

Lord Howe Island Board

MINUTES OF THE MEETING OF THE LORD HOWE ISLAND BOARD

LOCATION Lord Howe Island Community Hall, Corner Lagoon and Neds Beach Roads

DATE Monday 9 December and Tuesday 10 December 2019

BOARD MEMBERS PRESENT

- Ms A Levy (Chair – AL)
- Mr C Wilson (Deputy Chair - CW)
- Ms T Turner (Member - TT)
- Mr M Retmock (Member – MR)
- Mr R Pallin (Member – RP)
- Mr G Crombie (Member – GC)

APOLOGIES

- Mr D Kirk (Member - DK)

BOARD STAFF PRESENT

- Peter Adams (Chief Executive Officer - PA)
- John van Gaalen (Manager Business and Corporate Services - JV)
- Justin Sauvage (Manager Environment & Community Services - JS)
- Bill Paterson (Manager Infrastructure & Engineering Services - WP).
- Hank Bower (Manager Environment and World Heritage – HB) was present for item 9 (i) and Andrew Walsh (Project Manager Rodent Eradication Project - AW) was present for Item 12(i); of the Open Session.
- The Board's external planning consultants were represented by Peter Chapman (PC) from All About Planning (AAP) at the Open and Closed sessions.
- Amy Foxe (AF), LHIB Project Officer attended an interview with the Board at 1.30pm during the Open Session. Amy presented a current update from Jacobs of the Solar Photo-Voltaic project as part of the Hybrid Renewable Energy Project (HREP).
- Teneile Meehan (TM), Tourism Officer from the Lord Howe Island Tourism Association (LHITA) attended an interview with the Board at 2.00pm. Teneile presented a summary of LHITA's achievements, famils, media & PR coverage, digital strategy, development activity, arrival statistics and upcoming tourism highlights for the island for the 2019 calendar year.

The Closed Session commenced at 9:00 am at the Community Hall on Monday 9 December 2019 and closed at 5.15 pm.

The Open Session commenced at 9:05 am at the Community Hall on Tuesday 10 December 2019 and closed at 1.10 pm. Approximately 12 members of the public attended all or part of the open session.

Unless otherwise specified, all Board decisions were unanimous.

1 CONFLICT OF INTEREST DECLARATIONS

AL called for conflict of interest declarations. There were no formal declarations tabled, but two members stated they could have potential conflict of interest in the future:

GC Items 9 (iv) – potential conflict of interest (non-formal) noted that he is a community group member that could apply for grants in the future that may be affected by policy changes being considered at this meeting.

MR Items 8 (iii) – potential conflict of interest, (non-formal) that he could possibly be contracted to undertake some work related to the project, being the subject of this report.

Conflict of Interest Declarations noted.

2 MINUTES OF PREVIOUS MEETING – NOTICE OF ADOPTION

PA gave an overview of the minutes.

PA advised the meeting that the minutes of the September 2019 meeting had been circulated, put on the Board's website and endorsed.

The Board noted that the Minutes have been noted in the Closed Session, and adopted at an Out of Session Meeting.

3 OUT OF SESSION MATTERS – STATUS REPORT

PA gave a quick overview of Out of Session (OoS) matters.

One item reported, regarding a lease issue from October 2019 OoS meeting.

The Board noted the Out of Session Matter Status Report.

4 ACTIONS FROM PREVIOUS MEETINGS - STATUS REPORT

PA gave an overview of the paper.

CW stated he received questions from community members about whether inspection and assessment of lifesaving equipment at various sites including Ned's and Blinky beaches (24 September 2019 - Actions Sheet - General Business) has been completed.

WP confirmed this action has been completed and all lifesaving equipment is in working order.

Member of the public (Stuart King) asked for a clarification on the Board's view on transparency.

AL At the last meeting it was decided to make available all business papers to the public in advance, except one (Item 10 (ii)), which was of a personal nature and decided on at the Closed session.

PA In the past, Audit, Finance Reports and some matters were not available to the community, but the Board has since made them available to allow for greater transparency.

Member of the public (Helen Tiffin) asked about the REP budget.

AL stated there will be an item of discussion about the REP budget shortfall later in the Agenda.

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

5 CHIEF EXECUTIVE OFFICER'S REPORT

PA gave an overview of the Report.

PA provided a summary of Liquor Store, Tourism numbers, then an overview of ECS Report (Attachment B) and the IES Report (Attachment C) and highlighted some key projects in the detailed Major Projects Status Report (Attachment D).

Noted that the Capital Projects summary sheet was introduced by WP.

AL acknowledged and thanked Bill Paterson (WP) for all his effort filling in the role of Manager Infrastructure and Engineering Services, and for his quality reporting to the Board.

The Board noted the information provided in the Chief Executive Officer's Report.

6 MOTOR VEHICLE IMPORTATION OR TRANSFER – STATUS REPORT

PA gave an overview of the Motor Vehicle Importation and Transfer Status Report and steps being taken at the Board's request to follow up on abandoned or unremoved vehicles.

A member of the Public asked if trailers need permission to be imported and need to be registered.

CW answered by saying that trailers must go through the same approval to import process as vehicles, but they do not carry the usual \$200 fee. CW said yes, all trailers must be registered to be on the road. GC noted that approval to import a trailer was initiated by the need to have a record and some control over the removal of trailers.

A member of the public asked about the import process with electric vehicles

PA: Electric vehicles are allowable, don't incur a wharfage fee, but a specific 3-phase charging point must be installed to charge them. With the solar project, progressing there will be new issues and discussions arising over charging of electric vehicles and the Board will look at how to manage these in the future.

The Board noted the information provided in the Motor Vehicle Importation or Transfer Status Report.

7 FINANCE AND BUSINESS MANAGEMENT

7(i) Finance Report

JV presented the Finance Report including the Income Statement Report, Capital Expenditure Report and Budget Variations (Closed).

A member of the public asked what the cost of running the island is.

AL responded that there is an Annual Report produced by the Board's administration that provides this information and published for the public on the website.

AL also responded that there is a contribution from the State and Federal governments and a contribution from part of the Board's quarterly fees and charges that go toward running the services and infrastructure on the island.

It was moved by RP and seconded by GC that the Board:

- 1. Note the information provided in this business paper.**
- 2. Approve the proposed budget adjustment.**

The Board adopted the motion.

8 DEVELOPMENT APPLICATIONS

8(i) Owner Consent approved under Delegated Authority

No Owner Consent Applications submitted for approval by delegated authority during the reporting period.

The Board noted the report as submitted for information.

8(ii) DAs Determined Under Delegated Authority

No Development Applications submitted for approval by delegated authority during the reporting period.

The Board noted the report as submitted for information.

8(iii) MDC 2020.01 Modification of Development Consent (DA 2016-02 dated: 11 December 2015) to modify the Lord Howe Island Solar Photovoltaic Project to permit an increased system capacity up to 2MW, use higher capacity inverters, and refine project proposal at Lot 230, DP 47747 and Unincorporated Road Reserve, Anderson Road, Lord Howe Island.

PC presented the report.

It was moved by CW and seconded by RP that the Board approve MDC 2020.01 as per modified and new conditions listed at the end of the report.

8(iv) DA 2020.01 for construction of an attached ambulance garage to the Gower Wilson Memorial Hospital at Lot 34, DP 757515 being located on Lagoon Road / Bowker Avenue, Lord Howe Island.

AL The Board has asked that this be withdrawn pending further investigation into justification, need and funding for the facility.

It was moved by RP and seconded by GC that the Board defer the matter until further information is available with regard to justification, need and funding for the facility.

The Board adopted the motion.

9 POLICY AND STRATEGY

9(i) Resourcing requirements for a robust and sustainable biosecurity system on Lord Howe Island

HB presented the report. Biosecurity operations and resources currently funded; costed as part of the funding proposal to other levels of government to cover additional measures until the REP is completed; and as yet unfunded contained in the report and plan. The need for a biosecurity team leader as a temporary appointment to ensure continued success outlined.

Discussion by Board members regarding need, funding sources, visiting yachts, options for mainland checking of ship, and terms of employment for the Team Leader role.

Questions raised by members of the public included: clarifying that the role is open to on-island as well as off-island persons; whether the role's funding was from recurrent or (time limited) grants; whether there was a need based on likelihood or not of future incursion; what might occur if additional funding is not achieved; whether housing is required or not for the Team Leader role; and levels of confidence in whether all the rats are eradicated.

It was moved by GC and seconded by RP that:

- 1. The following budget adjustments be made to the adopted Environment and Community Services budget,**

Transfer from:	Amount	Transfer to:	Amount
Strategic Planning	\$40 000	Quarantine/Biosecurity	\$40 000
– Contractors and Consultants		– Salaries and On-costs	

- 2. The Environment and Community Services team prioritise the seeking of external funding to cover biosecurity costs for Lord Howe Island.**

The Board adopted the motion.

9(ii) Petition to join “Cities Power Partnership”

JS presented the report.

GC stated it should be noted that some of the projects that are being discussed in the partnership, the Board are already undertaking on the island.

Members of the public asked about prices of power on the mainland and if they affect Lord Howe; and if the community will be evolved in discussions relating to the pledges?

AL responded that once these were brought back to the Board for discussion, they would be part of an Open session agenda item, and encouraged people to submit their input to the Board.

PA and AL both clarified that should the Board seek to join this partnership, it does not mean we are committing to other partners' systems. It is about the Board being accountable and working to achieve outcomes.

Board members noted the very positive publicity on this for the island as well as the need to be careful in regard to the commitment of resources that could result.

It was moved by RP and seconded by GC that a further report be prepared for the Board nominating the 5 pledges selected and identifying how delivery of these pledges would be resourced.

The Board adopted the motion.

9(iii) Captive Management Facility (CMF)

AW presented the report.

RP asked whether consideration was made for land to be offered on a perpetual lease as an option.

GC requested a date to be set for a finite decision to be made, while more info is gathered on other options for the CMF.

Various questions and comments made by members of the public present including: whether the land could be used for residential purposes; and how long the CMF might be needed for the REP.

The Board resolved to amend the 4th recommendation to say "Status Report to be presented in March 2020 Board meeting".

It was moved by GC seconded by MR that the Board:

- 1. Leave the CMF temporarily in place and implement an annual maintenance program**
- 2. Release an Expression of Interest to the LHI community to garner interest in use of the CMF / site in its current or modified form. This could include commercial lease arrangements**
- 3. Further investigate other reuses described in Options 1 and 2**
- 4. Have A Status Report at the March 2020 Board meeting.**

The Board adopted the motion.

9(iv) Policy Review - Community Grants Policy

JS presented the report and offered an alternative recommendation to the original recommendation, that:

It was moved by GC and seconded by TT that the revised Community Grants Policy (Attachment A) be adopted with the following amendments:

- 1. 3.1 Community Support Grants – replace first sentence with: "The grant aims to support groups with amounts of up to \$10 000 for activities or projects that benefit the Lord Howe Island Community."**
- 2. 4.3 Requirements - replace item 8 with: "Maximum grant amount per applicant in any one round will be \$10 000."**

The Board adopted the motion.

9(v) Aged Care - Lord Howe Island

PA presented the report. Noting progress to date, importance of the issue in the consultation for the Community Strategic Plan; community members and care workers that have been acting to find breakthroughs, an audit being undertaken by a community members to better identify the needs on island; and that the Chair is convening a high level working group.

Discussion by Board members and comments by community members present at the meeting.

AL suggested an additional recommendation to “formalise the establishment of an on-island aged-care working group, to inform the mainland taskforce”.

A member of the public asked why we aren’t going for not just assistance, but an aged-care facility. Discussion by Board members of the challenges of an aged care facility for a small population given the resourcing requirements involved.

It was moved by TT and seconded by GC that:

- 1. The Board note the information provided in this paper.**
- 2. An Issues Paper be prepared by January 2020 to enable the taskforce to meet before the next Board meeting in March 2020**
- 3. An on-island aged-care working group be established to inform the mainland taskforce.**

The Board adopted the motion.

10 LEASING AND LAND ADMINISTRATION

10(i) Lord Howe Island Land Allocation Review – Implementation Update

JS presented the report.

It was moved by CW and seconded by GC that:

- 1. The Board noted the progress to date on implementation of the Lord Howe Island Land Allocation Review; and**
- 2. The Chair write to the Minister asking that the required legislative changes be expedited.**

The Board adopted the motion.

10(ii) **CLOSED SESSION**

10(iii) Renewal of Special Lease 2011.08

It was moved by GC and seconded by CW that the Board seek the Minister’s approval for the extension of the Special Lease 2011.08 from 1 January 2020, or any subsequent date upon receiving Ministerial approval until 31 December 2021 subject to the existing conditions of the lease.

The Board adopted the motion.

10(iv) Modification and Extension of term for special Lease 2011.05 consisting of Lot 230, 291, 292 DP 47747.

It was moved by RP and seconded by GC that the Board approve the following recommendations:

- 1. Subject to approval of MDC2020.01 the Board, seek the Minister's approval to not renew Special Lease 2011.05 after its expiry on 31 December 2019, for the reason that part of the land comprising of Special Lease 2011.05 is required for a public purpose.**
- 2. The Board recommend to the Minister that a new Lease be issued to Gower Wilson commencing on 1 January 2020 and expiring on 31 December 2021. The new lease comprise of the following:**
- 3. Lot 291, and Lot 2 as described in the subdivision plans MDC2020.01.**
- 4. The chargeable area be calculated based on the amount of land available for agricultural use.**
- 5. The conditions and property management plan that applied to Special Lease 2011.05 be applied to the new Special Lease.**
- 6. The Board engage the Valuer General to calculate compensation payable for the excision of Lot 230 and the adjustment to the boundaries for Lot 292 from Special Lease 2011.05 as per the methodology set out under section 22 of the Lord Howe Island Act 1953.**

The Board adopted the motion.

11 GOVERNANCE

11(i) Audit and Risk Committee Report

JV presented the report.

The Board noted the information in the report.

11(ii) Operations Plan 2019/2020 - Midterm Review

PA presented the Operations Plan Status Report.

The Board noted the report on progress as at the end of November 2019, against the Operations Plan for the Financial Year 2019/2020.

11(iii) Review of Board Meeting Code of Practice Policy

PA presented the report.

It was moved by RP and seconded by CW that the Board adopt the reviewed Board Meeting Code of Practice Policy at Attachment A with the following amendments:

- 1. Delete the words in the section on Public Participation, "No more than one question may be submitted by any individual per meeting and a maximum of**

five such questions will be dealt with at any given meeting. Where more than five questions are submitted prior to the meeting, questions will be prioritised according to date received.”

2. Add the words “The Chair person may limit questions on any one item”.

The Board adopted the motion.

12 OPERATIONS AND SERVICES

12(i) Rodent Eradication Project Update

AW presented the report.

Questions and comments were received from members of the public present at the meeting on matters including the following: any Brodifacoum levels in fish flesh or livers; how any woodhens released near the WMF might have acquired traces of Brodifacoum; whether there has been any insect testing; the Supreme Court ruling; the use of professional shooters; whether second opinions had been sought on fish testing; and availability of documents under FOI or GIPA.

AW, AL, and PA answered the questions and provided clarification.

The Board noted the information provided in the report and the update on the project.

13 WH&S AND PUBLIC RISK MANAGEMENT

13(i) Workplace Health and Safety and Public Risk Management Update

JvG presented the report.

The Board noted the information provided on Public Risk and WHS matters.

14 INTERVIEWS CLOSED SESSION

GENERAL BUSINESS & QUESTIONS ON NOTICE

No general business or Questions on Notice tabled.

LATE BUSINESS PAPER

Rodent Eradication Project – Budget Shortfall Update

AL presented the report and the attachment which is the report by KPMG that was made available to the public at the Board Meeting.

AL provided details including: a review by KPMG on project costs and governance; the funds required to complete the project while not compromising the likelihood of successful eradication; identification of any risk or additional costs that could be necessary; and how the shortfall of funds might be able to be sought in one complete proposal.

PA stated there were many very difficult decisions to be made and not resourcing essential project requirements would mean failure, and that resourcing to meet operational responses, legal challenges, and other matters meant extra cost. The State and Commonwealth funders and the project Steering Group have been kept informed and consulted at major funding decision points.

AL The Board has discussed the need for governance and control over matters of project management and budget more closely.

GC apologised to the public for not taking the REP up on this sooner, but we will need to find additional funding. A World Heritage area can't be funded by a small resident community.

RP also agreed noting legal fees and operational variations due to these. Many changes to the operating plan to respond to community and other concerns resulting in the cost of baiting per hectare increasing significantly.

A member of the public stated he felt a lot blame seems to be going out to the community for the budget deficit.

RP responded he was listing reasons, not blaming the community.

CW was disappointed and thought the cost of the change in using bait stations instead of hand-broadcasting would have been extrapolated earlier. We must find more funding from state and federal government bodies, because if we don't get the funds, it will mean a tightening of the strings on island services. A World Heritage area can't be funded by the community.

MR agreed but stated the project could not be stopped altogether at such a late stage.

A member of the public asked about awareness of a budget shortfall in August 2018 and specifics re the amounts.

AW responded that the REP was aware of the funding shortfall and they applied for funding through the Commonwealth to cover this.

A member of the public asked: could it not have been anticipated that changes to aerial drop tactics might have been extra costs?

AW responded yes, these changes of methodologies should have been costed but the Project was working on a budget put together in 2009, with funding received in 2012.

It was moved by RP seconded by GC that the Board:

- 1. Note information provided**
- 2. Put Project Management protocols into place**
- 3. Consider options on how to fund shortfall**
- 4. Support funding applications to various outside funding bodies**

The Board adopted the motion.

The public meeting closed at 1.10pm on Tuesday 10/12/2019.

NEXT MEETING

Monday 30 March 2020 – Closed Session

Tuesday 31 March 2020 – Open Session

Further Board meetings for the 2020 Calendar year have been confirmed as:

25-26 May 2020

7-8 September 2020

7-8 December 2020