

LORD HOWE ISLAND BOARD

BOARD MEETING AGENDA

MEETING DATE:	MEETING LOCATION:	MEETING TIME:
18 March 2019	Public Hall, Lord Howe Island	Planning Session 9:00 am to 11:00 am
18 March 2019	Public Hall, Lord Howe Island	Closed Session: 11:00 am to 4:30 pm
19 March 2019	Public Hall, Lord Howe Island	Open Session: 9:00 am to 12:30 pm

Preparer	Presenter	ITEM		OPEN (O)	CLOSED (C)	ACTION Note/Decide
na	SS	1	CONFLICT OF INTEREST DECLARATIONS			
CH	PA	2	MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION	O		Note
CH	PA	3	OUT OF SESSION BUSINESS PAPERS – STATUS REPORT	O		Note
JvG	PA	4	ACTIONS FROM PREVIOUS MEETINGS – STATUS REPORT	O		Note
PA	PA	5	CHIEF EXECUTIVE OFFICER’S REPORT	O	C	Note
CH	PA	6	MOTOR VEHICLE IMPORTATION OR TRANSFER – STATUS REPORT	O		Note
		7	FINANCE AND BUSINESS MANAGEMENT			
JvG	JvG	(i)	Closed Session		C	Note
JvG	JvG	(ii)	Application for Liquor Licence – Post Office (S. Sia)	O		Decide
JvG	JvG	(iii)	Mobile Food Vending Service	O		Decide
JvG	JvG	(iv)	Closed Session		C	Decide
JvG	JvG	(v)	Closed Session		C	Note
		8	DEVELOPMENT APPLICATIONS			
CH	JS	(i)	Owner Consent approved under Delegated Authority	O		Note
CH	JS	(ii)	Development Application determined under Delegated Authority	O		Note
AAP	AAP	(iii)	OC2019.02 & DA2019.05 Commercial premises with bar, allied health centre and day spa centre – Tim Cruikshank	O		Decide
AAP	AAP	(iv)	OC2019.04 Extension to bathroom in cottage – Gary Payten	O		
AAP	AAP	(v)	MC2019.05 Remove loft level, reduction in building height and minor design changes to room layout – DDC Architects for John Green	O		
AAP	AAP	(vi)	DA2019.08 Temporary site office for Rodent Eradication Project helicopter operations at airport – Lord Howe Island Board	O		

Preparer	Presenter	ITEM		OPEN (O)	CLOSED (C)	ACTION Note/Decide
		9	POLICY & STRATEGY			
JS	JS	(i)	Community Strategic Plan Update	O		Note
PA	PA	(ii)	Closed Session		C	Decide
C Has.	JS	(iii)	Amendments to Dog Importation and Management Policy	O		Decide
PA	PA	(iv)	Operations Plan 2018/19 – Status Report	O		
		10	LEASING & LAND ADMINISTRATION			
JS	JS	(i)	Lord Howe Island Land Allocation Review – Implementation Update	O		Note
JS	JS	(ii)	Closed Session		C	Decide
		11	GOVERNANCE			
JvG	JvG	(i)	Audit and Risk Committee Report		C	Note
JS	JS	(ii)	Application for Permissive Occupancy – Lord Howe Island Community Preschool	O		
JS	JS	(iii)	Closed Session		C	
		12	OPERATIONS & SERVICES			
AW	AW	(i)	Rodent Eradication Project Update	O		Note
JT	JT	(ii)	Airport Runway Extension Feasibility Study Update	O		Note
JT	JT	(iii)	Stronger Country Community Funds – Project Update	O		Note
JT	JT	(iv)	Stronger Country Community Grant Project – Old Powerhouse Site Remediation – Final Construction Plans and Amendments in Response to Public Exhibition	O		Note
JT	JT	(v)	Stronger Country Community Funds – Foreshore Fitness Trail	O		decide
JT	JT	(vi)	Renewable Energy Program Update	O		Note
JT	JT	(vii)	Waste Management Facility – EPA Licence	O		Note
JT	JT	(viii)	NSW EPA PFAS Strategy	O		Note
		13	WH&S and PUBLIC RISK MANAGEMENT			
J Spivey	JvG	(i)	WH&S and Public Risk Management Update	O		Note
		14	INTERVIEWS			
		15	GENERAL BUSINESS AND QUESTIONS ON NOTICE			

Board Meeting: March 2019	Agenda Number: 2	Record: ED19/1998
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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 November 2018 meeting were distributed to each Board member and have been endorsed through the above process with amendments.

A copy of the endorsed Minutes is attached.

RECOMMENDATION

Submitted for the Board's information.

Prepared: Chelsea Holden, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

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

Board Meeting: March 2019	Agenda Number: 3	Record: ED19/1994
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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

Results of the 'Out of Session' papers since the last Board meeting are shown on the attached tracking sheet.

RECOMMENDATION

Submitted for the Board's information.

Prepared: Chelsea Holden, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

Attachment A: Results of 'Out of Session' papers since the last Board Meeting - Open

OPEN SESSION				
No.	Date	Application	Vote	Comment
November 2018				
	Nil			
December 2018				
	Nil			
January 2018				
1	25/01/2019	<p>Old Powerhouse Site Remediation</p> <ol style="list-style-type: none"> 1. It is recommended that the final construction plans be prepared; 2. It is recommended that construction tender documents be prepared; and 3. It is recommended that John Teague report back to next Board meeting with final plans if available or details of the public exhibition and the modifications made in the response to submissions for information. 	Approved: GC, DK, RP, MR, SS, TT, CW	Approved 31/01/2019
February 2019				
1	07/02/2019	<p>Determination of Community Grants</p> <ol style="list-style-type: none"> 1. That this report be approved out of session. 2. That the grants be awarded as per the spreadsheet outlined in attachment 1. and 3. The criteria for future Community Grants (if funded under the 2019/20 Budget), be amended to include permit grant applications that include ongoing recurrent costs. 	<p>1 & 2 Approved: GC, DK, RP, MR, SS, CW</p> <p>*3 to be discussed at March meeting</p> <p>1, 2 & 3 Approved: TT</p>	Only 1 & 2 have been approved. 3 is to be discussed at March meeting. 13/02/2019
March 2019				
	Nil			

Board Meeting: March 2019	Agenda Item: 4	Record Number: ED19/2060
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Actions from Previous Meeting – Status Report

RECOMMENDATION

Submitted for the Board's information.

BACKGROUND

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

CURRENT POSITION

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

RECOMMENDATION

Submitted for the Board's information.

Prepared: John van Gaalen, Manager Business and Corporate Services

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

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

LORD HOWE ISLAND BOARD

Action Sheet from November 2018 Board Meeting and Previous Meetings

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

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date
					consultation held. Two workshops held with additional planned. Status report at this meeting.	
8 (ii) May 2018	Amendment to Dog Policy	Local Board members meet with relevant ECS staff to amend draft policy prior to it going out on public exhibition.	October 2018	Local Board members and ECS staff	Draft Policy report to this meeting.	
8 (iii) May 2018	Chicken Importation Moratorium	Obtain advice on risks associated with a change to current policy regarding the age of chickens that may be imported.	October 2018	MECS	Advice received, updated protocol has been developed.	October 2018
15 May 2018	General Business	Draft a letter to OEH for signature by the Chair seeking funding for the sediment tracing study.	October 2018	CEO	Issues encountered incl. Marine Park concerns and that study requires long term monitoring which is beyond required timeframe to address erosion issues.	
3 September 2018	Actions from Previous Meetings	Prepare an out of session paper on funding options and reprioritisation options after PA has met with the planning consultants.	October 2018	CEO	Not yet completed.	
4 September 2018	Chief Executive Officer Report	Prepare a detailed report on the long term plan for reveg of Blackburn Island for November Board meeting.	April 2019	MECS	Final revegetation plan currently being finalised with OEH and Environmental Trust. Report in November Board agenda.	November 2018
8 (iii) September 2018	Draft Ops Plan 2018/19	Provide a half yearly review of the 2018/19 Ops Plan to the Board.	December 2018	CEO	Report to this March 2019 meeting.	
9 (ii) September 2018	Management of Commercially Leased Buildings	1. Explore the options for achieving a reasonable return from commercially leased buildings and prepare a paper for the March 2019 Board meeting.	February 2019	MBCS	1. Paper deferred to May 2019 Board meeting	

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date
		2. Investigate the charging of bonds on residential leases.	November 2018	MBCS	2. Paper to March 2019 meeting	
10 (iii) September 2018	Cat B Land Restitution	Provide a progress report for the November 2018 Board meeting.	October 2018	MECS	See Item 11 (i) Attachment A.	
10 (iv) September 2018	Review of Compliance with Residency Conditions	1. Write letters as per the decisions captured in the minutes. 2. Prepare out of session paper to capture the Board's discussion on direction and advise on options to change the Policy and the Act to reflect the agreed direction.	November 2018 October 2018	MECS MECS	Letters sent, some replies received, follow up letters and actions underway. Some reports to this March 2019 meeting.	
10 (vii) September 2018	Increase in Annual Rents for Permissive Occupancies	Briefing Note to the Minister for his approval of the Board recommendation.	October 2018	MECS	Completed. Waiting on approval from Minister. Increase delayed. Letters sent to occupants advising of delayed increase.	October 2018
12 (i) September 2018	Rodent Eradication Program Progress Report	Apply for the Control Order ASAP.	October 2018.	CEO	Control Order granted 28 Feb 2019.	Feb 2019
12 (iii) September 2018	Airport Runway Feasibility Study	Form a high level working group, comprised of all relevant stakeholders.	October 2018	CEO	Discussions commenced.	
12 (iv) September 2018	Location of Public Fuel Sales	1. Rezone the land so that it can be operated by a private entity. 2. Submit a DA.	February 2019 February 2019	MECS MIES	1. Proposed to be undertaken in LEP review. Project can proceed without rezoning. 2. Site location pegged, plans and DA being prepared.	
3 November 2018	Out of Session Matters	Administration to advise of a Master Plan for the Old Post Office site regarding the utility and amenity of the civic precinct and resolve to consider the original conditions of the lease. We agree to have an open		MIES MECS	Completed initial internal discussions of what is required on this site which have been included into the construction plan. DA	

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date
		meeting of the Board to consider the revised DA.			report to this March meeting	
15 November 2018	Interview	Administration to provide advice at the next Board meeting about options to provide Aged Care Services on the island.			Not completed for March meeting due to other demands.	
5 November 2018		Write to all Liquor Licence holders reminding them of their obligations under the terms of their licence and to advise that we will be conducting an audit of liquor received and sold on the island.	February 2019	MBCS	Letter to Licence holders sent out. Viewing of sea freight received at Post Office on Thursday 28 February. Concerns in regards to ability to reconcile against stocks held at businesses.	
10 ii) November 2018	EOI – Co-Op Building	Proceed with lease with Kylie Owens and investigate options for an appropriate Book Exchange	February 2019 July 2019	MBCS	1. Lease signed, commencement date and DA issues to be resolved 2. Look at options at Public Hall after completion of upgrade.	
10 iii) November 2018	Bond on residential leases	Defer report to March 2019 meeting	March 2019	MBCS	Report submitted	March 2019
10 iv) November 2018	Bonds on Neds Beach facilities	Do not implement a requirement for bonds on bookings at Neds Beach facilities	November 2018	MBCS	Nil	November 2018
11 ii) November 2018	Application for suspension of residency – Geoffrey Thompson	Suspend the condition of residency	November 2018	MECS	Completed	March 2019
13 iii) November 2018	Old Powerhouse site remediation	<ol style="list-style-type: none"> Prepare final construction plans, to be made available to the community via a mail-out reminding them of the restrictions of the grant. Suggestions for name of park at a later stage. 		MIES MIES	1 Out of Session Report adopted. Further information report in March meeting 2 Will be undertaken during construction phase before construction complete	25 January 2019

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date
8 iv) November 2018	Change of use – Hideaway	Approved- subject to conditions in report		MECS	Completed	Nov 2018
10 v) November 2018	Application for approval to operate a Mobile Food Vending Service	The applicant is to submit a business licence application and that it go to Public Consultation.	March 2019	MBCS/ MECS	Public Consultation completed – Report to March meeting.	

ENVIRONMENT & COMMUNITY SERVICES UNIT
November 2018 to March 2019

Biodiversity Management

- Annual Woodhen survey
- Saving Our Species grant implementation. Razorback survey.
- National Landcare Regional Partnerships
- Bunting of Blinky Dune installed to deter bird strike with aircraft and removed after Sooty Tern nesting season.
- Team Leader Flora and Weed Programs Sue Bower, Assistant Project Manager REP Jaclyn Pearson, Assistant Officer Darcelle Matassoni and Board member Mathew Retmock attended Banksia Award Ceremony in Melbourne where the LHIB won the Banksia Government Award 2018 and Banksia Gold Award 2018 for the Ecological Restoration programs that have and continue to be implemented to improve the Island's sustainability. (It is noted that staff met many of their costs themselves to attend).

Research & Volunteers

The following persons were approved to stay in/use the Research Station during the reporting period.

Name	No. People	No. Nights	Project
Jim Maggs Builders	3	116	Research Facility Renovations
Grant Harper	1	14	REP – Ground Baiting Contractor
Tess Moriarty	1	10	MPA – Coral Disease (Lab Only)
Johnathan Mitchell	1	25	MPA – Galapagos Shark Research
Tess Page	1	7	MPA – Algae Research
Kay Davis	2	10	MPA – Coral Research
Nicholas Carlile	1	7	REP – Biodiversity Benefits, Currawong research & annual woodhen survey
Keith Springer	1	28	REP Advisor
Richard Segal	1	103	Currawong diet and population
Melanie Massaro	1	2	Currawong diet and population
Terry O'Dwyer	1	18	REP – Biodiversity Benefits, Currawong research & annual woodhen survey

Rodent Eradication

- See Agenda Item - Rodent Eradication progress report.

Biosecurity

- Ongoing inspections using detection dogs of freight brought in on Island Trader and freight planes as well as inspections of luggage from passenger planes.
- Sign of rodent activity detected on Island Trader on voyages B015 and B016. Investigations in order to be able to ascertain whether rodents accessed the ship on return from LHI or from mainland to LHI. No live rodents were detected suggesting rodents accessed the Trader on return from LHI. Review of requirements and biosecurity rigor occurring.
- A Biosecurity detection dog & handler quickly detected snake skin that a Taronga Zoo staffer brought in (on request of MEWH – to test if dogs could detect) The skin was triple wrapped in hand luggage when they visited for captive management planning meetings.

Weed Management

- The Board is currently running four externally funded weed eradication grant programs (including the NSW Environmental Trust, Saving Our Species, NSW Weeds Action Plan (WAP) and North Coast Local Services). These grants are due for progress reporting in May and June 2019.
- **NSW Environmental Trust 'The Tide is Turning'**. The remainder of this grant is focused on Aero Robotic (AR) methods to detect target weeds (Ground Asparagus, Bitou Bush and Cherry Guava) and Herbicide Ballistic Technology (HBT). XM2 have been awarded the AR project; with stage one spectral analysis undertaken on island, however in drought conditions. Herbicide Ballistic Technology experts from Maui Hawaii visited LHI in January (whilst on holiday) and discussed feasibility of applying the technology to Lord Howe Island.
- **Saving our Species LHI Threatened Species Recovery Program – Project 2 (2017-2021)**. The LHIB are working on the second financial year of this four-year funded project. Helicopter operations scheduled for Summer 2018/19 have been rescheduled for Spring 2019, to progress weed search and threatened species survey in the southern mountains. Up to 25 threatened plant monitoring plots will be surveyed. Propagation of *Elymus multiflorus* sbsp *kingianus*, *Calystegia affinis* and *Chamaesyce psammogeton* to enhance wild populations and collection of threatened plant seeds for seed banking with the Millennium Seed Bank. Teams have focused weed search for Cherry Guava and Ground Asparagus in the south over summer.
- **Regional Landcare Partners - North Coast Local Land Services 'Protecting World Heritage Values and the Little Mountain Palm'**. This grant provides funds for weed search, mapping the summit of Mt Gower, contribution to the SOS helicopter program, settlement weeding (to focus on Madeira Vine) and promoting awareness of LHI Oceanic Cloud Forest and the Critically Endangered Little Mountain Palm.
- Weeds Action Plan (WAP). The WAP only provides limited funding, which is used to target weeds that are trending towards zero density / eradication and recording of weed survey and control outputs which is required to be reported to NSW DPI.

Revegetation

- Maintenance of revegetation sites has been undertaken in accordance with the Revegetation Work Schedule. Watering of revegetation sites during drought conditions to keep plantings alive. Priority sites for watering were Blackburn Island, Windy Point, Middle Beach, Dawson's Point Phillip Island Wheat Grass SOS sites and Old Settlement Calystegia SOS sites.
- Notified by ET that successful in obtaining grant funding for Sallywood Swamp Forest.
- Revegetation at Calystegia site at the start of Max Nicholls track hand weeded for annual weeds and then mulched (funded by the Saving Our Species program).

Incident Management

- Nil

Compliance and Enforcement

- One caution issued to a dog owner for failing to control the behaviour of the dog and one dog formally declared a Nuisance Dog.

Community Programs & Education

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

Visitor Infrastructure

- Mt Eliza sign vandalised and replaced. Track re-opened.
- New signage for boot scrub bays.
- In flight biosecurity information sheet in development with QantasLink.

Marine Management / Moorings

- LHIB monthly mooring inspections were completed for the reporting period;
- Approximately 61 yachts visited the Island and attached to LHIB public moorings during the reporting period.

Human Resource Management

- John Trehy awarded position of Field Supervisor, Bush Regeneration and Weed Eradication in a permanent capacity. Erin Mayo, was acting as supervisor in a temporary capacity has resumed his prior field based position.

Training

- Biosecurity detection dog handling training ongoing.

Work Health & Safety

- Two lost time day dues to slip/trip injury on track.

Environmental Assessment

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

Land Administration

- Respond to applications for suspension of residency, lease transfers, subleasing and tenure related project work.
- Actions being pursued following resolutions by the Board (Sept 2018) for compliance with Residency condition of Perpetual Leases.

Development Assessment

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

INFRASTRUCTURE AND ENGINEERING SERVICES

21 November 2018 to 1 March 2019

Airport

- At the time of writing (Friday 1 March 2019) there had been one (1) bird strike recorded for 2019 at the aerodrome. On Sunday 13 January 2019 during departure a QantasLink DHC8-200 struck a Sooty Tern out to sea off Blinky Beach. The aircraft continued to Brisbane and underwent an engineering inspection where it was discovered that the bird had entered the air intake on the port engine. No damage was recorded and the aircraft resumed service.

From 1 January 2019 to 1 March 2019, there have been 432 aircraft movements, which equates to 2.31 strikes per 1000 movements. As this strike was out of our field of influence the amended strike rate is 0 strikes per 1000 movements.

For the 2018 calendar year there were 5 strikes recorded for a total number of 1946 movements. This equates to 2.57 strikes per 1000 movements. Three (3) of these strikes were out of our field of influence (struck over water etc.) which realises an amended strike rate of 1.03 strikes per 1000 movements.

- On 1 February 2019 the Department of Home Affairs approved a Special Event Zone (SEZ) within the airside area at the aerodrome to facilitate the helicopter operations associated with the Rodent Eradication Project. An ATCO demountable building is to be temporarily installed, as per Development Application in this business paper at the aerodrome for a site office for these helicopter operations.
- Area opposite airport turn-off from Old Lagoon Road cleared of waste water tanks and demountable buildings.
- Small concrete slab installed near baggage claim.
- Roller door on airside entrance to bio security baggage area repaired after strong winds derailed from track.
- New airside gate access installed adjacent to Andrew Wilson's hangar allowing exclusive access to Rodent Eradication Program operations.
- Aerodrome weed spraying completed 28 November 2018.

Emergency Management

- The Local Emergency Management Committee (LEMC) met on Thursday 29 November 2018 and again on Thursday 21 February. The LEMC, NSW SES, NSW RFS, NSW Police and LHIB continue to work on the implementation of the 'One Emergency Service' model. Recruitment is currently underway for the core members and a training package has been developed to cover the competencies required to respond to the varying incidents on the Island.

The initial core member training is anticipated to be delivered over a 5 to 6 day period by NSW RFS, NSW SES and possibly NSW Marine Rescue during September/October 2019. The training will culminate in a complex Emergency

Exercise scenario providing opportunities for assessment on demand, competency testing and spontaneous volunteer familiarisation and education.

- Air Ambulance patient retrievals year to date (Friday 1 March 2019) total five (5), two (2) of which were residents. One (1) resident required treatment for illness and one (1) for an injury. Of the three (3) visitors all required treatment for illness.

Patient retrievals for the same period in 2018 totalled three (3), all of which were residents. Two (2) residents required treatment for illness and one (1) for injury.

- The LEMC, Bureau of Meteorology staff and NSW Northern Zone State Emergency Service (SES) personnel closely monitored the track of Tropical Cyclone Oma and Ex Tropical Cyclone Oma during the period of 18 to 25 February. SES and other Emergency Management partners were on standby to offer any assistance that may have been required prior to any impact or post. While the Island experienced very strong winds and large seas the impact from Ex Tropical Cyclone Oma was able to be dealt with at the local level.
- SES emergency kits received for positioning in Mt Gower summit igloo and new location for second identical unit at the 'Saddle'. Funding provided by SES to utilise a helicopter late 2018 early 2019 however this option has been cancelled due to the helicopter being unable to undertake weeding program. The two storm rated 'Pelican' cases are unable to be carried to location due to bulk and weight. Enquiries continue with REP regarding utilising REP helicopters during program.
- Injured patient stretcher retrievals completed 24 December 2018, 7 February 2019 and 9 February 2019. All patients sustained fractured fibula, one spiral fracture. Retrieved from Mt Gower, Goat House caves and Kim's Lookout.
- SES tree operations conducted early hours of 29 November – 4 December 2018 (38 trees removed) and 23-24 February 2019 after strong winds.
- Testing of emergency siren 1000 hrs first Wednesday of month continues without incident, most recently conducted 06 March 2019
- Visit proposed March 2019 by SES North Region Deputy Commander Tony Day re 'One Unit Emergency' model utilising a combination of SES and RFS personnel. Further discussions with NSW Police at a Regional level. Construction of new joint emergency facility also discussed. 17 potential candidates identified and invited to apply. Finalising numbers continues. Final number of cross trained personnel agreed to be 10.
- Visit conducted 5-6 March by NSW Police Marine Area Command and NSW Marine Rescue regarding proposal to establish a volunteer marine rescue base on Lord Howe Island with supporting vessel.

Building Construction Maintenance and Management

- New access ramp to LHIB wood shed completed.
- Replace fridge at Plant Officer's (mechanic) residence
- Replace washing machine at Met House 4.

- Repairs to aviation fuel shed roof as a result of strong winds generated by Cyclone OMA.
- Replaced decking and supports to Senior Electrical Officer's residence.
- Replace decking front of Medical Officer's residence.
- Construct new deck and entrance rear of Medical Officer's residence.
- Repair to inside wall of jetty shed. Damage occasioned consistent with kicking impact.
- Pinetrees sea wall construction north of boatshed conducted 6 December 2018. LHIB assisted contractor with machinery and crane operator.
- LHIB personnel conducted repair works on same wall after heavy sea conditions caused several of the upper level concrete blocks to collapse – 14 February 2019.

PFAS

- Detailed Site Investigations (DSI) are currently underway to delineate the full extent of Per- and Poly-Fluoroalkyl Substances (PFAS) contamination on the Island following the use of firefighting foams known to contain these chemicals. Lee Taylor, Principal Environmental Scientist with AECOM Australia Pty Ltd undertook field works for the Detailed Site Investigations (DSI) during the week of 18 to 22 February 2019.

The field works included sampling of sediment, soil, grass, surface water, groundwater, pore water and marine sediment at and near locations identified as having a presence of PFAS during the preliminary investigations. This included the taking of marine sediment, surface water and pore water samples within the Lord Howe Island Marine Park.

Samples from these field works will be progressively sent to Australian Laboratory Services for analysis, as room on the plane allows. It will be a number of weeks before any results from this sampling are realised.

Maritime Facilities and Coastal Activities

- Re-reinforced current brace supporting fender pile on landing area.
- Plans to replace jetty stair pylons (6) before June 2019
- Jetty stairs and boat ramp were high temperature (140°) /pressure cleaned in mid-January and mid-February 2019.
- Cracks and voids in jetty decking filled with 2 pack epoxy February 2019.
- The swimming pontoon removed, serviced, cleaned and relocated same day December 2019.
- LHIB lighter is the subject of a potential joint venture overhaul between Birdon and the LHIB. It is being proposed that Birdon would carry out sand blasting, welding and

painting requirements at their facility at Port Macquarie. This would require the lighter to be back-loaded to Port Macquarie and returned after overhaul is complete.

Roads, Parks and Visitor Facilities

- Extensive pothole repairs are constantly being carried out weekly.
- Works Staff continue to conduct road verge trimming concentrating on dangerous vines.
- Spraying for broadleaf and weeds completed at playground, oval, Community Hall, Under the Pines and Neds Beach. Works team continues to research for eco alternatives. Current 360 brand of round up, bee and environment friendly.
- 7 January 2019, dangerous tree assessment completed of all the road verge areas. 45 trees, mostly dead, identified for removal or trimming. Three trees deemed difficult to remove safely were contracted to local arborist for removal. All works completed 1 March 2019. Further assessment to be carried out due to lengthy dry spell over summer.

Waste Management Facility

- Back filling replacement of WMF supervisor
- General maintenance and service on all equipment has been undertaken.
- Hammers on glass crusher identified as needing replacement. This is not an urgent requirement and will be scheduled before April.
- Perimeter fencing behind paper and recycling storage bays WMF facility completed February 2019.
- WMF Merlo telehandler undergoing further urgent maintenance works. Major faults becoming more frequent as the machine ages and accumulates high engine hours.
- Waste timber pile at WMF control burn undertaken on 19 February without incident.
- New replacement WMF compactor arrived on island. 5 tonne machine transported to WMF 26 February without incident. Scheduled for installation before end of March.

General Items/Other

- LHIB Board staff have carted significant amounts of potable water to residents and businesses during January and February 2019. The volume of the Board's emergency supply of potable water has been drastically reduced due to the high demand. Without significant rain in the near future there will be no additional potable water available and only bore water will be able to be supplied.
- LHIB staff continue to monitor and treat the Board's drinking water quality for NSW Health compliance.

- LHIB staff continue to monitor mosquito larvae as per the Lord Howe Island Mosquito Surveillance and Vector Monitoring Programme. This programme is part of a National scheme run by the Federal Government.

The planned visit by the Board's Vector Liaison Officer, Laura Marsh, from the Department of Agriculture and Water Resources has been postponed to a date yet to be determined. Laura was be training staff on new processes for the vector monitoring such as rearing mosquito larvae to the desired instar stage for identification.

- LHIB staff continue to monitor wastewater discharge at the WMF with reporting for EPA licence compliance.
- LHIB staff continue to assist residents and businesses with their on-site wastewater management system installations and/or upgrades.
- LHIB staff continue to conduct building inspections and provide certification for Construction Certificates as part of the Development Application process.
- Sports oval fence removed/re-installation and site preparation for Discovery Day celebrations completed without incident.
- New field officer Bradley Josephs commenced full time employment with Works Unit. Brad now relieving as supervisor at the Waste Management Facility whilst substantial WMF supervisor on long term leave.
- New field officer Corey Davies commenced full time employment as of 2 March 2019.
- Works field supervisor continues back filling duties pending recruitment for position.
- New LHIB uniform issued February 2018.
- Three recent local resident funerals administered by LHIB Works Unit during the reporting period.

ELECTRICAL SERVICES UNIT

Operation of the Powerhouse and Electrical Reticulation System for the reporting period 7 November 2018 to 4 March 2019

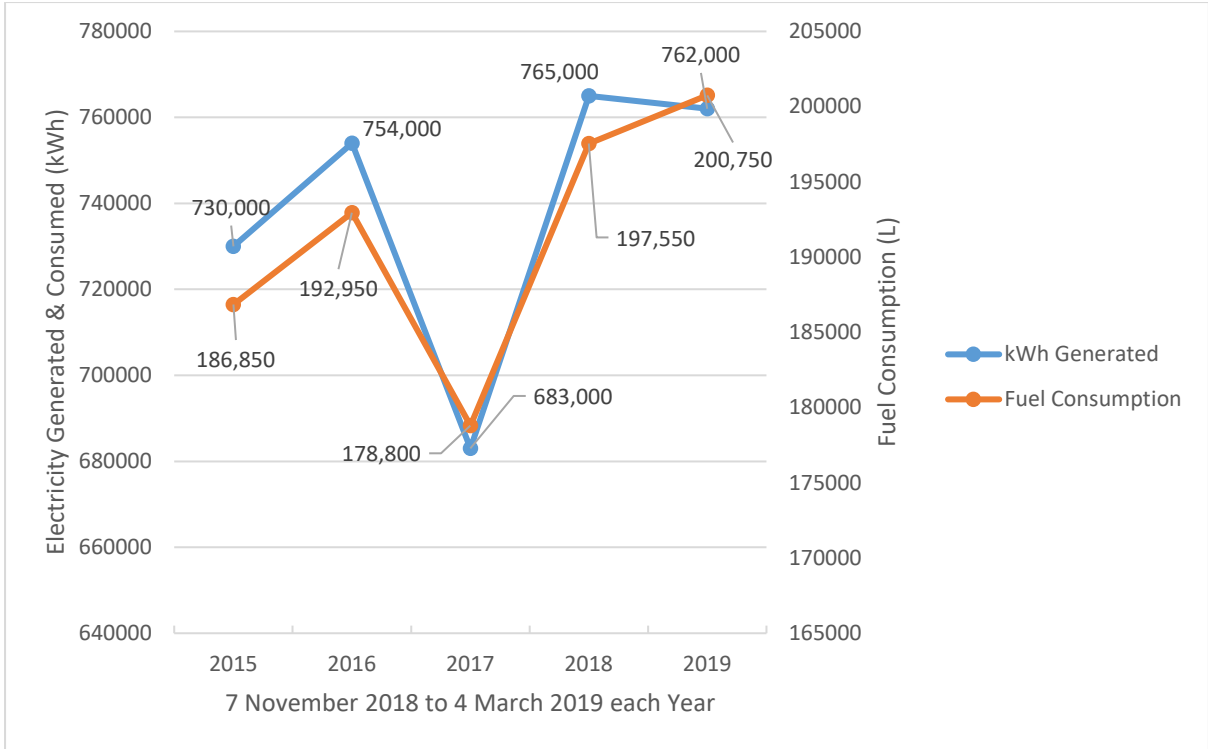
Overview of Activities

- Routine maintenance on Generating Units 1, 2 and 3 has been completed
- Routine maintenance on Generator No.1, 2 and 3 battery banks has been completed.
- Routine maintenance on Generator No.1, 2 and 3 Air Circuit Breakers has been completed.
- Routine maintenance on Generator No.1, 2 and 3 battery chargers has been completed.
- LHIB field and visitor facility safety checklist inspections were completed

- Routine maintenance on Generator no. 1 day fuel tank has been completed
- Routine maintenance on Ventilation Fan No.1 has been completed
- Routine maintenance to Substation No.2 Distribution Pillars has been completed
- Supply load surveys were carried out on Substations No.2 Neds Beach Road along with the associated distribution pillars. Distribution pillars were monitored for their voltage levels. The substation was monitored for maximum demand and voltage levels. All maximum demand and voltage levels in the surveyed areas were within acceptable limits.

Information for Board Members

- Energy demand for the reporting period was 762,000 kWh.
- Fuel consumption for the reporting period was 200,750 litres.
- Fuel energy efficiency for the reporting period was 3.79 kWh/L
- Presently there are 109 kW of privately owned solar panels connected to the electrical distribution system.
- There were 2 **planned** supply interruptions during the period. One was an island wide powerhouse shutdown to allow an upgrade on the powerhouse control board battery supply system. This outage was undertaken at 4.00am in order to minimise inconvenience to customers. The second interruption was to allow replacement of Distribution Pillar No.203 housing as a result of vehicular impact over the holiday period.
- There were 3 **unplanned** supply interruptions during the period. One was the result of vehicular impact to Distribution Pillar 203 (this resulted in a temporary housing being fitted at this site). Another was the result of a lizard shorting distribution cables in Distribution Pillar No.103. The final interruption was the result of a single customer overload from Substation No.6 Middle Beach Road.
- There were no new customers connected during the reporting period. There are currently 290 customers connected to the electrical supply system.



Board Meeting: March 2019	Agenda Number: 5	Record Number: ED19/2279
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

Chief Executive Officer's Report to March 2019 Meeting of the Board

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

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

MATTER	STATUS	ACTION REQUIRED BY BOARD AT THIS MEETING
Community Strategic Plan	Key issues identified by LHI community (on & off island) via survey and workshop. Key issue workshops underway. Timing for completion to inform budget and strategic planning for 2019/20 financial year.	See agenda item 9 (i)
Runway Feasibility Study	Consultants AECOM have completed the Feasibility Study with a report on future aircraft requirements for the island, plane characteristics, existing runway/site limitations and CASA requirements; geotechnical investigations; environmental issues report; business case analysis and summary report. Presentation to this meeting.	See agenda item 12 (ii)
Rodent Eradication Program	Detailed implementation underway with contracts, equipment, recruitment committed. Appeal to AAT re APVMA permit not yet determined. Biosecurity Order signed.	See agenda item 12 (i)
Renewable Energy Project	The Australian Renewable Energy Agency project status report to this meeting..	See agenda item 12 (vi)
Boat retrieval system (slipway)	Project work on the RMS proposal is underway by RMS. Discussions held with new and outgoing heads of RMS Maritime..	
Marine Rescue	NSW Government announcement re funding a possible Marine Rescue Base at LHI and initial meeting with Commissioner Marine Rescue NSW and NSW Police held.	

Prepared: Peter Adams, Chief Executive Officer

Attachments:

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

Board Meeting: March 2019

Agenda Number: 6

Record: ED19/1466

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 18 applications to import or transfer vehicles were determined by the Chief Executive Officer under the 'Vehicle Importation, Transfer and Use Policy':

CURRENT POSITION

There will be an increase of two vehicles to the island since the last Board meeting. There will also be four temporary increases for the Rodent Eradication Project.

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation	Comment
Lord Howe island Board	Toyota Hilux	No	Essential	0	Approved 27/11/2018 Replacement
Carol Deacon	Suzuki Swift GL Navigator	No	Private	0	Approved 28/12/2018 Replacement
Malcolm Shick	Suburu Brumby	No	Private	0	Approved 16/01/2019 Replacement
Cameron Kirkpatrick	Suburu Forrester	No	Private	0	Transfer Approved 16/01/219
Bradley Palmer	FMS Boat Trailer	No	Private	1	Approved 16/01/2019
Judy Shick	Honda Motorbike	Yes	Private	0	Approved 30/01/2019 Replacement
Aero Refuellers	Izuzu Cab Chassis Tanker	No	Commercial	1 (Temp)	Approved 01/02/2019. Replaces Jet fuel tanker trailer. Redundant trailer removed after REP.
Capella Lodge	EMC Elite Electric Resort Vehicle	Yes	Commercial	0	Approved 13/02/2019 Replacement

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation	Comment
Capella Lodge	Club Car Temp Electric Resort Vehicle	Yes	Commercial	0	Approved 13/02/2019 Replacement
Lord Howe Island Board	Toyota Tarago	No	Essential	1 (Temp)	Approved 11/02/2019 Replacement *Temporary approval for existing Tarago AU71UL to stay on island until completion of REP
Lord Howe Island Board	Merlo Telehandler	No	Essential	1	Approved 27/02/2019. Additional plant to avoid unacceptable impacts on island services when equipment fails.
Lord Howe Island Board	Forklift	No	Essential	1 (Temp)	Approved 28/02/2019 Replacement *Temporary approval for existing Linde Forklift 29241D to stay on island until completion of REP
Bruce Thompson	Toyota Hilux	No	Commercial	0	Approved 01/03/2019 *Subject to Business Licence being issued to Banyan Fruit and Vege Production
Christo Haselden	Belco Trailer	No	Private	0	Approved 01/03/2019 *Replaced trailer unregistered for spare parts
Bradley Palmer	Toyota Hiace	No	Commercial	0	Approved 01/03/2019 Replacement
Lord Howe Island Board	Toyota Hiace Commuter	No	Essential	1 (Temp)	Approved 28/02/2019 Replacement *Temporary approval until completion of REP
John Green	Toyota Hiace Commuter	No	Commercial	0	Approved 01/03/2019 Replacement
Rosalind and Chris Wade	Honda Jazz Hatch	No	Private	0	Refused 01/03/2019

As at March 2019

Registered Road Vehicles						
Essential	Commercial	Private	Hire	Plant & Equipment	Imported prior to Approval Policy	Total
31	98	155	9	26	68	386

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
190	21	49	8	32	86	386

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

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

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

Vehicles Imported Without Approval – By Type						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
6	0	11	1	3	47	68

RECOMMENDATION

The report is submitted to the Board for information.

Prepared: Chelsea Holden, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer



POAAL

Post Office Agents Association Limited

A.C.N. 006 382 314

POAAL submission to the
Productivity Commission
on
The Australian Retail Industry

July 2011

Contact:

Ian Kerr
CEO
POAAL
PO Box 190
CARLTON SOUTH VIC 3053

www.poaal.com.au

Phone: 03 96544533

Fax: 03 96544577

Background

1. The Post Office Agents Association Limited (POAAL) represents the nearly 3,000 small business owners of the Licensed Post Office network that comprise over 75% of the Australia Post retail network. Our members are also drawn from the operators of the approximately 5,000 mail contracts, delivering mail and parcels to Australia Post customers across the country, together with around 630 Community Postal/Mail Agents. (Further information on the background of our organisation may be found on our website www.poaal.com.au.)
2. Our members are all small business owner/operators who have invested heavily financially – and personally – in the Australia Post retail network either through purchasing a Licensed Post Office or successfully tendering for a mail contract. Post office licences are purchased on the open market, and prospective Licensees undergo extensive training. They are the front line for the services provided to Australian communities, especially in regional, rural and remote areas of Australia.
3. Licensed Post Offices are operated under licence from Australia Post. Each LPO forms part of Australia Post's retail and delivery network. Licensees are small business people, and their businesses provide the framework for delivery of postal services in their area. The Licensee is responsible for all business expenses, including providing premises, operating overheads such as utilities, and staff costs.
4. Most LPOs are operated in conjunction with another small business such as a general store, convenience store, newsagency, pharmacy, or stationery and gift sales.
5. LPOs are considered to be franchises under the *Franchising Code of Conduct*. The LPO network is the largest franchised retail network in Australia.

A snapshot of the postal sector and LPOs in particular

6. The post office has seen many changes during its history, many of which could have been viewed as a threat, for example the telephone, the telegram, the telex and the fax. The post office remains, constantly evolving, while some of these technologies are now viewed as being virtually obsolete.
7. The growth of the internet from being a tool largely for government agencies and universities into a true global network connecting communities and businesses has had a tangible impact on the postal sector. While there has been much focus on e-substitution (the substitution of emails for letters), over the past 10 years the growth in parcel deliveries has been substantial.

8. LPOs have remained viable through the diversification of services offered in the business. Few LPOs would be profitable if relying wholly and solely upon Australia Post's range of products and services. Australia Post's products and services may be the backbone of the business, and a driver of foot traffic, but it is high margin retail products that make an LPO profitable.
9. Australia Post is subject to Community Service Obligations. These CSOs serve the purpose of safeguarding access, pricing and service levels. Some of the emergent trends in mail and retail may undermine Australia Post's ability to meet some of its access obligations, in particular its obligation to maintain a network of post offices – including 2500 in rural and remote Australia.
10. Licensees are feeling squeezed by rising rents, rising overheads and reduced consumer confidence. This is a position shared by many retailers, especially small business retailers. However LPOs are subject to a set of unique circumstances that have the effect of reducing Licensees' options for responding to these challenges.

The current structure, performance and efficiency of the retail sector and impediments to its contribution to the Australian economy

11. **Staff pay and conditions.** The prevalent award relating to LPOs is the *Postal Services Industry Award*. Staff working at LPOs operated in conjunction with another business, such as a pharmacy, are generally subject to the award most relevant to the work they perform.
 - a. **Leave loading** – Staff employed under the *Postal Services Industry Award* are eligible for leave loading. It POAAL's view that leave loading is an antiquated provision. It represents a significant cost to small business operators. Leave loading is a disincentive for small business owners to take on permanent staff.
 - b. **Minimum call-out for casual employees** – In the LPO sector there is a need for workplace flexibility. In some LPOs, for example, staff may be needed for only one or two hours in order to meet mail service standards. This flexibility must be protected.
12. **Local planning issues.** From time to time, well-meaning local councillors introduce measures that stifle retail businesses. Examples include:
 - a. **Clearways.** Clearways apply during peak traffic periods, which also happen to be peak business periods for retail businesses. In the case of LPOs, parking is vital for customers who are collecting or lodging parcels, for instance.
 - b. **Parking restrictions.** Local councils have tended to impose unrealistic parking restrictions in shopping areas without due consultation with local retailers.

- c. **Signage.** Businesses need to be able to promote the services available in their business. If local councils unfairly or unreasonably restrict shop and directional advertising then retailers are disadvantaged.
 - d. **Heritage listings.** There has to be a balance between protecting our heritage and keeping businesses viable. If a business closes down, who will protect a heritage listed building? Local councils must make allowance for redevelopment or enhancement of retail premises. An issue for LPOs in heritage-listed buildings when needing to upgrade security, improve shop layout or in some cases add disabled access.
13. **Carbon tax.** The Federal Government has announced that it intends to introduce a carbon tax. This will have an effect on operating costs.
 - a. While some retail businesses will be able to raise prices in order to pass on increased operating costs to customers, Licensees cannot do the same. LPOs sell postal products and services which have fixed prices, making it impossible for Licensees to pass on to customers any increases in operating costs that might arise from the introduction of a carbon tax.
 - b. The base domestic postage rate determines many Licensee payments. In order for the base domestic postage rate to increase, Australia Post must apply to the ACCC and the application undergoes a rigorous and public examination in order for the increase to be granted. The Australian public is sensitive to increases in the price of the base postage rate. In fact, base postage has been increased only three times in the last 17 years.
 - c. There is limited scope for Licensees to reduce energy usage at their LPOs. So it appears that Licensees will be expected to absorb any increased costs and battle on. This will put further pressure on LPO owners, especially those in rural areas who may be already struggling courtesy of population drift and the decay of local industries.
14. **Occupational Health & Safety.** There remains great confusion in the retail sector regarding employer obligations for workplace OH&S. In principle, the proposed national harmonisation of OH&S legislation should help alleviate confusion, however there are concerns that some of the draconian and anti-business elements of some State OH&S legislation will infect the rest of Australia. National harmonisation of OH&S must identify the best elements of each State's OH&S legislation.
15. **Leases.** Across Australia, POAAL's members are reporting instances of landlords raising retail rents beyond sustainable levels. While tenancy advocates can act on behalf of LPO owners to help negotiate more reasonable rents, landlords seem to have developed unhealthy and unrealistic expectations of the possible rates of return on their properties in retail locations

The drivers of structural change in the retail industry, including globalisation, increasing household and business access to the digital economy, cost structures of the domestic retail industry, employment structure, the exchange rate and structural change driven by the resources boom

16. Globalisation and e-commerce. The growth in B2C international e-commerce has been a mix of good and bad news for the LPO network.

- a. **Advantages.** Globalisation is a two-way street. Australian customers have been able to bypass the local “bricks and mortar” retail network and shop internationally, principally via online e-commerce second-hand sales businesses. Australian businesses have been able to access international markets by the same means.
 - i. **Growth in parcel sales.** There has been a growth in domestic and international parcels sent via the post office. This has provided a welcome boost to over-the-counter sales at LPOs.
 - ii. **The threats.** The parcels market is fully competitive.
 1. There are domestic carriers who can and do compete for Australia Post’s parcel business.
 2. Overseas warehousing and distribution is looming as a threat to the number of parcels lodged via the Australia Post network.
 3. Retaining the ability for local postal outlets to service local customers.
 - iii. **The future of parcels in Australia.** Trends over the past 10 years indicate that parcel volumes will continue to grow. The strength of the economy is an influencing factor on parcel volume growth. Another factor that will influence the parcel and logistics sector will be the introduction of any environment-related taxes on road or fuel users.
- b. **Disadvantages.** While Licensees have been able to benefit from a growth in parcels sales thanks to e-commerce, there is now greater competition for consumers’ retail spend. The online channel often has lower overhead costs (no retail shopfront, for example) but lacks personal face-to-face customer service.

17. Currency exchange rates. The strong Australian dollar has had various effects on the postal sector.

- a. **Inbound international parcels.** The strong Australian dollar has fuelled a growth in the number of inbound international parcels. This has added to the growing number of domestic parcels being handled by Australia Post. The current “terminal dues” system works to Australia Post’s financial disadvantage.
- b. **Travel money.** As more Australians consider overseas travel in preference to holidaying within Australia, there has been a growth in travel money products offered at LPOs. (This, of course, means that this money is being spent overseas rather than domestically.)
- c. **Reverse logistics.** Higher online purchasing has resulted in higher numbers of returned items. Formal reverse logistics chains need to be put into place, without damaging local economy or disadvantaging Australian postal or parcel carriers.

18. Resources boom. The resources boom witnessed in Australia has led to severe problems for Licensees operating LPOs in those areas.

- a. **Staff wages and retention.** Licensees in mining areas have reported having difficulty retaining staff. The wages on offer in the retail sector can be dwarfed by the tempting dollars available in the mining sector.
 - i. Many of the products and services offered in LPOs have fixed prices, so the Licensee is unable to simply raise prices and then offer staff higher salaries. Where Licensees do pay well above award wages, there is still the risk of the employee leaving.
 - ii. Some LPOs have observed very high staff turnover. One Licensee has had to fill a position four times in one 12-month period. It can take two months to fully train a staff member, and just as the employee starts to become proficient and contribute to the business, the employee finds a job with a local mining company or a mining industry service provider.
 - iii. Most LPO staff that are “poached” are approached directly by the mining company. Local staff are less costly for mining companies to hire because there are no relocation costs.
- b. **Retail premises and rents.** There is a shortage of retail premises available in many mining towns. This leads to upward pressure on retail rents. As noted above, Licensees are unable to raise prices on products and services across the board in the hope of being able to meet increased rent demands. One Licensee in a mining area in South Australia pays rent equivalent to shopfronts in Adelaide’s Rundle Mall.

- c. **Fly-in, fly-out.** POAAL members in mining areas report that mining company employees and contractors who fly-in/fly-out spend little money in local retail shops. Money earned in the community is spent in major centres such as Perth and Adelaide.
- d. **Rostering.** Another observation from POAAL members in mining areas is that locals working in the mines might have 4-7 days off and will go out of town for that period.

Recommendations

1. Representation of small retail business (including franchisees) in all key Government and Government Agency forums, including:
 - a. Banking and finance
 - b. Planning
 - c. Retail tenancy
 - d. ACCC
2. Review of award modernisation, in particular in relation to minimum call-out and casual loading.
3. Government assistance through financial incentives or tax relief to keep small business viable in regional, rural and remote areas. Services must be maintained in areas that produce Australia's food.
4. Cost-effective dispute resolution for small business.
5. Easy-to-understand, standard and business- and staff-friendly OH&S laws.

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Application for a liquor licence for current Post Office

RECOMMENDATION

That the Board

- 1 Approve the investigation of an Alcohol Management Strategy for LHI with an aim for implementation from 1 July 2020 in accordance with a Public Consultation process across the commercial and domestic sectors of the island.
- 2 Note the currency of the existing liquor licence at the Post Office
or in the alternate
- 3 Amend Mr Sia's current licence to be for the Coral Café only and reject the application for the Post Office

BACKGROUND

The Board manages the purchase, sale and consumption of alcohol on LHI in accordance with Part 7 of the Lord Howe Island Regulation 2014.

Due to the level of public interest in relation to alcohol consumption and related matters, as well as a lack of clear policy, the subject application was opened to public exhibition and submissions.

As the application has been exhibited for Public Consultation, this report is tabled in the Open Session.

PUBLIC EXHIBITION

There were twelve submissions to the consultation process and one late submission that was not included in the following comments. The twelve submissions were not in support of the licence to the Post Office. Comments generally related to the view that there is an excess of current licences (and outlets) in the area and that selling alcohol from a Post Office is inappropriate. Some comment was made relating to the zoning of the subject premises. It is noted however, that other premises already sell alcohol in the same area and same land use zone. The island's police officer had no objection to the issuing of a liquor licence.

The purpose of the consultation is to enable clarity of the issues from the public's perspective so that an informed decision can be made, and in accordance with the legislation.

DISCUSSION

The Board currently has issued 22 liquor licences for the island, all of which expire on 30 June 2020. There are some questions, inconsistencies and in some cases relative lack of detail in regard to existing licences approved in the past. It is considered that a review prior to renewal is appropriate especially given the level of community interest in this and related matters.

Mr Sia currently has a Liquor Licence for LHI Management Services Pty Ltd rather than for any specific location. The tenant at the Post Office is also LHI Management Services Pty Ltd. The lease specifies a food and beverage service as a 'Permitted Use'. It is my understanding that this gives Mr Sia an existing licence to sell alcohol on the island without restriction to premises providing it is sold under this trading name.

I have found no indications of any restrictions on selling alcohol through a Post Office linked retail premise. The POAAL (Post Office Agents Association Limited) has been quite outspoken in the last few years in regards to expanding retail outlets linked to Post Offices thus resulting in viability of these services in rural and remote areas.

Liquor Licence application, approval and management has been based on legislation which may be inconsistent with current community expectations. Those expectations vary in the context of how the island is perceived and how the residents wish to enjoy their social activities. A Public Consultation and conversation across the whole community in regards to how they see alcohol being bought, sold and consumed needs to occur. This should happen in conjunction with a review of the current legislation in place, the rights of all people to enjoy the pleasures of this island, allocation of alcohol-free zones and the legality of commercial operations accessing alcohol outside the legislation.

RECOMMENDATION

It is recommended that the Board:

- 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.

- 2 Note the currency of the existing liquor licence at the Post Office.

or in the alternate

- 3 Amend Mr Sia's current licence to be for the Coral Café only and reject the application for the Post Office.

Prepared: John van Gaalen Manager Business and Corporate Services

Endorsed: Peter Adams Chief Executive Officer

Attachments:

Attachment A: POAAL Submission to the Productivity Commission on The Australian Retail Industry

1 October 2018

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

Dear Peter

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

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

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

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

Types of food

- Drinks
- Ice-cream
- Hot and cold snacks

Days and weeks of proposed operation

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

Hours of operation

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


Locations

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

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

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

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



.....
Lynda Shick



.....
Sharon Whitfield



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

Council Policy

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

1. INTRODUCTION

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

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

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

2. POLICY STATEMENT AND SCOPE

a. The aims of the Policy are:

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

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

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

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

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

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

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

3. RESPONSIBILITIES AND AUTHORITIES

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

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

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

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

4. REFERENCES

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

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

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

5. DEFINITIONS

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

Appliance¹, means the whole or part of:

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

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

Approved fee², means:

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

Approved form, means

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

Approved standards, means:

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

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

Authorised person², means:

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

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

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

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

Food¹,

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

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

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

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

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

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

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

Premises², means any of the following:

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

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

Public place¹, includes:

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

Public place², means:

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

Public reserve², means:

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

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

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

Retail trade, means trade with consumers.

Road², includes:

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

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

Sell¹, includes:

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

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

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

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

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

Temporary structure², includes:

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

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

FOOTNOTES:

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

6. PROCESS OWNER

Environmental Health Officer

7. AMENDMENTS

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

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

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

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

Appendix 4 – Temporary Food Stall Checklist – new.

Removed the Superceded Forms and Maps:

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

Appendix 5 – Application to Operate a Mobile Food Vending

Appendix 6 – Application to Operate a Temporary Food Stall

PART 1: CRITERIA FOR DETERMINATION OF APPLICATIONS

General Matters for Consideration

1. Mobile food vending vehicle

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

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

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

2. Temporary Food Stall – Commercial/Private gain

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

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

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

3. Temporary Food Stall – Charitable/Community Groups

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

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

PART 2: OTHER MATTERS RELATING TO APPROVALS

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

Refer to the Appendix pages for information on requirements.

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

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

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

4. Inspections

a. Mobile Food Vending Vehicles

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

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

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

b. Temporary Food Stalls – Commercial/Private gain

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

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

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

c. Temporary Food Stalls - Charitable/Community Groups

Site inspection may be conducted from time to time.

5. Fees

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

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

The application fee includes the cost of the initial inspection.

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

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

6. Use of Separate Premises

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

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

7. Noise

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

8. Waste Management

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

9. Signage

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

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

10. Road Transport Rules

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

11. Prohibited Zones, Neighbourhood Shopping Centres, Roads

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

12. Chosen Route

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

13. Stopping Time and Distance Between Stops - Street Vending

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

14. Hours of Operation

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

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

15. Owner/Operator Insurance

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

16. Penalties applicable to approvals

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

Penalties under the Local Government Act 1993, are:

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

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

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

17. Revoke or Amend an Approval to Operate

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

18. Enforcement agency

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

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

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

NOTE:

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

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

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

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

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

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

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

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

NOTE:

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

APPENDIX 4 – TEMPORARY FOOD STALL CHECKLIST

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

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

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

GUIDELINES FOR MOBILE FOOD VENDING VEHICLES



Department of
Primary Industries
Food Authority



Contents

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



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

Note:

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



Introduction

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

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

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

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

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

What are mobile food vending vehicles?

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

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

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

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

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

Obligations on selling food

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

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

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

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



Department of
Primary Industries
Food Authority

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

Which agencies enforce the Act and Code?

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

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

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



Department of
Primary Industries
Food Authority

Charities and community groups

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

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

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

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



Administration

Notification

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

All food businesses in NSW must either:

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

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

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

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

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

Licensing

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

Council approvals

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

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

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

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

Food Safety Supervisor

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



Inspections

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

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

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

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

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

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

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

Fees and charges

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

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

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



Conditions of operation

Maintenance

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

Garbage and recyclable matter

Food business operators must ensure that:

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

Animals and pests

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

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

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

Children in food preparation areas

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

Water and ice

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

Waste disposal

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

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

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

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



Electricity, gas supplies, fire extinguishers and work safety

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

Pollution prevention

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



Department of
Primary Industries
Food Authority

Facilities

Construction of vehicle

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

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

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

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

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

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

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

Floors

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

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

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

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

Walls

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

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

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



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

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

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

Ceilings

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

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

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

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

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

Door and serving openings

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

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

Pipes, conduits and wiring

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

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

Equipment and appliances

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

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

Lighting

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

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

Ventilation

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

Mechanical ventilation must comply with Australian Standards.

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



Hand washing facilities

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

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

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

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

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



Department of
Primary Industries
Food Authority

Food handling

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

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

Food suppliers

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

Preparing food at home

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

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

Food storage

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

Potentially hazardous foods and temperature control

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



Examples of potentially hazardous foods include:

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

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

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

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

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

Cross contamination

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

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

Food display

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

Crockery, wrappings and packaging

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

Single-use items

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

Skills and knowledge

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

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

Food Safety Supervisor

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

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

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

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

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

Staff illness

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

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

Requirements for food handlers

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

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

Hand washing

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

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

Money handling/touching customers' hands when serving food

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

Cleaning and sanitising

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



Labelling

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

Pre-packaged products must be clearly labelled with:

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



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

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

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

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



Department of
Primary Industries
Food Authority

Checklist for mobile food vendor vehicles

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

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



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



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



Contact information

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

NSW Councils

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

NSW Food Authority

Tel: 1300 552 406

Fax: 02 9647 0026

Website: www.foodauthority.nsw.gov.au

Email: contact@foodauthority.nsw.gov.au

Food Standards Australia New Zealand

Website: www.foodstandards.gov.au/

Food safety fact sheets:

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

WorkCover NSW

Tel: 02 4321 5000

Fax: 02 4325 4145

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

Fire and Rescue NSW

Tel: 02 9265 2999

Fax: 02 9265 2988

Business hours: 9.00 am to 5.00 pm

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



Department of
Primary Industries
Food Authority

Key definitions

Adequate supply of water

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

Australian/New Zealand Standards

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

Coving

A curved junction between the floor and the wall.

Equipment

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

Food business

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

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

Food handler

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

Food premises/Vending vehicle

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

Food Safety Standards

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

Handling of food

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



Home council

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

Home jurisdiction rule

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

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

Potable water

Water suitable (safe) for drinking

Potentially hazardous food

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

Sanitising

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

Sell means:

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



Sewage

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

Sinks

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

Temperature control

Maintaining food at a temperature of:

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

Unsafe and unsuitable food

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

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

Warm water

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



Department of
Primary Industries
Food Authority



Department of
Primary Industries
Food Authority

6 Avenue of the Americas, Newington NSW 2127

PO Box 6682, Silverwater NSW 1811

T 1300 552 406

contact@foodauthority.nsw.gov.au

ABN 47 080 404 416

More resources at foodauthority.nsw.gov.au



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



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

4 February 2019

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

Dear Peter

ROADSIDE MOBILE FOOD VENDING PERMIT - SUBMISSION

Firstly we would like to thank the board members for allowing our application to be advertised for public comment before making their final decision.

We understand that our proposed venture is a "first" for Lord Howe Island and therefore will require careful consideration, however, we ask you to bear in mind that even though we will not be paying rent on a building, we will incur significant costs in starting this new business.

Whilst we agree that there must be certain conditions for approval, some of the conditions agreed upon at the last meeting seem unfair and we would like you to consider removing/amending Condition 3 and amending Condition 5 for the following reasons:-

CONDITION 3 – Trading is to only take place during daylight hours unless an event specific exemption is granted

Whilst we have no intention of operating late at night, we may possibly want to trade in the early evening to 8-9pm in summer and until 6-7pm during the winter months.

We are a bit confused as to why we are not allowed out after dark - we ask that this condition either:-

- be removed; or
- the condition should say – unable to trade after "*whatever time*" unless an event specific exemption is granted.

CONDITION 5 – Trading not permitted within 300m of an existing authorised takeaway food retail outlet unless specific exemption for an event is granted in writing by the Board.

We ask that the distance condition be reduced to 50m or 100m at the most.

Points we would like you to consider:-

- The 300m distance from other outlets will severely restrict our areas of trade by ruling out the Aquatic Club, Playground, Old Settlement, Under the Pines and Cobby's Corner amongst others. I believe this distance was copied out of the Port Macquarie conditions and using that distance on this island is unreasonable.

- We ask that if the existing authorised takeaway food retail outlet is CLOSED, the distance condition be null and void.

Most cafes, takeaways, restaurants are either not open during the day/not open at night/only operate a few nights per week or a few days per week, examples:-

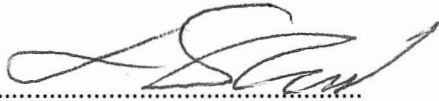
- a) Milky Way operate on Monday and Friday nights only;
- b) Coral Café open every day but is only open 3 nights per week;
- c) Sunset Bar and Grill – only open Thurs, Fri and Sunday nights and Friday lunches;
- d) Bowling Club – 5 nights per week, no days;
- e) Airport Kiosk only open during plane times;
- f) Thompson Store daytime only;

If these establishments are not open, why should a distance condition be imposed on us?

We are not interested in taking business from any other establishment, we want to complement what Lord Howe already has by adding an exciting new option for locals and visitors.

We would also be happy to meet with the Board Members at the meeting in March to answer any questions they may have in relation to our application.

Kind Regards



Lynda Shick



Sharon Whitfield

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Application for approval to operate a Mobile Food Vending Service.

RECOMMENDATION

That the Board

1. Approve the application for a roadside mobile food vending permit (Business Licence) subject to the conditions as set in this report

or in the alternate

2. Refuse the application for a roadside mobile food vending permit

BACKGROUND

At the Board Meeting – Open Session on Tuesday 20 November, the Board resolved: “*subject to the applicants submission of a Business Licence application, that this application be advertised by Public Consultation for the purposes of seeking feedback from the community*”. That report is included here as Attachment A.

As one of the joint applicants is a Board employee this report does not make a preferred recommendation. As the application has been to a Public Consultation, this report is tabled in the Open Session.

SUBMISSIONS

It is noted that a business licence application can be approved by the Board administration without public exhibition or Board resolution. However, due to the proposal being new and for an activity not already occurring on island, and that there is no existing policy for such an activity, it was taken to the Board in 2018 and subsequently exhibited at the direction of the Board.

A public consultation process was conducted and it closed on 11 February 2019. There were twenty-eight submissions received within the timeframe set and also two late submissions. Three submissions were received indirectly via a Board member due to concerns regarding anonymity by the submitters. After explaining the controls in place to maintain separation of information from any person with a significant conflict of interest (in this case the applicant is a Board administration employee), these were submitted by the Board member. While this is

not in accordance with public exhibition policy, in this instance the three submissions are included in the summary below.

It is stressed that all proposals on the Island are subject to the sensitivities of a small community and that views will vary. The practice of not submitting in accordance with the adopted Policy of the Board is not supported. **The inclusion of these in this instance should not be interpreted as a precedent.**

Of the thirty one submissions received by the closing date or included as explained above, twenty-four were supportive of the proposal and seven against the proposal.

The main concerns expressed were:

Against:

- Already sufficient food outlets
- Change in nature of island commercial sector
- Commercial competition leading to existing business pressures
- Previous applications rejected for a similar service
- Potential increase in waste

For:

- Opportunity to access more food choices, price points and options
- Lack of food outlets currently
- Opportunity to access food in other areas of the island
- Better hours of service for both tourists and residents

A significant number of the submissions that were supportive also commented on the draft restrictions relating to of the minimum allowable distances to other food outlets and the times of operation. They argued that they should be relaxed to ensure a viable and appropriate service is able to be delivered. The draft conditions exhibited included a restriction on trading within 400m of an existing food outlet when open; and that trading only occur during daylight hours.

While some concerns were raised relating to competition, there was a very strong feedback that choice and availability is constrained and an alternate choice would be welcomed. These submissions were from island residents and visitors. Some accommodation providers observed that their guests have too little choice and that there are times when they cannot find a food outlet that is suitable or has vacancies.

DISCUSSION

The majority of mainland councils do not require a DA for such an activity. Typically the proposed activity is short term, less than 4 hours, does not involve the construction of any infrastructure, and the mobile infrastructure is removed in its entirety at the end of trading. Marine Parks' approval is not required as it is not associated with any marine activity below the mean high water mark.

Appropriate hours within which the food outlet would be allowed to operate could be left unrestricted or could be prescribed. The exhibition material suggested a draft condition that operation be only in daylight hours. At winter this could be impractical given the short daylight hours. Many people for example do not even finish work until dark in winter. The draft conditions below (Condition 3) has been amended in response to submissions to be from 8am to 9pm in daylight savings periods, and 8am to 7pm in non-daylight savings periods.

The minimum distance from an existing food outlet, when it is open and trading, within which the proposed food outlet could trade while was advertised as 300m. Again, a number of public submissions urged for this to be relaxed. The draft minimum distance recommended below is 200m rather than the advertised 300m. This distance has a direct effect on where trading can occur and has arguably different effects at different locations, such as the CBD, the Pines, Neds Beach, Cobby's Corner, etc.

Some submissions were concerned that the proposal would create waste (litter and or waste water) issues. It is considered that the draft conditions below address these. Monitoring to ensure effective litter control is proposed if the business licence is granted.

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

DRAFT CONDITIONS

If approval of Mobile Food Vending Services is given the following conditions of approval are recommended to be included in accordance with of the Lord Howe Island Act 1953: It should be noted that some of these conditions below have been proposed by the Board administration and are able to be varied should the Board wish. The discretionary conditions are: 3; 4; 5; 6; 7. It is noted that the remainder are either mandatory or strongly recommended.

1. The mobile food vending vehicle must comply with all the relevant food preparation and service standards and be appropriately certified by the NSW DPI Food Authority (Attachment C).
2. The vehicle/trailer must be road registered at all times.
3. Trading is to only take place during the hours of 8am to 9pm (daylight savings) or 7pm (non-daylight savings) unless an event specific exemption is granted.
4. The vehicle not be permitted to trade more than 4 hours in any one location over a 24 hour period unless a specific event exemption is granted in writing by the Board (ie servicing an all-day community event).
5. Trading not be permitted within 200m of an open and existing authorised takeaway food retail outlet unless specific exemption for an event is granted in writing by the Board.
6. Trading not be permitted within 50m of another mobile food trading vendor unless it is servicing with approval at a designated community event or explicit permission of the relevant property lease holder has been granted.
7. Trading at a community event is only permitted with the permission of the event organiser.
8. Trading is not to obstruct the roadway or otherwise create a traffic or pedestrian traffic nuisance.
9. The vehicle is to be entirely self-contained with all waste water stored on the vehicle and disposed of in an appropriate waste water treatment system.
10. All food and packaging waste to be stored on the vehicle and disposed of at the Waste Management Facility. Public litter bins must not be used for waste disposal.
11. The business licence holder must pay the applicable business waste management fee.
12. The vehicle must not be left unattended in a public area. When not trading it must be stored on private leasehold or permissive occupancy land with the permission of the lease holder.
13. The owner of the business must hold a valid business license at all times.
14. The owner and or operator of the business must hold public and product liability insurance to the value of \$10 million

15. The owner of the Business Licence be responsible for any additional costs incurred by the Board in the event that Board is required to clean up after a trading event.

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

It is noted that the prohibition on trading within 100m of an open and existing authorised take-away food retailer may not necessarily exclude any trading under the Pines or the Post Office car park.

Conclusion

Mobile food vending services, if managed appropriately, can add significantly to the amenity of a locality and enhance the visitor experience. As the Board has not previously adopted a formal policy on mobile food vending services, this proposal should be assessed on its merits. If approval of a mobile food vending service is given it would be regulated by way of a Business Licence with conditions specific to mobile food vending services. It will be subject to review after 12 months and can be terminated if the conditions are not met.

RECOMMENDATION

1. That the Board approve the application for a roadside mobile food vending permit (Business Licence) subject to the conditions as set in this report.

or in the alternate

2. Refuse the application for a roadside mobile food vending permit.

Prepared: Justin Sauvage Manager Environment and Community Services.
 John van Gaalen Manager Business and Corporate Services

Endorsed: Peter Adams Chief Executive Officer

Attachments:

Attachment A: Completed Application form

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

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

Attachment D: Submission from the applicants

Board Meeting: March 2019

Agenda Number: 8 (i)

Record Number: ED19/2151

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

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

RECOMMENDATION

The report is submitted to the Board for information.

BACKGROUND

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

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

CURRENT POSITION

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

OC	Applicant	Site	Proposal	Zone	Decision
2019.05	NSW Police/Simon Meehan	Lot 10 DP 7575715	Installatiopn of replacement Fuji- Clean Waste Treatment System	Zone 2 Settlement, Zone 6 Recreation, and Zone 7 Environment Protection.	Approved subject to conditions 23/01/2019

RECOMMENDATION

The report is submitted to the Board for information.

Prepared: Chelsea Holden, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

Board Meeting: March 2019	Agenda Number: 8 (ii)	Record Number: ED19/2153
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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

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

DA	Applicant	Site	Proposal	Zone	Decision
DA2019.07	NSW Police/ Simon Meehan	Lot 10	Installation of replacement Fuji-Clean Waste Treatment System	Zone 2 Settlement, Zone 6 Recreation, and Zone 7 Environment Protection.	Approved subject to conditions 23/01/2019
MDC2019.02	Diane Owens	Lot 10	Vary side boundary setback to permit the retention of existing roof	Zone 2 Settlement	Approved subject to conditions 21/12/2018
MDC2019.04	Lord Howe Island Board	Lot 2	Construction of temporary aviaries and pens for captive	Zone 2 Settlement	Approved subject to

			management programme of Rodent Eradication Project		conditions 14/02/2019 #
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Note: This was determined by the full Board and this application for minor modification (MDC) only.

RECOMMENDATION

The report is submitted to the Board for information.

Prepared: Chelsea Holden, Administration Officer

Endorsed: Peter Adams, Chief Executive Officer

LORD HOWE ISLAND BOARD

BUSINESS PAPER

Planning Assessment Report

Item OC 2019 - 02 and DA 2019.05 Change of use to an Allied Health Clinic, Day Spa and Food and Drink Premises (Bar), including alterations and additions, at Part Lot 44, DP 757515 (previous post office premises), fronting Neds Beach Road near its intersection with Lagoon Road, Lord Howe Island.

1 Summary Assessment Report

Assessment Officer	Peter and Michelle Chapman – Consultant Town Planners
Address/Property Description	Part Lot 44, DP 757515, corner of Neds Beach Road and Lagoon Road, Lord Howe Island
Proposal	Change of use to an Allied Health Clinic, Day Spa and Food and Drink Premises (Bar), including alterations and additions, at Part Lot 44,, DP 757515 (previous post office premises), fronting Neds Beach Road near its intersection with Lagoon Road, Lord Howe Island.
Owners Consent Application No	OC 2019.02 The recommendation of this report includes a resolution that the LHIB grant Owners Consent concurrently with the DA consent, if the LHIB determines to approve the proposal.
Development Application No.	DA 2019.05
Applicant	Mr Timothy Cruikshank
Estimated Cost of Development	\$125,000.00
Site Inspections	AAP is familiar with the subject site.
Zone	Zone 5 Special Uses. The LHIB administration has advised it considers the proposed development to be the “Premises of a Public Authority” as defined in the LHI LEP 2010, which is permissible with consent within the zone, consistent with the other commercial uses on the site.
Significant Native Vegetation Map	The lot is not mapped as Significant Native Vegetation (SNV). No SNV will be damaged or removed as a result of the proposal.
Notification	The DA application was originally exhibited from 14/08/2018 - 28/08/2018. The applicant revised the proposal and it was publicly re-exhibited between 14/12/2018 and 12/01/2019.
Submissions	A table of summary submissions is attached to this report as Appendix 1. The original exhibition received 14 submissions. The revised proposal was re-exhibit and received 6 submissions, which included 1 new respondent and 5 submissions with comments additional to their earlier submission. The submissions are discussed later in this report, and a summary is provided at <i>Appendix 1</i> .

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

As the related DA for the development is being reported to the Board and given the public interest in the subject proposal it is appropriate for the OC be reported with the DA.

Development Application Delegations

The LHIB CEO and Chairperson has delegations to grant consent to Development Applications (DA) 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.

Although the proposal does not propose new residential dwellings or subdivision, and the development costs are estimated by the applicant at \$125,000.00, twenty submissions have been received in respect of the DA. Therefore the proposal is being reported to the LHI Board for determination.

3 Site Description

The site is identified as Part Lot 44, DP 757515, at the corner of Neds Beach Road and Lagoon Road, Lord Howe Island. As shown below in *Figure 1*, Lot 44 is a broadly triangular shaped allotment, with parallel parking located along both road frontages, and additional bicycle parking in front of The Anchorage at Ned's Beach Road, immediately opposite the subject premises. The subject existing building is located parallel to Ned's Beach Road, approximately half way along the Ned's Beach Road frontage of the site.

The site currently comprises four separate buildings on the site, with a hard stand car parking area with vehicular access off Lagoon Road, water tanks and some vegetation. The previous post office building (the premises the subject of this proposal) is located centrally on the Ned's Beach Road frontage of the site. A giftwares/retail shop (Beach Boutique), the former Co-Op building, the small Island Showcase premises formerly being the office of the LHI Signal newspaper, a covered Tourist Information Bay, free public visitor phone facility, the premises of the Marine Park Authority and the relocated Post Office premises operate within the site.



Figure 1: Northern (front-to Ned's Beach Road) & western (side) elevations of existing building.



Figure 2: Western (side) & southern (rear) elevations of existing building.



Figure 3: Subject ex-Post Office building in its context viewed from Community Hall



Figure 4: Aerial Photograph of site of proposed development. NB – Powerhouse building since demolished.

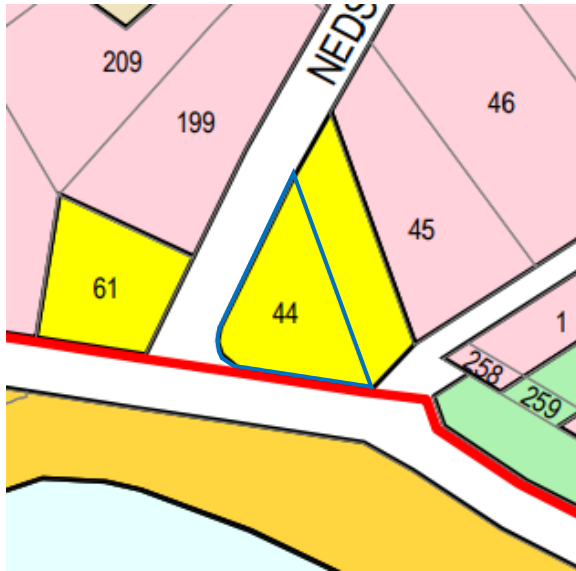


Figure 5: Extract from the Lord Howe Island Local Environmental Plan 2010 (LEP 2010) Zoning Map detailing Zone 5 Special Uses zoning of site



Figure 6: Extract from the LEP 2010 SNV Map identifying extent of SNV on subject site.

Figure 3 & 4: LHI LEP Mapping Extracts

The previous powerhouse building that was located on the corner of Ned's Beach Road and Lagoon Road (as seen in *Figure 1*) was demolished some years ago. The relocated post office and existing Marine Parks office are located in the old Powerhouse Workshop building and form part of the adaptive re-use of existing older structures on site. The site contains some scattered general vegetation.

Primary land uses surrounding the site include the lagoon foreshore recreation area and boat sheds to the south and south east along Lagoon Road. Commercial and community uses include the LHI Community Hall, the Anchorage Restaurant and Bar, and a Clothing/homewares store, located opposite the subject premises in Ned's Beach Road, to the north west. Further north along Ned's Beach Road, to the north-east is Thompson's store comprising a mixed use retail/ grocery/takeaway/café and hardware premises.

3.1 Existing site uses & zonings

Lot 44 is located in Zone 5 Special Uses (refer *Figure 5*) under the LHI LEP 2010. Zone 5 Special Uses also adjoins the site to the north-east, and across Ned's Beach Road to the west being land used for the community hall. There is also a Zone 2 Settlement area to the north west and north of the site, and Zone 7 Environment Protection across Lagoon Road to the south of the site. The existing site and surrounding locality has a variety of commercial, tourist, administrative and recreational uses all located in a prominent and central area of LHI.

3.2 Existing site uses

History

This LHIB leased premises is sited within an important central precinct of LHI, which has been vital in the development of the Lord Howe Island community, especially its former function as a Post Office and earlier Signal Office.

As the Musecape Pty Ltd April 2012 report from 'The Last Paradise: A community based heritage study of Lord Howe Island' states:

'there has been a heavy reliance on a postal service as the principal communication with the rest of the world, and the postmaster had an important role in the community'. The site has an administrative role and the building functioned as the former post office until last year, whereby all Islanders collected their mail at this site, as there is no home deliver postal service on LHI.'

The site also acts as a central information area for tourists to the Island as the shelter and noticeboard provides information and a free local telephone service across LHI.

The Musecape study recommended that the ex-Post Office building become a heritage item, however, Schedule 2 of the LHI LEP 2010 (where heritage items are legally listed) does not currently include the site. Therefore the subject premises is not a listed heritage item.

3.3 Vegetation

As Figure 6 above shows, there is no mapped significant native vegetation (SNV) on the site, and there will be no impact on any mapped SNV within the locality. The proposed uses and deck extension involves no significant impact on trees or vegetation as a consequence of the development.

4 Proposed Development

4.1 Mixed Use Development

As stated earlier, OC 2019.02 and DA 2019.05 are proposed at Part Lot 44, DP 757515 (former Post Office premises), fronting Ned's Beach Road near its intersection with Lagoon Road, Lord Howe Island. The key components of the proposed development are the following:

1. Change of use of the premises to permit the following multiple uses which would share some of the same spaces within the development:
 - a. An Allied Health Clinic (eg. physiotherapy, chiropractic, osteopathic services)
 - b. Pilates and yoga classes;
 - c. Day Spa (eg. massage therapy, beauty salon) and;
 - d. Food and Drink Premises (Bar),

The proposed mixed uses within the building will separately function based on differing hours of operation. The proposed deck will be used as a bar (food and drink premises) area in the afternoons and evenings, and as a space for Pilates and Yoga classes in the mornings. The proposed allied health clinic and day spa will share the private treatment rooms.

The Bar will utilise the proposed kitchen preparation, public bar and service area to be provided within the building.

2. Alterations and additions to the existing building comprising:
 - a. New internal walls to create two allied health and day spa rooms, including two shared sinks in the common space for the two rooms;
 - b. A new window fronting Neds Beach Road, being to one of the spa rooms and a new door to replace an existing window to the rear for access to the bar and an additional new window to the rear to the bar;
 - c. New internal commercial kitchen (with no cooking facility) and service bar for staff;
 - d. Installation of new plumbing and facilities associated with the above uses;
 - e. Addition of a new covered deck and a 2m wide walkway area located on the

- Western Lagoon Foreshore side of the building
- f. New covered rear (southerly) deck and walkway being 5m wide x 11.5m deck. The applicant has indicated on his plans that he is intending to cut back the corner of this deck to allow for the existing water tank and a pedestrian walkway to be retained. However, LHIB staff have since indicated to AAP that the Board would be willing to relocate this water tank to retain the walkway and a full length proposed southern deck.

Operational Matters

The applicant has proposed the following amended trading hours, and staffing levels for the proposed mixed use development:

- The Bar (Sunset Drinks) will operate between 12pm and 9pm (during summer) and 12pm and 8pm (during winter, spring and autumn), with a maximum of 2 staff employed on-site at any given time.
- On-site shared Day Spa or Allied Health rooms will operate between 7am and 12pm daily, with a maximum 2 therapists and 2 clients on-site at one time.
- The proposed mixed use deck area will operate between 7am and 12pm for yoga or Pilates classes as private one-on-one session or small group sessions with one instructor.

The applicant has indicated that they need flexibility for operating the various uses on-site taking into consideration the fluctuations of seasonal tourist levels and associated work patterns on LHI.

Bar – Food & Drink Premises

Liquor Sales

To clarify that the sale of alcohol is to only relate to the functions of a small bar as submitted by the subject applications, it is the recommendation of this report that the bar is not to operate as a takeaway retail liquor outlet and that any alcohol served at the premises must be opened and consumed at the premises.

Live Music

The applicant has indicated that live music is to be occasionally played at the site, but only once every 2-3 months from 4pm until 7pm. The applicant has also indicated that prior to an event with live music he will notify all surrounding residents and businesses of these events with a householder notice.

Food Sales

The applicant indicates that the bar will be compliant with the Australian Standards for Food and Drink premises. The applicant has submitted that the premises will not have an oven or stove installed, and will only serve food cooked and prepared off site, garnishes for drinks and desserts, including installation of a soft serve icecream machine.

Arrangements are also proposed for service of hot food to the proposed bar from other surrounding premises. The applicant indicates that arrangements are yet to be finalised but he envisages this would involve the staff of the other establishments delivering the food to the subject use. All food handling is to be compliant with the Food Safety provisions.

No change to the existing ramped access to the premises from Neds Beach Road is proposed. It is intended that the tourist information shelter and free local phone will remain unchanged.

Removal of stepped seating

The subject applications as submitted, originally proposed stepped seating/stairs that wrapped around the edge of the southerly rear and western Lagoon side of the proposed deck. The applicant deleted this aspect of the proposal in response to submissions and discussions with the LHIB. The site is considered a significant public space, therefore the removal of the stepped seating/stairs will assist in reducing conflicts between person(s) using the park area by clearly designating and separating the bar use and reducing potential for natural spill over of patrons from the proposed bar into the park area of the site.

Disabled Carparking Space

The applicant has proposed the provision of a transport service for visitors from the proposed venue back to their accommodation in a similar way that other existing food and drink premises on the Island serve their customers. The applicant's DA confirms that a single car space is proposed to be created on Neds Beach Road in front of the tourist information shelter for on street disabled parking of this transport service. The applicant believes there will be a general benefit to the incorporation of a disabled car space near the premises.

The applicant has submitted the following amended plans as shown on the following pages of this report.



Figure 7: Applicant's proposed disabled on street car space on Ned's Beach Road



Figure 8: Submitted Amended Site Plan

Appendix 3. Seating plan for the Sunset drinks use.

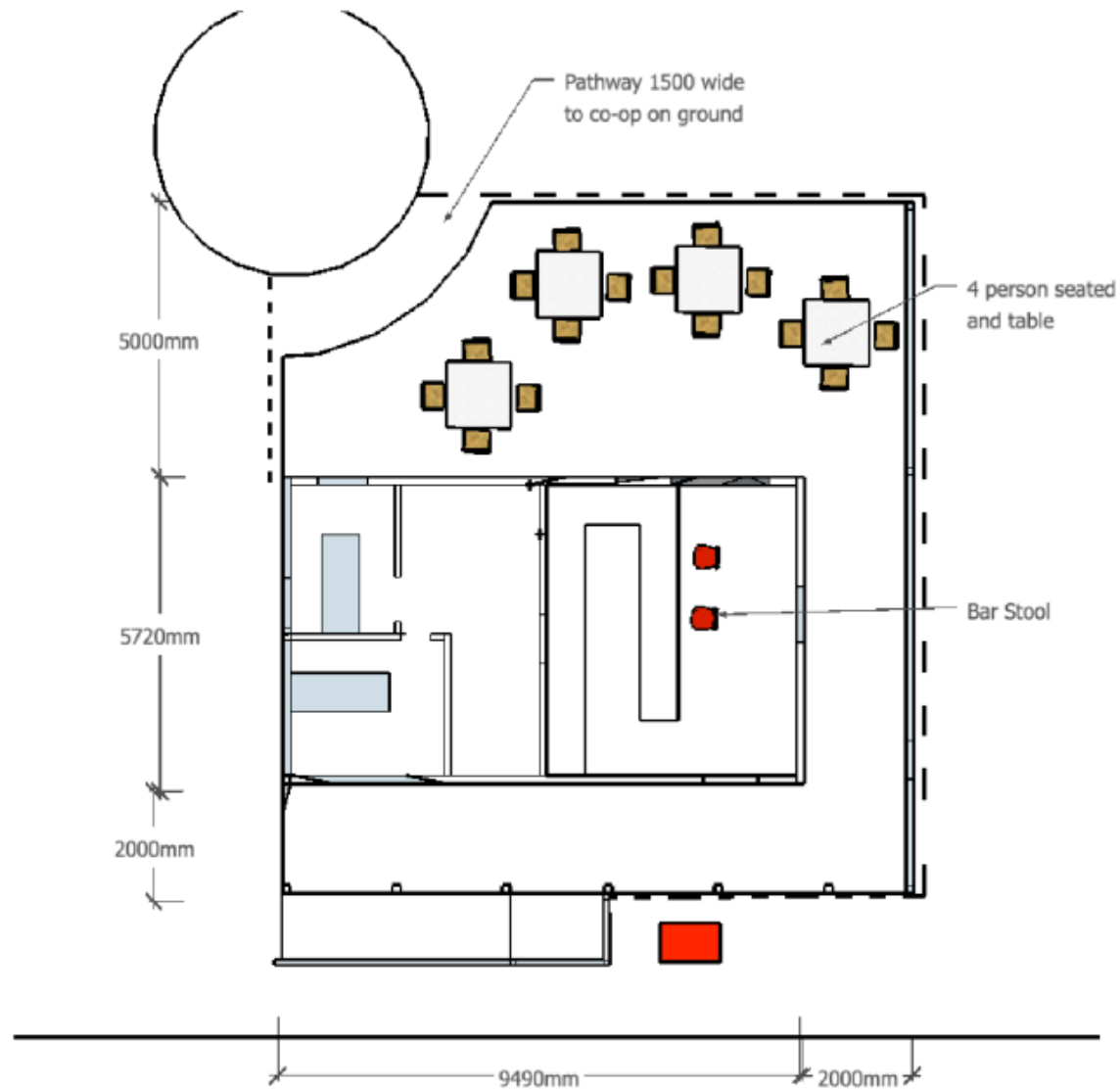


Figure 9: Submitted Amended Seating Plan





Figure 10: Submitted Amended Front Elevation



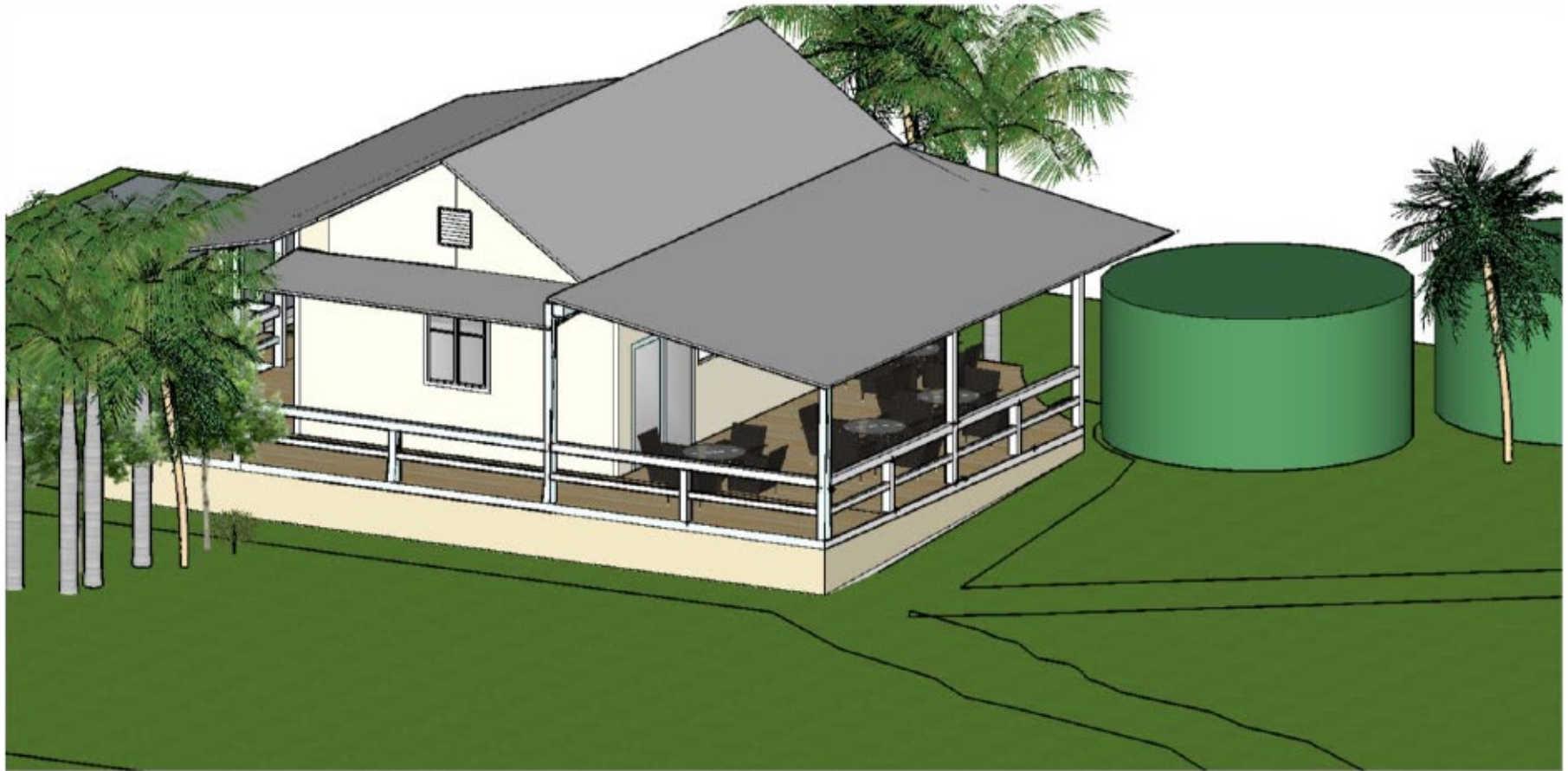


Figure 11: Submitted Amended Western Perspective

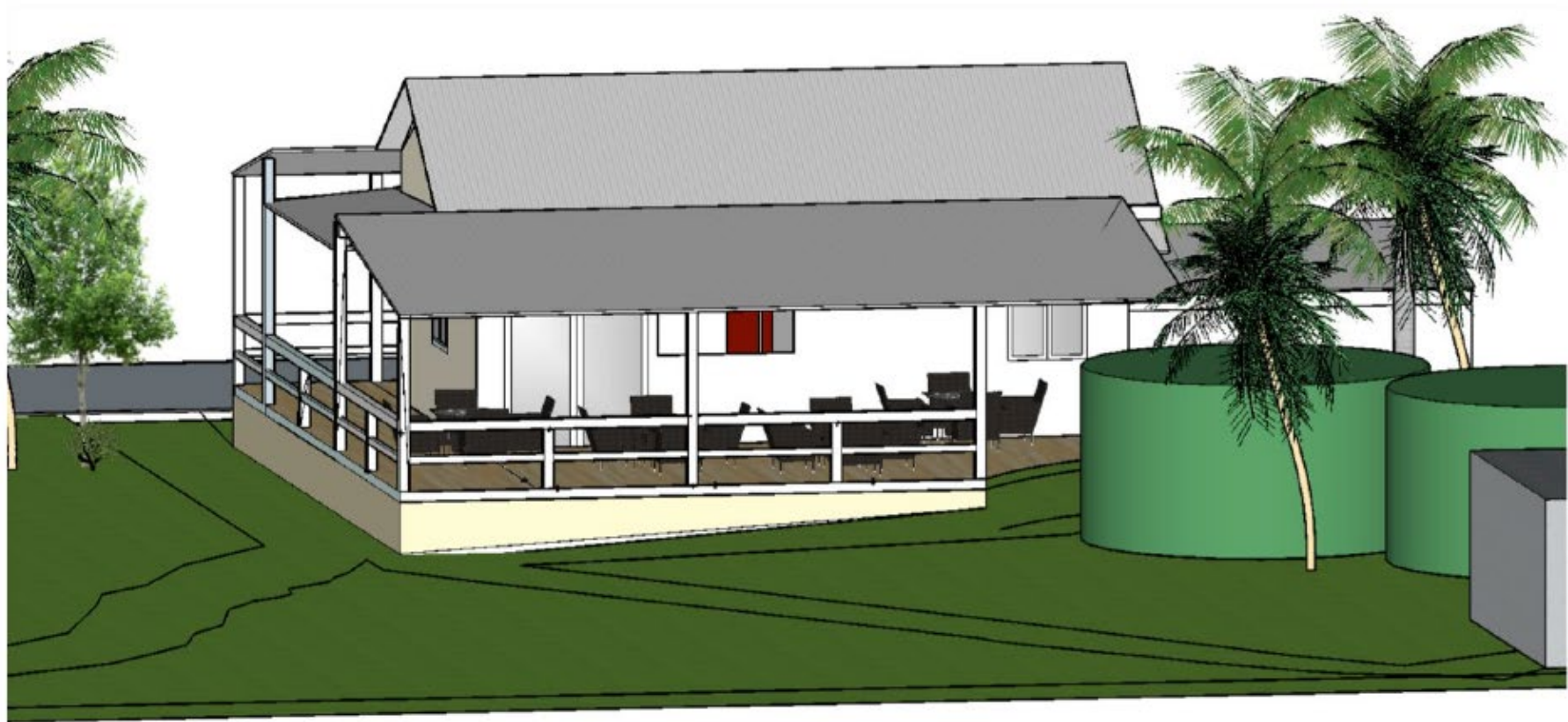


Figure 12: Submitted Amended Rear Southern Perspective

Appendix 7. Exterior changes detailed on plan

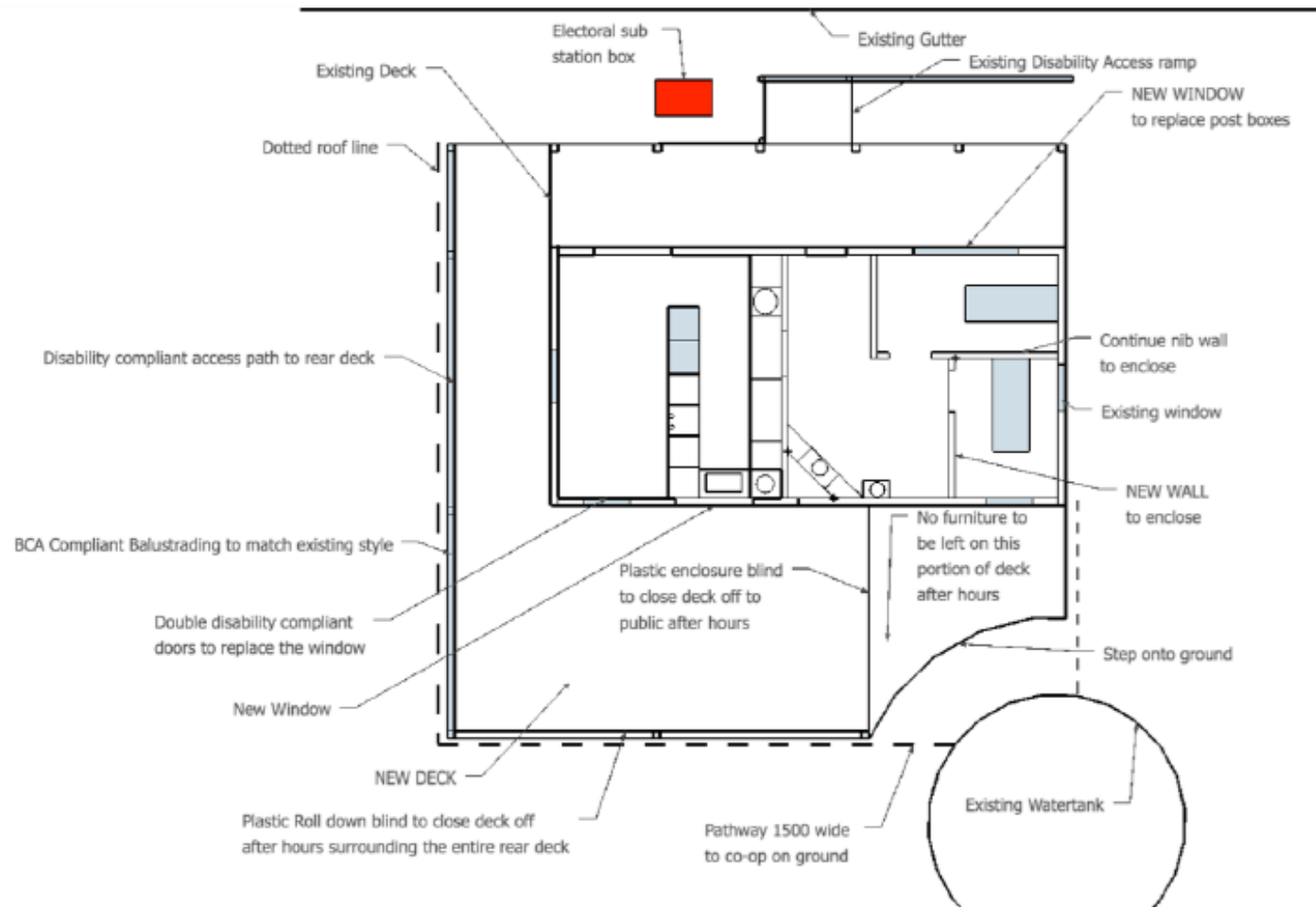


Figure 13: Submitted Amended Details of External Changes



Appendix 8. Interior layout of Equipment Detail

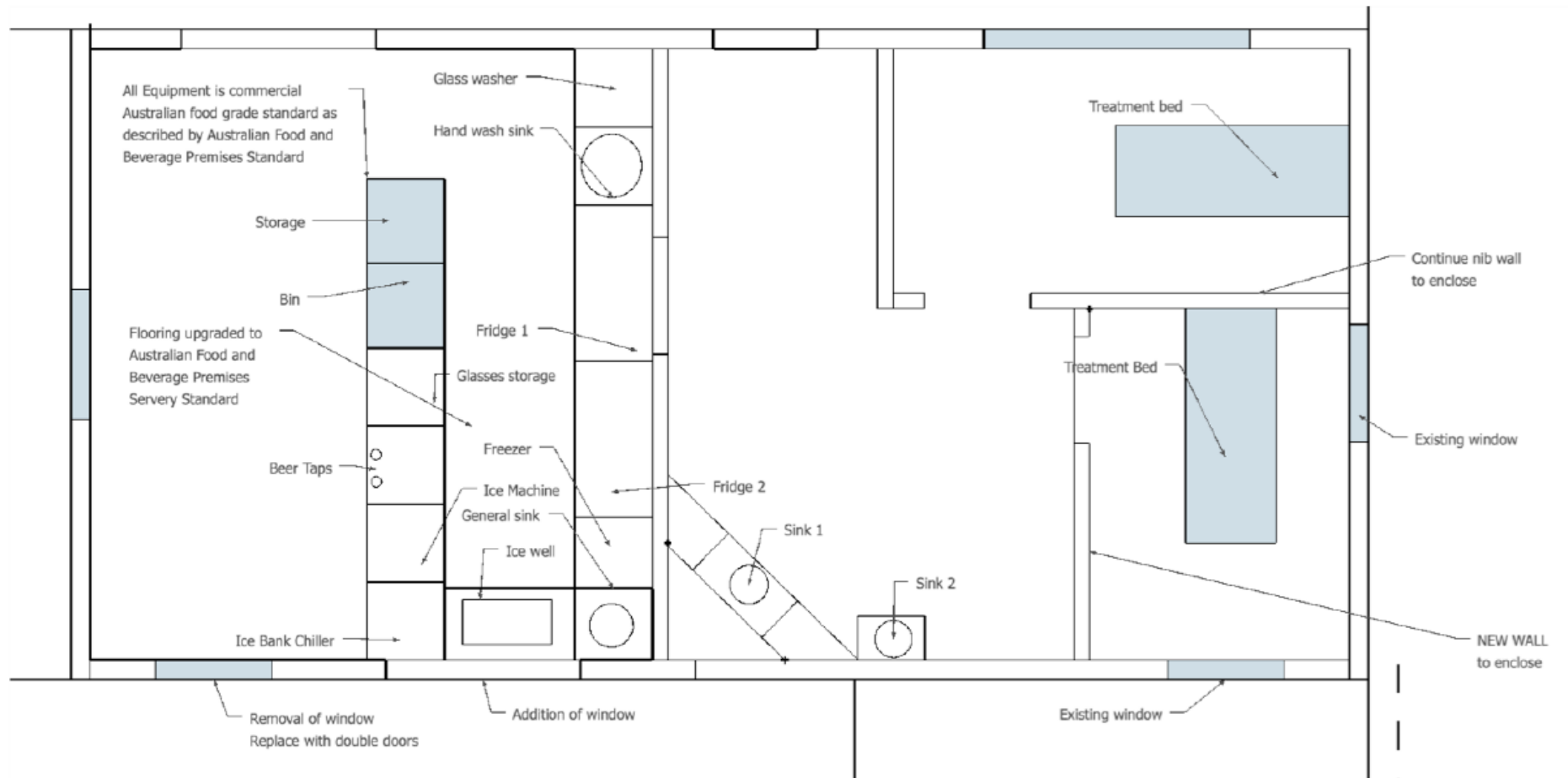


Figure 14: Submitted Amended Floor Plan Detail

Appendix 9. Plan showing overall dimensions of proposed works

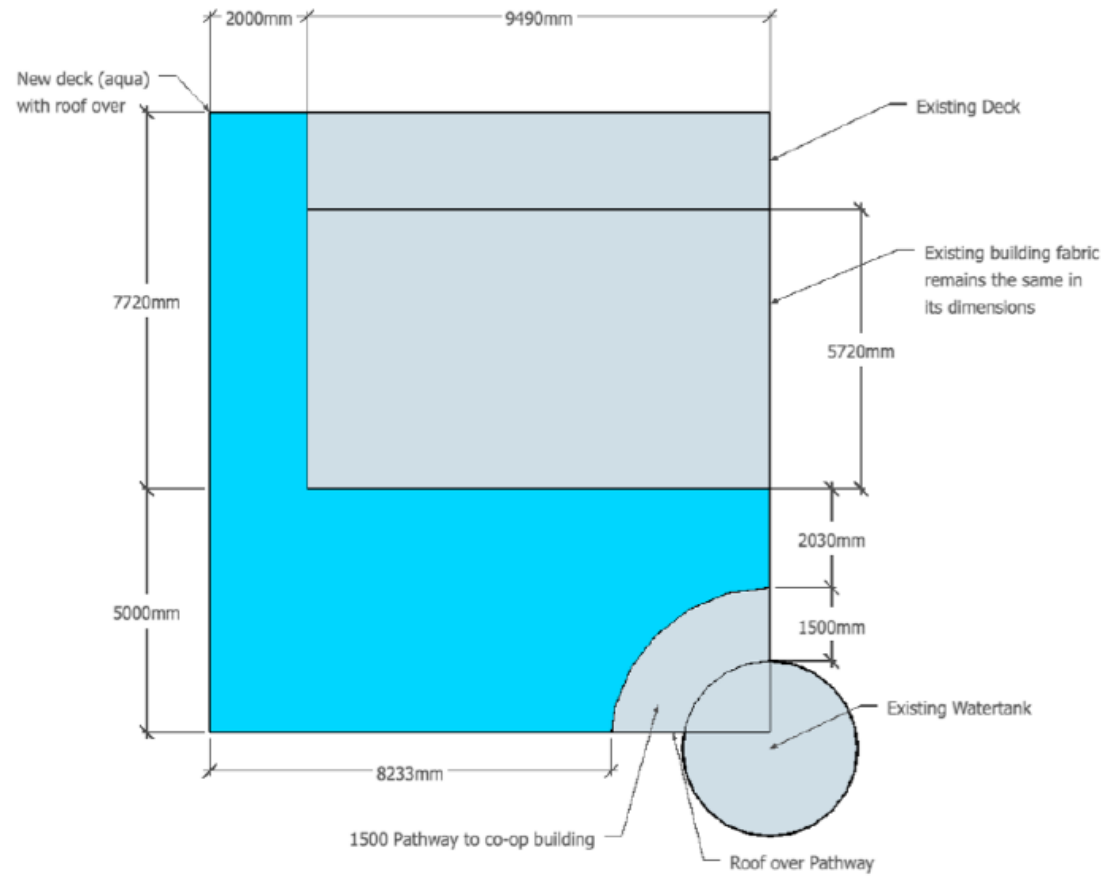


Figure 15: Submitted Amended Overall Dimension Details

5 Referrals

The LHIB has advised that the application was distributed to the relevant internal specialists for review. No objections to the proposal were raised subject to relevant conditions, with the exception of supplementary advice received regarding the capacity of the waste water system for the Community Hall's public toilets.

The table below outlines the issues raised by these specialists and the response.

5.1 Comments received from internal specialists

Specialist	Issue	Comment
Manager Environment World Heritage (Hank Bower)	<p>The proposal will require the removal of one planted Kentia Palm that is located in open lawn, which 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. 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>There is native vegetation in the Study area which is mapped by Sherringham et al 2016 as community 19 Maulwood – Kentia Palm – Cottonwood - Greybark lowland forest, 12a Kentia Palm on coral sand and calcarentie and Ep – Environmental planting.</p> <p>The vegetation at the Subject site is mapped by Pickard (1983) as vegetation association Hf <i>Howea forsterniana</i> and Da-Ct <i>Drypetes australasica</i> – <i>Cryptocarya triplinervis</i>. The Sherringham et al 2016 mapping is considered accurate. There is only one planted Kentia Palm identified for removal for this proposal.</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 Silvereye <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 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</p>	Noted and recommended accordingly

	<p>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 modelled 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 property currently baits 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 cleared land and will not impact on any threatened species habitat. 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>Team Leader, Compliance and Projects (Kate Dignam)</p>	<p>Building Class: Class 6</p> <p>Although the application states the proposed development will include a full treatment clinic for allied health professionals (Physiotherapists, Chiropractors and Osteopaths) this does not constitute a health-care building (9a) as defined under the National Construction Code.</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 	<p>Noted and recommended accordingly</p>

	<p>commence until a valid Construction Certificate for the works has been issued.</p> <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 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. <p>Access for People with a Disability</p> <ul style="list-style-type: none"> • If the development is approved the applicant is to ensure compliance with the Disability (Access to Premises – Buildings) Standards 2010 (DS) and the National Construction Code (NCC). Compliance includes, but not limited to: <ul style="list-style-type: none"> ○ Access to and within all areas normally used by the occupants ○ Provision of the minimum of one dedicated accessible carparking space ○ Doorway widths, access ramp gradients and facilities for personal hygiene • Full disability access compliance will need to address the following clauses of the DS and NCC (aligned): <ul style="list-style-type: none"> i. D3.1 to D3.12; ii. F2.2; and iii. F2.4. <p>Safe Movement and Access</p> <p>a) If the development is approved balustrading/barriers for the verandas and walkways must be provided to prevent people from falling greater than 1m. It must be continuous and extend for the full extent of the verandas and walkways where required. The balustrading is to be constructed to:</p> <ul style="list-style-type: none"> ○ Prevent people from falling through; and ○ Be capable of restricting the passage of children; and 	<p>It is recommended that the existing front access ramp be retained as is and a new compliant disabled access ramp be provided to the north-eastern end of the proposed rear deck accessed from the existing courtyard & path between the ex-Post Office & the ex-Co-Op building, as per later discussion in this report.</p>
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	<ul style="list-style-type: none"> ○ Have the strength and rigidity to withstand the foreseeable impact of people and, where appropriate, the static pressure of people pressing against it. <p>b) The balustrade/barrier construction is to be detailed in the structural engineering plans.</p> <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 6 building and the intended use. • The applicant is then to ensure that an Annual Fire Safety Statement for the Old Post Office Building is supplied to the Board as a record of the functionality and ongoing maintenance of any fire safety measures installed. <p>Health and Amenity</p> <ul style="list-style-type: none"> • Suitable sanitary facilities for personal hygiene must be provided in a convenient location within, or associated with, the building. • For a Class 6 building servicing the number of patrons and employees, as outlined in the application, the NCC requirement is: <ul style="list-style-type: none"> - a single uni-sex facility (comprising one closet pan, one washbasin and means for the disposal of sanitary towels) is to be provided within the development. <p>Water</p> <p>a) There is no potable water provided to the Old Post Office Building.</p> <p>b) If the development is approved any potable water provided to the building will be required to meet the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the Guidelines.</p> <p>c) The LHIB owned water tanks in the vicinity of the Old Post Office Building may not be able to provide ample supply for the proposed activities within the building. Further investigation will be required to ascertain whether the installation of additional water tanks will be required.</p> <p>Wastewater</p> <ul style="list-style-type: none"> • The Old Post Office Building is not connected to any wastewater treatment system. • The current LHI Board owned and operated wastewater treatment system on the site, does not have sufficient capacity for any additional daily hydraulic load. # Refer note in column adjacent re: subsequent advice received from Justin Sauvage confirming the ability to treat and dispose of grey water from proposal on site.) 	<p># Subsequent advice was received from Justin Sauvage that confirmed it is acceptable that the greywater arising from the proposed kitchen and day spa uses to be connected to the existing septic system on the</p>
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	<ul style="list-style-type: none"> • If the development is approved the current wastewater treatment system will require a significant upgrade, or the installation of a new treatment system and associated effluent irrigation area, to accommodate the increase in daily hydraulic load. The additional daily hydraulic load is yet to be determined. • While the applicant has stated there is no need for a commercial kitchen food will be served and activities such as washing-up, cleaning etc. will be undertaken, therefore the wastewater treatment system will be required to treat the wastewater to a standard commensurate for a facility with a commercial kitchen as per the LHI On-Site Wastewater Management Strategy (OSWMS). • In February 2019 advice was received regarding the capacity of the Community Hall's waste water system, in light of the elected LHIB members earlier discussions with the proponent regarding the potential for the proposed use to rely on the community toilets at the Hall. <p>This additional advice concluded that:</p> <p><i>“Based on AS/NZS 1547:2012 and the LHI OWMS, the current waste water treatment system is at capacity, and over capacity at times for specific functions, for known influent volumes.</i></p> <p><i>It is recommended that when the public hall reopens bookings take into consideration waste water loads. For instance do not book a banqueting function on the same day as historical movies.</i></p> <p><i>The calculated potential daily hydraulic load for the proposed business in the Old Post Office Building is of such a volume that separate toilet facilities and a new waste water treatment system is warranted.”</i></p> <p>Waste Management</p> <p>d) 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.</p> <p>e) Waste disposal fees will be charged in accordance with the Lord Howe Island Board's schedule of fees and charges.</p> <p>f) 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> <p>Construction and Demolition</p> <ul style="list-style-type: none"> • No excavation to be carried out until the site is inspected by the LHIB Senior Electrical Officer, i.e. 'dial before you dig'. 	<p>subject site. This system was subsequently confirmed as having capacity for the anticipated additional grey water loads.</p> <p>It was also advised that in time, the Board may decommission this system and at that point the connections will be plumbed into a new appropriately sized waste water treatment system.</p> <p>Given the identified lack of capacity for additional toilet (black water load) at the powerhouse site and at the Community Hall it is open to the LHIB to require installation of a new waste water system to service the proposed new use at the Old Post Office premises, as a condition of development consent upfront.</p> <p>Based on advice from the LHIB administration, a 2 year time limited consent is alternatively being recommended to be granted for the proposed use, to allow time for the LHIB or the proponent to design, obtain consent for and construct a new on site disabled accessible toilet facility.</p> <p>If the LHIB provides this facility AAP considers that the new toilet could service not only the subject proposed uses but the other existing commercial uses at the site.</p> <p>The time limited consent is phrased such that if within the 2 year period a new unisex toilet facility is constructed on site, then the development consent will not lapse.</p>
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	<ul style="list-style-type: none"> • All construction is to be carried out and completed in accordance with the National Construction Code (NCC). • All electrical work is required it must be carried out by an 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>Mandatory Inspections</p> <ul style="list-style-type: none"> • As a Class 6 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 	
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6 Planning Assessment

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

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

7.2.1 Biodiversity Conservation Act 2016

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

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

As outlined in the referral comments from the Manager Environment World Heritage (refer to Section 6 of this report), no adverse environmental or ecological impact from the proposal are envisaged.

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 4.45 of the EP&A Act 1979, Section 58 and Section 57(1) of the Heritage Act are triggered by this application.

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

Heritage Exemption Order.

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

The proposed use and building works on site do not require consent under Clause 39 of the LEP as the premises is not a listed heritage item within the LEP 2010 (as stated earlier in Section 3.2 of this report). Referral of this application to the NSW Heritage Division is therefore not required.

It is noted that the subject premises is located in the vicinity of an LEP heritage listed item, being the Community Hall.

6.3 Local Statutory Plans and Policies

6.3.1 Lord Howe Island Local Environmental Plan 2010

Permissibility - Lord Howe Island Local Environmental Plan 2010

The proposal is not Exempt Development under Clause 9 of the LEP 2010. Therefore a DA is required.

The site is located within Zone 5 Special Uses zone. The LEP 2010 objectives are:

- (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,*
- (b) to maintain efficient services (such as education, health and transport services and the administration of the Island) and associated infrastructure.*

The LHIB administration has advised it considers the proposed development to be a "Premises of a Public Authority" as defined in the LHI LEP 2010. This use is permissible with consent in the zone. The LEP definition for Premises of a Public Authority is as follows:

***"premises of a public authority** means premises used by a public authority to carry out its functions and includes buildings used by a public authority for business or commercial purposes."*

The site is proposed to be rezoned to Zone 2 Settlement within the Stage 1 LHI LEP review, which imminently is being submitted to the NSW Department of Planning. This will enable greater flexibility for permitted uses over the subject site.

The LHI LEP 2010 and its amendments comprise 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.

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 development proposed in the subject applications, as amended by the conditions included in the recommendation of this report, will be consistent with the aims of the LEP “to enhance the wellbeing and welfare of the Island Community by pursuing economic development that safeguards the welfare of future generations” and to “to ensure that tourism on the Island does not adversely affect the lifestyle of residents, or the World Heritage environmental qualities, of the Island, but enables visitors and residents to enjoy the Island”.</p> <p>It is anticipated that the proposed works can be undertaken with no negative environmental impact and/or disturbance to protected flora and fauna native to the Island.</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.
9	Exempt Development	N/A	The proposed works are not listed as Exempt Development within Schedule 1 of the LEP, therefore the subject OC and DA are required.
11	Matters that must be satisfied before development consent granted	Y	Refer to the assessment under Clause 11 provided below this table.
Part 2 General Provisions applying in particular zones			
12	Land Use Zones	Y	As stated earlier in this report, the land is zoned Zone 5 Special Uses
15	Zone 5 Special Uses	Y	The LHIB administration has advised it considers the proposed development to be a “Premises of a Public Authority” as defined in the LHI LEP 2010 which is a use permissible with consent in the zone.
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			
29	Maximum height of buildings	Y	No change to the existing building height is proposed. The proposed alterations and

LEP 2010 Clause		Compliance Y/N	Comment
			additions to the existing building will retain compliance with Clause 29 of the LEP as the existing roofline is less than 7.5m and the proposed roofed decks will be lower than this.
30	Advertisements or signs	N/A	The placement or erection of an advertisement or sign may be carried out, but only with the consent of the LHIB. The applicant has not proposed any signage as part of the subject application.
Division 2 Provisions that apply to particular land			
32	Setbacks of buildings in Zone 1, 2 or 5	Y	<p>The subject lot has boundaries adjoining Ned's Beach Road and Lagoon Road. The subject existing Old Post Office building has a zero setback to Ned's Beach Road in non-compliance with the 5m/10m front setback requirement of clause 32(2).</p> <p>The LHIB may determine under clause 32(3) that the proposed change of use and alterations/ additions are permitted to the existing building if compliance with the setback(s) would be unreasonable or unnecessary.</p> <p>The existing building (originally used as the signal office) was erected well prior to the current LEP controls coming into effect, and the proposal for the new use will not change the existing front setback. maintaining compliant setbacks to the other site boundaries of approximately 30m to Lagoon Road to the south, and 14m to the unformed road on the north eastern boundary.</p> <p>Therefore, the existing technical variation to the front setback requirement of clause 32 of the LEP is supported as it is unnecessary and unreasonable in the circumstances.</p>
35	Foreshore development	N/A	The entire subject site is located outside of the Foreshore Building Line.
39	Development Affecting Heritage Items	N/A	<p>The subject proposal does not trigger Clause 39 of the LEP as the site is not an LEP listed heritage item (ref Section 3.2 of this report).</p> <p>The Lord Howe Island Community Hall located opposite the subject site (also at the intersection of Ned's Beach Road and Lagoon Road), is listed under Schedule 2 of the LHI LEP 2010 as a heritage item.</p> <p>Clause 39 of the LEP does not currently include any provisions for consideration of the</p>

LEP 2010 Clause	Compliance Y/N	Comment
		<p>potential impact on heritage items located in the vicinity of proposed developments.</p> <p>Nevertheless, the proposed development is not considered to be at risk of having a significant or detrimental impact on the significance of the community hall, provided the recommended conditions of consent regarding new window and door details are complied with.</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	Refer to assessment provided under clause 2 of the LHI 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	Refer to the assessment provided under Clause 11(g) below.
c) <i>No part of the proposed development:</i> i. <i>will result in any damage to, or removal of, significant native vegetation, or</i> ii. <i>will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i>	Y	As stated earlier in this report the subject site is not mapped as Significant Native Vegetation (SNV) and no SNV will be damaged or removed as a result of the proposal.
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>	Y	The subject proposal will satisfactorily make use of the site's open existing access to both Ned's Beach Road and Lagoon Road. No additional work is required to supplement this that might otherwise remove SNV or the habitat of any native plants or animals.

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
ii. <i>have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i>		
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	No landscaping is proposed nor it is envisaged to be required in conjunction with the subject development.
f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i>	N/A	The site is not affected by such hazards.
g) <i>Adequate services in respect of the proposed development can be provided without significant additional cost to the Board or the community of the Island,</i>	N	<p><i>Electrical</i> - The subject site is adequately serviced by the LHI Electrical network.</p> <p><i>Potable Water</i> - the subject ex Post Office building does not have any Potable water service currently. If it is to proceed the proposal will require the installation and provision of additional water storage tank(s) and plumbing into the building to supply the water requirements for the various use components. The recommendation of this report includes conditions specifying this.</p> <p><i>Onsite Wastewater Disposal</i> – the subject ex Post Office building also does not have any sanitary facilities (toilets, washbasins or sinks) and there is no existing capacity for additional blackwater wastewater loads in the existing wastewater treatment system on the site. Staff have advised that the existing system does have capacity for grey water load from the proposal.</p> <p>As outlined in the internal referral comments on the DA, the proposal requires at a minimum a single uni-sex disabled toilet, handwash basins and sinks and a new onsite wastewater treatment system. This is on the basis that not more than 20 patrons (plus 2 staff) of the proposed mixed use business are onsite at any one time (under the BCA).</p>

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
		In this regard the elected LHIB has indicated they are willing to allow the proposed development to rely upon the Community Hall public toilets as an interim measure until the required onsite sanitary facilities and new wastewater treatment system are constructed. In light of these circumstances the recommendation of this report includes the issuing of a 2 year time limited consent for the proposal, at the end of which the use shall cease unless the required onsite sanitary facilities and new wastewater treatment system are constructed.
<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 proposal will not create any negative visual impact on the locality subject to compliance with the recommendations contained in this report. Existing contributory features of the premises including the timber doors are required to be retained.
<i>i) The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	The proposed development will not create any overshadowing of adjoining properties.
<i>j) The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	Y	The proposed development (as recommended for conditional approval in this report) is unlikely to create any detrimental privacy impacts to adjoining properties.

6.3.2 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 DCP 2005 Clause	Compliance Y/N	Comment
Part 1 Introduction		
1.2	Plan Objectives	Y
		The proposed development as recommended for conditional approval in this report will be consistent with the DCP 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 proposed development as recommended for conditional approval in this report will be consistent with the DCP's design objectives as outlined in this assessment report.
2.3	Design Context	Y	The proposed development will comply with Part 2.3 of the DCP in being primarily a change of use that retains the fabric of the existing building. A condition of consent is recommended regarding the proposed new windows and doors, that they be sensitive to the heritage context of the site, which includes the heritage listed community hall, with timber framing and vertical proportions. The proposal will activate and relate to the public open space on the site.
2.4	Bulk and Scale	Y	In the sense that the proposal is primarily retaining the fabric of the existing building it will remain consistent with the character and existing low built form and scale of the Island.
2.5	Building Forms	Y	Refer to above comment made in relation to Part 2.4.
2.6	Building Materials & Colours	Y	A condition requiring the selected new materials and finishes to complement the existing structures on site and the nearby heritage item has been included in the attached recommendation.
2.7	Energy and water efficiency	Y	The proposal will incorporate energy and water efficiency principles, fittings and appliances.
2.8	Landscaping design	Y	The proposal does not include any particular landscaping installations.
2.9	Site access and parking	Y	As mentioned elsewhere in this report a dedicated disabled car space on Ned's Beach Road is proposed in the application. The assessment of this report does not support this in the circumstances & recommends that this be deleted.

7 Environmental Effects

7.1 Environmental Planning and Assessment Act 1979

Under the provisions of Section 4.15, (previously 79C (1)) of the EP&A Act, in determining a DA, a consent authority is to take into consideration the following matters 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 was found to comply with all relevant provisions (relying on the Board's advice regarding permissibility) & 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 6.3.2 and was found to comply subject to the conditions of approval included in the recommendation of this report.
 - iii) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,
Comment: There are no planning agreements relevant to the application.
 - iv. The regulations (to the extent that they prescribe matters for the purposes of this paragraph),
Comment: There are no relevant matters prescribed by the regulations.
 - 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 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
Access, Transport and Traffic	<p>There will be no detrimental impacts on the existing access into or within the subject site or public pedestrian or vehicular movement on Ned's Beach Road or Lagoon Road from the proposed development, provided the proposed on-street disabled parking space is removed by condition of consent.</p> <p>The development as proposed, amended and/or recommended with conditions of approval is not of a scale or intensity to create significant detrimental impacts on access, transport and traffic issues in the area.</p>
Disability Access	<p>The existing pedestrian access ramp off Ned's Beach Road to the ex-Post Office building is not compliant with BCA/DDA requirements. The required grade, length and landing area of the ramp are not compliant. The current ramp has been in place for an extended period of time being used as the sole entry to the Post Office.</p> <p>The applicant submitted plans showing how an extended disabled access</p>

	<p>ramp could be achieved in the same location, however this option is not supported as the ramp would need to extend across in front of the LHI Tourism Information Bay and free public phone.</p> <p>Consequently, in light of the requirements under the BCA and the above circumstances, a condition is included in the recommendation of this report specifying that a new complying disabled access into the premises shall be provided via the north-eastern end of the proposed rear deck with a path connection as being required from the existing paved area between the ex-Co Op and the ex-Post Office. At this point there will only be a minor difference in levels between the existing ground level and the new deck which will facilitate provision of this access.</p>
Public Domain, Visual and Streetscape	The proposed built form will continue to be in keeping with the established form and character of the Island (refer also to the assessment provided under Part 2.3 & 2.4 of the LHI DCP 2005), provided the new door and window details are of timber frame, and vertically proportioned, consistent with the style of the nearby heritage listed Community Hall.
Ecological	As stated in Section 5.1 of this report, the LHIB's Manager Environment World Heritage has confirmed that 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	N/A
Heritage	Refer to assessment provided earlier under Clause 39, LHI LEP 2010 and proposed condition regarding material and proportions for proposed new window and doors at the subject premises.
Views	The proposal will not result in a detrimental impact on the visual amenity of the subject site or the locality.
Privacy	Refer to the assessment provided earlier under Clause 11, LHI LEP 2010
Open Space	Refer to the assessment provided earlier under Part 2.3 of the LHI DCP 2005.
Social and economic Impact in Locality	Refer to the discussion of the public submissions received to the notifications of the subject development.
Construction	Potential impacts from construction activities will be minimised through the recommended conditions of the consent.

9 Conclusion

The subject OC and DA, including the submitted amended plans and details, are recommended for approval following a thorough assessment. The proposed new uses and associated building works have been found to involve only acceptable environmental impacts, provided the mitigations in this report are applied by way of imposition of appropriate conditions of consent.

The submissions made by members of the Community have been carefully considered in light of the requirements and provisions of the LHI LEP 2010, LHI DCP 2005 and the (NSW) Environmental Planning & Assessment Act 1979.

The key proposed requirement is for the issue of an initial 2 year time limited consent pending the provision of an on-site toilet facility and an associated new waste water treatment system for the development. Assuming this condition is satisfied the approved use will then be able to permanently continue to operate.

The following recommendation for approval is made.

10 Recommendation

Owners Consent and Development Consent Recommendation (Conditional Approval)

That Owner Consent' OC 2019-02 and DA 2019.05 at Part Lot 44, DP 757515 (ex-Post Office premises), fronting Neds Beach Road near its intersection with Lagoon Road, Lord Howe Island, for a Change of use to an Allied Health Clinic, Day Spa and Food and Drink Premises (bar), including associated alterations and additions, be approved subject to the following conditions and advisory notes:

1. Time Limited Consent

Pursuant to Section 4.17(1), NSW Environmental Planning & Assessment Act 1979, the subject development shall cease two (2) years from the issue of the occupation certificate/date of this consent unless the required onsite unisex disabled toilet facility (and if the existing waste water treatment system has insufficient capacity), a new/ upgraded onsite waste water management system as required by these imposed conditions, is approved, provided and constructed on the subject site within this timeframe.

A separate Owners Consent, Development Application and Construction Certificate, (accompanied by the appropriate plans and details) will be required for the unisex disabled toilet facility and new/ upgraded onsite waste water management system.

Reason: To ensure that appropriate sanitary facilities including a new waste water treatment facility for the subject development are provided on the subject site within two years, to relieve impacts of the additional waste water load on the Community Hall 's public toilet facilities.

2. Approved Plans and Supporting Documentation

The development is to be carried out in accordance with the plans and documentation provided with OC 2019-02 and DA 2019.05 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 DA Form prepared by Tim Cruikshank, dated 07/08/2018.
- b) Statement of Environmental Effects in the DA Form prepared by Tim Cruikshank, dated 07/08/2018
- c) The following revised plans prepared by Tim Cruikshank and attached to the applicants Additional Information Submission to the LHIB dated 9 November 2018:
 - Appendix 2 Revised Site Plan,
 - Appendix 3 Seating Plan
 - Appendix 4 Eastern Perspective
 - Appendix 5 Western Perspective
 - Appendix 6 Southern Perspective
 - Appendix 7 Exterior Changes Detailed on Plan
 - Appendix 8 Interior Layout of Equipment Detail
 - Appendix 9 Plan of Overall Dimensions of Proposed Works
 - DA Floor Plan, Elevations and Perspective,

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

3. Amendments to Approved Development

The subject approved development shall be amended in the following manner. Plans and details confirming compliance with these requirements shall be submitted with the Construction Certificate for the proposal:

- a) The proposed dedicated disabled carparking space within Neds Beach Road adjoining the Tourism Association Information Bay shall be deleted.
- b) A new complying disabled access ramp into the premises shall be provided via the north-eastern end of the proposed rear deck, the ramp to be achieved within the proposed deck area, together with an associated pathway connection from the required ramp to connect to the existing paved area between the existing Co Op and the Old Post Office buildings. It is noted that at this location there will only be a minor difference in levels between the existing ground level and the proposed new deck which it is anticipated will facilitate viable provision of this access.
- c) All new windows and doors are to be vertically proportioned, painted timber framed windows and doors, consistent with the existing building style and complementary to the nearby heritage listed Community Hall. A window and door schedule is to be provided with the CC documentation which demonstrates consistency of all new windows and doors with this condition.
- d) Each of the two day spa/consulting rooms are to be provided with one hand wash facility consistent with the NSW Public Health standard, being provision of a minimum one hand wash basin per treatment room and it is noted that a minimum one additional communal wash facility for the treatment rooms is also required.

Reason: To ensure that relevant details and plans are prepared and assessed to ensure compliance with relevant legislation and desired design outcomes for the site.

4. 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 A0.7 of the BCA/NCC. A report outlining any proposed Performance Solutions must be compiled by an appropriate person and submitted with the application for a Construction Certificate.
- c) 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.
- d) The applicant is to ensure the Construction Certificate Plans align with the approved Development Application Plans, as may be amended by any imposed condition of consent.
- e) 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.

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

5. Ecology and Habitat

- a) If any live LHI Gecko or LHI Placostylus are detected during works they must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation etc) away from the development site so they can escape predation by predators such as LHI Currawong, LHI Woodhen and rodents.
- b) All construction and building materials are restricted to being stock piled on cleared open areas away from bushland.
- c) Damage to, or removal of Significant Native Vegetation is prohibited, as per Clause 11 of LEP 2010.

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

6. Access for People with a Disability

- a) 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:
 - o Access to and within all areas normally used by the occupants
 - o Doorway widths, access ramp gradients and facilities for personal hygiene
- b) Full disability access compliance will need to address the following clauses of the DS and NCC (aligned):
 - i. D3.1 to D3.12;
 - ii. F2.2; and
 - iii. F2.4.

Reason: To ensure access for persons with a disability is provided.

7. Safe Movement and Access

- a) Balustrading/barriers for the verandas and any walkways must be provided to prevent people from falling greater than 1m. Balustrading/barriers must be continuous and extend for the full length of the verandas and walkways where required. The balustrading is to be constructed to:
 - o Prevent people from falling through; and
 - o Be capable of restricting the passage of children; and
 - o Have the strength and rigidity to withstand the foreseeable impact of people and, where appropriate, the static pressure of people pressing against it.
- b) The balustrade/barrier construction is to be detailed in the structural engineering plans.
- c) The proposed transport service to and from the subject development shall be provided. The drop off and pick up of patrons shall only be undertaken in Neds Beach Road. No formal parking space is approved on Neds Beach Road. One of the existing parking spaces in this section of Neds Beach Road may be used to park a transport vehicle.
- d) No additional access stairs (or any other means) are to be provided to the development other than the existing front access ramp on Ned's Beach Road or the rear disabled access on the north-eastern end of the proposed rear deck (as required in these conditions).

Reason: To ensure the safety of patrons & others.

8. Fire Safety

- a) The applicant is to ensure that fire-fighting equipment is installed as per the requirements of the NCC for a Class 6 building and the intended use.
- b) The applicant is then to ensure that an Annual Fire Safety Statement for the Old Post Office Building 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.

9. Health, Amenity & Wastewater

The (subject) Old Post Office Building is not currently connected to any wastewater treatment system. The current LHI Board owned and operated wastewater treatment system on the subject site does not have sufficient capacity to accommodate black water that may be generated from the subject

development. Additionally, the existing Community Hall public toilets do not have spare capacity in peak demand periods.

The following wastewater requirements are consequently identified:

- a) At all times the development must be connected to a waste water treatment system with sufficient capacity to treat the volume of waste water generated on site.
- b) If the current waste water treatment system has insufficient capacity it must either be significantly upgraded, or a new waste water treatment system and associated effluent irrigation area is to be provided onsite.

The new or significantly upgraded system is required to be installed on site within 2 years of the issue of the occupation certificate for the subject premises, to accommodate the increase in daily hydraulic load.

Pursuant to Condition 1 of this development consent, if a suitable compliant toilet facility is not provided within 2 years of issue of the occupation certificate, then the approved use shall cease.

Also pursuant to Condition 1 of this development consent, a separate Owners Consent, Development Application and Construction Certificate, (accompanied by the appropriate plans and details) will be required for the unisex disabled toilet facility and new/ upgraded onsite waste water management system.

- c) Suitable sanitary facilities for personal hygiene must be provided in a convenient location within, or associated with, the new toilet/s.
- d) For a Class 6 building servicing a maximum number of 20 patrons (inclusive of 2 staff) at any one time, as outlined in the application, the NCC requirement is:
 - o a single uni-sex facility (comprising one closet pan, one washbasin and means for the disposal of sanitary towels) is to be provided within the development.
- e) All Greywater arising from the proposed bar/ kitchen and day spa operations must be connected to the existing septic system (on the subject site) upfront as part of the initial construction work. This is to be all grey water associated with the new bar use and day spa and private and communal treatment room sinks.

If the LHIB Board decommissions the existing system on site, the sink connections shall be plumbed into the new waste water treatment system provided on site.

- f) A maximum 20 persons is permitted on site at any one time, to minimise the demand on the Community Hall's toilet facilities and to limit grey water generation at the subject site.

Reason: To ensure adequate public health and customer and staff amenity is maintained. In accordance with Condition 1 of this approval, the above requirements for provision of an on-site toilet facility may be deferred for up to 2 years from the date of occupation certificate approval, pending the provision and construction of the required onsite toilet and a new/ upgraded onsite waste water management facility on the subject site and in light of the LHIB's advice that the proposed development may rely upon the LHI Community Hall toilets during this intervening time.

10. Food Safety

All food storage, preparation, display and handling and the design of areas in which food preparation, handling, display and storage take place, shall be undertaken in accordance with the Australian Standard for Food and Drink Premises (AS 4674—2004 Design, construction and fit-out of food premises) and relevant NSW Health Requirements. Details confirming compliance with these requirements shall be included in the Construction Certificate submission for the development.

Reason: To protect public health, and ensure compliance with relevant standards for food preparation, display, storage and handling are maintained.

11. Water

- a) The applicant is to ensure that all plumbing work, including all disconnections and connections to the wastewater system, are to be undertaken by a licensed plumber.
- b) The applicant is to ensure all stormwater from the new roof structures is diverted to existing rainwater tanks. The method of management of the stormwater is to be shown on the construction drawings.
- c) The applicant must demonstrate that the drinking water supplied to the premises will consistently meet the *Australian Drinking Water Guidelines 2011* and any subsequent amendments to the Guidelines.
- d) An appropriate drinking water management system, in compliance with NSW Health requirements and the *Public Health Act 2010* and Regulation 2012, is to be provided prior to the issue of the Construction Certificate.
- e) There is no potable water provided to the subject Old Post Office Building. If the development is approved additional potable water supply is to be provided onsite sufficient to cater for the subject requirements for a proposed bar and allied health and day spa uses. Certification from a qualified and experienced person confirming the adequacy of the proposed water supply shall be submitted with the Construction Certificate. Any potable water provided to the building will be required to meet the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the Guidelines.
- f) The LHIB owned water tanks in the vicinity of the Old Post Office Building are not sufficient to provide ample potable supply for the proposed activities within the building. Additional water storage facilities are to be provided in accordance with Condition 11(e) above.

Reason: To ensure provision of essential utilities

12. Waste Management

- a) The applicant is to ensure that any waste generated from the proposed development (including operational and 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, 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.

13. Waste Management – Asbestos

If any material containing asbestos is found on site during the demolition/ construction process the material is to be removed and disposed of in accordance with WorkCover requirements. An appropriately 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.

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

14. Construction and Demolition

- a) No excavation is to be carried out until the site is inspected by the LHIB Senior Electrical Officer, i.e. 'dial before you dig'.
- b) All construction is to be carried out and completed in accordance with the National Construction Code (NCC).
- c) The applicant is to ensure that any electrical work must be carried out by an electrician and an **Electrical Compliance Certificate issued with, or before, the application for Occupancy Certificate** for the building additions and alterations.
- d) All works are to be undertaken in accordance with approved Construction Certificate documentation.
- e) Pre-Commencement meeting to be arranged with the LHIB staff (as Owner), and the Builder 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.
- f) All demolition works shall be undertaken in accordance with Australian Standard AS 2601—1991: The Demolition of Structures.

Reason: To ensure works are undertaken appropriately and in a safe manner.

15. Inspections

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 the commencement of the excavation for, and before the placement of, the first footing
- 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: This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.

16. 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 leaseholders and/or occupiers associated with the construction of the approved works.

17. Notice of Commencement

Written notice must be given to the Lord Howe Island Board and the lessee of the adjoining portion 295 at least two (2) weeks prior to the commencement of building work.

Reason: This is a legislative requirement.

18. Erection of construction signs

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

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

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

19. Materials and Colours

The materials and colour selection for the proposed works are to complement the existing development on the site and the natural landscape and built setting of the subject locality.

- a) Painted, timber framed vertically proportioned windows and doors are to be used for the building renovations, in keeping with the existing built form and openings of the premises and in keeping with nearby historic building elements within the Powerhouse Park precinct.
- b) The new window fronting Neds Beach Road is to be timber vertically proportioned window consistent with the historic double hung timber window in that location.

Details of the selected materials and colours shall be submitted with the construction certificate application.

Reason: To ensure that the proposed development complements the surroundings and the style of the existing building.

20. Number of Patrons

Not more than twenty (20) patrons (inclusive of 2 staff) of the proposed development shall be present on the subject site at any one time.

Any increase to the number of staff and patrons/customers on site at any one time will require a new development consent or modification of development consent.

Reason: To control impacts of the development and ensure compliance with the requirements for sanitary facilities.

21. Plan of Management

A Plan of Management is to be prepared by the applicant in conjunction with the LHIB staff and NSW Police and be submitted prior to the issue of an occupation certificate that includes the following matters:

- compliance with conditions of consent relevant to the operation of the development
- storage requirements for products to be held on-site,
- location and mechanisms for garbage bins, removal of waste and controlling litter
- compliance with preparation and food safety standard requirements
- compliance with the maximum number of allowable patrons and staff onsite, restriction of patrons to within the proposed development and not permitting them to spill outside of the

building or proposed decks, control of Bar patrons including responsible service of alcohol, and the dispersal of patrons leaving the premises both during operating hours and after closing of business.

- traffic management including details of drop-off and pick up services
- live music events including procedures for notifying surrounding businesses and residents and noise compliance
- the hours of operation of the different mixed uses in the proposal and how they relate to each other.
- Applicable licencing requirements
- A restriction preventing the takeaway sales of liquor and that all liquor sold is to be opened and consumed on the premises

The Plan of Management shall be implemented for the lifetime of the approved use.

Reason: To ensure efficient and effective operation of the development and minimise potential amenity impacts on surrounding landuses.

22. Licencing Requirements

The Allied Health and Day Spa components of the development including those that are classified as 'skin penetration' procedures by NSW Health shall comply with all applicable NSW Health requirements and Australian Standards for licencing and registration, fitout of premises and carrying out of procedures.

Reason: To ensure the well being of patrons and that the development maintains compliance with NSW Government Health Standards and Requirements.

23. Hours of Operation and Maximum Staff and Patron/Customer Numbers

The following maximum daily hours of operation, and maximum staff employment and patron levels are permitted for the proposed development:

- The Licenced Bar (Sunset Drinks) will operate only between 12pm and 9pm (during summer) and 12pm and 8pm (during winter, autumn and spring), with a maximum of 2 staff employed on-site at any given time.
- The shared Day Spa or Allied Health providers will operate on site between 7am and 12pm, operating with a maximum 2 therapists and 2 clients on-site at any one time.
- The proposed mixed use deck area may operate between 7am and 11.30am for yoga or Pilates classes as private one-on-one session or small group sessions with one instructor.
- A maximum of 20 persons (excluding 2 staff) are to be onsite at any one time to maintain compliance with sanitary facilities requirements of the BCA.
- The other proposed uses (Day Spa, Allied Health treatment, & Yoga/ Pilates) are not to operate or be undertaken during the bar opening hours.

Reason: To protect the amenity of the surrounding landuses, control total number of persons on site at any one time and minimise impacts on adjacent public areas and street parking.

24. Amplified Music

No amplified music is permitted within the development after 7.00pm. A maximum of two amplified live music events are permitted to be held per month at the premises. Music levels at the premises should not be louder than the established background noise level at any boundary of the property. The premises operator is to notify all surrounding residents and businesses of any amplified event with a householder notice issued no less than 7 days prior to the event occurring.

Reason: To protect the amenity of the surrounding landuses and public areas.

25. Liquor Licence

The Bar component of the approved development shall not commence operation until a liquor licence from the LHIB is issued for the development and all conditions of this licence have been complied with.

ADVICE TO APPLICANT:

a) **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* provides that a person must not take an action which has, will have, or is likely to have a significant impact on: *A matter of national environmental significance (NES) matter; or Commonwealth land without an approval from the Commonwealth Environment Minister.*

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

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

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

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

Recommended:	Endorsed:
	
Peter Chapman Date: 11 th March 2019 LHI Consultant Town Planner & Director All About Planning	Peter Adams Date: 11 March 2019 Chief Executive Officer Lord Howe Island Board

ATTACHMENT 1
SUMMARY OF PUBLIC SUBMISSIONS

ATTACHMENT 1: SUBMISSIONS SUMMARY & PLANNING COMMENT

The original exhibition period between 14/08/18 and 28/08/18 received 14 submissions.

The subsequent re-exhibition (after additional information was provided by the applicant) between 14/12/18 and 12/01/19 resulted in 6 submissions, which included 1 new respondent and 5 submissions with comments additional to their earlier submissions.

No.	Name	Detail of Submission	AAP COMMENT
1.	<p>Submitters Names Deleted</p> <p>Submission via email, received 11/09/2018</p>	<p>The proposal is incongruent with the natural quiet pace of LHI and the proposed uses of the premises will be in conflict with other existing site uses.</p> <p>A bar should not be showcased in our CBD. There are already existing alternate areas for drinking, including privately operated bars.</p> <p>The Bar will accentuate and encourage current drinking culture issues on LHI. Noise, alcohol fuelled violence, property damage, drink driving and traffic congestion are likely outcomes.</p> <p>The planned verandah will take up too much of the new community family friendly grass area.</p> <p>Pre-established businesses will lose money. The LHIB will benefit financially but the island wont.</p> <p>The old post office should be heritage listed and turned into a family friendly community space eg. Library, art workshop etc whereby the entire community can benefit.</p>	<p>Existing island based premises are typically able to cohabitate with nearby uses.</p> <p>A CBD is usually an appropriate area for a bar.</p> <p>Noise, alcohol fuelled violence, property damage and drink driving are potential negative outcomes of these types of uses. To address these concerns a bar operated free pick up and drop off service will be provided. Additionally, conditions of consent restricting hours of operation and amplified and recorded music are proposed and a site management plan is to be prepared in consultation with the LHIB and Lord Howe Island Police.</p> <p>The old post office building is additionally proposed for use as a shared allied health space and day spa, including use for commercial community activities such as yoga and Pilates classes.</p> <p>The 2012 Musecape Heritage Study recommended inclusion of the building for heritage listing but it has not subsequently been added into Schedule 2 Heritage Items of the LHI LEP 2010. Therefore the premises is not legally a heritage item. Refer also to comments made below in relation to submission No. 2.</p>
2.	<p>Email and subsequent submission also via email, received 27/08//2018 and 11/09/2018</p>	<p>As a close resident and business operator to the proposed premises I am dismayed that a third liquor license may be approved in such a small quiet town centre.</p> <p>My family home and tourist business is only 50m away and already noise from the Anchorage during and after hours is disturbing and has been the subject of complaints by myself in the past.</p>	<p>The Opening Hours of the Anchorage will typically be later than that proposed for the new bar which are to be limited by the proposed conditions of consent.</p> <p>Conditions also restricting amplified and recorded music are proposed. The availability of a drop off service should also assist in minimising noise from patrons and discouraging them</p>

		<p>Patrons of such businesses tend to hang around after closing time which will not assist in controlling noise.</p> <p>Approval of another alcohol outlet will be to the detriment of the community, who have invested in the precinct to improve its appeal.</p> <p>Our town centre is unlike any other town in NSW, it has no background street noise. Preserving this serenity should be a priority.</p> <p>The building should be heritage listed and it shouldn't be altered. The building has been altered little since it was constructed – refer historic photo and should be preserved for community use not for private commercial purposes.</p> <p>The proposed bar will effectively be a beer garden.</p> <p>The Bar will take away patrons from the Bowling Club and Golf Club.</p>	<p>from hanging around and disturbing the peace.</p> <p>In addition a plan of management prepared in conjunction with the LHIB and NSW Police is required to address dispersal of patrons during and after closing hours.</p> <p>It is agreed that other potential use/s for the site could have been pursued as an alternative, however the subject development application has been lodged and is required to be considered by the LHIB on its planning merits.</p> <p>It would be open to the LHIB to revise Schedule 2 of the LEP and list the Old Post Office at some point as a heritage item, if the LHIB were of the mind to do so. The proposed uses of the premises will not result in any irreparable damage to original building fabric.</p> <p>Bar patrons will not be permitted to access the adjacent public space.</p> <p>According to established L&E Case Law, reasonable competition between existing premises and the proposed bar is not a legitimate reason for refusal of a development application.</p>
3.	<p>Submission via email during re-exhibition, received 14/01/2019</p>	<p>In addition to the earlier submission, the following matters were raised:</p> <p>Increased noise (alcohol fuelled conversation, laughter and music) additionally to existing noise from the BBQ area under the pines will disturb mine and my family's sleep, and will become a daily occurrence.</p> <p>Who will be responsible for people and noise once they leave the verandah, and compliance matters?</p> <p>A sheet of plastic that is rolled down during, or after business hours won't stop the noise from customers who decide to 'drink on' after hours on the lawns next to the proposed bar.</p> <p>Walking past groups of drinkers when going between localities is not a welcomed one.</p>	<p>Hours of operation for the proposed bar are proposed to be limited by condition to:</p> <ul style="list-style-type: none"> • 12 noon to 8pm – winter, autumn and spring • 12 noon to 9pm – summer <p>A limit of 20 total patrons inclusive of 2 staff has been proposed in the application. This limit has been included in the report recommendation as a condition of consent. The limit is tied to the BCA requirement for provision of on-site toilet facilities for more than twenty patrons.</p> <p>Additionally, amplified music is proposed to be permitted only until 7pm and only a maximum 2</p>

		<p>The development has potential to turn the town green into a beer garden and change the overall feel of the entire area- an area where only drinking adults feel welcome.</p> <p>Concerns were raised regarding the potential to take business away from the Bowling and Golf Clubs, which have both currently investing heavily in upgrading their infrastructure, and our community has relied on both of these establishments for decades. Competition is good for customers but it won't be for our clubs.</p> <p>The building has potential historic/heritage value and hasn't changed much, and instead of looking at ways of changing this building, we should be looking at ways of preserving it. The island has a limited number of buildings for potential heritage listing ... this is one of those, even the museum has a dedicated section on this particular building.</p> <p>Hopes the LHIB puts the long-term residents of this area above the monetary gain that this development may potentially offer.</p> <p>Why is this area nice now – open, quiet, relaxing and picturesque... that's what Lord Howe is selling. That's the type of holiday people come for, family friendly and peaceful.</p>	<p>amplified events per month.</p> <p>The required Plan of Management has also been recommended to address other such issues as the potential to drink on in nearby public places, preventing drink driving, litter management, noise, responsible service of alcohol and control of overall patron and staff numbers on site at any one time.</p> <p>Regarding Heritage refer also to comments made in relation to submission Nos. 1 & 2.</p>
4.	<p>Letter, received 21/08/2019</p>	<p>A No Parking zone in Neds Beach Rd has been created to address issues currently attributable to existing uses in the zone. Parking issues and traffic congestion will be exacerbated in the precinct.</p> <p>My driveway fronting Lagoon Rd will be blocked if parking related to the new uses is allowed on Lagoon Rd.</p> <p>Evening noise will increase under the proposed development, which will reduce residential amenity.</p>	<p>The subject application proposes to create a formalised parking space on Neds Beach Road near the Beach Boutique. This aspect of the proposal is not supported by AAP, as it is considered that on road parking spaces should not be allocated for the benefit of just one business in the area. No formal parking space is supported by AAP on Neds Beach Road. The existing No Parking Zone in Neds Beach Road should be maintained.</p> <p>A condition is recommended stating that drop off and pick up of patrons only can be undertaken in Neds Beach Road.</p>
5.	<p>Letter, received 24/08/2018</p>	<p>Deck size is disproportionate to the building footprint.</p> <p>The proposal conflicts with the concept plan as part of the 'Strong Country Communities' Grant. The concept plan will need to be changed to accommodate the huge deck,</p>	<p>Due to the small overall footprint of the building and the multiple uses proposed on site, it is not unexpected that a larger deck area is also being proposed in order to accommodate the maximum proposed 20 patrons/customers</p>

		<p>including:</p> <ul style="list-style-type: none"> • The proposed deck will block the pathway to the Co-op and Beach Boutique. The SCC grant shows a pathway being constructed to access these shops. • The deck requires removal of a water tank, but which was proposed to be screened by planting <p>As the leaseholder of the Island Showcase Lynda would like to be consulted about the relocated tanks and proposed screening.</p> <p>f) The proposed DA should be made to conform to the SCC grant concept design for the site.</p> <p>‘Upmarket nibbles and drinks’ will require provision of the following elements of a commercial kitchen:</p> <ul style="list-style-type: none"> • Commercial glass washer • Commercial dish washer • Staff hand wash sinks • Any food prepared on site requires a commercial kitchen <p>The application is inadequate as it fails to detail patron numbers or provide bathroom facilities on site.</p> <p>A physiotherapy clinic, spa and bar should not all be accommodated on the site with no kitchen.</p> <p>It would be exciting to have a new commercial premises in the CBD, but can’t see all these proposed uses working under the one roof.</p>	<p>inclusive of staff.</p> <p>It is agreed that blocking the pathway between the Old Co-op, the Beach Boutique and the Island Showcase is not acceptable. The amended plan and details submitted by the proponent has confirmed that a pathway will now be maintained around the existing water tank by incorporation of a curved deck. Alternatively, the LHIB has indicated that they are prepared to relocate the existing rainwater tank.</p> <p>The lease area for the proposed premises has been proposed by the LHIB. If there is a conflict between the lease area and the SCC grant concept design then this is a matter that will need to be resolved by the LHIB.</p> <p>AAP has recommended a condition of consent that prohibits bar patrons from accessing the adjacent public open space area.</p> <p>The amended application indicates a maximum total of 20 persons for both patrons and staff at any one time.</p> <p>The amended plans for the bar includes a kitchen, with two sinks, a serving area and refrigerator.</p> <p>The multi-use nature of the site is proposed to be controlled via hours of operation, with the bar use not commencing until 12 noon. Additionally, AAP has recommended that the Pilates and yoga classes on the deck are to cease at 11.30am.</p>
6.	Letter, received 27/08/2018	<p>This site contains a significant public space the subject of a SCC grant, which will be compromised by the subject proposal.</p> <p>Access to the Island Showcase will be impeded.</p> <p>The lack of toilet facilities and no food preparation area are serious concerns.</p>	<p>Refer above comments regarding the SCC design and access to the Island Showcase.</p> <p>A maximum 20 patrons (inclusive of 2 staff) is proposed to be permitted on site at any one time.</p> <p>Additionally, a time limited consent is recommended by AAP such that an onsite unisex, disabled accessible toilet facility is to be provided within two years of the use commencing.</p>

7.	Letter, received 27/08/2019	<p>The predominant residential area will be negatively impacted by noise from patrons.</p> <p>The 10pm closing and live music performed on site will create a cumulative noise issue for residents.</p> <p>The building has strong historic significance and impacts on the building fabric should be considered.</p>	<p>Refer above comments regarding proposed noise conditions, recommended hours of operation, limits on amplified music and the building's heritage significance.</p>
8.	Email, received 27/08/2018	<p>Appreciates the value of occupying the currently empty building, however:</p> <p>Two stand-alone operators (Anna Connor and Kim Foss) operate independent small day spas on LHI in addition to two high end lodges. The prominent business position will ensure viability of this over other established day spas currently operating. The anticipated negative financial impact on these existing businesses is not supported.</p> <p>Whilst the LHIB cannot be seen to be anti-competitive a different use to a day spa should be considered.</p> <p>Businesses have limited growth potential due to tourist bed cap and limits on dwelling numbers, which is a relevant factor in considering viability/financial impacts.</p> <p>Another bar operating in this area will add to overall noise which will have a negative impact on nearby neighbours.</p> <p>The design of the stepped seating area coupled with creation of a revamped public open space area adjacent will encourage 'lingering' patrons past closing time.</p> <p>There appears to be an internal conflict in the proposal in as much as the application indicates sunset drinks then patrons to move on to other restaurants however the application also states there will be acoustic music provided on site until 10pm,</p> <p>Parking is already an issue in this area and which is not addressed in the application.</p> <p>The safety of all existing user's needs to be taken into account.</p> <p>This DA will impact on future decisions regarding implementation of the precinct plan. The community needs and best interests of the communal users of this area</p>	<p>AAP agrees that occupation of the currently vacant building has the potential to positively enliven the street.</p> <p>Impacts of the proposal on the operators of the two existing stand alone small day spas on LHI together with the services offered by two high end lodges is a significant point but increased competition is not something that a town planning assessment can legally place great weight on.</p> <p>The LHIB is required to assess the application proposed to it and whilst other uses may also be viable options for the site, they do not form part of the proposed development.</p> <p>The proponent provided a business response pursuant to Clause 22 (1) (d) of the LEP, regarding a demonstrated business need for his proposal and which considered the issue of competition. The proponent advised that:</p> <ul style="list-style-type: none"> • He considers there is a genuine market for the proposed services. • His proposal will not be significantly detrimental to other markets <p>The amended details submitted by the applicant indicates the deletion of the stepped stairs.</p> <p>No on-site parking is proposed. The existing street parking on Neds Beach Road can be utilised by any patrons driving to the premises.</p> <p>A pick up and drop off mini-bus service will be provided by the</p>

		<p>should come first.</p> <p>The back deck will encroach on a proposed green area and onto public land</p> <p>The bar should not overlook a proposed picnic area.</p> <p>The proposal should be required to include a commercial kitchen.</p> <p>Amenities should be provided on site. It is not clear how patrons will be limited to 20 persons and how the LHIB will police this. Should community taxes pay for the upkeep of these toilet facilities, electricity, toilet paper etc. This was a problem a few years ago when The Anchorage restaurant was relying on the public facilities.</p> <p>Does the LHIB need to pay back to the tenant any monies used for renovation of LHIB owned buildings? if so, where will this money come from? Is there a potential conflict of interest as the LHIB is a motivated leaseholder who will want to secure property improvements? Will this situation provide leverage to the lessee?</p> <p>I feel this proposal is inappropriate. There are already enough existing businesses to cater for potential clients.</p> <p>The physio and visiting specialists would be great value to LHI.</p>	<p>proponent.</p> <p>The existing bicycle parking area will also be utilised by some patrons.</p> <p>Refer to AAP's comments above regarding encroachment onto the SCC designed area, provision of toilets and the modified plans which confirm a commercial kitchen area is now proposed.</p> <p>The subject application has been assessed by the LHIB's consultant town planners in accordance with the LHIB's adopted planning policies.</p> <p>AAP concurs that the allied health professionals component of the DA will be of value to the island community and visitors.</p>
9.	<p>Submission via email during re-exhibition, received 11/01/2019</p>	<p>In addition to the earlier submission, the following was raised:</p> <p>The proposed disabled access ramp extension would block the LHI Tourism Association sign board and phone area which provides somewhere to advertise services to tourists.</p> <p>As a member of the LHITA and paying advertiser in this area, I object to the area being ruined by this DA. The free phone is also provided so tourists can make bookings at any time or make calls in an emergency. How will the tourism association make this area useable when it won't be noticeable from the road?</p> <p>Although not aware of the compliance laws, can the ramp stay as is It hasn't been a problem until now, and lots of people have used it over the last 20 years.</p>	<p>The proposed extension of the disabled access ramp in front of the tourist information board has not been progressed by the applicant and has been removed from the proposal.</p> <p>Retention of pedestrian access to the free phone and tourist information area is important.</p> <p>The current ramp at the front of the premises is to be retained to Neds Beach Road. Alternative compliant disabled access arrangements are recommended by AAP to be achieved via the new rear deck/side access pathway, with details to be included in the Construction Certificate documentation.</p> <p>Timber framed windows and doors</p>

	<p>Suggests conditioning the future tenancy so that tenants are only able to work within the constraints of the internal building.</p> <p>Physiotherapy component and visiting practitioners could operate in the building only needing internal modifications, avoiding potential compensation to a tenant that has spent money on extensions to the outside. What happens in the future when the tenant leaves once the proposal goes ahead – do they lose their money on the improvements done or does the LHIB pay them out?</p> <p>Is the proposed disabled parking area really necessary? If it was a disabled drop-off area only, then that would be better. If there must be a defined parking area make it down in front of the Old Post office building near the post box. This area is already crowded without having someone proposing to park there all day.</p> <p>The proposed parking is also close to the entrance of the Beach Boutique entrance, and their customers should be considered along with other users and the ambiance of the area. What if the old CO-OP area gets rented, a business operating there wouldn't want a car parked out the front all day either.</p> <p>Why should another established business be affected negatively by a start-up business?</p> <p>The applicant states that no other businesses have had to endure the same scrutiny prior to commencement of trade as this DA. It was noted that 'none of these businesses are proposing operating out of a public building in such a prominent spot such as this one, nor affecting so many'.</p> <p>The submission raised the fact that 'it is up to the community to police themselves the make sure that the duplication of existing practises does not do other people out of business'.</p> <p>The submission noted that existing massage businesses are part-time because the numbers don't warrant full time except the six weeks of Xmas holidays and maybe Easter. 'One businesses of the same type means the pie is spread thinner', and 'often one of the older same type of business folds.</p>	<p>are to be used for the building renovations, in keeping with the existing built form of the premises and in keeping with other historic building elements in the precinct, especially the public hall.</p> <p>The new window fronting Neds Beach Road is to be timber vertically proportioned window consistent with the historic double hung timber window in that location.</p> <p>AAP is not privy to the lease details agreed between the LHIB and the proponent.</p> <p>In standard commercial tenancy arrangements, permanent fixtures and fittings installed by the operator/ leaseholder would remain the property of the landlord if that tenant leaves. Tenants typically have different physical requirements for use and fit-out of a space and it is not the landlord's responsibility to cover expenses associated with operation of a proposed use/s. The proponent's business model typically needs to account for such works as may be required by them to operate in accord with their development consent.</p> <p>Please refer above comments regarding parking on Neds Beach Road.</p> <p>Detailed assessment of a lodged development application for a proposed change of use, that includes substantial building works on LHI is a requirement of the LHIB's adopted town planning controls.</p> <p>If the DA is approved, policing of the proposal will be the responsibility of the LHIB in the event that a non-compliance is identified by them or reported to them.</p> <p>Under NSW Law the proposal if approved will need to be operated in accordance with the imposed conditions of development consent.</p>
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		<p>It just depends on your location’.</p> <p>The applicant indicated that there has been a decrease in food and beverage. In response, the submission notes that the Coral Café have increased their hours and so has the Golf Club due to a grant provided, ‘it would be a shame to see a community Club struggling again when they have done so much work, a lot of it volunteer as well’.</p> <p>There is an implied threat that compensation may be required if the DA doesn’t go ahead, or if the Board is seen to be anti-competitive. Comments from the applicant are aggressive. The applicant should show respect for others, as we all live in a small area getting along with each other, and the LHIB shouldn’t feel that they agree to something due to a legal threat.</p> <p>Renting this building just to fill the space isn’t warranted due to the amount of people who are affected by the DA, neighbouring houses and lodges with the noise, the LHITA, Beach Boutique and anyone using the community green space.</p> <p>The physiotherapy and visiting practitioners is a great idea and would fill a void, the rest doesn’t.</p>	
10.	<p>Email, Received 27/08/2018</p>	<p>Supports the proposed allied health use of the site however is not in favour of a health clinic with a bar, massage and beauty services. It is impractical to combine such different experiences within the same confined space.</p> <p>The use of the term day spa is also deceptive in that treatments on offer are typically more elaborate than beauty and massage eg. body scrubs, mud wraps and with shower and toilet facilities within the building - not just a hand basin in each treatment room. A day spa would not be a shared space with people partying.</p> <p>The business justification submitted is incorrect when it states that a day spa facility is required as only inhouse guests are currently able to access such services. Two existing businesses offer mobile remedial massage and/or hairdressing, relaxation massage and facials and tinting services.</p> <p>Additionally, I have over the last 12-16 months invested time and money into my</p>	<p>Mixed use developments can be successful and can enable maximum use of available premises at different times of the day.</p> <p>The kind of treatments offered at the day spa are not a relevant planning matter for consideration, unless they trigger a public health Australian Standard or Regulation. For example, waxing is proposed on site at the day spa. This is a defined 'skin penetration procedure' which means that the premises and procedures on site must comply with the Public Health Regulation 2012.</p> <p>Information from NSW Health confirms that the following fit out for the day spa is required at a minimum:</p> <ul style="list-style-type: none"> • a hand wash basin that has a supply of clean, warm, potable water. (The hand wash basin

		<p>new business venture 'Kentiana Massage and Beauty' and I also operate independent of lodges.</p> <p>Why is another day spa being proposed when this service is already being offered by 3 other independent businesses?</p> <p>What consideration can be provided by the LHIB for small independent businesses already operating on LHI? This DA will affect future opportunities for growth especially due to the central location proposed for the subject day spa.</p> <p>Patron noise up to 10pm is also not supported and will negatively impact the over atmosphere of this central precinct. Will patrons then be allowed to spill out onto the adjacent open space area and consume alcohol there or on the deck?</p> <p>There are no toilets mentioned in the DA. Are all patrons to utilise the public toilets?</p> <p>Additionally, will the size of this proposal take up too much of the surrounding garden area?</p>	<p>should be located in the treatment area)</p> <ul style="list-style-type: none"> a separate sink that has a supply of clean, warm water for cleaning equipment. (A cleaning area should be provided and the dirty area should be separated from the clean area) <p>Some of the above facilities are indicated on the submitted amended plans and compliance with these Health requirements are included in the proposed conditions of consent.</p> <p>The hours of operation have now been reduced by the proponent to 9pm in summer and 8pm in winter, autumn and spring and this is also controlled by the conditions of consent.</p> <p>A time limited consent of 2 years is recommended by AAP, during which time the maximum patrons & staff onsite at any time will be limited to 20. In the interim, the LHIB has indicted support to allow patrons and staff to utilise the Community Hall public toilets. After this time a single unisex disabled toilet facility will be required to be provided on site in order for the business owner to keep operating.</p> <p>The wrap around steps/seating and separate stairs on the lagoon side of the premises were deleted by the applicant, in the amended plans, which will reduce the potential impacts on the adjacent public park.</p>
11.	<p>Submission via email during re-exhibition, received 11/01/2019</p>	<p>In addition to previous submission, the following matters are raised:</p> <p>I support the clinic supporting allied health professionals such as physio, osteopathy, chiropractic. These types of services are not available enough, and having such a space will improve the well-being of all local residents and visitors alike.</p> <p>Reiterate the concerns of combining a health clinic with a bar and tagging on massage and beauty services, and need for shower hot tub/bath and toilet facilities and relaxation for Day Spa activities. This space will be</p>	<p>Refer above comments.</p>

		<p>shared with people partying.</p> <p>Disagrees with applicant's reasons for need for another day spa facility that only higher end hotels and guests houses take care of their in-house guests stating the following businesses offer services to visitors and local residents:</p> <ul style="list-style-type: none"> - Kim Foss operates a business 'Howe About Hair' provides hairdressing, relaxation massage, facials and tinting services 3-4 days per week. - Liz Wright provides mobile remedial massage services for local residents 3-4 days per week. - Kentiana Massage and Beauty operates 3-4 days per week and offers relaxation, therapeutic and aromatherapy massage services, beauty services including facials, waxing, tinting, lash and nail treatments. - Lyara Thai provides Thai massage several days per week. <p>All these businesses offer different services and experiences to our visitors and community. The proposal does not fill a 'need' that is not already provided. If anything, the central location will drastically affect the business the current operators have worked so hard to establish.</p> <p>Applicant raised the issue of people working part-time. This is due to the lack of consistent visitors year-round affected by the winter seasons that other part-time employment is essential for sufficient income to operate these businesses. With 4 established businesses struggling throughout Winter, they are sure to struggle with a 'day spa' offering the same services in the heart of the town centre. I am concerned for the future growth and success of every other established massage/hair/beauty business on the island.</p> <p>The central location of the applicant's DA will ensure he has prime opportunity over every one of the other already established massage/hair and beauty businesses.</p> <p>I do not like the way the new ramp access obstructs views from the free phone advertising area provided by the Tourism Association. The ramp access and disabled access car park and building amendments</p>	
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		will also negatively impact the visibility and accessibility to neighbouring Beach Boutique and The Co-Op spaces.	
12.	Email, received 27/08/2018	<p>The building, historically used as the original post office and flight service office, should not be used as a wine bar.</p> <p>There are a number of liquor outlets on the island and additional outlets are not warranted.</p> <p>The ambience of the area will be seriously disrupted should a liquor license be permitted.</p>	Refer above comments.
13.	Letter, received 28/08/2018	<p>The Old Post Office Building offers excellent prospects for any new business...location, location. location!</p> <p>Empty buildings deaden LHI's village heart. I want to see the post office building being used to maintain vibrancy. There are also fiscal reasons why the LHIB would be motivated to secure a new use of the premises.</p> <p>However, the proposal intends to duplicate several other extant businesses on the island. Whilst the LHIB has a mandate to promote business competition and to encourage new business opportunities on the island, the existence of critical restrictions including the 400 bed licences and onerous private housing caps and car ownership controls means that the LHIB has a responsibility to nurture and protect local business and to guide and restrict local business choices where necessary.</p> <p>This DA proposal will be in direct competition with established enterprises including the Golf and Bowls Clubs, Anchorage, Airport Kiosk and Coral Café as well as a number of lodges and two existing home based/cottage industry beauty and spa therapy business.</p> <p>The revamping of the Power House precinct to a green space/park is an exciting prospect and the space has already been actively used in summer especially. The view over this space from the proposed bar would be devastating and make park users feel uncomfortable about bar patrons watching over them. Additionally a bar embedded in the power house precinct is utterly anti-community.</p>	<p>The subject site is centrally located and an occupied building in this location, designed correctly, should positively contribute to the vibrancy of LHI's village heart.</p> <p>It is acknowledged that the proposed day spa/beauty therapy use will compete with other existing businesses currently available on the island. Increased business competition is not something that is used as a reason for planning refusal.</p> <p>Deliberate actions to protect existing businesses at the expense of potential new businesses falls outside the scope of current adopted town planning controls.</p> <p>The overall economic impacts of a proposal on the Island community are however a relevant matter for consideration in determining a development application under the Environmental Planning & Assessment Act 1979.</p> <p>Community concerns about the location of bars immediately adjacent to key community spaces are not atypical. Some places achieve a successful balance of uses, such that the bar use assists in activating the adjacent public space and additionally improving the casual surveillance of that space.</p> <p>The min. 0.5m (estimated) difference in level between the proposed deck and the existing ground level for the park will assist in providing some</p>

		<p>Business diversity rather than duplication of existing extant businesses is what the island needs.</p> <p>The DA cannot enhance the family orientated atmosphere and growing public use of the area. The DA in its current form is appallingly anti-community and an unfortunate choice of business for the area which is so central to island life.</p>	<p>disassociation between these two adjacent uses. The type of BCA compliant balustrade chosen for the proposed deck could also partly increase the level of privacy provided to adjacent park users.</p>
14.	<p>Submission via letter during re-exhibition, received 11/01/2019</p>	<p>The original submission remains unchanged, and concerns have not been addressed by applicant's amended DA.</p> <p>A bar over-looking the Power House Park is appallingly anti-community.</p> <p>The disabled ramp extension and provision of a disabled parking space is obviously self-serving, as it will hinder access to very important tourist visitor information corner that has been in place for many years, and the tourist phone and information bulletins which are vital to many tourist operators on the Island.</p> <p>LHIB has long had and utilised the opportunity to comment on much that affects our day to day lives. The LHIB has always welcomed that input and reaction as a gauge of community acceptance, concern or nonchalance on a number of topics. It is that welcomed scrutiny that builds a strong, caring community – a community more interested in positive, meaningful social outcomes over that of economic benefit.</p> <p>Cottage industries on the Island underpin the very fabric of the Island community, they are our community and they are welcome to our support.</p> <p>The community Golf Club and Bowling Club are vital to the social well-being of the Island and require and deserve our support. It is an outrageous contention that the bar will not affect these clubs.</p> <p>The Power House Park will be surrounded and hemmed in by licenced premises – Thompson's Store, the Anchorage, now additionally the current proposal and Sia's application. Personally, I cannot conceive this application strengthening the thoughtful maintenance of our community.</p>	<p>Noted.</p> <p>Refer also comments above.</p>

		<p>The applicant provides evidence of the ways LHI is restricted and capped and there are only so many pieces of the whole economic pie. Entrepreneurial business is welcome and encouraged, however, the duplication of existing businesses on the Island is not welcome and should be discouraged. On the mainland, because the size of that economic pie is nebulous and indefinable, this is regarded as healthy competition. Lord Howe is not the mainland, such behaviour is simply rapacious and unwelcome.</p> <p>DA 2019.05 in its current form is appallingly anti-community and an unfortunate choice of business for an area importantly central to the communal aspects of our Island lives.</p>	
15.	<p>Letter, received 28/08/18</p>	<p>We already have two premises in the area, which is residential.</p> <p>Parking and noise issues will become a problem.</p> <p>While the cocktail bar is detailed as being for pre-dinner drinks the license is sought until 10pm, including the playing of music.</p> <p>The building was recommended to be included as a heritage item in the Community based heritage study completed in April 2012, so this also needs to be kept in mind.</p>	<p>The subject site's land use zone is Special Uses and adjacent sites are zoned Settlement , which permits residential and Special Uses.</p> <p>Refer above comments.</p>
16.	<p>Letter, received 28/08/18</p>	<p>The external deck and musical entertainment will direct almost uninterrupted noise towards two houses occupied by elderly residents.</p> <p>My family and I have already had to cope with noise from the Anchorage restaurant, which started as a daytime café. Thankfully in response to a number of complaints this business does not disturb too much now except for the off special event. Additionally as it is operating on my lease I have some control over what happens there.</p> <p>It will take a while for people to disperse on closing time.</p> <p>Our bedrooms are less than 100m from the site and I consider it will be unbearable to have to put up with the anticipated additional noise, especially in summer when we want our windows open.</p> <p>Background noise has only recently been eliminated from the powerhouse generators</p>	<p>Refer above comments, including regarding recommendations for a site management plan to be prepared in consultation with the LHI Police and hours of operation.</p>

		<p>and restaurant generators and local residents are now enjoying a relatively peaceful existence.</p> <p>Why keep the premises open until 10pm if as stated it is intended to offer an afternoon/early evening venue?</p> <p>Happy hour at the Anchorage had to be abandoned as young patrons were getting out of hand and behaving unacceptably. Tourists were put off and complained about the locals behaviour. The proposed new venture will only encourage this kind of anti-social behaviour again.</p> <p>There are no concerns with the proposed physio and massage service which would operate during the day and not create any intrusive noise.</p> <p>Spa facilities however are already sufficient on the island and there is no need for extra. Additionally it is not reasonable to set up in competition with young locals who have gone to the trouble of training and starting up their businesses.</p>	
17.	<p>Submission via email during re-exhibition, received 12/01/2019</p>	<p>Reiterated feelings/comments made during 1st exhibition.</p> <p>Additionally added: Proposed parking spot is ridiculous and would cut off access to facilities already in the locality.</p> <p>The accepted 'disabled parking' is across the road outside the hall, and there is also parking behind the hall.</p> <p>There is no need for a spa facility, the Island is sufficiently catered. Many of these operators have other jobs and there is not enough year-round business for what is already available, let alone another business.</p> <p>Again, strongly opposed the proposed bar. Identified the fact it would encourage more night time noise, and felt that there are enough businesses providing this kind of entertainment already, and another similar business would affect the livelihood/success of the already established venues and clubs etc.</p>	<p>Noted.</p> <p>Refer above comments.</p>
18.	<p>Letter, received 28/08/18</p>	<p>We are concerned with some of the ideas and building plans.</p> <p>The large proposed deck will create a noisy</p>	<p>Noted.</p> <p>Refer above comments.</p>

		<p>situation, especially with the proposed addition of weekly live music.</p> <p>Additionally, the location of a third drinking premises within 100m of two other liquor premises is not necessary or supported.</p> <p>We live within close proximity to Thompsons Store and the Anchorage and do not wish to see another noisy establishment added to the mix.</p> <p>The social culture of the island regarding alcohol consumption is also of concern. Some of the local youth do not behave appropriately when it comes to consuming alcohol.</p> <p>Eg. The anchorage happy hour cocktail promotion that resulted in fights, property theft and swearing, all on display to tourists. Tourists were uneasy and put off by this behaviour.</p> <p>Whilst we are not completely against the bar proposal we want it to be as least disruptive as possible.</p> <p>Why is a beauty and spa facility also proposed on site? There are already a handful of spas available to locals and tourists. The inclusion of this element will not create healthy competition and will unnecessarily hinder some locals livelihoods.</p>	
19.	Letter, received 28/08/18	<p>I strongly oppose another venue for alcohol sale and consumption in this area.</p> <p>The associated noise will have a negative impact on my residence, as well as other homes and tourist accommodation in the immediate vicinity.</p>	<p>Noted.</p> <p>Refer above comments.</p>
20.	Submission via letter during re-exhibition, received 11/01/2019	<p>Allowing more liquor outlets around the Island's one central dedicated park gives the wrong message about community recreation - impression is 'that it's all about drinking'.</p> <p>Possible that the pub-like ambience of the park, and its effect, would spill into the foreshore 'under the Pines', impacting the Island's premium family recreation area, and jaundice the community atmosphere there too.</p> <p>Would not go to a community recreation area that:</p> <p>a) Facilitated drink without provision of</p>	<p>Noted.</p> <p>Refer above comments.</p> <p>The potential for patron spillage onto the adjoining and nearby public open space is a potential impact that the recommended Site Management Plan, and deletion of the wrap around seating on the deck will address, in consultation with LHI Police.</p> <p>The applicant's amended proposal includes the sale of pre-prepared food for consumption on site at</p>

	<p>food</p> <p>b) Lacked a designated area (like restaurant tables or a BBQ area) where both can be consumed away from other recreational users.</p> <p>If the DA proposed a small restaurant serving food and beverages at tables inside the building, or on a deck around the perimeter, no objection would be raised.</p> <p>Anti-competitive consumer philosophy is only productive in a high-volume market, not feasible when the local population, and tourist bed limit creates small, static markets.</p> <p>It is more profitable to serve liquor than food. However, the opening of any new liquor sales outlet without food could undermine or threaten an existing restaurant or club. It's ridiculous to threaten an existing food and liquor outlet by licensing a new liquor only outlet in an area designated for recreation by the whole Island community, a significant number of whom are children and non-drinkers.</p>	<p>tables set around the perimeter deck and associated installation of a commercial kitchen.</p> <p>It is understood that existing and proposed businesses have to compete with a small market, however preferencing existing businesses over proposed new business is beyond the scope of the adopted town planning controls and the E&A Act 1979.</p>
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LORD HOWE ISLAND BOARD

BUSINESS PAPER

Planning Assessment Report

- Item OC 2019-04** Building alterations and additions at Beachcomber Lodge for a small bathroom extension to one tourist cabin, an extension to an existing ground level front deck and replacement of an existing window with a new door on the front elevation of the restaurant at Lot 171 DP 757515, 171 Anderson Road, Lord Howe Island.

2 Summary Assessment Report

Assessment Officer	Peter Chapman – Consultant Town Planner
Address/Property Description	Lot 171 DP 757515, 171 Anderson Road, Lord Howe Island
Proposal	Building alterations and additions for a small bathroom extension to one tourist accommodation cabin, an extension to an existing ground level front deck and replacement of an existing window with a new door on the front elevation of the restaurant.
Owners Consent Application No	OC 2019-04
Applicant	Gary Payten
Estimated Cost of Development	\$10,000
Site Inspections	A site inspection was undertaken by AAP on 19 September 2018.
Zone	Zone 2 Settlement. Proposed development is permissible with the consent of the LHI Board within the zone.
Significant Native Vegetation Map	Part of the lot is mapped Significant Native Vegetation (SNV). The proposed works are not located within a SNV mapped area and no SNV will be damaged or removed as a result of the proposal.
Notification	The OC application has not been publicly exhibited in accordance with LHIB policy for OC's.
Submissions Received	No submissions have been received.

3 Consent Authority

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

- 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.

Due to the existing Site Coverage on the property, the subject OC will require a variation to the relevant controls within the LEP. This is outside the above delegations to the CEO, hence the application is reported to the full Board for determination.

4 Site Description

The site is identified as Lot 171 DP 757515 fronting Anderson Road, Lord Howe Island. As shown in *Figure 1*, Lot 171 is an irregular shaped allotment, currently containing Beachcomber Lodge being an existing tourist facility providing a restaurant and tourist accommodation units. The land is landscaped with scattered native plantings screening the lodge facilities creating privacy and landscape qualities within the allotment and for the neighbours.

The total area of the site is approximately 4,577m² with egress to/from Anderson Road.



Figure 1: Aerial photograph with site boundaries. Source: SIX Maps.

5 Proposed Development

The subject OC 2019-04 is for building alterations and additions at Beachcomber Lodge to permit:

- a) 2.5m x 2.5m bathroom extension to the north-eastern corner of an existing rear tourist accommodation cabin; and
- b) an extension to the existing ground level deck and replacement of an existing window with a new door on the front elevation of the restaurant;

The bathroom extension on the tourist unit will be a 6.25m², 2.5m x 2.5m bathroom extension on the north-eastern corner of the cabin. This extension will increase the unit size to 71.61m².

Secondly; the development proposes alterations and additions to the front elevation of the existing Beachcomber Lodge restaurant. These will consist of an additional 1.5m extension to the existing 1.4m wide deck on the southern part of the front elevation, and a 2.5m extension to the deck on the western part of the front elevation of the restaurant.

An existing window will also be replaced with a new door on the front elevation of the restaurant providing access between the dining area and deck.

The applicant has not identified proposed materials for framing, decking or external façade treatments. Internal layout of the bathroom, and building elevations including height details have not been provided. These matters will be confirmed in any future development application. No indication is given in the application that the deck will be roofed or enclosed.

There is no proposed removal of any native vegetation.

The applicant has submitted two partial building plans (refer to the following *Figures 2 and 3*).

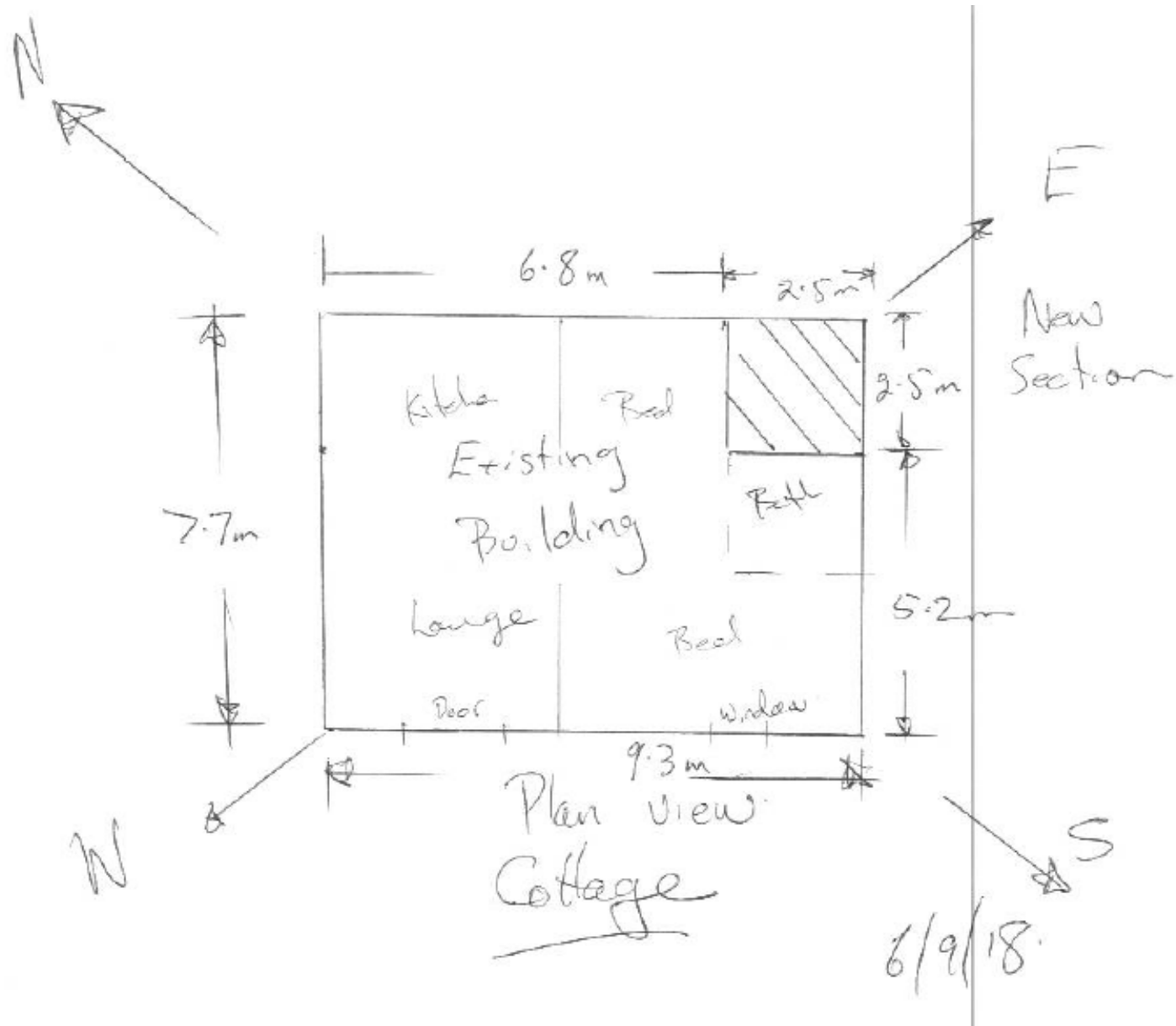


Figure 2: Site Plan submitted by applicant – Bathroom extension to tourist accommodation unit

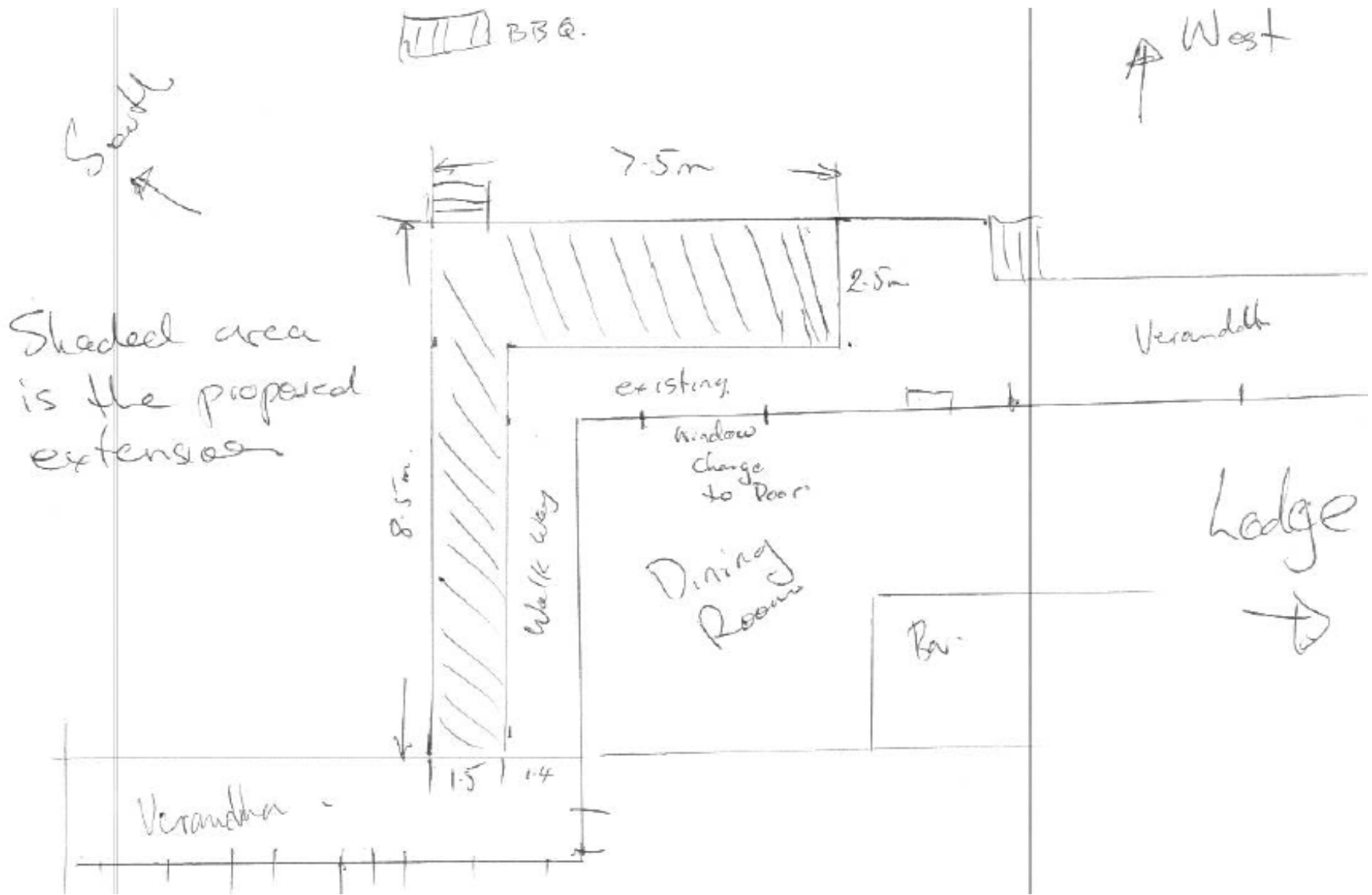


Figure 3: Site Plan submitted by applicant – Deck extensions to restaurant and alterations of window to door.

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 in this report.

Lot 171 is located in Zone 2 Settlement (refer *Figure 4*) under the LHI LEP 2010. Zone 2 Settlement also adjoins the site to the north, east, west and south, however the lot also adjoins to the south-west Zone 5 Special Uses for the telecommunication and tracking dishes site.

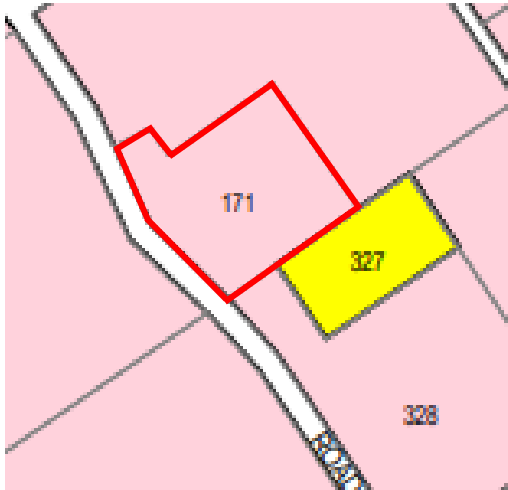


Figure 4: Extract from the Lord Howe Island Local Environmental Plan 2010 (LEP 2010) Zoning Map detailing Zone 2 Settlement zoning of site

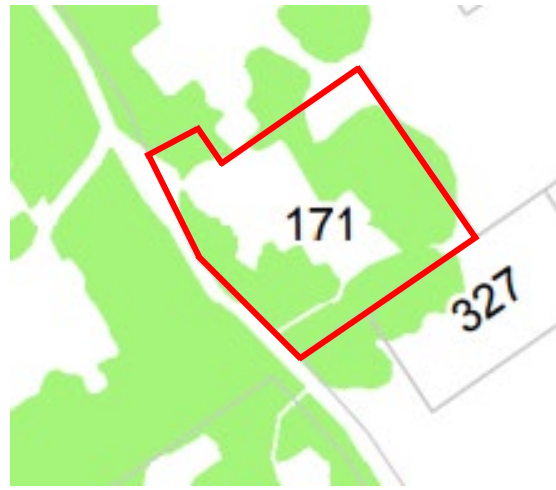


Figure 5: Extract from the LEP 2010 SNV Map identifying extent of SNV on subject site.

Figure 5 & 6: LHI LEP Mapping Extracts

The proposed alterations and additions to the tourist accommodation unit / cottage and restaurant are not located within a SNV mapped area, being within the existing building curtilage (refer *Figure 5*). Part of the lot is mapped Significant Native Vegetation (SNV). The proposal is not located within a SNV mapped area and no SNV will be damaged or removed as a result of the proposal.

Permissibility - Lord Howe Island Local Environmental Plan 2010

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

The proposed alterations and additions to the tourist accommodation unit and restaurant on Lot 171 is permissible with development consent in Zone 2 Settlement, and a DA assessment will be subject to Clauses 9, 11, 12, 14, 22, 23, 27, 29, 32, 33, 34, and 39 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		
9	Exempt Development	N/A
		The proposed works are not listed as Exempt Development within Schedule 1 of the LEP, therefore the subject OC and future DA are required.

LEP 2010 Clause		Compliance Y/N	Comment
11	Matters that must be satisfied before development consent granted	Y	Refer to the following assessment table under clause 11 of the LEP.
Part 2 General Provisions applying in particular zones			
12	Land Use Zones	Y	The land is zoned Zone 2 Settlement
14	Zone 2 Settlement	Y	The proposal complies with the LEP zone objectives and is permissible with the consent of the LHIB.
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			
22	Tourist accommodation, staff accommodation and commercial premises	Y & N	<p>Please refer to the discussion noted below this table regarding Site Coverage #.</p> <p>At least 50% of the total area of the lot will still remain comprised of native landscaped areas, with no proposed removal of existing species required as part of this development. The proposed development is not being undertaken in an area of SNV.</p> <p>There is a satisfactory business need for the proposed alterations and additions.</p> <p>The upgraded bathroom facilities within the existing tourist accommodation unit will not change the existing tourist number arrangements for Beachcomber Lodge or on Lord Howe Island.</p>
23	Erection of dwellings	N/A	The LEP requirements are not applicable as the proposed alterations and additions are not creating new dwellings or affecting dwellings on the allotment. The alterations affect the Beachcomber Lodge tourist accommodation unit and the restaurant located on the site.
27	Enlargement or extension of dwellings	N/A	The LEP requirements are not applicable as the proposed alterations and additions are not enlarging or extending dwellings.
29	Maximum height of buildings	Y	The proposal will comply, as the existing building roofline is less than 7.5m.
Division 2 Provisions that apply to particular land			
32	Setbacks of buildings in Zone 1, 2 or 5	N	The subject lot adjoins Anderson Road. The additional deck area on the restaurant and the new bathroom area on the tourist accommodation cabin will not reduce existing setback provisions.
33	Landscaping to be carried out in Zone 2	Y	No additional landscaping was proposed in the subject OC.

LEP 2010 Clause		Compliance Y/N	Comment
39	Development Affecting Heritage Items		The subject site is not a listed heritage item or located adjoining any item.

NB Site Coverage: Cl. 22(1a) of the 2010 LEP requires that the total area of the allotment occupied by the proposed buildings/ extensions will equate to no more than 15% of the balance of the area of the allotment remaining taking into consideration the minimum dwelling area deduction.

This equates to the following existing calculations for site coverage:

$$4,577\text{m}^2 \text{ (existing site area Six Maps)} - 3,000\text{m}^2 \text{ (min. dwell area)} = 1,577\text{m}^2 \times 15\% \\ = 236.6 \text{ m}^2 \text{ max.} \\ \text{permissible site coverage}$$

However, the existing site coverage on the property (from Six Maps) is 505m², which would grow by 6.23m² to 511.2m² under the proposal. These being an existing variation of 111% and a proposed variation of 113% to the current LEP site coverage standard.

The above situation results from the existing development being approved and built under the planning controls contained within the previous Lord Howe Island Regional Environmental Plan 1986. Clause 12(1) had the following control which is the same as the current 2010 LEP cl. 22(1a) control but without the minimum dwelling area deduction:

12 Site coverage in Zone No 2

(1) *When a building is erected in Zone No 2, the site coverage of the Portion on which the building is erected must not exceed 15 per cent of the Portion.*

This allows a much greater site coverage than the current control as the minimum (3,000m²) dwelling area does not have to be allowed for in the site coverage calculations.

It is the recommendation of this report that the proposed site coverage be allowed for the following reasons:

- the proposed 6.23m² addition is very small, and constitutes a small additional variation to the current LEP standard of only 2%
- the proposed 6.23m² addition is to be located on an accommodation cabin to the rear of the development in a highly naturally screened position and will not be visible from any adjoining property or the road.
- The proposed addition is only to a bathroom and will not increase the tourist accommodation numbers onsite or the intensity of use.
- The existing site coverage of the development complies with the 1986 LHI REP control (which allowed up to 686m² site coverage) and the proposed addition will continue to do so
- The physical merits of the proposal demonstrate that it will not have a detrimental impact on the environment or any adjoining property and provides a strong justification for the technical non-compliance with the current LEP site coverage control
- the existing building site coverage was approved under the 1986 planning controls that applied at the time (- being akin to an 'existing use right' situation). Therefore, as the current LEP site coverage control has only since been introduced (with the min. dwelling area), that the variation to the current control is reasonable in light of the above considerations

- the application is considered to comply with the intent and provisions of the LEP as articulated in its Aims and Objectives (as assessed in this report).

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 proposed building alterations will be constructed within Zone 2 Settlement under the LHI LEP 2010 and is consistent with the aims and objectives of the LEP. A complete assessment will be undertaken of any DA submitted for the proposal.
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 tourist accommodation has an existing bathroom provided for the 2 bedroom unit. The proposal aims to upgrade these facilities, but there is no change proposed in the number of people accommodated in the unit. The above minor bathroom extension and the front deck extension on the restaurant will not impact on the onsite wastewater treatment on the site.
c) <i>No part of the proposed development:</i> i. <i>will result in any damage to, or removal of, significant native vegetation, or</i> ii. <i>will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i>	Y	As stated earlier in this report part of the lot is mapped Significant Native Vegetation (SNV). The proposed alterations and additions are not located within a SNV mapped area and no SNV will be damaged or removed as a result of the proposal.
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 vehicle access arrangements to/from Anderson Road or within the site is proposed. Refer also to the above comments on vegetation in subclause (c).

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
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	Refer to the discussion of clause 33 of the LHI LEP 2010, no landscaping is proposed, and no SNV is to be removed.
f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i>	N/A	The site is not affected by such hazards.
g) <i>Adequate services in respect of the proposed development can be provided without significant additional cost to the Board or the community of the Island,</i>	Y	No additional infrastructure services are anticipated to be required.
h) <i>The appearance of the proposed development (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality,</i>	Y	The proposal will not create any negative visual impact on the locality. The existing setback from boundaries, and scattered native vegetation throughout the site provides satisfactory privacy between Beachcomber Lodge, neighbours and the road.
i) <i>The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	As single storey building extensions, the proposed development will not create any overshadowing of adjoining properties.
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 and proposed setbacks to boundaries.

8 Conclusion

The application is supported, subject to a development application demonstrating compliance with the recommended advisory notes. The proposed alterations and additions at Beachcomber Lodge to the existing tourist accommodation cabin and restaurant has been assessed as involving only minimal environmental impact, and complies with the standards and requirements of the LHI LEP 2010.

In light of the above comments and the preceding preliminary development assessment, the following recommendation for approval of this OC is made.

9 Recommendation (Conditional Approval)

The application for 'Owner Consent' OC 2019-04 for alterations and additions at Beachcomber Lodge to permit a bathroom extension to a rear tourist accommodation cabin; and an extension to the existing deck on the restaurant and replacement of an existing window with a new door at Lot 171 DP 757515, 171 Anderson Road, Lord Howe Island, as detailed on the

two (2) submitted plans prepared by Gary Payten is supported subject to the application of the following requirements:

ADVICE TO APPLICANT:

1. Architectural Site, Floor Plans, Elevations and Section drawings clearly illustrating and detailing the proposed works are required to be submitted with the development application.
2. Details regarding the framework, materials, finishes and colours to be used for construction are required to be submitted with the development application. Finishes and colours are to complement the natural setting of the Island.
3. Damage to mapped SNV is prohibited and stockpiling of all materials associated with the proposed works shall only take place outside of SNV areas.

Recommended:	Endorsed:
	
Peter Chapman Date: 25 February 2019 LHI Consultant Town Planner & Director All About Planning	Peter Adams Date: Chief Executive Officer Lord Howe Island Board

Board Meeting: March 2019	Agenda Item: 8 (v)	File Reference: ED19/2249
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LORD HOWE ISLAND BOARD

BUSINESS PAPER

Planning Assessment Report

Item MDC 2019.05 – Alterations and additions (two new detached tourist accommodation units, and three new detached staff accommodation units at Lot 91 DP 757515, Anderson Road (Earls Anchorage), Lord Howe Island.

1 Summary Assessment Report

Assessment Officer	Peter and Michelle Chapman – AAP Consultant Planners
Address/Property Description	Lot 91 DP 757515, Anderson Road (Earls Anchorage), Lord Howe Island
Proposal	Alterations and additions (two new detached tourist accommodation units, and three new detached staff accommodation units
Applicant	Kym McPherson – DDC Architects
MDC	MDC 2019.05
Owner Consent Granted	Owner consent application number OC 2018-07 granted 26 April 2018
DA No	DA 2018.10 (Item 1 Tourist Accommodation) granted consent 25 July 2018 DA 2018.10 (Item 2 Staff Accommodation) granted consent 18 September 2018
Estimated Cost of Development	Original DA - \$800,000.00 Revised Modification - \$450,000.00
Site Inspection	A site inspection has been carried out by the LHIB's Town Planners
Zone	Zone 2 Settlement. The proposed development is permissible with consent from the LHI Board.
Significant Native Vegetation Map	The subject staff accommodation is within an existing cleared area not technically SNV.
Notification	MDC 2019.05 was placed on exhibition from 29/01/2019 to 12/02/2019.
Submissions Received	No submissions received.

2 Consent Authority

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

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

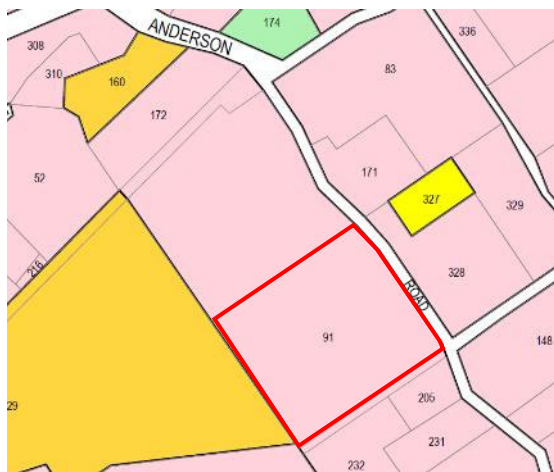
The subject MDC 2019.05 proposal does not comply with the above delegations to the CEO, as the original estimated cost of development was \$800,000.00, and the revised cost for the modified works remains at \$450,000.00.

3 Site Description

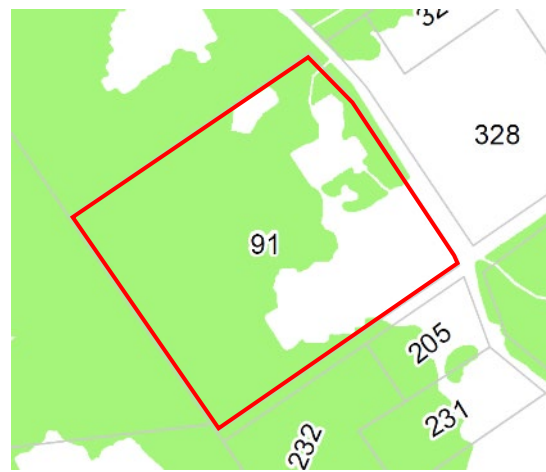
The site is identified as Lot 91 DP 757515 fronting Anderson Road (Earls Anchorage), Lord Howe Island. Lot 91 is a generally regular shaped block currently containing the Earls Anchorage Tourist Accommodation, associated outbuildings and three residential dwellings. In vicinity of the existing tourist bungalows is a detached transit lounge, laundry and garage.

The total area of the site is approximately 1.82ha with an approximate 132m long frontage and access to Anderson Road.

The land is located in Zone 2 Settlement under LHI LEP 2010 and has scattered significant native vegetation (SNV) (refer to *Figure 1*).



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



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

Figures 1 & 2: LHI LEP Mapping Extracts

4 Development History DA 2018.10

DA 2018.10 proposed development for alterations and additions (two new detached tourist accommodation units, and three new detached staff accommodation units). At the July Special Meeting of the LHIB, the Board granted conditional development approval for development Item 1 - two new detached tourist accommodation units. However, consideration of the Item 2 - detached staff accommodation, was deferred for further assessment.

The LHIB granted conditional development consent on 18 September 2018 for development Item 2 – three new staff accommodation units. However, two additional conditions to the July 2018 LHIB meeting resolution were adopted at the September Board Meeting, as follows:

- a) *The individual kitchens in the proposed three staff accommodation units shall be deleted, and in their place a kitchen shall be provided in the staff communal area on the northern end of the building.*
- b) *For purposes of clarity, the approved staff accommodation at Earls Anchorage is not*

be used as a permanent dwelling. The accommodation is to be occupied only by staff directly employed in connection with tourist accommodation or a commercial operation.
Reason: to ensure compliance with the September 2018 resolution of the LHIB.

Photographs of the site are shown in Figures 4-6.



Figure 3: Aerial Photograph of Site referencing DA consent (SIX Maps).



Figure 4: Site of Staff Accommodation



Figure 5: Existing pedestrian entry to Earls Anchorage from Anderson Road and existing variable width landscaped frontage



Figure 6: Existing gravel driveway serving site to Anderson Road

5 Proposed Development

MDC 2019.05 has been submitted by DDC Architects on behalf of Earl's Anchorage to modify the approved DA development plans for the staff accommodation to meet compliance with the conditions of consent, and modify the development plan layout. *Figure 3* (earlier in report), identifies the development sites and references the DA consent details.

The proposed development in the subject MDC is for alterations and additions to the approved detached staff accommodation building (permitting three staff accommodation units with communal deck, kitchen and living areas, separate laundry and generator room) for Earls Anchorage. The proposal retains the same number of beds and units as approved under DA 2018.10. MDC 2019.05 incorporates building design reconfigurations such as removal of loft areas, the majority of a lower level store room, and inclusion of a communal kitchen and dining area.

The modification application proposes no changes to the Tourist Accommodation component (Item 1) of DA 2018.10.

As approved, the subject staff accommodation was to be a two-storey rectangular building set on piers to aid building construction, and took advantage of the existing natural fall in topography of the site to provide a part undercroft. The modified plans are for a single storey staff accommodation building with a smaller part undercroft.

The building will be partly split level, with a section of the lower ground building requiring an earthwork cut and retention of soil to enable provision of a laundry (7.56m²) and adjoining generator room (16.8m²). Stairs will lead up to the ground floor level which proposes 3 new staff units, comprising 2 x 1-bedroom studio units (39.36m²), and 1 x 2 bedroom unit (53.27m²). Each unit has a bathroom and living area and a wash basin/ storage area (but no cooking facilities). A roofed deck on the eastern and northern elevations will provide access to a communal kitchen and dining area for staff.

The proposed building is not being utilised as a separate domicile.

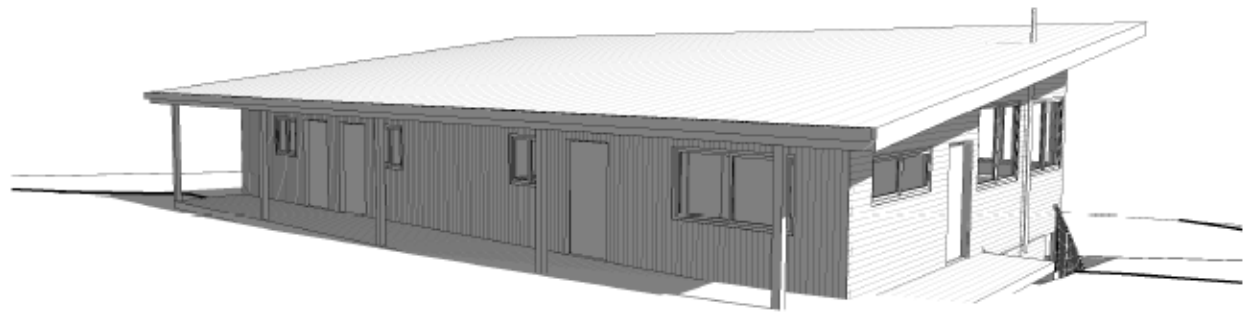
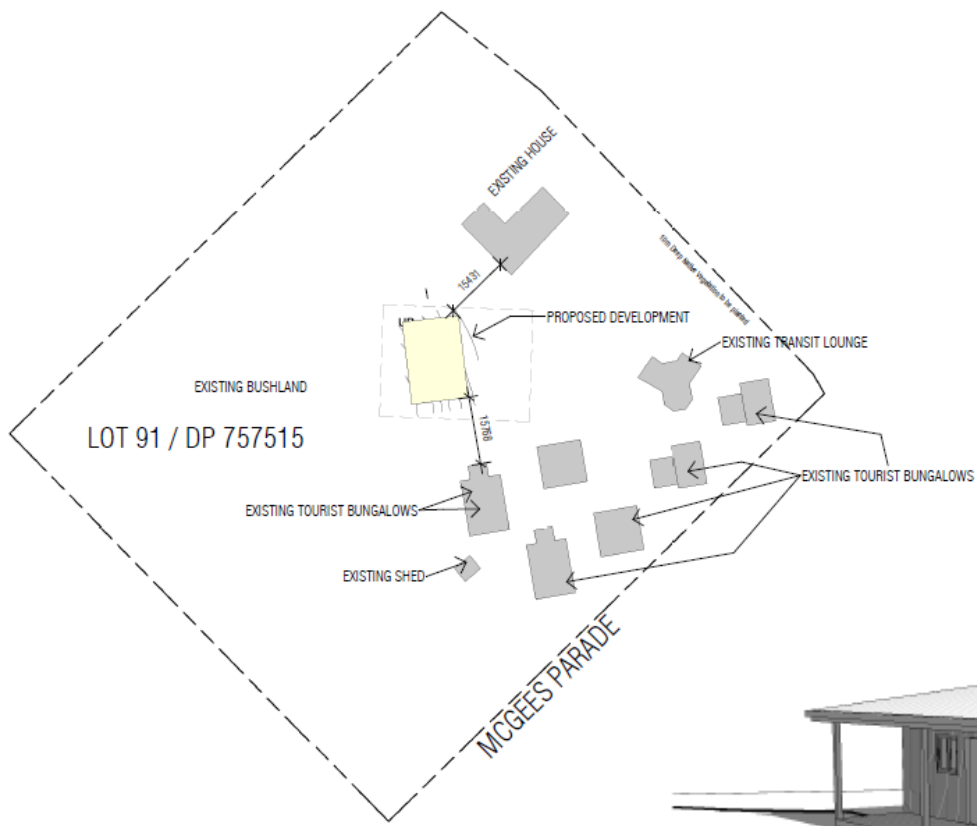
The staff accommodation approved in DA 2018.10 had building dimensions of 11.94m x 16.92m, a footprint of approximately 202m² and a floor area of 292.3m².

The MDC 2019.05 has slightly larger overall dimensions being 11.94m x 18.029m, a footprint of approximately 252.69m², but with a reduced floor area of 188.35m² (being a ground floor of 163m² and lower ground level of 25.35m²). This is due to the deletion of the originally proposed upper loft areas and most of the under-croft level.

The height of the roof is accentuated by the sloping topography of the site, and will vary in height from natural ground level at the front eastern side being 2.834m to a height of 6.408m at the rear western side. The roof height is therefore now below the LEP's maximum height control set at 7.5m above natural ground level.

The amended staff accommodation is to be substantially located in the same location as that approved in DA 2018.10. That is within an existing unmapped cleared area within a mapped SNV area positioned towards the rear of the site; approximately 50.502m from Anderson Road, approximately 46m from the north western (side) site boundary, and between a minimum of 15m and 16m from other buildings on the site. This location is in close proximity to some existing above ground water and waste water tanks on the site, adjoining an existing Blackbutt tree.

Plans including a site location plans, floor plan, elevations and sections have been submitted, as reproduced in *Figures 7 - 16* on the following pages.

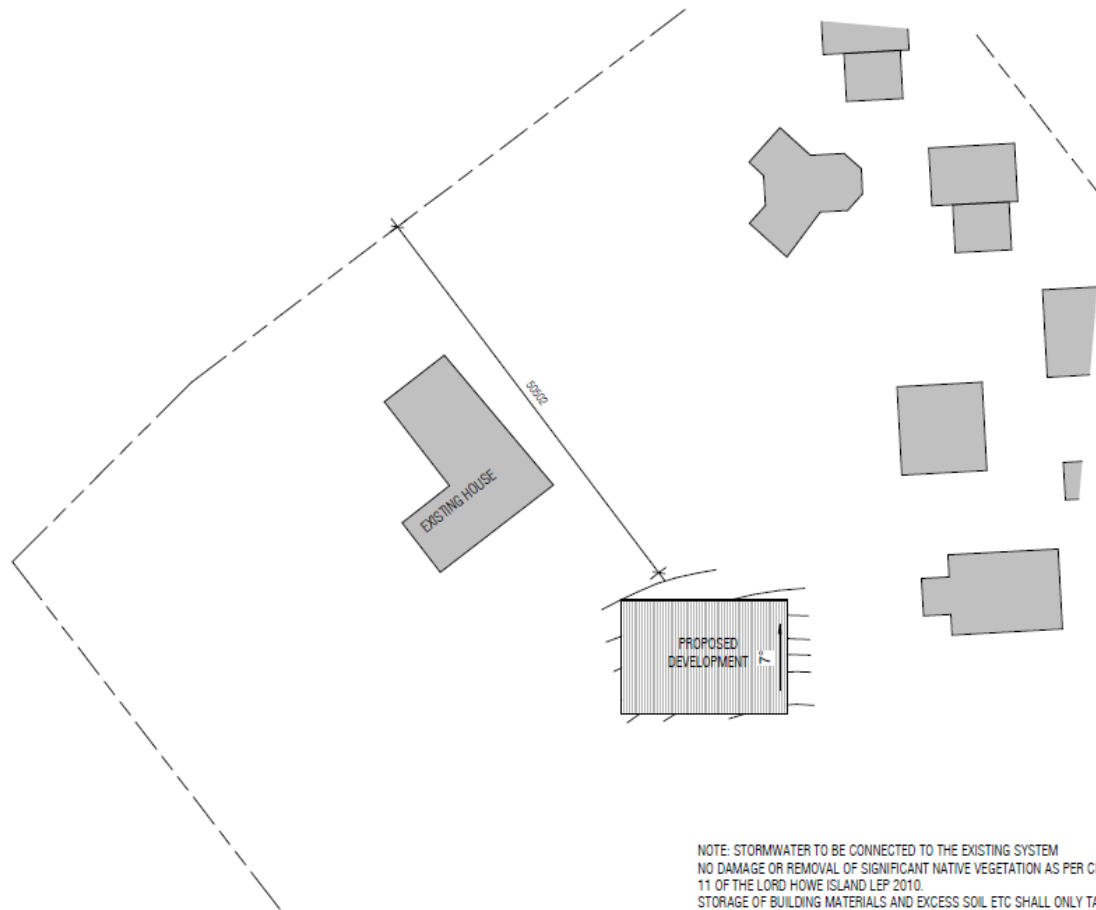


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2	13/1/2020	issue for SDR
3	14/1/2020	issue for SDR

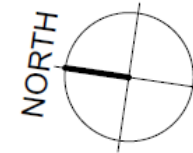


Project Number - Title 16102 - Staff Quarters	Drawing Title Site Plan - Extended
Client Earls Anchorage	Address Earls Anchorage Lord Howe Island

Figure 7: Applicant's submitted site plan and 3d perspective showing the proposed staff accommodation



NOTE: STORMWATER TO BE CONNECTED TO THE EXISTING SYSTEM
 NO DAMAGE OR REMOVAL OF SIGNIFICANT NATIVE VEGETATION AS PER CLAUSE
 11 OF THE LORD HOWE ISLAND LEP 2010.
 STORAGE OF BUILDING MATERIALS AND EXCESS SOIL ETC SHALL ONLY TAKE PLACE
 OUTSIDE OF MAPPED SNV ON THE SITE AND SNV ROOT STRUCTURES ARE AVOIDED
 WHEN PIERING FOR FOOTINGS



1 Site - Detailed
 1 : 500

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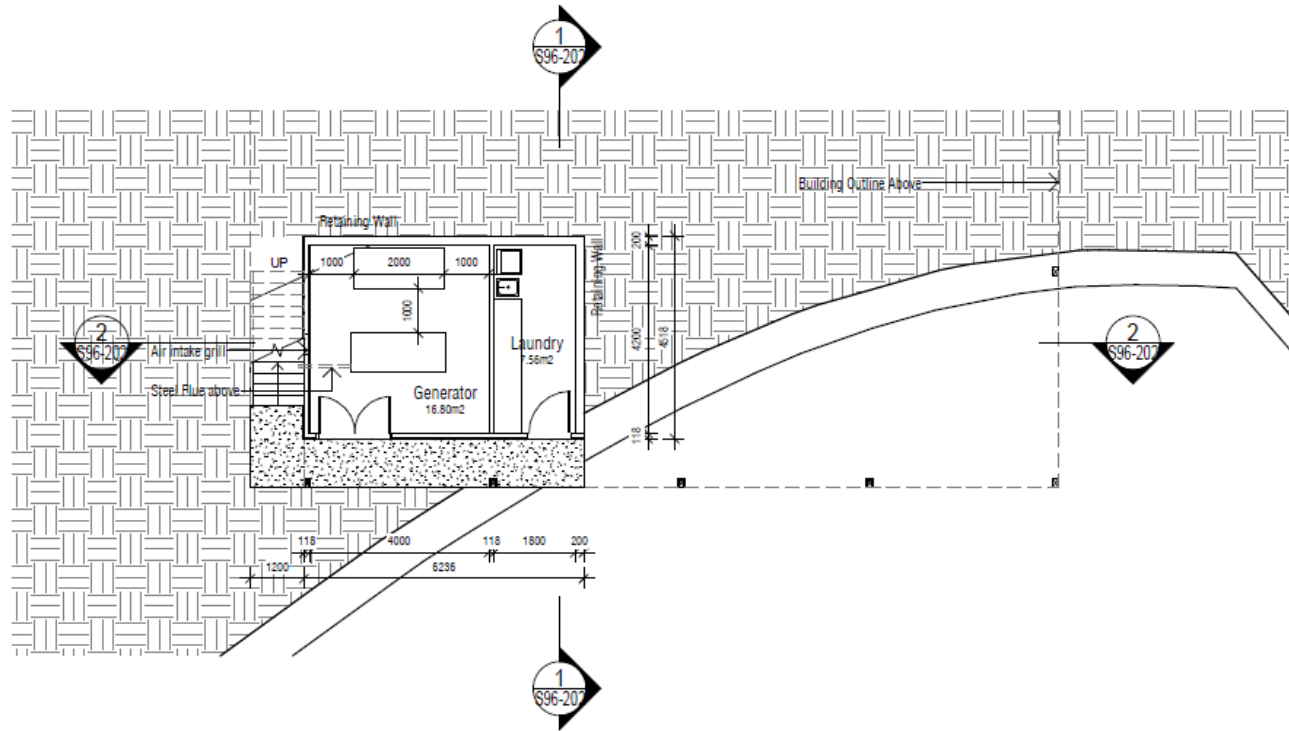
Revision Schedule			
Issue#	date	Issue by	description
1	09/12/2018	Issue by S96	
2	13/12/2018	Issue by S96	
3	14/12/2018	Issue by S96	



Project Number - Title	Drawing Title	Scale
16102 - Staff Quarters	Site Plan - Detailed	1 : 500 @ A3
Client	Address	Author
Earls Anchorage	Earls Anchorage Lord Howe Island	16102 - S96-011
		Checked Checker
		Date 7/01/2019 3:24:52 PM

Section 96	Drawing Number
16102 - S96-011	3

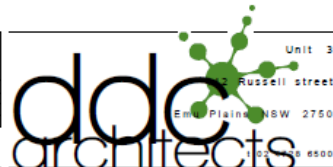
Figure 8: Applicant's submitted Detailed Site Plan



1 Lower Ground
1 : 100

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Revision Schedule		
ISSUE	DATE	DESCRIPTION
1	09/12/2018	Issue for S96
2	13/12/2018	Issue for S96
3	14/12/2018	Issue for S96



Project Number - Title
16102 - Staff Quarters

Client
Earls Anchorage

Drawing Title
Lower Floor

Address
Earl's Anchorage
Lord Howe Island

Scale
1 : 100 @ A3

Author
16102 - S96-100

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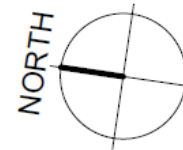
Section 96

Drawing Number
3

Figure 9: Applicant's submitted Lower Ground Level Floor Plan – Laundry & Generator Room

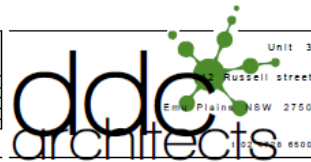


1 Ground Floor Plan
1 : 100



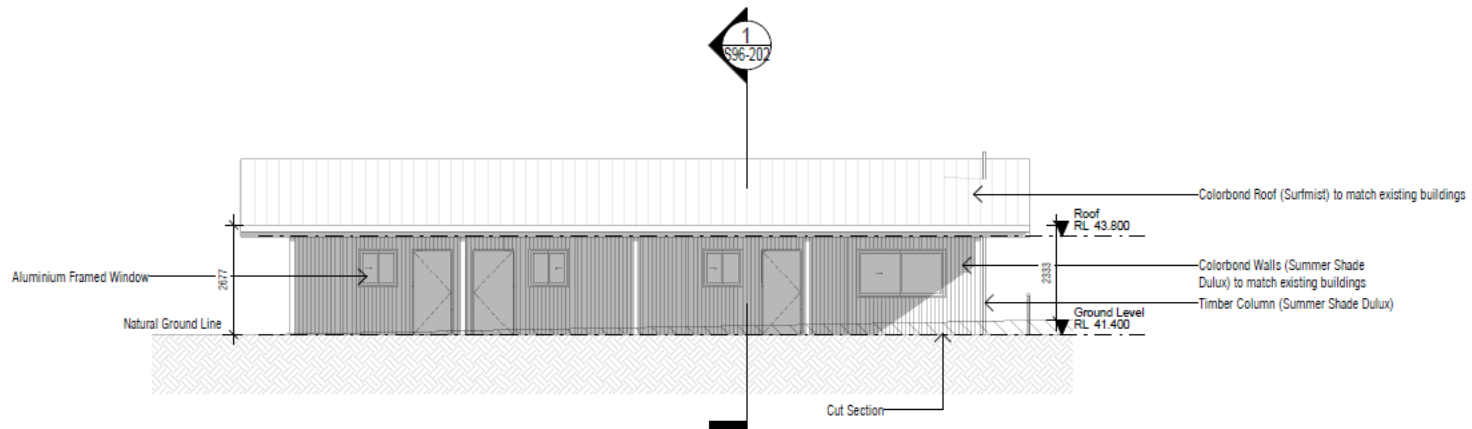
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 REGISTRATION 6334 ACIL 1 45 380 369

Revision Schedule		
Issue	Date	Description
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2	19/12/2018	Issue for ESR
3	14/12/2018	Issue for ESR
4	22/01/2019	Issue to Council



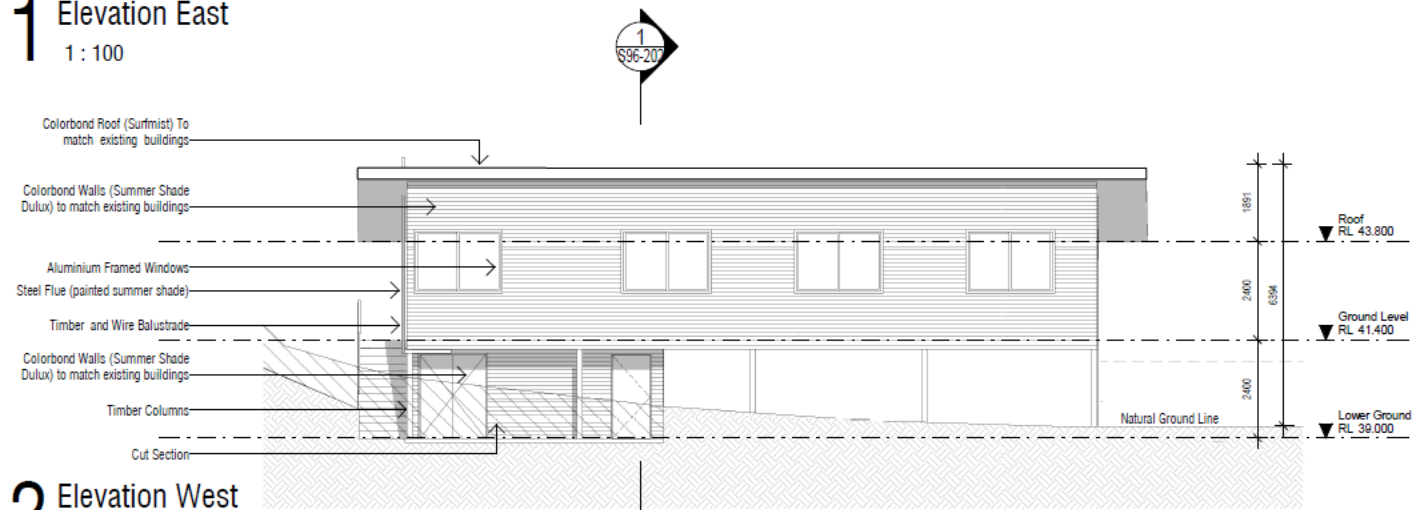
Project Number - Title 16102 - Staff Quarters	Drawing Title Ground Floor Plan	Scale 1 : 100 @ A3	Section 96
Client Earl's Anchorage	Address Earl's Anchorage Lord Howe Island	Author 16102 - S96-101	Drawing Number
		Checked GFS	Date 21/02/2019 1:12:50 PM
			Issue 4

Figure 10: Applicant's submitted Ground Floor Plan – Staff Accommodation Units, Communal Kitchen and Dining



1 Elevation East

1 : 100



2 Elevation West

1 : 100

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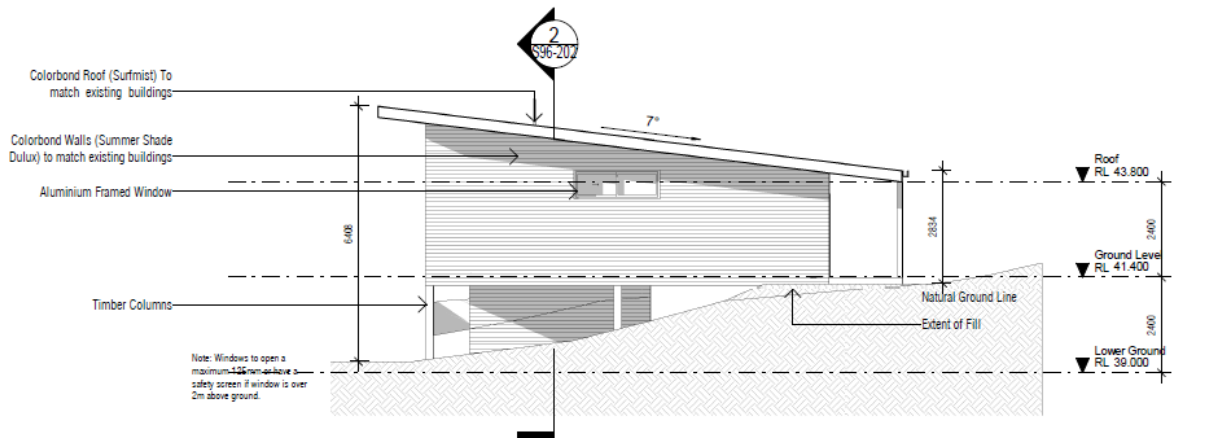
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Issue	Date	Description
1	09/12/2018	Issue for G96
2	13/12/2018	Issue for G96
3	14/12/2018	Issue for G96



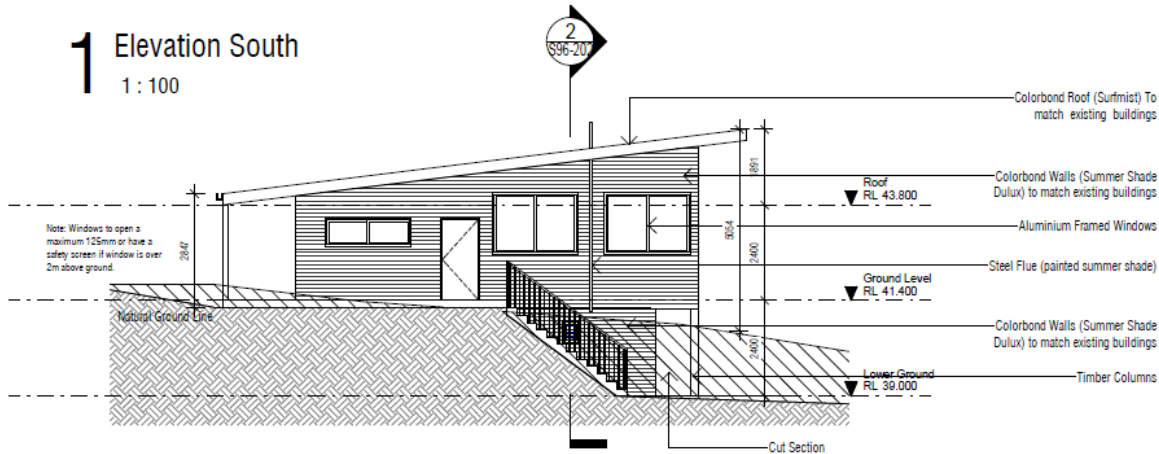
Project Number - Title	16102 - Staff Quarters
Client	Earls Anchorage
Drawing Title	Elevations A & C
Address	Earls Anchorage Lord Howe Island

Scale	1 : 100 @ A3
Section	Section 96
Author	16102 - S96-200
Checked	GFS
Date	7/01/2019 3:24:54 PM
Issue Number	3

Figure 11: Applicant's submitted Elevations – East & West



1 Elevation South
1 : 100



2 Elevation North
1 : 100

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Issue	Date	Issue For	Description
1	10/12/2019	Issue for S96	
2	13/12/2019	Issue for S96	
3	14/12/2019	Issue for S96	



Project Number - Title
16102 - Staff Quarters

Drawing Title
Elevation B & D

Scale
1 : 100 @ AS

Section 96

Client
Earls Anchorage

Address
Earl's Anchorage
Lord Howe Island

Author

16102 - S96-201

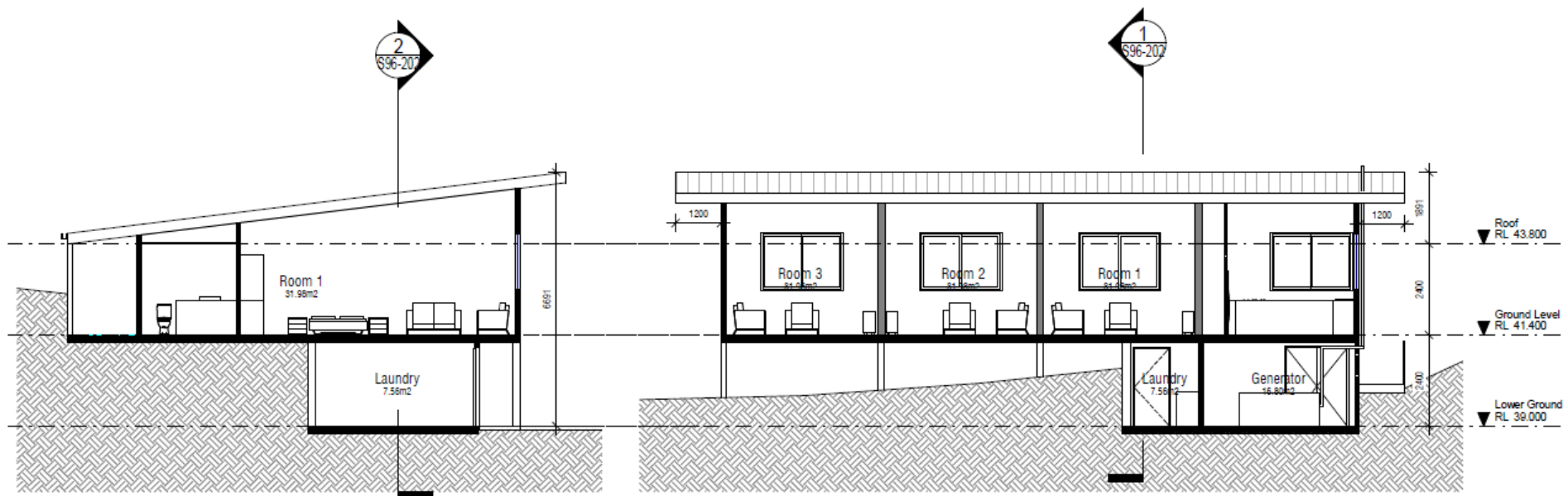
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Drawing Number

Issue
3

Figure 12: Applicant's submitted Elevations – North & South



1 Section A
1 : 100

2 Section B
1 : 100

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Revision Schedule		
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1	09/12/2019	Issue for S96
2	13/12/2019	Issue for S96
3	14/12/2019	Issue for S96



Project Number - Title	16102 - Staff Quarters
Client	Earls Anchorage

Drawing Title	Sections
Address	Earls Anchorage Lord Howe Island

Scale	1 : 100 @ A3
Author	
Checked	
Checker	

Section 96	Drawing Number
16102 - S96-202	3
Date	7/01/2019 3:24:55 PM

Figure 13: Applicant's submitted Sections

6 Referrals

The LHIB has advised that the application was distributed to the relevant internal specialists for review. No objections to the proposal were raised subject to relevant conditions. The table below outlines the issues raised by these specialists and the response.

6.1 Comments received from internal specialists

Specialist	Issue	Comment
Manager Environment World Heritage (Hank Bower)	<p><i>The following Ecological comments on the approved DA 2018.10 remain relevant to the subject modification application:</i></p> <p>The property is zoned Zone No. 2 – Settlement according to the Lord Howe Island Local Environmental Plan 2010. The objectives of this zone are: to provide opportunities for limited residential and commercial development. The proposal is consistent with these objectives.</p> <p>The proposed construction of the two tourist units will replace the existing transit lounge building and extend out into the surrounding open gardens comprised of lawn an exotic gardens and will not result in any removal of native vegetation.</p> <p>The construction of the three staff accommodation units are located in an area that is mapped as Significant Native Vegetation (SNV) (Figure 1). However, much of this mapping is considered inaccurate as most of the proposed development site is located in an area that is a mix of water/septic infrastructure, established fruit trees, and a clearing dominated by exotic weeds including an old hedge of Oleander Nerium oleander (recently cleared) and three species listed for eradication being Madeira Vine Anredera cordifolia, Castor Oil Plant Ricinus communis and Blue Periwinkle Vinca major. These weeds have all been treated with herbicide methods and more recently part of the site has been burnt resulting in decline of Madeira Vine tubers and triggering the germination of a large number of Castor Oil seedlings (subsequently being treated).</p> <p>The initial location of the staff accommodation was partially located within mapped SNV (remnant native vegetation). Following a recommendation by the Manager Environment/World Heritage the location has subsequently been moved about 8 metres to the south which is wholly within an area not considered as SNV. This area has been planted with a mix of fruit trees (including Mulberry Morus alba, Fig Ficus carica, Black Sapote Diospyros digyna, Yellow Sapote Pouteria campechiana, Avocado Persea americana and Mango Mangifera indica), an old Oleander hedge and planted native vegetation (Figure 2). The revised location will require the removal of three Kentia Palms Howea forsteriana, two Hopwood Dodonea viscosa, two Juniper Myoporum insulare and two Greybark Drypetes australasica, which are all considered to form part of an established (planted) garden.</p> <p>There is native vegetation in the Study area, which is mapped by Sherringham et al 2016 as community 19 Maulwood – Kentia Palm – Cottonwood - Greybark lowland forest, 12a Kentia Palm on coral sand and calcarentie and Ep – Environmental planting. The vegetation at the Study area is also mapped by Pickard (1983) as vegetation associations Da-Ct Drypetes australasica – Cryptocarya triplinervis and Hf Howea forsteriana.</p>	Noted and recommended accordingly

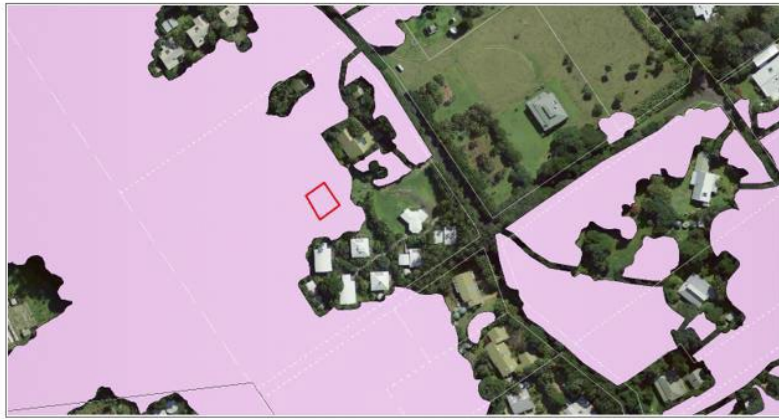


Figure 1. SNV mapping and approximate location of staff accommodation. Scale 1:1000



Figure 2. SNV mapping showing approximate location of staff accommodation (red) and area considered to be established garden comprising a mix of planted exotic and native plants.

The Sheringham et al 2016 mapping is considered more accurate, however it includes an established orchard and other exotic vegetation amongst planted natives. This area as shown in Figure 2 is not considered as community 19 Maulwood – Kentia Palm – Cottonwood - Greybark lowland forest and is considered to form part of an established garden so is exempt from requiring approval for removal under Clause 80, Part 5 of the LHI Regulation 2014.

The subject site provides known or potential habitat for at least 7 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 *Placostylus bivaricosus*.

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.

The north east corner of the Lot was mapped as Flesh-footed Shearwater nesting in 2008, although not subsequently mapped in 2009 and 2010. There was no evidence of nesting burrows at any of

	<p>the proposed development sites.</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 on calcarenite soils. 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 not located in any of the development footprints. The surrounding native bushland provides suitable habitat for this species. The lease already conducts rodent baiting in accordance with the Boards rodent baiting schedule.</p> <p>A 5 Part Test of significance was not submitted with the DA and is not required as the proposals are located in cleared areas or within established gardens and will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats.</p> <p>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:</p> <ul style="list-style-type: none"> • To treat Madeira Vine, Castor Oil Plant and Blue Periwinkle with herbicide prior to commencing any activities at site. • To not move any soil from the site infested with Madeira Vine, Blue Periwinkle and Castor Oil Plant unless contained in a banded container/bag and disposed of at the burn pile at the Waste Management Facility or buried 1 metre deep under the proposed construction site. • 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 and LH Woodhen; • all construction and demolition materials are stockpiled outside only in cleared areas away from bushland. • the construction and demolition stock pile areas must be shown on a map and must be used for that purpose during the construction period. • That the construction site/bushland boundary is clearly fenced with orange barrier fencing for duration of the construction phase to ensure there is no ingress of building materials etc. 	
--	--	--

	<p>Recommendations</p> <p>That the proposal be approved subject to the above conditions.</p>	
<p>Team Leader, Compliance and Projects (Kate Dignam)</p>	<p>Building Class: Class 3.</p> <p>Notes Relating to issuing of a Construction Certificate</p> <p>I have assessed the applicant's Modification to Development Consent Application.</p> <p>It is my opinion that the proposed modifications will alter the following approval conditions of DA2018.10:</p> <p>Condition 6. Safe Movement and Access</p> <ul style="list-style-type: none"> • As the 'loft' level is no longer proposed the need for balustrading for the verandas and walkways is no longer relevant; • There is a need, however, to install barriers on the proposed external stairway to the lower ground floor. This barrier must be continuous, be capable of restricting the passage of children and have the strength and rigidity to withstand the foreseeable impact of people and, where appropriate, the static pressure of people pressing against it. <p>All conditions relating to Construction, Construction Certificate, Access for People with a Disability, Fire Safety, Water, Waste Management, Wastewater and Inspections are still relevant for the proposed modification.</p>	<p>Noted and recommended accordingly</p>
<p>Gary Millman</p>	<p>No additional site inspection was carried out as the proposed alterations are basically in similar position as before.</p> <p>Originally, the building was staked at 16.94m x 12m and now it is proposed to be 18.029m (includes a 1.2 covered deck and stairs on the northern end) x 11.941m (includes 1.84m covered deck on the eastern side).</p>	

Access for Disability Requirements:

The subject modifications to the approved staff accommodation will not change the relevant issues, assessment or requirements relating to access for disability as already addressed in the approval of DA 2018.10.

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.

Please refer to the internal referral comments received from Hank Bower (Manager Environment World Heritage) provided earlier in section 6.1 of this report. No adverse environmental or ecological impact from the proposal are envisaged based on the relocated proposed staff accommodation, nevertheless appropriate conditions to address any potential environmental impacts have been included in the attached report recommendation.

7.2.2 NSW Heritage Act 1977

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

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

On 9 January 2015, the NSW Minister for Heritage published an order under section 57(2) of the Heritage Act, providing for an exemption to refer specific activities to the Heritage Division, instead requiring referral of only those applications requiring consent under clause 39 of the LHI LEP 2010. The site does not require consent under Clause 39 as it is not a listed heritage item within the LEP 2010. Referral of this application to the NSW Heritage Division is therefore not required.

7.3 Local Statutory Plans and Policies

7.3.1 Lord Howe Island Local Environmental Plan 2010

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

LEP 2010 compliance summary table:

LEP 2010 Clause	Complies Y/N	Comment
Part 1 Preliminary		
2	Y	Each of the aims of the LEP 2010 have been considered in the assessment of this application. As assessed and recommended for amendment in this report, the proposed work can be undertaken with minimal negative environmental impact and/or disturbance to protected flora and fauna native to the Island.
3	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	Y	The Lord Howe Island Board (LHIB) is the relevant consent authority.
7	Y	Noted.
9	N/A	The proposed works are not listed as Exempt Development within Schedule 1 of the LEP.
11	Y	All relevant matters contained within Clause 11 are satisfied – refer to the Clause 11 assessment following.
Part 2 General Provisions applying in particular zones		
12	Y	The land is zoned Zone 2 Settlement
14	Y	There is no change of use proposed with this MDC application, the subject proposal complies with the LEP

			zone objectives and is permissible with the consent of the LHIB.
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			
22	Tourist accommodation, staff accommodation and commercial premises	Y	The proposal is assessed as satisfactory pursuant to clause 22 of the LEP 2010, as follows: a) As noted in DA 2018.10, the tourist accommodation in addition to the existing structures, (at approximately 1,415.5sqm) will be less than the 15% of the site area balance (after the min. dwelling area is subtracted) being 2,278sqm. b) > 50% of the site will continue to be landscaped and of that >35% will continue to be native landscaping c) Refer to comments earlier in this preliminary planning assessment in relation to mapped SNV. d) The applicants have satisfactorily demonstrated within DA 201810 a business need for the additional staff and tourist accommodation as part of DA 2019.10.
29	Maximum height of buildings: 7.5m	Y	As stated in the description of the proposed development (earlier in this report), the height will vary, and at maximum will be 6.408m above ground level (lower than the height previously approved for DA 2018.10). The proposed building height is below the permitted maximum 7.5m LEP height.
Division 2 Provisions that apply to particular land			
32 (2)	Setbacks of buildings in Zone 1, 2 or 5: - 10m to a road frontage and - 5m all other boundaries	Y	The proposed staff accommodation will comply with the 10m setback to Anderson Road and the 5m setback to all other site boundaries complying with clause 32(2) of the LEP.
33	Landscaping to be carried out in Zone 2	Y	The proposed modification will not alter the compliance of the development under cl. 33 of the LEP. Existing conditions relating to additional landscaping are to remain in place.
34	Land adjoining Zone 7 or 8	Y	As stated earlier land to the south west of the subject site is zoned 7 Environment Protection. The proposed development will not involve any work within 10 metres of this adjoining Zone 7 Environment Protection land.
39	Development Affecting Heritage Items	N/A	The subject site is not a listed heritage item.
Division 4 Miscellaneous			
41	What DA's are required to be advertised?	Y	As stated in the introduction of this report, the application has been formally notified between 29/01/2019 and 12/02/2019 with no submissions received.
42	Requirement for environmental report	NA	The proposal is not likely to have a significant adverse impact on the environment and therefore an environmental report is not required.

Clause 11 Matters that must be satisfied before development consent granted

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 of the following matters (to the extent that they are of relevance to the proposed development).

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 2 Settlement under the LHI LEP 2010. The proposal as assessed and recommended for amendment in this report is consistent with the aims of the LHI LEP 2010 and objectives of Zone 2 settlement.
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 (subject to recommended condition)	As noted in DA 2018.10 consent, Condition 8(b) requires that prior to release of the Construction Certificate for the proposed alterations and additions (as amended), the applicant is to provide the LHIB documentation of compliance with the LHI On-site Wastewater Management Strategy.
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	Further to the earlier discussion of the proposal and the referral comments/ assessment from the Manager Environment World Heritage (refer Section 5 of this report) the proposed detached Staff Accommodation will not result in any significant impacts on any threatened species, populations or ecological communities or their habitats. Relevant advice and conditions of consent have been included to ensure protection as a consequence of the proposed development.
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 vehicle access arrangements for the site is proposed.
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	Please refer to the discussion of clause 33 of the LHI LEP 2010, and the approved requirement for additional road front landscaping which is 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>	Y	The subject site is not identified as being affected by any identified hazard or land form limitation including being flood prone or adjacent to flood prone land which would otherwise adversely impact the proposed development.
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 required for the proposed alterations and additions to the tourist and staff accommodation beyond that already available within the site.
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 proposed building design modification will not result in a detrimental impact on the visual amenity of the subject site or the locality. If anything the proposed lower building height for the staff accommodation will reduce any potential visual impacts.
i) <i>The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	Due to the setbacks to site boundaries the proposed works will not create any overshadowing of adjoining properties.
j) <i>The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	Y	Due to the setbacks to site boundaries the proposed works will not create any detrimental privacy impacts to adjoining properties.

7.3.2 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 DCP 2005 Clause		Complies Y/N	Comment
Part 1 Introduction			
1.2	Plan Objectives	Y	The proposed works as assessed and recommended for amendment by condition in this report 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 proposed works as assessed will be consistent with the DCP's design objectives.
2.3	Design Context	Y	The proposal as assessed is consistent with the character and nature of the site and locality. As the proposed development includes cut and fill works, Condition 3(d) was included within DA 2018.10 consent to ensure details of associated retaining walls, batter treatment, drainage etc relating to the cut and fill on site are satisfactorily provided as part of the detailed structural engineering plans.

			As indicated previously the approved DA 2018.10, includes a condition requiring landscaping along Anderson Road to be widened and planted with native Island trees and shrub species to a minimum depth of 10m. This will enhance the visual amenity and landscaped character of the Island and screen the proposed elevated tourist accommodation additions from the road.
2.4	Bulk and Scale	Y	The proposal is broadly consistent with the character, existing form and scale of the site and its surrounds especially with the proposed landscaping along Anderson Road and the now reduced building height for the staff accommodation.
2.5	Building Forms	Y	The built form of the proposed works will be in keeping with the established low density residential form and character of the Island (also ref to above comment).
2.6	Building Materials & Colours	Y	The proposed works will be consistent with the existing buildings on the site. The subject DA already includes a requirement that the selected new materials and finishes are to complement the existing structures on site.
2.7	Energy and water efficiency	Y	The proposed alterations and additions incorporate access to natural light and ventilation complying with the DCP.
2.8	Landscaping design	Y	The proposed works will not have a detrimental impact on the established site landscaping. Additional native landscaped area will be provided in the development as discussed elsewhere in this report
2.9	Site access and parking	Y	Refer to the assessment provided under clause 11(c) & (d) of the LHI LEP, earlier in this report.

8 Environmental Effects

8.1 Environmental Planning and Assessment Act 1979

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

- a) the provisions of the following that apply to the land to which the development application relates:
 - i. Any environmental planning instrument
Comment: An assessment against the LHI LEP 2010 has been undertaken (see Section 6.3.1) 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 6.3.2 and was found to comply subject to the conditions of approval included in the recommendation of this report.
 - 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: There are no relevant matters prescribed by the regulations other than the requirement that all demolition works shall be undertaken in accordance with Australian Standard AS 2601—1991: The Demolition of Structures.

- 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 proposed development 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 detrimental impacts on the existing access into or within the subject site or public pedestrian or vehicular movement on Anderson Road from the proposed development.
Public Domain, Visual and Streetscape	The proposed work will be in keeping with the established tourism context of the site. In addition, the proposed built form will continue to be in keeping with the established form and character of the Island. Only filtered sight lines will be possible to and from the public domain of Anderson Road due to the existing and proposed additional landscaping across the front of the site.
Ecological	As stated in Section 5.1 of this report, the LHIB's Manager Environment World Heritage has confirmed that 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	The proposal will not result in a detrimental impact on the visual amenity of the subject site or the locality.
Privacy	Due to the setbacks to site boundaries the proposed works will not create any detrimental privacy impacts to adjoining properties
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 improve the quality and use of the tourist facility for visitors and staff.
Construction	Potential impacts from construction activities will be minimised through the recommended conditions of the consent.

- c) the suitability of the site for the development

Having regard to the location and this assessment, the site will adequately accommodate the proposed works and the proposed amended development is considered suitable for the site 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, the subject modification MDC 2019.05 was publicly exhibited from 29/01/19 until 12/02/2019, and no submissions were received.

- e) the public interest

For the reasons outlined in the preceding assessment, it is considered that the proposed modifications to the approved development will be in the public interest.

9 Conclusion

The subject MDC 2019.05 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 modifications to the staff accommodation component of the approved DA has planning merit and is supported subject to the application of a number of conditions outlined in the following recommendation.

10 Recommendation (Conditional Approval)

That MDC 2019.05 for alterations and additions (two new detached tourist accommodation units, and three new detached staff accommodation units at Lot 91 DP 757515, Anderson Road (Earls Anchorage), Lord Howe Island be approved subject to the existing conditions of approval of Development Application No. 2018.10, (Item 1 Tourist Accommodation) granted consent 25 July 2018 & (Item 2 Staff Accommodation) granted consent 18 September 2018, as amended by the following modified or new conditions:

1. Approved Plans and Supporting Documentation

The development is to be carried out in accordance with the plans and documentation provided with DA No. 2018.10 (Item 1 dated 25 July 2018 and Item 2 dated 18 September 2018) as amended by the following provided with MDC 2019.05 as listed below and endorsed with the Lord Howe Island Board's stamp, except where amended by other conditions of consent.

- a) Completed MDC Form prepared by Kym McPherson of DDC Architects, dated 25/01/2019.
- b) The following plans submitted as part of the MDC documentation:
 - Architectural Site Plan, Floor Plan, Elevations and Sections prepared by DDC Architect,
Plan Nos: 16102 - S96-000, S96-010 to 012, 100 Rev:3 dated 14/12/18, S96-101 Rev 4 dated 22/01/19, S96-102, 200, 201 & 202 Rev 3 dated 14/12/18

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

6. Safe Movement and Access

- a) The applicant must ensure that balustrading is installed for the proposed external stairway to the lower ground floor which is continuous and extends for the full extent of the stairway. The balustrading is to be constructed to:
- Prevent people from falling through; and
 - Be capable of restricting the passage of children; and
 - Have the strength and rigidity to withstand the foreseeable impact of people and, where appropriate, the static pressure of people pressing against it.
- b) The balustrade construction is to be detailed in the structural engineering plans.

19. Kitchen Facilities

No cooking facilities are to be provided within the subject staff accommodation units. Such shall be restricted to the communal kitchen and dining area.

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

Report prepared by: 	Endorsed by: 
Peter & Michelle Chapman Date: 28 February 2019 LHI Consultant Town Planners All About Planning	Peter Adams Date: 6 Mar 2019 Chief Executive Officer Lord Howe Island Board

Board Meeting: March 2019	Agenda Item: 8 (vi)	File Reference: ED19/2265
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LORD HOWE ISLAND BOARD

BUSINESS PAPER

Planning Assessment Report

Item: DA 2019.08 – Erection of a temporary site office at Lord Howe Island Airport, Lot 180 DP 757515, Lord Howe Island, for the Rodent Eradication Program helicopter operations.

1.0 Summary Assessment Report

Assessment Officer	Peter Chapman – Consultant Planner & Director All About Planning Pty Ltd
Address/Property Description	Lord Howe Island Airport, Lot 180 DP 757515, Lord Howe Island
Proposal	Erection of temporary site office at Lord Howe Island Airport for the Rodent Eradication Program helicopter operations
Development Application No.	DA 2019-08
Applicant	Lord Howe Island Board (LHIB)
Owner Consent Granted	Not required by virtue of the proposal being a LHIB application
Estimated Cost of Development	\$5,000.00
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 airport development footprint, and within an existing cleared area of the site. The proposal will not result in the removal or damage of any SNV.
Notification	The LHIB has confirmed that the subject application was placed on public exhibition from 21 December 2018 to 18 January 2019.
Submissions Received	No submissions received.

2.0 Consent Authority

The subject development application (DA) seeks consent for a temporary site office at the Lord Howe Island Airport with the LHIB as the applicant.

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 application is not proposed by the LHIB.

The development does not comply with the above delegations to the CEO as it is a Board development, thereby requiring consideration by the full LHIB.

3.0 Site Description

The proposed development will be constructed within the existing airport footprint located on Lot 180, DP 757515. The site and proposed building are shown in *Figures 1 and 4* below.

The LHI's airport is located in the central part of Lord Howe Island.

The site is largely cleared, flat topography.

The airport facilities area is generally located over several allotments sitting parallel to the runway and includes the recently completed new airport terminal and carpark to the east/ south east and further to the west to the south of the runway, 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 in this same area. There is an existing meteorological station and associated buildings located to the south-east of the proposed REP site office for helicopter operations.

The site is accessed via 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 2*. The site is not mapped as being flood prone nor is it located within the LEP's Foreshore Building Line as shown below by a red line below on the LEP extract.



Figure 1 – Existing airport facility. Source: Six Maps

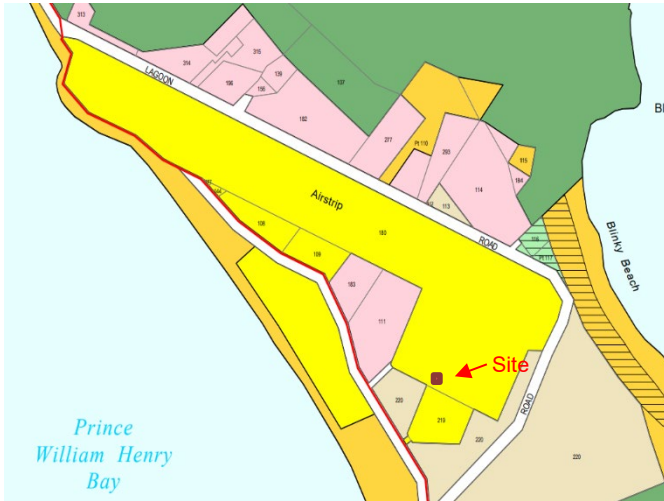


Figure 2: LEP 2010 extract - Zoning Map Zone 5: Special Uses in yellow and foreshore building line in red



Figure 3: LEP Extract - Significant Native Vegetation map.

The proposed development is located within an existing cleared area, and is not mapped as Significant Native Vegetation (SNV) and therefore will not impact on significant native vegetation, refer to *Figure 3* below.

4.0 Proposed Development

As stated earlier the subject development application (DA) seeks consent for the erection of a temporary site office at Lord Howe Island Airport (Lot 180 DP 757515) for the REP helicopter operations.

The proposed building will be positioned south-east of the LHI airport terminal in an existing cleared area within the controlled airside area of the facility, approximately 70 meters from the airstrip and turnaround/set-down area for passengers (ref *figure 4* below). The proposed shed is to be located adjacent and to the east of the approved (DA 2013-08) aircraft hangar located in this position.

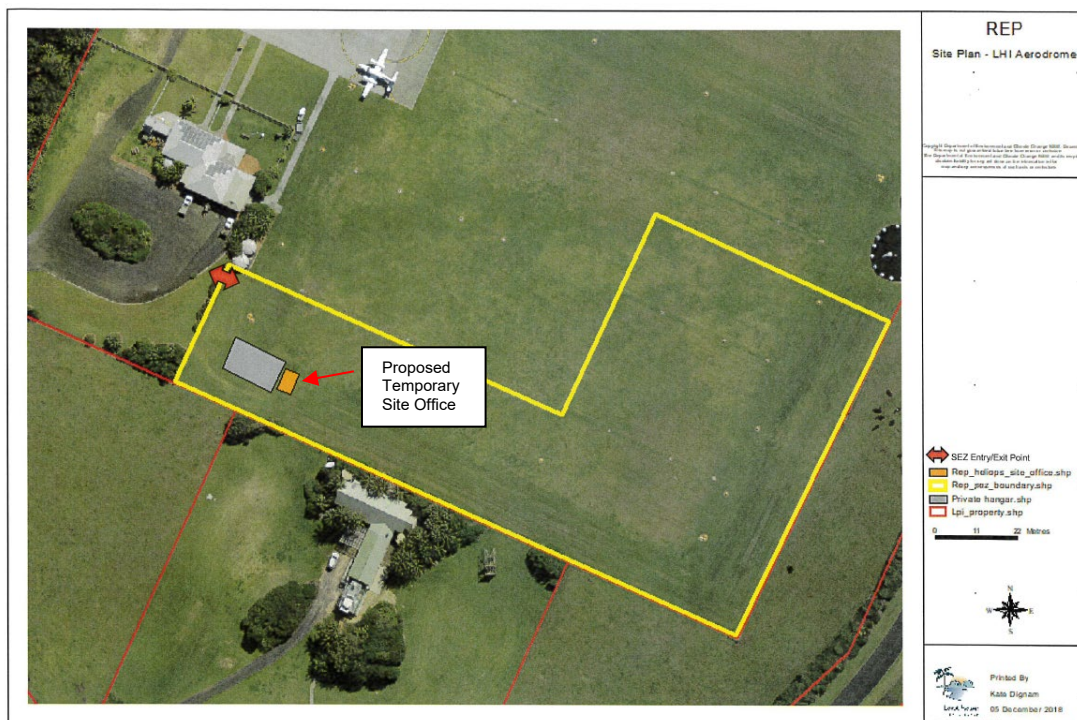


Figure 4- Aerial View of the proposed site office in relationship with the Lord Howe Island Airport and associated facilities.

The proposed site office is to be an ATCO prefabricated demountable building that was previously utilised for the temporary airport terminal (refer to *Figures 5 & 6*), and is to be used as part of the helicopter operations for the LHI REP including storage of baits and other operational equipment and materials.

The proposed building is 4.82m long x 2.41m wide x 2.8m high. The LHI Board has identified the building as being a certified and structurally engineered steel frame construction with no excavation for footings being required as the building can be placed on level ground. The building has an entrance doorway and 2 small windows to enable egress, ventilation and light access.

The building will only be utilised as a temporary site office for the REP helicopter operations. Once the helicopter operations are complete the building will be removed from the site.

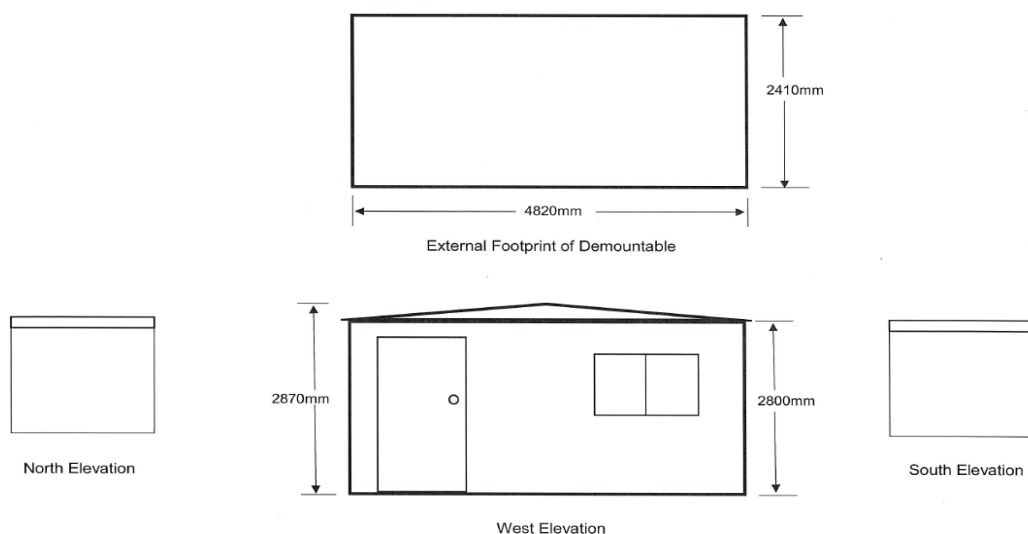
The following plans along with the site plan at figure 2 have been submitted by the applicant as part of this application.

Photos of ATCO Demountable Site Office



Figure 5: LHI submitted Photos of proposed Building

Rodent Eradication Project
Proposed Helicopter Operations Site Office – LHI Aerodrome
Floor Plan and Elevations - ATCO Prefabricated Demountable Building



*Note: there is no East Elevation due to the siting of the building next to the private hangar

Plan Prepared by Kate Dignam 05/12/2018

Figure 6: LHI submitted proposed Elevations and Floor Plan

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 Lord Howe Island Local Environmental Plan 2010. The objectives of this zone are:</p> <p>(a) to provide utility services that are essential to the community's needs in a manner that is in sympathy with the World Heritage values of the natural environment of the Island,</p> <p>(b) to maintain efficient services (such as education, health and transport services and the administration of the Island) and associated infrastructure.</p> <p>The proposal is consistent with these objectives.</p> <p>The proposal will not require the removal of any native remnant vegetation as the Subject site is cleared and wholly located within the development footprint of the aerodrome.</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 any 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 placement of a pre-fabricated demountable on cleared land and plumbing and wiring it to an adjacent hangar.</p> <p>The subject site provides no known or potential habitat for any listed threatened species.</p> <p>A 5 Part Test of significance was not submitted with the DA as the proposal is located within cleared land and will not impact on any threatened species habitat. 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"> • All building materials and building activity are restricted to being stock piled on cleared open areas. 	<p>Noted and recommended accordingly</p>
<p>Kate Dignam – Team Leader Compliance & Projects</p>	<p>Building Class: 5</p> <p>Notes relating to issuing of Construction Certificate</p> <ul style="list-style-type: none"> • If the Modified Development Consent is approved the applicant will not be required to apply for a Construction Certificate for the proposed works. The Site Shed 	<p>Noted and recommended accordingly</p>

Internal specialist	Issue	Planner's Comment
	<p>(ATCO Demountable Building) is a prefabricated structure with certified and structurally engineered steel framing. The structure can be placed on even ground without the need for additional footings.</p> <p>Access for People with a Disability</p> <ul style="list-style-type: none"> • Access to and within the temporary office is required to be accessible. <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 proposed temporary site office must have at least one (1) portable fire extinguisher suitable for extinguishing Class A fires (wood, paper, textiles etc.). All extinguishers are to be located in a conspicuous and readily accessible position. • All extinguishers must have their location indicated by placement of a fire extinguisher location sign as per AS2444-2001. <p>Health and Amenity</p> <ul style="list-style-type: none"> • No relevant matters <p>Water</p> <ul style="list-style-type: none"> • The applicant is to ensure all stormwater from the proposed shed is diverted to rainwater tanks or an appropriate absorption trench. <p>Wastewater</p> <ul style="list-style-type: none"> • No relevant matters <p>Waste Management</p> <ul style="list-style-type: none"> • Any waste generated from the development is to be contained within the site and then be recycled or disposed of at the authorised waste management facility on 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. This is especially critical at the aerodrome as Foreign Object Debris (FOD) can have a significant effect on aviation safety. <p>Construction and Demolition</p> <ul style="list-style-type: none"> • All personnel accessing airside for the placement of the temporary site office must be accompanied/supervised at all times by an approved LHIB Officer holding an Aviation Security Identification Card (ASIC). 	

Internal specialist	Issue	Planner's Comment
	<ul style="list-style-type: none"> • No excavation to be carried out until the site is inspected by the LHIB Senior Electrical Officer, i.e. 'dial before you dig'. • All electrical work is required it must be carried out by a licensed electrician and an Electrical Compliance Certificate issued to the Board. • All works are to be undertaken in accordance with all conditions of consent. • Pre-Commencement meeting to be arranged with the Builder/Contractor and Board Personnel prior to any work commencing on site. This meeting will constitute the pre-commencement and site set out inspection. • The applicant is to ensure all Inspections are undertaken. <p>Inspections</p> <ul style="list-style-type: none"> • The Lord Howe Island Board will require the following Inspections to be undertaken for the siting of the temporary office: <ul style="list-style-type: none"> a) Pre commencement/site set-out b) Stormwater connections c) Final Inspection 	

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.

As previously noted, the LHI Rodent Eradication Program, including the captive management plan has received conditional approval under the EPBC Act.

6.2 NSW legislation

6.2.1 Biodiversity Conservation Act 2016

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

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

As already identified the proposed erection of a temporary site shed at the LHI Airport will not have a detrimental ecological impact on the basis of no Ecological issues being identified the small size of the proposed temporary shed, and the proposed location of the shed being within the existing cleared LHI Airport development.

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 help to protect threatened species and facilitate the proper management, development and conservation of the Island's World Heritage natural environment, noting the proposal is integral to the rodent eradication project. The proposal is therefore consistent with the aims of the plan
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	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 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 2.87m, will comply with the maximum 7.5m building height limit.
32.	Setback of buildings in Zone 1, 2 or 5	Y	The building complies with the setback of 5m from any boundary of the allotment.
34.	Land adjoining Zone 7 or 8	N/A	
35.	Foreshore development	Y	No building works are proposed within the building foreshore area.
Division 4 Miscellaneous			
41.	Development applications required to be advertised	N/A	
42.	Requirement for environmental report	Y	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	No disposal or treatment of effluent water is proposed, and therefore no adverse impacts on the groundwater quality are likely.
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 being located within an existing cleared controlled area of the LHI Airport will not result in any damage or removal of mapped SNV or the habitat of any native plants or animals.
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 (refer 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	As this is a temporary building, no landscaping is proposed.
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 facility is not flood prone as it is outside of the mapped flood hazard area.
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 required.
h) <i>The appearance of the proposed development (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality,</i>	Y	The proposed temporary building will be in keeping with the existing (and expected future) development within the controlled space airside of the airport. In addition, its proposed location is outside of the primary view corridors north and south of the passenger terminal and will be partly screened by the existing landscaping to the east of the terminal and carpark.
i) <i>The proposed development will not cause any significant overshadowing of adjoining land,</i>	N/A	No overshadowing issues will result.
j) <i>The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	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 temporary building will be within the existing airport facilities and will be in keeping with the existing airport development. It will not be in a highly visible location. No adverse impact on the existing surrounding properties and airport activities is anticipated. On the above basis the proposed works will not have any detrimental impacts on the World Heritage values of the island and the proposal complies with the LHI DCP.

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 and other statutory provisions has been undertaken (see Section 6.3.1) and the proposed development was found to comply.

- 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: There are no 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>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 be temporary, the building is outside of the primary view corridors from the passenger terminal and will be partly screened by existing airport landscaping, therefore reducing its visual impacts on the public domain.
<i>Ecological</i>	As reported earlier in this assessment, 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.
<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 – ref to above comments on the Public Domain.
<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>	The proposal will not have a detrimental social or economic impact.
<i>Construction</i>	Potential impacts from construction activities will be minimised through the recommended conditions of the approval.

- c) the suitability of the site for the development

Having regard to the nature of the proposed site shed, it's proposed location within the LHI Airport development and this assessment, the site will adequately accommodate 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 21 December 2018 to 18 January 2019. No submissions were received by the LHIB to this notification.

- 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 this assessment, the application for erection of a temporary site office at Lord Howe Island Airport, Lot 180 DP 757515 for the Rodent Eradication Program helicopter operations, is supported subject to the application of a number of standard and proposal specific conditions as outlined below.

9.0 Recommendation (Conditional Approval)

That the Board APPROVE Development Application 2019-08 for erection of a temporary site office at Lord Howe Island Airport (Lot 180 DP 757515) for the Rodent Eradication Program helicopter operations 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. 2019-08 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 van Gaalen dated 12 December 2018.
- b) Temporary Site Office Floor Plan & Elevations Plan prepared by Kate Dignam, dated 5/12/18
- c) Site Plan – LHI Aerodrome REP Helicopter Operations, prepared by Kate Dignam, dated 5/12/18

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

2. Construction Certificate

The applicant will not be required to apply for a Construction Certificate (CC) for the proposed works. The Site Shed (ATCO Demountable Building) and Storage Shed (Shipping Container) are both prefabricated structures with certified and structurally engineered steel frames. Both structures can be placed on even ground without the need for additional footings.

Reason: To ensure as required submission of Construction Certificate and compliance with BCA and National Standards and conditions of development consent.

3. 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.

4. Water

The applicant is to ensure stormwater from the proposed temporary shed is diverted to rainwater tanks or an appropriate absorption trench.

Reason: To ensure works are undertaken appropriately.

5. 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.

6. Construction and Demolition

- a) All personnel accessing airside for the placement of the temporary site office must be accompanied/supervised at all times by an approved LHIB Officer holding an Aviation Security Identification Card (ASIC).
- b) No excavation to be carried out until the site is inspected by the LHIB Senior Electrical Officer, i.e. 'dial before you dig'.
- c) All electrical work is required it must be carried out by a licensed electrician and an Electrical Compliance Certificate issued to the Board.
- d) All works are to be undertaken in accordance with all conditions of consent.
- e) Pre-Commencement meeting to be arranged with the Builder/Contractor and Board Personnel prior to any work commencing on site. This meeting will constitute the pre-commencement and site set out inspection.
- f) The applicant is to ensure all Inspections are undertaken.

7. Fire Safety

- a) The proposed temporary site office must have at least one (1) portable fire extinguisher suitable for extinguishing Class A fires (wood, paper, textiles etc.). All extinguishers are to be located in a conspicuous and readily accessible position.
- b) All extinguishers must have their location indicated by placement of a fire extinguisher location sign as per AS2444-2001.

8. Notices and Inspection requirements

The Lord Howe Island Board will require the following Inspections to be undertaken for the siting of the temporary office:

- a) Pre commencement/site set-out
- b) Stormwater connections
- c) Final Inspection

Reason: To ensure works are undertaken appropriately.

9. Ecology

All building materials and building activity shall only take place and be stock piled on cleared open areas.

Reason: To ensure compliance with the Development Approvals issued and associated environmental impacts .

10. Removal of Temporary Buildings

The proposed temporary site shed shall be removed upon completion of the Rodent Eradication Program.

Reason: To ensure compliance with the Development Approvals issued.

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: 29 January 2019
LHI Consultant Town Planner & Director
ALL ABOUT PLANNING PTY LTD

Endorsed:



Peter Adams

Date: 14 Feb 2019
Chief Executive Officer
Lord Howe Island Board

Board Meeting: March 2019	Agenda Number: 9 (i)	Record Number: ED19/2124
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Community Strategic Plan Update.

RECOMMENDATION

That the Board note the Community Strategic Plan Update.

BACKGROUND

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

CURRENT POSITION

Date	Activity
Nov 18 – Ongoing	Individual and group meetings with community members
4 th Dec 18	CSP Survey launch (Survey Period: 4 Dec 18 – 15 Feb 19)
5 th Dec 18	Workshop with LHICS children
12 th Dec 18	CSP Workshop (4 x overarching theme discussions)
26 th Feb 19	Housing, Development, Transport and Infrastructure workshop

Upcoming activities

Date	Activity
Coming soon March/April	Workshops on Economy and Tourism, Health and Education and Environment
March/April	Emerging themes incorporated into the draft budget for Board consideration.

May	Draft CSP Placed on public exhibition for 4 weeks.
September 24	Final CSP presented to Board for adoption.

LHICS Workshop - 5th December 2018

On the 5th of December, Darcelle met with students from LHICS to encourage students to express their opinions on issues that impact their lives. This information was collated and will contribute to a number of discussions that will flow into the CSP.

All students were asked to put dots on a map of Lord Howe to show us where their favourite spots are.

The majority of students' answers to a mini-survey reflected the following:

- Favourite plant on Lord Howe: Kentia Palm
- Favourite place on Lord Howe: Gower's Milking Bail
- 50% of students would like to live on Lord Howe when they grow up
- 70% of students would like to work on Lord Howe when they grow up
- The top answer about what is important to keep for the future on LHI was: To keep it clean, and keep 'all the kindness'
- The top answer about what is important to change for the future on LHI was: Don't use as much plastic/ recycle more

CSP Survey - 4th December 2018 – 15th February 2019

The CSP survey was released on 4th December 2018, aimed at beginning to answer the questions - 'Where are we now' and 'Where do we want to be in 10 years'.

Over the 74 days the survey was run, 73 completed survey forms were received (21 received from Islanders abroad). Survey results are now being collated and analysed.

Community Strategic Planning Workshop - 12th December 2018

On Wednesday the 12th December a community planning workshop was run at the Public Hall from 5-7pm. The workshop was well attended with approximately 40 attendees and resulted in many challenging but constructive discussions.

The aim of the planning session was to start to identify and understand community priorities and form some key themes based on four areas:

- 1. Health, Education & Youth**
- 2. Development, Housing, Infrastructure and Transport**
- 3. Economy**
- 4. Environment**

These key themes were then explored in the context of:

- Where are we now?
- Where do we want to be in 10 years?
- How will we get there?

Housing, Development, Transport and Infrastructure workshop - 26th February 2019

The Housing, Development, Transport and Infrastructure Workshop, was a 2-hour session for the community to discuss priorities and goals for Housing, Development, Transport and Infrastructure on Lord Howe Island over the next 10 years; held at the LHI Museum from 4-6pm on Tuesday 26th February.

The workshop focused on priorities and themes arising from our December workshops, discussions and survey feedback; setting the tone for a further 3 in-depth community consultation sessions scheduled for March/April 2019.

There were approx. 30 attendees at the workshop where an update was provide by John van Gaalen (budget constraints and asset maintenance), John Teague (infrastructure) and Justin Sauvage (Handley Review, LEP) in relation to questions and themes that were discussed.

Results of the workshop are being summarised and a final option to comment on outcomes will be available before themes are included in the Draft CSP.

RECOMMENDATION

That the Board note the Community Strategic Plan Update.

Prepared: Darcelle Matassoni Strategic Planning Officer

Endorsed: Peter Adams Chief Executive Officer

Board Meeting: March 2019	Agenda Number: 9 (ii)	Record Number: ED19/2671
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

New Model Code of Conduct

RECOMMENDATION

That the Board note the New Model Code of Conduct report.

BACKGROUND

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

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

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

CURRENT POSITION

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

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

While it is clear that the Board needs to adopt a new Code of Conduct based on the new Model Code, it is not a simple matter because of the unique legislations, responsibilities and roles that apply to the Board. These are different to the Local Government Act and the NSW local government context.

Therefore a draft new Code of Conduct has been developed and this has taken some time due to its complexity. The draft is with the Office of Local Government for advice and peer review to ensure that it is sound and contextually appropriate.

Until the new Code is adopted, the existing Code continues to apply until 14 June 2019. Its general conduct obligations such as not conducting oneself in a way that brings the Board into disrepute continue.

WHAT HAS CHANGED?

In summary the changes from the current Code include:

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

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

CURRENT STATUS AND NEXT STEPS

The existing Lord Howe Island Code has been reviewed and even though the fundamental changes are relatively small, the editorial amendments are extensive. A simple transfer of the Office of Local Government Model Code of Conduct is not possible due to the LHIB having a different structure and relationship to other levels of government than exists in NSW local government. In addition, the Lord Howe Island act and Regulation change or override some provisions, references, titles, definitions, responsibilities and roles. Therefore most clauses of the lengthy Code of Conduct are either amended by the new Model Code or are edited to align with our legislation and context. A draft version of a new Code of Conduct is currently with the Office of Local Government for review and comment.

When comment is received, a draft new Code can be tabled with the Board for consideration with the aim of adoption prior to the 14 June deadline.

Some procedural matters are being investigated, including how the Board might be able to satisfy the requirement for a panel of "Conduct Reviewers" Our memorandum of understanding with Port Macquarie Hasting Council might be an avenue for this.

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

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

POSSIBLE ADDITIONAL PROVISIONS?

The adopted Code of Conduct can include additional provisions or requirements beyond those included in the Model Code of Conduct. For example the Board could consider that the circumstances on Lord Howe Island require further clarification or expectations of behaviour.

If any possible additions are envisaged by Board members, they can be raised during discussion of this paper, or prior to bringing the draft Code of Conduct back to the Board for adoption.

It is suggested that if the new draft Code of Conduct is aligned to the current Code and the new required changes in the new Model Code of Conduct, it could be tabled for discussion and adoption at a Special Board Meeting. If however, significant additional provisions or requirements are proposed by the Board, it could be tabled at the Mat meeting. This would meet the requirement for adoption by 14 June 2019, but allow a public discussion of any additional provisions specifically for the Lord Howe Island Board.

RECOMMENDATION

That the Board:

1. Note the report on the new Model Code of Conduct and the requirement for a new Code of Conduct for Lord Howe Island Board Members and Board Officials;
2. Consider whether any additional provisions or requirements beyond those in the current Code of Conduct should be considered for inclusion, and advise the Board administration accordingly;
3. Request a report to either a Special Board Meeting if changes are aligned to the new Model Code of Conduct; or the May Board Meeting if significant additions are proposed that would benefit from debate in a public Board meeting.

Prepared and Endorsed: Peter Adams Chief Executive Officer

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Amendments to Dog Importation and Management Policy (Policy).

RECOMMENDATION

That the draft Dog Importation and Management Policy 2019 be endorsed.

BACKGROUND

In May 2018 a Business paper was presented to the Board to amend the Policy to reflect amendments to the 'obedience' and 'pre-vet checks' prior to importation sections (only).

The Board reviewed the paper and provided the following feedback

- 1. the Board approve the draft amendments to the Dog Importation and Management Policy subject to the local Board members, after consultation with the relevant Environment and Community Services Unit staff, considering and recommending the location and conditions of permissible areas, and amending the draft policy accordingly, and*
- 2. the draft amended policy be placed on public exhibition for a period of 28 days, with the draft only being reported back to the Board if there are any submissions opposing, or seeking modification of, the proposed changes to the policy.*

In July 2018 in accordance with part one of the Board's resolution, consultation with the elected Board members was undertaken. The elected Board members requested consideration of the inclusion of Middle Beach as a Designated Dog Exercise Area and amending the Lagoon foreshore Designated Dog Exercise Area (Maps 1 & 2 of the Policy). The option of considering whether the Aquatic Club BBQ area could be dog friendly (on-leash) was also included.

These requests were included in the revised Policy that was placed on public exhibition for a period of 28 days from Friday 19 October to COB on Thursday 15 November 2018.

Twenty submissions were received and reviewed. A submission report has been prepared (Attachment A). The Policy is provided in Attachment B.

Summary of Submissions:

Approximately 20 submissions covering 40 different issues were received during the exhibition period of the policy. The issues raised are summarised in Table 1.

Issue	Count
Supports addition of on-leash exercise areas and walking tracks	9
Supports ongoing dog obedience training sessions for dog owners on-island	8
Supports a dog-friendly Aquatic Club BBQ area	7
Supports extension of the Lagoon Foreshore dog exercise area	7
Opposes a dog-friendly Aquatic Club BBQ area	5
Increase in compliance and enforcement of LHI Dog Importation Policy	5
Supports addition of on-leash exercise areas and walking tracks: Muttonbird Point/Rocky Run/Boat Harbour/Intermediate	5
Supports a new 'dog-friendly' BBQ at proposed site of LHI Skate Park	4
Supports a 'dog-friendly' BBQ at Cobby's Corner	3
Public safety should be prioritised over dog access	3
Supports increase in designated dog off-leash exercise areas	3
Supports addition of on-leash exercise areas to end of Little Island track	3
Supports addition of on-leash exercise areas and walking tracks: Kims/Malabar	3
Opposes a 'dog friendly BBQ at Cobby's Corner	2
Supports increase in designated dog off-leash exercise areas: Seasonally at Neds and the Clear Place in the absence of birds	2
Vets should not be acceptable validators of obedience training	2
Opposes a dog-friendly BBQ (unspecified location)	1
Supports the need for a 'dog-friendly' BBQ area but not at the Aquatic Club	1
Supports a 'dog-friendly' BBQ (unspecified location)	1
Supports increase in designated dog off-leash exercise areas: Southern beaches	1
Supports increase in designated dog off-leash exercise areas: Beach below the 8th green	1
Supports increase in designated dog off-leash exercise areas: Old Settlement	1
Supports increase in designated dog off-leash exercise areas: Temporally closure of beaches (e.g. from 8:00 - 17:00) to dogs (unspecified locations)	1
Supports addition of on-leash exercise areas and walking tracks: Southern beaches	1
Supports addition of on-leash exercise areas and walking tracks: Beach below the 8th green	1
Supports addition of on-leash exercise areas and walking tracks: Old Settlement	1
Supports addition of on-leash exercise areas and walking tracks: All beaches	1
Removal of beaches as 'Prohibited places' and amended to 'public places' require dogs on-leash	1
Removal of Cobby's Corner from prohibited places to allow dog owners to transit to off-leash area to the north	1
Female puppies under the age of four months should be accepted as males are, on the proviso they are desexed at the appropriate age.	1
Dogs should have a physical inspection upon arrival to LHI	1
Need for more suitably shaded areas for dogs at permitted off-leash locations	1
Permit camping at North Bay with dogs outside bird breeding season	1
Prior to importation, dogs should be checked on the NSW Pet Registry. Dogs with previous offences should not be approved for importation.	1
LHI Dog Importation Policy should be reviewed to better reflect the wording of the Companion Animals Act	1
Clarify prohibited area at Jetty BBQ	1
LHI Board should employ an approved dog trainer to conduct obedience tests on nuisance dogs	1
Moving rubbish bins under the pines to allow dog owners to access them (currently in a prohibited place)	1
Allow dogs to enter WMF if restrained within a car	1
TOTAL	94

Table 1: Summary of issues raised in submissions.

Response to Submissions:

Many of these submissions dealt with matters that were outside the scope of the original policy review considered in May 2018 and subsequently amended and exhibited in Oct/Nov 2018.

While the submissions were varied and extensive, some could be characterised as requests to increase the number of Dog Exercise Areas beyond the exhibited draft Policy and to permit access to the Permanent Park Preserve for on and off lead walking. The policy has not been amended to increase Dog Exercise Areas for the following reasons:

- Any change to dog walking areas in the Permanent Park Preserve require the Plans of Management to be reviewed and amended. The process to amend the Plans of Management will require, further consultation, a detailed analysis of environmental impacts and may require species impact statements and referrals to other Government Agencies.
- The Board has limited resources to enforce compliance with Dog Importation and Management Policy, and in particular limited ability to enforce the policy in the field. A number of submissions reflected a concern about the lack of enforcement of the existing Policy. Any increase in the area of the island requiring enforcement activities is likely to exacerbate this, unless the Board resources allocated to regulation and compliance are increased.

However, the following summarises the response to submissions relating to the specific items that were placed on exhibition late last year:

1) Amendments presented to the Board in May 2018

No comments were received opposing, or seeking modification to the 'obedience' and 'pre-vet checks' prior to importation. **The attached Policy retains the inclusion of these amendments.**

2) Designation of Middle Beach as a Dog Exercise Area

No comments were received opposing including Middle Beach as a Designated Dog Exercise Area. **The attached Policy retains the inclusion of this amendment.**

3) Amendment of the existing Lagoon foreshore Designated Dog Exercise Area.

No submissions were received objecting to the proposed Lagoon foreshore Designated Dog Exercise Area (Board request). Some submissions sought amendment of the Lagoon foreshore Designated Dog Exercise Area to include Lagoon beach from the Pines through to Pinetrees boatshed. **This was not recommended**, for the following reasons (see submission report – Attachment A).

Subsequent to the exhibition of the policy there has been significant erosion to shearwater nesting habitat in the foredune near the Pinetrees boatshed. The loss of this nesting habitat increases the ecological importance of the existing undisturbed nesting areas along the northern part of the lagoon beach. Board staff are also continuing to receive reports of nesting seabirds being taken or disturbed by off leash dogs from the dunes in the existing Lagoon Beach dog exercise area. The proposed change to the Designated Dog Exercise Area along Lagoon Beach has not been recommended on the basis that it is preferable to keep any dog impacts to an area that is already highly disturbed, whilst avoiding good quality nesting habitat that is not currently exposed to significant dog pressure.

4) Inclusion of the Aquatic Club as a Designated Dog Exercise Area

There was both support and opposition to include the Aquatic Club BBQ area as a Designated Dog Exercise Area. Under the current Policy dogs are prohibited within ten meters of outdoor dining areas (Section 3.12.1 - Outdoor Dining Areas).

Under Clause 14A of the *Companion Animals Act 1998* - Dogs not prohibited in outdoor dining areas in certain circumstances – it states:

- (1) The relevant legal restrictions do not prohibit a dog (other than a dangerous, menacing or restricted dog) from being in an outdoor dining area if:*
- (2) the dog is under the effective control of some competent person and is restrained by means of an adequate chain, cord or leash that is attached to the dog.*

The Policy has been amended to remove the Aquatic Club from the list of prohibited areas, but not to include it as a Dog Exercise Area. This amendment to the Policy will enable dog owners to bring their dogs to this BBQ area under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person, chairs or tables and not amended to be a Designated Dog Exercise Area.

There were several submissions requesting amendments to the Policy that had not previously been submitted to the Board for consideration, all proposed amendments within the submissions were reviewed and recommendations have been presented along with an explanation detailed in Attachment A (submission report).

The final Policy proposed for adoption is included in Attachment B.

RECOMMENDATION

That the draft Dog Importation and Management Policy 2019 (Attachment B) be adopted.

Prepared: Christo Haselden Ranger

Endorsed: Peter Adams Chief Executive Officer

Attachments:

Attachment A: Submissions Report

Attachment B: Dog Importation and Management Policy

No.	Date Received	Received via	Summary of issues/Major points raised	Amendment criteria - Policy Section	Discussion/Action
1	15/11/2018	Email	Agrees LHI needs a BBQ area for dog owners, but disagrees with the proposed area as being the existing BBQ area at the Aquatic Club which should stay an 'on lead/dog free area.	3.12	There was seven submissions supporting the inclusion of the Aquatic Club BBQ area as a Designated Dog Exercise Area (Off-Leash) and five submissions against a change of use of this area. It is recommended that the Aquatic Club BBQ area: (1) Continue to be a 'Public Place' under the Policy (3.8.2 A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person) - No Change of Use and (2) Be removed from the Outdoor Dining Areas prohibited list (Section 3.12). This will enable dog owners to take their dogs to the BBQ area provided the dog is attached to a lead (not Off-Lead) and may provide a equitable solution for the community who have different views regarding the use of this area.
			As a committee member of the Lord Howe Island Skatepark, proposes the new 'dog friendly BBQ' be located near the proposed skatepark.	3.12	It is not recommended to include an additional 'Off-lead' BBQ area within the Settlement Area. This would require establishing another serviced BBQ facility including bins and a regular servicing schedule with limited resources.
2	15/11/2018	Email	Supportive of the inclusion of the Aquatic Club BBQ area as a dog friendly area	3.13	Noted
			Clarify dog prohibited area at Jetty BBQ area	3.13	Section 3.12 of the Dog Importation and Management Policy (Policy) is consistent with Clause 14 (1) (b) of the Companion Animals Act 1998 (the Act) - 'Dogs prohibited in public places' where it states: <i>"Food preparation/consumption areas (meaning any public place, or part of a public place, that is within 10 metres of any apparatus provided in that public place or part for the preparation of food for human consumption or for the consumption of food by humans)"</i> . Dogs must remain with 10 meters of the BBQ's listed under Section 3.12 of the Policy, the Jetty BBQ area is listed under this section.
			Rubbish bins located 'Under the Pines' are within a dog-prohibited area and cannot be used to dispose of dog waste. Suggests moving the the northern end of the boat sheds.	3.15	It is recommended that the bins remain in their current location. There are public bins located in close proximity to under 'The Pines' at the Community Hall that owners can dispose of dog waste. The bins under 'The Pines' are also located in close proximity to the road enabling dog owners to place dog waste in the bins whilst walking their dog on the road. The Board would generally not enforce compliance if the owners were transiting this section of a prohibited place to discard dog waste in a public bin.
			Does not support restriction of dogs entering WMF, particularly if dogs are contained within/on a vehicle.	3.11.2	It is not recommended to implement this change at this point in time. This issue is outside the scope of the original exhibition, and to date there have been no incidents recorded regarding compliance with this clause.

3	15/11/2018		Requests that the area of the Aquatic Club & the adjacent BBQ area be removed from the proposed off-leash dog exercise and be put back in the prohibited section where it has always been.	3.13	The Aquatic Club BBQ Area has never been a 'Prohibited Place' under the Policy. There was seven submissions supporting the inclusion of the Aquatic Club BBQ area as a Designated Dog Exercise Area (Off-Leash) and five submissions against a change of use to this area. It is recommended that the Aquatic Club BBQ area: (1) Continue to be a 'Public Place' under the Policy (3.8.2 A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person) - No Change of Use and (2) Be removed from the Outdoor Dining Areas prohibited list (Section3.12). This will enable dog owners to take their dogs to the BBQ area provided the dog is attached to a lead (not Off-Lead) and may provide a equitable solution for the community who have different views regarding the use of this area.
			The safety of the AC users must be prioritised. The AC area is for all the community to enjoy and thus must be dog free.	3.13	There has been no recorded dog incidents regarding dog attacks in the Aquatic Club area.
			Compliance needs to be increased.	3.17	Noted
			AC Committee supports a new dog-friendly BBQ near the proposed skate park site.	3.13	It is not recommended to include an additional 'Off-lead' BBQ area within the Settlement Area. This would require establishing another serviced BBQ facility including bins and a regular servicing schedule with limited resources.
4	15/11/2018	Email	Supportive of increasing dog off-leash walking tracks along tracks without nesting birds.	3.12	It is not recommended to increase the number of walking tracks in the PPP to allow dog owners to walk their dogs. This would require an amendment to the Policy not already discussed and an amendment to Section 5.3.3 of the Permanent Park Preserve Plan Of Management (PPPPOM). Ongoing compliance in remote areas of the PPP would be difficult to manage.
5	15/11/2018	Email	In regards to the prohibited place Clause 3.10: <ul style="list-style-type: none"> The track to Little Island should be opened up to the end of the track. The beach areas along this track should be off leash dog areas. 	3. 11	It is not recommended to change the Policy to allow dog owners to walk their dogs to Little Island 'On-lead'. The area is an important Providence Petrel Breeding site during the species annual migration to the Island. This would also require an amendment to the Policy not already discussed and an amendment to Section 5.3.3 of the PPPOM.

		<ul style="list-style-type: none"> • Dogs should be allowed on walking tracks if they are on leash except for the Mt Eliza track given the high density of birds and chicks on this track. There are no other tracks on the island that the breeding birds are on the physical track. The policy states your dog should not harm the health of an animal so therefore if they were on a lead this should not be a problem. 	3.11	<p>It is not recommended to increase the number of walking tracks in the PPP to allow dog owners to walk their dogs. This would require an amendment to the Dog Importation and Management Policy not already discussed and an amendment to Section 5.3.3 of the Permanent Park Preserve Plan Of Management (PPPPOM). Ongoing compliance in remote areas of the PPP would be difficult to manage.</p>
		<ul style="list-style-type: none"> • Propose an additional off-leash beach. For example, many beaches down the southern end of the island which are quite secluded such as the beach at the 8th Green. 	3.11	<p>It is not recommended to change the Policy to reflect the request as this would require an amendment to Section 3.11.1 (d) of the Policy not already discussed and would require ongoing compliance of dog owners on all other beaches</p>
		<p>In regards to Clause 3.12: Supports the proposed dog-friendly BBQ area at the AC. Suggests a second dog-friendly BBQ at Cobby's Corner or other appropriate, shaded area.</p>	3.13	<p>There was seven submissions supporting the inclusion of the Aquatic Club BBQ area as a Designated Dog Exercise Area (Off-Leash) and five submissions against a change of use to this area. It is recommended that the Aquatic Club BBQ area:</p> <ol style="list-style-type: none"> (1) Continue to be a 'Public Place' under the Policy (3.8.2 A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person) - No Change of Use and (2) Be removed from the Outdoor Dining Areas prohibited list (Section3.12). <p style="text-align: right;">This</p> <p>will enable dog owners to take their dogs to the BBQ area provided the dog is attached to a lead (not Off-Lead) and may provide a equitable solution for the community who have different views regarding the use of this area.</p>
		<p>The LHIB-provided obedience training with Steve Austin for dog-owners was very beneficial and it would be beneficial for another training session to be held for dog owners next time Steve is on the island.</p>	3.1	<p>Owners of dogs imported to the Island should ensure that their dog is obedient and well trained for the duration of the animals life on the Island. Mandatory reassessment of dogs declared to be a nuisance dog or for owners of dogs that have been issued a formal warning or a penalty infringement notice maybe required. It is recommended to include mandatory reassessment of obedience for dogs that are declared a nuisance dog or for owners that have been issued a formal warning or have been issued a penalty infringement notice within three months of the notice being issued, failing to pass the reassessment may result in the approval being suspended.</p> <p>There are currently two approved/certified dog trainers employed at LHIB, which would not result in any additional cost to the Board.</p>

6	15/11/2018	Email	Supports the proposed Lagoon Beach dog-exercise area and dog-friendly BBQ at the Aquatic Club	3.13	Noted
			Need for increased enforcement regarding nuisance, disobedient, barking and aggressive dogs.	3.16	Owners of dogs imported to the Island should ensure that their dog is obedient and well trained for the duration of the animals life on the Island. Mandatory reassessment of dogs declared to be a nuisance dog or for owners of dogs that have been issued a formal warning or a penalty infringement notice maybe required. It is recommended to include mandatory reassessment of obedience for dogs that are declared a nuisance dog or for owners that have been issued a formal warning or have been issued a penalty infringement notice within three months of the notice being issued, failing to pass the reassessment may result in the approval being suspended. There are currently two approved/certified dog trainers employed at LHIB, which would not result in any additional cost to the Board.
			Need for training and assistance for dogs and owners to rectify behavioural problems.	3.1.7	As above
			Supports increased on-lead walking tracks around island.	3. 11.2	It is not recommended to increase the number of walking tracks in the PPP to allow dog owners to walk their dogs. This would require an amendment to the Policy not already discussed and an amendment to Section 5.3.3 of the Permanent Park Preserve Plan Of Management (PPPPOM). Ongoing compliance in remote areas of the PPP would be difficult to manage.
7	15/11/2018	Email	Supports proposed changes to Dog Policy including dog-friendly BBQ at AC.	3.13	Noted
			Requests that consideration be given to the removal of clause 3.10.1.D prohibiting dogs from all beaches. Previous versions of this policy did not include this clause aside from those identified specifically as Prohibited Places under clause 3.10.2. Previously beaches were treated as a public place (dog under effective control).	3. 11	It is not recommended to change the Policy to reflect the request as this would require an amendment to Section 3.11.1 (d) of the Policy not already discussed and would require ongoing compliance of dog owners on all other beaches.
			Request Cobby's Corner be removed from 3.10.2 to allow pedestrian transit to the off-lead area north of the creek - the BBQ area would still be covered under 3.12.	3. 11	It is not recommended to amend the policy. Rangers currently exercise discretion regarding the enforcement of this condition.

8	15/11/2018		<ul style="list-style-type: none"> • Young female bitch puppies (under the age of four months) should be accepted as males are, on the proviso they are desexed at the appropriate age. Usually, the recommended age for desexing is six months. (3.1.4) 	3.1	<p>It is recommended that the Policy does not change. Veterinarian advice from the Rose Avenue Vet Hospital's (Coffs Harbour) chief Veterinarian Surgeon Dr Andrew Graham Higgs recommended to the Board to amend the Policy some years ago to ensure that no unsexed female dogs be permitted to be imported to the Island due to the fact that the desexing of a female dog is a medical procedure and requires the animal to be anaesthetised prior to surgery in a sterile environment and that undertaking the procedure on-island was too risky and may result in infection or death to the animal.</p>
			<ul style="list-style-type: none"> • Dogs should have a physical inspection upon arrival to LHI to ensure they are not carrying any parasites picked up between veterinary check and arrival to the island. 	3.1	<p>Currently there is no registered vet on the Island that could conduct the checks. It maybe possible to check for external parasites such as ticks and fleas but this would require resources, perhaps as part of the biosecurity team duties.</p>
			<ul style="list-style-type: none"> • Ongoing obedience training should be encouraged and supported by LHIB after a dogs initial passing of the obedience testing. The current policy states vets are acceptable validators of dog training despite the majority having limited experience in dog training. 	3.1	<p>Owners of dogs imported to the Island should ensure that their dog is obedient and well trained for the duration of the animals life on the Island. Mandatory reassessment of dogs declared to be a nuisance dog or for owners of dogs that have been issued a formal warning or a penalty infringement notice maybe required.</p> <p>It is recommended to include mandatory reassessment of obedience for dogs that are declared a nuisance dog or for owners that have been issued a formal warning or have been issued a penalty infringement notice within three months of the notice being issued, failing to pass the reassessment may result in the approval being suspended.</p> <p>There are currently two approved/certified dog trainers employed at LHIB, which would not result in any additional cost to the Board.</p>
			<ul style="list-style-type: none"> • Suggests that, as the Board already bans dogs from picnic/eating areas, they should also remind cafe/restaurant owners that dogs should not be frequenting their premises either. This needs to be enforced, as not everyone wants to eat lunch with a dog drooling beside them. (3.12.1) 	3.13	<p>It is not recommended to change the Policy to reflect the request as Section 3.13 of the Dog Importation and Management Policy is consistent with Clause 14 (1) of the Companion Animals Act 1998 (the Act) - 'Dogs prohibited in public places'. Clause 14A (3) of the Act 'Dogs not prohibited in outdoor dining areas in certain circumstances' states:</p> <p>'This section does not confer any entitlement on a person accompanied by a dog to use any table and chairs or other apparatus provided in an outdoor dining area by a food business (within the meaning of the Food Act 2003) without the permission of the operator of the food business'.</p> <p>Permission for Dogs to be accompanied by their owners at the 'Anchorage' and the 'Coral Cafe' restaurants has already been granted by the owners Mr John Green and Mr Stephen Sia. Therefore no enforcement is required</p>
			<ul style="list-style-type: none"> • Strongly supports the lengthening of the Lagoon beach dog exercise area. 	3.1 0	Noted

			<ul style="list-style-type: none"> Supports increasing walking tracks available for on-leash dog exercise so long as they comply with all the normal rules for public places. 		<p>It is not recommended to increase the number of walking tracks in the PPP to allow dog owners to walk their dogs. This would require an amendment to the Policy not already discussed and an amendment to Section 5.3.3 of the Permanent Park Preserve Plan Of Management (PPPPOM). Ongoing compliance in remote areas of the PPP would be difficult to manage.</p>
			<ul style="list-style-type: none"> Strongly supports that the NSW Governmental act/rules regarding Dangerous and Menacing dogs be enforced on Lord Howe. Refers to a number of incidents where people have been threatened and injured by local dogs and expresses concern about potential for future serious incident. 	3. 20	<p>Owners of dogs imported to the Island should ensure that their dog is obedient and well trained for the duration of the animals life on the Island. Mandatory reassessment of dogs declared to be a nuisance dog or for owners of dogs that have been issued a formal warning or a penalty infringement notice maybe required.</p> <p>It is recommended to include mandatory reassessment of obedience for dogs that are declared a nuisance dog or for owners that have been issued a formal warning or have been issued a penalty infringement notice within three months of the notice being issued, failing to pass the reassessment may result in the approval being suspended.</p> <p>There are currently two approved/certified dog trainers employed at LHIB, which would not result in any additional cost to the Board.</p>
9	15/11/2018	in person	Dogs permitted off-leash on the Lagoon Foreshore from the driveway opposite Wilson's Bike Hire to the Pinetrees break wall	3. 10	It is not recommended to continue 'Off-Lead' area to Pinetrees breakwall as this extension would claim 3/4 of Lagoon beach as an 'Off-Lead' area.
			Dogs permitted off-leash on Old Settlement Beach	3. 10	It is not recommended to change the Policy to reflect the request as this would require an amendment to Section 3.11.1 (d) of the Policy not already discussed and would require ongoing compliance of dog owners on all other beaches.
			Dogs permitted at Neds and the Clear Place in the winter months when migratory birds are not on the island	3.9	It is not recommended to change the Policy to reflect the request as this would require an amendment to Section 3.11.1 (d) of the Policy not already discussed and would require ongoing compliance of dog owners on all other beaches.
			To consider temporal bans on dogs using some of the beaches above (e.g. 8:30 - 16:00) while most people are using the beaches, and allowed outside these hours, as has been done by Frazer Coast Regional Council	3.9	It is not recommended to change the Policy to reflect the request as this would require an amendment to Section 3.11.1 (d) of the not already discussed and would require ongoing compliance of dog owners on all other beaches.
			Dogs permitted on walking tracks such as Malabar, Kim's, MBP, Rocky Run, Boat Harbour etc. as they may help with detection of rodents during REP.	3.11.2	It is not recommended to increase the number of walking tracks in the PPP to allow dog owners to walk their dogs. This would require an amendment to the Policy not already discussed and an amendment to Section 5.3.3 of the Permanent Park Preserve Plan Of Management (PPPPOM). Ongoing compliance in remote areas of the PPP would be difficult to manage.
			LHIB to consider how Frazer Coast Council manages off-leash and timed off-leash areas	3. 10	Will be considered.

10	15/11/2018	email	Supports Aquatic Club area as dog off-leash area	3.9	Noted
			Some prohibited areas should be made on-leash areas	3. 10	Noted
11	15/11/2018	email	Dogs should be permitted on-leash along more walking tracks such as Malabar, Kim's Lookout, Intermediate, Boat Harbour, Rocky Run and Little Island	3.11	It is not recommended to increase the number of walking tracks in the PPP to allow dog owners to walk their dogs. This would require an amendment to the Policy not already discussed and an amendment to Section 5.3.3 of the Permanent Park Preserve Plan Of Management (PPPPOM). Ongoing compliance in remote areas of the PPP would be difficult to manage.
			Dogs should be permitted on the Lagoon forshore from LH Environmental Tours (Dean Hiscox) boatshed to the Pinetrees Boatshed.	3. 10	It is not recommended to continue 'Off-Lead' area to Pinetrees breakwall as this extension would claim 3/4 of Lagoon beach as an 'Off-Lead' area. The proposed dog exercise area will start from the Lagoon Beach entrance south of LH Environmental Tours (Dean Hiscox) boatshed to the Lagoon Beach entrance in front of the Board depot.
			Dogs should be permitted at the BBQ's at the Aquatic Club and Cobby's Corner.	3.13	There was seven submissions supporting the inclusion of the Aquatic Club BBQ area as a Designated Dog Exercise Area (Off-Leash) and five submissions against a change of use to this area. It is recommended that the Aquatic Club BBQ area: (1) Continue to be a 'Public Place' under the Policy (3.8.2 A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person) No Change of Use and (2) Be removed from the Outdoor Dining Areas prohibited list (Section3.12). This will enable dog owners to take their dogs to the BBQ area provided the dog is attached to a lead (not Off-Lead) and may provide a equitable solution for the community who have different views regarding the use of this area. It is recommended thgat there be no change to the Policy to allow dogs at Cobbys Beach BBQ area.
12	15/11/2018	email	Supports changes to Aquatic Club area and extending off-leash area north. Supports keeping off-leash area all the way to the Pinetrees boat shed as it currently exists.	3. 10	Noted Re Aquatic Club BBQ. It is not recommended to continue 'Off-Lead' area to Pinetrees boat shed as this extension would claim 3/4 of Lagoon beach as an 'Off-Lead' area.
			Consider changing one or two prohibited areas to on-leash areas, e.g. kims lookout, boat harbour etc. which would be greatly valuable to the dog community	3.9	It is not recommended to increase the number of walking tracks in the PPP to allow dog owners to walk their dogs. This would require an amendment to the Policy not already discussed and an amendment to Section 5.3.3 of the Permanent Park Preserve Plan Of Management (PPPPOM). Ongoing compliance in remote areas of the PPP would be difficult to manage.

			if above points were inappropriate in peak season, consider seasonal dog restrictions as some mainland councils do.	3.10	As Above
			Current bollard present at Aquatic Club for securing dogs is unshaded and inappropriate for use on hot days. A shaded location should be considered.	3.13	If the current recommendation to establish the Aquatic Club BBQ area as a 'Public Place' under the Policy and the Aquatic Club BBQ area being removed from the Outdoor Dining Areas prohibited list (Section 3.12). This will enable dog owners to secure their dog to a table or a chair which will provide relative shade for the animal on a hot day. There is also no current restriction for a member of the public to erect an umbrella or similar shade structure to protect their dog from the sun in this area.
			Supports permitting dogs to be on-leash at Aquatic Club BBQ area and Cobby's BBQ area.	3.13	As above Re Aquatic Club BBQ area. It is recommended that Cobby's Corner BBQ area to remain as a Dog Prohibited Place.
			Supports annual obedience training and refresher courses for dog owners. This could be funded by a grant of fundraising. States this should be mandatory not voluntary so problematic dogs are assessed and given a training/obedience plan.	3.1	Owners of dogs imported to the Island should ensure that their dog is obedient and well trained for the duration of the animal's life on the Island. Mandatory reassessment of dogs declared to be a nuisance dog or for owners of dogs that have been issued a formal warning or a penalty infringement notice may be required. It is recommended to include mandatory reassessment of obedience for dogs that are declared a nuisance dog or for owners that have been issued a formal warning or have been issued a penalty infringement notice within three months of the notice being issued, failing to pass the reassessment may result in the approval being suspended. There are currently two approved/certified dog trainers employed at LHIB, which would not result in any additional cost to the Board.
13	15/11/2018	email	Implement annual training and behaviour check-ups for dogs already on the island including community training classes.	3.1	Owners of dogs imported to the Island should ensure that their dog is obedient and well trained for the duration of the animal's life on the Island. Mandatory reassessment of dogs declared to be a nuisance dog or for owners of dogs that have been issued a formal warning or a penalty infringement notice may be required. It is recommended to include mandatory reassessment of obedience for dogs that are declared a nuisance dog or for owners that have been issued a formal warning or have been issued a penalty infringement notice within three months of the notice being issued, failing to pass the reassessment may result in the approval being suspended. There are currently two approved/certified dog trainers employed at LHIB, which would not result in any additional cost to the Board.
			If the above were to be implemented it would allow for the relaxation of prohibited dog areas including allowing dogs to access all beaches on-leash.	3.9	It is not recommended to change the Policy to reflect the request as this would require an amendment to Section 3.11.1 (d) of the Policy not already discussed and would require ongoing compliance of dog owners on all other beaches

			Little Island track permitted as on-lead dog area to the end of the track	3.9	It is not recommended to change the Policy to allow dog owners to walk their dogs to Little Island 'On-lead'. The area is an important Providence Petrel Breeding site during the species annual migration to the Island. This would require an amendment to the Policy not already discussed and an amendment to Section 5.3.3 of the PPPOM.
			Old Settlement BBQ area permitted as on-lead dog area, including installation of a bollard to tie dogs to similar to Aquatic Club.	3.13	It is not recommended to change the Policy to allow dog owners to take their dog to Old Settlement Beach BBQ area. The whole of Old Settlement Beach is an dog 'Prohibited Place' under the current Policy.
			Supports the proposed extension of the Lagoon Beach dog-exercise area	3. 10	Noted
14	15/11/2018	unknown	Not enough dog-friendly BBQ's on LHI		It is not recommended to include an additional 'Off-lead' BBQ area within the Settlement Area. This would require establishing another serviced BBQ facility including bins and a regular servicing schedule with limited resources.
			Proposes installation of a new dog-friendly BBQ in an area with minimal foot/vehicle traffic, possibly on the eastern side of the island.	3.13	As above
			Dogs should be allowed on-lead in more places on the island		Noted
15	15/11/2018	email	Strongly opposes the inclusion of Aquatic Club BBQ as a dog off-leash area due to the popularity and high use of the area by tourists and the community for BBQ's, picnics, celebrations, water activities, etc. Making the area dog off-leash would increase the risk of a dog incident.	3.13	There was seven submissions supporting the inclusion of the Aquatic Club BBQ area as a Designated Dog Exercise Area (Off-Leash) and five submissions against a change of use to this area. It is recommended that the Aquatic Club BBQ area: (1) Continue to be a 'Public Place' under the Policy (3.8.2 A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person) - No Change of Use and (2) Be removed from the Outdoor Dining Areas prohibited list (Section3.12) This will enable dog owners to take their dogs to the BBQ area provided the dog is attached to a lead (not Off-Lead) and may provide a equitable solution for the community who have different views regarding the use of this area.
			None of the existing BBQ areas anywhere should be considered to be opened up to dogs.	3.13	Noted

			<p>Retain the right to walk past the south end of the Aquatic Club building on lead to access the beach. That way they can still use the grassed car park and open area as exercise then get to the beach.</p>	3.8	Noted
			<p>Create a whole new dog-friendly picnic area that would not take away existing sites. Suggested location is down by the proposed skate park area. The area will need bins and seating anyway so just add a barbeque and a tie down area for the dogs. There is also lots of shade down there which would be better for the dogs well being (compared to the Aquatic Club which provides no shade for dogs).</p>	3.13	<p>It is not recommended to include an additional 'Off-lead' BBQ area within the Settlement Area. This would require establishing another serviced BBQ facility including bins and a regular servicing schedule with limited resources.</p>
			<p>The northern cut-off point for the Lagoon Beach dog-exercise area should be no further north than the first commercial boatshed to the south i.e. Environmental tours shed, preferably the track that comes off the beach directly where ET driveway comes in off Lagoon Road. This will avoid tourists mixing with dogs as and reduce the risk of potential conflicts/incidents with tourists and commercial operations.</p>	3.10	<p>The proposed dog exercise area will start from the Lagoon Beach entrance south of LH Environmental Tours (Dean Hiscox) boatshed to the Lagoon Beach entrance in front of the Board depot.</p>

			<p>The northern end of Cobbies beach from the track down, opposite the moorings to the airstrip rocks should remain dog free so the birds scared off the airstrip have an area of beach to land on. There is more than enough adequate beach exercise area from the creek bed to the south to this track at the north of Cobbies to exclude dogs from here. Give the waders somewhere to land safely.</p>	3. 10	<p>This request is already proposed in the amended Policy as a seasonal closure of the Northern end of Cobbys Beach from the access track at the North BBQ area to the airstrip rocks to coincide with migratory waders.</p>
			<p>Stongly support the new improved dog obedience rules. Person signing off on obedience training must be an actual certified/ accredited trainer and training should occur annually or biannually. Enforcement of these rules should be done at all times.</p>	3.1	Noted
15	15/11/2018	email	<p>Strongly opposes the inclusion of Aquatic Club BBQ as a dog off-leash area due to: 1) the popularity and high use of the area by tourists and the community for BBQ's, picnics, celebrations, water activities, etc. 2) the increased the risk of a dog incident</p>	3.13	<p>There was seven submissions supporting the inclusion of the Aquatic Club BBQ area as a Designated Dog Exercise Area (Off-Leash) and five submissions against a change of use to this area. It is recommended that the Aquatic Club BBQ area:</p> <p>(1) Continue to be a 'Public Place' under the Policy (3.8.2 A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person) - No Change of Use and</p> <p>(2) Be removed from the Outdoor Dining Areas prohibited list (Section3.12).</p> <p>This will enable dog owners to take their dogs to the BBQ area provided the dog is attached to a lead (not Off-Lead) and may provide a equitable solution for the community who have different views regarding the use of this area.</p>
			<p>There are many other suitable areas for dog owners to use. The proposed policy has enlarged other dog exercise areas for them. They do not need the Aquatic Club BBQ area as well.</p>	3.8	As Above

			Supports installation of a new BBQ area just for dogs further south near the oval end where the track comes off the beach.	3.13	Noted
16	14/11/2019		Strongly opposes proposed Aquatic Club off-leash area due to the importance of the site as a community area for activities such as swimming, sunset watching, sailing etc.	3.13	There was seven submissions supporting the inclusion of the Aquatic Club BBQ area as a Designated Dog Exercise Area (Off-Leash) and five submissions against a change of use to this area. It is recommended that the Aquatic Club BBQ area: (1) Continue to be a 'Public Place' under the Policy (3.8.2 A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person) - No Change of Use and (2) Be removed from the Outdoor Dining Areas prohibited list (Section3.12). This will enable dog owners to take their dogs to the BBQ area provided the dog is attached to a lead (not Off-Lead) and may provide a equitable solution for the community who have different views regarding the use of this area.
			Strongly opposes proposed extension of the off-leash area at northern end of Cobby's due to the importance of the area for birds displaced by airport inspections and aircraft movements.	3.8	There is NO proposal to extend the Dog exercise area at North Cobbys Beach. It is proposed in the amended Policy that this area will be closed seasonally from the Northern end of Cobbys Beach from the access track at the North BBQ area to the airstrip rocks to coincide with migratory waders.
			In the interests of public safety, the LHIB should minimize the interaction of visitors/tourist with our local dogs as not all are tolerant of strangers/people. Plans should keep this in mind.		Noted
			Supports implementation of a new dog-friendly BBQ area. Suggests the proposed skate park site given its adequate shade and the opportunity to create a community area not only a skate park.	3.13	It is not recommended to include an additional 'Off-lead' BBQ area within the Settlement Area. This would require establishing another serviced BBQ facility including bins and a regular servicing schedule with limited resources.

			Supports the proposed improvements in dog obedience rules and highlights the need for enforcement including regular, spot and random-checks of obedience, and a community expectation of such, would also improve the human side of poor dog behavior.	3.1	Noted
18	12/11/2018	email	Increased enforcement of nuisance dogs	3.17	Owners of dogs imported to the Island should ensure that their dog is obedient and well trained for the duration of the animals life on the Island. Mandatory reassessment of dogs declared to be a nuisance dog or for owners of dogs that have been issued a formal warning or a penalty infringement notice maybe required. It is recommended to include mandatory reassessment of obedience for dogs that are declared a nuisance dog or for owners that have been issued a formal warning or have been issued a penalty infringement notice within three months of the notice being issued, failing to pass the reassessment may result in the approval being suspended. There are currently two approved/certified dog trainers employed at LHIB, which would not result in any additional cost to the Board.
			Need for increased on-lead dog walking tracks as currently Transit Hill is the only option.	3.9	It is not recommended to increase the number of walking tracks in the PPP to allow dog owners to walk their dogs. This would require an amendment to the Policy not already discussed and an amendment to Section 5.3.3 of the Permanent Park Preserve Plan Of Management (PPPPOM). Ongoing compliance in remote areas of the PPP would be difficult to manage.
			Consider opening up, whether seasonally or completely, one of the walking tracks that are free of birds such as Intermediate, Boat Harbour or Mutton Bird Point walking track.	3.11	As Above
			Would also like to be able to camp at North Bay in winter when the birds are gone.	3.11	It is not recommended to change the Policy to allow dog owners to bring their dogs with them when they camp at North Bay during winter. This would require an amendment to the Policy not already discussed and an amendment to Section 5.3.3 of the PPPOM.

12/11/2018	email	<p>Intention to import Dog to LHI should require a check prior to importation. Every council has a register that records any council dealings with the dog/animal. This would assist in determining whether the dog is suitable for Lord Howe Island (dogs that have prior nuisance or warnings for aggression /behavioural/ habitual wandering etc).</p>	3.2.2	<p>It is recommended that Internal procedures should include a reference check on the Companion Animals Register to ensure that any dogs imported to the Island have not been listed as a nuisance dog etc.</p>
		<p>The LHI Dog Policy: 3.6.3 should state as in the legislation: 32A (2) If an authorised officer of a council is satisfied that a dog is a nuisance, the officer may, after complying with section 32B, issue an order in the approved form to the owner of the dog requiring the owner to prevent the behaviour that is alleged to constitute the nuisance. (3) The order must specify the behaviour of the dog that is required to be prevented. The order can specify more than one kind of behaviour.</p>	3.6.3	<p>It is recommended that reference to the relevant section in the Companion Animals Act could be incorporated in the amended Policy.</p>

			<p>Dogs require continual obedience and leadership. An initial obedience certificate from a certified trainer does not provide certification for the life of the dog. Behaviour certification is at the time of its examination. Obedience and training is an ongoing continual program that needs to be maintained by the owner. A monetary penalty sometimes doesn't suffice or bring with it accountability.</p>	3.1	<p>Owners of dogs imported to the Island should ensure that their dog is obedient and well trained for the duration of the animals life on the Island. Mandatory reassessment of dogs declared to be a nuisance dog or for owners of dogs that have been issued a formal warning or a penalty infringement notice maybe required. It is recommended to include mandatory reassessment of obedience for dogs that are declared a nuisance dog or for owners that have been issued a formal warning or have been issued a penalty infringement notice within three months of the notice being issued, failing to pass the reassessment may result in the approval being suspended.</p> <p>There are currently two approved/certified dog trainers employed at LHIB, which would not result in any additional cost to the Board.</p>
			<p>In order to enforce the abatement notice, consideration should be given in the power of LHIB to recall a nuisance dog and undergo an obedience test by an approved dog trainer employed by the Lord Howe Island Board. There are 2 approved/certified dog trainers currently employed at LHIB, which would not result in any additional cost.</p> <p>I think the LHIB should be seen to be more compliant driven in relation to dogs and dog complaints.</p>	3.1	As Above
1/11/2018	email	<p>Requests that dogs be allowed on the MBP walking track and also the beach under the 8th green of the golf course, from Lovers Bay headland to Cobbys (not inclusive)</p>	3.8	<p>It is not recommended to increase the number of walking tracks in the PPP to allow dog owners to walk their dogs. This would require an amendment to the Policy not already discussed and an amendment to Section 5.3.3 of the Permanent Park Preserve Plan Of Management (PPPPOM). Ongoing compliance in remote areas of the PPP would be difficult to manage.</p>	

LORD HOWE ISLAND BOARD POLICY

TITLE	Dog Importation and Management Policy		
DATE ADOPTED		AGENDA ITEM	
CURRENT VERSION	July 2015	AGENDA ITEM	CEO approval
REVIEW	5 Years	FILE REFERENCE	
ASSOCIATED LEGISLATION	<i>Lord Howe Island Act 1953</i> <i>Lord Howe Island Regulation 2014</i> <i>Veterinary Surgeons Act 1986</i> <i>Companion Animals Act, 1998</i> <i>National Parks & Wildlife Act, 1974</i>		
ASSOCIATED POLICIES	N/A		

CONTENTS

1 Introduction 2

2 Objectives..... 2

3 Policy 2

 3.1 Approval Process and Conditions 2

 3.2 Eligibility 4

 3.3 Transfer of Ownership 4

 3.4 Responsibility of Dog Owners 4

 3.5 Restricted Dogs 4

 3.6 Nuisance Dogs..... 5

 3.7 Menacing or Dangerous Dogs..... 5

 3.8 Dog Management Zones..... 5

 3.9 Public Places..... 6

 3.10 Designated Dog Exercise (Off-Leash) Areas 6

 3.11 Prohibited Place 6

 3.12 Special Circumstances..... 7

 3.13 Outdoor Dining Areas 7

 3.14 Dogs on Leasehold Land..... 7

 3.15 Dogs defecating in public place 7

 3.16 Communication – education..... 8

 3.17 Enforcement 8

3.18 Penalties.....	8
3.19 Seizure of Dogs.....	8
Appendix A: Dog Management Areas.....	10
Appendix B: Application to Import a Dog	19
Appendix C: Application to Transfer a Dog	21
Appendix D: Dog Obedience Training and Validation Assessment.....	24

1 Introduction

This document sets out specific policies and procedures for the importation and management of dogs on Lord Howe Island (LHI). The policy has been prepared by the LHI Board (LHIB) in accordance with the *Companion Animals Act, 1998 (CA Act)*, the *Lord Howe Island Regulation 2014 (LHI Regulation)* and the *National Parks & Wildlife Act, 1974*.

2 Objectives

The policy encourages responsible dog ownership and aims to provide adequate areas for dogs and their owners to exercise both on and off leash.

The policy restricts the number, type and the areas where dogs are permitted, consistent with the natural heritage values of the Island.

The policy will be managed through an integrated process of community education, cooperation, enforcement and ongoing review.

3 Policy

3.1 Approval Process and Conditions

3.1.1 Approval may be given under Clause (CI) 62 (2) of the *LHI Regulation* to import a Dog to LHI, subject to the following sub-clauses:

- a) 62 (3) (a) The dog is free of disease and parasites.
- b) 62 (3) (b) A veterinary practitioner (within the meaning of the *Veterinary Practice Act 2003*) has certified that the dog is de-sexed or is permanently incapable of reproduction.
- c) 62 (4) Despite subclause (3) (b), the LHIB may grant approval for the bringing of a dog (such as a trained sniffer dog, a dog trained in search and rescue or a specialist hunting dog) onto the Island for a short period for a specified project.
- d) 62 (5) This CI does not prevent a person with a disability from bringing an assistance animal (within the meaning of the *Disability Discrimination Act 1992*) onto the Island, subject Clause 2 below and prior approval from the LHIB.

3.1.2 In order to satisfy CI 62 (3) (a), the applicant will be required to provide a certificate (not more than 14 days prior to the date of import) signed by a Veterinary Surgeon registered under the *Veterinary Surgeons Act 1986*, certifying that the dog has current:

- a) C5 vaccination (protection against distemper, hepatitis, parvovirus and canine cough (parainfluenza and bordetella bronchiseptica);
- b) Heartworm protection;

- c) Broad spectrum intestinal worm control;
- d) External parasites control including flea, tick and mites.

Please note that this condition applies to any dog that leaves the island. For example, if a resident takes their dog on a holiday with them, the dog will need to be certified free from disease and parasites prior to returning to the island.

- 3.1.3 In order to satisfy CI 62 (3) (b), the applicant will be required to provide a certificate (not more than 1 month prior to the date of import) signed by a Veterinary Surgeon registered under the *Veterinary Surgeons Act 1986*, certifying that the dog is de-sexed, or otherwise rendered permanently incapable of reproduction, prior to importation to the Island.
- 3.1.4 Male dogs under the age of four months may be permitted provided the dog is de-sexed or otherwise rendered permanently incapable of reproduction prior to seven months of age. In this instance a bond equivalent to 10 penalty units must be lodged with the LHIB prior to importation of the dog. This bond will be refunded upon production of the appropriate veterinary certificate demonstrating compliance with this clause. All female dogs must be de-sexed prior to importation.
- 3.1.5 In accordance with the *CA Act*, dogs must be micro-chipped prior to importation and registered at the LHIB's Administration Office within seven (7) days of the dog arriving on the Island. All dogs must be entered into the NSW Companion Animals Lifetime Registration database.
- 3.1.6 An annual 'animal permit fee' is payable to the LHIB. Fees are listed in the LHIB's schedule of fees and charges.
- 3.1.7 Prior to importation, dogs over the age of four months must have completed Dog Obedience Training and be validated by an accredited trainer or veterinary surgeon as having attained a basic level of obedience according to the criteria listed in Appendix D. An overall pass grade must be obtained before approval can be issued by the Chief Executive Officer. If an overall fail grade is obtained, the Lord Howe Island Board members must consider the application
- 3.1.8 In the event the dog is under the age of four months and/or considered too young to be trained, a bond equivalent to 10 penalty units (\$1,100.00) must be lodged with the LHIB 'prior to importation. This bond will be refunded upon the production of the appropriate training certificate demonstrating compliance with this clause prior to the dog reaching one year of age. Failing to have the dog certified to a Basic Level of Obedience following the criteria above before reaching one year of age, will be deemed to be a breach of the conditions of the approval to import and will result in the approval being terminated.
- 3.1.9 In the event the dog is too young to be trained (prior to 4 months of age), and is a male dog and is not de-sexed at the time of importation, a bond of 10 penalty units will suffice for both conditions. The bond will be refunded at such time as the owner demonstrates both conditions (4 & 8) have been met. Failure to meet both conditions will result in the approval being terminated.
- 3.1.10 Where approval to bring (import) a dog to the Island under clause 62 (2) of the *LHI Regulation* is granted, the dog must be imported within twelve (12) months from the approval being given, otherwise the approval will lapse and a new application will be required.

3.2 Eligibility

- 3.2.1 Written applications for importing a dog can be made on the prescribed application form (Appendix B). Applicants must show valid reasons why they wish to import a dog.
- 3.2.2 Persons may be permitted to import dogs to the island if they:
 - a) Are a leaseholder or have lived on the island for more than two years immediately prior to lodging their application; or
 - b) Own a dog prior to becoming a temporary resident of the island, provided that they have documentary evidence that their term of employment will be at least two years duration.
- 3.2.3 Not more than one dog per household shall be permitted and dogs must be kept at the normal place of residence.

3.3 Transfer of Ownership

- 3.3.1 Dogs imported to the Island must be kept at the normal place of residence of the approved importer. Where dog owners require someone else to care for their dog for periods greater than 90 days, an application to transfer the dog ownership is required.
- 3.3.2 Written applications for the transfer of dog ownership can be made on the prescribed application form (Appendix C). The person applying must satisfy all relevant conditions of this Policy. Applications outside the transfer of ownership criteria will be assessed on their merits and agreed to by the LHIB.

3.4 Responsibility of Dog Owners

- 3.4.1 Approval to import and keep a dog on the Island will be subject to the owner of the dog complying with the conditions of this policy.
- 3.4.2 Failure to comply with this policy will be deemed to be a breach of the conditions of the approval to import and may at the discretion of the LHIB, result in approval to keep the dog on the Island being withdrawn, in which case enforcement action such as the issue of a penalty notice, prosecution or deportation of the dog may occur.
- 3.4.3 If an approval to import a dog to the Island has been terminated, the dog must be removed from the Island within 2 weeks from the date of the notice for termination being issued. Failing to remove the dog from the Island within the time specified may result in the dog being seized by officer(s) appointed by the LHIB, a Police Officer or any other person and may result in fines to the owner.

3.5 Restricted Dogs

- 3.5.1 It is an offence in New South Wales to sell, acquire or breed dogs on the restricted dog list. The breeds of dogs that are prohibited from importing to the Island are as follows:
 - a) American Pit-bull Terrier or Pit-bull Terrier;
 - b) Japanese Tosa;
 - c) Dogo Argentino (Argentinean fighting dog);
 - d) Fila Brasileiro (Brazilian fighting dog);
 - e) * Any dog declared by the LHIB under Division 6 of the CA Act to be a restricted dog;

f) Any other dog of a breed kind, or description prescribed by the Regulation.

* Refers to any dog where the LHIB is of the opinion that the dog is a breed of dog on the restricted dog list, or a cross-breed of any such breed or dog.

3.6 Nuisance Dogs

3.6.1 The provisions of Section 21 – of the *CA Act* apply to LHI in respect of *Nuisance Dogs*. A dog is a nuisance if the dog:

- a) Is habitually at large, or
- b) Makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or
- c) Repeatedly defecates on property (other than a public place) outside the property on which it is ordinarily kept, or
- d) Repeatedly runs at or chases any person, animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock) or vehicle, or
- e) Endangers the health of any person or animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock), or
- f) Repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.

3.6.2 Where there is evidence that a nuisance dog complaint is justified, the LHIB will issue the owner of the dog with an abatement notice. This presents the owner with a realistic definite timeline in which to take action to abate the nuisance. If requested the LHIB will provide advice as to corrective measure that may be employed, but it remains the owners responsibility to determine and implement the necessary corrective action.

3.6.3 Where the nuisance has not been abated after the abatement period the LHIB may issue an Infringement Notice. In the case of continued nuisance the LHIB may revoke any prior approvals and order the dog to be removed from the Island.

3.7 Menacing or Dangerous Dogs

3.7.1 Dogs attacking or injuring persons or animals can be declared menacing or dangerous. A dog declared menacing or dangerous is subject to very strict controls and ultimately a destruction order may be issued for the dog.

3.8 Dog Management Zones

3.8.1 For the purpose of this policy, land is classified into the following zones:

- a) Public Place
- b) Designated Dog Exercise Area
- c) Prohibited Place
- d) Leasehold Land

3.8.2 Maps showing specific locations are provided in Appendix A.

3.8.3 Bona fide assistance animals (including guide dogs, hearing assistance dogs and trained animals) are generally exempt from all zonal restrictions

3.9 Public Places

3.9.1 Under the CA Act a public place is defined as:

- a) Any pathway, road, bridge, jetty, wharf, road-ferry, reserve, park, beach or garden; and
- b) Any other place that the public are entitled to use.

3.9.2 A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person.

3.10 Designated Dog Exercise (Off-Leash) Areas

3.10.1 The LHIB has declared the following public places as “Off-Leash” areas:

- a) The grassed open space area west of Lagoon Road from the northern side of the Aquatic Club, south to the southern-most boundary of the oval;
- b) The southern section of Blinky Beach south of the main access track;
- c) Middle Beach from the bottom of the northern access steps to the bottom of the southern access steps;
- d) Lagoon Beach from the northern side of the Aquatic Club, south to Pinetrees boatshed and
- e) Lagoon Beach, from the south-western boundary of the airstrip (airstrip rocks) to the northern bank of Cobby’s Creek.

3.11 Prohibited Place

3.11.1 Dogs are prohibited in the following places (whether or not they are leashed or otherwise controlled):

- a) Children’s play areas: meaning any public place, or part of a public place, that is within 10 metres of any playing apparatus provided in that public place or part for the use of children).
- b) Recreation areas where dogs are prohibited: meaning any playing area of a sports ground or tennis court on which sport is being played.
- c) School grounds and Child care centres.
- d) All beaches excluding those identified as Designated Dog Exercise Areas.
- e) All public buildings.

3.11.2 In addition, the LHIB has declared the following locations as Prohibited Places:

LOCATION	DEFINITION OF PROHIBITED PLACES
The Permanent Park Preserve	All of the Permanent Park Preserve with the exception of: <ul style="list-style-type: none"> a) The southern walking track to Middle Beach; b) The Transit Hill walking track from Bowker Ave to Blinky Beach (but not including the northern end of the beach area). Dogs must be leashed at all times whilst on the tracks identified above.
The Pines Precinct	All of the area generally west of Lagoon Road from the rock cairn at Signal Point to the northern end of the car park north of the boat sheds, including the whole of the BBQ area and adjacent beach.
The Island Cemeteries	Any area of Crown land reserved for the purposes of a cemetery together with such areas on leasehold as are clearly defined as private cemeteries.
Ned’s Beach	The whole of the Ned’s Beach area, from where the palm tree forest ends on Ned’s Beach Road, including the beach, BBQ areas and open

	recreational areas.
Blinky Beach	The northern end of Blinky Beach, northwards from where the carpark access track meets the beach.
Old Settlement Beach	The entire length of Old Settlement Beach including access tracks and BBQ areas on the western side of Lagoon Rd.
Little Island	The part of the Little Island Track and foreshore south from the boulder section at Little Island marking the northern boundary of Far Flats to Little Island (where the palm tree forest starts).
Cobby's Corner	All the area west of Lagoon Road at Cobby's Corner including the beach and BBQ area to the northern bank of Cobby's Creek.
The Waste Management Facility (WMF)	Dogs will be prohibited from the area occupied by the WMF and adjacent revegetation areas.

3.11.3 The above prohibition does not apply to dogs such as a trained sniffer dogs, dogs trained in search and rescue or other specialist dogs imported to the Island in accordance with CI 62(4) of the LHI Regulation.

3.12 Special Circumstances

3.12.1 Dogs are permitted in some public places, subject to the following conditions:

LOCATION	DEFINITION OF PROHIBITED PLACES
The Aerodrome (Portion 180)	Dogs will be prohibited from Portion 180, except for the purpose of loading or unloading a dog from an aircraft.

3.13 Outdoor Dining Areas

3.13.1 Dogs are prohibited from the following outdoor dining areas including 10m from BBQ facilities at the following areas:

- a) Old Settlement Beach
- b) The Playground
- c) Cobby's Corner
- d) North Bay
- e) Ned's Beach
- f) The Pines precinct
- g) BBQ area at the Jetty

3.13.2 The above prohibition does not apply to dogs such as a trained sniffer dogs, dogs trained in search and rescue or other specialist dogs imported to the Island in accordance with CI 62(4) of the LHI Regulation.

3.14 Dogs on Leasehold Land

3.14.1 Dogs do not have to be on a leash if they are on the dog owner's property.

3.14.2 A dog must not be on any other lease without the lease owner's consent.

3.15 Dogs defecating in public place

- 3.15.1 If a dog, under the control of any person, defecates in a public place, that person must immediately remove the faeces and properly dispose of them. Proper disposal means complete removal from the site and later disposal at the Waste Management Facility. Burying faeces onsite is not acceptable.

3.16 Communication – education

- 3.16.1 Information and maps will be provided to all registered dog owners. The policy will be available on the LHIB's website for all residents to download.
- 3.16.2 Where the boundaries of designated dog areas are difficult to identify (i.e. Cobby's Beach, Aquatic Club and Old Settlement Beach, Clear Place Track), appropriate signage will be installed.

3.17 Enforcement

- 3.17.1 The policy will be given effect and enforced by delegated LHIB staff.
- 3.17.2 Mandatory reassessment of obedience will be required for dogs that are declared a nuisance dog or for owners that have been issued a formal warning or have been issued a penalty infringement notice within six months of the notice being issued. Failing to pass the reassessment may result in the approval being suspended. Reassessment of dogs will be undertaken by a delegated LHIB officer.

3.18 Penalties

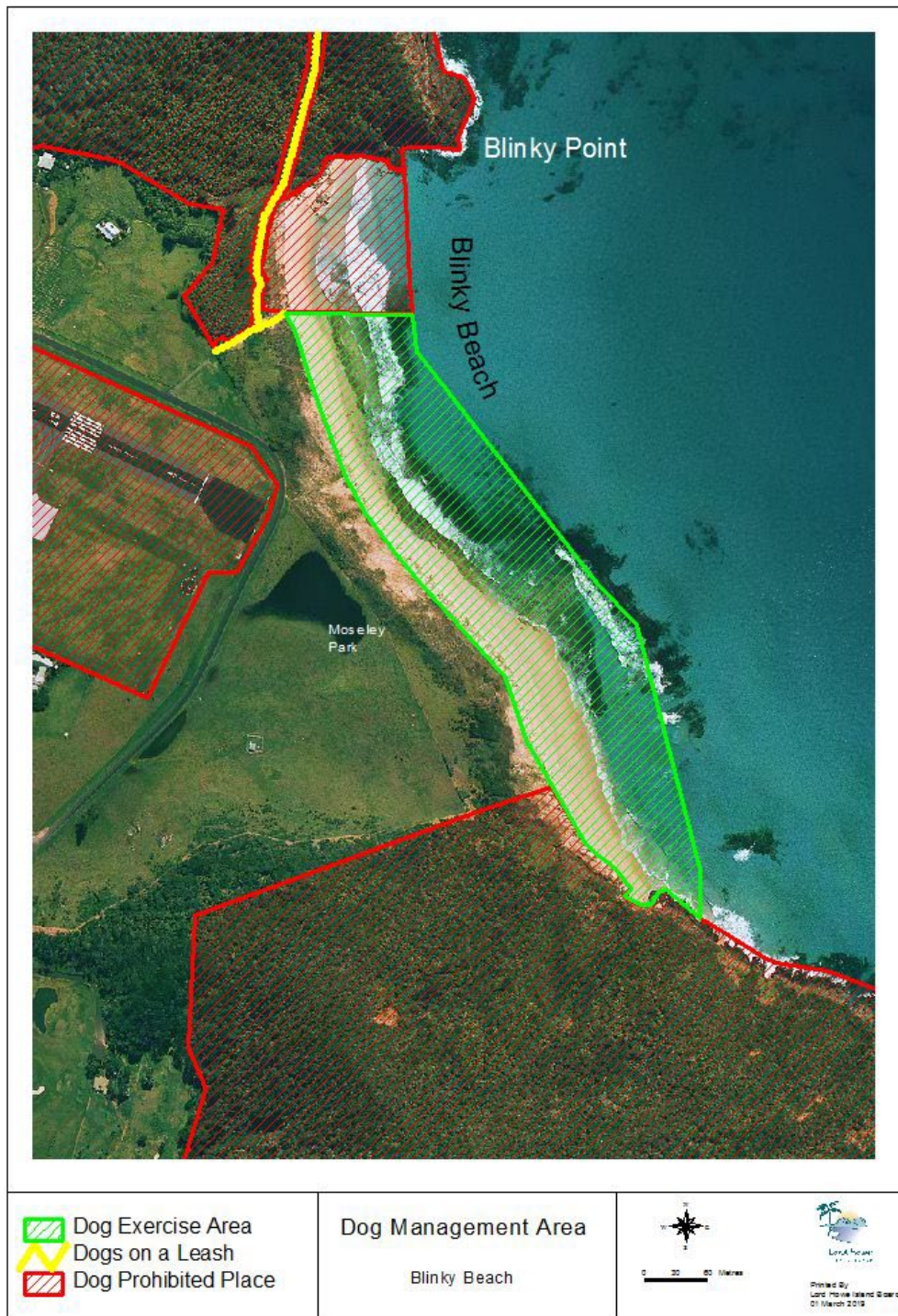
- 3.18.1 Penalties (enforceable by an on-the-spot fine or in court) may be imposed on the owner of a dog for a number of offences. Some of these are:
- a) Dog found in a public place and not under control by leash etc.;
 - b) Dog found in a Prohibited Place;
 - c) Dog attacking or injuring persons or animals;
 - d) Dog fouling a public place, and failure of the person controlling the dog to remove and appropriately dispose of faeces;
 - e) Failure to notify the LHIB of transfer of ownership of dog; and
 - f) Where an Authorised Officer is satisfied that a dog is a nuisance.
- 3.18.2 Offences under the *CA Act* attract fines of up to \$1,000. In addition, penalties under the *National Parks and Wildlife Act 1972* where dogs harm protected fauna may attract fines up to \$10,000.

3.19 Seizure of Dogs

- 3.19.1 If a dog is found in contravention of the policy, the dog may be seized. A dog may be seized by officer(s) appointed by the LHIB, a Police Officer or any other person. A dog that has been seized under the Companion Animals Act must be delivered to the officer in charge of the LHIB's dog pound immediately. If your dog is seized, the LHIB will notify you as soon as practicable. Your dog can then be released on payment of a release fee (\$50) and a maintenance fee (\$5 / hour or part thereof) for the dog while it has been in the pound. If your dog is seized on a 2nd or subsequent occasion within 12 months of it first being seized, the release fee on each occasion is \$300. Dogs found to be continually wandering will be seized and will be declared a 'nuisance dog' under the Companion Animals Act, resulting in fines to

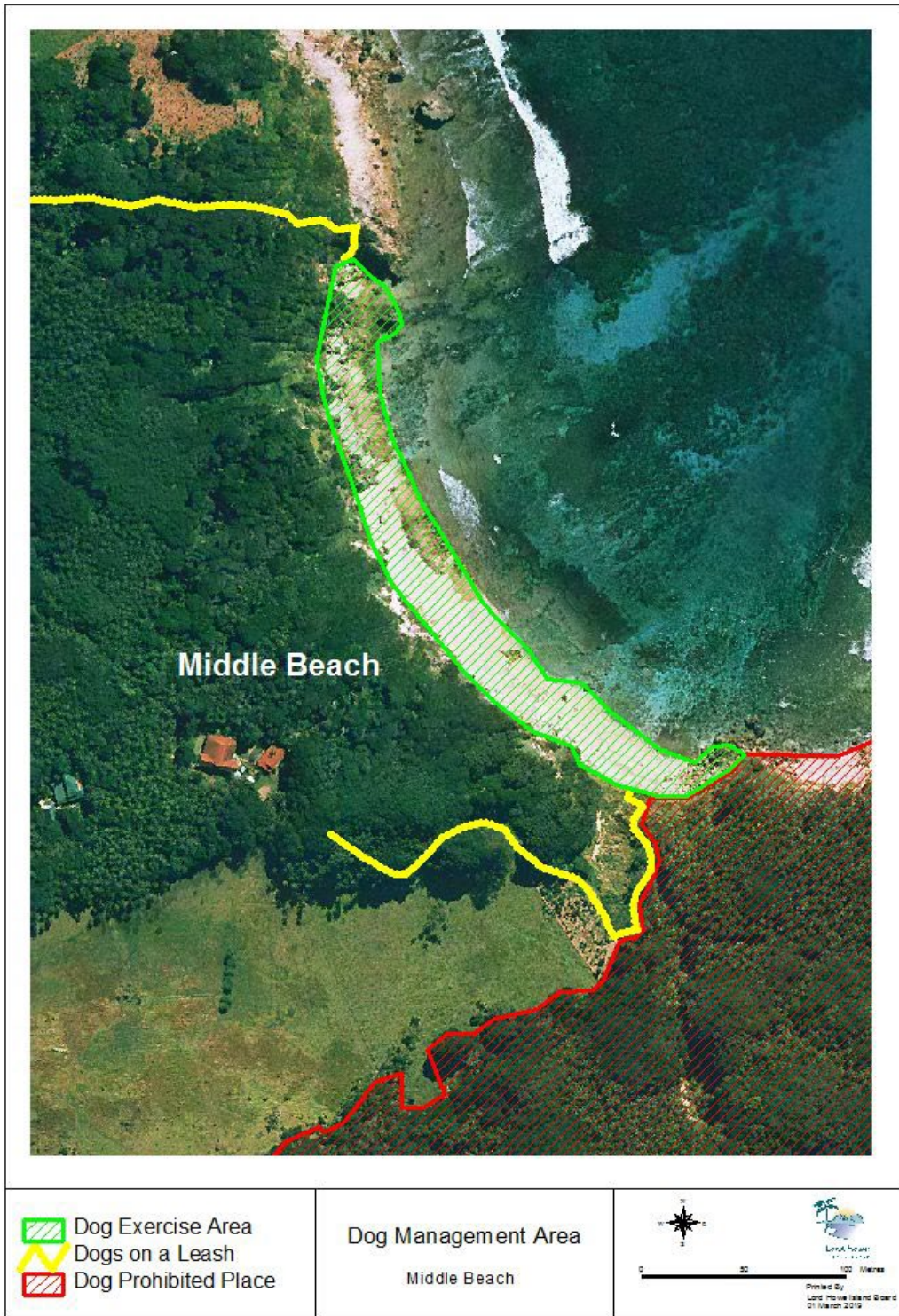
the owner.

Appendix A: Dog Management Areas



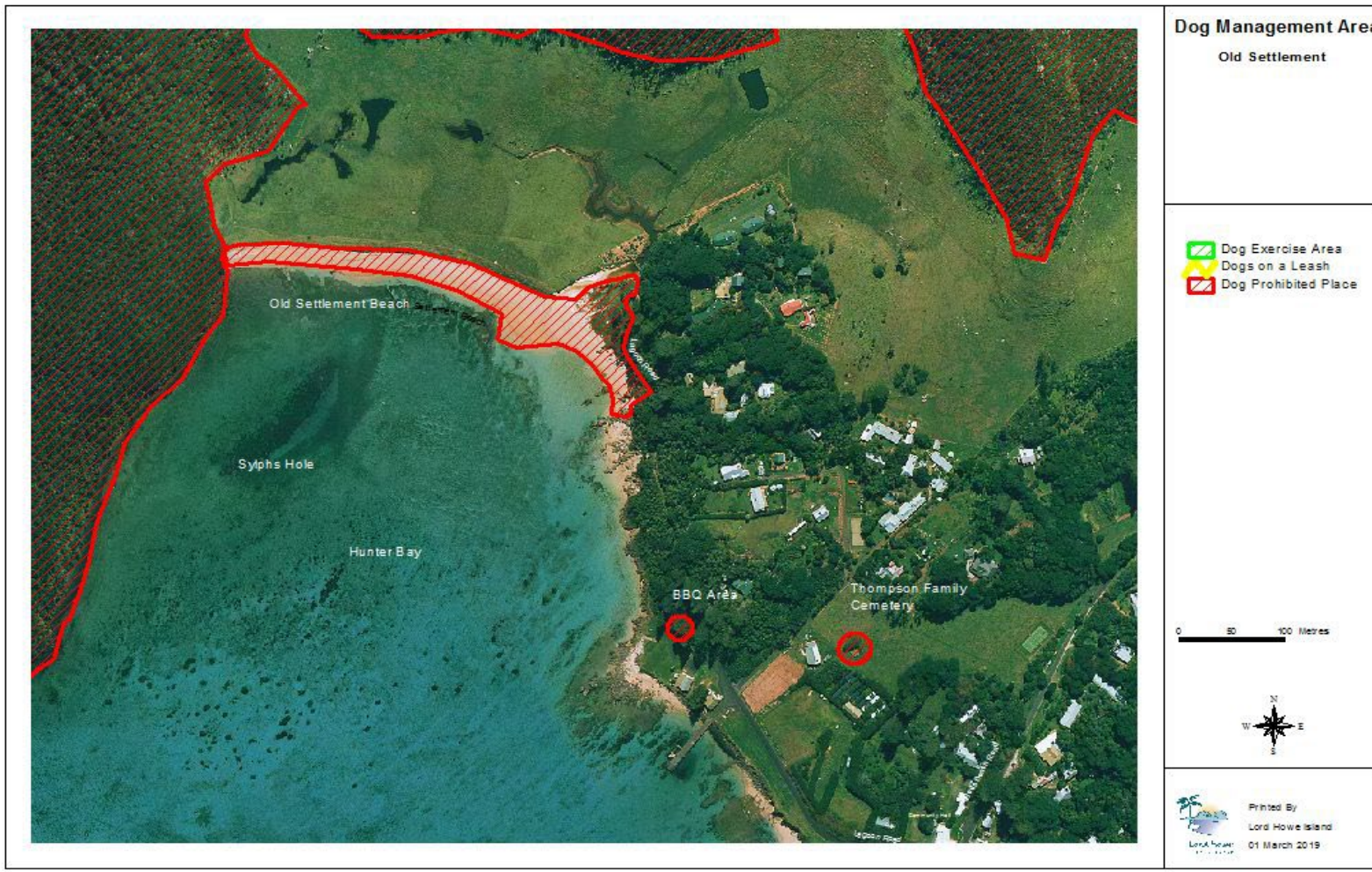
















LORD HOWE ISLAND BOARD

APPLICATION TO IMPORT A DOG

Please complete the following details to enable your dog importation application to be assessed.

Name of applicant	
Address	
Lease where dog will be kept	
Name of dog	
Breed and description of dog	
D.O.B of dog	
Is the dog free of disease and parasites and certificate is attached? <i>(See section 3.1.2 of the Policy)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No Certificate must state dog is up-to-date with C5 vaccination, heartworm protection, broad spectrum intestinal worm control and external parasite control including fleas, ticks and mites.
Is the dog de-sexed and certificate attached? <i>(See section 3.1.3 of the Policy)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>A bond must be lodged (10 Penalty units; \$1,100).</i> All female dogs must be de-sexed prior to importation. Male dogs under the age of four months may be permitted provided the dog is de-sexed or otherwise rendered permanently incapable of reproduction prior to seven months of age.
Has the dog completed the Dog Obedience Assessment Checklist and certificate attached? <i>(See Appendix D: Dog Obedience Training and Validation Assessment)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>A bond must be lodged (10 Penalty units; \$1,100).</i>
Reason for importation	

I, being the applicant, have read the Lord Howe Island Board's *Dog Importation and Management Policy 2014* and understand the provisions and conditions therein. I understand that failure to abide by the conditions of the policy may result in the termination of approval to have a dog on the Island, that fines may be imposed, and that it may also render future applications ineligible.

LORD HOWE ISLAND BOARD

APPLICATION TO TRANSFER A DOG

Please complete the following details to enable the transfer of ownership application to be assessed.

Name of applicant (transferee)	
Address	
Lease where dog will be kept	
Name of previous owner of dog (transferor)	
Name of dog	
Breed and description of dog	
D.O.B of dog	
Is the dog free of disease and parasites and certificate is attached? <i>(See section 3.1.2 of the Policy)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No Certificate must state dog is up-to-date with C5 vaccination, heartworm protection, broad spectrum intestinal worm control and external parasite control including fleas, ticks and mites.
Is the dog de-sexed and certificate attached? <i>(See section 3.1.3 of the Policy)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>A bond must be lodged (10 Penalty units; \$1,100).</i> All female dogs must be de-sexed prior to importation. Male dogs under the age of four months may be permitted provided the dog is de-sexed or otherwise rendered permanently incapable of reproduction prior to seven months of age.
Has the dog completed the Dog Obedience Assessment Checklist and certificate attached? <i>(See Appendix D: Dog Obedience Training and Validation Assessment)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>A bond must be lodged (10 Penalty units; \$1,100).</i>
Reason for transfer	

TRANSFEEE

I, being the applicant, have read the Lord Howe Island Board’s *Dog Importation and Management Policy 2014* and understand the provisions and conditions therein. I understand that failure to abide by the conditions of the policy may result in the termination of approval to have a dog on the Island, that fines may be imposed, and that it may also render future applications ineligible.

Signature: Date:

TRANSFEROR

I, approve the transfer of my dog,
..... to

Signature: Date:

OFFICE USE ONLY

Criteria	Yes	No
Does the applicant meet the residency requirement?		
Does the applicant meet the dogs per household requirement?		
Does the applicant provide a reason for transferring the dog?		
Is the dog free of disease and parasites and certificate is attached?		
Is the dog de-sexed and certificate attached?		
Has the dog completed formal Dog Obedience Training and certificate attached?		
Is a bond required?		

If all criteria meet the conditions of transfer under the *Dog Importation and Management Policy 2014*, approval can be issued by the Chief Executive Officer. If all criteria are not met, the Lord Howe Island Board members must consider the application.

APPROVED

DEFERRED FOR BOARD CONSIDERATION

..... Date:

CHIEF EXECUTIVE OFFICER

Assessment Notes:

Appendix D: Dog Obedience Training and Validation Assessment

Prior to importation, dogs over the age of four months must have attained a basic level of obedience and be certified by an accredited trainer according to the following criteria:

Criteria	Description	Validation	Comments
Sociability <i>On lead</i>	In an open area, a non-aggressive dog or puppy on-lead approaches the dog with a person two meters away. The person has a short conversation with the owner. The dog must remain under the owner's control, not displaying any signs of aggression, stress or vocalizations towards the other dog or puppy.	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	
Heel <i>On lead</i>	Hold dog by owner's side while walking. Dog must not pull.	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	
Sit <i>On lead</i>	Dog must be controlled and focused on the handler. Dog must sit on command.	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	
Stay <i>Off lead</i>	Dog must not move until commanded to move. Dog must be able to demonstrate a stay of 30 seconds.	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	
Come <i>Off lead</i>	Dog must return to handler on command.	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	
No <i>Off lead</i>	Dog must stop behaviour on command.	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	

Overall Assessment

PASS

FAIL

Validators name: Position:

Validators Signature: Date:

Assessment Notes:

In the event the dog is under the age of four months and/or considered too young to be trained, a bond equivalent to 10 penalty units (\$1,100.00) must be lodged with the Lord Howe Island Board prior to importation.

This bond will be refunded upon the production of the appropriate training certificate or veterinary certificate demonstrating compliance with this clause prior to the dog reaching one year of age.

Failing to have the dog certified to a Basic Level of Obedience following the criteria above before reaching one year of age will be deemed to be a breach of the conditions of the approval to import and will result in the approval being terminated.

LHI Operations Plan FY 2019 planning

Strategic Direction: Effective Governance and Leadership					
Strategy			Responsible Officer	KPI/Measure - Operations Plan 2018/2019	December 2018 Review
	1.1	Ensure accountability, fairness and transparency in the Board's decision-making and relationships with all its stakeholders.			
Action	1.1.1	Develop a 10 year strategic plan to develop a longer term vision and key directions for the community, providing a basis for future policy, plans and community reporting	CEO	Undertake community engagement, prepare draft CSP and inform 19/20 budget and operating plan processes to meet milestones by June 2019. Longer-term vision and key directions developed by end June 2019	CSP Consultation underway, preliminary community themes identified. On Track.
Action	1.1.2	Hold Board meetings four times a year in public.	CEO / MBCS	Four public meetings held per annum. Code of Meeting Practices is adhered to.	On track Revised code of conduct as required by LHI Act being prepared.
Action	1.1.3	Develop and implement appropriate policies and procedures to ensure decisions are merit based, transparent and defensible.	MBCS	Policies and procedures reviewed in accordance with the schedule to ensure currency and completeness.	Policy register reviewed, catch-up underway.
Action	1.1.4	Ensure all conflicts of interest of Board members and staff are declared and managed in accordance with the Board's Code of Conduct.	MBCS	A record is kept of conflicts of interest declared. Declarations of Pecuniary Interests are completed and reported on an annual basis. Register established.	Declarations completed and ongoing compliance required. Register established, reported annually.
Action	1.1.5	Ensure appropriate community engagement and consultation opportunities are provided so that community input to decisions and plans is obtained and considered.	CEO	Program of meetings and engagement opportunities undertaken. Community input to policy development is sought as appropriate.	Consultation for CSP underway.
Action	1.1.6	Implement a level of delegated authority to ensure efficient and equitable organisational operations.	CEO	Appropriate delegations of authority are enacted to provide staff with sufficient powers to enforce the LHI Act and Regulation and other legislation administered by the Board.	Review of delegations register commenced.
	1.2	Ensure corporate governance practices meet legislative requirements.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	1.2.1	Work with the Audit and Review Committee (ARC) and auditors.	CEO / MBCS	ARC meets four times per year. Internal audit work plan completed on time.	On track On track for completion
Action	1.2.2	Provide relevant and timely advice to Government on matters affecting the management of the island.	CEO / MBCS	Briefings and submissions prepared as required to the Minister, DPE, OLG and Treasury as appropriate.	On track, complete
	1.3	Work to achieve long term financial sustainability.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	1.3.1	Develop sustainable annual budget	CEO / MBCS	Adequate capital funding achieved to fund the Total Asset Management Plan (TAM Plan). Recurrent funding achieved to allow the Board to meet its objectives in accordance with the Corporate Plan. Business cases to be prepared for recurrent funding of biosecurity strategy and REP.	18/19 budget includes identified figure from TAMP. However, it is considered this must increase to be reflect actual depreciation and therefore be sustainable. Various submissions and initiatives undertaken, funding gaps still not resolved.
Action	1.3.2	Levy fees and charges at an appropriate level.	MBCS	Fees and charges are in accordance with the Board's decisions.	Achieved.
Action	1.3.3	Ensure that the services delivered are provided at the appropriate level.	CEO	Service levels and service delivery monitored and reports provided to the Board on achievement of service levels.	Reporting continues to Board meetings.
	1.4	Ensure risks are properly managed.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	1.4.1	Implement the risk management policies and procedures.	MBCS	Progress against the implementation of risk management policies and procedures is reviewed quarterly.	Ongoing, including restructuring of risk register with DPE cluster services.
Action	1.4.2	Regularly review the Risk Register.	CEO	Risk Register is reviewed quarterly.	Review of risk register commenced.
Action	1.4.3	Develop Risk Treatment Plans (RTPs) to manage risk impacts.	CEO / Unit Managers	RTPs tabled at management meetings.	Achieved.
Action	1.4.4	Develop and implement a Business Continuity Plan to ensure the continuance of Board services should a significant event occur.	CEO	Business Continuity Plan completed and tested by end June 2018.	Not yet commenced due to major projects and limited resources.
	1.5	Provide internal IT and communications systems which are secure, stable and support business operations.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	1.5.1	Implement ICT policies and procedures.	MBCS	Projects completed on time and on budget.	On track, reviewing MYOB, looking at Civica upgrades
Action	1.5.2	Support and maintain corporate ICT.	MBCS	Systems operational 99% of the time during business hours.	Achieved, some issues with liquor store IT system, being resolved.
	1.6	Provide efficient and effective records management and information management.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	1.6.1	Review and implement policies and procedures regarding information management.	MBCS	100% of relevant staff informed of record keeping responsibilities.	Achieved, all staff informed, improvements ongoing.
Action	1.6.2	Continue the RM8 electronic records management system implementation.	MBCS	Records are moved to electronic format or archived by June 2019 Alternative records system on hard drive to be reviewed by June 2019	Process ongoing, considering priorities, may need to move to 19/20. Planned for Q4
	1.7	Ensure effective management of human resources.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	1.7.1	Ensure organisational structure is aligned to strategic priorities and legislative requirements and is adequately resourced.	CEO	Review undertaken annually.	Review to commence in last quarter of 2018/19
Action	1.7.2	Attract, develop and retain an effective workforce that delivers required outcomes.	CEO / Unit Managers	Required recruitment process implemented. Training programs provided in line with the training budget.	On Track. Major temporary workforce required for REP largely recruited in accordance with policies. On Track
Action	1.7.3	Provide workplaces that ensure the health, safety and welfare of employees and members of the public.	CEO / Unit Managers	Risk Management Policy and Guidelines and all associated policies and procedures implemented and reviewed at appropriate intervals. WH&S Management Plan reviewed annually. Incidents and injuries are reviewed. Safe work procedures and training requirements are in place.	On Track. WHS issues in Risk Register regularly reviewed. WHS SWMs being reviewed. REP WHS plan and SWMS developed in consultation DPE. On Track. Improved and increased proactive management implemented. On Track
Action	1.7.4	Ensure that Work and Development Plans are completed for all staff.	CEO / Unit Managers	Work and Development Plans are completed annually, including Customer Service Objectives.	Due to major projects and resource impacts, not completed.

Action	1.7.5	Review and implement actions from the Workforce Plan 2015-18.	CEO / Unit Managers	Database of volunteers created in appropriate areas. Training program developed	Being considered.
			MECS	Database of young island residents who are studying at the tertiary level developed	Not yet commenced
Strategy	1.8	Provide timely and proactive communication to all stakeholders.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	1.8.1	Develop and implement a Communication / Community Engagement Strategy.	CEO / MECS	A Communication / Engagement Strategy in place by end June 2019	Engagement strategy for CSP underway, communications plans for individual key projects, long term plan yet to be developed.
Action	1.8.2	Promote Board programs and services through meetings, advertising and written materials.	CEO / Unit Managers	All materials prepared as required to a high standard.	On Track. Board contributions to the Signal, regular household notifications prepared and delivered on key topics.
Action	1.8.3	Maintain information on the Board's website and through social media.	MBCS	Number of page views per month.	Visitor engagement: WEP - 230/mth, REP - 233/mth
Strategy	1.9	Ensure high standards of customer service.	Responsible Officer	Operations Plan 2018/2019	
Action	1.9.1	Provide appropriate services efficiently and effectively to the appropriate service level.	CEO / Unit Managers	Communication of and access to information improved.	2 GIPA requests processed. Training provided to key staff on use of RMB. Processes being reviewed for efficiencies.
				Efficiency and effectiveness of employees enhanced.	Approval processes being audited and reviewed to facilitate efficiencies and reduce risk.
Action	1.9.2	Implement the Customer Service Improvement Plan (CSIP).	CEO / Unit Managers	Actions from the CSIP implemented, including the following:	
				Explore on-line services.	Web being updated and improved. Identification of new on line service opportunities not yet commenced
				Continue improved Work and Development Planning system	Further improvements not yet commenced
				Implement social media initiatives	Not yet commenced
				Review processes and procedures to improve customer service.	Approval processes being audited and reviewed to facilitate efficiencies and reduce risk.

Strategic Direction: Strong and Sustainable Economy					
Strategy	2.1	Market the island as a tourist destination.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	2.1.1	Maintain and enhance the sustainable tourism 'product' through the provision of infrastructure, engineering and environmental services.	CEO	Direct feedback from community members and tourists.	Services continue. Major recognition due to major awards received. Conservation Volunteer program being facilitated with LHITA, Museum and businesses/operators.
Action	2.1.2	Conduct visitor surveys as required, in conjunction with partners where appropriate, to inform product planning and destination marketing.	CEO	Visitor surveys conducted, analysed and assessed to inform product planning and destination marketing.	Post and pre-travel visitor surveys implemented, analysed and assessed to inform product planning and destination marketing.
Action	2.1.3	Work in partnership with LHI Tourism Association (LHITA), Destination NSW and other bodies in the ongoing implementation of the Destination Management Plan.	CEO / MBCS	Regular consultation and information sharing takes place.	Regular consultation takes place between the LHIB and LHITA. Launch of LHI Conservation Volunteers in 2018 as a joint initiative between local operators, LHIB, LHITA, LHI Museum and LHI Marine Parks. Plans underway for 2019 LHI Conservation volunteer program.
Action	2.1.4	Promote the island in key source markets as resources allow.	CEO / MBCS	Results of marketing activities are measured. Participate in marketing strategy and plan development. Post survey review/analysis.	Achieved and ongoing, DM employed by LHITA to provide data insight and analysis to LHITA committee and LHIB
Action	2.1.5	Ensure website content is current and relevant.	Manager Admin	Website content is refreshed and updated as necessary.	Website content is refreshed and updated as necessary.
Action	2.1.6	Review the Destination Management Plan (DMP) annually, in consultation with the LHITA.	MBCS	The DMP is reviewed by December 2018. Those parts of the DMP for which the Board is responsible are implemented.	Review has not commenced. Parts of the DMP for which the Board is responsible have been implemented, some need further review.
Action	2.1.7	Ensure efficient and effective visitor information services are provided.	CEO / Unit Managers	The MOU between the Board and the LHITA is implemented in a manner that achieves this outcome.	Visitors centre services are provided and reported on periodically.
Strategy	2.2	Foster an environment that supports sustainable economic development.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	2.2.1	Work with business regarding options and plans for sustainable business growth.	CEO	Support for local business development provided.	The LHIB has worked with local businesses in 2018 to develop or further develop ecotourism focused product, in line with industry trends for NSW/Australia and to capitalise on winter campaigns. A Season update workshop was run in May to update operators on all government actions on LHI and included BoM, LHIB, LHI Marine Parks.
Action	2.2.2	Pursue avenues of funding to implement economic development projects.	MBCS	Funding opportunities, pursued and reported.	In 2018, the product LHI Conservation Volunteers was developed and implemented. 2019 program planning following review of 2018.
Action	2.2.3	Develop and maintain contemporary policies to aid sustainable development.	MBCS	Policies regularly reviewed and red tape reduced.	Being considered in the context of the CSP and LEP review.
Action	2.2.4	Work with the Nursery lessees to support the development of a major tourist attraction.	MBCS	Close cooperation and planning is ongoing.	Close cooperation and planning is ongoing.
Action	2.2.5	Introduce Commercial Tour Operator licensing system	MECS	Commercial Tour Operator licensing system for Mt Gower Walk and other areas of PPP developed and implemented following consultation with key stakeholders by 30th March 2019	In progress, met with Ecotourism certification representatives and are currently preparing a draft pack for review and feedback process with Tour Operators.
Strategy	2.3	Effectively manage the Board's business enterprises.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	2.3.1	Operate the LHI Liquor Store.	MBCS / Liquor Store Manager	Budgeted revenue and expenditure targets are met.	On track.
Action	2.3.2	Operate the island's airport and wharf facilities.	MIES / MBCS	Airport and wharf facilities are operational when required and revenue and expenditure targets are met.	Revenue/Expenditure targets met, no downtime experienced.
Strategy	2.4	Effectively manage the Board's commercial leases.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	2.4.1	Ensure that fair market rental return is achieved on commercial leases.	MBCS	Commercial leases are revalued at least every three years and annual CPI increases are applied. Former Post Office building advertised for commercial opportunities by end December 2018	Report adopted for market based fee increase. Ministerial approval request submitted. Lease signed, subject to DA.
Strategy	2.5	Take action to ensure appropriate and adequate servicing of the island by a major airline.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	2.5.1	Work with Air Services stakeholders and negotiate with Qantas and other airlines to ensure services to the island beyond 2018.	CEO / MBCS	Progress initiatives to ensure air services to LHI beyond 2022.	Feasibility study near completion. Discussions with TNSW occurring.
Action	2.5.2	Undertake Feasibility Study into the extension of the airport runway	CEO / MIES	Complete feasibility study March 2019. Commence actions with the aim of ensuring an air service into the future.	Feasibility study near completion. Discussions with TNSW occurring - expected Feb 2019

Strategic Direction: Sound Infrastructure					
Strategy	3.1	Provide sound asset management.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	3.1.1	Review and update TAMPLAN annually for Board approval in March.	MIES	TAMPLAN is updated annually to support Treasury CAPEX requests	Not yet completed, on target for March 2019
Action	3.1.2	Develop procedures then undertake and document preventative maintenance on all assets to reduce failures.	MIES	Progress of TAMPLAN reported at quarterly Board meetings.	Not completed - consider frequency

Action	3.1.3	Implement Authority Asset Maintenance System (AMS).	MIES	Initial gap analysis commenced to inform spacial data. AMS commenced Dec 2018	Reviewing option of integration/ systems IT.
Action	3.1.4	Replacement or new plant items.	MIES	Replacement utility vehicles (1 off) purchased by end March 2019. Yard forklift \ tele handler replaced by March 2019. Purchase new concrete mini-mix and orca March 2019	On track, has been purchased Under review Completed, registration transfer in progress.
Strategy	3.2	Maintain recreational facilities for visitor and community use.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	3.2.1	Maintain and improve standard of recreational facilities through regular maintenance.	MIES	Recreational facilities are available for use. Project is resolved and agreement reached on next stage.	Ongoing. Review is underway, in conjunction with Old Powerhouse site.
Action	3.2.2	Manage construction for the Airport Terminal Upgrade.	MIES	Identify and prioritise additional minor improvement projects for airport.	Projects have been identified, some works programmed, funding being reviewed.
Action	3.2.3	Implement approved walking track strategy.	MECS	Priority walking track works as per strategy implemented in accordance with available funding.	On track.
Strategy	3.3	Operate Aerodrome safely for Regular Passenger Transport (RPT) services, medical evacuations and general aviation.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	3.3.1	Arrange Annual Aerodrome Technical inspections and participate in CASA audits.	Aerodrome Controller / MIES	Annual Aerodrome Technical Inspections and CASA Audits completed and recommendations acted on.	Annual Aerodrome Technical Inspections and CASA Audits completed and recommendations acted on.
Action	3.3.2	Review effectiveness Bird and Animal Hazard Management Plan annually.	Aerodrome Controller / MIES	Bird and Animal Hazard Management Plan effectiveness reviewed annually. Strategies to minimise risk of bird strike to aircraft implemented.	Complete. Complete, seasonal and current
Action	3.3.3	Review Aerodrome Manual annually.	Aerodrome Controller / MIES	Aerodrome Manual updated annually and distributed.	Complete
Action	3.3.4	Hold Aerodrome emergency exercises annually.	Aerodrome Controller / MIES	Desktop aerodrome emergency exercise held in 2018/2019.	Emergency Exercise complete Aug 2018
Strategy	3.4	Maintain road network in good condition for all road users.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	3.4.1	Implement road renewals as per TAMPLAN, subject to budget allocations.	MIES	Thompson's Road rehabilitated and resealed. Lagoon Rd – adjacent to boatsheds rehabilitated and resealed as a priority Lagoon Rd – Ned's Beach Rd to Oceanview Drive, King's Beach to Smoking Tree Ridge Rd, and King's Beach turning circle rehabilitated and resealed. Access to Murray/Crombie residences rehabilitated and resealed. TC Douglass Dr rehabilitated and resealed. Ned's Beach Road – Lagoon Rd to Anderson Rd rehabilitated and resealed. Cemetery Rd rehabilitated and resealed. Jetty hardstand area resealed. Smoking Tree Ride Rd- Lagoon Rd to cattle grid rehabilitated and resealed. Contractor on Island by end March 2019.	Programmed to be completed by June 2019 Programmed to be completed by June 2019 Programmed to be completed by June 2019 Programmed to be completed by June 2019 Programmed to be completed by June 2019 Programmed to be completed by June 2019 Programmed to be completed by June 2019 Programmed to be completed by June 2019 Programmed to be completed by June 2019
Action	3.4.2	Regular routine road maintenance programmed.	MIES	Standard of roads is maintained or improved.	Maintenance on track as funding permits.
Strategy	3.5	Maintain wharf to serve shipping contractor, charter operators and visiting boats.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	3.5.1	Maintain wharf as per TAMPLAN.	MIES	Wharf is available 100% of the time when required and routine maintenance and works are carried out. Timber piles on low level landing are replaced. Feasibility of allowing outriggers to be further extended for crane to be investigated. Feasibility of 2 nd low level landing to be assessed.	On track. Works quoted, not yet progressed. Not yet commenced. Assessment has been completed and included as an option in the quote.
Strategy	3.6	Maintain Board building and property assets.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	3.6.1	Maintain Board buildings as per TAMPLAN.	MIES	Buildings are maintained to an acceptable standard for commercial and residential purposes.	Completed within funding limitations. Further essential maintenance being pursued.
Action	3.6.2	Depot shed extension	MECS \ MIES	Contract issued, construction complete March 2019.	Contract issued, build started - on target. Currently at cladding stage on track for Mar 2019.
Action	3.6.3	Research Facility extension	MECS \ MIES	Commenced tender process, March 2019.	Building commenced, at lockup stage.
Action	3.6.4	Hospital garage and morgue	MIES	DA submitted March 2019. Construction commenced June 2019.	Plans complete, awaiting structural details.
Action	3.6.5	Refurbish rainwater collection at Depot/Admin, Gov House and Public Hall to maintain supply levels.	MIES	Review need for remaining tanks and implement priority works June 2019.	Review complete, obtaining tanks has been problematic, have now changed supplier.
Action	3.6.6	Repair and renovate Aviation Fuel Shed	MIES	Replacement shed, build complete June 2019.	Plans being developed
Strategy	3.7	Provide facilities in conjunction with Roads and Maritime Services for all Island boat users to safely and efficiently launch, retrieve and maintain boats in an environmentally sound manner.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	3.7.1	Undertake detailed design, planning and construction for upgraded boat ramp and launch/retrieval system.	MIES	Submit DA following RMS design and process, commence implementation plan	Draft tender document being finalised.
Strategy	3.8	Provide reliable and efficient electricity supply.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	3.8.1	Maintain electricity generation and distribution system to provide a reliable and safe supply.	MIES	Unplanned electricity outages are maintained at 2015/2016 levels.	On track.
Action	3.8.2	Hybrid Renewable Energy Project continues to progress.	MIES	Project is resolved and agreement reached on next stage. ARENA funding agreement obligations met. Construction on Solar PV commenced	Agreed on a solar PV only option - progressing. Obligations met, completed to date. Not yet commenced, awaiting funding deed.
Action	3.8.3	Electricity Safety Management System implemented fully and audited.	MIES	ENSMS Compliance maintained	Complete - ENSMS Compliance maintained

Action	3.8.4	Consider second electrical officer position.	MIES	Appoint second Electrical Officer	Complete, Aug 2018.
Strategy	3.9	Provide efficient and environmentally sustainable waste and recycling management services.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	3.9.1	Maintain and upgrade the Waste Management Facility using grants and allocations to improve composting and waste diversion.	MIES	Through discussions with EPA compost exemption order achieved by 30 June 2019. Compost is given back (not sold) to the community once it reaches an acceptable standard under a distribution system to be determined. > 80% of waste is diverted from landfill. New baler delivered and installed by end March 2019.	Delayed due to REP. NA, Delayed due to REP. On track. Purchased, awaiting delivery.
Action	3.9.2	Maintain compliance with EPA licence for wastewater and waste management at WMF site.	MIES	Wastewater system is maintained and managed to achieve ongoing compliance with EPA licence requirements and the Island's Wastewater Strategy. Pollution Reduction Programs (PRPs) within licence are planned and executed as required.	Ongoing. On track and ongoing.
Action	3.9.3		MIES	Construct concrete waste bunkers Dec 2018	Complete.

Strategic Direction: Outstanding Environment					
Strategy	4.1	Protect and manage the environment in a manner that recognises and promotes the World Heritage values of the Island.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	4.1.1	Protect threatened species, populations and ecological communities, and their habitats through implementation of LHI Biodiversity Management Plan (BMP)	MEWH	Significant progress against identified actions in the LHI Biodiversity Management Plan (BMP) is demonstrated. BMP action table is reviewed	Complete and ongoing. Recognition for our holistic strategy with the winning of the Banksia Gold, Banksia Govt, 2 Green Globe awards and a SERA award. BMP meeting held to review action table, grant opportunities identified.
Action	4.1.2	In accordance with the LHI LEP, manage development in order to protect landscape values and scenic features	MECS	Development applications and activities are assessed in accordance with relevant environmental legislation, policies, and procedures.	On Track
Action	4.1.3	Contribute to World Heritage Area conservation by being a member of the Australian World Heritage Advisory Committee (AWHAC).	CEO / MEWH	Active contribution to AWHAC.	CEO & MEWH attended WH Managers meeting in Canberra Oct 2018, presented on LHI projects.
Strategy	4.2	Work to prevent the introduction of exotic pests and pathogens to and eradicate exotic pests from the Island.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	4.2.1	Implement biosecurity measures to protect against the introduction of exotic pests and pathogens to the Island.	MEWH	High priority actions identified in the LHI Biosecurity Strategy are implemented	Ongoing, funding proposal developed and sent to LLS
			MEWH	Procedures for use of detection dogs are developed, consulted on and approved prior to commencement of dog usage.	OEH developing SOP's which will be implemented.
			MEWH	Regular biosecurity inspections are conducted with detection dogs at high risk entry points.	Ships inspected each voyage.
Action	4.2.2	Implement the LHI Weed Management Strategy 2016 and Program to eradicate invasive weeds	CEO	Implement Weed Management Strategy	SOS, NCLLS, ET grants implementing high priority works.
Action	4.2.3	Seek philanthropic investment in the implementation of LHI Weed Management Strategy / Weed Eradication Program	CEO	LHI Weed Eradication Program Prospectus developed Community and support group to champion philanthropic investment in weed eradication Sponsorship received from individuals and groups towards program implementation	Implemented under Protecting Paradise in conjunction with the LHI Conservation Volunteers program, covering weeds, REP & Biosecurity. Working with ISC and Wildmob in conjunction with the REP to champion philanthropic investment holistically 'Protecting Paradise'. Campaign being developed with ISC and Wildmob
Action	4.2.4	Complete Planning and Approvals stage of Rodent Eradication Program.	CEO	Planning and approval process to inform the implementation phase is complete The technical and non-technical feasibility of the program is demonstrated. Decision made to proceed/not proceed	Complete Complete, Sept LHIB meeting technical feasibility presented. Complete - decision made in Sept 2017, reconfirmed Sept 2018.
Action	4.2.5	Finalise operational planning and commence implementation of Rodent Eradication Program	CEO	Subject to decision under 4.2.5, REP is commenced by June 2019	In progress, implementation scheduled for Winter 2019.
Strategy	4.3	Identify, protect and value heritage items.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	4.3.1	Assist the LHI Historical Association and the community with conservation of heritage items	MECS	Applications for community grants and external funding for heritage conservation initiatives are supported.	Community grant program run and ready to be awarded.
Action	4.3.2	Identify and protect heritage items	MECS	Heritage requests considered and assessed. Heritage items to be considered in all DA planning assessments.	No new items identified, heritage requests considered and assessed. Heritage items to be considered in all DA planning assessments.
Strategy	4.4	Improve awareness and understanding of the environment through education and research.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	4.4.1	Provide regular updates on environmental programs, research and maintain interpretation to increase environmental awareness	MEWH, REP PM, FMO	Articles prepared for Community Bulletin, Signal and LHIB website and community consultation undertaken on weeds, rodents, waste management and biosecurity	Complete and ongoing.
Action	4.4.2	Encourage appropriate environmental research which is of benefit to LHI environment and community.	MEWH	High priority research supported	Complete and ongoing.
Strategy	4.5	Improve environmental sustainability of Board programs and operations (waste disposal; wastewater; renewable energy).	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	4.5.1	Develop better knowledge within the resident and tourist populations of the waste program objectives activities.	MIES	Waste data regularly updated at WMF, The Signal and/or Community Bulletin.	Not provided, staffing levels and staff changes making this difficult to achieve.
Action	4.5.2	Support community in implementing On-site Wastewater Strategy.	MIES	Demonstrated progress by commercial and residential leases to upgrade wastewater systems to meet revised Strategy deadlines.	Ongoing within limitations of LHIB control and influence
Action	4.5.3	Reduce the environmental impact of wastewater from Board properties.	MIES	All remaining Board properties which do not meet the Strategy are upgraded by end June 2019. All Board property wastewater systems are maintained in accordance with Strategy.	Progressing within LHIB limitations and resource availabilities. Within budget limitations, further testing with more funding.
Action	4.5.4	Undertake monitoring of LHI groundwater monitoring well network on annual basis and establish data management and reporting.	MIES	Data on quality and levels is collected and data is managed to enable sensible reporting.	Complete and ongoing.
Action	4.5.5	Undertake two waste audits to monitor and record waste types and volumes received from the community.	MIES	Audits completed by end June 2019.	On target.

Action	4.5.6	Develop a program to phase out single-use takeaway containers on the island.	MIES	Feasibility of installing two more water refill stations.	LHIB refill station complete. Remainder of stations unlikely to proceed, due to cost of installing suitable water treatment systems to meet water quality guidelines.
				Work is undertaken with community representatives to put in place measures to phase out the sale of plastic water bottles, plastic-coated coffee cups, plastic/polystyrene takeaway food containers and plastic shopping bags	Water bottles and coffee cups being phased out. Actions being followed up by LHI Plastics action group.

Strategic Direction: Responsible Land Management					
Strategy		Design land use and development policies that balance environmental, economic and social outcomes.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	5.1.1	Finalise Stage 1 review of the LHI Local Environmental Plan (LEP)	MECS	Planning proposal revised with external assistance and lodged with DPE - finalised March 2019.	Draft stage 1 prepared with consultant planners required for final submission. Submission anticipated to take place in February/March 2019.
Action	5.1.2	Commence Stage 2 review of the LHI Local Environmental Plan (LEP)	MECS	Deferred subject to priorities set by CSP.	Not commenced, deferred subject to priorities set by CSP. Needs to be included in draft 19/20 budget.
Action	5.1.3	Undertake a review of the Dwelling Allocation and Entitlement Policy	MECS	Dwelling Allocation and Entitlement Policy is reviewed and implementation plan progressed March 2019.	Not yet commenced, awaiting outcomes of CSP.
Action	5.1.4	Undertake Market Demand Study of Staff Accommodation	MECS	Study is completed by June 2019	Not yet commenced.
Strategy	5.2	Provide an efficient and effective development planning and assessment service.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	5.2.1	Provide development planning and assessment through the services of an independent planning consultant.	MECS	Annual performance reviews of planning contract undertaken.	Ongoing
Action	5.2.2	Undertake audits of planning and assessment systems and processing to monitor compliance with legislative and policy matters under the control of the Board.	MECS	Biannual report of planning and assessment systems and processes undertaken.	Occurring in Feb 2019
Strategy	5.3	Provide an effective lease administration system.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	5.3.1	Administer leases in accordance with the Act.	MECS	Continue review of perpetual leases on a periodic basis.	Each individual lease/procedure reviewed against the Act. Review completed and applied to all new matters as they arrive.
Action	5.3.2	Implement recommendations from independent review of land tenure and allocation arrangements.	MECS	Priority actions from Land Tenure and Land Allocation review are implemented within 12 months of Government finalisation of Handley Report	Cat B restitution underway, implemented by June 19.
Strategy	5.4	Protect and manage the LHI Permanent Park Preserve in a manner that recognises the World Heritage values of the Island.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	5.4.1	Ensure LHI Permanent Park Preserve is managed in accordance with Plan of Management.	MECS	Review completed PPOEM, reported to LHIB and submitted - Mar 2019.	Review complete, report to be prepared by May 19.
Strategy	5.5	Protect and manage vacant crown lands.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	5.5.1	Develop a plan for management of Norfolk Island Pines	MECS	Plan developed by June 2019	Insufficient resources to complete in 18/19. To be deferred to 19/20.
Strategy	5.6	Rehabilitate degraded areas.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	5.6.1	Undertake rehabilitation of the Old Powerhouse Precinct to allow alternative uses.	MIES	Investigate traffic parking options in CBD with future developments.	Construction plans complete
Action	5.6.2	Finalise review of LHI Vegetation Rehabilitation Plan, 2003 and implement high priority actions.	MEWH	Draft Vegetation Rehabilitation Plan placed on public exhibition by June 2019	Insufficient resources to complete in 18/19. To be deferred to 19/20.
Action	5.6.3	Implement LHI Coastal Study recommendations to manage erosion and recession risks.	MIES	Concrete protection of geotextile bag wall at Pinetrees Boatshed is completed by Dec 2018.	Complete and ongoing.
				Old Settlement Creek is managed to reduce erosion impacts on the northern edge.	Currently being monitored at this stage on works required.
				Cobby's Creeks is managed to reduce flooding impacts on properties and salt intrusion on the Sally Swamp area.	Ongoing - flooding risk mitigated with outlet.
				LHIB review funding options	No funds currently available, due to LEP.

Strategic Direction: Strong and Engaged Community					
Strategy		Plan for appropriate services for the community.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	6.1.1	Support a whole of government approach to the provision of health, education and other services.	SMT	Meetings held with NSW Health, RMS, Police, SES and RFS every 12 months.	On Track.
Strategy	6.2	Improve relationship with the community through engagement and consultation.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	6.2.1	Develop a communication / community engagement strategy to support an informed and involved community.	CEO / MECS	Communication / community engagement strategy developed by Nov 2018.	Refer item 1.8.1
Strategy	6.3	Provide professional environmental and public health services.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	6.3.1	Ensure compliance with public health standards for LHIB drinking water supplies, wastewater management and food safety.	MECS / MIES	Scheduled inspection and testing regime are implemented.	Food safety inspection scheduled for Apr 19, monitored and ongoing. Water testing ongoing.
Action	6.3.2	Prepare and implement Drinking Water Quality Assurance Program for Board supplies.	MIES	Drinking Water Quality Assurance Program implemented and documented fully.	Complete and ongoing.
Strategy	6.4	Support capacity building in community organisations.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	6.4.1	Make funds available under Community Grants Program for activities or projects that benefit the LHI community.	MECS	Expressions of Interest for Community Grants sought every 12 months in accordance with Policy.	Grant applications received, preliminary assessment complete.
Strategy	6.5	Promote programs that provide for children.	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	6.5.1	Make funds available under LHI Scholarship Program to support the completion of tertiary education that contributes to LHI.	MECS	\$10,000 pa provided for LHI Scholarship Program.	In progress - to be advertised in January 2019.
Action	6.5.2	Support community events.	MECS	Event calendar developed and priority events for Board assistance identified by end Jan 2019.	Community events continue to be supported
Action	6.5.3	Actively support progress of establishment of pre-school	MECS	Owners consent and DA assessed and lodged March 2019.	OC submitted. LHIB supported committee to present at Nov 18 Board meeting, and facilitated a meeting with Leslie Williams.
Strategy	6.6	Manage the Local Emergency Management Committee (LEMC) and Emergency Management Plan (EMPLAN).	Responsible Officer	Operations Plan 2018/2019	December 2018 Review
Action	6.6.1	Arrange quarterly meetings of LEMC.	LEMO / MIES	Quarterly meetings of LEMC held.	Quarterly meetings of LEMC held.
Action	6.6.2	Implement EMPLAN as required and coordinate annual review.	LEMO / MIES	EMPLAN implemented for any emergencies and annual review completed.	Completed, Nov.

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Operations Plan 2018/2019 – Annual Review

RECOMMENDATION

It is recommended that the Board note the report on progress as at end of December 2018, against the Operations Plan for the Financial year 2018/19.

BACKGROUND

In September 2018, the Board adopted the Operations Plan 2018/2019. The 2018/2019 Operations Plan identified the programs and activities that were to be undertaken to achieve the second year of the Board's Corporate Plan.

The Operations Plan was formulated around the six strategic directions:

- Effective Governance and Leadership
- Strong and Sustainable Economy
- Sound Infrastructure and Services
- Outstanding Environment
- Responsible Land Management
- Strong and Engaged Community

The Operations Plan links the strategies, actions and KPI's to the approved annual budget allocations.

At the end of the 2018 financial year, a review was undertaken of progress on the activities identified in the Operations Plan.

CURRENT POSITION

Attached is the status update of the Operations Plan for financial year 2018/9, with comments on the progress against each of the identified actions as at 31 December 2018 (Attachment A).

Ongoing services and activities have been delivered successfully, including critical compliance and operational requirements relating to safety, the airport, safety and risk management.

In the minority of instances where actions have not been completed, there are reasons given for non-completion. It is also noted that in some instances resources are being temporarily diverted to ensure the successful delivery of the REP program. The scale and complexity of

this project that was deferred to winter 2019 from 2018 has required major reallocation of staff and resources.

During the past quarter, the governance of the Board was coordinated efficiently and effectively and ongoing services were delivered to the LHI community at a high standard.

Some of the specific achievements for the first half of the financial year were:

- Won the Natural Environment Award, and Regional Sustainability Award at the Office of Environment and Heritage Green Globe Awards.
- Won the Banksia Gold Award for best of the best of all category winners for the LHI Protecting Paradise Biodiversity conservation program.

RECOMMENDATION

It is recommended that the Board note the report on achievements against the Operations Plan Financial year 2019.

Prepared: Peter Adams, Chief Executive Officer

Attachments: Attachment A: Operations Plan FY2019

Appendix 1: Terms of Reference

Background

All land on Lord Howe Island is owned by the Crown, with ownership and transfer of land controlled by the *Lord Howe Island Act 1953* (the Act). Perpetual leases are granted for residential purposes and special leases are granted for other purposes including agricultural production. To encourage a permanent residential community on the island, priority for leases is given to individuals with 'Islander' status. This status is defined as anyone who has resided continuously on the island for a period of 10 years.

Land is subject to strict controls and provisions under the Act and the Lord Howe Island Local Environmental Plan 2010 (LEP). Given the limited supply of residential land, the increasing population and increasing demand for land on the island, the Lord Howe Island (LHI) Board has adopted a policy to guide the allocation of the limited number of dwellings that are able to be approved (the Allocation and Granting of Dwelling Entitlements Policy).

The Gleeson review of Lord Howe Island Governance Arrangements (completed in June 2012) flagged land allocation and tenure as issues requiring further investigation. Consequently, the ballot process for the allocation of land has been put on hold and a comprehensive review of land allocation and tenure arrangements is now required.

The Review

The Hon. Ken Handley AO QC has been appointed by the NSW Government to undertake a comprehensive review of the current arrangements for land allocation and tenure on Lord Howe Island.

The objective of the review is to provide advice to the Minister for the Environment and Heritage on options for new land allocation and forms of tenure, including options for increasing supply of land and improving economic sustainability. In addition, the review will consider the intergenerational issues which arise from current restrictions on land access.

In particular the review will:

- Examine the current arrangements for land allocation and tenure on LHI. This includes existing policies and legislative frameworks.
- Identify future options for land allocation and tenure and assess the relative merits of the options.
- Make recommendations to the Government on the future options for land allocation and tenure.
- Provide advice to the Government on the legislative and/or regulatory impacts of future options.

In undertaking this Review, consultation will be undertaken with key stakeholders and Lord Howe Island residents in order to identify the risks and challenges with the current arrangements and to seek feedback on future options.

The review will not seek to open the definition of Islanders that is used for the purpose of identifying who should have access to land.

Project Governance

The review will be managed by the NSW Department of Premier and Cabinet. A project reference group will be established to advise on matters related to the project and to ensure that the project is being undertaken according to plan.

Key to Colour coding:

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

Recommendation	Lead organisation	Progress
1. Retain the present system of land tenure, with most Crown land outside the Permanent Park Reserve held under perpetual or special lease	N/A	In place. No further action required.
2. Properly police and enforce the residency condition in perpetual leases, with forfeiture as a last resort.	Lord Howe Island Board	<ul style="list-style-type: none"> - Guidelines in place for assessing applications for suspension in residency conditions. - A review of compliance with the residency condition on existing lease has been undertaken and reported to Board. - Letters and replies sent/received. Status in CEO's report. - Actions and recommendations to come to Board in individual reports as actions and applications made and assessed. Firm guidelines for such monitoring and future reviews to be developed.
3. Special leases are due to expire in 2015, without any legal right of renewal, although the lease holders expect to obtain renewals. The new leases should be granted for 20 year terms with strong covenants to encourage new investment and ensure that the land is fully and properly used.	Office of Local Government	Required legislative changes are being pursued. <ul style="list-style-type: none"> - Initial draft amendments received from Parliamentary Counsel and to be reviewed before submission to Cabinet following Caretaker Period.
4. Permissive occupancies for business purposes, principally as boat sheds, which are currently revocable at will, should be granted for fixed terms of 5 years, to increase security of tenure and encourage investment.	Not applicable	Recommendation not supported by Government.
5. Restrictions on the enforcement of mortgages of leases should be relaxed to make leases more acceptable to lenders as security and mortgages to corporations should not require the Minister's consent.	Office of Local Government	Required legislative changes are being pursued. <ul style="list-style-type: none"> - Initial draft amendments received from Parliamentary Counsel and to be reviewed before submission to Cabinet

Recommendation	Lead organisation	Progress
		following Caretaker Period.- Initial draft amendments received from Parliamentary Counsel and to be reviewed before submission to Cabinet following Caretaker Period.
6. The restrictions on who can occupy a dual occupancy dwelling should be relaxed	Lord Howe Island Board	- To be included in the major review of the Lord Howe Island Local Environmental Plan. Incorporated into the Stage 1 LEP review.
7. Subject to pending applications for approval of a Category A dwelling the remaining quota for new dwellings under the LEP should be reserved for dual occupancy dwellings.	Not applicable	Recommendation not supported by Government.
8. The LEP should be amended to make it easier to subdivide perpetual leases with 2 existing detached dwellings erected before 28 October 2005 to increase the saleable housing stock without further building development, or use of the quota.	Lord Howe Island Board	- To be included in the major review of the Lord Howe Island Local Environmental Plan. This review is not proposed to be undertaken until completion of the Community Strategic Plan.
9. There should be no more Category B allotments, and the 3 existing ones should revert to special lease land where substantial restitution by both parties is practicable and the former leaseholder agrees. Where restitution is not practicable or the former leaseholder does not agree, the allotment or allotments should be allocated by a revised ballot process open to Islanders deemed eligible.	Lord Howe Island Board	- Mediation process completed. Board Staff implementing next steps.
10. The provisions in the Act dealing with the succession to perpetual leases on death should be rationalised, clarified and extended to surviving spouses and de facto partners	Office of Local Government	Required legislative changes are being pursued. - Initial draft amendments received from Parliamentary Counsel and to be reviewed before submission to Cabinet following Caretaker Period.
11. The existing exemption from land tax for all leases on the island should be removed to allow the Land Tax Management Act to operate on the island in the normal way. The Chief Commissioner and the Board should be permitted to exchange information to ensure that leaseholders only claim one principal or usual place of residence.	Office of Local Government	Required legislative changes are being pursued. - Initial draft amendments received from Parliamentary Counsel and to be reviewed before submission to Cabinet following Caretaker Period.
12. The Board should comply with its statutory duty under s 301(1) of the Duties Act by requiring grants, transfers and mortgages of leases to be stamped or marked exempt before they are registered by the Board.	Lord Howe Island Board	Implemented. Applicants advised of this requirement via the notification of acceptance for form 5.

Recommendation	Lead organisation	Progress
<p>13. In the interest of transparency and accountability, should recommendations 11 and 12 be adopted, provision should be made for the additional taxation revenue, raised from the island in these ways, to be returned to the island by being credited to the Lord Howe Island Account (s 34).</p>	<p>Not applicable</p>	<p>Recommendation not supported by Government.</p>
<p>14. The legal framework under which the Board and the Minister consider applications for consent to the transfer of perpetual leases should be strengthened to prevent vendors evading the maximum price provision by requiring purchasers to purchase their furniture and other chattels at prices above their fair market value, and to prevent vendors withdrawing their lease from sale when an Islander is willing to purchase the lease.</p>	<p>Office of Local Government</p>	<p>- Required legislative changes are being pursued. - Initial draft amendments received from Parliamentary Counsel and to be reviewed before submission to Cabinet following Caretaker Period.</p>
<p>15. In the interests of transparency and accountability, the Board should maintain and publish in its Annual Report to Parliament (s36A) separate accounts for its functions as custodian and manager of the Permanent Park Reserve, and its functions as the local council for the Settlement. The island community cannot reasonably be expected to pay for the upkeep of the Park out of its own resources.</p>	<p>Office of Local Government</p>	<p>Required legislative changes are being pursued. - Initial draft amendments received from Parliamentary Counsel and to be reviewed before submission to Cabinet following Caretaker Period.</p>
<p>16. Miscellaneous recommendations by way of statute law revision which are not thought to raise any question of principle.</p> <p><i>Miscellaneous recommendations are as follows:</i></p> <p>i) Section 12 (1)(g) gives the Board power to ‘provide...shops, offices and other buildings for lease to the public’. There is some doubt about the Board’s power to lease land associated with such buildings. The matter should be put beyond doubt by adding to subsection (1)(g) the power to include in such a lease the land associated with or surrounding such buildings.</p> <p>ii) Section 21(2) enables perpetual leases to be granted to two or more Islanders as joint tenants or tenants in common, but subsections (7A) and (7B) only refer to joint tenants. They should be amended to include tenants in common.</p> <p>iii) Section 21, which only deals with perpetual leases provides in subsection (7A): ‘The Minister may...suspend the condition of residence on a lease held or owned... by...an Islander who already...holds or owns...or subleases not more than one other lease.’</p>	<p>Office of Local Government</p>	<p>Required legislative changes are being pursued. - Initial draft amendments received from Parliamentary Counsel and to be reviewed before submission to Cabinet following Caretaker Period.</p>

In its context the expression 'not more than one other lease' may refer to a perpetual lease only, and not to a special lease or one granted under section 12(1)(g), but the subsection should be amended to make this clear. This provision is used, and properly used, to allow a holder to operate tourist lodge on one perpetual lease and have his or her home on another.

iv) Section 22(3) provides that a special lease may only be granted to the holder of a perpetual lease, but there is no expressed requirement for the perpetual leaseholder to remain the holder of the special lease. In *Lance Wilson v The Minister for the Environment* (No 2294 of 1992) the Equity Division of the Supreme Court held that there was no implied requirement for the holder to remain the holder of both leases. The plaintiff, who retained his special lease after he had transferred his perpetual lease, succeeded in having the forfeiture of his special lease set aside. Given the evident policy behind section 22(3), that special leases should be held by Islanders who have their usual home on the Island, to prevent them being held by non-residents and non-Islanders, the result appears anomalous. Section 22(3) should be strengthened by the addition of words such as 'and must continue to be held by such holder but may be transferred with such lease or to an Islander who holds a perpetual lease but does not already hold a special lease' or words to that effect.

v) Section 27(1) dealing with forfeiture provides:

'Every lease...shall be liable to be forfeited if any rent be not paid...or upon breach of any condition annexed to the lease...or if it should appear to the satisfaction of the Minister after report by the Board that the land comprised in the lease is not used and occupied bona fide for the purpose for which the lease was granted, or where in pursuance of any other provision of this Act the lease becomes liable to forfeiture.'

Every forfeiture must be declared by the Minister by notification in the Gazette (section 27(2)), but there is no express requirement in subsection (1) for the Board to report to the Minister in cases of forfeiture for non-payment of rent or breach of any condition other than that relating to the purpose for which the lease was granted. Subsection (1) should be amended to require a report from the Board in every case where forfeiture is sought.

Board Meeting: March 2019	Agenda Number: 10 (i)	Record No: ED19/2108
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Lord Howe Island Land Allocation Review - Implementation Update

RECOMMENDATION

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

BACKGROUND

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

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

The Terms of Reference identified four key areas for consideration:

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

The Terms of Reference are attached at "A".

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

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

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

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

CURRENT POSITION

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

RECOMMENDATION

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

Prepared: Justin Sauvage, Manager Environment & Community Services

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

Attachment A: Terms of Reference

Attachment B: Implementation Update Table – March 2019

Record Number: ED18/3405
Enquiries: James Lonergan



24 April 2018

Rachael McFadyen
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LORD HOWE ISLAND NSW 2898

ADMINISTRATION OFFICE
P.O. Box 5
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Dear Rachael

RE: ESTABLISHMENT OF PRESCHOOL ON LORD HOWE ISLAND

I am writing in further reference to the proposed establishment of a preschool on the Island and in particular land tenure on the Island.

Under the Lord Howe Island Act 1953 (the Act), the entire Island is Crown land under the care, control and management of the Lord Howe Island Board. The Act provides that the Minister may grant Perpetual leases over land on the Island for residential and commercial purposes and Special leases for agricultural and similar uses. Lease on the Island can only be granted to Natural Persons and cannot be granted to business entities, incorporated bodies, government agencies, etc.

The Act does however provide that Permissive Occupancies can be granted to organisations, agencies or incorporated bodies. Permissive Occupancies can be granted for any purpose over any vacant Crown land on the Island. Permissive Occupancies are subject to conditions including a condition that the land be used for the purpose the occupancy was issued. Although permissive occupancies can be withdrawn, in practice this rarely happens unless holder of the occupancy relinquishes it or use of the occupancy is permanently abandoned. Attached is a copy of a pro-forma Permissive Occupancy licence for your information.

In addition to Permissive Occupancies, vacant crown land on the Island may be declared as a reserve for public purposes under the Act. The Act also provides that reserves may be managed by either the Board or a group of trustees. Again, a public reserve may be altered or revoked however this has never happened on the Island since the Act was passed in 1953. Examples of existing public reserves include the Island Central School and teachers' residences, the Island Hospital, nurses' quarters and doctor's residence and the Island Museum.



WORLD HERITAGE AREA

As previously indicated, the Board fully supports the building of a preschool on land adjacent to the existing central school however the Act does not permit granting of a lease over the site to the Lord Howe Island Community Preschool group (LHICPS). Should the LHICPS be successful in receiving capital works funding, the Board would favourably consider either granting a Permissive Occupancy to the LHICPS or declaration of the area as a public reserve for the purpose of a preschool and appointment of office bearers of the LHICPS as trustees of the reserve. The Board would submit the necessary documentation for consideration by the Minister for Environment as soon as practicable. This process should take approximately 3 months.

The Board sees the allocation of this land free of charge for use by the LHICPS Group as a community contribution to establishment of a much needed Island facility and would welcome your feedback on preferred arrangements for this within the framework of the Act.

Yours sincerely



Penny Holloway
CHIEF EXECUTIVE OFFICER

PERMISSIVE OCCUPANCY AGREEMENT

Permissive Occupancy No:

Location and Description
of Subject Lands:

Approved Purpose:

Commencement Date:

Holder(s):

We, , being the holders of Permissive Occupancy No. hereby acknowledge that the occupation and use by us of the subject land, being for the purpose of is granted by the NSW Minister for the Environment (the Minister) as a Permissive Occupancy under Section 31 A of the Lord Howe Island Act 1953 (the Act), and may be revoked at any time by the Minister, upon the recommendation of the Lord Howe Island Board (the Board), and that occupation and use of the subject land under this agreement shall not create or confer or imply any tenancy or right of ownership or possession of the subject lands other than a permission to occupy and use, terminable at will, and also that we occupy the said premises, and that this agreement is not transferable,

AND we hereby agree to pay for the use and occupation of the subject land a sum of \$2 from <insert commencement date> which shall be deemed to accrue from day to day, and shall be payable by us in advance on or before 31st day of December in each year together with a proportionate part up to the date of termination of such tenancy at will as is hereinafter provided, and upon termination of this tenancy to deliver up to the Board quiet and peaceable possession of the subject lands.

AND we hereby acknowledge and agree that our occupation and use of the subject lands will be subject to the Board's Standard Conditions For Permissive Occupancy, and any other lawful condition which the Board may apply, as set out in Schedule (A)

We undertake not to sublet the premises without the consent in writing of the Minister for the Environment having been first obtained, to occupy and use the subject land in accordance with the approved purpose and any Board policy which may apply from time to time, and with all relevant State and Commonwealth Acts and Regulations.

We hereby also acknowledge that any improvements effected by us on the said premises during this occupation will become the property of the Crown upon the termination of this agreement if any arrears of rent remain due and unpaid by us at the date thereof, but it is hereby agreed and acknowledged that we have the right to remove such improvements or to sell the same to the Board, or any such person as the Board may agree to in writing.

We further agree that this tenancy may be terminated at any time by a written demand of possession signed by the Minister for the Environment for the time being of the State of New South Wales or any person appointed on his behalf, and served on us personally, or left for us on the said premises. It is also agreed and acknowledged that we may terminate and cease to occupy the land at any time by giving notice in writing to the Minister for the Environment of the date on which we intend to cease occupation, and that we shall be liable for rent up to that date unless the occupancy should be terminated by the Minister for the Environment at an earlier date.

We agree, upon termination of this occupancy and within such time as may be given, to remove structures or all or any material from the land at our cost and without compensation, if required by the Minister for the Environment in writing to do so.

We agree to release and indemnify and keep indemnified the Board, all members of the Board, all of the Board's staff, the Minister and the State of New South Wales ('those indemnified') from and against all liability including but not limited to actions, suits, claims, demands, proceedings, losses, damages, compensation, costs (including my solicitor and client costs), charges, expenses and penalties whatsoever to which any of those indemnified may incur in respect of: the loss of life, personal injury or damage to property or persons occurring in connection with our use and occupation of the subject lands and which arise directly or indirectly from:

- a) Any negligent or willful act or omission of the approval holder, its employees, contractors, sub contractors or agents done or omitted to be done in the course of using the subject land; or
- b) Any act or omission, however caused, of the approval holder, its employees, contractors, sub contractors or agents done or omitted to be done in the course of using the subject land; or
- c) Any other event for which the approval holder would be able to make a claim with respect to the subject land.

We declare that we are above the age of eighteen (18) years.

Signed Date:

Witness Name:.....

Witness Signature: Date:

Signed Date:

Witness Name:.....

Witness Signature: Date:

SCHEDULE A CONDITIONS OF PERMISSIVE OCCUPANCY

Permissive Occupancy No:

Location and Description
of Subject Lands:

Approved Purpose:

Commencement Date:

Holder:

- 1) Annual rent: \$0 ex GST, or such other sum as shall be determined by the Board from time to time and approved by the Minister.
- 2) The land shall be occupied and used predominantly for the purpose of a Community Pre School and Early Childhood Learning Centre.
- 3) The occupant shall keep the area in a safe and clean condition to the satisfaction of the Board.
- 4) The occupant shall throughout the currency of the occupancy continually control all Noxious Weeds and such plants or weeds as may from time to time be required to be destroyed by direction of the Board.
- 5) Any improvements upon the land shall be kept in good repair throughout the currency of the occupancy, reasonable wear and tear excepted.
- 6) The public shall, unless otherwise agreed to by the Board in this agreement, have unrestricted right to the use of any defined or designed road, track or pedestrian pathway within the land and such use shall not be interfered with by the occupant.
- 7) The occupant shall take effective steps to keep the land free from rats or other introduced animals throughout the currency of the occupancy.
- 8) No building or structure shall be erected, nor shall any building or structure be altered, without the approval of the Board first obtained.
- 9) The right is reserved to the Board or anybody or person authorised by it, to enter upon the land with any material and equipment at any time and from time to time for the purpose of constructing and maintaining authorised works or any other purpose approved by the Board without interference or annoyance by the occupant.
- 10) No bush, timber, trees, palms or vegetative material shall be interfered with by ringbarking, cutting or otherwise unless under authority of the Board. Where in pursuance of such authority any ringbarking, cutting or other interference is effected for the purpose of improvement of the land, all second growth, weeds or noxious plants on such improved area shall be eradicated by the occupant by such regular consecutive treatments as the Board may direct.
- 11) No burning off shall be carried out except with the consent of and subject to such conditions as may be imposed by the Board.
- 12) The occupant shall not de-pasture stock on the land without prior approval of the Board.
- 13) This agreement is not transferable and will be surrendered when the holder no longer requires the subject and for the approved occupation and use.
- 14) The subject land may not be sub-let other than with the written agreement of the Board.
- 15) The occupant shall, if and when directed by the Board, adopt and maintain on the land or any part or parts of it, such pastoral practices and/or install such soil erosion control structures as it may specify in the interests of soil conservation and the mitigation or prevention of erosion.
- 16) All minerals which the land contains are reserved and excepted to the Crown and such minerals and any stone, gravel, clay, shells or other material shall not be removed from

the land except by the holder of a permit issued under authority of the Minister for the Environment.

- 17) The occupant shall not conduct upon the land any trade or activity which in the opinion of the Board is offensive or which may endanger the public health.
- 18) The occupation and use of the subject lands will be in accordance with the any Board policy which may apply from time to time, and all relevant State and Commonwealth legislation.
- 19) Any use of the land is limited to those for permissible purposes.
- 20) Any of these conditions may, on application by the occupant, and on recommendation of the Board, be varied, modified or revoked by the Minister for the Environment.
- 21) A breach of any of these conditions will render the occupancy liable to termination.

Signed: Date:

Witness Name:

Witness Signature: Date:

Signed: Date:

Witness Name:

Witness Signature: Date:

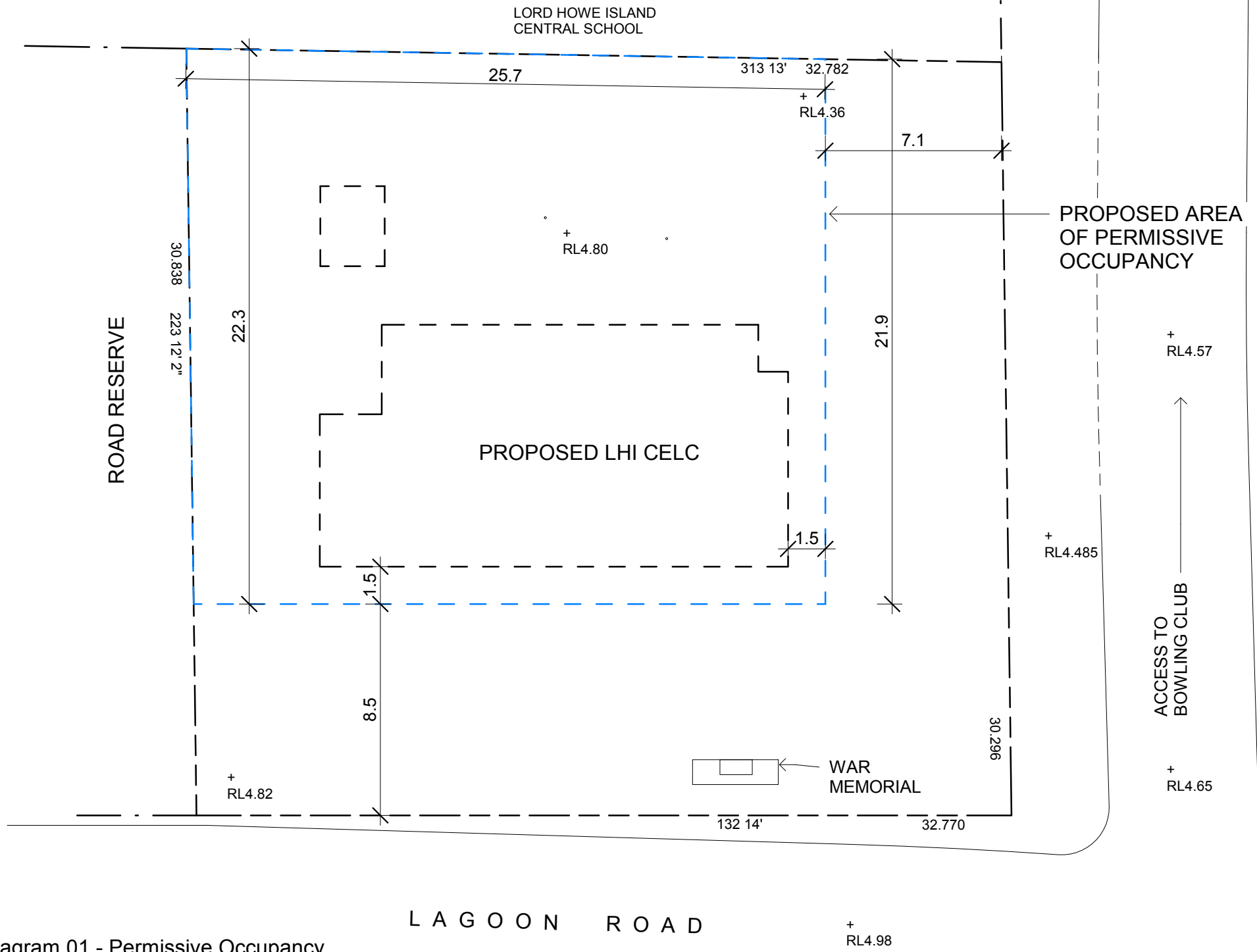


Diagram 01 - Permissive Occupancy

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Application for Permissive Occupancy – Lord Howe Island Community Pre-School Incorporated.

RECOMMENDATION

1. It is recommended that the Board seek the Minister's approval for the granting of a Permissive Occupancy over a portion of the unnamed Reserve Land illustrated in Attachment C for the purposes of the Community Pre-School subject to the standard conditions of such occupancies and with a peppercorn rental of \$2 per annum.

BACKGROUND

On the 24 April 2018 the Board wrote to Rachael McFadyen representing the Lord Howe Island Community Pre School (LHICPS) Incorporated, indicating that the Board would favourably consider either granting a Permissive Occupancy, or a declaration of the area as a public reserve for the purpose of a preschool and appointment of the office bearer of the LHICPS as trustees of the reserve (Attachment A). In July 2018 the LHICPS was successful in receiving \$560 000 in Grant funding under the Start Strong Capital Works Program. The grant is to be used to build a purpose built facility for the Island's children to start their education experience.

One of the requirements of the grant funding is that LHICPS be granted suitable tenure over the proposed land that the Preschool will be constructed and operated from.

Section 31A of the *Lord Howe Island Act 1953* provides that the Minister may, on recommendation of the Board, grant a permission to occupy Crown lands for such purposes and upon such terms and conditions as may be imposed. Section 31A further provides that such permissions shall be terminable at will by the Minister on recommendation of the Board. A copy of the agreement and standard conditions of such occupancies is attached (Attachment B).

COMMENT

There are two forms of land tenure that could be granted to the LHICPS – Permissive Occupancy or a declaration of the site as a public reserve.

Permissive occupancies on the Island are normally granted where the granting of either a perpetual or special lease is inappropriate or not possible under the Act, such as where the user of the land is an organisation rather than a Natural Person. Under the Lord Howe Island Act 1953 (the Act), it is not possible to grant a Perpetual Lease or Special Lease for the

proposed use because the LHICPSI is not a Natural Person and a lease cannot be granted to business entities, incorporated bodies, government agencies, etc.

Alternatively under section 19 of the Act, the Minister may at the recommendation of the Board grant a public reserve “in such manner as may seem best for the public interest for any purpose declared by the Minister”. Such a reserve would need to be managed by the Board, or persons appointed by the Minister as trustees for that reserve. As the LHICPS is a small organisation driven by a team of dedicated parents, it is unlikely to have the resources to sufficiently manage a reserve or maintain a suitable board of trustees in the long term in addition to the responsibilities of the Pre-Schools governance.

A permissive occupancy is considered the most appropriate form of tenure for this use due to the small size of land required by the LHICPS, and the reduced administrative burden required to manage this form of tenure. Both forms of tenure can be revoked at any time by the Board, although in practice this very rarely happens.

Under the terms of a Permissive Occupancy, the Minister on the recommendation of the Board may grant permission to occupy vacant Crown Land subject to such terms and conditions as recommended by the Board. For Permissive Occupancies occupied by commercial and other government agency tenants, custom and practice has been to charge rents at a commercial rate. The Board has previously indicated to the LHICPS that the land would be allocated free of charge (see attachment A). As this proposal remains largely unchanged since this commitment was given in April 2014, it is proposed that the Permissive Occupancy be offered free of annual rent.

All other outgoing expenses associated with the LHICPS including, but not limited to, electricity, access to waste water services, waste services, building and grounds maintenance will be the responsibility of the LHICPS to fund and will not form part of the Permissive Occupancy agreement.

The proposed location and extent of the Permissive Occupancy is shown in Attachment C.

RECOMMENDATION

1. It is recommended that the Board seek the Minister’s approval for the granting of a Permissive Occupancy over a portion of the unnamed Reserve Land illustrated in Attachment C for the purposes of the Community Pre-school subject to the standard conditions of such occupancies and with a peppercorn rental of \$2 per annum.

Prepared: Justin Sauvage, Manager Environment & Community Services

Endorsed: Peter Adams, Chief Executive Officer

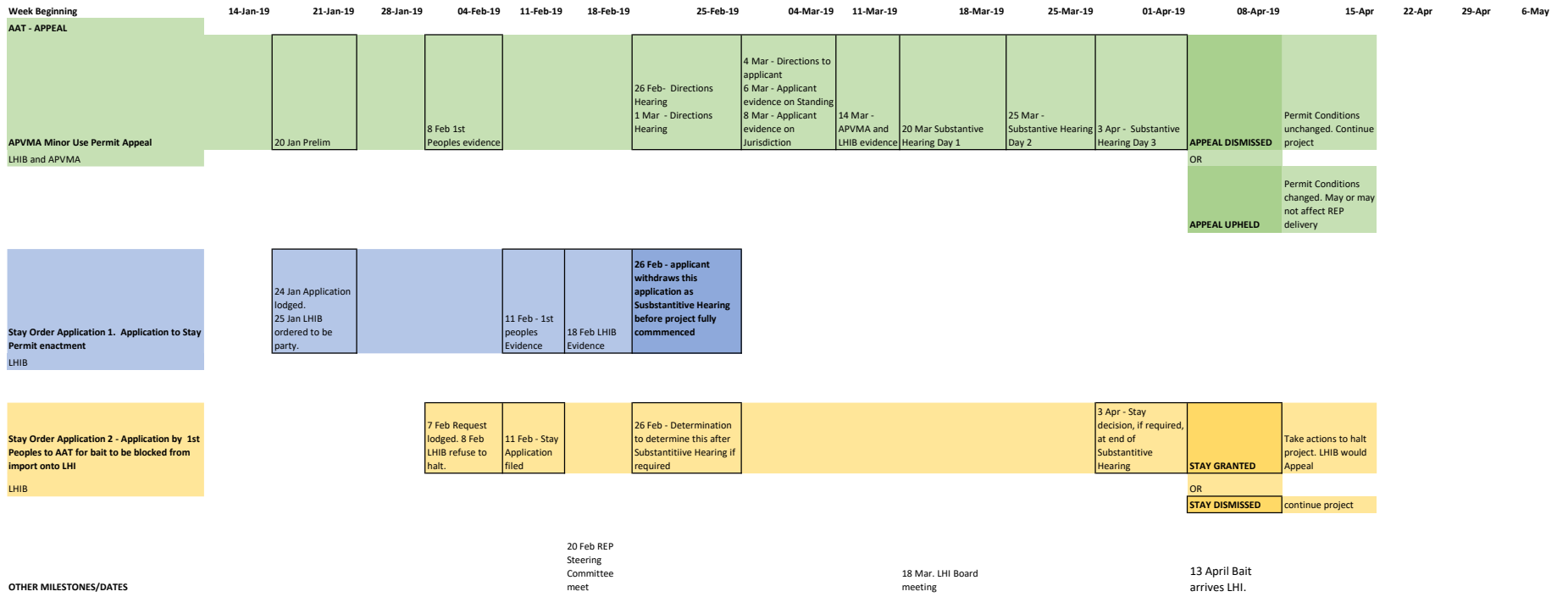
Attachments:

Attachment A: Letter from Lord Howe Island Board to LHICPS dated 24 April 2018

Attachment B: Agreement and Standard Conditions of Permissive Occupancies

Attachment C: Extent of the proposed Permissive Occupancy

REP - LEGAL TIMELINES



Biosecurity (Rodent) Control Order 2019

under the

Biosecurity Act 2015

I, BRUCE MORGAN CHRISTIE, Deputy Director General, Biosecurity and Food Safety, in exercise of delegated authority under the *Biosecurity Act 2015*, in pursuance of section 62 of the *Biosecurity Act 2015* reasonably believing it is necessary to prevent, eliminate, minimise or manage the biosecurity risk associated with the Black Rat (*Rattus rattus*) and House Mouse (*Mus Musculus*) on Lord Howe Island, make the following Control Order.

Dated this 28 February 2019



**BRUCE MORGAN CHRISTIE
DEPUTY DIRECTOR GENERAL
BIOSECURITY AND FOOD SAFETY
DEPARTMENT OF INDUSTRY**

Explanatory note

This Control Order is made under section 62 of the *Biosecurity Act 2015*. The object of this Control Order is to eradicate the pests, Black Rat (*Rattus rattus*) and House Mouse (*Mus Musculus*), from Lord Howe Island, New South Wales.

Biosecurity (Rodent) Control Order 2019

under the

Biosecurity Act 2015

1. Name of Order

This Control Order is the *Biosecurity (Rodent) Control Order 2019*.

2. Commencement

This Control Order commences on 28 February 2019.

Note: Notice of this Control Order may be given by publishing it on the website of the Department or in the *NSW Government Gazette*.

3. Definitions

In this Control Order:

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

Control Order has the same meaning as in Part 6 of the Act.

control measures has the same meaning as in Part 6 of the Act.

control zone has the same meaning as in Part 6 of the Act.

Lord Howe Island means the island known as Lord Howe Island, New South Wales and all adjacent islands within one marine league measured from low water mark on the coast of Lord Howe Island (as described in the *Lord Howe Island Act 1953*).

Lord Howe Island Board means the corporation constituted under the name of the “Lord Howe island Board” pursuant to section 4 of the *Lord Howe Island Act 1953*.

Lord Howe Island Board training in safe bait handling and bait station loading and replenishment means a training course conducted by the Lord Howe Island Board, providing guidance and instruction on safe bait handling and bait station loading and replenishment in relation to rodents.

rodent means the pests Black Rat (*Rattus rattus*) and House Mouse (*Mus Musculus*).

the Act means the *Biosecurity Act 2015*.

the Regulation means the Biosecurity Regulation 2017.

Note: *authorised officer, biosecurity matter, biosecurity risk, carrier, deal, land, occupier, premise and pest* all have the same meaning as in the Act.

4. Biosecurity Matter and Biosecurity Risk

- (1) The biosecurity matter to which this Control Order relates are the pests Black Rat (*Rattus rattus*) and House Mouse (*Mus Musculus*).
- (2) The biosecurity risk to which this Control Order relates is the risk of an adverse effect to the economy, the environment and the community posed by or likely to be posed by the pests Black Rat (*Rattus rattus*) and House Mouse (*Mus Musculus*) on Lord Howe Island.

5. Control Zone

- (1) Pursuant to sections 62(1)(a) and 67 of the Act, the control zone to which control

measures are required to be implemented under this Control Order is Lord Howe Island.

- (2) The control zone is called the ***Rodent Control Zone***.

6. Control measures - registration

- (1) Pursuant to sections 62(1)(b) and 68 of the Act, persons to whom the control measures apply, must, by 22 March 2019, either:
- (a) register for the Lord Howe Island Board training in safe bait handling and bait station loading and replenishment; or
 - (b) register their permission with the Lord Howe Island Board for authorised officers to enter their premises (including any part of their premises used only for residential purposes), in order to undertake rodent control and eradication, and monitor for the presence of rodents.

(2) The persons or class of persons to whom the control measures apply

The control measures in clause 6(1) of this Control Order apply to all occupiers of premises in the Rodent Control Zone.

7. Control measures - rodent treatment

- (1) Pursuant to sections 62(1)(b) and 68 of the Act, persons to whom the control measures apply, must:
- (a) before 15 April 2019, undertake the Lord Howe Island Board training in bait station loading and replenishment;
 - (b) within 1 week of completion of the Lord Howe Island Board training in bait station loading and replenishment, clean up and remove all (human-made) rodent food sources from the premises they occupy that are capable of being accessed by rodents, including compost and manufactured pet, chicken and livestock food;
 - (c) within 1 week of completion of the Lord Howe Island Board training in bait station loading and replenishment, install bait stations by placing bait stations along gridlines approximately 10 metres apart, running approximately north to south, at approximately 10 metre intervals, throughout the premises (including inside and under dwellings and in accessible roof spaces). Bait stations are to be loaded with Pestoff 20R bait pellets or blocks or other pesticide appropriate for rodent control and approved by an authorised officer in writing. All pesticides must be used in accordance with APVMA label directions and permit conditions;
 - (d) within 1 week of completion of the Lord Howe Island Board training in bait station loading and replenishment, and at the direction of an authorised officer, install monitoring devices, including tracka tunnels, chew cards and chew blocks (including inside and under dwellings and in accessible roof spaces) as provided at, and in accordance with instructions provided at, the Lord Howe Island Board training in safe bait handling and bait station loading and replenishment;
 - (e) make and keep digital records demonstrating the installation of bait stations and monitoring device at all locations within the premises. Such records are to be provided to authorised officers at the Lord Howe Island Board and in accordance with instructions provided at, the Lord Howe Island Board training in safe bait handling and bait station loading and replenishment, within 24 hours of installation, and on request;
 - (f) check bait uptake by rodents, and replenish the bait in bait stations (including inside and under dwellings and in accessible roof spaces) at the following frequency:
 - (i) every third day, within the first week after initial loading,
 - (ii) after the first week after initial loading has expired, every week until no bait has been observed as taken for 6 consecutive weeks,
 - (iii) after no bait has been observed as taken for 6 consecutive weeks, every 14

days for a 3 month period. If there is bait uptake or any other sign of rodents noticed during this 3 month period, checking and replenishment of bait in bait stations must occur at frequencies referred to in clauses 7(f)(i) and 7(f)(ii) of this Control Order.

- (g) make and keep digital records demonstrating the checking and replenishing bait in the bait stations in accordance with the frequencies described in clause 7(f) of this Control Order. Such records are to be provided to authorised officers at the Lord Howe Island Board and in accordance with instructions provided at, the Lord Howe Island Board training in safe bait handling and bait station loading and replenishment, within 24 hours of checking and replenishing bait, and on request;
- (h) make monitoring devices available to authorised officers for inspection, on request;
- (i) undertake reactive treatment, through distribution of Pestoff 20R bait pellets (or other approved pesticide) in bait stations, as directed by an authorised officer.

(2) The persons or class of persons to whom the control measures apply

The control measures in clause 7(1) of this Control Order apply to:

- (a) all occupiers of premises in the Rodent Control Zone that elected to register for the Lord Howe Island Board training in safe bait handling and bait station loading and replenishment, in accordance with clause 6(1)(a) of this Control Order; and
- (b) any occupier of premises in the Rodent Control Zone that withdraws their permission with the Lord Howe Island Board for authorised officers to enter their premises (including any part of their premises used only for residential purposes), in order to undertake rodent control and eradication, and monitor for the presence of rodents, given in accordance with clause 6(1)(b) of this Control Order; and
- (c) any occupier of premises in the Rodent Control Zone that does not comply with clause 6 of this Control Order.

8. Control measures - owners

(1) Pursuant to sections 62(1)(b) and 68 of the Act, persons to whom the control measures apply, must:

- (a) provide notice of this Control Order to any occupiers of their premises, that commence occupation after 28 February 2019
- (b) provide notice of this Control Order to any purchaser of their premises, who purchases the premises after 28 February 2019
- (c) provide notice of any change in ownership or occupation of a premises to the Lord Howe Island Board by phoning 6563 2066.

(2) The persons or class of persons to whom the control measures apply

The control measures in clause 8 of this Control Order apply to all persons who own premises in the Rodent Control Zone as at 28 February 2019.

9. Duration of Control Order

This Control Order has effect for a period of 2 years from the date on which it commences.

LHI Rodent Eradication Project											
Balance		Balance on Hand 1 Jul 15	Balance on Hand 1 Jul 16	Balance On Hand 1 Jul 17	Balance on Hand 1 Jul 18	Balance Estimate 1 Jul 18 - 30 Jun 19	Balance Estimate 1 Jul 19 - 30 Jun 20	Balance Estimate 1 Jul 20 - 30 Jun 21	Balance Estimate 1 Jul 21 - 30 Dec 21	Balance Estimate at Completion	
		\$ 8,185,122	\$ 8,053,680	\$ 6,952,019	\$ 4,946,327	\$ 900,035	-\$ 847,928	-\$ 1,022,928	-\$ 1,183,928	-\$ 1,183,928	
Revenue											
Project Revenue	Total Approved Revenue	Revenue Earned as at 30 June 2015	Revenue Earned FY15-16	Revenue Earned FY16-17	Revenue Earned FY17-18	Revenue Estimate 1 Jul 18 - 30 Jun 19	Revenue Estimate 1 Jul 19 - 30 Jun 20	Revenue Estimate 1 Jul 20 - 30 Jun 21	Revenue Estimate 1 Jul 21 - 30 Dec 21	Total Revenue Estimate at Completion	Cross Check
Project Equipment resale			\$ -	\$ -	0		71000	0	0	\$ 71,000	
OEH REP Planning	\$ 20,300	\$ 20,300	\$ -	\$ -	0					\$ 20,300	
NSW Env Trust	\$ 4,542,442	\$ 4,542,442	\$ -	\$ -	0					\$ 4,542,442	
Caring for Our Country	\$ 4,500,000	\$ 4,500,000	\$ -	\$ -	0					\$ 4,500,000	
Interest	\$ -	\$ 610,390	\$ 177,020	\$ 176,603	\$ 120,911	\$ 13,866				\$ 1,098,790	
Total Revenue	\$ 9,062,742	\$ 9,673,132	\$ 177,020	\$ 176,603	\$ 120,911	\$ 13,866	\$ 71,000	\$ -	\$ -	\$ 10,232,532	\$ 10,232,532
Expenses											
Item	Expenses Incurred 2012/2013	Expenses Incurred 2014 to 30 June 2015	Expenses Incurred 1 Jul 15 to 30 Jun 16	Expenses Incurred 1 Jul 16 - 30 Jun 17	Expenses Incurred 1 Jul 17 - 30 Jun 18	Expense Estimate 1 Jul 18 - 30 Jun 19	Expense Estimate 1 Jul 19 - 30 Jun 20	Expense Estimate 1 Jul 20 - 30 Jun 21	Expense Estimate 1 Jul 21 - 30 Dec 21	Total Expense Estimate at Completion	
Captive Management Sub Total	\$ -	\$ -	\$ -	\$ 485,517	\$ 696,824	\$ 618,750	\$ 348,750	\$ -	\$ -	\$ 2,149,841	
Community Liaison Sub Total	\$ -	\$ 327,106	\$ -	\$ 82,275	\$ 232,219	\$ 25,000	\$ 15,000	\$ 5,000	\$ -	\$ 686,600	
Baiting Sub Total	\$ -	\$ -	\$ 3,000	\$ 34,438	\$ 158,449	\$ 2,332,002	\$ 774,552	\$ -	\$ -	\$ 3,302,441	
Livestock/Animal Management Sub Total	\$ -	\$ -	\$ -	\$ 23,677	\$ 11,018	\$ 131,000	\$ 147,000	\$ 20,000	\$ -	\$ 332,695	
Operational Monitoring Sub Total	\$ -	\$ -	\$ -	\$ 84,305	\$ 11,570	\$ 32,000	\$ 189,000	\$ 30,000	\$ 53,000	\$ 399,875	
Eradicating Owls Sub Total	\$ -	\$ -	\$ -	\$ -	\$ 7,062	\$ -	\$ 30,000	\$ 15,000	\$ 8,000	\$ 60,062	
Project Management Sub Total	\$ -	\$ 336,000	\$ 305,462	\$ 470,515	\$ 864,497	\$ 575,000	\$ 211,000	\$ 5,000	\$ -	\$ 2,767,474	
Biosecurity Sub Total	\$ -	\$ 60,000	\$ -	\$ 42,000	\$ 144,964	\$ 135,000	\$ -	\$ -	\$ -	\$ 381,964	
Outcome monitoring Sub Total	\$ -	\$ -	\$ -	\$ 55,537	\$ -	\$ 211,406	\$ 103,661	\$ 100,000	\$ 100,000	\$ 570,604	
Misc Sub Total	\$ 756,970	\$ 7,934	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 764,904	
Total	\$ 756,970	\$ 731,040	\$ 308,462	\$ 1,278,264	\$ 2,126,603	\$ 4,060,158	\$ 1,818,963	\$ 175,000	\$ 161,000	\$ 11,416,460	\$ 11,416,460

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Lord Howe Island Rodent Eradication Project (REP) Implementation.

RECOMMENDATION

That the Board note the update to the REP.

BACKGROUND

The REP is now in Stage Three: Implementation and evaluation of the eradication plan

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

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

CURRENT POSITION

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

1) Status of Required Approvals

APVMA Permit / Administrative Appeals Tribunal Appeal

At the Nov 2018 Board meeting, the Board were advised that an appeal against the Permit issued by the Australian Pesticides and Veterinary Medicines Authority (APVMA) was lodged with the Administrative Appeals Tribunal (AAT). The Applicant is the Lord Howe Island First Peoples' Association (LHIFPA). The APVMA is the Respondent.

Initially the LHIB made the decision to not be joined as a party to proceedings as we considered the APVMA was best placed to defend their decision to issue the permit. However, following an interlocutory hearing on the 21 Jan 2019, the applicant lodged a Request for Stay Order on 24 Jan to stay actions allowed by the permit. The LHIB were subsequently joined by Order of the Tribunal as a party to proceedings (Second Respondent) on 25 January. The Tribunal considered that the interests of the LHIB are affected by the decision under review.

The NSW Crown Solicitors Office (CSO) has been engaged to represent the LHIB, particularly in opposing the Request for Stay. CSO's fee estimate for representation is ~\$50,000. The AVPMA will continue their focus on determining jurisdiction and defending their decision to issue the permit.

Several directions hearings have been held on matters of standing and jurisdiction. Evidence opposing the Stay Request was provided in the form of an affidavit from Andrew Walsh. (Attachment 1).

Dates for the Substantive Hearing are now set for 20 March, 25 March and 3 April 2019. The applicant has agreed that the original Request for Stay is now not required to be determined given the substantive hearing dates. However a second Request for Stay, to prevent import of the bait to the island, was also lodged by the applicant on the 12 February. The applicant wants that Request pressed. The second Request for Stay will be determined, if necessary, after the hearing. Given the importance of the substantive hearing, Andrew Walsh will attend the first two days in person with the CSO and counsel.

A flow chart outlining our understanding of the process is attached (Attachment 2).

During the appeals hearing process, the **permit remains valid** unless we receive direction from the AAT to the contrary. **If the Stay is granted, implementation of the project will be at severe risk.**

The REP is at a very advanced and critical phase with implementation commencing from 1 April 2019. **A complex series of critical path actions are already well underway.** As timing of the eradication is critical seasonally and it must be undertaken in the winter seasonal window. Any decision delaying implementation will run the risk of delaying the project by a year until the next seasonal window.

Primarily due to funding restrictions, **failure to implement the REP in winter 2019 will likely mean the end of the project and will create unacceptable financial, environmental, reputational and social detriment to the LHIB, the Island and its community and the NSW and Australian Governments.**

The majority of the grant funds (\$7.6 million) has already been expended (or is contractually committed) on planning and implementation with additional costs expected in the coming months, with an additional expenditure of \$1.7 million by the end of June 2019. This includes staff employment contracts, major procurement contracts such as bait, bait stations, helicopters, charter ship voyage for delivery and staff accommodation and flights. Many of these costs are non-refundable if cancelled or will incur substantial cancellation costs. A delay to implementation of the REP would also incur additional costs such as the significant cost of disposal of bait that would be unable to be used due to its very limited shelf life (approximately six months).

If the REP does not run to schedule, the LHIB will incur significant irrecoverable costs to the project (including contract break penalties), to the extent that the project is unlikely to

be undertaken in future years due to insufficient funds. A breakdown of these costs is appended to the affidavit that sets out the contract penalties, non-refundable costs and costs of re-work if the fulfilment of contracts has to be delayed or cancelled. It is estimated that the total additional cost of delay if progress to implement the REP does not proceed would be \$2,858,000.00.

Biosecurity Control Order

At the Sept 2018 Board meeting, the Board resolved to apply for a Control Order through the Minister for Primary Industries, under the *Biosecurity Act 2015*. The Chair of the Board formally wrote to the Minister on 21 Sept 2018. A Control Order (**Biosecurity (Rodent) Control Order 2019**) was issued by the delegate for the Minister for Primary Industries on 28 February 2019 (Attachment 3).

The Control Order defines rodents as biosecurity matter and defines risks from rodents to the economy, environment and community as biosecurity risks. It defines LHI as the Rodent Control Zone. The Control Order defines Control Measures that persons must undertake in relation to registration and rodent treatment.

The Control Order does not force LHIB access to residential dwellings.

In essence, where people have already given permission to LHIB staff to undertake baiting on their property and inside their dwellings, this will occur as agreed in their Property Management Plan. Permissions will be added to the register and confirmed via a letter from the LHIB. This will satisfy the requirement for persons to register permissions. Other aspects of the Control Order therefore would not apply to these persons.

Where no permission has yet been given, persons are compelled under the Biosecurity Order to either:

- register their permission **or**
- register for training, attend training, undertake baiting in bait stations, undertake monitoring and keep records to verifying compliance.

Penalties are available under the Act for non - compliance with a Control Order.

The LHIB have been working with the Department of Primary Industries to develop communications materials, policies and procedures to implement the Control Order.

Whilst the Control Order is in place, if necessary, the preferred position will to be to continue to negotiate permission with residents.

Other Approvals Actions

The Monitoring and Mitigation Plan and Biosecurity Plan required under the *Environment Protection and Biodiversity Conservation Act* approval have now both been approved by the Minister's delegate.

A permit for a Special Events Zone at the airport has been issued for the aerial baiting operations and a License from the Environmental Protection Agency for helicopter flights has been issued.

2) Staffing

A Recruitment and Training Plan has been developed and endorsed by the LHIB senior management team. It includes internal secondments for some existing LHIB staff during the REP.

The following actions have been undertaken since the previous meeting:

- Dion Fabbro commenced in the Project GIS Officer role on 26 November 2018
- Josh Owens started as a Waste Management Officer in November 2018
- A recruitment process for the Field Officers required as part of the Ground Baiting teams (~25 FTEs) has now been completed with more than 40 people offered positions in full time or part time casual roles, most from on island. A small number of the Field Officers have commenced already to undertake preparation tasks.
- Field Supervisors (with eradication experience) have been engaged through a recruitment agency or as direct contractors.

With the exception of a GIS Assistant (recruitment underway), all major roles in the project organisation chart have been filled.

3) Community Engagement Update

Ecotourism update

The 2019 Lord Howe Island Conservation Volunteers program was launched on 13th February 2019. This program will be available to all visitors and residents from May-Sept 2019. The 2019 program will be jointly delivered by the LHIB, LHI Museum, LHI Marine Parks, LHI Tourism Association in partnership with local businesses through an expression of interest process.

Months will be themed as follows:

- MAY: Birds
- JUNE: Marine
- JULY: Plants
- AUG: Invertebrates
- SEPT: Protecting Paradise

Each month will include a variety of nature based and citizen science activities that include local business' current tours and additionally support research and conservation volunteering. This data collection and volunteer action will assist in our conservation efforts and be included in a number of national conservation activities around data collection including marine plastics.

The aim of the LHI Conservation Volunteer program is:

- To access a new market of eco/ conscious travellers
- To increase the number of visitors over the winter period
- To promote Lord Howe Island as a unique winter destination from an environmental stand point (hiking, citizen science, conservation etc.)
- To increase local business exposure and pre-booking of tours over winter
- To increase the variety of activities on offer for visitors during winter
- To educate visitors on the efforts made by the LHI community to protect Lord Howe Island

- To encourage visitors to take an active role in protecting Lord Howe Island's unique environment.

Funding to implement the program in 2019 was secured through Destination NSW for \$20,000.

Community Acceptability

Jaclyn has continued discussing individual Property Management Plans (PMP) with leaseholders and tenants. At the time of writing this report, 109 of the 125 Leaseholders (87%) (some leaseholders have multiple leases) have formally signed or verbally agreed a confidential PMP.

Communication regarding implementation of the project will significantly increase in the coming months with newsletters and fact sheets being developed to explain all aspects of the project to residents and visitors. This includes recommendations from the Chief Scientist's Human Health Risk Assessment and conditions from the APVMA permit.

4) Operational Planning

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

- Completion of minor repairs to the captive management facility
- Engaging additional resources for planning and logistics support
- Finalisation of the vehicle fleet (LHIB and local hire) and major plant
- Bait and bait pod contracts, manufacture, and shipping. Bait is currently enroute from New Zealand. Approximate arrival date in Australia is mid March and on island 13 April (via a special voyage of the Island Trader)
- Purchase, delivery, organising and storing project equipment
- Completion of GIS and mobile mapping trials
- Ordering and staged delivery of 29,000 bait stations. Preparation has started on labeling and barcoding
- Developing subsidiary plans (i.e. waste management, livestock, OH&S, refueling)
- Defining management of waste, particularly organics during the REP
- Defining management of poultry and livestock
- Developing the Masked Owl tender
- Securing workforce accommodation

The updated Operational Plan was presented to the Island Eradication Advisory Group (IEAG) for critical review on 30 Nov 2018 and again in February 2019 and comments continue to be addressed. The first of two operational readiness checks will take place on 19 and 20 March 2019, with the second (focus on aerial operations) scheduled for 30 April - 3 May on island.

5) Budget

The approximate budget shortfall as reported in Nov 2018 will be in the range of \$1.1 – 1.2M. See updated budget spreadsheet (Attachment 4). Significant changes include:

- Increase in bait volume and bait station numbers (total +\$91,000)
- Fundraising consultant fee (+\$30,000)

- Crown Solicitors fee estimate (+\$50,000)
- Lower than anticipated charter voyage costs (-\$60,000)
- Lower than anticipated GIS equipment costs (-\$20,000)

Update on actions undertaken to secure additional funding:

- Fundraising consultant – Xponential Strategy, have been selected through a tender process to undertake a Campaign Readiness Assessment for pursuing philanthropic donation. Work is well underway (inc donor interviews). A progress report has been received.
- Formal requests for additional funding have been made to:
 - National Landcare program
 - Commonwealth Environment Minister
 - Threatened Species Commissioner
 - NSW Environmental Trust
 - Local Member Leslie Williams MP
 - Federal Member - Tanya Plibersek MP
 - NSW Treasury (through Dept of Environment and Planning cluster) through a Parameter and Technical Adjustment.
- Discussions of possible philanthropic donations with a key environmental organisation/trust.
- Pursuit of a grant opportunity (~\$500,000 over two years) through the Foundation for Australia's Most Endangered Species. A proposal was submitted on 7 March 2019.

No additional funding has yet been secured, but decisions from the NSW and Australian governments are expected post elections.

SUMMARY

Detailed operational planning is well underway and on track for implementation, PMPs are progressing, with a Control Order in place if required. Steps are being taken to actively address the budget shortfall.

RECOMMENDATION

That the Board note the update to the REP.

Prepared: Andrew Walsh, Rodent Eradication Project Manager

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

Attachment A: Administrative Appeals Tribunal Affidavit – Closed Session

Attachment B: Legal Timelines

Attachment C: Biosecurity (Rodent) Control Order 2019

Attachment D: Project Budget

RUNWAY EXTENSION FEASIBILITY STUDY

SUMMARY REPORT

Lord Howe Island Board | 22 February 2019

Lord Howe Island Runway Extension Feasibility Study Summary Report

Client: Lord Howe Island Board

ABN: 33 280 968 043

Prepared by

AECOM Australia Pty Ltd

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22-Feb-2019

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Quality Information

Document Lord Howe Island Runway Extension Feasibility Study Summary Report

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Prepared by Jed Mills

Reviewed by Rob Mason

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Rev	Revision Date	Details	Authorised	
			Name/Position	Signature
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B	22-Feb-2019	Final Issue	Jed Mills Project Manager	

Table of Contents

1.0	Introduction	1
1.1	Background	1
1.2	Purpose	1
1.3	Scope of work	1
2.0	Milestone 1 – Detailed Assessment of Extended Runway Requirements and Suitable Aircraft	3
2.1	Summary	3
2.2	Conclusion	4
3.0	Milestone 2 – Geotechnical Interpretive Report	5
3.1	Summary	5
	3.1.1 Geotechnical considerations	5
3.2	Conclusion	5
4.0	Milestone 3 – Concept Design	6
4.1	Summary	6
	4.1.1 Land Reclamation Design	6
	4.1.2 Deck on Pile Structural Design	7
4.2	Conclusion	7
5.0	Milestone 4 - Preliminary Environmental Assessment	8
5.1	Summary	8
5.2	Conclusion	8
6.0	Milestone 5 – Preliminary Business Case	9
6.1	Summary	9
6.2	Conclusion	10
7.0	Community Consultation	11
7.1	Summary	11
7.2	Conclusion	11
8.0	Final Summary	12

1.0 Introduction

1.1 Background

Lord Howe Island is located approximately 590 km from the closest town on the Australian mainland and 790 km from Sydney, it is one of the most remote communities in NSW and among the most remote of any Australian territory (Figure 1). It is known nationally and internationally for its natural beauty and biodiversity, as recognised in the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Listing.

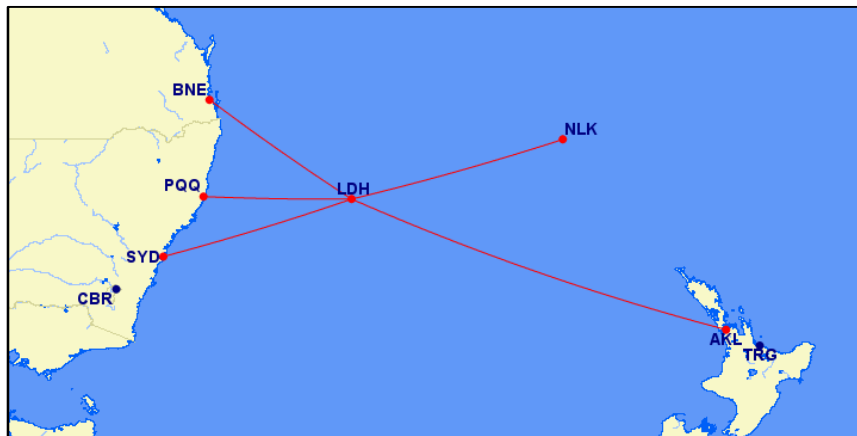


Figure 1 Location of Lord Howe Island

There are currently regular airline services operating from Sydney and Brisbane to the island, although the current route agreement is scheduled to end in March 2022 and Qantas have indicated they will no longer be operating the DHC8-200 aircraft servicing the island beyond this date. The existing runway is 888m (Figure 2) which presents limitations on the range of aircraft able to operate.



Figure 2 Existing Runway

In November 2017, AECOM were engaged by the Lord Howe Island Board (LHIB) to undertake a Runway Extension Feasibility Study to investigate the viability of a runway extension in order to continue the operation of 30+ seater regular passenger transport (RPT) services to the island beyond 2022. This study was completed in February 2019 with the final report issued XX February 2019.

1.2 Purpose

This report summarises the work completed by AECOM between November 2018 and January 2019 as part of LHIB Runway Extension Feasibility Study.

1.3 Scope of work

The scope of work is detailed in the following documents:

- a. Document - Request for Quote - LHI Airport Runway Extension Feasibility Study - Contract LHIB 2017-25 (August 2017)
- b. AECOM Proposal for LHI Airport Runway Extension Feasibility Study - Contract LHIB 2017-25 (11th September 2017)

The scope generally comprises the following:

- Milestone 1 – Detailed Assessment of Extended Runway Requirements and Suitable Aircraft
- Milestone 2 – Geotechnical Interpretive Report
- Milestone 3 – Concept Design
- Milestone 4 – Preliminary Environmental Assessment
- Milestone 5 – Preliminary Business Case
- Community Consultation

2.0 Milestone 1 – Detailed Assessment of Extended Runway Requirements and Suitable Aircraft

2.1 Summary

Information contained in this summary is taken from AECOM's report titled (April 2018, Rev B) *Detailed Assessment of Extended Runway Requirements and Suitable Aircraft*, this contains further detailed information on the work completed as part of Milestone 1.

The existing runway is 888m (Figure 2) which presents limitations on the range of aircraft able to operate. Milestone 1 provided a detailed review of the runway requirements for operation of the existing DHC8-200 regular passenger transport (RPT) aircraft at Lord Howe Island Airport (LDH), and the requirements for alternative currently in operation aircraft types such as the DHC8-300/400, ATR42/72 and Fokker 50.



Figure 3 Existing Runway

In addition future aircraft design trends were investigated, including electric aircraft. It was concluded that electric aircraft of comparable size will be developed within the next 15-20 years but at this point no conclusions can be drawn on their runway requirements except that they are expected to be similar to current aircraft.

The predominant in production turbo-prop aircraft in the 30-70 seat class are the ATR42, ATR72 and the Bombardier DHC-400. These aircraft form the fleet of the “mainline” airlines such as Qantas and Virgin Australia who expressed interest in operating the route. Older types no longer in production such as the DHC8-200/300, the Saab 340 and Fokker 50, while capable of operating on an extended runway, are confined to the small regional airlines such as Rex and Skytrans who did not express an interest in operating the route.

The operating requirements for each aircraft type assessed against potential runway arrangements under a range of operational configurations (take-off weight, landing weight etc.)

In addition to consideration of aircraft types, the following runway options were investigated during Milestone 1:

- Option 1: Do Nothing;
- Option 2: 450m runway extension;
- Option 3: 570m runway extension;
- Alternative Option 1: Runway realignment; and
- Alternative Option 2: Retaining the existing runway and leasing or purchasing of aircraft.

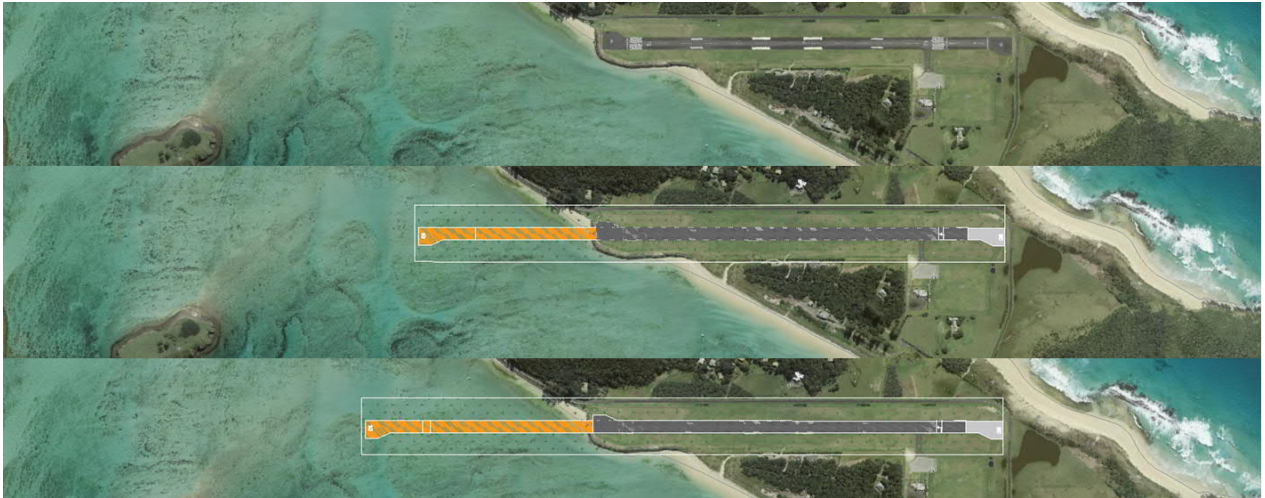


Figure 4 Aerial view of Option 1, 2 and 3

2.2 Conclusion

Key conclusions were:

- a. The current runway orientation should be retained due to the likely considerable cost associated with a full realignment and was not recommended for further study.
- b. A 'Do' Nothing' approach could leave the island with no 30+ seater RPT service from March 2022 onwards once the current agreement with Qantas expires as alternative 30+ seater aircraft would not be able to operate from the existing runway; this was not considered a final solution at this early stage of the project.
- c. Although a 450m extension option could provide for the future operation of some candidate aircraft, it did not provide sufficient "future proofing" for efficient operation of the ATR72 and DHC8-400 and therefore the recommendation was to further investigate a 570m extension option.
- d. Further investigation of leasing or purchasing an aircraft to use the existing runway was to be completed during Milestone 5 – Preliminary Business Case
- e. Further investigation of aircraft not meeting the 30+ seat requirement was to be completed during Milestone 5 – Preliminary Business Case, including the current non RPT air services from Port Macquarie

3.0 Milestone 2 – Geotechnical Interpretive Report

3.1 Summary

Information contained in this summary is taken from AECOM's report titled (August 2018, Rev 1) *Geotechnical Interpretive Report*, this contains further detailed information on the work completed as part of Milestone 2.

The report presented a preliminary interpretation of the geotechnical conditions along the proposed expansion alignment this included

- Desktop study based on existing information to assess likely ground conditions
- Geophysical survey and report undertaken as part of this study
- Geological cross sections of the expected geological conditions along the alignment
- Preliminary geotechnical design parameters to inform feasibility design

3.1.1 Geotechnical considerations

Seismic refraction surveys successfully mapped subsurface conditions up to 45m below the seabed; this information was correlated with historic geotechnical boreholes to develop a preliminary geological model. Geotechnical considerations of the expected profile are discussed below.

Coral Sands – These are represented by the blue to green layers in Figure 5. The sands are low strength, compressible, and may be susceptible to liquefaction under seismic loading. The depth of soil increases into the lagoon, with material extending to 25m below the seabed. Placing fill to on these soils will result in settlement, increasing the volume of material required. For a piled option the contribution of the overlying soils to the pile capacity will be very small and would be ignored.

Calcarenite (Limestone) – This is represented by the grey to red layers in Figure 5. The inferred top of calcarenite can vary in level by up to 5m over short distances. Pile embedment requirements within this layer would need to be proved by detailed drilling; in addition the strength and stiffness of the calcarenite would also need to be determined if this material was to be considered as the bearing strata for a piled deck option.

Volcanic Bedrock – This is represented by the white layer in Figure 5. The bedrock also seems to be irregular in profile with an increase in depth towards the lagoon side, it was generally found at least 20m below the seabed. This layer may comprise of high strength basalt which could be difficult to drill.

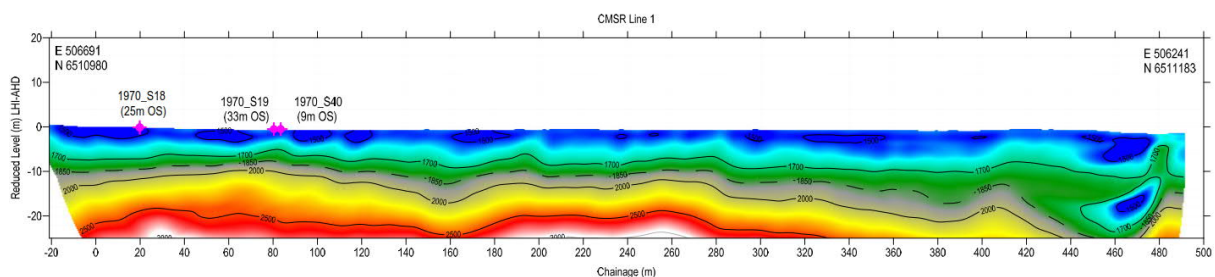


Figure 5 Interpreted Seismic Refraction along proposed runway centreline from the existing shoreline (0m)

3.2 Conclusion

The desktop study was based on a limited number of historic boreholes from within and surrounding the site, these preliminary geotechnical design parameters were used to inform Milestone 3 – Concept Design. Intrusive drilling would be required to inform future design stages. The investigation programme should cover the extension footprint and include the following:

- Collect samples of the overlying soils for laboratory characterisation testing (PSD, Atterberg limits, and
- Core the calcarenite (with acceptable core recovery) to carry out rock strength testing (UCS and Point Load Testing)
- Prove the depth to top of the volcanic rock

4.0 Milestone 3 – Concept Design

4.1 Summary

Information contained in this summary is taken from AECOM's report titled (November 2018, Rev C) *Concept Design Report*, this contains further detailed information on the work completed as part of Milestone 3.

The report provided an assessment of two runway extension options based on the recommended 570m extension length on the lagoon side, a land reclamation design and deck on pile structural design. Layout of the runway extension and associated turning head were developed in accordance with the requirements of CASA MOS 139.

In addition to the physical runway extension, civil work required around the airfield to accommodate the operation of the largest candidate Code C aircraft, a DHC8-400, was assessed against the requirements stated within CASA MOS 139. The following additional construction work required was identified;

- Expansion of the Eastern turning head
- Widening of the taxiway
- New RPT apron
- Realigned Island road
- Revised general aviation (GA) grass apron
- A new 2.4m high airfield security fence line
- Terminal building expansion

The Milestone 4 - Preliminary Environmental Assessment was undertaken in parallel with this design to inform the option development. Environmental and construction constraints associated with a remote World Heritage island were taken into consideration throughout the concept design process. In addition AECOM assessed outputs from the geophysical survey, historical geotechnical information and coastal design conditions to inform the final design solutions.

4.1.1 Land Reclamation Design

To prevent damage from overtopping and inundation of the runway during extreme storm events (1,000 year ARI in accordance with AS4997-2005), the western extent of the existing runway and surrounding earthwork levels would need to be raised by 500mm. This would have significant construction cost and duration implications in addition to the reclamation and due to the significant level increases required it may not be possible to keep the airfield operational during construction work.

Therefore a wave trip structure (shown as red in Figure 6) was designed along the western and southern edges of the extension, to absorb wave energy and reduce wave crest impacting the runway extension. The rock armour (shown as light grey in Figure 6) was designed as a conventional double layer rubble structure with a slope of 1 in 2.

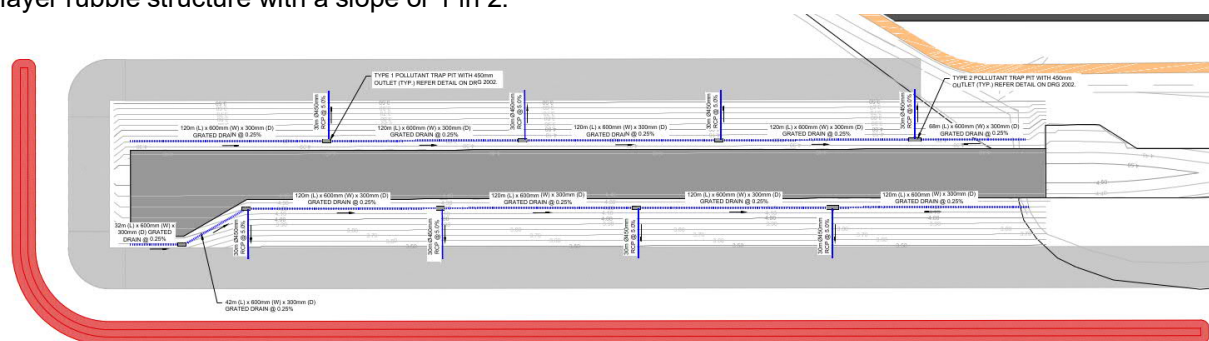


Figure 6 Land Reclamation Layout

Due to environmental constraints it is not possible to claim fill material from Lord Howe Island or the adjacent waters. As such the estimated 360,000m³ of fill would need to be imported from somewhere within the region such as mainland Australia, New Zealand, New Caledonia etc.

4.1.2 Deck on Pile Structural Design

The deck system comprises of precast concrete deck panels supported on precast reinforced concrete beams, this would be supported by a pile system generally set out on a 6m x 8m grid. This solution maximised the scope for prefabrication and minimised the on-site construction time.

The deck was designed to absorb wave impacts, therefore removing the requirement of a wave trip structure.

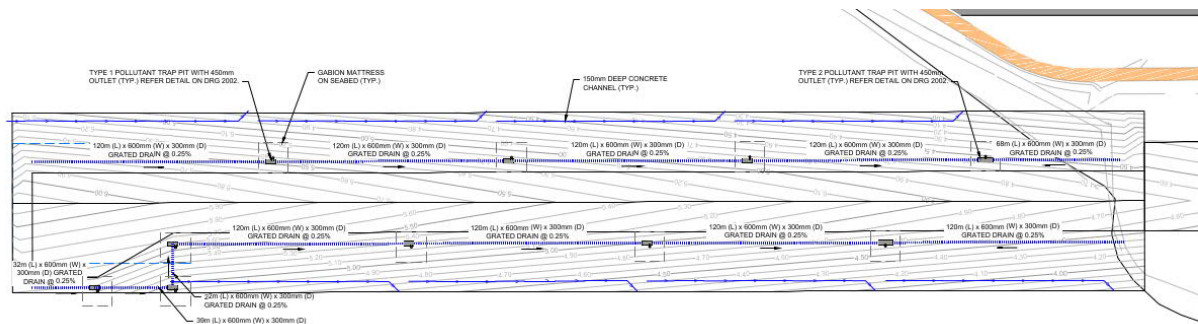


Figure 7 Deck on Pile Layout

4.2 Conclusion

Although the land reclamation and deck on pile structural design options proposed were both considered to be viable from an engineering perspective; it was AECOM's recommendation that the deck on pile option provided the preferable solution for the extended runway. A number of key differentiators were identified as part of Milestone 3 which can be seen in Table 1 below.

Table 1 Key differentiators for design options

Item	Land Reclamation	Deck on Piles	Differentiator
Coastal Processes	Significant impacts	Minor wave attenuation	Significantly lower impact
Preliminary Environmental Assessment (Section 5.0)	Higher construction and operation impact	Lower construction and operation impact	Lower potential impact
+/30% Construction Cost Estimate	\$305,100,000	\$191,100,000	40% reduction in estimated construction costs
Project Delivery Program	51-69 months	45-63 months	10% reduction in program duration

5.0 Milestone 4 - Preliminary Environmental Assessment

5.1 Summary

Information contained in this summary is taken from AECOM's report titled (October 2018, Rev 1) *Preliminary Environmental Assessment*, this contains further detailed information on the work completed as part of Milestone 4.

The preliminary environmental assessment was undertaken based on a desktop review of the potential impacts of a runway extension at the Lord Howe Island Airport. The proposed runway extension would protrude into parts of the Lord Howe Island Lagoon Sanctuary Zone. The desktop assessment carried out determined potential environmental risks and approval risks associated with the environmental aspects of the marine and land based components of any proposed extension works.

The environmental issues associated with the potential construction and operation of a runway extension which were identified to have a medium to high risk were assessed in the preliminary environmental assessment (PEA). Environmental impacts which were predicted to be of a high significance as a result of the project include:

- World Heritage;
- surface water (quality and hydrology);
- coastal processes;
- contamination;
- climate change and flooding;
- biodiversity and biosecurity;
- noise and vibration; and
- landscape and visual amenity.

The assessment of significance for the potential impacts identified that the deck on pile option would have an overall lower level impact to the environment compared to the land reclamation option for construction and operational impacts. The primary differences between the two options are the potential impacts associated with coastal processes, surface water, traffic and transport and air quality.

A review of the legislative framework which would be applicable to the project was carried out, and informed a relevant approvals pathway for a proposed future runway extension project. In summary, such a project would require multiple approvals at the State and Commonwealth levels, the certainty of which is not assured due to the potential approvals risks and environmental impacts associated with the project. This process could potentially take up to 36 months to complete.

5.2 Conclusion

As the PEA was limited to a desktop assessment if the project was to progress to subsequent design stages, the environmental issues identified would need to be assessed in further detail including fieldwork based technical assessments. If it is decided that the runway extension would progress further, the next steps would be to begin with a formal planning application for the development, involving the preparation of a State significant scoping report to the Department of Planning and Environment (DP&E) and the preparation of an Environmental Impact Statement (EIS).

6.0 Milestone 5 – Preliminary Business Case

6.1 Summary

Information contained in this summary is taken from AECOM's report titled (December 2018, Rev B) *Preliminary Business Case*, this contains further detailed information on the work completed as part of Milestone 5.

The Preliminary Business Case (PBC) was developed to be consistent with NSW Treasury Guidelines for Capital Business Cases (2008) and outlines the need to maintain a Regular Passenger Transport (RPT) service to Lord Howe Island (LHI) that is of a sufficient scale (i.e. 30+ seater or similar) to satisfy demand beyond 2022, this included consideration of alternate options to the runway extension.

Securing an RPT service is essential to support tourism (capped at 400 visitors at any time), the economic viability of the Island and the well-being of its residents. Some of the benefits of maintaining an RPT include;

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

The significance of maintaining an RPT air service is noted as a priority in a number of NSW State Government Plans and Strategies. Retaining such a service also aligns with the NSW State Priorities of creating jobs and building infrastructure. The proposal to extend the runway on Lord Howe Island is fully aligned with the LHIB Corporate Plan 2016-2019, which is, in turn, aligned with the Lord Howe Island Act 1953, the Lord Howe Island Community Strategy 2010-2015 and the NSW State Priorities.

Actions undertaken by LHIB to date were also detailed to articulate the work done to date relating to air service to the Island. Notably, given the current license expiration in March 2022, time is of the essence to secure a similar or comparable service offering that will continue to support the economy and provide visitor access. Options considered for the period post-2022 are contained in Table 2.

Table 2 Options considered beyond 2022

Option	Description	BCR
1	Cease 30+ seater RPT services to Sydney and Brisbane, and rely solely on current levels of 8 seater charter (non RPT) flights from Port Macquarie	N/A
2	Introduce an RPT service from Port Macquarie and/or another secondary city using smaller aircraft.	N/A
3 (a & b)	Buy or lease the DHC-8-200 aircraft to be operated by a suitable operator to continue RPT services from Sydney and Brisbane. Once the estimated 10 year service life of the aircraft is finished, one of the following sub-options would occur; a) The Island would revert back to relying solely on current levels of charter flight b) Upgrade to a different aircraft which could use the runway without extension, at present there is no viable aircraft available to do this.	3.16(a) 2.58(b)
4	Extend the runway using the deck on piles design option to enable operation of Code 3 aircraft (such as the ATR72 and DHC8-400) and continue 30+ seat RPT air services to Sydney and Brisbane.	0.39

While no stakeholder engagement was undertaken as part of this PBC, AECOM undertook community consultation and discussions with key stakeholders as part of the overall Feasibility Study. Discussions with key agencies assisted to understand their needs and requirements, and where relevant potential interest and feasibility of various operational arrangements which informed the development of options.

The benefit cost ratio (BCR) for the runway extension is 0.39 (i.e. 39 cents are returned for every dollar spent) under the standard analysis using a 7 percent discount rate. The indicators shows that

since the runway extension has a BCR below 1, it is not considered an economically viable project, and that the solution to this problem may better be served through one of the service change options (if possible).

6.2 Conclusion

The PBC concluded the following options should be investigated further by the Board, prior to undertaking a Full Business Case;

- Option 2: Commercialisation of chartered flights, such as the introduction of an RPT service from Port Macquarie and another secondary city using smaller aircraft
- Option 3: Continue an RPT commercial air service with Code 2 aircraft, which may require that the DHC-8-200 be bought or leased and operated by a suitable operator to continue RPT services from Sydney and Brisbane. Post 2028 when the DHC8-200 will likely be beyond its serviceable life, there are two sub-options:
 - Option 3a: Cease RPT service, reverting to the base case (Option 1).
 - Option 3b: Replace DHC-8-200s with newer or upgraded Code 2 aircraft if operational at the time.

There are a number of matters that the Board should assess further to determine a preferred option and potentially develop a full business case. All options will require consultation with key stakeholders to refine the feasibility of each option. A full business case should be pursued if it is deemed that the preferred option will require government funding to maintain an RPT service past 2022.

7.0 Community Consultation

7.1 Summary

Information contained in this summary is taken from AECOM's report titled (December 2018, Rev B) *Community Consultation Report*, this contains further detailed information on the work completed as part of AECOM's Community Consultation.

Throughout the Feasibility Study, community and stakeholder engagement was carried out to inform, and where relevant, consult the community and stakeholders about key milestones.

The objectives of community and stakeholder consultation included:

- informing the community, tourists and key stakeholders about the Feasibility Study through timely and understandable communications, and accessible consultation tools and techniques;
- early and regular engagement so that the community is informed and could provide comment, where relevant, on the Feasibility Study;
- promoting the Feasibility Study's purpose and necessity;
- understanding community, tourist and stakeholder values and opinions on environmental impacts, access to amenities and services, and the social impacts of extending or not extending the runway;
- identifying objections to extending the runway and potential community impacts and concerns, especially environmental issues;
- helping the community, tourists and stakeholders understand that a runway extension is not a certain conclusion and that the Feasibility Study would help determine this; and
- strengthening existing relationships and building positive new relationships between the Board and the community and stakeholders.

Consultation activities were carried out with key community members and stakeholders including:

- the local community – residents and businesses on the Island;
- visitors – tourists visiting the Island;
- tourism industry operators on the Island; and
- aviation industry stakeholders – airlines, Air Services Australia (ASA), Civil Aviation Safety Authority (CASA), Royal Flying Doctors Service and the Royal Australian Airforce.

A variety of consultation tools and techniques, befitting the Island's community and stakeholders, were used to inform and seek feedback about the different milestones reached in the Feasibility Study.

7.2 Conclusion

Feedback from key community members and stakeholders was sought throughout the feasibility study and were used to inform relevant stages of the project. The following key issues associated with extending the runway were raised by the local community during consultation;

- impact to World Heritage values;
- impact on coastal processes;
- climate change, particularly the rise of sea levels;
- biodiversity and biosecurity;
- traffic and transport during construction, particularly access along Lagoon Road next to the airstrip;
- marine access to the Lagoon during construction and operation;
- impacts to residents nearby such as noise, vibration and visual amenity; and
- socio-economic impacts, particularly the impact of additional tourists on the Island's existing infrastructure and systems (e.g. waste and water).

8.0 Final Summary

The study has found that an extension of the existing runway on Lord Howe Island would allow for operation of 30+ seater RPT services to the island beyond 2022 (using aircraft other than the current DHC8-200). This is solely based on the technical performance of aircraft on an extended runway; further liaison with airlines would be required to confirm their intentions for continued operation of the route with new aircraft. The runway extension is considered feasible from an engineering perspective, further consideration of the environmental impacts including the impact on World Heritage status would need to be considered.

Commissioning the design and construction of the extension would involve a significant financial undertaking and the preliminary business case has determined that it is not considered an economically viable project. Given the importance of air services to the island, the next steps and decisions may need to be made outside pure economic and financial parameters. Alternate solutions to maintaining RPT services beyond 2022 have been recommended for further investigation, these alternatives in addition to the runway extension will be presented by LHIB to an all Government working group, consisting of Transport for NSW, Destinations NSW, NSW Treasury, other agencies of NSW Government, Federal Government and LHIB. It is understood that the significant costs associated with further investigation of the alternative solutions would be cost prohibitive for LHIB to commission. In addition, provision of air services involves both market and regulatory factors. Therefore LHIB will pursue the next stages in collaboration with the all Government working group.

Further detailed information on the work completed as part of the Runway Extension Feasibility Study can be found in the following AECOM reports;

- *Lord Howe Island Board Runway Extension Feasibility Study - Detailed Assessment of Extended Runway Requirements and Suitable Aircraft* (April 2018, Rev B)
- *Lord Howe Island Board Runway Extension Feasibility Study - Geotechnical Interpretive Report* (August 2018, Rev 1)
- *Lord Howe Island Board Runway Extension Feasibility Study - Concept Design Report* (November 2018, Rev C)
- *Lord Howe Island Board Runway Extension Feasibility Study - Preliminary Environmental Assessment* (October 2018, Rev 1)
- *Lord Howe Island Board Runway Extension Feasibility Study - Preliminary Business Case* (December 2018, Rev B)
- *Lord Howe Island Board Runway Extension Feasibility Study - Community Consultation Report* (December 2018, Rev B)

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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Airport Runway Extension Feasibility Study Update

RECOMMENDATION

It is recommended that the Board note this report and approve the CEO to progress this matter with the NSW State Government Departments and agencies.

BACKGROUND

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

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

Milestone	Description	Completion Date
1.	Completion of detailed assessment of extended runway and suitable aircraft options	April 2018
2.	Completion of preliminary geotechnical investigation	August 2018
3.	Completion of conceptual engineering design	September 2018
4.	Completion of preliminary environmental assessment	October 2018
5.	Undertake economical assessment and preliminary business case	December 2018
6.	Final presentation and report	November 2018
7.	Final Summary Report	February 2019

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

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

CURRENT POSITION

AECOM have now completed all their works under the contract for the Lord Howe Island Runway Extension Feasibility Study. This report provides a short summary of the outcomes and conclusions following the investigation at each of the milestones completed by AECOM during their investigation.

Milestone 1 – Detailed Assessment of Extended Runway Requirements and Suitable Aircraft

Key conclusions were:

- The current runway orientation should be retained due to the likely considerable cost associated with a full realignment and was not recommended for further study.
- A 'Do' Nothing' approach could leave the island with no 30+ seater RPT service from March 2022 onwards once the current agreement with Qantas expires as alternative 30+ seater aircraft would not be able to operate from the existing runway. This was not considered a final solution at this early stage of the project.
- Although a 450m extension option could provide for the future operation of some candidate aircraft, it did not provide sufficient "future proofing" for efficient operation of the ATR72 and DHC8-400 and therefore the recommendation was to further investigate a 570m extension option.
- Further investigation of leasing or purchasing an aircraft to use the existing runway to completed during Milestone 5 – Preliminary Business Case
- Further investigation of aircraft not meeting the 30+ seat requirement to be completed during Milestone 5 – Preliminary Business Case, including the current non RPT air services from Port Macquarie

Milestone 2 – Geotechnical Interpretive Report

The desktop study was based on a limited number of historic boreholes from within and surrounding the site, these preliminary geotechnical design parameters were used to inform Milestone 3 – Concept Design. Intrusive drilling would be required to inform future design stages. The investigation program should cover the extension footprint and include the following:

- Collect samples of the overlying soils for laboratory characterisation testing (PSD, Atterberg limits), and
- Core the calcarenite (with acceptable core recovery) to carry out rock strength testing (UCS and Point Load Testing)
- Prove the depth to the top of the volcanic rock

Milestone 3 – Concept Design

Although the land reclamation and deck on pile structural design options proposed were both considered to be viable from an engineering perspective; it was AECOM's recommendation that the deck on pile option provided the preferable solution for the extended runway. A number of key differentiators were identified as part of Milestone 3 which can be seen in the table below.

Item	Land Reclamation	Deck on Piles	Differentiator
Costal Processes	Significant impacts	Minor wave attenuation	Significant lower impact
Preliminary Environmental Assessment	Higher construction and operational impact	Lower construction and operational impact	Lower potential impact
Construction Cost Estimate (± 30%)	\$305,100,000	\$191,100,000	40% reduction in estimated construction cost
Project Delivery Program	51-69 months	45-63 months	10% reduction in program duration

Milestone 4 – Preliminary Environmental Assessment

As the Preliminary Environmental Assessment was limited to a desktop assessment if the project was to progress to subsequent design stages, the environmental issues identified would need to be assessed in further detail including fieldwork based technical assessments. If it is decided that the runway extension would progress further, the next steps would be to begin with a formal planning application for the development, involving the preparation of a State significant scoping report to the Department of Planning and Environment (DP&E) and the preparation of an Environmental Impact Statement (EIS).

Milestone 5 – Preliminary Business Case

The Preliminary Business Case concluded the following options should be investigated further by the Board, prior to undertaking a Full Business Case;

- Option 2: Commercialisation of chartered flights, such as the introduction of an RPT service from Port Macquarie and another secondary city using smaller aircraft.
- Option 3: Continue an RPT commercial air service with Code 2 aircraft, which may require that the DHC-8-200 be bought or leased and operated by a suitable operator to continue RPT services from Sydney and Brisbane. Post 2028 when the DHC8-200 will likely be beyond its serviceable life, there are two sub-options:
 - Option 3a: Cease RPT service, reverting to the base case (Option 1).
 - Option 3b: Replace DHC-8-200s with newer or upgraded Code 2 aircraft if operational at the time.

There are a number of matters that the Board should assess further to determine a preferred option and potentially develop a full business case. All options will require consultation with key stakeholders to refine the feasibility of each option. A full business case should be pursued if it is deemed that the preferred option will require government funding to maintain an RPT service past 2022.

Community Consultation

Feedback from key community members and stakeholders was sought throughout the feasibility study and were used to inform relevant stages of the project. The following key issues associated with extending the runway were raised by the local community during consultation;

- impact to World Heritage values;
- impact on coastal processes;
- climate change, particularly the rise of sea levels;
- biodiversity and biosecurity;
- traffic and transport during construction, particularly access along Lagoon Road next to the airstrip;
- marine access to the Lagoon during construction and operation;
- impacts to residents nearby such as noise, vibration and visual amenity; and
- socio-economic impacts, particularly the impact of additional tourists on the Island's existing infrastructure and systems (e.g. waste and water).

AECOM have also issued an additional final Summary Report which is attached to this report for the information of the Board.

The study has found that an extension of the existing runway on Lord Howe Island would allow for operation of 30+ seater RPT services to the island beyond 2022 (using aircraft other than

the current DHC8-200). This is solely based on the technical performance of aircraft on an extended runway; further liaison with airlines would be required to confirm their intentions for continued operation of the route with new aircraft. The runway extension is considered feasible from an engineering perspective, further consideration of the environmental impacts including the impact on World Heritage status would need to be considered.

Commissioning the design and construction of the extension would involve a significant financial undertaking and the preliminary business case has determined that it is not considered an economically viable project. Given the importance of air services to the island, the next steps and decisions may need to be made outside pure economic and financial parameters. Alternate solutions to maintaining RPT services beyond 2022 have been recommended for further investigation. These alternatives in addition to the runway extension will be presented by LHIB to an all Government working group, consisting of Transport for NSW, Destinations NSW, NSW Treasury, other agencies of NSW Government, Federal Government and LHIB. It is understood that the significant costs associated with further investigation of the alternative solutions would be cost prohibitive for LHIB to commission. In addition, provision of air services involves both market and regulatory factors. Therefore LHIB will pursue the next stages in collaboration with the all Government working group.

Further detailed information on the work completed as part of the Runway Extension Feasibility Study can be found in the following AECOM reports;

- *Lord Howe Island Board Runway Extension Feasibility Study - Detailed Assessment of Extended Runway Requirements and Suitable Aircraft* (April 2018, Rev B)
- *Lord Howe Island Board Runway Extension Feasibility Study - Geotechnical Interpretive Report* (August 2018, Rev 1)
- *Lord Howe Island Board Runway Extension Feasibility Study - Concept Design Report* (November 2018, Rev C)
- *Lord Howe Island Board Runway Extension Feasibility Study - Preliminary Environmental Assessment* (October 2018, Rev 1)
- *Lord Howe Island Board Runway Extension Feasibility Study - Preliminary Business Case* (December 2018, Rev B)
- *Lord Howe Island Board Runway Extension Feasibility Study - Community Consultation Report* (December 2018, Rev B)

RECOMMENDATION

It is recommended that the Board note this report and approve the CEO to progress this matter with the NSW State Government Departments and agencies.

Prepared: John Teague, Manager Infrastructure & Engineering Services

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

Attachment A: AECOM – Lord Howe Island Runway Feasibility Study Summary Report

Board Meeting: March 2019

Agenda Number: 12(iii)

Record: ED19/2017

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Stronger Country Community Funds – Project Update

RECOMMENDATION

It is recommended that the Board note this report.

BACKGROUND

There have been two rounds of the Stronger Country Community Funds (SCCF) program released by the NSW State Government. The Lord Howe Island Board has been successful in receiving funds for a number of projects in both rounds as shown in the table below.

SCCF	Project Number	Project Name	Fund Value	Completion
SCCF1	SCCF1B-0032	Old Powerhouse Site Remediation	\$435,000	31 Dec 2019
SCCF1	SCCF1B-0033	Community Hall Improvements	\$560,000	31 Dec 2019
SCCF2	SCCF2-0165	Stevens Reserve Walking Track Upgrade	\$594,705	29 Sep 2020
SCCF2	SCCF2-0536	Lord Howe Island Skate Park	\$231,000	30 Sep 2020
SCCF2	SCCF2-0537	Lagoon Road Foreshore Fitness Trail	\$ 93,660	29 Dec 2019
SCCF2	SCCF2-0541	Bowling Club Amenities Upgrade	\$345,253	30 Sep 2020

There are a number of milestone reporting requirements to be completed by agreed dates for all of the projects. Most of the projects have been pushed back as much as possible to allow sufficient time for the projects to be completed. This has been done for two main reasons: the current number of projects the Board currently has on the books; and the required approvals for some of the projects.

SCCF Round 1 Projects

The Old Powerhouse Site Remediation project is the subject of a separate report and therefore will not be updated further in this report.

The Community Hall Improvements project is currently on track within the building contractor's construction program schedule and is well in advance of the SCCF milestone end date. To date the works undertaken include the installation of hoarding to protect the works, demolition of the internal walls, construction and lining of the new internal walls, electrical rough-in including relocation of internal switchboard, construction of new kitchen cupboards, manufacture of new bi-fold doors and windows.

SCCF Round 2 Projects

The Funding Agreement for Round 2 of the Stronger Country Community Funds has been signed by the Board and is now waiting on the return of the fully signed agreement along with the first Milestone monies to come through.

Stevens Reserve Walking Track Upgrade project initial review of materials and alignment is currently being undertaken. The alignment at the Lagoon Road end must not encroach on private land as the current track does and is proposed to run within an existing road reserve. It will then separate to a raised walkway and try and align for as much as possible with the existing track, until finally coming back out onto the existing road alignment to finally come out on the Nursery Road. The proposed materials being considered for this project are composite fibre reinforced plastic. Its high strength, and low weight provides a long service life as it does not corrode, rot or shrink the way traditional construction materials, such as wood and steel do. This is an important characteristic for the island.

Lord Howe Island Skate Park project is waiting on the submission of the Development Application from the Skate Park committee so that it can be assessed and considered by the Board. Some initial discussions have been undertaken by the committee with Board staff to begin to coordinate governance, accountabilities and funding associated with the project.

Lagoon Road Foreshore Fitness Trail project is the subject of a separate report and therefore will not be updated further in this report.

Bowling Club Amenities Upgrade project is awaiting the submission of the Development Application from the Lord Howe Island Bowling Club committee so that it can be assessed and considered by the Board. Some initial discussions have been undertaken with Board staff so that the committee is aware of the funding associated with the project and the involvement of the board.

RECOMMENDATION

It is recommended that the Board note this report.

Prepared: John Teague, Manager Infrastructure & Engineering Services

Endorsed: Peter Adams, Chief Executive Officer

Attachments: Nil

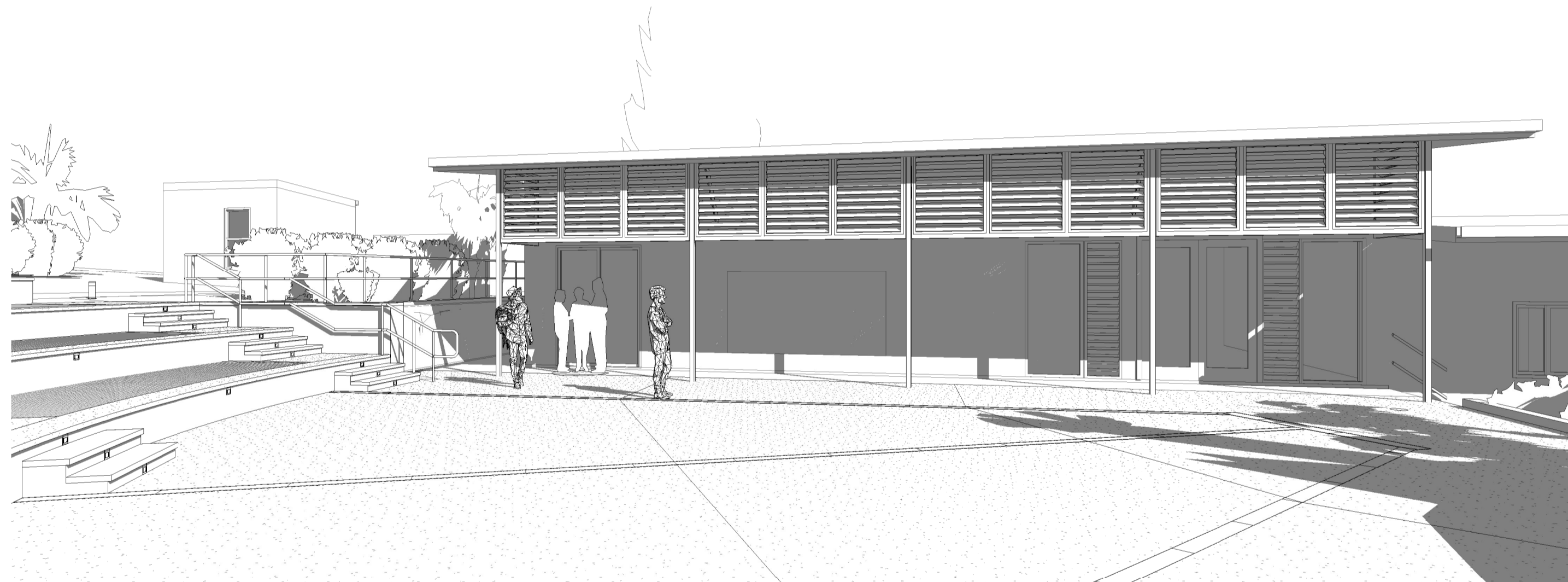
LORD HOWE ISLAND - TOWN SQUARE

TENDER AND CONSTRUCTION DRAWINGS

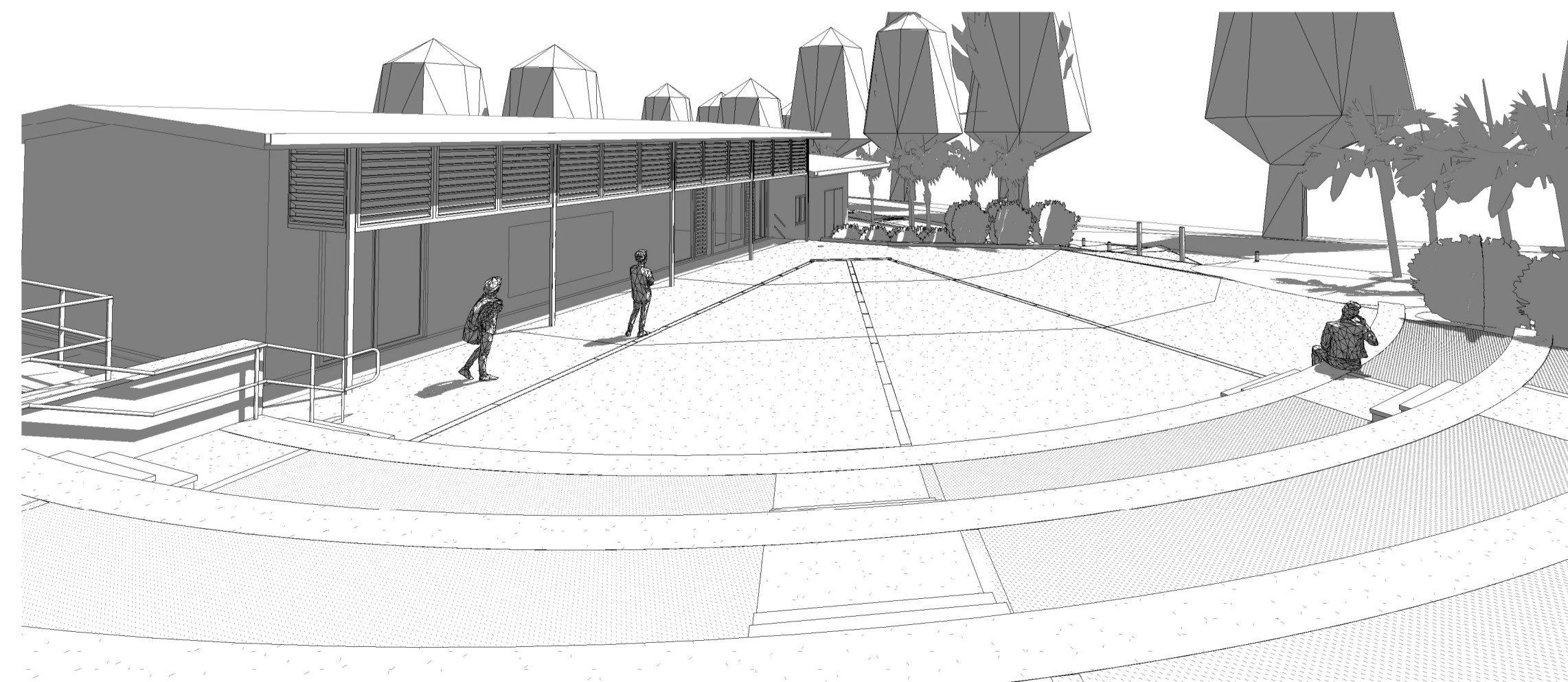
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TD-000	CONTENTS	Tender	1	22/02/2019
TD-100	PLAN-SITE-EXISTING	Tender	1	22/02/2019
TD-100D	PLAN-SITE-DEMOLITION			
TD-101	PLAN-SITE	Tender	1	22/02/2019
TD-102	PLAN-SITE EXTERNAL WORKS	Tender	1	22/02/2019
TD-200	PLAN-FLOOR-TOWNSQUARE	Tender	1	22/02/2019
TD-230	PLAN - SITE - GRID SETOUT	Tender	1	22/02/2019
TD-231	PLAN-SITE CONCRETE SETOUT	Tender	1	22/02/2019
TD-240	PLAN-SITE PAVING SETOUT	Tender	1	22/02/2019
TD-250	PLAN-SITE EXTERNAL LIGHTING	Tender	1	22/02/2019
TD-300	SECTION - SITE	Tender	1	22/02/2019
TD-400	ELEVATION - BOUNDARY	Tender	1	22/02/2019
TD-401	ELEVATION - BOUNDARY	Tender	1	22/02/2019
TD-500	DETAIL - AMPHITHEATRE	Tender	1	22/02/2019
TD-502	DETAIL - STAIR	Tender	1	22/02/2019
TD-503	DETAIL - LOUVRE RAINSCREEN	Tender	1	22/02/2019
TD-700	EXTERIOR MATERIALS AND FINISHES	Tender	1	22/02/2019

ALL BUILDING WORKS TO COMPLY WITH THE FOLLOWING AUSTRALIAN STANDARDS:

- AS1428.1 DESIGN FOR ACCESS AND MOBILITY
- AS 1480-1982 THE USE OF REINFORCED CONCRETE IN STRUCTURES
- AS 1657:2018 FIXED PLATFORMS, WALKWAYS, STAIRWAYS AND LADDERS - DESIGN CONSTRUCTION AND INSTALLATION
- AS 1668 THE USE OF MECHANICAL VENTILATION AND AIR CONDITIONING IN BUILDINGS
- AS 2441 INSTALLATION OF HOSE REELS
- AS 2444 PORTABLE FIRE EXTINGUISHERS AND FIRE BLANKETS - SELECTION AND LOCATION
- AS 2890.1-2004 OFF STREET CAR PARKING
- AS 3013 ELECTRICAL INSTALLATIONS
- AS 3700 MASONRY STRUCTURES
- AS 3786 SMOKE ALARMS
- AS 3996 ACCESS COVERS AND GRATES
- AS 4100-1998 STEEL STRUCTURES



1 Louvre Rainscreen



2 Town Square



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02 4728 6500 | info@ddc-group.com.au | www.ddc-group.com.au

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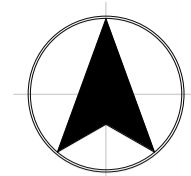
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TOWN SQUARE	18014
CLIENT	PROJECT
LORD HOWE ISLAND BOARD	1
ADDRESS	PROJECT TYPE
Neds Beach Road Lord Howe Island	DATE/TIME
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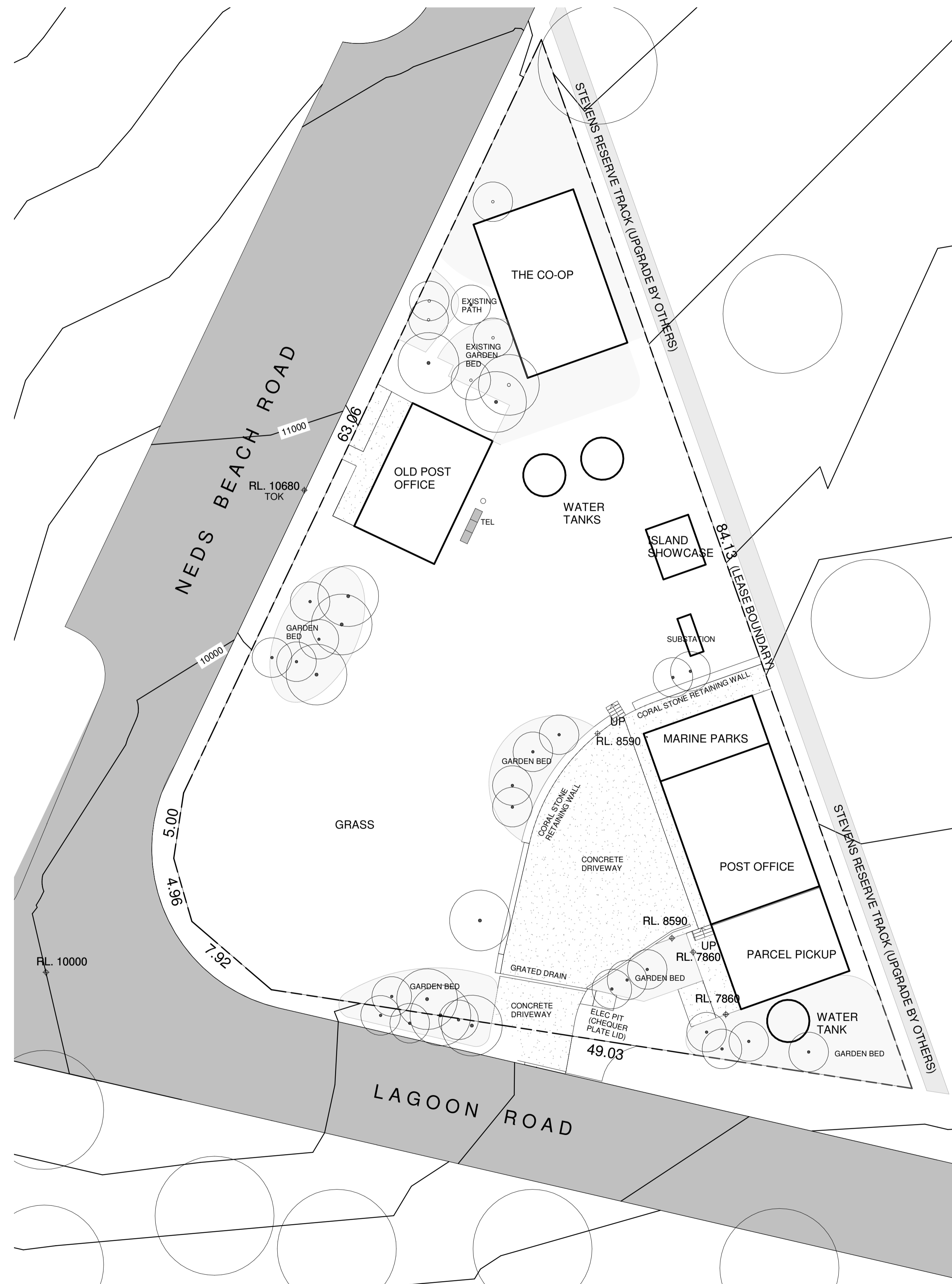
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02 4728 6500

PROJECT TITLE

TOWN SQUARE

CLIENT

LORD HOWE ISLAND BOARD

ADDRESS

Neds Beach Road Lord Howe Island

DRAWING TITLE

PLAN-SITE-EXISTING

SCALE

1 : 200 @ A1

DRAWING NUMBER

18014 - TD-100

Issue Date

1 22/02/2019 4:10:11 PM

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DEMOLITION NOTES:
SCOPE OF WORK
 - Perform work described here and shown on drawings including but not limited to:
 - Demolish in accordance with demolition drawings
 - Clean site thoroughly on completion
COMPLY WITH APPLICABLE CLAUSES OF THESE BUILDING STANDARDS
 - AS 2438 1981 Guide to noise on construction, maintenance and demolition sites.
 - AS 2601 2001 Demolition of structures.
PUBLIC AND PROPERTY PROTECTION
 - Provide measures required by municipal and state ordinances, laws, and regulations for the protection of surrounding property, footpaths, streets, kerbs, the public, occupants and workmen during demolition operations.
 - Comply with the above ordinances, laws etc. in carrying out measures including barricades, fences, warning lights and signs, rubbish chutes, etc. blasting for demolition purposes will be permitted.
 - Make good to original condition, damage to structures to be retained to adjacent property which results from demolition operations.
 - Perform restoration work without expense to the proprietor. Pay fees connection with this trade.
 - Comply throughout with the current edition of the Building Code.
MATERIALS
 - Material required to be demolished becomes the property of the contractor.
 - Remove it from the site.
 - Supply equipment required to perform the work.
 - Provide disposal containers for disposal required.
PREPARATION (inspect conditions before starting work)
 - Before demolishing and removing parts of building having electrical wiring, gas and water pipes, conduit or similar items embedded in them, notify the architect and authorities having jurisdiction, and make sure that these items are out of service so that they be removed without danger.
 - Arrange for a professional quality photographic record of demolition.
ON-SITE ACTIONS
 - Burn no debris on the site.
 - Alter, adapt, and maintain temporary works as necessary, and strike or withdraw them progressively as the proceeds.
 - Obtain the written consent of the architect/structural engineer if such works are to be left in position at the completion of the work.
 - Restore to original condition, without expense to the proprietor, any damage remaining construction resulting from failure to provide adequate protection
COMPLETION
 - Complete work in accordance with instructions and written variation orders.
WARRANTY
 - Provide to the proprietor a Warranty covering stability of remaining structures.

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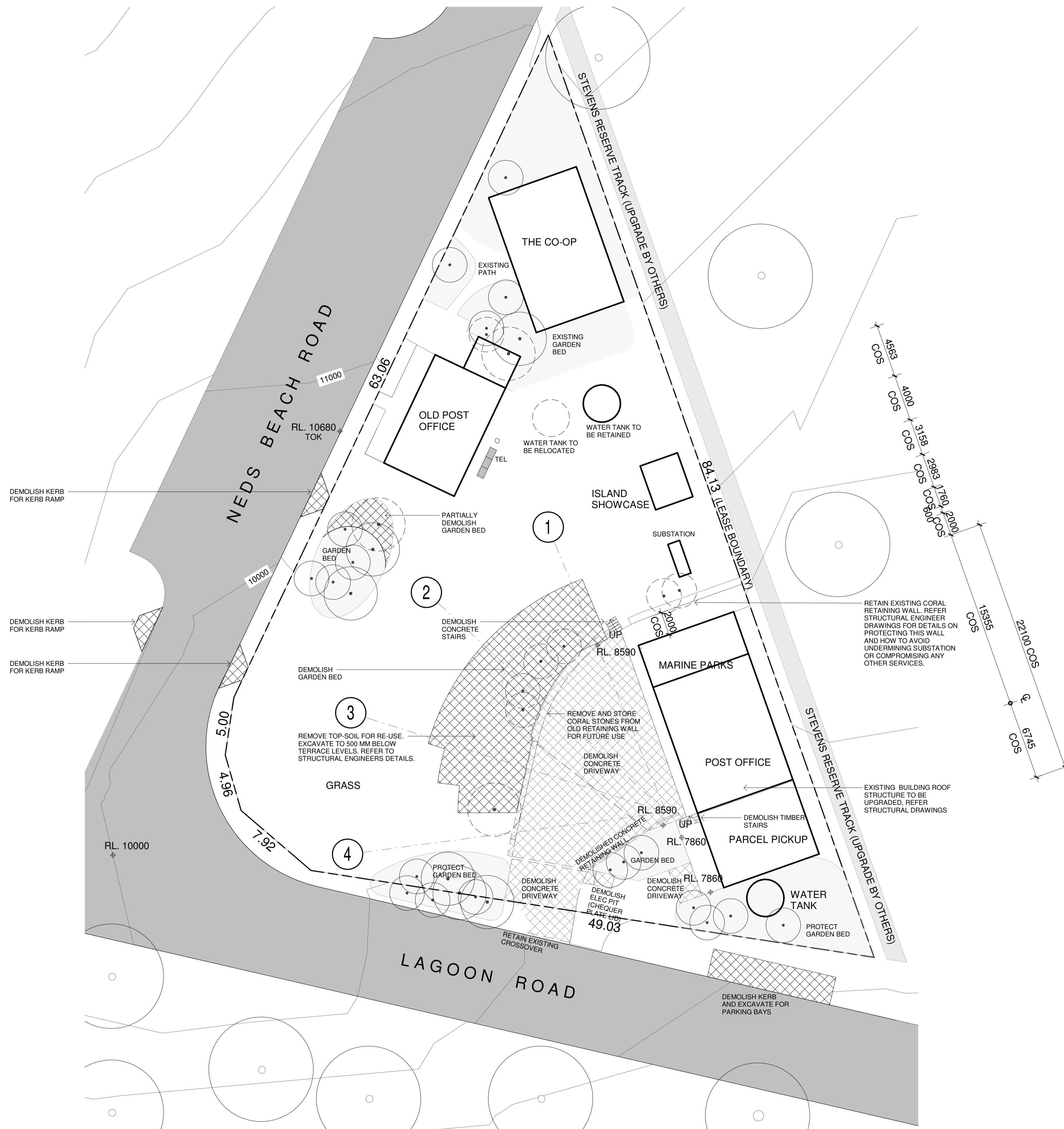
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PLAN-SITE-DEMOLITION

SCALE

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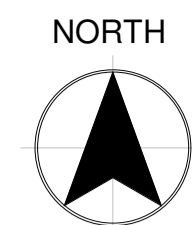
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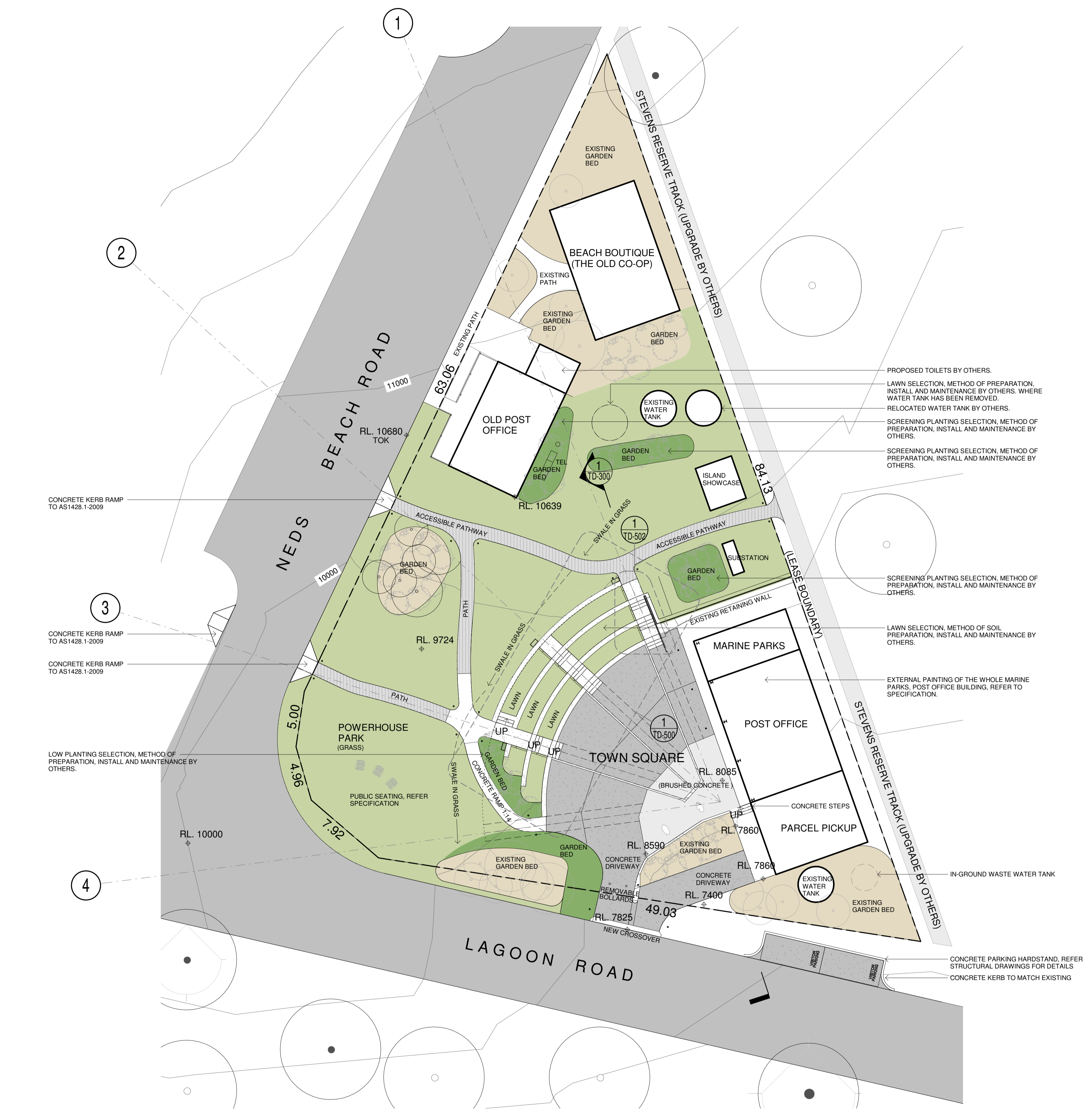
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1 SITE PLAN
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**PLAN-SITE
EXTERNAL WORKS**

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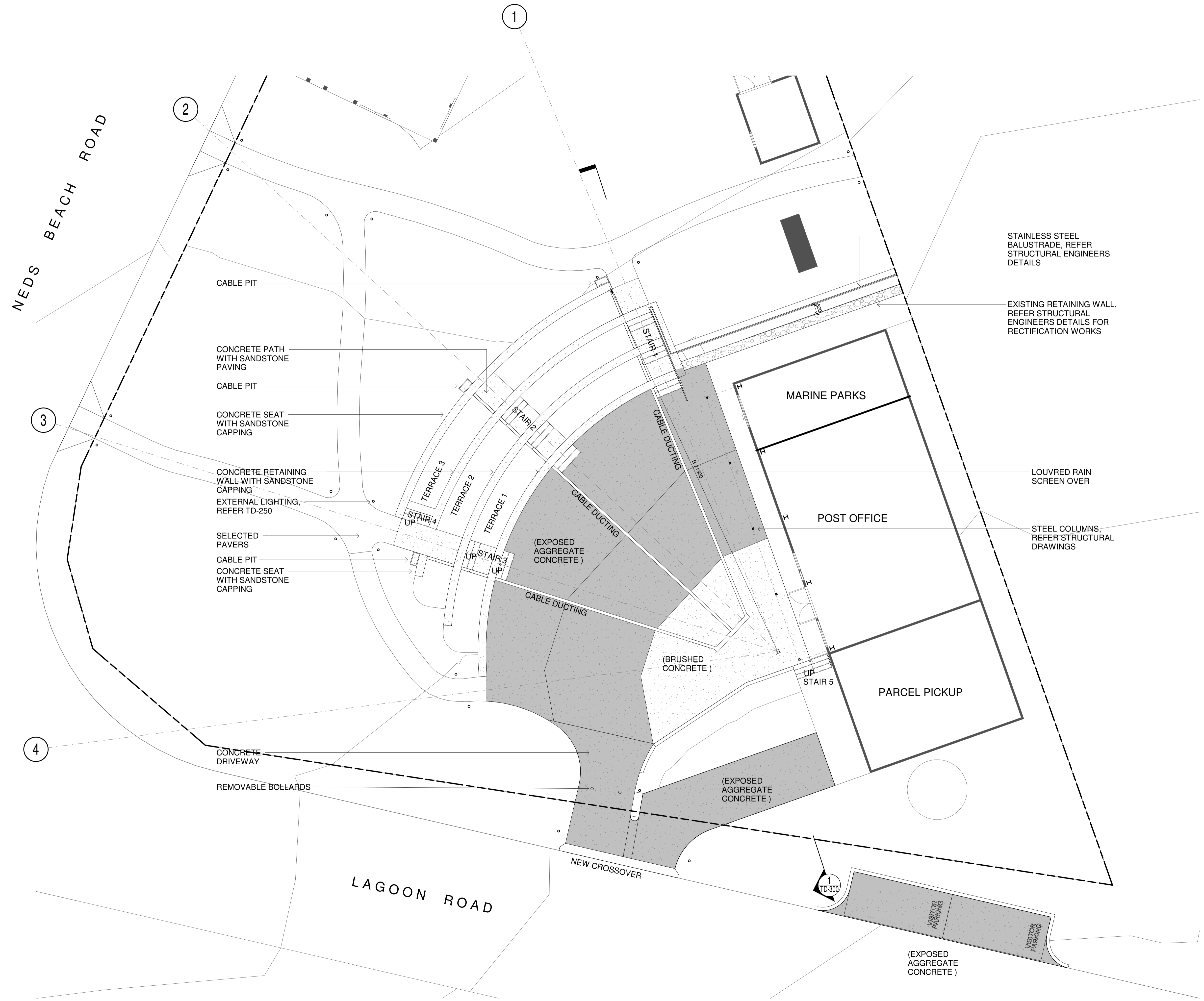
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1 PLAN - GROUND
1 : 100



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PLAN-FLOOR-TOWNSQUARE

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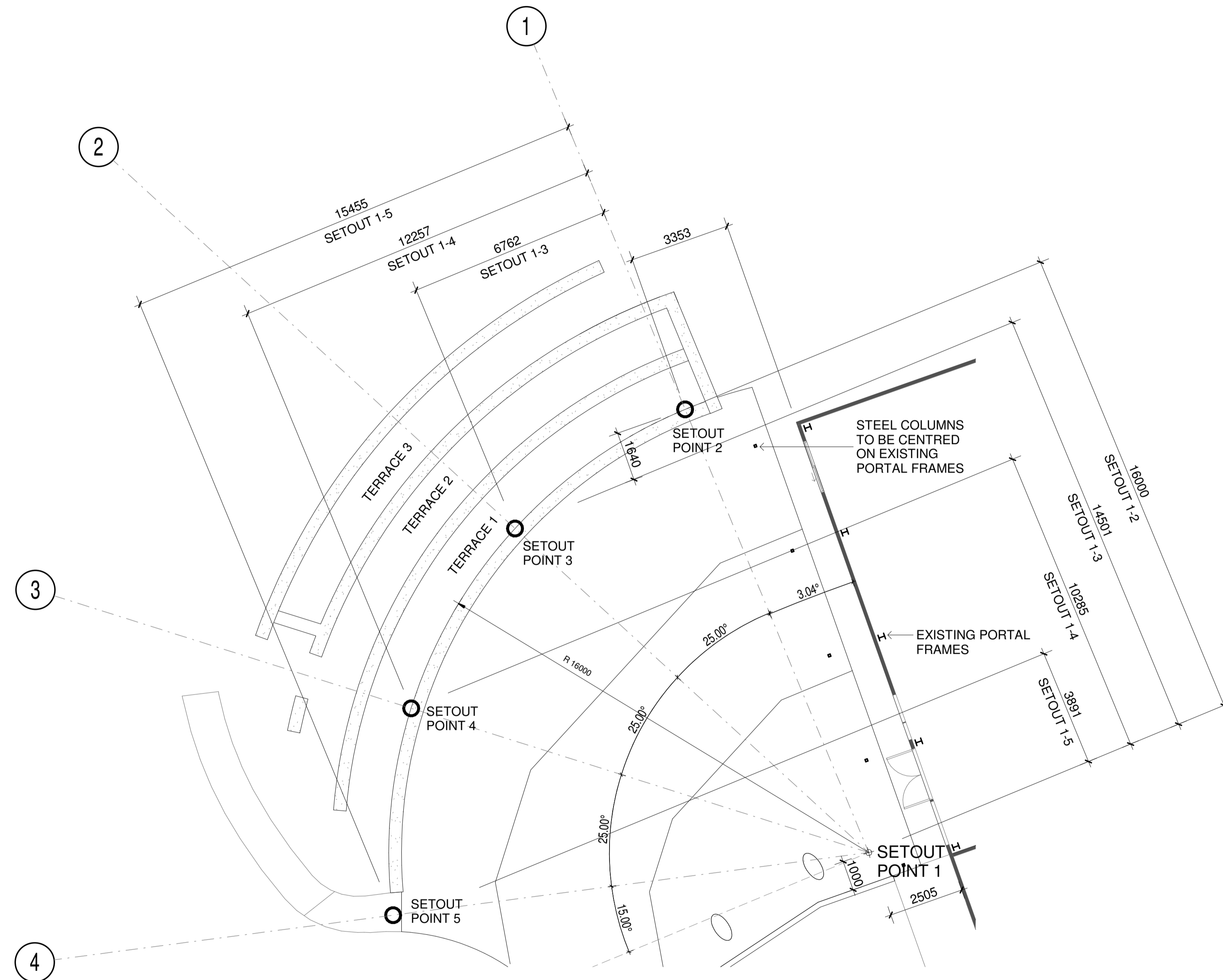
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**PLAN - SITE - GRID
SETOUT**

SCALE

1 : 100 @ A1

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1 22/02/2019
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1 SITE - GRID SETOUT
1 : 100

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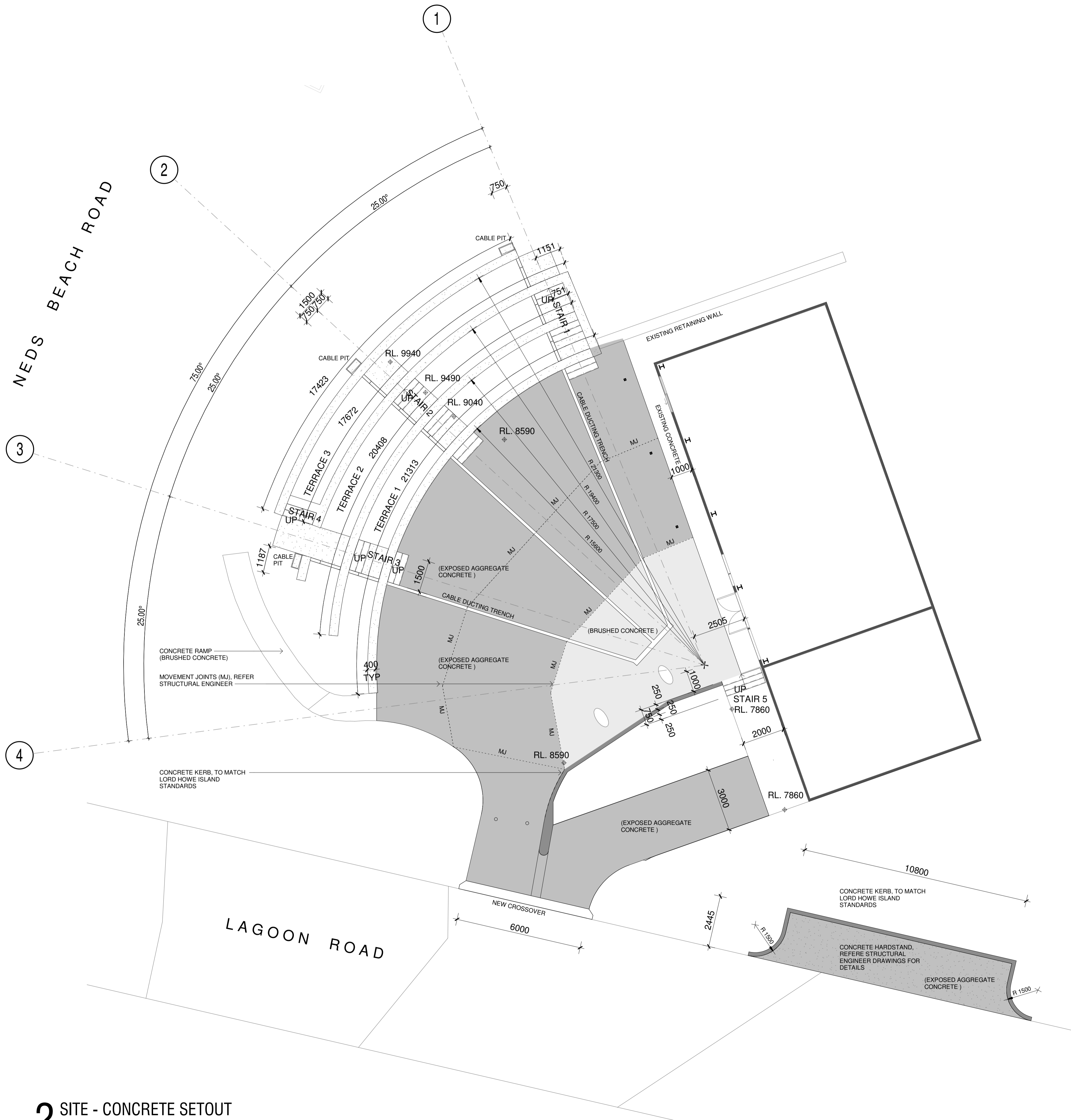
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2 SITE - CONCRETE SETOUT
1:100

REVISION SCHEDULE		
issue#	date	description
1	22/02/2019	Tender



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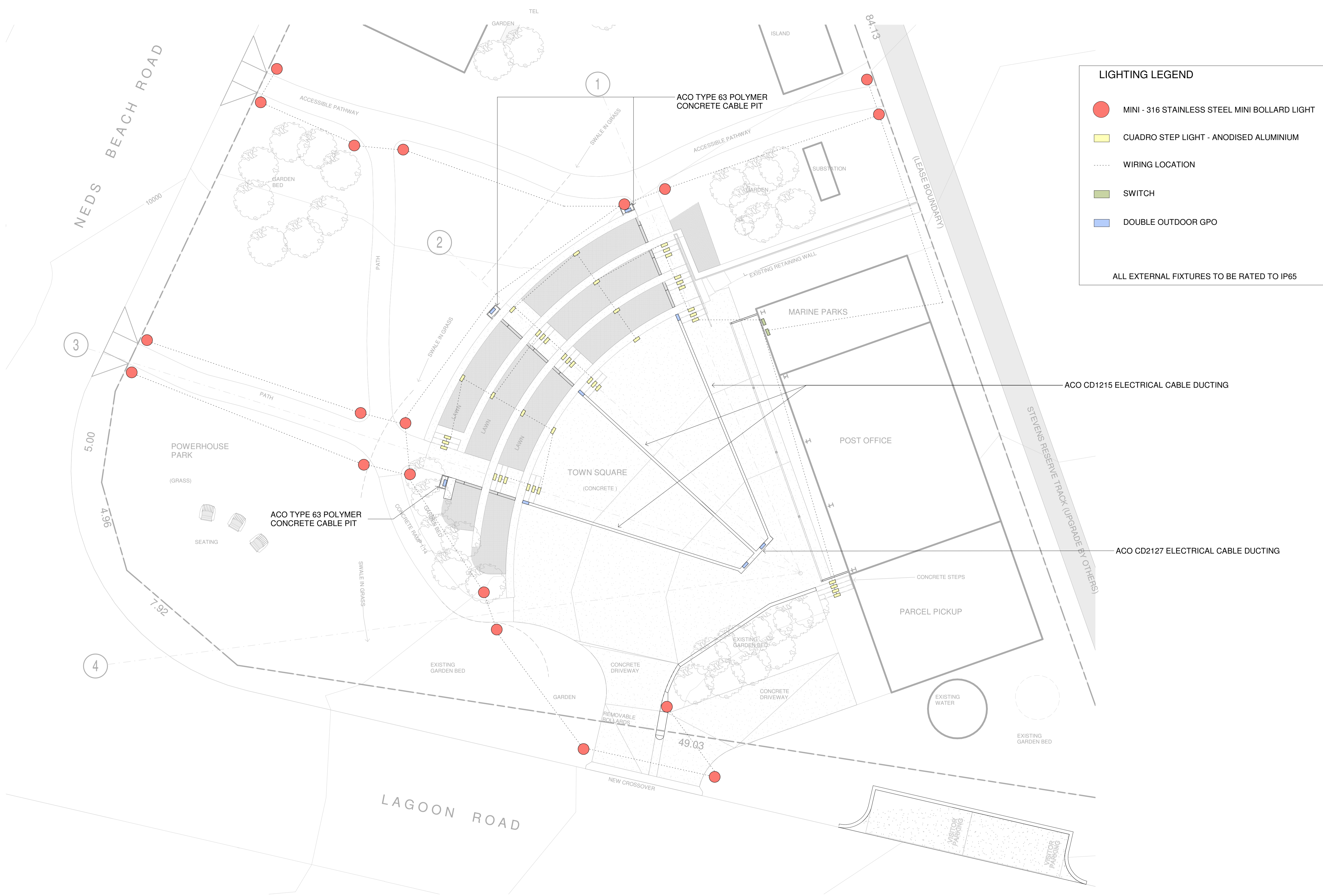
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CONCRETE SETOUT**

SCALE
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DRAWING NUMBER
18014 - TD-231

Issue 1 Date 22/02/2019 4:10:23 PM

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LIGHTING LEGEND

- MINI - 316 STAINLESS STEEL MINI BOLLARD LIGHT
- CUADRO STEP LIGHT - ANODISED ALUMINIUM
- WIRING LOCATION
- SWITCH
- DOUBLE OUTDOOR GPO

ALL EXTERNAL FIXTURES TO BE RATED TO IP65

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REVISION SCHEDULE		
issue#	date	description
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ACO CD1215 ELECTRICAL CABLE DUCTING

ACO CD2127 ELECTRICAL CABLE DUCTING

1 LIGHTING PLAN
1 : 100



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Emu Plains NSW 2750

02 4728 6500

PROJECT TITLE

TOWN SQUARE

CLIENT

LORD HOWE ISLAND BOARD

ADDRESS

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Lord Howe Island

DRAWING TITLE

**PLAN-SITE
EXTERNAL
LIGHTING**
1 : 100 @ A1

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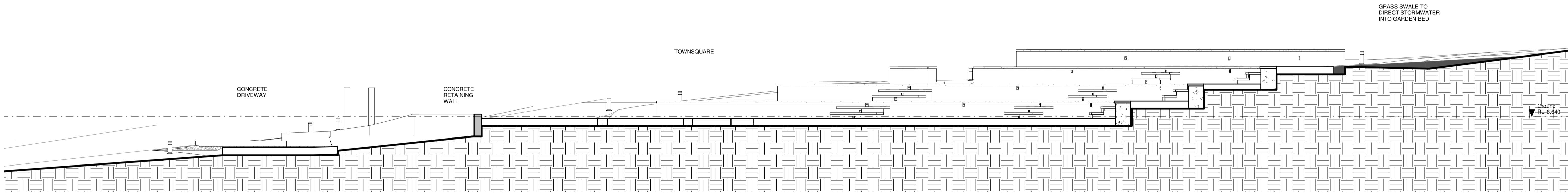
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issue#	date	description
1	22/02/2019	Tender



1 SITE SECTION 2
1 : 50



DDC ARCHITECTURE
+ INTERIOR DESIGN

Unit 3, 112 Russell Street
Emu Plains NSW 2750

02 4728 6500

PROJECT TITLE

TOWN SQUARE

CLIENT

LORD HOWE ISLAND BOARD

ADDRESS

Neds Beach Road
Lord Howe Island

DRAWING TITLE

SECTION - SITE

SCALE

1 : 50 @ A1

DRAWING NUMBER

18014 - TD-300

Issue Date

1 22/02/2019
4:10:28 PM

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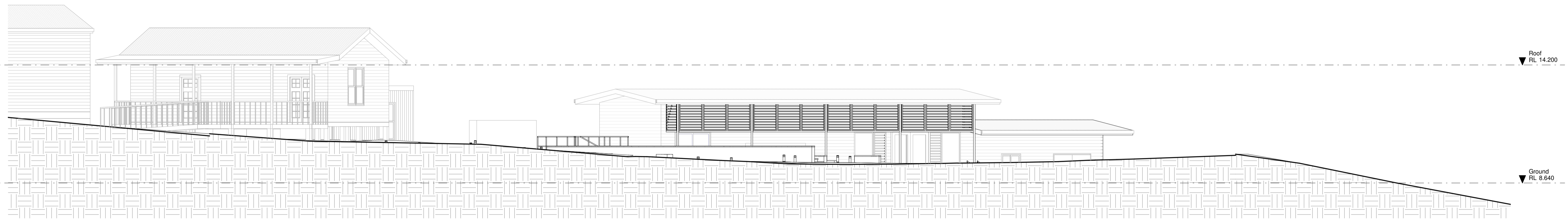
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REVISION SCHEDULE

issue#	date	description
1	22/02/2019	Tender

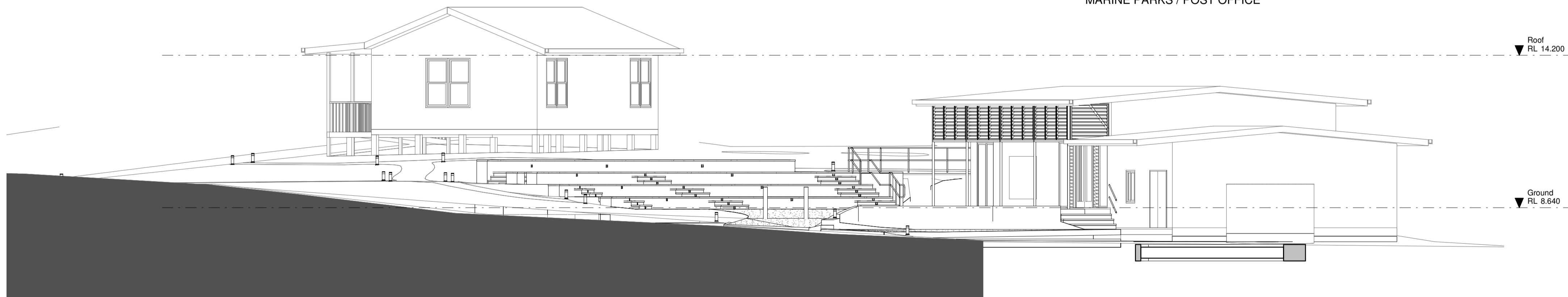
BEACH BOUTIQUE OLD POST OFFICE SUBSTATION MARINE PARKS/ POST OFFICE



1 West Elevation
1 : 100

OLD POST OFFICE

MARINE PARKS / POST OFFICE



2 South Elevation
1 : 100



DDC ARCHITECTURE
+ INTERIOR DESIGN

Unit 3, 112 Russell Street
Emu Plains NSW 2750

02 4728 6500

PROJECT TITLE

TOWN SQUARE

CLIENT

LORD HOWE ISLAND BOARD

ADDRESS

Neds Beach Road
Lord Howe Island

DRAWING TITLE

**ELEVATION -
BOUNDARY**

SCALE

1 : 100 @ A1

DRAWING NUMBER

18014 - TD-400

Issue	Date
1	22/02/2019 4:10:28 PM

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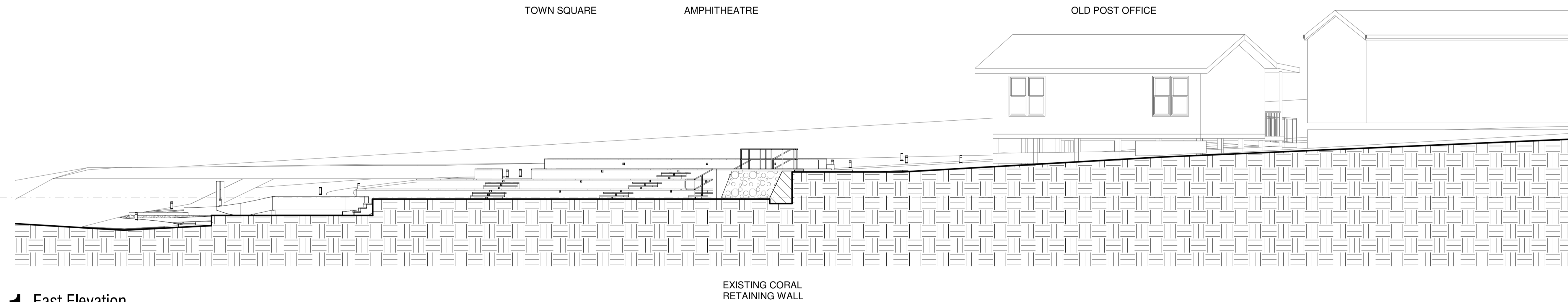
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REVISION SCHEDULE		
issue#	date	description
1	22/02/2019	Tender



1 East Elevation
1 : 100



DDC ARCHITECTURE
+ INTERIOR DESIGN

Unit 3, 112 Russell Street
Emu Plains NSW 2750

02 4728 6500

PROJECT TITLE

TOWN SQUARE

CLIENT

LORD HOWE ISLAND BOARD

ADDRESS

Neds Beach Road
Lord Howe Island

DRAWING TITLE

**ELEVATION -
BOUNDARY**

SCALE

1 : 100 @ A1

DRAWING NUMBER

18014 - TD-401

1	Issue	Date
		22/02/2019 4:10:29 PM

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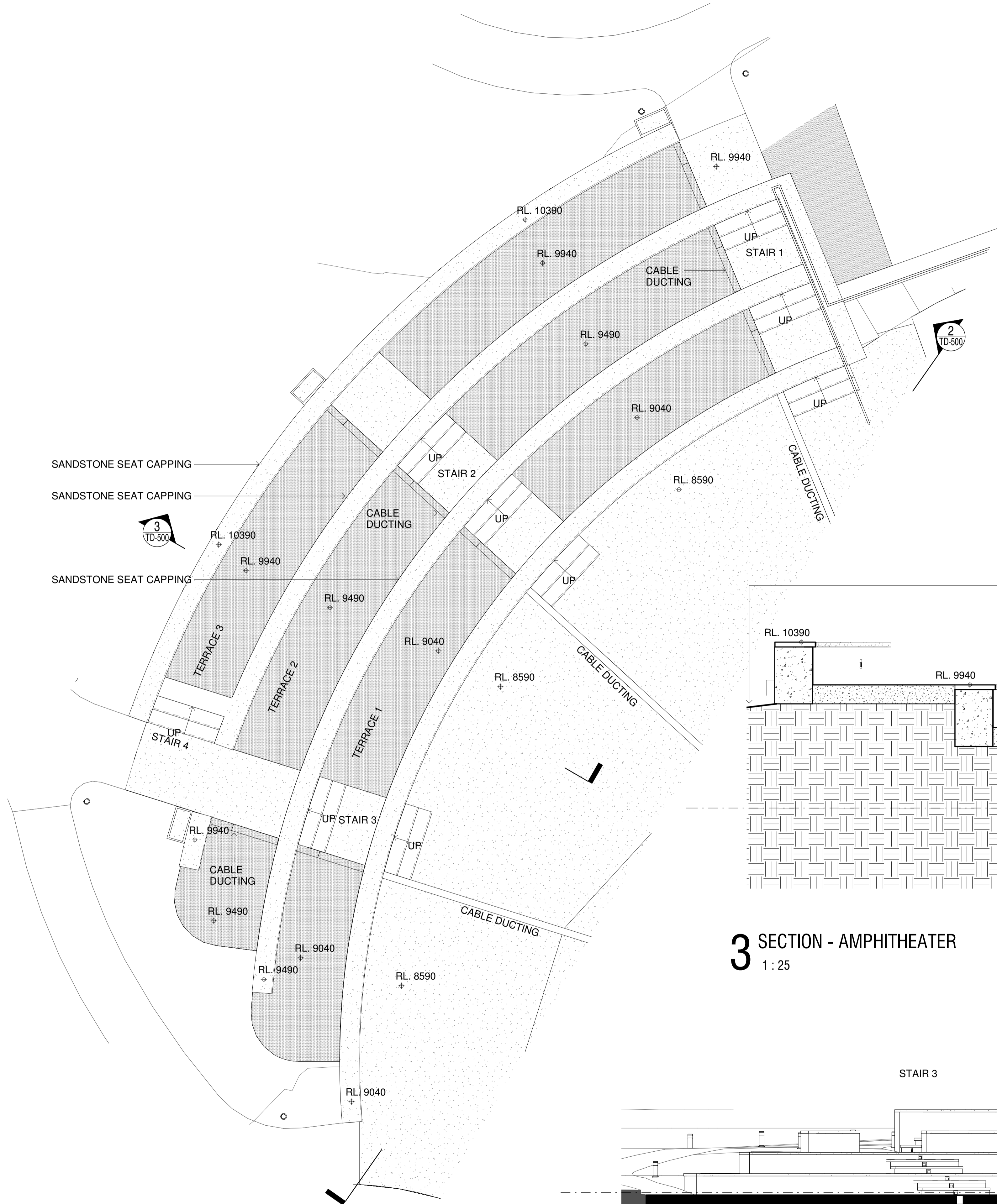
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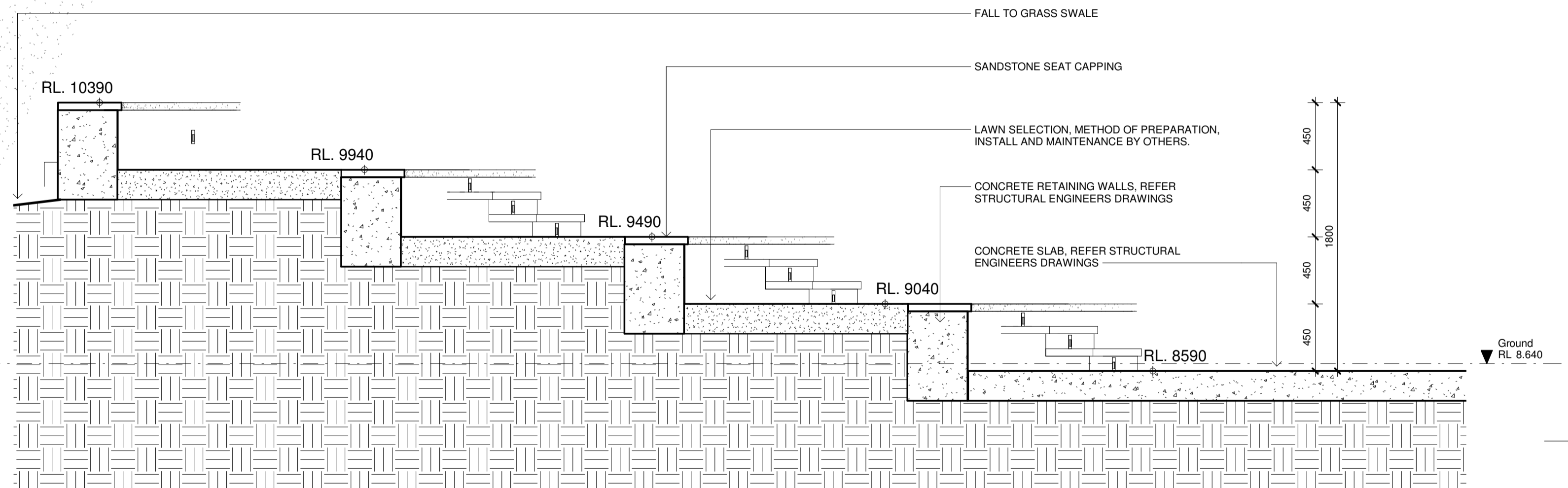
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REVISION SCHEDULE

issue#	date	description
1	22/02/2019	Tender



1 PLAN - AMPHITHEATER
1:50



3 SECTION - AMPHITHEATER
1:25



2 ELEVATION - AMPHITHEATER
1:50



DDC ARCHITECTURE + INTERIOR DESIGN

Unit 3, 112 Russell Street
Emu Plains NSW 2750

02 4728 6500

PROJECT TITLE

TOWN SQUARE

CLIENT

LORD HOWE ISLAND BOARD

ADDRESS

Neds Beach Road
Lord Howe Island

DRAWING TITLE

DETAIL - AMPHITHEATRE

SCALE

As indicated @ A1

DRAWING NUMBER

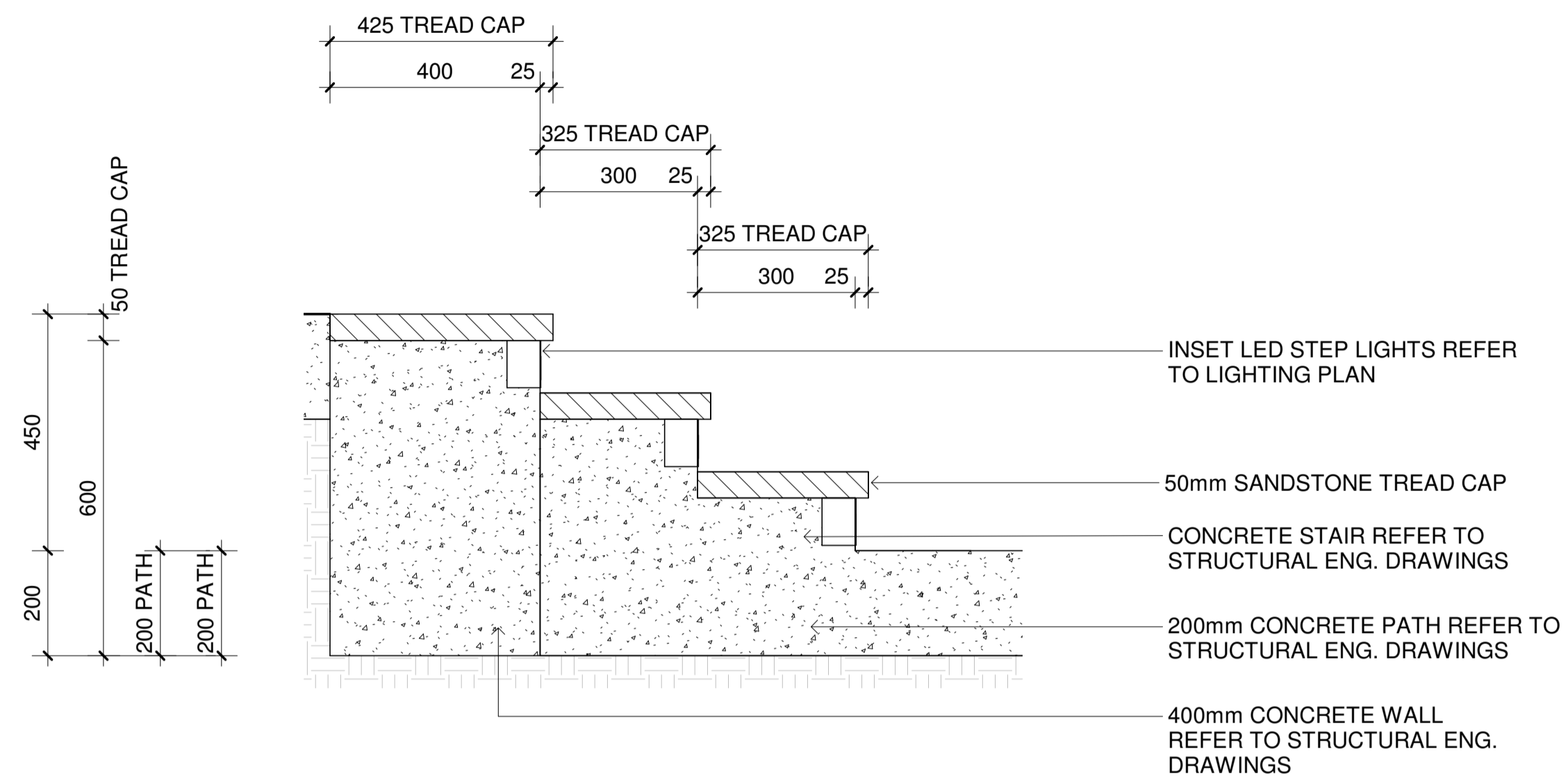
18014 - TD-500

1 Issue Date
22/02/2019
4:10:30 PM

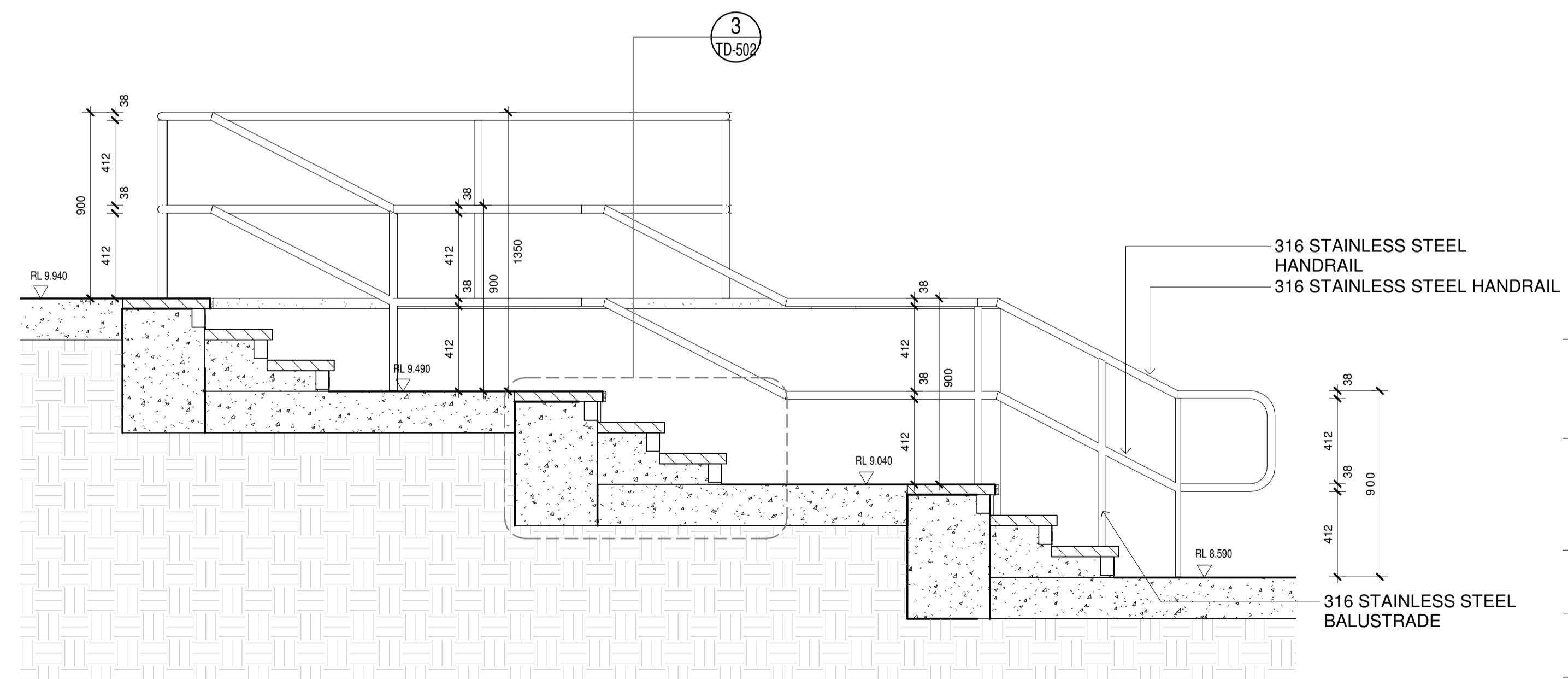
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1 STAIR PLAN
1:20



3 Stair Detail Section
1:10



2 Stair Section
1:20

STAIRS:
CONSTRUCTION OF ALL STAIRS AS PER NCC 2015 AND AS1428.1-2009 (COVERED UNDER CLAUSE 11. STAIRWAYS). REFER TO THE ATTACHED STAIR DETAILS SHOWING HANDRAIL EXTENSION AND NOSING DETAIL

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REVISION SCHEDULE		
issue#	date	description
1	22/02/2019	Tender



DDC ARCHITECTURE + INTERIOR DESIGN

Unit 3, 112 Russell Street
Emu Plains NSW 2750

02 4728 6500

PROJECT TITLE

TOWN SQUARE

CLIENT

LORD HOWE ISLAND BOARD

ADDRESS

Neds Beach Road
Lord Howe Island

DRAWING TITLE

DETAIL - STAIR

SCALE

As indicated @ A1

DRAWING NUMBER

18014 - TD-502

1 Issue Date
22/02/2019
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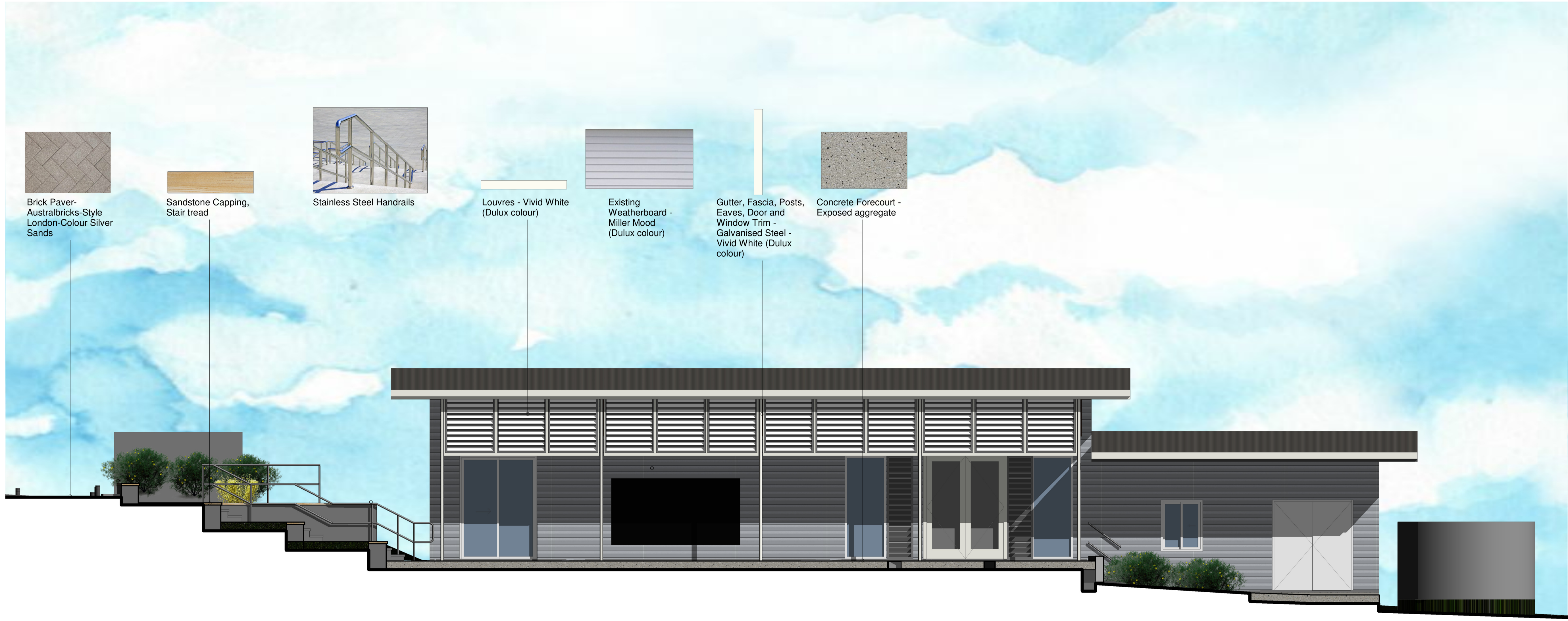
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REVISION SCHEDULE		
issue#	date	description
1	22/02/2019	Tender

1 EXTERNAL MATERIALS AND FINISHES
1 : 50



DDC ARCHITECTURE
+ INTERIOR DESIGN

Unit 3, 112 Russell Street
Emu Plains NSW 2750

02 4728 6500

PROJECT TITLE
TOWN SQUARE

CLIENT
LORD HOWE ISLAND BOARD

ADDRESS
Neds Beach Road
Lord Howe Island

DRAWING TITLE
**EXTERIOR
MATERIALS AND
FINISHES**
1 : 50 @ A1

DRAWING NUMBER
18014 - TD-700

Issue Date
1 22/02/2019
4:10:36 PM

TENDER & CON DOC

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Old Powerhouse Site Remediation – Final Construction Plans

RECOMMENDATION

That the Board:-

1. consider and note this report;
2. note that construction tender documents are being prepared; and
3. make available the final construction plans to the community for information at the LHIB Administration Office.

BACKGROUND

As part of the Round 1 Stronger Country Community Funds (SCCF) projects the Board has received grant funding of \$435,000 to redevelop the Old Powerhouse Site. The funding agreement has three milestones that must be met if the project is to receive the funding provided. The first milestone has been met with the associated payment, the second milestone is 30 June 2019 whereby half the construction needs to be completed. A quick turnaround of design completion, tender documentation and award, contract approval and construction is urgently required in order to meet this agreed milestone.

The original concept plans presented to both the community and the Board were developed into draft construction plans. These draft plans were put out for further community information as part of a Householder so that they can be finalised. There were 24 responses received with many constructive comments and suggestions, the summary of these comments were tabulated and provided in a report considered at an out of session meeting by the Board in January 2019. The Board resolved:

1. *That final construction plans be prepared;*
2. *Prepare construction tender documents; and*
3. *Report back to the next Board meeting with final plans if available or details of the public exhibition and the modifications made in response to submissions for information.*

The construction plans have now been finalised and are presented in this report for information and to allow the construction tender documents to be prepared. The amendments from the draft construction plans which are now included are listed below.

PROPOSED AMMENDMENTS

Taking the comments from the community into consideration it is proposed to undertake the following changes to the draft plans. These changes essentially contribute to the project being low key and consistent with the feel of Lord Howe Island.:-

- remove the hand rail at the top of the amphitheatre
- retain hand rail on stairs at the Marine Parks end of amphitheatre
- covered pergola to be removed and replaced with a simple awning over the post office boxes and entrances
- retain section of coral wall adjacent to the Marine Parks office, if structurally sound after earthworks
- remove seating/path area in garden bed adjacent to Ned's Beach Road

It is noted that the coral wall adjacent to the proposed amphitheatre is not able to be retained due to its current structural stability. However, it has been noted on the plan that the coral pieces are to be retained and installed along the seating as a possible future community project.

RECOMMENDATION

That the Board:

1. consider and note this report;
2. note that construction tender documents are being prepared; and
3. make available the final construction plans to the community for information at the LHIB Administration Office.

Prepared: John Teague, Manager Infrastructure & Engineering Services

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

Attachment 1: Old Powerhouse Site - Final Construction Plans

	Question 1 What is your age group						Question 2 What is your current fitness goal			Question 3 What do you think is your fitness level				Question 4 How many minutes of weekly exercise do you currently do					Question 5 How often would you use the fitness trail equipment when it is installed						Question 6 What type of fitness equipment would you like to			Question 7 There are two options with the fitness equipment to have them along the Lagoon			Question 8 If you answered along the foreshore trail in Q7 would you prefer the fitness			Question 9 If you answered equipment at one single location in Q7, then which				Question 10 Are there any other comments you wish to make in regards to the fitness trail					
	Total	Under 20	21-30 years	31-40 years	41-50 years	51-60 years	Over 60	Improve my flexibility/mobility	Improve my cardio level	Improve my strength	Very Good	Good	Average	Below Average	None	Under 50min	50-100min	100-150min	Over 150min	Over once a day	Daily	Weekly	Fortnightly	Monthly	Less than monthly	Flexibility & mobility	Cardio	Strength	Along the foreshore trail	Equipment in one single location		One piece at each station	A group of pieces at each station	A combination of both	In at the Playground	Near the Aquatic Club	Other	General Comment					
Address	55	2	8	9	7	10	12	21	26	21	6	19	15	3	1	2	13	5	17	1	4	15	1	1	8	19	17	25	13	23		2	4	7	18	7	3						
Lord Howe Island	%	4	15	16	13	18	22	38	47	38	11	35	27	5	2	4	24	9	31	2	7	27	2	2	15	35	31	45	24	42		4	7	13	33	13	5	Playground is a great idea! Watch kids & get fit, brilliant.					
Lord Howe Island			1					1	1	1																1													1	Near/ Across from the oval. Selection of materials in marine environment must be high grade/suited so to avoid early breakages before end of planned life.			
Lord Howe Island						1		1	1																																Totally against any equipment along foreshore trail. Somewhere together, + out of sight is my preference. Very inappropriate proposal for Lord Howe. Perfect for Bondi!		
Lord Howe Island																																									I can't see any need for fitness trail, if you can't get fit enough swimming, surfing, walking, running cycling or whatever else, there's no hope for you.		
Lord Howe Island																																									Absolutely not along the foreshore! If the island has to have it then the park will do. What is wrong with going for a walk! A total waste of money - who pays for the ongoing maintenance??		
Lord Howe Island		1																																							We do not want it/them		
Lord Howe Island						1																																			Do not want them		
Lord Howe Island							1																																		Not necessary on our beautiful unspoiled Island		
Lord Howe Island				1				1																																	I think the aquatic club would be a good location because it is easily accessed by elderly. I think it's a great idea for elderly people and community exercise. My concern is that it will deteriorate and be difficult to maintain. Does the funding include \$ for maintenance. 5-10 years down the track. The park and other things around island desperately need some love and are an example of what can happen, is there a future plan?		
Lord Howe Island																																										Why not extend past Aquatic Club to along the road b/w Aqu Club + Dozer track? ie. Spacing out equipment. Upgrading the path b/w the Pines + Aqu Club would be great (eg Diamond Grid filled with crushed dust) This would make it easier to run on, but also easier for all ages to walk or push prams, whilst also keeping it quite natural looking (not concrete). Keep equipment nestled into tree areas/not in the way of walking or interrupting the views. Having equipment well-signed is important. Instructions on how to use each piece would be good. Having clear path to equipment accessible by pram makes sense + space next to equipment for a pram (thinking of young mums).	
Lord Howe Island			1																																							Do not want this on LHI!	
Lord Howe Island					1																																					Lord Howe Island is the most opportune place to utilise the natural environment with helping fitness. Swim/surf/tennis/golf/hike/run steps/ We do not want more infrastructure to make us look like anywhere else + have more infrastructure for board employees to maintain. It is more important to maintain a way of life of the island, rather than trying to make a life like the mainland with all its 'structure'. Don't jeopardise our island lifestyle. There are already plenty of ways to keep fit on the island.	
Lord Howe Island																																											Dear Peter Just some comments on this proposal. The equipment should be installed together, in the playground area, not being one who will use the equipment I cannot suggest what equipment should be in place. I am totally against any equipment being installed along the walking track, this track is not a fitness trail, any equipment installed on the track would destroy the serene views that are there now, and even now the views are interpreted by the ugly brown, red and white marker posts. I honestly feel that there is no need for this equipment however if the installation proceeds for maintenance. The equipment would need to be constructed of plastic, timber or aluminium.
Lord Howe Island						1																																					When would you use the fitness trail equipment? Never.
Lord Howe Island																																										Full letter saved in RM8 ED19/ xxx Main points are: Cannot believe LHI is contemplating such a project when LHI provides at little ongoing cost, diverse ways of keeping fit. Equipment proposed designed for cities, towns, suburbia dwellers. Concern with physical injury if not used properly. Many others ways to use a grant. If it is locked into place, keep in one location, out of sight.	
Lord Howe Island		1																																								I think it is awesome idea	
Lord Howe Island					1																																					Would be great to be able to exercise while the kids played at the park. How about a new park too??	
Lord Howe Island																																										I think this is unnecessary. It will be an eyesore, the park that we already have fr the children has equipment that isn't maintained. So how do you expect to maintain more equipment. And it is ugly to look at!	
Lord Howe Island																																										Location preference: Nowhere. This is absolutely ridiculous - why not improve the existing foreshore walking track so that bike riders may enjoy the track as well as walkers.	
Lord Howe Island																																										Will never use the equipment. (Which other location?) only in the playground or near the passion pit.	
Lord Howe Island						1																																					Don't deface the foreshore with these items. I have often seen these on the mainland often in prominent positions like our foreshore. They detract from the view + often fall into disrepair. Does the LHI really need more things to maintain? Does the community want to pay for their upkeep. I don't. They will be a fad then everyone will ignore them. Give the money to a community that needs it. We have a whole island to exercise in!!
Lord Howe Island																																											Although a couple of the proposed pieces of exercise equipment would be suitable for me, I don't think placing them along the foreshore trail, either spaced or at a single location, is appropriate. Being exposed to the elements I think after a while they'd look trashy and detract from the visual aspect of the trail.
Lord Howe Island																																											Equipment location preference: Nowhere. The whole island is a fitness trail. Stop please wasting government money on unnecessary projects.
Lord Howe Island																																											We are concerned regarding the ongoing cost of maintenance of equipment & surrounds - the LHI staff seem to struggle with maintaining current infrastructure and surrounds. We assume this will go on the LHI Asset Register for future replacement from LHI (community) funds. do we need this added expense? Just because Grant money is available, doesn't mean it should always be taken up.
Lord Howe Island																																											Opposite Oval, Neds Beach, Near Pines or boat ramp. Would be good to have some in shade.
Lord Howe Island																																											I would not use the equipment myself, but it is a good option for others. I think the playground would be a good option due to low visibility.
Lord Howe Island																																											Yes, please don't put it along the foreshore trail. It will destroy the ambience of the trail for those who just want to keep fit by walking. We are not a harbourside suburb of Sydney where these installations are regarded as an acceptable novelty. Putting exercise equipment along the foreshore walk is the equivalent of visual environmental vandalism.
Lord Howe Island																																											Wouldn't use equipment. Strongly disagree that the equipment should be along the foreshore. Put in the Playground where it won't obstruct the views.
Lord Howe Island																																											Both (locations) have benefits If in one location some may be intimidated to use the equipment if others are using. If separated then groups of friends would be unable to use together. Needs to be in a shaded area, pupose only area, not playground. Perhaps the area behind playground toilet behind public hall, provided shade would ve apperant.
Lord Howe Island																																											If the equipment is placed along the foreshore, please make them as discreet and visually friendly as possible. Leave as many established trees and shrubs in place as possible. We do not want the equipment to be intrusive for those who have no wish to use them.. Thank you for the opportunity to contribute my opinion.
Lord Howe Island																																											Avoid "gas-powered" strength equipment. They rust, leak and don't work. Every coastal has had bad experiences with these. Keep the bar & plinth" style equipment. Nothing can go wroong with these for 10-years and above.
Lord Howe Island																																											Playground is a great for parents to be able to exercise while kids play. It is also an area with equipment so visually could not make a huge impact.
Lord Howe Island																																											Will never use equipment. I have my own exercise bike.
Lord Howe Island																																											Indoor gym/hall for assorted sports and activities like police citizen youth clubs, especially for when weather is bad! People rarely use these on the mainland, let alone here with such a small population. People who are seriously into this have their own set up at home or surf/swim/hike/run/play tennis/golf/footy of their own accord. This would be ugly and a waste of money. We already have a small "gym" here.
Lord Howe Island																																											Within the park, so we can exercise while our children play

Board Meeting: March 2019	Agenda Number: 12(v)	Record: ED19/2020
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Stronger Country Community Funds – Lagoon Road Foreshore Fitness Trail

RECOMMENDATION

It is recommended that the Board approve the fitness equipment being installed at the playground.

BACKGROUND

As part of Round 2 of the Stronger Country Community Funds (SCCF2) program released by the NSW State Government. The Lord Howe Island Board was successful in receiving \$93,660 for a Lagoon Road Foreshore Fitness Trail. A community questionnaire was distributed to further determine the demographics of potential users, current fitness levels, preferred type of equipment and location. This was undertaken as the initial requests included a number of possible locations and options included it being either installed at a single location or as a trail.

The questionnaire is now closed and this report provides the community feedback and recommendations based on the responses.

COMMUNITY FEEDBACK

The questionnaires were sent out in hard copy, electronically and made available at a number of outlets including the Post Office, Board Office and Aerodrome, resulting in 55 completed responses being received. The responses have been tabulated and are attached to this report for Board Members' information.

Not all respondents answered all the questions. Therefore the percentages quoted are the percentage of only those who responded to that particular question. Therefore all the percentages often do not add up to 100%.

It is apparent from the community feedback that a significant number of respondents do not wish to see this type of equipment installed on the island. With 30 (55%) of the 55 submissions giving negative comments and raising concerns such as the equipment being inappropriate for the island, sufficient natural alternatives for fitness and equipment maintenance.

The results received came from an even spread across the age groups who said they have an average to very good fitness level. 47% of the responders wanted to improve their cardio fitness while 38% wanted to improve their flexibility/mobility and 38% their strength. Of the responses 2% said they do not currently dedicate any time for weekly exercise, 4% under 50 minutes, 24% between 50-100 minutes and 9% between 100-150 minutes. It is recommended

by health authorities that 150 minutes of weekly exercise be undertaken to maintain a healthy body. 30% indicated they currently spend over 150 min per week exercising.

When the equipment is installed, 35% of responders said they would use it weekly or more, while 2% said fortnightly, 2% monthly and 15% less than monthly.

The questionnaire asked the community whether the equipment should be installed along the Lagoon Road foreshore trail or at a single location. 42% of responders preferred a single location and 24% along the foreshore trail. Of the people who indicated they would like it clustered at one location, 64% prefer at the playground, 25% Aquatic Club and 11% across from the oval.

It is acknowledged that some respondents were concerned that the equipment would be a maintenance problem, modern outdoor fitness equipment is made of material to reduce maintenance and increase longevity. Materials such as marine grade 316 stainless steel, high density polyethylene, rubber resistance systems and anodised aluminium are now providing better longevity.

RECOMMENDATION

It is recommended that the Board approve the fitness equipment being installed at the playground.

Prepared: John Teague, Manager Infrastructure & Engineering Services

Endorsed: Peter Adams, Chief Executive Officer

Attachments:

Attachment 1:- Lagoon Road Foreshore Fitness Trail - Questionnaire Response Table

Board Meeting: March 2019	Agenda Number: 12 (vi)	Record Number: ED19/2022
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Renewable Energy Program Update

RECOMMENDATION

It is recommended that the Board note the renewable energy program update.

BACKGROUND

Funding for the LHI Renewable Energy project is provided through a \$4 million grant from the Federal Government via the Australian Renewable Energy Agency (ARENA), a \$5.9 million loan from NSW Treasury (to be paid back via diesel fuel savings), and \$1.456 million from the Board.

Consultants Jacobs were engaged by the Board in 2014 to lead the technical elements of the project, and community consultation. Jacobs completed a Technical Feasibility Study which showed that using 450 kW of solar panels, a 400kWh battery and two small 275kW wind turbines, would reduce the Island's diesel fuel consumption from 541,000 litres per year to around 180,000 litres per year, a 66% reduction. This combination would also provide 67% of the Island's annual electricity needs. In May 2017, the Federal Minister for the Environment and Energy decided that the "proposed action of constructing and operating two wind turbines on Lord Howe Island would have unacceptable impact on World Heritage values and the National heritage values of the Lord Howe Island Group". This means that it is not possible to proceed with the wind turbine component at this stage.

In June 2017, ARENA representatives indicated that they did not believe that the ARENA Board would support continued funding for the project in its current form. Without the wind turbine component, the project with just solar and battery storage, saving 35% of diesel fuel was not seen as sufficiently innovative and would not serve as a demonstration case for other remote areas. After extensive negotiations, ARENA approved the funding for the development of further options, comprising solar and other renewable approaches, which may be acceptable to their Board and lead to a variation in the Board's funding agreement with ARENA. Jacobs undertook an Other Options Analysis Report on the project economics and potential demonstration value in December 2017. This report was presented to the Board in March 2018, with the Board endorsing Option 4 – Optimised solar and battery configuration with enabling technologies, as the preferred option. Jacobs prepared an addendum to the tender documents to include the changes for the optimised solar and battery configuration ready for the repricing by the two successful tenderers and timelines to award the contract and complete the works, based on the tenderers' response.

The ARENA Board considered the response from Jacobs and the Board based on the tenderers' submissions to the addendum for the Solar, Battery and Control System (SBC) at their Board meeting on 10 August 2018 approved the recommendation to vary the project to solar and battery only subject to conditions and a variation to the current funding deed.

The tender for the solar, battery and control system contract package of work was advertised on NSW e-tendering between 15 June and 24 August 2016. The assessment of the tenders by Jacobs and the Board is complete.

ARENA's Board have approved the project to continue, subject to:

- the winning solar and battery tender achieving a minimum renewable energy factor of 67%
- confirmation of site availability based on the final design
- establishing a Project Control Group
- ensuring LHIB has an appropriately skilled & experienced Project Manager
- the review and acceptance of final costs and timeframes
- the finalisation of funding variation agreement

ARENA also want to ensure the final plant design and roll out provides the simplest system for LHIB to manage and that LHIB are provided with the appropriate training and support by the winning solar and battery tenderer, to allow for the best ongoing maintenance.

The ARENA Board were provided with evidence to show that the project still remained very much feasible and agreed to undertake a renegotiated funding agreement with some additional milestones and conditions including project management.

THE CURRENT SITUATION

At this stage there does not appear to be any technical reason why this project should not proceed. Jacobs have completed the Solar, Battery and Control System final tender assessment report along with the final budgeting. To date the expenditure for the project is \$2,474,503 and requires \$8,636,828 to complete with a \$744,669 contingency amount (including ARENA's \$500,000 contingency).

RECOMMENDATION

It is recommended that the Board note the above information.

Prepared: John Teague, Manager, Infrastructure & Engineering Services

Endorsed: Peter Adams, Chief Executive Officer

Attachments: Nil

Record Number: ED18/11462
Enquiries: John Teague

10 December 2018

Janelle Bancroft
Acting Unit Head
North-North Coast
Environment Protection Authority
PO Box 498
GRAFTON NSW 2460



ADMINISTRATION OFFICE
P.O. Box 5
Lord Howe Island NSW 2898

Phone: 02 6563 2066
Facsimile: 02 6563 2127
Email: administration@lhib.nsw.gov.au

Dear Ms Bancroft,

Breach of Conditions of EPA Licence 10466 – Invitation to Show Cause

I refer to your letter dated 3 December 2018 regarding our breach of conditions of EPA licence 10466 and thank you for the opportunity to respond.

It is with significant concern that I prepare this response to your letter because the commitment of the Lord Howe Island Board to managing its environment, including managing waste in a World Heritage listed location is a priority. The island has constraints in terms of resources and the practical issues involved in its approach of managing waste to minimise the export of waste by reusing, repurposing and recycling.

The Board has a new Chief Executive who has initiated a review of all EPA licence objectives and requirements associated with the waste management facility. He has communicated that he will be seeking to find means to address these challenges and ensure compliance as well as responsible and cutting edge remote island waste management practices. This review will include staff resource allocation especially during the unprecedented loads and demands experienced by the waste management facility over the last year as well as those expected over the coming year. Some background below explains those demands. Following that some immediate responses to the specific matters in your letter are provided in the interim.

Background

The Lord Howe Island Waste Management Facility (WMF) is a very constrained site located on the mid-western coast line of the island where we manage all the waste generated on the island. Over the last two years the Lord Howe Island Board has been undertaking a Rodent Eradication Program (REP) as rodents are currently having significant impacts on World Heritage values including impacts to a range of listed threatened species. This program has seen a significant increase in waste activity at the WMF through two main areas.

Firstly the removal of hard waste from properties to the WMF in the “Island Clean-up” project where over 500 tonnes of hard waste that had been stored/hoarded in private



WORLD HERITAGE AREA

property and scattered around the island was collected and accepted at the facility in August 2017.

Secondly it was thought by many that the planned baiting period (winter 2018) would impact on tourists wanting to come to the island. This resulted in almost all lodges submitting development applications to renovate/renew a significant number of their buildings. In fact over the past 12 months 22 construction certificates have been issued to add to the 32 active ones. Considering there are less than 200 dwellings on the island this is a very large percentage. This has seen a disproportionate amount of building waste from both building demolition and new building waste materials come into the facility in the past 8 months.

This construction/clean-up waste is then sorted on-site into builders waste (landfill), recyclable plastic, steel and aluminium. It is then added to the normal household general waste that has also been sorted into landfill and recyclables to be sent off the island. The only shipping service to the island must have all this waste material delivered to them by the Board in skips weighing a total maximum of 2 tonnes each so that they can move them in their cargo space in the hold and on the deck. The ship does not always have room to bring empty skips to the island and can only provide service to the island on certain tides during the year. On average we would only get 5 skips per voyage of which there are approximately 23 per year. This means we can really only remove approximately 250 tonnes of waste a year. Looking over the past 12 months to date we have only been able to remove 205 tonnes of waste which is why the material stockpiles are much larger than what we are used to. We also try and get as many skips on the ship's eastern voyages as possible but this is a constant balance for the ship owners as they need to supply other customers with goods and cargo.

I provide the following responses to your specific observations;

C (i) Shredded Paper, Cardboard & Woodchip Stockpile

The Board has constructed new concrete bunkers to contain the shredded paper/cardboard and will relocate the stockpile this month. The old site will then have the new perimeter fence with shade cloth installed and the green woodchip stockpile will be moved into the protected area. Then this old site will again have the perimeter fence with shade cloth installed to stop any future migration beyond the site boundary. The site has been inspected with the Lord Howe Island's Manager Environment and World Heritage (MEWH) to determine the impact of the encroachment into our native vegetation in this area. The MEWH has been a partner with the development of a combined approach to establish the correct location of the perimeter fence, assist in the recovery of the native vegetation and a plan for the western revegetation zone.

C (ii) Wind-blown Litter

The Board acknowledges that wind-blown litter has escaped the WMF site and shares your concerns with the impact of this on the local environment. A number of working parties have been involved in "emu-bob" parades to pick-up and remove this litter and plans are in place to install a perimeter fence with shade cloth to prevent the escape of litter from the site by the end of December 2018. A

large amount of this plastic litter appears to be from soft wrapping of recycled plastic bales that could not be loaded on the ship due to skips not being available.

Works have also commenced along the exposed western coastal boundary to raise the height of the proposed vegetation zone to help reduce the visual impact of the WMF from the beach/ocean. This will also help as a future wind break to reduce the risk of windblown litter in this area. The new compost maturation bunkers had to be installed first before we could start on the revegetation of the site.

C (iii) Mixed-waste Stockpile

The mixed-waste stockpile is where the builders waste from the extensive construction works has been stored ready to be separated into recyclable and landfill materials. The site is very constricted at this point and due to the unusually large quantity has to be occasionally pushed up with machinery to allow access to the rear of the site where other waste material are stored. This action has caused some material to overtop and fall beyond the perimeter fence, which remains in place but will be replaced with new fencing once the stockpile is reduced in size. The material that had fallen behind the fence has been removed.

C (iv) Delineation of Premise Boundary

The Board has constructed four new concrete bunds for both compost and shredded paper/cardboard storage as well as being the first stage of the new perimeter fence along the eastern boundary. The rest of the fencing material has arrived on site and the Board has engaged a contractor to install the eastern fence up to the "reuse" shed apart from behind the mixed-waste stockpile which will be undertaken once the site is accessible.

Should you wish to discuss these matters further please do not hesitate to contact the undersigned on 6563 2066.

Yours faithfully



John Teague
MANAGER, INFRASTRUCTURE AND ENGINEERING SERVICES

Board Meeting: March 2019	Agenda Number: 12(vii)	Record: ED19/2023
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Waste Management Facility – EPA Licence

RECOMMENDATION

That the Board note this report

BACKGROUND

Lord Howe Island Board (LHIB) operate at the Waste Management Facility (WMF) through an Environmental Protection Licence No 10466 which is issued under the Protection of the Environment Operations Act 1997. This licence authorises the carrying out of waste management activities at the LHIB WMF. The licence includes numerous conditions that aim at preventing or minimising the environmental impacts from the activities carried out at the WMF.

BREACH OF CONDITIONS OF LICENCE

On 30 October 2018 the Environment Protection Authority (EPA) conducted a routine inspection of the WMF and during the inspection observed a number of issues with respect to our licence conditions which raised concerns. On 3 December 2018 a letter from the EPA was received outlining these issues and inviting LHIB to respond as to why the EPA should not take any regulatory action.

On 10 December 2018 a response was sent back to the EPA providing information as to the extenuating circumstances surrounding the observations. It also outlined the works currently being undertaken and the change in processes being implemented to improve the way the WMF operates, a copy of this letter has been attached to this report.

Over the last two years the Rodent Eradication Program (REP) has seen a significant increase in waste activity at the WMF through two main areas.

Firstly the removal of hard waste from properties to the WMF in the “Island Clean-up” project where over 500 tonnes of hard waste that had been stored/hoarded in private property and scattered around the island was collected and accepted at the facility in August 2017.

Secondly, it was thought by many that the planned baiting period (winter 2018) would impact on the tourist numbers wanting to come to the island. This resulted in a large number of lodges submitting development applications to renovate/renew a significant number of their buildings.

In fact over the past 12 months 22 construction certificates have been issued to add to the 32 active ones. Considering there are less than 200 dwellings on the island this is a very large percentage. This has seen a disproportionate amount of building waste from both building demolition and new building waste materials come into the facility in the past 8 months.

This construction and clean-up waste is sorted on-site into builders waste (landfill), recyclable plastic, steel and aluminium. It is then added to the normal household general waste that has also been sorted into landfill and recyclables to be sent off the island. The only shipping service to/from the island must have all this waste material delivered to them by the Board in skips weighing a total maximum of 2 tonnes each so that they can move them in their cargo space in the hold and on the deck. The ship does not always have room to bring empty skips to the island and can only provide service to the island on certain tides during the year. On average the Board would only receive 5 skips per voyage of which there are approximately 23 per year. This means we can really only remove approximately 250 tonnes of waste a year. Looking over the past 12 months to date we have only been able to remove 205 tonnes of waste which is why the material stockpiles are much larger than in the past. The Board also try and get as many as possible skips on the ship's eastbound voyages, but this is a constant challenge for the ship owners as they need to supply other customers with goods and cargo.

During recent discussions with the shipping company about these issues (Birdon Pty Ltd), they have agreed to trial the removal of the old recycled plastic waste bales which will be plastic wrapped and secured on pallets but not placed in skips. At the time of writing this report it is not known if this methodology will work or be acceptable for our old bales which have been sitting for a long time and are free of any food waste. However, as the fresh bales will have left over food waste residue remaining in them it would be unlikely that this methodology would be acceptable for our future recycled plastic bales. Also as part of these discussions the Board have requested that a minimum of 10-12 skips be allocated space on each eastbound voyage to ensure we can manage the waste moving forward.

Another constraint is staffing levels, currently there is only one LHIB staff member allocated full time to the WMF with additional staff during service times which is proving to be insufficient with the daily mandatory requirements. This is especially noticeable with the current volume of waste being managed and meeting our licence requirements. Moving forward it is proposed to prepare a business case to increase the staffing at the WMF to two full time positions to assist with the EPA licencing conditions.

RECOMMENDATION

That the Board note this report

Prepared: John Teague, Manager Infrastructure & Engineering Services

Endorsed: Peter Adams, Chief Executive Officer

Attachments: Attachment A - LHIB Response Letter

Board Meeting: March 2019	Agenda Number: 12 (viii)	Record Number: ED19/2024
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

NSW Environment Protection Authority (EPA) Per- and Poly-fluoroalkyl Substances (PFAS) Strategy

RECOMMENDATION

Submitted for the Board's information.

BACKGROUND

The EPA is leading an investigation program to assess the legacy of PFAS use across NSW.

PFAS are chemicals that have historically been used in a number of different products in Australia and worldwide due to the unique heat and chemical resistance, most notably as an essential ingredient of certain fire-fighting foams. Aqueous Film-Forming Foams (AFFF) have been used extensively by emergency services across the world to extinguish Class B fires involving flammable fuels, such as those involving vehicles, aeroplanes and chemicals.

PFAS are very stable chemicals that bioaccumulate, do not break down, and can persist for a long time in the environment. Due to their widespread use in a range of industrial and consumer products over many decades PFAS contamination is commonly found in the environment at low levels.

In October 2017, the EPA contacted the Lord Howe Island Board requesting the provision of information on current and historical use of products containing PFAS, which the Board subsequently supplied.

In November 2017, the EPA requested that preliminary investigations be undertaken at the airport and other known training sites involving the use of fire fighting foam as well as the Board depot as it is a known storage site. The investigation was to obtain sufficient information to determine the extent of contamination and to assess any potential contamination impacts to the surrounding areas and local community.

In December 2017, the Board engaged experienced consultants AECOM Australia Pty Ltd to undertake the preliminary investigations. On Island field works were conducted in January 2018 collecting samples of soil, sediment, surface water and groundwater. After laboratory analysis and technical review, the final report was delivered to the EPA on 6 April 2018.

From the preliminary investigation it was identified that PFAS was present at the sites investigated.

On 20 April 2018, the EPA requested the Board to undertake a detailed site investigation into the nature, extent, fate and transport of PFAS at the identified contamination sites and at appropriate off-site locations.

The EPA requested before the commencement of investigation that a Sampling and Analysis Quality Plan (SAQP) be provided to the EPA and a communication plan be developed in collaboration with the EPA, to ensure consistent messaging occurs regarding PFAS on the Island.

The Communication Plan will continue to be implemented by the Board to assist in providing information through factsheets, letters to residents, website (the Board/EPA) and community drop-in sessions if required.

CURRENT POSITION

In the last week of October 2018 the EPA completed testing of all the bores/wells for the presence of PFAS and to see if there was any immediate action required. The results from these tests are not publically available and will be communicated directly to the leaseholders by the EPA. We do know that initial results were very encouraging and that no short term measures are required or risks identified. It is noted that ground water is not recommended (anywhere) for drinking, cooking and personal hygiene (including cleaning teeth and bathing) without testing and appropriate treatment including disinfection.

In January 2019 the Board, NSW EPA and AECOM agreed on the SAQP, obtained a Marine Parks Permit and the Detailed Site Investigation field work was completed during the week of 18 February 2019. Samples from these field works will be progressively sent to Australian Laboratory Services for analysis, as room on the plane allows. It will be a number of weeks before any results from this sampling are realised.

The current take home message remains that low levels of PFAS have been identified at locations on the Island in both the soil and groundwater. However, until the Detailed Site Investigation is completed and assessment results available, it is unclear as to what further action may be required.

RECOMMENDATION

Submitted for the Board's information

Prepared: John Teague Manager Infrastructure and Engineering Services

Endorsed: Peter Adams Chief Executive Officer

Attachments: Nil

Board Meeting: March 2019

Agenda Number: 13 (i)

Record No: ED19/2208

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 5 March 2019 seven claims had been lodged for the 2018-19 financial year.

2018/19				
No	Date of Injury	Type of Injury	Cause of Injury	Hours lost
1	7/09/2018	Carpal tunnel syndrome	Occurred during normal course of business	Medical expenses only
2	25/09/2018	Foreign body in tip of finger	Picking up glass	Medical expenses only
3	08/10/2018	Mild tear in ligament of knee	Minor slip on rough terrain on a slope	0
4	27/11/2018	Bruised L peri-patellar tissues	Impact injury	Medical expenses only
5	20/12/2018	Lumbar back strain	Lifting	Medical expenses only
6	22/01/2019	Bruises and grazes	Fall in PPP	15.2
7	07/02/2019	Back strain (R sacroiliac)	Lifting	10.7

Workers compensation statistics for the last five years:

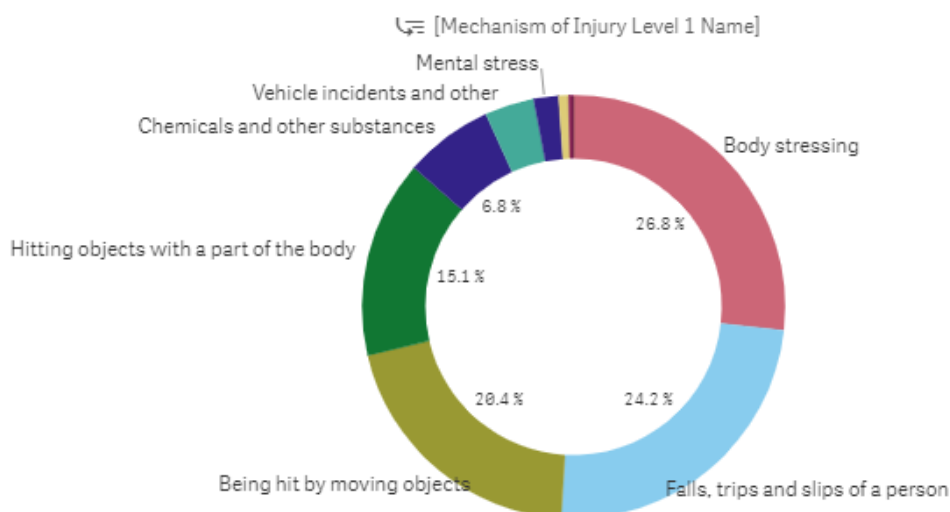
4. Claims Table Summary

(Reportable and non-Reportable Claims)

Last 5 FY Report...	Number of Claims #	Avg Net Incurred Cost	Net Incurred Cost \$	Total Amount Paid \$	Latest Estimate \$	Amount Recovered \$
Totals	265	\$8,994.28	\$2,383,485.46	\$1,839,444.02	\$544,041.44	\$0.00
Before	208	\$8,742.09	\$1,818,355.61	\$1,502,486.31	\$315,869.30	\$0.00
FY 14-15	8	\$969.57	\$7,756.58	\$7,756.58	\$0.00	\$0.00
FY 15-16	9	\$4,356.44	\$39,208.00	\$39,208.00	\$0.00	\$0.00
FY 16-17	18	\$14,873.78	\$267,728.11	\$212,261.76	\$55,466.35	\$0.00
FY 17-18	15	\$14,544.69	\$218,170.34	\$72,394.69	\$145,775.65	\$0.00
FY 18-19	7	\$4,609.55	\$32,266.82	\$5,336.68	\$26,930.14	\$0.00

3. Mechanism of Injury

(Reportable and non-Reportable Claims)



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

Actions taken to address the incidence of injuries include Workplace Health & Safety matters being discussed and addressed at monthly staff meetings, including reviews of Job Safety Analysis and Hazard Identification. The WHS Risk Management System is being reviewed and also implemented for any temporary appointments such as for the REP.

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

A desludging system has been installed at the Waste Management Facility to mitigate the risks posed to staff by biosolids.

Public Risk Management

A trial road closure of the northern leg of Bowker Avenue is underway to gauge improvement to the road safety of the area. The closure commenced on 10 December 2018 and will remain in place for a three month trial period.

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