



Planning & Infrastructure

Mr Les McMahon
General Manager
Wollondilly Shire Council
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Contact: Mato Prskalo
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Our ref.: 13/18470

Attention: Grant Rokobauer

Dear Mr McMahon

Subject: Alteration of Gateway Determination - Queen Victoria Memorial Home

I refer to Council's email correspondence dated 6 November 2013, seeking an alteration of the Gateway determination for the planning proposal relating to land at Thirlmere, known as the 'Queen Victoria memorial Home' (PP_2013_WOLLY_003_00).

As delegate of the Minister for Planning and Infrastructure, I have, under section 56(7) of the *Environmental Planning and Assessment Act 1979* ('the Act'), altered the Gateway determination as attached.

Council should ensure that it amends the planning proposal appropriately prior to undertaking the community consultation.

The previous authorisation for Council to exercise delegation to make this plan remains in place.

If you have any questions in relation to this matter, please contact Mr Mato Prskalo of this Office on (02) 9860 1534.

Yours sincerely

RJ Cumming 4/12/13

**Rachel Cumming
Acting Regional Director
Sydney Region West**

Delegate of the Minister for Planning and Infrastructure



Revised Gateway Determination

Planning proposal (Department Ref: PP_2013_WOLLY_003_00): to make various amendments to Wollondilly Local Environmental Plan 2011.

I, the Acting Regional Director, Sydney Region West at the Department of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(7) of the EP&A Act, to alter the previous Gateway determination by replacing it with this Gateway determination, so that an amendment to the Wollondilly Local Environmental Plan (LEP) 2011 to rezone the Queen Victoria Memorial Home site at Thirlmere Way, Thirlmere, for seniors housing, by amending the zone name to Zone SP2 Infrastructure (Health Services Facility and Seniors Housing) and correspondingly amending the lot size and building height controls, and environmental protection, by amending the Natural Resources - Biodiversity Map and Natural Resources - Water Map and identify 'Harmony House' as a local heritage item, can proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal, including amending the project timeline to reflect the 12 month timeframe allocated for completing the LEP.
2. Council should ensure that all mapping is at an appropriate scale and clearly identifies the subject site. Council is to ensure that all proposed maps, including the Natural Resources - Water Map, are included.
3. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
4. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - Flora, fauna and habitats
 - Geotechnical
 - Surface and groundwater
 - Bushfire hazard management
 - Aboriginal places and items of significance and European heritage
 - Rural land uses, scenic quality and setting
 - Transport and movement
 - Capacity of infrastructure, services and facilities (taking into consideration SEPP Housing for Seniors or People with a Disability 2004).

Once this information is provided and Council has consulted with public authorities, consistency with S117 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 4.3 Flood Prone Land can be determined.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
- (a) the planning proposal 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 LEPs (Department of Planning & Infrastructure 2012)*.
6. Consultation is required with the following public authorities or organisations under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:
- Hawkesbury – Nepean Catchment Management Authority
 - Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)
 - Department of Trade and Investment – Mineral Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Transport for NSW - Roads and Maritime Services
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
 - Endeavour Energy
 - Commonwealth Department of Sustainability, Environment, Water, Population and Communities (if required)
 - Sydney Water
 - Fire and Rescue NSW
 - Disability Council of NSW

Each public authority 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.

7. A public hearing is not required to be held into the matter by any person or body under section 56(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).
8. The timeframe for completing the LEP is to be **6 months** from the week following the date of this Gateway determination.

Dated 4th day of December 2013.

R Cumming

**Rachel Cumming
A/Regional Director
Sydney Region West
Department of Planning and
Infrastructure**

**Delegate of the Minister for Planning
and Infrastructure**