

Agenda

Lord Howe Island Board



Meeting	Board Meeting August 2025
Location	Lord Howe Island Community Hall
Date/Time	Tuesday 26 th August 3.30pm – In-Camera Session Tuesday 26 th August 4.30pm - Closed Session Wednesday 27 th August 9:00am to 12:00am – Open Session
Chairperson	Naomi Stephens , Executive Director, National Parks and Wildlife Service
Deputy Chair	Robert Jeremy , Elected Deputy Chair
Board Members	Margaret Osmond , Appointed Member James Lonergan , Elected Member Matthew Retmock , Elected Member Therese Turner , Elected Member
Attendees (All)	Suzie Christensen , Chief Executive Officer
Attendees (Open Session Only)	Michael Chalmers , Senior Manager, Business and Corporate Services Bradley Josephs , Senior Manager, Infrastructure and Engineering Services Krissy Ward , Senior Manager, Environment
Invited	Michael Vader, EDBD NPWS Oriana Senese, Program Director, NPWS
Apologies	Nathan Rees , Appointed Member
Minutes	Anna Connor , A/Executive Assistant

26th August Agenda Items – Closed Session
Location – Lord Howe Island Museum Board Room

11:00am	In-Camera Session		Board members only
12:00pm	LUNCH- Coral Cafe		
1:00pm	1. CONFLICT OF INTEREST DECLARATIONS		Presenter: N Stephens
	2. WH&S AND RISK MANAGEMENT		
	2.1. WH&S and Risk Management Update	Note	Preparer: M Chalmers
	Attachment A: CAMMS Incident Summary Report – Prior 12 Months		Presenter: S Christensen
	Attachment B: LHIB Risk Register Review – QF FY 24/25		
	3. OPERATIONS AND SERVICES		
	3.1. FY26 Draft Operational Plan	Note	Presenter: S Christensen
	Attachment A: Operations Plan – FY26 Draft		Preparer: S Christensen
	4. FINANCE AND BUSINESS MANAGEMENT		
	4.1. Finance Report (and revised budget)	Note	Presenter: M Chalmers
	Attachment A: Finance Report as at July 2025		Preparer: M Chalmers
	4.2. Request for Targeted Exemption to Alcohol Supply Condition – Island House Management Pty Ltd	Decide	Preparer: M Chalmers
	Attachment A: Liquor Exemption Application Letter		Presenter: M Chalmers
	Attachment B: Current Liquor Licence		

Agenda

Lord Howe Island Board



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| 4.3. Rental on Nurses Flat – Closed
Attachment A: Recommendation – Rent Review Nurses Accommodation | Decide | Preparer: S Christensen
Presenter: S Christensen |
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5. LAND ADMINISTRATION

- | | | |
|--|--------|---|
| 5.1. Application to suspend condition of residency attaching to PL2016.07 for Christine Daggar
Attachment A: Form 1 and support documents – PL2016.07 – Christine Daggar - Closed | Decide | Preparer: L Shick
Presenter: M Chalmers |
| 5.2. Application to suspend condition of residency attaching to PL1996.01 Christopher and Rosalind Wade
Attachment A: Form 1 and support documents – PL1996.01 – Christopher and Rosalind Wade
Attachment B: Legal advice – DCCEEW – Application to suspend residency requirement | Decide | Preparer :S Christensen
Presenter: S Christensen |
| 5.3. Application to suspend condition of residency attaching to PL1993.03 for Tanya Brcina
Attachment A: Form 1 and support documents – PL1993.01 – Tanya Brcina – Closed | Decide | Preparer: M Chalmers
Presenter: M Chalmers |
| 5.4. Progress on LEP amendment SEPP – verbal | Note | Preparer: M. Vader
Presenter: M.Vader |

6. GOVERNANCE

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| 6.1. Terms of Reference Elected Board Members Committee
Attachment A: Minutes – Board Meeting – Closed Session – June 2025
Attachment B: Attachment B - Terms of Reference - LHI Board Subcommittee - Governance Reviewed - August 2025 | Decide | Preparer: T Hilleard
Presenter: M Vader |
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4:00pm	Closed Session Concludes
	Meet Robert Dwyer MP Port Macquarie
6.00pm	Dinner at Coral Café

Agenda

Lord Howe Island Board



27th August Agenda Items – Open Session - Location – Lord Howe Island Public Hall

9:00am	6.2. Minutes of Previous Meeting – Notice of Adoption Attachment A: Board Meeting Minutes June 2025 – Closed	Note	Preparer: A Connor Presenter: S Christensen
	6.3. Actions from Previous Meeting Attachment A: Actions From Previous Board Meetings - Closed	Note	Preparer: A Connor Presenter: S Christensen
	6.4. Future Meeting dates, Agenda management and Scheduling	Note	Preparer: A Connor Presenter: S Christensen
7. STATUS AND COMPLIANCE REPORTING			
	7.1. Compliance and Status Report Attachment A: Status of Public Accommodation Licence Transfers - Closed	Note	Preparer: D Birch, A Connor, S Powell, and L Shick Presenter: S Christensen
	8. CHIEF EXECUTIVE OFFICER'S REPORT Attachment A: Infrastructure & Engineering Services Attachment B: Environment & Community Services Attachment C: Projects	Note	Preparer: S Christensen, K Ward Presenter: S Christensen
9. FINANCE AND BUSINESS MANAGEMENT			
	9.1. Financial Overview – Verbal	Note	Presenter: M Chalmers Preparer: M Chalmers
	9.2. Proposal for Kentia Seed Exportation Attachment A: Proposal for Kentia Seed Exportation	Decide	Presenter: M Chalmers Preparer: M Chalmers
10. OPERATIONS AND SERVICES			
	10.1. Critical Infrastructure Program Update Attachment A: LHI CIP August Update Presentation Attachment B: LHI CIP Material and Finishes – Lahznimmo Architects	Note	Presenter: O Senese Preparer: O Senese
11. POLICY AND STRATEGY			
	11.1. Progress on LEP amendment SEPP - Verbal	Note	Preparer: M. Vader Presenter: M. Vader
12. DEVELOPMENT APPLICATIONS			
	12.1. Middle Beach Stairs Project Attachment A: OC2025.4.1 and DA2025.3.1 – Assessment Report – Middle Beach Stairs Attachment B: Material List Specification – Middle Beach Stairs Attachment C: Review of Environmental Factors – Assessment Report – Middle Beach Stairs (South)	Decide	Preparer: C. Mills Presenter: S. Christensen

Agenda

Lord Howe Island Board



12.2. OC2025.5.1 and DA2024.2.1 - Assessment Report - Karen Taaffe

Decide

Preparer: S. Christensen

Presenter: S. Christensen

Attachment A: - OC2025.5.1 and DA2024.2.1 – Assessment Report – Karen Taaffe

Attachment B: Discovery – Grant of PL1971.01 – 12/07/71 to 05/07/74

Attachment C: Discovery – Grant of PL1976.02 and Access Strip – 09/09/81 to 06/05/83 Marked Up

13. LEASING AND LAND ADMINISTRATION

13.1. Extension of Term of Special Leases

Decide

Preparer: M Chalmers

Presenter: M Chalmers

Attachment A: Plain Language Guide – Information Sheet 6 – Special Leases

Attachment B: Legal Advice - Lord Howe Island Special Leases August 2025

BUSINESS ARISING FROM PREVIOUS MEETING

GENERAL BUSINESS AND QUESTIONS ON NOTICE

10:30am Morning tea for the Board and Community will be provided during a break at approximately 10:30, reflecting agenda progress. Robert and Kate Dwyer also attending morning tea to meet and greet community members.

11:00am Continue open session if required

12:00pm **Meeting Closed**

NEXT MEETING: 22nd October 2025 (Special Meeting – **Closed** Session)

Board Meeting: August 2025	Agenda Number: 06.01	Record Number: ED25/6081
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LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Minutes of Previous Meeting – Notice of Adoption

Recommendations

1. **Endorse** the Board meeting of June 2025.

Current position

Process for Distribution of Board Meeting Minutes

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

- Draft minutes will be produced within five working days of a Board meeting and distributed to Board members on the sixth working day, unless delayed for a valid reason agreed to between the Chief Executive Officer and the Chairperson.
- Board members are to return their endorsement, or otherwise, of minutes in writing no later than 10 working days after date of posting distribution.
- 10 working days after date of posting distribution, the Board will deem the minutes of the meeting to be endorsed, subject to any amendments which were received prior to that date and agreed for inclusion by the Chairperson.

Endorsement of Board Meeting Minutes

Minutes of the June 2025 meeting were distributed to each Board member and were endorsed as per the above process.

A copy of the amended draft minutes is attached.

Attachments

Attachment	Title
A	Board Meeting Minutes – June 2025 - CLOSED

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Anna Connor	A/Executive Assistant

Board Meeting: August 2025	Agenda Number: 06.02	Record Number: ED25/2660
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LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Actions from previous meeting – status report

Recommendations

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

Current position

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

A list of actions from decisions of previous meetings and progress against them is attached (Attachment A) for the Board's information.

10 actions were completed since the June 2025 board meeting. 6 actions from all past Board meetings are in progress. 1 action is on hold pending IT upgrade, the status of which is reported at 4.2.

2 actions are for review. It should be discussed by the Board with a view to removing from the action list.

Attachments

Attachment	Title
A	Action sheet from previous Board meetings – CLOSED

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Anna Connor	A/Executive Assistant

Board Meeting: August 2025	Agenda Number: 07.01	Record Number: ED25/6047
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Lord Howe Island Board Business Paper OPEN SESSION

Item

Status and Compliance Reporting

Recommendations

1. **Note** the information contained in the Status Report for out of session matters, biosecurity update, owners' consent and development applications approved under delegated authority, motor vehicle importation or transfer status, feedback, and complaints.

Current position

At the December 2023 meeting the Board adopted to receive routine compliance reporting and information as one consolidated report. The following matters are included:

1. Out of session Matters	2
1. 1 Out of Session Matters - Open	2
1. 2 Out of Session Matters – Closed	2
2. Biosecurity Compliance Report 23 May – 01 August.....	3
3. Owner consent approved under delegated authority	4
4. Development Applications approved under delegated authority	4
5. Motor vehicle importation or transfer status.....	4
6. Public accommodation licence transfer applications	7
7. Review of compliance with residency condition of perpetual leases	7
8. Feedback and Complaints	7

1. Out of session Matters

1.1 Out of Session Matters - Open

No.	Date	Application	Vote	Comment
May 2025				
1.	22/05/2025	1. Approve the importation of a Toyota Hilux Ute as a private use vehicle for Adrian Skeggs under exceptional circumstance	Supported: AF, RJ, TT, JL	
June 2025 – N/A				
July 2025				
1.	11/07/2025	1. Approve the application for retrospective approval to retain the unregistered Club Car Electric Golf cart on the island, as a private use hobby vehicle, for Edward Rourke under exceptional circumstance. 2. Approve an additional condition that the golf cart is not to be used on island roads	Supported: NS, JL, MR, RJ, TT	
2.				

1.2 Out of Session Matters – Closed

Since the June 2025 Bard Meeting, there have been no closed Out of Session matters.

2. Biosecurity Compliance Report 23 May – 01 August

The figures below provide an update of the rodent biosecurity surveillance effort undertaken to date as specified in the 2022 Lord Howe Island biosecurity surveillance plan. This follows an assessment of the effectiveness of the 2021 Rodent Response Program carried out by Bode and Brown of Queensland University of Technology in 2022 and an analysis of proposed LHI surveillance network in 2023.

Device	Number of devices	Frequency target	Status	Comments – Including Actual checks completed or status
Camera array	158/163 Active Cameras	Monthly	3 cameras requiring maintenance & not checked.	Images analysed by eVorta AI software (and human) <ul style="list-style-type: none"> May: 201,700 June: 180,700 July: 116,100 No rodents seen.
Static monitoring devices (kill traps, wax tags, bait stations, chew cards, tracking tunnels)	232/239 Devices Active	Monthly	Not met - see comments.	May - 209 checks. June - 203 checks. July - 216 checks. 5 Devices not checked - require maintenance.
Airport and Jetty static monitoring devices (kill traps, wax tags, bait stations, chew cards, tracking tunnels)	76/77 Devices Active	Weekly	Partially Met	
Dog searches (full sweep)	Full sweep of the settlement	Twelve-weekly	Met. 272/ 263 Settlement Blocks Checked.	Search Rounds completed as follows: <ul style="list-style-type: none"> Jun 3 - Jun 26 This included some PPP blocks in addition to all settlement and crown blocks.
Dog searches (Crown Blocks)	Settlement Crown Block Search	Twelve-weekly	Met 73 / 72 Crown Settlement Blocks Checked.	Search Rounds completed as follows: <ul style="list-style-type: none"> 9 Jul - 11 Aug This included 1 x PPP block.
Vessel Checks	1			

3. Owner consent approved under delegated authority

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

1. The development value is not more than \$2 million.
2. The proposal does not relate to the subdivision of land or the creation of a new residential dwelling, and
3. The proposal complies with any planning instrument in force relating to the Island.

The following owner consent application complied with the above requirements and have been determined by the CEO since the June 2025 Board meeting:

OC	Applicant	Site	Proposal	Zone	Decision
2025.2.1	Fletcher Owens	Lot 2 DP1261010	Two storey alterations and additions to existing dwelling and relocate holding tank for existing wastewater system	Zone 2 Settlement	Approved 05/06/2025

4. Development Applications approved under delegated authority

The Minister for the Environment, under section 80(1) of the *Environmental Planning & Assessment Act 1979*, 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).

No development applications were determined by the CEO since the June 2025 Board Meeting.

5. Motor vehicle importation or transfer status

Since the last full Board meeting, fourteen (14) vehicles applications to import or transfer were determined under the 'Vehicle Importation, Transfer and Use Policy'.

The table below shows the vehicle applications determined since the June 2025 Board meeting.

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation to Applicant	Comment
Peter Riddle	Mitsubishi Minicab	Y – Electric	Private	0	Approved 13/05/2025

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation to Applicant	Comment
Transport for NSW Maritime	Boat Trailer	N	Essential	1	Approved 14/05/2025
LHIB	Trailer	N	Essential	1	Approved 14/05/2025 – Temporary Importation CIP
Anthony Riddle	Suzuki APV Van	N	Private	0	Approved 19/05/2025 - Replacement
Beverley Owens	Station Wagon	N	Private	0	Approved 22/05/2025 - Replacement
Christo Haselden	Boat Trailer	N	Private	1	Approved 22/05/2025
Adrian Skeggs	Mitsubishi Triton Ute	N	Private	1	Approved OOS 04/06/2025
David Chlumsky	Toyota Starlet Hatch	N	Private	0	Approved 12/06/2025 – transferred to new tenanted premises
Capella Lodge	Toyota Hiace Van	N	Commercial	0	Approved 23/06/2025 - Replacement
Daphne Heck	Toyota Hilux Ute	N	Private	1	Approved 23/06/2025
Beth Wilson	Toyota Rav 4	N	Private	0	Approved 23/06/2025 - Replacement
LHIB	Manitou Forklift	N	Essential	0	Approved 23/06/2025 - Replacement
Jess Owens/Cameron Kirkpatrick	Nissan Navara Ute	N	Commercial	1	Approved 21/07/2025
Edward Rourke	Electric Golf Cart	Y	Private Hobby	- 1	Retrospective approval by Board OOS – 21/07/2025

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

As at 05/08/2025

Registered Road Vehicles by import classification						
Essential	Commercial	Private	Hire	Plant & Equipment	Imported without approval	Total
40	133	194	8	23	47	445

Registered Road Vehicles by type						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
194	37	35	16	42	121	445

At the June 2016 meeting it was requested that future reports include trends in regards to vehicles imported without approval and clarification that these are vehicles which pre-date the Board approval and monitoring process. There remains a total of 47 vehicles imported without approval prior to the current policy:

- 42 vehicles were imported without approval prior to and in 2014. The majority of these vehicles were trailers.
- 1 vehicle, a boat trailer, was imported without approval in 2015.
- 2 vehicles, boat trailers, were imported without approval in 2016.
- 1 vehicle, a mower was imported without approval in 2019.
- 1 vehicle, a mobility scooter imported without approval in 2023 (unclear if this is for hire purposes)
- 3 vehicles have been replaced and are awaiting removal.

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

Vehicles Imported Without Approval – By Type						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
4	0	5	1	4	33	47

COMPLIANCE AUDIT

In February 2023, the CEO requested that an audit of the vehicle register be undertaken to investigate any outstanding compliance issues.

There is a total of 32 vehicles awaiting removal.

Vehicles due for removal – By Type						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
12	2	9	1	4	4	32

A number of other compliance issues were identified:-

- Owners – deceased;
- Owners - left island;
- Owners - moved premises;
- Others – such as non-removal of bull bar.

The Board has six (4) vehicles due for removal which are Included in the above total, being one (1) truck, three (3) plant & equipment.

A plan has been developed for the systematic removal of the Board vehicles mentioned above, along with vehicles which are no longer registered and awaiting disposal.

Once the remaining four (4) have been removed:-

- A householder will be issued to the community reminding vehicle owners of their obligations.
- Compliance letters will be issued to the vehicle owners in breach of their conditions of approval.

Process improvements are in development and will be implemented to ensure stronger compliance with the Vehicle Importation, Transfer and Use Policy in the future.

6. Public accommodation licence transfer applications

The Board Members requested that management provide a quarterly report on the status of each of the public accommodation licence transfer applications, including an update on the decommissioning of accommodation units where relevant. Please refer to Attachment A of this business paper:

Attachment A – Status of Public Accommodation Transfer Applications

7. Review of compliance with residency condition of perpetual leases

A report is submitted to the Board bi-annually, the last report was presented to the Board at the November 2024 Board meeting.

In June 2024, the Elected Board Members requested that Administration provide details on the process applied where a leaseholder is assigned to the bi-annual compliance report and what evidence is gathered during this process.

A business paper was drafted outlining the current audit approach for the August 2024 meeting, the paper was withdrawn from the agenda of the August 2024, November 2024 and June 2025 Board Meetings.

Compliance actions have been on hold pending consideration of the Audit Approach.

8. Feedback and Complaints

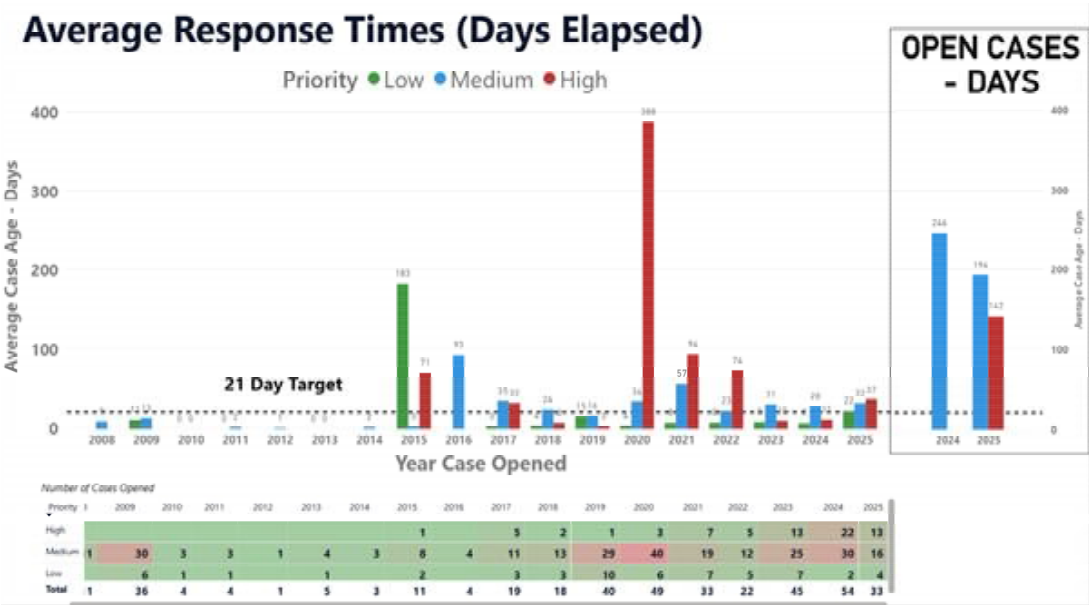
Total Number of Complaints opened and closed between September 2024 – August 2025

This graph illustrates case progress over the past 12 months (August 8, 2024 - August 7, 2025), showing monthly counts of cases opened (both closed and still open) and closed cases. The blue line tracks the running total of active cases each month, peaking at 9 in April 2025 and ending with 6 active cases in August 2025. The chart provides a clear view of monthly case trends and workload status over time.



Case Duration

The average number of days to close a case has decreased since a peak in 2020. Most notably, for high priority cases average case duration has decreased significantly since 2020 and has remained on or below the 21-day closure threshold for the past two years. There is a slight increase in time to respond to cases compared to 2023, possibly due to higher caseload (45 cases total for 2023 vs to 55 for 2024 so far).



Root Cause Analysis

The below word cloud shows complaint topics to date (the more complaints the bigger the word).

CASE REASON



Attachments

Attachment	Title
A	Status of Public Accommodation Licence Transfers - Closed

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Lynda Shick	Land & Property Officer
Anna Connor	A/Executive Assistant
Darryl Birch	Biosecurity Team Leader

Board Meeting: August 2025	Agenda Number: 08.00	Record Number: ED25/6089
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LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Chief Executive Officer's Report

Recommendations

1. **Note** The Q1 2026 CEO Report

Current position

Critical Infrastructure Program Update

- The Request for Tender for a new vessel has closed. The Evaluation process has commenced.
- Part 1 of the tender for a Main Works Contractor has been issued.
- Site establishment and cleanup at the Waste Management Facility (WMF) will be assisted through purchase of new equipment and backloaded freight for waste disposal, reducing the compliance risk of the WMF (See Attachment A IES report).

Cyber Security

- Cyber security has been raised as a matter in successive audits. Following compliant policy and standards adoption by the Board at its June meeting, procurement will shortly commence for a provider to manage the service and provide IT support.
- The unavoidable costs of implementing the policy are in the order of \$350k per annum.
- Increased Treasury annual contribution matched to increases in fixed costs of IT and insurance will be pursued. A meeting has been held with DCCEEW finance to seek advice and commence the process.
- The upgrade to our finance management system continues, however has been delayed by the provider. Full go live is now not expected until end 2025.

End Of Financial Year and Annual report

- Financial statements have been submitted to the auditor, and work is underway on the broader Annual Report. The drafts of both are on track to be presented to the Board at our special meeting in October.

Mid Coast Council Planning Update

- The finalisation of the contract has been delayed by recent flooding in the Mid North Coast and personnel changes at the Council. The Board and Mid Coast are working through details in the contract with the aim of contract finalisation by the end of September.

Operational update

- Recent poor weather has caused a tree to fall and damage the depot shed that houses detection dogs. Thankfully no people or dogs were injured, and the built infrastructure damage is repairable. Minor impacts on the airstrip availability were rectified after sand movement through the event, and some beach erosion occurred (see Attachment B) Environment Report)
- Despite some delays to commencement due to marine freight backlog, the jetty upgrade project is nearing completion (Att A).
- Road repair and maintenance has been escalated through procurement of mainland contingent labour, and reassignment of existing workforce. This is planned to continue until all roads are returned to an acceptable standard, anticipated to be before the commencement of the busy tourist season.
- Installation of a new stand-by generator has reduced the Island's electricity supply availability risk.
- The transition from Qantas to SmartLynx (previously Skytrans) continues.

Staff and resources

- The CIP is at a critical phase of procurement and tendering. The leadership team, including Senior Project Officer Infrastructure, Senior Managers and Team Leader Biosecurity have been required to dedicate significant time to ensuring the program meets the Island's needs in this generational legacy project. It is hoped that stakeholders understand that some other priorities may be delayed for a few months until this phase is complete.
- Resourcing for business-as-usual activities has been stretched during the winter period, as it often is. Recruitment processes are well advanced that should see a near full establishment by the end of September.

Attachments

Attachment	Title
A	Infrastructure and Engineering Services
B	Environment Services
C	Projects

Approval and contact

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

CEO BOARD REPORT

INFRASTRUCTURE AND ENGINEERING SERVICES

OPEN SESSION

Item

Core Service Streams

1. Aerodrome Operations
2. Electricity Generation and Distribution Operations
3. Waste Management
4. Capital Building Schedule
5. Capital Plant Replacement
6. Upcoming Development Applications
7. IES Operations

Major Projects, Major Maintenance Items and Procurements

8. Jetty Maintenance
9. Roads

Summary of Activities and Issues

Aerodrome Operations

As per the previous board paper, maintenance and operations of assets has continued over the period with no major interruptions encountered due to proactive maintenance at the site. Commercial operators have continued to utilise the airstrip without experiencing interruptions from airstrip availability. The Wildlife Hazard Management Committee has met to discuss the installation of this year's bunting installation at Blinky beach.

Electricity Generation and Distribution Operations

The total energy demand for this reporting period was 576,100kWH with diesel generation totalling 279,900kWH and solar generation totalling 296,200kWH (approx. 51.4% solar). The drop in solar this reporting period is mainly due to current BESS operating, inverter failures and low solar irradiance.

The administration is currently working with both Tesla and Photon to rectify current State of Charge problems that currently exist with the BESS system at the powerhouse. Coordination with contractors is ongoing to ensure performance reliability and capacity optimisation.

The replacement back-up generator has been delivered and successfully installed, adding redundancy to the supply network and improving resilience in the event of system failures or peak demand periods.

During the months of July and August, electrical contractors from Mackies Electrical Pty Ltd in Port Macquarie visited the Island to provide relief for the Acting SEO while on leave. The electrical contractors completed normal operations and additional tasks to a high standard.

Replacement solar inverters have been procured to replace current inverters on the solar system.

Waste Management

The waste management facility continues to process mixed, organic, and recyclable waste streams. This reporting period the facility has sent off appx 118 tonnes of waste equating to a total amount of waste diverted from landfill of 28.6%

The LHIB waste team is currently working with the CIP to finalise the procurement of four pieces of machinery to suit the current waste facility whilst also being retained in the new design. These pieces include:

- Glass Crusher and Conveyor System
- Horizontal Compactor
- Concrete Crusher
- Bale wrapper

This equipment will ensure the facility remains compliant with some requirements within current licence EPL licence whilst ensuring future compliance.

Capital Building Schedule

CAPEX funding has been allocated to complete the works below. Cash amounts for these works are summarised in the financial report. Scheduled works for the year include are outlined in the table below:

- Renovation and exterior wall works at Diamonds and Beach Boutique
- Kitchen renovation at the Doctor's residence
- Kitchen and bathroom upgrades at Doll's House
- Veranda repairs and roof maintenance at the SEO house
- Continuation of repairs and structures within Public Use buildings

In addition, annual maintenance inspections of all public buildings to identify minor defects and prioritise future works will commence. A contingency budget of \$120,000 has been set aside for general building repairs across the island, ensuring flexibility to address reactive issues as they arise.

Capital Plant Schedule

Additional funding has been provided by DCCEEW for the procurement of site remediation machinery for the WMF ahead of construction through the CIP, comprising of the following:

- 20-ton excavator
- Skid steer
- 4 tonne Multi wheel Roller

Delivery is scheduled via barge at the end of October. New South Wales Public Works has been engaged to oversee procurement and manage delivery to the island. Large items will also be removed from the WMF on the barge's westbound voyage that have been stored at the facility for several years.

The equipment will be retained by the Lord Howe Island Board for in-house works and will also be made available to the Critical Infrastructure Project to support the completion of the project.

The LHIB has begun procurement on replacement fleet items within this financial year's budget. In the coming weeks 3 previously owned LHIB vehicles will be released for EOI to the community.

Upcoming Development Applications (DAs)

The IES is current looking to complete two Development Applications:

- Installation of a new wastewater treatment system for the hospital and nurses' flats, designed to meet current environmental compliance standards and improve operational resilience through system redundancy.
- Construction of a new shed to house the backup generator and cover the refuelling area for electricity supply, providing safe, weather-protected refuelling operations.

IES Operations

Ongoing maintenance and operational efforts by the Infrastructure and Engineering Services (IES) team continue to provide significant support across the island, with works identified to be completed prior to tourist season commencing.

During the winter months Works teams have been focusing on pothole repairs, between the Alliance Construction Group visited the island and completed works with the IES crew to provide additional training to the team. Works are being closely monitored and recorded to identify any rectification of the methodology in the future.

Jetty Maintenance

Though there have been delays to works, particularly surrounding shipping schedules, GPM are currently progressing with works. Several bays and at the abutment of the jetty have been replaced. Once the decking was removed, additional deteriorated girders were discovered and replaced. Three new piles have been installed, driven deeper than the original shallow piles to improve long-term structural stability. Note that the new piles and fendering system have been engaged in conjunction with the CIP naval architect to ensure that the design accounts for the new shipping service.

The hardwood timbers removed during the works are being retained for upcycling into new community furniture, ensuring the heritage material continues to be enjoyed in a functional and sustainable way. Any unused materials will be made available to the community via expression of interest.

Roads

Interim repairs have been prioritised ahead of the tourist season to maintain safe access and usability. All high priority works are aimed to be completed by September prior to tourist season. Priority repairs will be the focus conducted by cold mix. Cold mix will also be utilised for edging and pothole repairs along 'Joys Hill'.

The board continues to discuss and work with the contractor regarding the completion of Anderson Rd to ensure works are completed to scope.

Board Meeting: June 2025

Agenda Number: 10.00

Rec No: ED25/2665

Attachments

Attachment	Title
A	New South Wales Public Works Jetty Progress Report
B	Fulcrum report – Pothole Works

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Bradley Josephs	Manager Infrastructure & Engineering Services

CEO BOARD REPORT

ENVIRONMENT UNIT

OPEN SESSION

Item

Core Service Streams

1. Biodiversity Management
2. Biosecurity
3. Weed Management
4. Threatened Plants
5. Marine Management / Moorings
6. Spatial and data

Summary of Activities and Issues

1. Biodiversity Management

- Following a strong response to the recent call for Expressions of Interest, five community representatives have been appointed to the Community Environment Advisory Committee (CEAC) for a two-year term:
 - Kayla Hiscox
 - Rebecca Shelley
 - Judy Riddle
 - Kellie Ellis
 - Ian Hutton

The CEAC will provide strategic, non-binding advice to the Lord Howe Island Board on matters relating to environmental management, biodiversity conservation, and biosecurity. In appointing members, the LHIB has sought to ensure the committee reflects a broad cross-section of the Island community, including a diversity of values, land uses, and areas of local knowledge and expertise. Their first meeting, an informal session was held on 13 August.

- Trial measures to reduce the impact of the dense Black Noddy colony in the town centre are being implemented throughout August, including selective removal and lopping of Norfolk pines, installation of reflective deterrent devices and a licence application to permit the limited removal of newly built nests in priority locations early in the breeding season, before egg laying commences. If approved, nest removal will be conducted on a low-to-moderate scale, in accordance with strict ecological guidance, and monitored to ensure no lasting impact on the overall Black Noddy population.
- In the last week of May, researchers from Curtin University, in collaboration with Ian Hutton and the LHI museum, conducted research on the evolution and extinction of the meiolaniid (horned) turtles of Lord Howe Island. Activities included collecting calcarenite sediment samples for radiometric carbon dating, and fossilised egg fragments for histological and organic geochemical analyses.

- Andrew Denham and John Porter from NSW DCCEEW Science & Insights division visited in early August to complete the fieldwork component of the biodiversity benefits vegetation monitoring. A final report is in preparation.

Asset and vegetation management

- This period a survey and cleanup of the lagoon foreshore has commenced. Items along the foreshore have been recorded and tagged. At the end of August, unclaimed items will be removed from the foreshore and relocated to a LHIB storage area. Owners can reclaim items, subject to payment of a recovery fee, up until 1 October 2025. After this date, unclaimed items will be disposed of or sold in accordance with the *Public Spaces (Unattended Property) Act 2021*.
- Severe weather events in June and July resulted in significant coastal erosion along the lagoon shoreline. The Little Island gate required relocating to the other side of the boot scrub bay and a large section of the walking track collapsed 100 m from the gate. The walking track has been diverted slightly inland away from the hazard to enable continued pedestrian access while options for a longer-term solution are investigated.
- Following periods of strong winds throughout winter, field staff surveyed the walking track network and cleared numerous fallen trees that had blocked walking access. A dangerous tree on the Smoking Tree ridge track has been assessed and requires re-routing of the track.
- The World Heritage team experienced a staff shortage through July so was assisted by IES staff to carry out routine maintenance including servicing boot scrub bays, North Bay and brush cutting track heads.
- On Friday 1 August the LHIB environment team partnered with LHI central school for National Tree Day. 32 students and 4 school staff joined the team at the Sallywood Swamp Forest revegetation site in Pinetrees paddock. An introductory talk and site walk-through were provided, covering the history of the revegetation, tree identification, the importance of the vegetation community, and instructions for the planting activity. Students were then split into groups and assisted to plant a tree each. The activity was a success, with positive feedback received from school staff.
- During this period, approximately 60% of the walking track network was treated for annual weeds and exotic grasses, with the remainder scheduled for completion by the end of August.
- World Heritage unit field crew and Weed Eradication Program volunteers visited Blackburn Island in late July to undertake annual Rhodes grass control and maintenance of the revegetation site.
- A planned trip to Balls Pyramid from 12-14 August with Bill Proctor of Safety Access & Rescue to install anchor points was postponed due to sea conditions. The back up plan was activated and Bill and his team of two climbing specialists delivered a rope access training course to seven environment unit staff. The training incorporated remote casualty care and rescue techniques. It will be valuable in building capacity within our field teams to safely undertake remote weeding in steep locations and on Balls pyramid.
- From 23–27 June, Phillip Island Nature Parks (PINP) Reserve Manager Ben Thomas and Senior Ranger Mark Merryful were hosted for a knowledge-sharing visit. Ben and Mark brought a wealth of expertise in reserve management, wildlife management, land rehabilitation, threatened species conservation, research, community engagement and tourism operations. During their visit, they joined teams in the field, delivered insightful presentations and Q&A sessions on their work at Phillip Island, and provided valuable

advice and feedback on a wide range of environmental initiatives. Discussions also explored opportunities for an ongoing exchange program and the development of a mutually beneficial relationship between LHIB and PINP.

2. Biosecurity

The figures below provide an update of the rodent biosecurity surveillance effort undertaken to date as specified in the 2022 Lord Howe Island biosecurity surveillance plan¹. This follows an assessment of the effectiveness of the 2021 Rodent Response Program carried out by Bode and Brown of Queensland University of Technology in 2022² and an analysis of proposed LHI surveillance network in 2023³.

The camera array and static monitoring components have been fully active over the reporting period. The static monitoring network consists of two distinct networks of passive monitoring devices. The first network located around the Jetty and Airport is monitored on a weekly basis, whilst a second more geographically spread monitoring network is checked monthly. Dog searches have been occurring on a 12-weekly cycle for all settlement blocks and 6-weekly cycle for unoccupied Crown settlement blocks. Contract dog teams continue to be used for full settlement searches or as required.

Surveillance network

Figure 1. below illustrates the number checks of the surveillance network carried out by the biosecurity team between 23 May and 01 August 2025.



The surveillance network was maintained throughout the period and targets met. The biosecurity team are currently discussing the best way forward for what is an ageing surveillance network. Consideration will be given to making the system more efficient and using emerging technologies.

¹ Harper, G. (2022). 'Lord Howe Island – Biosecurity surveillance plan'.

² Bode, M & Brown, K. (2022). 'Assessment of the effectiveness of the Lord Howe Island Rodent Response Program 2021'. Queensland University of Technology – School of mathematics.

³ Bode, M. (2023). 'Analysis of proposed Lord Howe Island surveillance network'. QUT.

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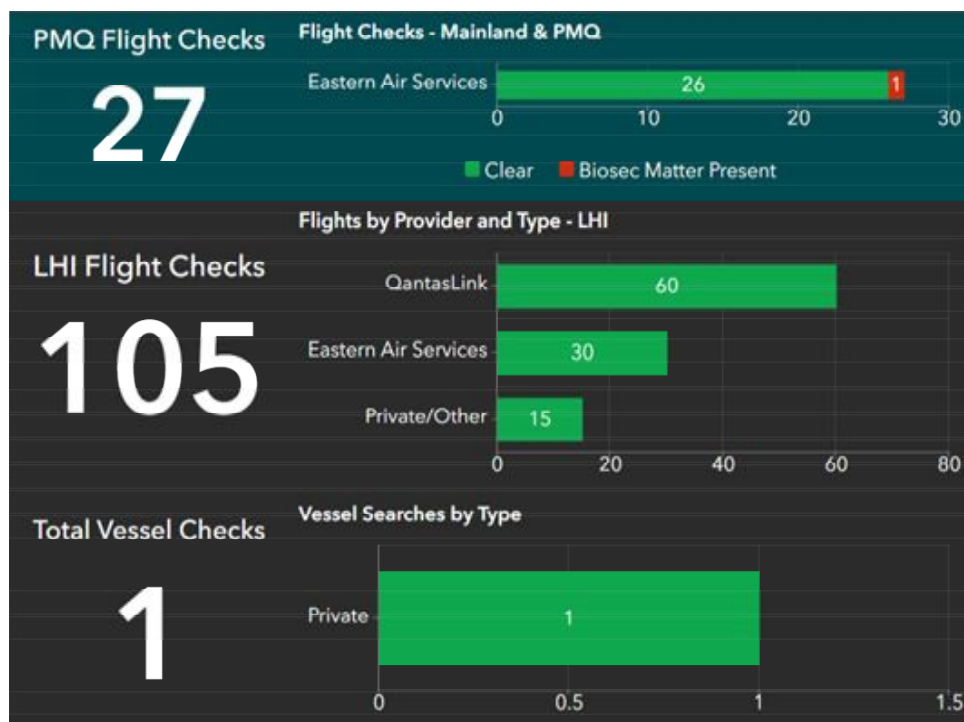
Rec No: ED25/6089.01

Dog searches full settlement and crown blocks

Figure 2. below illustrates the total property searches throughout the period 23 May – 01 August. This includes a full round of checks with contract biosecurity detector dogs (round 22) and crown block checks which are just below target. First part of round 21 was reported in the previous Board Report leaving only 53 for this report. Round 22 includes some blocks searched twice.

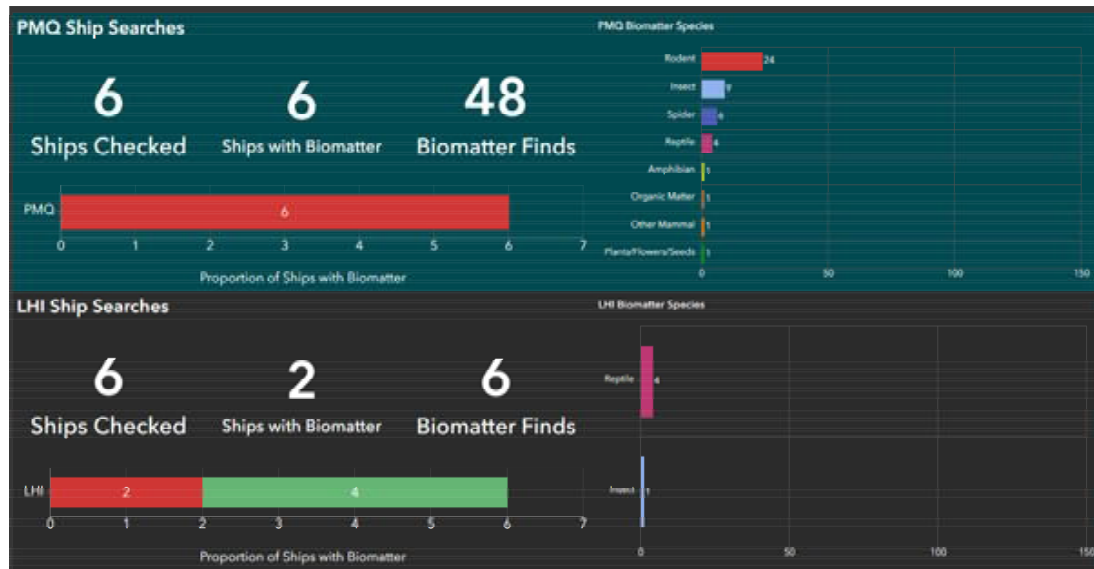
***Vessel checks – flights and private vessels***

Figure 3. below illustrates the number of checks carried out of flights and private vessels during the period 29 May – 01 August. A rabbit was caught and despatched in the Eastern Air Services shed. No other biosecurity risk material was found.



Island Trader check – Port Macquarie/ Lord Howe Island

During the reporting period 23 May – 01 August, there were six ship voyages to the island. Figure 4. below shows that a significant proportion of the biosecurity risk material arriving at the Birdon shed are rodents. These are being intercepted and caught within the shed and the immediate surroundings. This highlights the need for constant vigilance in these areas.

**Mouse response**

- During June and following a period of severe weather and flooding on the mainland, mouse chew was found on produce which arrived on the island. The initial report and subsequent response by the LHI biosecurity team illustrate the importance of constant vigilance and assistance from community members to ensure that the island remains rodent / pest free.
- The report triggered a 14-day response and additional investigations on the mainland by the PMQ contract biosecurity team. The investigation determined that it was highly likely that the mouse / mice had fed on the produce within the suppliers warehouse.
- Managers at the warehouse confirmed that they had a mouse problem following on from the flooding. Measures have been adopted by the PMQ and LHIB biosecurity teams to be extra vigilant around goods arriving pre-wrapped on pallets both at the Port Macquarie and LHI sides.

Critical Infrastructure Project

- The Lord Howe team have been working hard with the support of the Biosecurity Technical Advisory Group (BTAG) to ensure that biosecurity is a key consideration for the island during the CIP and beyond.
- In August, surveyors undertook work to inform the technical drawings for the new Kennels near the Bureau of Meteorology Office.

Broughton Island

- Early discussions are taking place between the project team of a follow up visit to Broughton Island by the LHI biosecurity dog team for which the NPWS have secured funding. In the interim period a single black rat was caught by the NPWS contract ecologist and a cat was

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photographed on the island. The cat was subsequently found to be from a passing boat who retrieved it.

- The arrival of rats on the island has highlighted the vulnerability of this and other islands to the accidental/ intentional arrival of harmful pest species and the importance of controlling risk pathways. The NPWS have secured funding to increase biosecurity vigilance of this and other islands in their jurisdiction and will be looking to the LHIB biosecurity team for ongoing advice.
- Opportunities to participate in other island eradication projects help to maintain the LHI biosecurity dog team's currency.

Phytophthora

- Following in-depth conversations about the proposed boot scrub bay design which was due to be imported from New Zealand, it's not felt that this design meets Lord Howe Island requirements. A local solution, more applicable to our landscape will be investigated further. This will also result in a significant cost and logistic savings.

African Big-headed Ants (ABHA).

- The eradication of ABHA project will commence in November this year, initially with a search phase, which will be followed up with baiting of target areas as the summer progresses. The searching will be conducted within the community and initially along the walking track network. Rhyenn Buckley, the biosecurity team's most recent member will be co-ordinating this work. She will be raising awareness of the upcoming project at the September Community Environment Advisory Committee meeting. (See below regarding a detector dog).

New Biosecurity Detection Dog

- This month Sebbi, our longest serving biosecurity dog has retired and has moved to his new home in Brisbane, where he'll live out his senior years. He has been an exceptional detection dog and companion to the team during the biggest days of the rodent eradication project and will be sorely missed by everyone.

Sebbi will be replaced by a young springer spaniel bitch called Mahli, who is currently being trained on the mainland on live scent. She'll be trained to detect rodents and potentially African big-headed ants if she completes her initial on-island assessment.

3. Weed Management

Search Effort – 01 May to 31 July

- The following work has been completed between 1 May and 31 July:

Hectares searched	Hours of effort	Days worked
97.72	2892.25	57

Weeds Removed

Species	Seedling	Juvenile	Young Mature	Mature	Reshoot	Total
Bitou Bush	0	4	4	0	0	8
Black Passionfruit	8	39	5	1	0	53
Blue Passionflower	175	195	13	5	0	388

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Brazilian Cherry	0	2	0	0	0	2
Bridal Creeper	0	5	5	1	0	11
Cherry Guava	648	860	68	17	6	1599
Climbing Asparagus	41	9	5	5	0	60
Cotoneaster	4	15	0	0	0	19
Flame Tree	0	1	0	0	0	1
Ginger Lily	0	4	0	0	0	4
Glory Lily	0	2	0	0	0	2
Ground Asparagus	3469	1962	251	90	0	5772
Holly Fern	0	0	0	1	0	1
Madeira Vine	9	110	0	0	0	119
Mother-Of-Millions (Resurrection)	0	35	0	0	0	35
Norfolk Pine	44	84	0	0	0	128
Ochna	287	885	68	8	56	1304
Palm Grass	0	11	5	0	0	16
Papaya	0	2	0	0	0	2
Peach	0	4	0	0	1	5
Pohutukawa (Excelsa)	0	4	0	0	0	4
Privet - Narrow-Leaf	0	1	0	0	0	1
Silky Oak	0	2	0	0	0	2
Sweet Pittosporum	58	158	3	0	0	219
Tobacco Bush	152	421	83	46	0	702
Yellow Guava	30	176	25	11	2	244
Totals	4925	4991	535	185	65	10701

Heli lance operations

- The programmed heli-lance weed operations due to be undertaken in August have been postponed due to Helicopter unavailability.

Volunteer Program

- The WEP Volunteer Program has been underway since June 2025, with two teams of 4 volunteers having completed their 4-week placements.
- A third team of 4 volunteers are part way through their 5-week placement, due to end on 30 August 2025.
- A final team of 2 volunteers will complete a 5-week placement from mid-September to mid-October.

4. Threatened plants***Save our Species program***

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- Threatened plant recovery actions continue to be implemented according to the LHI Saving our Species (SoS) program.
- Genetic sampling was undertaken by SoS staff in early May for threatened flora species:
 - *Coprosma inopinata*
 - *Xylosma parvifolia*
 - *Geniostoma huttonii*
- These samples are currently with the Research Centre for Ecosystem Resilience at the Royal Botanic Gardens Sydney (ReCER), with results anticipated to be received in the coming weeks.
- A slight update to SoS funding allocations for threatened flora species will occur in FY25/26, with funds previously allocated to *Chamaesyce psammogeton* reallocated to *Anthosachne kingiana subsp. Kingiana*. Recovery actions will include site-based weeding of exotic grasses and other invasive species at existing translocation sites.

5. Marine management and moorings

- Between 29 May and 3 August, there were only two mooring bookings. One of these was for a vessel conducting a tech stop in August that required the assistance of Marine Rescue and not recorded as a booking.

6. Spatial and data management

- GIS work this period centred on supporting the Projects Team in progressing the land capacity study by sourcing, developing and mapping core datasets, including wastewater, tenure/housing, businesses, planning constraints, flood and bushfire risk. These datasets will underpin analysis to inform future planning and development strategies.
- BAU GIS activities also continued, with new data collection apps deployed, existing datasets cleaned and analysed, and GIS training and support provided to staff to improve data quality and accessibility.

Attachments

Attachment	Title
Nil	

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Krissy Ward	Senior Manager Environment Services

CEO BOARD REPORT

PROJECTS REPORT

OPEN SESSION

Item

Projects Report

Summary of Activities and Issues

R	Red	Project is likely to deliver late/over budget/has insufficient resourcing
A	Amber	Project has missed some targets but overall end date/budget is not at risk
G	Green	Project on track

Efficiency and Effectiveness Review Projects

Task Name	Schedule	Budget	Resources	Overall RAG
Project Management Framework	G	G	G	G
Community Strategic Plan	G	G	G	G
Delivery Plan	G	G	G	G
Operations Plan	G	G	G	G
Service Delivery Commitments	G	G	G	G
IT Upgrade Project	R	R	A	R
Transition to shared services	NA	NA	NA	NA
Policy review	R	R	R	R
Revenue review	G	G	G	G
LEP Review & LSPS	A	R	A	A
Biodiversity Management Plan Review	R	G	A	R
Communications Strategy	G	G	G	G
Workforce Plan	A	A	A	A
Asset Renewal System	R	A	A	A
Waste Management Strategy	G	G	G	G

Project Management Framework

The final drafts of the Project Management Framework, including updates to the workflow, project brief, and project management plan templates, are with management for review and approval. Once approved, the framework will be rolled out across the organisation to provide a consistent approach to planning, delivery, and reporting, helping ensure projects are well-managed, transparent, and aligned with strategic goals.

CSP, Delivery Plan, Operations Plan, & Service Delivery Commitments

The redesigned CSP, Delivery Plan, and Service Delivery Commitments went on public exhibition at the end of May 2025. A community drop-in session was held at Coral Café to answer questions and explain the documents.

Final amendments will be made once the Operational Plan is integrated into the new reporting software, Envisio, to ensure consistency across all corporate documents.

IT Upgrade Project

KPMG delivered an Information Management and Security Strategy in January 2025, assessing our current hardware and software and providing recommendations for system upgrades. This work identified gaps, inefficiencies, and risks, and will inform a gap analysis to guide the transition of LHIB systems either to the Department of Climate Change, Energy, the Environment and Water or an alternative ICT model.

A key next step is the development of a Data Management Plan. An IT consultant will visit the island in September to work with the Administration Office and GIS Officer on developing this plan. This will ensure that all components fit within the broader IT Upgrade Project. Further work is also underway to align with upcoming system launches before the full transition is implemented.

Policy Review

We have engaged a member of DCCEE's Legal team, who will commence work on the project on September 01.

Revenue Review

The Revenue Review Project has been delivered, and consideration of its findings is ongoing.

LEP Review and LSPS

Phase 1 of the Lord Howe Island Capacity Assessment - a desktop review and gap analysis - commenced in June 2025 with an inception meeting and two workshops led by Aurecon. Findings will inform the evidence base for the Local Strategic Planning Statement (LSPS) and support alignment with the Community Strategic Plan. The final report is due at the end of August, with further workshops planned to draft LSPS vision.

Biodiversity Management Plan

The project brief and market research for the Biodiversity Management Plan have been completed, and procurement of a consultant to undertake the review will commence in the coming weeks. The Community Environment Advisory Committee will be given the opportunity to review and provide input throughout the process.

Workforce Plan

Work on the Workforce Plan is continuing, with further updates to follow as the review progresses.

Asset Management Plan (AMP)

The AMP will be managed through the new finance system Altitude. The vendor has delayed the go live date until December unfortunately. Asset renewal is ongoing through the CIP and capital funding, including planning for a more resal of the airstrip in the next 5-10 years.

Wastewater Management Strategy

The Wastewater Management Strategy will be updated following the Phase 1 Desktop Review and Gap Analysis of the Lord Howe Island Capacity Assessment, undertaken by Aurecon. The findings, due shortly, will provide the evidence base to guide the next stage of the strategy.

Grants and Improvement Projects

Project Title	Schedule	Budget	Resources	Overall RAG
REP Lessons Learned	R	G	G	A
Signage Project	G	G	A	G
Research Reference Management Project	G	G	G	G
Community Book Exchange	R	G	G	A
LHI Capacity Study	A	G	G	A
Middle Beach Stairs	R	R	A	R
Lot 44 (Toilets & Wastewater System)	R	A	G	R
Community Hall	R	A	G	R
Climate Sensor Network (LoRaWAN)	A	G	A	A
Beach Access Project	R	A	A	A
ECS Strategic Document Review	G	G	A	G

Reports

REP Lessons Learned

The report on lessons learned from the LHI Rodent Eradication, covering the 2019 REP, 2021 Response, 2023 Checkpoint, and ongoing Biosecurity is complete and pending public release.

Research Reference Management Project

The research library has grown from 200 to over 300 catalogued documents in Mendeley, searchable by author, date, keywords, and title. Rangers have been provided with follow-up templates and processes to ensure ongoing collection of raw data and completed studies. Research cleared for public sharing has been recorded separately, with work now underway to determine how best to make this information accessible to interested parties.

Community Book Exchange

The Community Book Exchange opened on 23 June 2025 with strong community support and over 200 donated books. The space includes locally made shelves, a children's area, plants, and donated furniture, with an "airport shelf" encouraging circulation between visitors and residents. Positive feedback has prompted plans for extra shelving, supported by an ongoing roster and maintenance supplies.

Middle Beach Stairs

The EMB has requested additional information before determining the Development Application for the northern stairs. A business paper has been prepared in response, and once approvals are in place, manufacturing can begin to meet the target installation date ahead of the 2026 migratory bird season.

Skatepark

An updated cost estimate has been provided by Convic, noting additional costs associated with the treatment and handling of soil due to PFAS contamination. Further planning and discussions are underway to determine the next steps for the project.

Lot 44

The public exhibition for the Lot 44 Development Application has closed, with a small number of submissions received. A community fact sheet is being prepared to address feedback and outline the project's long-term benefits. The DA will go to the November Board meeting for determination, after which procurement planning will begin for construction and system installation.

Community Hall

The AV system upgrade has been approved through a project brief. Electrical work has been scoped, and procurement for the system and installation will commence in the coming weeks.

Climate Sensor Network in Little Mountain Palm Habitat on Mt. Gower (LoRaWAN)

Following a successful feasibility study in April 2025, planning is underway for the installation of a LoRaWAN climate sensor network on Mount Gower. Two gateways will be located at the Jetty and Intermediate Hill Radio Tower, with 19 sensors placed at existing monitoring sites. Pre-installation work includes a Review of Environmental factors (REF), electrical planning and engagement with key stakeholders. Installation is targeted for late 2025.

ECS Strategic Document Review

The Community Environment Advisory Committee (CEAC) has been established to advise on environmental matters. An informal meeting will be held in August, with a formal meeting in September to contribute to the Draft PPP Plan of Management. LHIB staff continue to work closely with NPWS on the development of this plan.

Attachments

Attachment	Title
Nil	

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Christie Mills	A/Senior Project Officer

Board Meeting: August 2025	Agenda Number: 09.02	Record Number: ED25/5779
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LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Proposal for Kentia Seed Exportation

Recommendations

1. **Refuse** the request for Kentia Seed Exportation.

Current position

Kentia Fresh Pty Ltd proposes exporting 250–300 bushels of Kentia palm seeds per year directly from Lord Howe Island to the Netherlands, sourced from leasehold lands, with a per-bushel levy to benefit the Board.

Potential Benefits

- New revenue stream through levies (\$20–40/bushel) adding \$5,000–12,000/year.
- Diversifies income sources beyond the nursery.
- Maintains Kentia supply for European growers facing rising freight and import costs.

Key Risks & Disadvantages

- **Enforcement challenges:** High costs and logistical difficulty in ensuring no illegal harvesting from protected areas.
- **Biosecurity threats:** Increased chance of pests/diseases moving off or onto the island through raw seeds.
- **Local employment loss:** Reduced need for local germination and seedling production could cut jobs in the nursery, impacting livelihoods and skills retention on the island.
(Note that the business has advised verbally that without the ability to export seed the Nursery business may cease trading anyway, resulting in loss of income to seeders and employees).
- **Legal barriers:** Under **Clause 59 of the Lord Howe Island Regulation 2014**, removal of native flora (including Kentia seeds) requires Board approval.
- **Brand integrity risk:** Offshore germination could reduce quality control, damaging the premium reputation of Lord Howe Kentia palms.

Estimated Revenue Impact

Levy per Bushel	Annual Revenue (250 bushels)	Annual Revenue (300 bushels)
\$20/bushel	\$5,000	\$6,000
\$30/bushel	\$7,500	\$9,000
\$40/bushel	\$10,000	\$12,000

Conclusion

The proposed revenue is modest and benefits the business more than the Board.

Attachments

Attachment	Title
A	Proposal for Kentia Seed Exportation

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Michael Chalmers	Senior Manager Business and Corporate Services

Board Meeting: August 2025	Agenda Number: 10.01	Record Number: ED25/6161
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LORD HOWE ISLAND BOARD

BUSINESS PAPER

CLOSED SESSION

Item

Critical Infrastructure Program Status Update – August 2025

Recommendations

1. **Note** The critical infrastructure program and projects status for August 2025

Current position

The Critical Infrastructure Program (CIP) progresses on CSSI approvals, EIS assessments and procurement activities including Tender Evaluation on the new marine vessel, Request for Tenders for the marine freight services and main infrastructure works (marine, civil and building infrastructure).

Program Status:

- **Presentation on Program Status update is provided at Attachment A.**
- **Key Program activities:**
 - Final Draft Master Plans (North and South), Artist Impressions and Video Animations released publicly on Lord Howe Island website, [North Zone and South Zone Master Plan Designs | Lord Howe Island Board](#).
 - Main Infrastructure Works (MIW) Request for Tender Stage 1 released on 15 July 2025 on BuyNSW, [Lord Howe Island Critical Infrastructure Program – Main Infrastructure Works Request for Tender Stage 1 - RFT-2008295A | buy.nsw](#).
 - All Site Investigations on Island have been completed. Including Heritage Consultant site visit, to assess and prepare a Statement of Heritage Impact (SOHI), to include appended World Heritage and National Heritage assessments. MTS Heritage are preparing a Maritime Archaeology Assessment to be appended to the SOHI.
 - EIS preparation in progress, including Design and Technical Assessments. DCCEEW (Commonwealth) issued a Notice of Controlled Action under the EPBC Act on 8 July 2025, the outcome is Assessment by Bilateral Agreement.
 - RFT New Marine Vessel closed on 1 August 2025, tender evaluation in progress.
 - 20% Concept Design engineering drawing packages, 50% Architectural DA Plans and performance specifications complete for MIW RFT Stage 2 release on 25 August 2025.
 - Stakeholder briefings:
 - Minister for the Environment Briefing on CIP 19 June 2025
 - DPHI Senior Officers Infrastructure Assessment Committee on 2 July 2025
 - DCCEEW Secretary Briefing on CIP Status on 3 July 2025
- **Projects A to E status summaries are available at Appendix A.**

Next Steps

The following key program activities are:

- **Tender evaluation of RFT (Package 1) New Marine Vessel** closed on 1 August 2025.
- **Tender evaluation of RFT (Stage 1) Main Infrastructure Works** to select three tenderers to progress to RFT Stage 2.
- **Release RFT (Stage 2) Main Infrastructure Works (Design & Construct)**
- **Release RFT (Package 2) Marine Vessel Operate and Maintain (O&M)**
- **Finalise and submit the Environmental Impact Statement Report (EIS)** to the Department of Planning, Housing and Infrastructure (DPHI), in readiness for Public Exhibition.
- **Biosecurity Risk Management Plan** and **Biosecurity requirements for construction works** complete for EIS and release of RFT Stage 2 (Stage 2) Main Infrastructure Works.

Attachments

Attachment	Title
A	LHI CIP Program August Update Presentation
B	LHI CIP Material and Finishes – Lahznimmo Architects

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Michael Vader	Executive Director, NPWS
Preparer	Position
Oriana Senese	Principal Project Manager, NPWS

Appendix A - Projects Status – Projects A to E

APP PMO CIP project streams for reporting and program management purposes are as follows:

- **Project A** - Master Planning & Authority Approvals
- **Project B** - Waste Management Facility
- **Project C** - Marine Infrastructure
- **Project D** - Replacement Vessel & Operations
- **Project E** - Biosecurity Infrastructure

Project A – Master Planning & Authority Approvals

- Release of Main Infrastructure Works (MIW) RFT Stage 1 on 15 July 2025.
- Heritage NSW briefing on heritage assessments for EIS held on 29 July 2025.
- Completion of 20% Concept Designs (Civil, Hydraulic, Services Engineering), 50% Architectural DA Plans and Technical Specifications for Cargo Laydown Facility, Fixed Piled Vessel Ramp, Waste Management Facility, Detection Dog Kennels and Fuel Bowser.
- Pre-Tender Estimate of Main Infrastructure Works complete by Quantity Surveyor.
- Release RFT (Stage 2) Main Infrastructure Works (Design & Construct) on 25 August 2025.
- Draft Supplementary SEARs, including the Commonwealth's project assessment notes for the controlled action referral decision sent by Department of Planning on 29 July 2025.
- Workshop with Department of Planning to discuss the Draft CSSI Template conditions, to inform the Tenderers on the MIW, was held on 1 August 2025.
- Environmental Impact Statement Report (EIS), Sections 1-5 complete with on-going meetings with the Department of Planning and DCCEEW Commonwealth to support EIS progress with target end-September 2025 for approvals lodgement.
- Letters of Acceptances sent for the Accommodation Services Providers Panel for temporary construction workers for the Main Infrastructure Works. Bookings have been made for 9 workers from 13/3/26-28/6/26 (detailed design investigations, materials delivery, early works) and 20 workers from 29/6/26-2/7/27, MIW commencement of construction works from July 2026 for 12-months to July 2027. The Principal Contractor's temporary workers are recommended to also supplement with the local workforce. The panel of seven providers accepted as follows:

1. Ebbitide Apartments LHI
2. Hideaway Lord Howe Island
3. Leanda Lei Apartments
4. Lorhiti Apartments
5. Milky Way Lord Howe Island
6. Somerset Resort Pty Ltd
7. The Cabin Lord Howe Island

Project B - Waste Management Facility (WMF)

- 50% DA Design Plans complete, including floor plans, elevations and sections on new WMF. Materials and Finishes completed by Project Architect, for EIS and MIW RFT release.
- Video Animation of Waste Management Facility available publicly on website - [WMF public](#) and [WMF full facility](#).

- Shop drawings complete and delivery and install of the new WMF equipment programmed for the next 2-3 months includes: Glass Processing Unit (Waste Initiatives); Horizontal semi-auto Baler (Waste Initiatives); Square Waste Bale Wrapper (Rowland Engineering); and Concrete Crusher (Rowland Engineering).
- Procurement of machinery in procurement by NSW Public Works for WMF clean-up prior to construction works commencement. Machinery will be on island by November 2025.
 - CAT 320 Tier 4 Stage Excavator
 - CAT CB27 Twin Drummer Roller
 - Manitou 2150RT Compact Track Loader

Project C - Marine Infrastructure

- Marine Infrastructure 20% Concept Design finalised (SMEC), for a fixed piled vessel ramp and berthing dolphins, adjacent to the existing jetty. Drawing package includes General Arrangement Plans, Sections and Elevations, for EIS and MIW RFT release.
- Marine engineers (SMEC) completed the Stern Loading Vessel Piled Fixed-Ramp, Basis of Design Report, supports the 20% Concept Design plans for the marine infrastructure.
- Video Animation of Cargo Laydown Area includes fixed ramp available publicly on website - [North Zone architectural video animation](#)

Project D - New Marine Vessel and Operations

- Interactive process with Tenderers complete and Tender for the New Marine Vessel (Package 1) closed on 1 August 2025,
- Tender evaluation period for RFT Package 1 is 10 weeks. Tender Review Panel and Tender Evaluation Panel completed probity briefing on 30 July 2025.
- Workshop to review the business requirements for the Scope of Services for marine freight service was held on 16 July 2025 with Program Sponsors.
- Further workshops with LHIB and EBM's to refine and progress the scope of services for the new marine freight service.
- Workshop with BTAG on biosecurity requirements to be included in the technical specification for Marine Freight Service RFT documents.
- Commercial contract in progress with Minter Ellison lawyers and DCCEE Legal for the marine freight service (Package 2).

Project E - Biosecurity Infrastructure

- 50% DA Plans for biosecurity infrastructure on-island completed by Project Architect and Structural Engineers for EIS and MIW RFT release includes:
 - Detection dog kennels co-located at the BOM site adjacent to the Airport.
 - Biosecurity / quarantine shed co-located with the Unstuffing Shed in the new Cargo Laydown Facility in the north zone.
- Video Animation of Dog Kennels available publicly on website - [Detection Dog Kennels](#).
- Biosecurity Technical Advisory Group (BTAG) and LHIB have progressed:
 - Biosecurity Risk Management Plan (BRMP) and consulted with DPIRD and DAFF.
 - Developed Biosecurity best practice for the Main Infrastructure Works construction over the next 2 years, released as part of MIW RFT Stage 2.
 - Developed Biosecurity best practice for the O&M.
 - Reviewing BRMP being developed by ERM to inform the EIS.



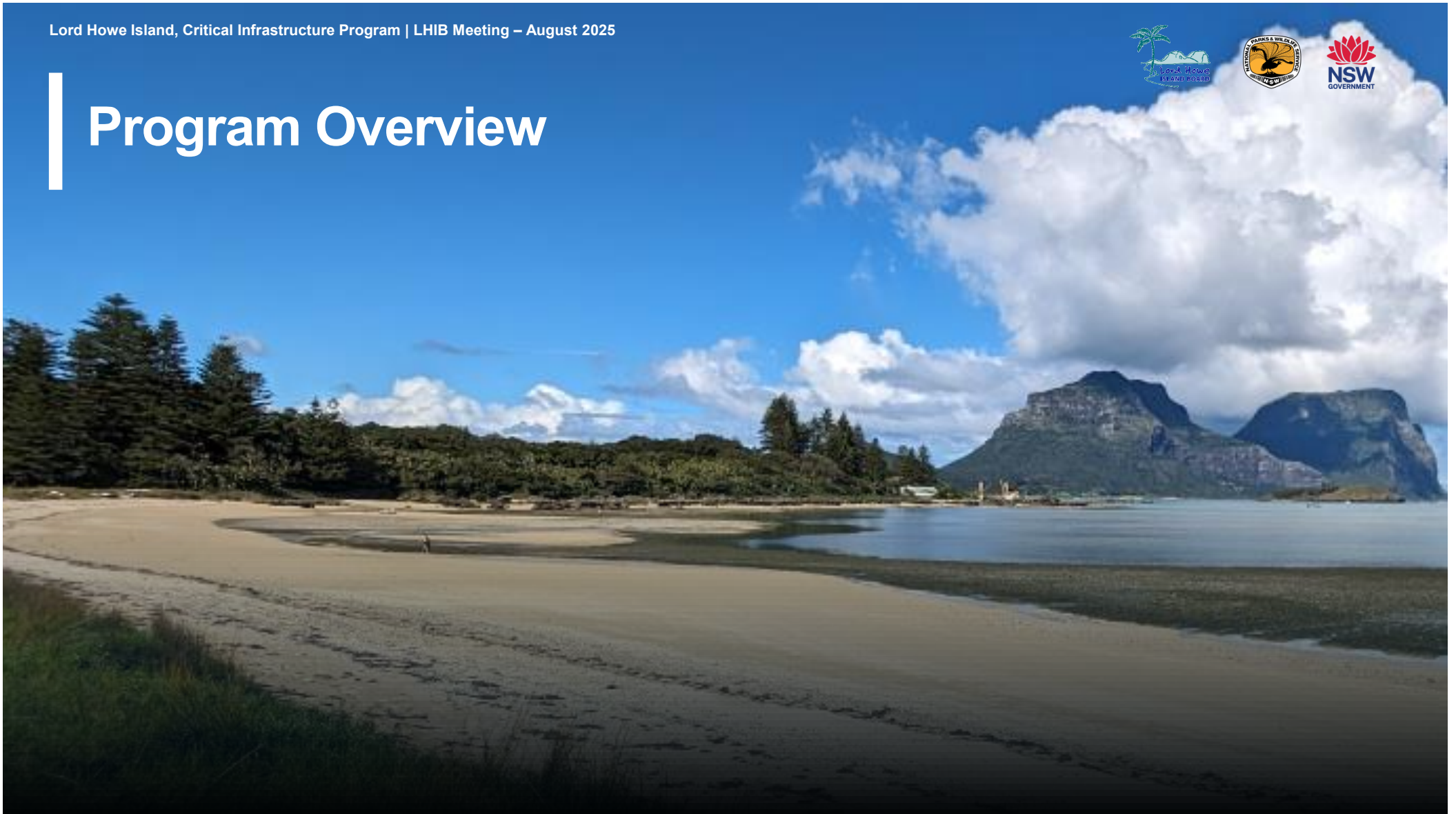
Lord Howe Island Critical Infrastructure Program

Lord Howe Island Board Meeting – 26 August 2025

Lord Howe Island, Critical Infrastructure Program | LHIB Meeting – August 2025



Program Overview





Program Status Summary

KEY UPDATES

Key updates undertaken on Critical Infrastructure Program

- ✓ Final Draft Master Plans (North and South), Artist Impressions and Video Animations released publicly on the LHIB website
- ✓ Marine Infrastructure Concept Designs complete by engineers
- ✓ 20% DA Plans and Technical Specifications complete for Cargo Laydown Facility, Fixed Ramp, WMF & dog kennels
- ✓ All Site Investigations on Island are complete. including Heritage Consultant site visit, to assess heritage items
- ✓ EIS Preparation incl. Design and Technical Assessments
- ✓ DCCEEW (Commonwealth) issued a Notice of Controlled Action under the EPBC Act on 8 July 2025, the outcome is Assessment by Bilateral Agreement.
- ✓ Main Infrastructure Works (MIW) RFT Stage 1 closed
- ✓ Biosecurity requirements progressed for all projects with Biosecurity Technical Advisory Group (BTAG)
- ✓ REAP and Heritage Specialist on-island site inspections of north and south zones from 8 to 11 July 2025.
- ✓ Stakeholder Consultation Meetings - DCCEEW (NSW & Commonwealth) DAFF / Marine Parks / DPHI / DPI&RD / TfNSW / Heritage NSW / NSW Public Works and EPA
- ✓ DCCEEW Audit and Risk Committee Briefing on 3 June 2025
- ✓ Minister for the Environment Briefing on CIP 19 June 2025
- ✓ Presentation to DPHI Senior Officers Infrastructure Assessment Committee on 2 July 2025
- ✓ DCCEEW Secretary Briefing on CIP Status on 3 July 2025
- ✓ NSW Public Works to manage construction works, contract administration and delivery of Main Infrastructure Works.
- ✓ RFT released for the New Marine Vessel on 14 April and closed on 1 August 2025, tender evaluation in progress

Lord Howe Island, Critical Infrastructure Program | LHIB Meeting – August 2025

Approvals Status

CSSI AND EPBC REFERRAL UPDATE

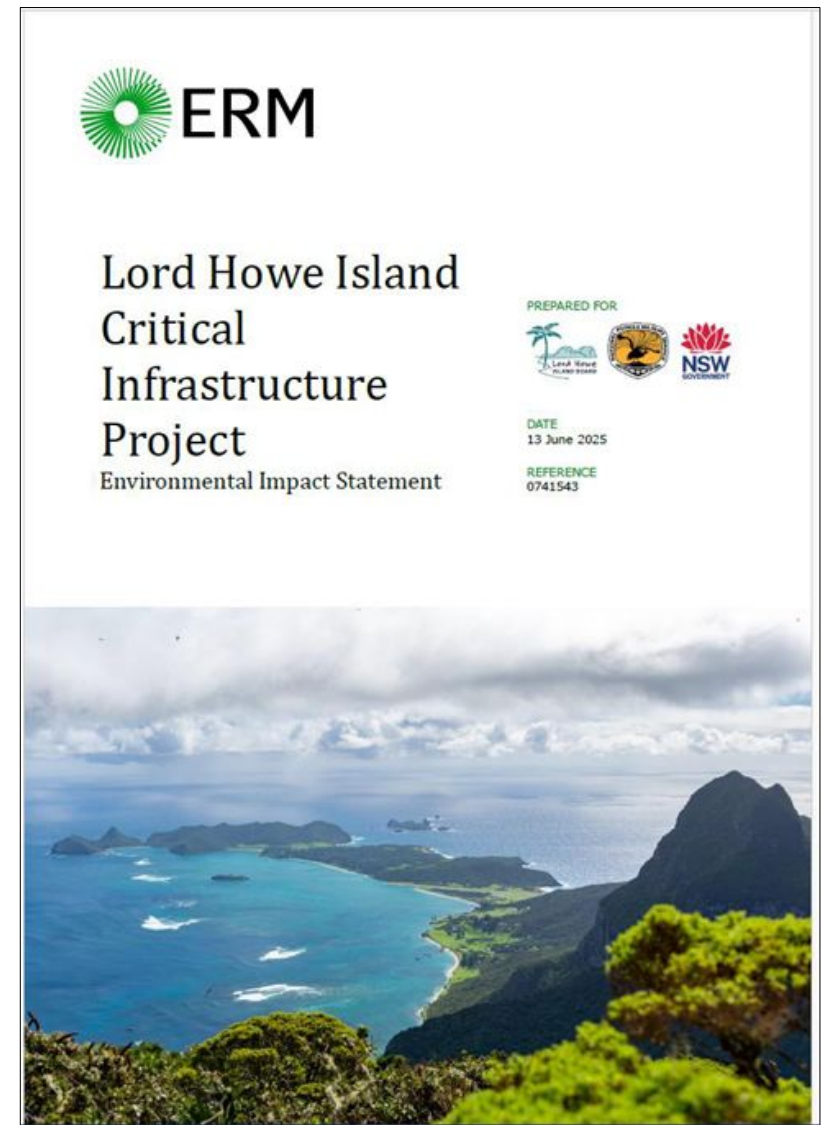
The following activities have been progressed to support the submission of the CSSI Application and EPBC Act Referral:

CSSI Application

- EIS Chapters 1-5 complete, progress on Technical Assessments and DA Design Plans complete
- Template SSI Draft Conditions included in procurement of the Main Infrastructure Works (Cargo Laydown Area, Marine Infrastructure (fixed piled ramp), Waste Management Facility and Detection Dog Kennels) for Tenderers information.

EPBC Act Approval

- EPBC Referral lodged 8 May 2025 – EPBC Number 2025/10188
- EPBC Act Referral published on the Department's website for public consultation on 6 June 2025
- Public Comment closed on 23 June 2025
- Referral Decision of Assessment Approach on 8 July 2025 the outcome is Assessment by Bilateral Agreement
- Consultation meetings with DCCEEW Commonwealth Environment Assessments NSW and ACT Team



Lord Howe Island, Critical Infrastructure Program | LHIB Meeting – August 2025



Program Govt. Consultation

Commonwealth Government agencies:

- Department of Agriculture, Fisheries and Forestry
- Department of Climate Change, Energy, the Environment and Water.

State Government agencies:

- TfNSW, DPHI, NSW Public Works, NSW Treasury Corporation (TCorp), Infrastructure NSW, NSW Government Architect, Department of Primary Industries and Regional Development (Lord Howe Island, Marine Parks & Agriculture and Biosecurity) and NSW Marine Rescue.

DCCEEW divisions:

- LHIB, NPWS, NSW Environment Protection Agency (EPA), Governance and Legal, Conservation Programs Heritage and Regulation, Finance Corporate & Enabling Services, Strategic Policy Science and Engagement, Ethics & Integrity and Heritage NSW.





Main Infrastructure Works – Stage 1 RFT

A NSW Government website



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Lord Howe Island Critical Infrastructure Program – Main Infrastructure Works Request for Tender Stage 1 - RFT-2008295A

Description

Lord Howe Island Critical Infrastructure Program – Main Infrastructure Works Request for Tender Stage 1

Overview

Managed:

NSW Public Works



Lord Howe Island Biosecurity Risk Register

Strategic Biosecurity Risk Register developed to focus management efforts on the most critical biosecurity threats:

Seven strategic risks identified that represent the highest priority risks:

1. Incursion and establishment of a new vertebrate pest (e.g. rodent, snake) via a marine or air pathway
2. Introduction of an invasive tramp ant species (e.g. red imported fire ants) from contaminated cargo, machinery, or freight.
3. Establishment of a destructive non-native wood-boring insect (e.g. termite) in untreated timber, building materials, or freight.
4. Introduction of an aggressive invasive soil-borne pathogen or fungus via contaminated soil on vehicles, equipment, or plants.
5. Establishment of a new, highly invasive weed species from contaminated goods, produce, or personal effects.
6. Translocation and establishment of a new marine pest via vessel biofouling or ballast water.
7. Systemic failure of mainland biosecurity controls due to inadequate resourcing, training, or third-party non-compliance.

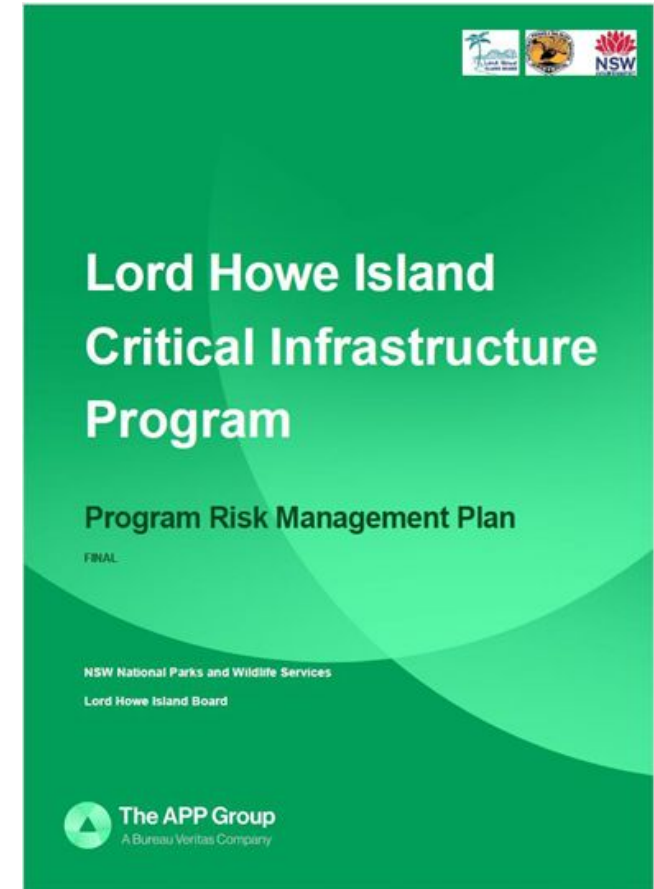


The APP Group
A Bureau Veritas Company



Risks and Key Challenges

- ▶ **Extended planning assessment** of State and Commonwealth approval periods will impact programme and delay construction commencement. Determination now June 2026 and Commonwealth (EPBC Approval) end July 2026.
- ▶ **Approvals delay impact construction commencement** of Detailed Design & Construct of the Main Infrastructure Works, Planned construction completion date is now estimated at end 2027.
- ▶ **Increased construction activity, is an increased risk to biosecurity of the Island.** If unmanaged, a breach during the construction phase will have significant impact. An expert panel has been established to advise the project, contractors and the EIS process to mitigate the risk.
- ▶ **Managing the logistical challenges** of a remote island, for transport of materials and equipment, including workers and accommodation.
- ▶ **Unknown site conditions** with limited geotech and quantum of clean-up at Waste Management Facility, resulting in budget impacts.
- ▶ **Project costs** pre-tender estimates show a tight budget scenario, potential risk that the Tenderers bid prices exceed the budget, resulting in an affordability issue and continued value management exercise.



Program Risk Management Plan, Final Report, APP (21/05/2025)

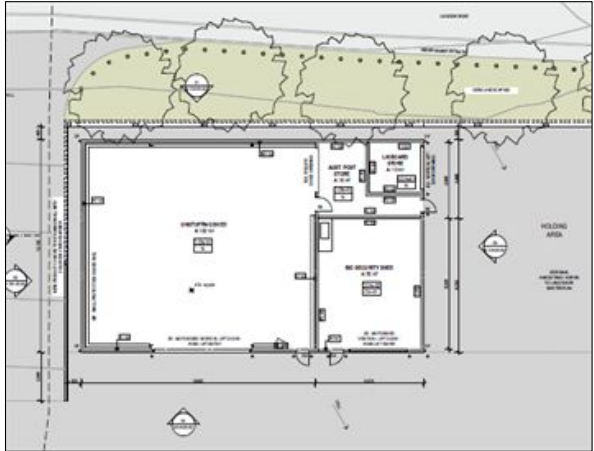
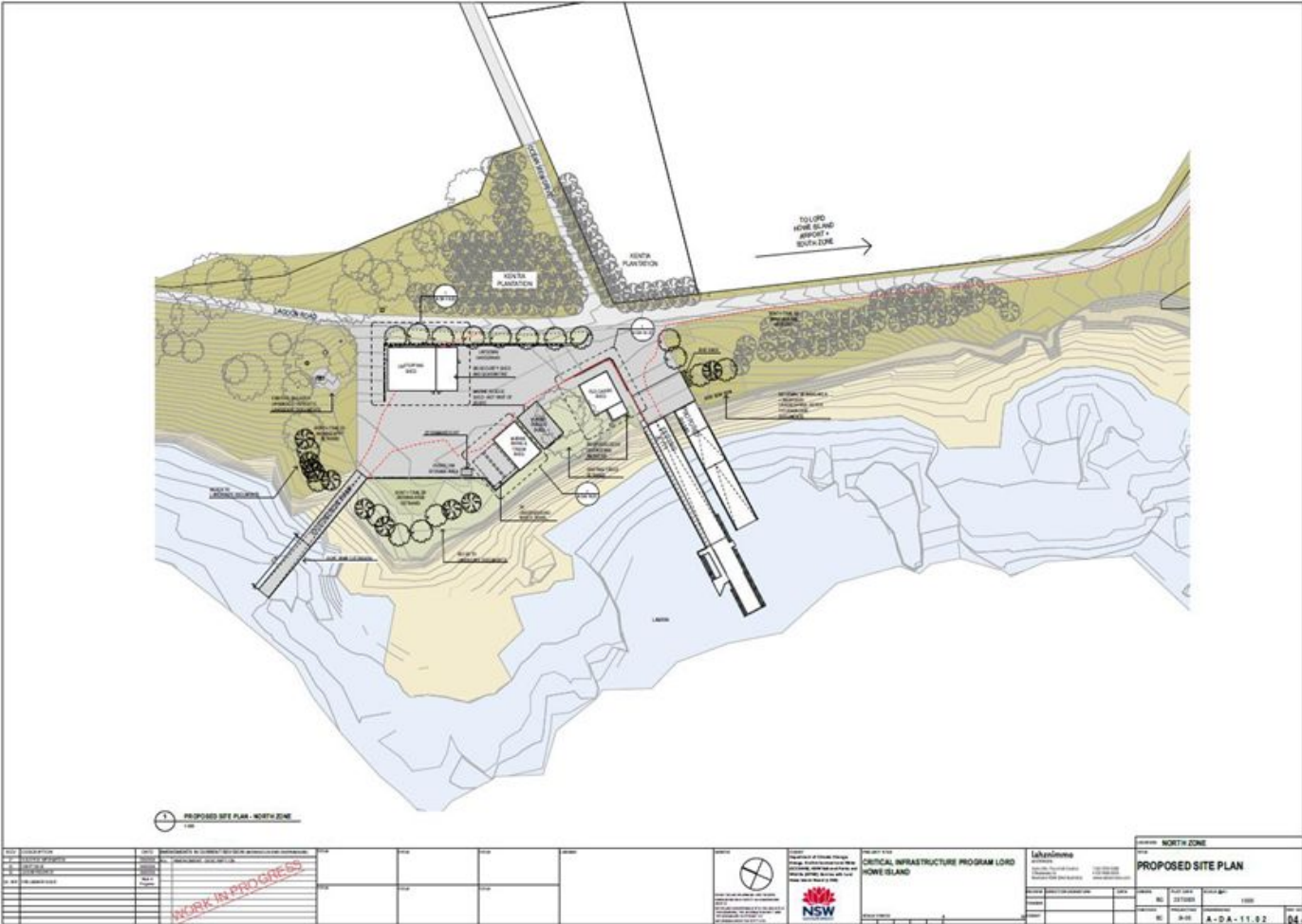
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Concept Design Plans and DA Plans

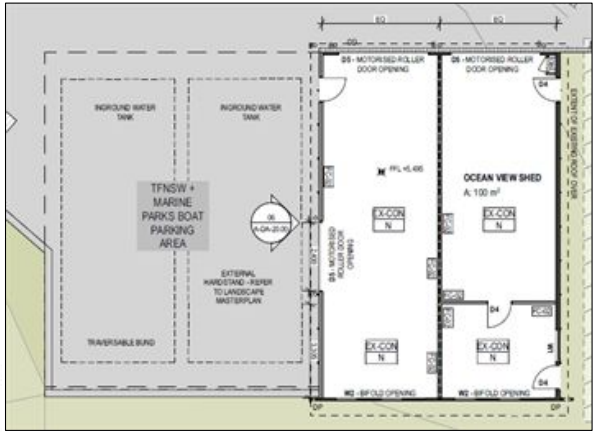


Lord Howe Island, Critical Infrastructure Program | LHIB Meeting August 2025

North Zone – Concept Designs / DA Plans

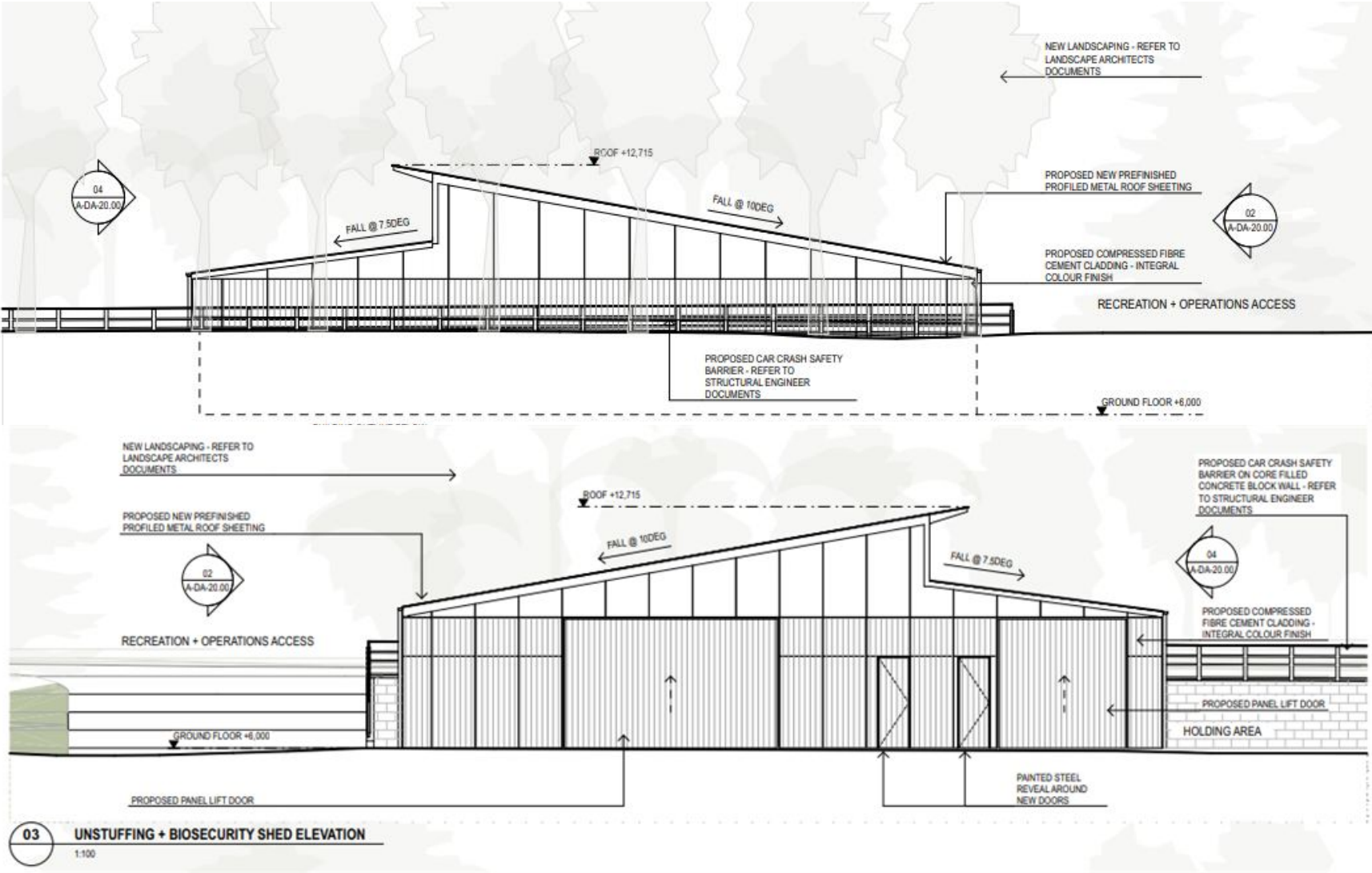


Unstuffing + Biosecurity Shed Plan



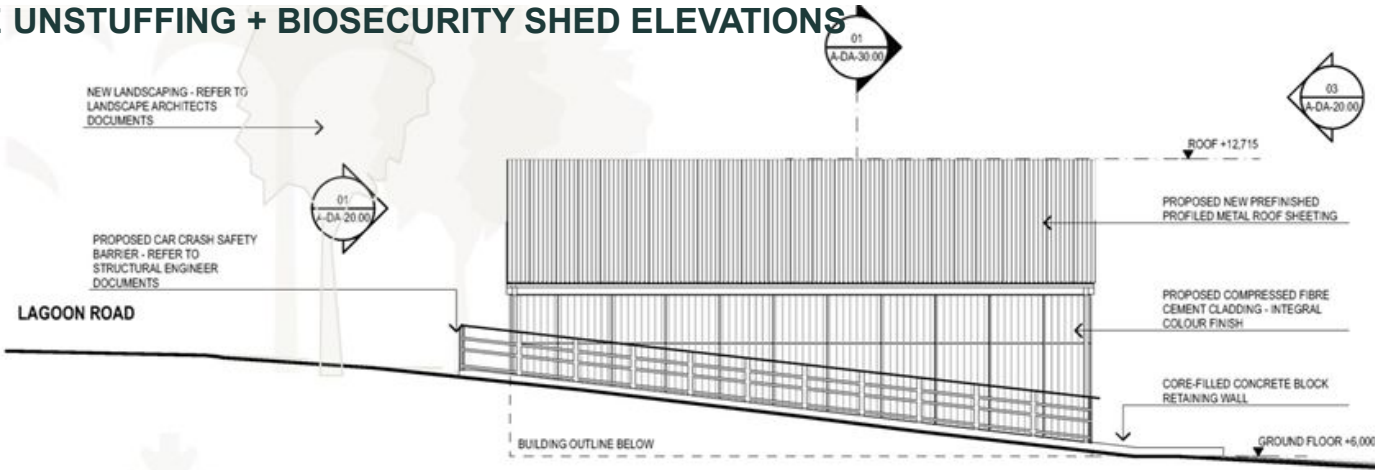
Oceanview Shed Plan

NORTH ZONE UNSTUFFING + BIOSECURITY SHED ELEVATIONS

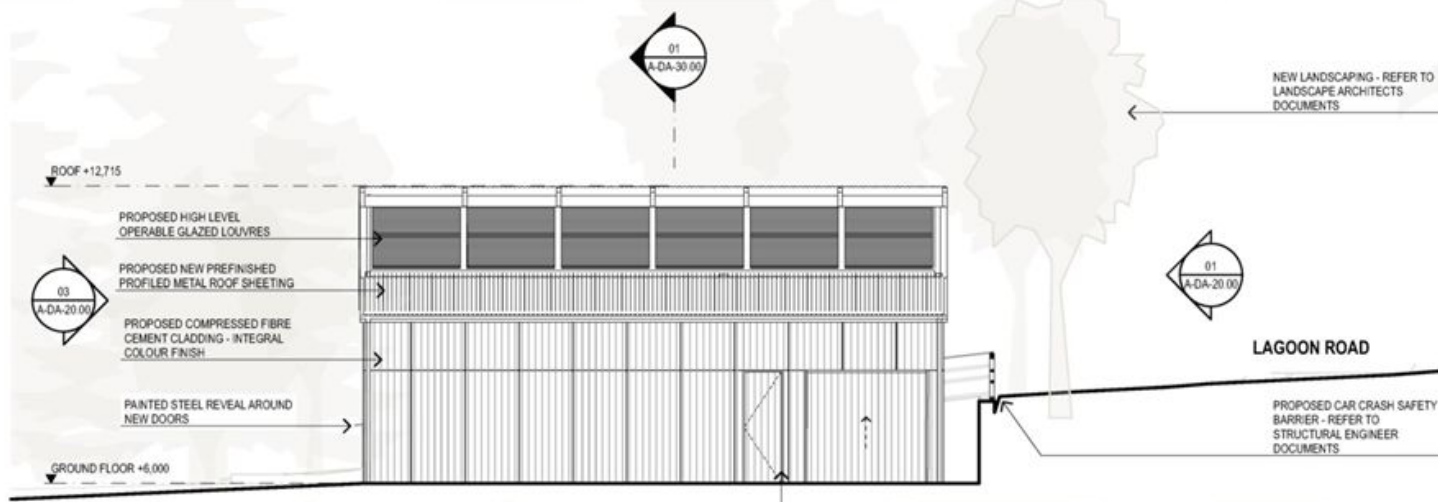


Source: Lahznimmo
Architects, 20 June
2025

NORTH ZONE UNSTUFFING + BIOSECURITY SHED ELEVATIONS



02 UNSTUFFING + BIOSECURITY SHED ELEVATION
1:100



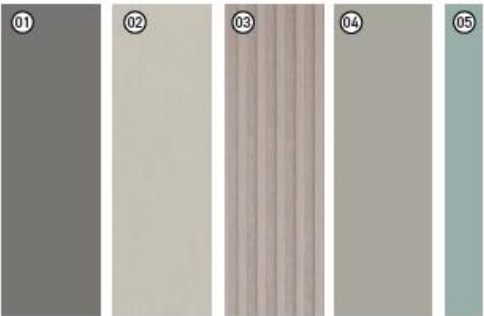
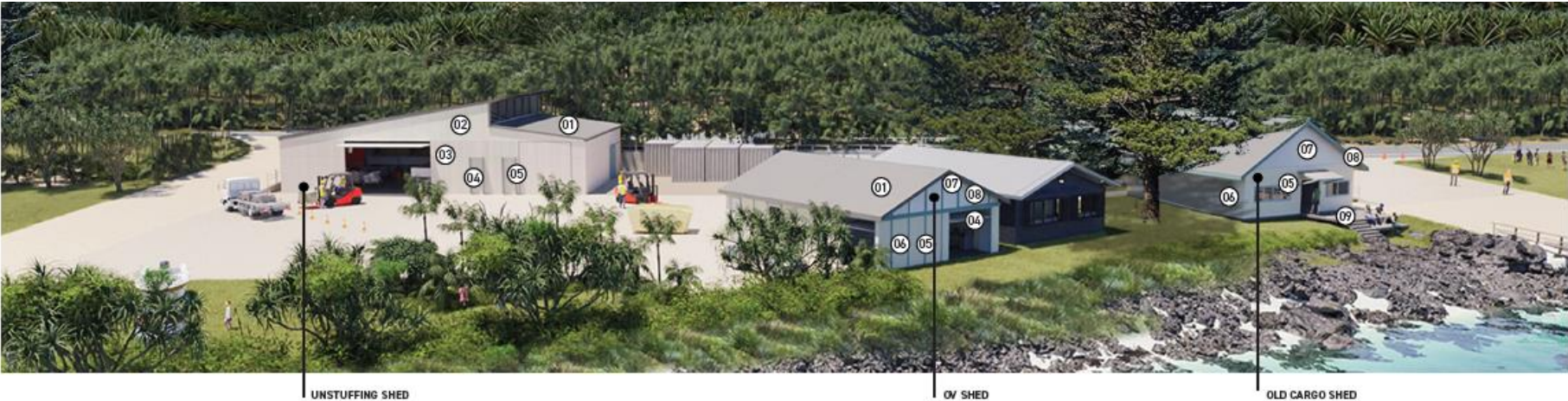
04 UNSTUFFING + BIOSECURITY SHED ELEVATION
1:100

Source: Lahznimmo Architects and Spackman Mossop Michaels, 20 June 2025

Lord Howe Island, Critical Infrastructure Program | LHIB Meeting August 2025



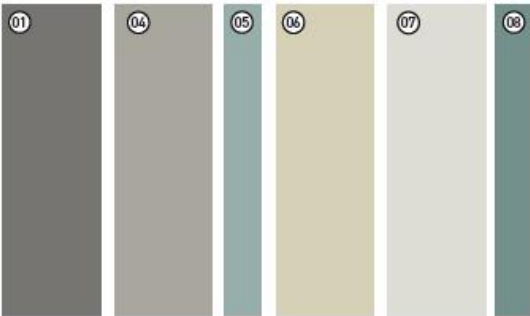
Buildings – Materials & Finishes



UNSTUFFING SHED

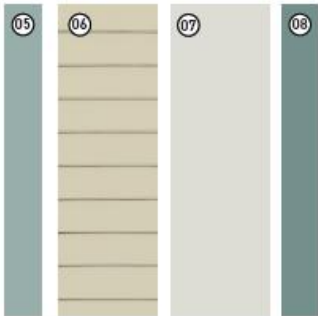
EXTERNAL MATERIALS

- 01 COLORBOND WALLABY
- 02 EQUITONE: FIBRE CEMENT NATURA N661
- 03 EQUITONE: FIBRE CEMENT LINEAR LT10 LINEN
- 04 RESENE SORRENTO PAINT FINISH



OV SHED

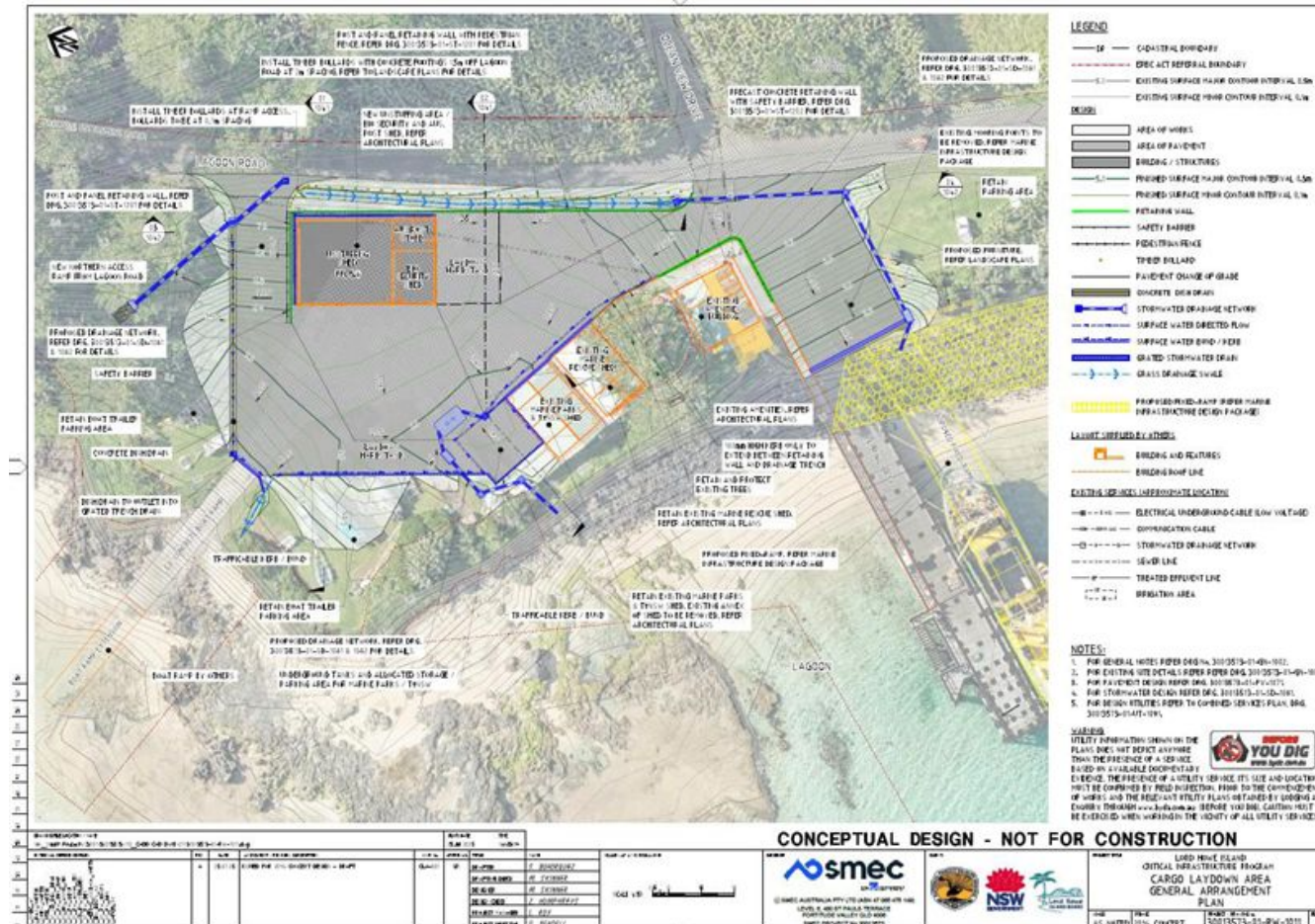
- 05 RESENE JUPITER PAINT FINISH
- 05 DULUX PISTACHIO TANG PAINT FINISH
- 06 DULUX ROTTNEST ISLAND PAINT FINISH
- 07 COLORBOND DUNE PAINT FINISH



OLD CARGO SHED



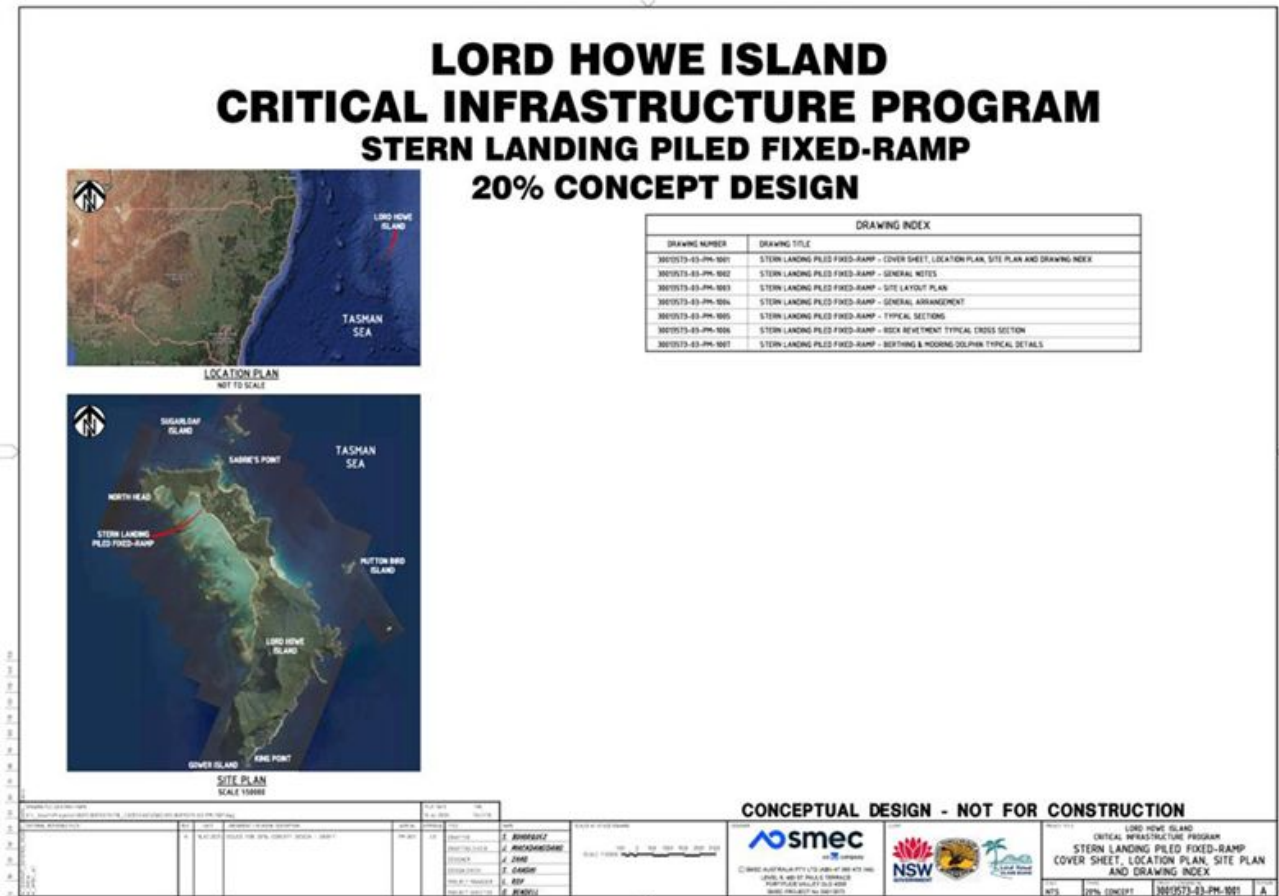
North Zone – Concept Designs / DA Plans



Lord Howe Island, Critical Infrastructure Program | LHIB Meeting August 2025



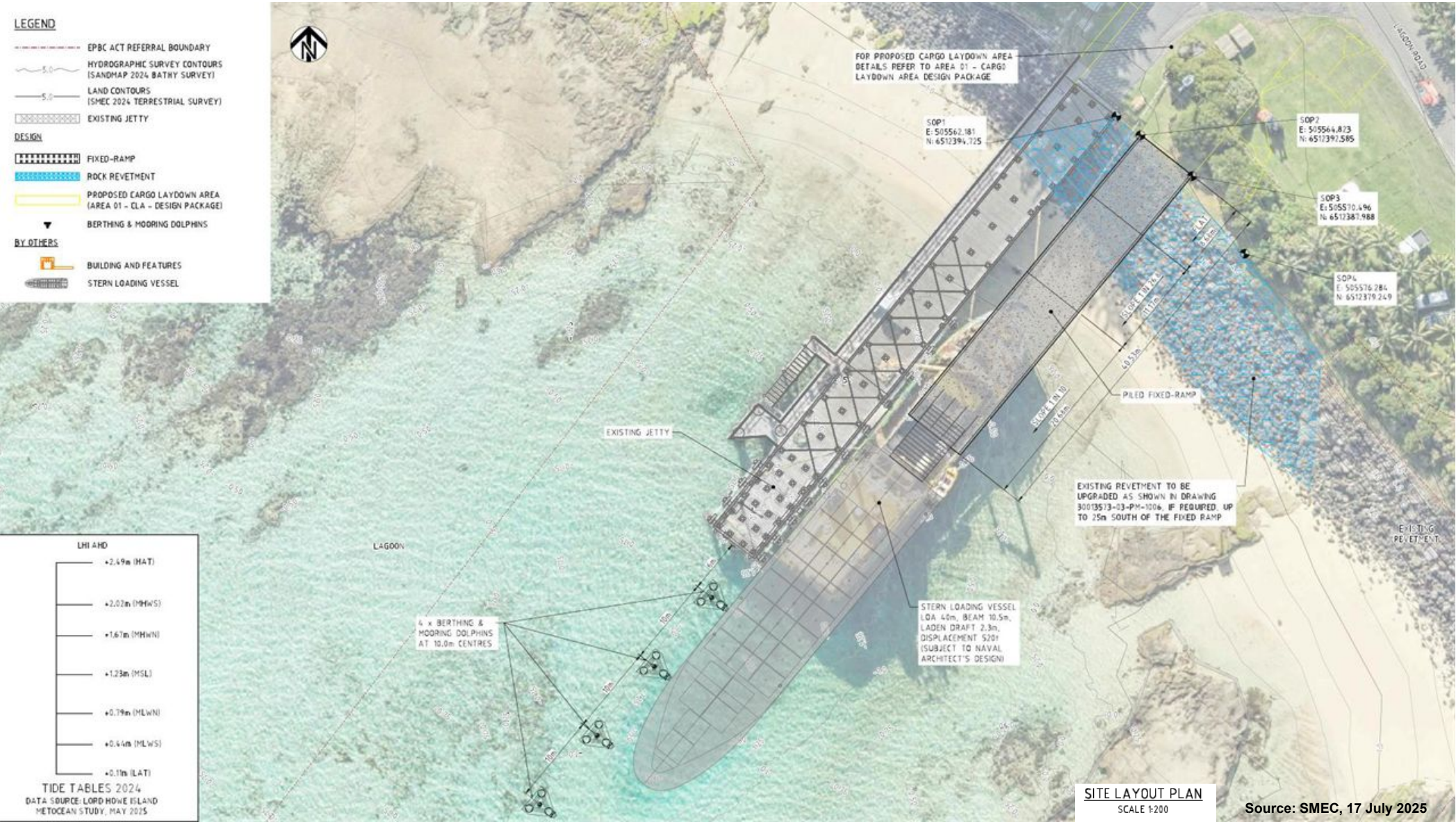
North Zone – Concept Designs / DA Plans

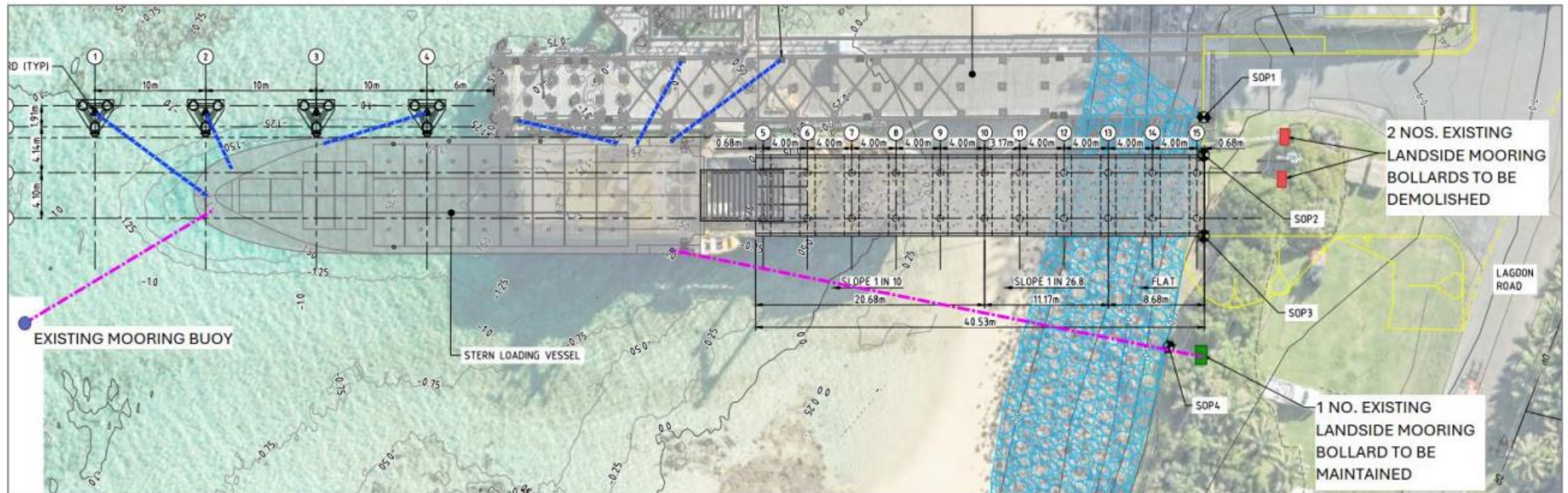


Stern Landing Piled Fixed-Ramp 20% Concept Design Drawing Package, SMEC (18/07/2025)



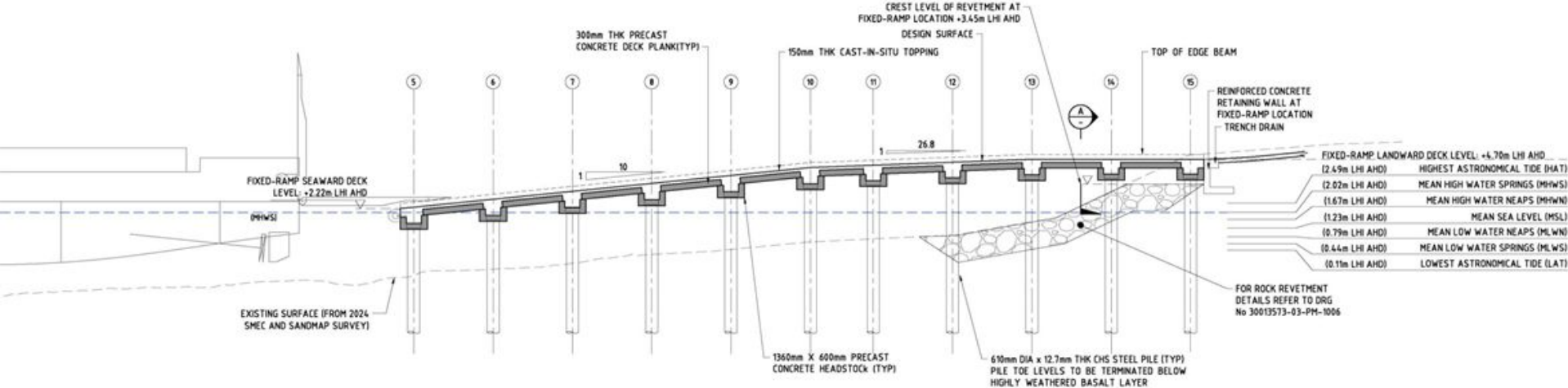
Stern Loading Vessel Piled Fixed-Ramp – Concept Design Report, SMEC (18/07/2025)



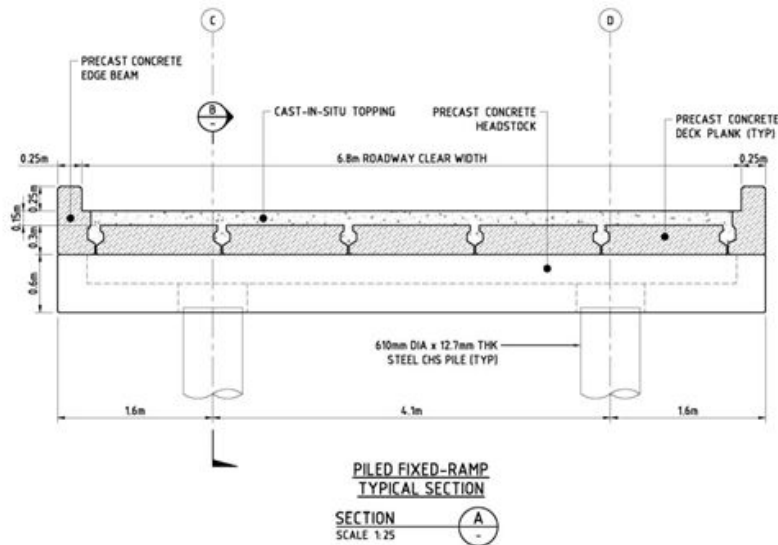


Proposed Mooring Layout – Extreme Conditions

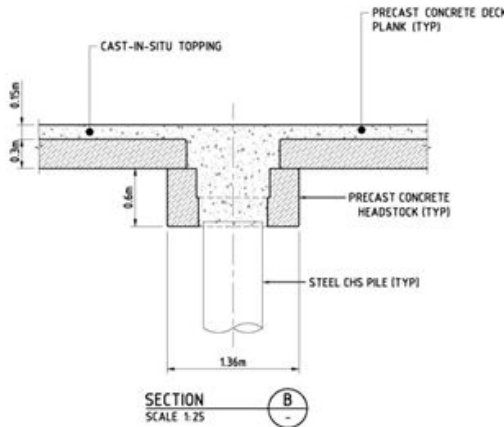
Source: SMEC, 17 July 2025



PILED FIXED-RAMP
TYPICAL LONGITUDINAL SECTION
SCALE 1:100



PILED FIXED-RAMP
TYPICAL SECTION
SCALE 1:25



SECTION
SCALE 1:25

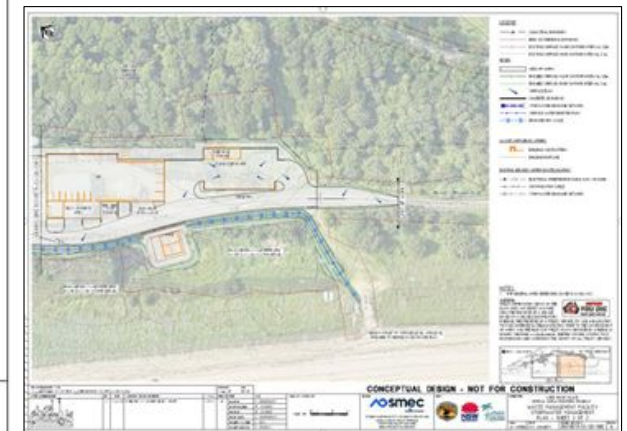
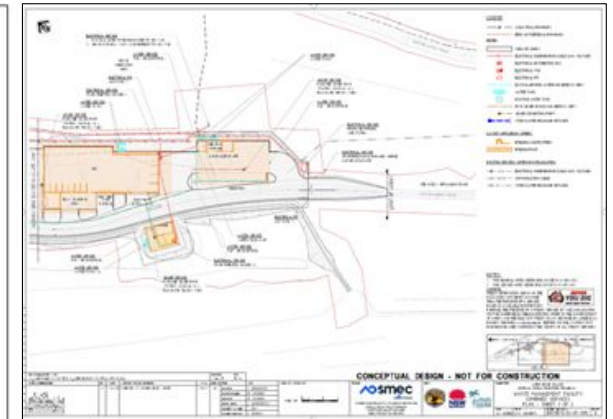
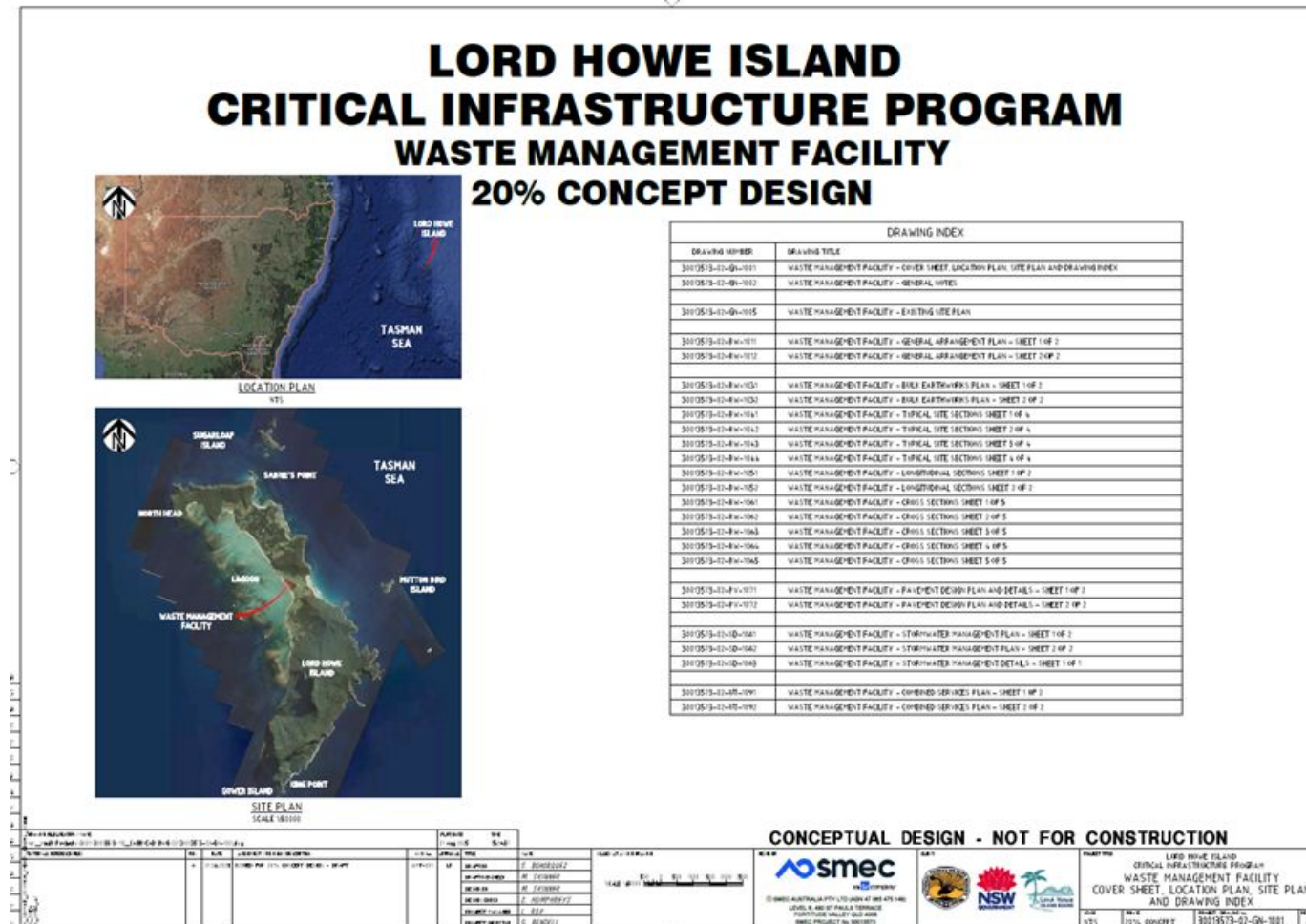
NOTE
1. FOR GENERAL NOTES REFER DRG NO. 30013573-03-PH-1002.

Source: SMEC, 17 July 2025



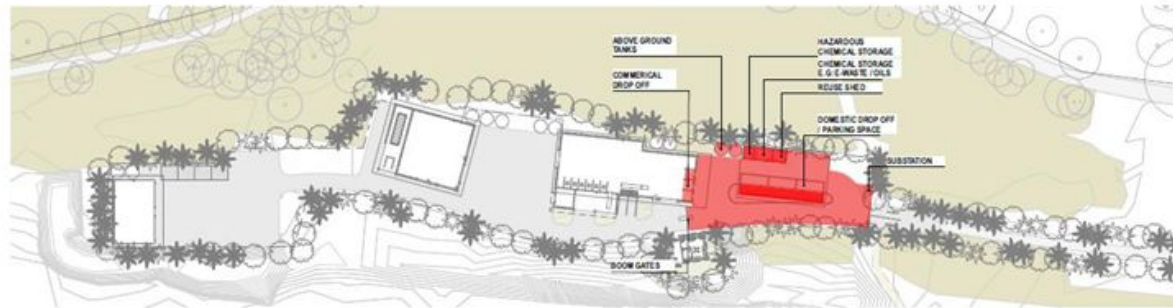


South Zone – Concept Designs / DA Plans





South Zone – Concept Designs / DA Plans



SOUTH ZONE - WASTE MANAGEMENT FACILITY LOCATION PLAN
1:1000 @ A3



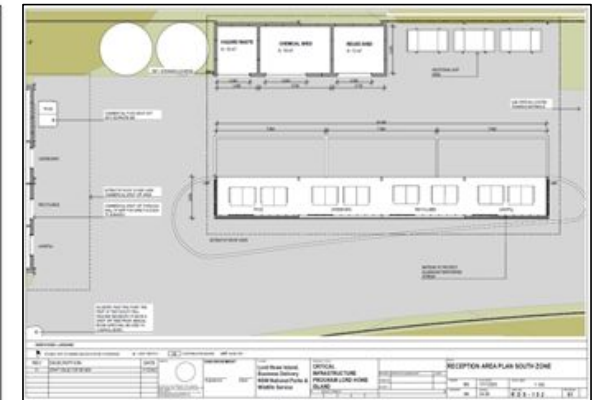
THE RECEPTION AREA IS A PUBLICLY ACCESSIBLE ZONE WHERE DOMESTIC AND COMMERCIAL WASTE CAN BE DROPPED OFF. IT IS ACCESSED VIA A LOOKABLE GATE, WHICH IS PART OF A SECURE FENCE AROUND THE ENTIRE WMF SITE. THE DROP OFF ZONE IS A ONE-WAY LOOP.

COMMERCIAL DROP OFF IS VIA OPENING DIRECTLY INTO THE MRF BUNKERS THROUGH THREE AVAILABLE OPENINGS. COMMERCIAL FOOD DROP OFF IS VIA A SEPARATE BIN. THE MAIN MRF ROOF EXTENDS OVER THIS AREA.

DOMESTIC DROP OFF INCLUDES THE FOLLOWING:

- PARKING SPACE FOR THREE VEHICLES TO LOAD WASTE INTO DESIGNATED BINS
- HAZARDOUS CHEMICALS DROP OFF STORE - THIS WILL BE BUNDLED AND LOCKABLE.
- OTHER CHEMICALS DROP OFF:
- REUSE SHED - SMALL SPACE WHERE LOCALS CAN DROP OFF OR PICK UP SMALL DOMESTIC ITEMS FOR REUSE.
- HARDBAND SPACE FOR SKIP BINS - IF OR ITEMS NOT SUITABLE FOR OTHER BINS;
- TAP AND EYEWASH ADJACENT TO HAZARDOUS CHEMICALS.
- ENTIRE DOMESTIC DROP OFF AREA TO BE COVERED.

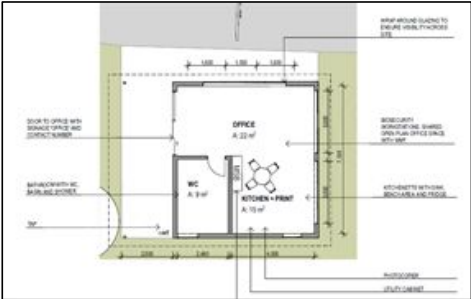
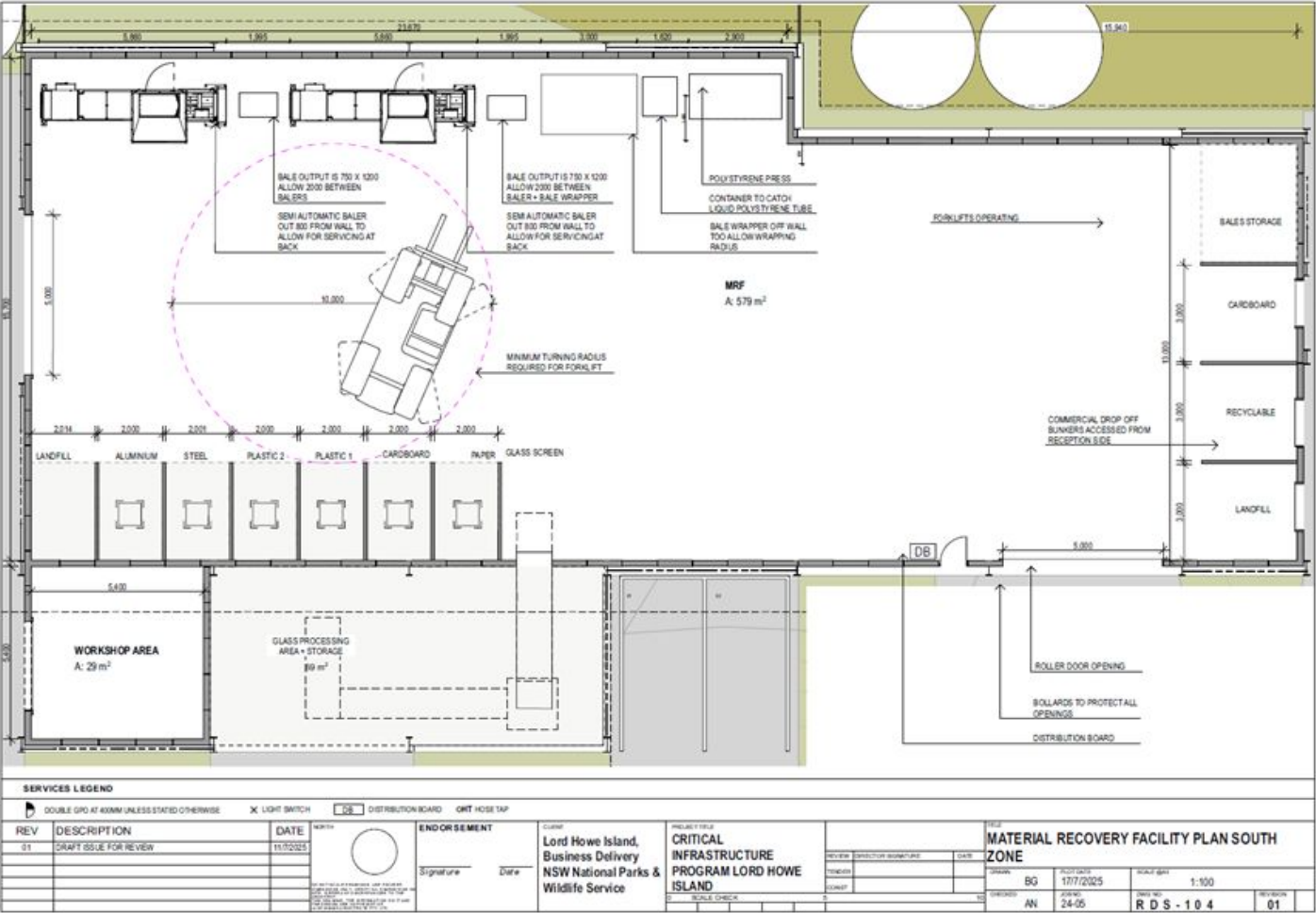
ALL ROOF RAINWATER IS TO BE COLLECTED IN AN ABOVE GROUND WATER TANK, CONNECTED TO TAPS MOUNTED EXTERNALLY TO THE BUILDING, WITH OVERFLOW DIRECTED TOWARDS THE AUTHORIZED IRRIGATION AREA.

[illegible]

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South Zone – Concept Designs / DA Plans



Lord Howe Island, Critical Infrastructure Program | LHIB Meeting August 2025



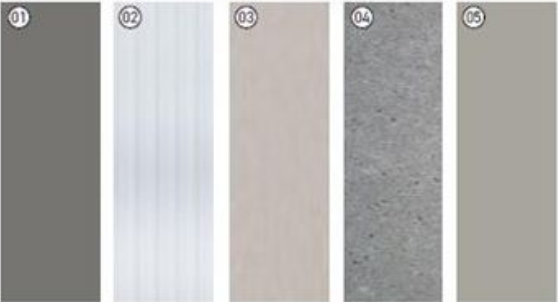
Buildings – Materials & Finishes



MRF

OFFICE

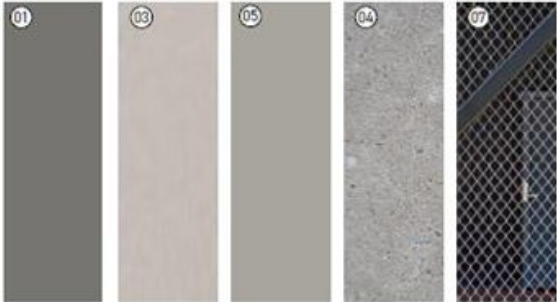
RECEPTION



MRF



OFFICE



RECEPTION

EXTERNAL MATERIALS

- 01 COLOURBOND WALLABY
- 02 POLYCARBONATE SHEETING
- 03 EQUITONE: FIBRE CEMENT NATURA N861

- 04 PRECAST CONCRETE
- 05 COLOURBOND DUNE
- 06 EQUITONE: FIBRE CEMENT HESSIAN LT&O

- 07 MESH SHEETING









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Project D Update

NEW MARINE VESSEL & OPERATIONS STATUS

Key activities undertaken in the current reporting period

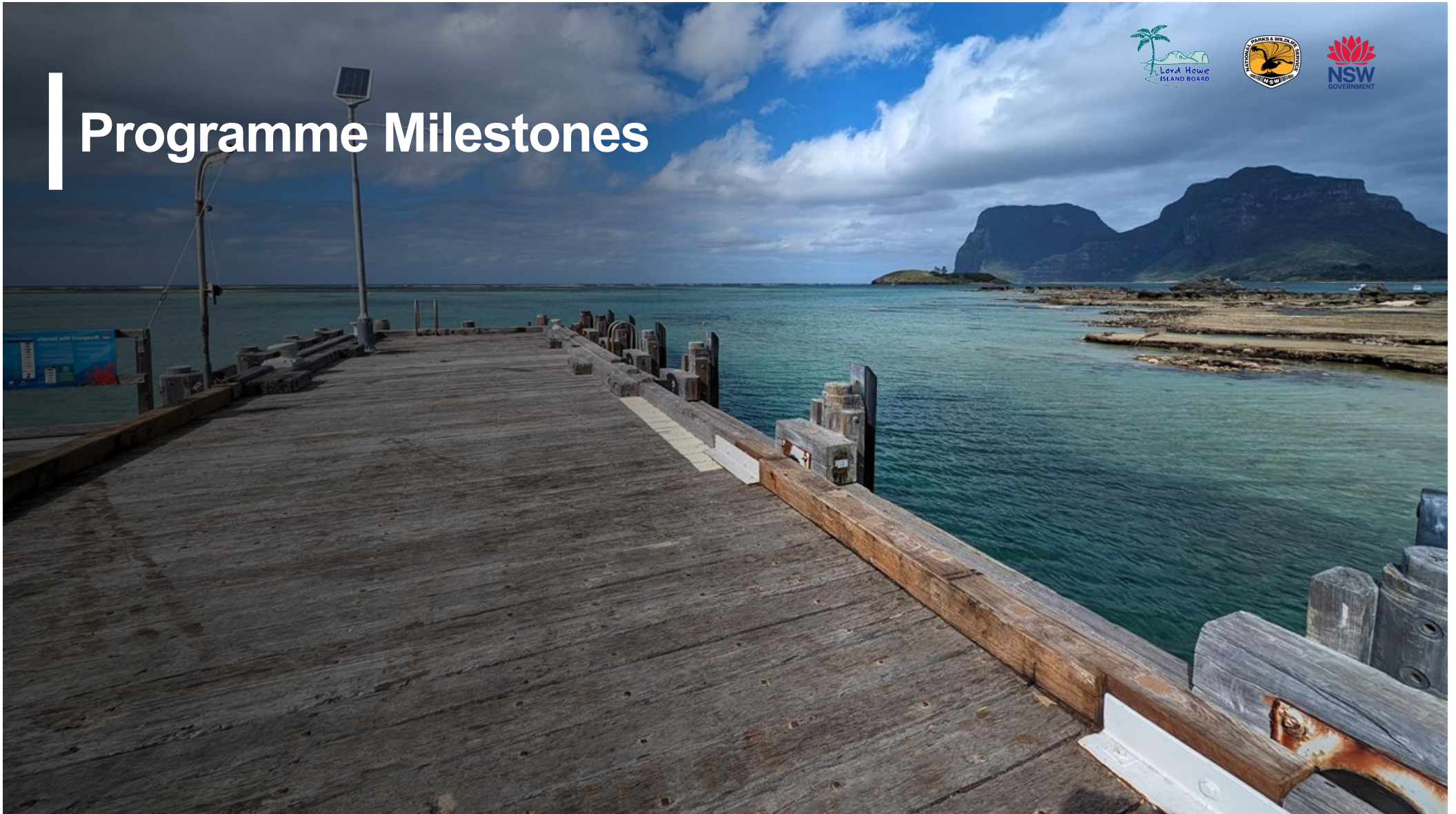
- ✓ RFT period for the new marine vessel is complete (closed on 1 August), tender evaluation commenced
- ✓ Interactive process (Technical & Commercial with Tenderers for the New Marine Vessel has finished.
- ✓ Workshop to review the business requirements for the Scope of Services for marine freight service was held on 16 July with Program Sponsors and EBM's 13 August.
- ✓ Drafting of RFT documents for the New Marine Freight Service is in progress.

Key activities to be undertaken in the next reporting period

- 🕒 Further workshops as required to refine the scope of services for the New Marine Freight Service
- 🕒 Continued drafting of RFT documents for the New Marine Freight Service, including commercial contract with Legal
- 🕒 The Tender Evaluation Period for the design and build of New Marine Vessel commenced (from 1 August)
- 🕒 Preparation for the release RFT for Marine Freight Service.



Programme Milestones





Key Programme Milestones

Lord Howe Island Critical Infrastructure Project – Key Milestones

June / July 2025	EIS Report progress, Technical Assessments and Agency Consultation / Engagement Briefings.
July / Aug 2025	RFT Stage 1 and Stage 2 release to market for Main Infrastructure Works to seek a Principal Contractor to deliver the construction works for the project.
Sept / Oct 2025	EIS Lodgement to DPHI end Sept 2025. Exhibition Period [DPHI] (28-calendar days).
November 2025	Contract Award to ship builder to design and build the new marine vessel. Contract Award to Principal Contractor for the design and construct of main infrastructure works. Commence detailed design.
February 2026	Remediation and decontamination with EPA of Waste Management Facility, to progress cleanup prior to construction commencement in June 2026. Contract Award to Marine Vessel Operator & Maintain.
Feb / March 2026	Submissions Report published [DPHI]. Issue of Preliminary Draft Conditions (30-calendar days)
June / July 2026	DA Determination and obtain EPBC Approval. Site mobilisation of Principal Construction Contractor on island for construction commencement of main infrastructure works.
February 2027	Marine Infrastructure construction of piled fixed ramp for new marine vessel complete.
March 2027	New Marine Vessel built, commissioned and handed over to NSW Government for the first marine operational freight service from the mainland to Lord Howe Island
End Nov 2027	Construction completion - Cargo Laydown Area, Waste Management Facility and Biosecurity Infrastructure (Quarantine Shed and Detection Dog Kennels)

Lord Howe Island, Critical Infrastructure Program | LHIB Meeting – August 2025




Thank you

More information can be found on Program website,
[Critical Infrastructure Program | Lord Howe Island Board](#)

LHI Critical Infrastructure Project available on the NSW Major Projects
Planning Portal – [Lord Howe Island Critical Infrastructure Project |
Planning Portal - Department of Planning and Environment](#)

EPBC Act Public Portal (EPBC Number: 2025/10188)
[Referral summary - EPBC Act Public Portal](#)

An aerial photograph of Lord Howe Island showing a mix of natural and built environments. In the foreground, there's a rocky shoreline with clear, turquoise water. A paved area with some vehicles and a small building is visible. The background is filled with dense, green vegetation, including palm trees. A large white circle is superimposed over the center of the image, containing the title and date.

LORD HOWE ISLAND CRITICAL INFRASTRUCTURE

Materials & Finishes

JUNE 2025

SITE PALETTE



NORTH ZONE



WASTE MANAGEMENT FACILITY



WASTE MANAGEMENT FACILITY



MATERIALS PALETTE

SITE NATURAL COLOUR PALETTE

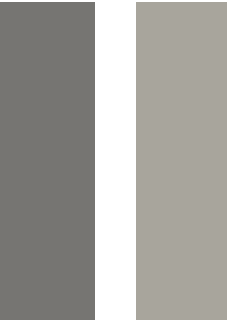


FIBRE CEMENT



LT60 HESSIAN N861 NATURA LT10 LINEN N661 NATURA

COLORBOND COLOURS

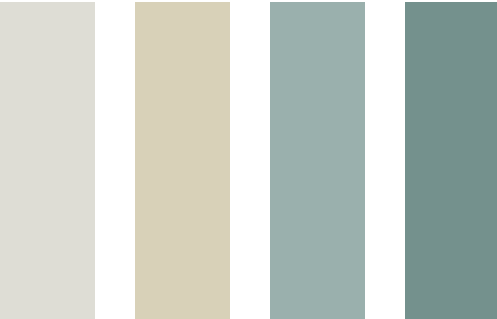


WALLABY DUNE

BUILDING COLOUR PALETTE

THE FACILITY SHOULD BLEND IN WITH THE SURROUNDING ENVIRONMENT.
THE SELECTION OF COLOURS, MATERIALS AND FINISHES, WHICH DREW ON THE ENDEMIC CHARACTERISTICS OF THE LANDSCAPE.
COLOUR PALETTE
» COLOUR SELECTION TO MATCH THE SURROUNDINGS.
» MATERIAL COLOUR PALETTE SHOULD INCLUDE: GREENS, GREYS AND BLACKS TO BLEND INTO THE SURROUNDING LANDSCAPE.

PAINT COLOURS

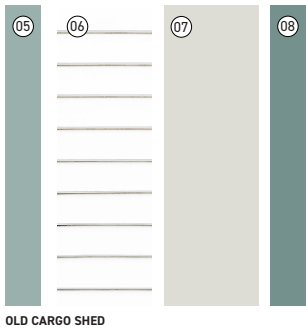
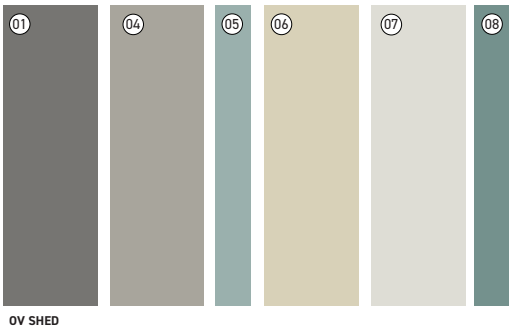
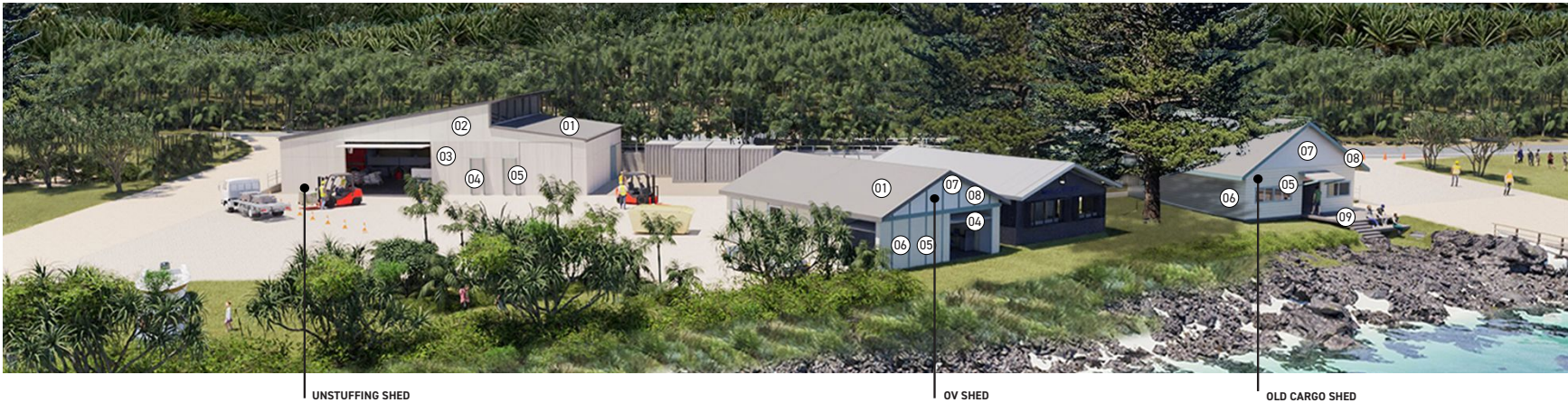


DULUX ROTTNEST ISLAND DULUX PISTACHIO TANG RESENE SORRENTO RESENE JUNIPER



PRECAST CONCRETE POLYCARBONATE MESH

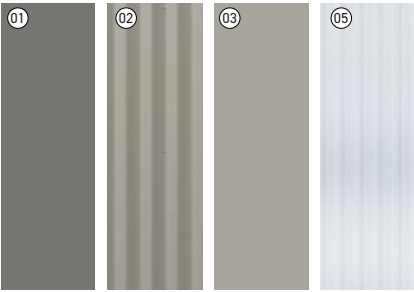
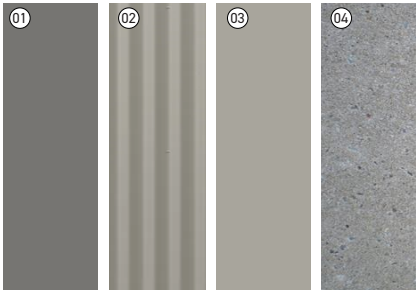
OVERVIEW/ NORTH ZONE



EXTERNAL MATERIALS

- | | | | |
|----|--|----|------------------------------------|
| 01 | COLORBOND WALLABY | 05 | RESENE JUPITER PAINT FINISH |
| 02 | EQUITONE: FIBRE CEMENT NATURA N661 | 05 | DULUX PISTACHIO TANG PAINT FINISH |
| 03 | EQUITONE: FIBRE CEMENT LINEAR LT10 LINEN | 06 | DULUX ROTTNEST ISLAND PAINT FINISH |
| 04 | RESENE SORRENTO PAINT FINISH | 07 | COLORBOND DUNE PAINT FINISH |

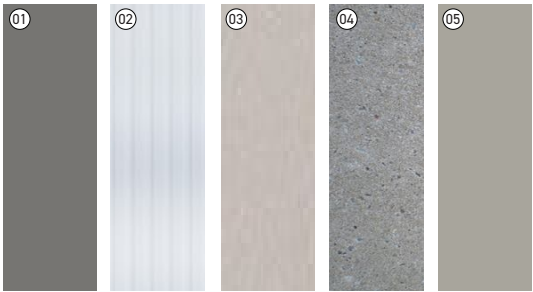
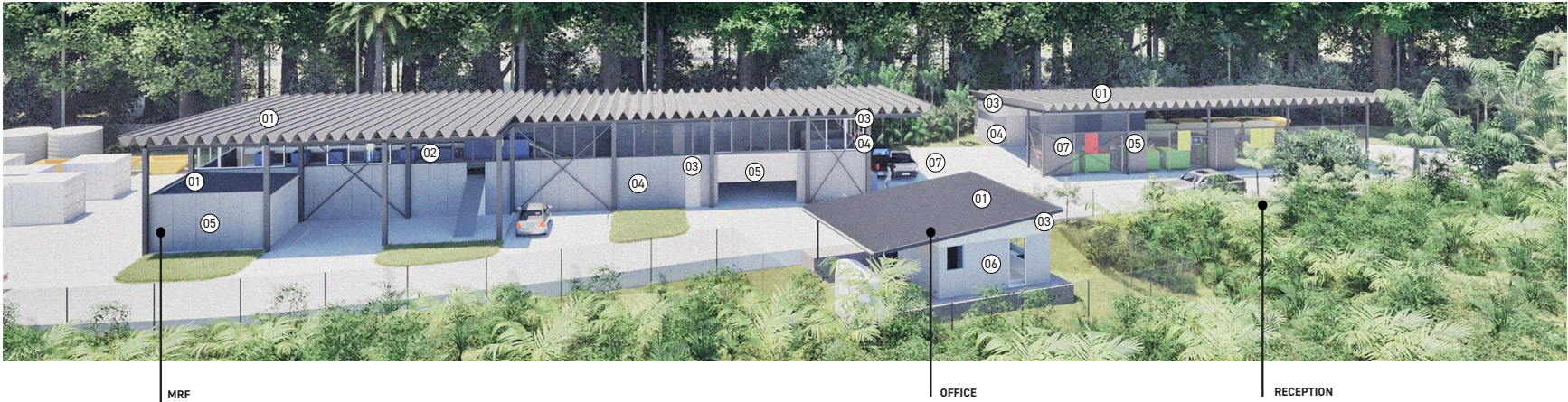
OVERVIEW/ SOUTH ZONE WMF



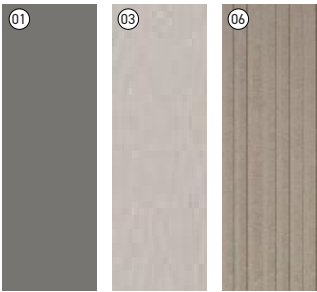
EXTERNAL MATERIALS

- | | | | |
|----|--|----|------------------------|
| 01 | COLORBOND WALLABY | 04 | PRECAST CONCRETE |
| 02 | COLOURBOND PROFILED METAL SHEETING TBC | 05 | POLYCARBONATE SHEETING |
| 03 | COLOURBOND DUNE | | |

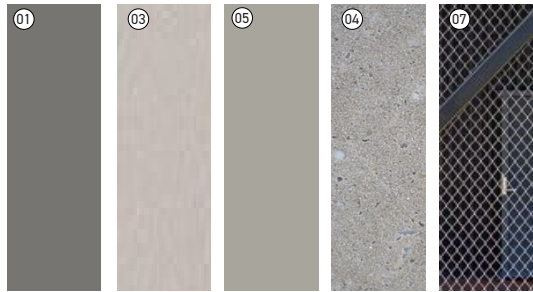
OVERVIEW/ SOUTH ZONE WMF



MRF



OFFICE



RECEPTION

EXTERNAL MATERIALS

- 01 COLOURBOND WALLABY
- 02 POLYCARBONATE SHEETING
- 03 EQUITONE: FIBRE CEMENT NATURA N861

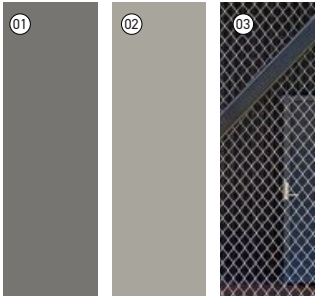
- 04 PRECAST CONCRETE
- 05 COLOURBOND DUNE
- 06 EQUITONE: FIBRE CEMENT HESSIAN LT60

- 07 MESH SHEETING

OVERVIEW/ SOUTH OF SITE



FUEL BOWSER



FUEL BOWSER



DOG KENNELS



DOG KENNELS

DOG KENNELS

- | | | | |
|----|--|----|------------------------|
| 01 | COLORBOND WALLABY | 05 | SHADECLOTH TBC |
| 02 | EQUITONE: FIBRE CEMENT NATURA N661 | 06 | CHAINWIRE MESH FENCING |
| 03 | EQUITONE: FIBRE CEMENT LINEAR LT10 LINEN | | |
| 04 | COLORBOND DUNE | | |

Board Meeting: August 2025

Agenda Number: 12.01

Record Number: ED25/5930

LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Middle Beach Stairs Project

Recommendations

1. **Note** the additional information about the Middle Beach Stairs project
2. **Approve** Development Application DA2025.3.1 and Owners Consent OC2025.4.1 for Middle Beach Stairs and proceed with work.

Current position

The northern stair access to Middle Beach has been closed for several years, and the southern stair access is aged and deteriorating. Both present safety risks to the public. Funding to replace both with more durable materials was applied for in 2021 and received in 2022 through a World Heritage grant from the Commonwealth. The project is significantly behind schedule. All technical studies and the required REF (Southern) and Development Assessment (northern) have now been completed.

Due to the requirements of the grant body to acquit the funds by end FY FY25, the stairs have been purchased. If the DA is approved, construction will now take place in mid-2026 once nesting birds in the area have migrated.

EBM have noted:

The project is for the installation of a simple set of 15 stairs, similar to the existing stairs, but with more durable materials. Refer to subheading 5 for more information.
The projected cost in the DA of circa \$200 represents about \$13k per step, which appears high. Refer to subheading 1, 2 & 3 for more information.
<i>The landing at the top of the stairs is undermined and subsiding and rehabilitation is not identified in the DA. Refer to subheading 7 for more information.</i>
<i>The footings at the top of the stairs are completely exposed and unlikely to be suitable for re-use. Refer to subheading 7 for more information.</i>
<i>There are exposed steel and timber fixtures left from the original walkway on the seaward side, which are unsightly and should be removed. Refer to subheading 7 for more information.</i>
<i>The DA contemplates SS304 fittings which are not marine grade and will deteriorate quickly; 316 grade should be used. Refer to subheading 6 for the revised material specification.</i>

EBM have requested:

- An outline of the delivery plan
- Include a cost estimate
- Identifying the source of funds (restricted or unrestricted) within the FY26 budget.

1. Funding

The majority of funding is under a Commonwealth Simple Grant Agreement between the Commonwealth represented by Department of Industry, Science, Energy and Resources and LORD HOWE ISLAND BOARD.

The approved funding is for 80% of the project and requires 20% contribution from Board funds, cash or in-kind (eg labour).

Funding Agreement:

80% from grant:	\$320k
LHIB contribution:	\$ 80k
Total Project (North and South):	\$400k

Item	Consultant	Spend to date
Surveyor	ADW Johnson Pty Ltd	10,714.00
Architect	Barbara Tarnawski	3,300.00
Consultants flights and accommodation	1x Architect: 2 Nights accommodation and return flights 2 x Surveyor 4 Nights accommodation and return flights	9,500.00
Ecological Report (North & South)	Bower Bush Works	6,050.00
Structural Inspection: Sediment & Erosion Control Plan	Greg Alderson & Associates	2,640.00
Total Spend to date		32,204.00

2. Budget

There is \$150k identified in the 2027FY for the LHIB contribution. LHIB's co-contribution will be funded from the from the Biosecurity NPP (Treasury funds) minor capital as biosecurity access is required to the Middle Beach mooring.

Costing

- The Northern and Southern Middle Beach Stairs are being managed under one project. Some costs have been apportioned across both.
- The DA application pertains to the **Northern Stairs**. The **Southern stairs** impacts are being assessed under a Review of Environmental Factors (REF).

The projected cost in the DA includes allowances for:

- Design and manufacture of the stairs
- Freight to LHI

- Assembly and installation on site
- Reports to support the planning application: Surveyor, Architect, Consultants & Certifier.

3. Southern Stairs - Review of Environmental Factors (REF)

The southern stairs are located in the Permanent Park Preserve (PPP) and will be managed under a Review of Environmental Factors (REF). Note that this assessment is equally as rigorous as the environmental assessment for a DA.

4. Delivery Plan Outline

- The contract for the design, manufacture, and supply of stair modules to Port Macquarie has been awarded to Forge Outdoors.
- The new Fiber-Reinforced Polymer (FRP) stairs will replace the existing deteriorated timber stairs at Middle Beach on Lord Howe Island.
- The stairs are being manufactured to an approved design and pre-cut to facilitate transport and installation.
- These components will be fabricated on the mainland and delivered in unassembled form for reassembly on the island.
- Structural certification will be provided by Forge's in-house Structural Engineer as part of their contractual requirements.
- Upon delivery to Port Macquarie, the Lord Howe Island Board (LHIB) will coordinate transportation to the island and arrange installation by a qualified contractor.

5. Materials

Fiber-Reinforced Polymer or Plastic (FRP) has been chosen for its high strength to weight ratio, corrosion resistance, and durability, making it a versatile material for various applications. It offers design flexibility, lightweight properties, and can be more cost-effective in the long run due to reduced maintenance needs. FRP is highly resistant to corrosion, it is suitable for harsh environments and eliminates the need for costly corrosion protection measures.

Stainless Steel (S316) has been selected for all fixtures. Chosen for its high resistance to corrosion and other forms of erosion that affect metals in harsh environments. Stainless steel 316 has a high resistance to chloride attack, making them ideal for use in marine environments. Note that SS304 fittings were indicated on earlier plans and are not contemplated in the final revision of all documentation.

The image below has been supplied by Forge as an example similar to the proposed Middle Beach Stairs



6. Site Rehabilitation and Remediation

Site rehabilitation and remediation will be undertaken in accordance with the Statement of Environmental Effects.

This includes the following elements:

- The development will generally be within the footprint of the existing stairs to minimise disturbance to the surrounding environment.
- Any clearing will be covered with coarse mulch of palm thatch.
- Recommendations of the erosion and sediment control plan to be implemented to contain run-off.
- The prefabricated FRP stairs will need to have a safe access path to allow the public to use the stairs. The scope of the installation contractor is yet to be developed, however will include a structural assessment of footings, new footings where required, remediation of the landing as necessary to enable safe access to the stairs.
- Once the stairs are installed the LHIB will undertake the removal of any artefacts from the previous stairs to ensure the area around the new stairs are left in a presentable and safe condition.

7. Plans

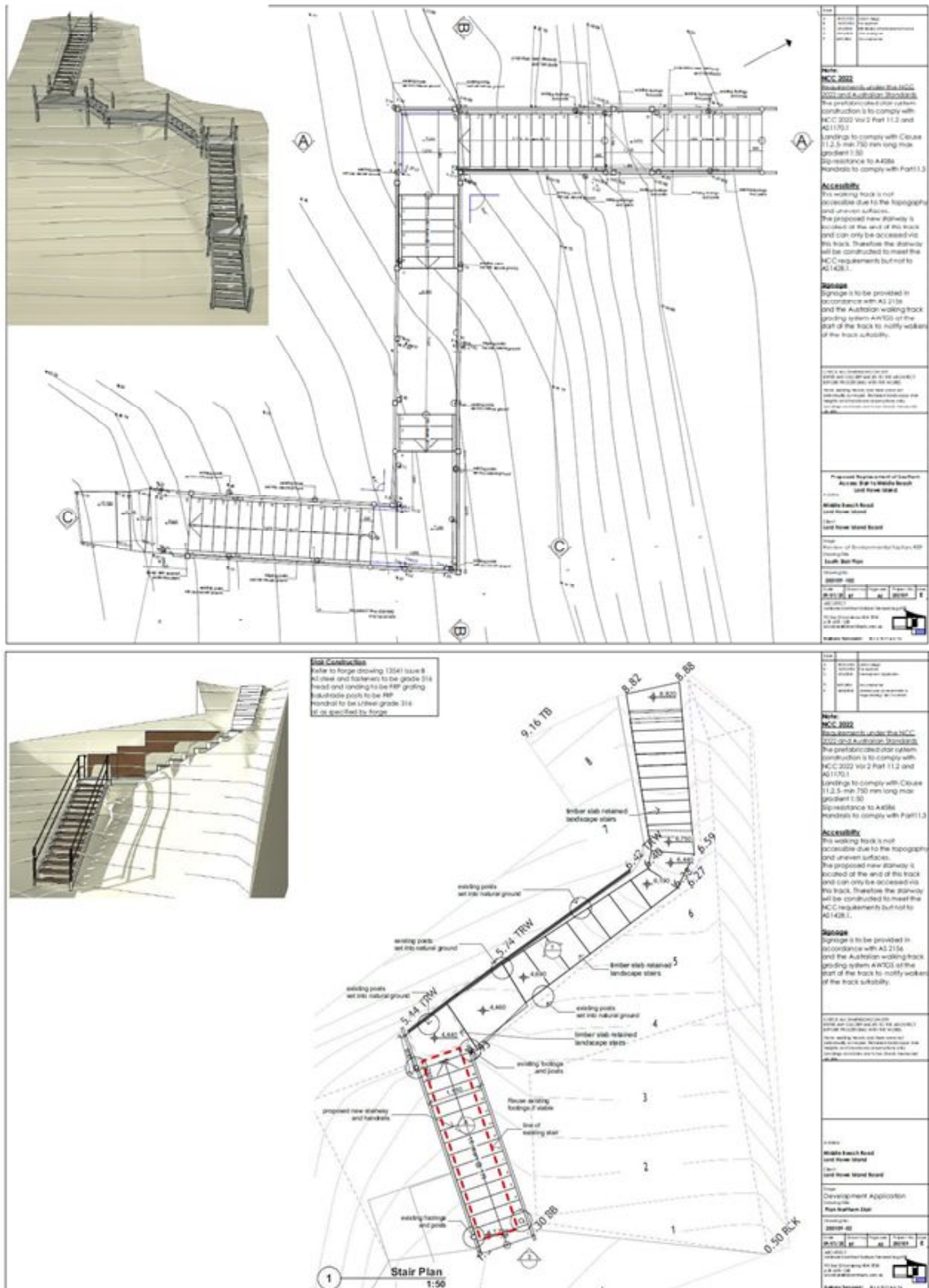
Extracts of the latest plans detailing the proposed work are provided on the following report pages.

Stair Manufacturing

Re-issued for review (22/07/2025) General Arrangement Drawings

Architect Drawings

Issue D & E_ Plans, Section and 3D View



Architect Drawings Issue D & E
Plan and 3D View North and South stairs (Extract)

Attachments

Attachment	Title
A	OC2025.4.1 and DA2025.3.1 – Assessment Report – Middle Beach Stairs
B	Material List Specification – Middle Beach Stairs
C	Review of Environmental Factors – Assessment Report – Middle Beach Stairs (South)

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Julia Young	Project Officer

Out of Session Paper: July 2025	Agenda Item: N/A	File References: OC2025.4.1 & DA2025.3.1 (PAN-531077)
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LORD HOWE ISLAND BOARD

Out of Session Planning Assessment Report

Item: **OC2025.4.1 & DA2025.3.1** – Replacement of Existing Timber Middle Beach Northern Access Stairs, Foreshore Reserve – Middle Beach Reserve 12 (Public Recreation, Access, Shelter & Foreshore Improvement), Lord Howe Island.

1 Summary Assessment Report

Assessment Officer	Peter Chapman – AAP Consultant Planner
Address/Property Description	Foreshore Reserve – Middle Beach Reserve 12 (Public Recreation, Access, Shelter & Foreshore Improvement), Lord Howe Island.
Proposal	Replacement of Existing Timber Middle Beach Northern Access Stairs.
DA No	DA2025.3.1
Planning Portal Ref	PAN-531077
Applicant	Lord Howe Island Board – Christie Mills
Owner Consent Granted	OC2025.4.1 has been lodged and processed concurrently with the associated DA. The recommendation of this report includes a proposal to issue an issue owners consent for proposal.
Estimated Cost of Development	\$196,405.00
Site Inspection	Multiple inspections of the subject site have been carried out by LHIB officers.
Zone	Zone 7 Environment Protection. The proposed development is permissible with consent.
Significant Native Vegetation Map	The proposed work is located within mapped Significant Native Vegetation (SNV) however, it has been assessed as not likely to damage or remove same, & can be conditioned accordingly.
Notification	The DA was placed on public exhibition 02/05/2025 to 16/05/2025..
Submissions Received	The LHIB has advised that no submissions were received to the exhibition period.
Recommendation	<p>a) That OC2025.4.1 for the Replacement of Existing Timber Middle Beach Northern Access Stairs at Foreshore Reserve – Middle Beach Reserve 12 (Public Recreation, Access, Shelter & Foreshore Improvement), Lord Howe Island be issued.</p> <p>b) That DA2025.3.1 for the Replacement of Existing Timber Middle Beach Northern Access Stairs at Foreshore Reserve – Middle Beach Reserve 12 (Public Recreation, Access, Shelter & Foreshore Improvement), Lord Howe Island, be approved subject to the application of the conditions listed in the report.</p>

2 Consent Authority

Owner's Consent Delegations

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

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

Development Application Delegations

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

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

The subject OC complies with the above delegations to the CEO, however the associated DA does not in view of the value of the development being in excess of \$150,000. In addition the application is proposed and submitted by the LHIB for public purposes. Therefore normally the DA would be required to be referred to the LHIB for determination, however the Board resolved at its June 2025 meeting (Agenda Item: 13.2) that the subject OC and DA would be referred to an out of session board meeting.

3 Site Description

The location of the proposed work is within Foreshore Reserve – Middle Beach Reserve 12 (Public Recreation, Access, Shelter & Foreshore Improvement), Lord Howe Island. Reserve 12 is a Crown Land reserve that extends from road to foreshore around the whole of the Island, including Cobby's, Lovers Bay, Middle Beach, and Lagoon Beach. The overall reserve has an area of approximately 3.791ha (or 37,910m²), and it's original gazettal reference is 1955. 122.

The site is depicted on the LEP map extracts and GIS aerial provided on the following pages of this report (ref figures 1, 2 & 3 and following).

It is located at the end of the Northern Middle Beach Access track off the north eastern end of Middle Beach Road at Middle Beach itself. The Beach and immediate landscape is a natural and scenic location screened by the natural landforms and native vegetation without any human development being visible or present.

As mentioned above the subject existing stairs to be replaced insitu are at the end of the northern beach access track (below a set of at grade stairs). They are of an open timber

construction, approximately 3.6m long, and just under 1 metre wide, with 15 risers (/stairs) over an existing height difference of 2.54m.

The entire landscape ridge above the beach is mapped SNV vegetation within which the existing access stairs to be replaced are located, and the site is zoned Zone 7 Environment Protection - (Figures 1 and 2 following).

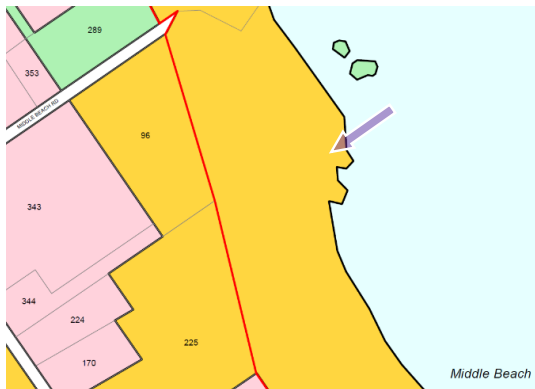


Figure 1: Extract from the Lord Howe Island Local Environmental Plan 2010 (LEP 2010) Zoning Map. Proposed work site flagged by arrow.



Figure 2: Extract from the LEP 2010 SNV Map. Proposed work site flagged by arrow.



Figure 3: LHIB GIS Aerial of Proposed Work Location at Northern end of Middle Beach, at end of access track from Middle Beach Road



Figure 4: Views down track stairs to subject timber stairs to be replaced insitu – ref red arrow (extracted from Bower Bush Ecological Assessment dated 6th Jan 2025)



Figure 5: Views of subject timber stairs to be replaced insitu (extracted from Bower Bush Ecological Assessment dated 6th Jan 2025)

4 Proposed Development

The proposed development is the insitu Replacement of the Existing Timber Middle Beach Northern Access Stairs, at Foreshore Reserve – Middle Beach Reserve 12 (Public Recreation, Access, Shelter & Foreshore Improvement), Lord Howe Island.

The Ecological Assessment submitted with the subject application, prepared by Bower Bush provides the following description for the proposed development:

- *The proposed works aim to reconstruct/replace the Middle Beach stairs at the northern access track.*
- *The existing stairs will be removed, and new stairs will be built within the existing footprint and will utilise the existing footings where possible.*
- *The materials to be used to replace the stairs will be prefabricated, are likely to be different to the materials that the stairs are currently made from (being timber).*
- *Materials will be transported by three methods; on foot, by boat landing at Middle Beach or slinged to site by a helicopter. Use of helicopter will only be considered if there is a helicopter on island when the project is scheduled to be undertaken and is the least likely option.*
- *It is possible that some new footings will be required at the bottom step where the stairs alight to the beach. This will likely require the excavation of natural materials (e.g. beach sand, stones and dead lumps of coral), which will be back filled once the footings have been installed and stairs built.*
- *Track closures will be required. The Middle Beach stairs (northern access) track will be closed during construction, with alternative access provided by the stairs located on the southern portion of Middle Beach.*

Due to the sensitive nature of the site and the resultant need to adequately address potential environmental impacts, the submitted Ecological Assessment also includes the following requirements for management of the work:

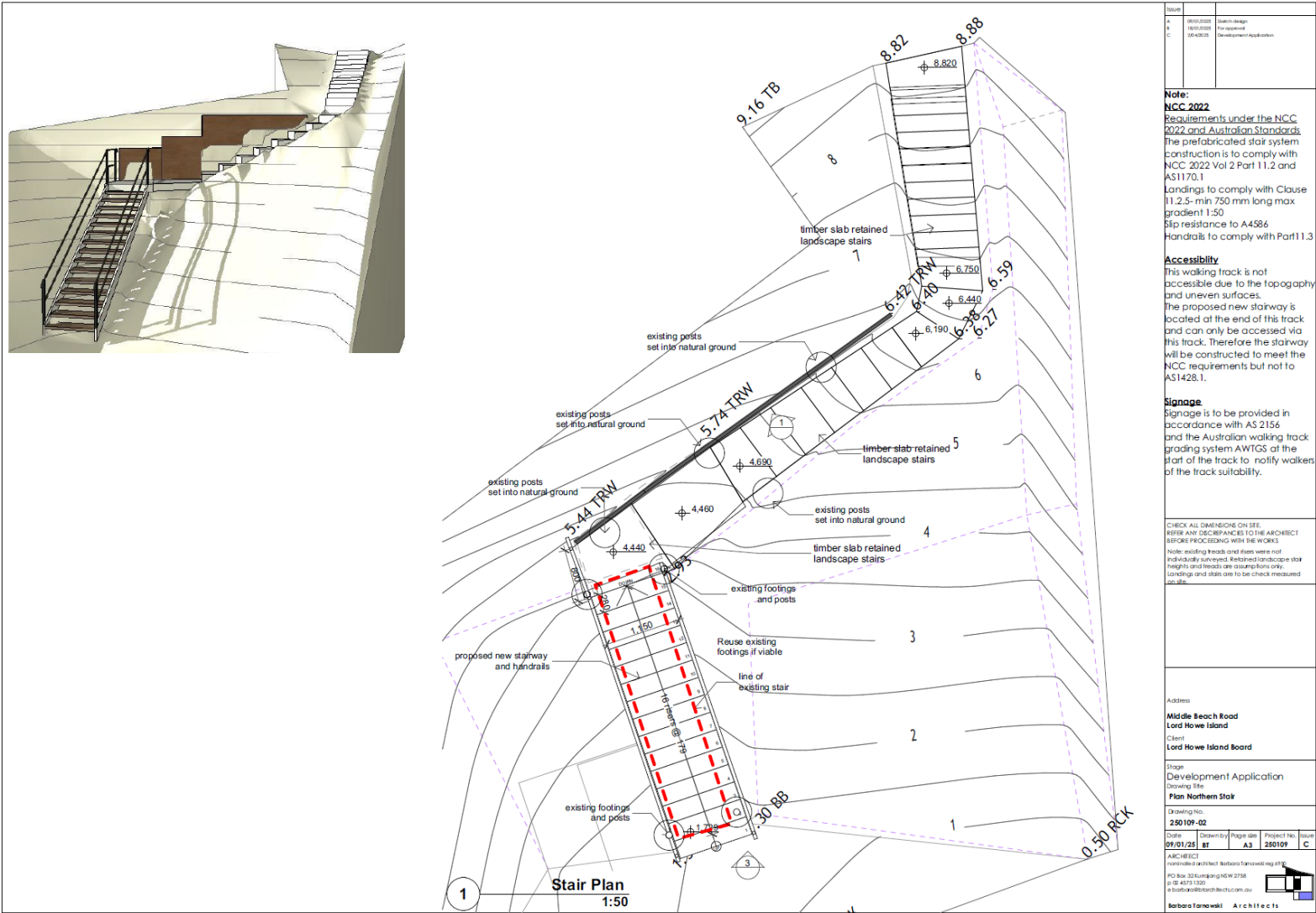
- *The activity must only be undertaken outside of the nesting season for all of the seabirds identified as subject species.*
- *It is possible that LHI Gecko, LHI Skink and LHI Placostylus may be detected during the removal and replacement of the existing stairs. It is important that any holes that are dug for footings must be checked for animals and all trapped animals must be removed before backfilling.*
To mitigate any impacts on these species, any animals found during the construction activity will be moved at least 5m outside of the construction area and placed under natural thatch/mulch to reduce risk of trampling. It is important to place them out of reach of predators such as Woodhen and Currawong (recommend bury them under thatch/mulch).
- *The LHIB Ranger will provide the construction team an induction on the identification of threatened species and their habitats and relevant handling for each target species.*
- *Where the proposal needs to excavate any new footings and require removal of soil, they must only be dug by hand (shovel or hand held auger) and the site rehabilitated.*
- *The construction site must be taped off to exclude pedestrian access during the construction phase.*
- *All small waste must be removed from the site daily with larger waste removed weekly. Any waste that is prone to being carried away by wind must be secured in a manner that will prevent it being carried by wind.*

- *There must be a meticulous clean-up of all waste materials, which will be transported to and disposed of at the Waste Management Facility.*
- *All tools and other work-related materials must be removed from site on the completion of the works.*
- *If materials are transported to site by helicopter all unsecured materials at the site must be secured and trained ground crew on site to receive the load. All adjacent leaseholders will need to be notified of helicopter operations.*

The key project specific documentation submitted with the subject DA include:

- Development Plans
- Ecological Assessment/ Test of Significance
- Geotechnical Report
- Construction Management Plan
- Waste Management Plan
- Erosion and Sediment Control Plan

Extracts from the submitted plans detailing the proposed work are provided on the following report pages.



Issue		
A	09/01/2025	Sketch design
B	09/01/2025	Preparation
C	26/05/25	Development Application

Note:
NCC 2022
Requirements under the NCC 2022 and Australian Standards
The prefabricated stair system construction is to comply with NCC 2022 Vol 2 Part 11.2 and AS1170.1
Landings to comply with Clause 11.2.5: min 750 mm long max gradient 1:50
Slip resistance to A4586
Handrails to comply with Part 11.3

Accessibility
This walking track is not accessible due to the topography and uneven surfaces. The proposed new stairway is located at the end of this track and can only be accessed via this track. Therefore the stairway will be constructed to meet the NCC requirements but not to AS1428.1.

Signage
Signage is to be provided in accordance with AS 2156 and the Australian walking track grading system AWTS at the start of the track to notify walkers of the track suitability.

CHECK ALL DIMENSIONS ON SITE. REFER ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORKS.
Note: existing heads and feet were not individually surveyed. Retained landscape stair heights and heads are assumptions only. Landings and stairs are to be checked measured on site.

Address
**Middle Beach Road
Lord Howe Island**
Client
Lord Howe Island Board

Stage
Development Application
Drawing Title
Plan Northern Stair

Drawing No.
250109-02

Date	Drawn by	Page size	Project No.	Issue
09/01/25	BT	A3	250109	C

ARCHITECT
Contributor to architect: Barbara Tarnowski reg 6172
PO Box 322 Kungah New 2758
t: 08 4673 1320
e: bartarn@barbartarn.com.au

Barbara Tarnowski Architects

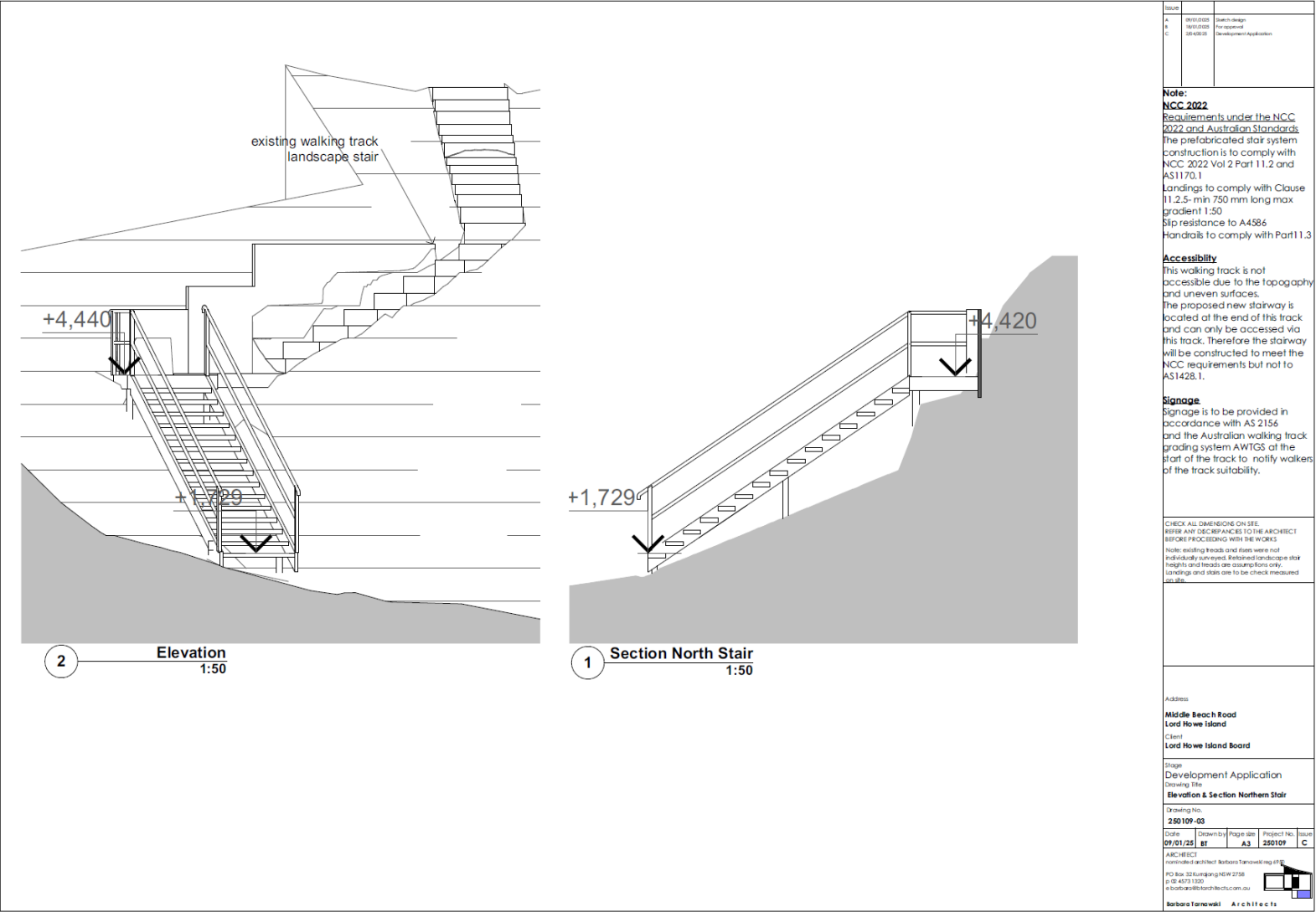


Figure 6: Figure 5: Submitted development plans that detail the proposed works

5 Referrals

The LHIB has advised that the application was distributed to the relevant internal specialists for review. No objections to the proposal were raised as detailed in the following table.

5.1 Comments received from internal specialists

Specialist	Issue	Comment
A/Team Leader World Heritage Liam Murphy	<p>An independent ecological assessment (CM9 REF ED25/3336.08) was undertaken by Bower Bush Works to evaluate whether the proposed replacement of the Middle Beach (north) stairs on Lord Howe Island would significantly impact threatened species, ecological communities, or their habitats.</p> <p>The assessment, which included a site inspection on 2 December 2024 and application of the <i>Test of Significance</i> under Section 7.3 of the NSW <i>Biodiversity Conservation Act 2016</i>, concluded that the activity is unlikely to result in significant impacts. The works will occur within the footprint of the existing stairs, which are situated among exotic and disturbance-tolerant vegetation, and will be undertaken outside the seabird nesting season.</p> <p>Ten threatened species were identified as having known or potential habitat at or near the site, including the Lord Howe Woodhen, Lord Howe Placostylus, LHI Gecko, LHI Skink, and several seabird species. The assessment outlines several conditions to minimise ecological impacts, including:</p> <ul style="list-style-type: none"> • works must occur between 1 May and 31 August, outside seabird nesting season; • pre-construction checks for fauna and removal of any individuals to adjacent shelter; • any excavation must be done by hand only (shovel or hand auger); • on-site waste must be removed regularly and secured against wind; • pedestrian access must be restricted during construction; • materials delivered by helicopter (if used) must be safely managed with trained ground crew; and • a LHIB Ranger must induct the construction team on species ID and handling procedures. <p>No Endangered Ecological Communities are present at the site, and the activity does not trigger the need for a Species Impact Statement. The proposal is consistent with planning controls under the <i>Lord Howe Island LEP 2010</i> and aligns with Zone 7 Environmental Protection objectives.</p>	Noted & recommendations included in the proposed conditions of consent.
Building Assessment	A Building assessment was not required due to nature of proposed work.	
Manager Infrastructure & Engineering Brad Josephs	An Engineering and Wastewater Building assessment was not required due to nature of proposed work.	
Internal Surveyor Garry Millman	Referral not required	

6 Planning Assessment

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

6.1 Commonwealth legislation

6.1.1 *Environmental Protection and Biodiversity Conservation Act 1999*

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

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

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

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

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

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

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

6.2 NSW legislation

6.2.1 *Biodiversity Conservation Act 2016*

The *Biodiversity Conservation Act 2016* (NSW) (BC Act) sets the framework for the listing of

threatened species, populations and ecological communities, and key threatening processes in NSW, and the preparation and implementation of recovery plans and threat abatement plans.

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

No adverse environmental or ecological impact from the proposal is envisaged on the basis of:

- the plans and documentation submitted with the subject OC & DA,
- the internal ecological/ environment review undertaken of the application (ref earlier section 5),
- the applicant's submitted Ecological Assessment/ Test of Significance,
- the overall assessment provided herein and the recommended conditions of development consent.

6.2.2 NSW Heritage Act 1977

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

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

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

6.3 Local Statutory Plans and Policies

6.3.1 Lord Howe Island Local Environmental Plan 2010

The LHI LEP 2010 is the principal environmental planning instrument applying to the proposal.

The following summary table details the various LEP provisions relevant to the subject proposal with assessment and/or comment included as required.

LEP 2010 compliance summary table:

LEP 2010 Clause		Compliance Y/N	Comment
Part 1 Preliminary			
2	Commencement and Aims of Plan	Y	Each of the aims of the LEP 2010 have been considered in the assessment of this application.

			As assessed in this report, the proposed works can (subject to compliance with the recommended conditions) be undertaken with minimal negative environmental impact and/or disturbance to protected flora and fauna native to the Island.
3	Land to which plan applies	Y	The LEP 2010 applies to the subject site which is part of Lord Howe Island, as defined in Section 3 of the Lord Howe Island Act 1953.
6	Who is the consent authority for this Plan?	Y	The Lord Howe Island Board (LHIB) is the relevant consent authority.
7	Maps	Y	Noted.
9	Exempt Development	N/A	The proposed works are not listed as Exempt Development within Schedule 1 of the LEP.
11	Matters that must be satisfied before development consent granted	Y	All relevant matters contained within clause 11 are satisfied – refer to the clause 11 assessment following this table.
Part 2 General Provisions applying in particular zones			
12	Land Use Zones	Y	The subject site is zoned 7 Environment Protection under the LHI LEP 2010.
14	Zone 7 Environment Protection.	Y	The proposed insitu replacement of the existing timber access track stairs complies with the LEP zone objectives and is a permissible use with consent under the LHI LEP as an 'observation platform' and 'walking track' in the 7 Environment Protection zone.
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			
22.	Tourist accommodation, staff accommodation and commercial premises	N/A	
24	Dual Occupancy Concessions	N/A	
26.	Limit on number of dwellings to which consent may be given	N/A	
27(1)	Enlargements or extensions of dwellings	N/A	
29	Maximum height of buildings	N/A	
Division 2 Provisions that apply to particular land			
32 (2)	Setbacks of buildings in Zone 1, 2 or 5: - 10m to a road frontage and - 5m all other boundaries	N/A	
33	Landscaping to be carried out in Zone 2	N/A	
34.	Land Adjoining Zone 7 or 8	N/A	The subject site is not adjoining zone 7 or 8, but is within zone 7 Environment Protection under the LEP and has been assessed accordingly elsewhere in this report.

39-40	Listed Heritage Items and those in vicinity	Y	<p>The subject site on which the proposal is to be situated is not a listed heritage item under the LEP.</p> <p>The site is additionally not located in the vicinity of any such listed heritage item. The closest being Palmhaven (Garton House), Portion 161 at the end of Anderson Road. This is just over 230m to the south west of the proposed works and is screened by the Middle Beach ridge and dense established native vegetation which effectively mitigates any potential impact on the heritage significance of the property.</p> <p>In any case the minor nature of the proposed work will not generate any impact on the nearest properties.</p>
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Clause 11 Matters that must be satisfied before development consent granted

Clause 11 of the LHI LEP 2010 provides that the consent authority must not consent to the carrying out of development unless it is satisfied of the following matters (to the extent that they are of relevance to the proposed development):

Clause 11 Compliance summary table:

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
a) <i>The proposed development is consistent with the aims of this plan and the objectives of any zone, as set out in the plan, within which the development is proposed to be carried out,</i>	Y	The subject site falls within Zone 7 – Environment Protection, under the LHI LEP 2010 and is consistent with the zone objectives (as referenced in the above LEP assessment).
b) <i>There is an adequate area available for the disposal or treatment of any effluent treatment of any effluent treatment or disposal system and any such system will not have any adverse impact on groundwater quality,</i>	N/A	
c) <i>No part of the proposed development:</i> i. <i>will result in any damage to, or removal of, significant native vegetation, or</i> ii. <i>will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i>	Y	The proposal should not affect any mapped SNV within the subject site on the basis of the plans and documentation submitted with the subject OC & DA, the applicant's submitted Ecological Assessment/ Test of Significance, the internal referrals undertaken of the application (ref earlier section 5), the overall assessment provided herein and the recommended conditions of development consent.
d) <i>Access is, or will be, available to the site of the proposed development and the provision of any such access will not:</i> i. <i>result in any damage to, or the removal of, significant native vegetation, or</i>	Y	The proposal will facilitate the continued public access to Middle Beach, and as assessed above and elsewhere, will not detrimentally affect the existing mapped SNV or native habitat present.

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
ii. <i>have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i>		
e) <i>Any proposed landscaping will provide various species of plants that are native to the Island and common in the locality to enhance any significant native vegetation,</i>	N/A	
f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i>	Y	In view of the site's location and sensitive environmental value, the subject DA includes a Geotechnical assessment. The recommendations of this and the submitted Ecological assessment should be included as requirements of any determination of the proposal.
g) <i>Adequate services in respect of the proposed development can be provided without significant additional cost to the Board or the community of the Island,</i>	N/A	
h) <i>The appearance of the proposed development (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality,</i>	Y	The proposed insitu replacement of the existing timber access stairs will have minimal additional visual presence in the environment compared to the existing structure.
i) <i>The proposed development will not cause any significant overshadowing of adjoining land,</i>	N/A	
j) <i>The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	N/A	

6.3.2 Lord Howe Island Development Control Plan 2005

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

DCP Compliance summary table

LHI DCP 2005 Clause		Complies Y/N	Comment
Part 1 Introduction			
1.2	Plan Objectives	Y	The proposed works as assessed and recommended in this report are consistent with the Plan objectives.
1.4	Where does plan apply?	Y	This DCP applies to the subject site.
Part 2 Design Principles			
2.1	Introduction	Y	Noted.
2.2	Objectives	Y	The proposal as assessed and recommended for conditional approval in this report will be consistent with the DCP's design objectives.

2.3	Design Context	N/A	
2.4	Bulk and Scale	N/A	
2.5	Building Forms	N/A	
2.6	Building Materials & Colours	N/A	
2.7	Energy and water efficiency	N/A	
2.8	Landscaping design	N/A	
2.9	Site access and parking	N/A	
Part 3 Development Control Policy			
3.2	Single Dwellings	N/A	

7 Environmental Effects

7.1 Environmental Planning and Assessment Act 1979

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

- a) the provisions of the following that apply to the land to which the development application relates:
 - i. any environmental planning instrument
Comment: an assessment against the relevant local, state and federal EPIs has been undertaken (see Section 6) and this found that the proposed development would comply with the relevant provisions.
 - ii. any proposed instrument that is or has been the subject of public consultation under this Act
Comment: Not applicable
 - iii. any development control plan
Comment: An assessment of the proposal against the LHI DCP 2005 has been undertaken in Section 6.3.2 and was found to comply.
 - iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,
Comment: There are no planning agreements relevant to the application.
 - iv. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
Comment: There are no additional relevant matters prescribed by the regulations.
 - v. any coastal zone management plan (with the meaning of the Coastal Protection Act 1979)
Comment: There are no coastal zone management plans relevant to the application
- b) The likely impacts of that development, including environmental impacts on both the

natural and built environments, and social and economic impacts on the locality

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

Likely environmental impacts:

Potential Impacts	Proposal
Access, Transport and Traffic	No change to existing access arrangements is required for the proposal. As mentioned elsewhere in this assessment, the proposal will facilitate the continued public access to Middle Beach.
Public Domain, Visual and Streetscape	As already assessed in this report, the proposed in situ replacement of the existing timber access stairs will have minimal additional visual presence or impact in the environment compared to the existing structure. Further to the above, the proposal will not impact on the public domain nor will it have a detrimental visual impact on the immediate or surrounding locality.
Ecological	The proposal should not result in the removal of any SNV or result in a significant effect for any threatened species, populations or ecological communities, or their habitats - on the basis of the submitted Ecological Assessment and the other plans and documentation submitted with the subject OC & DA, the internal referrals undertaken of the application (ref earlier section 5), the overall assessment provided herein and the recommended conditions of development consent..
Flood	The site is not identified as flood affected.
Heritage	The subject site is not listed as a heritage item.
Views	No view impacts are identified.
Privacy	No privacy impacts are identified in respect of the proposal.
Open Space	Open space will not be impacted by the proposal.
Social and economic Impact in Locality	There will be no adverse social or economic impact. Conversely the proposal will provide a community benefit in maintaining public access to Middle Beach.
Construction	Potential impacts from will be minimised through the recommended conditions of the consent.

c) The suitability of the site for the development

Having regard to its location, and the preceding assessment, the site will adequately accommodate the proposal and will be suitable for the site subject to compliance with the recommended conditions of approval.

d) Any submissions made in accordance with this Act or the Regulations

As stated earlier in the introduction of this report, the LHIB has advised that no submissions were received to the public notification of the application.

e) The public Interest

For the reasons outlined in the preceding assessment and on this basis, it is considered that the proposal will be in the public interest.

8 Conclusion

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

The application for Replacement of the Existing Timber Middle Beach Northern Access Stairs, has Planning merit and is consequently recommended for approval as outlined below.

9 Recommendation (Conditional Approval)

- A. That OC2025.4.1 for the Replacement of Existing Timber Middle Beach Northern Access Stairs at Foreshore Reserve – Middle Beach Reserve 12 (Public Recreation, Access, Shelter & Foreshore Improvement), Lord Howe Island be issued.
- B. That DA2025.3.1 for the Replacement of Existing Timber Middle Beach Northern Access Stairs at Foreshore Reserve – Middle Beach Reserve 12 (Public Recreation, Access, Shelter & Foreshore Improvement), Lord Howe Island, be approved subject to the application of the conditions listed below.

1. Approved Plans and Supporting Documentation

The development is to be carried out in accordance with the updated plans and documentation provided with DA2025.3.1 as listed below and endorsed with the Lord Howe Island Board's stamp, except where amended by other conditions of consent.

- a) Completed DA Form prepared by Christie Mills (LHIB), dated 11th April 2025
- b) Statement of Environmental Effects prepared by Christie Mills (LHIB), dated 16th April 2025
- c) Development Application Plans, prepared by Barbara Tarnawski Architects, Rev: C, Dated: 02/04/2025.
- d) Threatened Species Assessment/ Test of Significance, dated 6th January 2025, prepared by Bower Bush
- e) Geotechnical Assessment, dated 28th June 2023, prepared by ASCT
- f) Preliminary Construction Management Plan, dated: April 2025, prepared by the Lord Howe Island Board
- g) Waste Management Plan, dated: March 2025, prepared by the Lord Howe Island Board
- h) Sedimentation and Erosion Control Plan, Rev: B, dated: 02/06/2025, prepared by Greg Alderson & Associates

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

2. Construction Certificate & Building Requirements

- a) All construction work is to be carried out and completed in accordance with the National Construction Code (NCC) / Building Code of Australia (BCA) and relevant Australian Standards.
- b) The applicant must appoint a Principal Certifying Authority (PCA) and apply for a Construction Certificate for the proposed works via the NSW Planning Portal. No works can commence until a valid Construction Certificate has been issued.

The PCA will ensure all necessary approvals are in place, conduct mandatory inspections of the works as required and issue the Occupation Certificate certifying that the proposed work is suitable for occupancy.

- c) The proposed work shall be undertaken in accordance with the approved Construction Management Plan prepared by the Lord Howe Island Board and the Geotechnical Assessment prepared by ASCT.

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

3. Ecology and Habitat

- a) Works are to be undertaken in accordance with the requirements outlined in the submitted Threatened Species Assessment/ Test of Significance, dated 6th January 2025, prepared by Bower Bush including the following:

- i. The activity must only be undertaken outside of the nesting season for all of the seabirds identified as subject species (ie between 1 May and 31 August).
- ii. It is possible that LHI Gecko, LHI Skink and LHI Placostylus may be detected during the removal and replacement of the existing stairs. It is important that any holes that are dug for footings must be checked for animals and all trapped animals must be removed before backfilling.

To mitigate any impacts on these species, any animals found during the construction activity will be moved at least 5m outside of the construction area and placed under natural thatch/mulch to reduce risk of trampling. It is important to place them out of reach of predators such as Woodhen and Currawong (recommend bury them under thatch/mulch).

- iii. The LHIB Ranger shall provide the construction team with an induction on the identification of threatened species and their habitats and relevant handling for each target species.
- iv. Where the proposal needs to excavate any new footings and require removal of soil, they must only be dug by hand (shovel or hand held auger) and the site rehabilitated.
- v. The construction site must be taped off to exclude pedestrian access during the construction phase.
- vi. All small waste must be removed from the site daily with larger waste removed weekly. Any waste that is prone to being carried away by wind must be secured in a manner that will prevent it being carried by wind.
- vii. There must be a meticulous clean-up of all waste materials, which will be transported to and disposed of at the Waste Management Facility.
- viii. All tools and other work-related materials must be removed from site on the completion of the works.

- ix. If materials are transported to site by helicopter all unsecured materials at the site must be secured and trained ground crew on site to receive the load. All adjacent leaseholders will need to be notified of helicopter operations.

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

4. Waste Management

- a) The proposed work shall be undertaken in accordance with the approved Waste Management Plan prepared by the Lord Howe Island Board.
- b) No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

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

5. Erection of construction signs

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

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

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

6. Notice of Commencement

Notice must be given to the Lord Howe Island Board at least two (2) days prior to the commencement of the proposed work.

Reason: This is a legislative requirement.

ADVICE TO APPLICANT:

1. Significant Native Vegetation

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

2. Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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

A matter of national environmental significance (NES) matter; or Commonwealth land without

an approval from the Commonwealth Minister for the Environment.

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

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

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

Section 8.7 and 8.10 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court. This right of appeal is only valid for six months from the date of the consent. To determine the extent to which the consent is liable to lapse refer to Section 4.53 of the Act.

Report prepared by:	Approved by:
	
Peter Chapman Date: 18th June 2025 LHI Consultant Town Planners All About Planning	Michael Chalmers Date: 19 June 2025 Acting Chief Executive Officer Lord Howe Island Board

Business Paper - 12.02- Attachment B - Material List Specification - Middle Beach Stairs – August 2025 - Open

Forge Material List – Specification issued 28.07.25

_FORGE-D-13541-combined GA'S-A North

_FORGE-D-13541-combined GA'S-B South

MATERIAL LIST						
MARK	QTY.	DESCRIPTION	PROFILE MAIN PART	GRADE	COATING	WEIGHT (kg) PER ASSEMBLY**
B2	12	Beam	21.3x2.6 CHS	S316		0.12
BK201	6	Bracket Beam	50x50x6 EA	S316		0.65
BK203	6	Bracket Beam	50x50x6 EA	S316		0.65
C200	2	Column	100x100x9.5 FRP	FRP		51.69
C201	2	Column	100x100x9.5 FRP	FRP		45.61
C202	2	Column	100x100x9.5 FRP	FRP		36.08
FR200	15	Frame	75x75x5 EA	S316		14.61
GR200	15	Grating	287x30 PL	FRP		81.36
HR200	4	Hand Rail	SS 50.8X1.6	S316		9.4
HR201	1	Hand Rail	SS 50.8X1.6	S316		1.68
HR202	2	Hand Rail	SS 50.8X1.6	S316		1.74
PB200	4	Bracket Plate	250x12 PL	S316		8.77
ST200	1	Stringer	C254x70x12.7 FRP PFC	FRP		132.5
ST201	1	Stringer	C254x70x12.7 FRP PFC	FRP		132.5

B8	78	Beam	21.3x2.6 CHS	S316		0.12
B100	15	Beam	150x100x6.4	FRP		20.43
B101	4	Beam	75x75x5 EA	S316		6.92
B102	1	Beam	C254x70x12.7 FRP PFC	FRP		33.71
BK100	30	Bracket Beam	75x75x5 EA	S316		0.51
BK101	1	Bracket Beam	75x75x5 EA	S316		0.92
BK103	75	Bracket Beam	50x50x6 EA	S316		0.65
BK106	1	Bracket Beam	50x50x6 EA	S316		0.56
BK107	1	Bracket Beam	50x50x6 EA	S316		0.65
BK108	1	Bracket Beam	50x50x6 EA	S316		0.65
BK109	1	Bracket Beam	75x75x5 EA	S316		0.92
C100	6	Column	100x100x9.5 FRP	FRP		43.19
C101	6	Column	100x100x9.5 FRP	FRP		45.2
C102	2	Column	100x100x9.5 FRP	FRP		50.06
C103	2	Column	100x100x9.5 FRP	FRP		53.45
C104	1	Column	100x100x9.5 FRP	FRP		45.89
C105	1	Column	100x100x9.5 FRP	FRP		54.94
C106	1	Column	100x100x9.5 FRP	FRP		50.89
C107	1	Column	100x100x9.5 FRP	FRP		50.08
C108	1	Column	100x100x9.5 FRP	FRP		55.18
C109	12	Column	100x100x9.5 FRP	FRP		35.94
C110	4	Column	100x100x9.5 FRP	FRP		33.73
C111	1	Column	100x100x9.5 FRP	FRP		37.06
FR100	45	Frame	75x75x5 EA	S316		14.6
GR100	43	Grating	287x30 PL	FRP		81.36
GR101	1	Grating	1067x30 PL	FRP		303.19
GR102	1	Grating	1207.1x30 PL	FRP		357.71
GR103	1	Grating	1207x30 PL	FRP		911.48
GR104	1	Grating	1207x30 PL	FRP		659.11
GR105	1	Grating	287x30 PL	FRP		81.36
GR106	1	Grating	287x30 PL	FRP		81.36
GR107	1	Grating	592.18x30 PL	FRP		168.22
GR108	1	Grating	613.75x30 PL	FRP		169.56
HR100	4	Hand Rail	SS 50.8X1.6	S316		4.28
HR101	4	Hand Rail	SS 50.8X1.6	S316		2.41
HR102	4	Hand Rail	SS 50.8X1.6	S316		5.66
HR103	4	Hand Rail	SS 50.8X1.6	S316		1.44
HR104	2	Hand Rail	SS 50.8X1.6	S316		0.52
HR105	2	Hand Rail	SS 50.8X1.6	S316		2.04
HR106	2	Hand Rail	SS 50.8X1.6	S316		4.5
HR107	2	Hand Rail	SS 50.8X1.6	S316		0.52
HR108	2	Hand Rail	SS 50.8X1.6	S316		2.99
HR109	2	Hand Rail	SS 50.8X1.6	S316		2.91
HR110	2	Hand Rail	SS 50.8X1.6	S316		2.36
HR111	2	Hand Rail	SS 50.8X1.6	S316		5.54
HR112	2	Hand Rail	SS 50.8X1.6	S316		8.03
HR113	2	Hand Rail	SS 50.8X1.6	S316		8.11
HR116	1	Hand Rail	SS 50.8X1.6	S316		9.9
PB1	21	Bracket Plate	250x12 PL	S316		8.77
PB100	14	Bracket Plate	50x8 PL	S316		0.55
PB101	9	Bracket Plate	50x8 PL	S316		0.56
PB102	5	Bracket Plate	50x8 PL	S316		0.57
PB103	2	Bracket Plate	139.4x8 PL	S316		1.53
ST115	1	Stringer	C254x70x12.7 FRP PFC	FRP		78.3



Review of Environmental Factors

1. **Notes** Approve design and construction of Middle Beach Stairs (South) and proceed with work.

Current position

1. Summary Assessment Report

Assessment Officer	Lord Howe Island Board – CEO
Address / Property Description	Middle Beach Zone No 8. Permanent Park Preserve.
Proposal	Replacement of Existing Timber Middle Beach Southern Access Stairs.
Applicant	Lord Howe Island Board
Owner Consent Granted	Not applicable. The southern stairs are located in the PPP Permanent Park Preserve.
Site Inspection	Multiple inspections of the subject site have been carried out by LHIB officers and project consultants.
Zone	Zone No 8. Permanent Park Preserve. The proposed development is permissible with a REF
Significant Native Vegetation Map	Not applicable. The proposed work is located outside the mapped Significant Native Vegetation (SNV)
Recommendations	That REF for the Replacement of Existing Timber Middle Beach Southern Access Stairs be approved.

2 Site Description

The location of the proposed work is within Middle Beach Permanent Park Preserve (PPP) Lord Howe Island. The land extends around the north-east headland of Middle Beach.

The site is depicted on the LEP map extracts and GIS aerial provided on the following pages of this report (ref figures 1, 2 & 3 and following).

It is located at the end of the Southern Middle Beach Access track off the southeastern end of Middle Beach Road at Middle Beach itself. The Beach and immediate landscape is a natural and scenic location screened by the natural landforms and native vegetation without any human development being visible or present.

As mentioned above the subject existing stairs to be replaced insitu are at the end of the southern beach access track. They are of an open timber construction, approximately 20m long, and just under 1 metre wide, with 3 flights of stairs climbing approximately 10 meters in elevation.

The entire landscape ridge above the beach is mapped Permanent Park Preserve (PPP) within which the existing access stairs to be replaced are located.
(Figures 1 and 2 following).



Figure 1: Extract from the Lord Howe Island Local Environmental Plan 2010 (LEP 2010) Zoning Map. Proposed work site flagged by arrow.



Figure 2: Extract from the LEP 2010 Map. Proposed work site flagged by arrow.

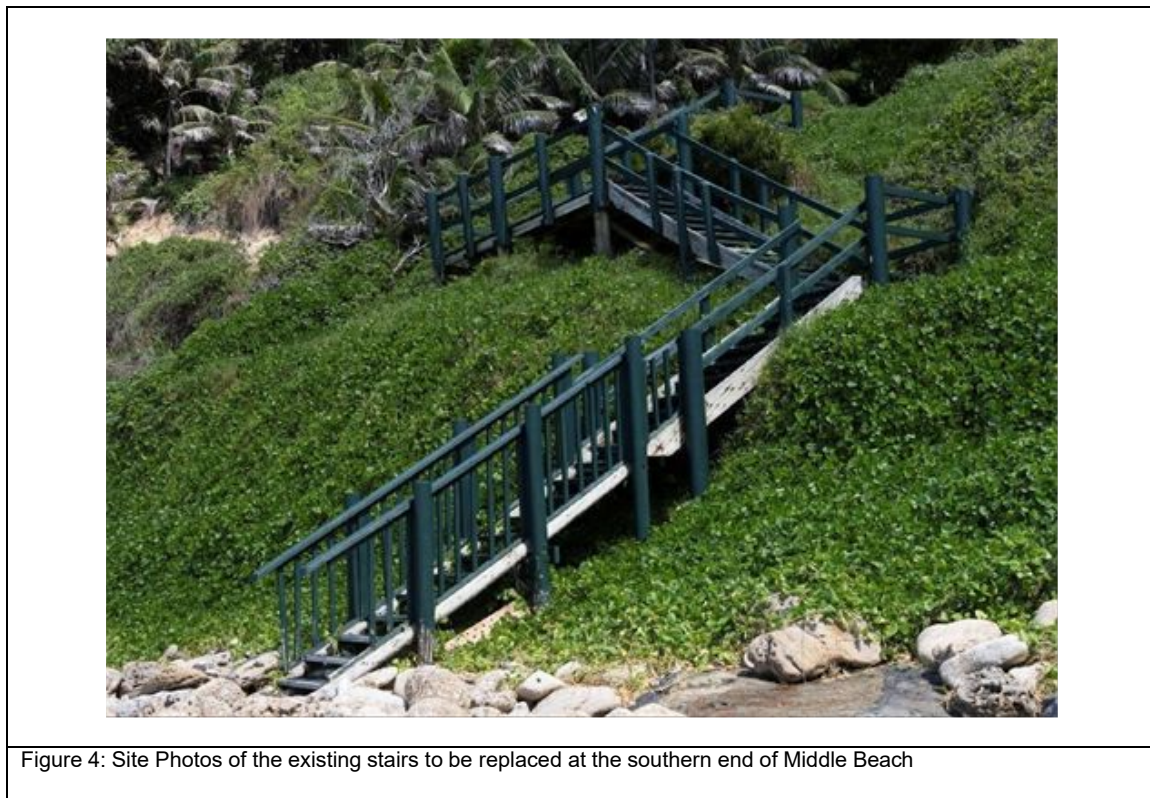
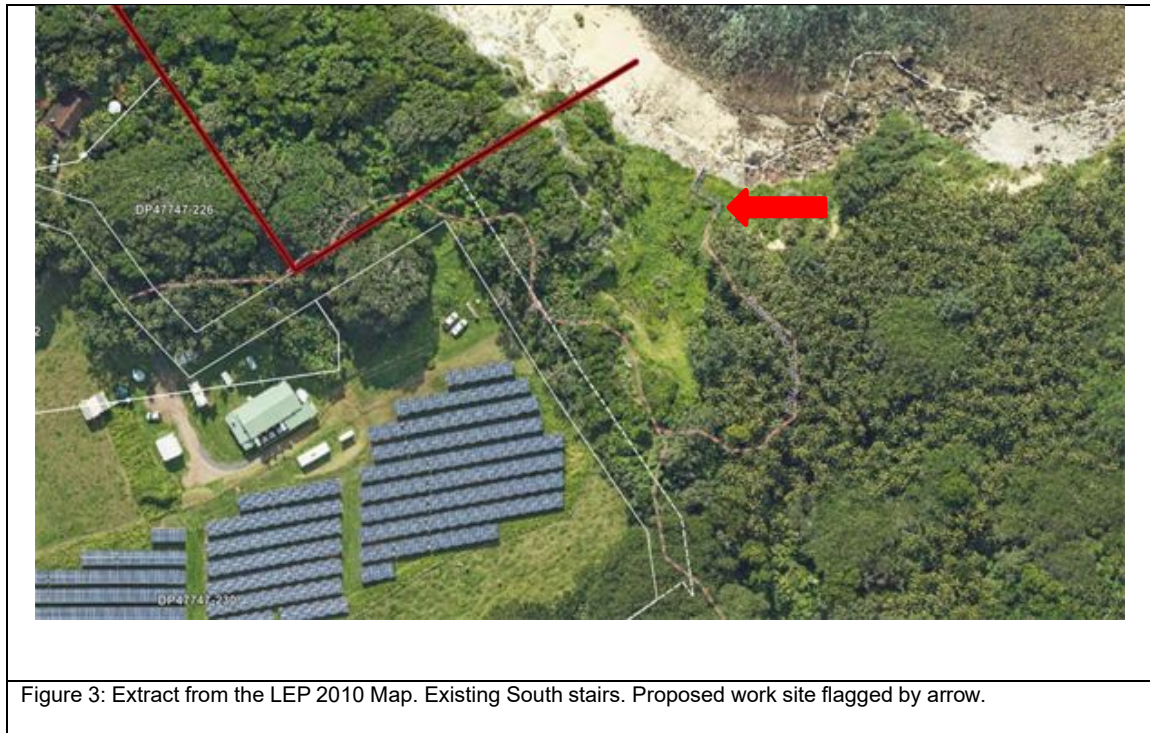




Figure 5 & 6: Site Photos of the existing stairs to be replaced at the southern end of Middle Beach

3. Proposed Development

The proposed development is the insitu Replacement of the Existing Timber Middle Beach Southern Access Stairs, located in the Permanent Park Preserve (PPP).

The Ecological Assessment submitted with the REF, prepared by Bower Bush provides the following description for the proposed development:

- The proposed works aim to reconstruct/replace the Middle Beach stairs at the southern access track.
- The existing stairs will be removed, and new stairs will be built within the existing footprint and will utilise the existing footings where possible.
- The materials to be used to replace the stairs will be prefabricated, are likely to be different to the materials that the stairs are currently made from (being timber).
- Materials will be transported by three methods: on foot or slinged to site by a helicopter. Use of helicopter will only be considered if there is a helicopter on island when the project is scheduled to be undertaken and is the least likely option.

- It is possible that some new footings will be required at the bottom step where the stairs alight to the beach. This will likely require the excavation of natural materials (e.g. beach sand, stones and dead lumps of coral), which will be back filled once the footings have been installed and stairs built.
- Track closures will be required. The Middle Beach stairs (southern access) track will be closed during construction, with alternative access provided by the stairs located on the northern portion of Middle Beach.

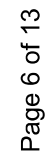
Due to the sensitive nature of the site and the resultant need to adequately address potential environmental impacts, the submitted Ecological Assessment also includes the following requirements for management of the work:

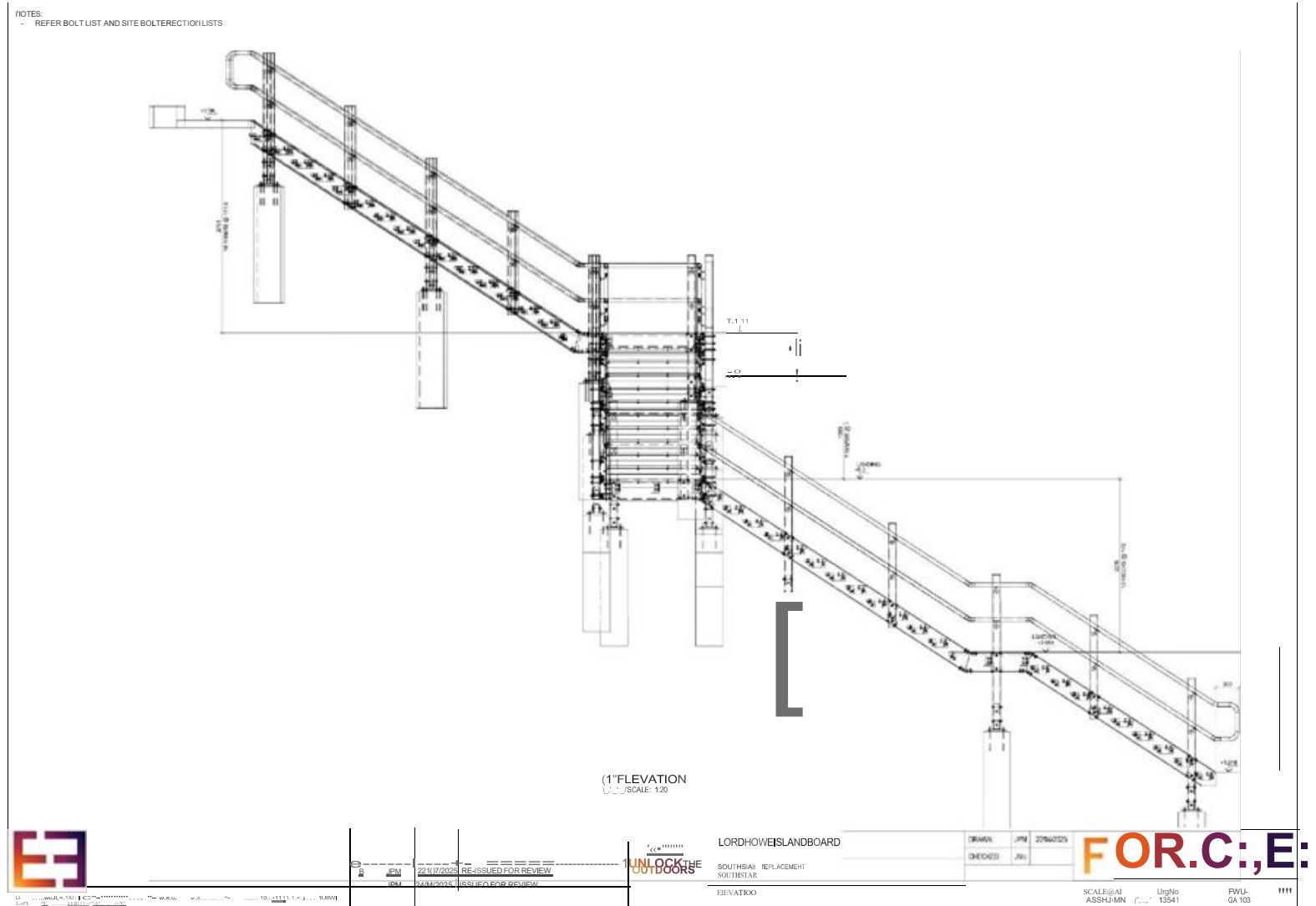
- The activity must only be undertaken outside of the nesting season for all of the seabirds identified as subject species.
- It is possible that LHI Gecko, LHI Skink and LHI Placostylus may be detected during the removal and replacement of the existing stairs. It is important that any holes that are dug for footings must be checked for animals and all trapped animals must be removed before backfilling.
To mitigate any impacts on these species, any animals found during the construction activity will be moved at least 5m outside of the construction area and placed under natural thatch/mulch to reduce risk of trampling. It is important to place them out of reach of predators such as Woodhen and Currawong (recommend bury them under thatch/mulch).
- The LHIB Ranger will provide the construction team an induction on the identification of threatened species and their habitats and relevant handling for each target species.
- Where the proposal needs to excavate any new footings and require removal of soil, they must only be dug by hand (shovel or handheld auger) and the site rehabilitated.
- The construction site must be taped off to exclude pedestrian access during the construction phase.
- All small waste must be removed from the site daily with larger waste removed weekly. Any waste that is prone to being carried away by wind must be secured in a manner that will prevent it being carried by wind.
- There must be a meticulous clean-up of all waste materials, which will be transported to and disposed of at the Waste Management Facility.
- All tools and other work-related materials must be removed from site on the completion of the works.
- If materials are transported to site by helicopter all unsecured materials at the site must be secured and trained ground crew on site to receive the load. All adjacent leaseholders will need to be notified of helicopter operations.

The key project specific documentation submitted with the subject REF will include:

- Development Plans
- Ecological Assessment/ Test of Significance
- Geotechnical Report
- Construction Management Plan
- Waste Management Plan
- Erosion and Sediment Control Plan

Extracts from the submitted plans detailing the proposed work are provided on the following report pages





4 Planning Assessment

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

4.1 Commonwealth legislation

4.1.1 Environmental Protection and Biodiversity Conservation Act 1999

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

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

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

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

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

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

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

4.2 NSW legislation

4.2.1 Biodiversity Conservation Act 2016

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

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

No adverse environmental or ecological impact from the proposal is envisaged on the basis of:

- the plans and documentation submitted
- the internal ecological/ environment review undertaken of the application (ref earlier section 5),
- the applicant's submitted Ecological Assessment/ Test of Significance,
- the overall assessment provided herein and the recommended conditions of development consent.

4.2.2 NSW Heritage Act 1977

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

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

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

5. Approved Plans and Supporting Documentation

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

- a. Statement of Environmental Effects prepared by Christie Mills (LHIB), dated 16th April 2025
- b. Plans, prepared by Barbara Tarnawski Architects, Rev: E & F Dated: 02/04/2025.
- c. Threatened Species Assessment/ Test of Significance, dated 6th January 2025, prepared by Bower Bush
- d. Geotechnical Assessment, dated 28th June 2023, prepared by ASCT
- e. Preliminary Construction Management Plan, dated: April 2025, prepared by the Lord Howe Island Board
- f. Waste Management Plan, dated: March 2025, prepared by the Lord Howe Island Board
- g. Sedimentation and Erosion Control Plan, Rev: B, dated: 02/06/2025, prepared by Greg Alderson & Associates

Reason: To ensure the development is carried out in accordance with the REP.

6. Construction Certificate & Building Requirements

a) All construction work is to be carried out and completed in accordance with the National Construction Code (NCC) / Building Code of Australia (BCA) and relevant Australian Standards.

b) The applicant must appoint a Principal Certifying Authority (PCA) and apply for a Construction Certificate for the proposed works via the NSW Planning Portal. No works can commence until a valid Construction Certificate has been issued. The PCA will ensure all necessary approvals are in place, conduct mandatory inspections of the works as required and issue the Occupation Certificate certifying that the proposed work is suitable for occupancy.

c) The proposed work shall be undertaken in accordance with the approved Construction Management Plan prepared by the Lord Howe Island Board and the Geotechnical Assessment prepared by ASCT.

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

7. Ecology and Habitat

a) Works are to be undertaken in accordance with the requirements outlined in the submitted Threatened Species Assessment/ Test of Significance, dated 6th January 2025, prepared by Bower Bush including the following:

- i. The activity must only be undertaken outside of the nesting season for all of the seabirds identified as subject species (ie between 1 May and 31 August).
- ii. It is possible that LHI Gecko, LHI Skink and LHI Placostylus may be detected during the removal and replacement of the existing stairs. It is important that any holes that are dug for footings must be checked for animals and all trapped animals must be removed before backfilling.

To mitigate any impacts on these species, any animals found during the construction activity will be moved at least 5m outside of the construction area and placed under natural thatch/mulch to reduce risk of trampling. It is important to place them out of reach of predators such as Woodhen and Currawong (recommend bury them under thatch/mulch).

iii. The LHIB Ranger shall provide the construction team with an induction on the identification of threatened species and their habitats and relevant handling for each target species.

iv. Where the proposal needs to excavate any new footings and require removal of soil, they must only be dug by hand (shovel or handheld auger) and the site rehabilitated.

v. The construction site must be taped off to exclude pedestrian access during the construction phase.

vi. All small waste must be removed from the site daily with larger waste removed weekly. Any waste that is prone to being carried away by wind must be secured in a manner that will prevent it being carried by wind.

vii. There must be a meticulous clean-up of all waste materials, which will be transported to and disposed of at the Waste Management Facility.

viii. All tools and other work-related materials must be removed from site on the completion of the works.

ix. If materials are transported to site by helicopter all unsecured materials at the site must be secured and trained ground crew on site to receive the load. All adjacent leaseholders will need to be notified of helicopter operations.

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

8. Waste Management

a) The proposed work shall be undertaken in accordance with the approved Waste Management Plan prepared by the Lord Howe Island Board.

b) No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

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

9. Erection of construction signs

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

a) showing the name, address and telephone number of the principal certifying authority for the work, and

b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

c) stating that unauthorised entry to the work site is prohibited.

d) Any such sign is to be maintained while the building work is being carried out, but must be removed when the work has been completed,

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

10. Notice of Commencement

Notice must be given to the Lord Howe Island Board at least two (2) days prior to the commencement of the proposed work.

Reason: This is a legislative requirement.

Board Meeting: August 2025

Agenda Number: 12.02

Record Number: ED25/5911

LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

OC2025.5.1 and DA2024.2.1 – Assessment Report – Karen Taaffe

Recommendations

1. Defer for legal advice to be sought

DA2024.2.1 (Construction New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System, and OC2025.5.1 at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island) be deferred pending provision of legal advice as to whether it is reasonable to determine that the historic agreement to right of way could **satisfy the Board** that access is available to Lot 167 (in the absence of complete legal owners consents for the current driveway access over the adjoining allotments).

OR

2. Refuse

i. DA2024.2.1 (Construction New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System, at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island), be refused, and OC2025.5.1 not be issued, as legal access to the subject proposed dual occupancy has not been demonstrated, and as it is inconsistent with Clause 11(d) of the LHI LEP 2010 and Sections 23 and 24, EP&A Regulation 2021.

OR

3. Approve:

- i. OC2025.5.1 for the Carport Attached to the Existing Garage and a new Aerated Wastewater Management System at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island be issued AND
- ii. The LHIB considers that legal and practical access to the subject development site is achieved based upon the historic agreement and records on file and continuing use of the existing driveway access to Lot 167 DP 757515 as per its considerations and Resolution for the Taaffe Matter (Item 6.1) at the June 2025 LHIB meeting, AND
- iii. DA2024.2.1 (Construction New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System, at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island), be approved subject to conditions to be prepared under delegation.

Current position

- Ministerial Owners consent was issued for the lodgement of a DA (development application) on Portion 167 to construct a dwelling under Category A dwelling entitlement for Karen Taaffe and Bertha Thompson”
- New OC2025.5.1 lodged 24/6/2025 for the proposed carport attached to existing garage and aerated wastewater management system (as nominated in the subject DA) has been assessed in conjunction with subject DA.
- DA2024.2.1 is for construction of a new (Category A) single storey, dual occupancy dwelling, carport attached to existing garage and aerated wastewater management system.

Complexities pertaining to owners consent and access are detailed in the report and attachments.

Evidence that there was an historical agreement regarding access to the subject lot 167 is included in Attachment B and C. This historical agreement was for a 5m wide access strip running inside and parallel to the boundary of lot 138. The current physical access does not sit within this historical agreement for around half of its length.

Due to those complexities, the report recommends seeking legal advice and the planner has been unable to provide a professional opinion to recommend approval to the Board as the consent authority.

However, three options are presented for the Board to make a determination, to either defer for legal advice, refuse or approve the DA.

Attachments

Attachment	Title
A	OC2025.5.1 and DA2024.2.1 – Assessment Report – Karen Taaffe
B	Discovery – Grant of PL1971.01 – 12/07/71 to 05/07/74
C	Discovery – Grant of PL1976.02 and Access Strip – 09/09/81 to 06/05/83 Marked Up

Approval and contact

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

Board Meeting: August 2025	Agenda Item: 12.01 Attachment A	File Reference: OC2025.5.1 & DA2024.2.1
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LORD HOWE ISLAND BOARD

BUSINESS PAPER

Planning Assessment Report

Item: **OC2025.5.1 & DA2024.2.1** – Construction New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System, at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island.

1 Summary Assessment Report

Assessment Officer	Peter Chapman – AAP Consultant Planner
Address/Property Description	Lot 167 DP 757515, Neds Beach Road, Lord Howe Island
Proposal	Construction New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System
DA No	DA2024.2.1
Planning Portal Ref	PAN-335512
Applicant	Karen Taaffe
Owner Consent Granted	<p>Ministerial Owners Consent OC2024.2.1 approved 24th April 2024, Description of Proposed Development: “Approve the issue of Owner Consent for the lodgement of a DA (development application) on Portion 167 to construct a dwelling under Category A dwelling entitlement for Karen Taaffe and Berth Thompson” (ref to note below) is in place for this aspect of the DA.</p> <p>New OC2025.5.1 lodged 24/6/2025 for the proposed Carport Attached to Existing Garage and Aerated Wastewater Management System (as nominated in the subject DA) has been assessed in conjunction with subject DA.</p>
Estimated Cost of Development	\$520,300.00
Site Inspection	Inspections of the subject site have been carried out by LHIB officers
Zone	Zone 2 Settlement. The proposed development is permissible with consent.
Significant Native Vegetation Map	Parts of the site are mapped Significant Native Vegetation (SNV) with the proposed building works being outside the SNV mapped area and the proposed Wastewater Irrigation Area being within the mapped SNV, but no SNV will be damaged or removed as part of this application.
Notification	The DA was originally placed on public exhibition

	10/05/2024 to 24/05/2024 and the (requested) amended and additional DA plans were exhibited 20/06/2025 to 04/07/2025.
Submissions Received	The LHIB has advised that one objection was received to the second exhibition period of the DA.
Resolution Options (in lieu of recommendations)	<p>1. Defer for legal advice to be sought DA2024.2.1 (Construction New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System, and OC2025.5.1 at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island) <u>be deferred</u> pending provision of legal advice as to whether it is reasonable to determine that the historic agreement to right of way could satisfy the Board that access is available to Lot 167 (in the absence of complete legal owners consents for the current driveway access over the adjoining allotments).</p> <p>OR</p> <p>2. Refuse i. DA2024.2.1 (Construction New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System, at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island), <u>be refused</u>, and OC2025.5.1 not be issued, as legal access to the subject proposed dual occupancy has not been demonstrated, and as it is inconsistent with Clause 11(d) of the LHI LEP 2010 and Sections 23 and 24, EP&A Regulation 2021.</p> <p>OR</p> <p>3. Approve: i. OC2025.5.1 for the Carport Attached to the Existing Garage and a new Aerated Wastewater Management System at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island be issued AND</p> <p>ii. The LHIB considers that legal and practical access to the subject development site is achieved based upon the historic agreement and records on file and continuing use of the existing driveway access to Lot 167 DP 757515 as per its considerations and Resolution for the Taaffe Matter (Item 6.1) at the June 2025 LHIB meeting, AND</p> <p>iii. DA2024.2.1 (Construction New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System, at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island), <u>be approved</u> subject to conditions to be prepared under delegation.</p>

DA History, Site Access and Owners Consent

The subject DA2024.2.1 was lodged 08/05/2024 and requests for additional information were issued arising from the DA application assessments. OC2025.5.1 was recently lodged 24/6/2025 for the proposed Carport Attached to Existing Garage and Aerated Wastewater Management System (as nominated in the subject DA) to supplement the Ministerial Owners Consent for the Category A dwelling.

A key additional information matter was the availability of an existing vehicular and pedestrian access to the site from Neds Beach Road and whether sufficient legal access, compliant with the EPA Regulation 2021 and the LHI LEP 2010 was available to the subject proposed dual occupancy. The history of these two related access matters is detailed further below.

Provision of legal owners consent to the proposed continued use of the existing access driveway under the EPA Regulation 2021

Pursuant to the Environmental Planning and Assessment Regulation 2021, it is understood that signed owners consent from all three leaseholders (burdened by the existing site access) must be obtained for the proposed dual occupancy dwelling.

The adjoining leases through which the existing driveway to the subject lot extends are Lot 214 DP 45693 and Lot 138 DP 757515. Both of these leases are jointly held in the names of Des Thompson, Marie Thompson and Rodney Thompson. One of the Requests for Information to the applicant was to supply written owners consents and signatures from the adjoining leaseholders over which the existing access traverses. The applicants supplied signed owners consents for this site access from both Des and Rodney, but not Marie. To date the third owner's consent has not been forthcoming.

In lieu of a complete signed owners consent form, the proponent submitted historic documents that noted a right of way which was to be recorded in perpetuity on the lease. The LHIB Administration confirmed these documents existed in historic archives (Attachment B and C), though the agreement was never registered as an easement nor notified in the Government Gazette.

The historical agreement (attachment B) for the burdened leases (PL 1954.10 and Special Lease 1954/43) includes a hand drawn map, with hand drawn markings indicating the proposed access. The actual made road does not neatly align with the hand drawn map, and on paper some of the right of way traverses now mapped SNV. However, it has been read in conjunction with the written agreement and historic Board meeting records (Attachment A) to from a view regarding owners consent.

The agreement is signed by the Administrator of for the Estate of O.C.Thompson (Union Fidelity Trust), then holder of Perpetual Lease1954/10 and Special Lease 1954/43. The agreement indicates an intent for enduring access to the Perpetual lease burdened by the access.

Further record review supplements the agreement (Attachment C). The agreement was requested by the Lord Howe Island Board in 1981 as a condition of removing 'house blocks' from the Special Lease 1954/43, for access in perpetuity to a proposed new Perpetual Lease PL1976.02

Provision of a physical access within the historical registered easement to the subject site cannot be undertaken due to this being within mapped SNV (refer to figure 3 on the following report pages for an illustration of the easement and existing physical access locations).

Therefore, the only available access to the Taaffe's proposed dual occupancy site which will

not impact mapped SNV is the existing physical driveway access. Continued use of this existing access has not been consented to by one of the current three leaseholders of the adjacent burdened lots.

However, the signed historic agreement includes agreement by all leaseholders and parties that

*...a right of way should always be available over the strip...., and
...a strip 5m wide on the northern boundary of Portion 138...to be preserved always
for the purpose of access,*

PL1971.01 was issued and has since had a house built on it for Bertha May Thompson. A new Perpetual Lease 1976.02 was granted by the Minister and advertised in the Government Gazette for Rodney and Heather Thompson. DA2024.2.1 is for the purpose of a dual occupancy on PL1971.01.

Summary of Legal Property Access and Owners Consent Issue

Based on the above discussion there seems to be confirmed evidence that there was an historical agreement (albeit unregistered and therefore not legally in place) regarding access to the subject lot 167. However as also stated above, this historical agreement was for a particular 5m wide access strip running inside and parallel to the boundary of lot 138. The current physical access does not sit within this historical agreement for around half of its length.

Consequently, the outstanding legal point is that whilst there is an historical agreement or consent to an access (as per the above), it is not the access that is currently in place and that is actually being considered in the subject DA. In planning law these are two distinct things that each need to be satisfied.

Therefore, the historical agreement is not sufficient to establish the legalities of the current DA access requirements, as it is not for the same access. Because they are different, the consent of all of the current leaseholders is required to the present physical “altered” access.

Physical Access pursuant to Clause 11(d) of the LHI LEP 2010

The existing vehicle and pedestrian access for the subject site is physically achieved over two other adjoining leases.

Clause 11 (d) of the LHI LEP requires that the LHIB **must be satisfied that access is available** to any proposed dwelling, including the subject dual occupancy. Physical access is achieved for the dwelling via the existing formed driveway.

The subject OC and DA and the above access and related consent issues have, as set out above, been the subject of RFI's to the applicant, along with considerable discussion and LHIB resolutions at the June 2025 meeting.

At its June 2025 meeting, the LHIB noted the following concerning physical and legal access to the subject property:

6 DEVELOPMENT APPLICATIONS

6.1 Resolution for Taaffe Matter

The Board noted as follows:

- *there is evidence that consent was provided in the 1980's for a five-metre wide access road*
- *the access road exists, and has for over 100 years*

- *the access road has been used by multiple parties for over fifty years to access homes*
- *there has never been any objection to the use of this access road by any party*
- *the continued use of the road for the proposed development will not have any material additional ecological impact and will not result in any increased noise or disturbance to any neighbours or otherwise materially impact on amenity*
- *accordingly, there appears no practical impediment to the continued use of this access road for the proposed development.*

On this basis, the Board believes there is legal and practical access to the proposed development site and requested the LHIB administration to consider the development application on its merits. The Board stressed that it had not considered, and expressed no view on, the development application itself.

Given the above complexity this assessment report does not include a professional recommendation for determination of the matters of owners consent and legal and practical access of the subject DA. Instead, available options have been identified for the LHIB's consideration.

The three options identified are to:

1. defer the application and seek legal clarification on owners consent or,
2. refuse, or
3. approve.

Obtaining legal advice on the owners consent matter is recommended prior to any determination being made.

Despite the above, the following assessment of the application has been undertaken on the understanding the application is otherwise complete. Therefore the assessment of the planning merit of the application has been undertaken and the following report provided as requested of the Administration by the LHIB.

2 Consent Authority

Owner's Consent Delegations

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

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

Ministerial Owners Consent

A Ministerial Owners Consent (OC2024.2.1) was approved 24th April 2024, with a listed development description of "Approve the issue of Owner Consent for the lodgement of a DA (development application) on Portion 167 to construct a dwelling under Category A dwelling entitlement for Karen Taaffe and Bertha Thompson". As referenced on the consent, this was

based on a recommendation of the LHIB at its December 2023 Board meeting.

As the Ministerial OC2024.2.1 was only for the construction of a dwelling, an additional (LHIB) Owners Consent application for the rest of the subject DA components was also required. Consequently the applicant has lodged an additional OC2025.5.1, dated 24/6/2025 for the proposed Carport Attached to Existing Garage and Aerated Wastewater Management System, and this has been assessed in conjunction with subject DA. The resolution options of this report includes one that the LHIB issue OC2025.5.1.

Development Application Delegations

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

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

The subject OC and DA exceed the above delegations to the CEO primarily due to the proposal including a Category A Dwelling Entitlement, but also due to the estimated cost of development being \$520,300.00. Accordingly the applications are referred to the full LHIB for determination.

3 Site Description

The subject site is legally described as Lot 167 DP 757515, Neds Beach Road, Lord Howe Island. The lot is irregular in shape and has an approximate site area of 3,578.6m².

As mentioned earlier in this report (in section 1), the site does not benefit from a direct public road access. Instead it has an existing constructed vehicular and pedestrian access to the site from Neds Beach Road via an approximate 152m track over two other adjoining leases (being Lot 214 DP 45693 and Lot 138 DP 757515). This however has been the status quo for some time as illustrated by the LHIB's SNV mapping which reflects this existing site access. This does not benefit from a corresponding easement legally guaranteeing that physical access. An agreement to right of way is located on the lease file, which has not been registered or notified in the Government Gazette.

The existing structures on the site include a detached single storey, weatherboard and metal roofed dwelling, an associated garage/ shed, water tanks and wastewater treatment system. The central area of the site that the above structures are located within includes cleared vegetation and garden landscaping. Around most of this area to its boundaries, the site includes mapped SNV vegetation.

The site is located just under 280m northeast of the intersection of Neds Beach and Lagoon Road and adjoins Stevens Reserve on its Eastern (rear) and Southern (side) boundaries. It is at the bottom of the north western slope of the overall Stevens Reserve gully that extends down from Neds Beach Road.

Partly arising as a result of the above, the site is within area mapped by the updated LHIB flood study as being within the floodplain. This thus being an additional consideration in the assessment of the subject proposal.

There are no existing adjoining or nearby dwellings in the vicinity of the subject site. The

closest is approximately 85m away to the northeast on Lot 213 DP45693.

The site is zoned 2 Settlement and as mentioned earlier contains both cleared areas and others mapped significant native vegetation (SNV) - (ref Figures 1, 2, 3 and 4). Other than the proposed irrigation area for the new wastewater treatment system, the proposed development is located outside of these mapped areas of SNV.



Figure 1: Extract from the Lord Howe Island Local Environmental Plan 2010 (LEP 2010) Zoning Map. Site boundaries outlined in red.

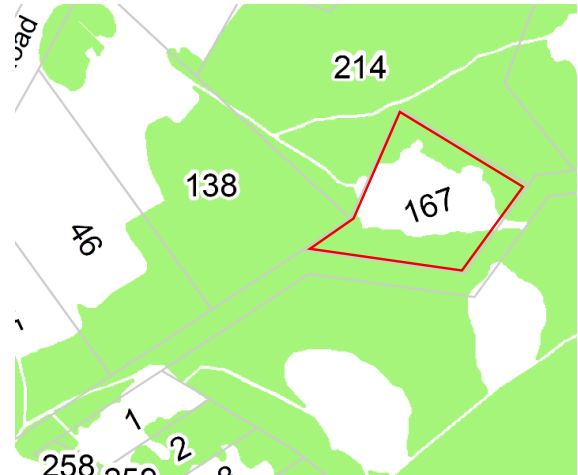


Figure 2: Extract from the LEP 2010 SNV Map.

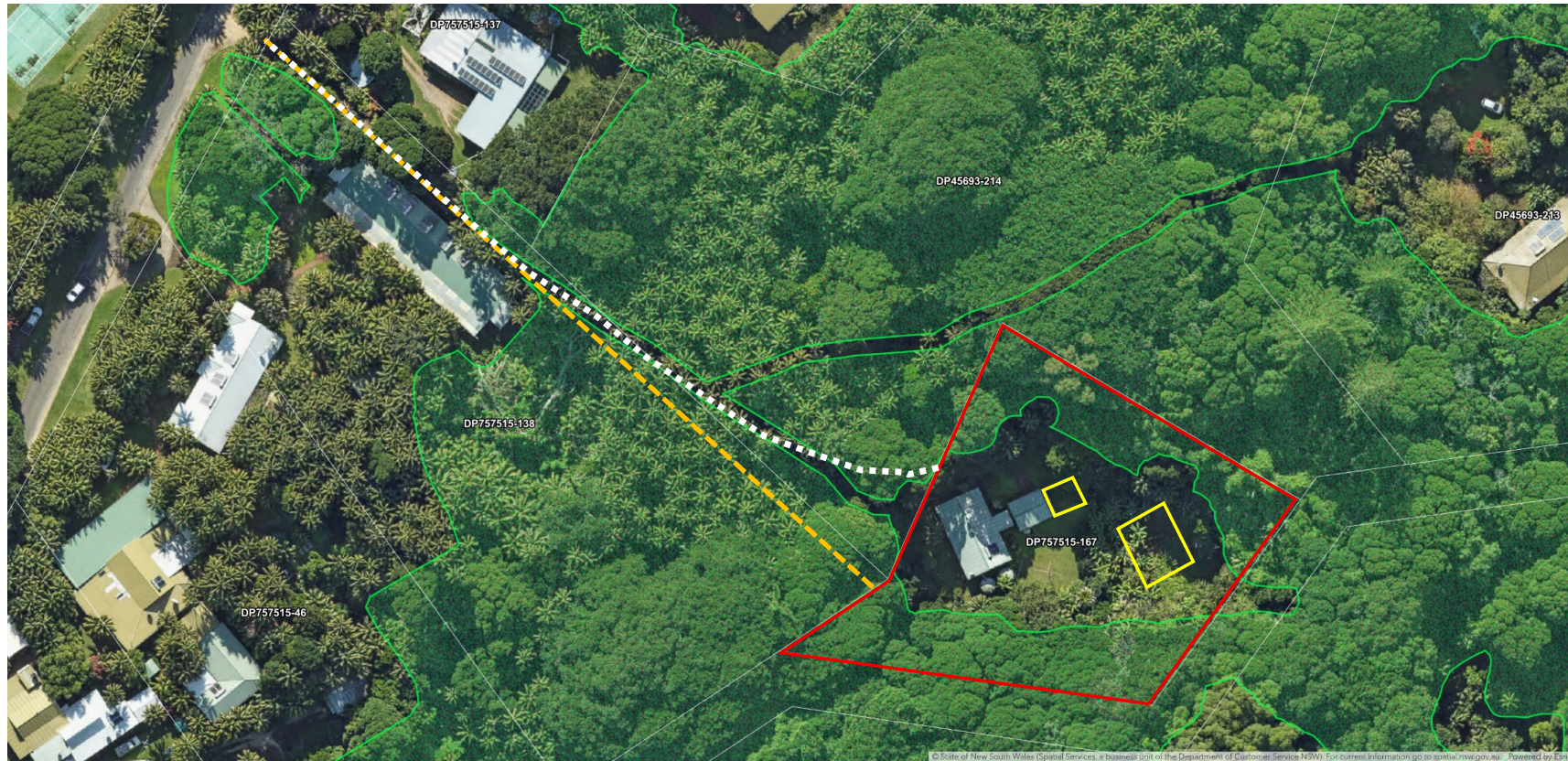


Figure 3: Aerial of subject site, (subject proposed dwelling & garage in yellow, approx. existing physical site access in dotted white, approx. historical registered access easement in dashed orange), existing development, & surrounds.

4 Proposed Development

As noted earlier in this report, the proposed development is for the Construction New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System, at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island.

The specific details of the proposal are as follows:

1. The key aspect of the development is the construction of a new single storey, detached, two-bedroom, weatherboard clad and colorbond roofed dwelling as a dual occupancy with the existing dwelling on the site.
2. In addition to the two bedrooms, the new dwelling will include kitchen, living and dining areas with a roofed timber deck adjoining, plus a bathroom and laundry/ pantry.
3. The dwelling is proposed to be located to the east of the existing dwelling within an existing area of non-native vegetation with setbacks to the nearest site boundaries of 9.5m, 12.5m and 22.5m mostly through established mapped SNV that effectively screens the proposal from the adjoining leases.
4. The proposed dwelling will have a GFA of 113m² which will combine with the existing dwelling (with 105m²) to generate a total residential GFA for the site of 218m².
5. Some non-native vegetation clearing will be undertaken for the footprint of the proposed dwelling.
6. The second aspect of the proposed development is the construction of a double vehicle timber framed carport, for the proposed dwelling which is to be attached to the existing garage on the site.
7. The third aspect of the development is provision of a new onsite wastewater treatment system for both the existing and proposed dwellings. This is to be a NSW Health accredited FujiClean ACE1200EX Aerated Wastewater Treatment system. In response to requests for additional information arising during the DA assessment the irrigation area for this system was relocated out of the flood affected area of the site, up into the northwestern site corner within part of the mapped SNV area. The main part of the treatment system which remains within the flood area has also been required to have a number of additional design features/ requirements to account for this.
8. The subject application proposes to continue to rely on the existing site driveway access from Ned's Beach Road (described in Section 1 of this report) via two adjoining leases. The adjoining leases through which the driveway physically extends are Lot 214 DP 45693 and Lot 138 DP 757515.

As also mentioned earlier in Section 1, due to the lack of an easement or right of way for the site access over these adjoining leases, the applicant was requested to provide owners consents for these leases. Two of the three requested consents have now been supplied.

The overall details of the subject DA are confirmed on the submitted plans accompanying the applications as partially extracted on the following report pages.

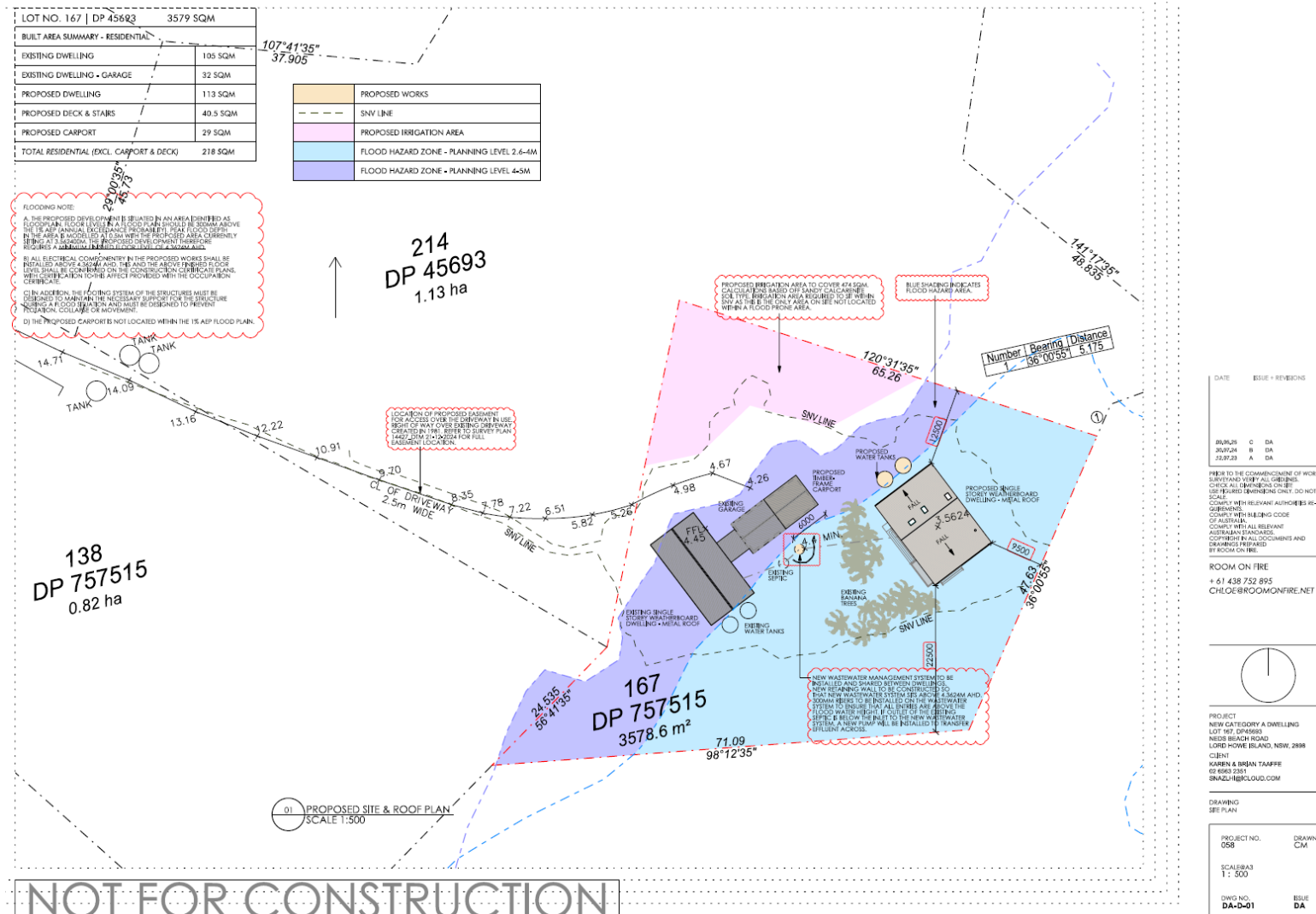


Figure 4: Submitted DA Site Plan





Figure 7: Submitted Proposed Dwelling Elevations

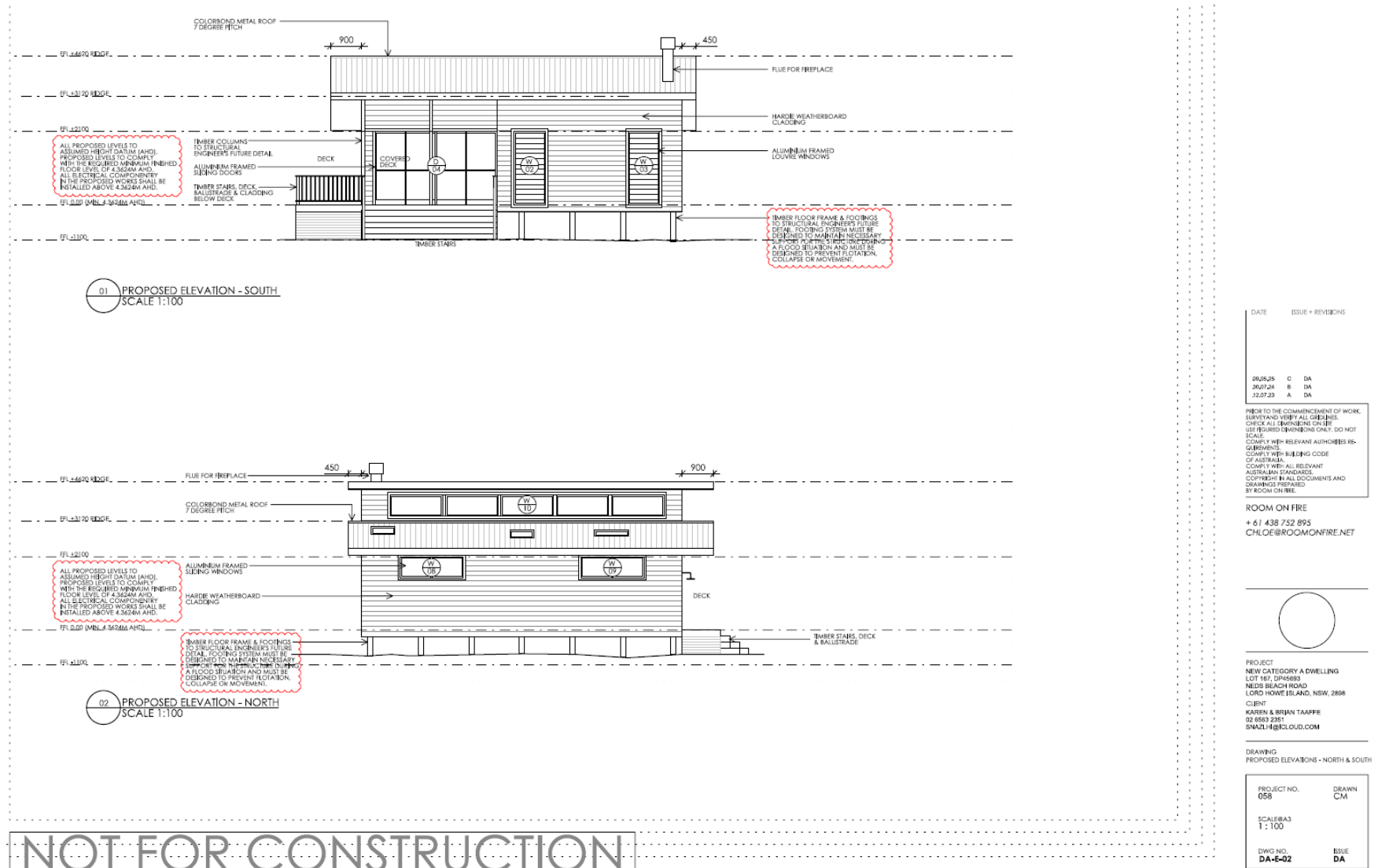


Figure 8: Submitted Proposed Dwelling Elevations

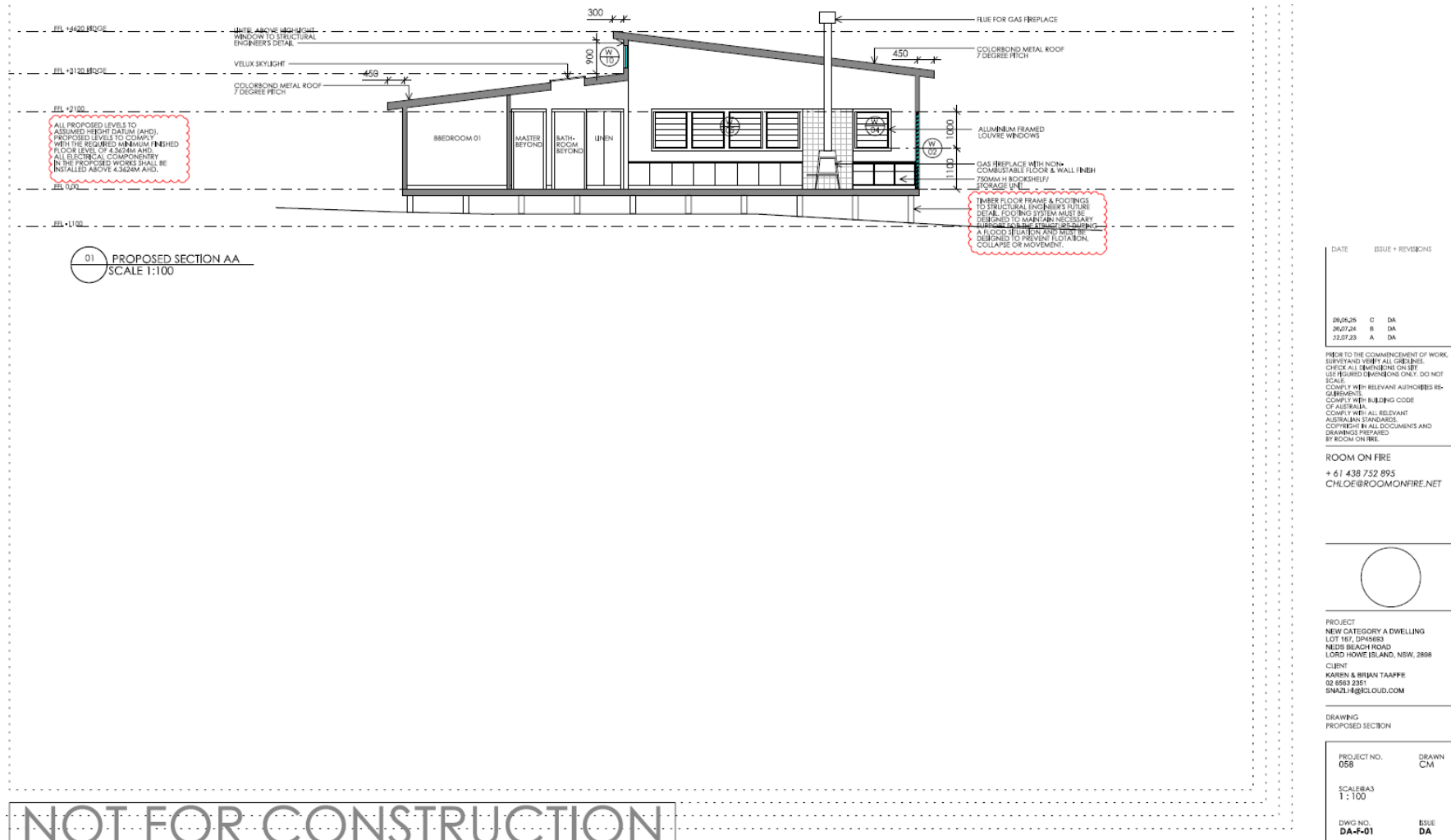


Figure 9: Submitted Proposed Dwelling Section

5 Referrals

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

5.1 Comments received from internal specialists

Specialist	Issue	Comment
Acting Team Leader World Heritage Liam Murphy	<p>Description of the existing environment</p> <p>The study area includes native vegetation which is mapped by Sherringham <i>et al</i> (2016) as Community 19: Maulwood – Kentia Palm – Cotton-wood – Greybark lowland forest and is considered accurate. However, the subject site is located largely within established lawns and gardens of non-native vegetation including citrus, bananas, yellow guava, papaya and weeds (e.g. tobacco bush).</p> <p>The study area provides known or potential habitat for at least 6 threatened species:</p> <ul style="list-style-type: none"> • LHI Gecko <i>Christinus guentheri</i> • LHI Currawong <i>Strepera graculina crissalis</i> • LHI Golden Whistler <i>Pachycephala pectoralis contempta</i> • LHI Silvereye <i>Zosterops lateralis tephroleura</i> • Lord Howe Woodhen <i>Hypotaenidae sylvestris</i> • LHI Placostylus <i>Placostylus bivaricosus</i> <p>The LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen are all widely distributed across the Island and regularly occupy forests and gardens within the settlement. They are commonly found co-habiting with human infrastructure within the settlement area and in the case of the LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen will forage and roost around dwellings and associated infrastructure. However, the core habitat for all these species is intact native vegetation.</p> <p>The LHI Gecko is known to occur throughout the settlement area where it can utilise human made structures and stockpiled building materials as sheltering habitat. It can be found within cavities of dwellings and it shelters within cracks and cavities in trees and rocks.</p> <p>The subject site includes areas mapped as modeled High-Quality Habitat for LHI Placostylus. This mapping is considered accurate where there is intact native vegetation. The LHI Placostylus favours forested habitats on calcarenite soils with a dense shaded canopy, continuity with large areas of vegetation and a thick moist leaf layer in which they can burrow during dry times. This habitat is present in the study area, although it is restricted to native forest adjacent to the subject site.</p> <p>Permissibility under NSW legislation</p> <p>The following sections outline how the activity is permissible under applicable NSW legislation relevant to the protection of the environment.</p> <p>Environmental Planning and Assessment Act 1979</p> <p>Under the <i>Environmental Planning and Assessment Act 1979</i>, the determining authority must examine and take into account to the</p>	Noted & recommended accordingly

	<p>fullest extent possible all matters affecting or likely to affect the environment from any development application that is not classed as an exempt development or a state significant development. This was assessed in line with the <i>Biodiversity Conservation Act 2016</i>.</p> <p>Biodiversity Conservation Act 2016 Under the <i>Biodiversity Conservation Act 2016</i>, a test to determine whether a proposed development is likely to significantly affect threatened species, ecological communities or their habitats must be undertaken. A 5 Part Test of significance was not submitted with the DA as the proposal is located within an area that is already cleared and supports established lawns and gardens.</p> <p>Environment Protection and Biodiversity Conservation Act 1999 The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) does not apply as the activity will not significantly impact any of the following:</p> <ul style="list-style-type: none"> • world heritage or national heritage values of a place on the World Heritage List or National Heritage List • the ecology of a Ramsar wetland • nationally listed threatened species and ecological communities or listed migratory species. <p>Lord Howe Island Local Environmental Plan 2010 The property is zoned Zone No. 2 – Settlement according to the <i>Lord Howe Island Local Environmental Plan 2010</i>. The objectives of this zone are: (a) to provide opportunities for limited residential and commercial development and (b) to avoid or minimize environmental damage and protect areas that comprise significant habitat for species of animals that are native to the Island or have significant native vegetation. The proposal is consistent with these objectives.</p> <p>Conclusions and Recommendations The dwelling and carport construction will not result in the removal of any native vegetation within Significant Native Vegetation or habitat for threatened species. However, removal of a small amount of regrowth native vegetation within the bounds of the established garden is likely to be required for installation of two rainwater tanks at the rear (north) of the proposed dwelling. Four or five Kentia palms (<i>Howea fosteriana</i>) encroaching on the allotment's narrow access driveway may also be required to be removed to allow for delivery of construction materials and equipment. These native plants are permitted to be removed under Clause 59(2b), Part 5 of the <i>LHI Regulation 2014</i>.</p> <p>The proposed development has been assessed and will not result in any significant impacts on any threatened species, populations, ecological communities, or their habitats, providing the following recommendations of this assessment are adhered to.</p> <p>Recommendations That the development be approved subject to the following:</p> <ol style="list-style-type: none"> 1. The boundary between the established garden and mapped SNV to the north and east of the lot should be identified and delineated with string line and flagging tape before commencement of any works. 	
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	<ol style="list-style-type: none"> 2. Removal of any native plants within the existing physical (SNV mapped) access driveway must not result in a width of greater than 3 meters at any point to ensure no removal of mapped SNV. 3. The installation of the two new water tanks at the rear (north) of the new dwelling is done so with minimal earthworks and positioned at least 5 meters from mapped SNV to reduce impact to the root systems of adjacent native vegetation and the potential future need to trim or remove any vegetation within mapped SNV to protect critical infrastructure. 4. Any live LHI Gecko or LHI Placostylus detected during works must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, rock crevices etc.) away from the development site so they can escape predation. 5. All building materials and building activity are restricted to being stockpiled on cleared open areas. 6. All new effluent irrigation pipework located within SNV is to be laid on the surface. 7. During installation of the surface irrigation system all leaf litter and fallen timber should be retained on site. If required to move organic material at any point, it should be immediately redistributed across the site following completion of installation works. 8. Ongoing monitoring of wastewater system performance in accordance with manufacturers recommendations and LHI Board effluent management strategy standards. 9. Any landscaping works to be conducted as part of the development should focus on utilising native plant species. 	
Senior Manager Infrastructure & Engineering Brad Josephs	<p>Flood Management</p> <p>The proposed development is situated in an area identified as floodplain. Floor levels in a flood plain should be 300mm above the 1% AEP (Annual Exceedance Probability). Peak flood depth in the area is modelled at 0.5m with the proposed area currently sitting at 3.562400m. The proposed development therefore requires a minimum finished floor level of 4.3624m AHD.</p> <p>All electrical componentry in the proposed works shall be installed above 4.3624m AHD. This and the above finished floor level shall be confirmed on the construction certificate plans, with certification to this affect provided with the occupation certificate.</p> <p>In addition, the footing system of the structures must be designed to maintain the necessary support for the structure during a flood situation and must be designed to prevent flotation, collapse or movement.</p> <p>The proposed carport is not located within the 1% AEP flood plain.</p> <p>Wastewater</p> <p>The proposed wastewater treatment system, including satellite and associated effluent land application area calculations are correct for the applicant's stated intent and expected output nutrient level for FujiClean ACE1200EX.</p> <p>The following table outlines the expected daily hydraulic load for the proposal:</p>	Noted and recommended accordingly.

Source	Number	Lt/day	Total Lt/day
Dwelling 1 (Existing)	4EP	120x4	480
Dwelling 2 (New)	3EP	120x3	360
Total Daily Hydraulic Load			840
<p>The installation of the wastewater treatment system is overseen by the Lord Howe Island Board and not the PCA. The PCA however, is not to issue an Occupancy Certificate for the development until such time the Board has carried out the final commissioning inspection of the wastewater treatment system and is satisfied that the installation and operation of the system meets the parameters of the strategy.</p> <p>The effluent land application area of 626m² assumes the soil type of sand and is based upon the phosphorus sorption capacity of the soil. The stated irrigation area is suitable for the proposed however the location is not suitable. Effluent irrigation areas cannot exist within areas classified as flood zones, the irrigation area must be moved to the northern area of the Lot adjacent to Portion 213. GIS indicates that there is ample room within this area to house the irrigation area. An updated irrigation map will need to be supplied to the Lord Howe Island Board.</p> <p>The irrigation area will need to be laid within designated Significant Native Vegetation as due to existing infrastructure, surrounding SNV and flood zones there are no other suitable non-SNV area to install the required irrigation area.</p> <p>The applicant is to notify the Board, with a minimum 7 days' notice, of the commencement of the wastewater treatment system installation, this includes treatment system, satellite 'catch tanks' and effluent irrigation pipe network.</p> <p>Evidence of a Contract or Service Agreement between the applicant and a Lord Howe Island Board accredited Service Agent is required prior to approval for the wastewater management system to operate without a licence.</p> <p>Service Reports and test results, as per the requirements of the Strategy, are to be supplied to the Board on a quarterly basis. Leaseholders are to ensure their Service Agents provide this data to the Board. Failure to supply reports and tests may result in removal of operating approvals and the issuance of fines to the Leaseholder in accordance with the Local Government Act and Regulations.</p> <p>Water</p> <p>It is required that all stormwater from the new roof structure be directed to rainwater tank(s) as per the application. The rainwater disposal must be clearly outlined on the Construction Certificate Plans.</p> <p>Certification by an appropriate person is necessary for all waterproofing in wet areas, including bathrooms and laundry.</p> <p>All plumbing work, including connections to the wastewater system,</p>			

	must be conducted by a licensed plumber.	
LHIB Surveyor Gary Millman.	On 29/5/24 I visited the site of the proposed development and took quite some time to locate the boundaries near the proposed dwelling due to lack of old marks. They have staked out a position for the new dwelling in the old garden area. I found from my measurements that the dwelling as staked was different from the DA site plan and so I have drawn a plan from my work to show where it has been staked. In this position and angle, it avoids any native vegetation and is all in the cultivated area. (see my plan) The carport has been staked as per their site plan.	Noted – RFI issued to applicants to correct inaccuracies in submitted plans, subsequently submitted plans considered in this report.
LHIB Electrical Infrastructure Peter Higgins	I have inspected the New Installation Application for Supply Form for this DA. The proposed electrical installation will have an assessed maximum demand of 40 Amps which is permissible on the Island Distribution System. I would recommend the electrical new installation be approved with the following conditions - <ul style="list-style-type: none"> • The customer is required to change their solar HW electric boost element from 3600 watts to a standard 2400 watt element as per the Lord Howe Island Board Electricity Supply Service Rules. • The installation will be supplied by a new 40amp single phase service from Blue Lagoon HV and LV Switching Station. The installation of customer consumer mains is the responsibility of the customer. • The new installation is restricted to a standard 40 amp single phase domestic supply. • Existing underground electrical cables to be clearly identified prior to any ground works. • All additional wiring must be carried out by a licensed electrical contractor to AS/NZS3000.2018 standard. • A signed Compliance Form for Electrical Works is required from the contractor within 7 days of completion of all new electrical works. 	Noted and recommended accordingly.

6 Planning Assessment

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

6.1 Commonwealth legislation

6.1.1 *Environmental Protection and Biodiversity Conservation Act 1999*

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

- World Heritage Areas
- National Heritage Places
- Ramsar wetlands of international importance

- Commonwealth listed threatened species and ecological communities
- Listed migratory species
- Commonwealth marine areas
- Great Barrier Reef Marine Park
- Nuclear actions.

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

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

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

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

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

6.2 NSW legislation

6.2.1 Biodiversity Conservation Act 2016

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

The proposed development has been reviewed and assessed for its ecological impacts by the LHIB's Team Leader Environment World Heritage (ref section 5 of this report). This specialist assessment found that "*The proposed development has been assessed and will not result in any significant impacts on any threatened species, populations, ecological communities, or their habitats, providing the following recommendations of this assessment are adhered to.*"

The according ecological recommendations should be included in any approval of the subject DA.

6.2.2 NSW Heritage Act 1977

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

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

On 9 January 2015, the NSW Minister for Heritage published an order under section 57(2) of the Heritage Act, providing for an exemption to refer specific activities to the Heritage Division, instead requiring referral of only those applications requiring consent under clause 39 of the LHI LEP 2010. As the subject site does not include a heritage item listed under the LHI LEP 2010, the application was not required to be referred to NSW Heritage as the Ministerial Heritage Exemption could be relied upon.

As there are no listed heritage items nearby to the subject site, further consideration under clause 40(1)(b) of the LEP is not required.

6.3 Local Statutory Plans and Policies

6.3.1 Lord Howe Island Local Environmental Plan 2010

The LEP 2010 is the principal environmental planning instrument applying to the proposal.

The following summary table details the various LEP provisions relevant to the subject proposal with assessment and/or comment included as required.

LEP 2010 Compliance Summary Table:

LEP 2010 Clause		Compliance Y/N	Comment
Part 1 Preliminary			
2	Commencement and Aims of Plan	Y	Each of the aims of the LEP 2010 have been considered in the assessment of this application. As assessed in this report, the proposed works can be undertaken with minimal negative environmental impact and/or disturbance to protected flora and fauna native to the Island.
3	Land to which plan applies	Y	The LEP 2010 applies to the subject site which is part of Lord Howe Island, as defined in Section 3 of the Lord Howe Island Act 1953.
6	Who is the consent authority for this Plan?	Y	The Lord Howe Island Board (LHIB) is the relevant consent authority.
7	Maps	Y	Noted.
9	Exempt Development	N/A	The proposed works are not listed as Exempt Development within Schedule 1 of the LEP.
11	Matters that must be satisfied before development consent granted	Y	All relevant matters contained within clause 11 are satisfied – refer to the clause 11 assessment following.
Part 2 General Provisions applying in particular zones			
12	Land Use Zones	Y	The land is zoned Zone 2 Settlement

14	Zone 2 Settlement	Y	The proposed New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System, complies with the LEP zone objectives and are permissible development in the zone with consent of the LHIB.
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			
21	Subdivision	N/A	
23	Erection of Dwellings	Y & N/A	As relevant to the proposed Category A Dwelling proposal being considered under the clause 24 Dual Occupancy provisions, the following compliance assessment with clause 23 of the LHI LEP 2010 is noted: <ul style="list-style-type: none"> a) 300m² max. dwelling GFA – N/A <i>ref to clause 24 (below)</i> b) 3,000m² min (dwelling) allotment area – N/A <i>ref to clause 24 (below)</i> c) tourist/ commercial site coverage – N/A d) 50% landscaped site & native plantings areas – Yes (approx 2,387m² or 66% landscaped site area & 1.725.23m² or 48% of native planting area maintained) e) dwelling location not within mapped SNV – Yes
24	Dual Occupancy Concessions	Y	The proposed Category A Dwelling proposal being considered will maintain compliance with clause 24 of the LEP in that: <ul style="list-style-type: none"> a) the subject dwelling is part of a dual occupancy: Yes b) the proposed dual occupancy is comprised of the existing dwelling and a new additional dwelling: Yes c) ... d) Combined GFA of dual occupancy max. 400m²: Yes 218m² <i>proposed</i> e) 50m² private open space/ dwelling: Yes
26.	Limit on number of dwellings to which consent may be given	Y	The subject proposed dwelling is the subject of a Cat A dwelling entitlement issued by the LHIB and the Minister as referenced in the introduction to this report.
27(1)	Enlargements or extensions of dwellings:	N/A	
29	Maximum height of buildings (7.5m)	Y	As detailed on the submitted plans, the proposed works will have an upper building height (at the top of the roof skillion) of 5.42m complying with the LEP.
Division 2 Provisions that apply to particular land			
32 (2)	Setbacks of buildings in Zone 1, 2 or 5: <ul style="list-style-type: none"> - 10m to a road frontage and 	N/A	<i>Front</i> As mentioned earlier in the description of the site description, it does not have a direct public road frontage. Therefore the front setback requirement is not applicable.

	- 5m all other boundaries	Y	<i>Other</i> As also noted earlier in the description of the proposed development, the dwelling is to be located to the east of the existing dwelling within an existing area of non-native vegetation with setbacks to the nearest site boundaries of 9.5m, 12.5m and 22.5m mostly through established mapped SNV that effectively screens the proposal from the adjoining leases. Thus satisfying the LEP setback provisions.
33	Landscaping to be carried out in Zone 2	Y	Based upon the detail and assessment of the subject proposal within this report, it is considered that it will not have "a significant adverse impact on the existing landscaped character and dispersed pattern of housing in the zone".
34.	Land Adjoining Zone 7 or 8.	Y	As can be seen in the zoning plan at Figure 1, approximately 80-90% of the site's perimeter adjoins land that is zoned 7 - Environment Protection. However the majority Of the proposed works are not within 10m of these site boundaries. The two that are is the wastewater irrigation field proposed within the mapped SNV in the northern site area and the rear corner of the proposed dwelling that will be setback 9.5m from the rear boundary. The site and proposal is considered to satisfy clause 34 of the LEP in its current state due to the significant area of mapped SNV within the site and the proximity of the proposal to the site boundaries.
39	Development affecting heritage items	N/A	The subject site does not include any heritage items listed in either the LEP or State listings. Refer also to the discussion of the Lord Howe Island's listing on the State Heritage Register under the <i>NSW Heritage Act 1977</i> in section 6.2.2 of this report.

Clause 11 Matters that must be satisfied before development consent granted

Clause 11 of the LHI LEP 2010 provides that the consent authority must not consent to the carrying out of development unless it is satisfied of the following matters (to the extent that they are of relevance to the proposed development):

Clause 11 Compliance Summary Table:

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
a) <i>The proposed development is consistent with the aims of this plan and the objectives of any zone, as set out in the plan, within which the development is proposed to be carried out,</i>	Y	The subject site falls within Zone 2 – Settlement under the LEP 2010 and is consistent with the aims of the LEP and the zone objectives (subject to the recommendations of this report), as discussed in the previous assessment of the LEP provisions.
b) <i>There is an adequate area available for the disposal or treatment of any effluent treatment of any effluent treatment or</i>	Y	The subject proposal includes the installation of an upgraded wastewater treatment system which

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
<i>disposal system and any such system will not have any adverse impact on groundwater quality,</i>		has been internally assessed by the LHIB as being acceptable for the existing and proposed development (subject to the application of the conditions of consent included in the attached recommendation).
<p>c) <i>No part of the proposed development:</i></p> <p>i. <i>will result in any damage to, or removal of, significant native vegetation, or</i></p> <p>ii. <i>will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i></p>	Y	Refer to the internal comments from the LHIB's Team Leader World Heritage in section 5 of this report and the overall assessment (and report recommendations) provided herein.
<p>d) <i>Access is, or will be, available to the site of the proposed development and the provision of any such access will not:</i></p> <p>i. <i>result in any damage to, or the removal of, significant native vegetation, or</i></p> <p>ii. <i>have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i></p>	Y	<p>As per the earlier discussion in this report (under section 1), the site does not benefit from a direct public road access. Instead it is served by an existing constructed vehicular and pedestrian access to the site from Neds Beach Road via an approximate 152m long track that also extends over two other adjoining leases (being Lot 214 DP 45693 and Lot 138 DP 757515).</p> <p>Relevantly the above access driveway does not benefit from a corresponding easement or right of way legally guaranteeing this physical access over the adjoining leases in perpetuity.</p> <p>It is recognised that the existing access arrangement for the Taafe site has been the status quo for some considerable time. The outstanding question is whether there is a legal requirement to now reconfirm/ obtain owners consent for the subject proposal to permit continued access to the Taafe site through the two adjacent lease areas.</p> <p>An alternative access option to the above, which was also canvassed in the application assessment, was to require the provision of a new physical access to Neds Beach Road within the historical easement/ right of way that was previously registered on the past lease documents for the adjacent affected properties. This easement for access does not accord with the footprint of the existing physical access track– refer site images with existing driveway detail, but</p>

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
		<p>instead runs through existing mapped Significant Native Vegetation (SNV). As clearing of mapped SNV would be required to achieve this historic easement access, it was considered legally prohibitive for such an access to be constructed or required.</p> <p>The access, both legal and physical, is key to the subject application. The DA needs to be legally made/lodged with relevant owners consent provided to accord with the Environmental Planning and Assessment Regulation 2021.</p> <p>Further, physical and legal access needs to be achieved to accord with Clause 11(d) of the LEP. In this respect, it is clear that physical access is already achieved for the site. Conversely and legally, it is not clear whether the access can be relied on. As such the option of obtaining legal advice has been included.</p>
e) <i>Any proposed landscaping will provide various species of plants that are native to the Island and common in the locality to enhance any significant native vegetation,</i>	Y	This will be ensured by way of condition included in any determination of the DA.
f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i>	Y	<p>The site is located within a mapped flooding area. This has been assessed and considered in the engineering internal referral on the application and appropriate requirements implemented.</p> <p>Otherwise the site is not located in any hazard area which would affect or limit the proposed development,</p>
g) <i>Adequate services in respect of the proposed development can be provided without significant additional cost to the Board or the community of the Island,</i>	Y	<p>A new service/ connection to the LHIB electrical network will be required for the additional dwelling, but this will be undertaken at the applicant's cost and in accordance with the LHIB requirements.</p> <p>No other additional infrastructure services will be required for the proposal.</p>
h) <i>The appearance of the proposed development (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality,</i>	Y	The subject existing dwelling is located over 150m from Neds Beach Rd and is well screened from the road and other adjoining properties via the existing established landscape vegetation and existing setbacks. The

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
		proposed works will not have a significant adverse visual impact and will maintain the scenic and visual quality of the locality.
i) <i>The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	The proposed 1 storey scale, substantial boundary setbacks and the existing well established site vegetation will ensure no unreasonable overshadowing of the adjoining land will be generated.
j) <i>The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	Y	Further to the above comments, no privacy issues will be generated by the nature and character of the proposal as outlined in the overall assessment of this report

6.3.2 Lord Howe Island Development Control Plan 2005

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

DCP Compliance summary table

LHI DCP 2005 Clause		Complies Y/N	Comment
Part 1 Introduction			
1.2	Plan Objectives	Y	The proposed works as assessed and recommended for approval subject to conditions in this report, are consistent with the Plan objectives.
1.4	Where does plan apply?	Y	This DCP applies to the subject site.
Part 2 Design Principles			
2.1	Introduction	Y	Noted.
2.2	Objectives	Y	The proposed works as assessed and recommended for condition in this report will be consistent with the DCP's design objectives.
2.3	Design Context	Y	The proposal as assessed in the report will be consistent with the character and nature of the site and surrounding locality, as previously assessed under the discussion of clause 11, LHI LEP 2010.
2.4	Bulk and Scale	Y	Refer to above comment in regard to 2.3, LHI DCP.
2.5	Building Forms	Y	Refer to above comment in regard to 2.3, LHI DCP.
2.6	Building Materials & Colours	Y	Refer to above comment in regard to 2.3, LHI DCP.
2.7	Energy and water efficiency	Y	The proposal has been accompanied by a BASIX certificate and NatHers assessments outlining various energy and water efficiency commitments

			that will have to be complied with in the design and construction of the project. Any conditions of approval will include a requirement to comply with this.
2.8	Landscaping design	Y	Refer to above comments in regard to 2.3, LHI DCP, and the earlier comments in relation to LHI LEP 2010 clause 11.
2.9	Site access and parking	Y	Refer to above comment in regard to LHI LEP 2010, clause 11(d).
Part 3 Development Control Policy			
3.2	Single Dwellings (provisions repeat LHI LEP standards and provisions)	Y	As outlined and assessed earlier, the proposal complies with the standards and requirements of the LHI LEP 2010 and the LHI DCP.

7 Environmental Effects

7.1 Environmental Planning and Assessment Act 1979

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

- a) the provisions of the following that apply to the land to which the development application relates:
 - i. any environmental planning instrument
Comment: an assessment against the LHI LEP 2010 has been undertaken (see Section 6.3.1) and the proposed development was found to comply with all relevant provisions subject to the conditions of approval included in the recommendation of this report.
 - ii. any proposed instrument that is or has been the subject of public consultation under this Act
Comment: None.
 - iii. any development control plan
Comment: An assessment of the proposal against the LHI DCP 2005 has been undertaken in Section 6.3.2 and was found to comply subject to the conditions of approval included in the recommendation of this report.
 - iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,
Comment: There are no planning agreements relevant to the application.
 - iv. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
Comment: There are no relevant matters prescribed by the regulations.
 - v. any coastal zone management plan (with the meaning of the Coastal Protection Act 1979)
Comment: There are no coastal zone management plans relevant to the application
- b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

An assessment of the environmental impacts of the proposal has been provided elsewhere in the subject report. The table below provides further assessment of any likely impacts.

Likely environmental impacts:

Potential Impacts	Proposal
Access, Transport and Traffic	Regarding the access to the site - refer to the earlier discussion and assessment under clause 11(d), LHI LEP 2010, Section 1 (DA History-Site Access Owners Consent), and Section 4 (Proposed Development).
Public Domain, Visual and Streetscape	The proposal will not unreasonably impact on the public domain as addressed earlier under clause 11 and 32(2) of the LHI LEP 2010.
Ecological	As assessed in this application the ecological impacts of the proposal are acceptable subject to the implementation of conditions of approval.
Flood	The site is identified as being flood affected – refer to the earlier discussion of clause 11(f) LHI LEP 2010 and Section 5 (Internal Referrals).
Heritage	The subject site is not listed as a heritage item.
Views	No view impacts are identified.
Privacy	No privacy impacts are identified in respect of the proposal. Refer also to the assessment under the LHI LEP 2010, clause 32(2) and 11(j).
Open Space	Open space will not be impacted by the proposal.
Social and economic Impact in Locality	As assessed in the subject report, there will be no adverse social or economic impact from the development. Instead the proposal will represent an improvement in the local housing stock.
Construction	Potential impacts from the construction phase of the project will be minimised through the implementation of standard conditions of the consent.

c) The suitability of the site for the development

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

d) Any submissions made in accordance with this Act or the Regulations

As noted in the introduction to this report, the subject DA was originally placed on public exhibition 10/05/2024 to 24/05/2024 and the (requested) amended and additional DA plans were exhibited 20/06/2025 to 04/07/2025. The LHIB has advised that one objection was received to the second exhibition period of the DA.

The following is a summary of the issues raised in that submission:

- Does this application include driveway access across Blue Lagoon's leases?
Comment: Refer to the earlier discussion and assessment under clause 11(d), LHI LEP 2010, Section 1 (DA History- Site Access Owners Consent), and Section 4 (Proposed Development). The subject development proposes to utilise the existing constructed vehicular and pedestrian access to the site from Neds Beach Road via an approximate 152m track over two other adjoining leases (being Lot 214 DP 45693 and Lot 138 DP 757515).

- The existing driveway to the subject site runs along the back of Blue Lagoon's accommodation rooms where twenty guests sleep, the concern being the potential impacts of higher vehicle and pedestrian traffic within 2 metres of these guest rooms causing noise/ disturbance, and environmental impact in the form of more mud during winter and dust during summer.
Comment: The utilisation of the existing access track to the subject site by the proposed additional (dual occupancy) dwelling is not likely to constitute a significant increase in pedestrian and vehicular traffic using the access, or be inconsistent with the existing character and nature of the locality. Therefore a nexus between the additional usage of the access track from the proposal and detrimental amenity impacts of guests staying at Blue Lagoon cannot be established.
- There is another undeveloped perpetual lease at the end of this track with an approximate area of 6,000 sqm, which could potentially accommodate a fourth dwelling in the future. This would exacerbate the issues mentioned above.
Comment: Any future application for additional dwellings on other associated leases that gain access via the subject access will be the subject of an appropriate assessment at that time. It is not possible to incorporate such future unknown possibilities into the current assessment.
- Given the above concerns, I would like to know if the LHIB can guarantee that the increased activity will not negatively affect our guests' experience or the value of Blue Lagoon's accommodation.
Comment: Refer to above collective comments.
- Additionally, I would like to ask whether all alternative access options to this site have been thoroughly explored.
Comment: Refer to the earlier discussion and assessment under clause 11(d), LHI LEP 2010, Section 1 (DA History- Site Access Owners Consent), and Section 4 (Proposed Development).

e) The public interest

For the reasons outlined in the preceding assessment, it is considered that the proposal will be consistent with the public interest, subject to appropriate conditions that can be applied to any approval of the application.

8 Conclusion

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

The application for Construction New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System, is generally considered to have Planning merit and is supported subject to the legal establishment of the access between the site and Neds Beach Road.

Thus it is the advice of this assessment that the establishment of legal access to the subject property under the Clause 11(d), Lord Howe Island LEP 2010 and the Environmental Planning and Assessment Regulation 2021, requires the provision of signed owners consents from all three adjoining leaseholders burdened by the subject access to the site (namely Lot 214 DP 45693 and Lot 138 DP 757515).

It is also advised that prior to determining the subject DA in line with its previous discussion, that the LHIB obtains legal advice on this issue.

Consequently, in light of the LHIB member's June 2025 considerations on the subject DA, this assessment cannot professionally include any recommendations for determination of the DA. Instead optional resolutions for the LHIB are provided for the LHIB's information.

9 Resolution Options (in lieu of recommendations)

1. Defer for legal advice to be sought

DA2024.2.1 (Construction New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System, and OC2025.5.1 at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island) be deferred pending provision of legal advice as to whether it is reasonable to determine that the historic agreement to right of way could **satisfy the Board** that access is available to Lot 167 (in the absence of complete legal owners consents for the current driveway access over the adjoining allotments).

OR

2. Refuse

i. DA2024.2.1 (Construction New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System, at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island), be refused, and OC2025.5.1 not be issued, as legal access to the subject proposed dual occupancy has not been demonstrated, and as it is inconsistent with Clause 11(d) of the LHI LEP 2010 and Sections 23 and 24, EP&A Regulation 2021.

OR

3. Approve:

- i. OC2025.5.1 for the Carport Attached to the Existing Garage and a new Aerated Wastewater Management System at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island be issued AND
- ii. The LHIB considers that legal and practical access to the subject development site is achieved based upon the historic agreement and records on file and continuing use of the existing driveway access to Lot 167 DP 757515 as per its considerations and Resolution for the Taafe Matter (Item 6.1) at the June 2025 LHIB meeting, AND
- iii. DA2024.2.1 (Construction New (Category A) Single Storey, Dual Occupancy Dwelling, Carport Attached to Existing Garage and Aerated Wastewater Management System, at Lot 167 DP 757515, Neds Beach Road, Lord Howe Island), be approved subject to conditions to be prepared under delegation.

Report prepared by:	Approved by:
	
Peter Chapman Date: 19 th August 2025 LHI Consultant Town Planners All About Planning	Suzie Christensen Date: 20 th August 2025 Chief Executive Officer Lord Howe Island Board

LORD HOWE ISLAND

APPLICATION BY BERTHA MAY THOMPSON FOR PERPETUAL
LEASE 1971/1

Pen.71/2174

HJM:WM

The subject application has been lodged for approximately 1 acre 0 roods 20 perches (excluding proposed reserve road) as shown by red edge on Diagram "A".

Mrs. Thompson is an Islander within the meaning of the Act and holds no other land on the Island.

The land concerned is unreserved and is part of portion 47 of 6 acres 1 rood 1 perch, being Special Lease 1954/43 in the name of O.C. Thompson, deceased.

The Minister is empowered under Section 22(9) of the Act to withdraw the area from the Special Lease. As the Superintendent reported on 23rd June, 1971 (tabbed) that there are no improvements on the site the question of compensation is not involved and the annual rent should remain at \$3-00. Mr. Thompson, the husband of the applicant, advised in an interview that his mother was executrix of the estate of O.C. Thompson deceased and would not object to the withdrawal.

Survey costs associated with the proposed reserve road would be incorporated in the costs for the survey of the red edged area, and survey would entail the redefinition of parts of boundaries of portions 47 and 138. The opposite side of the road would be pegged.

The survey costs have been estimated at \$130-00. If it is decided to grant this area, Mrs. B.M. Thompson will be required to pay the actual cost of survey or if she desires she may arrange a survey by a private surveyor.

Access for future subdivision of portions 47, 50 and 52 would depend upon the final design. Such applications for subdivision have not been received and therefore this matter cannot be considered at this stage.

Mrs. Thompson does not intend to occupy the area until next year and therefore a firm recommendation has not been made especially in view of the many points raised by the Superintendent.

There seems little likelihood that the proposed reserve road will ever be constructed and there appears to be no reason why the application should not succeed.

Forwarded for consideration by the Board.

Sgd. R.L. Sinclair
UNDER SECRETARY FOR LANDS.

The Chairman,
LORD HOWE ISLAND BOARD.

12/7/71

Extract from Minutes of Board Meeting on 24 FEB 1972 L# 1944.
LORD HOWE ISLAND BOARD

41. Application by Bertha May Thompson for Perpetual Lease 1971/1.

The Board approved of a recommendation to the Minister for Lands that:-

- (1) the area shown by red edging on plan "X", excluding the blue hatched area, be withdrawn pursuant to Section 22(9) from Special Lease 1954/43 without compensation, annual rent conditions and purpose to remain unchanged;
- (2) Perpetual Lease 1971/1 be granted to Bertha May Thompson in the following terms:-
 - Area: as shown by red edge on diagram "X", excluding red hatched area and blue hatched area.
 - Rent: Statutory \$2-00 per acre or part thereof.
 - Commencement: Date of withdrawal.
 - Conditions: Code "C" and Special Condition 3A.
- (3) Mrs. B. M. Thompson be advised of the area to be granted and the estimated cost of survey, namely \$130, and asked to undertake in writing to pay the actual cost of survey or if she desires she may arrange a survey by a private surveyor.
- (4) the Executrix of the estate of O. C. Thompson be advised and informed of the purpose of withdrawal.

ML 8922

0579 Extn. 367
(Tenure Branch)
Tenure 71/2174 LJM.JW.

Mrs. B.M. Thompson,
37 Moore Street,
AUSTINMER, N.S.W. 2514

Dear Madam,

Perpetual Lease application 1971/1 - Lord Howe Island

Approval has now been given to grant the above-mentioned lease over the area shown by red edging on the attached diagram, excluding the red hatched and the blue hatched areas.

The estimated costs of survey associated with the application amount to \$130-00.

You are requested to undertake in writing that you agree to pay the actual costs of survey or, if you so desire, arrange a survey by a private surveyor.


Yours faithfully,

R.L. SINCLAIR,
Under Secretary,

per: 

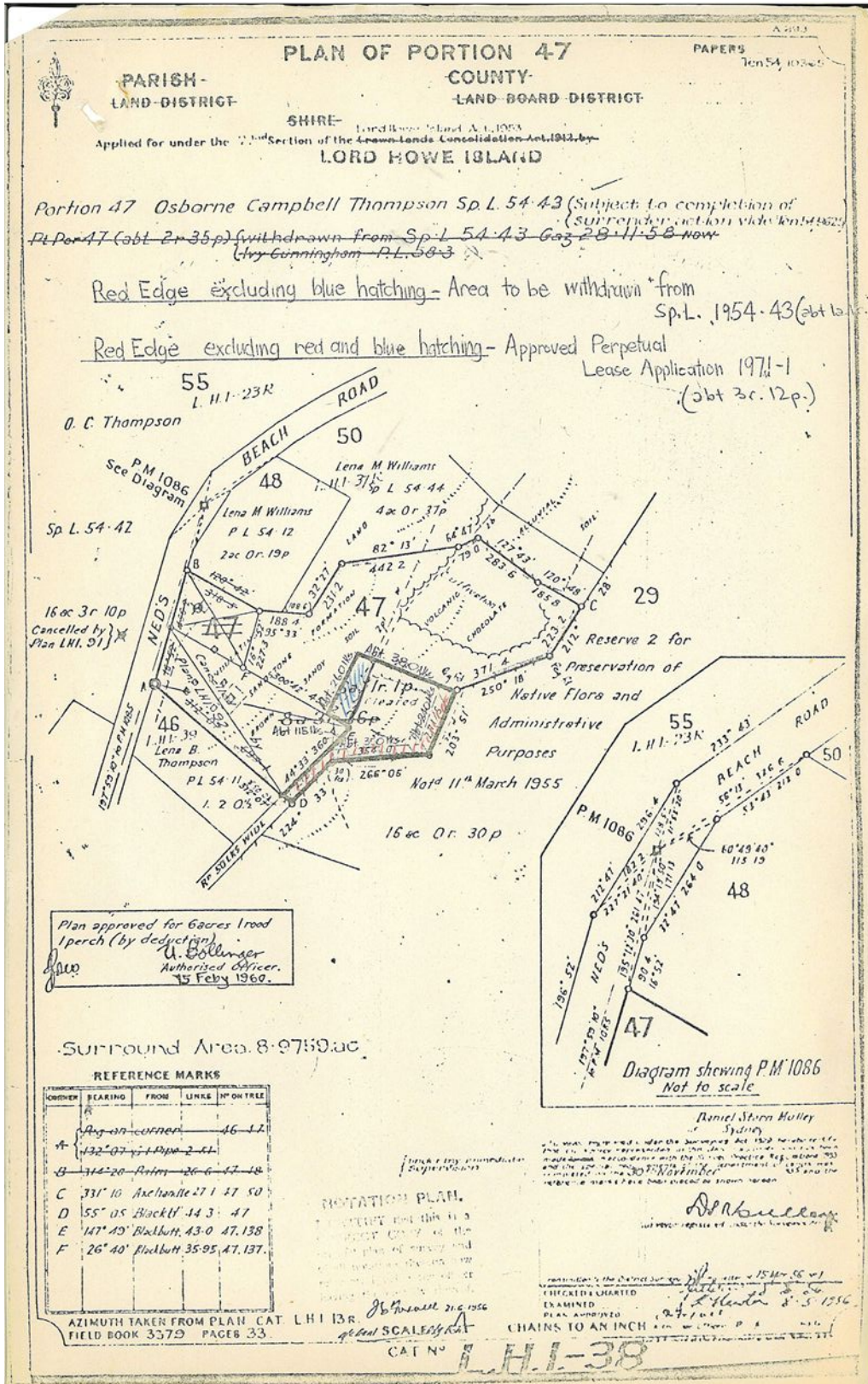
Encl.

LJM.JW. Forwarded for your information. Your ref: L.H.1944

 12 APR 1972
The Chairman,
Lord Howe Island Board,
Chief Secretary's Building,
121 Macquarie Street,
SYDNEY.

R.L. SINCLAIR,
Under Secretary,

per:  12 APR 1972



(2259)

Sydney, 2nd March, 1973.

WITHDRAWAL FROM SPECIAL LEASE

IT is hereby notified that under the provisions of section 22 (9), Lord Howe Island Act, 1953-1967, as amended, an area of 3 579 square metres, being portion 167, is withdrawn from Special Lease 1954-43, Lord Howe Island, for the purpose of homesite; holder, Osborn Campbell Thompson; rental and conditions to remain unaltered on Special Lease 1954-43. Ten. 71-2174.

T. L. LEWIS, Minister for Lands.

NOTIFICATION OF GRANTING OF LEASE IN
PERPETUITY ON LORD HOWE ISLAND

IT is hereby notified that in pursuance of the provisions of section 21, Lord Howe Island Act, 1953-1967, a lease in perpetuity for the purpose of homesite has been granted as undermentioned:

Perpetual Lease 1971-1; lessee, Bertha May Thompson; area, 3 579 square metres, being portion 167; date of commencement of lease, 2nd March, 1973; annual rent, \$2; conditions applying to the lease code "C" with papers; plan L.H.I. 123; papers Ten. 71-2174.

T. L. LEWIS, Minister for Lands.

V. C. N. Blight, Government Printer, New South Wales—1973

Tenure Branch
20579 Ext. 367
Ten. 71/7174 JFQ:MS

The Representatives of the
Estate of the Late Osborne
Campbell Thompson,
LORD HOWE ISLAND. 2898

Dear Sir,

Lord Howe Island - Special Lease 1954/43

Enclosed is an extract from the Government
Gazette notifying withdrawal of an area of 3579 square
metres from the abovementioned lease.

Yours faithfully,

R. L. SINCLAIR,
Under Secretary.

per: 

26 MAR 1973

Encl.

Tomare Branch
20579 Ext. 367
Tel. 71/2174 JF:MB

Mrs. Bertha H. Thompson,
37 Moore Street,
ALEXANDRIA. 2514

Dear Mrs. Thompson,

Perpetual Lease 1971/1, Lord Howe Island

Enclosed is an extract from the Government Gazette of 2nd March, 1973, notifying the granting of the lease.

You will note that survey has been completed and plan L.H.I. 123 approved for an area of 3579 square metres.

Survey costs amounted to \$146.50 and this amount together with rent of \$1.89 should be remitted to the Accountant of this Department within one month, in accordance with your undertaking.

The rent called for represents rent at the rate of \$2.00 per annum from the date of gazettal (2nd March, 1973) to 31st December, 1973.

You are reminded that the Lord Howe Island Act provides that residence shall commence within six months after granting of the application or such further time as the Minister for Lands on the recommendation of the Board may approve....

A copy of the conditions attaching to the lease and a plan of survey are also enclosed.

Yours faithfully,

H. L. SINCLAIR,
Under Secretary.

per 

26 MAR 1973

Copies to:-

The Sec., L.H.I. Board.
The Superintendent, L.H.I. - *with 3 copies of plan/survey*
Accountant (2) - report payment.

LORD HOWE ISLAND
PERPETUAL LEASE 1971/1
BERTHA MAY THOMPSON

Ten. 71/2174
JFQ:JC

The above lease commenced 2nd March, 1973.

Please advise whether lessee has entered into residence.

*For your information. Original letter
forwarded to the Superintendent*

Reference LH 1448

R. L. SINCLAIR,
Under Secretary.

per: *[Signature]*

19 JUN 1974

Secretary,
LORD HOWE ISLAND BOARD.

~~FILE~~ *HS 13/5/75*

Records *Fia*

COPY

LH 1944

PLEASE ADDRESS REPLY TO:
SUPERINTENDENT, LORD HOWE ISLAND. 2898



LORD HOWE ISLAND BOARD

SUPERINTENDENT'S OFFICE
LORD HOWE ISLAND

5th July, 1974.

The Under Secretary,
Department of Lands,
Box 39, G.P.O.,
SYDNEY, 2001

SUBJECT: Lord Howe Island Perpetual Lease 1971/I -
Bertha May THOMPSON

REFERENCE: Ten. 71/2174 JFQ:JC

The residence has been completed and Mrs. Thompson and
her family have been residing on the lease for over twelve months.

H. Ward

(H. Ward)
Superintendent

Lord Howe Island,
5th July, 1974.

Forwarded for your information

The Secretary,
Lord Howe Island Board,
Chief Secretary's Department

H. Ward
The Superintendent,
LORD HOWE ISLAND

papers please

Records

late

17/12/74
24/8 24/9/74

Records

Records

M 13561

COPY

19 SEP 1981

20579 Ext. 407

Messrs. Connah Steed & Co.,
Solicitors,
DX 222 SYDNEY

HO80 H 430
RMC:P:JL

Attention: Mr. Brown

Dear Sirs,

Perpetual Lease Application 1976/2 Lord Howe Island. Heather
Lillian Thompson.

Reference is made to your interview on 26th August, 1981 at this Office accompanied by Mr. Rodney Thompson.

As explained, one of the matters which will need to be attended to is an agreement, the provision of which will be a condition of the granting of the lease to Mrs. Thompson.

The Board would want an agreement regarding access to be provided. It would need to be consented to and signed by all parties, with the idea that the terms of the agreement would be noted on the Perpetual Lease Grant in relation to Perpetual Lease 1954/10 (Blue Lagoon Guest House) which preserves the right of access to Perpetual Lease 1971/1, Perpetual Lease 1976/2 and Special Lease 1954/43.

Enclosed is an agreement which should cover the situation. Perhaps you could arrange to have the parties sign it, have it witnessed and arrange its return to me together with the Perpetual Lease Grant for Perpetual Lease 1954/10.

Yours sincerely,

R. Morgan
R.J. MORGAN,
Secretary,
LORD HOWE ISLAND BOARD.

COPY

H080 H 430 RMCP JL

To The Lord Howe Island Board,
Box 39 G.P.O.,
SYDNEY. 2001

We, the undersigned agree that the legal access shown by purple colour on diagram "H" to the portions of land shown by pink edging, blue edging and yellow edging is not practical because it is densely covered with trees.

We agree that a right of way should always be available over the strip (actual site to be confirmed by survey) shown by green colour through the orange edged area shown on the diagram.

..... signed.....
Witness E.M. Thompson (holder of P.L.71/1
yellow edged area)
..... address.....
.....
address of Witness date.....

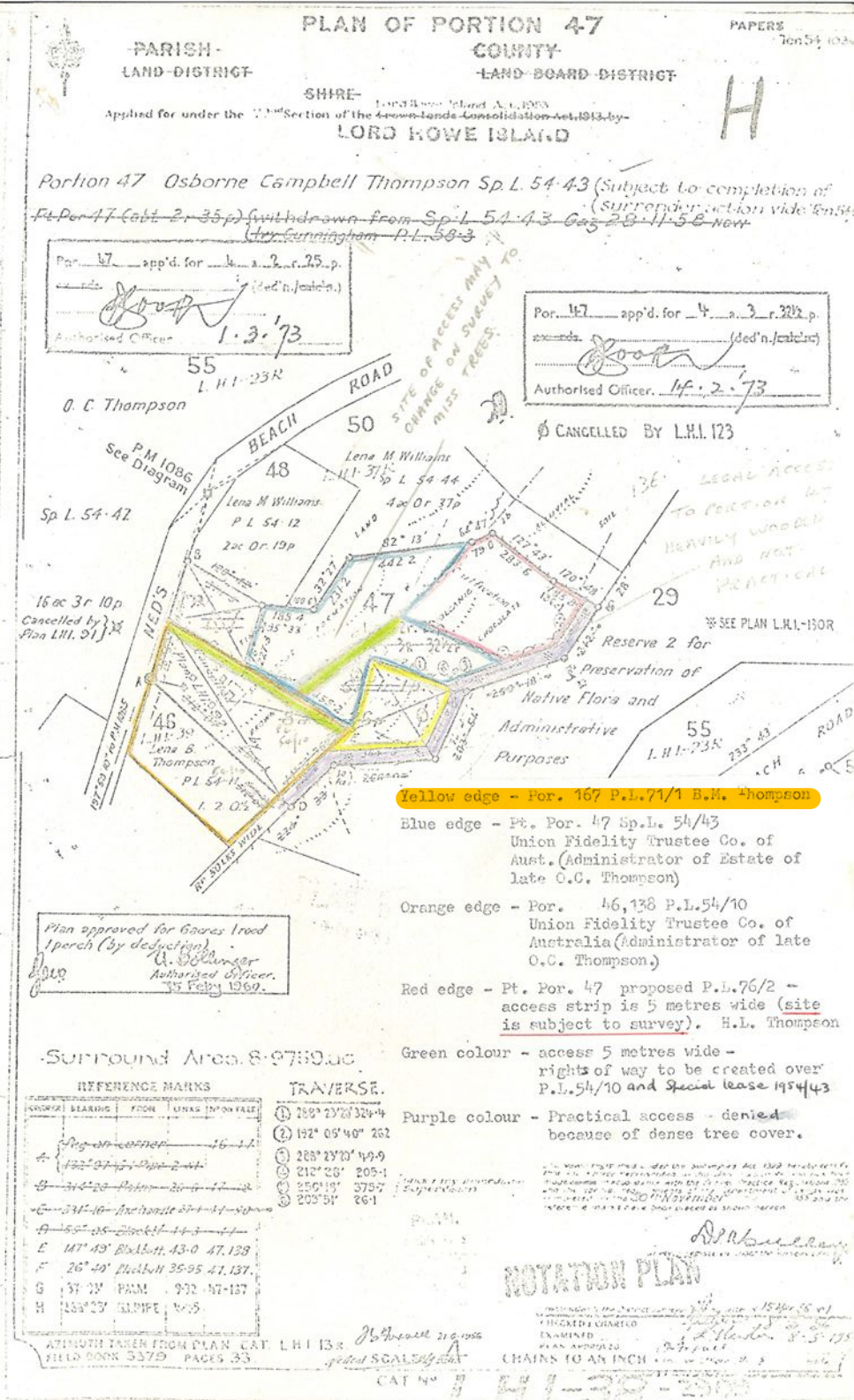
..... signed.....
Witness H.L. Thompson (proposed holder of
P.L.76/2 red edged
area)
..... address.....
.....
address of Witness date.....

The Company agrees to:-

- (1) the above;
- (2) the green coloured strip being embossed on the grantees and the Lord Howe Island Board's copies of Perpetual Lease Grant 1954/10, as an access strip;
- (3) a note being inserted in the two lease grants as follows - "a strip 5 metres wide on the northern boundary of portion 138 shown by green colour on diagram "H" with Lord Howe Island Board papers H080 H 430 is to be preserved always for the purpose of access."
- (4) the Lord Howe Island Board's records and the Tenure card for Perpetual Lease 1954/10 being noted in terms of paragraph (3) above.

Perpetual Lease Grant 1954/10 is attached for notation.

..... signed.....
Witness The Union Fidelity Trustee Co. of
Aust. Ltd. as administrator of the
late O.C. Thompson (holder of P.L.
54/10 and Sp.L.54/43 (orange edged
area and blue edged area)
..... address.....
.....
address of Witness date.....





THE UNION-FIDELITY TRUSTEE COMPANY OF AUSTRALIA LIMITED
EXECUTOR TRUSTEE ATTORNEY CORPORATE TRUSTEE

2 O'Connell Street, Sydney
G.P.O. Box 493 Sydney NSW 2001
Telephone: (02) 233 4455
Telex: 70901
Cables & Telegrams: "UNIONTRUST" Sydney
Ausdoc D.X. 363 Sydney

Your Ref.:

Our Ref.: 6.

18th February, 1982.

The Secretary,
Lord Howe Island Board,
Department of Lands,
Bridge Street,
SYDNEY.

Dear Sir,

Estate of the late O.C. Thompson

Further to previous communications, enclosed are our letters of to-day's date advising of our agreement to the release from the Special Leases held by the Estate to permit you further actions to the application by Mrs. Marie Thompson and Mrs. Heather Thompson.

Enclosed also is the agreement to create the 5 metres wide right of way duly signed by us.

Perpetual Lease Grant 1954/10 is sent herewith as required for notation and return to us. Please acknowledge receipt on the attached form.

Yours faithfully,

L. E. Riordan
L.E. Riordan
Trust Officer



To The Lord Howe Island Board,
Box 39 G.P.O.,
SYDNEY. 2001

H080 H 430 RMcP PC

ANNEXURE "K"

We, the undersigned agree that the legal access shown by purple colour on diagram "H" to the portions of land shown by pink edging, blue edging and yellow edging is not practical because it is densely covered with trees.

We agree that a right of way 5 metres wide should always be available over the strip shown by green colour through the orange edged area shown on the diagram.

We agree that a right of way 5 metres wide should always be available over the strip shown by green colour through the blue edged area shown on the diagram.

..... signed. *B.M. Thompson*
B.M. Thompson (Holder of P.L.71/1
yellow edged area)

..... address. *Blue Lagoon*
Lord Howe Island

address of Witness date *01-11-81*
Lord Howe Island..... signed *H.L. Thompson*
H.L. Thompson (proposed holder of
P.L.76/2 red edged
area)

..... address. *Lord Howe Island*
.....
address of Witness date *02-11-81*

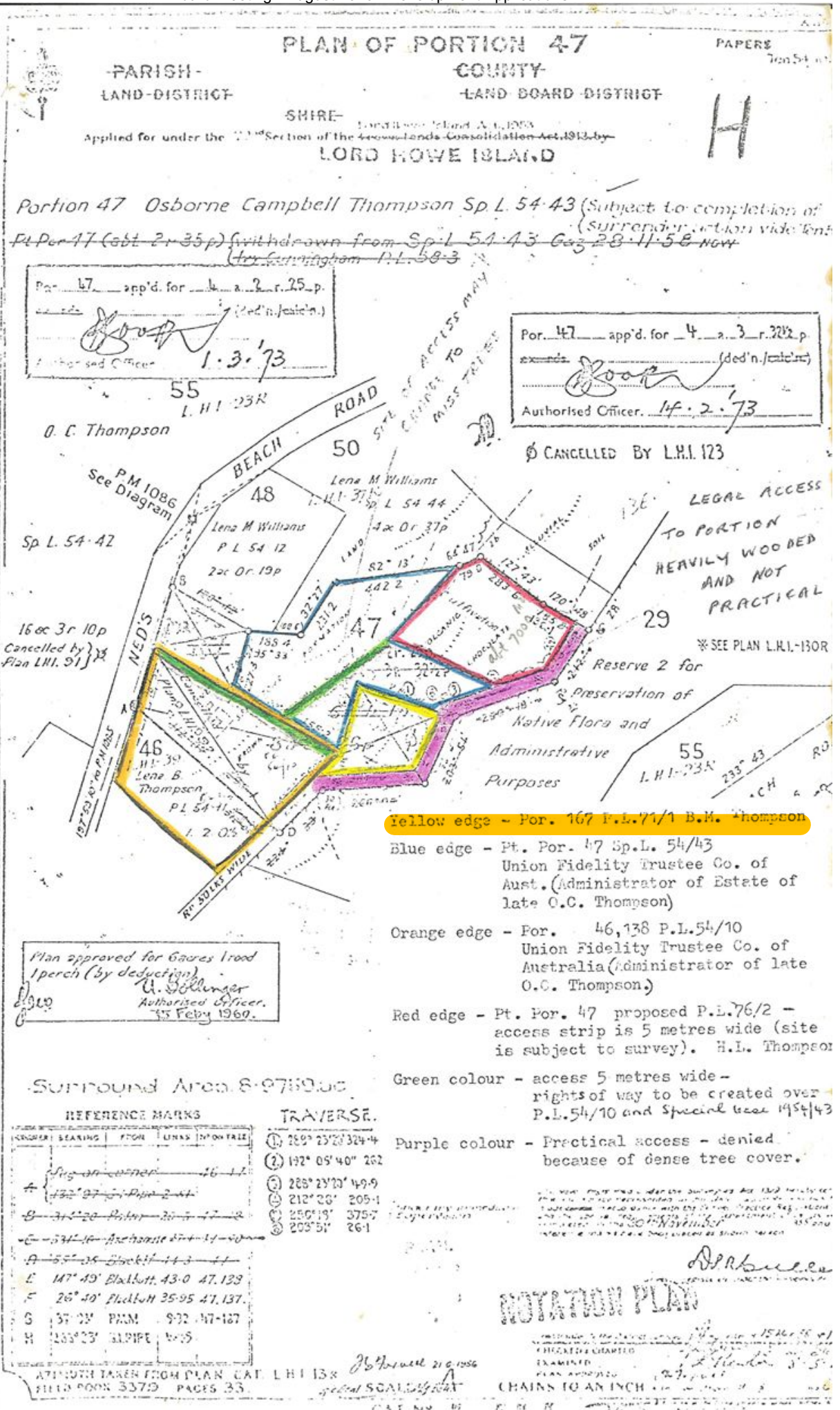
The Company agrees to:-

- (1) the above;
- (2) the green coloured strip being embossed on the grantees and the Lord Howe Island Board's copies of Perpetual Lease Grant 1954/10, as an access strip;
- (3) a note being inserted in the two lease grants as follows -
"a strip 5 metres wide on the northern boundary of portion 138 shown by green colour on diagram "H" with Lord Howe Island Board papers H080 H 430 is **to be preserved always for the purpose of access.**"
- (4) the Lord Howe Island Board's records and the Tenure card for Perpetual Lease 1954/10 being noted in terms of paragraph (3) above.
- (5) The Lord Howe Island Board's Tenure card, maps, and records be noted in respect of Special lease 1954/43 that "a strip 5 metres wide through Portion 47 (blue edged area) shown on diagram "H" with Lord Howe Island Board papers H0 80 H430 is to be preserved always for the purpose of access"

Perpetual Lease Grant 1954/10 is attached for notation.

..... signed. *J.L. Valente*
Witness The Union Fidelity Trustee Co. of
Aust. Ltd., as administrator of
the late O.C. Thompson (holder of
P.L.54/10 and Sp.L.54/43 (orange
edged area and blue edged area)

c/- THE UNION-FIDELITY TRUSTEE COMPANY OF AUSTRALIA LTD. address. THE UNION-FIDELITY TRUSTEE COMPANY OF AUSTRALIA LTD.
A. O'Connell, Solicitor, Sydney *A. O'Connell, Solicitor, Sydney*
address of Witness date



Extract from Minutes of Board Meeting on 19 FEB 1982

Perpetual Lease Application 1976/2 - H. L. Thompson - The Board reports that there is no objection in the public interest or otherwise to the granting of the application. The Board resolved to recommend to the Minister that:-

- (i) about 7,000 square metres be withdrawn from Special Lease 1954/43 for a homesite;
- (ii) Perpetual Lease Application 1976/2 by Heather Lillian Thompson be approved in the following terms -
 - Area: about 7,000 square metres
 - Conditions: Standard Code "C"
 - Rental: \$4.00 per annum
- (iii) actual costs of survey (estimated at \$400) be paid prior to gazettal of lease;
- (iv) agreement regarding access be received prior to gazettal;
- (v) Application for Perpetual Lease 1975/4 be permitted to be withdrawn and the deposit of \$12 lodged therewith be retained towards costs.



SUBMISSION TO THE MINISTER

H080 H 430
RMCP:RR

- 2 -

PERPETUAL LEASE APPLICATION 1976/2, LORD HOWE ISLAND
HEATHER LILLIAN THOMPSON

The Minister for Lands has the power under Section 22(9) of the Lord Howe Island Act to withdraw land from a special lease for a homesite and this is what it is now intended to do.

The Legal Officer in his report of 28th January, 1982, indicated that the way is clear to grant Perpetual Lease 1976/2 but he pointed out that to get the benefit of the new section 23(12) of the Lord Howe Island Act the application should be made jointly by Mr. and Mrs. Thompson. Efforts were made at the time of the Board meeting to have Mr. and Mrs. Thompson make a joint application but they were not prepared to do so. The Board decided in the circumstances, especially in view of the age of the application, to recommend granting notwithstanding.

At a meeting on 19th February, 1982, the Lord Howe Island Board reported that there is no objection in the public interest or otherwise to the granting of the application and recommended granting.

SUBMITTED that:-

1. Perpetual Lease Application 1975/4 by Heather Lillian Thompson over part of portion 55 be permitted to be withdrawn and the amount of \$12-00 lodged with the application be retained towards costs.
2. About 7,000 square metres (precise area to be confirmed on survey) shown by red edging on diagram "H" be withdrawn from Special Lease 1954/43 for a home site (Section 22(9), Lord Howe Island Act). The Union Fidelity Trustee Company of Australia as holder of the lease has agreed to the withdrawal.
3. Perpetual Lease Application 1976/2 by Heather Lillian Thompson be approved, in the following terms:-

Area About 7,000 square metres shown by red edging on diagram "H".

Conditions: Standard Code "C" conditions.

Rental: \$4-00 per annum.

Survey Fee: Actual costs (estimated costs \$400 - to be paid prior to gazettal of the lease).

4. Lord Howe Island Board records regarding access be noted in terms of agreement Annexure "K".

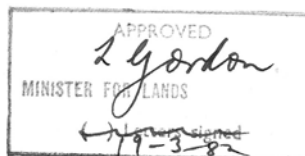
[Signature]
Secretary,
LORD HOWE ISLAND BOARD.

16 MAR 1982

DEPUTY DIRECTOR.

[Signature]
16.3.82

S.O. 4378 D. West, Government Printer



→ Paid
8/4/82
Rec 27358



SUBMISSION TO THE MINISTER

HO80 H 430
RmCP:LM.

1. PERPETUAL LEASE APPLICATION 1976/2, LORD HOWE ISLAND - HEATHER LILLIAN THOMPSON.

The land applied for comprises about 7,000 square metres being part of portion 47 shown by red edging on diagram "H". The land applied for is part of Special Lease 54/43 registered in the name of the Union Fidelity Trustee Co. of Australia as Administrator of the Estate of the late O.C. Thompson (who died intestate). Beneficial ownership of the land applied for is as follows:-

Widow O.C. Thompson		$\frac{1}{3}$ share
Rodney Thompson)	
)	
Barry Thompson)	$\frac{2}{3}$ share as joint tenants
)	
Desmond Thompson)	(vide intestacy rules at date of death of O.C. Thompson).

The trustee Company has always been unable to register the estate leases in the beneficial owners name. Whilst this can be effected under N.S.W. law, until amended in 1981, the Lord Howe Island Act did not provide for joint ownership. In addition, the trustee Company has been unable to wind up the Estate because the beneficiaries have never presented the trustee Company with a Deed of Family Arrangement directing it as to how the Estate assets are to be distributed between the beneficiaries.

Another issue has been that up until the 1981 amendment of the Lord Howe Island Act a perpetual lease holder was required to reside on his lease. Sections 21 (7A) and 23 (12) now provide that the Minister may suspend the condition of residence.

A further difficulty with granting the lease had been that an access agreement (Annexure 'K') relating to the red edged area diagram "H" was to be provided by the parties. The Union Fidelity Trustee Company has just provided the agreement and this aspect is now resolved.

All the above factors have so far barred the Board from recommending granting of Perpetual Lease application 1976/2.

As from 1st January, 1981, the Lord Howe Island Act, 1981, was proclaimed and the problems regarding residence and joint ownership will not be at issue.

Mrs. Thompson claims Islander status by virtue of her marriage to Mr. Rodney Thompson. The land is within an area zoned "Existing Residential Area in which Future Building may be allowed" under the Planning Scheme adopted by the Board. Mrs. Thompson has given a written undertaking to pay survey costs.

The matter of recommending granting of the application was first placed before Board on 30th October, 1975, but at that time consideration was deferred pending a final report on land zoning.

The case has been on the Board agenda regularly at meetings since 1975 but each time the matter has been deferred.

Mrs. Thompson earlier had made application for Perpetual Lease 75/4 over part of portion 55 but this application is to be withdrawn.

.../2

COPY

Mrs. H. L. Thompson,
LORD HOWE ISLAND. 2898

20579 Ext. 407
H080 H 430
JGM:JA

30 MAR 1982

Dear Mrs. Thompson,

Reference is made to Perpetual Lease application 1976/2, Lord Howe Island.

The Minister for Lands has approved that an area of about 7,000 square metres be withdrawn from Special Lease 1954/43 for a home site and Perpetual Lease 1976/2 be granted to you in the following terms:-

Area: about 7,000 square metres shown by red edging on the enclosed diagram

Conditions: As per Code "C" herewith

Rental: \$4.00 per annum

Survey fee: Actual cost

As indicated above you will be required to pay the actual cost of survey which is estimated at \$400, however, further action on granting of the application is awaiting payment of this amount.

The Board's records are to be noted that a right of way 5 metres wide exists as shown by green colour on the enclosed diagram.

Perpetual Lease application 1975/4 by you over part of portion 55 has been permitted to be withdrawn and the \$12 lodged has been retained towards costs incurred.

Yours sincerely,

R. J. MORGAN,
Secretary.

COPIES TO:

1. Financial Controller
2. Administrative Officer (Lord Howe Island)
3. Union-Fidelity Trustee Co. of Australia, 2 O'Connell Street, Sydney (Attention Mr. Riordan)

COPY

The Union Fidelity Trustee
Company of Australia Limited,
2 O'Connell Street,
SYDNEY. 2000

20579 Ext. 407

HO80 H 430
RMcP:RR

- 1 JUL 1982

ATTENTION: Mr. Riordan

Dear Sir,

Special Lease 1954/43 and Perpetual Lease
1954/10, Lord Howe Island - Access

The Board's records, maps, the grantee's copy, and the Board's copy of the Perpetual Lease grant for Perpetual Lease 1954/10 have been noted regarding the access strip agreement. The Board's tenure card, maps and records have been noted regarding the access strip agreement in respect of Special Lease 1954/43.

The Perpetual Lease grant for Perpetual Lease 1954/10 was lodged by you for notation. It has been noted and is returned herewith. Would you please acknowledge receipt.

Yours sincerely,

R. Morgan

for R. J. MORGAN,
Secretary.

Copies forwarded to the Union Fidelity Trustee Company of Australia Limited and Map Production Branch.

Copy placed with papers for Special Lease 54/43. Lord Howe Island.

Tenure card for P.L. 54/10 and H.L. 54/43 noted.

AmP

1/7/82.



HO 80 H 430 RC:JRB

SUBMISSION TO THE MINISTER

APPLICATION FOR PERPETUAL LEASE 1976/2
LORD HOWE ISLAND - HEATHER LILLIAN THOMPSON

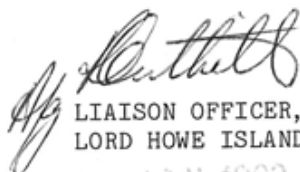
Approval for the granting of the subject lease was given by the Minister on 19th March, 1982.

Final gazettal of the lease has been delayed pending completion of survey and as survey has now been completed gazettal action can be proceeded with.

However, Mrs. Thompson has requested that, having regard to the provisions relating to joint holding of leases, the application proceeded in the joint names of her and her husband Rodney Lawrence Thompson. Copy of that request is herewith.


All Board members have been contacted and verbally agree to the request. Formal confirmation will be obtained to the next Board meeting.

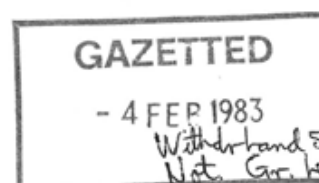
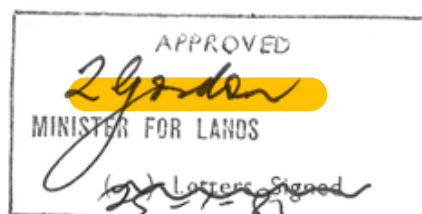
Submitted for approval that application for Perpetual Lease 1976/2 Lord Howe Island proceed in the name of Heather Lillian Thompson, and Rodney Lawrence Thompson.

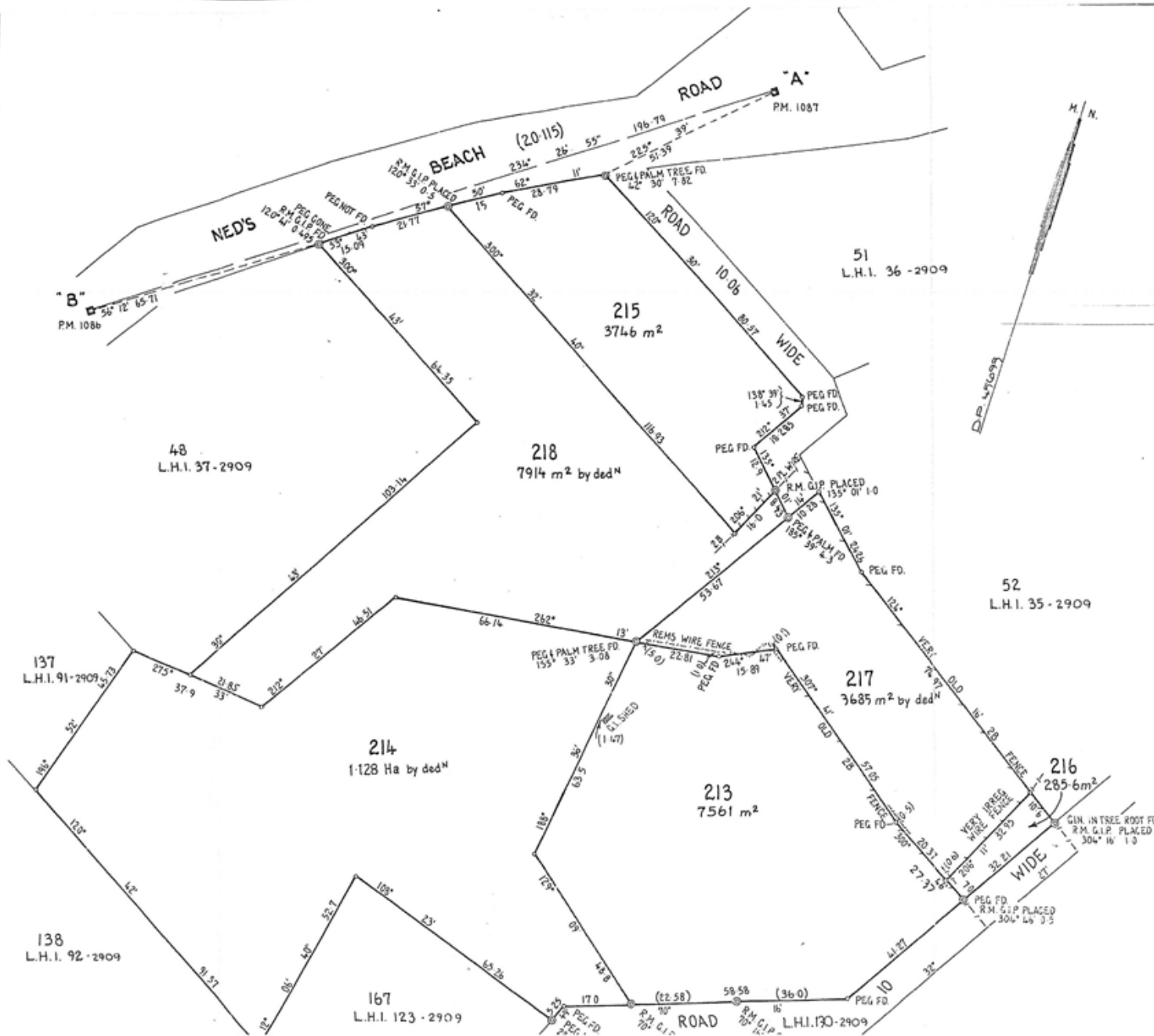

LIAISON OFFICER,
LORD HOWE ISLAND BOARD.

20 JAN 1983

MINISTER


24.1.83





D.P. 45693

Registered 8th 21-2-1983

C.A. :

Title System : CROWN LAND

Purpose : CROWN TITLE ISSUE

Ref. Map : LORD HOWE ISLAND

Last Plan : L.H.I. 37.3B & 90 - 2909

PLAN OF LOTS 213 to 218 BEING A
SUBDIVISION OF PORTIONS 47, 50 &
150REDUCTION RATIO 1 : 800
LENGTHS ARE IN METRESMUN. / SHIRE
CITY :

LAND DISTRICT :

LOCALITY : LORD HOWE ISLAND

PARISH :

COUNTY :

THIS IS SHEET 1 OF MY PLAN IN SHEETS
(DELETE IF INAPPLICABLE)

I, JOHN RAYMOND READ

of SYDNEY

a Surveyor registered under the Surveyor's Act, 1929
hereby certify that the survey represented in this plan
LOTS 213, 215, 216, - LOTS 214, 217, 218,
WERE COMPILEDis accurate and has been
made in accordance with the Survey Practice Regulations, 1933
and the special requirements of the Department of Lands
and was completed on 8th JULY 1982Signature *John Read*
Surveyor registered under the Surveyor's Act, 1929

*Strike out either (1) or (2) & insert date of survey

AZIMUTH TAKEN FROM "A-B"

FIELD BOOK LD82/17 MET PAGES 6-13

PAPER NO. 40 80 H 430 & 40 80 H 1333

PLAN APPROVED *Raymond Read*

Authorized Officer 9.12.82

uary, 1983. □

IN pursua
1953, the
for the

(5958)

Sydney, 4th February, 1983.

WITHDRAWAL OF LAND FROM SPECIAL LEASE

LORD HOWE ISLAND

IN pursuance of the provisions of section 22 (9), Lord Howe Island Act, 1953, the land specified hereunder is withdrawn from special lease for the purpose mentioned.

A. R. L. GORDON, Minister for Lands.

Island Act,
al lease

Special Lease 1954-43; lessee, The Union-Fidelity Trustee Company of Australia Limited as Administrator of the Estate of Osborne Campbell Thompson; area, 1.125 hectares, being lots 213, 217 in D.P. 45693; effective from 19th March, 1982; area withdrawn for the purpose of "Home Site". HO80 H 430.

or Lands. □

D. West, Government Printer, New South Wales—1983

Special
Australia
Thompson
from 19th
HO80 H 4

Company of
Campbell
; effective
Home Site". □

IN pursua
1953, a l
granted a

Perpetual
Laurence
annual re
H080 H 4

(5957)

Sydney, 4th February, 1983.

NOTIFICATION OF GRANTING OF LEASE IN
PERPETUITY ON LORD HOWE ISLAND

IN pursuance of the provisions of section 21, Lord Howe
Island Act, 1953, a lease in perpetuity for the purpose of
residence has been granted as undermentioned:

Perpetual Lease 1976-2; lessees, Heather Lillian Thompson
and Rodney Laurence Thompson; area, 1.125 hectares, being
lots 213 and 217 in D.P. 45693; date of commencement, 19th
March, 1982; annual rent, \$4; conditions applying to lease,
Code "C" with papers. H080 H 430.

A. R. L. GORDON, Minister for Lands.

D. West, Government Printer, New South Wales—1983

uary, 1983.

Island Act,
has been

on and Rodney
in D.P. 45693;
with papers.

19th March, 1982;

for Lands.

H080 H 430
PIC:RR

PERPETUAL LEASE 1976/2, LORD HOWE ISLAND
HEATHER LILLIAN THOMPSON

Gazette notifications appearing on 4th February, 1983, erroneously included land being lot 217 which is not included in the approval. This lot is in fact held as Special Lease 54/44 by M. L. Williams.

Appropriate erratum notices are now herewith.

Please arrange for their gazettal as early as practicable.

Kauter

LIAISON OFFICER,
Lord Howe Island Board.

20/4/83.

RECEIVED

22 APR 1983

EXECUTIVE OFFICER
OPERATIONS

GAZETTED

- 6 MAY 1983

Erratum (2)

(7795)

Sydney, 6th May, 1983.

ERRATA

Land District and Shire—Bingara

IN the notification appearing in the Government Gazette of 31st March, 1983, folio 1528 (7163), under the heading "Forfeiture of Holding", the Land District and Shire should read "Bingara" and not as shown. ME80 H 649.

Land District—Warialda; Shire—Yallaroi

IN the notification appearing in the Government Gazette of 31st March, 1983, folio 1533 (6994), under the heading "Notification of Granting of Special Leases", the Shire in relation to Special Lease 1983-2, Warialda should read "Yallaroi" and not as shown. ME83 H 46.

LORD HOWE ISLAND

IN the notification appearing in the Government Gazette of 4th February, 1983, folio 611 (5958), under the heading "Withdrawal of land from Special Lease", the area and description should read: "area, 7 561 square metres, being lot 213 in D.P. 45693" not "area, 1.125 hectares, being lots 213, 217 in D.P. 45693". HO80 H 430.

LORD HOWE ISLAND

IN the notification appearing in the Government Gazette of 4th February, 1983, folio 616 (5957), under the heading "Notification of granting of Lease in perpetuity on Lord Howe Island," the area and description should read: "area, 7561 square metres, being lot 213 in D.P. 45693" not "area, 1.125 hectares, being lots 213 and 217 in D.P. 45693." HO80 H 430.

A. R. L. GORDON, Minister for Lands.

4th February,
and from Special
being lot 213
in D.P. 45693".

ster for Lands

Board Meeting: August 2025	Agenda Number: 13.01	Record Number: ED25/5385
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LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Extension of the term of Special Leases

Recommendations

1. **The Board recommends** the Minister approve the extension of the term of special leases listed in Table 1 for a period of ten (10) years from 01 January 2026 to 31 December 2035 subject to the existing conditions of the leases, with an option to extend for a further ten (10) years to 31 December 2045.

Current position

All land on Lord Howe Island is Crown land and may only be dealt with in accordance with the provisions of the *Lord Howe Island Act 1953* (the Act). Pursuant to Section 22 of the Act, the Minister may grant Special Leases for agriculture or other uses to perpetual leaseholders on the recommendation of the Board. Attachment A provides an overview of Special Leases on Lord Howe Island. There are currently 21 Special Leases (see table 1 below) on the Island. All Special Leases are due to expire on the 31st of December 2025, with the leaseholders having no legal right to renew the lease without the Board recommending their extension to the Minister.

Anecdotally, special leaseholders cite lack of tenure certainty as a barrier to investment in productivity and other land management improvements. The 2016 Handley reviewed proposed changes that would extend the lease terms to 20 years and enforce productivity improvements. Those changes appear unlikely to progress, thus this paper recommends a different approach to achieve the same intent.

Lease No	Holder	Portions/Lots	Chargeable Area	Comments
2011.01	DIGNAM KATHERINE	220	80,215	
2011.02	ESTATE OF FENTON EK	123	65,037	
2011.03	FENTON SJ	113 & 115	2,475	
2011.08	WILSON GC	101	14,910	
2011.10	THE ESTATE OF RETMOCK WP	40	1,460	Leaseholder passed away 22/03/2022. Awaiting lodgement of Form 6 to finalise transfer
2011.11	SHICK JACK CAMPBELL	125	4,500	
2011.12	THOMPSON BRUCE	160	*0	Note – Base fee charged only – all land is zoned nature conservation

2011.13	THOMPSON DESMOND, THOMPSON RODNEY & THOMPSON MARIE	214	*0	<i>Note – Base fee charged only – all land is zoned nature conservation</i>
2011.15	WILSON KB	65	10,120	
2011.16	WILSON KB	72	27,600	
2011.17	WILSON GC	268	37,440	
2011.18	WILSON GC	289 & 290	7,810	
2011.20	WILSON GC	338	15,370	
2011.21	ESTATE OF YOUNG BRC	66	46,330	Leaseholder passed away 03/01/2024. Awaiting lodgement of Form 6 to finalise transfer
2011.22	ESTATE OF YOUNG BRC	276	30,870	Leaseholder passed away 03/01/2024. Awaiting lodgement of Form 6 to finalise transfer
2012.01	ROURKE EM & ROURKE D	234	77,157	
2021.01	TURNER THERESE	7	3,200	
2021.02	JEREMY ROBERT	32	8,827	
2021.03	WILSON GC	291 & 292	8,354	
2023.01	FITZGERALD IAN AND VAN GELDEREN SHARON	PART 110	7,724	
2023.02	THOMPSON DESMOND, THOMPSON RODNEY AND THOMPSON MARIE	55	68,038	

Table 1. Lord Howe Island Special Leases

Renewal Process

The proposal is to extend the term of the leases for a further (10) years as per Section 22 of the LHI Act which states:

(2) The term of a lease under this section may be fixed for any period not exceeding ten years, but such term may, on the recommendation of the Board, be extended by the Minister for such period as the Board may recommend.

The process to extend the leases will follow the same procedure as with previous extensions. The special leases will be renewed based on the current conditions and property management plan.

Background

Following a detailed land assessment of Special Leases and Board recommendation the NSW Minister for the Environment approved the granting of 18 Special Leases in 2006. Since this date, a number of Special Leases have been created, transferred to other individuals or surrendered. The special leases were issued for a period of 5 years, with an option to renew for a further 5 years, subject to the management and use of the land in accordance with the Property Management Plan (PMP) for the land and the Special Lease conditions.

The Handley Review and the final Government response released in February 2017 contained recommendations which have direct implications for Special Leases if implemented. Table 2 summarises the Handley's recommendation and the Government's response:

Handley Recommendation	Government Response
Special Leases should be granted for 20-year terms with strong covenants to encourage new investment and ensure that the land is fully and properly used.	The <i>Lord Howe Island Act 1953</i> ('The Act') will be amended to increase the Special Lease term to 20 years. The addition of covenants can be done without legislative change. Applicants seeking renewal of their expiring Special Leases or initial grants will be required to lodge draft management plans for the use of the land for designated pastoral, agricultural or horticultural purposes. If successful in their application for a Special Lease, fully developed management plans will be requested and Lessees will be obliged by strict covenants (attached to the Lease) to make the land productive. Provision will also be made in the Special Lease for a review of the lessee's performance against the conditions of the lease every five years during the term.

Table 2 Handley Recommendations and Government response

During the course of the Handley review and report, the term of Special Leases became due to expire. The Minister, on recommendation of the Board, approved the extension of term of all Special Leases for an additional two years. Further two-year extensions have been recommended by the Board and approved by the Minister in 2017, 2019, 2021 and 2023 awaiting amendment of the Act

Preliminary legal advice has been sought regarding the need to amend the Act (as per the Handley recommendation) and the binding nature of the government's response to the Handley Review (Attachment B). It appears that extension can be granted by the Minister for a longer period on recommendation of the Board, and the amendment to the Act is not required.

Handley further recommended that lease extensions be conditional upon detailed property management plans as a binding covenant. This process is envisioned to be resource intensive, legally challenging and socially disruptive. A collaborative and empowering approach that provides more certainty may be more effective at ensuring the Crown Lands held by Special Leaseholders is managed in the economic and environmentally sound manner contemplated by the Handley recommendations.

The upcoming development of the LSPS and the LEP provide an opportunity for the Board to engage with the community, including Special Leaseholders, regarding their long-term aspirations for Special Leases. Upon the finalisation of the new LEP it may be proposed to extend the leases for a further 10 years or for a longer period.

Next Steps

- Recommend the Minister extend the term of the Leases for a further ten years, with an option of a further 10.
- Seek advice from the Minister regarding the desire to continue to pursue the Handley recommendations pertaining to Special Leases.
- Consider the communities aspirations for Special Lease terms and conditions during the upcoming LSPS development and LEP review.

Attachment	Title
A	Plain Language Guide to the LHI Act – Information Sheet 6 - Special Leases on Lord Howe Island
B	Legal Advice

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Michael Chalmers	Senior Manager Business & Corporate Services

Rec No: ED23/5884.01 OPEN Attachment: A



LORD HOWE ISLAND BOARD

PLAIN LANGUAGE GUIDE TO THE LORD HOWE ISLAND ACT

Information Sheet 6: Special Leases on Lord Howe Island

What are Special Leases?

Under the *Lord Howe Island Act 1953* (the Act), all land on the island is NSW Crown Land. The Act does not allow freehold private ownership of land.

Instead, the Act provides for Perpetual Leases for Islanders to reside on, and Special Leases for other uses. While Special Leases may be granted for a wide range of purposes, they have almost exclusively been granted for agricultural purposes such as cultivation and grazing. The zoning of land under the Lord Howe Island Local Environmental Plan 2010 would play a significant role in determining where, and for what purpose, a Special Lease can be issued.

The issuing, transfer or subleasing of Special Leases is strictly controlled and constrained by the Act. These provisions date back to 1953 and were designed to protect the interests of Islanders and to prevent speculation and trading in island land.

Is there a Register of Special Leases?

Yes. The Lord Howe Island Board keeps a register containing particulars of leases granted under the Act. It may be inspected by the public at the Island office of the Board.

Who can be granted a new special lease?

New Special Leases can only be granted to a person who holds a Perpetual Lease on the Island. For more information about Perpetual Leases, see the fact sheet entitled "Perpetual Leases". You do not need to be an Islander to be granted a Special Lease, but you do need to hold a Perpetual Lease.

What is the term of a Special Lease?

A Special Lease may be granted for up to 10 years and may be extended with Ministerial approval upon the recommendation of the Board.

Can a Special Lease be cancelled or not renewed?

Yes, in specific circumstances which are strictly controlled by the Act. For example, if the land is required for home sites or for public purposes during the term of the lease, the Minister may withdraw from the lease on the recommendation of the Board.

A Special Lease may not be renewed if the land the Minister, on the recommendation of the Board, determines that it is required for housing or another public purpose.

Compensation may be claimed by the Special leaseholder in these circumstances. The amount of compensation is determined by the Valuer-General, subject to any regulations under the Act, and is subject to appeal in the Land and Environment Court.

The Act states that compensation may be paid for the loss of the land and the loss of the improvement on the land.

Compensation for the loss of the land is calculated based on the unexpired period of the lease. If the unexpired portion of the lease is less than 5 years, then the unexpired portion of the lease is to be calculated at 5 years.

In other circumstances, a Special Lease could be cancelled if, for example, the holder does not pay the rent or fails to comply with any condition applying to the lease.

Board Meeting: August 2023 Agenda Number: 14.06

Rec No: ED23/5884.01 OPEN Attachment: A

If the holder of a perpetual lease forfeits that lease, any Special Lease held by that person is automatically forfeited.

In this circumstance, the Minister may waive or reverse forfeiture where it appears to the Minister, after a report from the Board, that there are good and sufficient reasons to do so. The Minister may waive or reverse the forfeiture absolutely or on conditions.

The holder of a Special Lease may surrender the whole or part of the land in the lease. The holder must complete a surrender form available from the Board's Island office and the surrender will take effect on the day of its acceptance by the Minister on the recommendation of the Board.

What is the Rent for a Special Lease?

The annual rent for a Perpetual Lease is payable in advance. The amount is determined from time to time by the Board in accordance with the *Lord Howe Island Regulation 2014*. The Regulation imposes a maximum annual rent that the Board may determine, based on a flat dollar amount plus an amount per square metre of land comprised in lease. Generally, the Board may make a new determination of the annual rental every three or more years. The maximum amounts (both the fixed amounts and the amounts per square metre of land) are increased on 1 September each year in accordance with the Consumer Price Index.

Other legal fact sheets forming part of this series include the following titles:

- Information Sheet 1: History of the Lord Howe Island Act 1953
- Information Sheet 2: NSW and Commonwealth Laws on Lord Howe Island
- Information Sheet 3: Owning and Inheriting Land on Lord Howe Island
- Information Sheet 4: Who is a Lord Howe Islander?
- Information Sheet 5: Perpetual Leases on Lord Howe Island
- Information Sheet 7: Permissive Occupancies on Lord Howe Island

From: [Stuart Young](#)
To: [Suzie Christensen](#)
Cc: [Michael Chalmers](#)
Subject: Lord Howe Island Special Leases
Date: Tuesday, 12 August 2025 11:51:07 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Some people who received this message don't often get email from stuart.young@dcceew.nsw.gov.au. [Learn why this is important](#)

Hi Suzie

I refer to your urgent request for advice on the following issues relating to special leases on Lord Howe Island.

Q1. Could you please advise if the Board is limited in the period that it may recommend to the Minister for such an extension?

I note the wording of s.22(2) of the LHI Act that provides for the term for which special leases can be granted as follows-

The term of a lease under this section may be fixed for any period not exceeding ten years, but such term may, on the recommendation of the Board, be extended by the Minister for such period as the Board may recommend.

A reading of the clear wording of this provision is that the initial term of a special lease is limited to a maximum of 10 years and any extension of that initial term is whatever length of time the board may recommend and the Minister may approve. There is no apparent reading whereby the reference to extension can apply to the initial term so that an initial term may extend beyond 10 years if so recommended. If this were intended to be the effect then the wording could easily have been drafted to reflect this outcome. Similarly, there does not appear to be any intended limit on the term of any extension, for example by being no longer than the initial ten year maximum. Again, if a limitation were intended, simple drafting could have been used to ensure this outcome.

Q2. Is the government response to the Handley report legally binding?

The government's response to the recommendations in the Handley report, relating to the recommendations for special leases, is not legally binding but is in the nature of a statement of policy which the government proposes to implement. The government response clearly contemplates legislative change bringing in 20 year lease terms as the primary step to implement policy in accordance with the recommendation. There cannot be a legal obligation to implement legislative change as this is always the prerogative of Parliament.

And while there are aspects of the government position that that do not require legislative change, the response arguably contemplates that these matters would happen in conjunction with the proposed legislative changes.

To the extent the other matters referred to, such as the requirement for draft management plans, final management plans and performance reviews, represent intended policy to be implemented separate from legislative change (if that is the intention of government where legislative change is not proceeding) there is still no legal obligation that arises in this regard that requires that these matters must proceed as they are merely a statement of a proposed policy position that is yet to be implemented. This is particularly the case given the passage of time between the government's response and the present moment. In any case the general nature of the statements means they are insufficient on their own. More detail would be needed to finalise and then implement the final policy position on these matters, eg the content of plans, timing requirements and so forth.

Q3. Are there example covenants that could be attached to the lease to fulfill the intent of the recommendation?

I have not been able to identify particular examples of lease conditions (ie the covenants being referred to here) that reflect this particular circumstances, ie to lodge draft management plans for a special lease area etc, as stated in the Handley recommendations and response. However such matters could readily be drafted by Legal at the appropriate time based on instructions provided by the Board of the particular details to be included which would in turn be based on a developed policy on this matter.

Regards
Stuart

Stuart Young

Principal Legal Officer, Environment and Energy
Legal and Governance

Department of Climate Change, Energy, Environment and Water (DCCEEW)

T 02 9995 6121 E Stuart.young@dcceew.nsw.gov.au

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150



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From: Suzie Christensen <Suzie.Christensen@lhib.nsw.gov.au>
Sent: Wednesday, 6 August 2025 4:38 PM
To: Stuart Young <Stuart.Young@dcceew.nsw.gov.au>
Cc: Michael Chalmers <michael.chalmers@lhib.nsw.gov.au>
Subject: Lord Howe Island Special Leases

Hi Stuart,

All land on Lord Howe Island is Crown land and may only be dealt with in accordance with the provisions of the *Lord Howe Island Act 1953* (the Act). Pursuant to Section 22 of the Act, the Minister may grant Special Leases for agriculture or other uses to perpetual leaseholders on the recommendation of the Board.

S22 (2) provides for the term of the lease

“ The term of a lease under this section may be fixed for any period not exceeding ten years, but such term may, on the recommendation of the Board, be extended by the Minister for such period as the Board may recommend.

Q1. Could you please advise if the Board is limited in the period that it may recommend to the Minister for such an extension?

In March 2014 the Government announced a review of land allocation and tenure arrangements for Lord Howe Island and appointed the Hon Ken Handley AO QC to conduct the review. Following consultation with the Island community and other stakeholders, a discussion paper seeking public comment was released in August 2014. Public submissions closed in October 2014. The final report on the Handley review was completed in February 2015. The final Government response to the Handley report was released in February 2017, and included this response regarding Special Leases.

Handley Recommendation	Government Response
Special Leases should be granted for 20-year terms with strong covenants to encourage new investment and ensure that the land is fully and properly used.	The <i>Lord Howe Island Act 1953</i> ('The Act') will be amended to increase the Special Lease term to 20 years. The addition of covenants can be done without legislative change. Applicants seeking renewal of their expiring Special Leases or initial grants will be required to lodge draft management plans for the use of the land for designated pastoral, agricultural or horticultural purposes. If successful in their application for a Special Lease, fully developed management plans will be requested and Lessees will be obliged by strict covenants (attached to the Lease) to make the land productive. Provision will also be made in the Special Lease for a review of the lessee's performance against the conditions of the lease every five years during the term.

Table 1 Special Leases - Handley Recommendation and Government Response

Q2. Is the government response to the Handley report legally binding?

Q3. Are there example covenants that could be attached to the lease to fulfill the intent of the recommendation?

Board papers are being finalised next week, I'd grateful if you could give at least preliminary advice by then.

Regards,
Suzie

Suzie Christensen
Chief Executive Officer
Lord Howe Island Board
NSW Department of Climate Change, Energy, the Environment and Water

Ph 02 6563 2066 ext 10 | **E** suzie.christensen@lhib.nsw.gov.au | **M** 0409 209 336



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