

Terms of Reference

Review of Independent Planning Commission

The Independent Planning Commission is a statutory body whose function is primarily to act as consent authority in relation to State significant development. The Commission is not subject to Ministerial control other than in relation to its procedure.

As we approach 40 years of the Environmental Planning and Assessment Act 1979 (Act) and noting the evolution over this time of the function of determining State significant development from the Minister to an independent body, the Minister for Planning and Public Spaces has requested a review of the Commission's role and operations (Review).

The Terms of Reference for the Review are:

1. To recommend whether it is in the public interest to maintain an Independent Planning Commission, considering, where relevant, the experience with similar bodies in other common law jurisdictions;
2. To make recommendations in relation to the Independent Planning Commission's operations and the mechanisms by which State significant development is assessed and determined; and
3. Having regard to the above, identify any proposed changes to the Independent Planning Commission's current functions, processes for making determinations, and resourcing. The issues to be considered include but are not limited to:
 - Thresholds for the referral of matters to the Independent Planning Commission;
 - The clarity and certainty of policies and guidelines that inform determinations;
 - The Commissioners' skills, expertise and qualifications;
 - The adequacy of mechanisms to identify and resolve any conflicts of interest by commissioners;
 - The Independent Planning Commission's procedures and guidelines;
 - The extent to which the Independent Planning Commission should rely upon the assessment report prepared by the Department of Planning, Industry and Environment, taking into account any additional assessments by other Government agencies;
 - Resourcing of the Independent Planning Commission and the mechanism for determining budgetary support; and
 - Whether the Independent Planning Commission's Secretariat should be employed directly by the Independent Planning Commission or provided by another Government agency, and if so, which agency.

The Review is due to be provided to the Minister by mid December 2019.