

LORD HOWE ISLAND BOARD

MINUTES OF A MEETING OF THE LORD HOWE ISLAND BOARD

LOCATION Lhib Administration Office, MS Teams
DATE 24 September 2021 (Friday)

PRESENT

Mr Atticus Fleming AM	AF	Chair, DPIE
Mr Robert Pallin	RP	Member, Conservation
Mr David Kirk MBE	DK	Member, Business and Tourism
Mr James Lonergan	JL	Elected Member
Mr Matthew Retmock	MR	Elected Member
Ms Therese Turner	TT	Elected Member
Mr Gary Crombie	GC	Elected Member

APOLOGIES

None.

IN ATTENDANCE

Angie Stringer	AS	A/Chief Executive Officer
Mark McCoy	MM	A/Manager Business and Corporate Services
Mervyn Yuen	MY	A/ Manager Business and Corporate Services
Justin Sauvage	JS	Manager Environment & Community Services
David Waterhouse	DW	Manager Infrastructure & Engineering Services

The meeting commenced at approximately 9:40 am (Lord Howe Island time) and was adjourned between approximately 11.57pm [at the conclusion of the Board addressing agenda item 13.(ii)] and resumed at 12.32pm and closed at 12:58pm.

No members of the public dialled in during the post-adjournment period.

Unless otherwise specified all Board decisions were unanimous.

1. CONFLICT OF INTEREST DECLARATIONS

Two signed conflict of interest declarations were received, being from:

- TT re item 13.(ii) on the agenda; and
- MR re item 13.(v) on the agenda.

2. ITEMS DEALT WITH BY EXCEPTION (CONSENT AGENDA ITEMS)

The Board noted all the consent agenda items, except item 9.(iii) in respect of which the Board adopted the Flood Study.

3. MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION

The Board adopted the minutes of its meeting during April 2021.

4. OUT OF SESSION MATTERS

The Board noted the information in the June 2021 Out of Session Matters Status Report.

5. ACTIONS FROM PREVIOUS MEETINGS

The Board noted the information in the Actions from Previous Meetings Status Report.

6. WHS & PUBLIC RISK MANAGEMENT

Closed Session

7. FINANCE AND BUSINESS MANAGEMENT

(i) TCorp Loan Terms and Conditions

Closed Session

(ii) FY2020-21 financial statement update

Closed Session

(iii) COVID related relief FY2019-20 and FY2020-21

Closed Session

(iv) COVID related relief – FY2021/22

Closed Session

(v) 2021/22 Budget

Closed Session

(vi) Audit and Risk Attestations

Closed Session

8. RODENT RESPONSE

The Board noted the information provided on the rodent response.

AF provided an update regarding the ongoing genetic analysis of rodents detected since April 2021.

Action: A paper is to be prepared (for the December 2021 Board meeting) regarding woodhen mortality (due to roadkill, etc) including results from the next woodhen census during November 2021.

9. OPERATIONS AND SERVICES

(i) Stronger Country Communities Fund

DW informed Board members that the skatepark under-funding was a result of an inadequate builder's quote.

In relation to recommendation 1, the board decided to proceed with expanding the scope of the Stevens Reserve project to include beach access but not the walking track upgrade.

The Board decided to approve recommendation 2, subject to an assessment that the ongoing operating costs would not be material, and AF was delegated the authority to make this judgement. TT voted against this decision.

10. CHIEF EXECUTIVE OFFICER'S REPORT

The board noted the information in the CEO's report.

11. DEVELOPMENT APPLICATIONS

- (iii) OC2021.05 and DA2021.06 – Proposed New Tourist Accommodation and Onsite Wastewater System - Jessica Owens

The Board approved:

- OC2021.05 for the proposed new tourist accommodation and on-site wastewater system on Lot 21 DP 1169260, Old Lagoon Road, LHI; and
- DA2021/06 for the proposed new tourist accommodation an on-site wastewater system on Lot 21 DP 1169260, subject to the conditions listed in the [respective assessors'] report.

12. POLICY AND STRATEGY

- (ii) Review of Vehicle Importation, Transfer and Use Policy

As proposed, and the Board concurred, that in view of there not being on open meeting at this time (due to COVID-related restrictions and technological limitations), the aspects of this matter considered controversial or contentious, e.g., electric power assisted bicycles, would be deferred to the open meeting to be held during December 2021.

The Board agreed with the proposed increase In maximum engine capacity from 1,600 cc to 1,720cc for 'preferred vehicles'.

The Board noted that Marine Rescue are considered an essential service. However, the Board did not agree to allocate a vehicle to Marine Rescue as they already own a trailer and there is no requirement for it having access to roads.

13. LEASING AND LAND ADMINISTRATION

- (ii) Proposed Extension of the Term of Special Leases

TT left the room while this item was discussed and a decision made (in recognition of her conflict of interest in this matter).

The Board approved the recommendations to:

- seek the Minister's approval for extension of the Special Leases listed in the paper for a period of two years from 01 January 2022 to 31 December 2023; and

- creation of a new Special Lease to Gower Wilson over Lots 291 and 292 DP 48692 for a period of two years from 01 January 2022 to 31 December 2023.

(iv) Surrender of PL1954.06 and creation of two new perpetual leases for Larry and Elizabeth Wilson and Grant and Margaret Devine

Chronologically, this item was dealt with by the Board after it addressed agenda item 13.(v).

The Board adopted all five recommendations made by management in respect of this matter.

(v) Surrender of PL2016.02 and creation of two new perpetual leases for Lisa Makiiti and Rodney Oxley and Kylie Owens

MR left the room while this item was discussed and a decision made (in recognition of his conflict of interest in this matter) and did not return until the Board started considering agenda item 13.(vi), i.e., he was also absent while the Board considered agenda item 13.(iv).

The Board adopted all seven recommendations made by management in respect of this matter.

(vi) Application to transfer one share of PL1954.10 from the Estate of Barry Malcolm Thompson to Marie Thompson

Closed Session

14. GOVERNANCE

(i) New Code of Conduct and Procedures for Lord Howe Island Board Members and Officials

The Board :

- adopted the new *Lord Howe Island Board Code of Conduct for Board Members and Officials (September 2021)* that has been based on the new Model Code of Conduct for Local Councils;
- noted the new *Procedures for the Administration of the Lord Howe Island Board's Code of Conduct (2021)*; and
- agreed to undertake training in relation to the Code of Conduct.

Action: AF and AS to discuss the timing of training (by an officer from the Office of Local Government) prior to the next board meeting.

15. GENERAL BUSINESS AND QUESTIONS ON NOTICE

AS announced LHIB was successful in being awarded approximately \$3m of grant funding from Transport for NSW under its Fixing Local Roads Program.

AF noted that DK and RP's tenure as Board members is due to expire during November 2021.

Action: AF is to put in train the process for appointing Board members before the next Board meeting on 6-7 December. All local members expressed a preference to retain both DK and RP as members of the Board.