



New South Wales Government
Independent Planning Commission

STRATEGIC PLAN 2020-2023

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CHAIR'S MESSAGE

The Independent Planning Commission plays an integral role in upholding the integrity of the NSW planning system by providing independent decision making on certain complex and contentious state significant development applications and providing advice when requested by the Minister or Planning Secretary.

That independent decision-making function is critical also to minimising the risk of corruption and to avoiding undue influence over determinations.

The Commission's Strategic Plan sets out its role, functions, values, and performance measures.

It guides the Commission as it seeks to undertake its functions and role in such a way that builds certainty and confidence in the decisions it makes.

Our dedicated commissioners and the staff of the Office of the Independent Planning Commission work diligently to create a culture of excellence and continuous improvement within the Commission so that it is trusted by government, industry and the community to make planning decisions in the best interests of NSW and its people.

Mary O'Kane
Chair

OUR ROLE

Our role is to make decisions on many big and contentious development applications in the state. We only do this when certain conditions are fulfilled under the applicable Act. When the relevant conditions are not fulfilled, the decision maker is generally the Minister. We also provide advice when requested by the Minister or the Planning Secretary.

We make decisions in a transparent and open manner and determine each application on its individual merits and in accordance with legislation and government policy.

Thus, the Commission plays an integral role in upholding the integrity of the NSW planning system.

OUR VALUES

Our values are reflected in the way our members and staff act and carry out their duties.

Integrity

Our processes are undertaken with a high degree of openness and transparency and in line with ethical conduct.

Quality

The Commission makes fair, timely and robust decisions, and instils a work culture of excellence and continuous improvement.

Engagement

We encourage public submissions as input to our decision-making processes and value stakeholder feedback on our processes and procedures.

Independence

Commissioners are independent and objective in the determinations they make and advice they provide. The Office of the Independent Planning Commission is separate from other government departments and agencies.

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 developments when:
 - there is significant opposition from the community (50 or more ‘unique’ public objections) or where a local Council objects to the application
 - the Applicant has made a reportable political donations disclosure
 - the Minister for Planning and Public Spaces requests the holding of a public hearing
- provide advice when the Minister for Planning and Public Spaces or the Planning Secretary requests it.

WHAT WE DO NOT 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’
- undertake assessments – this is done on behalf of the Commission by the Planning Secretary. This arrangement was formalised by the Minister in the Statement of Expectations for the Independent Planning Commission
- make a determination on a matter that has not been provided to us for decision.

OUR WORKING ARRANGEMENTS

We work closely with the Minister and the Government as the entities responsible for determining policy for the State, and the Planning Secretary who coordinates the whole-of-government planning assessment prior to matters being provided to the Commission.

The Commission makes its decisions based on the legislation and policy frameworks and is informed by the Planning Secretary's assessment. The Commission can seek guidance from the Planning Secretary to clarify policies or identify policy issues that may have implications for State significant development determinations.

The details of these arrangements are given in a Statement of Expectations from the Minister to the Commission Chair and in a Memorandum of Understanding between the Commission and the Planning Secretary.

PERFORMANCE

The performance of the Commission is reported in its Annual Report to NSW Parliament.

The Minister's Statement of Expectations identifies key performance indicators to ensure ongoing timeliness and quality of decisions.

The Commission is expected to meet the following timeframes (as an annual rolling average) from the date it receives the Planning Secretary's assessment report – excluding any time where the Commission has requested further information from the Department of Planning, Industry and Environment or the Applicant.

| Type | KPI |
|---|--|
| 'Routine' SSD determinations (i.e. no public meeting or hearing) and modifications with political donations | 5 weeks or 35 calendar days |
| Determinations subject to a public meeting | 8 weeks or 56 calendar days |
| Determinations subject to a public hearing | 12 weeks or 84 calendar days |
| Gateway and rezoning reviews | 5 weeks or 35 calendar days |
| Mining and Petroleum Gateway Certificates | As specified in the <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> |

The Commission will also 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 its determinations.

REVIEW

This Strategic Plan is for the period 2020-23.
We will review it in mid-2023.

FOR MORE INFORMATION

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