

LORD HOWE ISLAND BOARD

MINUTES OF THE MEETING OF THE LORD HOWE ISLAND BOARD

HELD ON LORD HOWE ISLAND ON MONDAY 17 & TUESDAY 18 SEPTEMBER 2018

Present: Ms S Stewart (Chair – SS)
Mr C Wilson (Deputy Chair - CW)
Ms T Turner (Member - TT)
Mw M Retmook (Member – MR)
Mr R Pallin (Member – RP)
Mr G Crombie (Member – GC)
Mr J King (Member - JK)

Board staff present at all sessions were Peter Adams (Chief Executive Officer - PA), Bill Monks (Manager Business and Corporate Services - BM), Justin Sauvage (Manager Environment & Community Services - JS) and John Teague (Manager Infrastructure & Engineering Services - JT).

The Board's external planning consultants were represented by Michelle Chapman (MC) and Peter Chapman (PC) from All About Planning.

The Closed Session commenced at 9:00 am at the Public Hall on Monday 17 September 2018 and closed at 15:50 pm.

The Open Session commenced at 9:00 am at the Public Hall on Tuesday 18 September 2018 and closed at 12:33 pm. Approximately 25 members of the public attended all or part of the open session.

Unless otherwise specified, all Board decisions were unanimous.

SS declared the meeting open and thanked members of the public for their attendance. She welcomed PA and JS to their first meeting of the Board since taking up their respective roles.

SS stated that there were no conflict of interest declarations for open session agenda items.

1 MINUTES OF PREVIOUS MEETING

SS advised the meeting that the minutes of the May 2018 meeting, the Extraordinary meeting held in July and the Special meeting held in April had been circulated and endorsed in accordance with normal practice.

2 OUT OF SESSION MATTERS

PA gave an overview of the paper.

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

3 ACTIONS FROM PREVIOUS MEETINGS - STATUS REPORT

PA gave an overview of the paper.

CW stated that the LEP review was a major piece of work that had been held back since 2015, and asked what the Board needed to do in order to make it happen.

PA replied that he would consult with the Board's external planning consultants and, following discussions, seek funding for the review.

SS asked how much the review is likely to cost.

PA replied that he didn't know, but estimated that it would be at least \$100,000.

SS stated that, given the importance of the matter, if necessary the Board should reprioritise its budgeted expenditure in order to fund the review.

It was moved GC, seconded CW that an out of session paper be prepared on funding options and reprioritisation options after PA had met with the planning consultants.

The Board then adopted the motion.

4 CHIEF EXECUTIVE OFFICER'S REPORT

PA acknowledged the excellent work done by his predecessor, Penny Holloway.

PA gave an overview of the Report.

CW asked if the Board had had any input to the decision to undertake revegetation on Blackburn Island as, in his view, this should have been a Board decision, not a decision of the Administration.

Hank Bower, Manager World Heritage, replied that the revegetation of Blackburn Island was included in the Vegetation Management Plan, and that revegetation activity on Blackburn Island has been going on for 15 years.

CW asked how much of the island is planned to be revegetated.

Mr Bower replied that the planned revegetation would be incremental. He added that the revegetation did not pose a problem for the birds, and would enhance the habitat for the gecko, the skink and the cockroach, and be a trial site for the translocation of the phasmid.

GC asked if Board members could be provided with an image of what the island would look like when all revegetation activity has been completed.

SS requested that a report be prepared for consideration at the November Board meeting.

It was moved RP, seconded GC that a report be prepared on the long-term plan for revegetation of Blackburn Island for consideration at the November Board meeting.

The Board then adopted the motion.

5 MOTOR VEHICLE IMPORTATION OR TRANSFER

PA gave an overview of the Motor Vehicle Importation and Transfer Status Report.

The Board noted the information provided in the Report.

6 PROPOSED ADJUSTMENTS TO ADOPTED BUDGET

Closed session

7 DEVELOPMENT APPLICATIONS

7 (i) Owner Consent Approved Under Delegated Authority

JS advised the Board of the three Owner Consent applications approved by the CEO since the May 2018 Board meeting.

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

7 (ii) Development Applications dealt with under Delegated Authority

JS advised the Board of the three Development Application determined by the CEO since the May 2018 Board meeting.

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

7 (iii) DA2018.10 – Additional Staff and Tourist Accommodation – Earls Anchorage – John Green

MC gave an overview of the paper.

GC stated that in his nine years on the Board all premises containing a kitchen had been classified as a dwelling. He added that there had been many instances where applications for staff accommodation including a kitchen had been refused, and the applicant informed that the application would not be approved unless the kitchen was deleted. He further added that he could not support a change to the precedence that had been set.

CW concurred with GC, and suggested that the kitchenettes be removed from the individual staff units and replaced with a communal kitchen and dining arrangement.

MR stated that there is a severe shortage of staff accommodation on the island and, if the current application was approved as staff accommodation, it would become an enforcement issue to ensure that the premises were not used for a purpose other than staff accommodation. He added that, in the interests of consistency, he supported the position taken by GC and CW.

RP stated he supported the application in its current form, but accepted that it was not going to be approved. He added that, in view of the opinions expressed by other Board members, he would support the change to a communal kitchen and dining area rather than individual kitchenettes.

JK stated that he shared RP's view, that there was a need for staff accommodation of sufficient quality and amenity to attract quality staff, and that the application was totally consistent with the Local Environment Plan (LEP). He added that, in view of the precedent that has been set, he would be happy to vote for the communal kitchen option.

SS stated that in her view the application complies with the LEP and a case has been made. She added that she would support the communal kitchen option.

It was moved GC, seconded CW that the application be approved subject to the conditions specified and subject to the following additional condition:

"The individual kitchens in the proposed three staff accommodation units shall be deleted and in their place a kitchen shall be provided in the staff communal area on the northern end of the building".

The Board then adopted the motion.

8 POLICY AND STRATEGY

8 (i) Community Strategic Plan Update

PA stated that Darcelle Matassoni had been employed to assist in the development of the Community Strategic Plan. He added that JS would be leading the project.

PA gave an overview of the paper.

The Board noted the information provided in the Update.

8 (ii) Operations Plan 2017/18 Review

PA gave an overview of the paper.

JK stated that, as a consequence of the Community Strategic (CSP) plan and its vision, he hoped that future operations plans would enunciate key performance indicators that more directly relate to outcomes identified in the CSP as important.

The Board noted the information provided in the Review.

8 (iii) Draft Operations Plan 2018/19

PA gave an overview of the paper.

SS stated that the matter of the construction of the slipway should be included in the Plan.

PA replied that he would include it. He added that other actions would be added if and when further grant funding applications were successful.

It was moved GC, seconded RP that the Board adopt the Draft Operations Plan 2018/19, and that a half yearly review be provided to the Board.

The Board then adopted the motion.

9 FINANCE AND BUSINESS MANAGEMENT

Closed session

10 LEASING AND LAND ADMINISTRATION

10 (i) Application for Special Lease – R Jeremy

JS gave an overview of the paper.

It was moved RP, seconded CW that the Board defer the application pending review of all Special Leases and prospective applications following introduction of the 20-year term recommended in the *Lord Howe Island Land Allocation Review*.

The Board then adopted the motion.

10 (ii) Lord Howe Island Land Allocation Review – Implementation Update

JS gave an overview of the paper. He added that a change to the *Lord Howe Island Act 1953* would be required, and drafting was currently underway.

SS stated that two matters were considered in closed session that she wished to mention in the open session, though details could not be made public at this time:

1. **Category B Restitution:** The Board made decisions in relation to this matter, and
2. **Compliance of residency conditions on perpetual leases.** Information was considered by the Board and decisions made.

The Board noted the information provided in the paper.

10 (iii) Closed session

10 (iv) Closed session

10 (v) Closed session

10 (vi) Closed session

10 (vii) Closed session

11 GOVERNANCE

11 (i) Closed session

11 (ii) Attestation Statement for FY Ending 30 June 2018

BM gave an overview of the paper.

It was moved JK, seconded GC that the Board resolve to authorise the Chairperson to sign the Internal Audit and Risk Management Attestation Statement for the 2017/18 Financial Year.

The Board then adopted the motion.

12 OPERATIONS AND SERVICES

12 (i) Rodent Eradication Progress Report

The Board's Manager Rodent Eradication Project, Andrew Walsh, gave an overview of the paper. He added that the project currently faced a \$1.1 million shortfall, but a strategy was in place to secure additional funds, predominantly through philanthropic donations in partnership with the Invasive Species Council.

Jaclyn Pearson, Assistant Manager Rodent Eradication Project, stated that since receiving the final permit required two weeks ago the following has occurred:

- Leaseholders representing 42 leases have signed Property Management Plans (PMPs),
- Leaseholders representing 33 leases have stated that they will sign a PMP,
- A petition opposing the signing of a PMP signed by 50 people represent 23 leases, of which 15 are sublessees or renters,
- Of the abovementioned 23 leases:
 - Four have since signed a PMP,
 - Eight have since indicated verbally that they will sign a PMP, and
 - 11 have not been approached since the final permit was received about two weeks ago.

CW referred to the paper and asked how Control Orders would be used.

Jaclyn replied that a Control Order or Biosecurity Direction could be used to direct the leaseholder or occupant to undertake the measures (i.e. baiting) themselves subject to suitable training and verification. She added the Control Order or Biosecurity Direction would not allow Rodent Eradication Project staff to enter dwellings without consent.

SS asked if it was expected that some leaseholders would not sign a PMP.

Jaclyn replied that her expectation was that a small number of leaseholders would not sign a PMP.

SS asked if the process of applying for a Control Order had commenced.

Andrew replied that the advice from the Department of Primary Industries was that Control Orders could be obtained quite quickly, as they are designed to be used in emergency biosecurity situations. He added that he agreed that the Board should seek the Control Order as soon as possible.

RP stated that the eradication program was going ahead, and asked those who were opposed to it to consider cooperating by agreeing to a PMP in order that the program had the best chance of success.

MR agreed with RP, and stated that the decision to proceed with the eradication had been arrived at following a transparent and democratic process. He added that he found it

particularly galling that some people would refuse to agree to a PMP yet continue to use poison on their properties. He further added that he would have no hesitation in supporting the use of a Control Order.

It was moved RP, seconded JK that the Board note the Report, and the Administration proceed with applying for the Control Order as soon as possible.

CW and TT were not supportive of the motion.

The Board then adopted the motion.

12 (ii) Boat Retrieval System Update

JT gave an overview of the paper.

GC stated that it was important to understand that implementation of the new system will result in only one or two more vessels being handled, and there will be no significant change in the look of the vicinity. He added that the Board has no alternative if it wished to facilitate commercial vessels continuing to operate around the island.

It was moved GC, seconded RP that the Board endorse the response to NSW Roads and Maritime Services.

The Board then adopted the motion.

12 (iii) Airport Runway Extension Feasibility Study Update

PA gave an overview of the paper, noting that Jed Mills, the Project Manager for the consultant's AECOM, would be on the speakerphone to provide further advice.

Jed explained that there were two options: the reclaimed land option and the deck on pile option. The cost of each option was yet to be determined.

RP asked, in relation to the two options, what the effect would be on the movement of sand.

Jed replied that the deck on pile structure would have minimal impact on coastal processes, but the reclaimed land option would have a significant impact. He added that, all things considered in terms of environmental impact, the potential risks of both options were of a similar nature.

JK asked whether AECOM had been able to conclude yet, given the geotechnical work done to date, as to whether the piles and beams structure would be feasible.

Jed replied that further geotechnical work would be necessary, however, the preliminary tests look promising.

JT stated that AECOM would now be undertaking an environmental assessment and community consultation on the environmental impact as the next step.

SS requested that future papers be prepared in a way that referenced each term of reference, accompanied by a definitive statement (as far as one was possible) addressing each term of reference.

JT stated that it would be done.

It was moved JK, seconded GC that a high level working group, comprised of all relevant stakeholders, be formed to provide input and guidance to the feasibility study, and consider options for further action following its completion.

The Board then adopted the motion.

12 (iv) Public Fuel Sales - Location

JT gave an overview of the paper.

It was moved CW, seconded GC that:

1. the Board endorse the corner of Lagoon Road and Old Lagoon Road as the preferred location,
2. the process to rezone the land at the preferred location in order that it could be operated by a private entity be commenced, and
3. a development application for the sale of public fuel be prepared and submitted for the Board's consideration.

The Board then adopted the motion.

12 (v) PFAS Update

PA gave an overview of the paper.

CW requested that, once the fact sheet has been completed, it be distributed as a householder.

PA stated that work is already occurring to identify any potential exposure paths. He added that Board staff would be liaising with bore owners and the principal of the school as a first priority. He further added that the NSW EPA had advised that it is not yet known whether PFA has an adverse effect on human health, but is sufficiently concerned to ensure that a precautionary approach is taken.

SS requested that the Board be provided with regular updates on the progress of this matter.

PA replied that regular updates would be provided.

JT stated that bores and underground water supplies would be the first to be investigated.

The Board noted the information provided in the paper.

12 (vi) Renewable Energy Project Update

JT gave an overview of the paper, and explained that the project was now a solar and battery only project.

A member of the public, Esven Fenton, asked if this would mean an increase in the number of solar panels, given that there was no longer a wind turbine component.

JT replied that solar panels and batteries had become more efficient since the conception of the project, and therefore the 67 per cent efficiency goal which would have been achieved with the solar and wind and batteries option would now be achieved with solar and batteries only. He added that this would be achieved on the three land areas already approved in the development application.

SS thanked JT on behalf of the Board for his work in negotiating with ARENA and bringing the project to this point.

The Board noted the information provided in the paper.

12 (vii) Memorandum of Understanding – Invasive Species Council

PA gave an overview of the paper.

It was moved RP, seconded GC that the Board endorse for execution the draft Memorandum of Understanding between the Invasive Species Council and the Lord Howe Island Board.

The Board then adopted the motion.

13 WH&S AND PUBLIC RISK MANAGEMENT

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

BM gave an overview of the paper.

The Board noted the information provided in the paper.

14 INTERVIEWS

Closed session

15 GENERAL BUSINESS & QUESTIONS ON NOTICE

SS thanked and acknowledged BM for his contribution and the value brought to the Board over the seven years he had been in his role of Manager Business and Corporate Services.

SS stated that the Board had discussed, in closed session, the safe consumption of alcohol and respectful use of Board property. She added that there was a recent incident in which a group of people were consuming alcohol, from glass bottles, whilst on the Board's swimming pontoon in the lagoon. She further added that the Board had decided that the consumption of alcohol whilst on the pontoon would be prohibited.

A member of the public, Robyn Warner, asked how the prohibition would be policed.

SS replied that the community would be informed of the prohibition via a householder and other communications, that the pontoon would be appropriately signed and that NSW Police would be encouraged to take policing action.

GC stated that the Board has a limited capacity in terms of enforcement, and that the overall responsibility for enforcement rests with NSW Police.

A member of the public, Karen Giles, suggested that people who use the Board's facility at Neds Beach for parties and functions should be required to pay a bond in case damage is done or the facility is left in an untidy condition and, as a consequence, Board resources must be used effect repairs, to clean up and remove waste.

GC supported the concept and requested that a paper be prepared on the matter for consideration at the next Board meeting.

It was moved GC, seconded MR, that a paper be prepared on the matter for consideration at the next Board meeting.

The Board then adopted the motion.

SS thanked members of the public for attending the meeting.

The public meeting closed at 12:33 pm on Tuesday 18 September 2018.

Next Meeting

The dates for the next Board meeting are 19 and 20 November 2018.