

Lord Howe Island Planning Application Lodgement Kit



Lord Howe Island is located 760 kilometres north east of Sydney and is part of the State of New South Wales, Australia. The island is administered by the Lord Howe Island Board in accordance with the *Lord Howe Island Act 1953*. All land on the Island is vested in the Crown. The Act provides for: perpetual leases for residency; special leases, generally for agriculture; and permissive occupancies for purposes such as boatsheds or communications infrastructure. The Island has a small permanent residential community of about 350 people. The Lord Howe Island Group (LHIG) was inscribed on the World Heritage List in 1982 in recognition of its outstanding biodiversity, uniqueness and international importance.

The Board reports directly to the NSW Minister for Climate Change, Environment, and is charged with the care, control and management of the island. Its responsibilities include:

- protection of World Heritage values
- development control
- administration of all Crown Land including the island's protected area, the Permanent Park Preserve
- the provision of community services and infrastructure
- the delivery of sustainable tourism

The Board is comprised of seven members, four of whom are elected from the Islander community. The remaining three members are appointed by the Minister to represent the interests of business, tourism and conservation. The full Board meets on the island every three months and, on a day-to-day basis, the affairs of the island are managed by the Board's administration.

Development Applications

On Lord Howe Island, as on the mainland of NSW, development requires consent under the Environmental Planning and Assessment Act 1979.

To obtain Development Consent, you must lodge a Development Application with the Lord Howe Island Board (LHIB).

Section 96 Modification of Development Consent

Section 96 of the Environmental Planning and Assessment Act 1979 permits an application to be made to modify an existing Development Consent. Any Section 96 application must demonstrate how the proposed modification would result in substantially the same development.

A written application together with all relevant plans and supporting documentation are required to be made and additional fees are payable.

Owners Consent

Owners consent is required for lodgement of a Development Application or Modification of Consent. The consent of the LHIB or the NSW Minister for Climate Change, Environment and Water is required, as land owner. Joint leaseholder consent will also be required to be provided where relevant.

Exempt Development

Some minor developments are called Exempt Development and do not require consent. Exempt Development is listed in Schedule 1 of the LHI LEP 2010.

All other development on Lord Howe Island requires submission of a Development Application.

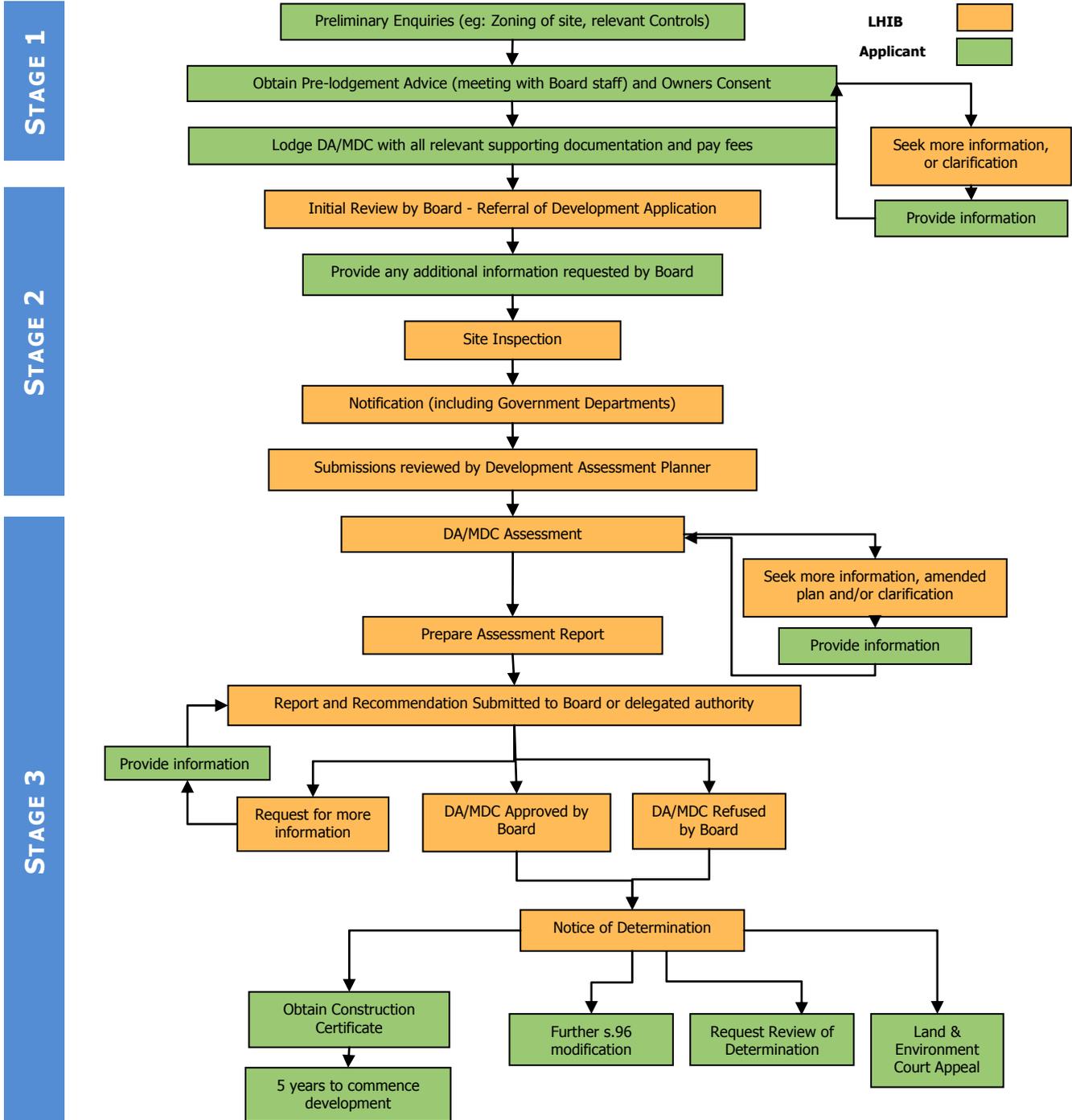
The Board's Key Contact Details are: **Telephone: (02) 6563 2066**

Email: administration@lhib.nsw.gov.au

Postal Address: PO BOX 5, LORD HOWE ISLAND NSW 2898

THE PLANNING APPLICATION PROCESS FOR LHI

Development Applications (DA) and Section 96 Applications (MDC)



The following key steps to lodging an Owners Consent, Development Application or Modification of Consent with the LHIB are relevant:

STEP 1: Preliminary Enquiries

- **Speak to Manager Environment and Community Development and/or the LHIB's Consultant Town Planner to obtain initial development advice about relevant controls & policies.**
- **Review the permissible uses and planning objectives for the relevant zone and investigate the assessment controls such as height, density, setbacks, landscaped area, sunlight and privacy controls on-site car parking and ecological issues that apply to your site**

The Lord Howe Island Local Environmental Plan 2010 is a statutory document that identifies land use zonings, permissible uses within zones and some core development standards. This policy is amended from time to time.

You can view a copy of the LHI LEP 2010 at the Board's Administration Office OR you can download for no charge at:

www.legislation.nsw.gov.au (Click browse in force, EPI's)

Development Control Plans (DCP) contain the LHIB's policies on how development in certain zones and of particular types should be designed. The Board's DCP was approved in October 2005 and is attached to the previous Regional Environmental Plan, 2005. The DCP contains both general and specific design advice and set relevant building and design controls. The Lord Howe Island Board has adopted a DCP for every land use zone. To view the relevant DCP for any particular parcel of land you will need to contact the Boards Administration Office.

Before you lodge your application it is wise talk to your neighbours, listen to their views and be prepared to consider modifying your proposal to address any reasonable concerns. Reasonable objections from neighbours can delay and in some instances prevent approval of your development application.

For complex or large applications, if you are uncertain about what needs to be done or if you do not have the time to prepare the application you may consider engaging a Town Planning Consultant, Architect or Draftsperson.

STEP 2: Meet with Board staff

For larger development proposals it is advisable to arrange a meeting with Board staff or the Board's Consultant Town Planner to discuss your proposal and any relevant matters for consideration prior to finalising your application.

STEP 3: Obtain Owners Consent

All land on Lord Howe Island is NSW Crown land and as such, Owners Consent from the Crown is required prior to lodgement of any Development Application or Modification of Development Consent. Owners Consent (OC) is a separate but related process to obtaining a planning approval.

OC's must demonstrate that the proposed development complies with all relevant numerical standards of the LHI LEP, such as density and setback controls and that the proposal is permissible with consent. All OC applications must be completed using the prescribed form, together with relevant plans, documents.

STEP 4: Fill Out a DA or MDC Form

Every Development Application or Modification Application must be accompanied by a completed development application form, which details the type of application, the applicant's and leaseholder's name and address, relevant owners consent and joint leaseholder consent details, relevant property description and description of the proposed development.

Board staff will be able to provide you with copies of the DA/MDC Form.

STEP 5: Prepare and Print Drawings/Plans

Required Plans will vary depending on the development proposed and the site characteristics.

Plans typically required for submission with development applications include a Site Plan, Floor Plans, Building Elevations, Landscaping Plans and On-site Sewage Disposal Plans.

Plans must be accurately drawn to scale and should clearly illustrate the proposed development within its existing context. Applications for subdivision will need to include a surveyor's plan of the existing and proposed subdivision pattern.

STEP 6: Prepare Statement of Environmental Effects

A Statement of Environmental Effects (SEE) is required to be submitted with your Development Application. The SEE must detail any expected impact of the development on the natural or built environment, adjoining premises and the general public.

The SEE should include a detailed description of the existing site and surrounding situation and the proposed development. Any proposed measures to reduce negative impacts also need to be addressed.

If it is considered that the development proposal is very minor in nature and of negligible impact then the SEE may be included on the Development Application form.

STEP 7: Include Additional Supporting Documentation

In some instances additional supporting documentation will be required to be submitted with your development application/modification of consent application.

Advice on required supporting documentation can be obtained from the Board and in some instances will be identified at any pre-lodgement meeting with Board staff./the Board's Consultant Town Planner. Such supporting documentation may include:

BASIX Certificate

A BASIX Certificate must be submitted with any new DA for a new dwelling, new multi-unit buildings, dual occupancies and boarding houses and substantial alterations and additions to existing residential development. BASIX Certificates can only be generated on the NSW Department of Planning website: www.basix.nsw.gov.au For more information call the BASIX Help Line on Ph. 1300 650 908.

Heritage Impact Assessment

A Heritage Impact Assessment may be required by the LHIB if your property is heritage listed, adjacent to a heritage item or within a heritage conservation area. A Heritage Impact Statement assesses the impact of the development on the heritage item or conservation area.

Ecological Assessment

An Ecological Assessment must be prepared by a Qualified Ecologist. Such an assessment is typically requested if there is likely to be an impact on threatened species or if significant native vegetation clearing is proposed.

Flood Impact Assessment

Some properties on Lord Howe Island are flood prone and any development involving new dwellings or fill within a flood prone area will require a Flood Impact Assessment to be prepared.

Sewage Disposal Assessment

On LHI, sewage needs to be disposed of on-site in an environmentally sensitive manner. To ensure adequate design and location of on-site disposal systems, to avoid contamination of ground water and ocean environments, the LHIB requires an assessment of all proposed on site systems from a qualified environmental health officer.

STEP 8: Submit DA, completeness check, confirmation of required fees

Before DAs are assessed they undergo a completeness check. LHIB staff will check whether all the necessary information has been provided in your application. A checklist is at the bottom of all DA forms to help you ensure you give us all the information we need to proceed with lodging and assessing your DA.

Note : Fees will be calculated in accordance with Rawlinsons or Cordell's Construction Cost Guide and, which includes materials and labour using a licensed builder.

STEP 9: Lodge Development Application with LHIB and pay relevant fee

Once the relevant form, documentation and fees have been compiled you can lodge your planning application with the Board, together with the relevant application fee. The fee is either a fixed amount or variable depending on the cost of development.

Experienced Board Staff will review your proposal to check that all standard relevant information has been provided, including the correct number of plans and that owners consent has been supplied.

STEP 10: Board Assessment and Determination of Application

Once your application is lodged with the Board it will be assigned a reference number and forwarded to the Board's consultant town planner. The Board will formally acknowledge receipt of your application.

The consultant town planner is responsible for assessing your application in accordance with the Board's current planning controls and relevant legislation. The town planner will prepare a report on your application for the Board to consider at either a formal meeting of the Board or for a person with delegated authority to consider the proposal on the Board's behalf.

If your application is to be considered at a meeting of the Board you can request an opportunity to address the Board at the meeting the application is being considered and prior to them determining your application.

Request for Additional Information

If more information about your application is needed the Board will notify you in writing and the assessment process will be halted until the additional information is received. If significant time lapses following the Board's request for additional information, the Board may notify you of their intention to refuse your application if the additional information is not received within a designated timeframe.

Notification of Proposal

In most instances your application will be publicly notified in the local newspaper and/or by letter of notification to adjoining and other relevant landholders. Public notification is undertaken in accordance with the Board's adopted notification policy.

Your application may also need to be referred to other Government Departments for their input and comment. This type of Development application is known as an 'integrated development'. In some instances your application will also require the concurrence of the NSW Department of Planning or the NSW Department of Environment, Climate Change and Water.

Determination of your Application

The town planner's assessment of your application (the assessment report) will recommend either approval or refusal of your planning application. Approval will be subject to conditions of consent. Refusal will be accompanied by reasons for refusal of the application.

Request for Review of Determination

Following approval or refusal of your application you can request a review of determination under Section 82A of the Environmental Planning and Assessment Act 1979.

It is important to note that a Review of Determination is a request that provides the Board with a legal opportunity to review their whole assessment and determination of your development proposal, including giving the Board the ability to refuse an application that they had approved, if on review they determine to do so.

If your original application was determined under delegated authority, the request for a review is required to be determined by someone holding higher authority within the Board.

Land & Environment Court Appeals

The Land and Environment Court of New South Wales is a specialist environmental and planning court with a wide jurisdiction responsible for interpreting and enforcing environmental law in the state of New South Wales, Australia. It is possible to consider commencing proceedings for the refusal or non-determination (after 40 days) of a Development Application, or for the imposition of a set of conditions on an approval, by a consent authority.

It is advisable to speak to a solicitor or town planner experienced in Land and Environment Court matters if you would like to consider lodging an appeal against the Board's determination of your application in the Land and Environment Court of NSW