



Mr Stephen Dunshea
Chief Executive Officer
Shoalhaven City Council

By Email: council@shoalhaven.nsw.gov.au

Attention: Richard Carter, Strategic Planner, Policy Planning Team

Dear Stephen

Planning proposal PP-2021-3271 to amend Shoalhaven Local Environmental Plan 2014

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) in respect of the planning proposal PP026 Coastal Hazards Review.

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.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

I have considered the nature of Council's planning proposal, which seeks to amend *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and have not conditioned the Gateway for Council to be authorised as 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 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.

I understand Council is in the process of progressing its Open Coast Coastal Management Program (CMP), which is expected to be completed in mid-2022, and

Council may consider the transition of coastal hazard mapping from the LEP into the SEPP (Coastal Management) 2018 to identify a Coastal Vulnerability Area as part of the CMP process. The Department would be happy to work with Council to provide advice and support on the issue of Coastal Vulnerability Area mapping as Council develops its Coastal Management Program.

Should you have any enquiries about this matter, I have arranged for Mr George Curtis to assist you. Mr Curtis can be contacted on 42471824.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Sarah Lees', with a stylized flourish at the end.

26 May 2021

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination