

# Agenda

Lord Howe Island Board



<b>Meeting</b>	<b>Board Meeting September 2022</b>
<b>Location</b>	Lord Howe Island Community Hall
<b>Date/Time</b>	Tuesday, 13 September 2022, 2.45 pm – 5.45 pm, Closed Session Wednesday, 14 September 2022, 9:00 am – 1:00 pm, Closed / Open Session
<b>Chairperson</b>	<b>Atticus Fleming AM</b> , A/Coordinator General, DPE
<b>Board Member</b>	<b>Bruce Baird AM</b> , Appointed Member (Tourism) <b>Chris Bath</b> , Appointed Member (Conservation) <b>Gary Crombie</b> , Elected Member <b>James Lonergan</b> , Elected Member <b>Matthew Retmock</b> , Elected Member <b>Therese Turner</b> , Elected Member (Deputy Chair)
<b>Attendees</b>	<b>Suzie Christensen</b> , Chief Executive Officer <b>Ben Jenkins</b> , Senior Manager, Infrastructure and Engineering Services <b>Darcelle Matassoni</b> , Acting Senior Manager, Environment and Community Services <b>Debbie Johnsen</b> , Senior Manager, Business and Corporate Services
<b>Minutes</b>	<b>Belinda Panckhurst</b> , Administration Officer
<b>Apologies</b>	Nil

**Tuesday 13 September 2022, 2:45pm – 5:45pm**

**Agenda Items – Closed Session**

<b>2:45pm</b>	<b>1. CONFLICT OF INTEREST DECLARATIONS</b>		Presenter: A Fleming
30 mins	<b>2. GOVERNANCE</b>		
	<b>2.1. Effectiveness and Efficiency Implementation</b>	Decide	Presenter: S Christensen
	<b>Attachment A:</b> EER Recommendations – Management Response <b>Attachment B:</b> EER Implementation Project Plan		
	<b>2.2. LHIB Services Listing, Performance Measures and Reporting Framework</b>	Decide	Presenter: S Christensen
	<b>Attachment A:</b> Draft Service Delivery Commitments		
30 mins	<b>2.3. Attestation Statement and Internal Audit Charter</b>	Decide	Presenter: D Johnsen
	<b>Attachment A:</b> Internal Audit and Risk Management Attestation Statement Financial Year 2022 <b>Attachment B:</b> Internal Audit Charter financial Year 2023		
	<b>2.4. CEO's Key Performance Indicators</b>	Decide	Presenter: S Christensen
	<b>Attachment A:</b> My Talent Plan		

Tuesday 13 September 2022, 2:45pm – 5:45pm

### Agenda Items – Closed Session

	<b>3. OPERATIONS AND SERVICES</b> <b>3.1. Biosecurity Project Plan</b> <b>Attachment A:</b> LHI Biosecurity Strategy 2022-2026 <b>Attachment B:</b> Biosecurity Project Plan <b>Attachment C:</b> LHI Quarantine Plan <b>Attachment D:</b> LHI Surveillance Plan <b>Attachment E:</b> LHI Incursion Plan <b>3.2. Shipping Service</b>	Decide          Decide	Presenter: D Matassoni          Presenter: Rose Ung, APP
30 mins	<b>4. WH&amp;S AND PUBLIC RISK MANAGEMENT</b> <b>4.1. WH&amp;S and Public Risk Management Update</b>	Note	Preparer: J Spivey Presenter: S Christensen
30 mins	<b>4.2. WH&amp;S Roadmap – Budget and Indicators</b> <b>4.3. WH&amp;S Training</b> <b>4.4. Risk Management Workshop</b> <b>Attachment A:</b> LHIB Risk Register Summary	Decide  Training Workshop	Presenter: S Christensen Presenter: Paul Hood, LJM Presenter: Ian Wooley, DPE

Wednesday 14 September 2022, 9:00am – 10:15am

### Agenda Items – Closed Session

20 mins	<b>5. FINANCE AND BUSINESS MANAGEMENT</b> <b>5.1. Financial Status Update</b> <b>Attachment A:</b> Commercial Performance Report – June 2022 <b>5.2. Budget</b> <b>Attachment A:</b> Cash Flow Forecast <b>5.3. Fee Increase on Leases</b> <b>5.4. Draft Annual Financial Report</b> <b>Attachment A:</b> Draft Report <b>5.5. Draft Annual Report</b>	Note  Decide  Decide Note Decide	Presenter: D Johnsen  Presenter: D Johnsen  Presenter: D Johnsen Presenter: D Johnsen Presenter: D Johnsen
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**Wednesday 14 September 2022, 9:00am – 10:15am**

**Agenda Items – Closed Session**

**6. LEASING AND LAND ADMINISTRATION**

**6.1.** Application to suspend condition of residence for part PL1954.09 – Nathan Thompson

**Attachment A:** Form 1 Application to Suspend Condition of Residency

Decide

Presenter: D Matassoni

**Wednesday 14 September 2022, 10:15am – 1:00pm**

**Agenda Items – Open Session**

<b>10:15</b>	<b>MORNING TEA</b>		
<b>10:30</b>	<b>7. MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION</b> <b>Attachment A:</b> Board Meeting minutes – May 2022 – CLOSED	Note	Prepared: B Panckhurst Presenter: S Christensen
	<b>8. OUT OF SESSION MATTERS STATUS REPORT</b> <b>Attachment A:</b> Out of Session Result Summary	Note	Prepared: B Panckhurst Presenter: S Christensen
	<b>9. ACTIONS FROM PREVIOUS MEETING STATUS REPORT</b> <b>Attachment A:</b> Action Sheet from Previous Board Meetings	Note	Presenter: S Christensen
	<b>10. CHIEF EXECUTIVE OFFICER'S REPORT</b> <b>Attachment A:</b> Infrastructure and Engineering Services Report <b>Attachment B:</b> Environment and Community Services Report	Note	Presenter: S Christensen
	<b>11. FINANCE AND BUSINESS MANAGEMENT</b> <b>11.1.</b> Finance Update	Note	Presenter: D Johnsen
	<b>12. DEVELOPMENT APPLICATIONS</b> <b>12.1.</b> Owner Consent Approved Under Delegated Authority Status Report <b>12.2.</b> Development Applications Approved Under Delegated Authority Status Report <b>12.3.</b> Assessment Report – OC2022.05 & DA2022.05 – S&G Krick – Staff Accommodation (Team Meeting Link required for applicants if plane cancellation)	Note Note Decide	Preparer: L Shick Presenter: D Matassoni Preparer: L Shick Presenter: D Matassoni Preparer: All About Planning Presenter: D Matassoni



Wednesday 14 September 2022, 10:15am – 1:00pm Agenda Items – Open Session			
<b>13. POLICY AND STRATEGY</b>			
13.1. Motor Vehicle Importation or Transfer Status Report	Note	Preparer: L Shick Presenter: S Christensen	
13.2. Adoption of Vehicle Importation, Transfer and Use Policy (post-public notice)	Decide	Preparer: L Shick Presenter: S Christensen	
<b>Attachment A:</b> Draft Vehicle Importation, Transfer and Use Policy			
<b>Attachment B:</b> Submission from NSW Maritime			
<b>14. LEASING AND LAND ADMINISTRATION</b>			
14.1. Review of Compliance with Residency Condition on Perpetual Leases	Note	Preparer: L Shick Presenter: D Matassoni	
<b>Attachment A:</b> Review of Compliance with Residency Condition on Perpetual Leases – Closed			
<b>15. BUSINESS ARISING FROM PREVIOUS MEETING</b>			
15.1. Mobile Phone Coverage	Decide	Presenter: S Christensen	
<b>Attachment A:</b> Request for Exemption			
<b>Attachment B:</b> Application for Owners Consent			
<b>Attachment C:</b> Plans			
<b>Attachment D:</b> Environmental EME Report			
<b>Attachment E:</b> Satellite Small Cell Proposal			
<b>Attachment F:</b> Departure Survey Summary Results			
<b>Attachment G:</b> Assessment Report			
15.2. Proposed Quarterly Board Meeting Dates	Decide	Presenter: S Christensen	
<b>16. GENERAL BUSINESS AND QUESTIONS ON NOTICE</b>			
1:00pm	<b>CLOSE</b>		

**NEXT MEETING** 7<sup>th</sup> and 8<sup>th</sup> December 2022

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Adoption of minutes of previous meeting.

#### Recommendations

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1. **Note** the endorsement of the May 2022 board meeting minutes.

#### Current position

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##### Process for Distribution of Board Meeting Minutes

The Board updated the adopted process for distributing Board minutes at the March 2022 Board meeting as follows:

- Draft minutes will be produced within five working days of a Board meeting, and distributed 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 in writing no later than 10 working days after date of posting distribution.
- 10 working days after date of posting distribution, 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.

##### Endorsement of Board Meeting Minutes

Minutes of the May 2022 meeting were distributed to each Board member and were endorsed as per the above process.

A copy of the endorsed minutes are attached.

## Attachments

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Attachment	Title
A	Board Meeting Minutes – May 2022 – CLOSED

## Approval and contact

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Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Belinda Panckhurst	Administration Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Out of Session matters status report.

#### Recommendations

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1. **Note** the information provided in this report.

#### Current position

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Since the last Board Meeting in May 2022, one matter was considered out of session as a closed item.

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

#### Attachments

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Attachment	Title
A	Result Summary Sheet – <b>CLOSED</b>

#### Approval and contact

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<b>Approver</b>	<b>Position</b>
Suzie Christensen	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Belinda Panckhurst	Administration Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Actions from previous meeting – status report.

#### Recommendations

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1. **Note** the information provided in this report.

#### Current position

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As a matter of process and procedure, a list of actions is prepared after each Board meeting to ensure that the Board's resolutions are systematically carried out by staff. Those actions reported as complete are deleted from the Action List at the subsequent Board meeting.

A list of actions from decisions of the May 2022 Board meeting, and previous meetings, is attached for the Board's information.

#### Attachments

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Attachment	Title
A	Action sheet from previous Board meetings – <b>CLOSED</b>

#### Approval and contact

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<b>Approver</b>	<b>Position</b>
Suzie Christensen	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Belinda Panckhurst	Administration Officer



# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Chief Executive Officer's report 9<sup>th</sup> May 22 – 05<sup>th</sup> September 22

#### Recommendations

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1. **Note** the Chief Executive Officer's report including attachments

#### Current position

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The following briefing provides an overview of highlights, risks and opportunities during the reporting period. It is reported under the six themes of the Board's Strategic Plan, and supported by detailed reports from the three business unit Senior Managers.

#### Effective Leadership and Governance

A significant focus in the period has been the 2023 state budget announcements. As the Board is aware, \$32.9 Million was secured for biosecurity through a New Policy Proposal. Detailed project plans have been prepared for consideration and approval at this meeting. Ongoing dog search and monitoring activity continues to be supported, with recruitment to all roles for the full four years of the project nearing completion. This will enable stability on the team and reduce risks. Planning is also underway for capital works aimed at securing the point of departure risks.

Additional funding was also granted by DPE through budget reallocation at end of financial year, which will enable implementation of the Efficiency and Effectiveness Review recommendations. Project planning, procurement and recruitment for this any various other funded projects are underway, however internal resource constraints are a significant risk to the delivery of the quantum of works to be undertaken. The total planned expenditure for 22/23 is \$20.5M, a significant increase on prior years. External project management and procurement support has been engaged to mitigate this risk.

Also significant for the period has been processing and finalising reports and documentation for the Annual Financial Audit, for review by the Audit and Risk Committee and submission to the external auditor. Third party support for the preparation of the annual financial report has been essential to ensure the delays experienced in 2021 were not repeated, however commitment and effort by the team to meet deadlines has been outstanding. The audit process is extremely time consuming for our finance and administration staff, due in a large part to the dated systems used. Anecdotally, tasks that take minutes on DPE's SAP system require days of processing using Authourity. This will be an important consideration in the cost benefit and risk analysis of system transition that will be undertaken as part of the Efficiency and

Effectiveness Review Implementation. In that regard, it is pleasing to report that the discovery process for our IT systems review has commenced, a critical first step.

Staffing changes at the leadership level continue, particularly in the ECS team. Justin Sauvage, Senior Manager Environment Community Services resigned after completing a four-year tenure. His services to the Board and Island was recognised at an informal farewell. Recruitment for the role is well advanced, with shortlisting underway. Our indefatigable Team Leader Weeds and Manager of Environment and World Heritage Sue and Hank Bower have also advised their resignations after 15 years dedication to the Island. Their knowledge and passion will be a significant loss. Recruitment is underway to fill the roles.

Code of Conduct and Ethics training sessions were held in July, facilitated by DPE governance and HR Business Partner reps. The majority of staff participated and have signed / resigned their documents. Those on leave or otherwise unavailable will undertake recorded training sessions once they are available.

My Talent Plan training for Managers and staff will roll out in September, with a view to bringing the LHIB team in line with the rest of DPE. This will ensure that performance planning and development is linked to service delivery commitments (once agreed by the Board), training plans, and the budget cycle.

Two meetings with elected Board members have been held, a reduced number due to members leave and the quieter winter season. Notes of these meetings continue to be shared with the full Board.

The LHI (DPE) independent Audit and Risk Committee is due to meet on the 23<sup>rd</sup> of September. A workshop to review the risk register and controls is scheduled on the Board agenda. The ARC will make final recommendations on the Annual Financial Report.

## Sound Infrastructure and Services

Ensuring security of our shipping service is a high priority, and negotiations with Birdon are progressing in relation taking up the option to extend the contract for a further term. Contracted consultants APP were on island in August gathering information for the demand study component of their market sounding brief, and visiting current facilities.

Design is complete for the road upgrade project however delays are being experienced by LHIB's lack of access to the state government online procurement service, and agency accreditation. In order to ensure compliance with state government procurement policy and delegations, support has been negotiated from the DPE procurement team. Unfortunately, these delays will mean potential for significant disruption to the Island during peak tourist season, or a delay to construction until next winter. These decisions will be made once the tender has been finalised, and will require significant community consultation and engagement. Longer term, procurement is a key matter that requires resolution from the assessment of transition to DPE systems.

A project to design an upgrade to the waste management facility has commenced. This project is also being managed by APP, a benefit to ensuring an integrated approach to shipping, waste and biosecurity into the future.

The MIES report covers our Assets and Infrastructure, and the number of both small and large projects in train.

## Outstanding Environment

The Board's final legal responsibilities under the Rodent Eradication Program (REP) were complete with the transport to the Island of two small herds of beef cattle on behalf of landholders. The exercise involved a large degree of logistical planning and coordination, and elicited strong community support and interest on the day of arrival. Value was maximised for the voyage by backloading waste. Thanks are extended to the landholders for their patience, and all involved both on the mainland and Island.

Winter accommodation availability has allowed contracting of additional bush regeneration staff, with teams of professional contractors used. In addition, a helicopter spraying program targeted weeds in inaccessible areas. These increased efforts will remain necessary as weeds rebound due to the absence of rodents and wet weather, and to bring the Weed Eradication Program (WEP) back to schedule following successive years of redirection of resources to the REP.

Planning has commenced on the development of a monitoring and research plan particularly focussed on measuring changes in the environment that are occurring in the absence of rodents, both positive and less desirable (eg weeds). DPE Science will lead some of this work, building on pre-REP data and studies, with the intent that the plan forms the research and monitoring component of a revised Biodiversity Management Plan (BMP). The BMP is schedule for review over the next 12-18 months.

## Responsible Land Management

A meeting was held with the senior planning staff from DPE, and colleagues from Regional NSW regarding the statutory requirements for planning, and support available. A Local Strategic Planning Statement is a requirement under Section 3.9 of the Environmental Planning and Assessment Act 1979. The planning priorities and actions identified in an LSPS provide the rationale for decisions about the use of land to achieve the community's broader goals and will guide updates to the Lord Howe Island Local Environmental Plan 2010 and Development Control Plan 2005. Along with a land and accommodation demand study and environmental assessments, completion of the LSPS will be scheduled into forward operational planning. An advanced draft has been completed.

The Land and Property Officer role has been upgraded to a full-time position and is under recruitment, to be funded as part of the EER implementation. A backlog of land, property and development matters will be progressed and finalised with this resource. The role is currently being performed under temporary assignment and early progress is evident.

New matters relating to lease transfers and development applications are ongoing, and included in the papers.

## Strong and Sustainable Economy

This report covers what has been a very quiet winter period, with many lodges and tour operators taking a well-earned break. Discussions are being held with the Lord Howe Island Tourism Association regarding the development of a winter strategy, with a view to have an agreed approach that can be communicated to the few visitors that do still arrive in winter, in order to manage expectations and protect the brand long term.

Maintenance is being completed across walking tracks and ropes in the Permanent Park Preserve to support visitation as the season commences. The tender for repair of Goat House Track has been awarded and is initial stages of contract preparation. The helicopter brought to the island for weeding was also utilised to lift construction goods to the site in preparation.

## Support a Strong and Engaged Community

Board staff hosted a visit from a number of Australian Defence Force personnel in August. ADF teams were visiting the island to better understand its potential, and inform decisions on exercise locations later this year and potentially Exercise Talisman Sabre.

ADF informed us that:

*Exercise Talisman Sabre is a bilateral exercise that occurs every two years between the Australian Defence Force (ADF) and United States (US) military. It is designed to test and improve the combat readiness and interoperability between Australian and US forces. Exercise Talisman Sabre 2023 (TS23) will be conducted in late July – early August 2023. The ADF is currently scoping potential locations across northern Australia, and it is possible these could include places such as Lord Howe Island.*

*It is important to note that the ADF's planning is in the early stages and is subject to wider operational requirements. Businesses and LHIB should not make any commercial decisions regarding the activity until the ADF formally confirms its locations and needs. The ADF will conduct stakeholder engagement should activities proceed. The ADF values the support of the local communities, and will take all necessary steps to care for the Island's unique heritage and environment.*

Ongoing community interaction, engagement and service has occurred, on neighbourhood matters, business operations, Board services, regulation and compliance and visitor enquiries. The balance of these local matters and strategic elements continue to make the role interesting and rewarding. The team are looking forward to the forthcoming tourist season, and continuous improvement of our service delivery.

## Attachments

Attachment	Title
A	ECS report
B	IES report

## Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Suzie Christensen	Chief Executive Officer

# CEO BOARD REPORT

## INFRASTRUCTURE AND ENGINEERING SERVICES

### OPEN SESSION

#### Item

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This report is a brief summary of IES activities and issues covering the period May to September 2022.

#### Core Service Streams

1. Aerodrome Operations
2. WMF Operations
3. Electricity Generation and Distribution Operations

#### Major Projects, Major Maintenance Items and Procurements

4. Roads Project
5. Beach Nourishment Works
6. Fuel Shed
7. Depot Hardstand upgrade
8. Excavator Procurement
9. Asset Management Plan – Solar Array
10. WMF Engineering Investigations

#### Summary of Activities and Issues

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##### 1. Aerodrome Operations

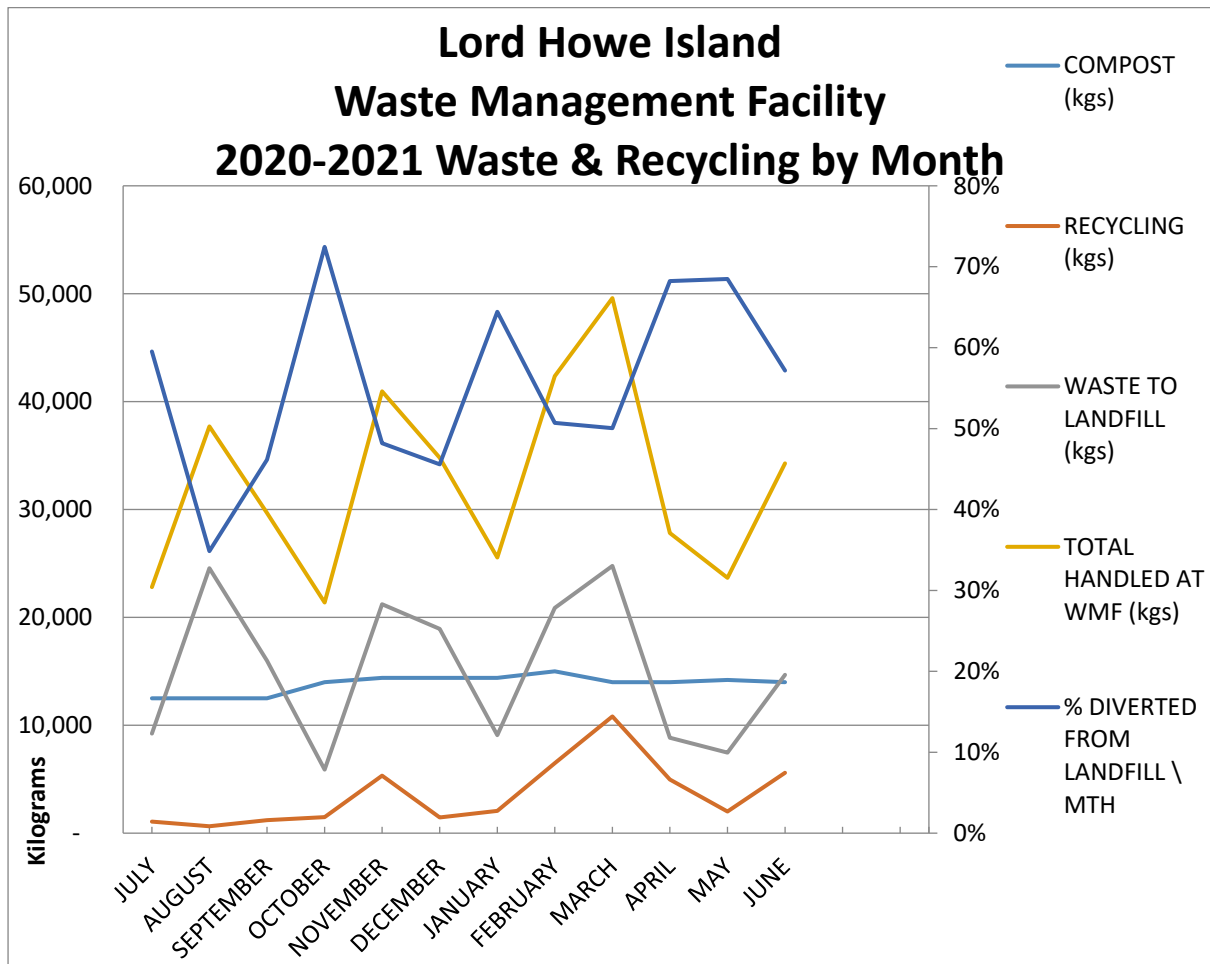
Maintenance and operations of the assets has continued over the period with no major interruptions encountered because of a need to deliver reactive maintenance at the site. Commercial operators have continued to utilise the airstrip without experiencing interruptions because of the aerodromes operations. Commercial operators have had a small number of their own interruptions due to various off-island issues occurring, such as mechanical issues. Weather over the period did result in some reduced use of the aerodrome because of a small number of commercial operator flights being cancelled at their discretion. Weather has also resulted in commercial fuel suppliers dilapidating access routes to the aerodrome through repetitive vehicle movements and these routes will need to be addressed so as to limit the transportation of material, such as mud, being relocated onto the apron. Such material on the apron if not removed could otherwise extend plane turnover timeframes. Inspection of the apron pavement has recovered amounts of material debris. Further investigations into the access roads for refuelling suppliers has commenced.

The Aerodrome has continued to support a number RAAF training exercise over the reporting period. RAAF aircraft often land after all commercial operations on a given day are complete. However RAAF's continued requests results in a requirement by LHIB to make staff available outside of their usual bandwidth hours in low-light or no-light conditions at pay rates above normative at cost and risk to LHIB.

## 2. WMF Operations

With respect to cost recovery, LHIB did not recover costs over the financial year. This is mainly due to the large amount of waste that was gathered during the island clean up pre REP being removed the following years.

The WMF has been focused on a number of areas since the last board meeting, including the removal of increased volumes of recyclables. Consequently LHIB has achieved a % waste diverted from landfill of 54%. This is the highest result the WMF has obtained since 2016.



LHIB has also received an updated licence from the EPA with minor adjustments made to the previous licence. One of note is the requirement to undertake an engineering and benchmark report (see Major Projects section of this board report for details). This will enable the board to understand investment requirements at the facility with more clarity. Another condition of note was that LHIB now received permission to use glass sand in concrete construction at the premises. This will reduce the amount of stored glass at the facility and will be of benefit if engineering solutions such as increased hardstand are installed at the facility – enabling a reduction in glass stockpiles.

## 3. Electricity Generation and Distribution Operations

### Overview of Routine Activities

- a. Routine maintenance on Generating Unit 1, 2 and 3 was completed

- b. Routine maintenance on Substation No.3 Beachcomber, No.11 Mountainview, No.9 Oceanview, No.4 LHIB Workshop and No.7 Mulley Drive was completed
- c. Routine maintenance on Generator Battery chargers was completed
- d. Routine maintenance on Powerhouse distribution air circuit breakers was completed
- e. Routine maintenance on Generator No.2 and 3 day fuel tanks were completed
- f. Routine maintenance on all Generator / Control Board Battery Banks was completed
- g. Electrical Field Safety inspection on LHIB infrastructure was completed
- h. Routine maintenance on Distribution pillars associated with Substation No.3 Beachcomber, No.4 LHIB Workshop, No.5 Lagoon Road, No.7 Mulley Drive and No.8 Airport was completed.
- i. Routine maintenance on Ventilation Fan No.2 was completed
- j. Risk management monitoring inspections were completed.
- k. Voltage surveys on Substation No.3 Beachcomber, No.11 Mountainview, No.9 Oceanview, No.4 LHIB Workshop and No.7 Mulley Drive were completed.
- l. Load surveys on Capella Lodge and DP 208 were completed. As a result of these load surveys modifications were undertaken on DP208 to balance out the 3 phase loading on this section of the system. This unbalanced customer load had resulted in two minor supply interruption to some customers.

#### **General Statistics and notes on operations**

- a. Total energy demand for the reporting period was 1255100 kWh
- b. Diesel generation for the reporting period was 408000 kWh
- c. Solar generation for the reporting period was 823200 kWh
- d. Fuel consumption for the reporting period was 129450 litres. This is an increase of 5.71% for the same period last year. This increase was primarily due to the island returning to normal electrical load after the 2021 Covid restrictions were eased. It is expected the levels of total island demand, solar generation and fuel consumption will now settle on more normative levels during future reporting periods.
- e. Fuel energy efficiency for the reporting period was 9.69 kWh/L
- f. There were 3 days of diesel free generation during the reporting period
- g. The longest run of diesel free generation during the reporting period was 1 day
- h. There were 4 unplanned customer supply interruptions to the distribution system during the period. These outage were the result of localised customer overloads.
- i. There was 6 planned supply interruption to the distribution system during the period. These outage was to carry out annual maintenance works on Substation No.3, 11, 9, 4 and 7 in addition to a planned outage for upgrade works to DP208.
- j. There are currently 294 customers connected to the electrical supply system.
- k. An external consultant has been engaged by the LHIB to prepare an Asset Management Plan for the electrical distribution system. The consultant staff visited the island in August to gather background information and undertake various electrical site inspections to assist with the preparation of this plan
- l. Maintenance contractor staff also visited the island in August in order to address some outstanding issues with regards the Renewable Energy System build. Inspection were undertaken on solar system combiner box circuit breakers and solar inverter communications connections.

#### **4. Roads Project**

The Board has engaged specialist survey, geotechnical and road design contractors to prepare designs, drawings and specification for inclusion in the tender documentation for

construction / improvement of priority roads. The Board has obtained funding for these through *Fixing Local Roads Round 3*.

This project is now being Project Managed by an external service supplier. A procurement strategy is being finalised along with evaluation criteria to complement Request for Tender documentation. Final design reports have been received and will form part of this tender documentation. The RFT is expected to be issued mid-September, tender assessment completed by end of October and a contractor engaged in November.

There is some risk to the project budget and timeline due to expected high demand for consultants, construction contractors and materials suppliers caused by the recent extensive damage to infrastructure on the east coast of the mainland.

A communications plan will be developed in the near future to ensure the community is aware of planning, intent and progress.

## **5. Beach Nourishment Works**

Beach nourishment works were completed on the western extent of the aerodrome on the beach near the aerodrome windsock (windy point). It was identified that after severe wind and wave actions significant sand had undermined this area, putting at risk aerodrome land and installed assets at this location. Works consisted of utilising local contractors and use of board mobile plant to relocate sand from the northern end of the beach to the site forming a sand revetment wall in order to reduce ongoing erosion impact. Ongoing erosion management / beach nourishment works will be required at this location (and other identified locations along the beaches of the island) with possible engineering investigations and design solutions needing to be considered to control erosion risk.

## **6. Fuel Shed**

The Lord Howe Island aviation fuel shed project is nearing end of construction by the primary contractor. Defect management is continuing throughout the build with some rectifications identified due to undirected in-field design and construction changes by the contractor. It is expected that major construction elements will be finalised by end of September with minor works continuing towards the end of the year as other contractors become available. Advice from the primary commercial users of the site suggests general support for the build.

## **7. Depot Hardstand upgrade**

A Local Roads and Community Infrastructure Grant (LRCI) has been awarded to LHIB and the deed of agreement has been signed. The project value consist of a split between LHIB CAPEX and grant funding. Works will consist of design and construction of a hardstand area fronting the primary work shed at the LHIB depot location with residual extent of the pavement wearing course to be resealed from the depot and extending to the carpark fronting government house as funds allow. Procurement will commence soon and engagement is expected prior to end of calendar year.

## **8. Excavator Procurement**

The LHIB excavator has been tagged out for some time now due to safety concerns and inoperability. A replacement excavator is being procured using intergovernmental services and initial discussions have been had with the procurement supplier around specifications and timeframes. This machine is a critical piece of LHIB mobile plant being able to provide functionality for works but also capable in emergency situations such as towing and recovery



at other service offerings such as the aerodrome. A number of upcoming projects will require the use of an excavator for delivery so its timely procurement is necessary. Alternate operational plans are in place to utilise local resources in the interim.

## 9. Asset Management Consultancy Services – Electricity Generation and Distribution

During August a team of consultants commenced a body of works relating to asset management for our electrical generation and distribution system. This has included generation of an initial asset register as well and risk management exercise to understand LHIB exposures in providing this service. Additionally asset management plans have begun to be created that will detail ongoing management of the asset and help LHIB plan future TOTEX works optimising the provision of this asset as a service to the Lord Howe Island Community. On completion of the body of work a review of resourcing this service provision will be undertaken.

## 10. WMF Engineering Investigations

To meet the requirements of its EPA licence a Pollution reduction condition was specified that an Engineering Benchmark & Design Report be completed. The need for this design report was put towards the Board in the December board meeting (4ii), and funding secured through Regional NSW. A Project management consultant is managing this project and has been contracted to manage the engagement of sub consultants to produce this report. A preferred sub-consultant has been chosen to conduct the report and are due to visit to the island on the 27th September. The final report is to be completed by the end of October. The deadline for the report submission to the EPA is the end of October.

## Attachments

Attachment	Title
Nil	

## Approval and contact

<b>Approver</b>	<b>Position</b>
Suzie Christensen	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Ben Jenkins	Senior Manager, Infrastructure and Engineering Services

# CEO BOARD REPORT

## ENVIRONMENT AND COMMUNITY SERVICES

### OPEN SESSION

#### Item

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This report is a brief summary of ECS activities and issues covering the period May to September 2022.

#### Core Service Streams

1. Biodiversity Management
2. Biosecurity
3. Weed Management
4. Threatened Plants
5. Visitor Infrastructure
6. Marine Management / Moorings
7. Environmental Assessment
8. Land Administration
9. Development Assessment and Land Use Planning

#### Major Projects, Major Maintenance Items and Procurements

1. Biosecurity (see separate paper xx)

#### Summary of Activities and Issues

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##### 1. Biodiversity Management

Ten songmeter sites were visited at various locations across LHI in July 2022. No Masked Owl calls were detected on any of the songmeters. This does not mean that there are no Masked Owls on Lord Howe Island. Owls must call in the vicinity of the unit for a detectable call to be recorded. There are possibly undetected owls, and reports of sightings and calls suggest that at least one Masked Owl possibly still resides here. Ongoing monitoring of anecdotal reports is required. A Threatened Species license application to eradicate Masked Owls has been submitted.

##### 2. Biosecurity

###### New Zealand Hui and Detection Dog Reconnaissance

Biosecurity Officers Tim Solomon and Erin Mayo attended the NZ Conservation dogs conference (Hui), visited Guus Knopers – dog trainer, and NZ biosecurity facilities. Feedback from them has been that it was a very worthwhile experience seeing how other handlers and trainers work. It particularly gave them a significant boost in their own confidence, understanding that what they are doing is on par with what other dog handlers are doing, and that they are operating at a high level of proficiency. The next step is for Tim and Erin to receive trainer training with Steve Austin and to make a formal request to Guus to provide a quote for training and supplying dog(s) to our requirements and standards.

## **Dog Searches**

Dog Searches took place in July using teams from Tate Animals and Karen Andrew and Mica from New Zealand. Good coverage was achieved this time as per usual, including a run up Gower for Karen and Mica. No rodent detections occurred. In 2022 we have completed approximately 1300km of dog searching across the island to date. The next 6 weekly search began on the 2nd September.

The biosecurity team has been looking at sourcing further dog-search teams from the Australian mainland and have had some interest from Canines for Wildlife (Jack Nesbitt) who has been here in the past. As always, accommodation for contractors continues to be a pinch point for this activity. All other monitoring has taken place as per schedule with no known rodent detections.

## **Staffing**

Staffing and rostering has been difficult in the last month with staff leave and training however all flight and vessel monitoring checks were complete as scheduled.

## **Recruitment**

Recruitment is currently underway for an Administration officer and Biosecurity officers as temporary contracts end on 30<sup>th</sup> September 2022. These roles were budgeted for in the Biosecurity NPP.

## **Dogs**

Willow our newest biosecurity dog arrived on trial and has been causing a stir ever since. She is showing a lot of promise and will be ready to begin some more formal training soon. Zuma has still not recovered from his operation and is not on active duty. He will need to be assessed again by the Island vet in the next week. Kennel options at the captive management facility are being assessed for the short to medium term.

## **Qantas**

Biosecurity consultant Graeme Beech has making some good progress with Qantas management to achieve better exposure for LHI biosecurity through the Qantas website and booking process. Once in progress, engagement will increase with Eastern Airlines using the experience with Qantas as guidance.

## **3. Weed Management**

The LHI Weed Eradication Program (WEP) has reached year 18 – 19 of a projected 30 year program period.

The LHI Weed Eradication Program dashboard updates for this financial year include 1,400 hours of effort across 45 hectares, travelling 897 kilometres working with LHIB staff and contract labour. Weed contractors (mainland) worked alongside the local weed team throughout August to advance weed search and control.

Helicopter lance spray program was undertaken between 12 - 18th August 2022 working 33.2 hours removed 858 weed infestations (see Table 1).

Weeds controlled over the past two months (see Table 2).

Table 1: Heli-lance Spray Weeds Control Aug 22

Weed Species	Tally Removed
African Box Thorn	20
Bitou Bush	269
Bridal Creeper	14
Cherry Guava	52
Ground Asparagus	468
Ochna	35
<b>Total</b>	<b>858</b>

Weed Species	Seedlings	Juveniles	Yng- Maure	Pk - Mature	Regrowth	Total
Arum Lily	0	0	0	3	0	3
Black Locust	0	0	0	0	0	0
Blue Passionflower	0	0	0	0	32	32
Brazilian Buttercup	0	2	0	3	0	5
Bridal Creeper	114	286	86	71	4	561
Castor Oil Plant	3	6	0	1	0	10
Cherry Guava	101	222	20	5	14	362
Climbing Asparagus Fern	16	49	9	1	0	75
Common Thornapple	0	0	0	8	0	8
Cotoneaster	0	1	0	0	0	1
Cunjevoi	195	91	177	15	0	478
Flame Tree	0	4	1	1	1	7
Freckle Face	0	3	5	3	0	11
Ginger Lily	0	0	5	4	0	9
Ground Asparagus	239	360	42	9	0	650
Holly Fern	55	29	6	24	0	114
Madeira Vine	48	63	10	2	0	123
Mother-Of-Millions	0	1	0	0	0	1
Night Jasmine	0	31	7	0	1	39
Ochna	151	14	4	0	1	170
Palm Grass	1	1	0	7	0	9
Rose Apple	0	1	0	0	0	1
Silky Oak	0	0	0	0	0	0
Sweet Pittosporum	10	129	2	0	0	141
Umbrella Tree	2	8	3	0	0	13
Umbrella Tree (Dwarf)	3	6	11	5	0	25
White Cedar	2	6	2	1	0	11
<b>Grand Total</b>	<b>940</b>	<b>1313</b>	<b>390</b>	<b>163</b>	<b>53</b>	<b>2859</b>

#### 4. Threatened plants

Threatened plant recovery actions continue to be implemented according to the LHI Saving Our Species (SOS) program; now running a five-year contract period, with funding availability subject to yearly reporting.

### 5. Visitor Infrastructure

Walking tracks are being currently being cleared, in line with the walking track audit in preparation for the upcoming season.

A ropes safety audit is also taking place in conjunction with walking track clearing and priority rope works will be conducted.

A procurement process for repairing Goat House walking track has been completed. Over 60 helicopter lifts were conducted to move constructions equipment and tools to the Goat House Cave slip area.

### 6. Marine Management / Moorings

Mooring booking processes and how they tie in with Marine Parks and Police are being reviewed for consistency and efficiencies.

### 7. Environmental Assessment

Ecological assessments for all OC / DAs referred completed

Tree risk assessments completed.

### 8. Land Administration

See business papers.

### 9. Development Assessment and Land Use planning

See business papers

## Attachments

Attachment	Title
Nil	

## Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Darcelle Matassoni	Acting Senior Manager Environment and Community Services

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

---

Owner Consent approved under Delegated Authority status report.

#### Recommendations

---

1. **Note** the information provided in this report.

#### Current position

---

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.

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

OC	Applicant	Site	Proposal	Zone	Decision
2022.1	Julie Bretnall & Emma Crombie	Portion 154, LHI 115	Addition of laundry/office/studio and new lounge area. Internal change of existing rooms.	Zone 2 Settlement	Approved 19/05/2022 together with DA2022.1 subject to 13 conditions.
2022.2	Lisa Makiiti & Rod Oxley	Lot: 1 DP: 1174920, Lot: 10 DP: 1274979, Lot: 11 DP: 1274979	Addition of covered deck to dining area of residence	Zone 2 Settlement	Approved 20/05/2022 together with DA2022.2 subject to 7 conditions
2022.3	Pauline Skeggs	Lot: 2 DP: 1245352	30sqm (internal) timber-framed extension to an existing timber-framed flat which is attached to the main dwelling. The proposed extension includes a new master bedroom, walk-in-wardrobe and extension of the existing covered deck.	Zone 2 Settlement	Approved 30/06/2022 together with DA2022.3 subject to 11 conditions

## Attachments

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Attachment	Title
Nil	

## Approval and contact

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Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Lynda Shick	Land and Property Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

---

Development Application approved under Delegated Authority status report.

#### Recommendations

---

1. **Note** the information provided in this report.

#### Current position

---

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).
- 4.

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
DA2022.1	Julie Bretnall & Emma Crombie	Portion 154, LHI 115	Addition of laundry/office/studio and new lounge area. Internal change of existing rooms.	Zone 2 Settlement	Approved 19/05/2022 subject to 13 conditions.
2022.2	Lisa Makiiti & Rod Oxley	Lot: 1 DP: 1174920, Lot: 10 DP: 1274979, Lot: 11 DP: 1274979	Addition of covered deck to dining area of residence	Zone 2 Settlement	Approved 20/05/2022 subject to 7 conditions



2022.3	Pauline Skeggs	Lot: 2 DP: 1245352	30sqm (internal) timber-framed extension to an existing timber-framed flat which is attached to the main dwelling. The proposed extension includes a new master bedroom, walk-in-wardrobe and extension of the existing covered deck.	Zone 2 Settlement	Approved 30/06/2022 subject to 11 conditions
2021.6.2 (MDC)	Jessica Owens	Lot: 21 DP: 1169260, Por: 183 PLN: 134	New Tourist Accommodation - Building classification change from Class 3 to Class 1B	Zone 2 Settlement	Approved 4/7/2022 subject to existing 16 conditions of approval, with one (1) modified/new condition.

## Attachments

Attachment	Title
Nil	

## Approval and contact

<b>Approver</b>	<b>Position</b>
Suzie Christensen	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Lynda Shick	Land and Property Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

## Planning Assessment Report

### 1 Item

**OC&DA2022.05** – Proposed 2 x Unit Staff Accommodation, Lot 254 DP 48282, No. 1 Neds Beach Road, Lord Howe Island.

### 2 Summary Assessment Report

<b>Assessment Officer</b>	Peter Chapman (AAP Consultant Planner)
<b>Address/Property Description</b>	Lot 254 DP 48282, No. 1 Neds Beach Road, Lord Howe Island
<b>Proposal</b>	Proposed 2 x unit staff accommodation
<b>DA No</b>	DA2022.05
<b>Applicant</b>	Stephen & Grace Krick
<b>Owner Consent Granted</b>	OC2022.05 submitted and assessed concurrently with DA
<b>Estimated Cost of Development</b>	\$300,000.00
<b>Site Inspection</b>	Site inspections have been undertaken by Board officers
<b>Zone</b>	Zone 2 Settlement. The proposed development is permissible with consent from the LHI Board.
<b>Significant Native Vegetation Map</b>	Part of the lot contains mapped Significant Native Vegetation (SNV). The proposed staff accommodation is within a mapped SNV area but is located within an existing clearing.
<b>Notification</b>	The DA was placed on public exhibition from 27 April 2022 to 11 May 2022 .
<b>Submissions Received</b>	The LHIB has advised no submissions were received.
<b>Recommendation</b>	<p>a) That OC2022.05 for a Proposed 2 x Unit Staff Accommodation on Lot 254 DP 48282, No. 1 Neds Beach Road, Lord Howe Island be approved.</p> <p>b) That DA2022.05 for a Proposed 2 X Unit Staff Accommodation on Lot 254 DP 48282, No. 1 Neds Beach Road, Lord Howe Island be approved subject to the application of the conditions listed in the report.</p>
<b>Additional Recommendation (LHIB)</b>	a) That a review into staff accommodation take place to understand requirement and capacity for increased staffing on the island prior to further staff accommodation approvals.

### **3 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:

- The value of the development must not exceed \$2,000,000
- 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.
- The owner's consent must not relate to a proposed development application for the subdivision of land.
- The OC must not relate to the creation of new residential dwellings.

#### Development Application Delegations

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

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

The subject OC and DA exceed the above CEO delegations in relation to the value of the proposed work. Hence the OC and DA are referred to the LHIB for determination (rather than under the delegations of the CEO).

### **4 Site Description**

The site is identified as Lot 254 DP 48282, No. 1 Neds Beach Road, Lord Howe Island. As illustrated in figure 1 (following) Lot 254 has an irregular shape containing an existing private detached dwelling and 2 x attached tourist accommodation units (operated as Admiralty Apartments), an associated detached garage, water tanks and onsite wastewater disposal system.

Access to Lot 254 and the above structures is off Cemetery/ Anderson Roads via an established driveway.

Lot 254 has a site area of 5,804m<sup>2</sup> and a northern frontage of 67m to an unformed part of the Neds Beach crown reserve. It does not have a direct frontage to Cemetery/ Anderson Roads.

The subject site is adjoined by LHIB land to the west (LHI Cemetery), north (Ned's Beach crown reserve), and north east. To the east and south east is an unformed road reserve with private properties opposite this.

As is illustrated in figure 2 below, the site is zoned 2 Settlement under the LHI LEP 2010, and most of the site is mapped SNV with existing clearings for the existing dwelling, driveway/ manoeuvring areas, garage etc. The indicated location for the proposed 2 x staff accommodation units is within a mapped SNV area however the LHIB's Manager Environment World Heritage, is satisfied that it is within an existing clearing that does not contain SNV vegetation (ref section 5 – Referrals for more details).

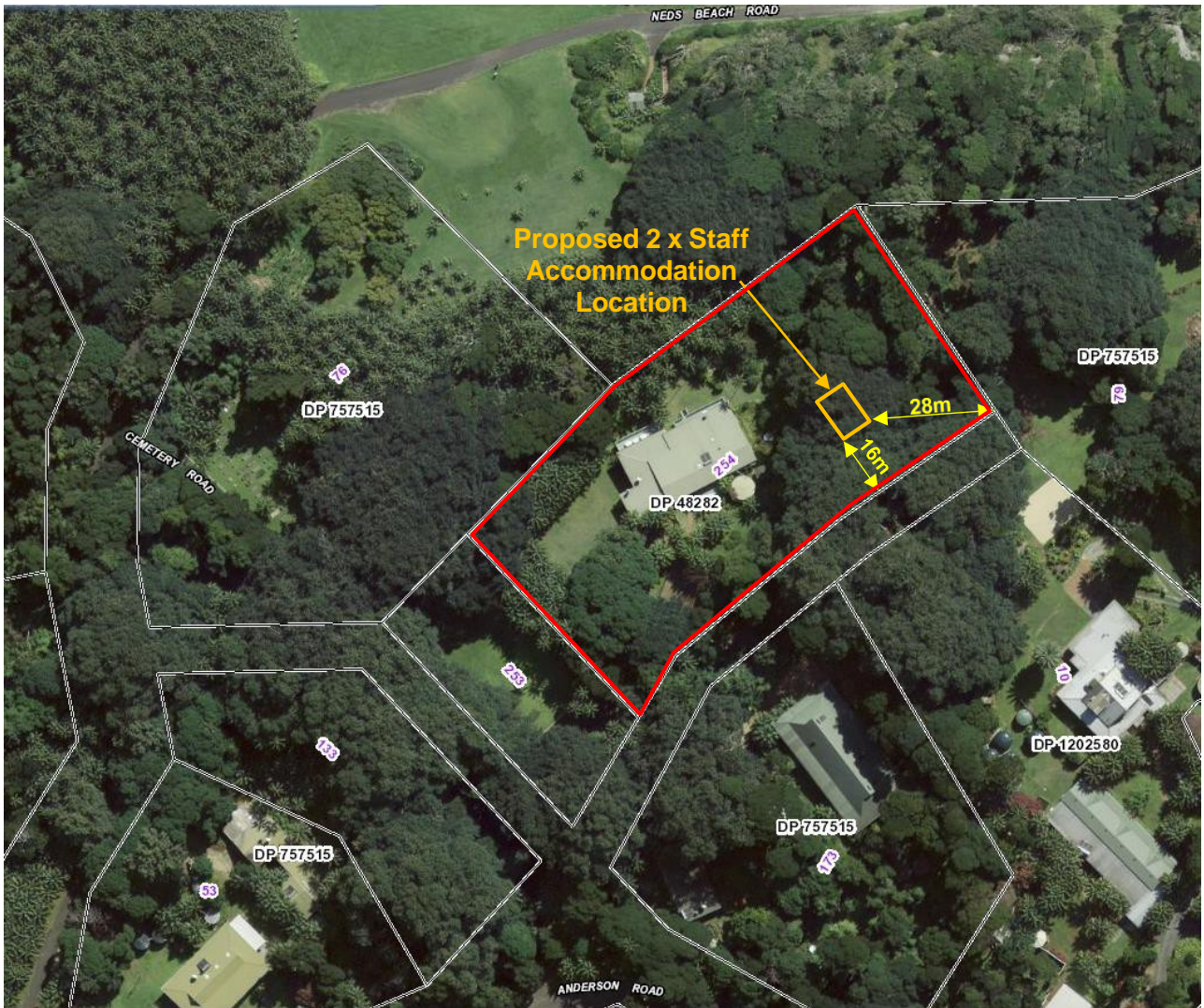
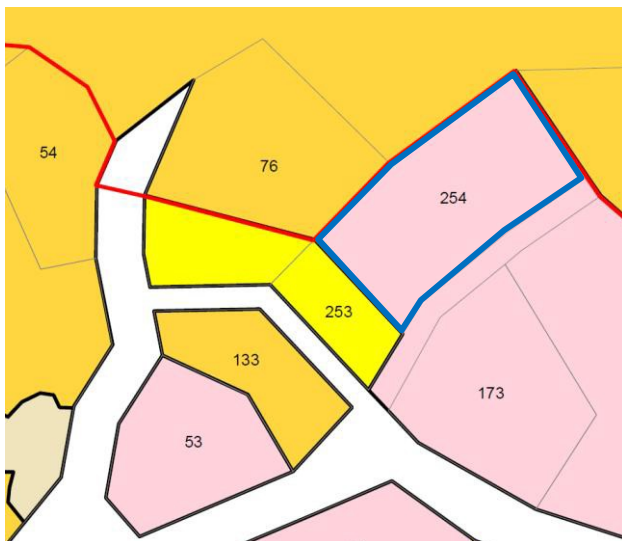
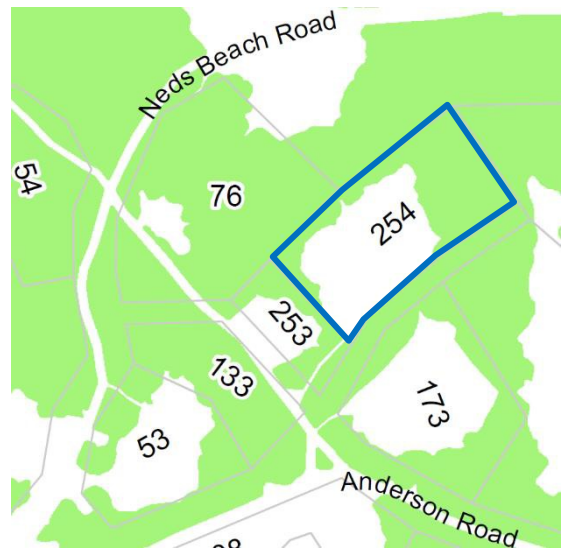


Figure 1: Subject site layout with staff accommodation location highlighted



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.

Figure 2: LHI LEP Mapping Extracts

### Development History

The existing 2 x tourist accommodation units attached to the private dwelling onsite were approved under DA 2016.25 as “Conversion of conference facilities/restaurant to two tourist accommodation units and installation of solar panels and wastewater management system” This DA was approved in 2016 and the accommodation is operated currently as Admiralty Apartments. Figure 3 (following) is an extract from the approved plans for DA2016.25 to indicate the current layout of the subject site.

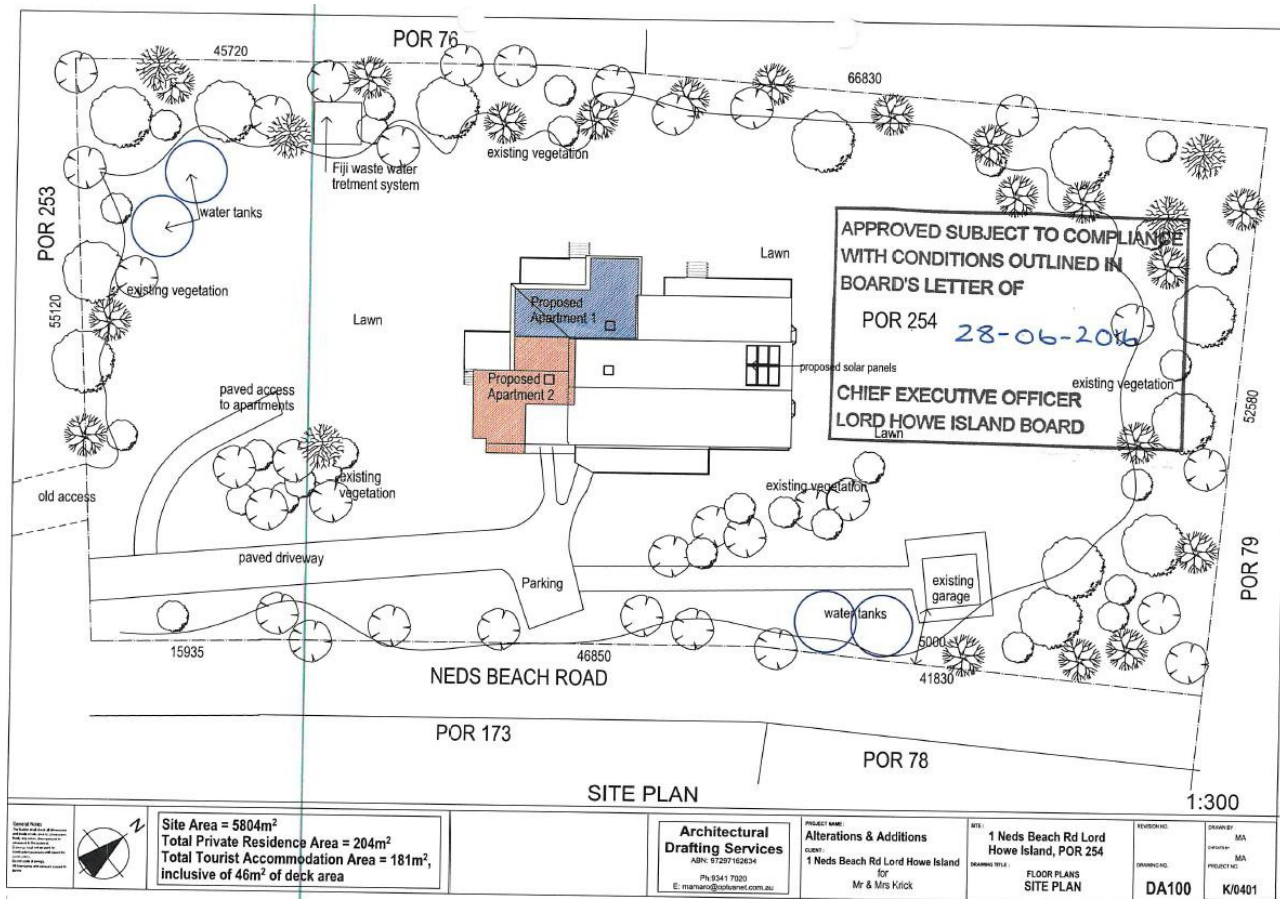


Figure 3: Approved DA2016.25 Site Plan with (now existing) 2 x tourist accommodation units attached to the private dwelling highlighted

### 5 Proposed Development

The proposed development is for the construction of a detached 2 x unit staff accommodation building. The accommodation is to be in the form of 2 x (adjoining attached) staff accommodation units to be constructed in an existing clearing within mapped SNV on the site.

As detailed on the submitted plan extracts (ref following pages) the proposal is to have overall dimensions of 8.3m x 11.5m with an area of 95.45m<sup>2</sup>. It will be of timber (piered) floor, timber framed, colorbond corrugated external cladding, aluminium framed windows and doors construction, be single storey in height with double skillion colorbond roof lines.

The floor plan details two adjoining mirrored (fire separated) staff accommodation studio units each with a bedroom, living/ dining areas, & 1 bathroom. Off the living/ dining areas is

a private covered deck for each unit with a communal/ shared kitchen in between (including a laundry cupboard).

As mentioned above, the 2 x staff accommodation units are proposed within an existing vegetation clearing setback off the southern side boundary of the subject site a distance of 16m and off the rear eastern site corner a distance of 28m (as confirmed by the LHIB surveyor).

As can be seen in the aerial photo of the site (ref figure 1), the existing surrounding vegetation will effectively screen the proposed staff accommodation from the adjoining properties and the unformed road reserve.

The site also includes an existing FujiClean Wastewater Treatment System (ref internal referral comments in section 6).

If the subject application is approved as recommended, a condition should be applied to ensure that the development is only used for staff accommodation as per the submitted details and plans.

Plans including a site location plan, floor plan and elevations have been submitted, as extracted on the following report pages.

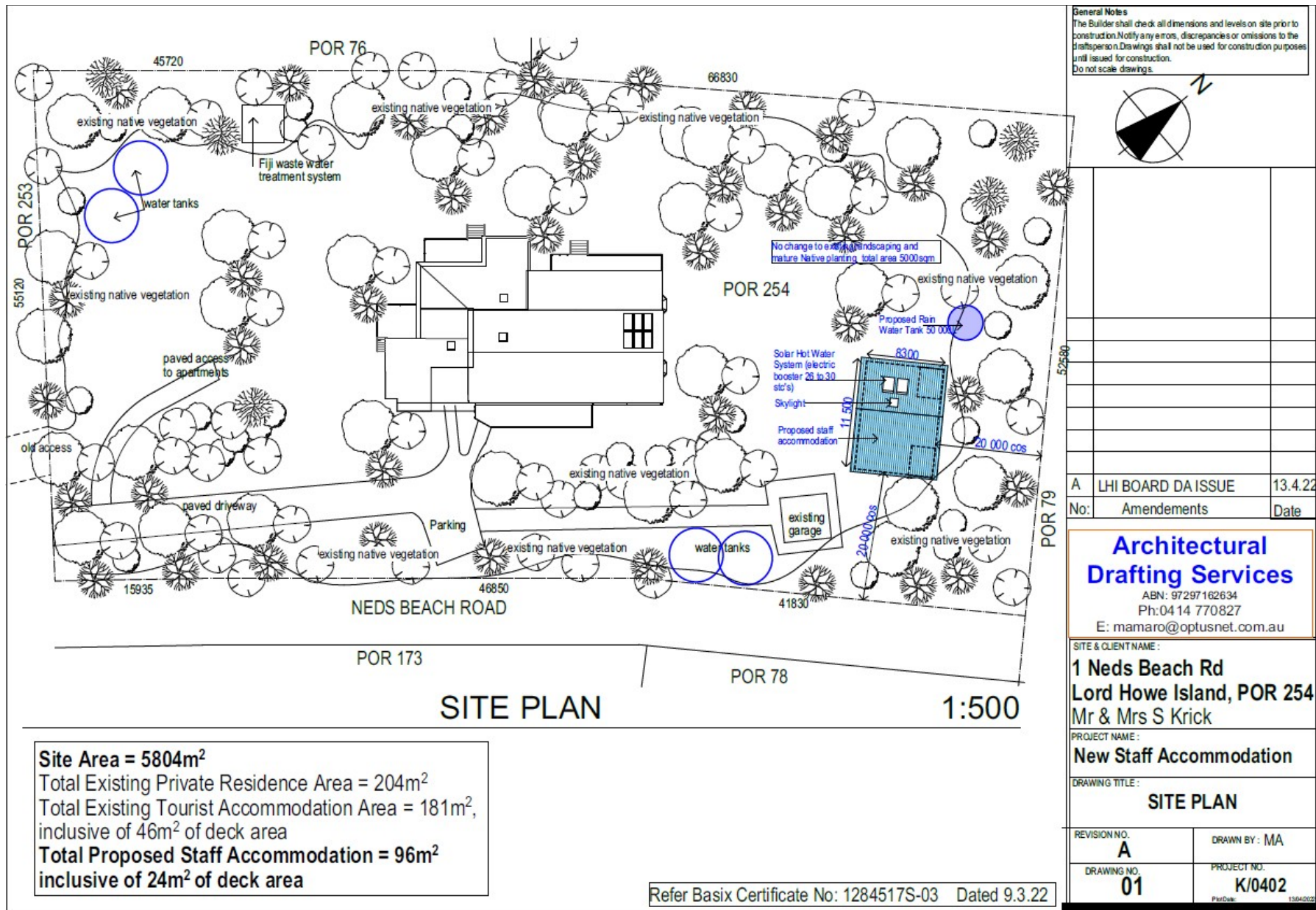


Figure 4: Submitted site layout plan

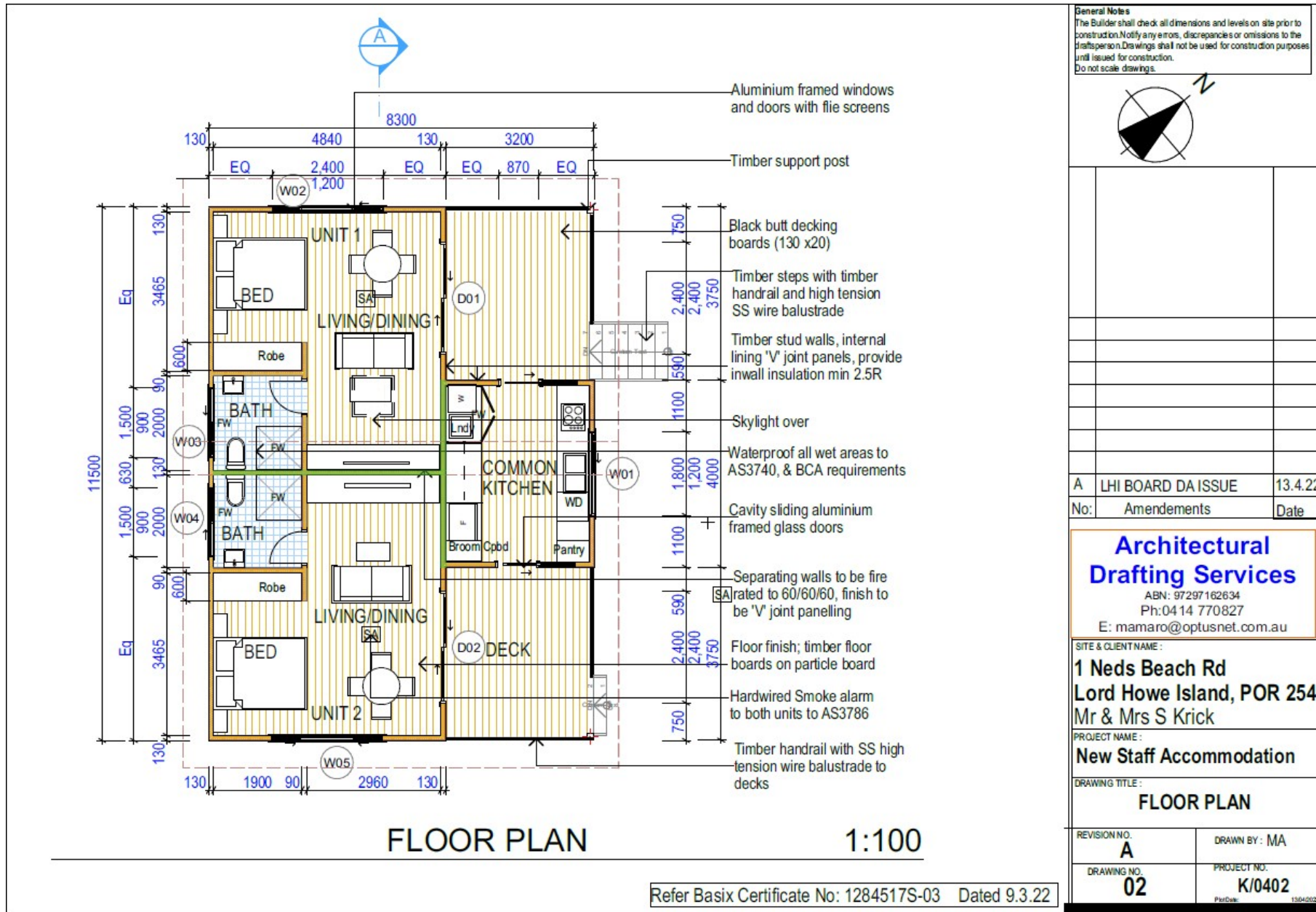
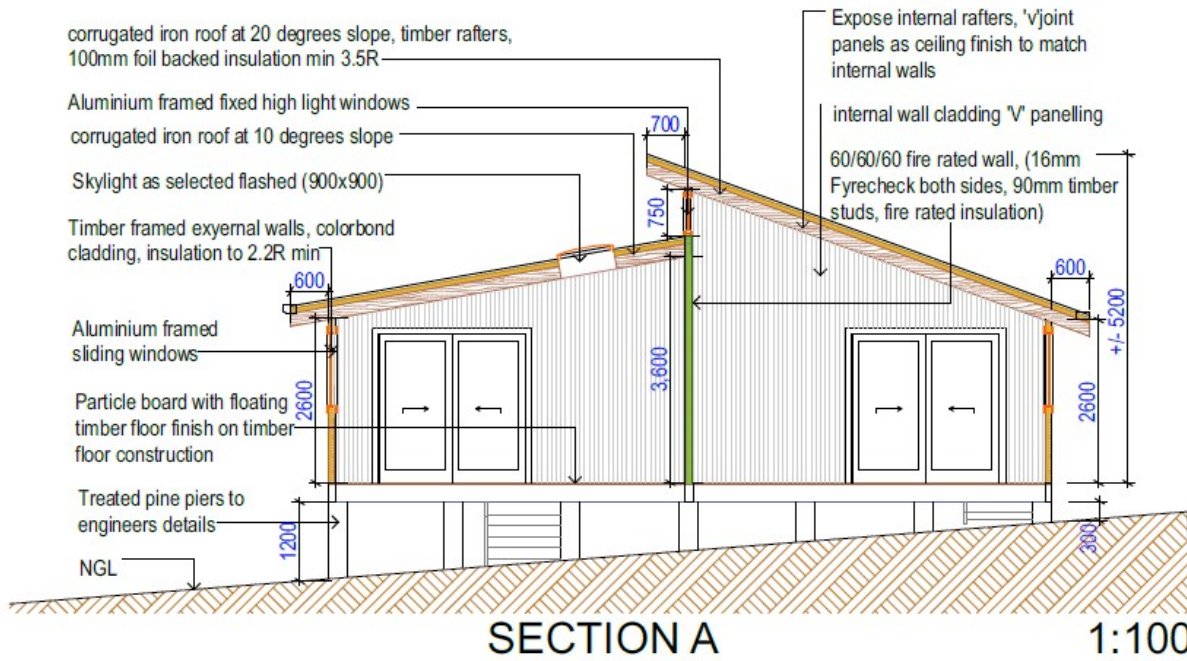


Figure 5: Submitted floor plans





**General Notes**  
 The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the drafts person. Drawings shall not be used for construction purposes until issued for construction.  
 Do not scale drawings.



A	LHI BOARD DA ISSUE	13.4.22
No:	Amendments	Date

**Architectural Drafting Services**  
 ABN: 97297162634  
 Ph: 0414 770827  
 E: mamaro@optusnet.com.au

SITE & CLIENT NAME:  
**1 Neds Beach Rd**  
**Lord Howe Island, POR 254**  
**Mr & Mrs S Krick**

PROJECT NAME:  
**New Staff Accommodation**

DRAWING TITLE:  
**SECTION**

REVISION NO. **A** DRAWN BY: MA

DRAWING NO. **03** PROJECT NO. **K/0402**

Refer Basix Certificate No: 1284517S-03 Dated 9.3.22

Figure 6: Submitted cross section plan

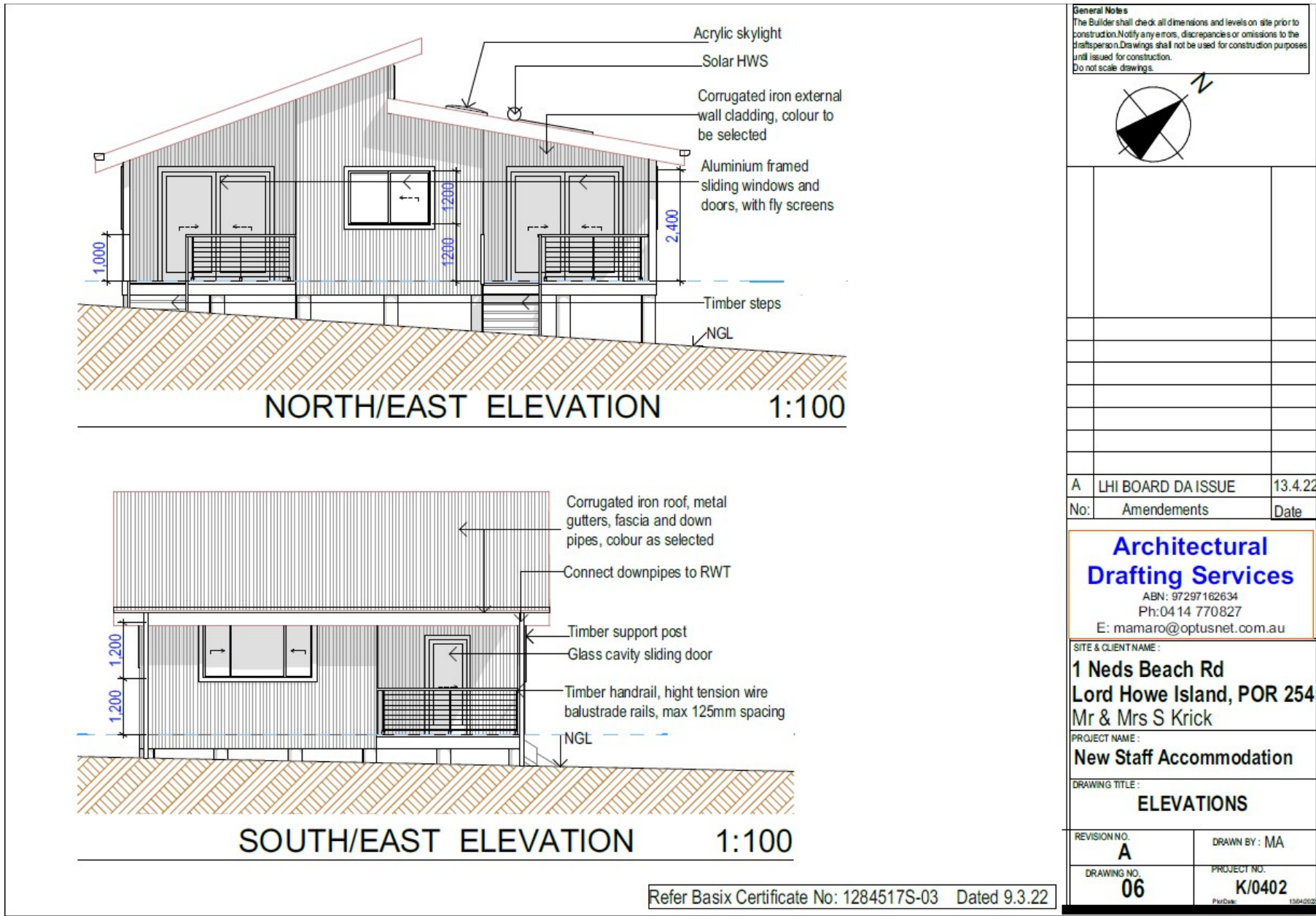


Figure 7: Submitted part elevation plans

## 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><b>Comment</b></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 a new staff accommodation unit will not result in the removal of any native vegetation or habitat for threatened species.</p> <p>Subsequently, the proposal will not result in the removal of any mapped Significant Native Vegetation (SNV).</p> <p>There is native vegetation in the Study area which is mapped by Sherringham <i>et al</i> 2016 as community 12a Kentia Palm on coral sand and calcarenite, 12b Banyan – Kentia Palm forest on coral sand and calcarenite, 17a – Greybark – Blackbutt rainforest and Ep – Environmental planting. The vegetation at the Subject site is mapped by Pickard (1983) as vegetation association DaCt <i>Drypetes Australasia – Cryptocarya triplinervis</i> and Hf <i>Howea forsteriana</i>. The Sherringham <i>et al</i> 2016 mapping is considered accurate.</p> <p>There is no native vegetation identified for removal for this proposal as the extension is located wholly on cleared land supporting mown lawns and established gardens.</p> <p>The subject site provides known or potential habitat for at least 9 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>Hypotaenidae sylvestris</i>, Black winged Petrel <i>Pterodroma nigripennis</i>, Flesh-footed Shearwater (FFSW) <i>Ardenna carneipes</i>, White Tern <i>Gygis alba</i> and LHI Placostylus <i>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</p>	Noted and recommended accordingly

Woodhen will forage and roost around dwellings and associated infrastructure. However, the core habitat resources for all these species is dense native vegetation.

The FFSW, Black-winged Petrel and White Tern are known to nest in proximity of the proposal from between September to May each year. FFSW are known to nest in the Study Area, where they favour vegetated land on calcarenite soils to excavate their nesting burrows amongst tree roots, fallen logs and exposed or shallow rocky outcrops.

A 5 part test of significance for FFSW has not submitted as part of this DA. A site inspection conducted on 9<sup>th</sup> June 2022 by the MEWH, who assessed the suitability of the Subject site to support nesting habitat for FFSW and concluded that the substrate below the proposed building is suitable as nesting habitat for this species. To reduce risk of impacts to nesting FFSW footings must be built outside of the nesting season for FFSW, which is from early May till late September. In order to reduce negative interactions with FFSW and infrastructure there must be wire pegged to the ground surface to prevent FFSW from excavating burrows under the dwelling and impacting footings. This wire must be installed outside of the nesting season for FFSW, which is from early May till late September. This will reduce negative interactions between humans and wildlife by preventing FFSW from excavating nest burrows and undermining footings. This will also push any potential nesting birds to other suitable nesting habitats.

Black-winged Petrel nesting colonies favour areas with low bushes near to steep cliffs and are generally distant from nesting colonies of FFSW, due to being excluded from their burrows by the larger and more aggressive FFSW. They generally do not nest in open sites and are therefore not considered in a 5 part test of significance. White Terns nest on the horizontal branches of trees, which although are present at the Study area, will not be impacted by the proposal and have therefore not been considered in a 5 part test of significance.

Landscaping works to be conducted as part of the development should focus on expanding areas of native vegetation utilising native plant species that will enhance FFSW nesting habitat.

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 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 and placed where they will be sheltered from predation by Woodhen or Currawongs.

The Subject site includes areas mapped as modeled High Quality Habitat (A) for LHI Placostylus. This mapping is considered accurate where there is intact native vegetation. The LHI Placostylus favours forested habitats on calcarenite soils with a dense shaded canopy, continuity with large areas of vegetation and a thick moist leaf layer in which they can burrow during dry times. This habitat is present at the Study area, although is mostly restricted to bushland areas and does not include any areas to be impacted by this proposal (which comprises mown lawn and established gardens).

The proposal will not require removal of any significant native vegetation as it is within land that is already cleared, comprising open lawn and established gardens.

A 5 Part Test of significance was not submitted with the DA as the proposal is located within an area supporting mown lawn and surrounded by established gardens. An assessment of the potential impact on nesting habitat for FFSW and other threatened species by the MEWH concluded 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.

#### **Recommendations**

That the development be approved subject to.

- To avoid impacts to the nesting habitat of FFSW all construction works for footings and installation of ground wire netting must be conducted outside of the nesting season for FFSW (i.e. to undertake works from between 15 May – 30 September).
- Landscaping works to be conducted as part of the development should focus on expanding areas of native vegetation utilising native plant species that will enhance FFSW nesting habitat.
- 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><b>Building Class: 3</b></p> <p><b>Construction Certificate</b></p> <p>If the proposed development is approved the applicant must appoint a Principal Certifying Authority (PCA) and apply for a Construction Certificate for the proposed works via the NSW Planning Portal. No works can commence until a valid Construction Certificate for the works has been issued.</p> <ul style="list-style-type: none"> <li>○ An application for a Construction Certificate requires lodgement of certified structural engineering plans for the works.</li> <li>○ An application for a Construction Certificate will require lodgement of evidence of payment of a Long Service Levy as per section 34 of the Building and Construction Industry Long Service Payments Act 1986.</li> <li>○ The PCA will ensure all necessary approvals are in place, conduct mandatory inspections of the works as required and issue the Occupation Certificate certifying that the Staff Accommodation is suitable for occupancy as a Class 3 building.</li> <li>○ Prior to the issuing of an Occupation Certificate the applicant is to ensure compliance with any/all conditions imposed by the Board as part of the Development Application / Construction Certificate approval process.</li> </ul> <p><b>Fire Safety</b></p> <p>The applicant is to ensure that fire detection and early warning devices, such as smoke detectors, are installed in the staff accommodation so that occupants may evacuate, in the event of fire, to a place of safety. The placement of early warning devices is to be in accordance with AS3786.</p> <p><b>Wastewater</b></p> <p>The wastewater treatment system servicing the existing house and flats, a FujiClean CE1500EX, is compliant with the LHI Onsite Wastewater Management Strategy 2015 – see DA2016.25.</p> <p>The proposed staff accommodation will add an additional 360lt to the current hydraulic load for the wastewater treatment system.</p> <p>Based on soil type, site vegetation and system nutrient reduction capabilities the current effluent land application area will require an increase of 145m<sup>2</sup> to accommodate the additional 360lt hydraulic load.</p> <p>Once the additional effluent land application area installation has been completed the applicant must book a Commissioning Inspection to ensure compliance with all DA conditions.</p> <p><b>Water</b></p> <p>The applicant is to ensure all stormwater from the new roof structure is diverted to a rainwater tank(s) as outlined in the application. The rainwater disposal is to be shown on the Construction Certificate Plans</p> <p>All waterproofing of wet areas, such as bathrooms and laundry, is to be certified by an appropriate person. The certification must be provided to the PCA before any Occupation Certificate for the building can be issued.</p>	<p>Noted and recommended accordingly</p>
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	<p>All plumbing work, including the connections to the wastewater system, is to be undertaken by a licensed plumber.</p> <p><b>Waste Management</b></p> <p>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.</p> <p>Waste disposal fees will be charged in accordance with the Lord Howe Island Board's schedule of fees and charges.</p> <p>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><b>Construction and Occupancy</b></p> <p>No excavation to be carried out until the site is inspected by the LHIB Senior Electrical Officer, i.e. 'dial before you dig'.</p> <p>All construction is to be carried out and completed in accordance with the National Construction Code (NCC)/Building Code of Australia (BCA).</p> <p>All electrical work must be carried out by a licensed electrician and an Electrical Compliance Certificate issued. The certification must be provided to the PCA and the Board before any Occupancy Certificate for the building can be issued.</p> <p>The applicant is to ensure all Basix commitments are adhered to.</p> <p>All works are to be undertaken in accordance with approved Construction Certificate documentation.</p> <p>The applicant is to ensure that all Mandatory/Critical Stage Inspections as outlined in the Construction Certificate are undertaken.</p> <p>Prior to the issuing of an Occupancy Certificate the applicant is to ensure compliance with any/all conditions imposed by the Board as part of the Development Application process.</p>	
<p>Surveyor (Gary Millman)</p>	<p>The proposed staff accommodation building has been staked as per the DA plans at 11.5x8.3m. The eastern corner is approx. 28m from the boundary with POR 79 and the southern corner is approx.16m from the road boundary (road unformed). These are the closest corners to the side boundaries.</p>	<p>Noted</p>
<p>John Ward Disability Access Consultant (Morris Goding Access Consulting)</p>	<p>Arising out of the above mentioned internal building comments an additional information request was made to the applicants for an accessibility report from a qualified and experienced consultant and if required amended plans to reflect same.</p> <p>The following is the main body of the advice submitted:</p> <p><i>Access Issue</i></p> <p>It its current form the proposal does not address many of the aforementioned accessibility requirements. However, from the information presented to MGAC, there is an argument for exemption to access based on the particular purpose of the structure and the occupant profile.</p> <p><i>Occupant Profile</i></p> <p>The proposed building will provide accommodation for staff working at the adjacent Admiralty Apartments tourist accommodation, and their duties will include:</p> <ul style="list-style-type: none"> <li>- Grounds and building maintenance including lawn mowing,</li> </ul>	<p>Noted</p>

	<p>garden care, raking, leaf blowing, cleaning of gutters and rubbish removal.</p> <ul style="list-style-type: none"> <li>- Servicing of both apartments daily, full clean of both apartments on changeover of guests which includes full interior, window, screens, decks.</li> <li>- Car cleaning and laundry duties.</li> </ul> <p>The proposed building will also provide accommodation for staff working at the Airport Kiosk, and their duties will include:</p> <ul style="list-style-type: none"> <li>- General café work conditions i.e. Barista, food preparation, customer service, general cleaning of kiosk.</li> <li>- Other duties include receipt of stock deliveries and rubbish removal.</li> </ul> <p>The physically demanding nature of the above duties would preclude wheelchair users. Staff would also require good visual and aural acuity to complete these duties for workplace health and safety reasons.</p> <p><i>Exemption</i> Due to the aforementioned occupant characteristics of persons who will reside in the accommodation MGAC consider that the entire staff accommodation structure should attract an exemption to access. The BCA and DDA Premises Standards both consider exemptions to access as follows:</p> <p><i>D3.4 Exemptions</i> <i>The following areas are not required to be accessible:</i></p> <ul style="list-style-type: none"> <li>(a) An area where access would be inappropriate because of the particular purpose for which the area is used.</li> <li>(b) An area that would pose a health or safety risk for people with a disability.</li> <li>(c) Any path of travel providing access only to an area exempted by (a) or (b).</li> </ul> <p>It is clear that due to the “particular purpose” of the premises that access within is not critical and a D3.4(a) exemption is warranted. Furthermore any paths of travel to the premises do not require access and a D3.4(c) exemption is warranted.</p> <p><i>Conclusion</i> Given:</p> <ul style="list-style-type: none"> <li>- The purpose of the premises as staff accommodation</li> <li>- The work duties of staff precluding wheelchair users and others with disability</li> <li>- The concept of access exemption under BCA and Premises Standards D3.4</li> </ul> <p>MGAC consider that the indicative design of the premises, and the limitations to access are appropriate and reasonable under the circumstances.</p>	
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## 7 Planning Assessment

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



## 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 for the Environment (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 Agriculture, Water and the Environment, 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.

The proposed development has been reviewed and assessed for its ecological impacts by the LHIB's Environment World Heritage (ref section 5 of this report). This specialist assessment found that "A 5 Part Test of significance was not submitted with the DA as the proposal is located within an area supporting mown lawn and surrounded by established gardens. An assessment of the potential impact on nesting habitat for FFSW and other threatened species by the MEWH concluded 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". The stated recommendations include a requirement that "all construction works for footings and installation of ground wire netting must be conducted outside of the nesting season for FFSW (Flesh Footed Shear Waters) (i.e. to undertake works from between 15 May – 30 September)."

The according ecological recommendations have been included in the recommendation of this report.

### 7.2.2 NSW Heritage Act 1977

The main objective of the Heritage Act 1977 (Heritage Act) is to encourage the conservation of the heritage of NSW. Pursuant to Section 4.45 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 LEP 2010. As the subject site does not include a heritage item listed under the LHI LEP 2013, the applications were not required to be referred to NSW Heritage as the Ministerial Heritage Exemption could be relied upon.

## 7.3 Local Statutory Plans and Policies

### 7.3.1 Lord Howe Island Local Environmental Plan 2010 (LEP 2010)

The 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		Complies Y/N	Comment
<b>Part 1 Preliminary</b>			
2	Commencement and Aims of Plan	Y	Each of the aims of the LEP 2010 have been considered in the assessment of this application. As assessed and recommended the proposed work can be undertaken with minimal negative environmental impact and/or disturbance to protected flora and fauna native to the Island.

3	Land to which plan applies	Y	The LEP 2010 applies to the subject site which is part of Lord Howe Island, as defined in Section 3 of the Lord Howe Island Act 1953.
6	Who is the consent authority for this Plan?	Y	The Lord Howe Island Board (LHIB) is the relevant consent authority.
7	Maps	Y	Noted.
9	Exempt Development	N/A	The proposed works are not listed as Exempt Development within Schedule 1 of the LEP.
11	Matters that must be satisfied before development consent granted	Y	All relevant matters contained within Clause 11 are satisfied – refer to the Clause 11 assessment following.
<b>Part 2 General Provisions applying in particular zones</b>			
12	Land Use Zones	Y	The land is zoned Zone 2 Settlement.
14	Zone 2 Settlement	Y	The subject DA complies with the LEP zone objectives and is permissible with the consent of the LHIB.
<b>Part 3 Special Provisions</b>			
<b>Division 1 Provisions for particular kinds of development</b>			
22	Tourist accommodation, staff accommodation and commercial premises	Y	<p>Cl. 22(1a) of the 2010 LEP requires that the total area of the allotment occupied by any building comprising, or ancillary to, tourist accommodation, staff accommodation or commercial premises 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.</p> <p>This equates to the following existing calculations for the subject site:  <math>5,804\text{m}^2 - 3,000\text{m}^2</math> (min. dwell area) = <math>2,804\text{m}^2 \times 15\% =</math>  <b><math>420.6\text{m}^2</math> Max Permissible Site Coverage.</b></p> <p>The proposed site coverage (as relevant to cl.22(1a)) is:  Existing Tourist Acc (excl private resid) = <math>181\text{m}^2</math>  Proposed Staff Accom = <math>96\text{m}^2</math>  <b>Total Site Coverage = <math>181\text{m}^2 + 96\text{m}^2 = 277\text{m}^2</math></b>  (&lt; than the <b><math>420.6\text{m}^2</math></b> max. thus complying with the LEP)</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.</p> <p>The applicants have submitted a satisfactory business need for the proposed new staff accommodation referencing their 2 separate businesses on the Island.</p> <p>The development will comply with subclause 3 of cl. 22 that requires staff accommodation associated with tourist accommodation to be located on the same lease as the tourist accommodation.</p>
29	Maximum height of buildings: 7.5m	Y	The existing and proposed development has a height of 6.3m as shown on the proposed development plans. This is below the LEP specified maximum of 7.5m.

<b>Division 2 Provisions that apply to particular land</b>			
32 (2)	Setbacks of buildings in Zone 1, 2 or 5:  - 10m to a road frontage and - 5m all other boundaries	Y	The proposed 2 x unit staff accommodation is proposed within an existing vegetation clearing and is to be setback off the southern side boundary of the site a distance of 16m and off the rear eastern site corner a distance of 28m (as confirmed by the LHIB surveyor). Thus complying with the LEP requirements.
33	Landscaping to be carried out in Zone 2	Y	As outlined elsewhere in this report, the proposed development will be well screened by the established vegetation on the site and surrounding it. Therefore, it has been comfortably established that the development will not have a significant adverse impact on the existing landscaped character and dispersed pattern of housing in the zone.
34	Land adjoining Zone 7 or 8	N/A	No part of the subject development works are proposed within 10m of the common site boundaries with adjoining land zoned 7 Environment Protection or 8 PPP.
38, 39, 40	Development Affecting Heritage Items	Y	Refer to discussion provided earlier in section 6.2.2 (NSW Heritage Act) regarding the Heritage Act.  In regard to clause 40 of the LEP, and heritage items in the vicinity of development, the LHI Cemetery, (Cemetery Road, part Portion 76) that partly adjoins the subject site to the west, is a listed heritage item in the LEP. The small scale nature of the development and its location at the rear of the site in an isolated location screened by established vegetation to adjoining properties, will ensure that heritage significance of the cemetery will not be affected.
<b>Division 4 Miscellaneous</b>			
41	What DA's are required to be advertised?	N/A	The subject DA was not required to be 'advertised' under the LEP. It was 'notified' for 2 weeks as per LHIB requirements 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 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:**

<b>CLAUSE 11 REQUIREMENT</b>	<b>COMPLIES Y/N</b>	<b>DISCUSSION</b>
<i>a) 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 approval in this report is consistent with the aims of the LHI LEP 2010 and objectives of Zone 2 Settlement.

<p>b) <i>There is an adequate area available for the disposal or treatment of any effluent treatment or disposal system and any such system will not have any adverse impact on groundwater quality,</i></p>	<p>Y</p>	<p>The proposed development being a new staff accommodation has been assessed within this report as being suitable for the site and environmentally appropriate with the implementation of various requirements in this case including the enlargement of the effluent land application area for the existing system as included in the attached recommendations.</p>
<p>c) <i>No part of the proposed development:</i></p> <ul style="list-style-type: none"> <li>i. <i>will result in any damage to, or removal of, significant native vegetation, or</i></li> <li>ii. <i>will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i></li> </ul>	<p>Y</p>	<p>As outlined elsewhere in this assessment report the proposed development will not result in detrimental impacts on native vegetation or animals.</p>
<p>d) <i>Access is, or will be, available to the site of the proposed development and the provision of any such access will not:</i></p> <ul style="list-style-type: none"> <li>i. <i>result in any damage to, or the removal of, significant native vegetation, or</i></li> <li>ii. <i>have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i></li> </ul>	<p>Y</p>	<p>No change to the current vehicle access arrangements for the site is proposed or required.</p>
<p>e) <i>Any proposed landscaping will provide various species of plants that are native to the Island and common in the locality to enhance any significant native vegetation,</i></p>	<p>N/A</p>	<p>No landscaping works are required or proposed in the subject application.</p>
<p>f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i></p>	<p>Y</p>	<p>The subject site is not identified as being affected by any identified hazard or land form limitation.</p>
<p>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></p>	<p>Y</p>	<p>There are no additional services required for the proposed development that requires financial outlay by the LHIB.</p>
<p>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</i></p>	<p>Y</p>	<p>The proposal will not result in a detrimental impact on the visual amenity of the subject site or the locality (ref earlier in this report sections 4 &amp; 5, and the discussion of clauses 32 and 33, LHI LEP 2010).</p>

<i>on the locality,</i>		
<i>i) The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	Due to the low single storey scale and area of the proposed work, along with the existing vegetation closely surrounding, there will not be any significant overshadowing of adjoining properties created.
<i>j) The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	Y	Refer to the assessment of the proposal under clause 32(2), (Setbacks), and 33 LHI LEP 2010.

### 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		Complies Y/N	Comment
<b>Part 1 Introduction</b>			
1.2	Plan Objectives	Y	The proposed works as assessed and recommended for approval are consistent with the Plan objectives.
1.4	Where does plan apply?	Y	This DCP applies to the subject site.
<b>Part 2 Design Principles</b>			
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.
2.4	Bulk and Scale	Y	The proposed staff accommodation will be consistent with the character, existing form and scale of the site.
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.
2.6	Building Materials & Colours	Y	The proposed works will be consistent with the existing buildings on the site.
2.7	Energy and water efficiency	Y	The proposed development will incorporate access to natural light and ventilation complying with the DCP. A BASIX Certificate accompanied the DA.
2.8	Landscaping design	Y	The proposed works will not have a detrimental impact on the established site landscaping.
2.9	Site access and parking	Y	Site parking and access will not change as a result of the proposed works

## 8 Environmental Effects

### 8.1 Environmental Planning and Assessment Act 1979

Under the provisions of Section 4.15 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 LEP 2010 has been undertaken (see Section 5.3.1) 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:* There are no draft Planning Instruments relevant to the application.
  - iii. Any development control plan  
*Comment:* An assessment of the proposal against the DCP 2005 has been undertaken in Section 5.3.2 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. (Repealed)
- 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 in this 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 any public road from the proposed development.
Public Domain, Visual and Streetscape	The proposed work will be in keeping with the established use of the site. In addition, the proposed built form will continue to be in keeping with the established form and character of the Island.
Ecological	The proposed development 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 under the LHI LEP 2010 as discussed and assessed in Section 7.2.2 of this report.

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 characteristics of the site and surrounds 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 arising from the development.
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 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 DA was placed on public exhibition from 27 April 2022 to 11 May 2022, with no submissions being received.

- e) the public interest

For the reasons outlined in the preceding assessment, it is considered that the proposed development with the recommended conditions of consent, will be in the public interest.

## 9 Conclusion

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

The application for a Proposed 2 x Unit Staff Accommodation has planning merit and is supported subject to the application of a number of conditions outlined in the following recommendation.

## 10 Recommendation (Conditional Approval)

- a) That OC2022.05 for a Proposed 2 x Unit Staff Accommodation on Lot 254 DP 48282, No. 1 Neds Beach Road, Lord Howe Island be approved.
- b) That DA2022.05 for a Proposed 2 x Unit Staff Accommodation on Lot 254 DP 48282, No. 1 Neds Beach Road, Lord Howe Island be approved subject to the application of the following conditions:

### 1. Approved Plans and Supporting Documentation

The development is to be carried out in accordance with the plans and documentation provided with DA2022.05 as listed below and endorsed with the Lord Howe Island Board's stamp, except where amended by other conditions of consent.

- a) Completed DA Form prepared by Stephen & Grace Krick, dated 30/03/2022.



- b) Statement of Environmental Effects in the DA Form prepared by Stephen & Grace Krick, (undated).
- c) The following plans submitted as part of the DA documentation:
  - Site Plan, Floor Plan, Section, Electrical Layout & Elevations, Dwg Nos. 01 to 06, Rev: A, Dated: 13/4/22, prepared by Architectural Drafting Services.
- d) BASIX Certificate No. 1284517S\_03, dated: 9 March 2022, prepared by Maria Amaro

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

## **2. Construction Certificate**

### **Building Class 3**

- a) the applicant must appoint a Principal Certifying Authority (PCA) and apply for a Construction Certificate for the proposed works via the NSW Planning Portal. No works can commence until a valid Construction Certificate for the works has been issued.
  - i. The Construction Certificate shall be accompanied by certified structural engineering plans for the works.
  - ii. The PCA will ensure all necessary approvals are in place, conduct mandatory inspections of the works as required and issue the Occupation Certificate certifying that the Staff Accommodation is suitable for occupancy as a Class 3 building.
- b) All construction work is to be carried out and completed in accordance with the National Construction Code (NCC) / Building Code of Australia (BCA).
- c) All waterproofing of wet areas, such as a bathroom, is to be carried out in accordance with the Building Code of Australia (BCA) and certified by an appropriate person. The certification must be provided to the PCA before any Occupancy Certificate for the building can be issued.
- d) The applicant is to ensure that the Construction Certificate Plans are the same as the approved Development Application Plans (as amended by these conditions of development consent).
- e) Prior to the issuing of a Construction Certificate the applicant is to provide evidence of payment of a Long Service Levy as per section 34 of the Building and Construction Industry Long Service Payments Act 1986.
- f) Prior to the issuing of an Occupancy Certificate the applicant is to ensure compliance with any/all conditions imposed by the Board as part of the Development Application / Construction Certificate approval process.

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

## **3. Ecology and Habitat**

- a) To avoid impacts to the nesting habitat of FFSW all construction works for footings and installation of ground wire netting must be conducted outside of the nesting season for FFSW (i.e. to undertake works from between 15 May – 30 September).
- b) Landscaping works to be conducted as part of the development should focus on expanding areas of native vegetation utilising native plant species that will enhance FFSW nesting habitat.

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

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

#### **4. Fire Safety**

The applicant is to ensure that fire detection and early warning devices, such as smoke detectors, are installed in the staff accommodation so that occupants may evacuate, in the event of fire, to a place of safety. The placement of early warning devices is to be in accordance with AS3786.

Reason: To ensure the resulting development is fire safe.

#### **5. Wastewater**

- a) All plumbing work, including the disconnections and connections to the wastewater system, is to be undertaken by a licensed plumber.
- b) The wastewater treatment system servicing the existing house and flats, a FujiClean CE1500EX, is compliant with the LHI Onsite Wastewater Management Strategy 2015 – see DA2016.25. The proposed staff accommodation will add an additional 360lt to the current hydraulic load for the wastewater treatment system.

Based on soil type, site vegetation and system nutrient reduction capabilities, the current effluent land application area shall be increased by an additional 145m<sup>2</sup> to accommodate the additional 360lt hydraulic load.

- c) Once the additional effluent land application area installation has been completed the applicant must book a Commissioning Inspection to ensure compliance with all DA conditions. The above shall be completed prior to the issue of an Occupation certificate for the subject approved work.

Reason: To achieve compliance with the LHI On-site Wastewater Management Strategy.

#### **6. Water**

- a) The applicant is to ensure that all plumbing work, including the disconnections and connections to the wastewater system, is to be undertaken by a licensed plumber.
- b) The applicant is to ensure all stormwater from the new roof structure is diverted to rainwater tank(s) as outlined in the application. The rainwater disposal is to be shown on the Construction Certificate Plans.

- c) All waterproofing of wet areas, such as bathrooms and laundry, is to be certified by an appropriate person. The certification must be provided to the PCA before any Occupancy Certificate for the building can be issued.

Reason: To ensure works are undertaken appropriately.

## 7. Waste Management

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

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

## 8. Electrical Services

- a) The applicant is to ensure that any electrical work must be carried out by a licensed electrician and an **Electrical Compliance Certificate issued with, or before, the application for Occupancy Certificate** for the building additions and alterations.
- b) No excavation to be carried out until the site is inspected by the LHIB Senior Electrical Officer, i.e. 'dial before you dig'.

## 9. Construction and Demolition

- a) All works are to be undertaken in accordance with approved Construction Certificate documentation.
- b) Pre-Commencement meeting to be arranged with the Owner, Builder and Board Personnel prior to any work commencing on site.
- c) All demolition works shall be undertaken in accordance with Australian Standard AS 2601—1991: The Demolition of Structures.
- d) All construction is to be carried out and completed in accordance with the National Construction Code (NCC)/Building Code of Australia (BCA).
- e) The applicant is to ensure all Basix commitments are adhered to.
- f) The applicant is to ensure that all Mandatory/Critical Stage Inspections as outlined in the Construction Certificate are undertaken.

Reason: To ensure works are undertaken appropriately.

## 10. 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.

### **11. Notice of Commencement**

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

Reason: This is a legislative requirement.

### **12. 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.

### **13. 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 setting of the subject locality. Details of the selected materials and colours shall be submitted with the construction certificate application.

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

### **14. Use of Approved Staff Accommodation**

The approved staff accommodation is to be only used for the purposes of accommodating staff employed for the onsite tourist accommodation.

## **ADVICE TO APPLICANT:**

### **1. Significant Native Vegetation**

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

## 2. Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* provides that a person must not take an action which has, will have, or is likely to have a significant impact on

*A matter of national environmental significance (NES) matter; or Commonwealth land without an approval from the Commonwealth Environment Minister.*

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

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

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

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

## Attachments

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Attachment	Title
Nil	

## Approval and contact

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<b>Approver</b>	<b>Position</b>
Suzie Christensen	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Peter Chapman	LHI Consultant Town Planners, All About Planning

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Motor vehicle importation or transfer status report.

#### Recommendations

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1. **Note** the information provided in this report.

#### Current position

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Since the last Board meeting, eight (8) vehicle applications to import or transfer were determined by the Chief Executive Officer under the 'Vehicle Importation, Transfer and Use Policy'.

The table below shows the vehicle applications determined since the May 2022 Board meeting.

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation to Applicant	Comment
Gary Payten Beachcomber	Honda Odyssey	N	Commercial	0	Approved 14/07/2022 - Replacement
Gary Payten	Toyota Tarago	N	Private	1	Approved 14/07/2022 – Transfer from Beachcomber
Commercial Diving Services	Trailer	N	Commercial	0	Approved 8/07/2022 – Temporary (to be removed 31/07/2022)
Brad Wilson Sea Lord Howe	Mitsubishi Triton	N	Commercial	0	Approved 3/08/2022 – Replacement
Greg and Sharon Whitfield	BYD T3	Y	Private	0	Approved 25/07/2022 – Replacement
Dorothea Wilson	Nissan Navara	N	Private	0	Approved 14/07/2022 – Replacement – Transferred from Brad Wilson
Tasman Thompson Shick	Honda SCV100	Y	Private	0	Approved 15/07/2022 – Replacement for P & N Thompson vehicle. Transferred from D Tokailagi.
David Gardiner	Boat Trailer	N	Commercial	1	Approved 18/08/2022

NOTE: Variation column relates to the applicant and not the increase of vehicles to the island.

As at 18 August 2022

<b>Registered Road Vehicles</b>						
Essential	Commercial	Private	Hire	Plant & Equipment	Imported prior to Approval Policy	Total
34	115	173	9	26	64	421

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.

<b>Registered Road Vehicles</b>						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
193	30	38	14	42	104	421

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 64 vehicles imported without approval prior to the current policy:

- 50 vehicles were imported without approval prior to and in 2014. The majority of these vehicles were trailers.
- 1 vehicle, a boat trailer, was imported without approval in 2015.
- 3 vehicles, all boat trailers, were imported without approval in 2016.
- 1 vehicle, a mower was imported without approval in 2019.
- 1 vehicle, a mobility scooter was imported without approval in 2020.
- 8 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.

<b>Vehicles Imported Without Approval – By Type</b>						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
5	0	8	4	6	41	64

## Attachments

Attachment	Title
Nil	

## Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Lynda Shick	Land and Property Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Adoption of Vehicle Importation, Transfer and Use Policy (post-public notice)

#### Recommendations

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1. **Adopt** the reviewed and exhibited Vehicle Importation, Transfer and Use Policy (Attachment A to this report).
2. **Note** the submission from Transport for NSW Maritime and a report to be presented to the Board at its December 2022 meeting for consideration.

#### Current position

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#### Background

The current version of the Vehicle Importation, Transfer and Use Policy was adopted at the December 2021 Board Meeting.

At the March 2022 Board Meeting, further changes were made to the policy and Board resolved to:

- Approve the reviewed Vehicle Importation, Transfer and Use Policy (Attachment A to this report) including proposed changes being placed on exhibition for four weeks.
- Note that a report be presented to the Board at its May 2022 meeting to consider submissions and a draft Policy for adoption.

A copy of the policy was placed on public exhibition for a period of 28 days from Monday 18 July 2022 to 15 August 2022.

#### Summary of proposed changes

- Private and commercial use dimension restrictions do not apply to boat trailers.
- Approval to import and use boat trailers will be at the discretion of the Board subject to application on the prescribed form. Boat trailers must only be used to transport and store boats belonging to residents.
- Any vehicle which is approved by the Board for importation and use on the islands roads, other than plant and equipment, or motor assisted pedal bicycles, unless required by law, must be registrable and registered in the State of NSW in the name of the applicant.



## Submissions

One submission was received from Transport for NSW Maritime on 16 August 2022 (Attachment B). The submission requested that Transport for NSW Maritime be included in the Vehicle Importation, Transfer and Use Policy under section 8.4 Schedule of Essential Services with an allocation of three vehicles:-

- 1 – 4 x 4 utility vehicle;
- 1 – boat trailer;
- 1 – fuel trailer – (current approved vehicle on island)

The exhibited policy changes were therefore supported except for this one submission, which does not relate to the exhibited amendments. It is recommended that the exhibited amendments to the Policy be adopted.

The submission and request from Transport for NSW Maritime will be presented to the Board at its December 2022 meeting for consideration.

## Attachments

Attachment	Title
A	Draft Vehicle Importation, Transfer and Use Policy - September - Open
B	Submission - NSW Maritime - Request to be added to Schedule of Essential Services with allocation of three vehicles -16 August 2022 - Open

## Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Lynda Shick	Land & Property Officer

# LORD HOWE ISLAND BOARD POLICY

<b>TITLE</b>	<b>Vehicle Importation, Transfer and Use Policy</b>		
<b>DATE ADOPTED</b>	December 2006	<b>AGENDA ITEM</b>	8 (ii) December 2006
<b>CURRENT VERSION</b>	December 2021	<b>AGENDA ITEM</b>	14 (ii) December 2021
<b>REVIEW</b>	Biannually	<b>RECORD NUMBER</b>	ED17/765
<b>ASSOCIATED LEGISLATION</b>	<i>Lord Howe Island Act 1953 (NSW)</i> <i>Lord Howe Island Regulation 2014 (NSW)</i> <i>Local Government Act 1993</i>		
<b>ASSOCIATED POLICIES</b>	N/A		

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## 1 Policy Overview

The aim of this policy is to ~~work towards~~ limiting the overall number and impact of vehicle movements on the island's road system, with a particular focus on the types of vehicles driven on the island. The vision is for the Island's fleet to consist of a limited number of low impact vehicles, with electric vehicles being encouraged.

The Board has developed this policy to guide ~~its~~ management of vehicles on the island, in accordance with the provisions of the Lord Howe Island Regulation 2014. The policy is to guide the Board's use of the powers provided for under the Regulation regarding motor vehicles so that vehicle and traffic management is aligned with the expectations and aspirations of the community, and with the island's environment and economy.

The Board will determine whether the importation of a vehicle is in the public interest and consider the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts on the island. Unless otherwise provided for under this policy, no entitlement to import or use a vehicle is provided for. All applications to import or transfer and use a vehicle will need to demonstrate a genuine need for the import or transfer, ~~and~~ use of a vehicle, and for the vehicle selected.

In particular, the Board will manage vehicle importation to limit the number of vehicles on the island, and the frequency and intensity of their use, to ensure that the impacts of vehicles and traffic on the island are minimised.

The Board recognises that the frequency and intensity of vehicle use are major influences on road safety, aesthetics and ambience of the island and where possible should be kept to a minimum.

The Board will continue to review and develop the policy, and associated programs and initiatives. These reviews will occur biannually.

## 2 Legislative Framework

The Board's power to regulate motor vehicles on Lord Howe Island is established under Part 6 of the *Lord Howe Island Regulation 2014*, in particular clauses 84, 86 and 87. Essentially, the Board's approval is required for any importation of a vehicle to the island (c 84), hire of motor vehicles (c86) and for any use of that vehicle on the island, including how a vehicle is used (c 87).

### *84 Approval to import motor vehicles*

*(1) A person must not, except in accordance with the approval of the Board, bring a motor vehicle onto the Island.*

*Maximum penalty: 50 penalty units.*

*(2) An application for approval to bring a motor vehicle onto the Island must relate to one vehicle only.*

### *86 Hire of motor vehicles*

*(1) A person must not, except in accordance with the approval of the Board, hire or offer for hire a motor vehicle to any other person for use on the Island.*

*Maximum penalty: 50 penalty units.*

*(2) This clause applies whether or not the person from whom the motor vehicle is or is to be hired, or any employee or agent of that person, is to drive or ride the motor vehicle.*

### *87 Use of motor vehicles*

*(1) A person must not drive or ride a motor vehicle on the Island unless the Board has given its*

*approval to the use of that vehicle on the Island.*

*(2) A person who has obtained the approval of the Board under this clause may drive or ride the motor vehicle concerned only in accordance with that approval.*

## **2.1 Relevant Legislative Provisions Relating To Approvals:**

Under Part 1, clause 4 (2) of the *Lord Howe Island Regulation 2014*, any approval given by the Board is subject to Chapter 7, Part 1, Division 3 of the Local Government Act 1993. This part of the Local Government Act (LG Act) specifies how approvals are to be applied for, made, amended and terminated. In particular, under Section 94 of the LG Act, the Board may apply conditions to any approval, and may apply a time limit on any approval. Under Section 103 of the LG Act, an approval, unless otherwise specified, lapses by default after five (5) years.

## **3 Definitions**

### **3.1 Motor Vehicle (from here on referred to as a “vehicle”):**

As defined under the *Lord Howe Island Regulation 2014* (c 83):

*A motor vehicle means a vehicle (other than an aircraft or a vessel) propelled by volatile spirit, steam, gas, oil or electricity and includes:*

- (a) An incomplete or partially constructed motor vehicle; or*
- (b) The chassis, body, frame or remains of a motor vehicle; or*
- (c) A trailer or caravan.*

**Note:** For the purpose of this policy, the above definition includes motor vehicles, motorbikes, mopeds (pedal assisted or non pedal assisted), motor scooters, mini bikes, quad bikes, trikes etc whether the motor is a permanent or temporary fixture and regardless of whether a motor vehicle licence or registration is required. A Power Assisted Pedal Cycle as defined by the NSW Roads and Maritime Services (RMS) is not considered a Motor Vehicle under this Policy.

### **3.2 Reside**

As defined under the *Lord Howe Island Act 1953*.

### **3.3 Dwelling**

As defined under the *Lord Howe Island Local Environment Plan 2010* and the Board’s policy definition of a Separate Domicile, but not including Staff Accommodation as defined under *Lord Howe Island LEP 2010*.

### **3.4 Tenant**

A person who lawfully occupies an approved dwelling on the island under a tenancy arrangement in accordance with the *NSW Residential Tenancy Act*.

### **3.5 Essential Services**

Essential services for the purpose of this policy are set out in the Schedule of Essential Services

### **3.6 Vehicle Hire**

To hire, attempt to hire, expose for hire or solicit for hire any vehicle on the island, to any person, for

money or other consideration of any kind.

### 3.7 Vehicles for Private Use

For the purpose of this policy, any lawful use of a vehicle, including activities approved in a business licence issued under clause 49 of the *Lord Howe Island Regulation 2014*, but not including vehicle hire.

As a result of community concern over road safety, the Board has introduced maximum size of a vehicle for private use permissible on the island is:

- a) Length 5330 mm (not including tow ball);
- b) Width 1855 mm (not including side mirrors); and
- c) Height 1815 mm (not including roof racks or roll bars or headboard on the tray).

Note: this maximum size requirement does not apply to vehicles previously approved, nor boat trailers designed specifically to accommodate the length and width of the associated boat.

### 3.8 Vehicles for Commercial Use

For the purpose of this policy, any vehicle which has been specifically applied for and approved under the policy provisions relating to Commercial Vehicles.

As a result of community concern over the number of oversized vehicles, the Board has introduced a maximum size of a standard vehicle for commercial use permissible on the island, which is based on the current model of a 2 wheel drive Toyota Hilux utility, which in 2020 was:

- a) Length 5330mm (not including tow ball);
- b) Width 1855mm (not including side mirrors); and
- c) Height 1815 mm (not including roof racks, roll bars or headboard on the tray).

Note: this maximum size requirement does not apply to vehicles previously approved, nor boat trailers designed specifically to accommodate the length and width of the associated boat.

Where a vehicle with different dimensions to the standard is required for specialised work, the case must be made as to why a non-standard vehicle should be approved.

### 3.9 Commercial Use

To sell or hire, attempt to sell or hire, expose for sale, hire or profit or solicit for sale, hire or profit any article, thing or service to any person, or conduct, or assist in the conduct of, any amusement, entertainment, instruction, performance or activity for money or other consideration of any kind.

### 3.10 Power Assisted Pedal Cycle

A Power-Assisted Pedal Cycle under this policy is defined by the NSW RMS.

A Power-Assisted Pedal Cycle is designed to be propelled solely by human power and has one or more auxiliary (electric) propulsion motors attached to assist the rider. This means that it must be possible to propel the bicycle only by the rider pedalling it. The primary driving force should be the rider, and the motor is only intended to help the rider, such as when going uphill or cycling into a headwind, or to cycle at a speed they cannot maintain solely by pedalling.

Power Assisted Pedal Cycles are to meet NSW RMS vehicle standards and it is noted that they not be permitted to propel the bicycle when the rider is not pedalling (an optional low-speed start-up mode that allows the motor to power the cycle up to 6 km/h).

### 3.11 Motorised wheelchairs and mobility scooters

A motorised wheelchair under this policy is defined by Transport for NSW.

Motorised wheelchairs are mobility aids with two or more wheels and have a top speed of 10km/h on level ground. Mobility scooters or 'gophers' are classified as motorised wheelchairs. A motorised wheelchair does not include a wheeled recreational device such as a motor scooter, pram, stroller, trolley or any other motor-assisted machine.

Motorised wheelchairs are only permitted for private use without approval. They are not allowed to be used for Hire purposes unless approval has been granted by the LHI Board.

### 3.12 Bull bars/Roo bars/Nudge bars

Bull bars/roo bars etc are not permitted to be imported on a vehicle or added to a vehicle on LHI unless approval is given by the CEO of the Board. The CEO may only grant approval for a request for a bull bar/roo bar if it includes a winch and if it can be satisfactorily demonstrated that the winch is essential to the vehicle's use.

Where it can be demonstrated that vehicles come standard with a 'nudge bar' the CEO of the Board will take this into consideration when assessing a request to import a vehicle.

Second-hand vehicles with a bull bar already attached will be required to have the bull bar/roo bar removed prior to importation to island.

Note: this item does not apply to vehicles which have bull bars/roo bars and have previously been approved for importation to the Island .

It is noted that all vehicles must comply with Australian Design Rules to ensure they are safe. Therefore when a bullbar is removed from a vehicle it must be restored to a compliant condition including replacing any body or bumper panels to ensure pedestrian and occupant safety.

## 4 Vehicle Types

Any vehicle which is approved by the Board for importation and use on the islands roads, other than plant and equipment, or motor assisted pedal bicycles, unless required by law, must be registrable and registered in the State of NSW [in the name of the applicant.](#)

### 4.1 Preferred Vehicles

The Board will give preference, by way of incentives, to the importation and use of small and low impact vehicles which are either:

- a) A motor vehicle meeting the following requirements:
  - i. Have a Vehicle Kerb weight\mass of less than 1154kg; and
  - ii. Generate noise less than 82 dba (data on noise emissions provided in green vehicle guide [www.greenvehicleguide.gov.au](http://www.greenvehicleguide.gov.au)); and
  - iii. Have vehicle size "footprint"
    - Length 4000 mm (max)

- Width 1700 mm (max)
- Height 1720 mm (max)

b) Electric Vehicles:

- i. Electric vehicles include any vehicle that has battery storage and has an electricity plug-in recharge capacity. These vehicles (or the batteries for these vehicles) must have the ability to be plugged into an electricity power point connected to the LHI Grid.
- ii. Hybrid electric vehicles that do not have a plug in recharge capacity are not deemed electric vehicles for the purpose of this policy.
- iii. Electric vehicles for private use must not exceed the maximum vehicle footprint as defined under Section 3.

c) Motor Scooters:

- i. 4 stroke motor scooters with a maximum capacity of 250cc.

#### 4.2 Other Vehicles

Any other vehicle may be imported subject to this policy. The Board will retain absolute discretion in determining an application and will consider whether the importation of a vehicle is in the public interest and the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts on the island.

#### 4.3 Boat Trailers

Approval to import and use boat trailers will be at the discretion of the Board subject to application on the prescribed form. Boat trailers must only be used to transport and store boats belonging to residents.

#### 4.4 Box Trailers

Approval to import and use box trailers will be at the discretion of the Board subject to application on the prescribed form.

#### 4.5 Caravans

The importation of caravans is prohibited under this policy.

#### 4.6 Specialist / Other Trailers

Approval to import and use will be at the discretion of the Board and subject to application on the prescribed form.

#### 4.7 Plant and Equipment

Plant and Equipment – being any conditionally registered or non-registrable vehicles such as tractors, forklifts, excavators, backhoes etc. Approval to import and use will be at the discretion of the Board and subject to written application in accordance with this Policy.

This provisions of this Policy do not relate to:

- a) Ride-on Lawn Mowers, Dingo Diggers and similar plant. Importation and use of such plant by an eligible person will be deemed to be approved by the Board.

## 5 Fees

### 5.1 Importation or Transfer

- a) Vehicles meeting the Board's Preferred Vehicle criteria will be exempt from the importation application fee.
- b) A non-refundable application fee (as listed in the LHIB Fees and Charges) per vehicle will apply to all applications for the importation or transfer of vehicles which do not meet the Board's Preferred Vehicle criteria.
- c) A non-refundable application fee (as listed in the LHIB Fees and Charges) per vehicle will apply to all applications to renew a commercial vehicle or hire vehicle approval.
- d) Box trailers will be exempt from the above fee.
- e) Boat trailers will be exempt from the above fee.

## 6 Incentives

- a) Vehicles meeting the Board's Preferred Vehicle criteria will be exempt from the Board's wharfage fee for the vehicle.
- b) Box trailers will be exempt from the wharfage fee for the vehicle (limit of one exemption per lease).

## 7 Eligibility to Import and Use

Unless otherwise provided for under this policy, no entitlement to import or use a vehicle is provided for. All applications to import or transfer and use a vehicle, including boat trailers and box trailers, will need to demonstrate a genuine need for the import or transfer, ~~and~~ use of a vehicle, and for the vehicle selected.

The Board reserves the right to reject any application for any vehicle where it believes that a vehicle is not in the public interest and/or the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts will be unacceptable for the island and/or where an applicant has failed to adequately justify the need for a proposed vehicle.

An application to import or transfer and use a vehicle must be made on the prescribed form and include any additional information as the Board may require or the applicant wishes to provide.

### 7.1 Eligibility

The following persons will be eligible to apply to import or transfer a vehicle:

#### 7.1.1 Vehicles for Private Use

- 1) A person who resides in an approved dwelling on a Perpetual Lease, either as: the holder, owner, or sub-lessee of the lease or; as the owner-occupant of a multiple occupancy or ; by way of a current tenancy agreement under the *NSW Residential Tenancy Act 1987* and
  - a) has resided on the island for a continuous period of 24 months at time of application. (Proof of Tenancy will be required and should be supplied with application); and
  - b) has no existing approval for a commercial vehicle which is suitable for private use; and
  - c) does not reside with another person who has approval for a Commercial vehicle which is suitable for private use.
- 2) An employee of an Essential Service provider (other than the Board) who does not have access to the private use of a vehicle provided by the Essential Service may apply to import or transfer a preferred vehicle if they can demonstrate to the Board a genuine need for the vehicle. This



will only apply where the employee will occupy the position for a period greater than 12 months and is subject to any specification set out in the schedule of Essential Service entitlements. Any approval will be in accordance with this policy. Approval under this clause will be terminated at the cessation of employment with the Essential Service provider.

- 3) Lord Howe Island Board employees other than a person described in a), may after 12 months service staff apply to import a preferred vehicle in accordance with the Board's vehicle importation and use policy. Applications must demonstrate need for vehicle in accordance with this policy. Any approval will be in accordance with this policy. Approval to import vehicle will result in termination of private use rights of LHI Board vehicle. Approval under this clause will be terminated at the cessation of employment with the Board.
- 4) A person who can demonstrate exceptional circumstance which cannot be addressed by this policy. In such cases, the Board may exercise discretion, provided that the applicant has demonstrated that no viable alternative to the importation and use of a vehicle exists.

### **7.1.2 Vehicles for Commercial Use**

A person as per **1)** under **Private Use Eligibility** who operates an approved business on the island and can demonstrate to the satisfaction of the Board that the business requires the use of a vehicle and that the business need cannot be met from the existing island fleet.

Note: In general, the Board will only consider approval for a commercial vehicle for businesses which need to transport clients and guests and/or goods and equipment and then only when the business need cannot be serviced from an existing allocation within the island's fleet.

### **7.1.3 Vehicles for Essential Services**

Any authorised officer of an approved Essential Service, as set out in the Schedule of Essential Services in this Policy.

### **7.1.4 Vehicles for Hire**

- a) Any person eligible under this policy who is also eligible to hold a business licence under clause 49 of the *Lord Howe Island Regulation 2014*.
- b) The Board may from time to time hire out vehicles from its existing fleet where the proposed hire arrangement does not replicate or compete with an arrangement which could be provided by an approved hire vehicle operator as per **a)**.

## **7.2 Use**

Any person who is lawfully entitled to do so, may use a vehicle on the island, and such persons will be deemed to have the approval of the Board to do so, subject to that use complying with this policy, and any conditions applying to any approval given under this policy.

All vehicles will be used on the island in accordance with all relevant State and Commonwealth legislation, policies and procedures.

## **7.3 Private and Commercial Use**

Unless otherwise provided for in this policy, vehicles approved for private and/or commercial use may be used for any lawful purpose, including commercial use, except hire of the vehicle, provided that any commercial use is associated with an approved business on the island.

Where a person has approval for a private use vehicle and a commercial use vehicle, the commercial

use vehicle cannot be used for private use.

#### 7.4 Essential Services

Vehicles approved for essential services are to be used exclusively by the essential service provider and its employees or agents for its official business. Board approval is required for Private Use of Essential Service vehicles. Private use will be limited to transferred officers of the Essential Service where the Essential Service provider has a documented policy applying to its employees or agents which allows for other uses.

Use restrictions will be set out as conditions of approval.

#### 7.5 Hire Vehicle Use

Hire vehicles may be used for any lawful purpose, including commercial activity provided that the commercial activity is associated with an approved business on the island. Any hiring of a vehicle on the island will be subject to a lawful and documented hire agreement between the approved person (the hirer) and a person who has entered into such an agreement with the hirer (the hiree).

### 8 Allocations

The Board may approve up to the following allocations to eligible persons (refer to Eligibility provision), subject to demonstrated need.

#### 8.1 Private Use

One (1) vehicle per approved dwelling.

#### 8.2 Commercial Use

One (1) vehicle per approved business licence. Where a person holds multiple business licences, additional vehicles will only be considered where there is a demonstrated need. Access to private use vehicles will be considered when assessing need.

#### 8.3 Essential Services Allocation

Essential Services will be eligible to import vehicles as follows:

#### 8.4 Schedule of Essential Services

ESSENTIAL SERVICE	VEHICLE ALLOCATION
Lord Howe Island Board	A fleet comprising of all vehicle types, being the minimum number of vehicles required to ensure the safe, effective and efficient delivery of the Board's charter, to a maximum of 13 road going vehicles.
NSW Police	1 Vehicle
NSW MPA	1 Vehicle
Bureau of Meteorology	1 Vehicle
NSW Education	1 Vehicle
NSW Health	1 Vehicle – Ambulance
Doctor (GP)	1 Vehicle
NSW RFS	1 Vehicle – Fire Engine

NSW SES	1 Vehicle – Emergency Response Vehicle
NSW Marine Rescue	1 boat trailer (with RIB)

## 8.5 Additional Vehicle Allocation for Hire Car Use

The *Lord Howe Island Regulation 2014* requires a separate approval for the use of a motor vehicle as a hire vehicle.

Clause 86 of that Regulation states that:

*(1) A person must not, except in accordance with the approval of the Board, hire or offer for hire a motor vehicle to any other person for use on the Island.*

*(2) This clause applies whether or not the person from whom the motor vehicle is or is to be hired, or any employee or agent of that person, is to drive or ride the motor vehicle.*

In addition to any other allocation:

- a) The Board may approve up to (8) additional vehicles on the island for use as hire vehicles. The Board reserves the right to revise this quota at any time subject to a demonstrated business need.
- b) The Board will review on an annual basis the fee charged for approval to use a car as a hire vehicle.
- c) Hire Car approvals are not transferable without the written approval of the Board.
- d) In addition to any fee applied for approval to hire a car on the island, the Board reserves the right to apply a transfer fee to any transfer of a hire car approval.
- e) Up to 4 vehicles may be allocated per applicant, to an island total of 8 hire cars.
- f) Vehicles are to be Preferred Vehicles unless otherwise agreed to by the Board.

## 9 Review of Applications

In determining any application to import or transfer a vehicle, where the application is proposed to be refused, or where the CEO believes that the application will prove controversial, the CEO will consult with, and document the majority view of the elected members regarding the application.

Where the CEO intends determining the application contrary to the majority view of the elected members, the CEO will document the reasons for doing so and provide a written briefing to the Chairperson, who will determine the matter in consultation with the Board.

## 10 Approval Periods – Importation and Use

### 10.1 Private Use Approval Period

Approval to import a vehicle for Private Use will be six (6) months. If the vehicle is not imported within that time, the approval to import will lapse and a new application must be made.

### 10.2 Commercial Approval Period

- a) Approval to import a vehicle for Commercial Use will be three (3) months. If the vehicle is not imported within that time, the approval to import will lapse and a new application must be made.
- b) Approval to use a commercial vehicle on the island will cease when the business ceases, as evidenced by termination of a business licence.

- c) A commercial vehicle cannot be used for private use where a person also has approval for a private vehicle (other than when the private use vehicle is a motor bike, motor scooter etc).

### 10.3 Hire Vehicle Approval Period

- a) Approval to import a vehicle under Hire Vehicle allocation will be six (6) months. If the vehicle is not imported within that time, the approval to import will lapse and a new application must be made.
- b) Approval to use a Hire Vehicle on the island will, unless otherwise varied at the discretion of the Board, be for five (5) years, subject to annual review. At the end of the approval period, the owner of the vehicle must reapply to retain and use the vehicle on the island, based on a demonstrated business need. Note renewal fees apply.

## 11 Approval Conditions

The Board may apply such conditions as it deems necessary to any approval to import and/or use a vehicle on the island. In particular, the Board will apply conditions to safeguard the public interest and to minimise the impacts of vehicle use on the natural, built, social and economic environment of the island.

For any vehicle (including a trailer, plant and equipment) to be imported, the importer must provide a statutory declaration stating that the vehicle has been inspected and cleaned with a high pressure hose to ensure that no weeds, seeds, insects, spiders, etc. are transported to the island. Such a declaration is required to be submitted to the Board prior to the vehicle leaving the mainland.

Approvals to import a vehicle for private use will be specific for the applicant and a dwelling. The approval will include details of the dwelling where the vehicles are allocated.

Where the circumstances of the owner of an approved private vehicle change resulting in a new place of residence (approved dwelling) on Lord Howe Island, the vehicle approval is terminated. The owner of the vehicle must reapply under the conditions of this policy. The vehicle owners' circumstances will be considered when assessing this new application and special consideration may be given.

Where the owner of a private use vehicle leaves the island the vehicle must be garaged at the approved dwelling and the approval to use the vehicle is suspended until the owner returns to the island. In circumstances where the vehicle is used by a family member who normally resides with the vehicle owner and does not have access to another private use vehicle, the family member may continue to use the vehicle during the period of owner absence.

In the case of deceased estates, where a private use vehicle is attached to the dwelling of the deceased, the vehicle must remain garaged at the approved dwelling and its use suspended until the administration of the estate has been completed. Where the executor or a caretaker living on the estate does not have access to another private use vehicle, these persons may use the vehicle during the period of administration.

In determining any development consent in its role as a Consent Authority under the *NSW Planning and Assessment Act 1979*, or application for a Business Licence under clause 49 of the *Lord Howe Island Regulation 2014*, the Board will consider: whether the development and/or activity will require the importation and use of vehicles additional to those provided for under the **Private Use Allocation** and the potential impact of the importation and use of the vehicle/s including whether it is in the public interest and whether the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts will be unacceptable for the island.

### **11.1 Breach of Approval**

Failure to comply with the conditions of approval will be deemed a breach of the Board's approval and may result in that approval being withdrawn and the vehicle being removed from the island.

Where the Board believes a Breach of the approval has occurred, the Board's Administration will write to the vehicle owner advising them of the alleged breach and asking them to respond to the allegation and justify as to why their approval should not be revoked. Vehicle owners will have 14 calendar days to respond. Failure to respond within the prescribed timeframe will result in immediate revocation of approval.

Following termination of approval the Board's Administration will write to the vehicle owner of this revocation of approval instructing the vehicle owner to not use the vehicle and remove the vehicle from the island within 60 days.

Vehicle Owners may reapply to the Board for approval. Until approval has been granted the vehicle is not to be used.

### **12 Vehicle Replacement**

Unless a case for exceptional circumstances can be established to the satisfaction of the Board, replacement of vehicles will be on a 'one on – one off' basis,

Where the applicant has another vehicle (commercial or private use) that is suitable for use, the applicant must demonstrate the need to replace the vehicle.

### **13 Vehicle Transfers**

Vehicle approvals will not be transferable without the written approval of the Board. Prior to granting an approval, the Board needs to be satisfied that there is a demonstrated need for the transfer. Failure to demonstrate that need will result in approval not being granted.

Applications to transfer will be made on the prescribed form and will be determined in accordance with this policy.

In addition to any fee applied for lodging an application seeking approval of a vehicle on the island, the Board reserves the right to apply a transfer application fee to any request to transfer any vehicle.

In the case of a private vehicle, the transfer fee will be the equivalent of the appropriate importation fee.

### **14 Delegations**

The Chief Executive Officer of the Board is delegated to determine any application made under this policy, provided that the application complies with this policy.

The Chief Executive Officer of the Board is delegated to suspend or withdraw any approval given under this policy where it can be established to the satisfaction of that officer that a significant breach of the conditions of approval has occurred.

In determining any application to import or transfer a vehicle, where the application is proposed to be refused, or where the CEO believes that the application will prove controversial, the CEO will consult with, and document the majority view of the elected members regarding the application.

Where the CEO intends determining the application contrary to the majority view of the elected members, the CEO will document the reasons for doing so and provide a written briefing to the Chairperson, who will determine the matter in consultation with the Board.

## **15 Reporting and Monitoring**

The Lord Howe Island Board will maintain a Vehicle Approvals Register, which will include:

- a) The names, addresses and number and type of vehicles of persons approved to import and use a vehicle;
- b) Category of Approval (Private, Commercial, Hire etc);
- c) Conditions of Approval;
- d) Approval Period;
- e) Types of Vehicles Held; and
- f) Registration Details of all Vehicles Held.

The Chief Executive Officer of the Board will provide to the Board at each meeting, a report on:

- a) Vehicle applications approved or rejected since the last meeting and a statement detailing the reasons for approval or rejection addressing the matters required to be considered in the Policy and any alternatives to the importation and use of the vehicle;
- b) Cumulative total of vehicles on the island at the time of the report, including a breakdown of vehicle types and use (ie essential, commercial, private, hire etc).

**16 Attachment: Application to Import a Vehicle**

DRAFT

# LORD HOWE ISLAND BOARD

## APPLICATION TO IMPORT A VEHICLE

### Under Clauses 84 and 87 of the *Lord Howe Island Regulation 2014*

Approval to import and use a vehicle on the island will be subject to the provisions of the *Lord Howe Island Board Vehicle Importation, Transfer and Use Policy* (the Policy). Please read this policy prior to completing this form. No entitlement to import or use a vehicle is provided for under this policy. All applications to import and use a vehicle will need to demonstrate a genuine need for the importation and use of a vehicle, and for the vehicle selected. The Board reserves the right to reject any application for any vehicle where it believes that a vehicle is not in the public interest and/or the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts will be unacceptable for the island and/or where an applicant has failed to adequately justify the need for a proposed vehicle.

Please note that a non-refundable application fee (as listed in the Board’s annual fees and charges) applies to the importation of a motor vehicle.

<b>APPLICATION FEE</b> Total fees lodged: ..... Receipt No.: ..... Receiving Officer: .....
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#### APPLICANT DETAILS

Name: .....

Address, Lot and Perpetual Lease:.....

Type of dwelling (house, flat, staff accommodation): .....

#### Is this vehicle application for (please select one option):

- Private Use       Commercial Use       Essential Service       Hire Use

**On what basis are you eligible to apply for the importation and use of a vehicle under the policy? Please complete the Private, Commercial, Essential or Hire section below:**

**Private Use**      Note: Refer section 7.1.1 and 8.1 of the policy.

Please indicate which of the following a,b,c,d or e private use descriptions apply to you:

- a.  Is a person who resides in an approved dwelling on Perpetual Lease as either:
  - i.  the holder/owner OR
  - ii.  sub-lessee of the lease OR
  - iii.  as the owner-occupant of a multiple occupancy OR
  - iv.  by way of a current tenancy agreement under the NSW Residential Tenancy Act 1987AND  Has resided on the island for a continuous period of 24 months at time of application. Proof of Tenancy will be required and should be supplied with application. OR
- b.  An employee of an Essential Service provider (for more information refer to the Policy) OR
- c.  Lord Howe Island Board employees other than a person described in a) (for more information refer to the Policy) OR
- d.  A person who can demonstrate exceptional circumstance which cannot be addressed by this policy. Application demonstrates that there is no viable alternative to the importation and use of a vehicle as attached. OR
- e.  A person as per a) under Private Use Eligibility who:
  - i. has no existing approval for a commercial vehicle which is suitable for private use
  - ii. Does not reside with another person who has approval for a Commercial vehicle which is suitable for private use.



**Commercial** Note: Refer section 7.1.2 and 8.2 the policy.  
 A person who meets the private use eligibility (also complete private use section a – e above), who operates an approved business on the island and can demonstrate to the satisfaction of the Board that the business requires the use of a vehicle and that the business need cannot be met from the existing island fleet.

Name of approved business:.....

**Essential** Note: Refer section 7.1.3 and 8.4 the policy.  
Name of essential service provider as per Schedule of Essential Services in the policy: .....

**Hire** Note: Refer section 7.1.4, 7.5 and 8.5 the policy.  
Name of business licence and approved hire car permit holder: .....

**VEHICLE TO BE IMPORTED**

Make: ..... Model: .....

Engine Capacity: ..... No. of Cylinders: .....

Body Type (e.g. Hatch, Station wagon, Utility): .....

Unladen Weight (in Tonnes or Kgs): .....

4WD or 2WD: ..... Registration No.: .....

Fuel Type (e.g. Petrol, Diesel, Electric): .....

Dimensions of vehicle: See maximum vehicle size limits in section 3.7 and 3.8 of this policy.

Length (mm): ..... Width (mm): ..... Height (mm): .....

**Is this vehicle a preferred vehicle as per section 4.1 of the Vehicle, Importation, Transfer and Use policy?**

- a)  A motor vehicle meeting the requirements as per 4.1 (a) of the policy?
- b)  Electric Vehicle meeting the requirements as per 4.1 (b) of the policy?
- c)  Motor Scooters meeting the requirements as per 4.1 (c) of the policy?

If the vehicle applied for meets the Board’s preferred vehicle criteria, the Board will give preference, by way of incentives, to the importation and use of small and low impact vehicles (see section 5.1 (a) and 6 (a) of the policy). To receive the incentives, please provide a copy of your vehicle’s registration paper and wharfage invoice on importation of your vehicle and a short letter or email requesting reimbursement of the incentives.

**Is this vehicle electric or hybrid?**

Yes No

**Is a Bull bars/Roo bars/Nudge bar fitted?** Refer section 3.12 of the policy and demonstrate that the winch is essential to the vehicle’s use.

Yes No

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**Do you own or have use of other vehicles on the island?**

Yes  No

NOTE: 'Vehicle' includes a road registered/registrable motorcycle or scooter.

**If yes, please specify:**

MAKE	MODEL	REGISTRATION	APPROVED USE e.g. Private, Commercial, Essential

**Will the vehicle to be imported replace one of the above vehicles?**

Yes  No

If yes, which vehicle is being replaced? .....

NOTE: Unless otherwise approved by the Board, the vehicle being replaced must be removed from the island within the timeframe specified by the Board.

**Please provide a detailed justification of why you require a vehicle and the specific vehicle applied for:**

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NOTE: Please attach an additional sheet if space is inadequate.

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**Please state whether you considered alternatives to the vehicle selected, including an alternative form of transport:**

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NOTE: Please attach an additional sheet if space is inadequate.

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**APPLICANT’S DECLARATION**

I ..... being the applicant, hereby declare that the information provided above is true and accurate and make application to import a vehicle in accordance with the above.

Signature: ..... Date: .....

**17 Attachment: Application to Transfer a Vehicle**

DRAFT

# LORD HOWE ISLAND BOARD

## APPLICATION TO TRANSFER A VEHICLE

### Under Clauses 84 and 87 of the *Lord Howe Island Regulation 2014*

Approval to transfer and use a vehicle on the island will be subject to the provisions of the *Lord Howe Island Board Vehicle Importation, Transfer and Use Policy* (the Policy). Please read this policy prior to completing this form. No entitlement to transfer or use a vehicle is provided for under this policy. All applications to transfer and use a vehicle will need to demonstrate a genuine need for the transfer and use of a vehicle, and for the vehicle selected. The Board reserves the right to reject any application for any vehicle where it believes that a vehicle is not in the public interest and/or the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts will be unacceptable for the island and/or where an applicant has failed to adequately justify the need for a proposed vehicle.

Please note that a non-refundable application fee (as listed in the Board’s annual fees and charges) applies to the transfer of a motor vehicle.

NOTE: In the case of a commercial vehicle, including a private vehicle which is transferred as a commercial vehicle, the Board will require the transferor and the proposed transferee to provide a Statutory Declaration stating that the proposed price to be paid between those parties regarding the transfer of the vehicle is no greater than current market value of the vehicle, plus freight and wharfage costs. The Board will levy a non-refundable application fee of no greater than 10% of that amount.

#### APPLICATION FEE

Total fees lodged: ..... Receipt No.: ..... Receiving Officer: .....

#### TRANSFEROR DETAILS (Person selling vehicle)

Name: .....

Address, Lot and Perpetual Lease:.....

#### TRANSFEEEE DETAILS (Person buying vehicle)

Name: .....

Address, Lot and Perpetual Lease:.....

Type of dwelling (house, flat, staff accommodation): .....

#### Is this vehicle application for (please select one option):

- Private Use       Commercial Use       Essential Service       Hire Use

**On what basis are you eligible to apply for the importation and use of a vehicle under the policy? Please complete the Private, Commercial, Essential or Hire section below:**

**Private Use**      Note: Refer section 7.1.1 and 8.1 of the policy.

Please indicate which of the following a,b,c,d or e private use descriptions apply to you:

- a.  Is a person who resides in an approved dwelling on Perpetual Lease as either:
  - i.  the holder/owner OR
  - ii.  sub-lessee of the lease OR
  - iii.  as the owner-occupant of a multiple occupancy OR

- iv.  by way of a current tenancy agreement under the NSW Residential Tenancy Act 1987 AND  Has resided on the island for a continuous period of 24 months at time of application. Proof of Tenancy will be required and should be supplied with application. OR
- b.  An employee of an Essential Service provider (for more information refer to the Policy) OR
- c.  Lord Howe Island Board employees other than a person described in a) (for more information refer to the Policy) OR
- d.  A person who can demonstrate exceptional circumstance which cannot be addressed by this policy. Application demonstrates that there is no viable alternative to the importation and use of a vehicle as attached. OR
- e.  A person as per a) under Private Use Eligibility who:
  - i. has no existing approval for a commercial vehicle which is suitable for private use
  - ii. Does not reside with another person who has approval for a Commercial vehicle which is suitable for private use.

**Commercial** Note: Refer section 7.1.2 and 8.2 the policy.  
 A person who meets the private use eligibility (also complete private use section a – e above), who operates an approved business on the island and can demonstrate to the satisfaction of the Board that the business requires the use of a vehicle and that the business need cannot be met from the existing island fleet.

Name of approved business: .....

**Essential** Note: Refer section 7.1.3 and 8.4 the policy.  
Name of essential service provider as per Schedule of Essential Services in the policy: .....

**Hire** Note: Refer section 7.1.4, 7.5 and 8.5 the policy.  
Name of business licence and approved hire car permit holder: .....

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**VEHICLE TO BE IMPORTED**

Make: ..... Model: .....

Engine Capacity: ..... No. of Cylinders: .....

Body Type (e.g. Hatch, Station wagon, Utility): .....

Unladen Weight (in Tonnes or Kgs): .....

4WD or 2WD: ..... Registration No.: .....

Fuel Type (e.g. Petrol, Diesel, Electric): .....

Dimensions of vehicle: See maximum vehicle size limits in section 3.7 and 3.8 of this policy.

Length (mm): ..... Width (mm): ..... Height (mm): .....

**Is this vehicle a preferred vehicle as per section 4.1 of the Vehicle, Importation, Transfer and Use policy?**

- a)  A motor vehicle meeting the requirements as per 4.1 (a) of the policy?
- b)  Electric Vehicle meeting the requirements as per 4.1 (b) of the policy?
- c)  Motor Scooters meeting the requirements as per 4.1 (c) of the policy?

If the vehicle applied for meets the Board’s preferred vehicle criteria, the Board will give preference, by way of incentives, to the importation and use of small and low impact vehicles (see section 5.1 (a) and 6 (a) of the policy). To receive the incentives, please provide a copy of your vehicle’s registration paper and wharfage invoice on importation of your vehicle and a short letter or email requesting reimbursement of the incentives.

**Is this vehicle electric or hybrid?**

Yes No

**Is a Bull bars/Roo bars/Nudge bar fitted?** Refer section 3.12 of the policy and demonstrate the essential use below.

Yes No

.....  
.....

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**Do you own or have use of other vehicles on the island?**

Yes No

NOTE: 'Vehicle' includes a road registered/registrable motorcycle or scooter.

**If yes, please specify:**

MAKE	MODEL	REGISTRATION	APPROVED USE e.g. Private, Commercial, Essential

**Will the vehicle to be imported replace one of the above vehicles?**

Yes No

If yes, which vehicle is being replaced? .....

NOTE: Unless otherwise approved by the Board, the vehicle being replaced must be removed from the island within the timeframe specified by the Board.

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**Please provide a detailed justification of why you require a vehicle and the specific vehicle applied for:**

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NOTE: Please attach an additional sheet if space is inadequate.

**Please state whether you considered alternatives to the vehicle selected, including an alternative form of transport:**

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NOTE: Please attach an additional sheet if space is inadequate.

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**TRANSFEROR'S DECLARATION**

I ..... being the transferor, hereby declare that the information provided above is true and accurate and make application to transfer a vehicle in accordance with the above.

Signature: ..... Date: .....

**TRANSFeree'S DECLARATION**

I ..... being the transferee, hereby declare that the information provided above is true and accurate and make application to transfer a vehicle in accordance with the above.

Signature: ..... Date: .....





Mrs Suzie Christensen  
Chief Executive Officer  
Lord Howe Island Board  
LORD HOWE ISLAND NSW 2898

Via email: [administration@lhib.nsw.gov.au](mailto:administration@lhib.nsw.gov.au)

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**SUBMISSION TO THE LORD HOWE ISLAND BOARD REGARDING THE REVIEW OF  
THE VEHICLE IMPORTATION TRANSFER AND USE POLICY**

15 August 2022

**Dear Suzie,**

Transport for NSW (TfNSW) Maritime would like to submit comments associated with the 'Vehicle Importation, Transfer and Use Policy (the "Policy")' for consideration during upcoming review by the Lord Howe Island Board.

TfNSW Maritime have provided services to Lord Howe Island (LHI) since the early 1980s and it appears that for various reasons or oversight, that TfNSW Maritime has not been formally recognised in Section 8.4 "Schedule of Essential Services". It is possible that this omission may have occurred during various changes to the former Maritime Services Board (MSB) and its associated entities in subsequent years. In the current day, TfNSW Maritime is responsible for boating safety, education and compliance and marine pollution response functions at Lord Howe Island.

It is considered that TfNSW Maritime continues to provide an ongoing commitment to Maritime Safety and Marine Pollution Response on Lord Howe Island and has committed to a number of assets and resources necessary to carry out these tasks. As such it is proposed that TfNSW Maritime be included in section 8.4 of the Policy to be formally recognised as an essential service on LHI for the following reasons:

The Primary role of TfNSW Maritime on Lord Howe Island includes:

- Provide oversight of navigational safety within Lord Howe Island Lagoon (Lagoon) and surrounding State waters.
- Provide oversight of the security of all NSW Government owned maritime infrastructure.
- Coordinate any initial response to a marine pollution incident within the lagoon and surrounding State waters with assistance from NSW Police, Lord Howe Island Board, and relevant agencies. Assist with any initial response to a maritime distress incident with supervision and direction from the Australian Maritime Safety Authority and Marine Rescue NSW.
- Assist with any maritime salvage or towing operation within the Lagoon and State waters with supervision from NSW Police and delegated Transport for NSW staff, and Marine Rescue.

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- Coordinate and control shipping entering, departing, and moving within the Lagoon. Including the movements of the Island resupply vessel, and other commercial vessels entering Lord Howe Island.
- The safety of vessels which anchor outside the Lagoon within State waters. Including any instances of serious breaches to navigational safety, security of infrastructure and marine pollution incidents.
- Undertake preventative maintenance and ensure oil spill response equipment is functional at all times.
- Undertake inspection of navigation aids and signage and report outages.
- Provide support to the LHI Port Operations Manager (NSW Police Officer).

TfNSW operational functions are:

### **1. Marine Pollution Response**

TfNSW Maritime provide a Tier 1 Marine Oil and Chemical Pollution Spill contingency unit on LHI, consisting of a large amount of marine Pollution response equipment. It is essential that any marine pollution event, in any location on the island, is responded to quickly and efficiently to ensure minimising damage to the marine and terrestrial environment. TfNSW Maritime is the designated combat agency for Marine Pollution response in NSW which includes the waters of Lord Howe Island.

### **2. Asset Management**

TfNSW Maritime has an eight (8) metre work vessel stationed on LHI, the vessel provides essential support to marine pollution contingency and is used for maintaining and servicing LHI's marine navigational aids within LHI waters. The vessel is used to undertake regular safety patrols during peak seasons and assist various government agencies such as the NSW Police, Marine Park Authority and the LHI Board by providing transport of staff for various projects when required. The vessel requires regular servicing and mandatory survey inspections, to ensure it is operational. Due to current constraints associated with slipping and removing vessels from the water on LHI, a purpose built trailer is required. A TfNSW fuel trailer is also stationed on the Island which is used to refuel the vessel. This trailer complies with all Australian Standards for storage of fuel and minimises any risk of fuel spills. This negates the need for the use of jerry cans which is a WHS Issue. The trailer can be stored in a secure shed owned by TfNSW Maritime.

### **3. Emergency Management/Shipping Management**

TFNSW Maritime continues to play a role in on water Emergency Management on LHI. Up until the establishment of NSW Marine Rescue in 2021, NSW Maritime provided the Island with a marine search and rescue capability and assisted many vessels to safety. Although no longer the first response vessel, it is likely that TfNSW employees and vessel will be utilised as support in the event of any maritime incident or local emergency response.

TfNSW Maritime provides technical and navigational advice on commercial vessel and shipping matters, such as the routine LHI Trader service and incidental vessel movements such as the recent cattle barge arrival. These interactions are vital to safe navigational practices and minimise potential navigational and pollution risks. TfNSW Maritime is the Statutory Authority for all matters pertaining to the Marine Safety Act 1998 & Marine Pollution Act 2012.

It is not envisaged that the roles and responsibilities of TfNSW Maritime will change in the foreseeable future. In order to continue to provide these essential services to LHI, and to be effective, TfNSW request that the following vehicle allocations under section 8.4 of the Policy be considered:

- 1 - 4 x 4 utility vehicle; and
- 1 x boat trailer; and
- 1 x fuel trailer.

TfNSW Maritime is quite open to make these assets available to other agencies such as Marine Parks or Marine Rescue which would allow for greater flexibility and sharing of resources, reducing the need to further increase Island assets. I acknowledge the environmental and social effects of changes to the Policy, however, hopefully this can be viewed as a positive outcome for the safety of residents and visitors to Lord Howe Island.

Should you require further information in consideration of this request, please contact me by phone on 0418 494 153 or by email to: [rod.mcdonagh@transport.nsw.gov.au](mailto:rod.mcdonagh@transport.nsw.gov.au)

Sincerely,



Rod McDonagh  
Manager Waterways Operations – North  
Transport for NSW Maritime

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Handley Review – Review of Compliance with Residency Condition of Perpetual Leases

#### Recommendations

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1. **Note** that a review has been undertaken.

#### Current position

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Recommendation 2 of the final *Handley Review of Land Allocation on Lord Howe Island* (“the Handley Review”) stated that:

*“Properly police and enforce the residency condition in perpetual leases, with forfeiture as a last resort.”*

A review of residency status of all lessees was undertaken in late 2017 by the administration with advice from local Board members. This paper provides an update on the status of the residency on lease investigations.

#### Comment

The policing of residency on lease requires the Board to prove in the positive that a resident is not residing on their lease. This makes investigations into residency status resource intensive and challenging.

The Board administration seeks to investigate all potential non-compliance with lease matters. Investigations into non-compliance are prioritised according to the degree of non-compliance. For example, in the two scenarios below:

1. A lease that is not being occupied by its leaseholder and is otherwise vacant
2. A lease that is not being occupied by its leaseholder, but is being occupied by an Islander.

Both scenarios are in breach of the Lord Howe Island Act, however scenario two can be remedied by way of a sublease arrangement that would be permissible under the Act. While the Board would intend to investigate and pursue compliance for both scenarios, scenarios where there is no obvious administrative solution will have a higher priority than scenario two.

There are currently eight investigations underway. No investigations have been resolved since the March 2022 meeting. Actions undertaken since the last Board meeting include one follow up letter sent as part of ongoing investigations into potential breaches of residency on leases.

## Attachments

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Attachment	Title
A	Review of Compliance with Residency Condition on Perpetual Lease - Closed

## Approval and contact

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Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Lynda Shick	Land & Property Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Mobile phone microcell – Owners Consent

#### Recommendations

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1. **Confirm** that the Telstra Blackspot-funded microcell installation is consistent with the definition of exempt development as set out in Schedule 1 and Clause 9 of the Lord Howe Island LEP 2010.
2. **Grant** Application for Owner Consent to Telstra to install a Telecommunications Small Cell Facility on Lot 327 of DP824001
3. **Endorse** development of a funding application for a second microcell to enable mobile phone coverage for the remainder of the settlement area.

#### Current position

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Lord Howe Island is not currently serviced by a mobile phone network due to its remoteness. In recognition, Telstra have identified a need to provide coverage to the Island, and granted funding as part of the [Federal Government's Mobile Blackspot](#) program round 5. This decision was made independent of the Lord Howe Island Board (LHIB).

Telstra have requested that the Board confirm that the development is exempt (Attachment A – Exemption Letter) and applied for Owners Consent. Advice from LHIB's planning consultant (which includes a copy of the construction plans) has confirmed that the development is exempt under Schedule 1, Clause 9 of the LHI LEP 2021, and recommend approval of Owners Consent (Attachment B)

It is recognised that a diverse range of views pertaining to mobile phone service on the island exist. Resources have not permitted broad consultation on the matter to date, however anecdotally they range from wholesale support and advocacy, to a strong preference for the service to remain unavailable.

Points in favour of a service include that:

- The existing copper landline service is ageing, unreliable, and will likely be unsupported by Telstra into the future. Mainland phone services are mostly only available now via NBN. Telstra is contracted under the Universal Service Obligation to provide a fixed service until 2032.

However, in 2017, “the Productivity Commission highlighted that 99% of premises [sic] have access to mobile phone networks or broadband, rendering fixed-line copper connections and pay-phones increasingly redundant.”

If Owners Consent is not granted, the proposal to install a mobile service at no cost to the community is unlikely to be offered again, with the very real potential that the Island will be without a phone service at all in the next 5-10 years.

- Increasingly, two-factor authentication is required to access banking, government and other essential services
- Mobile phone access is assumed in and enables the provision of some health services and products (eg. Pace-makers)
- The risk of isolation and to first responders in times of crisis and emergency (health, weather or otherwise) could be reduced if mobile phone service were available.
- Many people use mobile phones on island now, over wi-fi. The time of ‘no mobiles’ on LHI has actually passed already.

Those not in favour put forward that the current lack of mobile service:

- is one of the elements some tourists enjoy (see attachment C)
- encourages children to play outside and enjoy the environment
- is enjoyed and preferred by some residents, particularly in restaurants and public places
- is unnecessary, with radio technology adequate for emergency response and island wide communication

Others have expressed concerned about the health impacts of electro-magnetic radiation, particularly in close proximity to the site of transmission (see attachment D).

Concern has also been registered that the proposed microcell will not cover the entire settlement area, resulting in dissatisfaction for those who will not achieve access to the service. In that regard, enquiries to Telstra indicate that a second facility at the southern end of the island (likely the airport) should enable coverage for the majority of the settlement area, with the technology available at the end of 2023 at a cost of approximately \$250,000. It is recommended that along with with granting owners consent for the black-spot funded installation, that LHIB pursue funding for the second facility.

## Attachments

Attachment	Title
A	Letter from Telstra – Request for Exemption Proposed Small Cell Facility
B	Planning Assessment Report
C	Departure Survey Summary Results 2017 – 2018 - 2019
D	Environmental EME Report

## Approval and contact

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<b>Approver</b>	<b>Position</b>
Suzie Christensen	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Suzie Christensen	Chief Executive Officer





2 September 2022

CEO Suzie Christensen  
Lord Howe Island Board  
PO Box 5  
Lord Howe Island NSW 2898

Via email: Suzie.Christensen@LHIB.nsw.gov.au

**Dear Suzie,**

**Exemption request for a proposed Telstra Telecommunications Small Cell Facility at 59 Anderson Road, Lord Howe Island 2898, formally described as Lot 327 on Plan no. DP824001.**

Downer EDI Limited (Downer) have been engaged by Telstra Corporation Ltd (Telstra) to design and construct a new Telstra Telecommunications Small Cell Facility at the above address. Telstra has identified a need to provide coverage to the Lord Howe Island as part of the Federal Government's Mobile Black Spot program round 5.

Under this program mobile coverage will be delivered to a large number of regional and remote communities who, for the first time, will be able to access fast mobile voice and data services. The improved coverage is increasing access to new technologies for key regional sectors like agriculture, transport, mining and tourism – technologies which rely on a fast, reliable and affordable mobile network.

This letter seeks confirmation from the Lord Howe Island Board that the microcell installation is consistent with the definition of exempt development as set out in *Schedule 1* and *Clause 9* of the *Lord Howe Island LEP 2010*. The microcell installation will consist of the following works:

- Install one (1) 20 metre monopole
- Install one (1) omni antenna to the top of the monopole
- Install one (1) 2.4 metre (diameter) ground mounted satellite dish
- Install one (1) GPS antenna on top of the existing exchange building
- Associated and ancillary equipment for the function of the facility within the existing exchange building and on the proposed monopole including cabling, feeders, cable tray and safety signage.

Telstra ensures that all of its facilities, including the proposed facility, will operate at a level several thousand times below the already strict ARPANSA (Australian Radiation Protection and Nuclear Safety Agency) guidelines, even at maximum capacity. It should be noted that telecommunication facilities are designed to operate at the lowest possible power. The EME report showing the exposure limit is attached with this letter.



This location was chosen as it provides existing telecommunications infrastructure, removing the need to acquire new land retaining it for future development opportunities. Utilising the existing use compiles telco uses into one area which encourages good design with respect to the existing landscape character.

Significant views are considered as part of the site selection process. It is acknowledged that the site cannot be totally hidden and will have a visual presence in the environment from some perspectives close by. However, with existing infrastructure occupying the current land, a new pole is not likely to greatly impact the visual amenity of the area. The design will provide a non-reflective painted pole which will help minimise any distant views. The painted pole will replicate a green like colour to blend with the existing landscape character of the area.

There is a general expectation in the wider community for a dependable and reliable mobile phone network. Telstra have sought to ensure major improvements to their network through 24hr monitoring of network performance. Further to this, mobile phone networks form a vital “first response” tool to emergency situations – hence the importance of carriers to ensure that their infrastructure can be maintained to the highest standards.

Based upon the above, we respectfully request the Lord Howe Island Board confirm that the proposed development is consistent with the definition of Exempt Development as set out in the *Lord Howe Island Local Environment Plan 2010* and will not require a formal Development Approval under the *Environmental Planning and Assessment Act 1979*. Downer requests that Owners Consent be granted for the proposed Telecommunications Small Cell Facility, subject to reasonable and relevant conditions, and in accordance with the attached plans.

Yours sincerely

Liz Mansell  
Wireless Town Planner  
Downer  
T 0418 698 701  
E [Liz.Mansell@downergroup.com](mailto:Liz.Mansell@downergroup.com)

# Planning Assessment Report

## 1 Item

**OC2022.06** – Mobile Phone Small Cell Telecommunications Facility at Lot 327 DP 824001, No. 59 Anderson Road, Lord Howe Island.

## 2 Summary Assessment Report

<b>Assessment Officer</b>	Peter Chapman – Consultant Town Planner
<b>Address/Property Description</b>	Lot 327 DP 824001, No. 59 Anderson Road, Lord Howe Island
<b>Proposal</b>	Mobile Phone Small Cell Telecommunications Facility
<b>Owners Consent No</b>	OC2022.06
<b>Applicant</b>	Telstra Corporation Ltd c/o Downer EDI Engineering Pty Ltd
<b>Estimated Cost of Development</b>	\$100,000.00
<b>Site Inspections</b>	LHIB officers have inspected the subject site.
<b>Zone</b>	Zone 5 Special Uses - the proposed development is classified as exempt development under the LHI LEP 2010.
<b>Significant Native Vegetation Map</b>	Part of the lot contains mapped Significant Native Vegetation (SNV) however the proposed works are not located within this part of the site.
<b>Notification</b>	The OC application has not been publicly exhibited, in accordance with LHIB policy.
<b>Recommendation</b>	That the application for 'Owner Consent' OC2022.06 for a Mobile Phone Small Cell Telecommunications Facility at Lot 327 DP 824001, No. 59 Anderson Road, Lord Howe Island be approved.

### Consent Authority

The Minister has authorised the Lord Howe Island Board's (LHIB) CEO to grant owners consent to the lodgement of owners consent applications 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 with an estimated development cost of \$100,000.00, and its compliance with the key

provisions of the LHI LEP (as outlined in this report), is considered to meet the above delegations to the CEO and could ordinarily be appropriately determined under delegation. However, in light of the nature of the proposed development the LHIB admin has advised that the proposal will instead be referred to a full LHIB meeting.

### 3 Site Description

The site is identified as Lot 327 DP 824001, No. 59 Anderson Road, Lord Howe Island. Lot 327 is a rectangular shaped block zoned 5 Special Uses under the LHI LEP 2010 for the specific purposes of various existing telecommunications facilities and equipment including satellite dishes, phone exchange buildings, and radio antenna. There are private lease agreements in place for these facilities.

The above existing facilities are located within generally cleared areas within the centre of the subject site as can be seen in figure 1 following.

The proposed work is to be in the north eastern portion of the site (as highlighted in the aerial site photo below).

The total area of the subject Lot 327 is approximately 2,351m<sup>2</sup> and does not have a road frontage to Anderson Road.

The surrounding properties are 2 Settlement zoned cleared paddocks to the south east, east and north, Beachcomber tourist accommodation is to the north west, and Earls Anchorage tourist accommodation is on the south western side of Anderson Road.



Figure 1: Existing site layout with subject proposed work highlighted

#### 4 Proposed Development

The proposed development is for the construction of a Mobile Phone Small Cell Telecommunications Facility by Telstra.

The applicants state they are seeking confirmation from the Lord Howe Island Board that the proposal is consistent with the definition of Exempt Development as set out in Schedule 1 and Clause 9 of the Lord Howe Island LEP 2010. If the subject application for owners consent is thus issued, the proposal can go ahead as Exempt Development without any development application being lodged and approved by the LHIB.

The application advises that *“Telstra has identified a need to provide coverage to the Lord Howe Island as part of the Federal Government’s Mobile Black Spot program round 5. Under this program mobile coverage will be delivered to a large number of regional and remote communities who, for the first time, will be able to access fast mobile voice and data services. The improved coverage is increasing access to new technologies for key regional sectors like agriculture, transport, mining and tourism – technologies which rely on a fast, reliable and affordable mobile network.”*

The Microcell installation will consist of the following works which are proposed in the north eastern portion of the site in the near vicinity (and partly within) the existing telecommunications facilities on the site:

- Install one (1) 20 metre monopole
- Install one (1) omni antenna to the top of the monopole
- Install one (1) 2.4 metre (diameter) ground mounted satellite dish
- Install one (1) GPS antenna on top of the existing exchange building
- Associated and ancillary equipment for the function of the facility within the existing exchange building and on the proposed monopole including cabling, feeders, cable tray and safety signage.

The documentation submitted with the subject owners consent application includes the plans reproduced on the following plans. In addition, to the following information provided:

*“In regard to radiofrequency electromagnetic energy Telstra ensures that all of its facilities, including the proposed facility, will operate at a level several thousand times below the already strict ARPANSA (Australian Radiation Protection and Nuclear Safety Agency) guidelines, even at maximum capacity. It should be noted that telecommunication facilities are designed to operate at the lowest possible power.”*

The application included a radiofrequency electromagnetic energy (EME) assessment for the site which addressed both the existing and proposed site conditions for the development. This EME assessment states that the maximum EME level for the proposed development on the site will be 0.02% of the Public Exposure Limit for mobile phone base station deployment.

A point of clarification was initially sought from the applicants regarding a statement on the EME assessment that “there is currently no existing radio systems for this site” in view of the existing telecommunications facilities present. The applicants responded by clarifying that *“There is an existing Earth Station, these satellite installations are not part of the Industry Code C564:2020 Mobile Phone Base Station Deployment (the Code). It is a satellite installation with antenna pointing towards satellites in the sky; unlike mobile phone base station antennas serving the general population near ground level.”*

The submitted application documents also states *“This location was chosen as it provides existing telecommunications infrastructure, removing the need to acquire new land retaining it for future development opportunities. Utilising the existing use compiles telco uses into one area which encourages good design with respect to the existing landscape character.”*

*Significant views are considered as part of the site selection process. It is acknowledged that the site cannot be totally hidden and will have a visual presence in the environment from some perspectives close by. However, with existing infrastructure occupying the current land, a new pole is not likely to greatly impact the visual amenity of the area. The design will provide a non-reflective painted pole which will help minimise any distant views. The painted pole will replicate a green like colour to blend with the existing landscape character of the area.*

*There is a general expectation in the wider community for a dependable and reliable mobile phone network. Telstra have sought to ensure major improvements to their network through 24hr monitoring of network performance. Further to this, mobile phone networks form a vital “first response” tool to emergency situations – hence the importance of carriers to ensure that their infrastructure can be maintained to the highest standards.”*

From the preliminary assessment undertaken for this OC and the available aerial photography of the subject site, it appears that one unidentified palm is likely to need to be removed for the proposed development. This specimen is not located within the mapped significant native vegetation (SNV) area of the site.

As mentioned earlier, the documentation submitted with the subject owners consent application includes the plans reproduced on the following pages.

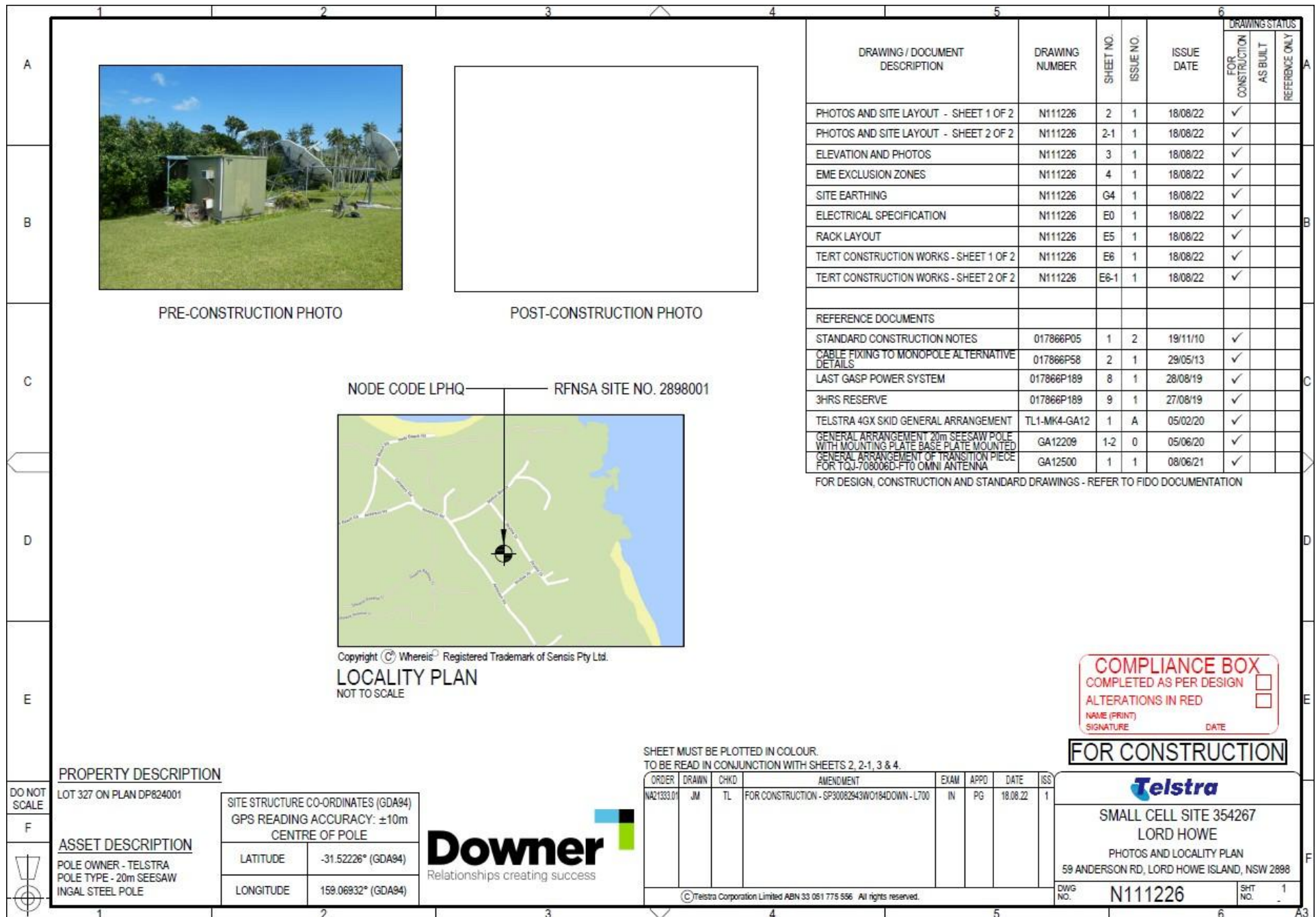


Figure 2: Submitted locality plan

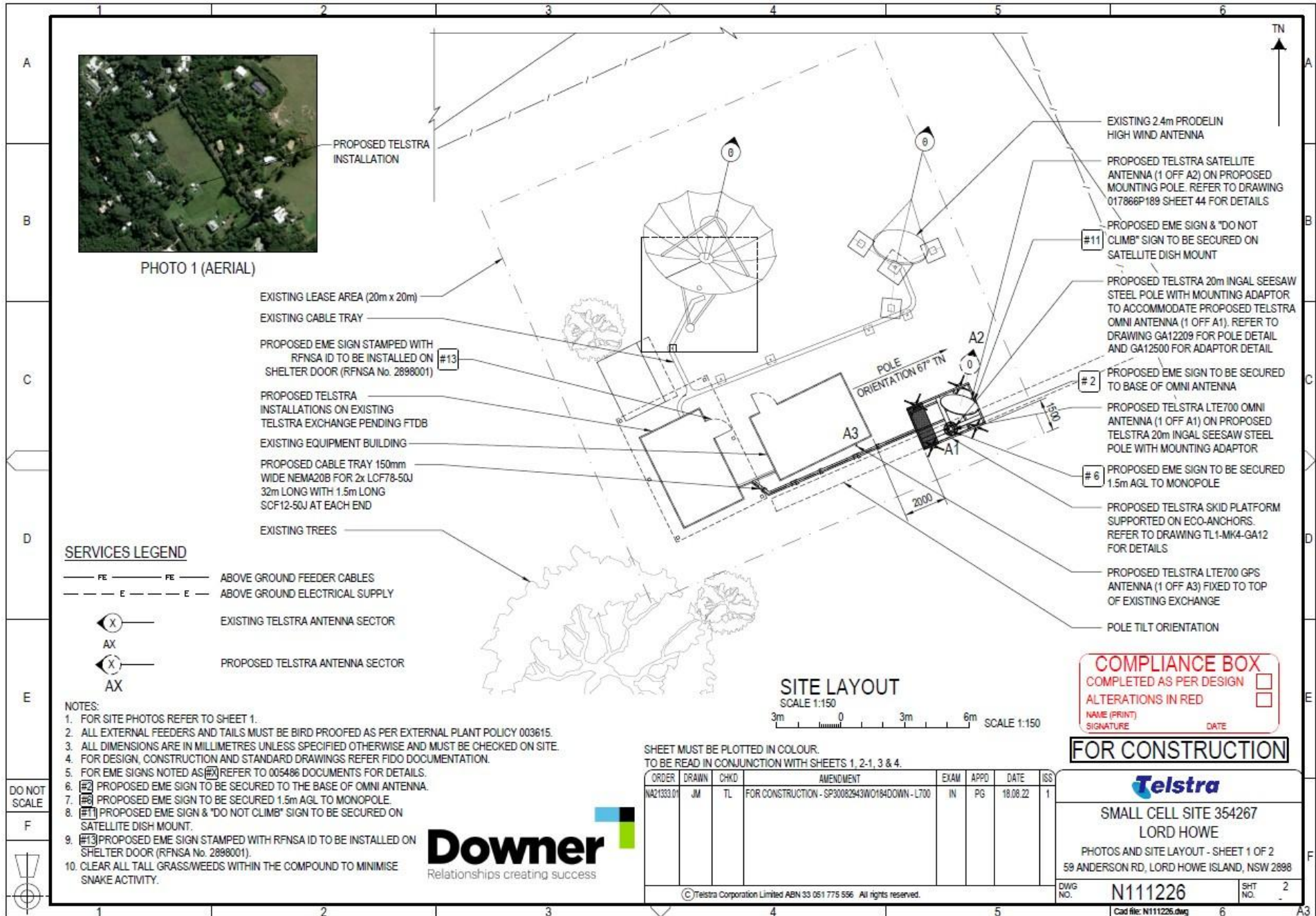


Figure 3: Submitted site plan



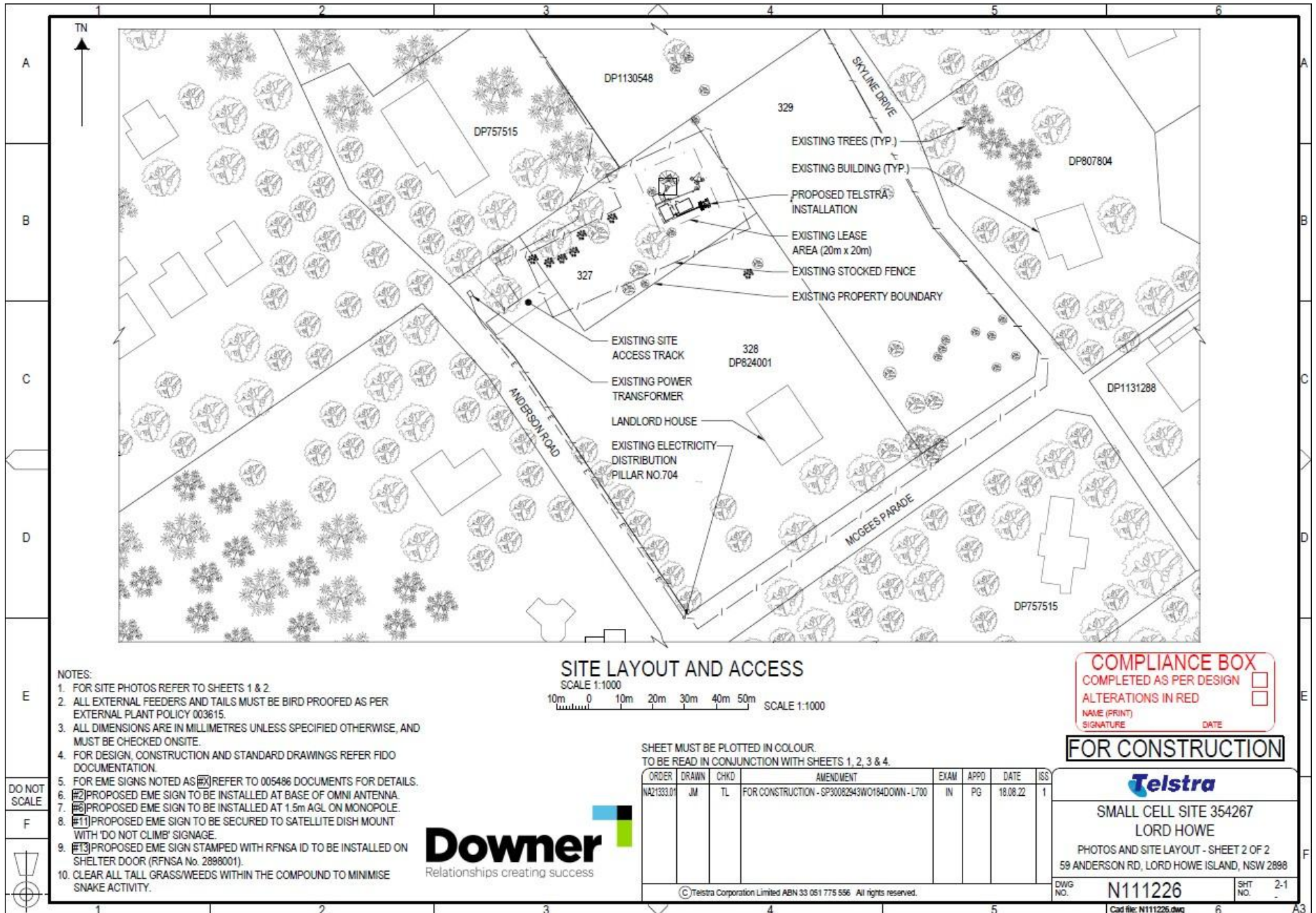


Figure 4: Submitted site layout & access plan

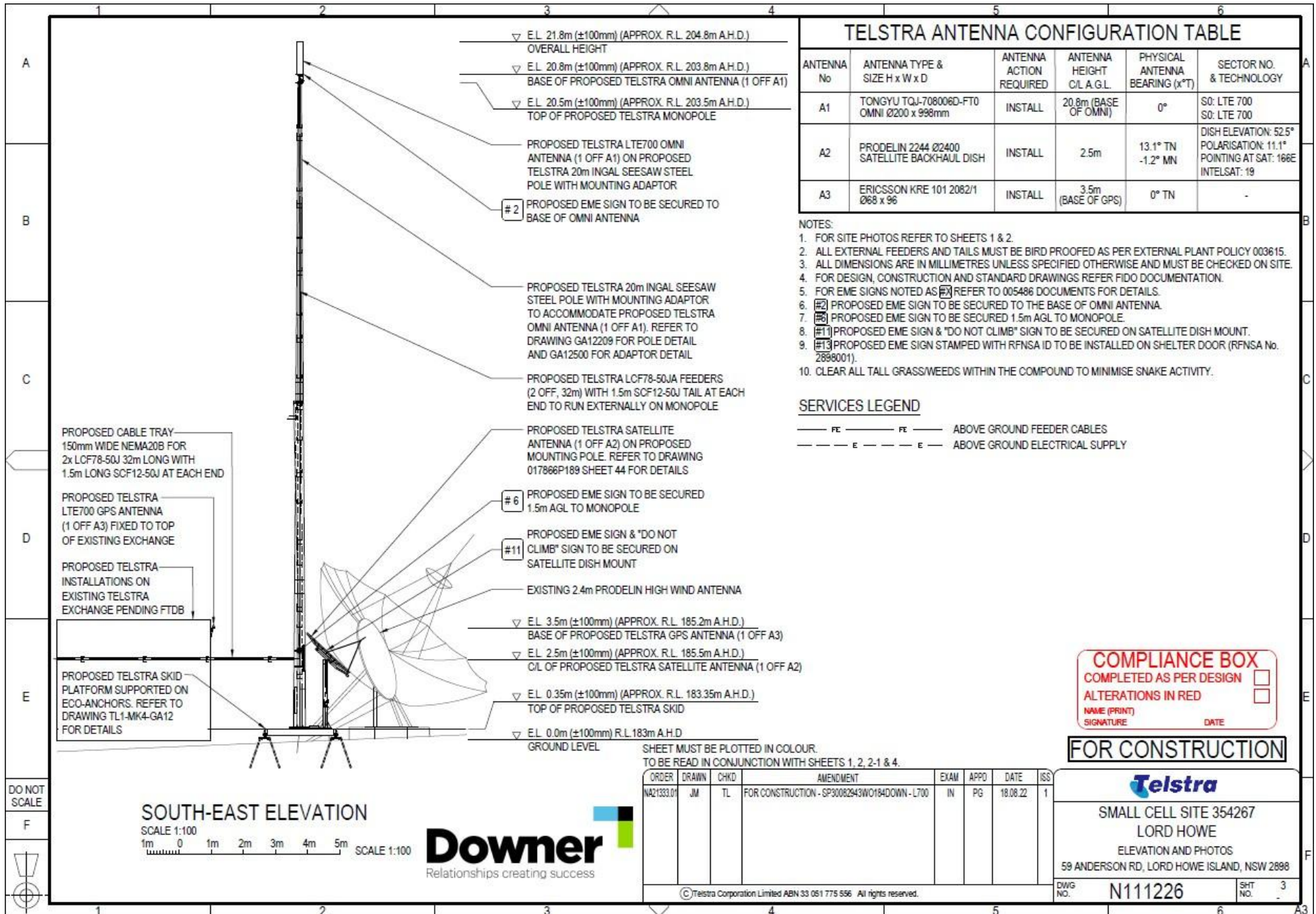


Figure 5: Submitted elevation plan

## 5 Preliminary Planning Assessment

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

As Figure 6 shows, Lot 327 is zoned 5 Special Uses under the LHI LEP 2010. All of the surrounding properties are zoned 2 Settlement.



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.

Figure 6: LHI LEP Mapping Extracts

The land contains mapped Significant Native Vegetation under LEP 2010 (refer also to Figure 6). The proposal will not require the removal of any mapped SNV.

### Permissibility - Lord Howe Island Local Environmental Plan 2010

Clause 9 of the LHI LEP 2010 stipulates that the specified development that is of minimal environmental impact in Schedule 1 is Exempt Development (ie does not require development consent) if the following pre-requisites are satisfied:

- (a) it complies with any development standards, and any other requirements, that are specified opposite it in Column 2 of that Schedule, and**
- (b) it does not require the removal of any significant native vegetation, and**
- (c) it does not contravene a condition of development consent applying to the land, and**
- (d) it complies with any deemed-to-satisfy provisions of the Building Code of Australia that are of relevance to the development, and**
- (e) it does not restrict any vehicular access to or from the site of the development, and**
- (f) it is not carried out on land that is within Zone 8 Permanent Park Preserve or Zone 9 Marine Park, unless the carrying out of the development on such land is expressly provided for in Column 1 of Schedule 1, and**
- (g) it is not carried out on land that is critical habitat (within the meaning of the [Threatened Species Conservation Act 1995](#) or Part 7A of the [Fisheries Management Act 1994](#)), and**
- (h) it is not proposed to be carried out on the site of—**
  - (i) any heritage item within the meaning of Division 3 of Part 3, or**
  - (ii) any item subject to an interim heritage order under the [Heritage Act 1977](#), and**
  - (i) it is not carried out on land that is, or is part of, a wilderness area (within the meaning of the [Wilderness Act 1987](#)).**

Based on the preliminary assessment undertaken for this OC, the proposal complies with the above pre-requisites and will be of minimal environmental impact. Specific mention should be noted regarding sub-clauses (a), (b) and (h), as follows:

*(a) it complies with any development standards, and any other requirements, that are specified opposite it in Column 2 of that Schedule.*

*Comment:* Schedule 1 includes the following Exempt Development category of direct relevance to the subject proposal:

**Telecommunications facility** (comprising microcell installation, in-building coverage installation, pit, manhole, underground equipment shelter or housing, underground conduit or cable, public pay phone cabinet or booth, pillar, roadside cabinet, pedestal or external equipment shelter).

The only accompanying development standard is that the proposal “*must be carried out by or on behalf of a public authority*” – it is assumed for the purposes of this OC assessment that Telstra is considered as a public authority.

*(b) it does not require the removal of any significant native vegetation,*

*Comment:* As mentioned earlier in the description of the proposal, from the preliminary assessment undertaken for this OC and the available aerial photography of the subject site, one unidentified palm is likely to need to be removed for the proposed development. This specimen is not located within the mapped significant native vegetation (SNV) area of the site (as per the SNV mapping of the LHI LEP).

The LHI LEP 2010 includes the following definition of Significant Native Vegetation: “vegetation that is native to Lord Howe Island on land that is identified as having significant native vegetation on Sheet 3 of the map”. On the above basis the removal of this one Palm would comply with sub-clause (b).

*(h) it is not proposed to be carried out on the site of—*

*(i) any heritage item within the meaning of Division 3 of Part 3, or*

*(ii) any item subject to an interim heritage order under the [Heritage Act 1977](#)*

*Comment:* Sub-clause (h) states that Exempt Development cannot be carried out upon a site of “a place, building, tree or work” listed as a heritage item under Schedule 2 of the LHI LEP 2010, or the same to which an interim heritage order has been made. The site for the subject OC is not listed under Schedule 2 of the LEP and does not contain an item that is subject to an interim heritage order.

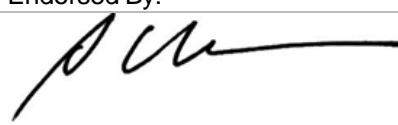
On the basis of the applicants’ intentions to carry out the subject works as Exempt Development which does not require development consent, no further provisions of the LHI LEP 2010 are relevant.

## 8 Conclusion

This report has undertaken the required preliminary assessment under the LHI LEP 2010 of the owners consent application for a proposed Mobile Phone Small Cell Telecommunications Facility at 59 Anderson Road, LHI. The applicants stated intention to undertake the proposal as Exempt Development is noted. On the above collective basis there is no technical reason to refuse the requested owners consent and the following recommendation for approval of this OC is made.

**9 Recommendation (Conditional Approval)**

That Owners Consent OC2022.06 for a Mobile Phone Small Cell Telecommunications Facility at Lot 327 DP 824001, No. 59 Anderson Road, Lord Howe Island be approved.

Recommended:	Endorsed By:
	
Peter Chapman Date: 7 <sup>th</sup> September 2022 LHI Consultant Town Planner & Director All About Planning Pty Ltd	Suzie Christensen Date: 7 <sup>th</sup> September 2022 Chief Executive Officer Lord Howe Island Board

- 97% Overall satisfaction

- 97% domestic
- 92% international



Not having mobile phone access is a PLUS for 56% of the visitors, in particular for younger ones, NSW residents and repeat visitors to the Island.

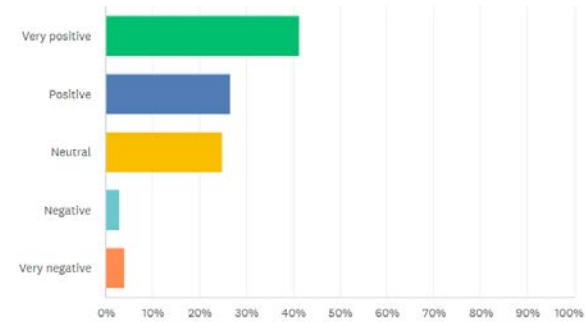
Post Q22: We would like to ask you questions about your visit to Lord Howe Island. How satisfied were you with your visit to Lord Howe Island? n=942  
 Post Q23: Was not having a mobile access a positive or negative experience for you? n=942  
 Post Q24: Overall, how satisfied were you with your visit to Lord Howe island? n=942

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Was not having mobile phone access a positive or negative experience for you?

Answered: 304 Skipped: 7



ANSWER CHOICES	RESPONSES
Very positive	41.45% 126
Positive	26.64% 81
Neutral	25.00% 76
Negative	2.96% 9
Very negative	3.95% 12
<b>TOTAL</b>	<b>304</b>

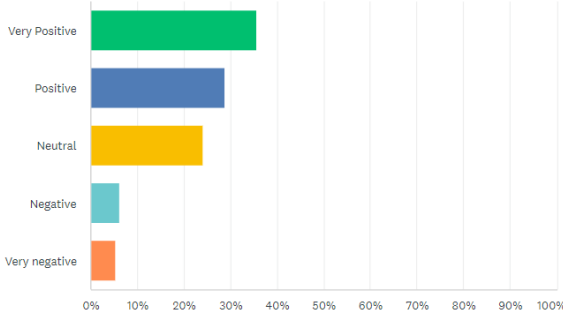
2017 Departure Survey Summary

2018 Departure Survey Summary

### 2019 Departure Survey Summary report

Was not having mobile phone access a positive or negative experience for you?

Answered: 129 Skipped: 6



ANSWER CHOICES	RESPONSES
Very Positive	35.66% 46
Positive	28.68% 37
Neutral	24.03% 31
Negative	6.20% 8
Very negative	5.43% 7
<b>TOTAL</b>	<b>129</b>

# Environmental EME Report

<b>Location</b>	59 Anderson Road, LORD HOWE ISLAND NSW 2898		
<b>Date</b>	06/09/2022	<b>RFNSA No.</b>	2898001

## How does this report work?

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at 59 Anderson Road, LORD HOWE ISLAND NSW 2898. These levels have been calculated by Downer Group using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). A document describing how to interpret this report is available at ARPANSA's website:

[A Guide to the Environmental Report.](#)

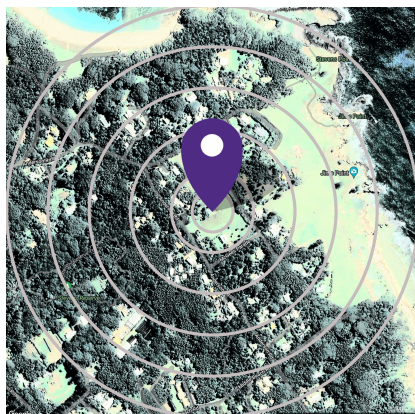
## A snapshot of calculated EME levels at this site

There are currently no existing radio systems for this site.

The maximum EME level calculated for the **proposed** changes at this site is

# 0.02%

out of 100% of the public exposure limit, 24 m from the location.



### EME levels with the proposed changes

Distance from the site	Percentage of the public exposure limit
0-50 m	0.02%
50-100 m	0.02%
100-200 m	0.02%
200-300 m	Less than 0.01%
300-400 m	Less than 0.01%
400-500 m	Less than 0.01%

For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at <http://www.rfnsa.com.au/2898001>.

## Radio systems at the site

This base station currently has equipment for transmitting the services listed under the existing configuration. The proposal would modify the base station to include all the services listed under the proposed configuration.

Carrier	Existing		Proposed	
	Systems	Configuration	Systems	Configuration
Telstra			4G	LTE700 (proposed)



## An in-depth look at calculated EME levels at this site

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined. All EME levels are relative to 1.5 m above ground and all distances from the site are in 360° circular bands.

Distance from the site	Existing configuration			Proposed configuration		
	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit
0-50m				0.53	0.75	0.02%
50-100m				0.49	0.62	0.02%
100-200m				0.47	0.59	0.02%
200-300m				0.31	0.25	Less than 0.01%
300-400m				0.21	0.12	Less than 0.01%
400-500m				0.16	0.07	Less than 0.01%

## Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest, identified through consultation requirements of the [Communications Alliance Ltd Deployment Code C564:2020](#) or other means. Calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

### Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit
No locations identified				

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

Proposed quarterly board meeting dates for the 2023 calendar year.

#### Recommendations

1. **Approve** the proposed board meeting dates for the 2023 calendar year.

#### Current position

The quarterly board meetings are generally held 3 months apart except for a short turn-around in the March to June period.

It is proposed to set the quarterly meeting dates and proceed with travel bookings to secure flight and accommodation bookings for the coming year. Flights and accommodation for the Appointed Board members will be booked to arrive on Tuesday and depart on Thursday morning, with the exception of Meeting 3 departure Thursday afternoon.

The proposed board meeting dates for the 2023 calendar year are:

	<b>Proposed Dates</b>	
<b>Meeting 1</b>	28 <sup>th</sup> February & 1 <sup>st</sup> March 2023	On Island
<b>Meeting 2</b>	23 <sup>rd</sup> & 24 <sup>th</sup> May 2023	On Island
<b>Meeting 3</b>	22 <sup>nd</sup> & 23 <sup>rd</sup> August 2023	On Island
<b>Meeting 4</b>	10 <sup>th</sup> October 2023	Teams Meeting – 2 hours
	Closed Session (Audit Report)	
<b>Meeting 5</b>	5 <sup>th</sup> & 6 <sup>th</sup> December 2023	On Island

#### Attachments

Attachment	Title
Nil	

#### Approval and contact

<b>Approver</b>	<b>Position</b>
Suzie Christensen	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Belinda Panckhurst	Administration Officer