



Lord Howe Island LEP Review 2016

Introduction

The purpose of this questionnaire is to provide the Lord Howe Island Board with information on the community's opinion of the existing Local Environmental Plan. The information gained from this survey will contribute to the review and amendment of the Local Environmental Plan for Lord Howe Island. Please fill out this survey after consideration of the LEP Review Discussion Paper 2016.

Please keep a copy of the current Local Environmental Plan (LEP) and Development Control Plan (DCP) at hand to refer to if you are not familiar with the content, and refer to the 2016 Discussion Paper for full details and discussion of proposed changes. All documents can be accessed on the Lord Howe Island Board website at:

<http://www.lhib.nsw.gov.au>

Contact Details

This section is not compulsory; however having your details will aid us in following up details on any areas of concern. Any information you provide to us will not be released to the public, and will only be used for the purpose of reviewing the Lord Howe Island LEP.

1. Please provide your contact details in the section below (if you wish to do so).

Name:	
Address:	
Contact Number:	
Contact Email:	

Residential Development

Subdivision of two detached or attached dwellings on the one lot

There are two provisions currently for subdivision of two existing detached dwellings:

- *In the Rural zone - there is a minimum 2ha lot size.*
- *In the Settlement zone - To subdivide off one or more existing dwellings (but no existing tourist accommodation, staff accommodation or commercial premises), the minimum dwelling area of 2500 m² is the minimum lot size.*

2. Do you agree that existing detached dwellings erected before 28 October 2005 should be permitted to be subdivided?

3. Are the conditions reasonable?

Yes No

4. Should there be a minimum standard for the minimum lot size? Is the current 2500m² in the Settlement zone and 2ha in the Rural zone too high?

Dual Occupancy dwellings

A dual occupancy dwelling is defined as dwellings as two dwellings, whether attached or detached, on a single allotment. Additional dwellings are not permissible on the parcel of land.

As it exists, the LEP provision for dual occupancy dwellings only allows a new dual occupancy dwelling to be occupied by the 'children, siblings, parents, grandparents or grandchildren' of those proposing to live in the existing dwelling.

5. Do you agree that the restriction on who can occupy a dual occupancy dwelling should be lifted?

Revised provisions for extensions of existing dwellings

Clause 27 of the current LEP limits the ability to extend or enlarge an existing dwelling.

Three criteria must be met:

- A maximum floor area of 300m² (dual occupancy 400m², and limited to family)
- No removal of significant native vegetation
- 50% of the lot to be landscaped area with 35% of the lot native plants

6. Do you feel that the provisions to extend an existing dwelling are too onerous?

7. What minimum area do you think should be provided for landscaped area and for native planting?

8. Do you think a set minimum area for any sized lot would work?

New use of a building as a dwelling

As it exists, there is a Clause in the LEP which limits the ability of a building which is not currently used as a dwelling to be used for that purpose. Only buildings erected prior to 28 October 2005 may be newly used as a dwelling.

The removal of this restriction would enable newer disused commercial, retail or community buildings on the Island to be converted for residential purposes.

9. Do you agree that the restrictions on buildings being converted to residential use should be lifted?

Yes No

Business and Commercial Development

New Local Centre

A new zone for the Local Centre is suggested for inclusion in the LEP. The objectives of this zone are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in and visit the local centre.
- To encourage employment opportunities in accessible locations.

10. Do you think there should be a specific business area zone? Where should it be?

*The proposed items to be permitted with development consent are as follows:
Child care centres; Commercial premises; Community facilities; Educational establishments;
Entertainment facilities; Function centres; Information and education facilities; Medical
centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs;
Service stations; Shop top housing; Tourist and visitor accommodation*

11. Do you think any changes should be made to the proposed permitted uses?

12. List any land uses you think should be specifically prohibited in this area.

Recognising existing recreation uses

There are two sites within the foreshore management area which have been zoned 7 - Environmental Protection, however the existing uses would be better reflected if they were zoned 6 - Recreation. Refer to Discussion Paper for specific site location.

The two sites are:

- Site 2 – Children’s Playground and Aquatic Club – the rezoning would allow for the purposes of improving playground and picnic facilities, as they are not permitted in the current zoning.
- Site 3 – Lagoon Road Golf Club – the rezoning would allow clubs and recreation areas to be developed with consent, better reflecting the existing and ongoing use of the LHI Golf Club on the site.

13. Do you have any comments on the proposed rezonings?

14. Can you identify any other sites you think should be rezoned to 6-Recreation to better reflect their current or potential use?

Site coverage for commercial buildings

Clause 22 of the LEP currently has site coverage controls for tourist accommodation, staff accommodation and commercial premises. Subject to being a demonstrated business need, not impacting SNV, and meeting landscaping controls, the controls allow a percentage of the site to be developed regardless of gross floor area. This is different to the site coverage controls for dwellings at Clause 23 and 27 which specify an upper limit for gross floor area that is permissible, subject to meeting landscaping controls.

The current Clause 22 control could potentially allow medium to large sites to be developed with very large building footprints. Development does require the consent of the Board, and they need to consider all relevant aspects of the development including a demonstrated business need. However, given that the LEP provision is not a numerical control it is open to interpretation, and does not provide certainty for applicants or the community about the likely built form outcome.

A sliding scale of permissible maximum floor area depending on the size of the lot might be appropriate.

15. Do you think the site coverage controls for tourist accommodation, staff accommodation and commercial premises should be a set numerical value for gross floor area (e.g. up to XXm² in floor area for land up to XXm² in site area



and XXm² in floor area for land up to XXm² in site area) or are you happy with the current method to control site coverage for these premises?

Use of Redundant Tourist Accommodation Buildings

The use of redundant tourist accommodation buildings has been discussed in several recent Board Meetings. It was agreed to:

- Consult the community as to what the community wants to see in the revised LEP
- Consider the use of redundant tourist accommodation for use as staff accommodation, not just for staff employed by the leaseholder for tourist accommodation, but people employed by any commercial enterprise on the island
- Consider the conversion of redundant tourist accommodation to a dwelling, provided it complies with the revised LEP and subject to dwelling quota.

16. What do you think should happen with redundant tourist accommodation buildings?

Agriculture

There are two sites within the foreshore management area which have been zoned 7 - Environmental Protection, however the existing uses would be better reflected if they were zoned 1 - Rural. The two sites are:

- Site 4 – Lagoon Road– The proposed rezoning is subject to the response of the NSW Government to the review of land allocation and tenure arrangements recently undertaken by the Hon. Ken Handley. It is possible that the allotment identified as a Category B site may be rezoned also to 1 – Rural.
- Site 5 – Anderson Road – the rezoning would bring cleared land only, which does not meet the Environment Protection Zone criteria, into the 1 – Rural Zone.

17. Do you have any comments on the proposed rezonings?

Environment Protection zone. They are either already within the preserve but not zoned as such, or adjacent to it or the environmental zone, and it is logical that the zoning boundary extend to include them. The five sites are:

- Site 6 - Lagoon Road
- Site 7 – Lagoon Road
- Site 8 – Lagoon Road
- Site 9 – Anderson Road
- Site 10 – Lagoon Road, Land Swap

18. Do you have any comments on the proposed rezonings?

Heritage

Development near a heritage item

Currently Division 3 of the LEP provides controls for development, including subdivision, on the land which contains a heritage item. However in some cases it is development on an adjacent lot of land which may have a potential impact on the heritage item.

A new clause is proposed to address this, as follows:

The consent authority may, before granting consent to any development on land that is within the vicinity of land on which a heritage item is located, require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage the significance of the heritage item.

19. In what cases should development on land that is adjoining a heritage item be required to consider its impact on the significance of that item?

The provision allows flexibility in determining 'in the vicinity of' because potential impacts, whether they are for example visual, or related to construction vibration, can vary according to the specific nature of the heritage item, its surrounds, and the development proposed.

20. Do you think 'in the vicinity' should be defined in terms of distance or mapped area?

The Community based Heritage Study recommended that the following 33 items be included in addition to those existing in Schedule 2 of the LEP. The exact location and extent of those items needs to be confirmed for inclusion. Please refer to Section 4.5.3 of the Discussion Paper for the list.

21. Do you have any additional information or comment in relation to any of the proposed heritage items?

Cemetery Space

A shortage of burial space has been identified on the Island. Projections indicate that capacity will be reached for the public cemetery at Ned's Beach within the next 15 years. Given the scarcity of land and increasing competition over land use priorities, better use of existing cemetery space is crucial to addressing the issue of diminishing cemetery capacities.

22. Where do you think future burial sites should be located?

Definition of terms

Several definitions under the current LEP are not as clear as they could be in guiding the circumstances in which development can be approved. New definitions are proposed for the

following terms. In order to create the proposed definition, the existing definitions in the LEP and the Standard Instrument – Principal LEP have been taken into consideration, and adjusted to suit the Lord Howe Island circumstances.

23. Do you think the definitions should be altered?

Term	Proposed New Definition
Dual Occupancy	Dual occupancy means 2 dwellings, whether attached or detached on one parcel of land. Additional dwellings are not permissible on the parcel of land.
Comment:	
Dwelling	Dwelling means a room or suite of rooms occupied, or used (or so constructed or adapted as to be capable of being used), as a separate domicile, but does not include: <ul style="list-style-type: none"> (a) Accommodation for seniors of people with a disability, or (b) Tourist accommodation, or (c) Staff accommodation
Comment:	
Education Facility	Means a building used as a school, long day care centre, pre-school, out of hours school care, college, technical college, academy, lecture hall, gallery or museum, and includes the community use or development for community use of the facilities or site of the establishment.
Comment:	
Environmental Protection Works	Means works associated with the rehabilitation of land towards its natural state or any work to protect land from or to mitigate the effects of environmental degradation. These works require development consent and means any of the following: <ul style="list-style-type: none"> (a) Biosecurity (b) Bush regeneration works (c) Dune restoration works (d) Erosion protection works

	<p>(e) Ground monitoring bored and the like (f) Wetland protection works But does not include Coastal Protection works.</p> <p>The definition of Coastal protection works will also need to be adopted. The draft Coastal Management Act definition is: Coastal protection works means: (a) Beach nourishment activities or works, and (b) Activities or works to reduce the impact of coastal hazards on land adjacent to tidal waters, including (but not limited to) seawalls, revetments and groynes.</p>
<p>Comment:</p>	
<p>Home Business</p>	<p>Means a business carried out in an existing dwelling or existing ancillary building on the same allotment, but only if:</p> <ul style="list-style-type: none"> (a) the business is undertaken by an occupant of the dwelling, and (b) not more than one employee (being an employee who is not an occupant of the dwelling) is employed on the premises at any one time, and (c) only goods or products manufactured on the premises, or goods or products ancillary to the services offered on the premises, are sold on the premises directly to the public, it does not interfere with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, and it does not involve the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, and it does not involve the exhibition of any signage (other than a business identification sign).
<p>Comment:</p>	
<p>Site coverage</p>	<p>Means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:</p> <ul style="list-style-type: none"> (a) Any basement, (b) Any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary, (c) Any eaves, (d) Unenclosed balconies, decks, pergolas and the like.
<p>Comment:</p>	

Staff accommodation:	Means a building or buildings providing for the accommodation of persons directly employed in connection with tourist accommodation or a commercial operation.
Comment:	

Exempt Development

Exempt development is defined as any minor development which does not require any development approval. Schedule 1 of the LEP lists these types of development. It also identifies the standards or other requirements which must be met to satisfy the exemption criteria. If the type of development does not meet the conditions, it means that the development will require consent so that it can be fully assessed by the Board.

Through assessment of development applications the Board has identified the following potential additions to the Exempt Development list: Barbeques, Small wind turbine systems, Solar energy systems, Fences – in the residential zone, Fences – in the rural zone, Fences – in the local centre zone, Garages and carports, Garden Sheds, Chicken pens, Driveways, Rainwater tank – above ground, and Rainwater tank – below ground.

24. Do you have any comment regarding additional exempt development items?

25. In which ways do you think the DCP can be improved to improve its clarity and usefulness?

26. Are there specific areas on the island which might be identified as a precinct with their own objectives and controls to guide development?

Additional or Future Review Issues

27. Are there any other issues which you think should be addressed within the review of the LEP?