

# LORD HOWE ISLAND BOARD

## Development Application

Section 4.12, Environmental Planning and Assessment Act 1979

Date Received:

Development Application No.: DA2023.2.1 Date Lodged: 25/05/2023

Use this form to apply for development consent to:

- Erect, alter or demolish a building or structure;
- Change the use of land or a building;
- Subdivide land;
- Display an advertisement;
- Any other development that requires consent from the Lord Howe Island Board.

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information. To complete the form, please place a cross in the boxes  and fill out the sections provided as appropriate. When your application has been assessed, you will receive a Notice of Determination. If you need help please phone or call the Board's office and discuss your queries with a development officer.

### APPLICANT DETAILS

Mr  Mrs  Ms Other: .....

Name: Kelly Ann Galloway

Organisation: Marlane Pty Ltd T/A Ocean View Apartments ABN: [REDACTED]

Postal Address: [REDACTED]

Telephone: [REDACTED] Fax: .....

Email: [REDACTED]

### OWNER CONSENT

Has Owner Consent been issued?  Yes  No Owner Consent No.: .....

### IDENTIFY THE LAND YOU PROPOSE TO DEVELOP

Portion/Lot No.: Lot 3 Deposited Plan No.: DP1279044

Lease No.: PL2022.03

Address: [REDACTED]

### PROPOSED DEVELOPMENT

Describe the proposed development; give a detailed outline of what you are going to do. If it involves a building, indicated what it will be used for.

**DECOMMISSION Unit 16 from Tourist Accommodation at Oceanview Apartments and CHANGE OF USE Unit 16 to LINEN and CLEANING EQUIPMENT STORAGE.**

A part of the decommissioning of unit 16 is removing all the cooking facilities/white goods/furniture/electrical goods. Retain bathroom facilities for WHS with handling of cleaning products / chemicals & equipment.

Installing metal shelving to store linen & cleaning chemicals & equipment.

Install outside partitioning on veranda to separate from tourist accommodation & have staff only access.

Building Material:

Roofing Material:

**PAST/PRESENT LAND USES**

**Commercial - Tourist accomodation**

State the past known uses of the site: .....

**Commercial - Tourist accomodation**

State the present known uses of the site: .....

**STAGED DEVELOPMENT**

You can apply for development consent for only part of your proposal now, and for the remaining part/s at a later time.

Are you applying for development consent in stages?  Yes  No

If yes please attach:

- Information which describes the stages of your development;
- A copy of any development consents you already have which relate to your development.

**PLANS OF THE LAND AND DEVELOPMENT**

You need to provide a number of different plans that show what you intend to do. Step 4 of the Development Application Guide sets out which plans to provide and the details to include. Please submit 1 copy of the plans with the application. Please attach:

- A site plan of the land, drawn to scale;
- Plans or drawings of the proposal, drawn to scale and, where relevant;
- An A4 size plan of the proposed building and other structures on the site;
- A plan of any existing buildings (and uses), drawn to scale.

**ENVIRONMENTAL EFFECTS OF YOUR DEVELOPMENT**

To assess your proposal, we need to understand the impacts it will have. Depending upon the nature and scale of your proposal, you need to provide one or more of the statements listed below to explain the environmental effects of your proposal.

Is your proposal likely to cause a major environmental impact (e.g. designated development)?

- Yes Please attach an environmental impact statement.
- No Please attach a statement of environmental effects (SEE).

Is your proposal likely to cause have significant effect on threatened species, populations, ecological communities or their habitats?

- Yes Please attach a species impact statement.
- No

**SUPPORTING INFORMATION**

You can support your application with additional material such as photographs (including aerial photographs), slides and models to illustrate your proposal.

Please list what you have attached.

**Full OC & DA report including aerial photographs & site plan.**

*NOTE: It will be necessary for you to place pegs showing the location of all building extremities and height of buildings within seven days of lodging your development application. These pegs will allows inspection by Board staff at an early stage of your development assessment.*

**APPLICATION FEE**

For development that involves a building or other work, the fee for your application is based on the estimated cost of the development. If your development needs to be advertised to the public you may also need to include an advertising fee. Clauses 246 to 263 of the Environmental Planning and Assessment Regulation 2000 provide a schedule of fees.

*NOTE: Fees will be calculated in accordance with Cordell's Building estimates and will form the basis for the fee. To save time and any delays in processing your application, please contact us if you need help to calculate the fee for your application.*

Estimated cost of the development: ..... **\$5000.00** .....

Total fees lodged: ..... **\$110.00** ..... Date: ..... **25/05/2023** ..... Receipt No.: ..... **23954** .....

**APPLICANT/S OR APPLICANT'S AGENT DECLARATION**


Have you or any associated persons with a financial interest in this application in the last two years made any political donations or given any gifts to any local Board Member or Board employee?  Yes  No

If you ticked yes please fill out a Political Donations and Gift Disclosure Statement.

IMPORTANT NOTICE: It is an offence under the EP&A Act 1979 if you fail to disclose reportable donations and gifts.

**LEASEHOLDER AUTHORISATION – All leaseholder/s of the land must sign this application.**

As the leaseholder/s of the above property, I/we consent to this application.


Signature: .....  ..... Signature: .....

Name: **Kevin Bryant Wilson** ..... Name: .....

Date: **19/03/2023** ..... Date: .....

**APPLICANT AUTHORISATION – The applicant/s or the applicant's agent must sign the application.**

I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct. I also understand that, if incomplete, the application may be delayed or rejected and more information may be requested within 21 days of lodgement.

Signature: .....  ..... Signature: .....

Name: **Kelly Ann Galloway** ..... Name: .....

Date: **19/03/2023** ..... Date: .....

State the capacity in which you are signing if you are not the applicant: .....  
.....

**PRIVACY POLICY**

The information you provide in this application will enable us, and any relevant state agency, to assess your application under the Environmental Planning and Assessment Act 1979 and other applicable state legislation. If the information is not provided, your application may not be accepted.

If your application is for designated development or advertised development, it will be available for public inspection and copying during a submission period. Your application, and any attached plans will be published on the Lord Howe Island Board website. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected information provided in your application. Please ensure that the information is accurate and advise us of any changes.

Documentation provided with an application may also be accessed in accordance with the requirements of the Government Information Access (GIPA) Act 2009.

## LODGEMENT

Before submitting your application, please ensure you have attached all the information the consent authority needs to assess your proposal. You can use the following checklist. Please place a cross in the box  next to any items you have attached:

### Plans

- A site plan of the land — **all applications**
- Plans or drawings of the proposal showing all dimensions — **all applications**
- An A4 size plan of the proposed building and other structures on the site - **all applications**
- A plan which is drawn to scale of all existing buildings.

### Environmental effects

- An environmental impact statement for a designated development proposal and an electronic version of the executive summary
- A statement of environmental effects — **required for all applications** that are not designated development
- An environmental report — **if required under clause 42 of the LHI LEP 2010**. Contact the Board to see if you need to prepare an environmental report.
- A species impact statement
- A Basix Certificate – The Building Sustainability Index (BASIX) applies to all residential dwelling types and is part of the development application process in NSW. A BASIX certificate **MUST** be obtained for “**BASIX affected development**”. For further information please refer to [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)
- Electrical supply form must be completed (for new / alteration / addition to existing supply).

### Staged development

- Information which describes the stages of the development
- A copy of any consents already granted for part of the development

### Supporting information

- Other material to support your application, such as photos, slides and models. *Please ensure any items listed as an Advisory Note as part of the Owner Consent approval have been addressed.*

### Application fee

- Your application fee — **required for all applications**.

### Where to lodge your application

You can lodge your completed application form, together with attachments and fees at the Lord Howe Island Board's office.

## CONTACT DETAILS FOR YOUR INFORMATION

### Lord Howe Island Board

Bowker Avenue  
(PO Box 5)  
LORD HOWE ISLAND NSW 2898  
Phone: 02 6563 2066  
Fax: 02 6563 2127  
Email: [administration@lhib.nsw.gov.au](mailto:administration@lhib.nsw.gov.au)  
Website: [www.lhib.nsw.gov.au](http://www.lhib.nsw.gov.au)

### Lord Howe Island Marine Park Authority

Phone: 02 6563 2359  
Fax: 02 6563 2367  
Email: [lordhowe.marinepark@npws.nsw.gov.au](mailto:lordhowe.marinepark@npws.nsw.gov.au)  
Website: [www.mpa.nsw.gov.au](http://www.mpa.nsw.gov.au)

### Department of Infrastructure, Planning and Natural Resources – General Enquiries

Phone: 02 9228 6111  
Email: [infocentre@dipnr.nsw.gov.au](mailto:infocentre@dipnr.nsw.gov.au)  
Website: [www.dipnr.nsw.gov.au](http://www.dipnr.nsw.gov.au)

### Department of Infrastructure, Planning and Natural Resources – North Coast Office

49 Victoria Street  
(PO Box 6)  
GRAFTON NSW 2460  
Phone: 02 6642 0622  
Email: [northcoast@dipnr.nsw.gov.au](mailto:northcoast@dipnr.nsw.gov.au)  
Website: [www.dipnr.nsw.gov.au](http://www.dipnr.nsw.gov.au)  
BASIX Certificate: [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

# LORD HOWE ISLAND BOARD


## Statement of Environmental Effects

A Statement of Environmental Effects must be completed and submitted with your development application, this is a requirement under the *Environmental Planning & Assessment Act 1979*. The Statement of Environmental Effects report explains the likely impacts of the development proposal taking into consideration relevant planning and environmental matters. If you require any clarification about what information needs to be included, please contact the Board's office on (02) 6563 2066.

Failure to submit a completed Statement of Environmental Effects report will result in the development application being rejected or incurring unnecessary delays before the application can be determined.

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### APPLICANT DETAILS

Name: **Kelly Ann Galloway / Marlane Pty Ltd T/A Ocean View Apartments**  
Signed:  Date: **19/03/23**

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### PROPOSED DEVELOPMENT

Portion/Lot No.: **Lot 3** Deposited Plan No.: **DP1279044**  
Lease No.: **PL2022.03**  
Address: 

Please tick the type/s of development you are applying for:

- |  |   |
|--|---|
| <input type="checkbox"/> Dwelling House              | <input type="checkbox"/> Shed or Garage                             |
| <input type="checkbox"/> Additions to Dwelling House | <input type="checkbox"/> Dual Occupancy                             |
| <input type="checkbox"/> Home Business               | <input type="checkbox"/> Additions to Dual Occupancy                |
| <input checked="" type="checkbox"/> Commercial       | <input type="checkbox"/> Subdivision including Boundary Realignment |

Other – please describe: **Change of use of existing building interior**

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### DEVELOPMENT DESIGN ATTRIBUTES

#### EXISTING BUILDINGS

What buildings and/or structures already exist on the subject site? Existing structures located on the subject site (including their gross floor area where applicable) as well as adjoining properties need to be shown on a site plan. Please show floor space.

**\*\* See attached application information.**

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.....

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.....

**DEVELOPMENT CONSENTS**

If known, please list previous development and building approvals for the last 10 years which are considered relevant to this application. If necessary please consult Board staff.

DA Number	Development Description	Date of Consent

**OWNERS CONSENT**

Please provide the reference number for the Owners Consent application. Please confirm that all conditions of owners consent have been met for this development application.

.....

**DEVELOPMENT REQUIREMENTS**

**DWELLINGS/RESIDENTIAL**

Does your development comply with the **maximum gross floor area** and the **minimum dwelling area** (under Clause 20 & 23 LHI Local Environmental Plan 2010)? If yes, this must be demonstrated below.

**\*\* See attached application information.**

.....

.....

.....

Please specify if your development complies with the enlargements or extensions of a dwelling (under clause 27 LHI Local Environmental Plan 2010)? If yes, this must be demonstrated below.

N/A

.....

.....

.....

**COMMERCIAL**

Please specify if your development complies with the requirements in Clause 22 for tourist accommodation, staff accommodation and commercial premises? If yes, this must be demonstrated below.

**\*\* See attached application information.**

.....

.....

**ALL BUILDINGS – MAXIMUM BUILDING HEIGHT**

Please specify if your development complies with the maximum building height (under clause 29 LHI LEP 2010)? If yes, this must be demonstrated below.

**\*\* See attached application information.**

.....

.....

**SUBDIVISION**

Please specify if your development complies with the subdivision requirements under clause 21 of LHI LEP 2010? If yes, this must be demonstrated below.

.....  
**N/A**  
.....  
.....

**ZONING**

Does your development meet the objectives of the zone in which the site is in? Please provide how the development meets these objectives (clause 13-19 LHI LEP 2010).

.....  
**\*\* See attached application information.**  
.....  
.....

**ENERGY EFFICIENCY**

Does the development achieve the minimum BASIX requirements? To determine whether a BASIX certificate needs to be submitted with your application, please refer to [www.basix.nsw.gov.au/information/index.jsp](http://www.basix.nsw.gov.au/information/index.jsp). Each development application for a residential dwelling and each development application for alterations and additions must have a BASIX certificate.

.....  
**N/A**  
.....  
.....

**BOUNDARY SETBACKS**

How far is your development setback from the front boundary?

.....  
**100 m**  
.....  
.....

How far is your development setback from the side and rear boundaries?

.....  
**50 m**  
.....  
.....

Does the development comply with the Board’s minimum setback requirements? If no, provide reasons why the development should be supported?

.....  
**Yes**  
.....  
.....  
.....  
.....

**LANDSCAPING**

Please specify if the development complies with the landscaping requirements for Zone 2 land (clause 33 LHI LEP 2010)? If yes, this must be demonstrated below.

.....  
N/A  
.....  
.....

**LAND ADJACENT TO ZONE 7 OR 8**

Please specify if your development complies with the requirements for land adjacent to Zone 7 or 8 (under clause 34 LHI LEP 2010)? If yes, this must be demonstrated below.

.....  
N/A  
.....  
.....

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**CONSTRAINTS**

**FORESHORE DEVELOPMENT**

Is your land within the foreshore development area? If yes, please how the development complies with foreshore development requirements (Clause 35 LHI LEP 2010).

.....  
N/A  
.....  
.....

**AIRCRAFT NOISE**

Is your land subject to the Australian Noise Exposure Forecast? If yes, the development may need to include an Acoustic Report with the application.

.....  
N/A  
.....  
.....

**FLOODING**

Is your land flood prone? If yes, what measures will be undertaken to ensure that:

- water is efficiently drained from your property without impacting upon any adjoining neighbours.
- the proposed development will not be adversely affected by flooding.

.....  
N/A  
.....  
.....



**HERITAGE**

Is the development listed as a heritage item, located in a heritage conservation area or located adjacent to any known heritage item or archaeological site? If yes, a Statement of Heritage Impact and referral to NSW Heritage Branch may be required.

.....  
N/A  
.....  
.....  
.....

**SIGNIFICANT VEGETATION**

Will the development require the removal of any vegetation in areas mapped as 'significant vegetation' in LHI LEP 2010 Sheet 3 as well as the proposed 'significant vegetation' map on exhibition? If yes, the proposed development may be prohibited.

.....  
N/A  
.....  
.....

**RETENTION OF TREES AND LANDSCAPING**

Will the development require the removal of any native trees and/or shrubs? If yes, please specify how many trees/shrubs need to be removed and indicate their location on the site/landscape plan.

.....  
N/A  
.....  
.....

**RECOVERY PLANS AND HABITAT AREAS**

Is the development consistent with approved Recovery Plans for the island? Does the development have any impacts on threatened species? If the answer to this question is yes then an Environmental Report, a seven part test or a Species Impact Statement may be required (Clause 42 of LHI Local Environment Plan 2010). It is important to remember that it is illegal to clear, modify, underscrub or remove any vegetation within areas of identified habitat.

.....  
N/A  
.....  
.....

Can the development be sited to retain existing vegetation? If no, explain why this is not possible.

Yes  
.....  
.....  
.....

Do you intend to provide any landscaping to compensate for the removal of vegetation? If yes, please include a landscape plans specifying the species to be used. If no, please explain why supplementary landscaping is not necessary.

**No, as no removal of vegetation required.**

**VISUAL APPEARANCE**

Explain how the external appearance of the development has been designed to take into consideration of the adjoining properties and character of the area.

**External appearance of building will not change.**

**VISUAL AND ACOUSTIC PRIVACY**

Describe how the development has been designed to reduce any possible impact on the visual or acoustic privacy of adjoining properties. Consider the use of screening, landscaping, offsetting windows and balconies.

**N/A**

**SOLAR ACCESS**

Has the development been designed so that the main indoor and outdoor living spaces face north and east to take advantage of solar access? If yes, please specify the parts of the dwelling facing north and east.

**N/A**

Does the development overshadow adjoining properties?

**N/A**

**VIEWS**

Does the development obstruct any views from adjoining properties?

.....  
**N/A**  
.....  
.....

Is it possible to site the development to minimise the obstruction of views? If no, explain why this is not possible.

.....  
**N/A**  
.....  
.....

**PARKING AND TRAFFIC**

How many on-site parking spaces are existing and how many will result from the proposed development?

**Two parking areas that can accomodate approx 10 cars. No more will result from proposed development**  
.....  
.....

Does the development provide adequate manoeuvring areas without impacting on existing access and parking arrangements? If no, please justify why the development should be supported.

.....  
**N/A**  
.....  
.....

**EARTHWORKS AND RETAINING WALLS**

Does the site need to be excavated or filled? If yes, specify the maximum retaining wall heights and type of construction. Retaining wall details need to be shown on the development plans.

**N/A**  
.....  
.....  
.....

**WASTEWATER MANAGEMENT**

Have you completed the Lord Howe Island Board Onsite Wastewater Management System checklist for Applicants and submitted with this application?

.....  
**N/A**  
.....  
.....

**STORMWATER RUNOFF DISPOSAL**

How will excess stormwater runoff be disposed?

.....  
N/A  
.....  
.....

**EROSION AND SEDIMENT CONTROL**

What erosion and sediment control measure will be used to keep the soil on your site? Consider siltation fencing, diversion channels, stockpile protection, stormwater pit protection and gravel vehicle access.

.....  
N/A  
.....  
.....

Where will the erosion and sediment control measures be provided on-site? Please identify the location of the erosion and sediment control measures on the site plan.

.....  
N/A  
.....  
.....

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**OTHER CONSIDERATIONS**

Are there any other particular measures proposed to mitigate and/or offset any significant impact caused by the development?

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N/A  
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## **OWNER CONSENT and DEVELOPMENT APPLICATION**

Kevin Wilson / Kelly Galloway

19<sup>th</sup> March 2023

**Lot 3 / DP 1279044 / Lease no. 2022.01**

### **A) DECOMMISSION Unit 16 from Tourist Accommodation at Oceanview Apartments and CHANGE OF USE Unit 16 to LINEN and CLEANING EQUIPMENT STORAGE on Lot 3 / DP 1279044 / Lease no. 2022.01**

#### 1. Contents

1. Statement of Environmental Effects
2. Photos
3. Site plan and building plans
  - ◆ Dwelling
  - ◆ Infrastructure building
  - ◆ Tourist accommodation
  - ◆ Total site plan and survey
  - ◆ GFA calculations
  - ◆ Adjacent Perpetual Leases
  - ◆ Vegetation plan
  - ◆ Parking
  - ◆ OC/DA application
  - ◆ SEE

**Address:** Lot 3 / DP 1279044 / Lease no. 2022.01

**Applicant:** Kevin Wilson.

**Zone:** Zone 2 settlement.

**Biodiversity -Significant native vegetation:** No significant native vegetation will be damaged or removed with this application.

**Site description Lot 3:** The tourist (commercial) business is known as Oceanview Apartments. The tourist apartments are situated on an irregular shaped block with the total site area of 16,440 square meters with slopes to the North west. The site is zone 2 Settlement. The existing buildings on site are outside of mapped SNV.

#### **Existing improvements Lot 3:**

- 2 dwellings.
- Infrastructure building (office / transit building; commercial laundry / double garage / storage / cool room and freezer building, garden / tool shed; commercial kitchen / bar area / lounge - games room / staff accommodation building).
- 15 tourist accommodation units (license- 35 beds) with guest laundry attached to the North corner of the building
- Landscaping design
- Driveway access and parking.

#### **Compliance:**

EPA Act

EPA Reg's

LHI LEP2010

**Contamination:** None

**Bushfire risk:** None

**Services:** Existing water, electricity, telecommunications, and wastewater disposal

**Stormwater:** Existing surface water flows south west

**Landscaping:** No additional landscaping proposed

**Tourist license allocations:** Existing tourist facility on Lot 3 / DP 1279044 / Lease no. 2022.01 is licensed for 35 people. Consent is sought for decommissioning Unit 16 and change the use from tourist accommodation to linen & cleaning equipment storage.

A part of the decommissioning of unit 16 is removing all the cooking facilities/white goods/furniture/electrical goods. Retain bathroom facilities for WHS with handling of cleaning products / chemicals & equipment.

Installing metal shelving to store linen & cleaning chemicals & equipment.

Install outside partitioning on veranda to separate from tourist accommodation & have staff only access.

#### **Supporting documentation:**

Survey plan by Martin Pundyk. Proposed subdivision of Lot 347 DP1156661, Lots 201 & 204 DP40354 & Lot 69 DP757515.

Tourist accommodation Unit 16 decommission floor plan

Letter CEO of LHI Board, detailing the application to transfer tourist licenses

**Zone and Permissibility:** The land is in Zone 2 Settlement. The proposal complies with Clause 22 LEP2010

**Heritage:** No heritage listing of the subject site

**Sewer:** Existing approved wastewater system on Lot 3 supports waste from dwelling and tourist accommodation Kubota System.

**Access:** Existing from Oceanview Drive is sealed.

**Surrounding development:** Typical dispersed settlement pattern

**Impacts and mitigation:** The proposal will not impact on the environment or SNV or impact on World Heritage values  
Design principles comply with LEP2010.

**Demonstrated business need:**

1. Decommissioning unit 16 at Oceanview Apartments and change of use from tourist accommodation to linen and cleaning equipment storage will enable the business to operate efficiently.

**Justification:**

1. Development DA2021.7, Property Description  
Lot: 347 DP: 1156661, Lot: 201 DP: 40354, Lot: 204 DP: 40354, Por: 69 PLN: 19  
Description of Development Subdivision of Lot 347, Lot 201, Lot 204 and Portion 69.  
GFA Calculation from this DA, raises the commercial area used to 12.4%. That is well under the 15% allowed.
2. Decommissioning and change of use of unit 16 will utilize an existing commercial area for essential purposes of linen and cleaning equipment storage. A part of the decommissioning of unit 16 is removing all the cooking facilities/white goods/furniture/electrical goods. Retain bathroom facilities for WHS with handling of cleaning products & equipment. Installing metal shelving to store linen & cleaning equipment. Install outside partitioning on veranda to separate from tourist accommodation & have staff only access.
3. Recent example approved by the LHI Board: Val Turk at Hideaway and Therese Turner decommissioned tourist units and change of use was approved
4. All buildings have been identified on the lease, including dwellings
5. There is adequate land available for the proposal
6. The proposal is permissible with development consent in Zone 2 settlement and satisfies Clause 9,11,14,22,27,29,32 and 33 of the LEP2010.
  - Clause 11 –Matters that must be satisfied before development consent is granted
    - (a) The site falls within Zone 2 Settlement and is consistent with zone objectives
    - (b) There is adequate area for treatment of effluent. No new effluent will be produced. The existing wastewater system has been approved by the Lord Howe Island Board
    - (c) The proposal will not result in any SNV to be damaged or removed.
    - (d) The proposal does not involve any change in access on the site.
    - (e) The proposal does not involve landscaping
    - (f) The site is not located in a flood hazard area
    - (g) No additional infrastructure services are required
    - (h) The proposal will have no adverse impact on locality
    - (i) No overshadowing will result
    - (j) No privacy issues will result.
    - (k) Complies with Clause 22 (1) (a) and Clause 22 (1)(b)
7. Clause 22- Tourist accommodation, staff accommodation and commercial premises- the proposal complies with the minimum 15% of the balance of the area of the allotment occupied after the minimum dwellings area is deducted from the total area of the allotment (see GFA provided in this document)
8. Clause 29 – Maximum height of buildings. Existing building does not exceed 7.5m in height
9. Clause 32-Setback of buildings. The proposal complies with setbacks, as there is no structural change
10. Clause 33- Landscaped character. The proposed development will not adversely impact on the existing landscaped character and dispersed pattern of housing in the zone
11. The site is suitable and can accommodate the proposal
12. There is no cut and fill
13. The existing buildings are screened from the main road and the entrance driveway with a thick band of vegetation.
14. There is no significant environmental, social, or economic impact.  
No native vegetation will be removed
  - a. Soil suitability, stability, slope, natural drainage patterns and erosion control are not affected
  - b. There is no effect on plants or animals that are native to the island
  - c. There will be no change to air, noise or water pollution arising from the proposed subdivision
  - d. There is no impact on the health of people in the neighborhood
  - e. There are no hazards arising from the proposed development.
  - f. There will be no impact on traffic in the neighborhood
  - g. There is no impact on the local climate
  - h. There is no change to visual impact
  - i. There is no impact on soil erosion
  - j. There is no impact on heritage significance
  - k. There is no visual exposure.
  - l. The existing access is landscaped and established. There is no requirement for cut and fill.
  - m. There is no impact on fauna habitats on the site or existing native vegetation.

15. There will be no impact on the environment
  - The area is landscaped using an approved Environmental plan.
  - Visual and climatic screening exists.
  - No impact on visual exposure,
  - No negative impacts on significant native vegetation
  - Main Access road exists and is landscaped and screened.
  - Adequate distance from boundaries
  - World Heritage values will not be compromised.

**Proposed Development objectives and analysis:**

2 and 3 (a)

The proposal is to:

1. Decommission Unit 16 at Oceanview Apartments (2 tourist licenses) and change the use from Tourist accommodation to linen & cleaning equipment storage on Lot 3 / DP 1279044 / Lease no. 2022.01.
2. The existing buildings are screened from the main road and entrance driveway by an area of native and exotic vegetation.
3. The proposal is in keeping with the general objectives of the LEP2010, which are. *"To ensure that any further development on the Island does not destroy the natural environment and does not adversely affect the lifestyle of the residents"*.
4. The proposal satisfies objectives of Zone 2 (settlement) LEP 2010
5. The proposal complies with the Environmental protection and Biodiversity Conservation Act 1999, NSW Threatened Species Conservation Act 1995, NSW Heritage Act 1977, LHILEP2010, Lord Howe Island Act 1953, LHI DCP2010 and the NSW Environmental Planning and Assessment Act 1979.

**Lot 3 / DP 1279044 / Lease no. 2022.01 GFA existing on site on the date of 18<sup>th</sup> October 2022**

**EXISTING GFA CALCULATIONS (Total site area = 16,440sqm**

Building	GFA (sqm)	Area required
<b><u>Existing Residential</u></b>		
2 Dwellings (dwelling 1: 161 m <sup>2</sup> + dwelling 2: 96 m <sup>2</sup> ) = 267 sqm		=6,000 sqm
<b><u>Existing Commercial GFA</u></b>		
Tourist Accommodation	= 596 sqm	
Double garage, storage area, freezer / cool room and laundry.	= 162 sqm	
Office / transit room and garden / tool shed	= 92 sqm	
Restaurant area, games room and staff accommodation.	= 501 sqm	
<b>Total GFA commercial floor area</b>	<b>= 1331 sqm</b>	
Area required for commercial site cover		= 8,873.33 sqm
To calculate area required to comply LEP 2010: 1331 sqm divided by 15 x 100		
<b>TOTAL EXISTING AREA REQUIRED</b>		<b>14,873.33 sqm</b>
<b>TOTAL AREA AVAILABLE</b>		<b>= 16,440 sqm</b>
Area remaining		<b>= 1566.67 sqm</b>
<b>Complies with Clause 23 and Clause 24 of LHI LEP2010</b>		

**Electrical:** No change to existing load

**Environmental:** No impact on any threatened species, populations or ecological communities or their habitats.

**Effluent:** The proposal will continue to use the existing approved Kubota wastewater system

**(b) Details of any existing development that may be superseded by the proposal.**

None

**(c) A general description of the environment that, in the opinion of the consent authority, is likely to be affected by the proposed development**

There will be no impact on the environment.

**(d) A detailed description of any aspects of the environment that, in the opinion of the consent authority, are likely to be significantly adversely affected by the proposed development, including an assessment of whether there is any significant native vegetation that is likely to be significantly adversely affected by the proposed development.**

The proposal satisfies the pre-requisites because it is using existing buildings on site which has an approved wastewater disposal system and approved ecological assessments and Rehabilitation plans.

- The area is landscaped using an approved Environmental plan.
- Visual and climatic screening exists.
- No impact on visual exposure,
- No negative impacts on significant native vegetation

- Adequate distance from boundaries

**(e) The likely impacts of the proposed development on the environment, having regard to the following**

**(i) The nature and extent of the proposed development.**

No impact

**(ii) The nature and extent of any building work associated with the development**

No impact.

**(iii) The nature and extent of any building or work.**

No Impact

**Any rehabilitation measures to be undertaken in relation to the proposed development.**

Continued implementation of the Ecological Restoration and Rehabilitation plan approved by the Board on 31 October 2014.

**(f) A full description of the measures proposed to mitigate any adverse impacts of the proposed development on the environment.**

- Soil suitability, stability, slope, natural drainage patterns and erosion control are not affected
- There is no effect on plants or animals that are native to the island
- There will be no change to air, noise, or water pollution
- There is no impact on the health of people in the neighborhood
- There are no hazards arising from the proposal.
- There will be no impact on traffic in the neighborhood
- There is no impact on the local climate
- There is no change to visual impact
- There is no impact on soil erosion
- There is no impact on heritage significance
- There is no visual exposure.
- The existing access is landscaped and established. There is no requirement for cut and fill.
- There is no impact on fauna habitats on the site.
- The proposal will not impact on existing native vegetation.  
There will be no adverse effects on the environment.

**5. The reasons justifying the carrying out of the proposal having regard to the biophysical, economic, and social considerations and the principles of ecologically sustainable development.**

**(a) Biophysical**

The site satisfies Zone 2 (settlement) objectives LEP 2010. The proposal is justified as the land is capable of urban development.

1. The proposal does not involve any negative impacts on significant native vegetation. The land will continue to be re vegetated and weeded.
2. The proposal will not impact on the ecology.
3. Endangered or protected species or habitats will not be disturbed.
4. Landscape Unit: DP1261010 lies within the East Coast Unit
5. A description of the existing environment:

- ◆ The RES (RES1984, Land Resources, p.8.) classifies the soil on the proposed site as weakly structured sandy soil.

The soil profile is deep. The Great Soil Group is Calcareous Litho sol.

- ◆ Slope: There is a minor slope of 5-10% to the North West
- ◆ Surface drainage: The site drains generally to the South West. There are no discernible drainage lines on the site.
- ◆ Urban Capacity: Sub-Class: B-sec. This category covers the entire proposed subdivision site. The negligible constraints identified are slope, erodibility, and permeability.
- ◆ Degree of Physical Constraint: Low
- ◆ Capabilities: Residential, Zone 2 Settlement
- ◆ Rural Capabilities: The land is classified (IV), which is suitable for grazing and gardens due to the sandy soil.
- ◆ Fire Hazard: is low. The RES (1984, Bushfire Hazard) indicates that the threat posed by bushfires on Lord Howe Island is insufficient to warrant special planning controls or management programs.
- ◆ Fauna: In the forested areas the native birds present include The Lord Howe Island Silvereye *Zosterops tephroleura*, Green winged pigeon *Chalcophaps indica*, Golden Whistler *Pachycephala pectoralis*, Woodhen *Tricholimnas sylvestris*.
- ◆ Soil stability: gentle slope, natural drainage, and no erosion.
- ◆ Visual exposure: Trees provide privacy. The tree canopy protects the area from strong winds. There is potential for additional visual and climatic screening by additional planting.

**(b) Economic.**

The proposal is justified as it will benefit the business on Lot 3 / DP 1279044 / Lease no. 2022.01 by providing a utilities and storeroom.

The transfer of 2 tourist licenses from the applicant to Ian Hutton has allow the applicant to retain his tourist accommodation business on his lease, licensed for 35 guests instead of 37 guests, and provides Ian Hutton with a business which will be subject to approval via a separate OC/DA process which will be lodged by Ian Hutton at his own discretion.

The proposal will utilize a commercial space for the business.



**(a) Social**

The proposal is justified as it will not affect the neighborhood in terms of traffic, privacy, overshadowing of adjoining land, noise, or visual impact.

**6. A list of approvals that may be obtained under any other Act or Law before the development may be lawfully carried out.**

None.

**7. An assessment of the compatibility of the proposal with the objectives which underlies the Island's inclusion as a World Heritage Site.**

This proposal is compatible with the objectives for the following reasons.

World Heritage values will not be compromised.

The Island's unique flora and fauna will be conserved and enhanced by the implementation of the existing Re-vegetation Plan.

Conserve of World heritage values

Protect significant vegetation

Protect existing habitat of threatened species

Protect potential habitat of threatened species

Re-vegetate existing disturbed areas with native plants suited to the area approved by the Lord Howe Island Board.

**8. A detailed evaluation of the visual impact of the proposed development and measures to be taken to reduce any detrimental visual impact, including the extent to which vegetation may be used to restore a natural landscape character.**

This has been addressed in Biophysical (5)

**9. A detailed evaluation of any effect of the proposed development upon a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific, or social significance or other special value for present or future generations.**

Locality

No effect.

Aesthetic

No effect.

Anthropological

No effect.

Archaeological

No effect.

Architectural

No effect.

Scientific

No effect.

Cultural

No effect.

Historical

No effect.

**10. Justification of the proposal in terms of**

(a) The aims of the Lord Howe Island Local Environmental Plan 2010:

The proposal satisfies the pre-requisites of Zone 2 (settlement) and the LEP2010. There is no damage to the environment. There is adequate suitable land area.

(b) Any objectives of the zone in which the proposed development is to be carried out as set out in this plan:

The proposal is in sympathy with existing development on site and complies with Zone 2 Settlement (1) (a).

(c) Any relevant development controls that are set out in this plan:

There is adequate land area for further commercial development on Lot 3 / DP 1279044 / Lease no. 2022.01 and the proposal complies with BCA and Lord Howe Island Board regulations within Zone 2 Settlement (1) (b)

(d) The applicant will ensure that no part of the proposed development:

(i) will result in any damage to, or the removal of, significant native vegetation, or

(ii) will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,

(e) Access exists and will not:

(i) Result in any damage to, or the removal of, significant native vegetation.

(ii) have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,

(f) any proposed landscaping will use species of plants that are native to the Island and common in the locality to enhance any significant native vegetation in compliance with the approved Revegetation plan 2009,

(g) the proposal will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils, and steep slopes,

(h) adequate services exist with no cost to the Board or the community

- (i) the appearance of the proposal (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality
- (j) the proposal will not cause any significant overshadowing of adjoining land,

**11. An Assessment of whether there are any feasible alternatives to carrying out the proposed development including:**

**(a) The consequences of not carrying out the proposed development.**

The applicant wishes to utilize decommissioned space for a utilities and storage required to operate the tourist accommodation on Lot 3. The consequences of not carrying out the proposal will result in Lot 3 / DP 1279044 / Lease no. 2022.01 businesses operating inefficiently.

**(a) The reasons justifying the carrying out of the development.**

- The proposal satisfies the pre-requisites of design principles in the LEP 2010
- The proposal will have no negative environmental impact because no changes will be made to the environment.
- The proposal uses existing commercial areas

**12. Ecologically sustainable development**

- The consideration of the environment has been set out above
- There will be no pollution generated.
- The present generation is currently preserving the environment and social wellbeing for future generations.
- There are no threats to the environment
- 
- **FIRE SAFETY MEASURES**
- The existing buildings satisfy the BCA New South Wales Fire safety conditions
- Existing materials used for the alterations and additions are compliant
- All buildings have fire rated insulation in the roof cavity and walls
- All kitchens have a fire blanket and exhaust fan
- All buildings have fire smoke alarms fitted
- There are fire extinguishers in all building

**Conclusion.**

This environmental impact report is intended to justify the applicant's proposal to.

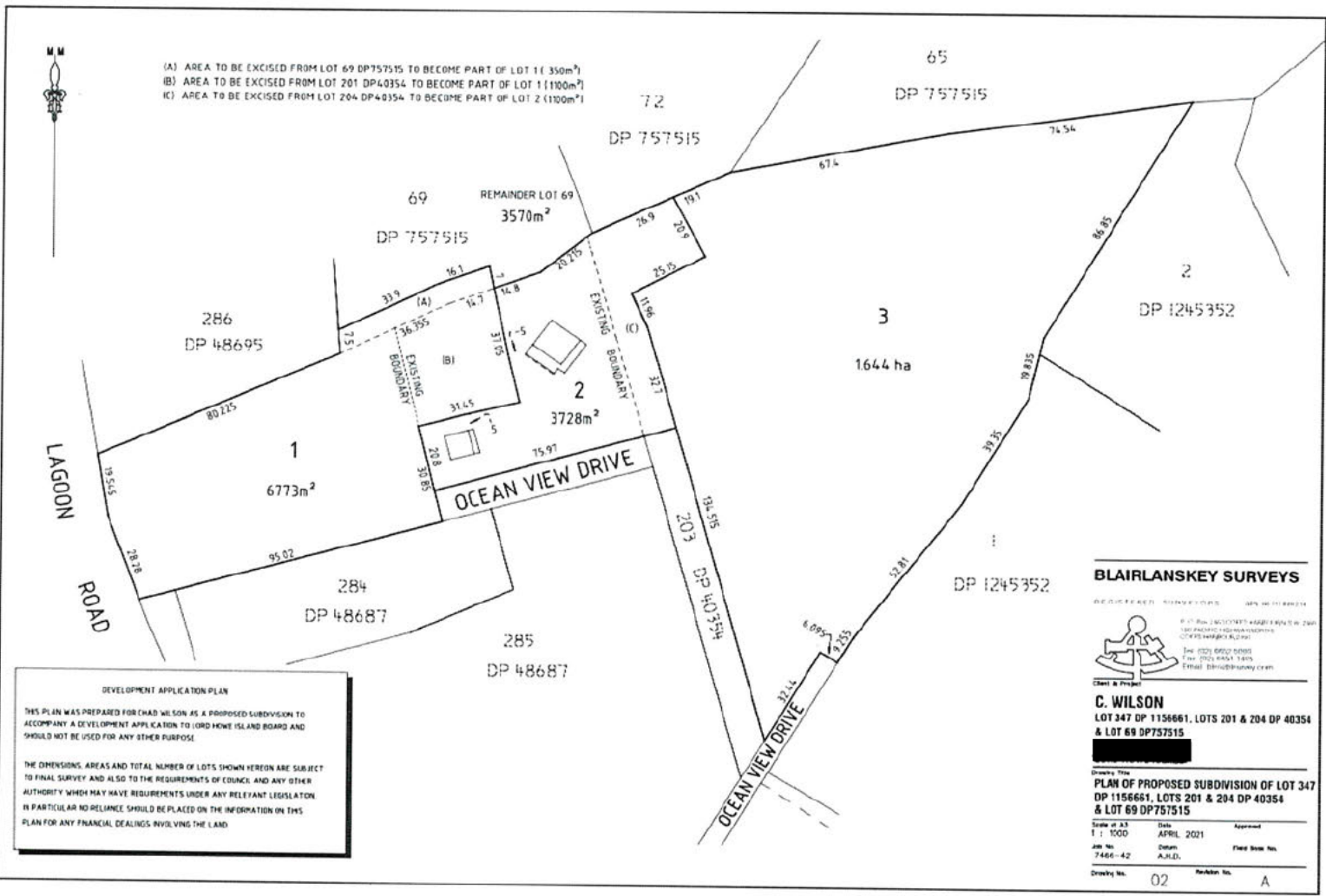
- ◆ Utilize areas in existing buildings on site
- ◆ Comply with the LHI LEP 2010 and DCP
- ◆ Justify and provide evidence that the proposal will have no negative impact on the environment and is following all related Acts and Legislations.
- ◆ It is considered that this application is a reasonable proposal which seeks consent to
  1. decommission 1 tourist unit at Oceanview Apartments on Lot 3 / DP 1279044 / Lease no. 2022.01 to provide space for utilities / storeroom and leaving (14) tourist apartments with (35) tourist licenses
  2. Enable the Ian Hutton to establish his own tourist accommodation business which will be subject to approval via a separate OC/DA process which will be lodged by Ian Hutton at his own discretion.

**References:**

- \* Atkinson, G Land Resources and Study of the Lord Howe Island Settlement Area. Soil Conservation Service NSW: Sydney
- \* E.P & A Act (1979). Environmental Planning and Assessment Act. D West, Government Printer: Sydney
- \* Hutton, I (1986). Discovering Australia's World Heritage-Lord Howe Island  
Conservation Press: Canberra
- \*LEP (2010). Lord Howe Island-Regional Environmental Plan  
Lord Howe Island Board: Sydney



- (A) AREA TO BE EXCISED FROM LOT 69 DP757515 TO BECOME PART OF LOT 1 (350m<sup>2</sup>)
- (B) AREA TO BE EXCISED FROM LOT 201 DP40354 TO BECOME PART OF LOT 1 (1100m<sup>2</sup>)
- (C) AREA TO BE EXCISED FROM LOT 204 DP40354 TO BECOME PART OF LOT 2 (1100m<sup>2</sup>)



**DEVELOPMENT APPLICATION PLAN**

THIS PLAN WAS PREPARED FOR CHAD WILSON AS A PROPOSED SUBDIVISION TO ACCOMPANY A DEVELOPMENT APPLICATION TO LORD HOWE ISLAND BOARD AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.

THE DIMENSIONS, AREAS AND TOTAL NUMBER OF LOTS SHOWN HEREON ARE SUBJECT TO FINAL SURVEY AND ALSO TO THE REQUIREMENTS OF COUNCIL AND ANY OTHER AUTHORITY WHICH MAY HAVE REQUIREMENTS UNDER ANY RELEVANT LEGISLATION. IN PARTICULAR NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THE LAND.

**BLAIRLANSKEY SURVEYS**

117 RIVERVIEW AVENUE, RIVERVIEW VIC 3176  
 Ph: (03) 9451 1815  
 Fax: (03) 9451 1815  
 Email: blair@blairlanskey.com.au

**Client & Project**

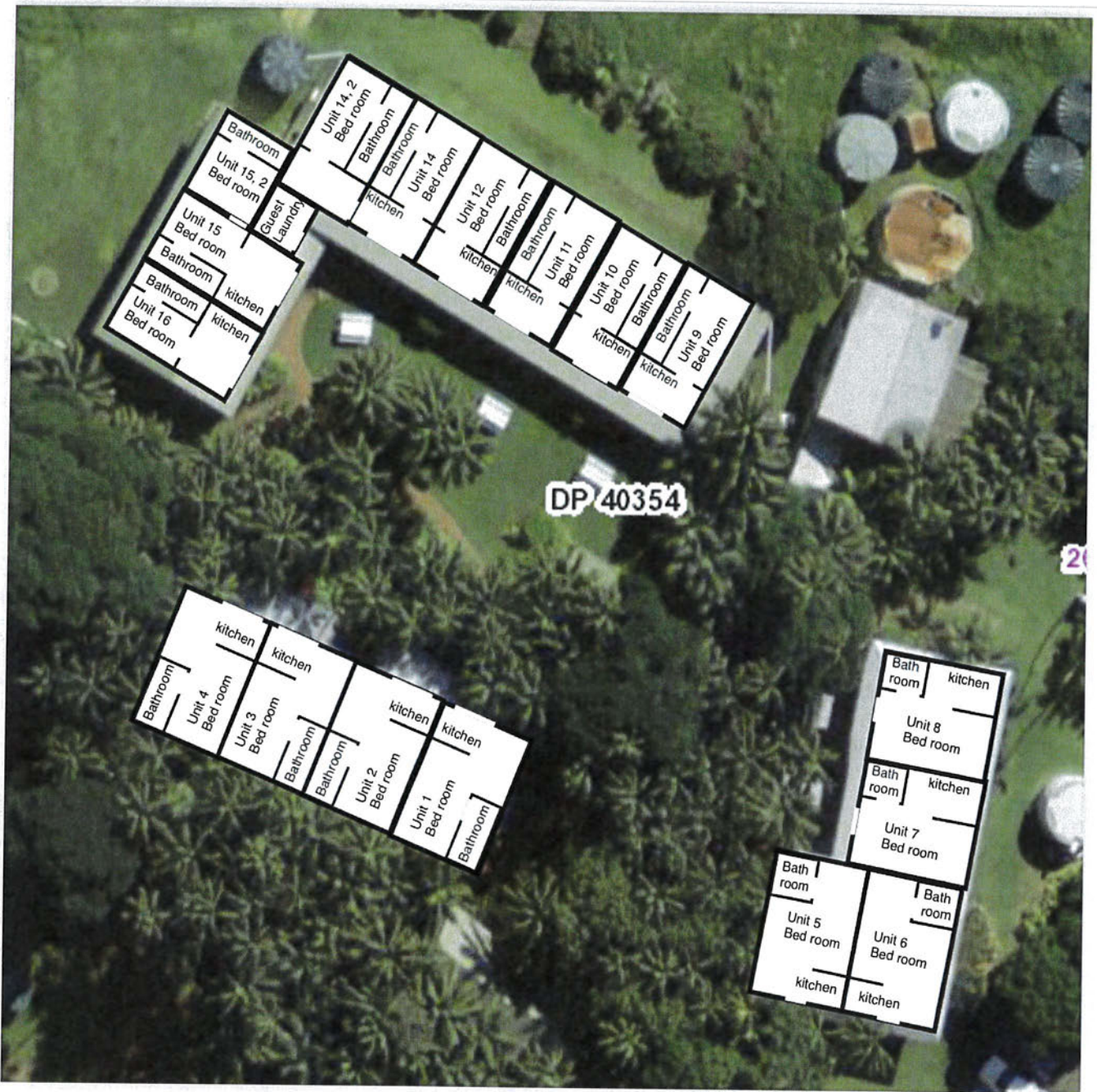
**C. WILSON**  
 LOT 347 DP 1156661, LOTS 201 & 204 DP 40354  
 & LOT 69 DP757515

**Drawing Title**

**PLAN OF PROPOSED SUBDIVISION OF LOT 347  
 DP 1156661, LOTS 201 & 204 DP 40354  
 & LOT 69 DP757515**

Scale of AS 1:1,500	Date APRIL 2021	Approval
Job No. 7466-42	Datum A.S.I.D.	Field Book No.
Drawing No. 02	Revision No.	A

Subdivision showing Part 16,440 sqm



Tourist units on Lot 3 / DP 1279044 / Lease no. 2022.01 showing Unit 16 proposed to be decommissioned and change of use tourist accommodation to Utilities and storage.

Tourist tourist license layout for Ocean View Apartments.

Unit 1 (2) tourist licenses, Unit 2 (2) tourist licenses, Unit 3 (2) tourist licenses, Unit 4 (2) tourist licenses, Unit 5 (2) tourist licenses, Unit 6 (2) tourist licenses, Unit 7 (3) tourist licenses, Unit 8 (3) tourist licenses, Unit 9 (2) tourist licenses, Unit 10 (2) tourist licenses, Unit 11 (2) tourist licenses, Unit 12 (2) tourist licenses, Unit 14 (4) tourist licenses, Unit 15 (5) tourist licenses, Unit 16 (2) tourist licenses and a total of 37 tourist licenses.



DP 40354

20



= position of "Licensed Tourist Accommodation" identification plaque in each unit

Record Number: ED20/6076  
Enquiries: John van Gaalen

03/07/2020

Mr K Wilson  
[REDACTED]



Administrative Office  
P.O. Box 5  
Lord Howe Island 2898

Phone: 02 6563 2066  
Facsimile: 02 6563 2127  
Email: administration@lhib.nsw.gov.au

Dear Kevin

**RE: LICENCE TO PROVIDE TOURIST ACCOMMODATION**

I am pleased to enclose your licence to provide tourist accommodation for the period  
1 July 2020 to 30 June 2023.

Please note the conditions attached.

Yours sincerely

[REDACTED]

John van Gaalen  
**Manager Business and Corporate Services**

Page 1 of 1



WORLD HERITAGE AREA


Oceanview Apartments Business License= (37)

## LICENCE TO PROVIDE TOURIST ACCOMMODATION

In pursuance of Part 4 of the *Lord Howe Island Regulation 2014* under the *Lord Howe Island Act, 1953*,

Mr K Wilson

is hereby granted a licence to provide tourist accommodation at the premises known as

Ocean View Apartments  


Located on Perpetual Lease number : PL1954.05

for the period 1 July 2020 to 30 June 2023, subject to the attached conditions.



John van Gaalen  
MANAGER BUSINESS AND CORPORATE SERVICES

For and on behalf of the  
LORD HOWE ISLAND BOARD

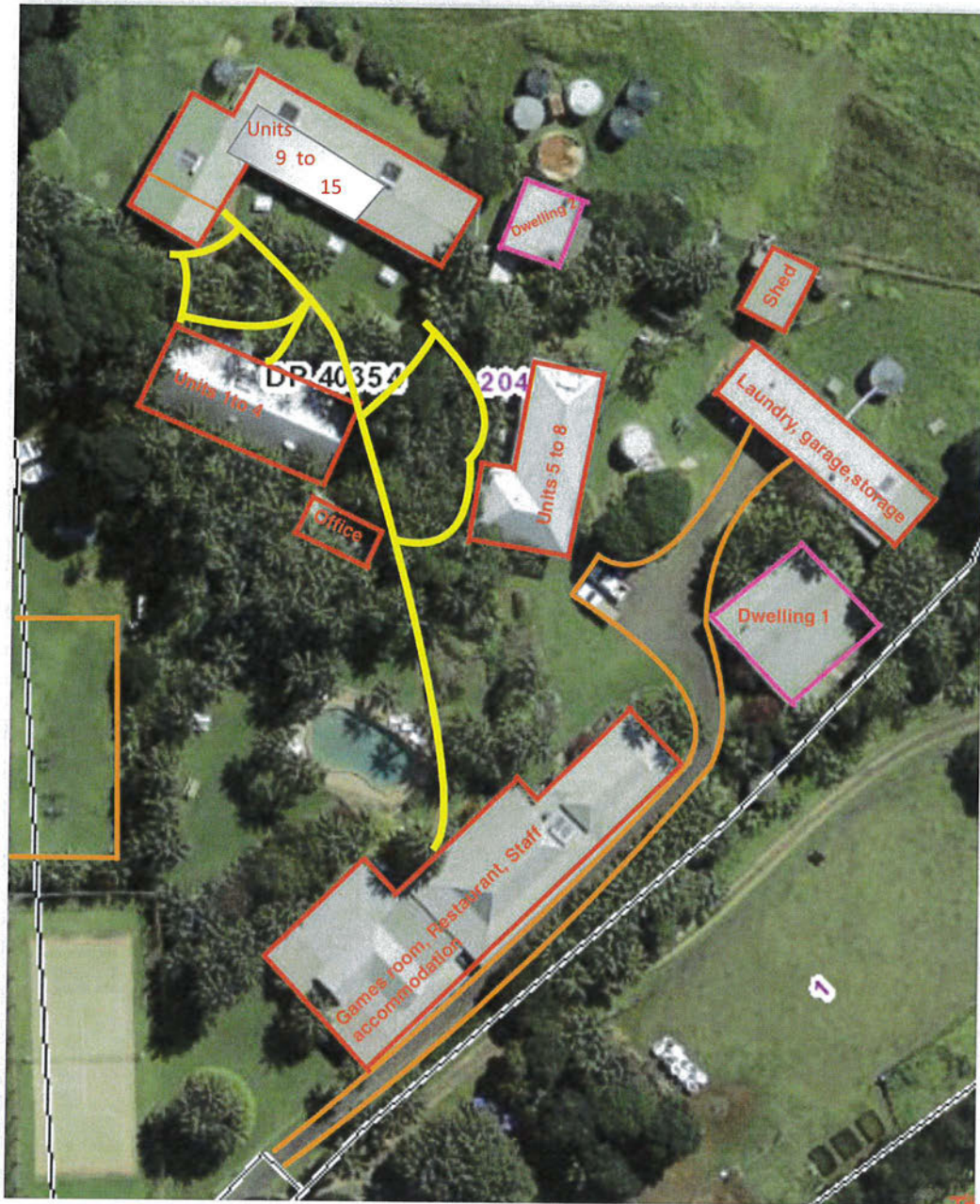
**Conditions of Licence to Provide Tourist Accommodation**

1. The nominated place of business for tourist accommodation is at the premises known as Ocean View Apartments [REDACTED]
2. The maximum number of persons which may be accommodated at any one time is 37, excluding children under five years of age.
3. On no account are tourists to be accommodated in staff quarters or any place other than the licensed tourist accommodation.
4. The licensee must maintain an Accommodation Register which captures the following information on persons staying overnight at the premises:
  - a. The name of the premises,
  - b. The number of all persons and the room numbers of all persons so accommodated,
  - c. The numbers of all persons being under five years of age, and
  - d. The dates the persons referred to above arrive at and depart from the premises.
5. The licensee must grant to the Board's Chief executive Officer, Manager Business and Corporate Services, Manager Environment and Community Services, Manager Infrastructure and Engineering Services free access to the Accommodation Register for the purpose of perusing or taking extracts of entries made in the Accommodation Register and will, upon request, supply to him or her a copy of the information listed in Condition 4.
6. The Board's CEO, Manager Business and Corporate Services, Manager Environment and Community Development, Manager Infrastructure and Engineering Services may enter any premises on the lease after the Board has given at least 24 hours written notice (unless the giving of the notice would defeat the purpose of the exercise of this power) of its intention to enter the premises so as to determine whether the licensee is in compliance with the conditions of this licence. The notice must specify the name of the person conducting the inspection and the time of the inspection.
7. The licensee must not obstruct, hinder or interfere with a person authorised in accordance with Condition 5.
8. The licensee must effect and maintain in respect to the premises a public liability insurance policy in an amount of not less than \$10 million, or such other amount as the Board may from time to time require, being the amount which may be paid arising out of any one single accident or event.
9. The licensee must provide the Board, within two business days of the Board's demand, a copy of the insurance policy referred to at Condition 8 above.
10. Except during any period of suspension, a licence continues to be in force until such time as it is cancelled or, in the case of a licence that is granted for a specified term, when that term expires.
11. A licence is not transferable unless the proposed transfer is in accordance with the



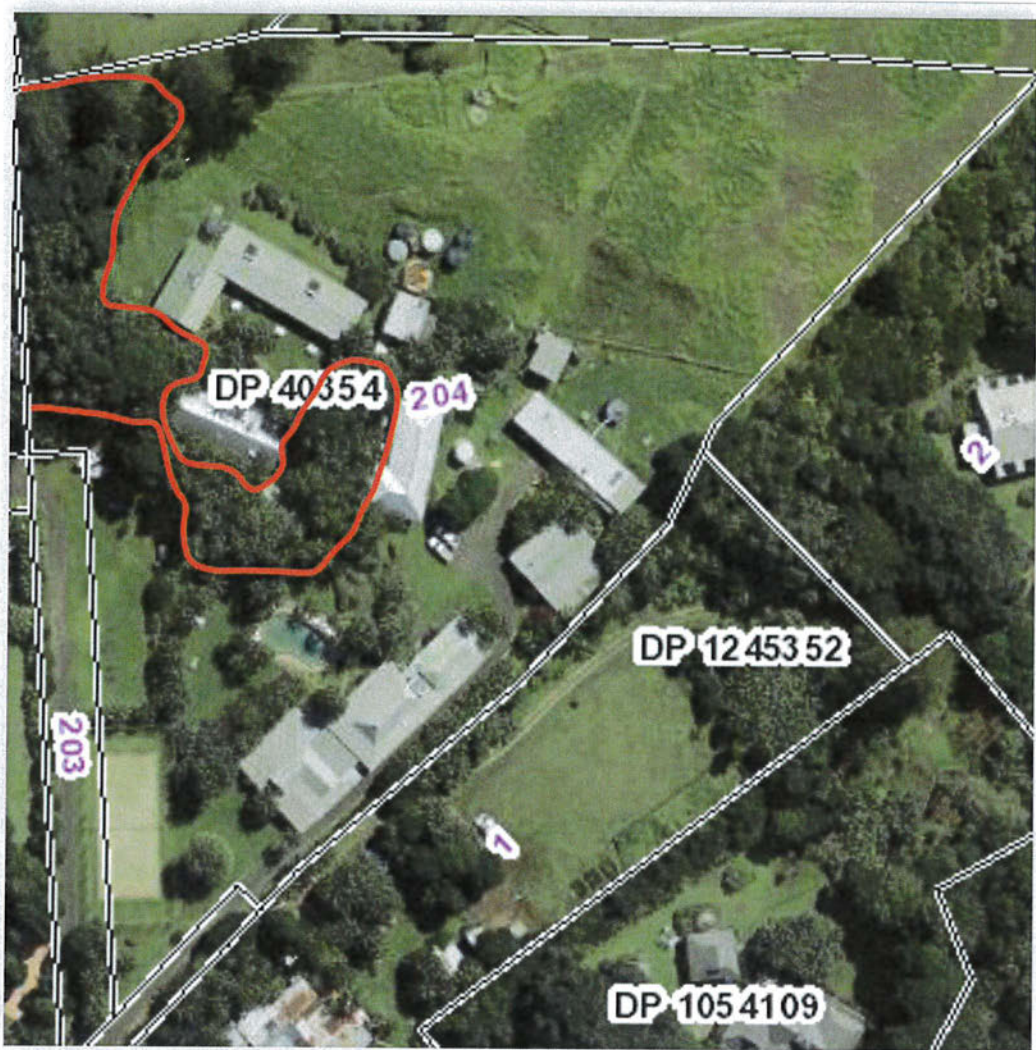
Board's Tourism Accommodation Strategy, and the transferee and the Board have consented in writing to the transfer.

12. The conditions of a licence may only be altered, modified, added to or revoked by the Board during the currency of the licence with the written consent of the licensee.
13. Prior to the renewal of a Licence to Provide Tourist Accommodation, the licensee is required to provide a plan showing particulars, including the room numbers, of the premises to be licensed and all staff accommodation and all buildings, and that the room numbers shown on the application must correspond to numbers permanently affixed on the rooms of the premises to be licensed.
14. Breaches of license conditions may result in penalties ranging from a written warning to fines of up to \$5,500 per offence, a reduction in the maximum number of persons which may be accommodated at any one time, suspension of the licence or cancellation of the licence.
15. The official "Licensed Tourist Accommodation" identification plaque supplied by the Board must be displayed in each accommodation unit licensed.



All red shapes are commercial buildings and are labelled, all purple shapes are dwellings and are labelled. Orange marked areas in driveway and parking area. Yellow lines are pathways.





Vegetation cover

# LORD HOWE ISLAND BOARD

## ELECTRICAL SUPPLY

### NOTIFICATION OF PROPOSED ADDITIONS AND/OR ALTERATIONS TO EXISTING ELECTRICAL SUPPLY

To be submitted in duplicate and signed by the customer or the electrical contractor.

NAME OF APPLICANT: Wilson's Ocean View Apartments / Kevin Wilson / Kelly Galloway

ADDRESS OF PREMISES: [REDACTED]

PORTION NO. 2022.03 SERVICE NO. 1000050

PARTICULARS OF PROPOSED ADDITIONS AND/OR ALTERATIONS: N/A

LIGHTING POINTS		GPO'S		OTHER APPARATUS (Motors, Solar Heaters etc.)		
NO.	WATTS	SINGLE	DOUBLE	TYPE	NO.	WATTS

Particulars of any work to be disconnected: N/A

Name and Address of Electrical Contractor: N/A

Licence No. \_\_\_\_\_

Signature of Applicant: [REDACTED] Date: 19/03/2023