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Our ref: PP_2011_FAIRF_004_00 (11/14866)

Your ref: 10/03476

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

Dear Mr Young,

Re: Planning proposal to amend the Fairfield Local Environmental Plan 1994 to rezone land at 13-21 Rossetti Street, Wetherill Park (Lot 5 DP 714281), from 2(a) Residential A to 3(c) Local Business Centre.

I am writing in response to your Council's letter dated 6 December 2011 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 rezone land at 13-21 Rossetti Street, Wetherill Park (Lot 5 DP 714281), from 2(a) Residential A to 3(c) Local Business Centre. The proposed rezoning will facilitate the expansion of the adjoining 'Wetherill Park Market Town' shopping centre by an additional 1500 square metres of commercial floor space, and high density residential development on the subject site.

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.

It is noted that Council has resolved to place its draft Standard Instrument LEP on exhibition. Consequently, Council is to proceed with this planning proposal as an amendment to the existing Fairfield LEP 1994 and its draft principal SI LEP. Council is to prepare and exhibit all material indicating how the planning proposal would amend both instruments.

The subject site adjoins an area of public open space. Council is to provide urban design advice which addresses the interface of the site with the adjoining open space. In particular the urban design advice is to demonstrate how any overshadowing of the open space will be minimised, eg avoiding a continuous blank façade along the boundary with the open space. The urban design advice should be included in the site specific Development Control Plan (DCP) which has been prepared for the site. The DCP should be placed on public exhibition with the planning proposal.

The planning proposal incorrectly references Section 117 Direction 7.1 Implementation of the Metropolitan Strategy. Council is to update the planning proposal to better reflect the provisions of this Direction and to undertake a more comprehensive assessment of the proposal's consistency with Section 117 Direction 7.1 and the Metropolitan Strategy.

In relation to Section 117 Direction 4.3 Flood Prone Land, it is noted that the subject site adjoins flood affected land. Council is therefore to prepare a flood study for the subject site in accordance with the provisions of the Direction and in doing so, consult with the Office of Environment and Heritage prior to the exhibition of this planning proposal.

The Director General's delegate has 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'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 9873 8597.

Yours sincerely,


6/2/12

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_FAIRF_004_00): to amend the Fairfield Local Environmental Plan 1994 to rezone land at 13-21 Rossetti Street, Wetherill Park (Lot 5 DP 714281), from 2(a) Residential A to 3(c) Local Business Centre.

I, the Deputy Director General, Plan Making & Urban Renewal 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 1994 to rezone land at 13-21 Rossetti Street, Wetherill Park (Lot 5 DP 714281), from 2(a) Residential A to 3(c) Local Business Centre should proceed subject to the following conditions:

1. It is noted that Council has resolved to place its draft Standard Instrument LEP on exhibition. Consequently, Council is to proceed with this planning proposal as an amendment to the existing Fairfield LEP 1994 and its draft principal SI LEP. Council is to prepare and exhibit all relevant material (including FSR, height of building, and minimum lot size maps) indicating how the planning proposal would amend both instruments.
2. Council is to prepare a flood study for the subject site in accordance with the provisions of Section 117 Direction 4.3 Flood Prone Land and in doing so, consult with the Office of Environment and Heritage prior to the exhibition of this planning proposal.
3. Council is to update the planning proposal to provide a more comprehensive assessment of the proposal's consistency with the Metropolitan Plan for Sydney 2036 in accordance with Section 117 Direction 7.1 Implementation of the Metropolitan Strategy.
4. Council is to provide urban design advice which considers the interface between the subject site and the adjoining area of open space. The advice is to demonstrate how any potential overshadowing will be addressed and how the building interface between the two sites will be addressed. This advice should be incorporated into a revised site specific Development Control Plan (DCP) for the site. The DCP should be placed on exhibition with the planning proposal.
5. 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)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage

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.

7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 6th day of February 2012.



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