



Meeting	Lord Howe Island Board Meeting
Location	Community Hall, Lord Howe Island
Date/Time	Tuesday 05 <sup>th</sup> December 2.30pm – Closed Session Wednesday 06 <sup>th</sup> December 9:00am to 11:00am – Open Session Wednesday 06 <sup>th</sup> December 11:00am to 11:30am – Morning Tea with Community
Present	<b>Atticus Fleming AM</b> , A/Coordinator General, DPE, Chairperson (AF, Chair) <b>Bruce Baird AM</b> , Appointed Member (Tourism) <b>Chris Bath</b> , Appointed Member (Conservation) <b>James Lonergan</b> , Elected Member <b>Matthew Retmock</b> , Elected Member <b>Therese Turner</b> , Elected Member (Deputy Chair)
Board Staff Present	<b>Suzie Christensen</b> , Chief Executive Officer <b>Paula Pollock</b> , Senior Manager, Environment and Community Services (via Microsoft Teams) <b>Michael Chalmers</b> , Senior Manager, Business and Corporate Services <b>Bradley Josephs</b> , Acting Senior Manager, Infrastructure and Engineering Services
Invitees	
Apologies	<b>Gary Crombie</b> , Elected Member
Minutes	<b>Chelsea Holden</b> , Executive Assistant

On Tuesday 05<sup>th</sup> December, following an in-camera discussion, the Closed Session commenced at 4:30pm and closed at 6:30pm. On Wednesday 06<sup>th</sup> December, the open session commenced at 9:00am and closed at 10:57am.

Unless otherwise specified, all Board decisions were unanimous.

## 1 CONFLICT OF INTEREST DECLARATIONS

Board member	Agenda item

## 2 WH&S AND RISK MANAGEMENT

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

Closed Session

## 3 OPERATIONS AND SERVICES

### 3.1 Business Cases for Marine Freight Service and Waste Management Facility

Closed Session

## 3.2 Memorandum of Understanding with Environment and Heritage Group for delivery of Critical Infrastructure

Closed Session

## 3.3 PMES Survey Results

Closed Session

## 3.4 Draft Workforce Plan 24-26 Draft Organisation Design

Closed Session

## 4 LEASING AND LAND ADMINISTRATION

### 4.1 The Crooked Post DA Compliance

Closed Session

### 4.2 PL1953.23 Compliance with Residency Condition – Phillip Whistler

Closed Session.

### 4.3 Request for the creation of an Easement over Portion 109 – Bradley Wilson

Closed Session

## 5 FINANCE AND BUSINESS MANAGEMENT

### 5.1 Finance Report as at 31<sup>st</sup> October 2023

Closed Session

### 5.2 Feedback and Complaints Policy and Procedures

Closed Session

The closed session concluded at 6:30pm

The open session commenced at 9:00am. The Chairperson welcomed the one person in the audience and a sound check for hearing impaired was completed.

## 6 MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION

The Board noted the information in the report and the Board:

**Endorsed the September 2023 and October 2023 Board meeting minutes.**

## 7 OUT OF SESSION MATTERS – STATUS REPORT

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

## 8 ACTIONS FROM PREVIOUS MEETING – STATUS REPORT

The report was taken as read and TT acknowledged the Dental visit that has been scheduled.

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

## 9 CHIEF EXECUTIVE OFFICER'S REPORT

The CEO summarized crucial details from the report, outlining the significant infrastructure workload for the upcoming year. MIES emphasized the road work in progress, focussed on emergency services access and protection of critical infrastructure. MR sought feedback on the disability access site location, and an audience member suggested installing appropriate signage for identification. MECS explained the current status of the monitoring and biosecurity plan, along with the ongoing risk and benefits and projects.

*Action: CEO to advise rationale for location of disability access via dozer track as opposed to Aquatic Club.*

**The Board noted the Chief Executive Officer's report including attachments.**

## 10 FINANCE

### 10.1 Finance Update

MBCS provided an update summarising the financial year to date and noting there are no major risks to the 23/24 budget.

**The Board noted the verbal Finance update.**

### 10.2 Increase of annual rentals for Permissive Occupancies (PO)

MBCS gave an overview of the paper and explained this 5-year fee increase process. The brief that is progressed to the Minister should clearly table:

- Previous evaluation
- What is being paid now
- What is being proposed

It was moved by JL and seconded by CB and

**The Board recommend to the Minister to approve** the increase of annual rentals for Permissive Occupancies, at the valuation rates identified Table 1 of this report, effective 1 January 2024.

*Action: Prepare a brief to the Minister explaining this process*

### 10.3 Perpetual and Special Lease Fees

The Board indicated its view that an immediate increase to the proposed fees to the full amount allowable is not advisable, noting cost of living pressures. The Board proposed an alternative approach as follows, which stages the increase across 3 years noting this will require legislative change:

1. **The Board Approved to Repeal** the minute of agenda item 5.3 from the 2022 September Board Meeting, "Approve the scheduled review and increase to Perpetual and Special fees be delayed and be considered as part of the complete revenue review that will be undertaken as part of the Effective and Efficiency review implementation and complete a review by the end of year".
2. **The Board approved** an increase of approximately 1/3 of the proposed Perpetual Lease fees, increase to be **4.66%** to \$274.65 plus \$0.39 per square metre per annum, effective 1 January 2024. and Special Lease fees to be increased **by 3.95%** to \$90.93 plus \$0.031 per square metre per annum, effective 1 January 2024.
3. **Contingent on legislative change** the Board approved the decision to implement the remaining balance of the fee increase outlined in the paper (4.66% and 3.95%) in 2025 and 2026.

## 11 POLICY AND STRATEGY

### 11.1 Motor vehicle Importation or transfer status

The CEO provided an overview and the Board;

**Noted** the information provided in this report.

**Noted** the amendment to conditions of approval for replacement vehicles

### 11.2 Amendments to the Vehicle Importation Transfer and Use Policy

The CEO provided an overview, and it was moved by MR and seconded by BB,

**The Board approved** the inclusion of a trailer to the Schedule of Essential Services for NSW State Emergency Service under 8.4 of the Vehicle Importation Transfer and Use Policy.

**Following adoption of recommendation 1** that the Board advise NSW State Emergency Service to make application to import an Essential Service trailer to replace the current trailer, U31106 and require its removal from the island.

**Approved** the amended maximum size requirements as stated in the paper for private and commercial vehicles and commuter buses.

**Approved** a copy of the proposed amendments to the policy be placed on public exhibition for a period of 28 days and a report of submissions to be tabled at the March 2024 Board Meeting.

**Noted** that a comprehensive review of this policy and others is being undertaken by the external PMO office, with a view to simplifying the approach.

### 11.3 Tasman Thompson Shick – Vehicle and boat trailer transfer applications – Exceptional Circumstances

The CEO disclosed a conflict of interest, and MBCS presented a summary of the business paper, underlining the staff accommodation nature of the residence where the proposed vehicle will be located. Motion to proceed made by JL, seconded by TT.

**The Board approved** the transfer of a private boat trailer, AJT135M from Suzie Christensen to Tasman Thompson Shick as a private vehicle on Lot 208 under exceptional circumstance.

**The Board approved** the transfer of a Toyota Hilux utility, AI88UR from Josh Owens to Tasman Thompson Shick as a private vehicle on Lot 208 under exceptional circumstance to replace his existing Honda Scooter, QTL19 which should be either removed from the island or transferred to an eligible resident no later than the next Board meeting.

### 11.4 Community Engagement Update

An overview was given, noting that the community engagement strategy has been presented and a workshop is forthcoming with anticipated additional feedback, addressing recommendations in the E&E review and its approved budget and implementation plan. The Chairperson requested clarification on Board responsibilities, urging clear identification of areas within and outside the Board's purview (for example, health).

**The Board noted the** update on community engagement activities.

**The Board noted the** Community Strategic Plan progress and positioning.

**The Board noted the** Results of the online survey following the public exhibition of the LHIB Stakeholder Engagement Strategy.

## 11.5 Telstra Owners Consent and Telecommunications Options

BB disagreed with the proposed recommendations to refuse owners consent. It was moved by TT and seconded by JL, noting BB opposition.

**The Board refused** Owners Consent for Telstra to install a microcell on Lord Howe Island as part of the Blackspot program.

**The Board noted** that the results of the communications survey indicate a majority view that the Island should wait until future technology is available rather than invest in a short-term solution.

## 12 DEVELOPMENT APPLICATIONS

### 12.1 Owner Consent approved under Delegated Authority status report

**The Board noted** the information in this report.

### 12.2 Development Applications Approved Under Delegated Authority Status Report

**The Board noted** the information in this report.

### 12.3 Owners Consent to lodge a development application for the creation of a new dwelling – eligible applicants – Dwelling Allocation Process 2023

The report was acknowledged and MECS explained for the Board, that the granting of Owners Consent does not guarantee a development outcome – ie, there is no guarantee that development approval will be granted. The Board was informed that once Owners Consent is granted, it may not be able to be withdrawn. The Board emphasized the importance of planning investigations and upcoming LEP review in addressing the island's accommodation issues. JL moved, seconded by MR,

**The Board noted** the eligibility assessment of the four applications submitted to the 2023 Dwelling Allocation Ballot.

**The Board approved to recommend** that the Minister issue Owners Consent to lodge development applications for the creation of four new dwellings as per the eligible applications of the 2023 Dwelling Allocation Ballot.

### 12.4 Owner Consent – Category A dwelling entitlement – Portion 167 – Karen Julie Taaffe and Bertha May Thompson

The report was acknowledged and MECS explained for the Board, that the granting of Owners Consent does not guarantee a development outcome.

MECS explained that establishing legal and practical access is a legal pre-requisite for the proposed development, particularly on a perpetual lease where an increase in occupancy is proposed. A letter from the adjoining leaseholders is not sufficient to establish legal and practical access. An easement will be required providing legal access. The planning system and LEP indicate that access is a matter that must be satisfied before development consent is granted.

Once Owners Consent is issued by the Board, it cannot be withdrawn, and the available number of dwelling allocations is limited. The Board noted MECS verbal update.

**The Board noted** that once Owners Consent is granted, it may not be able to be withdrawn.

**The Board approved to recommend** that the Minister approve Owner Consent for the lodgment of a development application on Portion 167 to construct a dwelling under Category A dwelling entitlement for Karen Julie Taaffe and Bertha May Thompson.

## 13 LEASING AND LAND ADMINISTRATION

### 13.1 Status of Public Accommodation Licence Transfer Applications

**The Board noted** the quarterly report on status of public accommodation transfer applications approved at the December 2022 Board Meeting (Attachment A to this report).

### 13.2 Handley Review – Review of Compliance with Residency Condition of Perpetual Leases

The CEO presented an overview, highlighting progress made in the previous period and emphasizing potential risks ahead. Specifically, the CEO informed about recent applications for residency suspension from certain leaseholders. The Board will review and discuss these matters in an upcoming Board meeting.

**The Board noted** that a review has been undertaken.

**The Board endorsed** the plan provided to resolve each outstanding matter.

### 13.3 Cattlegrid on Lagoon Road at intersection with SL2011.02

The paper was presented by the Chairperson, highlighting that the cost of the new cattle grid is estimated to be \$10,000 and the cost of discussed to pay by Esven Fenton was one third, an increase in expense to the Board of \$3000. The Board discussed the complexity around this matter; the uncertainty around available options; the mix of private and public benefit; and the fact Esven Fenton waited for an extended period before his cattle could be returned to the island. TT moved and seconded by JL and the Board

**Noted** Esven is unwilling to enter a cost sharing agreement for installation of new cattle grid on Lagoon Road at its intersection with SL2011.02

**Approved** to fund the full cost of a new cattle grid and its installation on Lagoon Road at its intersection with SL2011.02.

## 14 BUSINESS ARISING FROM PREVIOUS MEETING

Nil

## 15 GENERAL BUSINESS AND QUESTIONS ON NOTICE

Meeting closed 10:57am

## 16 NEXT MEETING

26<sup>th</sup> & 27<sup>th</sup> March 2024