

Estate of Patricia Dignam  
Thornleigh, Lagoon Road  
Lord Howe Island, NSW 2898

1 December 2013

Your ref: 13/16719

The Regional Director  
Department of Planning and Infrastructure  
Locked Bag 9022  
Grafton NSW 2460

Dear Sir or Madam,

**PLANNING PROPOSAL TO REZONE THE LORD HOWE ISLAND  
PALM NURSERY FOR PRIVATE PURPOSES**

We are writing in response to the Department's letter of 21 November 2013.

We have a direct interest in the proposal as owners (under Grant of Probate) of the adjoining property, Thornleigh on Portion 31. Thornleigh has since the 1800s been an important agricultural property and this use will continue.

We do not object to the proposal insofar as it relates to the rezoning of Portion 30. That property has always been a residential property, not part of the Nursery, and the current zoning is anomalous.

We support the plan to privatise the Nursery but we believe that the material provided by the Department does not adequately explain the reasons for the proposed rezoning of Portion 279. We have the following concerns:

1. **The public consultation process is inadequate:** The Gateway Determination requires that the proposal be made publicly available for a minimum of 14 days. The Department is allowing 14 days for both public review and receipt by the Department of community submissions. In contrast it is allowing 21 days for submissions by other government agencies. There is no apparent urgency in the proposal and so there is no reason or necessity to adopt an absolute minimum consultation period. The Department should allow a reasonable period after the minimum 14 day availability period specified in the Gateway Determination for community submissions.

In determining this period the Department should take into account that, as it well knows, the Island has very poor communications infrastructure – in particular internet access is unreliable, expensive and, at best, available only at dial-up speeds. Access to the Department's website proposal material is unreliable and slow. More effort should be made to disseminate and explain the proposal to the community by traditional 'on the ground' and face-to-face community consultation processes.

2. **The proposal is inconsistent with the Board's own published plans for Portion 279 and therefore does appear to represent a material change of use:** The Board's public request for Expressions of Interest for the Nursery stated that its objectives included to 'Seek land use and development proposals that are in keeping with current or proposed local government zoning requirements'. At the time no other zoning was proposed. The EOI sought interest in leasing the existing Nursery infrastructure and there has been no suggestion of uses inconsistent with previous use. The community understands that the selected tenderer will operate the Nursery as a nursery. In these circumstances, if there does have to be a change in zoning to accommodate private use, then Zone 1 Rural would be more in keeping with the Board's publicly expressed plans for the site. At the very least the Department has provided inadequate information about the reason for the proposed change and greater transparency is required.
3. **The proposal, insofar as it would allow new development, does not take into account the scarcity of good agricultural land on the Island:** The Island used to be highly self-sufficient and was once an exporter of produce, but the trend since the 1980s (coincidentally when World Heritage status was granted) has been to increasing reliance on imported produce so that now, ironically, it likely has an extremely high per capita carbon footprint because of its reliance on ships and planes to transport food to the Island. Permitting the future conversion of the Nursery to non-agricultural uses is short-sighted and not in keeping with the Island's World Heritage status.
4. **The proposal, insofar as it would allow new development, does not take into account the potential effect on adjoining properties of future development on Portion 279:** Stevens Reserve – a high value conservation area – adjoins the Nursery. Thornleigh – with scarce high value agricultural land – adjoins the Nursery. Any future residential or commercial development at the Nursery must be on condition that it does not interfere with the established use of the property and does not pollute by run-off or effluent the prime agricultural soil on the property or the environment of Steven's Reserve. In this respect the Proposal is


fundamentally flawed in its assumption that any future development under Zone 2 would not involve additional infrastructure. The current infrastructure is for a Nursery and would not adequately service commercial or residential development on the site.

In summary, we believe that the Department should:

- Allow more time for community review of the proposed change,
- Be more transparent about the reasons for the proposed change and potential effect on adjoining properties, and
- Engage in direct consultation with the community rather than relying on internet based consultation (which is unsuitable for the Island).

Yours faithfully,



 Robert & Lindy Jeremy)  
Executors of the Estate of  
Patricia Mary Dignam

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