



Gateway Determination

Planning proposal (Department Ref: PP_2020_FAIRF_001_00): Housekeeping proposal to improve legibility of the Fairfield LEP 2013.

I, the Executive Director, Central River City and Western Parkland City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Fairfield Local Environmental Plan (LEP) (2013) to ensure the Fairfield LEP 2013 gives effect to the Western City District Plan and draft Camden Local Strategic Planning Statement should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal:
 - (a) remove the following proposed amendments and associated references or maps from the planning proposal:
 - i. New Aim of Plan relating to Fairfield LSPS; and
 - ii. Floodplain Risk Management amendments;
 - (b) update the list of affected heritage items on page 16 of the planning proposal;
 - (c) update the existing and proposed height of building maps for 18 Butler Avenue, Bossley Park to clearly illustrate the affected land;
 - (d) consult the Chief executive of the relevant local health district prior to public exhibition in accordance with section 9.1 Direction 6.1 Approval and Referral Requirements and address any comments from this agency;
 - (e) include the intention to introduce a new savings and transitional clause to ensure that proposed amendments do not affect any lodged development applications or appeal processes; and
 - (f) include a note that the draft proposed clauses will be subject to legal drafting and may alter under this process.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 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, Industry and Environment, 2018) and must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Council is to inform all landowners affected by the hospital helicopter airspace and rezoning amendments in writing about the exhibition of the proposal, outlining the effect of the proposed changes.
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Greater Sydney Commission;
 - Heritage NSW, Department of Premier and Cabinet;
 - Civil Aviation Safety Authority (CASA);
 - NSW Ambulance;
 - Chief executive of the relevant local health district; and
 - lessee/operator of that airspace.

Each public authority/organisation 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.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
6. Council is required to submit the planning proposal to the Department for finalisation prior by 30 June 2020.
7. Given the nature of the planning proposal, Council is not authorised to exercise delegation to make this plan

Dated 14th day of April 2020.



Catherine Van Laeren
Executive Director, Central River City
and Western Parkland City
Greater Sydney, Infrastructure and
Place
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces



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

Attention: Andrew Mooney

Dear Mr Young

Planning proposal PP_2020_FAIRF_001_00 to amend Fairfield Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on date 20 March 2020 in respect of the planning proposal to ensure the Fairfield Local Environmental Plan 2013 aligns with the Western City District Plan and Fairfield Local Strategic Planning Statement. I note the planning proposal is the first stage to giving effect to your Local Strategic Planning Statement.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination. I note one such condition is the removal of the following proposed amendments and associated references or maps from the planning proposal:

- New Aim of Plan relating to Fairfield LSPS; and
- Floodplain Risk Management amendments.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Direction 6.3 Site Specific Provisions is minor or justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 3.5 Development Near Regulated Airports and Defence Airfields and 6.1 Approval and Referral Requirements. Council should ensure this occurs prior to the plan being made. As required by Direction 6.1 Approval and Referral Requirements the Gateway includes a condition requiring that Council consult with the Chief executive of the relevant local health district prior to exhibition of the Plan. Having regard to the timeframe for finalisation of the Plan please contact the Department if you require assistance with this consultation.

Council is required to submit the planning proposal to the Department for finalisation prior to 30 June 2020. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made before the required 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 section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Amar Saini to assist you. Mr Saini can be contacted on 9373 2880.

Yours sincerely



14/04/20

Catherine Van Laeren
Executive Director
Central River City and Western Parkland City

Encl: Gateway determination