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Our ref: PP_2016_FAIRF_004_00 (16/07852)
Your ref: 15/12226

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

Attention: Andrew Mooney

Dear Mr Young

**Planning proposal to amend Fairfield LEP 2013 – Bonnyrigg Town Centre
Deferred Matter**

I am writing in response to your Council's letter dated 6 May 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), concerning Bonnyrigg Town Centre Deferred Matter.

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 agreed, as delegate of the Secretary, the planning proposal's inconsistency with Sections 117 Direction 1.1 Business and Industrial Zones and 3.1 Residential Zones are justified. No further approval is required in relation to these Directions.

I note that part of the site is identified as flood prone land (1 in 100 year flood event) by Council. I also note that Fairfield Local Environmental Plan 2013 and associated Development Control Plan have provisions regarding Floodplain Risk Management. However, given the proposed increase in residential capacity on this land, Council is requested to consult with NSW State Emergency Service prior to putting the plan on exhibition.

The planning proposal seeks to include sections of privately and Council owned land zoned SP2 Infrastructure under the Fairfield LEP 2013 associated with the Parramatta – Liverpool Bus Transitway onto the Fairfield LEP 2013 Land Reservation Acquisition Map. This will put additional acquisition responsibility on the Roads and Maritime Services (RMS). This requires Council to obtain approval of the relevant public acquisition authority and of the Secretary of the Department of Planning and Environment under the provisions of the s117 Direction 6.2 Reserving Land for Public Purposes. As the Secretary's delegate I approve of the proposed acquisition

map. Council is however requested to obtain approval of the RMS prior to putting the plan on exhibition.

Plan making powers were delegated to councils in October 2012. It is noted that Council has not 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 15 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 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 Commission may take action under section 54(2)(d) of the EP&A Act if the time frame outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Amar Saini of the Sydney Region West on 02 9860 1531.

Yours sincerely,



07/06/16

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_004_00): an amendment to Fairfield Local Environmental Plan 2013 concerning Bonnyrigg Town Centre Deferred Matter.

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 2013 should proceed subject to the following conditions:

1. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be publicly exhibited 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 the planning proposal as identified in section 5.5.2 of A *Guide to preparing local environmental plans (Department of Planning and Environment 2013)*.
2. In order to fully address the objectives of s.117 Directions 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes, prior to exhibition of the planning proposal, Council is to consult with:
 - a) The State Emergency Service in terms of the increased residential capacity on flood prone land; and
 - b) Roads and Maritime Services in terms of the additional acquisition responsibility.

Council is to take into account comments received and amend the planning proposal if necessary.

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

Endeavour Energy
Roads and Maritime Services
Office of Environment and Heritage (Flood Division)
Sydney Water
Telstra
Transport for NSW
NSW State Emergency Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and be given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held in relation to this matter by any person or body under section 52(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).
5. The timeframe for completing the local environmental plan is to be 15 months from the week following the date of the Gateway determination.

Dated 7th day June 2016



07/06/16

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Delegate of the Greater Sydney Commission