



Ms Morven Cameron
Chief Executive Officer
Lake Macquarie City Council
Box 1906
Hunter Region Mail Centre NSW 2310

Attn: Abigail Hawtin

Dear Ms Cameron

Planning proposal PP_2020_LAKEM_005_00 to amend *Lake Macquarie Local Environmental Plan 2014*

I am writing in response to Lake Macquarie City Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to apply an additional permitted use of seniors housing at 2A Maude Street Belmont and increase maximum building heights across both 2A and 2B Maude Street, as well as adjoining community land.

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.

As delegate of the Secretary, I have also agreed the planning proposal's inconsistency with section 9.1 Ministerial direction 2.2 Coastal Management and 6.3 Site Specific Provisions are minor or justified.

The site has many merits for being zoned as R3 Medium Density Residential or B4 Mixed Use, given the close proximity and easy walking distance to urban services and connection to infrastructure that can efficiently augmented to support increased density. In other circumstances, this would be the recommended approach over applying unnecessarily restrictive site specific planning. However, the precedent is set by the adjacent additional permitted use of Belmont Area 1 in schedule 1 of the *Lake Macquarie Local Environmental Plan 2014*.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Ministerial directions:

- 2.6 Remediation of contaminated land;
- 4.1 Acid Sulfate Soils; and
- 4.2 Mine Subsidence and Unstable Land.

Council is required to consult with Subsidence Advisory NSW to determine consistency with Direction 4.2.

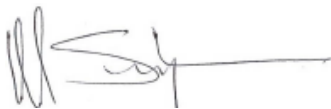
I have considered Council's request to be the local plan-making authority. As the subject site includes Council owned land, I have determined not to condition the Gateway for Council to be the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. 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 eight weeks prior to the projected publication date.

The NSW 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 James Shelton, Senior Planning, Central Coast and Hunter Region to assist you. Mr Shelton can be contacted on 4904 2713.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dan Simpkins', with a long horizontal line extending to the right.

28/09/2020

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment

Encl: Gateway determination