



**The Hon. Pru Goward MP**  
Minister for Planning  
Minister for Women

Ms Penny Holloway  
Chief Executive Officer  
Lord Howe Island Board  
PO Box 5  
Lord How Island NSW 2898

14/15583

Dear Ms Holloway

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

I am writing in response to your letter dated 5 September 2014 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 amend provisions under the Lord Howe Island Local Environmental Plan 2010 relating to the permissibility of wastewater management systems on Lord Howe Island.

I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In accordance with section 54(2)(e) of the EP&A Act, I have determined to appoint the Secretary of the Department of Planning and Environment as the relevant planning authority to finalise the 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 local environmental plan 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 Jim Clark of the Department's Northern Region Office to assist you. Mr Clark can be contacted on (02) 6641 6604.

Yours sincerely

**Pru Goward MP**  
Minister for Planning  
Minister for Women

28 NOV 2014

Encl:  
Gateway Determination

## Gateway Determination

**Planning proposal (Department Ref: PP\_2014\_LHOWE\_001\_00):** to amend the provisions under Lord Howe Island Local Environmental Plan 2010 relating to the permissibility of wastewater management systems on Lord Howe Island.

I, the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that an amendment to the Lord Howe Island Local Environmental Plan (LEP) 2010 to:

- include a definition for wastewater management systems;
  - list wastewater management systems as exempt development in Zone 2 Settlement; and
  - permit wastewater management systems with development consent in Zone 1 Rural, Zone 5 Special Uses, Zone 6 Recreation and Zone 7 Environment Protection;
- should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Environment 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 and Environment 2013).

2. Consultation is required with the NSW Office of Environment and Heritage (Environment Issues) under section 56(2)(d) of the EP&A Act:

The NSW Office of Environment 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 28 day of November 2014.



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