

Ms Alison McCabe  
Chair  
Hunter and Central Coast Regional Planning Panel  
[enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)

Dear Ms McCabe

I am writing in response to the decision of the Hunter and Central Coast Regional Planning Panel (Panel) dated 29 April 2020 on the Independent Proposal Review (IPR) request from Darkinjung Local Aboriginal Land Council (Darkinjung) of a proposed rezoning at Kariong.

As this is only the second IPR in NSW, the Panel's feedback on the process is appreciated. The Department will look to improve explanatory material to support future IPRs. This will include information along the following lines:

*An IPR is intended to provide an opportunity for initial consideration of a rezoning proposal before a planning proposal is prepared. The material considered by the Panel is not a planning proposal.*

*If the Panel considers the proposed rezoning has merit, the proponent would then prepare a planning proposal for submission to the Department for a Gateway determination. The planning proposal would be prepared in accordance with the Department's guidelines and the Gateway determination would consider:*

- *whether the planning proposal should proceed*
- *any further matters to be addressed including more detailed studies*
- *agency consultation requirements to allow agencies and Council to have their say on the adequacy of information provided in support of the proposal*
- *community consultation requirements.*

The Department's additional explanatory material will also address the detail required at this early stage. Our current guidelines provide advice on the level of detail expected at the next stage, when a planning proposal is submitted for a Gateway determination, including:

- o *The scope of any key issues should be identified in the initial planning proposal that is submitted for a Gateway determination, **while the actual information/investigation may be undertaken after a Gateway determination is issued** and included in the planning proposal, where appropriate.*
- o *The purpose of the Gateway determination is to ensure there is sufficient justification early in the process to proceed with a planning proposal. The Gateway determination is a checkpoint for planning proposals **before resources are committed to carrying out investigative research**, preparatory work and consultation with agencies and the community. It enables planning proposals that lack strategic planning merit to be stopped early in the process before time and resources are committed. (NSW Department of Planning and Environment (2018) A guide to preparing local environmental plans, p.10 and 15, emphasis added)*

It is noted that these extracts refer to the level of detail expected at Gateway stage while this proposal is currently before that stage. Notwithstanding the early stage and that further detail will be provided in subsequent stages, Darkinjung has provided information to respond to the matters raised by the Panel (attached cover letter and 5 attachments).

In summary, the additional material demonstrates all issues raised by the Panel can be addressed now or through further studies at the appropriate time.

I ask the Panel to consider this additional information and decide if a planning proposal should be prepared and submitted for a Gateway determination.

Garry Hopkins and myself are available to provide further clarification to the Panel on this information or the process for the Independent Proposal Review. In the meantime, please don't hesitate to call me on 0402 968 834 should you have any questions.

Yours sincerely



2/6/2020

**Monica Gibson**  
**Executive Director**  
**Local and Regional Planning**

- Encl:
- Letter from Barr Planning
  - Attachments to letter from Barr Planning
    - 1. Indicative Concept Plan
    - 2. Biodiversity Certification Assessment Report
    - 3. Preliminary Bushfire Risk Assessment Report
    - 4. Aboriginal Cultural Heritage Assessment Report
    - 5. Additional traffic advice