

Gateway Determination

Planning proposal (Department Ref: PP-2023-546): Rezoning of 7 and 9 Fitzgerald Street, Windsor

I, the Executive Director Metro West at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Hawkesbury Local Environmental Plan 2012 to rezone and apply a height of building control to 7 and 9 Fitzgerald Street, Windsor should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP must be completed on or before 15 January 2024.

Gateway Conditions

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 business 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
2. Consultation with Infrastructure NSW, the NSW State Emergency Service and Sydney Water is required under section 3.34(2)(d) of the EP&A Act. Any relevant advice of the Agencies is to be incorporated in post-exhibition changes to the proposal as required.

3. 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 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).

Dated 15th day of June 2023.



Catherine Van Laeren
Executive Director Metro West
Planning & Land Use Strategy
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces