

LORD HOWE ISLAND BOARD

MINUTES OF THE MEETING OF THE LORD HOWE ISLAND BOARD

HELD ON LORD HOWE ISLAND ON MONDAY 16 & TUESDAY 17 MARCH 2015

Present: Mr B Nichols (Deputy Chair - BN)
Ms L Makiiti (Member – LM)
Mrs J Riddle (Member - JR)
Mr C Wilson (Member - CW)
Mr J King (Member - JK)
Mr R Pallin (Member – RP)

As the Board does not currently have a Chairperson the Deputy Chair chaired the meeting.

Board staff present at all sessions included Penny Holloway (Chief Executive officer – PH), Bill Monks (Manager Business & Corporate Services - BM) and Andrew Logan (Manager Infrastructure & Engineering Services – AL).

The Board's external Planning Consultants were represented by Ms Jaime Bohm (JB) from RPS.

The Closed Session commenced at 2.05 pm at the Public Hall on Monday 16 March 2015 and closed at 3:55 pm.

The Open Session commenced at 9:00 am at the Public Hall on Tuesday 17 March 2015 and closed at 1:00 pm, and was attended by approximately 20 members of the public.

Unless otherwise specified, all Board decisions were unanimous.

The Deputy Chair informed the public that Agenda Item 1, Election of Deputy Chair, had been resolved at the beginning of the closed session meeting, and that he had been elected Deputy Chair.

The Deputy Chair welcomed members of the public to the meeting. He congratulated LM and JR on their re-election to the Board, and welcomed CW as a new elected member.

The Deputy Chair acknowledged the significant contribution of the outgoing elected member, Gary Crombie, during his nine years of service on the Board.

BN informed members of the public that Board members had undergone Governance and Code of Conduct training by Mr Mitchell Morley, an expert in the field. He added that the staff would also be undergoing Code of Conduct and Ethical Behaviour training.

The Deputy Chair made statements in regard to two matters not on the agenda. The first was in relation to the property known as Admiralty. He assured the public that the proper procedures would be followed in relation to the transfer of the perpetual lease.

The second was in regard to the Australian Small Islands Forum, to be held on Norfolk Island in September 2015. He stated that members of the Board and the Administration would attend the Forum, as Lord Howe Island faces many of the same challenges as other islands, and lessons could be learned from the experiences of other small islands. He added that he would be attending at his own expense, as would, subject to suitable dates being confirmed, RP. He further added that two members of the Administration would also attend.

1 ELECTION OF DEPUTY CHAIR

Section 3 of the Lord Howe Island Act 1953 states:

3 Deputy Chairperson

(1) The Board is to appoint one of its members (not being the Chairperson) to be Deputy Chairperson of the Board.

(2) Subject to this Schedule, the Deputy Chairperson holds office for one year from the date on which he or she takes office.

(3) The Deputy Chairperson is taken to have vacated office as Deputy Chairperson if the person:

(a) resigns that office by instrument in writing addressed to the Board, or

(b) ceases to be a member of the Board, or

(c) is removed from that office by the Board under subclause (4).

(4) The Board may remove the Deputy Chairperson from office as Deputy Chairperson of the Board.

RP nominated BN for the position of Deputy Chair. JK seconded the nomination. There were no other nominations.

There being no other nomination BN was unanimously elected Deputy Chair.

BN thanked Board members for their support.

2 MINUTES OF PREVIOUS MEETING

The Board noted the endorsed minutes of the previous meeting, held in November 2015.

3 OUT OF SESSION MATTERS

PH gave an overview of the paper.

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

4 ACTIONS FROM PREVIOUS MEETINGS – STATUS REPORT

PH stated that most of the action items from previous meetings had been completed, whilst work was in progress on the others.

The Board members noted the information provided in this report.

5 CHIEF EXECUTIVE OFFICER'S REPORT

PH gave an overview of the Report.

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

6 MOTOR VEHICLE IMPORTATION OR TRANSFER

PH gave an overview of the paper.

Board members requested that the Vehicle Policy be reviewed by the Administration and a paper be presented at the May 2015 Board meeting. Of particular concern were the increasing size/dimensions of both private and commercial vehicles.

PH stated that the paper as requested would be prepared.

The Board members noted the information provided in the Report.

7 FINANCIAL IMPACT REPORT FOR PROPOSALS ON AGENDA

Closed session.

8 DEVELOPMENT APPLICATIONS

8 (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.

8 (ii) Development Applications dealt with under Delegated Authority

PH advised the Board of the development applications determined under delegated authority 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.

8 (iii) DA2015-11 Boundary Adjustment and Road Widening

PH gave an overview of the paper.

It was moved RP, seconded CW, that the Board approve Development Application No. 2015-11 for the boundary adjustment (subdivision) at Lot 332, DP47549 Smoking Tree Ridge Road, subject to the conditions listed.

The Board then adopted the motion subject to the conditions specified.

9 POLICY AND STRATEGY

9 (i) Transfer of Tourist Accommodation Licences

LM declared a conflict of interest and left the room.

BM gave an overview of the paper.

It was moved RP, seconded JK, that the Administration develop a holistic strategy for tourist accommodation with the following guidelines:

1. The Licences are the property of the Board and the licensees have use of the Licences in accordance with the terms and conditions of the Licences,
2. The Board should charge a fee for the transfer of each individual Tourist Accommodation Licence to cover the administrative costs incurred by the Board, such fee to be set by the Board in the normal course of the annual budget approval process,
3. The annual Public Accommodation Fee for each Licence remain in place as the return to the Board for the use of the Licence by the Licensee, and
4. An investigation be carried out to assess the possible re-use of redundant tourist accommodation.

The Board then adopted the motion.

9 (ii) Foreshore Management Plan - Update

PH gave an overview of the paper.

It was moved JR, seconded CW, that the Board nominate LM to participate in the sub-committee to develop the management plan for the Lord Howe Island Foreshore.

The Board then adopted the motion.

9 (iii) Planning Proposal – Review of Significant Native Vegetation

JB and PH gave an overview of the paper.

It was moved JK, seconded JR, that the Board endorse the Planning Proposal for the Significant Native Vegetation detailed in the paper and forward it to the NSW Department of Planning and Environment's LEP Gateway Review Panel.

The Board then adopted the motion.

9 (iv) Planning Proposal – Waste Water

JB and PH gave an overview of the paper.

It was moved RP, seconded LM, that:

- the Planning Proposal pertaining to changes to the provisions of the LEP 2010 relating to wastewater management systems on Lord Howe Island not be amended, and

- the Board endorse the CEO to review the draft instrument and instruct the Secretary, Department of Planning and Environment, to finalise the matter.

The Board then adopted the motion.

9 (v) Review of Advertising and Signage Policy

PH gave an overview of the paper.

The Board noted the overly prescriptive nature of some parts of the Lord Howe Island Local Environmental Plan, such as Clause 30 which prohibits the placement of any advertising or sign that promotes an event and is placed on public property. It was agreed that common sense would need to be applied in some instances in applying the Local Environmental Plan.

It was moved RP, seconded LM, that the Board endorse the Draft Advertising and Signage Policy and resolve to place it on public exhibition for a period of 28 days.

The Board then adopted the motion.

10 FINANCE AND BUSINESS MANAGEMENT

Closed session.

11 LEASING AND LAND ADMINISTRATION

11 (i) Land for Use as a Cemetery

PH gave an overview of the paper.

It was moved LM, seconded CW that the Administration be provided with the following guidance in regard to the options to be given further consideration:

1. All the options presented in the paper classified as “Recommended” or “For Investigation” be further developed,
2. A portion of the foreshore area opposite the oval be considered,
3. A portion of the area behind Settlement Beach be considered, and
4. Other forms of burial, such as upright burial to take up less land area, be considered.

The Board then adopted the motion.

11 (ii) Permissive Occupancy – Andrew Wilson - Hangar

JR declared a conflict of interest and left the room.

PH gave an overview of the paper.

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

1. recommend to the Minister that permission be granted for Mr. Andrew Wilson to occupy part of Portion 180, for the purpose of a private aircraft hangar, subject to the

standard Permissive Occupancy conditions, noting that the hangar is not to be used for the storage of anything other than an aircraft and associated equipment, and

2. arrange for a valuation to be carried out at the cost of the applicant to determine the current market rental value of the subject land.

The Board then adopted the motion.

11 (iii) Transfer of Tourist Accommodation Licences

LM declared a conflict of interest and left the room.

BM gave an overview of the paper.

BN stated that before approving the transfer Ms Valerie Turk should have to satisfy the Board that the surplus accommodation will not be used to accommodate more than the nine tourists for which she would have Tourist Accommodation Licences following the transfer.

CW stated that, in accordance with the approved process for the transfer of Tourist Accommodation Licences, both the buyer and the 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.

It was moved CW, seconded JR, that consideration of this matter be postponed until the holistic strategy for tourist accommodation referred to at Agenda Item 9 (i) has been developed and adopted by the Board.

The Board then adopted the motion.

11 (iv) Suspension of Residency (Wilson and Keski-Nummi)

PH gave an overview of the paper.

It was moved LM, seconded RP, that the Board suspend the condition of residency for Mr Terry Wilson and Ms Merja Keski-Nummi from Perpetual Lease 1973/03 until December 2016 pursuant to section 21(7) of the *Lord Howe Island Act, 1953*.

The Board then adopted the motion.

11 (v) Proposed Sale and Transfer of Crown Land (Baillie)

PH gave an overview of the paper.

It was noted that the proposed sale and transfer was in accordance with the Board's Land Asset Disposal Policy.

It was moved JK, seconded RP, that the Board approve the proposed sale and transfer of crown land as detailed in the paper.

The Board then adopted the motion.

11 (vi) Amendment to Permissive Occupancy (Wilson Boatshed)

PH gave an overview of the paper.

It was moved LM, seconded JR, that:

1. The Board approve the request to leave the turf in place,
2. The Board provide in principle support to amend the permissive occupancy agreement to consistency deal with paddle board racks by commercial boatsheds, and
3. The Board's Administration advertises the application to amend the permissive occupancy agreement by Mr. Wilson in accordance with the LHIB Permissive Occupancy Policy.

The Board then adopted the motion.

11 (vii) Suspension of Residency (G. Wilson)

PH gave an overview of the paper.

It was moved JR, seconded CW, that the Board recommend to the Minister the suspension of the condition of residence by Mr Gower Wilson from Perpetual Lease 1967.01 pursuant to section 21(7A) of the *Lord Howe Island Act, 1953*.

The Board then adopted the motion.

11 (viii) Condition Assessment of Commercially Leased Buildings

Closed session.

11 (ix) Estate of the Late Michael Thompson

PH gave an overview of the paper.

It was moved JR, seconded LM, that the Board recommend to the Minister for the Environment, the Hon Rob Stokes MP, that Mrs Debra Thompson as the executor of the Estate of the Late Michael Thompson be granted approval to hold Perpetual Lease 1954.09 being Lot 199 DP39755 Lord Howe Island until 9 January 2017 to enable her to complete the administration of the estate by either applying to the Board for a certificate from the Minister that the beneficiaries are entitled to hold the lease or to sell and transfer the lease.

The Board then adopted the motion.

12 GOVERNANCE

12 (i) Code of Conduct

PH gave an overview of the paper.

It was moved RP, seconded LM, that the Board:

1. adopt the revised “*Lord Howe Island Board Code of Conduct for Lord Howe Island Board Members and Board Officials*” and the “*Procedures for the Administration of the Code of Conduct for the Lord Howe Island Board*” dated March 2015, and
2. enter into an agreement with the Port Macquarie Hastings Council to share its panel of conduct reviewers or, should Port Macquarie Hastings Council be unwilling to share its panel of conduct reviewers, establish its own panel of two conduct reviewers.

The Board then adopted the motion.

13 OPERATIONS AND SERVICES

13 (i) Renewable Energy Program

AL gave an overview of the paper.

The Board noted the information provided in the paper.

13 (ii) Environmental Grants Update

PH gave an overview of the paper.

The Board noted the information provided in the paper.

13 (iii) Rodent Eradication and Community Engagement Update

PH gave an overview of the paper.

The Board noted the information provided in the paper.

13 (iv) Boat Ramp and Slipway Project

AL gave an overview of the paper.

The Board noted the information provided in the paper.

13 (v) Runway Resurfacing and Drainage Improvements Project Update

AL gave an overview of the paper.

The Board noted the information provided in the paper.

13 (vi) Old Powerhouse Demolition Project

AL gave an overview of the paper.

The Board noted the information provided in the paper.

13 (vii) Strategic Asset Management Plan

AL gave an overview of the paper.

It was moved JK, seconded RP, that the Board approve Version 1, Revision 3 of the Board's Strategic Asset Management Plan.

The Board then adopted the motion.

13 (viii) Revised Wastewater Strategy and Design Guidelines

AL gave an overview of the paper.

It was moved LM, seconded JR, that the Board:

1. Approve the revision to the Wastewater Management Strategy and Design Guidelines, and
2. Approve their release to the community, Island installers and mainland suppliers for comment by the end of March 2015, and then implementation by the end of April 2015.

The Board then adopted the motion.

13 (ix) Drinking Water Quality Assurance Program

AL gave an overview of the paper.

It was moved JR, seconded RP, that the Board:

1. Approve the Drinking Water Quality Assurance Program for the Board's supplies and the subsequent actions,
2. Approve the issuing of the Program to NSW Health, and
3. Approve the issuing of the electronic versions of the template to other private supply premises on the Island, with an accompanying letter explaining the background and assistance that the Board has provided.

The Board then adopted the motion.

14 WH&S AND PUBLIC RISK MANAGEMENT

14 (i) Workplace Health and Safety (WHS) and Public Risk Management Update

PH gave an overview of the paper.

The Board noted the information provided in the paper.

15 INTERVIEWS

Closed session.

16 GENERAL BUSINESS & QUESTIONS ON NOTICE

CW requested that the Administration make contact with the CSIRO with a view to determining whether there have been any scientific advances or developments which could assist in the eradication or control of Fruit Fly.

PH replied that it would be done.

The public meeting closed at 1.00 pm on Tuesday 17 March 2015.

Next Meeting

The next meeting will be held on 18 and 19 May 2015.