



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

Our ref: PP_2016_FAIRF_002_00
Your ref: 15/16330

Attention: Andrew Mooney

Dear Mr Young

Planning proposal to amend Fairfield Local Environmental Plan 2013 – Variation to Height Controls at Dutton Lane Car Park, Cabramatta

I am writing in response to your Council's letter dated 1 December 2015 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 Fairfield Local Environmental Plan 2013 to vary the height controls for the Dutton Lane Car Park, Cabramatta.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed, subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 6.3 Site Specific Provisions is of minor significance. No further approval is required in relation to this Direction.

Plan making powers were delegated to Councils in October 2012. It is noted that Council has decided not to request delegation in this case, given Council's role as developer of the site. I agree with Council's position and have decided not to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 for the department to draft and finalise the LEP should be made 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 Greater Sydney Commission 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 Amar Saini of the regional office of the Department on 02 9860 1531.

Yours sincerely,

 22 March 2016
Stephen Murray
Acting Executive Director
Regions
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2016_FAIRF_002_00): to vary the height controls at the Dutton Lane Car Park, Cabramatta.

I, Stephen Murray, Acting Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the EP&A Act that an amendment to the *Fairfield Local Environmental Plan (LEP) 2013* to vary the height controls at the Dutton Lane Car Park, Cabramatta should proceed, subject to the following conditions:

1. Council is to undertake the following studies prior to public exhibition:
 - (a) Heritage assessment;
 - (b) Traffic assessment; and
 - (c) Assessment of overshadowing and visual impact.
2. For the purposes of public exhibition Council's planning proposal should be clearly identified as the key proposal on which the Gateway determination is authorised. Elton Consulting's proposal and GLN Planning's proposal review should be identified as supplementary documents.
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 (Department of Planning & Infrastructure 2013)*.
4. Consultation is required with the Roads and Maritime Service under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions. Roads and Maritime Service 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.
5. 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).

6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 22nd day of *March* 2016.



Stephen Murray
Acting Executive Director
Regions
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission