

Board Meeting: September 2019	Agenda Number: 8 (v)	Record Number: ED19/8298
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Lord Howe Island Board

Planning Assessment Report

1 Item

Combined OC 2019-10 and DA 2019-15 for rear alterations (kitchen and bathroom facilities) Lord Howe Island Bowling Club being Lot 39 DP 757515, Lagoon Road, Lord Howe Island.

2 Summary Assessment Report

Assessment Officer	Peter Chapman – Consultant Town Planner
Address/Property Description	Lot 39 DP 757515, Lord Howe Bowling Club, Lagoon Road, Lord Howe Island
Proposal	Rear alterations (kitchen and bathroom facilities) Lord Howe Island Bowling Club.
Owners Consent No	The recommendation of this report includes a resolution that the LHIB grant owners Consent (OC 2019-10) concurrently with DA 2019-15, if the LHIB determine to approve the proposal.
DA No	DA 2019.15
Applicant	Margaret Devine
Estimated Cost of Development	\$390,000.00
Site Inspections	A site inspection was carried out in May 2019.
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). The proposed alterations and additions are located within the existing building envelope, and are not located within a SNV mapped area. No SNV will be damaged or removed as a result of the proposal.
Notification	The DA was placed on public exhibition from 06/05/19 until 20/05/19.
Submissions Received	No submissions were received.

3 Consent Authority

Owners Consent

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

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

The subject OC proposal does not relate to the subdivision of land, or the creation of new residential dwellings, and as the development has an estimated cost of \$390,000.00 it complies with the above delegations to the CEO.

Development Consent

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

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

Although no new dwellings are proposed and no submissions were received during the public exhibition period, the subject development value at \$390,000.00 is over the above conditions and cannot be determined under delegated authority. Therefore, the proposal will be reported to the LHIB for determination.

4 Site Description

The site is identified as the Lord Howe Island Bowling Club, legally described as Lot 39 DP 757515, Lagoon Road, Lord Howe Island. As shown in *Figure 1*, the allotment has an irregular shaped boundary, and includes the Lord Howe Island (LHI) Bowling Club main building, bowling greens, ancillary structures and the LHI Oval. The LHI Bowling Club is accessed from an access off the eastern side of Lagoon Road. The land is landscaped with native species including planted palms, but has manicured bowling greens and cleared sports/playing fields. The proposed alterations will be undertaken within the existing footprint at the rear of the Bowling Club building.

Lot 39 is located in Zone 6 Recreation under the LHI LEP 2010. The lot adjoins Zone 5 Special Uses to the north, and Zone 1 Rural to the east, and adjoins Zone 2 Settlement to the south of the site. Along the western side boundary runs Lagoon Road which adjoins Zone 7 Environment Protection (refer to *Figure 2*). The LHI Bowling Club is located west of the Foreshore Building Line.

There are mapped areas of significant native vegetation (SNV) with a small concentration along the mid northern boundary, and another larger area of SNV within the south-eastern corner of the site, as shown in *Figure 3*. However, no SNV is located near the Lord Howe Island Bowling Club building.

The land is identified as being flood prone. The proposed works will be wholly within the existing building envelope so no additional impact is perceived. The 1% AEP for the site is identified as 4.48m AHD. Floor levels for the renovations are identified as 4.351m AHD (kitchen) and 4.491m AHD (toilets). This is discussed further in *Section 5* of this report.



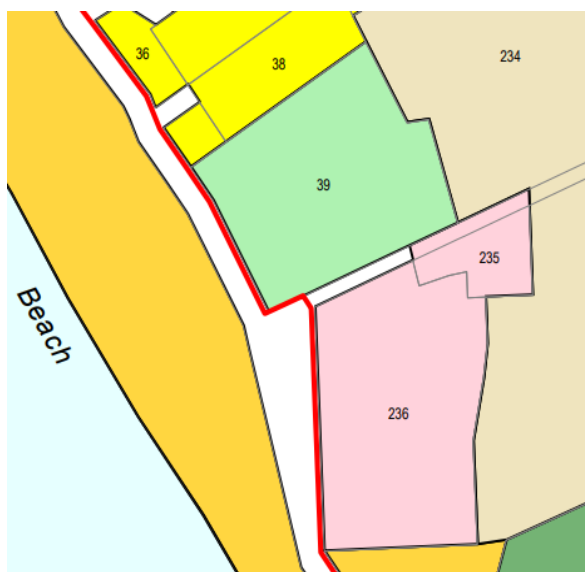


Figure 2: Extract from the LEP 2010 Zoning Map. The site is Zone 6 Recreation in green.

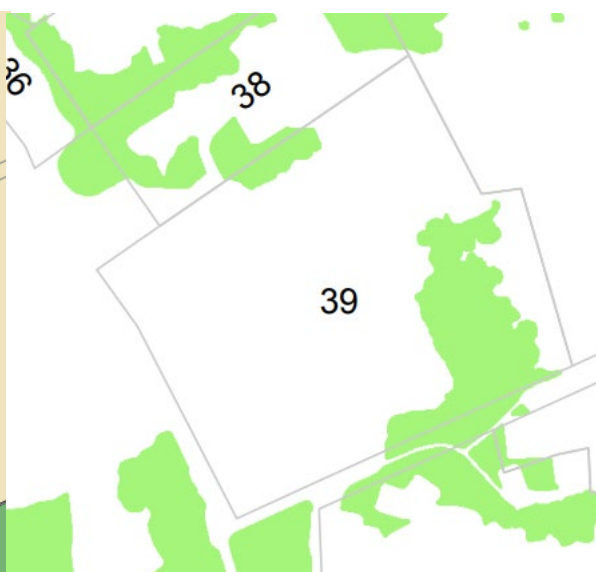


Figure 3: Extract from the LEP 2010 SNV Map. Site outlined in blue. SNV in green.

5 Proposed Development

The proposed OC 2019-10 and DA 2019-15 development are for alterations to refurbish the rear kitchen and bathroom/toilet facilities at the LHI Bowling Club. The proposed works are proposed to ensure improvement in the standard of kitchen and toilet facilities and accessibility within the premises.

The alterations will be undertaken within the existing building envelope and setbacks, with no change to the floor area or existing main roof structure. The external finish of the building will be similar in context to the existing building being weatherboard. The development will not overshadow buildings or obstruct view of adjoining properties. No additional landscape planting is proposed.

The Statement of Environmental Effects lodged with the application states that the existing LHI Bowling Club's gross floor area (GFA) is 475m², being 365m² on ground floor and 110m² within the upper floor level. The proposed area of the existing building to be rebuilt is approximately 70m². As stated earlier these works will not amend the existing GFA of the Club's building.

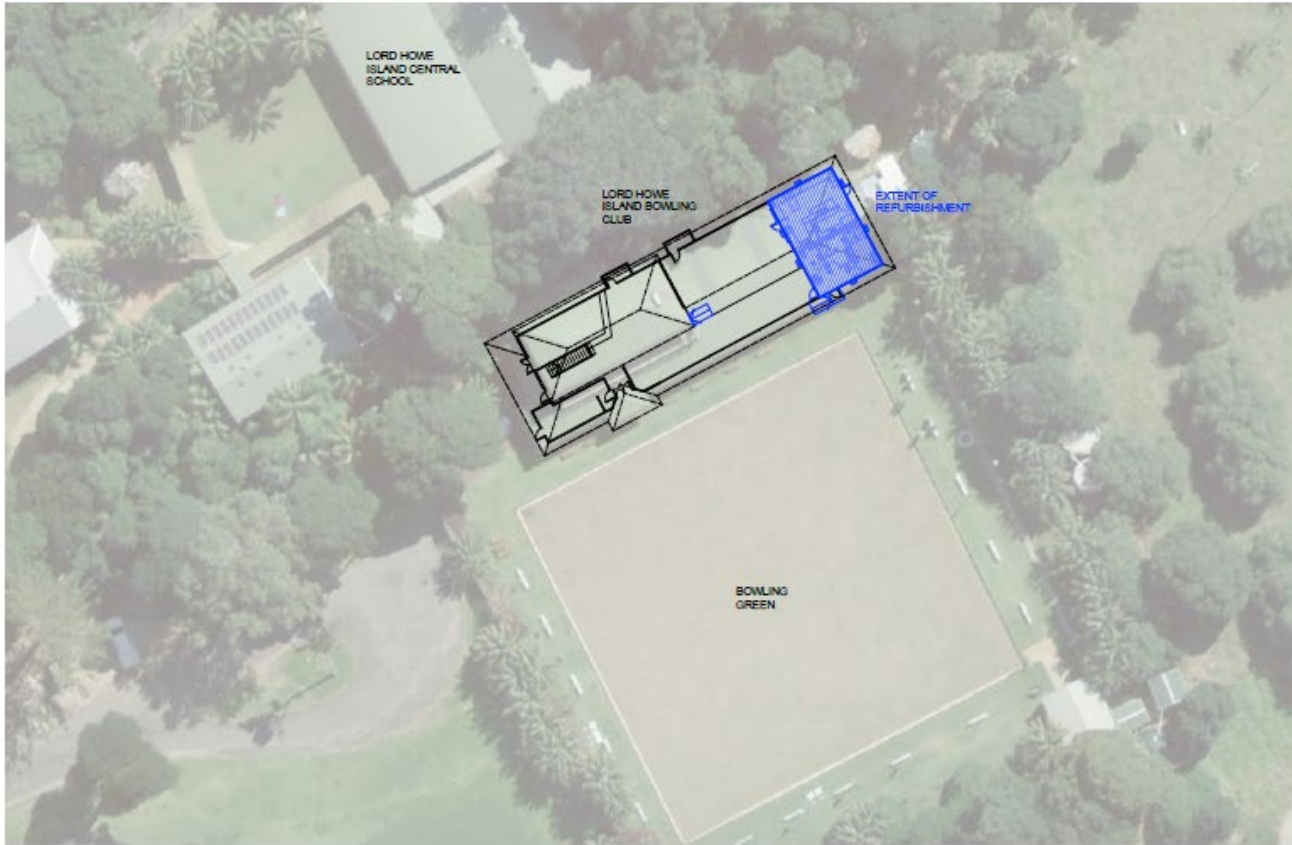
The proponent's plans show that the toilet refurbishment will include facilities with 2 female toilets, 1 male toilet and 3 urinals, and a separate accessible toilet. The kitchen rebuild will include updated appliances, counter and servery, stainless steel kitchen benches, services and equipment, freezer, refrigerator, dry storage area, handwashing and additional sinks. A new reinforced concrete access ramp to the new external door will be constructed with a powder coat finish aluminium handrail.

Although the land is flood prone, the proponent's submitted application identifies that water can be efficiently drained from the site without impacting upon any adjoining neighbours. The proponent states the existing building floor level and proposed floor levels for the rebuild are RL 4.491m and 4.351m respectively. This is below the FPL of 4.78m. The development is a Class 6 non habitable building and the location is in a low velocity flood storage area. Existing site development runoff will be captured by existing rainwater tanks.

There will be no impact on SNV. The eastern end of the existing building near area of rebuild will be utilised to store demolition materials, waste and construction materials.

The waste water treatment system is proposed to be piped to and treated by the LHI Board, LHI Central School and LHI Bowling Club cluster system, and can be constructed with sufficient capacity to adequately service LHI Bowling Club.

The applicant has submitted the following site plan, floor plans, elevations and sections, as reproduced below: (refer to *Figures 4 -7*).



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B	DA / CC Issue	100	24/04/19

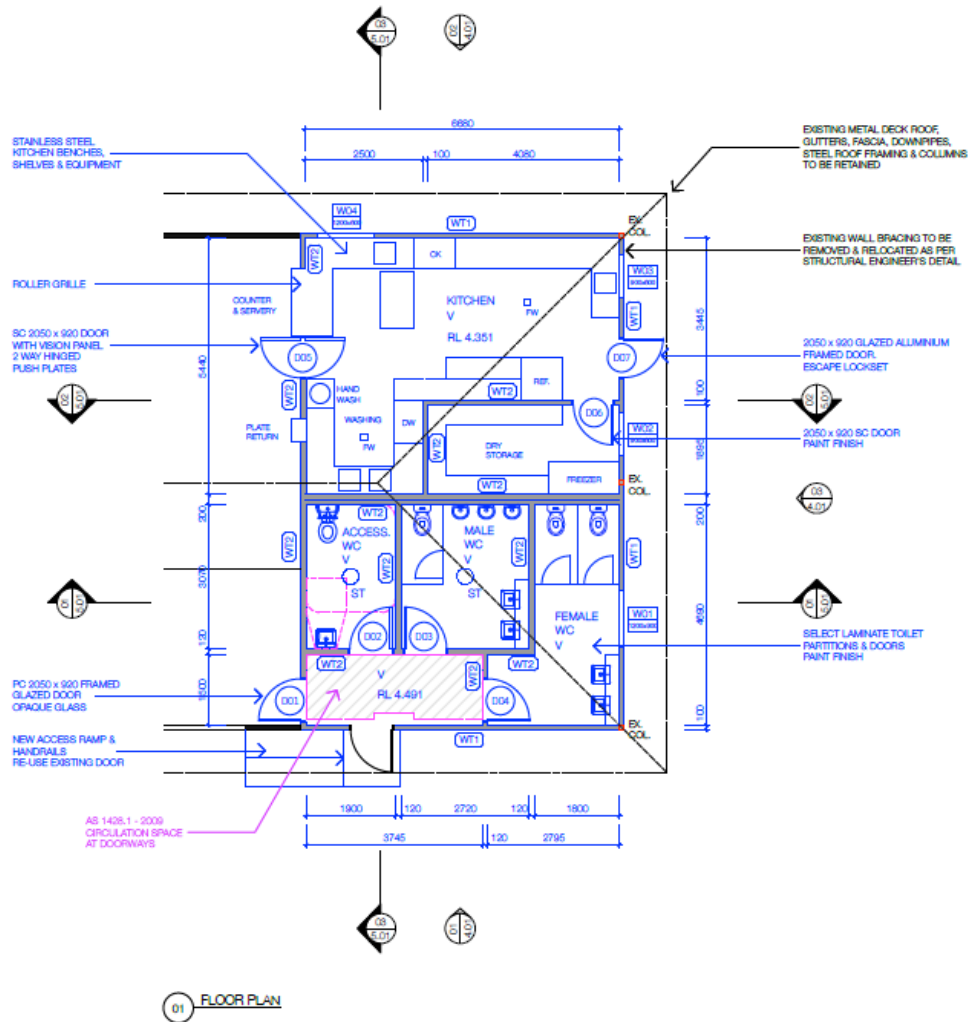


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Project	Drawn	Date	
LORD HOWE ISLAND BOWLING CLUB	BD	22/02/19	
	Checked	Scale	
	PM	1:250(A1) 1:500(A3)	
Title	Drawn No	Scale	Rev
SITE PLAN	744CC_A_	1.00	B

Figure 4: Applicant's submitted site plan

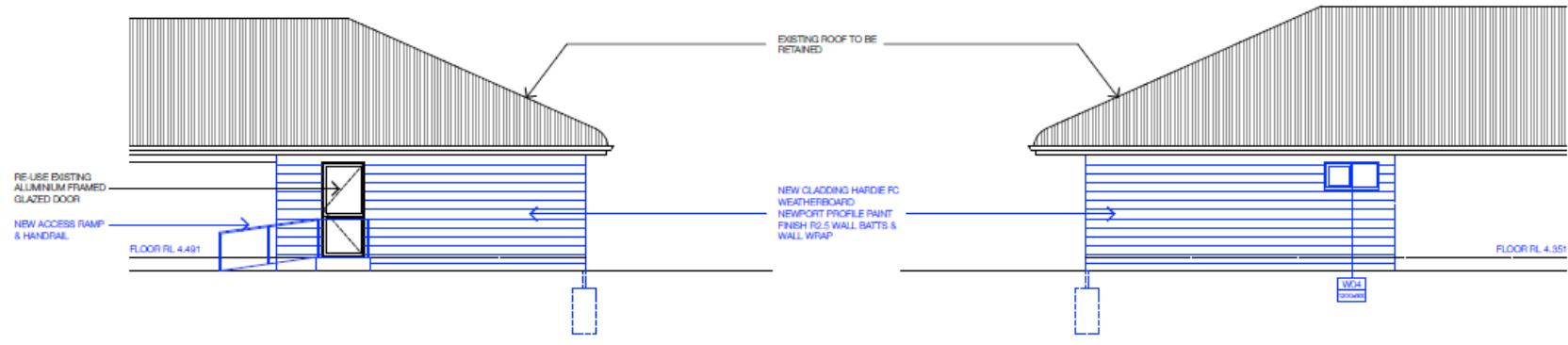


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B	Revised Advanced Copy Issue	80	03/04/19
C	PA / CC Issue	80	24/04/19



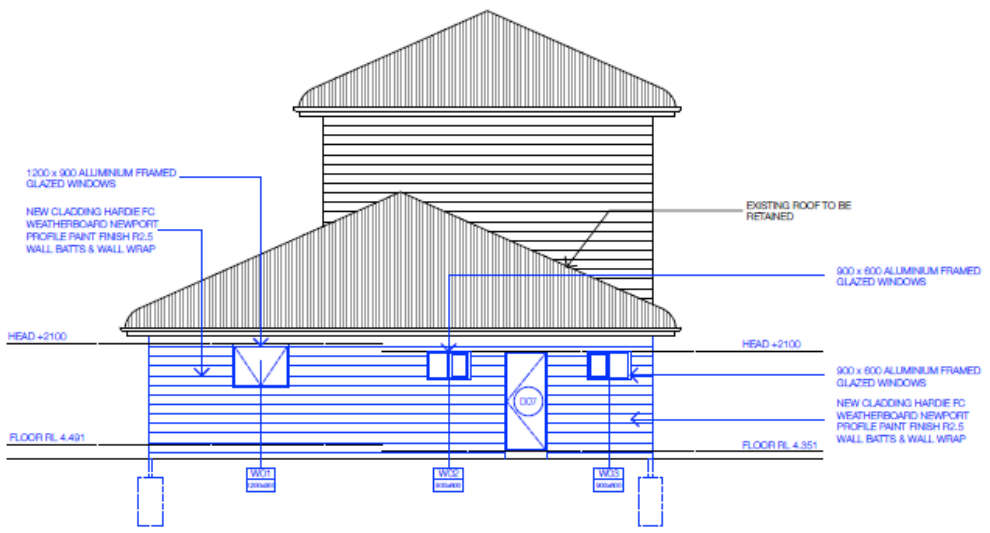
Pages	Drawn	Date
LORD HOWE ISLAND BOWLING CLUB	80	27/03/19
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	Checked	Rev Date A3/A4
FLOOR PLAN	744CC_A	1.02

Figure 5: Applicant's submitted ground floor plan



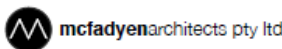
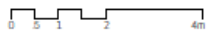
1 SOUTH ELEVATION
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2 NORTH ELEVATION
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03 EAST ELEVATION
Scale: 1:50

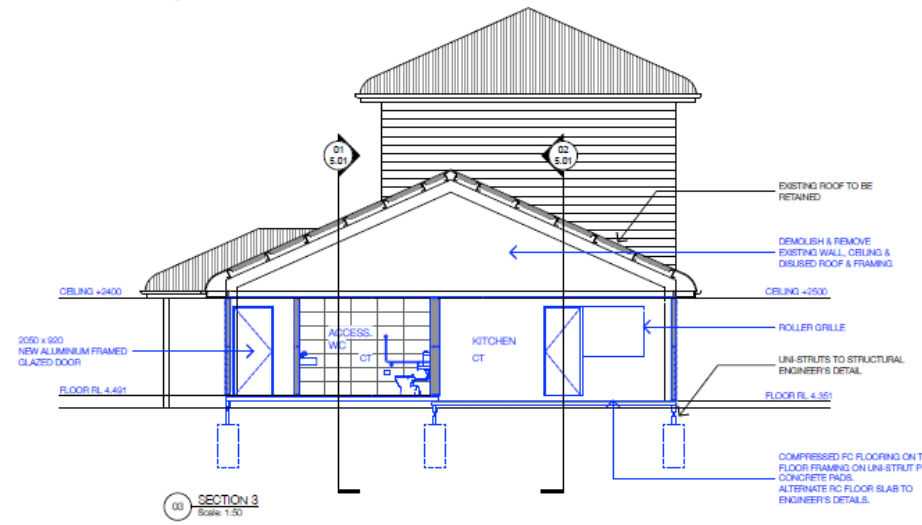
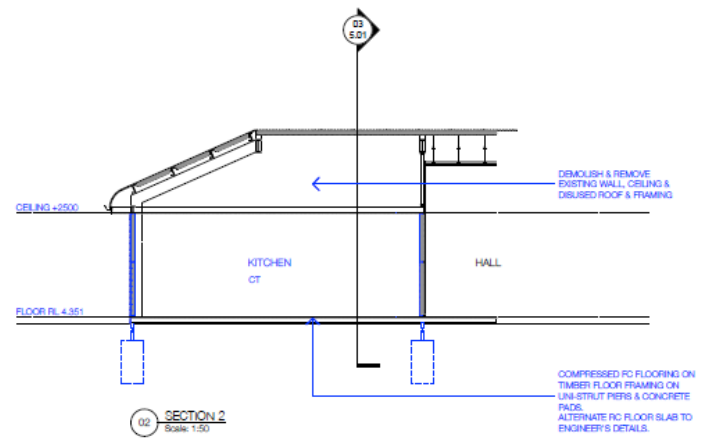
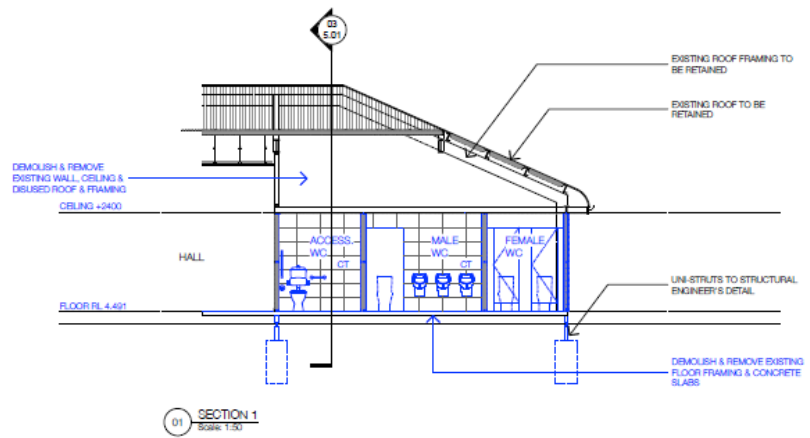
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A	DR / CC Issues	80	24/09/19



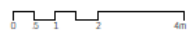
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Pages	Drawn	Date	
LORD HOWE ISLAND BOWLING CLUB	BD	22/02/19	
		Scale 1:250(A3) 1:500(B3)	
Title	Job No.	Drawing No.	Rev.
ELEVATIONS	744CC_A_	4.01	A

Figure 6: Applicant's submitted elevations



No	Description	By	Date
A	GW / CC Issue	BD	24/04/19



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 24/04/19 09:04:32 (19) 011:04710
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Project	Drawn	Date
LORD HOWE ISLAND BOWLING CLUB	BD	23/03/19
Scale	1:200(A3)	1:200(A3)
Checked	JM	23/03/19
Drawn	BD	23/03/19
Scale	1:200(A3)	1:200(A3)
Section	744CC_A	5.01
Sheet	A3/A1	A

Figure 7: Applicant's submitted sections

6 Referrals

The LHIB has advised that the application was distributed to the following relevant internal specialists for review. No objections to the proposal have been raised.

6.1 Comments received from internal specialists

Specialist	Issue	Comment
Manager Environment World Heritage (Hank Bower)	No comment as the alterations and additions are located within the existing building envelope, no vegetation removal will occur as a consequence of this proposal.	Noted
Team Leader, Compliance and Projects (Kate Dignam)	<p>Notes relating to issuing of Construction Certificate</p> <ul style="list-style-type: none"> • If the Development Application is approved the applicant is required to apply for a Construction Certificate for the proposed works. No works can commence until a valid Construction Certificate for the works has been issued. • If the applicant is proposing a Performance Solution for any requirements of the BCA/NCC, the relevant Performance Requirements must be determined in accordance with A0.7 of the BCA/NCC. A report outlining any proposed Performance Solutions must be compiled by an appropriate person and submitted with the application for a Construction Certificate. • In the application for a Construction Certificate the applicant is to provide detailed structural engineering plans for the works. Structural plans are to address all actions including construction in Wind Zone A, and are to be certified by an appropriately qualified Structural Engineer in accordance with AS1170.2. • The applicant is to ensure the Construction Certificate plans align with the approved Development Application plans. • In the application for a Construction Certificate the applicant is to provide evidence of payment of a Long Service Levy as per section 34 of the Building and Construction Industry Long Service Payments Act 1986. • 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. <p>Access for People with a Disability</p> <ul style="list-style-type: none"> • If the development is approved the applicant is to ensure compliance with the Disability (Access to Premises – Buildings) Standards 2010 (DS), the National Construction Code (NCC) and AS1428.1. <p>This access must be provided continuously from one dedicated accessible carparking space in the carpark area to the building, through the main pedestrian entry of the building, through the building to reach the new part and within and throughout the new part.</p> <p>Aspects for compliance include, but not limited to:</p> <ul style="list-style-type: none"> ▪ Accessways ▪ Doors and doorways ▪ Handrails and grabrails ▪ Manoeuvring areas ▪ Passing areas 	Noted and recommended accordingly – refer to notes below.

- Ramps
- Symbols and signs
- Toilets

Fire Safety

- If the development is approved the applicant is to ensure that fire-fighting equipment is installed as per the requirements of the NCC for a Class 6 building and the intended use.
- All required Portable Fire Extinguishers are to be located in a conspicuous and readily accessible position with their location indicated by placement of a fire extinguisher location sign as per AS2444-2001.
- The applicant is to ensure that an Annual Fire Safety Statement for the LHI Bowling Club is supplied to the Board as a record of the functionality and ongoing maintenance of any fire safety measures installed.
- The applicant is encouraged to install 38mm 'Storz' fittings to any existing or new water tanks to enhance the Rural Fire Service firefighting capabilities should there ever be a need for firefighting at the LHI Bowling Club.

Flood Management

- The LHI Bowling Club is situated in an area identified as floodplain. As outlined in the Webb McKewon & Associates LHI Floodplain Management Study 1999 (the Study) development in the floodplain should have floor levels elevated at 300mm above the 1% AEP (Annual Exceedance Probability). The 1% AEP for the site is identified as 4.48m AHD. Floor levels for the renovations are identified as 4.351m AHD (kitchen) and 4.491m AHD (toilets).

The Study states: 'Within the Pinetrees to Stevens Reserve catchment there are no high velocity areas so in that sense development could occur anywhere on the floodplain.' The report also states 'The area should be considered as flood storage which means, in general, that development can proceed as long as it is in a flood compatible manner.'

As the LHI Bowling Club is a class 6 building and non-habitable there are no additional requirements under the BCA/NCC nor does the Australian Building Code Board (ABCB) Standard for Construction of Buildings in Flood Hazard Areas apply.

With the above taken into consideration electrical componentry should only be installed above 4.78m AHD in the renovated areas of the LHI Bowling Club.

- The applicant should also be warned of the potential of flooding and recommend for them to take measures to limit their damages.

Health and Amenity

- The NCC requirement for sanitary facilities for a Class 6 building servicing the number of patrons and staff (70), as previously supplied to the Board during planning stages for wastewater requirements, is:
 - Male: 2 x closet pan, 1 x urinal and 2 x washbasin.

- Female: 3 x closet pan, 3 x washbasin and the means for disposal of sanitary towels.
- Accessible Unisex Sanitary compartment – 1 (an accessible unisex sanitary compartment must contain a closet pan, washbasin, shelf or bench top and adequate means of disposal of sanitary towels)
- *The application has satisfied the NCC requirements for sanitary facilities with the exception of the unisex sanitary compartment as there is no indication of a shelf or benchtop on the plans provided.*

Water

- 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.
- An appropriate drinking water management plan, in compliance with NSW Health requirements and the Public Health Act 2010 and Regulation 2012, is to be provided to the Board and lodged with NSW Health.
- All waterproofing of wet areas, such as bathrooms, is to be certified by an appropriate person. The certification must be provided to the Board before any Occupancy Certificate for the building can be issued.
- All plumbing work, including the connections to the potable water system, is to be undertaken by a licensed plumber.

Wastewater

- The wastewater generated from the LHI Bowling Club is proposed to be piped to and treated by the LHI Board, LHI Central School & LHI Bowling Club Cluster System.
- An agreement is to be entered into between the LHI Bowling Club and the Lord Howe Island Board for the LHI Bowling Club to join the Wastewater Cluster System before any connection to the system. The agreement will outline costs associated with connection, servicing, electricity use and the like.
- All plumbing work, including approved connections to the wastewater system, is to be undertaken by a licensed plumber.
- Decommissioning of Obsolete Septic Tanks
- Once the LHI Bowling Club is connected to the new wastewater treatment system any obsolete septic tanks must be decommissioned in accordance with NSW Health Advisory Note 3 dated January 2017. This Advisory Note can be accessed at: <http://www.health.nsw.gov.au/environment/domesticwastewater/Documents/adnote3.pdf>

Waste Management

- 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.
- Waste disposal fees will be charged in accordance with the Lord Howe Island Board's schedule of fees and charges.

	<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. <p>Construction and Demolition</p> <ul style="list-style-type: none"> No excavation to be carried out until the site is inspected by the LHIB Senior Electrical Officer, i.e. 'dial before you dig'. All construction is to be carried out and completed in accordance with the National Construction Code (NCC). All electrical work must be carried out by a licensed electrician and an Electrical Compliance Certificate issued. The certification must be provided to the Board before any Occupancy Certificate for the building can be issued. All works are to be undertaken in accordance with approved Construction Certificate documentation. Pre-Commencement meeting to be arranged with the Owner, Builder and Board Personnel prior to any work commencing on site. If the applicant is nominating the Lord Howe Island Board as the Principal Certifying Authority, this meeting will constitute the pre-commencement and site set out inspection. The applicant is to ensure all Mandatory Inspections are undertaken. <p>Mandatory Inspections</p> <ul style="list-style-type: none"> As a Class 6 building the Principal Certifying Authority (PCA) will require the following Mandatory Inspections to be undertaken during construction: <ul style="list-style-type: none"> a) Pre commencement/set out b) After the commencement of the excavation for, and before the placement of, the first footing c) Stormwater connections d) Final Inspection, including fire related elements, prior to any Occupation Certificate being issued 	
Gary Millman	No site inspection required as alterations and additions are located within the existing building envelope.	

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.

No adverse environmental or ecological impacts from the proposal are envisaged as the alterations and additions are located within the existing building envelope, no vegetation removal will occur as a consequence of this proposal.

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

7.3.2 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 to the subject proposal, together with assessment and/or comment as required.

The subject site is located within Zone 6 Recreation, alterations to the LHI Bowling Club are permitted with development consent on the land under the LEP.

LEP 2010 compliance summary table

LEP 2010 Clause		Compliance Y/N	Comment
Part 1 Preliminary			
2	Commencement and Aims of Plan	Y	<p>Each of the aims of the LEP 2010 have been considered in the assessment of this application.</p> <p>The proposed development including demolition and rebuilding works will be undertaken within the existing building envelope, creating minimal negative environmental impact and/or disturbance to protected flora and fauna native to the Island.</p> <p>The proposal will enhance the well-being and welfare of LHI residents and tourists as the kitchen and bathroom facilities will be upgraded to meet the needs of the Bowling Club for future generations.</p> <p>The proposal meets the aims of LEP 2010.</p>
3	Land to which plan applies	Y	The LEP 2010 applies to the subject site which is part of Lord Howe Island, as defined in Section 3 of the Lord Howe Island Act 1953.
6	Who is the consent authority for this Plan?	Y	The Lord Howe Island Board (LHIB) is the relevant consent authority.
7	Maps	Y	Noted.
9	Exempt Development	N/A	The proposed works are not listed as Exempt Development within Schedule 1 of the LEP.
11	Matters that must be satisfied before development consent granted	Y	All relevant matters contained within clause 11 are satisfied – refer to clause 11 assessment following.
Part 2 General Provisions applying in particular zones			
12	Land Use Zones	Y	The land is zoned Zone 6 Recreation
14	Zone 6 Recreation	Y	The proposal complies with the LEP zone objectives and is permissible with the consent of the LHIB.

LEP 2010 Clause		Compliance Y/N	Comment
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			
22	Tourist accommodation, staff accommodation and commercial premises	Y	The development does not involve the erection, enlargement or extension of any building or commercial premises and will not impact on any significant native vegetation. The proposal will upgrade existing kitchen and bathroom/toilet facilities.
29	Maximum height of buildings	Y	There is no change proposed to the existing building roofline.
Division 2 Provisions that apply to particular land			
34	Land Adjoining Zone 7 or 8	N/A	The proposed works relate to the existing building, therefore no change in the site's relationship or impacts on the adjoining zone 7 land will result.
35	Foreshore Development	N/A	The proposed development is not located within the Foreshore area.
39	Development Affecting Heritage Items	N/A	The subject site is not a listed heritage item or located immediately adjoining any item.

6.3.1.2 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	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 LHI Bowling Club is permitted within Zone 6 Recreation, and the upgrade and rebuilding of the kitchen and toilet facilities of the Bowling Club are generally 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 have any adverse impact on groundwater quality,</i>	Y	The wastewater generated by the LHI Bowling Club is proposed to be piped to and treated by the LHI Board, LHI Central School and LHI Bowling Club cluster system. It is considered by the LHIB that there is adequate available area for disposal and treatment that will not adversely impact on groundwater quality. After discussion with the LHIB, a condition of consent has been recommended that "Evidence of a Contract or Service Agreement between the applicant and a Lord Howe Island Board accredited Service Agent is required prior to approval for the wastewater management system. The

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
		agreement will outline costs associated with connection, servicing, electricity use and the like. The wastewater generated from the LHI Bowling Club is to be appropriately piped and treated as per requirements of this Agreement". The obsolete septic tanks will also be decommissioned.
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). However the proposal will not be located within mapped SNV and no SNV will be damaged or removed as a result of the proposal.
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 Lagoon Road or within the site is proposed. Refer also to the above comments on subclause (c) regarding native vegetation.
e) <i>Any proposed landscaping will provide various species of plants that are native to the Island and common in the locality to enhance any significant native vegetation,</i>	N/A	No additional landscaping is proposed or considered required.
f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i>	Y	As stated earlier in this report (ref 6.1) internal referrals , the existing building floor level and proposed floor levels for the rebuild of RL 4.491m and 4.351m respectively, are both above the 1:100 Flood Planning Level (FPL) RL 4.2m height.
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	The LHI Bowling Club has existing and adequate services available.
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	As assessed elsewhere in this report, the proposal will not have any significant adverse impacts on the locality.
i) <i>The proposed development will not cause any significant overshadowing of adjoining land,</i>	Y	As assessed earlier under the discussion of clause 32, LHI LEP, the proposal will not create any overshadowing of any adjoining land.
j) <i>The proposed development will not cause any significant reduction in</i>	Y	The proposal will not reduce the privacy of any adjoining property.

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
<i>the privacy of occupiers of adjoining land</i>		

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 works on the LHI Bowling Club are generally 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.
2.3	Design Context	Y	As assessed in this report above, the proposal will remain consistent with the existing character and nature of the site and locality.
2.4	Bulk and Scale	Y	The proposal will not cause any additional bulk and scale to the existing building.
2.5	Building Forms	Y	The proposal will not cause any change to the present building form and character of the Island.
2.6	Building Materials & Colours	Y	The proposed replacement building materials and colours will be complimentary and similar to the existing Bowling Club design.
2.7	Energy and water efficiency	Y	The proposal generally complies with the DCP.
2.8	Landscaping design	Y	As discussed previously, no additional landscaping is proposed or considered to be required in the subject DA.
2.9	Site access and parking	Y	No change to existing arrangements proposed.
Part 3 Development Control Policy			
3.2	Single Dwellings	N/A	Not applicable.

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 instruments
Comment: An assessment against the LHI LEP 2010 has been undertaken (see Section 7.3.2) 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

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

Likely environmental impacts

Potential Impacts	Proposal
Access, Transport and Traffic	There will be no change to the existing access into or within the subject site or public pedestrian or vehicular movement on Lagoon Road from the proposed development.
Public Domain, Visual and Streetscape	The proposed demolition, and alterations to the rear kitchen and bathroom/toilet facilities will be undertaken within the existing building envelope, with replacement materials being complimentary to the existing site context as the LHI Bowling Club design.
Ecological	As stated previously 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 existing building floor level and proposed floor levels for the rebuild of RL 4.491m and 4.351m respectively, are both above the 1:100 Flood Planning Level (FPL) RL 4.2m height.
Heritage	The subject site is not listed as a heritage item.
Views	No additional views will be impacted as a consequence of the proposed development.
Privacy	The proposal will not change the existing privacy arrangements.
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 upgrade the bathroom/toilet and kitchen facilities enhancing the facility for users. The wastewater generated can be adequately serviced and

	treated when connected to the proposed LHIB wastewater disposal cluster system.
Construction	The development will permit alterations to demolish the rear existing wall, ceiling and disused roof and framing, and rebuild the kitchen and bathroom/toilet facilities at the LHI Bowling Club. The development consent (if approved) will include appropriate conditions relating to construction works and public safety.

- c) the suitability of the site for the development

Having regard to its location, and the preceding assessment, the proposed development will be undertaken within the existing building envelope, and will upgrade the rear LHI Bowling Club kitchen and bathroom/toilet facilities and is suitable for the proposal 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 on the LHI Bowling Club will be in the public interest, subject to appropriate conditions included in the attached recommendation.

9 Conclusion

This combined OC and 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 rear alterations to upgrade the kitchen and bathroom/toilet facilities of the Lord Howe Island Bowling Club is considered to have planning merit and is supported subject to the application of a number of conditions and advisory notes outlined in the following recommendation.

10 Recommendation (Conditional Approval)

Owners Consent and Development Consent Recommendation (Conditional Approval)

That OC 2019-08 and DA 2019.15 for alterations and additions (kitchen and bathroom facilities) to Lord Howe Island Bowling Club being Lot 39 DP 757515, Lagoon 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. 2019-15 as listed below and endorsed with the Lord Howe Island Board's stamp, except where amended by other conditions of consent.

- a) Completed Applications for Owners Consent and DA Forms prepared by Margaret Devine, Lord Howe Island Bowling Club dated 03.05.2019.
- b) Statement of Environmental Effects prepared by Margaret Devine submitted with the DA Form, and undated.
- c) The Architectural plans prepared and details provided by McFadyen Architects Pty Ltd submitted with Development Application, Drawing Nos. 744CC: A-0.00, 0.01, 1.00, 1.01, 1.02, 4.01, & 5.01, Rev A, B, & C, dated 24.04.19.

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

2. Construction Certificate

- a) The applicant is to submit to the Lord Howe Island Board, a Construction Certificate for the proposed works. No works can commence until a valid Construction Certificate for the works has been issued.
- b) A construction certificate is required to be approved and issued by an Accredited Certifier, prior to the commencement of any works on site.
- c) All Construction work is to be carried out and completed in accordance with the National Construction Code (NCC) / Building Code of Australia (BCA). An applicant proposing a Performance Solution for any requirements of the BCA/NCC, must be determined in accordance with the relevant Performance Requirements and A0.7 of the BCA/NCC. A report outlining any proposed Performance Solutions must be compiled with by an appropriate person and submitted with the application for a Construction Certificate.
- d) **Prior to the issuing of a Construction Certificate** the applicant is to provide **detailed structural engineering plans** for the development works. The structural plans are to address compliance with construction in Wind Zone A, and are to be certified by an appropriately qualified Structural Engineer in accordance with AS1170.2.
- e) The applicant is to ensure that the Construction Certificate Plans are the same as the approved DA Plans.
- f) Prior to issuing a Construction Certificate the applicant is to provide evidence of payment of a Long Service Levy as per section 34 of the Building and Construction Industry Long Service Payments Act 1986.
- g) 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

- a) The applicant is to ensure compliance with the Disability (Access to Premises – Buildings) Standards 2010 (DS), the National Construction Code (NCC) and AS1428.1.

Prior to the Construction Certificate, this access must be provided continuously from one dedicated accessible carparking space in the carpark area to the building, through the main pedestrian entry of the building, through the building to reach the new part and within and throughout the new part.

Aspects for compliance include, but not limited to:

- Accessways
- Doors and doorways
- Handrails and grabrails
- Manoeuvring areas
- Passing areas
- Ramps
- Symbols and signs
- Toilets

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

4. 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 garage bedsits/structures) away from the development site so they can escape predation by predators such as LHI Currawong, LHI 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.

5. Fire Safety

- a) Prior to the Occupation Certificate, the applicant is to ensure that fire-fighting equipment is installed as per requirements of the NCC for a Class 6 building and the intended use.
- b) The applicant is to ensure all required Portable Fire Extinguishers are to be located in a conspicuous and readily accessible position with their location indicated by placement of a fire extinguisher location sign as per AS2444-2001.
- c) The applicant is to have an Annual Fire Safety Statement for the LHI Bowling Club and submit to the Lord Howe Island Board as a record of the functionality and ongoing maintenance of any fire safety measures installed.
- d) The applicant is encouraged to install 38mm 'Storz' fittings to existing and new water tanks, to enable the Rural Fire Service firefighting capabilities should there be a need for firefighting at the residence.

Reason: To ensure the resulting development is fire safe.

6. Flood Management

- a) As the site is identified as floodplain, any electrical componentry should only be installed above 4.78m AHD in the renovated areas of the LHI Bowling Club.

Advice: The LHI Bowling Club is situated in an area identified as floodplain. As outlined in the Webb McKewon & Associates LHI Floodplain Management Study 1999 (the Study) development in the floodplain should have floor levels elevated at 300mm above the 1% AEP (Annual Exceedance Probability). The 1% AEP for the site is identified as 4.48m AHD. Floor levels for the renovations are identified as 4.35m AHD (kitchen) and 4.49m AHD (toilets).

The Study states: 'Within the Pinetrees to Stevens Reserve catchment there are no high velocity areas so in that sense development could occur anywhere on the floodplain.' The report also states 'The area should be considered as flood storage which means, in general, that development can proceed as long as it is in a flood compatible manner.'

As the LHI Bowling Club is a Class 6 building and non-habitable, there are no additional requirements under the BCA/NCC nor does the Australian Building Code Board (ABCB) Standard for Construction of Buildings in Flood Hazard Areas apply.

Reasons: To warn and recommend measures to limit damages from potential flooding events.

7. Health and Amenity

- a) The plans are to be amended to ensure that the unisex sanitary compartment has a shelf or benchtop provided.

Advice: The NCC requirement for sanitary facilities for a Class 6 building servicing the number of patrons and staff (70), as previously supplied to the LHI Board during planning stages for wastewater requirements, is:

- Male: 2 x closet pan, 1 x urinal and 2 x washbasin.
- Female: 3 x closet pan, 3 x washbasin and the means for disposal of sanitary towels.
- Accessible Unisex Sanitary compartment – 1 (an accessible unisex sanitary compartment must contain a closet pan, washbasin, shelf or bench top and adequate means of disposal of sanitary towels)

Reasons: To ensure compliance with NCC health requirements for sanitary facilities.

8. Installation and System Performance Requirements for Wastewater

- a) The wastewater generated from the LHI Bowling Club is proposed to be piped to and treated by the LHI Board, LHI Central School and LHI Bowling Club cluster.
- b) An agreement is to be entered into between the LHI Bowling Club and the Lord Howe Island Board for the LHI Bowling Club to join the Wastewater Cluster System before any connection to the system. The agreement will outline costs associated with connection, servicing, electricity use and the like.
- c) All plumbing work, including approved connections to the wastewater system, is to be undertaken by a licensed plumber.

9. Decommissioning of Obsolete Septic Tanks

Once the LHI Bowling Club's new wastewater treatment connection/system is operational, the existing obsolete septic tanks must be decommissioned in accordance with NSW Health Advisory Note 3 dated January 2017. This Advisory Note can be accessed at:

<http://www.health.nsw.gov.au/environment/domesticwastewater/Documents/adnote3.pdf>

Reason: To ensure compliance with regulatory requirements.

10. Water

- a) 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.
- b) An appropriate drinking water management plan, in compliance with NSW Health requirements and the Public Health Act 2010 and Regulation 2012, is to be provided to the Board and lodged with NSW Health
- c) The applicant is to ensure that all plumbing work, including the disconnections and connections is to be undertaken by a licensed plumber.
- d) The applicant is to ensure that all waterproofing of wet areas such as bathrooms is to be certified by an appropriate person. The waterproofing certification is to be provided to the Board before issuance of an Occupancy Certificate.

Reason: To ensure works are undertaken appropriately.

11. 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) 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) 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.
- d) **Asbestos**
If any material containing asbestos is found on site during the demolition/ construction process the material is to be removed and disposed of in accordance with WorkCover 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.

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

12. Construction and Demolition

- a) 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.
- b) All construction work is to be carried out and completed in accordance with the National Construction Code (NCC)/ Building Code of Australia (BCA).
- c) All works are to be undertaken in accordance with approved Construction Certificate documentation.
- d) Pre-Commencement meeting to be arranged with the Owner, Builder and Board Personnel prior to any work commencing on site. If the applicant is nominating the Lord Howe Island Board as the Principal Certifying Authority, this meeting will constitute the pre-commencement and site set-out inspection.
- e) No excavation is to be commenced until the site is inspected by the Lord Howe Island Senior Electrical Officer (ie. Dial before you dig).
- f) All demolition works shall be undertaken in accordance with Australian Standard AS 2601—1991: The Demolition of Structures.

Reason: To ensure works are undertaken appropriately.

13. Electrical

- a) No electrical work shall be undertaken until the electrical "Additions and Alterations" form is submitted to the LHIB and any arising notice of requirements issued.
- b) All additional wiring must be carried out by a licensed electrical contractor to AS/NZS3000.2018 standards. A signed Compliance Form for Electrical Works is required from the contractor within 7 days of completion of all new electrical works.

14. Inspections

The Principal Certifying Authority (PCA) will require the following mandatory inspections to be undertaken during development works:

- a) Pre-commencement and site set-out
- b) After the commencement of the excavation for, and prior to the placement of, any footings
- c) Storm-water connections
- d) Final Inspection after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

Please note: It is the applicant or their representative's responsibility to book inspections with the Lord Howe Island Board at least 48 hours prior. Failure to do so may result in a delay in the inspection being undertaken.

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

15. 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.

16. 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.

17. 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.

18. 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.

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.

Recommended: 	Recommended: 
Peter Chapman Date: 19 August 2019 LHI Consultant Town Planner & Director All About Planning Pty Ltd	Peter Adams Date: 4 September 2019 Chief Executive Officer Lord Howe Island Board