



Mr David Kelly  
Acting Chief Executive Officer  
Lord Howe Island Board  
PO Box 5  
LORD HOWE ISLAND NSW 2898

Our ref: PP\_2013\_LHOWE\_001\_00  
Your ref: PL0051

Dear Mr Kelly

**Planning Proposal to amend Lord Howe Island Local Environmental Plan 2010**

I am writing in response to your letter requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") in respect of the Planning Proposal to rezone Part Portion 30 and Part Portion 279 from Zone 5 Special Uses to Zone 2 Settlement.

I have now determined the Planning Proposal should proceed subject to the conditions in the attached Gateway determination.

I acknowledge the Board's request to finalise the proposed instrument, however in accordance with section 54(1) of the EP&A Act the Board is not a relevant planning authority and as such delegation to finalise the proposal cannot be granted.

In accordance with section 54(2)(e) of the EP&A Act, I have determined to appoint the Director General of the Department of Planning and Infrastructure as the relevant planning authority to finalise this matter.

The Northern Region office of the department will manage the requirements of the Gateway and work collaboratively with the Board. Officers of the department will be in contact with you to discuss how the Board can be of assistance to finalise the proposed instrument.

The amending LEP is to be finalised within 9 months of the week following the date of the Gateway determination.

Should you have any queries in regard to this matter, please contact Luke Blandford in the Northern Region office of the department on (02) 6641 6614.

Yours sincerely

**THE HON BRAD HAZZARD MP**  
Minister

11 NOV 2013



## Gateway Determination

*Planning proposal (Department Ref: PP\_2013\_LHOWE\_001\_00): Rezoning of land from Zone 5 Special Uses to Zone 2 Settlement.*

I, the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Lord Howe Island Local Environmental Plan (LEP) 2010 to rezone Part Portion 30 and Part Portion 279 from Zone 5 Special Uses to Zone 2 Settlement should proceed subject to the following conditions:

1. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of **14 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 2013).
2. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act:
  - (a) Commonwealth Department of the Environment; and
  - (b) NSW Office of Environment and Heritage (Heritage and Environment Issues).

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. 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 the relevant planning authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 11 day of November 2013.

**THE HON BRAD HAZZARD MP**  
Minister

11 NOV 2013