

LORD HOWE ISLAND BOARD

Development Application

Section 78A, Environmental Planning and Assessment Act 1979

Date Received

19 JAN 2017

Lord Howe Island Board

Development Application No.: DA2017-13 Date Lodged: 19-01-2017

Use this form to apply for development consent to:

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

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

APPLICANT DETAILS

☒ Mr ☐ Mrs ☐ Ms Other:

Name: **Hank Bower**

Organisation: **Lord Howe Island Board** ABN: **33 280 968 043**

Postal Address: **PO Box 5 Lord Howe Island NSW 2898**

Telephone: **6563 2066 ext 23** Fax: **6563 2127**

Email: **hank.bower@lhib.nsw.gov.au**

OWNER CONSENT

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

IDENTIFY THE LAND YOU PROPOSE TO DEVELOP

Portion/Lot No.: **Lot 279** Deposited Plan No.: **DP 48688**

Lease No.:

Address: **Nursery Access - Lord Howe Island**

PROPOSED DEVELOPMENT

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

The site currently operates as a plant nursery and food production garden, with part of the nursery site to be modified to provide temporary housing for captive Lord Howe Woodhen and Lord Howe Island Currawong to be held during a Rodent Eradication Program. Part of the site has had a Development Application approved for conducting a captive management trial for these species in 2013.

The proposal will occupy approximately 1830.44m² floor area (excluding access roads, walkways and water tanks), to a maximum of 3m height in two separate locations as shown in the attached site plans in Attachment 1.

The aviaries for LHI Currawong comprise twelve blocks with 5 aviaries per block at 5000 mm long and 7299 mm wide per

block at a total of 565.44 m² as shown in Attachment 2, which are located adjacent to Woodhen pens V, U & T.

There are two separate pens for LH Woodhen comprising of 6 pens of which 2 are quarantine pens (x 6) each at 18.37m², plus 4 pens at 115.08m², 105.69m², 113.14m² and 107.60m² at a total pen size of 605m² (Pens D, E, F, G, H & I) as shown in Attachment 3 and 6 pens each at 99.88m² at a total area of 660m² (Pens V, U & T) as shown in Attachment 4.

Existing sheds and outbuildings associated with the existing nursery may be used for food preparation, veterinary inspections and administration.

The infrastructure for the captive management program is located entirely within existing nursery infrastructure and will not require the removal of any natural habitats. The Currawong aviaries and Woodhen pens will be constructed within the footprint of existing nursery shadehouses, which will require existing internal framing and benches to be removed to enable construction of the prefabricated aviaries and pens.

The project will hold Currawong and Woodhen for the duration of active baiting period for between 3 – 6 months depending on when bait has found to be sufficiently broken down and when it is deemed safe to commence returning animals back to the natural environment. Following their successful release the aviaries and pens will no longer be required for the project. They will be either reused in-situ for other purposes or dismantled for reuse elsewhere..

Building Material:

Roofing Material:

PAST/PRESENT LAND USES

State the past known uses of the site: **Palm nursery and food production. In 2013 part of the proposed project area was used for a captive management trial for LHI Currawong and LH Woodhen**

State the present known uses of the site: **Palm nursery and food production**

STAGED DEVELOPMENT

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

Are you applying for development consent in stages? ☐ Yes ☒ No

If yes please attach:

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

PLANS OF THE LAND AND DEVELOPMENT

You need to provide a number of different plans that show what you intend to do. Step 4 of the Development Application Guide sets out which plans to provide and the details to include. **3 copies** of the plans must be submitted with the application. Please attach:

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

ENVIRONMENTAL EFFECTS OF YOUR DEVELOPMENT

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

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

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

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

- ☐ Yes Please attach a species impact statement.
☒ No

SUPPORTING INFORMATION

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

Please list what you have attached.

Attachment 1: Site plan for DA for Captive Management.
Attachment 2: 01 Proposed Currawong Aviary – Shade House.
Attachment 3: 02 Proposed Woodhen Pen V, U, T.
Attachment 4: 03 Proposed Woodhen Pen D, E, F, G H, I.

Statement of Environmental Effects for Captive management of LH Woodhen and LHI Currawong.

7 Part Test Assessment of Significance. The proposal is completely within the existing footprint of an existing development

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

APPLICATION FEE

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

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

Estimated cost of the development: **\$400,000**

Total fees lodged: Date: Receipt No.:

APPLICANT/S OR APPLICANT'S AGENT DECLARATION

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

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

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

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

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


Signature: Signature:

Name: Name:

Date: Date:

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

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

Signature:  Signature:

Name: **Hank Bower** Name:

Date: **18-1-2017** Date:

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

PRIVACY POLICY

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

If your application is for designated development or advertised development, it will be available for public inspection and

copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected information provided in your application. Please ensure that the information is accurate and advise us of any changes.

LODGEMENT

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

Plans

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

Environmental effects

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

Staged development

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

Supporting information

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

Application fee

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

Where to lodge your application

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

CONTACT DETAILS FOR YOUR INFORMATION

Lord Howe Island Board

Bowker Avenue
(PO Box 5)

LORD HOWE ISLAND NSW 2898

Phone: 02 6563 2066

Fax: 02 6563 2127

Email: administration@lhib.nsw.gov.au

Website: www.lhib.nsw.gov.au

Lord Howe Island Marine Park Authority

Phone: 02 6563 2359

Fax: 02 6563 2367

Email: lordhowe.marinepark@npws.nsw.gov.au

Website: www.mpa.nsw.gov.au

Department of Infrastructure, Planning and Natural Resources – General Enquiries

Internet: www.dipnr.nsw.gov.au

Phone: 02 9228 6111

Email: infocentre@dipnr.nsw.gov.au

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

49 Victoria Street

(PO Box 6)

GRAFTON NSW 2460

Phone: 02 6642 0622

Fax: 02 6642 0640

Em

ail: northcoast@dipnr.nsw.gov.au

Website: www.dipnr.nsw.gov.au also for BASIX

Certificate www.basix.nsw.gov.au

LORD HOWE ISLAND BOARD

Statement of Environmental Effects

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

Failure to submit a completed Statement of Environmental Effects report will result in the development application being rejected or incurring unnecessary delays before the application can be determined. This report must be signed by applicant on last page.

APPLICANT DETAILS

Name: **Hank Bower, Lord Howe Island Board**

Preferred Contact Phone No.: **65632066**

PROPOSED DEVELOPMENT

Portion/Lot No.: **Lot 279**..... Deposited Plan No.:

Lease No.: **VCL - Lord Howe Island Board Nursery**

Address **Lord Howe Island Board Nursery**:.....

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

- ☐ Dwelling House
- ☐ Additions to Dwelling House
- ☐ Home Business
- ☐ Commercial
- ☐ Shed or Garage
- ☐ Dual Occupancy
- ☐ Additions to Dual Occupancy
- ☐ Subdivision including Boundary Realignment
- ☒ Other – please describe: **Construction of aviaries and pens to house Lord Howe Island Woodhen and LHI Currawong during a captive management trial.**

DEVELOPMENT DESIGN ATTRIBUTES

EXISTING BUILDINGS

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

Greenhouses for the Kentia Fresh Nursery, food production areas and aviaries and pens constructed for the captive management trials, see Attachment 1.

DEVELOPMENT CONSENTS

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

DA Number	Development Description	Date of Consent
DA2013-11	May 2013	Construction of pens and aviaries for a trial captive management program for LHI Woodhen and LHI Currawong
DA2017-01	December 2016	Renovation of nursery

OWNERS CONSENT

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

NA, Board application on VCL

DEVELOPMENT REQUIREMENTS

DWELLINGS/RESIDENTIAL

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

NA

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

NA

COMMERCIAL

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

NA

ALL BUILDINGS – MAXIMUM BUILDING HEIGHT

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

Yes – roof height is 3m.

SUBDIVISION

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

NA.....

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

Land is zoned 2 and is consistent with the objectives of the zone. It is permissible with consent.

ENERGY EFFICIENCY

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

NA – BASIX requirements only apply to residential developments.....

BOUNDARY SETBACKS

How far is your development setback from the front boundary?

Site 1 = 66 m, Site 2 = 25 m

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

Site 1 = 58 m, Site 2 = 5 m

.....

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

Yes

.....

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

Yes – Clause 33 only pertains to land zoned Zone 2 Settlement. The proposed development is on land zoned Zone 5 Special Uses.

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

Not adjacent to Zones 7 or 8

.....

CONSTRAINTS

FORESHORE DEVELOPMENT

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

NA

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AIRCRAFT NOISE

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

NA

FLOODING

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

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

No

HERITAGE

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

No

SIGNIFICANT VEGETATION

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

No Significant Native Vegetation will need to be removed.

RETENTION OF TREES AND LANDSCAPING

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

No vegetation removal will be required. Aviaries and pens will need habitat structures established within each enclosure. Dead branches will be used as perches, palm thatch and other vegetation approved for removal via tree removal requests from across the island will be used as habitat structure.

RECOVERY PLANS AND HABITAT AREAS

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

The project is an essential component of the LHI Rodent Eradication program which is listed in the LHI Biodiversity Management Plan 2007 as Action 6.2 and is recognised as a priority 1 action. The LHI Biodiversity Management Plan 2007 is a federally and state endorsed multiple species recovery plan.

The proposal will be assessed in accordance with the NSW Threatened Species Conservation Act and the Commonwealth Environment Protection and Biodiversity Conservation Act prior to the captive management of both bird species. The construction of the aviaries is within an existing development footprint and will not

impact on the habitat of any threatened species known from LHI. An assessment of significance (7 part test) is attached with this proposal

A license under the NSW National Parks and Wildlife Act may be required to hold threatened species in captivity.

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

No vegetation will need to be cleared.

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

The Woodhen pens need to be planted with native vegetation. Plants grown at the nursery will be used.

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VISUAL APPEARANCE

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

The site is surrounded by dense vegetation and is not within visual range of homes, and buildings.

The proposal will be within visual range of the nursery access road which is also used as a public pathway to Stevens Reserve and is used to access a nearby residence. The facility will be open to the public at set times to enable the community to view the captive program as an integral part of the rodent eradication program. The closest residence is over 70 metres away, which is the Research station that is owned by the LHI. The proposal will not change the visual amenity to adjacent properties.

.....
VISUAL AND ACOUSTIC PRIVACY

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

The development is not expected to have a negative visual impact.

The holding of captive woodhen and currawong will not generate excessive noise over and above existing bird noises or the general operation of the nursery. The nursery is currently undertaking renovations and any building associated with the construction of aviaries and pens is consistent with approvals to renovate the nursery and associated infrastructure. There will not be an increase in staff access to the site than is currently the case for the operation of the nursery. Taronga Zoo staff will mostly access the site by foot or bicycle. The construction of the aviaries will necessitate the transport of materials to the site. This will be limited to when the ship delivers materials and is not expected to be any more significant than the transport of materials to the existing nursery.

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SOLAR ACCESS

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

Both the woodhen and the currawong require direct sunlight. Aviaries will be positioned to maximise exposure to available sunlight and northern aspect.

Does the development overshadow adjoining properties?

No

VIEWS

Does the development obstruct any views from adjoining properties?

Visual amenity from adjoining properties will not be obstructed. The development will not exceed the existing structural dimensions or adjacent cleared spaces, and is below the tree line of surrounding vegetation.

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

NA

PARKING AND TRAFFIC

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

Planned development is within the boundaries of the existing structure and will not impede vehicle manoeuvring, access or parking Taronga zoo staff will access the site by foot or bicycle. Vehicles will only be required to transport materials to site

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

Yes, it will not alter the existing parking arrangements

EARTHWORKS AND RETAINING WALLS

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

No

WASTEWATER MANAGEMENT

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

Sewerage facilities will not be required to service the development. Any food waste or other waste generated from the aviaries will be of an organic nature and disposed at the LHIB Waste Management Facility. It is anticipated the main waste item will be food waste that will be composted.

STORMWATER RUNOFF DISPOSAL

How will excess stormwater runoff be disposed?

No excess stormwater will be generated from this proposal.

EROSION AND SEDIMENT CONTROL

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

NA

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

NA

OTHER CONSIDERATIONS

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

The project is integral to the success of the LHI Rodent Eradication project

APPLICANT AUTHORISATION

Name: *Hank Bower*

Signature: *H Bower* Date: *18-1-2017*