



Planning



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10/24908

Department Generated Correspondence (Y)

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Our ref: PP_2010_FAIRF_004_00 (10/24130)
Your ref: G14-02-039/130

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

Dear Mr Young,

Re: Planning Proposal to rezone 130 - 190 Canley Vale Road, Canley Heights to facilitate the expansion of the adjoining business centre.

I am writing in response to your Council's letter dated 1 December 2010 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 130 - 190 Canley Vale Road (Lots A & B DP 344784), Canley Heights from 2(a1) Residential A1 to 3(c) Business - Local Centre to facilitate the expansion of the adjoining business 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.

Due to the current status of Council's Principal Standard Instrument LEP and its imminent release for public exhibition, Council will also be required to identify an appropriate proposed Business zone for this site as part of the exhibition of its Principal LEP. Council should therefore also turn its mind to the issue of identifying appropriate development standards for the site including suitable FSR, building height and minimum lot size standards. These will also be required to be exhibited as part of the exhibition of the Principal LEP.

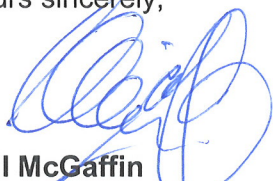
During the course of completing this draft LEP if it becomes apparent that Council's Principal LEP will be notified prior to this draft LEP being finalised and it is determined that this planning proposal is no longer required to achieve the proposed rezoning, Council should consider withdrawing the planning proposal under s58(4) of the EP&A Act.

The amending Local Environmental Plan (LEP) is to be finalised within **6 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 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 Mitchell Noble of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



Neil McGaffin
A/Deputy Director General
Plan Making & Urban Renewal

10.1.11

Gateway Determination

Planning Proposal (Department Ref: PP_2010_FAIRF_004_00): to rezone 130 - 190 Canley Vale Road(Lots A & B DP 344784), Canley Heights from 2(a1) Residential A1 to 3(c) Business - Local Centre to facilitate the expansion of the adjoining business centre.

I, the A/Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Fairfield Local Environmental Plan 1994 to rezone 130 - 190 Canley Vale Road(Lots A & B DP 344784), Canley Heights from 2(a1) Residential A1 to 3(c) Business - Local Centre to facilitate the expansion of the adjoining business centre should proceed subject to the following conditions:

1. Council is required to amend the objective for the planning proposal to the following:
 - (a) Part 1 – Objectives to read:
“To rezone land from 2(a1) Residential to 3(c) Local Business Centre under Fairfield LEP 1994 to allow the redevelopment of a former service station for commercial and residential uses.”
 - (b) Part 2 – Explanation and provisions to read:
“Rezoning from 2(a1) Residential to 3(c) Local Business Centre in accordance with the proposed zoning map at Appendix A.”
 - (c) Provide a map to identify the proposed zoning (i.e. at Appendix A of the Planning Proposal).
2. Council need to consider the provisions of SEPP 55 – Remediation of Land in relation to the site and the proposed land use.
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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 days;
 - (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).
4. Council has previously consulted with public authorities in relation to this matter. No further consultation is therefore required with public authorities under section 56(2)(d) of the EP&A Act. Council is however, to take any previous comments made by public authorities on this matter into consideration in finalising the draft LEP.
5. Council is not required to resubmit the planning proposal under s 56(2)(b) of the EP&A Act.

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

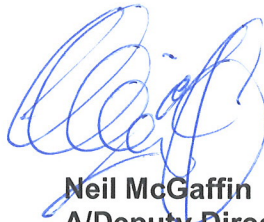
Dated

10th

day of

January

11
2010.



Neil McGaffin
A/Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning