matters.

She is also Chair of the boards of Aurora Energy Pty Ltd and Sydney Health Partners and of the advisory boards of the Institute of Marine and Antarctic Studies at the University of Tasmania and the Australian Centre of Excellence in Antarctic Science. As well, she is a director of the Innovative Manufacturing Cooperative Research Centre.

Professor O'Kane was NSW Chief Scientist & Engineer from 2008-2018. She was Vice-Chancellor of the University of Adelaide from 1996-2001. She is a former Chair of the board of the Australian Centre for Renewable Energy, a former member of the Commonwealth's Review of the National Innovation System, the Australian Research Council and the Cooperative Research Centres Committee, the board of FH Faulding & Co Ltd and the board of CSIRO.

She is a fellow of the Australian Academy of Technology and Engineering and an Honorary Fellow of Engineers Australia.

Mary has been Chair of the Independent Planning Commission since February 2018.



Terry Bailey

Terry Bailey has 30 years' experience working in the environment and heritage fields. Terry has gained a thorough understanding of planning legislation and policies through executive leadership roles in the NSW and Commonwealth governments – his most recent public sector appointment being Chief Executive of the NSW Office of Environment and Heritage.

Terry is currently Interim Executive Dean of the College of Sciences and Engineering at the University of Tasmania and Executive Director of the Institute for Marine and Antarctic Studies, the internationally recognised centre of excellence at the University.

Terry has worked extensively with Aboriginal and Torres Strait Islander people. His interest and passion, including in joint management of protected areas, was developed in Kakadu where he worked in various roles, including as Park Manager.

He is a reporter under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 to the Federal Minister for the Environment

Between 2004 and 2010, Terry prepared World Heritage nominations for the Australian Government, including the Ningaloo Coast, the Australian Convict Sites, and the Sydney Opera House.

Terry has extensive protected area policy development and management experience having worked as a field officer/ranger with national parks in Victoria and as the head of the NSW national parks service.

Terry was appointed to the Independent Planning Commission in May 2021.



Professor Snow Barlow

Professor Snow Barlow is an agricultural scientist with a Masters of Rural Science from the University of New England and a PhD in soil-plant-water relations from Oregon State University. He is an Emeritus Professor at the University of Melbourne.

Snow has had a significant involvement with the natural resources issues of Australian agriculture and chairs the Victorian Endowment for Science, Knowledge and Innovation. He is a member of the Australian Rural Leadership Foundation Board and the Research Advisory Committee of the Australian Farm Institute.

He is a fellow of the Australian Academy of Technological Sciences and Engineering and the Australian Institute of Agricultural Science and Technology. He has also served on the Prime Minister's Science, Engineering and Innovation Council.

Snow has been a member of the Independent Planning Commission since August 2018.



Professor Alice Clark

Professor Professor Alice Clark holds a Bachelor of Science and a Master of Science in Economic Geology. She is the Deputy Director - Strategy at the Sustainable Minerals Institute within the University of Queensland, proprietor of Cdek Geological and Mining Services, proprietor of Knockrow Ridge Coffee and small farm cattle breeder in NSW.

She is a Fellow of the Australian Academy of Technological Sciences and Engineering and an Honorary Fellow the Australian Institute of Mining and Metallurgy where she held the role of President from 2011 to 2012. Alice is also a member of the Australian Institute of Company Directors.

Alice has been a member of the Independent Planning Commission since July 2018.



Dr Sheridan Coakes

Dr Sheridan Coakes is a Social Scientist with a PhD in Psychology from Curtin University, Perth WA and has 30 years research and applied experience in the areas of social impact assessment (SIA) and stakeholder and community engagement. As a leader in her field, Sheridan has developed and refined a comprehensive and participatory approach to Social Impact Assessment practice that has been applied in numerous large-scale public and private sector development projects across Australia, in diverse sectors such as mining (open cut and underground), quarrying, oil and gas, renewable energy, infrastructure and urban development.

In the mid-1990s, Sheridan held a key role with the Commonwealth Government in the application of SIA in resource policy development. In 1997, she established Coakes Consulting, a specialist consultancy developed to address social and community issues within a resource management context. She currently holds the position of National Social Practice Lead with Umwelt Australia, is a Convenor of the SIA Community of Practice for the Environmental Institute of Australia and New Zealand (EIANZ), chairs the Specialist Advisory Environmental Committee for specialist SIA certification, and has been appointed to the Certified Environmental Practitioners Certification Board as a transitional Board Member.

Sheridan has a deep knowledge of planning legislation and policies and has worked in a range of planning contexts. She has a strong understanding of the 'public interest' and frameworks for integrating social evidence and issues into decision-making.

Dr Coakes was appointed to the Independent Planning Commission on a three-year term in April 2021.



Peter Cochrane

Peter Cochrane was Director of National Parks and head of Parks Australia from 1999-2013. From 1994-99, Peter was Deputy Executive Director of the Australian Petroleum Production and Exploration Association.

He currently chairs the boards of the Australian Tropical Herbarium, the Blue Mountains World Heritage Institute and the Sydney Institute of Marine Science (SIMS). He is a director of the SIMS Foundation. He is a member of the National Benefit Assessment Panel for the Marine National Facility, and a director of Earthwatch Australia Institute. He was re-elected in 2021 as a member of the Council of the International Union for Conservation of Nature based in Switzerland. He was appointed as an Adjunct Professor in the School of Biological Earth and Environmental Science at UNSW in July 2021.

Peter was appointed to the former Planning Assessment Commission in August 2017 and is a current member of the Independent Planning Commission. He is also an Assistant Commissioner with the Natural Resources Commission, reappointed in 2021.



Peter Duncan AM

Peter Duncan has over 40 years' experience in transport and infrastructure working at local, state and national levels. He has held various senior public sector roles including in local government, Premier and Cabinet, Primary Industries and for the Olympic Coordination Authority.

Peter has worked as Chief Executive in areas such as transport, infrastructure, forestry, parks, maritime, technology and services. He is the principle of an Advisory business and holds non-executive director and board chair roles. He is currently, Chair of the InfraSol group, director of the Westpac Rescue Helicopter Service and board member of the Office of Projects Victoria.

Peter is a National Fellow of Institute of Public Administration Australia and a Companion of The Institution of Engineers Australia.

He was appointed to the former Planning Assessment Commission in August 2017 and is a current member of the Independent Planning Commission.



Professor Chris Fell AO

Professor Chris Fell AO is a chemical engineer by training with degrees from UNSW and Cambridge University. He is a former Dean of Engineering and Deputy Vice-Chancellor of the University of New South Wales.

Chris' expertise lies in separation technology, water treatment, the environment and the handling of chemicals. He was co-inventor of the technology that led to low pressure membrane microfiltration for the reclamation of water, now a major international enterprise. He is currently chair of the board of the Australian National Fabrication Facility Ltd, the nanofabrication capability of NCRIS.

He is a former member of the Prime-Minister's Science, Engineering and Innovation Council and current consultant to government on environmental matters. He is a Fellow of the Australian Academy of Technology and Engineering, the Institute of Company Directors and an Honorary Fellow of Engineers Australia.

Chris has been a member of the Independent Planning Commission since August 2018.



Juliet Grant

Juliet Grant is a recognised and respected leader in the planning and development industry in NSW and is the current President of the NSW Division of the Planning Institute of Australia.

Juliet has almost three decades' experience working in senior roles across local and state government, including with the NSW Department of Planning and Environment and Transport for NSW, as well as in consultancy, most recently as Executive Director and General Manager of Gyde Consulting (formerly City Plan Strategy and Development).

Juliet has an intimate knowledge of planning legislation and policies and strong decision-making and leadership skills as demonstrated by the wide range of strategic and statutory planning projects she has headed up in NSW. In her role as the current President of the NSW Division of the Planning Institute of Australia, Juliet draws on her thorough knowledge to drive policy reform across the NSW planning system.

Juliet is presently an Expert Member on the Hunter & Central Coast Regional Planning Panel; an alternate State Member for all Sydney & Regional Planning Panels; and Expert Member on two Local Planning Panels (Georges River, and Hornsby LGAs).

Juliet Grant was appointed to the Independent Planning Commission on a three-year term in May 2021.



Dianne Leeson

Dianne Leeson is a former senior executive of the NSW Public Service and urban planner whose extensive experience includes providing high level and strategic advice on major infrastructure strategy and delivery and urban renewal projects.

Dianne is a qualified town planner with a Masters in Urban and Regional Planning (University of Sydney). She is currently a Board Member of Infrastructure Australia and of Health Infrastructure NSW, and member of audit and risk committees for Fire & Rescue NSW (chair), Infrastructure Australia, and Infrastructure NSW. Dianne is also a member of the Communities Plus Advisory Panel (Land and Housing Corporation NSW) and of Sydney University's Building and Estates Committee.

Dianne was appointed to the former Planning Assessment Commission in August 2017 and is a current member of the Independent Planning Commission.



Wendy Lewin

Wendy Lewin is a Fellow of the Australian Institute of Architects and currently heads her own architecture studio. Since graduating in architecture from the University of Sydney, Wendy has held leading positions in private practice and is the recipient of state, national and international awards for her built work and contribution to architecture, education and the profession.

Wendy's projects include residential, cultural and educational facilities. She contributes to the public discourse on architecture through her varied advisory and curatorial roles - national symposiums, and national and international exhibitions - was a Creative Director for the 2008 Australian exhibition at the Venice Architecture Biennale and Curator of the current architecture exhibition for 'Australia Now' 2018, Tokyo for the Department of Foreign Affairs and Trade.

Wendy is committed to design education and for over 30 years has taught at various universities including The University of Sydney, UNSW Sydney and UTS, was a visiting Professor at Hong Kong University, and has chaired and participated in numerous state, national and international architectural design competition juries.

She has been a member of the Independent Planning Commission since August 2018.



Professor Helen Lochhead

Professor Helen Lochhead is an architect, landscape architect and urban designer. She combines advisory and practice roles with her academic role as a Professor and Pro Vice-Chancellor, Precincts at UNSW Sydney.

Helen's career has focused on the inception, planning, design and delivery of complex projects ranging from city-wide improvements programs to major urban regeneration projects.

Helen has held senior roles in the NSW government, including Deputy Government Architect and Executive Director roles at Sydney Harbour Foreshore Authority and Sydney Olympic Park Authority.

Notable current appointments include the Australian Heritage Council, Sydney South Planning Panel (chair), NSW Architects Registration Board, State Design Review Panels across Australia and previously, Central Sydney Planning Committee, the ACT Planning and Land Council and the NSW Heritage Council.

She was appointed to the former Planning Assessment



Professor Richard Mackay AM

Commission in August 2017 and is a current member of the Independent Planning Commission.

Professor Richard Mackay AM has worked in cultural heritage management for more than 30 years. He was a founding Partner of GML Heritage Pty Ltd, and is currently Director of Possibilities at Mackay Strategic Pty Ltd and an Adjunct Professor at La Trobe University.

Richard is currently an ICOMOS cultural advisor to the World Heritage Committee and immediate past Chair of the Australian World Heritage Advisory Committee and the Greater Blue Mountains World Heritage Area Advisory Committee. He was responsible for the 'Heritage' theme of the 2016 and 2011 Commonwealth State of the Environment reports.

Richard is a member of the National Executive Committee of Australia ICOMOS, and former member of the Heritage Council of NSW. He received the Australian Heritage Council 'Sharon Sullivan Award' for his contribution to Australia's national heritage and is a Member in the General Division of the Order of Australia for services to archaeology and cultural heritage.

He was appointed to the former Planning Assessment Commission in August 2017 and is a current member of the Independent Planning Commission.

Tony McAvoy SC



Tony McAvoy graduated in law from Queensland University of Technology and was admitted as a solicitor in 1988. He was called to the Bar in NSW in 2000 and appointed as Senior Counsel in 2015.

Tony's expertise is law and heritage. He has a thorough understanding of planning legislation and policies and has demonstrated strong decision-making skills as a Senior Counsel and, previously, in his former role as part-time Acting Commissioner on the NSW Land and Environment Court. As Manager, Heritage and Natural Resources Branch, NSW Department of Aboriginal Affairs, Tony advised the Minister for Aboriginal Affairs and NSW Government in relation to native title, planning and natural resource and heritage management.

Tony chairs professional committees in NSW and nationally, including with the Law Council of Australia and NSW Bar Association. He has represented many successful native title claimants and been an adviser and negotiator in relation to many Indigenous land use agreements. He is a Wiridi man from central Queensland and also a native title holder in his grandmother's country around Thargomindah in south-west Queensland.

Tony McAvoy SC was appointed to the Independent Planning Commission on a three-year term in May 2021.

Adrian Pilton



Adrian Pilton is an architect and landscape architect with over 45 years' experience in private and public practice. He holds master's degrees in architecture and landscape architecture and was a founding partner of the multi-disciplinary firm of Johnson Pilton Walker Pty Ltd.

Adrian has worked in Australia and Asia on a broad range of project types for both public and private clients, including major urban developments, highways, parks and significant national buildings.

He is a Fellow of the Australian Institute of Architects and serves as a Senior Counsellor. He is also a Fellow and former National President of the Australian Institute of Landscape Architects

Adrian has been the President of the NSW Association of Consulting Architects and Chairmen of the NSW Building Design Professions Group.



Annelise Tuor

He was appointed to the former Planning Assessment Commission in August 2018 and is a current member of the Independent Planning Commission. Annelise Tuor has university degrees in both architecture and planning and is a Nationally Accredited Mediator. She was a Commissioner of the Land and Environment Court of NSW for 14 years and has previously held senior positions at the Council of the City of Sydney, where she managed the assessment of major development proposals and the preparation of planning policies.

Annelise has also worked in various branches of the Department of Planning and began her career as an architect and then a planner in private enterprise.

Annelise's experience in planning and environmental management is wide ranging, with particular expertise in statutory and strategic planning, urban design, heritage, planning law, as well as management, decision making and dispute resolution.

She was appointed to the former Planning Assessment Commission in August 2017 and is a current member of the Independent Planning Commission.



Dr Peter Williams

Dr Peter Williams holds degrees in geography, environmental planning, public policy, and law; he also has a doctorate in environmental law.

After 14 years' experience in planning policy and law in the private and public sectors, Peter joined the Faculty of the Built Environment at the University of New South Wales in 1993. There he taught a number of environmental and planning law subjects and was Head of the Planning Program at UNSW between 2009 and 2012. Peter joined the Sydney Law School at the University of Notre Dame Australia at the beginning of 2017.

For over 25 years he has contributed to research in the field and has served on several State and local government committees. Peter is a member of the Specialist Accreditation Planning and Environment Law Advisory Committee of the Law Society of NSW and a Fellow of the Planning Institute of Australia.

He was appointed to the former Planning Assessment Commission in August 2017 and is a current member of the Independent Planning Commission.



Chris Wilson

Chris Wilson has over 32 years' professional experience in both the private and public sectors and currently runs his own planning consultancy.

He is an experienced planner with a strong record of delivering to government, industry and the wider community strategic advice on major projects, environmental impact assessment and land use planning matters.

Chris has been a member of the Independent Planning Commission since August 2018.

2. Cases – Determinations 2020-2021

| Case | Type | Capital Investment Value (\$AUD) | Construction Jobs | Operational Jobs | Primary LGA | Determination | Date of Determination | Case Time (with timing exclusions) |
|--|------------------|----------------------------------|-------------------|------------------|-------------|--|-----------------------|------------------------------------|
| ROUTINE DETERMINATIONS | | | | | | Timeframe KPI: total annual average of 35 days | | |
| SSD 10114 - Mann Street, Gosford (Central Coast Quarter) | Urban | 150,000,000 | 375 | 75 | GOSFORD | Approved with conditions | 24-Aug-20 | 43 |
| Shoalhaven Starches Expansion Project (Mod 18) | Industrial | 7,800,000 | 20 | 4 | SHOALHAVEN | Approved with conditions | 4-Sep-20 | 29 |
| SSD 9813 - Donnison Street, Gosford (Gosford Alive on Kibbleplex site) | Urban | 345,478,611 | 354 | 211 | GOSFORD | Approved with conditions | 25-Sep-20 | 37 |
| Shoalhaven Starches Expansion Project (Mod 17) | Industrial | - | 80 | 5 | SHOALHAVEN | Approved with conditions | 23-Oct-20 | 32 |
| Bonshaw Solar | Renewable Energy | 237,680,000 | 180 | 10 | INVERELL | Approved with conditions | 3-Dec-20 | 28 |
| Saints Peter and Paul Assyrian Primary School | Schools | 30,727,000 | 43 | 45 | FAIRFIELD | Approved with conditions | 26-Feb-21 | 35 |
| total annual average | | | | | | | | 34 days |
| DETERMINATIONS WITH PUBLIC HEARINGS | | | | | | Timeframe KPI: total annual average of 84 days | | |
| Vickery Mine Extension | Resources | 607,000,000 | 440 | 450 | NARRABRI | Approved with conditions | 12-Aug-20 | 84 |
| Narrabri Gas Project | Resources | 3,600,000,000 | 1,300 | 200 | NARRABRI | Approved with conditions | 30-Sep-20 | 85 |
| Russell Vale Coal Underground Expansion Project | Resources | 35,300,000 | 22 | 205 | WOLLONGONG | Approved with conditions | 8-Dec-20 | 84 |

| Case | Type | Capital Investment Value (\$AUD) | Construction Jobs | Operational Jobs | Primary LGA | Determination | Date of Determination | Case Time (with timing exclusions) |
|-------------------------------------|----------------------------------|----------------------------------|-------------------|------------------|---------------|---------------------------------------|-----------------------|------------------------------------|
| Maxwell Underground Coal Project | Resources | 509,000,000 | 250 | 350 | MUSWELLBROOK | Approved with conditions | 22-Dec-20 | 83 |
| Dendrobium Mine Extension Project | Resources | 956,000,000 | 200 | 500 | WOLLONGONG | Refused | 5-Feb-21 | 81 |
| Tahmoor South Coal Project | Resources | 342,500,000 | 150 | 422 | WOLLONDILLY | Approved with conditions | 23-Apr-21 | 82 |
| Mangoola Coal Continued Operations | Resources | 52,568,810 | 145 | 480 | MUSWELLBROOK | Approved with conditions | 26-Apr-21 | 84 |
| Hume Coal and Berrima Rail Projects | Resources / Other Infrastructure | 533,328,391 | 604 | 275 | WINGECARRIBEE | <i>In progress as at 30 June 2021</i> | | |
| total annual average | | | | | | | | 83 days |

| DETERMINATIONS WITH PUBLIC MEETINGS | | | | | | Timeframe KPI: total annual average of 56 days | | |
|---|------------------|-------------|------------|-------|---------------|--|-----------|-------|
| Brandy Hill Expansion Project SSD-5899 | Resources | 22,500,000 | - | 20 | PORT STEPHENS | Approved with conditions | 16-Jul-20 | 54 |
| Redevelopment of Greenwich Hospital (Concept) | Hospitals | 141,500,000 | - | 174 | LANE COVE | Approved with conditions | 10-Nov-20 | 54 |
| Dunmore Lakes Sand Project Modification 2 | Resources | 1,200,000 | - | 10 | SHELLHARBOUR | Approved with conditions | 16-Nov-20 | 56 |
| Walla Walla Solar | Renewable Energy | 399,000,000 | 250 | 21 | GREATER HUME | Approved with conditions | 27-Nov-20 | 56 |
| Jindera Solar | Renewable Energy | 168,000,000 | 200 | 5 | GREATER HUME | Approved with conditions | 22-Dec-20 | 55 |
| Wahroonga Estate Concept Plan MOD 8 | Urban | - | 3000-5000* | 1000* | KU-RING-GAI | Approved with conditions | 13-Jan-21 | 134** |
| Springdale Solar | Renewable Energy | 138,000,000 | 200 | 10 | YASS VALLEY | Approved with conditions | 19-Feb-21 | 49 |

| Case | Type | Capital Investment Value (\$AUD) | Construction Jobs | Operational Jobs | Primary LGA | Determination | Date of Determination | Case Time (with timing exclusions) |
|--|------------------|----------------------------------|-------------------|------------------|--------------|---------------------------------------|-----------------------|------------------------------------|
| Bluegum Community School | Schools | 617,388 | 20 | 9 | HORNSBY | Approved with conditions | 9-Mar-21 | 55 |
| Culcairn Solar | Renewable Energy | 636,600,000 | 500 | 10 | GREATER HUME | Approved with conditions | 25-Mar-21 | 56 |
| Pitt St South Stage 2 | Urban | 149,880,000 | 350 | 30 | SYDNEY | Approved with conditions | 14-Apr-21 | 56 |
| Moriah College Redevelopment | Schools | 81,712,574 | 224 | 125 | WAVERLEY | Approved with conditions | 6-May-21 | 51 |
| Moorebank Intermodal Precinct West - Stage 3 | Industrial | 38,061,404 | 60 | - | LIVERPOOL | Approved with conditions | 11-May-21 | 56 |
| Pindimar Abalone Farm | Industrial | 3,547,000 | 35 | 15 | MID COAST | <i>Application withdrawn</i> | 16-Jun-21 | - |
| Roseville College - New Sport and Wellbeing Centre | Schools | 29,546,952 | 69 | 3 | KU-RING-GAI | Approved with conditions | 18-Jun-21 | 46 |
| Harbourside Shopping Centre Redevelopment (concept proposal) | Urban | 453,510,000 | 640 | 940 | SYDNEY | Approved with conditions | 25-Jun-21 | 73 |
| Glebe Island Concrete Batching Plant | Industrial | 22,270,000 | 90 | 67 | INNER WEST | <i>In progress as at 30 June 2021</i> | | |
| total annual average | | | | | | | | 55 days |

*Source: The Department's determination report for original Concept Plan.

**This was not subject to the timeframe KPI because its original referral to the Commission pre-dated the Minister's Statement of Expectations. As such it has been excluded from the total annual average.

3. Cases – Requests for advice 2020-2021

| Case | Type | Primary LGA | Outcome | Date of Completion | Case Time |
|---|-------|------------------|---|--------------------|----------------|
| REQUESTS FOR ADVICE – PLANNING MATTERS | | | Timeframe KPI: total annual average of 35 days | | |
| Gateway Determination Review - The Hills - Derriwong Rd & Old Northern Rd Dural | Urban | THE HILLS | Advice provided supporting Gateway Determination | 4-Sep-20 | 32 |
| Gateway Determination Review - 2-4 Nooal Street and 66 Bardo Road, Newport | Urban | NORTHERN BEACHES | Advice provided supporting Gateway Determination | 20-Aug-20 | 35 |
| Gateway Determination Review - Wentworth - 'Northbank on the Murray' rezoning | Urban | WENTWORTH | Advice provided supporting Gateway Determination | 14-Sep-20 | 32 |
| Gateway Review - 55 Wire Lane Berry | Urban | SHOALHAVEN | Advice provided supporting Gateway Determination | 13-Oct-20 | 27 |
| Gateway Review - 42 Bells Lane, Kurmond | Urban | HAWKESBURY | Advice provided supporting Gateway Determination | 23-Nov-20 | 35 |
| Canterbury-Bankstown Planning Proposal (30-46 Auburn Rd Regents Park) | Urban | CANTERBURY | Advice provided supporting Gateway Determination | 18-Dec-20 | 31 |
| 79, 95, 100 Bells Lane and 457 Bells Line of Road, Kurmond | Urban | HAWKESBURY | Advice provided supporting Gateway Determination | 29-Mar-21 | 31 |
| 355 and 375 Church Street, Parramatta | Urban | PARRAMATTA | Advice provided supporting Gateway Determination | 23-Apr-21 | 35 |
| 2 Inverary Road, Kurmond | Urban | HAWKESBURY | <i>In progress as at 30 June 2021</i> | | |
| total annual average | | | | | 32 days |
| REQUESTS FOR ADVICE – HERITAGE MATTERS | | | Ministerial request for advice was to be completed within three months | | |
| MLC Building North Sydney (s 34(1A) Heritage Act advice request) | Urban | NORTH SYDNEY | Advice provided supporting the Heritage Council recommendation | 21-May-21 | 87 DAYS |

4. Minister's Statement of Expectations 2020-2021



The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

Mr Peter Duncan AM
Acting Chair
Independent Planning Commission
Level 3, 201 Elizabeth Street
SYDNEY NSW 2000
ipcn@ipcn.nsw.gov.au

STATEMENT OF EXPECTATIONS FOR THE INDEPENDENT PLANNING COMMISSION

Dear Mr Duncan

I am pleased to provide you with this Statement of Expectations (SoE) for the Independent Planning Commission (the Commission). This SoE applies for the period from 1 May 2020 to 30 June 2021, or until otherwise amended.

As Minister for Planning and Public Spaces, I am responsible for administering the *Environmental Planning and Assessment Act 1979* (the Act) which includes provisions for planning administration (including for the Commission), land use plan making and implementation, development assessment and consent, and infrastructure and environmental impact assessment. This SoE should be read within the context of those provisions and the objects of the Act.

This letter describes my expectations in relation to the purpose, functions and roles of the Commission, as well as key governance and performance objectives to improve the effectiveness of the Commission in determining contentious State significant development applications and providing independent expert advice, when required.

Providing independent decision-making and advice

The Commission plays an integral role in upholding the integrity of the NSW planning system, by fulfilling its primary purpose of providing independent decision making on contentious State significant development applications and providing advice on other planning matters as requested.

Objectives

I expect the Commission to undertake its functions and roles in such a way that builds trust in the NSW planning system. The approach taken should be based on the following objectives:

- independent and objective decision making;
- openness and transparency in the operations of the Commission;
- delivering robust and timely determinations within the legislative and Government policy framework to best serve the people of NSW; and
- encouraging effective community and other stakeholder participation to inform Commission determinations and advice.

Functions of the Commission

My expectations for the main functions of the Independent Planning Commission are that it:

- determine State significant development and modification applications for which it is the consent authority;
- conduct public hearings for development applications and other planning and development matters, when requested; and
- provide independent expert advice on any planning matters, when requested.

Undertaking Functions and Roles

Of principal importance to the successful undertaking of these functions are the interactions between myself as the Minister and the Government as the entity responsible for determining policy for the State; the Planning Secretary, who I expect to coordinate whole-of-government planning assessments prior to matters being provided to the Commission; and the Commission who I expect to make decisions based on the legislation and policy frameworks and informed by the Planning Secretary's assessment. I expect these roles to be respected so that duplication of functions is avoided.

I encourage the Commission to seek guidance from the Planning Secretary to clarify policies or identify policy issues that may have implications for State significant development determinations. I also understand that the necessary working arrangements will be established through a Memorandum of Understanding between the Commission and the Planning Secretary that supports administrative consistency and clarifies roles and responsibilities.

Role of Chair

I recognise the role of the Commission's Chair as essential to the success of delivering the matters set out in this SOE. As the agency head, I expect leadership from you that enables fulfilment of the Commission's functions as well as instilling a culture of excellence and continuous improvement across the organisation.

I recognise the legal and administrative responsibilities for the Chair set out in Part 2 of the Act and also encompassing the selection of Panels and being a member of the Commission, oversight of Panel decisions, and conducting performance evaluation of Commissioners.

I expect the Chair to be responsible for the Commission in:

- establishing and maintaining a strong governance framework, consistent with the NSW Audit Office's guidelines;
- maintaining a workplace culture of high performance and integrity;
- operating effectively and efficiently; and
- being accountable for its actions and performance.

Key Performance Indicators and Reporting

Based on consultation between the Department and Commission, I have identified key performance indicators to ensure ongoing timeliness and quality of decisions. The Commission is expected to monitor and report on these indicators in its Annual Report to Parliament (and quarterly on the Commission's website for State significant determinations). I also expect the Commission to implement all the applicable recommendations of the Productivity Commission Review and report to me on progress towards adopting the recommendations.

Timeframes for Decision-Making

State Significant Development Determinations

I expect the following timeframes to be met (as an annual rolling average) for time from the date of the provision of the Assessment Report by the Department of Planning, Industry and Environment (the Department) to determination by the Commission (excluding any time where the Commission has requested further information from the Department or the Applicant):

Determination within:

- 5 weeks (35 calendar days) for *routine* determinations (no public meeting or hearing) and modifications with political donations;
- 8 weeks (56 calendar days) for determinations subject to a *public meeting*; and
- 12 weeks (84 calendar days) for determinations subject to a *public hearing*.

Gateway and Rezoning Reviews

Advice to be provided to the Planning Secretary within:

- 5 weeks (35 calendar days) including any meetings and preparation of the advice (unless otherwise agreed with the Planning Secretary and excluding any time where the Commission has requested further information from the Department, Council or the Applicant).

Mining and Petroleum Gateway Certificates

Timeframes specified in *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

In meeting these timeframes, I acknowledge that the Department also has an obligation to ensure the Commission is made aware of upcoming matters, provide adequate assessment documentation and respond to information requests in a timely manner, in accordance with the Memorandum of Understanding between the Department and the Commission.

Qualitative Indicators

I also expect the Commission to provide ongoing monitoring of performance from a qualitative perspective, including consideration of stakeholder feedback about the objectivity, independence, transparency and responsiveness of the Commission's determinations and processes; and examination of the legal robustness of determinations.

I look forward to seeing the Commission continuously working towards achieving best practice in the determination of State significant development projects and its other roles as required.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rob Stokes', is positioned above the printed name.

The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

5. Independent Auditor's Report



INDEPENDENT AUDITOR'S REPORT

Independent Planning Commission

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of the Independent Planning Commission (the Commission), which comprises the Statement by the Accountable Authority, the Statement of Comprehensive Income for the year ended 30 June 2021, the Statement of Financial Position as at 30 June 2021, the Statement of Changes in Equity and the Statement of Cash Flows for the year then ended, notes comprising a Statement of Significant Accounting Policies and other explanatory information of the Commission and the consolidated entity. The consolidated entity comprises the Commission and the entity it controlled at the year's end or from time to time during the financial year.

In my opinion, the financial statements:

- have been prepared in accordance with Australian Accounting Standards and the applicable financial reporting requirements of the *Government Sector Finance Act 2018* (GSF Act), the *Government Sector Finance Regulation 2018* (GSF Regulation) and the Treasurer's Directions
- present fairly the financial position, financial performance and cash flows of the Commission and the consolidated entity.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Commission and the consolidated entity in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Other Matter

The Commission's 30 June 2021 financial statements include prior year corresponding figures. Whilst I have obtained sufficient appropriate audit evidence that the opening balances do not contain misstatements that materially affect the current period's financial statements, the prior year corresponding figures are unaudited.

My opinion is not modified in respect of this matter.

Chair's Responsibilities for the Financial Statements

The Chair is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the GSF Act, GSF Regulations and Treasurer's Directions. The Chair's responsibility also includes such internal control as the Chair determines is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Chair is responsible for assessing the ability of the Commission and the consolidated entity to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar3.pdf. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Commission or the consolidated entity carried out their activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Reiky Jiang
Director, Financial Audit Services

Delegate of the Auditor-General for New South Wales

22 October 2021
SYDNEY

6. Audited financial statements

Independent Planning Commission

Financial Statements

For the year ended 30 June 2021

Independent Planning Commission

Statement by the Accountable Authority

Pursuant to section 7.6(4) of the *Government Sector Finance Act 2018* ('the Act'), I state that these financial statements:

- have been prepared in accordance with the Australian Accounting Standards and the applicable requirements of the Act, the *Government Sector Finance Regulation 2018* and the Treasurer's directions, and
- present fairly the Independent Planning Commission's financial position, financial performance and cash flows.



Chair : Mary O'Kane
Date: 22 October 2021

Independent Planning Commission
Annual Report 2020-2021

Beginning of the audited financial statements

Independent Planning Commission
Statement of Comprehensive Income for the year ended 30 June 2021

| | | Consolidated | Parent | Parent |
|--|-------|--------------|--------------|--------------|
| | | 2021 | 2021 | 2020 |
| | Notes | \$000 | \$000 | \$000 |
| Expenses excluding losses | | | | |
| Operating expenses | | | | |
| Employee related expenses | 2(a) | 2,701 | - | - |
| Personnel services expenses | 2(a) | - | 2,701 | 1,994 |
| Other operating expenses | 2(b) | 4,398 | 4,398 | 3,855 |
| Grants and subsidies | 2(c) | 898 | 898 | - |
| Depreciation and amortisation | 2(d) | 338 | 338 | - |
| Finance costs | 2(e) | 1 | 1 | - |
| Total expenses excluding losses | | 8,336 | 8,336 | 5,849 |
| Revenue | | | | |
| Sale of goods and services from contracts with customers | 3(a) | 808 | 808 | - |
| Grants and contributions | 3(b) | 8,631 | 8,631 | 5,849 |
| Acceptance by the Crown of employee benefits and other liabilities | 3(c) | 374 | 374 | - |
| Total revenue | | 9,813 | 9,813 | 5,849 |
| Net result | | 1,477 | 1,477 | - |
| Total other comprehensive income | | - | - | - |
| TOTAL COMPREHENSIVE INCOME | | 1,477 | 1,477 | - |

The accompanying notes form part of these financial statements.

Independent Planning Commission
Annual Report 2020-2021

Independent Planning Commission
Statement of Financial Position as at 30 June 2021

| | Notes | Consolidated 2021 \$000 | Parent 2021 \$000 | Parent 2020 \$000 |
|--------------------------------------|-------|-------------------------------|-------------------------|-------------------------|
| ASSETS | | | | |
| Current assets | | | | |
| Cash and cash equivalents | 4 | 1,782 | 1,782 | - |
| Receivables | 5 | 111 | 111 | - |
| Total Current Assets | | 1,893 | 1,893 | - |
| Non-current assets | | | | |
| Property, plant and equipment | 6 | 360 | 360 | - |
| Intangible assets | 8 | 835 | 835 | - |
| Total non-current assets | | 1,195 | 1,195 | - |
| Total assets | | 3,088 | 3,088 | - |
| LIABILITIES | | | | |
| Current liabilities | | | | |
| Payables | 10 | 1,339 | 1,339 | - |
| Provisions | 12 | 342 | 342 | - |
| Total current liabilities | | 1,681 | 1,681 | - |
| Non-current liabilities | | | | |
| Provisions | 12 | 3 | 3 | - |
| Total non-current liabilities | | 3 | 3 | - |
| Total liabilities | | 1,684 | 1,684 | - |
| Net assets | | 1,404 | 1,404 | - |
| EQUITY | | | | |
| Accumulated funds | | 1,404 | 1,404 | - |
| Total equity | | 1,404 | 1,404 | - |

The accompanying notes form part of these financial statements.

Independent Planning Commission
Annual Report 2020-2021

Independent Planning Commission
Statement of Changes in Equity for the year ended 30 June 2021

| | Notes | Accumulated funds \$000 | Asset revaluation reserve \$000 | Total \$000 |
|---|-------|----------------------------|--|----------------|
| Consolidated and Parent | | | | |
| Balance at 1 July 2020 | | - | - | - |
| Net result for the year | | 1,477 | - | 1,477 |
| Total comprehensive income for the year | | 1,477 | - | 1,477 |
| Increase / (decrease) in net assets from equity transfers | 13 | (73) | - | (73) |
| Balance at 30 June 2021 | | 1,404 | - | 1,404 |
| Balance at 1 July 2019 | | - | - | - |
| Net result for the year | | - | - | - |
| Total comprehensive income for the year | | - | - | - |
| Balance at 30 June 2020 | | - | - | - |

The accompanying notes form part of these financial statements.

Independent Planning Commission
Annual Report 2020-2021

Independent Planning Commission
Statement of Cash Flows for the year ended 30 June 2021

| | Notes | Consolidated and parent 2021 \$000 | Parent 2020 \$000 |
|---|-------|--|-------------------------|
| Cash flow from the operating activities | | | |
| Payments | | | |
| Employee related | | (2,448) | - |
| Finance costs | | (1) | - |
| Other | | (3,478) | - |
| Total payments | | (5,927) | - |
| Receipts | | | |
| Sale of goods and services | | 808 | - |
| Grants and contributions received | | 8,350 | - |
| Total receipts | | 9,158 | - |
| Net cash flow from operating activities | 14 | 3,231 | - |
| Cash flow from investing activities | | | |
| Payment for property, plant and equipment | 6 | (360) | - |
| Payment for intangible assets | 8 | (892) | - |
| Net cash flow from investing activities | | (1,252) | - |
| Cash flow from financing activities | | | |
| Payment of principal portion of lease liabilities | 7,11 | (197) | - |
| Net cash flow from financing activities | | (197) | - |
| Net increase/(decrease) in cash | | 1,782 | - |
| Opening cash and cash equivalents | 4 | - | - |
| Closing cash and cash equivalents | | 1,782 | - |

In 2019-20 the Independent Planning Commission did not have a bank account. All cash transactions were processed through the Department of Planning, Industry and Environment.

The accompanying notes form part of these financial statements.

Independent Planning Commission

Notes to and forming part of the financial statements for the year ended 30 June 2021

1. Statement of significant accounting policies

(a) Reporting entity

The Independent Planning Commission (the IPC), a NSW Government entity, is constituted under Part 2, Division 2.3 of the Environmental Planning and Assessment Act 1979 on 1 March 2018. The IPC determines State significant development applications, conducts public hearings for planning and development matters, and provides independent expert advice.

The IPC as a reporting entity comprises the Office of the Independent Planning Commission (OIPC), an entity under its control. The Administrative Arrangements (*Administrative Changes - Regional NSW and Independent Planning Commission*) Order 2020 established the OIPC as a public service agency and persons employed in the Department of Planning, Industry and Environment (Department/DPIE) who were principally involved in providing support to the IPC were transferred to the OIPC, effective 1 July 2020. The objective of the OIPC is to provide personnel and other services to the IPC to perform its duties and responsibilities. The *Government Sector Finance Regulation 2018*, Division 2, section 9F provide reporting exemptions to special purpose staff agencies such as the OIPC.

The 30 June 2021 financial statements are the first set of general purpose financial statements of the IPC, which incorporate OIPC. Though the IPC was constituted on 1 March 2018, it was not listed under Schedule 2 or 3 of the *Public Finance and Audit Act 1983*. Under section 2.4(1)(a) and (i) of the *Government Sector Finance Act 2018*, effective 1 July 2020, the IPC has been deemed to be a Government Sector Finance agency, that is required to prepare financial statements. The operations of the Secretariat that provided support to the IPC, prior to the creation of the OIPC, were under the care and control of the Department and hence were included in its financial statements. Refer note 1(f) and note 13 for more details on comparative information and transfer of functions on 1 July 2020 from DPIE respectively.

The consolidated figures present the IPC and its controlled entity OIPC, the parent figures present the IPC only. In the process of preparing the financial statements for the consolidated entity any inter-entity transactions and balances have been eliminated, and like transactions and policies are accounted for using uniform accounting policies.

These consolidated financial statements for the year ended 30 June 2021 have been authorised for issue by the Chair of the IPC on the date the accompanying statement by the Chair was signed.

(b) Basis of preparation

The IPC financial statements are general purpose financial statements; which have been prepared on an accruals basis and in accordance with:

- applicable Australian Accounting Standards (AAS) (which include Australian Accounting Interpretations),
- the requirements of the Government Sector Finance Act 2018 (GSF Act) and
- Treasurer's Directions issued under the GSF Act.

In the process of preparing the consolidated financial statements for the economic entity, consisting of the controlling and controlled entities, all inter-entity transactions and balances have been eliminated.

Judgements, key report assumptions and estimations management that have been made are disclosed in the relevant notes to the financial statements.

All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency, which is the IPC's presentation and functional currency.

(c) Going concern and COVID-19

The financial statements have been prepared on a going concern basis. COVID-19 has not resulted in any material impact on the IPC's revenue and expenses. The IPC receives appropriation from the Consolidated Fund as a cluster grant via DPIE as set out in the Appropriations Bill, which is prepared and tabled for that year. As at 30 June 2021, there is no reason to expect that arrangement will not continue in the future.

(d) Statement of compliance

These financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

(e) Accounting for the goods and services tax (GST)

Income, expenses and assets are recognised net of the amount of goods and services tax (GST), except that the:

- amount of GST incurred by the IPC as a purchaser that is not recoverable from the Australian Taxation Office (ATO) is recognised as part of an asset's cost of acquisition or as part of an item of expense; and
- receivables and payables are stated with the amount of GST included.

Cash flows are included in the statement of cash flows on a gross basis. However, the GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the ATO are classified as operating cash flows.

(f) Comparative information

Though the 30 June 2021 financial statements are the first set of general-purpose financial statements of the IPC, the 2019-20 comparatives have been included to reflect the costs incurred by the Department in providing support to the IPC. These comparatives reflect the arrangement that existed between the Department and the IPC prior to 1 July 2020. For example, the Department owned and controlled assets that were used by the staff in the secretariat, over which the IPC had no claim. Hence, these have been excluded from the comparatives. Similarly, liabilities that arose from the contractual arrangements of the Department with external parties have also been excluded from the comparatives.

Independent Planning Commission

Notes to and forming part of the financial statements for the year ended 30 June 2021

1. Statement of significant accounting policies (continued)

(g) Deemed appropriation

Section 4.7 of the *Government Sector Finance Act 2018* defines deemed appropriation money as government money that the IPC (a GSF agency) receives or recovers (including from the Commonwealth or another entity) of a kind prescribed by the regulations that:

- forms part of the Consolidated Fund; and
- is not appropriated under the authority of an Act.

| | Consolidated and parent 2021 \$000 | Consolidated and parent 2020 \$000 |
|---|---|---|
| Movement of Section 4.7 GSF Act - deemed appropriations: | | |
| Opening Balance | - | - |
| Add: additional deemed appropriations | 808 | - |
| Less: expenditure charged against deemed appropriations | 26 | - |
| Closing balance | 782 | - |

The table of "Movement of Section 4.7 GSF Act - Deemed Appropriations" is a disclosure note. Deemed appropriations is a legal concept under the GSF Act, that does not have a corresponding financial statement line item. Instead, deemed appropriations come from sale of goods and services, and the corresponding revenue and related expenses are disclosed against relevant items in the financial statements.

(h) Changes in accounting policies, including new or revised Australian Accounting Standards

(i) Effective for the first time in 2020-21

AASB 1059 Service Concession Arrangements : Grantors (AASB 1059)

AASB 1059 is effective for the IPC from 1 July 2020. At the same time NSW Treasury Policy and Guideline Paper TPP 06-8: *Accounting for Privately Financed Projects* (TPP 06-8) was withdrawn, effective from 1 July 2020.

Service concession arrangements are contracts between an operator and a grantor, where the operator provides public services related to a service concession asset on behalf of the grantor for a specified period of time and manages at least some of those services.

Where AASB 1059 applies, the grantor recognises the service concession asset when the grantor obtains control of the asset and measures the service concession asset at current replacement cost. At the same time the grantor recognises a corresponding financial liability or unearned revenue liability or a combination of both.

The IPC has assessed its arrangements and has determined that it has no service concession arrangements. The adoption of this standard therefore has nil impact on the statement of comprehensive income for the year ended 30 June 2021 or the statement of financial position as at 30 June 2021.

Several other amendments and interpretations also applied for the first time in 2020-21, but do not have an impact on the financial statements of the IPC.

(ii) Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise.

The following new Australian Accounting Standards have not been applied and are not yet effective (NSW Treasury mandate TC 20-08):

- AASB 1060 *General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities* (effective from 1 July 2021)
- AASB 2020-1 *Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current* (effective from 1 January 2022)
- AASB 2020-3 *Amendments to Australian Accounting Standards – Annual Improvements 2018–2020 and Other Amendments* (effective from 1 January 2022)
- AASB 2020-6 *Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-Current* (effective from 1 January 2022)
- AASB 2020-7 *Amendments to Australian Accounting Standards – Covid-19-Related Rent Concessions: Tier 2 Disclosures* (effective from 1 January 2021)

The IPC has assessed the impact of the new standards and interpretations issued but not yet effective and considers the impact to be not material.

Independent Planning Commission
Notes to and forming part of the financial statements for the year ended 30 June 2021

2. Expenses excluding losses

| | Consolidated 2021 \$000 | Parent 2021 \$000 | Parent 2020 \$000 |
|---|-------------------------------|-------------------------|-------------------------|
| (a) Employee related expenses and personnel services expenses: | | | |
| Salaries and wages (including recreation leave) | 1985 | - | - |
| Superannuation | 184 | - | - |
| Long service leave | 403 | - | - |
| Workers compensation insurance | 18 | - | - |
| Payroll tax and fringe benefits tax | 111 | - | - |
| Personnel services expenses | - | 2,701 | - |
| DPIE Secretariat costs - personnel | - | - | 1,994 |
| | 2,701 | 2,701 | 1,994 |

Recognition and measurement

Personnel services

IPC does not employ staff but uses personnel services from OIPC. Personnel services are recognised in the period in which they are incurred. For information on the 2019-20 comparatives refer to note 1(a) and note 1(f).

| | Consolidated 2021 \$000 | Parent 2021 \$000 | Parent 2020 \$000 |
|--|-------------------------------|-------------------------|-------------------------|
| (b) Other operating expenses: | | | |
| Advertising and promotion | 956 | 956 | - |
| Audit fees | 33 | 33 | - |
| Contractors | 125 | 125 | - |
| Expenses relating to short term and low-value assets | 63 | 63 | - |
| Fee for service | 142 | 142 | - |
| Legal fees | 505 | 505 | - |
| Maintenance | 10 | 10 | - |
| Occupancy | 120 | 120 | - |
| Other operating expenses | 107 | 107 | - |
| Commissioners' fees | 1,612 | 1,612 | 1,534 |
| Printing and stationery | 10 | 10 | - |
| Recruitment fee | 56 | 56 | - |
| Resource fees | 575 | 575 | - |
| Training and development | 50 | 50 | - |
| Travel and accommodation | 34 | 34 | - |
| DPIE Secretariat costs - operating expenses | - | - | 2,321 |
| | 4,398 | 4,398 | 3,855 |

Recognition and measurement

Maintenance

Maintenance costs are expensed as incurred, except where they relate to the replacement of a material part or component of an asset, then the costs are capitalised and depreciated.

Insurance

In the 2020-21 financial year, insurances carried by the Department through the NSW Treasury Managed Fund (TMF) extended to the operations of the IPC.

From the 2021-22 year, the IPC will have separate insurance policies through the TMF Scheme of self-insurance to cover its operations.

Commissioners' fees

These are sitting fees paid to the IPC Commissioners and are recognised as expenses, when incurred.

Lease expense

The IPC recognises the lease payments associated with the following types of leases as an expense on a straight-line basis:

- Leases that meet the definition of short-term, i.e. where the lease term at commencement of the lease is 12 months or less. This excludes leases with a purchase option.
- Leases of assets that are valued at \$10,000 or under when new.

Independent Planning Commission
Notes to and forming part of the financial statements for the year ended 30 June 2021

2. Expenses excluding losses (continued)

| | Consolidated | Parent | Parent |
|---------------------------------|--------------|------------|--------|
| | 2021 | 2021 | 2020 |
| | \$000 | \$000 | \$000 |
| (c) Grants and subsidies | | | |
| In-kind grant | 898 | 898 | - |
| | 898 | 898 | - |

On 1 July 2020 following the creation of the OIPC under the *Administrative Arrangements (Administrative Changes—Regional NSW and Independent Planning Commission) Order 2020*, DPIE transferred liabilities of \$0.9 million under its control that supported the functions of the IPC. On 1 July 2020 DPIE also provided a grant of \$1 million in cash to the newly formed entity. Refer notes 3(b) and 13.

(d) Depreciation and amortisation expense

| | Consolidated | Parent | Parent |
|--|--------------|------------|--------|
| | 2021 | 2021 | 2020 |
| | \$000 | \$000 | \$000 |
| Depreciation | | | |
| Plant and equipment | 133 | 133 | - |
| Right-of-use asset | 148 | 148 | - |
| | 281 | 281 | - |
| Amortisation | | | |
| Intangibles | 57 | 57 | - |
| | 57 | 57 | - |
| Total depreciation and amortisation expense | 338 | 338 | - |

For recognition and measurement policies on depreciation and amortisation refer to Notes 6, 7 and 8.

(e) Finance costs

| | Consolidated | Parent | Parent |
|---|--------------|----------|--------|
| | 2021 | 2021 | 2020 |
| | \$000 | \$000 | \$000 |
| Interest expense from lease liabilities | 1 | 1 | - |
| | 1 | 1 | - |

Recognition and measurement

Finance costs consist of interest and other costs incurred in connection with the borrowing of funds. Borrowing costs are recognised as expenses in the period in which they are incurred, in accordance with Treasury's Mandate to not-for-profit NSW GGS entities. Refer note 7 for details on interest on lease liabilities.

3. Revenue

Income is recognised in accordance with the requirements of AASB 15 *Revenue from Contracts with Customers* or AASB 1058 *Income of Not-for-Profit Entities*, dependent on whether there is a contract with a customer defined by AASB 15 *Revenue from Contracts with Customers*. Comments regarding the accounting policies for the recognition of income are discussed below.

| | Consolidated | Parent | Parent |
|---|--------------|------------|--------|
| | 2021 | 2021 | 2020 |
| | \$000 | \$000 | \$000 |
| (a) Sale of goods and services from contracts with customers | | | |
| Hearing fees | 792 | 792 | - |
| Other revenue | 16 | 16 | - |
| | 808 | 808 | - |

In 2020-21, the 'other revenue' is the recovery of legal expenses incurred by the IPC in relation to 'notice to produce' during litigation procedure.

Recognition and measurement

Hearing fees

These fees are recognised by the IPC when an invoice is raised to recover the funds from DPIE.

In accordance with section 256N of the Environmental Planning and Assessment Regulation 2000, DPIE representing the 'Planning Secretary', invoices the applicant to recover the costs of public hearings. After the conclusion of a public hearing, an invoice is raised to recover that amount from DPIE.

Independent Planning Commission

Notes to and forming part of the financial statements for the year ended 30 June 2021

3. Revenue (continued)

| | Consolidated | Parent | Parent |
|---|--------------|--------------|--------------|
| | 2021 | 2021 | 2020 |
| | \$000 | \$000 | \$000 |
| (b) Grants and contributions | | | |
| Grants without sufficiently specific performance obligations* | 8,631 | 8,631 | - |
| In-kind grant | - | - | 5,849 |
| | <u>8,631</u> | <u>8,631</u> | <u>5,849</u> |

* The above includes NSW Treasury funding of \$7.35 million and \$1.28 million from DPIE on the creation of the OIPC on 1 July 2021. (Refer note 13).

Recognition and measurement

Income from grants without sufficient specific performance obligations is recognised when the IPC obtains control over the granted assets (e.g. cash). The IPC is deemed to have assumed control when the grant is received or receivable. Control over contributions is normally obtained upon the receipt of cash.

(c) Acceptance by the Crown of employee benefits and other liabilities

The following liabilities and / or expenses have been assumed by the Crown or other government entities:

| | Consolidated | Parent | Parent |
|---|--------------|------------|----------|
| | 2021 | 2021 | 2020 |
| | \$000 | \$000 | \$000 |
| Long service leave assumed by the Crown | 374 | - | - |
| Contributions by the Crown | - | 374 | - |
| | <u>374</u> | <u>374</u> | <u>-</u> |

Independent Planning Commission

Notes to and forming part of the financial statements for the year ended 30 June 2021

4. Current assets- cash and cash equivalents

| | Consolidated | Parent | Parent |
|--------------------------|--------------|--------------|--------|
| | 2021 | 2021 | 2020 |
| | \$000 | \$000 | \$000 |
| Cash at bank and on hand | 1,782 | 1,782 | - |
| | <u>1,782</u> | <u>1,782</u> | - |

For the purposes of the statement of cash flows, cash and cash equivalents includes cash at bank, cash on hand, and short term deposits.

| | | | |
|--|--------------|--------------|---|
| Cash and cash equivalents (as per statement of financial position) | 1,782 | 1,782 | - |
| | <u>1,782</u> | <u>1,782</u> | - |

Refer note 17 for details regarding credit risk, liquidity risk and market risk arising from financial instruments.

5. Current assets - receivables

| | Consolidated | Parent | Parent |
|----------------|--------------|------------|--------|
| | 2021 | 2021 | 2020 |
| | \$000 | \$000 | \$000 |
| Current | | | |
| Receivables | 111 | 111 | - |
| | <u>111</u> | <u>111</u> | - |

Recognition and measurement

All 'regular way' purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

Receivables are initially recognised at fair value plus any directly attributable transaction costs. Trade receivables that do not contain a significant financing component are measured at the transaction price.

Subsequent measurement

The IPC holds receivables with the objective to collect the contractual cash flows and therefore measures them at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

Impairment

The IPC will recognise an allowance for expected credit losses (ECLs) when debt financial assets are not held at fair value through profit or loss. ECLs will be based on the difference between the contractual cash flows and the cash flows that the IPC expects to receive, discounted at the original effective interest rate.

As of 30 June 2021 the IPC has not recognised any ECLs.

Independent Planning Commission

Notes to and forming part of the financial statements for the year ended 30 June 2021

6. Non-current assets - property, plant and equipment

| Total property, plant and equipment | Plant and Equipment \$'000 | Total \$'000 |
|--|----------------------------------|-----------------|
| Consolidated and parent | | |
| At 1 July 2020 - fair value | | |
| Gross carrying amount | - | - |
| Accumulated depreciation and impairment | - | - |
| Net carrying amount | - | - |
| Year ended 30 June 2021 | | |
| Net carrying amount at the start of the year | - | - |
| Additions | 360 | 360 |
| Depreciation expense | (133) | (133) |
| Transfer in as grant | 133 | 133 |
| Net carrying amount | 360 | 360 |
| At 30 June 2021 - fair value | | |
| Gross carrying amount | 924 | 924 |
| Accumulated depreciation and impairment | (563) | (563) |
| Net carrying amount | 360 | 360 |
| Consolidated and parent | | |
| At 1 July 2019 - fair value | | |
| Gross carrying amount | - | - |
| Accumulated depreciation and impairment | - | - |
| Net carrying amount | - | - |
| Year ended 30 June 2020 | | |
| Net carrying amount at the start of the year | - | - |
| Additions | - | - |
| Depreciation expense | - | - |
| Net carrying amount | - | - |

There are no comparatives in the 2019-20 financial year as the assets were owned and controlled by DPIE, which provided secretariat support to the IPC until the creation of the OIPC on 1 July 2020. Refer note 1(f).

Recognition and measurement

Acquisition of property, plant and equipment

Property, plant and equipment are initially measured at cost and subsequently revalued at fair value less accumulated depreciation and impairment. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other AAS.

Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent, i.e. deferred payment amount is effectively discounted over the period of credit.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

Capitalisation thresholds

Property, plant and equipment and intangible assets costing \$5,000 and above individually (or forming part of a network costing more than \$5,000) are capitalised.

Restoration costs

The present value of the expected cost for the restoration or cost of dismantling of an asset after its use is included in the cost of the respective asset if the recognition criteria for a provision are met.

Depreciation of property, plant and equipment

Depreciation is provided for on a straight-line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life to the IPC.

All material identifiable components of assets are depreciated over their useful lives.

Depreciation rates for plant and equipment, range from 10% to 2.5% over a useful life of 10 to 40 years.

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Notes to and forming part of the financial statements for the year ended 30 June 2021

6. Non-current assets - property, plant and equipment (continued)

AASB 16 Leases (AASB 16) requires a lessee to recognise a right-of-use asset for most leases. The IPC has elected to present right-of-use assets separately in the statement of financial position.

Further information on lease is contained at note 7.

Service concession assets

Service concession arrangements (SCAs) are contracts between a grantor and an operator where an operator provides public services related to a service concession asset on behalf of a public sector grantor for a specified period of time and manages at least some of those services.

Based on the IPC's assessment, there are no existing arrangements that fall within the scope of AASB 1059.

Revaluation of property, plant and equipment

Physical non-current assets are valued in accordance with the "Valuation of Physical Non-Current Assets at Fair Value" Policy and Guidelines Paper (TPP 14-01). This policy adopts fair value in accordance with AASB 13 Fair Value Measurement and AASB 116 Property, Plant and Equipment.

Non specialised assets, such as plant and equipment are valued at depreciated replacement cost. These assets are measured at depreciated historical cost as a proxy for fair value. The IPC has assessed that any difference between fair value and depreciated historical cost is unlikely to be material.

The IPC does not own any land and buildings.

Impairment of property, plant and equipment

As a not-for-profit entity, any impairment under AASB 136 Impairment of Assets is unlikely to arise. As property, plant and equipment is carried at fair value or an amount that approximates fair value, impairment can only arise in the rare circumstances such as where the costs of disposal is material.

The IPC assesses, at each reporting date, whether there is an indication that an asset may be impaired. If any indication exists, or when annual impairment testing for an asset is required, the IPC estimates the asset's recoverable amount. When the carrying amount of an asset exceeds its recoverable amount, the asset is considered impaired and is written down to its recoverable amount.

As a not for-profit entity, an impairment loss is recognised in the net result to the extent the impairment loss exceeds the amount in the revaluation surplus for the class of asset.

7. Leases

(a) Right-of-use assets under leases

The IPC leases office accommodation space. Lease contracts are typically made for fixed periods of 2 to 15 years, but may have extension options. Lease terms are negotiated on an individual basis and contain a wide range of different terms and conditions. The lease agreements do not impose any covenants, but leased assets may not be used as security for borrowing purposes. The IPC does not lease any motor vehicles or plant & equipment.

Extension and termination options are included in a number of leases. These terms are used to maximise operational flexibility in terms of managing contracts. The majority of extension and termination options held are exercisable only by the IPC and not by the respective lessor. In determining the lease term, management considers all facts and circumstances that create an economic incentive to exercise an extension option, or not exercise a termination option. Extension options (or periods after termination options) are only included in the lease term if the lease is reasonably certain to be extended (or not terminated). Potential future cash outflows have been included in the lease liability where it is reasonably certain that the leases will be extended (or not terminated). The assessment is reviewed if a significant event or a significant change in circumstances occurs which affects this assessment and that is within the control of the lessee. During the current financial year, there were no revisions of lease terms due to the exercise of extension and termination options.

AASB 16 Leases (AASB 16) requires a lessee to recognise a right-of-use asset and a corresponding lease liability for most leases.

The following table presents right-of use assets that do not meet the definition of investment property.

| | Buildings \$'000 | Total \$'000 |
|--------------------------------|---------------------|-----------------|
| Consolidated and parent | | |
| Balance at 1 July 2020 | - | - |
| Transfer in as grant | 148 | 148 |
| Depreciation expense | (148) | (148) |
| Balance at 30 June 2021 | - | - |
| Consolidated and parent | | |
| Balance at 1 July 2019 | - | - |
| Depreciation expense | - | - |
| Balance at 30 June 2020 | - | - |

There is no right of use asset at 30 June 2021 as the previous lease terminated on 31 March 2021. IPC continued to lease the premises on a short term basis until a new lease commenced. The right of use asset for the IPC will commence from 1 August 2021, under the agreement of a new lease that has a term of five years.

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Notes to and forming part of the financial statements for the year ended 30 June 2021

7. Leases (Continued)

(b) Lease liabilities

The following table presents liabilities under leases:

| | 2021 \$'000 | 2020 \$'000 |
|--------------------------------|----------------|----------------|
| Consolidated and parent | | |
| Balance at 1 July 2020 | - | - |
| Transfer in as grant | 197 | - |
| Interest expenses | - | - |
| Payments | (197) | - |
| Balance at 30 June 2021 | - | - |

(c) Right-of-use assets under leases

The following amounts were recognised in the statement of comprehensive income during the period in respect of leases where the IPC is the lessee:

| | 2021 \$'000 | 2020 \$'000 |
|--|----------------|----------------|
| Consolidated and parent | | |
| Depreciation expense of right-of-use assets | 148 | - |
| Interest expense on lease liabilities | 1 | - |
| Expense relating to short-term leases and low-value assets | 63 | - |
| Total cost outflow for leases | 212 | - |

Recognition and measurement

The IPC assesses at contract inception whether a contract is, or contains, a lease. That is, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

The IPC recognises lease liabilities to make lease payments and right-of-use assets representing the right to use the underlying assets, except for short-term leases and leases of low-value assets.

(i) Right-of-use assets

The IPC recognises right-of-use assets at the commencement date of the lease (i.e. the date the underlying asset is available for use). Right-of-use assets are initially measured at the amount of initial measurement of the lease liability (refer ii below), adjusted by any lease payments made at or before the commencement date and lease incentives, any initial direct costs incurred, and estimated costs of dismantling and removing the asset or restoring the site.

The right-of-use assets are subsequently measured at cost. They are depreciated on a straight-line basis over the lease term and the estimated useful lives of the assets. The new lease that commences on 1 August 2021 has a term of 5 years.

If ownership of the leased asset transfers to the IPC at the end of the lease term or the cost reflects the exercise of a purchase option, depreciation is calculated using the estimated useful life of the asset.

Impairment of right-of-use assets:

The right-of-use assets are also subject to impairment. The IPC assesses, at each reporting date, whether there is an indication that an asset may be impaired. If any indication exists, or when annual impairment testing for an asset is required, the IPC estimates the asset's recoverable amount. When the carrying amount of an asset exceeds its recoverable amount, the asset is considered impaired and is written down to its recoverable amount. After an impairment loss has been recognised, it is reversed only if there has been a change in the assumptions used to determine the asset's recoverable amount. The reversal is limited so that the carrying amount of the asset does not exceed its recoverable amount, nor exceed the carrying amount that would have been determined, net of depreciation, had no impairment loss been recognised for the asset in prior years. Such reversal is recognised in the net result.

(ii) Lease liabilities

At the commencement date of the lease, the IPC recognises lease liabilities measured at the present value of lease payments to be made over the lease term. Lease payments include:

- fixed payments (including in substance fixed payments) less any lease incentives receivable;
- variable lease payments that depend on an index or a rate;
- amounts expected to be paid under residual value guarantees;
- exercise price of purchase options reasonably certain to be exercised by the IPC; and
- payments of penalties for terminating the lease, if the lease term reflects the IPC exercising the option to terminate.

Variable lease payments that do not depend on an index or a rate are recognised as expenses (unless they are incurred to produce inventories) in the period in which the event or condition that triggers the payment occurs.

The lease payments are discounted using the interest rate implicit in the lease. If that rate cannot be readily determined, which is generally the case for the IPC's leases, the lessee's incremental borrowing rate is used, being the rate that the IPC would have to pay to borrow the funds necessary to obtain an asset of similar value to the right-of-use asset in a similar economic environment with similar terms, security and conditions.

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Notes to and forming part of the financial statements for the year ended 30 June 2021

7. Leases (Continued)

After the commencement date, the amount of lease liabilities is increased to reflect the accretion of interest and reduced for the lease payments made. In addition, the carrying amount of lease liabilities is remeasured if there is a modification, a change in the lease term, a change in the lease payments (e.g., changes to future payments resulting from a change in an index or rate used to determine such lease payments) or a change in the assessment of an option to purchase the underlying asset.

iii. Short-term leases and leases of low-value assets

The IPC applies the short-term lease recognition exemption to its short-term leases of plant and equipment (i.e. those leases that have a lease term of 12 months or less from the commencement date and do not contain a purchase option). It also applies to the leases of low-value assets, such as for some office equipment. Recognition exemption applies to leases of office equipment that are considered to be low value. Lease payments on short-term leases and leases of low value assets are recognised as expense on a straight-line basis over the lease term.

iv. Leases that have significantly below-market terms and conditions principally to enable the IPC to further its objectives

The initial and subsequent measurement of right-of-use assets under leases at significantly below-market terms and conditions that are entered into principally to enable the IPC to further its objectives is same as normal right-of-use assets. They are measured at cost, subject to impairment.

8. Intangible assets

| | Software | Capital work in progress | Total |
|--|------------|--------------------------|------------|
| | \$'000 | \$'000 | \$'000 |
| Consolidation and parent | | | |
| At 1 July 2020 - fair value | | | |
| Cost (gross carrying amount) | - | - | - |
| Accumulated amortisation and impairment | - | - | - |
| Net carrying amount | - | - | - |
| Year ended 30 June 2021 | | | |
| Net carrying amount at beginning of year | - | - | - |
| Additions | 489 | 403 | 892 |
| Amortisation (recognised in 'depreciation and amortisation') | (57) | - | (57) |
| Net carrying amount at end of year | 432 | 403 | 835 |
| At 30 June 2021 | | | |
| Cost (gross carrying amount) | 489 | 403 | 892 |
| Accumulated amortisation and impairment | (57) | - | (57) |
| Net carrying amount | 432 | 403 | 835 |

Recognition and measurement

The IPC recognises intangible assets only if it is probable that future economic benefits will flow to the IPC and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition.

Following initial recognition intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for the IPC's intangible software assets, the assets are carried at cost less any accumulated amortisation and impairment losses.

All research costs are expensed. Development costs are only capitalised when certain criteria are met.

The useful lives of intangible assets are assessed to be finite. The IPC's intangible assets are amortised using the straight line method over their estimated useful lives. The rate the IPC uses are 20% to 50%. The amortisation period and the amortisation method for an intangible asset with a finite useful life are reviewed at least at the end of each reporting period.

9. Fair value measurement of non-financial assets

Fair value measurement and hierarchy

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The fair value measurement is based on the presumption that the transaction to sell the asset or transfer the liability takes place either in the principal market for the asset or liability or in the absence of a principal market, in the most advantageous market for the asset or liability.

When measuring fair value, the valuation technique used maximises the use of relevant observable inputs and minimises the use of unobservable inputs. Under AASB 13 Fair Value Measurement, the IPC categorises, for disclosure purposes, the valuation techniques based on the inputs used in the valuation techniques as follows:

- (i) Level 1 - quoted (unadjusted) prices in active markets for identical assets / liabilities that the IPC can access at the measurement
- (ii) Level 2 - inputs other than quoted prices included within level 1 that are observable, either directly or indirectly.
- (iii) Level 3 - inputs that are not based on observable market data (unobservable inputs).

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Notes to and forming part of the financial statements for the year ended 30 June 2021

9. Fair value measurement of non-financial assets (Continued)

Fair value hierarchy

| At 30 June 2021 | Level 1 \$'000 | Level 2 \$'000 | Level 3 \$'000 | Total \$'000 |
|--|-------------------|-------------------|-------------------|-----------------|
| Consolidated and parent | | | | |
| Property, plant and equipment (Note 6) | | | | |
| Plant and equipment | - | 360 | - | 360 |
| | - | 360 | - | 360 |

As of 30 June 2020 the IPC had nil property plant and equipment, refer note 1(a).

There were no transfers between level 1, 2 or 3 during the year.

For valuation basis refer note 6.

10. Current liabilities- payables

| | Consolidated 2021 \$000 | Parent 2021 \$000 | Parent 2020 \$000 |
|-------------------------------------|-------------------------------|-------------------------|-------------------------|
| Payables | | | |
| Trade creditors | 338 | 338 | - |
| Accrued salaries, wages and oncosts | 91 | - | - |
| Accruals | 824 | 915 | - |
| Other | 86 | 86 | - |
| | 1,339 | 1,339 | - |

Details regarding credit risk, liquidity risk and market risk, including a maturity analysis of the above payables, are disclosed in note 17.

Recognition and measurement

Payables represent liabilities for goods and services provided to the IPC and other amounts. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

Payables are financial liabilities at amortised cost, initially measured at fair value, net of directly attributable transaction costs. These are subsequently measured at amortised cost using the effective interest method. Gains and losses are recognised in the net result when the liabilities are derecognised as well as through the amortisation process.

11. Current/ Non-current liabilities - borrowings

| | Consolidated 2021 \$000 | Parent 2021 \$000 | Parent 2020 \$000 |
|---|-------------------------------|-------------------------|-------------------------|
| Current | | | |
| Lease liability as of 1 July 2020 | - | - | - |
| Transfer in as grant | 196 | 196 | - |
| Interest expense | 1 | 1 | - |
| Repayments | (197) | (197) | - |
| Closing lease liability as of 30 June 2021 | - | - | - |
| Non-current | | | |
| Lease liability as of 1 July 2020 | - | - | - |
| Repayments | - | - | - |
| Closing lease liability as of 30 June 2021 | - | - | - |

There is no lease liability at 30 June 2021 as the previous lease terminated on 31 March 2021. IPC continued to lease the premises on a short term basis until a new lease commenced. The lease liability for the IPC will commence from 1 August 2021, under the agreement of a new lease that has a term of five years.

Details regarding liquidity risk, including a maturity analysis of the above are disclosed in note 17.

Recognition and measurement

Financial liabilities at amortised cost

Borrowings classified as financial liabilities at amortised cost are initially measured at fair value, net of directly attributable transaction costs. These are subsequently measured at amortised cost using the effective interest method. Gains and losses are recognised in net result when the liabilities are derecognised as well as through the amortisation process. Lease liability is determined in accordance with AASB 16. Refer note 7.

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Notes to and forming part of the financial statements for the year ended 30 June 2021

12. Current/ Non-current liabilities - provisions

| | Consolidated | Parent | Parent |
|---|--------------|------------|--------|
| | 2021 | 2021 | 2020 |
| | \$000 | \$000 | \$000 |
| Current | | | |
| Restoration costs | 110 | 110 | - |
| Employee benefits and related on-costs | | | |
| Annual leave | 196 | - | - |
| Long service leave | 24 | - | - |
| Payroll tax | 12 | - | - |
| Payable to the OIPC Staff Agency | - | 232 | - |
| Total current | 342 | 342 | - |
| Non-current | | | |
| Long service leave on-costs | 2 | - | - |
| Payroll tax | 1 | - | - |
| Payable to the OIPC Staff Agency | - | 3 | - |
| Total non-current | 3 | 3 | - |

Movements in provisions (other than employee benefits)

| | Consolidated | Parent | Parent |
|--|--------------|------------|--------|
| | 2021 | 2021 | 2020 |
| | \$000 | \$000 | \$000 |
| Carrying amount at 1 July | - | - | - |
| Additional provisions recognised | 6 | 6 | - |
| Provisions transferred in through transfer in as grant | 104 | 104 | - |
| Carrying amount at 30 June 2021 | 110 | 110 | - |

Recognition and measurement: employee benefits and related on-costs

Salaries and wages, annual leave and sick leave

Salaries and wages (including non-monetary benefits) and paid sick leave, expected to be settled wholly within 12 months after the period employees render the service, are recognised and measured at the undiscounted amounts of the benefits.

Annual leave not expected to be settled wholly before twelve months after the end of the annual reporting period in which the employees render the related service, is to be measured at present value in accordance with AASB 119 *Employee Benefits*.

Actuarial advice obtained by the Treasury has confirmed that using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 8.4% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The IPC has assessed the actuarial advice based on its circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability even where the IPC does not expect to settle the liability within 12 months as the IPC does not have an unconditional right to defer settlement.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be materially greater than the benefits accrued in the future.

Long service leave and superannuation

The OIPC's liabilities for long service leave and defined benefit superannuation are assumed by the Crown. The IPC accounts for the liability as having been extinguished resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown of employee benefits and other liabilities'.

Long service leave is measured at the present value of expected future payments to be made in respect of services provided up to the reporting date. Consideration is given to certain factors based on actuarial review, including expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using Commonwealth government bond rate at the reporting date.

The superannuation expense for the financial year is determined using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes, (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employee's salary. For other superannuation schemes (i.e. State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employee's superannuation contributions.

Consequential on-costs

Consequential costs to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised. This includes outstanding amounts of payroll tax, workers' compensation insurance premiums and fringe benefits tax.

Other provisions

Provisions are recognised when, the IPC has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle the obligation; and a reliable estimate can be made of the amount of the obligation. When the IPC expects some or all of a provision to be reimbursed, for example, under an insurance contract, the reimbursement is recognised as a separate asset, but only when the reimbursement is virtually certain. The expense relating to a provision is presented net of any reimbursement in the statement of comprehensive income.

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13. Equity

Revaluation surplus

The IPC does not have any revaluation surplus as the depreciated written down historical cost is considered a proxy for fair value. This accords with the IPC's policy on the revaluation of property, plant and equipment as discussed in note 6.

Accumulated funds

The category 'accumulated funds' includes all current and prior period retained funds.

| Increase / (decrease) in net assets from equity transfers | 2021 \$000 Equity transfer | 2021 \$000 Total |
|--|---|---------------------------------|
| Current liabilities | | |
| Provisions - employee related | 73 | 73 |
| Total current liabilities | 73 | 73 |
| Net liabilities | (73) | (73) |

Further on 1 July 2020, DPIE also transferred assets and liabilities under its control that supported the functions of the IPC and provided a grant of \$1 million in cash to the newly formed entity which were disclosed as grant expense and grant revenue.

| | Grants \$000 |
|--|-------------------------|
| Assets | |
| Current assets | |
| Cash and cash equivalents | 1,000 |
| Total current assets | 1,000 |
| Non-current assets | |
| Property plant and equipment | 133 |
| Right-of-use assets | 148 |
| Total non-current assets | 281 |
| Total assets (Grant income note 3b) | 1,281 |
| Liabilities | |
| Current liabilities | |
| Provisions - restoration | 104 |
| Creditors | 598 |
| Lease Liabilities | 196 |
| Total current liabilities (Grant expense note 2c) | 898 |
| Net assets | 383 |

Recognition and measurement

On 1 July 2020, with the creation of the OIPC under the Administrative Arrangements (*Administrative Changes—Regional NSW and Independent Planning Commission*) Order 2020, DPIE transferred employee related provisions of those staff who were principally involved in providing support to the IPC. Refer note 1(a).

The transfer of net assets or net liabilities between entities as a result of an administrative restructure, transfers of programs / functions and parts thereof between NSW public sector entities and 'equity appropriations' are designated or required by AAS to be treated as contributions by owners and recognised as an adjustment to 'Accumulated Funds'. This treatment is consistent with AASB 1004 and Australian Interpretation 1038 Contributions by Owners Made to Wholly-Owned Public Sector Entities.

Transfers arising from an administrative restructure involving not-for-profit and for-profit government entities are recognised at the amount at which the assets and liabilities were recognised by the transferor immediately prior to the restructure. Subject to below, in most instances this will approximate fair value.

All other equity transfers are recognised at fair value, except for intangibles. Where an intangible has been recognised at (amortised) cost by the transferor because there is no active market, the entity recognises the asset at the transferor's carrying amount. Where the transferor is prohibited from recognising internally generated intangibles, the entity does not recognise that asset.

14. Reconciliation of net cash from operating activities to operating result

| | Consolidated and parent | Parent |
|---|------------------------------------|-----------------------|
| | 2021 \$000 | 2020 \$000 |
| Net cash flows from operating activities | 3,231 | - |
| Depreciation and amortisation | (338) | - |
| Non-cash grant expense | (898) | - |
| Non-cash grant revenue | 281 | - |
| Increase/(decrease) in receivables | 111 | - |
| (Increase)/ decrease in payables | (754) | - |
| (Increase)/ decrease in provisions | (156) | - |
| Net result for the year | 1,477 | - |

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Notes to and forming part of the financial statements for the year ended 30 June 2021

15. Commitments

The IPC has a \$2.5 million lease commitment for new premises starting 1 August 2021, along with \$0.5 million of capital commitments, mainly related to software, and hardware for on-site studio (2020:nil).

16. Contingent assets and contingent liabilities

The IPC has no contingent assets or contingent liabilities at 30 June 2021 (2020:nil).

17. Financial instruments

The IPC's principal financial instruments are outlined below. These financial instruments arise directly from the IPC's operations or are required to finance the IPC's operations. The IPC does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

The IPC's main risks arising from financial instruments are outlined below, together with the IPC's objectives, policies and processes for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout these financial statements.

The IPC's Executive has overall responsibility for the establishment and oversight of risk management and reviews and agrees policies for managing each of these risks. Risk management policies are established to identify and analyse risks faced by the Commission, to set risk limits and controls and to monitor risks. The IPC established a Risk and Compliance Committee on 6th March 2020. All members of the Risk and Compliance Committee have reviewed the financial statements and provided commentary.

(a) Financial instrument categories

Financial assets

| Class | Note | Category | Carrying amount Consolidated and Parent 2021 \$'000 | Carrying amount Parent 2020 \$'000 |
|------------------------------|------|---|---|---|
| Financial assets | | | | |
| Cash and cash equivalents | 4 | Amortised cost | 1,782 | - |
| Receivables ¹ | 5 | Amortised cost | 54 | - |
| Financial liabilities | | | | |
| Payables ² | 10 | Financial liabilities measured at amortised | 1,339 | - |

1. Receivables excludes statutory receivables and prepayments, not within scope of AASB 7.

2. Payables excludes statutory payables and unearned revenue, not within scope of AASB 7.

(b) Derecognition of financial assets and financial liabilities

A financial asset (or, where applicable, a part of a financial asset or part of a group of similar financial assets) is derecognised when the contractual rights to the cash flows from the financial assets expire; or if the Commission transfers its rights to receive cash flows from the asset or has assumed an obligation to pay the received cash flows in full without material delay to a third party under a 'pass-through' arrangement; and either:

- the IPC has transferred substantially all the risks and rewards of the asset; or
- the IPC has neither transferred nor retained substantially all the risks and rewards of the asset, but has transferred control

When the IPC has transferred its rights to receive cash flows from an asset or has entered into a pass-through arrangement, it evaluates if, and to what extent, it has retained the risks and rewards of ownership. Where the IPC has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset continues to be recognised to the extent of the entity's continuing involvement in the asset. In that case, the IPC also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the IPC has retained.

Continuing involvement that takes the form of a guarantee over the transferred asset is measured at the lower of the original carrying amount of the asset and the maximum amount of consideration that the entity could be required to repay.

(c) Financial risk

(i) Credit risk

Credit risk arises when there is the possibility of the IPC's receivables defaulting on their contractual obligations, resulting in a financial loss to the IPC. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for credit losses or allowance for impairment).

Credit risk arises from the financial assets of the IPC, including cash, receivables and authority deposits. No collateral is held by the IPC. The IPC has not granted any financial guarantees.

Credit risk associated with the IPC's financial assets, other than receivables, is managed through the selection of counterparties and establishment of minimum credit rating standards.

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Notes to and forming part of the financial statements for the year ended 30 June 2021

(c) Financial risk (Continued)

(i) Credit risk (Continued)

Cash and cash equivalents

Cash comprises cash on hand and bank balances within the NSW Treasury Banking System. Interest is earned on daily bank balances at the monthly average TCorp 11am unofficial cash rate, adjusted for a management fee to NSW Treasury.

Receivables - trade receivables

All trade receivables are recognised as amounts receivable at balance date. Collectability of trade receivables is reviewed on an ongoing basis. Procedures as established in the Treasurer's Directions and are followed to recover outstanding amounts, including letters of demand.

The IPC applies the AASB 9 simplified approach to measuring expected credit losses which uses a lifetime expected loss allowance for all trade receivables.

To measure the expected credit losses, trade receivables have been grouped based on shared credit risk characteristics and the days past due.

The expected loss rates are based on historical observed loss rates. The historical loss rates are adjusted to reflect current and forward-looking information on macroeconomic factors affecting the ability of the customers to settle the receivables.

| | 30 June 2021 | | | | | Total |
|--|--------------|-----------|------------|------------|-----------|-------|
| | Current | < 30 days | 30-60 days | 61-90 days | > 91 days | |
| Consolidated and Parent | | | | | | |
| Expected credit loss rate % | - | - | - | - | - | - |
| Estimated total gross carrying amount (\$'000) | - | - | - | - | 26 | 26 |
| Expected credit loss (\$'000) | - | - | - | - | - | - |

The IPC is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors. Based on past experience, debtors are not considered impaired and there are no debtors whose terms have been renegotiated.

For the 2019-2020 year there were no receivables and therefore no expected credit losses recorded.

(ii) Liquidity risk

Liquidity risk is the risk that the IPC will be unable to meet its payment obligations when they fall due. The IPC continuously manages risk through monitoring future cash flows and maturities planning to ensure adequate holding of high quality liquid assets. The objective is to maintain a balance between continuity of funding and flexibility through the use of overdrafts, loans and other advances.

During the current and prior year, there were no defaults or breaches of loans payable. No assets have been pledged as collateral. The IPC's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

The liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSW TC 11-12. For small business suppliers, where terms are not specified, payment is made not later than five business days from date of receipt of a correctly rendered invoice, unless an existing contract or standing offer provides for an alternative timeframe. For other suppliers, if trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received. For payments to other suppliers, the Chair of the Commission (or a person appointed by the Chair) may automatically pay the supplier simple interest. There was no interest paid during the period. (2020: Nil)

The table below summarises the maturity profile of the IPC's financial liabilities, together with the interest rate exposure.

Maturity analysis and interest rate exposure of financial liabilities

| | Interest rate exposure | | | | | Maturity dates | | |
|--------------------------------|--|-----------------------|----------------------------|-------------------------------|-----------------------------|-----------------|---------------------|------------------|
| | Weighted average effective int. rate % | Nominal amount \$'000 | Fixed interest rate \$'000 | Variable interest rate \$'000 | Non-interest bearing \$'000 | < 1 year \$'000 | 1 to 5 years \$'000 | > 5 years \$'000 |
| Consolidated and Parent | | | | | | | | |
| 2021 | | | | | | | | |
| Payables | - | 1,339 | - | - | 1,339 | 1,339 | - | - |
| Borrowings | - | - | - | - | - | - | - | - |
| | - | 1,339 | - | - | 1,339 | 1,339 | - | - |
| 2020 | | | | | | | | |
| Payables | - | - | - | - | - | - | - | - |
| Borrowings | - | - | - | - | - | - | - | - |
| | - | - | - | - | - | - | - | - |

(iii) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The IPC's exposure to market risk is very limited as it has no borrowings and all its deposits are at call. The IPC has no exposure to foreign currency risk and does not enter into commodity contracts.

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Notes to and forming part of the financial statements for the year ended 30 June 2021

17. Financial instruments (continued)

(iii) Market risk (Continued)

The effect on profit and equity due to a reasonably possible change in risk variable is outlined in the information below, for interest rate risk. A reasonably possible change in risk variable has been determined after taking into account the economic environment in which the IPC operates and the time frame for the assessment (i.e. until the end of the next annual reporting period). The sensitivity analysis is based on risk exposure in existence at the year end. The analysis assumes that all other variables remain constant.

(iii) Interest rate risk

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in the market interest rates. Exposure to interest rate risk is minimal as the IPC has no interest bearing liabilities or borrowings. The IPC does not account for any fixed rate financial instruments at fair value through profit or loss or as available-for-sale. Therefore, for these financial instruments, a change in interest rates would not affect profit or loss or equity. A reasonably possible change of 1% is used, consistent with current trends in interest rates. The basis will be reviewed annually and amended where there is a structural change in the level of interest rate volatility. The IPC's exposure to interest rate risk is set out below:

| | Carrying Amount \$000 | Net Result \$000 | Equity \$000 | Net Result \$000 | Equity \$000 |
|--------------------------------|-----------------------------|---------------------|-----------------|------------------------|-----------------|
| Consolidated and Parent | | | -1% | | +1% |
| 2021 | | | | | |
| Financial assets | | | | | |
| Cash and cash equivalents | 1,782 | (18) | (18) | 18 | 18 |
| Receivables | 54 | (1) | (1) | 1 | 1 |
| Financial liabilities | | | | | |
| Payables | 1,339 | 13 | 13 | (13) | (13) |
| 2020 | | | | | |
| Financial assets | | | | | |
| Cash and cash equivalents | - | - | - | - | - |
| Receivables | - | - | - | - | - |
| Financial liabilities | | | | | |
| Payables | - | - | - | - | - |

(e) Fair value measurement

Management assessed that cash and short-term deposits, trade receivables, trade payables and other current liabilities approximate their fair values, largely due to the short-term maturities of these instruments.

18. Related party disclosures

During the year, the IPC incurred \$310,000 in respect of the key management personnel.

During the year, the IPC did not enter into transactions with key management personnel, their close family members and controlled or jointly controlled entities thereof.

During the year, the IPC entered into transactions with other entities that are controlled / jointly controlled / significantly influenced by NSW Government. The following transactions are in aggregate a significant portion of the IPC's rendering of services/receiving of services, the nature of these services are detailed below:

| Entity | Nature of transaction |
|--|---|
| Department of Planning, Industry and Environment | Provision of administrative, secretarial support and operational assistance |
| Crown Solicitor's Office | Legal assistance |

19. Events after reporting period

There are no known events that would impact on the state of the IPC or have a material impact on the financial statements.

End of the audited financial statements



New South Wales Government
Independent Planning Commission

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