



MINUTES

Ordinary Council Meeting

17 July 2019

Menets

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orn 15 Julai 2019

**MINUTES OF NORFOLK ISLAND REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE NORFOLK ISLAND REGIONAL COUNCIL CHAMBERS
ON WEDNESDAY, 17 JULY 2019 AT 2:00PM**

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

IN ATTENDANCE: Lotta Jackson (General Manager), Bruce Taylor (Group Manager Services), Phillip Wilson (Chief Financial Officer), Joy Walker (Executive Manager Governance and HR), 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

APOLOGY

RESOLUTION 2019/124

Moved: Cr David Porter

Seconded: Cr Rod Buffett

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

CARRIED

UNANIMOUS

CONDOLENCES

Nil

4 DISCLOSURE OF INTEREST

Nil

5 CONFIRMATION OF MINUTES**5.1 MINUTES OF THE COUNCIL MEETING HELD ON 26 JUNE 2019****RESOLUTION 2019/125**

Moved: Cr Rod Buffett
Seconded: Cr David Porter

That the Minutes of the Council Meeting held on 26 June 2019 be received and confirmed.

CARRIED

UNANIMOUS

6 PUBLIC ACCESS

Nil

7 MAYORAL MINUTE

Nil

8 STATUS REPORTS**8.1 QUESTION FOR THE NEXT MEETING: INDEPENDENT HERITAGE EXPERT ASSESSOR - YOUNG'S ROAD AND CASCADE RESERVE ROCK EXTRACTION**

Councillor McCoy asked the following question at the June 2019 Ordinary Council meeting:

INDEPENDENT HERITAGE EXPERT ASSESSOR - YOUNG'S ROAD AND CASCADE RESERVE ROCK EXTRACTION

On the 22nd March 2019 the then Assistant Minister, the Honourable Susan Ley MP advised the General Manager of the Norfolk Island Regional Council (NIRC) that:

I have considered your application with regard to the matters listed under Section 28D of the Planning Act 2002 (NI) and have decided to declare the proposed rock extraction from the Young's Road and Cascade Reserve site a Significant Development subject to the following conditions:

A Heritage Impact Statement considering the proposed Young's Road and Cascade Reserve site and surrounding area must be undertaken by an independent expert and included in the development application (DA). The statement must consider the potential heritage values of the site, with reference to the endorsed nomination of the Australian Heritage Council for Cascade Reserve to be included on the Commonwealth Heritage List.

Can the General Manager advise the Council if an independent Heritage expert Assessor has been appointed?

- 1. If yes who is the independent expert?*
- 2. If not then why not?*

Answer:

1. An Independent Heritage Expert Assessor has not been appointed.
2. Appointment of an Independent Heritage Expert Assessor is dependent on completion of a number of steps in the process before a Heritage Impact Assessment is commissioned. These steps include the preparation of a Project Description to enable consultation with the reviewing and assessment body. This consultation addresses directions on an Environmental Impact Assessment, any special requirements and matters to be addressed in an Environmental Impact Statement (including a Heritage Impact Statement) and considerations in the need for Referral under the EPBC Act. Once these matters are addressed the necessary detail is available to appoint an Independent Heritage Expert Assessor.

NOTED**8.2 QUESTION FOR THE NEXT MEETING: LICENCE AGREEMENT - YOUNG'S ROAD AND CASCADE RESERVE ROCK EXTRACTION**

Councillor McCoy asked the following question at the June 2019 Ordinary Council meeting:

On the 22nd March 2019 the then Assistant Minister, the Honourable Susan Ley MP advised the General Manager of the Norfolk Island Regional Council (NIRC) that:

I have considered your application with regard to the matters listed under Section 28D of the Planning Act 2002 (NI) and have decided to declare the proposed rock extraction from the Young's Road and Cascade Reserve site a Significant Development subject to the following conditions:

Negotiations must commence between the Council and the Commonwealth for a licence agreement for use of the relevant section of Cascade Reserve, including the terms and conditions, for the extraction of rock from the site.

Can the General Manager advise the Council if negotiations for a licence agreement with the Commonwealth has commenced to extract rock from the site?

1. *If yes when will the agreement come in to affect?*
2. *If not then why not?*

Answer:

Council has commenced the process of negotiating a licence agreement by writing to the Commonwealth advising the Boral Cascade Cliff and Alternative Site Review has been received, and requesting detail of the requirements to be included in any licence application. No time frames are currently available.

NOTED

8.3 QUESTION FOR THE NEXT MEETING: DRAFT DEVELOPMENT APPLICATION - YOUNG'S ROAD AND CASCADE RESERVE ROCK EXTRACTION

Councillor McCoy asked the following question at the June 2019 Ordinary Council meeting:

On the 22nd March 2019 the then Assistant Minister, the Honourable Susan Ley MP advised the General Manager of the Norfolk Island Regional Council (NIRC) that:

I have considered your application with regard to the matters listed under Section 28D of the Planning Act 2002 (NI) and have decided to declare the proposed rock extraction from the Young's Road and Cascade Reserve site a Significant Development subject to the following conditions:

Assistant Minister Susan Ley MP stated that the significant development requires development approval and that the Council will submit a development application following the process set out under Part 4 of the Planning Act 2002 (NI) for the Ministers consideration prior to any works commencing at the site.

- 1. Will the Councillors be presented with a Draft Development Application for the Young's Road and Cascade Reserve rock extraction project?*
- 2. Has a Development Application been lodged for consideration?*

Answer:

Councillors will be presented with a copy of the draft development application once prepared for lodgement.

The procedural steps to complete the development application preparation process are:

- Prepare a project description to enable consultation with the reviewing and assessment body (this is based on the Boral Cascade Cliff and Alternative Site Review of 5 June 2019, accepted by Council 26 June 2019).
- This consultation addresses directions on an Environmental Impact Assessment, any special requirements and matters to be addressed in an Environmental Impact Statement (including a Heritage Impact Statement) and considerations in the need for Referral under the EPBC Act. (There is a 21 day response timeframe for the reviewing and assessment body).
- Once this information is received from the reviewing and assessment body (Port Macquarie Hastings Council), NIRC can then complete the preparation of a Development Application, Environmental Impact Assessment, Environmental Impact Statement, Heritage Impact Statement and any considerations in the need for Referral under the EPBC Act.

NOTED

8.4 QUESTION FOR THE NEXT MEETING: MILESTONES - YOUNG'S ROAD AND CASCADE RESERVE ROCK EXTRACTION

Councillor McCoy asked the following question at the June 2019 Ordinary Council meeting:

On the 22nd March 2019 the then Assistant Minister, the Honourable Susan Ley MP advised the General Manager of the Norfolk Island Regional Council (NIRC) that:

I have considered your application with regard to the matters listed under Section 28D of the Planning Act 2002 (NI) and have decided to declare the proposed rock extraction from the Young's Road and Cascade Reserve site a Significant Development subject to the following conditions:

Assistant Minister Susan Ley MP stated that there is a statutory timeframe for dealing with applications (section 49). Given the complexity of the proposed development and application process, the Minister stated that the Commonwealth be kept informed of progress so that the Minister can extend the timeframe if necessary.

- 1. Can the General Manager advise Council of the milestones achieved in accordance with section 49 of the Planning Act 2002 (NI)?*
- 2. Can the General Manager advise Council as to what extent has the Commonwealth been informed of the milestones been achieved to date?*

Answer:

Section 49 of the Planning Act 2002 (NI) applies only after the development application has been submitted and accepted under section 35(1) of the Planning Act 2002 (NI).

At this stage NIRC is in the development application preparation stage.

NOTED

8.5 QUESTION FOR THE NEXT MEETING: ENVIRONMENTAL IMPACT STATEMENT - YOUNG'S ROAD AND CASCADE RESERVE ROCK EXTRACTION

Councillor McCoy asked the following question at the June 2019 Ordinary Council meeting:

Reference: *Assistant Minister Susan Ley MP Approved Significant Development dated 22nd March 2019*

Planning Act 2002 (NI) Section 45 states that:

- (4)** *A development application for prescribed use or development of land, a declared significant development or an ancillary project for a declared significant development must be accompanied by an environmental impact statement prepared in accordance with this section.*
- (5)** *The environmental impact statement must be prepared —*
 - (a) in accordance with—*
 - (i) the requirements prescribed by the regulations; and*
 - (ii) any directions given under subsection 45(6); and*
 - (b) only after an environmental impact assessment has been carried out.*
- (6)** *Before a person undertakes an environmental assessment under this*

section, the person shall seek directions from the Chief Executive Officer who shall give directions to the proposed applicant about the assessment and statement.

1. *As per the above reference can the General Manager advise Council if an Environmental Impact Assessment been carried out in accordance with section 45 of the Planning Act 2002 (NI)?*
 - a. *If yes then by whom?*
 - b. *If no then why not?*
2. *As per the above reference can the General Manager advise Council if an Environmental Impact Statement been presented in accordance with section 45 of the Planning Act 2002 (NI)?*
 - a. *If yes then by whom?*
 - b. *If no then why not?*

Answer:

Environmental Impact Assessment and Environmental Impact Statement are yet to be prepared as their preparation is dependent on prior completion of a number of steps in the development application process.

The procedural steps to complete the development application preparation process are:

- Prepare a project description to enable consultation with the reviewing and assessment body (this is based on the Boral Cascade Cliff and Alternative Site Review of 5 June 2019, accepted by Council 26 June 2019).
- This consultation addresses directions on an Environmental Impact Assessment, any special requirements and matters to be addressed in an Environmental Impact Statement (including a Heritage Impact Statement) and considerations in the need for Referral under the EPBC Act. (There is a 21 day response timeframe for the reviewing and assessment body).
- Once this information is received from the reviewing and assessment body (Port Macquarie Hastings Council), NIRC can then complete the preparation of a Development Application, Environmental Impact Assessment, Environmental Impact Statement, Heritage Impact Statement and any considerations in the need for Referral under the EPBC Act.

NOTED

8.6 STATE DELIVERY AGREEMENT 2019/2020

The purpose of this report is to provide Council and the Community with a copy of the State Delivery Agreement 2019/2020 for the services Council provides on behalf of the Commonwealth. The attached document is now available for the public to view.

NOTED

8.7 TOURISM REPORT JUNE 2019

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

NOTED**8.8 COMMERCIAL SERVICE UPDATE**

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

NOTED**8.9 FIRE SERVICE ACTIVITIES APRIL - JUNE 2019**

The purpose of this report is to provide an update on Fire Service Activities undertaken in the period April – June 2019.

NOTED**8.10 PLANNING AND ENVIRONMENTAL SERVICES ACTIVITIES 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**8.11 DEVELOPMENT AND BUILDING ACTIVITY QUARTERLY REPORT 1 APRIL - 30 JUNE 2019**

The purpose of this report is to advise Council on Development and Building Applications received, and the general activity in development and building proposals from 1 April 2019 to 30 June 2019. It also provides a summary of development and building applications for the financial year.

NOTED**8.12 CUSTOMER COMPLAINTS RECEIVED 2018-2019 FINANCIAL YEAR**

This status report details the Customer Complaints received by the Complaints Officer for the 2018/19 financial year.

NOTED

8.13 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**9 REPORTS FROM COMMITTEES****9.1 MINUTES OF THE HERITAGE AND CULTURE ADVISORY COMMITTEE MEETING HELD ON 28 JUNE 2019****MOTION**

Moved: Cr Robin Adams

Seconded: Cr John McCoy

1. That the Minutes of the Heritage and Culture Advisory Committee Meeting held on 28 June 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 with the follow amendments to the following Action Items:
 - (a) That the last sentence of Action Item 36 (Culture) be removed.
 - (b) Action Item 1 - It was decided to leave the Action Item as it stands and that no further discussion is required.
 - (c) That the wording for Action Item 8 (Heritage) be changed to: "Investigate implementing a heritage protection policy for heritage assets from the early Pitcairn Island to WWII period in consultation with the Council of Elders and the wider community."
 - (d) That the wording for Action Item 9 (Heritage) be amended to: "Ensure continued community access to public heritage buildings and open spaces for cultural expression, practice, celebrations, activities and experiences."
 - (e) Action Item 12 - The committee moved that this Action Item be deferred.
3. Action Item 10 – "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." This Action Item was unanimously accepted and recommended that Council proceed with this Action Item.
4. That the Norfolk Island Museums and Research Centre Update report for March 2019 be received and noted.

AMENDMENT

Moved: Cr Robin Adams

Seconded: Cr David Porter

That the following paragraph be added to the end of the motion –

‘5. That Ms Chelsea Evans, PhD candidate from Griffiths University who is currently on island for her field work investigating Norfolk Island cultural heritage, join the meeting of the Heritage and Culture Advisory Committee on Friday 26 July 2019.’

CARRIED

UNANIMOUS**RESOLUTION 2019/126**

Moved: Cr Robin Adams

Seconded: Cr John McCoy

1. That the Minutes of the Heritage and Culture Advisory Committee Meeting held on 28 June 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 with the follow amendments to the following Action Items:
 - (a) That the last sentence of Action Item 36 (Culture) be removed.
 - (b) Action Item 1 - It was decided to leave the Action Item as it stands and that no further discussion is required.
 - (c) That the wording for Action Item 8 (Heritage) be changed to: “Investigate implementing a heritage protection policy for heritage assets from the early Pitcairn Island to WWII period in consultation with the Council of Elders and the wider community.”
 - (d) That the wording for Action Item 9 (Heritage) be amended to: “Ensure continued community access to public heritage buildings and open spaces for cultural expression, practice, celebrations, activities and experiences.”
 - (e) Action Item 12 - The committee moved that this Action Item be deferred.
3. Action Item 10 – “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.” This Action Item was unanimously accepted and recommended that Council proceed with this Action Item.
4. That the Norfolk Island Museums and Research Centre Update report for March 2019 be received and noted.
5. That Ms Chelsea Evans, PhD candidate from Griffiths University who is currently on island for her field work investigating Norfolk Island cultural heritage, join the meeting of the Heritage and Culture Advisory Committee on Friday 26 July 2019.

CARRIED

UNANIMOUS

9.2 MINUTES OF THE NORFOLK ISLAND YOUTH COUNCIL MEETING HELD ON 1 JULY 2019**RESOLUTION 2019/127**

Moved: Cr Robin Adams

Seconded: Cr Rod Buffett

1. That the Minutes of the Norfolk Island Youth Council Meeting held on 1 July 2019 be received and the recommendations therein be adopted.
2. That the Youth Council support for the education system on Norfolk Island remains under the NSW Department of Education be noted.
3. That the Youth Council development of a letter to the NSW Premier (and/or other relevant departments) about the education provision on Norfolk Island is supported.
4. That the Norfolk Island Youth Council agree and support Council Resolution 2019/117 is noted, requesting that the Department of Infrastructure, Transport, Cities and Regional Development:
 - a) Holds a community meeting to explain the impact of each of the changes being proposed;
 - b) Conduct a formal survey of the Norfolk Island people to gauge agreement or otherwise each of the changes.

CARRIED

UNANIMOUS

9.3 MINUTES OF THE PUBLIC RESERVES ADVISORY COMMITTEE MEETING HELD ON 2 JULY 2019**RESOLUTION 2019/128**

Moved: Cr John McCoy

Seconded: Cr Rod Buffett

1. That the Minutes of the Public Reserves Advisory Committee Meeting held on 2 July 2019 be received and noted.
2. It is recommended to Council that the four draft Plans of Management, Ball Bay, Bumbora, Middleridge and Stock Reserves be placed on public exhibition as prescribed in the *Public Reserves Act 1997 (NI)*. (see separate report in this business paper).

CARRIED

UNANIMOUS

9.4 MINUTES OF THE TOURISM ADVISORY COMMITTEE MEETING HELD ON 4 JULY 2019**RESOLUTION 2019/129**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

1. That the Minutes of the Tourism Advisory Committee Meeting held on 4 July 2019 be received and the recommendations therein be adopted.
2. That the Tourism Advisory Committee approve the amended Survey Card for future printing.
3. That the Report by Team Leader Tourism and Economic Development requesting the TAC to review the Tourism Action Plan in four stages be received and noted.
4. Confirmation that the Tourism Action Plan stage one (1.1 to 1.6) has been received, reviewed, approved and noted.
5. That the Tourism Report June 2019 be received and noted.
6. That the RDA Report June 2019 be received and noted.

CARRIED

UNANIMOUS

10 REPORTS FROM GENERAL MANAGER**10.1 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2019**

The purpose of this report is to provide information to Council in relation to the Mayor's, Councillor Snell's and General Manager's attendance at the National General Assembly of Local Government 2019, held in Canberra, 15-19 June 2019.

RESOLUTION 2019/130

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That Council notes the information in this report in relation to the Mayor's, Councillor Snell's and General Manager's attendance at the National General Assembly of Local Government 2019, held in Canberra 15-19 June 2019.

CARRIED

UNANIMOUS

10.2 PROJECT STEERING COMMITTEE MEMBER FOR THE AIRPORT PAVEMENT AND RESURFACING DESIGN AND CONSTRUCT PROJECT

The purpose of this report is for Council to nominate an elected member to participate on the Project Steering Committee - Norfolk Island Airport Pavement Repair and Resurfacing Design and Construct Project (PSC).

RESOLUTION 2019/131

Moved: Cr Robin Adams

Seconded: Cr John McCoy

That Council approves for Councillor David Porter to be the Norfolk Island Regional Council's elected representative on the Steering Committee for the Airport Pavement Repair and Resurfacing Design and Construct Project.

CARRIED**UNANIMOUS****11 REPORTS FROM EXECUTIVE MANAGER GOVERNANCE AND HUMAN RESOURCES**

Nil

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

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

RESOLUTION 2019/132

Moved: Cr David Porter

Seconded: Cr Rod Buffett

1. That Council notes the:
 - a) Investment report for June 2019;
 - b) total deposits held at 30 June 2019 were \$17,817,158; and
 - c) interest accrued on investments was \$34,310 for the month of June and \$384,894, year to date.

CARRIED**UNANIMOUS**

12.2 OVERDUE RATES DEBT COLLECTION POLICY

The purpose of this report is to present to Council, for adoption, a policy relating to the recovery of overdue rates.

MOTION

Moved: Cr John McCoy

Seconded: Cr David Porter

That:

1. Council adopts the Overdue Rates Debt Recovery Policy
2. Council approves the write off interest debt less than \$2.00 per rating year.

AMENDMENT

Moved: Cr Robin Adams

Seconded: Cr John McCoy

That the following words be added to the end of point 1 - 'with the addition at the end the following words 'That the policy make it quite clear in clause 7.4 that no land on Norfolk Island shall be sold for overdue rates under section 713 of the *NSW Local Government Act 1993* (NSW)(NI) (the Act) unless the elected members by resolution of Council authorises the General Manager or the public officer to proceed with the sale in accordance with the Act.'

CARRIED

UNANIMOUS**RESOLUTION 2019/133**

Moved: Cr John McCoy

Seconded: Cr David Porter

That:

1. Council adopts the Overdue Rates Debt Recovery Policy with the addition at the end the following words 'That the policy make it quite clear in clause 7.4 that no land on Norfolk Island shall be sold for overdue rates under section 713 of the *NSW Local Government Act 1993* (NSW)(NI) (the Act) unless the elected members by resolution of Council authorises the General Manager or the public officer to proceed with the sale in accordance with the Act.
2. Council approves the write off interest debt less than \$2.00 per rating year.

CARRIED

FOR

Cr Robin Adams

Cr David Porter

Cr Rod Buffett

AGAINST

Cr John McCoy

13 REPORTS FROM GROUP MANAGER SERVICES**13.1 ASSET MANAGEMENT POLICY 4.04**

The purpose of this report is for Council to adopt the attached amended Asset Management Policy 4.04 V2.

MOTION

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That the revised Asset Management Policy 4.04 be adopted by Council.

AMENDMENT

Moved: Cr Rod Buffett

Seconded: Cr John McCoy

That the Policy be deferred to the next Council Meeting.

CARRIED**UNANIMOUS****RESOLUTION 2019/134**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That the revised Asset Management Policy 4.04 be deferred to the 21 August 2019 Ordinary Council Meeting.

CARRIED**UNANIMOUS**

13.2 PUBLIC RESERVES PLANS OF MANAGEMENT - PUBLIC EXHIBITION

The purpose of this report is to seek Council approval to place the draft Plans of Management of four Public Reserves, Ball Bay, Bumbora, Middleridge and Stock Reserve on public exhibition.

RESOLUTION 2019/135

Moved: Cr John McCoy

Seconded: Cr David Porter

That Council approves the General Manager:

1. As required under clauses 11 to 17 of the *Public Reserves Act 1997 (NI)*, invite by notice published in the Gazette and such measures as she considers appropriate, public opinion about the draft Plans of Management for Ball Bay, Bumbora, Middleridge, Stock Reserves, Anson Bay Reserves and Hundred Acre Reserve for a period of 56 days; and
2. Following assessment of the public responses and any resultant amendments approved by the Public Reserves Advisory Committee, submits the revised drafts to a future Council meeting for final approval and recommendation to the Commonwealth Minister to make the revised Plans of Management as required under clause 14 of the Act.

CARRIED

UNANIMOUS

13.3 DEVELOPMENT APPLICATION DA 8/2019

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 8/2019 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002* (NI):

DA 8/2019

- Applicant: T and S Watts
- Subject Land: Portion 38b22 Taylors Road
- Proposed Use or Development: *Resort: Internal Alterations and Additions*

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 2019/136

Moved: Cr Rod Buffett
Seconded: Cr David Porter

That

1. The Norfolk Island Regional Council, pursuant to section 44(2) of the *Planning Act 2002* (NI), makes a recommendation to approve DA 8/2019 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 8/2019 to the Minister’s delegate with Council’s recommendations on the application.

CARRIED

UNANIMOUS

13.4 DEVELOPMENT APPLICATION DA 6/2019

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 9/2019 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002* (NI):

- Applicant: T Loader
- Subject Land: Portions 37a6, 37a7 and 37a8 Taylors Road
- Proposed Use or Development: Change of Use to *Resort*

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 2019/137

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 9/2019 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 9/2019 to the Minister’s delegate with Council’s recommendations on the application.

CARRIED

UNANIMOUS

14 NOTICES OF MOTION**14.1 NOTICE OF MOTION - NORFOLK ISLAND REGIONAL COUNCIL ELECTIONS DISCUSSION PAPER JUNE 2019**

I, Councillor Robin Adams, give notice that at the next Ordinary Meeting of Council be held on 17 July 2019, I intend to move the following motion:-

RESOLUTION 2019/138

Moved: Cr Robin Adams

Seconded: Cr John McCoy

Council recommends that –

1. The Mayor request the Department of Infrastructure, Transport, Cities and Regional Development to extend the current consultation period by 28 days to enable further discussion and legal advice to be taken by Council on the implications of the changes being proposed to legislation in the 2019 discussion paper (attached) relating to the Norfolk Island Regional Council (NIRC) elections; and
2. The General Manager make the NIRC Legal Officer available to meet with Councillors to discuss the changes being proposed to the above legislation, in particular, proposals 5, 6, 7 and 9 in the June 2019 Discussion Paper.

CARRIED

UNANIMOUS

15 URGENT BUSINESS WITHOUT NOTICE

Nil

16 CONFIDENTIAL MATTERS FOR CONSIDERATION**RESOLUTION 2019/139**

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 Additional Road Maintenance - Asphalt Works

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.

16.2 Satellite Bandwidth Services Contract

This matter is considered to be confidential under Section 10A(2) - c and dii 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

The meeting was closed to the public at 3:50pm with members of the Gallery vacating the Chamber and Broadcasting being suspended.

CARRIED

RESOLUTION 2019/140

Moved: Cr David Porter

Seconded: Cr John McCoy

That Council moves out of Closed Session at 5:07pm and resumed the Ordinary Council meeting. The Gallery was opened to the public with Broadcasting continuing.

CARRIED

16.1 ADDITIONAL ROAD MAINTENANCE - ASPHALT WORKS

The purpose of this report is to request approval of changes to the budget to accommodate the use of Boral's Asphalt equipment and processes to reseal nine kilometres of roads whilst that equipment is on island for the airport runway reseal project.

MOTION

Moved: Cr David Porter

Seconded: Cr Rod Buffett

Under section 55(3)(i) of the *Local Government Act 1993* (NSW)(NI) Council approve the expenditure of a maximum of \$5.065 million in the 2019/20 and 2020/21 Budget years from existing cash reserves from the Council's General Fund for Boral to reseal 9.037 kilometres of roads using their asphalt plant whilst it is on island for the runway reseal project.

Roads to be resealed are:

Airport carpark	Carpark
Taylor's Road	Max's to Chinese Restaurant
The Village	The Village
Taylor's Road	WMC to Leagues Club
Douglas Drive	sections Ferny Lane to St Barnabas Chapel
Ferny Lane	sections Douglas Drive to Longridge Road
New Farm Road	Ferny Lane to Captain Quintal Drive
Anson Bay Road	St Barnabas Chapel to Pistol Club

AMENDMENT

Moved: Cr John McCoy

Seconded: Cr David Porter

That the motion be numbered and the following paragraph be added after the words 'reseal project' in the first paragraph –

'2. The asphalt mix will be achieved using the scalpings from the Runway Reseal Project.'

CARRIED

UNANIMOUS

RESOLUTION 2019/141

Moved: Cr David Porter

Seconded: Cr Rod Buffett

1. Under section 55(3)(i) of the *Local Government Act 1993* (NSW)(NI) Council approve the expenditure of a maximum of \$5.065 million in the 2019/20 and 2020/21 Budget years from existing cash reserves from the Council's General Fund for Boral to reseal 9.037 kilometres of roads using their asphalt plant whilst it is on island for the runway reseal project.
2. The asphalt mix will be achieved using the scalpings from the Runway Reseal Project.
3. Roads to be resealed are:

Airport carpark	Carpark
Taylor's Road	Max's to Chinese Restaurant
The Village	The Village
Taylor's Road	WMC to Leagues Club
Douglas Drive	sections Ferny Lane to St Barnabas Chapel
Ferny Lane	sections Douglas Drive to Longridge Road
New Farm Road	Ferny Lane to Captain Quintal Drive
Anson Bay Road	St Barnabas Chapel to Pistol Club

CARRIED

UNANIMOUS

16.2 SATELLITE BANDWIDTH SERVICES CONTRACT

The purpose of this report is for Council to approve the preparation of a selective tender to provide commercial satellite bandwidth and support services for use by Norfolk Telecom (NT).

RESOLUTION 2019/142

Moved: Cr Rod Buffett

Seconded: Cr David Porter

That Council approves the preparation of a Selective Tender to source commercial satellite bandwidth and support services for use by Norfolk Telecom to benefit Norfolk business, community members and visitors to the Island.

CARRIED

UNANIMOUS

17 QUESTIONS FOR THE NEXT MEETING

COUNCILLOR	QUESTION											
Cr Buffett	<p>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.</p> <p>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.</p> <p>This number would be beneficial to these Businesses and Operations.</p>											
Cr Buffett	<p>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.</p> <p>This Contract was signed by Council on the 9th February 2018.</p> <p>It was anticipated that Hydo Tasmania would provide Council a proposed Implementation Plan Option 3, by Mid October 2018.</p> <p>This has not eventuated.</p> <p>The last report that we have from Hydro Tasmania, the 12th March 2019 however does not relate in any way to this Contract.</p>											
Cr Adams	<p>The current Service Delivery Agreement signed 13 June 2019 relative to Workers Compensation is attached (below).</p> <table border="1" data-bbox="443 1077 1380 1328"> <thead> <tr> <th colspan="3" data-bbox="443 1077 1380 1099">Service 11: Workers Compensation</th> </tr> <tr> <th data-bbox="443 1099 579 1137">Function</th> <th data-bbox="579 1099 930 1137">Services</th> <th data-bbox="930 1099 1380 1137">Standards/KPIs</th> </tr> </thead> <tbody> <tr> <td data-bbox="443 1137 579 1328">Workers Compensation</td> <td data-bbox="579 1137 930 1328"> Administer the Norfolk Island Workers Compensation Scheme Collection of public moneys relating to the service </td> <td data-bbox="930 1137 1380 1328"> 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 </td> </tr> </tbody> </table> <p>Provision of Workers Compensation Claim Management Services for Norfolk Island is currently advertised on Aus. Tender Agency Reference 2019/20-13.</p> <table border="1" data-bbox="392 1458 1428 1727"> <tr> <td data-bbox="392 1458 742 1727"> Workers Compensation Claims Management Services for Norfolk Island </td> <td data-bbox="742 1458 1428 1727"> 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 <small>Last Updated: 16-Jul-2019 10:05 am (ACT Local Time)</small> </td> </tr> </table> <p>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.</p>	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	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 <small>Last Updated: 16-Jul-2019 10:05 am (ACT Local Time)</small>
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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 5:14pm.

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 17 July 2019.

Submitted to the Ordinary Meeting of Council held on Wednesday 21 August 2019.

Mayor Robin Adams

Date