



Contact: Claire Mirow
Phone: (02) 9860 1560
Email: Claire.Mirow@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2012_FAIRF_002_00 (12/12154)
Your ref:

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

Dear Mr Young,

Planning proposal to amend the Fairfield Local Environmental Plan (LEP) 1994 or draft Fairfield LEP 2011

I am writing in response to your Council's letter dated 17 July 2012 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 (LEP) 1994 or draft Fairfield LEP 2011 to rezone land in Canley Heights and Smithfield for open space purposes and amend the height of buildings, floor space ratio and land reservation acquisition maps for the subject land, under the draft LEP.

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

I have also agreed that the planning proposal's inconsistencies with S117 Directions 3.1 Residential Zones and 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to these Directions.

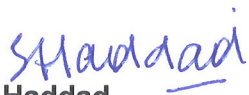
Council is to ensure that land owners affected by the proposed rezoning for open space purposes are consulted directly, as part of the public exhibition of this planning proposal. Council is to ensure it has undertaken a thorough public consultation process.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. 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 Claire Mirow of the Regional Office of the Department on 02 9860 1560.

Yours sincerely,


Sam Haddad

Director-General

16/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_FAIRF_002_00): to rezone land at Canley Heights and Smithfield under the Fairfield Local Environmental Plan (LEP) 1994 or draft Fairfield LEP 2011.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Fairfield Local Environmental Plan (LEP) 1994 or draft Fairfield LEP 2011 to rezone land in Canley Heights and Smithfield for open space purposes and amend the height of buildings, floor space ratio and land reservation acquisition maps for the subject land, under the draft LEP should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend Figure 5 Smithfield Sites Aerial Photo to clearly identify the sites subject to this planning proposal (i.e. similar to the identification of sites in Figure 1 Canley Heights Site Aerial Photo).
2. 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Endeavour Energy
 - Sydney Water
 - Telstra

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. Council is to directly consult with the owners of land whose properties are proposed to be zoned for open space purposes, as part of the public exhibition of this planning proposal.
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.



Planning & Infrastructure

Dated

16th

day of

August

2012.

S Haddad

Sam Haddad

Director-General

**Delegate of the Minister for Planning and
Infrastructure**