



MINUTES

Ordinary Council Meeting

21 August 2019

Menets

f daa Ordeneri Kaunsl Miiten

orn 21 Orgas 2019

**MINUTES OF NORFOLK ISLAND REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE NORFOLK ISLAND REGIONAL COUNCIL CHAMBERS
ON WEDNESDAY, 21 AUGUST 2019 AT 2:00PM**

PRESENT: Cr Robin Adams (Mayor), Cr Rod Buffett (Councillor), Cr John McCoy (Deputy Mayor), Cr David Porter (Councillor), Cr Lisle Snell (Councillor)

IN ATTENDANCE: Lotta Jackson (General Manager), Bruce Taylor (Group Manager Services), Joy Walker (Executive Manager Governance and Human Resources), Phillip Wilson (Group Manager Corporate/CFO), Monique Kiernan (Minute Taker)

1 WELCOME

The Mayor welcomed Councillors, Officers and the community to the meeting of the Norfolk Island Regional Council and opened the meeting at 2:00pm.

2 STATEMENT OF RESPECT

The Norfolk Island Regional Council promotes a climate of respect for all. We will endeavour to inspire in our community shared civic pride by valuing and protecting our unique culture and environment, both natural and built, for the current and future generations. We, the elected members and staff of the Norfolk Island Regional Council undertake to act with honesty and integrity, to conduct ourselves in a way that engenders trust and confidence in the decisions we make, and the actions we take on behalf of the Norfolk Island community. We acknowledge the Norfolk Island people, the traditional custodians of this Island.

3 APOLOGIES

Nil

CONDOLENCES

Cr Adams recorded the passing of:

- Patricia Mary Cavill affectionately known as 'Paddy'
- Richard Walter Douran affectionately known as 'Uckoo' or 'Cat'
- Thornton Edgar Yager affectionately known as 'Dan'

As a mark of respect to the memory of the deceased all Councillors stood in silence.

4 DISCLOSURE OF INTEREST

Nil

5 CONFIRMATION OF MINUTES**5.1 MINUTES OF THE COUNCIL MEETING HELD ON 17 JULY 2019****RESOLUTION 2019/143**

Moved: Cr Rod Buffett
Seconded: Cr John McCoy

That the Minutes of the Council Meeting held on 17 July 2019 be received and confirmed.

CARRIED

UNANIMOUS

6 PUBLIC ACCESS

Nil

7 MAYORAL MINUTE**7.1 MAYORAL MINUTE – RESIGNATION OF GENERAL MANAGER****RESOLUTION 2019/144**

Moved: Cr Robin Adams
Seconded: Cr John McCoy

Council notes that the General Manager Ms Lotta Jackson has resigned as General Manager of the Norfolk Island Regional Council effective 13 September 2019 and is to take up the position of General Manager of Cessnock City Council. Ms Jackson was appointed to set up a new Regional Council on Norfolk Island in line with the Local Government Act (NSW) as applied to Norfolk Island. We acknowledge Ms Jackson's expertise and dedication in transitioning Norfolk Island to a local governance model at a very difficult time in Norfolk Island's history. We wish Ms Jackson the very best in her future endeavours.

CARRIED

UNANIMOUS

7.2 MAYORAL MINUTE – NORFOLK ISLAND MUSEUM TRUST**RESOLUTION 2019/145**

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

Council notes the letter from the Norfolk Island Museum Trust (the Trust) dated 15 August 2019 circulated by the Mayor to Councillors on 21 August 2019 in which the Trust expresses their serious concerns in respect of the 2019/2020 SDA Standards/KPIS in relation to 'Service 7: KAVHA and the Museum' and requests the Mayor bring the Trust's concerns to the attention of the Heritage and Culture Advisory Committee for its consideration at its August 2019 meeting.

CARRIED

UNANIMOUS

7.3 MAYORAL MINUTE – CHANGES TO ELECTORAL LEGISLATION ON NORFOLK ISLAND**MOTION**

Moved: Cr Robin Adams

Seconded: Cr John McCoy

In response to the community consultation paper released by the Department of Infrastructure, Transport, Cities and Regional Development (DITCRD) around the proposed changes to the election legislation which affects Council elections, Council approves the Mayor to write a submission to the Department on behalf of Council requesting that consideration be given to amending three of their proposals, namely,

Proposal 5 - that the text "impracticable or inconvenient" and "limited set of circumstances" be defined

Proposal 7 – include the ability for those who were eligible to vote in a Norfolk Island Legislative Assembly Election in 2013 and, who meet the 'residential' criteria be eligible to enrol to vote in Norfolk Island Regional Council elections and, that the definition of 'residential' be defined as resident for 6 months or greater,

Proposal 9 – that reference to NSW residents and legislation be removed and replaced with the appropriate Norfolk Island references;

And further Council agrees the Mayor include the following information in support of the foregoing amendments proposed by Council.

Background

The Department of Infrastructure, Transport, Cities and Regional Development (DITCRD) has released a community consultation paper around the proposed changes to the election legislation which affects Council elections. Of the 16 proposals put forward by the Department of particular interest to Council are proposals five, seven and nine.

- Proposal five seeks to extend the time by which an ordinary election can be delayed.
- Proposal seven defines who is eligible to vote in a Council election and,

- Proposal nine discusses who is eligible for postal votes.

Primarily the amendment to proposal seven will allow more people in our community the ability to enrol to vote.

By way of background: until 2013 eligibility to vote in a Legislative Assembly election was defined in the Legislative Assembly Act 1979 (NI) section 6. Under this section a person was qualified to be entered on to the Norfolk Island electoral roll if at the time of enrolment they:

- were at least 18 years old
- were an Australian citizen; and
- had been ordinarily resident in Norfolk Island for 6 months immediately before the application.

Criteria 6(1)(b) which required those enrolling to be an Australian citizen was an addition to the legislation in 2004, however, it was not fully enforced. Up until the 2013 Legislative Assembly electoral roll there was, in effect, a 'grandfathered' clause that allowed those who had been ordinarily resident on island for 6 months, regardless of their nationality, the ability to enrol to vote.

It could be seen that the intent of allowing those previously enrolled - who were not Australian citizens - to vote in a Norfolk Island Legislative Assembly election, was to recognise that Norfolk Island had a large multinational population who had resided on the island for a significant amount of time and, who would be disenfranchised by the new criteria which required Australian citizenship to be eligible to vote.

With this background in mind, there is clear precedent to request these same people be entitled to vote in Council elections.

AMENDMENT

Moved: Cr John McCoy

Seconded: Cr Lisle Snell

That these words be included after the word 'elections' – 'including that members of the community that were eligible to vote up to 2016, those residents be eligible to vote at future Council elections, including rate payers who are disenfranchised.'

CARRIED

UNANIMOUS

RESOLUTION 2019/146

Moved: Cr Robin Adams

Seconded: Cr John McCoy

In response to the community consultation paper released by the Department of Infrastructure, Transport, Cities and Regional Development (DITCRD) around the proposed changes to the election legislation which affects Council elections, Council approves the Mayor to write a submission to the Department on behalf of Council requesting that consideration be given to amending three of their proposals, namely,

Proposal 5 - that the text “impracticable or inconvenient” and “limited set of circumstances” be defined

Proposal 7 – include the ability for those who were eligible to vote in a Norfolk Island Legislative Assembly Election in 2013 and, who meet the ‘residential’ criteria be eligible to enrol to vote in Norfolk Island Regional Council elections and, that the definition of ‘residential’ be defined as resident for 6 months or greater,

Proposal 9 – that reference to NSW residents and legislation be removed and replaced with the appropriate Norfolk Island references;

And further Council agrees the Mayor include the following information in support of the foregoing amendments proposed by Council.

Background

The Department of Infrastructure, Transport, Cities and Regional Development (DITCRD) has released a community consultation paper around the proposed changes to the election legislation which affects Council elections. Of the 16 proposals put forward by the Department of particular interest to Council are proposals five, seven and nine.

- Proposal five seeks to extend the time by which an ordinary election can be delayed.
- Proposal seven defines who is eligible to vote in a Council election and,
- Proposal nine discusses who is eligible for postal votes.

Primarily the amendment to proposal seven will allow more people in our community the ability to enrol to vote.

By way of background: until 2013 eligibility to vote in a Legislative Assembly election was defined in the Legislative Assembly Act 1979 (NI) section 6. Under this section a person was qualified to be entered on to the Norfolk Island electoral roll if at the time of enrolment they:

- were at least 18 years old
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- had been ordinarily resident in Norfolk Island for 6 months immediately before the application.

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It could be seen that the intent of allowing those previously enrolled - who were not Australian citizens - to vote in a Norfolk Island Legislative Assembly election, was to recognise that Norfolk Island had a large multinational population who had resided on the island for a significant amount of time and, who would be disenfranchised by the new criteria which required Australian citizenship to be eligible to vote.

With this background in mind, there is clear precedent to request these same people be entitled to vote in Council elections including that members of the community that were eligible to vote up to 2016, those residents be eligible to vote at future Council elections, including rate payers who are disenfranchised.

CARRIED

UNANIMOUS

7.4 MAYORAL MINUTE – TRANSFER OF CASCADE RESERVE TO NORFOLK ISLAND REGIONAL COUNCIL**RESOLUTION 2019/147**

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

Further to the advice from the Executive Director, Commonwealth Department of Local Government and Territories Division in October 2016 that “The transfer of Cascade Reserve, or part thereof, was agreed to be put on hold pending the finalisation of the Cascade Pier construction works and a future port management plan for Norfolk Island.” Council –

- 1) notes the updated advice of 14 August 2019 from the Commonwealth that “The Department of Infrastructure, Transport, Cities and Regional Development (the Department) does not intend to transfer Cascade Reserve to the Council at this stage. The main reason is the need for further work in relation to the proposed inclusion of the Reserve on the Commonwealth Heritage List.”; and
- 2) requests the General Manager to request the Department to provide a comprehensive brief on the implications to Norfolk Island of the inclusion of the Reserve on the Commonwealth Heritage List.

CARRIED

FOR

Cr Robin Adams

Cr David Porter

Cr Rod Buffett

Cr John McCoy

AGAINST

Cr Lisle Snell

7.5 MAYORAL MINUTE – DRAFT PORT MANAGEMENT PLAN**RESOLUTION 2019/148**

Moved: Cr Robin Adams

Seconded: Cr John McCoy

Council noting the advice dated 14 August 2019 from the Department of Infrastructure, Transport, Cities and Regional Development (the Department) that –

“The Department is developing a strategy for managing the Cascade and Kingston ports. The consultants who are undertaking this project are planning to carry out their initial consultations on Norfolk Island in September 2019. This strategy aims to identify sustainable solutions for managing the two ports, considering sea-freight, future infrastructure and operational requirements. The strategy is expected to be finalised in early 2020, after a second set of on-island discussions with stakeholders.”,

Council requests the General Manager to seek an undertaking from the Department that the elected members of Council will be kept fully informed through regular reports to Council as the various stages of the strategy are developed, including a meeting with the consultants engaged to undertake the work.

CARRIED

UNANIMOUS

7.6 MAYORAL MINUTE – TRANSFERRING QUEEN ELIZABETH AVENUE TO COUNCIL**RESOLUTION 2019/149**

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

Council notes the advice dated 14 August 2019 from the Department of Infrastructure, Transport, Cities and Regional Development (the Department) that –

“In principle, the Department agrees to transfer Queen Elizabeth Avenue to the Council. However, before this can occur, it is important to first resolve issues around surveying so that land transfers can be properly registered. I understand the Council is working to fix this issue.”

CARRIED

UNANIMOUS

8 STATUS REPORTS**8.1 QUESTION FOR THE NEXT MEETING: EMERGENCY PHONE NUMBER IN POWER OUTAGE**

Councillor Buffett asked the following question at the July 2019 Ordinary Council meeting:

EMERGENCY PHONE NUMBER IN POWER OUTAGE

Would the Appropriate Department of Operations make available to Council and the Community urgently, the Emergency Phone Number that is to be used in the situation of a Power Outage.

There are instances of power Outages that have occurred, mainly at night, causing the loss of Product and Materials not knowing when the Electrical Supply will be reconnected.

This number would be beneficial to these Businesses and Operations.

DISCUSSION

The contact details for the Electricity Team regarding any enquiry are provided under the Norfolk Island Regional Council section of the Norfolk Island Telephone Directory (p.37)

Ben Christian Drive (aka Electricity Shed) 23206
Team Leader 22078

Currently during business hours, if there is no response from the Electricity Shed office phone, the default is to contact the Team Leader office phone which will forward to the Team Leader's mobile if they are out of office.

During non-business hours the Electricity Shed phone will forward to the mobile of the electrician who is on call for the reticulation network. This person will be the first responder to any emergency calls.

There are communication concerns that arise in managing electrical emergencies such as brown/black outs, and not necessarily regarding the initial callout. These include management of subsequent calls from customers to ask about outages, which in turn mean electricity staff are either taking calls that stop them doing the necessary repair work, or alternatively the calls are ignored which can lead to customer frustration.

Practically for issues arising outside of business hours it is difficult to put out a community wide announcement regarding details of what has happened and likely time to restore power. It should be possible to address this type of scenario more effectively once there is mobile network that can manage public broadcasts to update the community, at any time.

In the interim a new procedure will be implemented as follows:

1. Customer Care (22244) will take calls regarding electricity matters during business hours
2. Customer Care will contact the Electricity Team to advise of a customer issue, including where there is a brown/black out
3. Customer Care will obtain relevant information from Electricity and will manage any subsequent customer calls. Where deemed necessary by Electricity, Customer Care will also let the radio station know to broadcast a message about predicted length of outage. Part of the message will be that customers are to call Customer Care, and not Electricity staff

directly as they are working on the fix

4. All after hours calls are to go through to 23206
5. In the event that there has been a power outage during non-business hours the on-call Electrician will advise Customer Care as soon as possible as to the nature of outage, and if not repaired, how long before power is to be reconnected.

A press release will be prepared to inform the community of the updated process.

NOTED

8.2 QUESTION FOR THE NEXT MEETING: UPGRADE POWERHOUSE

Councillor Buffett asked the following question at the July 2019 Ordinary Council meeting:

PROGRESS REPORT - PROJECT FOR THE UPGRADE OF THE POWERHOUSE

Would the Manager Services, or the appropriate Department, please notify Councillors of the progress of the project for the upgrade of the Power house, signed off to Hydro Tasmania.

This Contract was signed by Council on the 9th February 2018.

It was anticipated that Hydro Tasmania would provide Council a proposed Implementation Plan Option 3, by Mid October 2018.

This has not eventuated.

The last report that we have from Hydro Tasmania, the 12th March 2019 however does not relate in any way to this Contract.

DISCUSSION

An initial Concepts Options Report was provided to assist the Norfolk Island Regional Council (Council) identify a preferred renewable energy configuration to be considered for detailed analysis by Hydro Tasmania (HT). At an Extraordinary meeting, held 27 July 2018, the Council selected Option 3: Near Solar and Storage for further analysis.

HT then provided a draft Implementation Plan ('Plan'), based on the selected Option. The Plan provided a practical approach to assist the Council to increase the energy contribution made by renewables, and reduce diesel fuel consumption on Norfolk Island, whilst maintaining the reliability and security of energy storage. The Plan also provided information to assist the Council in deciding whether to seek funding for a higher renewable contribution power system.

A Council briefing workshop was held 7 November 2018 to provide Councillors an opportunity to discuss the Implementation Plan and to raise any questions about the Plan recommendations. The outcome of that workshop was the Manager Commercial Services and the Team Leader Electricity (and his Team) were to further analyse key issues raised in the HT Implementation Plan, and to report back to the Councillors in a future meeting.

A report was presented at the 19 December Council meeting which concluded that the HT Implementation Plan provided sound engineering options addressing the requirements outlined in the Council's original Expression of Interest. For the Council to make a fully informed decision on whether to proceed, in part or whole, with the engineering options recommended by HT, the Council also needed to understand the full financial implications that would arise such as the impact on tariffs, and funding costs associated with new infrastructure requirements.

In addition to the HT Plan, it was noted that Council also had the opportunity to manage the

immediate priorities of addressing solar oversupply and reducing diesel usage by implementing another related engineering initiative, involving the purchase of another generator, and battery capacity. It was likely this initiative could be incorporated into the more comprehensive HT Plan, if implemented at a later date.

On this basis the following recommendations were made to Council, and carried under Resolution 2018/209;

That Council approves;

1. *The engagement of a qualified Energy Economist to undertake an assessment of the financial implications of implementing the Hydro Tasmania Plan;*
2. *The preparation of a Tender to provide and install a generator and batteries, of appropriate size, to address the current issue of solar oversupply and to reduce diesel usage.*

With the receipt of the HT Implementation Plan the contract with Hydro Tasmania was deemed to be completed and the final invoice paid May 2019.

Updates on the implementation of Resolution 2018/209 were provided to the Council at the following Ordinary Council meetings; 20 February 2019, 17 April 2019, 26 June 2019, and 17 July 2019.

The current status is reported in the Commercial Services Update.

NOTED

8.3 QUESTION FOR THE NEXT MEETING: MANAGEMENT OF THE WORKERS COMPENSATION SCHEME

Mayor Adams asked the following question at the July 2019 Ordinary Council meeting:

MANAGEMENT OF THE WORKERS COMPENSATION SCHEME

The current Service Delivery Agreement signed 13 June 2019 relative to Workers Compensation is attached (below).

Service 11: Workers Compensation

Function	Services	Standards/KPIs
Workers Compensation	Administer the Norfolk Island Workers Compensation Scheme Collection of public moneys relating to the service	Implement a program to ensure legislative compliance Timeliness of assessment and settlement of new claims Provide quarterly reporting including reporting on all Workers Compensation claims: Medical expenses Reimbursement of wages for patients Patient travel expenses

Provision of Workers Compensation Claim Management Services for Norfolk Island is currently advertised on Aus. Tender Agency Reference 2019/20-13.

Workers Compensation
Claims Management
Services for Norfolk Island

Agency Reference: 2019/20-13 
 Category: 80100000 - Management advisory services
 Estimated Date of Approach to Market: Quarter 2 2019/2020
 Multi Agency Access: No
 Status: As Published
 Contact: As for APP
 Last Updated: 16-Jul-2019 10:05 am (ACT Local Time)

Will the General Manager provide Council at the August meeting with a comprehensive report on what the intentions are going forward for management of the Workers Compensation Scheme so that Employers and employees are fully informed and given appropriate notice of any changes being proposed to the Scheme including any changes that might be being proposed to the hourly rate currently paid by employers.

DISCUSSION

The Department of Infrastructure, Transport, Cities and Regional Development advised the community in their media release which appeared in local press 21 July 2019, that the proposed transition of delivery of workers' compensation arrangements to a new service provider from July 2020 would not include any change to the current rate of the levy and the Department will engage directly with Norfolk Island employers to assist them to understand any new processes. The media release includes an email address for questions and feedback -

NIworkerscompensation@infrastructure.gov.au

NOTED

8.4 TOURISM REPORT JULY 2019

The purpose of this report is for Team Leader Tourism and Economic Development to provide a monthly update of industry news to Council, the Tourism Advisory Committee and Community.

NOTED

8.5 INSURANCE PREMIUM REBATE - STATEWIDE MUTUAL

The purpose of this report is to advise Council of the Insurance Premium Rebate from Statewide Mutual. As Council's insurers, the scheme allows members to obtain an insurance rebate.

NOTED

8.6 RECRUITMENT REVIEW UPDATE JULY 2018 TO JUNE 2019

The purpose of this report is to advise Council on the recruitment undertaken during the period July 2018 to June 2019.

NOTED**8.7 COMMERCIAL SERVICES UPDATE**

The purpose of this report is to provide an update on project activities in the Commercial Services section of Council.

NOTED**8.8 WASTE AND ENVIRONMENTAL MANAGEMENT UPDATE**

The purpose of this report is to provide an update and progress on the activities taking place in the Planning and Environmental Services section of Council.

NOTED**8.9 INFRASTRUCTURE AND SERVICES WORKS PROGRAM**

The purpose of this report is to provide an update on current activities in the Infrastructure Services Branch of Council.

NOTED**8.10 YOUNGS ROAD AND CASCADE RESERVE ROCK EXTRACTION**

The purpose of this report is to provide an update to Council in regard to the process to prepare and lodge a development application and negotiate a licence agreement with the Commonwealth for the extraction of rock from the above site.

NOTED

9 REPORTS FROM COMMITTEES**9.1 MINUTES OF THE ROCK FEED SOURCE ADVISORY COMMITTEE MEETING HELD ON 23 JULY 2019****RESOLUTION 2019/150**

Moved: Cr David Porter

Seconded: Cr John McCoy

1. That the Minutes of the Rock Feed Source Advisory Committee Meeting held on 23 July 2019 be received and noted.
2. The Committee requests Council provide, to the next RFSAC meeting on 22 August 2019, a detailed updated timeline for the completion of the approval process for the extraction of rock from Cascade Cliff.
3. The Committee requests Council provide, to the next RFSAC meeting on 22 August 2019, a detailed update on the progress of the development of Headstone as Council's preferred site for the next quarry.

CARRIED

UNANIMOUS

At 3:25 pm, Cr John McCoy left the meeting.

9.2 MINUTES OF THE HERITAGE AND CULTURE ADVISORY COMMITTEE MEETING HELD ON 26 JULY 2019**MOTION**

Moved: Cr Lisle Snell

Seconded: Cr Robin Adams

1. That the Minutes of the Heritage and Culture Advisory Committee Meeting held on 26 July 2019 be received and noted.
2. That the report by the Team Leader – Heritage Management in regards to calling for the Heritage and Culture Advisory Committee members to progress the actions dealt with at this meeting as listed in the ‘Heritage and Culture Strategy 2017–2020’, as amended, be received and noted.
 - (a) The Committee endorses Action Item 36 (Culture) and Action Item 9 (Heritage).
3. The Committee notes the State Delivery Agreement 2019/2020 (the SDA) signed in June 2019 for the services Council provides on behalf of the Commonwealth.

The Committee unanimously recommends in the strongest terms that the Standards/KPIs in the SDA in respect of “Service 7: Kingston and Arthur’s Vale Historic Area (KAVHA) and Museums”, and in particular the words that place the Museums under the Commonwealth Heritage Manager, be rejected.

The Committee further rejects the stated and implied tenets –

- i. That KAVHA and the Museums are one and the same entity;
- ii. That the Commonwealth owns the Museums; and
- iii. That the Museums come under the control of the Commonwealth Heritage Manager.

At 3:29 pm, Cr John McCoy returned to the meeting.

AMENDMENT

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

That paragraph 3 of the recommendation be amended to read –

‘3. The Committee notes the State Delivery Agreement 2019/2020 (the SDA) signed in June 2019 for the services Council provides on behalf of the Commonwealth.

The Committee unanimously recommends in the strongest terms that the Standards/KPIs in the SDA in respect of “Service 7: Kingston and Arthurs Vale Historic Area (KAVHA) and Museums “, and in particular the words that place the museums under the Commonwealth Heritage Manager, be rejected with exception of the Functions under ‘Landscape and Garden Maintenance’ and ‘Facilities Maintenance ‘

The Committee further rejects the stated and implied tenets -

- a. that KAVHA and the Museums are one and the same entity;
- b. that the Commonwealth owns the Museums; and
- c. that the museums come under the control of the Commonwealth Heritage Manager.

That the SDA be adjusted to make clear that the Commonwealth does not own the Norfolk Island Museums; that the Museums should not be held accountable for responsibilities written into the KAVHA HMP and its plans, at least without prior negotiation of applicable activities between NIRC/Museums and DIRD/KAVHA.’

CARRIED

UNANIMOUS**RESOLUTION 2019/151**

Moved: Cr Lisle Snell

Seconded: Cr Robin Adams

1. That the Minutes of the Heritage and Culture Advisory Committee Meeting held on 26 July 2019 be received and noted.
2. That the report by the Team Leader – Heritage Management in regards to calling for the Heritage and Culture Advisory Committee members to progress the actions dealt with at this meeting as listed in the ‘Heritage and Culture Strategy 2017–2020’, as amended, be received and noted.
 - (a) The Committee endorses Action Item 36 (Culture) and Action Item 9 (Heritage).
3. The Committee notes the State Delivery Agreement 2019/2020 (the SDA) signed in June 2019 for the services Council provides on behalf of the Commonwealth.

The Committee unanimously recommends in the strongest terms that the Standards/KPIs in the SDA in respect of “Service 7: Kingston and Arthurs Vale Historic Area (KAVHA) and Museums “, and in particular the words that place the museums under the Commonwealth Heritage Manager, be rejected with exception of the Functions under ‘Landscape and Garden Maintenance’ and ‘Facilities Maintenance ‘

The Committee further rejects the stated and implied tenets -

- a. that KAVHA and the Museums are one and the same entity;
- b. that the Commonwealth owns the Museums; and
- c. that the museums come under the control of the Commonwealth Heritage Manager.

That the SDA be adjusted to make clear that the Commonwealth does not own the Norfolk Island Museums; that the Museums should not be held accountable for responsibilities written into the KAVHA HMP and its plans, at least without prior negotiation of applicable activities between NIRC/Museums and DIRD/KAVHA.

CARRIED

UNANIMOUS

9.3 MINUTES OF THE NORFOLK ISLAND YOUTH COUNCIL MEETING HELD ON 30 JULY 2019

RESOLUTION 2019/152

Moved: Cr Robin Adams

Seconded: Cr John McCoy

That the Minutes of the Norfolk Island Youth Council Meeting held on 30 July 2019 be received and noted.

CARRIED

UNANIMOUS

9.4 MINUTES OF THE TOURISM ADVISORY COMMITTEE MEETING HELD ON 1 AUGUST 2019**MOTION**

Moved: Cr David Porter

Seconded: Cr John McCoy

1. That the Minutes of the Tourism Advisory Committee Meeting held on 1 August 2019 be received and the recommendations therein be adopted.
2. That the Tourism Report July 2019 be received and noted.
3. Confirmation that the Tourism Action Plan Stage Two (1.7 to 1.11) has been received, reviewed, approved and noted.
4. That Council, as a matter of priority, investigate how to improve pedestrian street lighting on Taylors Road between the Hospital corner and Castaway Hotel. (**Note: this recommendation should be considered in conjunction with Council resolution 2019/98 (10) "That Norfolk Island Tourism, on behalf of the Tourism Advisory Committee nominate Norfolk Island as a Dark Sky Town under the Australian Dark Sky Town organisation"**).

AMENDMENT

Moved: Cr Robin Adams

Seconded: Cr David Porter

That these words be added to paragraph 1 after the word 'adopted' 'with the following amendment included in 'Business Arising from Minutes' – The Committee notes with thanks the community contribution with updating the visitor passenger cards.'

CARRIED

UNANIMOUS**RESOLUTION 2019/153**

Moved: Cr David Porter

Seconded: Cr John McCoy

1. That the Minutes of the Tourism Advisory Committee Meeting held on 1 August 2019 be received and the recommendations therein be adopted, with the following amendment included in 'Business Arising from Minutes' – The Committee notes with thanks the community contribution with updating the visitor passenger cards.
2. That the Tourism Report July 2019 be received and noted.
3. Confirmation that the Tourism Action Plan Stage Two (1.7 to 1.11) has been received, reviewed, approved and noted.
4. That Council, as a matter of priority, investigate how to improve pedestrian street lighting on Taylors Road between the Hospital corner and Castaway Hotel. (**Note: this recommendation should be considered in conjunction with Council resolution 2019/98 (10) "That Norfolk Island Tourism, on behalf of the Tourism Advisory Committee nominate Norfolk Island as a Dark Sky Town under the Australian Dark Sky Town organisation"**).

CARRIED

UNANIMOUS

10 REPORTS FROM GENERAL MANAGER**10.1 COUNCIL RESOLUTIONS REVIEW APRIL TO JUNE 2019**

The purpose of this report is to inform Council and the community of the progress of the tasks adopted by resolution of Council, during the period April to June 2019.

RESOLUTION 2019/154

Moved: Cr Lisle Snell

Seconded: Cr Rod Buffett

That Council notes the progress of tasks from resolutions adopted by Council for the period the April to June 2019.

CARRIED

UNANIMOUS

At 3:44 pm, Cr David Porter left the meeting.

At 3:45 am, Cr David Porter returned to the meeting.

10.2 POLICY REVIEW - 1.02 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS POLICY

The purpose of this report is for Council to adopt the reviewed Payment of Expenses and Provision of Facilities to Concillors Policy.

RESOLUTION 2019/155

Moved: Cr David Porter

Seconded: Cr John McCoy

That Council

1. Adopts the reviewed *Payment of Expenses and Provision of Facilities to Councillors Policy* as a Policy of Council.

CARRIED

UNANIMOUS

11 REPORTS FROM EXECUTIVE MANAGER GOVERNANCE AND HUMAN RESOURCES**11.1 POLICY: OTHER REVIEWED POLICIES**

The purpose of this report is to make recommendations on a number of transitioned Norfolk Island Administration Policy and Guidelines (APGs).

RESOLUTION 2019/156

Moved: Cr Lisle Snell

Seconded: Cr David Porter

That Council makes the following Norfolk Island Administration Policy and Guidelines policies obsolete:

1. 200911 – Manual Handling
2. 200912 – Management and Protection of Hearing
3. 200913 – Hazardous Substances and Dangerous Goods
4. 200915 – Safe Working in Confined Spaces

CARRIED**UNANIMOUS****12 REPORTS FROM GROUP MANAGER CORPORATE / CHIEF FINANCIAL OFFICER****12.1 POLICY - ASSET ACCOUNTING**

The purpose of this report is for Council to adopt the revised Asset Accounting Policy 3.07.

RESOLUTION 2019/157

Moved: Cr John McCoy

Seconded: Cr Rod Buffett

That Council adopts the revised Asset Accounting Policy 3.07 for a period of three (3) years.

CARRIED**UNANIMOUS**

12.2 INVESTMENT REPORT - JULY 2019

The purpose of this report is for Council to note investments held as at 31 July 2019

RESOLUTION 2019/158

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That Council notes:

1. Investment report for July 2019;
2. total deposits held at 31 July 2019 were \$16,573,253; and
3. interest accrued on investments for the month of July was \$30,119 and year to date \$30,119.

CARRIED

UNANIMOUS

12.3 ANNUAL SUMMARY - FINANCIAL PERFORMANCE YEAR ENDING 30 JUNE 2019

The purpose of this report is to provide Council with the Annual Summary of Financial Performance for the financial year ending 30 June 2019 in comparison to the Operational Plan 2018-2019 budget.

RESOLUTION 2019/159

Moved: Cr Rod Buffett

Seconded: Cr David Porter

That;

1. Council notes the unaudited financial operating result for the financial year 2018-2019 ending 30 June 2019 was a surplus of \$53,815 consisting of;
 - NIRC \$59,856 surplus,
 - SDA \$6,041 deficit.
2. Council notes this result was better than budget estimates, in comparison to the original budget of \$11,181 and third quarter projected year-end result of \$53,000 surplus.

CARRIED

UNANIMOUS

12.4 EXTENSION OF BROADCASTING LEGISLATION TO NORFOLK ISLAND

The purpose of this report is to provide information to the Council in relation to the extension of Commonwealth broadcasting legislation to Norfolk Island and, the possible effect that this would have on Council's radio station, Radio Norfolk.

MOTION

Moved: Cr Rod Buffett

Seconded: Cr David Porter

That Council approves:

- (a) That Council staff continue to research appropriate solutions which would allow Council to continue to own and operate Radio Norfolk under the Commonwealth legislation.
- (b) That Council staff, before proceeding to implement any solution, are to have the Council's support, by way of resolution.

AMENDMENT

Moved: Cr John McCoy

Seconded: Cr Rod Buffett

That all words after 'That Council' be deleted and the following words be added – 'is opposed to the extension of the *Broadcasting Act 1992* (Cth) to Norfolk Island.'

CARRIED

UNANIMOUS**RESOLUTION 2019/160**

Moved: Cr Rod Buffett

Seconded: Cr David Porter

That Council is opposed to the extension of the *Broadcasting Act 1992* (Cth) to Norfolk Island.

CARRIED

UNANIMOUS

13 REPORTS FROM GROUP MANAGER SERVICES**13.1 KAVHA RISING MAIN SEWERAGE NETWORK**

The purpose of this report is to request Council's in principle agreement to the transfer of the KAVHA rising main sewerage system to Council once it is completed, provided it is at no capital cost to Council, and approve the General Manager to negotiate the method of transfer of ownership, charging regime and ongoing fee structure for the system under the Water Assurance Charges Act 1991 (NI).

MOTION

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That Council:

1. Agrees in principal to the transfer of the KAVHA rising main sewerage system to Council once it is completed, provided it is at no capital cost to Council; and
2. Approves the General Manager negotiate the method of transfer of ownership, charging regime and ongoing fee structure for the system; and a draft formal agreement be presented to Council prior to any transfer taking place.

AMENDMENT

Moved: Cr Robin Adams

Seconded: Cr John McCoy

That a new paragraph 2 is inserted to read –

'2. Notes the undertaking that there will be community consultation on this project by the Commonwealth as identified in the letter from the Department of Infrastructure, Transport, Cities and Regional Development to the General Manager on 23 July 2019, that consultation to include through the KAVHA Community Advisory Group and other interested stakeholders, to mitigate the impact of construction works on local activities and events'.

Re-number paragraph 2 to 3 and insert the words 'for Council's endorsement by resolution' after the word 'Council'.

CARRIED

UNANIMOUS

RESOLUTION 2019/161

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That Council:

1. Agrees in principal to the transfer of the KAVHA rising main sewerage system to Council once it is completed, provided it is at no capital cost to Council.
2. Notes the undertaking that there will be community consultation on this project by the Commonwealth as identified in the letter from the Department of Infrastructure, Transport, Cities and Regional Development to the General Manager on 23 July 2019, that consultation to include through the KAVHA Community Advisory Group and other interested stakeholders, to mitigate the impact of construction works on local activities and events.
3. Approves the General Manager to negotiate the method of transfer of ownership, charging regime and ongoing fee structure for the system; and a draft formal agreement be presented to Council for Council's endorsement by resolution prior to any transfer taking place.

CARRIED

UNANIMOUS

13.2 DEVELOPMENT APPLICATION DA.BA 14/2019

Under Section 44 of the *Planning Act 2002 (NI)* (the Act) development applications for 'permissible (with consent) use or development' are to be referred to the Council together with a copy of any submissions and a report and recommendation on the application. After the application and recommendation has been referred to Council, Council makes a recommendation on the application and refers that recommendation to the Minister.

Accordingly, application DA.BA 14/2019 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*.

DA.BA 14/2019

- Applicants: Duncan and Gaewyn Evans
- Subject Land: Portion 57d4, 158c Collins Head Road
- Proposed Use or Development: *Residence – Dual Occupancy: Construct one additional dwelling*

It is recommended that Council recommends to the Minister's delegate that the development application is approved subject to conditions in the Notice of Decision.

The Application and Assessment Report have been viewed by the Councillors and the Application is available for viewing by the public at the Planning Office. The Assessment Report may be viewed by the public after a decision is made (section 48 c) under *Planning Act 2002 (NI)*.

RESOLUTION 2019/162

Moved: Cr John McCoy

Seconded: Cr Rod Buffett

That

1. The Norfolk Island Regional Council, pursuant to section 44(2) of the *Planning Act 2002 (NI)*, makes a recommendation to approve DA.BA 14/2019 in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision; and
2. The Norfolk Island Regional Council, pursuant to section 44(4) of the *Planning Act 2002 (NI)*, refers DA.BA 14/2019 to the Minister's delegate with Council's recommendations on the application.

CARRIED

FOR

Cr Robin Adams

Cr David Porter

Cr Rod Buffett

Cr John McCoy

AGAINST

Cr Lisle Snell

13.3 DEVELOPMENT APPLICATION DA.BA 15/2019

Under Section 44 of the *Planning Act 2002 (NI)* (the Act) development applications for 'permissible (with consent) use or development' are to be referred to the Council together with a copy of any submissions and a report and recommendation on the application. After the application and recommendation has been referred to Council, Council makes a recommendation on the application and refers that recommendation to the Minister.

Accordingly, application DA.BA 15/2019 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*:

DA.BA 15/2019

- Applicant: Neil Boler
- Subject Land: Portion 35f6, 20 Ferny Lane
- Proposed Use or Development: *Carport – Ancillary to existing Residence – Dwelling House: (encroaching into minimum side and rear setback requirements)*

It is recommended that Council recommends to the Minister's delegate that the development application is approved subject to conditions in the Notice of Decision.

The Application and Assessment Report have been viewed by the Councillors and the Application is available for viewing by the public at the Planning Office. The Assessment Report may be viewed by the public after a decision is made (section 48 c) under the *Planning Act 2002 (NI)*.

RESOLUTION 2019/163

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That

1. The Norfolk Island Regional Council, pursuant to section 44(2) of the *Planning Act 2002 (NI)*, makes a recommendation to approve DA.BA 15/2019 in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision; and
2. The Norfolk Island Regional Council, pursuant to section 44(4) of the *Planning Act 2002 (NI)*, refers DA.BA 15/2019 to the Minister's delegate with Council's recommendations on the application.

CARRIED

FOR

Cr Robin Adams

Cr David Porter

Cr Rod Buffett

AGAINST

Cr Lisle Snell

Cr John McCoy

14 NOTICES OF MOTION**14.1 NOTICE OF MOTION - PERSONALISED VEHICLE NUMBER PLATES ON NORFOLK ISLAND**

I, Councillor Rod Buffett, give notice that at the next Ordinary Meeting of Council be held on 21 August 2019, I intend to move the following motion:-

MOTION

That the Council looks into the possibility of the introduction of Personalised Vehicle Number Plates on Norfolk Island.

LOST

FOR

Cr David Porter

Cr Rod Buffett

AGAINST

Cr Lisle Snell

Cr John McCoy

Cr Robin Adams

14.2 NOTICE OF MOTION - TERRITORIAL WATERS ACT 1926 (NI)

I, Councillor Robin Adams, give notice that at the next Ordinary Meeting of Council be held on 21 August 2019, I intend to move the following motion:-

RESOLUTION 2019/164

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

That noting –

1. The attached version of the *Territorial Waters Act 1926* (NI) appears on the Federal Register of Legislation as being ‘In force – latest version’ – consolidated as at 14 February 2005; and that the Act states –
 - “2. (1) Subject to subsection 2(2), “territorial waters” means that part of the sea adjacent to the Territory of Norfolk Island that is within 12 nautical miles of a territorial sea baseline for the Territory as determined by Proclamation under section 7 of the Commonwealth Seas and Submerged Lands Act 1973.
 - (2) In the absence of a Proclamation referred to in subsection 2(1), “territorial waters” means that part of the sea adjacent to the Territory of Norfolk Island that is within 12 nautical miles of the coastline of the Territory at low-water.”
2. The Temperate East Commonwealth Marine Reserves Network Management Plan 2014-24 (the Plan) now applies to Norfolk Island; and at section 2.3 of the Plan it states that “On Norfolk Island, which is a territory of the Commonwealth, Commonwealth waters extend to the high-water mark.”,

Council requests a comprehensive report be prepared for the community and Council on how the Temperate East Commonwealth Marine Reserves Network Management Plan 2014-24 aligns with the *Territorial Waters Act 1926* (NI).

CARRIED

UNANIMOUS

14.3 NOTICE OF MOTION - APPOINTMENT OF TRUSTEES OF THE NORFOLK ISLAND MUSEUM TRUST

I, Councillor Robin Adams, give notice that at the next Ordinary Meeting of Council be held on 21 August 2019, I intend to move the following motion:-

RESOLUTION 2019/165

Moved: Cr Robin Adams

Seconded: Cr John McCoy

Action Item 10 (Heritage) in the Heritage and Culture Strategy 2017-2020 states –

“Retain ownership and management of the Island’s moveable and cultural material by way of maintaining the Norfolk Island Museum Trust as a body that is appointed by elected councils from and by the Norfolk Island Community.”

Council acknowledges the letter of 20 June 2019 (attached) from the Chair of the Norfolk Island Museum Trust supporting Action Item 10 (Heritage).

At its meeting on 17 July 2019 Council endorsed the recommendation of the Heritage and Culture Advisory Committee that Council progress this Action item.

Council endorses the letter of 8 August 2019 (attached) sent to the Administrator requesting assistance with achieving the outcome that the Norfolk Island Museum Trust ‘is appointed by elected councils from and by the Norfolk Island Community’

CARRIED

UNANIMOUS

14.4 NOTICE OF MOTION - PACIFIC PEACE 2020 NORFOLK ISLAND - 75TH ANNIVERSARY OF THE END OF WORLD WAR II IN THE PACIFIC

I, Councillor Robin Adams, give notice that at the next Ordinary Meeting of Council be held on 21 August 2019, I intend to move the following motion:-

MOTION

In acknowledgement of the need for urgent secretarial support to be provided to the Pacific Peace 2020 – Norfolk Island Steering Committee (the Steering Committee), Council by resolution 2019/48 on 20 March 2019 requested the Mayor to hold discussions with the Administrator and the General Manager on how the Norfolk Island Regional Council and the Commonwealth might partner to assist in providing funding for secretarial support as a matter of urgency.

Noting that the Office of the Administrator is currently assisting with provision of secretarial support to the Steering Committee, Council endorses the provision of funding to the Steering Committee for project co-ordination as a matter of urgency.

This motion has been deferred to the September Council meeting due to Section 10.9 of The Code of Meeting Practice: *A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.*

DEFERRED**15 URGENT BUSINESS WITHOUT NOTICE**

Nil

16 CONFIDENTIAL MATTERS FOR CONSIDERATION**RESOLUTION 2019/166**

Moved: Cr David Porter

Seconded: Cr John McCoy

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

16.1 Recruitment of General Manager and Interim General Manager

This matter is considered to be confidential under Section 10A(2) - a, di, dii and diii of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors), commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, information that would, if disclosed, confer a commercial advantage on a competitor of the council and information that would, if disclosed, reveal a trade secret.

The meeting was closed to the public at 5:26pm with members of the Gallery vacating the Chamber and Broadcasting being suspended.

CARRIED

RESOLUTION 2019/167

Moved: Cr Rod Buffett

Seconded: Cr John McCoy

That Council moves out of Closed Session at 6:30pm and resumed the Ordinary Council meeting. The Gallery was opened to the public with Broadcasting continuing.

CARRIED

16.1 RECRUITMENT OF GENERAL MANAGER AND INTERIM GENERAL MANAGER

The purpose of this report is for Council to determine the recruitment agency for the recruitment of the General Manager for the Norfolk Island Regional Council, and to appoint an interim General Manager subsequent to the 13 September 2019, when the current General Manager leaves.

RESOLUTION 2019/168

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That Council

1. Appoints an Interim General Manager being Mr Bruce Taylor until the position is filled/or until 10 January 2020 with review pending the recruitment progress, and that he be paid the same remuneration as the current General Manager during this period.
2. Selects Management Solutions, Local Government Association NSW to conduct the recruitment process for the recruitment of the new General Manager.
3. Approves for the Executive Manager Organisational Development (EMOD) to assist the Mayor in the recruitment process with the selected recruitment agency and in line with the Guidelines for the Appointment and Oversight of General Managers under section 23A of the *Local Government Act 1993* (NSW) (NI) and that the selection panel consists of all Councillors.

CARRIED

FOR

Cr Robin Adams

Cr David Porter

Cr Rod Buffett

Cr John McCoy

AGAINST

Cr Lisle Snell

17 QUESTIONS FOR THE NEXT MEETING

Nil

The next Ordinary Meeting of Council will take place on Wednesday 21 August 2019 held at the Norfolk Island Regional Council Chambers commencing at 2:00pm.

There being no further business the Mayor declared the meeting closed at 6:33pm.

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Ordinary Meeting of Council held on Wednesday 21 August 2019.

Submitted to the Ordinary Meeting of Council held on Wednesday 18 September 2019.

Mayor Robin Adams

Date