

LORD HOWE ISLAND BOARD

BOARD MEETING AGENDA

MEETING DATE:	MEETING LOCATION:	MEETING TIME:
Tuesday, 28 th April 2020	Bowling Club, Lord Howe Island	Planning/Closed Session 9:30 am to 12:30 pm
Wednesday, 29 th April 2020	Bowling Club, Lord Howe Island	Open Session: 9:30 am to 12:30 pm

Preparer	Presenter	ITEM		OPEN (O)	CLOSED (C)	ACTION Note/Decide
na	AL	1	CONFLICT OF INTEREST DECLARATIONS			
GS	PA	2	MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION	O		Note
GS	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		Note
GS	PA	6	MOTOR VEHICLE IMPORTATION OR TRANSFER – STATUS REPORT	O		Note
		7	FINANCE AND BUSINESS MANAGEMENT			
JvG	JvG	(i)	Finance Report	O		Decide
JvG	JvG	(ii)	Community Support Package COVID-19	O		Decide
		8	DEVELOPMENT APPLICATIONS			
GS	JS	(i)	Owner Consent approved under Delegated Authority	O		Note
GS	JS	(ii)	Development Applications Determined Under Delegated Authority	O		Note
AAP	AAP	(iii)	Annual Planning System Review	O		Note
DW	DW	(iv)	Aviation Fuel Shed – Justification Report – MC2020.04	O		Decide
AAP	AAP	(v)	Aviation Fuel Shed – Assessment Report – MC2020.04	O		Decide
AAP	AAP	(vi)	New shed for use a Marine Rescue NSW Operations Room and Boat Store – DA2020.05	O		Decide
AAP	AAP	(vii)	Demolish existing boatshed and deck and construct a new boatshed and deck – DA2020.03	O		Decide

Preparer	Presenter	ITEM		OPEN (O)	CLOSED (C)	ACTION Note/Decide
AAP	AAP	(viii)	Alterations and additions including retention of existing Cottage – OC 2020.01 & DA2019.10	O		Decide
AAP	AAP	(ix)	Three Lot subdivision - Larry and Liz Wilson OC2020.04	O		Decide
		9	POLICY & STRATEGY			
DN	JS	(i)	Community Strategic Plan Update	O		Note
JvG	JvG	(ii)	Commercial Filming Policy Review	O		Decide
		10	LEASING & LAND ADMINISTRATION			
JS	JS	(i)	Closed Session		C	Note
JS	JS	(ii)	Application for consent to transfer PL1954.24 from the estate of the late Hazel Payten to Vicky Payten and Gayle Fisher	O		Decide
JS	JS	(iii)	Application for consent to transfer PL1974.02 from the estate of the late Ron Owens to Bev Owens	O		Decide
		11	GOVERNANCE			
JvG	JvG	(i)	Audit and Risk Committee Report	O		Note
		12	OPERATIONS & SERVICES			
HB	HB	(i)	Rodent Eradication Project Update	O		Note
HB	HB	(ii)	Update on revegetation of Blackburn Island			
		13	WH&S and PUBLIC RISK MANAGEMENT			
JSp	JvG	(i)	WH&S and Public Risk Management Update	O		Note
		14	INTERVIEWS			
		15	GENERAL BUSINESS AND QUESTIONS ON NOTICE			

Board Meeting: April 2020	Agenda Number: 2	Record: ED20/2220
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Adoption of Minutes of Previous Meeting.

RECOMMENDATION

Submitted for the Board's information.

BACKGROUND

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

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

CURRENT POSITION

Minutes of the December 2019 meeting were distributed to each Board member and have been endorsed through the above process with amendments.

A copy of the endorsed Minutes is attached.

RECOMMENDATION

Submitted for the Board's information.

Prepared: Belinda Panckhurst, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

Attachment A: Minutes – Board Meeting – December 2019 – **Closed Session**

Board Meeting: April 2020	Agenda Number: 3	Record: ED20/2222
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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 December 2020, three matters were considered at an out of session meeting and are shown in the table below.

OPEN SESSION				
No.	Date	Application	Vote	Comment
January 2020				
1	6/01/2020	MDC 2020.04 - Demolition of an existing fuel storage shed and construction of a replacement shed (airport ancillary development) at Lord Howe Island Airport.		Requested to be considered at a full board meeting to allow discussion rather than as an "out of session" paper. Report prepared for April Board meeting.
February 2020				
	Nil			
March 2020				
2	19/03/2020	Proposed travel restrictions covid-19.	Abstained: GC Approved: DK, RP, MR, AL, TT, CW.	Result: Approved
3	7/04/2020	Restricted access to Lord Howe Island under the Public health (COVID-19) Lord Howe Island Order 2020 policy.	Supported: GC (with conditions), DK, RP, MR, TT, CW. No response: AL	Result: Approved

RECOMMENDATION

Submitted for the Board's information.

Prepared: Belinda Panckhurst, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

Board Meeting: April 2020	Agenda Item: 4	Record Number: ED20/2214
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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. Those actions reported as complete are deleted from the Action List at the subsequent Board meeting.

CURRENT POSITION

A list of actions from decisions of the December 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 December 2019 Board Meeting and Previous Meetings

LORD HOWE ISLAND BOARD

Action Sheet from September 2019 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#
12(vii) November 2016	Commercial Tour Operator Licensing System	Investigate opportunities to align with Ecotourism Australia accreditation program.	October 2018	MECS	Bridging permits issued. Draft Eco-pass information pack being prepared. However, due to other major projects, has been deferred.	
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 2020	MECS	Proposed to 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. 	Ongoing	MECS/MBCS	Ongoing	
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	Consultation undertaken that informed the 2019/20 budget adopted by the LHIB in May 2019. Survey undertaken. School consultation held. Two workshops held with additional planned. Officer undertaking CSP required on REP and will return to CSP in Dec 2019. Now diverted to COVID-19 response.	

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date#
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	Funding not available from LEP planning review fund. Stage 1 Gateway approval achieved. Exhibition and referral process to begin following Gateway determination. Stage 2 LEP review is a major exercise requiring significant funds. Funding requirement included in Estimates briefing note for Sept 2019. Stage 2 not yet funded.	
12 (iii) September 2018	Airport Runway Feasibility Study	Form a high level working group, comprised of all relevant stakeholders.	April 2020	CEO	Meetings with Transport for NSW held. Review of Feasibility Study with TfNSW and multi-agency Working Group being reinstated. Urgent focus on recent ground agent issue being facilitated. New contract to secure weekly flights during COVID-19 negotiated and agreed with NSW Gov funding. Qantas have stood down most staff and NSW Gov staff diverted to COVID and bushfire response.	
12 (iv) September 2018	Location of Public Fuel Sales	<ol style="list-style-type: none"> 1. Rezone the land so that it can be operated by a private entity. 2. Submit a DA. 	February 2019	MECS	DA plans to be prepared. Gateway approval achieved for re-zoning. Deferred for recruitment of MIES	

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date#
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 meeting of the Board to consider the revised DA.		MIES MECS	Site upgrade completed. Grant to assist in provision of public toilet and waste water upgrade to compliment upgrade of open space approved.	
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 commercial and domestic sectors of the island.	April 2019	MBCS	Draft letter to go out after April Board meeting – to discuss	April 2020
5 May 2019	CEO Report – IES	Draft a letter to Rod Staples – RMS	May 2019	MIES/ CEO	Completed	Feb 2020
9 (ii) May 2019	Amendments to the LHI Local Environment Plan	<ul style="list-style-type: none"> Submit Planning Proposal & Gateway Determination Report on outcomes of Gateway Determination 		MECS MECS	Action completed Gateway Approval achieved. Action Completed.	
24 September 2019	Motor Vehicle	Review Motor Vehicle Policy – Preferred vehicles	March 2020	CEO	Underway.	
24 September 2019	Policy & Strategy	Timber from Camphor Laurel trees be auctioned to Islanders	January 2020	MECS/ MWH	After camphors removed. Delay due to Uesi & COVID travel restrictions.	
24 September 2019	Land Administration	Recommend to the Minister a new Permissive Occupancy P2020.1 be granted with conditions	November 2019	MECS	Completed.	
24 September 2019	Land Administration	Review of Suspension of Residency Policy	November 2019	MECS	In progress	

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date#
24 September 2019	General Business	Interpretive Sign be considered for erection at entrance to Stephen's Reserve	March 2020	MIES	Completed. Suggestion passed on to project manager (MIES)	
9 (i) 10 December 2019	Policy & Strategy Biosecurity	The ECS team to prioritise the seeking of external funding to cover biosecurity costs to LHI.	June 2020	MEWH	Biosecurity funding proposal submitted to Treasury. Outcome not known. Bushfire and COVID impacts affecting the matter.	
9 (ii) 10 December 2019	Policy & Strategy Cities Power Partnership	Report be prepared nominating the 5 pledges selected and identifying how delivery of these pledges would be resourced.	March 2020	MECS	Not yet commenced.	
9 (iii) 10 December 2019	Policy & Strategy Captive Management Facility (CMF)	<ul style="list-style-type: none"> ➤ Leave the CMF temporarily in place and implement an annual maintenance program ➤ Release an Expression of Interest to the LHI community to garner interest in the use of the CMF / site in its current or modified form. ➤ Further investigate other reuses described in Options 1 and 2 ➤ Have A Status Report at the March 2020 Board meeting 	Dec 2020	MECS	Not yet commenced. Not optimal time to seek EOIs due to COVID disruptions to travel/economy.	
23 Sept 2019 & 9 (v) 10 Dec 2019	Aged Care	<ul style="list-style-type: none"> ➤ An Issues Paper be prepared by January 2020 to enable the taskforce to meet before the next Board meeting in March 2020 ➤ An on-island aged-care working group be established to inform the mainland taskforce. 	May 2020	CEO	Working group not progressed because opportunities have emerged and Chair role in gov has changed. Liaison with Adventist Care underway as proposed home care services provider. Progress being made on aged care needs and provision of services.	
10 (i) 10 December 2019	Leasing & Land Administration Land Allocation Review	The Chair write to the Minister asking that the required legislative changes be expedited.	April 2020	Chair	Not yet undertaken. Changes in staff and crisis across NSW has	

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date#
					put legislative changes on hold.	
10 December 2019	Rodent Eradication Project – Budget Shortfall Update	<ul style="list-style-type: none"> ➤ Put Project Management protocols into place ➤ Consider options on how to fund shortfall ➤ Support funding applications to various outside funding bodies 	June 2020	CEO	Report to March meeting. Funding proposals completed. Some proposals progressing to Treasury.	

Note: Action Items submitted to a Board meeting showing an 'Actual Completion Date' entered, are removed from the following Board Meeting Action List to be concise and ensure clarity for ease of review.

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

Chief Executive Officer's Report to the March 2020 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: 1
Business & Corporate Service Report
Reason: Business in Confidence

COVID-19

The Novel Corona virus within China initially triggered emergency management planning and response very early by the Local Emergency Management Committee in accordance with existing pandemic Consequence Management Plans for LHI. At that stage while not wanting to overtly cause panic, preparedness was reviewed and steps taken to be prepared both within the Board administration and with other agencies such as the Hospital and Police. Supply chains, transport, medical facilities and resources, welfare and other matters were addressed. Two public information sessions were held before gatherings became restricted activities. The locum doctors prior to the arrival of Dr Clark played important roles in the interim.

Escalation and declaration of a pandemic, the reality of the spread of the virus and the implications for LHI with its remote location and limited medical facilities led to the making of a Public Health Order specifically for LHI (effective from 22 March) by the NSW Minister for Health that effectively closed travel to LHI, saw all tourists leave, and closed down almost all businesses. As a result, the virus has not arrived on-island to date. The Order and travel restrictions were introduced to LHI before subsequent restrictions and other Public Health Orders were enacted across NSW.

The closure has had major impact on businesses, revenues, work and social practices. The incremental introduction of restrictions applying across NSW and Australia has also meant that laws and the challenges of responding and administering them were changing daily. While change is not as rapid, situations continue to evolve.

As is the case everywhere, major events have had to be cancelled. These include the ANZAC Day service, church services, Rockfest, the Game Fishing competition, the Photo Shootout and many other activities normally enjoyed during Autumn.

An interagency group has been facilitated by the LHIB and met daily to be responsive to the rapidly changing situation. It now meets three times per week and has had a full agenda throughout. Its minutes are reported through the Regional Emergency Management

Committee. Members include the Police, doctor San Clark (and therefore South East Sydney Local Health District), the School Principal, the Board Deputy Chair, and senior LHIB staff.

The Lord Howe Island Board elected members have met weekly with the administration's senior leadership team to address the many issues that continue to arise.

Regular teleconferences have been held specifically for LHI with the South East Sydney Local Health District Emergency Management Group (NSW Health are the "combat agency" for a pandemic emergency).

Teleconferences of the Regional Emergency Management Committee have been attended by the LEMO (Kate Dignam) and myself as LEMC Chair).

LHIB work practices have been proactively changed to minimise risk in case the virus was to have been here or if it arrives. Services and allocation of resources has been reviewed regularly to optimise priorities during this unprecedented situation.

Welfare of those on Lord Howe has been an active issue throughout. Many actions and initiatives have been initiated and others are underway. These range from the very active role of the Lord Howe Island Tourism Association (through Trina and others) in messaging, assisting access to Commonwealth and NSW assistance packages and business planning assistance, etc. Cancellation policies, staffing impacts, business planning decisions and other matters have been challenging for all.

Self-isolation, social distancing and quarantine have meant major changes and therefore impacts on people's emotional wellbeing. A welfare coordination group has commenced overseeing a range of specific teams undertaking community led actions to assist people cope with the COVID-19 situation.

Close liaison and agreements to allow continued weekly flights by Qantas, air freight and passenger flights by Eastern Air Services, and shipping and business continuity measures by Birdon have occurred. Protocols to protect against the risk of infection via visiting crews and transport operations have been agreed, managed and where necessary enforced.

Access to and from the island has been a concern for some because it is the potential pathway for COVID-19 to arrive on LHI. The Police officer Heath Douglas has managed this very closely and in liaison with the interagency group. The Police officer's task of managing laws applying across all NSW as well as local restrictions, in a manner that is location appropriate but defensible, legal, maximises compliance and minimises risk is a challenge.

The combination of the LHI Public Health Order together with other travel and activity restrictions applying across NSW provides the frame for a determination (approval/refusal) process for leaving and arriving on LHI. All categories of applicants need to justify their status and need to travel. Quarantine also applies to all arrivals.

The COVID-19 crisis is far from over and the future strategies for LHI within a state and national context are as yet unclear. Action remains focussed on the situation and liaison with other isolated islands (Torres Strait, Norfolk) is occurring to assist in location specific strategy rather than simply mainland appropriate strategy.

MATTER	STATUS	ACTION REQUIRED BY BOARD AT THIS MEETING
Community Strategic Plan	See report in this meeting.	See agenda item 7 (ii)
Runway Feasibility Study	Full reports being reviewed by TfNSW and working group scheduled to meet following review. New membership following changes to Machinery of Government. Bushfire and COVID-19. Close liaison with TfNSW and Qantas to address urgent issue completed. Weekly flights underwritten..	Note
Rodent Eradication Program	Detailed status report in this business paper.	See agenda item 12 (i)
Renewable Energy Project	Project continues in implementation despite a range of major challenges including COVID-19 travel restrictions.	See attachments C & D to this report.
Marine Rescue	Marine Rescue Unit at LHI and marine radio installation continues to progress. DA assessment report being considered at this meeting. Telecommunications upgrade at Intermediate Hill design and approval process well advanced. Vessel at Port Macquarie for major refit to prepare for commissioning to LHI.	See agenda item 8 (vi)

Prepared: Peter Adams, Chief Executive Officer

Attachments:

- Attachment A: Business and Corporate Services Report – Open
- Attachment B: Environment and Community Services Report – Open
- Attachment C: Infrastructure and Engineering Services Report – Open
- Attachment D: Infrastructure and Engineering Services – Project Summary Report – Open
- Attachment D: Hybrid Renewable Energy Project Status Report – February – Open
- Attachment E: Hybrid Renewable Energy Project Status Report – March – Open

CEO Board Report

Business and Corporate Services

ISSUE	STATUS	ACTION REQUIRED BY THE BOARD AT THIS MEETING
Actions from Previous Meetings – Status Report	In progress	For the information of the Board. Agenda item 4
CEO Report - BCS	Complete	For the consideration of the Board. Agenda item 5 (i)
Financial Report	Complete	For the consideration of the Board. Agenda Item 7 (i)
Community Support Package	Complete	For the consideration of the Board. Agenda Item 7 (ii)
Commercial Filming Policy Review	Complete	For the consideration of the Board. Agenda Item 9 (ii)
Audit and Risk Committee Report	Complete	For the information of the Board. Agenda item 11 (i)
WH&S and Public Risk Management Update	Complete	For the information of the Board Agenda item 13 (i)

The Liquor Store operations and the Arrival data are closely aligned. They have both been significantly affected by the Travel Order put in place as at 22nd March but clearly effecting numbers before then. In addition, the cancellation of Rockfest and other activities has had a marked effect.

Liquor Store

Liquor Store revenue for the financial year to March 2020 was \$1.45m which is slightly above last year's income of \$1.43m (+1.4%). Expenses were \$1.23m, being above last year's expenses of \$1.1m (+12%). The net result is down from last financial year by **\$116k**. The major issue here is that the month of March had a drop in surplus when compared to March 2019 of **\$82K** alone due to the unique events occurring (or not).

Further analysis of the Liquor Store will occur, with the aim of achieving a more productive resource for the Board. New monthly reports are planned to the Senior Management Team, such as slow-moving stock, stock reconciliations and audits of sale price to landed unit cost (LUC). It is planned to have a sale of the older stock in order to restructure the stores with a view to tighter management, dependent on timing of return to normal operations. Poor handover of operations from departing to new staff has resulted in a productivity loss for this year.

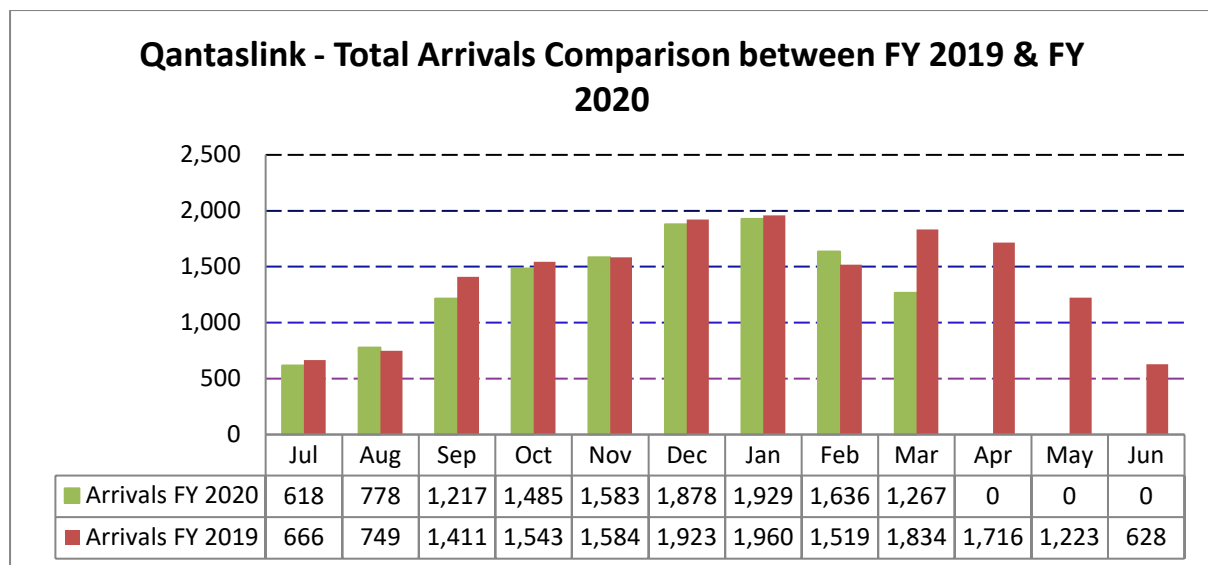
Liquor Store: Year-to-Year Comparison - March 2020

	Mar'19	Mar'20	Change \$	Change %
Income				
Sales	1,427,414	1,446,487	19,073	1.3%
Other	11,218	10,533	-685	-6.1%
Internal	N/A	1,496	N/A	N/A
	1,438,632	1,458,516	19,884	1.4%
Expenses				
Wages	100,231	130,966	30,735	30.7%
Cost of Goods sold	987,916	1,096,259	108,343	11.0%
Other	10,535	5,882	-4,653	-44.2%
Depreciation	N/A	1,425	N/A	N/A
	1,098,682	1,234,532	135,850	12.4%
Surplus	339,950	223,984	-115,966	-34.1%

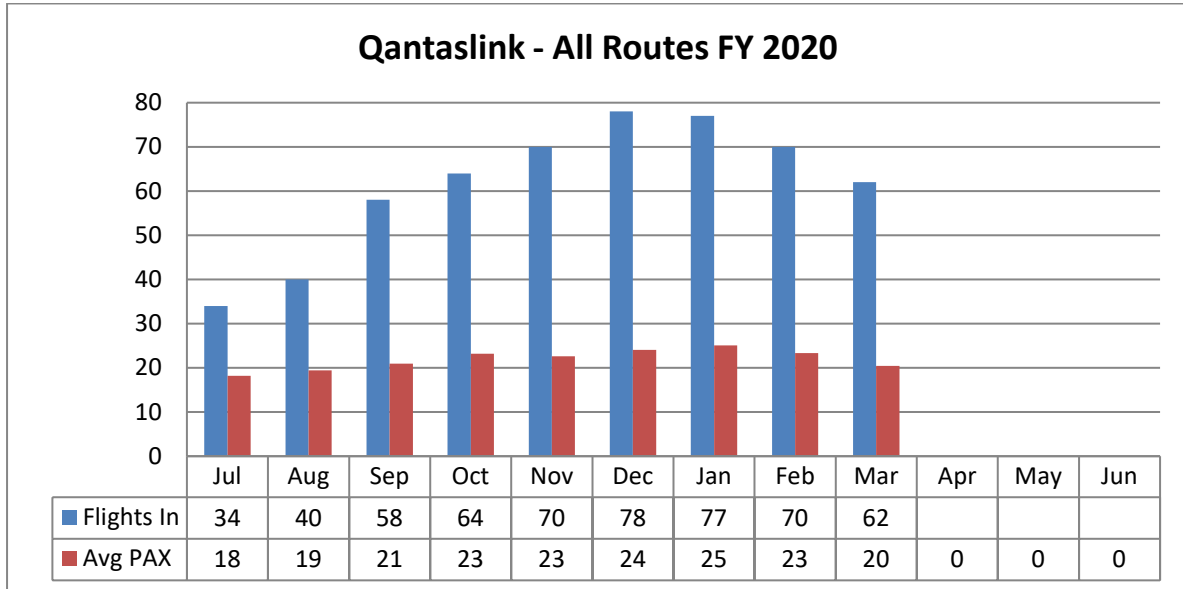
Tourism Management

The number of passengers arriving by air between 1 July 2019 and 31 March 2020 was 12,389 down from 113,187 arrivals for the corresponding period last year (March 2019) and 12,924 to March 2018. This figure does not include non-Qantaslink arrivals.

The chart below compares total year-to-date arrivals for Qantaslink only, to the end of March 2020 with the corresponding period last year.



The following chart provides information regarding the number of QantasLink flights per month and average passenger loadings per flight, per month from 1 July 2019 to 31 March 2020. Compared to last year, the number of flights has decreased in the period – from 569 to 553, whilst the average number of passengers per flight has also dropped 23.2 down to 22.4.



Prepared: John van Gaalen, Manager Business and Corporate Services

Endorsed: Peter Adams, Chief Executive Officer

CEO Board Report

Environment and Community Services

26 November 2019 to 17 March 2020

Biodiversity Management

- Cyclone Uesi resulted in a large number of trees coming down and blew a large number of fledging White Tern chicks from their nest branches. Many local residents adopted the chicks during the storm and then tried to repatriate with their parents or sought adopting parents. Special thanks to Deb Thompson who had over 30 in her care during the storm.
- There have been no detections of African Big-headed Ant during routine inspections of REP rodent stations and since the REP via opportunistic visual assessments. Monitoring of the last two reinfestation sites is scheduled for March/April 2020 with surveys of all former infestations scheduled for Spring 2020.
- Masked Owl surveys and hunting continue. One female Masked Owl recently shot at Old Settlement, thought to be the owl roosting at Kims Lookout and hunting the northern hills and settlement. Pestlures returning for final visit under contract late March, will target Owls south of airstrip and southern mountains. Owl kills of birds are assisting to determine location where remaining Masked Owls are persisting/hunting. Board staff with firearms licenses to target Masked Owl between visits by Pestlures and respond to reports by community.
- Captive held Woodhens were released back into the Settlement in early January 2020 and have commenced breeding with chicks present at a number of locations.

Threatened plants

- The remaining wild population of Sand Spurge *Euphorbia psammogeton*, a critically endangered plant located on Blinky Dune was demolished from recent beach erosion. Good news is the LHIB has an insurance population in propagation. Plants have been replanted on Blinky Beach at strategic locations and the lagoon foreshore known as historical habitat.
- Seed of the threatened plants Sand Spurge, Philip Island Wheat Grass – *Elymus multiflorus* subsp *kingianus* and LHI Broom *Carmichaelia exsul* have been sent to the Australian PlantBank for seed banking.
- Field teams have reported improved flowering, fruiting and foliage extension of threatened and endemic plants species. Of note is the abundance in flowering of LHI Broom and LHI Morning Glory *Calystegia affinis* from Old Settlement and of other native species.

Research

- The Research Station has been occupied by DPIE staff working for the REP and contract weed team staff from September till present.
- Twenty one people stayed in the research facility during the reporting period)see below table:

Dates		Persons	No. Nights	Institutions	Research
11/01/2020	13/01/2020	2	2	University of Western Australia	Galapogas shark research
13/01/2020	20/01/2020	3	7	University of Western Australia	Galapogas shark research
17/01/2020	28/01/2020	1	11	Leonardo Nogueira de Moraes	Tourism Development and Local Resilience
20/01/2020	2/02/2020	2	13	University of Western Australia	Galapogas shark research
8/02/2020	23/02/2020	6	15	Department of Primary Industries	LHI Marine Park Biodiversity Surveys (RLS - Reef Life Survey)
26/01/2020	7/02/2020	1	12	Simon Eastburn	LHI Weed Eradication - Contract Project Work
23/02/2020	29/02/2020	1	6	Dion Fabro	Weeds Database Upgrade - Fulcrum Application
23/02/2020	1/03/2020	3	7	Andrew Denham - OEH DPIE	Sallywood - Little Mountain Palm - Cloud Forest
1/03/2020	7/03/2020	1	6	XM2 now MidAir Insights	NSW ET the Tide is Turning - Drone Research - Detection and Spray
11/03/2020	31/03/2020	1	20	Simon Pahor - Biosecurity	Biosecurity

Rodent Eradication

- See Agenda Item - Rodent Eradication progress report.

Biosecurity

- Interception and capture of one invasive Asian House Gecko aboard Island Trader Photon charter alongside LHI wharf and one from the hire vehicle. Using the Qld DAF numerical risk assessment (2008) the Asian House gecko is identified as a 'Serious' pest risk for areas with climate that overlaps with that of Lord Howe.
- Investigation of 39 Rat On A Rodent reports. 14 resulting in further evidence collection scenarios. No positive rodent sign was detected.
- Ongoing inspections using detection dogs of freight brought in on Island Trader (6 voyages + 2 special voyages in 2020) and freight planes as well as inspections of luggage from passenger planes. General increase in surveillance/inspection activities both pre border and post border.
- 8 Pre border inspections (during 2020) at Birdon wharf facility, Port Macquarie for each loading of LH Sea freight with LHIB Biosecurity Dog Handler and detection dog. This includes servicing all bait stations and other detection devices, prophylactic treatments for invertebrates, training of stevedores, suppliers and carriers.

- Liaising with Birdon regarding design of suitable pallet storage to keep large freight items (eg building materials) off the ground (to reduce biosecurity risk through pest stowaways in freight).
- Purchasing two rapid response kits (one for Port Macquarie and one for LHI) to enable treatment of pests/incursions as soon as possible after detection.
- External audit by contractor Simon Pahor commenced to review LHI and mainland operations and what improvements are required.
- Continued development and improvement of Biosecurity Operational Plans for biosecurity inspections at LHI wharf, LHI aerodrome, Port Macquarie wharf and aerodrome.
- Draft Biosecurity Operations Plan developed.
- Completed installation of 330+ permanent monitoring devices at LHI jetty, aerodrome and other identified areas on Island to implement the Biosecurity Monitoring Network.
- Ongoing checks of high priority areas occur weekly and fortnightly with the entire monitoring grid checked monthly.
- Reviewed staff and resource requirements to undertake biosecurity inspections, monitoring and capacity to respond to incursions.
- Contracted Dion Fabbro to develop App for phones to record and manage biosecurity monitoring & surveillance information and sync with GIS so able to track biosecurity checks etc.

Weed Management

- Helitreck delivered helicopter winch operations in November 2019 deploying teams at elevation to undertake weed search on the upper flanks of Mt Gower and Mt Lidgbird. Up to 90 person days achieved search across 20 hectares removing Cherry Guava (806 seedlings, 1014 juveniles and 150 matures) and one Ochna. The helicopter also returned woodhens to the southern mountains.
- The inaugural complete weed search of Mt Gower summit has deemed the summit free of eradication target weed species. Tobacco Bush *Solanum mauritianum* was detected and treated to limit its localised spread.
- The weed team has kick started search effort post REP with additional grant funded staff on the team since January. Teams are progressing work in the southern mountains, Intermediate Hill and follow-up on Glory Lily *Gloriosa superba* and Madeira Vine *Anredera cordifolia*.
- The drone - weed detection project which requires clear skies has been affected by smoke haze over the summer and recently by cloudy skies. With limited specimens of Cherry Guava, Ground Asparagus and Bitou Bush on LHI we will require sampling of surrogate sites on the mainland to establish an adequate spectral library needed to build detection algorithms so that drones can be deployed to find isolated plants from cliffs and steep terrain in the future.
- Upgrade of the LHI Weeds data collection and reporting systems to enable auto down load of weed search and spatial data.
- Input into the North Coast Weeds Action Plan (WAP) and 5 year funding bid which is managed through the North Coast Local Land Services and NSW Department Primary Industries (DPI).
- Two successful grant reports submitted to the Saving Our Species – Department of Planning Industry and Environment and National Landcare Program administered by the North Coast Local Land Services – Protecting World Heritage Values and the Little Mt Palm triggering invoicing and payment of funds.
- Four volunteers gained experience on the LHI Weed Eradication Program including 2 local people.
- A mature Silky Oak was located and controlled mid-way between Middle Cave and the Saddle on the southern side of Mt Lidgbird.

- The last 5 mature Camphor Laurels from Stevens Reserve have been felled and an EOI to have the timber milled will be sought from the community.
- Only one lease still has mature Camphor Laurel, Silky Oak and Flame Tree remaining. All other leases have complied with the removal of these tree weeds.

Revegetation

- Maintenance of revegetation sites has been undertaken in accordance with the Revegetation Work Schedule.
- Propagation of seedlings during rain days for planting at LHIB revegetation sites.
- Obtained NSW Environmental Trust grant for \$99,000 to revegetate Sallywood Swmp Forest (Endangered Ecological Community) behind Pinetrees lodge. Plants ordered for planting this winter.

Incident Management

- Nil

Compliance and Enforcement

- Ongoing investigations into compliance with the Board's policy relating to the use of public moorings.

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.
- The Environment crew have been working on the REP effectively full time. Work on track maintenance has been restricted to essential tasks to manage the safety of the track network. Regular track maintenance is expected to resume in December, although it will take some months before the tracks are restored to their usual standard.
- Brief for the renewal of Middle Beach Stairs has been provided to MIES and may be incorporated in the Stevens Reserve walking track upgrade.
- Track safety and condition audits will commence in October.

Marine Management / Moorings

- 50 yachts visited the Island and attached to LHIB public moorings during the reporting period. 18 in Nov 2019, 15 in Dec 2019, 11 in Jan 2020, 4 in Feb 2020 and 2 in Mar 2020.
- One Mooring was partially damaged during the recent cyclone. Planning is underway to instigate a repair of this mooring.

Human Resource Management

- Saxxon Thompson successful candidate for ECS Field Officer Position.
- Temporary weeder positions filled through grant funding.

Work Health & Safety

- Only minor.

Environmental Assessment

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

Land Administration

- 3 Land administration reports prepared for this Board meeting
- Ministerial requesting for Islander declaration of Branko Pavlica as an islander is still with the Minister
- Letter is being drafted to send to Boatshed Owners with regards to use of portable advertising signs.
- Category B Special Lease restitution has been initiated for one lease. A letter will be sent to the other Cat B Special Lease candidates once land zoning and land tenure matters have been resolved.
- MECS is preparing Ministerial' s to finalise the Gower Special lease matters resolved in the December Board meeting.

Development Assessment and Land Use planning

- MECS working with Planning Officers from DPIE to prepare a Lord Howe Island Local Strategic Planning Statement, and a Community Participation Plan for development assessment. In due course these documents will be placed on public exhibition for comment and review prior to being presented to the Board for adoption. These are statutory documents required following recent amendments to the Environmental Planning and Assessment Act.
- MECS working with the DPIE to roll out electronic submission of DA's and certification services via the Planning NSW website. This will allow for greater accountability in the DA assessment process
- MECS negotiating with Building Professionals Board and the Legal team to reinstate building certifications services to the island. A full resolution to this matter is at least six months away or longer, and may require amendments to the Lord Howe Island Act, Environmental planning and Assessment Act and or the Building Professionals Act.

Prepared: Justin Sauvage, Manger Environment and Community Services

Endorsed: Peter Adams, Chief Executive Officer

CEO Board Report

Infrastructure and Engineering Services

26 November 2019 to 22 April 2020

Management changes

- David Waterhouse started on 10/1/20 and had a weeklong handover with Bill Paterson.

Cyclone Uesi

- Ex Tropical Cyclone Uesi made landfall at Lord Howe Island in the early hours of Friday 14th February 2020.
- The IES works team carried out a number of tasks to prepare for the cyclone. This included clearing drains and securing board plant and property which could be picked up by strong winds, and pre-positioning plant at key locations in case flood mitigation works were required.
- IES participated in emergency response planning meetings held ahead of the cyclone.
- During the cyclone trees were brought down across the settlement area, falling across roads, on Board-managed land and on private leases. The IES works team and the SES responded quickly to clear trees, sand and debris to open roads. Tree and branch clearing continued in the days and weeks following the cyclone.
- At the airport, a number of markers were damaged, there was small debris on the runway and the Blinky Beach secondary windsock blew over. These issues were dealt with promptly and there was no loss of service/availability at the airport. Airlines resumed flights again on the Saturday morning.
- As part of the cleanup Craig Wilson organised a volunteer collection of trees and branches from private leases to which the Board contributed use of the chipper and truck.
- The Pinetrees Boatshed and Windy Point windsock coastal erosion sites were monitored post-cyclone and did not suffer significant increased damage. Erosion at both sites remains a concern and is being monitored.
- A number of Board buildings were damaged. The SES shed and the post office suffered minor roof damage. Damage occurred at the aviation fuel shed. A Norfolk Island pine tree came down at the Doctor's residence and tore off the gutter and damaged two skylights as well as destroying part of the back shed structure. An insurance claim has been lodged for this damage.
- The event has been declared a natural disaster by the NSW Department of Justice Office of Emergency Management. LHIB staff are making enquiries as to whether funding may be available under the joint Australian Government-State Disaster Recovery Funding Arrangements for the clean-up and recovery of public assets such as roads and walking tracks.

Airport

- Airport service was resumed promptly following Ex Tropical Cyclone Uesi – see above for details.
- The LHI Aerodrome Bird & Animal Hazard Management Committee met 26 February 2020. The committee assessed budget requirements for the coming sooty tern season and the need for the replacement of the entire 15 km of bunting. There was also discussion relating to the revegetation of Blinky dune with the threatened species of sand spurge (*Chamaesyce psammogeton*). The committee noted that this would then require receiving special Office of Environment and Heritage licensing and development of a threatened species management plan for future dune height reduction works.

Emergency management

- The LHI Local Emergency Management Committee (LEMC), Bureau of Meteorology staff and NSW Northern Zone State Emergency Service (SES) personnel closely monitored the track of Tropical Cyclone Uesi during the period of 7 February 2020 to impact (night of Thursday 13 February 2020). Due to the amount prior planning and preparedness local NSW SES (including local contractor) and LHIB staff were able to respond in the first instance clearing roads, tarping houses and the like. A visiting party of NSW SES and Fire and Rescue NSW were dispatched to the Island on Saturday 15 February 2020 to provide further assistance with tree falls and building impacts. The visiting party departed Tuesday 24 February 2020 after responding to 66 calls for assistance. At the time of writing the local NSW SES team, including a contract arborist team working free of charge, were still providing assistance.
- The LHI LEMC met Thursday 5 March 2020. Amongst the topics for discussion was Novel Coronavirus (COVID 19). The LHI LEMC have reviewed plans and are being guided by South East Sydney Local Health District for any response if/when required.
- Continued response and planning for the COVID-19 has occurred since, and the interagency working group, welfare response teams, and other activities have operated within the Emergency Management frame. Further details are provided in the CEO's covering report.

Waste management facility (WMF)

- LHIB staff continue to engage proactively and positively with the NSW Environment Protection Authority (EPA).
- LHIB has engaged a specialist to carry out a testing programme of compost as required for the EPA resource recovery exemption which is required for use of compost.
- LHIB waste management staff have been working to dismantle the large scrap metal pile (from the Island Clean Up). This waste has now all been returned to the mainland. Cargo space was used on the special Photon / renewable energy project voyages. Work continues to remove the large mixed waste pile which is currently covering the sorting bays.
- The WMF received a large amount of woodchips following Cyclone Uesi. This product has been used to top dress the embankment on the lagoon side of the WMF. Staff will monitor woodchip stocks and if a surplus is identified then a proposal to supply this to the community may be developed.

- LHIB staff continue to monitor wastewater discharge at the WMF with reporting for EPA licence compliance. There are currently issues around the transport of the required wastewater samples to the laboratory on the mainland. The LHIB have been unable to send a sample since January 2020. Staff are currently investigating alternate options although at this point there does not appear to be a viable alternative. Liaison continues with the EPA on this matter.

Roads, parks and visitor facilities

- High standards of presentation were maintained at parks and visitor facilities throughout the tourist season.
- Since COVID-19 resulted in travel restrictions and stalling of tourism, effort and resources continue to be reviewed to priority works. In some cases maintenance and other activities have appropriately been continued and in others changes have occurred.
- New picnic tables constructed and delivered to North Bay.
- Prompt clean up following Cyclone Uesi.
- Road surface repairs carried out in March/April 2020.
- Program to be prepared for road contractor works for resurfacing and repair to island road network.

Marine and coastal

- Equipment has arrived for the short-term jetty repairs. This work requires a specialist contractor and has been delayed due to the COVID-19 travel restrictions. The jetty condition is regularly monitored.
- Swimming pontoon ladder repaired in January.
- Hydrema off-road dump truck has been delivered. Planning is underway for resuming sand scraping / beach nourishment to help control coastal erosion.
- LHIB (with Marine Parks NSW) has engaged Southern Cross University researchers to carry out drone surveys of the Lagoon beach system to map the transport of sand. This research will help inform the beach nourishment works.

Mechanical and fleet

- Mechanical programmed and breakdown maintenance and workshop services continue as usual.
- Breakdowns affected the chipper, bobcat and 1 x Hilux ute.

Electrical

- All routine maintenance activities completed.
- Energy demand for the reporting period (9/12/19 to 12/3/20) was 615 000 kWh.
- Fuel consumption for the reporting period was 162700 litres.
- Fuel energy efficiency for the reporting period was 3.78 kWh/L

- There was 1 planned supply interruption during the period. This affected customers connected to Substations No.2 Neds Beach Road and No. 9 Ocean View Drive in order to complete routine maintenance on the HV and LV equipment associated with this substation. This interruption was for approximately 3.5 hrs duration.
- There were no unplanned supply interruptions to the distribution system during the period.
- There were 2 unplanned supply interruptions at the powerhouse during the period. One was the result of a faulty temperature probe initiating a hard shutdown on Generator No.1, this subsequently caused Generator no.2 to shutdown on overload. The temperature probe was replaced and Generator no.1 returned to service.

The second interruption was the result of a temperature monitoring fault on Generator no.3 EGCP-2 engine control module which resulted in a hard shutdown and subsequent loss of supply.

In both instances the loss of supply was for a duration of approx. 15 minutes.

- There are currently 292 customers connected to the electrical supply system.
- Since the introduction of COVID-19 travel restrictions, electrical energy demand has reduced. The powerhouse is operating for long periods on a single generator due to the reduced demand and this will result in fuel savings.

Building maintenance

- General maintenance, tidy up and internal painting at the Doctor's residence ahead of the new doctor's arrival.
- Emergency repairs to various buildings following Cyclone Uesi.
- Repairs at Board residences. Damage to Met houses 1 and 2 has been referred to the Bureau of Meteorology for repair (asset owner).

Other works

- 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 assist residents and businesses with their on-site wastewater management system installations and/or upgrades.
- Assistance provided to DPIE scientists for bird surveillance expedition to Roach Island.
- Equipment and/or support provided to school swimming carnival, Discovery Day, and Senior Citizens' events.

Prepared: David Waterhouse, Manger Infrastructure and Engineering Services

Endorsed: Peter Adams, Chief Executive Officer

IES UNIT - MAJOR PROJECTS - BOARD SUMMARY REPORT - 16 March 2020

PROJECT		EST. COMPLETE DATE	PRIORITY	BUDGET	EXPEND TO DATE	COMMITTED	% BUDGET EXPENDED	ACTUAL % COMPLETE
PROJECTS IN PROGRESS								
HREP (Grant Funded) Construction of a solar panels array, battery storage and control systems to supply 67% plus of the island's electricity demands.	The first of the three special Island Trader delivery voyages for the project was delayed by two weeks due to ex-Tropical Cyclone Uesi. As at 16/03/20, two of the voyages have been completed. The project contractor Photon has mobilised to the island, as have their construction sub-contractor Solmech. Preliminary work is underway to conduct site survey and layout, establish supporting services and laydown areas and move equipment to site. LHIB has engaged a private building certifier for the project. As at 16/03/20, Photon is yet to complete key documents required to obtain a construction certificate and take control of the site. It is expected that these documents will be completed in the next week, allowing construction certificate issue, site possession and commencement of the major construction tasks. Photon is renting two Board residences for their workers due to commercial accommodation being unavailable and is purchasing two vehicles that are surplus to Board requirements. The vehicles must be exported at project completion. A number of Householder updates have been provided to keep the community informed of progress, and will continue to be issued in the early stages of the project.	Jun-20	1	FY19/20 \$8,050,439	FY19/20 \$6,659,555			
Community Hall Renewal (SCCF R1 Grant Funded) Revitalisation of the community hall.	Final grant acquittal is underway.	Jan-20	1	\$460,000	\$473,668			99%
Old Powerhouse Site Renewal (SCCF R1 Grant Funded) Construction of a public amphitheatre style entertainment and function space.	Construction programme completed with modifications to the parking bay, retaining wall and handrail. Final electrical connections to the stage power supplies are still outstanding. In the coming weeks the area above the retaining wall (near the Marine Parks office) will be landscaped and planted. Acquittal of the remaining SCCF milestones is underway. The project has been completed within budget.	Feb-20	1	\$535,000	\$478,421			99%
Lagoon Foreshore Fitness Equipment (SCCF R2 Grant Funded) Provision of public exercise equipment on the lagoon foreshore adjacent to the playground.	Project largely completed and opened to the public in late December 2019. Minor landscaping works to be completed by end March 2020. Final grant acquittal is underway.	Jan-20	1	\$93,660	\$66,030			98%
Stevens Reserve Track Upgrade (SCCF R2 Grant Funded) Provide an all ability track from Lagoon Rd to Middle Beach Rd through Stevens Reserve to Nursery Rd, using a combination of raised boardwalk and onground path.	Lower section of the existing trail has been surveyed to allow development of detailed concept design options. Land boundary issues investigated. Further discussions with landowners required. Project planned for implementation in 2020	Aug-20	3	\$594,705				5%
Skatepark (SCCF R2 Grant Funded) Provision of a transitional skatepark on the lagoon foreshore	DA completed. Site survey completed. Geotechnical investigation required. Investigating resources for detail design at minimal cost.	Aug-20	2	\$231,000				20%

PROJECT		EST. COMPLETE DATE	PRIORITY	BUDGET	EXPEND TO DATE	COMMITTED	% BUDGET EXPENDED	ACTUAL % COMPLETE
Bowling Club Amenities Upgrade (SCCF R2 Grant Funded) Upgrade of kitchen and toilet facilities at the Bowling Club	DA approved. Architect has been engaged and detailed design and specification nearly complete. Planned construction commencement in May 2020 to minimise loss of income to the Club.	Aug-20	2	\$345,253	\$4,000			20%
Roads to Recovery (R2R) 2014-19 Program. (Grant Funded) - Lagoon Rd - Smoking Tree Ridge Rd to Kings Beach - Cemetery Rd - Neds Beach Rd to Anderson Rd - Anderson Rd - Multiple Locations - Bowling Club Rd - Magees Rd - Anderson to Skyline Dr - Middle Beach Rd - Multiple Locations - Smoking Tree Ridge Rd - Lagoon Rd to Gile's Gate - Lagoon Rd - Neds Beach Rd to OV Drive	Successful discussions were conducted with the funding body to identify a mechanism whereby the remaining 2014-19 program funds of \$133,378 were not forfeited. The eight uncompleted projects from the 2014-19 program are to be transferred to the current 2019-24 round of funding. It is intended to aggregate the projects into one major contract tender with works to be undertaken in the quieter tourism season May/June/ July 2020.	Dec-20	1	\$133,378	\$133,378	\$133,378	100%	100%
Roads Program - TC Douglass Dr - Neds Beach Rd Lagoon to Anderson - Jetty hardstand	To be done in conjunction with Roads to Recovery projects in 2020.	Jun-20						0%
Private Fuel Supply Construction of a public fuel supply point containing two 20,000 litre containerised fuel tanks for diesel and unleaded housed in a shed on a bunded concrete slab with bowsers providing 24hr self-serve and payment by credit card	Intending to seek Expressions of Interest to better inform a Concept Design and a Development Application. Look at using private funding from the operator to construct.	Dec-20	2	\$0	\$0			0%
Foreshore Beach Nourishment at Windy Point (Grant Funded) Erosion mitigation works at Pinetrees boathouse Purchase of off road dump truck Beach scraping and nourishment Seabee wall investigation	Hydrema off road dump truck has been delivered. Work planning is underway for beach scraping works. Lagoon Beach was drone surveyed in early November to establish a beach profile baseline. Pinetrees are proposing to remove the boatshed structure in May 2020, therefore the sandbag protective structure cannot be removed, and major sand renourishment cannot occur until that time. Condition report on Seabee wall has been received. The report notes that the Seabee wall is generally in reasonable condition and that there is no urgent need for maintenance or repairs. The report recommends a monitoring strategy and discusses a number of options for future maintenance. Indicative costings are provided in the report. The next stage is to assess and incorporate these findings and recommendations into the Board's asset management plans.	Dec-20	1	\$715,000	\$274,459			
Multipurpose Boatramp (Grant Funded) Design and construction of a multipurpose concrete ramp to the south of the existing wharf. Ability to slip larger commercial boats and allow emergency repairs to visiting boats.	Total estimated cost now \$2.5 million plus. Current remaining grant funding from the Boating Now program is \$570,000. Community Resilience Grant applied for in the order of \$1.0 million, but was unsuccessful. Additional funds being sought from the Boating Now Round 3 grants, EOI submitted. Potential change in supply ship operation is being investigated to determine if the ramp design needs to be revisited.		3	\$0				5%

PROJECT		EST. COMPLETE DATE	PRIORITY	BUDGET	EXPEND TO DATE	COMMITTED	% BUDGET EXPENDED	ACTUAL % COMPLETE
Research Facility Wastewater System Replace the existing damaged system with a new treatment and irrigation system	System is installed and functional however irrigation system is still be re replaced. Design work and DA required.	Dec-20	3	\$20,000				0%
Marine Parks / Post Office Site Wastewater System Install new wastewater treatment system. In the interim the waste is being pumped to the Hall treatment unit.	Design investigations have indicated that the available effluent disposal area is inadequate. Working on solutions. Highly likely a DA will be required. Delayed due to resourcing.	Dec-20	3	\$35,000				3%
Admin Centre Wastewater System Completion and commissioning of new treatment facility servicing the Admin building, school, Bowling Club and future preschool. Treated effluent to be pumped to a disposal area on the foreshore.	Treatment system in place, facilities need to be connected to it. Treated effluent line to be constructed across Lagoon Dr and a new irrigation system installed in a timbered section of the foreshore area opposite the Oval. Project delayed due to resourcing limits.	Dec-20	3	\$20,000				3%
Gower Wilson Hospital Garage Construct a garage addition to the existing hospital building to house the patient transport vehicle	DA lodged and being evaluated. Project priority being reviewed in light of budget adjustments and resource availability. Unlikely to be completed this financial year.		5	\$80,000				15%
Admin Office Upgrade Roofing, walkway, lunch room, skylights	Re-evaluating scope and priority. Skylight replacement urgent. Consider improved airflow to meeting room. Investigate rusted roof sections.		4	\$100,000				0%
Met House 1 Renovations Renovate Met House 1	Reassessing project - asset not owned by LHIB - funding to be applied to urgent repairs to Board owned infrastructure.		3	\$50,000				0%
Playground Equipment Replace worn out playground equipment	Funding to be combined with SCCF Round 3 potential funding to provide a new facility.	Dec-20	3	\$50,000				0%
Plant Storage Shed (at WMF) Construct a new shed near the WMF to house and protect the Boards construction equipment currently stored on the foreshore area	Planned for 2020. On hold in light of budget constraints.		4	\$200,000				0%
Middle Beach Access Stairs IES commissioned by ECS Section. Stairs at south end of Middle Beach to be repaired/replaced. (Brief ED19/7434)	Proposed that works be tendered as a separable portion of the tender for Stevens Reserve Track Upgrade.	Aug-20	3					0%
Airport Fuel Shed Replacement Demolition of the existing shed and the construction of a new compliant building on the existing slab.	See business paper for details. Planning is underway to resume this project and for construction during April/May 2020.	Jun-20	1	\$130,000	\$36,120			10%
Airport Terminal Shade Structure Scope?	Project scope and priority being reviewed. Funding may be required to be diverted to repairing terminal defects, particularly roof leaks.			\$8,000				0%

PROJECT		EST. COMPLETE DATE	PRIORITY	BUDGET	EXPEND TO DATE	COMMITTED	% BUDGET EXPENDED	ACTUAL % COMPLETE
Design Multipurpose Shed at Waste Management Facility Construct a new shed at the WMF to cover the Recycle centre, waste oils storage and sludge processor	Reassessing concept design with input from EPA	Jun-20		\$50,000				0%
WMF - Compost Exemption Order Produce compost to a quality level approved by the EPA where it can be beneficially used on the Island	Composter now working reasonably well. Trommel feeder being investigated to overcome issues. Testing Plan for EPA being developed for approval.	Jun-20	1					10%
WMF - Glass Exemption Order Gain EPA approval for the crushed glass product so that it can be beneficially used on the Island	Testing Plan being developed for EPA approval. Improved glass storage area required - hardstand and bays. Improved glass handling required, stop use of bulker bags	Jun-20	3					20%
WMF - Recycled Glass Storage Bunkers Construct a three bay crushed glass storage area	Required to address EPA licence non-compliance issues and to gain approval for crushed glass reuse.	Jun-20	2					0%
WMF - Asbestos Removal Treatment and disposal of legacy friable asbestos from WMF	Scope of work for specialist asbestos removal contractor to be reviewed and new quotes sought. Project to be done in 2020.	Aug-20		\$70,000				0%
Jetty Upgrade Repair and/or replacement of deteriorating piles, buffers, deck and kerb, steps and landing	Major reconstruction works during peak tourist season likely to cause unacceptable disruption to boat operators. Timeline for major works still being developed. Emergency works to jetty landing delayed to May 2020 due to shipping limitations.	Jun-20	2					0%
Jetty Building Roof Scope?	Project scope being clarified.	Jun-20	3	\$5,000				0%
Upgrade Underground Drainage Airport Install Tideflex valves and replace steel grate	Tideflex units and installation requirements being investigated. Project pushed to 2020 due to Board resource limitations.	Jun-20	4	\$80,000				5%
Flood Study (Grant Funded) Review and Update of the Lord Howe Island Flood Study	Flood Study consultants information requirements have been provided. Program revised to reflect reality. Program changes discussed with and approved by grant funding authority.	Jul-20	1					35%
HV Communications and Load Control System Provision for monitoring and possibly control of high voltage electrical system at remote locations	Project to be scoped in detail when solar array system installed. On-hold at this stage.	Jun-20		\$100,000				
Replace Plant Room 2 Ventilator Fan	Not required this FY. Look at using budget to fund engine rebuild cost over-run.		4	\$15,000				
Refurbishment Substation 8 (Airport)	Not required this FY. Look at using budget to fund engine rebuild cost over-run.			\$20,000				

PROJECT		EST. COMPLETE DATE	PRIORITY	BUDGET	EXPEND TO DATE	COMMITTED	% BUDGET EXPENDED	ACTUAL % COMPLETE
Plant Replacement	Plant reviewed and replacement priorities established. Purchased new mower to improve grass cutting efficiency.	Jun-20		\$60,000	\$45,000			80%
Purchase of Mini Bitumen Spray Tanker	Reviewing need for this item in the short term. On-hold at this stage.	Jun-20	4	\$50,000	\$0			20%
Cleaning Contract	New short term contract established through to 31 August 2020. New long term solution to be developed.	Jul-20						
PFAS Investigation Investigate PFAS contamination on the Island	Report is currently with the Federal Department of Environment and Energy for review and requirements.							
COMPLETED PROJECTS								
Concrete Minimax Truck Purchase 2nd hand concrete truck to batch and deliver concrete	Completed	Sep-19		\$10,000	\$10,000			100%
CBM Acoustic Radiator Replacement	Completed.	Aug-19		\$10,000				100%
Vermeer Vacuum Excavator Purchase of a machine to excavate without damaging tree roots and underground services	Unit purchased and training completed.	Aug-19		\$45,000	\$45,000			100%
WMF - Skip Bins Replacement Purchase replacement skip bins for shipping of waste	Completed.	Sep-20		\$10,000				100%
Water Tanks Admin Provide additional water collection and storage tanks	Completed	Dec-19		\$10,000				0%
Water Tank - Old Post Office Provide additional water collection and storage tank	Completed	Oct-19		\$30,000				100%
Generator 3 Engine Rebuild	Completed. Cost overrun, additional funds to be sourced from electrical projects not required this FY.	Sep-19	1	\$55,000	\$71,000			100%

Solar PV HREP

Status Report to 29 February 2020

Overall Program Status



Watch Point

Project Details			
Project Name	Solar PV Hybrid Renewable Energy Project	Portfolio	Lord Howe Island Board - Engineering & Infrastructure Services
Project ID	ARENA reference: 2013/RAR0004	RM8 Doc reference	ED20/2018
Project Manager	Amy Foxe	Geographical Location	Lot 230 DP47747 Lord Howe Island -31.528491, 159.07475
Project Sponsor	Manager, Infrastructure and Engineering Services	Current Phase	Design & site mobilisation

Project Thresholds & Status

Area	Measure	Lower Threshold	Upper Threshold	Current Status	Action on variation beyond thresholds
Time	Project program – variance from schedule	-30 days on Photon milestones	+30days on Photon milestones	Watch	Report to Project Control Group
Cost	Budget Line Items – variance from estimate	-10% on lines <\$100,000 -5% on lines >\$100,000	+10% on lines <\$100,000 +5% on lines >\$100,000	Watch	Report to Project Control Group, CFO and CEO
	Overall budget – variance from estimate	-5% on overall budget	+5% on overall budget	Watch	
Quality	Specification – non-conformances	Deviation from specification to the detriment of quality	Deviation from specification to the benefit of quality	On track	Report to Project Control Group
Scope	Inclusions – variance from priority requirements	“Must” and “Should” items 100% delivered	Decision on “Could”/“Not Essential” delivered	On track	Report to Project Control Group
Benefit	Fuel – reduction in diesel use for electricity generation	67% below 2011 (calendar) baseline year	>75% below 2011 (calendar) baseline year	On track	Report to Project Control Group

Thresholds Comments: No change to project thresholds directed during the period. Status changes have arisen during the period from issues and decisions. See tables below for detail.

Project Budget –YTD rates of expenditure

Current Financial Year Expenditure (Source: Cost Plan) – as at 29 February 2020

ID	Budget FY2019/20	YTD Committed	YTD Actuals	YTD Actuals & Commitments	YTD %-Actuals & Commitments
Construction / Contracting	\$7,271,943	\$3,375,414	\$2,526,785	\$5,902,200	81%
Administration / Planning	\$778,496	\$584,805	\$200,030	\$784,835	101%
Contingencies	\$0	\$0	\$0	\$0	-
Total	\$8,050,439	\$5,274,069	\$1,385,486	\$6,659,555	83%

YTD Expenditure Comments: Site establishment costs incurred by LHIB charged to Administration/Planning instead of construction.

Milestone Tracking – As at 18 February 2020

Contractor Milestones	Forecast Due Date	Revised Due Date	Variance / Comment
1. Contract Signing	20/06/2019	-	Complete
2. Site mobilisation	17/02/2019	02/03/2020	Watch: -15 days. Contract documentation outstanding.
3. Design Documentation	07/02/2019		
4. Battery shipped from manufacturer	08/11/2019	-	Complete. Claim lodged & approved.
5. PV modules, racking, inverters shipped from manufacturer	06/12/2019	-	Completed. Claim anticipated Feb 2020.
6. (not used in final contract)			
7. Powerhouse modifications	29/04/2020		
8. Battery installation	13/05/2020		
9. PV modules, racking, inverters, cabling installed	01/06/2020		Watch: COVID-19 impact on cable manufacturing
10. Works integrated	01/06/2020		
11. Provisional acceptance – Pre-commissioning	09/06/2020		
12. Intermediate acceptance	02/07/2020		
a. Practical Completion	19/06/2020		
13. Final acceptance – Demobilisation & Training	14/07/2020		
14. Composting toilet installed	-	24/04/2020	Watch: COVID-19 impact on manufacturing
15. Unsealed access track constructed	-	30/06/2020	
16. Additional Battery Storage shipped from manufacturer	-	02/04/2020	Watch: COVID-19 impact on shipping

Milestone Comments: Updated schedule to be issued week commencing 16 March 2020.

ARENA Milestones	Forecast Due Date	Income claim	Variance / Comment
1. Provide updated Project Plan, Conceptual Design and Business Case		\$1,263,172	Completed prior to Variation of Deed dated 04/19
2. Commencement of Avifauna & Meteorological Data Collection			Completed prior to Variation of Deed dated 04/19
3. Technical Feasibility Study and Design Review			Completed prior to Variation of Deed dated 04/19
4. Treasury Funding Approved			Completed prior to Variation of Deed dated 04/19
5. Alternative scenarios report complete			Completed prior to Variation of Deed dated 04/19
6. Tender completion and final investment decision a. Revised Tender Outcome b. Updated project documentation	05/05/2019 19/06/2019	\$5,000 \$816,048	Completed prior to Variation of Deed dated 04/19 Complete. Claim received. Complete Claim received.
7. Solar PV permitting and procurement	31/07/2019	\$547,366	Complete. Claim received.
8. Major equipment shipped from manufacturer	31/01/2019	\$821,048	Submitted. Awaiting acceptance.
9. Practical Completion and Commissioning	30/06/2020	\$519,997	
10. Delivery of Financial Report	31/07/2020	\$13,684	
11. 12-Months Operation and Final Report	31/07/2021	\$13,684	
Milestone Comments: No change from January Report. Milestone 8 was subject to clarification questions from ARENA. Still pending.			

Issues, Changes & Decisions

Open Issues					
ID	Status	Description of issue	Current and potential Impact on project	Current and potential Impact on organisation	Management strategy / Resolution
Supplier Engagement	Close	Inadequate comm's to suppliers.	Reputation - Poor communications impacts upon reputation of the project.	Reputation - Poor communications impacts upon reputation of the Board.	Householder issued. Delayed to concentrate comms on ex-TC Uesi.
PCA	Close	Certification Services not available on Island. PCA needs to be appointed to obtain CC.	Schedule - Without Construction Certificate the project cannot commence.	Cost - Tender Amendment 14 offered LHIB Certification Services at no cost to the contractor. A variation may be claimed.	Issue escalated to decision. Decision taken.

Fence	Close	Standard electricity facility fencing incompatible with habits of threatened species of shearwaters.	Schedule - Circular discussion on how to tackle the conflict between keeping people/cattle out of the site and the flight habits of shearwaters.	Resources - Environment resources needed to advise on appropriate solution. Cost - Lack of clarity regarding cost of fence design and whether a significant variation constitutes a variation.	Modify design to support enclosures that protect against electrocution. Stock fencing around perimeter. Risk assessment of both.
Cables	Monitor	COVID-19 has closed factories in China where cables are being manufactured	Schedule - delay in shipping from China could result in delayed arrival on LHI.	Cost - Delay in completion of solar project to result in the need for diesel fuel to be purchased to maintain grid supply.	Photon working with cable supplier regarding timing and alternate manufacturing locations.
Layout	Close	Array location in proximity to shearwaters nesting area may have impact triggering FIA	Schedule - different construction method required for nesting area.	Cost - solutions could incur additional cable costs.	Issue escalated to decision. Decision taken.

Changes / variations for period

ID	Description of variation	Approved by	Date Implemented
	<i>Nil</i>		

Decisions for period

ID	Decision Status	Date Decision Made	Decision Made By	Decision Details
Biosecurity	Final	6/02/2020	Photon	Accepted proposal to engage LHIB for Biosecurity Services
Accommodation	Final	6/02/2020	Photon	Accepted proposal to lease Met House 4
Accommodation	Final	6/02/2020	Photon	Accepted proposal to lease Dollhouse.
Utilities	Pending Approval	6/02/2020	Photon	Verbal advice provided re: accepted proposal to purchase 2x Hilux utes
PCA	Final	27/02/2020	Project Board	Review of two quotes. Appoint PCA. Apply for ARENA contingency.
Contingency	Proposed	27/02/2020	Project Board	Apply for ARENA contingency for PCA services, change in layout and capital item (roller)
Layout	Final	27/02/2020	Project Board	Approved layout change within consent area due to risk of impact on Shearwater breeding area.

Success Stories

- First special voyage arrived and unloaded in timely manner
- Second special voyage on track
- First personnel deployed to the Island to commence site establishment

Senior Management Team & Board Feedback

SMT: Recommended “Overall Status” For Program: Watch Point

Recommended focus area/s:

1. Completion of contract documentation to enable site access as soon as possible.

Questions and clarifications:

None.

Solar PV HREP

Status Report to 31 March 2020

Overall Project Status



Watch Point

Project Details			
Project Name	Solar PV Hybrid Renewable Energy Project	Portfolio	Lord Howe Island Board - Engineering & Infrastructure Services
Project ID	ARENA reference: 2013/RAR0004	RM8 Doc reference	ED20/2794
Project Manager	Amy Foxe	Geographical Location	Lot 230 DP47747 Lord Howe Island -31.528491, 159.07475
Project Sponsor	Manager, Infrastructure and Engineering Services	Current Phase	Design & construction

Project Thresholds & Status

Area	Measure	Lower Threshold	Upper Threshold	Current Status	Action on variation beyond thresholds
Time	Project program – variance from schedule	-30 days on Photon milestones	+30days on Photon milestones	Off track	Report to Project Control Group
Cost	Budget Line Items – variance from estimate	-10% on lines <\$100,000 -5% on lines >\$100,000	+10% on lines <\$100,000 +5% on lines >\$100,000	Watch	Report to Project Control Group, CFO and CEO
	Overall budget – variance from estimate	-5% on overall budget	+5% on overall budget	Watch	
Quality	Specification – non-conformances	Deviation from specification to the detriment of quality	Deviation from specification to the benefit of quality	On track	Report to Project Control Group
Scope	Inclusions – variance from priority requirements	“Must” and “Should” items 100% delivered	Decision on “Could”/“Not Essential” delivered	On track	Report to Project Control Group
Benefit	Fuel – reduction in diesel use for electricity generation	67% below 2011 (calendar) baseline year	>75% below 2011 (calendar) baseline year	On track	Report to Project Control Group

Thresholds Comments: No change to project thresholds directed during the period. Status changes have arisen during the period from issues and decisions. See tables below for detail.

Project Budget –YTD rates of expenditure

Current Financial Year Expenditure (Source: Cost Plan) – as at 31 March 2020					
ID	Budget FY2019/20	YTD Committed	YTD Actuals	YTD Actuals & Commitments	YTD %-Actuals & Commitments
Construction / Contracting	\$7,271,943	\$3,364,433	\$2,539,595	\$5,904,029	81%
Administration / Planning	\$778,496	\$546,657	\$238,210	\$784,867	101%
Contingencies	\$0	\$0	\$0	\$0	-
Total	\$8,050,439	\$5,274,069	\$1,385,486	\$6,659,555	83%

YTD Expenditure Comments: Cost impact of layout change and COVID-19 not yet quantified (WATCH STATUS). This is a priority focus in the coming month. Initial discussions with ARENA have been positive as they are witnessing cascading COVID-19 impacts across all projects.

Milestone Tracking – As at 31 March 2020

Contractor Milestones	Forecast Due Date	Revised Due Date	Variance / Comment
1. Contract Signing	20/06/2019	-	Complete
2. Site mobilisation	02/03/2020	30/04/2020	+60 days
3. Design Documentation	07/02/2019		Complete. Claim lodged & approved.
4. Battery shipped from manufacturer	08/11/2019	-	Complete. Claim lodged & approved.
5. PV modules, racking, inverters shipped from manufacturer	06/12/2019	-	Complete. Claim lodged & approved.
6. (not used in final contract)			
7. Powerhouse modifications	29/04/2020	26/08/2020	+119 days
8. Battery installation	13/05/2020	19/08/2020	+98 days
9. PV modules, racking, inverters, cabling installed	01/06/2020	05/08/2020	+66 days
10. Works integrated	01/06/2020	01/09/2020	+93 days
11. Provisional acceptance – Pre-commissioning	09/06/2020	02/09/2020	+86 days
12. Intermediate acceptance	02/07/2020	28/09/2020	+89 days
a. Practical Completion	19/06/2020	24/09/2020	+98 days
13. Final acceptance – Demobilisation & Training	14/07/2020	08/10/2020	+87 days
14. Composting toilet installed	24/04/2020	30/07/2020	+98 days
15. Unsealed access track constructed	30/06/2020	01/09/2020	+64 days
16. Additional Battery Storage shipped from manufacturer	02/04/2020	28/04/2020	+27 days

Photon Milestone Comments: Updated schedule reflects COVID-19 impacts on materials supply to the Island (cable, main switchboard, 2x batteries, pile driver attachment for higher gradient hillside work). Schedule represents 'best case' scenario on personnel arriving on the Island for project delivery.

ARENA Milestones	Forecast Due Date	Income claim	Variance / Comment
1. Provide updated Project Plan, Conceptual Design and Business Case		\$1,263,172	Completed prior to Variation of Deed dated 04/19
2. Commencement of Avifauna & Meteorological Data Collection			Completed prior to Variation of Deed dated 04/19
3. Technical Feasibility Study and Design Review			Completed prior to Variation of Deed dated 04/19
4. Treasury Funding Approved			Completed prior to Variation of Deed dated 04/19
5. Alternative scenarios report complete			Completed prior to Variation of Deed dated 04/19
6. Tender completion and final investment decision	05/05/2019	\$5,000	Completed prior to Variation of Deed dated 04/19
a. Revised Tender Outcome	19/06/2019	\$816,048	Complete. Claim received.
b. Updated project documentation			Complete Claim received.
7. Solar PV permitting and procurement	31/07/2019	\$547,366	Complete. Claim received.
8. Major equipment shipped from manufacturer	31/01/2019	\$821,048	Submitted. Awaiting acceptance.
9. Practical Completion and Commissioning	30/06/2020	\$519,997	Milestones will need to be renegotiated to reflect Project Schedule (above)
10. Delivery of Financial Report	31/07/2020	\$13,684	Milestones will need to be renegotiated to reflect Project Schedule (above)
11. 12-Months Operation and Final Report	31/07/2021	\$13,684	Milestones will need to be renegotiated to reflect Project Schedule (above)
ARENA Milestone Comments: No change from February Report. Milestone 8 was subject to clarification questions from ARENA, including revised Levelised Cost of Energy which is being finalised. Extensions have been granted to several Knowledge Sharing Plan deliverables given COVID-19 impacts. Future Milestone will be renegotiated to align with revised project delivery schedule.			

Issues, Changes & Decisions

Open Issues					
ID	Status	Description of issue	Current and potential Impact on project	Current and potential Impact on organisation	Management strategy / Resolution
Cables	Monitor	COVID-19 has closed factories in China where cables are being manufactured	Schedule - delay in shipping from China could result in delayed arrival on LHI.	Cost - Delay in completion of solar project to result in the need for diesel fuel to be	Photon working with cable supplier regarding timing and alternate



				purchased to maintain grid supply.	manufacturing locations.
COVID-19: Resources		Compliance of living and working conditions with COVID-19 restrictions	Mental health and wellbeing of individuals if isolated in lodge accommodation and unable to socialise with the work team. Insufficient internet provision in times when isolation is required.	Reputation - There is an expectation that paid accommodation is used as a priority. WHS – Further isolating people may not be in the interests of individuals Schedule – Further isolating people may impact upon resources staying on Island.	Monitor restrictions. Consult with relevant professionals.
Layout: Additional cable		Array layout change requires additional cables beyond those delayed. More required to be ordered.	Schedule - delay in shipping from China could result in delayed arrival on LHI	Cost - Delay in completion of solar project to result in the need for diesel fuel to be purchased to maintain grid supply	Seek alternate supply whilst also seeking to understand whether further COVID-19 impacts might result in delays.
COVID-19: Materials supply		Impact of COVID-19 on supply of materials.	Schedule - Delay in shipping from China, UK and Germany	Cost - Delay in completion of solar project to result in the need for diesel fuel to be purchased to maintain grid supply	Seek alternate supply whilst also applying pressure for original supply plan.

Changes / variations for period

ID	Description of variation	Approved by	Date Implemented
01	Value Management – Nil cost variation arising from savings generated via array relocation and reinvested in to panels and batteries.	LHIB – MC2020.01	10.12.2019
02	Array Layout – Cost impact TBC	Project Board	27.02.2020
03	COVID-19 – Schedule and Cost impact TBA arising from supply chain and travel ban	To be presented to Project Board once received	

Comment: All Variations implemented to date are reported for transparency within this report. Future reports will focus on the reporting period only.

Decisions for period

ID	Decision Status	Date Decision Made	Decision Made By	Decision Details
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Contingency	Final	27/02/2020	Project Board	Apply for ARENA contingency for Certification Services, change in layout and capital item (roller)
Utilities	Final	4/03/2020	Photon	Accepted proposal to purchase 2x Hilux utes
Accommodation	Final	2/03/2020	Peter Adams	Extended lease period of Dollhouse to end of April. Not required for staff appointment and will support schedule catch up due to ex-TC Uesi impact on shipping.
Accommodation	Final	31/03/2020	Photon	Due to COVID-19 restrictions, retain crew together under one roof as a 'household' and support with internet services for connectivity during isolation. Retain Dollhouse for this purpose.
Accommodation	Final	31/03/2020	David Waterhouse	Project to retain Dollhouse for the purposes of keeping together the crew as a 'Household'
Resources	Proposed	31/03/2020	Photon	Apply for solar-qualified electricians to relocate to LHI ASAP so that 14-day quarantine period does not impact upon schedule

Comments: Contingency decision incorrectly labelled as 'Proposed' in February report. The decision taken by the Project Board should have been reported as 'Final'.

Success Stories

- All special voyages complete
- Construction Certificate received and site handed over to Photon
- Pile driving of racking commenced on low-gradient areas of the site
- Local labour engaged through project planning phases have commenced on site

Senior Management Team & Board Feedback

SMT: Recommended "Overall Status" For Program: Watch Point

Recommended focus area/s:

Questions and clarifications:

None.

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, 24 vehicle applications to import or transfer were determined by the Chief Executive Officer under the 'Vehicle Importation, Transfer and Use Policy'.

CURRENT POSITION

There will be an increase of nine vehicles (five being temporary approvals and two being trailers) on the island since the last Board meeting.

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation	Comment
Peter Murray	Trailer	N/A	Private	1	Approved 16/12/2019
Lord Howe Island Board	Toyota Hilux	No	Essential	0	Approved 28/01/2020 Replacement
Kenneth Simpson	Mazda 2	No	Private	0	Approved 28/01/2020 Replacement
Bruce McFadyen	Suzuki Swift	Not confirmed	Private	0	Approved 29/01/2020 Replacement
Mark McKillop – Capella	Toyota Granuia	No	Commercial	0	Approved 29/01/2020 Replacement
Stephen Sia	Toyota Tarago	No	Commercial	0	Approved 7/02/2020 Replacement
Damien & Audrey Ball – The Butcher The Baker	Toyota Yaris	Not confirmed	Hire	0	Approved 18/02/2020 Replacement
Jae De Clouett	Holden Frontera	No	Private	0	Approved 25/02/2020 Replacement
Photon Energy Engineering Australia	Telehandler Genie	No	Commercial	1	Approved 24/02/2020 Temporary approval – solar project.

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation	Comment
Photon Energy Engineering Australia	Gayk Pile Driver	N/A	Commercial	1	Approved 24/02/2020 Temporary approval – solar project.
Photon Energy Engineering Australia	Trailer	N/A	Commercial	1	Approved 25/02/2020 Temporary approval – solar project.
Keith Galloway	Trailer	N/A	Private	0	Approved 6/03/2020 Replacement
Photon Energy Engineering Australia	Toyota Hilux	No	Commercial	1	Approved 9/03/2020 Temporary approval – solar project.
Photon Energy Engineering Australia	Toyota Hilux	No	Commercial	1	Approved 9/03/2020 Approval ceases when solar project ceases.
Sarah Jordan and Jai Shick	Toyota Yaris	Yes	Private	0	Approved 11/03/2020 Replacement
Annette Young (Milky Way)	Hyundai i30	No	Commercial	0	Approved 11/03/2020 Replacement
Sandra Clarke and Craig Smith	Toyota Hilux	No	Essential	1	Approved 13/03/2020 Essential Service – Doctor
Seventh Day Adventist Church	Nissan X-trail	No	Private	0	Approved 13/03/2020 Replacement
Julie Bretnall and Emma Crombie (Ebbtide)	Ford Ranger	No	Commercial	0	Approved 23/03/2020 Replacement
Zlatan Brcina	Toyota Rav4	No	Private	1	Approved 1/04/2020
Peter Phillipps	Suzuki GX2598A	No	Private	0	Approved 2/04/2020 Replacement
Lisa Ralph – Pro Dive Lord Howe	Trailer	N/A	Commercial	0	Approved 7/04/2020 Replacement for unregistered trailer manufactured on island.
Rodney and Karen Giles	Honda Dio Scooter	Yes	Private	0	Approved 17/04/2020 Replacement
Chad Wilson	Mitsubishi Triton	No	Private	1	Approved 20/04/2020 Increase as no vehicle allocated to this dwelling and vehicle previously removed.

As at March 2020

Registered Road Vehicles						
Essential	Commercial	Private	Hire	Plant & Equipment	Imported prior to Approval Policy	Total
31	102	154	8	29	66	390

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
185	22	48	10	38	87	390

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 66 vehicles imported without approval prior to the current policy:

- 62 vehicles were imported without approval prior to and in 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.
- 6 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: Belinda Panckhurst, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Finance Report

RECOMMENDATION

It is recommended that the Board:

1. Note the information provided in this paper, including recognition of changes to expected Capital Works.
2. Approve the proposed budget adjustment.

BACKGROUND

The following reports for the year-to-date 31 March 2020 are attached:

- Income Statement by Reporting Centre,
- Capital Expense Report, and
- Budget Variations

CURRENT POSITION

Income Statement – by Reporting Centre

Changes have been made to the reporting process for the Board meetings. The Income Statement (Attachment A) highlights income against expenditure for the year to date: 31 March 2020 against the previous year and then compares it against the full year budget.

General Funded Operations

The financial position of the Board is unfavourable at \$245,100. Much of the Government appropriation monies were received at the beginning of the year. Comparisons to last year highlight differences in the Liquor Store expenses and the delayed recognition of some quarterly charges, specifically airport and electricity.

Specific details against reporting centres for recurrent budgets (Continuing Operations) are included in Attachment A.

Grant Funded Projects

The grant funded projects are predominantly associated with Weed Management and the Rodent Eradication Projects. These items have been separated from the other general funded operations of the business of the Board.

- **Rodent Eradication Project.** \$3,873,438 spent in the financial year to date across all expenditure areas under the Grants cost centre. The Board has also contributed \$445,825 in wages, accommodation and fleet costs to the project outside of the grant. These costs have traditionally not been identified within grant management and has been absorbed within the normal operations as 'in-kind support'.
- **Environment Management Grants.** Received \$517,271 this year and spent \$717,846 again mainly in salaries and in contractors. Completion of these projects will continue.

Capital Expenditure

Attachment B is a summary of capital expenditure as at 31 March 2020. It includes Work in Progress carried forward from the previous financial year. Forecasts for expenditure for the year to 30 June 2020 are included in the Cash Flow Statement (in Attachment A).

Debtors

A summary of sundry debtors as at 1 April 2020 was as follows:

30 Days	60 Days	90 Days	90+ Days
\$59,461	\$205,626	-\$28,787	\$135,351

The 90+ days debtors is mostly a single debtor with resolution close. In addition, a significant part of the 60 Days debtors is this same debtor. In the 30 Days, is the Liquor Store debtors off set by the credit under 90 days. Trading terms with these customers requires immediate payment of all outstanding debts, with the potential loss of favourable rates, account status and liquor licence. The Liquor Store Manager is in discussion with these customers and communications about these debts and also licence renewals and a customer service survey will occur shortly. It is especially important in the Board's current cash flow position that these overdue amounts are paid. Details in regards to individual accounts can only be held in closed session.

Rates debtors as at 26 March 2020 totalled \$116,931.

This report was printed on 26 March and so small delays on payments are normal, but as the amount is significant, close attention to these accounts including payment plans is important. The larger commercial businesses are the major contributors. Specific discussion regarding these debts can be held in closed session in accordance with Board policy.

Budget Variations

In June 2019 the Board approved the budget for the 2019/20 financial year. Significant changes were made at the December 2019 meeting with only minor changes now being made. Proposed adjustments to the approved budget are presented to the Board for consideration on a quarterly basis.

The following adjustments are proposed:

1. Removal of the budgeted income of \$4,883,000 expected from DPIE and other government departments that have not been forthcoming.
2. Removal of 'Roads to Recovery of \$116,000 within the operating section. The full budgeted income is included in the Capital Expenditure section at \$257,144
3. Reduction of \$1,434,740 against Capital Expenditure for ARENA grant funding to recognise the expected grant income. Loan funds are not shown within the budget document as it is not an operating income. The interest expense only is included, with repayment of the principle proportion of the loan included within the Cash Flow statement.

The Cash Flow Statement is included in Attachment A. Of relevance is the very high level of Capital Expenditure rolled over in addition to the original Capital Works program approved in June. With the Solar project expenditure set at \$7.7m and Capital Works at \$3.6m, a total of \$11.3m was planned and approved. Based on the unexpectedly high expenditure for the REP of approximately \$4.15m, this has proved unrealistically optimistic, given the resources available to the Board and its unique position in completing projects in a timely basis.

Based on discussions with Administration staff, projections of actual expenditure for the balance of the year have been made and continue to be revised. A number of projects will not be completed this financial year and others can be deferred. It is also noted that potential economic stimulus funding may be approved for LHI designed to employ people who would otherwise be unemployed due to the COVID-19 impacts. They will be re-assessed by Board staff in consultation with Board Members to set a realistic, manageable and achievable Capital Works program for 2020/21. The basis of this negotiation will be to ensure cash reserves are maintained and closely managed.

It is now expected that the Board's total cash reserves will be reduced significantly over the financial year and is projected to be in the vicinity of \$600K when factoring in savings relating to budgetary restraints against the Capital Works Program.

These savings are expected to be:

• Jetty – replacements, roofing & upgrade	\$350,000
• Hospital Garage 2018 & 2020	\$80,000
• Playground equipment	\$100,000
• Administration Office upgrade	\$40,000
• Erosion mitigation works	\$200,000
• WMF sheds	\$200,000
• Airport drainage – tide-flex & grate	\$60,000
	\$1,030,000

This cash reserve estimation is based on no funding support being received from various government sources for the REP shortfall, despite significant and resource intensive advocacy work occurring for the most part of the year and major submissions being made. The bushfire and COVID-19 situations have made major financial and resourcing impacts to the NSW Government.

Whilst this reduced end of year cash balance figure is manageable, it will change the nature of our financial management processes. There has been minimal pressure on reporting current cash flows and regular reporting of grant funded projects, with carried forward (unrestricted funds) being recognised at the following year's September Board Meeting. The

Board's Administration continues to lobby for funding to offset the current over-expenditure in the REP, and also to secure funding for the ongoing Biosecurity program.

Please refer to Attachment C for further detail.

RECOMMENDATION

It is recommended that the Board:

1. Note the information provided in this paper, including recognition of changes to expected Capital Works.
2. Approve the proposed budget adjustments.

Prepared: John van Gaalen Manager Business and Corporate Services

Endorsed: Peter Adams Chief Executive Officer

Attachments:

Attachment A: Income Statement as at 31 March 2020 - Open

Attachment B: Capital Expense Report as at 31 March 2020 - Open

Attachment C: Budget Adjustments April 2020 - Open

LORD HOWE ISLAND BOARD

Budgeted Income Statement

Recurrent position only

for the year ended 30 June 2020 - as at 31/03/2020

		ACT Mar'19 \$'000	ACT Mar'20 \$'000	BUD FY 2020 \$'000	
	Note				
Expenses					
Employee-related expenses	2 a	N/A	3,060	4,320	
Operating Expenses	2 b	N/A	2,912	4,611	
Depreciation and amortisation	2 c	N/A	1,618	2,157	
Grants and subsidies	2 d	N/A	71	142	
Finance costs	2 e	N/A	28	100	
Other expenses	2 f	N/A	-23	0	
Total expenses		7,654	7,665	11,329	68%
Revenue					
Appropriation	3 a	N/A	2,838	2,942	
Sale of goods and services	3 b	N/A	2,423	2,931	
Investment revenue	3 c	N/A	286	500	
Retained taxes, fees and fines	3 d	N/A	1,843	3,658	
Grants and other contributions - operating #	3 e	N/A	0	0	
Grants and other contributions - capital #	3 f	N/A	0	0	
Other income	3 g	N/A	30	0	
Total revenue		8,294	7,420	10,030	74%
Write-off of assets		0	0	0	
Net Increase/ decrease in Asset Revaluations		0	0	0	
NET RESULT		640	-245	-1,299	

LORD HOWE ISLAND BOARD FINANCIAL REPORT - BY REPORTING CENTRE - TO 31 MARCH 2020

Recurrent position only

Reporting Centre	Financial Year 2018-2019			Financial Year 2019-20						Compare 9 mths to FY Budget (75%)	
	Year-to-Date Actual: Mar'19			Year-to-Date Actual: Mar'20			Full Year Budget			Inc	Exp
	Income	Expense	Result	Income	Expense	Result	Income	Expense	Result		
CEO	\$0	\$191,980	-\$191,980	\$0	\$231,765	-\$231,765	\$0	\$267,700	-\$267,700	0%	87%
REP - LHIB funded	\$0	\$0	\$0	\$0	\$445,825	-\$445,825	\$0	\$0	\$0	0%	0%
Governance Management	\$0	\$22,145	-\$22,145	\$0	\$38,089	-\$38,089	\$0	\$124,000	-\$124,000	0%	31%
Liquor Store	\$1,438,632	\$1,098,682	\$339,950	\$1,457,020	\$1,233,037	\$223,983	\$1,915,000	\$1,514,000	\$401,000	76%	81%
Corporate Administration	\$3,116,872	\$1,214,387	\$1,902,485	\$2,313,734	\$976,859	\$1,336,875	\$2,644,500	\$1,643,800	\$1,000,700	87%	59%
Tourism	\$485	\$82,500	-\$82,015	\$0	\$55,000	-\$55,000	\$0	\$112,000	-\$112,000	0%	49%
Electricity	\$966,715	\$1,127,838	-\$161,123	\$1,460,996	\$911,874	\$549,122	\$1,877,500	\$1,468,800	\$408,700	78%	62%
General Services	\$1,045,315	\$2,570,657	-\$1,525,342	\$716,609	\$2,190,929	-\$1,474,320	\$1,263,600	\$3,511,100	-\$2,247,500	57%	62%
Airport	\$1,424,836	\$404,506	\$1,020,330	\$744,530	\$547,202	\$197,328	\$1,190,400	\$706,900	\$483,500	63%	77%
Community Services & Development	\$150	\$23,641	-\$23,491	\$280	\$80,005	-\$79,725	\$7,000	\$195,200	-\$188,200	4%	41%
Land Administration	\$269,400	\$211,170	\$58,230	\$205,374	\$194,127	\$11,247	\$291,000	\$399,800	-\$108,800	71%	49%
Environment	\$31,469	\$706,185	-\$674,716	\$521,499	\$760,563	-\$239,064	\$841,000	\$1,386,100	-\$545,100	62%	55%
LHIB - General Funded only	\$8,293,874	\$7,653,691	\$640,183	\$7,420,042	\$7,665,275	-\$245,233	\$10,030,000	\$11,329,400	-\$1,299,400	74%	68%

Reporting Centres - details of services included:

CEO	Includes contract change - 6 mths charges
REP - LHIB funded	In-kind support incurred outside of Grant - fleet, accom, ord hrs of perm Enviro staff
Governance	Board members & Internal Audit
Liquor Store	higher wages - one-off, procedural improvements
Corporate Administration	Licences, interest income, admin salaries, IT, communications, insurance, external audit, training, travel, relocation
Tourism	Board support of LHITA
Electricity	6 mths income incl meter corrections, gov't subsidy, includes some loan interest
General Services	Infrastructure and amenities, fleet, waste facility, water & wastewater, roads, wharf, emergency services, private works
Airport	Delays in charging & higher in realy part of year - Enviro levy moved to Environment
Community Services	Community liaison, health facilities and advocacy
Land Administration	Leases (PL, SL,PO), small grants, planning, & other contractors,
Environment	Enviro levy, weeding, trails, biosecurity, environmental management

LORD HOWE ISLAND BOARD

Statement of Cash Flows

for the year ended 30 June 2020

	YTD to MAR'20 <u>Actual</u>	BUDGET 19/20 <u>Current</u>	BUDGET 19/20 <u>Amended</u>
Cash flows from operating activities			
Payments:			
Employee-related expenses	4,873	7,232	7,232
Operating Expenses	5,664	7,542	7,542
Grants and subsidies	71	142	142
Finance costs	28	100	100
Other expenses (+ error correction)	-292		
Total Payments	10,343	15,016	15,016
Receipts:			
Appropriations	2,838	2,942	2,942
Sale of goods and services	2,423	3,476	3,476
Interest received	286	500	500
Retained taxes, fees and fines	1,843	3,113	3,113
Grants and other contributions - operating *	517	5,685	802
Other	0	0	0
Total Receipts	7,907	15,716	10,833
Net cash flows from operating activities	-2,436	700	-4,183
Cash flows from investing activities			
Grants and other contributions - capital	1,363	2,467	2,467
Proceeds from sale of land and buildings, plant and equipment and infrastructure	0	0	0
Proceeds from sale of financial assets	0	0	0
Purchase of land and buildings, plant and equipment and infrastructure (per revised TAM Plan & \$50k)	-5,296	-11,275	-11,275
Purchase of intangible assets	0	0	0
Purchase of financial assets	0	0	0
Other	0	0	0
Net cash flows from investing activities	-3,933	-8,808	-8,808
Cash flows from financing activities			
Capital appropriation - equity appropriation	0	0	0
Proceeds from borrowing and advances	2,301	5,501	5,501
Repayment of borrowings and advances	0	0	0
Other	0	0	0
Net cash flows from financing activities	2,301	5,501	5,501
Net increase / (decrease) in cash and cash equivalents	-4,068	-2,608	-7,491
Cash at Bank - Opening Balance: 1-JULY-2020	7,067	7,067	7,067
Cash at Bank - Closing Balance - 30-JUNE-2021	2,999	4,459	-424

2020 Capital Projects Transactions and Budgets February 2020

WO	Description	WIP	2020 Revenue		2020 Expense		
			Actual	Budget	Actual	Budget	
25	ESRMP Solar PV 2014 - ARENA Grant Funded from 2015	801,402.40			2,526,371.41	7,690,202	
46	Closed - Preparation of Business Case - LHI Renewable Energy Capital Proposal AN431/432/433	57,882.00					
52	Hybrid Renewable Energy Knowledge Sharing Plan AN431/432/433 2015	551.12				250,000	
53	Hybrid Renewable Energy Project Management AN431/432/433 2015	728,661.21	-1,363,414	-2,184,462	1,557,916.84		
32	Closed - Boat Ramp and Launch/Retrieval Project	41,634.59					
92	Slipway 2016	97,318.79					
155	Composting Unit 2017 - Upgrade of LHIB WMF - all costs after 2018 FY to be expensed			-25,050			
179	Stronger Communities Fund Public Hall Improvements 2018	438,973.51			25,364.17		
180	Stronger Communities Fund Old Powerhouse Site Remediation 2018	26,561.06			456,004.27	116,989	
200	SCCF 2 - 0165 - Stevens Reserve Boardwalk 2019				625.84	196,253	
201	SCCF 2 - 0536 - Skate Park 2019					76,230	
202	SCCF 2 - 0537 - Lagoon Foreshore Fitness Trail 2019				65,850.92	30,908	
219	Erosion Mitigation Works and Seabee Wall Investigation				274,459.82	715,000	
222	Roads to Recovery 2020 to 2024			-257,144			
64	Road Upgrade - Lagoon Road - Neds Beach Rd to OV Drive 2018 WIP					57,522	
126	Road - Smoking Tree Ridge Road - Lagoon Road to Giles's Gate 2018 WIP				2,085.31	12,239	
127	Road - Thompson's Rd - Neds beach Rd to B&T Thompson Corner 2017 WIP				1,815.10		
129	Road - Lagoon Rd Neds Neach Road to to OV Drive 2018				18,519.54	96,457	
130	Road - Lagoon Rd - Kings Beach to Smoking Tree Ridge Road 2017 WIP				22,819.53	22,820	
131	Road - TC Douglass Drive 2018					60,618	
160	Road - Cemetery Rd - Neds Beach Road to Anderson Road 2018					19,294	
166	Road - Ned's Beach Rd - Lagoon to Anderson 2018					54,713	
167	Road - Jetty Hardstand 2020					37,719	
41	OWWS Upgrade Community Hall 2014	46,042.60			500.00	5,000	
61	Jetty Upgrade (replacement of deteriorating piles) 2015	55,866.64				245,000	
103	HV Switch Replacements 2016 (split over assets when complete)	16,482.89					
114	WMF Skip Bins 2018 WIP				8,525.00	10,000	
120	OWWS Research Facility 2018				20,441.31	20,000	
122	OWWS Admin/Depot 2017	65,197.56				20,000	
125	Road - Andersdon Rd to Cow Bale 2019				7,026.39	12,426	
145	Water Tank Admin/Depot 2018					10,000	
149	Aviation Fuel Shed Upgrade 2017	1,820.22			38,433.63	130,000	
150	Hospital Garage/Morgue Shed 2018	7,382.37				30,000	
152	Depot Workshop Extension 2017	105,248.19					
170	HV Communications & Load Control System 2018					100,000	
185	TRAX Shed Mezzanine 2019	350.27					
188	Road - Bowling Club Reseal 2019				5,555.20	12,305	
189	Road - McGee's Parade Reseal 2019				20,665.30	30,765	
190	Road - Middle Beach (Nursery Road to Anderson Rd) Reseal 2019				35,350.30	82,330	
191	Playground Equipment 2019					100,000	
194	Airport Terminal Shade Structure 2019	37,547.67				8,000	
196	Concrete Minimix Truck 2019	4,529.00			9,090.91	10,000	
197	Administration Office Upgrade 2019				3,709.06	50,000	
215	Vermeer Mini Hydro Vac System V100D 2019	3,305.10			33,154.13	45,000	
216	Mini Bitumen Spray Tanker 2019					50,000	
220	NSW Treasury Minor Works Funding Expensed - Corporate				3,720.00	88,000	
223	Plant Storage Shed WMF 2020					200,000	
224	New holland Tractor or other P&E 2020				44,500.00	60,000	
225	Vehicle - Toyota Hilux (replace BF24WK) 2020				42,124.92	40,000	
226	Shed - Revolve/Waste Oils/Sludge WMF (Design) 2020					50,000	
227	Airport Underground Drainage - Install Tideflex valves and replace steel grate 2020					60,000	
228	Generator 3 - Engine Rebuild 2020				69,413.99	55,000	
229	Refurbishment - Substation No.8 Airport 2020					20,000	
230	Neds Beach Road - Lagoon Road/Anderson Road 2020					5,000	
231	Cemetery Road - Neds Beach Road/Anderson Road Reseal				2,136.35	4,136	
232	Hospital Garage 2020					50,000	
233	Water Tank Old Post Office 2020					30,000	
234	Jetty Building Roofing 2020					5,000	
235	Jetty Walkway and Platform - Support Beams Replacement					80,000	
236	Jetty Deck and Kerb Replacement 2020					120,000	
			2,536,757.19	-1,363,414	-2,466,656	5,296,179.24	11,274,926

Operating Income / Expenditure Adjustments

W/O		Revenue	Expenditure	Forecast
	2019/20 Original Forecast including Depreciation	-10,146,000	11,377,000	1,231,000
GL	Electricity subsidy recognised under its Reporting Centre		0	
GL	Depreciation expense		32,400	
GL	Internal adjustment - recognition of rental subsidy		0	
GL	Reduction interest charges for Solar project - Electricity expense		-80,000	
222	Roads to Recovery funding (R2R) 2020-24	116,000		1,299,400
159/221	Feasibility study into extension of the LHI airport runway	-20,670		
14	Rodent Eradication	-4,883,000	4,493,857	
14	Rodent Eradication	4,883,000		
203	Bowling Club amenities upgrade		113,933	
214	Design for a Skate Park for Lord Howe Island		5,500	
210	LHIB World Heritage Area 2019-2023	-177,000	202,784	
199	Restoring Blackburn Is: Prep for translocation of LHI Phasmid		32,113	
212	Regeneration ecology: secure future for Laguniaria Swamp Forrest on LHI	-21,800	30,829	
217	Improving biosecurity measures for World Heritage LHI		40,875	
18	Noxious Weed Control	-5,487	15,075	
88	The Tide is Turning - Driving Weed Eradication on LHI	-3,636	74,151	
108	Weed Eradication Program Financial Assistance Grant 2016	-10,000	12,267	
173	Saving our Species 2017-2021	-320,931	388,113	
198	Protection of LHI Group's World Heritage values and Little Mountain Palm	-262,940	440,104	
	Amended Operating Forecast including Depreciation (\$)	-10,852,464	17,179,002	6,326,538
	Changed Operating Position	-10,030,000	11,329,400	1,299,400
	Grant funded programs	-822,464	5,849,602	5,027,138
		-10,852,464	17,179,002	6,326,538

Capital Income / Expenditure Amendments

	Revenue	Expenditure	Forecast
2019/20 Original Forecast Capital Expenditure (\$)	-1,888,411	7,364,411	5,476,000
Electricity Network - Underground drainage - removed		-20,000	
Buildings - Admin Office amintenance & repairs reduced		-50,000	
Buildings - Residential reduced		-50,000	
PPP - Walking tracks reduced		-60,000	
25 HREP construction - updated & fully funded	-1,730,791	1,730,791	
R2R Roads to Recovery funding (R2R) 2015-19		136,386	
R2R Roads to Recovery funding (R2R) 2020-24	-257,144		
64 Road Upgrade - Lagoon Road - Neds Beach Rd to OV Drive 2018 WIP		57,522	
125 Road - Andersdon Rd to Cow Bale 2019		5,400	
126 Road - Smoking Tree Ridge Rd - Lagoon Road to Giles's Gate 2018 WIP		10,154	
129 Road - Lagoon Rd Neds Neach Road to to OV Drive 2018		77,938	
131 Road - TC Douglass Drive 2018		60,618	
160 Road - Cemetery Rd - Neds Beach Road to Anderson Road 2018		19,294	
166 Road - Ned's Beach Rd - Lagoon to Anderson 2018		54,713	
167 Road - Jetty Hardstand		37,719	
188 Road - Bowling Club Reseal 2019		6,750	
189 Road - McGee's Parade Reseal 2019		10,100	
190 Road - Middle Beach (Nursery Road to Anderson Rd) Reseal 2019		24,750	
61 Jetty Upgrade (replacement of deteriorating piles) 2015		245,000	
41 OWWS Upgrade Community Hall 2014		5,000	
120 OWWS Research Facility 2018		20,000	
122 OWWS Admin/Depot 2017		20,000	
145 Water Tank Admin/Depot 2018		10,000	
180 Old Powerhouse Site Remediation		116,989	
191 Playground Equipment 2019		50,000	
200 Stevens Reserve Walking Track Upgrade		196,253	
201 Lord Howe Island Skate Park		76,230	
202 Lagoon Foreshore Fitness Trail		30,908	
219 Erosion Mitigation Works and Seabee Wall Investigation		715,000	
149 Aviation Fuel Shed Upgrade 2017		130,000	
150 Hospital Garage/Morgue Shed 2018		30,000	
194 Airport Terminal Shade Structure 2019		8,000	
215 Vermeer Mini Hydro Vac System V100D 2019		45,000	
196 Concrete Minimix Truck 2019		10,000	
216 Mini Bitumen Spray Tanker 2019		50,000	
170 HV Communications & Load Control System 2018		100,000	
155 Upgrade of LHI WMF	-25,050		
53 ARENA Funding	1,434,740		
Amended Forecast Capital Expenditure (\$)	-2,466,656	11,274,925	8,808,269

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Community Support Package COVID-19

RECOMMENDATION

That the Board approves the local initiatives listed in Table 1 (included in the body of this report) to facilitate support for the Lord Howe Island community and its economic viability because of the COVID-19 virus pandemic.

ISSUE

A Public Health Order was enacted on 22 March 2020 that restricted access to Lord Howe Island. This has effectively stopped the tourism industry from operating during the restrictions.

As a result of the current pandemic situation, the Administration has recognised that the island's economy is fully impacted by the Order because of its reliance on tourism. It is noted that support for local businesses and individuals is needed.

The Board itself is also significantly impacted by changes to the island's economy. Due to the Notice and Qantas' subsequent cancellation of their flights back to 1 per week, a significant drop in revenue has occurred for the Board. This was effectively a **\$370,000** loss relating to passenger levies, assuming a similar turnover to last year for the period April to June.

The Federal and NSW Government have provided unprecedented assistance packages to assist those in need, minimise business failure and facilitate a faster re-activation of the Australian economy..

Australian Government Assistance

While the following information may not be complete, it is understood that the Australian Government is providing financial assistance to Australians during the COVID-19 crisis. This assistance includes income support payments, payments to support households and temporary early releases of superannuation.

- Income support for individuals – increased assistance for those without employment (Jobseeker).
- Payments to support households – extra payments to cardholders
- Temporary early release of superannuation – 2 x \$20,000 over 2 years
- Temporarily reducing superannuation minimum drawdown rates - retirees
- Reducing social security deeming rates – assists income support & pensioners

The Australian Government is also supporting Australian businesses to manage cash flow challenges and retain employees. Assistance includes cash flow support to businesses and temporary measures to provide relief for financially distressed businesses.

- Boosting cash flow for employers to facilitate retention of employees (Jobkeeper).
- Temporary relief for financially distressed businesses
- Increasing the instant asset write-off
- Backing business investment
- Supporting apprentices and trainees

NSW Government Assistance

The NSW Government is also offering a range of assistance measures to businesses including but not limited to the following.

- Grants through the Small Business Support Fund of up to \$10,000 to eligible businesses impacted by COVID-19.
- Fee relief for licence holders operating across the trades and construction sectors.
- Free TAFE courses for those wishing to upskill during the pandemic.
- Deferral of payroll tax payments for all businesses for six months.
- Reductions of 25% in payroll tax liabilities for small businesses (less than \$10m payroll).

Other Economic Opportunities

Business owners and employees are impacted by the current situation. Temporary employment while businesses are not operating can assist significantly. Several grant funded projects that were in planning and pre-implementation stages before the travel restrictions, are being reshaped where possible with project proponents and managers to allow where possible for them to progress with local labour.

In addition, proposals have been prepared and submitted to the NSW Government for economic stimulus funding specifically to undertake targeted work that could also employ local people who are temporarily unemployed. Results of these submissions are not yet known.

OPTIONS FOR LHIB CONSIDERATION

The impacts of the current global COVID-19 crisis is acknowledged and the wellbeing of businesses and individuals on Lord Howe Island is important.

Board members and community members have asked about whether some relief in regard to expenses over the period of the current travel restrictions and the resulting loss of tourism dollars is possible.

Factors

The Board is not in a strong financial position and has further impact on revenue due to the travel restrictions. These impacts are wide ranging and include but are not limited to loss in air arrival levies, landing fees, reductions in electricity generation and waste streams. While reductions in usage does decrease some variable costs, many costs are fixed and some are affected by reduced economies of scale.

Any financial relief should be targeted so that its costs to the Board and therefore the community, result in optimal benefits to recipients. In other words, any relief should be as

effective as possible, complement the extensive packages available from the Australian and NSW governments, facilitate the survival of local businesses and benefit those most in need.

Timing of any fee relief should be as timely as practical. Early is generally better especially if there are delays in the implementation of assistance from other levels of government, or the effects of shoulder and off-peak seasons has an influence. The timing of impacts on cash flows of different businesses is also understood to vary. For example some businesses had immediate effects when tourism stalled, and others may have received payments in advance and their financial impacts may come at a later stage when they honour postponed bookings without further income.

Deferral vs Waiving

Options vary in their nature. At one end of the scale, deferral or arrangements to enter into payment plans can assist with cash flow, especially if other forms of financial assistance are expected to be received. At the other end of the scale, discounts or elimination of some fees for periods of time. These obviously have a longer term benefit for businesses but a greater impact on the Board's financial liquidity and financial sustainability.

Due to the clear impact of the COVID-19 crisis, a range of fees that are directly related to undertaking business activities are **proposed to be waived for a period of time**.

In addition, the Board's administration continue to offer opportunity to discuss payment plans or other arrangements if requested on a case by case basis.

Timing

Due to different trading and revenue arrangements some businesses have more immediate cash flow challenges and others may be facing these in future months. It is also noted that some businesses normally plan to close for the winter off-peak season.

Quarterly fee notices are soon to be sent out. These include a range of fees for different purposes. Some are payable in advance (eg lease fees) and others are for services already incurred (eg electricity usage). To simplify matters and to enable any fee relief to become available as soon as practical, it is proposed that any fee relief adopted be administered as a credit on the fee notice. This allows for a business or individual to enjoy the credit immediately through a reduction in payment due, or alternatively retain it as a credit against future quarterly fee notices/payments.

This report proposes fee relief generally for one quarter. The duration of the travel restrictions is not yet known and it is also noted that winter is a period that some businesses normally close. It is proposed that if the need arises, further fee relief could be considered for the period following 30 June.

PROPOSAL

The fees listed in Table 1 below are considered to be related to tourism. This proposed list is significant and the Board can consider including all or some of these for fee relief. The financial impact to the Board's financial position is estimated and shown in the third column. As mentioned above, COVID-19 has also had major impacts on the Board's revenues and if adopted, fee relief will add to the financial impact to the Board. However, it is considered that businesses and services on the island are limited and their ongoing viability is important to the island's economy and value as a tourism offering into the future.

Not all commercial leases are associated with tourism. However, it is considered that the challenge of differentiating is outweighed by the relatively small savings from excluding some businesses. In the same way, business and liquor licences are not proposed to be differentiated and are also therefore all proposed to be granted licence fee relief.

Permissive Occupancies are for a mixture of commercial and non-commercial purposes. Those perpetual occupancies that are considered commercial in nature are therefore included in the proposal for fee relief as listed in (confidential) Attachment A. .

Bed licences, priority day use mooring fees, commercial jetty use fees, and hire car licence fees are all clearly tourism related and therefore proposed to be granted fee relief.

Waste Management charges are based on audits of waste generation over periods of three (past) years. They are applied as a flat rate. During this period with no tourists lower waste generation will not therefore result in lower fees. It is proposed to provide some fee relief for commercial waste charges because of this.

Electricity charges are based on actual usage and there are different rates (cents per KWhr) for commercial and domestic use. In addition, as electricity use increases and across thresholds, the rate per KWhr increases. Commercial clients have higher thresholds than domestic before the KWhr rates increase. Because the travel restrictions result in lower electricity usage for tourism related businesses, and because the lower use will keep charges down significantly compared to usual, it is not proposed to offer fee relief for electricity usage.

Table 1.

Fee Category	Proposal	Cost	Comment
Commercial Leases	Cancel charges for three months	\$32,300	Normally charged monthly in advance
Permissive Occupancies – commercial only – see list Attachment A	Cancel charges for one quarter	\$6,500	Normally charged quarterly in advance. Some POs are for tourism or related commercial purposes and these are proposed to benefit from the fee relief.
Bed Licences	Cancel charges for one quarter	\$79,300	Normally charged quarterly in arrears. Directly tourism related.
Business Licences	Cancel charges for one quarter –	\$6,700	Normally charged quarterly in arrears. Some businesses not directly tourism related but difficult to differentiate.
Liquor Licences	Cancel charges for one quarter –	\$2,700	Normally charged quarterly in arrears. Some businesses not directly tourism related but difficult to differentiate.
Commercial Waste Management charges	Discount charge by 50% for one quarter.	\$24,500	Flat charge based on previous years' audits. Less waste generated during crisis.
Mooring priority day use fee	Cancel charges for one quarter	\$300	Tour operators fees for use of moorings.
Commercial use of jetty	Cancel charges for one quarter	\$800	Tour operators fees for use of jetty
Hire car licence	Cancel charges for one quarter	\$400	Fees for operating hire car business
		\$153,500	

RECOMMENDATION

That the Board:

1. Administration continue to discuss and implement where appropriate, repayment plans and other measures to assist businesses and individuals who might be experiencing hardship.
2. Approve fee relief as identified from the list in Table 1 to facilitate support for the Lord Howe Island community and its economic viability because of the COVID-19 virus pandemic.

Prepared: John van Gaalen Manager Business and Corporate Services

Endorsed: Peter Adams Chief Executive Officer

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

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

RECOMMENDATION

The report is submitted to the Board for information.

BACKGROUND

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

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

CURRENT POSITION

Since the last Board meeting no Owner's Consent applications have been processed by the CEO.

RECOMMENDATION

The report is submitted to the Board for information.

Prepared: Belinda Panckhurst, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

Board Meeting: April 2020	Agenda Number: 8 (ii)	Record Number: ED20/2230
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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

Since the last Board meeting, no development applications complied with the above requirements and determined by the CEO.

RECOMMENDATION

The report is submitted to the Board for information.

Prepared: Belinda Panckhurst, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Annual Planning System Review

RECOMMENDATION

That the Lord Howe Island Board resolve to note the information contained in the Annual Planning System Review

INTRODUCTION

This Annual Planning System Review examines the Board's assessment and processing of Planning applications and other associated issues including information on Owners Consent (OC) Development applications (DA) and modified development applications (MDC).

Normally this report advises on total current application numbers, determinations, value of development, and current application processing times, however with the transfer and adoption of the Board's administration system over to 'Authority' it was not possible to meaningfully collate this information at this time. Hence this report will focus on general observations and issues rather than statistical data on the above.

RELEVANT BACKGROUND

As part of the Consultant Town Planner's (CTP) contract with the Lord Howe Island Board (LHIB), a review of the planning and assessment systems and processes is to be reported to the LHIB each year. This report is for the period ending March 2020.

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

CURRENT APPLICATION PROCESSING

Development Application

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

- LHI Community Preschool (OC 2019-03 & DA2019.09)
- Alterations to the LHI Bowling Club (OC2019.10 & DA2019.15)
- Community Skate Park (OC2017.14 & DA2019.11)
- Various applications associated with the REP

- Change of Use to an Allied Health Clinic, Day Spa and Food/ Drink Premises (Bar) at ex Post Office (OC2019.02 & DA 2019.05)
- Demolition of an existing fuel storage shed and construction of a replacement shed, Lord Howe Island Airport (DA2019.02)
- Change of use and fit-out for a grocery shop at previous Co-Op premises (OC 2019 - 11 and DA 2019.16)
- Demolition of existing Pinetrees boatshed and deck, and construction of a new boat shed and deck (OC2020.03 and DA2020.03) – on March LHIB meeting agenda
- New Operations Centre - LHI Marine Rescue (OC2020.02 and DA 2020.05) – on March LHIB meeting agenda

Also, of note there has been a definite decline in the number of OC and DA applications for alterations/ additions to existing residential dwellings, tourist accommodation lodges and staff accommodation.

Development Applications continue to be processed in a timely manner allowing for requests for additional information to applicants, internal and external referral requirements, administrative processing and technical assessment times etc.

The now complete (or near complete) finalisation of the transfer process over to 'Authority' is expected to make continued improvements to assessment/ processing times of Planning applications.

Modification Development Consents

MDCs for several significant and LHIB community related projects have been processed in the reporting period. These include:

- REP Construction of Temporary Aviaries & Pens (MDC2019.04)
- MDC (DA 2016-02 dated: 11 December 2015) to modify the Lord Howe Island Solar Photovoltaic Project to permit an increased system capacity up to 2MW, use higher capacity inverters, and refine project proposal (MDC 2020.01)
- Demolition of an existing fuel storage shed and construction of a replacement shed, Lord Howe Island Airport DA2019.02 (MDC2020.04)
- MDC (to DA 2016-02 dated: 11 December 2015 as previously modified by MDC2020.01 approved 10 December 2019), to modify the Lord Howe Island Solar Photovoltaic Project by minor amendments to approval conditions 8(b) & 8(h) regarding potential ecological impacts (MDC DA2015.201602.03).

Owners Consents

As per the advice provided earlier on DA's there has been a definite decline in the number of OC and DA applications for alterations/ additions to existing residential dwellings, tourist accommodation lodges and staff accommodation.

OC applications continue to be processed in a timely manner.

PRE-LODGEMENT AND PLANNING ENQUIRIES

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

The CTPs and the LHIB's Manager Environment and Community Services have regular phone and email communications about Planning and Land Use matters.

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

QUALITY OF ASSESSMENT OUTCOMES

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

As mentioned previously the Board's adoption of the Development Services Module of the Authority Document Management System will lead to efficiencies in tracking of DA/ MDC and OC applications and referrals.

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

CONCLUSION

The LHIB is satisfactorily fulfilling its responsibilities regarding Land Use Planning and Development Control on the Island under the Environmental Planning and Assessment Act 1979, the Lord Howe Island Act 1953, and the Policies and Guidelines from the NSW Department of Planning, Industry and Environment.

RECOMMENDATION

That the Lord Howe Island Board resolve to note the information contained in the Annual Planning System Review.

Prepared by



.....
Consultant Town Planners
Peter & Michelle Chapman: 18 March 2020

Endorsed



.....
LHIB CEO
Peter Adams

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Aviation Fuel Shed

RECOMMENDATION

1. Note the \$130,000 budget for the project and that the projected \$10,824 shortfall can be managed within the existing MIES capital budget allocation.
2. Proceed with demolition of existing shed and construction of 19x9m new shed as soon as possible.

BACKGROUND

This report outlines the reasons why an amended design is required for the subject asset. A Development Approval has been previously granted, however technical matters including the need to meet specific fuel storage requirements has meant that the previously approved proposal will not comply or meet some practical storage criteria.

A Modification to development Consent (MDC) proposal has been lodged that reflects these requirements and is included in this business paper as a separate report. Should this report be approved by the Board, the MDC can subsequently be considered at this meeting.

The aviation fuel shed is located adjacent to the southern boundary of the airport. It stores the island's stock of jet A1 and avgas fuel as well as the aircraft refuelling truck and trailer. The shed is owned by the LHIB and is leased to Aerorefuellers who stock the fuel and conduct aircraft refuelling operations under contract to Qantas.

The current aviation fuel shed was built in 1998 when Shell was the aviation fuel contractor. In recent years the condition of the shed has deteriorated due to the cumulative effects of corrosion, weather impact and a lack of certainty in asset planning. Discussions on replacement have been going on for several years. The current replacement action started in June 2018 when the Aerorefuellers lease was due for renewal. Aerorefuellers requested that LHIB replace the fuel shed because of its poor condition, and this was agreed to in principle by LHIB during lease negotiations. The following timeline charts the sequence of decisions:

1/6/2018	Lease discussions commenced and need for replacement shed identified.
29/6/2018	LHIB Manager Infrastructure and Engineering Services (MIES) submitted development application (DA) for 12x9m shed on existing slab – DA2019.02
	\$65,000 allocated to project in the 18/19 capital budget.
19/12/2018	Notice of determination of development application received – approval.

16/1/2019	MIES sought quotes for construction of 19x9m shed, noting in correspondence that discussion with Aerorefuellers had identified the need for a larger shed.
23/4/19 to 9/5/19	Purchase orders raised for demolition of old and construction of new 19x9m shed.
April – May 2019	Further scope and technical discussions between MIES and Aerorefuellers.
	19/20 budget allocation to project, taking total allocation to \$130,000
9/7/2019	Deposit paid for shed supply and demolition/concrete slab services.
24/9/2019	Development application modification submitted for 19x9m shed.
6/1/2020	Planning assessment report on modification received and sent for out of session consideration by Board members. General agreement that the modification should be approved, but questions arose over the need for a larger shed and the additional cost. Decision pending.
14/2/20	Cyclone Uesi caused further damage to areas of the shed which were already in very poor condition.

The timeline shows that the original DA was submitted prior to a discussion with Aerorefuellers about their operational and space requirements. Once consultation with Aerorefuellers took place, it was evident that a larger shed was required to meet current storage requirements and standards.

Note that the existing shed already includes an open-sided annex to house the avgas fuel trailer. This annex is in addition to the 12x9m footprint of the original 1998 shed. The LHIB tractor which is used to tow the avgas trailer is stored outside because there is insufficient room in the existing shed/annex arrangement.

The proposed 19x9m shed will encompass the original 12x9m shed, the annex and the additional driveway space to complete the rectangle. The new shed design provides for separated storage of jet A1 and avgas fuels. This is a requirement under the aviation industry standard *JIG 4 Aviation Fuel Quality Control & Operating Standards for Smaller Airports*. The existing shed does not comply with this standard (as identified in the last Qantas safety systems audit) and rebuilding a shed on the original 12x9m footprint cannot meet this standard due to lack of space.

Additional benefits of the larger shed are improved physical security for the fuel and equipment, and full protection from the weather for LHIB machinery which is currently stored outside.

The expected asset life of the shed is 25 years.

Aerorefuellers have indicated that this shed will provide adequate storage space for the foreseeable future.

Note that there is uncertainty around the future of Qantas Dash-8 air services to LHI when the Qantas route agreement ends in March 2022. It is expected that future public passenger air link arrangements will not require larger volumes of fuel and that this shed will provide adequate space for fuel and machinery storage over the asset lifetime.

CURRENT POSITION

The shed is structurally unsound. A severe weather event may cause the shed to partially collapse. Demolition and replacement needs to proceed as soon as possible.

Aerorefuellers has indicated that the shed in its current state does not meet Qantas requirements for fuel storage security. The shed is not secure and does not provide adequate protection from the weather and other environmental factors such as sand and grit.

Aerorefuellers has indicated that Qantas is likely to conduct a fuel storage audit in the next few months and is concerned that Qantas will shut down fuel services due to the poor condition of the fuel shed. Such a decision would jeopardise the Qantas air services to Lord Howe Island.

MIES is in discussion with contractors with the aim of programming construction for April/May 2020. It is possible that there will be a cost increase as the original construction quotes are now more than 12 months old. Such an increase is expected to be manageable. Budget is available to proceed with the project, and has been accounted for in the budget forecast for the remainder of the 19/20 financial year. Key budget figures are outlined in the table below.

Budget amount 19/20	\$130,000
Materials and construction contract (purchase orders have been issued)	\$106,824
Freight estimate	\$14,000
Certification cost estimate	\$20,000
Estimated budget shortfall	\$10,824
Deposit paid on the materials/construction purchase orders	\$36,120
Cost of LHIB-provided services – to be costed against asset value	
Labour and project management support	\$3,000
Plant and equipment hire	\$25,000

It is proposed that the budget shortfall plus any cost increase on the original quotes be met by managing surplus available from other MIES budget allocations. The LHIB-provided services do not require a cash budget, but must be included in the asset value calculations.

RECOMMENDATION

1. Note the \$130,000 budget for the project and that the projected \$10,824 shortfall can be managed within the existing MIES capital budget allocation.
2. Proceed with demolition of existing shed and construction of 19x9m new shed as soon as possible.

Prepared: David Waterhouse Manager Infrastructure and Engineering Services

Endorsed: Peter Adams Chief Executive Officer

Attachments:

Attachment A: Original Planning Assessment Report (DA 2019.02) – March 2020 – Open

Special Board Meeting: July 2018	Agenda Item: 1 (ii)	Rec. No: ED18/6428
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LORD HOWE ISLAND BOARD

Planning Assessment Report

Item: DA 2019.02 – Demolition of an existing fuel storage shed and construction of a replacement shed (airport ancillary development) at Lord Howe Island Airport (Lot 183 DP 757515).

I.0 Summary Assessment Report

Assessment Officer	Peter Chapman – Consultant Planner & Director All About Planning Pty Ltd
Address/Property Description	Lord Howe Island Airport, Lot 183 DP 757515, Lord Howe Island
Proposal	Demolition of an existing fuel storage shed and construction of a replacement shed (airport ancillary development) at Lord Howe Island Airport
Development Application No.	DA 2019-02
Applicant	Lord Howe Island Board (LHIB)
Owner Consent Granted	Not required by virtue of the proposal being a LHIB application
Estimated Cost of Development	\$50,000.00
Site Inspections	AAP has not inspected the subject site but is familiar with the area
Zone	Zone No. 5: Special Uses. The proposed development is permissible with consent of the LHIB within this zone as an airport ancillary development.
Significant Native Vegetation Map	The proposed development will be located within the existing development footprint, and within an existing cleared area of the site. The proposal will not result in the removal of any SNV.
Notification	The LHIB has confirmed that the subject application was placed on public exhibition from 9 th to 23 rd July 2018. Note – at the time of writing this report the subject DA had not come off public exhibition. If submissions are received then these will be discussed in an Addendum to this report, prepared following the public consultation period.
Submissions Received	See above

2.0 Consent Authority

The subject development application (DA) seeks consent for demolition of an existing fuel storage shed and construction of a replacement shed (airport ancillary development) at the Lord Howe Island Airport.

The Board's CEO and Chairperson has delegation to grant consent to DAs subject to the following conditions:

- The value of the development must not total \$150,000 or more (as calculated by the Board).
- 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.

The proposal complies with the above delegations to the CEO. However, this application has been referred to the Board for determination as it is a Board application.

3.0 Site Description

The LHI's airport is located in the central part of Lord Howe Island. The existing fuel storage shed (proposed for demolition, removal and replacement) forms part of essential airport operations. The fuel shed site is adjacent to the southern side of the runway and north of the LHIB Waste Management Facility.

The proposed development will be constructed within the existing building footprint located on Lot 183, DP 757515. The site and building are shown in *Figures 1* and *2* below.



Figure 1 – Existing building to be demolished and removed. Source: Six Maps



Figure 2- Aerial View of the Lord Howe Island Airport and associated facilities. Source Six Maps

The site is irregular in shape with a largely flat topography and has an approximate area of 5,879m². The shed is positioned north-west of the airport terminal and within a cleared area approximately 7 meters from the airstrip boundary. The remaining site is surrounded on the southern, eastern and western side by vegetation.

The airport facilities area is generally located over several allotments sitting parallel to the runway and includes open storage of building and construction materials, bulky goods, machinery and natural resources including timber, rock, soil and blue metal. There are other similar and smaller storage sheds also scattered amongst this airport operations area.

The site is accessed via an unformed gravel road located off Old Lagoon Road

The site is Zoned 5: Special Uses under the *Lord Howe Island Local Environmental Plan 2010* (LHI LEP 2010) as illustrated in *Figure 3*. The site is not mapped as being flood prone land and is not located within the LEP's Foreshore Building Line as shown below by a red line below on the LEP extract.



Figure 3: Extract from the LEP 2010, Zoning Map Zone 5: Special Uses in yellow and foreshore building line in red

The vegetated areas of the site comprise mapped Significant Native Vegetation (SNV), this vegetation being immediately south, east and west of the subject building refer *Figure 4*. The proposed development is located within an existing cleared and unmapped area, and therefore will not impact on significant native vegetation.



Figure 4: Extract from the LEP 2010, Significant Native Vegetation map.

4.0 Proposed Development

The subject development application (DA) seeks consent for the demolition of the existing fuel storage shed, and its replacement with a new shed at the Lord Howe Island Airport.

The new shed will be constructed within the existing sheds footprint, which includes a bunded wall comprising raised concrete rollover kerb. The proposed building will be approximately 12 metres x 9 metres with colorbond metal deck, roof sheeting and wall cladding, and steel framing. Louvred windows with vermin proof wire screen mesh will provide ventilation and security.

Transparent/acrylic clear fibreglass roof sheeting will be incorporated to provide additional lighting within the building. Two heavy duty braced doors on either end of the building will be constructed to enable a small rigid truck and trailer to be driven through the building. A smaller emergency door will be located at the rear eastern end.

The building has been designed to accommodate approximately 32 liquibins (being 1500 litre IBC units), stacked 2 high and includes other areas for general storage within the building.

Signage to represent the company usage of the building (such as the Shell Aviation logo) is proposed to be incorporated on the roof and along the side of the building in a small band.

The plans include landscape plantings on the northern side of the shed to provide natural screening and softening to reduce the visual impact of the shed, improve overall site aesthetics and complement adjoining native vegetation.

The small shed (on the western end of the existing building), and the water tank are to be retained on the site.

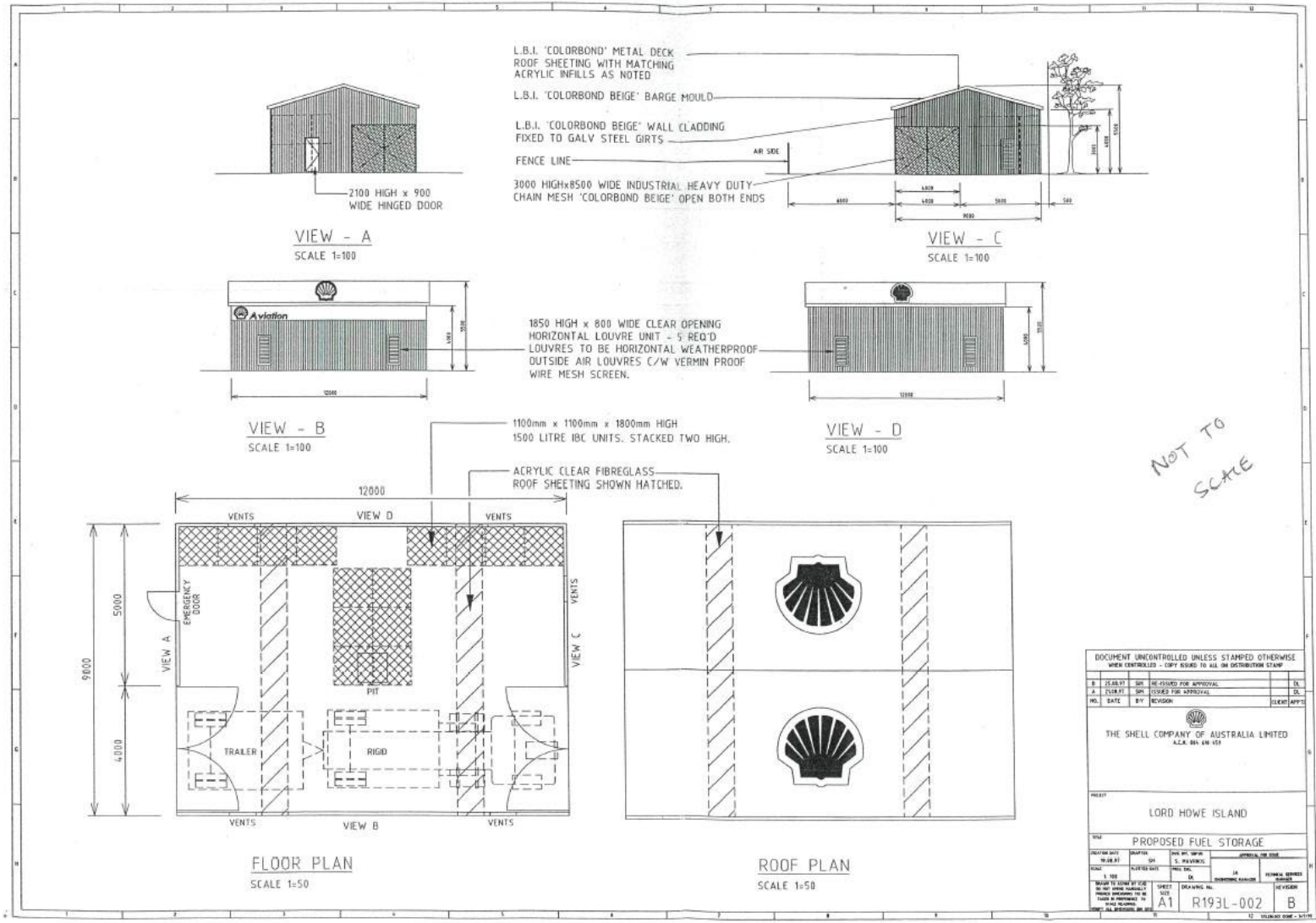


Figure 5: Applicant's submitted proposed Floor and Roof Plans, and Elevations with Signage included

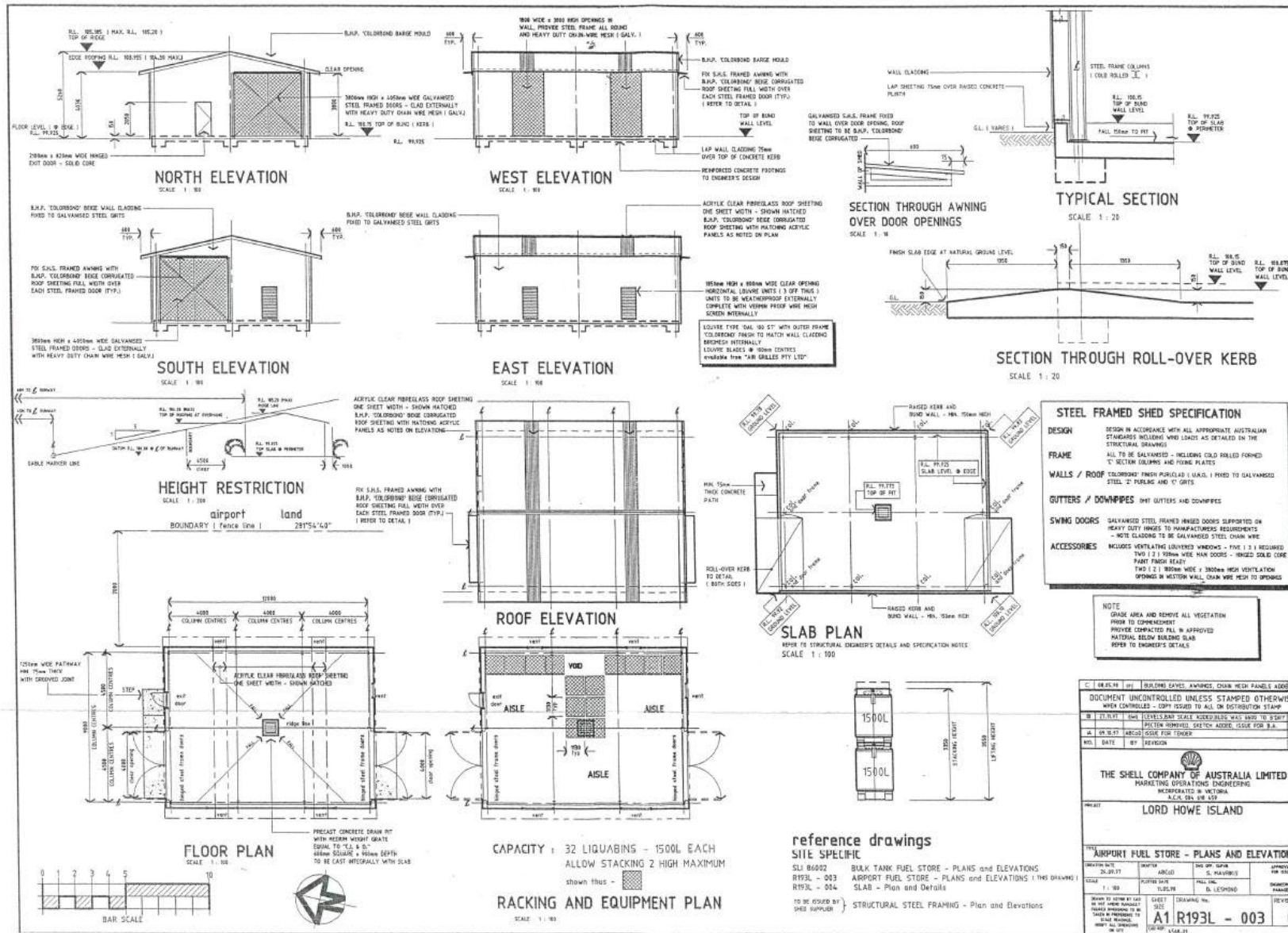


Figure 6: Applicant's submitted Slab and Floor Plans, Elevations, Sections and Steel Framed Shed Specifications

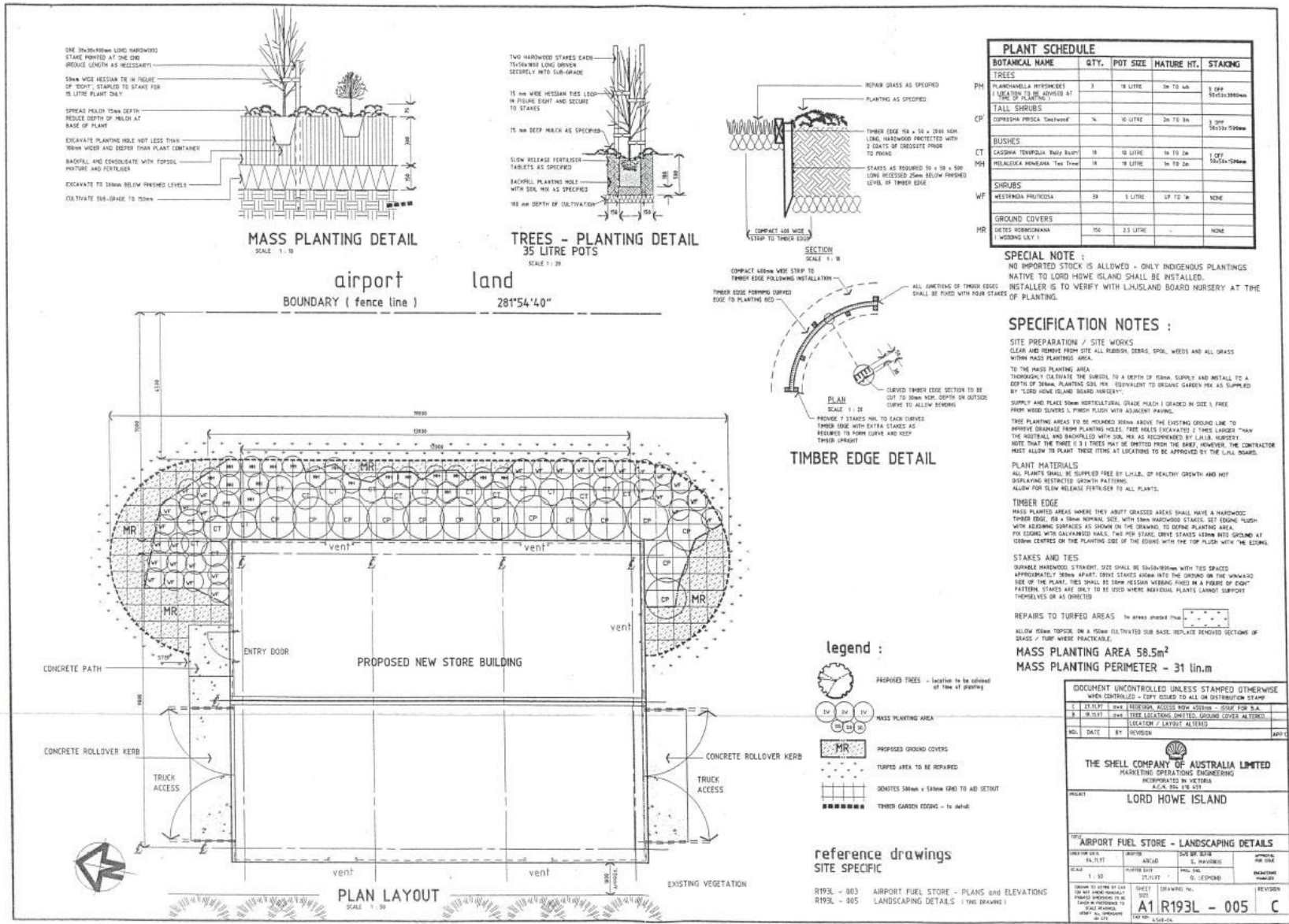


Figure 7: Applicant's submitted Landscaping Details

5.0 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>The property is zoned Zone No. 5 – Special Uses according to the <i>Lord Howe Island Local Environmental Plan 2010</i>. 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 require the removal of any native remnant vegetation as the Subject site is located wholly within an existing development footprint (i.e. the existing concrete slab where the fuel depot shed is currently located). It is likely that planted native vegetation on the northern boundary of the shed may need some minor pruning, however, this vegetation was planted for screening purposes and is considered to form part of an established garden and therefore exempt from requiring approval under Clause 80, Part 5 of the LHI Regulation 2014.</p> <p>The proposal will not result in the removal or damage of any Significant Native Vegetation (SNV). The Study area contains vegetation mapped as SNV, which is located outside the development footprint.</p> <p>The proposal will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats as it only involves the demolition and construction of replacement infrastructure from a cleared and operational part of the Fuel Depot shed.</p> <p>There is native vegetation in the Study area which is mapped by Sherringham et al 2016 as community 17a – Greybark – blackbutt rainforest. The vegetation at the Subject site is mapped by Pickard (1983) as vegetation association Da-Ct <i>Drypetes australasica</i> – <i>Cryptocarya triplinervis</i>. The Sherringham et al 2016 mapping is considered accurate.</p> <p>There is no vegetation identified for removal for this proposal. The proposal includes landscaping with native plants to provide further screening.</p> <p>The subject site 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 Silvereeye <i>Zosterops lateralis tephroleura</i>, Lord Howe Woodhen <i>Gallirallus sylvestris</i> and LHI <i>Placostylus bivaricosus</i>.</p> <p>The LHI Currawong, LHI Golden Whistler, LHI Silvereeye and LH Woodhen are all widely distributed across the Island and regularly occupy forests and gardens within the settlement. They are commonly found co-habiting with human infrastructure within the settlement area</p>	<p>Noted and recommended accordingly</p>

Internal specialist	Issue	Planner's Comment
	<p>and in the case of the LHI Currawong, LHI Golden Whistler, LHI Silvereeye and LH Woodhen will forage and roost around dwellings and associated infrastructure. However, the core habitat resources for all these species is dense native vegetation.</p> <p>The LHI Gecko is known to occur throughout the settlement of LHI where it can utilise human made structures and stock piled building materials (e.g. sheets of corrugated iron etc) as sheltering habitat. It can be found within cavities of dwellings that exclude rodents and shelters within cracks and cavities in trees and rocks. It is possible that LHI Gecko could be present within the existing building and could be detected during renovations. Any animals detected during works must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, old dwellings/structures) away from the development site</p> <p>The Subject site includes areas mapped as modeled High Quality Habitat (A) for LHI Placostylus. This mapping is considered accurate where there is intact native vegetation (which is outside the proposed development footprint). The LHI Placostylus favours forested habitats on calcarenite soils with a dense shaded canopy, continuity with large areas of vegetation and a thick moist leaf layer in which they can burrow during dry times. This habitat is present at the Subject site, although is restricted to remnant vegetation south of the proposed development. The shed is currently baited with rodenticides contained within locked stations in accordance with the Boards rodent baiting schedule.</p> <p>A 5 Part Test of significance was not submitted with the DA as the proposal is located within an existing development footprint and on adjacent cleared land. This assessment concludes that the proposed development will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats providing the recommendations below are adhered to.</p> <p>Recommendations</p> <p>That the development be approved subject to:</p> <ul style="list-style-type: none"> • 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 dwellings/structures) away from the development site so they can escape predation by predators such as LHI Currawong, LH Woodhen and rodents. • All building materials and building activity are restricted to being stock piled on cleared open areas. 	
<p>Kate Dignam – Team Leader Compliance & Projects</p>	<p>Building Class: 7</p> <p>Notes relating to issuing of Construction Certificate</p> <p>I have assessed the applicant's DA and note the following:</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. • All construction is to be carried out and completed in accordance with the Building Code of Australia (BCA)/National Construction Code (NCC). 	<p>Noted and recommended accordingly</p>

Internal specialist	Issue	Planner's Comment
	<ul style="list-style-type: none"> • 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. All the structural plans are to address compliance with construction in Wind Zone A, and are to be certified by an appropriately qualified Structural Engineer in accordance with AS1170.2. • The applicant is to ensure the Construction Certificate Plans are the same as 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. <p>Aerodrome</p> <ul style="list-style-type: none"> • If wall and/or roof heights of the new fuel storage shed are proposed to be greater than the existing detail must be provided showing that the new structure will not penetrate the Obstacle Limitation Surface of the aerodrome. <p>Access for People with a Disability</p> <ul style="list-style-type: none"> • No relevant matters <p>Safe Movement and Access</p> <ul style="list-style-type: none"> • No relevant matters <p>Fire Safety</p> <ul style="list-style-type: none"> • The applicant is to ensure that fire-fighting equipment is maintained at the site at all times during construction and reinstated in the new shed as soon as practicable. • The applicant is to ensure that an Annual Fire Safety Statement for the Fuel Storage Shed is supplied to the Board as a record of the functionality and ongoing maintenance of any fire safety measures installed. • The applicant is encouraged to install 38mm 'Storz' fittings to existing and new water tanks to enhance the Rural Fire Service firefighting capabilities should there ever be a need for firefighting at the Fuel Storage Shed. <p>Wastewater</p> <ul style="list-style-type: none"> • No relevant matters <p>Water</p> <ul style="list-style-type: none"> • All plumbing work, including the disconnections and connections to the emergency wash down water system, is to be undertaken by a licensed plumber. • The applicant is to ensure all stormwater from the roof structures is diverted to rainwater tanks and/or an appropriate absorption trench. The method of disposal of stormwater is to be shown on the construction certificate drawings. 	

Internal specialist	Issue	Planner's Comment
	<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. This excludes asbestos waste, which is the responsibility of the applicant to remove from the Island. • 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>Dangerous Goods</p> <ul style="list-style-type: none"> • The applicant is to ensure the bunding of the existing concrete slab is of an appropriate size for the quantity of unbunded liquid containers stored and that transfer of fuel can be safely undertaken. • Dangerous Goods placarding is to be maintained at the site at all times during construction and reinstated on the new walls as soon as practicable. • If it is proposed to temporarily relocate the fuel during construction of the storage shed then appropriately sized temporary bunding must be installed at this site so as to capture any fuel spilt during transfer processes and/or from unbunded liquid containers. • Fire fighting equipment must be maintained at any temporary fuel storage site. <p>Construction and Demolition</p> <ul style="list-style-type: none"> • If any electrical work is required it must be carried out by a licensed electrician and an Electrical Compliance Certificate issued to the Board before, or with, the application for Occupancy Certificate. • 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>Inspections</p> <ul style="list-style-type: none"> • As a Class 7 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 d) Final Inspection prior to Occupation Certificate being issued 	

6.0 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.

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.*

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.

Please refer to the internal referral comments received from Hank Bower (Manager Environment World Heritage) provided earlier in Section 5 of this report. Appropriate conditions to address or mitigate potential environmental impacts have been included in the attached report recommendation.

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 providing for an exemption to refer, instead requiring referral of only those applications requiring consent under Clause 39 of the LHI LEP 2010. The site does not require consent under Clause 39 as it is not a listed heritage item within the LEP 2010. Therefore, referral to the NSW Heritage Division of this application is not required.

6.3 Local Statutory Plans and Policies

6.3.1 Lord Howe Island Local Environmental Plan 2010

The LHI LEP 2010 and its amendments are the principal environmental planning instrument applying to the proposal.

The following summary table details the various LEP provisions relevant to the subject proposal with assessment and/or comment included 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 has been considered in the assessment of this application. The proposed works will not harm or remove SNV subject to satisfactory adherence to the proposed conditions of consent.
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 <i>Lord Howe Island Act 1953</i> .
6.	Who is the consent authority for this Plan?	Y	The Lord Howe Island Board (LHIB) is the relevant consent authority.
7.	Maps	Y	Noted.
9.	Exempt Development	NA	The airport ancillary development on Lord Howe Island (LHI) are not listed as exempt development in the LHI LEP 2010.
11.	Matters that must be satisfied before development consent granted	Y	All relevant matters are satisfied. Refer to Section 6.3.1.2 below.
Part 2 General Provisions applying in particular zones			
12.	Land Use Zones	Y	The land is zoned 5: Special Uses
15	Zone 5: Special Uses	Y	Development is permitted with the consent of the Board within this zone as ancillary development to the airport. The land (as assessed

LEP 2010 Clause		Complies Y/N	Comment
			in this report) is capable of supporting the proposed development and is suitable in terms of the land's physical constraints.
Part 3 Special Provisions			
Division 2 Provisions that apply to particular land			
29.	Maximum Height of Buildings	Y	The proposed building height at 5.5m, will comply with the maximum 7.5m building height limit.
34.	Land adjoining Zone 7 or 8	N/A	None of the proposed works will be within 10m of the adjoining land (Cobbys Beach and dunes) that is zoned 7 Environment Protection.
35.	Foreshore development	N/A	The south-western lot boundary traverses the foreshore building line. No building works will be undertaken within the building foreshore area.
Division 4 Miscellaneous			
42.	Requirement for environmental report	N/A	Based on the assessment undertaken within this report, the proposal is not likely to have a significant adverse impact on the environment, therefore an environmental report is not required.

6.3.1.2 Clause 11 Matters that must be satisfied before development consent granted

Clause 11 provides that the consent authority must not consent to the carrying out of development unless it is satisfied of the following matters (to the extent that they are of relevance to the proposed development):

Table 3 Clause 11 Compliance summary table

CLAUSE 11 REQUIREMENT	COMPLIES Y/N	DISCUSSION
a) <i>The proposed development is consistent with the aims of this plan and the objectives of any zone, as set out in the plan, within which the development is proposed to be carried out,</i>	Y	The subject site is zoned 5: Special Uses under the LHI LEP 2010. The proposed development will be consistent with both the overall LEP objectives and the specific zone objectives.
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	The existing concrete slab to be reused is bunded and there is a central pit internally within the building to contain any spills. These mitigation measure minimise adverse impacts on the groundwater quality.
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	Being located wholly within the existing development footprint the proposal will not result in any damage or removal of mapped SNV or the habitat of any native plants or animals (ref referral comments in section 5 of this report).
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>	NA	No change to the current vehicular access is proposed and no SNV removal is required (ref above comments at (c) above).
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>	NA	The proposed mass plantings/landscaping on the northern side of the shed will be required to include native species.
f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i>	NA	The proposed facility is not flood prone as it is outside of the mapped flood hazard area.

CLAUSE 11 REQUIREMENT	COMPLIES Y/N	DISCUSSION
g) Adequate services in respect of the proposed development can be provided without significant additional cost to the Board or the community of the Island,	Y	No additional infrastructure services are required.
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,	Y	The site is not located within a visually prominent area, being positioned away from residential dwellings, and shielded by vegetated dunes and the airstrip. The proposal includes new landscaping and mass vegetation planting to screen the shed. The proposal will not result in any negative visual impact on the locality and will not be prominent in the landscape.
i) The proposed development will not cause any significant overshadowing of adjoining land,	N/A	No overshadowing issues will result.
j) The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land	N/A	No privacy issues will result.

6.3.2 Lord Howe Island Development Control Plan 2005

The Lord Howe Island Development Control Plan 2005 (DCP 2005) provides detailed guidance for individuals and the community to achieve the aims and strategies of LEP 2010. In particular, DCP 2005 relates to the design of dwellings and is not highly prescriptive in regard to airport facilities.

The location of the proposed building will be within the existing footprint of the airport fuel storage facility shed. It is well screened and this screening will be further improved. No adverse impact on the existing surrounding properties and airport activities is anticipated. On the above basis it is not considered likely that the proposed works will have any detrimental impacts on the World Heritage values of the island.

The proposal is consistent with all relevant controls within DCP 2005.

7.0 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 that 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 6.3.1) and the proposed development is found to comply with all relevant provisions.

- ii. Any proposed instrument that is or has been the subject of public consultation under this Act

Comment: N/A

- iii. Any development control plan

Comment: An assessment of the proposal against the LHI DCP 2005 has been undertaken in Section 6.3.2 and was found to comply.

- iiia) 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: The regulations require any demolition works to be undertaken in accordance with the provisions of AS 2601 (Australian Standard AS 2601—1991: The Demolition of Structures.). An appropriate condition has been included in the recommendation of this report. There are no other matters prescribed by the regulations.

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

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

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

Comment: An assessment of the environmental impacts of the proposed development have been considered elsewhere in this report.

The table below provides further assessment of any likely impacts.

Likely environmental impacts

Potential Impacts	Proposal
<i>Suitability of the site</i>	The subject development is proposed within the existing footprint of the airport fuel storage shed and the new building is for the same purpose. The building will store fuel for use by aeroplanes.
<i>Access, Transport and Traffic</i>	Access, transport and traffic within the locality will not be impacted by the works.
<i>Public Domain, Visual and Streetscape</i>	As stated earlier, the proposal will not create any negative visual impact on the locality and will not be prominent in the landscape. It will be screened by the existing infrastructure within the site, along with the dense vegetation and sand dunes surrounding the site.
<i>Ecological</i>	As reported in the referral comments on the subject application in Part 5 of this report, the proposal will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats.
<i>Fire Safety</i>	Fire fighting equipment is to be maintained on the site. The applicant will also need to ensure Annual Fire Safety Statement is provided as a record of functionality and on-going measures of any fire safety measures installed.
<i>Flood</i>	As outlined earlier in this report the proposed development will be located outside any mapped Flood hazard area.
<i>Heritage</i>	There are no heritage items within the near vicinity of the proposal.
<i>Views</i>	Views will not be impacted by the works.
<i>Privacy</i>	NA
<i>Open Space</i>	Open space will not be impacted by the proposal.
<i>Social and economic Impact in Locality</i>	There will be no social or economic impact.
<i>Construction</i>	Potential impacts from construction activities will be minimised through the recommended conditions of the approval.

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

Having regard to its location, and the preceding assessment, the site will adequately accommodate the proposed upgraded airport refueling shed and is considered suitable for the proposal for the reasons outlined in this report.

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

The subject application was placed on public exhibition from 9th July to 23rd July 2018. No submissions were received by the LHIB to this notification at the time of preparing this report. Any submissions received post submission of this report can be addressed by way of an Addendum Report presented to the LHIB at the Out of Session Meeting.

- e) the public interest

For the reasons outlined in the preceding assessment, it is considered that the proposed development will be in the public interest subject to the application of appropriate conditions.

8.0 Conclusion

This application has been assessed with regard to the provisions of Section 4.15 of the EP&A Act, the LHI LEP 2010 and DCP 2005 and the relevant codes and policies of the Lord Howe Island Board.

In light of the preceding assessment, the application for demolition of an existing fuel storage shed and construction of a replacement shed (airport ancillary development) at Lord Howe Island Airport, (Lot 183, DP 757515), is supported subject to the application of a number of standard and proposal specific conditions.

9.0 Recommendation (Conditional Approval)

That the Board APPROVE Development Application 2019-02 for demolition of an existing fuel storage shed and construction of a replacement shed (airport ancillary development) at Lord Howe Island Airport (Lot 183, DP 757515) subject to the following conditions:

1. Approved Plans and Supporting Documentation

The development is to be carried out generally in accordance with the plans and documentation provided with DA No. 2019-02 as listed below and endorsed with the Lord Howe Island Board's stamp, except where amended by other conditions of consent. Including:

- a) Completed Development Application Form prepared by John Teague dated 29 June 2018.
- b) Site, Shed and Landscaping Plans

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

2. Biodiversity

- a) If any live LHI Gecko detected during works must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, old dwellings/structures) away from the

development site so they can escape predation by predators such as LHI Currawong, LH Woodhen and rodents.

- b) All building materials and building activity are restricted to being stock piled on cleared open areas.

3. Construction Certificate

- a) The applicant is 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.
- b) All construction work is to be carried out and completed in accordance with the National Construction Code (NCC) / Building Code of Australia (BCA).
- c) The applicant is to ensure that the Construction Certificate Plans are the same as the approved Development Application Plans (as amended by these conditions of development consent).
- d) Prior to the issuing of a Construction Certificate the applicant is to provide **detailed structural engineering plans** for the works, including any stairs, retaining walls, balustrading, ramps etc. The applicant is to ensure the structural plans address compliance with construction in Wind Zone A and are certified by an appropriately qualified Structural Engineer in accordance with AS1170.2.
- e) Prior to the issuing of a Construction Certificate the applicant is to submit a report outlining any proposed Performance Solutions 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 and must be compiled by a suitably qualified and appropriate person.
- f) Prior to the issuing of 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: This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.

4. 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.

5. Water

- a) All plumbing work, including any connections/disconnections to the emergency wash down water system, is to be undertaken by a licensed plumber.
- b) The applicant is to ensure all stormwater from the roof structures is diverted to rainwater tanks and/or an appropriate absorption trench. A copy of the method of disposal of stormwater for the works must be provided to the Board before issuance of the Construction Certificate.

Reason: To ensure installation of the new dewatering system is in accordance with LHIB requirements and Standards Australia.

6. Waste Management

- a) All construction waste is to be contained within the site and then be recycled or disposed of 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.

Reason: To ensure installation of the wastewater system is in accordance with NSW Government legislation.

7. Construction and Demolition

- a) Any electrical work must be carried out by a licensed electrician. A copy of the Electrical Compliance Certificate for the works must be provided to the Board before issuance of an Occupancy Certificate.
- b) All works are to be undertaken in accordance with approved Construction Certificate documentation.
- c) 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.
- d) All demolition works are to be undertaken in accordance with the provisions of Australian Standard AS 2601—1991: The Demolition of Structures.

8. Fire Safety

- a) The applicant is to ensure that fire-fighting equipment is maintained at the site at all times during construction and reinstated in the new shed as soon as practicable.
- b) The applicant is to ensure that an Annual Fire Safety Statement for the Fuel Storage Shed is supplied to the Board as a record of the functionality and ongoing maintenance of any fire safety measures installed.
- c) The applicant is encouraged to install 38mm 'Storz' fittings to existing and new water tanks to enhance the Rural Fire Service firefighting capabilities should there ever be a need for firefighting at the Fuel Storage Shed.

9. Dangerous Goods

- a) The applicant is to ensure the bunding of the existing concrete slab is of an appropriate size for the quantity of unbunded liquid containers stored and that transfer of fuel can be safely undertaken.
- b) The applicant is to ensure that Dangerous Goods placarding is to be maintained at the site at all times during construction and reinstated on the new walls as soon as practicable.
- c) If it is proposed to temporarily relocate the fuel during construction of the storage shed then appropriately sized temporary bunding must be installed at this site by the applicant so as to capture any fuel spilt during transfer processes and/or from unbunded liquid containers.
- d) The applicant is to ensure fire fighting equipment must be maintained at any temporary fuel storage site.
- e) Compliance is to be maintained at all times with *AS 1940-2004 The storage and handling of flammable and combustible liquids*, SafeWork NSW and EPA Standards and Guidelines. Certification of compliance with these standards shall be provided with the construction certificate.

10. Notices and Inspection requirements

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

during development works:

- a) Pre-commencement and site set-out
- b) After excavation for, and prior to the placement of, any footings
- c) Storm-water connections
- d) Final Inspection after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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: To ensure installation of wastewater system is in accordance with LHIB requirements.

Advice to Applicant:

Significant Native Vegetation

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

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 1999 does not have application.

The Commonwealth EPBC Act 1999 may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Section 8.7 and 8.10 of the EP&A Act 1979 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 12 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 EP&A Act.

Report prepared by:

Peter Chapman
Date: 16 July 2018
LHI Consultant Town Planner & Director
ALL ABOUT PLANNING PTY LTD

Endorsed:

James Lonergan
Date: 16 July 2018
Acting Chief Executive Officer
Lord Howe Island Board

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

Planning Assessment Report

1 Item

OC 2020.04 proposes a three (3) lot subdivision at Lot 285 DP 48687, Lagoon Road & Ocean View Drive, Lord Howe Island.

2 Summary Assessment Report

Assessment Officer	Peter Chapman – Consultant Town Planner
Address/Property Description	Lot 285 DP 48687, Lagoon Road & Ocean View Drive, Lord Howe Island
Proposal	Three (3) Lot Subdivision
Owners Consent No	OC 2020.04
Applicant	Larry & Elizabeth Wilson
Estimated Cost of Development	N/A
Site Inspections	A site inspection has been undertaken.
Zone	Zone 2 Settlement. The proposed development is permissible with the consent of the LHI Board.
Significant Native Vegetation Map	Part of the lot contains mapped Significant Native Vegetation (SNV). A condition may be included in the approval that no internal boundary fences are to be erected within the subject site to ensure that no damage or removal of SNV will occur as a result of the proposed subdivision.
Notification	The OC application has not been publicly exhibited, in accordance with LHIB policy.
Submissions Received	No submissions have been received.
Recommendation	That the application for 'Owner Consent' OC2020.04 for a three-lot subdivision at Lot 285 DP 48687, Lagoon Road & Ocean View Drive, Lord Howe Island be approved subject to the application of the requirements listed in the report.

3 Consent Authority

Owners Consent

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

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

The subject OC relates to the subdivision of land. Therefore, the proposal cannot be determined under delegated authority, and is being reported to the LHIB for determination.

4 Site Description

The site is legally described as Lot 285 DP 48687, on the corner of Lagoon Road and Ocean View Drive, Lord Howe Island. As shown in the aerial photograph (refer *Figure 1*), the allotment has an irregular shape which adjoins eight (8) surrounding allotments. The site has a 204m frontage to Lagoon Road on its western side, and 95m frontage along Ocean View Drive on the southern boundary, 101m along the eastern boundary and 50m frontage along the northern boundary. The site has an existing area of 17,232m² (1.7232ha).

As indicated in *Figure 1*, the site currently has three existing dwellings, out-buildings and sheds, water tanks and on-site effluent disposal tanks and associated infrastructure. The proposal will enable each existing dwelling to be located in separate allotments created by the subdivision.

The property comprises areas of open grassed paddocks and established vegetation including palms and other mixed vegetation.

The site is located opposite the LHI lagoon (across Lagoon Road) and is in the vicinity of the LHI Wharf and Maritime area. The site is adjoined by a mixture of residential allotments, open grassed paddocks and a palm plantation.



Figure 1: Aerial View of subject site and adjoining land. Source: Six Maps

5 Proposed Development

The proposal seeks to subdivide Lot 285, DP 48687 into three allotments (refer to Figure 4). The site is presently 17,232m² (1.723ha). The allotments are shown on the proposed subdivision plan as Lots 1-3, each with areas of Lot 1 - 3001m², Lot 2 – 3001m², and Lot 3 – 1.123ha.

The proposal will subdivide the land so that each allotment will include an existing constructed dwelling, sheds, tanks etc as noted on the survey plan, and separate on-site waste management systems and associated land application areas. Proposed Lot 3 benefits from a direct road frontage to Lagoon Road and will also have a 4m driveway handle from Ocean View Drive. Proposed Lots 1 and Lot 2 have existing access off Ocean View Drive.

The application states that the subdivision will be likely completed in stages. This does not require a formal staged approval under the EPA Act 1979 as subdivision certificates can be subsequently issued for the individual lots as required once the DA is determined.

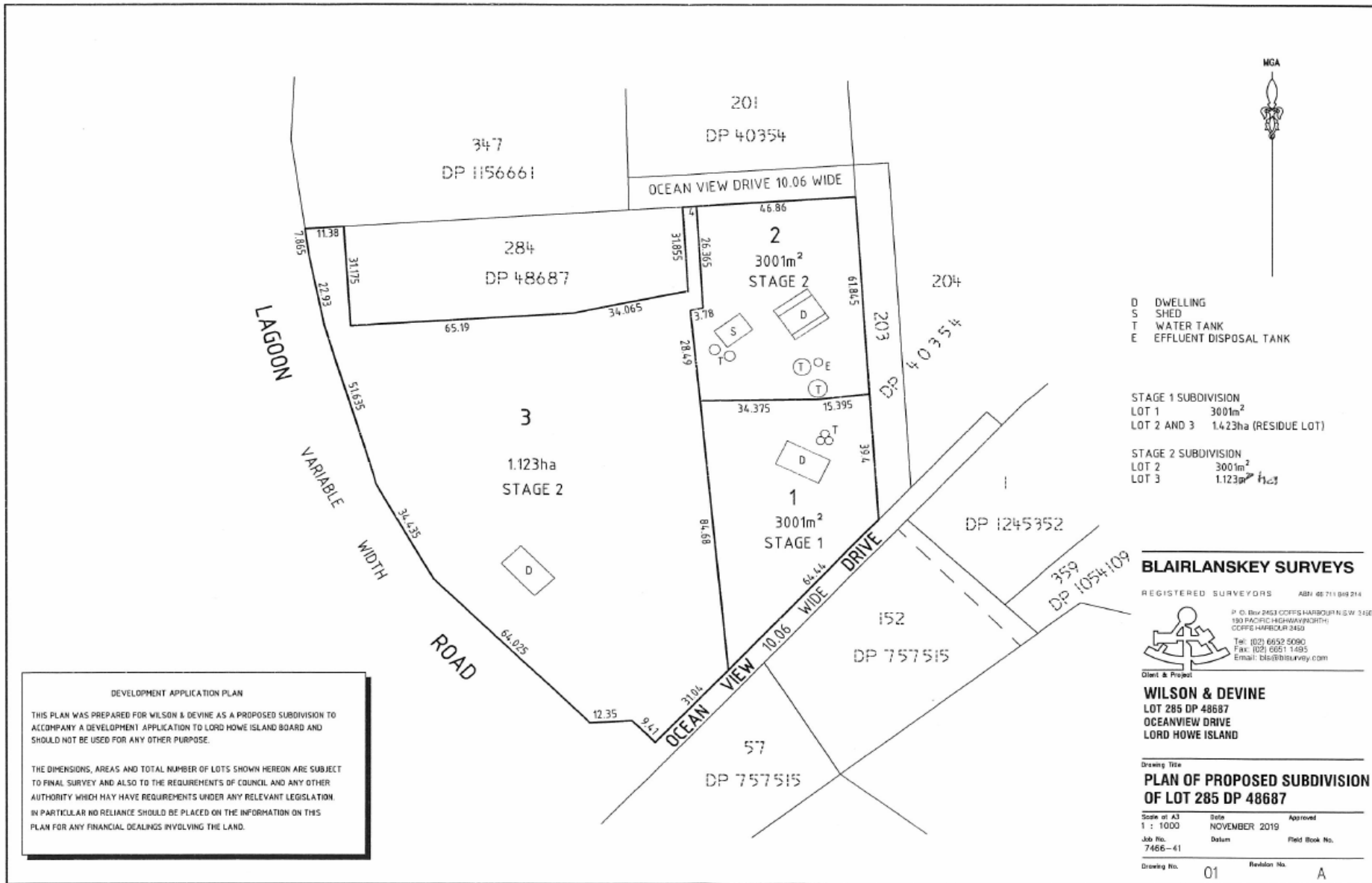


Figure 4: Applicant's submitted subdivision plan. Source: Blairlanskey Surveys

6 Preliminary Planning Assessment

The following preliminary planning assessment has been undertaken for the proposed OC taking into account the relevant statutory controls, and other relevant matters as detailed below.

As Figure 2 shows, Lot 285 is located in Zone 2 Settlement under the LHI LEP 2010. The site is also adjoined on its northern, eastern and part of its southern boundary with Zone 2 Settlement. The western boundary across from Lagoon Road is Zone 7 Environment Protection, and to the (part) south eastern boundary is Zone 6 Recreation land.

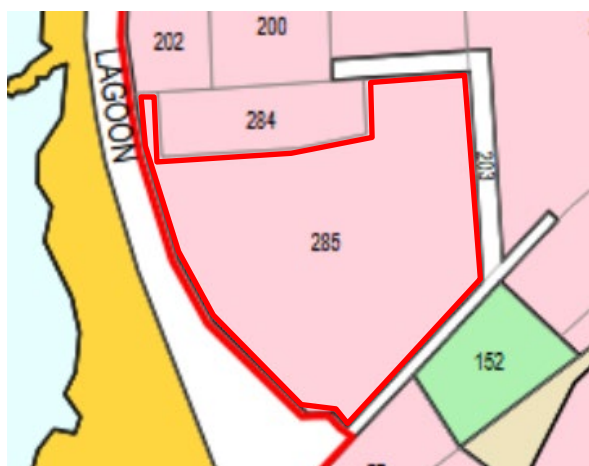


Figure 2: Extract from the LEP 2010 Zoning Map.
The site is Zone 2 Settlement

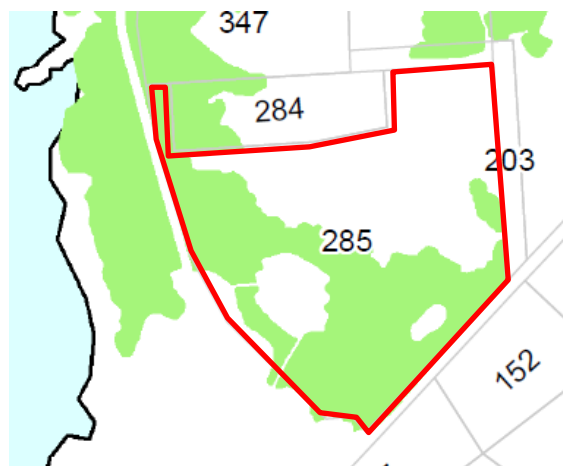


Figure 3: Extract from the LEP 2010 SNV Map.
SNV in green.

The land contains mapped Significant Native Vegetation under LEP 2010 (refer to Figure 3), and the land is landscaped with native species including planted palms.

Referrals

Whilst referrals to relevant internal specialists are not normally undertaken for Owners Consent applications (due to the preliminary nature of the assessment undertaken for such applications), the following preliminary consultations were considered relevant to the subject development and were thus completed.

Manager Environment World Heritage (Hank Bower): Parts of the proposed lot boundaries of the subdivision will extend through mapped SNV. As clearing or damage to mapped SNV is prohibited, an advisory note should be placed on any determination that the erection of boundary fences through these areas will not be permitted.

Team Leader - Compliance & Projects (Kate Dignum): The proposed subdivision will not conflict with the wastewater systems currently provided for each of the three dwellings on the site. One of these dwellings (Larry & Liz's) has a part shared system with the dwelling on the adjoining lot 284 however this can remain in place as is with the proposed subdivision.

Permissibility - Lord Howe Island Local Environmental Plan 2010

The proposal is not Exempt Development under Clause 9 of the LEP 2010.

As discussed above, the site is located within the 2 Settlement Zone. The LEP 2010 objectives for this zone are as follows:

- (a) *to provide opportunities for limited residential and commercial development that maintains the dispersed housing pattern of the settlement area and is in sympathy with existing development in relation to the following:*
 - (i) *setbacks,*
 - (ii) *building mass and style,*
 - (iii) *visual amenity,*
 - (iv) *landscaped character,*

- (b) *to ensure that any development is only permitted in locations where, in the consent authority's opinion:*
 - (i) *the development will not involve unacceptable infrastructure costs for the Board or the community of the Island, and*
 - (ii) *there is an adequate area available for the treatment or disposal of any effluent arising from the proposed development by an appropriate effluent treatment or disposal system, and*
 - (iii) *the land is capable of supporting the proposed development and is suitable in terms of the land's physical constraints (such as vulnerability to erosion, slip or flooding), and*
 - (iv) *the development (including any effluent treatment or disposal system referred to in subparagraph (ii)) will not adversely affect groundwater quality,*

- (c) *to avoid or minimise environmental damage and protect areas that:*
 - (i) *comprise significant habitat for species of animals that are native to the Island, or*
 - (ii) *have significant native vegetation.*

Under clause 14(3) of the LEP 2010 any (other) development may be carried out on land within Zone 2 Settlement with the consent of the LHIB, thus the proposed subdivision is permissible with consent requiring the submission of a future development application. Based upon the preliminary assessment undertaken in this OC report, the proposed subdivision will be able to notionally comply with the objectives of the LEP 2 Settlement zone.

The future DA assessment will be subject to Clauses 2, 3, 6, 7, 9, 11, 12, 14, 21, 23, 26, 32, 33, of the LEP being satisfied. These clauses relevant to this OC are considered and assessed below.

LEP 2010 compliance summary table

LEP 2010 Clause		Compliance Y/N	Comment
Part 1 Preliminary			
2	Commencement and Aims of Plan	Y	The proposed subdivision has been assessed as generally meeting the aims and objectives of the 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.
7	Maps	Y	Noted.
9	Exempt Development	N/A	The proposed works are not listed as Exempt Development within Schedule 1 of the LEP.
11	Matters that must be satisfied before development consent granted	Y	All relevant matters are further considered in the clause 11 assessment following.
Part 2 General Provisions applying in particular zones			
12	Land Use Zones	Y	The land is zoned Zone 2 Settlement
14	Zone 2 Settlement	Y	Refer to the above discussion of the Zone 2 Settlement objectives and permissible development under clause 14 of the LEP.
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			
21(2)	Subdivision a) The area of each proposed allotment is to be at least 3000m ²	Y	Satisfied: proposed Lot 1 = 3,100m ² ; proposed Lot 2 = 3,001m ² , and proposed lot 3 = 1.123ha.
	b) If one or more existing dwellings (but no existing tourist accommodation, staff accommodation or commercial premises) on a proposed allotment – the total area of the allotment is at least the minimum dwelling area	Y	The present Lot 285 DP 48687 has three existing dwellings. There are no tourist or staff accommodation or commercial premises located on the subject site. As per above each proposed subdivided lot meets the required minimum 3,000m ² dwelling site area.
23	Erection of Dwellings (1)(a) Each new dwelling must have a GFA of not greater than 300m ² (b) The total area of the allotment is at least the minimum dwelling area of 3000m ² .	Y Y	The proposal does not include the construction of any new dwellings on the site. The three existing dwellings will each be respectively located (without alterations or additions) within the 3 proposed lots. As discussed under clause 21, the proposed subdivided allotments will all meet the minimum dwelling area of 3,000m ² .
26	Limit on number of dwellings	N/A	The proposal does not include the construction of any new dwellings on the site. The three existing dwellings will each be respectively located (without alterations or additions) within the 3 proposed lots.

Division 2 Provisions that apply to particular land			
32	Setbacks of buildings in Zone 1, 2 or 5	Y	As per earlier advice the three dwellings are existing. Each of these already comply with the setback requirements of the LEP.
33	Landscaping in Zone 2	Y	<p>The proposal will not create an adverse impact on the existing landscaped character and dispersed pattern of housing in the zone.</p> <p>The proposal will enable the subdivision of the subject site. The dwellings are existing therefore there will be no change in the pattern of existing settlement in the area.</p> <p>To avoid future ecological impacts on the mapped SNV within the site, a condition is recommended to prevent the erection of boundary fences through mapped SNV.</p>

6.3.1.2 CLAUSE 11 MATTERS

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

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
a) <i>The proposed development is consistent with the aims of this plan and the objectives of any zone, as set out in the plan, within which the development is proposed to be carried out,</i>	Y	Refer to discussion provided in the above LEP Compliance table. The proposed subdivision meets the aims and objectives of the LEP 2010.
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	The wastewater treatment facilities for the three existing dwellings within the site will be maintained.
c) <i>No part of the proposed development:</i> <ul style="list-style-type: none"> 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	<p>The approval for Owner Consent in itself will not result in the damage or removal of SNV.</p> <p>To avoid future ecological impacts on the mapped SNV within the site, a condition is recommended to prevent the erection of boundary fences through mapped SNV.</p>

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	The access arrangements for each of the existing dwellings will be maintained as is currently the case. Each currently benefits from a direct frontage to a public road. No additional clearing will be associated with the above.
e) <i>Any proposed landscaping will provide various species of plants that are native to the Island and common in the locality to enhance any significant native vegetation,</i>	N/A	
f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i>	N/A	There are no known landform limitations which will adversely impact on the subdivision proposal.
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	The subject site is already serviced by the required utilities and these will remain available for the proposed subdivision.
h) <i>The appearance of the proposed development (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality,</i>	Y	The appearance of the proposed development will remain in keeping with the character and nature of the area.
i) <i>The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	As assessed earlier under the discussion of clause 32, LHI LEP, the proposal will not create any overshadowing of any adjoining land.
j) <i>The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	Y	The proposal will not reduce the privacy of any adjoining property.

8 Conclusion

OC 2020.04 has been assessed with regard to the provisions of Section 4.15 of the EP&A Act, the LEP 2010 and DCP 2005 and the relevant codes and policies of the Lord Howe Island Board.

In light of the above comments and the preceding preliminary development assessment, the OC application for the 3 x lot subdivision of the subject land is supported subject to the application of a number of requirements included in the following recommendation.

9 Recommendation (Conditional Approval)

That the application for 'Owner Consent' OC2020.04 for a three-lot subdivision at Lot 285 DP 48687, Lagoon Road & Ocean View Drive, Lord Howe Island be approved subject to the application of the following requirements:

ADVICE TO APPLICANT:

1. Parts of the proposed lot boundaries for the subdivision will extend through mapped SNV within the site. As clearing or damage to mapped SNV is prohibited and to avoid ecological impacts, the erection of boundary fences through these areas will not be permitted.
2. Provision shall be maintained for the part shared wastewater treatment system between the existing dwelling on the subject site located closest to Lagoon Road and the adjoining Lot 284. This shall be confirmed with the future subdivision certificate submissions for the lots.

Recommended:	Recommended for approval:
	
Peter Chapman Date: 13 March 2020 LHI Consultant Town Planner & Director All About Planning Pty Ltd	Peter Adams Date: 20 April 2020 Chief Executive Officer Lord Howe Island Board

Board Meeting: April 2020	Agenda Number: 8 (v)	Record Number: ED20/2286
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

Planning Assessment Report

Item: MDC 2020.04 - Demolition of an existing fuel storage shed and construction of a replacement shed (airport ancillary development) at Lord Howe Island Airport (Lot 183 DP 757515).

I.0 Summary Assessment Report

Assessment Officer	Peter Chapman – Consultant Planner & Director All About Planning Pty Ltd
Address/Property Description	Lord Howe Island Airport, Lot 183 DP 757515, Lord Howe Island
Proposal	Demolition of an existing fuel storage shed and construction of a replacement shed (airport ancillary development) at Lord Howe Island Airport
Applicant	Lord Howe Island Board (LHIB)
MDC No	MDC 2020.02
Development Application No.	DA 2019.02 (granted conditional consent 25 July 2018)
Owner Consent Granted	Not required by virtue of the proposal being a LHIB application
Estimated Cost of Development	Original Development: \$50,000.00
Site Inspections	AAP has inspected site and is familiar with the area
Zone	Zone No. 5: Special Uses. The proposed development is permissible with consent of the LHIB within this zone as a development ancillary to the airport.
Significant Native Vegetation Map	The proposed development will be generally located within the existing development footprint, but has been extended to the west of the building. The LHIB has confirmed this area is cleared, and used as the current dirt accessway connecting to a concrete ramp into the shed. The proposal will not result in the removal of any SNV.
Notification	The LHIB has confirmed that the subject application was placed on exhibition from 26/09/19 until 10/10/19.
Submissions Received	No submissions were received.
Recommendation:	That MDC 2020.04 for minor amendments to approved Development Application No. 2019.02 (dated: 25 July 2018) for Demolition of an Existing Fuel Storage Shed and Construction of a Replacement Shed (Airport Ancillary Development) at Lord Howe Island Airport (Lot 183, DP 757515) be approved subject to the existing conditions of approval, as amended by the modified and new conditions listed in the report.

2.0 Consent Authority

The subject application to modify development consent (MDC) seeks consent for demolition of an existing fuel storage shed and construction of a replacement shed at the Lord Howe Island Airport.

The Board's CEO and Chairperson has delegation to grant consent to DAs subject to the following conditions:

- *The value of the development must not total \$150,000 or more (as calculated by the Board).*
- *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.*

The proposal complies with the above delegations to the CEO. However, this application has been referred to the Board for determination as it is a Board application.

3.0 Site Description

The LHI's airport is located in the central part of Lord Howe Island. The existing fuel storage shed (proposed for demolition, removal and replacement) forms part of essential airport operations. The fuel shed site is adjacent to the southern side of the runway and north of the LHIB Waste Management Facility.

The proposed development will be generally located within the existing development footprint, but has been extended to the west of the building. The LHIB has confirmed the area is cleared of vegetation and used as the current dirt accessway connected to a concrete ramp into the shed. The proposal will be located on Lot 183, DP 757515. The site and building are shown in *Figures 1* and *2* below.



Figure 1 – Existing building to be demolished and removed. Source: Six Maps



Figure 2- Aerial View of the Lord Howe Island Airport and associated facilities. Source Six Maps

The site is irregular in shape with a largely flat topography and has an approximate area of 5,879m². The shed is positioned north-west of the airport terminal and within a cleared area approximately 7 meters from the airstrip boundary. The remaining site is surrounded on the southern, eastern and western side by vegetation.

The airport facilities area is generally located over several allotments sitting parallel to the runway and includes open storage of building and construction materials, bulky goods, machinery and natural resources including timber, rock, soil and blue metal. There are other similar and smaller storage sheds also scattered amongst this airport operations area.

The site is accessed via an unformed gravel road located off Old Lagoon Road

The site is Zoned 5: Special Uses under the *Lord Howe Island Local Environmental Plan 2010* (LHI LEP 2010) as illustrated in *Figure 3*. The site is not mapped as being flood prone land and is not located within the LEP's Foreshore Building Line as shown below by a red line below on the LEP extract.

The vegetated areas of the site comprise mapped Significant Native Vegetation (SNV), this vegetation being immediately south, east and west of the subject building refer *Figure 4*. The proposed development is located within an existing cleared and unmapped area, and therefore will not impact on significant native vegetation.



Figure 4: Extract from the LEP 2010, Significant Native Vegetation map.

4.0 Proposed Development

Previous DA CONSENT 2019.02

DA 2019.02 was granted conditional consent on 25 July 2018 enabling the demolition of the existing fuel storage shed, and its replacement with a new shed at the Lord Howe Island Airport.

The proposed shed was to be constructed within the existing shed's footprint, being approximately 12 metres long x 9 metres wide with colorbond roof sheeting, wall cladding, and steel framing. Construction also included



Figure 3: Extract from the LEP 2010, Zoning Map Zone 5: Special Uses in yellow and foreshore building line in red

louvred windows with vermin proof wire screen mesh, transparent/acrylic clear fibreglass roof sheeting sections for additional lighting, two heavy duty braced doors on either end of the building and a smaller emergency door was to be located at the rear eastern end.

The building was designed to accommodate approximately 32 liquibins (being 1500 litre IBC units), stacked 2 high and included other areas for general storage within the building.

The plans included landscape plantings on the northern side of the shed to provide natural screening and softening to reduce the visual impact of the shed, improve overall site aesthetics and complement adjoining native vegetation.

The small shed (on the western end of the existing building), and the water tank were to be retained on the site.

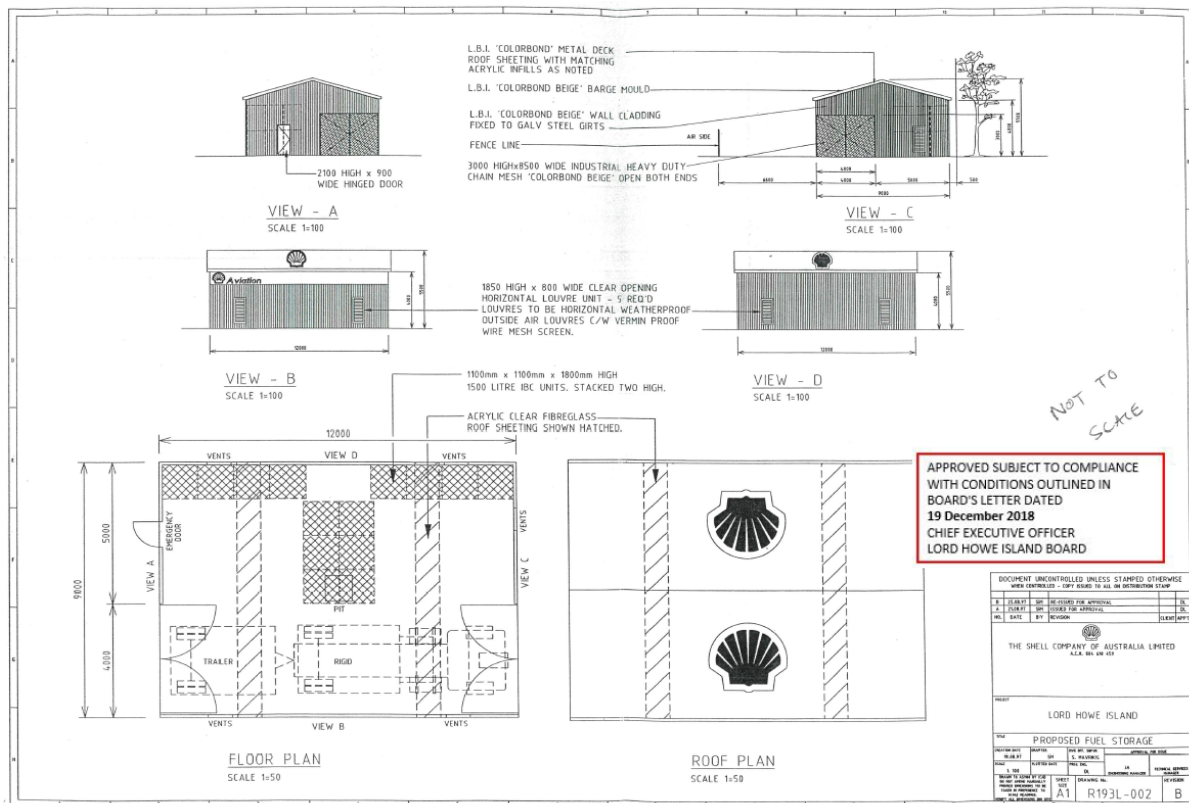


Figure 5: DA 2019.02 Approved Plans for the proposed shed.

5.0 Proposed Development

The subject MDC 2020.04 seeks consent for an amendment to the design of the replacement shed at the Lord Howe Island Airport. *Figures 6 & 7* on the following pages includes the provided site plan, floor plans and elevations.

The proposed amendment is still to include the demolition of the existing structure, (including its concrete slab), and the construction of a new shed. However where the original DA approval was for a replacement shed within a smaller overall footprint than the existing, the proposed amendment is for an enlarged structure which will be 7m longer (than the approved shed at its western end) which will take it to the western end of the existing shed (but now encompassing the 7m x 5.3m existing cutout on the sheds south west corner).

Further to the above, the new shed (as amended) will have the same setback to the immediately adjoining vegetation as the existing shed.

The building will be constructed with colorbond roof sheeting, wall cladding, and steel framing. The building will be 19.1m long x 8.92m wide x 5.56m high. The shed will have access via two roller doors at one end and a single roller door at the other. Also, there are to be two personnel access doorways located on one side elevation of the shed. The existing water tank adjoining the building will be retained on the site.

The mass vegetation planting/landscaping/ screening on the northern side of the building is still to be completed as part of this modified development and is to include native species.

SITE PLAN M02020.04
 SHOWING EXISTING FUEL SHED
 RED DASHES PROPOSED
 REPLACEMENT FUEL SHED
 SCALE 1:200

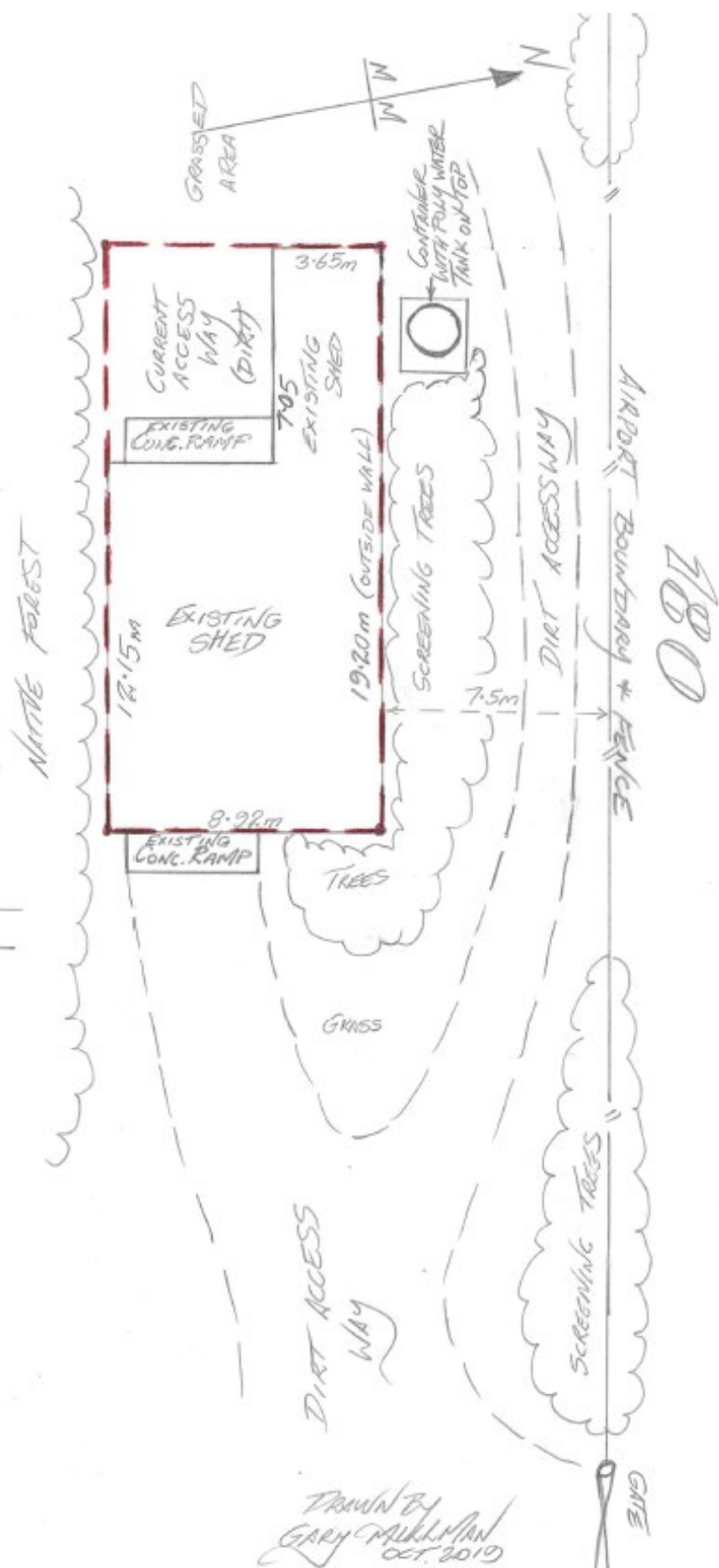


Figure 6: Site Plan with proposed new shed footprint. Source: LHIB.

Building For:
JARRAD MASCORD
FUEL SHED LORD HOWE ISLAND
 Job Number: 14283
 Produced by:
Hastings Valley Sheds & Garages
 Phone: 02 6586 1622

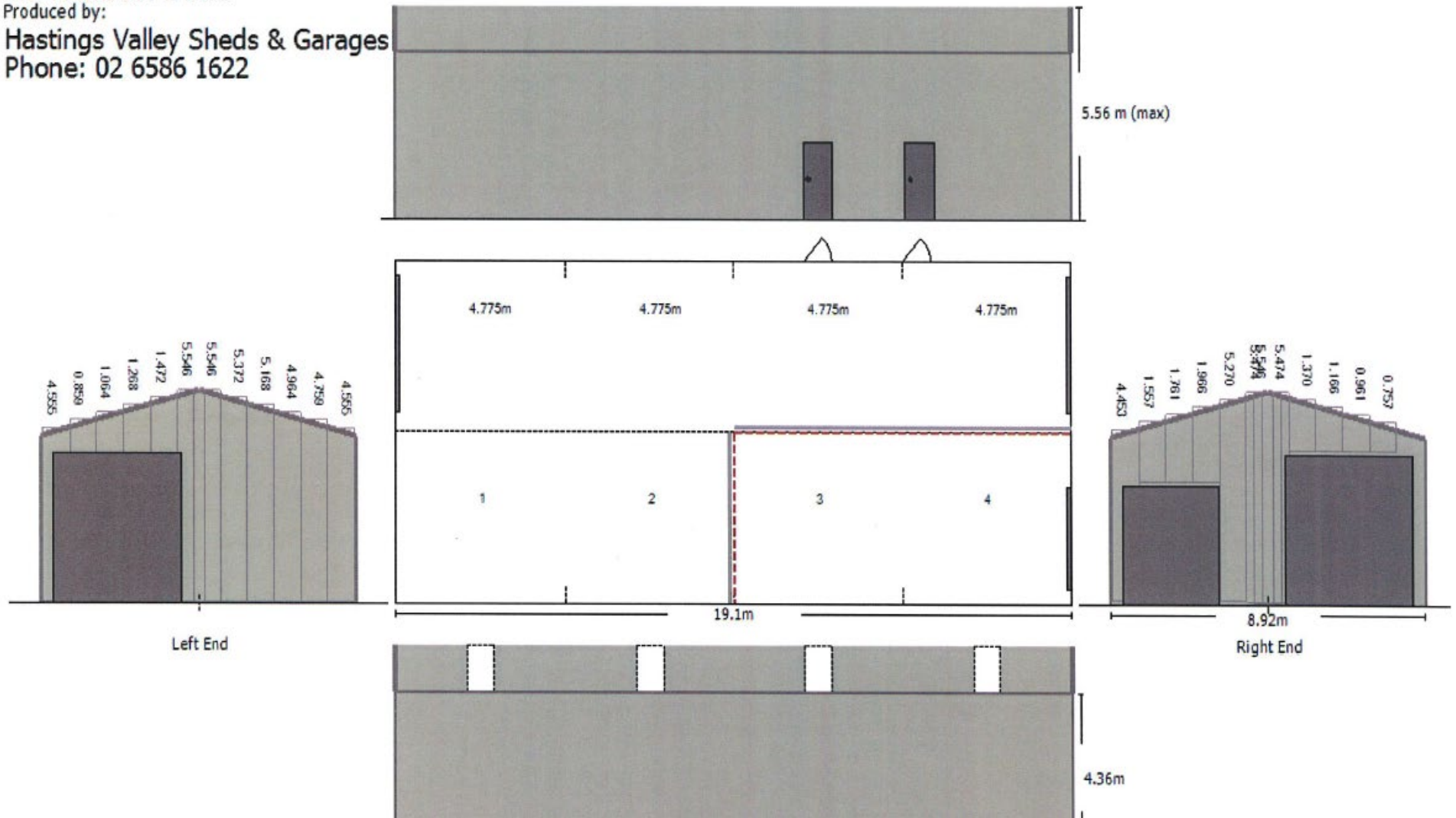


Figure 7: Applicant's submitted proposed Floor Plan and Elevations

6.0 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>MDC Comment:</p> <p>The extended slab area is on cleared land and will not result in any removal or damage to SNV or threatened species or their habitats</p> <p>The previous ecological assessment is still relevant, along with suggested conditions.</p> <p><i>Original DA Comment:</i></p> <p>The proposal will not require the removal of any native remnant vegetation as the Subject site is located wholly within an existing development footprint (i.e. the existing concrete slab where the fuel depot shed is currently located). It is likely that planted native vegetation on the northern boundary of the shed may need some minor pruning, however, this vegetation was planted for screening purposes and is considered to form part of an established garden and therefore exempt from requiring approval under Clause 80, Part 5 of the LHI Regulation 2014.</p> <p>The proposal will not result in the removal or damage of any Significant Native Vegetation (SNV). The Study area contains vegetation mapped as SNV, which is located outside the development footprint.</p> <p>The proposal will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats as it only involves the demolition and construction of replacement infrastructure from a cleared and operational part of the Fuel Depot shed.</p> <p>There is native vegetation in the Study area which is mapped by Sherringham et al 2016 as community 17a – Greybark – blackbutt rainforest. The vegetation at the Subject site is mapped by Pickard (1983) as vegetation association Da-Ct Drypetes australasica – Cryptocarya triplinervis. The Sherringham et al 2016 mapping is considered accurate.</p> <p>There is no vegetation identified for removal for this proposal. The proposal includes landscaping with native plants to provide further screening.</p> <p>The subject site provides known or potential habitat for at least 6 threatened species being; LHI Gecko Christinus guentheri, LHI Currawong Strepera graculina crissalis, LHI Golden Whistler Pachycephala pectoralis contempta, LHI Silvereye Zosterops lateralis tephroleura, Lord Howe Woodhen Gallirallus sylvestris and LHI Placostylus bivaricosus.</p> <p>The LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen are all widely distributed across the Island and regularly occupy forests and gardens within the settlement. They are commonly found co-habiting with human infrastructure within the settlement area and in the case of the LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen will forage and roost around dwellings and associated infrastructure. However, the core habitat resources for all</p>	<p>Noted and recommended accordingly</p>

Internal specialist	Issue	Planner's Comment
	<p>these species is dense native vegetation.</p> <p>The LHI Gecko is known to occur throughout the settlement of LHI where it can utilise human made structures and stock piled building materials (e.g. sheets of corrugated iron etc) as sheltering habitat. It can be found within cavities of dwellings that exclude rodents and shelters within cracks and cavities in trees and rocks. It is possible that LHI Gecko could be present within the existing building and could be detected during renovations. Any animals detected during works must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, old dwellings/structures) away from the development site</p> <p>The Subject site includes areas mapped as modeled High Quality Habitat (A) for LHI Placostylus. This mapping is considered accurate where there is intact native vegetation (which is outside the proposed development footprint). The LHI Placostylus favours forested habitats on calcarenite soils with a dense shaded canopy, continuity with large areas of vegetation and a thick moist leaf layer in which they can burrow during dry times. This habitat is present at the Subject site, although is restricted to remnant vegetation south of the proposed development. The shed is currently baited with rodenticides contained within locked stations in accordance with the Boards rodent baiting schedule.</p> <p>A 5 Part Test of significance was not submitted with the DA as the proposal is located within an existing development footprint and on adjacent cleared land. This assessment concludes that the proposed development will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats providing the recommendations below are adhered to.</p> <p>Recommendations</p> <p>That the development be approved subject to:</p> <ul style="list-style-type: none"> • 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 dwellings/structures) away from the development site so they can escape predation by predators such as LHI Currawong, LH Woodhen and rodents. • All building materials and building activity are restricted to being stock piled on cleared open areas. 	
<p>Kate Dignam – Team Leader Compliance & Projects</p>	<p>Original DA Comments also applicable to MDC:</p> <p>Building Class: 7</p> <p>Notes relating to issuing of Construction Certificate</p> <p>I have assessed the applicant's DA and note the following:</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. • All construction is to be carried out and completed in accordance with the Building Code of Australia (BCA)/National Construction Code (NCC). • 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 	<p>Noted and recommended accordingly</p>

Internal specialist	Issue	Planner's Comment
	<p>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.</p> <ul style="list-style-type: none"> In the application for a Construction Certificate the applicant is to provide detailed structural engineering plans for the works. All the structural plans are to address compliance with construction in Wind Zone A, and are to be certified by an appropriately qualified Structural Engineer in accordance with AS1170.2. The applicant is to ensure the Construction Certificate Plans are the same as 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. <p>Aerodrome</p> <ul style="list-style-type: none"> If wall and/or roof heights of the new fuel storage shed are proposed to be greater than the existing, detail must be provided showing that the new structure will not penetrate the Obstacle Limitation Surface of the aerodrome. <p>Access for People with a Disability</p> <ul style="list-style-type: none"> No relevant matters <p>Safe Movement and Access</p> <ul style="list-style-type: none"> No relevant matters <p>Fire Safety</p> <ul style="list-style-type: none"> The applicant is to ensure that fire-fighting equipment is maintained at the site at all times during construction and reinstated in the new shed as soon as practicable. The applicant is to ensure that an Annual Fire Safety Statement for the Fuel Storage Shed is supplied to the Board as a record of the functionality and ongoing maintenance of any fire safety measures installed. The applicant is encouraged to install 38mm 'Storz' fittings to existing and new water tanks to enhance the Rural Fire Service firefighting capabilities should there ever be a need for firefighting at the Fuel Storage Shed. <p>Wastewater</p> <ul style="list-style-type: none"> No relevant matters <p>Water</p> <ul style="list-style-type: none"> All plumbing work, including the disconnections and connections to the emergency wash down water system, is to be undertaken by a licensed plumber. The applicant is to ensure all stormwater from the roof structures is diverted to rainwater tanks and/or an appropriate absorption trench. The method of disposal of stormwater is to be shown on the construction certificate drawings. <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 	

Internal specialist	Issue	Planner's Comment
	<p>facility on the Island. This excludes asbestos waste, which is the responsibility of the applicant to remove from the Island.</p> <ul style="list-style-type: none"> • 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>Dangerous Goods</p> <ul style="list-style-type: none"> • The applicant is to ensure the bunding of the existing concrete slab is of an appropriate size for the quantity of unbunded liquid containers stored and that transfer of fuel can be safely undertaken. • Dangerous Goods placarding is to be maintained at the site at all times during construction and reinstated on the new walls as soon as practicable. • If it is proposed to temporarily relocate the fuel during construction of the storage shed then appropriately sized temporary bunding must be installed at this site so as to capture any fuel spilt during transfer processes and/or from unbunded liquid containers. • Fire fighting equipment must be maintained at any temporary fuel storage site. <p>Construction and Demolition</p> <ul style="list-style-type: none"> • If any electrical work is required it must be carried out by a licensed electrician and an Electrical Compliance Certificate issued to the Board before, or with, the application for Occupancy Certificate. • 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>Inspections</p> <ul style="list-style-type: none"> • As a Class 7 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 d) Final Inspection prior to Occupation Certificate being issued 	

7.0 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.

7.1 Commonwealth legislation

7.1.1 Environmental Protection and Biodiversity Conservation Act 1999

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

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

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

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

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

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

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

7.2 NSW legislation

7.2.1 Biodiversity Conservation Act 2016

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

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

Please refer to the internal referral comments received from Hank Bower (Manager Environment World Heritage) provided earlier in Section 5 of this report. Appropriate conditions to address or mitigate potential environmental impacts were included in the original DA determination and these will remain in place on the proposed MDC approval (as recommended in this report).

7.2.2 NSW Heritage Act 1977

The main objective of the *Heritage Act 1977* (Heritage Act) is to encourage the conservation of the heritage of NSW. Pursuant to Section 4.46 (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 providing for an exemption to refer, instead requiring referral of only those applications requiring consent under Clause 39 of the LHI LEP 2010. The site does not require consent under Clause 39 as it is not a listed heritage item within the LEP 2010. Therefore, referral to the NSW Heritage Division of this application is not required.

7.3 Local Statutory Plans and Policies

7.3.1 Lord Howe Island Local Environmental Plan 2010

The LHI LEP 2010 and its amendments are the principal environmental planning instrument applying to the proposal.

The following summary table details the various LEP provisions relevant to the subject proposal with assessment and/or comment included 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 has been considered in the assessment of this application.
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 <i>Lord Howe Island Act 1953</i> .
6.	Who is the consent authority for this Plan?	Y	The Lord Howe Island Board (LHIB) is the relevant consent authority.
7.	Maps	Y	Noted.
9.	Exempt Development	NA	The subject development is not listed as exempt development in the LHI LEP 2010.
11.	Matters that must be satisfied before development consent granted	Y	All relevant matters are satisfied. Refer to Section 6.3.1.2 below.
Part 2 General Provisions applying in particular zones			
12.	Land Use Zones	Y	The land is zoned 5: Special Uses
15	Zone 5: Special Uses	Y	Development is permitted with the consent of the Board within this zone as ancillary development to the airport. The land (as assessed

LEP 2010 Clause	Complies Y/N	Comment	
		in this report) is capable of supporting the proposed development and is suitable in terms of the land's physical constraints.	
Part 3 Special Provisions			
Division 2 Provisions that apply to particular land			
29.	Maximum Height of Buildings	Y	The proposed building height at 5.56m, will comply with the maximum 7.5m building height limit. Being located adjoining the middle of the runway rather than at its either end, the proposal will not penetrate the Obstacle Limitation Surface of the aerodrome.
34.	Land adjoining Zone 7 or 8	N/A	None of the proposed works will be within 10m of the adjoining land (Cobbys Beach and dunes) that is zoned 7 Environment Protection.
35.	Foreshore development	N/A	The south-western lot boundary traverses the foreshore building line. No building works will be undertaken within the building foreshore area.
Division 4 Miscellaneous			
42.	Requirement for environmental report	N/A	Based on the assessment undertaken within this report, the proposal is not likely to have a significant adverse impact on the environment, therefore an environmental report is not required.

7.3.1.2 Clause 11 Matters that must be satisfied before development consent granted

Clause 11 provides that the consent authority must not consent to the carrying out of development unless it is satisfied of the following matters (to the extent that they are of relevance to the proposed development):

Table 3 Clause 11 Compliance summary table

CLAUSE 11 REQUIREMENT	COMPLIES Y/N	DISCUSSION
a) <i>The proposed development is consistent with the aims of this plan and the objectives of any zone, as set out in the plan, within which the development is proposed to be carried out,</i>	Y	The subject site is zoned 5: Special Uses under the LHI LEP 2010. The proposed development will be consistent with both the overall LEP objectives and the specific zone objectives.
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	No sanitary facilities are proposed in the subject shed.
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	The proposal will not result in any damage or removal of mapped SNV or the habitat of any native plants or animals (ref referral comments in section 5 of this report).
d) <i>Access is, or will be, available to the site of the proposed development and the provision of any such access will not:</i> i. <i>result in any damage to, or the removal of, significant native vegetation, or</i> ii. <i>have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i>	Y	No change to the current vehicular access is proposed and no SNV removal is required (ref above comments at (c) above).
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	The requirement for the proposed landscaping planting/ screening on the northern side of the shed will remain on the subject approval
f) <i>The proposed development will not be adversely affected by any landform limitations,</i>	NA	The proposed facility is not flood prone as it is outside of the mapped flood hazard area.

CLAUSE 11 REQUIREMENT	COMPLIES Y/N	DISCUSSION
<i>including flooding, landslip, unstable soils and steep slopes,</i>		
<i>g) Adequate services in respect of the proposed development can be provided without significant additional cost to the Board or the community of the Island,</i>	Y	No additional infrastructure services are required.
<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 site is not located within a visually prominent area, being positioned away from residential dwellings, and shielded by vegetated dunes and the airstrip. The proposal includes new landscaping and mass vegetation planting to screen the shed. The proposal will not result in any negative visual impact on the locality and will not be prominent in the landscape.
<i>i) The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	No overshadowing issues will result.
<i>j) The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	Y	No privacy issues will result.

7.3.2 Lord Howe Island Development Control Plan 2005

The Lord Howe Island Development Control Plan 2005 (DCP 2005) provides detailed guidance for individuals and the community to achieve the aims and strategies of LEP 2010. In particular, DCP 2005 relates to the design of dwellings and is not highly prescriptive in regard to airport facilities.

The location of the proposed building will be within the existing footprint of the airport fuel storage facility shed. It is well screened and this screening will be further improved. No adverse impact on the existing surrounding properties and airport activities is anticipated. On the above basis it is not considered likely that the proposed works will have any detrimental impacts on the World Heritage values of the island.

The proposal is consistent with all relevant controls within DCP 2005.

8.0 Environmental Effects

8.1 Environmental Planning and Assessment Act 1979

Under the provisions of Section 4.15, (previously 79C(1)) of the EP&A Act, in determining a DA, a consent authority is to take into consideration the following matters that 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 6.3.1) and the proposed development is found to comply with all relevant provisions.

- ii. Any proposed instrument that is or has been the subject of public consultation under this Act

Comment: N/A

- iii. Any development control plan

Comment: An assessment of the proposal against the LHI DCP 2005 has been undertaken in Section 6.3.2 and was found to comply.

- iiia) 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: The regulations require any demolition works to be undertaken in accordance with the provisions of AS 2601 (Australian Standard AS 2601—1991: The Demolition of Structures.). An appropriate condition has been included in the recommendation of this report. There are no other matters prescribed by the regulations.

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

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

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

Comment: An assessment of the environmental impacts of the proposed development have been considered elsewhere in this report.

The table below provides further assessment of any likely impacts.

Likely environmental impacts

Potential Impacts	Proposal
<i>Suitability of the site</i>	The subject development is proposed generally within the existing footprint of the airport fuel storage shed and the new building is for the same purpose. The building will store fuel for use by aircraft.
<i>Access, Transport and Traffic</i>	Access, transport and traffic within the locality will not be impacted by the works.
<i>Public Domain, Visual and Streetscape</i>	As stated earlier, the proposal will not create any negative visual impact on the locality and will not be prominent in the landscape. It will be screened by the existing infrastructure within the site, along with the dense vegetation and sand dunes surrounding the site.
<i>Ecological</i>	As reported in the referral comments on the subject application in Part 5 of this report, the proposal will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats.
<i>Fire Safety</i>	Fire fighting equipment is to be maintained on the site. The applicant will also need to ensure Annual Fire Safety Statement is provided as a record of functionality and on-going measures of any fire safety measures installed.
<i>Flood</i>	As outlined earlier in this report the proposed development will be located outside any mapped Flood hazard area.
<i>Heritage</i>	There are no heritage items within the near vicinity of the proposal.
<i>Views</i>	Views will not be impacted by the works.
<i>Privacy</i>	NA
<i>Open Space</i>	Open space will not be impacted by the proposal.
<i>Social and economic Impact in Locality</i>	There will be no social or economic impact.

Potential Impacts	Proposal
Construction	Potential impacts from construction activities will be minimised through the recommended conditions of the approval.

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

Having regard to its location, and the preceding assessment, the site will adequately accommodate the proposed upgraded airport refueling shed and is considered suitable for the proposal for the reasons outlined in this report.

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

The subject application was placed on public exhibition from 26 September 2019 to 10 October 2019. No submissions were received by the LHIB.

- e) the public interest

For the reasons outlined in the preceding assessment, it is considered that the proposed development will be in the public interest subject to the application of appropriate conditions.

9.0 Section 4.55 Modification of Consent

Under the provisions of Section 4.55, (previously Section 96) of the EP&A Act, the applicant may seek modification of a development consent. The applicant has submitted the subject MDC under clause 4.55(2) *Other Modifications*.

The following matters are of relevance to the development:

4.55 Modification of consents—generally

(2) Other modifications

(a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all),*

Comment: As outlined elsewhere in this report, the modified development will arguably have the same character and nature and be substantially the same development as originally approved.

(b) *it has consulted with the relevant Minister, public authority or approval body*

Comment: N/A The original DA did not require or involve the concurrence of any approval body, Integrated Development referral or General Terms of Approval.

c) *it has notified the application in accordance with:*

- (i) *the regulations, if the regulations so require, or*
- (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent,*

Comment: As confirmed earlier in this report the subject MDC was notified by the LHIB and no submissions were received.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: Further to the above advice, no submissions were received.

10.0 Conclusion

This Modified DA has been assessed with regard to the provisions of Section 4.15 and 4.55 of the EP&A Act, the LEP 2010 and DCP 2005 and the relevant codes and policies of the Lord Howe Island Board.

In light of the preceding assessment, the Modification Application to DA 2019.02 for demolition of an existing fuel storage shed and construction of a replacement shed (airport ancillary development) at Lord Howe Island Airport, (Lot 183, DP 757515) is supported subject to the existing conditions of approval, as amended by the subject MDC.

11.0 Recommendation (Conditional Approval)

That MDC 2020.04 for minor amendments to approved Development Application No. 2019.02 (dated: 25 July 2018) for Demolition of an Existing Fuel Storage Shed and Construction of a Replacement Shed (Airport Ancillary Development) at Lord Howe Island Airport (Lot 183, DP 757515) be approved subject to the existing conditions of approval as amended by the following modified or new conditions:

Delete Condition 1 and replace with the following:

1. Approved Plans and Supporting Documentation

The development is to be carried out generally in accordance with the plans and documentation provided with DA No. 2019-02 (dated 25 July 2018), as amended by the following provided with MDC 2020.04 as listed below and endorsed with the Lord Howe Island Board's stamp, except where amended by other conditions of consent. Including:

- a) Completed Application to Modify Development Consent Form prepared by John Teague dated 24 September 2019.
- b) Site plan prepared by Gary Millman (October 2019).
- c) Shed Floor Plan, Elevations, Roof Plans and Structural Details prepared by Hastings Valley Sheds & Garages, Job No. 14283, undated, and Structural Engineers Plans prepared by Northern Consulting Engineers, Plan Nos. 1 – 5, dated: 30/7/2019.

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

Insert additional condition as follows:

11. Landscape Screening

Native landscape planting shall be installed and maintained to screen and soften the northern elevation of the proposed shed. This shall be designed, installed and maintained to the satisfaction of the LHIB's Manager Environment /World Heritage and shall be in place prior to the issue of the occupation certificate.

Reason: To preserve the landscape and scenic quality of the island.

Recommended:	Recommended:
	
Peter Chapman Date: 06 December 2019 LHI Consultant Town Planner & Director All About Planning Pty Ltd	Peter Adams Date: 20 April 2020 Chief Executive Officer Lord Howe Island Board

Board Meeting: April 2020	Agenda Number: 8 (vi)	Record Number: ED20/2285
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

Planning Assessment Report

1 Item

OC 2020.02 and **DA 2020.05** for New Operations Centre - LHI Marine Rescue at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island.

2 Summary Assessment Report

Assessment Officer	Peter and Michelle Chapman – Consultant Town Planner
Address/Property Description	Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island
Proposal	New Operations Centre - LHI Marine Rescue
Owners Consent Application	OC 2020.02 lodged concurrently with subject DA 2020.05
Development Application No.	DA 2020.05
Applicant	Marine Rescue NSW (Stacey Tannos – ESM/Commissioner)
Estimated Cost of Development	\$250,000.00
Site Inspections	Numerous site inspections have been undertaken.
Zone	Zone 7 Environment Protection. The proposal is permissible with development consent under clause 17(3), LHI LEP 2010 as a 'Public Utility Undertaking' and a 'Public Utility Installation'.
Significant Native Vegetation Map	The lot is not mapped as Significant Native Vegetation (SNV), and no SNV will be damaged or removed as a result of the proposal.
Notification	The DA was advertised from 23/12/2019 until 20/01/2020.
Submissions Received	No submissions were received.
Recommendations	<ol style="list-style-type: none"> 1. That application for 'Owner Consent' OC 2020.02 for a New Operations Centre - LHI Marine Rescue at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, is approved. 2. That Development Application DA 2020.05 for a New Operations Centre - LHI Marine Rescue at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, be approved subject to the conditions and advisory notes listed at the end of the report.

3 Consent Authority

Owner's Consent Delegation

The Minister has authorised the Board's CEO to grant owners consent to the lodgement of development, subject to the following conditions:

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

The subject OC proposal complies with the above delegations to the CEO as the proposal has an estimated development cost of \$250,000.00, is permissible development under the LEP (as discussed in this report), and it does not involve any subdivision or new residential dwellings.

Development Application Delegations

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

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

The proposal does not propose new residential dwellings or subdivision, and no submissions have been received in respect of the DA. However, the applications are being reported to the LHIB due to the estimated development cost being \$250,000.00, and in light of clause 4.1.1 of the Board's Development Assessment Policy which states that "All DAs on vacant crown land are to be determined by the full Board."

4 Site Description

The subject site is located within land legally identified as 'Unidentified Crown Land Reserve No. 12, Lagoon Road, Lord Howe Island' which includes land along the Lagoon Foreshore and LHI jetty area. As *Figure 1* shows, the proposed new building is to be located north west of the LHI Wharf, between the 'Cargo Shed' and the combined LHIB, RMS & Marine Parks shed on the western side of Lagoon Road (Refer also to *Figures 2, 5, 6 & 7*).

Immediately to the north-west is the existing boatshed and annex used as a combined office by the LHIB, RMS (NSW Road and Maritime Services), and Marine Parks for storage of boats and ancillary items, and as a mixed communications/operations facility. Immediately to the south east is the 'Cargo Shed', adjoining the jetty which includes the 'radio shack', toilets and other rooms.

Between the proposed Marine Rescue centre and the Cargo Shed/ Radio Shack are two mature Norfolk Island Pines and two LHIB water tanks.



Figure 1: Aerial View of Proposed new building for Marine Rescue NSW & Surrounding Locality.
Source: Six Maps



Figure 2: LHI Wharf & Cargo Shed/ Radio Shack to south east of proposed Marine Rescue facility

The two existing and proposed Marine Rescue facility have direct access from Lagoon Road. This area is heavily used for the Island Trader wharf loading and unloading operations when the boat is on Island.

The LHI concrete boat ramp is located to the north. The surrounding land is landscaped with scattered native plants and palm plantations screening the shed facilities and creating privacy and landscape qualities for the resident neighbours.

The site is located within Zone 7 Environment Protection (refer *Figure 3*) under the LHI LEP 2010. Land surrounding the site to the north and south is also Zone 7 Environment Protection, and to the east across Lagoon Road is land zoned Zone 2 Settlement.

The existing boatshed buildings and the proposed Marine Rescue NSW building are located within the area defined by the Foreshore Building Line.

The proposed Marine Rescue NSW facility is not located within a SNV mapped area, refer *Figure 4*. No SNV will be damaged or removed as a result of the proposal.

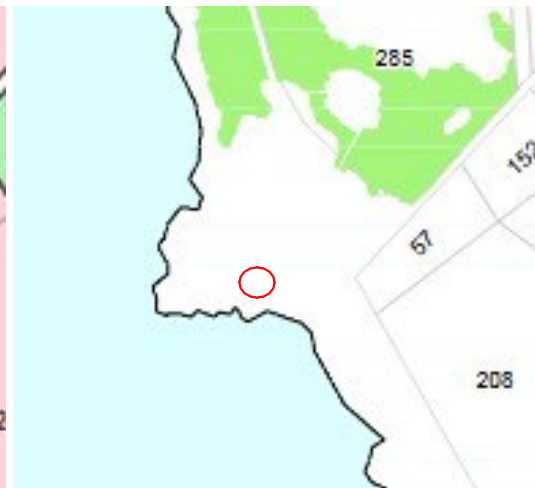


Figure 3: Extract from the Lord Howe Island Local Environmental Plan 2010 (LEP 2010) Zoning Map detailing 7 on subject site. Environment Protection zoning of the site

Figure 4 Extract from the LEP 2010 SNV Map identifying no SNV

Figure 3 & 4: LHI LEP Mapping Extracts

5 Proposed Development

The Marine Rescue Operations Centre has been through several redesigns. The original proposal was to be incorporated within the annex of the existing combined LHIB/RMS and Marine Parks building, north of the proposed site. However, after additional consideration and consultation, Marine Rescue NSW determined that a new detached shed would permit overland drainage flow, and better use of the space by volunteers and operational staff for all organisations.

The proposal includes a new building and use as a rescue operations facility including storage for an amphibious vessel, wet storage area, a control room, operations room and unisex bathroom (no shower) as shown in the floor plans, refer to *Figure 8*.

The proposed Marine Rescue building will be setback 900mm off the existing northern building used by LHIB, RMS and Marine Parks (refer again to *Figure 8*). The Cargo Shed/ 'Radio Shack' building will be separated from the proposal by the two existing mature Norfolk Pine trees and two water tanks.



Figure 5: Aerial View of the existing boatshed buildings & proposed site of new Marine Rescue NSW building.
 Source: Six Maps



Figure 6: Left to Right: Existing LHI Cargo Shed/ 'Radio Shack', proposed Marine Rescue Operations site (approx. highlighted) & Combined LHI, RMS, Marine Park office, storage & annex



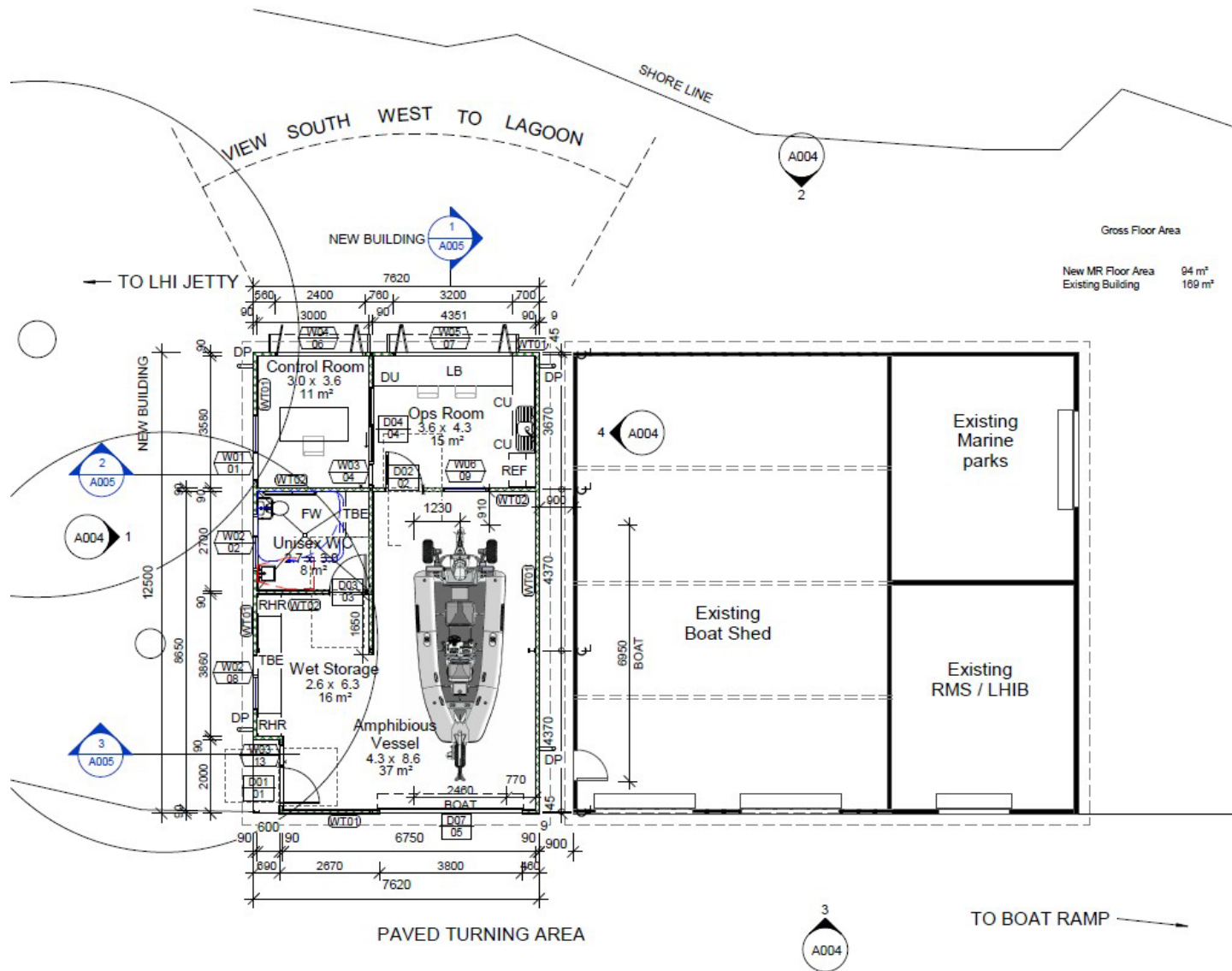
Figure 7: Proposed Marine Rescue Operations site viewed from Lagoon side

The applicant advises that Marine Rescue NSW is a not for profit community-based organisation established in July 2009 with the support of the NSW Government. It was formed from the amalgamation of three organisations being the Australian Volunteer Coast Guard Association, Royal Volunteer Coastal Patrol and Volunteer Rescue Association's marine fleet.

Marine Rescue NSW have funds allocated for the cost of the proposed building, equipment, rescue craft and ongoing operations. They are also in the process of improving radio communication on the Island and surrounding waterways thereby generally improving safety at sea.

As part of the development assessment process, trenching work was undertaken using a Vermeer high pressure hydro excavator to expose structural roots of the two Norfolk Pines situated adjacent the proposed structure. Due to the location of the proposed roots, it was determined that the building will be unable to have a slab on ground, and instead a piered floating slab would be necessary.

The applicant has submitted a site context and site plan, boatshed floor plan, elevations, section and perspective drawing as part of the application, refer to the following *Figures 8-12*.



Key

- CTSB CERAMIC TILE SPLASH BACK
- CU CUPBOARD UNDER
- DGPO DOUBLE GENERAL POWER OUTLET
- DP DOWNPIPE
- DU DRAWERS UNDER
- EGL EAVES GUTTER WITH LEAFGARD
- FS FIXED SHELF
- FW FLOOR WASTE
- LB LAMINATE BENCH
- LS LIGHT SWITCH
- MRC METAL ROOF COLORBOND
- PTLF STEEL (GALV.) PORTAL FRAME TO ENG. SPEC.
- REF REFRIGERATOR (PP)
- RHR ROBE HANGING RAIL
- SS SUNSHADE POWDER COAT ALUMINIUM
- TBE TIMBER BENCH

Gross Floor Area
 New MR Floor Area 94 m²
 Existing Building 169 m²

Rev	Date	Description
5	24/01/2020	Accessible bathroom added, window west elevation deleted
4	17/12/2019	Issued for approval
3	09/12/2019	New separated from existing by 900mm
2	28/11/2019	Design review
1	16/01/2019	Preliminary plan

Project:
New Operations Centre
 LHI Marine Rescue
 Lagoon Road
 Lord Howe Island, NSW 2898

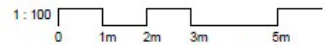
Drawing:
Floor Plan



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		Rev
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Figure 8: Applicant's submitted amended floor plan.



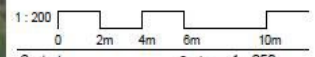
Rev	Date	Description
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1	16/01/2019	Preliminary plan

Project:
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Drawing:
Site Plan

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Figure 9: Applicant's submitted Site Plan including new Marine Rescue NSW building & location of the existing boatshed.

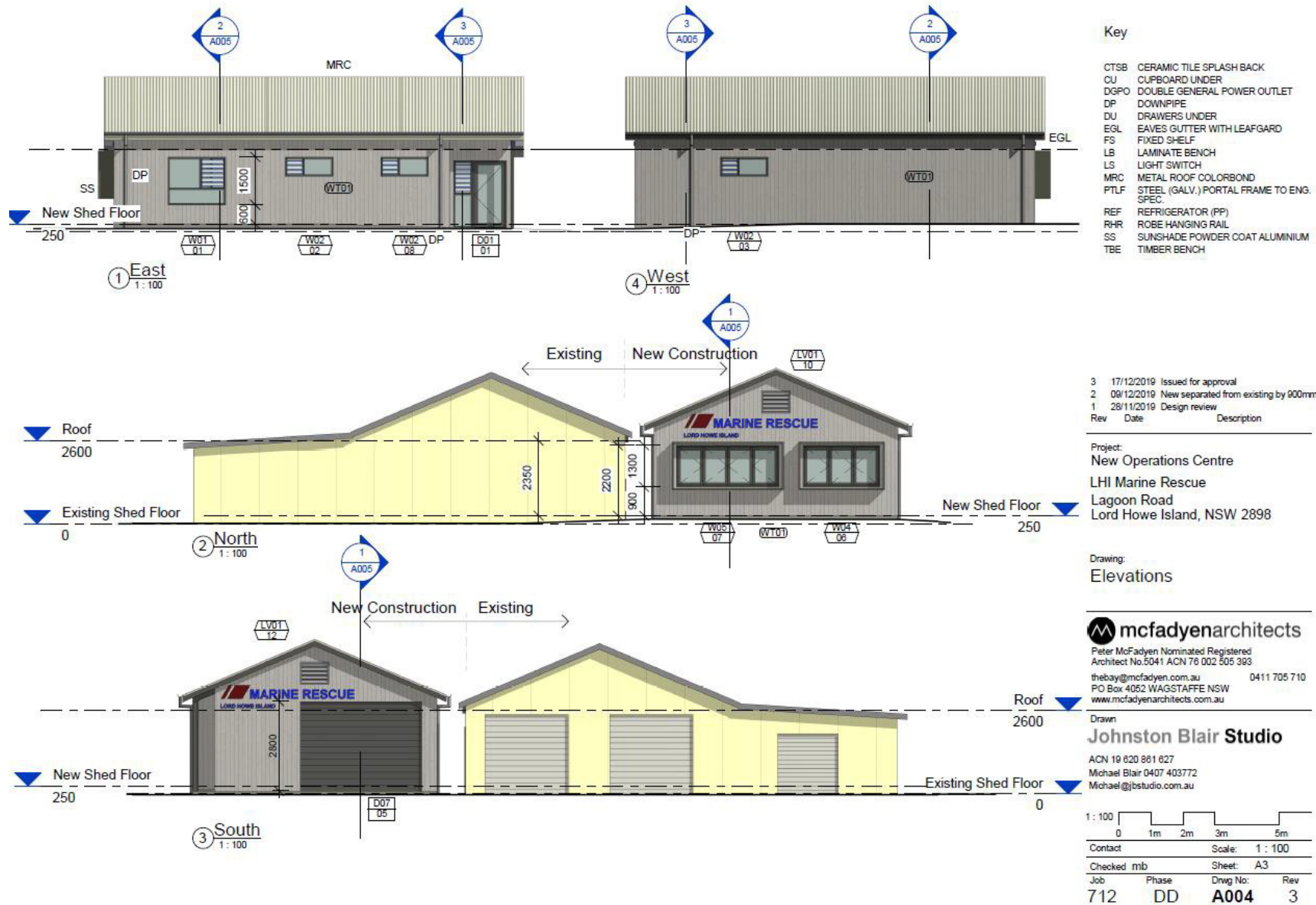
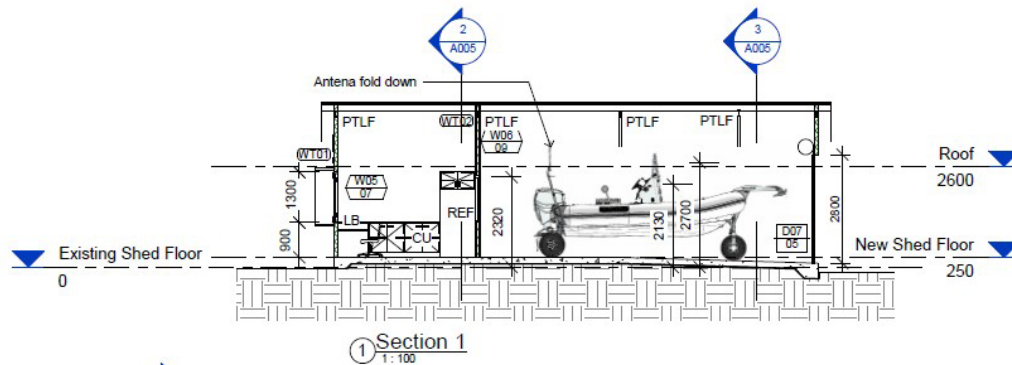
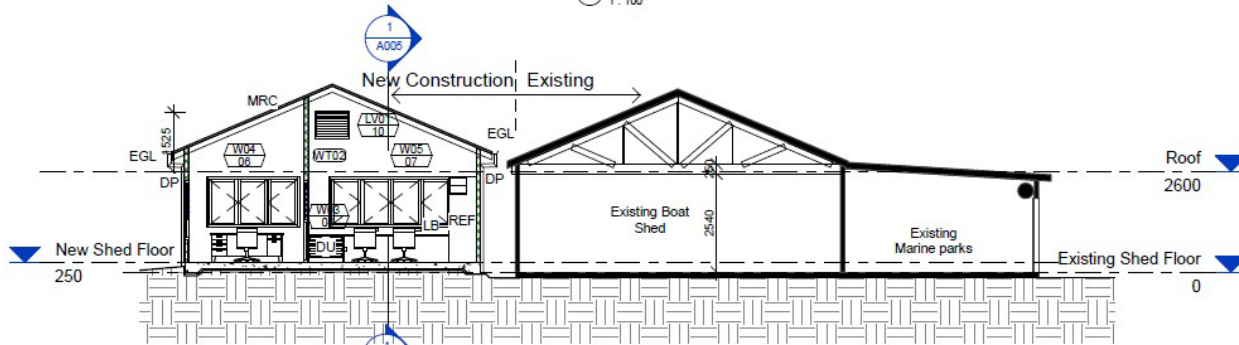


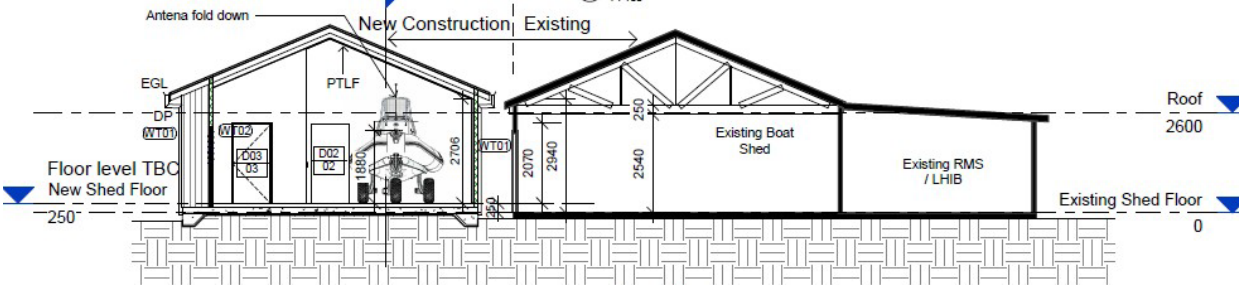
Figure 10: Applicant's submitted Elevations of proposed Marine Rescue NSW building and adjoining building.



1 Section 1
1: 100



2 Section 2
1: 100



3 Section 3
1: 100

Key

- CTSB CERAMIC TILE SPLASH BACK
- CU CUPBOARD UNDER
- DGPO DOUBLE GENERAL POWER OUTLET
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- TBE TIMBER BENCH

3	17/12/2019	Issued for approval
2	09/12/2019	New separated from existing by 900mm
1	28/11/2019	Design review
Rev	Date	Description

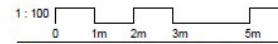
Project:
 New Operations Centre
 LHI Marine Rescue
 Lagoon Road
 Lord Howe Island, NSW 2898

Drawing:
 Sections

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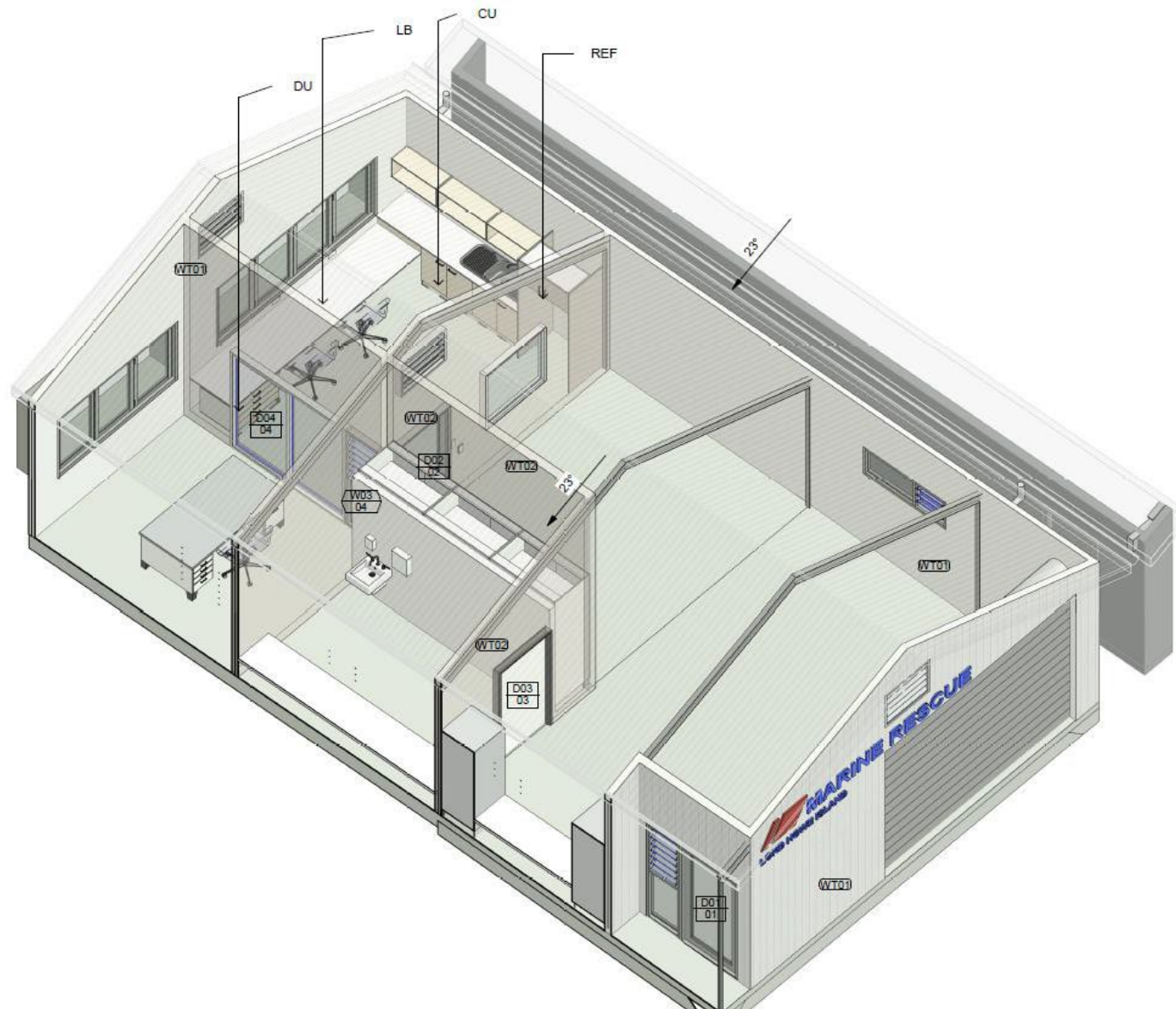
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Figure 11: Applicant's submitted Sections for new Marine Rescue NSW building and adjoining building.



Key

- CTSB CERAMIC TILE SPLASH BACK
- CU CUPBOARD UNDER
- DGPO DOUBLE GENERAL POWER OUTLET
- DP DOWNPIPE
- DU DRAWERS UNDER
- EGL EAVES GUTTER WITH LEAFGARD
- FS FIXED SHELF
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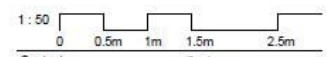
3	17/12/2019	Issued for approval
2	09/12/2019	New separated from existing by 900mm
1	28/11/2019	Design review
Rev	Date	Description

Project:
New Operations Centre
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Drawing:
3D Interior View 1

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Figure 12: Applicant's submitted Interior View 1 (some minor modification likely as part of the Construction Certificate)

6 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 property is zoned Zone No. 7 – Environmental Protection according to the Lord Howe Island Local Environmental Plan 2010.</p> <p>The proposal will require the pruning of one of the lower branches of a mature Norfolk Island Pine <i>Araucaria heterophylla</i>.</p> <p>This tree has been planted for landscaping purposes and is considered to form part of an established garden and therefore exempt from requiring approval under Clause 80, Part 5 of the LHI Regulation 2014.</p> <p>The proposal will not result in the removal or damage of any Significant Native Vegetation (SNV) as the Study area doesn't contain vegetation mapped as SNV.</p> <p>The proposal will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats as it only involves the pruning of one branch from a mature Norfolk Island Pine. This tree is used as nesting habitat by White Tern <i>Gygis alba</i> which could potentially nest on this branch. To negate loss of habitat or disturbance to nesting White Terns it is recommended to leave a 1 metre long stub of the branch which will be able to be used as a nest site and to only prune the branch when the White Terns have left the island in winter.</p> <p>To reduce impacts to this tree's roots, the shed will be constructed on a floating slab on piers, which will be excavated with a high pressure water trencher to locate structural roots and ensure they are not disturbed or damaged.</p> <p>The site is not used by Wedge-tailed Shearwaters <i>Ardenna pacificus</i> or Flesh-footed Shearwater <i>Ardenna carneipes</i>. The cavity under the shed is likely to provide improved nesting habitat for Wedge-tailed Shearwater.</p> <p>There is native vegetation in the Study area which was planted and is mapped by Sherringham <i>et al</i> 2016 as community 8 – Bullybush – Hopwood Shrublands on shallow rocky soils. The vegetation at the Subject site is mapped by Pickard (1983) as vegetation association Hf <i>Howea forsteriana</i> canopy and understorey destroyed. The Sherringham <i>et al</i> 2016 mapping is considered accurate.</p> <p>The subject site provides known or potential habitat for at least 6 threatened species being; White Tern <i>Gygis alba</i>, LHI Gecko <i>Christinus guentheri</i>, LHI Currawong <i>Strepera</i></p>	<p>Noted, with the suggested requirements included in the recommendation of this report.</p>

	<p><i>graculina crissalis</i>, LHI Golden Whistler <i>Pachycephala pectoralis contempta</i>, LHI Silvereye <i>Zosterops lateralis tephroleura</i> and Lord Howe Woodhen <i>Hypotaenidia sylvestris</i>.</p> <p>The LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen are all widely distributed across the Island and regularly occupy forests and gardens within the settlement. They are commonly found co-habiting with human infrastructure within the settlement area and in the case of the LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen will forage and roost around dwellings and associated infrastructure. However, the core habitat resources for all these species is dense native vegetation.</p> <p>The LHI Gecko is known to occur throughout the settlement of LHI where it can utilise human made structures and stock piled building materials (e.g. sheets of corrugated iron etc) as sheltering habitat. It can be found within cavities of dwellings that exclude rodents and shelters within cracks and cavities in trees and rocks. It is possible that LHI Gecko could be present within the existing building and could be detected during renovations. Any animals detected during works must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, old dwellings/structures) away from the development site</p> <p>The Subject site includes areas mapped as modeled High Quality Habitat (A) for LHI <i>Placostylus bivaricosus</i>. This mapping is considered accurate where there is intact native vegetation (which is not present on site). The LHI <i>Placostylus</i> favours forested habitats on calcarenite soils with a dense shaded canopy, continuity with large areas of vegetation and a thick moist leaf layer in which they can burrow during dry times. This habitat is not present at the Subject site, which is also compromised by being surrounded by paved roads and due to the presence of heavy machinery and pine needles, which are acidic to the snails.</p> <p>A 5 Part Test of significance is attached and concludes that the proposed development will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats providing the recommendations below are adhered to.</p> <p>Recommendations</p> <p>That the development be approved subject to.</p> <ul style="list-style-type: none"> • If any live LHI Gecko 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 dwellings/structures) away from the development site so they can escape predation by predators such as LHI Currawong and LH Woodhens. • To negate loss of habitat or disturbance to nesting White Terns it is recommended to leave a 1 metre long stub of the Norfolk Island Pine branch that needs pruning so that it can still be used as a nest site and to only prune the branch when the White Terns have left the island in winter. • To reduce impacts to the Norfolk Island Pines roots, the shed will be constructed on a floating slab on piers, which will be excavated with a high pressure water 	
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	<p>trencher to locate structural roots and ensure they are not disturbed or damaged when constructing the piers.</p> <ul style="list-style-type: none"> All building materials and building activity are restricted to being stock piled on cleared open areas. <p>Threatened Species Assessment 5 Part Test of Significance <i>Conclusion:</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 and is very unlikely to cause significant disruption 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>Kate Dignam Team Leader Compliance & Projects</p>	<p>Zone No.: 7 – Environment Protection</p> <p>Building Class: 7b</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: 	<p>Noted, with the suggested requirements included in the recommendation of this report.</p>

	<ul style="list-style-type: none"> ○ Access to and within all areas of the building ○ Doorway widths and facilities for personal hygiene <p>Fire Safety</p> <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 7b 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 each year an Annual Fire Safety Statement for the MR NSW Shed is supplied to the Board as a record of the functionality and ongoing maintenance of any fire safety measures installed. <p>Flood Management</p> <ul style="list-style-type: none"> • No relevant matters <p>Health and Amenity</p> <ul style="list-style-type: none"> • There is an NCC requirement for sanitary facilities, including accessible sanitary facilities to be provided for a class 7b building. The number and type of facilities depend on occupancy numbers and gender. <p>No sanitary facilities have been proposed within the MR NSW shed. It would appear that MR NSW would need to utilise the public facilities within the jetty facility to cover their requirements.</p> <p>Further information should be supplied by the applicant detailing operating times and occupancy numbers so the Board can calculate the expected additional hydraulic load and determine if the existing wastewater treatment system, including effluent irrigation field, is of sufficient capacity.</p> <p><i>A Unisex WC is now proposed within the development: refer to Updated Advice provided below under 'Wastewater'.</i></p> <ul style="list-style-type: none"> • It should be noted that the existing sanitary facilities at the jetty facility do not comply with current Disability Access Standards. <p>Water</p> <ul style="list-style-type: none"> • The applicant has stated that rainwater runoff from the proposed building can be connected to the existing water tanks in the vicinity (owned by the Board). Approval from the Board will be required before connecting to the existing water supply infrastructure. <p>There should be discussion on maintenance of water supply infrastructure, such as roof and gutter cleaning, if the proposed MR NSW shed connects to the existing Board infrastructure. Roles and responsibilities need to be very clear before any connections are made.</p>	
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	<ul style="list-style-type: none"> • There is no discussion on the supply of potable water to the proposed MR NSW shed. If it was the applicant's intention to utilise the potable water supplying the existing facilities (jetty and Marine Parks shed) then approval from the Board will be required. If the Board approves MR NSW to use the potable water supply system an agreement would need to be entered into between Marine Rescue NSW and the Lord Howe Island Board to utilise the existing potable water supply system before any connection to the system. The agreement will outline costs associated with connection, maintenance, carting water, electricity use and the like. It should be noted that the existing water supply is not enough for the current uses and potable water is carted to the jetty facility quite often during the summer months. The applicant should consider the installation of their own water tank/s to supply their own potable water needs. It should also be noted that the potable water supply to the jetty facilities is not quality monitored and may not meet NSW Health Guidelines nor Australian Drinking Water Standards. • Due to the extremely close proximity of the proposed new shed to the existing cargo shed it should also be noted that cleaning the guttering on the eastern side of the existing shed and the western side of the MR NSW shed will only be possible from the respective roofs. This poses an increased risk to maintenance personnel. • All waterproofing of wet areas, such as the change room, 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 (if approved), is to be undertaken by a licensed plumber. <p>Updated Advice:</p> <ul style="list-style-type: none"> • <i>Connection of the MRNSW shed to the existing LHIB potable water system is not supported. This includes roof run-off into water tanks and connecting to the potable water plumbing to service the use within the shed.</i> • <i>If the development is approved MRNSW are to install their own water tank to service their own needs. There is room for a water tank to left of the shed (as seen from the road) between the 2 NIs pinetrees. From the advised occupancy (2-3 people 2 days a week) it is not anticipated that a large water tank would be required.</i> • <i>A minimum gap of 500mm between the roof overhang (gutters) of each building is required to allow space for Board staff to perform (safely & unencumbered) current and future maintenance tasks on the existing shed.</i> • <i>The distance between the buildings at ground level must be of a distance to:</i> <ul style="list-style-type: none"> ○ <i>Maintain the drainage channel beside the existing shed and not impede ongoing maintenance of the drainage channel.</i> ○ <i>Ensure any excavation for the new shed footings</i> 	
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	<p><i>does not interfere with the footings of the existing shed – i.e. zone of influence is not compromised.</i></p> <ul style="list-style-type: none"> ○ <i>Allow safe ladder use for access to roof and gutter as per Safe Work Australia Codes of Practice and the like.</i> <p>Wastewater</p> <ul style="list-style-type: none"> • The SEE states that a ‘Fuji waste water treatment system exists in the vicinity of the proposed building’. This wastewater treatment system is owned by the Lord Howe Island Board and currently services the Jetty Building. <p>There is no discussion of Lord Howe Island Board approval to utilise this wastewater treatment system in the application. Documented Lord Howe Island Board approval to utilise the wastewater treatment system is required.</p> <p>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 operations and proposed occupancy numbers so as to accurately calculate the expected maximum additional hydraulic load the Marine Rescue Shed will generate.</p> <p>Connection to the wastewater treatment system is only possible if the additional hydraulic load generated does not exceed the system capacity.</p> <ul style="list-style-type: none"> • If the Board approves MR NSW to use the wastewater treatment system an agreement would need to be entered into between Marine Rescue NSW and the Lord Howe Island Board to utilise the wastewater system before any connection to the system. The agreement will outline costs associated with connection, servicing, electricity use and the like. • All plumbing work, including connections to the wastewater system (if approved), is to be undertaken by a licensed plumber. <p>Updated Advice:</p> <ul style="list-style-type: none"> • <i>the proposed occupancy of the proposal has been assessed (see ED20/742.02 – 2 to 3 people on weekends) and the anticipated additional hydraulic load to be treated by the wastewater system has been calculated, to not exceed the existing LHIB system’s capacity.</i> • <i>With a service agreement in place the Board would be OK with MRNSW shed to connect to its wastewater treatment system. The service agreement would outline costs associated with connection, servicing, electricity use, maintenance and the like.</i> <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 (WMF) on the Island or 	
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	<p>freighted directly to an appropriately licenced facility elsewhere in NSW.</p> <ul style="list-style-type: none"> • If the waste is disposed of at the WMF 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>Site Constraints</p> <ul style="list-style-type: none"> • The proposed building is sited in an area containing three underground services - electricity, water and wastewater. Attachment A is the applicant's site plan with a mark-up of the approximate location of these services. Attachment B contains photographs of the services taken during the installation of the wastewater treatment system in November 2016. <p>Further investigation is required to ascertain the impact the proposed development will have on these services.</p> <ul style="list-style-type: none"> • The applicant needs to confirm the measurements of the separation of the proposed shed to the existing shed. The architectural plans to not depict the guttering installed on the eastern side of the existing cargo shed. The Board needs to be satisfied that existing Cargo shed is not compromised in any way by the proximity of the proposed new MR NSW shed. <i>Ref to earlier updated advice under 'Water'.</i> • The applicant has stated that the proposed site for the MR NSW shed is used for storage and truck parking. Items currently stored at the proposed site include 12 x 1,300lt IBC Diesel containers and 2-3 stacks of shipping pallets (each stack 1.2m wide x 1.2m deep). There is no provision in the application for alternate areas for the storage and truck parking. • Access to and from the proposed shed during the current ship unloading, loading and delivery operations could be compromised due to the need to restrict access to the majority of the hard stand area. The applicant should provide detail on how the proposed MR NSW operations and the ship freight operations can co-exist without conflict to either operation. <p>Updated Advice:</p> <ul style="list-style-type: none"> • <i>MRNSW will be required, at their expense, to move the existing underground services from under the footprint of the building – electricity, potable water & wastewater. The Board must be satisfied that the relocation of the moved services will not in turn impact on other services or impede existing uses of the area. No services are to be moved without the Board's prior approval.</i> • <i>MRNSW must ensure the wastewater pipe is moved in a manner that maintains a suitable radius from the treatment system to ensure even flow of the effluent and that does not create choke points.</i> • <i>Construction is not to commence until a satisfactory</i> 	
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agreement is reached between LHIB, Birdon Marine and MRNSW as to the relocation of the IBCs and truck parking. Any costs associated with the relocation of the storage of these items to be borne by MRNSW.

Construction and Demolition

- A Construction Management Plan is to be submitted and approved by the Board prior to the issuing of a Construction Certificate. The Plan shall detail:
 - A programme for the works including indicative time frames for different activities including inspection points
 - Strategies for protecting the existing services (water, wastewater and electricity) located within the footprint of the proposed building.
 - A waste management plan detailing how all building waste will be managed. This plan will include waste types and quantities in m³.
 - If the intent is for the waste to be disposed of through the Waste Management Facility the plan shall detail discussion with the Waste Management Facility Coordinator.
 - A site plan showing material storage areas, stockpile areas – waste and construction materials - and any erosion protection measures to be implemented.
 - A plan outlining how construction works will deconflict with ship unloading, delivery and back-loading operations. This plan is to include evidence of discussion with Birdon P/L personnel and their satisfaction that the construction will not adversely disrupt the shipping operations or increase risk of injury to workers and other site personnel.
- 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 Building Code of Australia (BCA)/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.
- A pre-commencement meeting to be arranged with the Owner, Builder and Board Personnel prior to any work commencing on site to ensure all activities nominated within the Construction Management Plan are adequately provided for.
- The applicant is to ensure all Mandatory Inspections are undertaken.

	<ul style="list-style-type: none"> • Prior to the issuing of an Occupancy Certificate the applicant is to ensure compliance with any/all conditions imposed by the Board as part the Development Application/Construction Certificate approval process. <p>Mandatory Inspections</p> <ul style="list-style-type: none"> • As a Class 7b building the Principal Certifying Authority (PCA) and the Lord Howe Island Board will require the following Mandatory Inspections to be undertaken during construction: <ul style="list-style-type: none"> a) LHIB - Pre commencement/set out b) PCA - After the commencement of the excavation for, and before the placement of, the first footing c) PCA - Stormwater connections d) PCA - Final Inspection, including fire related elements, after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building 	
Greg Higgins Senior Electrical Officer	<p>I have assessed the attached DA and note that the proposed additions will result in a potential increase to the electrical system of 45 amps which is acceptable on the present supply point.</p> <p>At present there is no electrical supply to this site. In order for the proposed customer electrical installation to proceed the following works will need to be undertaken. –</p> <ol style="list-style-type: none"> 1. New 50 amp single phase underground consumer mains from DP 301 Lagoon Road (Jetty Shed). 2. New meter box. <p>The customer is responsible for the installation of new consumer mains.</p> <p>I would recommend the electrical works identified in DA2020-05 be approved with the following conditions –</p> <ul style="list-style-type: none"> - The works identified in 1 and 2 above be completed prior to any customer electrical installation works being undertaken. - Existing underground electrical cables to be clearly identified prior to any ground works. - All electrical works must be completed by a licensed electrical contractor to AS/NZS 3000:2018 - A signed Compliance Certificate – Electrical Works must be issued to both the customer and LHIB within 7 days of completing all electrical works and prior to the new installation being permanently energized. - Works must also comply with the current Lord Howe Island Electrical Service Rules. 	Noted, with the suggested requirements included in the recommendation of this report.
Gary Millman Surveying	The proposed LHI Marine Rescue Operations Centre has been staked out as per the DA2020.05 plan (7620x12500mm) beside the existing Boat Shed (used by the shipping company) with a 900mm gap between them.	Noted

7 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.

7.1 Commonwealth legislation

7.1.1 Environmental Protection and Biodiversity Conservation Act 1999

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

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

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

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

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

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

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

7.2 NSW legislation

7.2.1 Biodiversity Conservation Act 2016

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

plans and threat abatement plans.

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

No adverse environmental or ecological impacts from the proposal are envisaged and no SNV will be removed or damaged as a consequence of the proposal. In satisfaction of the BC Act and other ecological requirements, the LHIB's Manager Environment /World Heritage undertook an assessment of the proposal which concluded that *"a 5 Part Test of significance is attached and concludes that the proposed development will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats providing the recommendations below are adhered to."*

7.2.2 NSW Heritage Act 1977

The main objective of the *Heritage Act 1977* (Heritage Act) is to encourage the conservation of the heritage of NSW. Pursuant to Section 4.46 (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).

It is noted that Schedule 2 of LHI LEP identifies the 'Boatsheds, Lagoon Road, Government Reserve' as heritage items – this is limited to the main group of boatsheds and specifically does not include the LHI Wharf area. Nevertheless, the Cargo Shed (adjoining the proposal to the south east) is a listed item under the LEP, as 'Cargo Shed related to wharf'.

The proposed Marine Rescue Operations Centre is proposed as a standalone building in the near vicinity of the Cargo boatshed. For this reason consideration of whether clause 39, LHI LEP 2010 is triggered by the proposal is required. If it is then a referral to the NSW Heritage Office needs to be sought.

The Lord Howe Island Boatshed Conservation Management Plan (CMP) dated May 2006 makes a series of recommendations for the conservation of the main Boatsheds. The CMP notes that the fabric of the boatsheds contribute to the cultural heritage of the precinct, and thus the character of the boatsheds should be maintained.

In it's relationship to the adjoining heritage listed Cargo Shed, the proposal is sympathetically designed having a complimentary building shape and size including use of a gabled roof facing the shoreline. The design uses traditional heritage appropriate materials that are consistent with other boatsheds. The CMP recommends corrugated colorbond in suitable colour, and although the proposed door is not ledged and braced vertical timber boards, being a roller door, it is consistent with the style of the adjacent building and provides a functional garage door for the amphibious rescue vehicle egress. The proposal is consistent with other boatsheds in the immediate

locality and along the foreshore.

In light of the above and the overall assessment provided in this report, it is concluded that the proposed work does not trigger clause 39(2) of the LHI LEP 2010, subject to the conditions of development approval. The proposed new building within the vicinity of the heritage Cargo Shed has been assessed as not adversely affecting the heritage significance of the adjoining item, and is not directly altering, disturbing, damaging, destroying or interfering with this item. The proposal does not therefore need referral to NSW Heritage.

7.2.3 Department of Primary Industries NSW Marine Parks Response

The application has been referred to NSW Marine Parks (DPI) as the development is located within 30m of the LHI lagoon, and is adjacent to the Marine Park. NSW Marine Parks aims to ensure that marine biological diversity and marine habitats are conserved and ecological processes are maintained.

The response from NSW Marine Parks identified several matters that need to be considered:

- *The design, management and implementation of pollution and erosion control measures so that no sediment should enter the adjacent waterway during any phase of development works.*
- *Implementation of stormwater management measures so that no dirty water enters the waterway as a result of stormwater leaving the site.*
- *No clearing of vegetation beyond the new building footprint to ensure that foreshore vegetation is protected and banks remain stabilised, and to prevent erosion and siltation being carried into the waterways.*
- *Any changes to sewerage must ensure that the system is capable of coping with any future increase in volume generated by the development, and also in terms of cumulative impacts over time.*
- *No works below mean high water must be undertaken without further assessment and consent of the LHI Marine Park. It is noted no such works are proposed.*

The above recommendations and are reflected in the recommended conditions of consent, should the development be approved.

8 Local Statutory Plans and Policies

8.1 Lord Howe Island Local Environmental Plan 2010

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

The NSW Marine Rescue Operations Centre is permissible with consent in the subject 7 Environment Protection zone under the LEP definitions of 'Public Utility Undertaking' and a 'Public Utility Installation', under clause 17(3), of the LEP.

LEP 2010 compliance summary table

LEP 2010 Clause		Compliance Y/N	Comment
Part 1 Preliminary			
2	Commencement and Aims of Plan	Y	<p>Each of the aims of the LEP 2010 have been considered in the assessment of this application.</p> <p>The proposed construction of the Marine Rescue NSW Operations Centre will assist to enhance the marine wellbeing and safety of LHI residents and visitors. The building has also been designed to facilitate the proper management and conservation of the natural environment and cultural heritage of the Island.</p> <p>The proposal meets the aims of LEP 2010.</p>
3	Land to which plan applies	Y	The LEP 2010 applies to the subject site which is part of Lord Howe Island, as defined in Section 3 of the Lord Howe Island Act 1953.
6	Who is the consent authority for this Plan?	Y	The Lord Howe Island Board (LHIB) is the relevant consent authority.
7	Maps	Y	Noted.
9	Exempt Development	N/A	The proposed works are not listed as Exempt Development within Schedule 1 of the LEP; therefore, the subject 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 7 Environment Protection.
17	Zone 7 Environment Protection	Y	The proposal is consistent with the LEP zone objectives and is permissible with consent (under clause 17(3)) under the LEP definitions of ' <i>Public Utility Undertaking</i> ' and a ' <i>Public Utility Installation</i> '.
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			
29	Maximum height of buildings	Y	The proposal will comply, as the building roofline is less than 7.5m. With the incorporation of piers and a floating slab, the top of the ridgeline will now be 4.61m above floor level so 4.86m above natural ground level.
Division 2 Provisions that apply to particular land			

35	Foreshore development	Y	<p>Being within the foreshore area, the proposal is required to meet the requirements of clause 35(2) of the LEP.</p> <p>In the above regard, the proposal is in the public interest as the development is located within an operational area of LHI jetty and is close to the LHI boat ramp. The new building will provide a marine rescue facility for LHI rescue operations, and include areas for storage of equipment and the amphibious vehicle.</p> <p>The proposed development does not significantly reduce public access to the foreshore, and has been designed to not detract from the visual amenity of the foreshore area. The building will be complimentary and blend with, the surrounding buildings and landscape features. The development design has satisfactorily addressed potential impacts on flora and fauna in the locality.</p> <p>The overall boatsheds on the Lagoon foreshore form part of the cultural heritage of the Island. The boatsheds have historically supported water transport and water-based industries, and the new Marine Rescue NSW facility is in keeping with this tradition.</p> <p>The proposed location is not presently impacted by adverse coastal processes.</p> <p>The proposed development is not inconsistent with the advice provided to the LHIB by NSW Marine Parks.</p> <p>It is considered that the proposal satisfies each of the relevant matters of this clause, and consequently the proposed development can be carried out with the consent of the LHIB.</p>
39	Development Affecting Heritage Items		<p>Refer to the assessment of the proposal provided in section 7.2.2, <i>NSW Heritage Act 1977</i>, earlier in this report. This assessment concludes that ‘the proposed new building within the vicinity of the heritage Cargo Shed will not adversely affect the heritage significance of the adjoining item, and in particular will not directly alter, disturb, damage, destroy or interfere with this item.’</p>

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	COMPLIANCE Y/N	DISCUSSION
a) <i>The proposed development is consistent with the aims of this plan and the objectives of any zone, as set out in the plan, within which the development is proposed to be carried out,</i>	Y	As already assessed under clause 17, LHI LEP 2010, the proposal is consistent with the objectives of Zone 7 Environment Protection and is permissible with consent (under clause 17(3)) under the LEP definitions of 'Public Utility Undertaking' and a 'Public Utility Installation'.
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	The amended plans for the Marine Rescue Operations Centre now includes a Unisex WC. The LHIB has assessed the anticipated additional hydraulic load from the proposal to not exceed the existing LHIB system's capacity and a connection to this system is supported. This is conditional upon the applicant entering into a service agreement outlining costs associated with connection, servicing, electricity use, maintenance and the like.
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	The proposed development is not located within a SNV mapped area and no SNV will be damaged or removed as a result of the proposal. Additionally, the proposal is to be conditioned to incorporate piers and a floating slab to ensure the health of the two existing Norfolk Pines adjacent the building (which are also nesting habitat for White Terns)
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	Direct vehicular access to/from Lagoon Road will be directly available. As stated earlier under the description of the site (ref section 4), the hard stand area in front of the proposed Marine Rescue Operations Centre, the Cargo Shed and the combined LHIB, RMS and Marine Parks shed, is heavily used for The Island Trader wharf loading and unloading operations when the boat is on Island. For the above reasons, the following condition is proposed in the attached recommendation: <i>Prior to the issue of the Construction Certificate for the proposal, a satisfactory agreement is to be reached between LHIB and MRNSW as to the relocation of the IBCs and truck parking. Any costs associated with the relocation of the storage of these items to be borne by MRNSW.'</i>

		Refer also to the above comments on vegetation in subclause (c).
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	No additional landscaping is proposed or required.
f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i>	Y	The proposed location is not presently affected by such hazards.
g) <i>Adequate services in respect of the proposed development can be provided without significant additional cost to the Board or the community of the Island,</i>	Y	No additional significant costs to the LHIB are required. Being a not for profit organisation supported by the NSW Government, Marine Rescue NSW have funds allocated for cost of building, equipment, rescue craft and recurrent operations.
h) <i>The appearance of the proposed development (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality,</i>	Y	The proposal will not create any negative visual impact on the locality.
		The development has been designed to be sensitive to the aesthetic of the adjoining heritage listed Cargo Shed and the combined LHIB, RMS, and Marine Parks shed. The proposal is also not located in close proximity of any nearby residential properties and in any case the existing vegetation in the vicinity effectively screens these properties surrounding the site.
i) <i>The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	The proposed development will not create any adverse overshadowing of adjoining land.
j) <i>The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	Y	The proposed works will not create any detrimental privacy impacts to adjoining properties due to its low built scale, separation distances to the nearest properties and surrounding screening vegetation.

8.2 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 Clause	DCP 2005	Complies Y/N	Comment
Part 1 Introduction			
1.2	Plan Objectives	Y	The proposed works are consistent with the Plan objectives.
1.4	Where does plan apply?	Y	This DCP applies to the subject site.
Part 2 Design Principles			
2.1	Introduction	Y	Noted.
2.2	Objectives	Y	The proposal is consistent with the DCP's design objectives.
2.3	Design Context	Y	As assessed in this report above, the proposal is consistent with the character and nature of the site and locality, and has been designed to be environmentally sensitive and sustainable.
2.4	Bulk and Scale	Y	The proposal is similar in scale to the existing boatsheds. The proposal will not create any additional visual or privacy impacts on the locality, and is designed in sympathy with existing development.
2.5	Building Forms	Y	The proposal will not significantly change the present building form and character of the Island.
2.6	Building Materials & Colours	Y	The proposed materials will be sympathetic and compatible with the existing building materials and colours.
2.7	Energy and water efficiency	Y	As discussed earlier, the proposed development has considered energy and water efficiency, and the proposal generally complies with the DCP.
2.8	Landscaping design	Y	No additional landscaping is proposed.
2.9	Site access and parking	Y	The vehicular access arrangements to/from Lagoon Road and the boat ramp are still available and not impacted by the proposed development.
Part 3 Development Control Policy			
3.4	Development within the Foreshore Building Line	Y	The proposal is consistent with the objectives and requirements for development in the Foreshore Building line as a public utility undertaking and installation (as defined in the LHI LEP 2010).

9. Environmental Effects

9.1 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 8.1) and the proposed development was found to comply with all relevant provisions subject to the conditions of approval included in the recommendation of this report.
 - ii. Any proposed instrument that is or has been the subject of public consultation under this Act
Comment: N/A
 - iii. Any development control plan
Comment: An assessment of the proposal against the LHI DCP 2005 has been undertaken in Section 8.2.
 - 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

An assessment of the environmental impacts of the proposal have been considered elsewhere in this section of the subject report. The table below provides further assessment of any likely impacts.

Likely environmental impacts

Potential Impacts	Proposal
Access, Transport and Traffic	<p>The proposal will not be significantly different to the existing situation, and will continue to provide access from Lagoon Road and to the boat ramp.</p> <p>As confirmed earlier under the assessment of clause 11(d), LHI LEP 2010, the hard stand area in front of the proposed Marine Rescue Operations Centre, the Cargo Shed and the combined LHIB, RMS and Marine Parks shed, is heavily used for The Island Trader wharf loading and unloading operations when the boat is on Island.</p> <p>For the above reasons, the following condition is proposed in the attached recommendation: <i>'Prior to the issue of the Construction Certificate for the proposal, a satisfactory agreement is to be reached between LHIB and MRNSW as to the relocation of the IBCs and truck parking. Any costs associated with the relocation of the storage of these items to be borne by MRNSW.'</i></p>

Public Domain, Visual and Streetscape	On the basis of the overall assessment provided in this report, the proposal will not have an adverse impact on the World Heritage visual qualities of the Island, nor will it have an unreasonable affect on existing public or private views. It will also substantially maintain the existing landscaped character, vegetation and dispersed pattern of development in the locality.
Ecological	As stated previously the proposal will not result in the removal of any SNV. Ecological impacts have been addressed and recommendations made to ensure protection of the Norfolk Pines and associated impacts on threatened species, populations or ecological communities, or their habitats.
Flood	The site is not identified as flood affected.
Heritage	Refer to the heritage assessment provided earlier under clause 39, LHI LEP 2010, and in section 7.2.2, <i>NSW Heritage Act 1977</i> .
Views	Refer to the visual assessments provided earlier in this table under 'Public Domain, Visual and Streetscape', and under clause 35, LHI LEP 2010.
Privacy	The proposed works will not create any detrimental privacy impacts to adjoining properties due to its low built scale, separation distances to the nearest properties and surrounding screening vegetation.
Open Space	Open space will not be impacted by the proposal.
Social and economic Impact in Locality	There will be no adverse social or economic impact. The proposal will provide a valuable rescue facility for LHI enabling emergency response to marine based activities and providing benefits and safety to LHI residents and tourists.
Construction	Construction will need to be undertaken in accordance with the BCA/NCC requirements, and as per the recommended DA conditions of consent.

- c) the suitability of the site for the development

Having regard to its location, and the preceding assessment, the site will adequately accommodate the proposal, and is suitable for the proposal for the reasons outlined in this report.

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

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

- e) the public interest

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

9 Conclusion

In light of the preceding assessment, OC 2020-02 and DA 2020-05 including the submitted amended plans and details, are recommended for approval. The development application has been assessed with regard to the provisions of Section 4.15 of the EP&A Act, the LEP 2010 and DCP 2005 and the relevant codes and policies of the Lord Howe Island Board.

The application for a New Operations Centre - LHI Marine Rescue, is considered to have planning merit with acceptable environmental impacts and positive social/ community benefits and is therefore supported subject to the application of a number of conditions and advisory notes as outlined in the following recommendation.

10 Recommendations

Owners Consent and Development Consent Recommendation (Conditional Approval)

1. That application for 'Owner Consent' OC 2020.02 for a New Operations Centre - LHI Marine Rescue at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, is approved.
2. That Development Application DA 2020.05 for a New Operations Centre - LHI Marine Rescue at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, be approved subject to the following conditions and advisory notes:

1. Approved Plans and Supporting Documentation

The development is to be carried out in accordance with the plans and documentation provided with OC 2020-02 and DA 2020-05 as listed below and endorsed with the Lord Howe Island Board's stamp, except where amended by the conditions of this consent. To the extent of any inconsistency between the plans and conditions of consent, the imposed conditions of consent are to prevail.

- a) Completed OC and DA Forms prepared by Mr Stacey Tannos ESM/Commissioner dated 23/10/2019 and 18/12/2019 respectively.
- b) Statement of Environmental Effects prepared by Mr Stacey Tannos, Marine Rescue NSW, dated 17/12/2019.
- c) Site Plan (A001, Rev. 4), Roof Plan (A003, Rev 3), Elevations (A004, Rev 3), Sections (A005, Rev 3), Schedule (A006, Rev. 3), Area Plan (A007, Rev. 3), 3D Interior View 1 (A008, Rev. 3), 3D Interior View 2 (A009, Rev.2). Drawings prepared by McFadyen Architects and Johnston Blair Studio, Job No. 712, Phase DD, dated 17/12/2019.
- d) Floor Plan (A002, Rev. 5). Drawing prepared by Johnston Blair Studio and McFadyen Architects, Job No. 712, Phase DD, dated 24/01/2020.

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

2. Construction Certificate

- a) 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.
- b) All construction work is to be carried out and completed in accordance with the National Construction Code (NCC)/ Building Code of Australia (BCA).
- c) If the applicant is proposing a Performance Solution or a Deemed-to-Satisfy Solution for any requirements of the NCC, the relevant Performance Requirements must be

determined in accordance with A2.2 and A2.3 of the NCC 2019 BCA Vol 1. A report outlining any proposed Performance Solutions must be compiled by an appropriate person and submitted with the application for a Construction Certificate.

- d) The construction and structural engineering plans submitted with the Construction Certificate are to be amended to reflect the pier and floating slab design required elsewhere in these conditions (ref: Ecological).
- e) Prior to the issuing of a Construction Certificate the applicant is to provide detailed structural engineering plans for the development works. The structural plans are to address compliance with construction in Wind Zone A, and are to be certified by an appropriately qualified Structural Engineer in accordance with AS1170.2.
- f) Prior to issuing of 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.
- g) Prior to the issuing of a Construction Certificate the applicant is to ensure compliance is achieved with any/all conditions imposed by the Board as part the Development Application approval process and to ensure the Construction Certificate plans align with the approved Development Application plans and these conditions.
- h) The construction and structural engineering plans submitted with the Construction Certificate shall be amended to show a minimum gap of 500mm between the roof overhang (gutters) of each building to allow space for Board staff to perform (safely & unencumbered) current and future maintenance tasks on the existing shed.

The above distance between the buildings at ground level must be of a distance to:

- i. Maintain the drainage channel beside the existing shed and not impede ongoing maintenance of the drainage channel.
- ii. Ensure any excavation for the new shed footings does not interfere with the footings of the existing shed – i.e. zone of influence is not compromised.
- iii. Allow safe ladder use for access to roof and gutter as per Safe Work Australia Codes of Practice and the like.

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

3. Access for People with a Disability

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:

- Access to and within all areas of the building
- Doorway widths and facilities for personal hygiene

Reason: To ensure compliance with Disability Standards and the NCC

4. Fire Safety

- a) The applicant is to ensure that fire-fighting equipment is installed as per the requirements of the NCC for a Class 7b building and the intended use.
- b) The applicant is then to ensure that an Annual Fire Safety Statement for the Marine

Rescue NSW is supplied to the Board as a record of the functionality and ongoing maintenance of any fire safety measures installed.

- c) 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.

Reason: To ensure the resulting development is fire safe.

5. Water

- a) Connection of the proposed Marine Rescue NSW Operations Centre to the existing LHIB potable water system is not supported. This includes roof run-off into water tanks and connecting to the potable water plumbing to service the use within the centre.
- b) Marine Rescue NSW is to install a dedicated water tank to service the new Operations Centre and which is to be in place and operational prior to issue of an occupation certificate to the satisfaction of the LHIB. There is room for a water tank to left of the shed (as seen from the road). Based upon the advised occupancy (2-3 people 2 days a week) it is not anticipated that a large water tank would be required.
- c) All waterproofing of wet areas, 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.
- d) All plumbing work, is to be undertaken by a licensed plumber.

Reason: To ensure the resultant development is adequately serviced by the required utilities

6. Wastewater

- a) The proposed occupancy of the proposal has been assessed (see ED20/742.02 – 2 to 3 people on weekends) and the anticipated additional hydraulic load to be treated by the wastewater system has been calculated, to not exceed the existing LHIB system's capacity.
- b) On the basis of a service agreement being entered into with the LHIB, approval is granted for the Marine Rescue NSW Operations Centre to connect to the LHIB wastewater treatment system. The service agreement would outline costs associated with connection, servicing, electricity use, maintenance and the like.

Reason: To ensure the resultant development is adequately serviced by the required utilities

7. Waste Management

- a) Any waste generated from the development is to be contained within the site and then be recycled or disposed of at the authorised waste treatment facility on the Island. This excludes asbestos waste, which is the responsibility of the applicant to remove from the Island.
- b) No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.
- c) 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.

8. Relocation of Existing Services

- a) Marine Rescue NSW will be required, at their expense, to move the existing underground services from under the footprint of the building (– electricity, potable water & wastewater). The Board must be satisfied that the relocation of the moved services will not in turn impact on other services or impede existing uses of the area. No services are to be moved without the Board’s prior approval.
- b) Marine Rescue NSW must ensure the wastewater pipe is moved in a manner that maintains a suitable radius from the treatment system to ensure even flow of the effluent and that does not create choke points.

The above shall be confirmed on the plans and details submitted with the Construction Certificate.

Reason: To ensure the resulting development does not detrimentally impact on existing services

9. Access, Transport and Traffic

Prior to the issue of the Construction Certificate for the proposal, a satisfactory agreement is to be reached between LHIB and Marine Rescue NSW regarding the ongoing permanent relocation of the IBCs and truck parking, currently taking place in the location of the subject development. Also to be addressed in the agreement is the means of providing continuous access to the proposed Marine Rescue NSW Operations Centre during ship loading and unloading operations for the Island Trader. Any costs associated with the relocation of the IBC’s storage and truck parking area is to be borne by Marine Rescue NSW.

Reason: To ensure the resultant development does not detrimentally impact on the Island Trader wharf operations and to ensure the safety and required operational access for Marine Rescue Volunteers.

10. Construction and Demolition

1. A Construction Management Plan is to be submitted and approved by the Board prior to the issuing of a Construction Certificate. The Plan shall detail:
 - A programme for the works including indicative time frames for different activities including inspection points
 - Strategies for protecting the existing services (water, wastewater and electricity) located within the footprint of the proposed building.
 - A waste management plan detailing how all building waste will be managed. This plan will include waste types and quantities in m³.
 - If the intent is for the waste to be disposed of through the Waste Management Facility the plan shall detail discussion with the Waste Management Facility Coordinator.
 - A site plan showing material storage areas, stockpile areas – waste and construction materials - and any erosion protection measures to be implemented.
 - A plan outlining how construction works will avoid conflict and disruption with ship unloading, delivery and back-loading operations. This plan is to include evidence of discussion with Birdon P/L personnel and their satisfaction that the construction will not adversely disrupt the shipping operations or increase risk of injury to workers and other site personnel.

2. No excavation to be carried out until the site is inspected by the LHIB Senior Electrical Officer, ie. 'dial before you dig'.
3. All electrical work required must be carried out by a licensed electrician and an Electrical Compliance Certificate issued by the Board. The certification must be provided to the Board before any Occupation Certificate for the building can be issued.
4. All works are to be undertaken in accordance with all conditions of consent.
5. Pre-commencement meeting to be arranged with the Builder/Contractor and Board Personnel prior to any work commencing on the site. This meeting will constitute the pre-commencement and site set out inspection detailed below.
6. The applicant is to ensure all Inspections are undertaken.

Reason: To ensure that construction activities are carried out in safe and competent manner and in compliance with the relevant standards.

11. Electrical

- a) At present there is no electrical supply to this site. In order for the proposed customer electrical installation to proceed the following works will need to be undertaken. –
 - New 50 amp single phase underground consumer mains from DP 301 Lagoon Road (Jetty Shed).
 - New meter box.The customer is responsible for the installation of the new consumer mains.
- b) The works identified in 1 and 2 above are to be completed prior to any customer electrical installation works being undertaken.
- c) Existing underground electrical cables are to be clearly identified prior to any ground works.
- d) All electrical works must be completed by a licensed electrical contractor to AS/NZS 3000:2018
- e) A signed Compliance Certificate – Electrical Works must be issued to both the customer and LHIB within 7 days of completing all electrical works and prior to the new installation being permanently energized.
- f) Works must also comply with the current Lord Howe Island Electrical Service Rules.

Reason: To ensure appropriate electrical provision for the development, and works undertaken in a safe manner.

12. Inspections

The Principal Certifying Authority shall determine the appropriate mandatory inspections to be completed and will require those inspections to be undertaken.

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

13. Construction Hours

All construction works 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 Sunday 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.

14. Ecological

- a) If any live LHI Gecko 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 dwellings/structures) away from the development site so they can escape predation by predators such as LHI Currawong and LH Woodhens.
- b) To negate loss of habitat or disturbance to nesting White Terns a 1 metre long stub of the Norfolk Island Pine branch that needs pruning is to be left so that it can still be used as a nest site and to only prune the branch when the White Terns have left the island in winter.
- c) To reduce impacts to the Norfolk Island Pines roots, the NSW Marine Rescue Operations Centre shall be constructed on a floating slab on piers, which will be excavated with a high pressure water trencher to locate structural roots and ensure they are not disturbed or damaged when constructing the piers.

This amendment shall be detailed on the construction certificate building and structural engineering plans.

- d) All building materials and building activity are restricted to being stock piled on cleared open areas.

Reason: To protect the World Heritage ecological values of the Island

ADVICE TO APPLICANT:

Vehicle Registration

The operators of the proposed development shall ensure that all vehicles used in conjunction with the development at all times comply with the relevant NSW RMS registration and licencing requirements for operation on NSW Roads and NSW Waterways.

Significant Native Vegetation

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

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

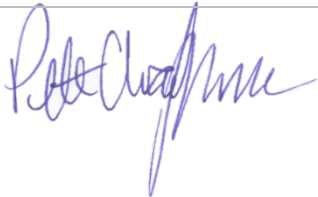

an approval from the Commonwealth Environment Minister.

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 8.7 and 8.10 of the EP&A 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 4.53 of the Act.

Recommended:	Endorsed:
	
Peter Chapman Date: 18 March 2020 LHI Consultant Town Planner & Director All About Planning	Peter Adams Date: 14 April 2020 Chief Executive Officer Lord Howe Island Board

Board Meeting: April 2020	Agenda Number: 8 (vii)	Record Number: ED20/2283
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

Planning Assessment Report

Item OC 2020.03 and DA 2020.03 for demolition of the existing Pinetrees boatshed and deck, and construction of a new boat shed and deck at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island.

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. The existing Pinetrees Boatshed is held under Permissive Occupancy Agreement (PO 2014.01 – boatshed)
Proposal	Demolition of the existing Pinetrees boatshed and deck, and construction of a new boat shed and deck
Owners Consent Application	OC 2020.03, lodged concurrently with DA2020.03
Development Application No.	DA 2020.03
Applicant	Danielle Rourke
Estimated Cost of Development	\$120,000.00
Site Inspections	Numerous site inspections undertaken.
Zone	Zone 7 Environment Protection. Under clause 17(4) the proposed development is permissible with the consent of the LHI Board if it meets the requirements listed in cl.35(2) of LHI LEP 2010 (discussed within this report).
Significant Native Vegetation Map	The lot is not mapped as Significant Native Vegetation (SNV), and no SNV will be damaged or removed as a result of the proposal.
Notification	DA 2020.03 was advertised from 08/11/2019 until 22/11/2019.
Submissions Received	No submissions have been received.
Two Recommendations:	<p>1. That application for ‘Owner Consent’ OC2020.03 for demolition of the existing Pinetrees boatshed and deck, and construction of a new boat shed and deck at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, is approved.</p> <p>2. That Development Application 2020-03 for demolition of the existing Pinetrees boatshed and deck, and construction</p>

of a new boat shed and deck at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, be approved subject to the conditions and advisory notes listed at the end of the report.

2 Consent Authority

Owner's Consent Delegation

The Minister has authorised the Board's CEO to grant owners consent to the lodgement of development, subject to the following conditions:

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

The subject OC proposal complies with the above delegations to the CEO as the proposal has an estimated development cost of \$125,000.00, is permissible development under the LEP (as discussed in this report), and it does not involve any subdivision or new residential dwellings.

Development Application Delegations

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

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

The proposal complies with the above delegations to the CEO in that it does not propose new residential dwellings or subdivision, the development costs are estimated by the applicant at \$120,000.00, and no submissions have been received in respect of the DA. Nevertheless, the applications are being reported to the LHIB due to clause 4.1.1 of the Board's Development Assessment Policy which states that "All DAs on vacant crown land are to be determined by the full Board."

3 Site Description

The site of the existing boatshed is located within the Lagoon Foreshore, on land legally identified as 'Unidentified Crown Land Reserve No. 12, Lagoon Road, Lord Howe Island'. The existing Pinetrees boatshed is held under a Permissive Occupancy Agreement (PO 2014.01–boatshed). As *Figure 1* shows, the existing boatshed is situated on the foreshore of The Lagoon, west of Lagoon Road, and Pinetrees Lodge (being within Lot 236 DP 48213). The boatshed is accessed via a pedestrian pathway running parallel to the lagoon along the foreshore dunes, and via a track from Lagoon Road.



Figure 1: Aerial View of Pinetrees Lodge & associated existing Boatshed and Deck. Source: Six Maps

The existing boatshed is single storey with a gable roof and clad timber walls. There is an existing timber deck to the north of the boatshed. The boatshed, deck and surrounds have been used as a location for Pinetree Lodge guests to gather, sit or undertake recreational pursuits ancillary to the activities on the beach or boating activities including a beach shower.

The owners of Pinetrees have held a permissive occupancy on the existing boat shed since the 1930s when the original Pinetrees structure was built, but was demolished after a fire during the 1970s. The owners of Pinetrees continued to hold the Permissive Occupancy and built a replacement in the 1990s, which is the existing boatshed that will be demolished in this subject proposal.

The Lagoon foreshore, in the vicinity of the existing Pinetrees boatshed has been heavily influenced by coastal erosion processes. The applicant's submission indicates that during the past 5 years, 1500m² of foreshore dune has been lost along a 300m section of coast north of Windy Point. In the last year, over 300m² of foreshore dune has eroded around the Pinetrees boatshed. This coastal erosion will soon threaten the existing boat shed and consequently the proposed demolition and relocation of a new boatshed has been proposed.

The site is located within Zone 7 Environment Protection under the LHI LEP 2010 (refer *Figure 2*). Land surrounding the site to the north and south is also Zone 7 Environment Protection, and to the east across Lagoon Road is land zoned Zone 2 Settlement. Both the existing and proposed boatsheds are located within the area defined by the Foreshore Building Line.

The proposed demolition of the existing shed and deck and construction of the new Pinetrees boatshed facility are not located within a SNV mapped area, refer *Figure 3*. No SNV will be damaged or removed as a result of the proposal.

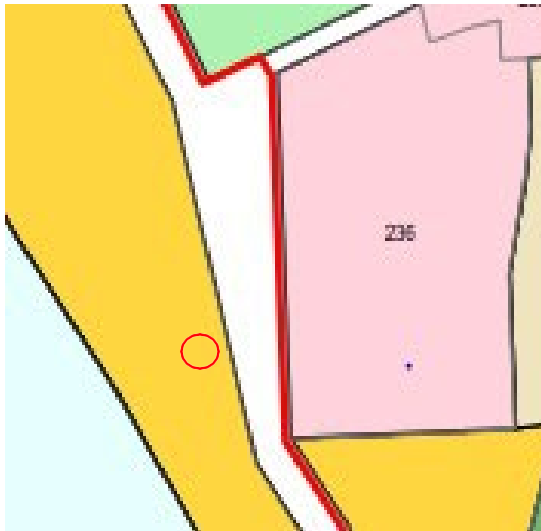


Figure 2: Extract from the Lord Howe Island Local Environmental Plan 2010 (LEP 2010) Zoning Map detailing 7 on subject site. Environment Protection zoning of the site



Figure 3 Extract from the LEP 2010 SNV Map identifying no SNV

Figure 2 & 3: LHI LEP Mapping Extracts

4 Proposed Development

The subject OC 2020-03 and DA 2020-03 seeks approval to demolish the existing Pinetrees boatshed and deck which is being impacted by coastal erosion processes, and construction of a new boatshed, deck and surrounding landscaping in an alternate location, less impacted by coastal erosion but still along the Lagoon foreshore and proximate for guests of Pinetrees to utilise.

The existing boatshed will be demolished and services disconnected. The area will then be restored to dune habitat. Further restoration and stabilisation of the foreshore itself will also be undertaken.

The new boatshed will be located to the north (landward side) of the existing boatshed (refer to *Figure 4*). The new Pinetrees boatshed will be constructed where possible with recycled materials from the existing boatshed. The proposal includes reuse of the existing roofing shingles, cedar cladding on the external walls, and the bi-fold doors securing the boatshed and opening onto the proposed deck.

The boatshed will be constructed from timber, steel and fibre cement cladding and suspended on a timber floor supported by steel poles and concrete footings. The development construction is proposed to ensure easy relocation in the future should coastal erosion processes continue to impact the site.

The boatshed will be 8m x 4.5m, with an area of 36sqm, opening onto a timber deck 5m wide x 10.5m long. There will be a 0.5m apron/timber deck around the boatshed building. The new building footprint is approximately half the size of the existing boatshed.

Internally the boatshed (refer to *Figure 7*) will have areas for storage, a change room with shower, sink, a fridge/cupboard and seating. It will be used as a place for Pinetrees guests to gather, enjoy the scenery and shower after a swim in the lagoon. Once the coastal processes affecting the foreshore have been stabilised, the applicants hope that a reasonable and safe access path to the beach will be made possible, allowing for watercraft, motors and other boating equipment to be stored in the boatshed.



Figure 4: Aerial View of the existing Pinetrees boatshed & proposed site of new boatshed and deck. Source: Six Maps

In front of the deck will be a landscaped area (being 73m²) connecting the building with the dunes/foreshore/lagoon. The proposed site is presently covered by a mix of exotic buffalo grass and native club rushes, and beach daisy, and therefore no significant native vegetation will be impacted. The application states that after the new boatshed is constructed, the landscaped area (within 10m of the new boatshed) will be replanted with native coastal plant species such as Pig face and Crinum, to encourage a net benefit to the surrounding habitat.

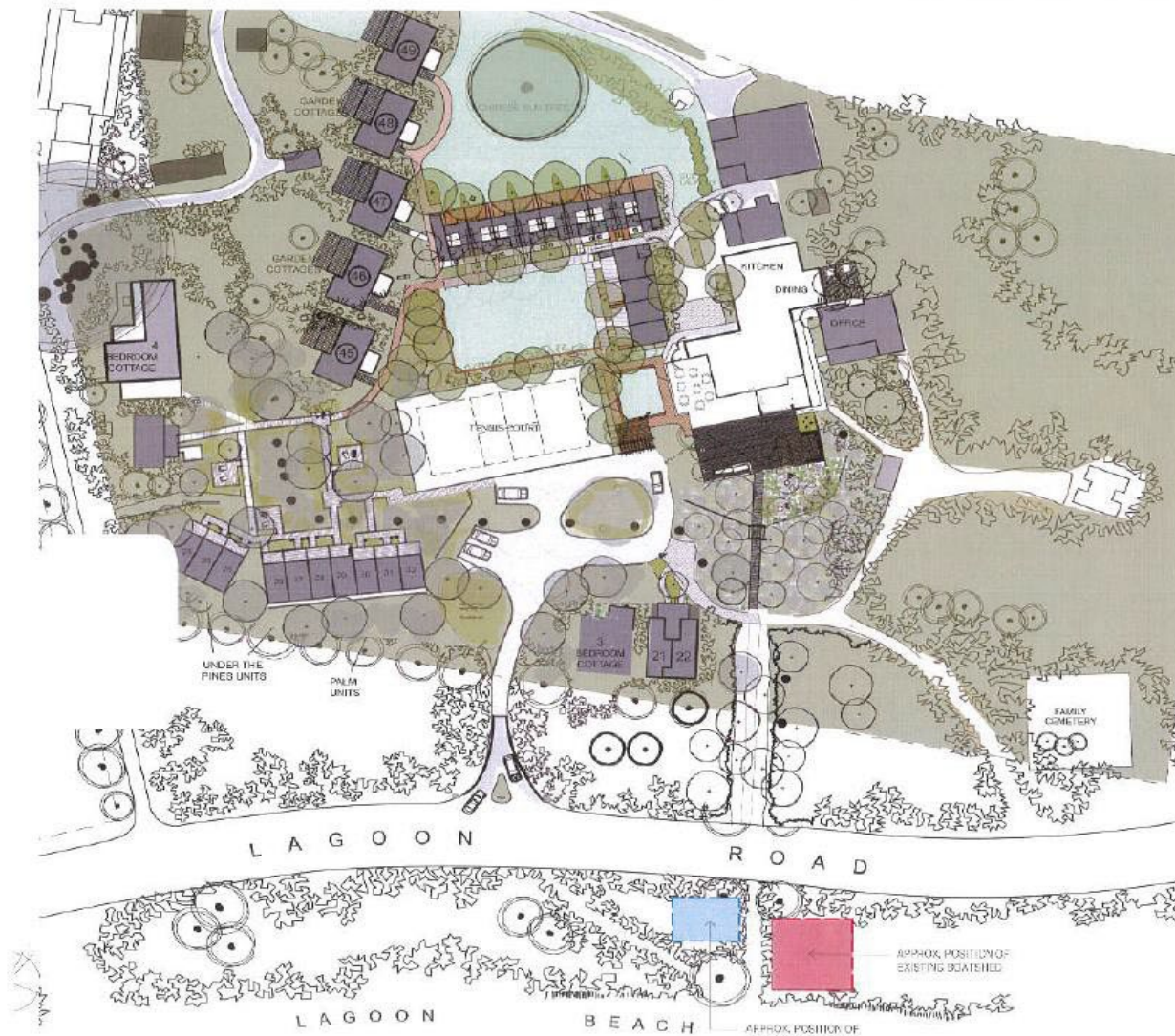
It is proposed that the water from the wash-off shower and basin in the boatshed will irrigate the degraded native vegetation on the eastern and northern side of the building through a small subsurface irrigation field. No soap products will be used in the wash-off shower. The applicants have advised that the low volume of shower water and absence of soap products, means that no treatment of the wastewater will be necessary.

The foreshore area is potential habitat for the Wedge-tailed shearwaters and Black-winged petrels. Consequently, to reduce its environmental impacts the applicants intend to carry out

construction outside the summer breeding period. The applicants have also indicated mesh will be used around the footings to protect them from burrowing birds, and 30 holes will be dug within 20m of the new building and deck (not within the landscaped area) to encourage new nesting sites away from the building and lawn. The applicants state that any LHI Skink or LHI Gecko (habitat not suitable for *Placostylus*) will be carefully relocated to a suitable adjacent site.

The existing access track running parallel to the lagoon will be partly realigned around the deck for the new boatshed.

The applicant has submitted a site context and site plan, boatshed floor plan, elevations, section and perspective drawing as part of the application, refer to the following *Figures 5 -9*.



PINETREES - LORD HOWE ISLAND
SITE CONTEXT

DEVELOPMENT APPLICATION
OCT 20 9



Innovate
Architects

Figure 5: Site Context Plan.

PROPOSED PERMISSIVE OCCUPANCY FOR RELOACTED PINETREES BOATSHED	
TOTAL P.O. AREA PROPOSED:	= 162.0m ²
PROPOSED AREAS	
LANDSCAPING:	= 73.5m ²
DECKING:	= 50.0m ²
BOATSHED:	= 25.8m ²

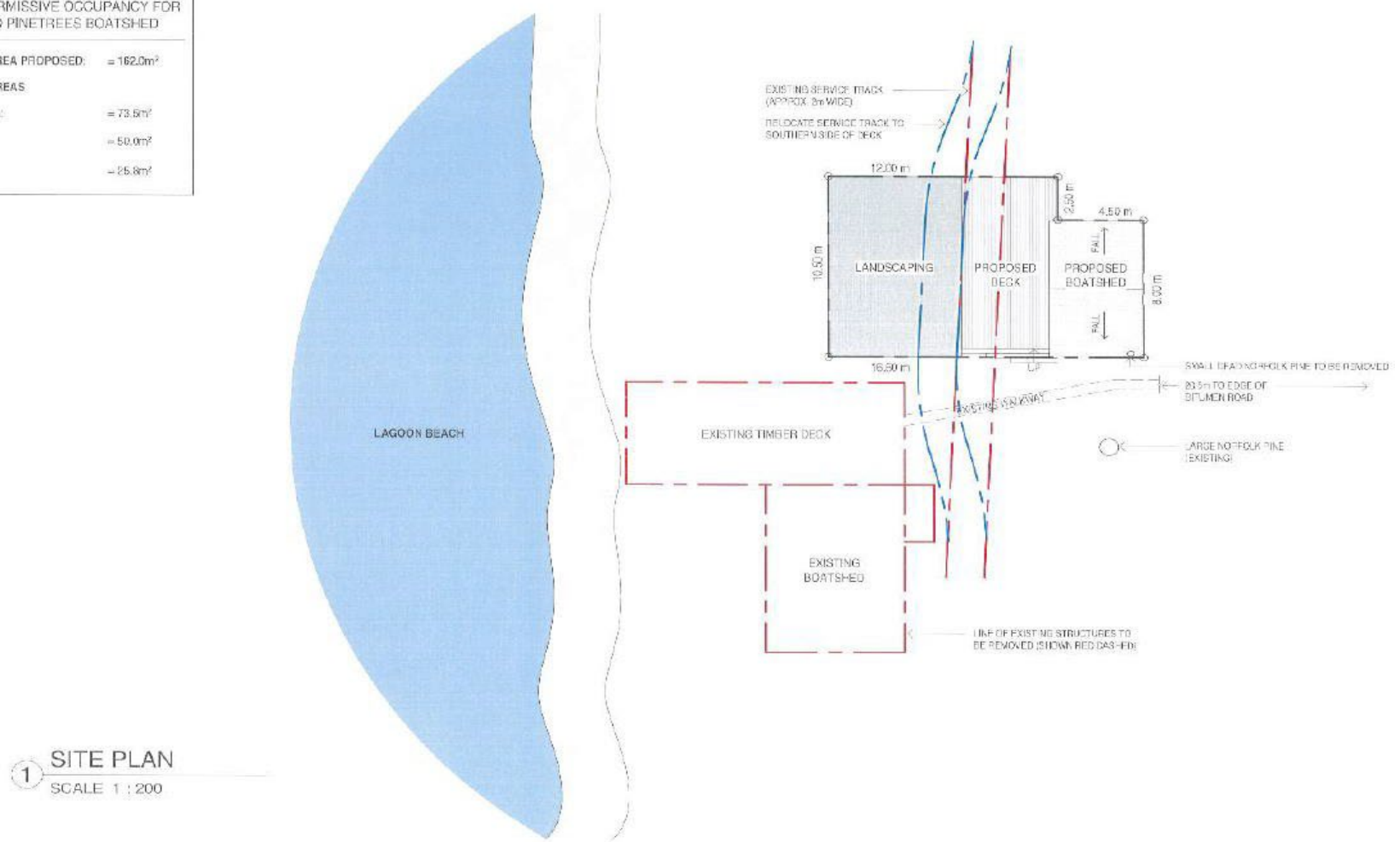
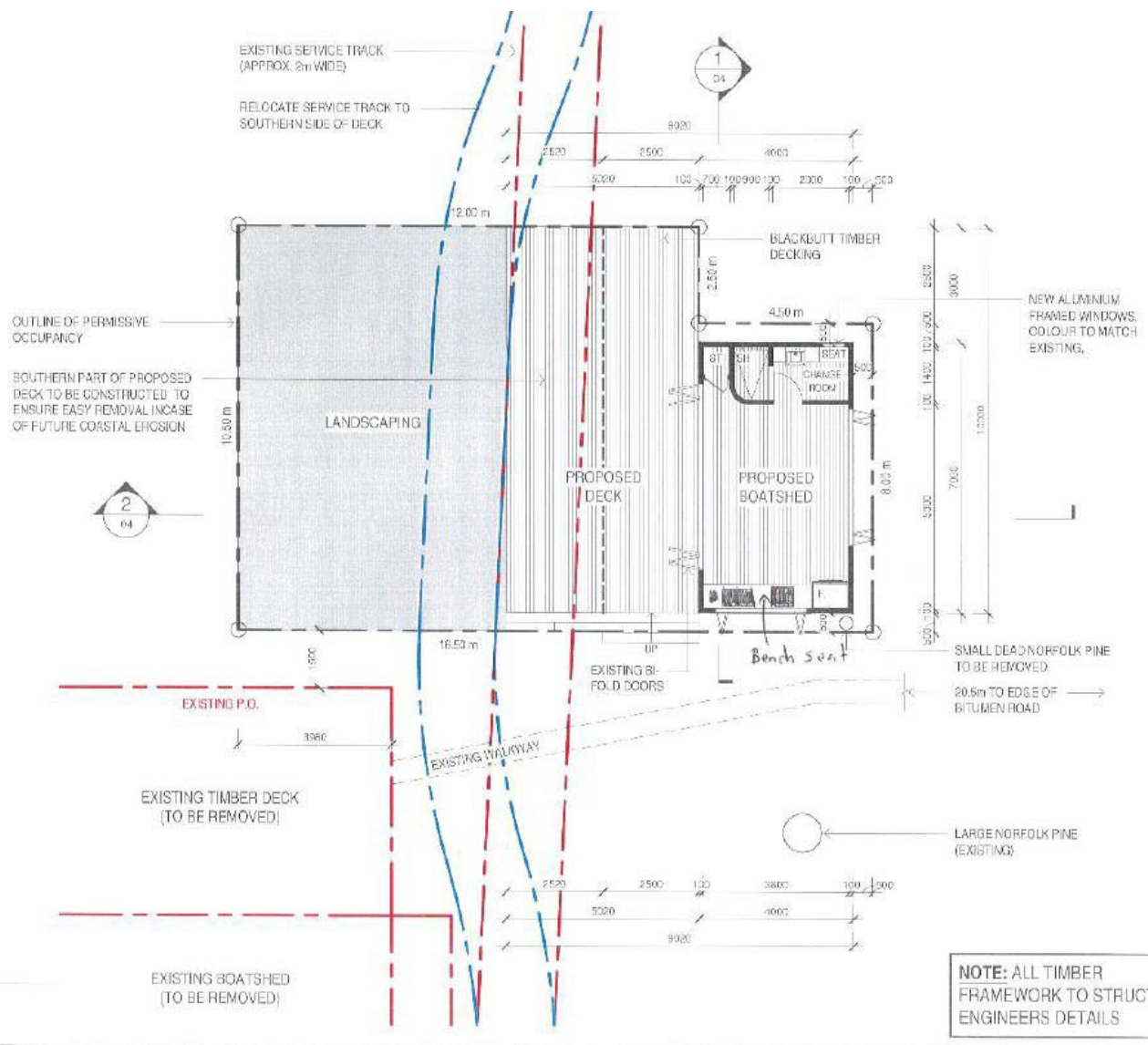


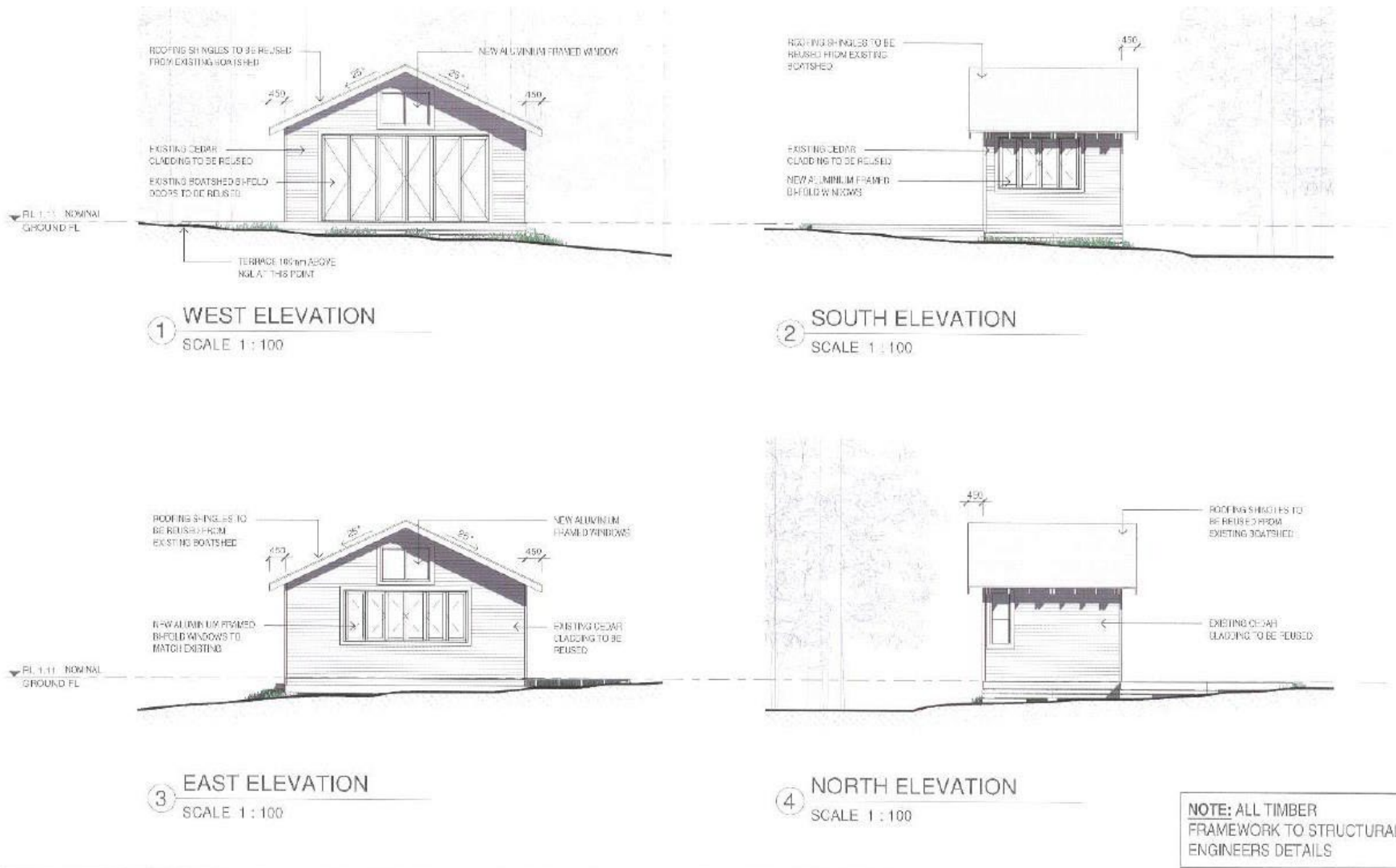
Figure 6: Site Plan including location of the existing boatshed and deck to be demolished, and the proposed location of the new boat shed, deck, and landscaping.

PROPOSED PERMISSIVE OCCUPANCY FOR RELOADED PINETREES BOATSHED	
TOTAL P.O. AREA PROPOSED:	= 162.0m ²
PROPOSED AREAS	
LANDSCAPING:	= 73.5m ²
DECKING:	= 50.0m ²
BOATSHED:	= 25.8m ²



1 BOATSHED FLOOR PLAN
SCALE 1 : 100

Figure 7: Floor Plan of proposed new boat shed and deck.



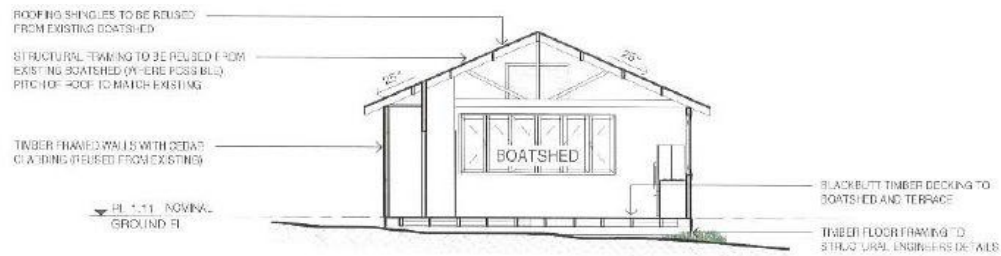
PINETREES - LORD HOWE ISLAND
ELEVATIONS

1:100

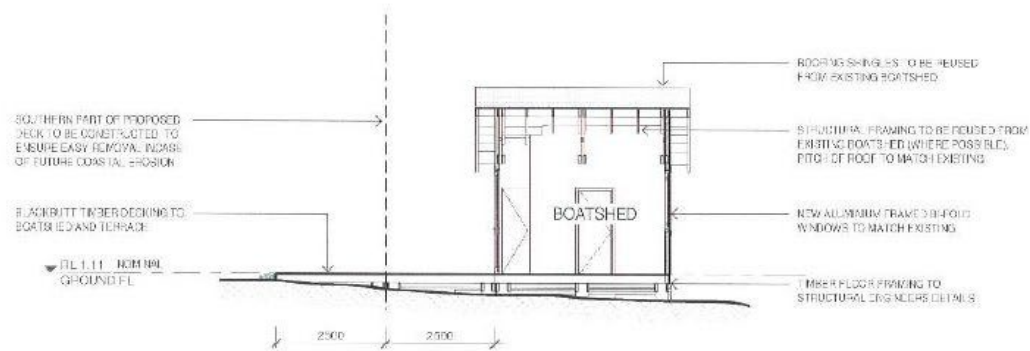
DEVELOPMENT APPLICATION
OCT 2019

Innovate
Architects

Figure 8: Elevations of proposed boat shed and deck.



1 SECTION 1
SCALE 1 : 100



2 SECTION 2
SCALE 1 : 100

NOTE: ALL TIMBER FRAMEWORK TO STRUCTURAL ENGINEERS DETAILS

Figure 9: Cross Sections for boat shed and deck.

6 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: Internal Referral Comments

Internal Specialist	Issue	Planner's Comment
<p>Hank Bower Manager Environment/ World Heritage</p>	<p>Comment</p> <p>The property is zoned Zone No. 7 – Environmental Protection according to the Lord Howe Island Local Environmental Plan 2010.</p> <p>The proposal will require the removal of some ground strata vegetation dominated by the exotic Buffalo Grass <i>Stenotaphrum secundatum</i> but also including several native plants of Knobby Club Rush <i>Ficinia nodosa</i> and Beach Daisy <i>Wollastonia uniflora</i>. It would be possible to transplant these for use in surrounding landscaping.</p> <p>The proposal will not result in the removal or damage of any Significant Native Vegetation (SNV) as the Subject site doesn't contain vegetation mapped as SNV.</p> <p>The vegetation is mapped by Sherringham et al 2016 as Exotic vegetation. The surrounding vegetation is mapped as community 1 – Coastal Spinifex – Dune Bean – Club Rush – <i>Melanthera biflora</i> – Saltwater Couch beach strandline grassland. The vegetation at the Subject site is mapped by Pickard (1983) as vegetation association DdCt <i>Drypetes deplanchei</i> <i>Cryptocarya triplinervis</i> canopy and understorey destroyed. The Sherringham et al 2016 mapping is considered accurate.</p> <p>The proposal will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats as it only involves the temporary removal of a small area of ground strata vegetation that is dominated by an exotic grass.</p> <p>The proposal will not negatively impact on nesting habitat for Wedge-tailed Shearwaters <i>Ardenna pacificus</i>, which is present in the surrounding area as the boat shed is located in an area with no nesting burrows present, the building is on piers so that in the future Wedge-tailed Shearwaters will still be able to nest under the building and the removal of the existing boatshed will provide alternative nesting habitat once revegetated.</p> <p>The subject site provides known or potential habitat for at least 7 threatened species being; LHI Gecko <i>Christinus guentheri</i>, LHI Skink <i>Oligosoma lichenigera</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>Hypotaenidia sylvestris</i> and White Tern <i>Gygis alba</i>.</p>	<p>Noted with recommendations incorporated into the proposed conditions of consent</p>

	<p>The LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen are all widely distributed across the Island and regularly occupy forests and gardens within the settlement. They are commonly found co-habiting with human infrastructure within the settlement area and in the case of the LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen will forage and roost around dwellings and associated infrastructure. However, the core habitat resources for all these species is dense native vegetation.</p> <p>White Tern has nested on horizontal branches of Norfolk Island Pines in the general vicinity and will not be impacted by the proposal as it is being constructed during winter when White Terns are mostly absent from the Island.</p> <p>The LHI Gecko is known to occur throughout the settlement of LHI where it can utilise human made structures and stock piled building materials (e.g. sheets of corrugated iron etc) as sheltering habitat. It can be found within cavities of dwellings that exclude rodents and shelters within cracks and cavities in trees and rocks. It is possible that LHI Gecko could be present within the existing building and could be detected during renovations. Any animals detected during works must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, old dwellings/structures) away from the development site.</p> <p>The LHI Skink is restricted to Norfolk Island and the LHG although recent research (Bray, unpublished data) indicates that each island population is a different species. On the LHG it is present on the main island, Balls Pyramid, Blackburn Island, Muttonbird Island and Roach Island (DECC 2007a). It may be present on other islets (ibid). Its stronghold on the main island is North Bay, although it was historically common at Windy Point and has been recorded at Neds Beach (H. Bower pers obs).</p> <p>LHI Skink can utilise a wide range of vegetation communities, ranging from lowland rainforest to montane rainforest as well as grasslands on islets, which appear to be acceptable provided there are abundant rocks, seabird nest burrows or tussock grass for sheltering habitat. Sandy substrate and presence of nesting seabirds are preferred habitat. It feeds on beetles, spiders, ants and other invertebrates amongst the leaf litter (DECC 2007a) and eats maggots from dead birds and regurgitations. It is also likely to feed on fleshy fruits from plants such as Pigface.</p> <p>The main threat to LHI Skink is rodent predation which is assumed to be abated following the REP. Coastal erosion is the main threat to the population at Windy Point, which hasn't been detected for many years. It is anticipated that the proposal will reduce the extent of coastal erosion in the immediate vicinity securing potential habitat for this species. The regeneration of surrounding vegetation will help to restore suitable habitat for this species.</p> <p>The Subject site includes areas mapped as modelled High</p>	
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	<p>Quality Habitat (A) for LHI Placostylus Placostylus bivaricosus. This mapping is considered accurate where there is intact native vegetation (which is not present within the development footprint). The LHI Placostylus favours forested habitats on calcarenite soils with a dense shaded canopy, continuity with large areas of vegetation and a thick moist leaf layer in which they can burrow during dry times. They are known from native vegetation just south of Pinetrees cemetery. Suitable habitat is not present at the Subject site, which is also compromised by being dissected by Lagoon Road and a stand of Norfolk Island Pines that drop pine needles which are acidic to the snails.</p> <p>A 5 Part Test of significance is attached and concludes that the proposed development will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats providing the recommendations below are adhered to.</p> <p>Recommendations</p> <p>That the development be approved subject to.</p> <ul style="list-style-type: none"> • If any live LHI Gecko, LHI Skink 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 dwellings/structures) away from the development site so they can escape predation by predators such as LHI Currawong and LH Woodhens. • To negate loss of habitat or disturbance to nesting Wedge-tailed Shearwater it is recommended that all works are undertaken outside of the nesting season commencing 1st September and ending 31st May annually; • All lighting for any associated infrastructure must be tinted either yellow, orange or red to reduce attractiveness by nesting seabirds • All construction and demolition materials and building activity are restricted to being stock piled on cleared open areas devoid of native vegetation or habitat for threatened species or Wedge-tailed Shearwater nesting habitat 	
<p>Kate Dignum Team Leader Compliance & Projects</p>	<p>Portion No.: Lagoon Foreshore opposite Portion 236 Lease No.: PO 2014.01</p> <p>Zone No.: 7 – Environment Protection Building Class: 7b</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 	<p>Noted with recommendations incorporated into the proposed conditions of consent</p>

	<p>for any requirements of the BCA/NCC, the relevant Performance Requirements must be determined in accordance with A2.2 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.</p> <ul style="list-style-type: none"> • If the applicant is proposing a Deemed-to-Satisfy Solution for any requirements of the BCA/NCC, the relevant Solution must be determined in accordance with A2.3 of the BCA/NCC. A report outlining any proposed Deemed-to-Satisfy 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. • The applicant is to appoint a Principal Certifying Authority (PCA) to certify the works. The applicant should be aware the PCA may impose additional conditions for compliance with the Construction Certificate 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"> o Access to and within all areas of the building o Doorway widths <p>Fire Safety</p> <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 7b 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 each year an Annual 	
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	<p>Fire Safety Statement for the Pinetrees Boat Shed is supplied to the Board as a record of the functionality and ongoing maintenance of any fire safety measures installed.</p> <p>Flood Management</p> <ul style="list-style-type: none"> • No relevant matters <p>Health and Amenity</p> <ul style="list-style-type: none"> • No relevant matters <p>Water</p> <ul style="list-style-type: none"> • There is no discussion on managing stormwater runoff from the roof in the application. The stormwater run-off is to be managed in such a way that the footings of the building (and deck) are not compromised. This could be via rainwater storage tanks or an appropriate absorption trench. The method of management of this stormwater should be shown on the construction drawings. • The application indicates potable water use within the proposed shed (shower and sink). 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 applicant has stated that a wash-off shower and basin will be provided for guests to shower after a swim. The applicant also states that the run-off from the shower & basin will be used to irrigate surrounding vegetation. As no soap products are proposed to be used this is an acceptable use of the used shower and basin water. <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 (WMF) on the Island or freighted directly to an appropriately licenced facility elsewhere in NSW. • If the waste is disposed of at the WMF 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"> • A Demolition and Construction Management Plan is to be submitted and approved by the Board prior to the issuing of a Construction Certificate. The Plan shall detail: <ul style="list-style-type: none"> ○ A programme for the works including indicative time frames for different activities including inspection points ○ Strategies for protecting any services during demolition of the existing structures. ○ A waste management plan detailing how all building waste will be managed. This plan will include waste types and quantities in m³. 	
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	<ul style="list-style-type: none"> ○ If the intent is for the waste to be disposed of through the Waste Management Facility the plan shall detail discussion with the Waste Management Facility Coordinator. ○ A site plan showing material storage areas, stockpile areas – waste and construction materials - and any erosion protection measures to be implemented. <ul style="list-style-type: none"> • The demolition of the existing structures are to be carried out in accordance with AS2601-2001: the demolition of structures so that the risk of injury to the workers and other site personnel, and the risk of damage to the immediate environment is minimised. • 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 Building Code of Australia (BCA)/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. • A pre-commencement meeting to be arranged with the Owner, Builder and Board Personnel prior to any work commencing on site to ensure all activities nominated within the Construction Management Plan are adequately provided for. • The applicant is to ensure all Mandatory Inspections are undertaken. • Prior to the issuing of an Occupancy Certificate the applicant is to ensure compliance with any/all conditions imposed by the Board as part the Development Application/Construction Certificate approval process. <p>Mandatory Inspections</p> <ul style="list-style-type: none"> • As a Class 7b building the Principal Certifying Authority (PCA) and the Lord Howe Island Board will require the following Mandatory Inspections to be undertaken during construction: <ul style="list-style-type: none"> a) LHIB - Pre commencement/set out b) PCA - After the commencement of the excavation for, and before the placement of, the first footing c) PCA - Stormwater connections d) PCA - Final Inspection, including fire related elements, after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building 	
<p>NSW DPI Lord Howe Island</p>	<p>We note the Statement of Environmental Effects details that the existing boatshed and deck will be demolished in June 2020. Following this, the Lord Howe Island Board will</p>	<p>Noted with recommendations incorporated into the</p>

<p>Marine Parks</p>	<p>remove the sandbag wall in front of the boatshed, and nourish the surrounding area with sand from the north of Pinetrees. Elements of this work are the responsibility of the Lord Howe Island Board, are likely to occur below the mean high water mark and therefore require consent in the form of a permit from the Lord Howe Island Marine Park. Although we agree to this foreshore work in principle, a full assessment of this work will be required against the assessment criteria outlined in Clause 9 of the Marine Estate Management Regulation 2017, as part of the permit application process.</p> <p>As this is the case, this correspondence has been prepared in response to the elements of the development that relate to the demolition of the existing boatshed and deck, and the construction of the new boatshed and deck only, and not the foreshore works that are the responsibility of the Lord Howe Island Board.</p> <p>The proposed development is located within 30 metres of the Lord Howe Island lagoon. This area is within the Lord Howe Island Marine Park and is zoned 'habitat protection zone' under the Marine Estate Management (Management Rules) Regulation 1999.</p> <p>Where a development is proposed to occur adjacent to the marine park, Section 56 of the Marine Estate Management Act 2014 applies. In assessing such proposals, the Department is primarily concerned with ensuring that any associated environmental effects do not adversely impact the marine biodiversity and ecological values of the marine park.</p> <p>The following matters should be taken into consideration by the determining authority and reflected in the final consent conditions.</p> <p><i>Sediment and Erosion controls</i> - During the works (demolition and construction), the design, management and implementation of pollution controls must be consistent with "Managing Urban Stormwater: Soils and Construction" (NSW Landcom, 2004) to ensure containment of sediment to the immediate work site. All sediment control measures must be regularly inspected and cleaned and/or repaired as necessary, and all collected silt disposed of appropriately. No sediment should enter the adjacent waterway during any phase of these works.</p> <p><i>Stormwater management and inundation</i> - Please ensure that during the works and following their completion that any stormwater leaving the site complies with local water quality benchmarks developed in accordance with the ANZECC 2000 Guidelines on water quality - no dirty water should enter the waterway as a result of stormwater leaving this site.</p> <p><i>Riparian/ marine vegetation</i> - Foreshore vegetation plays an important role in stabilising banks, preventing erosion and siltation. As described, the determining authority should ensure that any areas disturbed by the works are re-established with native vegetation.</p>	<p>proposed conditions of consent</p>
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	<p><i>Works below mean high water</i> - The plans received do not include any works below the mean high water mark. Any works below mean high water therefore must not be undertaken without further assessment and consent from the Lord Howe Island Marine Park.</p>	
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7 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.

7.1 Commonwealth legislation

7.1.1 Environmental Protection and Biodiversity Conservation Act 1999

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

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

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

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

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

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

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

7.2 NSW legislation

7.2.1 Biodiversity Conservation Act 2016

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

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

No adverse environmental or ecological impacts from the proposal are envisaged and no SNV will be removed or damaged as a consequence of the proposal. The relocation of the boatshed will enable the revegetation, rehabilitation and dune stabilisation works to be undertaken in the boatshed's existing location, leading to a better environmental outcome and reversal of adverse coastal impacts in the area. The proposed new Pinetrees boatshed also includes provision of native landscaping, and 30 holes to encourage nesting sites.

As stated earlier in this assessment the Board's Manager Environment /World Heritage has undertaken an assessment of the proposal and confirmed his support for the proposal subject to the application of various conditions.

7.2.2 NSW Heritage Act 1977

The main objective of the *Heritage Act 1977* (Heritage Act) is to encourage the conservation of the heritage of NSW. Pursuant to Section 4.46 (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).

It is noted in Schedule 2 of LHI LEP 2010 it identifies the 'Boatsheds, Lagoon Road, Government Reserve' as heritage items.

The NSW State heritage Inventory states:

"A group of functional boatsheds and slipways that demonstrate the historic and current reliance of Lord Howe Islanders on water transport and water-based industries..... While not rare types in a State context, they continue the island's boatshed construction tradition including use of recycled building materials. Most have close associations with prominent families on the island. Although not of great aesthetic value individually, as a

group they have a certain picturesque charm redolent of earlier days on Lord Howe island. A number were important in the social life of the community and today are a land-based focus for marine and environment tourism activities.”

According to the State Heritage Inventory, the present Pinetrees boatshed was excluded from the historic boatshed classification. Therefore, the site does not require consent under clause 39, as it is not a listed heritage item within the LEP 2010. Referral of this application to the NSW Heritage Division is therefore not required.

Further to the above it is also noted (as discussed earlier in this report) that the current Pinetrees boatshed (to be demolished) was only built in the 1990's, replacing the 1930's era original which was destroyed by fire in the 1970's. For all of the above reasons the existing boat shed is not considered to have any heritage significance making it worthy of retention.

8 Local Statutory Plans and Policies

8.1 Lord Howe Island Local Environmental Plan 2010

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

A 'boatshed' is defined under the LHI LEP as meaning 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.

The land is located in Zone 7 Environment Protection. Within the subject Zone 7 Environment Protection, the boatshed is permissible if the proposal meets compliance under clause 35(2) of the LEP.

LEP 2010 compliance summary table

LEP 2010 Clause		Compliance 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 proposed demolition and reconstruction of the boatshed can be undertaken with minimal negative environmental impact and/or disturbance to protected flora and fauna native to the Island. 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.
7	Maps	Y	Noted.
9	Exempt Development	N/A	The proposed works are not listed as Exempt Development within Schedule 1 of the LEP; therefore, the subject 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 7 Environment Protection.
17	Zone 7 Environment Protection	Y	The proposal is consistent with the LEP zone objectives. Under clause 17(4) the proposed development is permissible with the consent of the LHI Board if it meets the requirements listed in cl.35(2) of LHI LEP 2010 (ref below).
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			
29	Maximum height of buildings	Y	The proposal will comply, as the building roofline is less than 7.5m.
Division 2 Provisions that apply to particular land			
35	Foreshore development	Y	<p>Within the subject Zone 7 Environment Protection, the boatshed is permissible if the proposal satisfies clause 35(2) of the LEP.</p> <p>The proposal is in the public interest as the development will demolish the existing boatshed which is in danger of being impacted by the current and ongoing coastal erosion processes detrimentally affecting the immediate area. Once the existing boatshed and deck is removed, the existing site will be restored and rehabilitated to improve the environmental values of the area and contribute to reduced future adverse coastal impacts in the area.</p> <p>A permissive occupancy for the Pinetrees boatshed has been in this Lagoon foreshore location since the 1930s and has provided a well known and valued space for Pinetrees Lodge guests and Lord Howe Island residents for a considerable period of time.</p> <p>The boatsheds along the Lagoon foreshore form part of the cultural heritage of the Island. The boatsheds have historically supported water transport and water-based industries, and the new Pinetrees boatshed, deck and landscaped area is in keeping with this tradition. The Pinetrees boatshed popularity is a testament to its demonstrated and continued marine and business need for it. Additionally, given the boatsheds ancillary and supporting role and proximity to Pinetrees Lodge, there is not another boatshed/structure that could fulfil this.</p>

			<p>The new proposed shed and deck is smaller in area to the existing building and deck footprint, and its new location will maintain the existing levels of public access to the foreshore.</p> <p>The replacement boatshed, and deck will be setback further away from the lagoon and be around 50% smaller than the existing structures they will replace. Therefore they will only improve the existing visual amenity of the foreshore area.</p> <p>In addition the proposed (partly recycled from the existing shed) timber cladding and shingle roof, will blend with the surrounding landscape features (especially as it ages).</p> <p>As noted in clause 35 of the LEP, the proposed development addresses the need for vegetation and habitat restoration in the immediate vicinity. After demolition, the eroded areas will be stabilised, and the site restored with sand and suitable plant species to rehabilitate the site. The proposed new Pinetrees boatshed also includes provision of native landscaping, and provision of 30 new bird nesting holes.</p> <p>The proposed location is not presently impacted by adverse coastal processes, and it is to be constructed to allow removal in the future should this be needed.</p> <p>NSW Marine Parks has reviewed the proposal and has indicated no objection to the development.</p> <p>It is considered that the proposal satisfies each of the relevant matters of clause 35 of the LEP. Consequently, the proposed development can be carried out with the consent of the LHIB.</p>
39	Development Affecting Heritage Items	Y	Refer to the earlier discussion in this report under section 7.2.2 (NSW Heritage Act 1977).

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	COMPLIANCE Y/N	DISCUSSION
<p>a) <i>The proposed development is consistent with the aims of this plan and the objectives of any zone, as set out in the plan, within which the development is proposed to be carried out,</i></p>	Y	<p>The proposal is located within Zone 7 Environment Protection under the LHI LEP 2010 and is consistent with the aims and objectives of the LEP.</p> <p>Furthermore, the proposal is deemed to satisfy the requirements of clause 35 of the LEP and is therefore permissible with consent.</p>
<p>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></p>	N/A	<p>Refer to the comments regarding wastewater in the description of the proposed development in section 4 of this report and the comments from the Board's Team Leader Compliance & Projects in section 6.</p>
<p>c) <i>No part of the proposed development:</i></p> <ul style="list-style-type: none"> 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	<p>The existing and proposed boatsheds are not located within a SNV mapped area and no SNV will be damaged or removed as a result of the proposal.</p> <p>As noted in this report, after demolition of the existing boatshed, the affected areas will be stabilised and rehabilitated. The new boatshed also includes native landscape plantings, and 30 holes to encourage nesting sites.</p> <p>The restoration and revegetation of the existing site and surrounding area around the proposed site will facilitate/encourage native vegetation and habitat.</p>
<p>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></p> <ul style="list-style-type: none"> 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	<p>The new proposed shed and deck is smaller in area to the existing building and deck footprint, and its new location will maintain the existing levels of public access to the foreshore.</p> <p>As stated earlier no SNV will be removed and general vegetation rehabilitation and restoration works will be undertaken once the existing structures are demolished and around the new structures once completed.</p>
<p>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></p>	Y	<p>Landscaping will include native coastal plant species such as Pig face and Crinum, to encourage a net benefit to the surrounding habitat.</p>

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 subject development is proposed as a direct response to the detrimental coastal processes continuing to affect the existing boatshed (and the near vicinity), and to allow for more widespread coastal protection works to be undertaken to prevent these continuing or getting worse.
g) <i>Adequate services in respect of the proposed development can be provided without significant additional cost to the Board or the community of the Island,</i>	Y	No additional infrastructure services are anticipated to be required.
h) <i>The appearance of the proposed development (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality,</i>	Y	Refer to the earlier visual assessment of the proposal under clause 35 (Foreshore Development), LHI LEP 2010.
i) <i>The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	The proposed development will not create any adverse overshadowing of adjoining land.
j) <i>The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	Y	The proposed works will not create any detrimental privacy impacts to adjoining properties due to its location away from any adjoining properties, it's low built scale, and surrounding scattered vegetation.

8.2 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 Clause	DCP 2005	Complies Y/N	Comment
Part 1 Introduction			
1.2	Plan Objectives	Y	The proposed works are consistent with the Plan objectives.
1.4	Where does plan apply?	Y	This DCP applies to the subject site.
Part 2 Design Principles			
2.1	Introduction	Y	Noted.
2.2	Objectives	Y	The proposal is consistent with the DCP's design objectives.

2.3	Design Context	Y	As assessed in this report above, the proposal is consistent with the character and nature of the site and locality, and has been designed to be environmentally sensitive and sustainable.
2.4	Bulk and Scale	Y	The proposal is similar in scale to the existing boatshed. The proposal will not create any additional visual or privacy impacts on the locality and will continue to maintain the dispersed pattern of buildings on the Island in sympathy with existing development.
2.5	Building Forms	Y	The proposal will not significantly change the present building form and character of the Island.
2.6	Building Materials & Colours	Y	The proposed materials will be sympathetic and compatible with the existing building materials and colours.
2.7	Energy and water efficiency	Y	As discussed earlier, the proposed development has considered energy and water efficiency, and the proposal generally complies with the DCP.
2.8	Landscaping design	Y	As discussed previously, native landscaping/ site vegetation and bird nesting holes have been incorporated into the design. The rehabilitation and restoration of the existing boatshed footprint will restore this area and improve the environmental outcomes for the area.
2.9	Site access and parking	Y	As stated earlier under clause 11(d), LHI LEP 2010, the new proposed shed and deck is smaller in area to the existing building and deck footprint, and its new location will maintain the existing levels of public access to the foreshore.

Part 3 Development Control Policy

3.4	Development within the Foreshore	Y	<p>The proposal is generally consistent with the objectives for development in the Foreshore Building line. The proposed boatshed structure is related to recreational and marine facilities ancillary to the Pinetrees Lodge.</p> <p>Clause 3.4 of the DCP limits the size of boatsheds to 24m² in area (excluding covered decks) and new boatsheds should be located between Neds Beach Road and Middle Beach Road.</p> <p>The developments permissibility within the foreshore building line has already been established earlier in Section 8.1 of this report, under clause 35 (Foreshore Development), LHI LEP 2010.</p> <p>Notwithstanding the above, the proposed boatshed location reflects its proximity for the use by patrons of Pinetrees Lodge. The variation to the DCP should also be considered due to its long-standing permissive occupancy in this location since the 1930s and its links to tourism and travel to Lord Howe Island. The replacement of the boatshed is also the consequence of adverse coastal erosion processes, and its removal will enable the LHIB to manage these processes in this locality into the future.</p>
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			<p>The proposed boatshed is slightly larger than the DCP permits being 36m². However, the newly erected boatshed is approximately 50% smaller than the existing boatshed being replaced. Additionally, the proposed boatshed is consistent with the DCP height limit of 4m, is constructed in non-reflective materials being complimentary to the landscape and setting and will be landscaped/screened appropriately with endemic plant species. The existing public foreshore access will be maintained.</p> <p>Consequently, the subject proposal is supported generally (as outlined throughout this report) but also specifically under clause 3.4 of the LHI DCP.</p>
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9 Environmental Effects

9.1 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 8.1) and the proposed development was found to comply with all relevant provisions subject to the conditions of approval included in the recommendation of this report.
 - ii. Any proposed instrument that is or has been the subject of public consultation under this Act
Comment: N/A
 - iii. Any development control plan
Comment: An assessment of the proposal against the LHI DCP 2005 has been undertaken in Section 8.2.
 - 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

An assessment of the environmental impacts of the proposal have been considered elsewhere in this section of the subject report. The table below provides further assessment of any likely impacts.

Likely environmental impacts

Potential Impacts	Proposal
Access, Transport and Traffic	As stated earlier under clause 11(d), LHI LEP 2010, the new proposed shed and deck is smaller in area to the existing building and deck footprint, and its new location will maintain the existing levels of public access to the foreshore.
Public Domain, Visual and Streetscape	As stated earlier under clause 35 (Foreshore Development), LHI LEP 2010, the replacement boatshed, and deck will be setback further away from the lagoon and be around 50% smaller than the existing structures they will replace. Therefore, they will only improve the existing visual amenity of the foreshore area.
Ecological	As stated previously the proposal will not result in the removal of any SNV or result in a significant effect for any threatened species, populations or ecological communities, or their habitats. Once the existing boatshed and deck is removed, the existing site will be restored and rehabilitated to improve the environmental values of the area and contribute to reduced future adverse coastal impacts in the area.
Flood	The site is not identified as flood affected.
Heritage	The subject site is not listed as a heritage item (refer to the earlier assessment provided in section 7.2.2 (NSW Heritage Act 1977)).
Views	Public and private views will not be impacted.
Privacy	The proposal will not create detrimental privacy impacts.
Open Space	The proposal will not have a detrimental impact on public open space. The new structure will be around 50% smaller than the existing, be setback further from the Lagoon and Foreshore, and maintain existing levels of public access. Rehabilitation and revegetation works will be also be undertaken of the existing boatshed location and the new structures as well improving public open outcomes.
Social and economic Impact in Locality	The proposal will only have beneficial social and economic impacts through continued provision of opportunities for social interaction by tourists and residents and strengthening of the local tourism industry.
Construction	Construction will need to be undertaken in accordance with the BCA/NCC requirements, and as per the recommended DA conditions of consent.

c) the suitability of the site for the development

Having regard to its location, and the preceding assessment, the site will adequately accommodate the proposal, and is suitable for the proposal for the reasons outlined in this report.

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

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

e) the public interest

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

attached recommendation.

9 Conclusion

The subject OC 2020-03 and DA 2020-03 applications are recommended for approval. The development application has been assessed with regard to the provisions of Section 4.15 of the EP&A Act, the LEP 2010 and DCP 2005 and the relevant codes and policies of the Lord Howe Island Board.

The application for relocation of the Pinetrees Boatshed is considered to have planning merit and is supported subject to the application of a number of conditions and advisory notes outlined in the following recommendation.

10 Recommendation

Owners Consent and Development Consent Recommendation (Conditional Approval)

1. That application for 'Owner Consent' OC2020.03 for demolition of the existing Pinetrees boatshed and deck, and construction of a new boat shed and deck at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, is approved.

2. That Development Application 2020-03 for demolition of the existing Pinetrees boatshed and deck, and construction of a new boat shed and deck at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, be approved subject to the following conditions and advisory notes:

1. Approved Plans and Supporting Documentation

The development is to be carried out in accordance with the plans and documentation provided with OC 2020-03 and DA 2020-03 as listed below and endorsed with the Lord Howe Island Board's stamp, except where amended by the conditions of this consent. To the extent of any inconsistency between the plans and conditions of consent, the imposed conditions of consent are to prevail.

- a) Completed OC and DA Forms prepared by Danielle Rourke, dated 07/11/2019 & 08/11/2019.
- b) Statement of Environmental Effects prepared by Danielle Rourke & Innovate Architects.
- c) Site Context, Site Plan, Boatshed Floor Plan, Elevations, Sections, Perspective Drawing prepared by Innovate Architects dated October 2019.

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

2. Development Timing

- a) The approved demolition of the existing Boatshed, underfloor basement and deck shall be undertaken within two (2) months of completion of the new Boatshed and deck.
- b) The approved revegetation, rehabilitation and dune stabilisation works of the boatshed's existing location, is to be completed within three (3) months of completion of the new Boatshed and deck.

Reason: To ensure that the subject development is undertaken and completed in accordance with this development consent and the approved plans.

3. Construction Certificate

- a) 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.
- 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 A2.2 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) If the applicant is proposing a Deemed-to-Satisfy Solution for any requirements of the BCA/NCC, the relevant Solution must be determined in accordance with A2.3 of the BCA/NCC. A report outlining any proposed Deemed-to-Satisfy Solutions must be compiled by an appropriate person and submitted with the application for a Construction Certificate.
- 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) The applicant is to ensure the Construction Certificate plans align with the approved Development Application plans and these conditions.
- f) 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.
- g) 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.
- h) The applicant is to appoint a Principal Certifying Authority (PCA) to certify the works. The applicant should be aware the PCA may impose additional conditions for compliance with the Construction Certificate process.

4. Access for People with a Disability

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:

- Access to and within all areas of the building
- Doorway widths

5. Fire Safety

- a) 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 7b building and the intended use.
- 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 each year an Annual Fire Safety Statement for the Pinetrees Boat Shed is supplied to the Board as a record of the functionality and ongoing maintenance of any fire safety measures installed.

Reason: To ensure the resulting development is fire safe.

6. Water

- a) The stormwater run-off is to be managed in such a way that the footings of the building (and deck) are not compromised. This could be via rainwater storage tanks or an appropriate absorption trench. The method of management of this stormwater should be shown on the construction drawings.
- b) The application indicates potable water use within the proposed shed (shower and sink). All plumbing work, including the connections to the potable water system, is to be undertaken by a licensed plumber.

Reason: To ensure works are undertaken appropriately.

7. Wastewater

No soap or similar products are to be used in the proposed shower or basins.

Reason: To protect the environment.

8. Waste Management

- a) Any waste generated from the development is to be contained within the site and then be recycled or disposed of at the authorised waste treatment facility on the Island. This excludes asbestos waste, which is the responsibility of the applicant to remove from the Island.
- b) No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.
- c) 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.
- d) 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.

9. Construction and Demolition

- a) A Demolition and Construction Management Plan is to be submitted and approved by the Board prior to the issuing of a Construction Certificate. The Plan shall detail:
 - i. A programme for the works including indicative time frames for different activities including inspection points
 - ii. Strategies for protecting any services during demolition of the existing structures.
 - iii. A waste management plan detailing how all building waste will be managed. This plan will include waste types and quantities in m³.
 - iv. If the intent is for the waste to be disposed of through the Waste Management Facility the plan shall detail discussion with the Waste Management Facility Coordinator.
 - v. A site plan showing material storage areas, stockpile areas – waste and

construction materials - and any erosion protection measures to be implemented.

- b) The demolition of the existing structures are to be carried out in accordance with AS2601-2001: the demolition of structures so that the risk of injury to the workers and other site personnel, and the risk of damage to the immediate environment is minimised.
- c) No excavation to be carried out until the site is inspected by the LHIB Senior Electrical Officer, i.e. 'dial before you dig'.
- d) All construction is to be carried out and completed in accordance with the Building Code of Australia (BCA)/National Construction Code (NCC).
- e) 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.
- f) All works are to be undertaken in accordance with approved Construction Certificate documentation.
- g) A pre-commencement meeting to be arranged with the Owner, Builder and Board Personnel prior to any work commencing on site to ensure all activities nominated within the Construction Management Plan are adequately provided for.
- h) The applicant is to ensure all Mandatory Inspections are undertaken.
- i) Prior to the issuing of an Occupancy Certificate the applicant is to ensure compliance with any/all conditions imposed by the Board as part the Development Application/Construction Certificate approval process.

Reason: To ensure compliance with legislative requirements

10. 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 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
- b) stating that unauthorised entry to the work site is prohibited.

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.

11. Inspections

The Principal Certifying Authority shall determine the appropriate mandatory inspections to be completed and will require those inspections to be undertaken.

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

12. Construction Hours

All construction works 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 Sunday 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.

13. Ecological

- a) If any live LHI Gecko, LHI Skink 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 dwellings/structures) away from the development site so they can escape predation by predators such as LHI Currawong and LH Woodhens.
- b) To negate loss of habitat or disturbance to nesting Wedge-tailed Shearwater it is recommended that all works are undertaken outside of the nesting season commencing 1st September and ending 31st May annually;
- c) All lighting for any associated infrastructure must be tinted either yellow, orange or red to reduce attractiveness by nesting seabirds
- d) All construction and demolition materials and building activity are restricted to being stock piled on cleared open areas devoid of native vegetation or habitat for threatened species or Wedge-tailed Shearwater nesting habitat

14. Permissive Occupancy

Permissive Occupancy PO 2014.01, for the existing Boatshed and deck shall be removed/ deleted in conjunction with the creation of the PO for the new Boatshed and deck.

Reason: to ensure compliance with this development consent and the approved plans.

ADVICE TO APPLICANT:

Significant Native Vegetation

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

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 8.7 and 8.10 of the EP&A 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 4.53 of the Act.

Recommended:	Recommended:
	
Peter Chapman Date: 17 March 2020 LHI Consultant Town Planner & Director All About Planning	Peter Adams Date: 21 April 2020 Chief Executive Officer Lord Howe Island Board

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

Planning Assessment Report

Item OC 2020.01 & DA 2019.10 for:

1. Alterations and additions to the existing primary dwelling, including demolition of shed and construction of attached studio;
2. Relocation of approved property access;
3. Retention of existing cottage and decommissioning to a non-habitable storage shed
4. FujiClean CE1500EX wastewater treatment system to replace existing septic;

at Lot 813 DP 1213759, Mutton Bird Drive, Lord Howe Island.

1 Summary Assessment Report

Assessment Officer	Peter Chapman – Consultant Town Planner
Address/Property Description	Lot 813 DP 1213759, Mutton Bird Drive, Lord Howe Island
Proposal	Alterations and Additions to the Existing Primary Dwelling including Demolition of Shed and Construction of Attached Studio, Relocation of Approved Property Access, Retention of Existing Cottage and Decommissioning to a Non-Habitable Storage Shed and FujiClean CE1500EX wastewater treatment system to replace existing septic,
Owners Consent Application No	OC 2020.01 has been concurrently processed with the subject DA 2019.01
Applicant	Janelle Makiiti
Estimated Cost of Development	Revised estimate \$149,000.00
Site Inspections	A site inspection has been undertaken.
Zone	Zone 2 Settlement. The proposed development is permissible with the consent of the LHI Board.
Significant Native Vegetation Map	Part of the lot contains mapped Significant Native Vegetation (SNV). The proposed alterations and additions to the existing dwelling are not located within a SNV mapped area, and the proposed relocated property access will not likely result in the damage or removal of SNV.
Notification	DA 2019.10 was originally placed on public exhibition from 15/02/19 to 01/03/2019. Due to two subsequent amendments to the plans, the proposal was re-exhibited from 19/7/2019 to 02/08/19 and then 26/11/19 to 10/12/19.



Submissions Received	No submissions were received.
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Report Recommendation	<ol style="list-style-type: none"> 1. The application for OC 2020.01 for Alterations and Additions to the Existing Primary Dwelling including Demolition of Shed and Construction of Attached Studio, Relocation of Approved Property Access, Retention of Existing Cottage and Decommissioning to a Non- Habitable Storage Shed and FujiClean CE1500EX wastewater treatment system to replace existing septic, at Lot 813 DP 1213759, Mutton Bird Drive, Lord Howe Island, be approved. 2. The application for DA 2019.10 for Alterations and Additions to the Existing Primary Dwelling including Demolition of Shed and Construction of Attached Studio, Relocation of Approved Property Access, Retention of Existing Cottage and Decommissioning to a Non- Habitable Storage Shed and FujiClean CE1500EX wastewater treatment system to replace existing septic, at Lot 813 DP 1213759, Mutton Bird Drive, Lord Howe Island, be approved subject to the conditions detailed in section 11 of the report.
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2 Consent Authority

Owner's Consent Delegations

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

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

The subject OC proposal complies with the above delegations to the CEO as the proposal has an estimated cost of development of \$149,000, is permissible development under the LEP (as discussed in this report), and it does not include a subdivision or new residential dwellings.

Development Application Delegations

Both the LHIB CEO and Chairperson have delegation to grant consent to Development Applications (DAs) subject to the following conditions:

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

The subject proposal has an estimated cost of development of \$149,000.00, does not relate to the subdivision of land or creation of new residential dwellings, and as no submissions were received, complies with the above delegations to the CEO. However, at the request of a member of the LHIB, this matter is reported to the full LHIB for determination.

2 Site Description

The site is identified as Lot 813 DP 1213759, Mutton Bird Drive, Lord Howe Island. As shown in *Figure 1*, the allotment is irregularly shaped and currently contains several buildings including the primary dwelling generally clustered centrally within the lot. The closest existing dwellings to the site are located on the immediately adjoining Lot 154, DP 757515 to the south-east of the subject dwelling. The total area of the site is 7,802m².





Figure 1 Aerial photograph of site. Source: SIX Maps

The site includes an existing single storey residential dwelling, and three separate buildings/sheds (one being a former cottage) located in the centre of the site. There are four large water tanks located along the eastern common boundary of the site (in alignment to the rear of the existing dwelling). There are other ancillary domestic structures spread across the property.

The land has partly been cleared, there is some landscaping around the existing dwelling, and vegetable gardens near the larger northern shed. There is significant vegetation located along the allotment boundaries, and there are large tracts/areas of significant vegetation scattered throughout the site (refer to *Figure 1*).

The site has a frontage of 18.41m along Mutton Bird Drive. The site has an existing informal driveway located along the eastern property boundary leading to the main house and northern shed providing egress to/from Mutton Bird Drive.

In accord with its general location, the site is flat without any significant topographical features.

Lot 813 is located in Zone 2 Settlement (refer *Figure 2*) under the *LHI LEP 2010*. Zone 2 Settlement also adjoins the site to the south, south-east, and west adjoining Mutton Bird Drive. Zone 7 Environmental Protection adjoins to the north and north-west of the site.

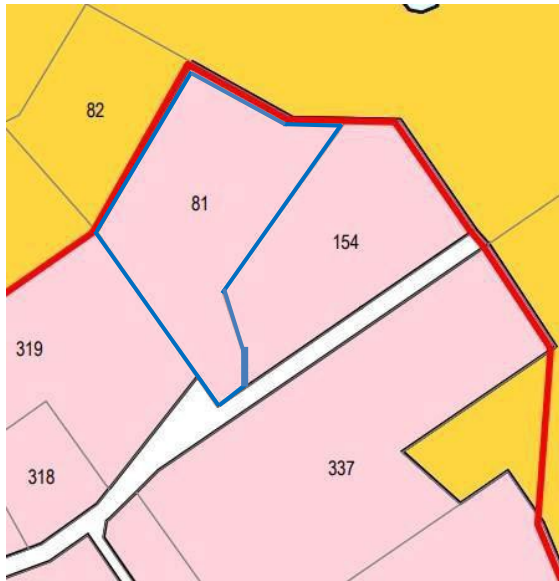


Figure 2: Extract from the Lord Howe Island Local Environmental Plan 2010 (LEP 2010) Zoning Map detailing 2 Settlement zoning of site

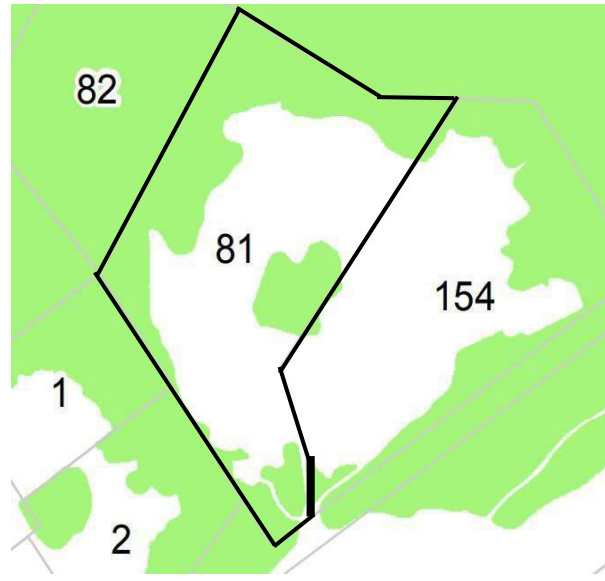


Figure 3: Extract from the LEP 2010 SNV Map identifying extent of SNV on subject site.

Whilst part of the lot is mapped Significant Native Vegetation (SNV) (refer *Figure 2* above), the proposal is not located within a SNV mapped area and no SNV will be damaged or removed as a result of the proposal.

4 Site History

DA2015.15 for 'demolition of existing dwelling and rebuild of the dwelling and subdivision of land over 2 stages' was approved in May 2015. This approval was for the demolition of the existing cottage located adjoining the main dwelling on the site, the construction of a replacement new stand-alone dwelling towards the (then) north eastern rear of the site and a 2 x lot subdivision excising that rear section of the site as a separate lot (now Lot 812) from the rest of the land.

Condition 5 of DA2015.15 stated "*Prior to the issue of an Occupation Certificate for the new dwelling, the existing dwelling which the new dwelling is to replace, is to be fully demolished*". This demolition was not undertaken, but the new dwelling was constructed, the subdivision certificate was released and the subdivision registered.

Condition 4 of DA2015.15 required: "*Prior to the issue of an Occupation Certificate, the applicant is required to register a reciprocal right of carriage and easement for services and maintenance for the Right of Way shown in the drawing Site Roof/Site Analysis/Construction Management Plan, March 2015.*" This approved ROC was to run through the position of the cottage (then proposed to be demolished), to the west of the main dwelling and the sheds behind it then rearwards to the (then) proposed new lot (now Lot 812) and house. This ROC/easement has not been registered on the subdivision (in addition to the cottage not being demolished as referenced above).

The subject DA2019.10 was lodged for alterations and additions to the existing primary dwelling and creation of an attached studio via a breezeway to the primary dwelling. The determination

of this DA was delayed as it also included the proposed retention of the cottage onsite, and relocation of the ROC. However as noted above, this conflicted with the approval of DA2015.15 and no amended OC had been issued for this change. Hence DA2019.10 has remained undetermined pending the receipt, assessment and determination of the subject OC 2020-01 which now forms part of this assessment.

5 Proposed Development

Alterations and Additions to Existing Primary Dwelling including Demolition of Shed and Construction of Attached Studio

The alterations and additions to the existing primary dwelling comprise:

- i) Extension of the existing dining/living area on the western elevation – demolition of existing external wall and construction of new roof, walls, windows and double doors;
- ii) Extension of the existing timber deck and timber posts and construction of a louvred pergola over the deck on the northern elevation;
- iii) Construction of a new timber deck, and extension of the covered roofed area along the north-western elevation;
- iv) Construction of a new 2m deep deck, timber posts and skillion roof providing a covered walkway along the eastern and northern elevation to connect the proposed studio, house and existing large shed;

The alterations to the existing main dwelling include removal of part of the western exterior wall and construction of an extension to the dining area being 4.85m x 3.34m (an additional area of 16.2m²). The timber deck and roofline will be extended by 2.44m x 6.12m along the north-western elevation.

The existing northern deck to the dwelling (3m x 8.27m) will be extended by 1m x 8.27m, and the connecting northern/western deck extension by 2.44m x 4m. A louvred pergola will be constructed over this deck. The decks and breezeway are not enclosed areas. The breezeway will be a 2m wide timber deck, with timber posts and a skillion roof. This wraps along the eastern and northern elevation of the proposed studio providing a connection to the dwelling, studio and shed.

The proposed studio comprises the demolition and replacement of an existing smaller shed to create a studio comprising a bedroom, living room and bathroom attached to the primary dwelling via the breezeway.

The studio construction includes new gable roof to match existing pitch, profile and colour, Newport profile weatherboard, new windows and French door, new internal walls, and a new bathroom.

The proposed studio involves the conversion of an existing shed located immediately behind the dwelling (to the north) to an attached one-bedroom studio. The renovation of the studio will include construction of new windows (with windows located on all sides of the studio), French doors on the northern elevation, internal living room, bedroom and bathroom facilities (toilet, shower, basin). The existing roof and exterior walls will be removed and replaced with a new gable roof to match existing pitch, profile and colour, and the exterior will be replaced with Newport profile weatherboard. The studio will be attached to the main dwelling through a breezeway. The studio will have an area of 43.62m².

The existing dwelling has an approximate gross floor area (GFA) of 172m². With the new extension to the main dwelling, and the addition of the attached studio area of 43.62m², the residential dwelling will have a total GFA of approximately 232m².

Relocation of Approved Property Access

The proposed OC and DA will relocate the approved (ref DA2015.15) property access from the western side of the main dwelling to the east to the existing driveway, which will in turn be extended to also provide access to the rear Lot 812. As noted earlier, this approved ROC was to run through the position of the cottage (then proposed to be demolished), to the west of the main dwelling and the sheds behind it then rearwards to the (then) proposed new lot (now Lot 812) and house.

As originally submitted with the subject DA2019.10 the approved property access was to be relocated to the west of the (now proposed) retained & decommissioned cottage. This was assessed by the LHIB's, Manager Environment / World Heritage as requiring removal of 30 native plants including 15 planted Kentia Palms and additional native remnant plantings. It would also have been located within the nesting habitat for Flesh-footed Shearwaters resulting in the loss of 3 burrows, and increased potential for road kill due to proximity of the driveway to potential habitat for other threatened species. As a consequence, compensatory offset plantings of 100 native plants would have been required.

As a result of the assessed negative ecological and environmental impacts resulting from the above relocated property access, the applicants were advised to amend their plans. The newly proposed ROC will be provided using the existing driveway located on the eastern side of the primary dwelling, and will be extended rearwards towards Lot 812 and the newly constructed dwelling on this rear lot. The amended ROC will result in significantly less ecological and environmental impacts, yet provide access for both allotments as required under previous *DA 2015/15*. The LHIB administration also identified a legal procedural change in the manner in which the new property access over Lot 813 (to the benefit of 812) is achieved and registered. This administrative requirement will form part of the recommended conditions of consent should the OC and DA be approved.

Retention of Existing Cottage and Decommissioning to a Non-Habitable Storage Shed

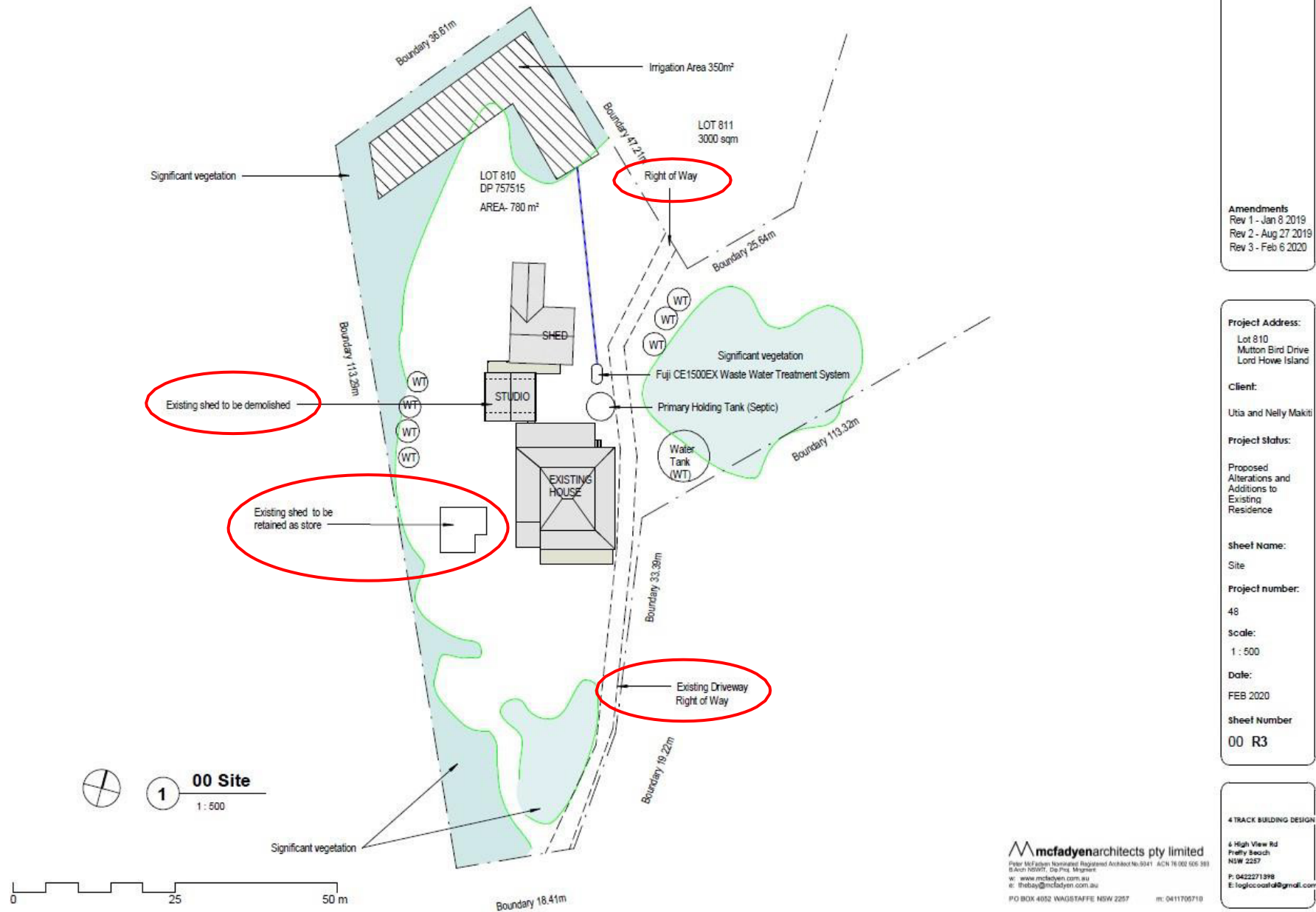
As intimated earlier, the subject applications propose to retain the cottage to the south-west of the primary dwelling, with decommissioning to a non-habitable shed / out-building. This change of use will be achieved through the removal of the building's existing kitchen, bathroom shower and toilet, and its subsequent use only for storage. These requirements will form part of the recommended conditions of consent should the OC and DA be approved.

The applicant has submitted plans including site plan, floor plans, elevations and perspectives for the alternations and additions, studio, final proposed relocated carriageway, and retained cottage to be decommissioned (refer to *Figures 4 – 11*).

Wastewater System Upgrade

The existing on-site septic wastewater system is proposed to be upgraded to a Fuji Clean CE1500Ex treatment tank and modified effluent disposal area to be sited within SNV. The new Fuji Clean CE1500EX system will include nutrient reduction and disinfection with treated effluent being disinfected with chlorine prior to discharge, via a small diameter surface drip irrigation pipe to an irrigation (surface-laid pipe) field within the mapped SNV at the north westerly rear area of the site. The irrigation field requires no excavation or removal of vegetation. The installation of the wastewater treatment system itself will be excavated with the excess soil available to backfill the redundant septic tank.

The irrigation field being within mapped Significant Native Vegetation is deemed reasonable for the development.



Amendments
Rev 1 - Jan 8 2019
Rev 2 - Aug 27 2019
Rev 3 - Feb 6 2020

Project Address:
Lot 810
Mutton Bird Drive
Lord Howe Island

Client:
Utia and Nelly Makiti

Project Status:
Proposed
Alterations and
Additions to
Existing
Residence

Sheet Name:
Site

Project number:
48

Scale:
1 : 500

Date:
FEB 2020

Sheet Number
00 R3

Figure 4: Amended Site Plan with alterations and additions to house & proposed studio, relocated property access, & retention of cottage for storage,

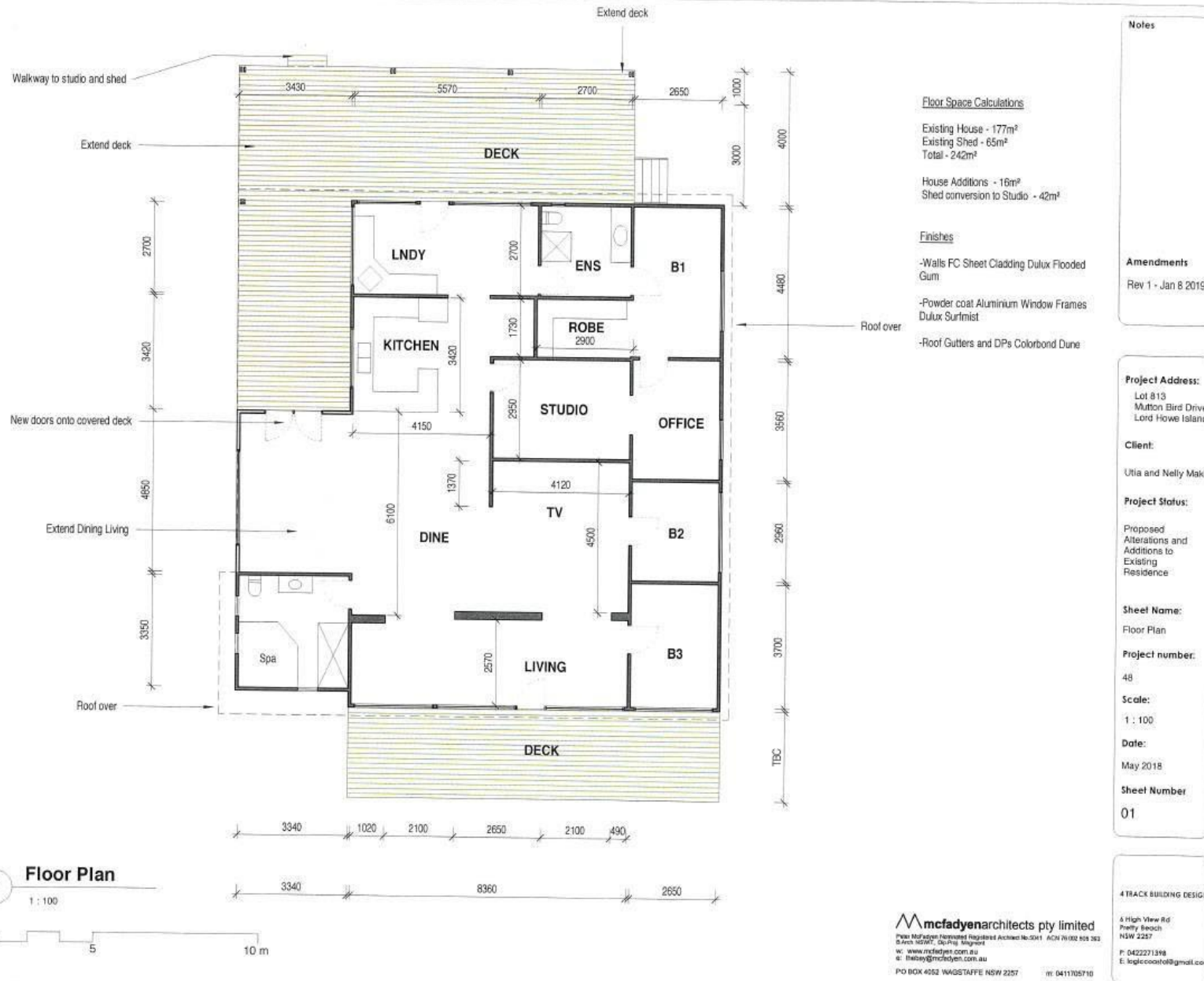
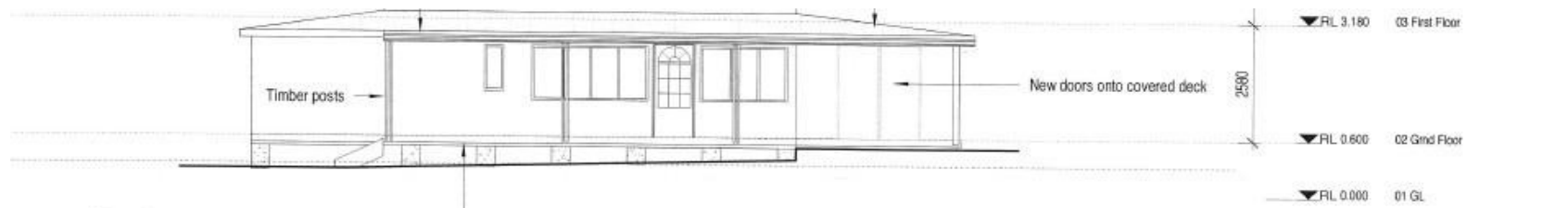


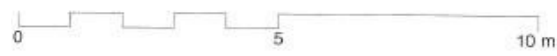
Figure 5: Floor Plan of proposed alterations and additions to primary dwelling



1 North Elevation
1 : 100



2 South Elevation
1 : 100



Amendments
Rev 1 - Jan 8 2019

Project Address:
Lot 813
Mutton Bird Drive
Lord Howe Island

Client:
Utia and Nelly Makiti

Project Status:
Proposed
Alterations and
Additions to
Existing
Residence

Sheet Name:
Elevations N/S

Project number:
48

Scale:
1 : 100

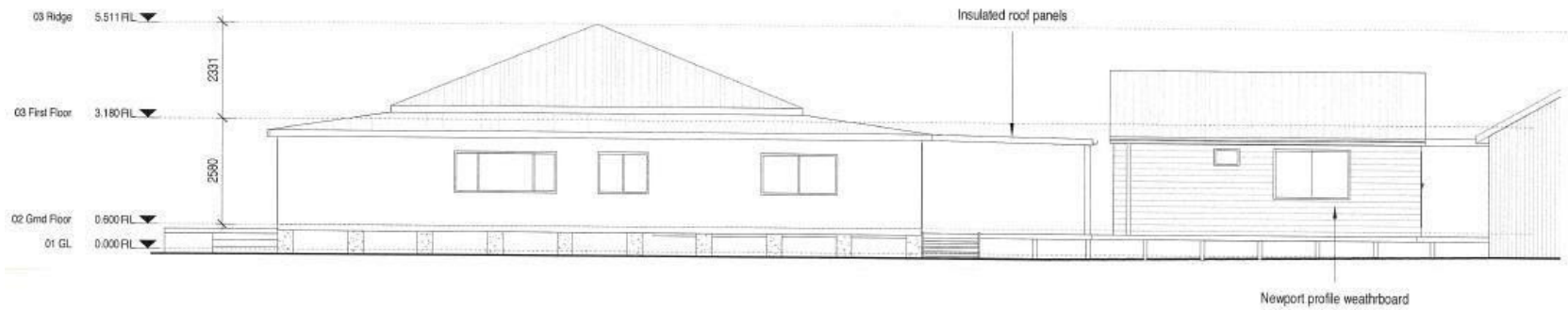
Date:
May 2018

Sheet Number
02

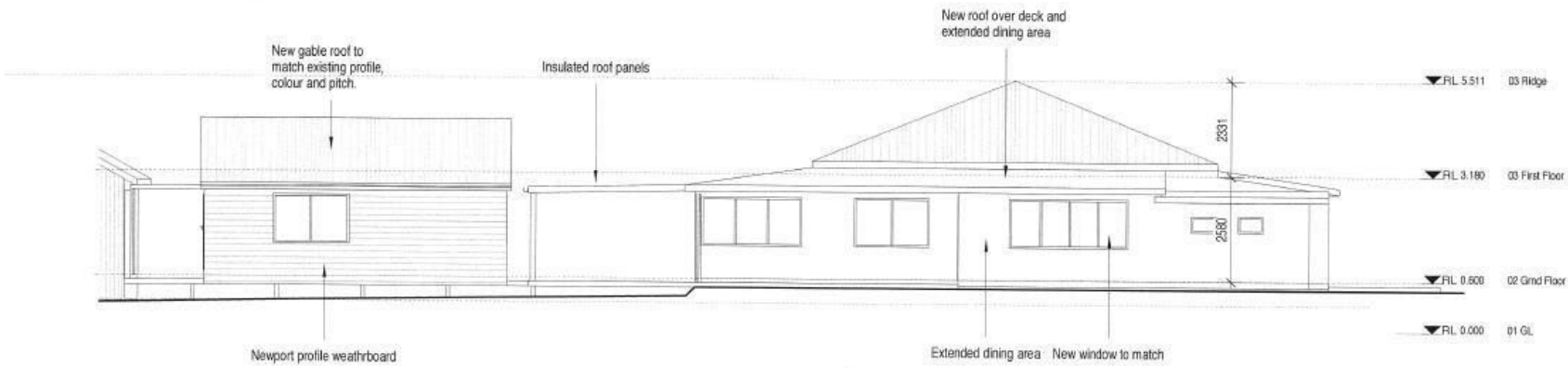
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4 TRACK BUILDING DESIGN
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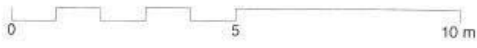
Figure 6: Northern and Southern Elevations of proposed alterations and additions to primary dwelling



1 East Elevation
1 : 100



2 West Elevation
1 : 100



Amendments
Rev 1 - Jan 8 2019

Project Address:
Lot 813
Mutton Bird Drive
Lord Howe Island

Client:
Ulta and Nelly Makiti

Project Status:
Proposed:
Alterations and
Additions to
Existing
Residence

Sheet Name:
Elevations E/W

Project number:
48

Scale:
1 : 100

Date:
May 2018

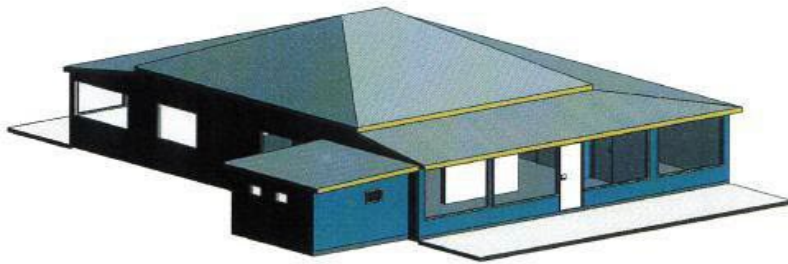
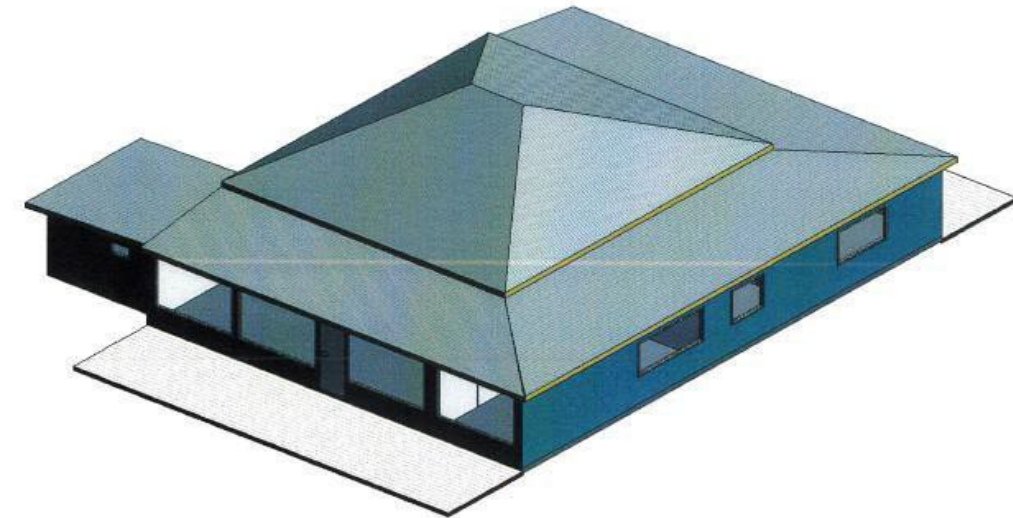
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www.mcfadyen.com.au
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Figure 7: Eastern and Western Elevations of proposed alterations and additions to primary dwelling



Notes

Amendments
Rev 1 - Jan 8 2019

Project Address:
Lot 813
Mutton Bird Drive
Lord Howe Island

Client:
Ulta and Nelly Makiti

Project Status:
Proposed
Alterations and
Additions to
Existing
Residence

Sheet Name:
Existing House

Project number:
48

Scale:
1 : 1

Date:
May 2018

Sheet Number
04

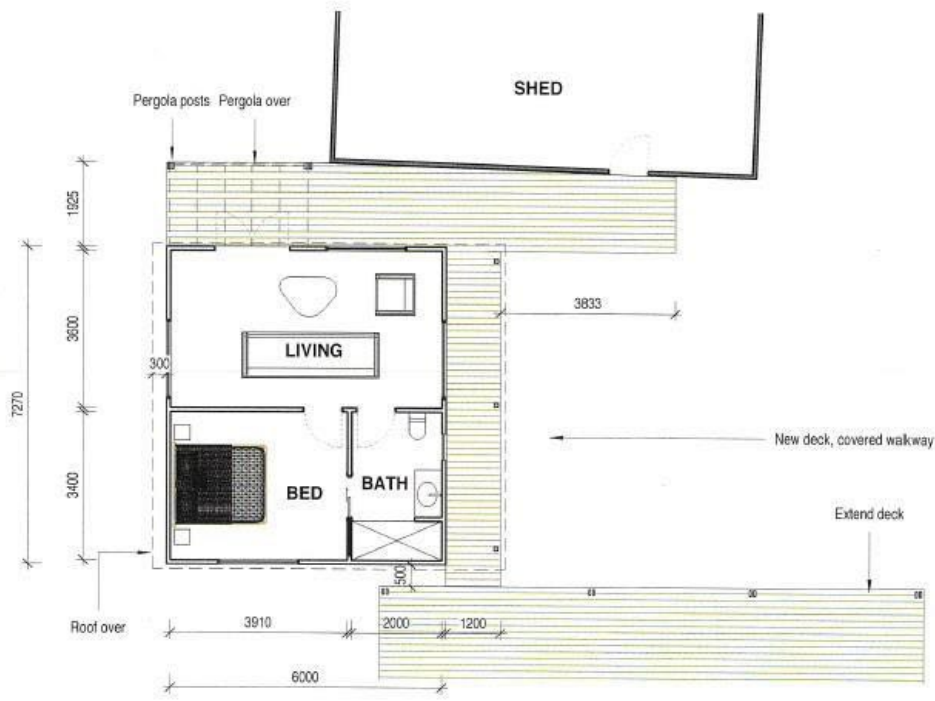
4 TRACK BUILDING DESIGN

4 High View Rd
Pretty Beach
NSW 2257

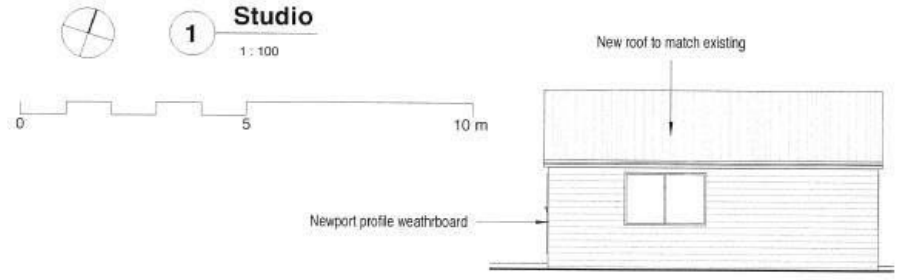
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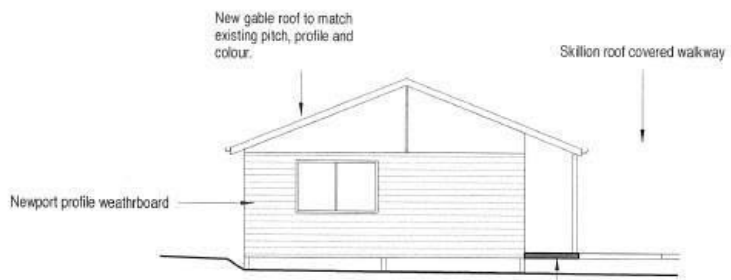
Figure 8: Perspectives detailing alterations and additions to primary dwelling



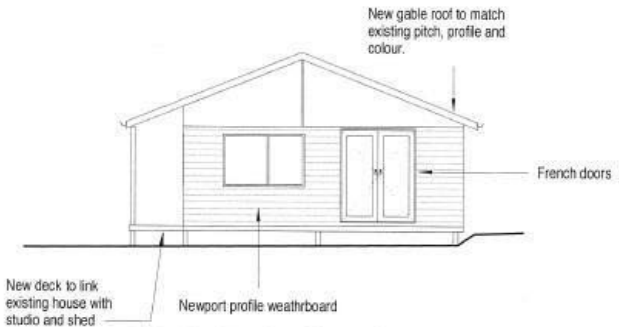
1 Studio
1 : 100



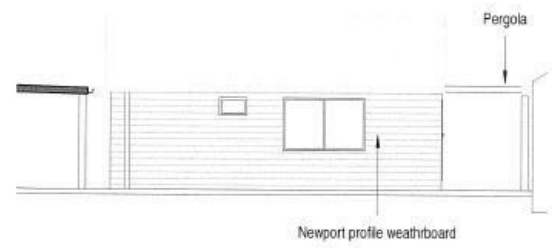
4 West Studio Elevation
1 : 100



2 South Studio Elevation
1 : 100



3 North Studio Elevation
1 : 100



5 East Studio Elevation
1 : 100

Notes

Amendments
Rev 1 - Jan 8 2019

Project Address:
Lot 813
Mutton Bird Drive
Lord Howe Island

Client:
Ulta and Nelly Makiti

Project Status:
Proposed
Alterations and
Additions to
Existing
Residence

Sheet Name:
Studio

Project number:
48

Scale:
1 : 100

Date:
May 2018

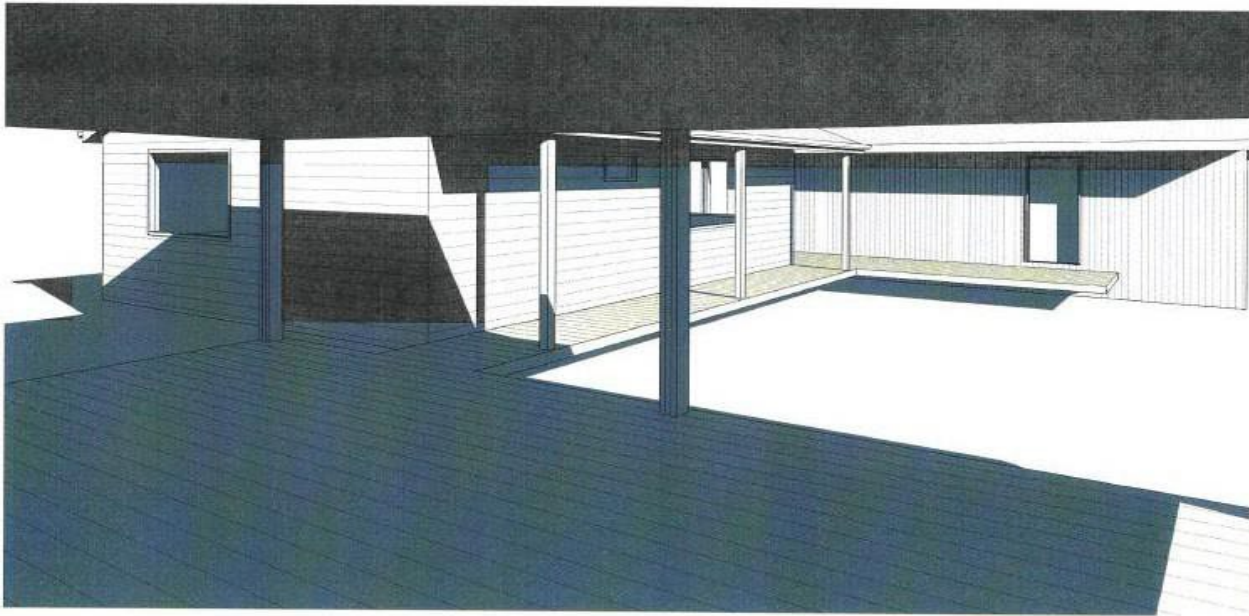
Sheet Number
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Figure 9: Applicant's submitted ancillary Studio Floor Plan & Elevations



Notes

Amendments
Rev 1 - Jan 8 2019

Project Address:
Lot 613
Mutton Bird Drive
Lord Howe Island

Client:

Utia and Nelly Makiri

Project Status:

Proposed
Alterations and
Additions to
Existing
Residence

Sheet Name:

Studio SD

Project number:

48

Scale:

Date:

May 2018

Sheet Number

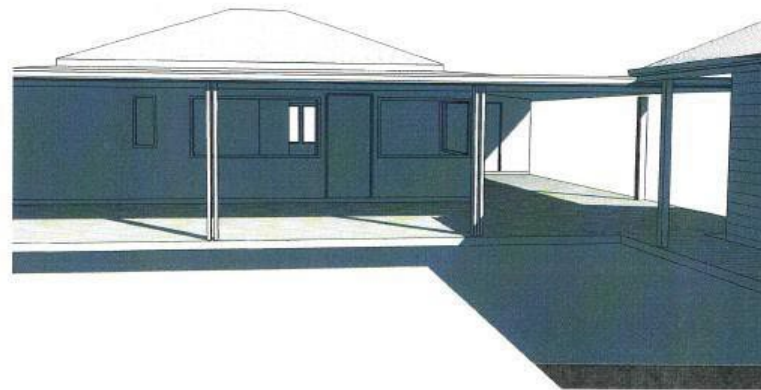
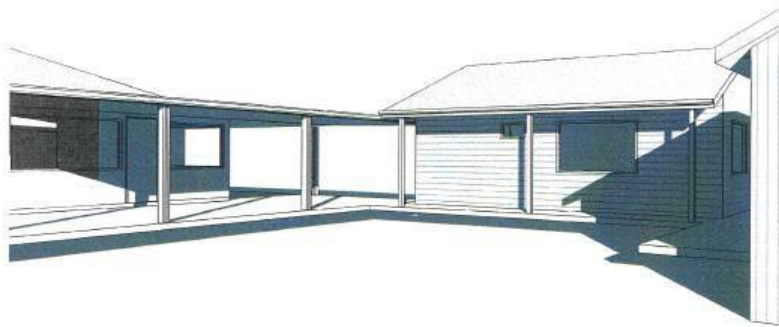
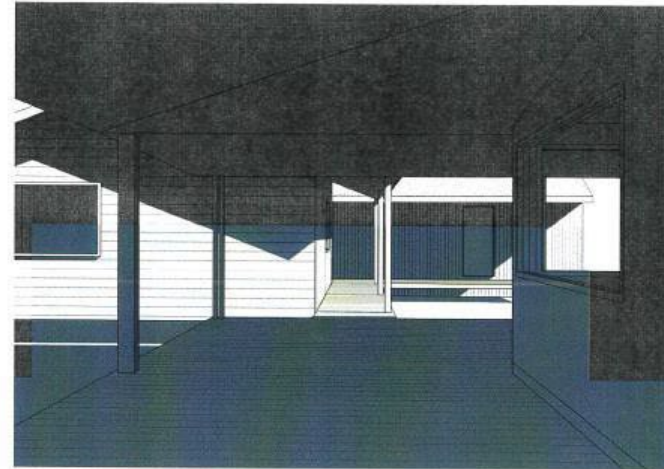
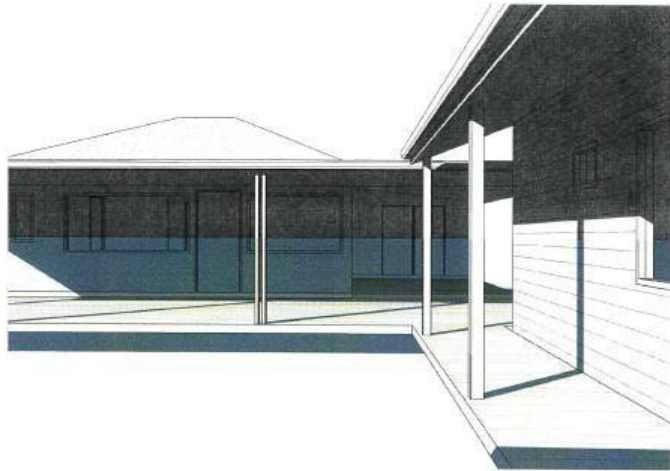
06

4 TRACK BUILDING DESIGN

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Figure 10: Applicant's submitted perspective of proposed studio, walkway, and existing rear shed as viewed from the proposed northern deck of the primary dwelling



Notes

Amendments
Rev 1 - Jan 8 2019

Project Address:
Lot 819
Mutton Bird Drive
Lord Howe Island

Client:
Ulia and Nelly Makiti

Project Status:
Proposed
Alterations and
Additions to
Existing
Residence

Sheet Name:
Studio 3D 2

Project number:
4B

Scale:

Date:
May 2018

Sheet Number
07

4TRACK BUILDING DESIGN

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Figure 11: Applicant's submitted varying perspective of the proposed studio, deck / walkways, alteration / additions to the primary dwelling.

FLAT: EXTERNAL WALLS DIMENSIONS
INTERNAL WALLS DIMENSIONS

- KEYS
- : ROOF LINE
 - : WINDOWS
 - ∩: DOORS
 - ⊕: TOILET BOWL + CISTERN
 - : VANITY
 - ⊞: LAUNDRY SINK

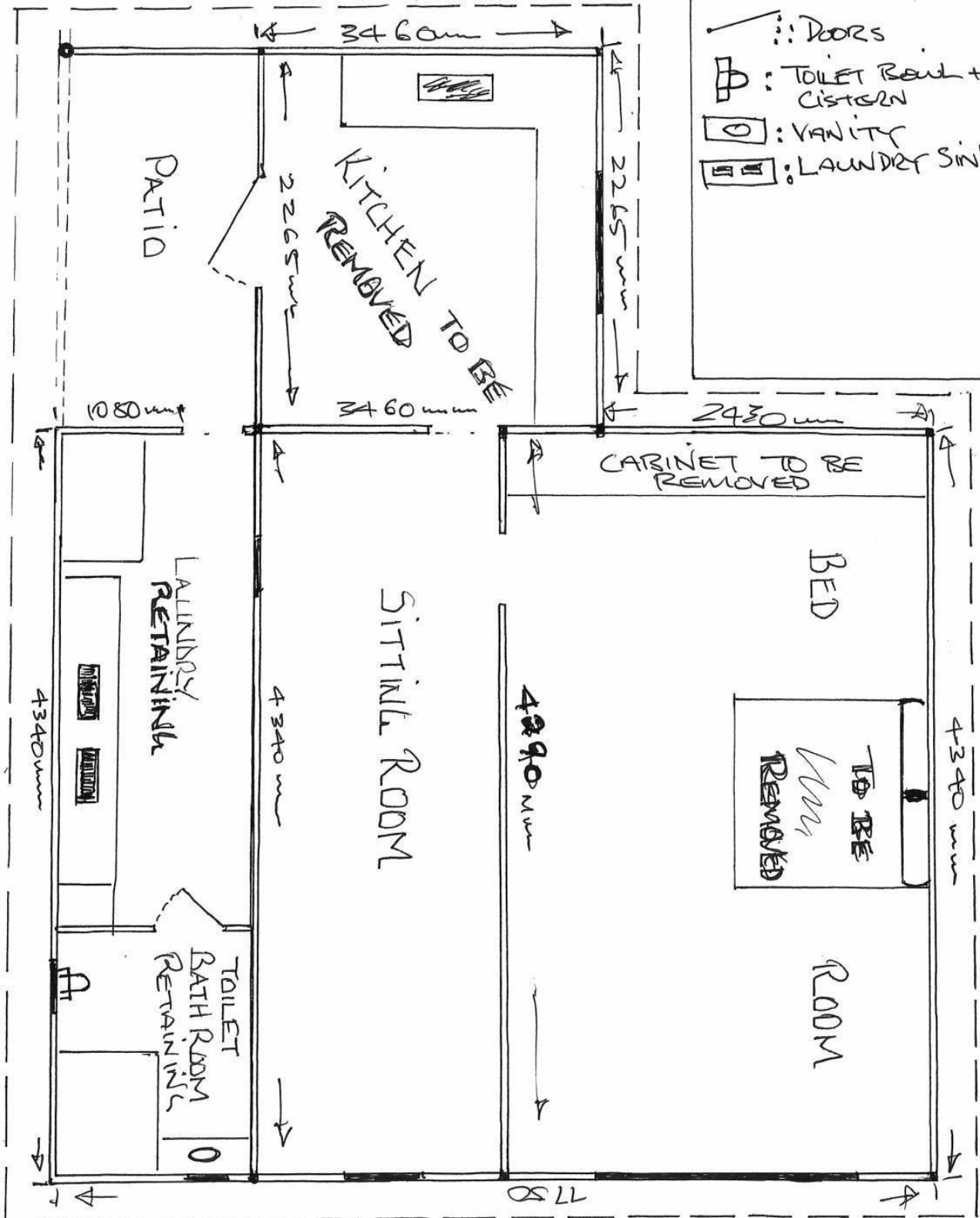


Figure 12: Existing Cottage Floor Plan with proposed decommission works for use as storage shed



Figures 13 & 14: Applicants submitted photos of the Cottage to be decommissioned and used as a storage shed.

6 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						
Hank Bower Manager Environment World Heritage	Referral comments were received on the original proposed amendment to relocate the approved property access to the west of the existing cottage and therefore adjacent to the ecologically significant areas and nesting habitat of the site. In light of this information the plans were amended to relocate the access to the east of the primary dwelling in the location of the existing driveway, thereby avoiding the stated ecological concerns.	Noted, with standard ecological requirements included in the conditions						
Kate Dignam – Team Leader Compliance & Projects	<p>Building Class:</p> <table data-bbox="475 831 1192 936"> <tr> <td>Existing Dwelling</td> <td>1a</td> </tr> <tr> <td>New Studio</td> <td>1a</td> </tr> <tr> <td>Retained Shed/Decommissioned cottage</td> <td>10a</td> </tr> </table> <p>Notes relating to issuing of Construction Certificate</p> <ul data-bbox="488 1032 1192 1928" 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. • 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. • BASIX Commitments are to be certified by a certifying authority before the issuing of an Occupation Certificate. • 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. • As the building is classified as 1a, construction must be overseen by a licenced builder. The licenced builder is to be nominated in the Construction Certificate application. <p>Alternatively, the applicant can apply for an Owner Builder Permit, issued by NSW Fair Trading. A copy of the Owner Builder Permit is to be supplied with the Construction Certificate Application.</p> <ul data-bbox="539 1951 1192 2024" style="list-style-type: none"> • Prior to the issuing of a Construction Certificate the applicant is to provide evidence that the licensed contractor/builder undertaking the residential building 	Existing Dwelling	1a	New Studio	1a	Retained Shed/Decommissioned cottage	10a	Noted, with the suggested requirements included in the recommendation of this report.
Existing Dwelling	1a							
New Studio	1a							
Retained Shed/Decommissioned cottage	10a							

	<p>work has taken out insurance under the Home Building Compensation Fund as per the Home Building Act 1989.</p> <p>If the applicant is undertaking the work as an Owner Builder there is no requirement to show evidence of payment of insurance under the Home Building Compensation Fund.</p> <ul style="list-style-type: none"> • 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"> • No relevant matters. <p>Fire Safety</p> <ul style="list-style-type: none"> • The applicant is to ensure that fire detection and early warning devices, such as automatic smoke detectors, are installed in the new studio so that occupants may evacuate, in the event of fire, to a place of safety. The placement of early warning devices is to be in accordance with AS1851.8 • The applicant is 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 residence. <p>Flood Management</p> <ul style="list-style-type: none"> • No relevant matters. <p>Safe Movement and Access</p> <ul style="list-style-type: none"> • No relevant matters. <p>Wastewater</p> <ul style="list-style-type: none"> • The existing septic system is to be replaced with a FujiClean CE1500EX wastewater treatment system prior to issue of any occupation certificate to the satisfaction of the LHIB. • All plumbing work, including approved connections to the wastewater system, is to be undertaken by a licensed plumber. <p>Water</p> <ul style="list-style-type: none"> • 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. 	
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	<ul style="list-style-type: none"> • The applicant is to ensure all stormwater from the roof structures is diverted rainwater tanks or an appropriate absorption trench. <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. This excludes asbestos waste, which is the responsibility of the applicant to remove from the Island. • Waste disposal fees will be charged in accordance with the Lord Howe Island Board's schedule of fees and charges. • No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site. <p>Waste Management - Asbestos</p> <ul style="list-style-type: none"> • If any material containing asbestos is found on site during the demolition and construction process the material is to be removed and disposed of in accordance with WorkCover requirements. An appropriately licenced asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos. • The removal of more than 10m² of bonded asbestos and/or any friable asbestos must be certified by an appropriate person. The clearance certification must be provided to the Board before any Occupancy Certificate for the building can be issued. <p>Construction and Demolition</p> <ul style="list-style-type: none"> • A Demolition and Construction Management Plan is to be submitted and approved by the Board prior to the issuing of a Construction Certificate. The Plan shall detail: <ul style="list-style-type: none"> ○ A programme for the works including indicative time frames for different activities including inspection points ○ A waste management plan detailing how all building waste will be managed. This plan will include waste types and quantities in m³. ○ If the intent is for the waste to be disposed of through the Waste Management Facility the plan should detail discussion with the Waste Management Facility Coordinator. ○ A site plan showing material storage area, stockpile areas – waste and construction materials - and any erosion protection measures to be implemented. • 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 Building Code of Australia (BCA) / National Construction Code (NCC). 	
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	<ul style="list-style-type: none"> • 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 1a 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 and site set-out b) After excavation form and prior to placement of, any footings c) Prior to pouring any in-situ reinforced concrete building element d) Prior to covering of the framework for any floor, wall, roof or other building element e) Prior to covering waterproofing in any wet areas f) Storm-water connections g) Final Inspections after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building. <p>In terms of the amended plan, I have assessed the applicant's amendment to Development Application 2019.10. It is my opinion that the proposed changes will not alter the existing IES Report (ED19/2085) conditions pertaining to construction/demolition with the exception of the inclusion of the following:</p> <ul style="list-style-type: none"> i. an inspection of the of the retained shed/decommissioned cottage by an appropriate LHIB Officer will be required to ensure the residential decommissioning of the building is done to the satisfaction of the Lord Howe Island Board. ii. No Occupancy Certificate of any kind, for any of the development under DA2019.10, is to be issued until such time that the Board is satisfied that the above decommissioning on the retained shed/decommissioned cottage has been carried out. iii. The demolition of the existing building (shed) is to be carried out in accordance with <i>AS2601-2001: the demolition of structures</i> so that the risk of injury to the residents, workers and other site personnel, and the risk of damage to adjacent property and the immediate environment is minimised. 	
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Greg Higgins - Senior Electrical Officer	<p>I have inspected the DA. The proposed additions will increase the customer's maximum demand by 13 amps. The customer is presently supplied by a 35 amp single phase supply. This load increase will be acceptable on the existing service cables.</p> <p>I would recommend the electrical additions be approved with the following conditions -</p> <p>All additional wiring must be carried out by a licensed electrical contractor to AS/NZS3000.2018 standard. A signed Compliance Form for Electrical Works is required from the contractor within 7 days of completion of all new electrical works.</p>	<p>Noted, with the suggested requirements included in the recommendation of this report.</p>

7 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.

7.1 Commonwealth legislation

7.1.1 Environmental Protection and Biodiversity Conservation Act 1999

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

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

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

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

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

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

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

7.2 NSW legislation

7.2.1 Biodiversity Conservation Act 2016

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

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

No adverse environmental or ecological impacts from the proposal are envisaged as the right of carriage way will follow the existing driveway access and then be extended towards the rear of the allotment towards Lot 812. No SNV will be removed or damaged as a consequence of the proposed works.

7.2.2 NSW Heritage Act 1977

The main objective of the *Heritage Act 1977* (Heritage Act) is to encourage the conservation of the heritage of NSW. Pursuant to Section 4.46 (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).

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

8 Local Statutory Plans and Policies

8.1 Lord Howe Island Local Environmental Plan 2010

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

The subject site is located within Zone 2 Settlement, and demolition, alterations /additions to dwellings and onsite wastewater treatment systems are permitted with development consent on such land under the LEP.

LEP 2010 compliance summary table

LEP 2010 Clause		Compliance 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 proposed works can be undertaken with minimal negative environmental impact and/or disturbance to protected flora and fauna native to the Island. 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.
7	Maps	Y	Noted.
9	Exempt Development	N/A	The proposed works are not listed as Exempt Development within Schedule 1 of the LEP.
11	Matters that must be satisfied before development consent granted	Y	All relevant matters contained within clause 11 are satisfied – refer to clause 11 assessment following.
Part 2 General Provisions applying in particular zones			
12	Land Use Zones	Y	The land is zoned Zone 2 Settlement.
14	Zone 2 Settlement	Y	The proposal complies with the LEP zone objectives and is permissible with the consent of the LHIB.
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			

23	Erection of Dwellings	Y	The proposed retention of the cottage will not constitute an additional dwelling for the site on the basis that it is to be decommissioned through the removal of its existing kitchen, bathroom shower and toilet. These works will be required to be satisfactorily undertaken prior to the issue of any occupation certificate on the site.
26	Limit on number of dwellings to which consent may be given	Y	Refer to above comments made in relation to clause 23 of the LEP.
27	Enlargements or extensions of dwellings	Y	<p>The proposed alterations & additions to the building will maintain compliance with clause 27 of the LEP in that:</p> <p>The GFA of the existing dwelling on the site at approx. 172m² (excluding decks, shed), plus the studio at 43.62m², and new dining extension 16.2m² will total a dwelling area of 232m².</p> <p>The retention and decommissioning of the cottage will make it an out-building /shed, which is not included as GFA for the purposes of clause 27 of the LEP.</p> <p>The proposal is not located within a SNV mapped area and no SNV will be damaged or removed as a result of the proposal.</p> <p>At least 50% of the site will continue to be available for landscaping and 35% of that be native species.</p> <p>It is noted that DA 2015-15 required the demolition of the existing cottage. The subject proposal will retain the building by decommissioning and converting it to a non-habitable storage shed.</p>
29	Maximum height of buildings	Y	The proposal complies, as the building roof height is less than 7.5m (no change is proposed to the roof height).
Division 2 Provisions that apply to particular land			
32	Setbacks of buildings in Zone 1, 2 or 5	Y	<p><i>Mutton Bird Drive</i></p> <p>The subject lot fronts Mutton Bird Drive. There is no change to the existing dwelling setback being approx. 40m+ and thus complies with the LEP.</p> <p>The site and adjoining properties have vegetation screening along the boundaries, and as the decommissioned cottage to be a storage building</p>

			requires no external work, the proposal does not change the existing visual amenity and dispersed pattern of buildings on the Island.
33	Landscaping to be carried out in Zone 2	Y	No additional landscaping is proposed or considered to be required. On the basis of the overall assessment provided in this report, the proposed amendments will not have a significant adverse impact on the existing landscaped character and dispersed pattern of housing in the Zone 2 Settlement.
34	Landscaping adjoining Zone 7 or 8	Y	No development is proposed within 10m of the Zone 7 land. No removal of vegetation is planned, and the boundaries to zone 7 land have existing plantings of significant native vegetation.
39	Development Affecting Heritage Items	N/A	The subject site is not a listed heritage item or located adjoining any item.

8.2 CLAUSE 11 MATTERS

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

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
a) <i>The proposed development is consistent with the aims of this plan and the objectives of any zone, as set out in the plan, within which the development is proposed to be carried out,</i>	Y	The retention, decommissioning and conversion of the cottage to a storage shed, the proposed relocated property access and alterations and additions to the primary dwelling are being undertaken within Zone 2 Settlement under the LHI LEP 2010. These are generally consistent with the aims and objectives of the LEP.
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	The adequacy of the onsite wastewater system has been reviewed, and an upgraded wastewater system and associated effluent irrigation field are to be required as a condition of any consent issued. The land application area for the wastewater system will require pipework and effluent irrigation within mapped SNV. The installation of this pipework on the surface within the SNV will not remove or damage any SNV as it only involves placement of the piping on the

		<p>surface. Effluent will be pre-treated to ensure nutrient levels will not damage SNV.</p> <p>Appropriate conditions to address the potential impacts of this work are included in the recommendation to this report.</p>
<p>c) <i>No part of the proposed development:</i></p> <ul style="list-style-type: none"> 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> 	<p>Y</p>	<p>As stated earlier in this report part of the lot is mapped Significant Native Vegetation (SNV).</p> <p>The proposed carriageway will not be located within mapped SNV and no SNV will be damaged or removed as a result of the proposal.</p> <p>Earlier, the proposal was to relocate the property access to the west of the cottage along the western boundary. The LHIB Manager Environment World Heritage determined that such a location would require removal of 30 native plants, with a likely increase in the potential risk of harm to threatened species, and would also require extensive offset revegetation areas and management of the habitat.</p> <p>The present relocated property access is a better environmental and ecological outcome than that proposed earlier.</p> <p>As noted above, the wastewater system and effluent irrigation is located within mapped SNV, but placement of the piping on the surface will not remove or damage SNV.</p>
<p>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></p> <ul style="list-style-type: none"> 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> 	<p>Y</p>	<p>There is an existing driveway located along the eastern boundary of the property with egress to/from Mutton Bird Drive.</p> <p>The proposal includes the use and extension of this existing driveway northwards to connect with the south-western corner of the rear Lot 312 providing an appropriate carriageway to Mutton Bird Drive.</p> <p>The proposal will theoretically increase the level of vehicular traffic along the proposed carriageway as it will legally permit travel through Lot 813 to and</p>

		<p>from the rear Lot 812.</p> <p>However, this is already practically occurring and will continue to be in keeping with the character of the area without impacting on the neighbouring properties.</p> <p>This property access will be required to be registered as an easement burdening Lot 813 and benefitting Lot 812 and include mechanisms for services and maintenance of the right of carriageway.</p> <p>Refer also to comments made above in relation to clause 11(c) regarding vegetation impacts.</p>
e) <i>Any proposed landscaping will provide various species of plants that are native to the Island and common in the locality to enhance any significant native vegetation,</i>	N/A	As stated under the discussion of clause 33 of the LHI LEP 2010, no additional landscaping is proposed or considered required.
f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i>	N/A	The site has not been identified as being affected by such hazards.
g) <i>Adequate services in respect of the proposed development can be provided without significant additional cost to the Board or the community of the Island,</i>	Y	Additional wastewater and infrastructure services can be achieved without significant cost to the LHIB. The LHIB Senior Electrical officer has also stated that the electrical load increase will be acceptable on the existing service cables.
h) <i>The appearance of the proposed development (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality,</i>	Y	As assessed elsewhere in this report, the proposal will not create any additional visual impacts on the locality and will continue to maintain the dispersed pattern of buildings on the Island in sympathy with existing development.
i) <i>The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	As assessed earlier under the discussion of clause 32, LHI LEP 2010, the proposal will generate no overshadowing of any adjoining land.

j) <i>The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	Y	As also assessed earlier under the discussion of clause 32, LHI LEP 2010, the proposal will not reduce the privacy of any adjoining property.
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8.3 Lord Howe Island Development Control Plan 2005

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

DCP Compliance summary table:

LHI DCP 2005 Clause		Complies Y/N	Comment
Part 1 Introduction			
1.2	Plan Objectives	Y	The proposed works are consistent with the Plan objectives.
1.4	Where does plan apply?	Y	This DCP applies to the subject site.
Part 2 Design Principles			
2.1	Introduction	Y	Noted.
2.2	Objectives	Y	The proposal is consistent with the DCP's design objectives.
2.3	Design Context	Y	As assessed in this report above, the proposal is consistent with the character and nature of the site and locality.
2.4	Bulk and Scale	Y	The proposed alterations and additions to the primary dwelling will not substantially increase the bulk and scale of the existing structures. The proposal will not create any additional visual or privacy impacts on the locality and will continue to maintain the dispersed pattern of buildings on the Island in sympathy with existing development.
2.5	Building Forms	Y	The proposal will not significantly change the present building form and character of the Island.
2.6	Building Materials & Colours	Y	The proposed materials will be sympathetic and compatible with the existing building materials and colours.
2.7	Energy and water efficiency	Y	As discussed earlier, the proposed development has considered energy and water efficiency, and the proposal generally complies with the DCP.
2.8	Landscaping design	Y	As discussed previously, no additional landscaping is proposed or considered to be required in the subject DA.
2.9	Site access and parking	Y	As discussed previously, the proposal will relocate the property access to the east of the primary dwelling along the eastern boundary and existing driveway being extended to Lot 812. This property access will be required to be registered as an easement burdening Lot 813 and benefitting Lot 812 and include mechanisms for services and maintenance of the rightof carriageway.
Part 3 Development Control Policy			
3.2	Single Dwellings	Y	The proposal will alter and extend the existing single dwelling and is generally consistent with the DCP design objectives.

9 Environmental Effects

9.1 Environmental Planning and Assessment Act 1979

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

- a) the provisions of the following that apply to the land to which the development application relates:
- i. Any environmental planning instrument
Comment: An assessment against the LHI LEP 2010 has been undertaken (see Section 7.3.1) and the proposed development was found to comply with all relevant provisions subject to the conditions of approval included in the recommendation of this report.
 - ii. Any proposed instrument that is or has been the subject of public consultation under this Act
Comment: N/A
 - iii. Any development control plan
Comment: An assessment of the proposal against the LHI DCP 2005 has been undertaken in Section 7.3.3 and was found to comply.
 - iii. Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4
Comment: There are no planning agreements relevant to the application.
 - iv. The regulations (to the extent that they prescribe matters for the purposes of this paragraph)
Comment: There are no relevant matters prescribed by the regulations.
 - v. Any coastal zone management plan (with the meaning of the Coastal Protection Act 1979)
Comment: There are no coastal zone management plans relevant to the application.
- b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

An assessment of the environmental impacts of the proposal have been considered elsewhere in this section of the subject report. The table below provides further assessment of any likely impacts.

Likely environmental impacts

Potential Impacts	Proposal
Access, Transport and Traffic	There will be no change to the existing physical access into the subject site from Mutton Bird Drive. As discussed, the proposal will only guarantee legal access for the rear lot 812 over the existing driveway of the front lot 812 which will continue to be in keeping with the character of the area without impacting on the neighbouring properties.
Public Domain, Visual and Streetscape	On the basis of the overall assessment provided in this report, the proposal will not have an adverse impact on existing public or private views due to the existing landscaped character, vegetation and dispersed pattern of housing in the locality.

Ecological	As stated previously the proposal will not result in the removal of any SNV or result in a significant effect for any threatened species, populations or ecological communities, or their habitats.
Flood	The site is not identified as flood affected.
Heritage	The subject site is not listed as a heritage item.
Views	Public and private views will not be significantly impacted.
Privacy	The proposal will not significantly change the existing privacy arrangements.
Open Space	Open space will not be impacted by the proposal.
Social and economic Impact in Locality	The development will not have an adverse social or economic impact. The proposal will improve the residential amenity of the existing dwelling; formalise a legal access for Lot 812 thereby facilitating the continued residential occupation of that property; and decommission the existing cottage to facilitate its adaptive reuse for storage.
Construction	Construction will need to be undertaken in accordance with the BCA/NCC requirements, and as per the recommended DA conditions of consent.

c) the suitability of the site for the development

Having regard to its location, and the preceding assessment, the site will adequately accommodate the proposal, and is suitable for the proposal for the reasons outlined in this report.

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

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

e) the public interest

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

10 Conclusion

The subject OC and DA applications including the submitted amended plans and details, are recommended for approval. The applications have been assessed with regard to the provisions of Section 4.15 of the EP&A Act, the LEP 2010 and DCP 2005 and the relevant codes and policies of the Lord Howe Island Board.

The application for Alterations and Additions to the Existing Primary Dwelling including Demolition of Shed and Construction of Attached Studio, Relocation of Approved Property Access, Retention of Existing Cottage, Decommissioning to a Non-Habitable Storage Shed and FujiClean CE1500EX wastewater treatment system to replace existing septic, is considered to have planning merit and is supported subject to the application of a number of conditions and advisory notes outlined in the following recommendation.

11 Recommendation

Owners Consent and Development Consent Recommendation (Conditional Approval)

That Owners Consent 2020-01 and Development Application 2019-10 for Alterations and Additions to the Existing Primary Dwelling including Demolition of Shed and Construction of Attached Studio, Relocation of Approved Property Access, Retention of Existing Cottage and Decommissioning to a Non-Habitable Storage Shed and FujiClean CE1500EX wastewater treatment system to replace existing septic, at Lot 813 DP 1213759, Mutton Bird Drive, 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 OC 2020-01 and DA 2019-10 as listed below and endorsed with the Lord Howe Island Board's stamp, except where amended by other conditions of consent. To the extent of any inconsistency between the plans and conditions of consent, the imposed conditions of consent are to prevail.

- a) Completed OC and DA Forms prepared by Janelle Makiiti, dated 02.09.2019 and 13.02.2019 respectively, as amended by the submissions from Peter McFadyen dated 30th May and 22nd November 2019.
- b) Statement of Environmental Effects prepared by Janelle Makiiti, dated 13.02.2019 and associated memorandum by McFadyen Architects dated 01-02-2019
- c) The following plans prepared by McFadyen Architects Pty Ltd, Project No. 48:
 - Site Plan (Rev 3 dated 6 February 2020), Sheet No. 00 R3
 - Dwelling Floor Plan, Elevations, 3D Perspectives, Studio Floor Plan/ Elevations & 3D Perspectives, Sheet Nos. 01-07, Rev 1 – 8 January 2019
- d) BASIX Certificate (No. A339426_02) dated 6th February 2020

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

2. 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) All construction work is to be carried out and completed in accordance with the National Construction Code (NCC)/ Building Code of Australia (BCA).
- c) The applicant is to ensure that the Construction Certificate Plans are the same as the approved DA Plans.
- d) **Prior to the issuing of a Construction Certificate** the applicant is to provide **detailed structural engineering plans** for the development. The 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) As the building is classified as 1a, construction must be overseen by a licenced builder. The licenced builder is to be nominated in the Construction Certificate application.

Alternatively, the applicant can apply for an Owner Builder Permit, issued by NSW Fair Trading. A copy of the Owner Builder Permit is to be supplied with the Construction Certificate Application.

- f) 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*.

- g) Prior to the issuing of a Construction Certificate the applicant is to provide evidence that the licensed contractor/builder undertaking the residential building work has taken out under the **Home Building Compensation Fund** as per the *Home Building Act 1989*.
- h) 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.

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

3. BASIX

- a) The Construction Certificate plans are to include all BASIX commitments nominated in the BASIX Certificate. BASIX Commitments are to be certified by a certifying authority before the issuing of an Occupation Certificate.

4. 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, and LHI Woodhen.
- b) All building materials and building activity are restricted to being stock piled on cleared open areas.
- c) During installation of the wastewater surface irrigation system all leaf litter and fallen timber shall be retained on site, and if required to be moved, be immediately redistributed across the site following completion of installation works; and
- d) Domestic chickens are not kept or allowed to free range through the waste water irrigation area to improve habitat resources and reduce predation of LHI Placostylus.

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

5. Fire Safety

- a) The applicant is to ensure that fire detection and early warning devices, such as automatic smoke detectors, are installed so that occupants may evacuate, in the event of fire, to a place of safety. The placement of early warning devices is to be in accordance with AS1851.8.
- b) The applicant is encouraged to install 38mm 'Storz' fittings to existing and new water tanks, to enable the Rural Fire Service fire fighting capabilities should there be a need for firefighting at the residence.

Reason: To ensure the resulting development is fire safe

6. Wastewater

- a) As proposed in the subject DA, the existing septic system is to be replaced with a FujiClean CE1500EX wastewater treatment system prior to issue of any occupation certificate to the satisfaction of the LHIB.

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

7. Water

- a) The applicant is to ensure that all plumbing work, including the disconnections and connections to the wastewater system and to the potable water 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 structures is diverted to existing rainwater tanks or an appropriate absorption trench. The method of management of the stormwater is to be shown on the construction drawings.

Reason: To ensure works are undertaken appropriately.

8. 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.

9. Waste Management – Asbestos

- a) If any material containing asbestos is found on site during the demolition process the material is to be removed and disposed of in accordance with WorkCover requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
- b) The removal of more than 10m² of bonded asbestos and/or any friable asbestos must be certified by an appropriate person. The clearance certification must be provided to the Board before any Occupancy Certificate for the building can be issued.

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

10. Construction

- a) A Demolition and Construction Management Plan is to be submitted and approved by the Board prior to the issuing of a Construction Certificate. The Plan shall detail:
 - A programme for the works including indicative time frames for different activities including inspection points
 - A waste management plan detailing how all building waste will be managed. This plan will include waste types and quantities in m³.
 - If the intent is for the waste to be disposed of through the Waste Management Facility the plan should detail discussion with the Waste Management Facility Coordinator.
 - A site plan showing material storage areas, stockpile areas – waste and construction materials - and any erosion protection measures to be implemented.
- b) The applicant is to ensure that all electrical work is carried out by a licensed electrician and an **Electrical Compliance Certificate issued with, or before, the application for Occupancy Certificate**.

- c) All works are to be undertaken in accordance with approved Construction Certificate documentation.
- 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) The applicant is to ensure all Mandatory Inspections are undertaken.

Reason: To ensure works are undertaken appropriately.

11. Inspections

The Principal Certifying Authority shall determine the appropriate mandatory inspections to be completed and when those inspections to be undertaken.

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

12. 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.

13. 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.

14. 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 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
- b) stating that unauthorised entry to the work site is prohibited.

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.

15. Site Landscaping

Existing site landscaping and all major areas of native plantings on site are to be protected and maintained.

No significant native vegetation is to be removed or damaged.

Reason: To minimise vegetation removal.

16. Materials and Colours

The materials and colour selection for the proposed works are to complement the existing dwelling on the site. Details of the selected materials and colours shall be submitted with the construction certificate application.

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

17. Decommissioning of Cottage & Demolition of Shed for Studio

- a) An inspection of the of the decommissioned cottage by an appropriate LHIB Officer will be required to ensure the residential decommissioning of the building is done to the satisfaction of the Lord Howe Island Board.
- b) No Occupancy Certificate of any kind, for any of the development under DA2019.10, is to be issued until such time that the Board is satisfied that the above decommissioning on the retained shed/decommissioned cottage has been carried out.
- c) The demolition of the existing building (shed) is to be carried out in accordance with AS2601-2001: The Demolition of Structures, so that the risk of injury to the residents, workers and other site personnel, and the risk of damage to adjacent property and the immediate environment is minimised.

18. Right of Access

- a) A Right of Access and Easement for Services shall be created burdening Lot 813 to the benefit of Lot 812 over the general location (and with an extension), of the existing driveway to the east of the primary dwelling on Lot 813 as indicated on the subject approved site plan.
- b) Within two (2) months of the endorsed date of approval of the subject OC and DA, the following process shall be commenced:
 - The applicant shall submit a request to the LHIB to recommend that the Minister make provision for the following amendments to the conditions in the perpetual leases of the two respective properties:

Insert the following clause (or wording to the same effect) in the respective perpetual leases:

'the lessee has the benefit of a Right of Access and Easement for Services in terms of the wording of Part 14 of Schedule 8 of the Conveyancing Act 1919 but only within the surveyed boundaries shown on the unregistered plan [applicant will advise number] held by the Board vide

a copy of which is attached as a notation to this lease.'

- c) This right of access and easement for services shall be completed and in place prior to the issue of an occupation certificate for the proposal.

Reason: To ensure that the required access to the benefit of Lot 812, and burden of Lot 813 is created and in a timely manner.

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 8.7 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 8.10 of the Act.

Recommended:	Approved:
	
Peter Chapman Date: 12 March 2020 LHI Consultant Town Planner & Director All About Planning Pty Ltd	Peter Adams Date: 16 March 2020 Chief Executive Officer Lord Howe Island Board

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Community Strategic Plan Update

RECOMMENDATION

That the Board note the update to the Community Strategic Plan.

BACKGROUND

The commencement of development of a ten year LHI Community Strategic Plan (CSP) was resolved at the May 2018 Board meeting. Most CSPs for Councils in NSW take significant resources to develop. Rather than externally commission its development, instead a part time resource of Project Officer – Strategic Planning was recruited (0.5FTE) commencing 27th Aug 2018. Between March 2019 and March 2020 the CSP has been on hold due to the Rodent Eradication Project and more recent COVID-19 related reallocation of that staff member.

DEVELOPMENT OF THE 2020/21 OPERATIONS PLAN AND BUDGET

Because the CSP itself is not yet completed and the planned community consultation exercises and workshops only partially completed at this stage, there is a need to crystallise information received to date. This is to better inform development of the draft 20/21 Operations Plan and Budget so that they reflect both non-discretionary functions and strategic community priorities, concerns and aspirations.

The information collated is shown in Attachment A. It is noted however that specific workshops for Economy and Tourism, Health and Education & Environment are yet to be run and full analysis is incomplete due to the reallocation of resources mentioned above.

The information in the attachment shows high-level community priorities as well as specific detail on emerging themes/suggestions.

During a Board administration management team workshop on 9th March 2020, all relevant CSP information was presented for integration into stage 1 planning of the draft 2020/2021 budget.

It is noted that discussions by Board members will be held in the Board Planning Session on 28 April 2020 on the priorities and issues affecting the draft 20/21 Operations Plan and Budget. It is also noted that significant uncertainty surrounds the current economic and financial environment affecting the NSW Government, the Board and the community. These will affect the development of the 20/21 budget and its implementation. Certainly planning and budgeting have to proceed but will be subject to change.

Staff will take the discussions from the Planning Session and incorporate them into the draft Operations Plan and Budget development.

NEXT STEPS

1. Incorporation of Planning Session discussions into draft 20/21 Operations Plan and Budget – **Early May 2020**.
2. Presentation of draft 20/21 Operations Plan and Budget to May Board Meeting – **May 2020**
3. Final draft Operations Plan and Budget considered at Special Meeting of the Board – **June 2020**

When the COVID-19 situation allows resources to return to CSP work, workshops to be held, and further development to proceed, the CSP process can be reactivated. Ideally funds will be required to undertake this in a suitable fashion. However, the financial impacts of COVID-19 are likely to necessitate a leaner approach than would otherwise be pursued.

RECOMMENDATION

1. That the Board note the update to the Community Strategic Plan.
2. That the discussions from the April 28 Planning Session be incorporated into the development of the draft 2020/21 Operations Plan and Budget before presentation to the May Board Meeting.

Prepared: Darcelle Matassoni Project Officer – Strategic Planning

Endorsed: Peter Adams Chief Executive Officer

Attachment:

Attachment A: Discussion Paper - Corporate Planning - Key Themes - Community Strategic Plan - Mar 2020

LORD HOWE ISLAND BOARD

DISCUSSION PAPER

Community Strategic Plan Interim Findings Planning Process & Budget 20/21

The ten year LHI Community Strategic Plan was approved at the May 2018 Board meeting, with the resource of Project Officer – Strategic Planning recruited (0.5FTE) commencing 27th Aug 2018. Between March 2019 and March 2020 the CSP has been on hold.

Therefore, this paper - to provide community input to support 20/21 budget drafting - is based on all available information collected to date, noting that specific workshops for Economy and Tourism, Health and Education & Environment are yet to be run and full analysis is incomplete.

The information collated in this report shows high-level community priorities as well as specific detail on emerging themes/suggestions.

During the upcoming meeting on *Corporate Planning - Key themes emerging from the CSP to inform Corporate Strategy and Budget Planning process* scheduled for 9th March 2020, this information will be elaborated on.

The following information is based on the below consultation:

Date	Activity
Still to be run	Workshops on Economy and Tourism, Health and Education & Environment
26 th Feb 19	Housing, Development, Transport and Infrastructure workshop
Nov 18 – Feb 19	Individual and group meetings with community members
12 th Dec 18	CSP Workshop (4 x overarching theme discussions)
5 th Dec 18	Workshop with LHICS children
4 th Dec 18	CSP Survey launch (Survey Period: 4 Dec 18 – 15 Feb 19)

Also incorporating relevant themes from the comprehensive LHI Community Strategy 2010 - 2015, and the Lord Howe Island Board Communications and Community Engagement Survey 2015

Community Survey Information

Number of surveys completed = 86

Comment: Clear allocation of roles and responsibilities for implementation - it should be clear to the community that the Board is not responsible for all aspects of the plan.

Demographic of respondents

- Most have lived on LHI for most of their lives (49.40%) or 10+ years (16.87%)

- (41.18%) Perpetual leaseholders
- (23.53%) Renting privately
- (22.35%) Living with friends/family
- 64.94% not planning on leaving
- 44.59% Employed full time
- 27.03% Retired
- Highest percentage are Business owners (27.59%) or Employed by Tourism (20.69%)
- Highest percentage of respondents are 55-64yrs followed by 25-34yrs
- 54.88% Female
- 40.24% Male

Ranked top community priorities

1. Health
2. Education
3. Positive Aging
4. Tourism
5. Culture & Heritage
6. Business Development

Most valued aspects about living on Lord Howe

1. Natural Environment
2. Lifestyle
3. Strong Sense of Community

Community Involvement/Participation

- Most people disagree with the statement that the Community on Lord Howe Island is harmonious, cohesive and inclusive
- Most people agree with the statement that you have a fair opportunity to participate in the community
- Most people occasionally participate in community activities 58.82% with 29.41% regularly participating
- (41%) of people participate/ are involved in community event planning

Safety

- Majority strongly agree or agree that they feel safe on LHI.

Most important use of LHIB resources

1. Natural Environment
2. Aged Care
3. Tourism
4. Housing
5. Waste Management

Least important use of LHIB resources

1. Parking facilities
2. Lobbying
3. Sporting Facilities
4. Cultural Facilities
5. Recreational Facilities

IES

Ranked top Infrastructure Priorities

1. Travelling to and from LHI
2. Maintaining the natural environment
3. Freight to and from LHI
4. Jetty and Airport
5. Transport (Roads)
6. Transport (Footpaths)

Top transport points

- Most agree that you can easily get where you want or need to be
- Most agree that the island's air services are meeting people's needs
- Most agree LHI is safe for pedestrians/cyclists
- Divided result on whether Lord Howe Island is a safe area for pedestrians
- Divided result on whether Lord Howe Island footpaths and walking trails meet the needs of the community

Specific detail:

- Achieve certainty and long term solution for air service
- Maintain jetty
- Mechanic available to the public
- Manage existing infrastructure better including all infrastructure having maintenance and feasibility plan
- Better storage for LHI equipment
- Ensure continuity of the shipping service
- Encourage greater focus on alternative technology
- Introduce road safety education information for visitors
- Investigate 'conditional' registration for all LHI vehicles
- Maintain private graveyards
- Toilet facilities at the southern end of the island

ECS

Ranked top regulation service priorities

1. Environmental protection
2. Environmental health
3. Housing and development

Natural Environment

Most agree that

- Beaches are kept clean and tidy
- Environment is respected and well protected
- The Permanent Park Preserves are well managed

Specific detail:

- Implement individual allotment responsibility for sustainable energy, water and sewerage solutions
- Establish a community garden
- Protect Island environment and World Heritage status
- Map the Island's creative talents
- Develop more cultural programs and events
- Maintain and celebrate our unique heritage
- Conserve and interpret heritage places.

- Study of capping island business e.g. 4 glass bottom boats
- Regulation of duplication of same business
- Utilise more effectively existing special leases to encourage/support agriculture
- Interactive environmental and cultural programs for devices
- Ensure current funding is maintained to protect biodiversity
- Balance community (culture) and environment

Housing

Infrastructure and Development

- Divided opinion on diversity of housing types to suit the needs of the community
 - If you break this down into leaseholders vs non-leaseholders disagreement significantly increases to (62.22%) for non-leaseholders, whereas for leaseholders this sits at (27.78% disagreement)
- Divided result on whether new developments are helping preserve and enhance an attractive environment

Specific detail:

- Better usage of current housing/infrastructure
- Infrastructure to be included in all housing decisions (what capacity can our facilities cope with and how close to capacity are we currently)
- New developments should be sustainable and more affordable
- Review housing options to facilitate 25 dwellings in 20yrs as per current LEP
- Updated eco specs for all new homes, slowly introducing to all
- Better support, guidance and assistance with dual housing between generations (living together)
- Regulation over staff and staff accommodation, business accommodation needs audit
- Smaller lease blocks <3000m2 with green belt in between
- More than one valuation – third party

BCS

Economic Growth and Development

- Most (marginally) consider the planning for local economic growth and development to be inadequate
- Most agree the Lord Howe Island Board provides adequate support for tourism services on the island
- Most agree the Lord Howe Island Board supports a variety of businesses
- Most disagree that there is a reasonable and affordable standard of housing on LHI (28% indicated they are looking for permanent accomm)
- Divided on the cost of living

Planning and decision-making

- Most disagree that the LHIB adequately considers community views and concerns
- Most disagree that the LHIB plans well for the future
- Divided on whether Information about the Board and its decisions is clear and accessible

Specific detail:

- Maintain the cap on tourism beds
- Analyse why there are 400 beds and justify and clearly determine exactly what the reason is for this limit and acknowledge the reason.

- Board should be charging higher rates for rented govt. spaces to increase Board income and make the playing field fairer across the community. E.g. Market value/regulated for premises
*This is for commercial business or people selling commercial products from govt.-funded leases
- Support local primary producers
- Incorporate a social impact statement into how new businesses will impact the community
- Strategic plan for grants, especially assets
- Diversify the local economy from sole dependence on tourism
- Maintain the unique and niche nature of the Island's appeal
- LHIB decision making (community consultation) - information not being disseminated with enough time for public response
- Role of Elected Board members to be clarified

Support Services

Health

Health and well-being

- Most agree that hospital and medical services are adequate and accessible
- Most disagree that mental health services are adequate and accessible
- Most disagree that there is adequate health support for the islands aging community

Specific detail:

- Better access to mental health services
- Maintain our current level of medical service
- Increase access to dental services
- Improve technology at the hospital
- Discourage illegal drugs and alcohol abuse, including initiating more alcohol-free events and spaces
- Encourage more voluntarism in the health area

Positive Aging

Specific detail:

- Access to services
- Support to stay on Island and age at home
- Respite
- Transport services
- Involve Seniors in the community to pass on traditional activities
- Support services for carers and training for new carers

Education

- Most people agree with the statement that LHI provides access to a quality primary education
- Most people disagree with the statement that quality secondary education is available and accessible

Specific detail:

- Continue scholarship from LHIB for TAFE/University (expand criteria to making more available)

- Maintain government financial assistance for kids who need to leave for high school (travel/boarding etc) – secondary school on-island seen as low priority.
- Establish a comprehensive LHI Heritage Studies Curriculum for all school students
- Establish adult education opportunities
- Establish community library services
- Link scholarships to future Island labour market opportunities
- Create more career pathways for our young people to stay on Island including more local based apprenticeships and traineeships
- Engage young people more in idea generation and development
- Provide more recreational and work experience opportunities for high school aged young people during school holidays.

Prepared: Darcelle Matassoni Project Officer – Strategic Planning 05/03/20

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Review of Commercial Filming Policy

RECOMMENDATION

It is recommended that the Board adopt the reviewed 'Commercial Filming Policy' at Attachment B.

BACKGROUND

The Board's Administration has completed a review of the Commercial Filming Policy. The current policy was last reviewed in March 2016, went to public exhibition and was adopted at a meeting in June 2016. It has been identified that legislative and mapping changes have occurred.

CURRENT POSITION

Because of changes now made as a result of this review the Administration has submitted the policy for adoption. Changes made were minor only, being update of the Drone Operations Area, inclusion of the Biodiversity Act 2015 and removal of the Threatened Species Conservation Act 1995, and the use of the term 'Applicant' as the application form section required constant input of the applicant name. These changes have been highlighted in Attachment A, tracked against the current policy.

It is recommended that the minor changes do not necessitate going to a public exhibition.

RECOMMENDATION

It is recommended that the Board adopt the reviewed 'Commercial Filming Policy' at Attachment B.

Prepared: John van Gaalen Manager Business & Corporate Services

Endorsed: Peter Adams Chief Executive Officer

Attachments:

Attachment A: Current Policy – Commercial Filming – with tracked changes

Attachment B: Draft Policy – Commercial Filming – April 2020

LORD HOWE ISLAND BOARD POLICY

TITLE	Commercial Filming Policy		
DATE ADOPTED	September 2001	AGENDA ITEM	16. September 2001
CURRENT VERSION	June 2016	AGENDA ITEM	8 (iii) June 2016
REVIEW	5 years	FILE REFERENCE	PU0004
ASSOCIATED LEGISLATION	<i>Lord Howe Island Act, 1953</i> <i>Lord Howe Island Regulation, 2014</i> <i>Environmental Planning & Assessment Act, 1994</i> <i>Threatened Species Conservation Act, 1995</i> <i>Biodiversity Act 2015</i>		
ASSOCIATED POLICIES	Premier's Memorandum: M2014-04 <i>Making NSW Film Friendly</i> Local Government Film Friendly Protocol		

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1 Introduction

The Lord Howe Island Board is supportive of film making and photography on the Island. The Board also recognises that filming and photography and their associated activities may have a range of impacts on the Island and requires a balance between the interests of the local community, its economy and the environment.

1.1 Context

1.1.1 Premier's Memorandum: M2014-04 *Making NSW Film Friendly*

In May 2014, the NSW Government released the Premier's Memorandum M2014-04 *Making NSW Film Friendly*. The Memorandum requires that:

- a) There is a cooperative attitude in dealing with filming requests;
- b) Applications for access are processed promptly;

- c) Access to locations is supported wherever possible and should not be unreasonably withheld;
- d) Clear reasons for refusal should be provided and alternative arrangements for sites offered if possible;
- e) Fees are kept to a minimum and should only reflect costs;
- f) Agencies should permit filming activities and / or make locations and facilities available for filmmakers where possible, taking into account public amenity, safety, security and other operational requirements. Requests for agency services should receive a positive response where ever possible. Where filming access, services or approvals cannot reasonably be given, the filmmaker should be advised as early as possible of this response, reasons given for it and alternatives suggested if possible.

The Premiers Memorandum refers to the Local Government 2012 Film Friendly Protocol and makes a commitment that government agencies and State authorities will follow the protocol in facilitating filming.

1.1.2 Local Government Film Friendly Protocol

The Local Government Filming Protocol was developed under the Local Government Act 1993, which introduced a single application system for council approvals related to filming.

The Protocol includes the presumption that councils will grant approvals relating to filming projects. Councils are to ensure that requests for location film productions are able to occur, unless there are exceptional circumstances or legislation requires the council to refuse to grant the approval.

Local councils are to comply with the Protocol when determining applications or setting fees, rather than simply taking it into consideration as required previously. Fees and charges related to location filming activity are, at a maximum, to be cost reflective.

The Protocol has been prepared in consultation with local councils, government agencies and the screen industry.

The Protocol applies to all local councils except where another filming protocol has been adopted with the approval of the Director General of the Department of Local Government. Where a council has discretion to set fees and charges relating to a filming project, the legislation now requires the council to set them in accordance with the Filming Protocol.

1.2 Objectives

The policy aims to:

- a) Provide a framework which supports film-makers/photographers and is balanced with the interests of the local community, tourism, and the environment.
- b) Provide clear and consistent guidelines for when commercial filming and photography requires approval.
- c) Promote an effective working relationship between film-makers/photographers and the Board.

1.3 Scope of Policy

This policy applies to filming and photography, and related activities, carried out on land administered under the *Lord Howe Island Act, 1953* including Lord Howe Island and its offshore islands including Balls Pyramid.

For the purposes of this policy, all references to ‘filming’ include photography unless otherwise stated (see definitions).

This policy does not apply to filming in the Lord Howe Island Marine Park. Filming in marine parks requires approval under the *Marine Estate Management Act 2014* or as required under the *Film Approvals Act, 2004*.

2 Policy

2.1 Approval of Filming Applications

1. The provisions of the *Film Approval Act 2004* and the *Local Government Act 1993* relevant to filming (s 114 – 110F) do not apply to land administered under the *Lord Howe Island Act, 1954*~~1953~~.
2. Commercial filming taking place on Lord Howe Island requires approval from the Lord Howe Island Board. This includes filming undertaken for a specific project or show (e.g. by a television station or production company) as well as filming which is taken for the purpose of selling or hiring to another party.
3. A licence is required under Section 49 of the Lord Howe Island Regulation, 2014 to carry-out commercial filming and associated activities.
4. Consent may also be required under other legislation such as the Environmental Planning and Assessment Act, 1979, Heritage Act, 1977, ~~Threatened Species Conservation Act, 1995~~Biosecurity Act 2015 and the Environment Protection and Biodiversity Conservation Act 1999.

Note: In some cases, where the scale and duration (i.e. total filming activity is greater than 30 days) of the film warrant, a Development Application is required.

2.2 Assessment of Filming Applications

1. Given the context of the Premier’s Memorandum, the Board should permit filming activities and / or make locations and facilities available for filmmakers where possible, taking into account public amenity, safety, security and other operational requirements. Requests for agency services should receive a positive response where ever possible.
2. The process of considering filming applications is based on assessment of potential impacts the filming may have whilst recognising the diverse benefits the filming may bring to Lord Howe Island, the public and the state of NSW in general.
3. The Lord Howe Island Act, Lord Howe Island Regulation, ~~Threatened Species Conservation~~Biodiversity Act, EPBC Act, and Environmental Planning and Assessment Act all provide a range of matters that may need to be considered in assessing an application for filming.
4. When assessing a filming application the delegated officer must have regard to the nature and extent each of the following matters:
 - a) Any relevant legislation, plan, or policy for the subject area.
 - b) Whether there will be any community impacts including positive economic benefits, reduced access to site locations, changes in amenity, public safety, security or impacts on services and facilities on the Island, and whether these have been addressed through vehicle importation requirements, traffic and parking plans, water, waste water management strategies.
 - c) Whether there will be any environmental impacts at site locations including those

associated with access and support operations and whether these are addressed through a biosecurity, threatened species, or restoration plan.

- d) Whether there will be any tourism impacts including the overall benefit to the Island, and impact on visitor experience, and whether these have been addressed or offset in any way.
 - e) Whether there will be any cultural heritage impacts and whether these can be effectively avoided or mitigated.
5. Where the information submitted by the applicant with the application is inadequate to enable this assessment, the delegated officer is to request further information from the applicant.
 6. The approval cannot be refused on the grounds that the Board is not satisfied as to these matters unless the matter cannot be adequately addressed by imposing conditions on the approval.

2.3 Delegation

1. The Chief Executive Officer is delegated to approve applications for commercial filming which are classified as Very Low Risk, (news, current affairs), Low Risk (low scale productions including student, government and approved documentaries, lifestyle and travel)
2. Medium and High Risk applications will be referred to the full Board for determination. High risk applications will only be considered by the Board in exceptional circumstances

2.4 If Approval not Granted

1. If approval is refused, the applicant must be given clear reasons for the refusal in writing as soon as the decision is made. Where practical, the Board should assist the applicant by giving advice and support on possible alternative locations and/or practices.

2.5 Dispute Resolution

1. If there is a dispute between the Board and the applicant, the dispute resolution procedures outlined in the Local Government Protocol will apply.

2.6 Procedural Guidelines

2.6.1 Application Process

1. An applicant is required to submit to the Board's Administration a signed application form and the application fee. The application form (available from the LHIB Website) will include details of the filming and proposed location and a risk assessment of economic, social and environmental matters. A review of environmental factors (REF) may also be required (see clause 34). The application form will form the basis of any filming approval under the Lord Howe Island Regulation.
2. The Board will appoint a film contact officer to assist the filmmakers in obtaining the necessary approval, support and access to the Board's services.
3. If approved, the application will be subject to the Standard Conditions and any additional conditions deemed appropriate to ensure that the activity does not impact on the economic, social and environmental significance of the Island. For example, conditions can relate to the numbers of persons on-site at any time, limits on movement of vehicles, restricted areas or hours of operation (Attachment A).

2.6.2 Review of Agreements

1. The Board reserves the right to review the Agreement and the associated conditions of approval if circumstances require it or change. Examples may include where there are concerns regarding a culturally or environmentally sensitive area, continuous wet weather, or where unforeseen circumstances arise which present immediate threats to habitat, wildlife or public safety.

2.6.3 Application Timeframes

1. Early consultation with the Board can help match the applicant's needs with appropriate sites and streamline processing times.
2. Applicants can minimise likely processing times by consulting with the Board early in the process, factoring in time for the preparation of the application form, site inspection and ensuring that adequate information is provided in the application in accordance with any necessary environmental assessment, this policy.
3. The Board will endeavour to have a staff member available to respond to filming enquiries during normal business hours.
4. For filming proposals that do not require an REF, fully completed applications should be made at least ten business days prior to the proposed activity to allow for applications to be adequately considered. As shown in the fee schedules, varying levies are payable for applications submitted in less than this time.
5. In situations where an REF is required, fully completed applications will be assessed in a timeframe of between ten and forty business days. As outlined in the fee schedule, varying levies are payable for applications submitted less than this time.
6. If particularly complex arrangements are required to facilitate the filming or a High Risk of Impact REF is Required (see REF Guidelines) it may not be possible to process applications submitted at short notice and therefore no short notice levy option will exist.

2.6.4 Notifications

1. At the time of application, the applicant should be informed of:
 - a) any known circumstances that are likely to affect the proposed filming e.g. maintenance works; pest control; special events; etc;
 - b) any known non-obvious hazards relevant to the location; and
 - c) any known sensitive environmental and cultural issues relating to the site; special conditions; known constraints or access restrictions that may be imposed on the activity.
2. Listing of any special conditions or activities should be attached to the written filming approval and signed and dated by the delegated officer and the applicant.

2.6.5 Public Register

1. A register of approved applications to film on Lord Howe Island will be maintained by the Board showing the approval dates, applicant's name, area and purpose of the filming, and information on the conditions of the approval so far as can be disclosed subject to privacy legislation.
2. Ensuring the currency of the register in relation to an approval is the responsibility of the delegated officer who approves the application.

2.6.6 Fees and Charges

1. A range of fees as set out in the Board Fees & Charges Schedule applies to all commercial filming.
2. The Board will ensure that all fees are kept to a minimum and only reflect costs. Fees include:
 - a) non-refundable application fee to cover staff time spent processing the application;
 - b) fees for assessment of more complex applications;
 - c) supervision fees to cover staff time as necessary; and
 - d) charges for special requirements (e.g. hire of venues or equipment, meetings with Board staff, requirements for site inspections).
3. Application fees are payable upon application. Other fees are payable upon commencement.
4. Filming for news and current affairs is not subject to fees under the Fee Schedule. Lifestyle and travel filming may be subject to fees.
5. Delegated officers may waive or reduce fees for:
 - a) charity organisations;
 - b) community service announcements; and
 - c) filming which significantly promotes the Island, including programs which increase public appreciation, understanding and enjoyment of the natural and cultural values of the Island and its conservation or which encourage visitation

2.6.7 Review of Environmental Factors

1. Filming is not in itself considered to be an 'activity', however associated activities may be. Where any part of the filming activity is classified as an 'activity' under Part 5 of the EP&A Act, the applicant is required to complete a Review of Environmental Factors (REF).
2. For activities likely to affect threatened species, populations or ecological communities, a threatened species assessment will be required. For further information please see: <http://www.environment.nsw.gov.au/threatenedspecies/tsaguide.htm>

2.6.8 Environmental Management Bond

1. A suggested range for Environmental Management Bonds is outlined in the Fee Schedule.
2. The Board may require the forfeiture of all or part of the Environmental Management Bond to cover any unforeseen costs (e.g. additional supervision incurred after the approval is signed, site restoration). Any damage caused by the filming over and above the amount of the bond will incur a financial penalty for the cost of restoration work.
3. The delegated officer is to ensure that timely inspection of sites takes place before filming commences and on completion. If any portion of the Environmental Management Bond is to be forfeited the reasons for this must be given in writing.

2.6.9 Insurance

1. A minimum public liability insurance of \$10 million, valid for operations in Australia, must be held by any individual or company undertaking commercial filming activities on Lord Howe Island. A certificate of currency must be attached to the signed Approval. The Certificate must name the Lord Howe Island Board as an interested party as per the following text: The Minister for the Environment, the Lord Howe Island Board and the Crown in right of New South Wales.
2. Higher insurance coverage may be required in some circumstances depending on the scale or nature of the activity and its potential risks to staff, the public or the environment.
3. Advice should be sought from the Treasury Managed Fund, the Board's insurer, before any filming activity is approved with a variation of the standard insurance.

2.6.10 Supervision by Staff

1. The delegated officer will determine the need for staff to supervise the filming activity based on the sensitivity of the site or sites, the nature of the location and shoot and equipment used. Where supervision is deemed necessary, a standard hourly rate will be charged for each staff member required to supervise. A higher rate will be charged for supervision outside normal business hours.
2. In the case of filming projects that have potential to significantly promote the Island, the Board may provide staff to serve in a supervisory and interpretive role. The use of staff in interpretative roles does not attract fees.

2.6.11 Filming from Airspace or Waters

1. The LHI Aerodrome is not a controlled airspace and has an operating certificate from first light to last light. Airservices Australia is responsible for regulating aircraft noise relating to take-off, landing and in-flight.
2. Low flying aircraft have the potential to disturb people and compromise conservation objectives (i.e. animals arising from the noise or air turbulence)
3. For applications involving helicopter operations, a special condition will be included in the Filming Agreement that a 'Fly Neighbourly Agreement' is to be developed between the applicant, the aircraft operator and the Board in the interests of minimising the impact of noise on the community. The Fly Neighbourly Agreement will include the number of operations, the height of operations, the time of operations, flight tracks to be used, sensitive areas to be avoided, and other measures to minimise noise impacts on residents and visitors.
4. Applications for filming from waters within the LHI Marine Park are the management responsibility of NSW Marine Parks.
5. The use of Unmanned Aerial Vehicles (UAV or drones) for filming is to be carried out in accordance with ~~checklist of requirements from Screen NSW UAV workshop 2015 (Attachment B)~~[Civil Aviation Safety Regulations](#).

2.6.12 Rescheduling by the proponent

1. If it is necessary for the proponent to re-schedule due to filming requirements, e.g. unfavourable weather, the delegated officer must be notified as soon as possible and the proposed rescheduling date agreed upon by both parties. Proponents should be encouraged to nominate contingency days in advance. Any reasonable cost incurred by the Board may be recovered from the applicant e.g. casual staff contracted for the period and an inability to change these arrangements.

2.6.13 Breach of the Conditions of the Agreement

1. The Board will monitor compliance with conditions for all filming approvals and will act to restrain any breaches by taking appropriate enforcement action. Action to restrain the breach or offence may include issuing of infringement notices, the immediate termination of the approval and taking legal action against the Approval holder.
2. Standard conditions of the approval provide that the applicant does not have the right to claim against the Board for damages for loss of business or financial or other loss as a result of such a termination of approval.

2.6.14 Defences

1. The holding of an approval for filming is not a defence against an offence committed under any Act or Regulation unless the activity that constituted that potential offence was specifically permitted in the filming approval.

3 Definitions

3.1 Very Low Risk

Small-scale filming including filming undertaken as a bona-fide personal interest or hobby, weddings, news, and current affairs. No more than 10 crew, with low level equipment use and minimal props or talent.

3.2 Low Risk

Low scale filming including student, government and approved documentaries, lifestyle and travel productions. Minor or negligible impact on the community, tourism and the environment. No more than 25 crew, less than 4 trucks / vans, small or no unit base required.

3.3 Medium Risk

Medium scale productions valued under \$10 million. Minor to medium impact on the community, tourism and the environment. No more than 50 crew, less than 10 trucks / vans, unit base required.

3.4 High Risk

Large scale productions valued over \$10 million. Greater than 50 crew, greater than 10 trucks, large unit base required, medium to major impact on community, tourism and the environment.

4 Attachment A

DRAFT FILMING AGREEMENT

AGREEMENT Made on _____ of 2016

BETWEEN _____ (the "**AbbreviationApplicant**")
(Address)

AND LORD HOWE ISLAND BOARD
Bowker Road, Lord Howe Island (the "BOARD").

WHEREBY:

1. Permission to Enter and Film

1.1. The BOARD, pursuant to section 49 of the Lord Howe Island Regulation, 2014 grants to _____the Applicant permission to enter and remain on Lord Howe Island for the purposes of filming, recording and related field production on a 'general access' basis, including the areas on the island known as:

- a) _____ ; and
 - b) _____
- (the "**Location**"),

in accordance with the conditions of the Approval, from _____ to _____ (the "**Term**") and further to make use of the resulting footage, sound recording and related field production materials in, and in connection with, _____the Applicant with the current working title ' _____ ' (the "**Production**").

Any additional time and or days required by _____the Applicant for the Production must be presented in writing to the Board for prior approval.

The Board permits _____the Applicant to:

- a) erect, maintain, dismantle and remove temporary sets and structures for the purposes of filming, recording and related field production for the Production;
- b) bring people and equipment onto the Location for the purposes of filming, recording and related field production for the Production;
- c) incorporate scenes showing or otherwise depicting the Location in the Production or any other program, either as a sequence on its own or preceded, interlaced or followed by such scenes as _____the applicant may determine; and
- d) exploit and exhibit film or still photographs including scenes photographed taken or made at, or of the Location which will be _____the Applicant's absolute property to use as it thinks fit.

- 1.2. ~~_____The Applicant~~ agrees that ~~_____they~~ will vacate the Location on or before the end of the Term. ~~_____The Applicant~~ will leave the Location in the same state of cleanliness and repair as at the commencement of the occupation and use of the Location.

2. Film Contact Officer

_____ (LHIB _____) is appointed as the Film Contact Officer to assist ~~_____the Applicant's~~ field production crew in obtaining the necessary approval, support and access to the Board's services during the Term.

3. Consideration

- 3.1. In full and final consideration of the access granted and assistance provided by the Board, as provided in this Agreement, ~~_____the Applicant~~ will pay to the Board:
 - (a) the amount of _____ Australian dollars (\$___), being the application and ___ level environmental impact assessment fee (\$___) and the Environmental Management Bond (\$___), as set out in the *Lord Howe Island Board's Fees and Charges 2015/2016*—published on lhib.nsw.gov.au, prior to filming commencing; and
 - (b) any other fees and charges, as incurred by ~~_____the Applicant~~ during the Term, as per the aforementioned fees and charges document, including any applicable LHIB officer supervision fee, within fourteen (14) days of the end of the Term, upon receipt of valid invoice from the Board.
- 3.2. If ~~_____the Applicant~~ needs to shoot re-takes or additional scenes at the Location, the Board will allow ~~_____the Applicant~~ to, at any time within 12 months after the end of the Term, re-enter the Location on the same terms as this Agreement, except that:
 - a) the dates for re-entry are to be reasonably agreed between the parties;
 - b) ~~_____the Applicant~~ must pay any additional fees on a pro-rata basis;
 - c) the Special Conditions are revised to reflect any impacts due to a change in dates;
 - d) a Development Application is required if the total additional filming activity is greater than 30 days.

4. Insurances and Indemnities

- 4.1. A minimum public liability insurance of \$AU 10 million must be held by ~~_____The Applicant~~. A copy of the policy or a certificate of currency must be attached to the filming application.
- 4.2. ~~_____The Applicant~~ is required to ensure adequate insurance cover is in place for its field production crew and their filming and related equipment, as is the case with all commercial undertakings in areas managed by the Board. The Board is not liable for any loss or injury to ~~_____the Applicant's~~ field production crew or equipment except to the extent that such loss or injury arises from the negligence of the Board or any servant, agent, contractor of the Board.
- 4.3. ~~_____The Applicant~~ agrees to release to the full extent permitted by law the Minister for the Environment, the Board and the Crown in right of New South Wales in the absence of any negligence on their part from all claims and demands of every kind resulting from any

accident, loss, death, damage or injury occurring in, on or near the Location and the Applicant expressly agrees that in the absence of any such negligence as aforesaid neither the Minister for the Environment, the Board and the Crown in right of New South Wales shall have any responsibility or liability for any accident, loss, death, damage or injury suffered or incurred by the Applicant (whether to or in respect to the Applicant's property or business) or the Applicant's employees, agents or contractors or other persons claiming through or under The Applicant.

- 4.4. The Applicant will indemnify and keep indemnified the Minister for the Environment, the Board and the Crown in right of New South Wales and their respective successors, agents, servants, contractors and employees from and against all actions, suits, claims, demands, proceedings, losses, damages, compensation, costs, charges and expenses whatsoever to which any of those indemnified shall or may be or become liable in respect to or arising from or in connection with: loss, damage or injury from any cause whatsoever to property or person caused or contributed to by the Applicant or any servant, agent or contractor of the Applicant or any other person claiming through or under the Applicant in conducting the filming and related field production at and around the Locations; loss, damage or injury from any cause whatsoever to property or person within the Location occasioned or contributed to by any act, omission, neglect, breach or default of the Applicant or any servant agent or contractor of the Applicant or other person claiming through or under The Applicant.
- 4.5. This has effect notwithstanding that any time, waiver or other indulgence has been given to the Applicant by the Board in respect to any such obligations.
- 4.6. The Applicant's liability to indemnify the Board shall be reduced proportionately to the extent that any accident, loss, death, damage or injury referred to above is caused by any ~~willful~~ or negligent act or omission of the Board or any agent, servant or contractor of the Board.
- 4.7. The obligations of the Applicant continue after the expiry or other determination of this Agreement in respect to any act, deed, matter or thing happening before the expiry or determination of this Agreement.
- 4.8. The Applicant will ensure that its field production crew complies with work health and safety legislation requirements at all times whilst on Lord Howe Island, and that all conditions required under its insurance cover will be met.

5. Warranties

- 5.1. The Board warrants that it has the authority to grant the rights granted to the Applicant pursuant to this Agreement and indemnifies the Applicant for any breach of this warranty.
- 5.2. The Board has no warranty over force majeure events.

6. Rights

- 6.1. Any and all footage, sound recordings and related field production materials made by or on behalf of the Applicant in and around the Location (“**Location Materials**”) including all copyright subsisting in such materials, will be the sole and absolute property of the Applicant who has the unrestricted right to use and exploit (and authorise others to use and exploit) the Location Materials in any and all media, worldwide, and in perpetuity, as it sees fit.
- 6.2. The Applicant has no obligation to make or exploit the Production, or to use any Location Materials in the Production, and the Board will not bring any claim against the Applicant for loss of opportunity in relation to the Production.

7. Confidentiality

- 7.1. The Board acknowledges that it is critical to the success of the Production that secrecy is maintained with respect to the contents of the Production. This includes anything that would impact on the suspense and surprise for viewers when the Production is broadcast. Accordingly the Board will not publicise or discuss this Agreement nor the Production in which the Location appears without the express knowledge and written consent of the Applicant, other than for the purpose of obtaining professional advice. This does not apply to any disclosure that is required by law to make.
- 7.2. The Board acknowledges that any breach of this clause 7.1 may result in irreparable harm and significant injury to the Applicant and that the Applicant is entitled, in addition to any other rights and remedies it may have, to enforce its rights by seeking and obtaining specific performance and/or injunctive relief from breaches of this Agreement.
- 7.3. The Board agrees that it will not seek injunctive relief in relation to the Production and/or the Location Materials.

8. Goods and Services Tax

- 8.1. The Board must provide the Applicant with a Goods and Services Tax (GST) valid tax invoice in accordance with the relevant legislation.

9. Inspection

- 9.1. The parties agree to inspect the Location jointly before and after the Term. Within 14 working days of the Applicant vacating the Location after the end of the Term, the Board may submit to the Applicant a list of property damage for which the Board claims the Applicant is liable. The Board must allow the Applicant to have access to the Location to inspect and, if liable, to rectify the damage. Failure by the Board to notify the Applicant in accordance with this clause relieves the Applicant of all responsibility in respect of damage arising from its use of the Location.

10. Review of Agreements

10.1. The Board reserves the right to review the Agreement and the associated conditions of approval if circumstances require it or change. Examples may include where there are concerns regarding a culturally or environmentally sensitive area, continuous wet weather, or where unforeseen circumstances arise which present immediate threats to habitat, wildlife or public safety.

11. Rescheduling by the Applicant

11.1. If it is necessary for the Applicant to re-schedule filming and/or related field production at the Location (for example due to unfavourable weather), the Film Contact Officer must be notified as soon as possible and the proposed re-scheduling date agreed upon by both parties. Any reasonable cost incurred by the Board as a direct result of the re-scheduling may be recovered from the Applicant (for example the cost of contracted casual staff).

12. Acknowledgements

12.1. The Location and assistance of the Board and community shall be acknowledged in the end credits for the relevant episode of the Production in which the Location is featured, provided that the precise wording, position and size of such acknowledgement will be determined at the discretion of the Applicant and further will be subject to applicable international broadcaster approvals. It is acknowledged that the Board's preferred form of wording is as follows:

"Filmed on location at Lord Howe Island with the assistance of the Lord Howe Island Board and community.

No environmental damage was incurred on location. The conservation values of the areas have been preserved."

13. Supply of copies of final Production

Two (2) copies of the finished episode of the Production in which the Location is featured will be provided to the Board on DVD, or other media the Board deems appropriate, strictly for its own private, non-commercial use and further subject to any other conditions stipulated by the Applicant in its discretion.

14. Termination of and Breach of legislation and conditions of the Agreement

14.1. The Applicant must comply with all applicable legislation administered by the Board, and with the conditions of the Agreement, and will be subject to all penalties for breaches of such legislation and any conditions of the Agreement.

14.2. Any breach of applicable legislation or gross breach of conditions of this Agreement may result in termination of the permission granted, refusal of future applications and imposition of penalties outlined in the relevant legislation.

14.3. The Applicant may terminate this Agreement by giving 14 days written notice.

15. Arbitration

15.1. The parties agree that any and all disputes or controversies of any nature between them arising in connection with this Agreement shall be determined by binding arbitration in accordance with the ACICA Arbitration rules (or with the agreement of the parties, ADR Services) before a single neutral arbitrator (“Arbitrator”) mutually agreed upon by the parties. If the parties are unable to agree on an Arbitrator, the Arbitrator shall be appointed by the arbitration service. The seat of arbitration shall be Sydney, Australia. The Arbitrator’s decision shall be final and binding as to all matters of substance and procedure, and may be enforced by a petition to the Superior Court for confirmation and enforcement of the award.

16. Environmental Management Bond

16.1. The Environmental Management Bond is required for all commercial filming and photography activities. The Board will retain part of or the entire Bond in the event of any unexpected costs incurred by the Board directly due to ~~_____the Applicant’s~~ field production activities at or around the Location. ~~_____The Applicant~~ will be responsible for repairing any damage to the Location caused by it over and above the amount of the Bond. Subject to the foregoing, the Bond, or the remaining portion of the Bond will be returned to ~~_____the Applicant~~ within 7 days of the earlier of the completion of any applicable restoration works by ~~_____the Applicant~~ under clause 9.1 or the expiration of the 14 day period without delivery of a list of property damage by the Board as described in clause 9.1

16.2. Additional unforeseen fees or charges (e.g. unplanned time delays, additional supervision incurred after the Agreement is signed) will be deducted from the Bond.

16.3. The Board’s Approval granted under the filming application is effective only once the application and low level environmental impact assessment fee and the Environmental Management have been paid pursuant to clause 3 herein, proof of the required insurance cover is sighted, and the Agreement has been signed by an authorised LHIB officer and an authorised representative of ~~_____The Applicant.~~

17. Special conditions

17.1. Environmental Management

All equipment and materials are to be removed at the conclusion of the filming activity.

No plant, animal or soil material is to be imported to, or exported, moved or relocated from, or within the Island, without prior approval from the Board outlined under the *Lord Howe Island Regulation 2004*. This includes seeds, cuttings, live or dead animals and rocks and other substances forming part of the island.

No detrimental environmental impact will result from the filming activities.

17.2. Biosecurity

Wash (launder) all clothes, hats and fabric bags and vacuum bags and pockets etc. to remove seeds and soil particles.

Brush all footwear and accessories that may have been in contact with soil to remove soil/mud.

Items such as boots, bags, hats, sporting equipment, camera tripods and walking poles etc. must be washed or sprayed with 70% methylated spirits and water, or, Quatsan 1:500, to ensure gear is free of Myrtle rust spore, Phytophthora and other plant pathogens.

Upon arrival, and throughout your stay on LHI, regularly use the boot scrub bays provided at track heads and lodges to clean boots, walking poles and camera tripods.

Any items that may provide harbor for invertebrates must be treated with a knockdown insecticide when packing.

All packed gear should be searched for any other animals when packing and on arrival.

Any foreign plant or animal material found upon arrival should be contained and the Board's Ranger contacted as soon as possible for capture and quarantine management.

17.3. Waste Management

All waste is to be separated and disposed of in labelled waste bins. All food items, including seeds and pips, are to be taken out of bushland areas and disposed at waste bins.

All waste is to be managed, transported, reused, stored, collected, receipted and disposed of in an environmentally satisfactory manner pursuant to *NSW Protection of the Environment Operations Act 1997*, and that all reasonable measures regarding the control and prevention of pollution and waste from being introduced to LHI are implemented.

17.4. Signage

The applicant must not display any advertisement or a sign except with the consent of the LHIB under the Advertising and Signage Policy.

If any removal of existing signage is required the applicant must, within the rehabilitation period return the sign to its normal position.

17.5. Aerodrome Operations

 The Applicant will be charged relevant landing fees and parking fees to operate aircraft in / out of the LHI Aerodrome.

The Board will appoint a Works Safety Officer (WSO) at the aerodrome to manage safety for loading and unloading operations and aircraft during these times. WSO charges are \$55/hr (incl GST) at the current 'Plant Operator' rate as per the Board's published fees and charges for the work between 7am and 3:30pm Mon - Fri, and overtime rates outside of that. Any of the Applicant's staff or contractors who do not have Aviation Security Identification Cards (ASICs) would need to provide

proof of identification and be logged in as visitors if they are involved in the unloading and loading operations on the airside.

17.6. Use of Drones

The applicant must comply with Civil Aviation Safety Regulations 1998, Part 101 - Unmanned aircraft and rockets and Civil Aviation Safety Authority Instrument No. CASA 96/17. Lord Howe Island is an uncontrolled airspace. A map of ~~the~~ Lord Howe Island ~~aerodrome~~ Aerodrome, ~~typical~~ the approach and departure paths and movement area is provided as Attachment ~~1-A~~

17.7. Work Health & Safety

The applicant is required to ensure, as far as reasonably practicable that the activity is undertaken in accordance with all laws, regulations, standards and other requirements in relation to work health and safety.

AGREED BY THE PARTIES

SIGNED for and on behalf of
The Lord Howe Island Board

Name.....

Date

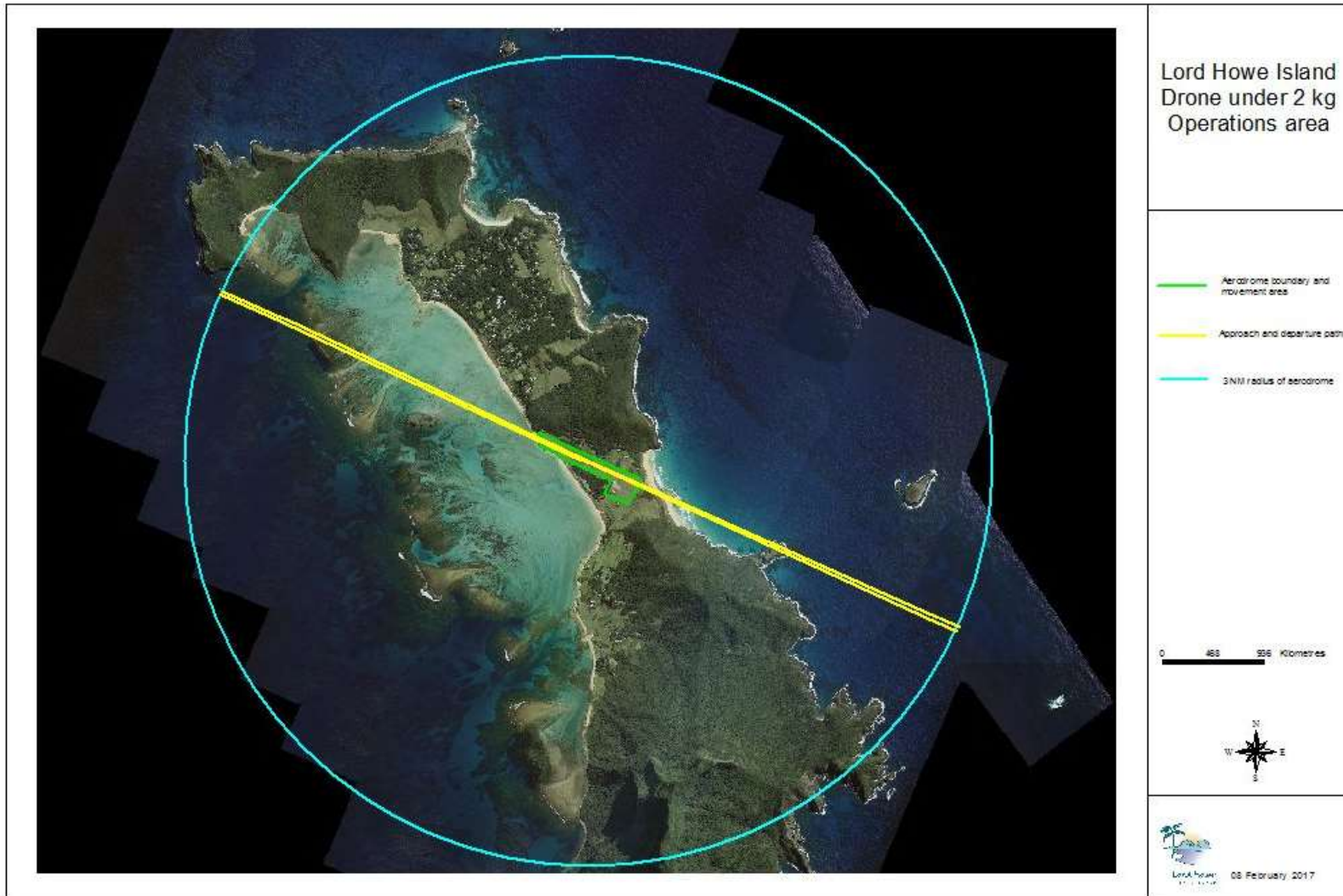
SIGNED for and on behalf of

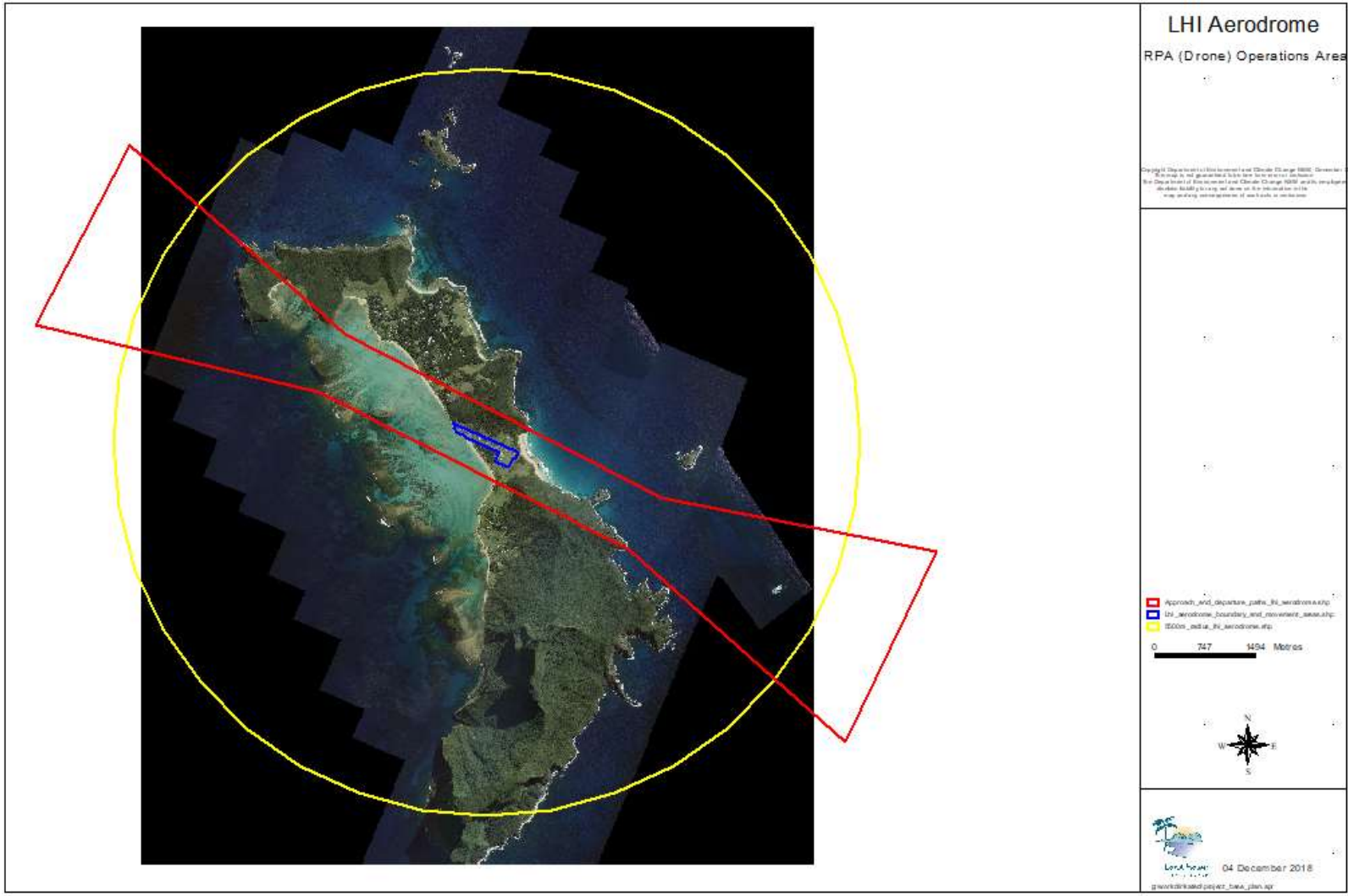
_____ .

Name.....

Date

Attachment A – Drone under 2kg Operations Area





Screen NSW UAV Workshop 2015

CHECK LIST:

- Company holds current CASA UAV Operations Certificate (UOC)
- Aircraft model and take off weight listed on company UOC
- Pilot has current CASA Remote Pilot Certificate (RPC)
- Aircraft model and take off weight listed on pilots RPC
- Insurance Type:
 - 3rd Party Public Liability (Aviation Specific)
 - Hanger Keepers
 - Camera package (Camera and other equipment)
- Flight Risk Assessment
- Feasibility for each location (is it safe, is it legal?)
- Is traffic management required?
- Safety management plan and safety officer details
- Operations at night requires permit (CASA issued exemption)
- Operations within restricted airspace requires approval from the controlling authority - This may be CASA
- Operations within military airspace requires military approval (LOA) and CASA approval
- Operations within 3 NM or 5.5kms of airport requires CASA approval
- Operations out of pilots visual line of sight need a CASA Area Approval
- Operations are not allowed within 30m of any member of the public without an exemption from CASA
- Operations are not allowed over a **populous area*
** Populous area is an area with sufficient density that an unreasonable risk of death, injury or property would be presented by any aspect of RPA's operations*
- Must operate within visual line of operator
- Must not fly above 400ft or 123m
- Operators are to operate keeping within the privacy legislation

Other items to consider

- Past infringements
- Maintenance manuals aircraft



Production Attraction team at Screen NSW

Matt Carroll
Director Production Attraction & Incentives 9995
0965
matt.carroll@screen.nsw.gov.au

Cynthia Meyer
Senior Production Attraction Executive 9995 0972
cynthia.meyer@screen.nsw.gov.au

Lisa Scope
Production Attraction Executive 9995 0938
lisa.scope@screen.nsw.gov.au

Shannon Wheeler
Production Attraction Co - ordinator 9995 0965
shannon.wheeler@screen.nsw.gov.au

FURTHER INFO:

CASA
Australian Civil Aviation Safety Authority
131 757
Mail: GPO Box 2005 Canberra ACT 2601
www.casa.gov.au

LORD HOWE ISLAND BOARD COMMERCIAL FILMING APPLICATION

SECTION A

APPLICANT DETAILS

Contact Name:

Company Name:

Address:

Phone: Fax:

Email:

PRODUCTION DETAILS

Title of Production:

Director (Name):

On-site Contact: Phone:

Email:

Filming Category:

Commercial Filming – Advertisements Product Name:

Production Filming – Theatre, Television, Cinema Productions

Over \$40 million \$10 million to \$40 million Less than \$10 million

Documentary Filming – Television, Cinema Productions

Documentary Filming – NSW Tourism Sponsored Productions (Endorsement attached)

Government-sponsored Productions – Other Government Agencies E.g.

Educational Filming – TAFE, University, DSE

Research Specify:.....

Non-profit – Student Productions, Grant Funded (Supporting documentation attached)

Other Specify:.....

Provide a description of the filming:

.....
.....
.....
.....

SECTION B

FILMING REQUIREMENTS

Please complete Attachment A (Filming Requirements Schedule) for dates, location, cast, crew and vehicle details. Please mark on map/s, the location/s of filming proposed and proposed access and use.

Special Details

Scenes to be filmed:

.....

.....

.....

.....

.....

.....

Presenter/Cast:

Tick the relevant boxes below. Provide further details if you tick 'yes' to any of the boxes.

Do you intend filming marine mammals within the specified minimum distance?

Yes (Additional information is required and a Section 120 Licence must be obtained from NSW National Parks and Wildlife Service.)

.....

No

Are any special security arrangements proposed?

Yes (Specify):

No

Do you require the public to be excluded from the area where filming will be undertaken?

Yes (Specify):

No

Will any special parking arrangements be required on the location?

Yes (Specify):

No

Do you intend to film motor vehicles?

Yes (Specify roads or tracks to be used and indicate if you seek to use vehicles on roads or trails not available for public access):

.....

No

Will vessels, aeroplanes or helicopters vehicles be used?

Yes (Specify):

No

Will you be seeking permission to bring animals including horses, dogs or cats onto the island?

Yes (Specify):

No

Will there be any earthworks or other environmental modification required?

Yes (Specify):

No

Will any signs, including posters or other advertising material, be erected?

Yes (Specify):

No

Will any disturbance to animals or their habitats, including breeding sites, be caused?

Yes (Specify):

No

Will any animals, including fish, be caught or trapped?

Yes (Specify):

No

Will any fires be lit other than in public fire places or flammable substances be brought onto the island?

Yes (Specify):

No

Will there be any structures, including sets, erected or plant and equipment brought onto the island?

Yes (Specify):

No

Will there be any clearing of vegetation required?

Yes (Specify):

No

Will any weapons, including spearguns, firearms, explosives, fireworks be brought onto the island?

Yes (Specify):

No

Will any dangerous activities such as abseiling, base jumping, bungee jumping, rock climbing, parachuting, white water boating or hang gliding be undertaken on the island?

Yes (Specify):

No

Insurance (Attach a copy of public liability insurance cover or certificate of currency to this application).

Public Liability Insurance Company:

Policy No.: Amount:

Expiry Date:..... Agent:

SECTION C

TO BE COMPLETED BY THE LORD HOWE ISLAND BOARD:

1. Supervision Rates

Standard hourly rate

After hours rate (After hours, weekends and public holidays)

Other (Reduced or waived)

18. Short Notice Levy

Application received with less than 24 hours' notice

Application received with less than three days' notice

Application received with less than seven days' notice

19. Miscellaneous

Approved hire of Board equipment

Additional charges for camping fees etc.

Is a Section 120 Licence required for filming marine mammals within minimum distances?

20. CHECK ATTACHMENTS

Filming Application

Map

Application Fee

Location Request Form

Insurance Cover or Certificate of Currency

Security Deposit

21. AUTHORISING OFFICER

~~Manager~~Chief Executive Officer

Vice Chairman

Chairman

SECTION D

FILMING INDEMNITY

Applicant's Name:

Address:

Phone:..... Fax:

Email:

This section must be completed by the applicant before the Agreement comes into effect.

..... indemnifies the State of New South Wales, the Minister administering the Lord Howe Island Act and the Lord Howe Island Board against all actions, claims, demands, losses, damages, costs and expenses in respect of any damage to, or loss of, property, or death or injury to any person which may be suffered or sustained carrying out the filming, which is the subject of this agreement, during the term of this agreement, other than where the same is caused by or contributed to by (but only to the extent of the contribution) by any act or omission of the State of New South Wales, the Minister administering the Lord Howe Island Act and the Lord Howe Island Board or their servants, agents or contractors.

I, in my capacity as the duly authorised agent of the Applicant herein acknowledge having read the Standard Conditions, agree that by signing this Agreement I shall render the applicant legally bound by them, and any special conditions that may be attached in the event that the Agreement is authorised.

Signature of Applicant or Applicant's Representative

Position: Date:

ATTACHMENT A

FILMING REQUIREMENTS SCHEDULE

Location Name of service area and location in area. Attach map with details.	Dates Requested	Between the Hours	Set up Times	Filming Times	Take Down Times	Number of Cast	Number of Crew	Vehicles Types and Registration Numbers (If insufficient space, add additional rows.)
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other

Location Name of service area and location in area. Attach map with details.	Dates Requested	Between the Hours	Set up Times	Filming Times	Take Down Times	Number of Cast	Number of Crew	Vehicles Types and Registration Numbers (If insufficient space, add additional rows.)
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other

LORD HOWE ISLAND BOARD COMMERCIAL PHOTOGRAPHY APPLICATION

SECTION A

APPLICANT DETAILS

Contact Name:

Company Name:

Address:

Phone: Fax:

Email:

DESCRIPTION / TYPE OF PHOTOGRAPHY

Photography is for a specific project / promotion outlined below:
.....

Photography has been commissioned by a third party for:
.....

Photography is for commercial use and resale to photographic libraries as outlined below:
.....

Photography is for research as outlined below:
.....

The photography falls into the following category (see Lord Howe Island Board Fees and ~~Chrages~~[Charges](#)).

Small Scale

Large Scale

Concessional Small Scale (Charities, Not-for-profit organisations, Tourism NSW sponsored or Educational) as outlined below:
.....

Provide a description of how the photographs will be used:

.....

.....

.....

.....

.....

.....
SECTION B

PHOTOGRAPHY REQUIREMENTS

Please complete Attachment A (Photography Requirements Schedule) for dates, location, times and vehicle details. Please mark on map/s, the location/s of photography proposed and proposed access and use.

Is an annual photographic licence required?

Yes Please provide two passport size photographs of the applicant or individual who wishes to be authorised.

This Licence is valid for undertaking small scale photography on Lord Howe Island for a period of 12 months. "Small scale" means any photographic activity which involves a maximum of one photographer plus one assistant; requires only low level equipment use (ie backpackable equipment single tripod); and uses no props or talent.

The applicant must make all reasonable efforts to contact the Board office (by phone, fax or e-mail) prior to undertaking photography to indicate locations, dates and times. The applicant must have this Agreement to show the Board and have it on their person at all times while taking pictures. Access rights to parks and reserves is the same as for any member of the public.

No

Tick the relevant boxes below. Provide further details if you tick 'yes' to any of the boxes.

Do you intend photographing marine mammals within the specified minimum distance?

Yes (Additional information is required and a Section 120 Licence must be obtained from NSW National Parks and Wildlife Service.)

.....

No

Are any special security arrangements proposed?

Yes (Specify):

No

Do you require the public to be excluded from the area where photography will be undertaken?

Yes (Specify):

No

Will any special parking arrangements be required on the location?

Yes (Specify):

No

Do you intend to photograph motor vehicles in the Permanent Park Preserve?

Yes (Specify roads or tracks to be used and indicate if you seek to use vehicles on roads or trails not available for public access):

.....

No

Will vessels, aeroplanes or helicopters vehicles be used?

Yes (Specify):

No

Will you be seeking permission to bring animals including horses, dogs or cats onto the island?

Yes (Specify):

No

Will there be any earthworks or other environmental modification required?

Yes (Specify):

No

Will any signs, including posters or other advertising material, be erected?

Yes (Specify):

No

Will any disturbance to animals or their habitats, including breeding sites, be caused?

Yes (Specify):

No

Will any animals, including fish, be caught or trapped?

Yes (Specify):

No

Will any fires be lit other than in public fire places or flammable substances be brought onto the island?

Yes (Specify):

No

Will there be any structures, including sets, erected or plant and equipment brought onto the island?

Yes (Specify):

No

Will there be any clearing of vegetation required?

Yes (Specify):

No

Will any weapons, including spearguns, firearms, explosives, fireworks be brought onto the island?

Yes (Specify):

No

Will any dangerous activities such as abseiling, base jumping, bungee jumping, rock climbing, parachuting, white water boating or hang gliding be undertaken on the island?

Yes (Specify):

No

Insurance (Attach a copy of public liability insurance cover or certificate of currency to this application).

Public Liability Insurance Company:

Policy No.: Amount:

Expiry Date:..... Agent:

SECTION C

TO BE COMPLETED BY THE LORD HOWE ISLAND BOARD:

Supervision Rates

Standard hourly rate

After hours rate (After hours, weekends and public holidays)

Other (Reduced or waived)

Short Notice Levy

Application received with less than 24 hours' notice

Application received with less than three days' notice

Application received with less than seven days' notice

Miscellaneous

Approved hire of Board equipment

Additional charges for camping fees etc.

Is a Section 120 Licence required for filming marine mammals within minimum distances?

CHECK ATTACHMENTS

Filming Application

Map

Application Fee

Location Request Form

Insurance Cover or Certificate of Currency

Security Deposit

AUTHORISING OFFICER

~~Manager~~[Chief Executive Officer](#)

Vice Chairman

Chairman

SECTION D

PHOTOGRAPHIC INDEMNITY

Applicant's Name:

Address:

Phone:..... Fax:

Email:

This section must be completed by the applicant before the Agreement comes into effect.

..... indemnifies the State of New South Wales, the Minister administering the Lord Howe Island Act and the Lord Howe Island Board against all actions, claims, demands, losses, damages, costs and expenses in respect of any damage to, or loss of, property, or death or injury to any person which may be suffered or sustained carrying out the filming, which is the subject of this agreement, during the term of this agreement, other than where the same is caused by or contributed to by (but only to the extent of the contribution) by any act or omission of the State of New South Wales, the Minister administering the Lord Howe Island Act and the Lord Howe Island Board or their servants, agents or contractors.

I, in my capacity as the duly authorised agent of the Applicant herein acknowledge having read the Standard Conditions, agree that by signing this Agreement I shall render the applicant legally bound by them, and any special conditions that may be attached in the event that the Agreement is authorised.

Signature of Applicant or Applicant's Representative

Position: Date:

ATTACHMENT A

PHOTOGRAPHIC REQUIREMENTS SCHEDULE

Location Name of service area and location in area. Attach map with details.	Dates Requested	Between the Hours	Set up Times	Filming Times	Take Down Times	Number of Cast	Number of Crew	Vehicles Types and Registration Numbers (If insufficient space, add additional rows.)
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other

Location Name of service area and location in area. Attach map with details.	Dates Requested	Between the Hours	Set up Times	Filming Times	Take Down Times	Number of Cast	Number of Crew	Vehicles Types and Registration Numbers (If insufficient space, add additional rows.)
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other

LORD HOWE ISLAND BOARD POLICY

TITLE	Commercial Filming Policy		
ORIGINAL POLICY ADOPTED	September 2001	AGENDA ITEM	16. September 2001
CURRENT VERSION	April 2020	AGENDA ITEM	9(ii) April 2020
REVIEW	5 years	FILE REFERENCE	ED17/1955[V2]
ASSOCIATED LEGISLATION	<i>Lord Howe Island Act, 1953</i> <i>Lord Howe Island Regulation, 2014</i> <i>Environmental Planning & Assessment Act, 1994</i> <i>Biodiversity Act 2015</i>		
ASSOCIATED POLICIES	Premier's Memorandum: M2014-04 <i>Making NSW Film Friendly</i> Local Government Film Friendly Protocol		

CONTENTS

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1 Introduction

The Lord Howe Island Board is supportive of film making and photography on the Island. The Board also recognises that filming and photography and their associated activities may have a range of impacts on the Island and requires a balance between the interests of the local community, its economy and the environment.

1.1 Context

1.1.1 Premier's Memorandum: M2014-04 *Making NSW Film Friendly*

In May 2014, the NSW Government released the Premier's Memorandum M2014-04 *Making NSW Film Friendly*. The Memorandum requires that:

- a) There is a cooperative attitude in dealing with filming requests;
- b) Applications for access are processed promptly;

- c) Access to locations is supported wherever possible and should not be unreasonably withheld;
- d) Clear reasons for refusal should be provided and alternative arrangements for sites offered if possible;
- e) Fees are kept to a minimum and should only reflect costs;
- f) Agencies should permit filming activities and / or make locations and facilities available for filmmakers where possible, taking into account public amenity, safety, security and other operational requirements. Requests for agency services should receive a positive response where ever possible. Where filming access, services or approvals cannot reasonably be given, the filmmaker should be advised as early as possible of this response, reasons given for it and alternatives suggested if possible.

The Premiers Memorandum refers to the Local Government 2012 Film Friendly Protocol and makes a commitment that government agencies and State authorities will follow the protocol in facilitating filming.

1.1.2 Local Government Film Friendly Protocol

The Local Government Filming Protocol was developed under the Local Government Act 1993, which introduced a single application system for council approvals related to filming.

The Protocol includes the presumption that councils will grant approvals relating to filming projects. Councils are to ensure that requests for location film productions are able to occur, unless there are exceptional circumstances or legislation requires the council to refuse to grant the approval.

Local councils are to comply with the Protocol when determining applications or setting fees, rather than simply taking it into consideration as required previously. Fees and charges related to location filming activity are, at a maximum, to be cost reflective.

The Protocol has been prepared in consultation with local councils, government agencies and the screen industry.

The Protocol applies to all local councils except where another filming protocol has been adopted with the approval of the Director General of the Department of Local Government. Where a council has discretion to set fees and charges relating to a filming project, the legislation now requires the council to set them in accordance with the Filming Protocol.

1.2 Objectives

The policy aims to:

- a) Provide a framework which supports film-makers/photographers and is balanced with the interests of the local community, tourism, and the environment.
- b) Provide clear and consistent guidelines for when commercial filming and photography requires approval.
- c) Promote an effective working relationship between film-makers/photographers and the Board.

1.3 Scope of Policy

This policy applies to filming and photography, and related activities, carried out on land administered under the *Lord Howe Island Act, 1953* including Lord Howe Island and its offshore islands including Balls Pyramid.

For the purposes of this policy, all references to ‘filming’ include photography unless otherwise stated (see definitions).

This policy does not apply to filming in the Lord Howe Island Marine Park. Filming in marine parks requires approval under the *Marine Estate Management Act 2014* or as required under the *Film Approvals Act, 2004*.

2 Policy

2.1 Approval of Filming Applications

1. The provisions of the *Film Approval Act 2004* and the *Local Government Act 1993* relevant to filming (s 114 – 110F) do not apply to land administered under the *Lord Howe Island Act, 1953*.
2. Commercial filming taking place on Lord Howe Island requires approval from the Lord Howe Island Board. This includes filming undertaken for a specific project or show (e.g. by a television station or production company) as well as filming which is taken for the purpose of selling or hiring to another party.
3. A licence is required under Section 49 of the Lord Howe Island Regulation, 2014 to carry-out commercial filming and associated activities.
4. Consent may also be required under other legislation such as the Environmental Planning and Assessment Act, 1979, Heritage Act, 1977, Biosecurity Act 2015 and the Environment Protection and Biodiversity Conservation Act 1999.

Note: In some cases, where the scale and duration (i.e. total filming activity is greater than 30 days) of the film warrant, a Development Application is required.

2.2 Assessment of Filming Applications

1. Given the context of the Premier’s Memorandum, the Board should permit filming activities and / or make locations and facilities available for filmmakers where possible, taking into account public amenity, safety, security and other operational requirements. Requests for agency services should receive a positive response where ever possible.
2. The process of considering filming applications is based on assessment of potential impacts the filming may have whilst recognising the diverse benefits the filming may bring to Lord Howe Island, the public and the state of NSW in general.
3. The Lord Howe Island Act, Lord Howe Island Regulation, Biodiversity Act, EPBC Act, and Environmental Planning and Assessment Act all provide a range of matters that may need to be considered in assessing an application for filming.
4. When assessing a filming application the delegated officer must have regard to the nature and extent each of the following matters:
 - a) Any relevant legislation, plan, or policy for the subject area.
 - b) Whether there will be any community impacts including positive economic benefits, reduced access to site locations, changes in amenity, public safety, security or impacts on services and facilities on the Island, and whether these have been addressed through vehicle importation requirements, traffic and parking plans, water, waste water management strategies.
 - c) Whether there will be any environmental impacts at site locations including those associated with access and support operations and whether these are addressed through a biosecurity, threatened species, or restoration plan.
 - d) Whether there will be any tourism impacts including the overall benefit to the Island,

and impact on visitor experience, and whether these have been addressed or offset in any way.

- e) Whether there will be any cultural heritage impacts and whether these can be effectively avoided or mitigated.
5. Where the information submitted by the applicant with the application is inadequate to enable this assessment, the delegated officer is to request further information from the applicant.
6. The approval cannot be refused on the grounds that the Board is not satisfied as to these matters unless the matter cannot be adequately addressed by imposing conditions on the approval.

2.3 Delegation

1. The Chief Executive Officer is delegated to approve applications for commercial filming which are classified as Very Low Risk, (news, current affairs), Low Risk (low scale productions including student, government and approved documentaries, lifestyle and travel)
2. Medium and High Risk applications will be referred to the full Board for determination. High risk applications will only be considered by the Board in exceptional circumstances

2.4 If Approval not Granted

1. If approval is refused, the applicant must be given clear reasons for the refusal in writing as soon as the decision is made. Where practical, the Board should assist the applicant by giving advice and support on possible alternative locations and/or practices.

2.5 Dispute Resolution

1. If there is a dispute between the Board and the applicant, the dispute resolution procedures outlined in the Local Government Protocol will apply.

2.6 Procedural Guidelines

2.6.1 Application Process

1. An applicant is required to submit to the Board's Administration a signed application form and the application fee. The application form (available from the LHIB Website) will include details of the filming and proposed location and a risk assessment of economic, social and environmental matters. A review of environmental factors (REF) may also be required (see clause 34). The application form will form the basis of any filming approval under the Lord Howe Island Regulation.
2. The Board will appoint a film contact officer to assist the filmmakers in obtaining the necessary approval, support and access to the Board's services.
3. If approved, the application will be subject to the Standard Conditions of the Filming Agreement and any additional conditions deemed appropriate to ensure that the activity does not impact on the economic, social and environmental significance of the Island. For example, conditions can relate to the numbers of persons on-site at any time, limits on movement of vehicles, restricted areas or hours of operation (Attachment A).

2.6.2 Review of Agreements

1. The Board reserves the right to review the Agreement and the associated conditions of

approval if circumstances require it or change. Examples may include where there are concerns regarding a culturally or environmentally sensitive area, continuous wet weather, or where unforeseen circumstances arise which present immediate threats to habitat, wildlife or public safety.

2.6.3 Application Timeframes

1. Early consultation with the Board can help match the applicant's needs with appropriate sites and streamline processing times.
2. Applicants can minimise likely processing times by consulting with the Board early in the process, factoring in time for the preparation of the application form, site inspection and ensuring that adequate information is provided in the application in accordance with any necessary environmental assessment, this policy.
3. The Board will endeavour to have a staff member available to respond to filming enquiries during normal business hours.
4. For filming proposals that do not require an REF, fully completed applications should be made at least ten business days prior to the proposed activity to allow for applications to be adequately considered. As shown in the fee schedules, varying levies are payable for applications submitted in less than this time.
5. In situations where an REF is required, fully completed applications will be assessed in a timeframe of between ten and forty business days. As outlined in the fee schedule, varying levies are payable for applications submitted less than this time.
6. If particularly complex arrangements are required to facilitate the filming or a High Risk of Impact REF is Required (see REF Guidelines) it may not be possible to process applications submitted at short notice and therefore no short notice levy option will exist.

2.6.4 Notifications

1. At the time of application, the applicant should be informed of:
 - a) any known circumstances that are likely to affect the proposed filming e.g. maintenance works; pest control; special events; etc.;
 - b) any known non-obvious hazards relevant to the location; and
 - c) any known sensitive environmental and cultural issues relating to the site; special conditions; known constraints or access restrictions that may be imposed on the activity.
2. Listing of any special conditions or activities should be attached to the written filming approval and signed and dated by the delegated officer and the applicant.

2.6.5 Public Register

1. A register of approved applications to film on Lord Howe Island will be maintained by the Board showing the approval dates, applicant's name, area and purpose of the filming, and information on the conditions of the approval so far as can be disclosed subject to privacy legislation.
2. Ensuring the currency of the register in relation to an approval is the responsibility of the delegated officer who approves the application.

2.6.6 Fees and Charges

1. A range of fees as set out in the Board Fees & Charges Schedule applies to all commercial filming.
2. The Board will ensure that all fees are kept to a minimum and only reflect costs. Fees include:

- a) non-refundable application fee to cover staff time spent processing the application;
 - b) fees for assessment of more complex applications;
 - c) supervision fees to cover staff time as necessary; and
 - d) charges for special requirements (e.g. hire of venues or equipment, meetings with Board staff, requirements for site inspections).
3. Application fees are payable upon application. Other fees are payable upon commencement.
 4. Filming for news and current affairs is not subject to fees under the Fee Schedule. Lifestyle and travel filming may be subject to fees.
 5. Delegated officers may waive or reduce fees for:
 - a) charity organisations;
 - b) community service announcements; and
 - c) filming which significantly promotes the Island, including programs which increase public appreciation, understanding and enjoyment of the natural and cultural values of the Island and its conservation or which encourage visitation

2.6.7 Review of Environmental Factors

1. Filming is not in itself considered to be an 'activity', however associated activities may be. Where any part of the filming activity is classified as an 'activity' under Part 5 of the EP&A Act, the applicant is required to complete a Review of Environmental Factors (REF).
2. For activities likely to affect threatened species, populations or ecological communities, a threatened species assessment will be required. For further information please see: <http://www.environment.nsw.gov.au/threatenedspecies/tsaguide.htm>

2.6.8 Environmental Management Bond

1. A suggested range for Environmental Management Bonds is outlined in the Fee Schedule.
2. The Board may require the forfeiture of all or part of the Environmental Management Bond to cover any unforeseen costs (e.g. additional supervision incurred after the approval is signed, site restoration). Any damage caused by the filming over and above the amount of the bond will incur a financial penalty for the cost of restoration work.
3. The delegated officer is to ensure that timely inspection of sites takes place before filming commences and on completion. If any portion of the Environmental Management Bond is to be forfeited the reasons for this must be given in writing.

2.6.9 Insurance

1. A minimum public liability insurance of \$10 million, valid for operations in Australia, must be held by any individual or company undertaking commercial filming activities on Lord Howe Island. A certificate of currency must be attached to the signed Approval. The Certificate must name the Lord Howe Island Board as an interested party as per the following text: The Minister for the Environment, the Lord Howe Island Board and the Crown in right of New South Wales.
2. Higher insurance coverage may be required in some circumstances depending on the scale or nature of the activity and its potential risks to staff, the public or the environment.
3. Advice should be sought from the Treasury Managed Fund, the Board's insurer, before any filming activity is approved with a variation of the standard insurance.

2.6.10 Supervision by Staff

1. The delegated officer will determine the need for staff to supervise the filming activity based on the sensitivity of the site or sites, the nature of the location and shoot and equipment used.

Where supervision is deemed necessary, a standard hourly rate will be charged for each staff member required to supervise. A higher rate will be charged for supervision outside normal business hours.

2. In the case of filming projects that have potential to significantly promote the Island, the Board may provide staff to serve in a supervisory and interpretive role. The use of staff in interpretative roles does not attract fees.

2.6.11 Filming from Airspace or Waters

1. The LHI Aerodrome is not a controlled airspace and has an operating certificate from first light to last light. Airservices Australia is responsible for regulating aircraft noise relating to take-off, landing and in-flight.
2. Low flying aircraft have the potential to disturb people and compromise conservation objectives (i.e. animals arising from the noise or air turbulence)
3. For applications involving helicopter operations, a special condition will be included in the Filming Agreement that a 'Fly Neighbourly Agreement' is to be developed between the applicant, the aircraft operator and the Board in the interests of minimising the impact of noise on the community. The Fly Neighbourly Agreement will include the number of operations, the height of operations, the time of operations, flight tracks to be used, sensitive areas to be avoided, and other measures to minimise noise impacts on residents and visitors.
4. Applications for filming from waters within the LHI Marine Park are the management responsibility of NSW Marine Parks.
5. The use of Unmanned Aerial Vehicles (UAV or drones) for filming is to be carried out in accordance with Civil Aviation Safety Regulations.

2.6.12 Rescheduling by the proponent

1. If it is necessary for the proponent to re-schedule due to filming requirements, e.g. unfavourable weather, the delegated officer must be notified as soon as possible and the proposed rescheduling date agreed upon by both parties. Proponents should be encouraged to nominate contingency days in advance. Any reasonable cost incurred by the Board may be recovered from the applicant e.g. casual staff contracted for the period and an inability to change these arrangements.

2.6.13 Breach of the Conditions of the Agreement

1. The Board will monitor compliance with conditions for all filming approvals and will act to restrain any breaches by taking appropriate enforcement action. Action to restrain the breach or offence may include issuing of infringement notices, the immediate termination of the approval and taking legal action against the Approval holder.
2. Standard conditions of the approval provide that the applicant does not have the right to claim against the Board for damages for loss of business or financial or other loss as a result of such a termination of approval.

2.6.14 Defences

1. The holding of an approval for filming is not a defence against an offence committed under any Act or Regulation unless the activity that constituted that potential offence was specifically permitted in the filming approval.

3 Definitions

3.1 Very Low Risk

Small-scale filming including filming undertaken as a bona-fide personal interest or hobby, weddings, news, and current affairs. No more than 10 crew, with low level equipment use and minimal props or talent.

3.2 Low Risk

Low scale filming including student, government and approved documentaries, lifestyle and travel productions. Minor or negligible impact on the community, tourism and the environment. No more than 25 crew, less than 4 trucks / vans, small or no unit base required.

3.3 Medium Risk

Medium scale productions valued under \$10 million. Minor to medium impact on the community, tourism and the environment. No more than 50 crew, less than 10 trucks / vans, unit base required.

3.4 High Risk

Large scale productions valued over \$10 million. Greater than 50 crew, greater than 10 trucks, large unit base required, medium to major impact on community, tourism and the environment.

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4 Attachment A

FILMING AGREEMENT

AGREEMENT Made on _____ of 20 _____

BETWEEN _____ (the "Applicant")
(Address)

AND LORD HOWE ISLAND BOARD
Bowker Road, Lord Howe Island (the "BOARD").

WHEREBY:

1. Permission to Enter and Film

1.1. The BOARD, pursuant to section 49 of the Lord Howe Island Regulation, 2014 grants to the Applicant permission to enter and remain on Lord Howe Island for the purposes of filming, recording and related field production on a 'general access' basis, including the areas on the island known as:

- a) _____ ; and
 - b) _____
- (the "Location"),

in accordance with the conditions of the Approval, from _____ to _____ (the "Term") and further to make use of the resulting footage, sound recording and related field production materials in, and in connection with, the Applicant with the current working title ' _____ ' (the "Production").

Any additional time and or days required by the Applicant for the Production must be presented in writing to the Board for prior approval.

The Board permits the Applicant to:

- a) erect, maintain, dismantle and remove temporary sets and structures for the purposes of filming, recording and related field production for the Production;
- b) bring people and equipment onto the Location for the purposes of filming, recording and related field production for the Production;
- c) incorporate scenes showing or otherwise depicting the Location in the Production or any other program, either as a sequence on its own or preceded, interlaced or followed by such scenes as the applicant may determine; and
- d) exploit and exhibit film or still photographs including scenes photographed taken or made at, or of the Location which will be the Applicant's absolute property to use as it thinks fit.

- 1.2. The Applicant agrees that they will vacate the Location on or before the end of the Term. The Applicant will leave the Location in the same state of cleanliness and repair as at the commencement of the occupation and use of the Location.

2. Film Contact Officer

_____ (LHIB _____) is appointed as the Film Contact Officer to assist the Applicant's field production crew in obtaining the necessary approval, support and access to the Board's services during the Term.

3. Consideration

- 3.1. In full and final consideration of the access granted and assistance provided by the Board, as provided in this Agreement, the Applicant will pay to the Board:
 - (a) the amount of _____ Australian dollars (\$____), being the application and ____ level environmental impact assessment fee (\$____) and the Environmental Management Bond (\$____), as set out in the *Lord Howe Island Board's Fees and Charges* published on lhib.nsw.gov.au, prior to filming commencing; and
 - (b) any other fees and charges, as incurred by the Applicant during the Term, as per the aforementioned fees and charges document, including any applicable LHIB officer supervision fee, within fourteen (14) days of the end of the Term, upon receipt of valid invoice from the Board.
- 3.2. If the Applicant needs to shoot re-takes or additional scenes at the Location, the Board will allow the Applicant to, at any time within 12 months after the end of the Term, re-enter the Location on the same terms as this Agreement, except that:
 - a) the dates for re-entry are to be reasonably agreed between the parties;
 - b) the Applicant must pay any additional fees on a pro-rata basis;
 - c) the Special Conditions are revised to reflect any impacts due to a change in dates;
 - d) a Development Application is required if the total additional filming activity is greater than 30 days.

4. Insurances and Indemnities

- 4.1. A minimum public liability insurance of \$AU 10 million must be held by The Applicant. A copy of the policy or a certificate of currency must be attached to the filming application.
- 4.2. The Applicant is required to ensure adequate insurance cover is in place for its field production crew and their filming and related equipment, as is the case with all commercial undertakings in areas managed by the Board. The Board is not liable for any loss or injury to the Applicant's field production crew or equipment except to the extent that such loss or injury arises from the negligence of the Board or any servant, agent, contractor of the Board.
- 4.3. The Applicant agrees to release to the full extent permitted by law the Minister for the Environment, the Board and the Crown in right of New South Wales in the absence of any negligence on their part from all claims and demands of every kind resulting from any accident, loss, death, damage or injury occurring in, on or near the Location and the Applicant expressly agrees that in the absence of any such negligence as aforesaid neither

the Minister for the Environment, the Board and the Crown in right of New South Wales shall have any responsibility or liability for any accident, loss, death, damage or injury suffered or incurred by the Applicant (whether to or in respect to the Applicant's property or business) or the Applicant's employees, agents or contractors or other persons claiming through or under The Applicant.

- 4.4. The Applicant will indemnify and keep indemnified the Minister for the Environment, the Board and the Crown in right of New South Wales and their respective successors, agents, servants, contractors and employees from and against all actions, suits, claims, demands, proceedings, losses, damages, compensation, costs, charges and expenses whatsoever to which any of those indemnified shall or may be or become liable in respect to or arising from or in connection with: loss, damage or injury from any cause whatsoever to property or person caused or contributed to by the Applicant or any servant, agent or contractor of the Applicant or any other person claiming through or under the Applicant in conducting the filming and related field production at and around the Locations; loss, damage or injury from any cause whatsoever to property or person within the Location occasioned or contributed to by any act, omission, neglect, breach or default of the Applicant or any servant agent or contractor of the Applicant or other person claiming through or under The Applicant.
- 4.5. This has effect notwithstanding that any time, waiver or other indulgence has been given to the Applicant by the Board in respect to any such obligations.
- 4.6. The Applicant's liability to indemnify the Board shall be reduced proportionately to the extent that any accident, loss, death, damage or injury referred to above is caused by any wilful or negligent act or omission of the Board or any agent, servant or contractor of the Board.
- 4.7. The obligations of the Applicant continue after the expiry or other determination of this Agreement in respect to any act, deed, matter or thing happening before the expiry or determination of this Agreement.
- 4.8. The Applicant will ensure that its field production crew complies with work health and safety legislation requirements at all times whilst on Lord Howe Island, and that all conditions required under its insurance cover will be met.

5. Warranties

- 5.1. The Board warrants that it has the authority to grant the rights granted to the Applicant pursuant to this Agreement and indemnifies the Applicant for any breach of this warranty.
- 5.2. The Board has no warranty over force majeure events.

6. Rights

- 6.1. Any and all footage, sound recordings and related field production materials made by or on behalf of the Applicant in and around the Location ("**Location Materials**") including all

copyright subsisting in such materials, will be the sole and absolute property of the Applicant who has the unrestricted right to use and exploit (and authorise others to use and exploit) the Location Materials in any and all media, worldwide, and in perpetuity, as it sees fit.

- 6.2. The Applicant has no obligation to make or exploit the Production, or to use any Location Materials in the Production, and the Board will not bring any claim against the Applicant for loss of opportunity in relation to the Production.

7. Confidentiality

- 7.1. The Board acknowledges that it is critical to the success of the Production that secrecy is maintained with respect to the contents of the Production. This includes anything that would impact on the suspense and surprise for viewers when the Production is broadcast. Accordingly the Board will not publicise or discuss this Agreement nor the Production in which the Location appears without the express knowledge and written consent of the Applicant, other than for the purpose of obtaining professional advice. This does not apply to any disclosure that is required by law to make.
- 7.2. The Board acknowledges that any breach of this clause 7.1 may result in irreparable harm and significant injury to the Applicant and that the Applicant is entitled, in addition to any other rights and remedies it may have, to enforce its rights by seeking and obtaining specific performance and/or injunctive relief from breaches of this Agreement.
- 7.3. The Board agrees that it will not seek injunctive relief in relation to the Production and/or the Location Materials.

8. Goods and Services Tax

- 8.1. The Board must provide the Applicant with a Goods and Services Tax (GST) valid tax invoice in accordance with the relevant legislation.

9. Inspection

- 9.1. The parties agree to inspect the Location jointly before and after the Term. Within 14 working days of the Applicant vacating the Location after the end of the Term, the Board may submit to the Applicant a list of property damage for which the Board claims the Applicant is liable. The Board must allow the Applicant to have access to the Location to inspect and, if liable, to rectify the damage. Failure by the Board to notify the Applicant in accordance with this clause relieves the Applicant of all responsibility in respect of damage arising from its use of the Location.

10. Review of Agreements

- 10.1. The Board reserves the right to review the Agreement and the associated conditions of approval if circumstances require it or change. Examples may include where there are concerns regarding a culturally or environmentally sensitive area, continuous wet

weather, or where unforeseen circumstances arise which present immediate threats to habitat, wildlife or public safety.

11. Rescheduling by the Applicant

- 11.1. If it is necessary for the Applicant to re-schedule filming and/or related field production at the Location (for example due to unfavourable weather), the Film Contact Officer must be notified as soon as possible and the proposed re-scheduling date agreed upon by both parties. Any reasonable cost incurred by the Board as a direct result of the re-scheduling may be recovered from the Applicant (for example the cost of contracted casual staff).

12. Acknowledgements

- 12.1. The Location and assistance of the Board and community shall be acknowledged in the end credits for the relevant episode of the Production in which the Location is featured, provided that the precise wording, position and size of such acknowledgement will be determined at the discretion of the Applicant and further will be subject to applicable international broadcaster approvals. It is acknowledged that the Board's preferred form of wording is as follows:

"Filmed on location at Lord Howe Island with the assistance of the Lord Howe Island Board and community.

No environmental damage was incurred on location. The conservation values of the areas have been preserved."

13. Supply of copies of final Production

Two (2) copies of the finished episode of the Production in which the Location is featured will be provided to the Board on DVD, or other media the Board deems appropriate, strictly for its own private, non-commercial use and further subject to any other conditions stipulated by the Applicant in its discretion.

14. Termination of and Breach of legislation and conditions of the Agreement

- 14.1. The Applicant must comply with all applicable legislation administered by the Board, and with the conditions of the Agreement, and will be subject to all penalties for breaches of such legislation and any conditions of the Agreement.
- 14.2. Any breach of applicable legislation or gross breach of conditions of this Agreement may result in termination of the permission granted, refusal of future applications and imposition of penalties outlined in the relevant legislation.
- 14.3. The Applicant may terminate this Agreement by giving 14 days written notice.

15. Arbitration

- 15.1. The parties agree that any and all disputes or controversies of any nature between them arising in connection with this Agreement shall be determined by binding arbitration in

accordance with the ACICA Arbitration rules (or with the agreement of the parties, ADR Services) before a single neutral arbitrator (“Arbitrator”) mutually agreed upon by the parties. If the parties are unable to agree on an Arbitrator, the Arbitrator shall be appointed by the arbitration service. The seat of arbitration shall be Sydney, Australia. The Arbitrator’s decision shall be final and binding as to all matters of substance and procedure, and may be enforced by a petition to the Superior Court for confirmation and enforcement of the award.

16. Environmental Management Bond

- 16.1. The Environmental Management Bond is required for all commercial filming and photography activities. The Board will retain part of or the entire Bond in the event of any unexpected costs incurred by the Board directly due to the Applicant’s field production activities at or around the Location. The Applicant will be responsible for repairing any damage to the Location caused by it over and above the amount of the Bond. Subject to the foregoing, the Bond, or the remaining portion of the Bond will be returned to the Applicant within 7 days of the completion of any applicable restoration works by the Applicant under clause 9.1 or the expiration of the 14 day period without delivery of a list of property damage by the Board as described in clause 9.1
- 16.2. Additional unforeseen fees or charges (e.g. unplanned time delays, additional supervision incurred after the Agreement is signed) will be deducted from the Bond.
- 16.3. The Board’s Approval granted under the filming application is effective only once the application and low level environmental impact assessment fee and the Environmental Management have been paid pursuant to clause 3 herein, proof of the required insurance cover is sighted, and the Agreement has been signed by an authorised LHIB officer and an authorised representative of The Applicant.

17. Special conditions

17.1. Environmental Management

All equipment and materials are to be removed at the conclusion of the filming activity.

No plant, animal or soil material is to be imported to, or exported, moved or relocated from, or within the Island, without prior approval from the Board outlined under the *Lord Howe Island Regulation 2004*. This includes seeds, cuttings, live or dead animals and rocks and other substances forming part of the island.

No detrimental environmental impact will result from the filming activities.

17.2. Biosecurity

Wash (launder) all clothes, hats and fabric bags and vacuum bags and pockets etc. to remove seeds and soil particles.

Brush all footwear and accessories that may have been in contact with soil to remove soil/mud.

Items such as boots, bags, hats, sporting equipment, camera tripods and walking poles etc. must be washed or sprayed with 70% methylated spirits and water, or Quatsan 1:500, to ensure gear is free of Myrtle rust spore, Phytophthora and other plant pathogens.

Upon arrival, and throughout your stay on LHI, regularly use the boot scrub bays provided at track heads and lodges to clean boots, walking poles and camera tripods.

Any items that may provide harbor for invertebrates must be treated with a knockdown insecticide when packing.

All packed gear should be searched for any other animals when packing and on arrival.

Any foreign plant or animal material found upon arrival should be contained and the Board's Ranger contacted as soon as possible for capture and quarantine management.

17.3. Waste Management

All waste is to be separated and disposed of in labelled waste bins. All food items, including seeds and pips, are to be taken out of bushland areas and disposed at waste bins.

All waste is to be managed, transported, reused, stored, collected, receipted and disposed of in an environmentally satisfactory manner pursuant to *NSW Protection of the Environment Operations Act 1997*, and that all reasonable measures regarding the control and prevention of pollution and waste from being introduced to LHI are implemented.

17.4. Signage

The applicant must not display any advertisement or a sign except with the consent of the LHIB under the Advertising and Signage Policy.

If any removal of existing signage is required the applicant must, within the rehabilitation period return the sign to its normal position.

17.5. Aerodrome Operations

The Applicant will be charged relevant landing fees and parking fees to operate aircraft in / out of the LHI Aerodrome.

The Board will appoint a Works Safety Officer (WSO) at the aerodrome to manage safety for loading and unloading operations and aircraft during these times. WSO charges are at the current 'Plant Operator' rate as per the Board's published fees and charges for the work between 7am and 3:30pm Mon - Fri, and overtime rates outside of that. Any of the Applicant's staff or contractors who do not have Aviation Security Identification Cards (ASICs) would need to provide proof of identification and be logged in as visitors if they are involved in the unloading and loading operations on the airside.

17.6. Use of Drones

The applicant must comply with Civil Aviation Safety Regulations 1998, Part 101 - Unmanned aircraft and rockets and Civil Aviation Safety Authority Instrument No. CASA 96/17. Lord Howe Island is an

uncontrolled airspace. A map of Lord Howe Island Aerodrome, the approach and departure paths and movement area is provided as Attachment A

17.7. Work Health & Safety

The applicant is required to ensure, as far as reasonably practicable that the activity is undertaken in accordance with all laws, regulations, standards and other requirements in relation to work health and safety.

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AGREED BY THE PARTIES

SIGNED for and on behalf of
The Lord Howe Island Board

Name.....

Date

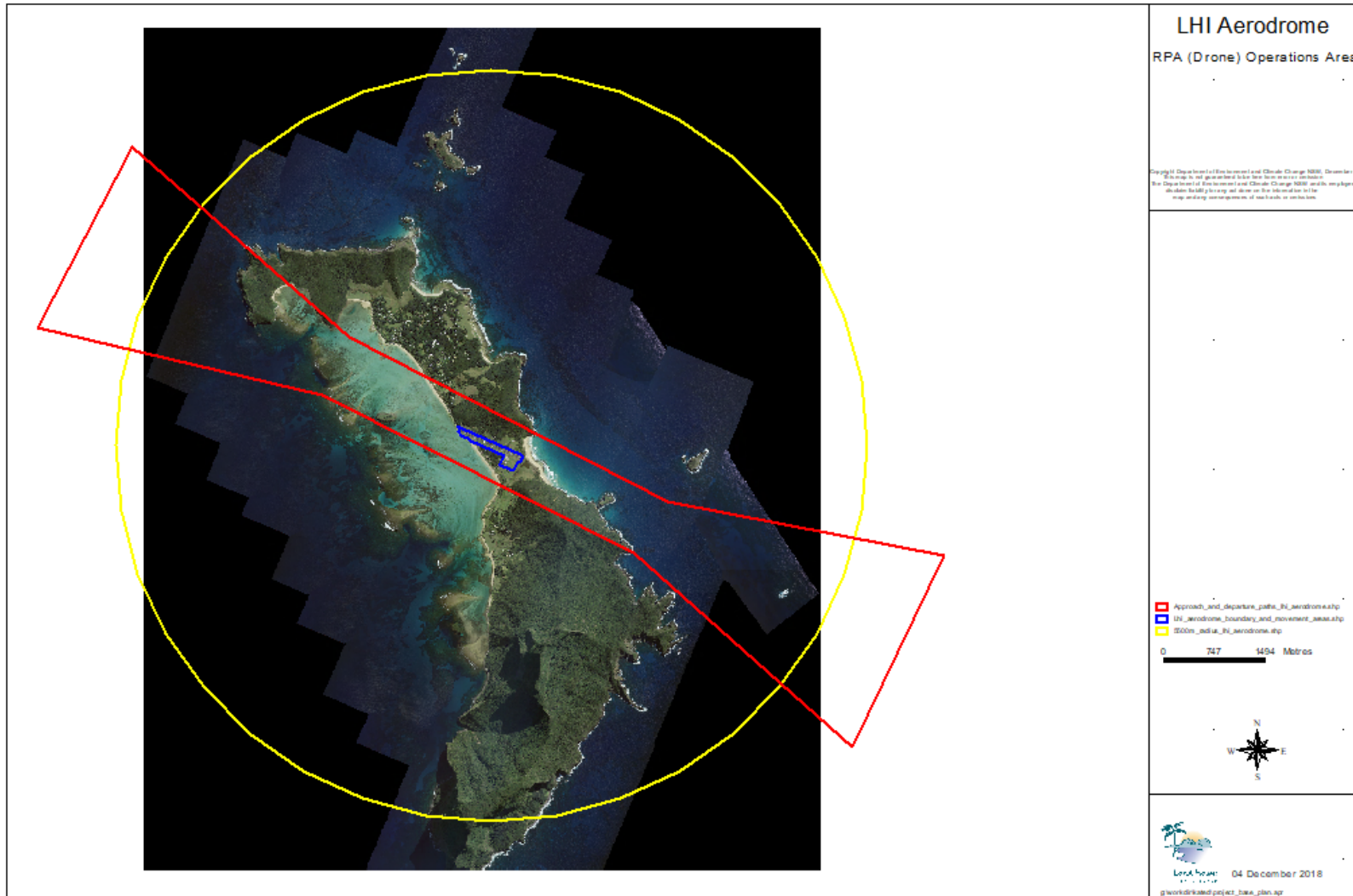
SIGNED for and on behalf of

Name.....

Date

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5. **Attachment B** Drone Operations Area



6. Commercial Filming Application

LORD HOWE ISLAND BOARD COMMERCIAL FILMING APPLICATION

SECTION A

APPLICANT DETAILS

Contact Name:

Company Name:

Address:

Phone:..... Fax:

Email:

PRODUCTION DETAILS

Title of Production:

Director (Name):

On-site Contact:..... Phone:

Email:

Filming Category:

Commercial Filming – Advertisements Product Name:

Production Filming – Theatre, Television, Cinema Productions

Over \$40 million \$10 million to \$40 million Less than \$10 million

Documentary Filming – Television, Cinema Productions

Documentary Filming – NSW Tourism Sponsored Productions (Endorsement attached)

Government-sponsored Productions – Other Government Agencies E.g.

Educational Filming – TAFE, University, DSE

Research Specify:.....

Non-profit – Student Productions, Grant Funded (Supporting documentation attached)

Other Specify:.....

Provide a description of the filming:

.....
.....

SECTION B

FILMING REQUIREMENTS

Please complete Attachment A (Filming Requirements Schedule) for dates, location, cast, crew and vehicle details. Please mark on map/s, the location/s of filming proposed and proposed access and use.

Special Details

Scenes to be filmed:

.....

.....

.....

.....

.....

.....

Presenter/Cast:

Tick the relevant boxes below. Provide further details if you tick 'yes' to any of the boxes.

Do you intend filming marine mammals within the specified minimum distance?

Yes (Additional information is required and a Section 120 Licence must be obtained from NSW National Parks and Wildlife Service.)

No

Are any special security arrangements proposed?

Yes (Specify):

No

Do you require the public to be excluded from the area where filming will be undertaken?

Yes (Specify):

No

Will any special parking arrangements be required on the location?

Yes (Specify):

No

Do you intend to film motor vehicles?

Yes (Specify roads or tracks to be used and indicate if you seek to use vehicles on roads or trails not available for public access):

.....

No

Will vessels, aeroplanes or helicopters vehicles be used?

- Yes (Specify):
- No

Will you be seeking permission to bring animals including horses, dogs or cats onto the island?

- Yes (Specify):
- No

Will there be any earthworks or other environmental modification required?

- Yes (Specify):
- No

Will any signs, including posters or other advertising material, be erected?

- Yes (Specify):
- No

Will any disturbance to animals or their habitats, including breeding sites, be caused?

- Yes (Specify):
- No

Will any animals, including fish, be caught or trapped?

- Yes (Specify):
- No

Will any fires be lit other than in public fire places or flammable substances be brought onto the island?

- Yes (Specify):
- No

Will there be any structures, including sets, erected or plant and equipment brought onto the island?

- Yes (Specify):
- No

Will there be any clearing of vegetation required?

- Yes (Specify):
- No

Will any weapons, including spearguns, firearms, explosives, fireworks be brought onto the island?

- Yes (Specify):

No

Will any dangerous activities such as abseiling, base jumping, bungee jumping, rock climbing, parachuting, white water boating or hang gliding be undertaken on the island?

Yes (Specify):

No

Insurance (Attach a copy of public liability insurance cover or certificate of currency to this application).

Public Liability Insurance Company:

Policy No.: Amount:

Expiry Date:..... Agent:

SECTION C

TO BE COMPLETED BY THE LORD HOWE ISLAND BOARD:

1. Supervision Rates

Standard hourly rate

After hours rate (After hours, weekends and public holidays)

Other (Reduced or waived)

18. Short Notice Levy

Application received with less than 24 hours' notice

Application received with less than three days' notice

Application received with less than seven days' notice

19. Miscellaneous

Approved hire of Board equipment

Additional charges for camping fees etc.

Is a Section 120 Licence required for filming marine mammals within minimum distances?

20. CHECK ATTACHMENTS

Filming Application

Map

Application Fee

Location Request Form

Insurance Cover or Certificate of Currency

Security Deposit

21. AUTHORISING OFFICER

Chief Executive Officer

Vice Chairman

Chairman

SECTION D

FILMING INDEMNITY

Applicant's Name:

Address:

Phone:..... Fax:

Email:

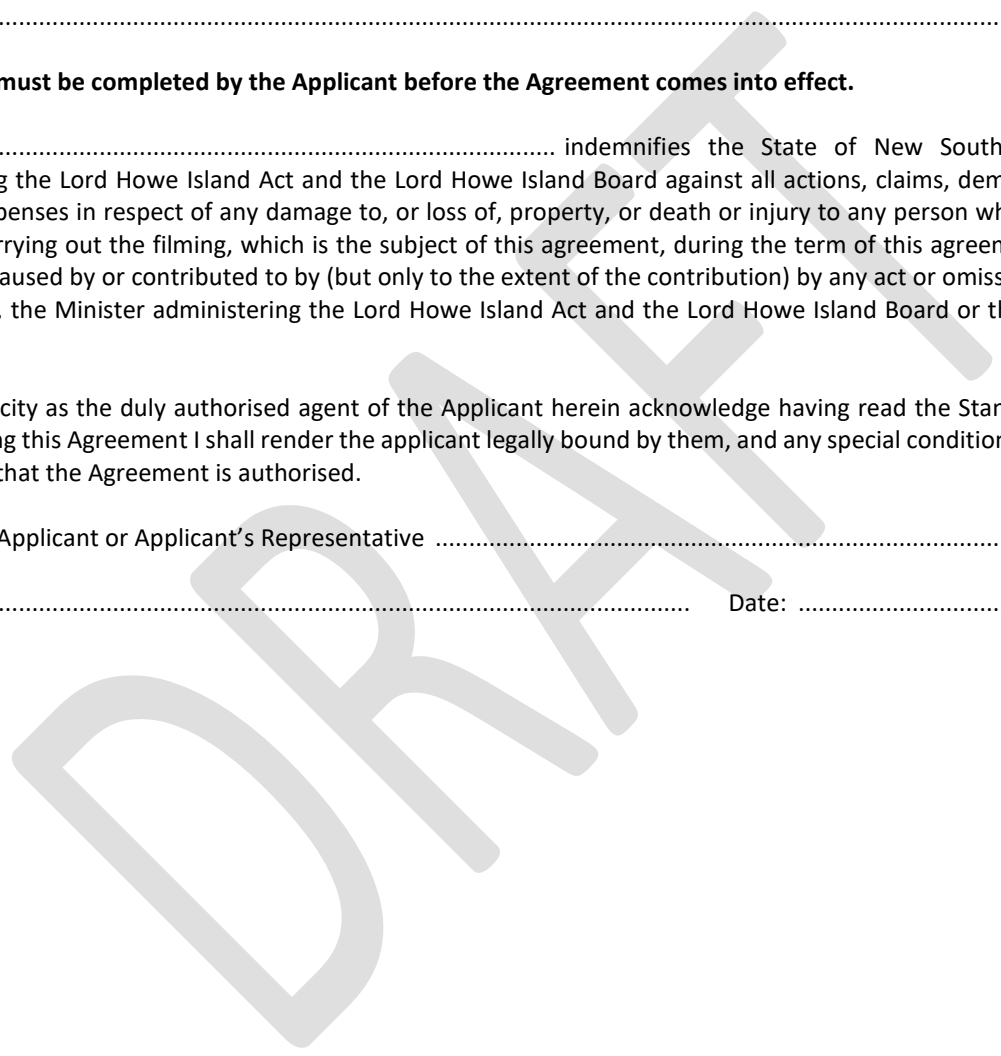
This section must be completed by the Applicant before the Agreement comes into effect.

..... indemnifies the State of New South Wales, the Minister administering the Lord Howe Island Act and the Lord Howe Island Board against all actions, claims, demands, losses, damages, costs and expenses in respect of any damage to, or loss of, property, or death or injury to any person which may be suffered or sustained carrying out the filming, which is the subject of this agreement, during the term of this agreement, other than where the same is caused by or contributed to by (but only to the extent of the contribution) by any act or omission of the State of New South Wales, the Minister administering the Lord Howe Island Act and the Lord Howe Island Board or their servants, agents or contractors.

I, in my capacity as the duly authorised agent of the Applicant herein acknowledge having read the Standard Conditions, agree that by signing this Agreement I shall render the applicant legally bound by them, and any special conditions that may be attached in the event that the Agreement is authorised.

Signature of Applicant or Applicant's Representative

Position:..... Date:



ATTACHMENT A

FILMING REQUIREMENTS SCHEDULE

Location Name of service area and location in area. Attach map with details.	Dates Requested	Between the Hours	Set up Times	Filming Times	Take Down Times	Number of Cast	Number of Crew	Vehicles Types and Registration Numbers (If insufficient space, add additional rows.)
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other

Location Name of service area and location in area. Attach map with details.	Dates Requested	Between the Hours	Set up Times	Filming Times	Take Down Times	Number of Cast	Number of Crew	Vehicles Types and Registration Numbers (If insufficient space, add additional rows.)
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other

Location Name of service area and location in area. Attach map with details.	Dates Requested	Between the Hours	Set up Times	Filming Times	Take Down Times	Number of Cast	Number of Crew	Vehicles Types and Registration Numbers (If insufficient space, add additional rows.)
								Cars Trucks Other

DRAFT

7 Commercial Photography Application

LORD HOWE ISLAND BOARD COMMERCIAL PHOTOGRAPHY APPLICATION

SECTION A

APPLICANT DETAILS

Contact Name:

Company Name:

Address:

Phone:..... Fax:

Email:

DESCRIPTION / TYPE OF PHOTOGRAPHY

Photography is for a specific project / promotion outlined below:
.....

Photography has been commissioned by a third party for:
.....

Photography is for commercial use and resale to photographic libraries as outlined below:
.....

Photography is for research as outlined below:
.....

The photography falls into the following category (see Lord Howe Island Board Fees and Charges).

Small Scale

Large Scale

Concessional Small Scale (Charities, Not-for-profit organisations, Tourism NSW sponsored or Educational) as outlined below:
.....

Provide a description of how the photographs will be used:
.....
.....
.....
.....

SECTION B

PHOTOGRAPHY REQUIREMENTS

Please complete Attachment A (Photography Requirements Schedule) for dates, location, times and vehicle details. Please mark on map/s, the location/s of photography proposed and proposed access and use.

Is an annual photographic licence required?

Yes Please provide two passport size photographs of the applicant or individual who wishes to be authorised.

This Licence is valid for undertaking small scale photography on Lord Howe Island for a period of 12 months. "Small scale" means any photographic activity which involves a maximum of one photographer plus one assistant; requires only low level equipment use (i.e. backpackable equipment single tripod); and uses no props or talent.

The applicant must make all reasonable efforts to contact the Board office (by phone, fax or e-mail) prior to undertaking photography to indicate locations, dates and times. The applicant must have this Agreement to show the Board and have it on their person at all times while taking pictures. Access rights to parks and reserves is the same as for any member of the public.

No

Tick the relevant boxes below. Provide further details if you tick 'yes' to any of the boxes.

Do you intend photographing marine mammals within the specified minimum distance?

Yes (Additional information is required and a Section 120 Licence must be obtained from NSW National Parks and Wildlife Service.)

No

Are any special security arrangements proposed?

Yes (Specify):

No

Do you require the public to be excluded from the area where photography will be undertaken?

Yes (Specify):

No

Will any special parking arrangements be required on the location?

Yes (Specify):

No

Do you intend to photograph motor vehicles in the Permanent Park Preserve?

Yes (Specify roads or tracks to be used and indicate if you seek to use vehicles on roads or trails not available for public access):

No

Will vessels, aeroplanes or helicopters vehicles be used?

- Yes (Specify):
- No

Will you be seeking permission to bring animals including horses, dogs or cats onto the island?

- Yes (Specify):
- No

Will there be any earthworks or other environmental modification required?

- Yes (Specify):
- No

Will any signs, including posters or other advertising material, be erected?

- Yes (Specify):
- No

Will any disturbance to animals or their habitats, including breeding sites, be caused?

- Yes (Specify):
- No

Will any animals, including fish, be caught or trapped?

- Yes (Specify):
- No

Will any fires be lit other than in public fire places or flammable substances be brought onto the island?

- Yes (Specify):
- No

Will there be any structures, including sets, erected or plant and equipment brought onto the island?

- Yes (Specify):
- No

Will there be any clearing of vegetation required?

- Yes (Specify):
- No

Will any weapons, including spearguns, firearms, explosives, fireworks be brought onto the island?

- Yes (Specify):
- No

Will any dangerous activities such as abseiling, base jumping, bungee jumping, rock climbing, parachuting, white water boating or hang gliding be undertaken on the island?

Yes (Specify):

No

Insurance (Attach a copy of public liability insurance cover or certificate of currency to this application).

Public Liability Insurance Company:

Policy No.: Amount:

Expiry Date: Agent:

SECTION C

TO BE COMPLETED BY THE LORD HOWE ISLAND BOARD:

Supervision Rates

Standard hourly rate

After hours rate (After hours, weekends and public holidays)

Other (Reduced or waived)

Short Notice Levy

Application received with less than 24 hours' notice

Application received with less than three days' notice

Application received with less than seven days' notice

Miscellaneous

Approved hire of Board equipment

Additional charges for camping fees etc.

Is a Section 120 Licence required for filming marine mammals within minimum distances?

CHECK ATTACHMENTS

Filming Application

Map

Application Fee

Location Request Form

Insurance Cover or Certificate of Currency

Security Deposit

AUTHORISING OFFICER

Chief Executive Officer

Vice Chairman

Chairman

ATTACHMENT A

PHOTOGRAPHIC REQUIREMENTS SCHEDULE

Location Name of service area and location in area. Attach map with details.	Dates Requested	Between the Hours	Set up Times	Filming Times	Take Down Times	Number of Cast	Number of Crew	Vehicles Types and Registration Numbers (If insufficient space, add additional rows.)
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other

Location Name of service area and location in area. Attach map with details.	Dates Requested	Between the Hours	Set up Times	Filming Times	Take Down Times	Number of Cast	Number of Crew	Vehicles Types and Registration Numbers (If insufficient space, add additional rows.)
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other
								Cars Trucks Other

Location Name of service area and location in area. Attach map with details.	Dates Requested	Between the Hours	Set up Times	Filming Times	Take Down Times	Number of Cast	Number of Crew	Vehicles Types and Registration Numbers (If insufficient space, add additional rows.)
								Cars Trucks Other

DRAFT

LORD HOWE ISLAND BOARD

Business Paper

CLOSED SESSION

ITEM

Application for consent to transfer PL1973.01 from the Estate of the late James Lonergan (Snr) to James Lonergan (Jnr) and Sean Lonergan.

RECOMMENDATION

1. The Board recommend to the Minister that Perpetual Lease PL1973.01 of Lot 141 in Deposited Plan 1127467 be transferred to James Lonergan and Sean Lonergan as tenants in common in equal share.
2. The Board recommend to the Minister to suspend the condition of residency for James Lonergan on Perpetual Lease 1973.01 for a period of 10 years from the date of Ministerial consent.
3. Following Board adoption of the first resolution the Board recommend to the Minister to support the transfer of lease by way of sublet of Sean Lonergan's share of PL1971.01 to James Lonergan.
4. That the Board resolutions for this matter be published in the open minutes.

BACKGROUND

All land on Lord Howe Island vests in the Crown and may only be dealt with in accordance with the provisions of the *Lord Howe Island Act, 1953* (the Act). The Minister may grant perpetual leases of vacant Crown Land for the purposes of residence (section 21 LHI Act).

Section 23 of the Act governs the transfer of perpetual leases, with subsections (10) to (13) dealing with the transfer of leases the subject of a will or intestacy.

On 26 July 2019 The Board received completed Form 5 applications for the transfer of lease 1973.01 from the Executor of the Estate of the Late James Albert Lonergan to James Michael Lonergan and Sean Henry Lonergan as tenants in common in equal shares.

At the September 2019 Board meeting the Board resolved:

1. That the Board resolve not to determine the application to transfer Perpetual Lease 1973.01 of Lot 141 in Deposited Plan 1127467 as tenants in common in equal share to James Lonergan and Sean Lonergan until the Board receives additional information on the intent and ability of the lease holders to reside on the lease.
2. The resolution to defer determination of the application has been made on the basis that:

- a. no reason has been provided by James Lonergan as to why he should be permitted to hold two leases, and that the Board has not received a suspension of residency application from James Lonergan for the holding of the second lease.
 - b. Sean Lonergan has not resided on the Island for an extended period of time and has not provided any evidence that he will be able to satisfy the condition of residency attached to the Perpetual Lease.
3. That the Board write to James Lonergan inviting him to justify how he will meet his obligations to reside on his lease, and why the Board should consider granting a second lease.
4. That the Board write to Sean Lonergan inviting him to justify how he will meet his obligations to reside on his lease.

Following the Board meeting a letter was sent to both Sean and James seeking further information as per the Board resolution.

CURRENT POSITION

On the 18th of November 2019 the Board received correspondence from James Lonergan (Attachment A). The correspondence from James included a request for a suspension of residency under s23(12) of the Act. A completed Form 5 application from Sean Lonergan to sublease his share to James Lonergan was also received.

Suspension of residency for James Lonergan

The letter from James Lonergan sets out his request to have a suspension of residency from residing on Perpetual Lease 1973.01 and his intent to hold this lease until such time as one or both of his two children, Alex and James, are in a position to hold the lease.

James goes on to suggest two possible conditions on the lease transfer to support this:

- That my share of the lease (if not the whole) be transferred to either or both Alex and/or James as agreed between them on my passing or sooner if agreed by all parties
- That the suspension of residency condition in respect of myself be reviewed in 10 years.

The request set out by James Lonergan is consistent with s23(12) of the Lord Howe Island Act 1953:

(12) Where, under the will, or upon the intestacy, of a lineal ancestor a lease under section 21 devolves beneficially upon an Islander who is already a lessee under that section, the Minister may, on the recommendation of the Board, by order suspend the condition of residence to which the lease is subject for such period, and subject to such conditions as to the transfer of the lease to a child or children of the beneficiary, and such other conditions, as the Minister thinks fit.

Specifically the two suggested conditions demonstrate an intent to hold the lease for his children.

This report does not support the inclusion of the first condition suggested by James Lonergan in the lease transfer conditions. This is because it is unclear how such a condition would be practically enforced with the powers conferred onto the Board by the Act. It is more appropriate that this condition be dealt with by way of a will which is a personal matter for James Lonergan to determine. However it is relevant to note that the suggestion made by James Lonergan suggests a genuine intent to hold the second lease for his children.

This report recommends that the second condition requiring a review after 10 years be included as a condition to the suspension of residency. Specifically, that the suspension of residency for James Lonergan only be valid for 10 years from the date of Ministerial consent. At the expiry of this suspension the Board will have the opportunity to review the circumstances and determine if it is appropriate to continue the suspension of residency or require the lease to be transferred to a person who can satisfy the residency requirement.

Transfer of lease to James Lonergan and Sean Lonergan

Section 21(7) of the Act require that a Perpetual lease holder reside on their lease. James Lonergan's request for a suspension of residency under s23(12) of the Act, if adopted by the Board, discharges the requirement to reside on the lease. It follows that if the suspension of residency for James Lonergan is approved, the sublet of Sean Lonergan's share to James Lonergan will also discharge the requirement to reside on the lease.

Conclusion

This paper supports the transfer of perpetual lease 1973.01 from the Estate of James Lonergan (Snr) to James Lonergan (Jnr) and Sean Lonergan as Tenants in common in equal shares. This is on the basis that the residency on lease requirement for James Lonergan can be discharged by granting him a suspension of residency under s23(12) of the Act, and that the residency requirement for Sean Lonergan can be discharged by the sublet of his share of the lease to James Lonergan.

RECOMMENDATION

1. The Board recommend to the Minister that Perpetual Lease PL1973.01 of Lot 141 in Deposited Plan 1127467 be transferred to James Lonergan and Sean Lonergan as tenants in common in equal share.
2. The Board recommend to the Minister to suspend the condition of residency for James Lonergan on Perpetual Lease 1973.01 for a period of 10 years from the date of Ministerial consent.
3. Following Board adoption of the first resolution the Board recommend to the Minister to support the transfer of lease by way of sublet of Sean Lonergan's share of PL1971.01 to James Lonergan.
4. That the Board resolutions for this matter be published in the open minutes.

Prepared: Justin Sauvage Manager Environment and Community Services

Endorsed: Peter Adams Chief Executive Officer

Attachments:

Attachment A: Letter from James Lonergan

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Application for consent to transfer PL1954.24 from the estate of the late Hazel Payten to Vicky Payten and Gayl Fisher.

RECOMMENDATION

The Board recommend to the Minister to consent to the transfer of Perpetual Lease 1954.24 held by the Estate of the late Hazel Amelia Payten to Vicky Suzanne Payten and Gayl Lynette Fisher in equal shares as tenants in common.

BACKGROUND

On 4 July 2018 the lease holder of Perpetual lease PL1954.24 Hazel Payten passed away. Probate was granted to Vicky Susanne Payten and Gayl Lynette Fisher with Biddulph and Salenger acting on behalf of the executor. The will states that the Perpetual lease devolve to Gayl Lynette Fisher and Vicky Susanne Payten in equal shares as tenants in common.

CURRENT POSITION

Lease transfers are governed under section 23 of the Lord Howe Island Act 1953. In considering an application the board must consider the following elements of the transfer request:

- The transfer application must be made in the prescribed form (Form 5)
- The recipients of the lease transfer must:
 - o be islanders as defined under the Act; or
 - o the recipient is a direct lineal descendant of the leaseholder (s23(11)); or
 - o the Board is satisfied that there are no islanders in a position to hold the Lease (s23(4))
- The leaseholder(s) must reside on the lease (s21(7))

Vicky Payten has supplied a statutory declaration stating that she is a ten year islander, and therefore meets the definition of an islander under s3(c) of the Act. She also currently resides on the lease, and as such will satisfy the residency on lease condition.

Gayl Fisher does not meet the definition of an islander under the Act definition detailed in s3. However she is the direct lineal descendant of an Islander who held the lease. Specifically she is the daughter of the late Hazel Payten. Section 23(11)(a) of the Act allows for a lineal descendant of a lease holder to be classified as an Islander if the lease is devolved to them by way of will. As such Gayl can be considered an Islander of the purpose of this transfer and is entitled to hold the lease.

For approximately the last 5 months Gayl has been residing on the lease, and as such she currently satisfies the requirement to reside on the lease.

Section 23(4) of the Act gives the Board the absolute discretion to recommend the granting or refusal of consent to a lease transfer. The proposed lease transfer meets all the requirements of the Act to allow the Board to recommend to the Minister to approve the lease transfer. This paper recommends that the lease transfer application be supported.

RECOMMENDATION

The Board recommend to the Minister to consent to the transfer of Perpetual Lease 1954.24 held by the Estate of the late Hazel Amelia Payten to Vicky Suzanne Payten and Gayl Lynette Fisher in equal shares as tenants in common.

Prepared: Justin Sauvage Manager Environment and Community Services

Endorsed: Peter Adams Chief Executive Officer

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Application for consent to transfer PL1974.02 from the estate of the late Ron Owens to Bev Owens.

RECOMMENDATION

The Board recommend to the Minister to support the transfer of PL1974.02 from the estate of the late Ron Owens to Bev Owens

BACKGROUND

Perpetual Lease 1974.02 is currently held by the Estate of the late Ron Owens. On 14 January 2020 Beverly Owens was granted probate to act as the Executor of the will of the late Ron Owens.

Section 23 of the Lord Howe Island Act, 1953 provides that the Minister, on recommendation of the Board, may consent to the transfer of a lease to two or more persons as joint tenants, and that where the proposed transferees are not Islanders within the meaning of the Act the Board shall not recommend consent unless satisfied that there is no Islander who desires and is in a position to take the transfer. Section 23 further provides that in the case of a transfer to a person other than an Islander, the approval of the Governor is required.

CURRENT POSITION

Bev Owens is the proposed beneficiary of the lease transfer. Bev has completed a statutory declaration stating that she is a ten year islander. Bev also currently resides at the perpetual lease in question. The Lease is not subject to a mortgage.

The transfer of the lease to Bev Owens is in accordance with all the relevant requirements of the Lord Howe Island Act. There is no impediment to the Board recommending to the Minister to support this lease transfer.

RECOMMENDATION

The Board recommend to the Minister to support the transfer of PL1974.02 from the estate of the late Ron Owens to Bev Owens.

Prepared: Justin Sauvage Manager Environment and Community Services.

Endorsed: Peter Adams Chief Executive Officer

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Audit and Risk Committee Overview.

RECOMMENDATION

The report is submitted to the Board for information.

BACKGROUND

Treasury Policy Paper 15-03 *Internal Audit and Risk Management Policy for the NSW Public Sector* requires all agencies to establish an independent Audit and Risk Committee (ARC) with appropriate expertise.

The objective of the ARC is to provide independent assistance to agency heads by monitoring, reviewing and providing advice about the agency's governance processes, risk management and control frameworks, and external accountability requirements.

The Core Requirements of the *Internal Audit and Risk Management Policy for the NSW Public Sector* are:

1. Risk Management

Core Requirement 1.1: The agency head is ultimately responsible and accountable for risk management in the agency.

Core Requirement 1.2: A risk management framework that is appropriate to the agency has been established and maintained and the framework is consistent with AS/ANZ ISO31000:2009.

2. Internal Audit

Core Requirement 2.1: An internal audit function has been established and maintained.

Core Requirement 2.2: The operation of the internal audit function is consistent with the International Standards for the Professional Practice of Internal Auditing.

Core Requirement 2.3: The agency has an Internal Audit Charter that is consistent with the content of the 'model charter'.

3. Audit and Risk Committee

Core Requirement 3.1: An independent Audit and Risk Committee with appropriate expertise has been established.

Core Requirement 3.2: The Audit and Risk Committee is an advisory committee providing assistance to the agency head on the agency's governance processes, risk management and control frameworks, and its external accountability obligations.

Core Requirement 3.3: The Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'.

As establishing and maintaining an ARC is expensive, the Board has entered into a shared agreement with the Department of Planning, Industry and Environment (DPIE) ARC. This service is provided by DPIE at no cost to the Board.

Each quarter the DPIE ARC Secretariat prepares agendas for approval by the Chairperson of the ARC. Once approved the agenda is distributed and papers are prepared by Board officers for consideration by the ARC. Meetings are held, and minutes produced by the Secretariat.

The Chief Executive Officer and the Manager Business & Corporate Services attended the first meeting of the newly form ARC by conference phone on Wednesday 4 March 2020. Draft minutes have been provided, subject to confirmation.

Please note that the ARC meetings have been scheduled for the year, but are subject to change:

- 4 March
- 14 May
- 22 July
- 10 September
- 19 November

The new committee has been formed as a result of the 'Machinery of Government' changes last year. Members are:

- Penny Hutchinson (Chair)
- Brian Blood
- Julie Elliott
- Alan Zammit AM

RECOMMENDATION

The report is submitted to the Board for information.

Prepared: John van Gaalen Manager Business and Corporate Services

Endorsed: Peter Adams Chief Executive Officer

Attachment:

Attachment A: Draft ARC Meeting Minutes 4 March 2020



MINUTES		
Name	AUDIT AND RISK COMMITTEE (ARC)	
Location	4PSQL11.20H 12 Darcy Street, Parramatta	
Date / Time	Wednesday 4 March 2020 at 4:00pm to 5:00pm	
Committee	Chair Member Member Member	Penny Hutchinson Brian Blood Julie Elliott Alan Zammit AM
Attendees	Chief Executive LHIB Manager Business and Corporate Services LHIB A/Executive Director, Governance (CAE) Director Audit and Risk Manager Internal Audit Director Governance AO NSW Representative	Peter Adams John Van Gaalen Simonne Daly Allan Murray Michael Doherty Rod Smith Reiky Jiang
Invitees	Director Thomas, Noble & Russel (External Auditor)	Kevin Franey Sally Opie
Minutes	ARC Secretariat	
Apologies	nil	

1. WELCOME AND DECLARATIONS OF INTEREST

1.1 Acknowledgment of Country

The meeting commenced at **3.15pm** and the Chair acknowledged the traditional owners of the land on which the meeting was being held, and paid respect to Aboriginal Elders past and present.

1.2 Welcome and Apologies

The Chair noted that all Committee members were present and that there were no apologies

1.3 Register of Interests

Members reviewed the Register of Interest and the Chair advised that she had no conflicts of interest and would provide details of her Board and Committee commitments after the meeting.

Julie Elliott advised she is a Director of the Board and Chair of the Audit and Risk Committee for Australian Invoice Finance and a Member of the Investment Advisory Committee of the NSW Trustee and Guardian.

Alan Zammit advised that he was no longer a member of the Office of Environment and Heritage Audit and Risk Committee.

2. NEW LHIB ARC GOVERNANCE ARRANGEMENTS

2.1 Draft Shared Audit and Risk Committee Charter

The Committee discussed the Draft Shared Audit and Risk Committee Charter and noted this was a similar arrangement to the shared arrangement that LHIB had entered into with DPE and was based on the model Charter provided by Treasury NSW.

The Committee noted some typographical errors that are to be amended.

The Committee recommended that the amended Shared Audit and Risk Committee Charter be adopted and signed by the relevant parties

2.2 Draft Meeting Dates

The Committee discussed the meeting dates and agreed the dates for November 2020 could be changed to allow attendance by all Members. The Committee noted the Secretariat canvass the Members for suitable dates.

The Committee endorsed the Meeting Dates for 2020 up to and including September.

2.3 Draft Annual Meeting Plan

The Committee noted the Annual Meeting Plan provided. The Committee noted this will be reviewed every meeting and if necessary, changes can be made.

2.4 Appointment of Chief Audit Executive

The Committee discussed the role of the CAE within a cluster of this size. The Committee noted that the Executive Director Governance role would be the CAE for the Cluster and that this appointment would be recommended to the Secretary for approval.

The Committee noted for the purposes of the ARC the Manager Internal Audit would attend the LHIB ARC as the CAE.

The Committee endorsed the recommendation for the CAE arrangements to the Secretary for approval

3. MINUTES FROM PREVIOUS MEETINGS AND ACTIONS ARISING

3.1 Minutes for the Meeting held on 9 September 2019

The Committee noted the Minutes of the LHIB ARC meeting held on 9 September 2019 that have been signed by the Chair of the Committee.

3.2 Actions Register

The Committee noted there were no actions arising for LHIB.

4. CHIEF EXECUTIVE OFFICER'S REPORT

4.1 Introduction to LHIB

The Chief Executive Officer provided a brief introduction to LHIB for the new members of the Committee.

The Committee noted the Lord Howe Island Board was established by the Lord Howe Island Act 1953 and that this Act overrides other NSW legislation.

The Board manages perpetual leases for residences and permissive leases for businesses. The Board also provides a full range of government services to the residents of the Island including national park (Permanent Park Preserve) management, World Heritage, power generation, airport, Births Deaths and Marriages Registry, as well as Council type services. The Board also runs the liquor store on the Island.

The Committee noted the Chair of the Board is usually a senior NSW public servant and is currently Anissa Levy, formerly the Coordinator -General, Environment, Energy and Science with DPIE.

The Committee noted that the Lord Howe Island Group has World Heritage listing and the budget includes grants from the State and Commonwealth for projects such as Rodent Eradication and Renewable Energy.

The Committee noted the main businesses on the Island are tourism and Kentia Palm seed exporting.

4.2 CEO's Report

The Chief Executive Officer (CEO) advised Tropical Cyclone Uesi passed directly over the Island, but no injuries or loss of major infrastructure were reported though many large and mature trees were lost.

The Rodent Eradication Project has successfully completed its major implementation phase but it will be 18 months before the project can be declared a success. The Committee noted there had been a shortfall in funding for the project due to several issues including impacts caused by court challenges and extending the stay of Taronga Zoo staff until safe release in compliance with permits of Wood Hens could be achieved.

The Committee noted further submissions are being made for additional funding.

The Renewable Energy Project is well underway, and a new project management governance system has been developed for this project and due to its success will also be used on future projects. The Committee noted a loan from Treasury for this project will be able to be repaid from savings from diesel.

PFAS is present on the island however levels are low. Due to the World Heritage status (EPBC Act) some further investigations will have to be made.

The CEO advised that continuation of air services by Qantas to LHI was still a high risk and that discussions with other airlines with planes able to land on the existing runway are currently underway. Recently discussions have also been held with Alan Joyce from Qantas.

The Committee noted Lonely Planet had recently reported LHI to be the 5th most attractive destination in the world.

The CEO advised that the Local Emergency Management Plan and its Consequence Management Plans were used to prepare for the Cyclone and will be used in preparedness planning for the Corona virus.

The Committee congratulated the CEO and the staff on the success of the Rodent Eradication Program. The CEO advised that staff well being throughout the project had been of concern and that they had been assisted by Cluster Corporate Services (CCS) Human Resources and the Employee Assistance Program.

The Committee noted the CEOs Report and Risk Report that were provided.

5. RISK MANAGEMENT

Included in Agenda Item 4.2 Chief Executive Officer's Report

6. FINANCE

6.1 Financial Management Report

The Committee noted the report provided including the summary of Grants.

7. INTERNAL AUDIT

7.1 Internal Audit Charter

The Committee discussed the Internal Charter and recommended that it be signed by the relevant parties.

7.2 Internal Audit Report

The Committee noted that there are no audits scheduled in FY19/20 for LHIB and discussions have not yet been held regarding the FY20/21 Internal Audit Plan. The Committee noted Work Health and Safety processes are now on the Risk Register and may be suitable to be audited.

The Committee noted an audit of Approval Processes had been conducted in the FY18/19 and **requested** the Manager Business and Corporate Services work with Internal Audit to review the expected completion dates for the recommendations.

8. EXTERNAL AUDIT

8.1 External Audit Engagement Plan

Reiky Jiang, Director Audit Office of NSW discussed the Engagement Plan with the Committee.

The Committee noted that new Accounting Standards and Re-valuations will be significant this year as well as points specific to IT.

The Committee noted LHIB will not be required to complete Early Close this year but will instead focus on the issues outlined in the Engagement Plan.

8.2 AONSW Management Letter

Kevin Franey, Director Thomas Noble and Russell (TNR) discussed the Management Letter with the Committee

The Committee noted that the Management Letter identified 22 moderate and low risk issues to be addressed and that many related to IT matters. The CEO advised that an IT Committee was to be formed and CCS IT would be providing assistance.

The Committee noted the Management Letter had only recently been issued and progress on addressing the recommendations will be reported on at the next meeting in May.

8.3 External Audit Recommendations

The Committee noted a number of legacy issues that are still to be resolved and urged the LHIB to finalise these as soon as possible.

The Committee discussed if audits are required for Grants and other funding and were advised that grants usually have audit and acquittal processes set out.

The Roads to Recovery program requires audits and they are done each year.

The Committee noted an audit is not always required sometimes it is just returning the correct paperwork. The Committee noted TNR assists LHIB with this process.

9. OTHER BUSINESS

There being no other business the Meeting closed at **4.18pm**

Signed as a complete and correct record: _____ Date: _____

Penny Hutchinson, Chair



Audit and Risk Committee Action Register
Lord Howe Island Board

Shaded Rows are complete

Action No.	Agenda Item	Action	Responsible Officer	Due Date	ARC Secretariat Notes
001	7.2	The Committee requested that the expected completion dates for the recommendations in the Approval Processes Audit be reviewed with Internal Audit.	Manager Business & Corporate Services	May 2020	

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Lord Howe Island Rodent Eradication Project (REP) update.

RECOMMENDATION

That the Board:

1. Note the update to the project.

BACKGROUND

The REP active baiting phase is now complete. As of 20th December 2019 the REP pack down was finalized and we began moving toward ongoing monitoring, improved biosecurity measures, surveillance and reporting with the overall aim to declare eradication success in August 2021.

Key achievements since December include:

- Completion of pack down;
- Installation of 330+ permanent monitoring devices at LHI jetty, aerodrome and other identified areas on Island to implement the Biosecurity Monitoring Network, undertaking ongoing checks of high priority areas weekly and fortnightly with the entire monitoring grid checked monthly and have reviewed staff and resource requirements to undertake biosecurity inspections, monitoring and capacity to respond to incursions;
- Release of remaining captive Woodhen to their capture sites;
- Reintroduction of chickens;
- Sale and back loading of rodent bait stations to Waiheke Island;
- Negotiate purchase and arrange reintroduction of cattle to the Island; and
- Ongoing review of financial options.

The project is continuing to undertake the Biodiversity Benefits Monitoring using DPIE staff. Negotiations are ongoing with the Foundation for Australia's Most Endangered (FAME) to secure funding for this activity.

CURRENT POSITION

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

1) Rodent Activity and Monitoring

The last sign of rodent was on 9th October 2019.

The Board have investigated over 45 “Rat On A Rodent” reports. Fifteen of these reports required further evidence collection. No positive rodent sign was detected for any report to date. The Board have been conducting ongoing inspections using detection dogs of freight brought in on the Island Trader (8 voyages + 3 special voyages in 2020) and freight planes as well as inspections of luggage from passenger planes. There is a general increase in surveillance/inspection activities both pre border and post border. The Board have conducted 11 pre border inspections (during 2020) at Birdon wharf facility, Port Macquarie for each loading of LH Sea freight with Lhib Biosecurity Dog Handler and detection dog. This includes servicing all bait stations and other detection devices, prophylactic treatments for invertebrates, training of stevedores, suppliers and carriers.

Due to travel restrictions imposed by the Covid-19 pandemic the Board have suspended sending their staff to conduct biosecurity inspections at Port Macquarie. To cover this essential service one of the Boards biosecurity dog handlers remained in Port Macquarie for the two voyages dated 26 March and 2 April 2020 to train a contractor with experience in biosecurity and dog handling who has dogs trained in our target scents. This contract is awarded until 30 June 2020. Servicing of rodent monitoring devices at Port Macquarie is detecting rodents (House Mouse and Black Rat) on every visit, including detection of rodents from within the Birdon shed. This includes sign of rodents eating rodenticide blocks within stations, live capture and droppings. This highlights the need to continue pre-border inspections and continue to improve biosecurity measures post REP, including improvements to the existing facilities at Port Macquarie and Lord Howe Island.

The time since last detection, combined with monitoring and search effort applied provides a high level of confidence that the REP has achieved rodent eradication. It should be noted however that success will not be declared until intensive monitoring with no rodent detections is repeated two years after the completion of aerial baiting (Aug 2021).

2) Staffing

The Board has engaged a Field Officer 16 hours per week to assist with biosecurity surveillance and has contracted Simon Pahor to undertake internal and external audits of the Board’s biosecurity operations and plans. Dion Fabbro was contracted to develop a phone App to record and manage biosecurity monitoring & surveillance information and sync with GIS giving us the ability to track biosecurity checks etc. The phone App has improved the accuracy of data collection and significantly reduced the time required to formally record data.

The current administration staff employed through the REP are due to terminate at the end of April 2020, which will have a significant impact on coordinating outstanding tasks, particularly the importation of cattle. If approved, their extension would allow critical tasks to be finalized including return of livestock.

Simon Pahor has been contracted to undertake an external audit of the Boards biosecurity operations, the Birdon facility and education/awareness opportunities. This audit will be completed by 30 June 2020 and will include handover notes for any future Biosecurity Team Leader to be able to continue biosecurity improvements.

All remaining tasks are being taken on by the Environment and Community Services unit.

3) Masked Owl Eradication

Since December 2019 one female Masked Owl was shot by local hunters at Old Settlement. It is thought this is the owl that was roosting at Kims Lookout and hunting the northern hills and settlement. Due to Covid-19, Pestlures were not able to return for a final visit under their contract. Owl kills of birds are assisting to determine any location where remaining Masked Owls are persisting/hunting. Board staff with firearms licenses will continue to target Masked Owl and respond to reports by the community.

4) Risk Mitigation and Monitoring

The final round of fish sampling is due and results will be reported to the community once available from the laboratory.

Monitoring in order to declare eradication success is an identified task to be conducted in late 2021. Planning should be conducted by an external expert as early as possible to ensure robust methodology and facilitate the securing of required staff and contractors. However, there is currently no budget available for this. Failure to conduct the success check in a defensible and timely manner would be a significant concern and would result in a range of ongoing impacts..

5) Budget

Current expenditure on the REP projects have been limited to tasks that are deemed absolutely necessary to maintain a minimum level of integrity of rodent biosecurity on the island. This has resulted in a significant increase in workload on the ECS team and this is unlikely to be sustainable in the long term without running the risk of staff burnout. Diversion of staff resources to deliver the post eradication phase of the REP has also resulted in delays to the delivery of other ECS programs such as the Community Strategic Plan, Land Administration, DA services, and track maintenance.

The Manager Environment and Community Services and CEO have been working with senior DPIE staff to secure financial assistance to cover the significant REP budget shortfall. A funding proposal to address the REP funding shortfall has been developed by KPMG. In addition a Biosecurity Pilot funding proposal that includes funding for the key post REP eradication activities relating to ongoing biosecurity has been prepared. It is designed to address risk of the REP project outcomes being lost due to re-incursion or other biosecurity threats. The Biosecurity Funding Proposal was submitted to Treasury in March.

Should an alternate funding source fail to be secured the Board will be able to maintain a minimum level of Biosecurity with existing resources for the short term. Maintenance of medium and long term biosecurity service levels will either require a reduction in service levels in other ECS activities or a significant increase in risk appetite for incursions should the Board choose to reduce resources currently allocated to maintain REP biosecurity.

SUMMARY

The baiting phase of the project is complete and the project is moving towards an improved biosecurity surveillance and rodent monitoring phase aiming to declare eradication success by August 2021. Biodiversity benefits monitoring will continue over that time. The Board are continuing to seek funding to address the budget shortfall.

RECOMMENDATION

That the Board:

1. Note the update to the project

Prepared: Hank Bower, Manager Environment & World Heritage

Endorsed: Peter Adams, Chief Executive Officer

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Update on revegetation of Blackburn Island.

RECOMMENDATION

That the Board note the information.

BACKGROUND

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

Blackburn Island is 1.9 hectares in size and provides important habitat for the critically endangered LHI Wood Feeding Roach, the threatened LHI Gecko and LHI Skink and provides nesting habitat for Wedge-tailed Shearwater. The area where the Banyan grows provides the best habitat for the Woodroach, Gecko and Skink and is readily utilised by nesting Wedge-tailed Shearwater's, which nest both on the surface and in burrows across the island. Revegetation that replaces the exotic Rhodes Grass with native species will benefit all these species through enhancing habitat structures and resources including food and shelter. Surveys by Nicholas Carlile in 2009 found the Rhodes grass on Blackburn Island supports the highest density of nesting Wedge-tailed Shearwater in the LHI Group, but he also identified this exotic grass as a risk to the nesting colony due to its high flammability. This research estimated the number of breeding pairs on Blackburn to be 7517 (+_ 649) (Carlile *et al* Corella 2013).

Revegetation efforts first commenced in 2001 with planting of Bullybush and Hopwood by Board staff around the edges of the Banyan in an effort to increase the area of native vegetation. Since then revegetation work mainly focused on controlling grass around native plants. The revegetation site was expanded from the Banyan to the walking track in winter 2018 with assistance from Melbourne Zoo staff and Conservation Volunteers. A watering system was installed in 2018 that enables watering via the Board's quick spray unit located on the punt during dry conditions.

In September 2018 the Board was awarded \$55,366 by the NSW Environmental Trust's Restoration and Rehabilitation grants program to complete a project titled Restoring Blackburn Island in Preparation for the Translocation of the LHI Phasmid. The project aims to reconstruct suitable habitat to enable the future translocation of LHI Phasmid to Blackburn Island as a trial site prior to considering translocation to the main island, but to also enhance habitat for other species that currently use the site including the three threatened species listed above. The revegetation program will convert highly flammable Rhodes Grass to low flammability closed forest.

The project aims to reconstruct up to 1 hectare of wind sheared oceanic rainforest and coastal heathlands. Pickard 1983 mapped the site as *Drypetes deplanchei* (Greybark) and *Cryptocarya triplinervis* (Blackbutt) canopy and understorey destroyed. Sherringham *et al* 2016 mapped the site as a mix exotic vegetation (Rhodes grass), Tea Tree Shrubland on exposed rocky slopes and Greybark – Blackbutt rainforest. The fertile basalt soil suggests the site supported closed forest prior to clearing for grazing by goats and rabbits, the latter of which were no longer present when visited by Etheridge in August 1887.

During the winter of 2019 three thousand native plants were planted throughout the revegetation area utilising ET funds. The work was conducted by Board staff with assistance from Melbourne Zoo, Taronga Zoo, contractors and the Conservation Volunteers This work primarily focussed on extending the area of closed forest from the remnant Sallywood trees and Norfolk Island Pines eastward. Ongoing maintenance will be undertaken by Board staff until canopy closure. Revegetation works are only conducted outside the nesting season for Wedge-tailed Shearwater.

On 28 January the locally elected Board members sent a letter to the Boards CEO regarding the abandonment of eggs within the revegetation area on Blackburn Island. The points raised were acknowledged by the Manager Environment & World Heritage (MEWH) who reviewed the project to reduce potential impacts to nesting success in future.

CURRENT POSITION

Site maintenance of the revegetation site during the winter of 2019 was delayed due to ECS staff being utilised for priority REP work. Following the planting conducted earlier in the winter, treatment of exotic grasses within the revegetation area was conducted in late October prior to Wedge-tailed Shearwaters laying eggs. This was to reduce competition of planted trees with exotic grasses in order to increase access to water and nutrients and improve tree survival should drought conditions prevail. However, by the time the grass had completely died off, Wedge-tailed Shearwaters had laid eggs within the revegetation and as the grasses decomposed during summer, nests became exposed and egg abandonment was observed.

In March 2020, Nicholas Carlile – DPIE Principal Scientist and Terry O'Dwyer conducted research on Roach Island on White-bellied Storm Petrel nesting. They found large-scale nest abandonment of Wedge-tailed Shearwaters on Roach Island and concluded that this year's nesting failure was likely due to at sea conditions that limited their foraging ability rather than habitat manipulation for revegetation. Attached is a detailed report from Nicholas detailing nesting success across the Lord Howe Island Group. Note that figure 1 illustrates the highly variable feeding range of Wedge Tailed Shearwaters between years and the proximity of feeding rounds close to nesting sites can have a significant impact on breeding success.

Notwithstanding, the potential impact of miss-timed revegetation maintenance to localised nesting success (or failure) on Blackburn Island is acknowledged and can be rectified in future through

better time managed revegetation maintenance, as undertaken in 2018. It is also recommended to install cattle covers that were used during the REP within the revegetation area as sheltering habitat for Wedge-tailed Shearwaters and to undertake infill planting in the winter of 2020 to replace plants that died due to drought, weed competition or salt spray.

The revegetation maintenance approach used in winter 2018 did not result in any egg abandonment. This involved keeping the revegetation area free of Rhodes Grass and other exotic weeds during the winter growing season so that the site is less enticing for surface nesting until canopy cover of planted vegetation is achieved. The plants established in winter 2018 are exhibiting good growth and are expected to provide suitable nesting cover by the summer of 2020/2021. Ongoing infill planting during winters will assist to develop canopy where plants have died and provide long term shelter and nesting habitat resources. Inclusion of native grasses and sedges will provide shelter in more exposed areas and in the lower strata. The same maintenance approach used in winter 2018 will be re-instated in future years to reduce the potential for Wedge-tailed Shearwaters to be exposed during the nesting season and to improve plant survival during drought conditions.

The conversion of exotic Rhodes Grass to closed forest comprising species native to Lord Howe Island will increase habitat variability for the suite of species that utilise Blackburn Island, will reduce the flammability and therefore risk of fire which would decimate the island's wildlife and will improve chances for species with habitat on the main island to establish on Blackburn (eg Silvereye, Golden Whistler, Currawong etc).

SUMMARY

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

The nest failure in summer 2019/20 is most likely due to at sea conditions of foraging rather than habitat manipulation for revegetation alone. However the timing of herbicide treatment of grasses within the revegetation area just prior to nesting reduced shelter for surface nesting birds and is likely to have increased nest failure in that area. Ensuring the revegetation area is maintained during the non-nesting season so that grasses do not regenerate and create suitable surface nesting substrate whilst reconstructing a closed forest to provide suitable sheltering and nesting habitat will reduce risk of nest abandonment until the revegetation site develops canopy cover.

RECOMMENDATION

That the Board note the information.

Prepared: Hank Bower, Manager Environment and World Heritage

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

Attachment A: Report on Wedge-tailed Shearwater – Nicholas Carlile

ATTACHMENT

WTSW on Blackburn Island in 2019-20 breeding season.

Wedge-tailed Shearwaters (WTSW) on LHI have had variable breeding success in the last decade or so. A long-term study of WTSW on Blackburn Island by Carlile and Hiscox (2007-08 to 2009-10) showed significant variation in breeding success over the years. The study was ended earlier than planned because it was very difficult to draw any conclusions with so much natural variation occurring and because so few chicks survived in those years. The population on Blackburn Island in 2009-10 was estimated at 7500 pairs, with most nesting on the surface and less than 20% in soil burrows. The introduced Rhodes grass provides a habitat that encourages a high breeding density due to partial cover for surfacing nesting birds but also a potential significant fire risk. The LHIB have decided to increase the natural vegetation on the island, to reduce fire risk, provide habitat for potential LH Stick insect populations and provide a more natural low vegetation cover for the shearwaters.

In 2018, successful revegetation activities replaced some areas of introduced grass without leading to direct impact of breeding WTSW, using carefully timed spraying and planting schedules. In 2019, planting was carried out successfully but herbicide spraying of Rhodes grass was delayed due to staffing constraints related to the Rat Eradication program. This allowed courting WTSW to arrive and select nesting sites prior to secondary grass treatment. These birds and their nests were then left exposed as the introduced grass died off due to the later timed spraying. It was apparent by January 2020 that eggs had been abandoned in the revegetation area. Due to very dense nature of untreated Rhodes grass areas outside of the revegetation area, anecdotal observations of egg abandonment of these grassed areas were not reported, so the extent of abandonment in full grassed areas compared treated areas is unknown.

DPIE officers attended Blackburn Island in early February 2020. This coincided with the end of the incubation period for WTSW when unattended eggs (yet to be broken and consumed by lizards/inverts) are still in evidence. A comparative sample count of number of eggs abandoned at the revegetation site relative to elsewhere on the island was planned to determine whether the revegetation program had impacted on WTSW breeding. However, by this time the exposed eggs within the revegetation site had been inadvertently removed by LHIB staff, who were unaware of the proposed DPIE check, so no comparative sampling could be made.

DPIE officers visited Roach Island (WTSW 15,700 pairs) in early March 2020. While the visit was to examine breeding of White-bellied Storm-petrels, observations were also made of WTSW breeding. At this time of the year, WTSW chick development is half way to fledging. The number of chicks observed on Roach Island was very low. There were no dead chicks in evidence and very high numbers of 'unemployed' breeding birds (in pairs) over all parts of the island at night (up to one pair of birds every two sq meters). These data together indicate that the hatching success rate this year for WTSW on Roach Island was very low. In seabird colonies, a low hatching success is generally linked to poor foraging opportunities during the egg incubation period. If parents are unable to find sufficient prey

while it is their turn off the egg, they are forced to forage further afield or remain at sea for longer than normal searching for food. This results in the other incubating bird eventually abandoning the nest to forage for food, rather than starve on the nest. The result is large numbers of abandoned eggs in a colony. Those that manage to successfully incubate the eggs to hatching have a good chance to raise successful chicks as competition for available food resources is reduced as other nests fail and lower numbers of provisioning birds remain in the region. Birds no longer incubating may still stay in the area, in between these longer feeding trips. The observation this season, that those birds that had managed to hatch young were feeding them successfully, is in line with the expected pattern of a poor food season.

This season was also a period of higher than average summer temperatures and lower than average rainfall on LHI. On Roach Island, the surface vegetation was noticeably sparse compared to observations in previous years, leaving nests exposed to the elements.

It is reasonable to assume that the poor WTSW breeding success observed on Roach Island would also have extended to Blackburn Island. The observed eggs exposed on the surface of Blackburn Island during January may have been due to at sea conditions of foraging rather than habitat manipulation for revegetation. This could not be conclusively determined due to a lack of survey opportunity in February. Additionally, the lack of regular annual surveys of Blackburn Island WTSW breeding precludes any information on how common such egg abandonment events are, regardless of revegetation activities. Anecdotal surveys by Hiscox of Blackburn Island WTSW breeding were discontinued some years ago due to low numbers of chicks at nests and few successful breeding attempts.

Better time management of revegetation activities on Blackburn Island in the future will undoubtedly improve the perception of impacts on breeding WTSW, regardless of the quality of any season for the successful breeding of this species here. It is advisable that any changes in LHIB management activities in or around any seabird colonies that will involve manipulation or reduction in seabird habitat, that the Board seeks advice from a wide range of people experienced in those species.

While the revegetation of Blackburn Island will provide a more resilient ground and shrub cover for shearwater breeding in the long-term, the bigger issue of poor breeding conditions for offshore foraging of this species may continue for the foreseeable future. Due to different foraging techniques and area of foraging searches, such poor foraging for WTSW may not be reflected in the breeding success of other shearwater or petrel species on LHI.

Nicholas Carlile.

Principal Scientist

Ecosystems & Threatened Species, DPIE

13th March 2020

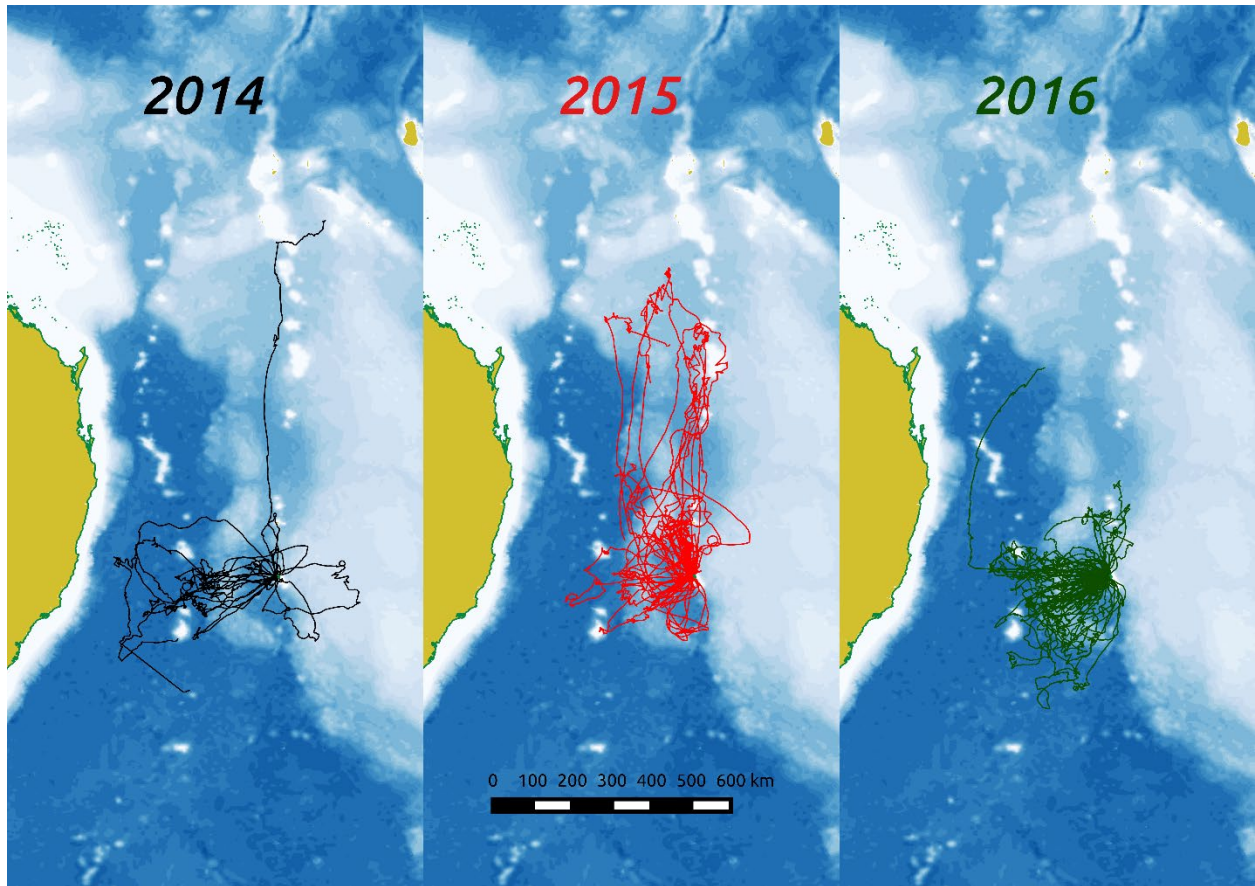


Figure 1. Three years of GPS tracking of foraging trips (adults provisioning chicks) of Wedge-tailed Shearwaters from Lord Howe Island (Mark Miller PhD JCU).

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

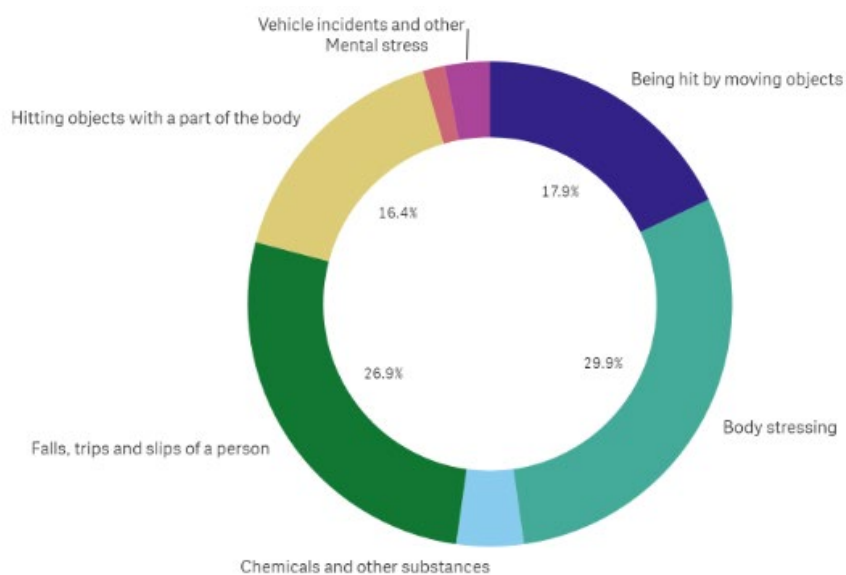
Workplace Health and Safety

At 23 April twelve claims in total had been lodged for the 2019-20 financial year, details as follows:

2019/20				
No	Date of Injury	Type of Injury	Cause of Injury	Hours lost
1	06/08/2019	Crush injury finger	Attaching claw to excavator	Medical expenses only
2	09/08/2019	Lacerations to leg	Barbed wire	Medical expenses only
3	12/08/2019	Knee sprain	Stepped through lid of septic tank	694.4
4	20/08/2019	Facial injury	Accidentally struck by co-worker	7.6
5	29/08/2019	Sprain lateral ankle ligament	Rolled ankle on septic tank	91.07
6	10/09/2019	Muscle strain L rotator cuff/viral illness	Repeated lifting in cold weather	22.8
7	20/09/2020	Lacerated L finger	Bitten by rat whilst capturing it	Medical expenses only
8	17/10/2019	Crush injury R hand	Hand slammed in car door	Medical expenses only
9	23/10/2019	L eye trauma	Struck in eye by pine needle	Medical expenses only

10	26/10/2019	Severe bruising tendons R wrist	Struck by pallet blown over by wind	Medical expenses only
11	30/10/2019	Sprained knee	Slipped between gravel bags	TBC
12	16/11/2019	Sprained back	Repeated ascents/descents on helicopter winch	Medical expenses only
13	19/11/2019	Broken R ankle, bruising thumb and thigh	Fall from ladder	190
14	20/11/2019	Conjunctival haemorrhage L eye	Eye struck by stick moving through bush	Medical expenses only

Workers compensation statistics for the last five years as at 29 February 2020:



Financial Year Occurred	Number of Claims	Avg Net Incurred Cost	Net Incurred Cost \$	Total Amount Paid \$	Latest Estimate \$	Amount Recovered \$
Before Total	216	\$8,839.46	\$1,909,323.23	\$1,607,218.28	\$302,104.95	\$0.00
FY 15-16 Total	9	\$4,356.44	\$39,208.00	\$39,208.00	\$0.00	\$0.00
FY 16-17 Total	18	\$18,005.91	\$324,106.43	\$244,719.17	\$79,387.26	\$0.00
FY 17-18 Total	15	\$20,764.76	\$311,471.45	\$211,992.41	\$99,479.04	\$0.00
FY 18-19 Total	12	\$3,249.94	\$38,999.32	\$38,999.32	\$0.00	\$0.00
FY 19-20 Total	14	\$5,214.76	\$73,006.62	\$52,010.41	\$20,996.21	\$0.00
Grand Total	284	\$9,493.36	\$2,696,115.05	\$2,194,147.59	\$501,967.46	\$0.00

Public Risk Management

Cyclone Uesi tracked past Lord Howe Island on 12 February 2020. The Lord Howe Island Board provided response support to combat agency the NSW State Emergency Service. No injuries and only minor structural damage was reported as a result of the storm however substantial work was subsequently required to clear vegetation debris and ensure safety of public facilities/areas and walking tracks.

In early March 2020 The Board commenced response to the emerging COVID-19 pandemic in Australia promoting best practice hygiene within public facilities and Board workplaces in

accordance with NSW Health information and resources. On 13 March the Board facilitated a public information session presented by Dr Horst Herb of the Gower Wilson Memorial Hospital, representing the South East Sydney Local Health District, to answer questions relating to COVID 19. The Public Health (COVID-19 Lord Howe Island) Order 2020 commenced on 22 March 2020, declaring Lord Howe Island a public health risk area and limiting access to and from the Island until repeal of the Order on 18 June 2020. Further detail in relation to COVID-19 is provided in the Chief Executive Officer's report, refer Business Paper 5.

RECOMMENDATION

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

Prepared: Jemima Spivey Manager Administration

Endorsed: Peter Adams Chief Executive Officer