

Agenda

Lord Howe Island Board



Meeting	Board Meeting February 2025
Location	Lord Howe Island Community Hall
Date/Time	Tuesday 25 th February 3.30pm – In-Camera Session Tuesday 25 th February 4.30pm - Closed Session Wednesday 26 th February 9:00am to 12:00am – Open Session
Chairperson	Atticus Fleming AM , Deputy Secretary, National Parks and Wildlife Service
Board Members	Robert Jeremy , Elected Member (Deputy Chair) James Lonergan , Elected Member Matthew Retmock , Elected Member Therese Turner , Elected Member
Attendees (All)	Suzie Christensen , Chief Executive Officer
Attendees (Open Session Only)	Michael Chalmers , Senior Manager, Business and Corporate Services Bradley Josephs , Senior Manager, Infrastructure and Engineering Services Krissy Ward , Senior Manager, Environment
Minutes	Sonali Chand , Executive Assistant

25th February Agenda Items – Closed Session

3:30pm	In-Camera Session		Board members only
4:30pm	1. CONFLICT OF INTEREST DECLARATIONS		Presenter: A Fleming
	2. WH&S AND RISK MANAGEMENT		
	2.1. WH&S and Risk Management Update	Note	Preparer: S Chambers-Skeggs
	Attachment A: CAMMS Incident Summary Report - November 2022 to December 2024		Presenter: S Christensen
	Attachment B: LHI Risk Report – ARC – Feb 2025		
	3. OPERATIONS AND SERVICES		
	3.1. Birdon Marine Freight Extension – Verbal Update	Note	Presenter: M Vader
	3.2. Critical Infrastructure Program - presentation	Note	Preparer: O Senese Presenter: M Vader
	4. POLICY AND STRATEGY		
	4.1. Eco-Pass Process	Note	Preparer: K Ward
	Attachment A: Minutes Lord Howe Island Board Meeting 21-22 November 2016, page 13		Presenter: S Christensen
	Attachment B: Lord Howe Island Board 'Eco Pass' Application		
	5. FINANCE AND BUSINESS MANAGEMENT		
	5.1. Finance Report as at 31 December 2024	Note	Preparer: M Chalmers
	Attachment A: Financial Report 31 December 2024		Presenter: S Christensen
5:45pm	Closed Session Concludes		

Agenda

Lord Howe Island Board



Meeting	Board Meeting February 2025		
26 th February Agenda Items – Open Session			
9:00am	6. GOVERNANCE		
	6.1. Minutes of Previous Meeting – Notice of Adoption Attachment A: Board Meeting Minutes November 2024 - Closed	Note	Preparer: S Chand Presenter: S Christensen
	6.2. Actions from Previous Meeting Attachment A: Actions from previous Board Meetings - Closed	Note	Preparer: S Chand Presenter: S Christensen
	7. STATUS AND COMPLIANCE REPORTING		
	7.1. Compliance and Status Report Attachment A: Report – Quarterly – Public Accommodation Transfer Applications - Closed	Note	Preparer: D Birch, S Chand, S Powell, and L Shick Presenter: S Christensen
	8. CHIEF EXECUTIVE OFFICER’S REPORT Attachment A: Infrastructure & Engineering Services Attachment B: Environment Services Attachment C: Projects	Note	Preparer: S Christensen K Ward, B Josephs, D Matassoni Presenter: S Christensen
	9. POLICY AND STRATEGY		
	9.1. LEP and LSPS Attachment A: LHI LEP 2010 Considerations – Identified Issues and Potential Actions	Note	Preparer: M Stevens Presenter: S Christensen
	9.2. Super Yachts considerations Attachment A: Cruise Ship Policy Attachment B: Information for yachts and small craft visiting LHI World Heritage Area and LHI Marine Park.	Note	Preparer: K Ward Presenter: S Christensen
	9.3. Policy Review and Alignment with DCCEEW Policies Attachment A: Register of policies to be retired – Feb 2025 Attachment B: Draft Policy Adoption Plan	Decide	Preparer: D Matassoni Presenter: S Christensen
	10. DEVELOPMENT APPLICATIONS		
	10.1. DA2024.4.1 – Aaron Ralph – Two Lot Subdivision – Construct new Dwelling and Commercial Shed and install new on-site wastewater system. Attachment A: DA2024.4.1 – Assessment Report – Aaron Ralph	Decide	Preparer: M Stevens Presenter: M Chalmers
	11. LEASING AND LAND ADMINISTRATION		
	11.1. Home Business Review – Information Sheet	Note	Preparer: M Stevens

Agenda

Lord Howe Island Board



Meeting	Board Meeting February 2025	
	<p>Attachment A: Minutes November 2024 Board Meeting</p> <p>Attachment B: Original Draft Home Business Fact Sheet with Amendments</p> <p>Attachment C: Final Draft Home Business Fact Sheet</p>	Presenter: S Christensen
11.2.	<p>Cancellation of Permissive Occupancy 127 – Bureau of Meteorology</p> <p>Attachment A: Permissive Occupancy Agreement PO127</p> <p>Attachment B: Request to terminate PO127 – Bureau of Meteorology – 24/12/2024</p>	Decide Preparer: L Shick Presenter: S Christensen
BUSINESS ARISING FROM PREVIOUS MEETING		
GENERAL BUSINESS AND QUESTIONS ON NOTICE		
10:30am	Morning tea for the Board and Community will be provided during a break at approximately 10:30, reflecting agenda progress.	
12:00pm	Meeting Closed	
NEXT MEETING: 27 th and 28 th May 2025		

LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Adoption of minutes of previous meeting.

Recommendations

1. **Endorse** the November 2024 Board meeting minutes.

Current position

Process for Distribution of Board Meeting Minutes

The Board updated the adopted process for distributing Board minutes at the March 2022 Board meeting as follows:

- Draft minutes will be produced within five working days of a Board meeting and distributed to Board members on the sixth working day, unless delayed for a valid reason agreed to between the Chief Executive Officer and the Chairperson.
- Board members are to return their endorsement, or otherwise, of minutes in writing no later than 10 working days after date of posting distribution.
- 10 working days after date of posting distribution, the Board will deem the minutes of the meeting to be endorsed, subject to any amendments which were received prior to that date and agreed for inclusion by the Chairperson.

Endorsement of Board Meeting Minutes

Minutes of the November 2024 meeting were distributed to each Board member and were endorsed as per the above process.

A copy of the amended draft minutes is attached.

Attachments

Attachment	Title
A	Board Meeting Minutes – November 2024 – CLOSED

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Sonali Chand	Executive Assistant

Board Meeting: February 2025	Agenda Number: 06.02	Record Number: ED25/160
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LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Actions from previous meeting – status report

Recommendations

1. **Note** the information provided in this report.

Current position

A list of actions is prepared after each Board meeting to ensure that the Board’s resolutions are systematically carried out by staff. Those actions reported as complete are deleted from the Action List at the subsequent Board meeting.

A list of actions from decisions of previous meetings and progress against them is attached (Attachment A) for the Board’s information.

5 actions were completed since the November 2024. 10 actions from all past Board meetings are in progress. 1 action is on hold pending IT upgrade, the status of which is reported at 4.2. 1 action is yet to commence, and it should be discussed by the Board with a view to removing from the action list.

Attachments

Attachment	Title
A	Action sheet from previous Board meetings – CLOSED

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Sonali Chand	Executive Assistant

Board Meeting: February 2025	Agenda Number: 07.01	Record Number: ED25/161
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Lord Howe Island Board Business Paper

OPEN SESSION

Item

Status and Compliance Reporting

Recommendations

1. **Note** the information contained in the Status Report for out of session matters, biosecurity update, owners’ consent and development applications approved under delegated authority, motor vehicle importation or transfer status, feedback, and complaints.

Current position

At the December 2023 meeting the Board adopted to receive routine compliance reporting and information as one consolidated report. The following matters are included:

1. Out of session Matters.....	1
1.1 Out of Session Matters - Open	2
1.2 Out of Session Matters – Closed.....	2
2. Biosecurity Update.....	2
3. Owner consent approved under delegated authority	3
4. Development Applications approved under delegated authority	3
5. Motor vehicle importation or transfer status.....	4
6. Public accommodation licence transfer applications	6
7. Review of compliance with residency condition of perpetual leases	6
8. Feedback and Complaints	6
Attachments	8

1. Out of session Matters

1.1 Out of Session Matters - Open

No.	Date	Application	Vote	Comment
December 2024				
Nil				
January 2025				
1.	09 January 2025	<ol style="list-style-type: none"> Approve the importation of a commercial use Toyota Hilux Ute for Timothy Burke for Anchorage Lord Howe under exceptional circumstance. Approve the importation of a commercial use Toyota Hiace 12-seater bus for Timothy Burke, Anchorage Lord Howe under exceptional circumstance. 	Supported: AF, MR. RJ. TT and JL	Tim has applied under exceptional circumstance (7.1.1 4) of the policy).
February 2025				
Nil				

1.2 Out of Session Matters – Closed

The Board convened two out-of-session meetings on January 23, 2025, and February 7, 2025, to address shipping service disruptions caused by damage to the hull of the MV Island Trader.

1. Biosecurity Update

Port Macquarie surveillance

Between 01 November 2024 and 01 February 2025, contract biosecurity officers from Tate Animals carried out the following checks on vessels and aircraft prior to departure for Lord Howe Island from Port Macquarie.

Vessel or aircraft type and name	Number	Biosecurity matter present
Eastern Air Services	112	0
Island Trader	6	3

Lord Howe Island points of entry

Between the 01 November 2024 and the 01 February 2025, biosecurity officers carried out the following checks on vessels and aircraft that visited or supplied Lord Howe Island.

Vessel or aircraft type and name	Number	Biosecurity matter present
Qantaslink	172	None (2 indications)
Eastern Air Services	112	None (1 indication)
Private aircraft	27	None (2 indications)
Island Trader	6	3 of 6 (captured and destroyed)

Commercial vessel	1	None
Private yachts	34	None
Total number of checks for the period	352	3

Biosecurity matter intercepted on cargo destined for LHI included: organic matter, a rat, a mouse, earwigs, wasps, possum, crickets, cicadas, arachnids, beetles, garden skinks, eastern water skink, black ants, rodent sign and scat, unidentified bugs and barnacles. 1 rat and 1 mouse were caught in kill traps within the PMQ surveillance network during this period.

During this four-month period, 1100 surveillance checks were carried out of fixed surveillance hardware located across the island. This included the capturing and analysis of 292,900 images analysed by an online AI programme.

2. Owner consent approved under delegated authority

The Minister for the Environment has approved delegated authority regarding the issuing of owner consents by the CEO providing:

1. The development value is not more than \$2 million.
2. The proposal does not relate to the subdivision of land or the creation of a new residential dwelling, and
3. The proposal complies with any planning instrument in force relating to the Island.

No Owner Consent applications determined by the CEO since the November 2024 Board Meeting.

3. Development Applications approved under delegated authority

The Minister for the Environment, under section 80(1) of the *Environmental Planning & Assessment Act 1979*, issued authority to the CEO to determine development applications providing:

1. The development value is not more than \$150,000.
2. No more than 3 written objections are received within the exhibition period; and
3. The application has not been called up for full Board determination by any Board Member. (All Lord Howe Island Board development applications are to be determined by the full Board).

The following developments applications complied with the above requirements and have been determined by the CEO since the November 2024 Board meeting:

DA	Applicant	Site	Proposal	Zone	Decision
MDC2010.04 (DA2004.20)	Rosemary Sinclair	Lot 21, DP1169260	Minor alterations to add a shower within an enlarged and relocated toilet and hand wash area, within an approved detached shed/artist studio	Zone 2 Settlement	Refused 28/11/2024

4. Motor vehicle importation or transfer status

Since the last full Board meeting, six (6) vehicle applications to import or transfer were determined by the Chief Executive Officer under the 'Vehicle Importation, Transfer and Use Policy'.

The table below shows the vehicle applications determined since the November 2024 Board meeting.

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation to Applicant	Comment
Leanne Stewart	Suzuki Rav 4	N	Private	0	Approved OOS by Board 15/11/2024 under exceptional circumstance – Replacement for Esven Fenton's Estate vehicle
Rahnie & Bev Owens	Boat Trailer	N	Private	1	Approved 28/11/2024
Erin Mayo	Toyota Hilux Ute	N	Private	0	Approved 09/12/2024 – Transferred from Commercial Use to Private Use
Timothy Burke, Anchorage Lord Howe	Toyota Hiace Bus	N	Commercial	1	Approved OOS by Board 10/01/2025 under exceptional circumstance
Timothy Burke, Anchorage Lord Howe	Toyota Hilux Ute	N	Commercial	1	Approved OOS by Board 10/01/2025 under exceptional circumstance
Aaron Carpenter	Boat Trailer	N	Private	1	Approved 16/01/2025

NOTE: Variation column relates to the applicant and not the increase of vehicles to the island.

As at 04/02/2025

Registered Road Vehicles						
Essential	Commercial	Private	Hire	Plant & Equipment	Imported without approval	Total
36	132	192	8	23	47	438

At the May 2010 meeting it was requested that further differentiation in the vehicle statistics to identify motor vehicles and motorcycles / scooters and trucks separately be presented. This information is presented below.

Registered Road Vehicles						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
196	34	35	16	40	117	438

At the June 2016 meeting it was requested that future reports include trends in regard to vehicles imported without approval and clarification that these are vehicles which pre-date the Board approval and monitoring process. There remains a total of 47 vehicles imported without approval prior to the current policy:

- 42 vehicles were imported without approval prior to and in 2014. The majority of these vehicles were trailers.
- 1 vehicle, a boat trailer, was imported without approval in 2015.
- 2 vehicles, all boat trailers, were imported without approval in 2016.
- 1 vehicle, a mower was imported without approval in 2019.
- 1 vehicle, a mobility scooter imported without approval in 2023 (unclear if this is for hire purposes)
- 3 vehicles have been replaced and are awaiting removal.

The following table shows further differentiation in the vehicle statistics to identify the types of vehicles that have been imported without written approval.

Vehicles Imported Without Approval – By Type						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
4	0	5	1	4	33	47

COMPLIANCE AUDIT

In February 2023, the CEO requested that an audit of the vehicle register be undertaken to investigate any outstanding compliance issues.

There is a total of 30 vehicles awaiting removal.

Vehicles due for removal – By Type						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
13	0	9	2	2	4	30

A number of other compliance issues were identified:-

- Owners – deceased;
- Owners - left island;
- Owners - moved premises;
- Others – such as non-removal of bull bar.

The Board has six (4) vehicles due for removal which are Included in the above total, being three (2) trucks, three (2) plant & equipment.

A plan has been developed for the systematic removal of the Board vehicles mentioned above, along with vehicles which are no longer registered and awaiting disposal.

Once the remaining six (4) have been removed:-

- A householder will be issued to the community reminding vehicle owners of their obligations.
- Compliance letters will be issued to the vehicle owners in breach of their conditions of approval.

Process improvements are in development and will be implemented to ensure stronger compliance with the Vehicle Importation, Transfer and Use Policy in the future.

5. Public accommodation licence transfer applications

The Board Members requested that management provide a quarterly report on the status of each of the public accommodation licence transfer applications, including an update on the decommissioning of accommodation units where relevant.

Please refer to Attachment A of this business paper:

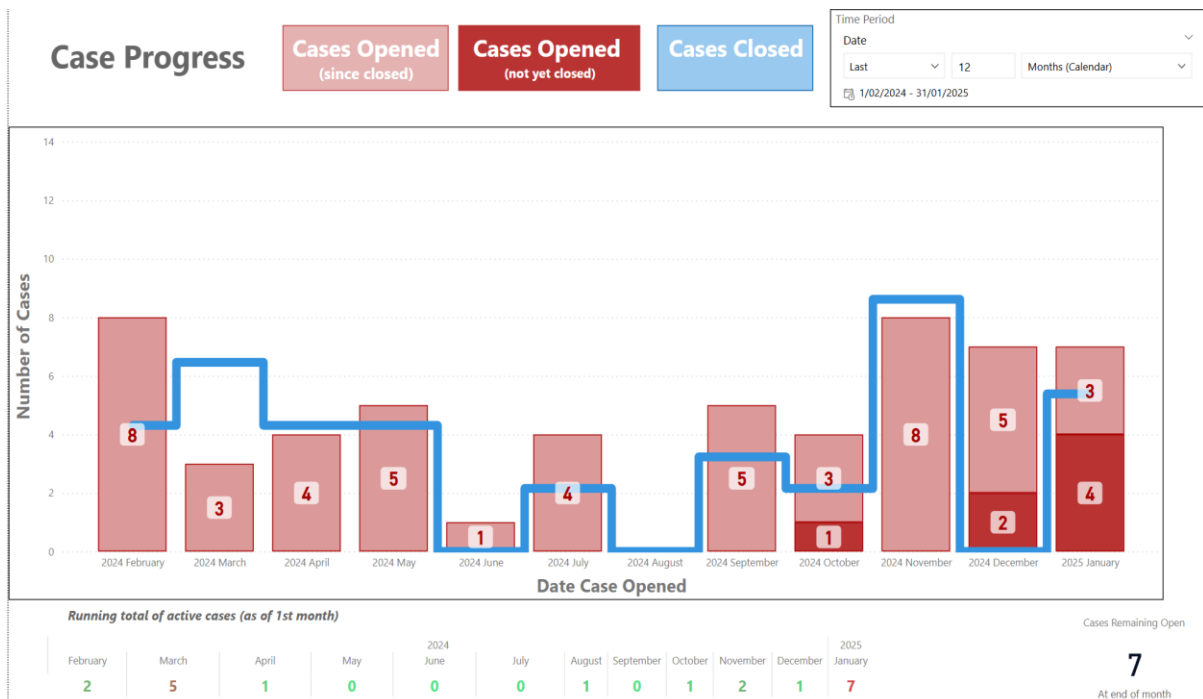
Attachment A - Quarterly - Public Accommodation Transfer Applications

6. Review of compliance with residency condition of perpetual leases

A report is submitted to the Board bi-annually.
Next report is due for the May 2025 meeting.

7. Feedback and Complaints

Total Number of Complaints opened and closed between February 2024 – January 2025
The seven cases remaining open are from October, December, and January.



Case Duration

The average number of days to close a case has decreased since a peak in 2020. Most notably, for high priority cases average case duration has decreased significantly since 2020

Attachments

Attachment	Title
A	Report – Quarterly – Public Accommodation Transfer Applications

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Lynda Shick	Land & Property Officer
Sonali Chand	Executive Assistant
Darryl Birch	Biosecurity Team Leader

LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Chief Executive Officer's report 15/11/24– 14/02/25

Recommendations

1. **Note** the Chief Executive Officer's report including attachments

Current position

Key Change / Issues

Marine freight service disruption

An identified critical risk has eventuated in the period, with the disruption to Lord Howe Island's marine freight service. The immediate challenge has been resolved. Provision of an interim Marine Freight service required while procurement of a new vessel and service is complete is still under negotiation.

Focus on the emergency and interim marine freight services, along with ongoing workforce accommodation challenges, and the inability to bring required materials and equipment to the Island for 6 weeks will result in some project slippage and budget underspends. The administration are actively working to minimise this risk through recruitment, procurement and leverage of additional resources

Projects affected by freight disruption

- Jetty upgrade
- Rectification of Ned's beach landslide risk
- Property upgrade and maintenance
- Equipment replacement
- Summer ecological survey for Critical Infrastructure EIS
- Request for Tender for new vessel
- Heliops weed program

RPT Air Service

Transition planning for Regular Public Transport (RPT) air services from Qantas to Skytrans continues, with regular involvement from LHIB. Direct meetings with Skytrans are focused on arrangements post transition. Following discussion, a draft service level agreement has been

issued to Skytrans that aims to document matters such as landing fees, use of airport, biosecurity and commitment to resident rates

Board member changes

The terms of two ministerially appointed board members expired end November 2024. Processes are underway for recruitment to these positions.

Human resources

All senior positions remain full, providing necessary leadership for the team. Challenges remain in operating without a full complement of staff due to recruitment delays and lack of available accommodation. External contractors, remote workers and consultants continue to be used to ensure service delivery.

Training in dealing with aggressive stakeholders is planned for March. The repeat Work Health and safety culture and systems repeat audit by LJM (3 years post initial) will commence in April.

Operations & Projects

Testament to their leadership, capability and commitment, service delivery teams have continued to provide all service requirements and meet operational objectives, including over the Christmas shut down period. Progress and highlights are detailed in Attachments A, B and C.

Highlights include record numbers recorded in the December woodhen survey, new publicly available digital imagery, new methodology and actions to repair potholes, continued bush regeneration and weed management, ongoing provision of services and public facilities, biosecurity, airport, waste management over the busy summer period.

Annual operational planning has been actioned through unit, team and individual plans. Despite the disrupted start, the team is looking forward to a very productive year.

Attachments

Attachment	Title
A	Infrastructure and Engineering Services
B	Environment Services
C	Projects

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Suzie Christensen	Chief Executive Officer

CEO BOARD REPORT

INFRASTRUCTURE AND ENGINEERING SERVICES

OPEN SESSION

Item

Core Service Streams

1. Aerodrome Operations
2. Electricity Generation and Distribution Operations
3. IES public operations and assets
4. Waste Management Facility

Major Projects, Major Maintenance Items and Procurements

5. Jetty Maintenance
6. Roads Project
7. Marine Freight Service

Summary of Activities and Issues

Aerodrome Operations

Maintenance and operations of assets has continued over the period with no major interruptions encountered due to proactive maintenance at the site. Commercial operators have continued to utilise the airstrip without experiencing interruptions from airstrip availability.

In early February, bunting was removed along the Blinky Dune area after the departure of Sooty Terns. During the November Wildlife Hazard Management Committee Meeting the efficacy of the bunting was discussed as staff are reporting that the birds are unaffected by it. It was suggested to trial no bunting next year while continuing to do the twice daily sweeps.

Lord Howe Island Board is preparing for the Civil Aviation Safety Authority (CASA) surveillance event which is currently scheduled 17-20 March 2025.

Electricity Generation and Distribution Operations

The total energy demand for this reporting period was 625000 kWh with diesel generation totalling 172000 kWh and solar generation totalling 530800 kWh (approx. 85% solar). Fuel consumption for the reporting period was 40250 litres which is a difference of 7750 litres for the same reporting period last year. Fuel energy efficiency for the reporting period was 15.52 kWh/L.

During the reporting period there were 3 days of full solar generation.

There are currently 298 customers connected to the electrical supply system. There were 3 unplanned customer supply interruptions due to customer overload to the distribution system during the period. There was 1 planned customer supply interruption to the distribution system during the period.

There was an outage planned for Thursday 6th February to enable upgrades to the distribution system which will allow the Power station to transmit at a slightly higher voltage across the entire island. This has been identified as an efficient way of ensuring stable and reliable voltage levels across the Island.

Powerhouse transformer No.12 has been installed back into Substation No.12 South. We are still awaiting on the arrival of the replacement HV transformer cables, this has been further delayed by the postponed shipping operations.

There were intermittent issues with the TESLA battery storage system during December 2024. These issues were related to faulty components in the BESS system. LHIB Powerhouse staff were able to identify solutions and operate the system at reduced capacity until TESLA were able to make a quick visit to rectify the issues on site.

IES operations and assets

The newly purchased telehandler is currently undergoing rust proofing in Port Macquarie and will soon be prepared for shipping aboard the Island Trader. Additionally, several other pieces of replacement equipment have been identified for purchase before the end of the financial year.

The GIS-based road segmentation model is nearing completion, which will enhance the precision of tracking road conditions and inform prioritization for repairs. Approximately 190 potholes on Lord Howe Island have been identified and registered within the model, with plans to procure materials using funding from the Transport for New South Wales "Regional Emergency Road Repair Fund." The Lord Howe Island Board is actively exploring new methodologies to be implemented while maintaining an appropriate California Bearing Ratio (CBR). Additional assets have been purchased to ensure that materials meet Australian road standards for compaction, promoting the longevity of repairs. Internal staff are receiving training in relevant areas to ensure effective application of these methodologies and proper execution of maintenance works.

The Lord Howe Island Plant Officer has also received approval for ASCIS and AVAIS training, and ongoing maintenance and servicing of owned plant is continuing in accordance with the established schedule.

Ongoing maintenance and operational efforts by the Infrastructure and Engineering Services (IES) team continue to provide significant support across the island. This includes managing the increased utilization of BBQ facilities and addressing the need for additional mowing during December and early January, with staff working extra hours over the summer to maintain public facilities. Furthermore, the IES team has focused on supporting waste management, liquor deliveries, and the upkeep of roads, the airport, gardens, and picnic areas.

Waste Management Facility

Maintenance and operations of assets have continued during this reporting period, with a total of 148 tonnes of waste transported off the island. However, a significant amount of waste remains to be removed due to the unexpected cancellation of shipping voyages. Further discussions will be necessary with the marine freight service provider and mainland waste providers to ensure efficient management of the backloading logistics.

Recruitment efforts have successfully filled the Field Officer position at the Waste Facility, representing the first time the facility has been fully staffed since December 2022.

Of the 10 skips purchased through the Critical Infrastructure Project, five have now arrived on the island. Additional discussions with the Critical Infrastructure team are ongoing to identify further equipment and methodologies that can be purchased or implemented in the interim, aligning with the future design of the Waste Management Facility (WMF).

Jetty Maintenance

The Lord Howe Island Board engaged Worley Consulting to develop a detailed design for the maintenance and replacement of fenders, with the design work finalized in late November 2024.

Currently, New South Wales Public Works is undergoing a competitive tender process on LHIB's behalf. The procurement commenced in late November ran until late January, accounting for the Christmas shutdown. The tender is under evaluation and includes both non-price and price scoring criteria.

It is anticipated that the contract will be awarded in mid to late February 2025. The works are expected to take approximately 26 weeks from the date of contract award, subject to weather conditions and supplier lead times.

Roads Project

Minimal work has been completed during this period due to the Christmas shutdown and limited resource and contractor availability. Consequently, work was put on hold in January, a decision deemed reasonable by both the New South Wales Public Works and the Lord Howe Island Board. Work will resume as of the beginning of February 2025.

Preparation works for Stage 01 have been completed and allowed to set, making it ready for sealing. The contractor is currently procuring a second truck to assist with the sealing process, which is expected to enhance productivity.

The next phase of work, extending from Middle Beach Road to McGee's Parade, is currently underway, with verge cleaning and preparation activities in progress. A qualified services locator has been secured from Coffs Harbour and is scheduled to be on site on February 18 to conduct detailed service location work. This will further mitigate the risk of damaging underground services during construction and will provide the LHIB and the contractor with a clear understanding of the locations and depths of these services.

Progress is expected to continue smoothly throughout February and March.

Marine Freight Service

LHIB was informed by Birdon late January that the Island Trader had suffered a structural hull failure and would be out of service until repaired. Two services were cancelled, B168 due 1st February, and B169 due 15th February. B170 due 1st March may also have been impacted.

Emergency planning commenced immediately resulting in procurement of a tug and barge service operated by Polaris for critical supplies, which arrived early Friday 7th February and departed the same afternoon. Some costs of the voyage will be recovered (approx 25%), with LHIB paying the remainder.

Aircraft fuel remains the most critical item. After the restock via the emergency voyage jet fuel supplies are estimated to be exhausted again by the 14th March. Fortunately, Birdon has confirmed the B170, due 1st March will occur, removing the need for another emergency voyage

Residents have and will continue to access airfreight for perishable items and other essentials. Thanks are extended to Eastern Air Services for their efforts in managing increased demand and providing additional voyages during this period.

Attachments

Attachment	Title
Nil	

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Bradley Josephs	Manager Infrastructure & Engineering Services

CEO BOARD REPORT

ENVIRONMENT UNIT

OPEN SESSION

Item

Core Service Streams

1. Biodiversity Management
2. Biosecurity
3. Weed Management
4. Threatened Plants
5. Marine Management / Moorings
6. Spatial and data

Summary of Activities and Issues

1. Biodiversity Management

The annual audit of the walking track network was completed in November and December, with all walking track assets and priority trackwork identified and logged in the updated trackwork app, which will inform a program of works for the year ahead.

An independent audit of the pins and ropes on the Mt Gower and Goat House tracks is planned to occur in May 2025.

Priority trackwork from Muttonbird Point to Rocky Run was undertaken during this period.

Servicing and maintenance of North Bay facilities was completed prior to the Christmas peak season. This included the decommissioning of a gas BBQ and replacement with two new wood BBQs.

The annual woodhen survey ran for three weeks through November and December. A record number of 1556 woodhens were recorded. The total includes 672 new birds that were caught and banded for the first time, confirming high rates of breeding success since the April 2024 banding exercise. The number does not account for birds on Mt Gower which was not surveyed this time due to concerns around the potential spread of *Phytophthora*, or birds occupying the remote and practically inaccessible areas of the PPP. A number of leases in the settlement were also not surveyed due to access issues. The 2022 survey documented 77 birds on Mt Gower. Inclusion of this data brings the minimum known woodhen population to at least 1,638 birds, a staggering increase from the 208 individuals recorded in 2019 when birds were released from captive management following the REP.

Due to the dramatic and consistent increase in the woodhen population since the REP, expert advice confirms community sentiment that annual full banding surveys are no longer necessary. An alternative transect survey method was trialled concurrently with the traditional survey. This methodology provides an index by which changes and trends in population numbers can be measured. A detected decline in the population above a specified threshold

(a decrease of >25%) will trigger a return to full surveys and research regarding the cause of decline.

The final report on the little shearwater component of the Biodiversity Benefits monitoring program was received in January. The study concluded that little shearwaters were not as heavily impacted by rodents as the similarly sized black-winged petrel that utilises the same burrows at the Blinky Point study site (at different times of the year).

Little shearwater breeding success did not significantly increase following rodent removal. However, there does appear to be a widening of their distribution on the Island as shown by targeted surveys which detected birds in areas that were not previously known to be breeding sites. It is expected that this expansion will continue now that prospecting birds can take up new locations without being disturbed by rodents.

Fieldwork visits from various researchers occurred in the period Nov-Feb, including:

- Threatened land snail surveys (DCCEEW partners and Australian Museum)
- Behaviour, ecology and genetic sampling of Red-tailed Tropicbirds (University of the Sunshine Coast)
- Investigating Galapagos shark patterns in the LHI marine park and testing shark deterrents to reduce bycatch (University of Western Australia)
- DNA demography and metagenomic disease screening of petrels and shearwaters (University of Tasmania)

There are three scientific research applications currently under review:

- Hybridisation and conservation of *Coprosma* on Lord Howe Island (Imperial College London)
- Evolution and extinction of the meiolaniid turtles of Lord Howe Island: palaeoclimatic and palaeoecological insights (Curtin University)
- How do wedge-tailed shearwaters respond to at-sea and on-island pressures in sub-tropical east Australia? (University of the Sunshine Coast)

2. Biosecurity

Phytophthora

Results from the September 2024 round of *Phytophthora* testing undertaken by Plant Clinic/Royal Botanic Garden Sydney confirmed that *Phytophthora sp.* is present in the PPP. The main species of concern *Phytophthora cinnamomi* was detected at three of the 91 sites, all beyond its previously known extent:

- Two sites on Smoking Tree Ridge track, east of previous detections.
- One site on the Mount Gower walking track, between Erskines Creek and The Saddle, beyond the previous known extent of Erskines Creek.

Another species of concern *Phytophthora multivora* was found at 25 of the 91 sites, including:

- Six sites on the Mount Gower walking track, between Erskines Creek and the Getup Place (all beyond previous detections).
- In the PPP at Boat Harbour, Intermediate Hill, and on Smoking Tree Ridge.
- Near the Settlement along Bowker Avenue and at Ned's Beach.
- At North Bay close to the banana patch and the path to New Gulch.

Further samples were taken from the summit of Mt. Gower by snail researchers in October and are still under analysis.

Interim additional phyto-sanitation protocols are in place for staff and researchers accessing off-track areas of the PPP including the summit area of Mt Gower.

With the help of RBG Sydney and PlantClinic, the environment team are currently working on a *Phytophthora* management plan which, with the help and support of the community, will include measures to slow the spread of the pathogen and minimise the long-term impacts on the unique plant communities present on the island. Upgrading existing boot scrub stations and installing new units has already been identified as a key measure.

African Big-headed Ants (ABHA).

In December, a preliminary assessment of the current status of the ABHA infestation was carried out. Infestations were confirmed at a number of sites and treated successfully treated at some.

It has been determined that it would be feasible to eradicate the species from the island, but that it would be a lengthy process which could take over five years. A project proposal is being considered.

Avian Flu

As there is currently an increased risk to Australia from the arrival of the High Pathogenicity Avian Influenza (HPAI) H5 Bird flu strain via migratory avian pathways; a Lord Howe Island Board (HPAI) risk mitigation plan has been written. This is to be linked with the Lord Howe Management Biosecurity (Animal & Plant) Emergency Consequence Management Guide.

Orange Ping Pong Bat Fungus

Fruiting bodies of orange ping-pong bat fungus *Favolaschia claudopus* have been discovered and positively identified on deadwood within the Lord Howe Island Permanent Park Preserve (PPP) in February 2025. This is the first record of the fungus on Lord Howe Island which is considered to be invasive, although it is not currently notifiable in NSW as an invasive species or a key threatening process.

Mitigating the spread involves existing hygiene protocols, and actions are planned to enhance community awareness. LHIB is working closely with licenced guides who found, identified and reported the fungus. Further investigation of potential monitoring and eradication methods will be undertaken.

3. Weed Management

Work has been undertaken across Intermediate Hill, Lidgbird North, Lidgbird South, Malabar, Settlement North, Settlement South & Transit Hill landscape units. The following work has been completed:

Search Effort

Hectares searched	Hours of effort	Days worked
35.52	700	32

Weeds Removed

Species	Seedling	Juvenile	Young Mature	Mature	Reshoot	Total
Bitou Bush	39	149	5	2	0	195

Black Passionfruit	0	0	0	1	0	1
Bridal Creeper	3	16	3	1	0	23
Cherry Guava	1	26	10	0	0	37
Climbing Asparagus	1	3	1	0	0	5
Flame Tree	0	1	0	0	0	1
Ground Asparagus	712	223	56	13	0	1004
Holly Fern	45	176	20	19	0	260
Norfolk Pine	99	251	0	0	0	350
Ochna	6	7	0	0	0	13
Silky Oak	0	2	0	0	0	2
Sweet Pittosporum	1	6	1	0	0	8
Tobacco Bush	262	196	19	3	0	480
Totals	1169	1057	115	39	0	2380

The first of two helicopter winch operations scheduled for this summer period concluded on 17 November 2024. This operation saw significant progress of remote coverage, with a total of 33.3 hectares searched. This included 154 kms travelled on foot and 1,227.5 hours worked across 9 operational days. A total of 1,588 weeds were removed, with 92% of these being seedling and juvenile plants. The helicopter was also utilised to retrieve and deposit gear in the southern mountains.

The second winch operation was scheduled for between 02 February – 03 March 2025, however this has been postponed in an effort to conserve fuel resources for essential services after the cancellation of upcoming Birdon voyages. These operations will likely be rescheduled for November/December 2025 after the Providence Petrel breeding season.

One contract team has been engaged in the last quarter. Northern Rivers Ecological are scheduled to undertake 60 person days across the 3-week contract period.

4. Threatened plants

Threatened plant recovery actions continue to be implemented according to the LHI Saving our Species (SoS) program. SoS staff will be on the Island in late February to continue genetic sampling and surveys of threated LHI flora species in the southern mountains, including:

- *Coprosma inopinata*
- *Xylosma parvifolia*
- *Geniostoma huttonii*

Additional census surveys of threatened flora species in the settlement area will be undertaken if time permits. These include:

- *Anthosachne kingiana subsp. Kingiana*
- *Chamaesyce psammogeton*

5. Marine management and moorings

There were 17 mooring bookings between 27 November and 10 February, peaking over the Christmas/new year period and on par with the same period last summer.

6. Spatial and data management

The focus has been on developing new data collection apps, supporting LHIB projects, and making LHIB data more accessible. Work has included:

- Finalising allocation of street addresses
- Developing a new public web map
- Working with Geosciences Australia to make the 2023 Imagery & Terrain datasets publicly available. Datasets can now be downloaded from ELVIS, the elevation & depth data sharing platform.
- Digitisation of electricity network
- Worked with DCCEEW and Manly Hydraulic Lab to repair the LHI tidal gauge after 3G was retired. This has also improved the online data feed from a 3+ hour delay to near real-time online and will be a valuable resource for shipping services and visiting vessels.
- Creation & provision of marine infrastructure datasets for the Capital Investment Project.

Attachments

Attachment	Title
Nil	

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Krissy Ward	Manager Environment Services

CEO BOARD REPORT

PROJECTS REPORT

OPEN SESSION

Item

Projects Report

Summary of Activities and Issues

R Red Project is likely to deliver late/over budget/has insufficient resourcing
 A Amber Project has missed some targets but overall end date/budget is not at risk
 G Green Project on track

Efficiency and Effectiveness Review Projects

Task Name	Schedule	Budget	Resources	Overall RAG
Project Management Framework	G	G	G	G
Community Strategic Plan	G	G	G	G
Delivery Plan	G	G	G	G
Operations Plan	G	G	G	G
Service Delivery Commitments	G	G	G	G
IT Upgrade Project	R	R	A	R
Transition to shared services	NA	NA	NA	NA
Policy review	R	R	R	R
Revenue review	G	G	G	G
LEP Review & LSPS	A	R	A	A
Biodiversity Management Plan Review	R	G	R	R
Communications Strategy	G	G	G	G
Workforce Plan	A	A	A	A
Asset Renewal System	R	A	A	A
Waste Management Strategy	G	G	G	G

Project Management Framework

The Project Management (PM) Framework has been designed to ensure that projects identified in the Operations Plan align with strategic organisational objectives and CSP goals. It provides a standardised approach to project planning, execution, and monitoring, enhancing consistency, accountability, and efficiency across the organisation.

By streamlining project management processes, the framework supports better resource allocation, improved milestone tracking, and a structured approach to approvals and reporting. It will be rolled out organisation-wide, ensuring a clear and transparent methodology for delivering priority projects.

CSP, Delivery Plan, Operations Plan, & Service Delivery Commitments

The CSP graphic design is now finalised and will be uploaded to the website this week. The Delivery Plan and Service Delivery Commitments are prepared for public exhibition in the coming weeks. After the exhibition period closes, submissions will be reviewed, and necessary edits made before the final graphic design phase. The interim Operations Plan for 2024/25 has been approved and is currently in use

IT Upgrade Project

KPMG delivered an Information Management and Security Strategy in January 2025, providing a current state assessment of our hardware and software, along with recommendations for system upgrades.

This assessment helps identify gaps, inefficiencies, and risks within the existing ICT landscape, including cybersecurity maturity, system integration challenges, and alignment with broader Digital Plans. The findings will inform a gap analysis, comparing the original proposal to transition LHIB systems to DCCEEW or an alternative ICT model, ensuring all outstanding requirements are addressed and prioritising key upgrades.

Next steps include finalising an overarching project brief and Project Management Plan, detailing an implementation schedule, timelines, costs, and change management strategies to ensure a smooth transition. A structured change management plan will support staff training and system adoption, maximising operational efficiencies.

Policy Review

See Business Paper for details.

Revenue Review

KPMG has delivered the Revenue Review Project, and the document has been reviewed by key LHIB personnel. Additional modelling has been requested, and it is expected to be presented at the next Board meeting.

LEP Review and LSPS

Phase 1 of the Capacity Study was approved at the November 2024 Board Meeting and will focus on a desktop review and gap analysis.

KPMG has finalised a quote based on the updated scope, and a budget has been identified. Final sign-off and procurement will be completed next week to align with LSPS and LEP community consultation, scheduled for late March.

Biodiversity Management Plan

The Biodiversity Management Plan is scheduled to restart in March 2025 and has been fully resourced. In preparation, the PPPoM status and literature review is underway before the second round of community consultation. Initial discussions were held at the Conservation Workshops in November 2024.

Communications Strategy

A Communications Strategy was finalised in 2024 and is now actively in use.

Workforce Plan

The Workforce Planning process began in 2023, with some key resource considerations already implemented. The review is currently underway, with the interim Operations Plan now available. It is expected to be completed in the second half of 2025.

Asset Renewal System

A comprehensive valuation of LHIB's Infrastructure Systems Asset Class was completed in December 2024, in preparation for integration into a new asset management system. This system will be rolled out alongside our financial system upgrade.

Wastewater Management Strategy

The Wastewater Management Strategy is scheduled for review following the Phase 1 Desktop Review and Gap Analysis, as part of the LSPS and LEP Review Project.

Grants and Improvement Projects

Project Title	Schedule	Budget	Resources	Overall RAG
REP Lessons Learned	R	G	G	A
Signage Project	G	G	A	G
Research Reference Management Project	G	G	G	G
Community Book Exchange	R	G	G	A
LHI Capacity Study	A	G	G	A
Middle Beach Stairs	R	R	A	R
Lot 44 (Toilets & Wastewater System)	R	A	G	R
Community Hall	R	A	G	R
Climate Sensor Network (LoRaWAN)	A	G	A	A

Reports

REP Lessons Learned

A report on the lessons learned from the LHI Rodent Eradication (including the 2019 REP, 2021 Response, 2023 Checkpoint and ongoing Biosecurity) is in its final stages and will include a concise summary and be released publicly.

Signage Project

An audit of signage across the Island has been completed. The audit recorded 202 LHIB signs across LHI, identifying four needing urgent replacement and 12 requiring renewal within 2–5 years. Priority replacements are underway, and all data is now stored in the LHIB GIS server for ongoing management. The next phase will focus on updating signage with refreshed branding, improved design, and enhanced interpretive content including historical and cultural elements. Graphic Designers and Interpretive Specialists are being approached to update our signage manual and signage templates.

Research Reference Management Project

The Research Reference Management Project was initiated to ensure that all research undertaken on Lord Howe Island is readily available for use by the LHIB, improve understanding of past and current research, and enhance species distribution knowledge using existing datasets. The project scope includes cataloguing research from 1954 to 2024, prioritising reports relevant to the LHI Capacity Study, and creating a sustainable process for future research collection and management.

As part of this effort, Mendeley has been implemented as a reference management system, successfully reaching out to past and current researchers to collect missing final reports and raw data. So far, over 200 documents have been catalogued, making them searchable by author, date, keywords, and title, significantly improving accessibility.

To ensure continuity, follow-up procedures have been established for rangers to track completed studies and maintain the research library. Additionally, Mendeley is close to being rolled out to staff, further enhancing accessibility and ensuring long-term usability across the Board.

Ideally, we would like to have an option for public access to non-confidential documents. Stakeholder meetings will be set with Marine Parks and the LHI Historical Society to understand external access needs and public considerations.

Community Book Exchange

A new book exchange program is set to launch in March 2025, with the EBM approving a one-year trial in the vacant Showcase Building in the CBD. The community hall committee has been invited to a meeting next week to finalise the process and plan the official launch. In addition, a shelf has been installed at the airport as a drop-off point for departing tourists.

Middle Beach Stairs

A full survey, environmental reports, and an erosion and sediment control plan are now complete. Fibre Reinforced Plastic (FRP) has been chosen for the stairs due to its lightweight, durable properties and suitability for modular construction, allowing for easier transport to the island and site.

A design is underway, focusing on modular options for efficiency. The Review of Environmental Effects for the southern stairs is nearing completion, while the Development Application for the northern stairs is expected to be lodged by the end of March. Construction will occur outside the seabird breeding season.

Lot 44

The full survey and architectural design have been completed, including a fully compliant accessible public toilet with street access. An Environmental Scientist will conduct a site evaluation in the coming weeks to design the wastewater system.

Environmental reports are finalised, and contamination testing will begin once an electrical cable locator has mapped the area's cables. The Development Application is almost ready for submission, pending contamination results, and contractor procurement planning is underway.

Community Hall

A new Grant Advisor has been assigned to the SCCF grant variation. This variation was submitted in June 2024 and has not yet been finalised despite continual follow-up. The mobile tower installation component has been submitted for acquittal, and we are awaiting feedback on the variation request for additional hall upgrades, including AV improvements.

Climate Sensor Network in Little Mountain Palm Habitat on Mt. Gower (LoRaWAN)

This project is a key milestone under two funding streams supporting broader conservation efforts for the Little Mountain Palms on Mt. Gower. The Climate Sensor Network Project Brief has been completed and submitted for approval, with technical advice sought from Scott Colefax, Manager, Office of the Chief Scientist & Engineer, Premier's Department, NSW. Initial discussions have been held with two organisations specialising in LoRaWAN technology, and the next steps involve seeking quotes to procure an organisation to

establish the network, testing LoRaWAN's viability in Lord Howe Island's unique environment, and proceeding with network deployment.

Beach Access Project

The accessibility project aims to find a location that meets diverse needs, though varying accessibility requirements make this complex. Consultation with Paul Nunni, Director of Inclusive Infrastructure, Placemaking, and Experience, provided insights into key factors such as drive-up access, compliance with the LEP, and marine park regulations. The initial site (Dozer Track) was found unsuitable during our trial due to the gradient, and while senior citizens expressed interest in infrastructure extending into the water, this is beyond the project's scope.

Alternative locations were explored, including the beach access track before the tip, which would suit locals but be difficult for visitor access, and Neds Beach, which was deemed unsuitable due to its gradient and ocean conditions.

Through a consultation process, Old Settlement was chosen for its easier access, but environmental inspections delayed progress. It was confirmed that only the existing track could be used, with minimal earthworks. However, with Petrel nesting season now underway, no earthworks can proceed until it concludes, pushing the mat's deployment to next summer. Process improvements have since been made to prevent similar delays in the future.

Attachments

Attachment	Title
Nil	

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Darcelle Matassoni	Senior Project Officer

LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Local Environmental Plan (LEP) – Priority matters for consideration in Local Strategic Planning Statement (LSPS) Process

Recommendations

1. **Endorses** the list of priority planning issues (Attachment A) for priority consideration and inclusion into the Draft LSPS.

Current Position

The Local Strategic Planning Statement (LSPS) and the Local Environmental Plan (LEP) Review are currently underway as part of the broader strategic planning framework.

It has been recognised that certain LEP provisions may be constraining necessary operational and policy adjustments, which could delay key planning outcomes of the Community Strategic Plan (CSP) if not appropriately considered.

a list of priority planning issues (Attachment A) have been identified through discussion with elected Board members that need to be adequately addressed within the Local Strategic Planning Statement (LSPS) and the subsequent LEP review.

Next Steps

- **Progress the Phase 1 Desktop Review and Gap Analysis** – This work is advancing following approval at the November 2024 Board meeting and will continue alongside the drafting of the Local Strategic Planning Statement (LSPS).
- **Prepare LHI LSPS Vision** – Undertake workshops with the EBM to define a vision for the LSPS that builds and delivers on the Community Strategic Plan (CSP) and relevant reports and studies.
- **Validate and Refine Priority Issues** – Confirm the identified planning issues (Attachment A) and any additional issues, ensuring alignment with strategic objectives and refining their incorporation into the draft LSPS.
- **Integrate Issues into the Draft LSPS** – Incorporate the confirmed priority issues into the draft LSPS, ensuring they are appropriately considered in the planning framework.

- **Ensure Alignment with the LEP Review** – Verify that the identified planning issues are integrated into the upcoming LEP review process, ensuring a structured and strategic approach within the approved timeline.
- **Board Consideration** – Present the draft LSPS, incorporating the validated planning issues, for Board review and endorsement as per the established LSPS & LEP Review timeline.

Attachments

Attachment	Title
A	Priority Matters for consideration in Local Strategic Planning Statement (LSPS) Process

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Myall Stevens	KPMG Associate Director

Lord Howe Island LEP 2010

The below table has been prepared to outline some of the challenges with the current Lord Howe Island Local Environmental Plan 2010 and potential opportunities to remove or evolve the requirements of the LEP at the time of an LEP review. The LEP review will be undertaken to enact the intentions of the endorsed Community Strategic Plan and Local Strategic Planning Statement (LSPS).

This document has been prepared as a high-level briefing support document for the LHI Board members to assist in the initiation of the LSPS as well as the LEP review.

Issue	Clause	Details
<p>Exempt development is highly limited on LHI meaning that small upgrades to dwellings and land to facilitate higher productivity and amenity are either unlawful or not progressed.</p> <p>Planning Approval is often too expensive for small scale development.</p>	<p>8 Relationship with other environmental planning instruments</p> <p>(2) A State environmental planning policy (other than State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004) made before this Plan takes effect does not apply to the land to which this Plan applies.</p> <p>(3) A State environmental planning policy made after this Plan takes effect does not apply to the land to which this Plan applies unless the policy expressly provides otherwise.</p>	<p>Questions have been raised regarding a number of small-scale developments that could potentially be considered. Due to the small nature and relatively high costs of undertaking planning approval, these developments often do not proceed, or undertaken absent approval.</p>
<p>Major infrastructure works such as the Southern Precinct was required to be called into State Significant Infrastructure provisions by the minister. There is currently no planning pathway without Ministerial direction to facilitate State Significant Development or Infrastructure.</p>	<p>(4) To avoid doubt, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply to the land to which this Plan applies.</p>	<p>SEPP (Planning Systems) does not apply to LHI which requires major projects to have ministerial approval to elect a State Significant Development (SSD) of State Significant Infrastructure (SSI) pathway.</p>
<p>Significant Native Vegetation definition is unclear and has been challenged (although not yet in Court). There are a number of interpretations which either require that the boundary of the SNV is adopted and no development within regardless of if native vegetation is present or not (current LHIB proposition)</p>	<p>11 Matters that must be satisfied before development consent granted</p> <p>The consent authority must not consent to the carrying out of development unless it is satisfied of the following matters (to the extent that they are of relevance to the proposed development)—</p> <p>(c) no part of the proposed development—</p> <p>(i) will result in any damage to, or the removal of, significant native vegetation, or</p>	<p>In accordance with the definition in the LEP, significant native vegetation (SNV) means vegetation that is native to Lord Howe Island on land that is identified as having significant native vegetation on Sheet 3 of the map.</p> <p>Legal advice has been sought by LHIB which demonstrates that Clause 11(c) and 11(d) have the effect of prohibiting any development on land that is mapped as containing SNV, regardless if SNV is there or not.</p>

<p>The alternate position is that the boundary represents an area where development may occur if native vegetation is not present.</p> <p>The SNV layer has been created post the development of much of LHI and therefore many existing buildings and infrastructure are within the boundaries making their upgrade or replacement near impossible.</p> <p>The boundaries of the SNV is inaccurate</p>	<p>(ii) will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</p> <p>(d) access is, or will be, available to the site of the proposed development and the provision of any such access will not—</p> <p>(i) result in any damage to, or the removal of, significant native vegetation, or</p> <p>(ii) have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</p>	<p>This has been informally challenged a number of times as the mapping does not necessarily represent the actual boundaries of the SNV.</p> <p>The costs of avoiding SNV and demonstrating avoidance are somewhat prohibitive for the replacement of infrastructure such as wastewater systems.</p> <p>(NB. Applies whether SNV has been illegally cleared or mapped inaccurately)</p>
<p>One single land use zone operates for the urban area of LHI despite a clear commercial/business cluster of uses along the lagoon edge.</p> <p>A number of uses have been identified which are currently not defined in the LEP or have not been allowed to be permissible in appropriate locations.</p>	<p>Part 2 – Land Use Zones</p>	<p>Part 2 include zones that apply across LHI. Zones are generally reasonable however reconsideration of some of the zones may be necessary to allow uses such as boat repairs.</p> <p>In addition the Settlement Zone is very open ended and the mix of commercial and residential is becoming increasingly evident with land use conflict perceivable increasing.</p>
<p>Current commercial Gross Floor Area is calculated based on land area minus the permissible housing gross floor area. This is resulting in a number of 'existing use rights' issues for long term businesses as well as the emergence of home businesses which are becoming increasingly challenging from a strict compliance point of view.</p> <p>Staff accommodation is limited and the take up is not keeping up with demand. How can staff accommodation be incentivised to be built and maintained to a high quality.</p>	<p>22 Tourist accommodation, staff accommodation and commercial premises</p> <p>(1) The consent authority must not consent to the erection, enlargement or extension of any building comprising, or ancillary to, tourist accommodation, staff accommodation or commercial premises on an allotment unless—</p> <p>(a) the total area of the allotment occupied by any existing or proposed 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, and</p> <p>(b) it is proposed that at least 50 percent of the total area of the allotment be comprised of landscaped areas and that various species of plants that are native to the Island and common to the locality be retained or planted on at least 35 percent of the total area of the allotment, and</p>	<p>Clause 22(1) and 22(2) include a relatively complicated method of determining the commercial area that can be developed on each lease.</p> <p>This clause appears to be in existence to focus on protecting the amenity of the community and maintain a primarily residential feel.</p> <p>Home businesses are being used as a get around for smaller landholdings.</p>

	<p>(c) the proposed development is carried out on a part of the allotment that does not have any significant native vegetation, and</p> <p>(d) the consent authority is satisfied that there is a demonstrated business need for the development.</p> <p>(2) Subclause (1) does not apply to the rebuilding of any part of a building that comprises, or is ancillary to, tourist accommodation, staff accommodation or commercial premises.</p>	
<p>The use of an older building can be made to comply with the LEP, BCA and NCC. If a dwelling entitlement exists, why is this still a restriction?</p>	<p>25 New use of a building as a dwelling</p> <p>The consent authority must not consent to a new use of a building as a dwelling unless the building was erected prior to 28 October 2005</p>	<p>Limits the conversion of existing buildings to dwellings</p>
<p>The current planning controls strictly control the number of dwellings that can be built on LHI through the zoning, minimum lot size, accessibility and affectations such as flooding and biodiversity. Given the take up of new dwellings, this control is questionable in it's effectiveness.</p>	<p>26 Limit on number of dwellings to which consent may be given</p> <p>(1) In any period, consent may be granted for the erection of no more than the total number of dwellings determined by the Board and approved by the Director-General in respect of that period for the purposes of this clause.</p> <p>(2) Regardless of the total number of dwellings determined for the purposes of subclause (1), consent may be granted for the erection of no more than a total of 25 dwellings during a period of 20 years commencing on 28 October 2005.</p> <p>(3) This clause does not apply in relation to the rebuilding of a lawfully erected dwelling.</p> <p>(4) A reference in subclauses (1) and (2) to the granting of consent to the erection of a dwelling includes a reference to the granting of consent to a new use referred to in clause 25.</p>	<p>A number of 25 new dwellings was agreed by the community over the 20 year timeframe.</p> <p>Planning parameters such as minimum lot size and SNV clearly define the potential for new dwellings.</p> <p>The planning period is about to expire and the take up was not completed suggesting that land availability is a stronger limiting factor than Clause 26.</p> <p>The dwelling allocation limits the ability for supportive accommodation that supports the communities needs now and into the future.</p>
<p>A number of definitions are outdated when compared to tested and challenged definitions held in the current NSW Standard Template LEP structures. A line-by-line comparison and adoption/review may be appropriate.</p>	<p>Definitions (generally)</p>	<p>Generally definitions are outdated and untested in the current LEP compared to NSW.</p>
	<p>Gross Floor Area</p>	<p>Current definition includes covered spaces like decks. This creates confusion and the NSW definition is specific and tested</p>
	<p>Home Business</p>	<p>Home business definition is very open ended and resulting potentially undesirable outcomes.</p>

Consideration of the definition should consider clause 22 and any changes to land use zones.

LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Super Yacht Considerations

Recommendations

1. **Approve** that applications for entry by visiting super yachts that require anchorage at LHI are refused, pending a review of the Cruise Ship Policy.

Background

Lord Howe Island has an exceptional diversity of spectacular landscapes and unique ecosystems. In recognition of the island's environmental significance Lord Howe Island was listed as a UNESCO World Heritage site in 1982. In recognition of this significant and fragile environment regulatory measures are in place to minimise the current impact and future growth of activities on the island that may affect the island's World Heritage environment. The *Lord Howe Island Act 1953* (LHI Act 1953) enables the Board to control tourist trade and to regulate business activity on the island (Section 11(1) and 13(1)a). The Policy provides a framework to satisfy the regulatory responsibilities in relation to tourist visitation.

The *Marine Parks Act 1997* (MPA Act 1997) allows the ministers to regulate commercial activities in NSW Marine Parks. The Marine Parks (Zoning Plans) Regulation 1999 also prohibits all vessels over 25 metres anchoring within Lord Howe Island Marine Park except at the six allocated roadsteads.

Current position

This summer season there have been enquiries and applications for entry to Lord Howe Island by private and commercially chartered super yachts. The most recent enquiry is from a Yacht Agent in Queensland who provides services for visiting super yachts to Australia.

Lord Howe Island Board does not have a policy to guide the assessment and approval for these types of vessels. This season the Lord Howe Island Board (LHIB) and Marine Parks have worked together to consider the applications in the absence of clear guiding documents.

A number of issues have prompted the need to undertake policy development before accepting further applications.

Issues experienced

The environmental, social / legal and economic impacts and benefits of visits by super yachts have not been thoroughly assessed, however:

- Due to their size super yachts are unable to use the lagoon moorings, instead needing to anchor at one of the 6 designated roadstead sites outside the lagoon. Frequent use of these anchorages causes environmental damage. A super yacht recently toured the island and made use of a number of anchorages during its stay despite being requested by Marine Parks to anchor only at LH1 (outside the North Passage).
- Carrying capacity of the anchorages and island facilities have not been assessed. The Cruise Ship Policy doesn't allow visitation during NSW school holiday periods or the peak season and for no more than 8 hours, however this policy lacks definitions, does not encompass superyachts, and could not be applied to the recent super yacht applications.
- There is need to consult with all stakeholders (LHI Police, Port Operations, Marine Parks, LHI Tourism Association) regarding consistent guiding documents, relevant regulations and clearer assessment pathways.
- Biosecurity checks for these larger vessels is onerous and current fees and charges do not fully cover the administration and resources required to undertake the checks. Providers of overnight accommodation on vessels are not included in the Island's 400 bed licence quota or licensing process.
- Super yachts are often self-sufficient and do not support the Island's economy through dining, tours or watercraft hire.
- Superyachts disrupt the visual amenity of a World Heritage-listed island by introducing large, modern structures that contrast with the islands natural landscape. Their presence conflicts with World Heritage values that prioritise conservation and sustainability

Legislative context

S13 of the Lord Howe Island Act authorises the Board to regulate the tourist trade

13 Powers of Board as to tourists and licensing business

(1) The Board may—

- (a) control and regulate the tourist trade to and upon the Island,

S49 of the Lord Howe Island Regulation requires providers of tourist accommodation and commercial operators to hold a LHI business licence.

49 Licensing of tourist accommodation and other commercial undertakings

(1) A person must not—

- (a) provide tourist accommodation or carry on any other commercial undertaking on the Island, or
- (b) use premises for the provision of tourist accommodation or for the carrying on of any other commercial undertaking,
- except in accordance with a licence granted by the Board for that purpose.

Policy gap

Lord Howe Island Board currently has a Cruise Ship Policy (Attachment A) which lacks definitions and is not easily applied to super yachts.

Lord Howe Island Board, LHI Marine Parks and Commonwealth Marine Park agencies have prepared information guidelines for yachts and small crafts visiting the island and the Marine Park (Attachment B). These guidelines have not considered the impacts of visits by larger super yachts.

The Lord Howe Island Board is currently undertaking a review of its policies. Approval is sought to refuse entry applications for visiting super yachts until this policy review has been undertaken.

Attachments

Attachment	Title
A	Cruise Ship Policy
B	Information for yachts and small craft visiting Lord Howe Island World Heritage Area and Lord Howe Island Marine Park.

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Kristine Ward	Senior Manager Environment

LORD HOWE ISLAND BOARD POLICY

TITLE	Cruise Ship Policy		
DATE ADOPTED	March 2005	AGENDA ITEM	9v March 2005
CURRENT VERSION	September 2012	AGENDA ITEM	7i September 2012
REVIEW	3 years	FILE REFERENCE	VE0001
ASSOCIATED LEGISLATION	<i>Lord Howe Island Act 1953 (NSW)</i> <i>Lord Howe Island Regulation 2014 (NSW)</i> <i>Environmental Planning and Assessment Act 1979</i> <i>Marine Parks Act 1997</i> <i>Marine Parks (Zoning Plan) Regulation 1999</i> <i>Marine Parks Regulation 2009</i> <i>Lord Howe Island Local Environment Plan 2010</i>		
ASSOCIATED POLICIES	Lord Howe Island Marine Park Operational Plan 2004		

1 Introduction

1.1 Title and Commencement

This policy is titled Lord Howe Island Board Cruise Ship Policy. The policy was adopted by the Lord Howe Island Board (LHIB) at its September 2012 meeting. It replaces the previous document titled Lord Howe Island Board Cruise Ship Guidelines that was first adopted in March 2005.

1.2 Purpose of the Policy

The purpose of the policy is to provide a clear framework to guide the Board in determining applications from cruise ship operators to disembark passengers on the island. The provisions of the policy have been developed to minimise impacts of cruise ship visitation on the island's environment, infrastructure, residents and visitors and to satisfy the Board's regulatory responsibilities.

1.3 Objectives and Coverage of the Policy

The objectives of this policy are:

- a) Define the criteria used by the Board to assess applications from cruise ships operators to visit/disembark Lord Howe Island;
- b) Assist cruise ship operators to plan and apply for relevant approvals to visit/disembark the island;
- c) To minimise the impact of cruise ship visits on the islands unique ecosystems and limited infrastructure;
- d) To minimise the impact of cruise ship visits on the quality of the island-accommodated visitor holiday;

- e) To manage cruise ship visitation in accordance with the requirements and objectives of the relevant legislation and planning instruments.

The Policy is applicable to all proposed landings on the island of vessel passengers by commercial cruise ships operators.

The Policy does not apply in the following circumstances:

- a) Any cruise ship that does not propose to disembark passengers on the island but has obtained approval from Marine Parks Authority (MPA) to anchor in one of the six MPA roadstead's.
- b) Innocent passage of any cruise ship through Lord Howe Island waters.
- c) Visits by Navy, Customs and Police vessels.

1.4 Background to the Policy

Lord Howe Island has an exceptional diversity of spectacular landscapes and unique ecosystems. In recognition of the island's environmental significance Lord Howe Island was listed as a UNESCO World Heritage site in 1982. In recognition of this significant and fragile environment regulatory measures are in place to minimise the current impact and future growth of activities on the island that may affect the island's World Heritage environment. The *Lord Howe Island Act 1953* (LHI Act 1953) enables the Board to control tourist trade and to regulate business activity on the island. The Policy provides a framework to satisfy the regulatory responsibilities in relation to tourist visitation.

The *Marine Parks Act 1997* (MPA Act 1997) allows the ministers to regulate commercial activities (ie cruise ship visitation) in NSW Marine Parks. The *Marine parks (Zoning Plans) Regulation 1999* prohibits all vessels over 25 metres anchoring within Lord Howe Island Marine Park except at the six allocated roadstead's.

2 Policy Statement

The disembarkation of passengers by cruise ship operators onto the island is deemed by the Board to be a commercial activity requiring consent under section 49 of the *Lord Howe Island Regulation 2014* (LHI Regulation 2014). The Board shall consider any application for a cruise ship visit, required under s49, in accordance with the guidelines provided in the policy.

Operators proposing to include Lord Howe Island on a trip itinerary must obtain the relevant approvals from Board prior to public promotion of a visit to Lord Howe Island. To seek approval a proponent must formally apply to the Board providing details of the proposed visit. Proposals must demonstrate satisfaction of the provisions of the policy.

3 Guidelines

All applications must include information to demonstrate compliance with the following criteria:

- a) Proposals must address all criteria outlined in the policy to enable the Board to assess the application.
- b) Approval may only be issued for cruise ships visits that involve the disembarkation of no more than 80 persons per visit.
- c) The maximum duration of stay on the island is eight hours.
- d) No approvals will be issued for a cruise ship to visit the island during NSW school holiday periods or the peak season as defined above.

- e) The Board will only consider approving applications for disembarkation during the shoulder and low season (excluding NSW School Holidays). The dates applicable to each of the periods identified in the policy are as follows:
- Shoulder season: 1st February to 30th April and 1st September to 30th November
 - Low Season: 1st May to 31st August
 - Peak Season: 1st December to 31st January and Easter (one week prior to and one week following Easter)
- f) The Board may approve a maximum of six cruise ship visits per annum restricted to a maximum of two per shoulder season and four during low season each year.
- g) No staff or crew are permitted ashore except in a work capacity.
- h) The operator must demonstrate to the Board a proven history of successful operation in similar environmental and social contexts and is able to demonstrate compliance with all best practice standards for the operation of ship based tourism in sensitive natural and cultural environments.

4 Activities

All on shore activities to be undertaken as part of an organised tour run by a local tourism operator local licenced under section 49 of the LHI Regulation 2014.

All water based activities within the marine park, except transport directly to and from the cruise ship and island, will be undertaken as part of an organised tour, run by an approved local tour operator being the holder of a LHIB Business Licence and MPA Permit where activities occur within the Lord Howe Island Marine Park.

5 Prior to Arrival

Prior to arrival of any approved voyage the operator must notify the Board 24 hours prior to the scheduled arrival of the vessel to the island.

The Operator will provide all passengers, prior to disembarking, with any material which the Board and/or the MPA deem necessary to ensure that passengers are aware of issues such as natural environment sensitivity, quarantine issues, waste and water management etc.

Where Lord Howe Island is the first port of call in Australia waters, operators will ensure that all customs and quarantine requirements are met and completed prior to passengers leaving the vessel. The operator will also comply with any additional quarantine requirement imposed by the Board, provided to the Operator at least 14 days prior to arrival at Lord Howe Island.

6 Other Approvals

The operator shall obtain all relevant approvals including from the NSW MPA. Any approval issued by the Board or MPA will be subject to the operator complying with relevant conditions included in the approval issued by the other agency.

7 Fees and Charges

The cruise ship operator shall pay the standard fee for a licence issued under section 49 of the LHI Regulation 2014. The Operator shall pay, per head, a levy being an amount equivalent to Lord Howe

Island Passenger Levy and Lord Howe Island Environmental Levy as approved by the Board under the published LHIB Fees & Charges Schedule.

8 Right to Vary or Revoke

The LHIB reserves the right to vary or revoke this policy at any time in consultation with relevant parties.

LORD HOWE ISLAND

INFORMATION FOR YACHTS AND SMALL CRAFT VISITING LORD HOWE ISLAND WORLD HERITAGE AREA AND LORD HOWE ISLAND MARINE PARK

Lord Howe Island (LHI) is a World Heritage site which encompasses both terrestrial (land-based) and marine environments. Terrestrial areas are managed by the LHI Board. Waters from mean high tide to three nautical miles offshore are included within the Lord Howe Island Marine Park, managed by NSW Department of Primary Industries. A Commonwealth Marine Park extends seaward from this, managed by the Department of Environment and Energy (Parks Australia) (see map attached).

Prior to departure for LHI, masters of yachts and small craft are advised to contact the designated Lord Howe Island Port Operations Manager, currently the NSW Lord Howe Island Police Officer, on telephone number: (02) 6563 2199 or fax (02) 6563 2131.

To make an application, please visit the Board's website www.lhib.nsw.gov.au

All vessels must conduct pre-departure biosecurity actions, and meet specific biosecurity requirements. All mooring approvals are subject to completing the required biosecurity actions. Failure to fulfil your general biosecurity duty and/or those actions prescribed in the regulations, and/or making a false declaration, may result in refusal of permission to enter the lagoon, and/or attach to a mooring, and/or penalties being issued under the Biosecurity Act 2015.

Alternatively you can contact the LHI Board administration office by telephone (02) 6563 2066 or email administration@lhib.nsw.gov.au

Please refer to section 5 under Port Arrangements (below) for information on how to book a mooring and for associated fees and charges.

For LHI Marine Park information and information on Elizabeth and Middleton Reef, refer to section 7 under Port Arrangements (below) or contact the LHI Marine Park Manager on telephone (02) 6563 2359 or email lord.howe@dpi.nsw.gov.au.

RADIO COMMUNICATION

The LHI Port Operations Manager and the Assistant Port Operations Manager provide radio communications 24 hours a day seven days a week monitoring **VHF Channel 12 and 16**. The designated Port Operations Channel is **VHF Channel 12**.

Official call signs:

- 'Lord Howe Island Police' (Port Operations Manager) and
- 'Lord Howe Island Port Operations' (Assistant Port Operations Manager).

Other Radio Communications

Other radio communications are provided through a private volunteer operator, call sign '**Lord Howe Island Maritime**' who monitors the following frequencies:

- **VHF Channel 12 and 16:** 24 hours a day, seven days a week; and
- **HF:** Normal listening 0700 to 2100 (LHI Local Time) on **4125**

Communications are also available on Australian and New Zealand frequencies and international if required, they are:

- VIC ARCC Canberra
- Taupo Maritime NZ Maritime Safety

The following stations are aware of the system to alert the LHI Police at any time:

- **VHF:** Channel 12 & 16 (Port Operations Channel is VHF 12)
- **CB:** 27,900 is active 24 hours daily

PORT ARRANGEMENTS

1. Port Operations Managers

There are two Port Operations Managers on LHI. The NSW Police Officer is appointed by NSW Roads & Maritime Service – Maritime Division (RMS) as the Port Operations Manager (POM) and the Assistant Port Operations Manager (APOM) is the local RMS representative.

Please ensure that you contact the POM or the APOM on your approach to the Island on port channel VHF 12 (call signs listed above). The NSW Police telephone number is (02) 6563 2199 or fax (02) 6563 2131.

2. Australian Border Force

All visiting vessels wishing to enter Australia via LHI are required to contact the Australian Border Force and give at least 96 hours notification of impending arrival. Vessels will not be cleared at LHI due to a review of procedures by Australian Border Force and Quarantine. Vessels are still able to stop at the island for a period not exceeding 72 hours but all provisions must remain on board and vessels must sail from the island to another Australian Border Force Port for clearance.

As the vessel is under quarantine control whilst here, no crew can quit the vessel; all crew must sail with the vessel to the mainland on departure. No other person is permitted to board the vessel whilst it is on the island. Permission must be sought from Australian Border Force, by the owner/skipper of the vessel if they wish for those mentioned things to occur. The LHI Border Force representative's telephone number is (02) 6563 2481.

Vessels arriving from overseas must hold their rubbish in order to comply with health and quarantine regulations.

3. Navigation

Entry to / or departure from the Lagoon is not permitted without prior approval from the POM or the APOM. Sector lighting for entry into the Lagoon during the hours of darkness will only be permitted due to emergency/exigent circumstances and with the prior approval of the POM or APOM.

Starboard Lateral Navigation Markers have been installed at the entrance to the North Passage and Port Lateral Navigation Markers have been installed at the entrance to Erscotts Passage to assist a safe passage into the Lagoon. Urgent or emergency calls will be treated on their merit taking into account weather and sea conditions.

4. Oil or Pollutant Spill

Please notify the POM or APOM immediately by radio as listed or telephone (02) 6563 2199 or (02) 6563 2066 if a spill occurs.

No discharge of ballast water or any other substance is permitted within waters of the Lord Howe Island Marine Park This includes any pollutants, rubbish or effluent, so unless your vessel is equipped with a holding tank do not use your toilet.

Further restrictions on discharge apply to waters outside the Lord Howe Island Marine Park according to the International Convention for the Prevention of Pollution from Ships (MARPOL). Please ensure you are familiar with these: <https://www.amsa.gov.au/marine-environment/marine-pollution/marpol-and-its-implementation-australia>

5. Moorings

Bookings must be made **prior to your departure** for LHI.

There are 18 LHI Board public temporary moorings situated in the Lagoon (yellow or white coloured top float). Moorings will be allocated to suit the size, weight and draught of the vessel. Moorings will only be issued to a vessel for a maximum of two weeks. Vessels wishing to book for longer than two weeks must provide a genuine reason when making the booking.

All vessels require approval from the Lord Howe Island Board to attach to a mooring when accessing Lord Howe Island. Applications for moorings are to be made via submission of the LHIB form **Application for Entry to Lord Howe Island – Vessels**.

Please lodge your application as early as possible to ensure you are able to complete the required biosecurity actions prior to your departure. **Applications received less than 5 days prior to departure may not be accepted.**

6. Biosecurity

Effective biosecurity helps us to protect LHI from the introduction of unwanted pests and diseases which may threaten the natural environment and economy of LHI. Under the Biosecurity Act 2015, biosecurity is a shared responsibility and anyone who deals with biosecurity matter has a general biosecurity duty.

LHI regulations dictate that certain biosecurity actions must be completed 5 days prior to departure for LHI. It is the responsibility of the Master to be familiar with the regulations and to ensure all requirements are met.

Required actions are simple, and effective. The small amount of time it takes to perform these checks and actions can wholly prevent the introduction of harmful pests and diseases.

Failure to fulfil your general biosecurity duty and/or those actions prescribed in the regulations, and/or making a false declaration, may result in refusal of permission to enter the lagoon, and/or attach to a mooring, and/or penalties being issued under the Biosecurity Act 2015. For a list of biosecurity requirements please see 'Lord Howe Island Biosecurity Requirements: Visiting Vessels'

7. Alternative Anchorage

Entry into the Lagoon will be dependent on:

- Weather and sea conditions;
- The draft of the vessel (may exceed the safety limit for entry);
- The weight of the vessel (may exceed the safe working load of the mooring systems); and
- The length of the vessel (vessels over 25 meters long may only anchor within one of 6 designated anchoring sites, as per below).

Should any of the above prevent entry into the lagoon, vessels will be advised and/or piloted by radio by the POM or the APOM to an alternative anchorage site suitable to the conditions at the time.

8. Anchoring

Restrictions apply for anchoring within the Lord Howe Island Marine Park:

- Vessels longer than five metres are prohibited from anchoring anywhere in the lagoon
- All vessels are prohibited from anchoring in sanctuary zones, with three exclusion areas for vessels less than 10 metres long
- Vessels must always aim to anchor in sand away from seagrass and coral
- Vessels longer than 25 metres may anchor only in 6 designated roadstead sites – located outside the Lagoon (refer to Admiralty charts).

9. Marine Park Mooring Use

There are 12 marine park public day use moorings (pink coloured top float) in the LHI lagoon that vessels less than 10 metres long can use for short periods of time to access snorkelling sites. Commercial tour operators have priority use of these moorings and vessels must vacate if and when a commercial tour operator vessel approaches.

10. Dinghies

There are no dinghies or outboards available for hire. Moorings are located approximately one kilometre from landing points and a substantial dinghy should be carried. Dinghies should not be left at the jetty but beached or pulled up at the boat ramp which is located just north of the jetty. Vessels longer than five metres are prohibited from anchoring anywhere in the lagoon

11. Tides

Tide times for LHI are 16 minutes ahead of the Fort Denison chart and 46 minutes ahead during Daylight Saving periods. Tide heights can vary greatly subject to atmospheric pressure, wind and sea conditions.

12. Facilities

Showers, toilets and a limited laundry facility are provided for small craft crews at the jetty. The code to access the showers and laundry is available at LHI Board administration office. Indoor and outdoor clothes lines are provided near the facility. Please do not string washing out along the foreshore.

13. Fresh Water and Bore Water

Fresh water is available from the jetty shed. The Island's freshwater supply is reliant on rainfall and there can be limited supplies, especially during warmer months. The tap at the end of the jetty is bore water and is only to be used to wash vessels – do not drink this water. Please help protect LHI and always use water wisely.

14. Fuel

Fuel is available from the LHI Shell Fuel agent on telephone (02) 6563 2135 or VHF channel 12, call sign 'Gower Wilson'. Tanker transport (diesel only) to the jetty is available by arrangement.

LP gas is available from Wilson's Bike Hire located on Lagoon Road, just past the boat sheds on the foreshore, telephone (02) 6563 2045.

15. Banking

Travellers cheques or foreign currency cannot be exchanged anywhere on the Island. Deposits and withdrawals can be made at the Post Office for all major Australian banks. The Post Office is open Monday to Friday (closed on Tuesday during winter months). There is only one ATM machine located at the LHI Bowling Club. EFTPOS facilities are limited on the island.

16. Access to Elizabeth and Middleton Reef

A Commonwealth permit is required for vessels wishing to visit Elizabeth Reef and undertake recreational fishing. Middleton Reef is a National Park Zone and all forms of fishing and collecting are prohibited. The LHI Marine Park staff can provide information and advice on the latest access and management arrangements for this area.

Applications for an authorisation need to be lodged online at least 28 days in advance, there are no fees for these authorisations. For more information and to apply for a permit visit: <https://parksaustralia.gov.au/marine/parks/temperate-east/lord-howe/>. Once your application has been processed, your permit will be issued via email. There is a post-trip reporting form that can be emailed or handed in to the marine park office. A voluntary post trip report form is also encouraged for vessels visiting Elizabeth and Middleton Reefs for non-permit holders.

WHAT YOU NEED TO KNOW – KEY REGULATIONS

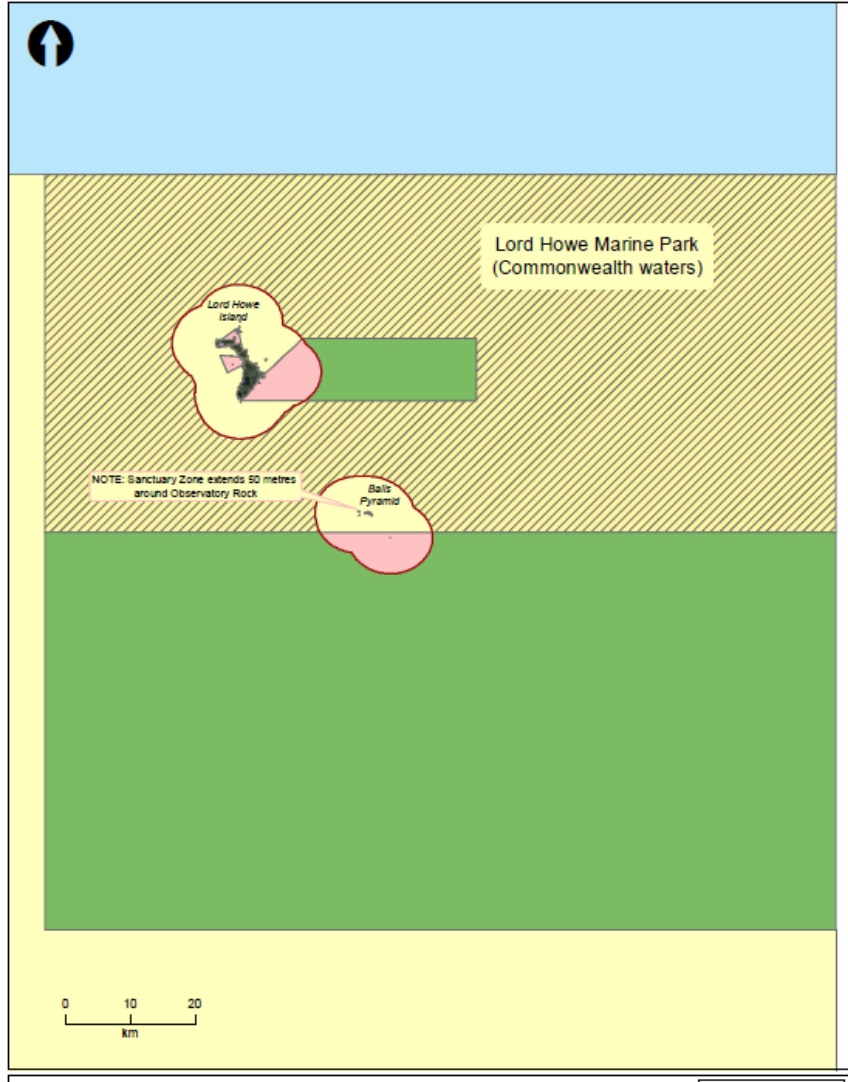
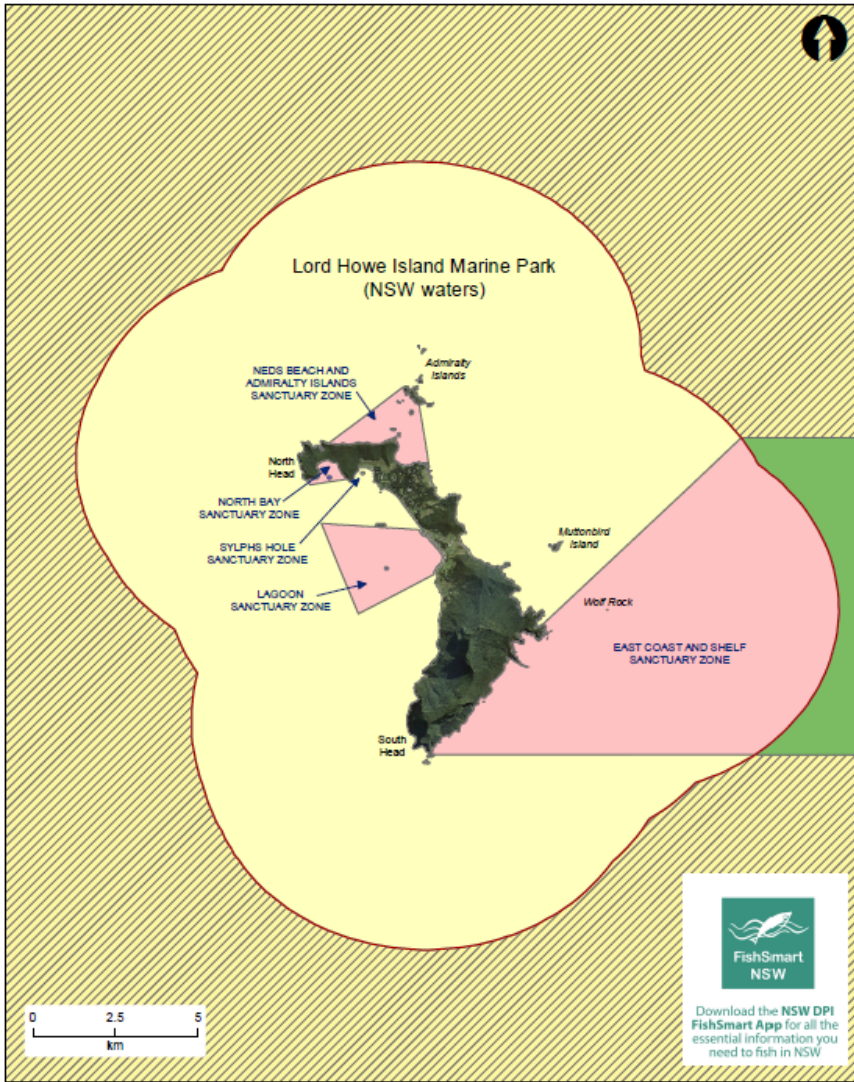
To help protect and conserve the unique and diverse terrestrial and marine ecosystems of the Lord Howe Island World Heritage Area, the following regulations apply:

- Camping is not permitted on the island;
- Domestic animals are not allowed onto the island;
- BBQ fires are only permitted in designated fireplaces or onboard your vessel;
- LHI recycles, please use the appropriate rubbish bins provided at the jetty facilities.

The Lord Howe Island Marine Park is designed to conserve marine diversity and habitats, while allowing for public recreation and some commercial use:

- There are seven Sanctuary Zones within the Lord Howe Island Marine Park where all forms of fishing or collecting are prohibited. Recreational fishing is allowed in Habitat Protection Zones only, a NSW recreational fishing licence is required;
- Spearfishing, snares, lobster traps, and crab traps are PROHIBITED;
- NSW recreational fishing rules (including bag and size limits) apply;
- Recreational fishing catches must be landed whole (with the head and tail);
- Discard fish waste thoughtfully at the LHIB waste management facility or outside the lagoon, west of a line between north and south head. Do not discard fish waste at the jetty and boat ramp facilities because it can attract sharks;
- Jet skis are not permitted in the Marine Park;
- Marine Park Permits may be required for certain activities e.g. commercial activities;

For more information about the LHI Marine Park and/or information on access to Elizabeth and Middleton Reefs, contact the LHI Marine Park office on (02) 6563 2359, email lord.howe@dpi.nsw.gov.au, or visit: <https://www.dpi.nsw.gov.au/fishing/marine-protected-areas/marine-parks/lord-howe-island-marine-park>



<p>Lord Howe Island Marine Park (NSW waters)</p> <ul style="list-style-type: none"> Habitat Protection Zone Special Purpose Zone Sanctuary Zone 	<p>Lord Howe Marine Park (Commonwealth waters)</p> <ul style="list-style-type: none"> National Park Zone Habitat Protection Zone Limit of coastal waters 	
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<p>Lord Howe Island Marine Park (NSW waters)</p> <ul style="list-style-type: none"> Habitat Protection Zone Special Purpose Zone Sanctuary Zone 	<p>Lord Howe Marine Park (Commonwealth waters)</p> <ul style="list-style-type: none"> National Park Zone Multiple Use Zone Habitat Protection Zone Limit of coastal waters 	
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LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Policy Review and Alignment with DCCEEW Policies

Recommendations

1. **Note:** That the Board notes the policy review process and alignment with DCCEEW policies.
2. **Approve:** That the Board approves the retirement of 44 policies, as they are now covered under DCCEEW frameworks or deemed redundant.

Current position

The policy review process aims to streamline and enhance the effectiveness of LHIB policies while ensuring alignment with DCCEEW frameworks. A thorough assessment has been conducted using the Policy Assessment Checklist, leading to a structured review and rationalisation of policies.

Progress on the Policy Review

The policy review has been undertaken in a **structured, multi-stage process**:

- **Stage 1: Policy Checklist Review** – The DCCEEW Policy Assessment Checklist was used to examine existing LHIB policies, identifying relevance, duplications, and outdated content. Policies were assessed for their feasibility of consolidation into broader frameworks.
- **Stage 2: Policy Drafting** – Policies identified for redrafting or restructuring were examined in detail, leading to the development of new draft policies, including:
 - Biosecurity Policy
 - Compliance & Enforcement Policy
 - Leases Policy, along with associated procedures (e.g., Application for Crown Land Licences, Transfer of Perpetual Leases).
- **Stage 3: Supporting Documentation** – Several key supporting documents were developed to guide the policy review process:
 - **Interconnectivity Matrix** – A register of all policies linked to corresponding legislation.
 - **Delegations Database** – A framework outlining delegation of responsibilities
 - **Regulation Coverage Matrix** – Mapping how each policy aligns with legislative requirements.
 - **Policy Adoption Plan** – A timeline for policy implementation, review, and adoption.

Following this review, 47 policies are identified for retirement, either because they are fully covered under existing DCCEEW policies or have become obsolete due to legislative updates. The review also outlines policies requiring redrafting, consolidation, or updating to improve clarity, compliance, and operational efficiency.

Policy Review Summary

The review process has resulted in the following key changes:

	Total	Retire	Redraft	Update & Retain	Check
Plan	18	4	3	11	0
Policy	70	37	5	25	3
Strategy	2	1	0	0	1
Procedure	13	3	3	7	0
Other	2	2	0	0	0
Total	105	47	11	43	4

This paper proposes the retirement of 35 documents, leaving 61 to be reviewed. A further 9 will be presented for retirement once replacement policies are approved.

This process ensures improved governance, reduced redundancy, and enhanced compliance with state and national regulations while providing a clearer framework for LHIB operations.

Next Steps

1. Formalise the retirement of identified policies and ensure relevant stakeholders are informed.
2. Update internal documents and the LHIB Website to reflect policy removals.
3. Continue implementing Policy Review, identifying an appropriately skilled resource for the finalisation of policy review.
4. Apply policy adoption processes to remaining documents.

Attachments

Attachment	Title
A	Register of policies to be retired – Feb 2025

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Darcelle Matassoni	Senior Project Officer

Policy	Date Adopted	Last Review	Next Review	Internal/ External	Type	Notes/Questions
Policy - Secondary Employment of Lord Howe Island Board Staff - Adopted December 2002	1-Dec-02	1-Jul-15	1-Jul-18	Internal	Policy	DCCEEW (Code of Ethics)
Form - Conflicts of Interest Disclosure - December 2020	4-Sep-13	21-Apr-16	1-Mar-19	Internal	Form	DCCEEW
Plan - Customer Service Improvement - 2016 - 2018 - Not Current	6-Jun-16		5-Jun-17	Internal	Plan	DCCEEW
Plan - Customer Service Improvement - 2017 - 2018	15-Jun-18		1-Jun-19	Internal	Plan	DCCEEW
Plan - LHIB Workforce Plan - 2015 to 2018	1-Aug-15	1-Aug-15	1-Aug-19	Internal	Plan	Redundant
Plan - Corporate - FY 2016-2019		1-Feb-20	1-Feb-21	External	Plan	Outdated
Policy - Alcohol and Other Drugs in the Workplace - Reviewed September 2016	1-Mar-14	1-Sep-16	8-Sep-18	Internal	Policy	DCCEEW
Policy - Code of Ethics and Conduct for Lord Howe Island Board Staff - Adopted May 2018	1-May-18	1-May-18	?	Internal	Policy	DCCEEW (Code of Ethics)
Policy - Complaints and Allegations				External	Policy	DCCEEW
Policy - Computer Workstation Management - Adopted June 2007	26-Jun-07	1-Jul-15	1-Jul-18	Internal	Policy	DCCEEW
Policy - Debt Management Procedure - Adopted March 2021	30-Mar-21	30-Mar-21	30-Mar-26	Internal	Policy	DCCEEW
Policy - Depreciation - Adopted June 2015	30-Jun-15	1-Jun-15	1-Jun-18	Internal	Policy	
Policy - Fraud and Corruption Prevention - Reviewed August 2017		1-Aug-17	1-Aug-18	External	Policy	DCCEEW
Policy - Guarantee of Service - Adopted May 2008		1-Jul-15	1-Jul-18	External	Policy	DCCEEW
Policy - Media Contact & Liaison Policy - Adopted May 2008	1-May-08	1-Jul-15	1-Jul-18	Internal	Policy	DCCEEW
Policy - Multicultural Policies and Services Statement - Adopted November 2011		1-Nov-11	1-Dec-16	External	Policy	DCCEEW
Policy - No Bullying - Adopted November 2007	22-Nov-07	1-Jul-15	1-Jul-18	Internal	Policy	DCCEEW
Policy - OH&S - Not Current				External	Policy	DCCEEW
Policy - Pricing - Adopted March 2011		1-Jul-15	1-Jul-18	External	Policy	
Policy - Privacy Management Plan - Reviewed August 2017		1-Aug-17	1-Aug-19	External	Policy	DCCEEW
Policy - Procurement - Reviewed January 2017	1-May-96	17-Jan-17	1-Nov-18	Internal	Policy	DCCEEW
Policy - Protected Disclosures - Revised August 2017	1-Aug-17	1-Aug-17	1-Aug-18	Internal	Policy	DCCEEW
Policy - Purchasing Card (Pcard) - March 2022	15-Mar-22	15-Mar-22	1-Dec-24	Internal	Policy	DCCEEW
Policy - Respectful Workplace - Adopted November 2010	1-Nov-10	1-Jul-15	1-Jul-18	Internal	Policy	DCCEEW
Policy - Risk Management - Not Current		1-Jul-15	1-Jul-18	External	Policy	DCCEEW
Policy - Risk Management Policy and Guidelines - Reviewed May 2017	1-Dec-09	1-Aug-19	1-Aug-21	Internal	Policy	DCCEEW
Policy - Salary Packaging - Adopted July 2019	15-Jul-19	1-Jul-19	?	Internal	Policy	DCCEEW
Policy - Statement of Business Ethics - Reviewed August 2017		1-Aug-17	1-Jul-20	External	Policy	DCCEEW
Policy - Suspension of Condition of Residency on Perpetual Leases		1-Oct-17	1-Oct-22	External	Policy	See Leases Policy
Policy - Work Health and Safety Risk Management System - Reviewed December 2017	1-Mar-13	1-Dec-17	1-Dec-18	Internal	Policy	DCCEEW
Policy - Working at Heights in Natural Areas Policy and Procedure - DRAFT				Internal	Procedure	Redundant, covered in WH&S
Procedure - Dealing with and Capturing Official Correspondence and Messages - Adopted August 2012	22-Aug-12	1-Aug-12	1-May-17	Internal	Procedure	DCCEEW
Procedure - External Correspondence - Reviewed April 2014	22-Aug-12	1-Apr-14	1-Mar-17	Internal	Procedure	DCCEEW
Procedure - Official Travel Outside Normal Hours Excess Travel - Adopted June 2014	25-Jun-14	1-Jul-15	1-Jul-18	Internal	Procedure	DCCEEW
Request for Access to Lord Howe Island under the Public Health (COVID-19 Lord Howe Island) Order 2020			31-Jul-20	External	Plan	Redundant

LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

DA2024.4.1 (PAN-482008) – Two (2) lot subdivision, erection of a new dwelling house and shed, use of shed for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works at Lot 277 DP 48477, No. 345 Lagoon Road, Lord Howe Island – Aaron Ralph

Recommendations

1. Approve

- a. That OC2025.1.1 for construction of a shed and use for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works on Lot 277 DP 48477, No. 345 Lagoon Road, Lord Howe Island be issued.
- b. That DA2024.4.1 for a Two (2) lot subdivision, the erection of a new dwelling house and shed, use of shed for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works on Lot 277 DP 48477, No. 345 Lagoon Road, Lord Howe Island be approved subject to the conditions listed in the assessment report.

Current position

On 24/10/2024, a development application for DA2021.04 was lodged by Aaron Ralph for:

Two (2) lot subdivision, erection of a new dwelling house and shed, use of shed for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works.

The DA was placed on public exhibition 12/11/2024 to 26/11/2024. Ten(10) objections were received.

An assessment report has been completed by the Board's independent planning consultant and is provided at Attachment A.

A summary of submissions is included in the assessment report, along with responses.

Owners Consent

Ministerial Owners Consent OC2023.4.1 approved 13th March 2024, Description of Proposed Development: "Approval to lodge development application for subdivision and dwelling" (ref to note below) is in place for these aspects of the DA.

New OC OC2025.1.1 lodged 6th February 2025 for construction of a shed and use for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works, has been assessed in conjunction with subject DA.

Board Assessment

The CEO has delegation to determine the owner's consent OC2025.1.1 as it relates only to the commercial shed, wastewater system, ancillary civil, stormwater and landscaping works.

The development application does not fall within the delegations of the CEO for determination for the following reasons:

- The value of the development is more than \$150,000.
- The DA is for the subdivision of land and the erection of a new dwelling.
- More than 3 written submissions (10 in total) were received within 14 days of the public exhibition period.

The application for both the owner's consent OC2025.1.1 and development application DA2024.4.1 are therefore referred to the full Board for determination.

Recommended

The OC and DA is recommended for approval with the following special conditions applied:

- The proposed landscape screening shall be planted within the boundaries of the subject site (not within the adjoining Lot 110 as proposed). Details of the landscape screening which are to consist of native species endemic to the Island, including species which (at maturity) achieve a range of heights including mid-height and higher, are to be supplied to the LHIB CEO for written approval prior to issue of a construction certificate for the dwelling.
- The subdivision boundary between the two proposed lots is shown on the DA plans as running through the mapped SNV of the site. To avoid any damage or removal of SNV vegetation (which is prohibited under the LHI LEP 20210), no boundary fencing shall be constructed or erected for the length of the new subdivision boundary through the mapped SNV on the site.
- The hours of operation for the commercial use of the shed will be limited to between 7am and 6pm Monday to Saturday only. Operation of the commercial use is not permitted on Sundays and Public Holidays.
- The welding apparatus proposed for the subject commercial use of the shed must not be used between peak electrical load hours of 5:30pm to 6:00pm.

Attachments

Attachment	Title
A	DA2024.4.1 – Assessment Report – Ralph Aaron

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Myall Stevens	Associate Director, Infrastructure, Assets & Places, KPMG

Board Meeting: February 2025	Agenda Item: 10.01	File Reference: DA2024.4.1
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LORD HOWE ISLAND BOARD

BUSINESS PAPER

Planning Assessment Report

Item: **DA2024.4.1**– Two (2) lot subdivision, erection of a new dwelling house and shed, use of shed for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works, at Lot 277 DP 48477, No. 345 Lagoon Road, Lord Howe Island.

1 Summary Assessment Report

Assessment Officer	Peter Chapman – AAP Consultant Planner
Address/Property Description	Lot 277 DP 48477, No. 345 Lagoon Road, Lord Howe Island
Proposal	Two (2) lot subdivision, erection of a new dwelling house and shed, use of shed for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works.
DA No	DA2024.4.1
Planning Portal Ref	PAN-482008
Applicant	Aaron Ralph
Owner Consent Granted	Ministerial Owners Consent OC2023.4.1 approved 13 th March 2024, Description of Proposed Development: “Approval to lodge development application for subdivision and dwelling” (ref to note below) is in place for these aspects of the DA. New OC2025.1.1 lodged February 2025 for construction of a shed and use for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works, has been assessed in conjunction with subject DA. Report includes recommendations that the LHIB issue OC2025.1.1.
Estimated Cost of Development	\$1,149,500.00
Site Inspection	Inspections of the subject site have been carried out by LHIB officers
Zone	Zone 2 Settlement. The proposed development is permissible with consent.
Significant Native Vegetation Map	Parts of the site are mapped Significant Native Vegetation (SNV) with the included wastewater irrigation area proposed within the SNV area but no SNV will be damaged or removed as part of this application.
Notification	The DA was placed on public exhibition 12/11/2024 to 26/11/2024

Submissions Received	The LHIB has advised that (10) ten objections were received.
Recommendation	<p>a) That OC2025.1.1 for construction of a shed and use for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works on Lot 277 DP 48477, No. 345 Lagoon Road, Lord Howe Island be issued.</p> <p>b) That DA2024.4.1 for a Two (2) lot subdivision, the erection of a new dwelling house and shed, use of shed for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works on Lot 277 DP 48477, No. 345 Lagoon Road, Lord Howe Island be approved subject to the conditions listed in the assessment report.</p>

2 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:

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

Ministerial Owners Consent

A Ministerial Owners Consent (OC2023.4.1) was approved 13th March 2024, with a listed development description of "Approval to lodge development application for subdivision and dwelling". As referenced on the consent, this was based on a recommendation of the LHIB at its December 2023 Board meeting. The consent states that the date from which it applies is the 13th March 2024, with a lapse date of 18th October 2025.

As OC2023.4.1 was only for the subdivision and dwelling, an additional Owners Consent application for the rest of the DA components was also required.

Consequently the applicant has lodged an additional OC2025.1.1 dated 6th February 2025, for construction of the proposed shed and use for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works, and this has been assessed in conjunction with subject DA. The recommendation of this report includes that the LHIB issue *OC2025.1.1*.

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.

The subject DA exceeds all of the above three delegations to the CEO. The estimated cost of development being \$1,149,500.00, the DA includes both the subdivision of land and the erection of a new dwelling and more than 3 written submissions have been received (as mentioned earlier 10 were submitted). Accordingly the DA is required to be referred to the full LHIB for determination.

3 Site Description

The subject site is legally described as Lot 277 DP 48477, No. 345 Lagoon Road, Lord Howe Island. The lot is generally rectangular in shape with an angled front boundary to Lagoon Road.

It is located towards the southern part of the Island, on the southern slopes of Transit Hill in the vicinity of the LHI Airport and is opposite the Airport runway on its northern side.

The site has an area of 8,798m², with side (eastern and western boundaries) of 135.7m and 153.7m each, and front and rear boundaries of 62.5m and 61.6m each. The proximity to Transit Hill results in the site's topography being level with the road in the vicinity of the front boundary, but then rising up to a moderate gully towards the rear north western site corner.

Access to the site is directly available from Lagoon Road via the site's street frontage.

As can be seen in the aerial image of the site at Figure 1 and the site photos on the following pages, the site has both heavily vegetated and existing cleared areas. The more cleared areas are generally to the southern (front) and eastern (side) boundaries, but these do include some existing non-native vegetation.

The remainder of the site is significantly vegetated with most being mapped as SNV. The site includes a single existing dwelling located in close proximity to the western side site boundary in its top rear third. The dwelling and its vehicular access is not within the mapped SNV areas of the site.

The SNV mapping and the existing 2 Settlement zoning of the site is illustrated in Figures 2 and 3 (ref following pages of this report).

The existing dwelling is to be retained and located in one of the two lots in the proposed subdivision.



Figure 1: Detail aerial of subject site with existing structures, SNV mapping & indicative locations for proposed shed (in orange) & dwelling (in yellow) shown

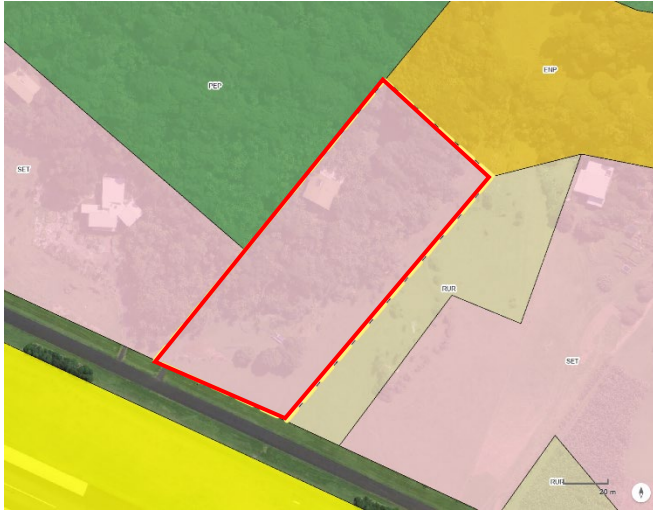


Figure 2: Extract from the Lord Howe Island Local Environmental Plan 2010 (LEP 2010) Zoning Map. Site boundaries outlined in red.



Figure 3: Extract from the LEP 2010 SNV Map.



Figure 4: View of subject site from Lagoon Road (subject site on the left, adjoining Lot 110 Special Lease in centre)



Figure 5: View to proposed dwelling location (centre left of image) from adjoining Lot 110 Special Lease



Figure 6: View of subject site (and adjoining Lot 110 Special Lease) Lagoon Road frontage looking to the north west



Figure 7: Part view towards subject site from LHI Airport Terminal proximity

4 Proposed Development

As noted earlier in this report, the proposed development is for a two (2) lot subdivision, erection of a new dwelling house and shed, use of shed for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works., at Lot 277 DP 48477, No. 345 Lagoon Road, Lord Howe Island.

The specific details of the proposal are as follows:

1. Two (2) lot Torrens title subdivision of the existing site in the form of:
 - a) Proposed Lot 11 – 5,000m² (to include the existing dwelling on the site)
 - b) Proposed Lot 12 – 3,798m² (to include the proposed new dwelling, shed its commercial use, a new wastewater system and driveway)

The two proposed lots are basically rectangular in shape and will run parallel to each other, each with a direct frontage to Lagoon Road.

2. Civil and stormwater work in the form of:
 - a) Driveway Construction – a proposed driveway in the form of a 2 x 1m “Geo-Hex” pavement system with a 0.5m centre open strip using permeable material. A section of the driveway is proposed to be concrete in order to permit overtopping of stormwater in a 1% AEP rainfall event. The initial section between the front boundary and the proposed shed is 4m wide and the remainder to the dwelling house is 3m wide.
 - b) Drainage – For the driveway a pit and pipe system is proposed to manage stormwater between the proposed shed and the front boundary, discharging to the existing table

- drain in Lagoon Road. A swale drain is proposed adjacent to the driveway for a specified section.
- c) Earthworks - The proposal includes bulk earthworks for the proposed shed, dwelling house and driveway
3. Erection of a new dwelling house on proposed Lot 11 (created by the above subdivision) with the following characteristics:
 - a) erection of a new, one and two storey, three (3) bedroom dwelling,
 - b) the dwelling is to be located 94m (measured at the dwelling south eastern corner) from the front Lagoon Road boundary, 22m from the rear (north eastern) boundary, 16.7m from the (north western) side and 2m from the (south eastern) side boundary
 - c) The materials and finishes of the proposed dwelling are to include:
 - *External wall materials: Fibre cement sheeting / weathertex for external cladding*
 - *External wall colours: Dark woodland grey*
 - *Fascia, guttering and downpipe colours: Dark woodland grey*
 - *Window frame materials and colours (consistent with plan): UPVC, Black satin*
 - *Roof material, profile and colour: Trim deck colorbond sheeting, 7 degrees skillion, dark woodland grey*
 - *Water tank colour: Dark woodland grey*
 - d) the DA documentation submits that the new dwelling has been designed and located to nestle into the landscape and minimise the extent of vegetation removal and visual impact.
 - e) The lower level comprises three (3) bedrooms, laundry, bathrooms and an office/media room with a gross floor area ('GFA') of 176.4m². The upper level comprises a kitchen, bathroom and outdoor areas with a GFA of 122.67m². The total GFA of the proposed dwelling house is 299.07m².
 4. Erection of new shed on proposed Lot 12 created by the subdivision including:
 - a) Shed dimensions being 15m x 8m, with a skillion roof and an upper height of 5.6m
 - b) Main shed 4.5m high door in the front southern elevation with secondary doors in the eastern and southern elevations
 - c) Only internal initial fitout being a bathroom/ sanitary facilities
 - d) Shed location being between the proposed dwelling and the site frontage, set a distance of 28m from Lagoon Road, 9.5m from the side (south eastern) boundary and 7.75m from the other side (north western) boundary
 - e) The materials and finishes of the proposed shed are to be consistent with the dwelling including:
 - *Fibre cement sheeting / weathertex for external cladding and will be the same colour - dark woodland grey*
 5. Commercial use of the above new shed including the following:
 - a) The Proponent owns and operates Dive Lord Howe, a tourist-related business on the island. The Application seeks consent to the commercial use of the shed, specifically for the repair and maintenance of boats and equipment owned by Dive Lord Howe, as well as repairs and maintenance for other boats and watercraft not associated with Dive Lord Howe.
 - b) The DA documentation includes the following more detailed information on the proposed commercial use of the shed:
 - i. *Primary use - The primary use for the proposed shed is to service outboard engines and have a space out of the weather to weld aluminium boats.*
 - ii. *Noise - The noise associated with the proposed activities is negligible, as all servicing of engines is undertaken using powered and non-powered hand tools. Welding does not generate excessive noise. The activity most likely to generate noise is grinding to prepare the aluminium to weld. However, this is sporadic*

only, with the majority of the servicing of vessels and compressors require non-powered hand tools only. The grinder used to prepare the aluminium for welding has the following noise emission ratings – Sound Power Level (LWA) 97 dB(A) Sound Pressure Level (LpA) 89 dB(A) Noise Uncertainty (K Factor) 3 dB(A). Mitigation measures include ensuring doors and windows are closed when grinding and only grinding during daylight hours.

- iii. *Removal of antifoul - The proposed activities do not include removal of antifoul from the vessels.*
- iv. *Engine servicing*
 - *Engine oil change – An engine oil change on an outboard motor requires a bung to be removed on the side of the engine. All oil from the engine block can be caught in an oil pan tray and then transferred by hand to a sealed container for transport to the Lord Howe Island Waste Transfer Facility. To ensure that an oil spill is avoided an additional spill tray is positioned under the engines, as well as a drop sheet. Next is the removal of the oil filter (which by this stage is empty of oil). The oil filter is placed on a specific lug in the oil pan to drain any residual oil into the pan. Finally, the new oil filter is fitted and the engine is filled with genuine engine oil as specified by the manufacturer. Generally, this engine oil is 10w-40 semi synthetic engine oil. This would also be done with the spill tray and drop sheet in place. This removes the need for a banded area for the shed. This would be conducted every 100 engine hours which is generally every 2 months during the dive season which runs from 1st of September to the 31st of May yearly.*
 - *Gear oil change – Gear oil procedure is similar to the engine oil, but without an oil filter. Gear oil is drained into an oil pan and new oil is added to the gear box from the bottom until it is visible from the hole at the top. The top bung is then replaced and the filling tube is removed from the bottom of the gearbox. It is at this point that some oil could escape. This is caught in the oil pan, however the spill tray and drop sheet are still in position for additional security. The gear oil is generally SAE90 hypoid gear oil. This would be conducted every 100 engine hours which is generally every 2 months during the dive season which runs from 1st of September to the 31st of May yearly.*
 - *Spark plugs – Removal and replacement of spark plugs do not require any additional measures to contain contaminants. The oil spark plugs are removed with a socket set and replaced with new ones. The spark plugs are disposed of at the Lord Howe Island Waste Transfer Facility. This would be conducted every 200 engine hours which is generally every 3-4 months during the dive season which runs from 1st of September to the 31st of May yearly.*
 - *Water pumps – The impeller and wear plates are removed and replaced. No additional measures are necessary to contain any potential contaminants. This would be conducted every 200 engine hours which is generally every 3-4 months during the dive season which runs from 1st of September to the 31st of May yearly.*
 - *Hydraulic steering – Bleeding air from hydraulic steering units required pulling oil through the hydraulic lines from the helm to the ram at the back of the system. The ram has two bleeding points and the procedure involves installing a clear plastic tube onto the bleeding point and draining the fluid through the tube into a container while a second person fills from the helm. This has the potential for a spill so the spill tray and drop sheet are positioned to avoid any potential spill spreading. If the procedure goes to plan, all hydraulic fluid is caught in the secondary container and can be reused if there is not contamination. If the fluid is contaminated it is transferred to a sealed container for disposal at the Lord Howe Island*

- Waste Transfer Facility. This would only be required if there was an issue with the steering.*
- *Other works – Other works on the engine involve changing anodes, replacing faulty sensors and parts, greasing engine nipples and removing and greasing propellers. None of the additional works require special considerations for containing contaminants.*
- v. *Body works - Another use for the commercial shed would be to undertake welding and body works on the vessels. Broken handrails, ladders and corrosion are common issues for all the aluminium commercial vessels on Lord Howe Island. Welding aluminium requires an argon shield to protect the arc as the weld is being undertaken. This is a challenge on Lord Howe Island as there is no designated shed that is large enough to fit the boats in and conduct this work. Noise would be generated only if there was preparatory work required for a weld. This may require cleaning the area needing to be worked on with a grinder or polishing wheel to remove any imperfections and achieve a clean weld. The welding itself would not require any specific considerations for containing contaminants. Any metal shavings or dust would be swept up and disposed of at the Lord Howe Island waste transfer facility.*
 - vi. *Painting - Neither of the Dive Lord Howe vessels are painted with 2 Pac paint and as such this would not be a requirement for the shed. The requirement for a spray bay within the shed is not envisaged. Only one (1) of Dive Lord Howe's vessels has antifoul paint on the bottom of the hull. If this was required to be removed it would be scraped from the hull and the swept up after removal. It would then be transferred to a sealed container and disposed of at the Lord Howe Island Waste Management Facility. No vessel would be cleaned with a high-pressure washer in the shed and therefore would not require special bunting to deal with the contaminated water or loose antifoul paint. Reapplication of antifoul paint may take place in the shed and will be applied with a paint roller. In this instance a drop sheet will be laid out to catch any drips during the painting process.*
 - vii. *Compressor servicing - Dive Lord Howe has two air compressors that are used to fill the SCUBA bottles in the dive shed. Every two years they require a major overhaul and it is proposed to undertake this activity in the commercial shed. These works involve removal of old lubricant oil, replacement of seals, rings and rings as well as replacement of filtration. All used lubricant oils would be transferred to a sealed container and disposed of at the Lord Howe Island Waste Transfer Facility. Any other used parts or equipment would also be disposed of at the Lord Howe Island Waste Transfer Facility. The majority of the works would involve the use of hand tools and would not generate any additional noise. Once the compressors have been serviced, they are required to be run for diagnostics. This would create some noise. However, the noise is not considered to be excessive and would only be conducted during the daylight period.*
 - viii. *Car servicing - Dive Lord Howe owns one Ford Ranger that requires periodic maintenance and servicing. This would involve oil changes of the engine and transmission. Replacement of air filters and oil filters. All potential contaminants would be contained by a spill tray and drop sheet. For clarity, only the Dive Lord Howe vehicle would be serviced at the shed. The Application does not seek approval to a vehicle repair station.*
 - ix. *General Operational Details of the Shed Commercial Use*
 - *Proposed Hours of operation - Generally, 7am to 6pm Monday to Saturday, although these hours may vary according to demand for works to be undertaken on vessels or dive air compressors. Due to this variability, it is requested that the development consent not specify approved hours of operation, given the repairs and maintenance work will be undertaken*

within the shed and will therefore not create amenity impacts for neighbouring residents.

- *Staffing - Two (2) staff members during scheduled maintenance of the equipment.*
- *Signage - No signage is proposed*
- *Public access - No members of the public will not attend the premises.*
- *Vehicles accessing the premises - The largest vehicle likely to access the premises would be a Hino 300 Series flatbed truck, as well as a Ford Ranger 3.2 utility with triaxle trailer carrying a 3.2 tonne vessel. Vehicular movements into and out of the premises will be based on demand. However, total vehicle movements will not be excessive and will not adversely impact traffic movements along Lagoon Road or create adverse amenity impacts for neighbouring residents. Vessels requiring servicing or maintenance will be delivered to the premises by trailer and stored in the shed whilst work is being carried out. Deliveries of parts and other items are envisaged to be fortnightly.*

6. Installation of a new onsite wastewater system, including effluent irrigation area

The Application seeks consent for the installation of a new FujiClean ACE1200EX wastewater treatment system, including pipework and effluent irrigation areas within the mapped SNV areas within the site.

The proposed system is proposed to be located at the rear of the proposed shed and will receive effluent from the proposed dwelling house and the shed.

The DA has been accompanied by a wastewater report prepared by Lord Howe Island Services which provides details of the proposed system. The report also details why the majority of the irrigation areas are proposed within the SNV.

Two (2) irrigation areas are proposed, either side of an overland flow path. The irrigation pipes are laid on the ground surface, thereby avoiding the removal or damage of any native vegetation.

7. Removal of vegetation

The proposal states that it has been designed to avoid clearing of native vegetation, being located predominantly within existing cleared areas.

The proposal also outlines that it will result in the removal of two (2) large exotic Pohutukawa *Metrosideros kermadecensis*, as well as a stand of exotic Oleander *Nerium oleander*, a planted native Banyon *Ficus macrophylla* subsp. *columnaris* and a couple of Kentia Palms. This vegetation removal includes existing scattered vegetation within the front third of the site as noted in the landscape plan submitted with the proposal and included in the following report pages.

8. Landscape Screening

The proposed works include the planting of new vegetation designed to screen the proposed shed, dwelling and associated water tanks from Lagoon Road and the Airport. This is outlined in the submitted landscape plan for the DA which includes the following assessment:

“Due to the proximity of the development to the boundary it has been necessary to seek permission from the neighbouring special lease (lot 110) to plant screening vegetation in the special lease for effective screening. This vegetation will be a mixture native species including, but not limited to, Goatwood, Sallywood, Melaleuca, Maulwood, Blackbutt,

Greybark, Bullybsuh, Berrywood Banyan Fig and Kenita Palms. These trees will be planted as seedlings. This screening will be approximately 2m wide and tracking the length required to effectively screen the development from the main vantage points of the Airport and Lagoon Rd. The planned locations of this habitat creation will be in areas already dominated by Bully Bush.”

The plan extracts from the submitted DA provided on the following pages includes a plan of the above landscaping.

Assessment Note: Notwithstanding that the written consent of the lessee of the adjoining property has been provided for the above plantings, it is necessary to advise that the above proposed landscaping cannot legally be included/ approved on Lot 110 as per the subject application. This is due to the subject DA only being formally submitted by the applicants on Lot 277 DP 48477, (No. 345 Lagoon Road) without specifically including the adjoining Lot 110 DP 757515 that the landscape screening is proposed (as it is thus outside of the subject site for the submitted DA).

As a consequence of the above, the recommendation of this report includes a condition that the proposed landscape screening be planted within the boundaries of the subject site (not within Lot 110).

The overall details of the subject DA are confirmed on the submitted plans accompanying the applications as partially extracted on the following report pages.



Figure 8: Submitted photomontage of proposed development as included in DA submission

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Issue	Date	Description	Drawn No.
C	30/10/2024	DA Revision	
B	25/10/2024	DA Revision	
A	25/09/2024	DA Issue	

Project	345 Lagoon Road, LORD HOWE ISLAND
Client Name	Existing Site Plan - 1:500
Project Number	2407
Drawn No.	DA-02.1

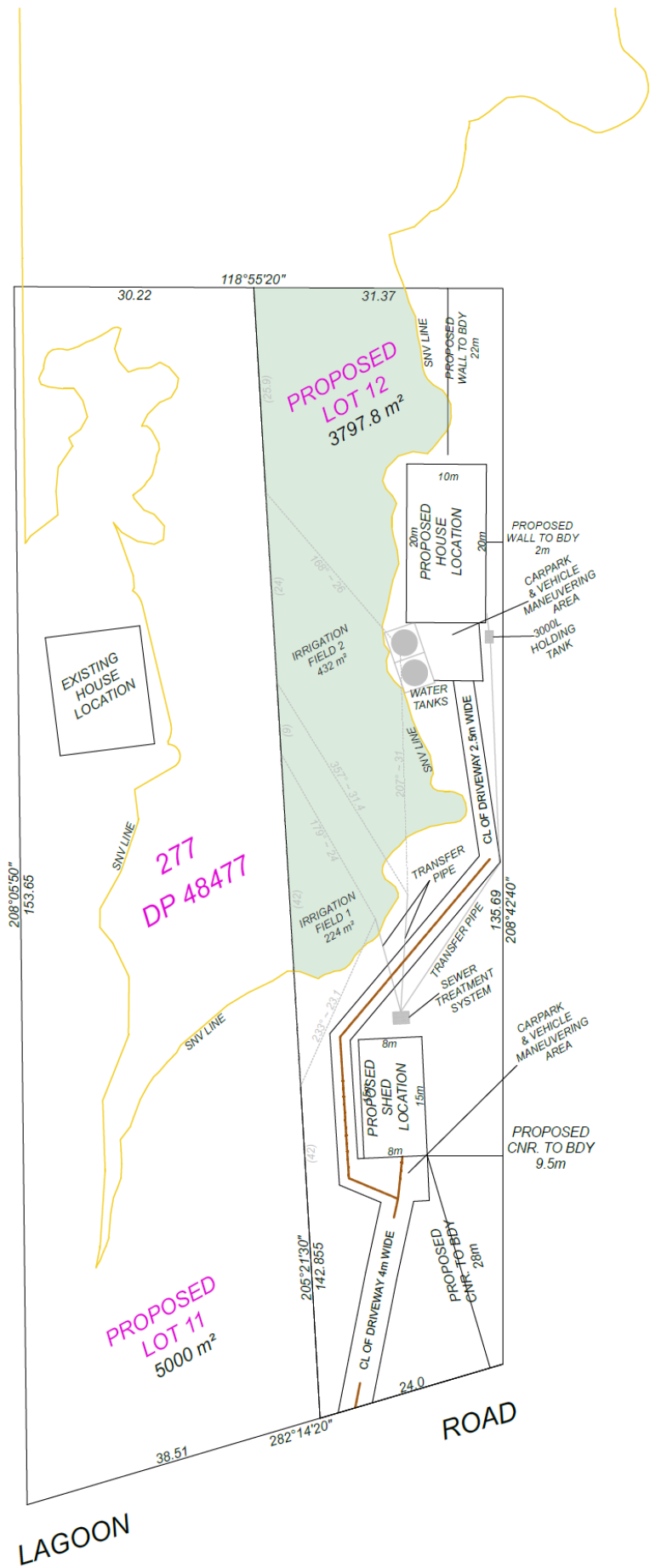
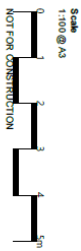


Figure 9: Submitted DA site plan



Issue	Date	Description	Project Name	Drawing No.
C	30/09/2024	DA Revision	345 Lagoon Road LORD HOWE ISLAND	
B	26/10/2024	DA Revision	Proposed Ground Floor Plan	
A	25/08/2024	DA Issue	2407	DA-02.2

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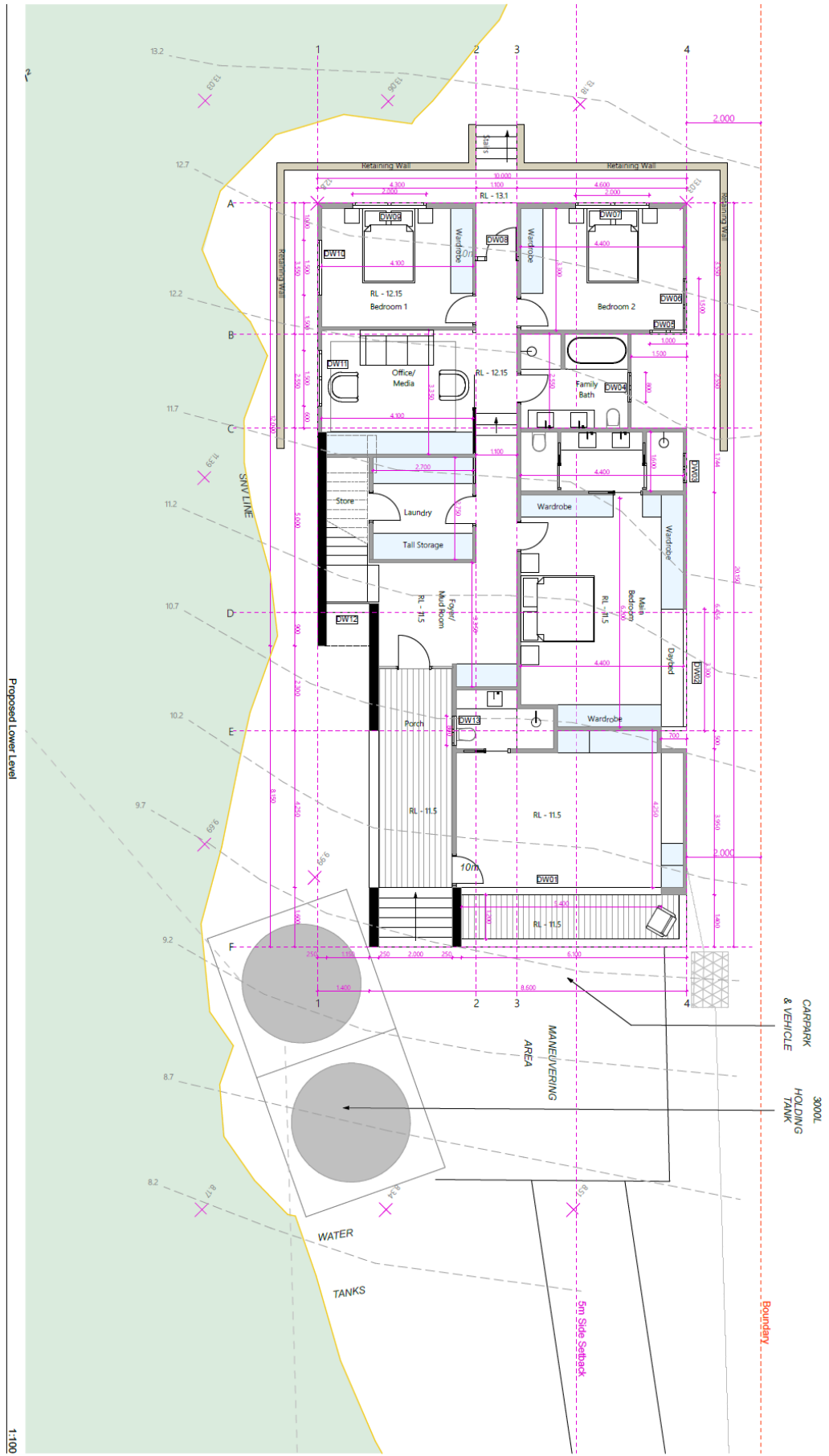


Figure 10: Submitted Ground floor plan for dwelling



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Issue	Date	Description	Project
C	30/10/2024	DA Revision	345 Lagoon Road, LORD HOWE ISLAND
B	25/10/2024	DA Revision	345 Lagoon Road, LORD HOWE ISLAND
A	25/09/2024	DA Issue	Proposed First Floor

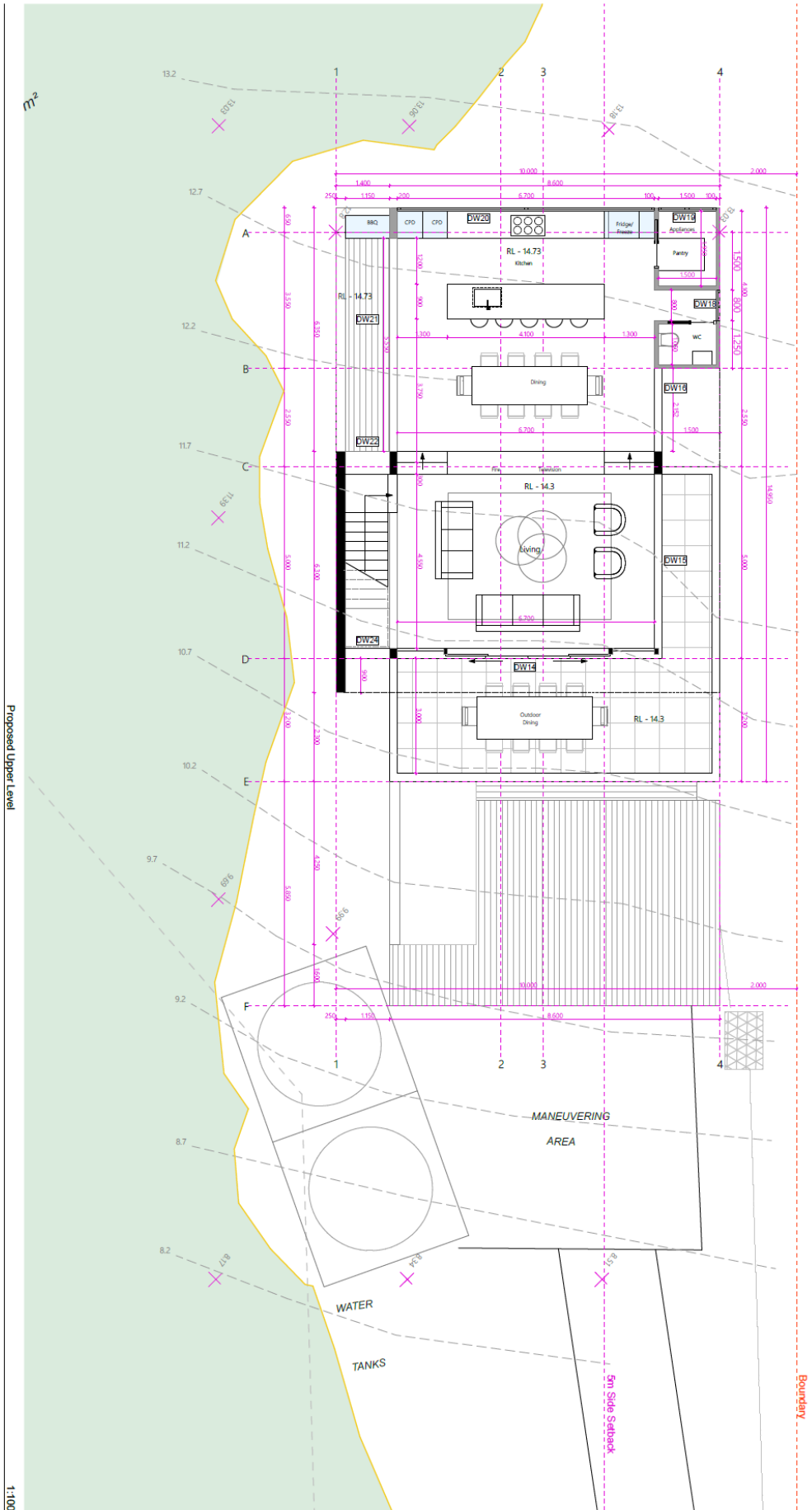
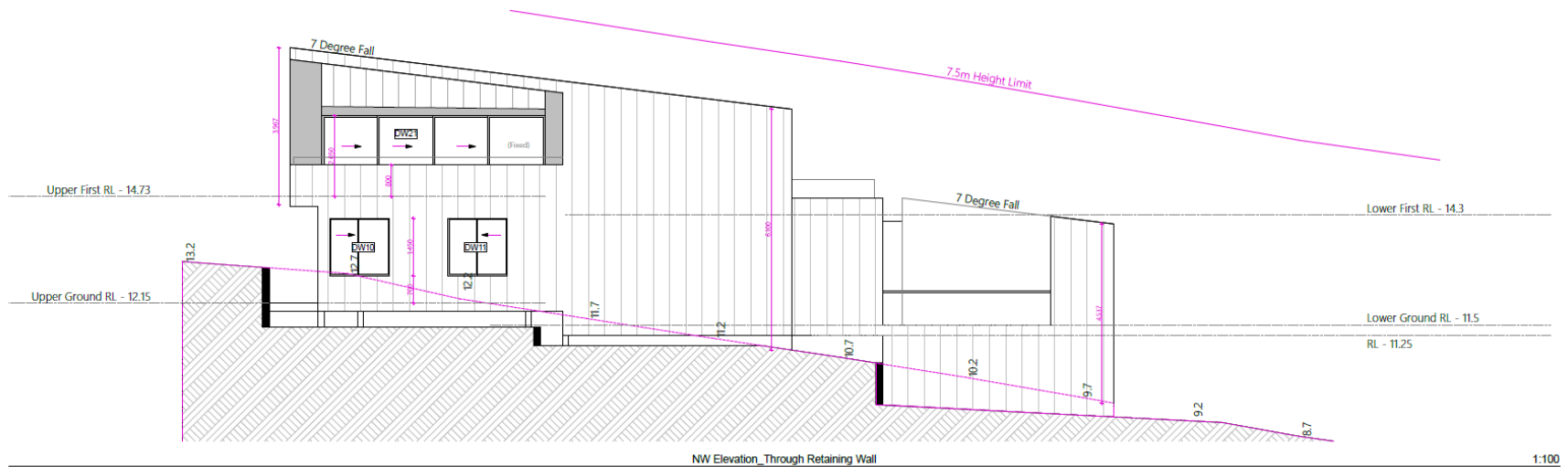
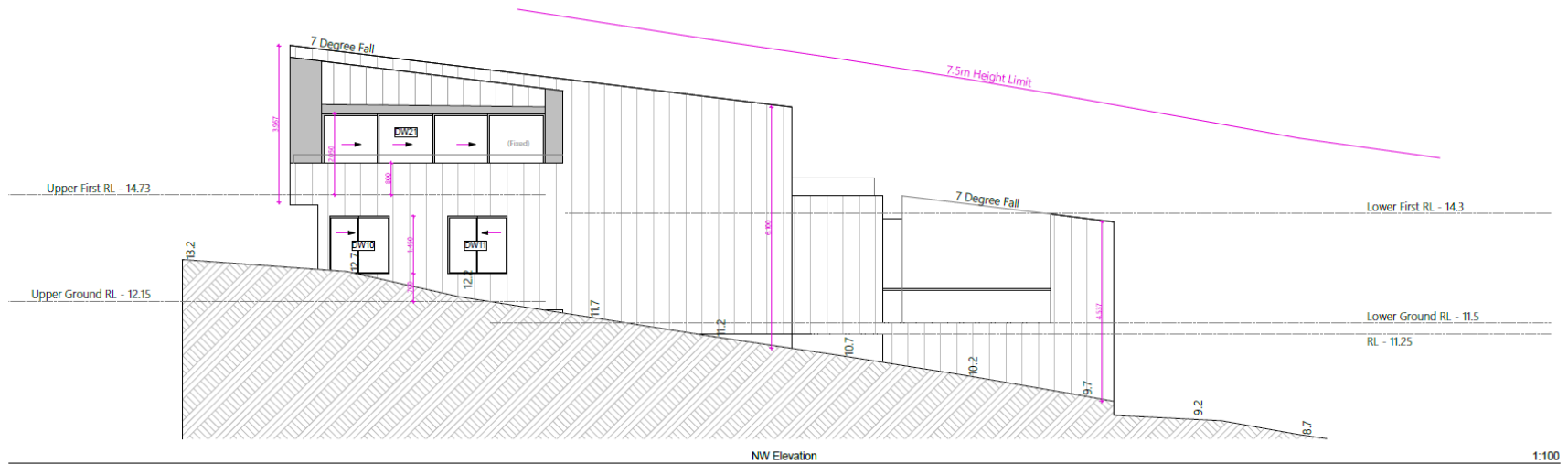


Figure 11: Submitted Upper floor plan for dwelling



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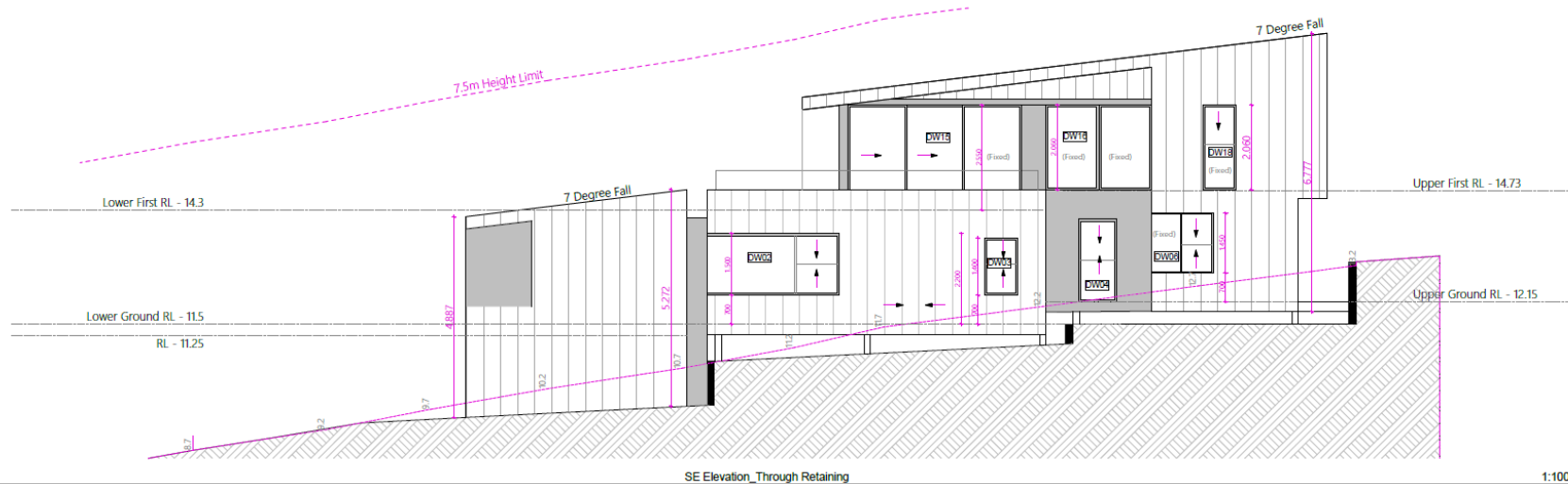
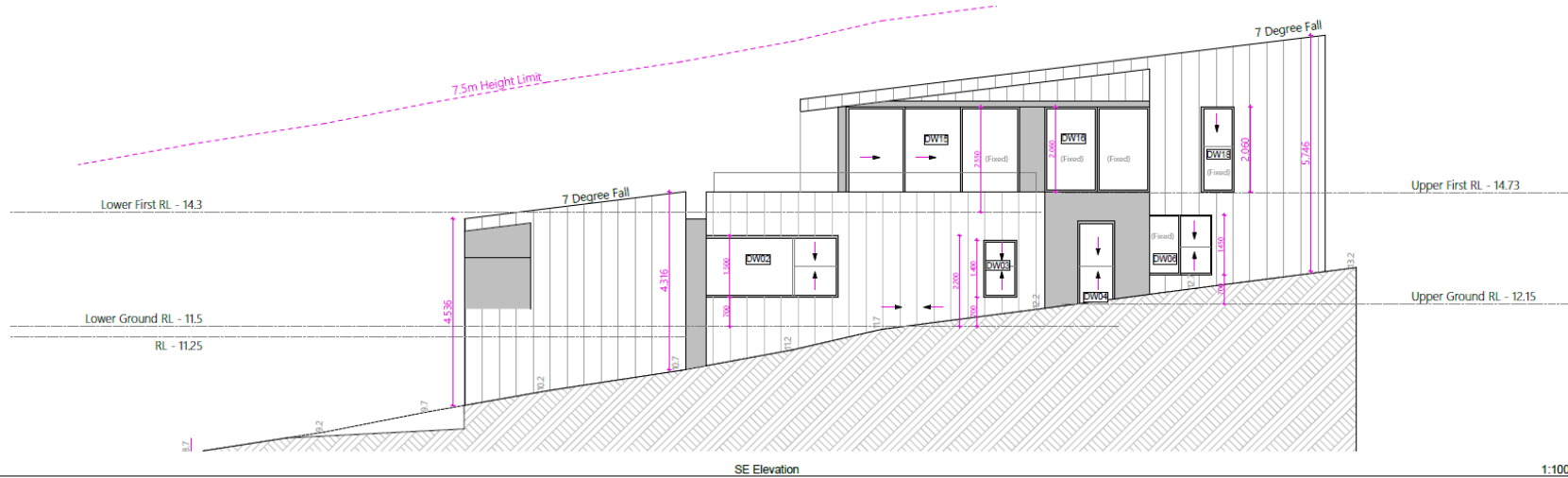
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Issue	Date	Description	Issue	Date	Description	Project	345 Lagoon Road, LORD HOWE ISLAND
			C	30/10/2024	DA Revision	Drawing Name	NW Elevation
			B	25/10/2024	DA Revision	Project Number	2407
			A	25/09/2024	DA Issue	Drawing No	DA-03.1

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Figure 12: North West Elevations of proposed dwelling



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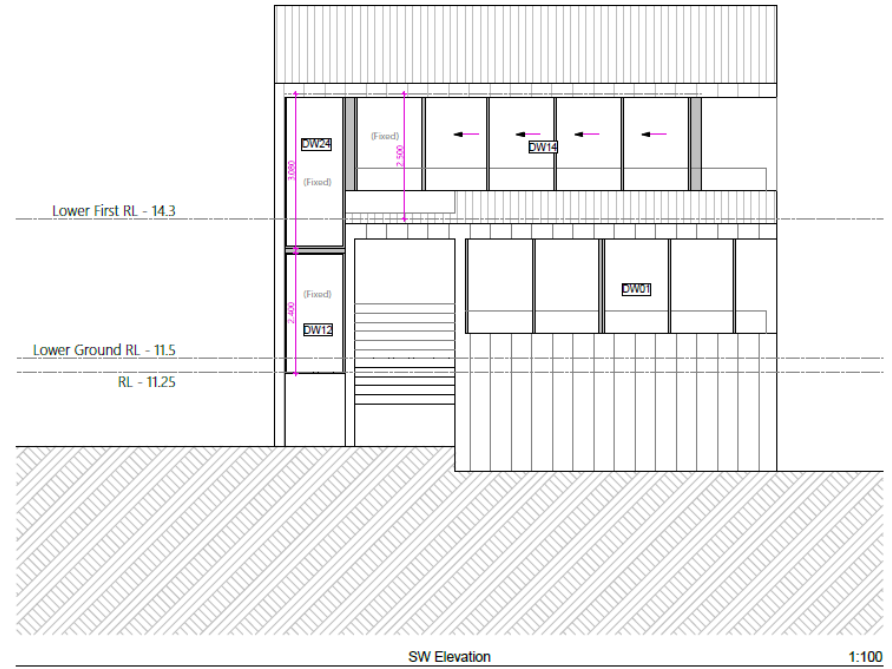
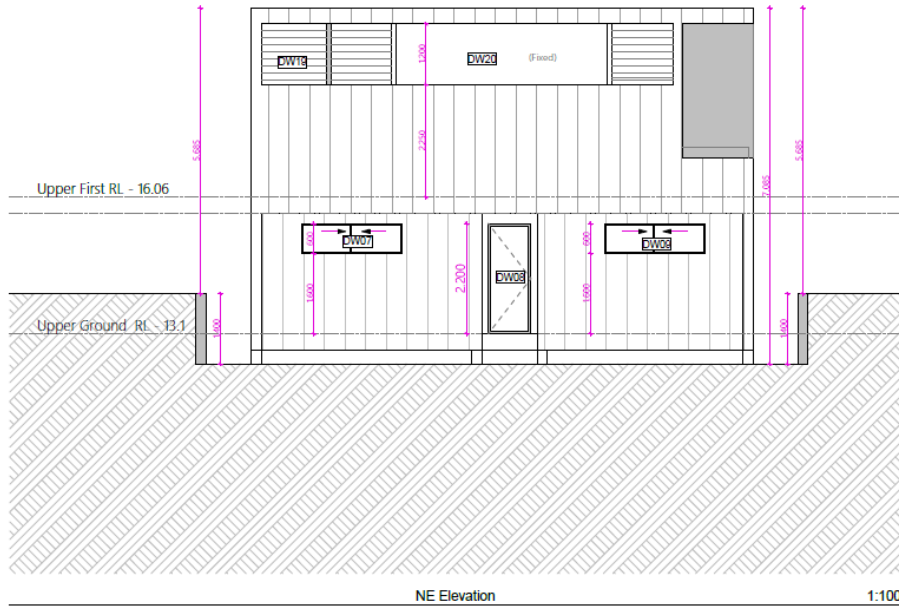


Date	Description	Issue	Date	Description
21/01/2025	DA Revision	A	25/09/2024	DA Issue
		B	25/10/2024	DA Revision
		C	30/10/2024	DA Revision

Project	345 Lagoon Road, LORD HOWE ISLAND
Drawing Name	SE Elevation
Project Number	2407
Drawing No	DA-03.2

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Figure 13: South East Elevations of proposed dwelling



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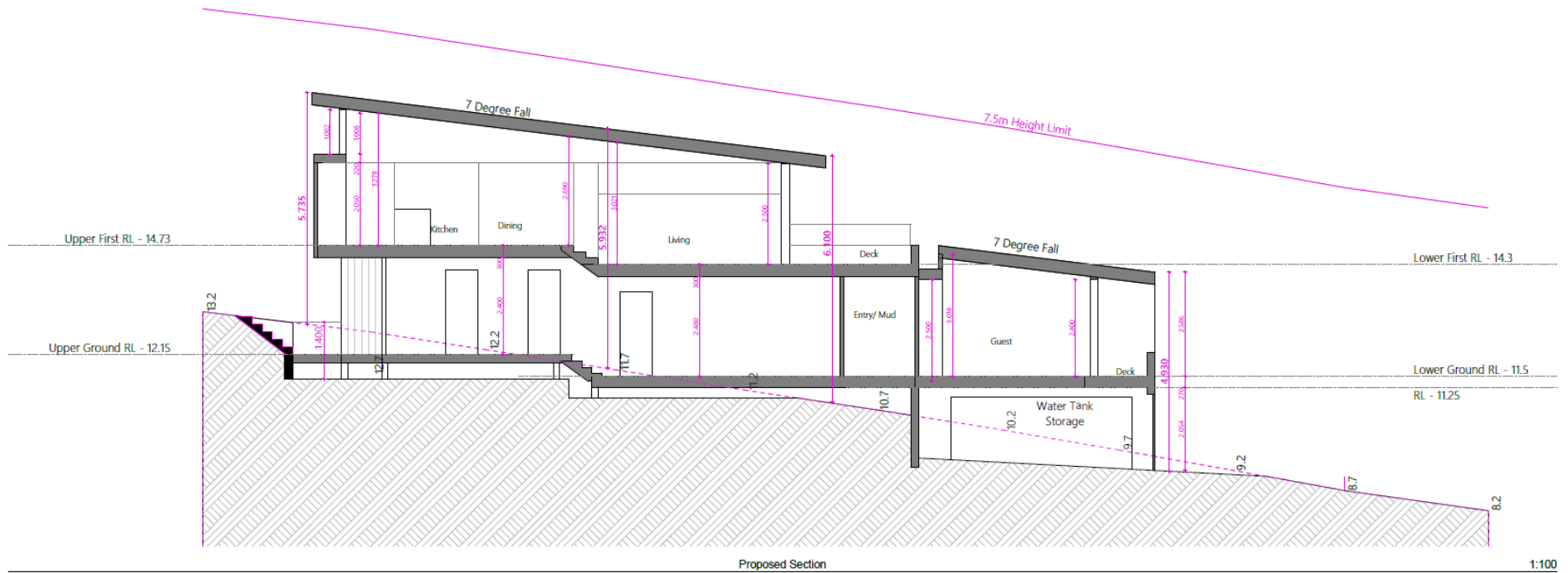
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Issue	Date	Description	Issue	Date	Description	Project	345 Lagoon Road, LORD HOWE ISLAND
			C	30/10/2024	DA Revision	Project	345 Lagoon Road, LORD HOWE ISLAND
			B	25/10/2024	DA Revision	Drawing Name	NE & SW Elevations
D	21/01/2025	DA Revision	A	25/09/2024	DA Issue	Project Number	2407
						Drawing No	DA-03.3

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Figure 14: Front and Rear Elevations of proposed dwelling



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 Nominated Architect / Stephen O'Connor / Registration number 11119

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Verification

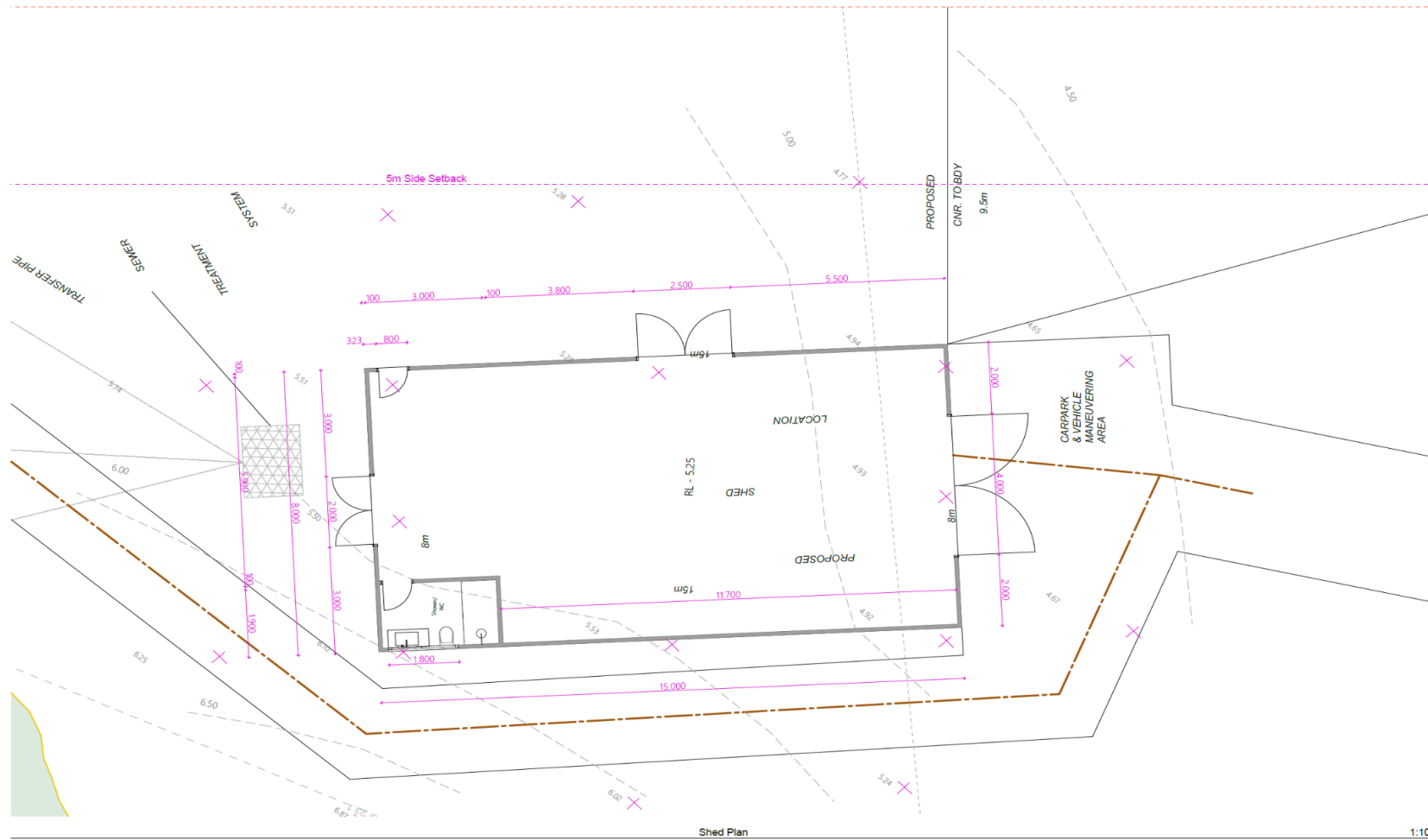
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			C	30/10/2024	DA Revision	Project	345 Lagoon Road, LORD HOWE ISLAND
			B	25/10/2024	DA Revision	Drawing Name	Proposed Section
D	21/01/2025	DA Revision	A	25/09/2024	DA Issue	Project Number	2407
Issue	Date	Description	Issue	Date	Description	Drawing No	DA-04.1

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Figure 15: Long Section of proposed dwelling



Shed Plan

1:100

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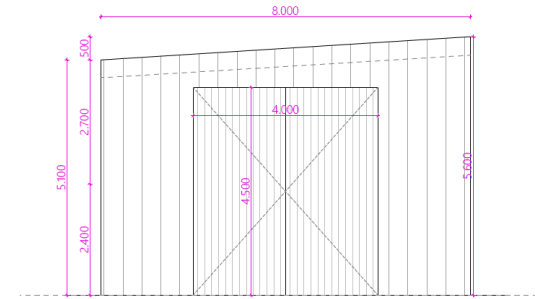
C	30/10/2024	DA Revision	Project	345 Lagoon Road, LORD HOWE ISLAND
B	25/10/2024	DA Revision	Drawing Name	Shed Plan
A	25/09/2024	DA Issue	Project Number	2407
Issue	Date	Description	Drawing No.	DA-05.1

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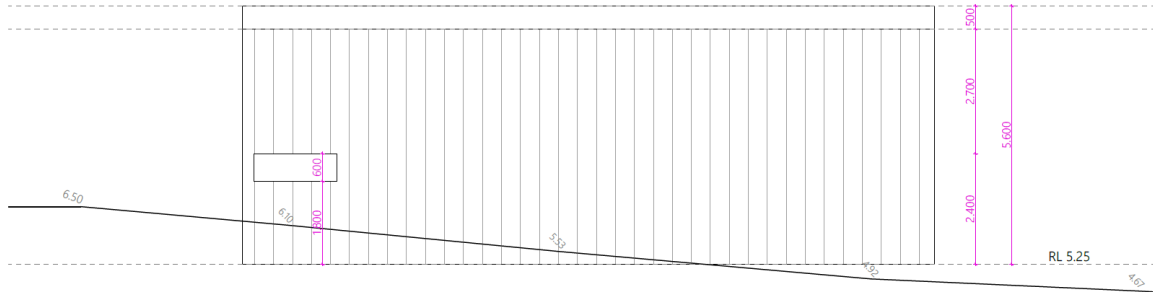
Figure 16: Floor Plan of proposed shed



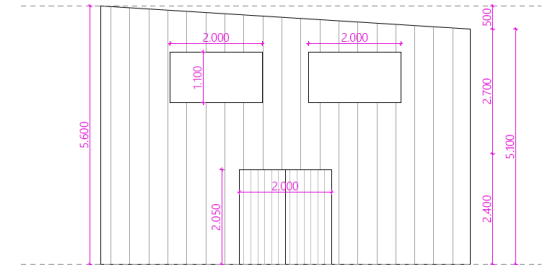
Shed SE Elevation 1:100



Shed SW Elevation 1:100



Shed NW Elevation 1:100



Shed NE Elevation 1:100

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C	30/10/2024	DA Revision	Project	345 Lagoon Road, LORD HOWE ISLAND
B	25/10/2024	DA Revision	Drawing Name	Shed Elevations
A	25/09/2024	DA Issue	Project Number	2407
Issue	Date	Description	Drawing No	DA-05.3

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Figure 17: Elevations of proposed shed

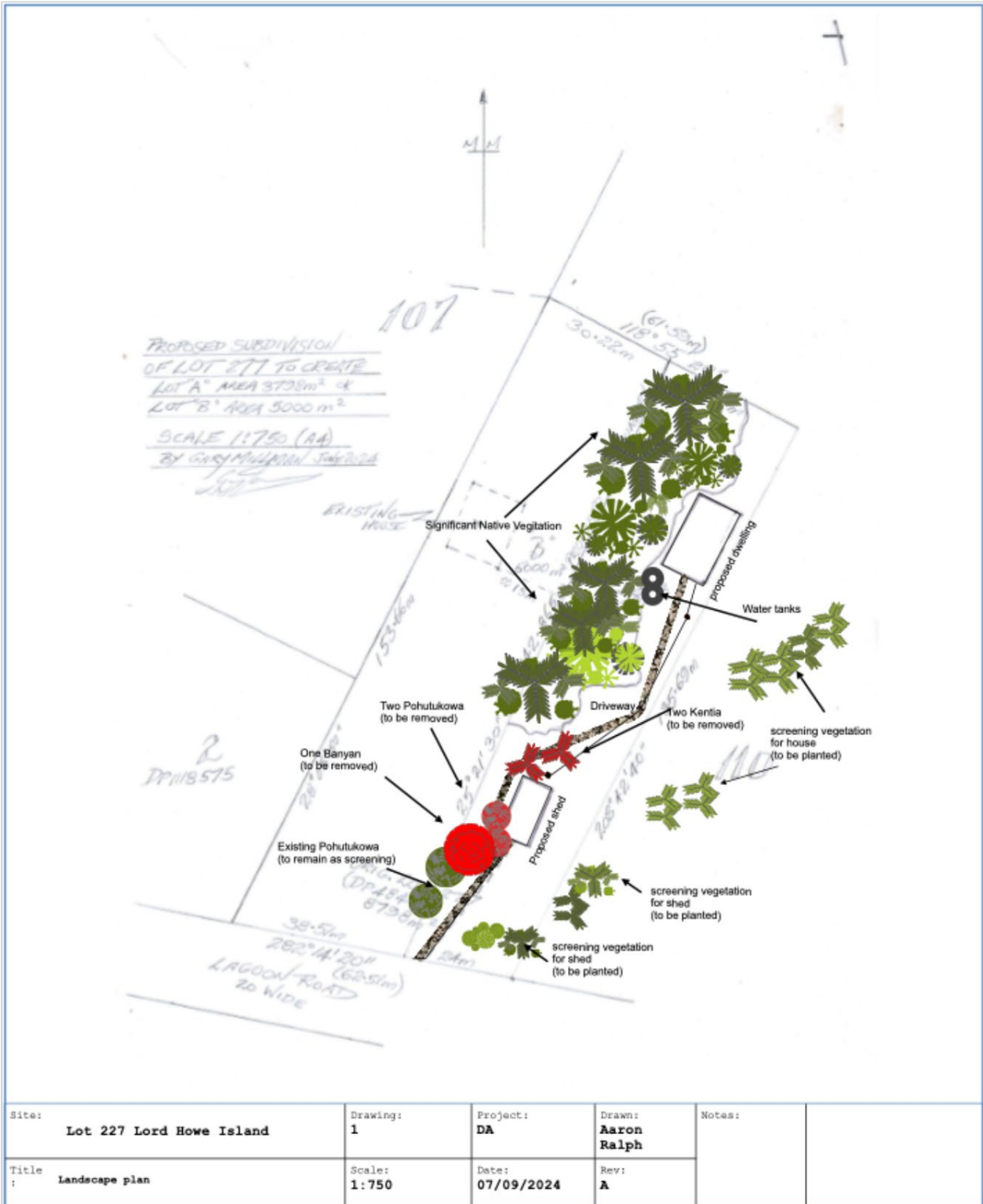


Figure 18: Proposed landscaping plan for development including landscape screen plantings on adjoining lease

5 Referrals

The LHIB has advised that the application was distributed to the relevant internal specialists for review. No objections to the proposal were raised in these referrals. The table below outlines the issues raised by these specialists and the response.

5.1 Comments received from internal specialists

Specialist	Issue	Comment
<p>Team Leader World Heritage Cristina Venables</p>	<p>Description of the existing environment</p> <p>Flora</p> <p>The vegetation on the subject site largely comprises previously cleared land dominated by the exotic pasture grass Kikuyu <i>Pennisetum clandestinum</i> and various other exotic pasture grasses with some scattered regrowth patches of Bullybush <i>Cassinia tenuifolia</i>, a planted Banyan and exotic shrubs.</p> <p>The subject site is adjacent to native vegetation that is mapped by Serringham et. al. 2016 as community 18 – Kentia Palm – Greybark rainforest of low to mid altitude slopes and community 17a – Greybark – Blackbutt rainforest, which is considered accurate.</p> <p>The majority of the native flora on the lease is mapped as Significant Native Vegetation (SNV) in the Lord Howe Island Local Environmental Plan 2010. It is proposed that wastewater irrigation pipe will be installed in areas mapped as SNV. Installation of the pipes will not result in the destruction of native vegetation and is therefore permissible.</p> <p>Fauna</p> <p>The subject site provides known or potential habitat for at least 7 threatened species being; LHI Gecko <i>Christinus guentheri</i>, LHI Skink <i>Oligosoma lichenigerum</i>, LHI Currawong <i>Strepera graculina crissalis</i>, LHI Golden Whistler <i>Pachycephala pectoralis contempta</i>, LHI Silvereye <i>Zosterops lateralis tephroleura</i>, Lord Howe Woodhen <i>Hypotaenidae sylvestris</i> and LHI <i>Placostylus bivaricosus</i>.</p> <p>The LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen are all widely distributed across the Island and regularly occupy forests and gardens within the settlement. They are commonly found co-habiting with human infrastructure within the settlement area and in the case of the LHI Currawong, LHI Golden Whistler, LHI Silvereye and LH Woodhen will forage and roost around dwellings and associated infrastructure. However, the core habitat resources for all these species are dense native vegetation.</p> <p>The LHI Gecko is known to occur throughout the settlement of LHI where it can utilise human made structures and stockpiled building materials (e.g. sheets of corrugated iron etc.) as sheltering habitat. It can be found within cavities of dwellings and shelters within cracks and cavities in trees and rocks. Any animals detected during works must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, old dwellings/structures) away from the development</p>	<p>Noted & recommended accordingly</p>

site and placed where they will be sheltered from Woodhen or Currawongs.

The LHI Skink is mainly known to persist in frontal and back dunes at North Bay with historical records from the foreshore at Windy Point and a record from the foreshore of Neds Beach. The subject site is within an area of cleared land that would not be used by the LHI Skink so this species should not be impacted by the proposal.

The Subject site includes areas mapped as modeled High Quality Habitat (B) for LHI Placostylus. This mapping is considered accurate where there is intact native vegetation. The LHI Placostylus favours forested habitats on calcarenite soils with a dense shaded canopy, continuity with large areas of vegetation and a thick moist leaf layer in which they can burrow during dry times. This habitat is present at the Subject site, although is restricted to bushland areas and does not include any areas to be impacted by this proposal (which comprises mainly of exotic pasture).

Permissibility under NSW legislation

The following sections outline how the activity is permissible under applicable NSW legislation relevant to the protection of the environment.

Environmental Planning and Assessment Act 1979

Under the *Environmental Planning and Assessment Act 1979*, the determining authority must examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment from any development application that is not classed as an exempt development or a state significant development. This was assessed in line with the *Biodiversity Conservation Act 2016*.

Biodiversity Conservation Act 2016

Under the *Biodiversity Conservation Act 2016*, a test to determine whether a proposed development is likely to significantly affect threatened species, ecological communities or their habitats must be undertaken. A 5 Part Test of significance by an independent consultant was submitted by the proponent with the DA. The proposed development and accompanying environmental assessment have been assessed and will not result in any significant impacts on any threatened species, populations or ecological communities, or their habitats providing the recommendations of this assessment are adhered to.

Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) does not apply as the activity will not affect any of the following:

- world heritage or national heritage values of a place on the World Heritage List or National Heritage List
- the ecology of a Ramsar wetland
- nationally listed threatened species and ecological communities or listed migratory species.

	<p>Lord Howe Island Local Environmental Plan 2010</p> <p>The property is zoned Zone No. 2 – Settlement according to the <i>Lord Howe Island Local Environmental Plan 2010</i>. The objectives of this zone are: (a) to provide opportunities for limited residential and commercial development and (b) to avoid or minimize environmental damage and protect areas that comprise significant habitat for species of animals that are native to the Island, or have significant native vegetation. The proposal is consistent with these objectives.</p> <p>Outcome</p> <p>This assessment concludes that the proposed development will not result in any significant impacts on any threatened species, populations or ecological communities, or their habitats providing the recommendations outlined in this document are adhered to.</p> <p>Recommendations</p> <ul style="list-style-type: none"> • Sediment control may be required during the construction phase to ensure sediment and runoff does not impact on the surrounding environment. <ul style="list-style-type: none"> ○ The use of sandbags or other barriers to prevent excessive sediment entering the environment should be used. • The new water tanks should be placed with an adequate buffer from any Significant Native Vegetation. <ul style="list-style-type: none"> ○ This will help protect damaging roots of SNV during any required excavation and reduce the potential need to trim or remove SNV in the future to protect the asset. • If any live LHI Gecko or LHI Placostylus are detected during works they must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, old dwellings/structures) at least 5 meters away from the development site and placed under natural thatch or mulch so they can escape predation by LHI Currawong, LH Woodhen and kestrels etc. • Where calcarenite rocks need to be removed, they should be retained as much as possible and moved to the edge of native vegetation to protect habitat for LHI Geckos. • Any soil to be excavated during construction must remain at the site, unless it can be solarised on site for at least 3 months in black plastic, or it is tested and confirmed to be free of phytophthora. • All building materials and building activity are restricted to being stockpiled on already cleared open areas. • Importation of all building material and plantings must comply with LHI biosecurity requirements to help protect our native flora and fauna. 	
<p>Senior Manager Infrastructure & Engineering Brad Josephs</p>	<p>Wastewater:</p> <p>The proposed wastewater treatment system, including satellite and associated effluent land application area calculations are correct for the applicant’s stated intent and expected output nutrient level for FujiClean ACE1200EX.</p> <p>The location of the waste water treatment system and associated irrigation area lies outside and elevated from the flood area. The applicant has taken further precautions to ensure that the irrigation</p>	<p>Noted and recommended accordingly.</p>

area is not located within the gully and natural flow of the water from the surrounding areas.

The following table outlines the expected daily hydraulic load for the proposal:

Source	Number	Lt/day
Main Dwelling	5E	120
Commercial Facility	2pax	20
640		

It is noted that the proposal has suggested a total hydraulic load for the commercial source of 100Lt/day which is an overestimate in comparison to the Lord Howe Island Board's "On-site Wastewater Management System Design Guidelines".

The installation of the wastewater treatment system is overseen by the Lord Howe Island Board and not the PCA. The PCA however, is not to issue an Occupancy Certificate for the Development until such time the Board has carried out the final commissioning inspection of the wastewater treatment system and is satisfied that the installation and operation of the system meets the parameters of the strategy.

The effluent land application area of 613 m² assumes the soil type of Sand. The applicant has provided a soil sample from the proposed effluent land application area and has been validated as Sand for the irrigation area calculations. The soil sample was taken at a depth of 1m to 1.5m.

The primary determining factor affecting the irrigation size is related to phosphorus sorption, which has been accurately applied to the maximum irrigation size. It is noted that the water balance calculation were based on 630 lt/day and the nutrient balance was derived from 700 lt/day. Increasing the water balance to 700 lt/day does not impact the area required for irrigation.

The proposed irrigation area of 613 m² is adequately sized to support the proposed development and the multiple reasonings within the proposal, surrounding flood zones, natural drainage gully, special lease use and infrastructure make it suitable for placement within SNV.

The applicant is to notify the Board, with a minimum 7 days' notice, of the commencement of the wastewater treatment system installation, this includes treatment system, satellite 'catch tanks' and effluent irrigation pipe network.

Evidence of a Contract or Service Agreement between the applicant and a Lord Howe Island Board accredited Service Agent is required prior to approval for the wastewater management system to operate without a licence.

Service Reports and test results, as per the requirements of the Strategy, are to be supplied to the Board on a quarterly basis. Leaseholders are to ensure their Service Agents provide this data to the Board. Failure to supply reports and tests may result in removal of operating approvals and the issuance of fines to the Leaseholder in accordance with the Local Government Act and Regulations.

<p>LHIB Surveyor Gary Millman.</p>	<p>There are stakes on the road boundary at the two boundary corners one original and the other on the proposed new subdivision boundary. There is also a marked star picket fence post on the junction of the road boundary and the proposed driveway. The four corners of the proposed shed are staked. There are marked points for the proposed driveway around this shed and over near the original boundary line before it runs up to the proposed house/residence. The proposed residence has stakes at 3 corners and a marked soil test hole at the northeast corner. The set back from the eastern boundary check measures 2m. The site of the proposed residence is shown on the site plan as being 22m down from the northeast corner. It actually measures 23m down which was where we had staked it. There may have been some confusion as initially it was going to be 22m but was changed to 23m.(see my attached contour plans provided to Aaron). The proposed northern new subdivision boundary corner will have to be pegged at the time it is surveyed by the surveyor, once approved, as it is in dense native vegetation and thus difficult for me to mark.</p> <p>I have surveyed the OLS (Obstacle Limitation Surface) from the airport gable marker at the 1 in 5 (20% slope or 11°18'36" Vertical angle) for the position (proposed) of both the shed and house on the proposed subdivided lot (from Lot 277 DP48477). At the SE corner of the proposed shed (highest point) the OLS is 9.9m above ground level well above the shed roof. As the maximum (permissible) building height is 7.5m, the proposed house roof is well under the OLS as in its position the OLS is 14 to 15m above ground level.</p>	<p>Noted.</p>
<p>LHIB Electrical Infrastruct. Peter Higgins</p>	<p>I have inspected the New Installation Application for Supply Form with regards to the commercial installation for this DA. The assessed maximum demand is permissible on the Island Distribution System.</p> <p>I would recommend the new commercial electrical installation be approved with the following conditions –</p> <ul style="list-style-type: none"> • Before any earthworks are to be undertaken inside or outside the property boundaries, The Lord Howe Island Powerhouse must be notified in order to perform a detailed service location. The road verge has High Voltage, Low Voltage and Telstra services in the immediate area. • The installation is approved for 1 only commercial three phase 32amp socket outlet for use of the identified purposes proposed by the applicant. • To minimise potential disruptions to other customers the identified welding apparatus must not be used between peak load hours of 5:30pm to 8:00pm. • The above-mentioned welding apparatus is approved on the basis of “periodic maintenance and repairs” as outlined by the applicant. • As outlined in the Lord Howe Island Electricity Supply Service and Installation Rules under “interference to supply of other customers” if undue interference with the supply to other customers occurs then the applicant may be called upon to make alterations or adjustments to the offending equipment in such a manner to ensure that the supply to other customers will not be interfered with. • The customer is required to change their solar HW electric boost element from 3600 watts to a standard 2400-watt 	<p>Noted and recommended accordingly.</p>

	<p>element as per the Lord Howe Island Board Electricity Supply Service Rules.</p> <ul style="list-style-type: none"> • The installation will be supplied by a new 40amp three phase service from DP.616. The installation of customer consumer mains is the responsibility of the customer. • The entire commercial installation must be evenly balanced over the 40amp three phase supply. • The new installation is restricted to a standard 40-amp three phase commercial supply. • All additional wiring must be carried out by a licensed electrical contractor to AS/NZS3000.2018 standard. • A signed Compliance Form for Electrical Works is required from the contractor within 7 days of completion of all new electrical works. 	
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6 Planning Assessment

The following 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.

6.1 Commonwealth legislation

6.1.1 *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 the Environment (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.

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 Agriculture,

Water and the Environment, 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.*

6.2 NSW legislation

6.2.1 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 proposed development has been reviewed and assessed for its ecological impacts by the LHI's Team Leader Environment World Heritage (ref section 5 of this report). This specialist assessment found that *"a 5 Part Test of significance by an independent consultant was submitted by the proponent with the DA. The proposed development and accompanying environmental assessment have been assessed and will not result in any significant impacts on any threatened species, populations or ecological communities, or their habitats providing the recommendations of this assessment are adhered to.."*

The according ecological recommendations have been included in the recommendation of this report.

6.2.2 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. As the subject site does not include a heritage item listed under the LHI LEP 2010, the application was not required to be referred to NSW Heritage as the Ministerial Heritage Exemption could be relied upon.

Consideration of the impact of the proposal on nearby heritage items to the subject site (ref clause 40(1)(b) of the LEP) is not provided for due to clause 39 not being applicable (as referenced above).

6.3 Local Statutory Plans and Policies

6.3.1 Lord Howe Island Local Environmental Plan 2010

The LEP 2010 is the principal environmental planning instrument applying to the proposal.

The following summary table details the various LEP provisions relevant to the subject proposal with assessment and/or comment included as required.

LEP 2010 compliance summary table:

LEP 2010 Clause		Compliance Y/N	Comment
Part 1 Preliminary			
2	Commencement and Aims of Plan	Y	Each of the aims of the LEP 2010 have been considered in the assessment of this application. As assessed in this report, the proposed works can be undertaken with minimal negative environmental impact and/or disturbance to protected flora and fauna native to the Island.
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 contained within clause 11 are satisfied – refer to 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	The proposed Subdivision, Residential Dwelling, Shed, Commercial use of the Shed, Onsite Waste Management System and associated works comply with the LEP zone objectives and are permissible development in the zone with consent of the LHIB.
Part 3 Special Provisions			
Division 1 Provisions for particular kinds of development			
21	Subdivision	Y	Under clause 21(2), the minimum allotment size for the subdivision of land in the Settlement zone is <i>the minimum dwelling area</i> as defined in the LEP (in this case 3,000m ²). As outlined earlier in the description of the proposal, the two proposed allotments comply with this requirement as follows: a) Proposed Lot 11 – 5,000m ² b) Proposed Lot 12 – 3,798m ²

23	Erection of Dwellings	Y	<p>The proposed residential dwelling on proposed Lot 12 will maintain compliance with clause 23 of the LEP in that:</p> <ul style="list-style-type: none"> • <i>Proposed GFA:</i> 299.07m², thereby complying with the LEP GFA max. of 300m². • Allotment area (proposed Lot 12): 3,798m², thereby complying with the LEP min. of 3,000m² (minimum dwelling area), • Site Coverage: cl. 23(1)(c) of the LEP requires that the total area of proposed lot 12 occupied by any commercial building (or related ancillary building) shall be no more than 15% of the balance of the allotment area remaining, taking into consideration the minimum dwelling area deduction. <p>This equates to the following required calculations for proposed lot 12: 3,798m² (site area) – 3,000m² (min. dwelling area) = 798m² x 15% = 120m² Max Permiss. Site Coverage.</p> <p>(Proposed Lot 11 Max Permiss. Site Coverage: N/A)</p> <p>The proposed site coverage proposed lot 12 (as relevant to cl.23(1)(c) is: Proposed Commercial Use of Proposed Shed = 120m² (15m x 8m dim.) Total Site Coverage = 120m² (equal to the Max. Permiss. Site Coverage thus complying with the LEP).</p> <p>(Proposed Lot 11 proposed site coverage: N/A)</p> <ul style="list-style-type: none"> • Landscaped Area: <ul style="list-style-type: none"> - 50% of the site area to be landscaped Lot 12: Required: 3,798 x 50%= 1,899m² Proposed: 3,060m² (complying with LEP) Lot 11: Required: 5,000m² x 50%= 2,500m² Proposed: 4,820m² (complying with LEP) - 35% of site area to be retained or planted native species Lot 12: Required: 3,798 x 35%= 1,329m² Proposed: 1,446m² (complying with LEP) Lot 11: 5,000m² x 35%= 1,750m² Proposed: 2,264m² (complying with LEP)
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			<ul style="list-style-type: none"> • SNV: The proposed work as assessed, detailed and conditioned in this report will not affect any mapped SNV within the site, complying with the LEP. <p>NB: The subdivision boundary between the two proposed lots is shown on the DA plans as running through the mapped SNV of the site. To avoid the damage or removal of SNV vegetation through the erection of any future boundary fencing, the recommendations of this report includes a condition preventing the construction of any boundary fencing on the new subdivision boundary through the mapped SNV.</p>
24	Dual Occupancy Concessions	N/A	
26.	Limit on number of dwellings to which consent may be given	Y	The proposed new dwelling is compliant with the restriction on new dwellings approvals of clause 26 of the LEP, in that the LHIB/ Minister has granted a dwelling allocation to the proponent and an associated Ministerial Owners Consent for a subdivision and dwelling construction (as referenced earlier in section 2 of this report.
27(1)	Enlargements or extensions of dwellings:	N/A	-
29	Maximum height of buildings (7.5m)	Y	As detailed on the submitted plans, the proposal will have a part one and two storey form with an upper ridge height of 6.1m above natural ground, in compliance with clause 29 of the LEP.
Division 2 Provisions that apply to particular land			
32 (2)	Setbacks of buildings in Zone 1, 2 or 5: - 10m to a road frontage and - 5m all other boundaries	Y & N	<p><i>Front</i> As mentioned earlier the subject site has a frontage to Lagoon Road, and complying front setbacks of 28m to the shed and 94m to the dwelling from this frontage.</p> <p><i>Other</i> As detailed in section 4 (of this report), the proposed shed will maintain compliance with the required 5m setback requirement through the provision of a 9.5m setback from the side (south eastern) boundary and 7.75m from the other side (north western) boundary.</p> <p>The proposed dwelling is to be located 22m from the rear (north eastern) boundary, 16.7m from the (north western) side boundary and 2m from the (south eastern) side boundary. The latter not complying with the 5m LEP requirement.</p> <p>The subject application includes the following submissions in support of the above setback variation:</p> <p><i>1. The reduced side setback is proposed in order to avoid the mapped limit of the SNV. The</i></p>

			<p><i>proposed dwelling house is 10m wide and is located less than 1m clear of the mapped SNV. Strict compliance would require the proposed dwelling house to be 7m wide, which is neither functional nor cost-effective. The reduced side setback allows a relatively modest dwelling house footprint which is a reasonable distance clear of the mapped SNV line.</i></p> <p><i>2. The adjoining land along the southeast boundary of the Subject Site, which is the closest land to the reduced setback, is Lot 110 DP 757515. A Special Lease has been granted over this allotment and it does not have an entitlement for the erection of a dwelling. Therefore, the potential impact of the reduced side setback is limited, insofar as the nearest neighbouring dwelling is over 50m from the location of the proposed dwelling house, being 361 Lagoon Road (Lot 1 DP 1106449).</i></p> <p><i>3. The lease holder of the adjoining land (Lot 110 DP 757515), Mavis Fitzgerald, has provided a letter in conjunction with this Application, confirming she does not oppose the placement of the proposed dwelling house. The letter acknowledges the proposed variation to the side boundary setback.</i></p> <p><i>4. Whilst there is a wider area of proposed Lot 12 unconstrained by the SNV towards the front, it was considered that the proposed shed and associated commercial use should be located toward the front of the site to minimise amenity conflicts. The selected dwelling house location allows for compatibility with the landscaped character of the area and the predominant settlement pattern, noting that the existing dwellings on 345, 361 and 363 Lagoon Road are all positioned toward the rear of their respective allotments (see Figure 26 of this SEE).</i></p> <p><i>5. The reduced setback will not create privacy, noise or other amenity impacts on adjoining land.</i></p> <p><i>6. There are numerous examples of where the side setback control has been varied by the LHIB.</i></p> <p><i>7. The reduced side setback is not contrary to the public interest.</i></p> <p><i>On the basis of the foregoing, the Proponent considers there are sufficient environmental planning grounds to justify the proposed variation and seeks the Board's support to a variation as proposed.</i></p>
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			<p>Another relevant consideration is clause 32(3) of the LHI LEP which provides for variations of the above 5m setback requirement “with the consent of the consent authority on land to which this clause applies if, in the consent authority’s opinion, compliance with the requirements would be unreasonable (for example, because of the physical constraints of the land) or unnecessary”.</p> <p>Balancing the above submissions from the applicant, and the provisions of clause 32(3), on both a technical and merit perspective, it is considered that the proposed variation to the side setback control of the LEP is supportable.</p>
33	Landscaping to be carried out in Zone 2	Y	Based upon the detail and assessment of the subject proposal contained in this report, it is considered that it will not have “a significant adverse impact on the existing landscaped character and dispersed pattern of housing in the zone”.
34.	Land Adjoining Zone 7 or 8.	Y	<p>The adjoining land to the rear of the subject site is zoned 7 - Environment Protection and part of the adjoining land to the north west is zoned 8 – Permanent Park Reserve.</p> <p>None of the proposed development works are to be located within the 10m threshold of the common boundary for the environment protection land or the 20m threshold of the common boundary for the permanent park reserve land. Therefore further consideration under clause 34 is not required in this instance.</p>
39	Development affecting heritage items	N/A	The subject site does not include any heritage items listed in either the LEP or State listings. Refer also to the discussion of the Lord Howe Island’s listing on the State Heritage Register under the <i>NSW Heritage Act 1977</i> in section 6.2.2 of this report.

Clause 11 Matters that must be satisfied before development consent granted

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 of the following matters (to the extent that they are of relevance to the proposed development):

Clause 11 Compliance summary table:

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
a) <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	The subject site falls within Zone 2 – Settlement under the LEP 2010 and is consistent with the aims of the LEP and the zone objectives (subject to the recommendations of this report), as discussed in the previous assessment of the LEP provisions.

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
<p>b) <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></p>	Y	<p>The subject proposal includes the installation of a new FujiClean ACE1200EX wastewater treatment system, and associated pipework and effluent irrigation areas within the mapped SNV areas within the site.</p> <p>This has been internally assessed as suitably complying with the LHIB's requirements as outlined in this report (subject to the application of the conditions of consent included in the attached recommendation).</p>
<p>c) <i>No part of the proposed development:</i></p> <ul style="list-style-type: none"> i. <i>will result in any damage to, or removal of, significant native vegetation, or</i> ii. <i>will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i> 	Y	<p>Refer to the internal comments from the LHIB's Team Leader World Heritage in section 5 of this report and the overall assessment (and report recommendations) provided herein.</p>
<p>d) <i>Access is, or will be, available to the site of the proposed development and the provision of any such access will not:</i></p> <ul style="list-style-type: none"> i. <i>result in any damage to, or the removal of, significant native vegetation, or</i> ii. <i>have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,</i> 	Y	<p>As per the overall assessment (and report recommendations) provided herein, the existing access to the site from Lagoon Road and the necessary augmentation of same to allow the proposed development, can be provided without any damage or removal of SNV or any significant adverse impact on native plant or animal habitat.</p>
<p>e) <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></p>	Y	<p>The subject DA includes native landscape plantings that can be ensured by way of a condition.</p>
<p>f) <i>The proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,</i></p>	Y	<p>The site is not located in any hazard area other than a minor flooding affectation, which has been assessed as not affecting or limiting the proposed development.</p>
<p>g) <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></p>	Y	<p>The required additional infrastructure services namely electrical supply will be provided for the proposal at the applicant's expense as per the included recommendations of this report.</p>
<p>h) <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></p>	Y	<p>As assessed herein, the proposal will not have a significant adverse visual impact and will maintain the scenic and visual quality of the locality.</p> <p>When considered from the perspective of the existing context of development on the northern side of Lagoon Road (for the length</p>

CLAUSE 11 REQUIREMENT	COMPLIANCE Y/N	DISCUSSION
		<p>of the airport runway), the appearance of the proposed dwelling and shed will be substantially in keeping with the existing character and nature of the area.</p> <p>This is supported by the shed being generously setback 28m, and the dwelling 94m from Lagoon Road, the dwelling will be nestled into the slope and back onto the well established scenic vegetation that is characteristic of the immediately locality and the entire Island.</p> <p>It will be important that the materials and finishes of the proposed shed and dwelling continue to be recessive/ muted (as proposed) with suitable landscape screening/ softening provided.</p> <p>The recommendations of this report contain suitable conditions addressing the above, namely a requirement that the proposed landscape plantings include a variety of (at maturity) height species including mid-height and higher to ensure the screening is effective.</p>
<p>i) <i>The proposed development will not cause any significant overshadowing of adjoining land,</i></p>	<p>Y</p>	<p>The proposed 1 and 2 storey scale of the development will not generate unreasonable overshadowing of adjoining land which is (relevantly in this instance) a rural zoned special lease to the south east of the site.</p>
<p>j) <i>The proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land</i></p>	<p>Y</p>	<p>No privacy issues will be generated by the proposal as outlined in the overall assessment of this report and the specific discussion of the proposed side setback variation under clause 32(2) of the LHI LEP 2010.</p>

6.3.2 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 works as assessed and recommended for approval subject to conditions in this report, are 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 proposed works as assessed and recommended for condition in this report will be consistent with the DCP's design objectives.
2.3	Design Context	Y	The proposal as assessed in the report will be consistent with the character and nature of the site and locality as previously assessed under the discussion of clause 11, LHI LEP 2010 and the discussion of the proposed side setback variation under clause 32(2) of the LEP..
2.4	Bulk and Scale	Y	Refer to above comment in regard to 2.3, LHI DCP.
2.5	Building Forms	Y	Refer to above comment in regard to 2.3, LHI DCP.
2.6	Building Materials & Colours	Y	Refer to above comment in regard to 2.3, LHI DCP. The proposed dark and muted materials and finishes will ensure that the development is recessive in the landscape.
2.7	Energy and water efficiency	Y	The proposal has been accompanied by a BASIX certificate outlining various energy and water efficiency commitments that will have to be complied with in the design and construction of the project. Any conditions of approval will include a requirement to comply with this.
2.8	Landscaping design	Y	Refer to above comments in regard to 2.3, LHI DCP, and the earlier comments in relation to LHI LEP 2010 clause 11.
2.9	Site access and parking	Y	Refer to above comment in regard to LHI LEP 2010, clause 11(d).
Part 3 Development Control Policy			
3.2	Single Dwellings (provisions repeat LHI LEP standards and provisions)	Y	As outlined and assessed earlier, the proposal complies with the standards and requirements of the LHI LEP 2010 and the LHI DCP.

7 Environmental Effects

7.1 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 6.3.1) 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: None.
 - iii. any development control plan
Comment: An assessment of the proposal against the LHI DCP 2005 has been undertaken in Section 6.3.2 and was found to comply subject to the conditions of approval included in the recommendation of this report.
 - iiia) 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

An assessment of the environmental impacts of the proposal have been provided earlier and elsewhere in this section of the subject report. The table below provides further assessment of any likely impacts.

Likely environmental impacts:

Potential Impacts	Proposal
Access, Transport and Traffic	As outlined in the assessment provided earlier under clause 11(d), LHI LEP 2010, satisfactory access is provided from Anderson Road to the subject site. In addition the proposed commercial use of the shed (as described in this DA), will not have a detrimental impact on the local roads servicing the site.
Public Domain, Visual and Streetscape	The proposal will not unreasonably impact on the public domain as addressed earlier under clause 11 and 32(2) of the LHI LEP 2010.
Ecological	As assessed in this application the ecological impacts of the proposal are acceptable subject to the implementation of recommended conditions of approval.
Flood	The site is identified as having a minor flood affectation, which has been assessed as not preventing or limiting the proposed development.
Heritage	The subject site is not listed as a heritage item.
Views	No view impacts are identified.

Privacy	No privacy impacts are identified in respect of the proposal. Refer also to the assessment under the LHI LEP 2010, clause 32(2) and 11(j).
Open Space	Open space will not be impacted by the proposal.
Social and economic Impact in Locality	As assessed in the subject report, there will be no adverse social or economic impact from the development. Instead the proposal will improve the supply of residential housing and the facilitate the ongoing viability of an existing tourist business on the Island.
Construction	Potential impacts from will be minimised through the recommended conditions of the consent.

c) The suitability of the site for the development

Having regard to its location, the preceding assessment and the recommended conditions of development consent, the site will adequately accommodate the proposal and is suitable for the site for the reasons outlined in this report.

d) Any submissions made in accordance with this Act or the Regulations

As noted in the introduction to this report, the subject DA was placed on public exhibition 12/11/2024 to 26/11/2024. In response to this exhibition, (10) ten objections were received with the following being a summary of the issues raised:

Submission Issues	Comment
a) General Visual Amenity Impact from such a large significant dwelling which will be out of character with surrounding landscape. Furthermore, the proposal will compromise the World Heritage values protected by the Local Environmental Plan (LEP) which seeks to protect the landscape's integrity and unique character that makes Lord Howe Island special.	Refer to assessment provided earlier under clause 11 and 32(2), LHI LEP 2010.
b) Commercial use component is not within intent of the LHIB's Dwelling Allocation Policy, nor the settlement zoning of the site and unreasonably allows additional GFA onsite.	<p>The proposed commercial use of the shed does not have a direct correlation with the LHI Dwelling Allocation Policy. The proposed subdivision and dwelling construction relate to the Ministerial OC and the allocated dwelling entitlement; however the rest of the proposed DA scope comes under the regular auspices of the LHIB.</p> <p>Subject to the overall requirements of the LHI LEP 2010, and within the 2-Settlement zone "any other development" including commercial uses are permissible with development consent. This assessment provides the necessary consideration of the proposal against the relevant planning controls and whether it should be granted this consent.</p> <p>Under the LHI LEP 2010 provisions, commercial development on settlement zoned land does not benefit from any additional GFA allowance compared to residential development.</p>
c) Proposed commercial use will be beyond the scope of residential development and will	Refer to above comments made in relation to issue b).

change the dynamics of the area and set a precedent for further developments of this kind, and could be repurposed in the future for other commercial purposes or staff accommodation	Any alternate uses that are sufficiently different in purpose and character to any approved use of a building will require the submission of a new application to the LHIB which will then be considered for compliance with the planning controls and merit considerations at the time.
d) Proposed Dwelling is excessively large, over-valued and out of financial reach of future LHI community members interested in purchasing it, thus affecting general property values and housing affordability. Furthermore, in this regards the proposal will be contrary to the intentions of the LHI Act 1953.	The relative cost/ value of any particular development in relationship to others in the same community is not a town planning consideration under NSW legislation. In addition it is difficult to establish a nexus between the cost of one proposal and general housing affordability in a community especially where a range of housing options at various price levels exist.
e) Proposed dwelling will affect amenity of closest existing dwelling in regards to aural and visual privacy and night time light spill	The nearest existing adjoining dwelling is located on Lot 1 DP 1106449, a distance of just over 52m to the north east from the proposed dwelling with Lot/ Portion 110 a special lease located between the two properties. This nearest dwelling on Lot 1 is also at a similar elevation to the subject dwelling location and benefits from reasonably substantial established vegetation areas between the two dwellings located partially on Lot 1 and the special lease land between the two properties. Due to the above points it is difficult to justify the amenity concerns raised against the proposal to the extent that the proposal is technically and on merit supported.
f) Proposed dwelling should be made to be a modest split level island style single storey dwelling following the slope of the land	Based upon the above comments made in relation to issue e), and the overall assessment provided in this report it is not possible to justify this amendment to the proposal.
g) Existing SNV Mapping line on the site should be revised through being pulled back to the actual physical vegetation line to provide more available area for the dwelling and allow an increased/ complying side setback	The subject DA is legally required to be assessed against the current planning controls including the SNV mapping. Consequently it is not possible to consider the suggestion for this DA.
h) Proposed screening planting will not be effective to address impacts and is on adjoining lease not subject site	Refer to earlier discussion/ assessment of the proposed landscape screening under clause 11, LHI LEP 2010 and the description of the proposed development in section 4 of this report.
i) Proposed 5m side setback variation for such a large significant dwelling is unreasonable and will unreasonably impact immediate neighbouring dwelling	Refer to the earlier discussion/ assessment of the proposed side setback variation under clause 32(2), LHI LEP 2010.
j) Applicants do not intend to reside on LHI once their children reach high school age, thus breaching their resident status requirements of the LHIB Dwelling Allocation Policy – thus subject DA should be reconsidered.	This is not a head of consideration for assessment of development applications under NSW Planning legislation.

- e) The public Interest

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

8 Conclusion

This DA 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.

The application for a two (2) lot subdivision, erection of a new dwelling house and shed, use of shed for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works, is considered to have Planning merit and is supported subject to the application of a number of conditions outlined in the following recommendation.

9 Recommendation (Conditional Approval)

- a) That OC2025.1.1 for construction of a shed and use for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works on Lot 277 DP 48477, No. 345 Lagoon Road, Lord Howe Island be issued.
- b) That DA2024.4.1 for a *Two (2) lot subdivision, the erection of a new dwelling house and shed, use of shed for commercial purposes, installation of a new onsite wastewater system, ancillary civil, stormwater and landscaping works* on Lot 277 DP 48477, No. 345 Lagoon Road, Lord Howe Island be approved subject to 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 DA2024.4.1 (PAN-482008) as listed below and endorsed with the Lord Howe Island Board's stamp, except where amended by other conditions of consent.

- a) Completed LHI DA Form prepared by Aaron and Lisa Ralph, dated 19th October 2024
- b) Statement of Environmental Effects prepared by Precise Planning, dated October 2024 (and amended 4th November 2024)
- c) Detail & Contour Survey and Proposed Plan of Subdivision, prepared by BR Development Consulting, dated: 18/09/2024
- d) Architectural Plans prepared by Stephen O'Connor Architecture, Rev: D, dated: 21st January 2025.
- e) Landscaping Plan, prepared by Aaron Ralph (undated)
- f) Civil Engineering Concept Design, prepared by CivPlan, dated: 14th October 2024
- g) Proposed Schedule of Materials and Colours (DA 345 Lagoon Road Lord Howe Island), prepared by Precise Planning, dated: 18th February 2025.
- h) BASIX Certificate No. 1767826S, dated: 8th October 2024, prepared by Bonnefin Consulting Pty Ltd
- i) NatHers Certificate No. 0009796442, prepared by Stephen O'Connor Architecture, dated: 4th October 2024
- j) Proposed Procedures For Storage, Handling and Disposal of Liquids and Wastes at Commercial Premises, (undated and unauthored)

- k) Test of Significance on Threatened Species, Ecological Communities or Their Habitats, prepared by Bower Brush, Dated: 30 September 2024
- l) Onsite Wastewater Treatment Proposal, prepared by Lord Howe Island Services, dated: 03/11/2024
- m) Applicants Response to LHIB Request for Information (undated and unauthored)
- n) Estimated Development Cost Report, prepared by RealEst., dated: 10th October 2024.

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

2. Amendments to the Proposed Development

The plans and details of the proposed development as submitted, shall be amended in accordance with the following requirements with details confirmed in the Construction Certificate(s) subsequently submitted:

- a) The proposed landscape screening shall be planted within the boundaries of the subject site (not within the adjoining Lot 110 as proposed). Details of the landscape screening which are to consist of native species endemic to the Island, including species which (at maturity) achieve a range of heights including mid-height and higher, are to be supplied to the LHIB CEO for written approval prior to issue of a construction certificate for the dwelling.
- b) The subdivision boundary between the two proposed lots is shown on the DA plans as running through the mapped SNV of the site. To avoid any damage or removal of SNV vegetation (which is prohibited under the LHI LEP 20210), no boundary fencing shall be constructed or erected for the length of the new subdivision boundary through the mapped SNV on the site.
- c) The hours of operation for the commercial use of the shed will be limited to between 7am and 6pm Monday to Saturday only. Operation of the commercial use is not permitted on Sundays and Public Holidays.
- d) The welding apparatus proposed for the subject commercial use of the shed must not be used between peak electrical load hours of 5:30pm to 6:00pm.

Reason: To ensure the approved development remains consistent with the LHIB development assessment undertaken on the DA (and associated requirements).

3. Construction Certificate & Building Requirements

- a) All construction work is to be carried out and completed in accordance with the National Construction Code (NCC) / Building Code of Australia (BCA) and relevant Australian Standards.
- b) The applicant must appoint a Principal Certifying Authority (PCA) and apply for a Construction Certificate for the proposed works via the NSW Planning Portal. No works can commence until a valid Construction Certificate has been issued.

The PCA will ensure all necessary approvals are in place, conduct mandatory inspections of the works as required and issue the Occupation Certificate certifying that the proposed work is suitable for occupancy.

- c) All waterproofing of wet areas, such as a bathrooms and laundries, is to be carried out in accordance with the Building Code of Australia (BCA) and certified by an appropriate person. The certification must be provided to the PCA before any Occupation Certificate for the building can be issued.

- d) Prior to the issuing of a Construction Certificate the applicant is to provide evidence of payment of a Long Service Levy as per section 34 of the Building and Construction Industry Long Service Payments Act 1986.
- e) Prior to the issuing of a Construction Certificate the applicant is to provide evidence that the licensed contractor/builder undertaking the residential building work has taken out Home Warranty Insurance with the required minimum cover as per the Home Building Act 1989.

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

4. Ecology and Habitat

- a) Sediment control will be required during the construction phase to ensure sediment and runoff does not impact on the surrounding environment. The use of sandbags or other barriers to prevent excessive sediment entering the environment should be used.
- b) The new water tanks should be placed with an adequate buffer from any Significant Native Vegetation. This will help protect damaging roots of SNV during any required excavation and reduce the potential need to trim or remove SNV in the future to protect the asset.
- c) If any live LHI Gecko or LHI Placostylus are detected during works they must be moved to similar habitat structures in the adjacent area (e.g. fallen timber within dense native vegetation, old dwellings/structures) at least 5 meters away from the development site and placed under natural thatch or mulch so they can escape predation by LHI Currawong, LH Woodhen and kestrels etc.
- d) Any soil to be excavated during construction must remain at the site, unless it can be solarised on site for at least 3 months in black plastic, or it is tested and confirmed to be free of phytophthora. Where calcarenite rocks need to be removed, they should be retained as much as possible and moved to the edge of native vegetation to protect habitat for LHI Geckos.
- e) All building materials and building activity are restricted to being stockpiled on already cleared open areas.
- f) Importation of all building material and plantings must comply with LHI biosecurity requirements to help protect our native flora and fauna.

Reason: To ensure ecological communities are not adversely impacted by the development.

5. Water

- a) The applicant is to ensure that all plumbing work, including the disconnections and connections to the wastewater system, is to be undertaken by a licensed plumber.
- b) All stormwater from the new roof structures shall be directed to rainwater tank(s) as per the application. The rainwater disposal must be clearly outlined on the Construction Certificate Plans.

Reason: To ensure works are undertaken appropriately.

6. Wastewater Treatment

a) The following table outlines the expected daily hydraulic load for the proposal:

Source	Number	Lt/day	Total Lt/day
Main Dwelling	5E	120	600
Commercial Facility	2pax	20	40
640			

It is noted that the proposal has suggested a total hydraulic load for the commercial source of 100Lt/day which is an overestimate in comparison to the Lord Howe Island Board's "On-site Wastewater Management System Design Guidelines".

- b) The installation of the wastewater treatment system is overseen by the Lord Howe Island Board and not the PCA. The PCA however, is not to issue an Occupancy Certificate for the Development until such time the Board has carried out the final commissioning inspection of the wastewater treatment system and is satisfied that the installation and operation of the system meets the parameters of the strategy.
- c) The effluent land application area of 613 m² assumes the soil type of Sand. The applicant has provided a soil sample from the proposed effluent land application area and has been validated as Sand for the irrigation area calculations. The soil sample was taken at a depth of 1m to 1.5m.
- d) The primary determining factor affecting the irrigation size is related to phosphorus sorption, which has been accurately applied to the maximum irrigation size. It is noted that the water balance calculation were based on 630 lt/day and the nutrient balance was derived from 700 lt/day. Increasing the water balance to 700 lt/day does not impact the area required for irrigation.
- e) The proposed irrigation area of 613 m² is adequately sized to support the proposed development and the multiple reasonings within the proposal, surrounding flood zones, natural drainage gully, special lease use and infrastructure make it suitable for placement within SNV.
- f) The applicant is to notify the Board, with a minimum 7 days' notice, of the commencement of the wastewater treatment system installation, this includes treatment system, satellite 'catch tanks' and effluent irrigation pipe network.
- g) Evidence of a Contract or Service Agreement between the applicant and a Lord Howe Island Board accredited Service Agent is required prior to approval for the wastewater management system to operate without a licence.
- h) Service Reports and test results, as per the requirements of the Strategy, are to be supplied to the Board on a quarterly basis. Leaseholders are to ensure their Service Agents provide this data to the Board. Failure to supply reports and tests may result in removal of operating approvals and the issuance of fines to the Leaseholder in accordance with the Local Government Act and Regulations.

Reason: To ensure works are undertaken appropriately.

7. Commercial Operation

- a) The proposed commercial operation within the shed shall comply with the operational specifications and details outlined in the subject DA and these conditions of development consent. Particular regard must also be maintained to the environmental safeguards included in the above to ensure that detrimental impacts on the environment generally and adjoining properties do not result.

Commercial operations shall not take place outside of the subject shed. As specified in the DA the shed doors and windows shall be closed during any grinding procedures.

Adherence to any issued directions or specifications of the LHIB regarding the commercial operation on site shall be undertaken at all times.

Reason: To protect the environment and the amenity of adjoining properties.

8. Waste Management

- b) The applicant is to ensure that any waste generated from the proposed development is to be contained within the site and then be recycled or disposed of at the authorised waste management facility on the Island. This excludes asbestos waste, if any, which is the responsibility of the applicant to remove from the Island.
- c) No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.
- d) The applicant is advised that waste disposal fees will be charged in accordance with the Lord Howe Island Board's schedule of fees and charges.

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

9. Electrical

- a) All additional wiring and electrical works must be completed by a licensed electrical contractor to AS/NZS 3000:2018.
- b) Before any earthworks are to be undertaken inside or outside the property boundaries, The Lord Howe Island Powerhouse must be notified in order to perform a detailed service location. The road verge has High Voltage, Low Voltage and Telstra services in the immediate area.
- c) The installation is approved for 1 only commercial three phase 32amp socket outlet for use of the identified purposes proposed by the applicant.
- d) To minimise potential disruptions to other customers the identified welding apparatus must not be used between peak load hours of 5:30pm to 6:00pm.
- e) The above-mentioned welding apparatus is approved on the basis of "periodic maintenance and repairs" as outlined by the applicant.
- f) As outlined in the Lord Howe Island Electricity Supply Service and Installation Rules under "interference to supply of other customers" if undue interference with the supply to other customers occurs then the applicant may be called upon to make alterations or adjustments to the offending equipment in such a manner to ensure that the supply to

other customers will not be interfered with.

- g) The customer is required to change their solar HW electric boost element from 3600 watts to a standard 2400-watt element as per the Lord Howe Island Board Electricity Supply Service Rules.
- h) The installation will be supplied by a new 40amp three phase service from DP.616. The installation of customer consumer mains is the responsibility of the customer.
- i) The entire commercial installation must be evenly balanced over the 40amp three phase supply.
- j) The new installation is restricted to a standard 40-amp three phase commercial supply.
- k) A signed Compliance Form for Electrical Works is required from the contractor within 7 days of completion of all new electrical works.
- l) All works must also comply with the current Lord Howe Island Electrical Service Rules.

Reason: To ensure all electrical work and services are safely provided and in accordance with appropriate regulations.

10. Materials and Colours

The materials and colour selection for the proposed works are to maintain compliance with the submitted schedule of materials and finishes prepared by Precise Planning, dated: 18th February 2025.

Reason: To ensure that the proposed development complements the surrounds.

11. Construction Hours

To limit the impact of the development on adjoining owners, all construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays.

Reason: To limit the potential for any loss of amenity to adjoining owners and/or occupiers associated with the construction of the approved works.

12. Notice of Commencement

Notice must be given to the Lord Howe Island Board at least two (2) days prior to the commencement of building work.

Reason: This is a legislative requirement.

13. Erection of construction signs

A sign must be erected in a prominent position on any site on which building work, is being carried out:

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

- c) stating that unauthorised entry to the work site is prohibited.
- d) Any such sign is to be maintained while the building work is being carried out, but must be removed when the work has been completed,

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

ADVICE TO APPLICANT:

1. Significant Native Vegetation

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

2. 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 Minister for the Environment.

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 the Commonwealth Department of Agriculture, Water and the Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth EPBC Act does not have application.

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

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

Report prepared by:	Approved by:
	
Peter Chapman Date: 18 th February 2025 LHI Consultant Town Planners All About Planning	Suzanne Christensen Date: 18th February 2025 Chief Executive Officer Lord Howe Island Board

LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Home Businesses Review – Fact Sheet

Recommendations

1. **Approve** the Home Business Fact.
2. **Note** the check list be developed and be approved out of secession.

Current position

At the November 2024 Board Meeting a Draft Home Business fact sheet was presented to add further definition and clarity to allow the Administration to apply the instruments with certainty and business to operate within the bounds of the Law.

The Board Recommendation (attachment A).

“The Board approved that the draft Home Business fact sheet be referred to DCCEEW legal and DPHI Planning review, before bringing the document back to the Board for further consideration”.

The draft Home Business Fact Sheet has been reviewed and some minor changes were made as can be seen in attachment B.

It is recommended that the updated draft Home Business Fact Sheet (attachment C) be approved, and a self-assessment checklist be developed and become part of the Business Licence application process.

Attachments

Attachment	Title
A	Minutes November 2024 Board Meeting
B	Original Draft Home Business Fact Sheet with Amendments
C	Final Draft Home Business Fact Sheet

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Myall Stevens	Associate Director, Infrastructure, Assets & Places, KPMG

Lord Howe Island Home Businesses

An information sheet outlining the Lord Howe Island Board's approach to home businesses on Lord Howe Island under the Lord Howe Island Local Environmental Plan 2010.

This fact sheet is intended to provide guidance and assistance for such home based businesses. It describes the planning processes related to starting a home business, when you might need approval, and where additional information can be found, should you need it.

What is a Home Business?

A home business is typically defined as a business that is carried on in a dwelling, or in a building ancillary to a dwelling, such as a garage or a studio. Under the Provisions of the Lord Howe Island Local Environmental Plan 2010 (LEP), a home business is defined in the dictionary as:

Home business means a business carried out in an existing dwelling or existing ancillary building on the same allotment, but only if—

- a) the business is undertaken by an occupant of the dwelling, and
- b) not more than 2 employees, who are not occupants of the dwelling, are 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, and
- d) the business does not adversely affect the amenity of the neighbourhood.

Home business must occur from an existing dwelling or ancillary building. Building alterations may trigger the need for a development application if they do not meet the specific requirements for exempt development.

Clause 9 of the LEP identifies works that are considered to be exempt development. Exempt development can occur on Lord Howe Island so long as it complies with the provisions Clause 9 of the LEP. Clause 9 of the LEP refers to specific works that can be carried out as exempt development which are detailed in Schedule 1. Schedule 1 details the provisions required to be met to undertake 'Building Alterations (internal)' as exempt development and include:

- a) Must not affect the load-bearing capacity of any load-bearing component of the building.
- b) May be made to lawfully completed buildings only.
- c) Does not include any conversion of non-habitable rooms to habitable rooms.
- d) Does not include any change to configuration of rooms whether by removal of existing walls or partitions or by other means.
- e) Does not include any alterations that result in change in classification of building concerned under the Building Code of Australia.
- f) Does not include fit out of commercial kitchen or of any business premises, such as a restaurant or cafe, intended to be used for preparation and consumption of food.

- g) Must not reduce window arrangements for light and ventilation, reduce doorways for egress or enclose internal open living space.
- h) Must not compromise fire safety or affect accessibility to a fire exit from any part of the building.

The definition includes strict requirements for the location and operation of a home business, should one or more of these requirements not be met, the business will be defined as a commercial premises and require development consent.

What are the requirements for establishing a home business on Lord Howe Island?

Home businesses are permitted without the consent of the Lord Howe Island Board (LHIB) within the Zone 2 Settlement. Home business uses are subject to self-assessment against the definition outlined above. Before proceeding, it is important to confirm that your intended use is consistent with the definition of home business and will remain consistent throughout the life of the business.

Please note, if your home business or home occupation involves food handling and production or skin penetration, please contact the LHIB as there are number of other requirements, legislation and certificates that may be required.

A critical component of the self-assessment must include consideration of the impact on amenity of the neighbourhood. Impacts on the amenity of the neighbourhood can include:

- emission of noise,
- vibration,
- smell,
- fumes,
- smoke,
- vapour,
- steam,
- soot,
- ash,
- dust,
- wastewater,
- waste products,
- grit or oil,
- traffic generation or
- other potential amenity impacts.

What uses may constitute a home business?

Home businesses vary in form and function from online retail and logistics to take away food premises. The Lord Howe Island Board, under the provisions of the LEP determined that the following uses (not exhaustive) can be considered a home business.

- Services, such as massage, hair dressing and other Personal services
- Take away food premises where seating may be provided however no table service or plated meals are provided.
- Food preparation.
- Selling products made or constructed at home.
- Online services.
- Professional services.

What uses are not considered a home business?

Uses that are not considered a home business are operations that are directly or indirectly related to the tourist or commercial premises on the same site. These uses are a commercial premises and require development consent.

Any business that is not consistent with the definition of a home business, either at the start, or the business evolves, then development consent will be required. The business must remain consistent with the home business definition at all times.

Does a home business require a Business License?

Home businesses do require a business license on LHI. Home businesses will be required to demonstrate in the business license application that the business is consistent with the definition of a home business.

Special conditions may be imposed on business license that ensure that the business operations remain consistent with the definition of a home business.

How does LHI LEP 2010 definitions compare to NSW Provisions?

In NSW, as part of the transition to the Standard Instrument—Principal Local Environmental Plan that all Councils have been required to undertake, a number of components of LEP's across the state were standardised. The standardisation included the development of consistent zoning, clauses and definitions which enables a consistent approach to land use planning controls and interpretation of the environmental planning instruments.

The Standard Instrument LEP provisions are significantly evolved from what currently applies on LHI. While these are not a consideration on LHI, the currently flexibility of the provisions of LHI are highlighted. The home business definition has been broken down to include additional land uses definitions such as home operations and home industry which provide further clarity and requirements as to what uses can be facilitated as exempt development to limit impact on the amenity of neighbourhoods. In addition, exempt development provisions in NSW do exclude the manufacture of food products or skin penetration procedures. These definitions are not currently included in the LHI LEP 2010 and are not a consideration but have been called out here to highlight the focus on LHI for strict compliance with relevant provisions of not just the LHI LEP but other relevant plans and policies that protect health and safety of all users and business operators.

Could the home business definition change?

The LHIB reserve the right to amend the definitions of home businesses in line with any review to the LHI LEP 2010.

LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Cancellation of Permissive Occupancy 127 – Bureau of Meteorology

Recommendations

1. **The Board recommend to the Minister** the cancellation of Permissive Occupancy No. 127 – 2006.03 (pursuant to section 31A(3) of the *Lord Howe Island Act 1953* that Permissive Occupancy No. 130 – 2007.02, held by Bureau of Meteorology, being an area of 1,596 square metres of Crown Land on Anderson Road, Lord Howe Island on an 'as is, where is' basis on and from cancellation.

Current position

At the August 2024 Board Meeting, the Board endorsed the plan to request the surrender of Permissive Occupancy 127 from Bureau of Meteorology (BOM) to the Lord Howe Island Board.

On 24/12/2024, the Board received a formal request from BOM to cancel Permissive Occupancy 127 and for the NSW Minister for Environment to cancel the agreement. In this letter, BOM confirms, as agreed in principle between BOM and the Board, that effective upon cancellation of Permissive Occupancy 127, the BOM houses are gifted to the Board by the Bureau, and all rights, title and interest in the BOM houses and any and all associated improvements and works made by BOM to the land will transfer to and vest in the Lord Howe Island Board on an 'as is, where is' basis on and from cancellation.

Policy context

The Minister, on the recommendation of the Board makes Crown Land available under PO to eligible persons for a variety of valid purposes which range from kitchen gardens to communications infrastructure. The *Lord Howe Island Act 1953* (the Act) allows the Minister, on recommendation of the Board, to permit the occupation of vacant or reserved Crown Land on the Island. This is covered under Section 31A of the Act, which states:

31A Permissive Occupancies

- (1) The Minister on the recommendation of the Board may grant permissions to occupy vacant Crown lands or Crown lands the subject of a reservation under this Act, whether above or below or beyond high water mark, for such purposes and upon such terms and conditions as the Minister may impose on the recommendation of the Board.
- (2) A permission to occupy such Crown lands or a permissive occupancy of Crown lands granted or purporting to have been granted before the commencement of the *Lord Howe Island (Amendment) Act 1967*, and whether or not a tenancy was created or purported to have been created thereby, shall be deemed to

have been validly granted and to have and always to have had force and effect subject to the terms and conditions thereof.

- (3) A permission to occupy Crown lands or a permissive occupancy of Crown lands referred to in subsection (2) or a permission to occupy Crown lands granted under subsection (1) shall be terminable at will by the Minister on the recommendation of the Board.

The Board adopted a PO Policy on 22 January 2007 to ensure that land occupied under PO is allocated fairly and transparently, is well maintained by the PO holder and is used for the purpose it was granted.

Under the Policy provisions:

3. POs must be continually used and occupied by the person to whom they are issued, and for the purposes for which they were issued. POs which do not meet these requirements should be surrendered.
4. POs may not be transferred. Where a holder no longer wishes, or is unable, to hold, use and occupy a PO it will be surrendered to the Board.
5. Where there are improvements on a surrendered PO, the Board will pay to the owner Valuer-General's value in consideration of the improvements.
6. In the event of a PO being surrendered, the Board may choose to make a new PO available over the same or similar area as the surrendered PO.
7. If the Board chooses to make a PO available as per Provision 6 above, it will seek expressions of interest from within the island community for the PO or for alternative public uses for the land. Subsequent issuing of a PO will be at the absolute discretion of the Board.
- 8.

Conclusion

Policy provisions 5, 6, and 7 are not relevant as BOM have requested the transfer be "as is where is" (attachment B) and the PO has been and will continue to be used as Board Housing which is in high demand to accommodate staff. Therefore, the Board should recommend cancellation of PO No. 127 to the Minister as requested by BOM.

Attachments

Attachment	Title
A	Permissive Occupancy Agreement PO127
B	Letter – Request to terminate PO127 – Bureau of Meteorology – 24/12/2024

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Lynda Shick	Land and Property Officer

LORD HOWE ISLAND BOARD

Permissive Occupancy Agreement

Permissive Occupancy No: 127

Holders: **Bureau of Meteorology**

We, the Bureau of Meteorology, hereby acknowledge that the occupation by us of the area of 1596.5 square metres of Crown Land on Anderson Road, Lord Howe Island, for the purpose of staff residences is by permission of the Minister for the Environment and upon a strict tenancy at will from the Crown and not otherwise. The area of land is the area currently occupied by the two Bureau of Meteorology staff residences and is the area delineated by the contiguous formed garden surrounding both houses as at June 30 2005. This agreement will be for a period of 3 years from 1 July 2005 unless otherwise terminated as indicated in the agreement.

AND we hereby agree to pay for the use and occupation of the said premises a sum by way of rent at the rate of \$2,793.87 per annum commencing from 1 July 2005. Said rent will be adjusted each year by an amount equivalent to the movement in the Consumer Price Index (Sydney All Groups). Rent shall be deemed to accrue from day to day, and shall be payable by us in advance on or before 31st day of December in each year together with a proportionate part up to the date of termination of such tenancy at will as is hereinafter provided.

We undertake not to sublet or part with possession of the premises or any part thereof, nor to sell or transfer the permission to occupy the same given to us as abovementioned, without the consent in writing of the Minister for the Environment having been first obtained, and upon termination of this tenancy to deliver up quiet and peaceable possession of the premises.

We hereby also acknowledge that any improvements effected by us on the said premises during this occupation will become the property of the Crown upon the termination of this tenancy at will if any arrears of rent remain due and unpaid by us at the date thereof but it is hereby agreed and acknowledged that we have the right to remove such improvements or to sell the same to any incoming tenant within three months of such termination, provided that no rent be in arrears or be unpaid by us as aforesaid.

We further agree that this tenancy may be terminated at any time by a written demand of possession signed by the Minister for the Environment for the time being of the State of New South Wales or any person appointed on his behalf, and served on us personally, or left for us on the said premises. It is also agreed and acknowledged that we may terminate and cease to occupy the land at any time by giving notice in writing to the Minister for the Environment of the date on which we intend to cease occupation, and that we shall be liable for rent up to that date unless the occupancy should be terminated by the Minister for the Environment at an earlier date.

AND we hereby agree and acknowledge that, notwithstanding anything herein contained, these presents and the abovementioned permission to occupy the said premises shall not create or confer any tenancy or right of ownership or possession of the said premises other than a mere tenancy at will, terminable as aforesaid, and also that we occupy the said premises on the terms of these presents only and not otherwise.

We agree, upon termination of this occupancy and within such time as may be given, to remove structures or all or any material from the land at our cost and without compensation, if required by the Minister for the Environment in writing to do so.

We further agree that the occupancy shall be subject to the additional conditions set out in Schedule "A".

We declare that we are above the age of eighteen (18) years.

(signed) Michael Whitehead

(date) 8 / 9 / 06

(witnessed) [Signature]

(date) 8 / 9 / 06

SCHEDULE A
CONDITIONS OF PERMISSIVE OCCUPANCY

Permissive Occupancy No: 127

In these conditions "Board" means the Lord Howe Island Board.

1. Annual rent of \$2,793.87, or such other sum as shall be determined by the Board from time to time and approved by the Minister for the Environment, shall be paid in advance to the Board on or before 31st December of the year preceding that for which it is due.
2. The land shall be used only for the purpose of two residences for staff of the Bureau of Meteorology and their immediate family.
3. The occupant shall keep the area in a clean condition to the satisfaction of the Board.
4. The occupant shall throughout the currency of the occupancy effectually destroy or cause to be destroyed all Crofton Weed, Asparagus Fern and such plants or weeds as may from time to time be required to be destroyed by direction of the Board.
5. Any improvements the property of the Crown upon the land shall be kept in good repair throughout the currency of the occupancy reasonable wear and tear excepted.
6. The public shall have unrestricted right to the use of any defined or designed road, track or pedestrian pathway within the land and such use shall not be interfered with by the occupant.
7. The occupant shall take effective steps to keep the land free from rats or other noxious animals throughout the currency of the occupancy.
8. No building or structure shall be erected, nor shall any building or structure be altered, without the approval of the Board first obtained. Any authorised building or structure must be maintained to a reasonable standard by the occupant at no cost to the Board.
9. The right is reserved to the Board or any body or person authorised by it to enter upon the land with any material and equipment at any time and from time to time for the purpose of constructing and maintaining authorised works or any other purpose approved by the Board without interference or annoyance by the occupant.
10. No bush, timber, trees, palms or vegetative material shall be interfered with by ringbarking, cutting or otherwise unless under authority of the Board. Where in pursuance of such authority any ringbarking, cutting or other interference is effected for the purpose of improvement of the land, all second growth, weeds or noxious plants on such improved area shall be eradicated by the occupant by such regular consecutive treatments as the Board may direct.

11. No burning off shall be carried out except with the consent of and subject to such conditions as may be imposed by the Board.
12. The occupant shall not depasture stock on the land without prior approval of the Board.
13. Should stock be depastured on the land in accordance with an authority from the Board, the occupant shall not overstock the land either wholly or in part, the decision as to overstocking to rest with the Board. Should the Board deem it necessary for maintenance of pasture or preservation of the fertility of such land or for the prevention of erosion thereon, it may determine the maximum number of stock that may be depastured on such land or any specified part of such land and the occupant shall not permit this number to be exceeded.
14. The occupant shall, if and when directed by the Board, adopt and maintain on the land or any part or parts of it, such pastoral practices and/or install such soil erosion control structures as it may specify in the interests of soil conservation and the mitigation or prevention of erosion.
15. All minerals which the land contains are reserved and excepted to the Crown and such minerals and any stone, gravel, clay, shells or other material shall not be removed from the land except by the holder of a permit issued under authority of the Minister for the Environment.
16. All palm trees and the product thereof on the land shall remain the property of the Crown.
17. The occupant shall not conduct upon the land any trade or activity which in the opinion of the Board is offensive or which may endanger the public health.
18. Any of these conditions may, on application by the occupant, and on recommendation of the Board, be varied, modified or revoked by the Minister for the Environment.
19. A breach of any of these conditions will render the occupancy liable to termination.
