

Out of Session Paper: June 2021	Date Issued: 01/06/2021	File Ref: ED21/3426
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LORD HOWE ISLAND BOARD

Out of Session Paper OPEN SESSION Planning Assessment Report

1 Item

OC2021.6 & DA2021.7 for a Subdivision (Boundary Adjustment) at Lot 347 DP 1156661, Lots 201 & 204 DP 40354, & Lot 69 DP 757515, Lagoon Road & Ocean View Drive, Lord Howe Island.

2 Summary Assessment Report

Assessment Officer	Peter Chapman – Consultant Town Planner
Address/Property Description	Lot 347 DP 1156661, Lots 201 & 204 DP 40354, & Lot 69 DP 757515, Lagoon Road & Ocean View Drive, Lord Howe Island
Proposal	Subdivision (Boundary Adjustment)
Owners Consent No	OC2021.6 lodged & assessed concurrently with DA2021.7
Applicant	Chad Wilson
Estimated Cost of Development	N/A
Site Inspections	The town planners are familiar with the subject site
Zone	Zone 2 Settlement. The proposed development is permissible with the consent of the LHI Board.
Significant Native Vegetation Map	Part of the lot contains mapped Significant Native Vegetation (SNV). A condition is recommended that no boundary fence shall be erected on the proposed boundary adjustment (between the subject lots) through mapped Significant Native Vegetation (SNV).
Notification	The DA application was publicly exhibited 26 April 2021 to 10 May 2021, in accordance with LHIB policy.
Submissions Received	The LHIB has advised that no submissions were received.
Recommendation	<p>a) That OC2021.6 for a Subdivision (Boundary Adjustment) between Lot 347 DP 1156661, Lots 201 & 204 DP 40354, & Lot 69 DP 757515, Lagoon Road & Ocean View Drive, Lord Howe Island be approved.</p> <p>b) That DA2021.7 for a Subdivision (Boundary Adjustment) between Lot 347 DP 1156661, Lots 201 & 204 DP 40354, & Lot 69 DP 757515, Lagoon Road & Ocean View Drive, Lord Howe Island be approved subject to the application of the conditions listed in the report.</p>

3 Consent Authority

Owner's Consent Delegations

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:

- The value of the development must not exceed \$2,000,000
- 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.
- The owner's consent must not relate to a proposed development application for the subdivision of land.
- The OC must not relate to the creation of new residential dwellings.

Development Application Delegations

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

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

As the proposed boundary adjustment can be considered a subdivision, the subject OC and DA is referred to the full LHIB for determination.

4 Site Description

Four existing properties technically make up the subject site for the proposed subdivision (boundary adjustment), these are legally known as Lot 347 DP 1156661, Lots 201 & 204 DP 40354, & Lot 69 DP 757515, Lagoon Road & Ocean View Drive, Lord Howe Island. As shown in the aerial photograph (refer *Figure 1*), each Lot has a variety of shapes and sizes.

The (primary) Lot 347 (leased by the applicant) has an existing area of 5,323m² and is occupied by a residential dwelling and a secondary dwelling accessed off Ocean View Drive. Lot 201 is located immediately behind Lot 347, has an existing area of 3,728m² and is also occupied by a residential dwelling and a secondary dwelling. To the immediate north (of both Lot 347 and Lot 201) is Lot 69 which is accessed off Old Settlement Road, with an existing area of 3,920m². Immediately behind Lot 201 is Lot 204 Ocean View Drive which is occupied by Ocean View Lodge and which has an existing area of 1.754ha.

The properties comprise a mixture of established vegetation including palms and other mixed vegetation (some of which is mapped SNV), along with clearings around existing dwellings and their surrounds. Lot 347 has a frontage to Lagoon Road but is well screened by landscaping from the road.

To the north, north west and west of the subject properties is Arajilla Lodge, to the south are other private Settlement leased properties, to the north of Lot 204 (Ocean View) is Rural zoned paddocks and to the rear land zoned Environment Protection. As figure 2 shows the subject lots are zoned 2 Settlement.

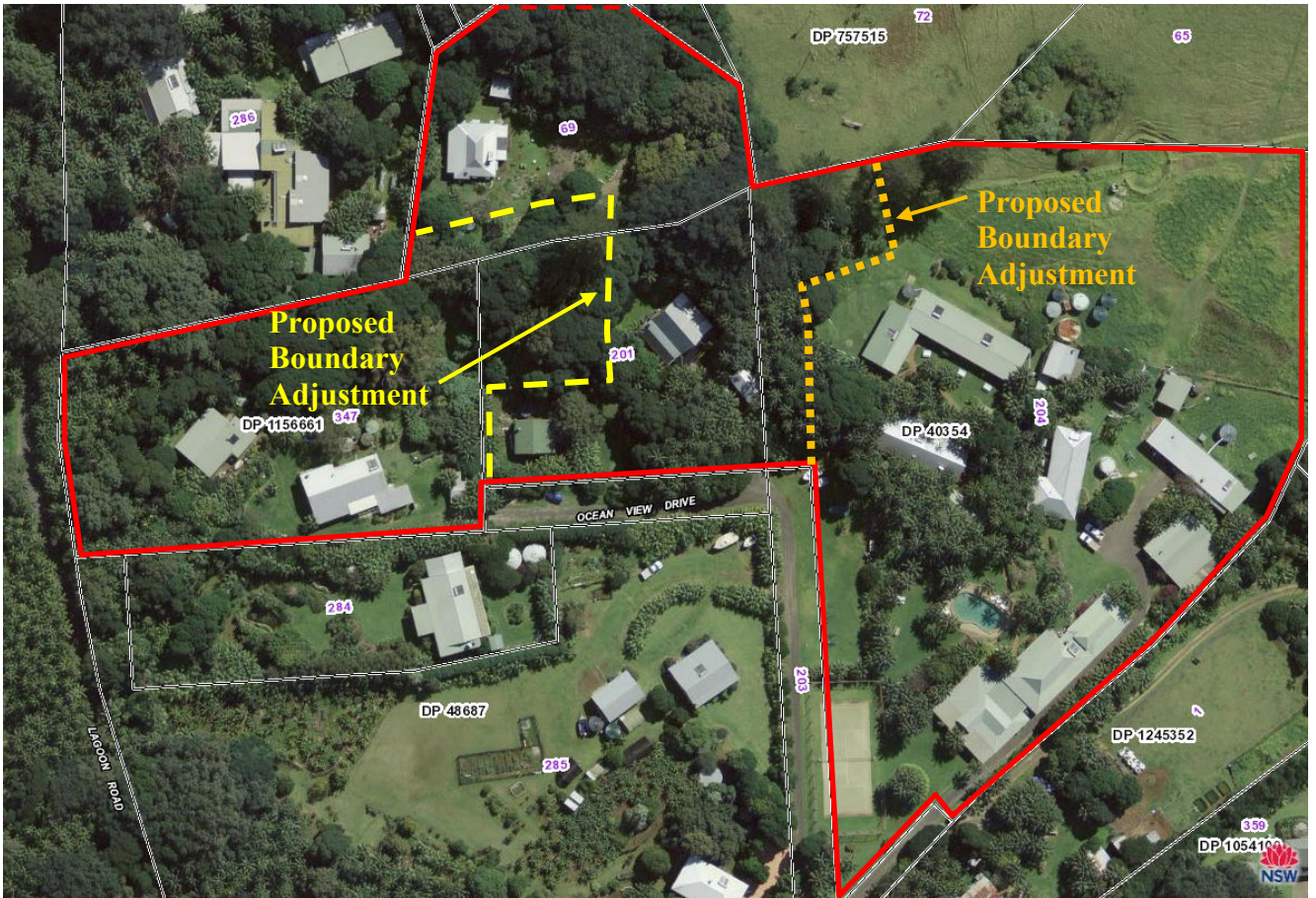


Figure 1: Aerial View of subject site (highlighted) & adjoining land with proposed boundary adjustments in yellow and orange. Source: Six Maps

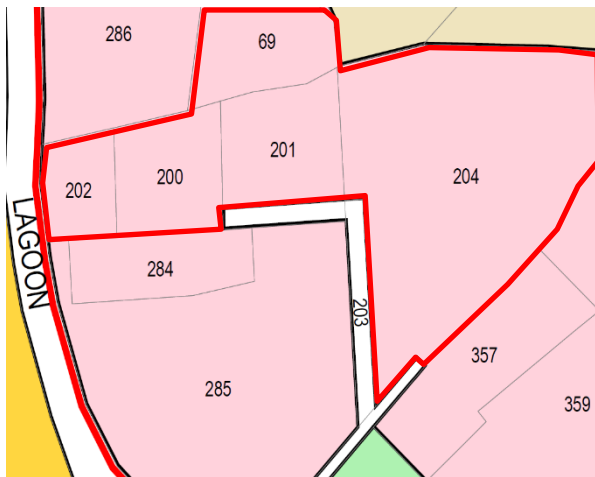


Figure 2: Extract from the LEP 2010 Zoning Map. The site is Zone 2 Settlement

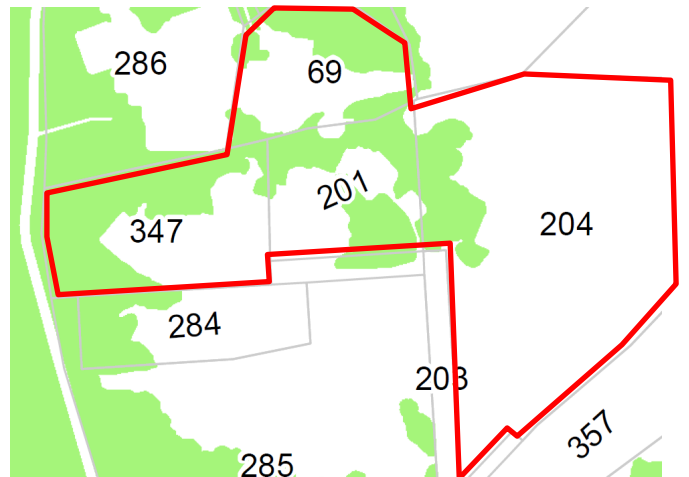


Figure 3: Extract from the LEP 2010 SNV Map. SNV in green.

5 Proposed Development

The proposal seeks to make an adjustment to the existing boundary between Lots 347, 201, 204, and 69 which make up the subject site (with associated reallocation of site areas) as illustrated in figures 1 and 4.

The existing and proposed adjusted details for the allotments are as follows:

Lot	Existing Area	Proposed Area
347 (prop Lot 1)	5,323m ²	6,773m ²
201 (prop Lot 2)	3,728m ²	3,728m ²
204 (prop Lot 3)	1.754ha	1.644ha
69 (prop Lot 4)	3,920m ²	3,570m ²

Important notes about the proposal include:

- there will be no division of the land into a greater number of allotments than the four that currently exist and are involved in this boundary adjustment.
- it is considered to be a boundary adjustment between adjoining allotments
- the proposed boundary adjustments are between wholly Settlement zoned allotments and therefore it will not make any change to the proportionate areas of each lot otherwise zoned.
- The primary driver for the proposal is to increase the area of Lot 347 (by extending it into part of the adjoining lots 201 and 69) to provide additional development potential and the submission of a future OC and DAs.
- Lot 201 in turn is being extended into lot 204 (Ocean View) to keep it identical to its area prior to the above extension of Lot 347.

6 Referrals

The LHIB has provided the following internal referral comments on the subject applications in which no objections to the proposal have been raised.

- Team Leader - Compliance & Projects (Kate Dignum):
There is no construction associated with this DA therefore compliance with the BCA/NCC is not applicable.

While there are no common services such as wastewater, accessways, or the like on the subject Portions/Lots, confirmation will be required to ascertain whether the wastewater pipeline from Dwelling 1 (house) Lot 201 to Dwelling 2 (flat) Lot 201 is not within the proposed land area to be transferred to the applicant.

If investigation shows the Lot 201 wastewater pipeline (or part thereof) to be on the proposed land to be transferred the pipeline should be relocated so the proposed land to be transferred is unencumbered. If it is preferable to keep the wastewater pipeline on the proposed land to be transferred an easement is to be created to allow for continued access by the leaseholders of Lot 201.

Comment: An appropriately worded condition is included in the recommendation of this report to ensure that the wastewater pipeline between the two structures on Lot 201 is provided for, or relocated as necessary, with confirmation provided prior to finalisation of the boundary adjustment.

- Manager Environment World Heritage (Hank Bower):
 - *That the development is approved.*
 - *Should the applicant seek to erect any boundary fencing that it is only to be constructed with picket and plain wire fencing materials (e.g. <https://www.waratahfencing.com.au/products/posts/strainer-assemblies/ezyype-strainer-post>, and <https://www.waratahfencing.com.au/products/posts/strainer-assemblies/adjusta-stay>) and to not remove or damage any native vegetation.*

Comment: A condition regarding the above requirements for future boundary fencing is included in the recommendation of this report.

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.

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.

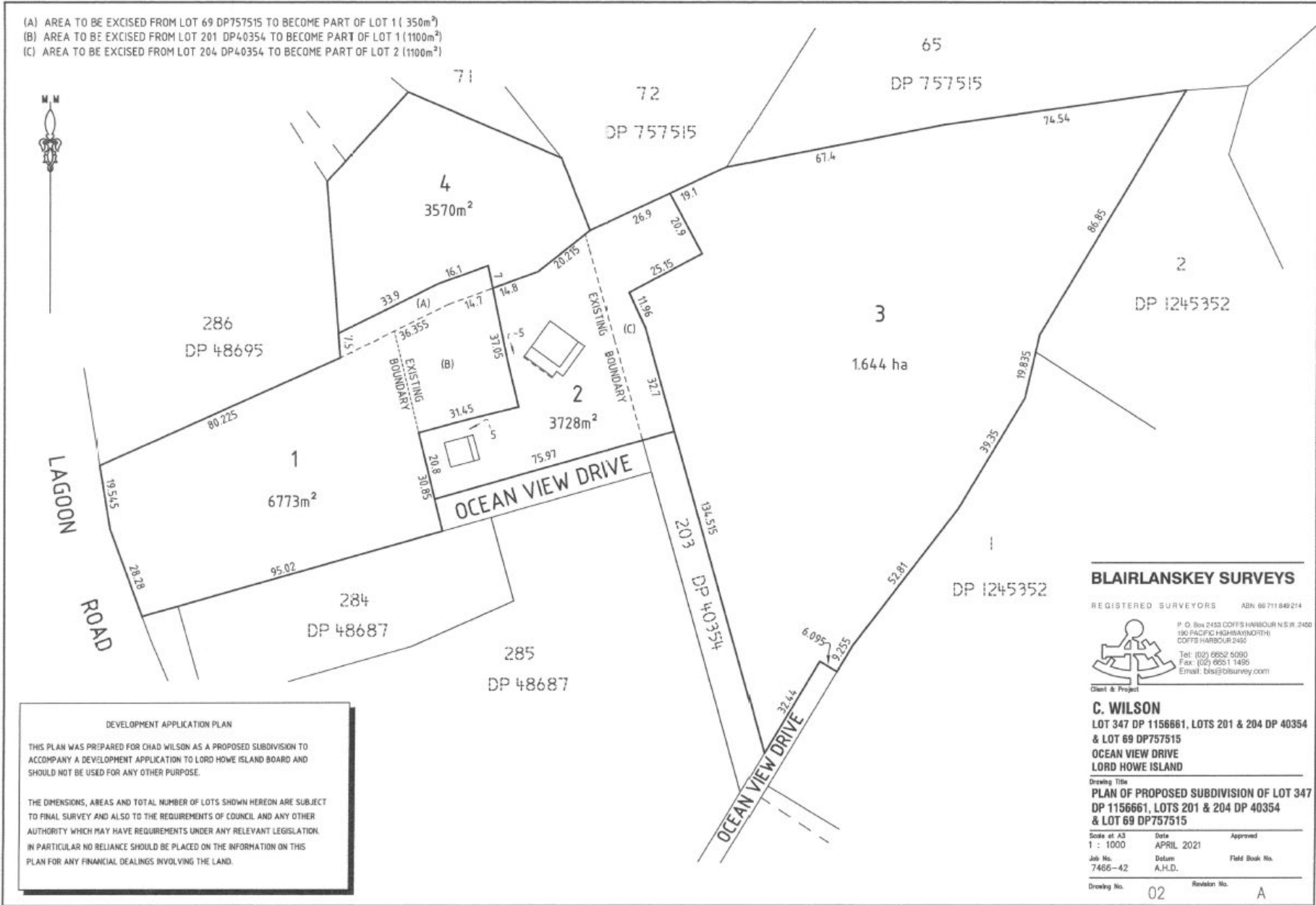


Figure 4: Applicant's submitted subdivision boundary adjustment plan.

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

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

7.2 NSW legislation

7.2.1 Biodiversity Conservation Act 2016

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

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

As a subdivision (boundary adjustment) only, the proposal is not considered to have a detrimental biodiversity impact on the basis that a condition is applied to limit the construction of boundary fences through mapped Significant Native Vegetation (SNV) to picket and plain wire materials to avoid resultant ecological and environmental impacts (refer to the recommendation of this report).

7.2.2 NSW Heritage Act 1977

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

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

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

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

7.3 Local Statutory Plans and Policies

7.3.1 Lord Howe Island Local Environmental Plan 2010

The *LHI LEP 2010* is the principal environmental planning instrument applying to the proposal. The subject sites for the Subdivision (Boundary Adjustment) are located within Zone 2 Settlement, under the LHI LEP 2010. Subdivision is permissible in this zone with consent under the LEP.

The following summary table details the LEP provisions relevant together with assessment and/or comment as required.

LEP 2010 compliance summary table

LEP 2010 Clause		Compliance Y/N	Comment										
Part 1 Preliminary													
2	Commencement and Aims of Plan	Y	The proposed subdivision (boundary adjustment) has been assessed as generally meeting the aims and objectives of the LEP 2010.										
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 are further considered in the clause 11 assessment following.										
Part 2 General Provisions applying in particular zones													
12	Land Use Zones	Y	The land is zoned Zone 2 Settlement										
14	Zone 2 Settlement	Y	Refer to the above discussion of the Zone 2 Settlement objectives and permissible development under clause 14 of the LEP.										
Part 3 Special Provisions													
Division 1 Provisions for particular kinds of development													
21(2)	Subdivision a) N/A (b) 3000m ² min. dwelling area where exist. dwelling present	- Y	Satisfied: <table border="1" data-bbox="850 1825 1391 1989"> <thead> <tr> <th>Lot</th> <th>Proposed Area</th> </tr> </thead> <tbody> <tr> <td>347 (prop Lot 1)</td> <td>6,773m²</td> </tr> <tr> <td>201 (prop Lot 2)</td> <td>3,728m²</td> </tr> <tr> <td>204 (prop Lot 3)</td> <td>1.644ha</td> </tr> <tr> <td>69 (prop Lot 4)</td> <td>3,570m²</td> </tr> </tbody> </table>	Lot	Proposed Area	347 (prop Lot 1)	6,773m ²	201 (prop Lot 2)	3,728m ²	204 (prop Lot 3)	1.644ha	69 (prop Lot 4)	3,570m ²
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	(c) if there is existing tourist accommod., staff accommod. or commercial premises on a proposed allotment—the total area occupied by any existing buildings comprising, or ancillary to, the accommodation or premises is no more than 15 percent of the balance of the area of the allotment remaining after the minimum dwelling area is deducted from the total area of the allotment.		<p>Lot 204 being occupied by Ocean View Lodge will continue to comply with cls 21(2)(c) after the proposed boundary adjustment is actioned as demonstrated below:</p> <ul style="list-style-type: none"> • Permissible Max: 16,440 (prop. site area) – 3,000=13,440m²x0.15(%)= 2,016m² • Existing Bld Area (Ocean View) =2,009m² [Complies]
21(3)	<p>Despite subclauses (1) and (2) and anything to the contrary in Part 2, land may be subdivided with the consent of the consent authority if—</p> <p>(a) the consent authority is satisfied that the purpose of the proposed subdivision is to make a minor boundary adjustment between adjoining allotments, and</p> <p>(b) the proposed subdivision will not divide the land into a greater number of allotments than already exist.</p>	Y	<p>The compliance of the proposal is achieved through the previous clause 21(2) of the LEP (ref above). Nevertheless, it is relevant to note that the proposal is for a minor boundary adjustment between two adjoining allotments which will not divide the land into a greater number of allotments than already exist.</p>
Division 2 Provisions that apply to particular land			
33	Landscaping in Zone 2	Y	As a subdivision (boundary adjustment) the proposal will not create an adverse impact on the existing landscaped character and dispersed pattern of housing in the zone.
39	Development Affecting Heritage Items	N/A	The subject work will not be undertaken on any listed heritage items as discussed under 7.2.2 NSW Heritage Act 1977, earlier in this report

7.3.2 CLAUSE 11 MATTERS

Clause 11 of the LHI LEP 2010 provides that the consent authority must not consent to the

carrying out of development unless it is satisfied regarding the following matters. These requirements with respect to the proposed development are discussed below.

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
<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	Refer to discussion provided in the above LEP Compliance table. The proposed subdivision meets the aims and objectives of the LEP 2010.
<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 existing wastewater treatment facilities for the subject lots are not to be changed or affected by the proposed boundary adjustment other than an existing internal wastewater pipeline within Lot 201 which is the subject of a condition included in the recommendation of this report (ref internal referral comments earlier in section 6).
<i>No part of the proposed development will result in any damage to, or removal of, significant native vegetation, or will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i>	Y	The proposed boundary adjustment will not result in the damage or removal of SNV. To avoid future ecological impacts a condition is recommended to control the type of fencing construction along the proposed boundary adjustments through the mapped SNV.
<i>Access is, or will be, available to the site of the proposed development and the provision of any such access will not: - result in any damage to, or the removal of, significant native vegetation, or - have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island</i>	Y	The current access arrangements for each of the subject allotments will be maintained. No additional clearing will be associated with the above.
<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	
<i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i>	N/A	There are no known landform limitations which will adversely impact on the subdivision proposal.
<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 subject site is already serviced by the required utilities and these will remain available for the proposed boundary adjustment.

<i>The appearance of the proposed development (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality,</i>	Y	The appearance of the proposed development will remain as is in keeping with the character and nature of the area.
<i>The proposed development will not cause any significant overshadowing of adjoining land,</i>	N/A	As assessed earlier, the proposal does not include any building construction and will not create any overshadowing of adjoining land.
<i>The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i>	N/A	The proposal does not involve any building construction and will not reduce the privacy of any adjoining property.

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 boundary adjustment is consistent with the Plan objectives.
1.4	Where does plan apply?	Y	This DCP applies to the subject site.
Part 2 Design Principles			
2.1	Introduction	Y	Noted.
2.2	Objectives	Y	The proposal is consistent with the DCP's design objectives, particularly design considering the physical limitations of the site, and minimising any potential adverse impacts.
2.3	Design Context	Y	The development responds sensitively to its setting, ensuring functionality and sustainability are achieved long-term. The proposal as assessed is consistent with the character and nature of the site and locality.
2.4	Bulk and Scale	Y	See above comment
2.5	Building Forms	Y	See above comment
2.6	Building Materials & Colours	Y	See above comment
2.7	Energy and water efficiency	Y	See above comment
2.8	Landscaping design	Y	See above comment
2.9	Site access and parking	Y	No change to existing arrangements proposed.

8 Environmental Effects

8.1 Environmental Planning and Assessment Act 1979

Under the provisions of Section 4.15 of the EP&A Act, in determining a DA, a consent authority is to take into consideration the following matters as are of relevance to the development the subject of the DA.

- a) the provisions of the following that apply to the land to which the development application relates:
 - i. Any environmental planning instrument
Comment: An assessment against the LHI LEP 2010 has been undertaken (see Section 7.3.1) and the proposed development was found to comply with all relevant provisions subject to the conditions of approval included in the recommendation of this report.
 - ii. Any proposed instrument that is or has been the subject of public consultation under this Act.
Comment: N/A
 - iii. Any development control plan
Comment: An assessment of the proposal against the LHI DCP 2005 has been undertaken in Section 7.3.3 and was found to comply.
 - iii Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4
Comment: There are no planning agreements relevant to the application.
 - iv. The regulations (to the extent that they prescribe matters for the purposes of this paragraph)
Comment: There are no relevant matters prescribed by the regulations.
 - v. Any coastal zone management plan (with the meaning of the Coastal Protection Act 1979)
Comment: There are no coastal zone management plans relevant to the application.
- b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

As assessed in this report, the proposed subdivision (boundary adjustment) will not have any adverse environmental impacts on the natural and built environment and will not impact social and economic interests within the locality.

- c) the suitability of the site for the development

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

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

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

- e) the public interest

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

9 Conclusion

OC2021.6 & DA2021.7 for a Subdivision (Boundary Adjustment) at Lot 347 DP 1156661, Lots 201 & 204 DP 40354, & Lot 69 DP 757515, Lagoon Road & Ocean View Drive, Lord Howe Island, 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.

In light of the above comments and the preceding development assessment, OC2021.6 & DA2021.7 are supported subject to the application of a number of conditions included in the following recommendation.

10 Recommendation (Conditional Approval)

- a) That OC2021.6 for a Subdivision (Boundary Adjustment) between Lot 347 DP 1156661, Lots 201 & 204 DP 40354, & Lot 69 DP 757515, Lagoon Road & Ocean View Drive, Lord Howe Island be approved.
- b) That DA2021.7 for a Subdivision (Boundary Adjustment) between Lot 347 DP 1156661, Lots 201 & 204 DP 40354, & Lot 69 DP 757515, Lagoon Road & Ocean View Drive, Lord Howe Island be approved subject to the application of 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 DA2021.7 as listed below and endorsed by the Lord Howe Island Board's stamp, except where amended by other conditions of consent.

- a) Completed DA application forms prepared by Chad Wilson dated 21st April 2021.
- b) Completed DA Statement of Environmental Effects prepared Chad Wilson.
- c) The following plan: Plan of Proposed Boundary Adjustment, prepared by Blairlanskey Surveys, date: April 2021, Drawing: 02, Rev: A.

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

2. Biodiversity

- a) Damage to, or removal of Significant Native Vegetation is prohibited, as per Clause 11 of LEP 2010.
- b) The proposed adjusted boundary between the two subject lots will extend through mapped Significant Native Vegetation (SNV) within the site. As clearing or damage to mapped SNV is prohibited and to avoid associated ecological impacts, any boundary fences proposed through these SNV areas shall be limited to picket and

plain wire fencing materials (e.g. <https://www.waratahfencing.com.au/products/posts/strainer-assemblies/ezytube-strainer-post>, and <https://www.waratahfencing.com.au/products/posts/strainer-assemblies/adjusta-stay>).

Reason: To ensure the development has minimal environmental impacts as per the assessment of the subject application.

3. Existing Wastewater System

Confirmation shall be provided regarding whether the existing wastewater pipeline within Lot 201 from Dwelling 1 (house) to Dwelling 2 (flat) is outside the proposed boundary adjustment area. If the wastewater pipeline (or part thereof) is within the boundary adjustment area, the pipeline should either be relocated so the proposed land to be transferred is unencumbered or an easement is to be created to allow for continued access by the leaseholders of Lot 201. Confirmation of the above and (if necessary) the formal commencement of the legal easement creation process shall be completed prior to registration of the subdivision.

Reason: To ensure that the required reciprocal easement for services and maintenance over the existing shared wastewater irrigation area is incorporated into the approved subdivision and in a timely manner.

ADVICE TO APPLICANT:

a) Commonwealth Environment Protection and Biodiversity Conservation Act 1999
The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* provides that a person must not take an action which has, will have, or is likely to have a significant impact on: *A matter of national environmental significance (NES) matter; or Commonwealth land without an approval from the Commonwealth Environment Minister.*

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

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

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

b) Section 8.7 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 for approval:
	
Peter Chapman Date: May 2021 LHI Consultant Town Planner & Director All About Planning Pty Ltd	Peter Adams Date: 18 May 2021 Chief Executive Officer Lord Howe Island Board

No.	Recommendation	Circle Preferred Option
1	<p>a) That OC2021.6 for a Subdivision (Boundary Adjustment) between Lot 347 DP 1156661, Lots 201 & 204 DP 40354, & Lot 69 DP 757515, Lagoon Road & Ocean View Drive, Lord Howe Island be approved.</p> <p>b) That DA2021.7 for a Subdivision (Boundary Adjustment) between Lot 347 DP 1156661, Lots 201 & 204 DP 40354, & Lot 69 DP 757515, Lagoon Road & Ocean View Drive, Lord Howe Island be approved subject to the application of the conditions listed in the report.</p>	SUPPORTED / NOT SUPPORTED

<hr/> Board Member Signature	<hr/> Name	<hr/> Date
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