



MINUTES

Ordinary Council Meeting

21 November 2018

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**MINUTES OF NORFOLK ISLAND REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE NORFOLK ISLAND REGIONAL COUNCIL CHAMBERS
ON WEDNESDAY, 21 NOVEMBER 2018 AT 2:00PM**

PRESENT: Cr Robin Adams (Mayor), 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/CFO), 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 2:03pm.

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

APOLOGY

RESOLUTION 2018/174

Moved: Cr John McCoy

Seconded: Cr Lisle Snell

That the apology received from Cr Rod Buffett be accepted and leave of absence granted.

CARRIED

CONDOLENCES

Cr Adams recorded the passing of:

- Keith Davies
- Dan Cuthbertson.

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
Mayor Robin Adams	13.2 Depasturing Cattle Policy	Pecuniary Interest	Owns cattle agisted on common land to which the policy applies.
General Manager Lotta Jackson	16.2 General Manager's Contract	Pecuniary Interest	Potential renewal of contract.

5 PUBLIC ACCESS

Mr Carl Millington from Council's Auditors, Pitcher Partners, gave a presentation to Council on the Financial Statements published in the Annual Report 2017–18.

6 CONFIRMATION OF MINUTES**5.1 MINUTES OF THE COUNCIL MEETING HELD ON 17 OCTOBER 2018****RESOLUTION 2018/175**

Moved: Cr John McCoy

Seconded: Cr David Porter

That the Minutes of the Council Meeting held on 17 October 2018 be received and confirmed.

CARRIED

7 MAYORAL MINUTE**MAYORAL MINUTE - CONSULTATION ON COMMONWEALTH PROPOSED NEW HEALTH FACILITY ON NORFOLK ISLAND****RESOLUTION 2018/176**

Moved: Cr Robin Adams

Seconded: Cr John McCoy

Noting –

1. The announcement of Assistant Minister the Hon Sussan Ley of the Commonwealth's intention to design a new multipurpose service health facility on Norfolk Island; the aim being to cater for the unique needs of the island and provide best value for money; and
2. That under the Norfolk Island Community Strategic Plan 2016–2026 Council is tasked by the Norfolk Island community to advocate for coordination of healthcare services on Norfolk Island to ensure availability of high quality and affordable health and aged-care services.

Council requests that the Mayor, the Deputy Mayor and the General Manager advocate to the Commonwealth Minister on behalf of Council on how high quality and affordable health services appropriate to an isolated community can be provided in the proposed new health facility that –

1. Focuses on whole body wellness;
2. Meets the needs and expectations of the Norfolk Island community identified through vigorous broad community consultation;
3. In the long term is capable of transitioning to a health facility in the Pacific with a modern operating theatre, maternity services, surgeons, anaesthetists, allied health professionals, a training facility for doctors and more; and
4. Complements a modern aged-care facility that honours the elderly and their contribution to the community over their lifetime.

CARRIED

8 STATUS REPORTS

Nil

9 REPORTS FROM COMMITTEES

9.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 16 OCTOBER 2018

RESOLUTION 2018/177

Moved: Cr David Porter

Seconded: Cr Lisle Snell

1. That the Minutes of the Audit Committee Meeting held on 16 October 2018 be noted by Council.
2. That Council is informed that the Audit Committee noted:
 - a) the draft annual 2017–18 Financial Statements and the Draft Report of 16 October 2018 from Pitcher Partners;
 - b) Council has approved the submission of the draft annual 2017–18 Financial Statements for Audit to the external auditors, Pitcher Partners.
3. That Council is informed that the Audit Committee noted that the NORDISPLAN 2018 has been approved by Dr John McVeigh, previous Minister for Regional Development, Territories and Local Government and adopted by Council at its 19 September 2018 meeting – Resolution 2018/146.
4. That Council is informed that the Audit Committee requested that:
 - a) the continuous improvement summary as at 5 October 2018 be noted;
 - b) the consolidated risk priority list from Pitcher's Partners report (pages 3 to 13) be added to the Council's Continuous Improvement Register;

- c) the Continuous Improvement Register be a standard agenda item for each meeting.
5. That the Audit Committee meeting dates for 2019 being 19 February 2019 from 1pm to 3pm, 29 May 2019, 28 August 2019 and 15 October 2019 be agreed.

CARRIED

9.2 MINUTES OF THE TOURISM ADVISORY COMMITTEE MEETING HELD ON 1 NOVEMBER 2018

RESOLUTION 2018/178

Moved: Cr Lisle Snell

Seconded: Cr David Porter

1. That the Minutes of the Tourism Advisory Committee Meeting held on 1 November 2018 be received and noted.
2. That the Council General Manager approaches the Commonwealth for annual funding to support event funding similar to the previous NIGTB Event Funding Policy.
3. That the 'workforce mapping and gap analysis' and the 'incubator for new and emerging businesses' be deferred until the new RIO has been appointed.
4. That the Tourism Report October 2018 be noted.
5. That Council investigate the progress in the review of legislation pertaining to unregistered holiday accommodation properties.

CARRIED

9.3 MINUTES OF THE PUBLIC RESERVES ADVISORY COMMITTEE MEETING HELD ON 6 NOVEMBER 2018

RESOLUTION 2018/179

Moved: Cr Lisle Snell

Seconded: Cr John McCoy

1. That the Minutes of the Public Reserves Advisory Committee Meeting held on 6 November 2018 be received and noted.
2. That the number of feral chooks removed from public reserves in the past 12 months be published, and feedback from the community be requested on their preferred method of removal.

CARRIED

10 REPORTS FROM GENERAL MANAGER**10.1 NSW REMUNERATION TRIBUNAL - CATEGORISATION**

The purpose of this report is for Council to note the response from the Executive Director Territories Division, Department of Infrastructure, Regional Development and Cities (DIRDC) in regard to resolution 2017/73 (5) NSW Remuneration Tribunal categorisation.

MOTION

Moved: Cr John McCoy

Seconded: Cr Robin Adams

That Council notes the letter from the Executive Director Territories Division, Department of Infrastructure, Regional Development and Cities (DIRDC) in regard to resolution 2017/73 (5) NSW Remuneration Tribunal categorisation, with the Rural category to remain.

AMENDMENT

Moved: Cr Robin Adams

Seconded: Cr John McCoy

That the recommendation be amended by the addition of the following –

and that Council after the 2019 Determination by the NSW Remuneration Tribunal or sooner that representation again be made to reassess Council's categorisation.

Vote recorded against: Cr Lisle Snell

CARRIED**RESOLUTION 2018/180**

Moved: Cr John McCoy

Seconded: Cr Robin Adams

That Council notes the letter from the Executive Director Territories Division, Department of Infrastructure, Regional Development and Cities (DIRDC) in regard to resolution 2017/73 (5) NSW Remuneration Tribunal categorisation, with the Rural category to remain and that Council after the 2019 Determination by the NSW Remuneration Tribunal or sooner that representation again be made to reassess Council's categorisation.

Vote recorded against: Cr Lisle Snell

CARRIED

10.2 MUSEUMS FEES AND CHARGES, AND OPENING HOURS

The purpose of this report is to present the outcome of the call for public submissions by Council relating to the proposed increase in some fees and charges at the Norfolk Island Museums and Research Centre and for Council to approve the recommended changes.

There were nil submissions received by Norfolk Island Regional Council during the public exhibition period.

RESOLUTION 2018/181

Moved: Cr David Porter

Seconded: Cr John McCoy

1. That Council adopts the fee changes, following the public exhibition period where no submissions were received, as follows:
 - a) the entry fee all Museums and Tag Along Tour, multiple entry, increases from \$25 to \$35;
 - b) the Research Centre at No.9 Quality Row \$5 entry fee is now abandoned, with the cost of entry included in the combined Museum Pass (multiple entry) ticket;
 - c) the cost of assisted research and the use of KRIC resources increases from \$10 (which included the entrance fee) to \$15. Photocopying remains a separate charge;
 - d) Research requests completed by a research officer, up to a period of two (2) hours increases from \$35 to \$50, plus photocopy charges;
 - e) A4 black and white photocopying increases from \$0.50 to \$1 per page;
 - f) A3 black and white photocopying increases from \$1.50 to \$2 per page.
2. That the operating hours of the Research Centre be extended to 9am–5pm on Wednesdays.

Vote recorded against: Cr Lisle Snell

CARRIED

10.3 OPERATIONAL PLAN 2018-19: QUARTERLY REVIEW 30 SEPTEMBER

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

RESOLUTION 2018/182

Moved: Cr John McCoy

Seconded: Cr David Porter

That Council notes the progress of activities in the Operational Plan 2018–2019 for the first quarter July to September 2018.

CARRIED

10.4 ANNUAL REPORT 2017-2018

The purpose of this report is to table the Annual Report for 2017–2018, including the Audited Financial Statements for the year ending 30 June 2018.

RESOLUTION 2018/183

Moved: Cr John McCoy

Seconded: Cr David Porter

That Council receives and adopts the Annual Report 2017–2018, including the Financial Statements 30 June 2018, as tabled in a separate attachment to this report.

CARRIED

11 REPORTS FROM EXECUTIVE MANAGER GOVERNANCE AND HUMAN RESOURCES

Nil

12 REPORTS FROM GROUP MANAGER CORPORATE / CHIEF FINANCIAL OFFICER**12.1 INVESTMENT REPORT - 31 OCTOBER 2018****SUMMARY**

The purpose of this report is for Council to note investments held as at 31 October 2018.

RESOLUTION 2018/184

Moved: Cr David Porter

Seconded: Cr Lisle Snell

That

- Council notes the Investment Report for October 2018;
- Council notes the total deposits held at 31 October 2018 was \$ 16,777,832;
- Council notes the interest accrued on investments for the month of October was \$34,992, and \$129,101, year to date.

CARRIED

12.2 QUARTERLY FINANCIAL REVIEW REPORT AS AT 30 SEPTEMBER 2018

The purpose of this report is to present to Council the Quarterly Financial Review Report as at 30 September 2018, which outlines the financial performance of Council's operations and capital expenditure against budget with recommended variations.

RESOLUTION 2018/185

Moved: Cr David Porter

Seconded: Cr John McCoy

That

1. Council notes the 2018–19 Budget Review Statements for the first quarter from 1 July 2018 to 30 September 2018, consisting of the seven reports, detailing the income and expenditure.
2. Council notes the financial result was \$652,753 surplus for the quarter, consisting of:
 - a) \$311,291 surplus for NIRC;
 - b) \$341,462 surplus for State-type delivery services.
3. Council notes the capital expenditure was \$2,397,213 for the quarter, which was 28.6 per cent of the annual budget of \$8,367,859.
4. Council notes the variations to the budget as outlined in Quarterly Budget Review Statement.
5. Council adopts the additional \$200,000 in Capital Works for the provision of a BBRF contribution for a Boardwalk at Anson Bay Reserve.

CARRIED

13 REPORTS FROM GROUP MANAGER SERVICES

13.1 CERTIFIED FIRE SAFETY TRAINING FEES

The purpose of this report is for the Norfolk Island Regional Council to agree to the introduction of certified Fire Safety Training programs and the fees associated with the running these courses.

RESOLUTION 2018/186

Moved: Cr David Porter

Seconded: Cr John McCoy

That Council places the following fees for National Recognised Training courses on public exhibition for 28 days, and considers any valid submissions when presented to Council after the public exhibition period:

1. Fire Warden and Fire Extinguisher Training \$365;
2. Fire Extinguisher Training only \$197.

CARRIED

Mayor, Cr Robin Adams left the meeting at 3:55pm.

Deputy Mayor, Cr John McCoy assumed the Chair and proceeded with the meeting.

13.2 POLICY: DEPASTURING CATTLE POLICY

The purpose of this report is for Council to consider the proposed Depasturing Cattle Policy.

MOTION

Moved: Cr David Porter

Seconded: Cr Lisle Snell

That

1. Council makes the transitioned Administration of Norfolk Island Pasturage Rights Policy (2011) obsolete.
2. Council adopts the proposed Depasturing Cattle Policy.

AMENDMENT

Moved: Cr Lisle Snell

Seconded: Cr David Porter

That the recommendation be amended by the addition of the following –

That Council provides a more detailed definition for the right of pasturage within the body of the Policy.

CARRIED

RESOLUTION 2018/187

Moved: Cr David Porter

Seconded: Cr Lisle Snell

That

1. Council makes the transitioned Administration of Norfolk Island Pasturage Rights Policy (2011) obsolete.
2. Council adopts the proposed Depasturing Cattle Policy.
3. Council provides a more detailed definition for the right of pasturage within the body of the Policy.

CARRIED

Mayor, Cr Robin Adams returned to the meeting at 4:13pm and resumed the position of Chair.

Cr David Porter left the meeting at 4.13pm.

Cr David Porter returned to the meeting at 4.15pm.

13.3 NORFOLK ISLAND ENVIRONMENT STRATEGY 2018-2023

The purpose of this report is to present the Norfolk Island Environment Strategy 2018–2023 (Environment Strategy) to Council for adoption. The report includes the Environment Strategy as separate attachment, plus two further attachments summarising the initial community consultation and the feedback received as a result of the subsequent public display of the Draft Environment Strategy. The Environment Strategy has been amended in accordance with feedback received and finalised for presentation to Council.

RESOLUTION 2018/188

Moved: Cr John McCoy

Seconded: Cr David Porter

That

1. Council adopts the Norfolk Island Environment Strategy 2018–2023, attached as separate document;
2. In order to adequately resource the Environment Strategy and the Environmental section as it currently operates, Council approves the budget changes to provide \$115,000 for the new positions of Manager Planning and Environmental Services, and Environmental Officer by reducing the wages budgets of identified savings due to vacant positions:
 - a) Sewer \$35,000
 - b) Composting \$23,000
 - c) Public Health \$35,000
 - d) Environment Parks/Reserves \$22,000.

CARRIED

13.4 NORFOLK ISLAND CONTINUED LAWS ORDINANCE 2015 AMENDMENTS TO PLANNING ACT 2002 (NI) AND HERITAGE ACT 2002 (NI)

The purpose of this report is to advise of amendments made to the *Planning Act 2002* (NI) through the Norfolk Island Legislation Amendment (Planning Measures) Ordinance 2018. This Ordinance introduced an additional development assessment pathway for major infrastructure projects, referred to as ‘Significant Development’; and provided new roles for Councillors to make recommendations on development applications classed as permissible with consent applications; and on heritage proposals under the *Heritage Act 2002* (NI).

MOTION

Moved: Cr John McCoy

Seconded: Cr David Porter

That

1. Council notes the amendments made to the *Planning Act 2002* (NI) through the Norfolk Island Legislation Amendment (Planning Measures) Ordinance 2018. Those amendments are:
 - a) the introduction of a new category of development, 'significant development' in the *Planning Act 2002* (NI);
 - b) the introduction of a separate development assessment pathway for 'significant development' in the *Planning Act 2002* (NI);
 - c) the *Norfolk Island Planning and Environment Board Act 2002* (NI) is repealed;
 - d) the statutory roles and functions previously assigned to the Norfolk Island Planning and Environment Board in the *Planning Act 2002* (NI) and the *Heritage Act 2002* (NI) are now assigned to the Norfolk Island Regional Council;
 - e) the *Planning Act 2002* (NI) and the *Heritage Act 2002* (NI) are amended to reflect the statutory roles of the Norfolk Island Regional Council in planning, development, environmental and heritage matters.

AMENDMENT

Moved: Cr Robin Adams

Seconded: Cr John McCoy

That the recommendation be amended by the addition of Clause 2 as follows:

2. All Councillors be provided with an up to date consolidation of the *Planning Act 2002* (NI) and the *Heritage Act 2002* (NI) as amended by the Norfolk Island Legislation Amendment (Planning Measures) Ordinance 2018.

CARRIED

RESOLUTION 2018/189

Moved: Cr John McCoy

Seconded: Cr David Porter

That

1. Council notes the amendments made to the *Planning Act 2002* (NI) through the Norfolk Island Legislation Amendment (Planning Measures) Ordinance 2018. Those amendments are:
 - a) the introduction of a new category of development, 'significant development' in the *Planning Act 2002* (NI);
 - b) the introduction of a separate development assessment pathway for 'significant

development' in the *Planning Act 2002* (NI);

- c) the *Norfolk Island Planning and Environment Board Act 2002* (NI) is repealed;
 - d) the statutory roles and functions previously assigned to the Norfolk Island Planning and Environment Board in the *Planning Act 2002* (NI) and the *Heritage Act 2002* (NI) are now assigned to the Norfolk Island Regional Council;
 - e) the *Planning Act 2002* (NI) and the *Heritage Act 2002* (NI) are amended to reflect the statutory roles of the Norfolk Island Regional Council in planning, development, environmental and heritage matters.
2. All Councillors be provided with an up to date consolidation of the *Planning Act 2002* (NI) and the *Heritage Act 2002* (NI) as amended by the Norfolk Island Legislation Amendment (Planning Measures) Ordinance 2018.

CARRIED

14 NOTICES OF MOTION

14.1 NOTICE OF MOTION - APPLICATION OF NSW BIOSECURITY ACT 2015 TO NORFOLK ISLAND

I, Councillor Robin Adams, give notice that at the next Ordinary Meeting of Council be held on 21 November 2018, I intend to move the following motion:

MOTION

That Council requests the Mayor write to Assistant Minister Sussan Ley seeking her agreement in principle to the NSW *Biosecurity Act 2015* being applied to Norfolk Island to enable the Island to be declared a Biosecurity zone; and for zone specific regulations to be made to implement a biosecurity policy and apply restrictions specific to Norfolk Island on imports.

AMENDMENT

Moved: Cr Robin Adams

Seconded: Cr John McCoy

That the Motion be deferred.

RESOLUTION 2018/190

Moved: Cr Robin Adams

Seconded: Cr John McCoy

That the following Motion be deferred:

Council requests the Mayor write to Assistant Minister Sussan Ley seeking her agreement in principle to the NSW *Biosecurity Act 2015* being applied to Norfolk Island to enable the Island to be declared a Biosecurity zone; and for zone specific regulations to be made to implement a biosecurity policy and apply restrictions specific to Norfolk Island on imports.

CARRIED

14.2 NOTICE OF MOTION - UPDATING NORFOLK ISLAND QUARANTINE SURVEY 2012-2014

I, Councillor Robin Adams, give notice that at the next Ordinary Meeting of Council be held on 21 November 2018, I intend to move the following motion:

RESOLUTION 2018/191

Moved: Cr David Porter

Seconded: Cr John McCoy

Council –

- a) Notes the letter from the Mayor and General Manager of 13 July 2018 (attached) to the Department of Agriculture and Water Resources (Cth) sent as requested by Council at its meeting on 27 June 2018;
- b) Notes the response dated 1 August 2018 (attached) from the Animal Biosecurity Branch Department of Agriculture and Water Resources in which the Department indicates it:
 - I. could review the current import conditions for horses if any new information about Norfolk Island's equine health status is presented; and
 - II. recommends that the NIRC arrange for an appropriate survey to be conducted to accurately demonstrate the island's status in regards to strangles, Melioidosis, equine herpesvirus 2-5 and the tick *I. holocyclus*; and
- c) Notes the Department of Infrastructure, Regional Development and Cities provided funding to conduct the NIQS survey in 2012–2014.

Accordingly, Council requests the Mayor write to the Department of Infrastructure, Regional Development and Cities seeking funds be made available to update the 2012–2014 Norfolk Island Quarantine Survey as recommended by the Department of Agriculture and Water Resources.

CARRIED**15 URGENT BUSINESS WITHOUT NOTICE**

Nil

16 CONFIDENTIAL MATTERS FOR CONSIDERATION**RESOLUTION 2018/192**

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 General Manager's Contract

This matter is considered to be confidential under Section 10A(2) - a 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).

CARRIED**RESOLUTION 2018/193**

Moved: Cr David Porter

Seconded: Cr John McCoy

That Council moves out of Closed Council into Open Council.

CARRIED**16.1 GENERAL MANAGER'S CONTRACT**

The purpose of this report is for Council decide on the application for renewal of the General Manger's Contract for a further two (2) years.

RESOLUTION 2018/194

Moved: Cr David Porter

Seconded: Cr John McCoy

That the General Manager's application for the renewal of her Contract for a further two (2) years until 30 June 2021, be agreed to with the decision to offer a new contract based on the current contractual arrangement with a salary package valued at \$224,405 plus superannuation \$6,732 (3%)

CARRIED

17 QUESTIONS FOR THE NEXT MEETING

COUNCILLOR	QUESTION
Cr Adams	<p>Council, at its 18 July 2018 meeting, requested the General Manager in consultation with the Commonwealth to commence examination of funding options to undertake scientific work as background evidence for discussion on long-term population targets.</p> <p>Will the General Manager please provide Council with a report on progress on sourcing funding for this critical work?</p>
Cr Adams	<ol style="list-style-type: none"> 1. Who is responsible for the dredging beside Kingston Jetty to ensure all fishing and pleasure boats, tenders, lighters and launches using Kingston Jetty can do so safely? 2. What approvals, if any, are required prior to dredging being undertaken? 3. What plans, if any, are in place for the work to be carried out?
Cr Adams	<p>With the adoption by Council of the Environment Strategy 2018–2023 and the synergies between the strategy and the Norfolk Island Project to be undertaken in collaboration with the University of Newcastle, please provide an update on the progression of the Norfolk Island Project.</p>

The next Ordinary Meeting of Council will take place on Wednesday 19 December 2018 held at the Norfolk Island Regional Council Chambers commencing at 2:00pm.

There being no further business the Mayor declared the meeting closed at 5:25pm.

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 November 2018.

Submitted to the Ordinary Meeting of Council held on Wednesday 19 December 2018.

Mayor Robin Adams

Date