

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

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

Our ref: PP\_2012\_FAIRF\_001\_00 (12/10057)  
Your ref: qA142600

Dear Mr Young,

**Planning Proposal to rezone the Fairfield Heights/Smithfield precinct from Deferred Matter to R3 Medium Density Residential, to amend the building height and floor space ratio controls and to amend the Heritage Map, the Land Application Map and Schedule 5 Environmental Heritage of the draft Fairfield LEP 2011**

I am writing in response to your Council's letter dated 7 June 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the abovementioned planning proposal to amend the Draft Fairfield Local Environmental Plan 2011.

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 Direction 6.3 Site Specific Provisions 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 12 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 Claire Mirow of the Regional Office of the Department on 02 9860 1560.

Yours sincerely,



**Sam Haddad**  
Director-General

29/6/2012

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2012\_FAIRF\_001\_00):** to amend the Draft Fairfield Local Environmental Plan (LEP) 2011, to rezone the deferred matter precinct at Fairfield Heights and Smithfield, to R3 Medium Density Residential.

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 Draft Fairfield Local Environmental Plan (LEP) 2011, to rezone the deferred matter precinct at Fairfield Heights and Smithfield, to R3 Medium Density Residential should proceed subject to the following conditions:

1. Council is to amend the planning proposal to accurately reference S117 Direction '7.1 Implementation of the metropolitan Plan for Sydney 2036' at Table E of the planning proposal.
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. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 **12 months** from the week following the date of the Gateway determination.

Dated

29<sup>th</sup>

day of

June

2012.



**Sam Haddad**  
Director-General  
Delegate of the Minister for Planning and  
Infrastructure