

# LORD HOWE ISLAND BOARD

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

### HELD ON LORD HOWE ISLAND ON MONDAY 13 & TUESDAY 14 MARCH 2017

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)  
Mr J King (Member - JK)  
Mr C Wilson (Member - CW)

Board staff present at all sessions were Penny Holloway (Chief Executive Officer - PH), Bill Monks (Manager Business & Corporate Services - BM), Michael Legge-Wilkinson (Acting Manager Infrastructure & Engineering Services - AL), and James Lonergan (Manager Environment & Community Services - JL).

The Board's external planning consultants were represented by Clair Muir (CM) from RPS.

The Closed Session commenced at 10:40 am at the Public Hall on Monday 13 March 2017 and closed at 4:20 pm.

The Open Session commenced at 9:00 am at the Public Hall on Tuesday 14 March 2017 and closed at 12:40 pm, and was attended by approximately 20 members of the public.

Unless otherwise specified, all Board decisions were unanimous.

SS declared the meeting open and thanked members of the public for their attendance.

SS stated that the Board had hoped to be making a key decision at the meeting in regard to the implementation or otherwise of the Rodent Eradication Project. However, as prerequisite approvals had not yet been received from the Australian Government, this decision would be postponed until the May Board meeting.

SS called for conflict of interest declarations.

JR declared conflicts of interest in agenda items 7.3, 7.4 and 10.4.

## **1 MINUTES OF PREVIOUS MEETING**

SS stated that following the November 2016 meeting she had received correspondence from a Lord Howe Island resident questioning the way in which the minutes of the meeting were recorded. In relation to the discussion at the November 2016 meeting pertaining to the wind turbine development application, it was requested that questions from members of the public, and the answers provided by Board members, be recorded in the minutes.

SS replied that the Board's Meeting Code of Practice makes it clear that the purpose of the minutes is to record the decisions made by the Board and, where appropriate, aspects of the discussion that helped shape the decision. She added that the minutes are not intended to be a transcript of the meeting.

SS stated that there seemed to be some misunderstanding of John King's role as a Board member. She stated that she wished to make it clear that John King's role on the Board was not to represent the LHI tourism industry rather it was to apply his experience and expertise gained both domestically and internationally in relation to tourism for the benefit of the Board's work with the LHI community.

The Board noted the endorsed minutes of the previous meeting, held in November 2017.

## **2 OUT OF SESSION MATTERS**

PH 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**

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 the report.

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

PH gave an overview of the Report.

JK suggested that the new Minister for the Environment, Gabrielle Upton MP, be invited to visit the island at her earliest convenience.

PH replied that she would issue the invitation on behalf of the Board.

The Board 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.

SS stated that the future of electric vehicle use on the island had been discussed in closed session. She added that she had asked the elected Board members to begin preparation of a policy position in regard to motor vehicles including electric vehicles for consideration by the full Board.

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 Development Applications determined 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) OC2017-07: Change of Use Shearwater Cottage (Owens)**

Due to the declared conflict of interest JR left the room while this agenda item was considered.

CM gave an overview of the paper.

BN stated that the first reason given in the Assessment Report for refusal was that the Board is required to have regard to the long term and cumulative effects of its decisions. He added that the Report also recommended that a market demand study on staff accommodation be completed.

BN stated that there are several properties on the island in a similar situation to that presented in this application. In view of this BN proposed that the Owner Consent be refused, or deferred until the Board had a better understanding of the potential effect of its decision on other properties in a similar situation. He added that the Board's decision could have a profound effect on the housing situation on the island.

The proponents and their town planning consultant presented arguments in favour of approval, such as the application only being for owner consent, whereas consideration of any contentious matters could occur at the development application stage.

It was moved BN, seconded JK, that:

1. Consideration of the application be deferred until the Board had a better understanding of the potential effect of its decision on other properties in a similar situation, and
2. That a market demand study on staff and residential accommodation be completed and that, given the nature of the issue and its impacts, the study be completed on behalf of the Board.

The Board then adopted the motion.

#### **7 (iv) OC2017-09: Two Lot subdivision of Lot 10 (Owens)**

Due to the declared conflict of interest JR left the room while this agenda item was considered.

CM gave an overview of the paper.

CW questioned the need for the first sentence in Recommendation 2 in the Assessment Report, which states 'The staff accommodation on the proposed Lot B needs to be linked to the restaurant on Lot A'.

PH stated that this matter could be dealt with at the development application stage.

It was moved RP, seconded, CW, that OC2017-09 for the subdivision of the perpetual lease into two parts, A(3720.6sqm) and B (8479.4sqm) and demolition of part of the dwelling on Part A be approved subject to the conditions and advisory notes recommended.

The Board then adopted the motion subject to the conditions and advisory notes specified in the Assessment Report.

#### **7 (v) DA2017-10: Board Depot Shed Extension**

CM gave an overview of the paper.

It was moved LM, seconded JR, that the Development Application for an extension to the environment unit depot shed to provide an additional dry lockable storage area at the Board depot be approved subject to the conditions recommended.

The Board then adopted the motion subject to the conditions specified in the Assessment Report.

#### **7 (vi) DA2017-11: Research Facility Extension**

CM gave an overview of the paper.

It was moved JK, seconded RP, that the Development Application for alterations and additions to the Lord Howe Island Board Research Station by constructing one additional bedroom, one additional bathroom and covered decking area be approved subject to the conditions recommended.

The Board then adopted the motion subject to the conditions specified in the Assessment Report.

#### **7 (vii) MD2017-12: Waste Management Facility Composting System**

CM gave an overview of the paper.

It was moved CW, seconded BN, that the Board approve the Development Application for demolition of the existing vertical composting unit and installation of a new horizontal composting system at the waste management facility subject to the conditions recommended.

The Board then adopted the motion subject to the conditions specified in the Assessment Report.

#### **7 (viii) MDC2017-02: Waste Management Facility Shed Extension**

CM gave an overview of the paper.

It was moved JR, seconded RP, that the Board approve the modification to existing consent to allow for the completion of previously approved additional roof structures as separate stages.

The Board then adopted the motion subject to the conditions specified in the Assessment Report.

#### **7 (ix) DA2017-06: Alterations and Additions to Capella Lodge**

CM gave an overview of the paper.

BN stated that he was satisfied the proposed modifications sufficiently address the conditions of the Owner Consent for this development application. He added that Capella Lodge management had assured the Board that, once completed, the development would result in the lodge no longer needing one of the properties on the island currently used to accommodate staff.

Mark McKillop, Manager of Capella Lodge, being present in the public gallery, confirmed that this was the case.

It was moved CW, seconded BN, that:

1. the modified drawings (dated 29 November 2016 and labelled Amended DA Issue B) and photo montages (dated 21 December 2016 and labelled Amended DA Issue C) submitted by the applicant on 22 December 2016 relating to the new staff accommodation satisfy the requirements of DA2017-06 Deferred Commencement Condition 2 a).
2. the modified drawings (dated 29 November 2016 and labelled Amended DA Issue B) and annotated photograph submitted by the applicant on 5 December 2016 relating to the manager's residence and spa treatment room satisfy DA2017-06 Deferred Commencement Condition 2 b).

The Board then adopted the motion.

### **8 POLICY AND STRATEGY**

#### **8 (i) Draft Walking Track Strategy 2017**

JL gave an overview of the paper.

It was moved JK, seconded RP, that the Board adopt the Lord Howe Island Walking Track Strategy 2017.

RP stated that he would like to see the Administration be innovative in regard to interpretation and interpretive signage along the walking tracks.

The Board then adopted the motion.

### **8 (ii) Draft Biosecurity Procedures for Imported Vehicles, Plant & Equipment**

JL gave an overview of the paper.

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

1. Revise the biosecurity clearance procedures for high risk items including second hand vehicles, plant and equipment, boats/trailers, shipping containers and barrier fencing for reporting to the May 2017 Board meeting seeking it to be placed on Public Exhibition for a period of 28 days.
2. Amend the Vehicle Importation, Transfer and Use Policy 2015 to incorporate best practice biosecurity clearance procedures including recommendations from submissions received for the exhibited draft *procedure for cleaning second hand vehicles, plant and equipment prior to importation* and report back to the May 2017 Board meeting seeking it to be placed on Public Exhibition for a period of 28 days.

The Board then adopted the motion.

### **8 (iii) Draft Mooring Management Policy**

JL gave an overview of the paper.

It was moved LM, seconded BN, that:

1. the Policy be amended to include an additional paragraph under Section 3.2.3 of the Policy 'Approval of Construction and Use':  
*"Where a private mooring is proposed to be transferred and there is no intention of commencing a commercial operation using the mooring, the LHIB, without forgoing any right under the LHI Regulation, will not unreasonably withhold the issuing of a new approval to use the mooring to the person who the mooring is proposed to be transferred to"* and
2. The Policy include a transfer of a private mooring form.

The Board then adopted the motion.

### **8 (iv) Air Services Strategy Update**

PH gave an overview of the paper.

The Board noted the information provided.

## **9 FINANCE AND BUSINESS MANAGEMENT**

Closed session.

## **10 LEASING AND LAND ADMINISTRATION**

### **10 (i) Suspension of Residency and Sublease (Douglass)**

JL gave an overview of the paper.

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

- a) Recommend to the Minister to grant consent to sublet a 41 per cent share held in Perpetual Lease 1954.26 by Tasman Jnr and Lauren Douglass as joint tenants to Mr Tasman C Douglass for a period of two years.
- b) Decline consideration of the suspension of residency application as it was considered unnecessary.

The Board then adopted the motion.

### **10 (ii) Suspension of Residency (Wade)**

SS stated that the Board considered this application in closed session, and informed the public that:

1. the matter was considered in closed session at the request of the applicant,
2. the application to suspend the condition of residency of Perpetual Lease 1996.01 pursuant to Section 21(7) of the *Lord Howe Island Act 1953* was refused, and
3. the application for a Long-Term Accommodation Business Licence for tenanting Perpetual Lease 1996.01 was refused, noting that the Wades did not apply to sublet the property.

### **10 (iii) Transfer of Perpetual Lease (Payten – Turner)**

JL gave an overview of the paper.

It was moved CW, seconded JR, that subject to the mortgagee approving the proposed transfer of an interest in the lease, the Board recommend to the Minister to grant the transfer of Mrs Una Payten's share in Perpetual Lease (1954.17) by way of gift to Mrs Therese Turner as sole tenant.

The Board then adopted the motion.

### **10 (iv) Review of Boatshed Foreshore Encroachments**

Due to the declared conflict of interest JR left the room whilst this agenda item was considered.

JL gave an overview of the paper.

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

1. Note the assessment of commercial boatsheds,

2. Agree that a draft amendment of the *Lord Howe Island Lagoon Foreshore Management Plan* be prepared with respect to Boatshed Activities, particularly Management Response, point 3 as suggested below,
3. Note that the approval of the Board will continue to be required for any future proposed improvements/additions to boatsheds,
4. Note that rentals for boatsheds under commercial lease or Permissive Occupancy will be reviewed and adjusted where there has been, or will be, an approved increase in the footprint area of fixed improvements and,
5. Note that apparent anomalies identified in the assessment will be followed up and resolved in accordance with normal planning controls or other processes.

The Board then adopted the motion.

## **11 GOVERNANCE**

Nil report.

## **12 OPERATIONS AND SERVICES**

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

SS reiterated that that the Board had hoped to be making a key decision at this meeting in regard to the implementation or otherwise of the Rodent Eradication Project. However, as prerequisite approvals had not yet been received from the Australian Government, this decision would be postponed until the May Board meeting.

PH gave an overview of the paper. She added that if the decision is made to proceed with the eradication at the May 2017 Board meeting, the eradication will take place in winter 2018.

The Board noted the information provided in the paper.

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

PH gave an overview of the paper.

A member of the public gallery, Jim McFadyen, read out a prepared statement to the effect that:

- An organisation called 'Lord Howe Island Residents Against Wind Turbines Incorporated' has been formed and is registered with the Department of Fair Trading.
- Legal advice has been commissioned. It suggests that the organisation has an excellent chance of success in the Land and Environment Court challenging the validity, the entire development application process and the approval process for the wind turbine project.

Mr McFadyen then handed the Chair a copy of a letter from Hones Lawyers.

SS stated that in making decisions under the Act the Board takes its responsibilities very seriously, and would not be deterred in performing its charter by a threat of legal action.

The Board noted the information provided in the paper.

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

JL gave an overview of the paper.

The Board noted the information provided in the paper.

### **12 (iv) Island Water Supplies Update**

ML gave an overview of the paper.

The Board noted the information provided in the paper.

### **12 (v) Myrtle Rust Update**

JL gave an overview of the paper.

The Board noted the information provided in the paper.

### **12 (vi) Commercial Tour Operator Licensing System**

JL gave an overview of the paper.

RP stated that in section 4.7.2 it is stipulated that fires may only be lit in 'designated Lord Howe Island Board BBQs'. He recommended that the words 'and fireplaces' be added after the word 'BBQs'.

RP stated that, as BN had pointed out during the Closed Session of the meeting, clause 4.18 should read 'The Licensee may not undertake, permit, authorise or otherwise be involved in any commercial filming or photography within the PPP for the purposes of promotion of the Licensed Activities without the specific authority of the Licensing Coordinator'.

From the public gallery Dean Hiscox of Environmental Tours expressed concern that he had not been consulted about the proposed licensing system.

RP expressed surprise that those businesses affected by the new system had not been consulted, suggesting that the draft Commercial Tour Operator Licensing System paper be sent to those businesses affected, that consultation take place and the matter be reconsidered at the May 2017 Board meeting.

It was moved RP, seconded JK, that:

1. The Board endorse the draft Commercial Tour Operator Licensing System.
2. Consultation with affected businesses take place with a view to providing feedback to the Board at its May meeting.
3. In section 4.7.2 the words 'and fireplaces' be added after the word 'BBQs'.
4. Clause 4.18 read 'The Licensee may not undertake, permit, authorise or otherwise be involved in any commercial filming or photography within the PPP for the purposes of

promotion of the Licensed Activities without the specific authority of the Licensing Coordinator'.

The Board then adopted the motion.

## **12 (vii) Airport Terminal Upgrade Project Update**

PH gave an overview of the paper.

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 regard to public risk management:

- Emergency sirens are fully installed and operational – testing of different ring tones continues.
- White directional signage to draw pedestrian attention to the foreshore walking track is pending installation. It is hoped the additional signage will encourage greater use of the track and ease congestion on lagoon road.
- Additional bird harassment measures have been in place at the airport since December 2016.
- Monthly hot water blasting of the jetty steps and boat-ramp is being undertaken to reduce weed and algae and therefore reduce slipping.

CW requested that the Administration investigate the possibility of being able to turn on the sirens manually, as currently they can only be turned on by radio.

PH replied that the matter would be looked in to.

The Board noted the information provided in the paper.

## **14 INTERVIEWS**

Closed session.

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

CW suggested that improvements to the community hall be considered, such as air conditioning, in order that the doors could be closed to keep out the noise from vehicles when the hall is in use.

RP suggested that some venting in order to improve airflow with the doors closed be considered.

SS thanked members of the public for attending, and thanked Board members and Board staff.

The public meeting closed at 12:40 pm on Tuesday 22 March 2016.

### **Next Meeting**

The dates for the next Board meeting are 22 and 23 May 2017.