

LORD HOWE ISLAND BOARD

MINUTES OF THE MEETING OF THE LORD HOWE ISLAND BOARD

HELD BY TELECONFERENCE ON MONDAY 12 & TUESDAY 13 SEPTEMBER 2016

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

JR attended all of the Closed Session and up to 9:07 am of the Open Session.

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 Services - DK), and Andrew Logan (Manager Infrastructure & Engineering Services – AL).

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

The Closed Session commenced at 11:00 am at the Public Hall on Monday 12 September 2016 and closed at 2:35 pm.

The Open Session commenced at 9:00 am at the Public Hall on Tuesday 13 September 2016 and closed at 11:50 am, and was attended by approximately 12 members of the public.

Unless otherwise specified, all Board decisions were unanimous.

SS called for conflict of interest declarations.

No members declared a conflict of interest.

1 MINUTES OF PREVIOUS MEETING

In relation to the minutes of the June meeting, BN enquired as to the status of the report requested identifying issues and potential solutions in relation to property identification.

DK replied that work was in progress, but it would take about six months to finalise a comprehensive addressing system for the Island.

The Board noted the endorsed minutes of the meetings held in June and August 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

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 the report.

4 CHIEF EXECUTIVE OFFICER'S REPORT

PH gave an overview of the Report.

RP reported that the left hand barbeque at North Bay was not working.

LM requested an update on discussions with NSW Department of Primary Industries (DPI) in regard to making Lord Howe Island a Biosecurity Zone under the *NSW Biosecurity Act 2015*.

DK replied that the Board is working closely with DPI to establish a biosecurity zone on the Island. It is anticipated that the Biosecurity Act will be ready to commence in June 2017.

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.

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) OC2016-26: A & D Young Extension to Garage

MF gave an overview of the paper.

It was moved JK, seconded BN, that the Owner Consent application be approved, subject to the conditions listed.

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

7 (ii) OC2016-30: Wade Renovation of Garage

MF gave an overview of the paper.

BN stated that he was cognisant of the fine line between what constitutes a dwelling and what does not and, therefore, would prefer to defer consideration of the application until after a site inspection was carried out.

CW agreed with BN that a full Board site inspection was appropriate.

It was moved RP, seconded BN, that consideration of the Owner Consent application be deferred until the November Board meeting, at which time a site inspection would be carried out by Board members.

The Board then adopted the motion.

7 (iii) OC2017-04: Pandanus Redevelopment

MF gave an overview of the paper.

LM stated that the proposal details a good use of the space available and, importantly, clearly shows how the reduced number of tourist accommodation licences will be applied following the transfer of four licences to the Kricks.

It was moved LM, seconded JK, that the Owner Consent application be approved, subject to the conditions listed.

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

7 (iv) DA2016-31 Board Construction of a Vessel Launching and Retrieval Facility

AL gave details of the proposed construction.

MF gave an overview of the paper.

RP stated that reference at 2 (c) on page 30 to “the Council” should be changed to “the Board”.

SS asked what the normal process is to ensure that the Board is informed, when approval is given for the staged implementation of a DA, that all the conditions applicable to each stage are satisfied before consequent stages are implemented.

DK replied that the process depends on whether this responsibility is delegated to the CEO, or whether the matter is dealt with at an out of session or full Board meeting.

SS suggested that deferred commencement conditions outlined in Part 1 of the recommendation be considered at out of session meetings before proceeding to Part 2.

All Board members supported the suggestion.

JK recommended a change to condition Part 1, 2 (C) such that it reads “the consent will not operate until such time that the Board provides approval and notifies the Applicant in writing that deferred commencement consent conditions as indicated in clause (A) above have been satisfied”.

It was moved JK, seconded BN, that the DA be approved, subject to:

1. the conditions listed, and
2. changing Part 1, condition 2 (C) such that it reads “the consent will not operate until such time that the Board provides approval and notifies the Applicant in writing that deferred commencement consent conditions as indicated in clause (A) above have been satisfied”.

The Board then adopted the motion.

7 (v) OC2016-12 RMS Navigation Leads.

DK gave an overview of the paper.

BN stated that although the leads were visually unattractive, in view of the opinions received regarding potential liability, leads of some kind would be needed. He added, however, that the visual impact should be minimised.

CW stated that he saw no demonstrated need for the leads. He added that:

- local boats do not need to use artificial leads,
- any visiting boat that is using Erscott's Passage must be under instruction whether there are leads there or not,
- the leads are highly visible and are designed as such,
- the Board is being bullied by another Government department into putting them in,
- the number of visiting boats has reduced over the years, and very few use Erscott's Passage,
- if the island must have them, then the Board needed to do everything in its power to move them as close to the water as possible in order to make them less visible from other parts of the island and mitigate the eye-sore they create when seen from Lovers Bay.

JK pointed out that Lord Howe Island is a port under the *Ports and Maritime Administration Act, 1995* and, unless closed by the Harbour Master, operates in the same manner as any other port on the NSW coast. He added that, in view of this, the Board is obliged to comply with the RMS requirements, but agreed that minimisation of the visual impact should be pursued.

It was moved RP, seconded BN, that the Owner Consent application be approved, subject to the conditions listed and taking further mitigating measures to reduce the visual impact.

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

7 (vi) Owner Consent Applications dealt with under Delegated Authority

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

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

7 (vii) 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 (viii) DA2016-29 Skeggs – Boundary Realignment

MF gave an overview of the paper.

DK stated that on Wednesday 7 September, the Board received a revised site plan from Ms Pauline Skeggs.

MF has reviewed the plan and the proposed allotment sizes and boundary setbacks and determined that they comply with the LHI Local Environmental Plan.

It was moved CW, seconded LM, that the Board approve DA2016-29, subject to the recommended conditions, and with an amendment to condition 1(c) as follows:

- “Plan of proposed subdivision titled “Plan of proposed boundary change between Portion 357 and 358 and extension of ROW”, prepared by Gary Millman 7/2016.

The Board then adopted the motion.

8 POLICY AND STRATEGY

8 (i) Draft 2016/17 Operations Plan

PH gave an overview of the paper. She added that, further to discussion in the Closed Session, an additional action would be included as 4.3.2 relating to the identification and protection of additional heritage items.

BN stated that one of the dot points on page 2 of the covering paper referred to “Sally Swamp area”. This should be corrected to read “Sallywood Swamp area”.

RP suggested that the Plan contain a key to the abbreviations used.

It was moved RP, seconded LM, that the Board adopt the Draft 2016/17 Operations Plan subject to the inclusion of action point 4.3.2, the typographical error referred to above and subject to the inclusion of a key to the abbreviations used.

The Board then adopted the motion.

8 (ii) Cruise Ship Policy

BM gave an overview of the paper.

It was moved RP, seconded BN, that the Board adopt the Cruise Ship Policy as presented, and review it in three years’ time.

The Board then adopted the motion.

8 (iii) Protected Disclosures Policy

BM gave an overview of the paper.

It was moved JK, seconded RP, that the Board’s chairperson, Ms Sonja Stewart, be appointed to the position of Principal Officer in accordance with the *Protected Disclosures Act 1994*.

The Board then adopted the motion.

8 (iv) Geotechnical Report – Mutton Bird Point Walking Track

DK gave an overview of the paper.

JK asked how long it would take to complete the works.

DK replied that the works should take six to eight weeks, with works commencing in November.

CW questioned whether a budget of \$25,000 would be sufficient in view of the drainage works required.

DK replied that most of the work, including the drainage work, can be done manually and would be sufficient for the immediate works.

SS stated that it was great to see progress being made on re-opening the Track.

The Board noted the information provided in the paper.

8 (vi) Draft Scientific Research Policy

DK gave an overview of the paper.

It was moved RP, seconded BN, that the Draft Scientific Research Policy as be adopted.

The Board then adopted the motion.

8 (vii) Biosecurity Procedures for Imported Vehicles

DK gave an overview of the paper.

RP recommended the following amendments to the policy in order to make its meaning clearer:

- 2 (a) ii should read “Retain a copy of the Statutory Declaration”, and
- 2 (b) should read as follows:
 - Shipping stevedores must not import vehicles, plant or equipment that;
 - Do not have a signed Statutory Declaration, or
 - Have external or internal foreign material. e.g. freight, produce plant or animal material.
- A new 2 (c) be inserted stating “must notify the Board and importer immediately if either of the above conditions are not met.

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

- a) place the Draft procedure for cleaning second hand vehicles, plant and equipment prior to importation on public exhibition for a period of 28 days.
- b) amend the definition of vehicle under Section 11 of the Vehicle Importation, Transfer and Use Policy 2015 to include second hand plant and equipment as follows: *“If a vehicle (including a trailer, plant and equipment) to be imported is second hand, the importer must provide a statutory declaration stating that the vehicle has been*

inspected and cleaned with a high pressure hose to ensure that no weeds, seeds, insects, spiders, etc. are transported to the island. Such a declaration is required to be submitted to the Board prior to the vehicle leaving the mainland’.

- c) amend Section 2 in accordance with RPs recommendation above.

The Board then adopted the motion.

9 FINANCE AND BUSINESS MANAGEMENT

Closed session.

10 LEASING AND LAND ADMINISTRATION

10 (i) Estate of the Late Joyce Petherick

DK gave an overview of the paper.

Lea Petherick, niece of the executor of the estate, Mr Ian Petherick, stated that she was speaking on her own behalf and that of her sisters. She stated that their solicitor was in the process of sending a letter to the Board to say that she and her sisters were not comfortable with the estate being transferred into Ian Petherick’s name solely; that instead it be transferred into the name of the beneficiaries, which would include Ian Petherick and the three grand-daughters.

SS stated that, given that Ian Petherick had been appointed executor of the estate, he would have the authority to deal with this matter. She further stated that the Board is simply following due process.

PH stated that the lease is not being transferred into Ian Petherick’s name, but to the name of the estate of the Late Joyce Petherick in order to allow Ian Petherick to deal with the administration of the estate.

It was moved RP, seconded LM, that the Board recommend to the Minister for the Environment that Mr Ian Petherick, as the Executor of the Estate of the Late Joyce Petherick, be granted approval to hold Perpetual Lease 1970/03 of Lot 2 in Deposited Plan 1191456 Lord Howe Island until 30 September 2018 to enable him to complete the administration of the estate.

10 (ii) Transfer of Part of Lease (Fitzgerald to Van Gelderen)

DK gave an overview of the paper.

It was moved CW, seconded LM, that the Board approve the proposed transfer of part of Perpetual Lease 1961.01 from Mrs Mavis Fitzgerald to Mrs Sharon Van Gelderen and:

- a) recommend to the Minister to grant a lease in perpetuity for the purpose of a residence, over Lot 30 of DP1222502 to Mrs Mavis Fitzgerald, subject to the standard perpetual lease conditions.
- b) recommend to the Minister to grant a lease in perpetuity for the purpose of a residence, over Lot 2 DP1118575 and Lot 31 of DP1222502 to Mrs Sharon Van Gelderen, subject to the standard perpetual lease conditions.

The Board then adopted the motion.

10 (iii) Transfer of Part of Lease (B Thompson to L Thompson)

DK gave an overview of the paper.

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

1. Approve the proposed transfer of part of Perpetual Lease 1972.01 from Mr Bruce Maxwell Thompson to Mrs Leilani Salumi Thompson, by way of issuing separate perpetual leases and:
 - a) recommend to the Minister to grant a lease in perpetuity for the purpose of a residence, over Lot 2 DP 1129296 to Mrs Leilani Salumi Thompson, subject to the standard perpetual lease conditions.
 - b) recommend to the Minister to grant the transfer of the perpetual lease over Lot 2 DP 1129296 by way of mortgage from Mrs Leilani Salumi Thompson to the ANZ bank.
 - c) recommend to the Minister to grant a lease in perpetuity for the purpose of a residence, over Lot 52 DP 757515 to Mr Bruce Maxwell Thompson, subject to the standard perpetual lease conditions.
 - d) recommend to the Minister to grant the transfer of the perpetual lease over Lot 52 DP 757515 by way of mortgage from Mr Bruce Maxwell Thompson to the Westpac Banking Corporation.
2. Approve the registration of the plan of proposed right of way prepared by Martin Pundyk dated 15 September 2014.

The Board then adopted the motion.

10 (iv) Suspension of Residency of M Shick

DK gave an overview of the paper.

It was moved JK, seconded LM, that the Board approve the suspension of the condition of residence of Perpetual Lease 1992.01 for a period of 5 years, subject to provision of appropriate medical certificate/s.

The Board then adopted the motion.

11 GOVERNANCE

11 (i) Attestation Letter for FY Ending 30 June 2016

BM gave an overview of the paper.

It was moved RP, seconded BN, that the Board resolve to authorise the Chair to sign the Internal Audit and Risk Management Attestation Statement for the 2015/16 Financial Year.

The Board then adopted the motion.

12 OPERATIONS AND SERVICES

12 (i) Rodent Eradication Program Update

Andrew Walsh, the Board's Project Manager, gave an overview of the paper.

SS stated that, in section five, reference was made to the final report on Livestock Valuations being expected at the end of August. However, the final report is not expected until the end of September. She added that the project was on track for the final decision to be made by 27 February 2017 as to whether the project would proceed to Stage 3 (implementation and evaluation of the eradication plan).

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) Environmental Grants Progress Report

DK gave an overview of the paper.

The Board noted the information provided in the paper.

12 (iv) Communication and Community Engagement Survey Results

DK gave an overview of the paper. He stated that the report makes a number of recommendations, including the following:

Improving communication and access to information through:

- Developing a register of interested people and their contact details,
- Increased use of email for announcements, newsletters, etc,
- Consideration of public online forums, and
- Regular updates to the Board website.

Improving customer service through:

- Review of Board policy and procedures aimed at improving response times,
- Extended public exhibition periods on important issues,
- Communication and customer service training for Board staff,
- Targeted consultation with Senior members of the community and those living off Island,
- Employment of a Community Liaison Officer, and
- Greater presence at community events and increased number of information sessions.

SS stated that the results of the survey should be communicated to the public fairly soon, together with an outline of next steps.

PH stated that the next Community Information Bulletin would be a good vehicle to achieve that.

It was moved BN, seconded CW, that the Board use the report as a foundation for the completion of a Communication and Community Engagement Strategy.

The Board then adopted the motion.

12 (v) Airport Terminal upgrade Project Update

AL gave an overview of the paper.

A member of the public, Karen Wilson, requested that a model of the new terminal be produced and placed on exhibition at the airport.

AL replied that he would investigate that possibility. He added that a simulated “fly-through” of the new terminal would be placed on the Board’s website.

The Board noted the information provided in the paper.

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. He stated that in view of two recent incidents of foreign bodies entering eyes despite safety glasses being worn, full safety goggles had been purchased and introduced.

The Board noted the information provided in the paper.

14 INTERVIEWS

Closed session.

15 GENERAL BUSINESS & QUESTIONS ON NOTICE

CW stated that under the current Dog Policy there are no barbeques where dogs are allowed off leash. He requested that the area of foreshore south of the runway, which is currently used as an informal barbeque area, be changed to a serviced barbeque area with tables, seating and garbage bins.

AL replied that the request was achievable and would be added to the amenities roster for staff. He added that there are plans to place a gas barbeque at Lovers Bay.

The public meeting closed at 11:50 am on Tuesday 13 September 2016.

Next Meeting

The dates for the next Board meetings are 21 and 22 November 2016.