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Our ref: PP_2011_FAIRF_003_00 (11/19513)
Your ref: qA137647

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

Dear Mr Young,

Re: Planning Proposal to rezone land at 46 Cobbett Street and The Horsley Drive, Wetherill Park from 2(a) Residential and 5(b) Arterial Road and Arterial Road Widening to 2(b) Residential B

I am writing in response to your Council's letter dated 2 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 LEP 1994 to rezone Lot 1 DP 1032608 Cobbett Street and Part Lot 2 DP 1032608 The Horsley Drive, Wetherill Park from 2(a) Residential and 5(b) Arterial Road and Arterial Road Widening to 2(b) Residential B.

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 undertaken consultation with the Roads and Maritime Services (former RTA) seeking approval to include the land at 1184 Horsley Drive as part of the planning proposal. However, it is noted that the Roads and Maritime Services have not explicitly commented on the inclusion of this land. Therefore, in order to satisfy the requirements of S117 Direction 6.2 Reserving Land for Public Purposes, Council are to undertake further consultation with Roads and Maritime Services in order to obtain written confirmation of the rezoning of the subject land and include this with the planning proposal for exhibition purposes.

It is noted that Council is progressing its draft Standard Instrument LEP, and depending on timing the planning proposal may amend either the Fairfield LEP 1994 or the draft Fairfield LEP 2011. Council is to ensure the planning proposal clearly explains the relationship of the planning proposal to Council's existing LEP and progress of its Comprehensive LEP. In addition, Council is to prepare maps relating to the proposed Height and FSR in accordance with the Department's Standard Technical Requirements for LEP Maps prior to the commencement of public exhibition.

Council is to revise the planning proposal to accurately reference S117 Direction 7.1, which should be 'Implementation of the Metropolitan Plan for Sydney 2036'. In doing so, Council is to also review the planning proposal's consistency with the Local Planning Direction and justify to the satisfaction of the Director General of the Department any inconsistency.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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,

Handwritten signature of Giovanni Cirillo in black ink, with the date 22.12.11 written next to it.

Giovanni Cirillo
Acting Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_FAIRF_003_00): to rezone land at 46 Cobbett Street and The Horsley Drive, Wetherill Park from 2(a) Residential and 5(b) Arterial Road and Arterial Road Widening to 2(b) Residential B

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 LEP 1994 to rezone Lot 1 DP 1032608 Cobbett Street and Part Lot 2 DP 1032608 The Horsley Drive, Wetherill Park from 2(a) Residential and 5(b) Arterial Road and Arterial Road Widening to 2(b) Residential B should proceed subject to the following conditions:

1. Council is to ensure the planning proposal clearly explains the relationship of the planning proposal to Fairfield LEP 1994 and the timing of Council's draft Comprehensive LEP 2011 for the purposes of public exhibition.
2. Council is to prepare maps relating to the proposed Height and FSR controls in accordance with the Department's Standard Technical Requirements for LEP Maps, prior to the commencement of public exhibition.
3. Council is to revise the planning proposal to accurately reference S117 Direction 7.1, which should be 'Implementation of the Metropolitan Plan for Sydney 2036', and ensure the planning proposal is consistent with the Local Planning Direction.
4. In order to satisfy the requirements of S117 Direction 6.2 Reserving Land for Public Purposes, Council are to undertake further consultation with Roads and Maritime Services in order to obtain written confirmation of the rezoning of the subject land and include this with the planning proposal for exhibition purposes.
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:
 - Endeavour Energy
 - Roads and Maritime Authority
 - Sydney Water
 - Transport for NSW

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 **9 months** from the week following the date of the Gateway determination.

Dated 22 day of Dec. 2011.



Giovanni Cirillo
Acting Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure