



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_FAIRF_005_00 (10/24339)
Your ref: qA132545

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

Dear Mr Young,

Re: Planning Proposal to amend the Fairfield LEP 1994 to permit a 'Service Station' as an additional permitted use on land at 634A - 640 Woodville Road, Old Guildford

I am writing in response to your Council's letter dated 2 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 permit a 'Service Station' as an additional permitted use on land at 634A - 640 Woodville Road Old Guildford, being Lots 1 & 2 DP983633; Lots 3 & 4 Sec 2 DP 1625; and Lot C DP 393562.

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 Department does not favour the use of Schedule 1 in this instance. The preferred approach is for Council to identify an appropriate zone for the site under the current Fairfield LEP 1994 and to proceed with the planning proposal as a site rezoning rather than as an amendment to Schedule 1. Accordingly, Council is encouraged to consider which of its current zones would be most appropriate for the site taking into consideration Council's desired strategic planning outcomes for the area and the current range of permissible uses within each of its zones. It is recommended that Council consider rezoning the site to one of the following zones currently available under Fairfield LEP 1994:

- 3 (c) Local Business Centre; or
- 4 (b) Light Industrial; or
- 4 (c) Special Industrial

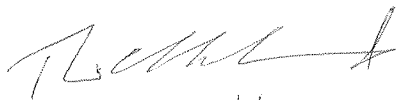
Subject to the identification of an appropriate zone for the site additional information will have to be provided in relation to the proposal's consistency with relevant S117 Directions. The assessment of the consistency with S117 Directions should be made available during the public exhibition period.

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 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 Michael Druce of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



25/1/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_FAIRF_005_00): to amend the Fairfield Local Environmental Plan 1994 to permit a 'Service Station' as an additional permitted use on land at 634A - 640 Woodville Road Old Guildford, being Lots 1 & 2 DP983633; Lots 3 & 4 Sec 2 DP 1625; and Lot C DP 393562.

I, the 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 permit a 'Service Station' as an additional permitted use on land at 634A - 640 Woodville Road Old Guildford, being Lots 1 & 2 DP983633; Lots 3 & 4 Sec 2 DP 1625; and Lot C DP 393562 should proceed subject to the following conditions:

1. An amendment to Schedule 1 to facilitate the desired outcome is not supported. Council is to identify an appropriate zone for the site under the current Fairfield Local Environmental Plan 1994 and proceed with the planning proposal as a site rezoning.
2. Council is to undertake an assessment of the rezoning against relevant S117 Directions and provide advice in relation to the proposal's consistency with the relevant S117 Directions. This assessment is to be made available during the public exhibition period and provided to the Department prior to the instrument being drafted.
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 **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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Roads and Traffic Authority (RTA)

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.

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 25th day of January 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning