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Mr Alan Young
City Manager
Fairfield City Council
PO BOX 21
Fairfield NSW 1860

Our ref: 14/21010
Your ref:

Attention: Edward Saulig

Dear Mr Young

Re: Planning Proposal to rezone No. 46 Derby Street, Canley Heights - proposed rezoning to B2 Local Centre to enable commercial and retail development.

I am writing in response to Council's letter dated 1 October 2014 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 2013 to rezone land at 46 derby Street, Canley Heights to B2 Local Centre.

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 plan making powers to councils in October 2012. I note that Council has requested to be issued with delegation for this planning proposal. I have considered the circumstances of the planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

I have also agreed that the planning proposal's inconsistency with Section 117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to this Direction.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under Section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

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 Section 54(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 Stephen Gardiner, of the Metropolitan Region (Parramatta) Office of the Department of Planning and Environment on 9860 1536.

Yours sincerely



Terry Doran
Acting Director
Metropolitan (Parramatta)
Planning Services

as a delegate of the Minister for Planning

Gateway Determination

Planning Proposal (Department Ref: PP_2014_FAIRF_006_00): to rezone No.46 Derby Street, Canley Heights, to B2 Local Centre to enable commercial and retail development.

I, the acting Director, Metropolitan Region (Parramatta) as delegate of the Minister for Planning, have determined under Section 56(2) of the Act, that an amendment to the Fairfield Local Environmental Plan 2013, to facilitate the above proposal, 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, for a period of 14 days.
2. Consultation is required with the following public authorities under Section 56(2)(d) of the Environmental Planning and assessment Act:
 - Transport for NSW
 - Transport for NSW - Roads and Maritime Services
 - Sydney Water
 - Essential Energy
 - 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.

3. Prior to undertaking community consultation, Council is to amend the planning proposal to:
 - a. update and correctly label Parts 4, 5 and 6 to be consistent with the Department's 'Guide to Preparing Planning Proposals';
 - b. clarify in the proposal:
 - whether it is proposed to add a further 1,013 sqm or 1013 sqm of floor space, and
 - the correct current commercial/ retail floor space for Canley Heights figure, 13,000 to 14,000 sqm, or 18,206sqm.
 - c. address the Government's new plan 'A Plan for Growing Sydney'; and
 - d. amend Part 6 to accord to the timeframe specified in Condition 5, below.

4. A public hearing is not required to be held into the matter by any person or body under the 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 Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

Dated 29th day of January, 2015.



Terry Doran
Acting Director
Metropolitan Region (Parramatta)
Planning Services
Delegate of the Minister for Planning