

LORD HOWE ISLAND BOARD

BUSINESS PAPER

OPEN SESSION

Item

Transfer of four (4) Public Accommodation Licences for Lagoon Landing – from Lisa Makiiti and Rodney Oxley to Kylie Owens and Rahnie Owens

Recommendations

1. **Approve** the immediate cancellation of the Public Accommodation Licence for Lagoon Landing in the names of Lisa Makiiti and Rodney James Oxley for PL2016.02
2. **Approve** the immediate issue of a Public Accommodation Licence for Lagoon Landing in the names of Kylie Owens and Rahnie Owens for PL2021.06 for the maximum number of 4 persons, excluding children under five years of age, who may be accommodated at any one time;

Current position

The *Lord Howe Island Regulation 2014* states the following:

Part 4 Licensing of tourist accommodation and other commercial undertakings

48 Meaning of tourist accommodation

*In this Part, **tourist accommodation** means public accommodation that is provided predominantly for tourists to the Island as a commercial undertaking.*

49 Licensing of tourist accommodation and other commercial undertakings

(1) a Person must not-

- (a) provide tourist accommodation or carry on any other commercial undertaking on the Island, or*
- (b) use premises for the provision of tourist accommodation or for the carrying on of any other commercial undertaking,*

Except in accordance with a licence granted by the Board for that purpose.

(2) A licensee must not contravene a condition of the licensee's licence.

(3) A licensee must not, without reasonable excuse, refuse or fail to produce the licensee's licence for inspection on being requested to do so by the Board.

The Tourist Accommodation Strategy was adopted at the September 2015 Board Meeting. Its purpose is to assist in the enforcement of licence conditions post transfer. The current process for the transfer of Public Accommodation Licences is summarised below:-

- a) The buyer and seller must apply to the Board to vary the accommodation licence/s,
- b) The buyer and seller must provide the Board with a floor plan showing the particulars of the premises to be licensed, including the room numbers, pre and post transfer,
- c) On receipt of the site plan, the Board will conduct an audit of the premises to ensure that they are currently compliant with their Licence for Provision of Public Accommodation,
- d) On satisfactory completion of steps 1 to 3 above, the matter will be referred to the Board for decision, and
- e) If approved by the Board, and subject to the conditions imposed by the Board, the existing Licence for Provision of Tourist Accommodation will be cancelled and a new licence issued to reflect the increased / reduced number of accommodation units and increased / reduced number of people, excluding children under five years of age, who may be accommodated at any one time.

Background

At the September 2021 Board Meeting, the Board endorsed the sale Lot 10, DP1274979 from Lisa Makiiti and Rodney James Oxley to Kylie Owens with Lisa Makiiti and Rodney James Oxley retaining Lot 11, DP1274979 and Lot 1 of DP1174920. Lot 10 encompasses the tourist accommodation known as Lagoon Landing, a residence and tourist related infrastructure and landscaping. Subsequently on 24 November 2021 the Minister approved the surrender and creation of two new perpetual leases for Lisa Makiiti and Rodney Oxley PL2021.05 and Kylie Owens PL2021.06.

Currently four (4) Public Accommodation licences are held by Lisa Makiiti and Rodney James Oxley for Lagoon Landing over their surrendered perpetual lease PL2016.02. Lisa Makiiti and Rodney James Oxley are no longer the owners of Lot 10 DP1274979 and PL2016.02 no longer exists, therefore the reissue of the licences is required.

No Additional licences are being applied for, just the redistribution of the licences held by Lisa Makiiti and Rodney Oxley as a result of the sale of Lagoon Landing.

The public accommodation licences for Lagoon Landing do not automatically transfer as a result of the transfer by way of sale and is a completely separate process, assessed under the Tourist Accommodation Strategy Steps a) to e) listed above.

The Board has received an application to transfer of four (4) public accommodation licences from Lisa Makiiti and Rodney James Oxley to Kylie Owens and Rahnne Owens (Attachment A).

The tourist accommodation known as Lagoon Landing consists of two (2) one bedroom tourist accommodation cottages, the maximum number of persons which may be accommodated at any one time is 4, excluding children under five years of age.

Site Inspection and Audit of Premises

As per c) of the of the Tourist Accommodation Strategy an audit of the premises was undertaken by Darcelle Matassoni on 22 November 2022.

The 4 public accommodation licences are distributed evenly between two, one-bedroom units. Each unit has one queen bed when can be swapped out for a twin option if required.

The configuration has not changed in use or configuration through the change of ownership process and meets all requirements under the strategy.

Steps a) to c) of the Tourist Accommodation Strategy shown above have been completed.

As per e) of the Tourist Accommodation Strategy, it is recommended that the existing Licence for Provision of Tourist Accommodation will be cancelled and a new licence issued to reflect the increased / reduced number of accommodation units and increased / reduced number of people, excluding children under five years of age, who may be accommodated at any one time.

Attachments

Attachment	Title
A	Application to transfer 4 public accommodation licences from Lisa Makiiti and Rodney James Oxley to Kylie Owens and Rahnie Owens – 20 October 2022 - Open

Approval and contact

Approver	Position
Suzie Christensen	Chief Executive Officer
Preparer	Position
Darcelle Matassoni	A/Manager Environment & Community Services

Rec: -22394
Rec: -22393

Lisa Makiiti and Rod Oxley, Kylie Owens and Rahnie Owens

Lagoon Landing

Lord Howe Island

LHI Board

RECEIVED
20 OCT 2022
Lord Howe Island Board

Ref: Transfer of Public Accommodation Licences associated with lease transfer

3rd September 2021

This is to advise that along with the impending sale of Lagoon Landing from Lisa Makiiti and Rod Oxley to Kylie Owens, the associated bed licences will need to be transferred.

The existing bed licence numbers and configuration will remain unchanged, being 2 per house, total 4.

Please cancel both Lagoon Landing business licence and bed licence fee in the current names of Makiiti/Oxley, and re-issue to Kylie Owens. and Rahnie Owens.

Thank you,

Signed:

K. Owens,

RECEIVED
20 OCT 2022
Lord Howe Island Board
REC: 22394
REC: 22393

Kylie Owens, Rahnie Owens

Lagoon Landing

Lord Howe Island

LHI Board

Ref: Transfer of Public Accommodation Licenses associated with Sale of Lagoon Landing

20/10/2022

This is to advise that along with the sale of lagoon landing from Lisa Makitti and Rod Oxley to Kylie Owens and Rahnie Owens the associated bed licenses will need to be transferred.

The existing bed license numbers and configuration will remain unchanged being 2 per house total 4

Please re-issue the Business License and bed Licenses for Lagoon Landing to Kylie Owens and Rahnie Owens [joint Directors of LHI Diamond Group Pty]

Thankyou

Signed 20/10/22

Kylie Owens



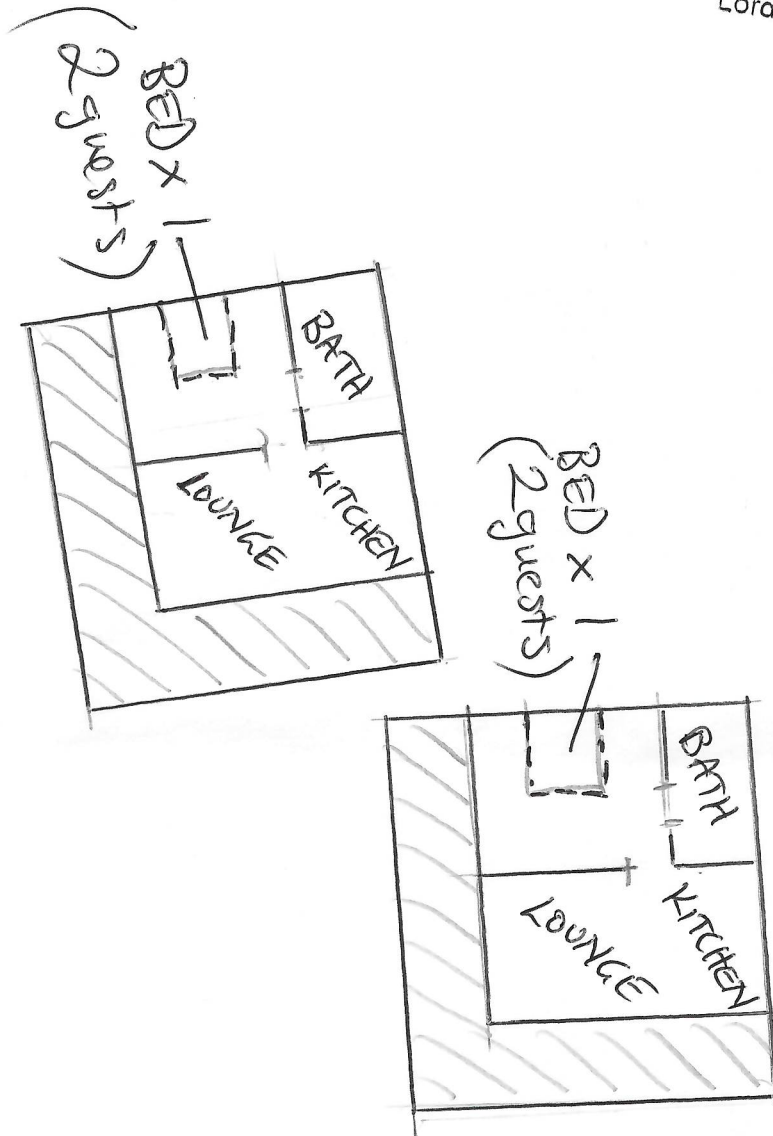
Rahnie owens



LAGOON LANDING

RECEIVED
20 OCT 2022

Lord Howe Island Board



Floor plan indicating 4 bed licences, 2 per house, unchanged configuration pre and post transfer.