

LORD HOWE ISLAND BOARD

MINUTES OF THE MEETING OF THE LORD HOWE ISLAND BOARD

HELD ON LORD HOWE ISLAND ON MONDAY 11 & TUESDAY 12 SEPTEMBER 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 Bill Monks (A/Chief Executive Officer - BM), John Teague (Manager Infrastructure & Engineering Services - JT), 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 1:00 pm at the Public Hall on Monday 11 September 2017 and closed at 3:00 pm.

The Open Session commenced at 9:00 am at the Public Hall on Tuesday 12 September 2017 and closed at 12:10 pm. Approximately 50 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. SS also advised that due to the level of public interest in the Rodent Eradication Program decision, Agenda Item 8(i), listed after the Owner Consent/Development Application section on the agenda, would be considered as the first item of the Open Session as previously publically notified.

SS called for conflict of interest declarations.

JR declared a conflict of interest in agenda item 7(iv).

1 MINUTES OF PREVIOUS MEETING

SS advised the meeting that the minutes for the May meeting had been circulated and endorsed in accordance with normal practice.

The Board members adopted the minutes of the May meeting.

2 OUT OF SESSION MATTERS

BM 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

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

The Board noted the information provided in the report.

SS advised that, as a result of the invitation sent after the May meeting, The Hon. Gabrielle Upton, MP, Minister for the Environment, Minister for Local Government, and Minister for Heritage had indicated that she would visit the Island in October, and that further details of the Minister's visit would be made available in due course.

SS assured the community that the Board continued to work to ensure that regular air services were maintained and continued following the expiry of the current licence in 2018, and that the community will be appropriately updated as developments in this regard occur.

4 CHIEF EXECUTIVE OFFICER'S REPORT

BM gave an overview of the Report.

LM asked that some priority be given to grounds maintenance at Signal Point.

BN asked that all necessary vessel survey and operator licensing be put in place as required by RMS in relation to the soon to be acquired aluminium workboat.

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

5 MOTOR VEHICLE IMPORTATION OR TRANSFER

BM 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

JL 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

JL 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) OC2017.14 - Construction of a recreation facility - community skate park - Lord Howe Island Skate Park Association

CM gave an overview of the paper.

LM questioned the proposed siting of the facility in so far as it appeared to be further north than originally proposed in the concept presentation at the March Board meeting, and may conflict with the existing parking area and with the designated heavy plant beach access-way.

Following a site inspection, it was noted that re-siting of the facility further south would avoid conflict with existing parking and access arrangements.

It was moved CW, seconded RP, that:

1. The Development Application shall, in order to address the existing uses of the subject area of the reserve, include a relocation of the facility approximately 20 metres further south. If this cannot be achieved a detailed analysis of the existing uses of the site and the potential impacts of the skate park on those uses, in addition to the reasons as to why the facility cannot be relocated shall be detailed and,
2. Liability issues also be specifically addressed when considering the DA.

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

7 (iv) OC2018.03 – Transfer Shearwater Cottage to above Infrastructure Building, Enlarge Cyclone Alley – D Owens

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

It was moved RP, seconded CW, that the application be deferred and that it be subject to a review, notably that further advice be sought on the issue of the characterisation of Shearwater Cottage and the threshold issue of development consent.

The Board then adopted the motion.

7 (v) DA2017.13 - Captive Management Facility – Lord Howe Island Board

CM gave an overview of the paper.

SS noted that, as the Rodent Eradication Program had now been approved to progress to Stage 3, the application to construct the Captive Management Facility could now be considered.

It was moved BN, seconded JK, that the Development Application for construction of the Captive Management Facility at the Nursery be approved subject to the conditions recommended.

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

8 POLICY AND STRATEGY

8 (i) Rodent Eradication Program – Implementation

Andrew Walsh, Project Manager Rodent Eradication Program (REP), gave an overview of the paper, including recent developments in respect of required approvals.

Peter Dixon, Chair of the REP Steering Committee, delivered the Committee's recommendations to proceed to Stage 3 of the program with implementation scheduled for winter 2018.

Six members of the public spoke, formally and strongly voicing a range of concerns relating to the program going ahead.

Gregory Andrews, Australian Threatened Species Commissioner, voiced strong government support for the rodent eradication initiative.

It was moved JK, seconded RP, that, in accordance with the previously approved Process for Resolution and noting that all required approvals had been received, the Board now proceed with Stage 3 of the Rodent Eradication Program with implementation in winter 2018, subject to all recommendations included in the Chief Scientist's Human Health Risk Assessment, the Environment Protection and Biodiversity Conservation and the Australian Pesticides and Veterinary Medicines Authority reports being adhered to.

It was also moved CW, seconded JK that that the conditions and recommendations of the certifying authorities should be made available to the community.

The Board then adopted the motions.

CW wished it recorded that he dissented with the decision to proceed with Stage 3 of the Rodent Eradication Program.

This item was discussed and determined prior to all other agenda items.

8 (ii) Operations Plan 2016/2017 – Annual Review

BM gave an overview of the paper.

The Board noted the information provided in the 2016/17 operations plan review.

It was moved LM, seconded CW, that highlights and achievements from the 2016/17 operations plan be included in the next Board newsletter circulated to the community.

8 (iii) Operations Plan 2017/2018 - Draft

BM gave an overview of the paper.

The Board noted that, while the community engagement strategy planned to be completed during the 2016/17 planning period had not achieved, the strategy was included in the 2017/18 Operations Plan and would be an area of particular focus including strong community involvement in setting this strategy which will include a 10-year vision for the Island.

It was moved BN, seconded JK, that the following inclusions and amendments be made in the 2017/18 operations plan:

1.1.1 Strategic Directions – Arrange a community workshop with independent facilitation to develop a longer term vision and key directions for the community, providing a basis for future policy, plans and community reporting.

3.2.1 Recreational Facilities – Undertake revegetation to enhance shade areas “under the Pines”

3.4.1 Road Maintenance – add strip of Lagoon Road along boatshed locations as a priority.

3.9.1 Waste Management Facility - Compost to be given to the public (not sold) once it reaches acceptable standard under distribution system to be determined.

4.5.7 Waste Reduction – Include phasing out of plastic shopping bags

5.3.1 Land Tenure - Continue review of perpetual leases and develop residency policy

5.6.3 Coastal Erosion – Identify solution for beach erosion north of Windy Point

6.5 Programs for Children – Active support for progression of pre-school establishment

The Board then adopted the motion.

8 (iv) Social Media Policy

BM gave an overview of the paper.

It was moved LM, seconded BN, that the draft policy be adopted.

The Board then adopted the motion.

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

BM gave an overview of the paper.

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

The Board then adopted the motion.

8 (vi) Amendment - Lord Howe Island Dog Importation & Management Policy

JL gave an overview of the paper.

It was moved JR, seconded CW, that this issue be deferred pending clarification at the next meeting of clarification of the status of the dog off-leash picnic area at the northern end of Old

Lagoon Road adjacent to the northern Cobbys Beach access, and identification of possible additional areas for dog off-leash activities.

The Board then adopted the motion.

9 FINANCE AND BUSINESS MANAGEMENT

Closed session

10 LEASING AND LAND ADMINISTRATION

10(i) Transfer of Perpetual Lease - BM Thompson

JL gave an overview of the paper.

It was moved JK, seconded BN, that the Minister's consent be sought to the transfer of Perpetual lease 1972/01 by way of gift from Bruce Maxwell Thompson to Bruce Maxwell, Leilani and Losalini Thompson as joint tenants subject to concurrence of the mortgagee over the lease and the proposed transferees being advised of the residency obligation which would apply to each joint tenant should the transfer proceed.

The Board then adopted the motion.

10(ii) Transfer of Perpetual Lease - R & W O'Brien

JL gave an overview of the paper.

It was moved CW, seconded BN, that the Minister's consent be sought to the transfer of Perpetual lease 1958/03 by way of gift from Roseanne Margaret and Warren Keith O'Brien as joint tenants to Roseanne Margaret and Warren Keith O'Brien and Derek Edward O'Brien as joint tenants subject to concurrence of the mortgagee over the lease.

The Board then adopted the motion.

10(iii) Transfer of Perpetual Lease – GR Whitfield

JL gave an overview of the paper.

It was moved BN, seconded CW, that the Minister's consent be sought to the transfer of Perpetual lease 2016/08 by way of gift from Gregory Robert Whitfield to Gregory Robert and Sharon Jane Whitfield as joint tenants.

The Board then adopted the motion.

10(iv) Transfer of Perpetual Lease – Estate Late W Woolnough

JL gave an overview of the paper.

It was moved LM, seconded BN, that the Minister's consent be sought to the transfer of Perpetual lease 1975/06 by devolution under the will of the Late Wallace Henry Woolnough to Denise Cheryl Tokailagi.

The Board then adopted the motion.

10(v) Transfer of Perpetual Lease – Estate Late J Petherick

JL gave an overview of the paper.

It was moved LM, seconded CW, that the Minister's consent be sought to the transfer of Perpetual lease 1970/03 by sale from Ian Petherick as Executor of the Estate of the Late Joyce Petherick to Lea Catherine Petherick, Jean Oaks and Patricia Petherick.

It was also moved LM, seconded CW, that the Minister's consent and the Governor's approval be sought to the transfer of Perpetual lease 1970/03 by sale from Lea Catherine Petherick, Jean Oaks and Patricia Petherick to Lea Catherine Petherick and Ben Ohlback as joint tenants.

The Board then adopted the motions.

10(vi) Application for Permissive Occupancy – NSW Police

JL gave an overview of the paper.

It was moved BN, seconded JK, that the Minister's approval be sought the granting of a Permissive Occupancy over portion 10 to NSW Police for the purpose of a Police Station and residence subject to the standard conditions of such occupancies and at fair rental as determined based on independent valuation.

The Board then adopted the motion.

10(vii) Closed Session

10(viii) Extension of Term of Special Leases

JL gave an overview of the paper.

It was moved RP, seconded JR, that the Minister's approval be sought for the extension of all existing Specials leases on the Island until 31 December 2019 subject to the existing conditions of the leases.

The Board then adopted the motion.

10(ix) Compliance with Residency Condition of Perpetual Leases

JL gave an overview of the paper.

It was moved RP, seconded BN, that

- a) Further information be sought from various leaseholders with respect to their circumstances and compliance with the residency condition of their Perpetual leases and,
- b) A policy be developed designed to articulate the administrative criteria that will guide the Board when considering applications for suspension of the condition of residency and any action to enforce this condition.

The Board then adopted the motion.

11 GOVERNANCE

Closed session

12 OPERATIONS AND SERVICES

12(i) Renewable Energy Program Update

JT gave an overview of the paper, highlighting that the Minister for Environment and Energy had refused consent under the *Environmental Protection and Biodiversity Conservation Act 1999* for the installation of wind turbines on the Island on the grounds that this would pose a threat to the World Heritage values of the Island. It was also pointed out that Australian Renewable Energy Agency (ARENA) had indicated that it was unlikely that continued funding for the project would be available without incorporation of the wind energy component of the system. It was further noted that ARENA had agreed to fund further investigation into alternate options to maintain viability of the project.

A member of the public gallery, Esven Fenton, also a member of the Island Renewable Energy Steering Committee, advised that the committee had lodged a freedom of information request for access to the internal departmental recommendations to the Minister in regard to the wind turbine proposal.

It was moved LM, seconded RP, that the Board consider the options report being funded by ARENA and any documentation released under the freedom of information request. Following careful evaluation of the options, the Board should then consider directly approaching the Minister for Environment and Energy if necessary.

The Board then adopted the motion.

12(ii) Airport Terminal Upgrade Project Update

JT gave an overview of the paper.

The Board noted the report and it was moved RP, seconded CW, that an appropriate update on the airport terminal progress, including information relating to minor delays to date, be circulated to the community in the next Board newsletter.

The Board then adopted the motion.

12(iii) Boat Retrieval System (Slipway) Update

JT 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.

The Board noted the information provided in the paper.

14 INTERVIEWS

Closed session

15 GENERAL BUSINESS & QUESTIONS ON NOTICE

Nil

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

The public meeting closed at 12:10 pm on Tuesday 12 September 2016.

Next Meeting

The dates for the next regular Board meeting are 13 and 14 November 2017. A Special Board meeting will be held to coincide with the Minister's visit in October 2017.