

# LORD HOWE ISLAND BOARD

## Board Meeting Agenda

**Monday, 6 December 2021**

**Location: Community Hall**

### Closed Session

9:30 – 10:30		<b>CODE OF CONDUCT TRAINING</b>		Presenter: Dylan Reynolds
10:30 – 11:00		<b>MORNING TEA</b>		
11:00 – 11:05	<b>1</b>	<b>CONFLICT OF INTEREST DECLARATIONS</b>		Presenter: Atticus Fleming
	<b>2</b>	<b>WH&amp;S AND PUBLIC RISK MANAGEMENT</b>		
11:05 – 11:15	(i)	WH&S and Public Risk Management Update	Note	Prepared: Jemima Spivey Presenter: Angie Stringer
	<b>3</b>	<b>FINANCE AND BUSINESS MANAGEMENT</b>		
11:15 – 11:25	(i)	Financial Status Update	Note	Prepared / Presenter: Mervyn Yuen
11:25 – 11:40	(ii)	Impact of Lockdown due to COVID-19	Note	Prepared / Presenter: Mervyn Yuen
11:40 – 11:50	(iii)	Repayment of TCorp Loans	Decide	Prepared / Presenter: Mervyn Yuen
11:50 – 12:00	(iv)	Variation to Budget	Decide	Prepared / Presenter: Mervyn Yuen
12:00 – 12:05	(v)	Financial Statements and Annual Report Update	Note / Decide	Prepared / Presenter: Mervyn Yuen
	<b>4</b>	<b>OPERATIONS AND SERVICES</b>		
12:00 – 12:10	(i)	Shipping Contract	Decide	Prepared / Presenter: David Waterhouse
12:10 – 12:20	(ii)	Waste Management Facility Review	Decide	Prepared / Presenter: David Waterhouse
<b>12:20 - 13:30</b>		<b>LUNCH</b>		
	<b>5</b>	<b>LEASING AND LAND ADMINISTRATION</b>		
13:30 – 13:40	(i)	Application for Suspension of Residency	Decide	Prepared: Lynda Shick Presenter: Justin Sauvage
13:40 – 13:45	(ii)	Application for Suspension of Residency	Decide	Prepared: Lynda Shick Presenter: Justin Sauvage
13:45 – 13:50	(iii)	Application for Suspension of Residency	Decide	Prepared: Lynda Shick Presenter: Justin Sauvage
13:50 – 14:00	(iv)	Application for consent to transfer PL2020.01	Decide	Prepared / Presenter: Justin Sauvage
<b>14:00 – 15:30</b>		<b>BREAK</b>		
	<b>6</b>	<b>GOVERNANCE</b>		
15:30 – 17:00	(i)	Efficiency and Effectiveness Review update/consultation session with Board members		Presenter: Spencer Maurice

## Open Session

9:00 – 9:05	7	<b>CONFLICT OF INTEREST DECLARATIONS</b>			Presenter: Atticus Fleming
	8	<b>MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION</b>			
9:05 – 9:10	(i)	Adoption of Minutes of Previous Meeting	Note	Prepared: Belinda Panckhurst Presenter: Angie Stringer	
	9	<b>OUT OF SESSION MATTERS</b>			
9:10 – 9:15	(i)	Out of Session Matters Status Report <b>Attachment A:</b> Out of Session Result Summary	Note	Prepared: Belinda Panckhurst Presenter: Angie Stringer	
	10	<b>ACTIONS FROM PREVIOUS MEETINGS</b>			
9:15 – 9:25	(i)	Actions from previous meeting status report <b>Attachment A:</b> Action Sheet from Previous Board Meetings	Note	Prepared / Presenter: Mervyn Yuen	
	11	<b>CHIEF EXECUTIVE OFFICER'S REPORT</b>			
9:25 – 9:35	(i)	Chief Executive Officer's Report <b>Attachment A:</b> Infrastructure and Engineering Services Report <b>Attachment B:</b> Environment and Community Services Report	Note	Prepared / Presenter: Angie Stringer	
	12	<b>OPERATIONS AND SERVICES</b>			
9:35 – 9:45	(i)	Rodent Response Update <b>Attachment A:</b> Locations of retrieved carcasses as of 25 Nov 2021	Note	Prepared: C Mills / A Mcnab Presenter: Angie Stringer	
	13	<b>DEVELOPMENT APPLICATIONS</b>			
9:45 – 9:50	(i)	Owner Consent Approved Under Delegated Authority Status Report	Note	Prepared: Belinda Panckhurst Presenter: Justin Sauvage	
9:50 – 9:55	(ii)	Development Applications Approved Under Delegated Authority Status Report	Note	Prepared: Belinda Panckhurst Presenter: Justin Sauvage	
9:55 – 10:15		<b>MORNING TEA</b> (Informal opportunity for community members to meet the new CEO)			
	14	<b>POLICY AND STRATEGY</b>			
10:30 – 10:35	(i)	Motor Vehicle Importation or Transfer Status Report	Note	Prepared: Lynda Shick Presenter: Angie Stringer	
10:35 – 10:55	(ii)	Review of Vehicle Importation, Transfer and Use Policy <b>Attachment A:</b> Submissions report <b>Attachment B:</b> Draft Vehicle Importation Transfer and Use Policy	Decide	Prepared / Presenter: Angie Stringer	
	15	<b>LEASING AND LAND ADMINISTRATION</b>			
	(i)	<b>Withdrawn</b>			
11:00 – 11:05	(ii)	Application for consent to transfer PL1968.01 by way of gift – J Bretnall to J Bretnall and E Crombie	Decide	Prepared / Presenter: Justin Sauvage	
11:15 – 11:30	16	<b>GENERAL BUSINESS AND QUESTIONS ON NOTICE</b>			

**Board Meeting:** December 2021

**Agenda Number:** 9 (i)

**Record Number:** ED21/9071

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Out of Session Matters Status Report

#### Recommendations

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1. **Note** the information provided in this report.

#### Current position

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Since the last Board Meeting in September 2021, three matters were considered out of session.

Results of the 'Out of Session' papers since the last Board meeting are shown on the attached result summary sheet.

#### Attachments

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Attachment	Title
Attachment A	Result Summary Sheet

#### Approval and contact

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<b>Approver</b>	<b>Position</b>
Angie Stringer	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Belinda Panckhurst	Administration Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Actions from previous meeting – status report.

#### Recommendations

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1. **Note** the information provided in this report.

It is recommended that the Administration review the actions out of session in order to rationalise and review their status. This will be presented at the next Board meeting for review.

#### Current position

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As a matter of process and procedure, a list of actions is prepared after each Board meeting to ensure that the Board's resolutions are systematically carried out by staff. Those actions reported as complete are deleted from the Action List at the subsequent Board meeting.

A list of actions from decisions of the July 2021 Board meeting, and previous meetings, is attached for the Board's information.

#### Attachments

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Attachment	Title
Attachment A	Action sheet from previous Board meetings

#### Approval and contact

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<b>Approver</b>	<b>Position</b>
Angie Stringer	A/Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Mervyn Yuen	CFO, Sr. Manager Business and Corporate Services

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Chief Executive Officer's report to the 6 and 7 December 2021 meeting of the Board.

#### Current position

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##### Workplace Health and Safety Review

The Workplace Health and Safety (WHS) review began in September and is being undertaken by Lloyd-Jones Meakin (LJM) Group. The assessor undertook interviews with staff prior to arriving on the island in early October. During his time on the island, hazards and risks in the workplace were identified by evaluating and observing our existing approach to WHS. The Board's managers and supervisors undertook WHS training, and every staff member was engaged in the assessment and feedback process through a series of workshops. The assessor also visited work sites and observed work in action. LJM will provide the Board with an assessment of our current practices and make recommendations for developing an improved safety plan.

##### Rodent Response Program (RR) and Biosecurity

There has been no rodent detection for 125 days (as of 1/12) however constant monitoring of the settlement area for rodents has continued. The biosecurity camera surveillance network has been fully installed and continues to be monitored with the use of artificial intelligence software. The RRP is planned to finish the 17th of December, subject to a final decision being made that will be informed by the independent review mentioned below. There then would be a transition where the biosecurity team will take on the camera monitoring and rodent surveillance responsibilities. See business paper 12 (i) for a detailed overview of the RR program.

An independent monitoring expert has been engaged from Queensland University of Technology to carry out an assessment of the monitoring program and help provide certainty (or not) regarding the likelihood of eradication. The report is due shortly.

Staff are working through key biosecurity tasks to mitigate against possible rodent incursion and other pest species establishing themselves on the island. A dedicated secure biosecurity room at the jetty is currently being built and the airport facility is being upgraded. LHIB staff and contractors continue to work with Birdon to improve biosecurity from the mainland.

The RR program and funding for improving biosecurity has been funded by the Australian Government (\$540k) in 2019/21FY and DPIE \$2.5million over 20/21 and 21/22 FY.

## Human Resources

Ms Angie Stringer has remained acting in the CEO role since July 28th. The recruitment for the position has been finalised and Ms Suzie Christensen has been appointed to the role. Suzie begins on December 6th and there will be three day handover which coincides with the Board meeting.

Mr Mervyn Yuen begun in the Senior Manager, Business and Corporate Services role in September and joins the Board for a six month secondment from Department of Regional NSW. Mr David Waterhouse, Senior Manager Infrastructure and Engineering Services has tendered his resignation and he will depart in mid-January. Recruitment is underway with interviews held on 22 November.

The Board has activated its employment page on its website and in the last quarter has advertised expressions of interest for five roles for either causal or backfilling positions and two ongoing roles.

## Airport and Shipping Contract Expiry

In November Transport NSW announced that the contract for provision of airline services from Sydney has been secured with Qantas signing another three year contract.

We are approaching the final 12 months of the initial 5 year shipping service contract with Birdon. Work has commenced to plan next steps to ensure continuity of service.

## Effectiveness and Efficiency Review

The Effectiveness and Efficiency Review of the LHIB administration begun in early November. The key objective of this review is to provide advice to the LHIB, and the Minister for Energy and Environment, on the efficiency and effectiveness of the LHIB administration in discharging its duties under the Act and to make recommendations for improvement.

Consultants Spencer Maurice have been appointed and spent a week on the island interviewing staff, Board members and key community members. A community wide online survey has been distributed amongst residents. The reviewer return in December during the next Board meeting to meet with the Board and undertake broader community consultation. Their final report is due in March.

## COVID-19

The Island residents have had a 95% vaccination rate since the end of August.

Due to limited internet and network connectivity issues, LHIB staff have continued to work from the office and the field in a COVID safe manner. The Department of Planning, Industry and Environment (of which all LHIB staff are part of) released their draft policy on 24/11 which indicates that proof of being fully vaccinated will be a condition of employment beginning in January 2022.

The Island recorded its first COVID case on 26 November. NSW Health undertook contact tracing and all close and casual contacts were identified. Fortunately there was not any community transmission with all tests returning negative results. However a more widespread COVID outbreak has the potential to seriously disrupt the tourist season as staff need to isolate once being identified, impacting both service industry and board staff.

## Attachments

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Attachment	Title
Attachment A	Infrastructure and Engineering Services Report – Open
Attachment B	Environment and Community Services Report – Open

## Approval and contact

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Approver	Position
Angie Stringer	A/Chief Executive Officer
Preparer	Position
Angie Stringer	A/Chief Executive Officer

## CEO Board Report

### Infrastructure and Engineering Services

This report is a brief summary of IES activities and issues, and covers the period September to December 2021.

#### Parks and visitor facilities

- Maintenance continues to public areas, parks and gardens to maintain a high standard of presentation.

#### Roads

- LHIB has been awarded \$3,041,795 in the NSW Government Fixing Local Roads Round 3 grant program. The funding is allocated by the program for specific sections of road. Funding deeds are currently being finalised, and early stage planning is underway.
- The work on the lower sections of Muttonbird Drive and McGees Parade is largely complete. This work was funded by Roads to Recovery and Local Roads and Community Infrastructure (Commonwealth) grants.
- A number of small scale repairs to road base and bitumen seal are underway using Roads to Recovery funds. This work is being carried out by contractor All Island Service.
- The LHIB works team continues to perform pothole repairs, road drain clearing, sand and debris removal as required

#### Marine and coastal

- Regular pressure cleaning to jetty stairs and boat ramp.
- A request to market is being prepared for major jetty maintenance. This work is part funded in the 21/22 capital budget, but will likely require further funding in 22/23.

#### General maintenance, operations and mechanical

Business as usual for maintenance, operations and mechanical workshop.

#### Electrical

- All programmed maintenance and safety checks completed.
- For reporting period 19 May to 23 November 2021:
  - Energy demand for the reporting period was 1 021 300 kWh.
  - Diesel generation for the reporting period was 369 200 kWh.
  - Solar generation for the reporting period was 805 200 kWh.
  - Fuel consumption for the reporting period was 74 600 litres.
  - Fuel energy efficiency for the reporting period was 13.7 kWh/L.
  - There were 73 days of diesel free generation during the reporting period.
  - The longest run of diesel free generation during the reporting period was 8 days.
  - There were 3 unplanned customer supply interruptions to the distribution system during the period. This outage was the result of localised customer overloads.
  - There was 1 planned supply interruption to the distribution system during the period. This outage allowed upgrade work to be carried out in the Skyline Drive area.
  - There are currently 294 customers connected to the electrical supply system. This reduction was the result of one unused service being disconnected from the system.
  - Significant fuel savings continue to be achieved as a result of the Hybrid Renewable Energy system. The TESLA microgrid controller continues to be monitored and updated by Photon, TESLA and Powerhouse staff to maximise the performance of the renewable energy system.



## **Airport**

- Aerodrome maintenance including mowing, weed control, and tarmac repairs continues. Access gates and fencing replaced in some areas.
- There has been a delay in delivery of new bunting for Blinky dune bird management. This has meant that manual bird disturbance is required. Higher than usual numbers of birds have been in the area. The bird hazard is being monitored.

## **Island Trader**

- IES has been working with the LHIB Biosecurity Team and with Birdon to monitor and manage shipping-related biosecurity initiatives
- There have been changes to the voyage schedule, with a number of cancelled voyages. This has impacted the LHIB, residents and businesses. LHIB continues to liaise with Birdon on schedule changes.

## **Emergency Management**

- Local Emergency Management Committee meeting held in October.

## **Waste management facility**

- Empty skip bins have not been delivered back to the island due to cancelled Island Trader voyages or due to skips being left in Port Macquarie due to ship load planning/prioritisation. A solution is being sought with Birdon. The flow on effect is additional processing time for waste, and an accumulation of bulky waste.
- Compost sampling is due to commence, but logistics is proving difficult to set up, with courier networks unable to provide delivery pathways to the testing lab within the required timeframe.

## **COVID-19**

- Increased cleaning maintained for airport terminal and public toilets.
- Hand sanitiser provided in public areas.
- LHIB workplaces Covid safety measures have been adjusted to align with NSW regulations as required.

## **Projects**

### **Aviation fuel shed**

The builder has attended the site to conduct final measurements. Some materials have been delivered to the site, however the builder has experienced delays in sourcing the shed kit. Once all materials are delivered, the builder will lock in a window to come to the island to dismantle the old shed and construct the new shed. This is expected in first quarter 2022.

### **Stronger Country Community Fund Grants**

#### **Round 2 – Lord Howe Island Skate Park – SCCF2-0536**

Information supplied to the Chair for consideration. Once this is finalised, the variation process will be completed with the grant office.

#### **Round 2 – Stevens Reserve Walking Track**

Variation required, with a proposed transfer of funds linked to the skate park.

#### **Round 3 – Upgrade Aquatic Club building and storage and purchase new sailing / water sport equipment – SCCF3-1557**

The Aquatic Club Committee is working to deliver this project.

### **Round 3 – Community Playground Upgrade – SCCF3-1561**

Construction is complete and the playground is open. Positive feedback abounds.

### **Round 3 – CBD Amenities and Wastewater System**

Options paper, timeline in preparation. Early discussions underway with waste water consultant to identify best means to increase capacity in the CBD precinct. The project has a budget of \$137,000 from SCCF and a further \$113,000 has been allocated from LHIB capital.

### **Windy Point Coastal Remediation**

Drone survey work continues every three months. The beach profile and dune has remained relatively stable. Vegetation is becoming established.

Concrete started to protrude from the dune face. This appeared to be a remnant of the old Pinetrees boat shed. Pinetrees arranged for the concrete to be cleaned up and removed. There is still further concrete deeper in the dune, however this was left in place, in order to limit excavation and disturbance to the dune face.

### **Boating Now Grant**

A variation has been agreed with Transport for NSW to change the scope of the project. Due to numerous delays and previous scope changes over the past 6 years, the availability of funding will cease at the end of February 2022. In order to meet this date and still gain value from the grant, the variation will now be limited to a design exercise. This work will prepare a design for the jetty to enable strengthening so that large vessels can be lifted onto the jetty by the LHIB crane. This design can then be used in future to develop an upgrade to the jetty.

**Prepared:** David Waterhouse, Manger Infrastructure and Engineering Services

**Endorsed:** Angie Stringer, A/Chief Executive Officer

## CEO Board Report

### Environment and Community Services

#### Biodiversity Management

- Annual Woodhen surveys commenced 22 November and is due to finish on the 10th December 2021. As of November 30 over 430 woodhens had been recorded through the survey.
- Hunting of masked owls to progress eradication continues. On 7th November 2021 a resident reported seeing a female masked owl at the jetty at 9pm. No further evidence of this owl has been obtained. Bird call recorders (Song Meters) have been installed at Kims Lookout, The Catalina, Stevens Reserve, Pinetrees Paddock, North head of Blinky Beach, Golf Course, Soldiers Creek, Rocky Run and the Saddle. Another will be placed at Red Point. The Song Meters are scheduled to record bird calls for a 2 hour period at dawn and dusk. These will be checked to determine presence/absence and assist to plan hunting strategies.
- A total of 46 woodhens have been killed by motor vehicles since the start of the year. The Board is encouraging residents to report all Woodhen deaths to the Board.

#### Biosecurity

- Termites have been detected in new locations and have spread from the initial detection area. Monitoring stakes are to be deployed (on 02/12/21) across the northern settlement, and as far south as the Waste Management Facility.
- Two Green Tree Frogs (deceased) were detected at Lord Howe Island on the voyage arriving on 6th November 2021. One was detected in the cool room and the other on the hard stand.
- The Board have engaged a contractor to consult suppliers and carriers to provide advice on what packaging standards are sought and any other biosecurity related issues.
- Detector dogs are working hard with an increase in the number of planes and marine vessels since the opening of the island to travel. Contractor detector dogs continue to work on the RRP, but are assisting with the planes and Island Trader as required.
- Pest species have been detected on recent ships – Green Tree Frogs and Asian House Gecko – all have been dead prior to arrival on Lord Howe Island. Suggesting biosecurity requirements and monitoring remain significant at both Lord Howe Island and Port Macquarie.

#### Rodent Response Program

- 124 days (as of 31/11/21) since last rodent detection.
- On-going biosecurity network has been modified and an increased number of monitoring devices have been deployed across the island, the most significant addition being 180 trail cameras.
- All (non-biosecurity) monitoring devices have been removed from the southern portion of the island and the northern PPP (Malabar). Detection devices continue to be monitored in the northern Settlement and on Transit Hill. 180 Trail cameras continue to monitor throughout the northern and southern settlements.
- Independent Review on Rodent Response Programs monitoring efforts is due shortly (coming week I believe).
- Areas of the island are continuing to be monitored daily by detector dogs, the increase in planes and marine vessels has limited our capacity somewhat, however, searches continue with notably less indications being recorded than in previous months.

- The biosecurity monitoring measures established through the Rodent Response will be handed over to the environment unit for ongoing maintenance and monitoring. Grant funding through DPIE provides sufficient funding to engage staff to maintain and monitor these devices.

### **Weed Management**

- The LHI Weed Eradication Program (WEP) has reached year 17 of a projected 30 year program period. Infestations of environmental weeds that were once a common feature across the island landscape are significantly reduced and are getting harder to find; however residual weed populations are present in off – track harder to access areas; albeit in reduced abundance.
- Over 6,500 hectares have been cumulatively searched, 2.52M individual weeds removed (90 weed species), with 2M hours of labour and \$13M investment (prior reported).
- Redirection of weeding effort to rodents has resulted, in at least 30% of weed blocks coming into their third year since treatment, which is not ideal. Teams on ground are recording increased presence of seedling and juvenile weed plants from historic or residual mature weed locations; at an abundance not seen pre-rodents. Fortunately, mature sized weeds remain at very low density however signifying the importance of ramping up weeding effort to prevent their spread.
- The remaining mature ‘weed trees’ of Camphor Laurel, Silky Oak and Flame Tree were removed from leasehold land in October 2021. Seedling regeneration of Camphor Laurel is evident under the mature specimens removed from Stephens Reserve again highlighting ‘weed release’ minus the browsing pressure of rodents.
- To gain traction on lost time from the REP and Rodent Response, the LHIWEP will be seeking external investment to apply yearly treatment of priority weed landscapes across the island (on ground effort and technical operations).

### **Threatened plants**

- Threatened plant recovery actions continue to be implemented according to the LHI Saving Our Species (SOS) program; now running a five year contract period, with funding availability subject to yearly reporting.
- The Critically Endangered Lord Howe Morning Glory *Calystegia affinis* - Old Settlement continues to receive treatment to reduce Flea Beetle *Arispoda* sp, induced leaf defoliation and dieback.
- The Critically Endangered Phillip Island Wheat Grass *Elymus multiflorus* subsp *kingianus* remains established at eight sites on LHI (North Bay, Malabar, Windy Point, Blinky Point, Boat Harbour, Intermediate Hill, Old Settlement and Transit Hill) increasing the original population known from Old Settlement and Dawson’s Point of 50 plants to over 650 (including wild seedlings).
- The Endangered Sand Spurge *Euphorbia psammogeton* population on Blinky Beach has been saved from localised extinction. The residual population of 25 plants prior to REP has expanded to over 75 plants, with supplementary planting and natural seedling regeneration. Trials to establish Sand Spurge at historic locations on the lagoon foreshore has had varied results. The Pines Trees, dune rehabilitation site, is providing another ex-situ translocation site. The aim is to get plants to set seed to improve their persistence in the wild. All locations of this species are vulnerable to storm surge.
- Illegal clearing of bushland on the lagoon foreshore near Arajila Lodge has removed a mature Knicker Nut *Caesalpinia bonduc* as well as several translocated seedlings planted at the site in accordance with an approved SOS translocation plan.

### **Compliance and Enforcement**

- Board staff investigating an incident of alleged development without approval.

## **Community Programs & Education**

- Board staff have received and are currently processing an application from the Lord Howe Island Community Markets Association to hold twilight markets at the Old Powerhouse site on Tuesday 21 December and on Wednesday 19 January 2022.

## **Visitor Infrastructure**

- The Middle Beach north steps will remain closed until further notice. Storm activity has resulted in the lower steps being washed away, and LHIB staff have identified concerns with the stability of the slope that the lower portion of the steps are installed in. Expert geotechnical advice will be obtained prior to any reconstruction works being undertaken.
- Goat House walking track remains closed until further notice. Preliminary works on identifying an alternate route for the Goat House track have commenced. Repair and maintenance of walking tracks has been partially resumed, but currently paused due to resources being diverted to the Woodhen Survey.

## **Marine Management / Moorings**

- Mooring bookings continue to be steady over the summer period.

## **Human Resource Management**

- An offer has been made to a candidate for the Team Leader Biosecurity (temporary full time until June 2030).
- Land and Property Officer position to be advertised shortly (temporary part time until June 2030).

## **Environmental Assessment**

- Ecological assessments for all OC / DAs referred completed
- Tree risk assessments completed.

## **Land Administration**

- See business papers

## **Development Assessment and Land Use planning**

- Lord Howe LEP 2010 (Amendment 6) – Stage 1 various amendments – DPIE are in the final stages of making the new LEP incorporating the amendments.
- Board staff continue to work with Spatial Services NSW to introduce rural addressing to Lord Howe Island. This provides each property on the Island with a unique address which in the coming years will be required to obtain or renew drivers licences and access government services.

**Prepared:** Justin Sauvage, Senior Manager Environment and Community Services

**Endorsed:** Angie Stringer, A/Chief Executive Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Rodent response update and future actions

#### Recommendations

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1. **Note** For information.

#### Current position

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##### **BACKGROUND**

Board staff initiated the deployment of the rodent response plan on Thursday 15<sup>th</sup> April after a rodent sighting the previous day. The response is active and still ongoing, any estimates of rodent numbers, costs or other statistics are only accurate as of the time of drafting this report.

##### **CURRENT POSITION**

##### **Response update**

As of 24<sup>th</sup> November, 96 rat carcasses have been retrieved including 52 juveniles and 44 adults. Intensive monitoring has been undertaken in the settlement and Permanent Protected Preserve adjacent to the northern and southern settlement. Attachment A shows the locations of all retrieved carcasses throughout the program. The last confirmed rodent was detected on July 28 2021.

It has been over 118 days (as of 25.11) without a rodent detection. Searching with trained rodent dogs has continued throughout this time. Monitoring and checking of devices has also continued as it did throughout the program.

At the start of October after 64 days with no detections, the baiting program was ceased and the focus remained on monitoring using camera, wax tags, tracker tunnels and chew cards. This included the use of almost 300 cameras across the island which were vital in monitoring. After October 31<sup>st</sup> once the initial target of 90 days rodent free had been reached, the NPWS loan cameras were returned and we continue to have 180 permanently installed across the island. Although there had not been evidence of rodents for 90 days, to increase our confidence in the likelihood of having removed rodents, the decision was made to extend the program to December 17<sup>th</sup>.

## **Independent review**

The Board has sought an independent review of the monitoring and methodology of the Rodent Response Program it has undertaken since April this year. This is being undertaken by Professor Michael Bode at the Queensland University of Technology. The review is due to be completed at the end of November.

The purpose of the review is to understand:

- If the type and extent of monitoring has been adequate to provide a high level of confidence that all rodents have been detected and removed
- If the proposed monitoring (type/extent) is adequate to detect with a high level of confidence, the probability of any remaining rats and/or any future rat incursions.

The review will provide further insights into the suitability of monitoring methodologies utilised, examine efforts and results of what has been undertaken to date, whilst identifying what could be done in the future to maximise the confidence that the island is and remains rodent-free. The review is due to be completed at the end of November

## **Actions since last known rodent**

Since the removal of two known rodents at the end of July, there have been no new active sites discovered, and effort continues to remain high. An active site is defined as one where a rodent indication has been followed up with a camera placement and a rodent being confirmed via camera images.

The methods that have successfully detected and removed rodents from the island from April continue to be undertaken. Our dog team capacity sits at 2-3 dog teams per day. Due to COVID travel restrictions we have been unable to bring over replacement or additional dog handlers as intended, but have received one additional rodent detection dog 'Emma' sent over from NSW, that is being handled by Tim Solomon.

Monitoring since the last known active rodent site has focused primarily on the northern settlement, where all rodent activity has been found to date. Additionally, we have also covered the southern settlement area and extended dog searches into parts of the PPP. These have included the ridgeline and southern slopes of Malabar, most of Transit Hill and the western and northern slopes of Intermediate Hill. Detection dogs have also checked the Mount Gower Track on multiple occasions.

Dog searches are providing fewer rodent indications as time progresses, the few dog indications recorded lately are so insignificant that most have not been considered of enough value to be worth following up. There is still considerable rodent material being found that dates from the 2019 Rodent Eradication Program (REP), including scat, bodies and old nests – all of which the dogs still indicate on. Cameras are still being utilised, and dogs are undertaking searches on any reported sighting from members of the public, of which there have been less than five in the past three months.

## **Methodology**

The Rodent Response Program (RRP) is a refined version of the rodent response plan that was created at the end of the baiting phase for the Rodent Eradication Program. This details a 540m monitoring grid set out around each rodent detection location.

The methodology used to detect and remove rodents has been almost continuous from April. Using a mixture of passive and active methods to detect rodents. Notable changes to the program occurred at the start of October when baiting stopped and after 90 days rodent free when a phased pack down began on November 1<sup>st</sup>.

Passive methods include the setting of monitoring devices and bait stations in a grid pattern. In addition to these devices, we have a network of some 180 trail cameras that are in a fixed position and are checked twice weekly on Mondays and Thursdays. A small number (up to 30) are 'dynamic' in that they are relocated in response to dog indications, suspected rodent activity and to confirm rodent activity at a site.

Monitoring devices and cameras are lured (nontoxic, usually peanut butter, mayonnaise, Nutella, macadamia nuts, chocolate filled golf balls, or avocado) to attract any rodents in the vicinity to them. These devices are called passive because they rely on a rodent to come to the devices and interact with them to provide evidence of rodent activity.

Our primary active detection method is the detection dogs currently here. The dog teams search systematically through the settlement areas to detect rodent presence. This can be challenging as there are numerous rodent scents remaining from the 2019 eradication, including old scats, bodies and nesting materials, all of which are found frequently by the dogs. Dogs are considered an active search method because they actively seek out rodents by detecting their scent.

All reported sightings are followed up and responded to according to the information received. This usually involves positioning of lured cameras, dog searches and at times bait stations in the specified area.

**How much longer?**

The current response is planned to finish the 17<sup>th</sup> of December, subject to a final decision being made. The final decision will be informed by the Bode review. A precautionary approach will be adopted, reflecting the number of breeding rodents recovered already through the winter, and the onset of the spring breeding season making breeding events more likely.

**Attachments**

Attachment	Title
Attachment A	Locations of retrieved carcasses as of the 25 <sup>th</sup> November 2021

**Approval and contact**

Approver	Position
Angie Stringer	Acting Chief Executive Officer
Preparer	Position
Angus McNab	Rodent Response Project Ground Operations Manager
Christie Mills	Rodent Response Project Manager





White dots locations of retrieved carcasses on Lord Howe Island

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

---

List of Owner's Consents dealt with under Delegated Authority.

#### Recommendations

---

1. **Note** the information provided in this report.

#### Current position

---

The Minister for the Environment has approved delegated authority regarding the issuing of owners consents by the CEO providing:

1. The development value is not more than \$2 million,
2. Does not relate to development for the purpose of a new dwelling, and
3. Complies with any planning instrument in force relating to the Island.

The following owner consent applications complied with the above requirements and have been determined by the CEO since the last Board meeting, as detailed below:

OC	Applicant	Site	Proposal	Zone	Decision
2021.7.1	Sharon Whitfield	Lot 2 DP 1183351	Construct an art studio for screen printing and crafting.	Zone 2 Settlement	Approved 11/11/2021 subject to 10 conditions.

#### Attachments

---

Attachment	Title
Nil	

#### Approval and contact

---

Approver	Position
Angie Stringer	Chief Executive Officer
Preparer	Position
Belinda Panckhurst	Administration Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

---

List of Development Applications dealt with under Delegated Authority.

#### Recommendations

---

1. **Note** the information provided in this report.

#### Current position

---

The Minister for the Environment, under section 80(1) of the Environmental Planning & Assessment Act, issued authority to the CEO to determine development applications providing:

1. The development value is not more than \$150,000;
2. No more than 3 written objections are received within the exhibition period; and
3. The application has not been called up for full Board determination by any Board Member. (All Lord Howe Island Board development applications are to be determined by the full Board).

The following development applications complied with the above requirements and have been determined by the CEO since the last Board meeting, as detailed below:

DA	Applicant	Site	Proposal	Zone	Decision
2021.8.1	Sharon Whitfield	Lot 2 DP 1183351	Construct an art studio for screen printing and crafting.	Zone 2 Settlement	Approved 11/11/2021 subject to 10 conditions.

#### Attachments

---

Attachment	Title

## Approval and contact

---

<b>Approver</b>	<b>Position</b>
Angie Stringer	Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Belinda Panckhurst	Administration Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

---

Motor vehicle importation or transfer status report.

#### Recommendations

---

1. **Note** the information provided in this report.

#### Current position

---

Since the last Board meeting, eleven (11) vehicle applications to import or transfer were determined by the Chief Executive Officer under the 'Vehicle Importation, Transfer and Use Policy'.

The table below shows the vehicle applications determined since the September 2021 Board meeting.

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation to Applicant	Comment
Ellis Whitfield	Dual Axle Box Trailer	N	Private	1	Approved 25/8/21
Eastern Air Services	Holden Astra Wagon	N	Commercial	1	Approved 26/8/21
John De Rusett	Honda Scooter	Y	Private	0	Approved 08/09/2021 - Replacement
Barbara Ardill	Toyota Rav 4	N	Private	0	Approved 8/9/21 - Replacement
Bureau of Meteorology	Toyota Hilux	N	Essential	0	Approved 28/09/2021 - Replacement
Capella Lodge	Toyota Hilux	N	Commercial	0	Approved 15/10/2021 - Replacement
Una Payten	Nissan Tiida	N	Private	0	Approved 21/10/2021 - Replacement
Jim McFadyen	Dunbier Boat Trailer	N	Private	1	Approved 21/10/2021
Brad Wilson	Toyota Hiace Bus	N	Commercial	0	Approved 20/10/2021 - Replacement
Danielle Nicolson	Mazda BT50	N	Commercial	1	Approved 1/11/2021

Applicant	Vehicle Type	Preferred Vehicle	Use	Variation to Applicant	Comment
Dorothea Wilson	Honda City	N	Private	0	Approved 3/11/2021 - Replacement

NOTE: Variation column relates to the applicant and not the increase of vehicles to the island.

### As at 23 November 2021

Registered Road Vehicles						
Essential	Commercial	Private	Hire	Plant & Equipment	Imported prior to Approval Policy	Total
34	111	166	8	26	66	411

At the May 2010 meeting it was requested that further differentiation in the vehicle statistics to identify motor vehicles and motor cycles / scooters and trucks separately be presented. This information is presented below.

Registered Road Vehicles						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
193	26	39	14	40	99	411

At the June 2016 meeting it was requested that future reports include trends in regards to vehicles imported without approval and clarification that these are vehicles which pre-date the Board approval and monitoring process. There remains a total of 66 vehicles imported without approval prior to the current policy:

- 51 vehicles were imported without approval prior to and in 2014. The majority of these vehicles were trailers.
- 1 vehicle, a boat trailer, was imported without approval in 2015.
- 3 vehicles, all boat trailers, were imported without approval in 2016.
- 1 vehicle, a mower was imported without approval in 2019.
- 1 vehicle, a mobility scooter was imported without approval in 2020.
- 9 vehicles have been replaced and are awaiting removal.

The following table shows further differentiation in the vehicle statistics to identify the types of vehicles that have been imported without written approval.

Vehicles Imported Without Approval – By Type						
Car/Utility	Bus	Motorcycle / Scooter	Truck	Plant & Equipment	Trailers	Total
5	0	9	4	6	42	66

## Attachments

Attachment	Title
	Nil Attachments

## Approval and contact

Approver	Position
Angie Stringer	Chief Executive Officer
Preparer	Position
Lynda Shick	Administration Officer

# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Review of Vehicle Importation, Transfer and Use Policy.

#### Recommendations

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1. **Adopt** the reviewed and exhibited Vehicle Importation, Transfer and Use Policy (Attachment B to this report).

#### Current position

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#### Background

Following review of the subject policy and a report to the Board in September 2021, the Board proposed that in view of there not being an open meeting at this time (due to COVID-related restrictions and technological limitations), the aspects of this policy amendments that have considerable public interest should be deferred to the next open meeting.

#### Summary of proposed changes

A summary of the proposed changes which were not adopted at the September 2021 Board meeting is shown below. The numbered reference correspond to the relevant clauses in the Policy:

**3.10 Power Assisted Pedal Cycle.** (Commonly termed e-bike). The definition has been amended to align with the definition by the NSW Roads and Maritime Authority (RMS).

A sentence has been added to reinforce that an electric powered cycle that does not meet the RMS definition including that it must not propel the bicycle when the rider is not pedalling (except an optional low-speed start-up mode that allows the motor to power the cycle up to 6 km/h). It is understood to be illegal for a *Power Assisted Pedal Cycle* to be used on public roads if it does not comply with the RMS definition.

Removal of the restriction on the use of *Power Assisted Pedal Cycle* (e-bikes) to only private use would allow their use by visitors to the island. A proposal has been received from an accommodation provider that some e-bikes be available to guests. The lodge is at an elevated location that some people would find it difficult to ride a conventional bicycle to. While this approval could be granted by the Board under the current Policy, it was considered that it was preferable to include as a proposal in the Policy review to allow



comment. If adopted, it will allow business to import and hire out compliant e-bikes for the use of guests without Board approval.

**7.1.2 Vehicles for Commercial Use.** Proposed to delete “Motor Assisted Pedal Bicycles will not be approved for commercial use”. See discussion at 3.10 above

**12 Vehicle Replacement.** Proposed to delete “where the replacement vehicle has the same (+ 10% subject to the discretion of the Board) or smaller engine capacity and tare weight as the vehicle being replaced.”

The above is not considered necessary as there is now size limits for private and commercial vehicles. Also people’s circumstances change and a smaller vehicle may not be suitable

**Attachment B Information for Applicants Fact Sheet.** Proposed to delete attachment B as it is repetitive of the policy. The policy is now given out with the application forms to each applicant therefore this is repetitive.

## Submissions

Five submissions were received and these are summarised in Attachment A. Comments in the last column respond to the issues or suggestions made.

In short:

- Two submissions supported the changes and in particular, allowing e-bikes to be used for commercial purposes without approval.
- One submission sought to lessen the restrictions on eligibility and number of vehicles.
- Two submissions sought to increase the restrictions on eligibility, size/type of vehicles and number of vehicles.

The exhibited policy changes were therefore supported except for the submission wanting to remove many of the restrictions to vehicle ownership and use. However two of the submissions made argument for further changes (ie increase or decrease restrictions) that would require significant development, drafting and evaluation in terms of effectiveness, management and impacts.

As noted at the December meeting, due to technology changes, the Hybrid Renewable Energy Project, and questions regarding whether the policy is actually achieving its objectives, deeper review beyond this current review is recommended. The Policy is complex and lengthy. Its strong restrictions arguably reduce the rate of growth in vehicle numbers, but may not be sufficient or the most effective method of restricting vehicle numbers, usage and impacts.

Therefore, it is recommended that the exhibited amendments to the Policy be adopted making it consistent with legislative changes as well as clearer and a little more streamlined.

## Request for further information

At the April Board Meeting the matter was deferred pending provision of more information relating to the safety of power assisted pedal cycles (e-bikes). Significant research and discussion had occurred with the previous elected Board members on this matter and changes to membership has prompted discussion into whether the introduction of e-bikes for the use of other than for private use would be appropriate and safe on Lord Howe Island.

Senior Constable Heath Roberts is the LHI Police Officer. It is noted that SC Roberts is the former Traffic Coordinator for the New England Region of NSW, Local Traffic Committee Representative on various Local Traffic Committees, and the Local Road Safety Coordinator for the region. SC Roberts will attend the planning session of the Board Meeting to provide his view, present road safety and accident data and answer any questions. The following information has been provided for the benefit of the Board following meeting with SC Roberts.

A summary of his advice follows and can be further discussed at the meeting.

*Complying electrically power assisted bicycles are commonly available and used across NSW, Australia and internationally. SC Roberts commented that the 25 kph limitation of power assistance is compatible in his view to our 25 kph speed limit on LHI. It was noted that some power assisted bicycles have been observed exceeding this limit without any pedal assistance by the rider. These are not considered legal and it is intended they be enforced. Recent changes to legislation require the rider of such vehicles to prove they comply and this will assist Police enforcement as the burden of proof is now with the rider/owner.*

*It has been expressed that some bicycle accidents are observed to have been caused by older or less able riders not having sufficient strength to climb hills such as Lagoon Rd approaching Ned Beach Road intersection and other locations when they stall and swerve or fall. Power assisted bicycles may assist in avoiding this situation.*

*Hills have been mentioned by advocates for e-bikes. SC Roberts has also observed that the airport stretch of Lagoon Road often is strongly headwind affected and riders with less strength often have to walk their bikes lengthy distances who would not need to if they were allowed an e-bike.*

NSW Roads and Maritime provide the following information in relation to electrically power assisted bicycles:

<https://roadsafety.transport.nsw.gov.au/stayingsafe/bicycle-riders/petrol-powered-bicycles.html>

*Bicycles that meet the requirements for permitted e-bikes can be used on public roads and road-related areas. Petrol-powered bicycles and other powered bicycles that do not meet the e-bike requirements outlined below are illegal and may only be used on private property.*

*On 22 January 2021, the Australian Government updated the requirements for permitted e-bikes. These changes include:*

- Introducing a weight limit, seat requirements and restriction on being propelled only by the motor for power-assisted pedal cycles*
- Replacing the term 'pedalec' with electronically power-assisted cycle and replacing the requirement to conform to the requirements of European Standard EN 15194: 2009 or EN 15194:2009+A1:2009: 'Cycles – Electrically power assisted cycles – EPAC Bicycles' with requirements around when the power output reduces and cuts out.*

## **What are the e-bike requirements?**

*There are two types of permitted e-bikes:*

- Power-assisted pedal cycles*
- Electrically power-assisted cycles.*

*These must be designed to be propelled primarily by the rider – they cannot be propelled exclusively by the motor. The motor is intended to help the rider, such as when going uphill or riding into a headwind.*

## **Power-assisted pedal cycles**

*A power-assisted pedal cycle:*

- *Has one or more motors attached with a combined maximum power output of 200 watts*
- *Cannot be propelled exclusively by the motor/s*
- *Weighs less than 35 kg (including batteries)*
- *Has a height-adjustable seat.*

## **Electrically power-assisted cycles**

*An electrically power-assisted cycle has a maximum continued rated power of 250 watts. This power output must be:*

- *Progressively reduced as the bicycle's speed increases*
- *Cut off when:*
  - *The bicycle reaches a speed of 25km/h; or*
  - *The rider stops pedalling.*

## **Attachments**

<b>Attachment</b>	<b>Title</b>
Attachment A	Submissions report - Open
Attachment B	Draft policy with changes and comments shown - Open

## **Approval and contact**

<b>Approver</b>	<b>Position</b>
Angie Stringer	A/Chief Executive Officer
<b>Preparer</b>	<b>Position</b>
Angie Stringer	A/Chief Executive Officer

**SUBMISSIONS RECEIVED**

Sub No.	Issues Raised by Submitter	Comment by Board staff
1	Support for proposed changes especially in relation to e-bikes for business use. Some businesses “high up” and difficult to access for guests on bicycles. Evens “playing field” for those businesses.	Support noted
2	<p>Comments relate to the policy objective and methods of restricting vehicle ownership.</p> <ul style="list-style-type: none"> <li>• The aim of policy to reduce vehicle numbers fails to take into account population growth and migration to the island. A single household may have many occupants with different needs for travel.</li> <li>• Policy should be changed to allow a second vehicle per lease (specifically a motorcycle), so that the smaller vehicle can be used in lieu of larger car when not required.</li> <li>• Electric e-bikes should not be used as an excuse to refuse a motorcycle. Do not have same capability as motorcycle.</li> <li>• Requirement for an applicant to have been a permanent resident for 24 months prior to making application, should be removed. If a person demonstrates a legitimate requirement and has residential tenancy agreement, should be entitled to apply.</li> <li>• Clause 7.1.1 (d) allows the Board to exercise discretion if “exceptional circumstance which cannot be addressed by the policy” is demonstrated. Individual needs of applicants need to be taken into consideration. Should not be one rule for all.</li> </ul>	<p><i>The draft revised policy considered by the Board in December and subsequently exhibited did not have changes relating directly to the issues raised in this submission. See discussion in covering report.</i></p> <ul style="list-style-type: none"> <li>• The policy seeks to reduce impacts from motor vehicles due to the unique nature of the island, its limited road network and environment. It is acknowledged that it is restrictive and challenging.</li> <li>• This is an option that has been debated in the past and while it would increase vehicle numbers, could allow use of smaller motorcycles at times rather than cars.</li> <li>• Comment made in response to a refusal to approve a motor cycle outside the policy’s eligibility criteria and considered to not have demonstrated “exceptional circumstance”.</li> <li>• As above.</li> </ul> <ul style="list-style-type: none"> <li>• As above. While restrictive to achieve its objectives, the policy allows for demonstrated exceptional circumstances to be considered.</li> </ul>
3.	Comments relate to the busy periods for the island and adverse comments made by guests (at submitter’s business), regarding vehicle numbers, use and size. Suggestions for reducing impact or number of vehicles.	<p><i>The draft revised policy considered by the Board in December and subsequently exhibited did not have changes relating directly to the issues raised in this submission. See discussion in covering report.</i></p> <p>It is confirmed that returning guests do comment that vehicle numbers have increased. It is suggested that perceived increases in “traffic” and impacts, is a product of vehicle numbers, type and size, and frequency of use.</p>

	<ul style="list-style-type: none"> <li>• Need greater incentive to adhere to recommended vehicle size rather than just waiving of wharfage fee.</li> <li>• Perhaps a bond be retained to cover return freight to mainland.</li> <li>• Clause 7.1.1 eligibility criteria should be tightened. Person living 2 years on island should not necessarily be entitled to a car, even if they live in a second dwelling on a property.</li> <li>• Recent situation where person with car working during day had vehicle used frequently by others.</li> <li>• Just because a vehicle is for sale on island, should not mean that applicant should be granted permission to have vehicle.</li> <li>• Should be a moratorium on new vehicle importation until the roads are in a better condition (like for like could be permitted).</li> </ul>	<ul style="list-style-type: none"> <li>• There is both a maximum vehicle size within which vehicles are required to comply (CI 3.7 &amp; 3.8) unless a demonstrated alternative is not possible or practical. A much tighter set of criteria for “preferred vehicles” (CI 4.1) qualifies an applicant for incentives including waiving of application and wharfage fees. The exhibited draft policy proposes to increase the maximum vehicle size because the vehicle it is based on (Toyota Hilux) is now larger than the dimensions when the policy was revised in 2017. Increasing size is a concern. However, little alternative is available if a similar type of vehicle is required. It is noted that other vehicles such as the small buses used for guest transport are also increasing in size (eg Toyota Tarago no longer available and Granvia alternative is larger)</li> <li>• Return freight is expensive and a disincentive to complying with the requirement to remove vehicles no longer approved for use (eg when replaced). A bond could be required in a further amendment to the policy but would need to be larger than the transport costs to be effective. Administration and compliance is a significant ongoing challenge.</li> <li>• All applicants need to demonstrate need for vehicle regardless of length of residency. Further restricting eligibility may reduce numbers or increase but would be challenging to implement especially where businesses need vehicles and family or mobility needs are argued.</li> <li>• Noted.</li> <li>• When an application is made to transfer a vehicle, it is made by both the transferor and transferee. Such applications follow the same criteria as an application to import a vehicle including eligibility, demonstrated need, etc.</li> <li>• It is not considered that improved road surface condition would increase the capacity for vehicle numbers.</li> </ul>
4	<ul style="list-style-type: none"> <li>• Large vehicles are a problem especially for cyclists who can be forced off the road by larger vehicles. Asking for stronger justification before larger (hilux style) vehicles approved.</li> </ul>	<ul style="list-style-type: none"> <li>• There is a max vehicle size specified in the adopted policy and proposed to be increased in the draft changes because manufacturers no longer make vehicles (such as Hilux or</li> </ul>

	<ul style="list-style-type: none"> <li>• Long periods before vehicles removed. Can a bond be required that is refunded when the vehicle is removed.</li>   <li>• Noise pollution especially by some replica style motorcycles.</li> <li>•</li> <li>• Request that staff in dwellings not be allowed to have vehicle approval even if they have been resident for 2 years.</li> <li>• Not allowing bullbars is supported but feels some “jacked up” cars should not be allowed.</li> </ul>	<p>Triton) within those dimensions. The Board recognises that these vehicles may be required for towing boats, taking waste, etc. Elected Board members often refuse to approve an application unless justification is made for the vehicle size requested. Further policy review might seek incentives or controls to address this, although the trend for larger vehicles by manufacturers is a problem.</p> <ul style="list-style-type: none"> <li>• Return freight is expensive and a disincentive to complying with the requirement to remove vehicles no longer approved for use (eg when replaced). A bond could be required in a further amendment to the policy but would need to be larger than the transport costs to be effective. Administration and compliance is a significant ongoing challenge.</li> <li>• Legal limits apply to motor vehicles. This is a matter for Police or EPA enforcement.</li> <li>• Current policy allows a private vehicle per dwelling on a lease, but also requires justification for any vehicle.</li> <li>• The current policy and proposed changes do not address this. However, it is noted that vehicles do have to be legally roadworthy.</li> </ul>
5	<ul style="list-style-type: none"> <li>• Welcome changes to e-bike policy change for commercial operators. Would trial these for their guests.</li> <li>• Additional hire car licence suggested for their lodge. Believes this would reduce vehicle movements associated with deliveries of meals and guests to various island locations. Would welcome opportunity to bid for licence.</li>   <li>• Further comment: Most frequent complaint in guests feedback surveys is that no e-bikes available. Embarrassing because they are so common elsewhere that guests assume their availability.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li>   <li>• The policy (CI 8.5 9 (a)) allows the Board to approve up to eight (8) hire vehicles. Currently there are eight (8) hire vehicles approved. These are not transferable without the Board’s written approval. These are to be “preferable vehicles” (CI 8.5 (f)), unless otherwise approved by the Board. The Board can revise this quota at any time subject to a demonstrated business need (CI 8.5 (a)).</li> <li>• Noted.</li> </ul>

# LORD HOWE ISLAND BOARD DRAFT POLICY

<b>TITLE</b>	<b>Vehicle Importation, Transfer and Use Policy</b>		
<b>DATE ADOPTED</b>	December 2006	<b>AGENDA ITEM</b>	8 (ii) December 2006
<b>CURRENT VERSION</b>	December 2021	<b>AGENDA ITEM</b>	15 (ii) December 2021
<b>REVIEW</b>	Biannually	<b>RECORD NUMBER</b>	ED17/765
<b>ASSOCIATED LEGISLATION</b>	<i>Lord Howe Island Act 1953 (NSW)</i> <i>Lord Howe Island Regulation 2014 (NSW)</i> <i>Local Government Act 1993</i>		
<b>ASSOCIATED POLICIES</b>	N/A		

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## 1 Policy Overview

The aim of this policy is to work towards limiting the overall number and impact of vehicle movements on the island's road system, with a particular focus on the types of vehicles driven on the island. The vision is for the Island's fleet to consist of a limited number of low impact vehicles, with electric vehicles being encouraged.

The Board has developed this policy to guide its management of vehicles on the island, in accordance with the provisions of the Lord Howe Island Regulation 2014. The policy is to guide the Board's use of the powers provided for under the Regulation regarding motor vehicles so that vehicle and traffic management is aligned with the expectations and aspirations of the community, and with the island's environment and economy.

The Board will determine whether the importation of a vehicle is in the public interest and consider the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts on the island. Unless otherwise provided for under this policy, no entitlement to import or use a vehicle is provided for. All applications to import or transfer and use a vehicle will need to demonstrate a genuine need for the import or transfer, and use of a vehicle, and for the vehicle selected.

In particular, the Board will manage vehicle importation to limit the number of vehicles on the island, and the frequency and intensity of their use, to ensure that the impacts of vehicles and traffic on the island are minimised.

The Board recognises that the frequency and intensity of vehicle use are major influences on road safety, aesthetics and ambience of the island and where possible should be kept to a minimum.

The Board will continue to review and develop the policy, and associated programs and initiatives. These reviews will occur biannually.

## 2 Legislative Framework

The Board's power to regulate motor vehicles on Lord Howe Island is established under Part 6 of the *Lord Howe Island Regulation 2014*, in particular clauses 84, 86 and 87. Essentially, the Board's approval is required for any importation of a vehicle to the island (c 84), hire of motor vehicles (c86) and for any use of that vehicle on the island, including how a vehicle is used (c 87).

### *84 Approval to import motor vehicles*

*(1) A person must not, except in accordance with the approval of the Board, bring a motor vehicle onto the Island.*

*Maximum penalty: 50 penalty units.*

*(2) An application for approval to bring a motor vehicle onto the Island must relate to one vehicle only.*

### *86 Hire of motor vehicles*

*(1) A person must not, except in accordance with the approval of the Board, hire or offer for hire a motor vehicle to any other person for use on the Island.*

*Maximum penalty: 50 penalty units.*

*(2) This clause applies whether or not the person from whom the motor vehicle is or is to be hired, or any employee or agent of that person, is to drive or ride the motor vehicle.*

### *87 Use of motor vehicles*

*(1) A person must not drive or ride a motor vehicle on the Island unless the Board has given its*



*approval to the use of that vehicle on the Island.*

- (2) *A person who has obtained the approval of the Board under this clause may drive or ride the motor vehicle concerned only in accordance with that approval.*

### 2.1 Relevant Legislative Provisions Relating To Approvals:

Under Part 1, clause 4 (2) of the *Lord Howe Island Regulation 2014*, any approval given by the Board is subject to Chapter 7, Part 1, Division 3 of the Local Government Act 1993. This part of the Local Government Act (LG Act) specifies how approvals are to be applied for, made, amended and terminated. In particular, under Section 94 of the LG Act, the Board may apply conditions to any approval, and may apply a time limit on any approval. Under Section 103 of the LG Act, an approval, unless otherwise specified, lapses by default after five (5) years.

### 3 Definitions

#### 3.1 Motor Vehicle (from here on referred to as a "vehicle"):

As defined under the *Lord Howe Island Regulation 2014* (c 83):

*A motor vehicle means a vehicle (other than an aircraft or a vessel) propelled by volatile spirit, steam, gas, oil or electricity and includes:*

- (a) An incomplete or partially constructed motor vehicle; or*
- (b) The chassis, body, frame or remains of a motor vehicle; or*
- (c) A trailer or caravan.*

**Note:** For the purpose of this policy, the above definition includes motor vehicles, motorbikes, mopeds (pedal assisted or non pedal assisted), motor scooters, mini bikes, quad bikes, trikes etc whether the motor is a permanent or temporary fixture and regardless of whether a motor vehicle licence or registration is required. A Power Assisted Pedal Cycle as defined by the NSW Roads and Maritime Services (RMS) is not considered a Motor Vehicle under this Policy.

#### 3.2 Reside

As defined under the *Lord Howe Island Act 1953*.

#### 3.3 Dwelling

As defined under the *Lord Howe Island Local Environment Plan 2010* and the Board's policy definition of a Separate Domicile, but not including Staff Accommodation as defined under *Lord Howe Island LEP 2010*.

#### 3.4 Tenant

A person who lawfully occupies an approved dwelling on the island under a tenancy arrangement in accordance with the *NSW Residential Tenancy Act*.

#### 3.5 Essential Services

Essential services for the purpose of this policy are set out in the Schedule of Essential Services

#### 3.6 Vehicle Hire

To hire, attempt to hire, expose for hire or solicit for hire any vehicle on the island, to any person, for

money or other consideration of any kind.

### 3.7 Vehicles for Private Use

For the purpose of this policy, any lawful use of a vehicle, including activities approved in a business licence issued under clause 49 of the *Lord Howe Island Regulation 2014*, but not including vehicle hire.

As a result of community concern over road safety, the Board has introduced maximum size of a vehicle for private use permissible on the island is:

- a) Length 5330 mm (not including tow ball);
- b) Width 1855 mm (not including side mirrors); and
- c) Height 1815 mm (not including roof racks or roll bars or headboard on the tray).

Note: this maximum size requirement does not apply to vehicles previously approved.

### 3.8 Vehicles for Commercial Use

For the purpose of this policy, any vehicle which has been specifically applied for and approved under the policy provisions relating to Commercial Vehicles.

As a result of community concern over the number of outsized vehicles, the Board has introduced a maximum size of a standard vehicle for commercial use permissible on the island, which is based on the current model of a 2 wheel drive Toyota Hilux utility, which in 2020 was:

- a) Length 5330mm (not including tow ball);
- b) Width 1855mm (not including side mirrors); and
- c) Height 1815 mm (not including roof racks, roll bars or headboard on the tray).

Note: this maximum size requirement does not apply to vehicles previously approved.

Where a vehicle with different dimensions to the standard is required for specialised work, the case must be made as to why a non-standard vehicle should be approved.

### 3.9 Commercial Use

To sell or hire, attempt to sell or hire, expose for sale, hire or profit or solicit for sale, hire or profit any article, thing or service to any person, or conduct, or assist in the conduct of, any amusement, entertainment, instruction, performance or activity for money or other consideration of any kind.

### 3.10 Power Assisted Pedal Cycle

A Power-Assisted Pedal Cycle under this policy is defined by the NSW RMS.

A Power-Assisted Pedal Cycle is designed to be propelled solely by human power and has one or more auxiliary (electric) propulsion motors attached to assist the rider. This means that it must be possible to propel the bicycle only by the rider pedalling it. The primary driving force should be the rider, and the motor is only intended to help the rider, such as when going uphill or cycling into a headwind, or to cycle at a speed they cannot maintain solely by pedalling. ~~the main source of propulsion for the power-assisted pedal cycle is human, and the motor is only designed to assist rather than replace the rider.~~

Power Assisted Pedal Cycles are to meet NSW RMS vehicle standards and it is noted that they not

permitted to propel the bicycle when the rider is not pedalling (an optional low-speed start-up mode that allows the motor to power the cycle up to 6 km/h). ~~Power Assisted Pedal Cycles are only permitted for private use without approval. They are not allowed to be used for Hire purposes unless approval has been granted by the Board.~~

### 3.11 Motorised wheelchairs and mobility scooters

A motorised wheelchair under this policy is defined by Transport for NSW.

Motorised wheelchairs are mobility aids with two or more wheels and have a top speed of 10km/h on level ground. Mobility scooters or 'gophers' are classified as motorised wheelchairs. A motorised wheelchair does not include a wheeled recreational device such as a motor scooter, pram, stroller, trolley or any other motor-assisted machine.

Motorised wheelchairs are only permitted for private use without approval. They are not allowed to be used for Hire purposes unless approval has been granted by the LHI Board.

### 3.12 Bull bars/Roo bars/Nudge bars

Bull bars/roo bars etc are not permitted to be imported on a vehicle or added to a vehicle on LHI unless approval is given by the CEO of the Board. The CEO may only grant approval for a request for a bull bar/roo bar if it includes a winch and if it can be satisfactorily demonstrated that the winch is essential to the vehicle's use.

Where it can be demonstrated that vehicles come standard with a 'nudge bar' the CEO of the Board will take this into consideration when assessing a request to import a vehicle.

Second-hand vehicles with a bull bar already attached will be required to have the bull bar/roo bar removed prior to importation to island.

Note: this item does not apply to vehicles which have bull bars/roo bars and have previously been approved for importation to the Island .

It is noted that all vehicles must comply with Australian Design Rules to ensure they are safe. Therefore when a bullbar is removed from a vehicle it must be restored to a compliant condition including replacing any body or bumper panels to ensure pedestrian and occupant safety.

## 4 Vehicle Types

Any vehicle which is approved by the Board for importation and use on the islands roads, other than plant and equipment, or motor assisted pedal bicycles, unless required by law, must be registrable and registered in the State of NSW.

### 4.1 Preferred Vehicles

The Board will give preference, by way of incentives, to the importation and use of small and low impact vehicles which are either:

- a) A motor vehicle meeting the following requirements:
  - i. Have a Vehicle Kerb weight\mass of less than 1154kg; and
  - ii. Generate noise less than 82 dba (data on noise emissions provided in green vehicle guide [www.greenvehicleguide.gov.au](http://www.greenvehicleguide.gov.au)); and

- iii. Have vehicle size “footprint”
  - Length 4000 mm (max)
  - Width 1700 mm (max)
  - Height 1720 mm (max)
  
- b) Electric Vehicles:
  - i. Electric vehicles include any vehicle that has battery storage and has an electricity plug-in recharge capacity. These vehicles (or the batteries for these vehicles) must have the ability to be plugged into an electricity power point connected to the LHI Grid.
  - ii. Hybrid electric vehicles that do not have a plug in recharge capacity are not deemed electric vehicles for the purpose of this policy.
  - iii. Electric vehicles for private use must not exceed the maximum vehicle footprint as defined under Section 3.
  
- c) Motor Scooters:
  - i. 4 stroke motor scooters with a maximum capacity of 250cc.

#### **4.2 Other Vehicles**

Any other vehicle may be imported subject to this policy. The Board will retain absolute discretion in determining an application and will consider whether the importation of a vehicle is in the public interest and the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts on the island.

#### **4.3 Boat Trailers**

Approval to import and use boat trailers will be at the discretion of the Board subject to application on the prescribed form.

#### **4.4 Box Trailers**

Approval to import and use box trailers will be at the discretion of the Board subject to application on the prescribed form.

#### **4.5 Caravans**

The importation of caravans is prohibited under this policy.

#### **4.6 Specialist / Other Trailers**

Approval to import and use will be at the discretion of the Board and subject to application on the prescribed form.

#### **4.7 Plant and Equipment**

Plant and Equipment – being any conditionally registered or non-registrable vehicles such as tractors, forklifts, excavators, backhoes etc. Approval to import and use will be at the discretion of the Board and subject to written application in accordance with this Policy.

This provisions of this Policy do not relate to:

- a) Ride-on Lawn Mowers, Dingo Diggers and similar plant. Importation and use of such plant by

an eligible person will be deemed to be approved by the Board.

## 5 Fees

### 5.1 Importation or Transfer

- a) Vehicles meeting the Board's Preferred Vehicle criteria will be exempt from the importation application fee.
- b) A non-refundable application fee (as listed in the LHIB Fees and Charges) per vehicle will apply to all applications for the importation or transfer of vehicles which do not meet the Board's Preferred Vehicle criteria.
- c) A non-refundable application fee (as listed in the LHIB Fees and Charges) per vehicle will apply to all applications to renew a commercial vehicle or hire vehicle approval.
- d) Box trailers will be exempt from the above fee.
- e) Boat trailers will be exempt from the above fee.

## 6 Incentives

- a) Vehicles meeting the Board's Preferred Vehicle criteria will be exempt from the Board's wharfage fee for the vehicle.
- b) Box trailers will be exempt from the wharfage fee for the vehicle (limit of one exemption per lease).

## 7 Eligibility to Import and Use

Unless otherwise provided for under this policy, no entitlement to import or use a vehicle is provided for. All applications to import or transfer and use a vehicle, including boat trailers and box trailers, will need to demonstrate a genuine need for the import or transfer, and use of a vehicle, and for the vehicle selected.

The Board reserves the right to reject any application for any vehicle where it believes that a vehicle is not in the public interest and/or the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts will be unacceptable for the island and/or where an applicant has failed to adequately justify the need for a proposed vehicle.

An application to import or transfer and use a vehicle must be made on the prescribed form and include any additional information as the Board may require or the applicant wishes to provide.

### 7.1 Eligibility

The following persons will be eligible to apply to import or transfer a vehicle:

#### 7.1.1 Vehicles for Private Use

- 1) A person who resides in an approved dwelling on a Perpetual Lease, either as: the holder, owner, or sub-lessee of the lease or; as the owner-occupant of a multiple occupancy or; by way of a current tenancy agreement under the *NSW Residential Tenancy Act 1987* and
  - a) has resided on the island for a continuous period of 24 months at time of application. (Proof of Tenancy will be required and should be supplied with application); and
  - b) has no existing approval for a commercial vehicle which is suitable for private use; and
  - c) does not reside with another person who has approval for a Commercial vehicle which is suitable for private use.
- 2) An employee of an Essential Service provider (other than the Board) who does not have access

to the private use of a vehicle provided by the Essential Service may apply to import or transfer a preferred vehicle if they can demonstrate to the Board a genuine need for the vehicle. This will only apply where the employee will occupy the position for a period greater than 12 months and is subject to any specification set out in the schedule of Essential Service entitlements. Any approval will be in accordance with this policy. Approval under this clause will be terminated at the cessation of employment with the Essential Service provider.

- 3) Lord Howe Island Board employees other than a person described in a), may after 12 months service staff apply to import a preferred vehicle in accordance with the Board's vehicle importation and use policy. Applications must demonstrate need for vehicle in accordance with this policy. Any approval will be in accordance with this policy. Approval to import vehicle will result in termination of private use rights of LHI Board vehicle. Approval under this clause will be terminated at the cessation of employment with the Board.
- 4) A person who can demonstrate exceptional circumstance which cannot be addressed by this policy. In such cases, the Board may exercise discretion, provided that the applicant has demonstrated that no viable alternative to the importation and use of a vehicle exists.

#### 7.1.2 Vehicles for Commercial Use

A person as per 1) under **Private Use Eligibility** who operates an approved business on the island and can demonstrate to the satisfaction of the Board that the business requires the use of a vehicle and that the business need cannot be met from the existing island fleet.

Note: In general, the Board will only consider approval for a commercial vehicle for businesses which need to transport clients and guests and/or goods and equipment and then only when the business need cannot be serviced from an existing allocation within the island's fleet. [Power Assisted Pedal cycles will not be approved for commercial use.](#)

#### 7.1.3 Vehicles for Essential Services

Any authorised officer of an approved Essential Service, as set out in the Schedule of Essential Services in this Policy.

#### 7.1.4 Vehicles for Hire

- a) Any person eligible under this policy who is also eligible to hold a business licence under clause 49 of the *Lord Howe Island Regulation 2014*.
- b) The Board may from time to time hire out vehicles from its existing fleet where the proposed hire arrangement does not replicate or compete with an arrangement which could be provided by an approved hire vehicle operator as per a).

#### 7.2 Use

Any person who is lawfully entitled to do so, may use a vehicle on the island, and such persons will be deemed to have the approval of the Board to do so, subject to that use complying with this policy, and any conditions applying to any approval given under this policy.

All vehicles will be used on the island in accordance with all relevant State and Commonwealth legislation, policies and procedures.

#### 7.3 Private and Commercial Use

Unless otherwise provided for in this policy, vehicles approved for private and/or commercial use may be used for any lawful purpose, including commercial use, except hire of the vehicle, provided that

any commercial use is associated with an approved business on the island.

Where a person has approval for a private use vehicle and a commercial use vehicle, the commercial use vehicle cannot be used for private use.

#### 7.4 Essential Services

Vehicles approved for essential services are to be used exclusively by the essential service provider and its employees or agents for its official business. Board approval is required for Private Use of Essential Service vehicles. Private use will be limited to transferred officers of the Essential Service where the Essential Service provider has a documented policy applying to its employees or agents which allows for other uses.

Use restrictions will be set out as conditions of approval.

#### 7.5 Hire Vehicle Use

Hire vehicles may be used for any lawful purpose, including commercial activity provided that the commercial activity is associated with an approved business on the island. Any hiring of a vehicle on the island will be subject to a lawful and documented hire agreement between the approved person (the hirer) and a person who has entered into such an agreement with the hirer (the hiree).

### 8 Allocations

The Board may approve up to the following allocations to eligible persons (refer to Eligibility provision), subject to demonstrated need.

#### 8.1 Private Use

One (1) vehicle per approved dwelling.

#### 8.2 Commercial Use

One (1) vehicle per approved business licence. Where a person holds multiple business licences, additional vehicles will only be considered where there is a demonstrated need. Access to private use vehicles will be considered when assessing need.

#### 8.3 Essential Services Allocation

Essential Services will be eligible to import vehicles as follows:

#### 8.4 Schedule of Essential Services

ESSENTIAL SERVICE	VEHICLE ALLOCATION
Lord Howe Island Board	A fleet comprising of all vehicle types, being the minimum number of vehicles required to ensure the safe, effective and efficient delivery of the Board's charter, to a maximum of 13 road going vehicles.
NSW Police	1 Vehicle
NSW MPA	1 Vehicle
Bureau of Meteorology	1 Vehicle
NSW Education	1 Vehicle

NSW Health	1 Vehicle – Ambulance
Doctor (GP)	1 Vehicle
NSW RFS	1 Vehicle – Fire Engine
NSW SES	1 Vehicle – Emergency Response Vehicle
NSW Marine Rescue	1 boat trailer (with RIB)

### 8.5 Additional Vehicle Allocation for Hire Car Use

The *Lord Howe Island Regulation 2014* requires a separate approval for the use of a motor vehicle as a hire vehicle.

Clause 86 of that Regulation states that:

*(1) A person must not, except in accordance with the approval of the Board, hire or offer for hire a motor vehicle to any other person for use on the Island.*

*(2) This clause applies whether or not the person from whom the motor vehicle is or is to be hired, or any employee or agent of that person, is to drive or ride the motor vehicle.*

In addition to any other allocation:

- a) The Board may approve up to (8) additional vehicles on the island for use as hire vehicles. The Board reserves the right to revise this quota at any time subject to a demonstrated business need.
- b) The Board will review on an annual basis the fee charged for approval to use a car as a hire vehicle.
- c) Hire Car approvals are not transferable without the written approval of the Board.
- d) In addition to any fee applied for approval to hire a car on the island, the Board reserves the right to apply a transfer fee to any transfer of a hire car approval.
- e) Up to 4 vehicles may be allocated per applicant, to an island total of 8 hire cars.
- f) Vehicles are to be Preferred Vehicles unless otherwise agreed to by the Board.

### 9 Review of Applications

In determining any application to import or transfer a vehicle, where the application is proposed to be refused, or where the CEO believes that the application will prove controversial, the CEO will consult with, and document the majority view of the elected members regarding the application.

Where the CEO intends determining the application contrary to the majority view of the elected members, the CEO will document the reasons for doing so and provide a written briefing to the Chairperson, who will determine the matter in consultation with the Board.

### 10 Approval Periods – Importation and Use

#### 10.1 Private Use Approval Period

Approval to import a vehicle for Private Use will be six (6) months. If the vehicle is not imported within that time, the approval to import will lapse and a new application must be made.

#### 10.2 Commercial Approval Period

- a) Approval to import a vehicle for Commercial Use will be three (3) months. If the vehicle is not



imported within that time, the approval to import will lapse and a new application must be made.

- b) Approval to use a commercial vehicle on the island will cease when the business ceases, as evidenced by termination of a business licence.
- c) A commercial vehicle cannot be used for private use where a person also has approval for a private vehicle (other than when the private use vehicle is a motor bike, motor scooter etc).

### 10.3 Hire Vehicle Approval Period

- a) Approval to import a vehicle under Hire Vehicle allocation will be six (6) months. If the vehicle is not imported within that time, the approval to import will lapse and a new application must be made.
- b) Approval to use a Hire Vehicle on the island will, unless otherwise varied at the discretion of the Board, be for five (5) years, subject to annual review. At the end of the approval period, the owner of the vehicle must reapply to retain and use the vehicle on the island, based on a demonstrated business need. Note renewal fees apply.

## 11 Approval Conditions

The Board may apply such conditions as it deems necessary to any approval to import and/or use a vehicle on the island. In particular, the Board will apply conditions to safeguard the public interest and to minimise the impacts of vehicle use on the natural, built, social and economic environment of the island.

For any vehicle (including a trailer, plant and equipment) to be imported, the importer must provide a statutory declaration stating that the vehicle has been inspected and cleaned with a high pressure hose to ensure that no weeds, seeds, insects, spiders, etc. are transported to the island. Such a declaration is required to be submitted to the Board prior to the vehicle leaving the mainland.

Approvals to import a vehicle for private use will be specific for the applicant and a dwelling. The approval will include details of the dwelling where the vehicles are allocated.

Where the circumstances of the owner of an approved private vehicle change resulting in a new place of residence (approved dwelling) on Lord Howe Island, the vehicle approval is terminated. The owner of the vehicle must reapply under the conditions of this policy. The vehicle owners' circumstances will be considered when assessing this new application and special consideration may be given.

Where the owner of a private use vehicle leaves the island the vehicle must be garaged at the approved dwelling and the approval to use the vehicle is suspended until the owner returns to the island. In circumstances where the vehicle is used by a family member who normally resides with the vehicle owner and does not have access to another private use vehicle, the family member may continue to use the vehicle during the period of owner absence.

In the case of deceased estates, where a private use vehicle is attached to the dwelling of the deceased, the vehicle must remain garaged at the approved dwelling and its use suspended until the administration of the estate has been completed. Where the executor or a caretaker living on the estate does not have access to another private use vehicle, these persons may use the vehicle during the period of administration.

In determining any development consent in its role as a Consent Authority under the *NSW Planning and Assessment Act 1979*, or application for a Business Licence under clause 49 of the *Lord Howe Island Regulation 2014*, the Board will consider: whether the development and/or activity will require the importation and use of vehicles additional to those provided for under the **Private Use Allocation**

and the potential impact of the importation and use of the vehicle/s including whether it is in the public interest and whether the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts will be unacceptable for the island.

### 11.1 Breach of Approval

Failure to comply with the conditions of approval will be deemed a breach of the Board's approval and may result in that approval being withdrawn and the vehicle being removed from the island.

Where the Board believes a Breach of the approval has occurred, the Board's Administration will write to the vehicle owner advising them of the alleged breach and asking them to respond to the allegation and justify as to why their approval should not be revoked. Vehicle owners will have 14 calendar days to respond. Failure to respond within the prescribed timeframe will result in immediate revocation of approval.

Following termination of approval the Board's Administration will write to the vehicle owner of this revocation of approval instructing the vehicle owner to not use the vehicle and remove the vehicle from the island within 60 days.

Vehicle Owners may reapply to the Board for approval. Until approval has been granted the vehicle is not to be used.

## 12 Vehicle Replacement

Unless a case for exceptional circumstances can be established to the satisfaction of the Board, replacement of vehicles will be on a 'one on – one off' basis, ~~where the replacement vehicle has the same (+ 10% subject to the discretion of the Board) or smaller engine capacity and tare weight as the vehicle being replaced.~~

Where the applicant has another vehicle (commercial or private use) that is suitable for use, the applicant must demonstrate the need to replace the vehicle.

## 13 Vehicle Transfers

Vehicle approvals will not be transferable without the written approval of the Board. Prior to granting an approval, the Board needs to be satisfied that there is a demonstrated need for the transfer. Failure to demonstrate that need will result in approval not being granted.

Applications to transfer will be made on the prescribed form and will be determined in accordance with this policy.

In addition to any fee applied for lodging an application seeking approval of a vehicle on the island, the Board reserves the right to apply a transfer application fee to any request to transfer any vehicle.

In the case of a private vehicle, the transfer fee will be the equivalent of the appropriate importation fee.

## 14 Delegations

The Chief Executive Officer of the Board is delegated to determine any application made under this policy, provided that the application complies with this policy.

The Chief Executive Officer of the Board is delegated to suspend or withdraw any approval given under this policy where it can be established to the satisfaction of that officer that a significant breach of the conditions of approval has occurred.

In determining any application to import or transfer a vehicle, where the application is proposed to be refused, or where the CEO believes that the application will prove controversial, the CEO will consult with, and document the majority view of the elected members regarding the application.

Where the CEO intends determining the application contrary to the majority view of the elected members, the CEO will document the reasons for doing so and provide a written briefing to the Chairperson, who will determine the matter in consultation with the Board.

## 15 Reporting and Monitoring

The Lord Howe Island Board will maintain a Vehicle Approvals Register, which will include:

- a) The names, addresses and number and type of vehicles of persons approved to import and use a vehicle;
- b) Category of Approval (Private, Commercial, Hire etc);
- c) Conditions of Approval;
- d) Approval Period;
- e) Types of Vehicles Held; and
- f) Registration Details of all Vehicles Held.

The Chief Executive Officer of the Board will provide to the Board at each meeting, a report on:

- a) Vehicle applications approved or rejected since the last meeting and a statement detailing the reasons for approval or rejection addressing the matters required to be considered in the Policy and any alternatives to the importation and use of the vehicle;
- b) Cumulative total of vehicles on the island at the time of the report, including a breakdown of vehicle types and use (ie essential, commercial, private, hire etc).

**16 Attachment: Information for Applicants**

DRAFT

# LORD HOWE ISLAND BOARD

## VEHICLE IMPORTATION, TRANSFER AND USE POLICY

### Eligibility to Import or Transfer and Use: Information for Applicants

Commented [AS1]: Proposed section to be deleted as per business paper

Please read carefully, as once an application is accepted, the \$20~~50~~ fee is not refundable, regardless of the outcome of your application.

Applicants should ensure eligibility before applying and should refer to the full Lord Howe Island Board *Vehicle Importation, Transfer and Use Policy* (the Policy) for further information.

All applications to import or transfer and use a vehicle will need to demonstrate a genuine need for the import or transfer, and use of a vehicle, and for the vehicle selected. The Board reserves the right to reject any application for any vehicle where it believes that a vehicle is not in the public interest and/or the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts will be unacceptable for the island and/or where an applicant has failed to adequately justify the need for a proposed vehicle. An application to import or transfer and use a vehicle must be made on the prescribed form and include any additional information as the Board may require or the applicant wishes to provide.

If you are making an application to import or transfer, and use a vehicle on Lord Howe Island you will need to comply with one of the following eligibility criteria.

#### ELIGIBILITY

##### Vehicles for Private Use

- a) A person who resides in an approved dwelling on a Perpetual Lease, either as: the holder, owner, or sub-lessee of the lease or; as the owner-occupant of a multiple occupancy or ; by way of a current tenancy agreement under the *NSW Residential Tenancy Act 1987* and has resided on the island for a continuous period of 24 months at time of application. Proof of Tenancy will be required and should be supplied with application.
- b) An employee of an Essential Service provider (other than the Board) who does not have access to the private use of a vehicle provided by the Essential Service may apply to import or transfer a preferred vehicle if they can demonstrate to the Board a genuine need for the vehicle. This will only apply where the employee will occupy the position for a period greater than 12 months and is subject to any specification set out in the schedule of Essential Service entitlements. Any approval will be in accordance with this policy. Approval under this clause will be terminated at the cessation of employment with the Essential Service provider.
- c) Lord Howe Island Board employees other than a person described in a), may after 12 months service staff apply to import a preferred vehicle in accordance with the Board's vehicle importation and use policy. Applications must demonstrate need for vehicle in accordance with this policy. Any approval will be in accordance with this policy. Approval to import vehicle will result in termination of private use rights of LHI Board vehicle. Approval under this clause will be terminated at the cessation of employment with the Board.
- d) A person who can demonstrate exceptional circumstance which cannot be addressed by this

policy. In such cases, the Board may exercise discretion, provided that the applicant has demonstrated that no viable alternative to the importation and use of a vehicle exists.

- e) A person as per a) under **Private Use Eligibility** who:
  - i. Has no existing approval for a commercial vehicle which is suitable for private use;
  - ii. Does not reside with another person who has approval for a Commercial vehicle which is suitable for private use.

#### **Vehicles for Commercial Use**

A person as per a) under **Private Use Eligibility** who operates an approved business on the island and can demonstrate to the satisfaction of the Board that the business requires the use of a vehicle and that the business need cannot be met from the existing island fleet.

Note: In general, the Board will only consider approval for a commercial vehicle for businesses which need to transport clients and guests and/or goods and equipment and then only when the business need cannot be serviced from an existing allocation within the island's fleet. Motor Assisted Pedal Bicycles will not be approved for commercial use.

#### **Vehicles for Essential Services**

Any authorised officer of an approved Essential Service, as set out in the Schedule of Essential Services in this Policy.

#### **Vehicles for Hire**

- a) Any person eligible under this policy who is also eligible to hold a business licence under clause 49 of the *Lord Howe Island Regulation 2014*.
- b) The Board may from time to time hire out vehicles from its existing fleet where the proposed hire arrangement does not replicate or compete with an arrangement which could be provided by an approved hire vehicle operator as per a).

**17 Attachment: Application to Import a Vehicle**

DRAFT

# LORD HOWE ISLAND BOARD

## APPLICATION TO IMPORT A VEHICLE

### Under Clauses 84 and 87 of the *Lord Howe Island Regulation 2014*

Approval to import and use a vehicle on the island will be subject to the provisions of the *Lord Howe Island Board Vehicle Importation, Transfer and Use Policy* (the Policy). Please read this policy prior to completing this form. No entitlement to import or use a vehicle is provided for under this policy. All applications to import and use a vehicle will need to demonstrate a genuine need for the importation and use of a vehicle, and for the vehicle selected. The Board reserves the right to reject any application for any vehicle where it believes that a vehicle is not in the public interest and/or the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts will be unacceptable for the island and/or where an applicant has failed to adequately justify the need for a proposed vehicle.

Please note that a non-refundable application fee (as listed in the Board's annual fees and charges) applies to the importation of a motor vehicle.

#### APPLICATION FEE

Total fees lodged: ..... Receipt No.: ..... Receiving Officer: .....

#### APPLICANT DETAILS

Name: .....

Address, Lot and Perpetual Lease:.....

Type of dwelling (house, flat, staff accommodation): .....

#### Is this vehicle application for (please select one option):

Private Use  Commercial Use  Essential Service  Hire Use

**On what basis are you eligible to apply for the importation and use of a vehicle under the policy? Please complete the Private, Commercial, Essential or Hire section below:**

**Private Use** Note: Refer section 7.1.1 and 8.1 of the policy.

Please indicate which of the following a,b,c,d or e private use descriptions apply to you:

- a.  Is a person who resides in an approved dwelling on Perpetual Lease as either:
  - i.  the holder/owner OR
  - ii.  sub-lessee of the lease OR
  - iii.  as the owner-occupant of a multiple occupancy OR
  - iv.  by way of a current tenancy agreement under the NSW Residential Tenancy Act 1987AND  Has resided on the island for a continuous period of 24 months at time of application. Proof of Tenancy will be required and should be supplied with application. OR
- b.  An employee of an Essential Service provider (for more information refer to the Policy) OR
- c.  Lord Howe Island Board employees other than a person described in a) (for more information refer to the Policy) OR
- d.  A person who can demonstrate exceptional circumstance which cannot be addressed by this policy. Application demonstrates that there is no viable alternative to the importation and use of a vehicle as attached. OR
- e.  A person as per a) under Private Use Eligibility who:
  - i. has no existing approval for a commercial vehicle which is suitable for private use
  - ii. Does not reside with another person who has approval for a Commercial vehicle which is suitable for private use.



**Commercial**

Note: Refer section 7.1.2 and 8.2 the policy.

A person who meets the private use eligibility (also complete private use section a – e above), who operates an approved business on the island and can demonstrate to the satisfaction of the Board that the business requires the use of a vehicle and that the business need cannot be met from the existing island fleet.

Name of approved business: .....

**Essential**

Note: Refer section 7.1.3 and 8.4 the policy.

Name of essential service provider as per Schedule of Essential Services in the policy: .....

**Hire**

Note: Refer section 7.1.4, 7.5 and 8.5 the policy.

Name of business licence and approved hire car permit holder: .....

---

**VEHICLE TO BE IMPORTED**

Make: ..... Model: .....

Engine Capacity: ..... No. of Cylinders: .....

Body Type (e.g. Hatch, Station wagon, Utility): .....

Unladen Weight (in Tonnes or Kgs): .....

4WD or 2WD: ..... Registration No.: .....

Fuel Type (e.g. Petrol, Diesel, Electric): .....

Dimensions of vehicle: See maximum vehicle size limits in section 3.7 and 3.8 of this policy.

Length (mm): ..... Width (mm): ..... Height (mm): .....

**Is this vehicle a preferred vehicle as per section 4.1 of the Vehicle, Importation, Transfer and Use policy?**

- a)  A motor vehicle meeting the requirements as per 4.1 (a) of the policy?
- b)  Electric Vehicle meeting the requirements as per 4.1 (b) of the policy?
- c)  Motor Scooters meeting the requirements as per 4.1 (c) of the policy?

If the vehicle applied for meets the Board's preferred vehicle criteria, the Board will give preference, by way of incentives, to the importation and use of small and low impact vehicles (see section 5.1 (a) and 6 (a) of the policy). To receive the incentives, please provide a copy of your vehicle's registration paper and wharfage invoice on importation of your vehicle and a short letter or email requesting reimbursement of the incentives.

**Is this vehicle electric or hybrid?**

Yes                      No

**Is a Bull bars/Roo bars/Nudge bar fitted?** Refer section 3.12 of the policy and demonstrate that the winch is essential to the vehicle's use.

Yes                      No

.....

---

**Is this vehicle applied for second hand (please circle)?**

Yes No

NOTE: If the vehicle is second hand it will be necessary for you to provide a statutory declaration stating that the vehicle has been inspected and cleaned with high pressure hoses to ensure no weed seeds, bugs, spiders etc are transported to the Island. This declaration must be submitted to the Board prior to the vehicle leaving the mainland.

Do you own or have use of other vehicles on the island?

Yes No

NOTE: 'Vehicle' includes a road registered/registrable motorcycle or scooter.

If yes, please specify:

MAKE	MODEL	REGISTRATION	APPROVED USE e.g. Private, Commercial, Essential

Will the vehicle to be imported replace one of the above vehicles?

Yes No

If yes, which vehicle is being replaced? .....

NOTE: Unless otherwise approved by the Board, the vehicle being replaced must be removed from the island within the timeframe specified by the Board.

Please provide a detailed justification of why you require a vehicle and the specific vehicle applied for:

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NOTE: Please attach an additional sheet if space is inadequate.

Please state whether you considered alternatives to the vehicle selected, including an alternative form of transport:

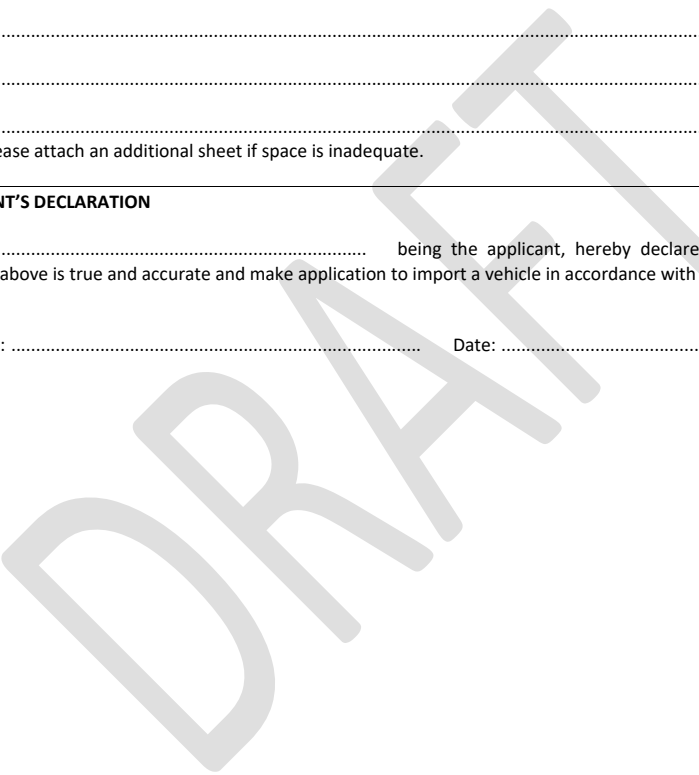
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NOTE: Please attach an additional sheet if space is inadequate.

**APPLICANT'S DECLARATION**

I ..... being the applicant, hereby declare that the information provided above is true and accurate and make application to import a vehicle in accordance with the above.

Signature: ..... Date: .....



**18 Attachment: Application to Transfer a Vehicle**

DRAFT

# LORD HOWE ISLAND BOARD

## APPLICATION TO TRANSFER A VEHICLE

### Under Clauses 84 and 87 of the *Lord Howe Island Regulation 2014*

Approval to transfer and use a vehicle on the island will be subject to the provisions of the *Lord Howe Island Board Vehicle Importation, Transfer and Use Policy* (the Policy). Please read this policy prior to completing this form. No entitlement to transfer or use a vehicle is provided for under this policy. All applications to transfer and use a vehicle will need to demonstrate a genuine need for the transfer and use of a vehicle, and for the vehicle selected. The Board reserves the right to reject any application for any vehicle where it believes that a vehicle is not in the public interest and/or the likely impacts of the vehicle, including environmental impacts on both the natural and built environments, and social and economic impacts will be unacceptable for the island and/or where an applicant has failed to adequately justify the need for a proposed vehicle.

Please note that a non-refundable application fee (as listed in the Board's annual fees and charges) applies to the transfer of a motor vehicle.

NOTE: In the case of a commercial vehicle, including a private vehicle which is transferred as a commercial vehicle, the Board will require the transferor and the proposed transferee to provide a Statutory Declaration stating that the proposed price to be paid between those parties regarding the transfer of the vehicle is no greater than current market value of the vehicle, plus freight and wharfage costs. The Board will levy a non-refundable application fee of no greater than 10% of that amount.

#### APPLICATION FEE

Total fees lodged: ..... Receipt No.: ..... Receiving Officer: .....

#### TRANSFEROR DETAILS (Person selling vehicle)

Name: .....

Address, Lot and Perpetual Lease:.....

#### TRANSFeree DETAILS (Person buying vehicle)

Name: .....

Address, Lot and Perpetual Lease:.....

Type of dwelling (house, flat, staff accommodation): .....

#### Is this vehicle application for (please select one option):

Private Use       Commercial Use       Essential Service       Hire Use

On what basis are you eligible to apply for the importation and use of a vehicle under the policy? Please complete the Private, Commercial, Essential or Hire section below:

#### Private Use

Note: Refer section 7.1.1 and 8.1 of the policy.

Please indicate which of the following a,b,c,d or e private use descriptions apply to you:

- a.  Is a person who resides in an approved dwelling on Perpetual Lease as either:
- i.  the holder/owner OR
  - ii.  sub-lessee of the lease OR
  - iii.  as the owner-occupant of a multiple occupancy OR

- iv.  by way of a current tenancy agreement under the NSW Residential Tenancy Act 1987 AND  Has resided on the island for a continuous period of 24 months at time of application. Proof of Tenancy will be required and should be supplied with application. OR
- b.  An employee of an Essential Service provider (for more information refer to the Policy) OR
- c.  Lord Howe Island Board employees other than a person described in a) (for more information refer to the Policy) OR
- d.  A person who can demonstrate exceptional circumstance which cannot be addressed by this policy. Application demonstrates that there is no viable alternative to the importation and use of a vehicle as attached. OR
- e.  A person as per a) under Private Use Eligibility who:
  - i. has no existing approval for a commercial vehicle which is suitable for private use
  - ii. Does not reside with another person who has approval for a Commercial vehicle which is suitable for private use.

**Commercial** Note: Refer section 7.1.2 and 8.2 the policy.

A person who meets the private use eligibility (also complete private use section a – e above), who operates an approved business on the island and can demonstrate to the satisfaction of the Board that the business requires the use of a vehicle and that the business need cannot be met from the existing island fleet.

Name of approved business: .....

**Essential** Note: Refer section 7.1.3 and 8.4 the policy.

Name of essential service provider as per Schedule of Essential Services in the policy: .....

**Hire** Note: Refer section 7.1.4, 7.5 and 8.5 the policy.

Name of business licence and approved hire car permit holder: .....

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**VEHICLE TO BE IMPORTED**

Make: ..... Model: .....

Engine Capacity: ..... No. of Cylinders: .....

Body Type (e.g. Hatch, Station wagon, Utility): .....

Unladen Weight (in Tonnes or Kgs): .....

4WD or 2WD: ..... Registration No.: .....

Fuel Type (e.g. Petrol, Diesel, Electric): .....

Dimensions of vehicle: See maximum vehicle size limits in section 3.7 and 3.8 of this policy.

Length (mm): ..... Width (mm): ..... Height (mm): .....

**Is this vehicle a preferred vehicle as per section 4.1 of the Vehicle, Importation, Transfer and Use policy?**

- a)  A motor vehicle meeting the requirements as per 4.1 (a) of the policy?
- b)  Electric Vehicle meeting the requirements as per 4.1 (b) of the policy?
- c)  Motor Scooters meeting the requirements as per 4.1 (c) of the policy?

If the vehicle applied for meets the Board's preferred vehicle criteria, the Board will give preference, by way of incentives, to the importation and use of small and low impact vehicles (see section 5.1 (a) and 6 (a) of the policy). To receive the incentives, please provide a copy of your vehicle's registration paper and wharfage invoice on importation of your vehicle and a short letter or email requesting reimbursement of the incentives.

**Is this vehicle electric or hybrid?**

Yes  No

**Is a Bull bars/Roo bars/Nudge bar fitted?** Refer section 3.12 of the policy and demonstrate the essential use below.

Yes  No

.....

**Do you own or have use of other vehicles on the island?**

Yes  No

NOTE: 'Vehicle' includes a road registered/registrable motorcycle or scooter.

**If yes, please specify:**

MAKE	MODEL	REGISTRATION	APPROVED USE e.g. Private, Commercial, Essential

**Will the vehicle to be imported replace one of the above vehicles?**

Yes  No

If yes, which vehicle is being replaced? .....

NOTE: Unless otherwise approved by the Board, the vehicle being replaced must be removed from the island within the timeframe specified by the Board.

**Please provide a detailed justification of why you require a vehicle and the specific vehicle applied for:**

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NOTE: Please attach an additional sheet if space is inadequate.

**Please state whether you considered alternatives to the vehicle selected, including an alternative form of transport:**

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NOTE: Please attach an additional sheet if space is inadequate.

**TRANSFEROR'S DECLARATION**

I ..... being the transferor, hereby declare that the information provided above is true and accurate and make application to transfer a vehicle in accordance with the above.

Signature: ..... Date: .....

**TRANSFEEE'S DECLARATION**

I ..... being the transferee, hereby declare that the information provided above is true and accurate and make application to transfer a vehicle in accordance with the above.

Signature: ..... Date: .....



# LORD HOWE ISLAND BOARD

## BUSINESS PAPER

### OPEN SESSION

#### Item

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Application for consent to transfer PL1968.01 by way of gift from Julie Bretnall to Julie Bretnall and Emma Crombie as Joint Tenants

#### Recommendations

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1. **The Board recommend** to the Minister to approve the transfer by way of gift of PL1968.01, being Portion 154 from Julie Bretnall to Julie Bretnall and Emma Crombie as Joint Tenants

#### Current position

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On 23 November 2021, an application was received on the prescribed form from Julie Bretnall to transfer PL1968.01, being Portion 154, by way of gift from herself as sole tenant to herself and her daughter Emma Crombie as joint leaseholders.

*Section 23 of the Lord Howe Island Act 1953 (the Act) governs the transfer of perpetual leases, Section 23 (1A) provides that: "A lease may be transferred or subleased to 2 or more persons as joint tenants or tenants in common but, for the purposes of any transfer or sublease to 2 or more persons who are not all Islanders, a reference in this Part (however expressed) to a person other than an Islander applies in respect of each transferee or sublessee who is not an islander."*

*Section 23(4) of the Act provides that "The Board shall have an absolute discretion to recommend the granting or refusal of any application for consent under this section, but shall not recommend the granting of consent to a transfer or subletting to any person other than an Islander unless satisfied that there is no Islander who desires and is in a position to take a transfer or sublease, as the case may be, of the lease".*

The proposed transfer is consistent with the relevant sections of the *Lord Howe Island Act* and the Transfer of Lease Policy, specifically:-

- The applicants have submitted an application in the prescribed form with the appropriate statutory declarations and supporting evidence.
- Both Julie Bretnall and Emma Crombie satisfy the definition of an Islander under the *Act*.
- Emma Crombie does not currently hold a perpetual lease on Lord Howe Island.
- Both applicants currently reside on the lease and therefore satisfy *Section 21(7)* of the *Act* by residing on their lease

## Attachments

Attachment	Title
Attachment A	Nil Attachments

## Approval and contact

Approver	Position
Angie Stringer	A/Chief Executive Officer
Preparer	Position
Justin Sauvage	Manager Environment & Community Services