

LORD HOWE ISLAND BOARD

BOARD MEETING AGENDA

MEETING DATE:	MEETING LOCATION:	MEETING TIME:
13 May 2019	Golf Club, Lord Howe Island	Planning Session 9:00 am to 11:00 am
13 May 2019	Golf Club, Lord Howe Island	Closed Session: 11:00 am to 4:30 pm
14 May 2019	Golf Club, 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	FINANCE AND BUSINESS MANAGEMENT			
JvG	JvG	(i)	Closed Session		C	Note/Decide
JvG	JvG	(ii)	Closed Session		C	Note/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
AAP	AAP	(iii)	DA2019.09 - Lord Howe Island Community Pre School Pty Ltd - Construction of Community Pre School	O		Decide
		9	POLICY & STRATEGY			
JS	JS	(i)	Community Strategic Plan Update	O		Note
PA	JS	(ii)	Stage 1 Planning Proposal – Amendments to the Lord Howe Island Local Environmental Plan 2010.	O		Decide

Preparer	Presenter	ITEM		OPEN (O)	CLOSED (C)	ACTION Note/Decide
		10	LEASING & LAND ADMINISTRATION			
			No reports			
		11	GOVERNANCE			
JvG	JvG	(i)	Closed Session		C	Note
PA	PA	(ii)	New Proposed Code of Conduct	O		Decide
		12	OPERATIONS & SERVICES			
AW	AW	(i)	Rodent Eradication Project Update	O		Note
		13	WH&S and PUBLIC RISK MANAGEMENT			
BP	JvG	(i)	WH&S and Public Risk Management Update	O		Note
JT	JT	(ii)	Lord Howe Island -Proposed Marine Rescue Concept	O		Decide
		14	INTERVIEWS			
		15	GENERAL BUSINESS AND QUESTIONS ON NOTICE			

Board Meeting: May 2019	Agenda Number: 3	Record: ED19/4281
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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 March 2019, 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

OPEN SESSION				
No.	Date	Application	Vote	Comment
March 2019				
	Nil			
April 2019				
	Nil			
May 2019				
	Nil			

Board Meeting: May 2019	Agenda Item: 4	Record Number: ED19/4365
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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 March 2019 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 March 2019 Board Meeting and Previous Meetings

LORD HOWE ISLAND BOARD

Action Sheet from November 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"> Review the Vegetation Rehabilitation Plan, and Seek funding from Government programs to support the LEP review process. 	December 2018	MECS	<p>Draft Stage 1 Planning Proposal submitted to this (May) meeting for submission to Dept of Planning for Gateway assessment.</p> <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>No funding available from DPE to support review of LEP Stage 2..</p>	December 2018
12(vii) November 2016	Commercial Tour Operator Licensing System	Investigate opportunities to align with Ecotourism Australia accreditation program.	October 2018	MECS	<p>Bridging permits issued. Draft Eco-pass information pack being prepared. However, due to other major projects, has been deferred.</p>	
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"> Review and adjust rentals where there has been, or will be, an approved increase in the footprint area of fixed improvements. 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	Initial consultation completed to allow the 2019/20 draft budget to be shaped by identified community priorities. Survey undertaken. School consultation held. Two workshops held with additional planned. Status report at this meeting.	
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	Policy adopted at March 2019 meeting.	March 2019
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. Recent erosion at Windy Point raises concerns that road infrastructure could become endangered. Scoping of emergency options to be commenced.	
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.	
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	Report to this March 2019 meeting.	
9 (ii) September 2018	Management of Commercially Leased Buildings	1. Explore the options for achieving a reasonable return from commercially leased buildings	February 2019	MBCS	1. Paper deferred to May 2019 Board meeting	Discussion to be part of the Budget process at the May 2019 meeting.

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date
		and prepare a paper for the March 2019 Board meeting. 2. Investigate the charging of bonds on residential leases.	November 2018	MBCS	2. Paper to March 2019 meeting Completed	March 2019
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	1. Write letters as per the decisions captured in the minutes. 2. 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 October 2018	MECS MECS	Letters sent, some replies received, follow up letters and actions underway with individuals.	
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. Waiting on approval from Minister. Increase delayed. Letters sent to occupants advising of delayed increase.	October 2018
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	1. Rezone the land so that it can be operated by a private entity. 2. Submit a DA.	February 2019 February 2019	MECS MIES	1. Proposed to be undertaken in LEP review (see report this May 2019 meeting). Project can proceed without rezoning. 2. Site location pegged, plans and DA being prepared.	
3 November 2018	Out of Session Matters	Administration to advise of a Master Plan for the Old Post Office site regarding the utility and amenity of the civic precinct and resolve to consider the original conditions of the lease. We agree to have an open		MIES MECS	Completed initial internal discussions of what is required on this site which have been included into the construction plan. DA	

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date
		meeting of the Board to consider the revised DA.			approved March 2019 meeting	
15 November 2018	Interview	Administration to provide advice at the next Board meeting about options to provide Aged Care Services on the island.			Various meetings and research undertaken. ACAT assessment and support services being targeted. Consultation with Health and other government departments underway.	
5 November 2018		Write to all Liquor Licence holders reminding them of their obligations under the terms of their licence and to advise that we will be conducting an audit of liquor received and sold on the island.	February 2019	MBCS	Letter to Licence holders sent out. Viewing of sea freight received at Post Office on Thursday 28 February. Concerns in regards to ability to reconcile against stocks held at businesses. Completed	April 2019
10 ii) November 2018	EOI – Co-Op Building	Proceed with lease with Kylie Owens and investigate options for an appropriate Book Exchange	February 2019 July 2019	MBCS	1. Lease signed, commencement date and DA issues to be resolved 2. Look at options at Public Hall after completion of upgrade.	April 2019 2019-20
11 ii) November 2018	Application for suspension of residency – Geoffrey Thompson	Suspend the condition of residency	November 2018	MECS	Completed	March 2019
13 iii) November 2018	Old Powerhouse site remediation	Suggestions for name of park at a later stage.		MIES	Will be undertaken during construction phase before construction complete	
7 (ii) March 2019	Application for Liquor Licence	1. Approve the investigation of an Alcohol Management Strategy for LHI with an aim for implementation from 1 July 2020 following a Public Consultation process across the	April 2019	MBCS	Planned to commence in late 2019	March 2020

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date
		<p>commercial and domestic sectors of the island.</p> <p>2. Amend Mr Sia's current licence to be for the Coral Café only and reject the application for the Post Office.</p>	April 2019	MBCS	Completed	April 2019

ENVIRONMENT & COMMUNITY SERVICES UNIT
19 March to April 30 2019

Biodiversity Management

- ABhA infestation detected in former infestation area. Infestation area delimited and baited immediately. Ongoing monitoring of all former infestation areas scheduled for Spring/Summer 2019/2020.

Research & Volunteers

The Research Station has been undergoing renovations and has been occupied by builders for most of the reporting period with 4 OEH staff occupying the facility since 18 April for management of Currawong and Woodhen. Taronga Zoo has been using the laboratory for veterinary checks of all birds coming into captivity since 19 April.

Rodent Eradication

- See Agenda Item - Rodent Eradication progress report.

Biosecurity

- Ongoing inspections using detection dogs of freight brought in on Island Trader and freight planes as well as inspections of luggage from passenger planes.
- Pre border inspections commenced at Port Macquarie 29/4/2019 with LHIB Biosecurity Dog Handler and detection dog. Revised bait inspection procedure for baits located on Island Trader. Inspections of bait stations on ship undertaken prior to departure from Port Macquarie, on arrival at LHI and on return to Port Macquarie after ship cleared of freight.
- Developing Biosecurity Operational Plans for biosecurity inspections at LHI wharf, LHI aerodrome, Port Macquarie wharf and aerodrome.
- Commenced procurement of monitoring devices for installation at LHI jetty and aerodrome to implement the Biosecurity Monitoring Plan approved under EPBC approval.

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 North Coast Local Services). These grants are due for progress reporting in May and June 2019.
- **NSW Environmental Trust 'The Tide is Turning'**. Work has progressed in detecting weeds using spectral analysis techniques. Up to 5 weeds and 20 natives were sampled to find similarities and differences in spectral wavelengths between each species. With the project commencing in dry conditions, repeat surveys will be undertaken in wet climate conditions to build a broader library of plant spectra across varied weather conditions. Planning is in progress to undertake a test flight in known weed locations. Work is progressing on Herbicide Ballistic Technology (HBT). Permits to import pelletised Garlon capsules and to apply its use with a Paint Ball Gun on LHI have been forwarded to the NSW Police and APVMA. A paint ball gun is used to deploy the pellets from helicopter to deliver targeted treatment of weeds on cliffs. HBT was developed in Hawaii for controlling Cherry Guava and Miconia from steep terrain and will be an important tool for controlling Cherry Guava from cliff lines on LHI.
- **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 in undertaking monitoring of threatened plants and reduction of weed threat. 21 out of 25 threatened plant monitoring plots have been completed including remote

locations of *Calystegia affinis* at Big Slope and Gower SW. Repeat surveys of planted *Elymus multiflorus* subsp *kingianus* has shown over 80% planting success. Weed search and plot data is being compiled for reporting due May 30th.

- Translocation plantings of *Calystegia affinis* commenced at Old Settlement.
- **Regional Landcare Partners - North Coast Local Land Services 'Protecting World Heritage Values and the Little Mountain Palm.** This grant provides funds for weed search, mapping the summit of Mt Gower, contribution to the SOS helicopter program, settlement weeding (to focus on Madeira Vine) and promoting awareness of LHI Oceanic Cloud Forest and the Critically Endangered Little Mountain Palm. The inaugural weed search of the summit of Mt Gower commenced in March providing the opportunity to understand resources need to support teams to complete search of the summit which will continue in late September/ October. Up to 93 ha out 130ha of target weed search has been reported to date.
- Weeds Action Plan (WAP). The WAP only provides limited funding, which is used to target 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.

Revegetation

- Maintenance of revegetation sites has been undertaken in accordance with the Revegetation Work Schedule.
- Planning for planting on Blackburn Island underway with planting stock ordered. Revegetation to be implemented as part of Conservation Volunteers.

Incident Management

- Nil

Compliance and Enforcement

- Some informal warnings regarding dog behaviour.

Community Programs & Education

- Contribute to Signal and Community Information Bulletin.
- <https://www.lordhoweisland.info/blog-post/get-involved-in-protecting-paradise/>

Visitor Infrastructure

- In flight biosecurity and REP information sheet provided for incoming LHI QantasLink flights.

Marine Management / Moorings

- Since the last Board meeting on 18 March 2019 until 13 May, there have been 28 LHIB public mooring bookings with 23 actually visiting the island (5 cancellations).

Human Resource Management

- Recruitment for REP.

Training

- Chemcert training delivered as part of REP. Code of Conduct training delivered to all staff involved with REP.

Work Health & Safety

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, subleasing and tenure related project work.
- Actions being pursued following resolutions by the Board (Sept 2018 and March 2019) for compliance with Residency condition of Perpetual Leases.

Development Assessment

- Assessments for Owner Consent, Development Applications and modification to consent applications.

INFRASTRUCTURE AND ENGINEERING SERVICES

2 March 2019 to 1 May 2019

Airport

- At the time of writing (Wednesday 1 May 2019) there have been three (3) bird strikes recorded for 2019 at the aerodrome. On Sunday 13 January 2019 during departure a QantasLink DHC8-200 struck a Sooty Tern out to sea off Blinky Beach. The aircraft continued to Brisbane and underwent an engineering inspection where it was discovered that the bird had entered the air intake on the port engine. No damage was recorded and the aircraft resumed service. On Monday 18 March during landing a QantasLink DHC8-200 struck a Ruddy Turnstone which necessitated an overnight stay until the aircraft could be inspected by an engineer. Unfortunately, due to weather, it was a number of days before the aircraft could be inspected (all OK) and return to service. On Saturday 6 April during landing a QantasLink DHC8-200 struck a Pacific Golden Plover impacting the pilots' windscreen. The captain declared the aircraft fit to return to service with the flight experiencing only a 15 minute delay.

From 1 January 2019 to 30 April 2019, there have been 772 aircraft movements, which equates to 3.89 strikes per 1000 movements. As one strike was out of our field of influence (13/01/2019) the amended strike rate is 2.59 strikes per 1000 movements.

For the corresponding period in 2018 there were 2 strikes recorded for a total number of 746 movements. This equates to 2.68 strikes per 1000 movements. Both of these strikes were out of our field of influence (struck over water etc.) which realises an amended strike rate of 0 strikes per 1000 movements.

- On Thursday 28 March 2019 LHIB Officers met with Haydn Monroe and Mohammad Hamid from the Commonwealth Department of Agriculture and Water Resources (DAWR) to discuss the possibility of Lord Howe Island Airport operating as a First Point of Entry (FPoE) to Australia for international flights and the Port operating as an FPoE to Australia for international vessels. At this point in time neither the airport nor the port are able to meet the standards required. The LHIB are working closely with DAWR to understand the implications of opening the Island as an FPoE especially with management of biosecurity.
- Aerodrome weed spraying planned for Friday 3 May 2019.
- Blinky dune reduction continues adjacent to SE end of runway, limited staffing has extend the timeframe to complete this task.

Emergency Management

- On Tuesday 9 April 2019 Roads and Maritime Services (RMS) conducted the Lord Howe Island Annual Oil Spill Exercise. The exercise was run by Shayne Wilde, Senior Manager Marine Pollution Response, with the assistance of Alex Hamilton, Senior Emergency Planning Officer Statewide Coordination, and other RMS staff. This year's exercise trialled the deployment of the containment booms direct from the Board's punt 'Silvereye' in lieu of from the jetty and tow to site. The trial was a success and has enhanced response capabilities.

This year saw approximately 20 participants with staff from NSW Police, NSW RMS, NSW Marine Parks and LHI Board attending the exercise. Under State Emergency Management arrangements the RMS are the response agency for marine oil and chemical spills.

- Air Ambulance patient retrievals year to date (Friday 1 March 2019) total five (5), two (2) of which were residents. One (1) resident required treatment for illness and one (1) for an injury. Of the three (3) visitors all required treatment for illness.
- Patient retrievals for the same period in 2018 totalled three (3), all of which were residents. Two (2) residents required treatment for illness and one (1) for injury.
- Maintenance of Fire appliance required as throttle control actuator failed not allowing operation of fire pump. Manual system immediately rigged up until full replacement part fitted last week April. Appliance fully operational.
- SES emergency kits scheduled for deployment Mt Gower mid-late May 2019 in cooperation with REP (SES to meet costs for aircraft hire).
- Testing of emergency siren 1000 hrs first Wednesday of month continues without incident, with the most recent test conducted on 03/04/2019.
- Proposed visit for March 2019 was cancelled by SES North Region Deputy Commander 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. 17 potential candidates identified and invited to apply. Finalising numbers continues. Final number of cross trained personnel agreed to be 10. – Visit now postponed until September 2019 due to difficulties obtaining flights and accommodation.

Building Construction Maintenance and Management

- Replace damaged skylight in kitchen of doctor's house following a fallen pine cone during the recent strong winds

Maritime Facilities and Coastal Activities

- Fender repaired after ship caused fender to twist whilst berthing.
- Jetty stairs were high temperate (140 C°) pressure cleaned on 12 April 2019.
- Stair tread replaced on jetty staircase after high tides and sea surge dislodged the step

Roads, Parks and Visitor Facilities

- Extensive pothole repairs are constantly being carried out weekly.
- Works Staff continue to conduct road verge trimming concentrating on dangerous vines.

- Removal of damaged BBQ at Cobby's Corner, replacement being made in-house as part of staff training initiative. The first of the replacement BBQ's was constructed 1 May 2019 to be reinstated at Cobby's Corner first week in May. It is planned to have all BBQs replaced well before start of the summer season. The new ones will be built utilising stocks on hand of plate steel, cutting, welding and constructing the new BBQs will form part of the training.
- Chair retrieved from base of cliff at Flagstaff after the bench seat was thrown from the top, the seat was relocated without incident or damage but does make the permanent fixing of these seats in the ground a requirement.

Waste Management Facility

- Entire stock of waste plastic bales has now been removed from the island.
- New Merlo telehandler with 4.2 tonne capacity has arrived and will be commissioned after company induction/training for final handover proposed on 6-7 May 2019
- New replacement WMF horizontal waste baler/compactor scheduled for installation May 2019.
- Bobcat has been recently repaired and returned to service at WMF.

General Items/Other

- 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.
- 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.
- Sports oval goal post removed for safety after several teenage children climbed the structure causing the posts to lean over bending aluminium posts beyond repair making it a full replacement.
- Works field supervisor continues back filling duties pending recruitment for position.
- Funeral of Ron Owens administered by LHIB Works Unit 1 May 2019.

ELECTRICAL SERVICES UNIT

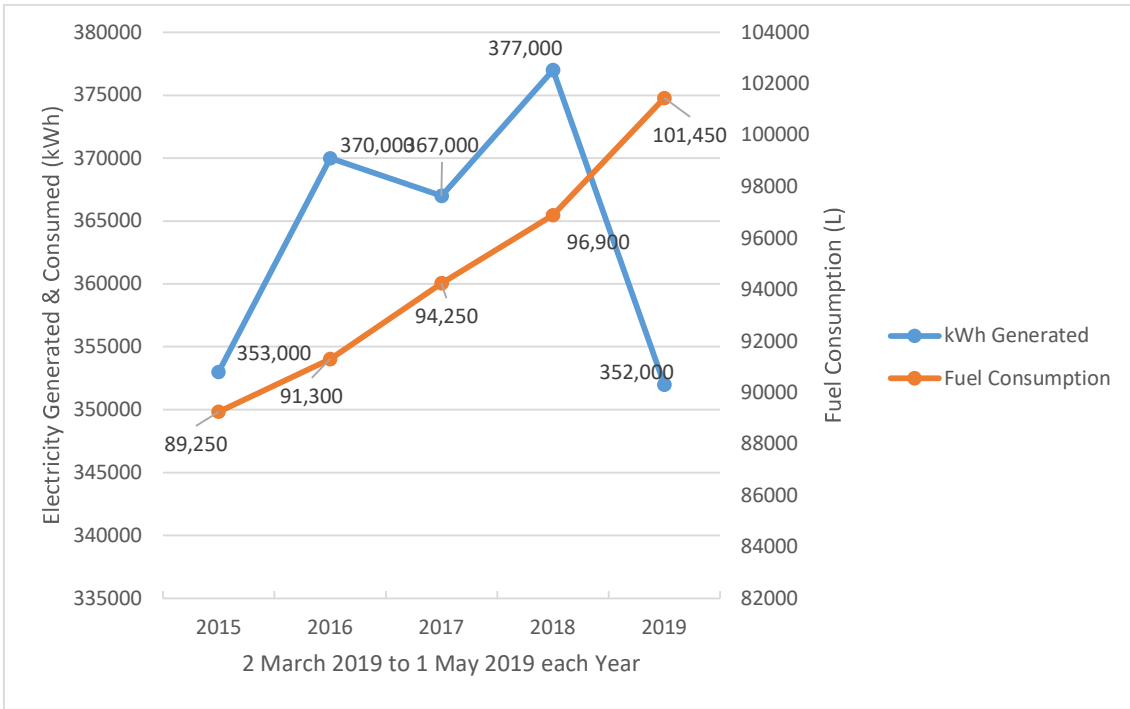
Operation of the Powerhouse and Reticulation System for the reporting period 2 March 2019 to 1 May 2019

Overview of Activities

- Routine maintenance on Generating Units 1, 2 and 3 were completed
- Routine maintenance on Generator No.1 battery bank was completed.
- Routine maintenance on Generator No.1 and 3 Air Circuit Breakers were completed.
- Routine maintenance on Generator and Control battery bank was completed.
- LHIB Risk Monitoring checklist inspections were completed.
- Powerhouse safety inspections were completed.
- Routine maintenance on Generator No. 1 and 2 day fuel tanks were completed.
- Routine maintenance to HV and LV equipment on Substation No.11 Mountainview was completed.
- Routine maintenance on HV and LV equipment on Substation No.3 Beachcomber was completed.
- Routine maintenance on Distribution pillars associated with Substation No.3 Beachcomber were completed.

Information for Board Members

- Energy demand for the reporting period was 352,000 kWh.
- Fuel consumption for the reporting period was 101,450 litres.
- Fuel energy efficiency for the reporting period was 3.46 kWh/L
- Presently there are 109 kW of privately owned solar panels connected to the electrical distribution system.
- There were 2 **planned** supply interruptions during the period. These affected customers connected to Substation No.3 Beachcomber and Substation No.11 Mountainview in order to complete routine maintenance on the HV and LV equipment associated with the Substations. Each interruption was for approximately 4hrs each.
- There were no **unplanned** supply interruptions during the period.
- There was 1 new customer connected during the reporting period. This is a temporary supply for the REP Airport Hut for use with the REP program. There are currently 291 customers connected to the electrical supply system.



Board Meeting: May 2019

Agenda Number: 5

Record Number: ED19/

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

Chief Executive Officer's Report to May 2019 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
Community Strategic Plan	Key issues identified by LHI community (on & off island) via survey and workshop. Key issue workshops underway. Timing for completion to inform budget and strategic planning for 2019/20 financial year.	See agenda item 9 (i)
Runway Feasibility Study	Consultants AECOM have completed the Feasibility Study. Transport for NSW have not yet re-convened working group. No progress to report due to other major project demands.	
Rodent Eradication Program	Project implementation underway. Funding shortfall addressed through grant variation by the Commonwealth Government. Appeal to AAT re APVMA permit determined.	See agenda item 12 (i)
Renewable Energy Project	Tender process completed. Negotiations underway. ARENA funding agreement signed.	
Boat retrieval system (slipway)	Revised concept being investigated following visit to LHI by new head of RMS Maritime. Estimated cost of ramp solution not within RMS budget..	
Marine Rescue	NSW Government announcement re funding a possible Marine Rescue Base at LHI and marine radio installation after an initial meeting with Commissioner Marine Rescue NSW and NSW Police on LHI.	See agenda item 12 (ii)

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: May 2019	Agenda Number: 6	Record: ED19/4282
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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 one vehicle (a wood chipper) to the island since the last Board meeting. There will also be one temporary increase for the Rodent Eradication Project.

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation	Comment
Lord Howe Island Board	Forklift	No	Plant	0	Approved 28/02/2019 Replacement
Daryl Shick	Yamaha Motorbike	No	Private	0	Approved 04/04/2019 Replacement
Lord Howe Island Board	Trailer	No	Essential	1	Approved 28/02/2019 Note: Wood chipper will remain on-island following the REP adding capability of being able to chip palm fronds for vegetation management.
Wilson's Hire Service	Car	No	Commercial	0	Approved 15/04/2019 Replacement
Lord Howe Island Board	Forklift	No	Essential	1	Approved 29/04/2019 Temporary approval: Forklift to be removed from island following the completion of the Rodent Eradication Project.

As at May 2019

Registered Road Vehicles						
Essential	Commercial	Private	Hire	Plant & Equipment	Imported prior to Approval Policy	Total
33	02	154	9	27	66	391

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
192	22	49	9	34	85	391

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 remains a total of 68 vehicles imported without approval prior to the current policy:

- 56 vehicles were imported without approval prior to 2014. The majority of these vehicles were trailers.
- 1 vehicle, a boat trailer, was imported without approval in 2015.
- 3 vehicles, all boat trailers, were imported without approval in 2016.
- 9 vehicles have been replaced and are awaiting removal.

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	11	1	3	45	66

RECOMMENDATION

The report is submitted to the Board for information.

Prepared: Chelsea Holden, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

Board Meeting: May 2019

Agenda Number: 8 (i)

Record Number: ED19/4283

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
2019.03	Lord Howe Island Community Preschool Inc.	Unidentified Crown Land Reserve No. 12, Lagoon Road	Community Preschool	Zone 5 Special Uses. The proposed development is permissible with the consent of the LHI Board within the zone.	Approved subject to conditions 30/04/2019

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 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

No development applications have been determined by the CEO since the last Board meeting.

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

Planning Assessment Report

Item DA 2019.09 – The construction of a Community Preschool at Unidentified Crown Land Reserve No. 12, Lagoon Road, Lord Howe Island.

Recommendation

That the application for DA 2019-09 for a Preschool located on 'Unidentified Crown Land Reserve No. 12, Lagoon Road, Lord Howe Island', be approved subject to the conditions detailed at Section 10 of this report.

1 Summary Assessment Report

Assessment Officer	Peter Chapman – Consultant Town Planner
Address/Property Description	Unidentified Crown Land Reserve No. 12, Lagoon Road, Lord Howe Island
Proposal	Community Preschool
Development Application No.	DA 2019-09
Owners Consent Granted	OC 2019-03 granted consent 30/04/2019
Permissive Occupancy	19/3/19: LHIB resolved to seek Minister's approval for PO
Applicant	Lord Howe Island Community Preschool Pty Ltd.
Estimated Cost of Development	\$650,000
Site Inspections	A site inspection was carried out in September 2018.
Zone	Zone 5 Special Uses. 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	DA 2019.09 was placed on public exhibition from 15/02/2019 to 01/03/2019.
Submissions Received	Six (6) submissions were received and are discussed later in this report.
Report Recommendation:	The application for DA 2019-09 for a Preschool located on 'Unidentified Crown Land Reserve No. 12, Lagoon Road, Lord Howe Island', be approved subject to conditions.

2 Consent Authority

Both the LHIB CEO and Chairperson have delegation to grant consent to Development

Applications (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 the subject proposal for construction of a Preschool has an estimated development cost of \$650,000.00 and received six (6) submissions during public exhibition, the proposal does not comply with delegations and is being reported to the LHIB for determination.

3 Site Description

The site of the proposed Preschool is located partly on land legally identified as 'Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island' which includes land along the Foreshore. As *Figures 1 and 2* (below) show, the Preschool site is to be located on the eastern side of Lagoon Road, and the northern side of the Lord Howe Island Bowling Club access



Figure 1: Topographic Map overlaid by Aerial Photo of Site. Source: Six Maps

road corner with Lagoon Road. The site is a rectangular shaped block, being 32.770m x 30.838m/30.276m, with an estimated area of 1001.3m². However, just to reiterate, from the available cadastral information, the site is not a subdivided contained lot in itself but is part of the Lagoon Foreshore that is known as 'Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island.

The WW1 stone war memorial epitaph is sited adjoining the eastern side of Lagoon Road in vicinity of the proposed Preschool. The adjoining sites to the north-east include the Lord Howe



Figure 2: Locality Plan. Source: McFadyen Architects

Island Central School, to the north the LHIB administrative buildings and CEO's residence, to the south-east the LHI oval and cricket ground. The site's western frontage is to Lagoon Road and beyond to the Lagoon Foreshore. The site is proposed to be accessed from the existing Lord Howe Island Bowling Club access road.

The subject site is located within Zone 5 Special Uses within the *LHI Local Environmental Plan 2010* (LHI LEP 2010). Land surrounding the site to the north and east is also zoned 5 Special Uses. To the south lies Zone 6 Recreation land, and across Lagoon Road to the west is Zone 7 Environment Protection (refer to *Figure 3*). The proposed Preschool building is located west of the LHI Foreshore Building Line.

The Preschool site is partly vegetated and will be constructed predominantly within a cleared area in the south-western corner. Approximately 20% of the Preschool site contains mapped Significant Native Vegetation (SNV) (refer to *Figure 4*). The Unidentified Crown Land Reserve along the Lagoon Foreshore also contains further SNV. However, no SNV will be damaged or removed as part of the construction of the Preschool. The existing vegetation along the Lagoon Road frontage and along the southern boundary (Bowling Club access road) will provide good planted screening from the road to the proposed building. The existing vegetation also means the proposed building will have a negligible visual impact for neighbours along the other site boundaries.

DA 2017.18 for a 'Wastewater Management System for the Board Depot, Government House, LHI Central School and Bowling Club' was approved 23 May 2017. This was a shared wastewater facility for the above facilities, and included the installation of the treatment system on the subject site for the preschool with a piped connection to a new irrigation field within the Lagoon Foreshore on the western side of Lagoon Road further to the south of the site.



Figure 3: Extract from the LEP 2010 Zone Map. Proposed Preschool Site outlined in blue.



Figure 4: Extract from the LEP 2010 SNV Map. Proposed Preschool Site outlined in blue. SNV in green.

4 Proposed Development

The proposed development DA 2019.01 will enable construction of the Lord Howe Island Community Preschool. As clause 15 of *Lord Howe Island LEP 2010* provides, education facilities are permitted to be constructed on land in Zone 5 Special Uses, with the consent of the LHIB.

The NSW Government's Strong Start Education Program has provided grant funding of \$560,000 to construct a purpose-built facility for the Island's children to start their educational experience. The development will be a single storey, rectangular building with an external play area. The proposed building includes a waiting and entry area, office, staff room, staff toilet, children toilets including nappy change area, kitchen, internal and external store rooms, and internal activity space, cupboards and access doors leading to a covered outdoor activity area extending into an external activity play area.

An easily accessible and safe carparking area will be provided and accessed from the existing



Figure: 5 Subject Site viewed from the Bowling Club access road

Bowling Club access road. This driveway also provides access to the Central School and playing fields, however it is unlikely that conflict between users will occur. There are five proposed car spaces to meet the needs of the development, with one space designated for



Figure: 6 Panorama from Lagoon Road frontage of site to the south, west and north disabled car parking.

The application indicates the LHI Preschool will be established as a community preschool, run

by a committee on a not for profit basis, and operated by a qualified Early Learning Educator and a teacher's aid. The Preschool has advised they are likely to operate 40 weeks per year, and open 3 days per week from approximately 9.30am until 2.30pm. Access will be provided to children who are eligible to attend school the following year (3-5 years of age) being approximately 20 children. The applicant has indicated that recurrent funding is externally funded and will therefore not be a cost burden on the community or the LHIB.

The location of the proposed building has been pegged out on site by LHIB staff, enabling an assessment of required vegetation removal, consideration of any alternative building locations, and boundary setbacks to ensure visual impact are minimised particularly from the Lagoon Road frontage. These matters are discussed below.

An extensive ecological survey was undertaken of the site, and the LHIB Manager Environment World Heritage has prepared an Ecological Assessment Report which addresses any required vegetation removal and mitigation measures required as a consequence of this development. In summary, and as noted later in the report (refer *Section 6*) it was determined that:

*'The proposal will require the removal of at least 20 mature native trees/shrubs and disturb about 230m² of vegetation comprised of native seedlings, vines and leaf litter and will also remove several mature specimens of the exotic New Zealand Christmas Bush *Metrosideros kermadecensis*.'*

And...

'The project will not result in a significant impact, as defined by the test of significance, on the threatened species or listed ecological communities of LHI. Importantly, it is very unlikely that such disruption will be significant at the population level. Therefore, as the project does not put any species at risk of extinction, the LHIB believes that the production of a Species Impact Statement is not warranted.'

The Ecological report has recommended conditions of consent (if approved) which impose appropriate requirements during removal of vegetation, and the future management of the 460m² off-set revegetation area. The ecological off-set revegetation area, and associated mitigations measures have been recommended as conditions to the determination (if approved).

As mentioned earlier the proposed preschool site includes the approved and now constructed LHIB shared wastewater system which the Community Preschool is also to be connected to (refer to *Figure 7*). The shared wastewater system will be clear of the Preschool building footprint and outdoor play areas and has been assessed by the LHIB Manager Infrastructure and Engineering Services as being acceptable.

The applicant has submitted a site plan, floor plans, roof plan and elevations (refer to *Figures 6 - 12*) below.

Board, School, Bowling Club Cluster – Proposed Wastewater Management System - Site Plan

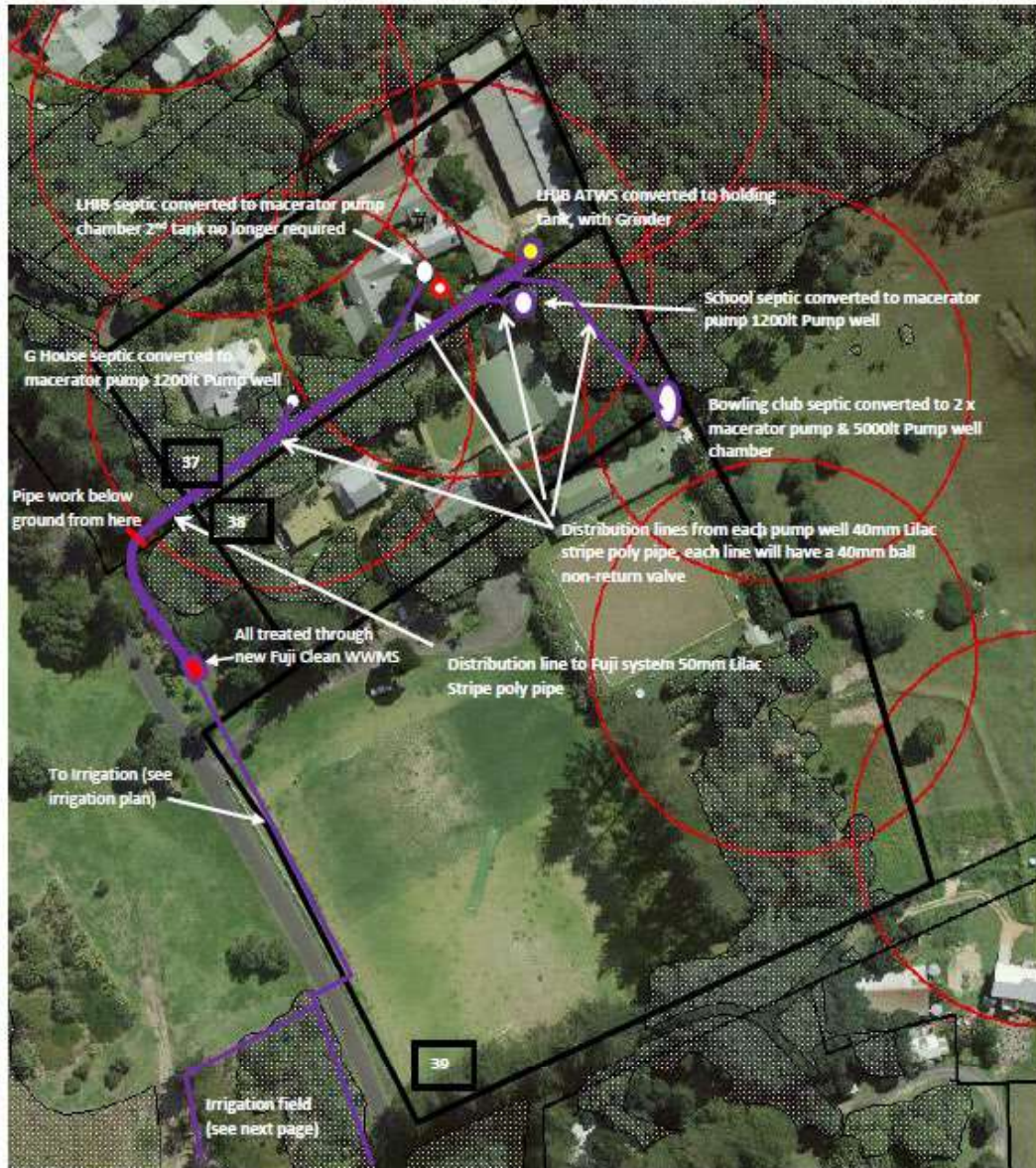


Figure 7: Proposed Wastewater Management System analysis. Source: LHIB

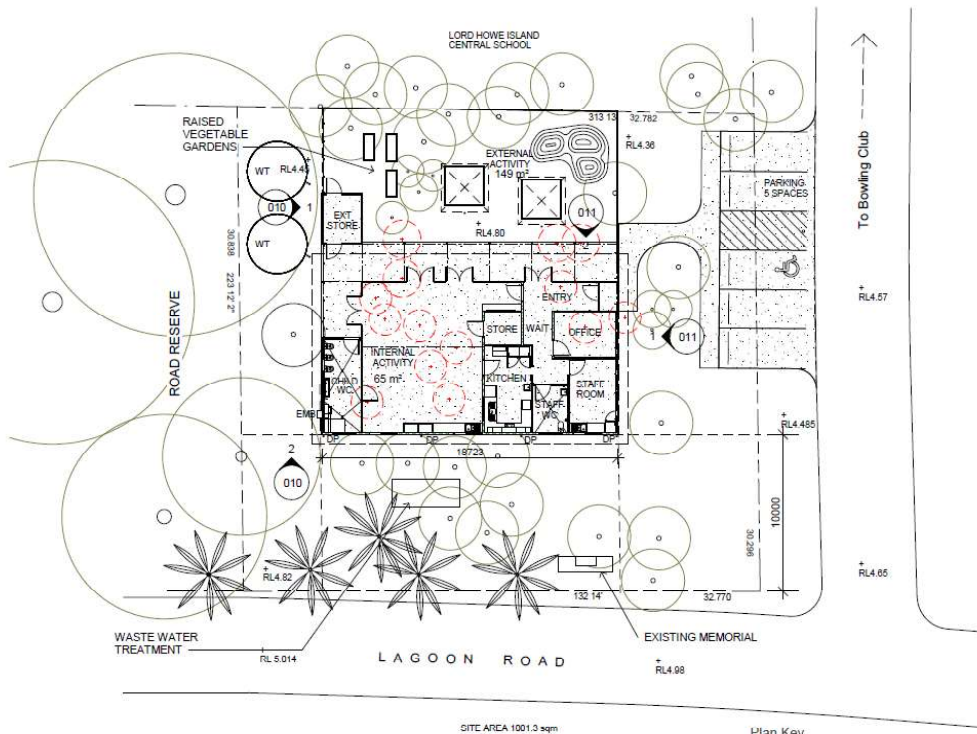


Figure 8: Applicant's submitted indicative 3D building perspective of proposal viewed from the Bowling Club access road.

KEY	
DP	DOWNPIPE
EM	ELECTRICAL METERBOX
WT	WATER TANK

Site Area: 1001 sqm
 Main building: 171.5 sqm
 External store: 8 sqm
 Hard Landscape: 123 sqm
 Soft Landscape: 698 sqm

Room Schedule	
Name	Area
CHILD WC	9.7 m ²
CIRC. DOORS	19.3 m ²
ENTRY	8.5 m ²
KITCHEN	19.2 m ²
DUPPY	0.0 m ²
OFFICE	11.0 m ²
SIGN IN	4.4 m ²
STAFF ROOM	13.6 m ²
STAFF WC	5.5 m ²
WAIT	8.4 m ²
	97.7 m ²
INTERNAL ACTIVITY	65.1 m ² play
	65.1 m ²
EXTERNAL ACTIVITY	149.3 m ² play external
UNDER COVER OUTDOOR ACTIVITY	42.0 m ² play external
	191.3 m ²
EXT STORE	7.1 m ² store
STORE	4.8 m ² store
STORE CUPBOARDS	3.0 m ² store
	14.9 m ²



B 12/03/2019 Water tank increased capacity
 A 23/01/2019 DA issue
 Rev Date Description

Project:
 Proposed Early Learning Centre
 LHI-CELC
 Lagoon Road
 Lord Howe Island, NSW 2898

Drawing:
 Site Plan

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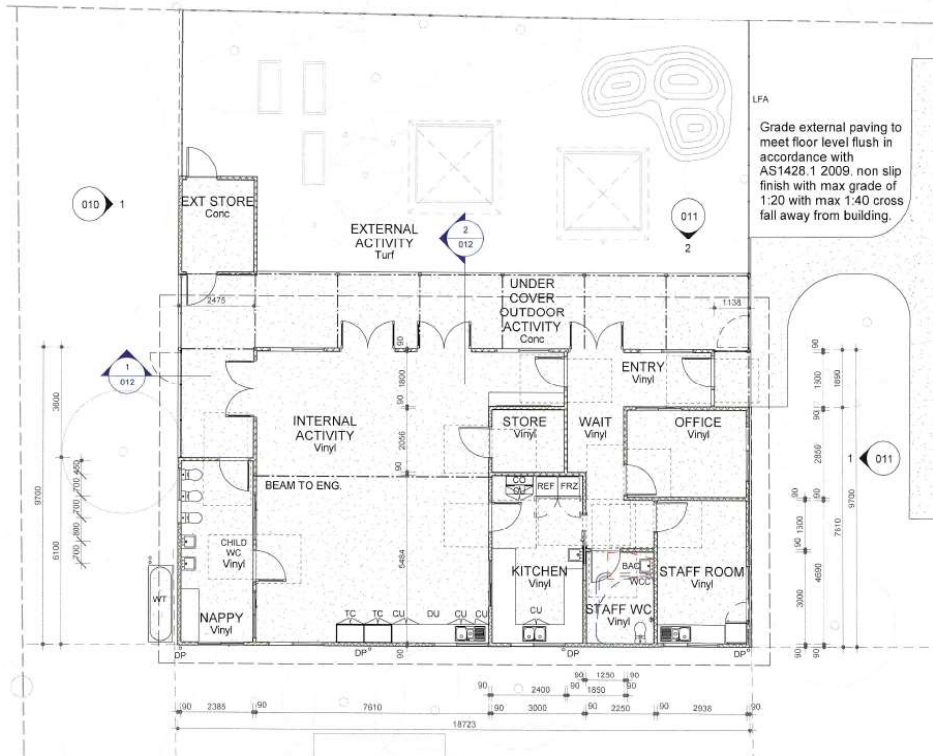
1 Floor Plan - Site
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Figure 9: Applicant's Submitted Site Plan

Play Area				Store Area			
Name	Area	space per child	children permissible	Name	Area	space per child	children permissible
INTERNAL ACTIVITY	65.1 m ²	3.25 m ²	20	STORE	9.0 m ²	0.30 m ²	15
UNDER COVER OUTDOOR ACTIVITY	42.0 m ²	7.00 m ²	6	STORE	4.8 m ²	0.20 m ²	24
EXTERNAL ACTIVITY	149.3 m ²	7.00 m ²	21	EXT STORE	7.1 m ²	0.30 m ²	24
	191.3 m ²		27		7.1 m ²		24

KEY	
BAC	BASIN CIRCULATION (AS1428.1 2009)
CO	CUPBOARD OVER
CU	CUPBOARD UNDER
DP	DOWNPIPE
DU	DRAWERS UNDER
FRZ	FREEZER
LFA	LANDSCAPE FENCE ALUMINIUM 1200 HIGH
REF	REFRIGERATOR
TC	TALL CUPBOARD WITH ADJUSTABLE SHELVES
WCC	WC CIRCULATION (AS1428.1 2009)
WT	WATER TANK



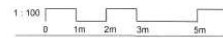
Rev	Date	Description
A	23/01/2019	DA Issue

Project:
Proposed Early Learning Centre
LHI-CELC
Lagoon Road
Lord Howe Island, NSW 2898

Drawing:
Floor Plan

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Figure 10: Applicant's Submitted Floor Plan

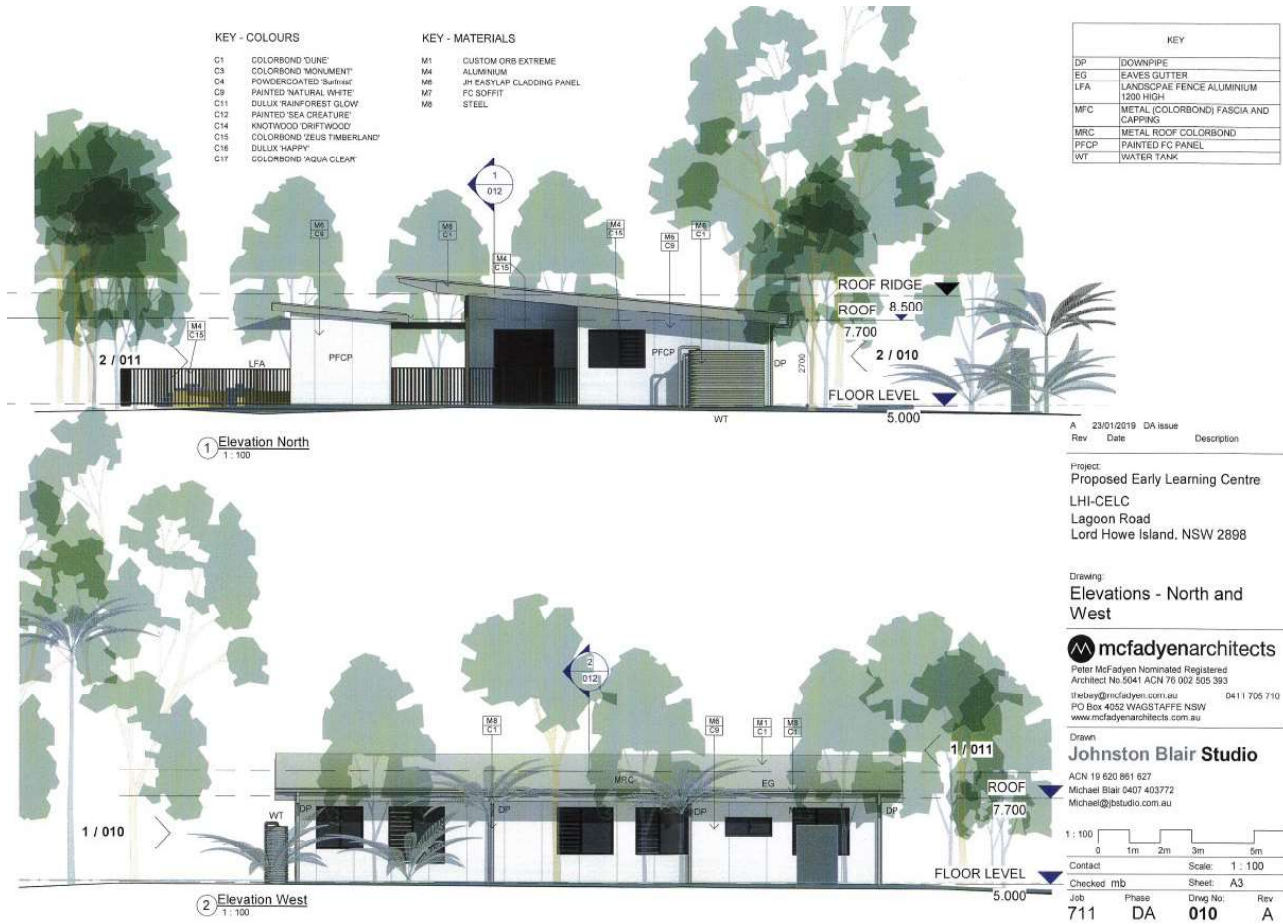


Figure 11: Applicant's Submitted Elevations – North and West



KEY - COLOURS

- C1 COLORBOND 'DUNE'
- C3 COLORBOND 'MONUMENT'
- C4 POWDERCOATED 'Surfsteel'
- C9 PAINTED 'NATURAL WHITE'
- C11 'DULUX' 'RAINFORREST GLOW'
- C12 PAINTED 'SEA CREATURE'
- C14 'KNOTWOOD' 'DRIFTWOOD'
- C15 COLORBOND 'ZEUS TIMBERLAND'
- C16 'DULUX' 'HAPPY'
- C17 COLORBOND 'AQUA CLEAR'

KEY - MATERIALS

- M1 CUSTOM ORB EXTREME
- M4 ALUMINIUM
- M6 JH EASYLAP CLADDING PANEL
- M7 FC SOFFIT
- M8 STEEL

KEY	
DP	DOWNPIPE
LFA	LANDSCAPE FENCE ALUMINIUM 1200 HIGH
MFC	METAL (COLORBOND) FASCIA AND CHAPING
MRC	METAL ROOF COLORBOND
PER	PERGOLA PC ALUMINIUM
PFCP	PAINTED FC PANEL
WT	WATER TANK



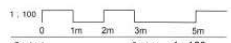
Rev	Date	DA Issue	Description
A	23/01/2019		

Project:
Proposed Early Learning Centre
 LHI-CELC
 Lagoon Road
 Lord Howe Island, NSW 2698

Drawing:
Elevations - South and East

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Figure 12: Applicant's Submitted Elevations – South and East

5 Referrals

The Board distributed the subject application to relevant internal specialists for review. No objections to the proposal were raised. Table 1 outlines the matters raised by these internal specialists and the response.

Table 1 Comments received from internal specialists

Internal specialist	Issue	Planner's Comment
<p>Hank Bower - Manager Environment /World Heritage</p>	<p>Comment</p> <p>The development proposes to construct the Lord Howe Island Community Pre School on Crown land adjacent to the western boundary of the Lord Howe Island Central School.</p> <p>The proposal will require the removal of at least 20 mature native trees/shrubs and disturb about 230m² of vegetation comprised of native seedlings, vines and leaf litter and will also remove several mature specimens of the exotic New Zealand Christmas Bush <i>Metrosideros kermadecensis</i>.</p> <p>The subject site does not include any vegetation mapped as Significant Native Vegetation (SNV). Much of the site is mapped as modelled High Quality Habitat (A) for LHI Placostylus. The vegetation at the subject site is mapped by Sherringham <i>et al</i> (2016) as vegetation communities 17a Greybark – Blackbutt Rainforest and Ex Exotic, and is mapped by Pickard (1983) as vegetation association Hf <i>Howea forsteriana</i> and DaCt <i>Drypetes australasica</i>–<i>Cryptocarya triplinervis</i>. This Sherringham mapping is considered most accurate. The vegetation mapped as exotic includes specimens of native plants.</p> <p>The property is zoned Zone No. 5 – Special Uses according to the Lord Howe Island Local Environmental Plan 2010. The objectives of this zone are:</p> <p>(a) to provide utility services that are essential to the community's needs in a manner that is in sympathy with the World Heritage values of the natural environment of the Island,</p> <p>(b) to maintain efficient services (such as education, health and transport services and the administration of the Island) and associated infrastructure.</p> <p>The proposal is consistent with these objectives.</p> <p>The proposal will not result in damage to or removal of any Significant Native Vegetation (SNV).</p> <p>The Subject site supports vegetation and habitat resources that provides known or potential habitat for at least 6 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> and LHI Placostylus.</p> <p>A test of significance has been completed to determine</p>	<p>Noted, with the suggested requirements included in the recommendation of this report.</p>

Internal specialist	Issue	Planner's Comment
	<p>whether the proposal is likely to result in a significant effect on any Threatened species, populations or ecological communities, or their habitats. The loss of 230m² of native vegetation that comprises suitable habitat for the 6 subject species of threatened species can be offset through establishing 460m² of native vegetation on Crown land that is currently cleared on the western side of Lagoon Road. This revegetation area would reduce ingress of harsh south westerly winds and link existing clumps of vegetation (mix of native and the exotic New Zealand Christmas Bush), whilst providing habitat resources for the 6 listed threatened species.</p> <p>Conclusion</p> <p>The project will not result in a significant impact, as defined by the test of significance, on the threatened species or listed ecological communities of LHI.</p> <p>Importantly, it is very unlikely that such disruption will be significant at the population level. Therefore, as the project does not put any species at risk of extinction, the LHIB believes that the production of a Species Impact Statement is not warranted.</p> <p>Recommendations</p> <p>That the development be approved subject to:</p> <ul style="list-style-type: none"> • That an offset revegetation area of not less than 460m² is established coincident or prior to when the vegetation is removed from the preschool site and is maintained until it develops a dense multi layered closed canopy (being at least a 3-year timeframe); • That an offset revegetation plan is submitted and approved by the LHIB Manager Environment/World Heritage prior to issue of the Construction Certificate, including the offset area tree and shrub planting list; • The offset revegetation area must be completed prior to release of Occupation Certificate; • That all planting stock must be produced from local seed stock, grown on Island and sun hardened; • The revegetation area must be cleared of grass and weed species prior to planting, must be planted at no more than 1.5 m spacings, and watered and fertilized at time of planting (during the wetter cooler months); • Any dead plants must be replaced annually during the winter rain season; • During periods of drought the planting must be watered; • All leaf litter, tree trunks, fallen timber and mulched plant material removed from the footprint of the preschool site is placed within the offset planting site as coarse mulch and woody debris to form micro habitats for invertebrates coincident when the vegetation at the preschool is removed; 	

Internal specialist	Issue	Planner's Comment
	<ul style="list-style-type: none"> • That a dense edge of native plant species be established to reduce ingress of harsh edge effects and retain micro-climate; • A bond of \$3000 is held by the LHIB for up to three years to ensure the revegetation site is maintained to achieve canopy closure. 	
<p>Kate Dignam – Team Leader Compliance & Projects</p>	<p>Building Class: 9b</p> <p>Notes relating to issuing of Construction Certificate</p> <ul style="list-style-type: none"> • If the Development Application is approved the applicant is required to apply for a Construction Certificate for the proposed works. No works can commence until a valid Construction Certificate for the works has been issued. • If the applicant is proposing a Performance Solution for any requirements of the BCA/NCC, the relevant Performance Requirements must be determined in accordance with A0.7 of the BCA/NCC. A report outlining any proposed Performance Solutions must be compiled by an appropriate person and submitted with the application for a Construction Certificate. • In the application for a Construction Certificate the applicant is to provide detailed structural engineering plans for the works. Structural plans are to address all actions including construction in Wind Zone A, and are to be certified by an appropriately qualified Structural Engineer in accordance with AS1170.2. • The applicant is to ensure the Construction Certificate plans align with the approved Development Application plans. • In the 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. <p>Access for People with a Disability</p> <ul style="list-style-type: none"> • If the development is approved 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 all areas normally used by the occupants, including staff ○ Doorway widths and facilities for personal hygiene ○ Provision of the minimum of one dedicated accessible carparking space <p>Fire Safety</p>	<p>Noted, with the suggested requirements included in the recommendation of this report.</p>

Internal specialist	Issue	Planner's Comment
	<ul style="list-style-type: none"> • If the development is approved the applicant is to ensure that fire-fighting equipment is installed as per the requirements of the NCC for a Class 9b building and the intended use. • All required Portable Fire Extinguishers are to be located in a conspicuous and readily accessible position with their location indicated by placement of a fire extinguisher location sign as per AS2444-2001. • The applicant is to ensure that an Annual Fire Safety Statement for the Community Early Learning Centre 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 the proposed new water tank to enhance the Rural Fire Service firefighting capabilities should there ever be a need for firefighting at the Community Early Learning Centre. <p>Flood Management</p> <ul style="list-style-type: none"> • The proposed site for the CELC is on the edge of an area identified as floodplain. As outlined in the Webb McKeown & Associates LHI Floodplain Management Study 1999 (the Study) development in the floodplain should have floor levels elevated at 300mm above the 1% AEP (Annual Exceedance Probability). <ul style="list-style-type: none"> a) The 1% AEP for the site is identified as 4.42m AHD. The proposed floor elevation for the CELC is 5m AHD which is above the 4.72m AHD required as per the Study. <p>Health and Amenity</p> <ul style="list-style-type: none"> • The NCC requirement for sanitary facilities for a Class 9b, early childhood centre, servicing the number of children and employees (as outlined in the application) is: <ul style="list-style-type: none"> ○ Staff – 1 x unisex facility (comprises one closet pan, one washbasin and means for the disposal of sanitary towels) ○ Children – 2 x Closet Pan plus 2 x Washbasin ○ Facilities for use by children are to be accessible from both indoor and outdoor play areas <ul style="list-style-type: none"> ▪ The application has satisfied the NCC requirements • Reference is made in the application to the building being used for other purposes. The provision of sanitary facilities is calculated by the number and role of people using the facility. Further information is to be supplied to the Board on the proposed occupancy numbers of the other users to ensure adequate sanitary facilities are provided. 	

Internal specialist	Issue	Planner's Comment
	<ul style="list-style-type: none"> • The NCC states that an early childhood centre must be provided with one bath, shower or shower-bath. <ul style="list-style-type: none"> ▪ The application has not satisfied the NCC requirement • The NCC requirement for a kitchen for a Class 9b, early childhood centre, is: <ul style="list-style-type: none"> ○ A kitchen or food preparation area with a kitchen sink, separate hand washing facilities, space for a refrigerator and space for cooking facilities, with the facilities protected by a door or gate with child proof latches to prevent unsupervised access to the facilities by children younger than 5 years old ▪ The application has satisfied the NCC requirement <p>Water</p> <ul style="list-style-type: none"> • The applicant is to ensure all stormwater from the roof structure of the CELC is diverted to rainwater tanks or an appropriate absorption trench. • The applicant is to ensure adequate provision for potable water to service the needs of the CELC as there is no reticulated water on the Island. • If the development is approved any potable water provided to the building will be required to meet the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the Guidelines. • An appropriate drinking water management plan, in compliance with NSW Health requirements and the Public Health Act 2010 and Regulation 2012, is to be provided to the Board and lodged with NSW Health. • All waterproofing of wet areas, such as bathrooms, is to be certified by an appropriate person. The certification must be provided to the Board before any Occupancy Certificate for the building can be issued. • All plumbing work, including the connections to the potable water system, is to be undertaken by a licensed plumber. <p>Wastewater</p> <ul style="list-style-type: none"> • The wastewater generated from the CELC is proposed to be piped to and treated by the LHI Board, LHI Central School & LHI Bowling Club Cluster System. <p>While the application outlines a capacity of 20 students and 2 staff utilising the CELC there is reference to the building being used for other purposes. Wastewater treatment system design, including effluent land application area, is based on maximum potential daily use therefore further information is to be supplied to the Board on building uses and proposed occupancy numbers of the other users.</p> <ul style="list-style-type: none"> • An agreement is to be entered into between the LHI Community Preschool Pty Ltd and the Lord Howe Island 	<p>There are no other identified potential uses for the facility in the subject application. The primary use of the proposal as a community preschool is more than likely to represent the greatest intensity of use on the site. This can be revisited as necessary in the assessment of future uses at the time they are considered.</p> <p>A condition requiring the provision of a bath, shower or shower-bath has been included in the recommendation of this report.</p>

Internal specialist	Issue	Planner's Comment
	<p>Board for the CELC to join the Wastewater Cluster System before any connection to the system. The agreement will outline costs associated with connection, servicing, electricity use and the like.</p> <ul style="list-style-type: none"> All plumbing work, including approved connections to the wastewater system, is to be undertaken by a licensed plumber. <p>Waste Management</p> <ul style="list-style-type: none"> 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. 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. <p>Construction and Demolition</p> <ul style="list-style-type: none"> No excavation to be carried out until the site is inspected by the LHIB Senior Electrical Officer, i.e. 'dial before you dig'. All construction is to be carried out and completed in accordance with the National Construction Code (NCC). All electrical work must be carried out by a licensed electrician and an Electrical Compliance Certificate issued. The certification must be provided to the Board before any Occupancy Certificate for the building can be issued. All works are to be undertaken in accordance with approved Construction Certificate documentation. Pre-Commencement meeting to be arranged with the Owner, Builder and Board Personnel prior to any work commencing on site. If 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. The applicant is to ensure all Mandatory Inspections are undertaken. <p>Mandatory Inspections</p> <ul style="list-style-type: none"> As a Class 9b building the Principal Certifying Authority (PCA) will require the following Mandatory Inspections to be undertaken during construction: <ul style="list-style-type: none"> a) Pre commencement/set out b) After the commencement of the excavation for, and before the placement of, the first footing c) Stormwater connections 	<p>There are no other identified potential uses for the facility in the subject application. The primary use of the proposal as a community preschool is more than likely to represent the greatest intensity of use on the site. This can be revisited as necessary in the</p>

Internal specialist	Issue	Planner's Comment
	d) Final Inspection, including fire related elements, prior to Occupation Certificate being issued	assessment of future uses at the time they are considered.
Greg Higgins - Senior Electrical Officer	<p>I have assessed the DA using AS/NZS 3000:2018 Table C2 and note that the proposed new electrical installation will result in a maximum demand of 144 amps. This is unacceptable on the proposed customer supply system.</p> <p>In order to permit connection to the system, the new installation will need to reduce the maximum demand to a total of 120 amps balanced over 3 phases. This is best achieved by reducing the overall number of GPO's from a current total of 40 (20 double GPO's) to 31. This total number can be achieved by any combination of single or double GPO's.</p> <p>I recommend the electrical installation be approved with the following conditions –</p> <ol style="list-style-type: none"> 1. The installation is supplied by a 3 phase 40-amp service. 2. The maximum demand is reduced to 120 amps in total. 3. The load needs to be evenly balanced over 3 phases by an appropriately licensed person. 4. The solar hot water installation is limited to 2.4 Kw electric boost. 5. No oven or hot plate can be supplied by this electrical service. It is recommended that these appliances be connected to a gas system. 6. The customer must request a service location before any excavation is undertaken, due to the close proximity of Telstra and Electrical services. 7. All electrical works must be completed by a licensed electrical contractor to AS/NZS 3000:2018 and a signed Compliance Certificate – Electrical Works must be issued to both the customer and LHIB within 7 days of completing all electrical works. 	Noted, with the suggested requirements included in the recommendation of this report.

6 Planning Assessment

The following 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.

6.1 Commonwealth legislation

6.1.1 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.

As previously noted, the Manager Environment World Heritage has prepared an ecological assessment of the direct and indirect impacts of the proposed development to native vegetation, native fauna and species, populations and ecological communities listed as threatened under the NSW Biodiversity Conservation Act 2016 and the EPBC Act 1999.

The Manager Environment World Heritage's assessment and test of significance determined the proposal will not result in a significant effect on the six listed Threatened species, populations or ecological communities or their habitats. It was concluded that the proposal is very unlikely that such disruption will be significant at the population level. Therefore, as the project does not put any species at risk of extinction, the LHIB believes that the production of a Species Impact Statement is not warranted.

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.*

The report identifies the loss of 230m² of native vegetation that comprises suitable habitat for the 6 subject species of threatened species, however it can be offset through establishing 460m² of native vegetation on Crown land that is currently cleared on the western side of Lagoon Road.

The report states that if the offset revegetation areas are established coincident with the vegetation removal, with the removed vegetation placed as coarse mulch within the revegetation area then the proposed development will not result in any significant impacts on

Threatened species, populations or ecological communities or their habitats.

6.2 NSW legislation

6.2.1 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 indicated in the internal referral comments, the Lord Howe Island's Manager Environment World Heritage has prepared an ecological assessment which identifies that the proposal will require removal of 20 mature native trees/shrubs and disturb about 230m² of vegetation comprised of native seedlings, vines and leaf litter and will also remove several mature exotic specimens. The proposal will not result in damage or removal of any significant native vegetation (SNV).

Under the *NSW Biodiversity Conservation Act 2016*, Part 5 activities and test of significance has been completed to determine whether the proposal is likely to result in a significant effect on any Threatened species, populations or ecological communities or their habitats. The loss of 230m² of native vegetation that comprises suitable habitat for the 6 subject species of threatened species can be offset through establishing 460m² of native vegetation on Crown land that is currently cleared on the western side of Lagoon Road. This revegetation area would reduce ingress of harsh south-westerly winds and link existing clumps of vegetation (mix of native and the exotic New Zealand Christmas Bush), whilst providing habitat resources for the 6 listed threatened species.

The Ecological report has recommended conditions of consent (if approved) which impose appropriate requirements during removal of vegetation, and the future management of the 460m² off-set revegetation area. The ecological off-set revegetation area, and associated mitigations measures have been recommended as conditions to the determination (if approved) to address any potential environmental impacts.

6.2.2 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 4.46 (previously Section 91) 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 Division. 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. (This being related to listed heritage items).

On 5th September 2008, the NSW Minister for Planning published an order under Section 57(2) of the Heritage Act 1977, providing standard exemptions from sub-section 57(1) of the

Heritage Act 1977, as described in the Schedule attached to the Order (17 Standard Exemptions).

On 6 June 2005, the NSW Minister for Planning published an order under Section 57(2) of the Heritage Act 1977, providing for an exemption from Section 57(1) to refer specific activities to the Heritage Division described in Schedule C, including:

- i. Development carried out in accordance with the LHI REP 2005 (as amended) other than development which relates to heritage items listed in Schedule 3 to the Plan (ie. referral only required for those applications requiring consent under clause 39 of the LHI LEP 2010 (Schedule 3 of the LEP containing the listed LEP items).

The LHI WW1 'War Memorial' (as identified in Schedule 2 of the LHI LEP 2010 as a Heritage Item), is located on the eastern side of Lagoon Road in the vicinity of the proposed Preschool but not on the land within the approved Preschool Permissive Occupancy.

AAP referred the subject DA to NSW Heritage Office who advised that the LHIB needs to satisfy itself regarding compliance with the above ministerial orders. Relevant to the LHIB's determination on this matter it has been confirmed by the LHIB that whilst the war memorial and the proposed Community Preschool are both within Unidentified Crown Land Reserve No.12, the War Memorial is not located within the approved Permissive Occupancy (PO) site for the Preschool.

As such the Preschool is not considered to be on the same land as the War memorial. In support of this position, it is noted that the Preschool will have no legal access to or control over the War Memorial.

Consequently it is considered that the proposal is not subject to clause 39 of the LEP.

Aside from the above, in assessing the proposal, the Preschool development is not considered to materially impact the adjacent heritage item, and will have little or no adverse impact on its heritage significance for the following reasons:

1. The excavation and construction works are located away from the immediate surroundings and therefore are not likely to impact on the structure or foundations of the War Memorial.
2. The preschool construction is light weight with pier footings.
3. Appropriate temporary construction fencing will be located around the War Memorial site for additional protection.
4. The development is to be carried out in accordance with the plans and documentation provided with application No. DA 2019.09 and will include a conditional requirement for use of construction fencing to minimise any potential adverse impacts on the heritage significance of the War Memorial.
5. No waste shall be placed in any location or in a manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site or impact on the War Memorial.
6. The historical, social and cultural significance associated with the War Memorial will not be eroded by the proposed Preschool development.
7. Further to the above informal discussions were held with the local RSL President regarding the proposal and its potential impacts on the World War 1 Memorial, however no concerns were raised.

8. Existing plantings around the Monument will be retained and augmented where necessary.

In accordance with the above assessment and proposed condition of consent, the proposed work is considered to be minor in nature, and will have little or no adverse impact on the heritage significance of the subject heritage item. The proposed Preschool development will not destroy, dismantle or deface the existing heritage item, alter the exterior, such as to its detail, fabric, finish or appearance, or move any part of a heritage item. Appropriate conditions have been recommended for this development (if approved) to protect and safeguard any potential harm on the WW1 War Memorial.

6.2.3 State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017

It is noted that *State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017* (Education SEPP) and associated NSW Planning Guidelines 08-17 do not statutorily apply to Lord Howe Island. Although a full compliance assessment against the Education SEPP has not been undertaken, MacFayden Architects on behalf of the applicant have confirmed that the Preschool design principles reflect the objectives of the Education SEPP in terms of its context, built form, scale, building bulk, height articulation, adaptive learning spaces, sustainability, landscape and amenity and safety.

6.2.4 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.

Table 2 LEP 2010 compliance summary table

LEP 2010 Clause		Complies Y/N	Comment
Part 1 Preliminary			
2	Commencement and Aims of Plan	Y	Each of the aims of the LEP 2010 have been considered in the assessment of this application. The proposal facilitates the well-being, welfare and economic needs of the increasing number of young families on the Island. It will facilitate the proper management, development and conservation of the Island’s natural environment on the basis the ecological consideration, assessment and recommendations submitted with this DA application are undertaken. The proposal meets the aims of LEP 2010.
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.

LEP 2010 Clause		Complies Y/N	Comment
7	Maps	Y	Noted.
8.	Relationship with other environmental planning instruments	Y	<p>Clause (8)(3) of the LHI LEP explains that a State environmental planning policy made after this Plan takes effect does not apply to the land to which this Plan applies unless the policy expressly provides otherwise.</p> <p>The SEPP (Education Establishments and Childcare Facilities) 2017 does not apply to Lord Howe Island.</p>
9	Exempt Development	N/A	The proposed works are not listed as Exempt Development within Schedule 1 of the LEP, therefore the DA is required.
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 5 Special Uses.
15	Zone 5 Special Uses	Y	<p>The proposal complies with the LEP zone objectives by providing an educational facility for preschool children, being essential to the community's needs and to meet the educational needs for the increasing number of preschool aged children on the Island. This being a commonly understood and expected facility in Australian communities.</p> <p>The proposal is being undertaken in a manner that will be sympathetic with the values of the natural environment of the Island.</p> <p>Development for the purposes of 'Education Facilities' is permissible in Zone 5 Special Uses, with the consent of the LHIB.</p>
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			
29	Maximum height of buildings	Y	The building is single storey, and proposes to be less than the 7.5m maximum permitted height.
31	Vegetation Restoration	y	<p>Development for the purposes of vegetation restoration will be generally undertaken in accordance with the <i>Lord Howe Island Board Vegetation Rehabilitation Plan</i>, as adopted by the Board in March 2003.</p> <p>As previously noted, the Manager Environment World Heritage has prepared an ecological assessment.</p> <p>The loss of 230m² of native vegetation that comprises suitable habitat for the 6 subject</p>

LEP 2010 Clause		Complies Y/N	Comment
			<p>species of threatened species can be offset through establishing 460m² of native vegetation on Crown land that is currently cleared on the western side of Lagoon Road.</p> <p>This revegetation area would reduce ingress of harsh south-westerly winds and link existing clumps of vegetation (mix of native and the exotic New Zealand Christmas Bush), whilst providing habitat resources for the 6 listed threatened species.</p> <p>It is recommended and conditions of approval added to this determination (if approved) to ensure all associated vegetation works will be undertaken in consultation with the LHIB's Manager Environment World Heritage and the LHIB Veg Rehabilitation Plan.</p>
Division 2 Provisions that apply to particular land			
32	Setbacks of buildings in Zone 1, 2 or 5	Y	<p>The proposal is located along Lagoon Road and the LHI Bowling Club access road. Therefore, the building needs to be erected at least 10m from one street boundary, and at least 5m from any other boundary of the allotment.</p> <p>It is noted that the proposed setback of 10m to Lagoon Road, 8.8m to the Bowling Club access road and a minimum 5m to the remaining boundaries will comply with the LEP requirements.</p>
34	Land Adjoining Zone 7 or 8	Y	<p>The nearby Zone 7 Environment Protection land to the site is on the western side of Lagoon Road. This plus the proposed 10m setback to Lagoon Road itself results in the development being around 17m from the Zone 7 land well outside the 10m LEP threshold.</p> <p>The proposal will therefore have no change in the site's relationship or impact on the adjoining zone 7 land.</p>
39	Development Affecting Heritage Items	N/A	Refer to the assessment provided earlier in this report under section 7.2.2: NSW Heritage Act, which confirms that clause 39 of the LHI LEP does not apply to the subject proposal.

6.2.5 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</i>	Y	The subject site is Zone 5 Special Uses under the LHI LEP 2010. As assessed earlier in section 7.2.4, the proposal is

CLAUSE 11 REQUIREMENT	COMPLIES Y/N	DISCUSSION
<i>out in the plan, within which the development is proposed to be carried out,</i>		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	As stated earlier, the Community Preschool is to be connected to the approved LHIB shared wastewater facility which has been designed to incorporate the Preschool in addition to the other nearby community facilities.
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 (ref section 6), the LHIB's Manager Environment World Heritage has assessed that <i>"the project will not result in a significant impact, as defined by the test of significance, on the threatened species or listed ecological communities of LHI.</i> <i>Importantly, it is very unlikely that such disruption will be significant at the population level. Therefore, as the project does not put any species at risk of extinction, the LHIB believes that the production of a Species Impact Statement is not warranted."</i>
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	Satisfactory access to the proposed development via The Bowling Club access road is available and will be provided without any significant impact on native vegetation (ref Manager Environment World Heritage comments in section 6)
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>	Y	Inclusion of native species onsite will be integral to the consideration of ecological impacts and required offset planting envisaged by the LHIB Manager Environment World Heritage. Conditions of consent have been included within the determination in response to the Ecological Assessment submitted as part of this application.
f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i>	Y	The LHIB, Team Leader Compliance & Projects has stated that the 1% AEP for the site is identified as 4.42m AHD. The proposed floor elevation for the Preschool is 5m AHD which is above the 4.72 AHD plus freeboard level required.
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	As stated earlier, the proposal will be connected to the shared wastewater management facility onsite. Electricity is available to the lot from the street subject to conditions included in this reports recommendation.

CLAUSE 11 REQUIREMENT	COMPLIES Y/N	DISCUSSION
		Adequate new water storage tanks and potable water are to be provided for the development and are also the subject of conditions included in the subject recommendation.
<i>h) 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 development has been architecturally designed "to be of a suitable context that uniquely identifies the character of Lord Howe Island with a simple skillion roof extended eave pavilion building with good solar passive heating and cooling principles" (Peter MacFadyen Project Architect). In addition to the above positive design considerations, the generous setbacks to Lagoon Road (10m) and to the Bowling Club Access Road (8.8m), will allow the planting of landscaped screening which will soften and be in keeping with the landscaped and vegetated character of development on the Island.
<i>i) The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	The proposed development being single storey with generous setbacks to the site boundaries, and with the existing site vegetation, will not cause any significant overshadowing of adjoining land.
<i>j) The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	Y	In view of the nature of the adjoining properties, the setbacks to the site boundaries, the existing site vegetation and the nature of the proposed development and use, there is no reduction in the privacy of neighbouring properties as a result of the development.

6.2.6 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 community Preschool is consistent with the Plan objectives as the building incorporates quality and sustainable designs and is sympathetic with the Island's character as assessed elsewhere in this report.
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	The proposal's design is consistent with the character and nature of the site and locality, including its orientation and

			responds sensitively to its settings and site constraints. Flood levels and effective effluent disposal has been satisfactorily considered. Building colour, size, scale, roof pitch and vegetation planting will adequately address any potential impacts on visual amenity.
2.4	Bulk and Scale	Y	The building is single storey with a skillion roof and is predominately low scale, being consistent with the Island's character.
2.5	Building Forms	Y	See above comments.
2.6	Building Materials & Colours	Y	The proposed building materials and colours will complement the natural surroundings.
2.7	Energy and water efficiency	Y	Energy and water efficiency principles are satisfactorily considered within the design.
2.8	Landscaping design	Y	Vegetation management, its removal and revegetation and additional landscaping needs have been considered and assessed as part of this application. Conditions of consent have been added to the determination to enhance the building development and meet community expectations regarding re-vegetation and minimise impacts on the war memorial.
2.9	Site access and parking	Y	Adequate site access is proposed via the LHI Bowling Club access road. The development proposes the required 5 parking spaces (including a disability carpark).

7 Environmental Effects

7.1 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 7.2.4) and the proposed development was found to generally 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 against the LHI DCP 2005 was undertaken and it was found that the proposal satisfactorily meets the relevant provisions subject to the conditions of approval included in the recommendation of this report.
 - 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.

- 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 Preschool will provide significant positive social impacts for the LHI Community. The proposal will facilitate the well-being, welfare and economic needs of the increasing number of young families on the Island. On the basis of the ecological consideration, general assessment and recommendations of this report, the proposal will facilitate the proper management, development and conservation of the Island's natural environment application.

- c) the suitability of the site for the development

Having regard to the location and the proceeding assessment of the proposal, the site is considered suitable for the proposed development.

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

The following table provides a summary of issues raised from the six submissions received during public exhibition, and provides a planning response.

Submitter	Issues Raised	Response
Form letter submitted x 5 people	<p>Not opposed to formation of a Preschool, & agrees early childhood education is imperative, but believes the construction of a new purpose-built building to be unwarranted for a number of reasons:</p> <ul style="list-style-type: none"> • construction of a new additional building will become another white elephant – instead another existing building on the Island should be used instead • unpredictability of yearly preschool numbers can differ significantly impacting viability • concerned that preschool may become a child-care service which is not appropriate for LHI community • Pre-school places may need to be offered to younger 0-3yr old children to make up the required numbers. 	<p>The subject DA for construction and use of a new preschool legally has to be assessed and determined on it's merits. The viability (financial, or demand for preschool places) of the proposed use, or the potential availability of other existing venues for the development, are not legal considerations or grounds for refusal under the LHI LEP or the NSW Environmental Planning and Assessment Act 1979.</p> <p>If approved the proposal would be as a Preschool with conditions limiting the hours of operation, the number and ages of children attending the facility.</p>
Single Submission	<ul style="list-style-type: none"> • Refer to the issues and comments provided in the above form letter. • Previous issues relating to the potential use of the Anglican Church Hall as a Preschool have been resolved • LHI children have access to other early education opportunities 	<p>Refer to above comments.</p> <p>A dedicated specifically designed and fitted out building is required for the operation of a modern Preschool complying with the current stringent Government standards and requirements.</p> <p>The operation of a Preschool in a multi-use space such as a church hall would be prohibitively involved and expensive to the extent that it is unviable.</p>

		The existing availability of the same services as that proposed in an application are not legal considerations or ground for refusal under the LHI LEP or the NSW Environmental Planning and Assessment Act 1979.
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e) the public interest

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

9 Conclusion

DA 2019-09 has 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 proposal facilitates the well-being, welfare and economic needs of the increasing number of young families on the Island. The proposal's design is consistent with the character and nature of the site and locality, including its orientation and responds sensitively to its settings and site constraints.

The application for a Preschool is supported, subject to the proposed conditions and advisory notes in the following recommendation.

10 Recommendation (Conditional Approval)

Development Consent Recommendation (Conditional Approval)

The application for DA 2019-09 for a Preschool located on 'Unidentified Crown Land Reserve No. 12, Lagoon Road, Lord Howe Island', 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 No. 2019.09 as listed below and endorsed with the Lord Howe Island Board's stamp, except where amended by other conditions of consent.

- a) Completed DA Form prepared by Rachel McFadyen, Lord Howe Island Community Preschool Pty Ltd, dated 04.02.2019
- b) Statement of Environmental Effects in the DA Form prepared by Rachel McFadyen, Lord Howe Island Community Preschool Pty Ltd, dated 11.02.2019
- c) The following plans prepared by McFadyen Architects Pty Ltd, Project: Proposed Early Learning Centre, Job No. 711, Rev A, dated 23/01/2019
 - Drawing Numbers - Cover Sheet (000), Floor Plan (002), Roof Plan (004), Elevations North and West (010), Elevations South and East (011) and Sections looking West

and North (012) and Site Plan (001 Rev B) dated 12/03/2019, submitted as part of the DA documentation.

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

2. Operational Conditions

- a) The subject development shall operate only as a Preschool between the hours of 9.00am to 3.00pm and not a long day child care centre.
- b) The development shall only provide places to a maximum number of 20 children between 3 to 5 years of age.
- c) Compliance with the above requirements shall not be changed without prior application to and approval from the LHIB.

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

3. Construction Certificate

- a) A construction certificate is required to be approved and issued by an Accredited Certifier, prior to the commencement of any works on site.
- b) If the applicant is proposing a Performance Solution for any requirements of the BCA/NCC, the relevant Performance Requirements must be determined in accordance with A0.7 of the BCA/NCC. A report outlining any proposed Performance Solutions must be compiled by an appropriate person and submitted with the application for a Construction Certificate.
- c) The applicant is to ensure that the Construction Certificate Plans are the same as the approved DA Plans.
- d) In the application for a Construction Certificate the applicant is to provide **detailed structural engineering plans** for the works. Structural plans are to address all actions including construction in Wind Zone A, and are to be certified by an appropriately qualified Structural Engineer in accordance with AS1170.2.
- e) Prior to issuing 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*.

Reason: To ensure construction is undertaken in accordance with requirements.

4. Access for People with a Disability

Prior to the issuing of a Construction Certificate 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:

- Access to and within all areas normally used by the occupants, including staff
- Doorway widths and facilities for personal hygiene
- Provision of the minimum of one dedicated accessible carparking space

Reason: To ensure the resulting development has complaint access for people with a disability

5. Ecology and Habitat

- a) If any live LHI Gecko or LHI Placostylus are detected during works they must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, old garage bedsits/structures) away from the development site so they can escape predation by predators such as LHI Currawong, LHI Woodhen and rodents.
- b) All building materials and building activity are restricted to being stock piled on cleared open areas.

An offset revegetation area of not less than 460m² is established coincident or prior to when the vegetation is removed from the preschool site and is maintained until it develops a dense multi layered closed canopy (being at least a 3-year timeframe);

- c) An offset revegetation plan is submitted and approved by the LHIB Manager Environment/World Heritage prior to issue of the Construction Certificate, including the offset area tree and shrub planting list;
- d) The offset revegetation area must be completed prior to release of Occupation Certificate;
- e) All planting stock must be produced from local seed stock, grown on Island and sun hardened;
- f) The revegetation area must be cleared of grass and weed species prior to planting, must be planted at no more than 1.5 m spacings, and watered and fertilized at time of planting (during the wetter cooler months);
- g) Any dead plants must be replaced annually during the winter rain season;
- h) During periods of drought the planting must be watered;
- i) All leaf litter, tree trunks, fallen timber and mulched plant material removed from the footprint of the preschool site is placed within the offset planting site as coarse mulch and woody debris to form micro habitats for invertebrates coincident when the vegetation at the preschool is removed;
- j) That a dense edge of native plant species be established to reduce ingress of harsh edge effects and retain micro-climate;
- k) A bond of \$3000.00 is to be submitted and held by the LHIB for up to three years to ensure the revegetation site is maintained to achieve canopy closure.
- l) All vegetation works shall be undertaken in accordance with the Lord Howe Island Board Vegetation Rehabilitation Plan, as adopted by the Board in March 2003.

Reason: To ensure ecological communities are not adversely impacted by the development.

6. Fire Safety

- a) The applicant is to ensure that fire detection and early warning devices, such as automatic smoke detectors, and fire-fighting equipment are installed as per the requirements of the NCC for a Class 9b building so that occupants may evacuate, in the event of fire, to a place of safety.
- b) All required Portable Fire Extinguishers are to be located in a conspicuous and readily accessible position with their location indicated by placement of a fire extinguisher location sign as per AS2444-2001.
- c) The applicant is to ensure that an Annual Fire Safety Statement for the Community Early Learning Centre is supplied to the Lord Howe Island Board as a record of the functionality and ongoing maintenance of any fire safety measures installed.
- d) The applicant is encouraged to install 38mm 'Storz' fittings to existing and new water tanks, to enable the Rural Fire Service firefighting capabilities should there be a need for firefighting at the residence.

Reason: To ensure the resulting development is fire safe

7. Flood Management

The proposed site for the Community Early Learning Centre is located within an area identified as floodplain. As outlined in the Webb McKewon & Associates LHI Floodplain Management Study 1999 (the Study) development in the floodplain must have floor levels elevated at 300mm above the 1% AEP (Annual Exceedance Probability).

The Lord Howe Island Board advises that the 1% AEP (Annual Exceedance Probability) for the site is identified as 4.42m AHD. The proposed floor elevation for the building is to be above the 4.72m AHD required as per the Study.

Reason: To ensure the resulting development is finished floor level is above the 1%AEP above the flood free.

8. Health and Amenity

The applicant is to ensure the development complies with NCC requirements for sanitary, health and amenity facilities for a Class 9b, early childhood centre, servicing the number of children and employees using the facility. Compliance includes for the present development (as outlined in the development application), but not limited to:

- Staff – 1 x unisex facility (comprises one closet pan, one washbasin and means for the disposal of sanitary towels)
- Children – 2 x Closet Pan plus 2 x Washbasin
- Facilities for use by children are to be accessible from both indoor and outdoor play areas
- a kitchen or food preparation area with a kitchen sink, separate hand washing facilities, space for a refrigerator and space for cooking facilities, with the facilities protected by a door or gate with child proof latches to prevent unsupervised access to the facilities by children younger than 5 years old

In accordance with the NCC the early childhood centre must be provided with one bath, shower or shower-bath.

Reason: To ensure the development complies with sanitary, health and amenity requirements

9. Water

- a) The applicant is to ensure that all plumbing work, including the disconnections and connections to the wastewater system, is to be undertaken by a licensed plumber.
- b) The applicant is to ensure that all waterproofing of wet areas such as bathrooms is to be certified by an appropriate person. The **waterproofing certification** is to be provided to the Board **before issuance of an Occupancy Certificate**.
- c) The applicant is to ensure all stormwater from the roof structure is diverted to existing rainwater tanks as outlined in the application or an appropriate absorption trench is to be provided. The method of management of the stormwater is to be shown on the construction drawings.
- d) The applicant is to ensure that any potable water provided to the building will be required to meet the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the Guidelines.
- e) An appropriate drinking water management plan, in compliance with NSW Health requirements and the Public Health Act 2010 and Regulation 2012, is to be provided to the Board and lodged with NSW Health.
- f) The applicant is to ensure adequate provision of potable water to service the needs of the development as there is no reticulated water on the Island.

Reason: To ensure works are undertaken appropriately.

10. Wastewater

- a) The wastewater generated from the CELC is proposed to be piped to and treated by the LHI Board, LHI Central School & LHI Bowling Club Cluster System.
- b) An agreement is to be entered into between the LHI Community Preschool Pty Ltd and the Lord Howe Island Board for the CELC to join the Wastewater Cluster System before any connection to the system. The agreement will outline costs associated with connection, servicing, electricity use and the like.
- c) All plumbing work, including approved connections to the wastewater system, is to be undertaken by a licensed plumber.

Reason: To ensure compliance with the NSW Health, and LHI On-site Wastewater Management Strategy, wastewater treatment system.

11. 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, if any, 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) The applicant is advised that 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.

12. Construction

- a) The applicant is to ensure that any electrical work must be carried out by a licensed electrician and an **Electrical Compliance Certificate issued with, or before, the application for Occupancy Certificate** for the building.
- b) All works are to be undertaken in accordance with approved Construction Certificate documentation.
- c) All construction is to be carried out and completed in accordance with the National Construction Code (NCC).
- d) Pre-Commencement meeting to be arranged with the Owner, Builder and Board Personnel prior to any work commencing on site. If 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.
- e) No excavation is to be commenced until the site is inspected by the Lord Howe Island Senior Electrical Officer (ie. Dial before you dig).
- f) Pre-Commencement meeting to be arranged with the Owner, Builder and Board Personnel prior to any work commencing on site. If 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.
- g) The applicant is to ensure all Mandatory Inspections are undertaken.

Reason: To ensure works are undertaken appropriately.

13. Electrical Installation

Prior to issuing of a construction certificate, the applicant is to ensure the development is amended to comply with the following (with details provided with the CC to confirm compliance):

- a) The installation is supplied by a 3 phase 40-amp service.
- b) The maximum demand is reduced to 120 amps in total.
- c) The load needs to be evenly balanced over 3 phases by an appropriately licensed person.
- d) The solar hot water installation is limited to 2.4 Kw electric boost.
- e) No oven or hot plate can be supplied by this electrical service. It is recommended that these appliances be connected to a gas system.
- f) The customer must request a service location before any excavation is undertaken, due to the close proximity of Telstra and Electrical services.

- g) All electrical works must be completed by a licensed electrical contractor to AS/NZS 3000:2018 and a signed Compliance Certificate – Electrical Works must be issued to both the customer and LHIB within 7 days of completing all electrical works.

Reason: To ensure compliance with AS/NZS 3000:2018 and enable customer supply on Lord Howe Island.

14. Inspections

The Principal Certifying Authority (PCA) will require the following mandatory inspections to be undertaken during development works:

- a) Pre commencement/set out
- b) After the commencement of the excavation for, and before the placement of, the first footing
- c) Stormwater connections
- d) Final Inspection, including fire related elements, prior to Occupation Certificate being issued

Please note: It is the applicant or their representative's responsibility to book inspections with the Lord Howe Island Board at least 48 hours prior. Failure to do so may result in a delay in the inspection being undertaken.

Reason: This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.

15. Construction Hours

To limit the impact of the development on adjoining owners, all construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays.

Reason: To limit the potential for any loss of amenity to adjoining owners and/or occupiers associated with the construction of the approved works.

16. Notice of Commencement

Notice must be given to the Lord Howe Island Board at least two (2) days prior to the commencement of building work.

Reason: This is a legislative requirement.

17. Erection of construction signs

A sign must be erected in a prominent position on any site on which building work, is being carried out:

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.
- d) Any such sign is to be maintained while the building work is being carried out, but must be removed when the work has been completed,

Reason: This condition is prescribed under the Environmental Planning and Assessment

Regulation 2000.

18. Materials and Colours

The materials and colour selection for the proposed works are to complement the surrounding locality. Details of the selected materials and colours shall be submitted with the construction certificate application, and to the LHIB for review.

Reason: To ensure that the proposed development complements the surrounds.

19. Heritage

- a) For the duration of the works on site appropriate temporary construction fencing will be located around the WW1 War Memorial for additional protection.
- b) No waste shall be placed in any location or in a manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site or impact on the War Memorial.
- c) The landscape planting to either side and the rear of the WW1 War Memorial shall be augmented to the satisfaction of the LHIB Manager Environment and World Heritage to provide a partial buffer between it and the Preschool.

ADVICE TO APPLICANT:

1. Significant Native Vegetation

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

2. 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.

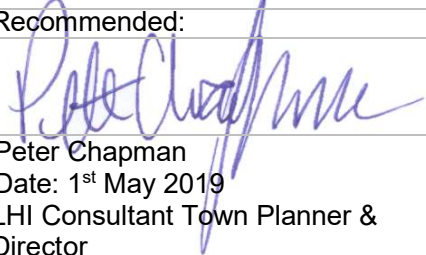
This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

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.

Recommended:	Recommended:
	
Peter Chapman Date: 1 st May 2019 LHI Consultant Town Planner & Director All About Planning Pty Ltd	Justin Sauvage Date: Manager Environment & Community, Lord Howe Island Board

Board Meeting: May 2019

Agenda Number: 9 (i)

Record Number: ED19/4332

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 and a timeline for the completion of the CSP.

CURRENT POSITION

Date	Activity
Nov 18 – Ongoing	Individual and group meetings with community members
4 th Dec 18	CSP Survey launch (Survey Period: 4 Dec 18 – 15 Feb 19)
5 th Dec 18	Workshop with LHICS children
12 th Dec 18	CSP Workshop (4 x overarching theme discussions)
26 th Feb 19	Housing, Development, Transport and Infrastructure workshop
April 19	CSP survey has been analysed to provide emerging themes used to inform the 2019/2020 budget

Upcoming activities

Date	Activity
Coming soon	Workshops on Economy and Tourism, Health and Education and Environment
March/April	Emerging themes incorporated into the draft budget for Board consideration.
TBC	Draft CSP Placed on public exhibition for 4 weeks.
TBC	Final CSP presented to Board for adoption.

Emerging themes incorporated into the draft budget

Over the last month, the information collected from our first two community workshops, our school children and the CSP survey has been analysed to provide emerging themes that have been able to be used to inform the draft 2019/2020 budget.

The draft 2019/2020 budget and operating plan now includes the actions and stages that need to be undertaken next in the journey to achieve outcomes identified as a priority to the community. However, these will need to be considered together with other priorities by the Board when adopting its budget. As is always the case, resources are limited. The CSP priorities identified will inform the Board's decisions in allocating limited funds for 2019/20 and beyond so that longer term objectives identified by the community can be progressed and ultimately achieved..

Workshops on Economy and Tourism, Health and Education and Environment will be scheduled over the next few months to finalise data collection on priority themes identified through our original workshop and the CSP survey. Analysis of data collected to date will continue, to determine themes as we begin to form the draft CSP.

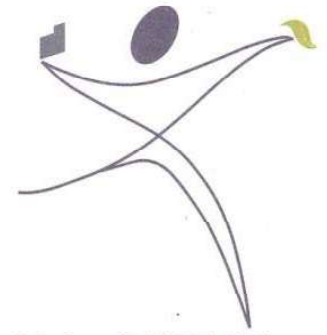
Currently, work on advancing the CSP has been paused because of the need to focus resources on the REP to ensure its success.

RECOMMENDATION

That the Board note the Community Strategic Plan Update.

Prepared: Darcelle Matassoni Strategic Planning Officer

Endorsed: Peter Adams Chief Executive Officer



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Lord Howe Island

STAGE I Planning Proposal

Stage I Amendments to the Lord Howe Island Local Environmental Plan 2010

PLANNING PROPOSAL For Gateway Determination

Prepared by:

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Report Number: AAP file no: 2017-019
Version / Date: **1 May 2019**

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AAP Reference: 2017 – 019

1st May 2019

Lord Howe Island Stage I Planning Proposal

For: Lord Howe Island Board

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This Stage I Planning Proposal has been prepared in accordance with an agreement between All About Planning Pty Ltd and the Lord Howe Island Board dated March 2018.

In preparing this Planning Proposal, All About Planning Pty Ltd has used and relied on data, plans and information provided by the Lord Howe Island Board and other parties as detailed in this document. Except as otherwise stated, the accuracy and completeness of the information provided to All About Planning Pty Ltd for this Planning Proposal has not been independently verified.

This Planning Proposal should be read in conjunction with the following documents:

- Review of Land Allocation Policy, The Hon. Ken Handley AO QC, February 2015
- The Final Government Response to the Handley Review, November 2017
- Coastal Hazard Definition and Coastal Management Study, Haskoning Australia Pty Ltd, September 2014
- Lord Howe Island Local Environmental Plan 2010 (LHI LEP 2010)
- Lord Howe Island Development Control Plan 2005 (LHI DCP 2005)
- Site Surveys, Plans and Drawings prepared by the Lord How Island Board and/or other parties as described in this proposal, which identify and illustrate the various proposed LEP amendments.
- Lord Howe Island Board (LHIB) LEP 2010 Review Discussion Paper, 2016
- Community Feedback on LHIB Discussion Paper, 2016
- Lord Howe Island Act 1953
- Lord Howe Island LEP 2010

For and on behalf of All About Planning Pty Ltd.

FOR GATEWAY DETERMINATION

Michelle Chapman

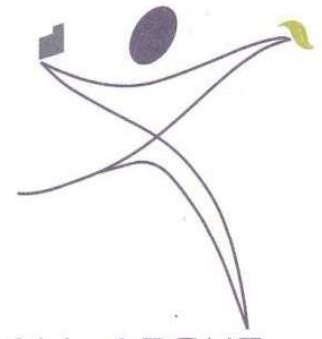
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Summary

This Planning Proposal has been prepared by All About Planning Pty Ltd (AAP) on behalf of the Lord Howe Island Board (the Board) to seek various relatively minor amendments to the existing Lord Howe Island Local Environmental Plan 2010 (LEP 2010).

The Board has identified a number of areas where the LEP 2010 could be improved to be clearer, better reflect existing land uses and respond to community needs on the island.

The Board has commenced a two-stage local plan review process. Stage I of the review, reflected in this Planning Proposal, is aimed at addressing anomalies and responding to known inadequacies in the current plan. The second stage will be to review LEP 2010 in its entirety, including its structure (which is not in the Standard Template format) and key zoning provisions such as the permitted number of permanent dwellings, tourist bed numbers, staff accommodation provisions and subdivision provisions.

In 2016 the Board undertook early community consultation to gauge community response to then proposed rezonings and amendments to the controls in the local plan, and the outcome of that process has informed this Stage I Planning Proposal. A copy of this Consultation Outcomes Summary Paper setting out the community's feedback in 2016 is included as Appendix D.

The purpose of this Planning Proposal is to undertake the following amendments to LEP 2010:

- Deletion of the current dual occupancy restriction related to occupation by family members only
- Update reference to the LHI Vegetation Rehabilitation Plan, to remove a date reference
- New clause requiring consideration of impacts of development that is in the vicinity of a heritage item
- Four amendments related to definitions and associated LEP zoning provisions
- Addition of two exempt development provisions, being for roof mounted solar energy systems and chicken pens/foul and poultry houses
- Addition of Recreation Area and Boatsheds as a permissible use in Zone 7 – Environment Protection and associated LEP references, including modification of the boatshed definition to acknowledge existing community and private boatshed uses
- Eight site specific rezonings and associated zone map changes

1.0 Part I – Objectives and Intended Outcomes

This Planning Proposal has been prepared by AAP on behalf of the Lord Howe Island Board (the Board) to make various relatively minor amendments to the Lord Howe Island Local Environmental Plan 2010 (LEP 2010).

The following lists the 13 issues identified for resolution in this Planning Proposal.

ISSUE	PROPOSED AMENDMENT
1.	Delete Clause 24 (1) (c) – Permit the occupancy of dual occupancy dwellings by non-family members
2.	Amend Clause 31 – to remove the reference to the ‘March 2003’ date, this being the current LHIB Vegetation Rehabilitation Plan, to ensure any future updates to this plan are legally covered
3.	Insert new Clause 39 A to require consideration of heritage items in vicinity of proposed development.
4.	<p>Part A. Amend Definitions of 2 terms.</p> <p>Home Business to permit a maximum 2 employees and to insert a new provision (d), being: Under Dictionary - Home Business</p> <p style="padding-left: 40px;">(d) the home business does not interfere with local amenity or environmental quality.</p> <p>Environment Protection Works to specifically reference Coastal Protection Works, including beach nourishment. Amend Clause 10(3) definition of Part C.</p> <p>Under Clause 10(3) – environmental protection works means any works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes vegetation restoration work, wetland protection works, erosion protection works, dune protection works and coastal protection work including beach nourishment and the like.</p> <p>Part B. Insert two new Dictionary Definitions, being: Under Dictionary – Centre Based Child Care Centre</p> <p>Centre Based Child Care Centre <i>Means a building used as a school, long day care centre, pre-school, out of hours school care, college, technical college, academy, lecture hall, gallery or museum, and includes the community use or development for community use of the facilities or site of the establishment.</i></p> <p>Under Dictionary – Home Based Child Care Centre</p>

	<p>Home Based Child Care Centre</p> <p>Means:</p> <p>(a) a family day care residence (within the meaning of the Children (Education and Care Services) National Law (NSW)), or</p> <p>Note. A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the Children (Education and Care Services) National Law (NSW).</p> <p>(b) a dwelling used for the purposes of a home based education and care service (within the meaning of the Children (Education and Care Services) Supplementary Provisions Act 2011), at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.</p> <p>Part C.</p> <p>i. Permit Centre Based Child Care Centre in Zone 5 – Special Uses by amendment of Clause 15 (3), by adding new use (p) Centre Based Child Care Centre</p>
5.	<p>Include 2 additional items in Schedule 1 – Exempt development, being:</p> <p>Column 1</p> <p>Development - Roof Mounted Solar Energy Systems</p> <p>Column 2 – Development Standards and Other Requirements</p> <ul style="list-style-type: none"> • <i>in the case of development for the purposes of a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer’s specifications or by a person who is accredited by the Clean Energy Council for the installation of photovoltaic electricity generating systems, and</i> • <i>in the case of development for the purpose of any solar energy system other than a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer’s specifications, and</i> • <i>the system does not involve mirrors or lenses to reflect or concentrate sunlight, and</i> • <i>In the case of a system that is not ground-mounted:</i> • <i>the development does not reduce the structural integrity of, or involve structural alterations to, any building to which it is attached, and</i> • <i>if the land is in a prescribed residential zone (note: for LEP 2010 - the Settlement zone) and is attached to a wall or roof facing a primary road—the system does not protrude more than 0.5m from the wall or roof (as measured from the point of attachment), and</i>

	<ul style="list-style-type: none"> • <i>if the land is in a prescribed residential zone (note: for LEP 2010 - the Settlement zone) and is not attached to a wall or roof facing a primary road:</i> • <i>the system is installed no less than 1m from any adjoining property boundary if the system protrudes more than 0.5m from any building to which it is attached (as measured from the point of attachment), and</i> • <i>the system is not attached to any wall or roof of a building facing a primary road, and</i> • <i>the system does not protrude more than 0.5m from any building to which it is attached (as measured from the point of attachment), and</i> • <i>in the case of development for the purposes of a photovoltaic electricity generating system—the system has the capacity to generate no more than 10kW.</i> <p>The above proposed standards are broadly consistent with Clause 20, Infrastructure SEPP – exempt provisions for solar systems; the exception being that on LHI no 1-1.5m overhang from a roof is to be permitted and any photovoltaic electricity generating system is to be limited to a maximum generation capacity of 10kW.).</p> <p>It is proposed to include roof mounted solar energy systems as exempt development, as defined in the SEPP, with the exception of Part 3, Division 4, Clause 39 (3) (a) (e), (f) (ii), (f) ((iii) A, part (f) ((iii) B, (f)(iv) and (f)(v).</p> <p>Column 1 Development – Add the term Fowl and Poultry Houses as an Exempt provision, with the same height, area and other development standards that currently apply to bird aviaries</p>
6.	Legitimise existing and future recreation based land uses in Zone 7 - Environment Protection by inserting Recreation Area and Boatsheds as new uses permitted with consent under Clause 17(3) in the Environment Protection zone and associated modified definition of boatshed to acknowledge existing community and private boatshed uses
7.	Site 1 – Rezone from Zone 5 - Special Uses to Zone 2 - Settlement zone.
8.	Site 2 – Rezone crown land adjacent to Milky Way from Zone 6 – Recreation to Part Zone 7 – Environment Protection.
9.	Site 3 – Rezone existing farmland near Milky Way from Zone 6 – Recreation to Partly Zone 7 – Environment Protection and Partly Zone 1 – Rural.

10.	Site 4 – Rezone from Zone 7 - Environment Protection to Zone 2 - Settlement and Lot 10, DPI 202580 from Zone 2 – Settlement to Zone 7 – Environment Protection, to allow the Owen’s Land Swap, as per resolution of the November 2017 LHIB meeting.
11.	Site 5 – Rezone (Cnr Anderson Rd adjacent to Lorhiti) from Zone 6 – Recreation to Zone 7 – Environment Protection.
12.	Site 6 – Rezone Pt Lots near the new powerhouse, from Zone 7 - Environment Protection to Zone 1 – Rural to accommodate existing small dairy.
13.	Site 7 – Rezone a lot opposite the runway, from Zone 7 - Environment Protection to Zone 1 – Rural.
14.	Site 8 – Enable an Additional Permitted Use to permit a preferred new Fuel Supply proposal off Airport Road.

1.1 LHI Local Strategic Planning Statement

A World Heritage Listed Island

Lord Howe Island is a world heritage listed volcanic remnant in the southwest Pacific Ocean, situated in the Tasman Sea between Australia and New Zealand. The island is located approximately 600 kilometres east of mainland Port Macquarie, 702 kilometres northeast of Sydney, and about 772 kilometres from Norfolk Island to its northeast. Although the Island is remote from the mainland it forms part of the State of New South Wales and is administered by the Lord Howe Island Board (LHIB). The LHIB is established under the Lord Howe Island Act 1953, of the NSW Parliament.

The main island measures 11km long in a north south direction and between 2.8km and 0.6km wide and has a total area of 1,455 hectares.

Much has been written about Lord Howe Island which has focussed on its uniqueness and which of course is a key basis for the island’s World Heritage listing in 1982. The island’s World Heritage listing is in recognition of



its superlative natural landscapes and scenery and its rich terrestrial and marine biodiversity as an outstanding example of an island ecosystem developed from submarine volcanic activity.

Settlement Character

The LHI settlement is restricted to the central lowlands and covers about 15% of the island. Tourism is one of the island's major sources of income. There is an airstrip on the island and daily commercial air services to Sydney and Brisbane. About 16, 000 tourists visit the island each year. Numbers are regulated, with a maximum of 400 tourists allowed on the island at any one time.

Character is what makes one neighbourhood distinctive from another. It is the way a place 'looks and feels'. It is created by the way built and natural elements in both the public realm and private domain interrelate with one another, including the interplay between buildings, architectural style, subdivision patterns, activity, topography and vegetation. LHI contains relatively dispersed low density architecturally relaxed built form, with a mix of compatible land uses intermingled throughout the primary settlement zone, within retained significant areas of natural landscape and that deliver a visually striking and cohesive overall character.

The existing character of LHI is highly valued by the community, which comprises its long term islander residents, short stay workers and government administrators. Additionally, the Island is appreciated by people the world over, who have visited and fallen in love with the place and its people.

The Lord Howe Island community are proud of their unique and diverse island home, and who are a self-sufficient, resourceful and welcoming people.

Future Land Use Direction and Planning Priorities

New development and land uses have been able to successfully occur, using a non-standardised and site specific place based design approach. Application of island specific non-standard town planning controls suits the island and which ensures the planning controls that are adopted for the island are effectively tailored to the unique character and valued characteristics of the Island.

Existing development controls have for the most part been highly effective in moderating built form, bulk, scale and height as well as retention and enhancement of native landscaping and preservation of the dispersed overall pattern of settlement, as well as ensuring a sustainable economic base.

There is a need however to respond to the Handley Review recommendations, to continue to protect and maintain agricultural opportunity through appropriate land use zoning, to conserve areas of significant mapped vegetation and to resolve a number of relatively minor inconsistencies between permitted and actual uses in the current LEP.

This Stage I Planning Proposal will ensure that the essential and future desired character of the Island continues to be protected and enhanced. The subject amendments to the existing planning framework will assist in achieving this vision and resonate consistently with both the island's existing and desired local character and community aspirations for self-sufficiency, including the maintenance and development of sustainable primary food production opportunities and conservation of key island native vegetation.



1.2 Preparation of the Planning Proposal

The Planning Proposal has been prepared in accordance with:

- Section (Part) 3.3 of the *Environmental Planning and Assessment Act, 1979*
- Relevant Section 9.1 Directions by the Minister NSW Planning and Environment Guidelines, “A guide to preparing local environmental plans”

The Planning Proposal contains the following information:

- A description of the issues and the proposed response
- A statement of the objectives or proposed outcomes of each amendment
- An explanation of the provisions that are to be included in the proposed instrument
- The justification for those provisions

2.0 Explanation of Provisions

2.1 LEP 2010 Review Discussion Paper, 2016 and Community Feedback Summary Paper

In April 2016 the Board released for public consideration a Discussion Paper which considered studies, reviews and practical findings from implementation of the LHI LEP 2010, and which proposed a number of potential amendments to the LEP 2010 in response. The Discussion Paper and associated community engagement process in 2016 sought feedback from the island community to inform the development of a Planning Proposal.

The Discussion Paper identified a two stage LEP review process, where anomalies and amendments where information is already available and so can be made quickly might proceed ahead of a more thorough review of the structure and controls in the LHI LEP 2010.

A copy of the Consultation Outcomes Summary Report from this review and discussion paper is included as Appendix E.

The following section provides a summary of the key policy relevant to this Planning Proposal.

2.2 Review of Land Allocation Policy, The Hon. Ken Handley AO QC, February 2015

The Hon. Ken Handley AO QC, was engaged by the NSW Department of Premier and Cabinet to undertake a Review of Lord Howe Island's Land Allocation Policy, which findings were reported in February 2015. The primary purpose of the Review was to explore options for reform of the land allocation and tenure system on the Island, which would maintain and protect the unique environmental and cultural values of the Island and provide advice to the Minister for the Environment.

The particular terms of reference identified four key areas for consideration:

1. Forms of tenure – current arrangements, including existing policies and legislative frameworks
2. Land allocation methods
3. Strategies to increase land and housing supply
4. Economic sustainability

In undertaking the Review, Handley consulted with key stakeholders and LHI residents in order to identify risks and challenges with the current arrangements and to seek feedback on future options.

Amongst a number of key matters, Handley recommended that:

- Option 3: Permissive occupancies used for business purposes (such as the three boatsheds near the intersection of Neds Beach Road and Lagoon Road), be granted for fixed terms of 5 years to give the occupiers additional security of tenure and to encourage investment in those businesses.
- Option 7: The class of persons who can be proposed for a dual occupancy should be widened.

Please refer to Appendix A for additional details.

2.3 LHIB Preliminary Report into Housing Availability, Affordability on Lord Howe Island, 2016

The LHIB Administration prepared a preliminary report titled 'Housing Availability, Affordability and Associated Development Pressures on Lord Howe Island' which outlined the legislative and policy framework in place on the island, housing supply and demand and options to moderate price increases on the island. The Report was compiled in 2016 for consideration at the June 2016 LHIB Meeting.

The issues of housing availability, affordability and associated development pressures on Lord Howe Island are complex. It was concluded by the Administration that it was not possible to adequately address these issues and provide meaningful recommendations in the timeframe given. It was recommended that the preliminary report be used as a basis of a brief for a qualified person to independently assess these issues and make recommendations about the way forward.

2.4 LHIB Final Response to Handley Report, November 2017

The LHIB Administration in November 2017 finalised a response to the Handley Review, which has relevance to the subject Stage I Planning Proposal. A copy of this response is included at Appendix B.

The following key responses were made to the Handley Review, which are relevant to the subject Planning Proposal:

- It is agreed that the dual occupancy restriction in the LHI LEP 2010, which prevents occupation of dual occupancies by non-family members, places an unreasonable restriction on the island community and unnecessarily constrains available housing stock on the island.)

A removal of the current dual occupancy restriction to family members is therefore being pursued as part of this Stage I Planning Proposal.

2.5 Lord Howe Island Vegetation Rehabilitation Plan 2003

The Lord Howe Island Board (the Board) has a statutory responsibility to manage the native vegetation of the Island to conserve and enhance the World Heritage values. Lord Howe Island Vegetation Rehabilitation Plan 2002-2007 was adopted in 2003 by the LHIB. The 2003 Rehabilitation Plan states that:

“The Board have been responsible for undertaking revegetation projects over the past 15 years. The coastal foreshore was one of the first areas targeted. The restoration of Shearwater nesting areas at the Big Muttonbird Ground area is one of the most successful projects in the past 5 years.

This plan will provide a strategic direction for the future to ensure both Board resources and external grant funds are allocated to the highest priority projects.”

This 2003 Plan has not yet been formally replaced by any later iterations and reviews, however the LEP needs to include scope for formal amendment over time. An amendment to the LEP is therefore being proposed to remove reference to the date of the Vegetation Rehabilitation Plan or alternatively permit amendments over time.

The plan covers Lord Howe Island & Blackburn Island. The other off-shore Islands have not been included in this plan as there has been no evidence of clearing of native vegetation during the post settlement of Lord Howe Island. The impact that weeds may cause on the native vegetation associations (predominately native grassland) on these Islands has been addressed in the Lord Howe Island Board Weed Management Strategic Plan 2002 with a high priority recommendation being to “monitor offshore Islands for new weed incursions”. Due to the nature of the bushland clearing on the Island, this plan focuses on land zoned: foreshore protection, environment protection, Permanent Park Preserve and special lease.

Background information, including the relevant maps on the significance of vegetation communities in the settlement area has been addressed in association with the DRAFT report by John Hunter (NPWS) titled “Vegetation and habitat of significance within the settlement area of Lord Howe island – A report to the Lord Howe Island Board May 2002”. The Hunter report has been prepared for the review of the Lord Howe Island Regional Environment Plan. Part of the Hunter report provides long term recommendations in terms of future zoning of cleared areas (predominantly Special Leases).

While this plan is designed to be read in context of the Hunter report, utilising the relevant background information pertaining to priority vegetation associations under threat in the settlement, its primary aim is to provide practical recommendations for Board rehabilitation projects for the next 5 years (2002-2007).

This plan is also designed to be intrinsically linked to the Lord Howe Island Board Weed Management Strategic Plan (2002). The Weed Strategy focuses on weeds as the main cause of degradation of core (or intact) bushland areas. This plan focuses on restoring or reconstructing vegetation associations where the main cause of degradation is land clearing.

The method of weed control in rehabilitation sites generally commences as a target weeding approach (predominantly Kikuyu grass). The rehabilitation projects recommended in this plan generally do not address the type of difficult weed management issues faced in the Weed Strategy such as developing priorities within complex weed communities.

A copy of this Plan is included at Appendix E.

2.6 LHI Regional Environmental Study 1985

The LHI Regional Environmental Study was undertaken in 1985 to inform then strategic planning work and the adoption of a Regional Environmental Plan for the island, consistent with the Environmental Planning and Assessment Act 1979. This study was the most comprehensive strategic town planning document that has been prepared to date in respect of Lord Howe Island. The study comprised a number of key focus areas, including heritage, vegetation and landscape.

Relevant to this subject Stage 1 Planning Proposal it has been noted that:

- The island now has a reduced amount of Rural zoned land – this is apparent when comparing the current Zone 1 – Rural land with the 1986 historic zoning map.
- The lagoon foreshore was previously zoned Recreation 3 (c). This Planning Proposal is now seeking to add Recreation back as a permissible use within foreshore areas, as has historically been the case and as reflected in current continuing recreation based land uses in this foreshore area.

Some of the mapping in this early town planning study was not entirely accurate or has not remained accurate overtime. Digital aerial imagery of LHI at 10-cm resolution was subsequently captured using Airborne Digital Sensor (ADS40 Digital Image Acquisition System, Leica Geosystems), and became available in January 2012.

Subsequent studies since this date have been able to access these higher resolution aerial images.

A subsequent Stage 2 LEP amendment may wish to incorporate further aerial studies and a comprehensive review of the LEP and historical provisions.

2.7 Royal Haskoning Coastal Processes Study 1994 and LHI Coastline Hazard Definition and Coastal Management Study 2014

Whilst it is not proposed to amend a foreshore building line or add significant new coastal management provisions, this study confirmed the LHI's exposure to significant ongoing coastal processes and as such it is considered sensible to clarify that the existing definition of 'Environment Protection Works' should include coastal protection work including beach nourishment and the like, which may be required from time to time to manage coastal processes.

2.8 Lord Howe Island Heritage Study 2012

Whilst additional specific heritage items are not proposed to be added to the LEP as part of this Stage 1 review, it is proposed to add a clause requiring consideration of the potential impacts of a development in the vicinity of a heritage item.

This 2012 Community Heritage Study contains a detailed investigation into both the cultural and physical heritage of the island and includes substantial historical background to the development of the island.

2.9 Lord Howe Island Act 1953

Lord Howe Island has its own Act of NSW Parliament. The Lord Howe Island Act 1953 established the LHI Board and set out the wide ranging powers, authorities, duties and functions of the Board.

The Lord Howard Island Act 1953 replaced the earlier appointed Board of Control and reserved all land on the island as the property of the Crown. On the recommendation of the Board, the Secretary of Lands provided direct descendants of those who had held permissive occupancies on LHI since 1913 with perpetual leases on blocks up to 5 acres, and short-term special leases were granted for pastoral and agricultural use. These could be fixed for a period not exceeding ten years, but could be extended on the recommendation of the Board.

The LHI's 2012 Community Heritage study states that:

“Perpetual leases came with conditions which prevented one person holding more than one lease and requiring the leaseholder to be a permanent resident of the Island. A leaseholder could only transfer his lease to a direct descendant on his death through the provision of a will or he could transfer it to outside interests through sale, but only if no islander expressed interest in it. This second clause was the cause of some friction in the community when properties were sold to mainlanders and created division between islanders and non-islanders. Eventually, legislation was enacted in an attempt to maintain the fragile balance between land tenure, the natural environment and the bureaucracy with the passing of the Lord Howe Island Amendment Act 1981. The Act now recognised all settlers who had resided on the island for a period of ten years, which failed to please the descendants of first settlers or those whose career and family situations required extended absences away from the island.

A further amendment to the Act in 2004 authorised the Board to regulate annual rental of perpetual and special leases every three years, subject to advice from the Valuer-General's Office and according to its financial position."

2.10 Lord Howe Island Regional Environmental Plan 1986 and 2005

Together with the 2005 amendments to the Regional Environmental Plan (REP) 1986, the REP was the key statutory planning instrument adopted for LHI and which controlled development within the settlement area, particularly around the central area of the island. The REP was prepared in accordance with the then requirements of the NSW Environmental Planning and Assessment Act 1979. The REP was then subsequently replaced by the Lord Howe Island Local Environmental Plan 2010.

Relevant to this Planning Proposal, it is evident that the 1986 and 2005 REP permitted boatsheds, clubs and recreation areas on LHI within the foreshore area. Clause 14 of the REP 2005 contained the following Recreation zone objectives:

Clause 14 Zone 6 Recreation

(1) The objectives of Zone 6 Recreation are as follows:

- (a) to set aside land for open space,*
- (b) to provide opportunities for the passive and active enjoyment of open space areas,*
- (c) to provide utility services that are essential to the community's needs in a manner that is in sympathy with the World Heritage values of the natural environment of the Island.*

(2) Except as otherwise provided by this plan, development for the purposes of vegetation restoration may be carried out on land within Zone 6 Recreation without the consent of the consent authority.

*(3) Except as otherwise provided by this plan, demolition and **development for the purposes of any of the following may be carried out on land within Zone 6 Recreation only with the consent of the consent authority:***

- (a) boatsheds,**
- (b) clubs,**
- (c) public utility installations,*
- (d) public utility undertakings,*
- (e) recreation areas,**
- (f) roads,*
- (g) telecommunications facilities.*

(4) Except as otherwise provided by this plan, development is prohibited on land within Zone 6 Recreation unless it may be carried out under subclause (2) or (3).

This Planning Proposal's LEP amendment to permit recreation uses within the foreshore is therefore consistent with historical land use activity within the foreshore area. Issues have been identified in respect of more recent development applications for the LHI Golf Club and Aquatic Club, various Boatsheds and the existing children's playground, all of which are now located within Zone 7 – Environment Protection.

2.11 Lord Howe Island Local Environmental Plan 2010

LHI is a unique world heritage listed island. Non-Standard Planning controls have been carefully crafted to ensure retention of native vegetation, landscape quality and the dispersed pattern of settlement, including commercial uses. The LHI LEP 2010 does not follow the NSW Government's Standard LEP Template and it also contains an unusual and specific provision at Clause 8 (2) regarding application of State Environmental Planning Policies (SEPP's) to LHI:

“(2) A state environment planning policy (other than SEPP (Building Sustainability Index: BASIX 2004) made before this Plan takes effect does not apply to the land to which this Plan applies.”

The current LEP goes on to provide at Clause 8 (3) and (4) that:

“(3) A State environmental planning policy made after this Plan takes effect does not apply to the land to which this Plan applies unless the policy expressly provides otherwise.

(4) To avoid doubt, [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) does not apply to the land to which this Plan applies.”

In particular it is noted that the Coastal Management SEPP 2018 and the Exempt and Complying Codes SEPP 2008 do not apply to LHI.

The LEP contains a list of exempt provisions at Schedule 1, some of which are specifically addressed in this Planning Proposal, covering such works as advertisements, internal and external building works, bird aviaries, cabanas, ramps, satellite dishes, shade structures.

The land use zones adopted for the island under the LHI LEP 2010 are:

- Zone 1 Rural—coloured light brown and edged in black
- Zone 2 Settlement—coloured pink and edged in black
- Zone 5 Special Uses—coloured yellow and edged in black
- Zone 6 Recreation—coloured light green and edged in black
- Zone 7 Environment Protection—coloured orange and edged in black
- Zone 8 Permanent Park Preserve—coloured dark green and edged in black
- Zone 9 Marine Park—coloured light blue and edged in black

A zone extract of the LEP map is included on the following pages.

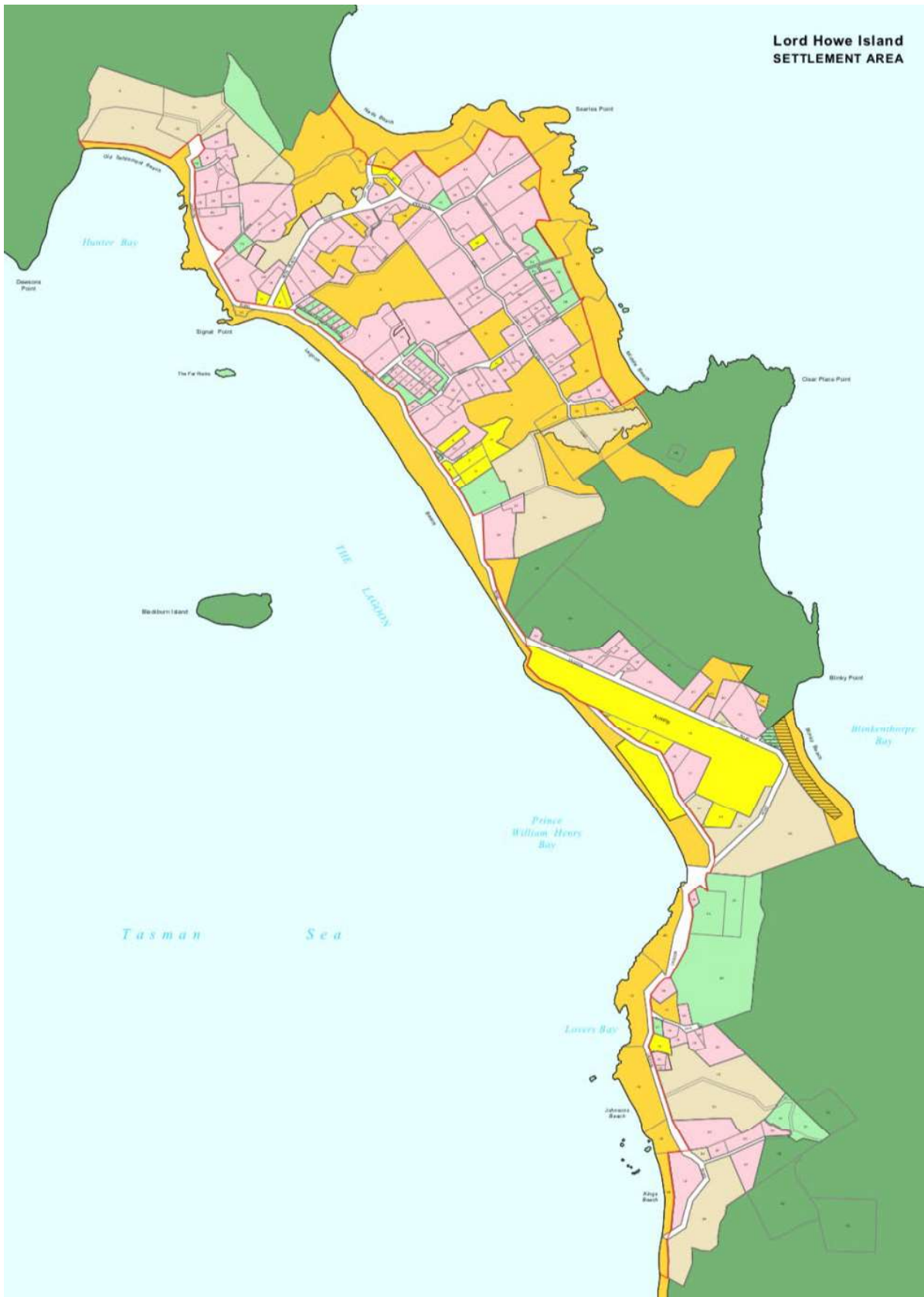
The density and landscaped character of development on LHI is predominantly controlled by Clause 22 of the LEP, which provides that any existing or proposed buildings related to tourist accommodation, staff accommodation and commercial premises on an allotment is not to exceed 15% of the balance of the area of

the allotment remaining after the minimum dwelling area is deducted from the total area of the allotment. Minimum dwelling area is 3,000 m² for a proposed or existing dwelling, or 2,500m² per dwelling in the case of a dual occupancy or multiple dwellings (refer Clause 20 for definitions).

Clause 26 of the LHI LEP 2010 contains an upper limit on the number of new dwellings that can be approved for LHI up to the 28th October 2025, being a total of 25 new dwellings. A dwellings allocation policy has traditionally been relied on by the LHIB to allocate new dwellings to interested parties.

Regarding the number of new dwellings limit in the LEP, the LHI 2012 Community Based Heritage Study noted that: *“In an effort to overcome the problem of insufficient land for the numbers of eligible residents, the Board has struggled for a compromise despite the constraints imposed by planning instruments, the environmental protection of the island and the sustainability of the fragile ecosystem in response to increased pressure on resources. There are currently (in 2012) around 122 leases on Lord Howe Island, of which 83 are occupied by those with lineal descent, 25 by other islanders and non-islanders resident less than 10 years and 14 homes occupied by Government employees. . .the Board created sufficient land to create 25 new leases. These are to be offered through a ballot process up to the year 2025 but there is no guarantee of a successful outcome for the children of leaseholders. To this day, the machinations of land tenure on Lord Howe Island continue to divide the community.”*

Sheet 3 of the LEP map, being the significant native vegetation map, is another critical town planning control for the island, see map over page. It is prohibited to remove any mapped significant native vegetation on LHI.



Lord Howe Island LEP 2010 Sheet 2 Existing Zoning Plan Extract



Lord Howe Island LEP 2010 Sheet 3 Existing Significant Vegetation Map Extract

Schedule 2 of the LEP contains the current list of heritage items.

Clauses 38, 39 and 40 of the LEP contain the key current heritage provisions related to listed heritage items.

The LHIB is not proposing to add to the current list of identified heritage items in this Stage 1 LEP Review. The items recommended in the 2012 Heritage Study will be considered for inclusion in the Stage 2 Comprehensive LEP Review.

2.12 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 for certain development applications on LHI.

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 (being for listed heritage items).

Referral of applications involving heritage items is therefore required to the NSW Heritage Division.

2.13 Environmental Planning & Assessment Act 1979

The Lord Howe Island Board (LHIB), in accordance with Section 3.32 of the Environmental Planning and Assessment Act 1979, is considered to be the 'planning proposal authority' in respect of the proposed revised planning instrument.

The proposed instrument (LEP) is to apply to an area that is not within a local government area.

3.0 The Planning Proposal

Various relatively minor amendments to the existing provisions of the LHI LEP 2010 are proposed, being:

ISSUE No.	Description
1.	Deletion of the current dual occupancy restriction related to occupation by family members
2.	Modification of the reference to the LHI Vegetation Rehabilitation Plan to enable consideration of future plan revisions
3.	Add a new clause requiring consideration of impacts of development that is in the vicinity of a heritage item
4.	Make amendments related to definitions and associated LEP zoning provisions
5.	Amend the exempt development provisions for roof mounted solar energy systems and fowl and poultry houses
6.	Add Recreation Area and Boatsheds as permissible uses in the Zone 7 – Environment Protection and associated LEP references and boatshed definition modification
7.	Site 1 - rezoning amendment and associated map change
8.	Site 2 - rezoning amendment and associated map change
9.	Site 3 - rezoning amendment and associated map change
10.	Site 4 - rezoning amendment and associated map change
11.	Site 5 - rezoning amendment and associated map change
12.	Site 6 - rezoning amendment and associated map change
13.	Site 7 - rezoning amendment and associated map change
14.	Site 8 – Add Schedule 4 – additional permitted use and associated map change

Each of the above 14 planning issues are addressed in turn in Sections 3.1 to Section 3.14 following.

The aerial map following shows the location of the 8 proposed site specific amendments.

This Planning Proposal identifies eight (8) sites to be rezoned as above. The sites are identified below.



Above: Map showing the location of the 8 proposed rezoning sites on the island

3.1 Issue 1 - Occupancy of dual occupancy dwellings by non-family members

Clause 24(1)(c) of LEP 2010 requires that a new dual occupancy dwelling is occupied by the “*children, siblings, parents, grandparents or grandchildren of those proposing to reside in the existing dwelling*”. It is proposed that the existing clause 24(1)(c) be deleted from LEP 2010.

The removal of this restriction is consistent with the Handley Review recommendations and will increase housing opportunities on the island. Under this Planning Proposal both existing and any new approved dual occupancies could become dwellings for any Islanders, children or relatives of Islanders, or others at the discretion of the property owner.

The removal of the occupancy control in the LEP 2010 is a clear recommendation of the Handley LHI Review, which findings were released in 2015 and which is has also been actively supported by the LHIB. The Handley Review is discussed in more detail at Section 2 (Part 2.1.2) of this Planning Proposal.

Both the LHIB and Islanders are committed to implementing key agreed recommendations from the Handley Review and removal of the current LEP restriction for dual occupancies is one of these agreed improvements.

3.2 Issue 2 - Vegetation Restoration – Clause 31

Clause 31 of LEP 2010 requires vegetation restoration to be carried out in accordance with the Lord Howe Island Board Vegetation Rehabilitation Plan, as adopted by the Board in March 2003.

The Board is currently reviewing this document and it is proposed to remove reference to the March 2003 date.

This amendment will ensure that the Board does not need to update the LEP every time it reviews its Vegetation Rehabilitation Plan.

3.3 Issue 3 – Development in vicinity of a Heritage Item

Currently Division 3 (Clauses 39 - 40) of LEP 2010 provides controls for development, including subdivision, on the land which contains a heritage item. However, the impact of development on a heritage item is not a formal matter for consideration.

A new clause under Division 3 of the Lord Howe Island LEP 2010 is proposed to be introduced to:

- *Require the consent authority to consider the impact of a proposed development on any heritage items in the vicinity of the proposed development.*
- *The provision does not need to specify the extent of “vicinity”.*

The provision should not require a Heritage Management document as this is considered to be too onerous for the Island Community.

A complimentary DCP provision is not required.

The LHI Board commissioned a comprehensive Community based Heritage Study by Musescape Pty Ltd in 2012 which will continue to inform assessment of heritage items. Additionally, conservation management plans have been prepared for key heritage items such as the Lagoon Boatsheds and which will also continue to inform heritage assessment and decision making on the Island.

Delegation from the Minister/Heritage Office are in place and this proposed amendment will not impact on those delegations.

3.4 Issue 4 – Add or Amend Dictionary Definition of Terms

The following amendments and additions to existing definitions are proposed for the LEP 2010:

- **Part A. Amend Definitions**

Home Business to permit a maximum 2 employees and to insert a new provision (d), being:

Under Dictionary - **Home Business**

(d) the home business does not interfere with local amenity or environmental quality.

The proposed additional provision (d) above is desired to protect the island from home businesses that may otherwise erode local amenity or environmental quality.

Environment Protection Works specifically include reference to Coastal Protection Works, including beach nourishment, by:

- Add 'Coastal Protection works undertaken by the Board' to Clause 10(1) as a form of development that does not require consent.
- Amend the Clause 10(3) definition of Part C to add the Coastal Management Act 2016 definition of coastal protection works being:

coastal protection works means:

- (a) beach nourishment activities or works, and
- (b) activities or works to reduce the impact of coastal hazards on land adjacent to tidal waters, including (but not limited to) seawalls, revetments and groynes.

Under the current Clause 10(3) **environmental protection works** are defined as any works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes vegetation restoration work, wetland protection works, erosion protection works, dune protection works and the like.

- **Part B. Insert two new Dictionary Definitions, being:**

Under Dictionary – Centre Based Child Care Facility

Adopting the Standard Instrument LEP definition.

centre-based child care facility means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),

Note. An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) is provided. but does not include:

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Under Dictionary – Home Based Child Care Centre

Adopting the Standard Instrument LEP definition.

Home Based Child Care Centre

Means:

- (a) a family day care residence (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or

Note. A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the [Children \(Education and Care Services\) National Law \(NSW\)](#).

- (b) a dwelling used for the purposes of a home based education and care service (within the meaning of the [Children \(Education and Care Services\) Supplementary Provisions Act 2011](#)), at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of

whom are children who do not ordinarily attend school.

- **Part C. Child Care Centres.**
 - i. Permit Centre Based Child Care Centre in Zone 5 – Special Uses by amendment of Clause 15 (3), by adding new use (p) Centre Based Child Care Facility

It is appropriate that centre based child care facilities be permitted with consent in Zone 5 Special uses. Zone 5 is a closed zone. Other permissible land uses are similar to child care centres.

The reasons for the above amendments are:

- To increase to 2, the number of staff able to be employed in association with a Home business, whilst protecting residential amenity and environmental quality.
- Ensure all kinds of coastal protection works can reasonably be undertaken pursuant to Clause 10(3) of the LHI LEP 2010 and to permit the LHIB to undertake coastal protection works as exempt development.
- Provide new provisions related to both Home Based and Centre Based Child Care.

3.5 Issue 5 – Add 2 Additional Exempt Development Items

Schedule 1 of the LHI LEP 2010 identifies Exempt Development.

Through assessment of various development applications the Board has identified the following additional types of development which it considers is appropriate to include as Exempt Development:

- Roof mounted solar energy systems
- Foul and poultry houses

Roof mounted solar energy systems

The Board has adopted a target that 80 percent of the Island's power is to come from renewable sources (solar and wind) by 2019. As well as demonstrating in a practical way the Island's commitment to protecting the environment, achieving this target will significantly reduce the island's reliance on diesel fuel for power. It is anticipated that including solar energy systems as exempt development will promote the uptake of energy efficient systems.

It is desired to allow solar energy systems that form part of the LHIB's 'Renewable Energy Road Map' to be listed as exempt development under Schedule 1 of the LEP. Any exemption for such systems will need to ensure the proposed systems do not result in adverse visual impacts on the island's high quality landscape and visual amenity and are consistent with the island's technical requirements for solar systems.

No roof mounted solar energy system should be allowed to project at any point past the edge of any roof it is mounted on neither should roof mounted solar systems be permitted to change the vertical pitch of the roof, by more than 0.5m above the existing roof, as measured from the point of the attachment.

Additionally, exempt roof mounted solar energy systems are not to be permitted on any Schedule 2 listed heritage item.

Under SEPP (Infrastructure) 2007, which does not apply to Lord Howe Island, roof mounted solar energy systems are exempt from development approval, being listed in Part 3, Division 4, Clause 39 (3) of the SEPP of that instrument.

It is proposed to use permit roof mounted solar energy systems as exempt development, as defined in the SEPP, but with the exceptions of Part 3, Division 4, Clause 39 (3) (a) (e), (f) (ii), (f) ((iii) A, part (f) ((iii) B, (f)(iv) and (f)(v). The reasons for not adopting some of the SEPP provisions are that no roof overhang/protrusions are considered appropriate on Lord Howe Island, due to world heritage listing and to maintain the overall aesthetic and environmental quality of the island's built form.

Fowl and Poultry Houses

Whilst “bird aviary” is included as exempt development in Schedule 1 of LEP 2010, it is not clear that this includes chicken or poultry pens.

“Fowl and poultry houses” are included as an exempt development in SEPP (Exempt and Complying Development Codes) 2008 which does not apply to Lord Howe Island.

It is proposed to add the separate term “Fowl and poultry houses” to the Schedule 1 Exempt Development list.

LHIB approval is required to bring (import) poultry and birds to LHI under clause 62 (2) of the *Lord Howe Island Regulation 2014* (LHI Regulation). The LHIB has an Avian Importation Policy 2011 that must be complied with as a separate matter to the provisions of the LEP 2010.

The LHIB’s policy requirements for poultry include:

- Approval to import and keep poultry on LHI will be subject to the owner of the poultry ensuring that this policy is complied with.
- A failure to comply with the policy will be deemed to be a breach of the conditions of the approval to import and keep poultry and may, at the discretion of the LHIB, result in approval to keep poultry on LHI being withdrawn.
- Only day old chicks and fertile eggs purchased from (NSW Department of Primary Industry) certified disease free properties will be approved for importation to LHI.
- Under clause 65 of the LHI Regulation a person who is granted approval to import poultry to LHI must not keep any poultry that the person owns other than on the land that the person lawfully occupies under the *Lord Howe Island Act 1953* (LHI Act 1953).
- Where approval is granted to import poultry to LHI the importer, under Section 65 (b) of the LHI Regulation must not permit any such poultry to stray from the land the person lawfully occupies under the LHI Act 1953.
- Poultry must be of a species approved by the LHIB. The following breeds have an on-going approval for importation: a) Chicken b) Turkey
- Poultry must be securely penned. Turkeys must be penned at all times with no free-ranging permitted.

Given the LHIB’s strict control over the number of poultry on the island through the LHI Regulation and their Avian Policy, it is not considered necessary to restrict the number of poultry as part of an exempt provision.

It is however considered sensible to adopt the same restrictions on Fowl and Poultry houses as bird aviaries, being:

- (a) Must be erected on land within Zone 1 Rural or Zone 2 Settlement.
- (b) Maximum area of 10 square metres.
- (c) Maximum height of 2.4 metres.
- (d) Must not be erected in any location visible at street level.
- (e) No more than one of each per allotment.
- (f) No internal plumbing.
- (g) Roof water must be disposed of without causing nuisance to adjoining premises.
- (h) Must not be used for dwelling or for commercial premises.

3.6 Issue 6 – Add Recreation Area and Boatsheds as a Permissible Use under Clause 17(3) and Modify the definition of Boatshed to include community and private uses

It is proposed to insert Recreation Area and Boatsheds as new uses permitted only with consent under Clause 17(3) in the Environment Protection zone, to better reflect both existing and desired future recreation and water based land uses and activities.

(3) (i) Recreation Area

(3) (j) Boatsheds

It is also proposed to modify the definition of Boatshed under the LHI LEP 2010 to include community and private uses, to reflect the existing range of boatshed uses on the island. The current definition of boatshed is:

boatshed means a building or place used for marine-based commercial uses and the maintenance and storage of boats and related materials, but that is not intended for, nor capable of, habitation.

Zone 7 – Environment Protection extends along the Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, being the lagoon foreshore. The island's western side foreshore Environmental Protection zoned land includes part of a golf course, a children's playground and public toilets, a community aquatic club boatshed, which has been granted a permissive occupancy by the LHIB, as well as heritage listed boatsheds along the lagoon foreshore spread between the aquatic club and the foreshore immediately adjacent to the intersection of Neds Beach Rd and Lagoon Rd.

LHI's group of functional boatsheds within the Lagoon Foreshore demonstrates the historic and current reliance of Lord Howe Islanders on water transport and water based commercial and non-commercial land uses. This significance is recognised by the heritage listing of the current boatsheds that are spread along the western side Lagoon foreshore off Lagoon Road. There is also a non-heritage listed shed housing snorkelling gear for hire via an honesty box system on the eastern side of the island at Neds Beach, at the eastern end of Neds Beach Road. And a community based Aquatic Club boatshed on the Lagoon side foreshore.

A number of these boatsheds collectively have an ongoing functional tourist/commercial marine based tourism use and enable islanders to offer activities to tourists such as boat tours, fishing charters, snorkelling and diving expeditions. Other existing boat sheds are of personal value for non-commercial uses to islander families and/or for communal uses. These boatsheds are technically a non-conforming land use in the Environmental Protection zone, since the rezoning of the foreshore of the island from Recreation to Environmental Protection.

LHI's foreshore based Environmental Protection Zone has historically been used for various recreation purposes, both commercially, on a communal basis and privately. It is proposed to add recreation area and boatsheds as additional permitted uses within Zone 7 of the LHI LEP 2010 to address the issue of current non-conforming uses within these areas, for example, the existing Playground fronting Lagoon Road, and that part of the Golf Course positioned on the western side of Lagoon Road.

Adding these uses is preferred over the alternative of pursuing a rezoning of the entire lagoon foreshore to Zone 6 - Recreation and has the additional benefit of not permitting other uses within a Recreation zone that may not be suitable within the foreshore areas.

Modifying the definition of boatshed to include community based and private use will also resolve existing non-conforming uses with the current boatshed definition., which only contemplates commercial marine based uses.

Any new recreation areas and boatsheds will require LHIB consent and assessment of the relevant issues prior to determination. The proposed amendments will also ensure that any new proposal for development on the foreshore land would be assessed against the 'Environment Protection' zone objectives, which are the more onerous environmental protections.

Section 19 of the Lord Howe Island Act 1953 allows the Minister on the recommendation of the LHIB to reserve or dedicate crown lands in such manner as may seem best for the public interest, for any public purpose. The LHIB has confirmed that the land west of the foreshore building line of the Lagoon Reserve has been previously reserved for recreation purposes pursuant to this clause. This rezoning proposal is consistent with this provision of the LHI Act 1953.

Lord Howe Island has a Foreshore Building Line as an additional foreshore planning control. The Foreshore Building Line runs along the eastern side of Lagoon Road (which is on the western side of the island) from Kings Beach in the southern part of the island up to Old Settlement Beach in the north and also along the eastern side of the island from Middle Beach north to Neds Beach.

Clause 35 (1) of the LHI LEP 2010 prohibits development in the foreshore area, unless the development meets the requirements of Clause 35 of LEP 2010:

- (a) The proposed development is in the public interest and does not significantly reduce public access to the foreshore, and*
- (b) The bulk and scale of the proposed development will not detract from the visual amenity of the foreshore area, and*
- (c) the proposed development addresses any need to restore lost or disturbed plants that are native to the Island, particularly if restoring those plants may enhance visual amenity, and*

- (d) *There is a demonstrated Island community-based, or marine-based, business need for it, and*
- (e) *The proposed development will not be adversely affected by, or adversely affect, coastal processes, and*
- (f) *In the case of proposed development involving the erection of a structure—the purpose of that structure could not practicably be fulfilled by an existing structure, and*
- (g) *In the case of development proposed to be carried out on land that is also within Zone 9 Marine Park—the proposed development is not inconsistent with any advice about the development that is provided to the consent authority by the Marine Parks Authority.*



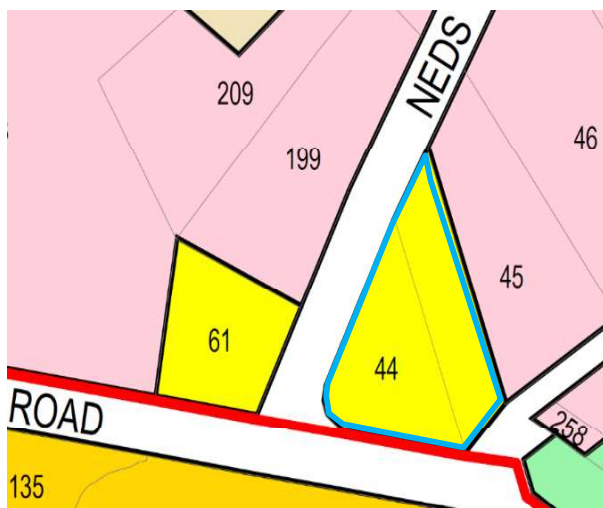
Existing Commercially Used Boatsheds



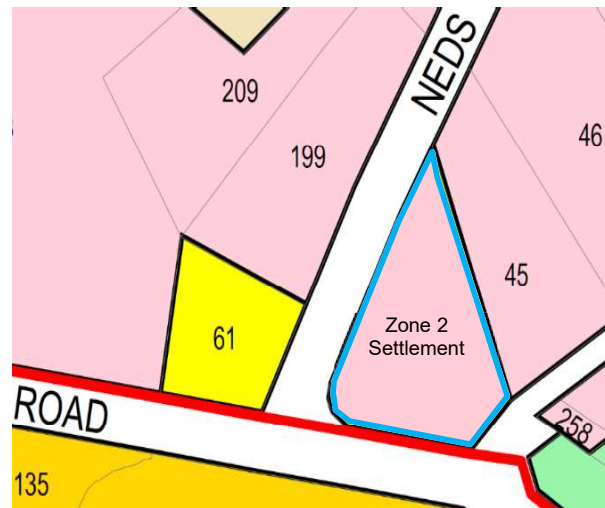
Existing privately used Boatsheds

3.7 Issue 7 - Site 1: Rezone from 5 - Special Uses to 2 -Settlement zone

Property Description	Lot 44 in DP 757515 and Part Ned's Beach Road and Lagoon Road Crown Road Reserve
Site Area	2,240m ² – being Portion 44 excluding the adjacent unformed crown road
Current Use	Commercial uses under lease with the LHIB including LHI Co-operative, Beach Boutique, Post Office, Marine Parks Office and possible other commercial use. Until recently part of the site was also used to generate electricity by way of a diesel generated Powerhouse, in a timber building, now demolished.
Current Zone	5 – Special Uses
Proposed Zone	2 – Settlement
Reason	To reflect current use (not being public utility undertakings) and to provide for the maximum use of the site



Current 5 Special Uses zoning map (site shown outlined in blue)



Proposed 2 Settlement zoning map (site shown outlined in blue)

The Settlement zone on LHI is the primary zone for commercial, retail and residential uses on the island.

Whilst the subject site has in the past been used to accommodate a noisy diesel generated power station, those times are now thankfully past and new opportunities are being pursued for the site, all of which rely on a rezoning to permit commercial and retail uses, including within the powerhouse electrical workshops which have had an adaptive re-use.

In September 2014, the Board adopted a preferred concept plan for the precinct at the intersection of Lagoon Rd and Anderson Rd including the area occupied by the former powerhouse and electrical workshop building.

This involved the demolition and remediation of the powerhouse building, relocation of the transformer, creation of a landscaped open space and the relocation of the Post Office to the former electrical workshop building. This rezoning reflects the outcomes of that planning process and the LHIB's motivation to see this area continue to be developed as an attractive, vibrant community, commercial and retail island hub.

The only other commercial spaces on the island are the LHIB owned commercial premises, for example Thompson Store and Surf Shop, fronting Neds Beach Road, Joys Shop fronting Middle Beach Road, the Top Shop off Muttonbird Drive and the LHIB Liquor Store fronting Bowker Avenue, which is part of the LHIB office administration area.

The proposed reduction in Special Use land is needed in order to facilitate Community and Board expectations for the subject site.

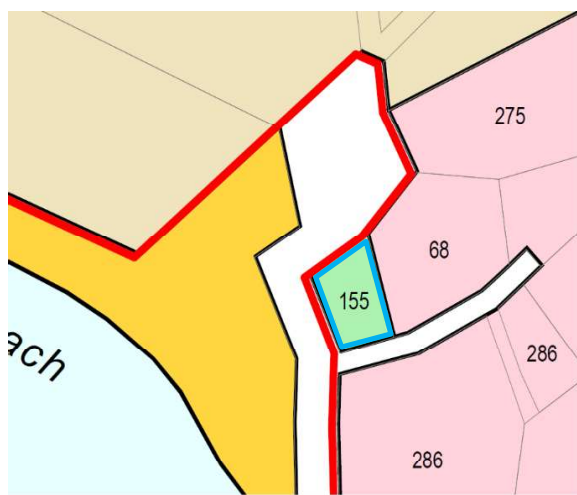
Whilst the proposed recreation component of the site would suit a recreation zoning, a recreation zoning will not suit the other existing and desired uses for the site, which are retail and commercial in nature. ie Australia Post's relocation to the electrical workshop building on site and an adaptive re-use of the existing post office site. Therefore, an overall change to Zone 2 Settlement is preferred.



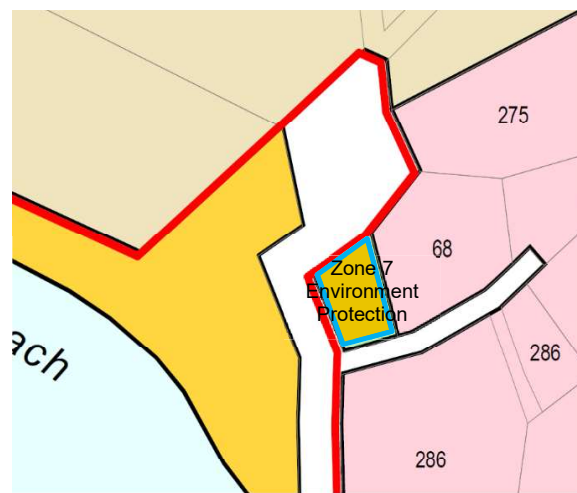
View of LHI Lagoon from vicinity of Lot 44

3.8 Issue 8 - Site 2 - Rezone from 6 – Recreation to 7 – Environment Protection

Property Description	Lot 155 in DP 757515
Site Area	1,125m ²
Current Use	Vacant Crown Land, access for Milky Way Apartments
Current Zone	6 – Recreation
Proposed Zone	7 – Environmental Protection
Reason	To reflect current use



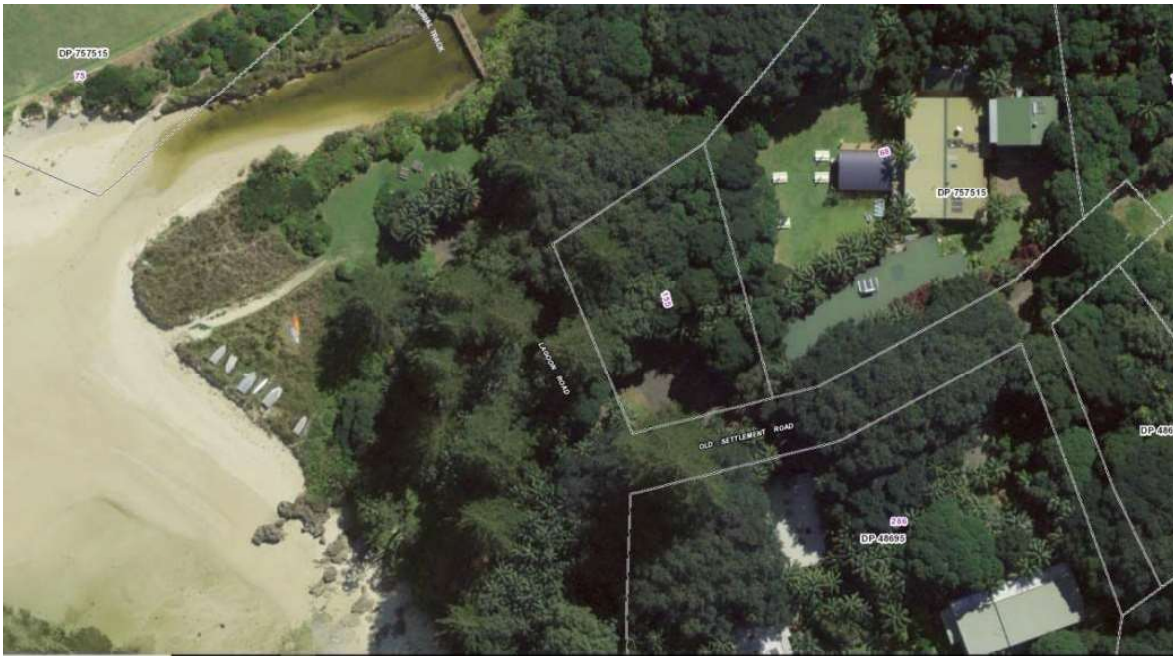
Current 6 Recreation Zoning map
(site shown in blue)



Proposed 7 Environment Protection zoning map
(site shown in blue)

This site contains predominately native vegetation with the exception of a mature Norfolk Island Pine and the existing formed road, which is permitted within the proposed Zone 7 – Environmental Protection.

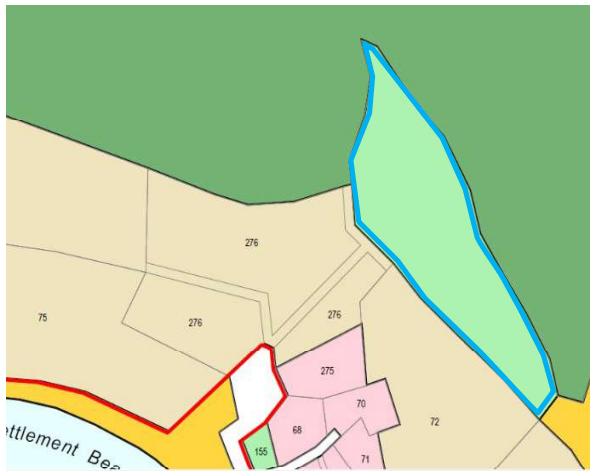
The subject site is not used as recreational land. The site is heavily vegetated and comprises predominantly significant native vegetation apart from the existing formed road. For ease of mapping it is proposed to rezone the whole of lot Zone 7 – Environment Protection, rather than delineate a proposed unzoned portion for the existing road. Roads are permitted within Zone 7.



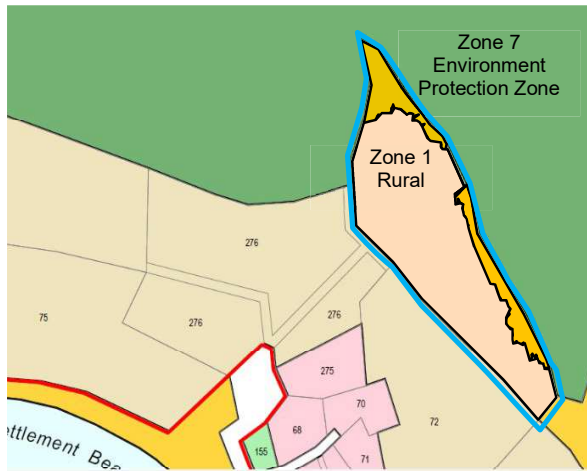
Existing Aerial of site 2

3.9 Issue 9 - Site 3: Rezone from 6 – Recreation to Part 7 – Environment Protection and Part 1 – Rural

Property Description	Part Lot 66 in DP 7575 15
Site Area	6,300m ²
Current Use	Environmental plantings and grazing
Current Zone	6 – Recreation
Proposed Zone	Part Zone 7 – Environment Protection (northern section) & Part Zone 1 - Rural (remainder)
Reason	To reflect current and ongoing uses, consistent with immediately adjoining land



Current 6 Recreation site zoning (site outlined in blue)



Proposed part 7 Environment Protection and 1 Rural zoning map (site shown outlined in blue)

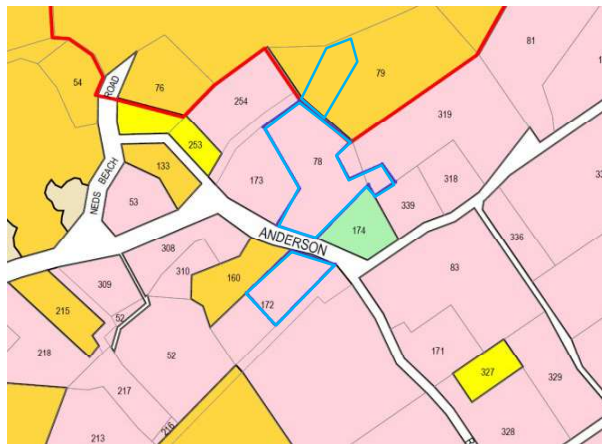
The northern part of the site is identified as a priority site for native revegetation works as it is immediately adjacent to the LHI Permanent Park Preserve and provides core nesting habitat for the threatened sooty tern. The southern part of the site is used for grazing and is valuable as a continuing rural land use.



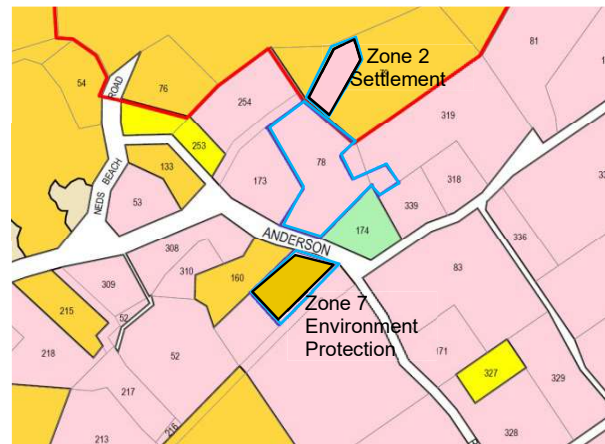
Above: View of subject site, showing forest edge and existing rural grazing land in the central northern section of the island, near Milky Way Apartments

3.10 Issue 10 – Site 4: Owen’s Land Swap

Property Description	Part Lot 10 in DP 1202580 and Part Lot 79 in DP 757515
Site Area	Approximately 3,000m ² (Part Lot 79 in DP 757515) 3,162m ² (Part Lot 10 in DP 1202580)
Current Use	Environmental plantings and garden (Part Lot 79 in DP 757515) and mapped significant native vegetation (Part Lot 10 in DP 1202580)
Current Zone	2 – Settlement (Part Lot 10 in DP 1202580) 7 – Environmental Protection (Part Lot 79 in DP 757515)
Proposed Zone	7 – Environmental Protection (Part Lot 10 in DP 1202580) 2 – Settlement (Part Lot 79 in DP 757515)
Reason	To reflect terms of proposed land swap with Owens, as per Resolution of the LHIB in November 2017 and to conserve high value mapped significant native vegetation



Current 2 Settlement and 7 Environment Protection site zoning (site outlined in blue)



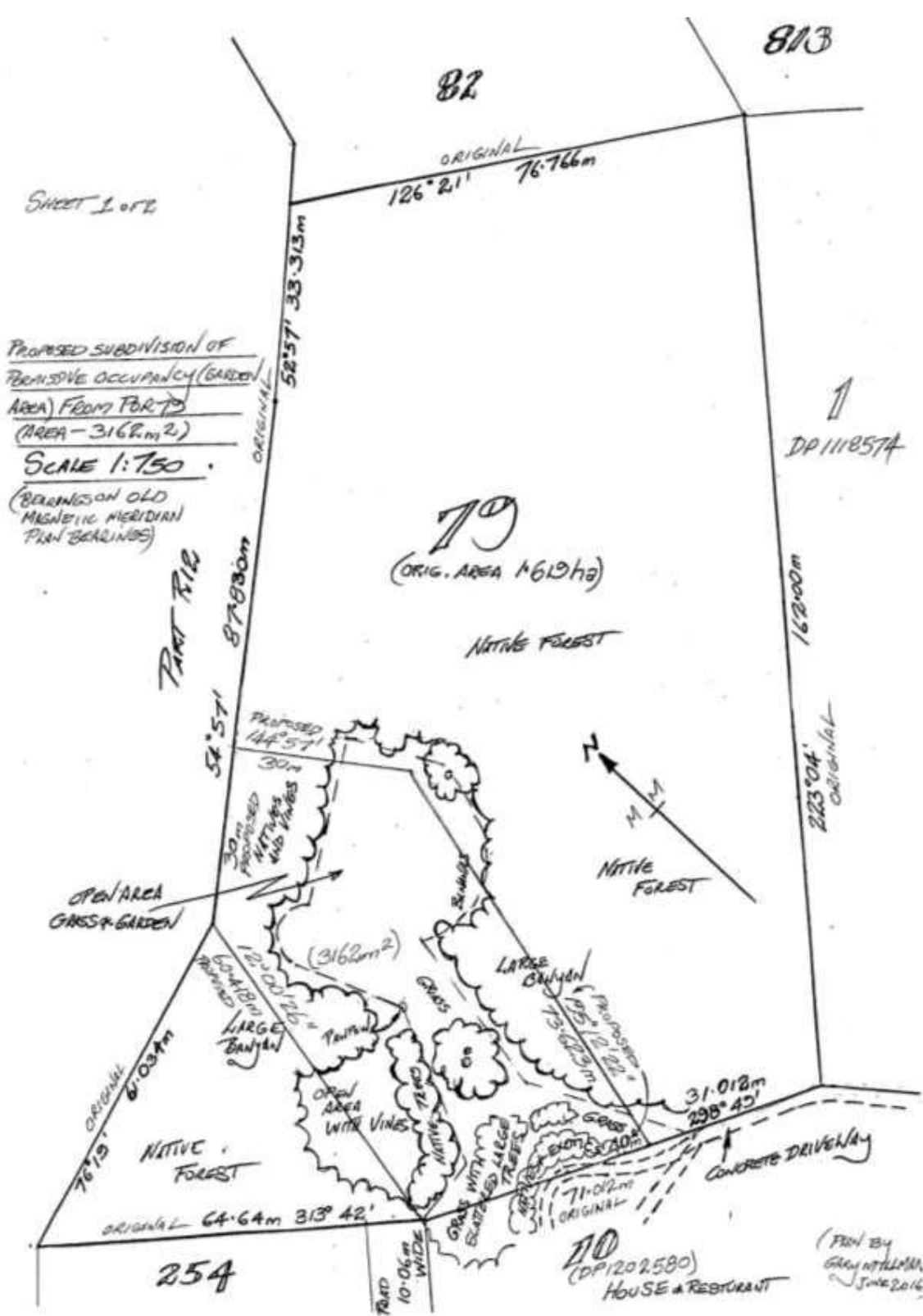
Proposed 2 Settlement and 7 Environment Protection site zoning (site outlined in blue)

At the November 2017 LHIB meeting it was resolved to undertake a land swap with islander Diane Owens to achieve the conservation of a significant parcel of land comprising high quality mapped significant native vegetation.

The proposed rezoning for Site 4 involves two lots, being:

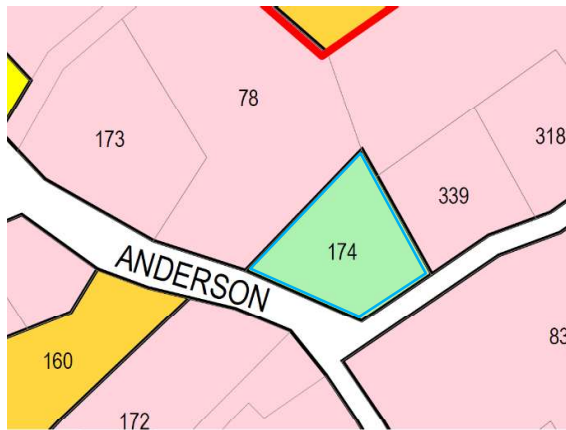
- Lot 1 in DP 1202580, currently zoned Settlement and proposed zone Environment Protection
- Part Lot 79 in DP 757515, currently zoned Environment Protection and proposed zone Settlement

Lot 1 is mapped 100% Significant Native Vegetation (SNV) under the LHI LEP 2010 and is physically separated from the bulk of Mrs Owens’ Perpetual lease by Anderson Road. While the area’s zoning could permit development, environmental constraints preclude any form of building on this lot.

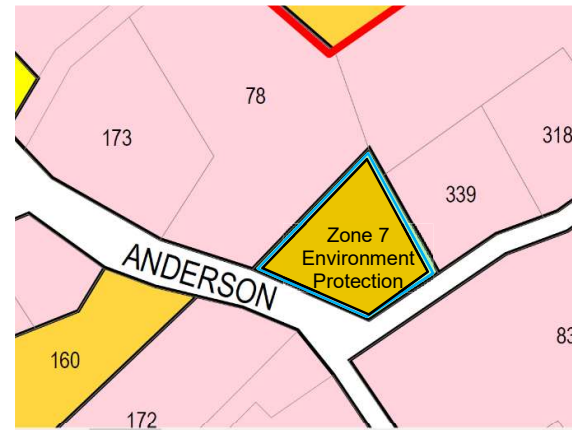


3.11 Issue 11 - Site 5: Rezone from 6 – Recreation to Part 7 – Environment Protection

Property Description	Lot 174 in DP 757515
Site Area	3,457m ²
Current Use	Vacant Crown Land with easement of variable width for access to Lot 10 DPI202580 (Lorhiti Apartments)
Current Zone	6 – Recreation
Proposed Zone	7 – Environmental Protection
Reason	To appropriately protect this important threatened species habitat



Current 6 Recreation zoning
(site outlined in blue)



Proposed 7 Environmental Protection
(site outlined in blue)

The site is identified as core Flesh-footed Shearwater and LHI Placostylus habitat. The entire allotment is mapped as significant native vegetation under the LHI Local Environmental Plan 2010. The entire site is therefore proposed to be zoned Environmental Protection. It is the view of the LHIB that the site has never been used for any recreation purpose.

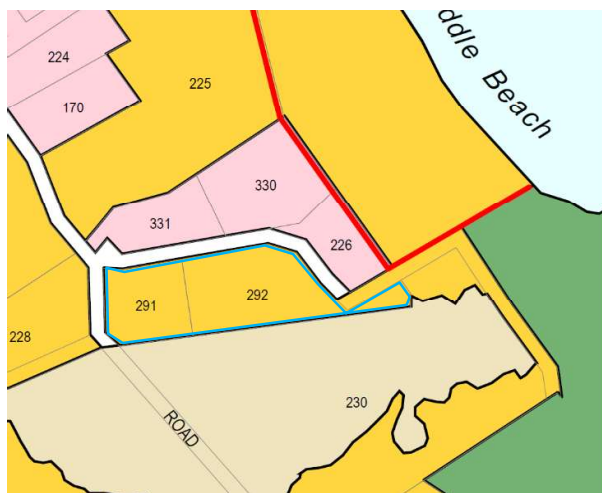
There is a disused road reserve on the site but this is not required for access to the adjacent Lorhiti tourist accommodation. Access to Lorhiti is from the established existing crossover point to Anderson Road.



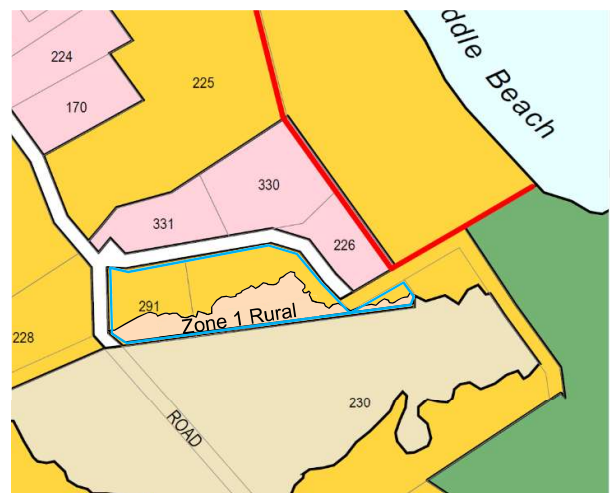
Site context map (site shown in yellow)

3.12 Issue 12 - Site 6: Rezone from 7 - Environment Protection to I – Rural

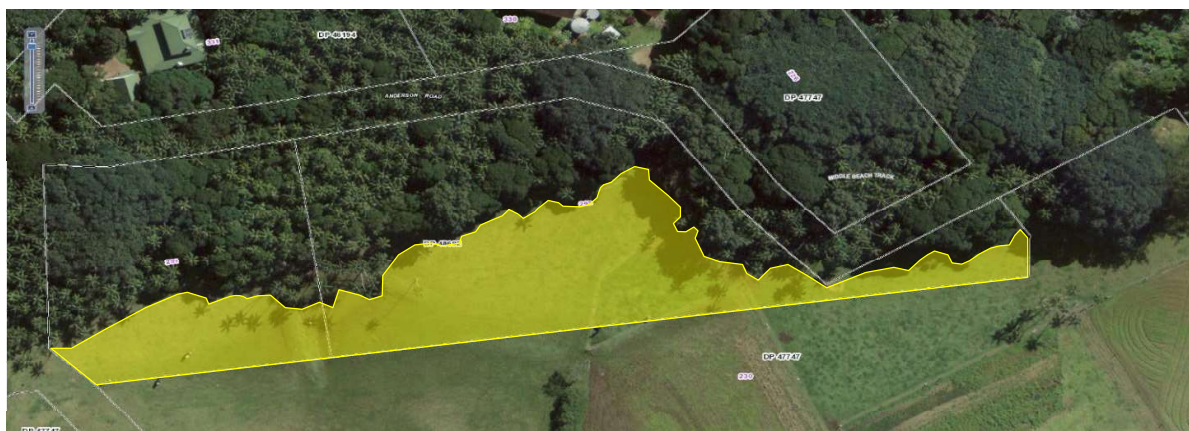
Property Description	Part Lot 291 and Part Lot 292 in DP 48692
Site Area	Approximately 3,300m ²
Current Use	Agriculture including dairy
Current Zone	7 – Environment Protection
Proposed Zone	I – Rural
Reason	To reflect current and existing use



Current 7 Environmental Protection zoning (site outlined in blue)



Proposed I Rural zoning (site outlined in blue)



Detail context map site outlined in yellow

It is proposed to rezone an existing cleared Environmental Protection zoned area to zone I – Rural, to include this area in to the existing adjacent rural zone which reflect the current and historic rural land use. The rezoning of this part of the subject portions involves cleared land only and which does not meet the

3.13 Issue 13 - Site 7: Rezone from 7- Environment Protection to I – Rural

Property Description	Lot 110 in DP 757515
Site Area	4,250m ²
Current Use	Vacant Crown Land
Current Zone	7 – Environment Protection
Proposed Zone	I – Rural
Reason	<ul style="list-style-type: none"> ▪ In January 2008, the Board approved the 2 lot subdivision of Lot 110 to create a Category B allotment and a residue allotment. ▪ Lot 110 was formerly held under special lease for agricultural purposes. The southern part of the residue allotment is cleared and it is not appropriate that this be zoned environmental protection.



Current 7 Environmental Protection zoning (site outlined in blue)



Proposed I Rural zoning (site outlined in blue)

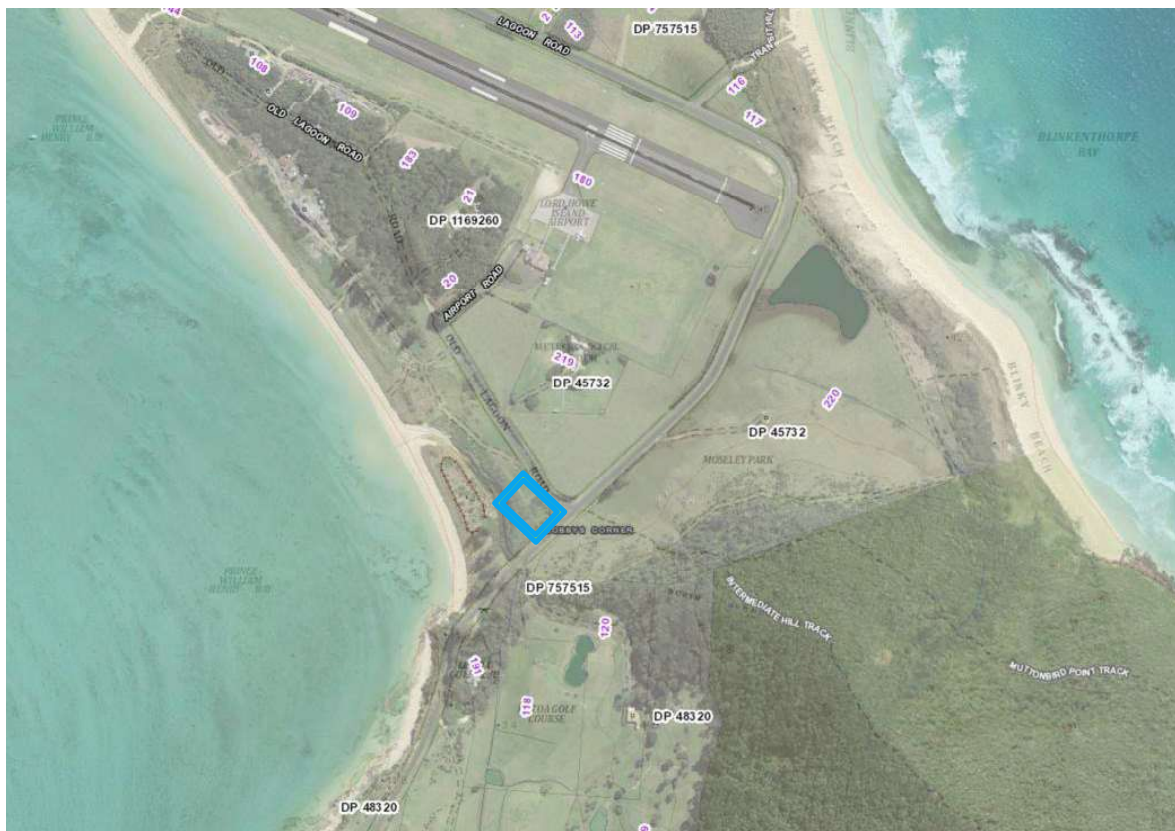
The proposed rezoning is subject to the response of the NSW Government to the review of land allocation and tenure arrangements recently undertaken by the Hon. Ken Handley.



Existing site context of site 7 highlighted in yellow

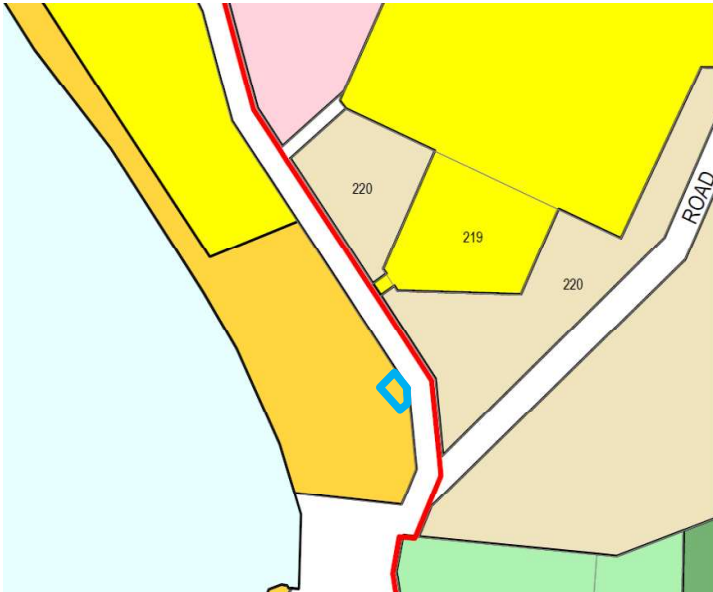
3.14 Issue 14 – Site 8: Add a new Schedule 4 – Additional Permitted Uses and permit Commercial Premises (including Fuel Supply)

Property Description	Unidentified Crown Land, fronting Old Lagoon Road and bordering Lot 220 in DP 45732
Site Area	450m ²
Current Use	Vacant Crown Land
Current Zone	7 – Environment Protection
Proposed Zone	7 – Environmental Protection
Reason	<ul style="list-style-type: none"> ▪ The LHI Board has identified the need for establishment of an additional fuel supply location on the island, which could be run by a private entity. ▪ The preferred site for the additional fuel supply business is off Old Lagoon Road near the LHI airport and the LHI Meteorological Station as shown on the following scaled plan.



Locality Plan – Fuel Supply Location

A number of sites for a new fuel supply were discussed with the community by the LHIB, with the response coming back overwhelmingly in favour of the subject site adjacent to the airport.



Zoning map LHI LEP with Fuel Supply site outlined in blue

In vicinity of the site near Cobby's Corner there is an existing heritage listed residence, 'Kentia' that relies on Old Lagoon Road for vehicular access and one other approved dwelling that is yet to be constructed, on the corner of Airport Road and Old Lagoon Road. Additionally, the LHI Waste Management Facility, the Meteorological Station and the LHI Airport Terminal are accessed via Old Lagoon Road. In proximity of the site to the south is another dwelling with direct access to Lagoon Road.

The preferred site for the private fuel supply is zoned 7 - Environment Protection under the LHI LEP. "Public utility undertakings" are permitted with development consent in the Environmental Protection zone as long as they comply with the following definition:

public utility undertaking means any of the following undertakings, or uses associated with those undertakings, carried on by, or on behalf of, the Board or any government agency acting under any Commonwealth or State Act:

(d) ..., fuel storage depots,.....

Importantly, to comply with the above definition of fuel storage depot and to therefore be permissible in the current Zone 7 - Environment Protection, the fuel supply facility would need to be owned and operated by the LHIB rather than a fuel retail outlet and would additionally only be able to be used as a fuel storage depot, which does not include retail fuel sales. The alternative definition of a commercial premises is considered best suited to the fuel supply proposal but which commercial premises are also currently prohibited in the Environmental Protection zone.

Consequently, an LEP amendment is proposed which will retain the Environmental Protection zone but permit Commercial Premises on the site by adding a new Schedule 4 – Additional Permitted Uses provision to the

LHI LEP. Within the identified site under new Schedule 4 would specifically order to establish a private fuel supply (commercial premises) for the island community at the preferred subject site. The dimensions of the area for inclusion in the new Schedule 4 is 30m x 15m.

The fuel storage unit for the proposed private retail sale of fuel will sit above ground within a fully bunded area.

Two options were considered for achieving the new fuel supply, being either:

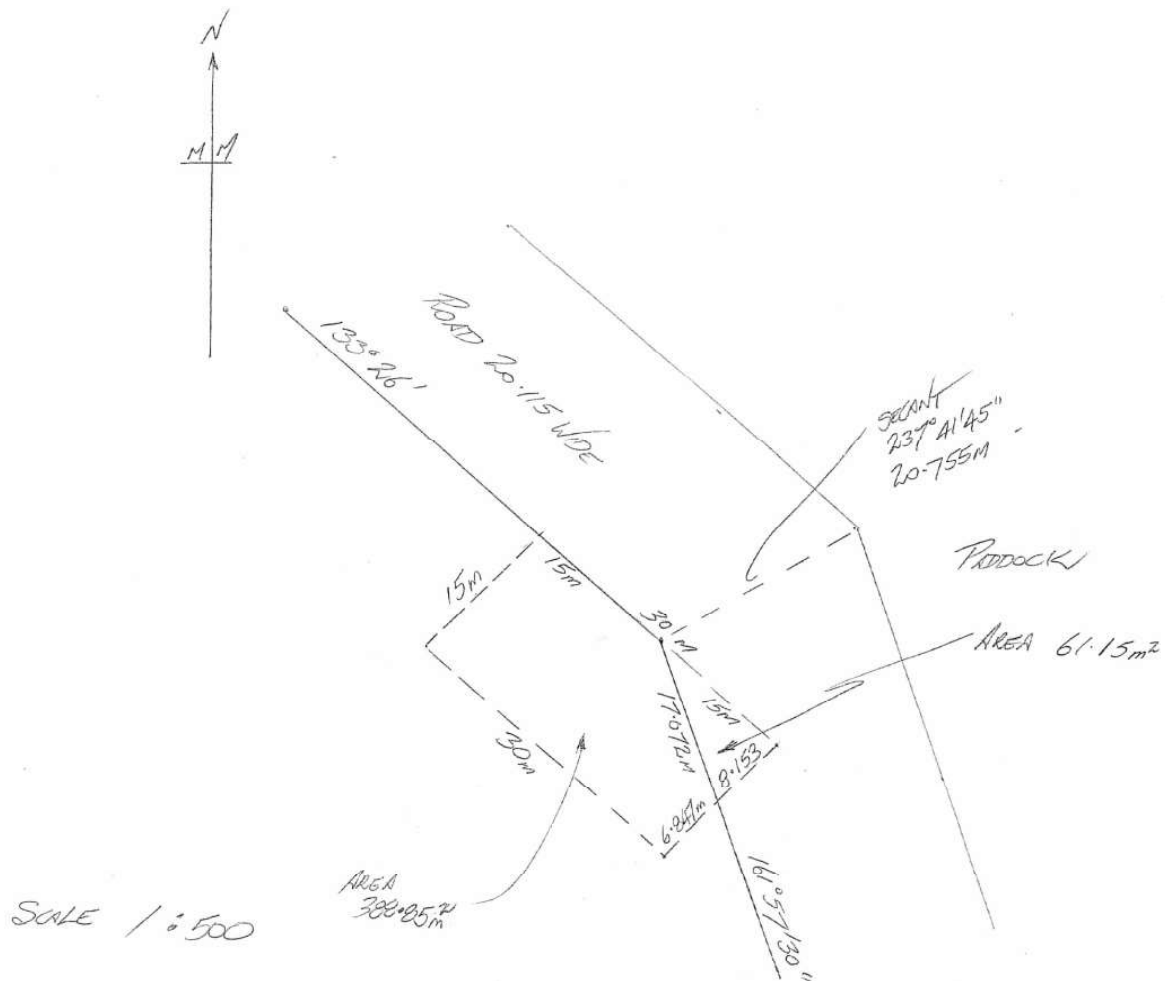
- A change in land use zoning to Zone 2 - Settlement, which would permit Commercial Premises such as a fuel supply business, with consent on the site
- The inclusion of the site in a new Schedule 4 – Additional Permitted Uses.

The inclusion of the site as an additional permitted use was favoured by the LHIB as providing the greatest potential control over the future use/s of the site and that also did not require a change in land use zone.



Proposed Fuel Supply Container and Dispenser

The LHIB's Manager Infrastructure and Engineering Services has confirmed the locational guidelines and vehicle access/traffic management arrangements for Fuel Storage/ Dispensing will be able to be satisfied in respect of the subject site.



Survey Sketch prepared by LHIB identifying proposed location for new fuel supply on LHI

There is no Schedule 4 in the LEP at the moment. It will be necessary for an enabling clause such as clause 2.5 of the SILEP (below) to be included in the LEP as well as an Additional Permitted Use Schedule and map.

The provisions need to be described in plain English to enable PCO to draft the necessary provisions.

2.5 Additional permitted uses for particular land [compulsory]

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
- with development consent, or
 - if the Schedule so provides—without development consent,
- in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

Direction 1. While this clause and Schedule 1 are compulsory, it is not compulsory to include any items in the Schedule when the Plan is first made.

Direction 2. A type of development may be included in Schedule 1 only if it is a type of development listed in Direction 5 at the beginning of the Land Use Table.

It is acknowledged that the aesthetics of the new fuel supply project, including proposed site landscaping, will require careful consideration as part of any subsequent development application – as the unit itself is not an attractive visual element.

Suggested wording for the proposed new Schedule 4 of the LHI LEP 2010 is:

Schedule 4 Additional permitted uses

I Use of certain land at Old Lagoon Road, Lord Howe Island

(1) This clause applies to land at Old Lagoon Road, Lord Howe Island, shown as “Item 1” on the Additional Permitted Uses Map.

(2) Development for the purposes of a commercial premises, including for the purpose of the private retail supply of fuel, is permitted with development consent if:

(a) the site can be effectively landscaped to minimise the visual impact of the proposal for development of a commercial premises on the site, and

(b) no direct vehicular access is provided to Lagoon Road, and

(c) any commercial premises can be demonstrated to not impact on the environmental quality of the lagoon foreshore and the adjacent creek

3.15 Section A - Need for the Planning Proposal

Is the Planning Proposal a result of a study or report?

The Planning Proposal has arisen as a response to a number of planning issues that have been identified by the LHIB, during assessment of various development applications and the community feedback on required amendments over the past few years and reports and investigations as detailed in Sections 2.3 and 2.4 above.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal aims to address anomalies and minor matters in LEP 2010, some of which are essential to progress at this time, including the proposal related to an imminent land swap involving the LHIB and another application involving Site I to enable commercial use of this site.

A subsequent review addressing more comprehensively LEP 2010, particularly in relationship to housing availability and in response to the Handley Review findings, is proposed as a separate Stage 2 process. It is considered that this approach is the most efficient.

The required provisions can only be achieved by undertaking an amendment to the LHI LEP 2010.

3.16 Section B - Relationship to Strategic Planning Framework

Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

No Regional or Sub-Regional Strategy applies to Lord Howe Island.

Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

A LHIB commissioned LHI Community Plan was prepared by Peter Kenyon of the Bank of I.D.E.A.S. in 2011, which this proposal is generally consistent with.

A public consultation process is underway on LHI for preparation of a new Community Strategic Plan. This consultation has identified a number of priorities and issues.

An emerging priority relevant to this PP is the need for additional housing opportunity, whilst not impacting on significant island values. The proposed amendment to existing dual occupancy provisions will assist in addressing this identified need.

Is the Planning Proposal consistent with applicable state environmental planning policies?

Only the BASIX SEPP applies to LHI. The SEPP (Building Sustainability Index: BASIX) 2004 – specifically provides that it applies to Lord Howe Island under Clause 5 of the BASIX SEPP. None of the proposed amendments to the LEP 2010 will impact on or be inconsistent with the application of the BASIX SEPP on Lord Howe Island.

Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

Part 3A, Clause 15A of the LHI Act 1953 states that the EP&A Act 1979 only applies to LHI in respect of Parts 4, 4A, 5A and Division 2A of Part 6, Therefore although this Planning Proposal has considered and addressed the s9.1 Directions it is noted that as these Directions may not formally apply on LHI.

A review of the Directions is outlined in Table 1 following.

Table 1 Section 9.1 Directions

Clause	Direction	Consistent	Comments
Employment and Resources			
1.1	Business and Industrial Zones	Not applicable	
1.2	Rural Zones	Consistent	The Stage 1 Planning Proposal does not reduce rural zoned land, it is proposing to add to the existing rural zoned land. The amount of zoned rural land on the island is to be increased to reflect current and historic farming activity.
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable	
1.4	Oyster Aquaculture	Not applicable	
1.5	Rural Lands	Consistent	The Stage 1 Planning Proposal is consistent with the Rural Lands objectives of the Direction 1.5 and the strategic need to increase rural zoned land on the island.
Environment and Heritage			
2.1	Environment Protection Zones	Minor inconsistency	The LHI LEP contains a number of provisions that effectively protect and conserve environmentally sensitive land. These provisions are to be retained in full. This Planning Proposal includes a proposal to rezone some land currently zoned 7 – Environmental Protection to Zone 1 – Rural and to rezone one other land parcel from Zone 6 – Recreation to Zone 7 – Environmental Protection. Consequently there is a technical inconsistency with Direction 2.1, however this is considered of minor significance. The proposed changes to the LEP map relevant to Zone 7 – Environmental

Clause	Direction	Consistent	Comments
			<p>Protection reflect historic and existing rural land uses. Further as noted above, Zone 7 is being increased on one site and reduced on another.</p> <p>Specifically, the Planning Proposal seeks to rezone Sites 6 and 7 from Zone 7 - Environment Protection to Zone 1 - Rural. As both these sites are cleared and used for agriculture, the reduction in environment protection zone is a technical but not actual loss. The proposed zone provisions on these sites is considered of minor significance and justified in accordance with (6)(d).</p> <p>Site 8 has been added by the LHIB in 2019 consistent with a recent LHIB resolution, to facilitate the construction of a LHI Fuel Storage and Service Station in proximity of the LHI airport. This site is relatively small and was chosen due to its proximity to the airport and for the absence of mapped significant native vegetation.</p> <p>Any inconsistency with the S.9.1 Direction is considered to be of overall minor significance and is being proposed to better reflect existing and desired future land uses.</p> <p>The LEP 2010 contains land zoned both Zone 8 – Permanent Park Preserve and Zone 7 – Environmental Protection, together with specific aims and objectives, that require the conservation of World Heritage values and the conservation of mapped significant native vegetation.</p> <p>Approximately 75% of the main island, plus all outlying islets and rocks within the Lord Howe Island Group, are protected under the Permanent Park Preserve. This area is permanently dedicated for the public purpose of preserving native flora and fauna pursuant to Section 19 of the LHI Act. Under the LHI Act, the Board has the responsibility to manage, protect, restore, enhance and conserve the preserve in a manner that recognises its World Heritage values (section 5(f)). Section 15B of the LHI Act requires that a plan of management for the Preserve be prepared and implemented in accordance with the provisions of Part 5 of the National Parks and Wildlife Act (NPW Act) as if the preserve were a national park. However, unlike the NPW Act arrangements, the Plan of Management for the Preserve is to be approved by the Minister administering the LHI Act, and is to be carried out and given effect to by the Board. No change to Zone 8 is proposed.</p>
2.2	Coastal Protection	Consistent	<p>Lord Howe Island (in its entirety) falls within the “coastal zone” as defined in the Coastal Protection Act 1979.</p> <p>The Lord Howe Island Coastal Management Study (September 2014) by Haskoning – refer Appendix D, found that the key coastline management issue for LHI is erosion/recession threatening Lagoon Road at Lagoon</p>

Clause	Direction	Consistent	Comments
			Beach. Coastal processes and coastline hazards are described particularly for Lagoon Beach and Cobbys Beach. None of the management options to address this key management issue are affected by the Planning Proposal.
2.3	Heritage Conservation	Consistent	The Planning Proposal seeks to include a non-standard provision requiring consideration of the potential impacts of a development on heritage items in proximity.
2.4	Recreation Vehicle Areas	Not applicable	
Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Consistent	LHI has no straight residential zones, but rather a Settlement zone and a Rural zone in which a mix of commercial and residential uses can occur with development consent. The current LEP and proposed LEP amendment seeks to deliver housing for the island within the existing dwelling cap limit set by the LEP. One amendment involving Zone 2 – Settlement is proposed, being Site 7, to execute a LHIB resolution to pursue a land swap in order to conserve key significant mapped vegetation on the island.
3.2	Caravan Parks	Not applicable	
3.3	Home Occupations	Not applicable	
3.4	Integrating Land Use and Transport	Not applicable	
3.5	Development near Licensed Aerodromes	Consistent	The proposed fuel supply site is affected by controls related to the LHI Airport, which will be considered in any Development Application relating to this site.
3.6	Shooting Ranges	Not applicable	
Hazard and Risk			
4.1	Acid Sulfate Soils	Not applicable	
4.2	Mine Subsidence and Unstable Land	Not applicable	
4.3	Flood Prone Land	Not applicable	
4.4	Planning for Bushfire Protection	Not applicable	
Regional Planning			
5.1	Implementation of Regional Strategies	Not applicable	
5.2	Sydney Drinking Water Catchments	Not applicable	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable	

Clause	Direction	Consistent	Comments
5.4	Commercial and Retail Significance of the NSW Far North Coast	Not applicable	
5.5	Cessnock LGA (revoked)	Not applicable	
5.6	Sydney to Canberra Corridor (revoked)	Not applicable	
5.7	Central Coast (revoked)	Not applicable	
5.8	Second Sydney Airport Badgerys Creek	Not applicable	
5.9	North West Rail Link Corridor Strategy	Not applicable	
Local Plan Making			
6.1	Approval and Referral Requirements	Not applicable	
6.2	Reserving Land for Public Purposes	Not applicable	
6.3	Site Specific Provisions	Not applicable	
Metropolitan Planning			
7.1	Implementation of a Plan for Growing Sydney	Not applicable	

3.17 Section C - Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposed amendments do not affect the provisions in LEP 2010 which identify and protect significant native vegetation on the island. It is not considered that there will be any adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

In particular, this Stage I Planning Proposal involves no change to Zone. 8 – Permanent Park Preserve and no physical loss of any environmentally significant land. Only a rezoning of part of two sites to reflect historic and continuing rural uses is proposed.

Are there any other likely environmental effects as a result of the Proposal and how are they proposed to be managed?

It is not considered that there will be any adverse environmental effects as a result of any of the proposed amendments.

How has the Proposal adequately addressed any social and economic effects?

The proposed amendments are not considered likely to have any significant environmental or economic effects.

3.18 Section D - State and Commonwealth Interests

Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal does not provide for additional development that would require public infrastructure.

The NSW Heritage Office may welcome consultation regarding the proposed addition of the consideration of heritage impacts for development in proximity of a heritage item.

State Department consultation will be undertaken post Gateway Determination.

As this Planning Proposal constitutes only minor modifications to the current LEP, it is not considered necessary to consult with the Commonwealth.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Relevant agencies will be consulted post Gateway Determination.

Lord Howe Island was inscribed on the World Heritage List in 1982, in recognition of its superlative natural landscapes and scenery and its rich terrestrial and marine biodiversity as an outstanding example of an island ecosystem developed from submarine volcanic activity. The World Heritage property covers Lord Howe Island, offshore islands and islets, including the central portion of the main island, of which a significant part was cleared for settlement, and farming; and the LHI Permanent Park Preserve, which is managed in accordance with a Plan of Management.

The Lord Howe Island Group is one of 6 world heritage listings in NSW. The Group comprises Lord Howe Island, Blackburn Island, Admiralty Islands, Mutton Bird Island, Ball's Pyramid, and associated coral reefs and marine environments. The Commonwealth Environment Protection and Biodiversity Conservation Act 1999, provides protection of matters of national environmental significance including world heritage areas. Under the Act, any action that is likely to have a significant impact on the Island requires the approval of the Federal Environment Minister.

The following table provides a summary of the relevant public authorities, which in the opinion of the Board should be consulted following Gateway Approval:

Following receipt of Gateway Approval the Board, with the assistance of Department of Environment and Planning, considers consultation with the following relevant agencies may be appropriate:

Public authority/stakeholder	Issue requiring comment
NSW Heritage Office	Additional provision for land in the vicinity of a heritage item
NSW Department of Environment & Heritage	Relationship with Coastal Protection Act
NSW Premier and Cabinet	As key stakeholder

4.0 Mapping

4.1 Affected Land

The location of the land directly affected by land rezoning proposals for Sites 1- 7 (as described in sections 3.12 to 3.23 of this Planning Proposal) is shown on the following maps (Figures 1 and 2):



Proposed sites to be rezoned in subject Stage I LEP review shown outlined in red

4.2 Draft LEP Map

The proposed amendments will require changes to an LEP 2010 map sheet as found on the NSW Legislation website. The affected map sheet is:

Land Zoning Map, Sheet 2 of 3

Map identification number: 6380_COM_LZN_002_005_20140512

New map sheets have not been drafted at this stage. The Regional Office of the NSW Department of Planning and Environment will prepare the required mapping in the appropriate form, as discussed.

Indicative mapping is shown on the map in Section 4.1.

5.0 Community Consultation

In preparing this Planning Proposal, the Board undertook early community consultation to engage with Island residents on key issues.

Community Consultation to date has included:

1. Preparation of a Discussion Paper and associated Community Survey, that were distributed to all islanders. Responses were facilitated concurrently with the running of drop-in information sessions for the community in April 2016.

All feedback from this early consultation process was reviewed and informs this Stage I Planning Proposal to amend LEP 2010. A copy of the 2016 Consultation Outcomes Summary Paper is provided for review concurrently with this Planning Proposal. A copy of this Paper is included as Appendix E.

2. Preparation of a Report to the LHIB members, setting out a proposed reduced scope for the Stage I Planning Proposal, following review by All About Planning Pty Ltd and the LHIB Administration. This Board report on the revised scope of the Planning Proposal was discussed in open gallery and attending members of the Lord Howe Island community were invited to make any comments.

The LHIB members resolved to adopt a reduced scope for the Stage I review and acknowledged their commitment to undertaking post Gateway Determination additional community consultation. A copy of the LHIB Paper from March 2018 is included as Appendix E.

The Minister's Gateway Determination will specify community consultation to be undertaken, in accordance with Section 3.34 of the EP&A Act 1979 as part of the LEP 2010 amendment process.

Community consultation will at the appropriate time be commenced by the placing of a public notice in appropriate Lord Howe Island newsletters and on local community notice boards.

The Planning Proposal exhibition material would be made available by the Board during the exhibition period. The community consultation process would be completed when the relevant planning authority has considered any submissions received concerning the proposed Local Environmental Plan and has forwarded those reports to the DP&E for final consideration by the Minister.

6.0 Project Timeline

This project timeline is based on known and anticipated dates and timeframes related to the subject Planning Proposal – Stage I. The timeline anticipates a 6 - 8 month timeframe from lodgement of the agreed Planning Proposal to DPE to finalisation.

Step	2018		2019											
	Nov	Dec	Jan	Feb	Mar	April	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Revise PP in light of preliminary DPE feedback and LHIB site additions (DPE, LHIB, AAP)														
Submit revised Stage I PP to LHIB														
PP to DPE for consideration & Gateway Determination														
PP Public Exhibition														
Agency consultation														
Consideration of Submissions														
Post exhibition Review of PP														
Submit to DPE to finalise LEP														
Make the Plan														
Notification														

Planning Proposal – Stage I, Project Timeline

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Stage 1 Planning Proposal – Amendments to the Lowe Howe Island Local Environmental Plan 2010

RECOMMENDATION

It is recommended that the Board:

1. Submit the attached Planning Proposal and request a Gateway Determination for the subject “*Stage 1 Planning Proposal – Amendments to the Lord Howe Island Local Environmental Plan 2010*” from the NSW Department of Planning and Environment.
2. Report to the Board the outcomes of the Department’s Gateway Determination including any specific requirements and subsequent steps.
3. In response to the NSW Department of Planning and Environment’s request and prior to forwarding the Planning Proposal for Gateway Determination, that the LHIB prepare a revised site plan for the Site 8 – Fuel Supply which confirms the existing road is avoided.

BACKGROUND

The Board has previously identified a number of areas where the LEP 2010 could be improved to be clearer, better reflect existing land uses and better respond to community needs on the island.

A two-stage local plan review process was commenced. Stage1 of the review, reflected in this Planning Proposal, is aimed at addressing anomalies and responding to known inadequacies in the current plan.

In March 2018 All About Planning Pty Ltd was engaged by the LHIB to prepare a revised Stage 1 Planning Proposal.

CONSULTATION

Consultation by All About Planning to date has included preparation of a March 2018 Board Report; preparation of an briefing paper to LHIB staff on the proposal to no longer progress any change to the foreshore building line including at Windy Point; other ongoing consultation on amendments and required additions with relevant LHIB staff (including those new staff more recently appointed); and arranging and attending two separate meetings with the Grafton Office of the NSW Department of Planning and Environment to run through the detail of the proposed redrafted Stage 1 Planning Proposal.

The addition of the Di Owens Land Swap site was confirmed in AAP’s March 2018 update report to the LHIB. The later addition of the fuel supply site to the Planning Proposal was the subject of prior community consultation by the LHIB and a report to the LHIB members who resolved to pursue the site now included in the Stage 1 Planning Proposal.

At the March 2018 LHIB meeting (Item 8(iii)) LHIB members considered a report on the LHI Stage 1 Planning Proposal, which set out a reduced scope for the Stage 1 Planning Proposal, following detailed review by All About Planning Pty Ltd and the LHIB Administration. This report on the revised scope was discussed in open gallery and attending members of the Lord Howe Island community were invited to make any comments. At this meeting LHIB members resolved to adopt a reduced scope for the Stage 1 review and acknowledged their commitment to undertaking post Gateway Determination additional community consultation.

In 2016 a Discussion Paper and associated Community Survey was distributed to all islanders by RPS and the LHIB. Responses were facilitated concurrently with the running of drop-in information sessions for the community in April 2016. The outcome of that process was reviewed by AAP when preparing the revised Stage 1 Planning Proposal and the consultation report prepared at that time forms part of the attached detail to the Planning Proposal.

The second stage of the LEP work will be to review LEP 2010 in its entirety, including its structure (which is not in the Standard Template format) and key zoning provisions such as the permitted number of permanent dwellings, tourist bed numbers, staff accommodation provisions and a relaxing of current subdivision provisions.

SPECIFIC AMENDMENTS

The purpose of the Stage 1 Planning Proposal is to undertake the following amendments to the LEP 2010:

- Deletion of the current dual occupancy restriction related to occupation only by family members;
- Update reference to the LHI Vegetation Rehabilitation Plan, to remove the date reference;
- New clause requiring consideration of impacts of development that is in the vicinity of a heritage item;
- Four amendments related to definitions and associated LEP zoning provisions;
- Addition of two exempt development provisions, being for roof mounted solar energy systems and chicken pens/poultry houses;
- Addition of Recreation Area and Boatsheds as permissible uses in Zone 7 – Environment Protection and associated modified definition of boatshed to acknowledge existing community and private boatshed uses
- Eight site specific rezonings and associated zone map changes.

The following table lists the specific amendments covered in the Stage 1 Planning Proposal:

ISSUE	PROPOSED AMENDMENT
1.	Delete Clause 24 (1) (c) – Permit the occupancy of dual occupancy dwellings by non-family members
2.	Amend Clause 31 – to remove the reference to the ‘March 2003’ date, this being the current LHIB Vegetation Rehabilitation Plan, to ensure any future updates to this plan are legally covered
3.	Insert new Clause 39 A to require consideration of heritage items in vicinity of proposed development.
4.	Part A. Amend Definitions of 2 terms. Home Business to permit a maximum 2 employees and to insert a new provision (d), being:

	<p>Under Dictionary - Home Business</p> <p>(d) the home business does not interfere with local amenity or environmental quality.</p> <p>Environment Protection Works to specifically reference Coastal Protection Works, including beach nourishment. Amend Clause 10(3) definition of Part C.</p> <p>Under Clause 10(3) – environmental protection works means any works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes vegetation restoration work, wetland protection works, erosion protection works, dune protection works and coastal protection work including beach nourishment and the like.</p> <p>Part B. Insert two new Dictionary Definitions, being:</p> <p>Under Dictionary – Centre Based Child Care Centre</p> <p>Centre Based Child Care Centre <i>Means a building used as a school, long day care centre, pre-school, out of hours school care, college, technical college, academy, lecture hall, gallery or museum, and includes the community use or development for community use of the facilities or site of the establishment.</i></p> <p>Under Dictionary – Home Based Child Care Centre</p> <p>Home Based Child Care Centre <i>Means:</i> <i>(a) a family day care residence (within the meaning of the Children (Education and Care Services) National Law (NSW)), or</i></p> <p>Note. <i>A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the Children (Education and Care Services) National Law (NSW).</i></p> <p><i>(b) a dwelling used for the purposes of a home based education and care service (within the meaning of the Children (Education and Care Services) Supplementary Provisions Act 2011), at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.</i></p> <p>Part C.</p> <p>i. Permit Centre Based Child Care Centre in Zone 5 – Special Uses by amendment of Clause 15 (3), by adding new use (p) Centre Based Child Care Centre</p>
5.	<p>Include 2 additional items in Schedule 1 – Exempt development, being:</p>

Column 1

Development - **Roof Mounted Solar Energy Systems**

Column 2 – Development Standards and Other Requirements

- *in the case of development for the purposes of a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer’s specifications or by a person who is accredited by the Clean Energy Council for the installation of photovoltaic electricity generating systems, and*
- *in the case of development for the purpose of any solar energy system other than a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer’s specifications, and*
- *the system does not involve mirrors or lenses to reflect or concentrate sunlight, and*
- *In the case of a system that is not ground-mounted:*
- *the development does not reduce the structural integrity of, or involve structural alterations to, any building to which it is attached, and*
- *if the land is in a prescribed residential zone (note: for LEP 2010 - the Settlement zone) and is attached to a wall or roof facing a primary road—the system does not protrude more than 0.5m from the wall or roof (as measured from the point of attachment), and*
- *if the land is in a prescribed residential zone (note: for LEP 2010 - the Settlement zone) and is not attached to a wall or roof facing a primary road:*
- *the system is installed no less than 1m from any adjoining property boundary if the system protrudes more than 0.5m from any building to which it is attached (as measured from the point of attachment), and*
- *the system is not attached to any wall or roof of a building facing a primary road, and*
- *the system does not protrude more than 0.5m from any building to which it is attached (as measured from the point of attachment), and*
- *in the case of development for the purposes of a photovoltaic electricity generating system—the system has the capacity to generate no more than 10kW.*

The above proposed standards are broadly consistent with Clause 20, Infrastructure SEPP – exempt provisions for solar systems; the exception being that on LHI no 1-1.5m overhang from a roof is to be permitted and any photovoltaic electricity generating system is to be limited to a maximum generation capacity of 10kW.).

It is proposed to include roof mounted solar energy systems as exempt development, as defined in the SEPP, with the exception of Part 3, Division 4, Clause 39 (3) (a) (e), (f) (ii), (f) ((iii) A, part (f) ((iii) B, (f)(iv) and (f)(v).

Column 1

Development – Add the term **Fowl and Poultry Houses** as an Exempt provision, with the same height, area and other development standards that currently apply to bird aviaries

6.	Legitimise existing and future recreation based land uses in Zone 7 - Environment Protection by inserting Recreation Area and Boatsheds as new uses permitted with consent under Clause 17(3) in the Environment Protection zone and associated modified definition of boatshed to acknowledge existing community and private boatshed uses
7.	Site 1 – Rezone from Zone 5 - Special Uses to Zone 2 - Settlement zone.
8.	Site 2 – Rezone crown land adjacent to Milky Way from Zone 6 – Recreation to Part Zone 7 – Environment Protection.
9.	Site 3 – Rezone existing farmland near Milky Way from Zone 6 – Recreation to Partly Zone 7 – Environment Protection and Partly Zone 1 – Rural.
10.	Site 4 – Rezone from Zone 7 - Environment Protection to Zone 2 - Settlement and Lot 10, DP1202580 from Zone 2 – Settlement to Zone 7 – Environment Protection, to allow the Owen’s Land Swap, as per resolution of the November 2017 LHIB meeting.
11.	Site 5 – Rezone (Cnr Anderson Rd adjacent to Lorhiti) from Zone 6 – Recreation to Zone 7 – Environment Protection.
12.	Site 6 – Rezone Pt Lots near the new powerhouse, from Zone 7 - Environment Protection to Zone 1 – Rural to accommodate existing small dairy.
13.	Site 7 – Rezone a lot opposite the runway, from Zone 7 - Environment Protection to Zone 1 – Rural.
14.	Site 8 – Enable an Additional Permitted Use to permit a preferred new Fuel Supply proposal off Airport Road.

COMMENT

Existing development controls for the most part have been effective in moderating built form, bulk, scale and height as well as retention and enhancement of native landscaping and preservation of the dispersed overall pattern of settlement, as well as ensuring a sustainable economic base.

There is a need however to respond to the Handley Review recommendations, to continue to protect and maintain agricultural opportunity through appropriate land use zoning, to conserve areas of significant mapped vegetation and to resolve a number of inconsistencies between permitted and actual land uses in the current LEP.

The proposed amendments to the existing planning framework will assist in achieving the community’s and Board’s vision for the island and resonate consistently with both the island’s existing and desired local character and community aspirations.

The redrafted Stage 1 Planning Proposal has been prepared in accordance with:

- Section (Part) 3.3 of the *Environmental Planning and Assessment Act, 1979*

- Relevant Section 9.1 Directions by the Minister NSW Planning and Environment Guidelines, “A guide to preparing local environmental plans”

RECOMMENDATION

It is recommended that the Board:

4. Submit the attached Planning Proposal and request a Gateway Determination for the subject “*Stage 1 Planning Proposal – Amendments to the Lord Howe Island Local Environmental Plan 2010*” from the NSW Department of Planning and Environment.
5. Report to the Board the outcomes of the Department’s Gateway Determination including any specific requirements and subsequent steps.
6. In response to the NSW Department of Planning and Environment’s request and prior to forwarding the Planning Proposal for Gateway Determination, that the LHIB prepare a revised site plan for the Site 8 – Fuel Supply which confirms the existing road is avoided.

Prepared & Endorsed: Peter Adams Chief Executive Officer with Michelle Chapman, All About Planning Pty Ltd

Attachments:

Attachment A: Stage 1 Planning Proposal – Amendments to the Lord Howe Island Environmental Plan 2010

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Proposed new Code of Conduct for Lord Howe Island Board Members and Officials

RECOMMENDATION

That the Board adopt the new Code of Conduct report that has been based on the new Model Code of Conduct for Local Councils.

BACKGROUND

The Lord Howe Island Board is required to adopt Code of Conduct. Clause 101 of the Lord Howe Island Regulation provides that Section 440 of the Local Government Act apply to the Board, as if in that section references to:

- (a) a council were references to the Board, and
- (b) a councillor were references to a member of the Board, and
- (c) an ordinary election were references to an election required to be conducted under section 9A(b) of the Lord Howe Island Act 1953 (the LHI Act).

Section 440 of the LG Act requires the adoption of a code of conduct that incorporates the provisions of the Model Code of Conduct. It is noted that the Board's adopted code of conduct may also include provisions that supplement the Model Code of Conduct. In other words, the Code adopted can add to but not detract from the Model Code of Conduct.

CURRENT POSITION

The Board's existing "Code of Conduct for Board Members and Board Officials" was adopted in March 2015. It is understood that some training on the on the Code was conducted in March 2018.

A new 2018 Model Code of Conduct for Local Councils in NSW was prescribed on 14 December 2018. Councils are required to adopt the new Model Code within 6 months (ie by 14 June 2019). Because the LHI Board is subject to Section 440 of the Local Government Act, the Board is also required to adopt the new Code.

While it is clear that the Board needs to adopt a new Code of Conduct based on the new Model Code, it is not a simple matter because of the unique legislation, responsibilities and roles that apply to the Board. These are different to the Local Government Act and the NSW local government context. In addition, the Lord Howe Island Act and Regulation change or override some provisions, references, titles, definitions, responsibilities and roles.

Therefore a new Code of Conduct has been developed and this has taken some time due to its complexity. The draft has been reviewed and amended as appropriate by the Office of Local Government to ensure that it is sound, consistent with legislation and contextually appropriate.

The new Code is attached to this report for consideration and adoption is recommended. Under the Direction, a Council (in this case the Board) must adopt a new Code of Conduct based on the Model Code of Conduct before 14 June 2019. If it does not, the new Model Code of Conduct automatically applies. In the case of the LHIB, this would not be a good outcome because the Model Code of Conduct does not reflect the Lord Howe Island Act or its different legislative and local context.

WHAT HAS CHANGED?

In summary the changes from the current Code include:

- Incorporation of the pecuniary interest provisions previously contained in the *Local Government Act 1993* and Regulation.
- New standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of Board records.
- New rules governing the acceptance of gifts including mandatory reporting.
- A new ongoing disclosure requirement for Board members and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them
- Board members will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

In general there are many minor amendments and additions that are not able to be described in detail. They are often clarifications of terms or clauses, based on real situations in NSW where code of conduct cases have led to the need for better definitions or clarity.

CURRENT STATUS AND NEXT STEPS

The new Code is tabled with the Board for consideration with the aim of adoption.

There is a need under the Code for a panel of "Conduct Reviewers" that would investigate any substantive matters raised in regard to alleged breaches of the Code. The Board is able to satisfy the requirement for a panel of "Conduct Reviewers" via our memorandum of understanding with Port Macquarie Hasting Council. It is understood that a group of Councils including Port Macquarie Hastings are engaging a panel for the use, if required of member Councils Lord Howe Island can utilise this arrangement.

Following adoption, communication and if required, training will be undertaken to:

1. Specifically explain any changes;
2. Refresh Board members' familiarity with the ongoing requirements;
3. Remind Board members of how they can raise or respond to any possible matters relating to the Code.
4. Provide opportunity to workshop any areas that are not clear or could be misinterpreted.

POSSIBLE ADDITIONAL PROVISIONS

The current Code of Conduct does include additional provisions or requirements that the Board have adopted in past codes, beyond those included in the Model Code of Conduct. These have been carried forward into the new proposed Code attached to this report.

At the March Board meeting, Board members were invited through the report and verbally, that any other additional inclusions could be forwarded to the CEO. No additional inclusions have been suggested or submitted.

RECOMMENDATION

That the Board adopt the new Code of Conduct report that has been based on the new Model Code of Conduct for Local Councils.

Prepared and Endorsed: Peter Adams Chief Executive Officer

BACKGROUND & APPROACH TO RECOMMENDATIONS

In mid-November 2018, Xponential was commissioned by Lord Howe Island Board (LHIB) to conduct a Campaign Readiness Assessment to assess public appetite for, and the organisation's capacity to raise, \$4.2 million via a Capacity Campaign over two to three years.

This capacity funding represented the shortfall required to effectively carry out the urgent Rodent Eradication Program (REP) as well as the ongoing Weed Eradication Program and biosecurity requirements, along with Campaign costs.

As an ideal, the LHIB also commissioned Xponential to examine feasibility of raising several early, large gifts before May 2019 to give certainty of funding for the REP.

This report provides insight into likely public appetite for the fundraising case, and leadership and gift capacity among LHIB's stakeholders.

Shortly before finalisation of this Report, LHIB was notified of anticipated \$1.1 mill of additional government funding which will cover almost all the project costs included in the Rodent Eradication Project. In the interests of completeness, the Report presents all the findings from the assessment interviews which were conducted before this was known.

However, the conclusions and recommendations take account of this additional funding.

Overview of Strengths and Weaknesses – the Case

At the outset, Xponential recognised some key strengths of the Case for Support for this project that would likely have a positive impact on its appeal to funders and donors:

1. The Rodent Eradication is a project of global conservation significance.
2. Strong evidence confirms the need for the project eg: rodents have been implicated in the extinction of multiple animal and plant species.
3. The Lord Howe Island community has a long history of successful and ongoing sustainability and conservation programs to protect and enhance the World Heritage values of the island.
4. The REP project has been extensively scoped and risk-managed over 10 years of research and planning.
5. The majority of the required funding (\$9 million) has already been secured which reflects well on the Board's strong financial stewardship.
6. Reputable external stakeholders – including WWF-Australia, Zoos Victoria and the Invasive Species Specialist Group in Rome, have publicly expressed their support for the REP project.

Contrasting the strength of the case, Xponential acknowledges – and this study confirmed – that one key factor poses a challenge to the proposed campaign:

while LHIB has been sensitive to the divide in the community around this project, the Rodent Eradication Program is still perceived as contentious.

This report will explore in detail both the strengths and the weaknesses of the environment in which LHIB seeks to raise the required funds and will propose a strategy that will best position the organisation for success.

An advocacy-led, traditional Capacity Campaign will have limited potential, and the cultivation required to enlist such advocates at this level is unlikely to be achieved within the desired timeframe.



It is for this reason that Xponential has developed a bespoke strategy to capitalise simultaneously on:

- **High interest of a few potential not-for-profit funders or fundraising partners**
- **Willingness of a few stakeholders to open their networks, or to host prospect cultivation events.**



KEY RECOMMENDATIONS

1. A bespoke strategy (outlined in detail following page 30) is recommended for a primary campaign with a 15-month active gift-seeking phase from April 2019 to June 2020.
2. The primary campaign should to be managed by the Invasive Species Council, and requiring a full-time or near full-time campaign manager for approximately 18 months from recruitment (then at a reduced level – see 8 below), and contracted support for donor prospect research and campaign administration during much of the period April 2019-June 2020.
3. A campaign target of \$3 million should be adopted, predominantly re-quantified by removal of most of the REP costs, and a small reduction in the weed strategy element of the target.
4. The eradication phase of the REP should not be part of the fundraising campaign except for selected advance gifts already underway.
5. The campaign should present the eradication phase as a past event, with all the remaining elements of the program.
6. With a view to securing funds toward specific elements of the program, LHIB should explore potential partnerships with Foundation for Australia's Most Endangered (FAME) and Foundation for National Parks and Wildlife as first priorities for a secondary campaign.
7. Immediate stewardship of offers of cultivation of potential new donors:
8. The funding of campaign staffing with Invasive Species Council should be of sufficient duration to allow for quality stewardship of donors (e.g. impact reporting, visits, pledge reminders if relevant, and donation thank-yous) through to 2021 (with

the option of extension into 2022 if some donors pledge gifts over three years). This may be achieved with reduced staffing commitment to the campaign after late 2020. See appendix 3.

RECOMMENDED NEXT STEPS

- Recruitment of a Campaign Manager as soon as possible, followed by part-time campaign administrative support under MoU with Invasive Species Council.
- Development of a compelling campaign Case for Support that will act as a foundation document for campaign collateral (brochure) and funder propositions.
- Retention of Xponential for approximately May 2019 to July 2019 to work intensively on development of the Case for Support, campaign strategy and commencement of planning cultivation events.
- Once the Campaign Manager is appointed, consider retention of Xponential in a campaign mentoring role at a level suitable based on the experience of campaign manager recruited by the Invasive Species Council.

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: 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 / Administrative Appeals Tribunal Appeal

After multiple hearing days and concluding with a view of the island by the Deputy President, the Administrative Appeals Tribunal has recently completed the review the conditions of the APVMA permit. On 18 April 2019, a decision was handed down by the Deputy President of the Tribunal that *“the Decision under review is set aside and in substitution the Tribunal directs that the*

conditions of the permit be altered so as to be consistent with the document attached to the tribunal's reasons and to conform with paragraph 57 of those reasons".

The APVMA have issued a revised permit to the parties for comment, reflecting the Tribunal's decision. A final version of the revised permit is expected imminently. The variations to these conditions, the majority of which were proposed by the APVMA with the Board's agreement, do not change the methodology of the REP or its chances of success.

Biosecurity Control Order

The REP team continue to liaise with Department of Primary Industries staff regarding the implementation of the Control Order, if required to be used. This has included DPI representatives on island to deliver training to Authorized Officers and general awareness training of the *Biosecurity Act* to other REP staff. A senior DPI staff member has also visited the island in April to work through implementation of the Control Order and development of protocols in accordance with existing DPI process. The DPI shares the LHIB's view that use of the Control Order is a last resort and all reasonable measures to achieve voluntary compliance for baiting should be utilized first.

Under the Control Order, many residents have now agreed permission for the LHIB to bait. Some residents have completed part of the ongoing training to undertake baiting themselves. Some residents have instead nominated a representative who has completed the training to undertake baiting on their behalf.

Other Approvals

The Development Consents have been received for the temporary demountables at the captive management site and Airport.

The Monitoring and Marine Spill Response Plans have been finalized with Marine Parks

2) Staffing

All project staff have now substantially commenced. This includes:

- Technical Advisor Keith Springer returning to the Island. Keith will also lead the aerial operations
- The Ground Baiting Team
 - The Ground Baiting Manager (Grant Harper), two Field Supervisors, 10 Team Leaders and two Field Officers representing some of the most experienced eradication professionals in the world
 - 38 Casual Field Officers either full time or part time. The large majority of these people are considered locals (i.e. with accommodation and / or employment on the island before the REP)
 - The LHIB enviro and weed teams have now joined the rest of the Field Officers and Team Leaders in the Ground Baiting Team

These staff have been through an intensive induction and training period, which included Chemical Handling training, Code of Conduct, WHS and training in bait station setup and replenishment. Uniforms have mostly been provided.

Significant work has gone into clarifying project roles and responsibilities and in identifying back-ups for all key positions.

3) Community Engagement Update

Ecotourism / Conservation Volunteers update

The Conservation Volunteers program (CVLHI) 2019 has officially launched on the 1st of May with Bird Month. The CVLHI committee are working alongside tour operators and visiting scientists to design relevant citizen science activities which support ongoing research and our conservation efforts on Lord Howe Island. The team from OEH have asked the CVLHI program to assist with data monitoring of Currawongs and Bird Sightings in the settlement for the months of May & June. This data contributes to transect surveys conducted by the Canberra Ornithologists Group in previous years to assess the changes over time.

There has been a large increase in enquiries for this year's Conservation Volunteers program. Many who are enquiring are wanting to add a different element to their holiday, by taking part in unique and educational experiences which are contributing to the Island's conservation. As there is no set registration process, the Conservation Volunteers program is open to anyone visiting or residing on Lord Howe. Participants can commit as much time as they would like to the program, 1 week, 1 day or just participate in 1 activity. Conservation Volunteers bags will be available at the airport for anyone wishing to partake in the program and more information can be found at the visitor centre.

Community Acceptability and Communications

Jaclyn has continued discussing individual Property Management Plans (PMP) with leaseholders and tenants. At the time of writing this report, 121 of the 125 (97%) Leaseholders (some leaseholders have multiple leases) have agreed a PMP. This is a significant milestone and reflects the community desire for the project to be successful despite differences in opinions on the project.

Communication regarding implementation of the project has increased with updated information recently provided to lodges, operators and wholesalers so visitors (and potential visitors) have factually correct information. Likewise, additional material has recently been provided to residents and other groups (such as the school). Additional material will be produced, including some that has arisen from the Tribunal decision.

4) Operational Planning

Over the past several months, major progress has been achieved on operational planning and logistics. Highlights include:

- Taronga Zoo staff have arrived and taken control of the Captive Management Facility.
 - Initial mulch and sand for the aviaries is now in place, with a contract secured for ongoing mulch delivery during the project
 - 109 Currawongs (of a target 120) have so far been captured and processed into the facility
 - 88 Woodhens (of a target 220) have so far been captured and processed into the facility
 - All birds have undergone initial health assessments and have settled well into their temporary homes

- Taronga staff are now delivering a weekly talk at the Museum on their part of the project
- REP staff have assisted Waste Management Facility staff cleaning up the WMF, particularly reducing alternate food sources in preparation for the REP. Over 90 bales of compacted general waste have now been removed from the island.
- The weekly (Wednesday) organic food waste collection service has commenced
- 101 pods of bait and other essential equipment has arrived on island, in good condition and is now safely in the hanger
- A new fuel truck arrived and commissioned that allows us to use the older Jet fuel tanker to service the helicopters
- A new telehandler arrived allowing us redundancy and reliability to service the project as well as island into the future
- Security arrangements for various assets / parts of the operation are now in place or close to being finalised
- A new mulcher has arrived and is being used to supply some of the mulch for the aviaries
- Completion of purpose built chicken pens to house remaining chickens
- Two Operational Readiness checks on the project have been completed by the Island Eradication Advisory Group.
- Bait stations
 - 23,000 external bait stations have arrived and been barcoded. Over 9,000 of these are now deployed (no bait yet) in the settlement area with remaining setup on track
 - 4,600 mouse stations for inside buildings have arrived and been barcoded ready for deployment from mid – May

5) Budget

An additional \$1.1M of funding through the Commonwealth Department of Environment and Energy has now been successfully secured for this financial year. The funding will be delivered through a contract between the LHIB and North Coast Local Land Services under their regional partnerships agreement with the Department. Payment will be made to the LHIB on invoicing for agreed milestones. This additional funding goes a very long way to addressing the previously forecast shortfall.

Other changes to the project budget from the previous Board meeting include:

- Revised Crown Solicitors fee estimate from the Tribunal hearing now \$100,000 (previously \$50,000)
- \$35,000 administration fee for North Coast Local Land Services (as part of contract delivery)

Update on other actions undertaken to secure additional funding:

- Still progressing reduced amount of additional funds from the NSW Environmental Trust
- Application shortlisted for second round of grant process (now ~\$300,000 over one year) through the Foundation for Australia's Most Endangered Species. A revised proposal is due mid-May 2019.

Fundraising consultant – Xponential Strategy, have prepared their draft report which is summarised in Attachment A.

SUMMARY

The operation is substantially underway and on track for ground baiting to commence in mid-May and aerial operations from 1 June 2019 (weather dependent).

RECOMMENDATION

That the Board note the update to the REP.

Prepared: Andrew Walsh, Rodent Eradication Project Manager

Endorsed: Peter Adams, Chief Executive Officer

Attachment A: Summary of fundraising consultant's report

**MARINE
RESCUE
NEW SOUTH WALES**



volunteer marine rescue NSW

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March 16 2019

Peter Adams | Chief Executive Officer

Lord Howe Island Board

Via email: peter.adams@lhib.nsw.gov.au

Dear Peter

RE: Lord Howe Island - Marine Rescue Unit Concept

Thank you for the recent hospitality shown to Commissioner Tannos, Andrew Cribb and myself from MRNSW, along with Commander Hutchings and Brett Prentice from NSWPF Marine Area Command.

Further to the initial 2016 invitation from the Lord Howe Island (LHI) Board to consider establishing a Unit on the island and subsequent discussions, our recent visit was constructive in helping further clarify and understand local needs, operating environments and the logistics (including challenges) that any future project would face.

Purpose

This letter aims to provide yourself and your Board more detail about the framework and requirements of any future Radio Communications project and Marine Rescue Unit on Lord Howe Island.

Project Framework

From a marine/boating safety perspective we are best to approach any future progress as two (2) independent but related projects, being;

- 1) Marine Radio Communications enhancement**
- 2) Marine Rescue Unit establishment**

These projects would progress alongside each other, but should the development of a Marine Rescue Unit on Lord Howe Island be deemed as not viable, then we can still progress with enhancing marine radio monitoring on the island regardless.

Marine Radio Communications Enhancement (Intermediate Hill)

A simple marine radio installation is proposed at Intermediate Hill. Although there would remain a level of 'shadowing' directly behind Mt Gower, this site appears to provide effective coverage across other areas and is feasible from an access/installation/maintenance standpoint.

Initial scoping activity has focused on working in conjunction with Air Services Australia who we believe are also pursuing an installation at the site, however, following recent correspondence it appears that MRNSW may need to progress independently.

The installation at Intermediate Hill would:

- Be low impact from an environmental and visual perspective.
- Be restricted to a 25m pole with antennas, a solar-based charging system and small enclosure (on concrete footing) to house the radios and batteries.

- Be restricted to VHF Ch16 (accessible locally, and also linked to Sydney) and a local VHF Working Channel (likely Ch19) which would not be linked to the mainland.
- Require a line-of-sight link to a 'base' with consistent internet access (but only needing a low bandwidth draw – 15kb per second (RoIP)).

Please note: Any Future Marine Rescue Unit on LHI would require a Radio-over-Internet-Protocol (RoIP) VHF Ch16 link to our 24/7 State Operations Centre in Sydney as a mandatory requirement. This would provide consistent monitoring of VHF Ch16 (only) for the local and extended waters around the island.

Costs

All costs associated with the establishment, maintenance, repair and future replacement of the radio installation and links would be borne by Marine Rescue NSW.

Marine Rescue Unit Establishment

Unit Governance/Management

- The operation of a Marine Rescue Unit on LHI would be undertaken in line with all other units in NSW.
- A unit would be formed/accredited as per State Rescue Board requirements and the MRNSW Constitution. Appropriately interested local volunteers would become 'members' of Marine Rescue NSW.
- The unit and its members would be responsible to the MRNSW Commissioner and MRNSW Board.
- Per the Constitution, Unit members would elect their own Unit Commander (UC) and Deputy Commander, and the UC would establish a small Unit Executive (people in key roles). Unit members would be responsible to the Unit Commander. During the initial set-up and accreditation phase a Unit Commander/Administrator would be appointed by the Commissioner in consultation with the LHI Board/interested members.
- Ongoing support would be provided to the Unit by MRNSW staff based in Sydney and also regionally (Mid North Coast). This support would encompass finance, training, administration, communications, operations etc, and would be very much enhanced in the early stages of a unit.

Costs

MRNSW covers all costs associated with running a unit, including insurance, equipment, resources, uniforms, authorised travel, training etc.

Unit Base (building)

A simple but effective base of operations would be required for the Unit. This would provide:

- A point of Marine Rescue SAR coordination / marine radio monitoring (a radio room)
- A pre/post operation ready-room and briefing/debriefing room for crew
- Storage of a small tender/trailer with quick access to the boat ramp
- Storage of additional training/operational equipment
- A location for unit meetings and training

A small shed on a portion of the open grassed area next to the existing RMS/Marine Parks shed at the boat ramp has been identified as the most suitable location. A basic 25m pole would need to be erected alongside it (radio linking antennas). Please note: the advised future joint SES/FRS site would not be a viable location.



Costs

All costs associated with the establishment, fitout, maintenance, repair and future replacement of the shed would be borne by Marine Rescue NSW.

Rescue Vessel

- A fit-for-purpose rescue vessel that could effectively operate in the conditions regularly experienced around Lord Howe Island and safely transit to adjacent high-activity areas would be provided, along with a suitable tender vessel/trailer.
- Any future vessel is ear-marked to be a heavy-displacement monohull in the vicinity of 14-16m in length. As is a requirement for all MRNSW vessels, it would be built/maintained in 2C survey and fitted with the full array of SAR and safety equipment in line with AMSA, State Rescue Board and MRNSW requirements.
- Initial discussions are underway with the NSW Police Force regarding the acquisition and refit of a retiring 16m Police Vessel. Time is of the essence however, as these vessels are already listed publically for sale. Confirmation as soon as possible of the desire and intent by both parties to progress with a Rescue Unit on Lord Howe Island would be advantageous if this ex-Police vessel is to be an option.

Costs

All costs associated with the establishment, fitout, fuelling, maintenance, repair and future replacement of a rescue vessel would be borne by Marine Rescue NSW.

Vessel Mooring/Berthing

It would be the preference of MRNSW to have any rescue vessel berthed alongside the jetty/wharf. MRNSW is willing to scope options for a basic addition to the existing jetty that meets this need. However, the indicated mooring location on sheltered waters inside the Northern Channel appears to be a suitable mooring location.

Training

Indications are that there are a large number of highly qualified and experience mariners on the island, which would provide a strong starting point for any unit.

- MRNSW training and qualifications frameworks sit under those minimum requirements set by AMSA, with additional requirements set by MRNSW and NSWPF MAC. MRNSW as a Registered Training Organisation (RTO) delivers its own AMSA recognised and aligned training framework. Standard Operating Procedures are developed in consultation with NSWPF MAC.
- All current qualifications which local members hold and which align to MRNSW requirements would be recognised (RPL'd), with additional 'rescue' units of competency and training required (gap-fill). All crew members would be required to undertake an Operational Assessment.
- Common qualifications used across emergency services (SES/RFS/MRNSW etc) such as First Aid Certificates would be recognised and not required to be duplicated.
- Significant and ongoing training support would be provided by the MRNSW Training Department – including on site on Lord Howe Island.
- It would be the likely intent to identify 2 x experienced and capable LHI personnel to fast-track with training/assessment and potential CertIV provision (for at least 1), who would then take a lead role with local training, inductions and exercises.

Costs

All costs associated with training courses, resources and equipment provision, authorised travel for the purposes of any training/assessment etc would be borne by MRNSW.

Volunteer Personnel/Members

- There are roles in Marine Rescue for any interested persons. Boat Crew, radio operators, administration support etc. Any persons interested in any capacity could join the unit and participate in line with their interest/skill-set and available time.
- From a viability perspective, a minimum of 6 interested and committed experienced mariners would probably be required from a minimum total membership of 10 to form a unit (as per Constitution).

MRNSW/NSW Government Approval Process – Marine Rescue Unit

Should the LHI Board support/approve the principle of a Marine Rescue Unit, and should sufficient local volunteers be interested, then the following approval/accreditation processes would be pursued:

1. A final paper and budget would be tabled with the MRNSW Board for consideration/endorsement, outlining validated need, LHI Board and public support, and financial implications of a Unit.
2. In line with the State Rescue Policy a multi-staged approach would be taken through local, regional and state committee levels proposing the establishment of a rescue unit. Pre-accreditation would be provided to enable further investment/training/procurement etc, finalised with a full accreditation inspection and endorsement in time by the State Rescue Board.

Summary of Next Steps (general)

1. MRNSW seeks formal advice from the LHI Board whether after consideration of the items outlined in this letter, it believes the project/s (marine radio installation / Marine Rescue Unit) are viable and wishes to progress planning.
2. Planning on a marine radio installation at Intermediate Hill to be finalised, included the identification and commencement of the appropriate approvals/licences/technical aspects. Advice and on-island support from the Board/Staff would be required.
3. A communication to the residents of LHI and potential release of an EOI regarding membership of MRNSW to be progressed, followed by a public meeting/presentation by MRNSW. Advice and direction on the best method/s and process for engaging with the public would be required.
4. Planning on the erection of a basic shed on an area of land next to the RMS/Marine Parks shed at the boat ramp to be finalised, including the identification and commencement of the appropriate approvals/licences/technical aspects. Advice and on-island support from the Board/Staff would be required.
5. Planning on the procurement of a fit-for-purpose rescue vessel to be finalised, noting that the acquisition/build timeframe of a vessel will be 12-18 months at the earliest. In addition, planning re wharf/jetty berthing or mooring to be progressed. Advice and on-island support from the Board/Staff would be required.

Whilst there is a lot more detail to go into across the many aspects of the projects, the above summary should provide a solid basis covering the core items from which to make an informed 'in principle' decision. Should you have any questions though, please don't hesitate to contact me.

Thank you again and I look forward to hearing back from you.

Regards



Dean Storey | Deputy Commissioner
Marine Rescue NSW

CC Jim McFadyen



LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Marine Rescue NSW – Lord Howe Island Marine Rescue Unit Concept

RECOMMENDATION

That the Lord Howe Island Board:

- 1) support the Marine Radio Communications enhancement;
- 2) provide in principle support for the Marine Rescue Unit establishment;
- 3) undertake further community consultation regarding the establishment of a Marine Rescue Unit on Lord Howe Island, and;
- 4) The CEO provide a written response to Marine Rescue NSW advising of the above

BACKGROUND

Over the past three years Marine Rescue NSW (MRNSW) has been in discussions with the Board regarding a number of proposals concerning Lord Howe Island. In March this year a number of representatives including Commissioner Tannos, Andrew Cribb and Dean Storey from MRNSW and Commander Hutchings and Brett Prentice from NSWPF Marine Area Command came to the island to look at the operating environment and logistics that any future project would face.

CURRENT POSITION

The Board is now in receipt of a letter from Dean Storey, Deputy Commissioner of MRNSW (Attachment A) providing more detail about the framework and requirements of any future Radio Communications project and Marine Rescue Unit on Lord Howe Island.

MRNSW has requested that from a marine/boating safety perspective that it be approached and considered as two independent but related projects, being;

- 1) Marine Radio Communications enhancement
- 2) Marine Rescue Unit establishment

Marine Radio Communications Enhancement (Intermediate Hill)

A simple marine radio installation is proposed at Intermediate Hill. Although there would remain a level of 'shadowing' directly behind Mt Gower, this site appears to provide effective coverage across other areas and is feasible from an access/installation/maintenance standpoint.

Initial scoping activity has focused on working in conjunction with Air Services Australia who we believe are also pursuing an installation at the site, however, following recent correspondence it appears that MRNSW may need to progress independently.

The installation at Intermediate Hill would:

- Be low impact from an environmental and visual perspective.
- Be restricted to a 25m pole with antennas, a solar-based charging system and small enclosure (on concrete footing) to house the radios and batteries.
- Be restricted to VHF Ch16 (accessible locally, and also linked to Sydney) and a local VHF Working Channel (likely Ch19) which would not be linked to the mainland.
- Require a line-of-sight link to a 'base' with consistent internet access

Any Future Marine Rescue Unit on LHI would require a Radio-over-Internet-Protocol (RoIP) VHF Ch16 link to the 24/7 State Operations Centre in Sydney as a mandatory requirement. This would provide consistent monitoring of VHF Ch16 (only) for the local and extended waters around the island.

All costs associated with the establishment, maintenance, repair and future replacement of the radio installation and links would be borne by Marine Rescue NSW.

Marine Rescue Unit Establishment

The establishment of a Marine Rescue Unit on LHI would require the following matters to be addressed, Unit Governance/Management, Unit Base (building), Rescue Vessel (including mooring/berthing), Volunteer Personnel/Members, Training and MRNSW/NSW Government Approval.

The attached letter provides detailed requirements for all of these matters and answers many questions that members may have about this proposal including all costs to be borne by MRNSW and the preferred location of the Unit's building being a simple shed beside the Oil Spill/Marine Parks shed.

MRNSW is now seeking formal advice from LHIB about whether it believes the projects are viable and wishes to progress planning.

The marine radio enhancement appears to be a logical and good idea to support. The establishment of a Marine Rescue Unit may be a little more complex with the potential having more impact on the island which broader community consultation required. However in principle seems to provide good outcomes for the island, community and broader regional and international boating community.

RECOMMENDATION

That the Lord Howe Island Board:

- 5) support the Marine Radio Communications enhancement;
- 6) provide in principle support for the Marine Rescue Unit establishment;
- 7) undertake further community consultation regarding the establishment of a Marine Rescue Unit on Lord Howe Island, and;
- 8) The CEO provide a written response to Marine Rescue NSW advising of the above

Prepared: John Teague, Manager Infrastructure & Engineering Services

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

Attachment A: Marine Rescue NSW – Introduction Letter

Board Meeting: May 2019	Agenda Number: 13 (i)	Record No: ED19/4339
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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 1 May 2019 nine claims had been lodged for the 2018-19 financial year.

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	25/09/2018	Foreign body in tip of finger	Picking up glass	Medical expenses only
3	08/10/2018	Mild tear in ligament of knee	Minor slip on rough terrain on a slope	0
4	27/11/2018	Bruised L peri-patellar tissues	Impact injury	Medical expenses only
5	20/12/2018	Lumbar back strain	Lifting	Medical expenses only
6	22/01/2019	Bruises and grazes	Fall in PPP	15.2
7	07/02/2019	Back strain (R sacroiliac)	Lifting	10.7
8	04/03/2019	Rib strain (L costo-chondral)	Lifting	29.2
9	04/04/2019	Hand spiked with wire (R hand)	Cutting brush	Medical expenses only

Workers compensation statistics for the last five years:

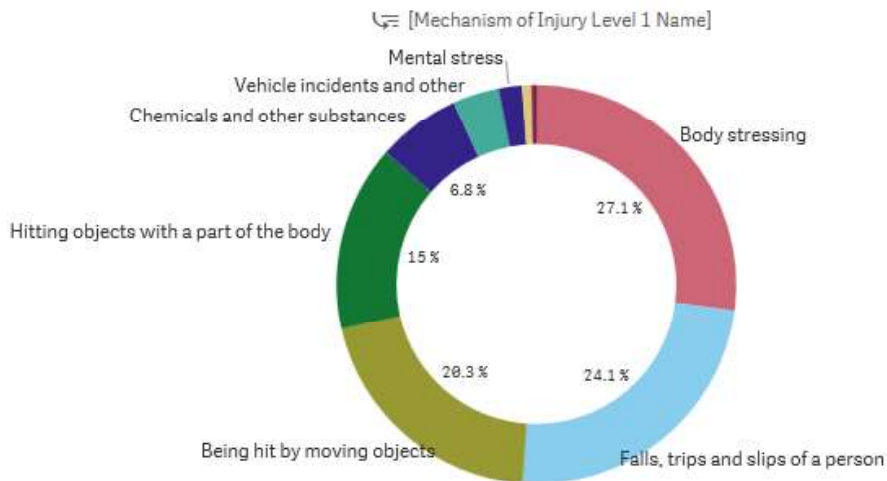
4. Claims Table Summary

(Reportable and non-Reportable Claims)

Last 5 FY Repo	Number of Claims #	Avg Net Incurred Cost	Net Incurred Cost \$	Total Amount Paid \$	Latest Estimate \$	Amount Recovered \$
Totals	266	\$9,173.82	\$2,440,235.32	\$1,875,544.97	\$564,690.35	\$0.00
Before	208	\$8,742.09	\$1,818,355.61	\$1,505,487.18	\$312,868.43	\$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	\$14,987.03	\$269,766.57	\$232,977.32	\$36,789.25	\$0.00
FY 17-18	15	\$14,975.46	\$224,631.84	\$79,866.96	\$144,764.88	\$0.00
FY 18-19	8	\$10,064.59	\$80,516.72	\$10,248.93	\$70,267.79	\$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 injuries include Workplace Health & Safety matters being discussed and addressed at monthly staff meetings, including reviews of Job Safety Analysis and Hazard Identification. The WHS Risk Management System is being reviewed and also implemented for any temporary appointments such as for the REP.

In addition, more pro-active liaison is being implemented during the return to work phase. Regular case reviews are being scheduled with case managers to improve outcomes and lessen impacts of work injuries.

Public Risk Management

The closure of the northern leg of Bowker Avenue has been successful in improving the road safety in this area and received strong support from the community. The Board will now make this a permanent road closure for traffic by installing bollards and fencing. It is also proposed

to undertake minor road widening of Bowker Avenue at the intersection to allow two cars to pass safely.

RECOMMENDATION

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

Prepared: Belinda Panckhurst Administration Officer

Endorsed: Peter Adams Chief Executive Officer