

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

Our ref: PP_2016_2017_FAIRFIELD_001_00 (17/01920)
Your ref: 16/02889

Dear Mr Young

Planning proposal to amend Fairfield Local Environmental Plan 2013

I am writing in response Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend *Fairfield Local Environmental Plan (LEP) 2013* by amending the Lot Size for Dual Occupancy Map for certain land in northwest and south Abbotsbury.

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 conditioned the Gateway requiring Council to adequately address Section 117 Direction 4.2 – Mine Subsidence and Unstable Land. Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of that Direction. Council should ensure this occurs prior to the plan being made.

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 12 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 Mr Stephen Gardiner of the Department's regional office to assist you. Mr Gardiner can be contacted on (02) 9860 1536.

Yours sincerely



01/02/17

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_2017_FAIRFIELD_001_00): to amend Fairfield Local Environmental Plan (LEP) 2013 to amend the Lot Size for Dual Occupancy Map for certain land in northwest and south Abbotsbury.

I, the Director Sydney West Region 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 the Lot Size for Dual Occupancy Map for certain land in northwest and south Abbotsbury should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the proposal to:
 - (a) correct and remove reference to Section 117 Direction 4.1 - Acid Sulfate Soils, unless the subject land is so affected; and
 - (b) adequately address Section 117 Direction 4.2 - Mine Subsidence and Unstable Land.Note: approval from the Secretary may be required in relation to this Direction.
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 Local Environmental Plans (Department of Planning and Environment 2016)* and, 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 Local Environmental Plans (Department of Planning and Environment 2016)*.
3. No consultation is required with public authorities under section 56(2)(d) of the Act.
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).
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 1st day of February 2017



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

**Delegate of the Greater Sydney
Commission**