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Lord Howe Island

STAGE I Planning Proposal

Stage I Amendments to the Lord Howe Island Local Environmental Plan 2010

PLANNING PROPOSAL For Gateway Determination

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Lord Howe Island Stage I Planning Proposal

For: Lord Howe Island Board

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This Stage I Planning Proposal has been prepared in accordance with an agreement between All About Planning Pty Ltd and the Lord Howe Island Board dated March 2018.

In preparing this Planning Proposal, All About Planning Pty Ltd has used and relied on data, plans and information provided by the Lord Howe Island Board and other parties as detailed in this document. Except as otherwise stated, the accuracy and completeness of the information provided to All About Planning Pty Ltd for this Planning Proposal has not been independently verified.

This Planning Proposal should be read in conjunction with the following documents:

- Review of Land Allocation Policy, The Hon. Ken Handley AO QC, February 2015
- The Final Government Response to the Handley Review, November 2017
- Coastal Hazard Definition and Coastal Management Study, Haskoning Australia Pty Ltd, September 2014
- Lord Howe Island Local Environmental Plan 2010 (LHI LEP 2010)
- Lord Howe Island Development Control Plan 2005 (LHI DCP 2005)
- Site Surveys. Plans and Drawings prepared by the Lord How Island Board and/or other parties as described in this proposal, which identify and illustrate the various proposed LEP amendments.
- Lord Howe Island Board (LHIB) LEP 2010 Review Discussion Paper, 2016
- Community Feedback on LHIB Discussion Paper, 2016
- Lord Howe Island Act 1953
- Lord Howe Island LEP 2010

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Contents

SUMMARY	1
1.0 PART 1 – OBJECTIVES AND INTENDED OUTCOMES.....	1
1.1 LHI LOCAL STRATEGIC PLANNING STATEMENT	4
1.2 PREPARATION OF THE PLANNING PROPOSAL	6
2.0 EXPLANATION OF PROVISIONS	7
2.1 LEP 2010 REVIEW DISCUSSION PAPER, 2016 AND COMMUNITY FEEDBACK SUMMARY PAPER.....	7
2.2 REVIEW OF LAND ALLOCATION POLICY, THE HON. KEN HANDLEY AO QC, FEBRUARY 2015	7
2.3 LHIB PRELIMINARY REPORT INTO HOUSING AVAILABILITY, AFFORDABILITY ON LORD HOWE ISLAND, 2016	8
2.4 LHIB FINAL RESPONSE TO HANDLEY REPORT, NOVEMBER 2017	8
2.5 LORD HOWE ISLAND VEGETATION REHABILITATION PLAN 2003	9
2.6 LHI REGIONAL ENVIRONMENTAL STUDY 1985	10
2.7 ROYAL HASKONING COASTAL PROCESSES STUDY 1994 AND LHI COASTLINE HAZARD DEFINITION AND COASTAL MANAGEMENT STUDY 2014	11
2.8 LORD HOWE ISLAND HERITAGE STUDY 2012	11
2.9 LORD HOWE ISLAND ACT 1953.....	11
2.10 LORD HOWE ISLAND REGIONAL ENVIRONMENTAL PLAN 1986 AND 2005.....	12
2.11 LORD HOWE ISLAND LOCAL ENVIRONMENTAL PLAN 2010	13
2.12 HERITAGE ACT 1977	17
2.13 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979.....	17
3.0 THE PLANNING PROPOSAL.....	18
3.1 ISSUE 1 - OCCUPANCY OF DUAL OCCUPANCY DWELLINGS BY NON-FAMILY MEMBERS	20
3.2 ISSUE 2 - VEGETATION RESTORATION – CLAUSE 31.....	21
3.3 ISSUE 3 – DEVELOPMENT IN VICINITY OF A HERITAGE ITEM	22
3.4 ISSUE 4 – ADD OR AMEND DICTIONARY DEFINITION OF TERMS	23
3.5 ISSUE 5 – ADD 2 ADDITIONAL EXEMPT DEVELOPMENT ITEMS	26
Roof mounted solar energy systems	26
Fowl and Poultry Houses.....	27
3.6 ISSUE 6 – ADD RECREATION AREA AND BOATSHEDS AS A PERMISSIBLE USE UNDER CLAUSE 17(3) AND MODIFY THE DEFINITION OF BOATSHED TO INCLUDE COMMUNITY AND PRIVATE USES.....	29
3.7 ISSUE 7 - SITE 1: REZONE FROM 5 - SPECIAL USES TO 2 -SETTLEMENT ZONE	32
3.8 ISSUE 8 - SITE 2 - REZONE FROM 6 – RECREATION TO 7 – ENVIRONMENT PROTECTION.....	34
3.9 ISSUE 9 - SITE 3: REZONE FROM 6 – RECREATION TO PART 7 – ENVIRONMENT PROTECTION AND PART 1 – RURAL	36
3.10 ISSUE 10 – SITE 4: OWEN’S LAND SWAP.....	38
3.11 ISSUE 11 - SITE 5: REZONE FROM 6 – RECREATION TO PART 7 – ENVIRONMENT PROTECTION	42
3.12 ISSUE 12 - SITE 6: REZONE FROM 7 - ENVIRONMENT PROTECTION TO 1 – RURAL	44
3.13 ISSUE 13 - SITE 7: REZONE FROM 7- ENVIRONMENT PROTECTION TO 1 – RURAL	46
3.14 ISSUE 14 – SITE 8: ADD A NEW SCHEDULE 4 – ADDITIONAL PERMITTED USES AND PERMIT COMMERCIAL PREMISES (INCLUDING FUEL SUPPLY).....	48
3.15 SECTION A - NEED FOR THE PLANNING PROPOSAL.....	53
Is the Planning Proposal a result of a study or report?	53
Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	53
3.16 SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	53
Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?.....	53
Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?	53
Is the Planning Proposal consistent with applicable state environmental planning policies?	54
Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?.....	54
3.17 SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT.....	57

	<i>Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?</i>	<i>57</i>
	<i>Are there any other likely environmental effects as a result of the Proposal and how are they proposed to be managed?</i>	<i>57</i>
	<i>How has the Proposal adequately addressed any social and economic effects?</i>	<i>58</i>
3.18	SECTION D - STATE AND COMMONWEALTH INTERESTS.....	58
	<i>Is there adequate public infrastructure for the Planning Proposal?</i>	<i>58</i>
	<i>What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?.....</i>	<i>58</i>
	<i>The following table provides a summary of the relevant public authorities, which in the opinion of the Board should be consulted following Gateway Approval:</i>	<i>58</i>
4.0	MAPPING	60
4.1	AFFECTED LAND	60
4.2	DRAFT LEP MAP	61
5.0	COMMUNITY CONSULTATION.....	62
6.0	PROJECT TIMELINE	63

Summary

This Planning Proposal has been prepared by All About Planning Pty Ltd (AAP) on behalf of the Lord Howe Island Board (the Board) to seek various relatively minor amendments to the existing Lord Howe Island Local Environmental Plan 2010 (LEP 2010).

The Board has identified a number of areas where the LEP 2010 could be improved to be clearer, better reflect existing land uses and respond to community needs on the island.

The Board has commenced a two-stage local plan review process. Stage I of the review, reflected in this Planning Proposal, is aimed at addressing anomalies and responding to known inadequacies in the current plan. The second stage will be to review LEP 2010 in its entirety, including its structure (which is not in the Standard Template format) and key zoning provisions such as the permitted number of permanent dwellings, tourist bed numbers, staff accommodation provisions and subdivision provisions.

In 2016 the Board undertook early community consultation to gauge community response to then proposed rezonings and amendments to the controls in the local plan, and the outcome of that process has informed this Stage I Planning Proposal. A copy of this Consultation Outcomes Summary Paper setting out the community's feedback in 2016 is included as Appendix D.

The purpose of this Planning Proposal is to undertake the following amendments to LEP 2010:

- Deletion of the current dual occupancy restriction related to occupation by family members only
- Update reference to the LHI Vegetation Rehabilitation Plan, to remove a date reference
- New clause requiring consideration of impacts of development that is in the vicinity of a heritage item
- Four amendments related to definitions and associated LEP zoning provisions
- Addition of two exempt development provisions, being for roof mounted solar energy systems and chicken pens/foul and poultry houses
- Addition of Recreation Area and Boatsheds as a permissible use in Zone 7 – Environment Protection and associated LEP references, including modification of the boatshed definition to acknowledge existing community and private boatshed uses
- Eight site specific rezonings and associated zone map changes

I.0 Part I – Objectives and Intended Outcomes

This Planning Proposal has been prepared by AAP on behalf of the Lord Howe Island Board (the Board) to make various relatively minor amendments to the Lord Howe Island Local Environmental Plan 2010 (LEP 2010).

The following lists the 13 issues identified for resolution in this Planning Proposal.

ISSUE	PROPOSED AMENDMENT
1.	Delete Clause 24 (1) (c) – Permit the occupancy of dual occupancy dwellings by non-family members
2.	Amend Clause 31 – to remove the reference to the ‘March 2003’ date, this being the current LHIB Vegetation Rehabilitation Plan, to ensure any future updates to this plan are legally covered
3.	Insert new Clause 39 A to require consideration of heritage items in vicinity of proposed development.
4.	<p>Part A. Amend Definitions of 2 terms.</p> <p>Home Business to permit a maximum 2 employees and to insert a new provision (d), being: Under Dictionary - Home Business</p> <p>(d) the home business does not interfere with local amenity or environmental quality.</p> <p>Environment Protection Works to specifically reference Coastal Protection Works, including beach nourishment. Amend Clause 10(3) definition of Part C.</p> <p>Under Clause 10(3) – environmental protection works means any works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes vegetation restoration work, wetland protection works, erosion protection works, dune protection works and coastal protection work including beach nourishment and the like.</p> <p>Part B. Insert two new Dictionary Definitions, being: Under Dictionary – Centre Based Child Care Centre</p> <p>Centre Based Child Care Centre <i>Means a building used as a school, long day care centre, pre-school, out of hours school care, college, technical college, academy, lecture hall, gallery or museum, and includes the community use or development for community use of the facilities or site of the establishment.</i></p> <p>Under Dictionary – Home Based Child Care Centre</p>

	<p>Home Based Child Care Centre</p> <p>Means:</p> <p>(a) a family day care residence (within the meaning of the Children (Education and Care Services) National Law (NSW)), or</p> <p>Note. A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the Children (Education and Care Services) National Law (NSW).</p> <p>(b) a dwelling used for the purposes of a home based education and care service (within the meaning of the Children (Education and Care Services) Supplementary Provisions Act 2011), at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.</p> <p>Part C.</p> <p>i. Permit Centre Based Child Care Centre in Zone 5 – Special Uses by amendment of Clause 15 (3), by adding new use (p) Centre Based Child Care Centre</p>
5.	<p>Include 2 additional items in Schedule 1 – Exempt development, being:</p> <p>Column 1</p> <p>Development - Roof Mounted Solar Energy Systems</p> <p>Column 2 – Development Standards and Other Requirements</p> <ul style="list-style-type: none"> • in the case of development for the purposes of a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer’s specifications or by a person who is accredited by the Clean Energy Council for the installation of photovoltaic electricity generating systems, and • in the case of development for the purpose of any solar energy system other than a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer’s specifications, and • the system does not involve mirrors or lenses to reflect or concentrate sunlight, and • In the case of a system that is not ground-mounted: • the development does not reduce the structural integrity of, or involve structural alterations to, any building to which it is attached, and • if the land is in a prescribed residential zone (note: for LEP 2010 - the Settlement zone) and is attached to a wall or roof facing a primary road—the system does not protrude more than 0.5m from the wall or roof (as measured from the point of attachment), and

	<ul style="list-style-type: none"> • if the land is in a prescribed residential zone (note: for LEP 2010 - the Settlement zone) and is not attached to a wall or roof facing a primary road: • the system is installed no less than 1m from any adjoining property boundary if the system protrudes more than 0.5m from any building to which it is attached (as measured from the point of attachment), and • the system is not attached to any wall or roof of a building facing a primary road, and • the system does not protrude more than 0.5m from any building to which it is attached (as measured from the point of attachment), and • in the case of development for the purposes of a photovoltaic electricity generating system—the system has the capacity to generate no more than 10kW. <p>The above proposed standards are broadly consistent with Clause 20, Infrastructure SEPP – exempt provisions for solar systems; the exception being that on LHI no 1-1.5m overhang from a roof is to be permitted and any photovoltaic electricity generating system is to be limited to a maximum generation capacity of 10kW.).</p> <p>It is proposed to include roof mounted solar energy systems as exempt development, as defined in the SEPP, with the exception of Part 3, Division 4, Clause 39 (3) (a) (e), (f) (ii), (f) ((iii) A, part (f) ((iii) B, (f)(iv) and (f)(v).</p> <p>Column I</p> <p>Development – Add the term Fowl and Poultry Houses as an Exempt provision, with the same height, area and other development standards that currently apply to bird aviaries</p>
6.	Legitimise existing and future recreation based land uses in Zone 7 - Environment Protection by inserting Recreation Area and Boatsheds as new uses permitted with consent under Clause 17(3) in the Environment Protection zone and associated modified definition of boatshed to acknowledge existing community and private boatshed uses
7.	Site 1 – Rezone from Zone 5 - Special Uses to Zone 2 - Settlement zone.
8.	Site 2 – Rezone crown land adjacent to Milky Way from Zone 6 – Recreation to Part Zone 7 – Environment Protection.
9.	Site 3 – Rezone existing farmland near Milky Way from Zone 6 – Recreation to Partly Zone 7 – Environment Protection and Partly Zone 1 – Rural.

10.	Site 4 – Rezone from Zone 7 - Environment Protection to Zone 2 - Settlement and Lot 10, DPI202580 from Zone 2 – Settlement to Zone 7 – Environment Protection, to allow the Owen’s Land Swap, as per resolution of the November 2017 LHIB meeting.
11.	Site 5 – Rezone (Cnr Anderson Rd adjacent to Lorhiti) from Zone 6 – Recreation to Zone 7 – Environment Protection.
12.	Site 6 – Rezone Pt Lots near the new powerhouse, from Zone 7 - Environment Protection to Zone 1 – Rural to accommodate existing small dairy.
13.	Site 7 – Rezone a lot opposite the runway, from Zone 7 - Environment Protection to Zone 1 – Rural.
14.	Site 8 – Enable an Additional Permitted Use to permit a preferred new Fuel Supply proposal off Airport Road.

1.1 LHI Local Strategic Planning Statement

A World Heritage Listed Island

Lord Howe Island is a world heritage listed volcanic remnant in the southwest Pacific Ocean, situated in the Tasman Sea between Australia and New Zealand. The island is located approximately 600 kilometres east of mainland Port Macquarie, 702 kilometres northeast of Sydney, and about 772 kilometres from Norfolk Island to its northeast. Although the Island is remote from the mainland it forms part of the State of New South Wales and is administered by the Lord Howe Island Board (LHIB). The LHIB is established under the Lord Howe Island Act 1953, of the NSW Parliament.

The main island measures 11km long in a north south direction and between 2.8km and 0.6km wide and has a total area of 1,455 hectares.

Much has been written about Lord Howe Island which has focussed on its uniqueness and which of course is a key basis for the island’s World Heritage listing in 1982. The island’s World Heritage listing is in recognition of



its superlative natural landscapes and scenery and its rich terrestrial and marine biodiversity as an outstanding example of an island ecosystem developed from submarine volcanic activity.

Settlement Character

The LHI settlement is restricted to the central lowlands and covers about 15% of the island. Tourism is one of the island's major sources of income. There is an airstrip on the island and daily commercial air services to Sydney and Brisbane. About 16,000 tourists visit the island each year. Numbers are regulated, with a maximum of 400 tourists allowed on the island at any one time.

Character is what makes one neighbourhood distinctive from another. It is the way a place 'looks and feels'. It is created by the way built and natural elements in both the public realm and private domain interrelate with one another, including the interplay between buildings, architectural style, subdivision patterns, activity, topography and vegetation. LHI contains relatively dispersed low density architecturally relaxed built form, with a mix of compatible land uses intermingled throughout the primary settlement zone, within retained significant areas of natural landscape and that deliver a visually striking and cohesive overall character.

The existing character of LHI is highly valued by the community, which comprises its long term islander residents, short stay workers and government administrators. Additionally, the Island is appreciated by people the world over, who have visited and fallen in love with the place and its people.

The Lord Howe Island community are proud of their unique and diverse island home, and who are a self-sufficient, resourceful and welcoming people.

Future Land Use Direction and Planning Priorities

New development and land uses have been able to successfully occur, using a non-standardised and site specific place based design approach. Application of island specific non-standard town planning controls suits the island and which ensures the planning controls that are adopted for the island are effectively tailored to the unique character and valued characteristics of the Island.

Existing development controls have for the most part been highly effective in moderating built form, bulk, scale and height as well as retention and enhancement of native landscaping and preservation of the dispersed overall pattern of settlement, as well as ensuring a sustainable economic base.

There is a need however to respond to the Handley Review recommendations, to continue to protect and maintain agricultural opportunity through appropriate land use zoning, to conserve areas of significant mapped vegetation and to resolve a number of relatively minor inconsistencies between permitted and actual uses in the current LEP.

This Stage 1 Planning Proposal will ensure that the essential and future desired character of the Island continues to be protected and enhanced. The subject amendments to the existing planning framework will assist in achieving this vision and resonate consistently with both the island's existing and desired local character and community aspirations for self-sufficiency, including the maintenance and development of sustainable primary food production opportunities and conservation of key island native vegetation.



1.2 Preparation of the Planning Proposal

The Planning Proposal has been prepared in accordance with:

- Section (Part) 3.3 of the *Environmental Planning and Assessment Act, 1979*
- Relevant Section 9.1 Directions by the Minister NSW Planning and Environment Guidelines, “A guide to preparing local environmental plans”

The Planning Proposal contains the following information:

- A description of the issues and the proposed response
- A statement of the objectives or proposed outcomes of each amendment
- An explanation of the provisions that are to be included in the proposed instrument
- The justification for those provisions

2.0 Explanation of Provisions

2.1 LEP 2010 Review Discussion Paper, 2016 and Community Feedback Summary Paper

In April 2016 the Board released for public consideration a Discussion Paper which considered studies, reviews and practical findings from implementation of the LHI LEP 2010, and which proposed a number of potential amendments to the LEP 2010 in response. The Discussion Paper and associated community engagement process in 2016 sought feedback from the island community to inform the development of a Planning Proposal.

The Discussion Paper identified a two stage LEP review process, where anomalies and amendments where information is already available and so can be made quickly might proceed ahead of a more thorough review of the structure and controls in the LHI LEP 2010.

A copy of the Consultation Outcomes Summary Report from this review and discussion paper is included as Appendix E.

The following section provides a summary of the key policy relevant to this Planning Proposal.

2.2 Review of Land Allocation Policy, The Hon. Ken Handley AO QC, February 2015

The Hon. Ken Handley AO QC, was engaged by the NSW Department of Premier and Cabinet to undertake a Review of Lord Howe Island's Land Allocation Policy, which findings were reported in February 2015. The primary purpose of the Review was to explore options for reform of the land allocation and tenure system on the Island, which would maintain and protect the unique environmental and cultural values of the Island and provide advice to the Minister for the Environment.

The particular terms of reference identified four key areas for consideration:

1. Forms of tenure – current arrangements, including existing policies and legislative frameworks
2. Land allocation methods
3. Strategies to increase land and housing supply
4. Economic sustainability

In undertaking the Review, Handley consulted with key stakeholders and LHI residents in order to identify risks and challenges with the current arrangements and to seek feedback on future options.

Amongst a number of key matters, Handley recommended that:

- Option 3: Permissive occupancies used for business purposes (such as the three boatsheds near the intersection of Neds Beach Road and Lagoon Road), be granted for fixed terms of 5 years to give the occupiers additional security of tenure and to encourage investment in those businesses.
- Option 7: The class of persons who can be proposed for a dual occupancy should be widened.

Please refer to Appendix A for additional details.

2.3 LHIB Preliminary Report into Housing Availability, Affordability on Lord Howe Island, 2016

The LHIB Administration prepared a preliminary report titled 'Housing Availability, Affordability and Associated Development Pressures on Lord Howe Island' which outlined the legislative and policy framework in place on the island, housing supply and demand and options to moderate price increases on the island. The Report was compiled in 2016 for consideration at the June 2016 LHIB Meeting.

The issues of housing availability, affordability and associated development pressures on Lord Howe Island are complex. It was concluded by the Administration that it was not possible to adequately address these issues and provide meaningful recommendations in the timeframe given. It was recommended that the preliminary report be used as a basis of a brief for a qualified person to independently assess these issues and make recommendations about the way forward.

2.4 LHIB Final Response to Handley Report, November 2017

The LHIB Administration in November 2017 finalised a response to the Handley Review, which has relevance to the subject Stage I Planning Proposal. A copy of this response is included at Appendix B.

The following key responses were made to the Handley Review, which are relevant to the subject Planning Proposal:

- It is agreed that the dual occupancy restriction in the LHI LEP 2010, which prevents occupation of dual occupancies by non-family members, places an unreasonable restriction on the island community and unnecessarily constrains available housing stock on the island.)

A removal of the current dual occupancy restriction to family members is therefore being pursued as part of this Stage I Planning Proposal.

2.5 Lord Howe Island Vegetation Rehabilitation Plan 2003

The Lord Howe Island Board (the Board) has a statutory responsibility to manage the native vegetation of the Island to conserve and enhance the World Heritage values. Lord Howe Island Vegetation Rehabilitation Plan 2002-2007 was adopted in 2003 by the LHIB. The 2003 Rehabilitation Plan states that:

“The Board have been responsible for undertaking revegetation projects over the past 15 years. The coastal foreshore was one of the first areas targeted. The restoration of Shearwater nesting areas at the Big Muttonbird Ground area is one of the most successful projects in the past 5 years.

This plan will provide a strategic direction for the future to ensure both Board resources and external grant funds are allocated to the highest priority projects.”

This 2003 Plan has not yet been formally replaced by any later iterations and reviews, however the LEP needs to include scope for formal amendment over time. An amendment to the LEP is therefore being proposed to remove reference to the date of the Vegetation Rehabilitation Plan or alternatively permit amendments over time.

The plan covers Lord Howe Island & Blackburn Island. The other off-shore Islands have not been included in this plan as there has been no evidence of clearing of native vegetation during the post settlement of Lord Howe Island. The impact that weeds may cause on the native vegetation associations (predominately native grassland) on these Islands has been addressed in the Lord Howe Island Board Weed Management Strategic Plan 2002 with a high priority recommendation being to “monitor offshore Islands for new weed incursions”. Due to the nature of the bushland clearing on the Island, this plan focuses on land zoned: foreshore protection, environment protection, Permanent Park Preserve and special lease.

Background information, including the relevant maps on the significance of vegetation communities in the settlement area has been addressed in association with the DRAFT report by John Hunter (NPWS) titled “Vegetation and habitat of significance within the settlement area of Lord Howe island – A report to the Lord Howe Island Board May 2002”. The Hunter report has been prepared for the review of the Lord Howe Island Regional Environment Plan. Part of the Hunter report provides long term recommendations in terms of future zoning of cleared areas (predominantly Special Leases).

While this plan is designed to be read in context of the Hunter report, utilising the relevant background information pertaining to priority vegetation associations under threat in the settlement, its primary aim is to provide practical recommendations for Board rehabilitation projects for the next 5 years (2002-2007).

This plan is also designed to be intrinsically linked to the Lord Howe Island Board Weed Management Strategic Plan (2002). The Weed Strategy focuses on weeds as the main cause of degradation of core (or intact) bushland areas. This plan focuses on restoring or reconstructing vegetation associations where the main cause of degradation is land clearing.

The method of weed control in rehabilitation sites generally commences as a target weeding approach (predominantly Kikuyu grass). The rehabilitation projects recommended in this plan generally do not address the type of difficult weed management issues faced in the Weed Strategy such as developing priorities within complex weed communities.

A copy of this Plan is included at Appendix E.

2.6 LHI Regional Environmental Study 1985

The LHI Regional Environmental Study was undertaken in 1985 to inform then strategic planning work and the adoption of a Regional Environmental Plan for the island, consistent with the Environmental Planning and Assessment Act 1979. This study was the most comprehensive strategic town planning document that has been prepared to date in respect of Lord Howe Island. The study comprised a number of key focus areas, including heritage, vegetation and landscape.

Relevant to this subject Stage 1 Planning Proposal it has been noted that:

- The island now has a reduced amount of Rural zoned land – this is apparent when comparing the current Zone 1 – Rural land with the 1986 historic zoning map.
- The lagoon foreshore was previously zoned Recreation 3 (c). This Planning Proposal is now seeking to add Recreation back as a permissible use within foreshore areas, as has historically been the case and as reflected in current continuing recreation based land uses in this foreshore area.

Some of the mapping in this early town planning study was not entirely accurate or has not remained accurate overtime. Digital aerial imagery of LHI at 10-cm resolution was subsequently captured using Airborne Digital Sensor (ADS40 Digital Image Acquisition System, Leica Geosystems), and became available in January 2012.

Subsequent studies since this date have been able to access these higher resolution aerial images.

A subsequent Stage 2 LEP amendment may wish to incorporate further aerial studies and a comprehensive review of the LEP and historical provisions.

2.7 Royal Haskoning Coastal Processes Study 1994 and LHI Coastline Hazard Definition and Coastal Management Study 2014

Whilst it is not proposed to amend a foreshore building line or add significant new coastal management provisions, this study confirmed the LHI's exposure to significant ongoing coastal processes and as such it is considered sensible to clarify that the existing definition of 'Environment Protection Works' should include coastal protection work including beach nourishment and the like, which may be required from time to time to manage coastal processes.

2.8 Lord Howe Island Heritage Study 2012

Whilst additional specific heritage items are not proposed to be added to the LEP as part of this Stage I review, it is proposed to add a clause requiring consideration of the potential impacts of a development in the vicinity of a heritage item.

This 2012 Community Heritage Study contains a detailed investigation into both the cultural and physical heritage of the island and includes substantial historical background to the development of the island.

2.9 Lord Howe Island Act 1953

Lord Howe Island has its own Act of NSW Parliament. The Lord Howe Island Act 1953 established the LHI Board and set out the wide ranging powers, authorities, duties and functions of the Board.

The Lord Howard Island Act 1953 replaced the earlier appointed Board of Control and reserved all land on the island as the property of the Crown. On the recommendation of the Board, the Secretary of Lands provided direct descendants of those who had held permissive occupancies on LHI since 1913 with perpetual leases on blocks up to 5 acres, and short-term special leases were granted for pastoral and agricultural use. These could be fixed for a period not exceeding ten years, but could be extended on the recommendation of the Board.

The LHI's 2012 Community Heritage study states that:

"Perpetual leases came with conditions which prevented one person holding more than one lease and requiring the leaseholder to be a permanent resident of the Island. A leaseholder could only transfer his lease to a direct descendant on his death through the provision of a will or he could transfer it to outside interests through sale, but only if no islander expressed interest in it. This second clause was the cause of some friction in the community when properties were sold to mainlanders and created division between islanders and non-islanders. Eventually, legislation was enacted in an attempt to maintain the fragile balance between land tenure, the natural environment and the bureaucracy with the passing of the Lord Howe Island Amendment Act 1981. The Act now recognised all settlers who had resided on the island for a period of ten years, which failed to please the descendants of first settlers or those whose career and family situations required extended absences away from the island.

A further amendment to the Act in 2004 authorised the Board to regulate annual rental of perpetual and special leases every three years, subject to advice from the Valuer-General's Office and according to its financial position."

2.10 Lord Howe Island Regional Environmental Plan 1986 and 2005

Together with the 2005 amendments to the Regional Environmental Plan (REP) 1986, the REP was the key statutory planning instrument adopted for LHI and which controlled development within the settlement area, particularly around the central area of the island. The REP was prepared in accordance with the then requirements of the NSW Environmental Planning and Assessment Act 1979. The REP was then subsequently replaced by the Lord Howe Island Local Environmental Plan 2010.

Relevant to this Planning Proposal, it is evident that the 1986 and 2005 REP permitted boatsheds, clubs and recreation areas on LHI within the foreshore area. Clause 14 of the REP 2005 contained the following Recreation zone objectives:

Clause 14 Zone 6 Recreation

(1) The objectives of Zone 6 Recreation are as follows:

- (a) to set aside land for open space,*
- (b) to provide opportunities for the passive and active enjoyment of open space areas,*
- (c) to provide utility services that are essential to the community's needs in a manner that is in sympathy with the World Heritage values of the natural environment of the Island.*

(2) Except as otherwise provided by this plan, development for the purposes of vegetation restoration may be carried out on land within Zone 6 Recreation without the consent of the consent authority.

*(3) Except as otherwise provided by this plan, demolition and **development for the purposes of any of the following may be carried out on land within Zone 6 Recreation only with the consent of the consent authority:***

- (a) boatsheds,***
- (b) clubs,***
- (c) public utility installations,*
- (d) public utility undertakings,*
- (e) recreation areas,***
- (f) roads,*
- (g) telecommunications facilities.*

(4) Except as otherwise provided by this plan, development is prohibited on land within Zone 6 Recreation unless it may be carried out under subclause (2) or (3).

This Planning Proposal's LEP amendment to permit recreation uses within the foreshore is therefore consistent with historical land use activity within the foreshore area. Issues have been identified in respect of more recent development applications for the LHI Golf Club and Aquatic Club, various Boatsheds and the existing children's playground, all of which are now located within Zone 7 – Environment Protection.

2.11 Lord Howe Island Local Environmental Plan 2010

LHI is a unique world heritage listed island. Non-Standard Planning controls have been carefully crafted to ensure retention of native vegetation, landscape quality and the dispersed pattern of settlement, including commercial uses. The LHI LEP 2010 does not follow the NSW Government's Standard LEP Template and it also contains an unusual and specific provision at Clause 8 (2) regarding application of State Environmental Planning Policies (SEPP's) to LHI:

“(2) A state environment planning policy (other than SEPP (Building Sustainability Index: BASIX 2004) made before this Plan takes effect does not apply to the land to which this Plan applies.”

The current LEP goes on to provide at Clause 8 (3) and (4) that:

“(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.

(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.”

In particular it is noted that the Coastal Management SEPP 2018 and the Exempt and Complying Codes SEPP 2008 do not apply to LHI.

The LEP contains a list of exempt provisions at Schedule 1, some of which are specifically addressed in this Planning Proposal, covering such works as advertisements, internal and external building works, bird aviaries, cabanas, ramps, satellite dishes, shade structures.

The land use zones adopted for the island under the LHI LEP 2010 are:

Zone 1 Rural—coloured light brown and edged in black

Zone 2 Settlement—coloured pink and edged in black

Zone 5 Special Uses—coloured yellow and edged in black

Zone 6 Recreation—coloured light green and edged in black

Zone 7 Environment Protection—coloured orange and edged in black

Zone 8 Permanent Park Preserve—coloured dark green and edged in black

Zone 9 Marine Park—coloured light blue and edged in black

A zone extract of the LEP map is included on the following pages.

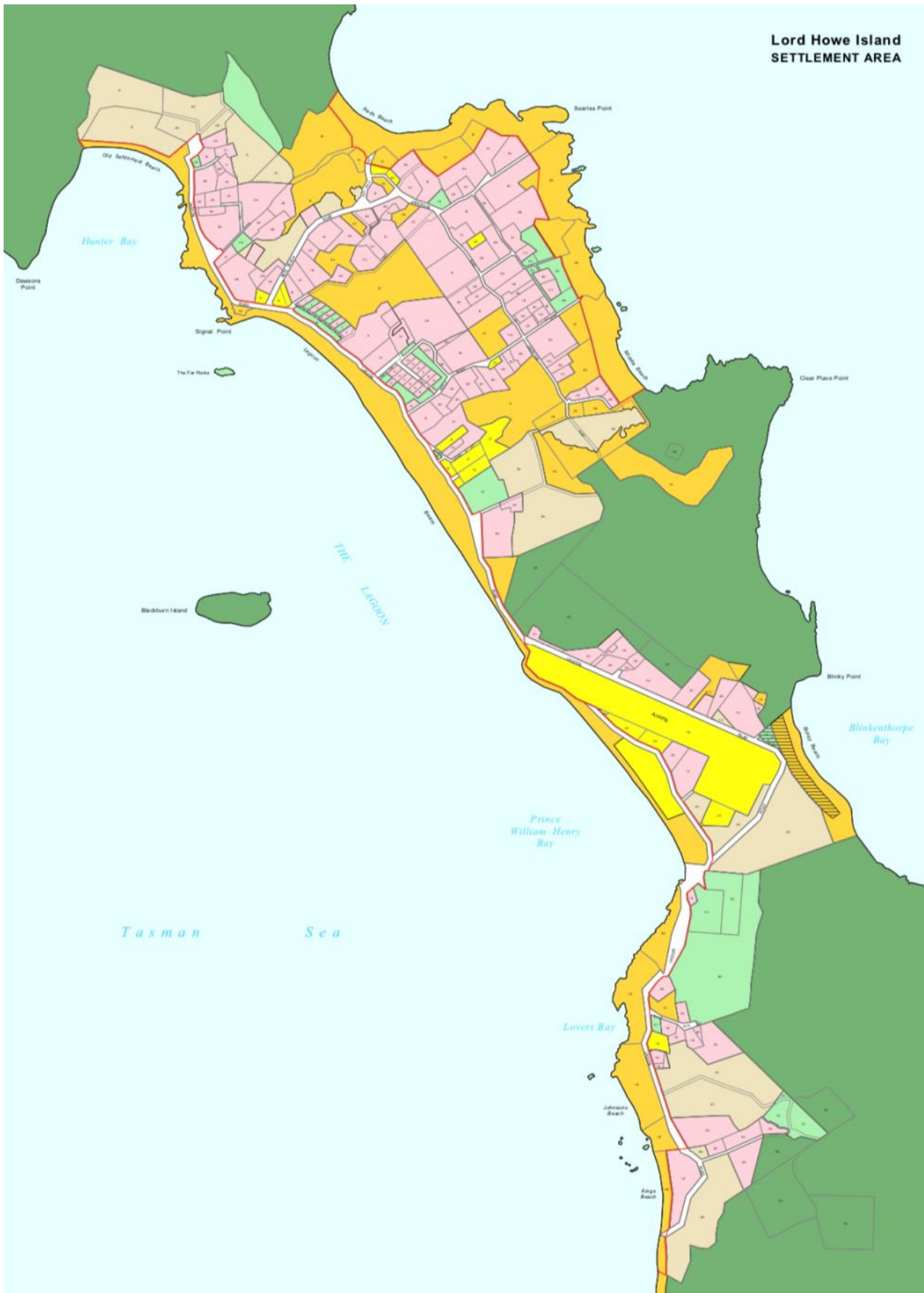
The density and landscaped character of development on LHI is predominantly controlled by Clause 22 of the LEP, which provides that any existing or proposed buildings related to tourist accommodation, staff accommodation and commercial premises on an allotment is not to exceed 15% of the balance of the area of

the allotment remaining after the minimum dwelling area is deducted from the total area of the allotment. Minimum dwelling area is 3,000 m² for a proposed or existing dwelling, or 2,500m² per dwelling in the case of a dual occupancy or multiple dwellings (refer Clause 20 for definitions).

Clause 26 of the LHI LEP 2010 contains an upper limit on the number of new dwellings that can be approved for LHI up to the 28th October 2025, being a total of 25 new dwellings. A dwellings allocation policy has traditionally been relied on by the LHIB to allocate new dwellings to interested parties.

Regarding the number of new dwellings limit in the LEP, the LHI 2012 Community Based Heritage Study noted that: *“In an effort to overcome the problem of insufficient land for the numbers of eligible residents, the Board has struggled for a compromise despite the constraints imposed by planning instruments, the environmental protection of the island and the sustainability of the fragile ecosystem in response to increased pressure on resources. There are currently (in 2012) around 122 leases on Lord Howe Island, of which 83 are occupied by those with lineal descent, 25 by other islanders and non-islanders resident less than 10 years and 14 homes occupied by Government employees...the Board created sufficient land to create 25 new leases. These are to be offered through a ballot process up to the year 2025 but there is no guarantee of a successful outcome for the children of leaseholders. To this day, the machinations of land tenure on Lord Howe Island continue to divide the community.”*

Sheet 3 of the LEP map, being the significant native vegetation map, is another critical town planning control for the island, see map over page. It is prohibited to remove any mapped significant native vegetation on LHI.



Lord Howe Island LEP 2010 Sheet 2 Existing Zoning Plan Extract



Lord Howe Island LEP 2010 Sheet 3 Existing Significant Vegetation Map Extract

Schedule 2 of the LEP contains the current list of heritage items.

Clauses 38, 39 and 40 of the LEP contain the key current heritage provisions related to listed heritage items.

The LHIB is not proposing to add to the current list of identified heritage items in this Stage 1 LEP Review. The items recommended in the 2012 Heritage Study will be considered for inclusion in the Stage 2 Comprehensive LEP Review.

2.12 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 for certain development applications on LHI.

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 (being for listed heritage items).

Referral of applications involving heritage items is therefore required to the NSW Heritage Division.

2.13 Environmental Planning & Assessment Act 1979

The Lord Howe Island Board (LHIB), in accordance with Section 3.32 of the Environmental Planning and Assessment Act 1979, is considered to be the 'planning proposal authority' in respect of the proposed revised planning instrument.

The proposed instrument (LEP) is to apply to an area that is not within a local government area.

3.0 The Planning Proposal

Various relatively minor amendments to the existing provisions of the LHI LEP 2010 are proposed, being:

ISSUE No.	Description
1.	Deletion of the current dual occupancy restriction related to occupation by family members
2.	Modification of the reference to the LHI Vegetation Rehabilitation Plan to enable consideration of future plan revisions
3.	Add a new clause requiring consideration of impacts of development that is in the vicinity of a heritage item
4.	Make amendments related to definitions and associated LEP zoning provisions
5.	Amend the exempt development provisions for roof mounted solar energy systems and fowl and poultry houses
6.	Add Recreation Area and Boatsheds as permissible uses in the Zone 7 – Environment Protection and associated LEP references and boatshed definition modification
7.	Site 1 - rezoning amendment and associated map change
8.	Site 2 - rezoning amendment and associated map change
9.	Site 3 - rezoning amendment and associated map change
10.	Site 4 - rezoning amendment and associated map change
11.	Site 5 - rezoning amendment and associated map change
12.	Site 6 - rezoning amendment and associated map change
13.	Site 7 - rezoning amendment and associated map change
14.	Site 8 – Add Schedule 4 – additional permitted use and associated map change

Each of the above 14 planning issues are addressed in turn in Sections 3.1 to Section 3.14 following.

The aerial map following shows the location of the 8 proposed site specific amendments.

This Planning Proposal identifies eight (8) sites to be rezoned as above. The sites are identified below.



Above: Map showing the location of the 8 proposed rezoning sites on the island

3.1 Issue 1 - Occupancy of dual occupancy dwellings by non-family members

Clause 24(1)(c) of LEP 2010 requires that a new dual occupancy dwelling is occupied by the “*children, siblings, parents, grandparents or grandchildren of those proposing to reside in the existing dwelling*”. It is proposed that the existing clause 24(1)(c) be deleted from LEP 2010.

The removal of this restriction is consistent with the Handley Review recommendations and will increase housing opportunities on the island. Under this Planning Proposal both existing and any new approved dual occupancies could become dwellings for any Islanders, children or relatives of Islanders, or others at the discretion of the property owner.

The removal of the occupancy control in the LEP 2010 is a clear recommendation of the Handley LHI Review, which findings were released in 2015 and which is has also been actively supported by the LHIB. The Handley Review is discussed in more detail at Section 2 (Part 2.1.2) of this Planning Proposal.

Both the LHIB and Islanders are committed to implementing key agreed recommendations from the Handley Review and removal of the current LEP restriction for dual occupancies is one of these agreed improvements.

3.2 Issue 2 - Vegetation Restoration – Clause 31

Clause 31 of LEP 2010 requires vegetation restoration to be carried out in accordance with the Lord Howe Island Board Vegetation Rehabilitation Plan, as adopted by the Board in March 2003.

The Board is currently reviewing this document and it is proposed to remove reference to the March 2003 date.

This amendment will ensure that the Board does not need to update the LEP every time it reviews its Vegetation Rehabilitation Plan.

3.3 Issue 3 – Development in vicinity of a Heritage Item

Currently Division 3 (Clauses 39 - 40) of LEP 2010 provides controls for development, including subdivision, on the land which contains a heritage item. However, the impact of development on a heritage item is not a formal matter for consideration.

A new clause under Division 3 of the Lord Howe Island LEP 2010 is proposed to be introduced to:

- *Require the consent authority to consider the impact of a proposed development on any heritage items in the vicinity of the proposed development.*
- *The provision does not need to specify the extent of “vicinity”.*

The provision should not require a Heritage Management document as this is considered to be too onerous for the Island Community.

A complimentary DCP provision is not required.

The LHI Board commissioned a comprehensive Community based Heritage Study by Musescape Pty Ltd in 2012 which will continue to inform assessment of heritage items. Additionally, conservation management plans have been prepared for key heritage items such as the Lagoon Boatsheds and which will also continue to inform heritage assessment and decision making on the Island.

Delegation from the Minister/Heritage Office are in place and this proposed amendment will not impact on those delegations.

3.4 Issue 4 – Add or Amend Dictionary Definition of Terms

The following amendments and additions to existing definitions are proposed for the LEP 2010:

- **Part A. Amend Definitions**

Home Business to permit a maximum 2 employees and to insert a new provision (d), being:

Under Dictionary - **Home Business**

(d) the home business does not interfere with local amenity or environmental quality.

The proposed additional provision (d) above is desired to protect the island from home businesses that may otherwise erode local amenity or environmental quality.

Environment Protection Works specifically include reference to Coastal Protection Works, including beach nourishment, by:

- Add 'Coastal Protection works undertaken by the Board' to Clause 10(1) as a form of development that does not require consent.
- Amend the Clause 10(3) definition of Part C to add the Coastal Management Act 2016 definition of coastal protection works being:

coastal protection works means:

- (a) beach nourishment activities or works, and
- (b) activities or works to reduce the impact of coastal hazards on land adjacent to tidal waters, including (but not limited to) seawalls, revetments and groynes.

Under the current Clause 10(3) **environmental protection works** are defined as any works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes vegetation restoration work, wetland protection works, erosion protection works, dune protection works and the like.

- **Part B. Insert two new Dictionary Definitions, being:**

Under Dictionary – Centre Based Child Care Facility

Adopting the Standard Instrument LEP definition.

centre-based child care facility means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),

Note. An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) is provided. but does not include:

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Under Dictionary – Home Based Child Care Centre

Adopting the Standard Instrument LEP definition.

Home Based Child Care Centre

Means:

- (a) a family day care residence (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or

Note. A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the [Children \(Education and Care Services\) National Law \(NSW\)](#).

- (b) a dwelling used for the purposes of a home based education and care service (within the meaning of the [Children \(Education and Care Services\) Supplementary Provisions Act 2011](#)), at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of

whom are children who do not ordinarily attend school.

- **Part C. Child Care Centres.**

- i. Permit Centre Based Child Care Centre in Zone 5 – Special Uses by amendment of Clause 15 (3), by adding new use (p) Centre Based Child Care Facility

It is appropriate that centre based child care facilities be permitted with consent in Zone 5 Special uses. Zone 5 is a closed zone. Other permissible land uses are similar to child care centres.

The reasons for the above amendments are:

- To increase to 2, the number of staff able to be employed in association with a Home business, whilst protecting residential amenity and environmental quality.
- Ensure all kinds of coastal protection works can reasonably be undertaken pursuant to Clause 10(3) of the LHI LEP 2010 and to permit the LHIB to undertake coastal protection works as exempt development.
- Provide new provisions related to both Home Based and Centre Based Child Care.

3.5 Issue 5 – Add 2 Additional Exempt Development Items

Schedule I of the LHI LEP 2010 identifies Exempt Development.

Through assessment of various development applications the Board has identified the following additional types of development which it considers is appropriate to include as Exempt Development:

- Roof mounted solar energy systems
- Foul and poultry houses

Roof mounted solar energy systems

The Board has adopted a target that 80 percent of the Island's power is to come from renewable sources (solar and wind) by 2019. As well as demonstrating in a practical way the Island's commitment to protecting the environment, achieving this target will significantly reduce the island's reliance on diesel fuel for power. It is anticipated that including solar energy systems as exempt development will promote the uptake of energy efficient systems.

It is desired to allow solar energy systems that form part of the LHIB's 'Renewable Energy Road Map' to be listed as exempt development under Schedule I of the LEP. Any exemption for such systems will need to ensure the proposed systems do not result in adverse visual impacts on the island's high quality landscape and visual amenity and are consistent with the island's technical requirements for solar systems.

No roof mounted solar energy system should be allowed to project at any point past the edge of any roof it is mounted on neither should roof mounted solar systems be permitted to change the vertical pitch of the roof, by more than 0.5m above the existing roof, as measured from the point of the attachment.

Additionally, exempt roof mounted solar energy systems are not to be permitted on any Schedule 2 listed heritage item.

Under SEPP (Infrastructure) 2007, which does not apply to Lord Howe Island, roof mounted solar energy systems are exempt from development approval, being listed in Part 3, Division 4, Clause 39 (3) of the SEPP of that instrument.

It is proposed to use permit roof mounted solar energy systems as exempt development, as defined in the SEPP, but with the exceptions of Part 3, Division 4, Clause 39 (3) (a) (e), (f) (ii), (f) ((iii) A, part (f) ((iii) B, (f)(iv) and (f)(v). The reasons for not adopting some of the SEPP provisions are that no roof overhang/protrusions are considered appropriate on Lord Howe Island, due to world heritage listing and to maintain the overall aesthetic and environmental quality of the island's built form.

Fowl and Poultry Houses

Whilst “bird aviary” is included as exempt development in Schedule 1 of LEP 2010, it is not clear that this includes chicken or poultry pens.

“Fowl and poultry houses” are included as an exempt development in SEPP (Exempt and Complying Development Codes) 2008 which does not apply to Lord Howe Island.

It is proposed to add the separate term “Fowl and poultry houses” to the Schedule 1 Exempt Development list.

LHIB approval is required to bring (import) poultry and birds to LHI under clause 62 (2) of the *Lord Howe Island Regulation 2014* (LHI Regulation). The LHIB has an Avian Importation Policy 2011 that must be complied with as a separate matter to the provisions of the LEP 2010.

The LHIB’s policy requirements for poultry include:

- Approval to import and keep poultry on LHI will be subject to the owner of the poultry ensuring that this policy is complied with.
- A failure to comply with the policy will be deemed to be a breach of the conditions of the approval to import and keep poultry and may, at the discretion of the LHIB, result in approval to keep poultry on LHI being withdrawn.
- Only day old chicks and fertile eggs purchased from (NSW Department of Primary Industry) certified disease free properties will be approved for importation to LHI.
- Under clause 65 of the LHI Regulation a person who is granted approval to import poultry to LHI must not keep any poultry that the person owns other than on the land that the person lawfully occupies under the *Lord Howe Island Act 1953* (LHI Act 1953).
- Where approval is granted to import poultry to LHI the importer, under Section 65 (b) of the LHI Regulation must not permit any such poultry to stray from the land the person lawfully occupies under the LHI Act 1953.
- Poultry must be of a species approved by the LHIB. The following breeds have an on-going approval for importation: a) Chicken b) Turkey
- Poultry must be securely penned. Turkeys must be penned at all times with no free-ranging permitted.

Given the LHIB’s strict control over the number of poultry on the island through the LHI Regulation and their Avian Policy, it is not considered necessary to restrict the number of poultry as part of an exempt provision.

It is however considered sensible to adopt the same restrictions on Fowl and Poultry houses as bird aviaries, being:

- (a) Must be erected on land within Zone 1 Rural or Zone 2 Settlement.
- (b) Maximum area of 10 square metres.
- (c) Maximum height of 2.4 metres.
- (d) Must not be erected in any location visible at street level.
- (e) No more than one of each per allotment.
- (f) No internal plumbing.
- (g) Roof water must be disposed of without causing nuisance to adjoining premises.
- (h) Must not be used for dwelling or for commercial premises.

3.6 Issue 6 – Add Recreation Area and Boatsheds as a Permissible Use under Clause 17(3) and Modify the definition of Boatshed to include community and private uses

It is proposed to insert Recreation Area and Boatsheds as new uses permitted only with consent under Clause 17(3) in the Environment Protection zone, to better reflect both existing and desired future recreation and water based land uses and activities.

(3) (i) Recreation Area

(3) (j) Boatsheds

It is also proposed to modify the definition of Boatshed under the LHI LEP 2010 to include community and private uses, to reflect the existing range of boatshed uses on the island. The current definition of boatshed is:

boatshed means a building or place used for marine-based commercial uses and the maintenance and storage of boats and related materials, but that is not intended for, nor capable of, habitation.

Zone 7 – Environment Protection extends along the Unidentified Crown Land Reserve No.12, Lagoon Road, Lord Howe Island, being the lagoon foreshore. The island's western side foreshore Environmental Protection zoned land includes part of a golf course, a children's playground and public toilets, a community aquatic club boatshed, which has been granted a permissive occupancy by the LHIB, as well as heritage listed boatsheds along the lagoon foreshore spread between the aquatic club and the foreshore immediately adjacent to the intersection of Neds Beach Rd and Lagoon Rd.

LHI's group of functional boatsheds within the Lagoon Foreshore demonstrates the historic and current reliance of Lord Howe Islanders on water transport and water based commercial and non-commercial land uses. This significance is recognised by the heritage listing of the current boatsheds that are spread along the western side Lagoon foreshore off Lagoon Road. There is also a non-heritage listed shed housing snorkelling gear for hire via an honesty box system on the eastern side of the island at Neds Beach, at the eastern end of Neds Beach Road. And a community based Aquatic Club boatshed on the Lagoon side foreshore.

A number of these boatsheds collectively have an ongoing functional tourist/commercial marine based tourism use and enable islanders to offer activities to tourists such as boat tours, fishing charters, snorkelling and diving expeditions. Other existing boat sheds are of personal value for non-commercial uses to islander families and/or for communal uses. These boatsheds are technically a non-conforming land use in the Environmental Protection zone, since the rezoning of the foreshore of the island from Recreation to Environmental Protection.

LHI's foreshore based Environmental Protection Zone has historically been used for various recreation purposes, both commercially, on a communal basis and privately. It is proposed to add recreation area and boatsheds as additional permitted uses within Zone 7 of the LHI LEP 2010 to address the issue of current non-conforming uses within these areas, for example, the existing Playground fronting Lagoon Road, and that part of the Golf Course positioned on the western side of Lagoon Road.

Adding these uses is preferred over the alternative of pursuing a rezoning of the entire lagoon foreshore to Zone 6 - Recreation and has the additional benefit of not permitting other uses within a Recreation zone that may not be suitable within the foreshore areas.

Modifying the definition of boatshed to include community based and private use will also resolve existing non-conforming uses with the current boatshed definition., which only contemplates commercial marine based uses.

Any new recreation areas and boatsheds will require LHIB consent and assessment of the relevant issues prior to determination. The proposed amendments will also ensure that any new proposal for development on the foreshore land would be assessed against the 'Environment Protection' zone objectives, which are the more onerous environmental protections.

Section 19 of the Lord Howe Island Act 1953 allows the Minister on the recommendation of the LHIB to reserve or dedicate crown lands in such manner as may seem best for the public interest, for any public purpose. The LHIB has confirmed that the land west of the foreshore building line of the Lagoon Reserve has been previously reserved for recreation purposes pursuant to this clause. This rezoning proposal is consistent with this provision of the LHI Act 1953.

Lord Howe Island has a Foreshore Building Line as an additional foreshore planning control. The Foreshore Building Line runs along the eastern side of Lagoon Road (which is on the western side of the island) from Kings Beach in the southern part of the island up to Old Settlement Beach in the north and also along the eastern side of the island from Middle Beach north to Neds Beach.

Clause 35 (1) of the LHI LEP 2010 prohibits development in the foreshore area, unless the development meets the requirements of Clause 35 of LEP 2010:

- (a) The proposed development is in the public interest and does not significantly reduce public access to the foreshore, and*
- (b) The bulk and scale of the proposed development will not detract from the visual amenity of the foreshore area, and*
- (c) the proposed development addresses any need to restore lost or disturbed plants that are native to the Island, particularly if restoring those plants may enhance visual amenity, and*

- (d) *There is a demonstrated Island community-based, or marine-based, business need for it, and*
- (e) *The proposed development will not be adversely affected by, or adversely affect, coastal processes, and*
- (f) *In the case of proposed development involving the erection of a structure—the purpose of that structure could not practicably be fulfilled by an existing structure, and*
- (g) *In the case of development proposed to be carried out on land that is also within Zone 9 Marine Park—the proposed development is not inconsistent with any advice about the development that is provided to the consent authority by the Marine Parks Authority.*



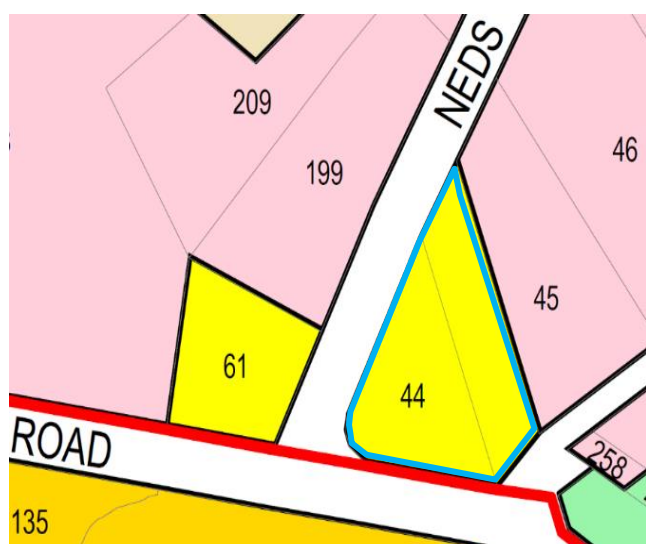
Existing Commercially Used Boatsheds



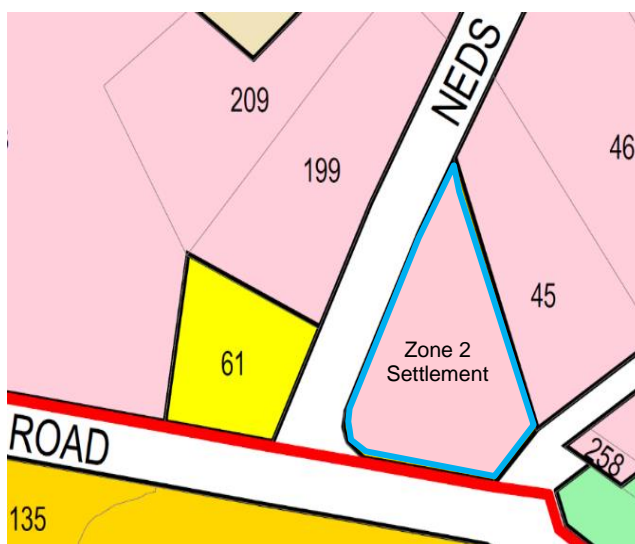
Existing privately used Boatsheds

3.7 Issue 7 - Site 1: Rezone from 5 - Special Uses to 2 -Settlement zone

Property Description	Lot 44 in DP 757515 and Part Ned's Beach Road and Lagoon Road Crown Road Reserve
Site Area	2,240m ² – being Portion 44 excluding the adjacent unformed crown road
Current Use	Commercial uses under lease with the LHIB including LHI Co-operative, Beach Boutique, Post Office, Marine Parks Office and possible other commercial use. Until recently part of the site was also used to generate electricity by way of a diesel generated Powerhouse, in a timber building, now demolished.
Current Zone	5 – Special Uses
Proposed Zone	2 – Settlement
Reason	To reflect current use (not being public utility undertakings) and to provide for the maximum use of the site



Current 5 Special Uses zoning map
(site shown outlined in blue)



Proposed 2 Settlement zoning map
(site shown outlined in blue)

The Settlement zone on LHI is the primary zone for commercial, retail and residential uses on the island.

Whilst the subject site has in the past been used to accommodate a noisy diesel generated power station, those times are now thankfully past and new opportunities are being pursued for the site, all of which rely on a rezoning to permit commercial and retail uses, including within the powerhouse electrical workshops which premises are intended for an adaptive re-use.

In September 2014, the Board adopted a preferred concept plan for the precinct at the intersection of Lagoon Rd and Anderson Rd including the area occupied by the former powerhouse and electrical workshop building.

This involved the demolition and remediation of the powerhouse building, relocation of the transformer, creation of a landscaped open space and the relocation of the Post Office to the former electrical workshop building. This rezoning reflects the outcomes of that planning process and the LHIB's motivation to see this area continue to be developed as an attractive, vibrant community, commercial and retail island hub.

The only other commercial spaces on the island are the LHIB owned commercial premises, for example Thompson Store and Surf Shop, fronting Neds Beach Road, Joys Shop fronting Middle Beach Road, the Top Shop off Muttonbird Drive and the LHIB Liquor Store fronting Bowker Avenue, which is part of the LHIB office administration area.

The proposed reduction in Special Use land is needed in order to facilitate Community and Board expectations for the subject site.

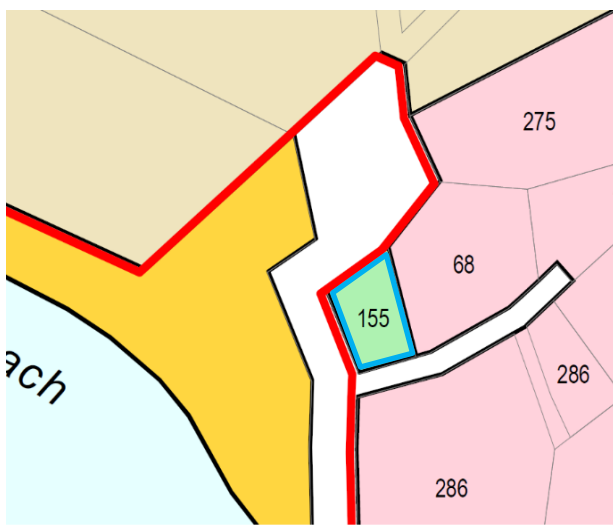
Whilst the proposed recreation component of the site would suit a recreation zoning, a recreation zoning will not suit the other existing and desired uses for the site, which are retail and commercial in nature. ie Australia Post's relocation to the electrical workshop building on site and an adaptive re-use of the existing post office site. Therefore, an overall change to Zone 2 Settlement is preferred.



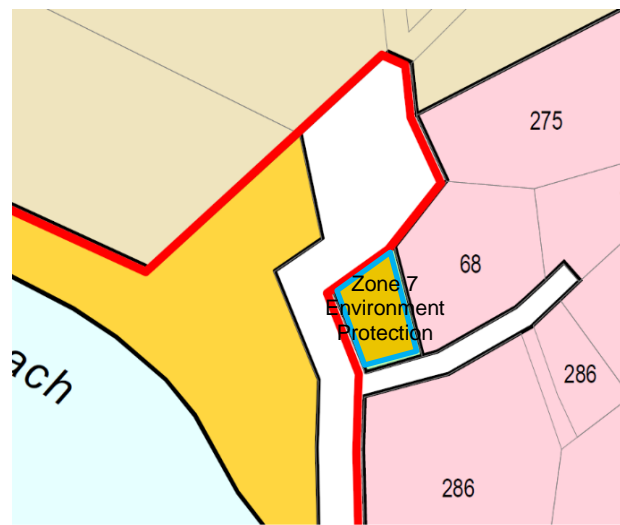
View of LHI Lagoon from vicinity of Lot 44

3.8 Issue 8 - Site 2 - Rezone from 6 – Recreation to 7 – Environment Protection

Property Description	Lot 155 in DP 757515
Site Area	1,125m ²
Current Use	Vacant Crown Land, access for Milky Way Apartments
Current Zone	6 – Recreation
Proposed Zone	7 – Environmental Protection
Reason	To reflect current use



Current 6 Recreation Zoning map
(site shown in blue)



Proposed 7 Environment Protection zoning map
(site shown in blue)

This site contains predominately native vegetation with the exception of a mature Norfolk Island Pine and the existing formed road, which is permitted within the proposed Zone 7 – Environmental Protection.

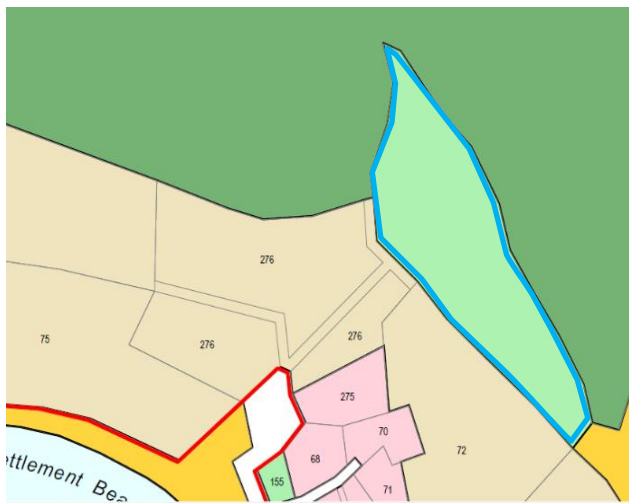
The subject site is not used as recreational land. The site is heavily vegetated and comprises predominantly significant native vegetation apart from the existing formed road. For ease of mapping it is proposed to rezone the whole lot Zone 7 – Environment Protection, rather than delineate a proposed unzoned portion for the existing road. Roads are permitted within Zone 7.



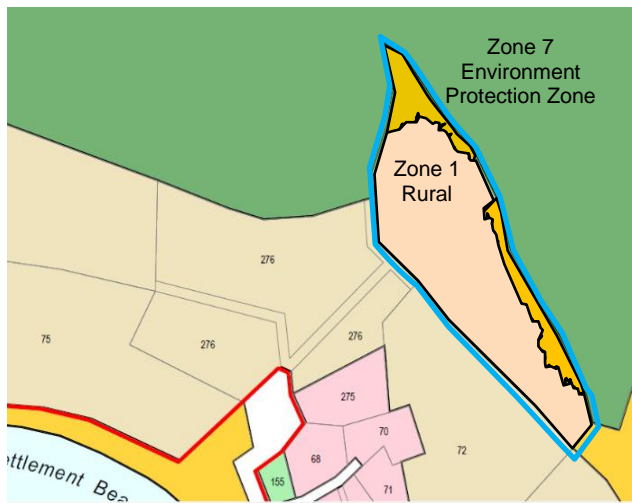
Existing Aerial of site 2

3.9 Issue 9 - Site 3: Rezone from 6 – Recreation to Part 7 – Environment Protection and Part 1 – Rural

Property Description	Part Lot 66 in DP 757515
Site Area	6,300m ²
Current Use	Environmental plantings and grazing
Current Zone	6 – Recreation
Proposed Zone	Part Zone 7 – Environment Protection (northern section) & Part Zone 1 - Rural (remainder)
Reason	To reflect current and ongoing uses, consistent with immediately adjoining land



Current 6 Recreation site zoning
(site outlined in blue)



Proposed part 7 Environment Protection and 1 Rural zoning
map (site shown outlined in blue)

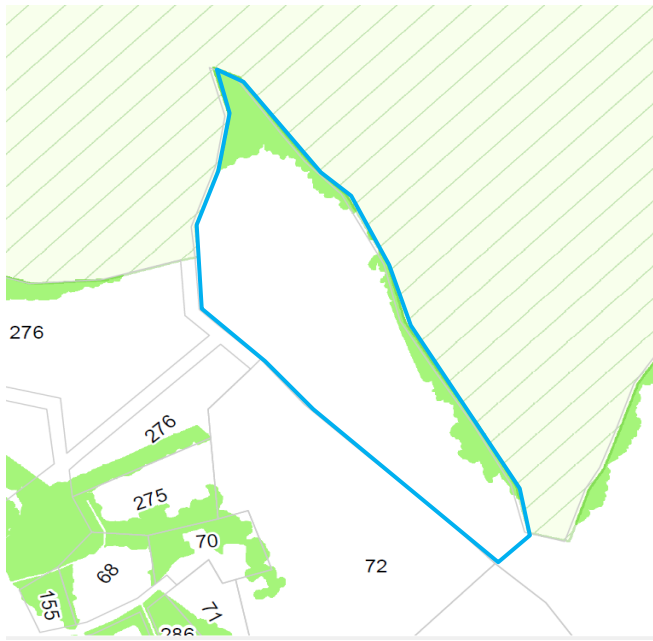
The northern part of the site is identified as a priority site for native revegetation works as it is immediately adjacent to the LHI Permanent Park Preserve and provides core nesting habitat for the threatened sooty tern. The southern part of the site is used for grazing and which is valuable as a continuing rural land use.



Above: View of subject site, showing forest edge and existing rural grazing land in the central northern section of the island, near Milky Way Apartments

As evidenced in the above photo, the site has never been utilised for recreation purposes, being a valuable ecological and rural resource.

The proposed Zone 7 boundary for the Environmental Protection zone is the existing updated significant native vegetation map for the site.



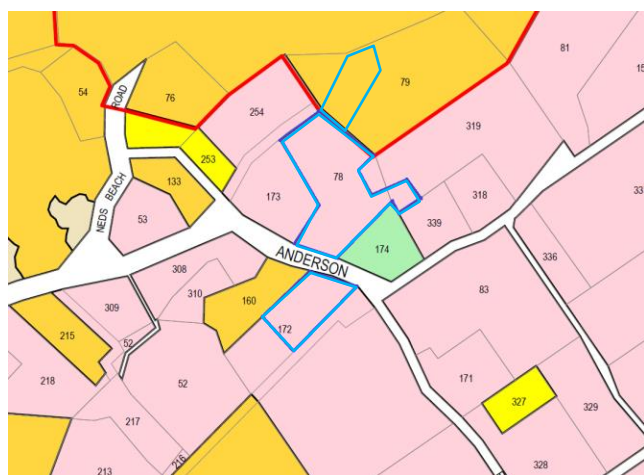
Existing LHI LEP 2010 Significant Native Vegetation (SNV) Mapping extract for site 3



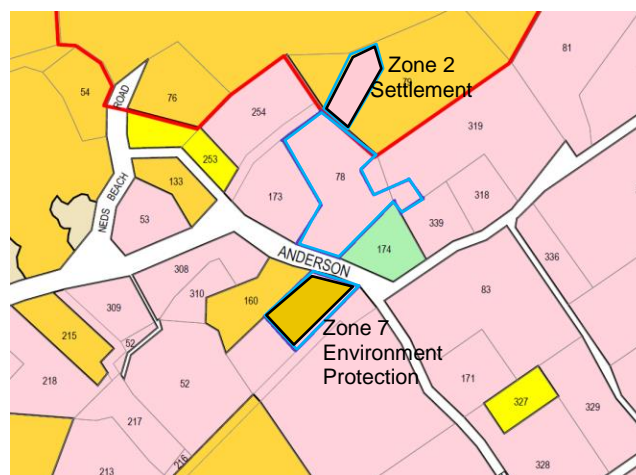
Existing aerial of site 3

3.10 Issue 10 – Site 4: Owen’s Land Swap

Property Description	Part Lot 10 in DP 1202580 and Part Lot 79 in DP 757515
Site Area	Approximately 3,000m ² (Part Lot 79 in DP 757515) 3,162m ² (Part Lot 10 in DP 1202580)
Current Use	Environmental plantings and garden (Part Lot 79 in DP 757515) and mapped significant native vegetation (Part Lot 10 in DP 1202580)
Current Zone	2 – Settlement (Part Lot 10 in DP 1202580) 7 – Environmental Protection (Part Lot 79 in DP 757515)
Proposed Zone	7 – Environmental Protection (Part Lot 10 in DP 1202580) 2 – Settlement (Part Lot 79 in DP 757515)
Reason	To reflect terms of proposed land swap with Owens, as per Resolution of the LHIB in November 2017 and to conserve high value mapped significant native vegetation



Current 2 Settlement and 7 Environment Protection site zoning (site outlined in blue)



Proposed 2 Settlement and 7 Environment Protection site zoning (site outlined in blue)

At the November 2017 LHIB meeting it was resolved to undertake a land swap with islander Diane Owens to achieve the conservation of a significant parcel of land comprising high quality mapped significant native vegetation.

The proposed rezoning for Site 4 involves two lots, being:

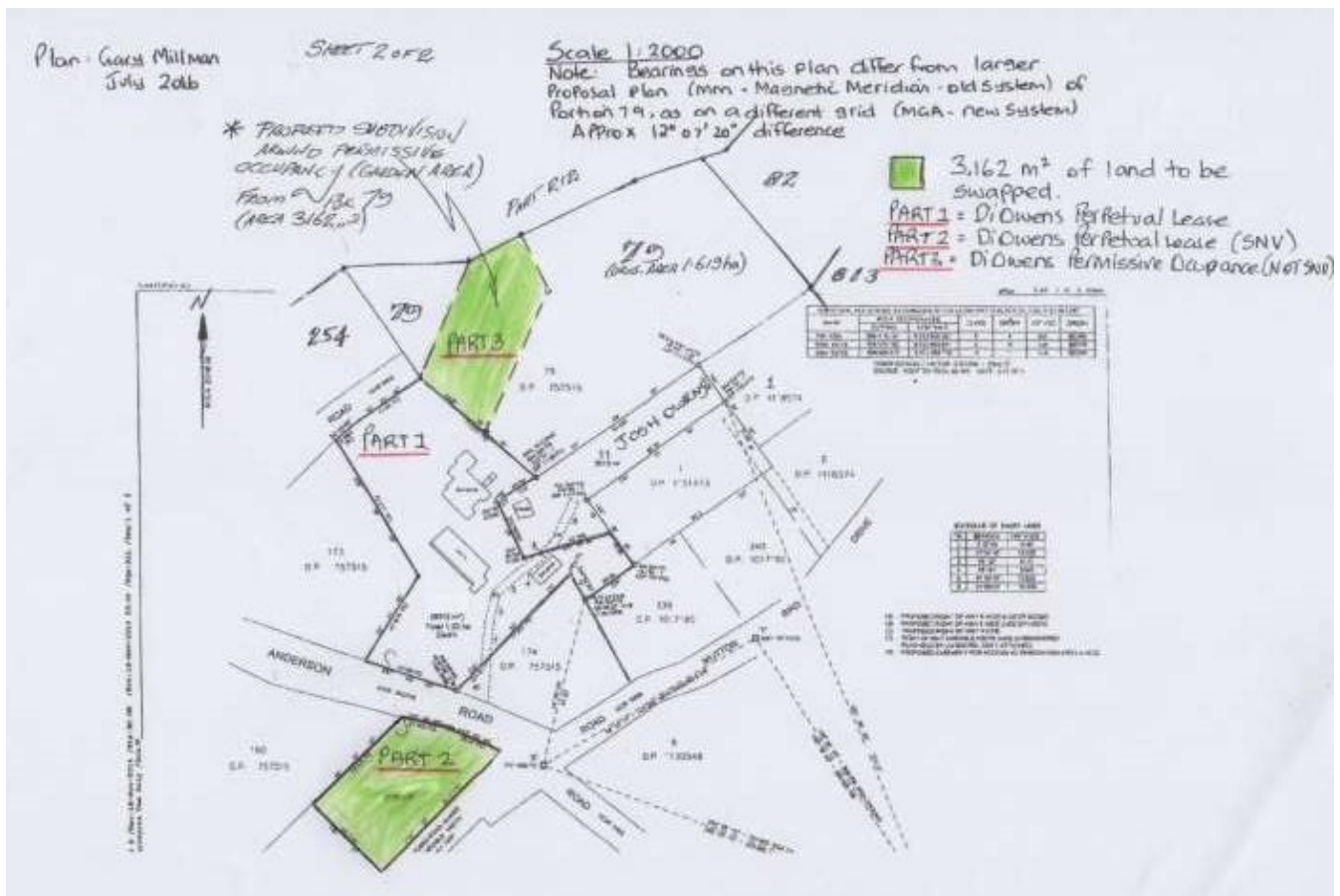
- Lot 1 in DP 1202580, currently zoned Settlement and proposed zone Environment Protection
- Part Lot 79 in DP 757515, currently zoned Environment Protection and proposed zone Settlement

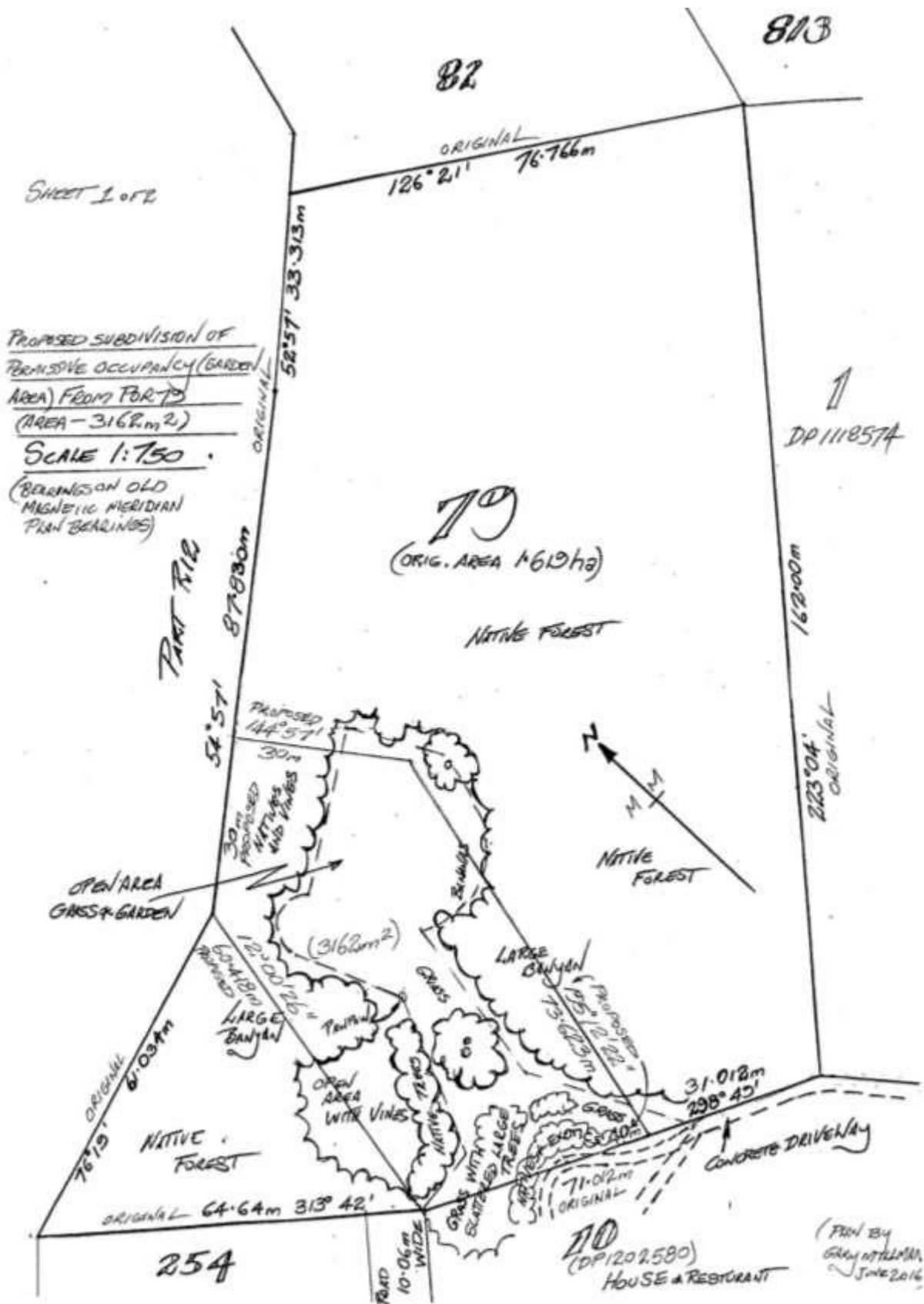
Lot 1 is mapped 100% Significant Native Vegetation (SNV) under the LHI LEP 2010 and is physically separated from the bulk of Mrs Owens' Perpetual lease by Anderson Road. While the area's zoning could permit development, environmental constraints preclude any form of building on this lot.

The majority of Lot (portion) 79 is mapped SNV under the LEP. The zoning of portion 79 precludes use of the area for residential or commercial purposes, however the physical characteristics of the cleared garden area on this site would not preclude consideration of building development if that part of portion 79 were appropriately zoned.

At the November 2017 Board meeting it was resolved that:

1. The Board support Mrs Owens' "Proposal 1" involving rezoning of approximately 3,000 sqm of her current Permissive Occupancy (Garden) area, part portion 79, and exchange of the rezoned area for Part 10, DPI202580 with subsequent rezoning of Part 10,
3. The Board include "Proposal 1" in the draft Planning Proposal for phase I review of the Lord Howe Island Local Environment Plan 2014 currently under discussion with the Department of Planning and Environment, and
4. In implementing Proposal 1, steps be taken to ensure that sufficient land is kept available to meet the future needs of the Lord Howe Island Walking Track Strategy.



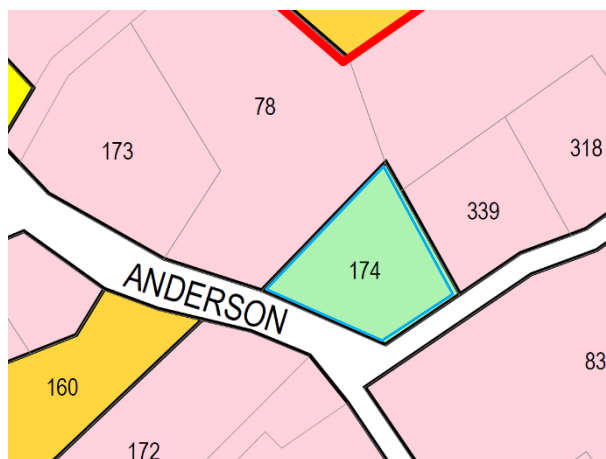




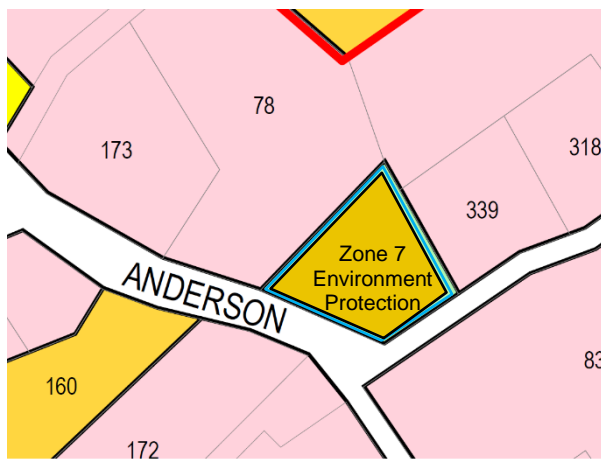
Existing aerial of Site 4 with site highlighted in blue

3.11 Issue 11 - Site 5: Rezone from 6 – Recreation to Part 7 – Environment Protection

Property Description	Lot 174 in DP 757515
Site Area	3,457m ²
Current Use	Vacant Crown Land with easement of variable width for access to Lot 10 DPI202580 (Lorhiti Apartments)
Current Zone	6 – Recreation
Proposed Zone	7 – Environmental Protection
Reason	To appropriately protect this important threatened species habitat



Current 6 Recreation zoning
(site outlined in blue)



Proposed 7 Environmental Protection
(site outlined in blue)

The site is identified as core Flesh-footed Shearwater and LHI Placostylus habitat. The entire allotment is mapped as significant native vegetation under the LHI Local Environmental Plan 2010. The entire site is therefore proposed to be zoned Environmental Protection. It is the view of the LHIB that the site has never been used for any recreation purpose.

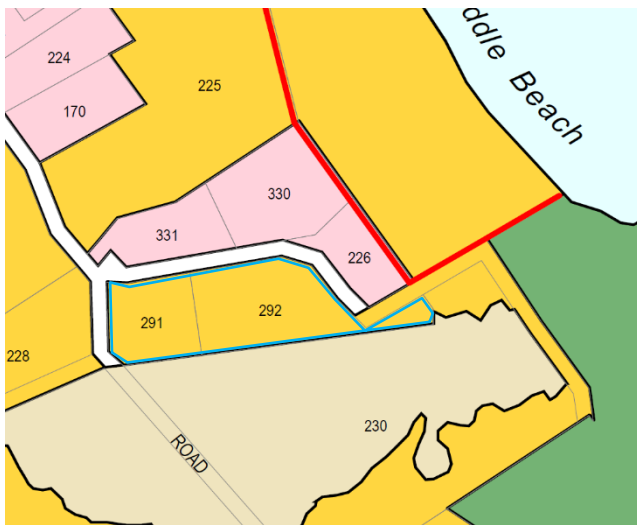
There is a disused road reserve on the site but this is not required for access to the adjacent Lorhiti tourist accommodation. Access to Lorhiti is from the established existing crossover point to Anderson Road.



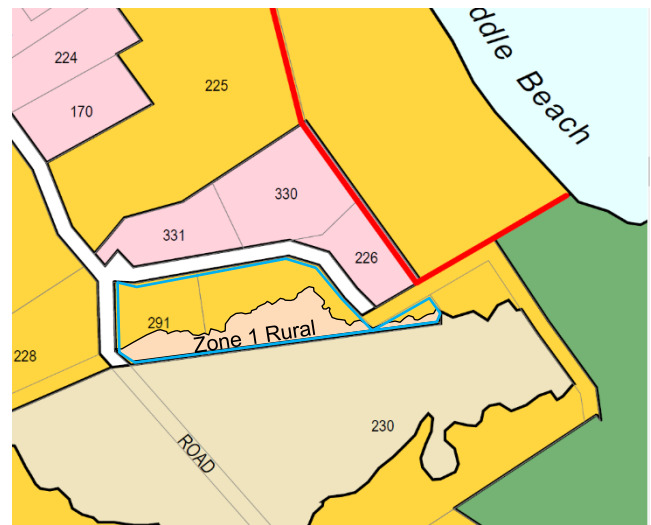
Site context map (site shown in yellow)

3.12 Issue 12 - Site 6: Rezone from 7 - Environment Protection to I – Rural

Property Description	Part Lot 291 and Part Lot 292 in DP 48692
Site Area	Approximately 3,300m ²
Current Use	Agriculture including dairy
Current Zone	7 – Environment Protection
Proposed Zone	I – Rural
Reason	To reflect current and existing use



Current 7 Environmental Protection zoning (site outlined in blue)



Proposed I Rural zoning (site outlined in blue)



Detail context map site outlined in yellow

It is proposed to rezone an existing cleared Environmental Protection zoned area to zone I – Rural, to include this area in to the existing adjacent rural zone which reflect the current and historic rural land use. The rezoning of this part of the subject portions involves cleared land only and which does not meet the

Environment Protection zone criteria. An existing Dairy is also located within a cleared section of this site and the dairy cows graze on the subject proposed rural zoned portion of the site.

There has been substantial loss of agricultural land on the island over the years, partly attributable to the construction of essential public utilities such as the LHIB powerhouse, air traffic control facilities, LHIB centralised solar array. It is therefore considered a desirable outcome to increase the amount of zoned rural land on LHI.



Site 6 Existing context – site highlighted in blue



Existing agricultural (dairy) use of site No. 6

3.13 Issue 13 - Site 7: Rezone from 7- Environment Protection to I – Rural

Property Description	Lot 110 in DP 757515
Site Area	4,250m ²
Current Use	Vacant Crown Land
Current Zone	7 – Environment Protection
Proposed Zone	I – Rural
Reason	<ul style="list-style-type: none"> In January 2008, the Board approved the 2 lot subdivision of Lot 110 to create a Category B allotment and a residue allotment. Lot 110 was formerly held under special lease for agricultural purposes. The southern part of the residue allotment is cleared and it is not appropriate that this be zoned environmental protection.



Current 7 Environmental Protection zoning (site outlined in blue)



Proposed I Rural zoning (site outlined in blue)

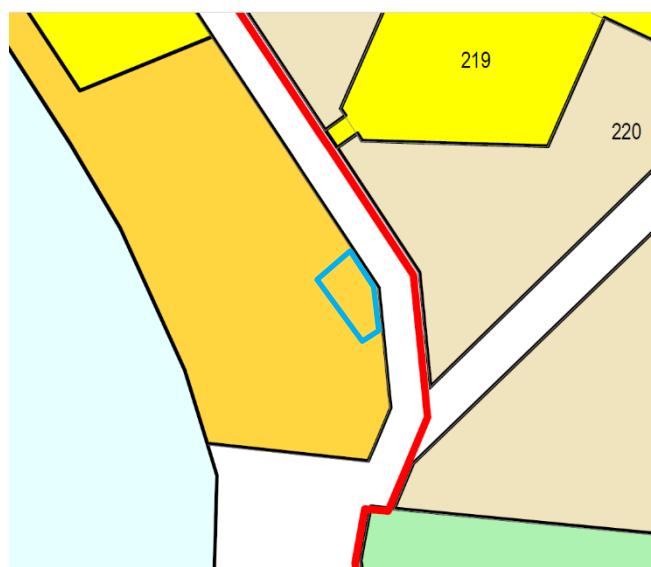
The proposed rezoning is subject to the response of the NSW Government to the review of land allocation and tenure arrangements recently undertaken by the Hon. Ken Handley.



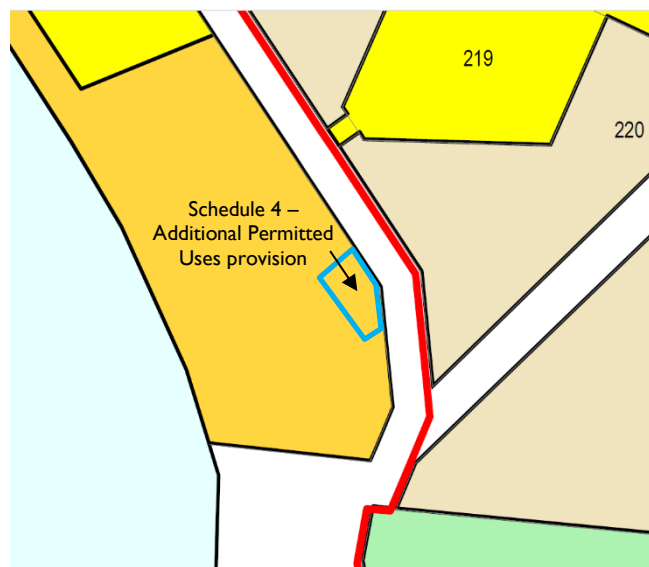
Existing site context of site 7 highlighted in yellow

3.14 Issue 14 – Site 8: Add a new Schedule 4 – Additional Permitted Uses and permit Commercial Premises (including Fuel Supply)

Property Description	Unidentified Crown Land, fronting Old Lagoon Road and bordering Lot 220 in DP 45732
Site Area	450m ²
Current Use	Vacant Crown Land
Current Zone	7 – Environment Protection
Proposed Zone	7 – Environmental Protection with Schedule 4 Additional Permitted Uses provision
Reason	<ul style="list-style-type: none"> ▪ The LHI Board has identified the need for establishment of an additional fuel supply location on the island, which could be run by a private entity. ▪ The preferred site for the additional fuel supply business is off Old Lagoon Road near the LHI airport and the LHI Meteorological Station as shown on the following scaled plan.

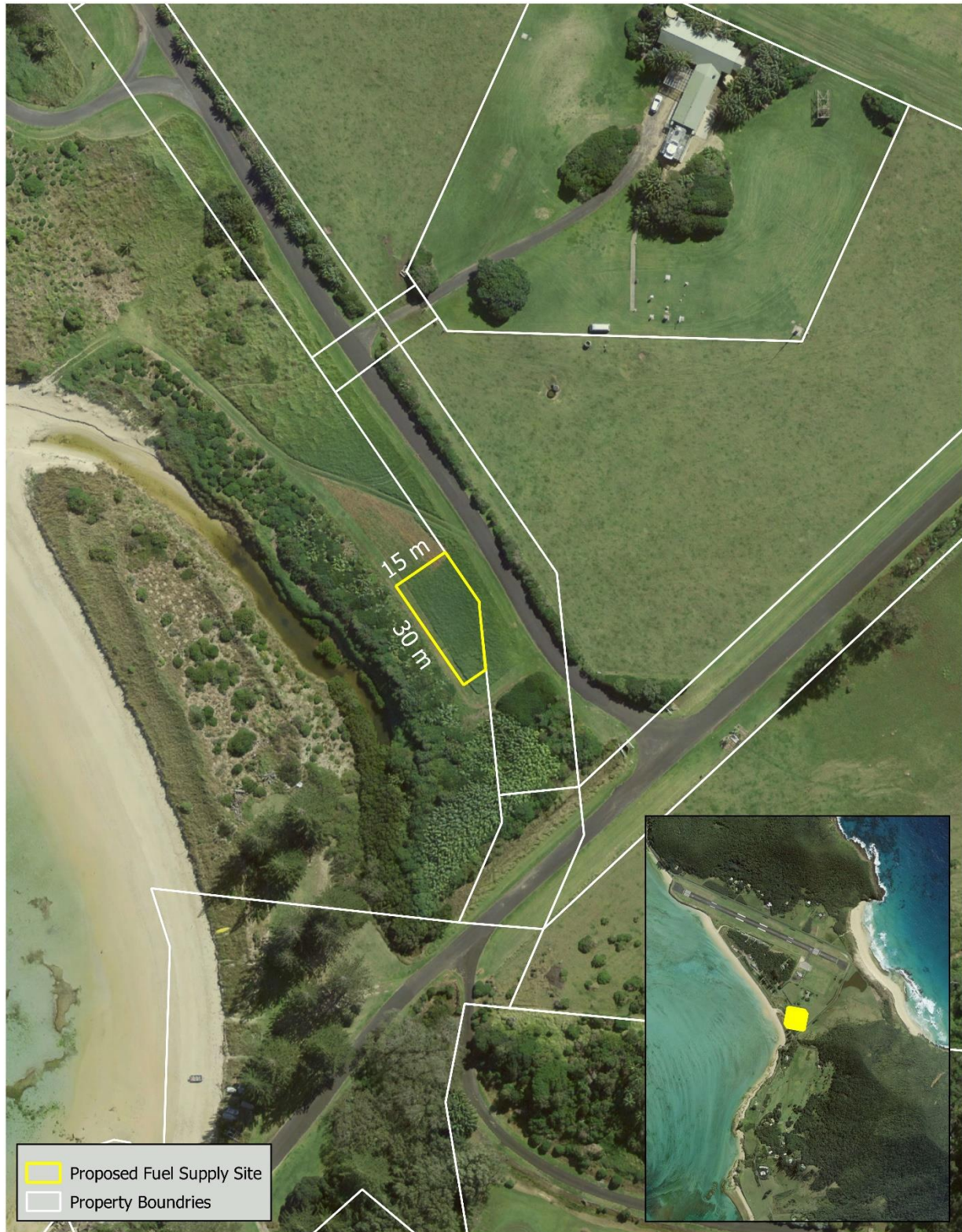


Current 7 Environmental Protection zoning
(site outlined in blue)



Retained 7 Environment Protection zoning with Proposed
Schedule 4 Additional Permitted Uses provision
(site outlined in blue)

A number of sites for a new fuel supply were discussed with the community by the LHIB, with the response coming back overwhelmingly in favour of the subject site adjacent to the airport. In vicinity of the site near Cobby's Corner there is an existing heritage listed residence, 'Kentia' that relies on Old Lagoon Road for vehicular access and one other approved dwelling that is yet to be constructed, on the corner of Airport Road and Old Lagoon Road. Additionally, the LHI Waste Management Facility, the Meteorological Station and the LHI Airport Terminal are accessed via Old Lagoon Road. In proximity of the site to the south is another dwelling with direct access to Lagoon Road.



Scale at A4: 1:1200

MGA 94 - Zone 57

This map is not guaranteed to be free from error or omission. Therefore, the Lord Howe Island Board and its employees disclaim liability of any act done or omission made on the information on the map and any consequences of such acts or omissions.

Date created: 7/12/2018

Proposed Fuel Supply site



Location and context map of Site 8 proposed fuel supply

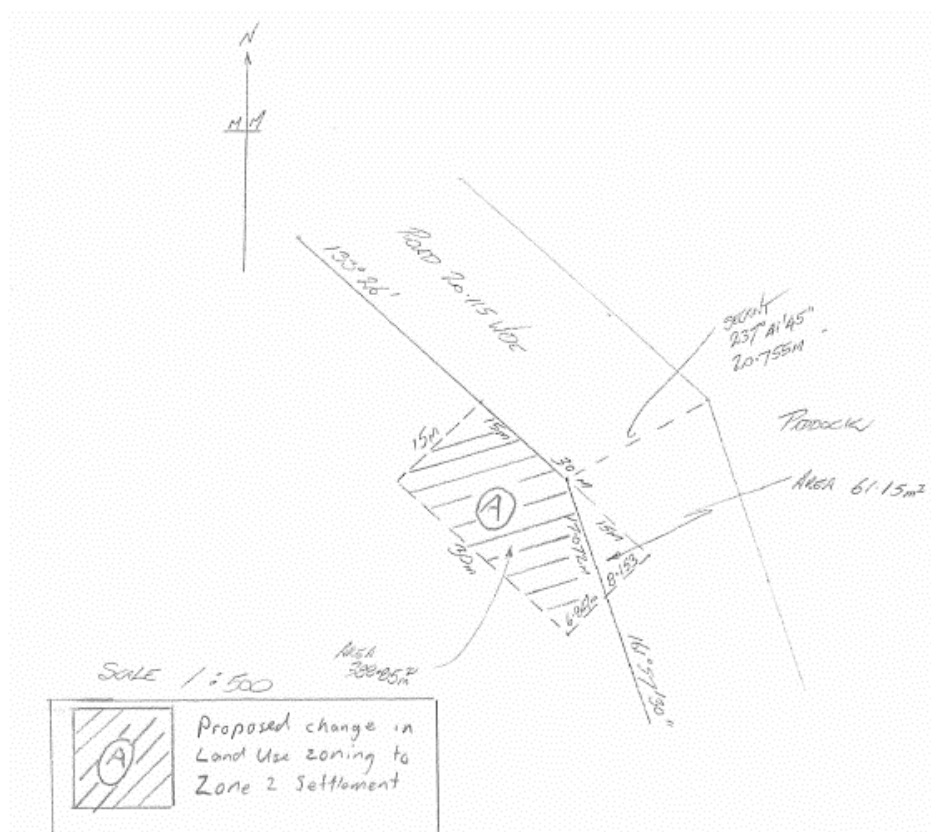
The preferred site for the private fuel supply is zoned 7 - Environment Protection under the LHI LEP. “Public utility undertakings” are permitted with development consent in the Environmental Protection zone as long as they comply with the following definition:

public utility undertaking means any of the following undertakings, or uses associated with those undertakings, carried on by, or on behalf of, the Board or any government agency acting under any Commonwealth or State Act:

(d) ..., fuel storage depots,.....

Importantly, to comply with the above definition of fuel storage depot and to therefore be permissible in the current Zone 7 - Environment Protection, the fuel supply facility would need to be owned and operated by the LHIB rather than a fuel retail outlet and would additionally only be able to be used as a fuel storage depot, which does not include retail fuel sales. The alternative definition of a commercial premises is considered best suited to the fuel supply proposal but which commercial premises are also currently prohibited in the Environmental Protection zone.

Consequently, an LEP amendment is proposed which will retain the Environmental Protection zone but permit Commercial Premises on the site by adding a new Schedule 4 – Additional Permitted Uses provision to the LHI LEP. Within the identified site under new Schedule 4 would specifically order to establish a private fuel supply (commercial premises) for the island community at the preferred subject site. The dimensions of the area for inclusion in the new Schedule 4 is 30m x 15m as illustrated below.



Survey Sketch prepared by LHIB identifying proposed location for new fuel supply on LHI



Example of Proposed Fuel Supply Container and Dispenser

The fuel storage unit for the proposed private retail sale of fuel will sit above ground within a fully bunded area.

Two options were considered for achieving the new fuel supply, being either:

- A change in land use zoning to Zone 2 - Settlement, which would permit Commercial Premises such as a fuel supply business, with consent on the site
- The inclusion of the site in a new Schedule 4 – Additional Permitted Uses.

The inclusion of the site as an additional permitted use was favoured by the LHIB as providing the greatest potential control over the future use/s of the site and that also did not require a change in land use zone.

The LHIB's Manager Infrastructure and Engineering Services has confirmed the locational guidelines and vehicle access/traffic management arrangements for Fuel Storage/ Dispensing will be able to be satisfied in respect of the subject site.

There is no Schedule 4 in the LEP at the moment. It will be necessary for an enabling clause such as clause 2.5 of the SILEP (below) to be included in the LEP as well as an Additional Permitted Use Schedule and map.

2.5 Additional permitted uses for particular land [compulsory]

(I) Development on particular land that is described or referred to in Schedule I may be carried out:

- (a) with development consent, or
- (b) if the Schedule so provides—without development consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

Direction 1. While this clause and Schedule 1 are compulsory, it is not compulsory to include any items in the Schedule when the Plan is first made.

Direction 2. A type of development may be included in Schedule 1 only if it is a type of development listed in Direction 5 at the beginning of the Land Use Table.

It is acknowledged that the aesthetics of the new fuel supply project, including proposed site landscaping, will require careful consideration as part of any subsequent development application – as the unit itself is not an attractive visual element.

Suggested wording for the proposed new Schedule 4 of the LHI LEP 2010 is:

Schedule 4 Additional permitted uses

1 Use of certain land at Old Lagoon Road, Lord Howe Island

(1) This clause applies to land at Old Lagoon Road, Lord Howe Island, shown as “Item 1” on the Additional Permitted Uses Map.

(2) Development for the purposes of a commercial premises, including for the purpose of the private retail supply of fuel, is permitted with development consent if:

(a) the site can be effectively landscaped to minimise the visual impact of the proposal for development of a commercial premises on the site, and

(b) no direct vehicular access is provided to Lagoon Road, and

(c) any commercial premises can be demonstrated to not impact on the environmental quality of the lagoon foreshore and the adjacent creek

3.15 Section A - Need for the Planning Proposal

Is the Planning Proposal a result of a study or report?

The Planning Proposal has arisen as a response to a number of planning issues that have been identified by the LHIB, during assessment of various development applications and the community feedback on required amendments over the past few years and reports and investigations as detailed in Sections 2.3 and 2.4 above.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal aims to address anomalies and minor matters in LEP 2010, some of which are essential to progress at this time, including the proposal related to an imminent land swap involving the LHIB and another application involving Site 1 to enable commercial use of this site.

A subsequent review addressing more comprehensively LEP 2010, particularly in relationship to housing availability and in response to the Handley Review findings, is proposed as a separate Stage 2 process. It is considered that this approach is the most efficient.

The required provisions can only be achieved by undertaking an amendment to the LHI LEP 2010.

3.16 Section B - Relationship to Strategic Planning Framework

Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

No Regional or Sub-Regional Strategy applies to Lord Howe Island.

Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

A LHIB commissioned LHI Community Plan was prepared by Peter Kenyon of the Bank of I.D.E.A.S. in 2011, which this proposal is generally consistent with.

A public consultation process is underway on LHI for preparation of a new Community Strategic Plan. This consultation has identified a number of priorities and issues.

An emerging priority relevant to this PP is the need for additional housing opportunity, whilst not impacting on significant island values. The proposed amendment to existing dual occupancy provisions will assist in addressing this identified need.

Is the Planning Proposal consistent with applicable state environmental planning policies?

Only the BASIX SEPP applies to LHI. The SEPP (Building Sustainability Index: BASIX) 2004 – specifically provides that it applies to Lord Howe Island under Clause 5 of the BASIX SEPP. None of the proposed amendments to the LEP 2010 will impact on or be inconsistent with the application of the BASIX SEPP on Lord Howe Island.

Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

Part 3A, Clause 15A of the LHI Act 1953 states that the EP&A Act 1979 only applies to LHI in respect of Parts 4, 4A, 5A and Division 2A of Part 6, Therefore although this Planning Proposal has considered and addressed the s9.1 Directions it is noted that as these Directions may not formally apply on LHI.

A review of the Directions is outlined in Table 1 following.

Table 1 Section 9.1 Directions

Clause	Direction	Consistent	Comments
Employment and Resources			
1.1	Business and Industrial Zones	Not applicable	
1.2	Rural Zones	Consistent	The Stage 1 Planning Proposal does not reduce rural zoned land, it is proposing to add to the existing rural zoned land. The amount of zoned rural land on the island is to be increased to reflect current and historic farming activity.
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable	
1.4	Oyster Aquaculture	Not applicable	
1.5	Rural Lands	Consistent	The Stage 1 Planning Proposal is consistent with the Rural Lands objectives of the Direction 1.5 and the strategic need to increase rural zoned land on the island.
Environment and Heritage			
2.1	Environment Protection Zones	Minor inconsistency	<p>The LHI LEP contains a number of provisions that effectively protect and conserve environmentally sensitive land. These provisions are to be retained in full.</p> <p>This Planning Proposal includes a proposal to rezone some land currently zoned 7 – Environmental Protection to Zone 1 – Rural and to rezone one other land parcel from Zone 6 – Recreation to Zone 7 – Environmental Protection. Consequently there is a technical inconsistency with Direction 2.1, however this is considered of minor significance. The proposed changes to the LEP map relevant to Zone 7 – Environmental</p>

Clause	Direction	Consistent	Comments
			<p>Protection reflect historic and existing rural land uses. Further as noted above, Zone 7 is being increased on one site and reduced on another.</p> <p>Specifically, the Planning Proposal seeks to rezone Sites 6 and 7 from Zone 7 - Environment Protection to Zone 1 - Rural. As both these sites are cleared and used for agriculture, the reduction in environment protection zone is a technical but not actual loss. The proposed zone provisions on these sites is considered of minor significance and justified in accordance with (6)(d).</p> <p>Site 8 has been added by the LHIB in 2019 consistent with a recent LHIB resolution, to facilitate the construction of a LHI Fuel Storage and Service Station in proximity of the LHI airport. This site is relatively small and was chosen due to its proximity to the airport and for the absence of mapped significant native vegetation.</p> <p>Any inconsistency with the S.9.1 Direction is considered to be of overall minor significance and is being proposed to better reflect existing and desired future land uses.</p> <p>The LEP 2010 contains land zoned both Zone 8 – Permanent Park Preserve and Zone 7 – Environmental Protection, together with specific aims and objectives, that require the conservation of World Heritage values and the conservation of mapped significant native vegetation.</p> <p>Approximately 75% of the main island, plus all outlying islets and rocks within the Lord Howe Island Group, are protected under the Permanent Park Preserve. This area is permanently dedicated for the public purpose of preserving native flora and fauna pursuant to Section 19 of the LHI Act. Under the LHI Act, the Board has the responsibility to manage, protect, restore, enhance and conserve the preserve in a manner that recognises its World Heritage values (section 5(f)). Section 15B of the LHI Act requires that a plan of management for the Preserve be prepared and implemented in accordance with the provisions of Part 5 of the National Parks and Wildlife Act (NPW Act) as if the preserve were a national park. However, unlike the NPW Act arrangements, the Plan of Management for the Preserve is to be approved by the Minister administering the LHI Act, and is to be carried out and given effect to by the Board. No change to Zone 8 is proposed.</p>
2.2	Coastal Protection	Consistent	<p>Lord Howe Island (in its entirety) falls within the “coastal zone” as defined in the Coastal Protection Act 1979.</p> <p>The Lord Howe Island Coastal Management Study (September 2014) by Haskoning – refer Appendix D, found that the key coastline management issue for LHI is erosion/recession threatening Lagoon Road at Lagoon</p>

Clause	Direction	Consistent	Comments
			Beach. Coastal processes and coastline hazards are described particularly for Lagoon Beach and Cobbys Beach. None of the management options to address this key management issue are affected by the Planning Proposal.
2.3	Heritage Conservation	Consistent	The Planning Proposal seeks to include a non-standard provision requiring consideration of the potential impacts of a development on heritage items in proximity.
2.4	Recreation Vehicle Areas	Not applicable	
Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Consistent	LHI has no straight residential zones, but rather a Settlement zone and a Rural zone in which a mix of commercial and residential uses can occur with development consent. The current LEP and proposed LEP amendment seeks to deliver housing for the island within the existing dwelling cap limit set by the LEP. One amendment involving Zone 2 – Settlement is proposed, being Site 7, to execute a LHIB resolution to pursue a land swap in order to conserve key significant mapped vegetation on the island.
3.2	Caravan Parks	Not applicable	
3.3	Home Occupations	Not applicable	
3.4	Integrating Land Use and Transport	Not applicable	
3.5	Development near Licensed Aerodromes	Consistent	The proposed fuel supply site is affected by controls related to the LHI Airport, which will be considered in any Development Application relating to this site.
3.6	Shooting Ranges	Not applicable	
Hazard and Risk			
4.1	Acid Sulfate Soils	Not applicable	
4.2	Mine Subsidence and Unstable Land	Not applicable	
4.3	Flood Prone Land	Not applicable	
4.4	Planning for Bushfire Protection	Not applicable	
Regional Planning			
5.1	Implementation of Regional Strategies	Not applicable	
5.2	Sydney Drinking Water Catchments	Not applicable	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable	

Clause	Direction	Consistent	Comments
5.4	Commercial and Retail Significance of the NSW Far North Coast	Not applicable	
5.5	Cessnock LGA (revoked)	Not applicable	
5.6	Sydney to Canberra Corridor (revoked)	Not applicable	
5.7	Central Coast (revoked)	Not applicable	
5.8	Second Sydney Airport Badgerys Creek	Not applicable	
5.9	North West Rail Link Corridor Strategy	Not applicable	
Local Plan Making			
6.1	Approval and Referral Requirements	Not applicable	
6.2	Reserving Land for Public Purposes	Not applicable	
6.3	Site Specific Provisions	Not applicable	
Metropolitan Planning			
7.1	Implementation of a Plan for Growing Sydney	Not applicable	

3.17 Section C - Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposed amendments do not affect the provisions in LEP 2010 which identify and protect significant native vegetation on the island. It is not considered that there will be any adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

In particular, this Stage I Planning Proposal involves no change to Zone. 8 – Permanent Park Preserve and no physical loss of any environmentally significant land. Only a rezoning of part of two sites to reflect historic and continuing rural uses is proposed.

Are there any other likely environmental effects as a result of the Proposal and how are they proposed to be managed?

It is not considered that there will be any adverse environmental effects as a result of any of the proposed amendments.

How has the Proposal adequately addressed any social and economic effects?

The proposed amendments are not considered likely to have any significant environmental or economic effects.

3.18 Section D - State and Commonwealth Interests

Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal does not provide for additional development that would require public infrastructure.

The NSW Heritage Office may welcome consultation regarding the proposed addition of the consideration of heritage impacts for development in proximity of a heritage item.

State Department consultation will be undertaken post Gateway Determination.

As this Planning Proposal constitutes only minor modifications to the current LEP, it is not considered necessary to consult with the Commonwealth.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Relevant agencies will be consulted post Gateway Determination.

Lord Howe Island was inscribed on the World Heritage List in 1982, in recognition of its superlative natural landscapes and scenery and its rich terrestrial and marine biodiversity as an outstanding example of an island ecosystem developed from submarine volcanic activity. The World Heritage property covers Lord Howe Island, offshore islands and islets, including the central portion of the main island, of which a significant part was cleared for settlement, and farming; and the LHI Permanent Park Preserve, which is managed in accordance with a Plan of Management.

The Lord Howe Island Group is one of 6 world heritage listings in NSW. The Group comprises Lord Howe Island, Blackburn Island, Admiralty Islands, Mutton Bird Island, Ball's Pyramid, and associated coral reefs and marine environments. The Commonwealth Environment Protection and Biodiversity Conservation Act 1999, provides protection of matters of national environmental significance including world heritage areas. Under the Act, any action that is likely to have a significant impact on the Island requires the approval of the Federal Environment Minister.

The following table provides a summary of the relevant public authorities, which in the opinion of the Board should be consulted following Gateway Approval:

Following receipt of Gateway Approval the Board, with the assistance of Department of Environment and Planning, considers consultation with the following relevant agencies may be appropriate:

Public authority/stakeholder	Issue requiring comment
NSW Heritage Office	Additional provision for land in the vicinity of a heritage item
NSW Department of Environment & Heritage	Relationship with Coastal Protection Act
NSW Premier and Cabinet	As key stakeholder

4.0 Mapping

4.1 Affected Land

The location of the land directly affected by land rezoning proposals for Sites 1- 7 (as described in sections 3.12 to 3.23 of this Planning Proposal) is shown on the following maps (Figures 1 and 2):



Proposed sites to be rezoned in subject Stage 1 LEP review shown outlined in red

4.2 Draft LEP Map

The proposed amendments will require changes to an LEP 2010 map sheet as found on the NSW Legislation website. The affected map sheet is:

Land Zoning Map, Sheet 2 of 3

Map identification number: 6380_COM_LZN_002_005_20140512

New map sheets have not been drafted at this stage. The Regional Office of the NSW Department of Planning and Environment will prepare the required mapping in the appropriate form, as discussed.

Indicative mapping is shown on the map in Section 4.1.

5.0 Community Consultation

In preparing this Planning Proposal, the Board undertook early community consultation to engage with Island residents on key issues.

Community Consultation to date has included:

1. Preparation of a Discussion Paper and associated Community Survey, that were distributed to all islanders. Responses were facilitated concurrently with the running of drop-in information sessions for the community in April 2016.

All feedback from this early consultation process was reviewed and informs this Stage I Planning Proposal to amend LEP 2010. A copy of the 2016 Consultation Outcomes Summary Paper is provided for review concurrently with this Planning Proposal. A copy of this Paper is included as Appendix E.

2. Preparation of a Report to the LHIB members, setting out a proposed reduced scope for the Stage I Planning Proposal, following review by All About Planning Pty Ltd and the LHIB Administration. This Board report on the revised scope of the Planning Proposal was discussed in open gallery and attending members of the Lord Howe Island community were invited to make any comments.

The LHIB members resolved to adopt a reduced scope for the Stage I review and acknowledged their commitment to undertaking post Gateway Determination additional community consultation. A copy of the LHIB Paper from March 2018 is included as Appendix E.

The Minister's Gateway Determination will specify community consultation to be undertaken, in accordance with Section 3.34 of the EP&A Act 1979 as part of the LEP 2010 amendment process.

Community consultation will at the appropriate time be commenced by the placing of a public notice in appropriate Lord Howe Island newsletters and on local community notice boards.

The Planning Proposal exhibition material would be made available by the Board during the exhibition period. The community consultation process would be completed when the relevant planning authority has considered any submissions received concerning the proposed Local Environmental Plan and has forwarded those reports to the DP&E for final consideration by the Minister.

6.0 Project Timeline

This project timeline is based on known and anticipated dates and timeframes related to the subject Planning Proposal – Stage I. The timeline anticipates a 6 - 8 month timeframe from lodgement of the agreed Planning Proposal to DPE to finalisation.

	2018		2019											
Step	Nov	Dec	Jan	Feb	Mar	April	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Revise PP in light of preliminary DPE feedback and LHIB site additions (DPE, LHIB, AAP)														
Submit revised Stage I PP to LHIB														
PP to DPE for consideration & Gateway Determination														
PP Public Exhibition														
Agency consultation														
Consideration of Submissions														
Post exhibition Review of PP														
Submit to DPE to finalise LEP														
Make the Plan														
Notification														

Planning Proposal – Stage I, Project Timeline