

Our ref: IRF18/2337

Prof. Mary O'Kane
Chair
Independent Planning Commission of NSW
GPO Box 3415
Sydney NSW 2001

Dear Prof. O'Kane

Mary
Rix's Creek Continuation Project (SSD 6300) – Merit Review

As you are aware, on 1 March 2018, amendments to the *Environmental Planning & Assessment Act 1979* (EP&A Act) commenced. The new section 2.9 sets out the functions of the Independent Planning Commission of NSW (IPCN).

Unlike its precursor (section 23D), section 2.9 does not contain any express function for the IPCN to review any (or any aspect or part of any) development, activity, infrastructure or project where requested to do so by the Minister or Secretary. However, on 12 December 2017, the Minister for Planning asked the Planning Assessment Commission (PAC) to review the merits of the Project, and requested that the PAC hold a public hearing during the review.

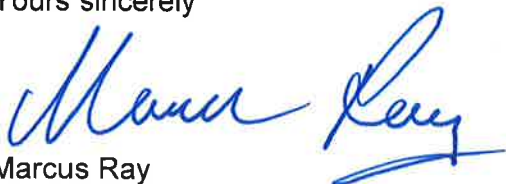
Because the Minister had already requested a review by the PAC prior to 1 March and the Department had communicated that request to the PAC, the review with public hearings must be conducted by the IPCN and its findings and recommendations are to be taken into account in the decision-making process (see section 4.16(7) and section 5.9 EP&A Act).

The Department has now completed its preliminary assessment of the merits of the Project. I have attached a copy of the Department's preliminary assessment report for the IPCN's consideration.

In response to the public exhibition of the Project during November to December 2015, the Department received 140 submissions, including submissions from Singleton Shire Council and 8 NSW Government agencies. Of the 131 submissions received from the general public and special interest groups, 86 supported the Project and 46 objected to or otherwise commented on the Project.

Should you have any further questions in relation to this matter, please contact Mr Howard Reed, Director Resource Assessments, on 9274 6308.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

10/05/2018