

LORD HOWE ISLAND BOARD

BOARD MEETING AGENDA

MEETING DATE:	MEETING LOCATION:	MEETING TIME:
Mon 19 November 2018	Public Hall, Lord Howe Island	Planning Session 9:00 am to 11:00 am
Mon 19 November 2018	Public Hall, Lord Howe Island	Closed Session: 11:00 am to 4:30 pm
Tues 20 November 2018	Public Hall, Lord Howe Island	Open Session: 9:00 am to 11:45 am

Preparer	Presenter	ITEM		OPEN (O)	CLOSED (C)	ACTION Note/Decide
na	SS	1	CONFLICT OF INTEREST DECLARATIONS			
CH	PA	2	MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION	O		Note
CH	PA	3	OUT OF SESSION MATTERS – STATUS REPORT	O		Note
JvG	PA	4	ACTIONS FROM PREVIOUS MEETINGS – STATUS REPORT	O		Note
PA	PA	5	CHIEF EXECUTIVE OFFICER’S REPORT	O	C	Note
CH	PA	6	MOTOR VEHICLE IMPORTATION OR TRANSFER – STATUS REPORT	O		Note
		7	BUDGET ADJUSTMENTS			
BP	JvG	(i)	Closed Session		C	Decide
		8	DEVELOPMENT APPLICATIONS			
CH	JS	(i)	Owner Consent approved under Delegated Authority	O		Note
CH	JS	(ii)	DAs Determined Under Delegated Authority	O		Note
JS	JS	(iii)	Annual Planning System Review	O		Note
AAP	AAP	(iv)	OC2019.01 and DA2019.01 Change of Use - Hideaway	O		Decide
		9	POLICY & STRATEGY			
JS	JS	(i)	Community Strategic Plan Update	O		Note

Preparer	Presenter	ITEM		OPEN (O)	CLOSED (C)	ACTION Note/Decide
		10	FINANCE AND BUSINESS MANAGEMENT			
JvG	JvG	(i)	Closed Session		C	Note
JvG	JvG	(ii)	Closed Session		C	Decide
JvG	JvG	(iii)	Closed Session		C	Decide
JvG	JvG	(iv)	Closed Session		C	Decide
JS	JS	(v)	Application for Approval to Operate a Mobile Food Vending Service	O		Decide
		11	LEASING & LAND ADMINISTRATION			
	JS	(i)	Lord Howe Island Land Allocation Review – Implementation Update	O		Note
JS	JS	(ii)	Closed Session		C	Decide
		12	GOVERNANCE			
JvG	JvG	(i)	Closed Session		C	Note
		13	OPERATIONS & SERVICES			
AW	AW	(i)	Rodent Eradication Project Update	O		Note
JT	AECOM	(ii)	Airport Runway Extension Feasibility Study Update	O		Note
JT	JT	(iii)	Closed Session		C	Decide
	JS	(iv)	Blackburn Island Revegetation	O		
		14	WH&S and PUBLIC RISK MANAGEMENT			
BP	JvG	(i)	WH&S and Public Risk Management Update	O		Note
		15	INTERVIEWS			
		16	GENERAL BUSINESS AND QUESTIONS ON NOTICE			

Board Meeting: November 2018	Agenda Number: 2	Record: ED18/10061
-------------------------------------	-------------------------	---------------------------

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Adoption of Minutes of Previous Meeting.

RECOMMENDATION

Submitted for the Board's information.

BACKGROUND

The adopted process for distributing Board minutes from the previous meeting is:

- Draft minutes will be produced within five working days of a Board meeting, and posted to Board members on the sixth working day, unless delayed for a valid reason agreed to between the Chief Executive Officer and the Chairperson.
- Board members are to return their endorsement, or otherwise, of minutes on a pro forma document provided by the Administration no later than seven working days after date of posting.
- Seven working days after date of posting, the Board will deem the minutes of the meeting to be endorsed, subject to any amendments which were received prior to that date, and agreed for inclusion by the Chairperson.

CURRENT POSITION

Minutes of the September meeting were distributed to each Board member and have been endorsed through the above process with amendments.

A copy of the endorsed Minutes is attached.

RECOMMENDATION

Submitted for the Board's information.

Prepared: Chelsea Holden, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

Attachments: Attachment A: Minutes - Board Meeting - September – **Closed Session**

Board Meeting: November 2018	Agenda Number: 3	Record: ED18/10064
-------------------------------------	-------------------------	---------------------------

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Out of Session Matters Status Report

RECOMMENDATION

Submitted for the Board's information.

CURRENT POSITION

Since the last Board Meeting in September 2018, no matters were considered at an out of session meeting.

RECOMMENDATION

Submitted for the Board's information.

Prepared: Chelsea Holden, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

Board Meeting: November 2018	Agenda Item: 4	Record Number: ED18/8734
-------------------------------------	-----------------------	---------------------------------

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Actions from Previous Meeting – Status Report

RECOMMENDATION

Submitted for the Board's information.

BACKGROUND

As a matter of process and procedure, a list of actions is prepared after each Board meeting to ensure that the Board's resolutions are systematically carried out by staff.

CURRENT POSITION

A list of actions from decisions of the September 2018 Board meeting, and previous meetings, is attached for the Board's information.

RECOMMENDATION

Submitted for the Board's information.

Prepared: John van Gaalen, Manager Business and Corporate Services

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

Attachment A (included): Action Sheet from the September 2018 Board Meeting and Previous Meetings

LORD HOWE ISLAND BOARD

Action Sheet from September 2018 Board Meeting and Previous Meetings

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date
10(iv) September 2015	Review of the LEP 2010	<ol style="list-style-type: none"> 1. Review the Vegetation Rehabilitation Plan, and 2. Seek funding from Government programs to support the LEP review process. 	December 2018	MECS	<p>In progress although, given the decrease in available funding for this activity over the past few years, priority for the review could be reassessed.</p> <p>Preliminary survey work for Stage 1 submission complete.</p> <p>No funding available from DPE to support review of LEP.</p>	December 2018
12(vii) November 2016	Commercial Tour Operator Licensing System	Investigate opportunities to align with Ecotourism Australia accreditation program.	October 2018	MECS	Bridging permits issued. Draft Eco-pass information pack will be presented to Senior Management Team end of November for review prior to consultation.	
7 (iii) March 2017	OC2017-07 Shearwater Cottage (Owens)	Complete a market demand study on staff and residential accommodation on behalf of the Board.	December 2019	MECS	Will form part of greater LEP Phase 2	
10 (iv) March 2017	Review of Boatshed Foreshore Encroachments	<ol style="list-style-type: none"> 1. Review and adjust rentals where there has been, or will be, an approved increase in the footprint area of fixed improvements. 2. Follow up anomalies identified in the assessment. 	<p>Ongoing</p> <p>October 2018</p>	<p>MECS/MBCS</p> <p>MECS</p>	<p>Ongoing</p> <p>In progress.</p>	

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date
8 (i) May 2018	Development of a 10-Year Community Strategic Plan	Plan to be completed in April 2019 in order to inform the FY 2019/20 budget.	April 2019	MECS	In progress. Detailed project timeline completed. Draft survey questions prepared. Meeting held with School principle to discuss consultation with students.	
8 (ii) May 2018	Amendment to Dog Policy	Local Board members meet with relevant ECS staff to amend draft policy prior to it going out on public exhibition.	October 2018	Local Board members and ECS staff	Draft Policy on exhibition.	
8 (iii) May 2018	Chicken Importation Moratorium	Obtain advice on risks associated with a change to current policy regarding the age of chickens that may be imported.	October 2018	MECS	Advice received, updated protocol has been developed.	October 2018
15 May 2018	General Business	Draft a letter to OEH for signature by the Chair seeking funding for the sediment tracing study.	October 2018	CEO	Issues encountered incl. Marine Park concerns and that study requires long term monitoring which is beyond required timeframe to address erosion issues.	
3 September 2018	Actions from Previous Meetings	Prepare an out of session paper on funding options and reprioritisation options after PA has met with the planning consultants.	October 2018	CEO	Not yet completed.	
4 September 2018	Chief Executive Officer Report	Prepare a detailed report on the long term plan for reveg of Blackburn Island for November Board meeting.	April 2019	MECS	Final revegetation plan currently being finalised with OEH and Environmental Trust. Report in November Board agenda.	
8 (iii) September 2018	Draft Ops Plan 2018/19	Provide a half yearly review of the 2018/19 Ops Plan to the Board.	December 2018	CEO		

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date
9 (ii) September 2018	Management of Commercially Leased Buildings	<ol style="list-style-type: none"> Explore the options for achieving a reasonable return from commercially leased buildings and prepare a paper for the March 2019 Board meeting. Investigate the charging of bonds on residential leases. 	February 2019	MBCS		
			November 2018	MBCS		
10 (iii) September 2018	Cat B Land Restitution	Provide a progress report for the November 2018 Board meeting.	October 2018	MECS	See Item 11 (i) Attachment A.	
10 (iv) September 2018	Review of Compliance with Residency Conditions	<ol style="list-style-type: none"> Write letters as per the decisions captured in the minutes. Prepare out of session paper to capture the Board's discussion on direction and advise on options to change the Policy and the Act to reflect the agreed direction. 	November 2018	MECS	Draft letters prepared.	
			October 2018	MECS	In progress.	
10 (vii) September 2018	Increase in Annual Rents for Permissive Occupancies	Briefing Note to the Minister for his approval of the Board recommendation.	October 2018	MECS	Completed.	October 2018
12 (i) September 2018	Rodent Eradication Program Progress Report	Apply for the Control Order ASAP.	October 2018.	CEO	Application prepared and submitted.	
12 (iii) September 2018	Airport Runway Feasibility Study	Form a high level working group, comprised of all relevant stakeholders.	October 2018	CEO	Discussions commenced.	
12 (iv) September 2018	Location of Public Fuel Sales	<ol style="list-style-type: none"> Rezone the land so that it can be operated by a private entity. Submit a DA. 	February 2019	MECS	<ol style="list-style-type: none"> Proposed to be undertaken in LEP review. Project can proceed without rezoning. Site location pegged and DA being prepared. 	
			February 2019	MIES		
15 September 2018	General Business	Prepare a paper for the November Board meeting on the payment of a bond when using the Board's facility at Neds Beach.	October 2018	MBCS		

ENVIRONMENT & COMMUNITY SERVICES UNIT
September to November 2018

Biodiversity Management

- Provision of updated biosecurity information to Birdon for loading to their website.
- Erected bunting on Blinky Beach dune and undertook daily inspections to deter Sooty Terns from nesting within the aerodrome flight path that would present a potential strike hazard for aircraft.
- Erected new seasonal track closure sign half way up Mount Eliza to deter disturbance to nesting Sooty Terns.
- Continued implementation of Saving Our Species grant. This project includes weed search and control, targeted threatened plant monitoring, development and implementation of translocation plans for Sand Spurge *Chamaesyce psammogeton* and Phillip Island Wheat Grass *Elymus multiflorus* ssp *kingianus*. It also focuses on grid search effort in remote blocks of the southern mountains and implementation of monitoring and recovery actions for Lord Howe Island Morning Glory *Calystegia affinis* at Old Settlement, undertaking removal of annual weeds, mulching with thatch and controlling the exotic Flea Beetle *Arispoda* sp. with permethrin insecticide.
- MEWH attended Society for Ecological Restoration Australasia (SERA) conference dinner in Brisbane where Lord Howe Island Board was presented with the SERA award for Restoration Excellence for large scale projects over 50 hectares, which they shared with the Nature Glenelg Trust Long Swamp project.
- Team Leader Flora and Weed Programs, Board member Rob Pallin and MECD attended Green Globe Award Ceremony where the LHI Weed Eradication Project won the *Natural Environment Award* sharing this along with the Australian Museum Frog Identification Project. The LHI project also won the *Regional Sustainability Award* (overall winner across all categories).

Research & Volunteers

The following persons were approved to stay in/use the Research Station during the reporting period 1 September 2018 – 30 November 2018.

Name	No. People	No. Nights	Project
Terry O'Dwyer	2	14	REP – Biodiversity Benefits, Currawong research & annual woodhen survey
Nicholas Carlile	1	4	REP – Biodiversity Benefits, Currawong research & annual woodhen survey
Aiden Dempsey, Jacob Waide	2	21	Weeder volunteers
Keith Springer	1	33	REP Advisor
Richard Segal	1	47	Currawong diet and population
Melanie Massaro	1	19	Currawong diet and population
Terry O'Dwyer	2	8	Currawong Surveys
Grant Harper	1	19	REP Advisor
Jim Mags – Waterside Living	3	26	Renovating Research Station

Rodent Eradication

- See Agenda Item - Rodent Eradication progress report.

Quarantine

Ongoing inspections with detection dogs of freight brought in on Island Trader and freight planes as well as inspections of luggage from passenger planes.

Weed Management

- The Board is currently running four externally funded weed eradication grant programs (including the NSW Environmental Trust, Saving Our Species, NSW Weeds Action Plan (WAP) and is planning to roll out a new grant under the North Coast Local Services).
- **NSW Environmental Trust 'The Tide is Turning'**. The remainder of this grant is focused on Aero Robotic (AR) methods to detect target weeds (Ground Asparagus, Bitou Bush and Cherry Guava) and Herbicide Ballistic Technology. Responses to the AR quotation have been reviewed. This component of the program is due to be completed by June 2019.
- **Saving our Species LHI Threatened Species Recovery Program – Project 2 (2017 -2021)**. The LHIB are working on the second financial year of this four-year funded project. Helicopter operations are being scheduled for this summer to progress weed search and threatened species survey in the southern mountains. Up to 25 threatened plant monitoring plots will be surveyed. Teams have applied target search for Bridal Creeper in the Northern Hills over winter/spring protecting known and potential habitat for Phillip Island Wheat Grass. Weed search continues in the southern mountains which is habitat for 7 endemic threatened plants.
- **Regional Landcare Partners - North Coast Local Land Services 'Protecting World Heritage Values and the Little Mountain Palm'**. This grant is due for reporting in June 2019, providing funds for weed search, mapping the summit of Mt Gower, contribution to the SOS helicopter program and promoting awareness of LHI Oceanic Cloud Forest and the Critically Endangered Little Mountain Palm.
- The limited funding through the WAP is used to target remove weeds that are trending towards zero density / eradication and recording of weed survey and control outputs which is required to be reported to NSW DPI.
- Settlement weeding continues with focus on Madeira vine, recorded from 50 sites.

Revegetation

- Maintenance of revegetation sites has been undertaken in accordance with the Revegetation Work Schedule.
- Finalisation of funding agreement for Environmental Trust grant to undertake revegetation works on Blackburn Island to reconstruct suitable habitat to enable the future 'potential' translocation of LHI Phasmid. This project will plant 3000 plants covering 1 hectare (Blackburn Island is 1.9 hectares) aiming to reconstruct wind sheared oceanic rainforest and coastal heathlands. The approximate work plan for this project includes ordering trees and materials by December 2018, site preparation by May 2019 with Melbourne Zoo and Board staff coordinating the planting through the Conservation Volunteers program in the first 2 weeks of August 2019. Ongoing maintenance will be undertaken by Board staff until canopy closure. Further funding may be sought to extend the revegetation area in future years. The elevated section of Blackburn Island where the wind sock is located is not intended to be planted with woody vegetation and if planted will only include Poa Grass and Saltbush.
- Revegetation at Calystegia site at the start of Max Nicholls track hand weeded for annual weeds and then mulched (funded by the Saving Our Species program).

Incident Management

- Nil

Community Programs & Education

- Contribute to Signal and Community Information Bulletin.

Visitor Infrastructure

- Replaced degraded interpretation signs at Blackburn Island, Signal Point, and Muttonbird Point.
- Sallywood Swamp Forest interpretation sign erected at Cobbys Corner.
- Replaced and installed Mt Eliza walking track seasonal closure signage
- Updated and replaced phytophthora/myrtle rust signs at foot dip bays at walking track heads.

Marine Management / Moorings

- LHIB monthly mooring inspections were completed for the reporting period;
- Approximately 27 yachts visited the Island and attached to LHIB public moorings during the reporting period.

Human Resource Management

- Nil

Training

- Biosecurity detection dog handling training ongoing.
- Return to work coordinator.

Work Health & Safety

- Nil time-lost incidents during the period.

Environmental Assessment

- Ecological assessments for all OC / DAs referred completed
- Tree risk assessments completed.

Land Administration

- Respond to applications for suspension of residency, lease transfers, minor land transactions, subleasing and tenure related project work.

Development Assessment

- Continue assessments for Owner Consent, Development Applications and s96 modification applications

INFRASTRUCTURE AND ENGINEERING SERVICES

30 August 2018 to 6 November 2018

Airport

- A camera has been installed by Eastern Air Services on the 'Kentia' lease. The camera is for instantaneous monitoring of the runway conditions, cloud cover and approach and departure paths. The Board conducted a survey of the position and height of the camera and found that it penetrated the obstacle Limitation Service (OLS). Eastern Air Services have been notified of the requirement to move the camera as it is considered an obstruction under Civil Aviation Safety Regulations.
- At the time of writing (Tuesday 6 November 2018) there has been three (3) bird strikes recorded for 2018 at the aerodrome. A C-130 Hercules struck a Pacific Golden Plover during night training operations on Monday 5 February 2018; a QantasLink DHC8-200 struck a white tern over the lagoon on Sunday 18 February 2018; and a QantasLink DHC8-200 struck a welcome swallow on landing on Wednesday 5 September 2018.

From 1 January 2018 to 31 October 2018, there were 1534 aircraft movements, which equates to 1.96 strikes per 1000 movements. For the corresponding period in 2017 there was one (1) strike recorded (Pacific Golden Plover) with 1450 aircraft movements. This equates to 0.69 bird strikes per 1,000 aircraft movements.

- Lawn and gardens re-establishment work.
- Removal and relocation of demountable buildings.
- Completion of fence alignment on northern side of main entrance gate.

Building Construction Maintenance and Management

- Repair to jetty stairs. Replace one and repair one leading down to boarding area.
- Brace supporting fender pile on landing side.
- Replace washing machine nurses flats.
- Repairs to LHIB depot fuel shed.
- Internal painting of TC Douglas Drive LHIB residence completed by local painter Brian Busted.
- Old post office former letter box cover replaced and painted in order to enhance visual appearance whilst unoccupied.
- Hole (size of a boot) in the rear wall of Pro-Dive shed repaired by LHIB carpenter.

Emergency Management

- Ms Teresa Duncan, Planning Officer - Disaster Welfare Services of the Office of Emergency Management will be visiting the Island from 8 to 12 November 2018 to undertake training with Adventist Development and Relief Agency (ADRA) personnel. In times of emergencies ADRA personnel assist with Welfare Services including emergency housing, food, clothing and other welfare services as required.

Ms Duncan will also be visiting lodges to assist with the compilation of their own Emergency Plans and to ascertain to what extent they are able to provide relief services to visitors in the event of an emergency occurring on the Island.

- The Local Emergency Management Committee (LEMC) will be meeting on Thursday 29 November 2018. This meeting was deferred from 25 October 2018 to facilitate a number of visiting officers from the NSW and Commonwealth Governments.
- Air Ambulance patient retrievals year to date (Friday 31 October 2018) total eight (8), six (6) of which were residents. Five (5) residents required treatment for illness and one (1) for an injury. Of the two (2) visitors, one (1) required treatment for illness and one (1) for injury.

Patient retrievals for the same period in 2017 totalled eleven (11), seven (7) of which were residents. Four (4) residents required treatment for illness and three (3) for injury. Of the four (4) visitors three (3) required treatment for illness and one (1) for injury.

- An electrical storm on the evening of Saturday 29 September 2018 caused telephone outages to a number services on the Island including emergency service providers and members of the LEMC. The outages were complicated and many lasted for over four (4) weeks. Emergency arrangements were implemented utilising radios and alternate contacts to cover this extended period with no telephones.
- In September SES staff inspected the igloo at Mt Gower summit. SES are now supplying replacement emergency supplies for the Mt Gower igloo. Igloo in need of service and clean after being left open and signs of being disturbed inside. In addition SES will supply a second emergency supply case at the 'Saddle' including 2 x 3 man tents in case of overnight stay. All equipment and maintenance to be conducted during helicopter operations in November 2018. SES will fund helicopter use whilst on down time from weeding operations.
- Testing of emergency siren 1000 hrs Wednesday 7 November 2018.
- Follow up visit by SES North Region Controller Tony Day re 'One Unit Emergency' model utilising a combination of SES and RFS personnel. Further discussions with NSW Police at a Regional level. Construction of new joint emergency facility also discussed.
- On September 11 SES and Federal Emergency Centre east coast wide Tsunami desktop exercise conducted including LHI. Exercise commenced at 0930 hrs and concluded 1715 hrs and included a total evacuation of low lying areas (red zone) of LHI as well as the establishment and operation of an alternate Emergency Operations Centre (EOC) at the powerhouse as per the LHI Tsunami plan. LHI plan worked effectively.

- Work continues with AECOM developing the Detailed Site Investigations (DSI) Sampling and Analysis Quality Plan (SAQP). The DSI will delineate the full extent of Per- and Poly-Fluoroalkyl Substances (PFAS) contamination on the Island following the use of firefighting foams known to contain these chemicals.
- LHIB facilitated a visit by the NSW Environment Protection Agency (EPA) during the week of 28 October to 2 November 2018. Dr Katelyn Edge, Senior Operations Officer for the Environmental Sampling, Analysis and Response Team, undertook sampling of the household wells and bores on the Island. These samples have been sent to the Office of Environment Heritage (OEH) laboratory for testing for the presence of PFAS chemicals.
- The primary purpose of this EPA sampling is to provide information to residents on whether any bores are impacted by PFAS and if so are there any health impacts. Generally this was well received by residents with only one (1) leaseholder denying the EPA access to their lease and the sampling of their well.

General items

- LHIB staff continue to monitor and treat the Board's drinking water quality for NSW Health compliance.
- LHIB staff continue to monitor mosquito larvae as per the Lord Howe Island Mosquito Surveillance and Vector Monitoring Programme. This programme is part of a National scheme run by the Federal Government.

The Board's Vector Liaison Officer, Laura Marsh, from the Department of Agriculture and Water Resources is planning a visit to the Island at the end of November/early December. Laura will be training staff on new processes for the vector monitoring such as rearing mosquito larvae to the desired instar stage for identification.

- LHIB staff continue to monitor wastewater discharge at the WMF with reporting for EPA licence compliance.
- LHIB staff continue to assist residents and businesses with their on-site wastewater management system installations and/or upgrades.
- LHIB staff continue to conduct building inspections and provide certification for Construction Certificates as part of the Development Application process.
- Several works staff relieving and backfilling. Works supervisor and field officers filling several vacant positions.
- Due to high frequency of tyre punctures, the LHIB have fitted foam-filled tyres to the WMF telehandler and backhoe. The tyre can be impacted by nails etc. without deflating or effecting performance. Both machines are performing well.
- 2 new 4 x 4 metre marquees purchased in November to replace damaged 8 x 4 metre marquee. The new marquees are fitted with a PVC roof providing complete waterproofing. This equipment was purchased via the emergency budget as the

marquees are first response in establishing an evacuation area in case of emergency. The marquees can be used separately or joined to create one large covered space.

- Several LHIB residences moved both in and out re changeover of senior management positions. Steel shipping containers proving valuable and effective asset.
- New LHIB uniform order placed 19 September 2018.

Maritime Facilities and Coastal Activities

- The jetty stairs and boat ramp were high temperate (140°) /pressure cleaned in mid-September.
- One fender on southern side removed, serviced and replaced by LHIB works staff. Fender had been spun around steel pile after Islander Trader came into heavy contact. No further movement since.
- The swimming pontoon inspected October re serviceability. All in good order. Scheduled out of water clean late November for immediate return to lagoon mooring same day. "No Drinking / No Glass" sign to be installed.
- 7 September, bird scientists Terry and Nick landed on Roach and Mutton-Bird Island re camera installation for grey turn surveillance. Both scientists successfully retrieved at days end using Marine Parks vessel 'Tursiops'. A second return visit for the scientists to this site was undertaken again on 6 November.
- LHIB tractor now utilised to launch and retrieve all LHIB, Marine Parks, RMS vessels to minimise corrosion to towing vehicles. Several operators hiring tractor and operator to launch and retrieve private vessels.

Roads, Parks and Visitor Facilities

- Extensive pothole repairs are constantly being carried out weekly.
- Reinstatement of asphalt edging to Pinetrees new driveway. At this stage $\frac{3}{4}$ completed as bio blend cold mix needs several weeks to fully cure allowing vehicle access without damage. Remaining $\frac{1}{4}$ due for completion second week in November.
- Playground. Flying fox trolley removed do to corrosion. Difficulties finding replacement due to age of apparatus. Exploring alternatives to flying fox to fill space such as climbing rope web.
- Large vertically mounted balls repaired. Corrosion of supporting shaft caused middle shaft to break away. A sleeve was fitted and shaft replaced.
- Road base added to raise height of Hospital carpark in order to stop pooling rainwater. Pot holes repaired at entrance driveway of Hospital.
- Road base has been added to Under the Pines carpark to eliminate pooling after rain.

- Twenty dangerous trees were identified and removed from locations on the island within the road reserve, commercial including fourteen from one residential. The trees were removed without incident with assistance of local arborist.
- Works Staff continue to conduct road verge trimming concentrating on dangerous vines.
- Spraying for broadleaf and weeds completed at playground, oval, community hall, under the pines and Neds beach. Works team continues to research for eco alternatives. Current 360 brand of round up, bee and environment friendly.
- Improved hand sanitiser dispensers fitted to several public toilets. Older units will be replaced as the units loose their serviceable life.

Waste Management Facility

- Dr Amardeep Wander from APrince Consulting and Mr Trevor Atkins from Global Composting Solutions (NZ) made a visit to the Island during the week of 24 to 28 September 2018. Together they looked at fine-tuning the HotRot to get the best possible compost process with the inputs and volumes expected at the WMF.

Dr Wander is also progressing the Compost Exemption Order. The Order is required by the EPA to approve the process and the ingredients of the compost before distribution to the public is allowed.

- Mr Scott Ensbey of the EPA visited the Island during the week of 28 October to 2 November 2018. Mr Ensbey conducted the annual audit on the Waste Management Facility (WMF) and undertook site inspections regarding wastewater, fuel storage and chemical storage on the Island.

While Mr Ensbey was pleased with progress to date at the WMF, there is always room for improvement and works continue to ensure that the Board conducts its operations as per the EPA licence for the facility and that those operations do not pollute the environment.

- Mr Ensbey expressed the EPA's concern on the slow progress of leaseholder compliance with the On-site Wastewater Management Strategy (the Strategy) on the Island. The EPA acknowledges that while many system upgrades have been undertaken technical compliance with the Strategy is difficult. The EPA are providing input into possible solutions to improve compliance and speed up the upgrades of the on-site systems.
- General maintenance and service on all equipment has been undertaken.
- Roof structure constructed over waste water receiving area and the HotRot compost discharge bin.
- Additional work on compost bays and re-positioning of trommel.
- Extensive heightening of area around compost bay to protect from wind and visual impact from lagoon.

- Concrete bays substantially completed for paper and compost storage area towards the rear of the WMF facility.
- WMF Merlo telehandler undergoing urgent maintenance works. Hydraulic fluid entering engine oil system. New seals ordered and scheduled to be fitted early November.
- New exhaust system fitted to bobcat.

HYBRID RENEWABLE ENERGY PROJECT

- Since the last Board Meeting Australian Renewable Energy Agency (ARENA) have reviewed the existing funding agreement and provided LHIB with a new agreement for consideration and signing. This agreement is fundamentally the same agreement with all wind turbine references removed, completed milestones identified, minor additional requirements of the ARENA Board for continuation of the project and new completion dates for the outstanding milestones.

LHIB's project engineers in consultation with ARENA's project engineers have almost completed final technical assessment of the latest amendment submissions for the construction works for the solar PV, storage and control system.

Our recent advice from the Office of Local Government is that before this new agreement is signed off the Minister's office be kept informed of these latest developments.

ELECTRICAL SERVICES

Operation of the Powerhouse and Reticulation System for the reporting period 29 August to 6 November 2018

Overview of Activities

- Routine maintenance on Generating Units 1, 2 and 3 was completed
- Routine maintenance on Generator No.1, 2 and 3 battery banks was completed.
- Routine maintenance on Generator No.3 Air Circuit Breaker was completed.
- Routine maintenance on Generator No.1 and 2 battery chargers was completed.
- LHIB field and visitor facility safety checklist inspections were completed
- Routine maintenance on Generator no. 2 and 3 day fuel tanks was completed.
- Routine maintenance on Substation No.9 Oceanview, No.10 Anderson Road and No.11 Mountainview distribution pillars was completed.
- Routine maintenance on Substations No.1 Powerhouse North was completed.

- Supply load surveys were carried out on Substations No.9 Oceanview, No.10 Anderson Road and No.11 Mountainview along with their associated distribution pillars. Distribution pillars were monitored for their voltage levels. Substations were monitored for maximum demand and voltage levels. All maximum demand and voltage levels in the surveyed areas were within acceptable limits.
- Planned safety inspections of all customer service fuse connections was undertaken during the period. Service fuses are a critical part of customer supply and protection systems and are inspected for overheating, loose or damaged connections. These inspections consisted of both a visual and thermographic image inspection of this equipment. As a result of these inspections one potentially faulty service fuse was located. Arrangements have been made with this customer to isolate their supply and replace this connection. Customer service fuse inspections are a LHIB safety initiative undertaken as part of the Electrical Network Safety Management System (ENSMS) to increase reliability and safety at customer premises.

Information for Board Members

- Energy demand for the reporting period was 453 000 kWh.
- Fuel consumption for the reporting period was 113900 litres.
- Fuel energy efficiency for the reporting period was 3.98 kWh/L
- Presently there are 109 kW of privately owned solar panels connected to the electrical distribution system.
- There was no powerhouse supply interruptions during the reporting period.
- There were 5 distribution system supply interruptions during the reporting period.

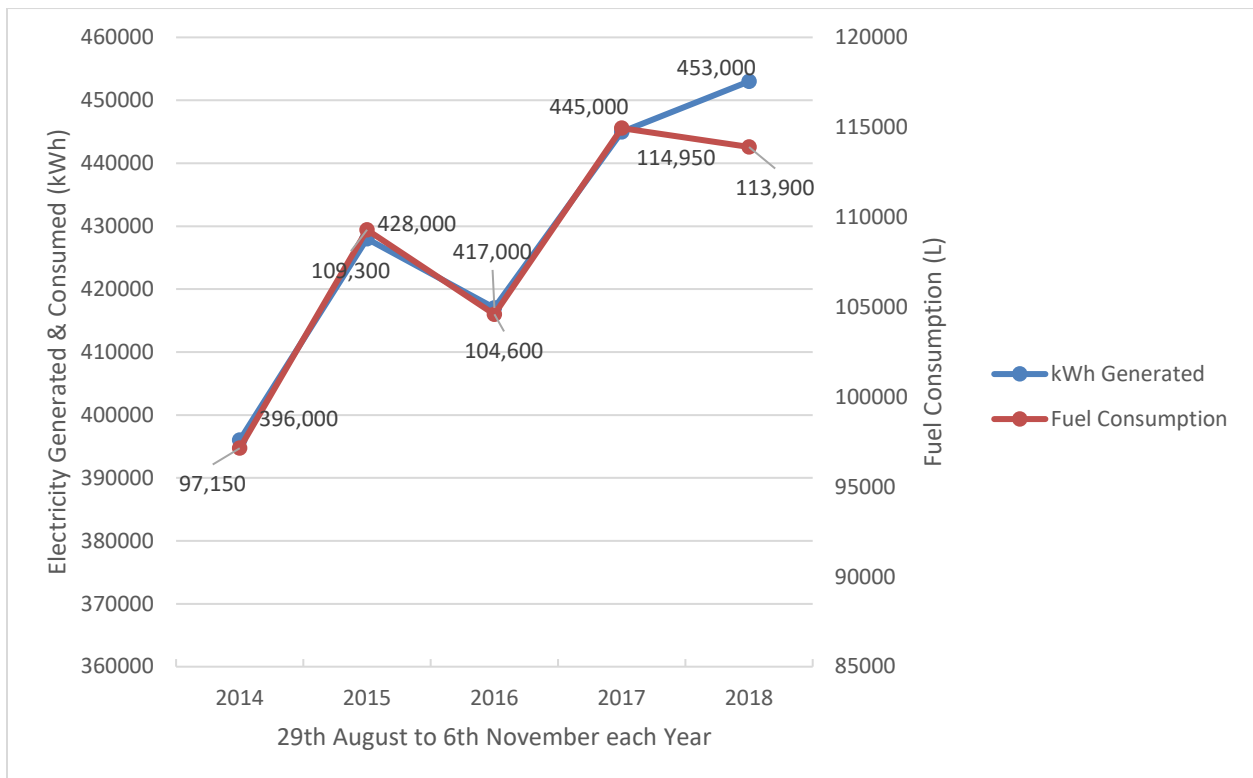
Two supply interruptions were the result of customer overloading on the distribution system.

One supply interruption was the result of a slug coming into contact between two electrical phases at DP 208. This subsequently caused a flashover that damaged customer circuit breaker connections.

The remaining two supply interruptions were the direct result of a severe lightning strike that occurred on 29th September in the vicinity of Skyline Drive. The first loss of supply was the result of a customer circuit breaker tripping at DP704 as a result of the close proximity of the lightning strike to this customer supply point. The second loss of supply was the result of urgent repair work that had to be carried out at DP501. It was reported to the LHIB Electrical Officer on 1st October that one specific customer had been experiencing an intermittent loss of supply since the lightning strike occurred on 29th September. An immediate inspection of the customer service connection was carried out at DP501 where it was evident that the customer supply neutral cable had burnt off the system neutral link and in the process damaged adjacent neutral cable connections to 3 other customers. Due to the extremely dangerous condition that could have developed on the customer's electrical installation the Electrical Officer immediately isolated all supply to DP501 to carry out the appropriate repair works. Unfortunately the isolation of supply to

DP501 resulted in a loss of supply to 15 customers. Repairs were carried out in accordance with current procedures and full supply restored to all customers with no further problems experienced.

- There were no new customers connected during the reporting period. There are currently 290 customers connected to the electrical supply system.
- The LHIB Electrical Officer provided relief for the Senior Electrical officer who was on leave for a period of 4 weeks during the reporting period.



Board Meeting: November 2018	Agenda Number: 5	Record Number: ED18/10438
-------------------------------------	-------------------------	----------------------------------

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

Chief Executive Officer's Report to November 2018 Meeting of the Board

The following briefing provides an overview of key issues managed by the Board during the reporting period, and their status. It is intended that this document be available to the public as part of the minutes of the meeting. Matters which are subject to confidentiality, business in confidence or legal action are shaded and are not included in the public copy of the report.

Number of items excluded from this public edition:
 Business & Corporate Service Report
 Reason: Business in Confidence

MATTER	STATUS	ACTION REQUIRED BY BOARD AT THIS MEETING
Runway Feasibility Study	Consultants AECOM have updated the Concept Design Report to include increased RPT security arrangements and issued their Preliminary Environmental Assessment Report. AECOM will be available to brief the Board at its meeting.	See agenda item 13 (ii)
Rodent Eradication Program	The project is now in its final planning, implementation and evaluation of the eradication plan stage. An appeal has been lodged with the Administrative Appeal Tribunal against the permit issued by the APVMA. Key staffing appointments have been made and consultation underway for the 2019 ecotourism strategy.	See agenda item 13 (i)
Renewable Energy Project	A funding agreement with ARENA has been drafted for signature that removes the previous wind generation component. Technical assessment is near finalisation of the latest amendment submissions for the construction works for the solar PV, storage and control system.	For noting. See Attachment C to this agenda item 5
Grant Funding	Additional grant funding for environmental management has been confirmed. Building Better Country Communities grant funding has been confirmed by the Member for Port Macquarie for several community projects with a sport and recreation focus.	For noting.
PFAS	Communication strategy implemented and ongoing, fact sheets and preliminary investigation report made available on website, liaison with bore owners, initial bore sampling by EPA and Detailed Site Investigations (DSI) Sampling and Analysis Quality Plan being finalised.	For noting - See Attachment C to this agenda item 5

Prepared: Peter Adams, Chief Executive Officer

Attachments:

- Attachment A: Chief Executive Officer Report – BCS Unit - **Closed**
- Attachment B: Chief Executive Officer Report – ECS Unit - **Open**
- Attachment C: Chief Executive Officer Report – IES Unit - **Open**

Board Meeting: November 2018

Agenda Number: 6

Record: ED18/10070

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Motor vehicle importation or transfer status report.

RECOMMENDATION

The report is submitted to the Board for information.

BACKGROUND

Since the last Board meeting 5 applications to import or transfer vehicles were determined by the Chief Executive Officer under the 'Vehicle Importation, Transfer and Use Policy':

CURRENT POSITION

There will be an increase of zero vehicles to the island since the last Board meeting.

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation	Comment
Michael Nobbs	Toyota Hilux	No	Private	0	Approved 22/10/2018 Replacement
Pauline Skeggs	Suburu Brumby	No	Private	0	Approved 05/11/2018 Replacement
Dominic Chia & Janice Ong	Suzuki APV Van	No	Private	0	Approved 05/11/2018 Replacement
Department of Primary Industries	Toyota Hiux	No	Commercial	0	Approved 05/11/2018 Replacement
Department of Primary Industries	Oceanic Trailer	No	Commercial	0	Approved 05/11/2018 Replacement

As at November 2018

Registered Road Vehicles						
Essential	Commercial	Private	Hire	Plant & Equipment	Imported Without Approval	Total
30	93	155	8	27	68	381

At the May 2010 meeting it was requested that further differentiation in the vehicle statistics to identify motor vehicles and motor cycles / scooters and trucks separately be presented. This information is presented below.

Registered Road Vehicles						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
186	21	50	9	31	84	381

At the June 2016 meeting it was requested that future reports include trends in regards to vehicles imported without approval and clarification that these are vehicles which pre-date the Board approval and monitoring process. There has been a total of 68 vehicles imported without approval:

- 64 vehicles were imported without approval prior to 2014. The majority of these vehicles were trailers.
- One vehicle, a boat trailer, was imported without approval in 2015.
- Three vehicles, all boat trailers, were imported without approval in 2016.

The following table shows further differentiation in the vehicle statistics to identify the types of vehicles that have been imported without written approval.

Vehicles Imported Without Approval – By Type						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
6	0	12	1	3	46	68

RECOMMENDATION

The report is submitted to the Board for information.

Prepared: Chelsea Holden, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

List of Owner's Consents dealt with under Delegated Authority.

RECOMMENDATION

The report is submitted to the Board for information.

BACKGROUND

The Minister for the Environment has approved delegated authority regarding the issuing of owners consents by the CEO providing:

1. The development value is not more than \$2 million,
2. Does not relate to development for the purpose of a new dwelling, and
3. Complies with any planning instrument in force relating to the Island.

CURRENT POSITION

The following Owner's Consent applications complied with the above requirements and have been processed by the CEO since the last Board meeting.

OC	Applicant	Site	Proposal	Zone	Decision
OC2018.12	Janelle Makiiti	Lot 813	Alterations to dwelling and demolition of existing shed	Zone 2 Settlement	Approved subject to conditions 22/10/2018
OC2018.10	Warren and Roseanne O'Brien	Portion 137	Construct double garage	Zone 2 Settlement	Approved subject to conditions 25/09/2018

RECOMMENDATION

The report is submitted to the Board for information.

Prepared: Chelsea Holden, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

Board Meeting: November 2018	Agenda Number: 8 (ii)	Record Number: ED18/10067
-------------------------------------	------------------------------	----------------------------------

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

List of Development Applications dealt with under Delegated Authority.

RECOMMENDATION

The report is submitted to the Board for information.

BACKGROUND

The Minister for the Environment, under section 80(1) of the Environmental Planning & Assessment Act, issued authority to the CEO to determine development applications providing:

1. The development value is not more than \$150,000
2. No more than 3 written objections are received within the exhibition period; and
3. The application has not been called up for full Board determination by any Board Member. (All Lord Howe Island Board development applications are to be determined by the full Board)

CURRENT POSITION

The following development applications complied with the above requirements and have been determined by the CEO since the last Board meeting, as detailed below:

DA	Applicant	Site	Proposal	Zone	Decision
DA2019.06	Warren and Roseanne O'Brien	Portion 137	Construction of double garage	Zone 2 Settlement	Approved subject to conditions 18/10/2018
DA2019.03	Gary Payten	Portion 328	Construction of double garage	Zone 2 Settlement	Approved subject to conditions 22/10/2018

RECOMMENDATION

The report is submitted to the Board for information.

Prepared: Chelsea Holden, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

LHIB APPLICATIONS REGISTER 25 September 2017 to 3 November 2018

DEVELOPMENT APPLICATIONS												
Application No. & details	Application Lodgement Date with LHIB	Application email date to CTP	Value of Development \$	Land Use Zones	Date of Request for Info by CTP (stop the clock)	Date of Receipt of Requested Add Info (restart the clock)	Application Publicly Notified	Date Internal Referrals Received by CTP	CTP Report sent to LHIB	Date Notice of Determination (+ addit. days from CTP report to LHIB)	Approved/Refused/Other	Total Processing Time (excl. stop the clock period)
DA 2018.02 Alts & Adds Garage Young	03.10.17	03.10.17	\$20,000	Settlement	03.11.17 Request to LHIB	06.11.17 LHIB Response	06.10.17 – 20.10.17	17.10.17 HB 12.10.17 KD	09.11.17	26.11.17 (+17 days)	Approved	AAP – 35 LHIB - 52
DA 2018.03 Install Wastewater treatment system Skeggs	09.11.17	21.11.17	\$20,000	Settlement	14.11.17 LHIB meeting on site with Engineer & 04.12.18 Request to LHIB	08.12.17 response	Not formally notified Letter to neighbours 09.11.17 – 17.11.17	08.12.17 HB 23.11.17 KD 29.11.17 GM	08.12.17	20.12.17 (+12 days)	Approved	AAP – 25 LHIB - 49
DA 2018.04 Transfer Shearwater Cottage dwelling entitlement Owens	19.02.18	21.02.17	\$40,000	Settlement	Prior to lodgement & as needed	30.04.18 LHIB response to enquiries	21.02.18 – 07.03.18	05.03.18 HB 15.03.18 KD 12.02.18 GM	30.03.18	May LHIB Meeting 15.05.18 (+45 days)	Approved	AAP – 37 LHIB - 82
DA 2018.05 Alts & Adds Dwelling Murray	10.01.18	30.01.18	\$148,000	Settlement	13.03.18 Request to LHIB	15.03.18 Revised work estimated costs provided	31.01.18 – 14.02.18	05.03.18 HB 15.02.18 KD 05.02.18 GM	15.03.18	29.03.18 (+14 days)	Approved	AAP – 55 LHIB - 89
DA 2018.06 Alts & Adds Dwelling Davies	30.01.18	30.01.18	\$150,000	Settlement	08.02.18 Request to LHIB & Applicant for further info	05.03.18 Applicants further info submitted	31.01.18 - 14.02.18 One submission	05.03.18 HB 05.02.18 KD ?? was requested	29.04.2018	May LHIB meeting 15.05.18 (+16 days)	Approved	AAP – 63 LHIB - 79
DA 2018.07 Alts & Adds – recladding boat shed Payten	30.01.18	31.01.18	\$2,000	Environment Protection	12.03.18 Detailed discussions with LHIB exemption provisions	06.07.18 LHIB final response	31.01.18 – 14.02.18	07.03.18 HB 15.02.18 KD 05.01.18 GM	N/A	N/A	DA not finalised as works Exempt Development under EPA Act 1979	N/A
DA 2018.08 Alts & Adds Dwelling Rickard	02.02.18	07.02.18	\$40,000	Settlement			16.02.18 – 23.03.18	05.03.18 HB 24.02.18 KD 21.02.18 GM	16.03.18	29.3.18 (+13 days)	Approved	AAP – 37 LHIB - 56
DA 2018.09 Septic Sludge Dewatering System LHIB	15.02.18	15.02.18	\$500,000	Special Uses	21.03.18	28.03.18	16.02.18 – 02.03.18	05.03.18 HB? 24.02.18 KD 21.02.18 GM	26.04.18	May LHIB Meeting 15.05.18 (+19 days)	Approved	AAP – 63 LHIB - 82
DA 2018.10 Alts & Adds – 2 tourist units & 3 staff units Green	15.05.17	15.05.17	\$800,000	Settlement	Staff units relocated following site inspect Further info request to applicant 26.06.18 disabled access request applicant/LHIB	12.06.18 applicant email re disabled access 13.06.18 Wastewater info submitted 12.07.18 LHIB advice re disability access 24.08.18 KD LHIB Audit of staff accom.	16.05.18 – 30.05.18	29.06.18 HB 08.06.18 KD	16.07.18	July Out of Session Meeting 25.7.18 2 x tourist units (+9 days) 18.09.18 Staff units (deferred) (+64 days)	Approved Approved	AAP – 45 LHIB - 54 AAP – 45 LHIB - 109
DA 2018-11 Staff Accommodation Sia & Taka	17.05.18	24.05.18	\$100,000	Settlement	05.07.18 request to LHIB	05.07.18 response LHIB	25.05.18 – 08.06.18	12.07.18 HB 14.06.18 KD	23.07.18	02.08.18 (+10 days)	Approved	AAP – 60 LHIB - 70
DA 2018-12 Change of Use – reinstate dwelling Turner	17.05.18	24.5.18	\$1,000	Settlement	24.05.17	24.05.18	25.05.18 – 08.06.18	20.06.18 KD	04.07.18	06.07.18 (+2 days)	Approved	AAP – 40 LHIB - 50
DA 2019.01 Change of Use – tourist units to staff units Turk	29.06.18	05.07.18	\$Nil	Settlement	27.07.18 request to LHIB 10.8.18 follow-up LHOB advice	25.09.18 applicant submitted new supporting letter 29.10.18 response LHIB	09.07.18 – 23.07.18	12.07.18 HB 29.08.18 KD	03.10.18	-	Undetermined	AAP - 29
DA 2019.02 Demolition/replacement fuel storage shed LHIB	29.06.18	06.07.18	\$50,000	Special Uses	13.07.18 LHIB	16.07.18 LHIB response	09.07.18 – 23.07.18	10.07.18 HB 11.07.18 KD	14.07.18	25.07.18 LHIB Out of Session Meeting (+ 11 days)	Approved but determination notice not issued	AAP – 8 LHIB - 26
DA 2019.03 Detached shed Payten	06.08.18	06.08.18	\$15,000	Settlement	08.08.18 LHIB	08.08.18 LHIB response 05.09.18 HB response	07.08.18 – 21.08.18	05.09.18 HB 29.08.18 KD	15.10.18	22.10.18 (+7 days)	Approved	AAP – 42 LHIB - 49
DA 2019.04 Alts & Adds Dwelling Lonergan	06.08.18	06.08.18	\$120,000	Settlement			07.08.18 – 21/08.18	05.09.18 HB 29.08.18 KD		-	Still under assessment	-

LHIB APPLICATIONS REGISTER 25 September 2017 to 3 November 2018

DEVELOPMENT APPLICATIONS												
Application No. & details	Application Lodgement Date with LHIB	Application email date to CTP	Value of Development \$	Land Use Zones	Date of Request for Info by CTP (stop the clock)	Date of Receipt of Requested Add Info (restart the clock)	Application Publicly Notified	Date Internal Referrals Received by CTP	CTP Report sent to LHIB	Date Notice of Determination (+ addit. days from CTP report to LHIB)	Approved/Refused/Other	Total Processing Time (excl. stop the clock period)
DA 2019.05 Change of Use, Alts & Adds Commercial Premises Cruickshank	07.08.18	14.8.18	\$125,000	Special Uses			14.08.18 – 28.08.18 14 submissions	29.08.18 KD		-	Still under assessment	-
DA 2019.06 Attached Garage O'Brien	22.08.18	31.08.18	\$19,000	Settlement	11.10.18 LHIB	11.10.18 LHIB response	31.08.18 – 14.09.18	11.10.18 HB 14.09.18 KD	12.10.18	18.10.18 (+ 6 days)	Approved	AAP – 39 LHIB - 45

MODIFICATION DEVELOPMENT CONSENTS												
Application No. & details	Application Lodgement Date with LHIB	Application email date to CTP	Value of Development \$	Land Use Zones	Date of Request for Info by CTP – (stop the clock)	Date of Receipt of Requested Add Info – (restart the clock)	Application Publicly Notified	Date Internal Referrals Received by CTP	CTP Report sent to LHIB	Date Notice of Determination (+ addit. days from CTP report to LHIB)	Approved/Refused/Other	Total Processing Time (excl. stop the clock period)
MDC 2018.01 Boundary adjustment Owens	26.10.17	26.10.17	\$5,000	Settlement			18.04.17 – 02.05.17	31.10.17 HB 09.11.17 KD		N/A	Not progressed by Applicant since Nov 2017	N/A
MDC 2018.02 Change of Use – staff units to Dwelling Owens		26.10.17	\$10,000	Settlement		06.12.17 addit info from applicant 14.06.18 updated plans submitted	Not notified	No referrals – no physical works	14.12.17	20.12.17 (+6 days)	Approved	AAP – 49 LHIB - 55
MDC 2018.03 Alts & Adds Golf Club – Club House LHI Golf Club	15.05.18	15.05.18	\$110,000	Recreation	23.05.17 request LHIB for historical info 14.06.18 request LHIB BCA assess	29.06.18 LHIB response 02.07.18 LHIB response	16.05.18 – 30.05.18	21.06.18 KD	03.07.18	06.07.18 (+3 days)	Approved	AAP – 49 LHIB - 52
MDC 2019.01 Alts & Adds Pandanus Lodge Maxwell	09.10.18	23.10.18	\$1,375,000	Settlement			Not notified/publicly exhibited	23.10.18 KD	01.11.18	-	Undetermined	-
MDC 2019.02 Deck & Side Boundary Setback Variation Owens	26.10.18	26.10.18		Settlement			25.10.18 – 08.11.18			-	Still under assessment	-

OWNERS CONSENT APPLICATIONS												
Application No. & details	Application Lodgement Date with LHIB	Application email date to CTP	Value of Development \$	Land Use Zones	Date of Request for Info by CTP (stop the clock)	Date of Receipt of Requested Add Info (restart the clock)	Date Internal Referrals Received by CTP	CTP Report sent to LHIB	Date Notice of Determination (+ addit. days from CTP report to LHIB)	Approved/Refused/Other	Total Processing Time (excl. stop the clock period)	
OC 2018.04 Alts & Adds Dwelling Rickard	21.09.18	03.10.17	\$40,000	Settlement	10.10.17 Request to applicant -plans	11.10.17 photos 13.10.17 plans		24.10.17	19.12.17 (+56 days) Nov 2017 LHIB Meeting	Supported	AAP – 21 LHIB - 77	
OC 2018.05 Change of Use & reduction in area – Commercial restaurant to residential Owens	16.10.17	16.10.17	\$Nil	Settlement	14.02.18				-	Undetermined OC with LHIB	-	
OC 2018.06 Detached Staff Accommodation Sia & Taka	07.12.17	12.12.17	\$100,000	Settlement	08.12.17 Request to LHIB – review flood design levels & SNV & cl.22	22.12.17 KD LHIB response 11.12.17 new plans from applicant		09.03.18	29.03.18 (+26 days)	Supported	AAP – 67 LHIB - 93	

LHIB APPLICATIONS REGISTER 25 September 2017 to 3 November 2018

OC 2018.07 Alts & Adds – 2 tourist units & 3 staff units Green		19.01.18	\$800,000	Settlement	13.02.17 req to applicant	21.03.17 04.04.17	14.4.18 HB	06.04.18	26.04.18 (+20 days)	Supported	AAP – 27 LHIB - 47
OC 2018.08 Detached Shed Payten	02.02.18	13.02.18	\$12,000	Settlement				12.05.17	13.07.18 (+62 days)	Supported	AAP – 88 LHIB - 150
OC 2018.09 Alts & Adds Dwelling Lonergan	17.04.18	26.04.18	\$120,000	Settlement	10.05.18 requ to LHIB			29.05.18	20.06.18 (+22 days)	Supported	AAP – 33 LHIB - 62
OC 2018.10 Attached Garage O'Brien	07.05.18	09.05.18	\$24,000	Settlement	09.05.18 requ re plans	05.07.18 submission of plans		07.08.18	25.09.18 (+29 days)	Supported	AAP – 33 LHIB - 64
OC 2018.11 Change of Use – reinstatement to dwelling Turner	08.05.18	10.05.18	\$1,000	Settlement	24.05.18 requ to amend plans	24.05.18 plans submitted	20.06.18 KD	03.07.18	06.07.18 (+3 days)	Supported	AAP – 53 LHIB - 58
OC 2018.12 Alts & Adds Dwelling Makiti	15.06.18	20.06.18	\$150,000	Settlement	27.07.18 further info requ	30.07.18 response received		07.08.18	22.10.18 (+81 days)	Supported	AAP – 45 LHIB - 126
OC 2019.01 Change of Use – Tourist unit to staff unit Turk	29.06.18	05.07.18	\$Nil	Settlement	27.7.18 info requ past approvals 28.08.18 enquiry to LHIB	25.9.18 applicant response	12.07.18 HB 29.08.18 KD	03.10.18	-	Undetermined	AAP – 30 LHIB -
OC 2019.02 Change of Use, Alts & Adds Commercial Premises Cruickshank	06.07.18	12.07.18	\$125,000	Special Uses	05.11.18		29.08.18 KD		-	Undetermined	-
OC 2019.03 LHI Community Preschool McFadyen	01.08.18	03.08.18	\$650,000	Special Uses					-	Undetermined	-
OC 2019.04 Alts & Adds Dwelling Payten	10.09.18	13.09.18	\$10,000	Settlement					-	Undetermined	-

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Annual Planning System Review

RECOMMENDATION

That the Lord Howe Island Board resolve to:

1. Note the information regarding applications assessment for the period 25 September 2017 to 03 November 2018 in the Annual Planning System Review.

INTRODUCTION

This Annual Planning System Review examines the application registers on Lord Howe Island from 25 September 2017 to 3 November 2018 including information on Owners Consent (OC) Development Applications (DA) and Modified Development Applications (MDC).

This report is based on data obtained from the Planning Assessment and Advice Register maintained by All About Planning and supplemented as required from the Lord Howe Island Board records. The report advises total current application numbers, determinations, value of development, and current application processing times.

RELEVANT BACKGROUND

As part of the Consultant Town Planner's (CTP) contract with the Lord Howe Island Board (LHIB), a review of the planning and assessment systems and processes is to be reported to the LHIB each year. This report is for the period 25 September 2017 to 03 November 2018.

The purpose of the audit is to ensure that LHIB and AAP's systems are up to date and compliant with legislative and procedural requirements and reflect best practice.

CURRENT APPLICATION PROCESSING

Development Application Register

The Consultant Planners are required to maintain an Applications Register. A copy of this register is attached for review by Board members. Key aspects of this register are detailed and considered below.

1. NUMBER of NEW APPLICATIONS and VALUE OF DEVELOPMENT:

	DA	MDC	OC
Number of new applications received 25 September 2017 to 03 November 2018	17	5	13
Value of Development	\$2,150,000	-	\$2,032,000

Several high value development applications and several LHIB community related developments have been processed in the reporting period. Those DA's and OC's being:

- Septic Sludge Dewatering System (DA2018-09) – determined
- Demolition & Replacement of Airport Fuel Storage Shed (DA 2019-01) – determined
- LHI Community Preschool (OC 2019-03) – still under assessment
- Alteration & Additions:
 - Earls Anchorage (Tourist and Staff Accommodation) (OC 2018.07, DA 2018-10) - determined
 - LHI Golf Club – Club House (MDC 2018-03) - determined
 - Pandanus Lodge (MDC 2019-02) – under final assessment

Also, of note in this reporting period are a number of OC and DA applications for alterations and extensions to existing residential dwellings, and a number of applications for staff accommodation.

Refer also the Application Register at Appendix 1 for a more detailed breakdown of key application assessments.

2. APPLICATION PROCESSING TIMES:

Development Applications

DA Processing Time from Lodgement to Issue of Notice of Determination: Average of 54 days

This average does not include any 'stop the clock' time for responses to requests for additional information and is only for the 9 DAs determined under delegation in the reporting period.

Otherwise on the register, 4 DAs are still currently under assessment or yet to be determined (– one of those DA2018.07: Recladding of Boat Shed for Payten, did not end up requiring a DA, being classified as exempt development).

Another 4 DA's were referred to regular and out of session LHIB meetings in the reporting period and therefore experienced additional associated delays.

DA Additional Information Requests:

Of the 17 DA's lodged within the reporting period, additional information was requested on 14 of these.

Some of the semi-regular issues which have delayed the processing and assessment of the applications include:

- Lodgement of applications without applicable LHIB fees or full leaseholder consent
- Missing or unclear plans or calculations

Modification Development Consents

Five (5) new MDC Applications were received by the LHIB in this reporting period.

Of these 5 MDC's, two are still under assessment and one has not been progressed by the applicant.

Additional information was requested on 2 of the 5 MDCs received in this reporting report.

Owners Consents

***OC Processing Time from Lodgement to Issue of Notice of Determination:
Average of 65 days***

This average does not include any 'stop the clock' time for responses to requests for additional information and is for 5 OCs determined within the reporting period.

Otherwise on the register, 5 OCs are still under assessment or are yet to be determined (– one of those being OC2018.05: Reduction in commercial designated area to residential use for Owens has not been pursued by the applicant).

Another OC was referred to a LHIB meeting and therefore experienced additional associated delays.

The final signing off and determination of 2 other remaining OCs, were uncharacteristically delayed due to the change over and establishment (within the reporting period) of new LHIB staff in the positions of Chief Executive Officer and Manager Environment & Community Services, both highly relevant to the Board's development assessment functions.

Additional information was formally requested on 10 of the 13 OCs determined in the reporting period.

3. APPLICATION DISTRIBUTION BY LAND USE ZONE:

The majority of the 17 DA's and 13 OC's lodged in the reporting period were proposed in the Settlement zone.

Notable exceptions included:

- Alterations & Additions to Payten Boatshed B (DA2018-07) located within the Lagoon Foreshore's Environment Protection Zone
- LHIB Septic Sludge Dewatering System (DA2018-09), and LHIB Demolition & replacement Fuel Storage Shed (DA2018-02), the proposed alterations/additions and change of use to the Old Post Office premises at the Powerhouse site (OC 2019-02 & DA 2019-05), and the LHI Community Preschool (OC 2019-03) all located within the Special Uses Zone
- Alterations & Additions to the LHI Golf Club - Clubhouse (MDC 2018-03) was within the Recreation Zone

4. PRE-LODGE MENT AND PLANNING ENQUIRIES:

The Board's Consultant Town Planners deal with a number of pre-lodgement and post-lodgement planning enquiries in addition to providing advice to various LHIB staff in respect of town planning matters as they arise.

Pre-lodgement enquiries received included the following matters:

- LHIB/ private fuel supply
- Co-op change of use
- General subdivision enquiries
- Conversion of tourist accommodation back to private residential use
- LHIB internal enquiries re: Environmental Planning Assessment Act amendments
- Community Skate Park enquiries
- Community Preschool enquiries
- Earls Anchorage additional tourist and staff accommodation
- Pandanus proposed modifications to approved development

The CTPs and the LHIB's Manager Environment and Community Services seek to have at least one teleconference a week to discuss relevant current issues along with regular phone and email communication.

High quality pre-lodgement advice continues to be provided to both the LHIB and applicants.

5. QUALITY OF ASSESSMENT OUTCOMES:

Both the LHIB and the CTPs continue to strive for excellence and quality outcomes in the assessment of all development matters for the Island. Being a World Heritage Area, it is essential that the quality of the natural and built environment is maintained.

The Board's current implementation and adoption of the Development Services Module of the Authority Document Management System will lead to efficiencies in tracking of DA/ MDC and OC applications and referrals. The CTPs have provided specific input into the setup of this Module.

Aside from the above, continual improvements in both DA and OC applications analysis and reporting are achieving good on the ground outcomes for LHI.

The LHIB assessment team continues to work well together. Communication between the consultant town planners and Board staff is excellent and applications are assessed and processed in an appropriate manner.

CONCLUSION:

The average DA processing timeframes for this Planning System Review was 54 days which is within a reasonable limit.

The average processing time for OC's was 65 days.

The Board continues to improve its practices and procedures which are having (and will have) tangible benefits to the future processing and administration of applications.

RECOMMENDATION

That the Lord Howe Island Board resolve to:

1. Note the information regarding applications assessment for the period 25 September 2017 to 03 November 2018 in the Annual Planning System Review.

Prepared by Peter & Michelle Chapman Consultant Town Planners

Endorsed Peter Adams LHIB CEO

Prepared: Peter and Michelle Chapman Consultant Town Planners

Endorsed: Peter Adams Chief Executive Officer

Attachments:

Attachment A: Applications Register – 25 September 2018 to 3 November 2018

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

1 Item

Concurrent OC 2019 - 01 and DA 2019 - 01 at Lot 326 DP 837628, Middle Beach Road, Lord Howe Island proposes a 'Change of use' for two (2) existing units at Hideaway being a guest utility room, and a transit room, to Staff Accommodation.

2 Recommendation

That the concurrent OC 2019 - 01 and DA 2019 - 01 at Lot 326 DP 837628, Middle Beach Road, Lord Howe Island for a change of use for two (2) existing units at Hideaway being a guest utility room, and a transit room, to Staff Accommodation, be approved subject to the conditions outlined in the report to the November 2018 LHIB meeting.

3 Summary Assessment Report

Assessment Officer	Peter Chapman – Consultant Town Planner
Address/Property Description	Lot 326 DP 837628, Middle Beach Road, Lord Howe Island
Proposal	Change of use of two existing units at Hideaway being a guest utility room, and a transit room, to two staff accommodation units.
Owners Consent Application No	The recommendation of this report includes a resolution that the LHIB grant Owners Consent (OC 2019-01) concurrently with DA (2019-101, if the LHIB determines to approve the proposal.
Applicant	Valerie Turk
Estimated Cost of Development	Nil – no building work proposed
Site Inspections	A site inspection was carried out in September 2018.
Zone	Zone 2 Settlement. The proposed development is permissible with the consent of the LHI Board within the zone.
Significant Native Vegetation Map	The land is partly mapped as Significant Native Vegetation (SNV), however no SNV will be damaged or removed as part of this proposal.
Notification	OC 2019.01 has not been publicly exhibited. DA2019.01 was placed on public exhibition from 09/07/2018 – 23/07/18
Submissions Received	No submissions have been received

4 Consent Authority

Owner's Consent Delegations

The Minister has authorised the Lord Howe Island Board's (LHIB) CEO to grant owners consent to the lodgement of development subject to the following conditions:

1. The value of the development must not exceed \$2,000,000
2. The application must, in the opinion of the person granting owner's consent, comply with any Planning Instrument which is in force relating to the Island.
3. The owner's consent must not relate to a proposed development application for the subdivision of land.
4. The OC must not relate to the creation of new residential dwellings.

As the subject OC indicates no building works are proposed, as the application complies with the LHI LEP and no subdivision is proposed, the subject proposal complies with the above delegations to the CEO.

Development Application Delegations

The LHIB CEO and Chairperson has delegation to grant consent to DAs (DAs) subject to the following conditions:

- The value of the development must not total \$150,000 or more (as calculated by the LHIB).
- The DA must not relate to the subdivision of land or the erection of new dwellings.
- No more than 3 written submissions received within 14 days of the public exhibition period.

As no new residential dwelling or subdivision is proposed, with a value of development below the \$150,000, as both applications comply with the LEP, and no submissions were received, the subject DA can also be determined under delegated authority. However, due to the interest in staff accommodation applications in general, it has been reported to the Board for its consideration.

5 Site Description

The subject site is identified as Lot 326, DP 837628 Middle Beach Road, Lord Howe Island (LHI) and is located on the corner of Anderson Road and Middle Beach Road. The site is an irregular shaped block with an area of approximately 4,607m².

The subject site comprises four buildings which make up the 'Hideaway' tourist accommodation facility (refer to *Figure 1*), being:

- A primary dwelling, located centrally within the site,
- A recreation room/ garage, located in front of the dwelling in the western corner of the site,
- Three (3) attached tourist accommodation units, a guest utility room, and a transit room located east of the site
- One (1) detached tourist accommodation unit located in the southern corner of the site.

The site is accessible via the north-western corner of the site adjoining Middle Beach Road.

The site is located within Zone 2 – Settlement within the *LHI Local Environmental Plan 2010* (LEP 2010). Land immediately surrounding the site is Zone 2 Settlement and Zone 7 Environmental Protection (refer to *Figure 2*).

Vegetation surrounds all buildings on the site; therefore buildings are predominantly screened from view from the street. Approximately 40% of the site contains mapped Significant Native Vegetation (SNV) except for the locations of the existing buildings (refer to *Figure 3*). However no SNV will be damaged or removed as part of this proposal. No change to the existing footprint of any building is proposed.

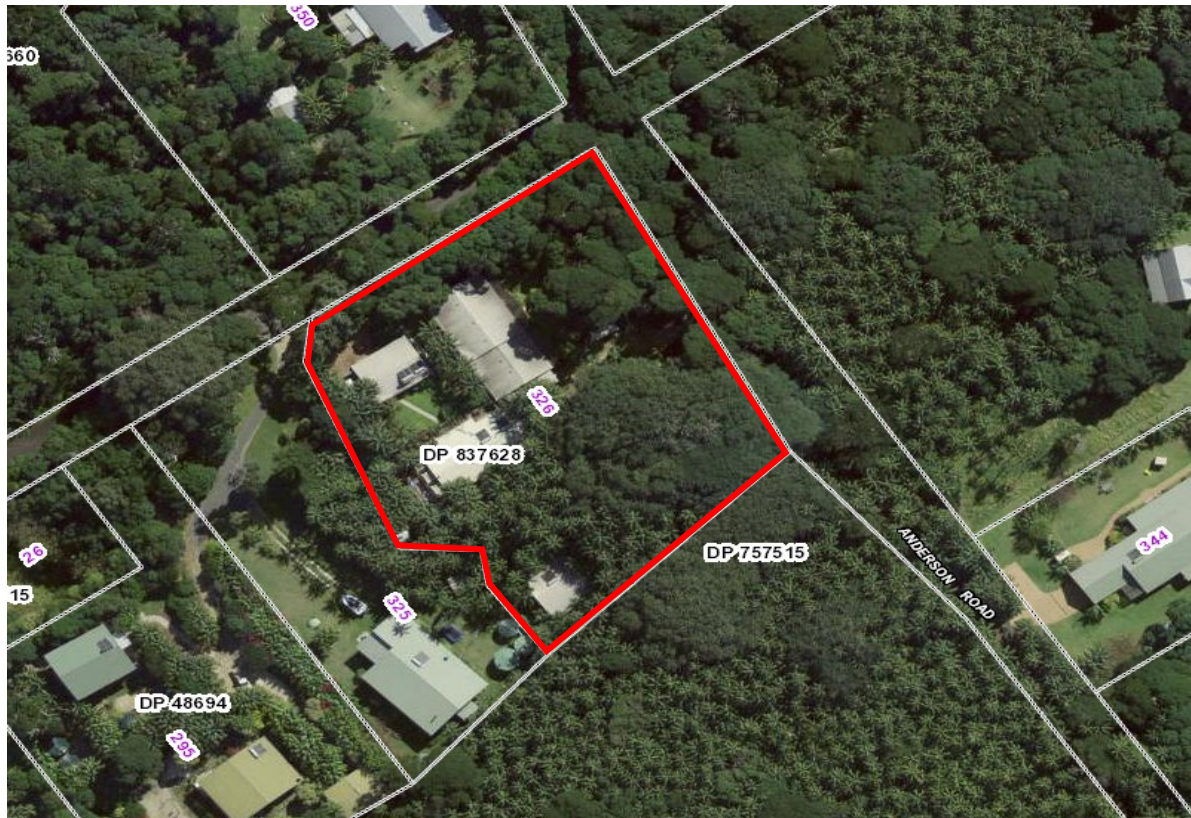


Figure 1: Aerial Site Plan

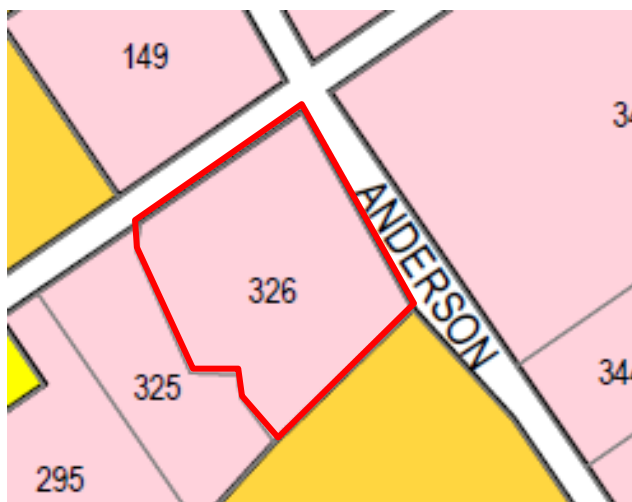


Figure 2: Extract from the LEP 2010 Zoning Map. Site outlined in blue. Zone 2 Settlement in pink.



Figure 3: Extract from the LEP 2010 SNV Map. Site outlined in blue. SNV in green.

5.1 Site History

Previously, DA 2017-03 provided development consent in October 2016 for a change of use from tourist accommodation to Unit 3 as a guest utility room and Unit 5 to a transit room. At this time 4 Hideaway bed licences were sold to Capella Lodge via LHIB consent – thereby reducing the Hideaway bed licences to 9.

The approval of DA 2017- 03 included a requirement to remove both kitchens and beds from units 3 and 5. The Site Plans below (refer to *Figure 4*), are extracted from the DA 2017-03 Assessment Report which details the proposal and units within the Hideaway Apartment being changed.

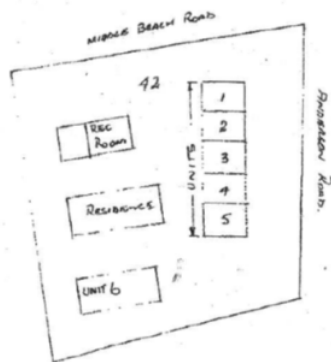


Figure 5 Site plan

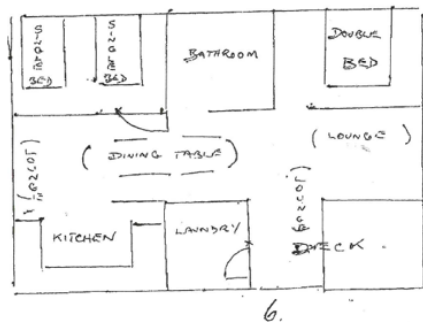


Figure 6 Unit 6 plan (no change proposed)

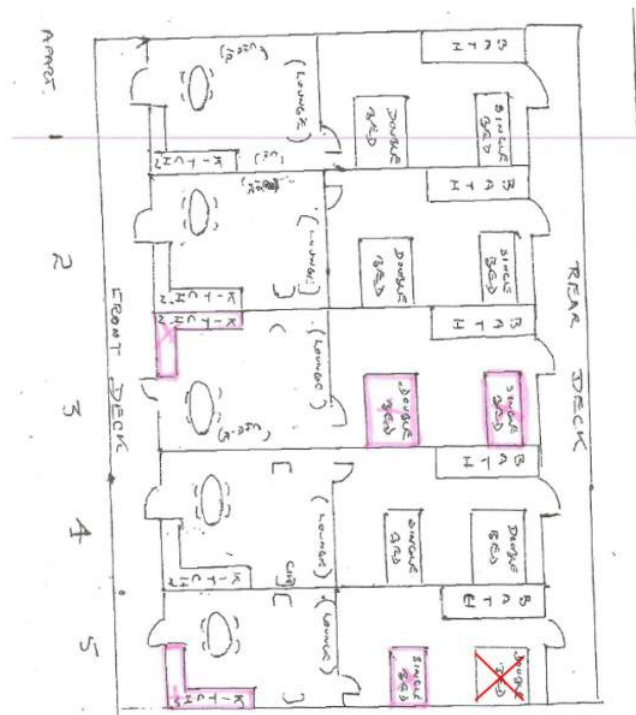


Figure 4 Proposed Change of Use, showing Apartments 3 and 5 subject of proposal

Figure 4: Figures 4, 5 & 6 Extracted from DA 2017-03 Development Assessment Report identifying rooms to be changed as part of the development consent.

There is no record of a construction certificate for DA2017-03 being submitted and the DA has not been commenced.

A site inspection by the LHIB's Planning Consultants undertaken in September 2018 confirmed the above and that both Units 2 and 4 had beds removed and kitchens decommissioned. The proponent (in a letter dated 21 September 2018) has confirmed that neither of these units have been used for tourist accommodation since November 2016.

The site inspection also revealed that the other 3 units in this building and the detached unit located in the south-eastern corner were being used for their approved use as Tourist Accommodation in accordance with the nine tourist bed licences on the site.

5 Proposed Development

The concurrent OC 2019 - 01 and DA 2019 - 01 at Lot 326 DP 837628, Middle Beach Road, Lord Howe Island proposes a 'Change of use' for units 2 and 4 at Hideaway to 2 x staff accommodation units.

The above is confirmed by the submitted plans (refer to *Figure 5*), with no building works proposed to these units. No other parts of the subject site are included in the subject applications.

The proponent has also submitted a letter supporting the business need for additional staff at Hideaway. As the enterprise is run by a sole owner with no driver's licence these staff will assist with picking up guests from the airport or travel to restaurants or other destinations around the Island, gardening and lawn mowing, house-keeping, laundry and maintenance.

As discussed later in this report, the LHI LEP 2010 requires that any accommodation for holiday accommodation staff shall each be on the same site as per LHI LEP clause 22(3). The above information supports this requirement.

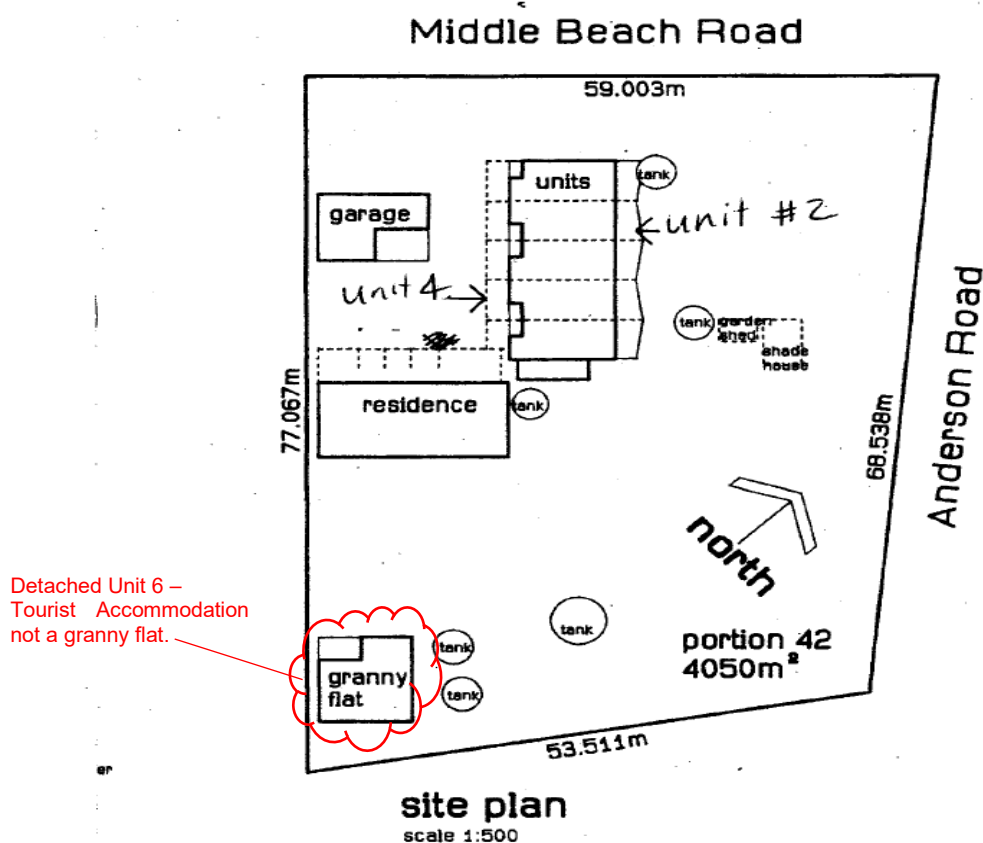


Figure 5: Site Plan submitted by applicant

6 Referrals

The LHIB has advised that the application was distributed to the following relevant internal specialists for review. No objections to the proposal have been raised.

Specialist	Issue	Comment
<p>Manager Environment World Heritage (Hank Bower)</p>	<p>The property is zoned Zone No. 2 – Settlement according to the Lord Howe Island Local Environmental Plan 2010. The objectives of this zone are: to provide opportunities for limited residential and commercial development. The proposal is consistent with these objectives.</p> <p>The proposed renovations are located wholly within the existing development footprint of the existing units and will not result in any vegetation removal or habitat disturbance as it is only a change of use.</p> <p>No vegetation is identified for removal and will therefore not remove or damage any mapped Significant Native Vegetation (SNV).</p> <p>There is native vegetation in the Study area which is mapped by Sherringham <i>et al</i> 2016 as community 19 Maulwood – Kentia Palm – Cottonwood - Greybark lowland forest, 12a Kentia Palm on coral sand and calcarenite, 12b Banyan – Kentia Palm forest on coral sands and calcarenite, and Ep – Environmental planting. The vegetation at the Subject site is mapped by Pickard (1983) as vegetation associations Da-Ct <i>Drypetes australasica</i> – <i>Cryptocarya triplinervis</i> and Hf <i>Howea forsteriana</i>. The Sherringham <i>et al</i> 2016 mapping is considered accurate. No vegetation will be removed.</p> <p>The subject site provides known or potential habitat for at least 7 threatened species being; LHI Gecko <i>Christinus guentheri</i>, LHI Currawong <i>Strepera graculina crissalis</i>, LHI Golden Whistler <i>Pachycephala pectoralis contempta</i>, LHI Silvereye <i>Zosterops lateralis tephroleura</i>, Lord Howe Woodhen <i>Gallirallus sylvestris</i>, LHI Placostylus <i>Placostylus bivaricosus</i> and Flesh-footed Shearwater <i>Ardenna carneipes</i>.</p> <p>The LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen are all widely distributed across the Island and regularly occupy forests and gardens within the settlement. They are commonly found co-habiting with human infrastructure within the settlement area and in the case of the LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen will forage and roost around dwellings and associated infrastructure. However, the core habitat resources for all these species is dense native vegetation.</p> <p>The Flesh-footed Shearwater nest seasonally on LHI in burrows, predominantly in areas of calcarenite soils with dense native vegetation. The Flesh-footed Shearwater has known nesting habitat at the Subject site, particularly in the forested area and edges of lawns and in gardens. The proposal will not affect their habitat as it is merely a change of use of existing infrastructure.</p> <p>The LHI Gecko is known to occur throughout the settlement of LHI where it can utilise human made structures and stock piled</p>	<p>Noted and recommended accordingly</p>

	<p>building materials (e.g. sheets of corrugated iron etc) as sheltering habitat. It can be found within cavities of dwellings that exclude rodents and shelters within cracks and cavities in trees and rocks. It is possible that LHI Gecko could be present within the existing building and could be detected during renovations. Any animals detected during works must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, old dwellings/structures) away from the development site</p> <p>The Subject site includes areas mapped as modeled High Quality Habitat (A) for LHI Placostylus. This mapping is considered accurate where there is intact native vegetation. The LHI Placostylus favours forested habitats on calcarenite soils with a dense shaded canopy, continuity with large areas of vegetation and a thick moist leaf layer in which they can burrow during dry times. This habitat is present at the Subject site, although is mostly restricted to boundaries and does not include any areas impacted by this proposal. The lease already conducts rodent baiting in accordance with the Boards rodent baiting schedule.</p> <p>A 5 Part Test of significance was not submitted with the DA as the proposal is located within an existing development footprint. This assessment concludes that the proposed development will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats.</p> <p>Recommendations That the development be approved.</p>	
<p>Team Leader, Compliance and Projects (Kate Dignam)</p>	<p>Building Class: Class 1a.</p> <p>Notes Relating to issuing of a Construction Certificate</p> <p>Access for People with a Disability</p> <ul style="list-style-type: none"> • The applicant is to ensure compliance with the Disability (Access to Premises – Buildings) Standards 2010 (DS) and the National Construction Code (NCC). Compliance includes, but not limited to: <ul style="list-style-type: none"> ○ Access to and within at least one (1) Guest Apartment within the Hideaway Apartments Complex ○ Access to and within the Recreation Room ○ Access to and within the proposed Guest Utility Room ○ Access to and within the proposed Guest Transit Room ○ Access to and within any other area or space for use in common by the guests within the Hideaway Apartments Complex i.e. BBQ area. • The applicant is to ensure DS and NCC compliance in regard to doorway widths, access ramp gradients and facilities for personal hygiene. 	<p>Noted and recommended accordingly – refer to notes below.</p>

- Full disability access compliance will need to address the following clauses of the DS and NCC (aligned):
 - i. D3.1 to D3.12;
 - ii. F2.2; and
 - iii. F2.4.
- If the applicant is proposing a Performance Solution for any requirements of the DS and NCC, the relevant Performance Requirements must be determined in accordance with A0.7 of the NCC. A report outlining any proposed Performance Solutions must be compiled by an appropriate person and submitted with the application for a Construction Certificate.
- The applicant may be required to submit a modification to the development application to cover additional building works that may be required to satisfy access for people with a disability.

Notes relating to issuing of Construction Certificate

- If the Development Application is approved the applicant will be required to apply for a Construction Certificate for works related to the compliance of the DS and NCC. No works can commence until a valid Construction Certificate for the works has been issued.
- The applicant is to ensure the Construction Certificate Plans align with approved Development Application Plans.
- In an application for a Construction Certificate the applicant is to provide **detailed structural engineering plans** for the building works. The applicant is to ensure the plans also address the structural elements of any stairs, retaining walls, balustrading, ramps etc. All the structural plans are to address compliance with construction in Wind Zone A, and are to be certified by an appropriately qualified Structural Engineer in accordance with AS1170.2.
- In an application for a Construction Certificate the applicant is to provide evidence of payment of a Long Service Levy as per section 34 of the Building and Construction Industry Long Service Payments Act 1986.
- Prior to the issuing of a Construction Certificate the applicant is to ensure compliance with any/all conditions imposed by the Board as part the Development Application approval process.

Fire Safety

- The applicant is to ensure that fire-fighting equipment is installed as per the requirements of the NCC.
- The applicant is to ensure that fire detection and early warning devices, such as automatic smoke detectors, are installed so that occupants may evacuate, in the event of

fire, to a place of safety. The placement of early warning devices is to be in accordance with AS1851.8.

- The applicant is to ensure that an Annual Fire Safety Statement for Hideaway Apartments is supplied to the Board as a record of the functionality and ongoing maintenance of any fire safety measures installed.
- The applicant is encouraged to install 38mm 'Storz' fittings to existing and new water tanks to enhance the Rural Fire Service firefighting capabilities should there ever be a need for firefighting at the Hideaway Apartments Complex.

Flood Management

- No relevant matters.

Wastewater

- It is noted that this application (nor the application for DA2017-03) does not address any alterations/upgrades for the existing wastewater treatment system to comply with the LHI On-Site Wastewater Management Strategy (OSWMS).
- The applicant should be advised that all the wastewater treatment systems on the lease require replacement/upgrading to comply with the LHI On-site Wastewater Management Strategy.
- The applicant may be required to submit a modification to the development application to cover upgrade works and installation of effluent irrigation areas that may be required for the wastewater treatment systems to comply with the OSWMS.
- It is suggested that the applicant have discussions with LHIB personnel regarding their obligations under the OSWMS and wastewater system sizing, design and land parcel capabilities.
- All plumbing work, including the connections and disconnections to the wastewater system, is to be undertaken by a licensed plumber.

Water

- Where necessary all plumbing work, including the disconnections and connections to the water system, is to be undertaken by a licensed plumber.
- All waterproofing of wet areas such as bathrooms and laundries is to be certified by an appropriate person and certification to be provided before, or with, the application for Occupancy Certificate.
- The applicant must demonstrate that the drinking water supplied to the premises will consistently meet the

Australian Drinking Water Guidelines 2011 and any subsequent amendments to the Guidelines.

- An appropriate drinking water management system, in compliance with NSW Health
 - a) requirements and the Public Health Act 2010 and Regulation 2012, is to be provided.

Waste Management

- If construction is required all construction waste is to be contained within the site and then be recycled or disposed of at the authorised waste management facility on the Island. This excludes asbestos waste, which is the responsibility of the applicant to remove from the Island.
- Waste disposal fees will be charged in accordance with the Lord Howe Island Board's schedule of fees and charges.
- No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Construction and Demolition

- If required, all electrical work must be carried out by a licensed electrician and an Electrical Compliance Certificate issued to the Board before, or with, the application for Occupancy Certificate.
- If required, all works are to be undertaken in accordance with approved Construction Certificate documentation.
- If required, a Pre-Commencement meeting to be arranged with the Owner, Builder and Board Personnel prior to any work commencing on site. If required and the applicant is nominating the Lord Howe Island Board as the Principal Certifying Authority, this meeting will constitute the pre-commencement and site set out inspection.
- If required, the applicant is to ensure all Mandatory Inspections are undertaken.

Mandatory Inspections

- As Class 3 Buildings the Principal Certifying Authority (PCA) will require the following Mandatory Inspections to be undertaken during any construction required:
 - a) Pre commencement/set out
 - b) After the commencement of the excavation for, and before the placement of, the first footing
 - c) Prior to covering the junction of any internal fire-resisting construction and any other building element required to resist internal fire spread
 - d) Prior to covering any wet area waterproofing
 - e) Stormwater connections
 - f) Final Inspection prior to Occupation Certificate being issued

Access for Disability Requirements Comment:

In response to the above Access for Disability Requirements, compliance with the BCA/NCC is not proposed as part of the DA application. The tourist units being retained have been previously granted development consent and are not part of this present application for staff accommodation. The garage/ recreation room is not being utilised in the operation of the site. The common areas including guest utility room and transit room are proposed to be converted to staff accommodation in this development proposal.

NCC D 3.4 Exemptions

The following areas are not required to be accessible:

- a) *An area where access would be inappropriate because of the particular purpose for which the area is used.*
- b) *An area that would pose a health or safety risk for people with a disability.*

Any path of travel providing access only to an area exempted by (a) or (b)."

Planning Comment:

Regarding 'Access for People with a Disability' on the subject site, as stated in the above referral comments, the Building Code of Australia/ National Construction Code (BCA/NCC) addresses situations where the provision of disabled access is required.

In regard to the subject application, the LHIB may choose to consider the following matters relevant to disabled access standards and compliance with same for staff.

- No building works are proposed in the subject application therefore a construction certificate and associated conditions will not be required.
- Regarding access to common areas of the site, no change is proposed to the general accessibility of the existing development. The guest transit room and utility room will be converted to staff accommodation and the recreation area is currently used as a garage. There is no need for these areas to be accessible to guests/tourists or persons with a disability.

Regarding accessibility to the change of use for 2 x new staff accommodation units at Hideaway, the LHIB may like to consider the outcome of previous accessibility requirements applied to Capella Lodge for proposed alterations and additions in 2017. The LHIB may determine that the following general and specific points are also relevant to an assessment of the subject DA, as sourced from the Access Capability Statement prepared for those alterations and additions to Capella Lodge - Lord Howe Island, by Code Performance, dated 14 March 2017:

- *"As stated in BCA Objective D01, Section D of the BCA provides, as far as reasonable, people with safe, equitable and dignified access to a building and the services and facilities within. The Guide to the BCA goes on to explain these terms, as reproduced below:*
- *"As far as is reasonable" – there may be occasions when the application of a rule is "unreasonable". Use of the phrase "as far as is reasonable" indicates that the BCA provisions are not absolute. This is consistent with the intent of the DDA.*
- *"Equitable" – one of the primary intentions of the DDA is to provide people with disabilities with the same rights as the rest of the community. The word "equitable" combines concepts of fairness and equality. It does not mean that all people must be able to do precisely the same thing in the same way. However, if some people can use a building for a particular purpose, then most people should be able to use the building for that purpose. The concept of "equitable" does not necessarily mean that everybody should be able to access all parts of a building.*

- *“Dignified” – a person with a disability should be able to gain access to and within a building, and to the services and facilities of buildings, in a manner which is not devaluing or demeaning.”*
- The March 2017, Code Performance Access Capability Statement for Capella Lodge makes the following observations about the Island and its accessibility:

“General Island Accessibility

- *Lord Howe Island attracts limited numbers of Disabled Visitors due to the very nature of the Island, its facilities, topography and activities.*
- *The island is approx. 600km of the east coast of NSW and the island has very limited transport options for getting around the island and the buildings on the island have generally not been constructed to accommodate persons with a disability, especially for wheelchair bound persons.*
- *There is no public transport available on the island, no disabled vehicles for hire or use and the main mode of transport for visitors is through the use of push bike or by way of walking.*
- *The town centre is not equipped with assessable facilities at the present time and therefore this limits the attraction of the island to disabled occupants, especially those in wheelchairs.”*

The subject Hideaway staff units:

- Are positioned in an existing constructed building and rooms. The topography is such that providing access to staff with limited mobility would be difficult.
- Staff working at the tourist accommodation on the site are required to be mobile due to the nature of their work and the lack of disabled access at these businesses.
- The likelihood of a person with a disability being employed as a member of staff is lower on Lord Howe Island than the mainland due to the inherent accessibility issues with the Island (discussed earlier), its isolated location and its limited permanent and temporary populations.
- The subject staff accommodation will not be used by the general public, only staff, noting the above comments in relation to the nature of the work involved and the Island generally.

Given the above factors, the LHIB needs to consider whether it is willing to make the above assessment as to whether Reasonable, Equitable and Dignified access is required for both tourists and staff residing at Hideaway. If the LHIB is not willing to make a BCA/NCC compliance determination then a report from a certified, qualified and experienced access and BCA consultant will be required to form part of the Construction Documentation.

If the LHIB considers that they would like to rely on the advice of an Access Consultant in respect of this matter, the following additional condition could be imposed:

“An Access Capability Statement from a suitably qualified access consultant is to be provided prior to release of any Construction Certificate confirming how the proposal is able to comply with the BCA/NCC in relation to access for people with a disability.”

7 Planning Assessment

A town planning assessment has been undertaken for the proposed development taking into account the relevant statutory controls, and other relevant matters as detailed below in this report. The key considerations are addressed below.

7.1 Commonwealth legislation

7.1.1 *Environmental Protection and Biodiversity Conservation Act 1999*

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) provides for the protection of certain matters of national environmental significance (NES) listed under the Act, which include:

- World Heritage Areas
- National Heritage Places
- Ramsar wetlands of international importance
- Commonwealth listed threatened species and ecological communities
- Listed migratory species
- Commonwealth marine areas
- Great Barrier Reef Marine Park
- Nuclear actions.

Under the EPBC Act, Commonwealth approval is required from the Minister of Sustainability, Environment, Water, Population and Communities (Minister) for any action that will have or is likely to have a significant impact on a NES, or on the environment of Commonwealth land or on the environment if the action is proposed to be taken by a Commonwealth agency (known as a 'controlled action').

A person proposing to take a controlled action must refer the proposal to the Minister for determination. A person proposing to take an action that the person thinks is not a controlled action may refer the proposal to the Minister for the Minister's decision whether or not the action is a controlled action.

Lord Howe Island is a declared World Heritage Property. Section 12 of the EPBC Act 1999 requires approval of actions that involve a significant impact on a declared World Heritage Property.

An Advisory Note has been included in the recommendation to this report, that the applicant make independent enquiries with the Australian Government's Department of the Environment and Energy, to confirm whether they consider the proposed actions as detailed in this report are likely to have any impact on the heritage values of the:

- *World Heritage and National Heritage listed Lord Howe Island Group - ID 105085 and 105694, and*
- *Register of the National Estate listed Lord Howe Island Group and Marine Environs - ID 201.*

7.2 NSW legislation

7.2.1 *Biodiversity Conservation Act 2016*

The *Biodiversity Conservation Act 2016* (NSW) (BC Act) sets the framework for the listing of threatened species, populations and ecological communities, and key threatening processes in NSW, and the preparation and implementation of recovery plans and threat abatement plans.

The BC Act also provides the mechanism for applying for and obtaining licences to take actions, which could result in harm to a threatened species, population or ecological community, or their habitat, or damage to critical habitat.

As outlined in the referral comments from the Manager Environment World Heritage (refer to section 6 of this report), no adverse environmental or ecological impact from the proposal are envisaged as the proposal is for a change of use only.

7.2.2 NSW Heritage Act 1977

The main objective of the Heritage Act 1977 (Heritage Act) is to encourage the conservation of the heritage of NSW. Pursuant to Section 4.45 of the EP&A Act 1979, Section 58 and Section 57(1) of the Heritage Act are triggered by this application.

The Lord Howe Island Group is listed on the State Heritage Register. Section 57 (1) of the Heritage Act requires that all applications to carry out development on Lord Howe Island, be referred to and granted concurrence by the NSW Heritage Office. This provision is overridden however by the operation of Section 57 (2), in the circumstance of the Minister issuing a Heritage Exemption Order.

On 9 January 2015, the NSW Minister for Heritage published an order under section 57(2) of the Heritage Act, providing for an exemption to refer specific activities to the Heritage Division, instead requiring referral of only those applications requiring consent under clause 39 of the LHI LEP 2010.

The site does not require consent under Clause 39 as it is not a listed heritage item within the LEP 2010. Referral of this application to the NSW Heritage Division is therefore not required.

7.3 Local Statutory Plans and Policies

7.3.1 Lord Howe Island Local Environmental Plan 2010

The *LHI LEP 2010* is the principal environmental planning instrument applying to the proposal. The following summary table details the LEP provisions relevant to the subject proposal, together with assessment and/or comment as required.

The subject site is located within Zone 2 Settlement and both *Staff Accommodation* and *Tourist Accommodation* are permitted with development consent on the land under the LEP.

LEP 2010 compliance summary table

LEP 2010 Clause		Complies Y/N	Comment
Part 1 Preliminary			
2	Commencement and Aims of Plan	Y	<p>Each of the aims of the LEP 2010 have been considered in the assessment of this application. The proposed change of use from transit room and guest utility room to staff accommodation will have no environmental impact and/or disturbance to protected flora and fauna native to the Island.</p> <p>The proposed change of use will not detrimentally impact tourism development on the Island.</p>

LEP 2010 Clause		Complies Y/N	Comment
			<p>The proposal facilitates the well-being, welfare and economic needs of the proponent and Island.</p> <p>The proposal meets the aims of LEP 2010.</p>
3	Land to which plan applies	Y	The LEP 2010 applies to the subject site which is part of Lord Howe Island, as defined in Section 3 of the Lord Howe Island Act 1953.
6	Who is the consent authority for this Plan?	Y	The Lord Howe Island Board (LHIB) is the relevant consent authority.
7	Maps	Y	Noted.
9	Exempt Development	N/A	The proposed works are not listed as Exempt Development within Schedule 1 of the LEP.
11	Matters that must be satisfied before development consent granted	Y	Refer to the following assessment table under clause 11 of the LEP.
Part 2 General Provisions applying in particular zones			
12	Land Use Zones	Y	The land is zoned Zone 2 Settlement.
14	Zone 2 Settlement	Y	The proposal complies with the LEP zone objectives and is permissible with the consent of the LHIB.
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			
22(1) (a) (b) (c)	Tourist accommodation, staff accommodation and commercial premises	Y	<p>The proposal is for a change of use only to Hideaway Unit 2 and Unit 4 from transit room and guest utility units to 2 x staff accommodation units.</p> <p>No building works or enlargement of the existing facilities on site are proposed. There will therefore be no change to the development footprint or landscaped areas provided onsite.</p>

LEP 2010 Clause		Complies Y/N	Comment
22(1) (d)	demonstrated business need for the development	Y	<p>The subject applications were accompanied by a letter from the proponent Valerie Turk confirming the needs for staff and associated accommodation at the premises.</p> <p>The information submitted has adequately demonstrated a business need for the proposed staff accommodation for Hideaway in compliance with the LEP.</p> <p>The proposal also retains the existing number of authorised tourist bed licences on the site at 9 (utilised in Units 1,3,5, and 6).</p>
22(3)	The consent authority must not consent to development for the purposes of staff accommodation that is ancillary to tourist accommodation unless the land on which the development is proposed to be carried out is the subject of the same lease as the tourist accommodation.	Y	<p>The proponent's letter dated 21 September 2018 confirms the need for staff to assist with the operational needs at Hideaway, and the capability to accommodate staff on-site.</p> <p>The LEP requires Hideaway staff to be employed and accommodated on-site. In this proposal, the staff accommodation is being carried out on the same lease as the tourist accommodation. The subject proposal is consistent with the requirement of Clause 22(3) of the LEP.</p>
22(4)	400 Tourist Bed Limit	Y	As a development for additional staff accommodation, (as stated earlier) the proposal retains the existing number of authorised bed licences on the subject site at 9. Therefore no change to the number of tourist beds on the Island will result.
26	Limit on number of dwellings to which consent may be given	N/A	<p>As proposed staff accommodation, the proposal does not trigger clause 26 of the LEP.</p> <p>Furthermore referencing the definitions in LHI LEP cl 20(3), Division 1, the subject development is considered to be 'staff accommodation' not 'staff accommodation that is a dwelling' that otherwise could be called up by clause 26.</p>
29	Maximum height of buildings	N/A	No building works are proposed
Division 2 Provisions that apply to particular land			
32	Setbacks of buildings in Zone 1, 2 or 5	N/A	No building works are proposed and therefore no change to the existing building setbacks will result.
33	Landscaping to be carried out in Zone 2	N/A	No building works are proposed and therefore no change to the existing landscaping or character of the site will result

LEP 2010 Clause		Complies Y/N	Comment
34	Land Adjoining Zone 7 or 8	N/A	No building works are proposed therefore no change in the sites relationship or impacts on the adjoining zone 7 land will result.
39	Development Affecting Heritage Items		The subject site is not a listed heritage item or located adjoining any item.

7.3.2 CLAUSE 11 MATTERS

Clause 11 of the LHI LEP 2010 provides that the consent authority must not consent to the carrying out of development unless it is satisfied regarding the following matters. These requirements with respect to the proposed development are discussed below.

CLAUSE 11 REQUIREMENT	COMPLIES Y/N	DISCUSSION
a) <i>The proposed development is consistent with the aims of this plan and the objectives of any zone, as set out in the plan, within which the development is proposed to be carried out,</i>	Y	The subject site is Zone 2 Settlement under LHI LEP 2010. As assessed earlier in section 7.3.1, the proposal is consistent with the aims of the LHI LEP and objectives of this zone.
b) <i>There is an adequate area available for the disposal or treatment of any effluent treatment or disposal system and any such system will not have any adverse impact on groundwater quality,</i>	Y	Historically, the two (2) units were previously used as tourist accommodation, therefore the proposed change of use to 2 x staff accommodation units should not change the number of facilities or increase the waste water load for the site from those previously approved. However, the LHIB has advised that the existing wastewater treatment system must comply with the LHI On-Site Wastewater Management Strategy (OSWMS). Advisory notes/conditions to reflect these requirements have been recommended should the application be granted approval.
c) <i>No part of the proposed development:</i> i. <i>will result in any damage to, or removal of, significant native vegetation, or</i> ii. <i>will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i>	Y	As stated earlier in this report part of the lot is mapped Significant Native Vegetation (SNV). The proposal will not impact on the mapped SNV located on the site.

CLAUSE 11 REQUIREMENT	COMPLIES Y/N	DISCUSSION
d) <i>Access is, or will be, available to the site of the proposed development and the provision of any such access will not:</i> i. <i>result in any damage to, or the removal of, significant native vegetation, or</i> ii. <i>have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i>	Y	No change to the current vehicular access to the site is proposed or required in the subject application.
e) <i>Any proposed landscaping will provide various species of plants that are native to the Island and common in the locality to enhance any significant native vegetation,</i>	N/A	Refer to the discussion of clause 33 of the LHI LEP 2010. No additional landscaping is proposed or required.
f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i>	N/A	The site is not affected by such hazards.
g) <i>Adequate services in respect of the proposed development can be provided without significant additional cost to the Board or the community of the Island,</i>	Y	No additional infrastructure services are anticipated to be required.
h) <i>The appearance of the proposed development (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality,</i>	Y	The proposal will not result in any external change or detrimental visual impact within the locality.
i) <i>The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	No building works are proposed and therefore there will be no change to the existing overshadowing created by the development.
j) <i>The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	Y	There is no proposed change the building or structures on the site and therefore no reduction in the privacy of neighbouring properties will result.

7.3.3 Lord Howe Island Development Control Plan 2005

The Lord Howe Island Development Control Plan 2005 (DCP 2005) applies to the subject site and an assessment of the provisions of the DCP relevant to the subject proposal is included in the following table.

DCP Compliance summary table:

LHI DCP 2005 Clause	Complies Y/N	Comment

Part 1 Introduction			
1.2	Plan Objectives	Y	The proposed change of use for units 2 and 4 to staff accommodation are consistent with the Plan objectives.
1.4	Where does plan apply?	Y	This DCP applies to the subject site.
Part 2 Design Principles			
2.1	Introduction	Y	Noted.
2.2	Objectives	Y	The proposal is consistent with the DCP's design objectives.
2.3	Design Context	Y	No building works are proposed and therefore no change to the existing buildings compliance with the DCP provisions will result. The proposal as assessed is consistent with the character and nature of the site and locality.
2.4	Bulk and Scale	Y	See above comment
2.5	Building Forms	Y	See above comment
2.6	Building Materials & Colours	Y	See above comment
2.7	Energy and water efficiency	Y	See above comment
2.8	Landscaping design	Y	See above comment
2.9	Site access and parking	Y	No change to existing arrangements proposed.

8 Environmental Effects

8.1 Environmental Planning and Assessment Act 1979

Under the provisions of Section 4.15, (previously 79C (1)) of the EP&A Act, in determining a DA, a consent authority is to take into consideration the following matters as are of relevance to the development the subject of the DA.

- a) the provisions of the following that apply to the land to which the development application relates:
- i. Any environmental planning instrument
Comment: An assessment against the LHI LEP 2010 has been undertaken (see Section 7.3.1) and the proposed development was found to comply with all relevant provisions subject to the conditions of approval included in the recommendation of this report.
 - ii. Any proposed instrument that is or has been the subject of public consultation under this Act
Comment: N/A
 - iii. Any development control plan
Comment: An assessment of the proposal against the LHI DCP 2005 has been undertaken in Section 7.3.3 and was found to comply.
 - iii Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4

Comment: There are no planning agreements relevant to the application.

- iv. The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Comment: There are no relevant matters prescribed by the regulations.

- v. Any coastal zone management plan (with the meaning of the Coastal Protection Act 1979)

Comment: There are no coastal zone management plans relevant to the application.

- b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As assessed, the proposed change of use to staff accommodation will not cause any adverse environmental impacts on the natural and built environment and will not significantly impact social and economic interests within the locality.

- c) the suitability of the site for the development

Having regard to the location and the proceeding assessment, the site is suitable for the proposed change of use which does not include any building works or alterations.

- d) any submissions made in accordance with this Act or the regulations

As confirmed earlier in this report no submissions were received to the notification of the proposal.

- e) the public interest

For the reasons outlined in the preceding assessment, it is considered that the proposed change of use, will be in the public interest, subject to appropriate conditions included in the attached recommendation.

9 Conclusion

This concurrent OC and DA have been assessed with regards to the provisions of Section 4.15 of the EP&A Act, the LHI LEP 2010, the LHI DCP 2005, and the relevant codes and policies of the Lord Howe Island Board.

The application for a change of use to Hideaway Units 2 and 4 from a guest utility room, and a transit unit, to Staff Accommodation are supported, subject to the proposed development application conditions and advisory notes in the following recommendation. It is noted that Units 1, 3, and 5 are within the same building, and the detached Unit 6 will remain tourist accommodation units (utilising the existing approved nine tourist bed licences). The existing dwelling will also remain unchanged.

10 Recommendation (Conditional Approval)

Owners Consent and Development Consent Recommendation (Conditional Approval)

That OC 2019 -01 and DA 2019-01 at Lot 326 DP 837628 Middle Beach Road, Lord Howe Island for a change of use to existing Hideaway Units 2 and Unit 4 from a guest utility room,

and transit room to staff accommodation be approved subject to the following conditions:

1. Approved Plans and Supporting Documentation

The development is to be carried out in accordance with the plans and documentation provided with OC 2019 -01 and DA 2019-01 as listed below and endorsed by the Lord Howe Island Board's stamp, except where amended by other conditions of consent.

- a) Completed OC and DA application forms prepared by Valerie Turk, dated 29 June 2018.
- b) Completed DA Statement of Environmental Effects prepared by Valerie Turk, dated 29 June 2018.
- c) The following plans - Site Plan, prepared by Valerie Turk, dated 29 June 2018
- d) The letter submitted by Val Turk to the Lord Howe Island Board dated 21 September 2018.

Note: Only the change of use of Units 2 and 4 to staff accommodation is approved in this consent. No approval is granted or implied to the residential use of Unit 6 as a 'granny flat' as shown on the submitted site plan.

Reason: To ensure the development is carried out only in accordance with the details submitted in the DA.

2. Fire Safety

- a) The applicant is to ensure that fire detection and early warning devices, such as automatic smoke detectors, are installed so that occupants may evacuate, in the event of fire, to a place of safety. The placement of early warning devices is to be in accordance with AS1851.8.
- b) The applicant is to ensure that an Annual Fire Safety Statement for Hideaway is supplied to the Lord Howe Island Board as a record of the functionality and ongoing maintenance of any fire safety measures installed.
- c) The applicant is to ensure that fire-fighting equipment is installed as per requirements of the National Construction Code.

Advice: The applicant is encouraged to install 38mm 'Storz' fittings to existing and new water tanks to enhance the Rural Fire Service firefighting capabilities should there ever be a need for firefighting at the Hideaway complex.

Reason: To ensure resulting development is fire safe.

3. Wastewater

- a) The applicant is advised that all the wastewater treatment systems on the lease require replacement/upgrading to comply with the LHI On-site Wastewater Management Strategy.

The applicant is advised to have discussions with LHIB personnel regarding their obligations under the OSWMS and wastewater system sizing, design and land parcel capabilities.

4. Water

The applicant is to ensure that any plumbing work for potential internal works including the disconnections and connections to the water system, is to be undertaken by a licensed plumber.

5. Waste Management

- a) The applicant is to ensure that any waste generated from the proposed development is to be contained within the site and then be recycled or disposed of at the authorised waste management facility on the Island. This excludes asbestos waste, which is the responsibility of the applicant to remove from the Island.
- b) No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.
- c) Waste disposal fees will be charged in accordance with the Lord Howe Island Board's schedule of fees and charges.

Reason: To ensure the proper removal of waste is carried out.

6. Staff Accommodation Kitchens

To decommission the existing kitchens in Units 2 and Unit 4 proposed for staff accommodation, the oven/ cookers in these units shall be removed and the associated electrical and gas services capped off.

Reason: To ensure compliance with the subject development consent

7. Use of Staff Accommodation

Use of the proposed staff accommodation shall maintain compliance with clause 22(3) of the Lord Howe Island Local Environmental Plan 2010.

Reason: To ensure compliance with the subject development consent

8. Drinking Water Quality

A drinking water quality management plan for the subject site is to be prepared in accordance with the requirements of, and be submitted to, the NSW Department of Health. The provisions of this plan shall be complied with at all times.

Reason: To ensure compliance with the subject development consent

ADVICE TO APPLICANT:

a) Significant Native Vegetation

Damage to, or removal of Significant Native Vegetation is prohibited, as per Clause 11 of LEP 2010.

b) Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC*

Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on: *A matter of national environmental significance (NES) matter; or Commonwealth land without an approval from the Commonwealth Environment Minister.*

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth EPBC Act does not have application.

The Commonwealth EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court. This right of appeal is only valid for six months from the date of the consent. To determine the extent to which the consent is liable to lapse refer to Section 95 of the Act.

Prepared: Peter Chapman LHI Consultant Town Planner & Director, All About Planning Pty Ltd

Endorsed: Peter Adams Chief Executive Officer

Board Meeting: November 2018	Agenda Number: 9 (i)	Record Number: ED18/10401
-------------------------------------	-----------------------------	----------------------------------

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Community Strategic Plan Update.

RECOMMENDATION

That the Board note the Community Strategic Plan Update.

BACKGROUND

At the September Board meeting an overview of the proposed Community Strategic Plan (CSP) and progress towards developing a detailed implementation plan was discussed. This report provides an update on progress achieved so far.

CURRENT POSITION

The table below details the current implementation plan for the Community Strategic Plan.

Activity	Description	Due date by/on
Correspondence (Householder)	Personally addressed letter	19th November
Notice in The Signal	Public Notice	23rd November
Pop-up LHI Market display	On-site information about proposed project/ activity	25th November
Community newsletters	Use of school, community, industry and business newsletters	1st 2019 School Newsletter
0-14yrs Engagement	What do you love most about Lord Howe Island?, Picture of your favourite place on LHI, what do you want for LHI in the future?	Early December
Website	Information posted on LHIB website	16th November
On hold telephone	Recorded message on LHIB on-hold phone message	20th November
Social media	Internet-based technologies allowing engagement, digital networking and user generated content on issues	19th November
Suggestion Box	Place for residents to provide ideas or feedback at LHIB, Post Office, Airport & Liquor Store	19th November

Activity	Description	Due date by/on
Survey (Hardcopy and online) including Skills and Passion Audit	Structured survey to gather information	19th November
Meeting with key stakeholder groups	Face to face semi-structured meeting with a specific group - Community representatives who can help disseminate information to the community and comment on plans	By 25th November
Community Workshop	A two-day meeting where participants are involved in assessing and establishing community priorities.	12th December
Telephone survey	Phone contact to complete a structured interview	By 20th December
Public exhibition (Draft Finalised by 29th Feb)	The formal exhibition of a plan or document at key locations for a set period of time	Mar-19

At the time of preparing this report the first draft of the survey questions had been completed. The Manager of Environment and Community Services and CSP Project Officer also had a productive meeting with the Principal of the Lord Howe Island Central School exploring ways to engage school students and young people in the CSP consultation process.

RECOMMENDATION

That the Board note the Community Strategic Plan Update.

Prepared: Justin Sauvage Manager environment and Community Services.

Endorsed: Peter Adams Chief Executive Officer

1 October 2018

Peter Adams
Chief Executive Officer
Lord Howe Island Board
LORD HOWE ISLAND NSW 2898

Dear Peter

**APPLICATION FOR A ROADSIDE MOBILE FOOD VENDING PERMIT
FOR LYNDA SHICK AND SHARON WHITFIELD**

I have already spoken to Justin Sauvage in relation to importing a small food trailer and of course this will be done under a separate 'Application to Import a Vehicle'.

One of the approvals needed to operate a food trailer, is to obtain a permit from the local council to sell on public land. After discussions with Justin, he suggested it would be more appropriate to firstly apply for a Roadside Mobile Food Vending Permit from the Lord Howe Island Board before moving to the next stage of applying to import the trailer.

I realise this will be the first such permit issued and the Board will need to adopt some guidelines outlining conditions of operation. Therefore, based on the fact sheet and application form used by Port Macquarie-Hastings Council, I would like to advise you of the following in relation to our application:-

Types of food

- Drinks
- Ice-cream
- Hot and cold snacks

Days and weeks of proposed operation

- Initially Weekends only (as we both have full time jobs). However, we would like the approval to operate any day of the week.
- Private hire for parties/functions.
- Community events – eg: markets, Rockfest, Discovery Day.

Hours of operation

- Minimum 2 hours, maximum of 4 hours in one location, being in either one of the following timeframes:-
- 7am to 11am
- 10am to 2pm
- 3pm to 7pm

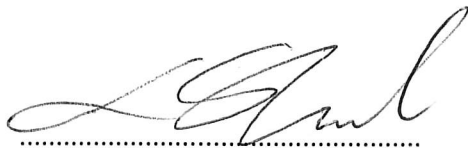
Locations

Obviously this will be dependent on weather and we will not be parking anywhere that will cause obstruction of traffic/pedestrians, please see list below:-

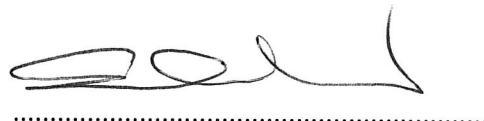
- Primarily Ned's Beach;
- Aquatic Club;
- Cobby's Corner;
- Blinky Beach;
- Old Settlement Beach;
- Post Office car park (on non-ship weekends) subject to the agreement of the Post Office and Marine Park licencees. If you can think of another area near 'Under the Pines' that would be more appropriate we are open to suggestions.

The trailer is small and manoeuvrable. It has 15 amp power cord. This will not be used without prior approval. Instead we aim to use a small generator (with soundproof box) and/or gas.

Our intention is to fill a gap in the marketplace by providing a flexible, casual food/snack outlet. This will be operated during our leisure time, this will fulfill our passion for creating and sharing delicious food.



Lynda Shick



Sharon Whitfield



Authorised by: Executive
Authorised date: 13/09/2018
Effective date: 14/09/2018
Next review date: 12/09/2020
File Number: D2018/190973

Council Policy

MOBILE FOOD VENDING VEHICLES AND TEMPORARY FOOD STALLS IN A PUBLIC PLACE POLICY

1. INTRODUCTION

This Policy was originally developed in August 2006 to account for the many existing mobile food vendors and temporary food stalls which were vending foods in a public places. Since that time, there have been a number of legislative changes which required Port Macquarie-Hastings Council to amend the Policy in recognition of these changes.

This Policy is to cover food vending vehicles and temporary food premises which operate within the Local Government Area.

The aim of this Policy is to provide information on the requirement to obtain approval for mobile food sales and temporary event food sales and the obligations under the approval.

2. POLICY STATEMENT AND SCOPE

a. The aims of the Policy are:

- to ensure that, in a public place, food sold to the public from mobile food vending vehicles and temporary food stalls, is safe for human consumption and that the construction, fit-out and facilities for cleaning utensils, articles, hands, fittings and appliances in vehicles and stalls are adequate;
- to ensure that trading, when undertaken in areas, does not place the public at risk;
- to ensure that trading complements and does not compete with commercial centres.

b. The Policy applies to approvals for activity No. 7 in Part F (Other Activities) listed in the Table to section 68 of the Local Government Act 1993, namely:

*“7. Use a **standing vehicle** or **any article** for the purpose of selling any article in a public place.”*

c. The purpose of the Policy is to supplement provisions of the Local Government Act 1993, the Local Government (Approvals) Regulation 2015, the Food Act 2003, the Food Regulation 2015 and Australian New Zealand Food Standards Code 3.1.1, 3.2.2 & 3.2.3, by:

- Part 1 specifying the circumstances in which a person is not required to obtain a particular approval from the Council;
- Part 2 specifying criteria, which the Council must consider when determining whether or not to grant approval to a particular activity; and
- Part 3 specifying other matters relating to approvals not dealt with by the Local Government Act 1993, the Local Government (Approvals) Regulation 1999, the Food Act 2003, the Food Regulation 2015 and Australian New Zealand Food Safety Standards Codes.

d. This Policy applies to the Local Government Area in general but excludes:

- public reserves and community land vested in Council, and
 - reserves as defined in Section 78 of the Crown Lands Act 1989 where the Council is Manager of that Reserve Trust and a temporary licence can be issued under Section 108 of that Act, without first obtaining other necessary permissions.
- e. Where Council grants permission, such permission will be conditional upon the applicant abiding by conditions of Section 68 of the Local Government Act and the New South Wales Food Act 2003.
- f. Given the importance of preserving the safety of food for sale for human consumption there will be no exemptions for compliance with this Policy given to mobile food vending vehicles or temporary food stalls.

3. RESPONSIBILITIES AND AUTHORITIES

Group Manager Regulatory Services - responsible for ensuring application processes are adhered to.

Group Manager Recreation and Buildings - presides over any application involving the use of public land for private purposes.

Environmental Health Officer - to ensure that the food safety parameters are satisfactory under the Food Act 2003 and are being met.

Rangers – under this Policy, their primary role is to ensure that Mobile Food Vendors and Temporary Food Stalls are not sited in places that are inconsistent with this Policy and that they have the necessary permit.

4. REFERENCES

The following documents are related, either directly or indirectly, to the Policy:

- Australia New Zealand Food Standards Code
 - Standard 3.2.2 - Food Safety Practices and General Requirements
 - Standard 3.2.3 - Food Premises and Equipment
 - Part 1.2 - Labelling and other information requirements
- Australia New Zealand Food Authority's Food Safety: The priority classification system for food businesses Vs 4 27.4.10
- Australian Standard 4674-2004 –Construction and fit-out of food premises
- Environmental planning and Assessment Act 1979
- Local Government Act 1993 (Section 68)
- Local Government (General) Regulation 2005
- NSW Food Authority's - Guidelines for Food Business at Temporary Events
- NSW Food Authority's - Guidelines for Mobile Food Vending Vehicles
- NSW Food Act 2003
- NSW Food Regulation 2015
- NSW Roads and Traffic Authority and Department of Local Government's Street Vending Manual (1996)

- Port Macquarie-Hastings Council's Outdoor Dining Policy
- Port Macquarie-Hastings Council's Activities in Public Places Policy
- Port Macquarie-Hastings Council's Commercial Activities on Council Managed Land
- Port Macquarie-Hastings Local Environmental Plan 2011
- Protection of the Environment Operations Act 1997
- Road Transport Act 2013 No 18
- Road Transport (Vehicle Registration) Regulation 2017
- Road rules 2014

5. DEFINITIONS

Any article for the purpose selling, includes a temporary food stall.

Appliance¹, means the whole or part of:

- any utensil, machinery, instrument, device, apparatus or article which is used, or designed or intended for use, in or in connection with the sale, manufacture, handling or consumption of food; or
- any utensil, machinery, instrument, device, apparatus or article which is used or designed or suitable or intended for use, in cleaning anything which is an appliance by virtue of paragraph (a).

Approval², means an approval that is in force under the *Local Government Act 1993*.

Approved fee², means:

- the fee prescribed by the regulations for the purposes of the provision in relation to which the expression is used or determined by the Council in accordance with any such regulations; or
- if no such regulations are in force, the fee (if any) determined by the Director-General for the purposes of the provision in relation to which the expression is used; or
- if no such regulations are in force and no fee is determined by the Director-General, the fee (if any) determined by the Council for the purposes of the provision in relation to which the expressions is used.

Approved form, means

The application forms approved by the Council for mobile food vending vehicles and temporary food stalls are available on Council's website.

Approved standards, means:

- the standards prescribed by the regulations for the purposes of the provision in relation to which the expression is used: or
- if no such standards are prescribed, the standards (if any) approved by the Director-General for the purposes of the provision in relation to which the expression is used; or
- if no such standards are prescribed or determined by the Director-General, the standards (if any) determined by the Council for the purposes of the provision in relation to which the expression is used.

Area², means an area as constituted under Division 1 of Part 1 of Chapter 9 of the *Local Government Act 1993*. *Note: For the purpose of this Policy, the area to which it applies is as constituted under the Local Government Act 1993.*

Authorised person², means:

- (a) an employee of a Council generally or specially authorised by the Council in respect of or whose duty it is to deal with, or to act in regard to, any acts, matters or things in relation to which the expression is used; or
- (b) a police officer.

Charitable/Community Groups are those which do not derive funds for personal financial gain but direct any profits back to the community and include charities, sporting groups, service clubs and community organisations.

Classified road⁴, means any of the following: a main road, a highway, a freeway, a controlled access road, a secondary road, a tourist road, a tollway, a transitway, a State work.

Continuously serving, means for a vendor to serve customers with a break not exceeding more than 30 seconds.

Food¹,

- (1) includes:
 - any substance or thing of a kind used, or represented as being for use for human consumption (whether it is live, raw, prepared or partly prepared), or
 - any substance or thing of a kind used, or represented as being for use, as an ingredient or additive in a substance or thing referred to in paragraph (a), or
 - any substance used in preparing a substance or thing referred to in paragraph
 - (other than a substance used in preparing a living thing) if it comes into direct contact with the substance or thing referred to in that paragraph, such as a processing aid, or
 - chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum, or
 - any substance or thing declared to be a food under a declaration in force under section 3B of the *Food Standards Australia New Zealand Act 1991* of the Commonwealth, whether or not the substance, thing or chewing gum is a condition fit for human consumption.
- (1) However, **food** does not include a therapeutic good within the meaning of the *Therapeutic Goods Act 1989* of the Commonwealth.
- (2) To avoid doubt, **food** may include live animals and plants.

Food stall, includes any structure used for the purpose of selling any article of food that is built or designed to enable it to be dismantled and removed from the site when required.

Food vending vehicle, includes any vehicle, whether mobile or stationary, used for the purpose of selling any article of food.

Handling¹, in relation to food, includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

Market stall, include any stall set up at community markets.

Park², in relation to land, means an area of open space used for recreation, not being bushland.

Premises, includes any land (whether or not appurtenant to a building), any part of a building and any tent, stall or other structure;

Premises², means any of the following:

- (a) a building of any description, or any part of it and the appurtenances to it;
- (b) land, whether built on or not;

- (c) a shed or other structure;
- (d) a tent;
- (e) a swimming pool;
- (f) a ship or vessel of any description (including a houseboat); and
- (g) a van.

Public place¹, includes:

- (a) a place that is open to the public, or is used by the public, whether or not on payment of money or other consideration, whether or not the place is ordinarily so open or used, and whether or not the public to whom the place is so open, or by whom the place is so used, consists only of a limited class of persons.

Public place², means:

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- (b) a public road, public bridge, public wharf or public road-ferry, or
- (c) a Crown reserve comprising land reserved for future public requirements, or
- (d) a public land or Crown land that is not:
 - (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b), or (c)), or
 - (ii) a common, or
 - (iii) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
 - (iv) land that has been sold or leased or lawfully contracted to be sold or leased, or
- (e) land that is declared by the regulations to be a public place for the purposes of this definition.

Public reserve², means:

- (a) a public park; or
- (b) any land conveyed or transferred to the Council under section 340A of the
- (c) *Local Government Act 1919*; or
- (d) any land dedicated or taken to be dedicated as a public reserve under section 340 or 340D of the *Local Government Act 1919*; or
- (e) any land dedicated or taken to be dedicated under section 49 or 50; or
- (f) any land vested in the Council, and declared to be a public reserve, under section 37AAA of the *Crown Lands Consolidation Act 1913*; or
- (g) any land vested in the Council, and declared to be a public reserve under section 76 of the *Crown Lands Act 1989*; or
- (h) a Crown reserve that is dedicated or reserved:
 - (i) for public recreation; or
 - (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the *Crown Lands Act 1989*, being a Crown reserve in respect of which a Council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established; or
 - (iii) land declared as a public reserve and placed under the control of a council under section 52 of the *State Roads Act 1986*; or
 - (iv) land dedicated as a public reserve and placed under the control of a council under section 259 of the *Roads Act 1993*, and includes a public reserve of which a Council has control under section 344 of the *Local Government Act 1919*, or section 48, but does not include a common.

Public road², means a road which the public are entitled to use.

Ready to Trade State – means that the vehicle/stall is set up to sell food. Criteria includes holding temperatures of food displays, operating fridges, sinks and basins in place, lighting and cleanliness.

Retail trade, means trade with consumers.

Road², includes:

- (a) highway, street, lane, pathway, footway, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and track-way, whether temporary or permanent; and
- (b) any part of a road and any part of any thing referred to in paragraph (a); and
- (c) any thing forming part of a road or any thing forming part of any thing referred to in paragraph (a).

Roadside stall³ includes any stand, van or vehicle set up on the side of a road selling to passing trade.

Sell¹, includes:

- (a) barter, offer or attempt to sell, or
- (b) receive for sale, or
- (c) have in possession for sale, or
- (d) display for sale, or
- (e) cause or permit to be sold or offered for sale, or
- (f) send, forward or deliver for sale, or
- (g) dispose of by any method for valuable consideration, or
- (h) dispose of to an agent for sale on consignment, or
- (i) supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work, or
- (j) supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee at the employee's place of work, or
- (k) dispose of by way of raffle, lottery or other game of chance, or
- (l) offer as a prize or reward, or
- (m) give away for the purpose of advertisement or in furtherance of trade or business, or
- (n) supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation service or entertainment, or
- (o) supply food (whether or not for consideration) in the course of providing services to patients in public hospitals (within the meaning of the *Health Services Act 1997*) or inmates in correctional centres (within the meaning of the *Crimes (Administration of Sentenced) Act 1999*), or
- (p) sell for the purpose of resale.

Standing vehicle, includes any mobile food vending vehicle that has stopped to make a sale.

Street vending vehicle, for the purpose of street vending approval under the *Local Government Act 1993*, this term includes all types of vehicles (registered or unregistered) which are used for the sale of articles in a public road or public place.

Temporary food stall, includes any structure, food stall or mobile food stall, any van, truck, trailer or moveable module, tent or gazebo used for the purpose of selling any article of food. A temporary food stall may be erected, installed or located on a public place or public reserve which is used for the sale of food for the duration of any sporting event, fete, fair, festival,

carnival, community markets or similar event. A temporary food stall includes any structure that is built or designed to enable it to be dismantled and removed from the site when required.

Temporary structure², includes:

- (a) a booth, tent or other temporary enclosure, whether or not a part of the booth, tent or enclosure is permanent; and
- (b) a mobile structure.

Vermin, includes rodents, reptiles, arachnids and insects of all descriptions.

FOOTNOTES:

- 1. *Local Government Act 1993*
- 2. *Food Act 2003*
- 3. *Hastings Local Environment Plan 2011*
- 4. *Roads Act 1993, Dictionary.*

6. PROCESS OWNER

Environmental Health Officer

7. AMENDMENTS

This Policy originally came into effect 13 November 2006. The current amendments to this Policy are administrative in nature, with a view to clarifying the process, responsibilities and requirements for Not for Profit and Profit organisations.

Appendix 1 – Criteria Council consider when determining applications – Mobile Food Vending reworded.

Appendix 2 – Criteria Council consider when determining applications – Temporary Food Stall - Commercial/Private Gain - reworded.

Appendix 3 - Criteria Council consider when determining applications – Temporary Food Stall - Charitable/Community Group - new.

Appendix 4 – Temporary Food Stall Checklist – new.

Removed the Superceded Forms and Maps:

Appendix 3 – Map for Zones, Neighbourhood Shopping Centres etc.

Appendix 5 – Application to Operate a Mobile Food Vending

Appendix 6 – Application to Operate a Temporary Food Stall

PART 1: CRITERIA FOR DETERMINATION OF APPLICATIONS

General Matters for Consideration

1. Mobile food vending vehicle

The food risk rating of a mobile food business will be determined by Council's Environmental Health Officer (EHO) in accordance with the Australia New Zealand Food Authority's Priority Classification System for Food Businesses.

The criteria to be used by the EHO in assessing the application should include all the relevant provisions contained in the Food Act 2003 and the Food Regulation 2015, the Australian New Zealand Food Standards Code as set out in [Appendix 1](#) to this Policy.

Prior to the issuing of an approval under this Policy, the mobile food vending vehicle must be presented to Council for inspection by an EHO.

2. Temporary Food Stall – Commercial/Private gain

Prior to the issuing of an annual approval for a temporary food stall under this Policy, the applicant is to arrange for an inspection of the food stall set up prior to operation of the stall and before any food is prepared or sold.

The criteria to be used in assessing a temporary food stall for approval should include all the relevant provisions contained in the Food Act 2003 and the Food Regulation 2015, the Australian New Zealand Food Standards Code, NSW Food Authority's 'Guidelines for Food Business at Temporary Events' as set out in [Appendix 2](#) to this Policy.

Where there is an intention for a Temporary Food Stall to operate on a footpath, refer to Council's Policy for Commercial Activities on Council Managed Land.

3. Temporary Food Stall – Charitable/Community Groups

An application is required. No fee normally payable, however, a request for written approval will incur an administration fee.

The criteria to be used in assessing a temporary food stall application should include all the relevant provisions contained in the Food Act 2003 and the Food Regulation 2015, the Australian New Zealand Food Standards Code, NSW Food Authority's 'Guidelines for Food Business at Temporary Events' as set out in [Appendix 3](#) to this Policy.

PART 2: OTHER MATTERS RELATING TO APPROVALS

Applications for Approval of Mobile Food Vending Vehicles or Temporary Food Stalls

Refer to the Appendix pages for information on requirements.

- Applications must be made on the approved form available on Council's website and must be accompanied by the appropriate application fee.
- All supporting documentation must be provided with application.
- Each vehicle and/or stall must have an individual application form completed.
- Any application involving Traffic Safety and Management may be referred to Council's Traffic Engineers for comment.
- Refer to Inspections for further information.

Written approval must be obtained from Council prior to operation and are valid for up to 12 months.

NOTE: Regular participants in markets (i.e. weekly/monthly) will require an annual approval and their stall needs to be inspected at least once annually.

4. Inspections

a. Mobile Food Vending Vehicles

All mobile food vehicles operating in the Port Macquarie-Hastings Local Government Area must be presented for inspection prior to approval or renewal, or as requested by Council, at any of Council's Offices by prior arrangement with Council's EHO. At which time the vehicle needs to be set up in a 'ready to trade' state.

In accordance with the provisions of the Food Act 2003, Council Authorised Officers may inspect vehicles at any time during operation.

NOTE: Following a successful inspection an annual approval letter will be issued. The approval must be retained in the vehicle at all times of operation and available for viewing, upon request by an 'authorised person'.

b. Temporary Food Stalls – Commercial/Private gain

Annual temporary food stalls must be presented for inspection in a 'ready to trade' state prior to the sale or preparation of food. An appointment must be made with Council's EHO for an inspection.

In accordance with the provisions of the Food Act 2003, Council Authorised Officers may inspect food stalls at any time during operation.

NOTE: Following a successful inspection an annual approval letter will be issued. The approval must be kept on site and available for viewing, upon request by an 'authorised person'.

c. Temporary Food Stalls - Charitable/Community Groups

Site inspection may be conducted from time to time.

5. Fees

Fees for the assessment of applications, the issuing of approvals and the conducting of all inspections are determined by Council each year and are contained within Council's "Adopted Fees & Charges".

Applications will be considered for approval upon payment of the approved fee.

The application fee includes the cost of the initial inspection.

Additional inspection fees may be charged for all additional inspections of mobile food vending vehicles and temporary food stalls.

NOTE: Charities/Community Groups operating temporary food stalls at carnivals, festivals, private property or the like, are not required to pay the application fee. However, they must still make application and comply with the criteria set out in Appendix 3 of this Policy. Fees may be required in the case of a reinspection or requested written response, in accordance with Council's fees and charges schedule.

6. Use of Separate Premises

Use of separate premises for the storage or preparation of food in conjunction with a mobile food vending vehicle, either within or outside the Port Macquarie- Hastings Local Government Area, may require Development Consent under the Environmental Planning and Assessment Act 1979.

Where the use of premises is outside the control of Port Macquarie-Hastings Council, a copy of the approval from the relevant Council and copies of the most recent inspection reports must be provided with the initial application, or the first renewal application following the adoption of this Policy.

7. Noise

Use of amplified music, bells or a public address system is restricted to the approved hours of operation on any day. The use of such equipment is also prohibited whilst the vehicle is stationary. Noise complaints from the operation of food vehicles and temporary stalls will be dealt with in accordance with the above requirements and the relevant noise control legislation. Details of all noise generating equipment must be provided to Council with the application.

8. Waste Management

Mobile vendors and temporary food stall operators are required to be responsible on a daily basis for the waste materials that they generate. Waste materials such as food packaging and the like should be collected in bins or suitable receptacles, bagged or contained, and stored and disposed of at the cost of the operator. Where reasonable and feasible, packaging used for the sale of food should be selected for its suitability for recycling in the relevant local Council area and recycled where possible. Details of how waste will be managed must be provided with the application.

9. Signage

Approval under this Policy does not infer any approval for the erection or display of any sign or sign structure not directly attached to the mobile vending vehicle or temporary food stall.

Signage on roads relating to the vending activity is prohibited. Traffic Control signage is only permitted provided it is approved as part of a Traffic Management Plan.

10. Road Transport Rules

All the provisions of the Road Transport Act 2013 No 18 must be complied with. The vehicle operator must comply with such road rules with respect to period parking restrictions, obstruction of sight lines, traffic signals and road signage.

11. Prohibited Zones, Neighbourhood Shopping Centres, Roads

The selling of goods from mobile food vending vehicles is prohibited within 300 metres of a commercial zone, a retail shop selling a similar product and along classified, arterial, sub-arterial or collector roads and all other roads with speed limits exceeding 60 km/h, and within school zones when reduced speed limits are applicable.

12. Chosen Route

A copy of planned routes shall be included in the Traffic Management Plan that is to be submitted with the Mobile Food Vending application for approval by Council Traffic Engineers.

13. Stopping Time and Distance Between Stops - Street Vending

Mobile vending can be carried out for a maximum of 10 minutes at any one position (unless continuously serving or requested by an authorised officer to leave the area). After stopping to vend, the vending vehicle must drive a minimum of 100 metres before again stopping to vend.

14. Hours of Operation

The standard hours of operation for mobile food vendors are from 8.00 a.m. to during hours of darkness.

However, operators may make application to vary these hours. Proposed hours of operation must be nominated on the application form and the traffic management plan must demonstrate that appropriate traffic safety mechanisms will be in place to manage traffic and public safety risks.

15. Owner/Operator Insurance

The vehicle owner/operator must keep an insurance Policy in respect to 3rd party and public liability of an amount of not less than \$15 million (for each accident or event) and shall provide to Council, with the application form and at any other time on request, a certificate of currency for that insurance policy. The Policy must also insure against any action that may arise from damage to property or injury to any person using the footpath or public road in the vicinity of the activity from which approval is sought.

16. Penalties applicable to approvals

The penalties for failure to obtain an approval or failure to comply with an approval for a mobile food vending vehicle or a temporary food stall, are as set out in the Local Government Act 1993 and the Local Government (General) Regulation 2005. A summary of the penalties is as follows:

Penalties under the Local Government Act 1993, are:

Section 626 – Failure to obtain approval carries a maximum penalty of 20 penalty units and an on the spot fine of 2 penalty units.

Section 627 – Failure to comply with terms of the approval carries a maximum penalty of 20 penalty units and an on the spot fine of 1 penalty unit.

NOTE: Penalties for offences are expressed in penalty unit. The amount of a penalty unit is \$110 (at the time of adoption of this Policy). Other penalties may also apply as relevant under the Food Act 2003, the Food Regulation 2015 and the Protection of the Environment Operations Act 1997.

17. Revoke or Amend an Approval to Operate

Where it is found that a condition of any approval to operate has not been complied with Council may decide to either modify or revoke the approval.

18. Enforcement agency

All food businesses, which include mobile food vendors and temporary food stall vendors, are required to register their business with the relevant food safety enforcement agency by submitting a Registration form and fee to Council.

APPENDIX 1 - CRITERIA COUNCIL CONSIDER WHEN DETERMINING APPLICATIONS MOBILE FOOD VENDING VEHICLE

1. An application for a mobile food vending vehicle must be made using an approved application form and payment of an application fee (refer Council's website).
2. Drawings that accompany application must be to draftsman standard, illustrating vending vehicle layout.
3. The construction and fitout of the mobile food vending vehicle must comply with relevant requirements of the Food Act 2003 and the Food Regulation 2015, incorporating the Australian New Zealand Food Standards Code.
4. The Food business must be registered with the relevant enforcement agency (Council).
5. If vehicle is not kept in the local government area, supply proof of Food Act 2003 Registration with the home Council.
6. Vending route and traffic management plan.
7. Proof of Vehicle Registration.
8. Current Certificate of Third Party Property Damage Insurance (\$10,000,000).
9. Current Certificate Public Liability Insurance (\$10,000,000).
10. Approval and registration of a mobile food vending vehicle is subject to an inspection of the vehicle. Make arrangements with Council's Environmental Health Officer for an inspection of the vehicle in 'ready to trade state'.
11. Guidelines for all aspects of Mobile Food Vending operation, including construction of vehicle, are available at www.foodauthority.nsw.gov.au.

NOTE:

1. Food vending vehicle includes any vehicle, whether mobile or stationary, used for the purpose of selling any article of food.
2. Roadside stalls are only permitted in the Port Macquarie-Hastings local government area with prior development consent under the provisions of the Hastings Local Environment Plan 2011, and cannot be approved under this Policy.
3. Where the Environmental Health Officer (EHO) is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of the Policy.
4. Food vending vehicles are permitted to operate as follows:
 - a) By standing on a permitted public road only for such period of time as the operator may be engaged in serving a customer and must keep moving once that customer is served. After stopping to vend, the vending vehicle must drive a minimum of 10metres before again stopping to vend.
 - b) As a food stall in conjunction with a regular sporting event, fete, fair, festival, carnival, community market or similar event held on a public place or reserve with the written consent of the event organiser, lessee, or seasonal event hirer. A site plan identifying the location of trades will also be required.
5. Food vending vehicles must not operate:
 - a) As a roadside stall (ie stationary for more than 10 minutes without serving a customer.
 - b) As a stall to sell food to the public on any site that first requires development consent under the Environmental Planning and Assessment Act 1979 for that use.

APPENDIX 2 – CRITERIA COUNCIL CONSIDER WHEN DETERMINING APPLICATIONS TEMPORARY FOOD STALL - COMMERCIAL/PRIVATE GAIN

1. An application for a temporary food stall must be made using an approved application form and payment of an application fee (refer Council's website).
2. The construction and fit-out of the temporary food stall must comply with relevant requirements of the Food Act 2003 and the Food Regulation 2015, incorporating the Australian New Zealand Food Standards Code.
3. Council may, prior to approval, require an inspection of the stall in 'ready to operate state', which shows satisfactory compliance with this Policy. At which time, arrangements with Council's Environmental Health Officer will be made.
4. Guidelines for 'Food Business at Temporary Events' are available at www.foodauthority.nsw.gov.au and a Checklist is available, refer Appendix 4.

NOTE: Where the Environmental Health Officer (EHO) is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of this policy.

APPENDIX 3 – CRITERIA COUNCIL CONSIDER WHEN DETERMINING APPLICATIONS TEMPORARY FOOD STALL – CHARITABLE/COMMUNITY GROUP

1. Organisation must be Charitable/Community Group (refer Definitions).

An application for a temporary food stall must be made using an approved application form for each occasion. Multiple applications for one site can be made on one form by providing a date range. Refer to Council's website for a form. No fee is payable, however, a request for written approval will incur an administration fee.

2. The construction and fitout of the temporary food stall must comply with relevant requirements of the Food Act 2003 and the Food Regulation 2015, incorporating the Australian New Zealand Food Standards Code.
3. Guidelines for 'Food Business at Temporary Events' are available at www.foodauthority.nsw.gov.au and a Checklist is available, refer Appendix 4.
4. Inspections of facilities will be made from time to time.

NOTE:

1. Where the Environmental Health Officer (EHO) is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of this policy.
2. Local sporting groups and the like who sell food from canteens, stalls, barbeques or the like at weekend competition games, must make application (with fee exemption) prior to the beginning of each season.

APPENDIX 4 – TEMPORARY FOOD STALL CHECKLIST

The following is an excerpt from the NSW Food Authority's 'Guidelines for Food Business at Temporary Events' that Port Macquarie-Hastings Council has adopted as approval criteria for temporary food stalls. A full copy is available at www.foodauthority.nsw.gov.au.

HAVE YOU...?		Yes	No
1	Received the necessary Approvals:		
	NSW Food Authority for high risk foods		
	Council for:		
	• home based operations		
	• setting up at the event		
	• satisfactory 'ready to trade' inspection		
2	Notified your food business details to the relevant Authority		
3	Public indemnity insurance		
4	Asked about inspection fees		
5	Checked your stall will:		
	• be located in a dust-free area, away from toilets and garbage bins		
	• have sufficient supply of potable water		
	• have adequate wastewater disposal facilities		
	• have adequate garbage bins		
	• have power		
	• have suitable construction – floor, walls and ceiling		
	• have food handling facilities for storage, cooking, hot/cold holding, preparation and serving		
	• have cleaning and wash-hand facilities		
	• address safety issues – fire control and Work Health & Safety issues		
6	Provided a suitable vehicle and containers for the transport and storage of the food		
7	Addressed food handling requirements		
	• all food handlers have adequate skills and knowledge for their activities		
	• check if there are potentially hazardous foods involved. If Yes, then have you?		
	○ provided adequate hot or cold storage facilities (e.g. portable coolrooms, adequate supply of ice, hot boxes)		
	○ checked that there is a thermometer		
	○ checked a sanitiser is available		
	○ checked that frozen foods can be correctly thawed		
	○ organised designated staff to handle money only, while other staff serve ready-to-eat food using tongs or gloves		
	○ provided adequate measures to protect food from contamination (e.g. lidded containers, sneeze barriers)		
	○ checked that eating and drinking utensils are protected from contamination until use		
	○ minimised the need for re-useable dinnerware and tableware		
	○ packaged food is appropriately labelled		
	○ adequate shelving so food is not stored on the ground		
	○ checked that hand washing supplies, including soap and paper towels, have been provided		

If you answered NO to any of these questions (except having potentially hazardous foods), then you may need to discuss these issues with council and/or change your management plan, before the event begins.

GUIDELINES FOR MOBILE FOOD VENDING VEHICLES



Department of
Primary Industries
Food Authority



Contents

Introduction	4
What are mobile food vending vehicles?	4
Obligations on selling food	4
Which agencies enforce the Act and Code?	5
Charities and community groups	6
Administration	7
Notification	7
Licensing	7
Council approvals	7
Food Safety Supervisor	7
Inspections	8
Fees and charges	8
Conditions of operation	9
Maintenance	9
Garbage and recyclable matter	9
Animals and pests	9
Children in food preparation areas	9
Water and ice	9
Waste disposal	9
Electricity, gas supplies, fire extinguishers and work safety	10
Pollution prevention	10
Facilities	11
Construction of vehicle	11
Floors	11
Walls	11
Ceilings	12
Door and serving openings	12
Pipes, conduits and wiring	12
Equipment and appliances	12
Lighting	12
Ventilation	12



Hand washing facilities.....	13
Food handling	14
Food suppliers.....	14
Preparing food at home.....	14
Food storage	14
Potentially hazardous foods and temperature control	14
Cross contamination	15
Food display.....	15
Crockery, wrappings and packaging.....	16
Single-use items.....	16
Skills and knowledge.....	16
Food Safety Supervisor.....	16
Staff illness	16
Requirements for food handlers.....	17
Hand washing.....	17
Money handling/touching customers' hands when serving food	17
Cleaning and sanitising	17
Labelling	18
Checklist for mobile food vendor vehicles	20
Contact information.....	23
Key definitions	24

Note:

This is a guidance document only and cannot cover all situations. Food businesses are required to comply with all of the provisions of the Food Standards Code and the *Food Act 2003* (NSW).



Introduction

These guidelines inform businesses selling food from a mobile vending vehicle in NSW of their legal requirements in relation to the NSW *Food Act 2003* (the Act) and the Food Standards Code (the Code). They provide information on basic requirements such as power supply and waste disposal, and suggest ways to maintain food safety.

Businesses and enforcement agencies (local council environmental health officers (EHOs) in most cases) can use this guide to assess compliance with the Act and the Code.

The primary aim of these guidelines is to make food businesses aware of their legal requirements and to suggest ways to assure food safety when selling food.

This guideline also provides businesses with a guide to applicable fees and charges that councils may levy.

Potential mobile food vendors should contact the local council prior to operating to check if a permit is needed by the council, if an inspection must be completed, if there are any applicable fees and/or if there any other restrictions which may be relevant.

What are mobile food vending vehicles?

A mobile food vending vehicle is any means of transport, whether self-propelled or not or otherwise designed to be movable from place to place, and which is used for selling food, whether on land, sea or air.

It includes vehicles used for on-site food preparation (e.g. hamburgers, hot dogs and kebabs), one-step food preparation (e.g. popcorn, fairy floss, coffee and squeezing juices), and the sale of any type of food including pre-packaged food.

It does not include food vending machines or food transport vehicles.

These guidelines cover all types of mobile food vending vehicles. They are comprehensive and the checklist provided within the document can be used to double check compliance with the council requirements.

There are minimal requirements for mobile food vending vehicles selling only pre-packaged, low risk food.

Obligations on selling food

A person using a mobile food vending vehicle to store, prepare or sell food for human consumption, is deemed to be a 'food business'. This includes not-for-profit operations.

The Code defines a food business as any business or activity that involves the sale of food or the handling of any type of food for sale in Australia, with the exception of some primary food production activities.

A food business is required to sell safe and suitable food in accordance with the provisions of the NSW *Food Act 2003*, Food Regulation 2015 and Food Standards Code.

Note that 'food premises' includes 'vehicles'. Copies of the Food Standards Code (particularly 3.2.2 *Food Safety Practices and General Requirements* and 3.2.3. *Food Premises and Equipment*) are available on the Food Standards Australia New Zealand website at www.foodstandards.gov.au.



Failure to comply with the requirements may lead to enforcement action. Depending on the food safety risk identified, this action may include a warning letter, improvement notice, penalty notice, seizure, prohibition or prosecution. The NSW Food Authority and councils generally follow an escalating enforcement policy. For more information see <http://www.foodauthority.nsw.gov.au/ip/audits-and-compliance/compliance>

Which agencies enforce the Act and Code?

In most cases, local councils are responsible for the food surveillance of the retail sector and enforce the requirements of the Act and Code; this includes food for retail sale from mobile food vending vehicles.

The Food Authority is only responsible for surveillance if there is processing of products that require a licence at that premises; such as:

- businesses that conduct food service to vulnerable persons
- high risk plant product businesses
- businesses that handle or process meat
- businesses that further process seafood
- businesses that handle shellfish
- dairy producers, factories and vendors
- businesses that produce or process eggs and egg related products



Department of
Primary Industries
Food Authority



Charities and community groups

Charities and community groups are those which do not derive funds for personal financial gain, but direct any profits back to the community (e.g. local sports clubs, Lions and Rotary clubs).

The *Food Act 2003* (NSW) and Food Standards Code apply to all food businesses including those selling food for charity or community purposes. It is always an offence to sell food that is unsafe or unsuitable. Charities and community groups are exempt from some requirements:

- Notification of food business is not required if food sold is not potentially hazardous (e.g. scones) or is to be consumed immediately after thorough cooking (e.g. sausage sizzle)
- Food Safety Supervisor requirements do not apply
- Some labelling requirements do not apply, however, it is a requirement to provide information to customers on request about these allergenic ingredients:
 - Cereals containing gluten
 - Crustacean and their products
 - Fish and fish products
 - Egg and egg products
 - Milk and milk products
 - Peanuts and peanut products
 - Sesame seeds and sesame seed products
 - Soybean and soybean products
 - Tree nuts and tree nut products

Further information can be obtained from the NSW Food Authority or local councils.



Department of
Primary Industries
Food Authority

Administration

Notification

Food businesses must be notified to the appropriate enforcement agency. Notification is important as it assists the Food Authority and councils in the case of food recalls and complaints, and enables them to contact businesses quickly if needed.

All food businesses in NSW must either:

- hold a current Food Authority licence (this applies only to specific food businesses in sectors covered by a Regulation under the *Food Act 2003* (NSW), or
- notify the appropriate enforcement agency, usually their local council, of their food activity details. This applies to almost all other food businesses and includes those involved in mobile food vending and businesses which sell any sort of food or food ingredient as any part of their business. It is required by the Code (Food Safety Standard 3.2.2).

The only exception to the above is not-for-profit fundraising events if there is sale of non-potentially hazardous food or food that is thoroughly cooked immediately before consumption (e.g. sausage sizzle). (See boxed section p6.)

Mobile food businesses need to notify the local council of their business and food activity details.

From 1 September 2015, notification is satisfied by notifying councils via applications for services, permits and approvals, and through rates notice registrations.

Information should also be sought from Roads and Maritime Services in NSW regarding approval to sell on, or at the side of roads.

Licensing

Mobile food vending vehicles do not require a Food Authority licence, unless undertaking the activities listed on page 5 of this document.

Council approvals

Local councils are generally responsible for the approval of mobile food vending vehicles. There may be costs associated with these approvals. Contact your local council for details.

The prior consent of every local council in whose area the vehicle will be used for storing, preparing or selling food, may be required. This includes street trading or operating on private land or public roads.

It is important to check the requirements with every local council you propose to work in prior to operation, as penalties may apply for not having the appropriate approvals.

Council approval may also be required for garaging or maintaining the mobile food vending vehicle at particular premises, especially where the premises are used for storing food supplies and equipment used in connection with the vehicle's food business operation.

Food Safety Supervisor

Food businesses operating mobile food vending vehicles may need to appoint a Food Safety Supervisor (FSS) (refer to page 16 of this document for details). Ensure an FSS is appointed and the FSS certificate is available in the vehicle before commencement of operation.



Inspections

Inspections of mobile food vending vehicles are conducted by council's environmental health officers (EHOs) who are authorised officers under the *Food Act 2003*. The frequency of inspection is at least once per year. They check that good food safety practices are in place, such as temperature control, cleanliness, hand washing and labelling (refer to checklist at end of this document).

If mobile food vending vehicles operate across council boundaries, most councils will use a home jurisdiction rule. This means the vehicle will probably first be inspected by the council in which the vehicle is ordinarily garaged, provided it also trades in that local government area. That council is known as the 'home council'.

If the vehicle does not trade in the local council area in which it is garaged, then it can be inspected by another council in which it first trades.

Other councils in which the vehicle trades are entitled to request to see a copy of the most recent inspection report (less than 12 months old) from the vehicle operator. If the report is satisfactory (i.e. only minor issues identified), the council EHO should not conduct a further inspection, unless there is a perceived risk to food safety and public health.

If a recent inspection report is not provided by the operator, is over 12 months old, or has a major non-compliance issue outstanding, then the council EHO has the discretion to carry out an inspection and charge an inspection fee.

Mobile food vending vehicle operators/proprietors are responsible for organising to have an inspection when they begin to trade, and providing a current inspection report to officers from another council in whose area they trade.

Carry your most recent inspection report with you whenever you are trading from your mobile food vending vehicle.

Fees and charges

The local council may charge fees for inspecting your food handling activities under the *Local Government Act 1993*. The fee amount can vary between councils.

Councils can levy an annual administration charge under the *Food Act 2003*. Only a council that carries out an inspection is allowed to levy the annual administration charge. Non-home councils are recommended not to levy the annual administration charge.

There may be other fees and charges levied by councils for vehicle approval to trade under other legislation. Check with the local council/s in which you trade to find out what fees and charges apply to you.



Conditions of operation

Maintenance

The vehicle and its associated fixtures, fittings and equipment must be kept clean and in a good state of repair and working order (i.e. free from dirt, fumes, smoke, foul odours and other contaminants).

Garbage and recyclable matter

Food business operators must ensure that:

- suitable and adequate garbage receptacles with close fitting lids are provided. When directed, a suitable receptacle shall be provided outside the vehicle for depositing take-away food containers and other litter
- arrangements are made to dispose of garbage content each day or more frequently when the need arises
- recyclable, re-useable or compostable products are used wherever possible

Animals and pests

Take all practicable measures to prevent pests (including birds, spiders and flying insects) from entering the food stall or coming into contact with any fixtures, equipment or parts of vehicles used to transport food.

Animals are not permitted to enter a food stall at any time. 'Assistance animals' are permitted in all public dining and drinking areas. (Assistance animals are guide dogs that are trained to help people with disabilities.)

It is recommended that a regular pest control program be used.

Children in food preparation areas

For health and safety reasons, children should not be permitted to enter a mobile food vehicle.

Water and ice

- a) Potable water (i.e. safe for human consumption) must be used for washing or preparing food or as an ingredient in food. Town water supplies are considered potable. Using water from other sources may be suitable, but this should be checked with the local council.
- b) Only materials of food-grade rating should be used to store water.
- c) Ice used to keep food cool or to add to food or drink must be potable.
- d) All hot water for washing purposes should be supplied from a suitable hot water system and should be piped so it can be mixed with cold water.

Waste disposal

The vehicle should be equipped with a waste water tank external to the vehicle, with a capacity of at least 50 litres, and have an outlet of sufficient diameter to facilitate easy flushing and cleaning.

Waste water must be disposed of lawfully. Please contact your local water authority prior to the event for advice.

Under no circumstances is liquid waste to be discharged on the ground or to a stormwater drainage system.

All sinks and wash hand basins should be provided with sanitary traps.



Electricity, gas supplies, fire extinguishers and work safety

- a) Food business operators should ensure there is sufficient supply of electricity for food handling operations, particularly hot and cold food holding and water heating.
- b) WorkCover NSW requires electrical appliances and leads to be tested at least annually and identification tags to be attached.
- c) All electrical work should be carried out by a licensed electrician and conform to Australian Standards.
- d) Gas should be installed by a licensed gasfitter and comply with the appropriate provisions of the Australian Standards.
- e) A current compliance plate should be fixed to the vehicle for new installations or for any changes made to the existing gas appliances.
- f) Gas-fired appliances used in the open should not have a gas bottle greater than 9 kg capacity and the bottle should be secured so that it cannot be tipped over. Gas bottles need to be pressure checked.
- g) A fire extinguisher and fire blanket should be supplied in every vehicle where cooking or heating processes are undertaken. Even if you are not responsible for starting a fire, you should be able to extinguish small fires.
- h) Fire safety equipment should be easily accessible in the event of a fire. The extinguisher should be suitable for dealing with the type of combustible materials present.
- i) Fire safety equipment should be tested annually and have current tagging in accordance with Australian Standards. Contact Fire and Rescue NSW for more information.
- j) All measures should be taken to satisfy required WorkCover NSW conditions to protect the health, safety and welfare of employees and patrons. Contact WorkCover NSW for more information.

Pollution prevention

Operations should not cause any harm to the environment (i.e. air, water, noise and surrounding land environments). This is a requirement under the *Protection of the Environment Operations Act 1997*. For example, waste water should be discharged into the sewer system not onto the ground. Contact the local council for more information.



Facilities

Construction of vehicle

The design and construction of a mobile food vending vehicle must:

- be appropriate for the types of food stored, prepared and sold
- have adequate space for all activities and for all equipment to be used or stored
- allow easy cleaning and sanitising procedures of all structures and equipment
- prevent the entry of pests, dust, fumes, smoke and other contaminants where practicable
- exclude favourable sites for pests to harbour (live and breed)

The design and layout of a mobile food vending vehicle should be well planned and should take into consideration a range of key issues including but not limited to: maximising space without compromising food safety, using effective and durable construction materials, providing preparation and storage areas, hygiene requirements such as hand washing, and compliance with Food Safety Standards to ensure effective and acceptable operation.

Design principles should accommodate food safety flow of product and waste to minimise risks of food and equipment contamination. Separating particular processes must be considered including:

- raw and cooked foods
- hand washing facilities and utensil wash up areas
- storage facilities
- waste disposal areas

Separation of the driving compartment from food storage, handling and serving sections should be considered.

The constructional standards required are dependent on the type, extent and frequency of food handling operations. As these standards can vary widely, it is recommended that before constructing or using a vehicle to sell food, the local council be approached and a clear agreement reached.

Floors

Floors are to be constructed of materials which are impervious and durable.

The intersections of walls to floors should be without corners (coved): tight jointed, sealed and dust proof.

Floors should be graded to the doorsill or, alternatively, a floor waste with a screwed removable plug is to be provided.

Floors that are unlikely to pose any risk of contamination of food handled in the vehicle may be exempted from the constructional requirements of these guidelines provided the food business has obtained council approval.

Walls

Walls are to be provided where they are necessary to protect food from contamination.

Walls must be finished with materials suitable for activities conducted in the vehicle, and be easy to clean. Light coloured, high gloss, impervious surfaces are recommended.

Suitable wall materials in food preparation areas are stainless steel, aluminium sheeting, acrylic or laminated plastic sheeting or polyvinyl sheeting with welded seams.



Architraves, skirting boards, picture rails or similar protrusions should not be used on the walls.

Walls at the rear of cooking appliances should be surfaced with a material such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material should be lapped over the top edge of the appliance to provide a grease and vermin-proof seal. Cooking appliances should only be sealed to walls made of a non-combustible material.

A splashback should be installed to a minimum height of 300 mm above any bench, sink or hand basin and should be constructed using an impervious waterproof material.

Ceilings

Ceilings are to be provided where they are necessary to protect food from contamination.

Ceilings must be finished with impervious materials suitable for activities conducted in the vehicle, and be easy to clean. A light colour is recommended.

Where applicable, the ceiling height should be adequate to effectively conduct food handling activities.

Ceilings should be free of open joints, cracks and crevices.

The intersection of walls and ceilings should be tight jointed, sealed and dust proof.

Door and serving openings

All openings are to be fitted with close fitting doors and shutters where practicable to exclude dust, pests and other contaminants. These should be closed during transport.

Door and serving hatches should be finished internally with the same standard of material as the walls.

Pipes, conduits and wiring

Pipes, conduits and wiring should be concealed in or behind floors, walls and ceilings, or fixed on brackets providing at least 25 mm clearance between the pipe and adjacent surfaces, and 150 mm between the pipe or conduit and adjacent horizontal surfaces.

Service pipes, conduits and wiring should not be placed in the recessed toe space of plinths or equipment.

Equipment and appliances

Equipment should be either built in with no cavities, or mounted on castors capable of being easily moved to facilitate cleaning.

Cooking equipment should not be placed beneath windows, wall cupboards, serving openings, shelving or roof vents.

Lighting

Adequate lighting in accordance with Australian Standards is to be provided to ensure safe food handling.

In areas where exposed food is handled or stored, light fittings should be shatter-proof or fitted with suitable light diffusers (covers) to prevent contamination of food by broken light globe/tube glass.

Ventilation

There must be sufficient natural or mechanical ventilation to effectively remove fumes, smoke, steam and vapours.

Mechanical ventilation must comply with Australian Standards.

Storage racks should not be fitted above cooking and heating equipment as they can obstruct the airflow.

Hand washing facilities

A dedicated hand washing basin, separate from other facilities and used only for that purpose, must be provided.

Warm water is needed for effective hand washing. Hot and cold water must be delivered through a single outlet to a dedicated hand basin.

Liquid soap and single-use paper towels must be provided at, or near, the hand washing facility.

To allow easy cleaning of hands and arms the basin should be installed at bench height, not under a bench. It should not be obstructed by other equipment and appropriately fixed to the wall. Ideally an impervious splashback should be installed behind the basin.

An additional dedicated sink is required for washing of reusable eating and drinking dinnerware and tableware.



Department of
Primary Industries
Food Authority

Food handling

The requirements for handling food for sale for human consumption are outlined in 3.2.2 *Food Safety Practices and General Requirements* and 3.2.3 *Food Premises and Equipment* of the Food Standards Code. These are on the Food Standards Australia New Zealand website at www.foodstandards.gov.au.

The requirements also apply to pre-packaged food and low-risk food. Factsheets and user guides (including for charitable and community not-for-profit organisations) are available on the Food Authority website at www.foodauthority.nsw.gov.au.

Food suppliers

Obtain fresh produce and products from reputable suppliers, as generally they operate under strict quality guidelines. Keep copies of invoices for trace back if needed in the future.

Preparing food at home

Notification of food business details, construction, facilities, labelling and food handling requirements of the *Food Act 2003* apply equally to home situations as to commercial operations. This also applies to pre-packaged and low-risk produce and foods.

Approval to use homes for food handling may also be required by local councils. The local council should be contacted in these situations. The factsheet *Home based and mixed food businesses* is on the Food Authority's website.

Food storage

- a) Food businesses must ensure that all foods are stored so that they are protected from likely contamination and that the environmental conditions will not adversely affect the safety or suitability of the food.
- b) There must be separately located storage facilities for items such as chemicals, clothing and personal belongings that may contaminate food or food contact surfaces.
- c) Food should be stored at least 150 mm above the floor or in suitable containers and, where possible, kept out of direct sunlight.
- d) Ensure that potentially hazardous foods are received under temperature control and within their use-by date.
- e) Potentially hazardous foods such as poultry, meat, dairy products, seafood and egg-based products must be stored under temperature control. If intended to be stored frozen, the food must remain frozen during storage. (See guideline: *Potentially hazardous foods: Foods that require temperature control for safety*).
- f) Refrigeration facilities should be large enough to hold potentially hazardous foods under temperature control at all times. This may require the use of portable coolrooms. Do not overstock refrigerators or portable coolrooms as the air will not be able to circulate freely around the foods. Perishable cold foods should be kept cold.

Potentially hazardous foods and temperature control

One of the most common causes of foodborne illness is the storage and display of potentially hazardous foods at inadequate temperatures for extended periods. This can lead to the rapid and sustained growth of food poisoning bacteria.



Examples of potentially hazardous foods include:

- cooked meat
- dairy products
- seafood
- prepared salads, raw salad vegetables
- cooked rice and pasta
- processed soya bean products
- other processed foods containing eggs, beans, nuts or other protein-rich foods that contain any of the above foods such as sandwiches and quiches

A food business must, when storing and displaying potentially hazardous food, store it under temperature control. If the food is intended to be stored frozen ensure the food remains frozen during storage and display. Temperature control means maintaining cold food at a temperature of 5°C or below, or hot food at 60°C or above.

Canned and bottled foods, dried or pickled products and some other processed foods such as dried pasta, pasteurised juices and dried powder products, are not considered to be potentially hazardous unless opened or reconstituted.

All food businesses that handle potentially hazardous foods are required to have a readily accessible, accurate, probe-type thermometer (+/- 1°C accuracy). Ensure the thermometer probe is cleaned and sanitised before it is used. It is good practice to monitor the temperature of hot or cold foods under operating conditions to ensure adequate temperature control is being maintained.

Additional information on potentially hazardous food and its management can be found in *Potentially hazardous foods: Foods that require temperature control for safety* and *Food safety guidelines on applying the 4-hour/2-hour rule for temperature control* at www.foodauthority.nsw.gov.au.

Cross contamination

Adequate measures must be taken to prevent cross contamination from raw foods to cooked foods. This includes:

- ensuring there are separate utensils for cooked and raw meats, poultry and seafood,
- covering all food,
- keeping cooked meat and salads separate from raw meat, raw poultry, raw seafood and unwashed raw vegetables, and
- washing hands after handling raw meats, raw poultry, raw seafood and raw vegetables.

Food display

When displaying food, take all practicable measures to protect the food from likely contamination by customers, dust, fumes or pests. This may mean using plastic food wraps, sealed containers, sneeze barriers, food covers or other effective measures.

Crockery, wrappings and packaging

- a) Single-use, disposable eating and drinking utensils are recommended.
- b) Machine glasswashers or dishwashers are recommended if reusable dinnerware or tableware is used.
- c) Crockery or plastic wares that are chipped, cracked, broken or in a state of disrepair must not be used in connection with food.
- d) Packaging material must be suitable for food packaging and unlikely to cause food contamination. Only clean unprinted paper, food wraps or packaging must be used for wrapping or storing foodstuffs.

Single-use items

Single-use straws, eating utensils and other items that come into contact with food or the mouth of a person, must be protected from contamination until use and not re-used.

Skills and knowledge

All food businesses must ensure that their food handlers have skills and knowledge in food safety and food hygiene matters appropriate to their work activities.

Charitable and community not-for-profit organisations are exempt from this requirement if they sell foods that are not potentially hazardous (e.g. cakes without cream, biscuits, bottled jam or pickles), or foods which are to be consumed immediately after thorough cooking (e.g. sausage sizzles, hamburgers and spring rolls). (See boxed section p6.)

Food Safety Supervisor

In addition to basic skills and knowledge requirements for all food handlers, certain food businesses need to appoint one Food Safety Supervisor (FSS). The FSS requirement applies if your business is processing and selling food by retail that is:

- ready-to-eat, and
- potentially hazardous (i.e. requires temperature control), and
- unpackaged (i.e. not sold and served in the supplier's original package).

One FSS needs to be appointed for each food vending vehicle. A copy of the FSS certificate must be kept in the vehicle. You do not need to notify the local council of your FSS.

Mobile food vending vehicles which are garaged in another state are required to have an FSS certificate if operating in NSW. FSS certificates can be obtained from the Food Authority for a small fee upon submission of appropriate training documents.

For more information on Food Safety Supervisor requirements go to www.foodauthority.nsw.gov.au/fss

Staff illness

A person who is unwell or suffering from a contagious illness must not handle food for sale. Symptoms may include cold or flu symptoms, diarrhoea, vomiting, sore throat with fever, fever or jaundice and infectious skin conditions.

A food handler must notify their supervisor if they know or suspect that they may have contaminated food.



Requirements for food handlers

When engaged in any food handling operation, a food handler must:

- not contaminate food or food contact surfaces with their body or clothing,
- prevent unnecessary contact with ready-to-eat food,
- wear only clean outer clothing,
- cover all dressing and bandages on exposed body parts with a waterproof dressing,
- not eat over uncovered food or food contact surfaces,
- not sneeze, blow or cough over uncovered food or surfaces likely to come into contact with food,
- not spit, smoke or use tobacco while working in the food stall, and
- not urinate or defecate except in a toilet.

Hand washing

A food handler must wash his or her hands using soap and warm water, then dry them with single-use towels:

- before commencing or re-commencing handling food,
- immediately before handling ready-to-eat food after handling raw food,
- immediately after using the toilet,
- immediately after smoking, coughing, sneezing, using a handkerchief or tissue, eating, drinking or touching his or her hair, scalp or a body opening, and before using disposable gloves for handling food. If wearing gloves, you should change them as often as you are required to wash your hands.

Money handling/touching customers' hands when serving food

While the likelihood of contamination from customers' hands when exchanging money is low, consideration should be given to minimising the risk. Examples include using a disposable glove, or where sufficient staff is available, nominating one to handle money.

Cleaning and sanitising

- a) The vehicle must be maintained to a standard of cleanliness where there is no accumulation of garbage or recycled matter (except in appropriate containers), food waste, dirt, grease or other visible matter.
- b) All fixtures, fittings and equipment must be maintained and cleaned so there is no accumulation of food waste, dirt, grease or other visible matter.
- c) Eating and drinking utensils must be in a clean and sanitary condition immediately before each use.
- d) Bench tops, surfaces of equipment in contact with food, and storage appliances, must be kept in a clean and sanitary condition to reduce the likelihood of contaminating food. 'Sanitary' means cleaning first, followed by heat and/or chemical treatment at the right concentration, or some other process to reduce the number of bacteria to a level unlikely to compromise the safety of the food. 'Food-grade' chlorine-based sanitisers can be used for this purpose.
- e) The containers used for chemical storage should be appropriately labelled.
- f) Chemicals must not be stored near the food or any packaging likely to come in contact with food to avoid the risk of contamination.
- g) It is recommended that a documented cleaning schedule is devised and implemented.



Labelling

The following requirements are outlined in more detail in the Australia New Zealand Food Standards Code (FSC), which can be viewed on the website of Food Standards Australia New Zealand (FSANZ). For detailed advice on labelling requirements, please contact the Food Authority.

Pre-packaged products must be clearly labelled with:

- a) a description of the food, e.g. 'strawberry jam' or 'chocolate cake'
- b) the name and physical address of the supplier – a street address is needed, not a post office box number or email address
- c) production lot identification – this assists trace back of food products that may be the cause of a foodborne illness or other food safety issues (date coding can in some circumstances satisfy the requirement for a lot number)
- d) mandatory, advisory or warning statements (refer to Standard 1.2.3 *Mandatory Warnings and Advisory Statements and Declarations* of the Food Standards Code) are required for the following:
 - royal jelly
 - the presence of these eight allergenic foods: peanuts, tree nuts, sesame seeds, crustaceans, eggs, fish, milk and soybeans; as well as gluten and added sulphites
 - presence of pollen, propolis, quinine and caffeine (added either as caffeine or guarana)
 - milk and milk substitute products advising that they are not suitable as a complete milk replacement in children under five
 - foods containing added phytosterols and phytosterols, advising about their appropriate consumption
 - foods containing aspartame, advising about the presence of phenylalanine
 - mandatory advisory statements on foods containing polyols and polydextrose, advising about the potential laxative effects if over consumed
 - unpasteurised goats milk (it is illegal to sell unpasteurised milk or dairy products in NSW, except for goats milk and products permitted under Standard 4.2.4A *Primary Production and Processing Standard for Specific Cheeses* of the Food Standards Code)
- e) a list of ingredients including added water in descending order by ingoing weight
- f) date marking, e.g. 'best before' date to indicate how long the food will keep. (Note that some foods require a 'use-by' date and must not be sold after that date. Packaged foods that need to be consumed within a particular time period for health and safety reasons should carry date marking in the form of a use-by date, along with other labelling details)
- g) storage conditions, if these are needed for health and safety reasons, or to achieve its stated storage life, e.g. 'Keep refrigerated'
- h) nutrition information panel – most packaged food should display a nutrition information panel (NIP), however some foods are exempt from this requirement
- i) characterising ingredient – a characterising ingredient (% labelling) means it is mentioned in the name of the food. For example, with strawberry jam, the label should show the percentage (%) of strawberries in the ingredient list
- j) the country in which the food was made, produced or packaged, and whether it contains imported and/or local ingredients



While unpackaged foods are exempt from most labelling requirements, consumers who have known allergies need to know if a particular ingredient is present in the food they are eating. Standard 1.2.3 of the [Food Standards Code](#) requires warning statement of the presence of royal jelly to be displayed on, or near, the food containing it.

The presence of the other allergenic foods – listed under item d) above – needs to be indicated either by a display on or near the food, or declared to the purchaser on request. The presence of certain other foods, such as bee pollen, propolis, aspartame, guarana and phytosterols, trigger requirements for specific advisory statements.

Information about these requirements can be found in Standard *1.2.3 Mandatory Warning and Advisory Statements and Declarations* of the [Food Standards Code](#).

Food sold at stalls that raise money solely for charitable or community causes, and not for personal financial gain, are exempt from labelling requirements, except for the need to declare the presence of royal jelly. The presence of allergens, the directions for storage and use and the country of origin of seafood, pork and fresh fruit and vegetables need to be provided on request.



Department of
Primary Industries
Food Authority

Checklist for mobile food vendor vehicles

This checklist is designed as a summary of the key issues for operators of mobile food vending vehicles. These requirements are based on the Food Safety Standards.

Construction and operation	✓
The vehicle's design and layout is appropriate for the intended use	
Driving compartment is separate to food area (recommended)	
Floors are impervious and easy to clean	
Construction and finish of wall and ceiling surfaces are satisfactory	
Cupboards and counter surfaces are satisfactory	
Design of cupboards and counters facilitates easy cleaning underneath and behind	
Openings are protected to minimise entry of dust, pests and other contaminants	
Adequate supply of potable water is available in the vehicle. Note: 'adequate' means enough potable water to ensure effective hand and utensil washing	
The vehicle has an accessible hand wash basin at all times	
The vehicle has liquid soap, single-use towels and warm water available at the hand wash basin(s)	
Ventilation is sufficient to remove fumes, smoke, steam and vapours	
Artificial lighting is adequate	
Waste disposal systems are satisfactory	
The vehicle and equipment are in a good state of repair and working order	
General food safety requirements	✓
Food is obtained from reputable suppliers	
Food is protected from contamination during transportation	
Food is packaged in a manner and using materials that protects it from contamination	
Potentially hazardous foods are only received at the correct temperature and within date coding	
Raw food is stored separately from prepared or ready-to-eat food	
The refrigerator or microwave oven is used when thawing frozen food	



Construction and operation	✓
Cold, ready-to-eat, potentially hazardous food is stored at or below 5oC	
Hot, ready-to-eat, potentially hazardous food is stored at or above 60oC	✓
Frozen food to be kept frozen is stored frozen	✓
Raw food is handled so as not to contaminate ready-to-eat food. Separate utensils are used during food processing (e.g. the utensils used for preparing raw meat are not used for preparing cooked meat or vegetables)	
When cooling cooked, potentially hazardous food, it is cooled: from 60°C to 21°C within two hours, and from 21°C to 5°C within a further four hours	
When heating potentially hazardous food, it is rapidly heated to 60oC or higher	
Potentially hazardous food is kept under temperature control	
There is a thermometer available where potentially hazardous food is handled (e.g. probe type accurate to +/- 1°C), and regular temperature checks are made	
Chemicals are kept away from food handling areas	
Food handling areas are kept free from dirt, dust, flies, pests and other contaminants	
The hand wash facility is only used for hand washing	
Administrative items and personal items are stored away from food	
Food handler hygiene	✓
Staff have appropriate food safety skills and knowledge	
Food handlers have been informed of their health and hygiene obligations	
Staff who are suffering from foodborne illness are to be excluded from food handling until a medical clearance has been obtained	
Staff wear clean clothing and have hygienic habits	
Food handlers wash their hands adequately and at appropriate times	
Food handlers are not contaminating food	
Cleaning and maintenance	✓
Floor, walls, ceiling, fixtures, fittings and equipment are maintained in a clean condition	
Re-usable eating and drinking utensils are cleaned and sanitised before each use	



Construction and operation	✓
Food contact surfaces of benches and equipment are sanitised before use and as required	
The vehicle and equipment are kept in a good state of repair and working order	
Containers for waste have close fitting lids and are removed at least daily or as required	
The vehicle is free from animals and pests. It is recommended that a regular pest control program be used	
Appropriate WorkCover requirements are met (i.e. fire safety, electrical and gas)	
Other necessary information	✓
Have you investigated restrictions on street or roadside trading?	
Have you enquired about inspection fees and council approval?	
Have you enquired about the appropriate public indemnity insurance?	



Contact information

Please contact your local council in the first instance, or the NSW Food Authority for further information.

NSW Councils

Website: <https://www.olg.nsw.gov.au/public/my-local-council/find-my-council>

NSW Food Authority

Tel: 1300 552 406

Fax: 02 9647 0026

Website: www.foodauthority.nsw.gov.au

Email: contact@foodauthority.nsw.gov.au

Food Standards Australia New Zealand

Website: www.foodstandards.gov.au/

Food safety fact sheets:

www.foodstandards.gov.au/science/Pages/default.aspx

WorkCover NSW

Tel: 02 4321 5000

Fax: 02 4325 4145

Website: **Error! Hyperlink reference not valid.**

Fire and Rescue NSW

Tel: 02 9265 2999

Fax: 02 9265 2988

Business hours: 9.00 am to 5.00 pm

Website: www.fire.nsw.gov.au/



Department of
Primary Industries
Food Authority

Key definitions

Adequate supply of water

Potable water available at a volume, pressure and temperature adequate for the purposes for which the water is used.

Australian/New Zealand Standards

Australian Standard/New Zealand Standards are documents which are referenced by legislation to provide more detail on requirements and technical procedures. These standards can be purchased from Standards Australia on 1300 654 646 or by visiting its website at www.standards.com.au.

Coving

A curved junction between the floor and the wall.

Equipment

A machine, instrument, apparatus, utensil or appliance – other than a single use item – used or intended to be used in connection with food handling; includes any equipment used or intended to be used to clean the food premises or equipment.

Food business

A business, enterprise or activity (other than primary food production) that involves:

- handling of food intended for sale, or
- sale of food regardless of whether the business enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

Food handler

Any person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food for a food business.

Food premises/Vending vehicle

Any premises including land vehicles, parts of structures, tents stalls and other temporary structures, boats, pontoons, including premises used principally as a private dwelling; but not food vending machines or vehicles used only to transport food.

Food Safety Standards

These are part of the Food Standards Code (under the *NSW Food Act 2003* and Food Regulation 2015). They define requirements for food premises (which include vehicles), food handling practices, structural requirements and labelling.

Handling of food

Includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, cooking, thawing, serving or displaying of food.



Home council

The home council is the one in which the mobile food vending vehicle is ordinarily garaged. The vehicle will probably first be inspected by the home council, provided it trades in that local government area.

Home jurisdiction rule

If mobile food vending vehicles trades across council boundaries, including its home council, most councils will use a home jurisdiction rule. This means that the home council will be the one to normally carry out the first food inspection on a mobile food vending vehicle, and be the one to levy the annual administration charge.

Subsequent council areas where the vehicle operates are recommended by the Food Authority not to levy the annual administration charge, and only inspect under conditions described under section 2.5 of this document.

Potable water

Water suitable (safe) for drinking

Potentially hazardous food

Food that has to be kept at certain temperatures to minimise the growth of any pathogenic microorganisms that may be present in the food and/or to prevent the formation of toxins. This may include meat, seafood, dairy products, orange juice and cooked rice.

Sanitising

A process that significantly reduces the number of microorganisms present on a surface. This is usually achieved by the use of both heat and water, or by chemicals.

Sell means:

- barter, offer or attempt to sell, or
- receive for sale, or
- have in possession, display, send, forward or deliver for sale, or
- dispose of for valuable consideration, or
- dispose to an agent for sale on consignment, or
- provide under contract of service, or
- supply food as a meal or part of a meal to an employee for consumption at work, or
- dispose of by way of raffle, lottery or other game of chance, or
- offer as a prize or reward, or
- give away for the purpose of advertisement or in furtherance of trade, or
- supply under a contract with accommodation, service or entertainment, or
- give the food away from a food business to a person, or
- sell for the purpose of resale.



Sewage

Discharge from toilets, urinals, basins, showers, sinks and dishwashers through a sewer or other means

Sinks

Includes sinks for food preparation, cleaner's sink, utensil and equipment washing and personal hand washing basins

Temperature control

Maintaining food at a temperature of:

- 5°C or below if this is necessary to minimise the growth of infectious or toxigenic microorganisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature, or
- 60°C or above, or
- another temperature – if the business demonstrates that maintenance of the food at this temperature for the period of time for which it is so maintained will not adversely affect the microbiological safety of the food.

Unsafe and unsuitable food

Food is considered unsafe if it is likely to cause physical harm to a person who might later consume it, assuming they treated the food correctly after purchase.

Food is considered unsuitable if it is damaged, deteriorated or perished to an extent that affects its intended use, e.g. out of date, poor maintenance or poor storage of chemicals or contains a substance that is foreign to the nature of the food (i.e. foreign matter or chemicals which may have fallen into the food).

Warm water

Not hotter than 50°C in order to comply with Australian/New Zealand Standard 3500.4.2 (Plumbing and drainage: Part 4 – heated water services)



Department of
Primary Industries
Food Authority



Department of
Primary Industries
Food Authority

6 Avenue of the Americas, Newington NSW 2127

PO Box 6682, Silverwater NSW 1811

T 1300 552 406

contact@foodauthority.nsw.gov.au

ABN 47 080 404 416

More resources at foodauthority.nsw.gov.au



[nswfoodauthority](https://www.facebook.com/nswfoodauthority)



[nswfoodauth](https://twitter.com/nswfoodauth)

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Application for approval to operate a roadside mobile food vending permit.

RECOMMENDATION

1. That the Board receive and note this report.
2. That the applicant be required to submit a Business Licence application which is to be placed on public exhibition. The application then be assessed against the conditions proposed in this report and reported to the full Board for final determination.

or in the alternate

3. That the Board refuse the application for a roadside mobile food vending permit

BACKGROUND

On the 1st of October the Board received a letter of application for a roadside mobile food vending permit (Attachment A). Broadly speaking, the application is seeking permission to operate a food safety certified and road registered food vending trailer to provide drinks, ice cream and hot and cold snacks.

The trailer would operate primarily on weekends, but the applicant is also seeking permission for weekday trading, private hire for parties/function and community events. The proposed hours of operation are for a minimum of two hours and up to four hours.

The proposed trading locations include:

- Ned's Beach
- Aquatic Club
- Cobby's Corner
- Blinky Beach
- Old Settlement Beach
- Post Office car park (subject to approval of the businesses adjacent to the car park.

The trailer would be road registered, have its own electrical power source and meet the relevant food preparation service and design standards.

Due to the restrictions on trailer importation and the significant cost associated with purchasing and importing a food trailer the applicant is seeking approval to operate the business prior to importing the trailer.

As one of the joint applicants is a Board employee this report does not make a preferred recommendation.

CURRENT POSITION

Currently there are no formal policies or procedures established by the Lord Howe Island Board to assess this type of request.

Mobile food vending services are a prominent feature in most towns and urban areas across Australia and much of the world. Most Councils in NSW assess mobile food vending applications against individually adopted policies. Typically these policies seek to regulate the use of mobile food vendors to manage the amenity of a given locality and to ensure the mobile food vending service does not create a nuisance or unduly impact on neighbouring businesses.

By way of example the Port Macquarie Hastings Council “Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Policy” is attached as Attachment B. This policy is provided as an example and it is not proposed that such a policy would be appropriate in its entirety for Lord Howe Island. As we currently have received only one application for a mobile food vending service it is not proposed to create a specific policy for this proposal. However if subsequent additional applications are received it would be appropriate to create a dedicated mobile food vending policy.

In broad terms mobile food vendors have the following benefits and risks:

Benefits of permitting mobile food vending services

- Mobile Food Vendors can add significantly to the amenity of a locality, and are often a key part of the visitor experience at popular recreation locations and events. As an example the ice cream van is an iconic part of many people’s experiences when growing up in Australia, and is strongly associated with family visits to the beach.
- Mobile food vendors can meet a service need, particularly in seasonal locations and events where a permanent fixed business would otherwise not be viable.
- With appropriate controls mobile food vendors should have a minimal environmental impact on the site they operate, there is no permanent construction and any impacts on site are usually temporary for the duration the trailer is in place.

Risks/impacts of mobile food vending services

- They can detract from the amenity of a location
- They may have, or be perceived to have, an unfair competitive advantage relative to permanent fixed businesses that need to invest in maintaining infrastructure and paying rents.
- They can become a nuisance if they persistently trade in the same location for extended periods of time.

Typically Council authorities adopt mobile food vending policies that aim to:

- Permit mobile food vendors to trade in appropriate locations.
- To ensure that in a public place, food sold to the public from mobile food vending vehicles is safe for human consumption and that the construction, fit out and facilities for cleaning utensils, articles, hands, fittings and appliances in vehicles is adequate.
- To ensure that trading, when undertaken in areas, does not place the public at risk.
- To ensure that trading complements and does not compete with commercial centres.

Permissibility of land use.

Typically mobile food vending services are not assessed as a development or activity against a LEP, and in many Councils they are permitted to trade on land where the land use zoning would otherwise not permit a commercial activity. In part this is because they are very short term temporary activity and do not require any infrastructure or construction in the locality that they operate in. However the operation of a mobile food vending service always requires approval of the land owner. As such, Owner's Consent from the Board will be required, in addition to approvals from any lease or permissive occupancy holders if the service was to trade on leasehold or permissive occupancy properties.

If land use zonings were to be considered, in this instance the majority of the trading locations proposed by the applicant are in coastal areas zoned Environmental Protection or in a road reserve. Under Environmental Protection zoning, the following uses are permissible with approval:

(3) Except as otherwise provided by this Plan, demolition, subdivision and development for the purposes of any of the following may be carried out on land within Zone 7 Environment Protection only with the consent of the consent authority:

- (a) observation platforms,*
- (b) public utility installations,*
- (c) public utility undertakings,*
- (d) roads,*
- (e) telecommunications facilities,*
- (f) the control of erosion,*
- (g) walking tracks,*
- (h) wastewater management systems*

The approval of commercial or retail operations is prohibited. However a refusal on the grounds of the use not being permissible under the LEP would be inconsistent with existing temporary and ancillary uses the LHIB already permit in the Environmental Protection Zone. specifically the Neds Beach Shed, boat houses on foreshore and the community fair held from time to time in the playground.

The LEP is silent on the permissibility of commercial activities in the road reserve.

Proposed Approval Process and Conditions of Approval

Under the *Lord Howe Island Act (1953)* the Board has the following powers:

13 Powers of Board as to tourists and licensing business

- (1) The Board may:*
 - (a) control and regulate the tourist trade to and upon the Island,*
 - (b) require persons carrying on such businesses or trades as the Board may determine to be licensed. Any such licence shall be subject to the payment of such fee and may include such terms and conditions as may be prescribed or as the Board may determine.*
- (2) In relation to persons associated with tourist accommodation or other commercial undertakings, the Board's power under subsection (1) (b) to require persons to be licensed is subject to the regulations.*

This clause provides the Board with broad scope to apply licence conditions as it sees fit. In this instance this allows the Board to attach the conditions discussed in this report to the Business License.

The regulations go on to describe penalty units for non-compliance with business license conditions.

If granting an approval is contemplated it is considered appropriate that the applicant be required to obtain a Business Licence after a period of public exhibition and subsequent endorsement from the Board. Land Owners consent would be implied as granted subject to the conditions of the Business Licence on the issue of the Business License.

This exhibition and subsequent consideration by the Board is suggested in part because no mobile food vending is, or is known to have operated on Lord Howe Island. In other words, this is a precedent.

In the assessment of the business licence the application would be assessed against the ability of the applicant to comply with the proposed conditions below, compliance with the DPI guidelines (Attachment C) and be informed by any public submissions.

If approval of Mobile Food Vending Services is contemplated the following conditions of approval should be considered:

- The mobile food vending vehicle must comply with all the relevant food preparation and service standards and be appropriately certified by the NSW DPI Food Authority (Attachment C).
- The vehicle/trailer must be road registered at all times.
- Trading is to only take place during daylight hours unless an event specific exemption is granted.
- The vehicle not be permitted to trade more than 4 hours in any one location over a 24 hour period unless a specific event exemption is granted in writing by the Board (ie servicing an all-day community event).
- Trading not be permitted within 300m of an existing authorised takeaway food retail outlet unless specific exemption for an event is granted in writing by the Board.
- Trading not be permitted within 50m of another mobile food trading vendor unless it is servicing with approval at a designated community event or explicit permission of the relevant property lease holder has been granted.
- Trading at a community event is only permitted with the permission of the event organiser.
- Trading is not to obstruct the roadway or otherwise create a traffic or pedestrian traffic nuisance.
- The vehicle is to be entirely self-contained with all waste water stored on the vehicle and disposed of in an appropriate waste water treatment system.
- All food and packaging waste to be stored on the vehicle and disposed of at the Waste Management Facility. Public litter bins must not be used for waste disposal.
- The business licence holder must pay the applicable business waste management fee.
- The vehicle must not be left unattended in a public area. When not trading it must be stored on private leasehold or permissive occupancy land with the permission of the lease holder.
- The owner of the business must hold a valid business license at all times.
- The owner and or operator of the business must hold public and product liability insurance to the value of \$10 million
- The owner of the Business Licence be responsible for any additional costs incurred by the Board in the event that Board is required to clean up after a trading event.

If a license is issued, compliance with these conditions would be monitored and a breach would initially result in a warning, and if a subsequent breach occurs a possible revocation of their business licence or the issue of fines as per s49 of the Lord Howe Island Act Regulations.

It is noted that the prohibition on trading within 300m of an existing authorised take way food retailer will effectively exclude any trading under the Pines and the Post Office car park.

Conclusion

Mobile food vending services, if managed appropriately, can add significantly to the amenity of a locality and enhance the visitor experience. The Board has not previously adopted a formal policy on mobile food vending services, as such this proposal should be assessed on its merits. If approval of a mobile food vending service is contemplated it would be appropriate to regulate it by way of a Business Licence with conditions specific to mobile food vending services.

RECOMMENDATION

1. That the Board receive and note this report.
2. That the applicant be required to submit a Business Licence application which is to be placed on public exhibition. The application then be assessed against the conditions proposed in this report and reported to the full Board for final determination.

or in the alternate

3. That the Board refuse the application for a roadside mobile food vending permit

Prepared: Justin Sauvage Manager environment and Community Services.

Endorsed: Peter Adams Chief Executive Officer

Attachments:

Attachment A: Completed Application form

Attachment B: Sample Food Vending Service policy from Port Macquarie Hastings Council

Attachment C: Department of Primary Industries: Guidelines for Mobile Food Vending Vehicles.

Key to Colour coding:

Status of Progress: Colour of the cell represents the implementation status of the recommendation and the organisation responsible.
Recommendation In place, no further action required.
Responsibility of the Lord Howe Island Board – Implementation in progress.
Responsibility of the State Government – not yet implemented.
Not supported by State Government – will not be implemented

Recommendation	Lead organisation	Progress
1. Retain the present system of land tenure, with most Crown land outside the Permanent Park Reserve held under perpetual or special lease	N/A	In place. No further action required.
2. Properly police and enforce the residency condition in perpetual leases, with forfeiture as a last resort.	Lord Howe Island Board	- Guidelines in place for assessing applications for suspension in residency conditions. - A limited review of compliance with the residency condition on existing lease has been undertaken. Firm guidelines for such monitoring are yet to be developed. - See above.
3. Special leases are due to expire in 2015, without any legal right of renewal, although the lease holders expect to obtain renewals. The new leases should be granted for 20 year terms with strong covenants to encourage new investment and ensure that the land is fully and properly used.	Office of Local Government	- Required legislative changes are being pursued.
4. Permissive occupancies for business purposes, principally as boat sheds, which are currently revocable at will, should be granted for fixed terms of 5 years, to increase security of tenure and encourage investment.	Not applicable	Recommendation not supported by Government.
5. Restrictions on the enforcement of mortgages of leases should be relaxed to make leases more acceptable to lenders as security and mortgages to corporations should not require the Minister's consent.	Office of Local Government	- Required legislative changes are being pursued.

Recommendation	Lead organisation	Progress
6. The restrictions on who can occupy a dual occupancy dwelling should be relaxed	Lord Howe Island Board	- To be included in the major review of the Lord Howe Island Local Environmental Plan. This review is not proposed to be undertaken until completion of the Community Strategic Plan.
7. Subject to pending applications for approval of a Category A dwelling the remaining quota for new dwellings under the LEP should be reserved for dual occupancy dwellings.	Not applicable	Recommendation not supported by Government.
8. The LEP should be amended to make it easier to subdivide perpetual leases with 2 existing detached dwellings erected before 28 October 2005 to increase the saleable housing stock without further building development, or use of the quota.	Lord Howe Island Board	- To be included in the major review of the Lord Howe Island Local Environmental Plan. This review is not proposed to be undertaken until completion of the Community Strategic Plan.

Recommendation	Lead organisation	Progress
9. There should be no more Category B allotments, and the 3 existing ones should revert to special lease land where substantial restitution by both parties is practicable and the former leaseholder agrees. Where restitution is not practicable or the former leaseholder does not agree, the allotment or allotments should be allocated by a revised ballot process open to Islanders deemed eligible.	Lord Howe Island Board	- Mediation process completed. Board Staff implementing next steps.
10. The provisions in the Act dealing with the succession to perpetual leases on death should be rationalised, clarified and extended to surviving spouses and de facto partners	Office of Local Government	- Required legislative changes are being pursued.
11. The existing exemption from land tax for all leases on the island should be removed to allow the Land Tax Management Act to operate on the island in the normal way. The Chief Commissioner and the Board should be permitted to exchange information to ensure that leaseholders only claim one principal or usual place of residence.	Office of Local Government	- Required legislative changes are being pursued.
12. The Board should comply with its statutory duty under s 301(1) of the Duties Act by requiring grants, transfers and mortgages of leases to be stamped or marked exempt before they are registered by the Board.	Lord Howe Island Board	Implemented. Applicants advised of this requirement via the notification of acceptance for form 5.
13. In the interest of transparency and accountability, should recommendations 11 and 12 be adopted, provision should be made for the additional taxation revenue, raised from the island in these ways, to be returned to the island by being credited to the Lord Howe Island Account (s 34).	Not applicable	Recommendation not supported by Government.
14. The legal framework under which the Board and the Minister consider applications for consent to the transfer of perpetual leases should be strengthened to prevent vendors evading the maximum price provision by requiring purchasers to purchase their furniture and other chattels at prices above their fair market value, and to prevent vendors withdrawing their lease from sale when an Islander is willing to purchase the lease.	Office of Local Government	- Required legislative changes are being pursued.
15. In the interests of transparency and accountability, the Board should maintain and publish in its Annual Report to Parliament (s36A) separate accounts for its functions as custodian and manager of the Permanent Park Reserve, and its functions as the local council for the Settlement. The island community cannot reasonably be expected to pay for the upkeep of the Park out of its own resources.	Office of Local Government	- Required legislative changes are being pursued.

Recommendation	Lead organisation	Progress
<p>16. Miscellaneous recommendations by way of statute law revision which are not thought to raise any question of principle.</p> <p><i>Miscellaneous recommendations are as follows:</i></p> <p>i) Section 12 (1)(g) gives the Board power to ‘provide...shops, offices and other buildings for lease to the public’. There is some doubt about the Board’s power to lease land associated with such buildings. The matter should be put beyond doubt by adding to subsection (1)(g) the power to include in such a lease the land associated with or surrounding such buildings.</p> <p>ii) Section 21(2) enables perpetual leases to be granted to two or more Islanders as joint tenants or tenants in common, but subsections (7A) and (7B) only refer to joint tenants. They should be amended to include tenants in common.</p> <p>iii) Section 21, which only deals with perpetual leases provides in subsection (7A): ‘The Minister may...suspend the condition of residence on a lease held or owned... by...an Islander who already...holds or owns...or subleases not more than one other lease.’ In its context the expression ‘not more than one other lease’ may refer to a perpetual lease only, and not to a special lease or one granted under section 12(1)(g), but the subsection should be amended to make this clear. This provision is used, and properly used, to allow a holder to operate tourist lodge on one perpetual lease and have his or her home on another.</p> <p>iv) Section 22(3) provides that a special lease may only be granted to the holder of a perpetual lease, but there is no expressed requirement for the perpetual leaseholder to remain the holder of the special lease. In <i>Lance Wilson v The Minister for the Environment</i> (No 2294 of 1992) the Equity Division of the Supreme Court held that there was no implied requirement for the holder to remain the holder of both leases. The plaintiff, who retained his special lease after he had transferred his perpetual lease, succeeded in having the forfeiture of his special lease set aside. Given the evident policy behind section 22(3), that special leases should be held by Islanders who have their usual home on the Island, to prevent them being held by non-residents and non-Islanders, the result appears anomalous. Section 22(3) should be strengthened by the addition of words such as ‘and must continue to be held by such holder but may be</p>	<p>Office of Local Government</p>	<p>- Required legislative changes are being pursued.</p>

<p>transferred with such lease or to an Islander who holds a perpetual lease but does not already hold a special lease' or words to that effect.</p> <p>v) Section 27(1) dealing with forfeiture provides: 'Every lease...shall be liable to be forfeited if any rent be not paid...or upon breach of any condition annexed to the lease...or if it should appear to the satisfaction of the Minister after report by the Board that the land comprised in the lease is not used and occupied bona fide for the purpose for which the lease was granted, or where in pursuance of any other provision of this Act the lease becomes liable to forfeiture.'</p> <p>Every forfeiture must be declared by the Minister by notification in the Gazette (section 27(2)), but there is no express requirement in subsection (1) for the Board to report to the Minister in cases of forfeiture for non-payment of rent or breach of any condition other than that relating to the purpose for which the lease was granted. Subsection (1) should be amended to require a report from the Board in every case where forfeiture is sought.</p>		
--	--	--

Board Meeting: November 2018	Agenda Number: 11 (i)	Record No: ED18/10137
-------------------------------------	------------------------------	------------------------------

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Lord Howe Island Land Allocation Review - Implementation Update

RECOMMENDATION

It is recommended that the Board note progress to date on implementation of the *Lord Howe Island Land Allocation Review*.

BACKGROUND

In February 2014 the Honourable Justice Handley AO was engaged by the NSW Department of Premier and Cabinet to review the land allocation and tenure systems on the Island and provide advice to the Minister for the Environment.

The purpose of the review was to identify options for different land allocation methods and forms of tenure which would maintain and protect the unique environmental and cultural values of the Island. The forms of tenure and allocation methods were to be transparent, fair, financially sustainable and recognise the needs of current and future generations of Islanders.

The Terms of Reference identified four key areas for consideration:

1. Forms of tenure
2. Land allocation methods
3. Strategies to increase land and housing supply
4. Economic sustainability.

The Terms of Reference are attached at "A".

Mr Handley visited the Island in March 2014 to undertake targeted consultation with a range of stakeholders including Board members, staff of the Board and residents. Fifteen individual meetings were held on the Island and Mr Handley also attended a number of meetings in Sydney with stakeholders.

A Discussion Paper was prepared and released for public comment in August 2014. The Discussion Paper outlined 15 options for reform in the areas identified in the Terms of Reference. Mr Handley made a second visit to the Island in August 2014. The options were outlined at a public meeting and Mr Handley later met individuals privately to receive their feedback.

Fifty-nine submissions were received, both written and verbal from individuals or families and four were received from groups or institutions. The majority of the submissions were from Island residents.

Mr Handley completed the review and reported his findings to the Government in November 2014. A government response to the review was considered by Cabinet in August 2016. The review report and the draft government response were released to the LHI community with an opportunity to comment in November 2016. The final Government response to the review was released in April 2017.

CURRENT POSITION

An implementation plan was developed and was presented to the Board in March 2018. An implementation update has been prepared and is attached at "B".

RECOMMENDATION

It is recommended that the Board note progress to date on implementation of the *Lord Howe Island Land Allocation Review*.

Prepared: Justin Sauvage, Manager Environment & Community Services

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

Attachment A: Implementation Update Table – November 2018

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Lord Howe Island Rodent Eradication Project (REP) Implementation.

RECOMMENDATION

That the Board note the update to the REP.

BACKGROUND

The REP is now in Stage Three: Final planning, implementation and evaluation of the eradication plan.

Stage Three involves delivery of the eradication plan (planned for implementation in winter 2019) over an approximate three – four month period. Key elements are:

- Finalise detailed logistics and operational planning including Property Management Plans
- Assemble and train remaining resources
- Finalise construction of captive management facilities for the woodhen and currawong
- Capture of woodhens and currawongs
- Operational readiness check
- Implementation of ground and aerial baiting
- Follow up monitoring and release of woodhens and currawongs
- Maintaining an ongoing biosecurity and rodent detection monitoring network.

CURRENT POSITION

An update on elements that have changed or advanced since the previous meeting is provided below.

1) Status of Required Approvals

APVMA Permit

The Board have been advised that an appeal against the Permit issued by the Australian Pesticides and Veterinary Medicines Authority (APVMA) has been lodged with the Administrative Appeals Tribunal. The APVMA have advised the Board that they stand behind their decision to

issue the permit and will defend the decision in the tribunal hearing. It is important to note that the permit remains valid during the hearing process.

Biosecurity Control Order

As per the resolution from the previous meeting, the Board have formally written to the Minister for Primary Industries requesting the issuance of a Control Order to support the project.

2) Staffing

The following actions have been undertaken since the previous meeting:

- Graeme Beech accepted a temporary role as the Assistant Project Manager – Operations and commenced on 29 Oct 2018 until 31 Aug 2019.
- Jessie Owens has accepted a temporary Clerical Officer role within the team until 29 July 2019.
- A recruitment process was undertaken to secure a Project GIS Officer. The successful candidate from the process was Dion Fabbro. Dion has now been engaged on a temporary secondment arrangement from the New Zealand Department of Conservation commencing 26 Nov 2018 until 31 Aug 2019. The agreement will allow some initial flexibility in on-island and off-island project work, before Dion formally relocates to the island in mid Jan 2019.

3) Community Engagement Update

Ecotourism update

Following the success of the 2018 ecotourism campaign, work has commenced on the development of the 2019 campaign. The team, with the Museum, Marine Parks, the Tourism Association and tourism operators and wholesalers, have:

- Reviewed the 2018 campaign for lessons learnt
- Developed a campaign framework and draft program for 2019.
- Prepared to launch the campaign at the Ecotourism Australia Conference in Townsville (26- 28 Nov 2018). Darcelle Matassoni and Ian Hutton (representing the Board and Museum respectively) have been offered speaking roles at the conference.

Community Acceptability

Jaclyn has continued discussing individual Property Management Plans (PMP) with leaseholders and tenants. At the time of writing this report, 66 of the 128 Leaseholders (some leaseholders have multiple leases) have formally signed a confidential PMP, with another 36 verbally agreeing.

4) Operational Planning

Work has continued on detailed operational planning including:

- Procurement of bait, bait pods for transport and bait stations required for the project
- Final field trials of the field data collection system incorporating high accuracy GPS and mobile devices
- Spreader bucket calibration trials
- Logistics of transport and delivery of all project equipment

- Scheduling of operational readiness checks
- Recruitment of remaining staff (predominantly ground baiting staff)
- Minor works to the captive management facility (expected to be complete Dec 2018).

The updated Operational Plan will be presented to the Island Eradication Advisory Group (IEAG) for critical review on 30 Nov 2019.

5) Budget

Actions taken since the previous meeting to address the budget shortfall include:

- Execution of the Memorandum of Understanding with the Invasive Species Council
- Issuing and assessing a Request for Quote for a Fundraising Campaign Readiness Assessment
- Developing the “case for support” to be taken to prospective philanthropic and corporate donors
- Further identification of potential donors
- Active budget management in procurement.

In pursuing philanthropic donations it is important to donors to know whether government has contributed. The following is proposed to be undertaken as soon as practical:

- The CEO to formally write to both current funders (NSW Environmental Trust and the National Landcare Program) seeking additional funds.
- Further investigation of other government funding sources.

SUMMARY

Detailed operational planning is well underway, PMPs are progressing and steps are being taken to actively address the budget shortfall.

RECOMMENDATION

That the Board note the update to the REP.

Prepared: Andrew Walsh, Rodent Eradication Project Manager

Endorsed: Peter Adams, Chief Executive Officer

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Airport Runway Extension Feasibility Study Update

RECOMMENDATION

It is recommended that the Board note this report.

BACKGROUND

Lord Howe Island's restricted runway length of 888 metres limits the type of commercial aircrafts that can operate on the Island. While other options have been considered such as leasing or hiring other aircrafts to operate on Lord Howe Island or to get other airlines to operate; without extending the runway, airlines will be restricted in the types of aircrafts that can service the Island. A sustainable and viable long-term solution is therefore needed to secure the provision of air services to Lord Howe Island.

In late November 2017, AECOM Australia Pty Ltd was contracted to undertake the Lord Howe Island Airport Runway Extension Feasibility. The scope of the study includes the future aircraft requirements for the island, plane characteristics, existing runway/site limitations, CASA requirements, conceptual design, geotechnical investigation, environmental assessment, community consultation and economic impacts/costs. The project is broken down into a number of milestones.

Milestone	Description	Anticipated time
1.	Completion of detailed assessment of extended runway and suitable aircraft options	March 2018
2.	Completion of preliminary geotechnical investigation	June 2018
3.	Completion of conceptual engineering design	August 2018
4.	Completion of preliminary environmental assessment	September 2018
5.	Undertake economical assessment and preliminary business case	December 2018
6.	Final presentation and report	December 2018

The funding for the project comes predominately from a Restart NSW grant through Infrastructure NSW with a small amount of Board staff wages for project management as shown below:

1. Infrastructure NSW - Restart NSW funding	\$450,000
2. Board staff wages	\$ 19,000
TOTAL	\$469,000 (excl. GST)

CURRENT POSITION

After completing the Concept Design Report AECOM have now updated it to include a new Section 13 for the required security upgrade due to the potential for increased RPT aircraft seating capacity raising the current Tier 4 security level to a Tier 3.

AECOM have also issued their final Preliminary Environmental Assessment Report (PEA) which has been limited to a desktop assessment and as such if the project is to progress, the environmental issues identified would need to be assessed in detail through additional, detailed and fieldwork based technical assessments. Based on the preliminary findings it is recommended that a more in-depth investigation to ascertain the accurate location, distribution and extent of potential constraints and impacts is undertaken. Further assessment should at a minimum include the following:

- further consideration of the potential impact to World heritage;
- further soil testing to understand the extent of existing land-based contamination and additional PFAS investigations for the purposes of further assessing the nature and extent of identified PFAS impacts;
- the extent of impacts on surface water, based on background surface water quality monitoring, including further assessment as part of the EIS with considerations to best practice surface water management measures;
- further assessment as part of the EIS regarding the traffic and transport impacts of the proposed runway extension, including field surveys;
- background monitoring of the mean ambient levels against National Environmental Protection Measures (NEPM);
- a quantitative noise assessment, noise modelling and/or noise logging;
- likelihood and extent of impacts to specific threatened ecological communities and threatened species;
- a field-based landscape and visual impact assessment of proposed changes including photomontages of the before and after impacts from key viewing locations on land and water would be undertaken; and
- detailed community consultation and socio-economic assessment as part of any future environmental assessment.

If it is decided that the runway extension would progress further, the next steps would be to begin with a formal planning application for the development. A legislative framework was established for the potential works, and informed a relevant approvals pathway for a potential future runway extension project.

A State significant development scoping report would need to be prepared to support an application to DP&E for the project under section 5.15 of the EP&A Act. The scoping report would present potential environmental impacts that have been identified for the project. The DP&E would then issue Secretary Environmental Assessment Requirements (SEARs), which identify assessment requirements for the EIS. This PEA could be used to inform the scoping report.

LHIB would then prepare the EIS. The EIS would need to present outcomes of any alternatives such as the 'do-nothing' approach and options studies undertaken for the project, including justification of why the project was chosen as the preferred option. Preparation of the EIS would also involve undertaking detailed technical assessments and field surveys, for example the detailed studies recommended in the PEA report.

The EIS would then be submitted to the DP&E for approval by the NSW Minister for Planning and Commonwealth Environment Minister.

In summary, such a project would require multiple approvals at both State and Commonwealth level, the certainty of which is not assured due to the potential approvals risks associated with the preliminary construction and operational environmental impacts identified. As such, a more detailed assessment would be undertaken for the legislative requirements and approval processes in the later stages if the project does progress.

The final report for this project is not due for completion until December however the Board had requested that the initial findings be presented at their November meeting. As such AECOM's Project Manager Jed Mills will provide an overview of the project to date including the final presentation of the draft Preliminary Business Report (PBC) which was not available at the time of writing this report. The PBC has been developed consistent with NSW Treasury Guidelines for Capital Business Cases (2008), and comprises the following chapters:

- The case for change
- Priority of the service need
- Benefits of the service need
- Stakeholder engagement
- Analysis of the proposal
- Implementation of the proposal.

The Preliminary Business Case outlines the need to maintain a Regular Passenger Transport (RPT) service to Lord Howe Island (LHI) that is of a sufficient scale (i.e. 30+ seater or similar) to satisfy demand beyond 2022. It details with available evidence how securing a RPT service is essential to support tourism (capped at 400 visitors at any time), the economic viability of the Island and the well-being of its residents.

The significance of maintaining a RPT air service been noted as a priority in a number of NSW State Government Plans and Strategies. Retaining such a service also aligns with the NSW's State Priorities of creating jobs and building infrastructure. Actions undertaken by the Board to date are also detailed to articulate the work done to date. Notably, given the license expiration in March 2022, time is of the essence to secure a similar or comparable service offering that will continue to support the economy and provide visitor access.

Benefits of maintaining a RPT include:

- Supporting local businesses and jobs
- Retaining residents' access to services, education and social and business connections on the mainland
- Ease and choice of frequency of travel for tourists
- Revenue to support environmental programs through collection of visitor fees and charges

The PBC identifies key stakeholders and their relationship to the proposal along with community consultation that has been undertaken as part of the Feasibility Study.

The options below have been considered for the period post-2022.

1. Cease RPT services to Sydney and Brisbane, and rely solely on current levels of charter flights from Port Macquarie
2. Introduce a RPT service from Port Macquarie and another secondary city using smaller planes.
3. Buy or lease the DHC-8-200 aircraft or ATR to be operated by a suitable operator to continue RPT services from Sydney and Brisbane

4. Extend the runway using the deck on piles design option to enable operation of Code 3 aircraft (such as the ATR72 and DHC8-400) and continue 30+ seat RPT air services to Sydney and Brisbane.

The Cost Benefit Analysis (CBA) was undertaken in accordance with Transport for NSW guidance on economic appraisal, as set out in Principles and Guidelines for Economic Appraisal of Transport Investment and Initiatives, (March 2013), Version 1.6, (updated March 2015). It details the general appraisal parameters used in the economic analysis, the capital costs of each option, and evaluates the benefits.

Given the analysis of options, key next steps are outlined that would be required to progress a preferred option and associated decision making.

RECOMMENDATION

It is recommended that the Board note this report.

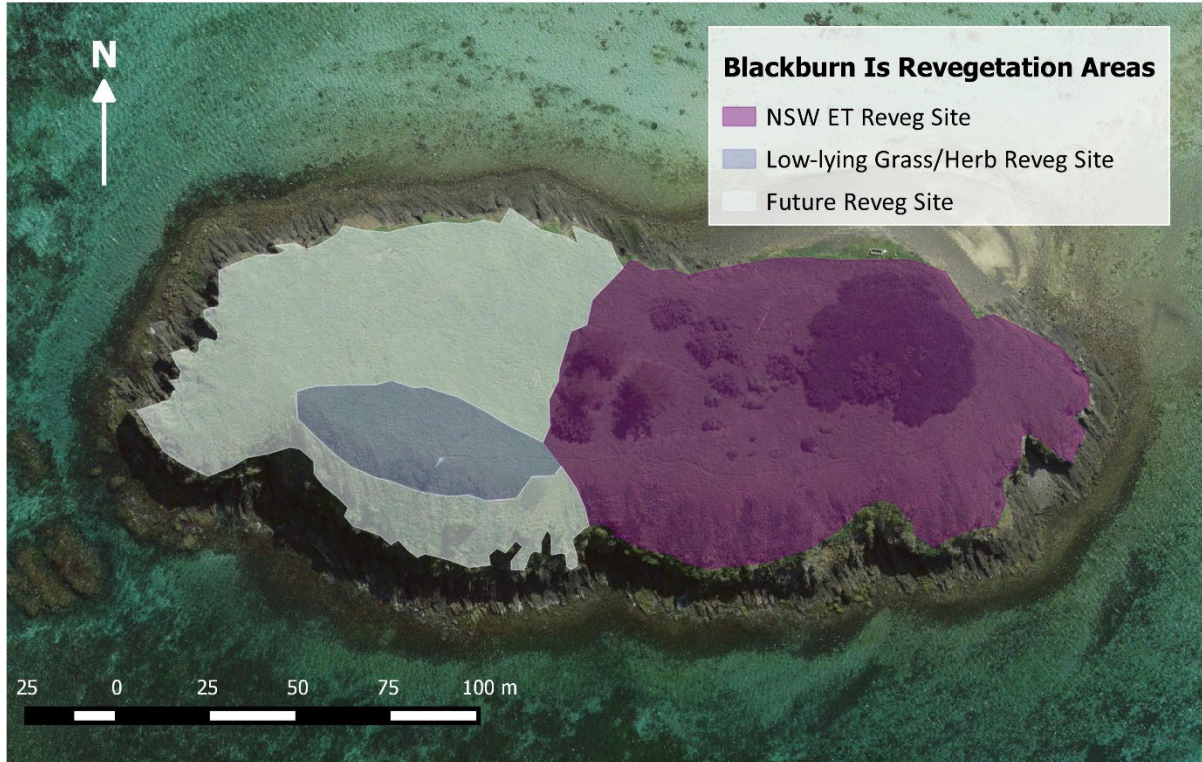
Prepared: John Teague, Manager Infrastructure & Engineering Services

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

Attachment A: AECOM – Draft Preliminary Business Report (presented at the meeting)

Revegetation Plan for Blackburn Island



LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Long term plan for revegetation of Blackburn Island.

RECOMMENDATION

That the Board note the information.

BACKGROUND

The Lord Howe Island Biodiversity Management Plan 2007 includes several actions relevant to the revegetation of Blackburn Island, which aim to protect and enhance habitat for threatened fauna and rehabilitate high conservation priority areas. These include Action 15.3.1 Revegetate and control Rhodes Grass on Blackburn Island (to protect and enhance habitat for the critically endangered LHI Wood feeding Woodroach) and Action 18.2.2 to reintroduce the LHI Phasmid to the main island. Revegetation of cleared areas dominated by the exotic Rhodes Grass will also protect and enhance habitat for LHI Gecko and LHI Skink.

Blackburn Island is 1.9 hectares in size and provides important habitat for the critically endangered LHI Wood Feeding Roach, the threatened LHI Gecko and LHI Skink and provides nesting habitat for Wedge-tailed Shearwater. The area where the Banyan grows provides the best habitat for the Woodroach, Gecko and Skink and is readily utilised by nesting Wedge-tailed Shearwater's, which nest both on the surface and in burrows across the island. Revegetation that replaces the exotic Rhodes Grass with native species will benefit all these species through enhancing habitat structures and resources including food and shelter.

A LHI Phasmid translocation planning team has been formed comprising staff from Melbourne Zoo invertebrate team, Principal scientist with the Office of Environment & Heritage science division and the Board's Manager Environment World Heritage to progress research into the possible translocation of rodents back onto Lord Howe Island following the successful eradication of rodents. The translocation planning team recommended conducting a trial translocation of LHI Phasmids to Blackburn Island prior to reintroduction to the main island.

In March 2018 the Board submitted a funding application to the NSW Environmental Trust's Restoration and Rehabilitation grants titled Restoring Blackburn Island in Preparation for the Translocation of the LHI Phasmid for \$55,366 and were advised in September 2018 that the grant was successful.

CURRENT POSITION

The Board recently submitted a draft Project Implementation Plan, draft Project Measures Table and revised budget to the NSW Environmental Trust for finalisation of the grant agreement.

The project aims to reconstruct suitable habitat to enable the future translocation of LHI Phasmid to Blackburn Island as a trial prior to translocation to the main island.

The NSW Environmental Trust project will plant 3000 native plants covering 1 hectare aiming to reconstruct wind sheared oceanic rainforest and coastal heathlands. The Project Implementation Plan has identified that trees and materials will be ordered by December 2018, site preparation completed by May 2019 with Melbourne Zoo and Board staff coordinating the planting through the Conservation Volunteers program in the first 2 weeks of August 2019. Ongoing maintenance will be undertaken by Board staff until canopy closure.

The long term plan for the remaining area is to extend revegetation subject to funding, leaving the elevated section of Blackburn Island where the wind sock is located free from tall woody vegetation. This area is intended to be planted with low growing native grasses and herbs such as Poa Grass and Grey Saltbush and Melanthera.

The attached map shows the area to be planted in winter 2019 with NSW Environmental Trust funds, remaining areas that could be revegetated in future subject to funding and the area to only be planted with low growing grasses and herbs.

SUMMARY

Revegetation of Blackburn Island with native plants will improve habitat for numerous species including threatened species and will provide a suitable trial site to monitor the success of translocating LHI Phasmids.

RECOMMENDATION

That the Board note the information.

Prepared: Justin Sauvage, Manager Environment Community Services

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

Attachment A: Map of Blackburn Island showing long term plan

Board Meeting: November 2018

Agenda Number: 14 (i)

Record No: ED18/10354

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Work Health and Safety (WH&S) and Public Risk Management Update

RECOMMENDATION

It is recommended that the Board note the information provided on Public Risk and WH&S matters.

BACKGROUND

The Board has requested information on Public Risk and WH&S matters be presented on a quarterly basis.

CURRENT POSITION

Workplace Health and Safety

At 6 November 2018 three new claims have been lodged for the 2018-19 financial year. These three claims are new claims since the last reporting period.

2018/19				
No	Date of Injury	Type of Injury	Cause of Injury	Hours lost
1	7/09/2018	Carpal tunnel syndrome	Occurred during normal course of business	Medical expenses only
2	12/07/2017	Foreign body in tip of finger	Picking up glass	Medical expenses only
3	13/07/2017	Mild tear in ligament of knee	Minor slip on rough terrain on a slope	0

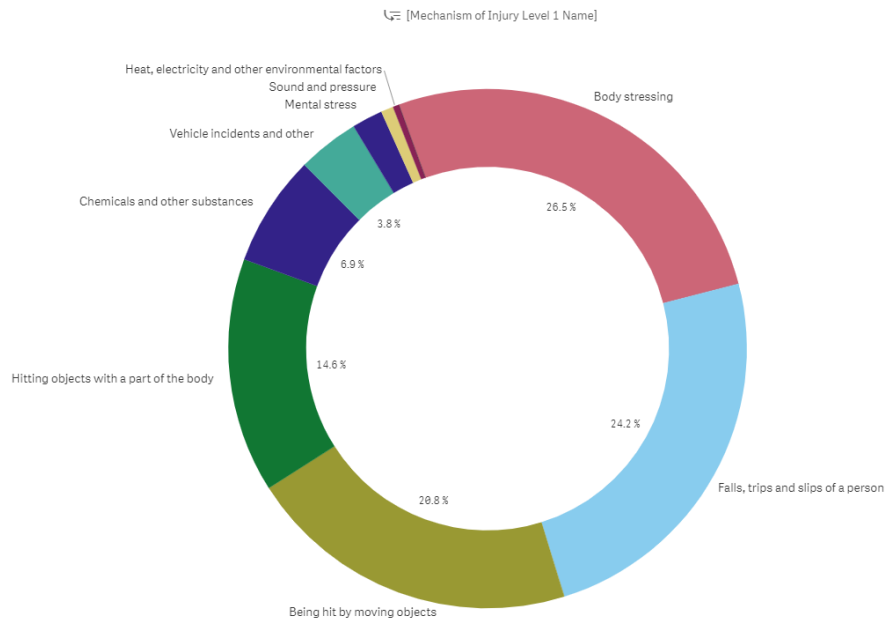
Workers compensation statistics for the last five years:

4. Claims Table Summary

(Reportable and non-Reportable Claims)

Last 5 FY Occurred	Number of Claims #	Avg \$ Cost	Net Incurred Cost \$	Total Amount Paid \$	Latest Estimate \$	Amount Recovered \$
Totals	260	\$8,776.00	\$2,281,760.56	\$1,759,380.28	\$522,380.28	\$0.00
Before	208	\$8,629.18	\$1,794,869.34	\$1,461,546.95	\$333,322.39	\$0.00
FY 14-15	8	\$969.57	\$7,756.58	\$7,756.58	\$0.00	\$0.00
FY 15-16	9	\$4,356.44	\$39,208.00	\$39,208.00	\$0.00	\$0.00
FY 16-17	18	\$14,409.36	\$259,368.46	\$195,352.40	\$64,016.06	\$0.00
FY 17-18	15	\$11,170.55	\$167,558.18	\$55,388.40	\$112,169.78	\$0.00
FY 18-19	2	\$6,500.00	\$13,000.00	\$127.95	\$12,872.05	\$0.00

3. Mechanism of Injury
(Reportable and non-Reportable Claims)



*Pre 2011/2012 data is not as reliable as they were either not a requirement or not populated back then. Hence some data shows as Not Found and Unknown. *The default presentation of this chart is all historical claims unless filtered by time selection*

Actions taken to address the incidence of injury include Workplace WH&S matters being discussed and addressed at monthly staff meetings, including reviews of Job Safety Analysis and Hazard Identification.

Public Risk Management

In October six Board staff undertook Return to Work Coordinator Training. This two day SIRA accredited course provides Return to Work Coordinators with knowledge about the workers compensation system to enable them to develop and facilitate the return to work process.

In October and November Infrastructure and Engineering staff will be undertaking the annual review of field safety checklists.

RECOMMENDATION

It is recommended that the Board note the information provided on WH&S and Public Risk matters.

Prepared: Belinda Panckhurst Acting Manager Administration

Endorsed: Peter Adams Chief Executive Officer