



Progress Report on the implementation of recommendations from the NSW Productivity Commission's Review of the Independent Planning Commission

Updated 14 July 2020

Recommendation	Implementation
1. Confirmation that the Commission plays an important role in maintaining the integrity of the planning system and should be retained as an independent decision-making body for contentious State significant developments	
2. Reinforce the independence of the Commission by formally establishing it as a stand-alone agency	<ul style="list-style-type: none">• The Office of the Independent Planning Commission commenced as a separate agency under the Government Sector Employment Act on 1 July 2020.
3. Bring clarity to the role and purpose of the Commission: - the Commission should operate in line with formal Ministerial directions and to an agreed set of performance measures	<ul style="list-style-type: none">• On 7 May 2020 the Minister issued a Statement of Expectations including key objectives and clear timeframes for the decisions and advice of the Commission.
4. Formalise the IPC's governance arrangements: - establish the chair as the head of the agency, with accountability to the Minister for performance of Commissioners and the IPC Secretariat - develop improved governance in line with the NSW Government's 'Governance Lighthouse' model.	<ul style="list-style-type: none">• The Chair of the Commission became the agency head of the Office of the Independent Planning Commission on 1 July 2020 and accountable to the Minister for the performance of the agency, as set out in the Minister's Statement of Expectations.• The Commission has established a Risk and Compliance Committee tasked with overseeing the Commission's performance against key measures and its management of associated risks. It is part of a broad program underway of ensuring the Commission's governance practices and policies are in line with the 'Governance Lighthouse' guidelines.
5. Continue to enhance the efficiency and effectiveness of the IPC Commissioner pool: - transition to a smaller pool of Commissioners - review the Commissioners remuneration model - improve conflict of interest management for Commissioners	<ul style="list-style-type: none">• Commissioners can be appointed for up to six years, typically in two three-year terms. A reduction in the total number of Commissioners will be a staged transition as Commissioners reach the end of their current terms.• The remuneration model has been reviewed in consultation with the Public Service Commission.• A review of the Commission's Conflict of Interest policies and procedures has been completed and will be regularly reviewed and updated as appropriate.

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<p>6. Strengthen the IPC Secretariat:</p> <ul style="list-style-type: none"> - strengthen the IPC Secretariat's independence from DPIE - improve internal systems and procedures - build a culture of excellence and rename the Secretariat to better reflect its function 	<ul style="list-style-type: none"> • Commission staff have been transferred over to the new Office of the Independent Planning Commission and are no longer employees of the Department of Planning, Industry and Environment (DPIE). • The Commission has commenced a broad-ranging program of improving its internal systems, procedures and work culture, and the Secretariat has been renamed the Office of the Independent Planning Commission.
<p>7. Ensure the IPC's financial arrangements support its independent role and functions:</p> <ul style="list-style-type: none"> - establish IPC as a separate agency under the Government Sector Finance Act - Review and revise the IPC's budget to ensure it is adequately resourced 	<ul style="list-style-type: none"> • The Commission budget has been reviewed and revised for 2020-21 and forward years to provide adequate resourcing.
<p>8. Optimise IPC workload and focus it more clearly on contentious State significant developments:</p> <ul style="list-style-type: none"> - amend SEPP clauses to allow councils to rescind objections - raise the threshold for unique objections from 25 to 50 - delegate modification applications to DPIE - discontinue referrals to IPC for advice (excluding those related to the Mining and Petroleum Gateway panel) 	<ul style="list-style-type: none"> • SEPP amendments gazetted on 16 March 2020 increased the threshold to 50 unique submissions and allowed councils to rescind objections. The Commission has also delegated modification applications to DPIE, except in cases where the applicant has made a political donation.
<p>9. Improve systems and processes</p> <p>continue development of internal policies and procedures, prioritised by business risk</p> <ul style="list-style-type: none"> - develop robust ITC systems (including leveraging the DPIE Planning Services Information Management System) - develop a consistent approach with DPIE for the collection, monitoring and reporting of performance data 	<ul style="list-style-type: none"> • An ICT Strategy and Plan has been developed and funded for implementation in 2020-21, including leveraging the DPIE Planning Services Information Management System that supports a consistent approach to performance data.

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<p>10. Minimise IPC re-assessment and potential delays:</p> <ul style="list-style-type: none"> - DPIE to adopt a 'service delivery' approach when undertaking assessments for IPC ('assessment as a service') - revise the IPC/DPIE MOU to specify respective functions and set out key performance indicators for the timing of DPIE responses to IPC requests for further information - agree on independent experts to be drawn on by DPIE in undertaking assessments. 	<ul style="list-style-type: none"> • The Commission and DPIE updated their MOU on 5 May 2020 to support more efficient and effective interaction in line with the recommendations of the Review. Administrative arrangements supporting the MoU will include service levels expected in requests from the Commission to DPIE, and processes for independent experts drawn on by DPIE in undertaking assessments of projects that are determined by the Commission.
<p>11. Improve public hearings</p> <ul style="list-style-type: none"> - by reverting to single stage hearings only and facilitating a more interrogative hearing process. 	<ul style="list-style-type: none"> • Revised single stage public hearing guidelines were released on 10 March 2020 that support more interrogative process. <i>NB: public hearings procedures have also changed to respond to COVID-19 and to enable electronic hearings under a revised regulation.</i>
<p>12. Enhance the rigour and timeliness of decision-making</p> <ul style="list-style-type: none"> - establish a protocol so that areas of policy uncertainty can be resolved, while ensuring separation of roles of DPIE, IPC and Minister - where appropriate, IPC and DPIE to obtain legal advice jointly to ensure consistency of interpretation - IPC should consider simplifying and shortening the Statement of Reasons - implement feedback loops and continuous improvement mechanisms, including Chair oversight of panel decisions (while retaining panel independence) and post determination debriefs with DPIE. 	<ul style="list-style-type: none"> • A policy resolution protocol and post-case review process is being developed with DPIE, and arrangements made to obtain legal advice jointly where this is appropriate. • The Commission has revised its Statement of Reasons drafting guidelines and will regularly review them so that the Statement of Reasons remain accessible and robust. • The Minister's Statement of Expectation's description of the role of the Chair includes the Chair having oversight of Panels.