

# LORD HOWE ISLAND BOARD

## BOARD MEETING AGENDA

MEETING DATE:	MEETING LOCATION:	MEETING TIME:
Mon 6 Jun 2016	Public Hall, Lord Howe Island	Planning Session 9:00 am to 11:00 am
Mon 6 Jun 2016	Public Hall, Lord Howe Island	Closed Session: 11:00 am to 4:30 pm
Tue 7 Jun 2016	Public Hall, Lord Howe Island	Open Session: 9:00 am to 12:30 pm

	ITEM		OPEN (O)	CLOSED (C)	ACTION Note / Decide / Recommend
BP	1	MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION	O		Note
BP	2	OUT OF SESSION MATTERS STATUS REPORT	O		Note
JS	3	ACTIONS FROM PREVIOUS MEETING – STATUS REPORT	O		Note
ALL	4	CHIEF EXECUTIVE OFFICER'S REPORT	O	C	Note
BP	5	MOTOR VEHICLE IMPORTATION OR TRANSFER – STATUS REPORT	O		Note
JS	6	FINANCIAL IMPACT REPORT FOR PROPOSALS ON AGENDA	C		Decide
	7	DEVELOPMENT APPLICATIONS			
BP	(i)	Owner Consent approved under Delegated Authority	O		Note
BP	(ii)	DAs Determined Under Delegated Authority	O		Note
DK	(iii)	OC2016-24 LHI Co-op (Cool room)	O		Decide
DK	(iv)	OC2016-25 Owens (Staff Accommodation – Dwelling)	O		Decide
	(v)	<i>PAPER WITHDRAWN</i>			
DK	(vi)	DA2016-25 Krick (Tourist Accommodation, solar and wastewater)	O		Decide
	(vii)	<i>PAPER WITHDRAWN</i>			
DK	(viii)	DA2016-25 Wilson / Riddle (Commercial wastewater)	O		Decide
	8	POLICY & STRATEGY			
DK	(i)	Bi-annual Planning & Assessment Audit	O		Note
DK	(ii)	Draft Scientific Research Policy	O		Decide
DK	(iii)	Commercial Film & Photography Policy	O		Decide

	<i>ITEM</i>		<b>OPEN (O)</b>	<b>CLOSED (C)</b>	<b>ACTION Note / Decide / Recommend</b>
<b>DK</b>	(iv)	Review of LHI Local Environmental Plan – consultation outcomes and draft planning proposal	O		Decide
<b>DK</b>	(v)	Affordable Housing Report	O		Decide
<b>DK</b>	(vi)	LHI Permanent Park Preserve Advisory Committee	O		Decide
<b>JS</b>	(vii)	Transfer of Public Accommodation Licences – Michael Maxwell, Pandanus Apartments to S & G Krick	O		Decide
	<b>9</b>	<b>FINANCE AND BUSINESS MANAGEMENT</b>		C	Note / Decide
	<b>10</b>	<b>LEASING &amp; LAND ADMINISTRATION</b>			
<b>DK</b>	(i)	Estate of late Patricia Dignam	O		Decide
<b>DK</b>	(ii)	Closed Session		C	Decide
	<b>11</b>	<b>GOVERNANCE</b>			
		Nil			
	<b>12</b>	<b>OPERATIONS &amp; SERVICES</b>			
<b>PH</b>	(i)	Rodent Eradication Program Update	O		Note
<b>AL</b>	(ii)	Renewable Energy Program	O		Note
<b>DK</b>	(iii)	Environmental Grants Progress Report	O		Note
<b>AL</b>	(iv)	Wastewater Strategy Update	O		Note
<b>AL</b>	(v)	Closed Session		C	Decide
<b>AL</b>	(vi)	North Bay Water Supply Disinfection	O		Decide
<b>AL</b>	(vii)	Electrical Apprentice Progress	O		Note
<b>AL</b>	(viii)	Closed Session		C	Decide
	<b>13</b>	<b>WH&amp;S and PUBLIC RISK MANAGEMENT</b>			
<b>JS</b>	(i)	WH&S and Public Risk Management Update	O		Note
	<b>14</b>	<b>INTERVIEWS</b>		C	
	<b>15</b>	<b>GENERAL BUSINESS AND QUESTIONS ON NOTICE</b>	O		

<b>Board Meeting:</b> June 2016	<b>Agenda Number:</b> 1	<b>File Ref:</b> AD0072
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# **LORD HOWE ISLAND BOARD**

## **Business Paper**

### **OPEN SESSION**

#### **ITEM**

Adoption of Minutes of Previous Meeting

#### **RECOMMENDATION**

Submitted for the Board's information.

#### **BACKGROUND**

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

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

#### **CURRENT POSITION**

Minutes of the March 2016 and April 2016 meeting were distributed to each Board member and have been endorsed through the above process with amendments.

A copy of the endorsed Minutes is attached.

#### **RECOMMENDATION**

Submitted for the Board's information.

**Prepared** \_\_\_\_\_ Belinda Panckhurst Administration Officer

**Endorsed** \_\_\_\_\_ Penny Holloway Chief Executive Officer

<b>Board Meeting:</b> June 2016	<b>Agenda Number:</b> 2	<b>File Ref:</b> AD0103
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# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### ITEM

Out of Session Papers – Results.

#### RECOMMENDATION

Submitted for the Board's information.

#### BACKGROUND

Since the last Board Meeting in March 2016, three matters were considered at an out of session meeting. Of the three matters, two were in open session and one was in closed session.

#### CURRENT POSITION

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

#### RECOMMENDATION

Submitted for the Board's information.

**Prepared** \_\_\_\_\_ Belinda Panckhurst Administration Officer

**Endorsed** \_\_\_\_\_ Penny Holloway Chief Executive Officer

OPEN SESSION				
No.	Date	Application	Vote	Comment
March 2016				
	Nil			
April 2016				
	Nil			
May 2016				
1	17/05/2016	DA2016-21 Makiiti Oxley Tourist Accommodation Extension of covered decks to tourist accommodation buildings and construction of a utilities building on Lot 4 in DP1216390, Lord Howe Island, subject to conditions and advice to applicant.	Approved: JK, BN, RP, JR, SS, CW. Declaration of Interest: LM	Result: Approved
2 a	17/05/2016	James Michael Lonergan Transfer of Perpetual Lease 1985/01 to show Mr James Michael Lonergan and Mrs Kara Irene Lonergan as joint tenants.	Approved: LM, BN, RP, JR, CW. No response: JK, SS.	Result: Approved

Board Meeting: June 2016	Agenda Number: 3	File Ref: AD0096
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# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### ITEM

Actions from Previous Meetings – Status Report.

#### RECOMMENDATION

Submitted for the Board's information.

#### BACKGROUND

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

#### CURRENT POSITION

A list of actions from decisions of the April 2016 Special Board meeting, and previous meetings, is attached for the Board's information.

#### RECOMMENDATION

Submitted for the Board's information.

Prepared \_\_\_\_\_ Jemima Spivey A/Manager Business & Corporate Services

Endorsed \_\_\_\_\_ Penny Holloway Chief Executive Officer

LORD HOWE ISLAND BOARD

Action Sheet from April 2016 Board Meeting and Previous Meetings

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date
9(v) September 2014	Long term Funding Arrangements for the PPP	Chair to pursue recurrent funding for the PPP.	December 2015	CEO	Briefing Note provided for Chair	
12(iii) September 2014	Private Solar PV Allocation	Inform the community that take-up of solar PV may require changes to the tariff structure.	July 2015	MIES	In progress	
10(iv) September 2015	Review of the LEP 2010	<ol style="list-style-type: none"> <li>1. Review the Vegetation Rehabilitation Plan, and</li> <li>2. Seek funding from government programs to support the LEP review process.</li> </ol>	June 2016	MECD	In progress	
8(iii) March 2016	Review of Commercial Film and Photography Policy	Place amended draft policy on public exhibition for 28 days.	9 May 2016	MECD	Complete	9 May 2016
8(iv) March 2016	LEP Discussion Paper and Consultation	Amended Discussion Paper, Fact Sheet, and Community Survey to be made available to all residents and placed on public display for 28 days	29 April 2016	MECD	Complete	10 May 2016
8(v) March 2016	LHI Weed Management Strategy	Amended draft Weed Management Strategy be placed on public display for 28 days	June 2016	CEO	In progress	
12(v) March 2016	LHI PPP Five Year Audit	Amended PPP POM – 5 year self audit be used for basis for revision of the plan.	July 2017	MECD		

Agenda Item No.	Item	Actions (refer to full minutes for detail)	Estimated Completion Date	By Whom	Progress	Actual Completion Date
12(vi) March 2016	LHI PPP Advisory Committee	<ul style="list-style-type: none"> <li>Establish LHI PPP CAC</li> <li>Prepare CAC Terms of Reference</li> <li>Prepare paper on relationship and functions of stakeholders</li> </ul>	June 2016	MECD	In progress	
12(viii) March 2016	WW Strategy Update	<ul style="list-style-type: none"> <li>Extend deadline for High Risk Systems for one year to 30/04/2017</li> <li>Implement Licence to Operate fees for High Risk Systems from 01/05/2017</li> </ul>	May 2016  June 2017	MIES	In progress	
12(ix) March 2016	Shipping Contract Tender Process	<ul style="list-style-type: none"> <li>Commence tendering for new contract before middle of 2016</li> <li>LHIB staff to manage procurement</li> </ul>	July 2016	MIES	In progress	
1(i) April 2016	Budget 2016/17	Provide report in regard to community support options for Board consideration.	June 2016	CEO/MECD	In progress	
2(i) April 2016	Transfer of PL (Krick to Wade)	Investigate options available to the LHIB to moderate house prices on the Island	June 2016	MECD	In progress	

**Board Meeting:** June 2016

**Agenda Number:** 4

**File Ref:** AD0100

# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### Chief Executive Officer's Report to June 2016 Meeting of the Board

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

Number of items excluded from this public edition:

Business & Corporate Service Report

Reason: Business in Confidence

<b>MATTER</b>	<b>STATUS</b>	<b>ACTION REQUIRED BY BOARD AT THIS MEETING</b>
Visit of Minister for the Environment	The Minister, the Hon Mark Speakman MP, is scheduled to visit Lord Howe Island from 4 to 6 June 2016	For noting
Budget 2016/2017	The budget for 2016/2017 has been drafted. The proposed Budget and Fees and Charges are on the Board's agenda for adoption.	See agenda item 9 (ii) and (iii)
Review of LHI Local Environmental Plan	The first stage of the LEP Review has been completed, and the consultation outcomes and draft planning proposal are presented to the Board for consideration.	See agenda item 8 (iv)
Renewable Energy Project	An open tender will be advertised for the solar and battery storage components in June. Community consultation and assessment have been undertaken in relation to the wind turbine component over recent months.	See agenda item 12 (ii)
Rodent Eradication Project	Under Stage 2: Planning and Approvals, applications for approval have been submitted to the APVMA and the Federal Department of Environment for assessment under the EPBC Act.	See agenda item 12 (i)
Weed Management Strategy	The draft Weed management Strategy has been on public exhibition and the submissions report is before the Board for consideration	See agenda item 8 (viii)

Prepared \_\_\_\_\_ Penny Holloway Chief Executive Officer



## ENVIRONMENT & COMMUNITY DEVELOPMENT

9 March – 25 May 2016

### General Policy and Planning

- 6 submissions received from residents to participate on LHI Permanent Park Preserve Plan of Management Advisory Committee
- Review of Scientific Research Policy
- REF prepared for dune stabilisation works Pinetrees Boatshed area
- Review of procedures for access to leasehold land
- Prepare draft recurrent and capital budget for Financial Year 2016/17
- Place draft Commercial Filming Policy on public exhibition and finalise

### Biodiversity Management

- Field trip to Blackburn island to familiarise staff with several threatened species including LHI Woodroach, LHI Skink and LHI Gecko
- Prepare Draft LHI Floristic Survey, Vegetation Classification and Vegetation Map and Report

### Research & Volunteers

Kew Gardens has varied their existing research approval to permit collection of soil from the PPP to trial palm seed germination in natural soils.

Application received from Jann Gilbert titled "*Unravelling key drivers of plastic ingestion in three seabird species that breed on Lord Howe Island*" This Southern Cross University PhD project aims to confirm and explain the disparity of plastic ingestion between the Providence Petrel, Wedge-tailed shearwater and Flesh-footed shearwater.

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

Name	No. People	No. Nights	Project	Address
Aloka Reeves Chris Pile	1	12-18	Weed Eradication Program volunteer	Bundagen NSW
Andrew Baird	3	6	Coral research	C/o MPA
Mark Miller	2	10	Wedge-tailed shearwater	James Cook University
Prof Vincent Savolainen	3	7-18	Palm research	Kew Gardens
Beth Wurtzler	1	15	Surface water microbial communities	Uni of Cincinnati USA
Amanda Bearly	1	2	MPA research	C/o MPA
Andrew Hoey	2	3	MPA research	C/o MPA
Dean Portelli, Terry O'Dwyer, Nicholas Carlile	3	4-30	Rodent resistance	C/o OEH
Andrew Denham, Berin McKenzie	2	8	Rodent impacts to flora (rodent eradication)	C/o OEH

The Research Station had the following average occupancy rates during the reporting period: March 67%; April 44%; May 19% (to 17th).

### **Pest Management**

- Finalised ABhA monitoring & treatments for 2015/16 season. ABhA detected at Lots 208, 209 and 57 and infestation treated. Will recommence monitoring of this sole remaining infestation from October 2016. All other infestations declared eradicated.
- Revised shoot plan for annual Firearms audit and targeted duck control for implementation June – September 2016.
- Firearms license re-applications lodged with NSW Firearms Registry.

### **Rodent Eradication**

- See Agenda Item 12 (i) - Rodent Eradication progress report.

### **Quarantine**

- The draft LHI Biosecurity Strategy 2015 was adopted at March 2016 meeting and amendments are being finalised
- Applications to import plant, mulch/potting medium, dog, livestock and chicken have been assessed as required and inspections carried out of imports upon arrival.
- Maintenance of boot cleaning stations.
- Phytophthora sites treated and flagged.

### **Weed Management**

- See Agenda Item 12 (iii) - Environmental Grants progress report.
- Review of Draft Weed Management Strategy

### **Revegetation**

- Draft Revegetation Strategy being revised. Draft Strategy to be reported to the November 2016 Board meeting
- Undertake maintenance of revegetation sites in accordance with Revegetation Work Schedule.
- Additional funding provided by North Coast Local Land Services for restoration of small section of Sallywood Swamp Forest EEC at the Golf Club. Works to be done jointly between the Board and Golf Club

### **Compliance**

- Nil

### **Incident Management**

- No incidents recorded in the reporting period.

### **Community Programs & Education**

- Provide assistance to documentary film makers showcasing LHI biodiversity projects.
- Assess filming applications for:
  - MRY and “Passion Passport” – documentary film.
  - Northern Pictures “Blue” – theatrical and educational outreach.
  - Zoos Victoria “Balloons fly – sea birds die” – community conservation campaign.

- The Living Room – travel segment for entertainment and lifestyle TV show.
- Islands of Australia – travel – documentary
- Coast Australia – travel - documentary
- Provide assistance to Lord Howe Island Central School in development and delivery of a Sustainability unit of work focussing on plants (native and invasive).
- Prepare electronic presentation for National NRM Conference in Coffs Harbour in June 2016

### **Cultural Heritage**

- Heritage assessments of relevant OC/DAs
- Discussion with local residents and LHI Museum regarding protection of Catalina wreckage (specifically wing tip floats)
- Discussion with local residents regarding installation of memorial cairn for TB Wilson
- Include recommendations from Community-based Heritage Study into draft planning proposal to amend the LHI Local Environmental Plan

### **Visitor Infrastructure**

- General maintenance of walking tracks, in particular Mt Eliza track, replacement of Boat Harbour track bridge, construction of boardwalk at creek crossing at Boat Harbour boulder beach completed and maintenance of the North Bay picnic facilities;
- Geotechnical report being prepared for Muttonbird Point Track land slip with the view to possibly reopening the track.
- Walking Track Strategy review progressing with inventory of assets underway and targeted resident and user consultation. Draft Strategy to be reported to the September 2016 Board meeting

### **Marine Management / Moorings**

- LHIB monthly mooring inspections were completed for Nov/Dec 2015 & March/April 2016.

### **Human Resource Management**

- Complete 6 month review of Work & Development Plans
- Meet with Commonwealth Department of Environment to secure ongoing funding for Manager Environment - World Heritage position

### **Training**

- Nil

### **Work Health & Safety**

- Annual review of Job Safety Analysis and Risk Treatment Plans has been completed in order to comply with WHS legislation

### **Environmental Assessment**

- Ecological assessments for all OC / DAs
- Tree risk assessments completed.
- Review part 5 assessments for installation of electric BBQ
- Prepare draft REF for erosion control works at Windy Point

## **Land Administration**

Lease administration – special lease (Rourke)

Liaise with Crown Lands, LPI and OEH regarding roads and reserves on Lord Howe Island

Provide advice regarding administration of estates (Dignam, Heffernan), follow-up approvals of transfer of leases (Makiiti – Retmock)

Five matters were dealt with by way of Out of Session meetings, and briefing notes have been prepared for approval by the Minister and Governor where required.

- Transfer by way of mortgage (J Owens to WBC)
- Transfer of interest in lease (J Lonergan to J and K Lonergan)
- Transfer by way of mortgage (Krick to CBA)
- Transfer of perpetual lease (Krick to Wade)
- Transfer of perpetual lease (Rathgeber to Krick)

Provide information and advice as requested regarding land tenure and land allocation arrangements.

Provide advice to the BoM regarding tenure arrangements for anemometer

## **Development Assessment**

- See Agenda Item 8 (i): Bi-annual Planning and Assessment Audit
- Provide preliminary planning advice on Lord Howe Island rodent eradication - assessment and approvals pathway and renewable energy program.
- Provide preliminary advice regarding satellite dishes and the roll-out of NBN

## **Strategic Planning**

- Commence Stage 1 review of LHI Local Environmental Plan, including consultation and preparation of draft planning proposal for the Board.
- Gazette of Amendment No. 4 of the LHI Local Environmental Plan, - Significant Native Vegetation mapping
- Prepare Housing Availability and Affordability paper

## **Community Health & Wellbeing**

- Review progress against Community Strategy
- Finalise communication and community engagement survey results
- Complete final report on ANZ Seeds of Renewal - LHIB Computer Skills Training & Education Program
- Install baby change stations at Museum and public toilets near community hall
- Meet with Pre-school Association regarding options for preschool facility on the Island
- Brief LLS on meat processing facility proposal

## **INFRASTRUCTURE AND ENGINEERING SERVICES**

**March 2016 to May 2016**

### **Airport**

- For the year to date (Friday 20 May) there has been one (1) bird strike recorded. The species of bird was unknown as it was struck on approach over the lagoon and the carcass was unable to be recovered. The aircraft was grounded until the following day when an engineer could inspect the aircraft. No damage was recorded. This equates to approximately 1.25 bird strikes per 1,000 aircraft movements.

For the corresponding period in 2015 there was one (1) strike recorded – a Ruddy Turnstone. This was equivalent to approximately 1.37 bird strikes per 1,000 aircraft movements.

- At the time of writing work, had commenced on the removal of 15 mature Norfolk Island Pines at Windy Point that infringe the Aerodrome's Obstacle Limitation Surface. The work is being undertaken by professional tree felling contractors with the assistance of the Board staff.
- Work continues to return the aerodrome to CASA compliant operational status after the runway reseal works in 2015. Work to reinstate the rock revetment wall was interrupted to accommodate maintenance on the excavator. It is anticipated to be completed in June along with Windy Point Wall works. Fence repair and replacement is ongoing.
- Work is progressing with the Airport Terminal Upgrade Project. An open tender has been advertised via NSW e-tendering for the Design, Project and Construction Management of the terminal works. An airport stakeholder consultation group has been set up and this group will provide input and feedback throughout the project.

### **Building Construction Maintenance and Management**

- Ultra Violet light disinfection and triple fine micron filtration units have been installed at the previously untreated Board managed drinking water sources at the airport, public hall, the Co-op bubbler and the Administration offices. Water quality tests on these sources have shown great results and the water is clear of coliforms and *Escherichia coli*. Investigations continue into the viability of installing disinfection and filtration units on other untreated Board managed water supplies.
- Board staff continue to work with local hospital and mainland NSW Health representatives to undertake improvements at the Hospital. Since the last Board meeting, gardening works have been completed to improve air flow beneath and around the building and reduce the fire hazard, and electrical wiring and lighting upgrades have been completed. Over the remainder of the financial year, two replacement air conditioning units will be installed and the entire hospital building will have new hospital grade vinyl flooring installed.

### **Public Facilities**

- The new shade structure for the children's playground was completed in April. The shade structure was designed and installed by Tony Quinn of Undercover Sails with the assistance of local labour and Board Staff. The structure withstood its first test of

stormy weather a week after construction was completed with the Island experiencing winds of 98km/h.

- In early January 2016 an Earthsafe on-site wastewater management system was installed at the Public Hall with the surface dripper irrigation placed within the palms at Signal Point. Recent planting and signage has completed the irrigation area. The system connection to the Co-op and Old Electrical Workshop is planned for June or July.

## **Emergency Management**

- The Annual Aerodrome Emergency Exercise was held on 10 March 2016. The desk top exercise was based on a hazardous substance release and participants were able to test the arrangements of the LHI Aerodrome Emergency Plan and provide constructive input for amendments and additions to the plan. The exercise was well attended by response agencies and other airport stakeholders.
- The Lord Howe Island Local Emergency Management Plan March 2016 (EM Plan) was endorsed by the Regional Emergency Management Committee at the meeting of Wednesday 30 March 2016. The EM Plan was developed by the Local Emergency Management Committee utilising the new formatting and processes developed by the NSW State Emergency Management Committee.
- Air Ambulance patient retrievals year to date (Friday 20 May 2016) total seven (7), five (5) of which were residents and two (2) visitors. Three (3) residents required treatment for injury and two (2) for illness. Of the visitors, one (1) was for illness and one (1) for injury. Patient retrievals for the same period in 2015 totalled nine (9), eight (8) of which were residents and one (1) visitor. All required treatment for illness.

## **General items**

- Board staff continue to monitor drinking water quality for NSW Health compliance.
- Board staff continue to monitor mosquito larvae as per the Lord Howe Island Mosquito Surveillance & Vector Monitoring Program.
- Board staff continue to monitor wastewater at the WMF for EPA licence compliance.
- Board staff continue to assist residents and businesses with their onsite wastewater management system installations and/or upgrades.
- Clean up and maintenance work was carried out over 4 days at the old and new cemetery. Further works will be carried out removing large Banyan limbs over the new area.
- Major maintenance work was carried out on the Board's excavator over April/May. Over a 4 week period, the Board's mechanic and another staff member stripped the excavator back to her bones, cutting out rust and re-painting the exterior. A new set of chains were fitted to the tracks. The excavator was put back into service on Monday 23 May.
- The Island clean-up is into its third week concentrating on the south end of the island. A minimum of 2 Board staff are allocated each Tuesday and Thursday for this work. A large amount of hard waste has been transferred to the WMF where it has been

processed and packed. The return voyage which left 22 May, saw the first of the skips removed from the Island.

- Following the installation of the High Density Polyethylene (HDPE) and Ultra-high-molecular-weight polyethylene (UHMWEP) fendering to the timber piles on the southern side of the jetty, the three steel piles had new fenders fitted by Board staff in early April.
- 6 x new turpentine piles have been purchased to replace the piles attached to the commercial vessel boarding stairs and will be replaced during July 16.
- Works to finalise the Windy Point rock wall will re-commence in late June \ early July, following completion of the current works underway at the Windy Point pines, old Powerhouse slab and new Powerhouse roadworks. In addition to the Windy Point rock wall and at the same time, erosion protection works will be completed between the end of the new rock wall to just past the Pinetrees Boatshed.

#### **Waste Management Facility**

- Another bearing on the VCU discharge system has failed and the delay in obtaining parts has meant that composting of food waste is being undertaken via a windrow system and not through the VCU.
- APC Waste Consultants (Anne Prince) have completed their report into options for a new composting facility for the WMF. A separate Board report has been prepared for this.

### **ELECTRICAL SERVICES UNIT**

Operation of the Powerhouse and Reticulation System for the reporting period 5<sup>th</sup> March 2016 to 23<sup>rd</sup> May 2016

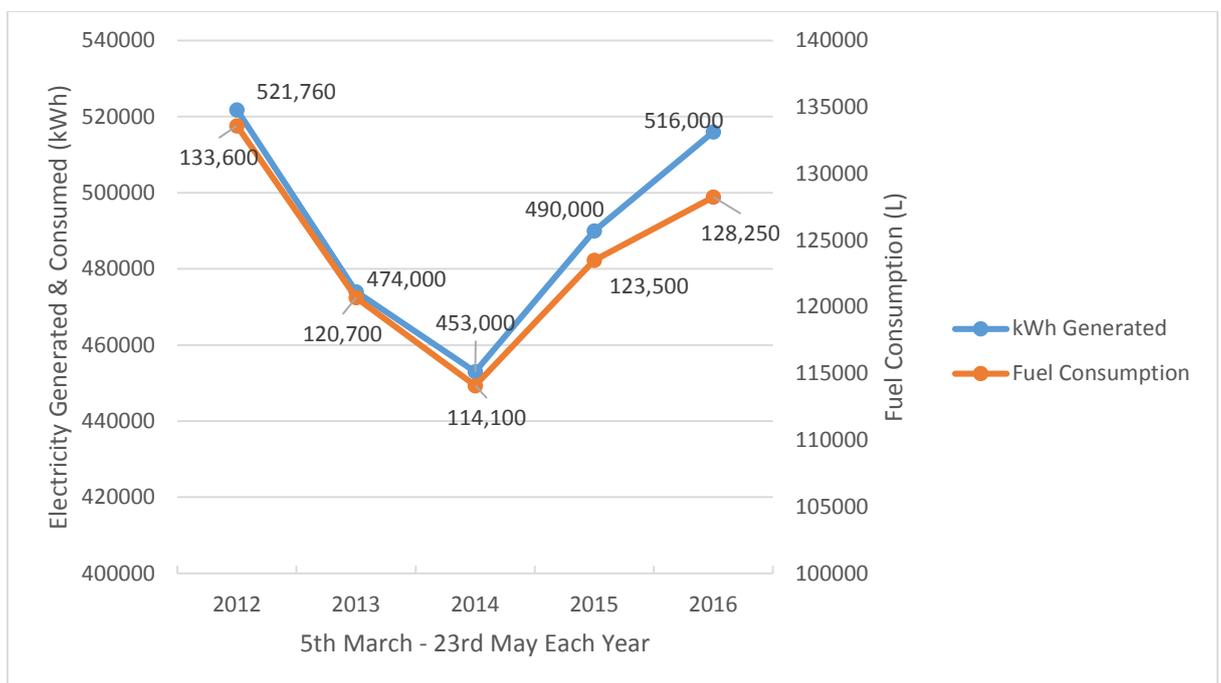
#### **Overview of Activities**

- Routine maintenance on Generating Units 1, 2 and 3 was completed.
- Routine maintenance on Generator no. 1, 2 and 3 battery banks was completed.
- Routine maintenance on Generator no. 1 and 2 control board battery chargers was completed.
- Routine maintenance on Generator no. 3 Air Circuit Breakers was completed.
- Routine maintenance on Generator no. 2 and 3 day fuel tanks and pumping system was completed.
- Routine maintenance on Substation no. 3 Beachcomber and associated distribution pillars was completed.
- Routine maintenance on Substation no. 4 Lord Howe Island Board Workshop and associated distribution pillars was completed.
- Routine maintenance on Substation no. 5 Lagoon Road and associated distribution pillars was completed.

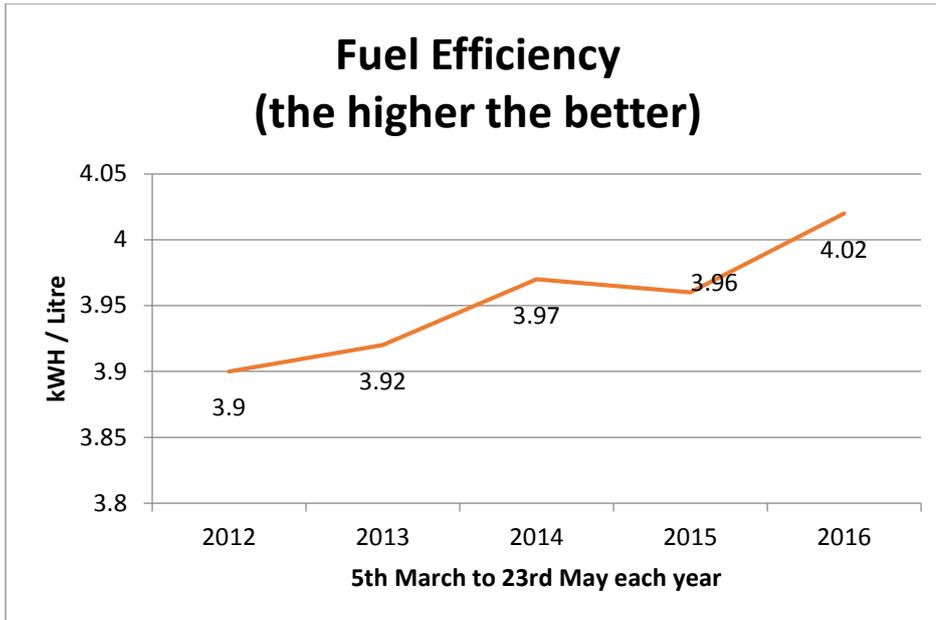
- Supply load surveys were carried out on Substations no.3 Beachcomber and no.4 LHIB Workshop along with their associated distribution pillars. Distribution pillars were monitored for their voltage levels. Substations were monitored for maximum demand and voltage levels. All maximum demand and voltage levels in the surveyed areas were within acceptable limits.
- Greg Keft Electrical Port Macquarie provided relief staff to cover powerhouse duties during the Senior Electrical Officer's annual leave in April.

### Information for Board Members

- Energy demand for the reporting period was 516,000 kWh.
- Fuel consumption for the reporting period was 128,250 litres.



- Fuel energy efficiency for the reporting period was 4.02 kWh/L



- Presently there are 109 kW of privately owned solar panels connected to the electrical distribution system. An additional 14 kW of approved solar panels were connected to the system during the reporting period.
- Maximum demand for the period was 477 kW on the 23<sup>rd</sup> April.
- There were no powerhouse supply interruptions during the reporting period.
- There was one distribution system supply interruption during the reporting period.

This interruption resulted in a loss of supply to DP 704 Anderson Rd and affected two customers. The loss of supply was the result of localised customer overloading. Full supply was restored after approx. 15 minutes.

- There are presently 280 customers connected to the supply system.

Board Meeting: June 2016

Agenda Number: 5

File Ref: CO0008

# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### ITEM

Report on Vehicle Approvals since last meeting.

#### RECOMMENDATION

The report is submitted to the Board for information.

#### BACKGROUND

Since the last Board meeting eleven applications to import or transfer motor vehicles were determined by the Chief Executive Officer under the 'Vehicle Importation, Transfer and Use Policy':

#### CURRENT POSITION

There will be an increase of three vehicles to the island since the last Board meeting.

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation	Comment
Malcolm Shick	Boat Trailer	No	Private	1	Approved 16/03/2016
Tim & Anne Kennedy	Toyota Tarago	No	Commercial	0	Approved 23/03/2016 Replacement vehicle
Gail Cameron	Not Specified	No	Private	0	Approved 23/03/2016
Roseanne O'Brien	Toyota Corolla	No	Private	1	Approved 7/04/2016
Somerset Apartments	Suzuki APV	No	Commercial	-	Not approved 7/04/2016
Lord Howe Island Board	Toyota Hilux	No	Essential	0	Approved 13/04/2016 Replacement vehicle
Dean Hiscox	Honda CRF250	No	Private	0	Approved 19/04/2016 Replacement vehicle
Darrin Nobbs	Mazda Titan	No	Commercial	0	Approved 20/04/2016 Replacement vehicle
Airservices Australia	Kawasaki Mule	No	Commercial	-	Not Approved 21/04/2016
Lord Howe Island Board	Holden Colorado	No	Essential	1	Approved 3/05/2016 Subject to conditions
Annette Young	Hyundai iMax	No	Commercial	0	Approved 12/05/2016 Replacement vehicle

## As at March 2016

Registered Road Vehicles						
Essential	Commercial	Private	Hire	Plant & Equipment	Imported Without Approval	Total
22	84	140	9	26	74	355

At the May 2010 meeting it was requested that further differentiation in the vehicle statistics to identify motor vehicles and motor cycles / scooters and trucks separately be presented. This information is presented below.

Registered Road Vehicles						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
167	31	50	7	28	72	355

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

Vehicles Imported Without Approval						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
13	2	11	1	3	44	74

## **RECOMMENDATION**

The report is submitted to the Board for information.

Prepared \_\_\_\_\_ Belinda Panckhurst Administration Officer

Endorsed \_\_\_\_\_ Penny Holloway Chief Executive Officer

**Board Meeting:** June 2016

**Agenda Number:** 7 (i)

**File Ref:** PL0036

# **LORD HOWE ISLAND BOARD**

## **Business Paper**

### **OPEN SESSION**

#### **ITEM**

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

#### **RECOMMENDATION**

The report is submitted to the Board for information.

#### **BACKGROUND**

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

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

#### **CURRENT POSITION**

The following Owner's Consent applications complied with the above requirements and have been processed by the CEO since the last Board meeting, as detailed below:

OC	Applicant	Site	Proposal	Zone	Decision
OC2016-09	Leanda Lei	Lot 1 DP1131292 and Portion 280	Installation of wastewater management system.	Zone 2 Settlement	Approved 16/03/2016
OC2016-13	Chad Wilson	Portion 347	Alterations and additions to existing dwelling.	Zone 2 Settlement	Approved 12/04/2016
OC2016-21	Lance Wilson	Portion 332	Installation of solar panel system.	Zone 2 Settlement	Approved 12/04/2016
OC2016-22	Richard & Noelle Hoffman	Portion 231	Installation of solar panel system.	Zone 2 Settlement	Approved 12/05/2016

The above applications were forwarded to the Board's Planning Consultant who assessed the proposals and recommended support to the granting of owner's consent.

#### **RECOMMENDATION**

The report is submitted to the Board for information.

**Prepared** \_\_\_\_\_ Belinda Panckhurst Administration Officer

**Endorsed** \_\_\_\_\_ Penny Holloway Chief Executive Officer

**Board Meeting:** June 2016

**Agenda Number:** 7 (ii)

**File Ref:** PL0001

# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### ITEM

List of Development Applications dealt with under Delegated Authority.

#### RECOMMENDATION

The report is submitted to the Board for information.

#### BACKGROUND

The Minister for the Environment, under section 80(1) of the Environmental Planning & Assessment Act, issued authority to the CEO to determine development applications providing:

1. The development value is not more than \$150,000
2. No more than 3 written objections are received within the exhibition period; and
3. The application has not been called up for full Board determination by any Board Member. (All Lord Howe Island Board development applications are to be determined by the full Board)

#### CURRENT POSITION

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

DA	Applicant	Site	Proposal	Zone	Decision
DA2016-16	Tasman Douglass	Lot 1 DP1202416	Installation of solar panel system.	Zone 2 Settlement	Approved 22/03/2016 subject to conditions.
DA2016-23	Lance Wilson	Portion 332	Installation of solar panel system.	Zone 2 Settlement	Approved 5/05/2016 subject to conditions.

#### RECOMMENDATION

The report is submitted to the Board for information.

**Prepared** \_\_\_\_\_ Belinda Panckhurst Administration Officer

**Endorsed** \_\_\_\_\_ Penny Holloway Chief Executive Officer

<b>Board Meeting</b> 7 June 2016	<b>Agenda Item</b> 8 (i)	<b>File Reference:</b> CN0021
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# LORD HOWE ISLAND BOARD

**Item:** Bi-annual Planning Assessment and System Audit

## 1.0 Introduction

This bi-annual audit covers the half year period from 11 November 2015 to 24 May 2016 and analyses Owner Consent (OC), Development Application (DA) and s96 / Modified Development Consent (MDC) assessments as well as the planning system on Lord Howe Island (LHI).

This report is based on data obtained from the Planning Assessment and Advice Register maintained by RPS, the Consultant Town Planner (CTP), and supplemented as required from the Board's computer and file records. The report provides a summary of the total number of applications, determinations, the value of development and current application processing times.

## 2.0 Relevant Background

As part of the CTP contract with the LHIB (the 'Board'), an audit of planning and assessment systems and processes is to be reported to the Board in May and November each year. The audit aims to ensure that systems and procedures are up to date and compliant with legislative and procedural requirements and reflect best practice.

This is the sixth report submitted to the Board by the CTP since the commencement of the contract in April 2013. A number of actions have been previously recommended and implemented from the November 2015 Board meeting. These actions are summarised in a table at **Appendix 1**.

## 3.0 Current Applications

### 3.1 Development Application Register

The CTP is required to maintain a Development Application Register. Key aspects of this register are detailed and considered below.

The following table provides the number of new applications and the value of development for the last six months.

**Table 1 Number of Applications and Value of Development**

	<b>DA</b>	<b>MDC</b>	<b>OC</b>	<b>Total</b>
<b>Number of New Applications Received 11 November 2015 to 25 May 2016</b>	<b>14 (including 1 that was withdrawn)</b>	<b>2</b>	<b>20</b>	<b>36</b>
<b>Value of Development</b>	<b>\$957,339</b>	<b>\$50,000</b>	<b>\$861,100</b>	

At the time of writing this report:

- 9 x new DAs and 13 x new OCs had been approved,

- 2 x DAs (DA2016-25) and 3 x OCs (OC2016-18, OC2016-19 and OC2016-26) were waiting on additional information that had been requested,
- 7 x DAs and 9 x OCs have been sent to the Board for determination,
- 3 x DAs (DA2016-26, DA2016-27, DA2016-28) and 3 x OCs (one under review) were recently submitted and are currently being assessed,
- 1 x DA (DA2016-13) was withdrawn,
- 2 x MDCs had been approved, and
- 1 x MDC (MDC2016-04) had been sent to the Board.

**Appendix 2** provides a detailed breakdown of the applications that have been received by the Board during the bi-annual audit period.

### 3.2 Land Use Zones

The majority of the DA's, MDCs and OC's were proposed in the Settlement zone, except for the following:

- MDC2016-03 (LHIB – playground) which is in Zone 7 Environmental Protection
- DA2016-19 (Gardiner) which is in Zone 7 Environmental Protection
- OC2016-12 (RMS) which is in Zone 7 Environmental Protection.
- OC2016-24 (The Co-Operative, LHI) which is in Zone 5 Special Uses

### 3.3 Planning Enquires

The Board's CTP deals with a number of pre-lodgement and post-lodgement planning enquiries as well as providing advice to various Board staff in respect of town planning matters as they arise.

The CTP and the Board's Manager Environment and Community Development speak at least once a week to discuss relevant current issues along with regular phone and email communication.

## 4.0 Application Processing Times

### 4.1 Application processing times

Application	Response
<b>DAs</b>	
Average DA processing time from lodgement to issue of Notice of Determination	15 Days*
Number of additional information requests	1 out of 14 applications
<b>OCs</b>	
Average OC processing time from lodgement to issue	21 Days*
Number of additional information requests	2 out of 20 applications

\*average excludes 'stop the clock' time where the CTP was awaiting response to requested additional information

The *Environmental Planning and Assessment Regulation 2000* (EP&A Regs) states:

*...the application is taken to be refused if a consent authority has not determined the application within the deemed refusal period, being:*

*(a) 40 days, except in the case of development referred to in paragraph (b) or (c), or*

*(b) 60 days, in the case of:*

*(i) designated development, or*

*(ii) integrated development (other than integrated development that, pursuant to State Environmental Planning Policy No 62—Sustainable Aquaculture, is Class 1 aquaculture development), or*

*(iii) development for which the concurrence of a concurrence authority is required, or*

*(c) 90 days, in the case of State significant development.*

The average time for all DA and OC applications complies with the statutory 40 day deemed refusal period for standard applications. It is noted the average time is about half of the expected time for determination.

In comparison, the days on average to process a DA from the last bi-annual report compared to this bi-annual report didn't change at 15 days, and OCs went from 10 days to 21 days. Therefore, the processing time for DAs has remained the same throughout the contract; however the processing time for OCs has increased by 11 days. The reason for this is largely the number of streamlined applications for solar and wastewater which were assessed in the previous reporting period. This is in part also due to the complexity of the OCs, the number of applications and also slower timeframes that are anticipated over the Christmas period.

In comparison to the State average, the days on average to process a DA across all Council's in NSW in the 2013/2014 financial year, excluding stop-the-clock provisions, was 45 days (Department of Planning and Environment, 2015). The average since November has been 15 days, significantly under the State average.

## 4.2 Potential improvements for application processing time

There has been an improvement in the quality of DA submissions, which is evident as only one information request was submitted over the past half year period. The improvement in information submitted has resulted in improving the assessment times.

Development applications often require internal referral to other units within the LHIB in order to seek expert opinion. Internal referrals are expected to be completed within 14 days of submission. Internal referrals have been provided in a timelier manner than reported in previous bi-annual audits which partly reflects the reduction in days for processing of applications.

There has been 1x development application and 3x owner consent applications which have been determined by way of out of session or special board meetings since the last bi-annual report, and it is recommended to continue to hold out-of-session meetings if deemed appropriate.

## 4.3 Transferring Data

The external File Transfer Protocol (FTP) site established by RPS has been in operation since April 2013. The Board has notified the CTP for each application which is uploaded. This has allowed the CTP to begin the assessment process shortly after lodgement, helping improve the processing time. FTP has been

unavailable for the majority of the last half year, and as a result there have been instances of miscommunication. Although this has not caused delays with our assessment as the documents have been emailed directly to us upon request. It is recommended that FTP is restored to assist in the processes and avoid instances of communication.

#### 4.4 Advertising

Currently, all Development Applications are advertised, with the exception of minor developments that, in the opinion of the Board, are of minimal social and environmental impact. These applications are not publicly notified, however adjoining leaseholders are provided with written notice and given seven (7) days to comment. This exception has been applied to solar panel and wastewater installations.

It is recommended that the Board continue to apply the exemptions to advertising of development applications that involve minor development as appropriate.

Development applications are exhibited within the newsletter once per month or by way of a householder to residents.

### 5.0 Quality of Pre-lodgement Planning Advice

There have been no requests for pre-lodgement planning advice from the CTP, however the LHIB Manager Environment & Community Development has worked with applicants at a local level to ensure applications contain all the necessary information prior to lodgement.

The quality of development applications, appear to have improved which is discussed in Section 7.0.

### 6.0 Quality and Quantity of Owners Consent Applications

The bi-annual report of May 2015 recommended the Board require a small fee for OC Applications to discourage unconsidered proposals to be lodged, improving the quality and quantity of those that do proceed. This OC fee was implemented during the May-November 2015 reporting period. During the current reporting period the following has been noted:

- The quality of the information provided for OC applications since November 2015 has generally remained unchanged from November 2015.
- The number of DA's (14) received over this reporting period is close to the number of OCs (13) received during the previous reporting period (13). This indicates that the development proposed within OC applications are considered and are being carried through. This also indicates that the introduction of a small fee during the previous reporting period is having the desired effect.

### 7.0 Quality of Development Applications

The quality of DA submissions has generally been maintained, which is evident as only two information requests was submitted over the past half year period.

It is apparent that the updated Statement of Environmental Effects form, provided at the bi-annual meeting in May 2015 has assisted in the improvement of the information provided to support Development Applications. It is important that any Development Applications received also include all of the documentation required as a condition of Owners Consent.

Applicants seeking assistance or advice in the preparation of their application for lodgement should be encouraged to provide more detail on the form at time of lodgement of the application or prior to this to avoid additional information requests.

For larger, more complex DAs, applicants should be advised to engage a professional town planner to assist in the DA process and preparation of the Statement of Environmental Effects to ensure that the applicant is satisfying the legislative requirements for lodging an application.

## 8.0 Feedback from Board regarding quality of planning services and reporting

Periodic feedback (anecdotal and by email) has been provided by the Board on the quality of planning services provided to the Board.

Feedback received has been positive both in regard to the quality of reporting and timely delivery of services. The Board has confirmed that the existing contract will be extended for a further 12 months period until April 2017.

## 9.0 Changes to LHI LEP 2010

A proposal to amend the LHI LEP 2010 by adopting an updated Significant Native Vegetation Map and altering the definition of significant native vegetation to only apply to vegetation native to Lord Howe Island was submitted to the DP&E on 20 April 2015. The Planning Proposal was approved with conditions by the DP&E at gateway. The proposal was exhibited by the DP&E for a period of 28 days between 30 July 2015 and 27 August 2015, and was approved and adopted on 8 April 2016.

A proposal to amend the LHI LEP 2010 to correct a legal drafting error was submitted to the DP&E on 18 April 2016. It was identified that the drafted clause to adopt the updated Significant Native Vegetation Map was incorrect. The clause should have altered the definition of 'the Map' in the Dictionary of the LEP to reflect the updated map. The amendment was approved and adopted on 29 April 2016.

RPS prepared a discussion paper of the review of the LHI LEP, which was prepared for the public to comment on any key issues that were identified, and for recommendations on how to address them. It has been identified that the LEP could be improved to be clearer, to better reflect what is happening on the ground, and to better respond to the changing nature of land uses on the island. There have also been a number of recent studies and reviews which should be reflected in the local planning controls. In April 2016, a community consultation was held with the Board and members of the community to discuss the paper. The Board will be considering a draft Planning Proposal at the next meeting which responds to the issues raised in the Discussion Paper.

## 10.0 Conclusion

The average DA and OC processing time has generally remained the same from the previous reporting period. The DA processing time is approximately 15 days as opposed to the State average of 45 days.

The CTP provides a number of recommendations at Section 11.0 to improve the procedures and efficiencies of development applications.

## 11.0 Recommendation

It is recommended that the Board:

- (a) Note the information regarding applications assessment for the period November 2015 to 24 May 2016 in the Bi-annual Planning Assessment & System Audit.
- (b) Continue the \$100 fee payable by the applicant for the lodgement of an owner's consent application.
- (c) Continue to provide out-of-session Board meetings to facilitate the processing time for applications that require approval by the full board.
- (d) Continue to reject DA applications which are lodged without a clear, concise application and Statement of Environmental Effects including all necessary information in accordance with EP&A Act 1979.
- (e) Restore the FTP system to assist in the processes and avoid instances of communication.

Report prepared by



**Peter Mangels**

Date: 25 May 2016

LHI Consultant Town Planner

Approved / Not approved

**Penny Holloway**

Date:

Chief Executive Officer

Lord Howe Island Board

<b>Board Meeting</b> 7 June 2016	<b>Agenda Item</b> 8 (i)	<b>File Reference:</b> CN0021
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## Appendix 1

### Previous Resolutions

Board Resolution	Action
Note the information regarding applications assessment for the period 7 May to 10 November 2015 in the Bi-annual Planning Assessment & System Audit.	✓
Continue the \$100 fee payable by the applicant for the lodgement of an owner's consent application and review its effectiveness again at the next bi-annual meeting.	✓
Continue to provide out-of-session Board meetings to facilitate the processing time for applications that require approval by the full board.	✓
Reject DA applications which are lodged without a clear, concise application and Statement of Environmental Effects including all necessary information in accordance with EP&A Act 1979.	Generally met with the exception of 2 applications.

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## Appendix 2

### Register of OCs/DAs

## General Enquiries

Date received	Date acknowledged	Name	Description of enquiry	Date of response	Description of response
15/04/2013	15/04/2013	Dave Kelly	Review Draft Development Assessment Policy Procedures	7/04/2013	Provided feedback on policy
23/05/2013	23/05/2013	Dave Kelly	DA2012-21 Commercial Garage over existing concrete slab	24-29/05/13	Advice regarding draft assessment report
28/05/2013	28/05/2013	Dave Kelly	Advice regarding the future use of Portion 279	29-30/05/13	Advice on existing use rights and rezoning
28/05/2013	28/05/2013	Dave Kelly	Advice regarding installation of antenna & satellite dishes	28/05/2013	Advice regarding policy and exempt development
29/05/2013	29/05/2013	Dave Kelly	Proposed Land Exchange (LHIB - T. Douglass)	30/05/2013	Advice regarding process, requires further legal advice
19/07/2013	22/07/2013	Dave Kelly	Portion 92 (Pandanus) master plan	22/07/2013	Advice regarding number dwellings and staff accommodation
24/07/2013	24/07/2013	Dave Kelly	Disposal of sand to Windy Point	25/07/2013	Advice regarding s96 application, and part 5 assessment
28/08/2013	28/08/2014	Dave Kelly	Advice on environmental protection at windy point	28/08/2013	Prepare REF
18/09/2013	26/09/2013	Di Ownes	Advice regarding retrospectively approving the garage to bedrooms	26/09/2013	Would like a whole site plan, at this stage not any major non-compliance
23/09/2013	25/09/2013	Dave Kelly	Advice regarding shed for RMS and Police	25/09/2013	Advice on shed as ancillary use to premises of public authority

e issues

### Pre-lodgement Enquiries

Date received	Date acknowledged	Name	Description of land/property	Description of development proposal	Date of response	Description of response
16/06/2015	16/06/2015	Stephen Sia	Portion 361 Neds beach (home)	Redesign requirements for staff accomodation proposal	16/06/2015	Design must respond to reasons for refusal in original OC
23/06/2015	24/06/2015	Sky Diving - Dave Gardiner and Stefan	Airport, Esvens paddock and Gowers Paddock	Sky diving operations including drop zone	24/06/2015	Permissibility complications and concerns with airport commerical acitivies and drop area needs to be in recreation zone
27/07/2015	27/07/2015		Slipway near airport	Slipway near airport	27/07/2015	Environmental issues for consideration in DA and documentation
23/09/2015	23/09/2015	Kate Dignam / Alan Taylor and Assoc	Slipway near airport	Slipway near airport	6/10/2015	Pre-lodgement review draft environmental report and provide comment
4/05/2016		James Baillie	Capella	Staff accom and alts and adds - review documentation request		

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
1 Owner's Consent Applications																						
2	Application No:	Current Status	Date lodged with LHB	Date received by RPS	Job Name	Description of land/property	Description of development proposal	Zone	Valuation	Date of initial review by RPS	Date of request for additional information or modifications to proposal	Brief description of information/modification required	Date additional information/modification received	Date assessment/report completed & Emailed to LHB	Date application determined	Board or Delegation		no. of assessment days	additional info days	Total assessment time		
3	OC2013-12	approved	26/04/2013	29/04/2013	Joy Davies	Portion 342	demo garage and construct double garage and deck with ramp	Zone 2 Settlement	\$ 4,000.00	1/05/2013	1/05/2013	need clarification of lot number, gross floor area, removal of significant veg and setbacks	22/05/2013	5/06/2013	7/06/2013	Delegation						
4	OC2013-13	Approved, with advisory note, regarding valuation of land.	17/05/2013	21/05/2013	Anne Kennedy	Portion 309	include part of a closed road into portion 309	Zone 2 Settlement Zone 7 Environmental Protection	\$ -	30/05/2013	30/05/2013	need info on road, if closed. Need the remainder of the closed road to be part of the application. Add't info asked on 21/06/2013 of dwellings on-site	05/07/2013	9/07/2013	1/08/2013	Board						
5	OC2013-14	Refused	20/05/2013	24/05/2013	Tony and Gail Cameron	Portion 173	Subdivide into two lots	Zone 2 Settlement	\$ -	28/05/2013	12/06/2013	Ask for advice on interpretation of clause 20(4)	13/06/2013	21/06/2013	41513	Board						
6	OC2013-15	Approved, with an advisory note, regarding lease conditions	6/06/2013	7/06/2013	Andrew Wilson	Portion 278 and 281	Subdivide into two lots	Zone 2 Settlement	\$ -	19/06/2013	19/06/2013	Need easement for access to lot due to SNV, verify GIS is acceptable to use for approximations on GFA - No dwelling on second lot, therefore recommend refusal	25/06/2013	8/07/2013	1/08/2013	Board						
7	OC2013-16	Letter to applicant recommending withdrawal	5/06/2013	7/06/2013	Nathan Thompson	Portion 199	Extend garage	Zone 2 Settlement	\$ 2,900.00	14/06/2013	4/06/2013	Ask for GFA of dwelling and dimensions of proposed extension. Second RFI for floor plans and elevations on 27/06/2013	25/06/2013		Withdrawn 13/09/2013	Board						
8	OC2013-17	approved	7/06/2013	7/06/2013	William Retmock	Portion 33	Construct pergola	Zone 2 Settlement	\$ 4,000.00	19/06/2013	19/06/2013	Confirmation of SNV and kentia palms removed on-site	19/06/2013	26/06/2013	4/07/2013	Delegation						
9	OC2014-01	approved	12/07/2013	12/07/2013	Diane Owens	Portion 78	Subdivide into two lots	Zone 2 Settlement	\$ -	22/10/2013		subdivision - had to wait to assess due to Remediation Direction - on hold until 22/10/2013				Board						
10	OC2014-02	approved	22/08/2013	26/08/2013	Chapman	Portion 322	Extend roofline at rear of church	Zone 2 Settlement	\$ 37,500.00	28/08/2013				28/08/2013	5/09/2013	Delegation						
11	OC2014-03	Refused	16/09/2013	16/09/2013	Whitfield	Portion 348	convert shed to artist studio	Zone 2 Settlement	\$ 12,000.00	23/09/2013	25/09/2013; still waiting on second additional info request	revise plans to remove awning; need info on area of existing buildings	3/10/2013	27/09/2013 09/10/2013	Out of Session paper was not approved. The application will be refused, letter will be sent sometime next week.	Delegation						
12	OC2014-04	approved	13/09/2013	16/09/2013	Thompson	Portion 199	rebuild existing garage	Zone 2 Settlement	\$ 2,900.00	23/09/2013					26/11/2013	Board						
13	OC2014-05	approved	28/10/2013	1/11/2013	Douglass	Portion 30	boundary adjustment, rebuilding of a dwelling and subdivision of land	Zone 2 Settlement Zone 5 Special Use	\$ 400,000.00	5/11/2013	5/11/2013	Ask for access to proposed rear lot, GFA of dwellings on-site and clarification of proposal.	13/11/2013	20/11/2013	26/11/2013	Board						
14	OC2013-02	Approved	13/08/2012	6/11/2013	Loneragan	Portion 13 and 303	construct a covered walkway	Zone 2 Settlement	\$ 10,000.00	20/11/2013	26/11/2013	Working on standard justification requirements for non-compliance in setback	2/01/2014	7/01/2014	9/01/2014	Delegation						
15	OC2014-06	Approved	28/11/2013	5/12/2013	Devine	Portion 285	Operation of home business to include food prep and take away and delivery	Zone 2 Settlement	\$ 3,500.00	6/12/2013	11/12/2013	clarification of home business	6/01/2014	7/01/2014	9/01/2014	Delegation						
16	OC2014-07	Approved	28/11/2013	5/12/2013	Murray	Portion 354	Alterations and addition to existing dwelling	Zone 2 Settlement	\$ 140,000.00	12/12/2013				13/12/2014	17/12/2013	Delegation						
17	OC2014-08	Approved	1/12/2013	6/12/2013	Jeremy	Portion 31	Installation of Wastewater Management System	Zone 2 Settlement	\$ 40,000.00	16/12/2013				16/12/2014	19/12/2013	Delegation						
18	OC2014-09	Approved	9/12/2013	17/12/2013	Rourke	Portion 179	Installation of Wastewater Management System	Zone 2 Settlement	TBC	20/12/2013				20/12/2014	6/01/2014	Delegation						
19	OC2014-10	Approved	13/12/2013	17/12/2013	Gower Wilson	Portion 127	Re-cladding of dwelling	Zone 2 Settlement	TBC	7/01/2014				8/01/2014	9/01/2014	Delegation						
20	OC2014-11	Approved	13/12/2013	17/12/2013	Retmock	Portion 33	Installation of Wastewater Management System	Zone 2 Settlement	TBC	20/12/2013				20/12/2014	20/01/2014	Delegation						
21	OC2014-12	Approved	30/12/2013	6/01/2014	Crombie	Portion 319	Alterations and addition to existing dwelling	Zone 2 Settlement	\$ 300,000.00	14/01/2014				15/01/2014	3/03/2014	Board						
22	OC2014-13	Approved	9/01/2014	9/01/2014	Jeremy Boatshed	Government Reserve, off Lagoon Road	Repairs and maintenance of existing heritage boatshed and slipway area.	Zone 7 Environmental Protection	\$ 20,000.00	14/01/2014				15/01/2014	3/03/2014	Board						
23	OC2014-14	Approved	28/01/2014	28/01/2014	Kentia Fresh	Portion 279	Construction of glass house and refurbishment of nursery shed	Zone 5 Special Uses	\$ 500,000.00	3/02/2014	3/02/2014	further info on proposed works and a general plan for the site	4/02/2014	13/02/2014	3/03/2014	Board						
24	OC2014-15	withdrawn	29/01/2014	29/01/2014	Golf Club	Portion 120	Construction of awning	Zone 6 Recreation	\$ 36,000.00	5/02/2014	6/02/2014											
25	OC2014-16	approved	24/02/2014	24/02/2014	Wilson WW	Portion 285	Installation of Wastewater Management System	Zone 2 Settlement	\$ 15,500.00	26/02/2014				12/03/2014	27/03/2014	Delegation						
26	OC2014-17	approved	24/02/2014	25/02/2014	Fitzgerald	Portion 139	Installation of Wastewater Management System	Zone 2 Settlement	\$ 15,500.00	12/03/2014	12/03/2014	relocate out of flooding area		25/03/2014	26/03/2014	Delegation						
27	OC2014-18	Board accessed / Approved	25/02/2014	26/02/2014	W & G Thompson	Portion 350	Installation of Wastewater Management System.	Zone 2 Settlement	\$ 15,000.00						27/03/2014	Delegation						
28	OC2014-19	Approved	27/02/2014	27/02/2014	Cameron	Portion 173	Building alterations to remove caretaker accommodation, two lot subdivision	Zone 2 Settlement	\$ 1,000.00					27/03/2014	30/04/2014	Board						
29	OC2014-20	Approved	27/02/2014	27/02/2014	Makiti	Portion 81	Demo of existing dwelling and rebuild of dwelling and two lot subdivision	Zone 2 Settlement	NA	10/03/2014	10/03/2014 07/04/2014	further info on subdivision and, setbacks, proposal, vehicular access, SNV, information on approved buildings and dates	25/03/2014 22/04/2014	23/04/2014	30/04/2014	Board						
30	OC2014-21	Approved	28/02/2014	3/03/2014	James Thompson	Portion 310	Installation of Wastewater Management System	Zone 2 Settlement	\$ 17,000.00						17/04/2014	Delegation						
31	OC2014-22	Approved	3/03/2014	4/03/2014	RMS	Portion 10	Storage shed for vessel	Zone 2 Settlement	\$ 30,000.00	6/03/2014	11/04/2014	EBM did not support proposed location and access	4/05/2014	21/03/2014	27/05/2014	Board						
32	OC2014-23	Refused - cannot assess without signatures	12/03/2014	14/03/2014	Thompson	Portion 46	Construction of verandah	Zone 2 Settlement	\$ 6,000.00	14/03/2014	14/03/2014	Ensure SNV is not impacted; questions on lots being merged	1/05/2014	7/05/2014	27/05/2014	Delegation						
33	OC2014-24	Board to assess / Approved	26/03/2014		Deacon	Portion 325	Installation of Wastewater Management System	Zone 2 Settlement	\$ 12,000.00						28/04/2014	Delegation						
34	OC2014-25	approved	3/04/2014	4/04/2014	Spivey Haselden	Portion 355	Installation of solar panels	Zone 2 Settlement	\$ 11,401.00	7/04/2014				8/04/2014	11/04/2014	Delegation						
35	OC2014-26	Approved	3/04/2014	4/04/2014	L Makiti	Lot 1 DP1174920	Installation of solar panels	Zone 2 Settlement	\$ 7,000.00	9/04/2014				14/04/2014	28/04/2014	Delegation						
36	OC2014-27	Approved	9/04/2014	9/04/2014	K Wilson	Government Reserve, off Lagoon Road	Alts and Adds to boatshed, convert to commercial, add sign, deck and walking track	Zone 7 Environmental Protection	\$ 20,000.00	10/04/2014	10/04/2014	further info on proposed use, clearer site plan	14/04/2014	7/05/2014	27/05/2014	Delegation						
37	OC2014-29	Approved	29/05/2014	30/05/2014	McFadyen	Portion 317	Extension to veranda	Zone 2 Settlement	\$ 10,000.00	2/06/2014	2/06/2014	further info on existing GFA on site	5/06/2014	11/06/2014	11/06/2014	Delegation						
38	OC2015-01	approved	18/06/2014		D Simpson	Portion 1 and 258	Installation of Wastewater Management System	Zone 2 Settlement	\$ 12,000.00						1/10/2014	Delegation						
39	OC2015-02	approved	26/06/2014	1/07/2014	MPA	customs house	Enclose carport to convert to additional living area	Zone 2 Settlement	\$ 15,000.00	21/07/2014				25/07/2014	28/07/2014	Delegation						
40	OC2015-03	RFI sent - on hold as of 22/08/2014	14/07/2014	15/07/2014	Ebbitde	Portion 154	Installation of Commercial Wastewater Management System	Zone 2 Settlement	\$ 43,500.00	21/07/2014	31/07/2014					Delegation						

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
41	OC2015-04	approved	17/07/2014	17/07/2014	LHI Golf Club	Portion 118, 120, 299	Installation of Commercial Wastewater Management System	Zone 2 Settlement	\$ 30,000.00	21/07/2014				1/08/2014	11/08/2014	Delegation							
42	OC2015-05	approved	28/07/2014	28/07/2014	Green	Portion 91	Change of use form staff accommodation to tourist accommodation	Zone 2 Settlement	Nil	1/08/2014				22/08/2014	2/09/2014	Board							
43	OC2015-06	approved	29/08/2014	29/08/2014	Van Gelderen	Lot 2 DP 1118575	Alterations and addition to existing dwelling	Zone 2 Settlement	\$ 60,000.00	4/09/2014	5/09/2014	GFA calcs or mods to proposal	5/01/2015	23/01/2015	4/02/2015	Delegation							
44	OC2015-07	approved	29/08/2014	29/08/2014	E Fenton	Lot 300 DP48320	Installation of Wastewater Management System	Zone 2 Settlement	\$ 16,500.00	NA					7/10/2014	Delegation							
45	OC2015-08	approved	29/08/2014	5/09/2014	Haselden Spivey Woolnough	Lot 355 DP 1156660	Installation of Wastewater Management System	Zone 2 Settlement	\$ 20,400.00	NA					17/10/2014	Delegation							
46	OC2015-09	part approved/ part deferred	15/09/2014	15/09/2014	KF Pty Ltd Nursery	Lot 279	Masterplan for nursery site	Zone 2 Settlement	\$ 500,000.00	23/09/2014	25/09/2014	clarification of proposal	15/10/2014	20/10/2014	29/10/2014	Board							
47	OC2015-10	approved	28/10/2014	NA	Loneran	Lot 13 & 14	Installation of Wastewater Management System	Zone 2 Settlement	\$ 12,500.00	NA					20/11/2015	Delegation							
48	OC2015-11	approved	28/10/2014	28/10/2014	Ocean View Apartments	Lot 204	Installation of Wastewater Management System	Zone 2 Settlement	\$ 100,000.00	3/11/2014				7/11/2014	20/11/2015	Delegation							
49	OC2015-12	approved	xx	NA	Douglass	Lot 1, DP 1202416	Installation of Wastewater Management System	Zone 2 Settlement	\$ 10,000.00	NA					14/11/2014	Delegation							
50	OC2015-13	working on revisions	19/01/2015	4/02/2015	Owens storage	1971-09 DP 1151473	Alts to existing commercial premises	Zone 2 Settlement	\$ 15,000.00	5/02/2015	06/02/2015	Subdivision plans, site coverage, conditions regarding no roller doors		13/04/2015		xx							
51	OC2015-14	assessing	6/03/2015	11/03/2015	Owens various	1971-09 DP 1151473	Alts and Adds to dwelling/commercial building	Zone 2 Settlement	\$ 45,000.00	11/03/2015	12/03/2015		28/04/2015			xx							
52	OC2015-15	Approved	10/03/2015	10/03/2015	Riddle solar	Lot 10	Installation of solar panels	Zone 2 Settlement	\$ 7,500.00	10/03/2015				13/03/2015	23/03/2015	Delegation							
53	OC2015-16	approved	10/03/2015	16/03/2015	Retmock Subdivision	Lot 33 DP757515	Subdivide into two lots	Zone 2 Settlement	NA	16/03/2015						Board							
54	OC2015-17	approved	13/03/2015	19/03/2015	Hiscox Solar	Lot 337	Installation of solar panels	Zone 2 Settlement	\$ 7,500.00	19/03/2015				27/03/2015	xx	Delegation							
55	OC2015-18	refused	13/03/2015	18/03/2015	Sia Staff Accom	Lot 361	Convert garage to staff accommodation and	Zone 2 Settlement	\$ 150,000.00	18/03/2015	25/03/2015	Revised plans, objective of clause 14, business case, vehicle	21/04/2015			Board							
56	OC2015-19	rejected lodgement			Debra Thompson	Lot 199 DP 39755	Subdivision		n/a			additional info requested											
57	OC2015-20	approved	24/04/2015	28/04/2015	Turner Solar	Lot 8 DP 1130548	Installation of solar panels	Zone 2 Settlement	\$ 7,500.00	1/05/2015	1/05/2015	More details on solar panel and housing arrangement	25/05/2015			Delegation							
58	OC2015-21	approved	24/04/2015	28/04/2015	Sia Taka Solar	Lot 361	Installation of solar panels	Zone 2 Settlement	\$ 10,000.00	1/05/2015	0			26/05/2015	1/05/2015	Delegation							
59	OC2015-22	approved	30/04/2015	30/04/2015	LHI Bowling Club Solar	Lot 39	Installation of solar panels	Zone 6 Recreation	\$ 8,000.00	1/05/2015	4/05/2015	Andrew to confirm whether the solar panels are in fact proposed within an area subject to flooding and whether this will have implications on the panels?	27/05/2015	25/05/2015		Delegation							
60	OC2015-23	approved	30/04/2015	30/04/2015	Kentia Fresh solar	Lot 279	Installation of solar panels	Zone 2 Settlement	\$ 10,000.00					26/05/2015		Delegation							
61	OC2015-24	approved	30/04/2015	30/04/2015	Jeremy Greenhouse	Lot 31	Erection of a greenhouse	Zone 2 Settlement	\$ 4,087.47	1/05/2015	1/05/2015, 4/06/2015	letter of use of greenhouse and building cert confirmation	4/05/2015, 11/06/2015	9/06/2015		Delegation							
62	OC2015-25	approved (in part)	23/06/2015	23/06/2015	Skeggs Boundary adjustment	358	Subdivision	Zone 2 Settlement	\$ -	23/06/2015	30/06/2015	Confirmation of proposal and consideration of asset disposal policy	6/08/2015	12/08/2015		Board							
63	OC2015-26	approved	23/06/2015	23/06/2015	Payten Beachcomber Boatshed	12	Re-cladding of boatshed	Zone 7 Environmental Protec	N/A	23/06/2015	-	-	-	30/06/2015		Delegation							
64	OC2016-01	approved	1/07/2015	1/07/2015	Capella WW					3/07/2015				22/07/2015		Delegation							
65	OC2016-02	approved	1/07/2015	1/07/2015	Douglass solar	Lot 1 in DP1202416	Installation of solar panels	Zone 2 Settlement	\$ 12,000.00	4/07/2015				7/07/2015		Delegation							
66	OC2016-03	approved	1/07/2015	1/07/2015	Phillips verandah	53	New roof on verandah	Zone 2 Settlement	\$ 2,500.00	5/07/2015				14/07/2015		Delegation							
67	OC2016-04	draft sent to Dave	9/07/2015	9/07/2015	Jack Shick Garage	126	Garage extension	Zone 2 Settlement	\$ 8,000.00	10/07/2015	14/07/2015	Confirmation of SHV area	14/08/2015	17/08/2015		Delegation							
68	OC2016-05	draft sent to Dave	9/07/2015	9/07/2015	Malcom Shick	126	New shed	Zone 2 Settlement	\$ 3,500.00	10/07/2015	14/07/2015	What dwelling the shed will be associated with	14/08/2015	12/08/2015		Delegation							
69	OC2016-06	approved	24/09/2015	30/09/2015	Hiscox garage and staff accom	337	New garage and staff accom	Zone 2 Settlement	\$ 198,000.00	7/10/2015	12/10/2015	Further description and staff accom as a dwelling	2/11/2015	6/11/2015		Board							
70	OC2016-07	approved (in part)	21/10/2015	21/10/2015	Capella alts and adds	Lot 4 in DP1133177	Alterations and additions to existing buildings, demolition of	Zone 2 Settlement	\$ 2,000,000.00	22/10/2015	26/10/2015, 3/11/2015		30/10/2015, 5/11/2015	9/11/2015		Board							
71	OC2016-08	approved	23/10/2015	23/10/2015	Pandanus	92	Reversion of Pandanus to residential uses	Zone 2 Settlement	\$ 550,000.00	23/10/2015	-	-	-	5/11/2015		Board							
72																							
73	OC2016-09	approved	27/11/2015	27/11/2015	Leanda Lei	Portion 27	Wastewater system	Zone 2 Settlement	\$ 72,000.00	30/11/2015	23/12/2015	effluent report and Kates comment		16/03/2016									
74	OC2016-10	approved	9/12/2015	9/12/2015	Van Gelderen	Lot 1 DP1118575	Subdivision	Zone 2 Settlement	nil	14/12/2015				23/12/2015	10/02/2016								
75	OC2016-11	approved	9/12/2015	9/12/2015	Van Gelderen	Lot 1 DP1118575	Extension	Zone 2 Settlement	\$ 40,000.00	14/12/2015				23/12/2015	8/01/2016								
76	OC2016-12	sent to board	8/01/2016	11/01/2016	RMS navigation	Lot 122, DP 757515	Navigation	Zone 7 Environment Protec	\$ 40,000.00	14/01/2016	13/01/2016	Waiting on further information - dimensions, operational details	21/01/2016	7/03/2016		Out of session							
77	OC2016-13	sent to board	11/01/2016	11/01/2016	Wilson alts	Lot 347 in DP 1156661	Alterations	Zone 2 Settlement	\$ 148,000.00	14/01/2016	19/01/2016	Clarification around what is proposed	21/01/2016	24/02/2016	12/04/2016	Delegation							
78	OC2016-14	sent to board	11/01/2016	11/01/2016	Hideaway staff accommodation	Lot 326, DP 837628	Staff accommodation	Zone 2 Settlement	\$ -	15/01/2016	-	-	-	8/03/2016	22/03/2016	Board							
79	OC2016-15	sent to board	11/01/2016	11/01/2016	Gardiner Boatshed	Government Reserve, off Lagoon Road	Boatshed	Zone 2 Settlement	\$ 10,000.00	15/01/2016	-	-	-	29/01/2016	15/03/2016	Board							
80	OC2016-16	sent to board	10/02/2016	10/02/2016	Makliti Oxley	Lot 4 in DP 1216390	Tourist accommodation	Zone 2 Settlement	\$ 35,000.00	15/02/2016	-	-	-	9/03/2016	22/03/2016	Board							
81	OC2016-17	sent to board	10/02/2016	10/02/2016	Krick	254	Tourist accommodation, WW and solar	Zone 2 Settlement	\$ 400,000.00	15/02/2016	25/02/2016	Plans, clarification of proposal, details of solar panels and lease	18/03/2016	7/04/2016	11/05/2016	Board							
82	OC2016-18	additional information requested	10/02/2016	10/02/2016	Bruce and Kerry Mc Fadyen	235	Solar panels	Zone 2 Settlement	\$ 30,000.00	12/02/2016	12/02/2016	Plans		23/03/2016		Delegation							
83	OC2016-19	on hold	26/02/2016		Pro-dive	On hold																	
84	OC2016-20	assessing - under review	26/02/2016	26/02/2016	Fitzgerald		Wastewater System	Zone 2 Settlement			24/03/2016	Comment from andrew and kate and letters of consent from all lots	half received on 11/04/2016, remainder not received, but will be determined without	18/05/2016		Delegation							
85	OC2016-21	sent to board	26/02/2016	26/02/2016	Lance Wilson	Lot 332 in DP 47549	Solar panels	Zone 2 Settlement	\$ 4,600.00	3/03/2016	-	-	-	24/03/2016	13/04/2016	Delegation							
86	OC2016-22	sent to board	26/02/2016	26/02/2016	D&N Hoffman	Lot 231 in DP 47748	Wastewater System	Zone 2 Settlement	\$ 16,000.00	3/03/2016	11/03/2016	Referral from KATE/Andrew	11/04/2016	2/05/2016	12/05/2016	Delegation							
87	OC2016-23	draft sent to board	30/03/2016	30/03/2016	Ian McFayden	Lot 317 in DP 82132	Solar panels	Zone 2 Settlement	\$ 8,000.00	-	-	-	-	6/05/2016		Delegation							
88	OC2016-24	assessing	13/04/2016	5/05/2016	Coop		Coolroom	Zone 5 Special Uses	\$ 10,000.00	5/05/2016	5/05/2016	Feasibility query with applicant	23/05/2016	24/05/2016		Board							
89	OC2016-25	assessing	13/04/2016	13/04/2016	Di Owens		Cyclone Alley	Zone 2 Settlement	\$ -	19/04/2016	27/04/2016	Legal interpretation	18/05/2016	24/05/2016		Board							
90	OC2016-26	additional information requested	27/04/2016	27/04/2016	Young		Extension to garage		\$ 35,000.00	3/05/2016	6/05/2016	Proposal clarification and site info				Delegation							
91	OC2016-27	assessing	4/05/2016	4/05/2016	Loneran		Wastewater System		\$ 12,500.00							Delegation							
92	OC2016-28	assessing	13/05/2016		Payten		Solar panels									Delegation							
93																							
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**Development Applications and Modification of Consent Applications**

Application No:	Current Status	Date lodged with LHB	Date received by RPS	Name of Applicant	Description of land/property	Brief description of development proposal	Zone	Valuation	Date of initial review by RPS	Public Exhibition	Submissions Rec'd	Date internal review request sent, and the relevant section	Date internal review response received	Date external approval request letter sent, and the relevant agencies	Date external approval /concurrence received	Date of any request for additional information required	Date additional information received	Date of any other activities: contact with the applicant, LHB staff etc	Date assessment and report completed and emailed to LHB	Date application determined by LHB	Determination-Approved, Refused, Withdrawn	Board or Delegation	
DA2013-11	approved	25/03/2013	15/04/2013	Hank Bower	Lot 279	Construction of aviaries to undertake a trial captive management program.	Zone 5 Special Uses	\$ 30,000.00	18/04/2013	29/3/13 to 12/4/13	1	15/4/13				23/4/13	29/04/2013		7/05/2013	20/5/13	approved	Board	
DA2013-12	approved	24/04/2013	26/04/2013	Lisa Makiiti	Portion 157/ Lot 1	Construction of a 1 bedroom tourist accommodation	Zone 2 Settlement	\$ 220,000.00	1/05/2013	26/4/13 to 10/5/13	0	29/4/13				3/05/2013			7/05/2013	20/5/13	approved	Board	
DA2013-13	approved	30/04/2013	2/05/2013	Jack Shick	Portion 126	Construct a structure to grow fresh produce	Zone 2 Settlement	\$ 4,000.00	23/05/2013	10/5/13 to 24/5/13	0	5/03/2013				23/05/2013	31/05/2013		6/06/2013	16/12/2013	Approved	Delegation	
MDC2013-03	approved	10/05/2013	22/5/13	Mark McKillop	Portion 142	Modify DA to add 5kW solar panels	Zone 2 Settlement	\$ 15,000.00	23/05/2013	NA	0					NA			24/05/2013	4/06/2013	approved	Delegation	
DA2013-14	approved	7/05/2013	17/05/2013	Peter and Vicki Busted	Portion 170	Install solar energy system	Zone 2 Settlement	\$ 10,000.00	20/5/13	NA	1	22/5/13				NA			23/05/2013	4/06/2013	approved	Board	
MDC2013-02	approved	25/03/2013	4/07/2013	LHB	Blinky Beach	transport sand from Blinky Beach Dune to Windy Point	Zone 6 Recreation Zone 7 Environmental Protection	\$ -	4/07/2013	07/06/13 to 21/07/13	0	5/07/2013	5/07/2013					10/07/2013 - advice from LTL 04/07/2013 - advice from LTL	17/07/2013	22/08/2013	approved	Delegation	
DA2014-01	approved	4/07/2013	8/07/2013	Davies	Portion 342	construct garage and deck	Zone 2 Settlement	\$ 40,000.00	11/07/2013	12/07/13 to 26/07/13	0					11/07/2013	15/08/2013	29/07/2013	28/08/2013	29/08/2013	approved	Delegation	
DA2014-02	approved	8/07/2013	8/07/2013	Retmock	Portion 33	Construct pergola	Zone 2 Settlement	\$ 4,000.00	11/07/2013	12/07/13 to 26/07/13	0					11/07/2013	8/08/2013		28/08/2013	29/08/2013	approved	Board	
DA2014-03	approved	21/08/2013	26/08/2013	Chapman	Portion 322	construct covered deck	Zone 2 Settlement	\$ 36,000.00	28/08/2013	23/08/2013 to 06/09/2013	0					28/08/2013	28/08/2013		19/09/2013	18/09/2013	approved	Delegation	
DA2014-04	approved	25/09/2013	26/09/2013	Shead	Portion 21	convert commercial premises to tourist accommodation	Zone 2 Settlement	\$ -	3/10/2013	11/10/2013 to 25/10/2013	0					15/10/2013 24/10/2013	14/11/2013		14/11/2013	26/11/2013	approved	Board	
DA2014-05	approved	5/11/2013	5/12/2013	Kennedy	Portion 309 and 215	Three lot subdivision into two	Zone 2 Settlement	-	10/12/2013	6/12/2013 to 20/12/2013	0	3/01/2013	17/01/2013			11/12/2013	11/12/2013		7/02/2014	4/03/2014	approved	Board	
DA2014-06	approved	31/01/2014	7/02/2014	Retmock WW	Portion 33	Installation of Wastewater Management System	Zone 2 Settlement	\$ 10,000.00	12/02/2014	NA	0	12/02/2014				13/02/2014	13/02/2014		19/03/2014	27/03/2014	approved	Delegation	
DA2014-07	approved	3/02/2014	7/02/2014	Wilson	Portion 127	Re-cladding of dwelling	Zone 2 Settlement	\$ 10,000.00	19/02/2014		0	18/02/2014		25/02/2014	8/07/2014				19/02/2014 and 14/07/2014	15/07/2014	approved	Delegation	
DA2014-08	approved	10/02/2014	12/02/2014	Owens	Portion 78	Subdivide into two lots	Zone 2 Settlement	\$ 41,687.00	17/02/2014	14/02/2014 - 28/02/2014	0					14/02/2014	27/03/2014		7/04/2014	30/04/2014	approved	Board	
DA2014-09	approved	7/04/2014	9/04/2014	LHB	Portion 279	Demo igloos and water tanks	Zone 2 Settlement	\$ 15,000.00	28/04/2014	9/04/2014	0								29/04/2014/ 15/05/2014	27/05/2014	approved	Board	
DA2014-10	approved	7/04/2014	9/04/2014	LHB	Portion 37	Demo and construction external laundry room	Zone 5 Speical Uses	\$ 15,000.00	15/04/2014	18/04/2014 - 2/05/2014	0			13/06/2014	13/08/2014	10/04/2014 17/04/2014				2/09/2014	approved	Board	
DA2014-11	Approved	7/04/2014	9/04/2014	Fitzgerald	Portion 139	Installation of Wastewater Management System	Zone 2 Settlement	\$ 15,500.00	10/04/2014	NA	0	8/04/2014	16/04/2014			10/04/2014	28/04/2014		28/04/2014	29/04/2014	approved	Delegation	
DA2014-12	Approved	7/04/2014	9/04/2014	Wilson	Portion 285	Installation of Wastewater Management System	Zone 2 Settlement	\$ 15,500.00	10/04/2014	NA	0	8/04/2014	16/04/2014			10/04/2014	28/04/2014		29/04/2014	29/04/2014	approved	Delegation	
DA2014-13	Approved	7/04/2014	9/04/2014	Thompson	Portion 350	Installation of Wastewater Management System	Zone 2 Settlement	\$ 15,000.00	10/04/2014	NA	0	8/04/2014	16/04/2014			10/04/2014	28/04/2014		29/04/2014	29/04/2014	approved	Delegation	
DA2014-14	approved	16/04/2014	17/04/2014	James Thompson	Portion 308 and 310	Installation of Wastewater Management System	Zone 2 Settlement	\$ 17,000.00	29/04/2014	NA	0	8/04/2014	16/04/2014			11/04/2014	28/04/2014		29/04/2014	27/05/2014	approved	Delegation	
DA2014-15	Approved	17/04/2014	17/04/2014	Spivey Haselden	Portion 355	Install solar energy system	Zone 2 Settlement	\$ 11,401.00	29/04/2014	NA	0					29/04/2014	1/05/2014		5/05/2014	6/05/2014	approved	Delegation	
DA2014-16	approved	6/05/2014	6/05/2014	Makiiti Solar	Lot 1, DP 1174920	Install solar energy system	Zone 2 Settlement	\$ 7,627.00	6/05/2014	NA	0					8/05/2014	12/05/2014		12/05/2014	28/05/2014	approved	Delegation	
DA2014-17	approved	8/05/2014	29/05/2014	Deacon	Portion 325	Installation of Wastewater Management System	Zone 2 Settlement	\$ 10,990.00		NA	0								26/06/2014	26/06/2014	11/08/2014	approved	Delegation
DA2014-18	approved	5/06/2014	5/06/2014	Douglass	Portion 30 and 275	boundary adjustment, rebuilding of a dwelling and subdivision of land	Zone 2 Settlement	\$ 300,000.00	16/06/2014	06/06/2014 - 20/06/2014	0	XX	XX			23/06/2014 and 01/07/2014	18/08/2014		20/08/2014	2/09/2014	approved	Board	
DA2014-19	approved	6/06/2014	1/07/2014	Devine	Portion 285	Operation of a home business to carry out food preparation and take away and delivery services	Zone 2 Settlement	\$ 1,500.00	11/07/2014	20/06/2014 - 4/07/2014	0	8/07/2014	21/07/2014			14/07/2014	21/07/2014		31/07/2014	11/08/2014	approved	Delegation	
DA2014-20	approved	5/06/2014	1/07/2014	LHB Met WW	MET Houses	Installation of Wastewater Management System	Zone 2 Settlement	\$ 15,000.00	7/07/2014	NA	0	8/07/2014	18/07/2014			07/07/2014 and 31/07/2014	08/07/2014 and 19/08/2014		20/08/2014	2/09/2014	approved	Board	
DA2015-01	approved	1/07/2014	1/07/2014	RMS	Portion 10	Construction of a 'Joint Maritime Operation Centre'	Zone 2 Settlement	\$ 30,000.00		4/07/2014 - 18/07/2014	1	8/07/2014	18/07/2014						14/07/2014	2/09/2014	approved	Board	

DA2015-02	approved	14/07/2014	15/07/2014	Wilson Boatshed	Government Reserve, off Lagoon Road	Alts and Adds to boatshed, convert to commercial, add sign, deck and walking track	Zone 7 Environmental Protection	\$ 20,000.00	25/08/2014	18/07/2014	0	XX		30/07/2014	22/08/2014	27/08/2014 and 01/10/2014	29/09/2014 and 10/10/2014		17/10/2014	29/10/2014	approved	Board
MDC2015-01	approved	12/06/2014	1/07/2014	Wilson WW	Portion 285	Modify WMS	Zone 2 Settlement	\$ -	21/07/2014	NA	0					21/07/2014	24/07/2014		1/08/2015	22/08/2014	approved	Delegation
DA2015-03	approved	11/08/2014	27/08/2014	McFadyen	Portion 317	Extension to veranda	Zone 2 Settlement	\$ 5,000.00	1/09/2014	22/08/2014-05/09/2014	0		24/09/2014	29/09/2014					12/09/2014	8/10/2014	approved	Delegation
DA2015-04	approved	29/08/2014	29/08/2014	LHIB Mast	Portion 101	Construct monitoring Mast	Zone 1 Rural and Zone 7 Environment Protection	\$ 110,000.00	4/09/2014	12/09/2014 - 26/09/2014	0		5/09/2014			5/09/2014 and 1/10/2014	29/09/2014 and 27/10/2014		27/10/2014	29/10/2014	approved	Board
DA2105-05	approved	29/08/2014	5/09/2014	LHI Golf Club	Portion 118, 120 and 299	Installation of Wastewater Management System	Zone 6 Recreation	\$ 30,000.00	5/09/2014	NA	0	XX				17/09/2014	when did andrews review?		2/10/2014	7/10/2014	approved	Delegation
DA2015-06	approved	5/09/2014	9/09/2014	Crombie	Portion 319	Alterations and additions to existing dwelling	Zone 2 Settlement	\$ 250,000.00	22/09/2014	12/09/2014 - 26/09/2014	0	XX	2/10/2014			23/09/2014 and 3/10/2014	27/10/2014		27/10/2014	29/10/2014	approved	Board
DA2015-07	approved	22/09/2014	23/09/2014	Marine Parks	Crown Land at Anderson Road	Alterations and additions to existing dwelling	Zone 2 Settlement	\$ 25,000.00	29/09/2014	26/09/2014 - 10/10/2014	0	XX							2/10/2014	23/10/2014	approved	Delegation
DA2015-08	approved	12/09/2014	7/10/2014	Green	Portion 91	Change of use from staff accommodation to tourist accommodation	Zone 2 Settlement	\$ -	12/10/2014	10/10/2014 - 24/10/2014	0	XX				16/10/2014	10/11/2014			25/11/2014	approved	Board
DA2015-09	approved	28/10/2014	28/10/2014	Haselden Spivey Woolnough	Lot 355 DP 1156660	Installation of Wastewater Management System	Zone 2 Settlement	\$ 20,400.00	5/11/2014	NA	0	XX	15/01/2015					need to revise report after Andrew's comments	7/11/2014 23/01/2015	4/02/2015	approved	Delegation
DA2015-10	approved	29/10/2014	29/10/2014	M Nobbs	Portion 298	Demo and construction of a shed	Zone 2 Settlement	\$ 10,000.00	4/11/2014	31/10/2014 - 14/11/2014	0	XX	16/01/2015			5/11/2014	16/01/2015		23/01/2015	4/02/2015	approved	Delegation
DA2015-11	approved	21/11/2014	3/12/2014	LHIB and Lance Wilson	Portion 332	boundary adjustment	Zone 2 Settlement	NA	9/12/2014	24/11/2014- 08/12/2014	0	xx	6/01/2015						21/01/2015	17/03/2015	approved	Board
DA2015-12	approved	2/12/2014	2/12/2014	Lauren and Tas Douglass	Portion 10	Installation of Wastewater Management System	Zone 2 Settlement	\$ 10,000.00	1/12/2014	NA	0			4/12/2014	5/12/2014	5/12/2014	9/12/2014		9/12/2014	10/12/2014	approved	Delegation
DA2015-13	approved	13/01/2015	04/02/2015	Capella	Portion 123, 176 and lot 4, DP1133177	Subdivision - boundary adjustment	Zone 2 Settlement	NA	5/02/2015	XX	XX					6/02/2015 and 5/03/2015	25/02/2015					Board
DA2015-14	approved	13/03/2015	16/03/2015	Chapman	Lot 322	Extend roofline at rear of church and alts	Zone 2 Settlement	\$ 36,000.00	16/03/2015	20/03/2015 - 03/04/2015	XX								20/03/2015			Delegation
DA2015-15	approved	13/03/2015	18/03/2015	Deacon	Lot 81	Demo of existing dwelling and rebuild of dwelling and two lot subdivision	Zone 2 Settlement	\$ 360,000.00	18/03/2015	XX	XX						22/04/2015					
DA2015-16	sent to board	19/03/2015	20/03/2015	Jeremy	POA 1964-02 (Boatshed)	Repairs and maintenance of existing heritage boatshed and slipway area.	Zone 7 Environmental Protection	\$ 20,000.00	22/03/2015	XX		1				25/03/2015, 7/10/2015	15/09/2015, 15/10/2015		22/10/2015			

<b>Board Meeting:</b> June 2016	<b>Agenda Number:</b> 8 (ii)	<b>File Ref:</b> PO 0011
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# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### ITEM

Review of the Draft Scientific Research Policy

#### RECOMMENDATION

It is recommended that the Board place the Draft Scientific Research Policy on public exhibition for a period of 28 days.

#### BACKGROUND

In December 2009, the Board adopted the current Research Policy to guide research on Lord Howe Island. The policy outlines the criteria for assessing research applications, research assistance provided by the Board, and requirements for approved research projects.

#### CURRENT POSITION

The Draft Scientific Research Policy has been revised and updated. The key updates include:

- Reference to the Board's Biosecurity and Weed Management strategies to guide identification and priority for research along with the BMP and POM.
- Scientific research knowledge being delivered through Board programs as well as collaborations with research partners and other organisations.
- Reference to scientific rigour, i.e. process of producing sound and defensible science.

#### RECOMMENDATION

It is recommended that the Board place the Draft Scientific Research Policy on public exhibition for a period of 28 days.

Prepared \_\_\_\_\_

David Kelly

Manager Environment & Community Development

Endorsed \_\_\_\_\_

Penny Holloway Chief Executive Officer

# LORD HOWE ISLAND BOARD POLICY

<b>TITLE</b>	<b>DRAFT Scientific Research Policy</b>		
<b>DATE ADOPTED</b>	December 2009	<b>AGENDA ITEM</b>	
<b>CURRENT VERSION</b>	December 2016	<b>AGENDA ITEM</b>	
<b>REVIEW</b>	5 years	<b>FILE REFERENCE</b>	CO0018 & PO0011
<b>ASSOCIATED LEGISLATION</b>	<i>Lord Howe Island Act 1953 (LHI Act)</i> <i>Lord Howe Island Regulation 2014 (LHI Reg)</i> <i>Animal Research Act 1985 (AR Act)</i> <i>Environmental Planning and Assessment Act 1979 (EPA Act)</i> <i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i> <i>National Parks and Wildlife Act 1974 (NPW Act)</i> <i>National Parks and Wildlife Regulation 2009 (NPW Reg.)</i> <i>Threatened Species Conservation Act 1995 (TSC Act)</i>		
<b>ASSOCIATED POLICIES</b>	LHI Biodiversity Management Plan Strategic Plan for the LHI World Heritage Property LHI Permanent Park Preserve Plan of Management LHI Biosecurity Strategy LHI Plant Importation Policy LHI Weed Management Strategy		

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## **1 Introduction**

The Lord Howe Island Board (Board) is obligated to manage, protect, restore, enhance and conserve the Island's environment and World Heritage values in a manner that is consistent with and promotes the principles of ecologically sustainable development, pursuant to the Charter in the *Lord Howe Island Act 1953*.

Scientific research delivers knowledge and evidence on which the Board can base management decisions.

The Board also recognises the interest of the broader Australian and global community in the values of the Island, and recognises the desirability of independent research, which may or may not contribute directly to the Board's management programs.

## **2 Scope of Policy**

This policy applies to the Lord Howe Island Group as inscribed on the IUCN's World Heritage Convention excluding the area designated as the Lord Howe Island (commonwealth Waters) Marine Park.

## **3 Objectives**

The main objectives of this policy are to:

- 3.1 Establish a process for identifying and prioritising research that meets existing or emerging knowledge needs.
- 3.2 Deliver identified scientific research knowledge through establishment and maintenance of Board programs.
- 3.3 Encourage collaboration with research partners and other organisations to deliver identified knowledge needs.
- 3.4 Permit and support research that meets the standards of scientific rigour in a consistent, equitable and transparent manner.
- 3.5 Manage and share scientific research.

## **4 Identifying and prioritising research needs**

- 4.1 Biodiversity and conservation knowledge gaps and research needs are identified during the development of Board strategies and plans e.g:
  - LHI Biodiversity Management Plan
  - LHI Permanent Park Preserve Plan of Management
  - LHI Weed Management Strategy
  - LHI Biosecurity Strategy

- 4.2 The Board will give first priority to research that is consistent with the actions and recommendations in the above documents, is critical to the progress and delivery of the Board's Corporate and Operational Plans and makes a significant contribution to the understanding of the Island's environmental values.
- 4.3 Priority will also be given to research which addresses critical social or economic information gaps, makes a significant contribution to the understanding of the Island's social or economic values and will provide a tangible and immediate improvement in the social or economic wellbeing of the Island.
- 4.4 Research that may not meet the above criteria should also be considered for approval where the applicant(s) can demonstrate a unique and opportunistic proposal that contributes to biodiversity management and conservation, social or economic wellbeing on LHI.

## **5 Scientific Rigour**

Scientific rigour is a process of ensuring sound and defensible science (OEH 2013) by:

- 5.1 Appropriate design including:
  - establishing a clear objective
  - selecting a scientifically sound and appropriate method
  - ensuring the people involved have relevant skills and experience to undertake the work
  - peer review of the design before implementation
- 5.2 Meticulous implementation including:
  - adhering to the adopted method, and documenting variations
  - ensuring data are reproducible, secure, discoverable and accessible
- 5.3 Objective analysis and reporting of results, including:
  - ensuring evidence supports results and conclusions
  - peer review prior to publishing data, results and conclusions
  - publishing results in appropriate media.

## **6 Board programs to address knowledge needs**

- 6.1 The Board will establish and maintain programs to meet knowledge needs where it can be demonstrated that it is an efficient and effective use of resources e.g. Annual LHI Woodhen survey; Permanent threatened flora monitoring; Weed eradication trends.
- 6.2 A scientific project should only be undertaken or commissioned by the Board if it will meet standards of scientific rigour.
- 6.3 A Board Scientific Research Permit is not required for Board staff with delegation under s171 of the NPW Act to undertake routine management or incidental actions on LHI.

- 6.4 Board staff undertaking coordinated activities such as survey, monitoring or other research on LHI may require a Scientific Licence under the NPW Act and/or approval from an Animal Care and Ethics Committee (ACEC) for work involving animals.
- 6.5 Volunteers assisting Board staff with research must comply with the Board's Volunteer Policy.

## **7 Collaboration with research partners**

- 7.1 The Board will actively seek partnership with research partners and other organisations to meet knowledge needs where it can be demonstrated that it is not efficient and effective use of Board resources, or if the Board does not hold the required expertise.

## **8 Permit process**

- 8.1 The Board will approve, under the *LHI Act 1953* (LHI Act) and *LHI Regulation 2014* (LHI Reg), where relevant and appropriate, bone fide research projects that meet standards of scientific rigour and that meet the conditions of clause 4.1 and 4.2.
- 8.2 The Board may approve, under the *LHI Act 1953* (LHI Act) and *LHI Regulation 2014* (LHI Reg), where relevant and appropriate, bone fide research projects that meet standards of scientific rigour and that meet the conditions of clause 4.3.
- 8.3 Scientific research that requires the damage, removal, or export of any flora, fauna or substances forming part of the Island requires the approval of the Board under the LHI Reg. A Board research permit satisfies approval under the LHI Reg.
- 8.4 The Board may refuse an application or impose conditions that limit access to sensitive sites and target species, restrict the quantities or volume of flora, fauna and/or substances proposed to be damaged or removed and otherwise modify the methods proposed to be used to reduce impact.
- 8.5 Approval to conduct research on the Island is subject to complying with the conditions outlined in the LHIB Research Permit including the Code for Responsible Conduct of Research.
- 8.6 The Board may make funds and resources available to support and facilitate scientific research. The Board's Chief Executive Officer (CEO) is delegated to approve research, financial assistance and the use of the Board's Research Facility, without further referral to the LHI Board. Research that requires financial support exceeding \$10,000 including the use of the Board's Research Facility will be referred to the LHI Board for consideration.
- 8.7 In order to satisfy clauses 8.1 and 8.2 researchers must submit a LHIB Research Application Form. The following factors will be taken into account when assessing an application for Scientific Research:
  - Potential impacts to target and non-target flora and fauna species or populations, in particular threatened species, populations, ecological communities and identified critical habitat.

- Potential impacts to the habitat of flora and fauna species and other site or ecosystem values, in particular the values of the LHI Permanent Park Preserve.
  - Potential impacts to karst, geodiversity and/or other non-biotic features.
  - The risk of spreading disease, pathogens, pest species or factors contributing to a listed Key Threatening Processes.
  - Potential impacts to residents or visitors and particularly their businesses and access and enjoyment of the island, in particular the values of the LHI Permanent Park Preserve.
- 8.8 Relevant stakeholders will be consulted, where required, to ensure that the benefits and risks of an application are fully assessed.
- 8.9 LHIB Scientific Research Permits are usually issued for a single project. A project may include multiple parties, species or sites.
- 8.10 LHIB Scientific Research Permit terms will be up to the discretion of the LHIB depending on the nature and scope of the proposed activity.
- 8.11 A Permittee may seek the renewal of a permit subject to completion of any annual reporting requirements and compliance with the conditions of the LHIB Scientific Research Permit.

## **9 Research requiring additional approvals**

- 9.1 It is the research permit applicant's responsibility to obtain all relevant approvals and licences prior to commencement of the project such as:
- a 'scientific licence' under section 132C of the *National Parks and Wildlife Act 1974* (NPW Act).
  - a LHI Marine Parks scientific research approval under the *Lord Howe Island Marine Parks Act 2004* and the *Marine Parks Regulation 1999*.
  - an approval from an Animal Care and Ethics Committee (ACEC) constituted under the *Animal Research Act 1985* (AR Act). The key objective of the AR Act is to protect the welfare of animals used in connection with research.

## **10 Managing and sharing scientific research**

- 10.1 The Board will monitor compliance with the conditions of the LHIB research permit. Failure to comply with the conditions of a permit may result in a variation, suspension or cancellation of the permit. In severe cases a penalty infringement notice may be issued or a prosecution initiated.
- 10.2 Results of the scientific research will be published in appropriate media and shared with those responsible for relevant management decision-making.

## **11 Policy Review**

The LHIB is responsible for coordinating the review of this policy every 5 years.

## 12 References

Office of Environment and Heritage, 2013. *Scientific Rigour Position Statement*. <http://www.environment.nsw.gov.au/resources/research/OEHSciRigPosnStmtJul13.pdf>. Accessed 24 May 2016.

National Health and Medical Research Council, the Australian Research Council and Universities Australia. (2007) *Australian Code for the Responsible Conduct of Research*. <http://www.nhmrc.gov.au/index.htm>. Accessed 24 May 2016.

DRAFT

<b>Board Meeting:</b> June 2016	<b>Agenda Number:</b> 8 (iii)	<b>File Ref:</b> PU0004
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# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### ITEM

Draft Commercial Filming Policy.

#### RECOMMENDATION

It is recommended that the Board APPROVE the Commercial Filming Policy.

#### BACKGROUND

The Board's Administration has completed a review of the Commercial Filming Policy.

In March 2016, the Board resolved to place the Draft Commercial Filming Policy on public exhibition for a period of 28 days subject to the following amendments:

- That the approval of filming rated High in reference to the *Local Government Filming Protocol* require the approval of the full Board,
- That draft policy address the use of drones and unmanned aircraft,
- That the draft policy restrict the use of drones and unmanned aircraft to prescribed areas, and
- That the draft policy reflect CASA requirements, such as the use of drones and unmanned aircraft in the vicinity of the airport.

The draft policy includes a number of specific provisions aimed at protecting the Island's tourist economy, community and environment, while still complying with the Premiers Memorandum to make NSW film friendly.

#### CURRENT POSITION

The draft policy was placed on public exhibition for a period of 28 days from 11 April to 9 May 2016. No public submissions were received.

A number of minor amendments were also made to the draft policy and are shown in tracked changes.

**RECOMMENDATION**

It is recommended that the Board APPROVE the Commercial Filming Policy.

**Prepared** \_\_\_\_\_ David Kelly     Manager Environment & Community Development

**Endorsed** \_\_\_\_\_ Penny Holloway     Chief Executive Officer

# LORD HOWE ISLAND BOARD

## POLICY

<b>TITLE</b>	<b>DRAFT Commercial Filming Policy</b>		
<b>DATE PREPARED</b>	March 2016	<b>AGENDA ITEM</b>	8 (iii)
<b>CURRENT VERSION</b>	September 2001	<b>AGENDA ITEM</b>	16 September 2001
<b>REVIEW</b>	5 years	<b>FILE REFERENCE</b>	PU0004
<b>ASSOCIATED LEGISLATION</b>	<i>Lord Howe Island Act, 1953</i> <i>Lord Howe Island Regulation, 2014</i> <i>Environmental Planning &amp; Assessment Act, 1994</i> <i>Threatened Species Conservation Act, 1995</i>		
<b>ASSOCIATED POLICIES</b>	Premier's Memorandum: M2014-04 <i>Making NSW Film Friendly</i> Local Government Film Friendly Protocol		

### Introduction

The Lord Howe Island Board is supportive of film making and photography on the Island. The Board also recognises that filming and photography and their associated activities may have a range of impacts on the Island and requires a balance between the interests of the local community, its economy and the environment.

### Context

#### Premier's Memorandum: M2014-04 *Making NSW Film Friendly*

In May 2014, the NSW Government released the Premier's Memorandum M2014-04 *Making NSW Film Friendly*. The Memorandum requires that:

- there is a cooperative attitude in dealing with filming requests;
- applications for access are processed promptly;
- access to locations is supported wherever possible and should not be unreasonably withheld;
- clear reasons for refusal should be provided and alternative arrangements for sites offered if possible;
- fees are kept to a minimum and should only reflect costs;
- Agencies should permit filming activities and / or make locations and facilities available for filmmakers where possible, taking into account public amenity, safety, security and other operational requirements. Requests for agency services should receive a positive response where ever possible. Where filming access, services or approvals cannot reasonably be given, the filmmaker should be advised as early as possible of this response, reasons given for it and alternatives suggested if possible.

The Premier's Memorandum refers to the Local Government 2012 Film Friendly Protocol and makes a commitment that government agencies and State authorities will follow the protocol in facilitating filming.

### Local Government Film Friendly Protocol

The Local Government Filming Protocol was developed under the Local Government Act 1993, which introduced a single application system for council approvals related to filming.

The Protocol includes the presumption that councils will grant approvals relating to filming projects. Councils are to ensure that requests for location film productions are able to occur, unless there are exceptional circumstances or legislation requires the council to refuse to grant the approval.

Local councils are to comply with the Protocol when determining applications or setting fees, rather than simply taking it into consideration as required previously. Fees and charges related to location filming activity are, at a maximum, to be cost reflective.

The Protocol has been prepared in consultation with local councils, government agencies and the screen industry.

The Protocol applies to all local councils except where another filming protocol has been adopted with the approval of the Director General of the Department of Local Government. Where a council has discretion to set fees and charges relating to a filming project, the legislation now requires the council to set them in accordance with the Filming Protocol.

### **Objectives**

The policy aims to:

- provide a framework which supports film-makers/photographers and is balanced with the interests of the local community, tourism, and the environment.
- provide clear and consistent guidelines for when commercial filming and photography requires approval.
- promote an effective working relationship between film-makers/photographers and the Board.

### **Scope of policy**

This policy applies to filming and photography, and related activities, carried out on land administered under the *Lord Howe Island Act, 1953* including Lord Howe Island and its offshore islands including Balls Pyramid.

For the purposes of this policy, all references to 'filming' include photography unless otherwise stated (see definitions).

This policy does not apply to filming in the Lord Howe Island Marine Park. Filming in marine parks requires approval under the *Marine Estate Management Act 2014* or as required under the *Film Approvals Act, 2004*.

## Policy

### Approval of filming applications

1. The provisions of the *Film Approval Act 2004* and the *Local Government Act 1993* relevant to filming (s 114 – 110F) do not apply to land administered under the *Lord Howe Island Act, 1954*.
2. Commercial filming taking place on Lord Howe Island requires approval from the Lord Howe Island Board. This includes filming undertaken for a specific project or show (e.g. by a television station or production company) as well as filming which is taken for the purpose of selling or hiring to another party.
3. A licence is required under Section 49 of the Lord Howe Island Regulation, 2014 to carry-out commercial filming and associated activities.
4. Consent may also be required under other legislation such as the *Environmental Planning and Assessment Act, 1979*, *Heritage Act, 1977*, *Threatened Species Conservation Act, 1995* and the *Environment Protection and Biodiversity Conservation Act 1999*.

Note: In some cases, where the scale and duration (i.e. total filming activity is greater than 30 days) of the film warrant, a Development Application is required.

### Assessment of filming applications

5. Given the context of the Premier's Memorandum, the Board should permit filming activities and / or make locations and facilities available for filmmakers where possible, taking into account public amenity, safety, security and other operational requirements. Requests for agency services should receive a positive response where ever possible.
6. The process of considering filming applications is based on assessment of potential impacts the filming may have whilst recognising the diverse benefits the filming may bring to Lord Howe Island, the public and the state of NSW in general.
7. The Lord Howe Island Act, Lord Howe Island Regulation, Threatened Species Conservation Act, EPBC Act, and Environmental Planning and Assessment Act all provide a range of matters that may need to be considered in assessing an application for filming.
8. When assessing a filming application the delegated officer must have regard to the nature and extent each of the following matters:
  - any relevant legislation, plan, or policy for the subject area.

- whether there will be any community impacts including positive economic benefits, reduced access to site locations, changes in amenity, public safety, security or impacts on services and facilities on the Island, and whether these have been addressed through vehicle importation requirements, traffic and parking plans, water, waste water management strategies.
  - whether there will be any environmental impacts at site locations including those associated with access and support operations and whether these are addressed through a biosecurity, threatened species, or restoration plan.
  - whether there will be any tourism impacts including the overall benefit to the Island, and impact on visitor experience, and whether these have been addressed or offset in any way.
  - whether there will be any cultural heritage impacts and whether these can be effectively avoided or mitigated.
9. Where the information submitted by the applicant with the application is inadequate to enable this assessment, the delegated officer is to request further information from the applicant.
10. The approval cannot be refused on the grounds that the Board is not satisfied as to these matters unless the matter cannot be adequately addressed by imposing conditions on the approval.

### **Delegation**

11. The Chief Executive Officer is delegated to approve applications for commercial filming which are classified as Very Low Risk, (news, current affairs), Low Risk (low scale productions including student, government and approved documentaries, lifestyle and travel)
12. Medium and High Risk applications will be referred to the full Board for determination. High risk applications will only be considered by the Board in exceptional circumstances

### **If approval not granted**

13. If approval is refused, the applicant must be given clear reasons for the refusal in writing as soon as the decision is made. Where practical, the Board should assist the applicant by giving advice and support on possible alternative locations and/or practices.

### **Dispute resolution**

14. If there is a dispute between the Board and the applicant, the dispute resolution procedures outlined in the Local Government Protocol will apply.

# Procedural Guidelines

## Application process

15. An applicant is required to submit to the Board's Administration a signed application form and the application fee. The application form (available from the LHIB Website) will include details of the filming and proposed location and a risk assessment of economic, social and environmental matters. A review of environmental factors (REF) may also be required (see clause 34). The application form will form the basis of any filming approval under the Lord Howe Island Regulation.
16. The Board will appoint a film contact officer to assist the filmmakers in obtaining the necessary approval, support and access to the Board's services.
17. If approved, the application will be subject to the Standard Conditions and any additional conditions deemed appropriate to ensure that the activity does not impact on the economic, social and environmental significance of the Island. For example, conditions can relate to the numbers of persons on-site at any time, limits on movement of vehicles, restricted areas or hours of operation (Attachment A).

## Review of Agreements

18. The Board reserves the right to review the Agreement and the associated conditions of approval if circumstances require it or change. Examples may include where there are concerns regarding a culturally or environmentally sensitive area, continuous wet weather, or where unforeseen circumstances arise which present immediate threats to habitat, wildlife or public safety.

## Application timeframes

19. Early consultation with the Board can help match the applicant's needs with appropriate sites and streamline processing times.
20. Applicants can minimise likely processing times by consulting with the Board early in the process, factoring in time for the preparation of the application form, site inspection and ensuring that adequate information is provided in the application in accordance with any necessary environmental assessment, this policy.
21. The Board will endeavour to have a staff member available to respond to filming enquiries during normal business hours.
22. For filming proposals that do not require an REF, fully completed applications should be made at least ten business days prior to the proposed activity to allow for applications to be adequately considered. As shown in the fee schedules, varying levies are payable for applications submitted in less than this time.

23. In situations where an REF is required, fully completed applications will be assessed in a timeframe of between ten and forty business days. As outlined in the fee schedule, varying levies are payable for applications submitted less than this time.
24. If particularly complex arrangements are required to facilitate the filming or a High Risk of Impact REF is Required (see REF Guidelines) it may not be possible to process applications submitted at short notice and therefore no short notice levy option will exist.

## Notifications

25. At the time of application, the applicant should be informed of:
  - any known circumstances that are likely to affect the proposed filming e.g. maintenance works; pest control; special events; etc;
  - any known non-obvious hazards relevant to the location; and
  - any known sensitive environmental and cultural issues relating to the site; special conditions; known constraints or access restrictions that may be imposed on the activity.
26. Listing of any special conditions or activities should be attached to the written filming approval and signed and dated by the delegated officer and the applicant.

## Public register

27. A register of approved applications to film on Lord Howe Island will be maintained by the Board showing the approval dates, applicant's name, area and purpose of the filming, and information on the conditions of the approval so far as can be disclosed subject to privacy legislation.
28. Ensuring the currency of the register in relation to an approval is the responsibility of the delegated officer who approves the application.

## Fees and charges

29. A range of fees as set out in the Board Fees & Charges Schedule applies to all commercial filming.
30. The Board will ensure that all fees are kept to a minimum and only reflect costs. Fees include:
  - non-refundable application fee to cover staff time spent processing the application ~~(this fee will be higher if an REF is required)~~;
  - ~~possible~~ fees for assessment of more complex applications;
  - ~~possible~~ supervision fees to cover staff time as necessary; and
  - ~~possible~~ charges for special requirements (e.g. hire of venues or equipment, meetings with Board staff, requirements for site inspections).

31. Application fees are payable upon application. Other fees are payable upon commencement.
32. Filming for news and current affairs is not subject to fees under the Fee Schedule. Lifestyle and travel filming may be subject to fees.
33. Delegated officers may waive or reduce fees for:
  - charity organisations;
  - community service announcements; and
  - filming which significantly promotes the Island, including programs which increase public appreciation, understanding and enjoyment of the natural and cultural values of the Island and its conservation or which encourage visitation

### **Review of Environmental Factors**

34. Filming is not in itself considered to be an 'activity', however associated activities may be. Where any part of the filming activity is classified as an 'activity' under Part 5 of the EP&A Act, the applicant is required to complete a Review of Environmental Factors (REF).
35. For activities likely to affect threatened species, populations or ecological communities, a threatened species assessment will be required. For further information please see:  
<http://www.environment.nsw.gov.au/threatenedspecies/tsaguide.htm>

### **Environmental Management Bond**

36. A suggested range for Environmental Management Bonds is outlined in the Fee Schedule.
37. The Board may require the forfeiture of all or part of the Environmental Management Bond to cover any unforeseen costs (e.g. additional supervision incurred after the approval is signed, site restoration). Any damage caused by the filming over and above the amount of the bond will incur a financial penalty for the cost of restoration work.
38. The delegated officer is to ensure that timely inspection of sites takes place before filming commences and on completion. If any portion of the Environmental Management Bond is to be forfeited the reasons for this must be given in writing.

### **Insurance**

39. A minimum public liability insurance of \$10 million, valid for operations in Australia, must be held by any individual or company undertaking commercial filming activities on Lord Howe Island. A certificate of currency must be attached to the signed Approval. The Certificate must name the Lord Howe Island Board as an interested

party as per the following text: The Minister for the Environment, the Lord Howe Island Board and the Crown in right of New South Wales.

40. Higher insurance coverage may be required in some circumstances depending on the scale or nature of the activity and its potential risks to staff, the public or the environment.
41. Advice should be sought from the Treasury Managed Fund, the Board's insurer, before any filming activity is approved with a variation of the standard insurance.

### **Supervision by staff**

42. The delegated officer will determine the need for staff to supervise the filming activity based on the sensitivity of the site or sites, the nature of the location and shoot and equipment used. Where supervision is deemed necessary, a standard hourly rate will be charged for each staff member required to supervise. A higher rate will be charged for supervision outside normal business hours.
43. In the case of filming projects that have potential to significantly promote the Island, the Board may provide staff to serve in a supervisory and interpretive role. The use of staff in interpretative roles does not attract fees.

### **Filming from airspace, or waters**

44. The LHI Aerodrome is not a controlled airspace and has an operating certificate from first light to last light. Airservices Australia is responsible for regulating aircraft noise relating to take-off, landing and in-flight.
45. Low flying aircraft have the potential to disturb people and compromise conservation objectives (i.e. animals arising from the noise or air turbulence)
46. For applications involving helicopter operations, a special condition will be included in the Filming Agreement that a 'Fly Neighbourly Agreement' is to be developed between the applicant, the aircraft operator and the Board in the interests of minimising the impact of noise on the community. The Fly Neighbourly Agreement will include the number of operations, the height of operations, the time of operations, flight tracks to be used, sensitive areas to be avoided, and other measures to minimise noise impacts on residents and visitors.
47. Applications for filming from waters within the LHI Marine Park are the management responsibility of NSW Marine Parks.
48. The use of Unmanned Aerial Vehicles (UAV or drones) for filming is to be carried out in accordance with checklist of requirements from Screen NSW UAV workshop 2015 (Attachment B)

## **Rescheduling by the proponent**

49. If it is necessary for the proponent to re-schedule due to filming requirements, e.g. unfavourable weather, the delegated officer must be notified as soon as possible and the proposed rescheduling date agreed upon by both parties. Proponents should be encouraged to nominate contingency days in advance. Any reasonable cost incurred by the Board may be recovered from the applicant e.g. casual staff contracted for the period and an inability to change these arrangements.

## **Breach of the conditions of the Agreement**

50. The Board will monitor compliance with conditions for all filming approvals and will act to restrain any breaches by taking appropriate enforcement action. Action to restrain the breach or offence may include issuing of infringement notices, the immediate termination of the approval and taking legal action against the Approval holder.
51. Standard conditions of the approval provide that the applicant does not have the right to claim against the Board for damages for loss of business or financial or other loss as a result of such a termination of approval.

## **Defences**

52. The holding of an approval for filming is not a defence against an offence committed under any Act or Regulation unless the activity that constituted that potential offence was specifically permitted in the filming approval.

## **Definitions**

### *Very Low Risk*

Small-scale filming including filming undertaken as a bona-fide personal interest or hobby, weddings, news, and current affairs. No more than 10 crew, with low level equipment use and minimal props or talent.

### *Low Risk*

Low scale filming including student, government and approved documentaries, lifestyle and travel productions. Minor or negligible impact on the community, tourism and the environment. No more than 25 crew, less than 4 trucks / vans, small or no unit base required.

### *Medium Risk*

Medium scale productions valued under \$10 million. Minor to medium impact on the community, tourism and the environment. No more than 50 crew, less than 10 trucks / vans, unit base required.

*High Risk*

Large scale productions valued over \$10 million. Greater than 50 crew, greater than 10 trucks, large unit base required, medium to major impact on community, tourism and the environment.

## DRAFT FILMING AGREEMENT

**AGREEMENT** Made on \_\_\_\_\_ of 2016

**BETWEEN** \_\_\_\_\_ (“**Abbreviation**”)  
(Address)

**AND** LORD HOWE ISLAND BOARD  
Bowker Road, Lord Howe Island (the “**BOARD**”).

WHEREBY:

### 1 Permission to Enter and Film

1.1 The BOARD, pursuant to section 49 of the Lord Howe Island Regulation, 2014 grants to \_\_\_\_\_ permission to enter and remain on Lord Howe Island for the purposes of filming, recording and related field production on a ‘general access’ basis, including the areas on the island known as:

- a) \_\_\_\_\_; and
- b) \_\_\_\_\_

(the “**Location**”),

in accordance with the conditions of the Approval, from \_\_\_\_\_ to \_\_\_\_\_ (the “**Term**”) and further to make use of the resulting footage, sound recording and related field production materials in, and in connection with, \_\_\_\_\_ with the current working title ‘\_\_\_\_\_’ (the “**Production**”).

Any additional time and or days required by \_\_\_\_\_ for the Production must be presented in writing to the Board for prior approval.

The Board permits \_\_\_\_\_ to:

- a) erect, maintain, dismantle and remove temporary sets and structures for the purposes of filming, recording and related field production for the Production;
- b) bring people and equipment onto the Location for the purposes of filming, recording and related field production for the Production;
- c) incorporate scenes showing or otherwise depicting the Location in the Production or any other program, either as a sequence on its own or preceded, interlaced or followed by such scenes as \_\_\_\_\_ may determine; and
- d) exploit and exhibit film or still photographs including scenes photographed taken or made at, or of the Location which will be \_\_\_\_\_’s absolute property to use as it thinks fit.

1.2 \_\_\_\_\_ agrees that \_\_\_\_\_ will vacate the Location on or before the end of the Term. \_\_\_\_\_ will leave the Location in the same state of cleanliness and repair as at the commencement of the occupation and use of the Location.

## 2 Film Contact Officer

\_\_\_\_\_ (LHIB \_\_\_\_\_) is appointed as the Film Contact Officer to assist \_\_\_\_\_ field production crew in obtaining the necessary approval, support and access to the Board's services during the Term.

## 3 Consideration

3.1 In full and final consideration of the access granted and assistance provided by the Board, as provided in this Agreement, \_\_\_\_\_ will pay to the Board:

(a) the amount of \_\_\_\_\_ Australian dollars (\$\_\_\_\_), being the application and \_\_\_\_\_ level environmental impact assessment fee (\$\_\_\_\_) and the Environmental Management Bond (\$\_\_\_\_), as set out in the *Lord Howe Island Board's Fees and Charges 2015/2016* published on [lhib.nsw.gov.au](http://lhib.nsw.gov.au), prior to filming commencing; and

(b) any other fees and charges, as incurred by \_\_\_\_\_ during the Term, as per the aforementioned fees and charges document, including any applicable LHIB officer supervision fee, within fourteen (14) days of the end of the Term, upon receipt of valid invoice from the Board.

3.2 If \_\_\_\_\_ needs to shoot re-takes or additional scenes at the Location, the Board will allow \_\_\_\_\_ to, at any time within 12 months after the end of the Term, re-enter the Location on the same terms as this Agreement, except that:

a) the dates for re-entry are to be reasonably agreed between the parties;

b) \_\_\_\_\_ must pay any additional fees on a pro-rata basis;

c) the Special Conditions are revised to reflect any impacts due to a change in dates;

d) a Development Application is required if the total additional filming activity is greater than 30 days.

## 4 Insurances and Indemnities

4.1 A minimum public liability insurance of \$AU 10 million must be held by \_\_\_\_\_. A copy of the policy or a certificate of currency must be attached to the filming application.

4.2 \_\_\_\_\_ is required to ensure adequate insurance cover is in place for its field production crew and their filming and related equipment, as is the case with all commercial undertakings in areas managed by the Board. The Board is not liable for any loss or injury to \_\_\_\_\_ field production crew or equipment except to the extent that such loss or injury arises from the negligence of the Board or any servant, agent, contractor of the Board.

4.3 \_\_\_\_\_ agrees to release to the full extent permitted by law the Minister for the Environment, the Board and the Crown in right of New South Wales in the absence of any negligence on their part from all claims and demands of every kind resulting from any accident, loss, death, damage or injury occurring in, on or near the Location and \_\_\_\_\_ expressly agrees that in the absence of any such negligence as aforesaid neither the Minister for the Environment, the Board and the Crown in right of New South Wales shall have any responsibility or liability for any accident, loss, death, damage or injury suffered or incurred by \_\_\_\_\_ (whether to or in respect to \_\_\_\_\_ property or business) or \_\_\_\_\_ employees, agents or contractors or other persons claiming through or under \_\_\_\_\_.

4.4 \_\_\_\_\_ will indemnify and keep indemnified the Minister for the Environment, the Board and the Crown in right of New South Wales and their respective successors, agents, servants,

contractors and employees from and against all actions, suits, claims, demands, proceedings, losses, damages, compensation, costs, charges and expenses whatsoever to which any of those indemnified shall or may be or become liable in respect to or arising from or in connection with: loss, damage or injury from any cause whatsoever to property or person caused or contributed to by \_\_\_ or any servant, agent or contractor of \_\_\_ or any other person claiming through or under \_\_\_ in conducting the filming and related field production at and around the Locations; loss, damage or injury from any cause whatsoever to property or person within the Location occasioned or contributed to by any act, omission, neglect, breach or default of \_\_\_ or any servant agent or contractor of \_\_\_ or other person claiming through or under \_\_\_.

- 4.5 This has effect notwithstanding that any time, waiver or other indulgence has been given to \_\_\_ by the Board in respect to any such obligations.
- 4.6 \_\_\_ liability to indemnify the Board shall be reduced proportionately to the extent that any accident, loss, death, damage or injury referred to above is caused by any willful or negligent act or omission of the Board or any agent, servant or contractor of the Board.
- 4.7 The obligations of \_\_\_ continue after the expiry or other determination of this Agreement in respect to any act, deed, matter or thing happening before the expiry or determination of this Agreement.
- 4.8 \_\_\_ will ensure that its field production crew complies with work health and safety legislation requirements at all times whilst on Lord Howe Island, and that all conditions required under its insurance cover will be met.

## 5 Warranties

- 5.1 The Board warrants that it has the authority to grant the rights granted to \_\_\_ pursuant to this Agreement and indemnifies \_\_\_ for any breach of this warranty.
- 5.2 The Board has no warranty over force majeure events.

## 6 Rights

- 6.1 Any and all footage, sound recordings and related field production materials made by or on behalf of \_\_\_ in and around the Location ("**Location Materials**") including all copyright subsisting in such materials, will be the sole and absolute property of \_\_\_ who has the unrestricted right to use and exploit (and authorise others to use and exploit) the Location Materials in any and all media, worldwide, and in perpetuity, as it sees fit.
- 6.2 \_\_\_ has no obligation to make or exploit the Production, or to use any Location Materials in the Production, and the Board will not bring any claim against \_\_\_ for loss of opportunity in relation to the Production.

## **7 Confidentiality**

- 7.1 The Board acknowledges that it is critical to the success of the Production that secrecy is maintained with respect to the contents of the Production. This includes anything that would impact on the suspense and surprise for viewers when the Production is broadcast. Accordingly the Board will not publicise or discuss this Agreement nor the Production in which the Location appears without the express knowledge and written consent of \_\_\_\_\_, other than for the purpose of obtaining professional advice. This does not apply to any disclosure that is required by law to make.
- 7.2 The Board acknowledges that any breach of this clause 7.1 may result in irreparable harm and significant injury to \_\_\_\_\_ and that \_\_\_\_\_ is entitled, in addition to any other rights and remedies it may have, to enforce its rights by seeking and obtaining specific performance and/or injunctive relief from breaches of this Agreement.
- 7.3 The Board agrees that it will not seek injunctive relief in relation to the Production and/or the Location Materials.

## **8 Goods and Services Tax**

- 8.1 The Board must provide \_\_\_\_\_ with a Goods and Services Tax (GST) valid tax invoice in accordance with the relevant legislation.

## **9 Inspection**

- 9.1 The parties agree to inspect the Location jointly before and after the Term. Within 14 working days of \_\_\_\_\_ vacating the Location after the end of the Term, the Board may submit to \_\_\_\_\_ a list of property damage for which the Board claims \_\_\_\_\_ is liable. The Board must allow \_\_\_\_\_ to have access to the Location to inspect and, if liable, to rectify the damage. Failure by the Board to notify \_\_\_\_\_ in accordance with this clause relieves \_\_\_\_\_ of all responsibility in respect of damage arising from its use of the Location.

## **10 Review of Agreements**

- 10.1 The Board reserves the right to review the Agreement and the associated conditions of approval if circumstances require it or change. Examples may include where there are concerns regarding a culturally or environmentally sensitive area, continuous wet weather, or where unforeseen circumstances arise which present immediate threats to habitat, wildlife or public safety.

## **11 Rescheduling by \_\_\_\_\_**

- 11.1 If it is necessary for \_\_\_\_\_ to re-schedule filming and/or related field production at the Location (for example due to unfavourable weather), the Film Contact Officer must be notified as soon as possible and the proposed re-scheduling date agreed upon by both parties. Any reasonable cost incurred by the Board as a direct result of the re-scheduling may be recovered from \_\_\_\_\_ (for example the cost of contracted casual staff).

## **12 Acknowledgements**

- 12.1 The Location and assistance of the Board and community shall be acknowledged in the end credits for the relevant episode of the Production in which the Location is featured, provided that the precise wording, position and size of such acknowledgement will be determined at the discretion of \_\_\_\_ and further will be subject to applicable international broadcaster approvals. It is acknowledged that the Board's preferred form of wording is as follows:

*"Filmed on location at Lord Howe Island with the assistance of the Lord Howe Island Board and community.*

*No environmental damage was incurred on location. The conservation values of the areas have been preserved."*

## **13 Supply of copies of final Production**

Two (2) copies of the finished episode of the Production in which the Location is featured will be provided to the Board on DVD strictly for its own private, non-commercial use and further subject to any other conditions stipulated by \_\_\_\_ in its discretion.

## **14 Termination of and Breach of legislation and conditions of the Agreement**

- 14.1 \_\_\_\_ must comply with all applicable legislation administered by the Board, and with the conditions of the Agreement, and will be subject to all penalties for breaches of such legislation and any conditions of the Agreement.
- 14.2 Any breach of applicable legislation or gross breach of conditions of this Agreement may result in termination of the permission granted, refusal of future applications and imposition of penalties outlined in the relevant legislation.
- 14.3 \_\_\_\_ may terminate this Agreement by giving 14 days written notice.

## **15 Arbitration**

- 15.1 The parties agree that any and all disputes or controversies of any nature between them arising in connection with this Agreement shall be determined by binding arbitration in accordance with the ACICA Arbitration rules (or with the agreement of the parties, ADR Services) before a single neutral arbitrator ("Arbitrator") mutually agreed upon by the parties. If the parties are unable to agree on an Arbitrator, the Arbitrator shall be appointed by the arbitration service. The seat of arbitration shall be Sydney, Australia. The Arbitrator's decision shall be final and binding as to all matters of substance and procedure, and may be enforced by a petition to the Superior Court for confirmation and enforcement of the award.

## **16 Environmental Management Bond**

- 16.1 The Environmental Management Bond is required for all commercial filming and photography activities. The Board will retain part of or the entire Bond in the event of any unexpected costs incurred by the Board directly due to \_\_\_\_ field production activities at or around the Location. \_\_\_\_ will be responsible for repairing any damage to the Location caused by it over and above the amount of the Bond. Subject to the foregoing, the Bond, or the remaining

portion of the Bond will be returned to \_\_\_\_ within 7 days of the earlier of the completion of any applicable restoration works by \_\_\_\_ under clause 9.1 or the expiration of the 14 day period without delivery of a list of property damage by the Board as described in clause 9.1

16.2 Additional unforeseen fees or charges (e.g. unplanned time delays, additional supervision incurred after the Agreement is signed) will be deducted from the Bond.

16.3 The Board's Approval granted under the filming application is effective only once the application and low level environmental impact assessment fee and the Environmental Management have been paid pursuant to clause 3 herein, proof of the required insurance cover is sighted, and the Agreement has been signed by an authorised LHIB officer and an authorised representative of \_\_\_\_.

## **17 Special conditions**

### **17.1 Environmental Management**

All equipment and materials are to be removed at the conclusion of the filming activity.

No plant, animal or soil material is to be imported to, or exported, moved or relocated from, or within the Island, without prior approval from the Board outlined under the *Lord Howe Island Regulation 2004*. This includes seeds, cuttings, live or dead animals and rocks and other substances forming part of the island.

No detrimental environmental impact will result from the filming activities.

### **17.2 Biosecurity**

Wash (launder) all clothes, hats and fabric bags and vacuum bags and pockets etc to remove seeds and soil particles.

Brush all footwear and accessories that may have been in contact with soil to remove soil/mud.

Items such as boots, bags, hats, sporting equipment, camera tripods and walking poles etc must be washed or sprayed with 70% methylated spirits and water, or, Quatsan 1:500 to ensure gear is free of Myrtle rust spore, Phytophthora and other plant pathogens.

Upon arrival, and throughout your stay on LHI, regularly use the boot scrub bays provided at track heads and lodges to clean boots, walking poles and camera tripods.

Any items that may provide harbor for invertebrates must be treated with a knockdown insecticide when packing.

All packed gear should be searched for any other animals when packing and on arrival.

Any foreign plant or animal material found upon arrival should be contained and the Board's Ranger contacted as soon as possible for capture and quarantine management.

### **17.1 Waste Management**

All waste is to be separated and disposed of in labelled waste bins. All food items, including seeds and pips, are to be taken out of bushland areas and disposed at waste bins.

All waste is to be managed, transported, reused, stored, collected, received and disposed of in an environmentally satisfactory manner pursuant to *NSW Protection of the Environment Operations Act 1997*, and that all reasonable measures regarding the control and prevention of pollution and waste from being introduced to LHI are implemented.

#### 17.2 Signage

The applicant must not display any advertisement or a sign except with the consent of the LHIB under the Advertising and Signage Policy.

If any removal of existing signage is required the applicant must, within the rehabilitation period return the sign to its normal position.

#### 17.3 Aerodrome Operations

\_\_\_\_\_ will be charged relevant landing fees to operate in / out of the LHI Aerodrome.

The Board will appoint a Works Safety Officer (WSO) at the aerodrome to manage safety for loading and unloading operations and aircraft during these times. WSO charges are \$55/hr (incl GST) for the work between 7am and 3:30pm Mon - Fri, and overtime rates outside of that. Any \_\_\_\_\_ staff or contractors who do not have Aviation Security Identification Cards (ASICs) would need to be logged in as visitors if they are involved in the unloading and loading operations on the airside.

#### 17.4 Use of Drones

Use of drones for filming to be carried out in accordance with checklist of requirements from Screen NSW UAV workshop 2015 (Attachment A)

#### 17.5 Work Health & Safety

The applicant is required to ensure, as far as reasonably practicable that the activity is undertaken in accordance with all laws, regulations, standards and other requirements in relation to work health and safety.

#### **AGREED BY THE PARTIES**

Name.....

[Date].....

SIGNED for and on behalf of  
The Lord Howe Island Board

SIGNED for and on behalf of

\_\_\_\_\_

Name.....

[Date].....



# Screen NSW UAV Workshop 2015

## CHECK LIST:

- Company holds current CASA UAV Operations Certificate (UOC)
- Aircraft model and take off weight listed on company UOC
- Pilot has current CASA Remote Pilot Certificate (RPC)
- Aircraft model and take off weight listed on pilots RPC
- Insurance Type:
  - 3rd Party Public Liability (Aviation Specific)
  - Hanger Keepers
  - Camera package (Camera and other equipment)
- Flight Risk Assessment
- Feasibility for each location (is it safe, is it legal?)
- Is traffic management required?
- Safety management plan and safety officer details
- Operations at night requires permit (CASA issued exemption)
- Operations within restricted airspace requires approval from the controlling authority - This may be CASA
- Operations within military airspace requires military approval (LOA) and CASA approval
- Operations within 3 NM or 5.5kms of airport requires CASA approval
- Operations out of pilots visual line of sight need a CASA Area Approval
- Operations are not allowed within 30m of any member of the public without an exemption from CASA
- Operations are not allowed over a *\*populous area*  
*\* Populous area is an area with sufficient density that an unreasonable risk of death, injury or property would be presented by any aspect of RPA's operations*
- Must operate within visual line of operator
- Must not fly above 400ft or 123m
- Operators are to operate keeping within the privacy legislation



## Other items to consider

- Past infringements
- Maintenance manuals aircraft



# Production Attraction team at Screen NSW



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Director Production Attraction & Incentives  
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Shannon Wheeler  
Production Attraction Co - ordinator  
9995 0965  
[shannon.wheeler@screen.nsw.gov.au](mailto:shannon.wheeler@screen.nsw.gov.au)

## FURTHER INFO:

CASA  
Australian Civil Aviation Safety Authority  
131 757  
Mail: GPO Box 2005 Canberra ACT 2601  
[www.casa.gov.au](http://www.casa.gov.au)

<b>Board Meeting:</b> June 2016	<b>Agenda Number:</b> 8 (iv)	<b>File Ref:</b> PL00051
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# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### ITEM

Review of the LHI Local Environment Plan, 2010

#### RECOMMENDATION

That the Board ENDORSE the draft Planning Proposal for submission to the Department of Planning and Environment's LEP Gateway Review Panel

#### BACKGROUND

The Lord Howe Island Local Environmental Plan (LEP) is made under the *Environmental Planning & Assessment Act* and controls planning and development on the Island and is the key instrument in protecting the Island's unique values.

The provisions contained in the LEP have not been comprehensively reviewed since 2005. As LEPs are generally recommended to be reviewed every 5 years, the review of the plan is overdue.

In September 2015, the Board recommended:

- a) a two staged approach for the review of the LHI Local Environmental Plan;
- b) a more active community engagement strategy than the standard gateway determination process to inform the LEP review;
- c) to proceed with Stage 1 of the review process involving the known and issue-specific list of amendments, excluding the more complex issues such as restrictions on the number of dwellings and tourist accommodation to be dealt with in Stage 2 through a separate, more comprehensive review process.

In April 2016, a Fact Sheet, Discussion Paper outlining some suggested issues for discussion as part of the stage 1 of the review and a Community Survey were distributed to all Island residents. Responses were facilitated concurrently with the running of drop-in information sessions for the community in early April 2016.

A report on the outcomes of the consultation process has been prepared (Attachment 1).

## **CURRENT POSITION**

A draft Planning Proposal has been prepared by RPS on behalf of the Board to seek 21 separate amendments to the existing Lord Howe Island Local Environmental Plan 2010 (LEP2010, Attachment 2). The Board's approval is sought to endorse the draft Planning Proposal for submission to the Department of Planning and Environment's LEP Gateway Review Panel and publicly advertised and exhibited under the requirements of the *Environmental Planning and Assessment Act*.

The Board has begun a two stage local plan review process. The initial stage of the review, reflected in this Planning Proposal, is aimed at addressing anomalies and responding to known inadequacies in the current plan. The second stage will aim to review LEP2010 in its entirety, including its structure (which is currently not in the Standard Template format) and zoning provisions.

The Board has undertaken early community consultation to gauge community response to the proposed rezonings and amendments to the controls in the local plan, and the outcomes of that process have informed this Planning Proposal.

The Planning Proposal includes proposed amendments to LEP2010 in response to 21 of the issues raised in the LHI LEP 2010 Review Discussion Paper.

These are summarised below:

Issue #	Summary
1	<p>Clause 21 - Subdivision without a minimum lot size of two detached or attached dwellings on one lot</p> <p>Subclause 21(3) and (4) allow for circumstances where the minimum lot size is not required. Currently this includes minor boundary adjustments and for the purpose of a public utility undertaking.</p> <p>It is proposed that a subclause 21(5) be inserted to allow for subdivision of existing dual occupancy dwellings without a minimum lot size requirement, subject to a case by case impact assessment guided by heads of consideration for the consent authority.</p>
2	<p>Clause 24 - Occupancy of dual occupancy dwellings by non family members</p> <p>Clause 24(1)(c) of LEP2010 requires that a new dual occupancy dwelling is occupied by the <i>"children, siblings, parents, grandparents or grandchildren of those proposing to reside in the existing dwelling"</i>.</p> <p>It is proposed that clause 24(1)(c) be removed from LEP2010.</p>
3	<p>Clause 25 - New use of a building as a dwelling</p> <p>Clause 25 of LEP2010 limits the ability of a building which is not currently used as a dwelling to be used for that purpose. Only buildings erected prior to 28 October 2005 may be newly used as a dwelling.</p> <p>It is proposed to remove this restriction to enable newer disused commercial or community buildings on the island to be converted for residential use.</p>
4	<p>Clause 27 - Site coverage for extension of dwellings (the landscaping requirements)</p> <p>Clause 27 of LEP2010 limits the ability to extend or enlarge existing dwellings.</p> <p>It is proposed to reduce the required landscaped area as a percentage of the lot (from 50% to 40%), with a corresponding reduction in the native plant requirement (from 35% to 20%)</p>
5	<p>Clause 31 - Vegetation Restoration</p> <p>Clause 31 of LEP2010 requires vegetation restoration to be carried out in accordance with the Lord Howe Island Board Vegetation Rehabilitation Plan, as adopted by the Board in</p>

Issue #	Summary
	<p>March 2003. The Board is currently reviewing this document and it is proposed to replace the reference in clause 31 to refer to the updated document once it is adopted by the Board.</p>
6	<p>New clause - Development near a heritage item It is proposed to include the Standard Instrument - Principal Local Environmental Plan provision which gives the consent authority the opportunity to address the potential impact of off-site development "in the vicinity" of a heritage item.</p>
7	<p>Schedule 2 - Additional heritage items 21 items are proposed to be included in Schedule 2 – Heritage Items.</p>
8	<p>Dictionary - Definition of terms It is proposed to include new definitions for education facility, environment protection works, coastal protection works, gross floor area and home business.</p>
9	<p>Schedule 1 - Exempt development It is proposed to include three new items in the exempt development schedule: Roof mounted solar energy system, Chicken pen, Carport</p>
10	<p>Site 1 – Rezone from 5- Special Uses to 2-Settlement zone</p>
11	<p>Site 2 – Rezone from 7 – Environment Protection to 6-Recreation</p>
12	<p>Site 3 – Rezone from part Unzoned and part 7 – Environment Protection to 6 – Recreation</p>
13	<p>Site 4 – Rezone from 7-Environment Protection to 1 – Rural</p>
14	<p>Site 5 - Rezone from 7-Environment Protection to 1 – Rural</p>
15	<p>Site 6 – Rezone from 2 – Settlement to 8 – Permanent Park Preserve</p>
16	<p>Site 7 – Rezone from 6 – Recreation to Part 7 – Environment Protection and part 1 – Rural</p>
17	<p>Site 8 - Rezone from 6 – Recreation to Part 7 – Environment Protection and part unzoned</p>
18	<p>Site 9 - Rezone from 6 – Recreation to Part 7 – Environment Protection</p>
19	<p>Site 10 – Rezone from part 8 – Permanent Park Preserve and part 2 – Settlement to part 8 – Permanent Park Preserve and part 2 – Settlement</p>
20	<p>Site 11 – Rezone from 1 - Rural to 5 - Special Uses</p>
21	<p>Site 12 - Rezone from part 8 – Permanent Park Preserve and part 2 – Settlement to Unzoned</p>

## Differences from Discussion Paper

### Heritage

One item identified in the Discussion Paper in the list of potential inclusions in the Heritage schedule has not been included in the Planning Proposal. The ‘Lord Howe Island Museum Collection’ is considered to be protected through other means that do not require its listing in the LEP.

### Stage 2 of the LEP Review

Several of the issues raised in the Discussion Paper will require further consideration and/or legal advice before they can be advanced as a Planning Proposal. These issues will be considered as part of the second stage of the LEP2010 review process. These issues include:

- Site coverage provisions for tourist and commercial development
- Definitions of the terms ‘dwelling’, ‘staff accommodation’, ‘dual occupancy’ and ‘site coverage’ and how these relate to other provisions in the LEP including Clause 20 Interpretation
- Curtilages for heritage items
- Potential cemetery expansion
- Amendment to existing exempt development provisions for “water tank”, “driveway or pathway”
- DCP Amendments

### Timeframe

The following are the anticipated dates and timeframes:

Step	2016				2017					
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Commencement ( Gateway Determination)										
Exhibition Preparation										
Gov agency consultation										
Public Exhibition period										
Consideration of Submissions										
Review of proposal post exhibition										
Submission to Department to finalise LEP										
Making of the Plan										
Notification										

## **RECOMMENDATION**

That the Board ENDORSE the draft Planning Proposal for submission to the Department of Planning and Environment's LEP Gateway Review Panel

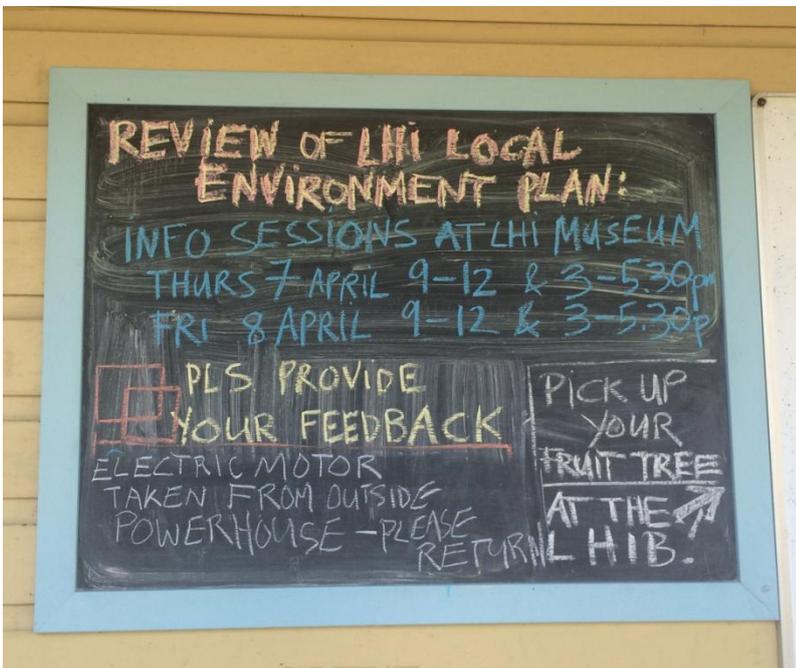
**Prepared** \_\_\_\_\_ David Kelly     Manager Environment & Community Development

**Endorsed** \_\_\_\_\_ Penny Holloway     Chief Executive Officer

Attachments:

- Attachment 1 - Report on Community Consultation May 2016
- Attachment 2 - Draft Planning Proposal 24 May 2016 for Board approval

# Lord Howe Island LEP Review Community Consultation April 2016 Outcomes Report to LHI Board



Prepared by:

Prepared for:

## RPS AUSTRALIA EAST PTY LTD

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Report Number: PR130838  
Version / Date: V3.0/23 May 2016

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### **Document Status**

Version	Purpose of Document	Orig	Review	Review Date
1	Draft to client	LC	LB	18/04/2016
2	Revised	LC		11/05/2016
3	Final	LC		23/05/2016

### **Approval for Issue**

Name	Signature	Date
Liz Coker, Principal Planner		23/05/2016

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# I.0 Discussion Paper

## I.1 Summary

On behalf of the LHI Board, RPS prepared an LEP Review Discussion Paper which identifies and considers a range of issues which could be addressed through changes to the current Lord Howe Island Local Environmental Plan 2010. These matters relate to improving the plan’s clarity, streamlining the development approval process, better reflecting existing landuses and providing for changing needs on the island. The Discussion Paper also responds to a number of recent studies and reviews which the plan should reflect.

The Board discussed the LEP Review Discussion Paper at its March 2016 meeting and endorsed the report being distributed for public consultation. The Board indicated its desire for the community to be able to comment on and suggest ways of addressing these issues. The Board also engaged RPS to run drop in information sessions for the community to assist them in understanding the planning issues and to encourage them to provide feedback which would inform the development of draft amendments to the LEP.

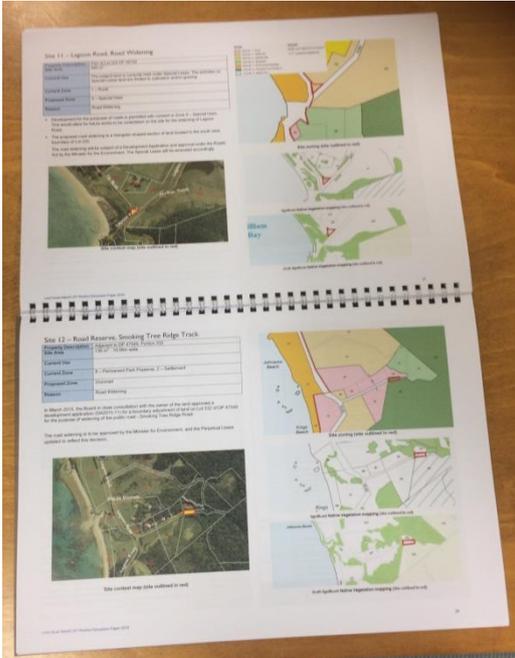
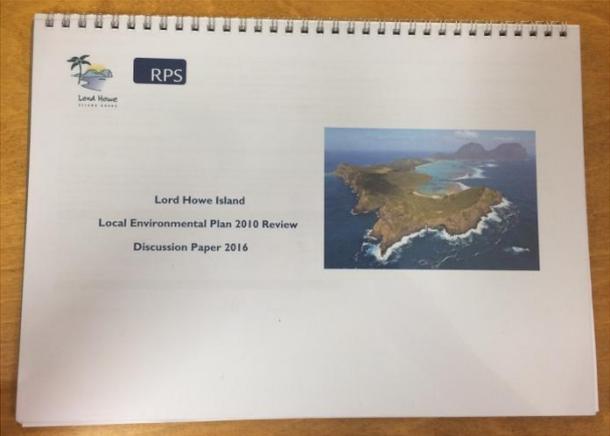


Plate 1 - The Discussion Paper

To supplement the Discussion Paper, the Board endorsed an LEP Review Fact Sheet and a Community Survey based on the discussion questions listed in the Discussion Paper (delivered in both hard copy and online format).

FACT SHEET

## Lord Howe Island Local Environmental Plan Review



**What are local planning controls?**

Local Environment Plans (LEPs) are a blueprint for future development and conservation in a given area. They are statutory planning documents that outline acceptable and unacceptable uses for different parcels of land.

LEPs are an integral part of the NSW planning system. They are created by consent authorities (in this case Lord Howe Island Board) to control the form and location of new development, along with protecting open space and environmentally-sensitive areas. LEPs are the primary planning tools to shape the future of communities.



**Lord Howe Island LEP 2010**

Lord Howe Island LEP was established in 2010 and carries over the provisions of the Lord Howe Island Regional Environmental Plan 2005 which preceded the current instrument.

Copies of the LEP can be located at the administration office of the Lord Howe Island Board or alternatively visit [www.lhib.nsw.gov.au](http://www.lhib.nsw.gov.au) and go to the **Planning** menu, select **Planning controls** and then click **Local Environment Plan**.

**When was Lord Howe's LEP last reviewed?**

The provisions contained within the LEP have not been comprehensively reviewed since 2005. As LEPs are generally recommended to be fully reviewed every five years the plan is long overdue for review. The need for review is often evidenced by the plan no longer delivering the outcomes required by the changing needs of the community. It

is anticipated that anecdotal issues with the plan will surface and be addressed in any review.

**Review process**

Early input to the planning review process is welcomed to ensure that any proposed changes are a reflection of the broader community's aspirations for the island.

The review process will be broken into two stages. Initially, a number of known and more straightforward amendments to the plan are proposed. A longer second stage of the review will address the potential for more fundamental and complex changes to the planning controls.

**What opportunity will there be for community comment on the plan?**

The Board will seek the community's views on matters dealt with in the LEP through distribution of a Discussion Paper and a survey of all residents.

Following consideration of feedback, amendments to the LEP will be drafted and publicly exhibited.

**Lord Howe Island comprehensive LEP/DCP review**

PLANNING FRAMEWORK	PROCESS	HAVE YOUR SAY
Environmental Planning & Assessment Act 1979	1 Research and analysis	
Draft Coastal Management Act 2015	2 Land use discussion paper • Community based heritage study • Review of dwelling allocation and entitlement policy	Stakeholder, community and Board input
Lord Howe Island LEP 2010	3 Draft planning instruments • Draft LEP • Draft DCP	Public exhibition
Lord Howe Island Act 1953	4 LEP/DCP amendments • Changes arising from public consultation	Re exhibition (if required)
	5 Lord Howe Island Board adopts LEP/DCP	
	6 State Government approval and publication	

**Further Information**  
For more information, please contact Dave Kelly on 02 8563 2066, extension 18.

Figure 1 - The LEP Review Fact Sheet

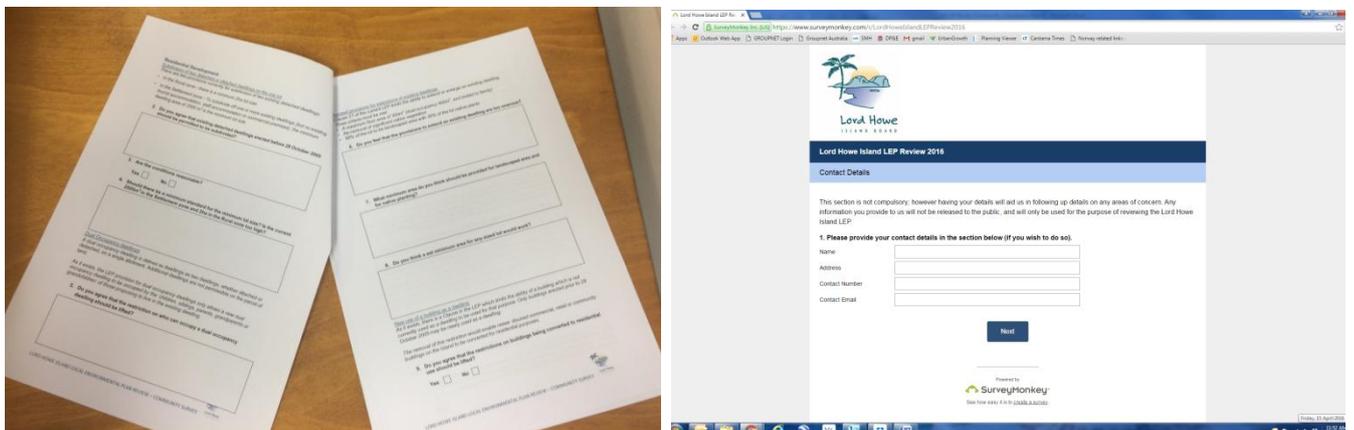


Figure 2 - Hard copy and online versions of the community survey

## 1.2 Distribution and Advertisement

Board staff distributed 200 hard copies of the Discussion Paper, Survey and Fact Sheet to the island community via letterbox drop on Tuesday 5<sup>th</sup> April 2016.

They also placed notices on the Community Hall noticeboard, in the April 2016 Community Bulletin and online at the Board's website News section.

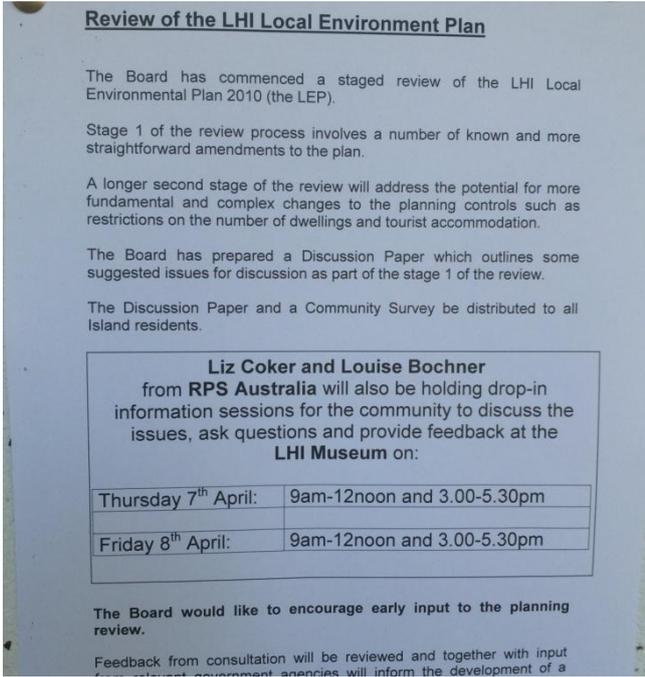


Plate 2 - Signs on the Community Hall noticeboard

**COMMUNITY INFORMATION BULLETIN APRIL 2016**

**Review of the LHI Local Environment Plan**

The Board has commenced a staged review of the LHI Local Environmental Plan 2010 (the LEP).

Stage 1 of the review process involves a number of known and more straightforward amendments to the plan.

A longer second stage of the review will address the potential for more fundamental and complex changes to the planning controls such as restrictions on the number of dwellings and tourist accommodation.

The Board has prepared a Discussion Paper which outlines some suggested issues for discussion as part of the stage 1 of the review.

The Discussion Paper and a Community Survey be distributed to all Island residents.

Liz Coker and Louise Bochner from RPS Australia will also be holding drop-in information sessions for the community to discuss the issues, ask questions and provide feedback at the LHI Museum on:

**Thursday 7<sup>th</sup> April: 9am -12 noon and 3pm-5.30pm**  
**Friday 8<sup>th</sup> April: 9am-12 noon and 3pm-5.30pm**

The Board would like to encourage early input to the planning review.

Feedback from consultation will be reviewed and together with input from relevant government agencies will inform the development of a formal planning proposal to amend the LEP. The proposed amendments will then be formally publicly advertised and exhibited under the requirements of the *Environmental Planning and Assessment Act*.

Figure 3 - Extract from the Community Bulletin April 2016

## 2.0 Drop In Sessions

RPS provided two senior staff – Principal Planners Liz Coker and Louise Bochner to run the information drop-in sessions. The Library room at the LHI Museum was made available and provided for privacy where required. It also allowed space for several people to sit and discuss issues collectively where they preferred.

Sessions were advertised to run on Thursday 7<sup>th</sup> and Friday 8<sup>th</sup> April 2016. The Board and RPS were careful to choose dates which were outside of the school holiday period.



**Plate 3 - Liz Coker, Louise Bochner (Principal Planners) and Dave Kelly (Manager Environment LHIB) at the Museum**



**Plate 4 - LHI Museum and the Library Room where the sessions were held**



Plate 5 - Display maps on the wall in the Museum library

2.2 Attendance

As shown below, 20 people attended the drop-in sessions over the two days. This equates to approximately 10% of the people to whom Discussion Papers were delivered.

Date	Session	Session Time	People Attending
Thursday 7 <sup>th</sup> April 2016	1	9:00 – 12:30	6
	2	3:00 – 5:30	4
Friday 8 <sup>th</sup> April 2016	3	9:00 – 12:00	5
	4	3:00 – 5:30	5
<b>Total attendance</b>			<b>20</b>

Figure 4 - Community Consultation Attendance

## 2.3 Key Themes

Several key themes arose during discussions with people who attended the drop-in sessions. These have been categorised into four groups:

- Feedback on the process
- Relevant to the first phase of the LEP Review
- Relevant to the second phase of the LEP Review
- Outside the scope of the LEP Review

The issues raised have been listed briefly below. RPS has recommended the Board response to each of these issues.

### 2.3.1 Feedback on the Process

- Inadequate time between receiving report and drop-in sessions being held.

*Recommended Board Response:* Future community consultation should allow significantly more time for the community to receive, read and consider proposed amendments prior to seeking their verbal or written response.

- Negative response to this process ahead of Handley Report being released.

*Recommended Board Response:* As soon as the Handley Report is publicly released, the Board should make it easily accessible to the community. There is a great deal of anticipation for this report and the Government's response.

The next stage of the LEP Review will respond to the outcomes of the Handley Review.

- LEP should be reviewed in its entirety rather than piecemeal amendments

*Recommended Board Response:* The second stage of the LEP Review process will look broadly at the structure and content of the entire LEP. The first stage is intended to rectify known anomalies and less contentious matters as quickly as possible.

### 2.3.2 Relevant to the first phase of the LEP Review

The following issues were raised in feedback at the drop-in sessions. Conflicting points of view were raised on almost every subject.

Theme	Issue
<b>Housing</b>	
<b>Handley Review</b>	Report not yet released, recommendations relevant to LEP
<b>Housing supply</b>	Rental availability for children of islanders
	Rental availability for key non-Islander workers
	Ownership opportunities for children of islanders
	Dual occupancy should remain for family only to retain community focus
	Sub-leasing of secondary dwellings should be controlled through the Board

Theme	Issue
	Creation of new dwellings should be clearly linked to supply for islanders
	New dwellings should be required to be lived in – concerns about limited use
	Need to clarify the real demand level – properties have been for sale for years
<b>Housing Affordability</b>	Financial pressure on current owners with increasing rates – subdivision may enable them to stay
	Need to recognise the additional significant freight costs in construction
<b>Residential lot size</b>	General support for maintaining 3,000m <sup>2</sup> minimum. However, some residents keen on a reduction to 2,000 m <sup>2</sup>
	Support for vegetated buffers between housing
	Small lot clustered subdivisions not generally supported
	Smaller block sizes do not reflect the character of the island and do not allow for adequate buffer vegetation
<b>Floorspace limits</b>	Dual occupancy floorspace should be larger to be practical living size for families
	Definition of floorspace should be footprint, ie not upper levels, in particular attic space
	An upper limit on floorspace is necessary
<b>Site coverage</b>	Visibility from street (screening) a key issue
	Increased max floorspace required to enable multiple families to live in one dwelling
	Sliding scale according to block size supported
	Vegetation retention should be the first concern
<b>Limitations on development</b>	Concerns about overdevelopment of the island
	Islander descendants should take priority
	Category B process seen as unfair/non objective and not the right way to identify future housing areas
<b>Retention of SNV</b>	Consider replacement rather than retention to allow best location and orientation of new buildings
<b>Conversion of non-residential buildings to dwellings</b>	Needs to be consistent with guidelines such as site coverage for new dwellings
	Danger that is unfair – first preference given to those who already have a building. Equity concern
	Limit to family members or sell to islanders
	Good idea if to provide housing for local people
	Good use of existing infrastructure

Theme	Issue
<b>Business</b>	
<b>Limit new business</b>	Consider business permits to limit growth (Norfolk Island example)
	Increasing opportunities for development in Main Street will impact on viability of existing businesses elsewhere on the island. Economy of the island is a fine balance.
<b>Flexibility for change</b>	Allow for changing nature of business uses eg mixed business for viability
<b>Staff Accommodation</b>	What rules are required for proof of where staff will eat if the accommodation is not on site of a restaurant/hotel?
	Should be limits on the number of staff which can be accommodated / size of business which can provide staff accommodation
	Should limit footprint of staff accommodation – sliding scale depending on lot size
	Should be in business provided accommodation so as not to take from available rental stock for islanders
<b>Home Businesses</b>	Higher controls over home business uses
	Likely to be a growth area for employment, particularly in response to NBN
	Increasing dwelling size requirements if increased working from home employment
<b>Heritage</b>	
<b>Heritage items</b>	Check if <i>Digname Home</i> , Lagoon Road is listed or should be
	Check if Soldier Creek in current LEP Schedule 2 listing refers to the original or realigned creek
	Community respect and protection of heritage regardless of LEP listing so threat is low
<b>'In the vicinity' controls</b>	Keep heritage controls simple
	Will add expense for landowners if additional reports required
	Overly onerous
	Limit this to larger scale development
<b>Proposed Rezonings</b>	
<b>Site 11 – road widening</b>	Not supported – will encourage increased speed
	Supported – important for safety
<b>Sites 2 and 3 - Golf Course and Aquatic Club</b>	Support to recognise existing uses
	Important to protect the coastline

Theme	Issue
<b>Site 12 – road widening</b>	Widening will remove the stand of trees
	Need to clarify what is happening with the drainage in this location
<b>Precincts</b>	
<b>Main Street</b>	Broad support for retention of old generator site as publicly accessible open space with seating, rotunda etc.
	Limited support for specific main street local centre zone
	General support for leaving main street as it is and limiting further development
	No housing in main street area
	Limit car access
	Reuse opportunities for the workshop and mortuary
	Increasing opportunities for development here will impact on viability of existing businesses outside of the Main Street
	Opportunities for improvement e.g. art gallery
	Maintain ability for businesses in a range of locations throughout island rather than limiting to this one main street area
	Focus on Main Street area will encourage tourism and businesses and be good for islanders
	Flat topography provides easy accessibility for tourists on bikes
<b>Boatsheds</b>	Support for boatshed area controls
	No need for boatshed area controls – fewer rules, don't over-regulate
	Heavily commercialised area – should be a business zone
	Issues of traffic, parking, amenity for visitors
	Blocking of public access by business uses
<b>Other issues</b>	
<b>Exempt development</b>	Support for additional items listed in report
	Suggested inclusions: <ul style="list-style-type: none"> <li>▪ wastewater upgrades</li> <li>▪ outdoor covered drying areas</li> </ul>
<b>Cadastre</b>	LEP maps are not automatically updated with amendments to the cadastre ie subdivisions and boundary changes. Amendments since the last LEP map versions were noted by the community

Theme	Issue
<b>Cemetery expansion</b>	Support for at sea burials – make process easier and more affordable
	Consider upright burials, cremation as more space efficient options
	Retain Thompson's Land as an exclusive Thompson family graveyard
	Suggestions: <ul style="list-style-type: none"> <li>▪ Board owned land across from the oval</li> <li>▪ Old Met Station site</li> </ul>

*Recommended Board Response:* The draft Planning Proposal will document and respond to these matters.

### 2.3.3 Relevant to the second phase of the LEP review

Theme	Issue
<b>Review Process</b>	<ul style="list-style-type: none"> <li>▪ Refer to original draft REP mapping from 1986 to reconsider zoning. Need to provide rationale for decisions e.g Permanent Park Preserve areas and Environmentally Significant land</li> <li>▪ Reference 2001, 5 year strategic plan for world heritage properties – 6<sup>th</sup> point for LHI – need to integrate the community into decision making</li> </ul>
<b>LEP template</b>	Should follow the NSW template
<b>Infrastructure</b>	Deficit of infrastructure on the island. Development needs to be clearly linked to supporting infrastructure
<b>Agriculture</b>	Should be promoted. Self sufficiency should be encouraged

*Recommended Board Response:* An LEP Review Phase 2 Discussion Paper will document and respond to these matters.

### 2.3.4 Outside the scope of LEP Review

Theme	Issue
<b>Traffic</b>	<ul style="list-style-type: none"> <li>▪ Too many cars on the island</li> <li>▪ Disregard for the speed limit</li> <li>▪ Entitlement to vehicles should be stricter</li> </ul>
<b>Compliance</b>	Sense of lack of enforcement of LEP requirements, such as limitations on who can live in dual occupancy
<b>Lovers Bay Pines</b>	Recommend succession planting of new pines nearby
<b>Foreshore usage</b>	Suggested usage charges for e.g. Boatsheds area

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Theme	Issue
<b>Airstrip/Regular flights to island</b>	The airport is the key to the island's future
<b>Islander definition</b>	<ul style="list-style-type: none"><li>▪ 10 years is too short a requirement</li><li>▪ Need a sound registration process to ascertain when this requirement is met</li></ul>
<b>Waste management facility</b>	<ul style="list-style-type: none"><li>▪ Poor location on beach</li><li>▪ Concerns about smell and discharge into ocean</li></ul>
<b>Abattoir facility</b>	Required for the island
<b>Rodent eradication program</b>	Bating concerns

*Recommended Board Response: The Board should note these issues.*

## 3.0 Community Survey

RPS prepared a community survey which went out in hard copy to all residences and was available online for the entire community.

The community was given until early May 2016 (approximately 4 weeks) to complete and return the survey.

The survey contained 27 Questions. Some questions required a yes or no response, but most allowed for a written response.

### 3.1 Number of Responses

Format	Number returned
Hard Copy	9
Online	8
<b>Total</b>	<b>17</b>

### 3.2 Summary of Responses

Not every survey respondent answered all questions, hence percentages do not always add up to 100.

Question	Issue	Comment	Agree/Yes (%)	Disagree/No (%)
1	Contact Details	13 surveys included contact details for the respondents	76	34
<b>Residential development</b>				
2	Existing detached dwellings pre- 2005 should be permitted to be subdivided		88	-
3	Are the conditions for subdivision reasonable?	<ul style="list-style-type: none"> <li>No. Should be smaller.</li> </ul>	47	35
4	Minimum lot size	<ul style="list-style-type: none"> <li>Overwhelming response that a minimum standard is required.</li> <li>41% feel that the current standards are correct</li> <li>30% feel that the minimum lot size should be less than the current 2500m<sup>2</sup> in urban areas. Of these, several suggested 1000m<sup>2</sup>.</li> </ul>		

Question	Issue	Comment	Agree/Yes (%)	Disagree/No (%)
		<ul style="list-style-type: none"> <li>▪ A buffer blocks between 1000m2 blocks was suggested.</li> <li>▪ There were arguments that the 2500m2 minimum should apply also in the rural zone</li> <li>▪ 1000 – 1500m2 is adequate</li> </ul> <p>Several responses called for a case by case consideration for variation from the standard</p>		
<b>Dual Occupancy</b>				
5	Lifting family-only restriction on occupation of dual occupancy dwellings	<p>Suggested alternative provisions include:</p> <ul style="list-style-type: none"> <li>▪ Landowner should choose, subject to 10 years residency of applicants</li> <li>▪ Islander or “blood Islander” only occupation</li> <li>▪ First preference for Islanders</li> <li>▪ Several respondents noted the need for Board enforcement of these provisions</li> <li>▪ Absentee renters raised as a problem</li> </ul>	23	30
<b>Extension of existing dwellings</b>				
6	Extension of existing dwellings – conditions too onerous?	<ul style="list-style-type: none"> <li>▪ Limit on size of dwellings is a good thing</li> <li>▪ Footprint of the ground floor should be the controlled standard – ie site coverage not floorspace.</li> <li>▪ Impact considerations should be the key – privacy, visibility from road or public place or the sea</li> <li>▪ Floor area needs to increase to accommodate multi-families especially given housing availability limitations.</li> </ul>	76	17
<b>Landscaping</b>				
7	Minimum landscaped area for native planting	<ul style="list-style-type: none"> <li>▪ As long as screened from road not necessary to control.</li> <li>▪ Should not be required to revegetate.</li> <li>▪ 60/25</li> <li>▪ Several respondents say the current controls are appropriate</li> <li>▪ 40/25</li> <li>▪ 10% native</li> </ul>		

Question	Issue	Comment	Agree/Yes (%)	Disagree/No (%)
		<ul style="list-style-type: none"> <li>▪ Note there should be a recognition that the onerous controls on the preserved areas should not apply to the settlement areas</li> <li>▪ 25% native</li> <li>▪ Case by case assessment</li> <li>▪ 50% of total lot for both</li> <li>▪ 35/35</li> <li>▪ 30/50</li> <li>▪ Note bully bush should be removed from native list</li> </ul>		
8	Set minimum landscaped area as a percentage regardless of lot size?	<p>Some suggested alternatives:</p> <ul style="list-style-type: none"> <li>▪ Sliding scale according to lot size</li> <li>▪ Flexibility/discretion needed</li> <li>▪ Need to enforce these restrictions</li> <li>▪ Need to add second storey to provide multi-generation accommodation</li> </ul>	35	35
<b>New use of a building as a dwelling</b>				
9	Conversion of buildings from commercial to residential	For Islanders only	65	24
<b>Business and Commercial Zone</b>				
10	Local Centre zone in Main Street	<ul style="list-style-type: none"> <li>▪ Business should not be restricted to this area only</li> <li>▪ Post office and public hall areas mentioned as important town centre focal points</li> </ul>	41	47
11	Main Street permitted uses	<ul style="list-style-type: none"> <li>▪ All business should be considered, don't limit.</li> <li>▪ Bar</li> </ul>		
12	Main Street prohibited uses	<ul style="list-style-type: none"> <li>▪ New residential dwellings</li> <li>▪ Further shops, restaurants, museums which will compete with existing businesses</li> <li>▪ Visitor Accommodation – several said this should not be permitted</li> <li>▪ Childcare, educational establishments, medical centres, registered clubs, service stations, shoptop housing, tourist and visitor accommodation</li> </ul>		

Question	Issue	Comment	Agree/Yes (%)	Disagree/No (%)
		<ul style="list-style-type: none"> <li>Industry creating noise and spoiling aesthetics</li> </ul>		
<b>Proposed Rezoning – Recreation</b>				
13	Comments?	<ul style="list-style-type: none"> <li>Making it easier to upgrade the playground is beneficial</li> <li>Rezoning will facilitate sensible management of these areas</li> </ul>		
14	Any other sites?	<ul style="list-style-type: none"> <li>Old met site area above middle beach – rezone to Recreator/Special Uses as it is the designated evacuation area for tsunami/flooding etc</li> <li>Keep lot 174 (No 9) zoned for recreation no zoned as EP (this allows for more flexibility)</li> <li>Cricket ground and bowls club and BBQ areas (Pines and Neds Beach at a minimum)</li> </ul>		
<b>Site coverage for commercial buildings</b>				
15	Should it be limited to a m2 limit (sliding scale based on lot size)?	<ul style="list-style-type: none"> <li>New businesses should be encouraged</li> <li>Home businesses should be encouraged</li> <li>A sliding scale based on lot size and business size</li> <li>Case by case assessment required</li> <li>Maximum percentage of coverage</li> <li>Site coverage should be based on footprint not floorspace</li> </ul>	35	12
<b>Use of redundant tourist accommodation buildings</b>				
16	What should happen?	<ul style="list-style-type: none"> <li>Several respondents suggest should be utilised for staff short-term accommodation for any staff</li> <li>Limit to built prior to 1990</li> <li>Demolish if not used for staff accommodation</li> <li>Commercial uses such as shops</li> </ul>		
<b>Agriculture</b>				
17	Comments?	<ul style="list-style-type: none"> <li>Sites 4 and 5 should be rezoned rural</li> <li>Include all five sites within the PPP or the Environmental zone</li> <li>6 – PPP</li> </ul>	41	5

Question	Issue	Comment	Agree/Yes (%)	Disagree/No (%)
		<ul style="list-style-type: none"> <li>▪ 7 – all to rural</li> <li>▪ 8 – EP</li> <li>▪ 9 – EP</li> <li>▪ 10 – PPP and Settlement swap</li> </ul>		
18	Any other sites?			
<b>▪ Heritage</b>				
19	Development on land adjacent to a heritage item	<ul style="list-style-type: none"> <li>▪ None – separate sites should not be considered. The clause is too open ended. Heritage value is already well protected by islanders.</li> <li>▪ All cases</li> <li>▪ Limited , sensible approach as can be very onerous – time and expense and uncertainty</li> <li>▪ Needs case by case discretion</li> </ul>	24	17
20	Should we define 'in the vicinity'?	<ul style="list-style-type: none"> <li>▪ Allow discretion and judgement in individual cases</li> <li>▪ Visual impact is the key issue</li> <li>▪ Several agree should be defined by distance</li> <li>▪ Several agree should be defined by mapping</li> </ul>	47	17
21	Comment on proposed heritage items	<ul style="list-style-type: none"> <li>▪ Add the jetty sheds</li> <li>▪ Add Dignam home on Lagoon Road</li> <li>▪ Do not include: 2,6 Former Teachers House, 7,8,10,12,14,17,18,19,21,24.</li> <li>▪ Heritage listing shouldn't make minor development on the site difficult</li> </ul>		
<b>Cemetery Space</b>				
22	Location for future extensions	<ul style="list-style-type: none"> <li>▪ Several suggestions of the Old Met station site</li> <li>▪ Paddock adjacent to Old Met station site</li> <li>▪ Foreshore between Pinetrees Boat Shed and playground</li> <li>▪ Port Macquarie.</li> <li>▪ Cremation</li> <li>▪ Adjacent to Thompson Cemetery on previous Thomposn Special Lease</li> <li>▪ Ocean View Drive</li> </ul>		

Question	Issue	Comment	Agree/Yes (%)	Disagree/No (%)
		<ul style="list-style-type: none"> <li>▪ Reuse of existing plots</li> <li>▪ Cremation</li> <li>▪ Columbarium</li> <li>▪ Thompons Grave Yard</li> <li>▪ Mosley Park</li> <li>▪ Above Middle Beach in the paddock</li> <li>▪ On rural sites currently being used for cattle but not milk or meat</li> <li>▪ Pat Dignam's paddock</li> <li>▪ Rural site 78</li> </ul>		
<b>Definition of terms</b>				
23	Dual Occupancy	More than two dwellings should be allowed on larger blocks	4	5
	Dwelling	<ul style="list-style-type: none"> <li>▪ Exclude staff accommodation from dwelling allocation</li> <li>▪ Should exclude carers of people with a disability</li> <li>▪ Should include accommodation for seniors</li> </ul>	3	4
	Education Facility	<ul style="list-style-type: none"> <li>▪ Child care centres need to be covered</li> <li>▪ Include other forms of education facility</li> </ul>	3	3
	Environment protection Works		3	3
	Gross Floor Area		1	
	Home Business	<ul style="list-style-type: none"> <li>▪ Should not limit to occupant of the dwelling. Should be able to lease out the space.</li> <li>▪ Should allow two/three employees</li> <li>▪ Should not allow goods to be sold on the premises direct to public</li> </ul>	4	7
	Site Coverage	<ul style="list-style-type: none"> <li>▪ Should not include second storeys or loft areas</li> <li>▪ Include water tanks</li> <li>▪ Should not include garages, storage sheds as storage area is needed for stock, maintenance, spares etc.</li> </ul>	3	5

Question	Issue	Comment	Agree/Yes (%)	Disagree/No (%)
	Staff Accommodation	<ul style="list-style-type: none"> <li>▪ Where possible staff accommodation should be adjacent to the tourist accommodation facility</li> <li>▪ Exclude tourist accommodation as it is unnecessary</li> <li>▪ Should only apply to dormitory style accommodation without a kitchen. For staff who work anywhere on the island.</li> </ul>	3	4
<b>Exempt Development</b>				
24	Comments	<p>Include:</p> <ul style="list-style-type: none"> <li>▪ Shade houses for production of food</li> <li>▪ Garages</li> <li>▪ carports</li> <li>▪ Storage sheds</li> <li>▪ Workshops</li> <li>▪ Satellite dishes</li> </ul> <p>Increase to area of 20m2 (rather than 10m2)</p> <p>Do not include:</p> <ul style="list-style-type: none"> <li>▪ wind turbines</li> </ul>	2	
25	Improvements to DCP?	<ul style="list-style-type: none"> <li>▪ Should reflect the unique character of different areas</li> <li>▪ Board consistency in applying to DAs</li> </ul>		
26	DCP Precinct areas	<ul style="list-style-type: none"> <li>▪ Community and cultural zone</li> <li>▪ Church/religious precinct</li> <li>▪ Boat shed area – traffic and carparking</li> <li>▪ Jetty area / Boat launching sites</li> <li>▪ Dump</li> </ul>		

Question	Issue	Comment	Agree/Yes (%)	Disagree/No (%)
<b>Additional or Future Review Issues</b>				
27	Any other issues or comments	<ul style="list-style-type: none"> <li>▪ Allow more development to allow young islanders to live on the island instead of with their parents.</li> <li>▪ Quota of 400 tourist beds should be objectively re-evaluated.</li> <li>▪ Clarify ability to provide housing for seniors or people with disabilities</li> <li>▪ Coordinate the LEP and LHI Act – Islander preference should prevail</li> </ul>		

*Recommended Board Response:* The draft Planning Proposal will document and respond to these matters.

## 4.0 Written submissions

Additionally, RPS received two (2) written submissions from the community.

The issues raised in these submissions are summarised below:

Theme	Issue
<b>Air Services and Shipping</b>	Uncertainty for community, self sufficiency increases in importance
<b>Agriculture</b>	Land suitable for agriculture will need to be protected for self sustainability
	Category B allocations should be stopped
<b>Tourism</b>	Increased traffic, foreshore development, new development is detracting from attractiveness for tourists
	No additional tourist beds
<b>Solar Energy</b>	Support
<b>Wind Energy</b>	Consider noise and visual impacts
<b>LEP Review Process (issues from REP in 2004)</b>	Need to make clear how land zonings are determined
	Social and economic analysis required

## 5.0 Petition

It is understood that a petition from Mr Peter Curtin and LHI residents was submitted to the Minister for the Environment, Minister for Heritage and Assistant Minister for Planning.

The petition contains 84 signatures and expresses concerns about planning on Lord Howe Island and requests that a moratorium be placed on the consideration of the “Lord Howe Island Local Environmental Plan 2010, Review Discussion Paper 2016” until after the release of the recommendations of the “Lord Howe Island Land Allocation Review” that was undertaken by the Hon Ken Handley AO QC.

## 6.0 Next Stage

The next stage in the LEP Review process will be the preparation of a draft Planning Proposal for submission to the Board to consider at its 6<sup>th</sup> and 7<sup>th</sup> June 2016 meetings. The draft Planning Proposal will respond to the issues raised in the Discussion Paper in light of the feedback from the community.

Several matters raised will require further investigation and consideration by the Board. These matters will be dealt with in the future Stage 2 of the LEP Review process.

It is then envisaged that the Department of Planning & Environment will endorse public exhibition of a draft Planning Proposal later in the year. This will provide the opportunity for further community consultation.



# Lord Howe Island

## **DRAFT for LHI Board Approval**

### **Planning Proposal**

## **Numerous amendments to Lord Howe Island Local Environmental Plan 2010**

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### **Document Status**

<b>Version</b>	<b>Purpose of Document</b>	<b>Orig</b>	<b>Review</b>	<b>Review Date</b>
1	Draft	L Coker	P Mangels	23/05/16
2	Final to client	L Coker		24/05/16

### **Approval for Issue**

<b>Name</b>	<b>Signature</b>	<b>Date</b>
Liz Coker		24 May 2016

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# Summary

This Planning Proposal has been prepared by RPS on behalf of the Lord Howe Island Board (the Board) to seek 21 separate amendments to the existing Lord Howe Island Local Environmental Plan 2010 (LEP2010).

The Board has recently identified a number of areas where LEP2010 could be improved to be clearer, to better reflect existing landuses, and to better respond to the community needs on the island. There have also been a number of recent studies and reviews which should be reflected in the local planning controls.

The Board has begun a two stage local plan review process. The initial stage of the review, reflected in this Planning Proposal, is aimed at addressing anomalies and responding to known inadequacies in the current plan. The second stage will aim to review LEP2010 in its entirety, including its structure (which is currently not in the Standard Template format) and zoning provisions.

The Board has undertaken early community consultation to gauge community response to the proposed rezonings and amendments to the controls in the local plan, and the outcomes of that process have informed this Planning Proposal.

The purpose of this Planning Proposal is to undertake the following amendments to LEP2010:

- To rezone 12 sites to reflect their existing use or amend mapping anomalies
- To permit subdivision without a minimum lot size of two detached or attached dwellings on one lot
- To permit the occupancy of dual occupancy dwelling by non family members
- To permit the new use of a building as a dwelling
- To amend the site coverage controls for dwellings
- To update the reference to vegetation restoration
- To include provisions in relation to development near a heritage item
- To include 21 additional heritage items in Schedule 2
- To amend or include the definition of 4 terms
- To include 3 additional items as exempt development

## I.0 Introduction

This Planning Proposal has been prepared by RPS on behalf of the Lord Howe Island Board (the Board) to make 21 separate amendments to the Lord Howe Island Local Environmental Plan 2010 (LEP2010).

The following lists the issues identified for amendment in this Planning Proposal. The amendments proposed are described and illustrated by text and maps in Section 3.

Issue #	Summary
1	Clause 21 - Subdivision without a minimum lot size of two detached or attached dwellings on one lot
2	Clause 24 - Occupancy of dual occupancy dwellings by non family members
3	Clause 25 - New use of a building as a dwelling
4	Clause 27 - Site coverage for extension of dwellings (the landscaping requirements)
5	Clause 31 - Vegetation Restoration
6	New clause - Development near a heritage item
7	Schedule 2 - Additional heritage items
8	Dictionary - Definition of terms
9	Schedule 1 - Exempt development
10	Site 1 – Rezone from 5- Special Uses to 2-Settlement zone
11	Site 2 – Rezone from 7 – Environment Protection to 6-Recreation
12	Site 3 – Rezone from part Unzoned and part 7 – Environment Protection to 6 – Recreation
13	Site 4 – Rezone from 7-Environment Protection to 1 – Rural
14	Site 5 - Rezone from 7-Environment Protection to 1 – Rural
15	Site 6 – Rezone from 2 – Settlement to 8 – Permanent Park Preserve
16	Site 7 – Rezone from 6 – Recreation to Part 7 – Environment Protection and part 1 – Rural
17	Site 8 - Rezone from 6 – Recreation to Part 7 – Environment Protection and part unzoned
18	Site 9 - Rezone from 6 – Recreation to Part 7 – Environment Protection
19	Site 10 – Rezone from part 8 – Permanent Park Preserve and part 2 – Settlement to part 8 – Permanent Park Preserve and part 2 – Settlement
20	Site 11 – Rezone from 1 - Rural to 5 - Special Uses
21	Site 12 - Rezone from part 8 – Permanent Park Preserve and part 2 – Settlement to Unzoned

The Planning Proposal has been prepared in accordance with:

- Section 55 of the *Environmental Planning and Assessment Act, 1979*
- NSW Planning and Environment Guidelines “A guide to preparing local environmental plans”
- Relevant Section 117 Directions

The Planning Proposal contains the following information:

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

## 2.0 Background

### 2.1 Administrative Process for amending the LHI LEP

The Minister for Planning has appointed the Secretary of the Department of Planning and Environment (DP&E) as the relevant planning authority under Section 54 the *Environmental Planning and Assessment Act, 1979*. The Board has prepared this Planning Proposal and the DP&E will assist in the agency consultation, public exhibition and finalisation of LEP2010 amendment process.

### 2.2 Lord Howe Island Local Environmental Plan 2010

The current LEP2010 carried over the provisions of the Lord Howe Island Regional Environmental Plan 2005. The provisions were not comprehensively reviewed at that time.

LEP2010 controls planning and development on the Island and is the key instrument in protecting the unique values of the Island. LEP2010 places a limit on the total number of future dwellings to 25 during the 20 year period up to 2025. LEP2010 acknowledges the importance of tourism to the Island economy and aims to permit future development of tourism, but within limits. The total number of persons permitted to be accommodated in all forms of tourist accommodation on the Island must not exceed 400 people at any time. An important aim of LEP2010 is to ensure that tourism on the Island does not adversely affect the lifestyle of residents, or the World Heritage environmental qualities of the Island.

The Lord Howe Island Board is the consent authority for development under LEP2010.

LEP2010 has been amended four times since it came into effect in 2010. The amendments include:

- Rezoning land from Special Uses to Settlement (2014)
- Rezoning of part of Portions 123 and 176 Lagoon Road for Capella Lodge (2014)
- Lord Howe Island LEP2010 – Wastewater Management Systems (2015)
- Updated Significant Native Vegetation map (2016)

### 2.3 Board Review

The effectiveness of LEP2010 is under regular review by the Board. Twice a year the Board considers a report on issues in relation to the implementation and operation of LEP2010. Regular analysis of development applications and emerging planning issues such as potential commercial operations and the changing nature of use of buildings have brought to light a number of areas where LEP2010 could be improved.

### 2.4 Recent Studies

#### 2.4.1 2013 Heritage Study

In March 2013 the Lord Howe Island Board adopted the Lord Howe Island Community Based Heritage Study. The study, undertaken by Musecape, provides a list of heritage items that have been identified and assessed through a consultative process with the island community, for possible inclusion on the heritage schedule to LEP2010, including statements of significance and heritage database forms.

The study provides:

- a thematic history of the island that is consistent with those prepared for other local government areas in the State
- a list of heritage items that have been identified and assessed through a consultative process with the

island community, for possible inclusion on the heritage schedule to LEP2010 including statements of significance and heritage database forms

- conservation strategies for the Board to employ in managing the environmental heritage of Lord Howe Island
- an annotated bibliography of references to the cultural heritage of Lord Howe Island.

The study identifies several items which it recommends be included in the Schedule of heritage items in LEP2010 (Schedule 2). LEP2010. Further work needs to be undertaken to provide clarification as to the exact location and extent of heritage items in order to provide a clear description for LEP2010 LEP2010, and to identify curtilage boundaries for some items where specific heritage controls will apply. This will ensure that a whole allotment is not affected if it is large enough that development at one edge will not impact the heritage item at another. It will also assist in specific Development Applications such as subdivision with the knowledge of which land is undevelopable, and the areas surrounding heritage items which are developable.

### **2.4.2 Handley Review**

The Department of Premier and Cabinet has recently undertaken a *Review of Land Allocation and Land Tenure* on Lord Howe Island. The Hon. Ken Handley (AO QC) was commissioned by the NSW Government to conduct a comprehensive review of the current land allocation and tenure arrangements on the island. The Terms of Reference identified four key areas for consideration:

- Forms of tenure
- Land allocation methods
- Strategies to increase land and housing supply
- Economic sustainability

A Discussion Paper was released for public comment in August 2014. The Discussion Paper set out preliminary options in order to generate and guide discussion on a number of items, including several which may require a change to the provisions within LEP2010 LEP2010.

Two key matters which may be addressed through LEP2010 LEP2010 are relevant to this Planning Proposal:

- The restrictions on who can occupy a dual occupancy dwelling
- Subdivision of perpetual leases with two existing attached dwellings erected before 28 October 2005.

Any other outcomes from the Handley review can be addressed in Stage 2 of the review process.

### **2.4.3 2016 LEP2010 Review Discussion Paper**

In April 2016 the Board released for public consideration a Discussion Paper which considered these studies, reviews and practical findings from implementation of LEP2010 LEP2010, and proposed a number of potential amendments to LEP2010 in response. The Discussion Paper and associated community engagement process sought feedback from the island community to inform the development of a Planning Proposal.

The Discussion Paper identified a two stage LEP review process, whereby anomalies and amendments where information is already available and so can be made quickly might proceed ahead of a more thorough review of the structure and controls in LEP2010 LEP2010.

#### **2.4.4 Coastal Hazard Definition and Coastal Hazard Management Study**

In September 2014 the Board endorsed the Coastal Hazard Definition and Coastal Management Study for Lord Howe Island.

Coastline hazard lines were delineated at Lagoon Beach and Cobbys Beach for immediate, 2050 and 2100 planning periods, including consideration of climate change.

The hazard lines correspond to the existing foreshore building line which lies generally west of Lagoon Road. The exception to this is the area immediately north and south of Windy Point as shown in figures XX

In these areas it is recommended that the foreshore building line be amended to reflect the 2100 coastline hazard line.

## 3.0 The Planning Proposal

*Proposed amendments to provisions in LEP2010LEP2010*

### 3.1 Issue 1 - Subdivision of two detached or attached dwellings on one lot

Currently, under Clause 20(4)(a) subdivision in Zone 2 -Settlement requires a minimum lot size of 3,000m<sup>2</sup> for the created lots.

There is a provision however for the subdivision of an existing dwelling on a lot that was part of a dual occupancy or multiple dwellings immediately before 28 October 2005. Clause 20(4)(b) allows for a minimum lot size of 2,500m<sup>2</sup> in these instances..

The reason for the minimum subdivision requirements, as reflected in the objectives of Zone 2 Settlement at Clause 14 of LEP2010 are, in summary:

- To provide opportunities for limited development that maintains the dispersed housing pattern of the settlement area:
- To protect island landscape and visual character
- To protect significant native vegetation within the settlement area
- To provide open space for residents
- To provide adequate area for effluent disposal

Where a merit-based assessment can be shown that subdivision will not compromise these objectives it is considered appropriate that the minimum lot size should be able to be reduced. Whilst this will not provide additional dwellings, it will increase the opportunity for home ownership on the island.

Subclause 21(3) and (4) allow for circumstances where the minimum lot size is not required. Currently this includes minor boundary adjustments and for the purpose of a public utility undertaking.

It is proposed that a subclause 21(5) be inserted to allow for subdivision of existing dual occupancy dwellings without a minimum lot size requirement, subject to a case by case impact assessment guided by heads of consideration for the consent authority.

The following is proposed:

*New clause 21(5)*

*Despite subclauses (1) and (2) development consent may be granted to the subdivision of a lot containing two existing detached dwellings if the subdivision will not result in the increase in the number of dwellings that may be erected on any of the lots, and the consent authority has considered:*

- a. The existing uses and approved uses of other land in the vicinity of the subdivision, and*
- b. Whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development, and*
- c. Whether or not the subdivision is likely to be incompatible with a use referred to in (a) or (b), and*

- d. *Whether or not the subdivision is likely to be incompatible with a use of land permissible in any adjoining zone, and*
- e. *Any measures proposed by the applicant to avoid or minimise any incompatibility referred to in (c) or (d), and*
- f. *Whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land, and*
- g. *Whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.*

### **3.2 Issue 2 - Occupancy of dual occupancy dwellings by non family members**

Clause 24(1)(c) of LEP2010 requires that a new dual occupancy dwelling is occupied by the “*children, siblings, parents, grandparents or grandchildren of those proposing to reside in the existing dwelling*”.

The removal of this restriction would increase the housing opportunities on the island. New dual occupancies could become dwellings for any Islanders, children or relatives of islanders, or others at the discretion of the property owner.

It is proposed that clause 24(1)(c) be removed from LEP2010.

### **3.3 Issue 3 – New use of a building as a dwelling**

Clause 25 of LEP2010 limits the ability of a building which is not currently used as a dwelling to be used for that purpose. Only buildings erected prior to 28 October 2005 may be newly used as a dwelling.

The removal of this restriction will enable newer disused commercial or community buildings on the island to be converted for residential use. It is likely that some redundant tourist accommodation buildings may then be able to be approved for use as dwellings.

This is considered a practical use of existing infrastructure. Development consent would be required to ensure that amenity and other impacts are considered. The new use would be subject to the dwelling quota.

A new clause is proposed to replace the existing clause 25:

*For buildings which were constructed after 28 October 2005, the consent authority may consent to a new use of a building as a dwelling.*

### **3.4 Issue 4 - Site coverage for dwellings**

Clause 27 of LEP2010 limits the ability to extend or enlarge existing dwellings. Three criteria must be met:

*27 Enlargements or extensions of dwellings*

*(1) The consent authority must not consent to the enlargement or extension of a dwelling on an allotment unless:*

*(a) the proposed gross floor area of the dwelling is no more than 300 square metres, and*

*(b) the proposed enlargement or extension will not result in the removal of any significant native vegetation, and*

*(c) it is proposed that at least 50 percent of the total area of the allotment be comprised of landscaped areas and that various species of plants that are native to the Island and common to the locality be retained or planted on at least 35 percent of the total area of the allotment.*

Whilst the maximum floor area is generous, and the protection of significant native vegetation is a sound principle, there is room for greater flexibility in the landscaped area requirements. The current requirements can be difficult to achieve, particularly where waste water disposal is required on site.

It is proposed to reduce the required landscaped area as a percentage of the lot (from 50% to 40%), with a corresponding reduction in the native plant requirement (from 35% to 20%), as follows:

#### *27 Enlargements or extensions of dwellings*

*(1) The consent authority must not consent to the enlargement or extension of a dwelling on an allotment unless:*

*(a) the proposed gross floor area of the dwelling is no more than 300 square metres, and*

*(b) the proposed enlargement or extension will not result in the removal of any significant native vegetation, and*

*(c) it is proposed that at least 40 percent of the total area of the allotment be comprised of landscaped areas and that various species of plants that are native to the Island and common to the locality be retained or planted on at least 20 percent of the total area of the allotment.*

### **3.5 Issue 5 - Vegetation Restoration – Clause 31**

Clause 31 of LEP2010 requires vegetation restoration to be carried out in accordance with the Lord Howe Island Board Vegetation Rehabilitation Plan, as adopted by the Board in March 2003.

The Board is currently reviewing this document and it is proposed to replace the reference in clause 31 to refer to the updated document once it is adopted by the Board (anticipated to be by the end of 2016).

### **3.6 Issue 6 - Additional heritage items in Schedule 2**

The Heritage Study identified a number of items of local heritage significance which it recommended be included in the Schedule of items of environmental heritage in LEP2010.

The following 21 items are proposed to be included in Schedule 2 – Heritage Items.

	Heritage Item
1	Archaeological research sites, Old Settlement Beach (hillside and foreshore), North Bay Swamp, North Bay Garden, Wright / King land and Perry Johnston's land
2	Archaeological site of former shark processing factory, Blackburn Island
3	Archaeological remains of house of George Ashdown at Old Settlement
4	Blackburn Memorial Seat at LHI Airport
5	Catalina Crash Site Wreckage, Catalina crash 60th Anniversary memorial, Catalina crash site and plaque
6	Lord Howe Island Central School 1927 building, relief map, brass bell and inscribed pavers, former school master's house

	Heritage Item
7	Farnell Park (Jim Whistler Memorial) Sports Ground
8	Former Telegraph Office (current Post Office)
9	LHI Shipwrecks
10	Lighter barge
11	Memorial plaques at Gower Wilson Memorial Hospital
12	Mount Gower Walking Track
13	Nichols Track and Plaque – Mick Nichols plaque on summit of Mt Gower
14	North Bay Settlement Archaeological Site
15	Old Lagoon Rd past Kentia
16	Palaeontological research sites near Ned's beach, 'Ocean View'
17	Pinetrees' (Part) comprising historic core of 'Main Building' of guesthouse (lounge and small office), landscaped path from Lagoon Road to 'Main Building' of guesthouse, landscape setting
18	Sarah West grave site and marker
19	Thompson Park and cairn and McCulloch memorial
20	Transit of Venus Observatory Site, Crown Land, Transit Hill
21	"Waiting/Leaving/Arriving" Rock at LHI Airport

### 3.7 Issue 7 - Development near a heritage item

Currently Division 3 (Clauses 39 - 40) of LEP2010 provides controls for development, including subdivision, on the land which contains a heritage item. However in some cases it is development on an adjacent lot of land which may have a potential impact on the heritage item.

The Standard Instrument - Principal Local Environmental Plan contains a provision at Clause 5.10(5)(c) which gives the consent authority the opportunity to address the potential impact of off-site development "in the vicinity".

It is proposed to include the following additional requirement in LEP2010:

#### *39A Heritage Assessment*

*The consent authority may not grant consent to any development on land that is within the vicinity of land on which a heritage item is located, unless it has considered the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.*

The provision allows flexibility in determining 'in the vicinity of' because potential impacts, whether they are for example visual, or related to construction vibration, can vary according to the specific nature of the heritage item, its surrounds, and the development proposed.

Similarly, the degree of detail which needs to be provided by the proponent to the consent authority to identify and address the potential impacts is not specified, allowing the Board to respond appropriately in terms of time and cost impediments based on the specific nature of the proposed development.

The DCP would provide some further guidance about the types of circumstances when this clause would be triggered, and the information required to support the Board's assessment.

### 3.8 Issue 8 - Definition of terms

Several definitions under LEP2010 are not as clear as they could be in guiding the circumstances in which development can be approved.

Although LEP2010 is not required to be consistent with the definitions in the Standard Instrument Local Environmental Plan template, it does provide useful guidance. Where feasible the template definition will be adopted, with minor variations to suit the unique Lord Howe circumstances. In some cases the wording in LEP2010 is clearer than in the template definition and so a simple addition from the template will include matters that need to be addressed without unnecessarily creating a more wordy definition.

4 new definitions are proposed to be included in LEP2010:

#### 3.8.1 Education facility

The current definition is:

*means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre*

The Standard Instrument does not define this term but does define the following:

**educational establishment** *means a building or place used for education (including teaching), being: a school, or a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.*

**child care centre** *means a building or place used for the supervision and care of children that:*  
(a) *provides long day care, pre-school care, occasional child care or out-of-school-hours care, and*  
(b) *does not provide overnight accommodation for children other than those related to the owner or operator of the centre, but does not include:* (c) *a building or place used for home-based child care, or (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or (h) a service that is concerned primarily with the provision of: (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or (ii) private tutoring, or (i) a school, or (j) a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.*

The proposed definition is:

*Means a building used as a school, long day care centre, pre-school, out of hours school care, college, technical college, academy, lecture hall, gallery or museum, and includes the community use or development for community use of the facilities or site of the establishment.*

### 3.8.2 Environment protection works

This term is not defined in the Dictionary of LEP2010, but is defined in Clause 10(3) in relation to development which is not prohibited by the plan.

The Standard Instrument definition is:

*means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.*

The Standard Instrument also includes:

**coastal protection works** means activities or works to reduce the impact of coastal hazards on land adjacent to tidal waters and includes seawalls, revetments, groynes and beach nourishment.

The proposed definition is:

*means works associated with the rehabilitation of land towards its natural state or any work to protect land from or to mitigate the effects of environmental degradation, and mean any of the following: (a) biosecurity (b) bush regeneration works (c) revegetation works (d) dune restoration works (e) erosion protection works (f) groundwater monitoring bores and the like (g) wetland protection works, but does not include coastal protection works.*

*The definition of coastal protection works will also need to be adopted. The draft Coastal Management Act definition is:*

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

### 3.8.3 Gross floor area

The current definition is:

*means the sum of the areas of each floor of a building, including covered decks, garages and outbuildings, where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level excluding:*

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall, and*
- (b) cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts, and*
- (c) space for the loading and unloading of goods, and*
- (d) exempt development, commercial premises, public accommodation and uncovered decks.*

The Standard Instrument definition is:

*means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:*

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

It is proposed to adopt the Standard Instrument definition.

### 3.8.4 Home business

The current definition is:

*means a business carried out in an existing dwelling or existing ancillary building on the same allotment, but only if:*

- (a) the business is undertaken by an occupant of the dwelling, and
- (b) not more than one employee (being an employee who is not an occupant of the dwelling) is employed on the premises at any one time, and
- (c) only goods or products manufactured on the premises, or goods or products ancillary to the services offered on the premises, are sold on the premises directly to the public.

The Standard Instrument definition is:

*means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:*

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

*but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.*

The proposed definition is:

*means a business carried out in an existing dwelling or existing ancillary building on the same allotment, but only if:*

- (a) the business is undertaken by an occupant of the dwelling, and

- (b) *not more than one employee (being an employee who is not an occupant of the dwelling) is employed on the premises at any one time, and*
- (c) *only goods or products manufactured on the premises, or goods or products ancillary to the services offered on the premises, are sold on the premises directly to the public,*
- (d) *it does not interfere with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, and*
- (e) *it does not involve the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, and*
- (f) *it does not involve the exhibition of any signage (other than a business identification sign).*

### 3.9 Issue 9 - Exempt development

Schedule 1 of LEP2010 identifies Exempt Development.

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

- Roof mounted solar energy system
- Chicken pen
- Carport

#### 3.9.1 Roof mounted solar energy systems

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

There is the potential to allow solar energy systems that form part of the renewable energy road map to be exempt development. This would have to be subject to ensuring the proposed system did not have adverse visual impacts on the landscape and amenity.

Under SEPP (Infrastructure) 2007, which does not apply to Lord Howe, roof mounted solar energy systems are exempted from development approval as they are listed in Schedule 1 of that instrument.

The SEPP development standards are:

- *in the case of development for the purposes of a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer's specifications or by a person who is accredited by the Clean Energy Council for the installation of photovoltaic electricity generating systems, and*
- *in the case of development for the purpose of any solar energy system other than a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer's specifications, and*
- *the system does not involve mirrors or lenses to reflect or concentrate sunlight, and*

*In the case of a system that is not ground-mounted:*

- *the development does not reduce the structural integrity of, or involve structural alterations to, any building to which it is attached, and*

- *if the land is in a prescribed residential zone (note: for LEP2010 - the Settlement zone) and is attached to a wall or roof facing a primary road—the system does not protrude more than 0.5m from the wall or roof (as measured from the point of attachment), and*
- *if the land is in a prescribed residential zone (note: for LEP2010 - the Settlement zone) and is not attached to a wall or roof facing a primary road:*
- *the system does not protrude more than 1m from any building to which it is attached (as measured from the point of attachment), and*
- *the system is installed no less than 1m from any adjoining property boundary if the system protrudes more than 0.5m from any building to which it is attached (as measured from the point of attachment), and*
- *if the land contains a State or local heritage item or is in a heritage conservation area:*
- *the system is not attached to any wall or roof of a building facing a primary road, and*
- *the system does not protrude more than 0.5m from any building to which it is attached (as measured from the point of attachment), and*
- *the system does not protrude more than 1.5m from any building or structure to which it is attached (as measured from the point of attachment) if the land is in a land use zone other than a prescribed residential zone, and*
- *in the case of development for the purposes of a photovoltaic electricity generating system—the system has the capacity to generate no more than 10kW.*

It is proposed to include roof mounted solar energy systems as exempt development, as defined in the SEPP.

### **3.9.2 Chicken pen**

Whilst “bird aviary” is included as exempt development in Schedule 1 of LEP2010, it has not necessarily been clear that this includes chicken pens. “Fowl and poultry houses” are included as an exempt development in SEPP (Exempt and Complying Development Codes) 2008 which does not apply to Lord Howe Island.

It is proposed to include the term “chicken pen” in the Exempt Development item which is “*Cabana, cubby house, garden shed, gazebo, green house or bird aviary.*”

### **3.9.3 Carport**

SEPP (Exempt and Complying Development Codes) 2008, which does not apply to Lord Howe Island, includes the following development requirements for the construction or rebuilding of carports as exempt development:

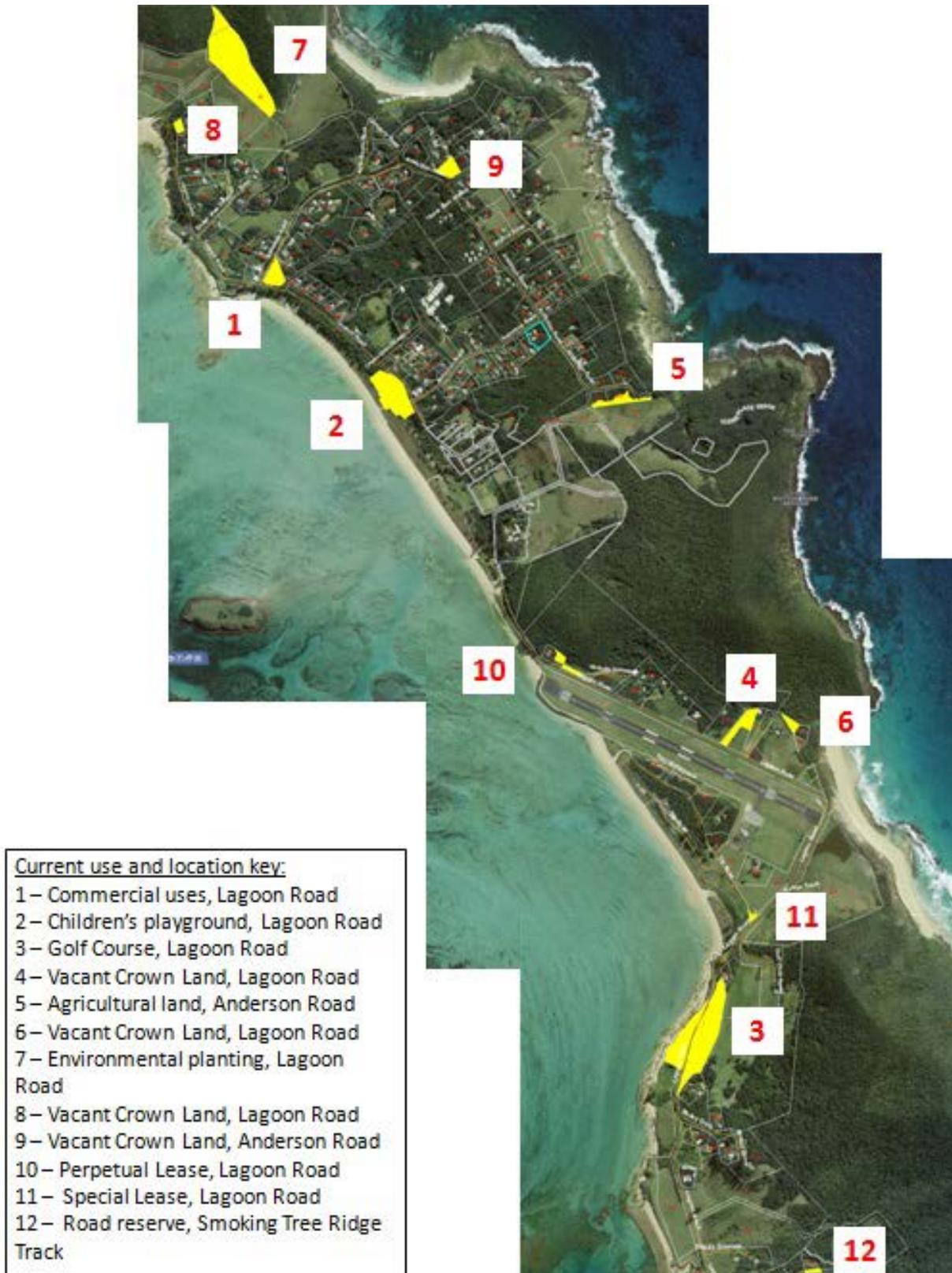
- *A carport that is accessed from a primary road must:*
  - » *if the dwelling house has a setback from the primary road boundary of 4.5m or more—be at least 1m behind the building line of the dwelling house, or*
  - » *if the dwelling house has a setback from the primary road boundary of less than 4.5m—be at least 5.5m from that boundary.*
- *The total width of all carport openings facing a primary road, a secondary road or a parallel road must not exceed:*
  - » *if the lot has a width, measured at the building line, of more than 8m, but not more than 12m—3.2m, or*
  - » *if the lot has a width, measured at the building line, of more than 12m—6m.*

- *A carport may only be erected on a lot that has a width, measured at the building line, of less than 8m if the access to the garage is only from a secondary road, parallel road or lane.*

It is proposed to include carport as exempt development, as defined in the SEPP.

*Proposed amendments to the Land Zoning map*

This Planning Proposal identifies twelve (12) sites to be rezoned. The sites are identified in the map below (Figure 1). Each site is discussed in detail below.



**Figure 1** Indicative map showing the location of the 12 proposed rezoning sites on the main island.

### 3.10 Issue 10 - Site I – Rezone from 5- Special Uses to 2-Settlement zone

<b>Property Description</b>	Portion 44 and Part of Portion 45
<b>Site Area</b>	2,240m <sup>2</sup>
<b>Current Use</b>	Commercial uses under lease with the LHIB including LHI Co-operative, Beach Boutique, Post Office, Marine Parks Office and possible other commercial use
<b>Current Zone</b>	5 – Special Uses
<b>Proposed Zone</b>	2 – Settlement
<b>Reason</b>	To reflect current use (not being public utility undertakings) and to provide for the maximum use of the site

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

This involved the demolition and remediation of the powerhouse building, relocation of the transformer, creation of a landscaped open space, and the relocation of the Post Office to the former electrical workshop building. This rezoning will reflect the outcomes of that planning process.



Figure 2 Site context map (site shown in yellow)



Figure 3 Current site zoning (site outlined in red).

The Recreation zone permits the following uses with development consent:

- demolition
- boatsheds
- clubs
- public utility installations
- public utility undertakings
- recreation areas
- road
- telecommunications facilities
- wastewater management system

Any development within the Foreshore Building Line must meet the requirements of Clause 35 of LEP2010:

*(a) The proposed development is in the public interest and does not significantly reduce public access to the foreshore, and*

*(b) The bulk and scale of the proposed development will not detract from the visual amenity of the foreshore area, and*

*(c) the proposed development addresses any need to restore lost or disturbed plants that are native to the Island, particularly if restoring those plants may enhance visual amenity, and*

*(d) There is a demonstrated Island community-based, or marine-based, business need for it, and*

*(e) The proposed development will not be adversely affected by, or adversely affect, coastal processes, and*

*(f) In the case of proposed development involving the erection of a structure—the purpose of that structure could not practicably be fulfilled by an existing structure, and*

*(g) In the case of development proposed to be carried out on land that is also within Zone 9 Marine Park—the proposed development is not inconsistent with any advice about the development that is provided to the consent authority by the Marine Parks Authority.*

Any new development on these sites will continue to trigger assessment against these criteria.

### 3.11 Issue 11 - Site 2 – Rezone from 7 – Environment Protection to 6-Recreation

<b>Property Description</b>	Government Reserve, Lord Howe Island
<b>Site Area</b>	13,400m <sup>2</sup> (final boundary and area to be confirmed)
<b>Current Use</b>	Children’s Playground for public use, with play equipment, swings, and public toilets
<b>Current Zone</b>	7 – Environment Protection
<b>Proposed Zone</b>	6 – Recreation
<b>Reason</b>	To better reflect the existing use of the land as a playground and picnic facilities

Development for the purposes of recreation areas is permitted with consent in Zone 6 - Recreation. This would allow for any future development for the purposes of improving playground and picnic facilities, as they are not permitted in the current zoning.



Figure 4 Site context map (site shown in yellow)



Figure 5 Current zoning map (site shown outlined in red)

**3.12 Issue 12 - Site 3 – Rezone from part Unzoned and part 7 – Environment Protection to 6 – Recreation**

<b>Property Description</b>	Part of Lot 299 DP 48320, Part 122 DP 75715, part Lagoon Road Reserve.
<b>Site Area</b>	26,215m <sup>2</sup>
<b>Current Use</b>	Golf Course
<b>Current Zone</b>	Area 1 is currently unzoned (part of the lagoon) and Area 2 is in Zone 7 – Environment Protection
<b>Proposed Zone</b>	6 – Recreation
<b>Reason</b>	To better reflect existing and ongoing use

The rezoning of the site would allow clubs and recreation areas to be developed with consent. This will better reflect the existing and ongoing use of the Lord Howe Island Golf Club on the site. Any future development within the Foreshore Building Line must be in accord with Clause 35 of LEP2010.



Figure 6 Site context map (site shown in yellow)



Figure 7 Current zoning map (site shown outlined in red)

### 3.13 Issue 13 - Site 4 – Rezone from 7-Environment Protection to 1 – Rural

<b>Property Description</b>	Portion 110
<b>Site Area</b>	4,250m <sup>2</sup>
<b>Current Use</b>	Vacant Crown Land
<b>Current Zone</b>	7 – Environment Protection
<b>Proposed Zone</b>	1 – Rural
<b>Reason</b>	<ul style="list-style-type: none"> <li>▪ In January 2008, the Board approved the 2 lot subdivision of Portion 110 to create a Category B allotment and a residue allotment.</li> <li>▪ Portion 110 was formerly held under special lease for agricultural purposes. The southern part of the residue allotment is cleared and it is not appropriate that this be zoned environmental protection.</li> <li>▪ Under the LHI Regional Environmental Plan 2005, the site was zoned 2 - Settlement, and was changed in 2010 to reflect the approved subdivision and intended use.</li> </ul>

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



Figure 8 Site context map (site shown in yellow)

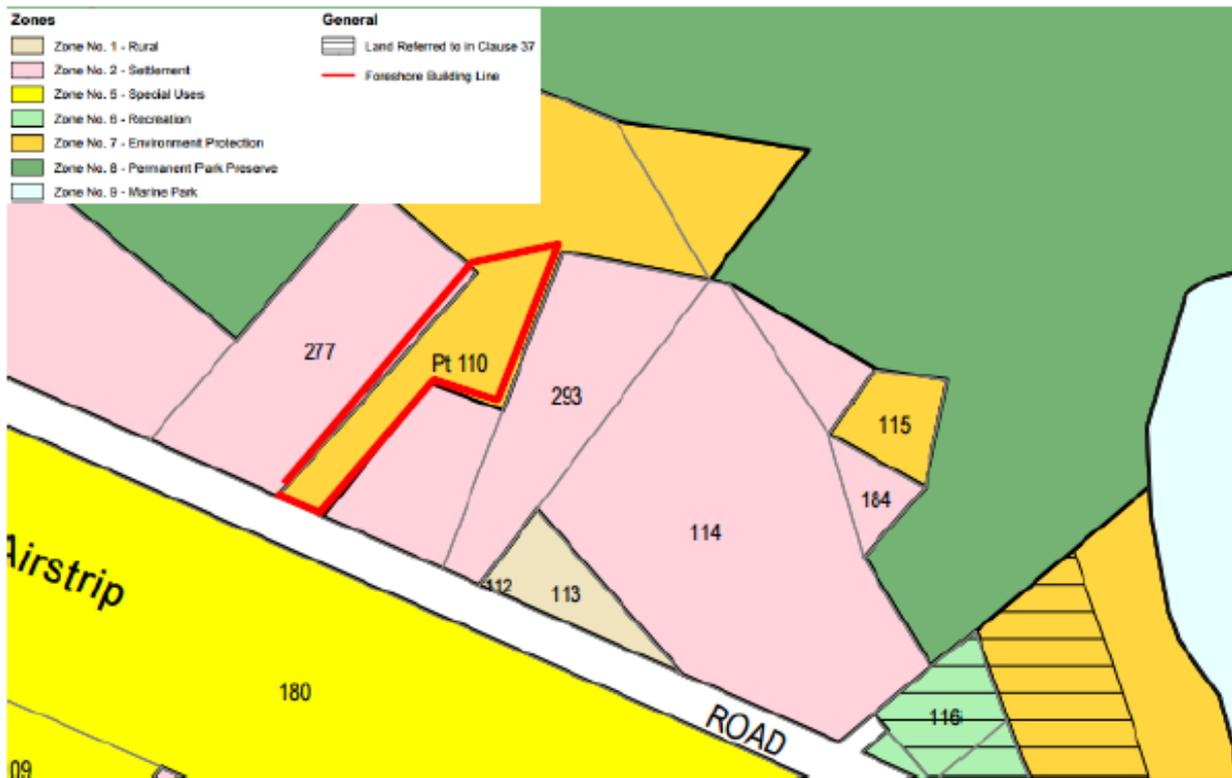


Figure 9 Current site zoning (site outlined in red).

### 3.14 Issue 14 - Site 5 - Rezone from 7-Environment Protection to 1 – Rural

<b>Property Description</b>	Part of Portions 291 and 292
<b>Site Area</b>	Approximately 3,300m <sup>2</sup>
<b>Current Use</b>	Agriculture including dairy
<b>Current Zone</b>	7 – Environment Protection
<b>Proposed Zone</b>	1 – Rural
<b>Reason</b>	To reflect current and existing use

There has been substantial loss of agricultural land due to the construction of public utilities such as the LHIB powerhouse, air traffic control facilities, LHIB centralised solar array and proposed wind turbines on adjacent allotments (Portion 230 and 101).

The rezoning proposal will bring cleared land only, which does not meet the Environment Protection zone criteria, into the 1 – Rural zone. This will allow productive agriculture to continue on the site.



Figure 10 Site context map (site shown in yellow)



### 3.15 Issue 15 - Site 6 – Rezone from 2 – Settlement to 8 – Permanent Park Preserve

<b>Property Description</b>	Unidentified crown land north of Lot 114 DP757515
<b>Site Area</b>	1,360m <sup>2</sup>
<b>Current Use</b>	Vacant Crown Land
<b>Current Zone</b>	2 – Settlement
<b>Proposed Zone</b>	8 – Permanent Park Preserve
<b>Reason</b>	This area is an anomaly with the mapping of the LHI Permanent Park Preserve, which did not for some reason extend to the PPP boundary.

Approximately 75% of the main island, plus all outlying islets and rocks within the Lord Howe Island Group, are protected under the Permanent Park Preserve. This area is permanently dedicated for the public purpose of preserving native flora and fauna pursuant to Section 19 of the LHI Act. Under the LHI Act, the Board has the responsibility to manage, protect, restore, enhance and conserve the preserve in a manner that recognises its World Heritage values (section 5(f)). Section 15B of the LHI Act requires that a plan of management for the preserve be prepared and implemented in accordance with the provisions of Part 5 of the National Parks and Wildlife Act (NPW Act) as if the preserve were a national park. However, unlike the NPW Act arrangements, the plan of management for the preserve is to be approved by the Minister administering the LHI Act, and is to be carried out and given effect to by the Board.

In accordance with section 19A of the LHI Act, Schedule 1 of LEP2010 which describes the area permanently dedicated as the LHI Permanent Park Preserve will need to be amended and approved by the Governor.



Figure 12 Site context map (site shown in yellow)



Figure 13 Current site zoning (site outlined in red)

**3.16 Issue 16 - Site 7 – Rezone from 6 – Recreation to Part 7 – Environment Protection and part 1 – Rural**

<b>Property Description</b>	Part of Lot 66 DP757515
<b>Site Area</b>	6,300m <sup>2</sup>
<b>Current Use</b>	Environmental plantings and grazing
<b>Current Zone</b>	6 – Recreation
<b>Proposed Zone</b>	7 – Environment Protection (northern part)
<b>Reason</b>	To reflect current and ongoing use consistent immediately adjoining land

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



Figure 14 Site context map (site shown in yellow)



Figure 15 Current site zoning (site outlined in red)

### 3.17 Issue 17 - Site 8 - Rezone from 6 – Recreation to Part 7 – Environment Protection and part unzoned

<b>Property Description</b>	Lot 155 DP757515
<b>Site Area</b>	1,125m <sup>2</sup>
<b>Current Use</b>	Vacant Crown Land, access for Milky Way Apartments
<b>Current Zone</b>	6 – Recreation
<b>Proposed Zone</b>	Unzoned Land, 7 – Environmental Protection
<b>Reason</b>	To reflect current use

A survey is required to define the boundary between the road and the native vegetation so it can be zoned accurately. The site contains predominately native vegetation with the exception of a mature NFI Pine.



Figure 16 Site context map (site shown in yellow)

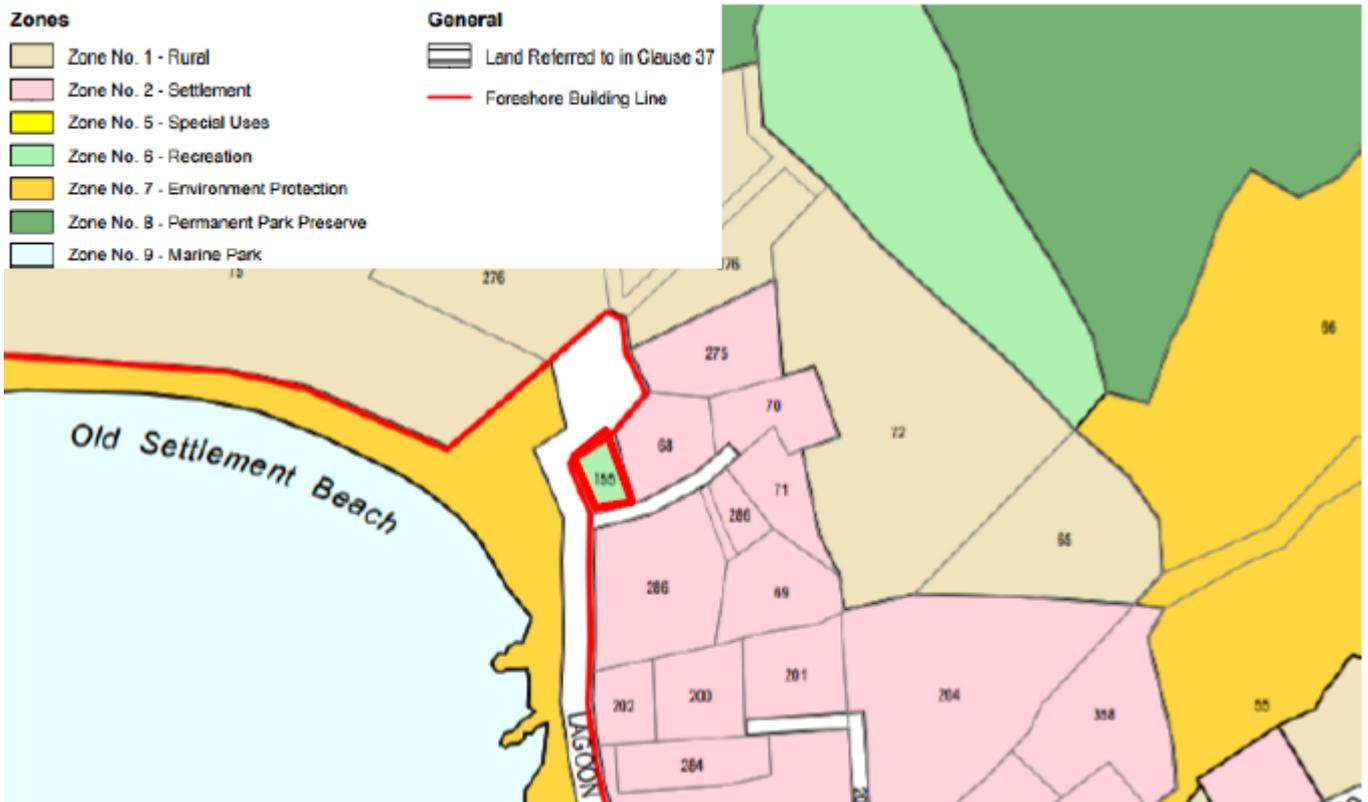


Figure 17 Current site zoning (site outlined in red)

### 3.18 Issue 18 - Site 9 - Rezone from 6 – Recreation to Part 7 – Environmental Protection

<b>Property Description</b>	Lot 174 DP757515
<b>Site Area</b>	3,457m <sup>2</sup>
<b>Current Use</b>	Vacant Crown Land with easement of variable width for access to Lot 10 DP1202580 (Lorhiti Apartments)
<b>Current Zone</b>	6 – Recreation
<b>Proposed Zone</b>	7 – Environmental Protection, excluding the easement area in the south-western part of the lot
<b>Reason</b>	To appropriately protect this important threatened species habitat

The site is identified as core Flesh-footed Shearwater and LHI Placostylus habitat. The entire allotment is mapped as significant native vegetation under the LHI Local Environmental Plan.



Figure 18 Site context map (site shown in yellow)

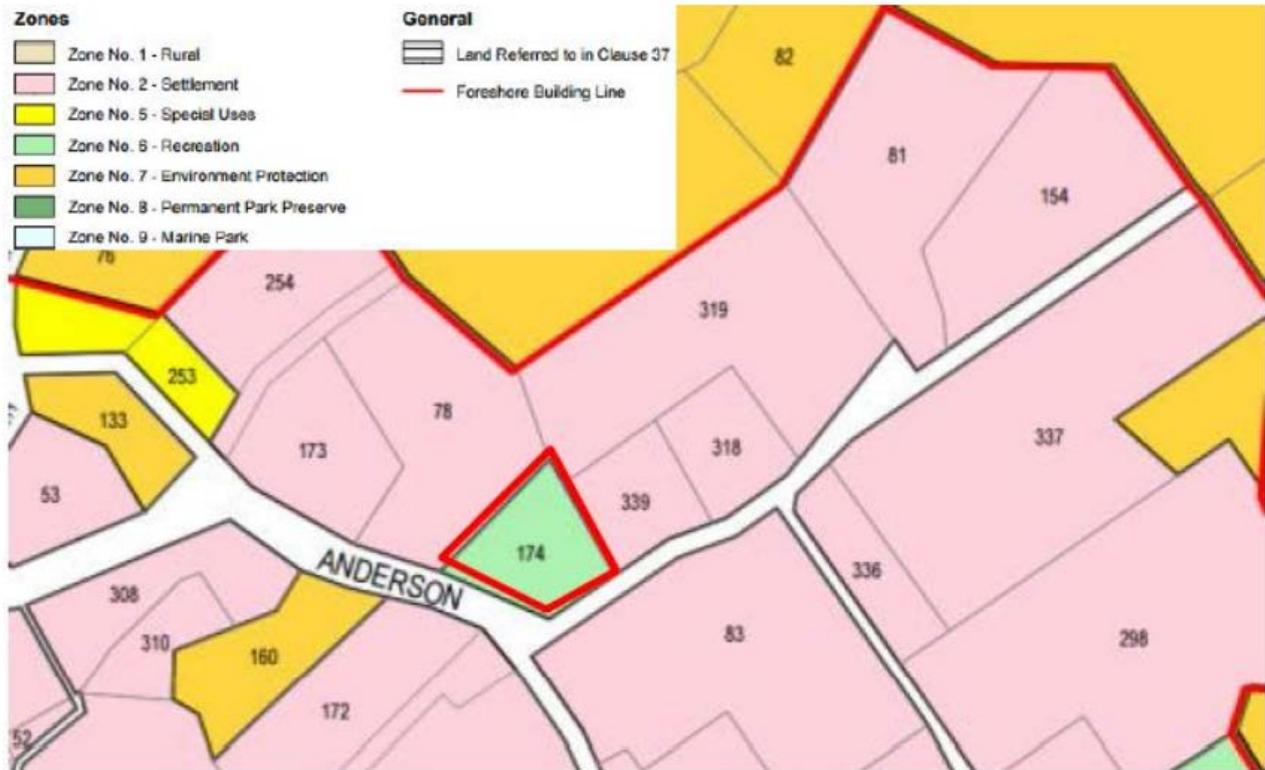


Figure 19 Current site zoning (site outlined in red)

### 3.19 Issue 19 - Site 10 – Rezone from part 8 – Permanent Park Preserve and part 2 – Settlement to part 8 – Permanent Park Preserve and part 2 – Settlement

<b>Property Description</b>	Lot 313, DP 821319
<b>Perpetual Lease</b>	1992.01
<b>Site Area</b>	Area 1 – 910m <sup>2</sup> Area 2 – 880m <sup>2</sup>
<b>Current Use</b>	Perpetual Lease
<b>Current Zone</b>	8 – Permanent Park Preserve, and 2 – Settlement
<b>Proposed Zone</b>	8 - Permanent Park Preserve, and 2 – Settlement (swap)
<b>Reason</b>	Boundary Adjustment between the lot and the Permanent Park Preserve

- In April 2009, the Board agreed to a boundary adjustment and land transfer between Portion 313 and the LHI Permanent Park
- Area 2 which is currently zoned for Settlement will be removed from Lot 313 and zoned as part of the Permanent Park Preserve. Area 1 which is currently part of the Permanent Park Preserve will become part of Lot 313 Settlement and zoned accordingly.
- The boundary adjustment and land transfer will be subject to a development application and the LHIB Disposal of Land Asset Policy. Both areas are approximately the same size and of similar value and the land swap is considered to be equitable.
- In accordance with s19A of the LHI Act, schedule 1 describing the area permanently dedicated as the LHI Permanent Park Preserve will need to amended and approved by the Governor, or potentially revoked by way of an Act.



Figure 20 Site context map (site shown in yellow)

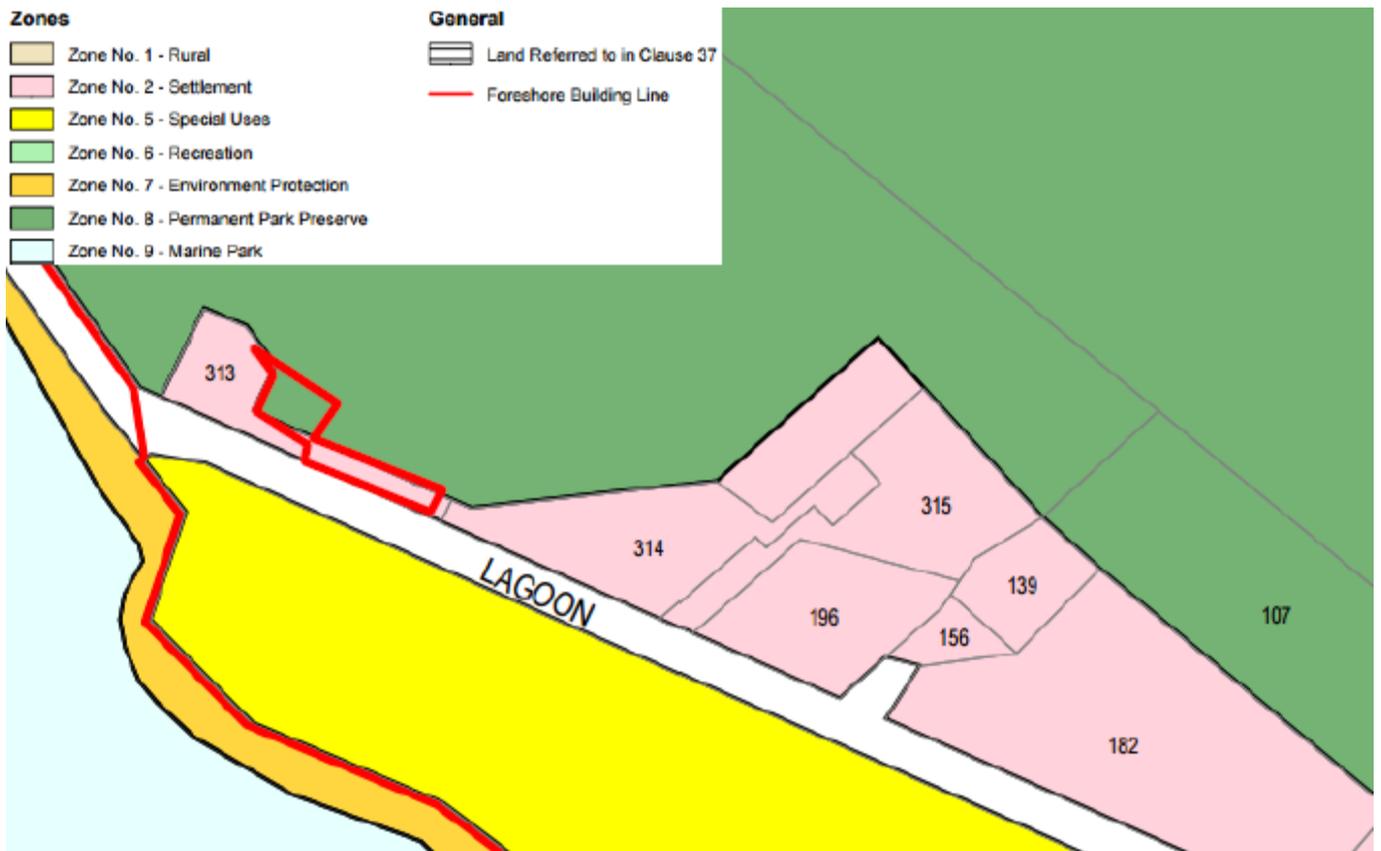


Figure 21 Current site zoning (site outlined in red)

### 3.20 Issue 20 - Site 11 – Rezone from 1 - Rural to 5 - Special Uses

<b>Property Description</b>	Part of Lot 220 DP 45732
<b>Site Area</b>	560 m <sup>2</sup>
<b>Current Use</b>	The subject land is currently held under Special Lease. The activities on Special Lease land are limited to cultivation and/or grazing.
<b>Current Zone</b>	1 – Rural
<b>Proposed Zone</b>	5 – Special Uses
<b>Reason</b>	Road Widening

- Development for the purposes of roads is permitted with consent in Zone 5 – Special Uses. This would allow for future works to be undertaken on the site for the widening of Lagoon Road.
- The proposed road widening is a triangular shaped section of land located to the south west boundary of Lot 220.
- The road widening will be subject of a Development Application and approval under the Roads Act by the Minister for the Environment. The Special Lease will be amended accordingly.



Figure 22 Site context map (site shown in yellow)

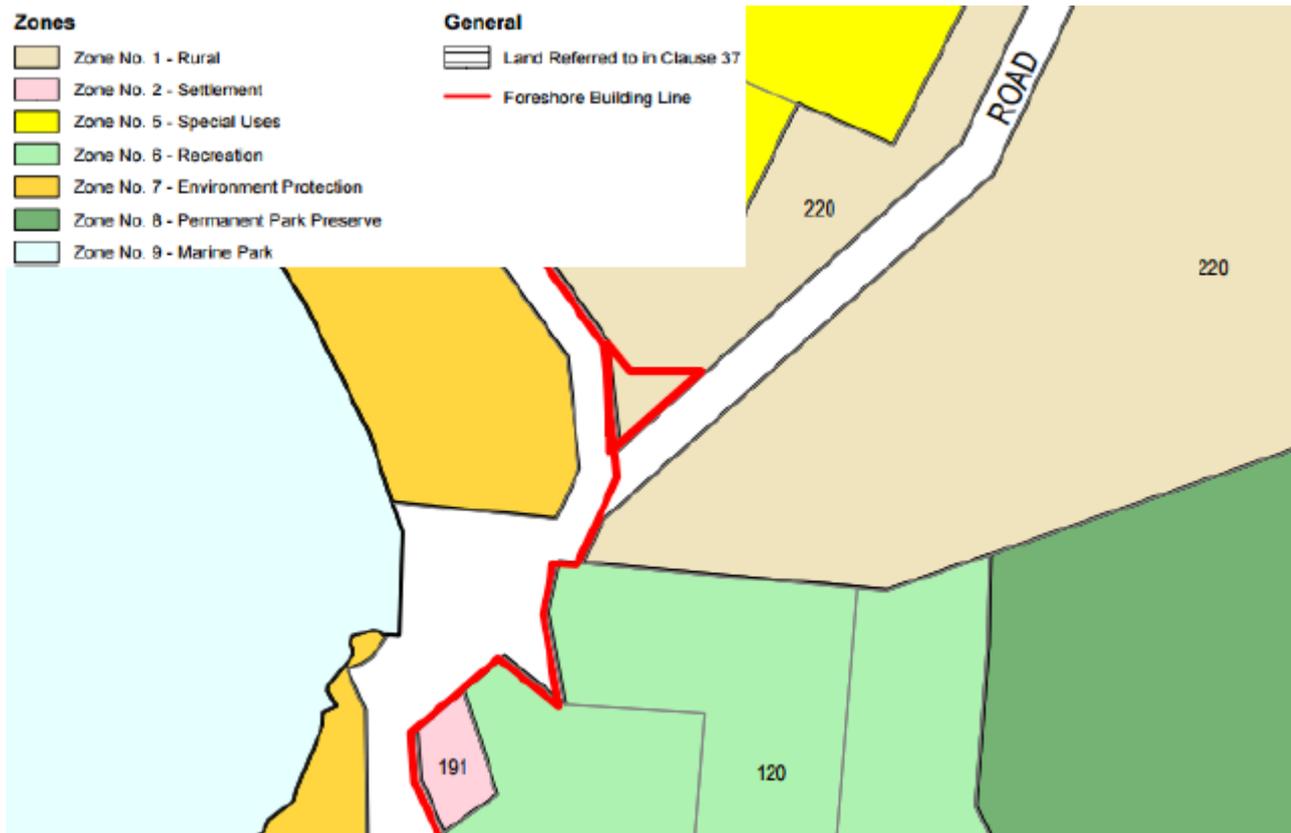


Figure 23 Current site zoning (site outlined in red)

### 3.21 Issue 21 - Site 12 - Rezone from part 8 – Permanent Park Preserve and part 2 – Settlement to Unzoned

<b>Property Description</b>	Adjacent to DP 47549, Portion 332
<b>Site Area</b>	136 m <sup>2</sup> , 10.06m wide
<b>Current Use</b>	
<b>Current Zone</b>	8 – Permanent Park Preserve, 2 – Settlement
<b>Proposed Zone</b>	Unzoned
<b>Reason</b>	Road Widening

In March 2015, the Board in close consultation with the owner of the land approved a development application (DA2015-11) for a boundary adjustment of land on Lot 332 of DP 47549 for the purpose of widening of the public road - Smoking Tree Ridge Road.

The Board has subsequently acquired the land from the adjoining leaseholder in accordance with a Valuation Assessment prepared by Valustate on behalf of the Valuer-General dated 16 April 2014.

The road widening is to be approved by the Minister for Environment, and the Perpetual Lease updated to reflect this decision.



Figure 24 Site context map (site shown in yellow)

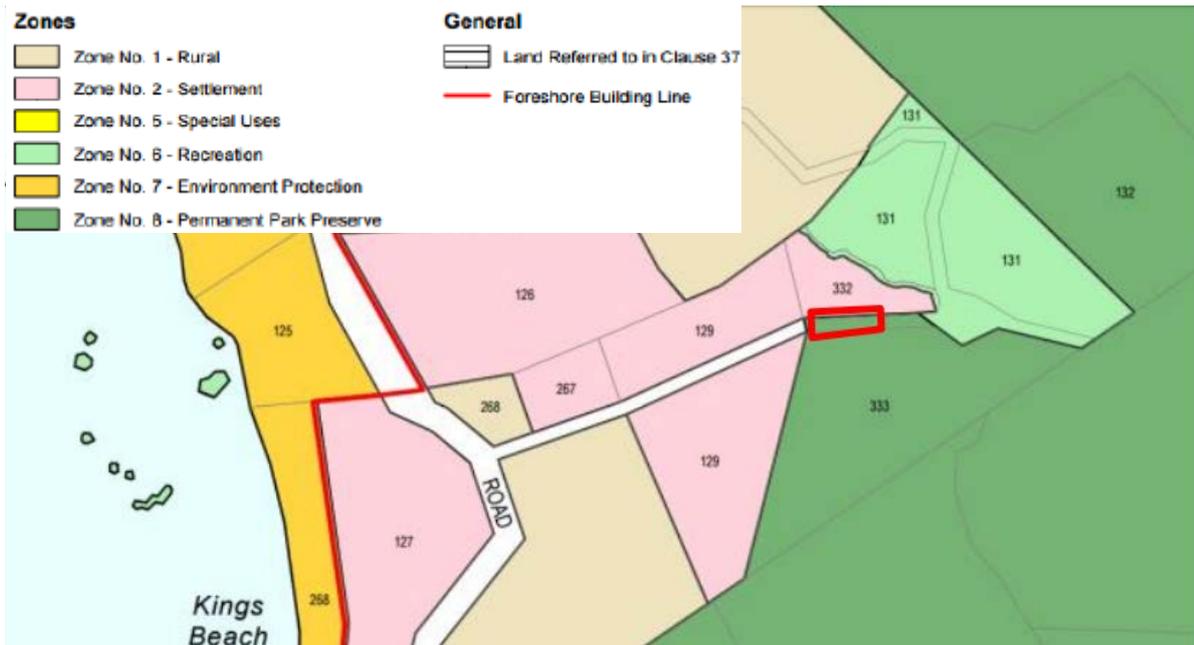


Figure 25 Current site zoning (site outlined in red)

## **3.22 Section A - Need for the Planning Proposal**

### **3.22.1 Is the Planning Proposal a result of a study or report?**

The Planning Proposal has arisen as a response to a number of technical studies, reports and a Discussion Paper prepared by the Board, as discussed in Sections 2.3 and 2.4 above.

This proposal responds to:

- Lord Howe Island Community Based Heritage Study undertaken for the Board by Musecape in 2011 (discussed in Section 2.4.1 above).
- Bi-annual Planning and Assessment System Audits undertaken for the Board by RPS. These are a regular analysis of Owner Consent, Development Application and Section 96 / Modified Development Consent assessments as well as the planning controls generally (discussed in Section 2.3 above).
- Lord Howe Island Local Environmental Plan 2010 Review Discussion Paper prepared for the Board by RPS in 2016

The Discussion Paper responded to the heritage study and ongoing audit process by recognising planning issues affecting the community and identifying potential specific, limited changes to the current LEP2010 to address them. The Paper also touched on issues which will need to be further investigated and may form part of a broader second stage of LEP2010 Review.

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

The Planning Proposal aims to address straightforward anomalies and minor matters in LEP2010. A subsequent review addressing more comprehensively LEP2010, particularly in relationship to housing availability and in response to the Handley Review findings, is proposed as another separate process. It is considered that this approach is the most efficient.

## **3.23 Section B - Relationship to strategic planning framework**

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

There is no Regional Strategy which applies to Lord Howe Island.

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

There is no local Strategic Plan applying to Lord Howe Island.

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

No State Environmental Planning Policies apply to Lord Howe Island.

### **3.23.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?**

The Planning Proposal is consistent with all relevant s117 Directions. The assessment of these is outlined in Table 1 below.

**Table 1 Section 117 Directions**

Clause	Direction	Consistent	Comments
<b>Employment and Resources</b>			
1.1	Business and Industrial Zones	Not applicable	
1.2	Rural Zones	Justified inconsistency	The proposal seeks to rezone Site 11 from a Rural zone to a Special Uses zone to facilitate a road widening. This is a minor loss of rural land for a practical road safety upgrade and as such is considered justifiably inconsistent in accordance with (5)(d) as it is of minor significance.
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable	
1.4	Oyster Aquaculture	Not applicable	
1.5	Rural Lands	Not applicable	
<b>Environment and Heritage</b>			
2.1	Environment Protection Zones	Justified inconsistency	<p>The Planning Proposal seeks to rezone Site 2 from Zone 7 - Environment Protection to Zone 6 – Recreation. The site is currently cleared and contains built structures (Aquatic Club and Playground).The loss of environment protection provisions on this site is considered of minor significance and thus justified in accordance with (6)(d).</p> <p>The Planning Proposal seeks to rezone a portion of Site 3 from Zone 7 - Environment Protection to Zone 6 – Recreation. The site is currently cleared and used as a golf course. The loss of environment protection provisions on this site is considered of minor significance and thus justified in accordance with (6)(d).</p> <p>The Planning Proposal seeks to rezone Sites 4 and 5 from Zone 7 - Environment Protection to Zone 1 - Rural. The sites are both currently cleared and used for agriculture. The loss of environment protection provisions on these sites is considered of minor significance and thus justified in accordance with (6)(d).</p>
2.2	Coastal Protection	Consistent	<p>Lord Howe Island (in its entirety) is within the “coastal zone” as defined in the Coastal Protection Act 1979.</p> <p>The Lord Howe Island Coastal Management Study (September 2014) found that the key coastline management issue at LHI is erosion/recession threatening Lagoon Road at Lagoon Beach. Coastal processes and coastline hazards are described particularly for Lagoon Beach and Cobbys Beach. None of the management options to address this key management issue are affected by the Planning Proposal.</p>
2.3	Heritage Conservation	Consistent	The Planning Proposal seeks to include additional items as items of local heritage significance.
2.4	Recreation Vehicle Areas	Not applicable	
<b>Housing, Infrastructure and Urban Development</b>			
3.1	Residential Zones	Consistent	<p>The current plan and proposed amendments encourage the provision of housing within the existing dwelling cap.</p> <p>The aim of amendments is to make more efficient use of infrastructure and services through</p>

Clause	Direction	Consistent	Comments
			permitting broader use of existing buildings.
3.2	Caravan Parks	Not applicable	
3.3	Home Occupations	Not applicable	
3.4	Integrating Land Use and Transport	Not applicable	
3.5	Development near Licensed Aerodromes		This Planning Proposal does not include any amendments to controls for land affected by the OLS or the ANEF in relation to the airport.
3.6	Shooting Ranges	Not applicable	
<b>Hazard and Risk</b>			
4.1	Acid Sulfate Soils	Not applicable	
4.2	Mine Subsidence and Unstable Land	Not applicable	
4.3	Flood Prone Land	Not applicable	
4.4	Planning for Bushfire Protection	Not applicable	
<b>Regional Planning</b>			
5.1	Implementation of Regional Strategies	Not applicable	
5.2	Sydney Drinking Water Catchments	Not applicable	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable	
5.4	Commercial and Retail Significance of the NSW Far North Coast	Not applicable	
5.5	Cessnock LGA (revoked)	Not applicable	
5.6	Sydney to Canberra Corridor (revoked)	Not applicable	
5.7	Central Coast (revoked)	Not applicable	
5.8	Second Sydney Airport Badgerys Creek	Not applicable	
5.9	North West Rail Link Corridor Strategy	Not applicable	
<b>Local Plan Making</b>			
6.1	Approval and Referral Requirements	Not applicable	
6.2	Reserving Land for Public Purposes	Consistent	<p>This Planning Proposal seeks to include Sites 6 and 10 in the Permanent Park Preserve zone to reflect a zoning anomaly (Site 6) and a land transfer (Site 10).</p> <p>The zone boundary adjustment and land transfer will be subject the LHIB Disposal of Land Asset Policy.</p> <p>In accordance with s19A of the LHI Act, schedule 1 describing the area permanently dedicated as the LHI Permanent Park Preserve will need to amended and approved by the Governor.</p> <p>The Planning Proposal also seeks to rezone Sites 11 and 12 to 5-Special Uses to allow road widening. This will require approval under the Roads Act by the Minister for the Environment.</p>

Clause	Direction	Consistent	Comments
6.3	Site Specific Provisions	Not applicable	
Metropolitan Planning			
7.1	Implementation of a Plan for Growing Sydney	Not applicable	

### 3.24 Section C - Environmental, social and economic impact

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

The proposed amendments do not affect the provisions in LEP2010 which identify and protect significant native vegetation on the island. It is not considered that there will be any adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

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

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

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

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

### 3.25 Section D - State and Commonwealth Interests

#### 3.25.1 Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal does not provide for additional development which will require public infrastructure.

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

The views of relevant agencies will be obtained once Gateway Determination has been obtained.

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

Following receipt of Gateway Approval the Board, with the assistance of Department of Environment and Planning, will consult with the following relevant agencies:

Public authority/stakeholder	Issue requiring comment
NSW Heritage Office	Additional provisions for land in the vicinity of a heritage item.
Department of Environment	Relationship with Coastal Protection Act

# 4.0 Mapping

## 4.1 Affected land

The location of the land directly affected by land rezoning proposals for Sites 1- 12 (as described in sections 3.12 to 3.23 of this Planning Proposal) is shown on the following maps (Figures 1 and 2):



**Figure 26 Proposed sites to be rezoned in the north of the main island shown outlined in red.**

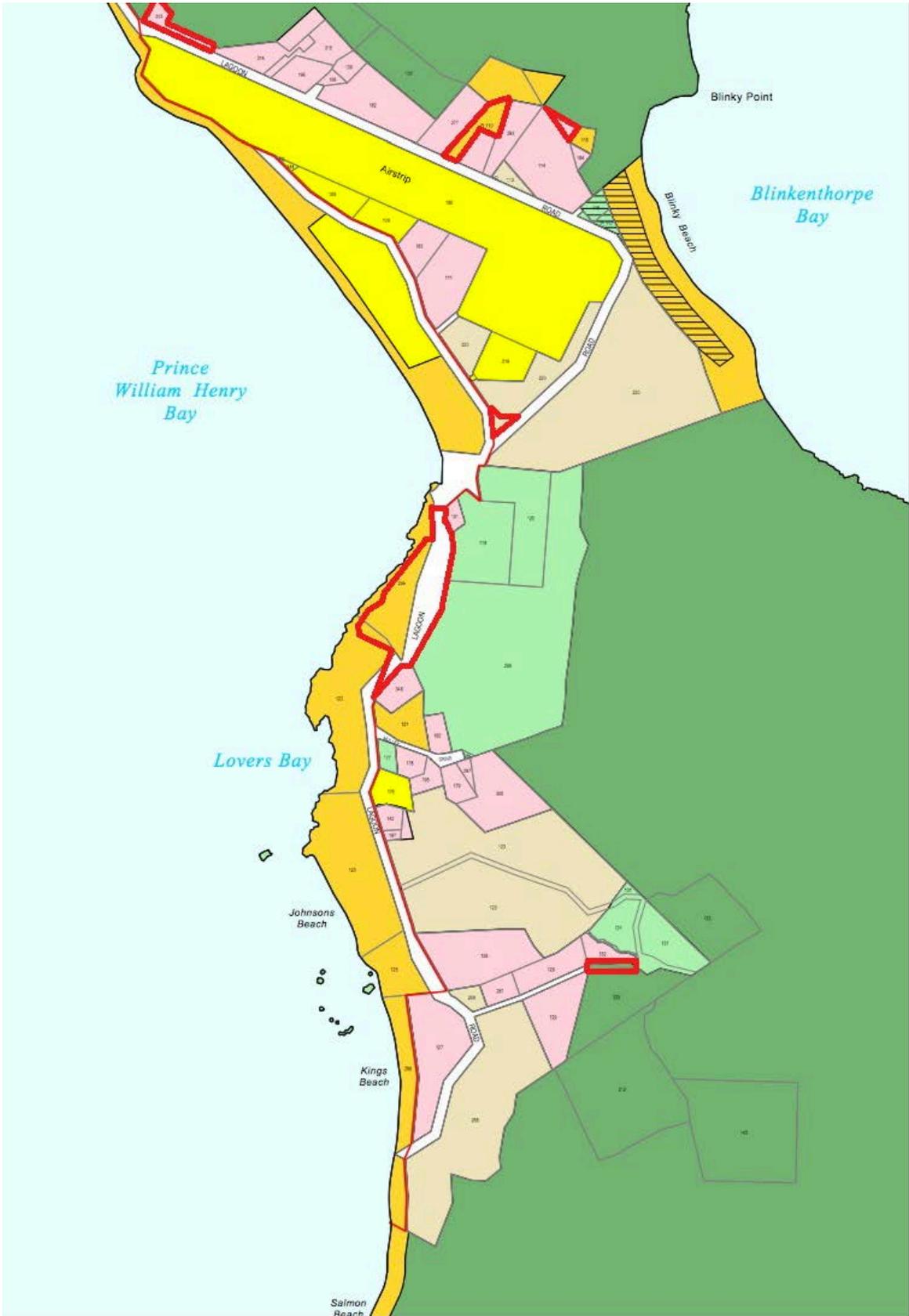


Figure 27 Proposed sites to be rezoned in the south of the main island shown outlined in red.

## 4.2 Draft LEP map

The proposed amendments will require changes to LEP2010 map sheet as found on the NSW Legislation website. The affected map sheet is:

**Land Zoning Map, Sheet 2 of 3**

**Map identification number: 6380\_COM\_LZN\_002\_005\_20140512**

The new map sheets have not been drafted at this stage. The mapping will be prepared in the appropriate form required.

Indicative mapping is shown on the maps below (Figures 3 and 4):



**Figure 28 Indicative proposed Zoning Map showing the 6 sites on the north of the main island**



Figure 29 Indicative proposed Zoning Map showing the 6 sites on the south of the main island

## 5.0 Community Consultation

In preparing this Planning Proposal, the Board has undertaken an early community consultation process to engage with Island residents.

The Discussion Paper and an associated Community Survey were distributed to all islanders. Responses were facilitated concurrently with the running of drop-in information sessions for the community in April 2016. This aimed to encourage the community's genuine involvement in the identification and response to planning issues which could be addressed through the local plan.

All feedback from this early consultation process was reviewed and informs this formal Planning Proposal to amend LEP2010. A copy of the consultation outcomes summary paper is provided for review concurrently with this Planning Proposal.

A Gateway Determination would specify community consultation to be undertaken, in accordance with Section 56 (2)(c) of the EP&A Act 1979 as part of LEP2010 amendment process.

Community consultation would be commenced by the placing of a public notice in appropriate Lord Howe Island newsletters and on notice boards.

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

## 6.0 Project Timeline

This project timeline is based on anticipated dates and timeframes.

Step	2016				2017					
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Commencement ( Gateway Determination)										
Exhibition Preparation										
Gov agency consultation										
Public Exhibition period										
Consideration of Submissions										
Review of proposal post exhibition										
Submission to Department to finalise LEP										
Making of the Plan										
Notification										

## 7.0 Appendix A - List of proposed amendments

The following changes to the text of LEP2010 are proposed. The wording below is indicative. The final wording will be determined by the NSW Parliamentary Counsel's Office.

Provision	Changes	Item
Subdivision of existing dual occupancy dwellings	<p><i>New clause 21(5)</i></p> <p><i>Despite subclauses(1) and (2) development consent may be granted to the subdivision of a lot containing two existing detached dwellings if the subdivision will not result in the increase in the number of dwellings that may be erected on any of the lots, and the consent authority has considered:</i></p> <ul style="list-style-type: none"> <li><i>a. The existing uses and approved uses of other land in the vicinity of the subdivision, and</i></li> <li><i>b. Whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development, and</i></li> <li><i>c. Whether or not the subdivision is likely to be incompatible with a use referred to in (a) or (b), and</i></li> <li><i>d. Whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone, and</i></li> <li><i>e. Any measures proposed by the applicant to avoid or minimise any incompatibility referred to in (c) or (d), and</i></li> <li><i>f. Whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land, and</i></li> <li><i>g. Whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.</i></li> </ul>	1
Removal of restriction on who can live in a new dual occupancy dwelling	<p>Delete:</p> <p><i>Clause 24(1)(c) "it is proposed that the new dwelling be occupied by the children, siblings, parents, grandparents or grandchildren of those proposing to reside live in the existing dwelling".</i></p>	2
New use of a building as a dwelling	<p>Delete clause 25:</p> <p><i>The consent authority must not consent to a new use of a building as a dwelling</i></p>	3

Provision	Changes	Item
	<p><i>unless the building was erected prior to 28 October 2005.</i></p> <p>Insert instead a new clause 25:</p> <p><i>The consent authority may consent to a new use of a building, which was constructed after 28 October 2005, as a dwelling.</i></p>	
<p>Site coverage for extension of dwellings</p>	<p>Delete Clause 27(1) <i>Enlargements or extensions of dwellings</i>, and replace with:</p> <p style="padding-left: 40px;"><i>27 Enlargements or extensions of dwellings</i></p> <p style="padding-left: 40px;"><i>(1) The consent authority must not consent to the enlargement or extension of a dwelling on an allotment unless:</i></p> <p style="padding-left: 80px;"><i>(a) the proposed gross floor area of the dwelling is no more than 300 square metres, and</i></p> <p style="padding-left: 80px;"><i>(b) the proposed enlargement or extension will not result in the removal of any significant native vegetation, and</i></p> <p style="padding-left: 80px;"><i>(c) it is proposed that at least 40 percent of the total area of the allotment be comprised of landscaped areas and that various species of plants that are native to the Island and common to the locality be retained or planted on at least 20 percent of the total area of the allotment.</i></p>	<p>4</p>
<p>Updated Vegetation Restoration Plan</p>	<p>Delete from Clause 31:</p> <p><i>"...Lord Howe Island Board Vegetation Rehabilitation Plan, as adopted by the Board in March 2003"</i></p> <p>And replace with:</p> <p><i>"...Lord Howe Island Board Vegetation Rehabilitation Plan (title to be advised), as adopted by the Board in (date to be advised)"</i></p>	<p>5</p>
<p>Development in the vicinity of a heritage item</p>	<p>Insert a new clause:</p> <p style="padding-left: 40px;"><i>39A Heritage Assessment</i></p> <p style="padding-left: 40px;"><i>The consent authority may not grant consent to any development on land that is within the vicinity of land on which a heritage item is located, unless it has considered the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.</i></p>	<p>6</p>
<p>Additional Heritage Items</p>	<p>Insert, in alphabetical order, the following items in Schedule 2 Heritage Items::</p>	<p>7</p>

Provision	Changes	Item
	<p>Archaeological research sites, Old Settlement Beach (hillside and foreshore), North Bay Swamp, North Bay Garden, Wright / King land and Perry Johnston's land</p> <p>Archaeological site of former shark processing factory, Blackburn Island</p> <p>Archaeological remains of house of George Ashdown at Old Settlement</p> <p>Blackburn Memorial Seat at LHI Airport</p> <p>Catalina Crash Site Wreckage, Catalina crash 60th Anniversary memorial, Catalina crash site and plaque</p> <p>Lord Howe Island Central School 1927 building, relief map, brass bell and inscribed pavers, former school master's house</p> <p>Farnell Park (Jim Whistler Memorial) Sports Ground</p> <p>Former Telegraph Office (current Post Office)</p> <p>LHI Shipwrecks</p> <p>Lighter barge</p> <p>Memorial plaques at Gower Wilson Memorial Hospital</p> <p>Mount Gower Walking Track</p> <p>Nichols Track and Plaque – Mick Nichols plaque on summit of Mt Gower</p> <p>North Bay Settlement Archaeological Site</p> <p>Old Lagoon Rd past Kentia</p> <p>Palaeontological research sites near Ned's beach, 'Ocean View'</p> <p>Pinetrees' (Part) comprising historic core of 'Main Building' of guesthouse (lounge and small office), landscaped path from Lagoon Road to 'Main Building' of guesthouse, landscape setting</p> <p>Sarah West grave site and marker</p> <p>Thompson Park and cairn and McCulloch memorial</p> <p>Transit of Venus Observatory Site, Crown Land, Transit Hill</p> <p>"Waiting/Leaving/Arriving" Rock at LHI Airport</p>	
Dictionary Definitions	<p>Amend the Dictionary to delete the current definition of <i>Education facility</i> and replace with the following:</p> <p><i>means a building used as a school, long day care centre, pre-school, out of hours school care, college, technical college, academy, lecture hall, gallery or museum, and includes the community use or development for community use of the facilities or site of the establishment.</i></p> <p>Insert the following:</p> <p><i>Environment protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from or to mitigate the effects of environmental degradation, and means any of the following: (a) biosecurity (b) bush regeneration works (c) revegetation works (d) dune restoration works (e) erosion protection works (f) groundwater monitoring bores and the like (g) wetland protection works, but does not include coastal protection works.</i></p> <p><i>Insert the following:</i></p>	8

Provision	Changes	Item
	<p>Coastal protection works means: (a) beach nourishment activities or works, and (b) activities or works to reduce the impact of coastal hazards on land adjacent to tidal waters, including (but not limited to) seawalls, revetments and groynes.</p> <p>Amend the Dictionary to delete the current definition of <i>Gross Floor Area</i> and replace with the following:</p> <p><i>means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:</i></p> <ul style="list-style-type: none"> <li>(k) the area of a mezzanine, and</li> <li>(l) habitable rooms in a basement or an attic, and</li> <li>(m) any shop, auditorium, cinema, and the like, in a basement or attic,</li> </ul> <p><i>but excludes:</i></p> <ul style="list-style-type: none"> <li>(n) any area for common vertical circulation, such as lifts and stairs, and</li> <li>(o) any basement: <ul style="list-style-type: none"> <li>(iii) storage, and</li> <li>(iv) vehicular access, loading areas, garbage and services, and</li> </ul> </li> <li>(p) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and</li> <li>(q) car parking to meet any requirements of the consent authority (including access to that car parking), and</li> <li>(r) any space used for the loading or unloading of goods (including access to it), and</li> <li>(s) terraces and balconies with outer walls less than 1.4 metres high, and</li> <li>(t) voids above a floor at the level of a storey or storey above.</li> </ul> <p>Amend the Dictionary to delete the current definition of <i>Home Business</i> and replace with the following:</p> <p><i>means a business carried out in an existing dwelling or existing ancillary building on the same allotment, but only if:</i></p> <ul style="list-style-type: none"> <li>(g) the business is undertaken by an occupant of the dwelling, and</li> <li>(h) not more than one employee (being an employee who is not an occupant of the dwelling) is employed on the premises at any one time, and</li> <li>(i) only goods or products manufactured on the premises, or goods or products ancillary to the services offered on the premises, are sold on the premises directly to the public,</li> <li>(j) it does not interfere with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, and</li> <li>(k) it does not involve the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, and</li> <li>(l) it does not involve the exhibition of any signage (other than a</li> </ul>	

Provision	Changes	Item
	<i>business identification sign).</i>	
Exempt Development	<p>Insert the following in alphabetical order in Schedule 1 – Exempt development</p> <p><b>Column 1 : Roof mounted solar energy systems</b></p> <p>Column 2: Development Standards</p> <ul style="list-style-type: none"> <li>▪ <i>in the case of development for the purposes of a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer’s specifications or by a person who is accredited by the Clean Energy Council for the installation of photovoltaic electricity generating systems, and</i></li> <li>▪ <i>in the case of development for the purpose of any solar energy system other than a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer’s specifications, and</i></li> <li>▪ <i>the system does not involve mirrors or lenses to reflect or concentrate sunlight, and</i></li> </ul> <p><i>For a roof-mounted system:</i></p> <ul style="list-style-type: none"> <li>▪ <i>the development does not reduce the structural integrity of, or involve structural alterations to, any building to which it is attached, and</i></li> <li>▪ <i>if the land is in a prescribed residential zone (note: for LEP2010 - the Settlement zone) and is attached to a wall or roof facing a primary road—the system does not protrude more than 0.5m from the wall or roof (as measured from the point of attachment), and</i></li> <li>▪ <i>if the land is in a prescribed residential zone (note: for LEP2010 - the Settlement zone) and is not attached to a wall or roof facing a primary road:</i></li> <li>▪ <i>the system does not protrude more than 1m from any building to which it is attached (as measured from the point of attachment), and</i></li> <li>▪ <i>the system is installed no less than 1m from any adjoining property boundary if the system protrudes more than 0.5m from any building to which it is attached (as measured from the point of attachment), and</i></li> <li>▪ <i>if the land contains a State or local heritage item or is in a heritage conservation area:</i></li> <li>▪ <i>the system is not attached to any wall or roof of a building facing a primary road, and</i></li> <li>▪ <i>the system does not protrude more than 0.5m from any building to which it is attached (as measured from the point of attachment), and</i></li> <li>▪ <i>the system does not protrude more than 1.5m from any building or structure to which it is attached (as measured from the point of attachment) if the land is in a land use zone other than a prescribed residential zone, and</i></li> <li>▪ <i>in the case of development for the purposes of a photovoltaic electricity</i></li> </ul>	9

Provision	Changes	Item
	<p><i>generating system—the system has the capacity to generate no more than 10kW.</i></p> <p>Column 1 : Insert the words “chicken pen) at the end of the item:<b>Cabana, cubby house, garden shed, gazebo, green house or bird aviary</b></p> <p>Column 1 : <b>Carport</b></p> <p>Column 2: Development Standards</p> <ul style="list-style-type: none"> <li>▪ A carport that is accessed from a primary road must: <ul style="list-style-type: none"> <li>» if the dwelling house has a setback from the primary road boundary of 4.5m or more—be at least 1m behind the building line of the dwelling house, or</li> <li>» if the dwelling house has a setback from the primary road boundary of less than 4.5m—be at least 5.5m from that boundary.</li> </ul> </li> <li>▪ The total width of all carport openings facing a primary road, a secondary road or a parallel road must not exceed: <ul style="list-style-type: none"> <li>» if the lot has a width, measured at the building line, of more than 8m, but not more than 12m—3.2m, or</li> <li>» if the lot has a width, measured at the building line, of more than 12m—6m.</li> </ul> </li> <li>▪ A carport may only be erected on a lot that has a width, measured at the building line, of less than 8m if the access to the garage is only from a secondary road, parallel road or lane.</li> </ul>	

<b>Board Meeting:</b> June 2016	<b>Agenda Number:</b> 8 (v)	<b>File Ref:</b>
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# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### **ITEM**

Housing availability, affordability and associated development pressures on Lord Howe Island

#### **RECOMMENDATION**

That the Board

- a) note the attached preliminary report, and
- b) engage a consultant with specialist skills in planning, housing and finance to finalise the report.

#### **BACKGROUND**

In April 2016, at a special meeting of the Board, the issues of housing availability and affordability on Lord Howe Island were raised. The Board resolved that prior to the June 2016 Board Meeting, that options be investigated in regard to opportunities available to the Board to moderate price increases on the Island.

The issues of housing availability, affordability and their associated impacts are complex and inter-related. The delivery of affordable housing on Lord Howe Island crosses over a number of areas of Planning, Housing, Finance and Treasury and therefore requires a strategic commitment and whole of Government approach.

#### **CURRENT SITUATION**

The Board's Administration have prepared a preliminary report which outlines the legislative and policy framework in place on the Island, housing supply and demand, and options to moderate price increases on the Island. A copy of this report is provided as Attachment 1.

The issues of housing availability, affordability and associated development pressures on Lord Howe Island are complex. It was not possible to adequately address these issues and provide meaningful recommendations in the timeframe given.

It is recommended that the preliminary report be used as the basis of a brief for a qualified person to independently assess these issues, and make recommendations about the way forward.

## **RECOMMENDATION**

That the Board

- c) note the attached preliminary report, and
- d) engage a consultant with specialist skills in planning, housing and finance to finalise the report.

**Prepared** \_\_\_\_\_ David Kelly      Manager Environment & Community Development

**Endorsed** \_\_\_\_\_ Penny Holloway      Chief Executive Officer

Attachments:

Attachment 1: Preliminary Report into Housing availability, affordability on Lord Howe Island

Attachment 2: CONFIDENTIAL: List of property valuations for transfers over the last 11 years.

# **Housing Availability, Affordability and associated development pressures on Lord Howe Island**

## **1.0 Introduction**

In April 2016, at a special meeting of the Board, the issues of housing availability and affordability on Lord Howe Island were raised. The Board resolved that prior to the June 2016 Board Meeting, that options be investigated in regard to opportunities available to the Board to moderate price increases on the Island.

The issues of housing availability, affordability and their associated impacts are complex and inter-related. The delivery of affordable housing on Lord Howe Island crosses over a number of areas of Planning, Housing, Finance and Treasury and therefore requires a strategic commitment and whole of Government approach.

This preliminary report outlines the legislative and policy framework in place on the Island, housing supply and demand, and recommendations to increase housing availability, and moderate price increases on the Island.

## **2.0 Context**

### **2.1 Affordable Housing taskforce – Interim Report 2012**

In response to growing concerns of housing affordability, the NSW Government established an Affordable Housing Taskforce in 2011. The Taskforce has been advising Government on how best to facilitate the delivery of affordable housing into the future.

The report highlights that there is a housing affordability issue facing NSW and this is particularly acute in Sydney and other large regional centres. While this issue impacts all families seeking to purchase a home or access a rental property, it is a significant challenge for lower income families.

The challenge of affordable housing is likely to worsen in NSW with the projected population changes. The most significant housing and affordable housing issue for NSW is the recent reduction in housing supply.

### **2.2 What is Affordable Housing?**

Affordable housing is housing that is appropriate for the needs of a range of very low to moderate income households and priced so that these households are also able to meet other basic living costs such as food, clothing, transport, medical care and education. As a rule of thumb, housing is usually considered affordable if it costs less than 30 percent of gross household income

In this context, affordable housing refers to housing that has been developed with some assistance from the NSW and/or Commonwealth Governments, including through planning incentives. It may include a range of housing types and sizes, including single or multi-bedroom units or houses, as well as studio apartments. It is only available in some locations and eligibility criteria apply.

Although affordable housing is sometimes available for purchase, it is most commonly available for rent.

Affordable housing in NSW has been developed in a range of ways and funded through a mix of sources including government (local/state/Commonwealth) grant or land contributions, planning incentives, philanthropic sources, community housing provider equity contributions and from finance secured against assets owned by community housing providers.

### **3.0 Legislative and Policy Framework**

#### **3.1 Lord Howe Island Act, 1953**

Section 23(1) of the Lord Howe Island Act, 1953 outlines the process for the transfer of leases at fair market price as determined by the Valuer-General. The sale price of a lease must not exceed its fair market value, as determined by the NSW Valuer-General.

The fair market value is to take account of the value of the unimproved land, the improvements on the land and, if used for commercial purposes, the value of the business Section 23(1). In determining fair market values, the Valuer-General's methodology takes into account the unique Lord Howe Island market, trends in market appreciation in comparable areas, and the value of the home or business on the lease.

#### **3.2 Lord Howe Island Local Environmental Plan**

The Lord Howe Island Local Environmental Plan (the LEP) is made under the *Environmental Planning and Assessment Act 1979* and controls planning and development on the Island. The LEP came into effect on 12 March 2010.

The LEP places a limit on the number of dwellings for which consent may be granted by the Board. Under Clause 26 of the LEP, consent may not be given for more than a total of 25 dwellings during a period of 20 years, commencing on 28 October 2005. The LEP also has a number of provisions which provide for the minimum lot sizes required for subdivision.

The Board has commenced a staged review of the LEP.

#### **3.3 LHIB Dwelling Allocation and Entitlement Policy**

The Dwelling Allocation and Entitlement Policy 2005 – 2010 is the current mechanism the Board uses to guide the application of the quota.

While the LEP includes a maximum dwelling quota of 25 new dwellings to 2025, the policy only sets out specific allocation and entitlement standards in 5 year stages. The LHIB Dwelling Allocation and Entitlement Policy expired on 28 October 2010

10 dwellings have already been approved under the Policy. The new dwellings have been built on land sourced from the subdivision or dual occupancy of perpetual leases (Category A allotments). Applications for approval of a dwelling on a Category A allotment require a joint application by the existing perpetual lease holder and the proposed new lessee or dual occupant.

When the Policy was adopted by the Board, a second category of new dwelling allotment, 'Category B', was also established. These allotments could be sourced from vacant Crown Land, or from special leases. Three Category B lots were identified from land held under special leases for allocation to Islanders whose lineal ancestors did not hold suitable land under perpetual lease that could be made available for the construction of a new dwelling. It was envisaged that a ballot would be held to select the successful applicants for these

allotments from those considered eligible. In February 2011 the Board invited applications from eligible Islanders and 30 were received of which 22 were assessed as eligible. However, in May 2012, in response to community concerns, the Minister deferred the ballot pending the outcome of the Governance Review, then underway. The Category B allotments have not been allocated.

## **2.4 State Environmental Planning Policies**

Under the LHI Local Environmental Plan, State Environmental Planning Policies (other than State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004) do not apply on the Island.

For broader NSW, the State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP) was introduced on 31 July 2009. The policy's intent is to increase the supply and diversity of affordable rental and social housing in the state.

The Policy covers housing types including villas, townhouses and apartments that contain an affordable rental housing component, along with secondary dwellings (granny flats), new generation boarding houses, group homes, social housing and supportive accommodation.

The policy provisions which apply to secondary dwellings, particularly granny flats are discussed below.

## **2.5 Review of Land Allocation & Land Tenure Arrangements**

In 2014, the Department of Premier and Cabinet oversaw a Review of Land Allocation and Land Tenure on Lord Howe Island. The Hon. Ken Handley (AO QC) was commissioned by the NSW Government to conduct a comprehensive review of the current land allocation and tenure arrangements on the island. The Terms of Reference identified four key areas for consideration:

- Forms of tenure
- Land allocation methods
- Strategies to increase land and housing supply
- Economic sustainability

A Discussion Paper was released for public comment in August 2014. The Discussion Paper set out preliminary options in order to generate and guide discussion on a number of items, including several which may require a change to the provisions within the LEP, and those affecting availability (and therefore the affordability of housing). The Final Report from the Handley Review and the Government response have not yet been released.

Outcomes from the Handley review can be addressed in Stage 2 of the LEP review process.

### 3.0 Community Profile

The following information is based on the 2006 and 2011 ABS census data. A summary of this information is presented in Appendix 1.

#### 3.1 People – Demographic & Education:

In the 2011 ABS Census, the total population of Lord Howe Island was 360 persons, while in the 2006 ABS Census the total population was 347 persons indicating an increase of 13 persons over that 5 year period. When looking at the detailed data, the growth appears to be in 0-4 years and 65 years of age and over demographics (Table 1).

Table 1:

Age	2006 Census	2011 Census
0-4 yrs	12 persons	30 persons
5-14 yrs	37 persons	27 persons
15-24 yrs	24 persons	19 persons
25-54 yrs	163 persons	165 persons
55-64 yrs	48 persons	50 persons
65 yrs and over	61 persons	68 persons

The population has increased gradually, but substantially over the last 30 years. The Lord Howe Island Board records show a population of 274 in 1984. The Board figures are generally lower than the census data which include visitors on the Island at the time of the census. Over this period, on average the population has increased by 3 people per year. The data is unable to distinguish whether this is due to an increase in births, Islanders returning to the Island or an increase in government and semi permanent workers and their families (or all of these).

In 2011, the Island had 91 families with the average children per family being 1.7, with 42.2% were couple families with children, 47.8% were couple families without children and 10.0% were one parent families. While, the number of families has remained the same, their composition changed slightly. Figure 2 shows that the number of single parent families has increased over the 5 year period.

Table 2:

Family composition	2006 Census	2011 Census
Couple family without children	47	44
Couple family with children	39	37
One parent family	5	9
Other family	0	0
Total families	91	91

## 3.2 Dwelling Characteristics

- In the 2011 census, 197 private dwellings were recorded of which 72.5% were occupied and 27.5% were unoccupied.
- Of the occupied private dwellings 83.7% were separate houses, 2.2% were semi-detached, 11.1% were flats, units or apartments and 3.0% were other dwellings.
- Of the occupied private dwellings 20.7% had 1 bedroom, 16.3% had 2 bedrooms and 40.0% had 3 bedrooms. The average number of bedrooms per occupied private dwelling was 2.7. The average household size was 2.3 people.
- Of occupied private dwellings on Lord Howe Island, 36.8% were owned outright, 21.3% were owned with a mortgage and 39.7% were rented.
- Of all households, 64.4% were family households, 30.4% were single person households and 5.2% were group households.
- 25.0% of households had a weekly household income of less than \$600 and 2.6% of households had a weekly income of more than \$3,000.
- 94% of households had weekly rent payments of less than 30% of household income.
- 93.0% of households had mortgage payments of less than 30% of household income
- There are currently 113 perpetual leases, and a total of approximately 197 private dwellings on the Island (about 42% of the leases have dual or multiple occupancies).

## 4.0 Discussion

### 4.1 Housing Availability

There have been nine (9) transfers of perpetual leases, by way of sale over the last eleven (11) years (Appendix 2). There are a limited number of transfers by way of sale, with a large number of properties being transferred by way of gift and pursuant to a Will. This combined with the restriction on the construction of new houses on the Island, together with the moratorium on dwelling allocations since 2010 (described below) has affected the availability of housing on the Island.

#### *Limit on the number of dwellings*

The cap of the number of dwellings will be part of the Stage 2 LEP review process and Island residents will have the opportunity to have a say about this and other aspects of development on the Island.

As part of the review of the LHI Regional Environmental Plan 1986, a survey of community views was undertaken in 2004 to determine how much more residential development there should be on Lord Howe Island. The community presented a very strong view on the number of houses that should be permitted in the future. Ninety percent of the respondents wanted to see the number of new houses for the next twenty years set at somewhere between 0 and 25.

As a result the quota of 25 dwellings during a period of 20 years was adopted and then carried over into the current LEP. It should be noted that a substantial majority of the community supported much lower quotas than the one adopted.

Recently, as part of the Review into Land Allocation undertaken by Hon. Ken Handley, feedback indicated a clear majority of people rejected the option of increasing the dwelling quota. Many said that the Island had already reached its capacity and that, given its size and unique qualities, demand for housing would always exceed the supply.

The limit on the number of dwellings aims to reflect the desire of the Island community to prevent over-development and to maintain a sustainable lifestyle.

#### *Allocation of dwelling entitlements*

The LHIB Dwelling Allocation & Entitlement Policy expired on 28 October 2010.

In March 2012 the Premier announced a review of governance arrangements on the Lord Howe Island to be conducted by the Hon Murray Gleeson AC.

In May 2012 the Board received correspondence from the Minister for the Environment directing the Board, in accordance with section 10 of the Lord Howe Island Act to defer the Category B dwelling allocation process and ballot. The Minister advised that although Mr Gleeson noted that land allocation issues were not within the scope of his review that this issue might be raised during the consultation undertaken for the review. The Minister directed that the process be deferred until after completion of Mr. Gleeson's review.

This was then followed by a further suspension of any action while the Review into Land Allocation was undertaken by the Hon. Ken Handley.

As a result, the policy has not been renewed and no dwellings have been allocated by the Board since 2010. This moratorium has impacted on the supply and demand for dwellings on the Island and has in all probability affected housing availability and affordability.

It is recommended that following the release of the Handley Report, that the LHIB Dwelling Allocation and Entitlement Policy be reviewed and renewed.

The standard form of a Category A and B lease contains a condition and covenant requiring the leaseholder to reside on the lease. It is recommended that the Board consider introducing a covenant restricting the sale of new dwellings for a period of time after they have been constructed, which may help to reduce the value of the land.

### *Condition of Residency*

It is a condition of all perpetual leases on Lord Howe Island that the leaseholder(s) reside on the property. Failure of the leaseholder to reside on the lease would be a breach of this condition of the lease and as such the lease would be liable to forfeiture. The condition of residency can only be suspended in two circumstances:

1. by the Board where the holder of the perpetual lease “*has been or shall be prevented by sickness of himself or herself or family or other adverse circumstances from performing such condition,..*” (section 21(7))
2. by the Minister, where an Islander holds or owns or subleases not more than one other lease, in special circumstances, for such time and on such terms and conditions as the Minister thinks fit (section 21(7A))

The 2011 Census data indicates that 27.5% of houses were unoccupied, suggesting that the existing housing stock is underutilised.

It is recommended that the Board ensure that where any new applications to suspend the residence condition under s21(7) do not meet these provisions, the applications be refused, requiring leaseholders to sublet the lease to an Islander in the first instance. Stricter enforcement of the residency condition could free up existing accommodation and create greater housing supply by forcing properties onto the market if permanent residency is not taken up.

### *Long-term Accommodation Policy*

An important consideration in the discussion on housing availability is an analysis of houses available for rent. Anecdotal evidence suggests that there are no houses available for rent at present.

Where a lease has more than one dwelling and both dwellings are approved for occupation, the leaseholder would be able to fulfil the condition of residency that attaches to the lease by residing in one of the dwellings and be able to apply to the Board for a licence to provide long term accommodation in the other dwelling. (Note the restriction that certain dual occupancies are only approved on the basis that the second dwelling is occupied by family members)

If the Board is concerned about the availability of housing to ‘Islanders’ it may be possible to amend the Long-term accommodation policy to apply the Islander privileges to a second dwelling on the lease.

## 4.2 Housing Costs on Lord Howe Island

As shown in Appendix 2, the sale prices of properties transferred over the last 11 years has ranged from \$310,000 to \$1,530,000, with considerable variability in allotment size and condition of improvements on the land.

Overall, there has been a slight increase in land value over the last decade. The current land value of a 3,000m<sup>2</sup> allotment is approximately \$300,000 - \$350,000.

Construction costs on the Island are much more expensive than the mainland. A typical house would cost about \$100,000 to \$150,000 higher than mainland costs. For example:

- Building costs on Island for 200m<sup>2</sup> house based on \$2,500/m<sup>2</sup> = \$500,000
- Building costs on mainland for 200m<sup>2</sup> house based on \$1,750/m<sup>2</sup> - \$2,000/m<sup>2</sup> = \$350,000 - \$400,000

### *Transfer of leases at fair market price as determined by the Valuer-General*

In March 2010, a review of the Act was carried out on behalf of the former Minister by the NSW Department of Environment, Climate Change & Water. As part of the review a number of issues were raised in public submissions in relation to the Valuer-General's determination of the transfer price.

The review found that the requirement that the Valuer-General determine the price of lease transfers is appropriate for securing the objectives of the Act. By keeping the price to a fair market value, and preventing speculative investment, Islanders are less likely to be priced out of the market.

The valuation by the NSW Valuer-General is independent and is undertaken at arm's length from the Board. The Board has no role or influence over the Valuer-General.

While a leaseholder may not transfer a lease by way of sale for more than the Valuer-General's valuation, they may sell it for a lower price. However a sale below the valuation rarely occurs.

Any change to the current valuation system and transfer arrangements would require an amendment to the Act.

### 4.3 Housing Demand

There is no consensus amongst the community on the extent of unmet demand for housing. In February 2011 the LHI Board invited applications for a Category B lot and dwelling entitlement. Thirty (30) applications were received for the 3 allotments available and 22 were assessed as eligible for the ballot. A number of people in the community believe that the Category B ballot and the dwelling quota created an artificial demand for housing land.

Despite this view, with the increasing population described in Section 3.1, there has been a continuing demand for housing.

A possible reason for the continuing demand is the increasing number of children (0-4 yrs of age), the increasing number of single parent families and the increasing number of aged residents living on their own. Another factor contributing to housing demand has been the increase in the number of temporary staff living on the Island who have secured long-term employment on the Island.

Historically, the demand for new housing accommodation has been met through the expansion of existing houses, subdivision of perpetual leases for family members or the granting of additional perpetual leases. In 1983 it was reported that 'until recently there has been an adequate supply of vacant crown land to meet demand. However in the past few years the supply of vacant crown land has virtually been exhausted. The availability of lots in the future is an issue of wide community concern.'

From 1971 – 2005, the rate of housing stock increase was reported to be about 1 or 2 dwellings each year. On a longer term basis it is likely that 1 to 2 houses would be needed per year also. Based on the data above, the demand for housing is generated by new families or the need for ageing in place or carers' accommodation.

#### *Ageing in place*

At the 2011 census 18 per cent of the island's population, or some 68 people, were over 65 years of age, and there are no facilities for aged care on the Island. As part of the research conducted by Dr Lee Wilson (University of Sydney) and the outcomes of the LHI Community Strategy it was found that there was no general interest for the construction of purpose built senior accommodation or centralised age care facility. The majority of people in this age bracket would prefer to 'age in place' - remaining in their own homes, or at least on their leases, as long as possible.

Under Clause 28 of the LEP, development for the purposes of accommodation for seniors or people with a disability may only be carried out by or on behalf of the Board. To facilitate home and community care, the LEP would need to be amended, so that residential accommodation (used permanently as accommodation for seniors or people with a disability), could be undertaken privately.

It is recommended the upcoming review of the LEP take into consideration the following matters:

1. amending the definition of accommodation for seniors or people with a disability
2. an allocation of dwellings within the policy, specifically for dual occupancies for granny flats or carers' accommodation.

Consideration could also be given to the policy provisions which apply to secondary dwellings, particularly granny flats within the NSW Affordable Rental Housing – State Environmental Planning Policy (SEPP).

For example, under the SEPP, development for the purpose of a granny flat is quite restrictive and must be the following requirements:

- There is only one house and one granny flat on the lot
- The combined total floor area of the house and the granny flat complies with the floor space area controls in the local environment plan
- The maximum floor area of the granny flat is no greater than:
  - 60 square metres; OR
  - The maximum floor area prescribed by the council in the local environmental plan
- The lot is not subdivided
- The granny flat meets planning controls such as building height and setbacks, floor space ratios, and open space in the local environmental plan and/or the complying development provisions in the Affordable Rental Housing SEPP.
- The granny flat meets the requirements of BCA.

#### *Review of the Lord Howe Island Local Environmental Plan, 2010*

A review of the Local Environment Plan 2010 has commenced. The initial stage of the review is aimed at addressing anomalies and responding to known inadequacies in the current plan. The second stage will aim to review LEP2010 in its entirety, including its structure and zoning provisions.

Stage 1 of the review has recommended reducing the minimum lot size requirements for the subdivision of two detached or attached dwellings on one lot. Where a merit-based assessment can be shown that subdivision will not compromise the objectives of the LEP it may be considered appropriate that the minimum lot size should be able to be reduced. Whilst this will not provide additional dwellings, it will increase the opportunity for home ownership on the island. The reduced lot size may also reduce the land valuation component.

A second provision has also been recommended to allow the use of a dual occupancy by non-family members. The removal of this restriction would increase the housing opportunities on the island. New dual occupancies could become dwellings for any Islanders, children or relatives of islanders, or others at the discretion of the property owner.

#### *Affordable Housing Taskforce – Interim Report 2012*

The policy arrangements and factors affecting housing supply on the island are somewhat unique. The report highlights that there is a housing affordability issue facing NSW more broadly and this is a significant challenge for lower income families.

While the Taskforce's work may be used in developing policy outcomes for housing diversity and affordability in NSW, the parallels with the Island are limited. The change in household formation/demand leading to a need for greater diversity on the Island is one factor affecting issues on the mainland.

A policy initiative which is being considered on the mainland is the development of local housing strategies to help analyse and respond to local needs and to examine how planning policy settings can help zone sufficient land and encourage housing of the types needed to meet local need. This seems to be at the heart of the issue for the island as well.

### *Other associated issues*

The Board has seen an increase in the number of applications for staff accommodation for commercial operators who realise they can no longer rely on dwellings to accommodate staff.

The Board has also received a number of applications for the rebuilding of an existing lawfully erected dwelling. In these situations, the former dual occupancy was demolished and rebuilt on a newly created allotment through the subdivision of the land.

Several leaseholders have also recently sought legal advice as to whether buildings with consent for staff accommodation are also dwellings, with the view to possibly subdivide and rebuild.

These applications will be assessed on their merits. Under the current LEP, approval for staff accommodation may be granted on the basis of a demonstrated business need and where the design does not constitute a dwelling in a legal sense. This will likely require the removal of the most part of a kitchen.

## **5.0 Conclusion**

The issues of housing availability, affordability and associated development pressures on Lord Howe Island are complex. It was not possible to adequately address these issues and provide meaningful recommendations in the timeframe given.

It is recommended that this report be used as the basis of a brief for a qualified person to independently assess these issues, and make recommendations about the way forward.

## Appendix A

### 2011 Census QuickStats

All people - usual residents



Australia | New South Wales | State Suburbs

#### Lord Howe Island

Code SSC11408 (SSC)



<b>People</b>	<b>360</b>
Male	175
Female	185
Median age	48



<b>Families</b>	<b>91</b>
Average children per family	1.7



<b>All private dwellings</b>	<b>197</b>
Average people per household	2.3
Median weekly household income	\$924
Median monthly mortgage repayments	\$1,040
Median weekly rent	\$150
Average motor vehicles per dwelling	1.1

### 2006 Census QuickStats

All people - usual residents



Australia | New South Wales | Statistical Local Areas

#### Lord Howe Island

Code 125108859 (SLA)



<b>People</b>	<b>347</b>
Male	172
Female	175
Median age	44
Australian citizenship	319
People born overseas	47
Overseas visitors (excluded from people counts)	19



<b>Families</b>	<b>91</b>
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<b>All private dwellings (including unoccupied)</b>	<b>191</b>
Average people per household	2.3
Median weekly household income	\$1,006
Median monthly mortgage repayment	\$1,083
Median weekly rent	\$160

**Board Meeting:** June 2016

**Agenda Number:** 8 (vi)

**File Ref:** CI0002

# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### **ITEM**

Update on establishment of the LHI Permanent Park Preserve Community Advisory Committee.

#### **RECOMMENDATION**

It is recommended that the Board accept nominations from Dean Hiscox, Darcelle Nobbs, Kayla Hiscox, Lani Thompson, Margaret Murray, Caitlin Woods and Ian Hutton as members of the LHI Permanent Park Preserve Community Advisory Committee.

#### **BACKGROUND**

In March 2016 the Board endorsed the establishment of a LHI Permanent Park Preserve Community Advisory Committee (CAC).

In April 2016 an Expression of Interest to join the CAC was advertised through the Board's Community Bulletin and CEO Update Signal article. The EOI specifically sought a broad range of community interests and perspectives including participation by young people.

#### **CURRENT POSITION**

Seven expressions of interest were received from applicants (see Appendix 1) with interest, experience or expertise in conservation biology, wildlife management, ecotourism, environmental education, cultural heritage, sustainable management and recreational use.

Four of the 7 applicants represent the younger generation of the island.

One member position is still available should a further application be made.

#### **RECOMMENDATION**

It is recommended that the Board accept nominations from Dean Hiscox, Darcelle Nobbs, Kayla Hiscox, Lani Thompson, Margaret Murray, Caitlin Woods and Ian Hutton as members of the LHI Permanent Park Preserve Community Advisory Committee.

**Prepared** \_\_\_\_\_ Megan Bennett Ranger  
Hank Bower Manager Environment/World Heritage  
David Kelly Manager Environment & Community Development

**Endorsed** \_\_\_\_\_ Penny Holloway Chief Executive Officer

**8 (vi) Appendix 1 - Lord Howe Island Board Plan of Management Community Advisory Committee Expressions of Interest Received**

Name	Are of interest, experience or expertise					
	Conservation biology	Wildlife management	Ecotourism	Environmental Education	Cultural Heritage	Other
Dean Hiscox	✓	✓	✓	✓	✓	PPP management experience (former Ranger).
Darcelle Nobbs			✓		✓	Sustainability; Marketing
Kayla Hiscox	✓	✓	✓	✓	✓	Sustainable management; Economic and social wellbeing
Lani Thompson	✓	✓			✓	Bush regeneration; Currently on LHIB weed eradication team;
Margaret Murray	✓	✓	✓			Recreational use; Sustainable management; Member of previous PPP advisory committee
Caitlin Woods	✓		✓	✓		Sustainable management; Recreational use; Research; Communication
Ian Hutton	✓	✓	✓	✓	✓	Member of previous PPP advisory committee

# **LORD HOWE ISLAND BOARD**

## **Business Paper**

### **OPEN SESSION**

#### **ITEM**

Transfer of Tourist Accommodation Licences – Maxwell/Babcock, Pandanus to Krick, Admiralty Apartments.

#### **RECOMMENDATION**

It is recommended that the Board approve the request to transfer four public accommodation licences from Mike and Julianne Maxwell/James and Cheryl Babcock to Stephen and Gracey Krick subject to conditions.

#### **BACKGROUND**

The process for the transfer of public accommodation licences is as follows:

1. The buyer and seller must apply to the Board to vary the accommodation licences,
2. 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,
3. 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,
4. On satisfactory completion of steps 1 to 3 above, the matter will be referred to the Board for decision, and
5. 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.

#### **CURRENT POSITION**

The Board has received an application from M Maxwell to transfer 4 of 12 Tourist Accommodation Licences to S and G Krick. Refer attachment A.

Floor plans of Pandanus Apartments identifying proposed modifications to Building 4 have been submitted. Building 4 currently consist of 2 x 2 bedroom units, capable of accommodating 8 persons. The proposed change is to remove an existing wall from one bedroom in each apartment to provide open plan living areas, thereby reducing accommodation capacity to 4. Refer Attachment C 'Site Plan – Proposed'. A Development Application for the proposed works has not been lodged.

An audit of the Pandanus Apartments premises on 24 May 2016 (undertaken by myself) showed current compliance with the existing Licence for Provision of Public Accommodation in accordance with 'Site Plan – Existing' provided at Attachment B.

The Kricks have submitted a development application (DA2016/25) for conversion of an existing conference centre to two one-bedroom tourist accommodation apartments. The application is provided in full at agenda item 7(vi) for consideration of the Board.

Steps 1 to 3 above have completed.

### **RECOMMENDATION**

The Board approve the transfer of four public accommodation licences from Mike and Julianne Maxwell/James and Cheryl Babcock to Steve and Gracey Krick subject to the following conditions:

1. Endorsement of the application by Julianne Maxwell and James and Cheryl Babcock.
2. Approval of a Development Application for the proposed modifications to Pandanus Building 4.
3. Approval of Development Application DA2016/25 for conversion of an existing conference centre to two one-bedroom tourist accommodation apartments.
4. Issue of a Business Licence to S and G Krick for provision of Tourist Accommodation.

**Prepared** \_\_\_\_\_ Jemima Spivey A/Manager Business & Corporate Services

**Endorsed** \_\_\_\_\_ Penny Holloway Chief Executive Officer

→ *Jemima Spivey*  
For assessment  
+ report to  
Board  
RECEIVED  
11 MAY 2016  
Lord Howe Island Board  
*Perry* 12/5/16

C00009 FOL 1  
PAID \$450.00  
REC: 5714 11/05/16.

### 8 (vii) Attachment A

5<sup>th</sup> May 2016  
Chief Executive Officer  
Lord Howe Island Board

### Request to Amend and Licence for Provision of Public Tourist Accommodation at Pandanus and issue of a new licence to S. & G. Krick, Admiralty Apartments.

A licence for provision of tourist accommodation at Pandanus currently exists. This licence specifies that the maximum number of persons which may be accommodated at any one time is 12, excluding children under 5 years of age.

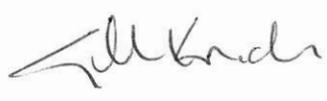
We hereby request approval from the Lord Howe Island Board to amend this licence by reducing the maximum number of persons who may be accommodated at Pandanus from 12 to 8, excluding children under 5 years of age. We also hereby request that the 4 tourist accommodation spaces made available by the above requested alteration to the Pandanus licence be allocated on a separate licence to S. & G. Krick for use at Admiralty Apartments.

Please note that we request the amendment referred to above to occur only upon approval of the Development Application in respect of Portion 254 for tourist accommodation and conditional upon a further written notification from each signatory to this letter that the contractual terms of the proposed transfer of accommodation have been completed.

Yours Sincerely



Stephen Anthony Krick



Gracey Maree Krick



Michael Maxwell

2<sup>nd</sup> May, 2016

The Chief Executive Officer

Lord Howe Island Board

Business need:

Part of the proposal involves the transfer of four tourist accommodation licences from Michael Maxwell (trading as Pandanus) to S. & G. Krick.

Therefore reducing by four the maximum number of guests able to be accommodated by Pandanus.

The proposed transfer will ensure that the total number of persons permitted to be accommodated in all forms of tourist accommodation on the island will remain at no more than 400 persons at any time in accordance with clause 22(4) of the Lord Howe Island Local Environmental Plan 2010.

The proposed works, i.e. Admiralty Apartments, are required to allow us to provide tourist accommodation in accordance with the licence.

Yours Sincerely

Handwritten signatures of Stephen and Gracey Krick. The signature on the left is 'S. Krick' and the signature on the right is 'G. Krick'.

Stephen and Gracey Krick

2<sup>nd</sup> May, 2016

The Chief Executive Officer

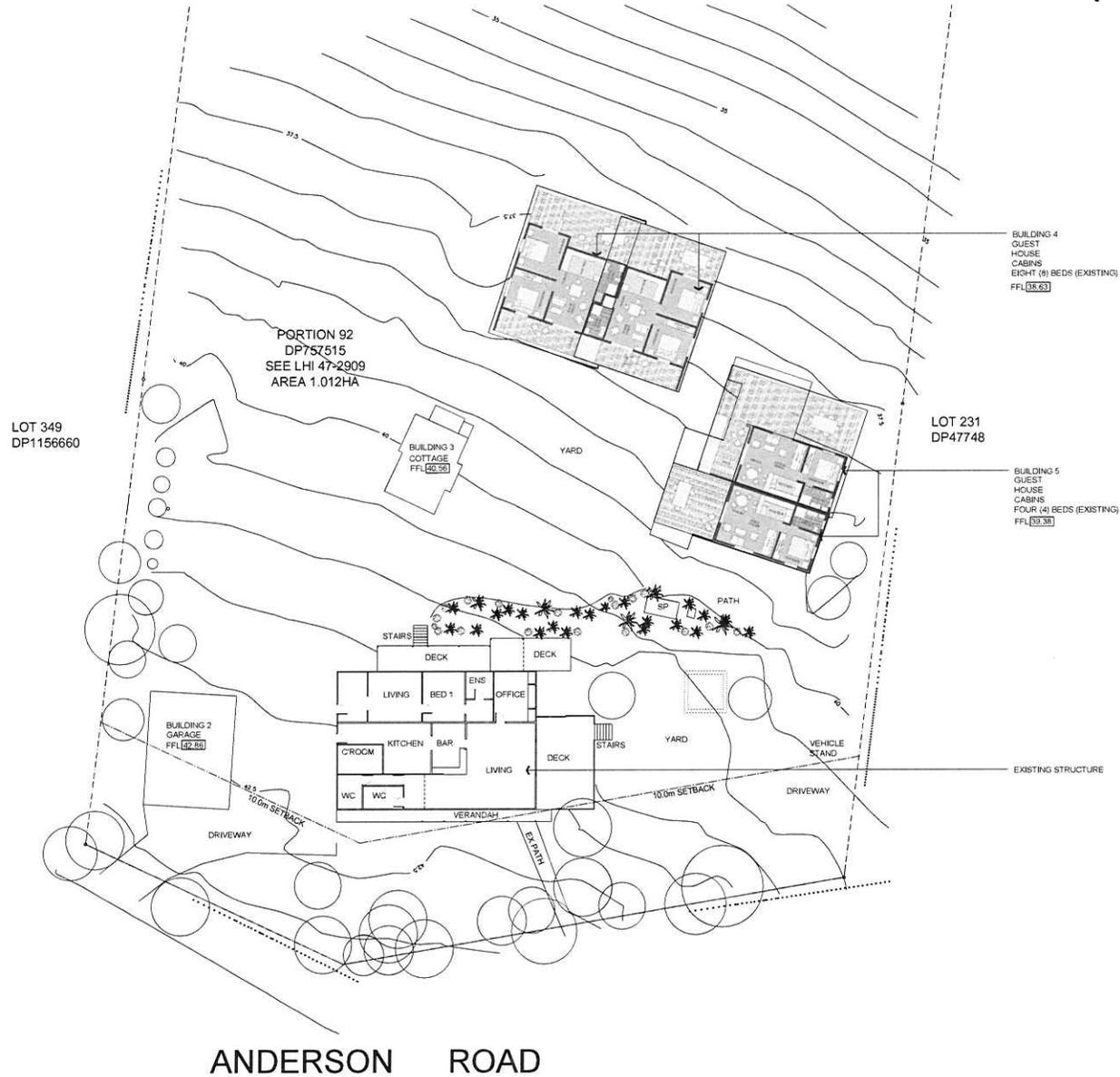
Lord Howe Island Board

- Stephen and Gracey Krick hereby request approval from the Lord Howe Island Board for the transfer of four x tourist accommodation licences from Michael Maxwell to S. & G. Krick.

Yours Sincerely

Handwritten signatures of Stephen and Gracey Krick. The signature on the left is 'S.K.' and the signature on the right is 'G.K.'.

Stephen and Gracey Krick





# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### ITEM

Administration of the Estate of the Late Patricia Dignam – Perpetual Lease 1954/25

#### RECOMMENDATION

1. That subject to satisfaction of recommendation 2 below that the Board recommend to the Minister for the Environment that he extend the period of time that Mr and Mrs Jeremy, as the executors of the Estate of the Late Patricia Dignam, are permitted to hold Perpetual Lease 1954/25 of Portion 31 Lord Howe Island (“Thornleigh”) for a further six months until 31 December 2016 to enable them to apply for Islander status and complete the administration of the estate.
2. That the Board write to Mr and Mrs Jeremy advising them of the Board’s recommendation and requesting that they submit their application for Islander status by 30 July 2016 in order to ensure that it can be considered prior to 31 December 2016.

#### BACKGROUND

Mr and Mrs Jeremy are the executors and beneficiaries of the Estate of the Patricia Dignam. Probate for the Estate was granted on 20 February 2013.

Ms Dignam was a resident of Lord Howe Island and the holder of a Perpetual Lease 1954/25 over a property known as “Thornleigh”. The lease is an asset of the Estate.

All land on Lord Howe Island vests in the Crown and may only be dealt with in accordance with the provisions of the LHI Act. The Minister may grant perpetual leases of vacant Crown Land for the purposes of residence (section 21 LHI Act).

Generally to be eligible to be the holder of a perpetual lease it is necessary to fulfil the requirements of an “Islander” as defined by the Act or be a lineal descendant of the deceased.

Section 23 of the LHI Act governs the transfer of perpetual leases, with subsections (10) to (13) dealing with the transfer of leases the subject of a will or intestacy.

Section 23(10)(a) provides that “*If a lease under this Act devolves under a will or intestacy upon any person, such person may hold the lease for such period after the death of the testator or intestate as the Minister on the recommendation of the Board may permit.*”

By virtue of section 45 of the *Probate and Administration Act 1898* upon the grant of probate of a will all real and personal estate of the deceased devolves to the executor of the estate by operation of law. As probate of Ms Dignam's estate has now been granted perpetual lease 1954/25 has by operation of law devolved to Mr and Mrs Jeremy as the executors of the estate.

The effect of section 23(10)(a) of the LHI Act is to limit the period of time that the executor of an estate to whom a perpetual lease had devolved may hold the lease to "*such a period as the Minister on the recommendation of the Board may permit.*"

Section 23(10)(b) of the LHI Act then goes on to provide that during the time that the Minister permits the executor to hold the lease, the executor may either:

- apply to the Board to obtain a certificate from the Minister that they are entitled to hold the lease; or
- sell or transfer the lease.

It should be noted that if during the period the Minister permits the executor to hold the lease, the executor does not either obtain a certificate from the Minister that they are permitted to hold the lease or transfer the lease, the lease shall be liable to forfeiture (LHI Act section 23(10)(d)).

## **CURRENT POSITION**

In September 2014, the Minister granted approval to Mr and Mrs Jeremy as the executors of the Estate of the Late Patricia Dignam to hold Perpetual Lease 1954/25 of Portion 31 Lord Howe Island ("Thornleigh") until 30 June 2016 to enable them to complete the administration of the estate.

On 29 February 2016 Mr and Mrs Jeremy wrote to the Board requesting the transfer of the Estate of the Late Patricia Dignam to Mr Robert Jeremy and Mrs Lindy Jeremy pursuant to the terms of the Will. The Estate was taken to include the perpetual lease 1954/25 over Portion 31, special lease over Portion 32, permissive occupancy for the boatshed and slipway area (POA 1964/02 and POA 1968/04), and private mooring approval 34/2011. The letter outlines the strong connection to Thornleigh and the intention to comply with the conditions of the perpetual lease including the residency condition. A copy of their letter is shown in Attachment 1.

On 6 May 2016, the Board replied to this letter outlining the relevant provisions of the Act and seeking clarification of Mr and Mrs Jeremy's intentions in relation to the lease. A copy of the Board's response to this letter is shown in Attachment 2.

On 21 May 2016, Mr and Mrs Jeremy wrote to the Board wishing to clarify the intention of the letter of 29 February 2016, indicating that they would like to request for the Board to recommend to the Minister that they be granted Islander status, as a precursor to the completion of the estate. A copy of their letter is shown in Attachment 3.

The letter also requested that the original letter of 29 February 2016 be withdrawn and requested the Board to recommend to the Minister to grant an extension to 30 June 2017 to hold the perpetual lease as executors, to complete the administration of the Estate.

The LHI Act does not stipulate the period of time the Minister may approve that executors of an estate may hold a perpetual lease. The Board's "Transfer of Perpetual Lease Policy" (copy attached Tab B) recommends that "*a maximum of 2 years from the date of probate as a reasonable period of time to enable an executor to either apply to the Board for a certificate from the Minister that the beneficiary is entitled to hold the lease or to sell and transfer the lease*" (page 4).

Probate of the Estate of Patricia Dignam was granted on 20 February 2013. Since that time there has been considerable correspondence between the Board and Mr and Mrs Jeremy regarding the process and procedure that must be followed when dealing with perpetual leases the subject of a will, culminating in the most recent letter the subject of the application before the Board.

As Mr and Mrs Jeremy are not Islanders they have advised that they intend applying to the Board to recommend to the Minister that they are declared Islanders by order published in the Gazette (LHI Act section 3(1)(d)) on the basis of special circumstances. The Board has not yet received such an application.

Mr and Mrs Jeremy have now held the lease as executors for a period in excess of three years. Given the uncertainties regarding the time it may take the Board and the Minister to deal with their application to be permitted to hold the lease permanently, it is recommended that an extension to 31 December 2016, (rather than a full 12 month extension) be granted with a timetable for submission of an application to be granted Islander status.

## **RECOMMENDATION**

1. That subject to satisfaction of recommendation 2 below that the Board recommend to the Minister for the Environment that he extend the period of time that Mr and Mrs Jeremy, as the executors of the Estate of the Late Patricia Dignam, are permitted to hold Perpetual Lease 1954/25 of Portion 31 Lord Howe Island ("Thornleigh") for a further six months until 31 December 2016 to enable them to apply for Islander status and complete the administration of the estate.
2. That the Board write to Mr and Mrs Jeremy advising them of the Board's recommendation and requesting that they submit their application for Islander status by 30 July 2016 in order to ensure that it can be considered prior to 31 December 2016.

**Prepared** \_\_\_\_\_ David Kelly      Manager Environment & Community Development

**Endorsed** \_\_\_\_\_ Penny Holloway      Chief Executive Officer

### Attachments:

Attachment 1: CONFIDENTIAL Letter from Mr and Mrs Jeremy dated 29 February 2016

Attachment 2: CONFIDENTIAL Letter from Penny Holloway dated 6 May 2016

Attachment 3: CONFIDENTIAL Letter from Mr and Mrs Jeremy dated 21 May 2016

<b>Board Meeting:</b> June 2016	<b>Agenda Number:</b> 12 (i)	<b>File Ref:</b> AN0004
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# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### **ITEM**

Lord Howe Island Rodent Eradication Program Update

#### **RECOMMENDATION**

That the Board note the LHI Rodent Eradication Program (REP) update

#### **BACKGROUND**

On 18 May 2015, after the community consultation process over late 2014 and early 2015 ending with the community survey, the LHI Board decided to proceed with the planning and approvals stage of the Program leading towards implementation of the rodent eradication plan, if the required approvals were received.

The rodent eradication program has now been divided into three stages:

#### **Stage One: Preliminary planning and community consultation**

This stage has already been completed. It involved undertaking required initial trials including captive management and toxin resistance trials as well as initial operational planning. It included the biosecurity review and progressing of biodiversity outcome monitoring. Finally it included the community consultation and engagement process and the community survey.

#### **Stage Two: Planning and Approvals**

This stage is now underway. The key tasks during this stage are:

- Assemble personnel to undertake the work on the next stages
- Review the Rodent Eradication Plan to ensure that it takes into consideration all new information since it was drafted in 2009
- Develop individual property and livestock management plans, which will inform the eradication plan and the approval process. This will involve a detailed property by property consultation with individual leaseholders and residents.
- Undertake any necessary studies required for the approval process, including independent health assessment
- Continue the relevant baseline outcome monitoring
- Finalise detailed planning and all necessary risk assessments;
- Obtain required permits and approvals,

- Update and finalise operational details;
- Prepare tender documentation

### **Stage Three: Implementation and evaluation of the eradication plan**

This Stage will not happen until Stage Two is completed.

After all the necessary approvals are obtained and the required planning is undertaken, the decision-makers, that is the Commonwealth and State funding bodies and the Board will consider all the information and make the decision about proceeding to Stage Three.

Stage Three will involve the eradication plan being implemented in winter 2017 over a three month period.

## **CURRENT POSITION**

### **1. Approvals Applications Update**

#### Australian Pesticide and Veterinary Medicine (APVMA) Permit Application

The LHI Rodent Eradication Program will require a Minor Use permit for use of an unregistered product (Pestoff 20R) with a registered active constituent (Brodifacoum). Assessment criteria includes: safety of people and the environment, and efficacy of the product. A Minor Use Permit application was submitted on 19 April. The initial processing period is 28 days. The assessment period is 9 to 10 months. No public consultation is required for a Minor Use permit however the full application package has been made available to the community.

#### Environment Protection and Biodiversity Conservation (EPBC) Act Referral

A referral to the Commonwealth Department of the Environment under the EPBC act is required for the project for potential impacts to Matters of National Environmental Significance. The referral was submitted on 11 May. The Act provides a ten business day public comment period which was held from 17 to 30 May. The public exhibition and comment period was advertised via a householder distributed to all residents, the Signal, an email to the Rodent Eradication Community Working group and an advertisement in the Australian newspaper. The full referral was available at the Board, Museum, Office of Local Government and the Board and Department of Environment websites

The Minister's decision on whether the project is a "controlled action" and any additional assessment requirements is expected on 14 June. We nominated the operation as a "Controlled Action" because of the potential disruption of the breeding cycle of the LHI Currawong.

The referral is not likely to be assessed under the NSW Bilateral Agreement.

The Minister's delegate has decided to waive application and assessment fees as he has determined the project is primarily for the benefit of the environment.

#### NSW Approvals

A letter to the NSW Minister for the Environment has been drafted advising of the NSW planning and approvals pathway. This includes a Development Application and approval under Part 4 of the *Environmental Planning and Assessment Act 1979* for the captive management facility and a Species Impact Statement to accompany an application for a

threatened species licence for the harm (including captive management) of the threatened species of birds on the island under Section 91 of the *Threatened Species Conservation Act 1995 (TSC Act)*. Given the high level of public interest in the program and the concurrent approvals underway, the Board intends to prepare a non-statutory environmental assessment report to enable all aspects of the proposal to be documented, including social and economic factors to be identified and considered and made available to assist during public consultation.

Discussions continue with NSW Department of Primary Industries regarding both Marine Parks and Fisheries triggers and assessment requirements.

## **2. Mouse Toxicity Trials**

The second round of mouse toxicity trials using the bait proposed for the eradication (Pestoff 20R) has been completed. The trial had three groups, a control group that was not given Pestoff at all, a group that were given Pestoff to simulate bait station use in the settlement area and a group that was given Pestoff to simulate aerial distribution of the bait outside of the settlement. None of the mice in the group that was not given Pestoff died. In both of the groups that were given Pestoff, 90% of mice had died within 16 days and all mice had died within 22 days. The mice that were caught outside the settlement area were the first to die. This is a great result and shows that the proposed bait and dosage for the eradication will kill mice, even with their current level of resistance to Brodifacoum.

## **3. Human Health Risk Assessment**

The revised draft scope and process has been agreed with the NSW Office of the Chief Scientist and Engineer (OCSE). In summary:

- The OCSE will identify relevant experts to approach to form an expert panel and to undertake the HHRA
- The OCSE and two CWG representatives will select the expert panel
- The OCSE, two CWG representatives and the expert panel will select the HHRA consultant
- The selected consultant will undertake the HHRA
- The expert panel will review the consultants work

The Minister for the Environment must formally request that the OCSE be engaged.

## **4. Community Engagement Update**

Meetings have been held with the LHI Tourism Association Executive Officer and members. Feedback has been sought on the proposed scope of an Economic Evaluation to investigate potential positive or negative impacts of the REP on the island economy particularly tourism.

The Tourism Association members have also been asked for feedback on how to secure the accommodation required for the REP workforce if the eradication takes place. This has resulted in an Expression of Interest to be sent to lodges regarding available capacity and cancellation policies.

The REP Project Manager and the CEO are meeting with LHI Tourism Association public relations and media consultants, Human, on 31 May regarding key messages to assist tourism providers and media strategy.

The Assistant Project Manager is working with the LHI community on the Masked Owl Eradication Plan input and the Island Cleanup. The one-off Cleanup is taking place from May to July in line with ship departures from the island. There has been very good community uptake of the cleanup opportunity.

## 5. Biosecurity

The 2016 Biosecurity Strategy has been adopted by the Board with minor comments received from public exhibition being incorporated.

Discussions are continuing with NSW Department of Primary Industries regarding designation of LHI as a “Biosecurity Zone” in the new Regulations. This would include rodents.

## 6. Project Timelines

An overall Project Schedule for Stages 2 to 4 has been developed and continues to be refined. Key milestones for Stage 2 are shown below.

Step	Description	Start Date	End Date	Status
1	<b>Assemble resources</b>	July 2015	30 Jul 2016	
	Engage staff to undertake the Planning and Approvals work: <ul style="list-style-type: none"> <li>- Project Manager</li> <li>- Asst PM (Community)</li> <li>- Asst PM (Operations (PMcL))</li> </ul> Develop role descriptions for field staff		Nov 2015 Oct 2015 30 Jul 2016	Completed Completed Completed Not started
2	<b>Community consultation/engagement</b>	May 2015	30 June 2017	
	Community Engagement Plan developed	Jan 2016	Apr 2016	Complete
	Individual Property Management discussions	Nov 2015	20 Mar 2016	85% complete
	Ongoing consultation	May 2015	30 June 2017	Ongoing
3	<b>Eradication Plan update</b>	Dec 2015	20 June 2016	
	Updated to support NSW approvals.	Dec 2015	20 June 2016	70% complete
4	<b>Permits and approvals</b>	Mar 2016	Jan 2017	
	Prepare applications for approvals: <ul style="list-style-type: none"> <li>• APVMA application submitted</li> <li>• EPBC referral submitted</li> <li>• DA, EA and Species impact statement submitted</li> </ul>		19 Apr 2016 13 May 2016 15 June 2016	Complete Complete 50% complete

	<ul style="list-style-type: none"> <li>Other approvals applications submitted</li> <li>All approvals received</li> </ul>		1 Jul 2016 Jan 2017	Not started
5	<b>Livestock Management</b>	Nov 2015	20 Sep 2016	
	Livestock Management discussions Livestock Valuation tender released Livestock Valuation tender awarded Livestock Valuation complete	Nov 2015	20 Apr 2016 28 May 2016 30 Jun 2016 20 Sep 2016	95% complete 50% complete Not started Not started
6	<b>Human health assessment review</b>	30 Mar 2016	30 Nov 2016	
	Identify and engage appropriate reviewer Review to be undertaken	30 May 2016	15 May 2016 30 Nov 2016	In Progress Not started
7	<b>Biodiversity outcome monitoring</b>	1 July 2015	30 June 2017	
	Monitoring Plan confirmed Monitoring undertaken	May 2016	20 Mar 2016 30 June 2017	Complete In Progress
8	<b>Biosecurity arrangements</b>	1 July 2015	30 June 2017	
	Finalise Biosecurity Plan Develop implementation plan Implement plan (subject to funding)		30 Apr 2016 30 Jun 2016 30 Jun 2017	Complete Not started Not started
10	<b>Preparation of contracts</b>	30 Nov 2015	24 Feb 2017	
	Tender documentation prepared for: <ul style="list-style-type: none"> <li>Bait procurement</li> <li>Helicopter operations</li> <li>Captive management</li> </ul>		24 Feb 2017	Not started Draft for SC review Not started
11	<b>Technical, social and financial feasibility assessment</b>	04 Jan 2017	27 Feb 2017	
	Revised feasibility and risk assessment Final Go / No Go Decision made by LHIB, CfOC and ET to proceed to Stage 3	04 Jan 2017	25 Jan 2017 27 Feb 2017	Not started Not started

## 7. Budget

A budget summary as at 30 Apr 2016 is presented below.

Funding Source	Approved Funds		Previous Period Summary		FY15/16	
	Total Original Approved Budget	Total Current Approved Budget	Total Funding Received (as at 30 June 2015)	Total Expenses (as at 30 June 2015)	Opening Balance (1 July 2015)	Funding Expended (1 July 2015 to 30 April 2016)
Caring for our Country	4,500,000	4,500,000	4,500,000	740,038	3,759,962	120,548
NSW Environemtn Trust	4,542,442	4,542,442	4,542,442	740,038	3,802,404	120,548
Activity Generated Income*	0	0	610,390		610,390	0
<b>Total</b>	<b>9,042,442</b>	<b>9,042,442</b>	<b>9,652,832</b>	<b>1,480,076</b>	<b>8,172,756</b>	<b>241,096</b>

The program is operating within budget.

## **RECOMMENDATION**

That the Board note the LHI Rodent Eradication Program (REP) update

**Prepared** \_\_\_\_\_ Andrew Walsh, Rodent Eradication Project Manager

**Endorsed** \_\_\_\_\_ Penny Holloway, Chief Executive Officer

# **LORD HOWE ISLAND BOARD**

## **Business Paper**

### **OPEN SESSION**

#### **ITEM**

Renewable Energy Program

#### **RECOMMENDATION**

It is recommended that the Board note the information.

#### **BACKGROUND**

In 2012, the Lord Howe Island Board (the Board) adopted the Lord Howe Island Renewable Operations – Energy Supply Road-Map (the Road Map), to reduce the Island's reliance on diesel fuel for electricity generation. The Road Map was developed with the important assistance of the community based Sustainable Energy Working Group (SEWG).

The Road Map set the ambitious target for the island of 63% renewable energy by 2017. Funding for the project is provided through a \$4 million grant from the Federal Government via the Australian Renewable Energy Agency (ARENA), a \$5.6 million loan from NSW Treasury (to be paid back via diesel fuel savings), and \$0.5 million from the Board. With funding secured, work has continued on the next phase of the implementation of the Road Map. A requirement of the funding from ARENA was that the project achieves a minimum 1 megawatt (MW) of new renewable energy.

Consultants Jacobs were engaged by the Board in 2014 to lead the technical elements of the project, and community consultation. Jacobs completed a Technical Feasibility Study in March 2015 which examined the mix of solar panels, batteries and wind turbines. The study showed that using 450 kW of solar panels (around 2,000 panels), a 400kWh battery and two small 275kW wind turbines, will reduce the Island's diesel fuel consumption from 541,000 litres per year to around 180,000 litres per year, a 66% reduction. This combination also provides 67% of the Island's annual electricity needs, exceeding the target set in the Road Map.

#### **CURRENT POSITION**

##### **ARENA Funding**

A significant variation to the timing and project objectives has been proposed by the Board and remains under discussion. It is hoped that ARENA staff will visit the site in June.

##### **Budget**

Costs on the project (July 2014 – 16 May 2016) on the project are around \$978,000 (excl GST). This is well underspent when compared to the original budget and forecast cash flow.

The major proportion of the underspending against the budget is related to the deferment in commencing the detailed design work. The project budget has been revised to meet the project funding available at \$10.356 million. The wind monitoring mast, wind turbine environmental assessment and community engagement are all over the original budget for the project. The geotechnical investigations and solar environmental assessment are both under the original budget. Overall, the project budget remains appropriate.

### **Solar, Battery and Control System**

The documentation for the solar, battery and control system contract package of work is being prepared by Jacobs. An open tender is expected to be advertised on NSW e-tendering on 9 June, with a mandatory site tender meeting on 29 June and a tender close of 3 August.

### **Wind Turbines**

#### *Environmental Assessment Process*

Consultants, NGH Environmental are close to finalising the development application for the wind turbine component of the project, which includes noise and visual assessments. The visual assessment will be a key consideration for the Commonwealth Department of Environment, when the project is referred under the *Environmental Protection Biodiversity Conservation Act*. It is likely that additional noise assessment work will delay the submission of a DA until mid-August.

#### *Impacts on Birds*

The proposed turbines are very close to a large (~16,000 birds) breeding colony of Flesh-footed Shearwater (mutton birds). Specialist seabird research was conducted over 12 months in 2014/15 to monitor the birds' behaviour around the wind monitoring mast. Additional bird assessment work to address potential issues with other sea birds and land birds has been completed and has determined that the proposed wind turbines are not likely to affect populations or movements through the area; however, the risks are greater with the lower hub height of the XANT turbine compared to the Vergnet.

#### *Noise*

Two noise assessments were undertaken in 2015, measuring the background noise in summer and winter, and predicting the noise levels at each property on the Island, if two wind turbines were installed. Another assessment was carried out during April 2016 to assess an insulated version of the originally proposed Vergnet turbine and another model of turbine (XANT).

The NSW EPA has assisted the Board in the environmental assessment process for the wind turbine proposal, by reviewing the summer and winter Background Noise Monitoring reports.

A separate peer review by Renzo Tonin, a recognised wind farm acoustics expert, is underway. The most significant finding of the review to date is the potential for excessive infrasound from the proposed downwind turbines. As there are no alternative turbines suitable for the Island, the next step is the measurement of infrasound from the three existing Vergnet turbines at Coral Bay, WA. These results would be compared with published scientific articles on levels of infrasound from upwind turbines to confirm whether or not the infrasound level is excessive or not. Peer reviewed evidence to date concludes that infrasound generated by up-wind turbines is not associated with any adverse health impacts.

During May, the NSW Department of Planning and Environment provided informal advice that the *Draft NSW Wind Farm Guidelines (2011)* were not being adopted by the NSW Government, and that the *South Australian Wind Farms Environmental Noise Guidelines (2009)*, would be adopted. A final decision is still to be made by the Government on this. The consequences for the project are minor in terms of the technical components of the noise

assessments and the adopted noise criteria; however there are some planning framework differences between the two guidelines which may concern some residents.

#### *Visual Impact of the Wind Turbines*

A Visual Impact Assessment process is being carried out as part of the Environmental Assessment. The findings of this work conclude that the impacts from one or two turbines, regardless of model chosen, will have acceptable visual and landscape impacts because they are small elements in a broad view from high vantage points and form part of the Island's sustainable management theme.

#### *Wind Turbine Impacts on Airservices Australia (ASA) Infrastructure*

ASA are concerned about the potential impact of the wind turbines on their equipment and have requested additional work to understand the potential impact. The first stage of this further specialist assessment work is underway at present, and is not expected to be determined by ASA until at least August. Subsequent stages of this work are dependent on the results of the first stage. At this time, it is difficult to speculate on the conclusions of this assessment or potential mitigation efforts.

#### **Community Consultation**

As part of the environmental assessment process, Jacobs, NGH Environmental and Renzo Tonin visited the Island from 23 to 26 May. The purpose of the visit was to lead and attend a community meeting to discuss the findings of the environmental assessment process to date, including the peer review of the noise assessment work. The community meeting was a Samoan circle style meeting, which is leaderless and more encouraging of listening and learning.

#### **Wind and Avifauna Monitoring Mast**

The wind and avifauna monitoring mast was installed and erected on 13 November 2014. Data is collected on a weekly basis and sent to Jacobs for analysis.

#### **RECOMMENDATION**

It is recommended that the Board note the above information.

**Prepared** \_\_\_\_\_ Andrew Logan      Manager, Infrastructure & Engineering Services

**Endorsed** \_\_\_\_\_ Penny Holloway      Chief Executive Officer

**Board Meeting:** June 2016

**Agenda Number:** 12 (iii)

**File Ref:** AD0115

# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### ITEM

Environmental Grants Progress Report, June 2016

#### RECOMMENDATION

It is recommended that the Board note the attached information.

#### BACKGROUND

The Board has been successful in obtaining a number of major externally funded grants. A summary of these grants is shown below:

<b>Funding Body</b>	<b>Project Name</b>	<b>Total Project Value (excl. GST)</b>
North Coast Local Land Services (NCLLS)	<i>2015-18: Progressing the treatment and eradication of invasive weeds and African Big-headed Ants (ABhA) from World Heritage listed Lord Howe Island (NC00276)</i>	<b>\$240,610</b> (being original Fee of \$186,610 plus an additional \$54,000 + GST)
Caring for Our Country (Australian Government)	<i>Managing the World Heritage Values of Lord Howe Island (NSW) A0000010418G</i>	<b>\$793,500</b> (being original Fee of \$530,100 plus an additional \$263,400 + GST)
NSW Environmental Trust	<i>2015-17: The Tide is Turning - Driving Weed Eradication on Lord Howe Island (2014/MG/0005)</i>	\$483,946

#### CURRENT POSITION

Progress reports for each project for the period between November 2015 and March 2016 are provided in Attachment A. A progress report on the Rodent Eradication is provided in a separate paper.

**RECOMMENDATION**

It is recommended that the Board note the attached information.

**Prepared** \_\_\_\_\_ David Kelly      Manager Environment & Community  
Development

**Endorsed** \_\_\_\_\_ Penny Holloway      Chief Executive Officer

## Attachment A

<b>Program Name:</b>	North Coast Local Land Services (NCLLS)
<b>Project Name:</b>	<i>Progressing the treatment and eradication of invasive weeds and African Big-headed Ants (ABhA) from World Heritage listed Lord Howe Island</i>
<b>Project Manager</b>	David Kelly, Sue Bower and Hank Bower
<b>Grant Reference No:</b>	NC00276
<b>Maximum Funding Amount:</b>	<b>\$240,610</b> (being original Fee of \$186,610 plus an additional \$54,000 + GST)
<b>Expenditure:</b>	\$50,138 towards weeds and \$20,037 towards ants as of May 2016
<b>Funding Term:</b>	10 June 2015 - 31 May 2018
<b>Brief Description of Project:</b>	<p>This project aims to monitor and treat residual infestations of ABhA, continue to treat priority invasive weeds and maintain the Island as 'myrtle rust' free.</p> <p>The ABhA component will enable the engagement of temporary staff to monitor previous infestations for residual populations and where found undertake necessary treatment. This component is complete.</p> <p>The weed component will supplement LHIB recurrent funding to continue the grid search and control of target weeds.</p> <p>The myrtle rust component aims to raise awareness of this plant disease and its risks to LHI through the design and production of interpretative material.</p> <p>For the 2015/2016 year funding allocations include:</p> <ul style="list-style-type: none"> <li>- Weeds \$47,360</li> <li>- Ants \$19,250</li> </ul>
<b>Activities completed during the reporting period:</b>	<p>In May 2016 the Board was successful in obtaining an additional \$54,000 from NCLLS, for the following projects.</p> <p>a) Restoration of Sallywood Swamp Forest Critically Endangered Ecological Community  b) Progressing the treatment and eradication of invasive weeds on Lord Howe Island; and  c) Removal of Tree Weed Species from Settlement Area on Lord Howe Island</p> <p>Other activities completed during the reporting period include:</p> <ul style="list-style-type: none"> <li>• Temporary employment of staff to assist with ABhA program</li> <li>• Continued systematic monitoring for ABhA at priority sites. All sites visited and treated where needed. Only 1 infestation remaining, which was treated and will continue to be monitored.</li> <li>• Ongoing search and control of priority weed management blocks.</li> <li>• Developed media articles for local publication and for NCLLS and LHIB website.</li> </ul>

<b>Program Name:</b>	World Heritage Grants 2013-18
<b>Project Name:</b>	Managing World Heritage Values of Lord Howe Island
<b>Grant Reference No:</b>	A0000010418G
<b>Project Manager</b>	Hank Bower
<b>Maximum Funding Amount:</b>	<b>\$793,500</b> (being original Fee of \$530,100 plus an additional \$263,400 + GST)
<b>Expenditure:</b>	(\$413,421.37)
<b>Funding Term:</b>	January 2014 to 30 June 2016. Extension granted 13 May for another 2 years (30 June 2018).
<b>Brief Description of Project:</b>	Employment of a Lord Howe Island Group World Heritage Area Executive Officer (Manager Environment/World Heritage). See previous reports for further detailed information.
<b>Activities completed during the reporting period:</b>	<p>This grant secures funding for the MEWH position till 30 June 2016.</p> <p>The MEWH has been developing and implementing programs to protect the World Heritage values of the island in accordance with the position description, grant obligations and legislative responsibilities. The position coordinates projects within the Environment &amp; Community Development Unit including the Rehabilitation Plan, Quarantine Strategy and progresses targets identified in the LHI Biodiversity Management Plan. The position undertakes ecological assessments for Development Assessments and Tree Removal requests. The position also promotes environmental initiatives and information to the broader community through newsletters, community forums, media releases and provides reports to federal, state and regional NRM bodies and key stakeholders.</p> <p>Attend AHWAC tele conferences as scheduled.</p> <p>Submitted final report and submitted budget requirements for the two year extension of the grant until 30 June 2018.</p> <p>The draft LHI Biosecurity Strategy 2015 was placed on public exhibition for 28 days and received four submissions. Revised LHI Biosecurity Strategy 2016 according to submissions for finalisation.</p> <p>Attended meeting with all Australian World Heritage Managers in Canberra on 13<sup>th</sup> &amp; 14<sup>th</sup> April 2016. Gave presentation on progress with eradication projects. General discuss discussion on further funding and other related world heritage matters. In May 2016 the Board was successful in obtaining an additional \$263,400 for another 2 years.</p>

<b>Program Name:</b>	NSW Environmental Trust
<b>Project Name:</b>	The Tide is Turning - Driving Weed Eradication on Lord Howe Island
<b>Project Manager</b>	Sue Bower
<b>Grant Reference No:</b>	2014/MG/0005
<b>Maximum Funding Amount:</b>	\$483,946
<b>Expenditure</b>	\$ 231,408 (as of 24 <sup>th</sup> May 2016).
<b>Funding Term:</b>	1 July 2015 to 30 June 2017
<b>Brief Description of Project:</b>	<p>This project aims to scope new and improved weed surveillance and treatment methods and apply adaptive management to improve the weed eradication program on Lord Howe Island.</p> <p>Key outputs from this project include:</p> <ul style="list-style-type: none"> <li>• Reduced impact of invasive weeds across 350 hectares of accessible terrain.</li> <li>• Surveillance and detection of invasive weeds from 300 hectares of rugged inaccessible terrain on LHI.</li> <li>• Independent expert review of the LHI Weed Eradication Program</li> <li>• Trial of Unmanned Automated Vehicle (UAV), Aero Robot (AR) and Herbicide Ballistic Technology (HBT) technology for weed surveillance and control on LHI .</li> <li>• Control of known infestations of weeds in remote terrain through helicopter winch access in conjunction with UAV/HBT.</li> <li>• Release of Crofton Weed bio-control <i>Baeodromus eupatorii</i> on LHI.</li> <li>• Maintain and raise community awareness and participation in achieving the eradication of weeds from LHI.</li> <li>• Build and maintain networks with restoration / weed experts and island conservation programs using LHI project outcomes as a case study.</li> </ul>
<b>Activities completed during the reporting period:</b>	<ul style="list-style-type: none"> <li>• Continuation of grid search effort in the southern mountains and Malabar – now with absence of seabirds in the area.</li> <li>• Promotion / Celebrations of the 10 year results of the weed eradication program held on the 20<sup>th</sup> March and attended by 80 people.</li> <li>• Draft LHI Weed Management Strategy 2016 placed on public exhibition.</li> <li>• Planning in preparation to release Crofton Weed bio-control in June/July 2016.</li> </ul>

<b>Board Meeting:</b> June 2016	<b>Agenda Number:</b> 12 (iv)	<b>File Ref:</b> EV0016
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# **LORD HOWE ISLAND BOARD**

## **Business Paper**

### **OPEN SESSION**

#### **ITEM**

Wastewater Strategy Update.

#### **RECOMMENDATION**

It is recommended that the Board note the information.

#### **BACKGROUND**

In 2010, to assess and finalise the options for the Wastewater Strategy, a Wastewater Management Committee was set up, consisting of Island residents, mainland technical experts in environment and health and Board representatives. Between 14 March and 8 April 2011, the Island community was asked to comment on wastewater management. The documents provided to the community clearly indicated the 3 main options of centralised, decentralised and north centralised/ south decentralised systems and the costs to the leaseholders / community resulting from each of them. The community feedback was strongly in favour of the decentralised option, even if it would cost community members more.

Accordingly the Board made the decision to pursue this option as part of the Lord Howe Island On-Site Wastewater Management Strategy (the Strategy), which was adopted by the Board in late 2012 and then implemented from late 2013. The Strategy consists of two volumes, a Strategy document and Design Guidelines.

Since the implementation commenced, there have been a number of matters which have required the Board to vary timeframes for the Strategy implementation and regularly clarify technical and planning elements of the Strategy to provide guidance to leaseholders, supplier and installers.

In April 2013, wastewater system inspections were carried out at each premise and the system type and risk level were nominated. In October 2013, leaseholders were advised of their system's risk level, the actions required and the timeframe in which they had to upgrade their system to meet the Strategy.

During 2014, the Board advertised incentives to encourage take-up of new wastewater systems.

In September 2014, the Board considered a Planning Proposal to amend the LHI Local Environmental Plan, 2010 (LEP) to provide leaseholders with a simple and more efficient process when they upgrade their wastewater systems. This LEP amendment was gazetted in mid-2015.

In March 2016, the Board extended the deadline for High Risk systems to be compliant with the Wastewater Strategy for one year to 30 April 2017 and agreed to implement *Licence to Operate* fees for High Risk systems from 1 May 2017.

### **CURRENT POSITION**

Of the 221 wastewater systems on the Island:

- 32 are compliant or near to being compliant with the new Strategy, or have been decommissioned
- 48 require minor amounts of work to become compliant
- 13 have commenced the development assessment process
- 66 have indicated their intention to commence upgrading soon
- 62 have not commenced work to upgrade

In addition to work already completed, staff are pursuing work to Board properties to achieve compliance with the Strategy as soon as possible, including:

- A new cluster system for a group of properties, including one Board residence on Douglass Drive.
- A new cluster system to treat the Board Depot and school, and possibly the Bowling Club.
- An upgraded system at the Doll's House.
- An upgraded system for the two Board residences opposite the Museum.
- A new system for the Waste Management Facility.

### **RECOMMENDATION**

It is recommended that the Board note the information.

**Prepared** \_\_\_\_\_ Andrew Logan      Manager, Infrastructure & Engineering Services

**Endorsed** \_\_\_\_\_ Penny Holloway      Chief Executive Officer

<b>Board Meeting:</b> June 2016	<b>Agenda Number:</b> 12(vi)	<b>File Ref:</b> CS0010
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# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### ITEM

North Bay Water Supply Disinfection

#### RECOMMENDATION

It is recommended that the Board consider the above information and decide if the unbudgeted cost of \$6,000 (excl GST, freight & Board staff) for an electrical supply and ultraviolet water disinfection unit for North Bay is desired.

#### BACKGROUND

The NSW *Public Health Act 2010* and *Public Health Regulation 2012* require drinking water suppliers to develop and adhere to a quality assurance program, or a Drinking Water Quality Assurance Program (DWQAP).

In September 2013, the Board approved the appointment of a consultant to prepare the Board's Drinking Water Quality Assurance Program (the Program). Based on the risk assessment from the Program, the Board's managed water supplies were classed as:

1. Treated drinking water supplies at the Hospital, Board Depot\Office, Co-Op\Bubbler and Airport Terminal.
2. Untreated drinking water supplies at Board owned houses and other supplies.
3. Non-potable supplies at Ned's Beach, the Playground, Old Settlement Beach and North Bay.

Since adoption of the Program, the Board has completed the following significant activities:

- Installed four ultraviolet (UV) disinfection units at the Co-Op\bubbler, the airport terminal, the Public Hall and the Board depot\offices.
- Increased frequency of *E.coli* testing of some of the treated drinking water supplies.
- Provided advice to lessees in Board residences as to their responsibility in managing the water supply at their property.
- Installed signage at Board owned houses and other supplies, advising that 'Rainwater' is in use.
- Installed signage at Ned's Beach, the Playground, Old Settlement Beach and North Bay, advising that the supply is 'Rainwater. Not suitable for Drinking'.

At the time of adopting the Program, there was some discussion regarding the provision of a disinfected water supply at North Bay, as there may be an expectation from visitors that there is water at the site, and the appearance of the advisory sign may affect some visitors' experiences.

## **CURRENT POSITION**

As there is no grid electricity supply at North Bay, the provision of a UV disinfected water supply would also require an off-grid power supply to be installed.

The most cost effective means of providing this power supply would be via a 24 volt Direct Current (DC) system. The DC system would use a solar panel, AC/DC inverter, batteries and water pump, with the pump running off the batteries and the UV unit running off the inverter. A DC system is preferred over a standard Alternating Current (AC) system because AC water pumps use substantially more power than a DC water pump system, and the corresponding inverter for an AC water pump would be considerably more expensive.

For a DC system, the estimated costs involved (excl GST, freight & Board staff time) are:

- water pressure pump - \$750 (flow rate of approx. 22 litres per minute)
  - 2 x 55 Ah deep cycle 12 volt gel batteries - \$350
  - 2 x 200 watt 24 volt solar panels with 20 amp regulator - \$700
  - Frame for solar panel mounting - \$600
  - 1 x 1100 watt (2200 watt surge ) sine wave inverter (12 volt/230 volt to supply the UV) - \$700
  - 1 x standard meter box with circuit breaker control etc. - \$300
  - 1 x UV with triple fine micron filtration ~ \$2,600 (incl installation)
- TOTAL = \$6,000

If an AC water pump were installed, all of the equipment above would still be required, with the main difference being a larger inverter at an additional cost of \$1,500 or more and a possible increase to the battery capacity.

There are two separate tanks and taps at North Bay so there would be a need to join them together to run off a single UV system.

Maintenance costs would increase slightly for the site, as an electrical officer would need to attend North Bay to maintain the electrical system to ensure that the UV was treating the water effectively in line with the Program.

The work has not been allowed for in the 2015/16 or 2016/17 budgets.

The proposed system would not be able to run 240V power tools as the inverter proposed is a quarter of the size of that required to run power tools.

The solar array would be placed on the flat roof of the main shelter building, with the meter box on an external side wall and the batteries, UV and pump adjacent to this.

## **RECOMMENDATION**

It is recommended that the Board consider the above information and decide if the unbudgeted cost of \$6,000 (excl GST, freight & Board staff) for an electrical supply and ultraviolet water disinfection unit for North Bay is desired.

**Prepared** \_\_\_\_\_ Andrew Logan      Manager, Infrastructure & Engineering Services

**Endorsed** \_\_\_\_\_ Penny Holloway      Chief Executive Officer

<b>Board Meeting:</b> June 2016	<b>Agenda Number:</b> 12 (vii)	<b>File Ref:</b> AP0004
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# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### ITEM

Electrical Apprentice Progress

#### RECOMMENDATION

It is recommended that the Board note the information.

#### BACKGROUND

Following an open application and merit selection process in early 2014, Peter Higgins was appointed to the position of Electrical Apprentice with the Lord Howe Island Board. Peter formally commenced his apprenticeship on 23rd June 2014. He is part of the Infrastructure and Engineering Services unit, under the direct supervision of the Senior Electrical Officer. He is actively involved in all aspects of the electrical services carried out by the Board on Lord Howe Island.

#### CURRENT POSITION

The apprenticeship is a nominal 4 year duration with Peter expected to fully complete his electrical qualification on 22nd June 2018. In order to fully comply with and obtain Electrical Trade qualifications, Peter is required to comply with specifically identified targets, covering the following areas:

1. Knowledge – Examinations and Assignments (TAFE)
2. Skills – Practical exercises and checklists (TAFE and Worksite)
3. Work Performance – Skills and Experience (Worksite)

Peter currently undertakes the Certificate III in Electrotechnology Electrician by way of “Block” release at TAFE Queensland Skillstech, Eagle Farm Campus in Brisbane. Over the duration of the apprenticeship, Peter will attend the following block releases.

Stage 1A – 4 weeks duration

Stage 1B – 4 weeks duration

Stage 2A – 4 weeks duration

Stage 2B – 4 weeks duration

Stage 3A – 4 weeks duration

Stage 3B – 3 weeks duration

Stage 4 – Capstone -1 week duration

Despite initially commencing TAFE studies 6 months later than expected, Peter has been able to fast-track his progress through the TAFE training system and has recently completed Stage 3A of his studies. He will be undertaking Stage 3B in November 2016 and is expected to

complete Stage 4 by June 2017. Peter has achieved good academic results with all Stages undertaken so far and has been granted full competency in all practical, mechanical and electrical aspects of each Stage.

Peter's workplace competency is also achieved in blocks. Each block is as follows:

- Stage 1A – first 6 month period of apprenticeship
- Stage 1B – second 6 month period of apprenticeship
- Stage 2A – third 6 month period of apprenticeship
- Stage 2B – fourth 6 month period of apprenticeship
- Stage 3 – third 12 month period of apprenticeship
- Stage 4 – final 12 month period of apprenticeship

When compared to the standard progress of an apprenticeship through these stages, Peter has progressed very well. In the identified Core Fields of "Work Type", "Work Area Experience" and "Materials Range", Peter has achieved sufficient experience, knowledge and competency to fully meet the requirements of Stages 1A, 1B, 2A and 2B. Whilst not formally commencing Stage 3 until 23rd June 2016, Peter's workplace training plan is already allowing him to address some of the competencies and experience required for Stage 3 compliance.

Overall Peter is making excellent progress with his Electrical Apprenticeship. He is developing a very good knowledge of electrical theory and practice across all identified target work areas. Additionally Peter is regularly undertaking electrical works outside the target areas, in particular maintenance, installation and operation of a HV\LV distribution system that will further enhance his overall electrical work experience leading to a full trade qualification. He delivers a high quality of work and demonstrates initiative on a regular basis. He has developed a sound knowledge of the Lord Howe Island electrical generation and distribution system and in particular the safety and operational aspects of the overall system.

As part of Peter's training, we also utilise the services of visiting Electrical Contractors undertaking private electrical works on the island to provide additional experience and workplace skills that will assist in meeting the identified workplace targets. To date, Peter has undertaken additional Electrical Contractor training in the fields of Data Communications, Residential Installations, Commercial Installations and Private Renewable Energy Installations.

### **RECOMMENDATION**

It is recommended that the Board note the information.

**Prepared** \_\_\_\_\_ Andrew Logan      Manager, Infrastructure & Engineering Services

**Endorsed** \_\_\_\_\_ Penny Holloway      Chief Executive Officer

Board Meeting: June 2016

Agenda Number: 13 (i)

File Ref: PE0042

# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### ITEM

Work Health and Safety (WH&S) and Public Risk Management Update.

#### RECOMMENDATION

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

#### BACKGROUND

The Board has requested information on WH&S and Public Risk matters be presented on a quarterly basis.

#### CURRENT POSITION

##### Workplace Health and Safety

The following reports, as compiled by NSW SICorp, are attached:

- Claim Statistics by Policy (by date claim Reported and date claim Occurred)
- Mechanism of Injury

As at 26 May 2016 one new claim had been lodged since the last reporting period, taking the total for the 2015/16 fiscal year to eight.

2015/16				
No	Date of Injury	Type of Injury	Cause of Injury	Hours lost
1	01/07/2015	Burn L wrist	Contact with generator exhaust pipe	Medical expenses only
2	10/09/2015	Foreign body R eye	Chain sawing palm tree	Medical expenses only
3	14/09/2015	Laceration/bruising R forearm	Fell against rock – backpack caught in vine	Medical expenses only
4	14/10/2015	Deep laceration to L hand	Stuck hand with axe splitting timber	TBC
5	23/10/2015	Trochanteric bursitis and muscle strain L buttock	Used leg for leverage while sawing	Medical expenses only

6	28/10/2015	Minor tear R medial collateral ligament of the knee	Twisted knee weeding	7.6
7	04/12/2015	Skin reaction to rodent bait	Skin contact with rodenticide	Medical expenses only
8	06/05/2016	Mild tear L lateral hamstring	Slip	Medical expenses only

Actions taken to address the incidence of injury include:

- Workplace WH&S matters are addressed at monthly staff unit meetings, including review of Job Safety Analysis and Hazard Identification.
- A JSA for the new wood splitter had been adopted.

### **Public Risk Management**

- New signs relating to drinking water quality have been installed at every Board source that is not currently treated.
- 15 Norfolk Island Pines at Windy Point that were infringing the obstacle limitation surface of the Aerodrome, by up to 26 metres, have been removed.
- A footbridge has been installed at Boat Harbour Creek.
- Steve Rosin, Snr Principal Geotechnical Engineer for Jacobs undertook a site inspection of the Muttonbird Point Track landslip to complete a Risk Assessment and Options Report. This report is still in preparation and will identify the risk of further failure, and degree of risk to track users and provide options for remediation.

### **RECOMMENDATION**

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

**Prepared** \_\_\_\_\_ Jemima Spivey A/Manager Business & Corporate Services

**Endorsed** \_\_\_\_\_ Penny Holloway Chief Executive Officer