

Minutes

Lord Howe Island Board



Lord Howe
ISLAND BOARD

Meeting	Lord Howe Island Board Meeting
Location	Community Hall, Lord Howe Island
Date/Time	Tuesday 28 February 2023, 2:30 pm – 6:00 pm Wednesday 1 March 2023, 9:00 am – 1:00 pm
Present	Atticus Fleming AM , Chairperson (AF) Therese Turner , Elected Member (TT) Gary Crombie , Elected Member (GC) Matthew Retmock , Elected Member (MR) James Lonergan , Elected Member (until 4.45pm) (JL) Christine Bath , Appointed Member, Conservation (CB) Bruce Baird AM , Appointed Member, Business and Tourism (BB)
Board Staff Present	Suzie Christensen , Chief Executive Officer (SC) Debbie Johnsen , Sr. Manager Business and Corporate Services (DJ) Paula Pollock , Sr. Manager Environment and Community Services (DM) Bradley Josephs , Acting Sr. Manager Infrastructure and Engineering Services (BJ)
Observer	Michael Vader , A/Executive Director Business Delivery NSW National Parks and Wildlife Service
Apologies	N/A
Minutes	Belinda Panckhurst , Administration Officer

On Tuesday 28th February 2023, following an in-camera discussion, the Closed Session commenced at 3:30pm and closed at 5:44pm. On Wednesday 1st March 2023, the open session commenced at 9:10am and closed at 10:15am.

Unless otherwise specified, all Board decisions were unanimous.

1 CONFLICT OF INTEREST DECLARATIONS

There was one formal declaration tabled.

Board member	Agenda item
Chris Bath	5.2

2 WH&S AND RISK MANAGEMENT

2.1 Work Health and Safety (WH&S) and Risk Management Update

Closed Session

3 FINANCE AND BUSINESS MANAGEMENT

3.1 Financial Status Update

Closed Session

3.2 Financial Support for the LHI Tourism Association

Closed Session

4 OPERATIONS AND SERVICES

4.1 Update on Shipping Service Renewal

Closed Session

4.2 Long Term Marine Strategy Procurement Update

Closed Session

4.3 Asset Management Plan

Closed Session

4.4 Waste Management Facility Upgrade Plan

Closed Session

4.5 Rat Genetics Analysis and Report

Closed Session

5 LEASING AND LAND ADMINISTRATION

5.1 Allocation of New Dwelling Entitlements

Closed Session

5.2 Suspension of Conditions of Residency – Stokes

Closed Session

5.3 Cancellation of Permissive Occupancies – Deceased Estates

Closed Session

6 POLICY AND STRATEGY

6.1 Dog Importation Application – Alexander and Jessica Jones

Closed Session

BUSINESS ARISING FROM PREVIOUS MEETING

Closed Session



7 MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION

The Board endorsed the December board meeting minutes and noted the information provided in the report.

8 OUT OF SESSION MATTERS – STATUS REPORT

The Board noted the information provided in the report.

9 ACTIONS FROM PREVIOUS MEETING – STATUS REPORT

SC gave an overview of outstanding actions, advising that a number of actions have been progressed.

AF highlighted the importance of item 2.2 Service Delivery Commitments (September 2022 meeting), that the importance of the very clear statement about what the Board is funded and required to deliver legislatively. By implication the Board is not funded, authorised or empowered to deliver which gives a very clear statement, needed not just for the management team but for our obligations as a Board and the ongoing accountability discussion with the community.

SC advised that this item should be expected to be done in the next few months and in time for the budget to ensure the budget is aligned to the service delivery commitments.

The Board noted the information provided in the report.

10 CHIEF EXECUTIVE OFFICER'S REPORT

SC gave an overview of the paper.

In regards to the mobile phone proposal, MR asked if it was made clear to the provider that service was not adequate.

SC confirmed that yes the provider was advised in writing.

BB asked what the next steps were.

SC gave an overview of possible options with planning, consultation with the community will take place before a decision is made.

TT commented that Lagoon Road has been a source of unhappiness to the residents who live along there and has probably cost a lot of resources to keep it to a standard they residents are happy with. She hears a lot of complaints in regards to the tree cutting along the roads. The roads are getting wider which is not what Lord Howe is about.

GC added that he has sent a letter to put a hold on tree cutting. He asked that the Board be consulted before any widening of any road is undertaken that the Board is consulted and is not done at the behest of the administration as they are sometimes not aware of social sensibilities.

SC stated that the engineer advised the consultants on required road width.. Management is very aware of cultural, social values and desires of the community. Management is also very aware of the need to balance our liability as government.

CB asked in terms of legal liability and the standard of roads in NSW, is it difficult to go to the Transport minister to seek an exemption.

TT stated that it is her understanding that they are not roads but carriageways.

AF said we can clarify what the legal requirements, but it is also about fulfilling our general duty of care.

SC advised that yes the 'roads' are 'carriageways', however specifications for carriageways are actually wider rather than narrower for roads.



SC also advised that there are provisions within the standard that the Board's engineer can decide on risk about whether the roads can be narrower which is what is written into the standard.

BB asked how many accidents there were in 2022.

SC advised that if you ask the doctor the biggest risk here is bikes on the roads.

GC stated that it should be a Board decision if there is disagreement within resident members, then board will have to consider it.

AF advised that if the decision involves technical expertise, then it is a decision for the expert and not the Board. If there was a disagreement between the elected members and management then the full Board will consider it.

AF asked if SC was comfortable that the biosecurity monitoring being undertaken is consistent with the monitoring plan set out in the Bode report.

SC confirmed that the plan is place and is being implemented. The challenges at the moment are staffing and one of the dogs will have to be retired.

PP confirmed that her team is actively resourcing to meet the Bode standard with contractors being used.

The Board noted the information provided in the CEO report.

11 FINANCE UPDATE

A verbal update was provided by DJ regarding the financial position of the Lord Howe Island Board as at end of January 2023.

By end of March a draft will be completed for next financial year's budget. The budget will be completed in time and with more rigour. This will ensure that budget activities will be able to be executed from start of the financial year, pending government changeover if the election causes a delay in the budget to be executed.

Barney Nichols, a member of the community asked that he understands the Board decided to discontinue the funding for the LHITA and what the reason behind it was.

MR advised that that is not correct.

AF clarified that they are receiving \$55K this year, and that any further grants will need to be considered in the budget going forward. They will need to be consistent with all of the rules around grants which certainly will require a significant departure of what has happened in the past. There has been significant change affecting all grants across government. The long-term budget position for the Board is challenging, everyone from the community should be aware of that. The Board has been successful recently in receiving funding for key priorities. The Board will continue to press the case with Treasury. With the next state budget in mind, everyone in the state will be asked the spend less, therefore the Board will need to set priorities.

BB stated that he thinks it is important funding and a high priority and that he will try and assist with additional funding.

Barney Nichols stated that the report going around the island that the cessation of funding is being overstated.

AF advised that the message that should be received is that they need to look at alternative sources of income. The Board would expect that and if there are alternative sources of income they should be taking advantage of them and actively looking at that.

In support of AF, DJ stated that with the new legislation out in September 2022 regarding the governing of grants, LHIB has to follow a new procedure.

AF confirmed that the Board is very supportive of tourism.

BB stated that there is one significant provider of tourism that does not support the LHITA which somewhat reduces the strength of the island. If they think it is not worth belonging why should the Board be taking the place of that provider.

12 DEVELOPMENT APPLICATIONS

12.1 Owner Consent Approved Under Delegated Authority Status Report

The Board noted the information provided in the report.

12.2 Development Applications Approved Under Delegated Authority Status Report

The Board noted the information provided in the report.

13 POLICY AND STRATEGY

13.1 Motor Vehicle Importation or Transfer Status Report

The Board noted the information provided in the report.

13.2 Adoption of Vehicle Importation, Transfer and Use Policy (post-public notice)

It was moved by GC, seconded by JL and agreed that the Board:

- **Adopt** the reviewed and exhibited Vehicle Importation, Transfer and Use Policy.

13.3 Application to Transfer a Private Use Boat Trailer from Hank Bower to Suzie Christensen

SC declared a conflict of interest and left the room.

It was moved by JL, seconded by GC and agreed that the Board:

- **Approve** the transfer of a private use boat trailer from Hank Bower to Suzie Christensen.
- **Approve** an additional condition - Approval will be terminated at the cessation of employment with the Lord Howe Island Board.

14 LEASING AND LAND ADMINISTRATION

14.1 Status of public accommodation licence transfer applications

PP gave an overview of the paper. PP provided an update to the paper and advised that Lorhiti Unit 1 is still in use and that post drafting of the paper management issued a request to comply. An application has now been received from the applicant to use two idle accommodation licences from a family member to use the licences until their tourist accommodation is in use.

GC stated that this update shows a need for this business paper on a regular basis.

AF confirmed that this is a standing item going forward which will enable the board to track the item a little more closely.

The Board noted the information provided in the report.

14.2 Current Status of Public Accommodation Licence Holders

The Board noted the information provided in the report.

14.3 Application for Consent to Transfer – J Thompson

It was moved by BB, seconded by TT and agreed that the Board:

- The Board recommend to the Minister to approve the transfer of a 17% share of PL1954.09 by way of sublease from Jasmine Peace Thompson to Debra Lynn Thompson for a period of 5 years to 13 December 2027.

14.4 Creation of Special Lease – Mavis Fitzgerald

It was moved by TT, seconded by GC and agreed that the Board:

- **Approve** to recommend to the Minister that a Special Lease over part Portion 110, Plan LHI 74 be granted to Mavis Fitzgerald
- **Approve** the lease conditions be as set out in Attachment A;
- **Approve** the expiry date for the Special Lease be set in line with the expiry of all other special leases 31 December 2023;
- **Approve** following adoption of Recommendation 1, the Board to recommend to the Minister that the Special Lease over part Portion 110, LHI 74 be transferred from Mavis Fitzgerald to her daughter Sharon van Gelderen and son Ian James Fitzgerald as equal shares tenants in common.

15 BUSINESS ARISING FROM PREVIOUS MEETING

Nil

16 GENERAL BUSINESS AND QUESTIONS ON NOTICE

AF gave verbal update on the shipping situation:

- The contract is being renegotiated.
- The ship only has a few years left
- EHG and the LHIB is speaking with Treasury regarding the matter.
- The Board is aware of the long-term security of the marine service.

17 NEXT MEETING

Tuesday 9th May 2023 – Closed Session

Wednesday 10th May 2023 – Open Session