

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

Supplementary Planning Assessment Report

ITEM

OC 2020.02 and DA 2020.05 for New Operations Centre - LHI Marine Rescue at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island.

RECOMMENDATIONS

1. That application for 'Owner Consent' OC 2020.02 for a New Operations Centre - LHI Marine Rescue at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, is approved.
2. That Development Application DA 2020.05 for a New Operations Centre - LHI Marine Rescue at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, be approved subject to the amended conditions and advisory notes listed at the end of the report.

HISTORY

As LHIB members will recall the subject OC 2020.02 and DA 2020.05 were reported to the April 2020 LHIB meeting as item 8(vi) on that meeting agenda. The adopted minutes for this item are the following:

8(vi) New shed for use as A Marine Rescue NSW Operations Room and Boat Store – DA2020.05

It was moved by GC and seconded by TT that the Board approve the revised recommendation:

1. Determination of OC and DA 2020.05 is deferred subject to Marine Rescue providing the outcomes of consultation with Birdon regarding the location and impact of the proposed development on Birdon operations and the overall operation of the precinct and that the proposed DA conditions be amended to ensure continued access for users.

2. Following the provision of this information that the Board expedite the determination of the DA.

The Board adopted the motion with a vote 6/1 with CW dissenting.

DISCUSSION

In response to the above, NSW Marine Rescue has consulted with Birdon Marine on the options for the relocation of the IBC and truck storage that will be displaced by the Marine Rescue proposal. Peter Besseling at Birdon has advised satisfaction with 3 of 4 location options discussed, with Lhib admin supporting a location to the north west of the combined Lhib/ RMS and Marine Parks Shed between it and the boat trailer storage area.

In regards to general operation of the wharf precinct, NSW Marine Rescue has provided the following additional comments:

Boat ramp use: The MRNSW LHI unit would at most deploy a small tender inflatable and then remove the trailer back to the shed. This process would take only minutes with a subsequent retrieval taking the same. I cannot envisage any situation which would require MR to 'tie up' the boat ramp or parking areas.

Interaction with Birdon: At most during a ship weekend there would be a reasonable expectation there would be 2-4 members using the proposed building. 2 would be performing radio communications and 2 preparing to train either on or off water. These activities would be contained within the proposed building so I cannot imagine a situation where MR would cause access issues to Birdon during unloading operations. I have spoken to the island stevedore who cannot identify any conflict between the unloading operation and the Marine Rescue unit.

The above is considered to have addressed the potential impacts regarding the relocation of the IBCs and truck storage and the effect of the proposed Marine Rescue proposal on the wharf operations in the area. All three relevant parties - Birdon Marine, NSW Marine Rescue and Lhib administration have indicated they do not hold any remaining concerns on the above.

As a consequence, the original recommendation for approval (to the May Lhib meeting) is made with one amendment to proposed condition No. 9 to read as follows:

9. Access, Transport and Traffic

Marine Rescue NSW shall organise for the relocation of the existing ICB and truck storage (currently occurring within the proposed footprint of the Marine Rescue Operations Centre) to the north west of the combined Lhib/ RMS and Marine Parks Shed (consultation location No. 2) to the satisfaction of Birdon Marine and the Lhib.

RECOMMENDATIONS

Owners Consent and Development Consent Recommendation (Conditional Approval)

1. That application for 'Owner Consent' OC 2020.02 for a New Operations Centre - LHI Marine Rescue at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, is approved.
2. That Development Application DA 2020.05 for a New Operations Centre - LHI Marine Rescue at Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, be approved subject to the amended conditions and advisory notes listed at the end of the report.

1. Approved Plans and Supporting Documentation

The development is to be carried out in accordance with the plans and documentation provided with OC 2020-02 and DA 2020-05 as listed below and endorsed with the Lord Howe Island Board's stamp, except where amended by the conditions of this consent. To the extent of any inconsistency between the plans and conditions of consent, the imposed conditions of consent are to prevail.

- a) Completed OC and DA Forms prepared by Mr Stacey Tannos ESM/Commissioner dated 23/10/2019 and 18/12/2019 respectively.
- b) Statement of Environmental Effects prepared by Mr Stacey Tannos, Marine Rescue NSW, dated 17/12/2019.
- c) Site Plan (A001, Rev. 4), Roof Plan (A003, Rev 3), Elevations (A004, Rev 3), Sections (A005, Rev 3), Schedule (A006, Rev. 3), Area Plan (A007, Rev. 3), 3D Interior View 1 (A008, Rev. 3), 3D Interior View 2 (A009, Rev.2). Drawings prepared by McFadyen Architects and Johnston Blair Studio, Job No. 712, Phase DD, dated 17/12/2019.
- d) Floor Plan (A002, Rev. 5). Drawing prepared by Johnston Blair Studio and McFadyen Architects, Job No. 712, Phase DD, dated 24/01/2020.

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

2. Construction Certificate

- a) The applicant is required to apply for a Construction Certificate for the proposed works. No works can commence until a valid Construction Certificate for the works has been issued.
- 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) If the applicant is proposing a Performance Solution or a Deemed-to-Satisfy Solution for any requirements of the NCC, the relevant Performance Requirements must be determined in accordance with A2.2 and A2.3 of the NCC 2019 BCA Vol 1. A report outlining any proposed Performance Solutions must be compiled by an appropriate person and submitted with the application for a Construction Certificate.
- d) The construction and structural engineering plans submitted with the Construction Certificate are to be amended to reflect the pier and floating slab design required elsewhere in these conditions (ref: Ecological).
- e) 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.
- f) Prior to issuing of 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 is achieved with any/all conditions imposed by the Board as part the Development Application approval process and to ensure the Construction Certificate plans align with the approved Development Application plans and these conditions.
- h) The construction and structural engineering plans submitted with the Construction Certificate shall be amended to show a minimum gap of 500mm between the roof overhang (gutters) of each building to allow space for Board staff to perform (safely & unencumbered) current and future maintenance tasks on the existing shed.

The above distance between the buildings at ground level must be of a distance to:

- i. Maintain the drainage channel beside the existing shed and not impede ongoing maintenance of the drainage channel.
- ii. Ensure any excavation for the new shed footings does not interfere with the footings of the existing shed – i.e. zone of influence is not compromised.
- iii. Allow safe ladder use for access to roof and gutter as per Safe Work Australia Codes of Practice and the like.

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

3. Access for People with a Disability

If the development is approved the applicant is to ensure compliance with the Disability (Access to Premises – Buildings) Standards 2010 (DS) and the National Construction Code (NCC). Compliance includes, but not limited to:

- Access to and within all areas of the building
- Doorway widths and facilities for personal hygiene

Reason: To ensure compliance with Disability Standards and the NCC

4. Fire Safety

- a) The applicant is to ensure that fire-fighting equipment is installed as per the requirements of the NCC for a Class 7b building and the intended use.
- b) The applicant is then to ensure that an Annual Fire Safety Statement for the Marine Rescue NSW is supplied to the Board as a record of the functionality and ongoing maintenance of any fire safety measures installed.
- c) 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.

Reason: To ensure the resulting development is fire safe.

5. Water

- a) Connection of the proposed Marine Rescue NSW Operations Centre to the existing LHIB potable water system is not supported. This includes roof run-off into water tanks and connecting to the potable water plumbing to service the use within the centre.
- b) Marine Rescue NSW is to install a dedicated water tank to service the new Operations Centre and which is to be in place and operational prior to issue of an occupation certificate to the satisfaction of the LHIB. There is room for a water tank to left of the shed (as seen from the road). Based upon the advised occupancy (2-3 people 2 days a week) it is not anticipated that a large water tank would be required.
- c) All waterproofing of wet areas, 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.
- d) All plumbing work, is to be undertaken by a licensed plumber.

Reason: To ensure the resultant development is adequately serviced by the required utilities

6. Wastewater

- a) The proposed occupancy of the proposal has been assessed (see ED20/742.02 – 2 to 3 people on weekends) and the anticipated additional hydraulic load to be treated by the wastewater system has been calculated, to not exceed the existing LHIB system's capacity.
- b) On the basis of a service agreement being entered into with the LHIB, approval is granted for the Marine Rescue NSW Operations Centre to connect to the LHIB wastewater treatment system. The service agreement would outline costs associated with connection, servicing, electricity use, maintenance and the like.

Reason: To ensure the resultant development is adequately serviced by the required utilities

7. Waste Management

- a) Any waste generated from the development is to be contained within the site and then be recycled or disposed of at the authorised waste treatment 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) 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.

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

8. Relocation of Existing Services

- a) Marine Rescue NSW will be required, at their expense, to move the existing underground services from under the footprint of the building (– electricity, potable water & wastewater). The Board must be satisfied that the relocation of the moved services will not in turn impact on other services or impede existing uses of the area. No services are to be moved without the Board's prior approval.
- b) Marine Rescue NSW must ensure the wastewater pipe is moved in a manner that maintains a suitable radius from the treatment system to ensure even flow of the effluent and that does not create choke points.

The above shall be confirmed on the plans and details submitted with the Construction Certificate.

Reason: To ensure the resulting development does not detrimentally impact on existing services

9. Access, Transport and Traffic

Marine Rescue NSW shall organise for the relocation of the existing ICB and truck storage (currently occurring within the proposed footprint of the Marine Rescue Operations Centre) to the north west of the combined LHIB/ RMS and Marine Parks Shed (consultation location No. 2) to the satisfaction of Birdon Marine and the LHIB.

10. Construction and Demolition

- a) A Construction Management Plan is to be submitted and approved by the Board prior to the issuing of a Construction Certificate. The Plan shall detail:
 - i. A programme for the works including indicative time frames for different

- activities including inspection points
 - ii. Strategies for protecting the existing services (water, wastewater and electricity) located within the footprint of the proposed building.
 - iii. A waste management plan detailing how all building waste will be managed. This plan will include waste types and quantities in m³.
 - iv. If the intent is for the waste to be disposed of through the Waste Management Facility the plan shall detail discussion with the Waste Management Facility Coordinator.
 - v. A site plan showing material storage areas, stockpile areas – waste and construction materials - and any erosion protection measures to be implemented.
 - vi. A plan outlining how construction works will avoid conflict and disruption with ship unloading, delivery and back-loading operations. This plan is to include evidence of discussion with Birdon P/L personnel and their satisfaction that the construction will not adversely disrupt the shipping operations or increase risk of injury to workers and other site personnel.
- b) No excavation to be carried out until the site is inspected by the LHIB Senior Electrical Officer, ie. 'dial before you dig'.
 - c) All electrical work required must be carried out by a licensed electrician and an Electrical Compliance Certificate issued by the Board. The certification must be provided to the Board before any Occupation Certificate for the building can be issued.
 - d) All works are to be undertaken in accordance with all conditions of consent.
 - e) Pre-commencement meeting to be arranged with the Builder/Contractor and Board Personnel prior to any work commencing on the site. This meeting will constitute the pre- commencement and site set out inspection detailed below.
 - f) The applicant is to ensure all Inspections are undertaken.

Reason: To ensure that construction activities are carried out in safe and competent manner and in compliance with the relevant standards.

11. Electrical

- a) At present there is no electrical supply to this site. In order for the proposed customer electrical installation to proceed the following works will need to be undertaken:
 - i. New 50 amp single phase underground consumer mains from DP 301 Lagoon Road (Jetty Shed).
 - ii. New meter box.

The customer is responsible for the installation of the new consumer mains.

- b) The works identified in 1 and 2 above are to be completed prior to any customer electrical installation works being undertaken.
- c) Existing underground electrical cables are to be clearly identified prior to any ground works.
- d) All electrical works must be completed by a licensed electrical contractor to AS/NZS 3000:2018
- e) A signed Compliance Certificate – Electrical Works must be issued to both the customer and LHIB within 7 days of completing all electrical works and prior to the new installation being permanently energized.
- f) Works must also comply with the current Lord Howe Island Electrical Service Rules.

Reason: To ensure appropriate electrical provision for the development, and works

undertaken in a safe manner.

12. Inspections

The Principal Certifying Authority shall determine the appropriate mandatory inspections to be completed and will require those inspections to be undertaken.

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

13. Construction Hours

All construction works 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 Sunday 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.

14. Ecological

- a) If any live LHI Gecko are detected during works they must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, old dwellings/structures) away from the development site so they can escape predation by predators such as LHI Currawong and LH Woodhens.
- b) To negate loss of habitat or disturbance to nesting White Terns a 1 metre long stub of the Norfolk Island Pine branch that needs pruning is to be left so that it can still be used as a nest site and to only prune the branch when the White Terns have left the island in winter.
- c) To reduce impacts to the Norfolk Island Pines roots, the NSW Marine Rescue Operations Centre shall be constructed on a floating slab on piers, which will be excavated with a high pressure water trencher to locate structural roots and ensure they are not disturbed or damaged when constructing the piers.

This amendment shall be detailed on the construction certificate building and structural engineering plans.

- d) All building materials and building activity are restricted to being stock piled on cleared open areas.

Reason: To protect the World Heritage ecological values of the Island

ADVICE TO APPLICANT:

Vehicle Registration

The operators of the proposed development shall ensure that all vehicles used in conjunction with the development at all times comply with the relevant NSW RMS registration and licencing requirements for operation on NSW Roads and NSW Waterways.

Significant Native Vegetation

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

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

Recommended:	Recommended:
	
Peter Chapman Date: 14 May 2020 LHI Consultant Town Planner & Director All About Planning	Peter Adams Date: 15 May 2020 Chief Executive Officer Lord Howe Island Board