

LORD HOWE ISLAND BOARD

MINUTES OF THE MEETING OF THE LORD HOWE ISLAND BOARD

HELD ON LORD HOWE ISLAND ON MONDAY 22 & TUESDAY 23 MAY 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 C Wilson (Member - CW) 23 May only.

Apology: Mr John King (Member – JK)

Board staff present at all sessions were Penny Holloway (Chief Executive Officer - PH), Bill Monks (Manager Business & Corporate Services - BM), Andrew Logan (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 10:55 am at the Public Hall on Monday 22 May 2017 and closed at 1:58 pm.

The Open Session commenced at 9:07 am at the Public Hall on Tuesday 23 May 2017 and closed at 11:40 am, and was attended by approximately 10 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 there would be some matters raised in General Business that were not currently reflected in the agenda. These were matters pertaining to:

- A development application by Roads and Maritime Services in regard to the installation of navigation leads,
- The residential conditions relating to perpetual leases, which was discussed in closed session,
- Reiterating the statement by Transport for NSW regarding the maintenance of a regular passenger transport airline service to Lord Howe Island,
- Reporting on a meeting with Esven Fenton and Dean Hiscox regarding meat processing on the island, and

- Wishing AL all the best for the future, as this would be his last Board meeting before ceasing employment with the Board.

SS called for conflict of interest declarations. JR declared conflicts of interest in agenda items 7(vi) and 11(i). LM declared a conflict of interest in agenda item 11(i).

1 MINUTES OF PREVIOUS MEETINGS

SS advised the meeting that the minutes for the March meeting and the special meeting in April had been circulated and endorsed in accordance with adopted practice.

The Board members endorsed minutes of the March and April meetings.

2 OUT OF SESSION MATTERS

PH gave an overview of the paper.

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

3 ACTIONS FROM PREVIOUS MEETINGS - STATUS REPORT

PH gave an overview of the paper.

CW asked for a progress report in relation to the Boat Launching and Retrieval Facility.

AL replied that he was still working with the design consultants (Advisian), particularly in regard to the feasibility of the existing cradle being able to run on wheels in the sand. He added that although it was taking longer than expected, he expected to have the facility in place by the end of the calendar year.

The Board noted the information provided in the report.

4 CHIEF EXECUTIVE OFFICER'S REPORT

PH gave an overview of the Report.

PH informed members of the public that the Board had been advised it would receive grant funding of \$450,000 through the Restart NSW program for the feasibility study into the extension of the runway.

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.

The Board noted the information provided in the Report.

7 DEVELOPMENT APPLICATIONS

7 (i) Owner Consent Approved Under Delegated Authority

PH advised the Board that there were no 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) DA2017-18: WWM System – Board Depot, Government House, LHI Central School, and Bowling Club

CM gave an overview of the paper.

LM asked if the actual tank could be situated such that it would not interfere with a future possible siting of a pre-school on the site. She also stated that it was crucial that wastewater systems be compliant and operate efficiently, with regular maintenance taking place and no odour being generated.

AL replied that the tank would be sited such that a future pre-school (acknowledging that the building had not been designed yet) could be accommodated on the site, that the system would be capable of accepting wastewater from the preschool, that the system would be serviced quarterly in accordance with the Strategy, and monitored in between quarterly services.

It was moved RP, seconded CW that Development Application No. DA 2017-14 for the Fuji Clean CE6000 onsite wastewater treatment system to service the needs of the Board Depot, LHI Central School and LHI Bowling Club, (Lots 37, 38, 39, DP 757515) and Foreshore (unidentified Crown Land), Lord Howe Island, be approved subject to the conditions specified in the Assessment Report.

The Board then adopted the motion.

7 (iv) DA2017-20: Garage and Office Space D & R Hiscox

CM gave an overview of the paper.

BN stated that he would like to add a condition stipulating that the building could only be used as a garage and office space, as opposed to the original consent.

CW stated that the proposed building looks like a dwelling for all intents and purposes.

One of the applicants, Dean Hiscox, addressed the Board. He stated that the development was for commercial office space, and he would be “more than happy” with conditions being applied.

It was moved BN, seconded CW that the Board approve Development Application No. DA 2017-20 for boat storage and ancillary office at Lot 337 Muttonbird Drive, Lord Howe Island, subject to the conditions specified in the Assessment Report, and subject to the following additional condition:

The Office and meeting space approved shall only be used as an office and associated meeting area. The area shall not be used for staff accommodation nor is it approved as a separate dwelling

The Board then adopted the motion.

7 (v) MDC2017-03: Waste Management Facility WWM System

CM gave an overview of the paper.

The Board noted the information provided in the paper.

It was moved JR, seconded RP that the application be dealt with in an out of session paper as the application was still on public exhibition, and required a Board decision after consideration of any matters raised during the public exhibition period.

The Board then adopted the motion.

7 (vi) DA2017-22: Diane Owens, Subdivision of Lot 10 DP 1202580

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 suggested that in Condition 6 the word “extensions” be replaced by the word “works”.

It was moved CW, seconded BN that the Board approve Development Application 2017-22 for the subdivision of the Perpetual Lease into two parts, and demolish part of the dwelling on Part A, at Lot 10 DP 1202580, subject to the conditions specified in the Assessment Report, and subject to the word “extensions” being replaced by the word “works” in condition 6.

The Board then adopted the motion.

8 POLICY AND STRATEGY

8 (i) Dog, Avian and Stock Importation Policies Moratorium

JL gave an overview of the paper.

A member of the public, Peter Curtin, requested that chickens be exempt from the moratorium, as it would be detrimental to local egg production.

CW stated that he agreed with Mr Curtin, given the short life span of chickens. He added that owners could get about six months of laying from the chickens prior to the possible implementation of the rodent eradication project in winter 2018.

It was moved LM, seconded BN, that:

1.

- a) A moratorium on the importation of chickens, livestock and dogs be implemented with immediate effect until the September 2017 Board meeting, at which time a “go/no go” decision will be made in regard to the Rodent Eradication Project (REP).
 - b) Residents be informed by way of a “householder” of the moratorium, subject to the “go/no go” decision to be made at the September Board meeting.
 - c) Residents be informed by way of a householder of the Board’s decision at the September Board meeting.
2. If the decision to proceed with the REP in 2018 is made in September 2017:
- a) Maintain the moratorium on chickens and livestock until the Board obtains confirmation of rodenticide breakdown in the environment after the REP.
 - b) Accept applications for dog importation and advise that the Board will not compensate owner for transportation and kennel cost during the REP.
 - c) Formally advise current owners of chickens, livestock and dogs of amended conditions and responsibilities and that failure to comply may result in approval for the animal(s) being revoked.
 - d) Revise the Avian Importation Policy (Revised July 2015), Dog Importation and Management Policy (Revised July 2015), Stock Importation Policy (Revised July 2015) and Plant Importation Policy to accommodate any REP requirements as required only for the duration of the REP.
3. If the REP does not proceed cease the moratorium on imports and accept and process importation applications under the existing policies.

The Board then adopted the motion.

CW disagreed with the final course of action approved by the Board and requested that his dissent be noted in the minutes.

8 (ii) Long Term Accommodation Policy Review

JL gave an overview of the paper.

JR recommended that landlords be responsible for the removal of waste from the licenses premises, as this would ameliorate the need for tenants to own a vehicle, thus reducing the number of vehicles on the island.

It was moved JR, seconded LM that the Board adopt the revised ‘Business Licence for the Provision of Long Term Accommodation’ Policy attached to the paper, with the inclusion of the following additional condition:

“The landlord is responsible for the removal of waste from the licensed premises”.

The Board then adopted the motion.

8 (iii) Review of Vehicle Importation, Transfer and Use policy

PH gave an overview of the paper.

RP stated that the Policy should specify where and when the vehicle is to be cleaned prior to importation.

It was moved RP, seconded CW that:

1. The Board approve amendments to the *Vehicle Importation, Transfer and Use Policy 2015* to incorporate additional elements aimed at limiting the overall number of vehicles and the impact of vehicle movements on the island's road system, as well as best practice biosecurity clearance procedures,
2. A condition be added to the Policy stating that vehicles to be imported must be cleaned immediately prior to importation, and
3. The amended Policy be placed on Public Exhibition for a period of 28 days, only reverting to the Board if there were any submissions opposing the changes to the policy.

The Board then adopted the motion.

8 (iv) Risk Management Policy and Guidelines

BM gave an overview of the paper.

It was moved JR, seconded RP, that the Board endorse the Risk Management Policy and Guidelines.

The Board then adopted the motion.

9 FINANCE AND BUSINESS MANAGEMENT

10 LEASING AND LAND ADMINISTRATION

Nil agenda items.

11 GOVERNANCE

11(i) Tourist Accommodation Licences

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

BM gave an overview of the paper.

RP stated that compliance with Condition 15, which requires the official "Licensed Tourist Accommodation" identification plaque supplied by the Board to be displayed in each licensed accommodation unit, be enforced, adding that the accommodation in which he was currently staying did not display a plaque.

PH replied that compliance action would be taken.

BN suggested that Condition 11, which deals with the transfer of licences, make reference to the transfer policy.

It was moved BN, seconded RP, that:

1. Condition 11 be amended to read “A licence is not transferable unless the proposed transfer is in accordance with the Board’s Tourism Accommodation Strategy, and the transferee and the Board have consented in writing to the transfer”, and
2. New licences be issued to the current licence holders for a period of three years, from 1 July 2017 to 30 June 2020.

The Board then adopted the motion.

12 OPERATIONS AND SERVICES

12 (i) Rodent Eradication Program Update

PH stated 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 September Board meeting. She then gave an overview of the paper.

CW made reference to section 7 of the paper, stating that, in his opinion, the lack of breeding success of the Black Winged Petrels was largely due to predation by owls, not rats.

PH replied that the study into the breeding success of the Black Winged Petrels was undertaken by scientists from the Office of Environment and Heritage, who had been visiting the island regularly to undertake the monitoring. They had provided video evidence of rats taking eggs from the nests of Black Winged Petrels.

LM asked if the Administration had an owl reduction plan in place.

PH replied that the Rodent Eradication Program incorporated the eradication of the Masked Owl.

LM recommended that action be taken to reduce Masked Owl numbers whether or not the Rodent Eradication Program went ahead.

PH replied that action would be taken to reduce Masked Owl numbers whether or not the Rodent Eradication Program went ahead.

The Board noted the information provided in the paper.

12 (ii) Renewable Energy Program

AL gave an overview of the paper.

BN stated that he was concerned about the delays in rolling out the Program, as it would now likely be implemented during the shoulder and peak tourism seasons, and adversely impact the tourist experience. He asked what steps were being taken to mitigate the effect of the delays.

AL replied that, in his opinion, the impact of the Program on the tourist season would be relatively minor. He added that a lot of the material was already on site, and he expected only six to eight people to be working on the site, which is not a high traffic tourist area.

RP stated that there appeared to be two major concerns in the community in regard to the Program; infrasound and audible sound. He added that the scientific evidence was that there was no linkage between infrasound and illness. In regard to audible sound he suggested that, once a decision has been made on the choice of wind turbines, an assessment of the sound and its likely effect be communicated to residents in terms that they can clearly understand.

The Board noted the information provided in the paper, and supported RPs suggestion.

12 (iii) Airport Terminal Upgrade Project Update

AL gave an overview of the paper, stating that a mid to late November 2017 completion date was expected.

The Board noted the information provided in the paper.

12 (iv) Strategic Asset Management Plan Update

AL gave an overview of the paper, noting that the Plan had been updated to reflect the ongoing capital funding of \$1.028 million per annum that the Board expected to receive commencing in the 2017/18 financial year.

SS acknowledged that Mr Simon Officer, Department of Planning and Environment Chief Finance and Operating Officer, who was present in the gallery, had greatly assisted the Board in making its case to Government for the capital funding.

CW stated that on page 27 “Boatshed 1 (swimming)” should be changed to “Boatshed 1 (Greenback)”.

RP stated that on page 14 the sentence at the end of the first paragraph should be completed.

CW asked, in regard to the jetty, when it was planned to repair the step area. He suggested the possibility of constructing a set of stairs at the north-western corner of the jetty be considered, as the jetty area does become quite congested in summer when several boats arrive at the same time. He added that officers from Roads and Maritime Services (RMS) had indicated to him that funding would be available.

AL replied that he would look into expediting the repairs, and that he would follow up RMS funding for a second set of stairs.

It was moved RP, seconded LM, that the Board approve version 1, Revision 5 of the Strategic Asset Plan

The Board then adopted the motion.

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:

- A boom gate will soon be installed at the Board depot to restrict access to authorised vehicles and deter pedestrians from the area,
- Dangerous trees continue to be removed,
- Maintenance has been undertaken at the jetty and boat ramp to reduce slip hazards,
- Potholes continue to be repaired, and
- A liability claim in relation to an ankle injury sustained by a visitor to the Island on the Muttonbird Point walking track while it was closed has been settled.

SS stated that, in regard to the last dot point above, the Board had a sign in place advising that the track was closed. However, the sign was removed by a person or persons unknown. The Administration replaced the sign several times, only for it to be removed on each occasion. SS asked that residents work with the Board as a community to help ameliorate such incidents.

A member of the public, Dean Hiscox, stated that on many of the walking tracks the star pickets used to secure steps were exposed, and this was dangerous. On an unrelated matter, he stated that RMS has prompted a group of commercial operators on the island to speak to the Board on the matter of the boat ramp being dangerous and not compliant with the relevant standards.

BN stated that it was his understanding that when RMS funding was committed for the boat launching and retrieval system a portion of it was for an upgrade of the boat ramp.

AL replied that \$150,000 had been budgeted for three elements of the boat ramp upgrade. However, even with these improvements the boat ramp will not meet Australian standards. He stated that the Board would need to seek further funding from RMS, as bringing the boat ramp up to standard would be a much larger project than allowed for under the current funding agreement.

JL stated that he would investigate the star picket issue and advise the Board out of session.

The Board noted the information provided in the paper.

14 INTERVIEWS

15 GENERAL BUSINESS & QUESTIONS ON NOTICE

15 (i) DA 2017-21: Installation of Navigation Leads to Replace Existing Temporary White Poles

SS explained that this was a late paper as consideration of the matter could not be postponed until the September meeting as, if the Board did not consider it now, the Roads and Maritime Services (RMS) would have the right to refer the application to the Minister for Planning for decision.

CM gave an overview of the paper.

CW stated that he still doesn't believe that there was a need for the navigation leads. He added that, if the leads were to be installed, he couldn't see why the front lead couldn't be closer to the shoreline.

LM recommended that the option of having lights installed on the leads be declined.

The Board agreed that the following condition be added to the recommendation in the Assessment report:

"That no lights be installed on the navigation leads".

The Board noted the information provided in the paper, adding that a final report would be finalised by the Chief Executive Officer under delegated authority, reflecting the Board's view regarding the lights.

15 (ii) Compliance with the Residency Condition of Perpetual Leases

SS advised that the Board had discussed the matter of compliance with the residency condition on Perpetual Leases during the Closed Session of the meeting. She added that a paper would be prepared for consideration at a future meeting.

15 (iii) Transport for NSW Statement

SS stated that the Board wished to reiterate the statement by Transport for NSW regarding the maintenance of a regular passenger transport service to Lord Howe Island. It is as follows:

"Transport for NSW is in direct discussion with industry about options for the best means of running a process for the next licensing period after March 2018 to ensure continued airline services to the Island. We expect to issue the necessary details for the proposed approach before the end of this financial year".

15 (iv) Island Trader Access to the Lagoon

SS advised that low tide predictions were of concern and could impact adversely on the *Island Trader's* operations. She stated that the Board would seek a blanket approval from the relevant authority to transfer cargo by lighter from the ship on those occasions when the ship could not access the jetty due to low tides.

15 (v) Chairperson's Meeting with Esven Fenton and Dean Hiscox

SS advised that she met with Esven Fenton and Dean Hiscox on the afternoon of 21 May to discuss the matter of meat processing on the island. She added that she had briefed Board members on the discussion, and undertook to do some follow up work and revert to Esven and Dean.

15 (vi) Departure of Andrew Logan

SS advised members of the public that this was the final Board meeting that would be attended by the Board's Manager Infrastructure and Engineering Services, Andrew Logan, as he had accepted a position on the mainland. She then read a statement on behalf of the Board, congratulating AL on his achievements, thanking him for his contribution and wishing him all the best for the future.

15 (vi) Accommodation Capacity at Hideaway

CW stated that, towards the end of last year, the Board approved the transfer of public accommodation licences from Hideaway to Capella. In so doing the Board allowed Hideaway to maintain its level of infrastructure as they promised the Board that, as of May 2017, they would have submitted plans to the Board detailing how the accommodation capacity would be reduced. He asked if any submission had been received from Hideaway and, if not, the Administration follow up. He added that they may have been in breach of their current licence in terms of the number of people being accommodated.

JL replied that he did not recall the receipt of any submission.

PH stated that the matter would be followed up.

15 (vii) Letters to Ministers regarding upcoming Project Approvals

It was moved BN, seconded JR that the Board write to relevant Ministers at both the Commonwealth and State levels in order to:

1. Bring to their attention matters and decision-making processes relevant to their portfolios,
2. Provide a more holistic picture in terms of the staging of projects and the key timelines associated with them, and
3. Explaining the importance of the winter low season for completing many major projects.

The Board then adopted the motion.

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

The public meeting closed at 11:40 pm on Tuesday 23 May 2017.

Next Meeting

The dates for the next Board meeting are 11 and 12 September 2017.