

16/11010

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

Attention: Elizabeth Workman

Dear Mr Young

Planning proposal to amend Fairfield Local Environmental Plan 2013

I am writing in response to your Council's letter dated 3 August 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Schedule 1 of *Fairfield Local Environmental Plan 2013* to permit the additional permitted uses of service station and take-away food and drink premises, with development consent, on land at 620 Elizabeth Drive, Bonnyrigg Heights.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with Section 117 Direction 6.3 – Site Specific Provisions, is of minor significance. No further approval is required in relation to this Direction.

Council is reminded that it will need to prepare maps in accordance with the Department technical mapping guidelines and standards prior to the plan being finalised.

Plan making powers were delegated to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Tessa Parmeter of the Department's regional office to assist you. Ms Parmeter can be contacted on (02) 9860 1555.

Yours sincerely



26/08/16

Catherine Van Laeren
Director, Sydney Region West,
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_FAIRF_007_00): to amend Schedule 1 of Fairfield Local Environmental Plan 2013 to permit the additional permitted uses of service station and take-away food and drink premises, with development consent, on land at 620 Elizabeth Drive, Bonnyrigg Heights and apply specific development requirements.

I, the Director, Sydney Region West, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Fairfield Local Environmental Plan (LEP) 2013* to amend Schedule 1 to include additional permitted uses of a service station and takeaway food and drink premises, with development consent, at 620 Elizabeth Drive, Bonnyrigg Heights, should proceed subject to the following conditions:

1. Prior to exhibition the planning proposal is to be amended in the following manner:
 - (a) removal of item 7 Metropolitan Planning and item 7.1 Implementation of A Plan for Growing Sydney (and associated words) from the table for Section 117 Directions within the planning proposal (p. 13); and
 - (b) inclusion of written justification in the table for SEPP 55 - Remediation of Land (p. 9 refers) that the planning proposal is not inconsistent with the requirements of that State Environmental Planning Policy.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)* and must be made publicly available for a minimum of 14 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 and Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Transport for NSW - Roads and Maritime Services;
 - Endeavour Energy;
 - Sydney Water; and
 - Environmental Protection Authority.

Each public authority 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.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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 LEP is to be 9 months from the week following the date of the Gateway determination.

Dated 26th day of August 2016



Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney
Commission

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Fairfield City Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_FAIRF_007_00	Planning proposal to amend Schedule 1 of Fairfield Local Environmental Plan 2013 to permit additional permitted uses of service station and take-away food and drink premises, with development consent, on land at 620 Elizabeth Drive, Bonnyrigg Heights.

In exercising the Commission's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 26th day of August 2016



Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission



Planning & Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_FAIRF_007_00
Date Sent to DoP&E under s56	3 August 2016
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	26 August 2016

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: