

# LORD HOWE ISLAND BOARD

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

### HELD ON LORD HOWE ISLAND ON MONDAY 14 & TUESDAY 15 MAY 2018

Present: Ms S Stewart (Chair – SS)  
Mr C Wilson (Deputy Chair - CW) (part meeting only)  
Mw M Retmock (Member – MR)  
Mr R Pallin (Member – RP)  
Mr G Crombie (Member – GC)  
Mr J King (Member - JK)  
Ms T Turner (Member - TT)

CW was in attendance until 12:30 pm on Monday 14 May.

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

John Teague (Manager Infrastructure & Engineering Services - JT), was present on the first day only (due to illness on the second day).

The Board's external planning consultants were represented by Michelle Chapman (MC) and Peter Chapman (PC) from All About Planning.

The Closed Session commenced at 11:00 am at the Public Hall on Monday 14 May 2018 and closed at 16:10 pm.

The Open Session commenced at 9:00 am at the Public Hall on Tuesday 15 May 2018 and closed at 12:42 pm. Approximately 15 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. She welcomed former Board members Barney Nichols and Lisa Makiiti to the meeting and welcomed new Board members.

SS explained that CW had flown to the mainland on Monday 14 May in order to sit on the selection panel for the new Chief Executive Officer later in the week, and there were no seats available on flights between Tuesday and Friday. SS added that she too would be on the selection panel.

SS stated that this would be the final Board meeting to be attended by PH, the current Chief Executive Officer. She added that CW had expressed his sincere thanks to PH in the Closed Session, and had asked Barney Nichols, the former Deputy Chair, to speak on his behalf in the Open Session.

Barney Nichols stated that the past four years, during which PH was the Chief Executive Officer, had been the busiest time of his 12 years on the Board in terms of major projects, such as the Rodent Eradication Program, Renewable Energy Program, reseal of the airport runway, the boat launching and retrieval system, and others. Barney added that PH was well regarded by the island community, and did a marvellous job of managing these programs and projects, as well as her day to day duties. He thanked PH for her efforts, wished PH and her husband, Jean, all the best, and hoped that she would carry happy memories of the island with her.

SS stated that Barney's words echoed the sentiments of the entire Board.

SS called for conflict of interest declarations.

There were no conflict of interest declarations.

SS stated that there were items of Other Business at Agenda Item 15.

SS stated that the Board had made site visits as follows:

- The Corey Davies lease to inform consideration of his Development Application at Agenda Item 7(iv),
- Thornleigh Farm, and
- The Pinetrees Boatshed to meet with Ed Rourke and inspect the coastal erosion in the vicinity.

## **1 MINUTES OF PREVIOUS MEETING**

SS advised the meeting that the minutes of the March 2018 meeting had been circulated and endorsed in accordance with normal practice.

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

GC asked, in relation to the review of the Local Environment Plan (LEP), what the current situation was.

PH replied that there are two parts to the LEP review:

1. The first stage with minor amendments, and
2. The overall review of the LEP.

PH stated that, in regard to the review of the Vegetation Rehabilitation Plan, it had not yet commenced, as the Board has no external funding for it. She added that, in relation to the overall review of the LEP, work has been completed on Stage One as previously reported to the Board, but the more comprehensive review, which also has to be completed with internal resources only, will take place over the next 12 months, in concert with the development of the Community Strategic Plan.

The Board noted the information provided in the report.

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

PH gave an overview of the Report.

PH stated that:

- the Board had been successful in obtaining funding of about \$1 million from Round 1 of the Stronger Country Communities Fund for upgrades to the Community Hall and the forecourt of the old Powerhouse site, and
- the Board had submitted funding proposals, totalling about \$1 million in value, for Round 2 of the fund. Projects include:
  - Steven's Reserve walking track upgrade,
  - Skate Park,
  - Further improvements to the Golf Club,
  - Upgrade bowling Club amenities,
  - Lagoon foreshore fitness trail, and
  - Improvements to sporting amenities around the oval, including cricket nets.

PH explained that half of the funding for projects proposed for Round 2 funding had to be sports related.

GC stated that the use of road base to repair driveway entrances where rainfall run-off had caused damage needed to be re-considered. It would appear that later rain and consequent run-off washed away the road base, and caused damage to drains further downhill.

PH replied that she would investigate the matter.

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.

#### **6 PROPOSED ADJUSTMENTS TO ADOPTED BUDGET**

Closed session

## **7 DEVELOPMENT APPLICATIONS**

### **7 (i) Owner Consent Approved Under Delegated Authority**

PH advised the Board of the four Owner Consent applications approved by the CEO since September 2017.

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 one Development Application 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) DA2018.04 – Transfer Shearwater Cottage Dwelling and Renovate Cyclone Alley (Diane Owens)**

MC gave an overview of the paper.

It was agreed that the following should be added after the second paragraph of Condition 2:

*“All physical building consolidation works are to be completed before the approval of an Owner’s Consent and Development Application for a new dwelling on the site in accordance with the acknowledged dwelling entitlement.*

*Reason: to ensure only three dwellings are able to be achieved on site in accordance with this consent”.*

It was moved JK, seconded RP, that:

1. the Board grant an Owner’s Consent to acknowledge the existence of a Shearwater Cottage dwelling entitlement on Lot 10 and to undertake alterations to the existing Shearwater Cottage and Cyclone Alley to consolidate those two cottages, at 78 Anderson Road, Lord Howe Island further as referenced in the conditions specified, and
2. that DA No. 2018.04 for acknowledgement of the Shearwater Cottage dwelling entitlement on Lot 10 and undertake alterations to Shearwater Cottage and Cyclone Alley to consolidate those two cottages at Lot 10 in DP 1202580, 78 Anderson Road, Lord Howe Island, be approved subject to the conditions specified, and include the agreed additions to Condition 2 detailed above.

The Board then adopted the motion.

### **7 (iv) DA2018.06 Extension of Existing Dwelling (Corey Davies)**

PC gave an overview of the paper.

A member of the public, Lisa Makiiti, expressed the view that caution needed to be taken with the stringency of some of the recommendations.

MR stated that, in his view, the acoustic wall would be ineffective, and therefore should not be included as a condition. He further stated that he could not see any relationship between past noise complaints from neighbours, the proposed addition, and future noise complaints.

GC stated that he did not support the inclusion of a waste water upgrade as a condition, as there were several non-compliant properties on the island, and all the non-compliant properties should be addressed as a separate issue.

PH replied that the Development Application does involve the addition of a bathroom, which could add to the flow of waste. Therefore, it seemed reasonable to require the waste water system upgrade.

GC stated that, like MR, he did not think much could be done in terms of the Development Application to address the noise issue, and it was putting an unnecessary impost on the applicant. He added that, in his view, the noise issue was a police matter.

RP stated that he supported the conditions recommended as, in his opinion, they would have an effect on the sound impacts on the neighbours, and that he supported the recommendations in the paper.

JK stated that:

- the Board needed to consider the peaceful habitation and amenity of surrounding dwellings in making decisions on Development Applications,
- there is very little visual impact, particularly from the Treehouse tourist accommodation property,
- in regard to the noise, there is an incline straight up to the Treehouse, and there is a strong record of issues. He added that he did not know whether the proposed extension would increase the noise situation or not and stated that there were other ways besides building a wall to mitigate noise issues. He concluded by saying that he agreed with the views of MR and GC in saying that the noise matter is not a planning issue, but rather a civil issue.

TT stated that it's not as though the applicant has parties every weekend. She further stated that social gatherings only occurred on odd occasions and, as she understood it, generally during the daytime.

SS stated that she understood the intent of the conditions being recommended, and while she supported the reduction of the size of the deck from seven metres back to the five metres as approved in the Owner Consent, she did not support the additional recommendations.

It was moved GC, seconded RP, that conditional approval be given, subject to:

1. the removal of condition 2b and 2c, and
2. condition 15 being amended to read "Written notice must be given to the Lord Howe Island Board and the lessee of the adjoining portion 295 at least two days prior to the commencement of the building work".

The Board then adopted the motion.

## **7 (v) DA2018.09 Installation of Septic Sludge Rewatering System (Board)**

PC gave an overview of the paper.

A member of the public, Barney Nichols, asked if, when a south or south-westerly wind blows, this system will lessen the impact of the smell from the waste management facility on residents residing on the northern side of the runway.

PC replied that the proposed system is an enclosed mechanical system and, therefore, the odour should be reduced.

A member of the public, Lisa Makiiti, asked where the liquid that is produced goes.

JL replied that it is passed through the existing waste water treatment system.

It was moved GC, seconded MR, that the Board approve DA 2018.09 for decommissioning of the existing sludge drying beds and installation of a replacement Septic Sludge Dewatering System at the Lord Howe Island Board Waste Management Facility, Airport Road, Lord Howe Island at unidentified crown land bordered by Lot 108 and 109 DP 757515 to the east and Cobbys Beach to the west, Lord Howe Island, subject to conditions.

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

## **8 (i) Development of a 10-Year Community Strategic Plan**

SS stated that the Board considered the development of a 10-year Community Strategic Plan to be a really important project. It responds to a community survey that indicated a community desire for greater involvement with, and communications to and from, the Board. She added that budget funding and resources had been allocated to the project.

PH gave an overview of the paper.

JK stated that:

- the community survey showed that the community and the Board need a shared vision,
- high level objectives are needed,
- the Plan will inform the development of strategic and operational plans, and the Board's key performance indicators, and
- there is a need to harness community views to provide clear direction for all stakeholders, such as potential investors.

GC stated that it was important to emphasise that this has to be a plan that the community gives to the Board, not vice versa.

SS stated that:

- the Plan was very important as it would provide a vision for the community and the Board. She added that it is important that the Plan is completed by April next year, as it will inform the development of the Board's financial year 2019/20 budget,

- it must capture everybody's views, including elders and young people,
- it must articulate a shared vision so that dreams and aspirations can be met.

It was moved RP, seconded MR, that the Board approve the process for developing a 10-Year Lord Howe Island Community Strategic Plan, but with an amended completion date of April 2019.

The Board then adopted the motion.

### **8 (ii) Amendment to the Dog Importation and Management Policy**

JL gave an overview of the paper.

TT suggested that, in regard to prohibited places, additional off-leash areas be considered on a seasonal basis, such as winter.

JL replied that such areas, such as Middle Beach, could be considered on a seasonal basis.

TT stated that, in the winter, off leash all the way along the whole of Lagoon Beach, rather than just from the Aquatic Club, would be appreciated.

SS stated that the Board needed to address TTs points before the draft policy is placed on public exhibition. She added that there appeared to be two suggestions:

1. That Middle Beach becomes an off-leash area, and
2. That there may be seasonal variations as to which areas are declared off leash.

JL suggested that a way to progress this matter would be for local Board members to meet with relevant Environment and Community Services Unit staff to consider the suggestions made, and to incorporate the outcomes of those discussions into the draft policy to go on public exhibition.

It was moved TT, seconded GC, that:

1. the Board approve the draft amendments to the Dog Importation and Management Policy subject to the local Board members, after consultation with the relevant Environment and Community Services Unit staff, considering and recommending the location and conditions of permissible areas, and amending the draft policy accordingly, and
2. the draft amended policy be placed on public exhibition for a period of 28 days, with the draft only being reported back to the Board if there are any submissions opposing, or seeking modification of, the proposed changes to the policy.

The Board then adopted the motion.

### **8 (iii) Dog, Avian and Stock Importation Policies – Moratorium**

JL gave an overview of the paper.

TT stated that it would be pointless to import day-old chickens after May 2018, as they would only have been laying for a few months before they have to be destroyed in about April next year. TT asked if it would be possible to import point of lay chickens instead.

TT enquired as to whether a final decision had been made regarding the management of poultry during the Rodent Eradication Program – must they be destroyed or can owners keep them?

PH replied that the management of chickens will be part of the individual property management plan for each property.

JL stated that it may be possible to import point of lay chickens with certain conditions. The conditions would need to be researched and decided.

GC stated that there is probably a good reason why the Board has not allowed the importation of chickens older than one day, so investigation is required as to why it has not been permitted up until the present time.

It was moved MR, seconded TT, that the Board obtain advice on risks associated with a change to current policy regarding the age of chickens that may be imported.

The Board then adopted the motion.

#### **8 (iv) Memorandum of Understanding: Board and LHI Museum**

PH gave an overview of the paper.

JK recommended that an additional objective be added under Clause 2, being:

*“Recognise the role of the Museum as an important tourism asset”.*

It was moved JK, seconded RP, that Memorandum of Understanding between the Board and the LHI Museum be endorsed, subject to the additional objective recommended by JK being added.

The Board then adopted the motion.

### **9 FINANCE AND BUSINESS MANAGEMENT**

Closed session

### **10 LEASING AND LAND ADMINISTRATION**

No papers.

### **11 GOVERNANCE**

Closed session

## **12 OPERATIONS AND SERVICES**

### **12(i) Rodent Eradication Progress Report**

PH gave an overview of the paper.

It was moved RP, seconded TT, that the Board note the Report and endorse the nomination of Board member Matthew Retmock to the Rodent Eradication Project Steering Committee.

The Board then adopted the motion.

### **12(ii) Renewable Energy Project Update**

JT gave an overview of the paper.

The Board noted the information provided in the paper.

### **12(iii) Airport Runway Extension Feasibility Study Update**

SS stated that a representative of the firm undertaking the Study, AECOM, would shortly be making a public presentation She added that:

- it is important to note that the presentation is on the outcomes of the first phase of the Study, pertaining to the assessment of the aircraft that may be suitable and the length of runway required. A further five phases must be completed before the study is finalised,
- the Board is not making a decision about extending the runway or not at this stage, but rather whether further investigation of the runway extension is warranted.

The presentation was given by Jed Mills of AECOM.

PH stated that the matter of the cost of the extension has not been considered at this stage. The Board wishes to ensure that all possible options are considered and, unless the feasibility study is undertaken, the Board will not know whether it is feasible to extend the runway or not, and what it will involve.

JK stated that:

- he supported proceeding to the next stage of the study,
- the Board and the community have a very short time span in which to find a solution to the issue of continued access to and from the island beyond March 2022,
- the continued access be in a form that enables the tourism sector in particular to retain its viability,
- as well as proceeding to the next stage of the feasibility study, it is important to start to involve key stakeholders at both state and federal level, such as Transport for NSW, Infrastructure NSW, NSW Treasury, the Department of Infrastructure, Regional Development and Cities, the Treasury, and the Civil Aviation Safety Authority in order to create a sense of common ownership in managing this matter.
- he supported the formation of a working group with representatives from each of the key stakeholders.

SS stated that she would be happy to chair such a working group, and requested that PH draft terms of reference.

PH stated that she would draft the terms of reference.

SS suggested that the recommendation include further investigation of the 450-meter option, not just the 570-meter option.

JK stated that Qantas and Virgin should be invited to participate in the process.

Jed Mills of AECOM stated that he would be happy to draft letters to Qantas and Virgin for the Board.

SS replied that the Board would appreciate his drafting the letters.

It was moved GC, seconded RP, that the Board note the Report and endorse further investigation of the 450-meter and 570-meter runway extension options to the west.

The Board then adopted the motion.

#### **12(iv) Boat Retrieval System Update**

SS advised the gallery that the Board had met with Angus Mitchell, Director of Maritime, Roads and Maritime Services (RMS), during the closed Session of the meeting. She added that he would have liked to have attended the Open Session as well but had to leave on the Monday as there were no flights for the remainder of the week. She further added that Mr Mitchell indicated his willingness to visit the island again.

PH gave an overview of the paper. She added that:

- RMS has earmarked \$680,000 for works at Lord Howe Island,
- No further funding is available from RMS,
- RMS has advised that the proposed boat launching and retrieval system near the Waste Management Facility was too expensive (about \$2.5 million) in relation to the number of boats that it would service,
- RMS recommended the proposed tractor and trailer solution at Wilsons Landing, in conjunction with an upgrade to the Boat ramp, and
- part of the funding could possibly be applied to strengthening the wharf, thereby facilitating the use of the crane to remove the large vessels. This would need further investigation.

SS stated that the works would need Owner's Consent and Development Application approvals.

JK stated that the \$680,000 earmarked for Lord Howe Island was at the upper end of the spectrum of RMS funding for an individual local government area. Therefore, the possibility of further RMS funding is remote at best. He added that RMS has fully allocated its funding for the next two years, further reducing the possibility of additional funding.

GC stated that the Wilsons Landing area is already being used for boat retrieval, wash-down and repairs. Therefore, the proposed works would only be formalising what is, in fact, current practice.

It was moved GC, seconded MR, that the Board notes the information from RMS, including the limitation of funding, and requested the investigation of Wilsons Landing Boat Ramp as

the only feasible alternative, including an urgent review of work required to meet the needs of the community.

The Board then adopted the motion.

## **12(v) Strategic Asset Management Plan Update**

PH gave an overview of the paper.

It was moved JK, seconded RP, that the Board approve Version 1, Revision 6 of the Strategic Asset Management 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.

The Board noted the information provided in the paper.

## **14 INTERVIEWS**

Closed session

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

SS informed the gallery as follows:

- The Board had met with Mr Ed Rourke of Pinetrees to jointly inspect and discuss the coastal erosion problem along the lagoon foreshore. She added that the next step in addressing the erosion problem was to conduct a sediment tracing study, and that funding for the study would be sought from the Office of Environment and Heritage (OEH). She further added that if grant funding could not be obtained then the Board would consider funding the study from its reserves,
- the Board had met with AECOM representatives in the Closed Session to discuss in detail the AECOM report on Phase 1 of the runway extension feasibility study, and
- She and some of the other Board members had visited Thornleigh Farm to get a better understanding of progress on the site.

RP stated that the sediment tracing study needed to be done soon. He added that the organisation doing the sediment tracing study should liaise closely with AECOM because, if the runway extension goes ahead, it will have a major impact on the movement of water and sand within the lagoon.

GC stated that regardless of how the works to stop the coastal erosion are finally funded, the solution will involve the need for many tonnes of rock. He expressed the view that Neds Beach was a highly unlikely option, as the rocks are located in a Marine Park, but the Little Island vicinity, from where the rock for the building of the airport runway came from, is a likely candidate. He added that an investigation needed to be undertaken to determine whether the Board could source rock from the Little Island vicinity.

PH replied that the matter would be investigated.

It was moved JK, seconded GC, that:

1. Funding for the sediment tracing study be sought from OEH,
2. If grant funding from OEH is not forthcoming, then the Board fund the study from its own reserves, and
3. In doing the sediment tracing study, close liaison and information sharing with AECOM be maintained.

SS thanked Ed Rourke for his letter following his meeting with the Board to inspect coastal erosion and discuss future actions.

SS added that the television program "Gardening Australia" was planning to film at Thornleigh Farm and other locations on the island. This would provide valuable publicity.

SS thanked members of the public for attending the meeting.

The public meeting closed at 12:42 pm on Tuesday 15 May 2018.

### **Next Meeting**

The dates for the next Board meeting are 17 and 18 September 2018.