



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

Updated 7 April 2020

Recommendation	Actions completed by the Commission to date
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"><li>On 2 April 2020, the Government Sector Employment Act was amended to establish the Commission as a separate agency, with a commencement date of 1 July 2020.</li></ul>
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"><li>The Commission is developing a description of its role as well as its key objectives, and a set of key performance indicators which can be measured and tracked moving forward.</li></ul>
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"><li>When the Commission is set up as a separate agency, the Chair of the Commission will become the agency head.</li><li>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 has met twice and includes an independent member.</li></ul>
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"><li>Analysis of matters which the Commission expects to have in its caseload, and the level of resource required, is underway to inform the future number of Commissioners and the balance of skills and experience required</li><li>A draft model for remuneration is being developed for the consideration and approval of the Public Service Commission.</li><li>The Commission's Conflict of Interest policies and procedures ensure actual, potential and perceived conflicts are minimised. The Commission's Conflict of Interest Policy will be continually reviewed and updated as appropriate.</li></ul>

Recommendation	Actions completed by the Commission to date
<p>6. Strengthen the IPC Secretariat:</p> <ul style="list-style-type: none"> <li>- strengthen the IPC Secretariat's independence from DPIE</li> <li>- improve internal systems and procedures</li> <li>- Build a culture of excellence and rename the Secretariat to better reflect its function</li> </ul>	<ul style="list-style-type: none"> <li>• With the establishment of the Commission as a separate agency on 1 July 2020, existing Commission staff will be transferred from Department of Planning, Industry and Environment (DPIE) to the new agency.</li> <li>• The Commission has completed a significant exercise to map its key processes and related procedures and enhance its workplace culture. This work is continuing.</li> <li>• The Secretariat has been renamed the Office of the Independent Planning Commission.</li> </ul>
<p>7. Ensure the IPC's financial arrangements support its independent role and functions:</p> <ul style="list-style-type: none"> <li>- establish IPC as a separate agency under the Government Sector Finance Act</li> <li>- Review and revise the IPC's budget to ensure it is adequately resourced</li> </ul>	<ul style="list-style-type: none"> <li>• A budget case for financial year 2020/21 is being prepared for submission to Government. This submission is independent of DPIE and includes funding to cover costs of full operation and implementing the review, as well as to support improvements in ICT. This will be considered in the new budget cycle timetable later in 2020.</li> </ul>
<p>8. Optimise IPC workload and focus it more clearly on contentious State significant developments:</p> <ul style="list-style-type: none"> <li>- amend SEPP clauses to allow councils to rescind objections</li> <li>- raise the threshold for unique objections from 25 to 50</li> <li>- delegate modification applications to DPIE</li> <li>- discontinue referrals to IPC for advice (excluding those related to the Mining and Petroleum Gateway panel)</li> </ul>	<ul style="list-style-type: none"> <li>• The necessary changes to the SEPP have been completed and were gazetted on 16 March 2020.</li> </ul>
<p>9. Improve systems and processes continue development of internal policies and procedures, prioritised by business risk</p> <ul style="list-style-type: none"> <li>- develop robust ITC systems (including leveraging the DPIE Planning Services Information Management System)</li> <li>- develop a consistent approach with DPIE for the collection, monitoring and reporting of performance data</li> </ul>	<ul style="list-style-type: none"> <li>• The Office has completed a significant exercise to map its key processes and identify opportunities for technology support.</li> <li>• The Commission is developing a strategy to meet its technology needs to support workflow and information management and reporting, including opportunities to work with DPIE to adapt its Planning Services Information Management System (PSIMS).</li> </ul>

Recommendation	Actions completed by the Commission to date
<p>10. Minimise IPC re-assessment and potential delays:</p> <ul style="list-style-type: none"> <li>- DPIE to adopt a 'service delivery' approach when undertaking assessments for IPC ('assessment as a service')</li> <li>- 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</li> <li>- agree on independent experts to be drawn on by DPIE in undertaking assessments</li> </ul>	<ul style="list-style-type: none"> <li>• The Commission and DPIE are revising their MOU to support more efficient and effective interaction in line with the recommendations of the Review.</li> </ul>
<p>11. Improve public hearings</p> <ul style="list-style-type: none"> <li>- by reverting to single stage hearings only and facilitating a more interrogative hearing process</li> </ul>	<ul style="list-style-type: none"> <li>• A revised public hearing guideline has been developed to support more interrogative engagement from the Commission panel members. This was made public on 10 March 2020. <i>*NB in the context of COVID-19 the Commission is continuing to revise options for the conduct of public hearings in line with the public health advice.</i></li> </ul>
<p>12. Enhance the rigour and timeliness of decision-making</p> <ul style="list-style-type: none"> <li>- establish a protocol so that areas of policy uncertainty can be resolved, while ensuring separation of roles of DPIE, IPC and Minister</li> <li>- where appropriate, IPC and DPIE to obtain legal advice jointly to ensure consistency of interpretation</li> <li>- IPC should consider simplifying and shortening the Statement of Reasons</li> <li>- implement feedback loops and continuous improvement mechanisms, including Chair oversight of panel decisions (while retaining panel independence) and post determination debriefs with DPIE.</li> </ul>	<ul style="list-style-type: none"> <li>• The Commission has revised its Statement of Reasons drafting guidelines and will continue to review them to ensure that their weight matches the complexity of cases, and that they remain accessible and robust.</li> </ul>