

Our ref: IRF23/954

Ms Elizabeth Richardson
General Manager
Hawkesbury City Council
366 George Street
WINDSOR NSW 2756

Dear Ms Richardson

Planning proposal PP-2023-546 to amend Hawkesbury Local Environmental Plan 2012

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 20 March 2023 in respect of the planning proposal to rezone 7 and 9 Fitzgerald Street Windsor.

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act (4.1 Flooding) is justified in accordance with the terms of the Direction.

No further approval is required in relation to the Directions.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal. The Council should note that the Gateway determination requires consultation with Infrastructure NSW and State Emergency Services due flood affectation. As the proposed zone has the potential to allow residential development, it may be appropriate to consider the application of a clause similar to clause 6.13 of the Hawkesbury LEP, in response to any agency advice.

The proposed local environmental plan (LEP) is to be finalised on or before 15 January 2024. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning and Environment team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ian Bignell to assist you. Mr Bignell can be contacted on 9860 1510.

Yours sincerely



15 June 2023

Catherine Van Laeren
Executive Director
Metro West

Encl: Gateway determination