



Planning,
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Environment

PLACE, DESIGN AND PUBLIC SPACES

Technical Assurance Panel

Pilot Program Guideline

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Purpose

The Department of Planning, Industry, and Environment (the Department) is establishing a new way for State agencies, councils and industry to prepare proposals to rezone land where a strategic planning framework has been established. A Technical Assurance Panel (assurance panel) will enable collaborative preparation of a proposal, to ensure outstanding, innovative precincts that deliver the strategic planning framework. This guideline provides information on this new pathway and will be updated in 2021 following a review of the pilot program.

A new approach

Although some councils and agencies provide pre-lodgement advice, proponents largely prepare planning proposals in isolation, with the only the opportunity to address key issues once the statutory process has commenced. With complex proposals, this can result in significant delays to achieving the rezoning of the site. The advantages to this approach include:

- opportunity for agencies and local council to identify resolve key issues as the proposal is being prepared,
- greater collaboration between industry and government within a formalised governance structure,
- the proponent funds and manages the preparation of technical studies and therefore has greater control over timeframes and can commence the statutory process with greater confidence,
- as issues raised by the assurance panel are addressed by the proponent during the preparation of the proposal, the statutory process will be streamlined, and
- identification of milestones at the commencement of the project, and a final recommendation on the preferred statutory planning pathway.

Eligibility Criteria

To be eligible for the assurance panel pathway, proponents must submit a site nomination addressing how the site:

- supports NSW Government policy and priorities including the creation of new jobs and homes,
- be a large area of land (capacity for at least approximately 2,500 dwellings), predominantly within single ownership or control (note, if accepted, the assurance panel will review the site boundary early in the process. This review may incorporate additional land),
- can deliver significant state or regional public benefits, and
- demonstrates strategic merit, in that they give effect to the priorities set by the relevant state strategic plans.

The site nomination must also include the following information:

- clearly identify the proposed site and land ownership,
- the intended objectives or outcomes of the proposal,
- information on any state or local council consultation undertaken,
- whether any technical studies are underway or complete, and
- any other relevant information.

Assurance Panel Process and Overview

Figure 1 below outlines the two key steps to rezone land under the assurance panel process.

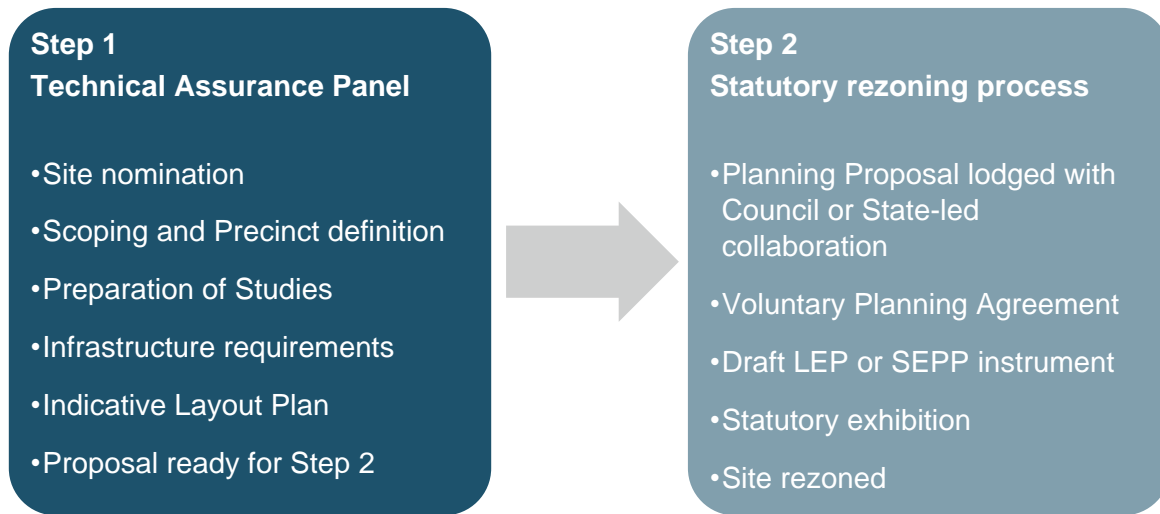


Figure 1: Two-step process.

Step 1: Technical Assurance Panel

Summary of assurance panel Process

The Department will review site nominations and consult with the local council to seek its views. If the nomination is accepted, the Department will form an assurance panel and discuss next steps with the proponent. The Department will prepare draft terms of reference and probity plan, which will be circulated to the proponent, council and other panel members. The Department will also coordinate negotiations for cost recovery and arrange a funding agreement. At the inception meeting, the terms of reference, milestones, probity plan are discussed.

Minutes will be circulated to confirm the intended program, including the scope of works for any technical studies required and key milestones. The proposal and supporting technical studies are prepared by the proponent in response to the advice of the assurance panel, against the agreed milestones.

The assurance panel will advise on the adequacy of the studies and provide formal feedback to the proponent throughout the process. This may involve multiple Panel meetings, or targeted focus sessions if required.

The assurance panel will provide a final letter advising the proponent if there are any outstanding matters to address before the proposal is considered ready to commence the identified statutory rezoning process. It is important to note that relevant decision makers of the statutory process are not bound by the outcomes of the assurance panel process.

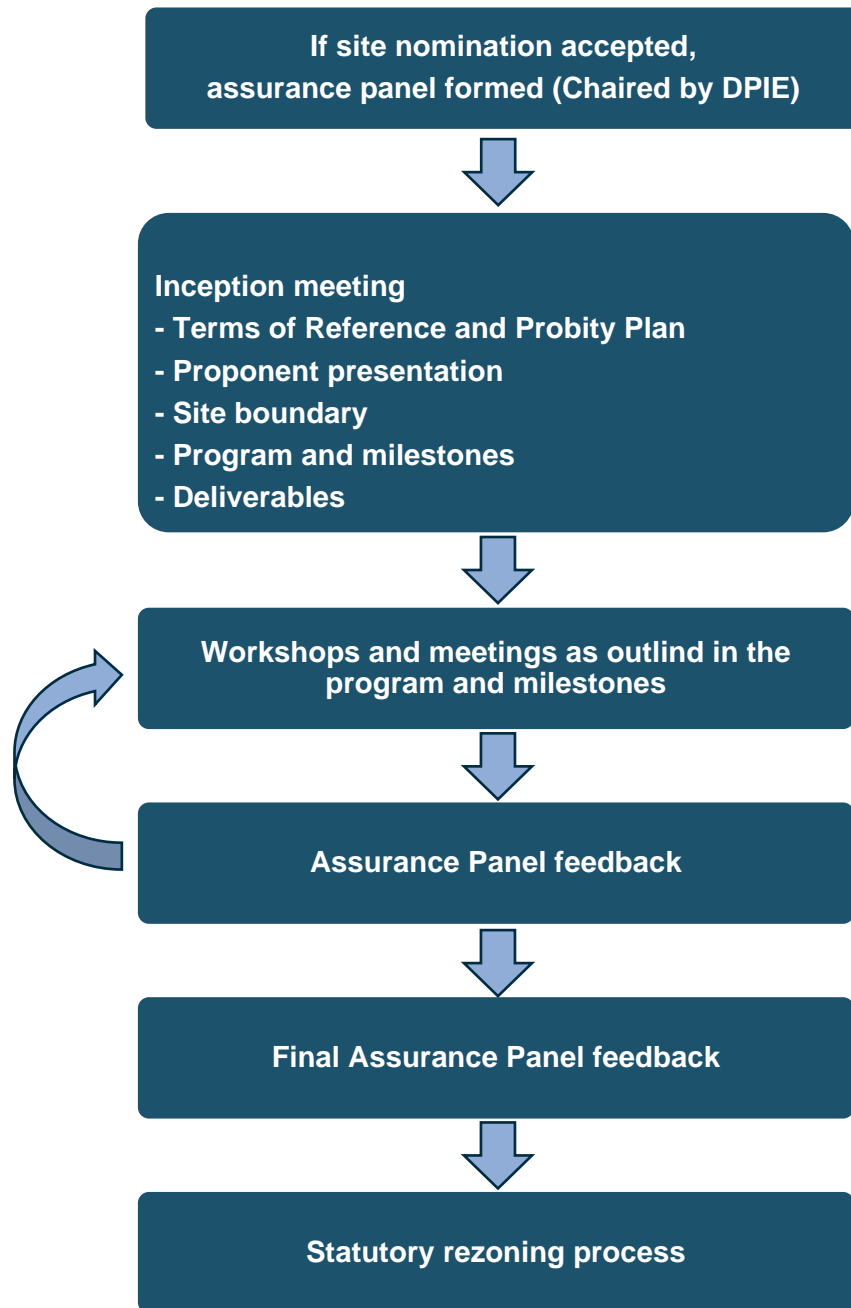


Figure 1: General flow chart of assurance panel process

Step 2: Statutory rezoning process

Proposal proceeds through identified statutory pathway.

If the assurance panel considers that the appropriate statutory pathway is a Planning Proposal through the Gateway process, proponents will submit the planning proposal and supporting studies to Council under the established plan-making process (see <https://www.planning.nsw.gov.au/plans-for-your-area/local-planning-and-zoning/the-gateway-process>). Alternatively, if a collaborative State-led pathway is the preferred approach, the proponent and the Department will discuss next steps and establish a program. In deciding which pathway is appropriate, the assurance panel will consider a range of factors, such as the position of Council, which pathway can expedite public exhibition of the proposal, and available resourcing and current work programs of Council and the Department.

Roles and Responsibilities

Role of the Technical Assurance Panel

The assurance panel is a multi-agency panel, generally consisting of senior representatives from:

- Department of Planning, Industry and Environment (Chair),
- Government Architect NSW,
- Transport for NSW,
- Sydney Water,
- the relevant local council, and
- other neighbouring councils, or agencies as required depending on the site-specific issues (such as Department of Education, Health, and Rural Fire Service).

The assurance panel determines the project site, scope, adequacy of technical studies, milestones and guides the preparation of the planning proposal. It also issues formal feedback during the process and provides a final assurance letter at the end of the process, confirming the outcomes, including any outstanding issues, and the identified statutory rezoning pathway.

The Chair is responsible for endorsing all formal feedback and will provide the final assurance letter in consideration of the final advice of each of the assurance panel members.

Table 1 below is a quick reference guide to the role and responsibilities of the assurance panel. **Error! Reference source not found..**

Table 1: Role and responsibilities of the assurance panel

Question	Answer
Is the assurance panel a statutory body and does it have any statutory role?	No, the assurance panel is a mechanism for voluntary collaboration to allow state and local issues to be identified and addressed early in the preparation of a proposal to rezone land.
Is the assurance panel a Planning Proposal Authority (PPA)?	No, the assurance panel will advise the proponent on the appropriate statutory pathway, with advice on the anticipated PPA. The PPA will be responsible for rezoning the site in accordance with the relevant statutory process.
Will the assurance panel publicly exhibit the proposal?	No, the PPA will be responsible for exhibiting the proposal as part of the statutory process.
Will the assurance panel be negotiating a Voluntary Planning Agreement (VPA)?	No, the assurance panel will discuss and provide advice on any required infrastructure contributions and funding mechanisms.

Question	Answer
Will the assurance panel review and provide comments on technical studies?	Yes, the assurance panel may request revisions to existing technical studies or ask for certain technical studies to be undertaken. The assurance panel will advise what work is required prior to issuing the final assurance letter or may be undertaken prior to commencing the statutory process. The assurance panel is not responsible for procuring or engaging consultants, however prior to providing feedback, the assurance panel may seek specialist advice from agencies (or other experts) not represented on the assurance panel (for example, Heritage NSW, RFS).

Role of the Department

The Department provides secretariat services and coordinates the overall assurance process, bringing relevant parties together. The Department has an established statutory role under the *Environmental Planning and Assessment Act 1979* in relation to plan-making. The Department's role in relation to those functions remains independent to the assurance panel process.

Role of Council

Council is consulted from the beginning of the process when a site nomination letter is received. If the nomination is accepted, Council is invited to nominate a senior officer to site on the assurance panel. This is an important contribution as Council can provide advice on local and regional matters that need to be considered by the proponent in the preparation the proposal.

Role of Agencies

Agencies represented on the assurance panel have an opportunity to identify their key concerns upfront before the statutory process is commenced. This enables the proponent to accommodate and address agency concerns. If agencies are subsequently consulted as part of the statutory process, there would need to be extenuating circumstances for an agency represented on the assurance panel, to raise new issues for a proposal that has completed the assurance process.

Role of the Proponent

The proponent is responsible for the preparation of the proposal, any supporting technical studies and other documents as advised by the assurance panel. The proponent will need to address the feedback of the assurance panel if the final assurance letter is to support the proposal proceeding to a statutory pathway.

Costs to cover the assurance panel

The proponent will be required to provide funding to cover costs associated with the assurance panel. The Department has determined a flat rate fee for state agency members and will negotiate an appropriate fee with the relevant local council in consultation with the proponent. The Department will be responsible for preparing the funding agreement and distributing funds to the assurance panel members.

More Information

For more information of the process please contact the Department of Planning, Industry and Environment on 1300 305 695.