



Office of the Director General

Dr Robert Waldersee  
Executive Director, Corruption Prevention  
Independent Commission Against Corruption  
GPO Box 500  
Sydney NSW 2001

13/17182

Dear Dr Waldersee

I refer to the submissions from the Independent Commission Against Corruption (**ICAC**) in respect of the current planning reforms and the ongoing discussions you have had with staff of the Department on the reforms.

The ICAC submissions have received comprehensive consideration, and have been discussed in detail with the Minister. Our responses to the submissions are attached, including details of where the Planning Bills have been amended to address ICAC's concerns.


The key changes to the Planning Bills and new planning system in response to the ICAC submissions include:

- the Minister is now restricted from amending strategic plans without public exhibition [clause 3.27, *Planning Bill*]
- to improve transparency and accountability, it is now mandatory for the Minister, councils and other planning authorities to publish reasons for their decisions, including how community views were taken into account [cl.3.27 and cl.2.22, Schedule 2, *Planning Bill*]
- the proposal to consolidate zones will not be introduced and the full range of the current land use zones will remain allowing for meaningful consideration of zone objectives in the assessment process
- tougher rules apply where variations to development standards and controls are proposed including:
  - code development must now comply with all of the development standards in a development assessment code, and any variation means that the whole development is subject to full merit assessment (including community consultation) [4.17(1), *Planning Bill*]
  - the regulations will set out limits on the type and extent of variations allowed by a variation certificate for complying development [clause 4.7(3), *Planning Bill*]

- greater controls now apply in respect to the issue of strategic compatibility certificates, including requirements for public exhibition [cl.2.8, Schedule 2, *Planning Bill*]
- there is a greater role for experts and independent panels (IHAPS) as part of assessment and decision making, including:
  - regional panels will be responsible for issuing strategic compatibility certificates where more than 25 objections have been made following public exhibition [cl.4.33(1), *Planning Bill*]
  - councils will be required to appoint determinative IHAPs where a local plan so provides [cl.3.13(e), *Planning Bill* and cl.7.1(2) of the *Planning Administration Bill*]
- the community's judicial review rights have been restored and are now consistent with those under the current Act, as well as extending judicial review to the making of strategic plans for the first time [clause 10.9; clause 10.11 and clause 10.12, *Planning Bill*]

If you have any queries in respect of the proposed Bill changes, I have arranged for Marcus Ray, Executive Director, Planning Reform & General Counsel to assist you (9228 6396).

Yours sincerely

  
Sam Haddad  
Director General

11/10/2013.

CC: Ms Kath McFarlane  
Chief of Staff  
Office of the Minister for Planning & Infrastructure