

LORD HOWE ISLAND BOARD

MINUTES OF THE MEETING OF THE LORD HOWE ISLAND BOARD

HELD ON LORD HOWE ISLAND ON MONDAY 7 & TUESDAY 8 SEPTEMBER 2015

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

Apology: Mr J King (Member – JK)

Board staff present at all sessions were Penny Holloway (Chief Executive Officer – PH), Bill Monks (Manager Business & Corporate Services - BM), David Kelly (Manager Environment & Community Development – DK) and Andrew Logan (Manager Infrastructure & Engineering Services – AL).

The Board's external Planning Consultants were represented by Ms Mia Fay (MF) from RPS.

The Closed Session commenced at 3.08 pm at the Public Hall on Monday 7 September 2015 and closed at 4.05 pm.

The Open Session commenced at 9:00 am at the Public Hall on Tuesday 8 September 2015 and closed at 12:15 pm, and was attended by approximately eight members of the public.

Unless otherwise specified, all Board decisions were unanimous.

The Chair welcomed the members of the public to the meeting.

1 MINUTES OF PREVIOUS MEETING

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

2 OUT OF SESSION MATTERS

Since the last Board Meeting in May 2015, four matters were considered at an out of session meeting. They are summarised in the table below. Nil matters were held in a closed session meeting.

OPEN SESSION				
No.	Date	Application	Vote	Comment
May 2015				
1	27/05/2015	Barbara Ardill Application to suspend the condition of residency on Perpetual Lease 1954.19.	Approved: RP, JR, JK, LM, BN. No Response: PM, CW Result: Approved	
June 2015				
1	26/06/2015	Airservices Australia Termination of Permissive Occupancy agreements 2000.01 and 2000.02 held for the purpose of air navigation facilities.	Approved: RP, JR, JK, LM, PM, BN. No Response: CW Result: Approved	
July 2015				
1	20/07/2015	Lord Howe Island Board Financial year 2015/2016 Capital expenditure budget adjustment.	Approved JK, LM, PM, BN, RP, JR, CW. Result: Approved	
August 2015				
1	17/08/2015	Lord Howe Island Board Board subsidy of Clear Networks internet service.	Approved JK, LM, PM, BN, RP, JR, CW. Result: Approved	Subject to conditions.

The Board noted the information provided in this report.

3 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 noted the information provided in this report.

4 CHIEF EXECUTIVE OFFICER'S REPORT

PH gave an overview of the Report.

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

5 MOTOR VEHICLE IMPORTATION OR TRANSFER

5 (i) Motor Vehicle Importation and Transfer Status Report

PH gave an overview of the paper.

The Board 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 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 the development applications determined under delegated authority by the CEO since the last Board meeting:

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

7 (iii) DA2016-03: LHIB WW Airport

MF gave an overview of the paper.

It was moved RP, seconded BN, that the Board approve the Development Application for the installation of the commercial wastewater management system, subject to the conditions listed.

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

7 (iv) OC2015-25: Skeggs Subdivision

MF gave an overview of the paper.

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

1. Approve in part the Owner Consent 2015-15 for a two lot subdivision and realignment of the boundary at Lots 357 and 358 DP1054109 subject to the advisory notes specified:
2. Approve the boundary alignment of Lot 358 providing land to Lot 357, and
3. Not approve the subdivision of Lot 358 into two lots.

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

7 (v) MDC2016-01: Deacon Kuilman

MF gave an overview of the paper.

It was moved RP, seconded CW, that the Board approve the MDC to allow the subdivision to be undertaken prior to the construction phase at Portion 81, subject to the conditions of the original consent DA2015-15.

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

8 POLICY AND STRATEGY

8 (i) Draft 2015/16 Operations Plan

PH gave an overview of the paper.

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

1. Note the report on achievements against the Operations Plan 2014/15, and
2. Adopt the Operations Plan 2015/16.

The Board then adopted the motion.

8 (ii) Foreshore Management Plan Update

DK gave an overview of the paper.

RP suggested that the name of the Plan be changed to “Lagoon Foreshore Management Plan”.

JR suggested that the grassed area between the beach access (known as the “dozer track”) directly opposite the Board Administration Office south to the designated equipment storage area (known as the “passion pit”) be closed to vehicle use, with the exception of management vehicles.

JR further suggested that, in regard to the informal walking tracks from the road to the boatsheds, that wording be added to the effect that the tracks must not be raked or cleared. This would give them a more natural look.

It was moved BN, seconded LM, that the draft Plan, incorporating the above suggestions, be approved and placed on public exhibition for a period of 28 days.

The Board then adopted the motion.

8 (iii) Review of the Pesticide Notification Plan

DK gave an overview of the paper.

It was moved RP, seconded CW, that the draft Plan be adopted.

The Board then adopted the motion.

8 (iv) Review of the Volunteer Policy

DK gave an overview of the paper.

It was moved JR, seconded LM, that the draft Policy be adopted.

The Board then adopted the motion.

8 (v) Draft Tourist Accommodation Strategy

BM gave an overview of the paper.

It was moved RP, seconded JR, that the Strategy be adopted.

The Board then adopted the motion.

8 (vi) Review of the Quarantine Strategy 2003

DK gave an overview of the paper.

PM suggested that an executive summary of the Strategy document be prepared and made available to the public.

It was moved BN, seconded LM, that the draft Strategy be placed on public exhibition for a period of 28 days, and that an executive summary of the Strategy document be prepared and made available to the public.

The Board then adopted the motion.

8 (vii) Review of the Advertising and Signage Policy

DK gave an overview of the paper.

It was moved CW, seconded JR, that the Policy be adopted.

The Board then adopted the motion.

8 (viii) Review of the Vehicle Importation, Transfer and Use Policy

CW declared a conflict of interest and left the room.

PH gave an overview of the paper.

BN suggested that a time period for the trial of the importation and hire of one mobility scooter be imposed.

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

1. adopt the changes to the policy as shown in Track Changes on the draft policy document, and
2. approve the importation of one mobility scooter for hire by Wilson's Hire Service on a one year trial basis, on the condition that it is used by people of physical disability or limited mobility who are provided with guidelines for safe use.

The Board then adopted the motion.

8 (ix) Review of the Mooring Management Policy

DK gave an overview of the paper.

It was moved LM, seconded CW, that the Policy:

1. be amended as recommended, and
2. be placed on public exhibition for a period of 28 days.

The Board then adopted the motion.

CW requested that the Administration investigate transferring the responsibility for moorings to Roads and Maritime Services.

PH replied that a paper would be prepared for the November Board meeting.

9 FINANCE AND BUSINESS MANAGEMENT

Closed session.

10 LEASING AND LAND ADMINISTRATION

10 (i) Transfer of Perpetual Lease: G. Wilson

DK gave an overview of the paper.

It was moved CW, seconded LM, that:

1. the Board recommend to the Minister to grant the transfer, by way of gift of Perpetual Lease (1967.01) from Mr Gower Wilson to Ms Darcelle Matassoni and Mr Deon Nobbs as tenants in common,
2. the condition of residence commence within six months after the granting of the application by the Minister, and
3. the applicant to seek their own legal advice regarding options such as suspension of residency on the basis of adverse circumstances and the subletting of part of the lease.

The Board then adopted the motion.

10 (ii) Permissive Occupancy Fee: Marine Parks Authority

DK stated that the Administration was liaising with the Valuer with a view to considering different valuation criteria to that which had been applied in the paper.

In view of the above the Board agreed to defer the matter.

PH stated that a revised paper would be prepared for consideration at the November Board meeting.

10 (iii) Estate of the Late Ysobel Heffernan

DK gave an overview of the paper.

It was moved RP, seconded BN, that:

1. the Board recommend to the Minister for the Environment that Ms Joanna Hunter and Mr William Baxter, as the Executors of the Estate of the Late Ysobel Heffernan, be granted approval to hold Perpetual Lease 1981/01 being Lot 205 DP 40355 Lord Howe Island until 23 December 2016 to enable them 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 and
2. the Minister's name be corrected to Mark Speakman.

The Board then adopted the motion.

10 (iv) Review of the Local Environment Plan 2010

DK gave an overview of the paper.

RP stated that issues around staff accommodation should be addressed in the course of the LEP review, and the Vegetation Rehabilitation Plan should be reviewed.

DK replied that action as requested would be taken.

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

- a) approve the recommended two staged approach for the review of the LHI Local Environmental Plan (LEP);
- b) adopt a more active community engagement strategy than the standard gateway determination process to inform the LEP review;
- c) agree to proceed with Stage 1 of the review process involving the known and issue specific list of amendments, excluding the more complex issues such as restrictions on the number of dwellings and tourist accommodation to be dealt with through a separate more comprehensive review process.
- d) agree to proceed with Stage 2 of the review process, subject to funding; and
- e) seek funding through a number of state government funding programs to support the LEP review process.

The Board then adopted the motion.

10 (v) Extension of the Term of Special Leases

DK gave an overview of the paper.

It was moved CW, seconded JR, that the Board recommend to the Minister to grant an extension on the term of all existing Special Leases for a period of two years, expiring on 31 December 2017, pursuant to section 22(2) of the *Lord Howe Island Act, 1953*.

The Board then adopted the motion.

11 GOVERNANCE

11 (i) Attestation Letter for FY Ending 30 June 2015

BM gave an overview of the paper.

It was moved BN, seconded LM, that the Board resolve to authorise the Chair to sign the attached Attestation Letter.

The Board then adopted the motion.

12 OPERATIONS AND SERVICES

12 (i) Rodent Eradication and Community Engagement Update

PH gave an overview of the paper.

The Board noted the information provided in the paper.

12 (ii) Renewable Energy Program

AL gave an overview of the paper.

The Board noted the information provided in the paper.

12 (iii) Boat Ramp and Slipway Project

AL gave an overview of the paper.

The Board noted the information provided in the paper.

12 (iv) Runway Resurfacing & Drainage Improvements Project Update

AL gave an overview of the paper.

The Board noted the information provided in the paper.

BN requested that, in accordance with the suggestion by absent Board member JK, a letter be sent to Fulton Hogan thanking them for their excellent work on the runway reseal project.

PH replied that the letter as requested would be sent.

PM stated that many capital projects run over time and over budget in far less challenging environments than Lord Howe Island, so to have completed the works on time and under budget was a job well done.

12 (v) Environmental Grants progress Report

DK gave an overview of the paper.

The Board noted the information provided in the paper.

12 (vi) Windy Point Coastal Erosion

AL gave an overview of the paper.

The Board noted the information provided in the paper.

12 (vii) Renewable Energy Community Investment Scheme

AL gave an overview of the paper.

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

1. support the concept of community investment in renewable energy on the island provided that suitable administrative arrangements can be developed and implemented, and
2. approve the release of the Discussion Paper to the Sustainable Energy Working Group (SEWG) only, requesting that the SEWG provide feedback to the Board on recommended next steps.

The Board then adopted the motion.

12 (viii) Management of Contaminated Fuel for Electricity Generation

AL gave an overview of the paper. AL acknowledged the dedication and work of the Senior Electrical Officer, Greg Higgins, in dealing with this issue over a two month period.

The Board noted the information provided in the paper; particularly the likely capital expenditure for the new equipment, which would be dealt with as a future budget adjustment request.

13 WH&S AND PUBLIC RISK MANAGEMENT

13 (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.

14 INTERVIEWS

Closed session.

15 GENERAL BUSINESS & QUESTIONS ON NOTICE

CW suggested that Greg Andrews, the Threatened Species Commissioner, be approached for funding for increased rodent baiting on Mt Gower.

PH replied that this would be done.

DK added that increased rodent baiting on Mt Gower would also be considered as part of the rat baiting contract prior to the planned rodent eradication.

LM asked what was happening in regard to the use of Boatshed One.

DK replied that the use of Boatshed One was being addressed as part of the Lagoon Foreshore Management Plan process.

BM added that those people who had expressed interest in leasing Boatshed One would be contacted to ask if they were still keen for their expressions of interest to be considered.

PH gave an overview of the discussions that had taken place with QantasLink executives in the closed session regarding the options pertaining to the continuation of air services beyond March 2018, when QantasLink rights to the Lord Howe Island route expire. PH added that the options preferred by QantasLink should be clearer by the time of the November Board meeting, at which time next steps could be decided. PH further added that the Board would write to the CEO of QantasLink outlining its concerns.

PM gave an overview of the discussions that had taken place with a representative of Vengeance Productions, Sony Pictures in the closed session regarding the possible filming of part of a feature film on Lord Howe Island. PM acknowledged that the proposal would provide a positive economic benefit to the Island. Concern was raised about impacts on the Island's lifestyle and visitor experiences. It was resolved that the Board work closely with the applicant to obtain further detailed information, recognising the strict time constraints of the proposal.

The public meeting closed at 12:15pm on Tuesday 8 September 2015.

Next Meeting

The dates for the next Board meeting are 23-24 November 2015.