

# LORD HOWE ISLAND BOARD

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

HELD ON LORD HOWE ISLAND ON MONDAY 23 & TUESDAY 24 SEPTEMBER 2019

Present: Ms A Levy (Chair – AL)  
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 Bill Paterson (Acting Manager Infrastructure & Engineering Services - WP).

Andrew Walsh (AW) was present for Item 12(i); and Hank Bower (HB) for Item 9(ii) 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 Anthony Riddle attended an interview with the Board at 1.15pm in the Closed session.

Mr Ian Hutton attended an interview with the Board at 1.30pm in the Closed session.

The Closed Session commenced at 9:00 am at the Community Hall on Monday 23 September 2019 and closed at 5.10 pm.

The Open Session commenced at 9:00 am at the Community Hall on Tuesday 24 September 2019 and closed at 12.27 pm. Approximately 10 members of the public attended all or part of the open session.

Unless otherwise specified, all Board decisions were unanimous.

AL declared her first official meeting open and thanked members of the public for their attendance.

## **1 CONFLICT OF INTEREST DECLARATIONS**

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

- PA: Item 11 ii)
- CW Items 9 (ii) and part of 12 (i)
- GC Items 8 (v), 10 (iii) and 10 (v)

***Declarations tabled***

## **2 MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION**

PA gave an overview of the minutes.

AL advised the meeting that the minutes of the May 2019 Meeting and the June 2019 Special Meeting had been circulated and endorsed.

***The Board noted that the Minutes have been adopted.***

## **3 OUT OF SESSION MATTERS – STATUS REPORT.**

One item reported.

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

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

PA gave an overview of the paper.

TT spoke in regards to the outstanding Action Item of Aged Care. She requested the chair to action an 'Issues Paper' in regards to establishing a Taskforce, and that urgent communications with our Aged Care Provider occurs (Australian Unity). Anissa indicated that she would seek to establish an aged care task force.

***The Board noted the report and requested an Issue Paper on Aged Care be provided to the next Board Meeting.***

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

PA gave an overview of the Report.

PA provided a summary of the Liquor Store and the tourism numbers and highlighted the charts included in this report (Attachment A).

PA then went on to give an overview of ECS Report (Attachment B) and the IES Report (Attachment C).

***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.

A member of the Public (Barney Nicholls) requested a revisit of the Motor Vehicle Policy on 'Preferred Vehicles' because it appears that none of the vehicles approved for import met the preferred vehicle definition.

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

## **7 FINANCE AND BUSINESS MANAGEMENT**

### **i. Draft Annual Financial Statements 2018/19**

JV presented the report on the financial statements for the year ended 30 June 2019 and highlighted the supporting documents attached. He advised that this report was tabled in the Agenda in the Closed Session but that the Board had reconsidered and included it in Open Session to provide increased transparency. JV apologised for the unavailability to the Public of the Report and attachments.

It was moved RP and seconded GC that the Board

1. notes the audited financial statements for the year ended 30 June 2019 as detailed in this report and the attachment
2. forms the opinion that the financial statements exhibit a true and fair view of the financial position of the Board as at 30 June 2019 and of its financial performance for the year then ended, and that the financial statements have been prepared in accordance with Australian Accounting Standards, the *Public Finance and Audit Act 1983* and the *Public Finance and Audit Regulation 2015*.
3. Notes that it is not aware of any circumstances which would render any particulars included in the financial statements to be misleading or inaccurate
4. authorises any two members to sign the financial statements (Attachment A) on behalf of the Board, and
5. authorises the Chair to sign the Representation Letter by those charged with Governance on behalf of the Board (Attachment D)

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

### **ii. Perpetual & Special Lease Fees 2020 to 2022**

JV presented the report advised that this report was tabled in the Agenda in the Closed Session but that the Board had reconsidered and included it in Open Session to provide increased transparency. JV apologised for the unavailability to the Public of the Report and attachments. JV added that after consultation with Board Members in the Closed Session, it was agreed that the significant increase up to the maximum allowable be spread across the following 3 years to minimise the effect of lease holders.

Answering a query of the Public JV mentioned that Pensioners would continue to receive the 50% rebate on lease fees, as previously approved.

It was moved DK and seconded GC that:

1. The Perpetual Lease fees be increased to \$262.42 plus \$0.377 per square metre per annum, over three equal increments over 3 years, with the first increment commencing on the 1 January 2020.
2. The Special Lease fees be increased to \$87.47 plus \$0.30 per square metre per annum, effective 1 January 2020
3. The Board provide information to the community on the revised rent schedule.

***The Board adopted the motion***

## **8 DEVELOPMENT APPLICATIONS**

### **i. Owner Consent approved under Delegated Authority**

***The Board noted the report as submitted for information.***

### **ii. DAs Determined Under Delegated Authority**

***The Board noted the report as submitted for information.***

### **iii. Diane Owens Two Lot Subdivision, Erection of a new dwelling on the proposed lot associated with a transfer of dwelling entitlement, erection of a tourist accommodation OC2019.06 and DA2019.06**

PC presented the report.

It was moved RP and seconded CW that;

Owners Consent and therefore Development Consent for OC 2019-06 and DA 2019.12 for a Two Lot Subdivision, Erection of a new dwelling on the proposed lot associated with a transfer of dwelling entitlement, Erection of a tourist accommodation associated with a transfer of 2 x tourist bed licences, Installation of a shared waste water system for the new dwelling and tourist accommodation on Lot 208, DP 40096, Lagoon Road, Lord Howe Island, be refused for the following reasons:

1. The subject proposal does not relate to the land for which consent was granted in DA2018.04, (being Lorhiti Lodge Lot 10, DP 202580, Anderson Road), but rather seeks to transfer the dwelling entitlement to the subject site of the current DA being Lot 208, DP 40096, proposed lot "A".

It is not permissible to transfer a dwelling entitlement off the existing site to which it relates to another unrelated site. In light of this and the approval of DA2018.04 requiring the dwelling entitlement to remain on Lot 10, DP 202580, the proposed construction of a dwelling on proposed lot A relying upon this transfer cannot be approved.

2. In light of reason 1 above, the subject DA does not seek consent under or meet the requirements of clause 26 (Limit on number of dwellings to which consent may be given), LHI LEP 2010. Nor would the issue of a Dwelling allocation be consistent with the Dwelling Allocation policy - that is no new dwellings be issued as per the Handley review recommendation pending the development of a

revised Dwelling Allocation Policy.

3. The proposed tourist accommodation unit on proposed Lot A, does not comply with the provisions of clause 22(1)(a) (Tourist accommodation, staff accommodation and commercial premises), LHI LEP 2010.
4. The proposal does not outline how it will ecologically restore or enhance, lost or disturbed native vegetation as a result of the development.

The application also has not detailed mitigation measures to offset the impact to restore and enhance lost or disturbed natural resources. Without this information an adequate or complete assessment of the ecological impacts of the proposal cannot be completed, and specifically compliance with clause 2 (Commencement and aims of Plan), LHI LEP 2010 cannot be determined.

5. The proposed tourist accommodation unit does not achieve compliance with the Disability (Access to Premises – Buildings) Standards 2010 (DS), the National Construction Code (NCC) and AS1428.1.
6. The subject DA has not included information on the required vehicular and pedestrian access to the proposed development to allow an assessment under LHI LEP 2010, clause 11(d).
7. In light of the above reasons for refusal, the proposed development is not suitable for the subject site and is not in the public interest and does not comply with section 4.15 (1) (c) & (e), Environmental Planning and Assessment Act 1979.

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

**iv. The Construction of a Community Skate Park DA2019.11**

PC presented the report.

It was moved CW and seconded RP that;

The application for DA 2019-11 for a Community Skate Park located on 'Unidentified Crown Land Reserve No. 12, Lagoon Road, Lord Howe Island', be approved in the original location submitted in OC2017-14 and the subject DA, subject to the conditions set out in the assessment report as tabled.

***The Motion was passed 6 votes to 1. (For: AL, RP, DK, CW, GC, MR – Against: TT)***

**v. Lord Howe Island Bowling Club alterations to kitchen and bathroom facilities OC2019.10 and DA2019.15**

GC left the room, declaring an interest.

PC presented the report.

It was moved DK and seconded CW that;

Owners Consent and Development Consent Recommendation (Conditional Approval) for OC 2019-08 and DA 2019.15 for alterations and additions (kitchen and bathroom facilities) to Lord Howe Island Bowling Club being Lot 39 DP 757515, Lagoon Road, Lord Howe Island, be approved subject to the conditions outlined in the Planning Assessment report.

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

GC return to the meeting.

**vi. Proposal to make the Lord Howe Island Board a Planning Proposal Authority**

JS presented the report.

It was moved RP and seconded GC that the Board:

Write to Planning Industry and Environment supporting amendments to the Environmental Planning and Assessment Act to become a Planning Proposal Authority.

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

**9 POLICY AND STRATEGY**

**i. Biosecurity Operations Plan Resourcing update**

HB presented the report.

The Board noted the report and that a more detailed report be prepared for presentation at the Boards November 2019 meeting.

**ii. Removal of Camphor Laurels from Stevens Reserve**

CW left the meeting declaring an interest.

JS presented the report.

There were three comments/ presentations from members of the public, and a short discussion amongst board members ensued.

It was moved RP, seconded DK that:

1. The report be received and noted.
2. The Board continue to manage Camphor Laurel trees in accordance with the adopted weed management strategy, and that this includes the removal of all Camphor Laurel trees from across Lord Howe Island including Stevens Reserve to deliver their eradication.
3. The timber from the Camphor Laurel trees be auctioned to islanders.

***The motion was passed 4 votes to 2. (For: AL, RP, DK, MR - Against: TT, GC)***

CW returned to the meeting.

## **10 LEASING AND LAND ADMINISTRATION**

### **i. Lord Howe Island Land Allocation Review – Implementation Update**

JS presented the report.

The Board noted progress to date on implementation of the *Lord Howe Island Land Allocation Review*, in accordance with the report.

### **ii. Special Lease Report – Proposed extension of special leases**

JS presented the report.

It was moved CW, seconded RP that the Board:

Seek the Minister's approval for the extension of the Specials leases listed in the table within the report for a period of two years from the 1 January 2020 until 31 December 2021 subject to the existing conditions of the leases.

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

### **iii. Proposal to relocate Permissive Occupancy for Pinetrees boatshed**

JS presented the report.

It was moved DK seconded GC that the Board:

Recommend to the Minister:

1. That a new Permissive Occupancy P02020.1 be granted with conditions as set out in Attachment B of the report: Permissive Occupancy Agreement for new boatshed.

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

### **iv. Review of Perpetual Leases that are potentially in Breach of their lease conditions**

JS presented the report.

***The report was received and noted.***

## **11 GOVERNANCE**

### **i. Audit and Risk Committee Report**

JV gave a summary of the last two meetings of the ARC highlighting the work done in conjunction with the ARC regarding financial statement preparation.

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

### **ii. Attestation Statement for Financial Year 2018/19**

JV presented the report.

It was moved RP seconded GC that the Board:

Resolve to authorise the Chairperson to sign the Internal Audit and Risk Management Attestation Statement for the 2018/19 Financial Year.

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

## **12 OPERATIONS AND SERVICES**

CW left the meeting, declaring an interest in Report 12 (i).

### **i. Rodent Eradication Project Update**

AW presented the report.

It was moved DK, seconded RP that the Board

1. Pursue cost recovery of legal fees from the Supreme Court challenge.
2. Note the update to the rest of the project

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

***The motion was passed 5 votes to 1. (For: AL, RP, GC, DK, MR - Against: TT)***

CW returned to the meeting.

## **13 WH&S AND PUBLIC RISK MANAGEMENT**

### **i. Workplace Health and Safety and Public Risk Management Update**

JV gave an overview of the paper. PA expanded on the details and actual progress of claims and increased emphasis of the Senior Management Team in proactively managing safety and case management.

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

## **14 INTERVIEWS**

PA presented the LHI Tourist Association 'Summary of Activities 2019/20 FY to date', in the absence of the President, Mr Stephen Sia.

Mr Anthony Riddle provided a summary of his business enterprise, Lord Howe Island Brewing and answered questions from Board Members. JV to provide feedback to the next meeting on his review of the Liquor Store.

Mr Ian Hutton provided a presentation on 'Climate Change and its impact on Lord Howe Island', to Board Members.

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

RP requested that an Interpretive Sign be considered, to be erected at the entrance to Stephen's Reserve highlighting the history, trees and how the reserve has been managed.

A request of the Board was that an inspection and assessment of the lifesaving equipment provided at various sites including Neds and Blinky Beach be undertaken.

The public meeting closed at 12.27pm on Tuesday 24 September 2019.

### **Next Meeting**

The next Board Meeting will be on Monday 9<sup>th</sup> and Tuesday 10<sup>th</sup> of December 2019.