

# LORD HOWE ISLAND BOARD

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

### HELD ON LORD HOWE ISLAND ON MONDAY 18 & TUESDAY 19 MARCH 2019

Present: Ms S Stewart (Chair – SS)  
Mr C Wilson (Deputy Chair - CW)  
Ms T Turner (Member - TT)  
Mr M Retmock (Member – MR)  
Mr R Pallin (Member – RP)  
Mr G Crombie (Member – GC)  
Mr D Kirk (Member - DK)

Board staff present at all sessions were Peter Adams (Chief Executive Officer - PA), John van Gaalen (Manager Business and Corporate Services - JV), Justin Sauvage (Manager Environment & Community Services - JS) and John Teague (Manager Infrastructure & Engineering Services - JT).

Andrew Walsh (AW) was present for Item 12(i); and Hank Bower (HB) for Item 9(iii) of the Open Session.

The Board's external planning consultants were represented by Peter Chapman (PC) from All About Planning (AAP) at the Open and Closed sessions.

Mr Stephen Sia (StS) presented the LHITA report to the Board in the Closed session.

The Closed Session commenced at 9:00 am at the Golf Club on Monday 18 March 2019 and closed at 2:50 pm.

The Open Session commenced at 9:00 am at the Golf Club on Tuesday 19 March 2019 and closed at 12:40 pm. Approximately 20 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 DK to his first meeting of the Board since taking up his role.

## 1 CONFLICT OF INTEREST DECLARATIONS

SS stated that there were conflict of interest declarations for both closed and open session agenda items.

SS called for conflict of interest declarations. Declarations were made as follows:

- GC:
  - Item 7 ii)
  - Item 7 iii)
  - Item 8 iii)
- MR:
  - Item 10 ii)
- CW:
  - Nil
- TT:
  - Item 8 iv)
- DK:
  - Annual Declaration tabled

## 2 MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION

PA gave an overview of the minutes.

SS advised the meeting that the minutes of the November 2018 meeting had been circulated and endorsed, subject to some minor corrections.

JV advised of these minor corrections to the minutes. They were the discussion with Mr Tim Cruikshank was moved to Section 15 - Interviews. There was also a correction to the seconder for the motions in Item 10 (ii), which should have been RP rather than GC (who had left the meeting).

***The Board noted that the Minutes have been adopted with corrections made.***

## 3 OUT OF SESSION BUSINESS PAPERS – STATUS REPORT

PA gave an overview of the paper.

RP asked about the criteria for future Community Grants. JS advised that he had been unable to prepare a report for this meeting in relation to the current grant process and that it would be submitted in May. RP felt there should be limits set around it. GC is to be removed from Item 2 (Community Grants) due to a Conflict of Interest and was not included.

PA noted that there were a number of submissions for grants that did not meet the grant criteria. However given that some were supported by elected board members, clarity is required on whether to include or remove the requirement that grants not be for recurrent cost items.

***The Board noted the report.***

#### **4 ACTIONS FROM PREVIOUS MEETINGS - STATUS REPORT**

PA gave an overview of the paper.

TT expressed disappointment that the Aged Care issue has not progressed.

PA advised that it is part of the Community Strategic Plan (CSP). Other major projects are impacting on the Administration's ability to address this. PA noted that there was an advertisement in the Signal relating to in-home service positions, he had contacted them, and there was no reply. PA also stated that several meetings to explore options and ideas had been held.

***The Board noted the report.***

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

PA noted issues discussed at the Closed Session section of his CEO Report and then went on to give an overview of ECS Report (Attachment B) and the IES Report (Attachment C). PA highlighted the prestigious Awards received by the Board and the island.

CW asked for the status of the Boat Retrieval System. JT replied that two options had come back in the vicinity of \$3m so were going back to the drawing board. JT then elaborated on the process and challenges.

***The Board noted the information provided in the Report.***

#### **6 MOTOR VEHICLE IMPORTATION OR TRANSFER – STATUS REPORT**

PA gave an overview of the Motor Vehicle Importation and Transfer Status Report and advised that there were increases of two vehicles to the island. In addition, there has been four temporary, short-term increases only for the duration of the Rodent Eradication project.

***The Board noted the information provided in the Report.***

#### **7 FINANCE AND BUSINESS MANAGEMENT**

##### **7 (i) Closed Session**

##### **7 (ii) Application for Liquor Licence – Post Office (S. Sia)**

GC left the meeting declaring a Conflict of Interest for Items 7 ii) and iii).

JV gave an overview of the paper. PA also provided further comments in relation to the history, the current situation and a way forward.

What's to stop all boatshed licensees getting a licence? JV replied that we have that option now to restrict the issue of licences but are requesting that we have community informed guidelines to assist in that approval process.

StS spoke to his application. He felt they were restricting his business opportunity. He highlighted that he does not charge for post office boxes. He noted that there were already 22 licences which included much more than restaurants and stores. He also clarified that he would only trade within the restricted post office hours.

Discussion included: the fact that the current licence allows for liquor sales from the PO; unease at remove an existing licence; opposition raised during exhibition for public comment; whether a decision to remove permission to trade liquor from PO would set precedents

It was moved CW, seconded MR that the Board:

1. Approve the investigation of an Alcohol Management Strategy for LHI with an aim for implementation from 1 July 2020 following a Public Consultation process across the commercial and domestic sectors of the island.
2. Amend Mr Sia's current licence to be for the Coral Café only and reject the application for the Post Office.

***With the casting vote from the Chair, the Board adopted the motion by a vote of 4 to 3. Dissenters were SS, RP and DK.***

### **7 (iii) Mobile Food Vending Service**

GC remained outside the meeting due to Conflicts of Interest for Items 7 ii) and iii).

JV gave an overview of the paper.

Comment from gallery that previous applications had been rejected and concerns the applicant could setup outside of any food outlets. PA indicated there is currently no policy on mobile food vending. PA indicated that the recommended licence conditions in the report will not allow trading in proximity of open takeaway premises.

Issues discussed by Board members included: previous rejections in the past; that this type of service may not be suited to this island; and competition pressures on existing businesses.

Question from gallery about access to events. PA advised recommended conditions of approval only allow trading at special events with the permission of organiser, protecting the traditional fund raising activities by community groups at events.

It was moved RP, seconded MR, that:

1. That the Board approve the application for a roadside mobile food vending permit (Business Licence) subject to the conditions as set in this report.

***The Board adopted the motion by a vote of 4 to 2. Dissenters were CW and TT***

GC returned to the Meeting

### **7 (iv) Closed Session**

### **7 (v) Closed Session**

## **8 DEVELOPMENT APPLICATIONS**

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

JS advised the Board of the one Owner Consent application approved by the CEO since the November 2018 Board meeting.

*The Board noted the information provided in the Owner Consent under Delegated Authority paper.*

### **8 (ii) Development Applications determined under Delegated Authority**

JS advised the Board of the three Development Applications determined by the CEO since the November 2018 Board meeting, being for a waste treatment system, boundary setback and temporary pens relating to the REP.

*The Board noted the information provided in the Development Applications dealt with under Delegated Authority paper.*

### **8 (iii) OC2019.02 & DA2019.05 Commercial premises with bar, allied health centre and day spa centre – Tim Cruikshank**

GC left the meeting declaring a Conflict of Interest.

PC presented the Planning Assessment Report and spoke to the conditions recommended.

Question from the gallery asking who is paying for renovations or will rental cover the cost? Tim Cruikshank replied that he will pay for all changes and it will be a normal lease.

Craig Thompson stated that the main issues for him are the bar, associated noise and the visual impact.

Tim Cruikshank queried the condition limiting total number of staff and patrons on staff. He also queried why the conditions prevented the concurrent operation of allied health activities and bar.

It was discussed whether the condition of the allied health and bar activities not operating concurrently should be removed.

It was moved CW, seconded DK, that:

Owner Consent' OC 2019-02 and DA 2019.05 at Part Lot 44, DP 757515 (ex-Post Office premises), fronting Neds Beach Road near its intersection with Lagoon Road, Lord Howe Island, for a Change of use to an Allied Health Clinic, Day Spa and Food and Drink Premises (bar), including associated alterations and additions, be approved subject to the conditions and advisory notes listed in the business paper, with amendments to conditions 20 and 23 as follows:

#### **Condition 20: Number of Patrons**

Not more than twenty (22) patrons and staff of the proposed development shall be present on the subject site at any one time.

Any increase to the number of staff and patrons/customers on site at any one time will require a new development consent or modification of development consent.

*Reason: To control impacts of the development and ensure compliance with the requirements for sanitary facilities.*

### **Condition 23: Hours of Operation and Maximum Staff and Patron/Customer Numbers**

The following maximum daily hours of operation, and maximum staff employment and patron levels are permitted for the proposed development:

- The Licenced Bar (Sunset Drinks) will operate only between 12pm and 9pm (during summer) and 12pm and 8pm (during winter, autumn and spring). The shared Day Spa or Allied Health providers will operate on site within opening hours
- The proposed mixed-use deck area may operate between 7am and 11.30am for yoga or Pilates classes as private one-on-one session or small group sessions with one instructor.
- A maximum of 22 persons are to be onsite at any one time to maintain compliance with sanitary facilities requirements of the BCA.

*Reason: To protect the amenity of the surrounding land uses, control total number of persons on site at any one time and minimise impacts on adjacent public areas and street parking.*

***The Board adopted the motion.***

GC returned to the meeting.

### **8 (iv) OC2019.04 Extension to bathroom in cottage – Gary Payten**

TT left the room.

PC presented the Planning Assessment Report and spoke to the conditions recommended.

It was moved MR, seconded RP, that:

*The application for 'Owner Consent' OC 2019-04 for alterations and additions at Beachcomber Lodge to permit a bathroom extension to a rear tourist accommodation cabin; and an extension to the existing deck on the restaurant and replacement of an existing window with a new door at Lot 171 DP 757515, 171 Anderson Road, Lord Howe Island, as detailed on the two (2) submitted plans prepared by Gary Payten is supported subject to the application of the requirements listed in the business paper.*

***The Board adopted the motion.***

TT returned to the meeting.

**8 (v) MC2019.05 Remove loft level, reduction in building height and minor design changes to room layout – DDC Architects for John Green**

PC presented the Planning Assessment Report and spoke to the conditions recommended.

It was moved DK, seconded MR, that:

MDC 2019.05 for alterations and additions (two new detached tourist accommodation units, and three new detached staff accommodation units at Lot 91 DP 757515, Anderson Road (Earls Anchorage), Lord Howe Island be approved subject to the existing conditions of approval of Development Application No. 2018.10, (Item 1 Tourist Accommodation) granted consent 25 July 2018 & (Item 2 Staff Accommodation) granted consent 18 September 2018, as amended by the modified or new conditions listed in the business paper.

***The Board adopted the motion.***

**8 (vi) DA2019.08 Temporary site office for Rodent Eradication Project helicopter operations at airport – Lord Howe Island Board**

PC presented the Planning Assessment Report and spoke to the conditions recommended.

It was moved GC, seconded CW, that:

*The Board APPROVE Development Application 2019-08 for erection of a temporary site office at Lord Howe Island Airport (Lot 180 DP 757515) for the Rodent Eradication Program helicopter operations subject to the conditions listed in the business paper and to include in Condition 10 - or by December 31 2019, whichever is earliest.*

***The Board adopted the motion.***

**9 POLICY AND STRATEGY**

**9 (i) Community Strategic Plan Update**

JS gave an update on the progress of the Community Strategic Plan. He stated the issues raised by the community in the CSP will inform the operating plan and the draft budget for the next financial year,.

***The Board noted the information provided in the Update.***

**9 (ii) Closed Session**

**9 (iii) Amendments to Dog Importation and Management Policy**

JS gave an overview of the paper and presented this for consideration by the Board.

It was moved GC seconded TT that :

1. The draft Dog Importation and Management Policy 2019 (Attachment B) be adopted.
2. An additional study to move the Lagoon Beach off leash dog exercise area north, and extension of Little Island walking track on lead walking area be brought to the Board for consideration.

***The Board adopted the motion.***

#### **9 (iv) Operations Plan 2018/19 – Status Report**

PA gave an overview of the paper.

Most issues are on track with some delays relating to resourcing challenges relating to the major projects currently being delivered.

***The Board noted the information provided in the Update.***

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

##### **10 (i) Lord Howe Island Land Allocation Review – Implementation Update**

JS gave an overview of the paper.

***The Board noted the information provided in the paper.***

##### **10 (ii) Closed Session**

#### **11 GOVERNANCE**

##### **11 (i) Closed Session**

##### **11 (ii) Application for Permissive Occupancy – Lord Howe Island Community Pre-school**

JS spoke to the report in detail.

Issues discussed included: the pre-school as a specialised facility and its usefulness for other uses; concerns that costs could come back to the Board in future; location; and future viability.

PA highlighted that a DA assessment and determination will come to the Board in future. A permissive occupancy doesn't commit the Board to a final decision on the proposal but gives assurance about responsibilities and arrangements.

It was moved by DK, seconded by TT that the Board:

1. Seek the Minister's approval for the granting of a Permissive Occupancy over a portion of the unnamed Reserve Land illustrated in Attachment C for the purposes of the Community Pre-school subject to the standard conditions of such occupancies and with a peppercorn rental of \$2 per annum.
2. Request the Pre-school confirm that all possible alternative sites have been considered, and that the site must be appropriate for the intended use.

***The Board adopted the motion.***

## **11 (iii) Closed Session**

## **12 OPERATIONS AND SERVICES**

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

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

***The Board noted the information in the update.***

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

JT gave an overview of the paper.

***The Board noted the information provided in the update.***

### **12 (iii) Stronger Country Community Funds – Project Update**

JT gave an overview of the paper.

***The Board noted the information in the update.***

### **12 (iv) Stronger Country Community Grant Project – Old Powerhouse Site Remediation – Final Construction Plans and Amendments in Response to Public Exhibition**

JT gave an overview of the paper.

***The Board noted the information in the update.***

### **12 (v) Stronger Country Community Funds – Foreshore Fitness Trail**

JT gave an overview of the paper.

It was moved RP, seconded MR that the Board:

1. Approve the fitness equipment being installed at the playground.

***The Board adopted the motion by 5 to 2. GC and TT voted against the motion.***

### **12 (vi) Renewal Energy Program Update**

JT gave an overview of the paper.

***The Board noted the information provided in the update***

## **12 (vii) Waste Management Facility – EPA Licence**

JT gave an overview of the paper.

*The Board noted the information provided in the paper*

## **12 (viii) NSW EPA PFAS Strategy**

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**

PA 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 acknowledged the significant and often behind the scenes contribution of JK during his terms as an appointed Board Member.

JK thanked the Board and the community for their support over the years and acknowledged SS's work.

The public meeting closed at 12:40 pm on Tuesday 19 March 2019.

### **Next Meeting**

The dates for the next Board meeting are 13 and 14 May 2019.

The date for the next extraordinary meeting (by teleconference) is tentatively set at Tuesday 16 April 2019.