

LORD HOWE ISLAND BOARD

BUSINESS PAPER

Planning Assessment Report

1 Item DA 2020.6 Bathroom addition to existing tourist accommodation cabin at Beachcomber Lodge, Lot 171 DP 757515, 171 Anderson Road, Lord Howe Island.

2 Summary Assessment Report

Assessment Officer	Peter Chapman – Consultant Town Planner
Address/Property Description	Lot 171 DP 757515, 171 Anderson Road, Lord Howe Island
Proposal	Bathroom addition to existing tourist accommodation cabin
Owners Consent Application No	OC 2019-04, granted 9 th April 2019
Applicant	Gary Payten
Estimated Cost of Development	\$5,000
Site Inspections	A site inspection was undertaken 19 September 2018.
Zone	Zone 2 Settlement. Proposed development is permissible with the consent of the LHI Board within the zone.
Significant Native Vegetation Map	Part of the lot is mapped Significant Native Vegetation (SNV). No SNV will be damaged or removed as a result of the proposal.
Notification	The subject DA was put on exhibition 24 April 2020 to 8 May 2020
Submissions Received	No submissions have been received.
Recommendation	That DA 2020.6 - Bathroom addition to existing tourist accommodation cabin at Beachcomber Lodge, Lot 171 DP 757515, 171 Anderson Road, Lord Howe Island, be approved subject to the conditions listed in the assessment report.

3 Consent Authority

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 application is not proposed by the LHIB.



Due to the existing Site Coverage on the property, the subject DA will require a variation to the relevant controls within the LEP (ref to assessment provided under clause 22, LHI LEP 2010). This is outside the above delegations to the CEO, hence the application is reported to the full Board for determination as was (OC 2019-04 for the proposal).

4 Site Description

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

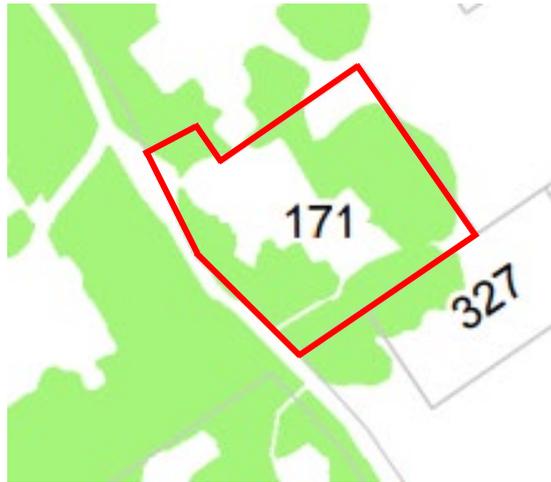
The total area of the site is approximately 4,577m² with egress to/from Anderson Road.



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



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



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

Figure 2 & 3: LHI LEP Mapping Extracts

The proposed alterations and additions are located adjacent to a SNV mapped area, being within the existing building curtilage. No SNV will be damaged or removed as a result of the proposal.

Proposed Development

The subject DA 2020.6 is for a small bathroom addition to a single existing (single storey) tourist accommodation cabin at Beachcomber Lodge in the form of a 2.5m x 2.0m extension to the existing (cut out) south-eastern (rear) corner.

The bathroom extension will be 5m² which will increase the floor area of the cabin to 70.36m².

Due to the cabin's central location and the degree of existing landscaping on site, the proposed extension will not be visible from Anderson Rd or any adjoining property.

The approved OC 2019-04 for the proposal also included alterations and additions to the front elevation of the Beachcomber Lodge restaurant including deck extensions and the replacement of an existing window with a new door. These works are not being progressed in the subject DA.

The bathroom extension is proposed to be constructed and finished in complementary materials to the existing cabin.

There is no proposed removal of any native vegetation.

The applicant has submitted the building plan provided on the following pages of this report (refer to *Figure 4*).

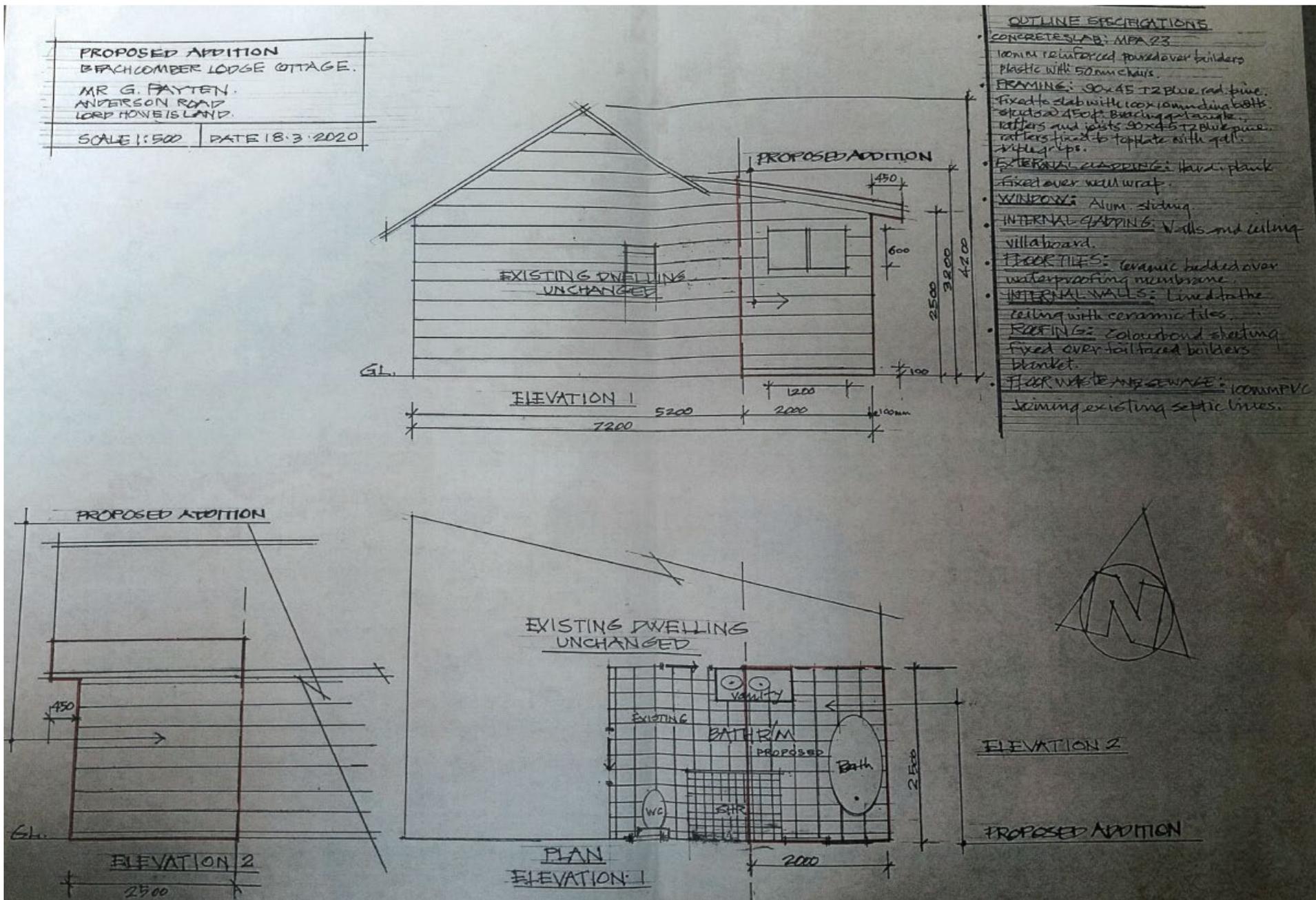


Figure 4: Submitted Architectural Floor Plan & Elevations



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

6.1 Comments received from internal specialists

Specialist	Issue	Comment
<p>Manager Environment World Heritage (Hank Bower)</p>	<p>Comment</p> <p>The property is zoned Zone No. 2 – Settlement according to the Lord Howe Island Local Environmental Plan 2010. The objectives of this zone are: to provide opportunities for limited residential and commercial development. The proposal is consistent with these objectives.</p> <p>The proposed renovations are located wholly within the existing development footprint of the existing units and will not result in any vegetation removal or habitat disturbance as it is only a change of use.</p> <p>No vegetation is identified for removal and will therefore not remove or damage any mapped Significant Native Vegetation (SNV).</p> <p>There is native vegetation in the Study area which is mapped by Sherringham et al 2016 as community 19 Maulwood – Kentia Palm – Cottonwood - Greybark lowland forest and 12a Kentia Palm on coral sand. The vegetation at the Subject site is mapped by Pickard (1983) as vegetation associations Da-Ct Drypetes australasica – Cryptocarya triplinervis and Hf Howea forsteriana. The Sherringham et al 2016 mapping is considered accurate. No vegetation will be removed.</p> <p>The subject site provides known or potential habitat for at least 7 threatened species being; LHI Gecko <i>Christinus guentheri</i>, LHI Currawong <i>Strepera graculina crissalis</i>, LHI Golden Whistler <i>Pachycephala pectoralis contempta</i>, LHI Silvereye <i>Zosterops lateralis tephroleura</i>, Lord Howe Woodhen <i>Gallirallus sylvestris</i>, LHI Placostylus <i>bivaricosus</i> and Flesh-footed Shearwater <i>Ardenna carneipes</i>.</p> <p>The LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen are all widely distributed across the Island and regularly occupy forests and gardens within the settlement. They are commonly found co-habiting with human infrastructure within the settlement area and in the case of the LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen will forage and roost around dwellings and associated infrastructure. However, the core habitat resources for all these species is dense native vegetation.</p> <p>The Flesh-footed Shearwater nest seasonally on LHI in burrows, predominantly in areas of calcarenite soils with dense native vegetation. The Flesh-footed Shearwater has potential nesting habitat at the Subject site, particularly in the forested areas of the property. The proposal will not affect their habitat as it is within the footprint of existing infrastructure.</p> <p>The LHI Gecko is known to occur throughout the settlement</p>	<p>Noted and recommended accordingly</p>

	<p>of LHI where it can utilise human made structures and stock piled building materials (e.g. sheets of corrugated iron etc) as sheltering habitat. It can be found within cavities of dwellings that exclude rodents and shelters within cracks and cavities in trees and rocks. It is possible that LHI Gecko could be present within the existing building and could be detected during renovations. Any animals detected during works must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, old dwellings/structures) away from the development site</p> <p>The Subject site includes areas mapped as modelled High Quality Habitat (A) for LHI Placostylus. This mapping is considered accurate where there is intact native vegetation. The LHI Placostylus favours forested habitats on calcarenite soils with a dense shaded canopy, continuity with large areas of vegetation and a thick moist leaf layer in which they can burrow during dry times. This habitat is present at the Subject site, although is mostly restricted to forested areas of the property which will not be impacted by this proposal.</p> <p>A 5 Part Test of significance was not submitted with the DA as the proposal is located within an existing development footprint. This assessment concludes that the proposed development will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats.</p> <p>Recommendations</p> <p>That the development be approved.</p>	
<p>Team Leader, Compliance and Projects (Kate Dignam)</p>	<p>Building Class: 3</p> <p>Construction</p> <p>If the Development Application is approved the applicant must appoint a Principal Certifying Authority (PCA) and apply for a Construction Certificate for the proposed works. No works can commence until a valid Construction Certificate for the works has been issued.</p> <ul style="list-style-type: none"> • The PCA will require lodgement of certified structural engineering plans for the works before issuance of a Construction Certificate. • The PCA will ensure all necessary approvals are in place, conduct inspections of the works as required and issue the Occupation Certificate. <p>Due to the age of the tourist cottage there is potential for asbestos to be present in the building. This should be clarified by the applicant. If any asbestos containing material is to be removed it must be done so in accordance with SafeWork NSW requirements. An appropriate asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.</p>	<p>Noted and recommended accordingly</p>

Fire Safety

As part of the Construction Certificate Application the PCA will issue the applicant with a Fire Safety Schedule specifying the fire Safety measures to be implemented in the renovated tourist cottage. The applicant is to ensure that any fire detection and early warning requirements and fire-fighting equipment detailed in the Fire Safety Schedule is installed.

Prior to the issue of the Occupancy Certificate the applicant must submit to the PCA a Fire Safety Certificate which certifies that each of the specified fire safety measures listed in the Fire Safety Schedule have been installed and that those measures are capable of operating to the performance standard listed.

The applicant is to ensure that an Annual Fire Safety Statement for the entire Beachcomber complex is supplied to the Board as a record of the functionality and ongoing maintenance of any fire safety measures installed. The Annual Fire Safety Statement is to address those measures listed in the Fire Safety Schedules.

Disability access

As a Class 3 building compliance with the with the Disability (Access to Premises – Buildings) Standards 2010 (DS), the National Construction Code (NCC), Building Code of Australia (BCA) and AS1428.1 will be required for the tourist cottage.

Disability access must be provided continuously from the main points of pedestrian entry at the allotment boundary, plus from one dedicated accessible carparking space in the carpark area, to the tourist cottage, through the main entry of the building, through the building to reach the new part and within and throughout the new part.

Disability access must also be provided from the renovated tourist cottage to all common areas of the Beachcomber complex such as BBQ areas, common laundry and the like.

Aspects for compliance include, but not limited to:

- Accessways
- Doors and doorways
- Handrails and grabrails
- Manoeuvring areas
- Passing areas
- Paths of travel
- Ramps
- Toilets

The BCA 2019 states that one sole-occupancy unit must be accessible if the group of buildings contain 1 to 10 sole occupancy units. If another of the tourist units at the Beachcomber complex is accessible then there is no need for the tourist cottage renovation to include the disability access provisions.

The PCA must be satisfied with the disability access requirements before a Construction Certificate can be issued.

Water

Any potable water provided to the building will be required to

	<p>meet the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the Guidelines.</p> <ul style="list-style-type: none"> ▪ It is noted that the applicant has provided a drinking water management plan to the Board. This plan was lodged with NSW Health on 28 October 2019. <p>Waterproofing of the bathroom is required and is to be certified by an appropriate person. The certification must be provided to the PCA before any Occupancy Certificate for the building can be issued.</p> <p>All plumbing work is to be undertaken by a licensed plumber.</p> <p>Waste</p> <p>No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.</p> <p>If it is the applicant's intention to dispose of any generated construction waste at the authorised waste management facility on the Island then the applicant is to have discussion with the Supervisor of the facility detailing expected waste streams and volumes. Discussion is to also include strategies for better management of waste on site as well as receipt at the facility. Strategies could include the use of bulker bags, skips and the like.</p> <p>The applicant is advised that waste disposal fees will be charged in accordance with the Lord Howe Island Board's schedule of fees and charges</p> <p>Asbestos waste is not accepted at the authorised waste management facility on the Island. If any asbestos is to be disposed of it is the responsibility of the applicant to remove from the Island.</p>	
Board surveyor (Gary Millman)	Comments: The proposed bathroom extension has been staked as per the plan (2.0x2.5m). The 2 property boundaries (NE and SE) are approx. 24m away.	Noted

7. Planning Assessment

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

7.1 Commonwealth legislation

7.1.1 *Environmental Protection and Biodiversity Conservation Act 1999*

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

- World Heritage Areas
- National Heritage Places
- Ramsar wetlands of international importance
- Commonwealth listed threatened species and ecological communities
- Listed migratory species

- Commonwealth marine areas
- Great Barrier Reef Marine Park
- Nuclear actions.

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

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

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

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

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

7.2 NSW legislation

7.2.1 Biodiversity Conservation Act 2016

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

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

Refer to the internal referral comments received from the LHIB's Manager Environment / World Heritage provided earlier in section 6.1 of this report. As noted in those comments, "the proposed development will not result in any significant impacts on any Threatened species, populations or ecological communities, or their habitats."

Appropriate standard conditions have been included in the attached report recommendation.

7.3 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 91 of the EP&A Act 1979, Section 58 and Section 57(1) of the Heritage Act are triggered by this application.

The Lord Howe Island Group is listed on the State Heritage Register. Section 57 (1) of the

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

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

7.4 Local Statutory Plans and Policies

7.4.1 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.

Permissibility - Lord Howe Island Local Environmental Plan 2010

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

The proposed building extension on Lot 171 is permissible with development consent in Zone 2 Settlement. Under the LEP the following clauses are relevant and are considered below.

LEP 2010 compliance summary table

LEP 2010 Clause		Compliance Y/N	Comment
Part 1 Preliminary			
9	Exempt Development	N/A	The proposed works are not listed as Exempt Development within Schedule 1 of the LEP, therefore the subject DA is required.
11	Matters that must be satisfied before development consent granted	Y	Refer to the following assessment table under clause 11 of the LEP.
Part 2 General Provisions applying in particular zones			
12	Land Use Zones	Y	The land is zoned Zone 2 Settlement
14	Zone 2 Settlement	Y	The proposal complies with the LEP zone objectives and is permissible with the consent of the LHIB.
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			
22	Tourist accommodation, staff accommodation and commercial premises	Y & N	Please refer to the discussion noted below this table regarding Site Coverage #. At least 50% of the total area of the lot will still remain comprised of native landscaped areas,

LEP 2010 Clause		Compliance Y/N	Comment
			<p>with no proposed removal of existing species required as part of this development. The proposed development is not being undertaken in an area of SNV.</p> <p>There is a satisfactory business need for the proposed alterations and additions.</p> <p>The upgraded bathroom facilities within the existing tourist accommodation unit will not change the existing tourist number arrangements for Beachcomber Lodge or on Lord Howe Island.</p>
23	Erection of dwellings	N/A	The LEP requirements are not applicable as the proposed alterations and additions are not creating new dwellings or affecting dwellings on the allotment. The alterations affect one of the Beachcomber Lodge tourist cabins located on the site.
27	Enlargement or extension of dwellings	N/A	The LEP requirements are not applicable as the proposed alterations and additions are not enlarging or extending dwellings.
29	Maximum height of buildings	Y	The proposal will comply, as the existing building roofline is less than 7.5m.
Division 2 Provisions that apply to particular land			
32	Setbacks of buildings in Zone 1, 2 or 5	N	The subject lot fronts Anderson Road. The new bathroom area on the tourist accommodation cabin will not reduce the existing setbacks either to the front, the rear (south east) or side (south west) boundaries which will be maintained at a min. 24m.
33	Landscaping to be carried out in Zone 2	N/A	No additional landscaping is proposed or required.
39	Development Affecting Heritage Items	N/A	The subject site is not a listed heritage item or located adjoining any item.

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

This equates to the following existing calculations for site coverage:

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

However, the existing site coverage on the property (from Six Maps) is 505m², which would grow by 5m² to 510m² under the proposal. These being an existing variation of 113% and a proposed variation of 115% to the current LEP site coverage standard.

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

12 Site coverage in Zone No 2

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

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

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

- the proposed 5m² addition is very small, and constitutes a small additional variation to the current LEP standard of only 2%
- the proposed 5m² addition is to be located on an accommodation cabin to the rear of the development in a highly naturally screened position and will not be visible from any adjoining property or the road.
- The proposed addition is only to a bathroom and will not increase the tourist accommodation numbers onsite or the intensity of use.
- The existing site coverage of the development complies with the 1986 LHI REP control (which allowed up to 686m² site coverage) and the proposed addition will continue to do so
- The physical merits of the proposal demonstrate that it will not have a detrimental impact on the environment or any adjoining property and provides a strong justification for the technical non-compliance with the current LEP site coverage control
- the existing building site coverage was approved under the 1986 planning controls that applied at the time (- being akin to an 'existing use right' situation). Therefore, as the current LEP site coverage control has only since been introduced (with the min. dwelling area), that the variation to the current control is reasonable in light of the above considerations
- the application is considered to comply with the intent and provisions of the LEP as articulated in its Aims and Objectives (as assessed in this report).

CLAUSE 11 MATTERS

Clause 11 of the LHI LEP 2010 provides that the consent authority must not consent to the carrying out of development unless it is satisfied regarding the following matters. These requirements with respect to the proposed development are discussed below.

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
a) <i>The proposed development is consistent with the aims of this plan and the objectives of any zone, as set out in the plan, within which the development is proposed to be carried out,</i>	Y	The proposed building extension will be constructed within Zone 2 Settlement under the LHI LEP 2010 and is consistent with the aims and objectives of the LEP.
b) <i>There is an adequate area available for the disposal or treatment of any effluent treatment or disposal system and any such system will not</i>	Y	The tourist accommodation has an existing bathroom provided for the 2 bedroom unit. The proposal aims to upgrade these facilities, but there is no change proposed in the number of people accommodated in the unit.

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
<i>have any adverse impact on groundwater quality,</i>		The above minor bathroom extension will not impact on the onsite wastewater treatment on the site.
c) <i>No part of the proposed development:</i> i. <i>will result in any damage to, or removal of, significant native vegetation, or</i> ii. <i>will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i>	Y	As stated earlier in this report part of the lot is mapped Significant Native Vegetation (SNV). The proposed bathroom extension is located adjacent to, but not within a mapped SNV mapped area, and no SNV will be damaged or removed as a result of the proposal. Appropriate conditions relating to this have been included in the recommendation of this report.
d) <i>Access is, or will be, available to the site of the proposed development and the provision of any such access will not:</i> i. <i>result in any damage to, or the removal of, significant native vegetation, or</i> ii. <i>have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i>	Y	No change to the current vehicle access arrangements to/from Anderson Road or within the site is proposed. Refer also to the above comments on vegetation in subclause (c).
e) <i>Any proposed landscaping will provide various species of plants that are native to the Island and common in the locality to enhance any significant native vegetation,</i>	Y	Refer to the discussion of clause 33 of the LHI LEP 2010, no landscaping is proposed, and no SNV is to be removed.
f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i>	N/A	The site is not affected by such hazards.
g) <i>Adequate services in respect of the proposed development can be provided without significant additional cost to the Board or the community of the Island,</i>	Y	No additional infrastructure services are anticipated to be required.
h) <i>The appearance of the proposed development (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality,</i>	Y	The proposal will not create any negative visual impact on the locality. The existing setback from boundaries, and existing landscaping throughout the site provides significant screening to the road and adjoining properties. The works will also be in keeping with the form and finishes of the existing tourist cabin.
i) <i>The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	As a small single storey building extension, the proposed development will not create any overshadowing of adjoining properties.

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
j) <i>The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	Y	The proposed works will not create any detrimental privacy impacts to adjoining properties due to its low built scale, maintained setbacks to boundaries, extensive existing landscaping and the nature of the extension being a bathroom.

6.1.1 Lord Howe Island Development Control Plan 2005

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

DCP Compliance summary table

LHI DCP 2005 Clause		Compliance Y/N	Comment
Part 1 Introduction			
1.2	Plan Objectives	Y	The proposal as outlined and assessed in the subject report is 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 will be consistent with the DCP's design objectives as outlined in this assessment report.
2.3	Design Context	Y	The proposed extension is consistent with the typical need and design characteristics of the site and locality.
2.4	Bulk and Scale	Y	The proposal is consistent with the character and existing low built form and scale of the existing building on site and its surrounds.
2.5	Building Forms	Y	The built form of the proposed works will be in keeping with the established low density residential form and character of the Island.
2.6	Building Materials & Colours	Y	The proposed works will be consistent with the existing external architectural details, roofline, cladding and colours of the cabin. A condition requiring the selected new materials and finishes to complement the existing structures on site has been included in the attached recommendation.
2.7	Energy and water efficiency	Y	The proposal is for a bathroom extension therefore, energy and water efficiency provisions are limited and in the ordinary course of events on the Island are addressed by modern standard plumbing

			fittings etc.
2.8	Landscaping design	Y	The proposal will not have a detrimental impact on the established site landscaping.
2.9	Site access and parking	Y	No change to existing site access and carpark arrangements are proposed.

7 Environmental Effects

7.1 Environmental Planning and Assessment Act 1979

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

ii. any proposed instrument that is or has been the subject of public consultation under this Act

Comment: N/A

iii. any development control plan

Comment: An assessment of the proposal against the LHI DCP 2005 has been undertaken in Section 7.3.2 and was found to comply.

iii. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,

Comment: There are no planning agreements relevant to the application.

iv. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

Comment: There are no relevant matters prescribed by the regulations.

v. any coastal zone management plan (with the meaning of the Coastal Protection Act 1979)

Comment: There are no coastal zone management plans relevant to the application

b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

An assessment of the environmental impacts of the proposal have been considered 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	The proposal will not impact on the existing access into the subject site or on Anderson Road.
Public Domain, Visual and Streetscape	Refer to the assessment provided earlier under LHI LEP 2010 clause 11(h).
Ecological	As stated in section 6.1 of this report, the LHIB's Manager Environment World Heritage has confirmed that the proposal will not result in the removal of any SNV or result in a significant effect for any threatened species, populations or ecological communities, or their habitats.
Flood	The site is not identified as flood affected.
Heritage	The subject site is not listed as a heritage item.
Views	Public and private views will not be impacted by the works.
Privacy	Privacy will not be impacted by the works.
Open Space	Open space will not be impacted by the proposal.
Social and economic Impact in Locality	There will be no adverse social or economic impact. The proposal will improve the amenity for tourists accommodated on the site.
Construction	Potential impacts from construction activities will be minimised through the recommended conditions of the consent.

c) the suitability of the site for the development

Having regard to its location, and the preceding assessment, the site will adequately accommodate the proposed minor bathroom extension and is suitable for the reasons outlined in this report.

d) any submissions made in accordance with this Act or the regulations

As confirmed earlier in this report no submissions were received to the notification of the proposal.

e) the public interest

For the reasons outlined in the preceding assessment, it is considered that the proposed works will be in the public interest, subject to appropriate conditions included in the attached recommendation.

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 a bathroom addition to an existing tourist accommodation cabin has planning merit and is supported subject to the application of a number of conditions outlined in the following recommendation.

9 Recommendation (Conditional Approval)

That DA 2020.6, Bathroom addition to existing tourist accommodation cabin at Beachcomber Lodge, Lot 171 DP 757515, 171 Anderson Road, Lord Howe Island, be approved subject to the following conditions:

1. Approved Plans and Supporting Documentation

The development is to be carried out in accordance with the plans and documentation provided with DA No. 2020.06 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 Gary Payten, dated 16.03.2020.
- b) Statement of Environmental Effects prepared by Gary Payten, dated 30.03.2020.
- c) Architectural Floor Plan & Elevations (x1 plan), dated 18/03/2020.

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

2. Construction Certificate

- a) The applicant is required to appoint a Principal Certifying Authority (PCA) and apply for a Construction Certificate for the proposed works. No works can commence until a valid Construction Certificate for the works has been issued.

The applicant is advised that:

- The PCA will require lodgement of certified structural engineering plans for the works before issuance of a Construction Certificate.
 - The PCA will ensure all necessary approvals are in place, conduct inspections of the works as required and issue the Occupation Certificate.
- b) Due to the age of the tourist cottage there is potential for asbestos to be present in the building. This should be clarified by the applicant. If any asbestos containing material is to be removed it must be done so in accordance with SafeWork NSW requirements. An appropriate asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - c) All construction work is to be carried out and completed in accordance with the National Construction Code (NCC)/ Building Code of Australia (BCA).
 - d) The applicant is to ensure that the Construction Certificate Plans are the same as the approved DA Plans.
 - e) Prior to the issuing of a Construction Certificate the applicant is to ensure compliance with any/all conditions imposed by the Board as part the Development Application approval process.

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

3. Access for People with a Disability

As a Class 3 building, the Disability (Access to Premises – Buildings) Standards 2010 (DS), the National Construction Code (NCC), Building Code of Australia (BCA) and AS1428.1 is relevant.

Consideration shall be given to providing disability access continuously from the main points of pedestrian entry at the allotment boundary, plus from one dedicated accessible carparking space in the carpark area, to the tourist cottage, through the main entry of the building, through the building to reach the new part and within and throughout the new part.

Consideration shall also be given to providing disability access from the renovated tourist cottage to all common areas of the Beachcomber complex such as BBQ areas, common laundry and the like.

Aspects for compliance include, but are not limited to:

- Accessways
- Doors and doorways
- Handrails and grabrails
- Manoeuvring areas
- Passing areas
- Paths of travel
- Ramps
- Toilets

The BCA 2019 states that one sole-occupancy unit must be accessible if the group of buildings contain 1 to 10 sole occupancy units. If another of the tourist units at the Beachcomber complex is accessible then there is no need for the tourist cottage renovation to include the disability access provisions.

The PCA shall give consideration to the reasonableness of the above requirements in light of the scale and cost of the subject works before a Construction Certificate is issued.

Reason: To ensure compliance with regulatory provisions to ensure access, safety and amenity for people with a disability.

4. Fire Safety

The applicant is advised that as part of the Construction Certificate Application, the PCA will issue the applicant with a Fire Safety Schedule specifying the fire Safety measures to be implemented in the renovated tourist cottage. The applicant is to ensure that any fire detection and early warning requirements and fire-fighting equipment detailed in the Fire Safety Schedule is installed.

Prior to the issue of the Occupancy Certificate the applicant must submit to the PCA a Fire Safety Certificate which certifies that each of the specified fire safety measures listed in the Fire Safety Schedule have been installed and that those measures are capable of operating to the performance standard listed.

The applicant is to ensure that an Annual Fire Safety Statement for the entire Beachcomber complex is supplied to the Board as a record of the functionality and ongoing maintenance of any fire safety measures installed. The Annual Fire Safety Statement is to address those measures listed in the Fire Safety Schedules.

Reason: To ensure the resulting development is fire safe.

5. Ecology and Habitat

- a) If any live LHI Gecko or LHI Placostylus are detected during works they must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, old dwellings/structures) away from the development site so they can escape predation by predators such as LHI Currawong, LH Woodhen and rodents.
- b) All building materials and building activity are restricted to being stock piled on cleared open areas.

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

6. Water

- a) The applicant is to ensure all plumbing work, including potable water and wastewater connections and disconnections, are undertaken by a licensed plumber.
- b) Any potable water provided to the building will be required to meet the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the Guidelines.
 - o It is noted that the applicant has provided a drinking water management plan to the Board. This plan was lodged with NSW Health on 28 October 2019.
- c) Waterproofing of the bathroom is required and is to be certified by an appropriate person. The certification must be provided to the PCA before any Occupancy Certificate for the building can be issued.

Reason: To ensure works are undertaken appropriately.

7. Waste Management

- a) The applicant is to ensure that any waste generated from the proposed development is to be contained within the site and then be recycled or disposed of at the authorised waste management facility on the Island. This excludes asbestos waste, if any, which is the responsibility of the applicant to remove from the Island.
- b) The applicant is advised that waste disposal fees will be charged in accordance with the Lord Howe Island Board's schedule of fees and charges.
- c) If it is the applicant's intention to dispose of any generated construction waste at the authorised waste management facility on the Island then the applicant is to have discussion with the Supervisor of the facility detailing expected waste streams and volumes. Discussion is to also include strategies for better management of waste on site as well as receipt at the facility. Strategies could include the use of bulker bags, skips and the like.
- d) 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.

8. Construction

- a) No excavation is to be carried out until the site is inspected by the Lord Howe Island Board Senior Electrical Officer (ie. dial before you dig).
- b) The applicant is to ensure that any electrical work must be carried out by a licensed electrician and an **Electrical Compliance Certificate issued with, or before, the application for Occupancy Certificate** for the building additions and alterations.
- c) All works are to be undertaken in accordance with approved Construction Certificate documentation.

Reason: To ensure works are undertaken appropriately.

9. Construction Hours

To limit the impact of the development on adjoining owners, all construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays.

Reason: To limit the potential for any loss of amenity to adjoining owners and/or occupiers associated with the construction of the approved works.

10. Notice of Commencement

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

Reason: This is a legislative requirement.

11. 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.

12. Site Landscaping

Existing site landscaping and all major areas of native plantings on site are to be protected and maintained. No significant native vegetation is to be removed or damaged.

Reason: To minimise vegetation removal and environmental impacts.

13. Materials and Colours

The materials and colour selection for the proposed works are to complement the existing tourist cabin on the site. Details of the selected materials and colours shall be submitted with the construction certificate application.

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

ADVICE TO APPLICANT:

1. Significant Native Vegetation

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

2. Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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

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

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

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

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

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

Report prepared by:	Endorsed:
	
Peter Chapman Date: August 2020 LHI Consultant Town Planner & Director All About Planning	Peter Adams Date: August 2020 Chief Executive Officer Lord Howe Island Board