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Department Generated Correspondence (Y)

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Our ref: PP_2011_FAIRF_001_00 (11/05267)

Mr Alan Young
General Manager
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

Dear Mr Young,

Re: Planning Proposal to reclassify sixteen (16) sites owned by Fairfield City Council from 'Community' to 'Operational' land and rezone two (2) of these sites from 6(a) Existing and Proposed Recreation to 2(a) Residential A..

I am writing in response to your Council's letter requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Fairfield Local Environmental Plan 1994 to reclassify sixteen (16) sites owned by Fairfield City Council from 'Community' to 'Operational' land and to rezone two (2) of these sites from 6(a) Existing and Proposed Recreation to 2(a) Residential A. The proposal will enable Council to develop or dispose of a number of surplus parcels of land or enter into long term lease agreements for the subject sites. The proposals have been grouped as follows:

- Group 1 - a site that Council acquired through the Property Development Fund (PDF) and wishes to develop and to reclassify (1 site);
- Group 2 - sites to be reclassified for long term lease agreements (4 sites);
- Group 3 - to reclassify Council operated sites for long term lease agreements (3 sites);
- Group 4 - sites to be reclassified for long term lease agreements and future development (3 sites);
- Group 5 - sites to reclassify to enable the dedication of part of the site for a road (1 site);
- Group 6 - reclassification of sites to be developed and/or disposed (2 sites); and
- Group 7 - reclassification of sites identified as surplus open space for disposal (2 sites).

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It has been identified that there is an inconsistency in mapping and text within the Planning Proposal in relation to the site located at 52 Richards Road, Wakeley which is proposed to be rezoned and reclassified. Council should address this inconsistency and correctly reference the subject site in both the Planning Proposal and supporting documentation, including in relevant maps.

Council are reminded of their obligations for exhibiting and conducting a public hearing when reclassifying land from 'community' to 'operational' land as per the Department's LEP Practice Note 09-003.

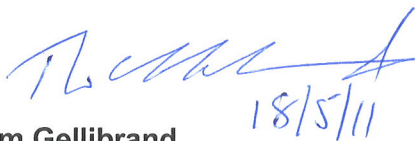
The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Rebecca Lee of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_FAIRF_001_00): to reclassify sixteen (16) sites owned by Fairfield City Council from 'Community' to 'Operational' land and rezone two (2) of these sites from 6(a) Existing and Proposed Recreation to 2(a) Residential A.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Fairfield Local Environmental Plan 2004 to reclassify sixteen (16) sites owned by Fairfield City Council from 'Community' to 'Operational land' and rezone two (2) of these sites from 6(a) Existing and Proposed Recreation to 2(a) Residential A to enable Council to develop or dispose of a number of surplus parcels of land or enter into long term lease agreements for the subject sites, which have been grouped as follows:

- Group 1 - a site that Council acquired through the Property Development Fund (PDF) and wishes to develop and to reclassify (1 site).
- Group 2 - sites to be reclassified for long term lease agreements (4 sites).
- Group 3 - to reclassify Council operated sites for long term lease agreements (3 sites).
- Group 4 - sites to be reclassified for long term lease agreements and future development (3 sites).
- Group 5 - sites to reclassify to enable the dedication of part of the site for a road (1 site).
- Group 6 - reclassification of sites to be developed and/or disposed (2 sites).
- Group 7 - reclassification of sites identified as surplus open space for disposal (2 sites).

should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. The inconsistency between the mapping and text within the Planning Proposal in relation to the site located at 52 Richards Road, Wakeley (which is proposed to be rezoned and reclassified) is to be addressed in the Planning Proposal including in relevant maps prior to proceeding to exhibition.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water
 - Department of Local Government
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

18th

day of

May

2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning