



# MINUTES

## Ordinary Council Meeting 15 May 2019

*Menets*

*f daa Ordeneri Kaunsl Miiten  
orn 15 Mieh 2019*

**MINUTES OF NORFOLK ISLAND REGIONAL COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE NORFOLK ISLAND REGIONAL COUNCIL CHAMBERS  
ON WEDNESDAY, 15 MAY 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), Phillip Wilson (Group Manager Corporate Chief Financial Officer), Joy Walker (Executive Manager Governance and Human Resources), Susan Prior (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:

- John Talbot (Jack)
- Herbert Johannes Edward Welter
- Nicholas Andrew
- Peter Beaumont.

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

**4 DISCLOSURE OF INTEREST**

Officer	Agenda Item	Type	Nature of Interest
Councillor Robin Adams	13.2 Development Application 2/2019 Referred to Council Under Section 44 of the Planning Act	Non-Pecuniary Interest	Applicant is her godson
Councillor John McCoy		Non-Pecuniary Interest	Tourist Accommodation Operator
Councillor Dave Porter		Less than Significant Non-Pecuniary Conflict of Interest	Tourist Accommodation Operator

**5 PUBLIC ACCESS**

Nil

**6 CONFIRMATION OF MINUTES****5.1 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 29 MARCH 2019****RESOLUTION 2019/67**

Moved: Cr David Porter

Seconded: Cr John McCoy

1. That the Minutes of the Extraordinary Council Meeting held on 29 March 2019 be received and confirmed.

**CARRIED****5.2 MINUTES OF THE COUNCIL MEETING HELD ON 17 APRIL 2019****RESOLUTION 2019/68**

Moved: Cr Rod Buffett

Seconded: Cr Lisle Snell

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

**CARRIED**

**7 MAYORAL MINUTE****7.1 MAYORAL MINUTE - REDIRECTION OF TOWN CREEK TO GOLF COURSE AND AWAY FROM EMILY BAY****RESOLUTION 2019/69**

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

Item 1.7 in the Operational Plan 2018-2019 Quarterly Review January to March 2019 reports on the goal in the Community Strategic Plan to keep our waters around Norfolk Island sustainable for the enjoyment of future generations. Council recommends that the Mayor provide a submission to the KAVHA Advisory Committee recommending serious consideration be given to the redirection of Town Creek back to its original course between Chimney Hill and Government House over to the Golf Course and thence to Cemetery Bay, thereby removing public health risks from contaminated water flowing into Emily Bay.

**CARRIED**

**7.2 MAYORAL MINUTE - SEWERAGE RISING MAIN FROM KAVHA****RESOLUTION 2019/70**

Moved: Cr Robin Adams

Seconded: Cr David Porter

Item 1.2.3 in the Operational Plan 2018–2019 Quarterly Review January to March 2019 reports that DIRDC have approved the construction of a rising main from KAVHA that will discharge into the Water Assurance Scheme and GHD are due to present their final design in early May 2019.

Notwithstanding Council supports the proposal in principle, Council –

- 1) Requests assurance that the additional discharge from KAVHA will not adversely affect the existing Wastewater Treatment Plant that already requires major upgrading; and
- 2) Requests the Mayor write to the Department seeking agreement that Council be provided with a copy of the GHD Report when finalised.

**CARRIED**

**8 STATUS REPORTS**

Nil

**9 REPORTS FROM COMMITTEES****9.1 MINUTES OF THE HERITAGE AND CULTURE ADVISORY COMMITTEE MEETING HELD ON 26 APRIL 2019****RESOLUTION 2019/71**

Moved: Cr Lisle Snell

Seconded: Cr Rod Buffett

1. That the Minutes of the Heritage and Culture Advisory Committee Meeting held on 26 April 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', be received and noted.
3. That Action Item 28 be changed to read 'Encourage access to the Australian Government's Regional Arts Fund to encourage and support sustainable cultural development of Norfolk Island'.
4. That a letter is written stating the Heritage and Culture Advisory Committee's support of the Winston Churchill Fellowship.
5. That Action Item 30 be adjourned to allow discussion with Mr Geoff Gardner OAM.
6. That the Norfolk Island Museums and Research Centre Update report for April 2019 be received and noted.

**CARRIED****9.2 MINUTES OF THE TOURISM ADVISORY COMMITTEE MEETING HELD ON 2 MAY 2019****RESOLUTION 2019/72**

Moved: Cr David Porter

Seconded: Cr Robin Adams

1. That the Minutes of the Tourism Advisory Committee Meeting held on 2 May 2019 be received and noted.
2. That the applicant for Tourism Operations, Tina Loader, be accepted by the Tourism Advisory Committee for endorsement by Council.
3. That the existing vacant TAC RIO Representative role be amended to RDA Representative as a non-voting member.
4. That the TAC Terms of Reference be updated to include the RDA Representative non-voting role.
5. That Naomi Thompson gain in-principal support from cafés for the Green Caffein project

before taking it to the Administrator's office to investigate funding support.

**CARRIED**

## **10 REPORTS FROM GENERAL MANAGER**

### **10.1 REMUNERATION FEES FOR MAYOR AND COUNCILLORS**

The purpose of this report is for Council to adopt the remuneration fees for Councillors and the Mayor, and for the fees to be in line with the determination made by the NSW Local Government Remuneration Tribunal 15 April 2019.

#### **RESOLUTION 2019/73**

Moved: Cr Rod Buffett  
Seconded: Cr David Porter

That

1. The General Manager's Report 'Remuneration Fees for Councillors and the Mayor', be received and noted;
2. The fee for the Councillors be set at the maximum allowable being \$12,160 per Councillor for the year 2019–2020;
3. That the additional fee for the Mayor be set at the maximum allowable being \$26,530 for the year 2019–2020; and
4. That the General Manager arrange for the fees be paid in monthly instalments on receipt of a Councillor signed 'Fees and Expenses' form at each Ordinary Council meeting.

**CARRIED**

### **10.2 OPERATIONAL PLAN 2018-2019: QUARTERLY REVIEW JANUARY TO MARCH 2019**

The purpose of this report is for Council to note the progress in the Operational Plan 2018–2019 for the period January to March 2019.

#### **RESOLUTION 2019/74**

Moved: Cr Lisle Snell  
Seconded: Cr David Porter

That Council notes the progress of activities in the Operational Plan 2018–2019 for the third quarter, January to March 2019.

**CARRIED**

**10.3 COUNCIL RESOLUTIONS REVIEW JANUARY TO MARCH 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 January 2019 to March 2019.

**RESOLUTION 2019/75**

Moved: Cr John McCoy

Seconded: Cr David Porter

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

**CARRIED**

**11 REPORTS FROM EXECUTIVE MANAGER GOVERNANCE AND HUMAN RESOURCES****11.1 POLICY: CREATING AND MAINTAINING POLICIES AND PROCEDURES**

The purpose of this report is for Council to review and amend the Policy on Creating and Maintaining Policies and Procedures.

**RESOLUTION 2019/76**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That Council adopts the proposed amended Creating and Maintaining Policies and Procedures Policy.

**CARRIED**

**12 REPORTS FROM GROUP MANAGER CORPORATE / CHIEF FINANCIAL OFFICER****12.1 INVESTMENT REPORT - APRIL 2019**

The purpose of this report is for Council to note investments held as at 30 April 2019

**RESOLUTION 2019/77**

Moved: Cr John McCoy

Seconded: Cr Lisle Snell

That Council notes the:

1. Investment report for April 2019;
2. total deposits held at 30 April 2019 were \$18,408,274; and
3. interest accrued on investments was \$30,902 for the month of April and \$317,644, year to date.

**CARRIED**

**12.2 RATING MODEL 2019-2020**

The purpose of this report is to present to Council for adoption the proposed rating model for the 2019–2020 financial year.

**MOTION**

Moved: Cr John McCoy

Seconded: Cr David Porter

That, in accordance with the provisions of Section 535 of the *Local Government Act 1993* (NSW)(NI), Council makes, fixes and levies the rates for the 2019–2020 financial year as follows:

<b>Model 3 2019–2020</b>				
<b>Category</b>	<b>Base Rate</b>	<b>Ad Valorem Rate</b>	<b>Total Category Yield</b>	<b>% of Yield</b>
Residential	\$232.68	0.00230618	\$767,340	63%
Business	\$687.81	0.00551561	\$389,760	32%
Farmland	\$197.16	0.00121074	\$60,900	5%
Mining	\$687.81	0.00551561	-	0%
<b>Sub-Total</b>			<b>\$1,218,000</b>	



**AMENDMENT**

Moved: Cr John McCoy

Seconded: Cr Lisle Snell

That the Recommendation be amended to read:

That, in accordance with the provisions of Section 535 of the *Local Government Act 1993* (NSW)(NI), Council makes, fixes and levies the rates for the 2019–2020 financial year in line with the adopted 2018–2019 rating model.

**LOST.**

*Deputy Mayor, Cr John McCoy left the meeting at 4:20pm.*

**RESOLUTION 2019/78**

Moved: Cr John McCoy

Seconded: Cr David Porter

That, in accordance with the provisions of Section 535 of the *Local Government Act 1993* (NSW)(NI), Council makes, fixes and levies the rates for the 2019–2020 financial year as follows:

<b>Model 3 2019–2020</b>				
<b>Category</b>	<b>Base Rate</b>	<b>Ad Valorem Rate</b>	<b>Total Category Yield</b>	<b>% of Yield</b>
Residential	\$232.68	0.00230618	\$767,340	63%
Business	\$687.81	0.00551561	\$389,760	32%
Farmland	\$197.16	0.00121074	\$60,900	5%
Mining	\$687.81	0.00551561	-	0%
<b>Sub-Total</b>			<b>\$1,218,000</b>	

Against: Cr Robin Adams

**CARRIED**

**12.3 COMMUNITY GRANTS PROGRAM 2018-2019: VARIATION OF APPROVED GRANT FOR THE NORFOLK ISLAND TOUCH FOOTBALL CLUB**

The Norfolk Island Touch Football Club have applied for a variation of use for grant funds awarded under the 2018–19 round of the Community Grants Program.

**RESOLUTION 2019/79**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That the variation application by Norfolk Island Touch Football Association for a change of use of funds from travel and training to purchase of line-marking equipment and paint be approved subject to:

1. signing of a new Funding Agreement, and
2. meeting the terms and conditions of the new Funding Agreement by the end of the current financial year when the 2018–2019 round of the Community Grants Program is complete.

**CARRIED**

**12.4 CUSTOMER SERVICE SURVEY 2019-2020**

This report is to provide Councillors with a status update in relation to the Customer Service Survey, and to offer an alternative way of undertaking the Customer Service Survey.

**RESOLUTION 2019/80**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That Council approves:

1. a tablet is located at Customer Care, which is loaded with a simple application that allows customers to provide instant feedback while in the office.
2. hard-copy customer service feedback surveys are made available at Customer Care and other key Council areas, such as the Library, Airport, Waste Management Centre, Liquor Bond and, the Tourist Bureau.
3. an online Customer Service Survey is available all year round, which is accessible from Council's website (home page).
4. ongoing media communications provided in the newspaper, on Council's website, and on radio outlining how members of the community can provide feedback in relation to Council's service areas.

**CARRIED**

**PROCEDURAL MOTION****RESOLUTION 2019/81**

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

That Cr Dave Porter, in the absence of the Deputy Mayor, presides at the meeting as the Chairperson.

**CARRIED**

**PROCEDURAL MOTION****RESOLUTION 2019/82**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That the supplementary report containing the Quarterly Financial Review as at 31 March 2019 be discussed as the next Agenda item.

**CARRIED**

*Mayor, Cr Robin Adams left the meeting at 3:38pm and Cr Dave Porter assumed the Chair.*

*Mayor, Cr Robin Adams returned to the meeting at 3:40pm and assumed the Chair.*

**12.5 QUARTERLY FINANCIAL REVIEW REPORT AS AT 31 MARCH 2019**

The purpose of this report is to present to Council the Quarterly Financial Review Report as at 31 March 2019, which outlines the financial performance of Council's operations and capital expenditure against budget with recommended variations.

**RESOLUTION 2019/83**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That

1. Council notes and adopts the 2018–2019 Budget Review Statements for the third quarter ending 31 March 2019, consisting of the seven reports, detailing the income and expenditure.

2. Council notes the financial result was \$906,500 surplus at 31 March 2019, consisting of:
  - \$78,052 surplus for Council Functions,
  - \$828,448 surplus for State Type Services as part of the Service Delivery Agreement with the Commonwealth.
3. Council notes the capital expenditure was \$4,002,558 for the nine-month period from 1 July 2018 to 31 March, which was 40 per cent of the annual Q2 revised budget of \$10,115,000.
4. Council notes and adopts the variations to the budget as outlined in Quarterly Budget Review Statement with an upgrade to the projected year-end result at 30 June 2019 from \$15,000 surplus to \$53,000 surplus and increase in capital budget from \$10.115 million to \$10.375 million being for:
  - a) commissioning of new baler at \$177,000
  - b) \$50,000 to buy out four vehicle leases
  - c) \$43,000 to complete the road management plan and engineering design for intersections.

**CARRIED**

### 13 REPORTS FROM GROUP MANAGER SERVICES

#### 13.1 DEVELOPMENT APPLICATION 1/2019 REFERRED TO COUNCIL UNDER SECTION 44 OF THE PLANNING ACT 2002 (NI)

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 1/2019 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002* (NI):

#### **DA 1/2019**

Applicant: J Sexton and K Sexton

Subject Land: Portions 89q4 and 89q8 Bumbora Road

Proposed Use or Development: *Subdivision Major – Boundary adjustment*

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) *Planning Act 2002* (NI)).

**RESOLUTION 2019/84**

Moved: Cr Lisle Snell

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 1/2019 in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision;
2. if Council's recommendation is different to the Senior Strategic Planner's recommendation, pursuant to section 44(3) of the *Planning Act 2002* (NI), Council specifies the reasons for the difference in its recommendation;
3. the Norfolk Island Regional Council, pursuant to section 44(4) of the *Planning Act 2002* (NI), refers DA 1/2019 to the Minister's delegate with Council's recommendations on the application.

In favour: Cr Adams, Cr Buffett, Cr Porter and Cr Snell.

**CARRIED**

*Cr Dave Porter left the meeting at 4:55pm.*

*Cr Dave Porter returned to the meeting at 4:58pm.*

*Cr Rod Buffett left the meeting at 4:59pm.*

*Cr Rod Buffett returned to the meeting at 5:00pm.*

*Mayor, Cr Robin Adams declared a non-pecuniary interest and left the meeting at 5:01pm. Cr Dave Porter assumed the Chair.*

**13.2 DEVELOPMENT APPLICATION 2/2019 REFERRED TO COUNCIL UNDER SECTION 44 OF THE PLANNING ACT 2002 (NI)**

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 2/2019 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002* (NI):

**DA 2/2019**

Applicant: J Ryves and D Ryves-Bani

Subject Land: Portion 108b2 Anson Bay Road

Proposed Use or Development: Change of Use to add *Residence – Accommodation Unit* as an additional permitted use an of existing *Residence – Dwelling House*

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) *Planning Act 2002* (NI)).

**RESOLUTION 2019/85**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That the Norfolk Island Regional Council:

1. Pursuant to section 44(2) of the *Planning Act 2002* (NI), makes a recommendation to approve DA 2/2019 in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision;
2. if Council's recommendation is different to the Senior Strategic Planner's recommendation, pursuant to section 44(3) of the *Planning Act 2002* (NI), Council specifies the reasons for the difference in its recommendation;
3. Pursuant to section 44(4) of the *Planning Act 2002* (NI), refers DA 2/2019 to the Minister's delegate with Council's recommendations on the application.

In favour: Cr Adams, Cr Buffett, Cr Porter and Cr Snell.

**CARRIED**

*Mayor, Cr Robin Adams returned to the meeting at 5:07pm and assumed the Chair.*

*Cr John McCoy returned to the meeting at 5:07pm.*

**14 NOTICES OF MOTION**

Nil

**15 URGENT BUSINESS WITHOUT NOTICE**

Nil

**16 URGENT BUSINESS WITHOUT NOTICE**

Nil

**17 CONFIDENTIAL MATTERS FOR CONSIDERATION****RESOLUTION 2019/86**

Moved: Cr Rod Buffett

Seconded: Cr Lisle Snell

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 Consultancy to Develop Business Case to Upgrade the Wastewater Treatment Plant**

This matter is considered to be confidential under Section 10A(2) - di 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**CARRIED**

**RESOLUTION 2019/87**

Moved: Cr David Porter

Seconded: Cr John McCoy

That Council moves out of Closed Council into Open Council.

**CARRIED**

**16.1 CONSULTANCY TO DEVELOP BUSINESS CASE TO UPGRADE THE WASTEWATER TREATMENT PLANT**

The purpose of this report is to seek the Councillors' approval to engage the preferred tenderer for the development of a business case for the upgrade of the current Wastewater Treatment Plant.

**RESOLUTION 2019/88**

Moved: Cr David Porter

Seconded: Cr Lisle Snell

That, due to the superior offer from Balmoral Group Australia Pty Ltd, this company be appointed as the successful consultant to develop a business case for the upgrade of the Wastewater Treatment Plant, at a cost of \$86,554, in accordance with RFQ SPT281819NIRC.

**CARRIED**

## 18 QUESTIONS FOR THE NEXT MEETING

COUNCILLOR	QUESTION
Cr Robin Adams	<p><b>TRANSFER OF CASCADE RESERVE ET AL TO NORFOLK ISLAND REGIONAL COUNCIL</b></p> <p>The Commonwealth by letter (attached) to Cr Adams from the then Executive Director Local Government and Territories Division Ms Robyn Fleming dated 11 October 2016 advised that ‘The transfer of Cascade Reserve, or part thereof, was agreed to be put on hold pending the finalisation of the Cascade Pier constructions works and a future port management plan for Norfolk Island’. Furthermore she advised ‘that Queen Elizabeth Avenue was not transferred as planned to the Council and the Department will prepare an instrument to give effect to this transfer’.</p> <p>Will the General Manager please request the Commonwealth to provide a firm timeline:</p> <ul style="list-style-type: none"> <li>a) for transferring Cascade Reserve to Council;</li> <li>b) For bringing a draft port management plan for Norfolk Island to Council for its endorsement; and</li> <li>c) For transferring Queen Elizabeth Avenue to Council.</li> </ul>
Cr Robin Adams	<p><b>POSSIBLE EXTENSION OF THE BROADCASTING SERVICES ACT 1992 (CTH)</b></p> <p>Noting that Item 4.2.3 in the Operational Plan 2018-2019 Quarterly Review January to March 2019 indicates an intention on the part of the Commonwealth to extend the Broadcasting Services Act 1992 (Cth) to Norfolk Island would the General Manager please reinforce to the Commonwealth the requirement of the Australian Government’s Legislation Consultation Framework which was put in place by the Australian Government is to guide the Australian Government’s consultation on legislative changes including amendments to existing laws and the application or creation of new laws to apply to Norfolk Island.</p>
Cr Lisle Snell	<p>Can the General Manager please advise if there are still vacant positions under the Workforce Management Plan 2016–2020.</p> <p>If so:</p> <ul style="list-style-type: none"> <li>• Can the General Manager please advise where these vacancies still exist.</li> <li>• Can the General Manager please advise what cost implications the filling of these vacancies, if any, will have on the projected financial Annual Budget Plan 2019–2020.</li> <li>• Can the General Manager please advise if and when the Workforce Management Plan 2016–2020 will be reviewed and presented to Council showing all positions both filled and vacant as presented in 2016–2017.</li> </ul>



The next Ordinary Meeting of Council will take place on Wednesday 26 June 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 5:27pm.

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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 15 May 2019.

Submitted to the Ordinary Meeting of Council held on Wednesday 26 June 2019.

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Mayor Robin Adams

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Date