

# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### ITEM

Annual Planning System Review

#### RECOMMENDATION

That the Lord Howe Island Board resolve to:

1. Note the information regarding applications assessment for the period 25 September 2017 to 03 November 2018 in the Annual Planning System Review.

#### INTRODUCTION

This Annual Planning System Review examines the application registers on Lord Howe Island from 25 September 2017 to 3 November 2018 including information on Owners Consent (OC) Development Applications (DA) and Modified Development Applications (MDC).

This report is based on data obtained from the Planning Assessment and Advice Register maintained by All About Planning and supplemented as required from the Lord Howe Island Board records. The report advises total current application numbers, determinations, value of development, and current application processing times.

#### RELEVANT BACKGROUND

As part of the Consultant Town Planner's (CTP) contract with the Lord Howe Island Board (LHIB), a review of the planning and assessment systems and processes is to be reported to the LHIB each year. This report is for the period 25 September 2017 to 03 November 2018.

The purpose of the audit is to ensure that LHIB and AAP's systems are up to date and compliant with legislative and procedural requirements and reflect best practice.

#### CURRENT APPLICATION PROCESSING

##### **Development Application Register**

The Consultant Planners are required to maintain an Applications Register. A copy of this register is attached for review by Board members. Key aspects of this register are detailed and considered below.

## 1. NUMBER of NEW APPLICATIONS and VALUE OF DEVELOPMENT:

	DA	MDC	OC
<b>Number of new applications received 25 September 2017 to 03 November 2018</b>	17	5	13
<b>Value of Development</b>	<b>\$2,150,000</b>	-	<b>\$2,032,000</b>

Several high value development applications and several LHIB community related developments have been processed in the reporting period. Those DA's and OC's being:

- Septic Sludge Dewatering System (DA2018-09) – determined
- Demolition & Replacement of Airport Fuel Storage Shed (DA 2019-01) – determined
- LHI Community Preschool (OC 2019-03) – still under assessment
- Alteration & Additions:
  - Earls Anchorage (Tourist and Staff Accommodation) (OC 2018.07, DA 2018-10) - determined
  - LHI Golf Club – Club House (MDC 2018-03) - determined
  - Pandanus Lodge (MDC 2019-02) – under final assessment

Also, of note in this reporting period are a number of OC and DA applications for alterations and extensions to existing residential dwellings, and a number of applications for staff accommodation.

Refer also the Application Register at Appendix 1 for a more detailed breakdown of key application assessments.

## 2. APPLICATION PROCESSING TIMES:

### Development Applications

#### ***DA Processing Time from Lodgement to Issue of Notice of Determination: Average of 54 days***

This average does not include any 'stop the clock' time for responses to requests for additional information and is only for the 9 DAs determined under delegation in the reporting period.

Otherwise on the register, 4 DAs are still currently under assessment or yet to be determined (– one of those DA2018.07: Recladding of Boat Shed for Payten, did not end up requiring a DA, being classified as exempt development).

Another 4 DA's were referred to regular and out of session LHIB meetings in the reporting period and therefore experienced additional associated delays.

*DA Additional Information Requests:*

Of the 17 DA's lodged within the reporting period, additional information was requested on 14 of these.

Some of the semi-regular issues which have delayed the processing and assessment of the applications include:

- Lodgement of applications without applicable LHIB fees or full leaseholder consent
- Missing or unclear plans or calculations

### **Modification Development Consents**

***Five (5) new MDC Applications were received by the LHIB in this reporting period.***

Of these 5 MDC's, two are still under assessment and one has not been progressed by the applicant.

Additional information was requested on 2 of the 5 MDCs received in this reporting report.

### **Owners Consents**

***OC Processing Time from Lodgement to Issue of Notice of Determination:  
Average of 65 days***

This average does not include any 'stop the clock' time for responses to requests for additional information and is for 5 OCs determined within the reporting period.

Otherwise on the register, 5 OCs are still under assessment or are yet to be determined (– one of those being OC2018.05: Reduction in commercial designated area to residential use for Owens has not been pursued by the applicant).

Another OC was referred to a LHIB meeting and therefore experienced additional associated delays.

The final signing off and determination of 2 other remaining OCs, were uncharacteristically delayed due to the change over and establishment (within the reporting period) of new LHIB staff in the positions of Chief Executive Officer and Manager Environment & Community Services, both highly relevant to the Board's development assessment functions.

Additional information was formally requested on 10 of the 13 OCs determined in the reporting period.

### **3. APPLICATION DISTRIBUTION BY LAND USE ZONE:**

The majority of the 17 DA's and 13 OC's lodged in the reporting period were proposed in the Settlement zone.

Notable exceptions included:

- Alterations & Additions to Payten Boatshed B (DA2018-07) located within the Lagoon Foreshore's Environment Protection Zone
- LHIB Septic Sludge Dewatering System (DA2018-09), and LHIB Demolition & replacement Fuel Storage Shed (DA2018-02), the proposed alterations/additions and change of use to the Old Post Office premises at the Powerhouse site (OC 2019-02 & DA 2019-05), and the LHI Community Preschool (OC 2019-03) all located within the Special Uses Zone
- Alterations & Additions to the LHI Golf Club - Clubhouse (MDC 2018-03) was within the Recreation Zone

#### **4. PRE-LODGEMENT AND PLANNING ENQUIRIES:**

The Board's Consultant Town Planners deal with a number of pre-lodgement and post-lodgement planning enquiries in addition to providing advice to various LHIB staff in respect of town planning matters as they arise.

Pre-lodgement enquiries received included the following matters:

- LHIB/ private fuel supply
- Co-op change of use
- General subdivision enquiries
- Conversion of tourist accommodation back to private residential use
- LHIB internal enquiries re: Environmental Planning Assessment Act amendments
- Community Skate Park enquiries
- Community Preschool enquiries
- Earls Anchorage additional tourist and staff accommodation
- Pandanus proposed modifications to approved development

The CTPs and the LHIB's Manager Environment and Community Services seek to have at least one teleconference a week to discuss relevant current issues along with regular phone and email communication.

High quality pre-lodgement advice continues to be provided to both the LHIB and applicants.

#### **5. QUALITY OF ASSESSMENT OUTCOMES:**

Both the LHIB and the CTPs continue to strive for excellence and quality outcomes in the assessment of all development matters for the Island. Being a World Heritage Area, it is essential that the quality of the natural and built environment is maintained.

The Board's current implementation and adoption of the Development Services Module of the Authority Document Management System will lead to efficiencies in tracking of DA/ MDC and OC applications and referrals. The CTPs have provided specific input into the setup of this Module.

Aside from the above, continual improvements in both DA and OC applications analysis and reporting are achieving good on the ground outcomes for LHI.

The LHIB assessment team continues to work well together. Communication between the consultant town planners and Board staff is excellent and applications are assessed and processed in an appropriate manner.

**CONCLUSION:**

The average DA processing timeframes for this Planning System Review was 54 days which is within a reasonable limit.

The average processing time for OC's was 65 days.

The Board continues to improve its practices and procedures which are having (and will have) tangible benefits to the future processing and administration of applications.

**RECOMMENDATION**

That the Lord Howe Island Board resolve to:

1. Note the information regarding applications assessment for the period 25 September 2017 to 03 November 2018 in the Annual Planning System Review.

Prepared by Peter & Michelle Chapman Consultant Town Planners

Endorsed Peter Adams LHIB CEO

**Prepared:** Peter and Michelle Chapman Consultant Town Planners

**Endorsed:** Peter Adams Chief Executive Officer

**Attachments:**

Attachment A: Applications Register – 25 September 2018 to 3 November 2018

## LHIB APPLICATIONS REGISTER 25 September 2017 to 3 November 2018

DEVELOPMENT APPLICATIONS												
Application No. & details	Application Lodgement Date with LHIB	Application email date to CTP	Value of Development \$	Land Use Zones	Date of Request for Info by CTP (stop the clock)	Date of Receipt of Requested Add Info (restart the clock)	Application Publicly Notified	Date Internal Referrals Received by CTP	CTP Report sent to LHIB	Date Notice of Determination (+ addit. days from CTP report to LHIB)	Approved/Refused/Other	Total Processing Time (excl. stop the clock period)
DA 2018.02 Alts & Adds Garage Young	03.10.17	03.10.17	\$20,000	Settlement	03.11.17 Request to LHIB	06.11.17 LHIB Response	06.10.17 – 20.10.17	17.10.17 HB 12.10.17 KD	09.11.17	26.11.17 (+17 days)	Approved	AAP – 35 LHIB - 52
DA 2018.03 Install Wastewater treatment system Skeggs	09.11.17	21.11.17	\$20,000	Settlement	14.11.17 LHIB meeting on site with Engineer & 04.12.18 Request to LHIB	08.12.17 response	Not formally notified Letter to neighbours 09.11.17 – 17.11.17	08.12.17 HB 23.11.17 KD 29.11.17 GM	08.12.17	20.12.17 (+12 days)	Approved	AAP – 25 LHIB - 49
DA 2018.04 Transfer Shearwater Cottage dwelling entitlement Owens	19.02.18	21.02.17	\$40,000	Settlement	Prior to lodgement & as needed	30.04.18 LHIB response to enquiries	21.02.18 – 07.03.18	05.03.18 HB 15.03.18 KD 12.02.18 GM	30.03.18	May LHIB Meeting 15.05.18 (+45 days)	Approved	AAP – 37 LHIB - 82
DA 2018.05 Alts & Adds Dwelling Murray	10.01.18	30.01.18	\$148,000	Settlement	13.03.18 Request to LHIB	15.03.18 Revised work estimated costs provided	31.01.18 – 14.02.18	05.03.18 HB 15.02.18 KD 05.02.18 GM	15.03.18	29.03.18 (+14 days)	Approved	AAP – 55 LHIB - 89
DA 2018.06 Alts & Adds Dwelling Davies	30.01.18	30.01.18	\$150,000	Settlement	08.02.18 Request to LHIB & Applicant for further info	05.03.18 Applicants further info submitted	31.01.18 - 14.02.18 One submission	05.03.18 HB 05.02.18 KD ?? was requested	29.04.2018	May LHIB meeting 15.05.18 (+16 days)	Approved	AAP – 63 LHIB - 79
DA 2018.07 Alts & Adds – recladding boat shed Payten	30.01.18	31.01.18	\$2,000	Environment Protection	12.03.18 Detailed discussions with LHIB exemption provisions	06.07.18 LHIB final response	31.01.18 – 14.02.18	07.03.18 HB 15.02.18 KD 05.01.18 GM	N/A	N/A	DA not finalised as works Exempt Development under EPA Act 1979	N/A
DA 2018.08 Alts & Adds Dwelling Rickard	02.02.18	07.02.18	\$40,000	Settlement			16.02.18 – 23.03.18	05.03.18 HB 24.02.18 KD 21.02.18 GM	16.03.18	29.3.18 (+13 days)	Approved	AAP – 37 LHIB - 56
DA 2018.09 Septic Sludge Dewatering System LHIB	15.02.18	15.02.18	\$500,000	Special Uses	21.03.18	28.03.18	16.02.18 – 02.03.18	05.03.18 HB? 24.02.18 KD 21.02.18 GM	26.04.18	May LHIB Meeting 15.05.18 (+19 days)	Approved	AAP – 63 LHIB - 82
DA 2018.10 Alts & Adds – 2 tourist units & 3 staff units Green	15.05.17	15.05.17	\$800,000	Settlement	Staff units relocated following site inspect Further info request to applicant 26.06.18 disabled access request applicant/LHIB	12.06.18 applicant email re disabled access 13.06.18 Wastewater info submitted 12.07.18 LHIB advice re disability access 24.08.18 KD LHIB Audit of staff accom.	16.05.18 – 30.05.18	29.06.18 HB 08.06.18 KD	16.07.18	July Out of Session Meeting 25.7.18 2 x tourist units (+9 days)  18.09.18 Staff units (deferred) (+64 days)	Approved  Approved	AAP – 45 LHIB - 54  AAP – 45 LHIB - 109
DA 2018-11 Staff Accommodation Sia & Taka	17.05.18	24.05.18	\$100,000	Settlement	05.07.18 request to LHIB	05.07.18 response LHIB	25.05.18 – 08.06.18	12.07.18 HB 14.06.18 KD	23.07.18	02.08.18 (+10 days)	Approved	AAP – 60 LHIB - 70
DA 2018-12 Change of Use – reinstate dwelling Turner	17.05.18	24.5.18	\$1,000	Settlement	24.05.17	24.05.18	25.05.18 – 08.06.18	20.06.18 KD	04.07.18	06.07.18 (+2 days)	Approved	AAP – 40 LHIB - 50
DA 2019.01 Change of Use – tourist units to staff units Turk	29.06.18	05.07.18	\$Nil	Settlement	27.07.18 request to LHIB 10.8.18 follow-up LHOB advice	25.09.18 applicant submitted new supporting letter 29.10.18 response LHIB	09.07.18 – 23.07.18	12.07.18 HB 29.08.18 KD	03.10.18	-	Undetermined	AAP - 29
DA 2019.02 Demolition/replacement fuel storage shed LHIB	29.06.18	06.07.18	\$50,000	Special Uses	13.07.18 LHIB	16.07.18 LHIB response	09.07.18 – 23.07.18	10.07.18 HB 11.07.18 KD	14.07.18	25.07.18 LHIB Out of Session Meeting (+ 11 days)	Approved but determination notice not issued	AAP – 8 LHIB - 26
DA 2019.03 Detached shed Payten	06.08.18	06.08.18	\$15,000	Settlement	08.08.18 LHIB	08.08.18 LHIB response 05.09.18 HB response	07.08.18 – 21.08.18	05.09.18 HB 29.08.18 KD	15.10.18	22.10.18 (+7 days)	Approved	AAP – 42 LHIB - 49
DA 2019.04 Alts & Adds Dwelling Lonergan	06.08.18	06.08.18	\$120,000	Settlement			07.08.18 – 21/08.18	05.09.18 HB 29.08.18 KD		-	Still under assessment	-

**LHIB APPLICATIONS REGISTER 25 September 2017 to 3 November 2018**

DEVELOPMENT APPLICATIONS												
Application No. & details	Application Lodgement Date with LHIB	Application email date to CTP	Value of Development \$	Land Use Zones	Date of Request for Info by CTP (stop the clock)	Date of Receipt of Requested Add Info (restart the clock)	Application Publicly Notified	Date Internal Referrals Received by CTP	CTP Report sent to LHIB	Date Notice of Determination (+ addit. days from CTP report to LHIB)	Approved/Refused/Other	Total Processing Time (excl. stop the clock period)
DA 2019.05 Change of Use, Alts & Adds Commercial Premises Cruickshank	07.08.18	14.8.18	\$125,000	Special Uses			14.08.18 – 28.08.18 14 submissions	29.08.18 KD		-	Still under assessment	-
DA 2019.06 Attached Garage O'Brien	22.08.18	31.08.18	\$19,000	Settlement	11.10.18 LHIB	11.10.18 LHIB response	31.08.18 – 14.09.18	11.10.18 HB 14.09.18 KD	12.10.18	18.10.18 (+ 6 days)	Approved	AAP – 39 LHIB - 45

MODIFICATION DEVELOPMENT CONSENTS												
Application No. & details	Application Lodgement Date with LHIB	Application email date to CTP	Value of Development \$	Land Use Zones	Date of Request for Info by CTP – (stop the clock)	Date of Receipt of Requested Add Info – (restart the clock)	Application Publicly Notified	Date Internal Referrals Received by CTP	CTP Report sent to LHIB	Date Notice of Determination (+ addit. days from CTP report to LHIB)	Approved/Refused/Other	Total Processing Time (excl. stop the clock period)
MDC 2018.01 Boundary adjustment Owens	26.10.17	26.10.17	\$5,000	Settlement			18.04.17 – 02.05.17	31.10.17 HB 09.11.17 KD		N/A	Not progressed by Applicant since Nov 2017	N/A
MDC 2018.02 Change of Use – staff units to Dwelling Owens		26.10.17	\$10,000	Settlement		06.12.17 addit info from applicant 14.06.18 updated plans submitted	Not notified	No referrals – no physical works	14.12.17	20.12.17 (+6 days)	Approved	AAP – 49 LHIB - 55
MDC 2018.03 Alts & Adds Golf Club – Club House LHI Golf Club	15.05.18	15.05.18	\$110,000	Recreation	23.05.17 request LHIB for historical info 14.06.18 request LHIB BCA assess	29.06.18 LHIB response 02.07.18 LHIB response	16.05.18 – 30.05.18	21.06.18 KD	03.07.18	06.07.18 (+3 days)	Approved	AAP – 49 LHIB - 52
MDC 2019.01 Alts & Adds Pandanus Lodge Maxwell	09.10.18	23.10.18	\$1,375,000	Settlement			Not notified/publicly exhibited	23.10.18 KD	01.11.18	-	Undetermined	-
MDC 2019.02 Deck & Side Boundary Setback Variation Owens	26.10.18	26.10.18		Settlement			25.10.18 – 08.11.18			-	Still under assessment	-

OWNERS CONSENT APPLICATIONS												
Application No. & details	Application Lodgement Date with LHIB	Application email date to CTP	Value of Development \$	Land Use Zones	Date of Request for Info by CTP (stop the clock)	Date of Receipt of Requested Add Info (restart the clock)	Date Internal Referrals Received by CTP	CTP Report sent to LHIB	Date Notice of Determination (+ addit. days from CTP report to LHIB)	Approved/Refused/Other	Total Processing Time (excl. stop the clock period)	
OC 2018.04 Alts & Adds Dwelling Rickard	21.09.18	03.10.17	\$40,000	Settlement	10.10.17 Request to applicant -plans	11.10.17 photos 13.10.17 plans		24.10.17	19.12.17 (+56 days) Nov 2017 LHIB Meeting	Supported	AAP – 21 LHIB - 77	
OC 2018.05 Change of Use & reduction in area – Commercial restaurant to residential Owens	16.10.17	16.10.17	\$Nil	Settlement	14.02.18				-	Undetermined OC with LHIB	-	
OC 2018.06 Detached Staff Accommodation Sia & Taka	07.12.17	12.12.17	\$100,000	Settlement	08.12.17 Request to LHIB – review flood design levels & SNV & cl.22	22.12.17 KD LHIB response 11.12.17 new plans from applicant		09.03.18	29.03.18 (+26 days)	Supported	AAP – 67 LHIB - 93	

**LHIB APPLICATIONS REGISTER 25 September 2017 to 3 November 2018**

OC 2018.07 Alts & Adds – 2 tourist units & 3 staff units Green		19.01.18	\$800,000	Settlement	13.02.17 req to applicant	21.03.17 04.04.17	14.4.18 HB	06.04.18	26.04.18 (+20 days)	Supported	AAP – 27 LHIB - 47
OC 2018.08 Detached Shed Payten	02.02.18	13.02.18	\$12,000	Settlement				12.05.17	13.07.18 (+62 days)	Supported	AAP – 88 LHIB - 150
OC 2018.09 Alts & Adds Dwelling Lonergan	17.04.18	26.04.18	\$120,000	Settlement	10.05.18 requ to LHIB			29.05.18	20.06.18 (+22 days)	Supported	AAP – 33 LHIB - 62
OC 2018.10 Attached Garage O'Brien	07.05.18	09.05.18	\$24,000	Settlement	09.05.18 requ re plans	05.07.18 submission of plans		07.08.18	25.09.18 (+29 days)	Supported	AAP – 33 LHIB - 64
OC 2018.11 Change of Use – reinstatement to dwelling Turner	08.05.18	10.05.18	\$1,000	Settlement	24.05.18 requ to amend plans	24.05.18 plans submitted	20.06.18 KD	03.07.18	06.07.18 (+3 days)	Supported	AAP – 53 LHIB - 58
OC 2018.12 Alts & Adds Dwelling Makiti	15.06.18	20.06.18	\$150,000	Settlement	27.07.18 further info requ	30.07.18 response received		07.08.18	22.10.18 (+81 days)	Supported	AAP – 45 LHIB - 126
OC 2019.01 Change of Use – Tourist unit to staff unit Turk	29.06.18	05.07.18	\$Nil	Settlement	27.7.18 info requ past approvals 28.08.18 enquiry to LHIB	25.9.18 applicant response	12.07.18 HB 29.08.18 KD	03.10.18	-	Undetermined	AAP – 30 LHIB -
OC 2019.02 Change of Use, Alts & Adds Commercial Premises Cruickshank	06.07.18	12.07.18	\$125,000	Special Uses	05.11.18		29.08.18 KD		-	Undetermined	-
OC 2019.03 LHI Community Preschool McFadyen	01.08.18	03.08.18	\$650,000	Special Uses					-	Undetermined	-
OC 2019.04 Alts & Adds Dwelling Payten	10.09.18	13.09.18	\$10,000	Settlement					-	Undetermined	-