

LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Transfer of Two Public Accommodation Licences from Ocean View – Kevin Wilson to Ian Hutton

Recommendations

1. **Approve** the issue of a Public Accommodation Licence in the name of Ian Hutton for PL2022.04 for the maximum number of 2 persons, excluding children under five years of age, who may be accommodated at any one time;
2. **Approve** the existing Public Accommodation Licence for Kevin Wilson, Ocean View Apartments for PL1954.05 be cancelled and a new licence issued to Kevin Wilson, Ocean View Apartments for PL2022.03 for the maximum number of 35 persons, excluding children under five years of age, who may be accommodated at any one time.
3. **Approve** the immediate cancellation of the use of Unit 16, Ocean View Apartments as tourist accommodation, noting that on transfer of the licences an Owner Consent/ Development Application for the Decommissioning of Unit 16 will be lodged as set out in Attachment A.

Current position

The *Lord Howe Island Regulation 2014* states the following:

Part 4 Licensing of tourist accommodation and other commercial undertakings

48 Meaning of tourist accommodation

In this Part, tourist accommodation means public accommodation that is provided predominantly for tourists to the Island as a commercial undertaking.

49 Licensing of tourist accommodation and other commercial undertakings

(1) *a Person must not-*

- (a) *provide tourist accommodation or carry on any other commercial undertaking on the Island, or*
- (b) *use premises for the provision of tourist accommodation or for the carrying on of any other commercial undertaking,*

Except in accordance with a licence granted by the Board for that purpose.

(2) *A licensee must not contravene a condition of the licensee's licence.*

(3) *A licensee must not, without reasonable excuse, refuse or fail to produce the licensee's licence for inspection on being requested to do so by the Board.*

The Tourist Accommodation Strategy was adopted at the September 2015 Board Meeting. Its purpose is to assist in the enforcement of licence conditions post transfer. The current process for the transfer of Public Accommodation Licences is summarised below:-

- a) The buyer and seller must apply to the Board to vary the accommodation licence/s,
- b) The buyer and seller must provide the Board with a floor plan showing the particulars of the premises to be licensed, including the room numbers, pre and post transfer,
- c) On receipt of the site plan, the Board will conduct an audit of the premises to ensure that they are currently compliant with their Licence for Provision of Public Accommodation,
- d) On satisfactory completion of steps 1 to 3 above, the matter will be referred to the Board for decision, and
- e) If approved by the Board, and subject to the conditions imposed by the Board, the existing Licence for Provision of Tourist Accommodation will be cancelled and a new licence issued to reflect the increased / reduced number of accommodation units and increased / reduced number of people, excluding children under five years of age, who may be accommodated at any one time.

Background

At the March 2022 Board Meeting, the Board endorsed three applications to facilitate land swaps and boundary adjustments between three adjacent Perpetual Leases, reflecting DA2021.07 Subdivision of Lot 347 Chad Wilson, Lot 201 Keith & Kelly Galloway, Lot 204 Kevin Wilson and Portion 69 Ian Hutton. Subsequently, on 22 June 2022, the Minister approved the surrender and creation of four new perpetual leases for Chad Wilson, Kevin Wilson, Keith and Kelly Galloway and Ian Hutton.

As outlined in an agreement dated 19 June 2021 between Kevin Wilson, Chad Wilson and Ian Hutton, a portion of land from Ian Hutton's lease (ex PL1954.48) was transferred to Chad Wilson in exchange for two (2) tourist accommodation licences from Kevin Wilson of Ocean View Apartments to Ian Hutton. This agreement formed part of the March 2022 business paper endorsed by the Board and approved by the Minister on 22/6/2022.

There are currently thirty-seven (37) Public Accommodation licences held by Kevin Wilson, Ocean View Apartments over her surrendered perpetual lease PL1954.05. As PL1954.05 no longer exists, and in line with the agreement stated above, the reissue of licences is required.

No additional licences are being applied for, just the redistribution of the licences held by Kevin Wilson.

The Board has received an application for the transfer of two (2) Public Accommodation licences from Kevin Wilson, Ocean View Apartments to Ian Hutton (Attachment A) and (Attachment B)

Proposed Decommissioning of Unit 16, Ocean View Apartments

Floor plans of Ocean View Apartments identifying proposed modifications to Unit 16 have been submitted (Attachment A). Unit 16 currently consists of a one-bedroom unit capable of accommodating two (2) persons. It is proposed to submit an application to decommission Unit

16 and a change of use for Unit 16 from Tourist Accommodation to a Linen and Cleaning Equipment Storage Room as detailed below:-

- Remove all cooking facilities/whitegoods/furniture/electrical goods;
- Install metal shelving for storage of linen and cleaning equipment;
- Retain bathroom facilities for WHS for handling of cleaning products and equipment;
- Install outside partitioning on veranda to separate from tourist accommodation for staff access only

To date an application decommissioning Unit 16 and for the change of use and proposed works for Unit 16, Ocean View Apartments has not been lodged by Kevin Wilson of Ocean View Apartments.

Proposed Tourist Accommodation – Ian Hutton

A floor plan and site plan for the proposed one-bedroom self-contained tourist accommodation has been submitted by Ian Hutton (Attachment B):-

- 85sqm self-contained tourist accommodation;
- Room 1 bedroom accommodating a maximum of 2 persons excluding children under five years of age;
- Bathroom;
- Open plan Kitchen/Dining Room/Lounge Room;
- Storage and transit room

Mr Hutton has advised that once the public accommodation licences have been transferred, he will commission a professionally prepared and compliant Owner Consent/Development Application for the construction of the proposed tourist accommodation.

Site Inspection and Audit of Premises

As per c) of the Tourist Accommodation Strategy, an audit of Unit 16 Ocean View Apartments was undertaken by Darcelle Matassoni on 22 November 2022.

The Unit 16 as defined in Kevin Wilson's submission is still currently in use and will be decommissioned on the date of licence transfer, likely to be finalised mid-January. A follow-up inspection will be scheduled at this time.

The site inspection included a walkthrough of the unit and a discussion on the decommissioning proposal and how the unit would be modified.

The next step is the submission of a change of use (and associated works) application.

Steps a) to c) of the Tourist Accommodation Strategy shown above have been completed.

As per e) of the Tourist Accommodation Strategy, it is recommended that the existing Licence for Provision of Tourist Accommodation will be cancelled and a new licence issued to reflect the increased / reduced number of accommodation units and increased / reduced number of people, excluding children under five years of age, who may be accommodated at any one time.

Attachments

Attachment	Title
A	Letter – Transfer two tourist accommodation licences from Kevin Wilson – 8 October 2022 - Open
B	Letter – Transfer two tourist accommodation licences to Ian Hutton – 6 October 2022 - Open

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Darcelle Matassoni	A/Manager Environment & Community Services



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08/10/2022

Darcelle Matassoni
Lord Howe Island Board
Lagoon Road
Lord Howe Island, NSW 2898
(02) 6563 2066

Attention Darcelle,

This letter is a formal request / application to transfer 2 of the 37 tourist bed licenses that Marlane Pty Ltd T/A Ocean View Apartments currently hold from the Lord Howe Island Board to Ian Hutton of Lord Howe Island NSW 2898.

Please see attached bed transfer / change of use DA for the bed licenses & unit from which beds will be removed for this transfer.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Wilson". The signature is written in a cursive style with a long, sweeping underline.

Kevin Wilson
Owner
Marlane Pty Ltd T/A
Ocean View Apartments

OWNER CONSENT and DEVELOPMENT APPLICATION

Kevin Wilson
1 Oceanview Drive
Lord Howe Island
NSW 2898

08th October 2022

PL2022.03 – Lot 3 DP1279044

A) DECOMMISSION Unit 16 from Tourist Accommodation at Oceanview Apartments and CHANGE OF USE Unit 16 to LINEN and CLEANING EQUIPMENT STORAGE on PL2022.03 – Lot 3 DP1279044

AND

B) TRANSFER 2 TOURIST LICENCES from Kevin Wilson to Ian Hutton PL2022.04 – Lot 4 DP1279044

1. Contents
2. Statement of Environmental Effects
3. Photos
4. Site plan and building plans
 - ◆ Dwelling
 - ◆ Infrastructure building
 - ◆ Tourist accommodation
 - ◆ Total site plan and survey
 - ◆ GFA calculations
 - ◆ Adjacent Perpetual Leases
 - ◆ Vegetation plan
 - ◆ Parking
 - ◆ OC/DA application
 - ◆ SEE

Address: PL2022.03 – Lot 3 DP1279044 - 1 Oceanview Drive, Lord Howe Island.

Applicant: Kevin Wilson.

Zone: Zone 2 settlement.

Biodiversity -Significant native vegetation: No significant native vegetation will be damaged or removed with this application.

Site description Lot 3: The tourist (commercial) business is known as Oceanview Apartments. The tourist apartments are situated on an irregular shaped block with the total site area of 16,440 square meters with slopes to the North west. The site is zone 2 Settlement. The existing buildings on site are outside of mapped SNV.

Existing improvements Lot 3:

- 2 dwellings.
- Infrastructure building (office / transit building; commercial laundry / double garage / storage / cool room and freezer building, garden / tool shed; commercial kitchen / bar area / lounge - games room / staff accommodation building).
- 15 tourist accommodation units (license- 37 beds) with guest laundry attached to the North corner of the building
- Landscaping design
- Driveway access and parking.

Compliance:

EPA Act
EPA Reg's
LHI LEP2010

Contamination: None

Bushfire risk: None

Services: Existing water, electricity, telecommunications, and wastewater disposal

Stormwater: Existing surface water flows south west

Landscaping: No additional landscaping proposed

Tourist license allocations: Existing tourist facility on PL2022.03 – Lot 3 DP1279044 is licensed for 37 people. Consent is sought for decommissioning two (2) tourist licenses (CEO of LHI Board, on 08th October 2022 - letter attached) from Unit 16 and change the use from tourist accommodation to linen & cleaning equipment storage.

A part of the decommissioning of unit 16 is removing all the cooking facilities/white goods/furniture/electrical goods. Retain bathroom facilities for WHS with handling of cleaning products / chemicals & equipment.

Installing metal shelving to store linen & cleaning chemicals & equipment.

Install outside partitioning on veranda to separate from tourist accommodation & have staff only access.

Transfer of two (2) tourist licenses to Ian Hutton PL2022.04 – Lot 4 DP1279044

Supporting documentation:

Survey plan by Martin Pundyk. Proposed subdivision of Lot 347 DP1156661, Lots 201 & 204 DP40354 & Lot 69 DP757515.

Tourist accommodation Unit 16 decommission floor plan

Letter CEO of LHI Board, detailing the application to transfer tourist licenses

Zone and Permissibility: The land is in Zone 2 Settlement. The proposal complies with Clause 22 LEP2010

Heritage: No heritage listing of the subject site

Sewer: Existing approved wastewater system on Lot 3 supports waste from dwelling and tourist accommodation Kubota System.

Access: Existing from Oceanview Drive is sealed.

Surrounding development: Typical dispersed settlement pattern

Impacts and mitigation: The proposal will not impact on the environment or SNV or impact on World Heritage values

Design principles comply with LEP2010.

Demonstrated business need:

1. The proposal to decommission Unit 16 and transfer 2 tourist licenses from Oceanview Apartments allows Ian Hutton to start his own business.
2. Decommissioning unit 16 at Oceanview Apartments and change of use from tourist accommodation to linen and cleaning equipment storage will enable the business to operate efficiently.

There are no additional bed licenses being sought by this application, just a redistribution of 2 tourist licenses proposed to be transferred from the applicant on PL2022.03 – Lot 3 DP1279044 at Oceanview Apartments to Ian Hutton PL2022.04 – Lot 4 DP1279044 - Clause 22 (1)(d).

There will be no increase in tourist license numbers (Clause 22(4))

Justification:

1. Proposed Development DA2021.7, Property Description
Lot: 347 DP: 1156661, Lot: 201 DP: 40354, Lot: 204 DP: 40354, Por: 69 PLN: 19
Description of Proposed Development Subdivision of Lot 347, Lot 201, Lot 204 and Portion 69.
GFA Calculation from this DA, raises the commercial area used to 12.4%. That is well under the 15% allowed.
2. Decommissioning and change of use of unit 16 will utilize an existing commercial area for essential purposes of linen and cleaning equipment storage. A part of the decommissioning of unit 16 is removing all the cooking facilities/white goods/furniture/electrical goods. Retain bathroom facilities for WHS with handling of cleaning products & equipment. Installing metal shelving to store linen & cleaning equipment. Install outside partitioning on veranda to separate from tourist accommodation & have staff only access.
3. Transfer of 2 tourist licenses from Kevin Wilson - PL2022.03 – Lot 3 DP1279044 to Ian Hutton on PL2022.04 – Lot 4 DP1279044 will allow Ian Hutton to start his own business
4. Recent example approved by the LHI Board: Val Turk at Hideaway and Therese Turner decommissioned tourist units and change of use was approved
5. All buildings have been identified on the lease, including dwellings
6. There is adequate land available for the proposal
7. The proposal is permissible with development consent in Zone 2 settlement and satisfies Clause 9,11,14,22,27,29,32 and 33 of the LEP2010.
 - Clause 11 –Matters that must be satisfied before development consent is granted
 - (a) The site falls within Zone 2 Settlement and is consistent with zone objectives
 - (b) There is adequate area for treatment of effluent. No new effluent will be produced. The existing wastewater system has been approved by the Lord Howe Island Board
 - (c) The proposal will not result in any SNV to be damaged or removed.
 - (d) The proposal does not involve any change in access on the site.
 - (e) The proposal does not involve landscaping
 - (f) The site is not located in a flood hazard area
 - (g) No additional infrastructure services are required
 - (h) The proposal will have no adverse impact on locality
 - (i) No overshadowing will result
 - (j) No privacy issues will result.
 - (k) Complies with Clause 22 (1) (a) and Clause 22 (1)(b)
8. Clause 22- Tourist accommodation, staff accommodation and commercial premises- the proposal complies with the minimum 15% of the balance of the area of the allotment occupied after the minimum dwellings area is deducted from the total area of the allotment (see GFA provided in this document)
9. Clause 29 – Maximum height of buildings. Existing building does not exceed 7.5m in height
10. Clause 32-Setback of buildings. The proposal complies with setbacks, as there is no structural change
11. Clause 33- Landscaped character. The proposed development will not adversely impact on the existing landscaped character and dispersed pattern of housing in the zone
12. The site is suitable and can accommodate the proposal
13. There is no cut and fill
14. The existing buildings are screened from the main road and the entrance driveway with a thick band of vegetation.
15. There is no significant environmental, social, or economic impact.

No native vegetation will be removed

 - a. Soil suitability, stability, slope, natural drainage patterns and erosion control are not affected

- b. There is no effect on plants or animals that are native to the island
- c. There will be no change to air, noise or water pollution arising from the proposed subdivision
- d. There is no impact on the health of people in the neighborhood
- e. There are no hazards arising from the proposed development.
- f. There will be no impact on traffic in the neighborhood
- g. There is no impact on the local climate
- h. There is no change to visual impact
- i. There is no impact on soil erosion
- j. There is no impact on heritage significance
- k. There is no visual exposure.
- l. The existing access is landscaped and established. There is no requirement for cut and fill.
- m. There is no impact on fauna habitats on the site or existing native vegetation.

16. There will be no impact on the environment
- The area is landscaped using an approved Environmental plan.
 - Visual and climatic screening exists.
 - No impact on visual exposure,
 - No negative impacts on significant native vegetation
 - Main Access road exists and is landscaped and screened.
 - Adequate distance from boundaries
 - World Heritage values will not be compromised.

Proposed Development objectives and analysis:

2 and 3 (a)

The proposal is to:

1. Decommission Unit 16 at Oceanview Apartments (2 tourist licenses) and change the use from Tourist accommodation to linen & cleaning equipment storage on PL2022.03 – Lot 3 DP1279044.
2. Transfer 2 tourist licenses from Kevin Wilson PL2022.03 – Lot 3 DP1279044 to Ian Hutton PL2022.04 – Lot 4 DP1279044 The proposal will not involve removal of any existing vegetation
3. The existing buildings are screened from the main road and entrance driveway by an area of native and exotic vegetation.
4. The proposal is in keeping with the general objectives of the LEP2010, which are. *"To ensure that any further development on the Island does not destroy the natural environment and does not adversely affect the lifestyle of the residents"*.
5. The proposal satisfies objectives of Zone 2 (settlement) LEP 2010
6. The proposal complies with the Environmental protection and Biodiversity Conservation Act 1999, NSW Threatened Species Conservation Act 1995, NSW Heritage Act 1977, LHILEP2010, Lord Howe Island Act 1953, LHI DCP2010 and the NSW Environmental Planning and Assessment Act 1979.

PL2022.03 – Lot 3 DP1279044 GFA existing on site on the date of 18th October 2022

EXISTING GFA CALCULATIONS (Total site area = 16,440sqm)

Building	GFA (sqm)	Area required
<u>Existing Residential</u>		
2 Dwellings (dwelling 1: 161 m ² + dwelling 2: 96 m ²) = 267 sqm		=6,000 sqm
<u>Existing Commercial GFA</u>		
Tourist Accommodation	= 596 sqm	
Double garage, storage area, freezer / cool room and laundry.	= 162 sqm	
Office / transit room and garden / tool shed	= 92 sqm	
Restaurant area, games room and staff accommodation.	= 501 sqm	
Total GFA commercial floor area	<u>= 1331 sqm</u>	
Area required for commercial site cover		= 8,873.33 sqm
To calculate area required to comply LEP 2010: 1331 sqm divided by 15 x 100		
TOTAL EXISTING AREA REQUIRED		14,873.33 sqm
TOTAL AREA AVAILABLE		= 16,440 sqm
Area remaining		= 1566.67 sqm

Complies with Clause 23 and Clause 24 of LHI LEP2010

Electrical: No change to existing load

Environmental: No impact on any threatened species, populations or ecological communities or their habitats.

Effluent: The proposal will continue to use the existing approved Kubota wastewater system

(b) Details of any existing development that may be superseded by the proposal.

None

(c) A general description of the environment that, in the opinion of the consent authority, is likely to be affected by the proposed development

There will be no impact on the environment.

(d) A detailed description of any aspects of the environment that, in the opinion of the consent authority, are likely to be significantly adversely affected by the proposed development, including an assessment of whether there is any significant native vegetation that is likely to be significantly adversely affected by the proposed development.

The proposal satisfies the pre-requisites because it is using existing buildings on site which has an approved wastewater disposal system and approved ecological assessments and Rehabilitation plans.

- The area is landscaped using an approved Environmental plan.
- Visual and climatic screening exists.
- No impact on visual exposure,
- No negative impacts on significant native vegetation
- Adequate distance from boundaries

(e) The likely impacts of the proposed development on the environment, having regard to the following

(i) The nature and extent of the proposed development.

No impact

(ii) The nature and extent of any building work associated with the development

No impact.

(iii) The nature and extent of any building or work.

No Impact

Any rehabilitation measures to be undertaken in relation to the proposed development.

Continued implementation of the Ecological Restoration and Rehabilitation plan approved by the Board on 31 October 2014.

(f) A full description of the measures proposed to mitigate any adverse impacts of the proposed development on the environment.

- Soil suitability, stability, slope, natural drainage patterns and erosion control are not affected
 - There is no effect on plants or animals that are native to the island
 - There will be no change to air, noise, or water pollution
 - There is no impact on the health of people in the neighborhood
 - There are no hazards arising from the proposal.
 - There will be no impact on traffic in the neighborhood
 - There is no impact on the local climate
 - There is no change to visual impact
 - There is no impact on soil erosion
 - There is no impact on heritage significance
 - There is no visual exposure.
 - The existing access is landscaped and established. There is no requirement for cut and fill.
 - There is no impact on fauna habitats on the site.
 - The proposal will not impact on existing native vegetation.
- There will be no adverse effects on the environment.

5. The reasons justifying the carrying out of the proposal having regard to the biophysical, economic, and social considerations and the principles of ecologically sustainable development.

(a) Biophysical

The site satisfies Zone 2 (settlement) objectives LEP 2010. The proposal is justified as the land is capable of urban development.

1. The proposal does not involve any negative impacts on significant native vegetation. The land will continue to be re vegetated and weeded.
2. The proposal will not impact on the ecology.
3. Endangered or protected species or habitats will not be disturbed.
4. Landscape Unit: DP1279044 lies within the East Coast Unit
5. A description of the existing environment:

- ◆ The RES (RES1984, Land Resources, p.8.) classifies the soil on the proposed site as weakly structured sandy soil. The soil profile is deep. The Great Soil Group is Calcareous Litho sol.
- ◆ Slope: There is a minor slope of 5-10% to the North West
- ◆ Surface drainage: The site drains generally to the South West. There are no discernible drainage lines on the site.
- ◆ Urban Capacity: Sub-Class: B-sec. This category covers the entire proposed subdivision site. The negligible constraints identified are slope, erodibility, and permeability.
- ◆ Degree of Physical Constraint: Low
- ◆ Capabilities: Residential, Zone 2 Settlement
- ◆ Rural Capabilities: The land is classified (IV), which is suitable for grazing and gardens due to the sandy soil.
- ◆ Fire Hazard: is low. The RES (1984, Bushfire Hazard) indicates that the threat posed by bushfires on Lord Howe Island is insufficient to warrant special planning controls or management programs.

- ◆ Fauna: In the forested areas the native birds present include The Lord Howe Island Silvereye *Zosterops tephroleura*, Green winged pigeon *Chalcophaps indica*, Golden Whistler *Pachycephala pectoralis*, Woodhen *Tricholimnas sylvestris*.
- ◆ Soil stability: gentle slope, natural drainage, and no erosion.
- ◆ Visual exposure: Trees provide privacy. The tree canopy protects the area from strong winds. There is potential for additional visual and climatic screening by additional planting.

(b) Economic.

The proposal is justified as it will benefit the business on PL2022.03 – Lot 3 DP1279044 by providing a utilities and storeroom.

Transferring 2 tourist licenses from the applicant to Ian Hutton will allow the applicant to retain his tourist accommodation business on his lease, licensed for 35 guests instead of 37 guests, and provide Ian Hutton with a business

The proposal will utilize a commercial space for the business.

(a) Social

The proposal is justified as it will not affect the neighborhood in terms of traffic, privacy, overshadowing of adjoining land, noise, or visual impact.

6. A list of approvals that may be obtained under any other Act or Law before the development may be lawfully carried out.

None.

7. An assessment of the compatibility of the proposal with the objectives which underlies the Island's inclusion as a World Heritage Site.

This proposal is compatible with the objectives for the following reasons.

World Heritage values will not be compromised.

The Island's unique flora and fauna will be conserved and enhanced by the implementation of the existing Re-vegetation Plan.

Conserve of World heritage values

Protect significant vegetation

Protect existing habitat of threatened species

Protect potential habitat of threatened species

Re-vegetate existing disturbed areas with native plants suited to the area approved by the Lord Howe Island Board.

8. A detailed evaluation of the visual impact of the proposed development and measures to be taken to reduce any detrimental visual impact, including the extent to which vegetation may be used to restore a natural landscape character.

This has been addressed in Biophysical (5)

9. A detailed evaluation of any effect of the proposed development upon a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific, or social significance or other special value for present or future generations.

Locality

No effect.

Aesthetic

No effect.

Anthropological

No effect.

Archaeological

No effect.

Architectural

No effect.

Scientific

No effect.

Cultural

No effect.

Historical

No effect.

10. Justification of the proposal in terms of

(a) The aims of the Lord Howe Island Local Environmental Plan 2010:

The proposal satisfies the pre-requisites of Zone 2 (settlement) and the LEP2010. There is no damage to the environment. There is adequate suitable land area.

(b) Any objectives of the zone in which the proposed development is to be carried out as set out in this plan:

The proposal is in sympathy with existing development on site and complies with Zone 2 Settlement (1) (a).

(c) Any relevant development controls that are set out in this plan:

There is adequate land area for further commercial development on PL2022.03 – Lot 3 DP1279044 and the proposal complies with BCA and Lord Howe Island Board regulations within Zone 2 Settlement (1) (b)

(d) The applicant will ensure that no part of the proposed development:

- (i) will result in any damage to, or the removal of, significant native vegetation, or
- (ii) will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,

(e) Access exists and will not:

- (i) Result in any damage to, or the removal of, significant native vegetation.
- (ii) have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,

(f) any proposed landscaping will use species of plants that are native to the Island and common in the locality to enhance any significant native vegetation in compliance with the approved Revegetation plan 2009,

(g) the proposal will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils, and steep slopes,

(h) adequate services exist with no cost to the Board or the community

(i) the appearance of the proposal (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality

(j) the proposal will not cause any significant overshadowing of adjoining land,

11. An Assessment of whether there are any feasible alternatives to carrying out the proposed development including:

(a) The consequences of not carrying out the proposed development.

The applicant wishes to utilize decommissioned space for a utilities and storage required to operate the tourist accommodation on Lot 3. The consequences of not carrying out the proposal will result in PL2022.03 – Lot 3 DP1279044 businesses operating inefficiently.

(a) The reasons justifying the carrying out of the development.

- The proposal satisfies the pre-requisites of design principles in the LEP 2010
- The proposal will have no negative environmental impact because no changes will be made to the environment.
- The proposal uses existing commercial areas

12. Ecologically sustainable development

- The consideration of the environment has been set out above
- There will be no pollution generated.
- The present generation is currently preserving the environment and social wellbeing for future generations.
- There are no threats to the environment
-

FIRE SAFETY MEASURES

- The existing buildings satisfy the BCA New South Wales Fire safety conditions
- Existing materials used for the alterations and additions are compliant
- All buildings have fire rated insulation in the roof cavity and walls
- All kitchens have a fire blanket and exhaust fan
- All buildings have fire smoke alarms fitted
- There are fire extinguishers in all building

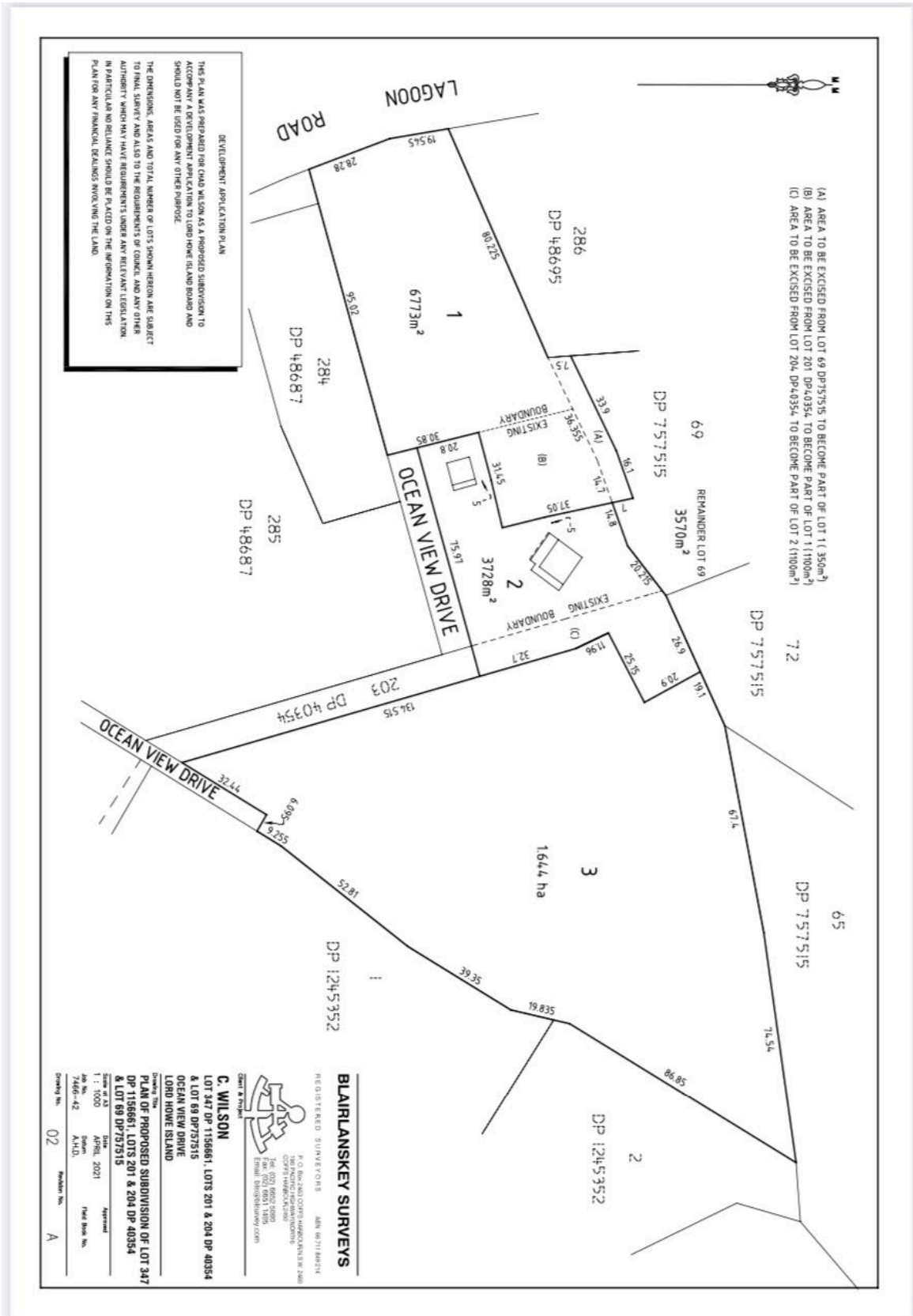
Conclusion.

This environmental impact report is intended to justify the applicant's proposal to.

- ◆ Utilize areas in existing buildings on site
- ◆ Comply with the LHI LEP 2010 and DCP
- ◆ Justify and provide evidence that the proposal will have no negative impact on the environment and is following all related Acts and Legislations.
- ◆ It is considered that this application is a reasonable proposal which seeks consent to
 1. transfer two (2) tourist licenses from the applicant PL2022.03 – Lot 3 DP1279044 to Ian Hutton PL2022.04 – Lot 4 DP1279044.
 2. decommission 1 tourist unit at Oceanview Apartments on PL2022.03 – Lot 3 DP1279044 to provide space for utilities and leaving (14) tourist apartments with (35) tourist licenses
 3. Enable the Ian Hutton to establish his own tourist accommodation business

References:

- * Atkinson, G Land Resources and Study of the Lord Howe Island Settlement Area. Soil Conservation Service NSW: Sydney
- * E.P & A Act (1979). Environmental Planning and Assessment Act. D West, Government Printer: Sydney
- * Hutton, I (1986). Discovering Australia's World Heritage-Lord Howe Island Conservation Press: Canberra
- *LEP (2010). Lord Howe Island-Regional Environmental Plan Lord Howe Island Board: Sydney



Subdivision showing Part 16,440 sqm



Tourist units on PL2022.03 – Lot 3 DP1279044 showing Unit 16 proposed to be decommissioned and change of use tourist accommodation to Utilities and storage.

Tourist tourist license layout for Ocean View Apartments.

Unit 1 (2) tourist licenses, Unit 2 (2) tourist licenses, Unit 3 (2) tourist licenses, Unit 4 (2) tourist licenses, Unit 5 (2) tourist licenses, Unit 6 (2) tourist licenses, Unit 7 (3) tourist licenses, Unit 8 (3) tourist licenses, Unit 9 (2) tourist licenses, Unit 10 (2) tourist licenses, Unit 11 (2) tourist licenses, Unit 12 (2) tourist licenses, Unit 14 (4) tourist licenses, Unit 15 (5) tourist licenses, Unit 16 (2) tourist licenses and a total of 37 tourist licenses.



Tourist units on PL2022.03 – Lot 3 DP1279044 showing Unit 16 (outlined in red) proposed to be decommissioned and change of use tourist accommodation to Linen & Cleaning Equipment Storage.

- A part of the decommissioning of unit 16 is removing all the cooking facilities/white goods/furniture/electrical goods.
- Retain bathroom facilities for WHS with handling of cleaning products & equipment.
- Installing metal shelving to store linen & cleaning equipment.
- Install outside partitioning on veranda to separate from tourist accommodation & have staff only access.

Record Number: ED20/6076
Enquiries: John van Gaalen

03/07/2020

Mr K Wilson
C/- Post Office
LORD HOWE ISLAND NSW 2898

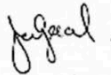
Dear Kevin

RE: LICENCE TO PROVIDE TOURIST ACCOMMODATION

I am pleased to enclose your licence to provide tourist accommodation for the period
1 July 2020 to 30 June 2023.

Please note the conditions attached.

Yours sincerely



John van Gaalen
Manager Business and Corporate Services



Administrative Office
P.O. Box 5
Lord Howe Island 2898
Phone: 02 6563 2066
Facsimile: 02 6563 2127
Email: administration@hib.nsw.gov.au



LICENCE TO PROVIDE TOURIST ACCOMMODATION

In pursuance of Part 4 of the *Lord Howe Island Regulation 2014* under the *Lord Howe Island Act, 1953*,

Mr K Wilson

is hereby granted a licence to provide tourist accommodation at the premises known as

Ocean View Apartments

ABN 63 001 885 776

Located on Perpetual Lease number : PL1954.05

for the period 1 July 2020 to 30 June 2023, subject to the attached conditions.



John van Gaalen
MANAGER BUSINESS AND CORPORATE SERVICES

For and on behalf of the
LORD HOWE ISLAND BOARD

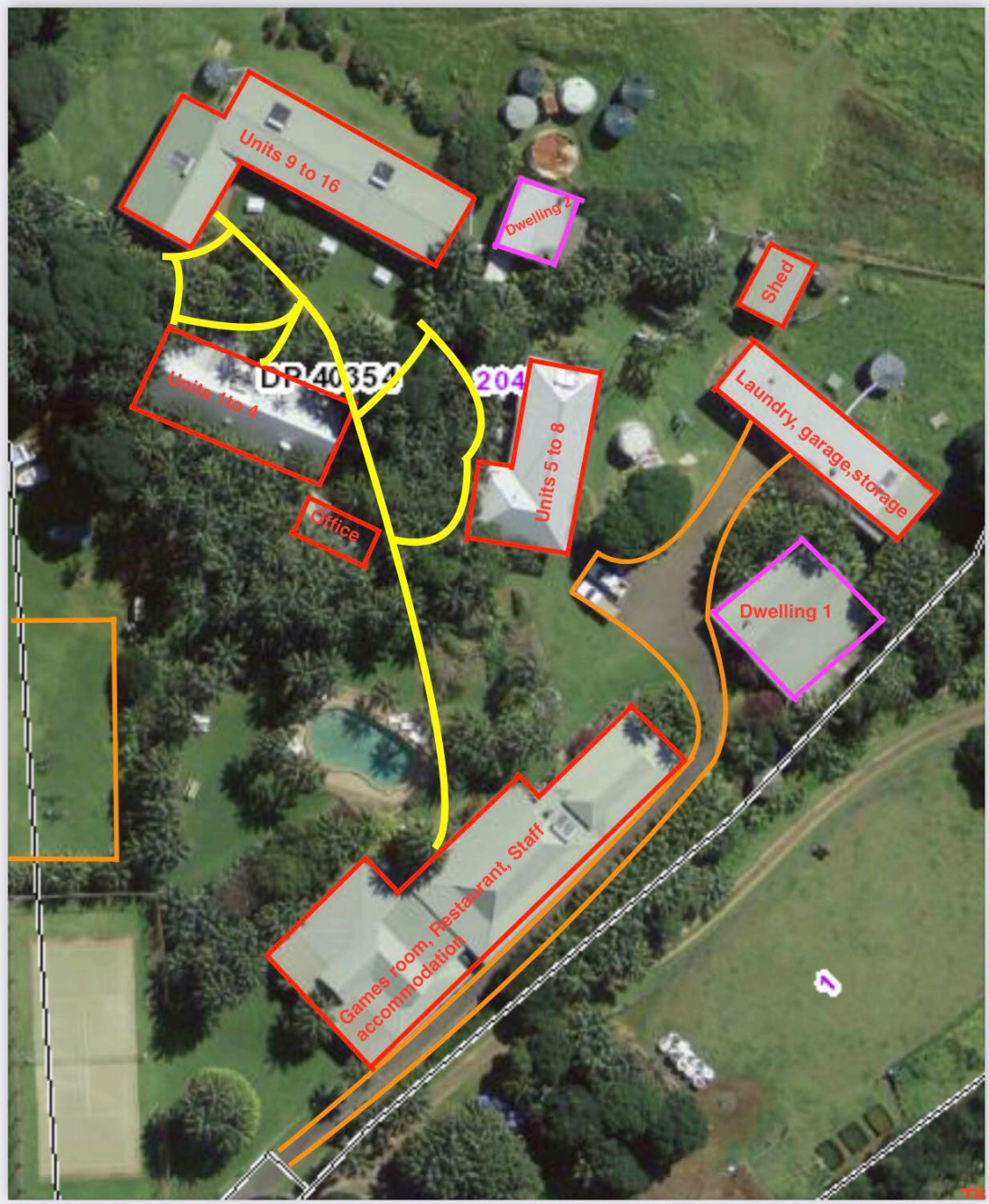
Attachment 1

Conditions of Licence to Provide Tourist Accommodation

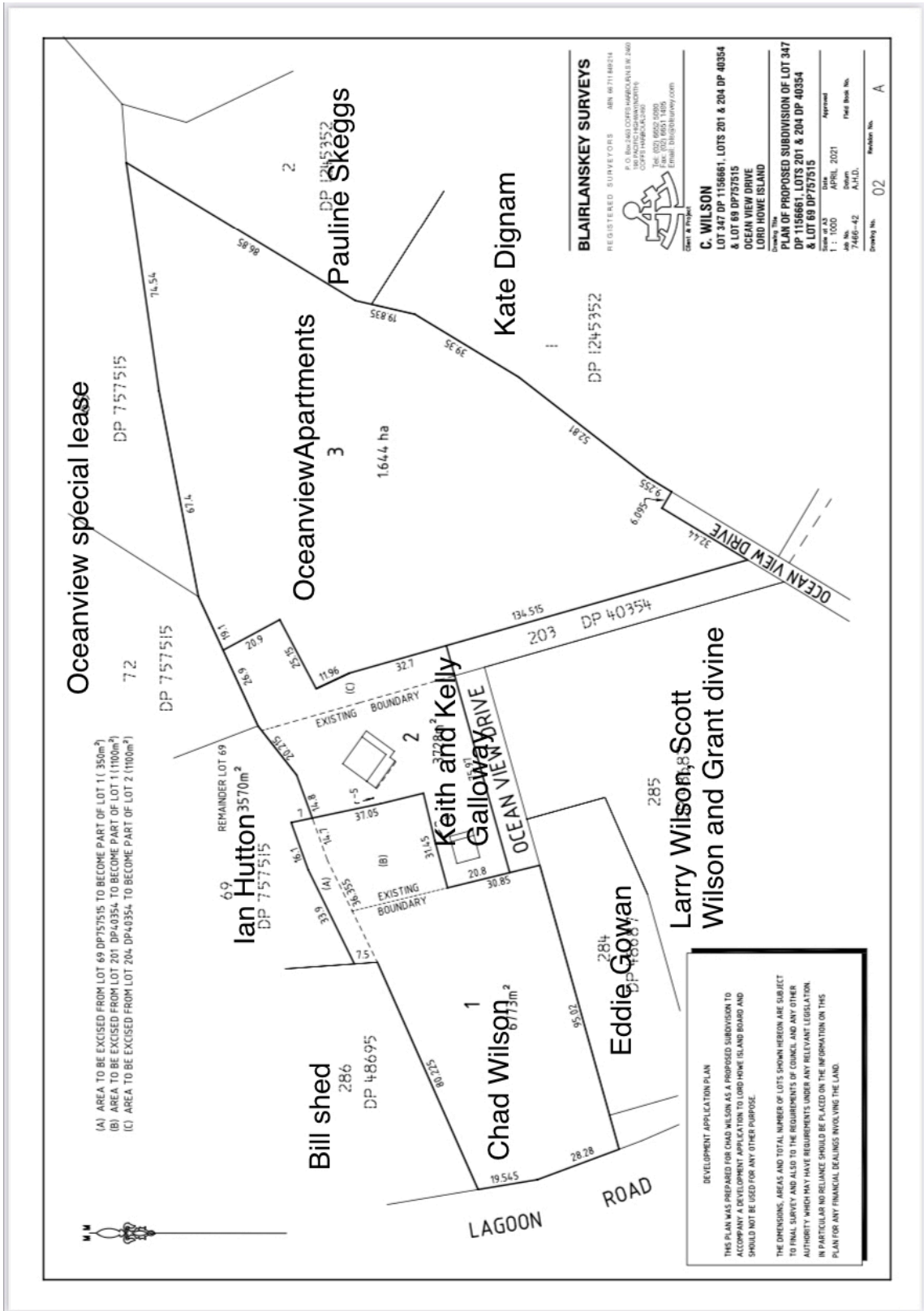
1. The nominated place of business for tourist accommodation is at the premises known as Ocean View Apartments, Ocean View Drive, Lord Howe Island, NSW, 2898.
2. The maximum number of persons which may be accommodated at any one time is 37, excluding children under five years of age.
3. On no account are tourists to be accommodated in staff quarters or any place other than the licensed tourist accommodation.
4. The licensee must maintain an Accommodation Register which captures the following information on persons staying overnight at the premises:
 - a. The name of the premises,
 - b. The number of all persons and the room numbers of all persons so accommodated,
 - c. The numbers of all persons being under five years of age, and
 - d. The dates the persons referred to above arrive at and depart from the premises.
5. The licensee must grant to the Board's Chief executive Officer, Manager Business and Corporate Services, Manager Environment and Community Services, Manager Infrastructure and Engineering Services free access to the Accommodation Register for the purpose of perusing or taking extracts of entries made in the Accommodation Register and will, upon request, supply to him or her a copy of the information listed in Condition 4.
6. The Board's CEO, Manager Business and Corporate Services, Manager Environment and Community Development, Manager Infrastructure and Engineering Services may enter any premises on the lease after the Board has given at least 24 hours written notice (unless the giving of the notice would defeat the purpose of the exercise of this power) of its intention to enter the premises so as to determine whether the licensee is in compliance with the conditions of this licence. The notice must specify the name of the person conducting the inspection and the time of the inspection.
7. The licensee must not obstruct, hinder or interfere with a person authorised in accordance with Condition 5.
8. The licensee must effect and maintain in respect to the premises a public liability insurance policy in an amount of not less than \$10 million, or such other amount as the Board may from time to time require, being the amount which may be paid arising out of any one single accident or event.
9. The licensee must provide the Board, within two business days of the Board's demand, a copy of the insurance policy referred to at Condition 8 above.
10. Except during any period of suspension, a licence continues to be in force until such time as it is cancelled or, in the case of a licence that is granted for a specified term, when that term expires.
11. A licence is not transferable unless the proposed transfer is in accordance with the

Board's Tourism Accommodation Strategy, and the transferee and the Board have consented in writing to the transfer.

12. The conditions of a licence may only be altered, modified, added to or revoked by the Board during the currency of the licence with the written consent of the licensee.
13. Prior to the renewal of a Licence to Provide Tourist Accommodation, the licensee is required to provide a plan showing particulars, including the room numbers, of the premises to be licensed and all staff accommodation and all buildings, and that the room numbers shown on the application must correspond to numbers permanently affixed on the rooms of the premises to be licensed.
14. Breaches of license conditions may result in penalties ranging from a written warning to fines of up to \$5,500 per offence, a reduction in the maximum number of persons which may be accommodated at any one time, suspension of the licence or cancellation of the licence.
15. The official "Licensed Tourist Accommodation" identification plaque supplied by the Board must be displayed in each accommodation unit licensed.



All red shapes are commercial buildings and are labelled, all purple shapes are dwellings and are labelled. Orange marked areas in driveway and parking area. Yellow lines are pathways.



Adjoining leases



Vegetation cover



Lord Howe Island Board

To: LHI Board
Lord Howe Island
NSW 2898

From: Ian Hutton
1 Sainsbury Drive
Lord Howe Island
NSW 2898

1 October 2022

TRANSFER OF TWO TOURIST ACCOMMODATION LICENCES

I apply to the Board to receive two tourist accommodation licences from Kevin Wilson, and grant them to my business Lord Howe Island Nature Tours (ABN 61 65 000 2716), to be used in Room 1 of a new apartment to be built on the lease Lot 4 DP 1279044.

Background

As outlined in the agreement dated 19 June 2021 between Kevin Wilson, Chad Wilson and Ian Hutton, a portion of land from my lease PL 1954/48 is being transferred to Chad Wilson in exchange for two tourist accommodation licences from Kevin Wilson of Oceanview to Ian Hutton.

A copy of this agreement was provided to the Board at the outset of the subdivision process, and discussed with Justin Sauvage, then senior manager of the Board. Form 6 Transfer of Lease have been signed by me and others in this transaction and submitted to the Board. The tourist accommodation licences are to be transferred at the same time.

I understand Kevin Wilson has applied to the Board to decommission Unit 16 of Ocean View Apartments with two tourist accommodation licences and transfer those two licences to me. I am applying to the Board to receive these two licences.

When the two tourist accommodation licenses have been issued to me, it is my intention to apply to the LHI Board to construct a tourist accommodation apartment with the two tourist accommodation licences on my new lease Lot 4 DP 1279044.

The proposed accommodation apartment will cover 85 sqm, in an area of the lease where no significant native vegetation is to be removed, and will be compliant with the rules and regulations of the LHI Board.

Site description

My new perpetual lease after the above partial land transfer is Lot 4 DP 1279044, with land size of 3579 sqm in total.

On this lease currently there is one residential dwelling known as Lynwood, with a garage, a laundry and two sheds at the west end of the lease. Total built areas are 185 sqm, less than the 15% allowable building limit (15% x 3000 sqm = 450 sqm).

Existing residential buildings

Dwelling - Lynwood	114 sqm
Single garage	24 sqm

Laundry	20 sqm
Tool shed	18 sqm
Garden shed	9 sqm

The lease is 3579 sqm in total, which allows 579 sqm for commercial purposes. The proposed tourist accommodation apartment has a building area of 85 sqm, within the allowable size of 87 sqm (15% x 579 sqm).

The proposed tourist apartment will be located at the east end of the lease on an old avocado orchard area. No significant native vegetation will be required to be removed.

Attachment 1: a draft plan showing the site for a proposed tourist accommodation is to be on the old Avocado orchard of Lot 4 DP 1279044; no significant native vegetation will be removed.

Draft floor plan for proposed tourist accommodation

We plan to build a self-contained tourist accommodation of 85 sqm, with draft floor plan in Attachment 2 showing the particulars of the premise to be licenced.

The two tourist accommodation licences will be used in Room 1 which is the only bedroom in the building with a king size bed. The guests will have access to a lounge area, open kitchen and dining area, bathroom and laundry. The maximum number of persons to be accommodated at any one time at this building is 2 excluding children under five years of age.

Included at the back of the building is a transit and storage room with separate entrance, a toilet and shower. This room will serve two purposes: 1). as a storage room for linen and guest supplies; and 2). as guest luggage storage and change room after guests check out and before their flight out of the island.

We will commission a professionally prepared and compliant Development Application for the tourist accommodation after we receive the two tourist accommodation licences.

Attachment 2: draft floor plan of the proposed tourist accommodation of 85 sqm, with Room 1 as tourist bedroom with two tourist accommodation licences, bathroom/laundry, lounge with open kitchen. It also shows the transit and storage room with separate entrance at the back.

Social and environmental impact:

I have been in tourist business with the business name of Lord Howe Island Nature Tours (ABN 61 65 000 2716) with my partner. The two bed licences will enable us to expand the service offers to include tourist accommodation and provide steady income when we will eventually wind down other services.

We will apply to the Board to update my business licence to include tourist accommodation after we receive the two tourist accommodation licences.

There are no additional bed licenses being sought by this application, just a redistribution of 2 tourist accommodation licences from Kevin Wilson of Oceanview Apartments to Ian Hutton (Lot 4 DP 1279044). There is no impact to the number of bed licences on the Island.

The proposed accommodation will be built in the old avocado orchard in the east side of the lease. No significant native vegetation will be damaged or removed with this application. We will landscape the area with native vegetation.

Attachment 3: a drone photograph of Lot 4 DP 1279044 showing that no native vegetation will be removed in construction of the tourist accommodation.

I trust this letter and the three attachments are sufficient for the transferring the two tourist accommodation licences.

All parties involved in this Land Subdivision and Transfer of Tourist Accommodation Licences Agreement are eager to complete both the transfer of leases and tourist accommodation licences. We all need certainty to plan for business, funding and resources.

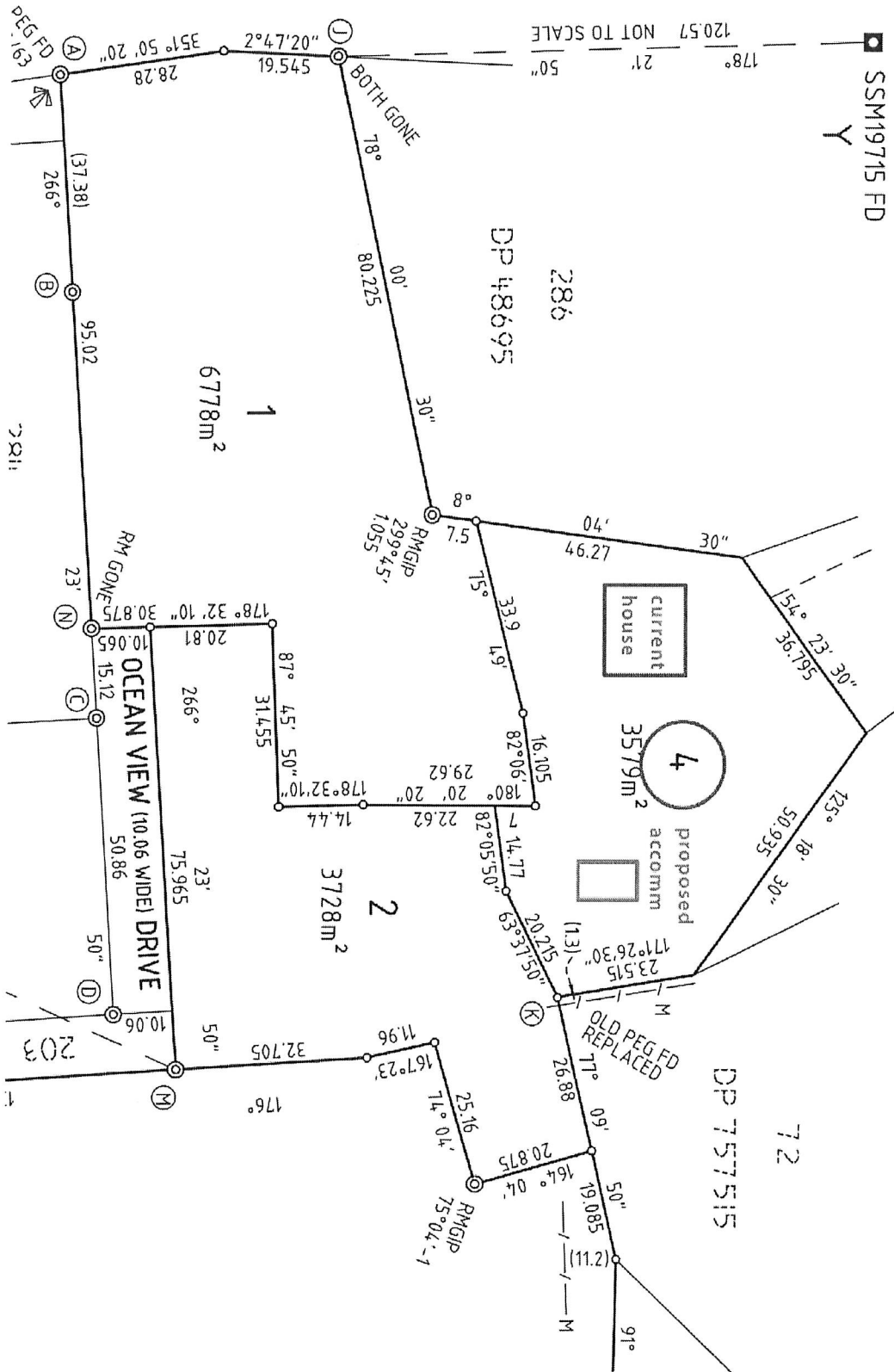
Please get in touch if there is anything further you wish to discuss or need from me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Hutton', with a stylized flourish at the end.

Ian Hutton

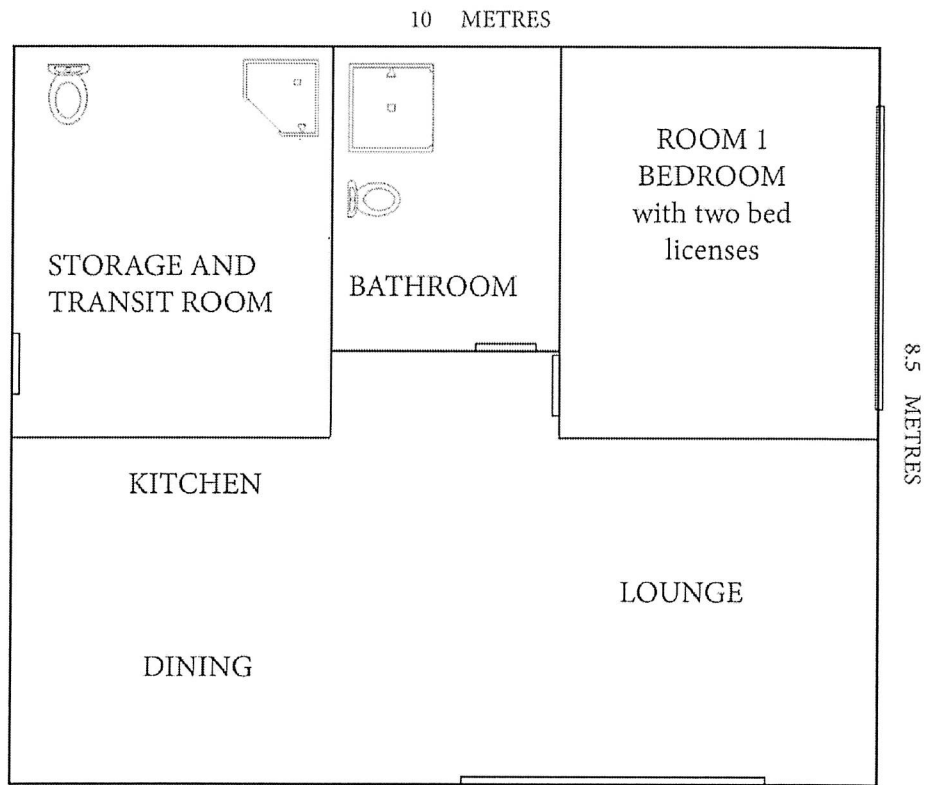
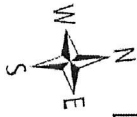
ATTACHMENT 1 Lease Lot 4 DP 1279044



(A2)

ATTACHMENT 2

Draft proposed tourist accommodation Lot 4 DP 1279044



ATTACHMENT 3

Approximate lease boundary and site of proposed tourist accommodation

