

# LORD HOWE ISLAND BOARD

## MINUTES OF THE MEETING OF THE LORD HOWE ISLAND BOARD

### HELD BY TELECONFERENCE ON MONDAY 6 AND TUESDAY 7 JUNE 2016

Present: Ms S Stewart (Chair – SS)  
Mr B Nichols (Deputy Chair - BN)  
Ms L Makiiti (Member – LM) Monday 6 June  
Mr J King (Member - JK)  
Mr C Wilson (Member - CW)

Apologies: Mr R Pallin (Member – RP)  
Mrs J Riddle (Member - JR)  
Ms L Makiiti (Member – LM) Tuesday 7 June

Board staff present at all sessions were Penny Holloway (Chief Executive Officer - PH), Jemima Spivey (Acting Manager Business & Corporate Services - JS) and David Kelly (Manager Environment & Community Development – DK).

The Board's external Planning Consultants were represented by Peter Mangels (PM) and Mia Fay (MF) from RPS.

Both sessions were held by teleconference with Chair SS, Member JK and RPS representatives PM and MF dialling in from the mainland following cancellation of weekend flights as a result of severe weather.

The Closed Session commenced at 10:05 am at the Board's Administration Office and closed at 12:55 pm.

The Open Session commenced at 9:00 am at the Public Hall on Tuesday 7 June 2016 and closed at 11:55 am, and was attended by 4 members of the public.

SS declared the meeting open and apologised for not being able to attend in person.

No conflicts of interest were declared.

Unless otherwise specified, all Board decisions were unanimous.

## **1 MINUTES OF PREVIOUS MEETING**

The Board noted the endorsed minutes of the previous meetings held in March and April 2016.

## **2 OUT OF SESSION MATTERS**

PH gave an overview of the paper.

The Board members noted the information provided in the Out of Session paper.

## **3 ACTIONS FROM PREVIOUS MEETINGS - STATUS REPORT**

The Board members noted the information provided in the report.

## **4 CHIEF EXECUTIVE OFFICER'S REPORT**

PH gave an overview of the Report.

PH advised that the Minister's planned visit to the Island had been cancelled following the cancellation of flights and the 4<sup>th</sup> and 5<sup>th</sup> of June and would potentially be rescheduled to align with the September Board Meeting.

PH advised that the Weed Management Strategy (noted in the report as agenda item 8 (viii)) had been withdrawn and would be submitted to the September Meeting.

The Board noted the powerhouse fuel efficiency results and queried the driver/s of the improvement.

PH took this question on notice pending advice from the Manager Infrastructure and Engineering Services.

Mr Gary Owens a member of the public gallery asked whether the Minister may consider visiting the Island prior to the September Board Meeting.

SS advised she had been in contact with the Minister's office and they were reviewing this possibility.

The Board members noted the information provided in the CEO's Report.

## **5 MOTOR VEHICLE IMPORTATION OR TRANSFER**

PH gave an overview of the Motor Vehicle Importation and Transfer Status Report explaining the Vehicles Imported Without Approval are those that were imported prior to the current Motor Vehicle policy. These numbers will decrease over time as older vehicles are replaced.

*Action: Future reports on Vehicle Approvals to include trends in regard to Vehicles Imported Without Approval and clarification that these are vehicles which pre-date the Board approval and monitoring process.*

The Board members noted the information provided in the Report.

## **6 FINANCIAL IMPACT REPORT FOR PROPOSALS ON AGENDA**

Closed session.

## **7 DEVELOPMENT APPLICATIONS**

### **7 (i) Owner Consent Approved Under Delegated Authority**

PH advised the Board of the Owner Consent applications approved by the CEO since the last Board meeting.

The Board members noted the information provided in the Owner Consent under Delegated Authority paper.

### **7 (ii) Development Applications dealt with under Delegated Authority**

PH advised the Board of Development Applications determined by the CEO since the last Board meeting.

The Board members noted the information provided in the Development Applications dealt with under Delegated Authority paper.

### **7 (iii) OC2016-24 LHI Co-op (Cool room)**

PM gave an overview of the paper.

DK advised the existing commercial lease would need to be expanded to include the revised footprint.

It was moved BN and seconded JK that the recommendation be approved with the addition of the following condition:

Subject to approval of the DA that the Commercial Lease held by the LHI Cooperative would need to be extended to include the proposed cool room area.

The Board then adopted the motion.

### **7 (iv) OC2016-25 Owens (Staff Accommodation – Dwelling)**

PM gave an overview of the paper.

DK advised that the Board had received an email from the applicant on Friday 3 June 2016 which requested an update of the wording in section 6 of the paper and provided an updated site plan.

In addition to the information provided in the paper the Board considered the following factors in reaching their decision:

- The potential need for staff accommodation on the site in the future that may require further development;
- Advice from the applicant Gary Owens that the building is no longer required for staff accommodation as Lorhiti is no longer a full board lodge and therefore does not require as many staff, as demonstrated by the fact that it has been rented out for the last 20 years; and

It was moved BN, seconded, JK, that the Owner Consent application be approved in accordance with the recommendation provided.

The Board then adopted the motion.

### **7 (v) Paper Withdrawn**

## **7 (vi) DA2016-17 Krick (Tourist Accommodation, solar and wastewater)**

PM gave an overview of the paper.

DK advised that on Friday 3 June 2016 the Board had received a revised site and floor plan from the applicant identifying a change to the shape of the bathroom/laundry in apartment 2. DK noted no significant change to the application by accepting the revised plans however recommendation 1(c) would require amendment.

It was moved BN, seconded CW, that the Board approve the application in accordance with the recommendation with the following modification to recommendation 1(c), bullet points one and two:

- Site Plan Drawing No DA100 – Date 03.06.2016 prepared by Architectural Drafting Services
- Ground Floor Plans Drawing No DA101 – Date 03.06.2016 prepared by Architectural Drafting Services

The Board then adopted the motion.

Further to adopting item 7 (vi) the Board suggested the need for a mechanism for uniformly identifying properties on the Island, such as street numbers, to facilitate things such as internet and phone installations and assist with completing mandatory fields in documents such as mortgages.

*Action: The Administration prepare a paper for the next meeting identifying issues and potential solutions in relation to property identification.*

## **7 (vii) Paper Withdrawn**

## **7 (viii) DA2016-27 Wilson/Riddle (Commercial wastewater)**

PM gave an overview of the paper.

It was moved JK, seconded CW, that the Board approve the application in accordance with the recommendation.

The Board then adopted the motion.

## **8 POLICY AND STRATEGY**

### **8 (i) Bi-annual Planning and Assessment Audit**

PM gave an overview of the paper.

It was moved JK, and seconded BN, to endorse the recommendation as provided.

The Board then adopted the motion.

### **8 (ii) Draft Scientific Research Policy**

DK gave an overview of the paper.

It was moved CW, seconded BN, that the Board approve the recommendation to place the draft policy on public exhibition for a period of 28 days.

The Board then adopted the motion.

### **8 (iii) Commercial Film and Photography Policy**

DK gave an overview of the paper.

It was moved JK, and seconded BN, to endorse the recommendation to approve the policy. The Board then adopted the motion.

### **8 (iv) Review of the LHI Local Environment Plan – consultation outcomes and draft planning proposal**

DK gave an overview of the paper advising that some corrections to the report in relation to Heritage Item names had been provided at the closed session.

The Board noted that stage two of the review contains most of the items that may be affected by the Handley Report.

Rodney Thompson alleged it to be strange that the Island Administration had copies of the (Handley) report but it was not available to the public. Mr Thompson went on to say that they were told at the last meeting that the Island was in a no growth plan and queried whether the number of future dwelling allocations had been revised.

PH advised that the Board did not have a copy of the recommendations or the response of the NSW Government and reminded Mr Thompson that the review had been undertaken independently of the Board.

Mr Thompson stated the (Board's) Planners had said they had seen the report.

DK confirmed the Planners were given a copy of the Land Allocation Review Discussion Paper, not the final report.

PH noted the Discussion Paper was publicly available and dwelling numbers will be addressed at stage two of the review.

It was moved BN, seconded CW, that the Board endorse the draft Planning Proposal for submission to the Department of Planning and Environment's LEP Gateway Review Panel subject to the following corrections:

- Section 3.6 Heritage Item 13 is 2 separate items and should be spelt 'Nicholls Track and Plaque' and a separate item for 'Mick Nichols plaque on summit of Mt Gower' – note different spelling for each item. This will mean there are 22 heritage items and this will need to be updated in the remainder of the report.
- Section 3.6 Heritage Item 19 change Thompson Park to 'Flagstaff Point'

The Board then adopted the motion.

### **8 (v) Affordable Housing Report**

DK gave an overview of the paper.

The Board commended DK on the information provided in the paper and discussion ensued in relation to:

- The limit on the number of new dwellings influencing supply/demand and affecting housing prices;

- Strong community support for limited development versus demonstrated want/need for housing (30 odd applications received for Category B). Of 22 applicants deemed eligible for Category B none had been able to afford the latest market values for transfer.
- The fact that options available to the Board may be dependent on the outcome of the Handley Report;
- The percentage of unoccupied private dwellings recorded in the 2011 census (27.5%). It was noted that this figure included those dwellings whose residents were away temporarily however enforcing the Perpetual Lease residency condition is one avenue available to the Board to ensure existing dwellings are utilised.
- It was clarified that the land values (page 8, attachment 1) are inclusive of a dwelling allocation.

Rodney Thompson asserted that housing values are set by the Board so the latest sale off island (to a non-islander) is the fault of the Board.

PH replied that, in accordance with the Lord Howe Island Act, market values (for the purpose of lease transfers) are determined the Valuer General and are conducted independently of the Board.

BN refuted Rodney's allegation.

Rodney Thompson stated that if locals can't afford to buy, (future) transfers will be sold off Island.

DK advised that it is the Board's responsibility to ensure a transfer does not exceed market value however properties can be transferred at less than value or by way of gift.

It was moved JK, seconded CW, that the recommendation be endorsed.  
The Board then adopted the motion.

### **8 (vi) LHI Permanent Park Preserve Advisory Committee**

DK gave an overview of the paper.

The Board noted that three of the proposed members of the PPP Community Advisory Committee are from the same family. It was agreed that further effort should be made to fill the eighth position to increase the diversity of the committee.

It was moved JK, seconded CW, that the recommendation to accept the 7 nominations be endorsed and secondly that the elected Board Members canvass prospective nominations for the eighth position still available.

The Board then adopted the motion.

### **8 (vii) Transfer of Public Accommodation Licences – Michael Maxwell, Pandanus Apartments to S & G Krick**

JS gave an overview of the paper.

It was moved BN, seconded CW that the recommendation be endorsed subject to removal of condition 3, as this item was approved earlier in the meeting.

The Board then adopted the motion.

## **9 FINANCE AND BUSINESS MANAGEMENT**

Closed session.

## **10 LEASING AND LAND ADMINISTRATION**

### **10 (i) Estate of the late Patricia Dignam**

DK gave an overview of the paper.

The Board Members agreed that the matter needed to be resolved but given the current position were willing to support the 6 month extension proposed.

Audrey Ball a member of the public gallery stated she was unhappy about the extension as the executors had had three years to move to the Island and ample time to sort out their affairs. Mrs Ball requested it be noted that she disagreed (with the recommendation).

The Board requested the Administration progress the matter quickly, noting the proposed extension is less than the 12 months requested by the applicant.

It was moved CW, seconded JK that the recommendation be endorsed.

The Board then adopted the motion.

### **10 (ii) Paper Withdrawn**

## **11 GOVERNANCE**

Nil agenda items.

## **12 OPERATIONS AND SERVICES**

### **12 (i) Rodent Eradication Program Update**

PH gave an overview of the paper.

The Board Members noted the Island Clean-up was working well and a great initiative regardless of the outcome of the program.

Rodney Thompson stated the scientists and the manufacturers say the poison shouldn't be used in the manner proposed.

PH suggested it would be helpful to receive a copy of this information from the scientists to inform the process.

Mr Thompson alleged the Board would be liable to litigation should people become sick.

PH again requested the relevant information be provided and explained that the approvals process is to assess risks and identify whether they are able to be mitigated. If risks are not able to be mitigated the project will not proceed. PH noted that residents currently use Brodificoum across the Island and in their homes in the form of Talon.

The Board members noted the information provided in the paper.

## **12 (ii) Renewable Energy Program**

PH gave an overview of the paper and provided an update in regard to the public meeting held on 24 May 2016 at the Community Hall. PH advised the meeting was undertaken in the style of a “Samoan Circle”, a format which encouraged all involved to have their say without being spoken over by others. The meeting was well attended and went for about an hour and a half with the main issue identified as noise both audible and inaudible (infrasound).

The Board noted the information provided in the paper.

## **12 (iii) Environmental Grants Progress Report**

DK gave an overview of the paper.

The Board noted the information provided in the paper.

## **12 (iv) Wastewater Strategy Update**

PH gave an overview of the paper.

The Board noted the information provided in the paper.

## **12 (v) Closed session**

## **12 (vi) North Bay Water Supply Disinfection**

PH gave an overview of the paper.

The Board expressed strong support of the recommendation given its stance to discourage the use of (disposable) plastic water bottles and queried whether improvement could be made to drinking water quality at Neds beach given its high visitor usage.

It was moved JK, seconded CW, that the Board:

- Approve the expenditure proposed for the installation of an ultraviolet water disinfection unit for North Bay; and
- Investigate options to improve drinking water quality at Neds beach.

The Board then adopted the motion.

## **12 (vii) Electrical Apprentice Progress**

PH gave an overview of the paper.

The Board requested Peter be congratulated on his progress and suggested future updates be provided in closed session.

The Board noted the information provided in the paper.

## **12 (viii) Closed session**

## **13 WH&S AND PUBLIC RISK MANAGEMENT**

### **13 (i) Workplace Health and Safety and Public Risk Management Update**

JS gave an overview of the paper.

DK told the Board the Geotechnical Engineer engaged to review the Mutton Bird Point Track had advised it was likely to be a medium risk and that with mitigation the track should be able to be opened again.

The Board noted the information provided in the paper.

## **14 INTERVIEWS**

Nil

## **15 GENERAL BUSINESS & QUESTIONS ON NOTICE**

The Board queried progress on the Slipway.

DK advised a Development Application had been submitted for a slipway at the Waste Management Facility site.

The Board requested an update in relation to the slipway at the next meeting.

CW raised the issue of accidents (on the road) at the end of the runway and the need for improved signage, advising that people had been blown off bikes and a vehicle had its window broken as a result of air gusts from the planes.

DK confirmed he would follow up.

JK advised the Tourism for Tomorrow award application forms would be available shortly.

The Board noted the passing of Island resident Mr Ken Ryan the previous day aged 92.

The public meeting closed at 11:55 pm on Tuesday 7 June 2016.

### **Next Meetings**

In order to facilitate a meeting with the Minister, the Board agreed to change the date for the next meeting to 5<sup>th</sup> and 6<sup>th</sup> September subject to the rescheduling of a conflicting Environmental Trust meeting.