

Ms Penny Holloway
Chief Executive Officer
Lord Howe Island Board
PO Box 5
LORD HOWE ISLAND NSW 2898

Our ref: PP_2014_LHOWE_001_00
Your ref: PL0342

Dear Ms Holloway

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 of Portions 123 and 176 from Zone 1 Rural and Zone 5 Special Use 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 6 months of the week following the date of the Gateway determination.

Should you have any queries in regard to this matter, I have arranged for Mr Paul Garnett in the Northern Region office of the Department to assist. Mr Garnett can be contacted on (02) 6641 6607.

Yours sincerely



HON BRAD HAZZARD MP
Minister

25 FEB 2014

Gateway Determination

Planning proposal (Department Ref: PP_2014_LHOWE_001_00): Rezoning of part of Portions 123 and 176 from Zone 1 Rural and Zone 5 Special Use 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 of Portions 123 and 176 from Zone 1 Rural and Zone 5 Special Use 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 NSW Office of Environment and Heritage (Heritage and Environment Issues) under section 56(2)(d) of the Environmental Planning and Assessment Act:

The NSW Office of Environment and Heritage 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.
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 **6 months** from the week following the date of the Gateway determination.

Dated day of

2014.



THE HON BRAD HAZZARD MP
Minister

25 FEB 2014