

Mr Alan Young
City Manager
Fairfield City Council
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FAIRFIELD 1860

Contact: Georgina Ballantine
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Our ref: PP_2014_FAIRF_003_00
Your ref: 13/08055

Attention: Andrew Mooney/Anjele Vu

Dear Mr Young

Gateway Determination – Fairfield LEP 2013 – Amendment to rezone part of 65-67 Mandarin St, Fairfield East from IN2 to IN1 to address a boundary anomaly.

I am writing in response to your Council's letter dated 5 May 2014 requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") to rezone part of 65-67 Mandarin St, Fairfield East from IN2 to IN1 to address a boundary anomaly.

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.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the agency for administrative purposes.

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 section 54(2)(d) of the EP&A Act 1979 if the time frames outlined in this determination are not met.

Should you have any enquiries in regard to this matter, please contact Georgina Ballantine of Planning and Environment's Metropolitan Delivery (Parramatta) office on 02 9860 1568.

Yours sincerely

RT Cumming

20/6/2014

Rachel Cumming
Director , Metropolitan Delivery (Parramatta)
Growth Planning

Gateway Determination

Planning proposal (Department Ref: PP_2014_FAIRF_003_00): to rezone part of 65-67 Mandarin St, Fairfield East from IN2 to IN1 to address a boundary anomaly.

I, the Director, Metropolitan Delivery (Parramatta), Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act 1979, that an amendment to the Fairfield Local Environmental Plan (LEP) 2013 to rezone part of 65-67 Mandarin St, Fairfield East from IN2 to IN1 should proceed, subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to prepare a preliminary investigation report for contamination in accordance with the Managing Contaminated Land – Planning Guidelines 1998 (SEPP 55 – Remediation of Land) and submit to Planning and Environment.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Endeavour Energy
 - Jemena
 - Office of Environment and Heritage
 - Sydney Water
 - Telstra

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Planning & Infrastructure 2013)*.
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.


20/6/2014

Rachel Cumming
Director , Metropolitan Delivery (Parramatta)
Growth Planning

As Delegate for the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Fairfield City Council is authorised to exercise the functions of the Minister for Planning and Environment under section 59 of the *Environmental Planning and Assessment Act 1979*, that are delegated to it by instrument of delegation dated 1 November 2013, in relation to the following planning proposal:

Number	Name
PP_2014_FAIRF_003_00	Planning proposal to amend Fairfield Local Environmental Plan 2013 to rezone part of 65-67 Mandarin St, Fairfield East from IN2 to IN1 to address a boundary anomaly.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

 20/6/2014

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Growth Planning
Planning and Environment