

Meeting	Lord Howe Island Board Meeting
Location	Community Hall, Lord Howe Island
Date/Time	Tuesday 19 th March 2024 3.30pm – In-Camera Session Tuesday 19 th March 2024 4.30pm – Closed Session Wednesday 20 th March 9:00am to 12:00am – Open Session Wednesday 20 th March 10:30am to 10:50am – Morning Tea with Community
Present	Atticus Fleming AM , Deputy Secretary National Parks and Wildlife Service, DCCEEW Bruce Baird AM , Appointed Member (Tourism) Chris Bath , Appointed Member (Conservation) via Teams James Lonergan , Elected Member Matthew Retmock , Elected Member Therese Turner , Elected Member (Deputy Chair)
Board Staff Present	Suzie Christensen , Chief Executive Officer Paula Pollock , Senior Manager, Environment and Community Services via Teams Michael Chalmers , Senior Manager, Business and Corporate Services Darcelle Matassoni , Acting Senior Manager, Infrastructure and Engineering Services
Invitees	
Apologies	
Observer	Michael Vader , Acting Executive Director Business Delivery NPWS Robert Jeremy , Elected Board (Awaiting Minister Appointment)
Minutes	Chelsea Holden , Executive Assistant

On Tuesday 19th March, an in-camera session was held with Board only attendance. The closed Session commenced at 4:30pm and closed at 6:49pm. On Wednesday 20th March, the open session commenced at 9:10am and closed at 12:00pm.

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 Critical Infrastructure Project Update

Closed Session

3.2 LHIB/ DECCEEW Memorandum of Understanding (MOU) Critical Infrastructure - updated

Closed Session

4 FINANCE AND BUSINESS MANAGEMENT

4.1 Financial Status Update

Closed Session

4.2 IT & Cybersecurity as at March 2024

Closed Session

5 LEASING AND LAND ADMINISTRATION

5.1 Application to Suspend Condition of Residency on PL1954.18 – Michael Maxwell

Closed Session

5.2. Application to suspend condition of residency on PL1976.04 – Sandra Beaumont

Closed Session

5.3 Application to suspend condition of residency on PL1996.01 – Christopher Wade and Rosalind Wade

Closed Session

5.4 Building Certification Issues

Closed Session

6 MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION

The Board endorsed the December 2023 Board meeting minutes.

7 STATUS AND COMPLIANCE REPORT

7.1 Status and Compliance Report

The CEO gave an overview of the new report as a consolidated summary of routine status item

The Board noted the information contained in the Status Report for out of session matters, biosecurity update, owners consent and development applications approved under delegated authority, motor vehicle importation or transfer status, feedback, and complaints.

8 CHIEF EXECUTIVE OFFICERS REPORT

8.1 08.00 – Note – Chief Executive Officers Report – March 2024 – Open

The CEO provided an overview and informed the community of the new adjustment to DCCEEW. DCCEEW are working with the NSW Transport Secretary to confirm long term sustainable air service license. A/MIES updated the community on Polaris' work upgrading the LHI jetty. The investigation revealed dry rot that will be assessed by an engineer. The engineer's report is expected to be received by the end of March.

The Chairperson raised concern that the Administration was submitting grant applications for significant funding without any notice or discussion with Board members. While the funding is welcome – if directed to priority projects - it has the potential to disrupt or frustrate the achievement of Board priorities because each grant involves significant liabilities/commitments. These commitments should not be made if they are not approved by the Board. In addition, expenditure of grant funding is NOT authorised if the expenditure is not in accordance with the approved LHIB budget.

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

The Board directed the Administration to provide notice to the Board prior to submitting any application for grant funding in excess of \$100,000. Details of recent grants should be circulated to the Board.

9 FINANCE AND BUSINESS MANAGEMENT

9.1 Financial Status Update (Verbal Update Only)

MBCS provided a verbal update highlighting the financial position was favourable to budget. He also noted there is a decline in visitation and its consequential impact on the Board's revenue streams, including the liquor store, landing fees, and electricity generation. The increasing international arrivals in Australia was noted and a question raised regarding why LHI hasn't experienced a similar increase. A tourism operator in the audience mentioned a decline in group travel numbers, historically accommodated on LHI.

The Board noted the verbal Finance update.

10 POLICY AND STRATEGY

10.1 Adoption of Vehicle Importation, Transfer and Use Policy (Post-public Notice) – LATE PAPER

The CEO provided an overview, emphasizing the inclusion of the emergency services trailer and proposed an increase in maximum size to accommodate the dimensions of a Toyota Hilux.

The CEO also noted that the Effectiveness and Efficiency Review (E&E) recommended a policy review. To address this, the Administration has contracted KPMG to conduct a comprehensive review of all policies, with the Board to be engaged in defining policy intent before implementation of the new policies. This initiative aims to rectify instances where policy intent has been occasionally overlooked during multiple reviews of policies and procedures.

It was moved by TT and seconded by JL.

The Board approved the adoption of the reviewed and exhibited Vehicle Importation, Transfer and Use Policy (Attachment A to this report).

Action: The Board (local Board members) to be engaged in defining policy intent before implementation of the new policies.

10.2 Review of Dog Importation and Management Policy

The Policy review was provided by MECS highlighting that the new policy addresses the importation of animals, specifically focusing on gender specifications and desexing requirements. Concerns were raised regarding the policy's controls, particularly pertaining to the age of the animals. Additionally, the designation of exercise areas is being reviewed, exploring options for both off-leash and on-leash zones to ensure the welfare of animals and the community.

It was moved by TT and seconded by BB

The Board

1. **Approved** publication of the draft Dog Importation and Management Policy to seek community feedback
2. **Approved** the proposed next steps to finalise and implement the revised Dog Importation and Management Policy

Action: Exhibit the draft Dog Importation and Management Policy

10.3 Community Strategic Plan Update

A/MIES provided a review on the CSP, informing the Board that the plan aligns with the community's vision for the next decade aligned with legislation. It was emphasized that the Board holds specific responsibilities, and tasks not under its purview should be structured within a framework to ensure budget allocation and available funds cover the services. Furthermore, consultation will be undertaken on draft service delivery commitments to ensure clarity regarding the Board's responsibilities within the community.

The Board noted the progress in the development of the Lord Howe Island Community Strategic Plan.

10.4 State Environmental Planning Policy

The Chairperson commended the community and the Board with the assistance of Planning in developing a SEPP through in the short timeframe.

The Board noted the making of State Environmental Planning Policy Amendment (Lord Howe Island) 2024

11 DEVELOPMENT APPLICATIONS

11.1 Development Contributions Plan

MECS provided an overview and explained the main objective for this is to ensure contributions can be collected lawfully in future and to finalise the process for future allocation of dwellings.

Discussion within the Board revolved around the levy, with members of the audience inquiring about potential pathways for its removal and the detailed explanation of how tourism accommodation will be affected. It was stated that was not intended to apply to all Development Applications. Chairperson clarified that levy is in place as approved by the Board previously, as the cost is needed to either be covered by the community or by the developers themselves. A future paper will address the plan in detail, outlining contributions accordingly.

The Board

1. **Noted** The preparation of a Development Contributions Plan under Section 7.11 of the *Environmental Planning and Assessment Act 1979* which will apply to new residential and tourism developments on Lord Howe Island.
2. **Noted** The consideration of the Development Contributions Plan will be necessary at an out of session Board Meeting to facilitate public notification, review and reporting for adoption at the May Board meeting.

Action: A future paper will accompany a draft contribution plan, outlining contributions accordingly.

11.2 MDC2022.7.2 – Application to modify development consent – Chad Wilson

MR declared an interest. It was moved JL and seconded by TT

The Board agreed to assess and determine the modification out of session

11.3 MDC2021.4.2 – Application to modify development consent – Gin Distillery – Anthony Riddle

MECS presented an overview of the paper, outlining the submissions received and their stance, whether in support or opposition. Anthony Riddle, present in the audience, provided an overview of the business plan and clarified operating hours. Anthony was queried about mitigation plans for noise and parking. Following discussion, the Board endorsed the principle of three revised conditions and agreed to determine the application out of session.

Three amendments to Existing Condition 2 were proposed:

1. Removal of table and chairs restrictions
2. Amend operating hours to allow operating hours until 9pm consistent with other Liquor License holders
3. Ensure consistency in licensing and adjusting the wording from "sale of liquor from" to "sale of liquor through" Lord Howe Island Liquor Store.

The Board did not approve MDC 2021.04.02, to permit packaged liquor sales in conjunction with onsite liquor tastings at Leanda Lei, Lot 1 DP 1131292, Middle Beach Road, Lord Howe Island, subject to the existing conditions of approval of DA2021.04, as amended by the modified and new conditions listed in the assessment report.

Action: The A/CEO will discuss the conditions with the applicant and then circulate the revised conditions to the Board for determination by way of OoS.

11.4 Extension of time to satisfy a time-limited condition of consent – Crooked Post

The CEO provided a review of the paper and it was moved by MR and seconded by BB.

The Board;

1. **Approved** in principle an 18-month extension of time to satisfy condition 1. of DA2019.5 and MDC2019.5.2 from 19 March 2024 (a time limited condition).
2. **Noted** that the CEO will assess and determine the s4.55 modification
3. **Noted** the imminent lodgment of a development application to construct additional sanitary facilities in the vicinity of the Crooked Post, thereby satisfying the outstanding condition of consent
4. **Noted** the next steps outline in this business paper.

12 LEASING AND LAND ADMINISTRATION

12.1 Creation of an easement in gross over Portion 109 – Bradley Wilson

MECS provided an overview of the paper and there was discussion regarding the need to identify a public benefit for an easement in gross to proceed. There was uncertainty about the public benefit and a suggestion to articulate it further if possible. The Board agreed a documented argument for the public benefit would align with the board objectives.

The Board deferred the decision of creation of an easement in gross over Portion 109, being vacant Crown land under Board control.

Action: By way of out of session the Board requests a paper articulating and exploring the public benefit that would be generated through creation of an easement in gross. The benefits may include addressing the accommodation shortage.

12.2 Cancellation of Permissive Occupancy – PO2007.02 – The Estate of John Francis Green

The CEO described the site to the Board and the audience. The outdoor dining area that is subject of the permissive occupancy is not transferable from the estate. The process to transfer a permissive occupancy is set out in the Policy of the Board. Criteria for assessing interest in permissive occupancies will be drafted in consultation with the Board, and the decision will require Board endorsement before Ministerial approval.

It was moved by TT and seconded by JL

1. **The Board recommends to the Minister** pursuant to section 31A(3) of the *Lord Howe Island Act 1953* that Permissive Occupancy No. 130 – 2007.02 (Outdoor Dining Area) held by the late John Francis Green be cancelled.

2. **Approved** the payment of Valuer General's value in consideration of improvements, where there are improvements on the surrendered Permissive Occupancy, as per the policy (Attachment A – Policy Provision 5).

3. **Noted** that cleanup will be ordered if required at the expense of the estate.

4. **Approved** in principle to make Permissive Occupancy available over the same or similar area as the surrendered Permissive Occupancy and seek expressions of interest from within the island community for the Permissive Occupancy or alternate public uses for the land as per the policy (Attachment A – Policy Provisions 6 and 7).

12.3 Application for consent to transfer PL1975.08 by way of gift from Marie Thompson to Janine Phillipps and Peter Phillipps

It was moved by TT and seconded by MR

The Board approved to recommend to the Minister the transfer of PL1975.08 by way of gift from Marie Thompson to Janine Marie Phillipps and Peter Andrew Robertson Phillipps as Joint Tenants.

12.4 Request for Fletcher Owens at Lorhiti to operate two public accommodation licences for Jessica Owens

It was moved by JL and seconded by BB

The Board approved the use of the two public accommodation licences in the name of Jessica Owens to operate from Unit 1 at Lorhiti Apartments until construction of Jessica Owens' own tourist accommodation apartment on PL1954.37 is complete. At this time, Unit 1, Lorhiti Apartments will be decommissioned immediately in accordance with development application DA2021.3.1 approved on 06/07/2021 and MDC2021.3.2 approved 16/12/2021.

12.5 Risk Assessment – Lord Howe Island Radio Station Association, "The Radio Station" commonly referred to as The Shack

The paper was taken as read. The Board acknowledged the risks associated with dangerous behavior on the Board property.

It was moved by TT and seconded by MR

The Board noted the Risk Assessment of The Radio Station operation.

The Board endorsed the proposed risk mitigation treatment plans

12.6 Request for out of session consideration for expected application for consent to transfer PL1976.04 Sandra Beaumont to Sandra Beaumont and Mackenzie Beaumont

It was moved by BB and seconded by TT

The Board endorsed the plan to consider consent to transfer PL1976.04 from Sandra Beaumont to Mackenzie Beaumont by way of out of session before the May 2024 meeting.

13 BUSINESS ARISING FROM PREVIOUS MEETING

Nil

14 GENERAL BUSINESS AND QUESTIONS ON NOTICE

Clive Wilson, from the audience confirmed his support for settling a young islander's proposition and the Board acknowledged the public interest in satisfactorily seeking solutions.

Jill Hisco, from the audience enquired if the proposed new public toilets could be relocated to the foreshore, closer to the boats. Unfortunately, that is not an option due to the regulations around the foreshore.

Dorethea Wilson asked if Island Showcase (the previous operators in the building where proposed toilets are going) will operate elsewhere and it was advised the Board was not aware any intention to continue operation Island Showcase.

CEO asked if the Board was in favour of supporting statutory declarations as residency status support for vehicle applications. The Chairperson delegated the Board members to support the CEO in determining the outside of Policy vehicle application for Ellis Whitfield.

Meeting closed 11:52

15 NEXT MEETING

21 & 22 May 2024