

LORD HOWE ISLAND BOARD

BUSINESS PAPER

Planning Assessment Report

1 Item

DA 2020-09 for Installation of on-site wastewater treatment systems and effluent land application areas (Systems 3 & 4) at Pinetrees Lodge, Lot 236 DP 48213, No. 236 Lagoon Road, and the Unidentified Crown Reserve No.12, Lagoon Road, Lord Howe Island.

2 Summary Assessment Report

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| Assessment Officer | Peter Chapman – Consultant Town Planner |
| Address/Property Description | Pinetrees Lodge, Lot 236 DP 48213, No. 236 Lagoon Road, and the Unidentified Crown Reserve No.12, Lagoon Road, Lord Howe Island |
| Proposal | Installation of on-site wastewater treatment systems and effluent land application areas (Systems 3 & 4) |
| Owners Consent Application No | OC 2019-09 was lodged, assessed and approved concurrently with the previous DA 2019.17 both being approved 17/06/2020. |
| Applicant | Danielle Rourke |
| Estimated Cost of Development | \$35,000 |
| Site Inspections | A site inspection was carried out in May 2019 |
| Zone | Lot 236: Zone 2 Settlement, Unidentified Crown Reserve No.12, Lagoon Road, Lord Howe Island: Un-zoned under the LHI LEP 2010. The proposed development is permissible with the consent of the LHI Board within each these zones. |
| Significant Native Vegetation Map | Part of the subject lots are mapped as Significant Native Vegetation (SNV) and some of the proposed irrigation areas are within SNV but no damage or removal of SNV will result from the development subject to compliance with the recommendations of this report. |
| Notification | DA2020.09 was placed on public exhibition from 3/07/2020 – 17/07/2020. |
| Submissions Received | No submissions were received. |
| Recommendation | That application DA2020-09 for installation of on-site wastewater treatment systems and effluent land application areas (Systems 3 & 4) at Pinetrees Lodge, Lot 236 DP 48213, No. 236 Lagoon Road, and the Unidentified Crown Reserve No.12, Lagoon Road, Lord Howe Island, be approved subject to the conditions and advisory notes contained within the report. |

3 Consent Authority

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.*

As no new residential dwelling or subdivision is proposed, with a value of development below the \$150,000 threshold for DAs, and as the application complies with the LEP, and received no submissions during public exhibition, the subject DA could ordinarily be determined under delegated authority. However, as the effluent land application area for proposed wastewater system 4 is within the Lagoon Rd road reserve out in front of Pinetrees Lodge (Unidentified Crown Reserve No.12, Lagoon Road, Lord Howe Island), the application triggers a requirement within the Board's Assessment Policy for referral to the full LHIB.

4 Site Description

The site is Pinetrees Lodge and its immediate surrounds legally described as Lot 236, DP 48213, No. 236 Lagoon Road, and the Unidentified Crown Reserve No.12, Lagoon Road, Lord Howe Island, Lord Howe Island.

As shown in *Figure 1* below, the allotments have irregular boundaries with a significant number of separate and shared buildings and activity spaces associated with Pinetrees Lodge. The frontage and main entrance to Pinetrees Lodge is off Lagoon Road, and this leads to carparking and a circular driveway in front of the main building and tennis court. The land is generously landscaped with native and non-native species and attractive gardens including planted palms. No changes to the layout of the buildings on site are proposed. However, (as mentioned earlier) the development requires part use of the Lagoon Rd road reserve in front of the Pinetrees site - Unidentified Crown Reserve No.12, Lagoon Road (between Lagoon Road and Pinetrees).

Pinetrees Lodge on Lot 236 is located in Zone 2 Settlement, and the Unidentified Crown Reserve No.12, Lagoon Road, Lord Howe Island is unzoned under the LHI LEP 2010. The surrounding land uses include Zone 2 Settlement which adjoins the site to the north-east, Zone 6 Recreation adjoins to the north, Zone 1 Rural to the east and Zone 7 Environmental Protection to the south of the site and along the western side of Lagoon Road (refer to *Figure 2*).

As shown in *Figure 3*, there are mapped areas of significant native vegetation (SNV) concentrated on the northern and southern boundaries of the site. The land to the west (unidentified Crown Reserve, Lagoon Road) also includes areas of SNV and native species (as shown in *Figures 3*). Although no SNV is proposed to be damaged or removed as part of this proposal, the effluent land application area for proposed system 4 will be sited within area mapped SNV.

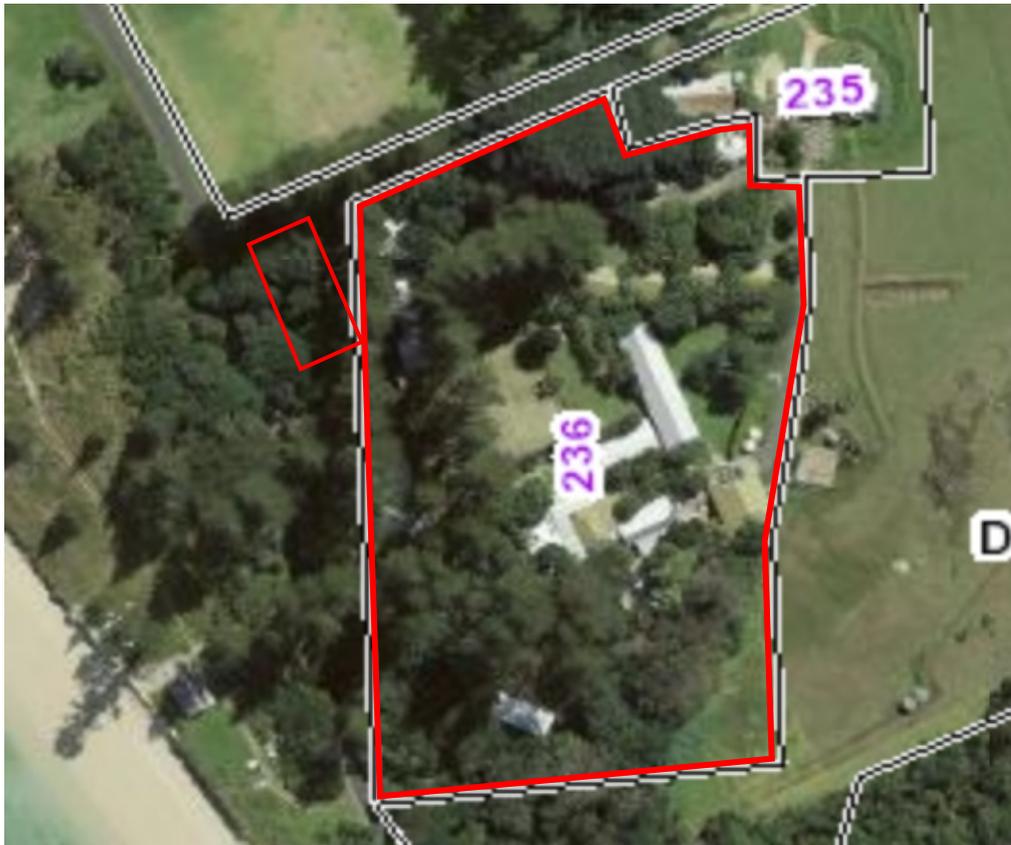


Figure 1: Aerial View of Pinetrees Lodge and Adjoining Affected Areas. Source SIX Maps

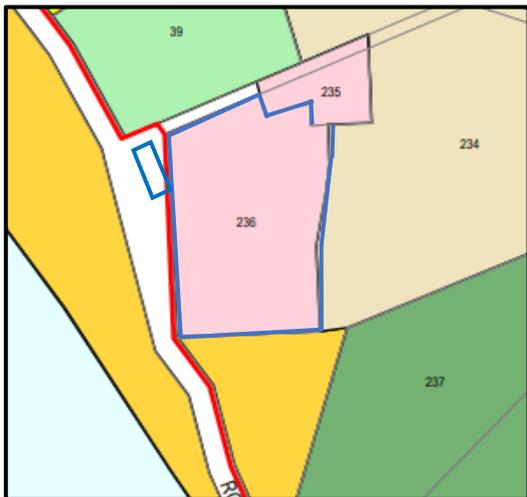


Figure 2: Extract from the LEP 2010 Zoning Map. Site outlined in blue. Zone 2 Settlement in pink.

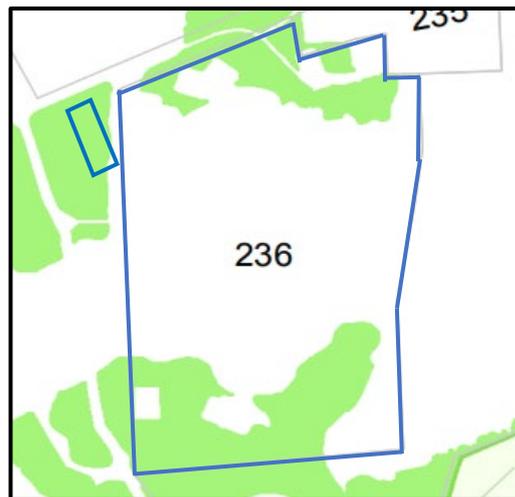


Figure 3: Extract from the LEP 2010 SNV Map. Site outlined in blue. SNV in green.

5 Proposed Development

As mentioned earlier the proposed development is for installation of on-site wastewater treatment systems and effluent land application areas (Systems 3 & 4).

The entire wastewater system 3 (including irrigation area), and the wastewater system 4 itself are proposed within the Pinetrees Lodge site on Lot 236.

The effluent land application area for system 4 is proposed within the Lagoon Rd road reserve

in front of the Pinetrees site being Unidentified Crown Reserve No.12, Lagoon Road (between Lagoon Road and Pinetrees).

The current subject application for wastewater systems 3 and 4 are proposed in addition to those approved June 2020 in DA 2019.17 (being on-site wastewater treatment systems and effluent land application areas (Systems 1 & 2), plus new effluent land application areas of existing Systems 5 and 6).

As stated in the assessment of the previous DA 2019.17, the applicant states that due to size of Pinetrees Lodge, their commercial facility, the dispersed nature of the built structures within the site, seasonal fluctuations of visitor numbers (affecting occupation rates, water uses and water usage), Pinetrees Lodge requires multiple waste treatment systems. Consequently, Pinetrees Lodge in May 2019 undertook a thorough review of their existing systems and collaborated with the LHIB to identify the installation of new and replacement wastewater systems, and associated effluent disposal infrastructure in accordance with the LHIB Wastewater Management Strategy policy.

The LHIB in coordination with the applicants have identified the type of on-site wastewater treatment system best suited for the daily wastewater generated from each of the building/uses, undertaken daily hydraulic load calculations, examined impacts on nutrient balance, and calculated the land application area required for disposal of the effluent / irrigation and proposed locations for such disposal.

As mentioned earlier the proposed irrigation area for wastewater system 4 will be partly located in areas mapped as SNV. The applicant reasons that due to site considerations such as built structure, driveways and access paths, slope, flood constraints and the need for LAAs for the other wastewater systems, there is no feasible alternative areas to those identified as part of this development proposal.

The locations of the subject systems 3 and 4 are outlined in Figure 4 on the following page.

6 Referrals

The LHIB has advised that the replacement/ upgrade of all 6 wastewater systems at Pinetrees including the subject systems 3 and 4 proposed in the current DA 2020/09 were included in referral comments provided on the previous (approved) DA 2019/17. No objections to the proposal have been raised in these comments provided (again) below (minus any notes only relevant to the previously approved systems).

| Specialist | Issue | Comment |
|--|--|--|
| <p>Manager Environment and Heritage (Hank Bower)</p> | <p>Comment</p> <p>Pinetrees Lodge are upgrading their sewage system to comply with LHIB regulations which includes installation of Aqua-Nova and Fuji Clean Wastewater Management Systems and surface irrigation beds as shown on the map titled Supporting Information 5 – Pinetrees Wastewater Site Plan, attachment to DA2019.17. The location of the Wastewater Systems are all on cleared land and will not require any vegetation or habitat removal/disturbance. The location of the surface irrigation beds is mostly within areas supporting native vegetation or a mix of native and exotic vegetation.</p> <p>There is native vegetation in the Study area that is mapped by Sherringham <i>et al</i> 2016 as community 17a – Greybark – blackbutt rainforest, 12a Kentia Palm forest on coral sands and calcarenite and Ep Environmental plantings. The vegetation at the Subject site is mapped by Pickard (1983) as vegetation association Da-Ct <i>Drypetes australasica</i> – <i>Cryptocarya triplinervis</i>. The Sherringham <i>et al</i> 2016 mapping is considered accurate. The proposal will not require removal of any native vegetation as it is within land that is already cleared or will only require laying of surface irrigation piping beneath existing native and non-native vegetation.</p> <p>The proposal includes rehabilitating some areas with exotic flora to native vegetation over time.</p> <p>The Subject site includes areas mapped as Significant Native Vegetation (SNV) and this is considered accurate where it corresponds with native vegetation. The proposal will not result in damage to or removal of any SNV as the irrigation system will only lay irrigation pipes on the surface under native vegetation, which will then be covered with leaf litter.</p> <p>The permissive lease of 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 Study area contains vegetation mapped as Significant Native Vegetation (SNV), in which surface irrigation pipes will be laid without requiring the removal or damage of any SNV.</p> <p>The Subject site supports vegetation and habitat resources that provides known or potential habitat for at least 8 threatened species being; LHI Gecko <i>Christinus guentheri</i>, LHI Skink <i>Oligosoma lichenigera</i>, White Tern <i>Gygis alba</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>Hypotaenidia sylvestris</i> and LHI Placostylus</p> | <p>Noted and recommended accordingly in this report.</p> |

Placostylus bivaricosus.

All species are considered to have potential habitat at the Study area with variable habitat use for each species at the Subject site based on quality of the habitat resources present and seasonality.

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 and under dwellings and associated infrastructure.

The LHI Gecko is known to occur throughout the settlement of LHI where it utilises 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 also shelters within cracks and cavities in trees and rocks. It is possible that LHI Gecko could be present within dead timber and old tree stumps on the ground. It is important that this habitat resource is retained on site and their disturbance is limited. Should any LHI Gecko be 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) and sheltered from predation by predators such as LHI Currawong and LH Woodhen.

The LHI Skink is rarely seen within the settlement area, with its last remaining stronghold on the main island being at North Bay and a diminished population at Windy Point which has lost considerable habitat through coastal erosion. It is unlikely to be present within and surrounding the wastewater systems and surface irrigation beds but could persist at low densities amongst fallen timber, rocky outcrops and seabird nest burrow areas. It is important that these habitat resources are protected and retained on site and their disturbance is limited. Should any LHI Skink be 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) and sheltered from predation by predators such as LHI Currawong and LH Woodhen.

The Subject site includes areas mapped as modeled High Quality Habitat (A) and High Quality Habitat (B) for LHI Placostylus. This mapping is considered accurate in areas with intact native vegetation. LHI Placostylus are known to have core habitat and persist in native vegetation south of the Pinetrees cemetery and staff accommodation. This area should be protected from any wastewater infrastructure as best as possible. 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. They are heavily impacted by rodent predation and habitat fragmentation with roads and cleared paths being serious impediments to their movement across the landscape. The soil at the Study area and Subject site is calcarinite and is suitable for LHI Placostylus where Norfolk Island Pine *Araucaria heterophylla* is absent.

There is limited information on what impact treated effluent has on mollusks, although Arajilla Lodge supports an active population of LHI Placostylus which have been subject to surface irrigation of

treated effluent for nearly a decade without any noticeable negative impacts. It is possible that the increased moisture availability provided by treated effluent disposal may be adventitious to the species, particularly during extended dry periods. Retention of leaf litter, retention of a thick edge of native vegetation to restrict ingress of hot and dry winds and the removal of rodents following the Rodent Eradication Program will help to retain and improve habitat for this species. Should any live animals be detected during installation of the surface irrigation system they should be moved away from the work site into adjacent bushland and placed under dense leaf litter.

The temporary disturbance of leaf litter to enable placement of irrigation piping on the ground beneath native vegetation will not result in any impact to habitat resources for this listed threatened species.

White Tern *Gygis alba*

Conservation status

Listed as *vulnerable* under the TSC Act.

This species is widely distributed in the Pacific and Indian oceans, as well as, to a lesser extent, the Atlantic (Higgins and Davies 1996). It breeds on islands throughout its distribution. Eggs are laid directly onto horizontal branches, typically into a depression or damaged section of the branch (Hutton 1991). The sub-species *G. a. candida* breeds in the tropical Pacific Ocean, including on LHI, Norfolk Island, and the Kermadecs, as well as in the tropical Indian Ocean (Higgins and Davies 1996). A minimum of 334 pairs of White Terns nested on LHI in 2006 (Carlile and Priddel unpublished data) compared to the 2,000 – 2,500 pairs found on Norfolk Island (Higgins and Davies 1996). On LHI the White Tern is generally present from October to May. Although recorded in all months, it is usually absent from the island group from June to September (McAllan *et al.* 2004). Its diet is made up of small fish and squid.

Threats

Predation of nestlings by currawongs;
Predation of nestlings and adults by Masked Owls.

Risk Posed by the Project

The White Tern nests in trees which will not be impacted by this proposal. It is not known to nest at the Subject site, although has been observed roosting at the Subject site. This year following implementation of the REP White Terns have been observed roosting at the Subject site and it is possible they may find suitable nesting habitat at the Subject site.

The temporary disturbance of leaf litter to enable placement of irrigation piping on the ground beneath native vegetation will not result in any impact to habitat resources for this listed threatened species.

Recommendation

That the development be approved subject to the following conditions

- Remove Norfolk Island Pine seedlings from this area and others with known LHI Placostylus habitat;
- If any live LHI Gecko, LHI Skink or LHI Placostylus are found during works they must be moved away from the

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| | <p>work site into adjacent bushland and placed under dense leaf litter or other suitable sheltering habitat where they are sheltered from predation by predators such as LHI Currawong and LH Woodhen.</p> <ul style="list-style-type: none"> • During installation of surface irrigation, no native vegetation is to be removed and any leaf litter disturbance minimized to prevent exposure of surface soils. • Monitor LHI Placostylus populations across the property following completion of the Rodent Eradication Program (REP). <p>A Threatened Species Assessment was also undertaken without raising any additional issues.</p> | |
| <p>Team Leader, Compliance and Projects (Kate Dignam)</p> | <p>Installation of On-site Wastewater Management Systems - Commercial.</p> <p>Pinetrees Wastewater Upgrade – Overview</p> <p>Due to the size of the facility, the disperse nature of the built structure and the seasonal fluctuation of visitor numbers Pinetrees wastewater will continue to be serviced by multiple wastewater treatment systems.</p> <p>There will be six (6) individual treatment systems of varying sizes and design.</p> <p>Wastewater hydraulic loads have been calculated by Kate Dignam, LHIB TLC&P, from the published effluent values in the LHI Onsite Wastewater Management Strategy (OWMS) and associated Design Guidelines and AS/NZS 1457:2012 Onsite Wastewater Management.</p> <p>All occupancy rates, water uses and water usage (as appropriate) have been supplied by Luke Hanson, Director Pinetrees.</p> <p>System 3</p> <p>This system will treat the wastewater generated from 2 x staff units and a 4 x bedroom tourist unit situated to the north of Portion 236 (PL1954.33).</p> <p>It is proposed to install a FujiClean CE1500EX. The CE1500EX is an aerated wastewater treatment system which is capable of treating up to 1500lt of wastewater per day and producing effluent quality s effluent compliance values as outlined in the OWMS.</p> <p>The LHIB have previously been supplied the FujiClean CE1500EX system information. This is the same system as installed in numerous households on the Island as well as at the jetty and airport.</p> <p>The CE1500EX will completely replace the existing septic tank and sullage trench arrangement currently servicing the wastewater needs for the nominated locations.</p> <p>The daily hydraulic load for System 3, as calculated by the LHIB, is 860lt. The following table outlines the expected daily wastewater generation for treatment by System 3:</p> | <p>Noted and recommended accordingly – refer to notes below.</p> |

| Location | WIW Generated * | No. | Lt/per person/ per day | Total Lt/per day |
|--|---------------------------------------|-----|------------------------|------------------|
| Staff Units | 2 x staff rooms - no kitchen | 2 | 70 | 140 |
| Cottages | 4 x bedroom tourist unit - no kitchen | 8 | 90 | 720 |
| Total wastewater generated by system 3 | | | | 860 |

- *No laundry wastewater generated at these locations. All laundry wastewater to be treated by System 2.*

The total wastewater generated for System 3 will be 860lt.

The LAA required for the treated effluent, based on a soil type of sand, is 346m² See attached Water and Nutrient Balances.

It is proposed to install the LAA in the northern area of Portion 236 (PL1954.33). See attached Site Plan. A portion of this LAA will be situated in an area mapped as SNV. Due to site considerations such as built structure, driveways and access paths, slope, true flood constraints and the need for LAAs for the remaining 5 wastewater systems there is no feasible alternative area for the LAA for System 1. Please note: only the irrigation pipe work is proposed to be laid in the area of SNV.

A small portion of the proposed area for the LAA (approximately 60m²) is in an area mapped as flood constrained. This area has been ground truthed by Kate Dignam as not to be impacted by flooding and historically the area has not been affected by flood flow paths or locally ponded stormwater. The area was not included in the flood mapping until November 2016.

System 4

This system will treat the wastewater generated from 10 x tourist units situated to the west of Portion 236 (PL1954.33).

It is proposed to install a FujiClean CE4200EX. The CE4200EX is an aerated wastewater treatment system which is capable of treating up to 4200lt of wastewater per day and producing effluent quality & effluent compliance values as outlined in the OWMS.

The LHIB have previously been supplied the FujiClean CE4200EX system information. This is the same system that will service the LHIB Depot, Government House, LHI Central School, LHI Bowling Club and the LHI Children's Early Learning Centre.

Two septic tanks are currently used to treat the wastewater for the nominated above locations. It is proposed that the septic tanks remain in situ with effluent from the septic tanks to flow to the CE4200EX for treatment.

The daily hydraulic load for System 4, as calculated by the LHIB, is 1800lt. The following table outlines the expected daily wastewater generation for treatment by System 4:

| Location | WIW Generated | No. | Lt/per person/per day | Total Lt/per day |
|--|----------------------------------|-----|-----------------------|------------------|
| Units | 10 x tourist units - no kitchens | 20 | 90 | 1800 |
| Total wastewater generated by system 4 | | | | 1800 |

* No laundry wastewater generated at these locations. All laundry wastewater to be treated by System 2.

The total wastewater generated for System 4 will be 1800lt. The LAA required for the treated effluent, based on a soil type of sand, is 725m² See attached Water and Nutrient Balances.

It is proposed to install the LAA in the road reserve to north western area of Portion 236 (PL1954.33). See attached Site Plan. While this area is road reserve the majority of this LAA will be situated in an area mapped as SNV. Due to site considerations such as built structures, driveways and access paths, slope, true flood constraints and the need for LAAs for the remaining 5 wastewater systems, there is no feasible alternative area for the LAA for System 4. Please note: only the irrigation pipe work is proposed to be laid in the area of SNV.

A very small portion of the proposed area for the LAA (approximately 0.5m²) is in an area mapped as flood constrained. This area has been ground truthed by Kate Dignam as not to be impacted by flooding and historically the area has not been affected by flood flow paths or locally ponded stormwater. The area was not included in the flood mapping until November 2016.

It is proposed to upgrade this system in the winter of 2020 at which time a Development application will be submitted for the installation of wastewater treatment System 4 and associated effluent LAA.

The Pinetrees wastewater treatment system installations/upgrades, as outlined in the above information, will satisfy the requirements of the LHI Onsite Wastewater Management Strategy.

Notes on Installation:

Construction

- No excavation to be carried out until the site is inspected by the LHIB Senior Electrical Officer.
- All irrigation pipe work and fittings must comply with AS 2698 Plastic pipes and fittings for irrigation and rural applications.
- All plumbing work is to be undertaken by a licensed plumber.
- Installation of electrical supply to the system is to be carried out by a licensed electrical contractor and a Certificate of Compliance is to be provided to the Board. This certification must be supplied prior to the issuing of a *Licence to Operate a Wastewater Management System*.

Waste Management

- All construction waste is to be contained within the site and then be recycled or disposed of at the authorised waste management

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| | <p>facility on the Island. This excludes asbestos waste, if any, which is the responsibility of the applicant to remove from the Island.</p> <ul style="list-style-type: none"> • 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. • Waste disposal fees will be charged in accordance with the Lord Howe Island Board's schedule of fees and charges. <p>Notices and Inspections requirements</p> <p>A Construction Certificate is not required as part of this Consent, however, the following inspections are required as Conditions of this Consent:</p> <ul style="list-style-type: none"> • Seven (7) day's notice to be given to the LHIB of intention to commence construction/installation. • With 48 hours notice given, a pre-commencement and site set out inspection must be undertaken by an LHIB Officer. • With 24 hours notice given, an inspection must be undertaken by an LHIB Officer when pipework is laid to a tank(s) and to and throughout any effluent disposal area and prior to backfilling, showing that the effluent or testing water is evenly distributed throughout the irrigation area. • With 24 hours notice given, a commissioning inspection must be undertaken by an LHIB Officer to demonstrate that the wastewater management system is operating satisfactorily. <p>Installation and System Performance Requirements</p> <ul style="list-style-type: none"> • If multiple leases are utilised for the wastewater system evidence of a Registered Right of Carriageway and Easement for services and maintenance over those parts of the leases in use for the wastewater system is required prior to issuing of a <i>Licence to Operate a Wastewater Management System</i>. • Evidence of a Contract or Service Agreement between the applicant and a Lord Howe Island Board accredited Service Agent is required prior to issuing of a <i>Licence to Operate a Wastewater Management System</i>. <ul style="list-style-type: none"> ○ As there are two different system types proposed the Board will require two Contracts (or Service Agreements) to be provided unless one Service Agent has been authorised to maintain the two different systems. ○ Service Reports and test results are to be supplied to the Board on a quarterly basis as per the LHI On-site Wastewater Management Strategy. 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 regulations. • Evidence of compliance with any/all conditions imposed by the Board throughout the wastewater installation process is required prior to issuing of a <i>Licence to Operate a Wastewater Management System</i>. | <p>This report does not recommend the creation of easements for services and ROC over the Unidentified Crown Reserve. This is on the basis that it is not possible (or required), for the LHIB to burden itself with an easement over Crown Land and road reserves.</p> |
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7 Planning Assessment

A Town 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. The key considerations are addressed below.

7.1 Commonwealth legislation

7.1.1 *Environmental Protection and Biodiversity Conservation Act 1999*

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

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

Under the EPBC Act, Commonwealth approval is required from the Minister 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.

As discussed, the LHIB Manager Environment / World Heritage undertook an Ecological and Threatened Species Assessment of the proposal and concluded that the project will not result in a significant impact, as defined by the test of significance, on the threatened species or listed ecological communities of LHI providing the recommendations listed earlier in section 6 are implemented (as recommended in this report).

Importantly as also mentioned in Section 6, the LHIB Manager Environment / World Heritage has identified that it is unlikely that such disruption will be significant at the population level. Therefore, as the project does not put any species at risk of extinction, the LHIB believes that the production of a Species Impact Statement is not warranted. It is considered the development will improve the overall environmental outcomes arising from the treatment of wastewater for the various facilities incorporated within Pinetrees Lodge.

7.2.2 NSW Heritage Act 1977

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

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

On 9 January 2015, the NSW Minister for Heritage published an order under section 57(2) of the Heritage Act, providing for an exemption to refer specific activities to the Heritage Division, instead requiring referral of only those applications requiring consent under clause 39 of the LHI LEP 2010.

The site does not require consent under Clause 39 as it is not a listed heritage item within the LEP 2010. Referral of this application to the NSW Heritage Division is therefore not required.

7.3 Local Statutory Plans and Policies

7.3.1 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 LEP provisions relevant together with assessment and/or comment as required.

The subject site for the wastewater management systems, associated infrastructure and effluent disposal land application areas are located within Zone 2 Settlement, and within the unzoned Crown road reserve of Lagoon Rd. Wastewater Management Systems are permissible in each of these zones with consent under the LEP. The land irrigation area (for system 4) within the Lagoon Rd road reserve is also within the building foreshore area which is generally prohibited, but may be permitted with the consent of the LHIB after assessment of the identified matters of consideration, which are further discussed later in this report.

LEP 2010 compliance summary table

| LEP 2010 Clause | Complies Y/N | Comment |
|---|--------------|--|
| Part 1 Preliminary | | |
| 2 | Y | <p>Each of the aims of the LEP 2010 have been considered in the assessment of this application. The proposed installation of 2 wastewater treatment systems and irrigation areas has been managed to minimise impacts on the environment and/or not create a disturbance to protected flora and fauna native to the Island.</p> <p>The proposal has satisfactorily considered possible adverse environmental, economic and social impacts in determining the wastewater treatment system's location including the required irrigation area and routing of the subsurface pipes.</p> <p>The proposal facilitates the well-being, welfare and economic needs of the proponent to ensure his continued ability to manage wastewater disposal resulting from this tourist development.</p> <p>The proposal meets the aims of LEP 2010.</p> |
| 3 | 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 | Y | The Lord Howe Island Board (LHIB) is the relevant consent authority. |
| 9 | N/A | Wastewater management systems are works listed as Exempt Development within Schedule 1 of the LEP however the subject proposal will not meet the conditions for such facilities to be Exempt - namely it can only be within zone 2 Settlement, must be used for domestic purposes, and it can't include any SNV area. Therefore, as the project is outside these parameters the subject DA is required. |
| 11 | Y | Refer to the following assessment table under clause 11 of the LEP. |
| Part 2 General Provisions applying in particular zones | | |
| 12 | Y | The subject land is zoned Zone 2 Settlement, and an area of unzoned land within the (Lagoon Rd) Crown Road Reserve. |
| 14 | Y | The proposal complies with the LEP zone objectives and is permissible with the consent of the LHIB. The site already has various developments including staff and tourist accommodation, spa facilities, administrative buildings and recreational structures. |

| | | | |
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| | | | <p>Cl. 14(b)(ii), of the LEP states that development is only permitted where there is adequate area available for the treatment or disposal of any effluent arising from the proposed development by an appropriate effluent treatment or disposal system.</p> <p>Additionally, cl. 14 (b)(iii) states the land must be capable of supporting the proposed development and is suitable in terms of the land's physical constraints (such as vulnerability to erosion, slip or flooding).</p> <p>The LHIB and the applicants have identified that Pinetrees Lodge does not have adequate facilities and area available to meet modern expectations for disposal of wastewater.</p> <p>In this circumstance, the proposal includes disposal of effluent via appropriate means located on the subject site Lot 236 DP 48213, which will be connected via subsurface pipework to various irrigation areas. The proposal also includes a land application area on land within the Lagoon Rd Unidentified Crown Reserve.</p> <p>Refer also to the discussion of clause 36 of the LHI LEP 2010 for an assessment of the proposal's permissibility within the unzoned Lagoon Rd Crown Reserve.</p> <p>The LHIB has recommended conditions of consent to ensure that the project is undertaken in an ecologically sustainable way to protect SNV and the endangered LHI <i>Placostylus</i> located on the site, by ensuring the wastewater disposal is undertaken appropriately and will also meet the demands of the existing development.</p> <p>The proposal therefore satisfactorily meets the above provisions of the LEP.</p> |
| Part 3 Special Provisions | | | |
| Division 1 Provisions for particular kinds of development | | | |
| Division 2 Provisions that apply to particular land | | | |
| 33 | Landscaping to be carried out in Zone 2 | Y | Consistent with this clause, the installation of the various wastewater treatment system is not considered as significantly adversely impacting the existing landscaped character and dispersed pattern of housing in Zone 2 Settlement. No additional landscaping is proposed or required as part of this development. |
| 34 | Land Adjoining Zone 7 or 8 | Y | The subject wastewater systems 3 and 4 are to be located to the north and north west of the subject site and are not in proximity of the adjoining Zone 7 Environment Protection land to the south. The proposed development will not adversely impact on the ability to restore native vegetation on LHI. |
| 35 | Foreshore Development | Y | The proposed subsurface irrigation area and pipework for proposed system 4 will be located within the Foreshore Building Line as shown in figure 4 (earlier in this report). These components are permissible |

| | | | |
|----|--------------------------------------|-----|--|
| | | | <p>within the FBL under cl.35, LHI LEP 2010 on the following basis:</p> <p>(a) <i>the proposed development as outlined in this assessment is in the public interest and does not significantly reduce public access to the foreshore, and</i></p> <p>(b) <i>being a subsurface wastewater proposal, the bulk and scale of the proposed development will not detract from the visual amenity of the foreshore area, and</i></p> <p>(d) <i>there is a demonstrated Island community-based, or marine-based, business need for it, and</i></p> <p>(e) <i>the proposed development will not be adversely affected by, or adversely affect, coastal processes, and</i></p> <p>(f) <i>as demonstrated in this assessment in the case of proposed development involving the erection of a structure—the purpose of that structure could not practicably be fulfilled by an existing structure.</i></p> <p>The proposal is therefore consistent with the protection of the foreshore objectives.</p> |
| 36 | Unzoned Land | Y | <p>Further to the discussion of the proposed irrigation area for system 4 under clause 35 (above), this is located in an unzoned area under the LEP and therefore is subject to the landuse controls of clause 36.</p> <p>In accordance with cl. 36(1) Development for the purposes of wastewater management systems can be carried out in the adjoining land zone (zone 2 Settlement) and thus may also be carried out with the consent of the LHIB within the subject unzoned land.</p> <p>As required by cl. 36(3) (and as demonstrated in this overall assessment of the application), the development will not significantly impact on the amenity of the locality and the future pattern of development of land in any adjoining zone. Each proposal submitted to the LHIB is assessed on its merits. In this circumstance the development has considered alternative areas for provision of waste management systems, however requires the upgrading of facilities and provision of some of those services/land application areas on the unzoned land within the Unidentified Crown Road Reserve.</p> |
| 39 | Development Affecting Heritage Items | N/A | <p>The subject work will not be undertaken on any listed heritage items or located adjoining any item.</p> |

7.3.2 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 | COMPLIES 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 development will be within Zone 2 Settlement, and in unzoned land within the Unidentified Crown Reserve west of Lagoon Road/ east of Pinetrees Lodge under the LHI LEP 2010. As assessed earlier in section 7.3.1, the proposal is consistent with the aims of the LHI LEP and objectives of these zones. |
| 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> | Y | <p>As outlined elsewhere in this assessment report, the proposal is for installation of on-site wastewater treatment systems and effluent land application areas (Systems 3 & 4).</p> <p>Historically, the site was serviced by several different waste management systems including septic and biolytic system located throughout the allotment.</p> <p>More appropriately sited land application areas are required to manage the effluent irrigation resulting from development. The proponents in consultation with the LHIB have made a full reassessment of the Pinetrees Lodge wastewater management systems, and lodged this OC/DA in response to ensure better future management for the development, and protection of the SNV, habitats and fauna located on the site.</p> <p>The proposal has considered possible adverse environmental, economic and social impacts in determining the waste treatment system's location including the required irrigation area and possible routing of the subsurface pipe.</p> <p>The development will improve the overall environmental outcomes arising from the treatment of wastewater for Pinetrees Lodge and will constitute the final stage of this upgrade process for the site.</p> <p>The LHIB has advised the proposed systems will be installed within the allowed parameters of the LHI On-site Wastewater Management Strategy and appropriate conditions have been included in the recommendation of this report.</p> |
| c) <i>No part of the proposed development:</i> | Y | As stated earlier in this report parts of the subject Pinetrees site and adjoining |

| CLAUSE 11 REQUIREMENT | COMPLIES Y/N | DISCUSSION |
|---|-----------------|---|
| <p>i. will result in any damage to, or removal of, significant native vegetation, or</p> <p>ii. will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</p> | | <p>land are mapped Significant Native Vegetation (SNV).</p> <p>The proposed irrigation area for System 3 will be located in a mapped SNV area within the Lagoon Rd road reserve. The applicant has submitted that due to site considerations such as built structure, driveways and access paths, slope, flood constraints and the need for LAAs for the other wastewater systems, there are no feasible alternative areas to those identified as part of this development proposal.</p> <p>As reported elsewhere in this assessment, the LHIB have provided technical and environmental assessments supporting the proposed installations subject to the application of a number of requirements included in the recommendation of this report.</p> <p>The installation of this pipework on the surface within the SNV will not remove or damage any SNV as it only involves placement of the piping on the surface. Effluent will be pre-treated to ensure nutrient levels will not damage SNV.</p> |
| <p>d) Access is, or will be, available to the site of the proposed development and the provision of any such access will not:</p> <p>i. result in any damage to, or the removal of, significant native vegetation, or</p> <p>ii. have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</p> | N/A | No change to the current vehicular access to the site is proposed or required in the subject application. |
| <p>e) 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,</p> | N/A | Refer to the discussion of clause 33 of the LHI LEP 2010. No additional landscaping is proposed or required. |
| <p>f) The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</p> | Y | |
| <p>g) Adequate services in respect of the proposed development can be provided without significant additional cost to the Board or the community of the Island,</p> | Y | No additional public infrastructure services are anticipated to be required. |
| <p>h) 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,</p> | Y | As wastewater treatment management systems, the development will not result in any external change or detrimental visual impact within the locality. |
| <p>i) The proposed development will not cause any significant overshadowing of adjoining land,</p> | Y | As wastewater treatment management systems, the development will not create any overshadowing. |

| CLAUSE 11 REQUIREMENT | COMPLIES Y/N | DISCUSSION |
|---|--------------|--|
| j) <i>The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i> | Y | As wastewater treatment management system, there will be no reduction in the privacy of neighbouring properties. |

7.3.3 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 installation of wastewater treatment systems for the Pinetrees Lodge is considered a needed utility to maintain the existing uses on the land. The proposal has considered design solutions to protect the environment and planned protection from flooding hazards. The proposal 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 is consistent with the DCP's design objectives, particularly designing the system considering the physical limitations of the site, and minimising any potential adverse impacts. |
| 2.3 | Design Context | Y | The development responds sensitively to its setting, ensuring functionality and sustainability are achieved long-term. The proposal as assessed is consistent with the character and nature of the site and locality. |
| 2.4 | Bulk and Scale | Y | See above comment |
| 2.5 | Building Forms | Y | See above comment |
| 2.6 | Building Materials & Colours | Y | See above comment |
| 2.7 | Energy and water efficiency | Y | See above comment |
| 2.8 | Landscaping design | Y | See above comment |
| 2.9 | Site access and parking | Y | No change to existing arrangements proposed. |

8 Environmental Effects

8.1 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 7.3.1) 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: N/A
 - iii. Any development control plan
Comment: An assessment of the proposal against the LHI DCP 2005 has been undertaken in Section 7.3.3 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

As assessed in this report, the proposed installation of on-site wastewater treatment systems and effluent land application areas (Systems 3 & 4) at Pinetrees Lodge can be managed to reduce any potential adverse environmental impacts on the natural and built environment and will not significantly impact social and economic interests within the locality.

- c) the suitability of the site for the development

Having regard to the location and the preceding assessment, the proposal is considered to be satisfactory.

- 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 DA for the proposal.

- e) the public interest

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

9 Conclusion

This DA have been assessed with regards to the provisions of Section 4.15 of the EP&A Act, the LHI LEP 2010, the LHI DCP 2005, and the relevant codes and policies of the Lord Howe Island Board. The application has been found to be reasonable being likely to have an acceptable environmental impact which can be mitigated by appropriate conditions of consent. Accordingly, the following recommendation for approval is made.

10 Recommendation (Conditional Approval)

Development Consent Recommendation (Conditional Approval)

That application DA 2020-09 for Installation of on-site wastewater treatment systems and effluent land application areas (Systems 3 & 4) at Pinetrees Lodge, Lot 236 DP 48213, No. 236 Lagoon Road, and the Unidentified Crown Reserve No.12, Lagoon Road, Lord Howe Island, be approved subject to the following conditions and advisory notes:

1. Approved Plans and Supporting Documentation

The development is to be carried out in accordance with the plans and documentation provided with DA 2020-09 as listed below and endorsed by the Lord Howe Island Board's stamp, except where amended by other conditions of consent.

- a) Completed DA application form prepared by Danielle Rourke lodged 24 June 2020.
- b) Completed DA Statement of Environmental Effects prepared by Danielle Rourke, dated received 24 June 2020.
- c) The following plans – Supporting Information regarding Systems Upgrade Overview (Attachment 1), Supporting Information Options Analysis (Attachment 2), Nutrient Balance Assessment and Hydraulic Load Calculations for Sites and Systems and Land Application Areas (Attachment 3 and 4) Site Wastewater Layout Plan (Attachment 5), and Wastewater Calculation Summary (Attachment 6) prepared by Danielle Rourke and the Lord Howe Island Board.

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

2. Waste Management

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

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

3. Soil type

The soil type classification for the land application area has been based on an assumption of sand. This is to be confirmed with a soil sample provided to the Board. A soil sample is to be taken from each site an irrigation field is proposed.

4. Irrigation Field

The Land Application Area for proposed wastewater treatment system 3 shall be 346m², based on a soil type of sand.

The Land Application Area for proposed wastewater treatment system 4 shall be 725m², based on a soil type of sand.

The sizing of the irrigation fields may alter if the soil sample reveals a different soil type to the assumed sand although as I am familiar with the site a different soil type is not expected to be revealed from the sample.

5. Construction

- a) No excavation to be carried out until the site is inspected by the LHIB Senior Electrical Officer.
- b) All irrigation pipe work and fittings must comply with AS 2698 Plastic pipes and fittings for irrigation and rural applications.
- c) All plumbing work is to be undertaken by a licensed plumber.
- d) Installation of electrical supply to the system is to be carried out by a licensed electrical contractor and a Certificate of Compliance for the works is to be supplied to the Board. This certification must be supplied prior to issuing of a *Licence to Operate a Wastewater Management System*.

Reason: To ensure construction is undertaken in an appropriate, safe and satisfactory manner and will be compliant with policy and legislation.

6. Notices and Inspection requirements

As a Construction Certificate is not required as part of this Consent, the following are required as Conditions of this Consent:

- a) Seven (7) days notice to be given to the LHIB of intention to commence construction/installation.
- b) With 48 hours notice given, a pre-commencement and site set out inspection must be undertaken by an LHIB Officer.
- c) With 24 hours notice given, an inspection must be undertaken by an LHIB Officer when pipework is laid to a tank(s) and to and throughout any effluent disposal area and prior to backfilling, showing that the effluent or testing water is evenly distributed throughout the irrigation area.
- d) With 24 hours notice given, a commissioning inspection must be undertaken by an LHIB Officer to demonstrate that the sewage management system is operating satisfactorily.

7. Installation and System Performance Requirements

- a) Evidence of a Contract or Service Agreement between the applicant and a Lord Howe Island Board accredited Service Agent is required prior to issuing of a Licence to Operate a Wastewater Management System.
 - o As there are two different system types proposed, the Board will require two Contracts (or service Agreements) to be provided unless one Service Agent has been authorised to maintain the two different systems.

- Service Reports and test results 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.
- b) Evidence of compliance with any/all conditions imposed by the Board throughout the wastewater installation process is required prior to issuing of a *Licence to Operate a Wastewater Management System*.

Reason: To ensure compliance with system performance requirements and requirements as per the LHI On-site Wastewater Management Strategy.

8. Biodiversity

- a) If any live LHI Gecko, LHI Skink or LHI Placostylus are found during works, they must be moved away from the work/development site into adjacent bushland with similar habitat structures (e.g. fallen timber within dense native vegetation or sheltering habitat) 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.
- c) During installation of this pipeline through the SNV area and the surface irrigation system, no native vegetation is to be removed, and any leaf litter disturbance is to be minimised to prevent exposure of surface soils.
- d) The applicant is to remove Norfolk Island Pine seedlings from the work area and others with known LHI Placostylus habitat.

9. Significant Native Vegetation

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

ADVICE TO APPLICANT:

a) 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.*

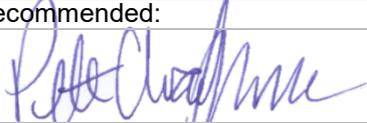
This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

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.

| Recommended: | Endorsed |
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|  |  |
| Peter Chapman Date: August 2020 LHI Consultant Town Planner & Director All About Planning Pty Ltd | Justin Sauvage Date: September 2020 Acting Chief Executive Officer Lord Howe Island Board |