

# Lord Howe Island Regional Environmental Plan 1986

[1986-13]



New South Wales

## Status Information

### Currency of version

Repealed version for 9 January 1998 to 27 October 2005 (accessed 25 December 2024 at 17:50)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The plan was repealed by cl 4 (1) of the [Lord Howe Island Regional Environmental Plan 2005 \(693\)](#) (GG No 132 of 28.10.2005, p 9130) with effect from 28.10.2005.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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# Lord Howe Island Regional Environmental Plan 1986



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Lord Howe Island Regional Environmental Plan 1986*.

### 2 Aims, objectives etc

This plan aims:

- (a) to conserve the World Heritage values of Lord Howe Island and to restore or enhance lost or disturbed natural resources of the Island,
- (b) to ensure that appropriate planning controls are implemented which encourage the proper management, development and conservation of the Island's World Heritage natural environment and the Island lifestyle,
- (c) to ensure that the future development of tourism on the Island does not adversely affect the lifestyle of the residents of the Island or the World Heritage environmental qualities of the Island,
- (d) to conserve and enhance the environmental heritage of Lord Howe Island,
- (e) to conserve and manage the marine environment and its resources,
- (f) to encourage community awareness, acceptance, understanding and appreciation of the concept of World Heritage values of the Island and to promote wise use of resources,
- (g) to ensure that utility undertakings are provided in a manner that minimises environmental impact,
- (h) to encourage effective agricultural production and cultivation on the limited suitable land and to ensure that such activities are not in conflict with the protection of the environment,

- (i) to sustain the economic well-being of the Island community through the maintenance and creation of employment and income opportunities, and
- (j) to make provision for adequate land for the provision of housing and community services for the Island population.

### 3 Land to which plan applies

- (1) This plan applies to Lord Howe Island, as defined in section 3 (1) of the [Lord Howe Island Act 1953](#), and which, by virtue of section 15A of that Act, is a region for the purposes of the [Environmental Planning and Assessment Act 1979](#).
- (2) (Repealed)

### 4 Relationship to other environmental planning instruments

- (1) This plan repeals the following environmental planning instruments:
  - The *Lord Howe Island Land Management Scheme 1976*; to the extent to which that scheme applies to the land to which this plan applies,
  - Lord Howe Island Regional Environmental Plan No 1*.
- (2) A State environmental planning policy made before this plan takes effect shall not apply to the land to which this plan applies.
- (3) A State environmental planning policy made after this plan takes effect shall not apply to the land to which this plan applies unless the policy expressly so provides.

### 5 Definitions

- (1) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:

**advertising structure** means a structure used or to be used principally for the display of an advertisement.

**agriculture** includes horticulture, floriculture, hydroponics and the use of land for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees and the growing of fruit and vegetables and the like.

**Board** means the Lord Howe Island Board constituted under Division 1 of Part 2 of the [Lord Howe Island Act 1953](#).

**commercial premises** means a building or place used as an office or for other business or commercial purposes and includes a restaurant but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause.

**demolishing**, in relation to a heritage item, means wholly or partly destroying or dismantling the heritage item.

**foreshore building line** means the heavy red line shown on sheet 1 of the map.

**height**, in relation to a building, means the distance measured vertically from any point on the building (not being a vent or chimney) to the natural ground level immediately below that point.

**heritage item** means a building, work, relic, tree or place described in Schedule 2.

**heritage significance** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

**landscaped area** means that part of the site area which is not occupied by any building and includes so much of that part as is used or to be used for swimming pools or open air recreation facilities but does not include so much of that part as is used or to be used for driveways, parking areas, drying yards, or covered walkways, pergolas, and the like.

**multiple dwellings** means two or more dwellings (whether or not attached) on one Portion, each with private open space at ground level, but does not include a tourist establishment.

**natural ground level**, in relation to a site, means the level of the site as if the land comprising the site were undeveloped.

**Permanent Park Preserve** means the land dedicated as the Lord Howe Island Permanent Park Preserve pursuant to section 19A of the [Lord Howe Island Act 1953](#).

**plan of management**, in relation to the Permanent Park Preserve, means the plan of management for the Permanent Park Preserve in force under Part 5 of the [National Parks and Wildlife Act 1974](#) as applied by section 15B of the [Lord Howe Island Act 1953](#).

**Portion** means a Portion of Lord Howe Island shown on the map.

**potential archaeological site** means a site known to the Board to have archaeological potential.

**relic** means any deposit, object or material evidence (which may consist of human remains), relating to the use or settlement of Lord Howe Island, which is more than 50 years old.

**rural industry** means the handling, treating, processing or packing of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

**site** means the area of land to which an application for consent under this plan relates.

**site coverage** means the total area of those parts of the site that are occupied by buildings or works, but does not include those parts of the site occupied by:

- (a) water storage facilities, septic tanks, or
- (b) structures designed for the propagation of palm seedlings.

**sea** includes a lagoon, bay, harbour and inlet that forms part of the coastline of the Island.

**the map** means the map consisting of 2 sheets marked “*Lord Howe Island Regional Environmental Plan 1986*”, as amended by the map that replaces Sheet 1 of that map and is marked “*Lord Howe Island Regional Environmental Plan 1986 (Amendment No 4)*”.

**tourist establishment** means an establishment providing for holiday accommodation or recreation, and includes holiday cabins, guest-houses, lodges, playgrounds and restaurants, used in conjunction with holiday accommodation or recreation.

**utility undertakings** means the undertaking of a public utility for the purposes of:

- (a) the supply of water, electricity or gas or the provision of sewerage or drainage services, or
  - (a1) the provision of waste disposal, waste transfer or waste recycling services, or
  - (b) communications installations, fuel storage depots or meteorological stations or uses associated with air transport.
- (2) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:
  - (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
  - (b) (Repealed)
  - (c) a reference to a map is a reference to a map deposited in the office of the Board.

## 6 Consent authority

The Board shall be the consent authority for the purposes of this plan.

## **Part 2 General restrictions on development of land**

### **7 Zones indicated on the map**

For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to that zone:

Zone No 1 (Rural)—coloured light brown.

Zone No 2 (Settlement)—coloured pink.

Zone No 3 (a) (Permanent Park Preserve)—uncoloured with dark green edging.

Zone No 3 (b) (Marine)—uncoloured with blue edging.

Zone No 3 (c) (Recreation)—coloured light green.

Zone No 3 (d) (Environment Protection)—coloured dark green.

Zone No 4 (Special Uses)—coloured yellow.

### **8 Zone objectives and development control table**

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
  - (a) development may be carried out without development consent,
  - (b) development may be carried out only with development consent, and
  - (c) development is prohibited,are specified under the headings “Without Development Consent”, “Only with Development Consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the Board shall not grant consent to the carrying out of development on land to which this plan applies unless it is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Table

#### **Zone No 1 (Rural)**



## **1 Objectives of zone**

The objectives of this zone are:

- (a) to retain opportunities for agricultural production,
- (b) to encourage the availability of island grown products for both the local population and for tourists, and
- (c) to ensure that agricultural activities are not in conflict with the protection of the natural environment.

## **2 Without development consent**

Agriculture.

## **3 Only with development consent**

Dwellings; rural industry.

## **Prohibited**

Any purpose other than a purpose referred to in Item 2 or 3.

## **Zone No 2 (Settlement)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to identify sites that are suitable for residential, tourist or commercial development,
- (b) to ensure that development avoids or minimizes environmental damage,
- (c) to protect areas that may be vulnerable to erosion or represent significant habitat values or contain important endemic vegetation, and
- (d) to provide for development that maintains the island character and is in sympathy with existing development in relation to:
  - (i) setbacks,
  - (ii) building mass and style,
  - (iii) visual amenity,
  - (iv) landscaping,

- (v) existing service infrastructure,
- (vi) land capabilities,
- (vii) maintenance of ground water quality, and
- (viii) waste disposal.

## **2 Without development consent**

Afforestation; gardening and landscaping; picnic facilities; road works; sporting and recreation facilities (not involving the erection of a building).

## **3 Only with development consent**

Any purpose other than a purpose included in Item 2.

## **4 Prohibited**

Nil.

### **Zone No 3 (a) (Permanent Park Preserve)**

#### **1 Objectives of zone**

The objective of this zone is to maintain the Permanent Park Preserve in its natural state.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Any purpose which is in accordance with the plan of management.

#### **4 Prohibited**

Any purpose other than a purpose referred to in Item 3.

### **Zone No 3 (b) (Marine)**

#### **1 Objectives of zone**

The objective of this zone is to regulate development to protect the marine environment.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Breakwaters; land reclamation; jetties, moorings and mooring piles, platforms, pontoons, ramps (solid or suspended), sliprails, stairs or wharves or any other purpose of a similar kind.

## **4 Prohibited**

Any purpose other than a purpose referred to in Item 3.

### **Zone No 3 (c) (Recreation)**

#### **1 Objectives of zone**

The objective of this zone is to set aside land for open space purposes.

#### **2 Without development consent**

Afforestation; gardening and landscaping (not being purposes which involve the erection of a building); works for the control of erosion; weed eradication.

#### **3 Only with development consent**

Boatsheds; drainage; gardening and landscaping (being purposes which involve the erection of a building); picnic facilities; roads; sporting and recreation facilities.

#### **4 Prohibited**

Any purpose other than a purpose referred to in Item 2 or 3.

### **Zone No 3 (d) (Environment protection)**

#### **1 Objectives of zone**

The objectives of this zone are:

- (a) to protect areas that may be vulnerable to erosion or which are a habitat for significant fauna or contain important endemic vegetation, and
- (b) to restore lost or disturbed natural resources, particularly where visual amenity may be enhanced.

## **2 Without development consent**

Gardening and landscaping (not being purposes which involve the erection of a building); weed eradication.

## **3 Only with development consent**

Communication masts; drainage; observation platforms; roads; works for the control of erosion.

## **4 Prohibited**

Any purpose other than a purpose referred to in Item 2 or 3.

### **Zone No 4 (Special uses)**

#### **1 Objectives of zone**

The objectives of this zone are:

- (a) to provide land for utility undertakings which are essential to the community's needs in a manner which is in sympathy with the World Heritage value of the natural environment,
- (b) to continue the development of an efficient nursery and the establishment of palm plantations, and
- (c) to maintain efficient services and appropriate infrastructure.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

The particular purpose indicated by black lettering on the map; government administration; utility undertakings.

#### **4 Prohibited**

Any purpose other than a purpose referred to in Item 3.

### **Part 3 Special provisions**

#### **9 Subdivision of land**

- (1) Land may, with the consent of the Board, be subdivided if each Portion to be created has a minimum size of:

- (a) in the case of land within Zone No 1—2 hectares, and
  - (b) in the case of land within Zone No 2—3 000 square metres.
- (2) The Board shall not consent to the subdivision of land within Zone No 1 unless it is satisfied that any dwelling-house to be erected on a Portion created by the subdivision will be used in conjunction with the use of the Portion for the purposes of agriculture.
- (3) Nothing in subclause (2) prevents the Board consenting to the creation of a Portion upon which a dwelling-house is erected at the time at which the application for the creation of the Portion is made if the Board is satisfied that the dwelling-house will be used in conjunction with the use of the Portion for the purposes of agriculture.
- (4) Notwithstanding the provisions of subclause (1) (b), where the Board is satisfied that:
- (a) because of existing subdivision patterns or zoning boundaries it is not possible to comply with subclause (1) (b), and
  - (b) the subdivision is not likely to have a significant impact on the environment,
- it may consent to the subdivision of land within Zone No 2 provided that each allotment to be created has a minimum size of 2 000 square metres.
- (5) The subdivision of land except as provided by this clause is prohibited.

#### **10 Height of buildings**

- (1) A person shall not erect a building which exceeds a height of 7.5 metres above natural ground level.
- (2) Subclause (1) does not apply to development for the purposes of aerials, masts, communication structures and any other purpose of a similar kind associated with utility undertakings.

#### **11 Setbacks in Zones Nos 1, 2 and 4**

- (1) A person must not, on a Portion of land within Zone No 1, 2 or 4, erect a building:
- (a) closer than 10 metres to any boundary of the Portion adjoining a road, unless paragraph (b) applies, or
  - (b) closer than 5 metres to one of the boundaries adjoining a road or closer than 10 metres to any other boundary of the Portion adjoining a road, if the Portion has more than one boundary adjoining a road and the building is erected with the consent of the Board, or
  - (c) closer than 5 metres to any other boundary of the Portion.
- (2) However, a person may, with the consent of the Board, erect a building that does not

comply with a requirement made by subclause (1) (a) or (c) because:

(a) of the physical features of the land, or

(b) in the opinion of the Board, compliance with the requirement would be unreasonable and unnecessary.

(3) The Board must not consent to the erection of a building in a case in which, in its opinion, compliance with a requirement made by subclause (1) (a) or (c) would be unreasonable and unnecessary, unless:

(a) the setbacks prescribed by subclause (1) (a) and (c) are not reduced by more than 20 per cent, and

(b) it is satisfied that the proposed building, when erected, will not have any adverse impact (either when considered by itself or in conjunction with existing development) in terms of appearance, loss of vegetation, overshadowing, reduction of privacy, or in any other way.

(4) Subclause (1) (c) does not prevent a person, with the consent of the Board, from rebuilding, making structural alterations to, enlarging or extending a building that was lawfully erected.

## **12 Site coverage in Zone No 2**

(1) When a building is erected in Zone No 2, the site coverage of the Portion on which the building is erected must not exceed 15 per cent of the Portion.

(2) However, a person may, with the consent of the Board, erect a pergola, covered walkway or other structure that is predominantly open in construction that, when erected, will result in the site coverage of the Portion on which it is erected exceeding 15 per cent.

(3) The Board must not grant consent to the erection of a structure as referred to in subclause (2) unless it is satisfied that the proposed structure, when erected, will not have any adverse impact (either when considered by itself or in conjunction with existing development) in terms of appearance, loss of vegetation, overshadowing, privacy, or in any other way.

(4) In granting consent to the erection of a structure as referred to in subclause (2), the Board may require the applicant to provide additional landscaped area on the Portion in the form of trees, grass, gardens or the like.

## **13 Multiple dwellings**

A person may, with the consent of the Board, erect multiple dwellings within Zone No 2.

#### **14 Landscaping in Zones Nos 1, 2 and 4**

- (1) This clause applies to development:
  - (a) for the purposes of dwellings within Zone Nos 1 and 2,
  - (b) for the purposes of tourist establishments and commercial premises within Zone No 2, and
  - (c) within Zone No 4.
- (2) A person shall, when making an application to the Board for consent to carry out development to which this clause applies, submit to the Board detailed landscaping plans for the proposed development.
- (3) A person must not carry out development to which this clause applies without the consent of the Board.
- (3A) The Board must not grant such a consent unless it imposes conditions on the consent that:
  - (a) in the case of a site on which a building is to be erected and used as a dwelling or a tourist establishment or as commercial premises, will require at least 50 per cent of the Portion on which the building is erected to consist of landscaped area after the development has been carried out, and
  - (b) in the case of development within Zone No 4, require such landscaped area as may be determined by the Board.

At least half of any land treated as landscaped area for the purposes of this clause must be planted out with trees, grass, gardens or the like.
- (3B) However, in the case of a Portion which has less than 50 per cent landscaped area, the Board may consent to the carrying out of development on a site on that Portion if:
  - (a) the development will not involve the erection of a building, but will involve rebuilding, making structural alterations to, enlarging or extending a building that was lawfully erected, and
  - (b) the proposed development, when carried out, will not reduce the amount of landscaped area on the Portion before the development was carried out, and
  - (c) at least 25 per cent of the Portion will be planted out with trees, grass, gardens or the like after the development has been carried out.
- (4) The Board shall, when determining an application to carry out development to which this applies, take into account:
  - (a) the siting of any proposed buildings, and

- (b) the proposed landscaping of the site and, in particular, the type of vegetation and landscaping material to be used.

### **15 Foreshore building line**

- (1) Development between the foreshore building line and the sea is prohibited except if, in the opinion of the Board:
  - (a) it is in the public interest, or
  - (b) it would not detract from the visual amenity of the area.
- (2) The Board shall not consent to the erection of a building on land referred to in subclause (1) except with the concurrence of the Minister.
- (3) In deciding whether to grant concurrence pursuant to subclause (2), the Minister shall take into consideration:
  - (a) the need to protect areas that may be vulnerable to erosion to which are a habitat for significant fauna or certain important endemic vegetation, and
  - (b) the need to restore lost or disturbed natural resources, particularly where visual amenity may be enhanced.
- (4) Notwithstanding the provisions of subclauses (1) and (2), the Board may consent to the carrying out of development for the purposes of picnic facilities between the foreshore building line and the sea without the necessity of the concurrence of the Minister being obtained therefor.

### **16 Permanent Park Preserve**

A person shall not carry out development for any purpose within Zone No 3 (a) except in accordance with the plan of management.

### **17 Matters to be considered in determining development applications**

The Board, when considering an application to carry out development, shall in addition to any other requirements of this plan, take into account:

- (a) soil and landform limitations, including:
  - (i) slope,
  - (ii) soil stability, and
  - (iii) flooding,
- (b) any flora or fauna habitats,
- (c) whether any building or work resulting from carrying out the proposed development



will be visible from prominent locations, public roads, public viewpoints or water accessible to the public and whether the proposed development is generally consistent with the preservation of an aesthetically pleasing landscape,

- (d) the minimization of any long term repair or maintenance costs, and
- (e) waste disposal.

### **18 Areas adjacent to the Permanent Park Preserve**

(1) This clause applies to development:

- (a) which is proposed to be carried out within 20 metres of the Permanent Park Reserve, or
- (b) which is likely to have a significant impact on the Permanent Park Preserve.

(2) A person shall not carry out development to which this clause applies, except with the consent of the Board.

(3) Where the Board receives an application to carry out development to which this clause applies, it shall, in addition to the matters specified in clause 17, take into account:

- (a) the possible encroachment of introduced vegetation into the Permanent Park Preserve,
- (b) the desirability of restoring the land, as far as is possible, to its original natural state, and
- (c) the need to encourage the growth of only native vegetation.

### **19 Advertising of certain development applications**

(1) This clause applies to development proposed to be carried out:

- (a) for the purposes of utility undertakings, or
- (b) which, in the opinion of the Board, is likely to have a significant effect on the environment.

(2) The provisions of sections 84, 85, 86, 87 (1) and 90 of the [Environmental Planning and Assessment Act 1979](#) apply to and in respect of development to which this clause applies in the same manner as those provisions apply to and in respect of designated development.

(3) The Board must not grant consent to an application to carry out development to which this clause applies unless it has considered an environmental impact report containing the matters specified in Schedule 1.

(4) (Repealed)

## **20 Advertising structures**

- (1) A person shall not erect an advertising structure on the land to which this plan applies except with the consent of the Board.
- (2) The Board shall not consent to the erection of an advertising structure, unless:
  - (a) the advertisement on or to be placed on the structure indicates or will indicate the purpose for which the land is or will be used,
  - (b) the structure is in sympathy with the surrounding landscape, and
  - (c) the Board is satisfied that the structure will not interfere with the amenity on the surrounding area.

## **21 Public accommodation**

The Board shall not grant consent to the use of land for the purpose of public accommodation so as to enable public accommodation in excess of 400 beds to be provided on the Island at any one time.

## **22 Protection of heritage items and relics**

- (1) The following development may be carried out only with development consent:
  - (a) demolishing, defacing or damaging a heritage item, or
  - (b) altering a heritage item by making structural changes to its exterior, or
  - (c) altering a heritage item by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance, or
  - (d) moving a heritage item or a relic (whether or not it is a heritage item) or excavating land for the purpose of discovering or moving any such heritage item or relic, or
  - (e) erecting a building on, or subdividing, land on which a heritage item is located.
- (2) When determining a development application relating to a heritage item, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.
- (3) The consent authority may decline to grant consent to any development relating to a heritage item until it has considered a conservation plan that assesses the impact of the proposal on the heritage significance of the item and its setting. A conservation

plan is a document establishing the heritage significance of a heritage item and identifying conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

## **22A Notice of certain heritage development applications**

Sections 84, 85, 86, 87 (1) and 90 of the Act (which provide for the giving of notice, and for the making and consideration of submissions, about proposed development) apply to the demolishing, defacing or damaging of a heritage item in the same way as those provisions apply to designated development.

## **22B Notice to the Heritage Council**

Before granting development consent to the demolishing, defacing or damaging of a heritage item, the consent authority must notify the Heritage Council of its intention to do so and take into consideration any comments received from the Heritage Council within 28 days after the notice was sent.

## **22C Development of potential archaeological sites**

- (1) The consent authority may grant consent to the carrying out of development on a potential archaeological site only if the consent authority has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site.
- (2) The assessment must be prepared in accordance with any guidelines for the time being notified to the consent authority:
  - (a) by the Heritage Council, if the site has European heritage significance, or
  - (b) by the Director-General of National Parks and Wildlife, if the site is the location of a relic or an Aboriginal place, within the meaning of the [National Parks and Wildlife Act 1974](#).
- (3) The consent authority may grant consent to the carrying out of development on a potential archaeological site only if the consent authority:
  - (a) has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days after the notice was sent, and
  - (b) is satisfied that any necessary excavation permit required by the [Heritage Act 1977](#) has been granted, and
  - (c) is satisfied that any permit required by the [Historic Shipwrecks Act 1976](#) of the Commonwealth has been granted.
- (4) The consent authority may grant consent to the carrying out of development on a

potential archaeological site that is the location of a relic or an Aboriginal place, within the meaning of the *National Parks and Wildlife Act 1974*, only if:

- (a) the consent authority has notified the Director-General of National Parks and Wildlife of its intention to do so and taken into consideration any comments received from the Director-General within 28 days after the notice was sent, and
- (b) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been obtained.

## **22D Development in the vicinity of heritage items or potential archaeological sites**

The consent authority must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item or potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity.

## **23 Land adjacent to Lord Howe Island Airport at Blinky Beach**

- (1) This clause applies to land situated adjacent to Blinky Beach, south-east of the Lord Howe Island Airport runway, as shown edged heavy black on the map marked "*Lord Howe Island Regional Environmental Plan 1986 (Amendment No 2)*".
- (2) Notwithstanding any other provisions of this Plan, the land to which this clause applies may, with the consent of the Board, be developed for purposes associated with air transport.

## **Schedule 1 Contents of an environmental impact report**

(Clause 19)

- 1** Justification of the proposal in the context of the *Lord Howe Island Regional Environmental Plan 1986*.
- 2** A summary of the environmental impact report.
- 3** A statement of the objectives of the development.
- 4** An analysis of any feasible alternatives to the carrying out of the development, having regard to its objectives, including:
  - (a) the consequences of not carrying out the development, and
  - (b) the reasons justifying the carrying out of the development.
- 5** An analysis of the development, including:
  - (a) a full description of the development, and
  - (b) a general description of the environment likely to be affected by the development, together with a detailed description of those aspects of the environment that are likely to be

significantly affected, and

- (c) the likely impact on the environment of the development, having regard to:
  - (i) the nature and extent of the development, and
  - (ii) the nature and extent of any building or work associated with the development, and
  - (iii) the way in which any such building or work is to be designed, constructed and operated, and
  - (iv) any rehabilitation measures to be undertaken in connection with the development, and
- (d) a full description of the measures proposed to mitigate any adverse effects of the development on the environment.

- 6** A compilation (in a single section of the environmental impact report) of the measures referred to in item 5 (c) (iv).
- 7** The reasons justifying the carrying out of the development in the manner proposed, having regard to biophysical, economic and social considerations and the principles of ecologically sustainable development.
- 8** A list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out.
- 9** An assessment of the compatibility of the proposal with the objectives underlying the Island's inclusion as a World Heritage site.
- 10** Details of any existing development that may be superseded by the proposal.
- 11** A detailed evaluation of the visual impact of the proposed development and measures to be taken to reduce any detrimental visual impact, including the extent to which vegetation may be used to restore a natural landscape character.
- 12** A detailed evaluation of any effect of the proposed development upon a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations.

For the purposes of this Schedule, ***the principles of ecologically sustainable development*** are as follows:

- (a) The precautionary principle: namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- (b) Inter-generational equity: namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- (c) Conservation of biological diversity and ecological integrity.
- (d) Improved valuation and pricing of environmental resources.

**Note—**

*The matters to be included in item 5 (c) might include such of the following as are relevant to the proposed development:*

- (a) the likelihood of soil contamination arising from the development,*
- (b) the impact of the development on flora and fauna,*
- (c) the likelihood of air, noise or water pollution arising from the development,*
- (d) the impact of the development on the health of people in the neighbourhood of the development,*
- (e) any hazards arising from the development,*
- (f) the impact of the development on traffic in the neighbourhood of the development,*
- (g) the effect of the development on local climate,*
- (h) the social and economic impact of the development,*
- (i) the visual impact of the development on the scenic quality of land in the neighbourhood of the development,*
- (j) the effect of the development on soil erosion and the silting up of rivers or lakes,*
- (k) the effect of the development on the cultural and heritage significance of the land.*

## **Schedule 2 Heritage items**

(Clause 5 (1), 22)

Soldier Creek Area/Site of Johnson's Farm and 1882 Commissioner's Camp, Lagoon Road, portions 126 and 123.

Pair of mature Norfolk Island pine trees, Lover's Bay, Government Reserve, Lagoon Road.

Baxter House, Lagoon Road, portion 158.

W. Wilson House, Lagoon Road, portion 191.

Kentia, A. Fenton/A. Christian House, Lagoon Road, portion 111.

Cemetery, Lagoon Road, Portion 236.

World War I Memorial, Lagoon Road, Portion 36.

Government House, Bowker Avenue, portion 37.

House, formerly teacher's residence, formerly G. Nichols' House, Lagoon Road, portion 12.

Boatsheds, Lagoon Road, Government Reserve.

Public hall, corner Lagoon Road and Ned's Beach Road, portion 61.

Cargo shed related to wharf, Lagoon Road, Government Reserve.

Thompson Cemetery, off Ocean View Drive, portion 55.

Traces of T. B. Wilson's House, Lagoon Road, Portion 285.

Old Settlement, beyond northern end of Lagoon Road, Portions 74, 75, 275 and 276.

Thompson House, Ned's Beach Road, portions 199 and 209.

Main Cemetery, Cemetery Road, portion 76.

Palmhaven, Canton House, south end of Anderson Road, Portion 161.

"Janetville", King's House, Lagoon Road, portion 127.

Stone-lined drains—golf course, Lagoon Road, Portions 118, 120 and 299.

War Memorial, Lagoon Road, Portion 35.