



# MINUTES

## Ordinary Council Meeting 26 June 2019

*Menets*

*f daa Ordeneri Kaunsl Miiten  
orn 26 Juun 2019*

**MINUTES OF NORFOLK ISLAND REGIONAL COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE NORFOLK ISLAND REGIONAL COUNCIL CHAMBERS  
ON WEDNESDAY, 26 JUNE 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 (Chief Financial Officer), Joy Walker (Executive Manager Governance and HR), Becky Nobbs (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:

- Monica Constance Smith
- David Sinclair South
- Allen Partridge
- Amelia Ada Gleeson
- Graham Bull
- Thomas Greening

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 Adams	10.1 Draft Operational Plan	Non Pecuniary Significant	Potential discussion on the fees proposed on page 23/72 Pasturage and Enclosure Fees 1949 – Secretary to the Norfolk Island Cattle Association Inc.

**5 CONFIRMATION OF MINUTES****5.1 MINUTES OF THE COUNCIL MEETING HELD ON 15 MAY 2019****RESOLUTION 2019/89**

Moved: Cr Lisle Snell

Seconded: Cr Robin Adams

1. That the Minutes of the Council Meeting held on 15 May 2019 be received and confirmed.

**CARRIED**

**6 PUBLIC ACCESS**

Nil

**7 MAYORAL MINUTES****7.1 MAYORAL MINUTE - NORFOLK ISLAND REGIONAL COUNCIL MOTION PROPOSED AT 2019 NATIONAL GENERAL ASSEMBLY RECEIVED EXCELLENT SUPPORT****RESOLUTION 2019/90**

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

Council at its meeting on 20 March 2019 agreed the following motion be proposed by Norfolk Island at the 2019 National General Assembly of Local Government to be held 16 to 19 June 2019:

That the National General Assembly of Local Government (NGA) supports the local governments in the External Territories (Norfolk Island and the Indian Ocean Territories) in their attempt to be able to access comparative funding from the Commonwealth to that of other local governments in Australia, which have access to funding opportunities from their respective State Governments

Council –

- 1) Notes that the Mayor in partnership with the Shire of Christmas Island moved and spoke to the motion on Tuesday 18 June 2019 with an excellent outcome of 170 Councils voting in our favour and seven voting against; and
- 2) Requests the Mayor formally convey this outcome to the Assistant Minister for Infrastructure and Regional Development.

**CARRIED**

## **7.2 MAYORAL MINUTE – MEETING WITH ASSISTANT MINISTER THE HON. NOLA MARINO IN CANBERRA 18 JUNE 2019**

### **RESOLUTION 2019/91**

Moved: Cr Robin Adams

Council notes –

1. That the Mayor Cr Robin Adams, Cr Lisle Snell and General Manager Ms Lotta Jackson on Tuesday 18 June 2019 met with Assistant Minister for Infrastructure and Regional Development, the Hon Nola Marino MP at Parliament House in Canberra. They were joined by the General Manager for Norfolk Island and Jervis Bay Territory Branch (DITCRD) Ms Nicole Pearson and Ministerial Adviser Ms Sophie Beeton.
2. A progress report was presented to the Minister on Council's big projects including:
  - a. Waste Management
  - b. Airport reseal including biosecurity concerns around importing aggregate
  - c. Telecommunication
  - d. Electricity Solution
  - e. Waste Water Management – new treatment plant business case; and
3. The Mayor –
  - a. raised the ongoing lack of best practice in engaging with the community on legislative changes being proposed e.g. proposed amendments to the *Traffic Act 2010* (NI)
  - b. provided a copy of the Norfolk Island Motion and summary being proposed by Norfolk Island at the 2019 National General Assembly
  - c. provided background documentation on the problem of an Education service provider post 1 July 2021

**CARRIED**

**7.3 MAYORAL MINUTE – MONTHLY STATUS REPORTS ON MAJOR COUNCIL PROJECTS****RESOLUTION 2019/92**

Moved: Cr Robin Adams

In the interests of keeping the community informed Council encourages the General Manager to provide Councillors with comprehensive status reports at each Council meeting on how the following Council projects are progressing:

- a. Waste Management
- b. Airport reseal
- c. Telecommunications
- d. Electricity Solution
- e. Waste Water Management – the new treatment plant

**CARRIED**

**7.4 MAYORAL MINUTE – USE OF COUNCIL SEAL ON GENERAL MANAGER'S CONTRACT****RESOLUTION 2019/93**

Moved: Cr Robin Adams

That in accordance with Council's Seal Policy section 7.2, *Council's Seal can only be affixed to documents relating to the business of the Council that have been the subject of a resolution of Council*; and the Standard Contract for General Manager's requires the Council Seal for execution, therefore:

The Council's Seal be affixed to the General Manager's Contract as per Council resolution 2018/194 which states that the General Manager's Contract be renewed for a further 2 years until 30 June 2021.

**CARRIED**

**8 STATUS REPORTS****8.1 QUESTION FOR THE NEXT MEETING: POSSIBLE EXTENSION OF THE BROADCASTING SERVICES ACT 1992 (CTH)**

Councillor Adams asked the following question at the May 2019 Ordinary Council meeting:

***POSSIBLE EXTENSION OF THE BROADCASTING SERVICES ACT 1992 (CTH)***

*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.*

**Answer:** Council's General Manager wrote to the General Manager Norfolk Island Branch at the Department on 29 May 2019 (see attachment 1).

The General Manager of the Norfolk Island Branch at the Department responded on 12 June 2019 (see attachment 2).

It should be noted that Council staff are not working on options for setting up an incorporated association to hold a broadcasting licence for Radio Norfolk. Staff are researching Council's options should the *Broadcasting Services Act 1992* (Cth) be extended to Norfolk Island, and provide these options to Council for a decision.

Council staff have commenced researching information to provide a report to Council on this matter at the July or August 2019 Ordinary Council meeting pending the amount of research required.

NOTED

## 8.2 QUESTION FOR THE NEXT MEETING: TRANSFER OF CASCADE RESERVE ET ALL TO NORFOLK ISLAND REGIONAL COUNCIL

Councillor Adams asked the following question at the May 2019 Ordinary Council meeting:

### **TRANSFER OF CASCADE RESERVE ET AL TO NORFOLK ISLAND REGIONAL COUNCIL**

*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'.*

*Will the General Manager please request the Commonwealth to provide a firm timeline:*

- a) for transferring Cascade Reserve to Council;*
- b) For bringing a draft port management plan for Norfolk Island to Council for its endorsement; and*

*For transferring Queen Elizabeth Avenue to Council.*

**Answer:** Council's General Manager wrote to the General Manager Norfolk Island Branch at the Department on 20 May 2019.

Council is yet to receive a response.

NOTED

## 8.3 QUESTION FOR THE NEXT MEETING: WORKFORCE MANAGEMENT PLAN 2016-2020

Councillor Snell asked the following question at the May 2019 Ordinary Council meeting:

*Can the General Manager please advise if there are still vacant positions under the Workforce Management Plan 2016–2020.*

*If so:*

- *Can the General Manager please advise where these vacancies still exist.*
- *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.*
- *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.*

**Answer:** There are no vacant positions remaining from the first version of the Workforce Management Plan 2016-2020 adopted by Council in December 2016.

As positions become vacant, they are assessed and readvertised, or amended and advertised, or removed if no longer required.

There are vacant positions under the revised Workforce Management Plan 2016–2020. In summary the vacant positions are:

- Media and Executive Assistant
- Executive Manager Organisational Development (change of title- not new position)
- Finance Officer – Stores and Purchasing
- Team Leader Customer Care (new position as positions have reduced overall in the Governance section and increased in Customer Care)
- Governance Officer (replaces Manager position in Governance)
- Development Applications Planner part-time (new to ensure Development Applications are assessed in a timely manner)
- Facilities Maintenance Officer (change of title- not new position)
- Two (2) apprenticeships in the areas of Motor Mechanic and Carpentry.

All vacant positions are currently budgeted for (excluding the part time Development Application Planner) and all vacant positions are budgeted for in the Operational Plan for 2019-2020.

The revised Workforce Management Plan 2016-2020, in line with the Operational Plan 2019-2020, is presented in a separate report in this business paper, and contains all staff positions, including vacant positions.

**NOTED**

#### **8.4 INFRASTRUCTURE AND SERVICES PROGRAM**

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

**NOTED**

#### **8.5 COMMERCIAL SERVICES UPDATE**

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

**NOTED**

**8.6 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****8.7 RATES REPORT - INSTALMENT FOUR**

The purpose of this report is to provide Council with an update in relation to the collection of rating revenue for the 2018-2019 financial year. Information contained in this report is current as of 31 May 2019.

**NOTED****8.8 TOURIST ACCOMMODATION LEGISLATION UPDATE**

The purpose of this report is to provide Councillors with an update in relation to the progress of the Tourist Accommodation Legislative Review.

**NOTED****9 REPORTS FROM COMMITTEES****9.1 MINUTES OF THE HERITAGE AND CULTURE ADVISORY COMMITTEE MEETING HELD ON 24 MAY 2019****RESOLUTION 2019/94**

Moved: Cr Lisle Snell

Seconded: Cr David Porter

1. That the Minutes of the Heritage and Culture Advisory Committee Meeting held on 24 May 2019 be received and noted.
2. That the Norfolk Island Museums and Research Centre Update report for May 2019 be received and noted and, that the Heritage and Culture Advisory Committee congratulates the Norfolk Island Museum on receiving the Trip Advisor 'Hall of Fame' award.
3. That the report by the Team Leader – Heritage Management be received and noted, and that the outstanding Action Items 28, 30 and 36 be adjourned to the next committee meeting:
  - a) That the Heritage and Culture Advisory Committee endorses Action Items 2, 4, 6, 7, 11 and 13.
  - b) Action Items 1, 3, 8, 9, 10 and 12 are deferred to a future meeting.
  - c) That the word 'funded' be removed from Action Item 5.

**CARRIED**



**9.2 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 29 MAY 2019****RESOLUTION 2019/95**

Moved: Cr John McCoy

Seconded: Cr Lisle Snell

1. That the Minutes of the Audit Committee Meeting held on 29 May 2019 be received and the recommendations therein be endorsed.

**CARRIED**

**9.3 MINUTES OF THE PUBLIC RESERVES ADVISORY COMMITTEE MEETING HELD ON 4 JUNE 2019****MOTION**

Moved: Cr John McCoy

Seconded: Cr David Porter

1. That the Minutes of the Public Reserves Advisory Committee Meeting held on 4 June 2019 be received and noted.

**AMENDMENT**

Moved: Cr John McCoy

Seconded: Cr David Porter

That these words be added to motion after 'received and noted.' – ' 2. That the Plans of Management will be presented at the July Public Reserves meeting and then recommended for endorsement to be placed on public exhibition at the July 2019 Ordinary Council meeting.'

**CARRIED**

**RESOLUTION 2019/96**

Moved: Cr John McCoy

Seconded: Cr David Porter

1. That the Minutes of the Public Reserves Advisory Committee Meeting held on 4 June 2019 be received and noted.
2. That the Plans of Management will be presented at the July Public Reserves meeting and then recommended for endorsement to be placed on public exhibition at the July 2019 Ordinary Council meeting.

**CARRIED**

**9.4 MINUTES OF THE NORFOLK ISLAND YOUTH COUNCIL MEETING HELD ON 5 JUNE 2019****MOTION**

Moved: Cr Robin Adams

Seconded: Cr Rod Buffett

That the Minutes of the Norfolk Island Youth Council held on 5 June 2019 be received and noted.

**AMENDMENT**

Moved: Cr Robin Adams

Seconded: Cr Rod Buffett

That these words be added to motion after 'received and noted.' – 'Council notes the recommendation that the Youth Council has agreed the following statement be used in the opening of meetings:

*We acknowledge the Elders past and present, the traditional custodians of this island, and our Norfolk Island people.*

**RESOLUTION 2019/97**

Moved: Cr Robin Adams

Seconded: Cr Rod Buffett

1. That the Minutes of the Norfolk Island Youth Council held on 5 June 2019 be received and noted.
2. Council notes the recommendation that the Youth Council has agreed the following statement be used in the opening of meetings:

*We acknowledge the Elders past and present, the traditional custodians of this island, and our Norfolk Island people.*

**CARRIED**

**9.5 MINUTES OF THE TOURISM ADVISORY COMMITTEE MEETING HELD ON 6 JUNE 2019****MOTION**

Moved: Cr Lisle Snell

Seconded: Cr David Porter

1. That the Minutes of the Tourism Advisory Committee Meeting held on 6 June 2019 be received and noted.
2. That the 2016-2018 Review of Norfolk Island Tourism Action Plans, Deliverables and Measurement be noted.
3. That the Tourism Advisory Committee review the Norfolk Island Tourism SWOT analysis annually.
4. That the Tourism Advisory Committee review the Norfolk Island Tourism Action Plan annually to ensure that all stakeholders are delivering their roles.
5. That the May 2019 Tourism and Economic Development Report be noted.
6. That Howard Martin approach Margaret Christian to identify what attempts have been made to give Norfolk Island a higher profile as a birdwatching destination.
7. That Howard Martin approach local Tour Wholesalers to investigate the possibility of hosting a Bird Watchers Convention or similar, and to target birdwatching group visits/events on the island.
8. That Kyle Czech contact the owner of the 'Norfolk Island' Facebook page locally to discuss issues with the name of the page.
9. That the RDA Tourism Incubator Report be noted.
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 motion after 'Australian Dark Sky Town organisation.' –

- '11. That following formal notification by the Chamber of Commerce of its withdrawal from membership of the Tourism Advisory Committee Council agrees that the Terms of Reference be amended:
  - a) by deleting the representation of the Chamber of Commerce on the Committee; and
  - b) by increasing the number of representatives from other Tourism Operations from two to three.
12. Council endorses Ms Naomi Thompson, owner of the Olive Café, continuing on the Committee in the capacity of a representative of 'other Tourism Operations.'

**CARRIED**

**RESOLUTION 2019/98**

Moved: Cr Lisle Snell

Seconded: Cr David Porter

1. That the Minutes of the Tourism Advisory Committee Meeting held on 6 June 2019 be received and noted.
2. That the 2016-2018 Review of Norfolk Island Tourism Action Plans, Deliverables and Measurement be noted.
3. That the Tourism Advisory Committee review the Norfolk Island Tourism SWOT analysis annually.
4. That the Tourism Advisory Committee review the Norfolk Island Tourism Action Plan annually to ensure that all stakeholders are delivering their roles.
5. That the May 2019 Tourism and Economic Development Report be noted.
6. That Howard Martin approach Margaret Christian to identify what attempts have been made to give Norfolk Island a higher profile as a birdwatching destination.
7. That Howard Martin approach local Tour Wholesalers to investigate the possibility of hosting a Bird Watchers Convention or similar, and to target birdwatching group visits/events on the island.
8. That Kyle Czech contact the owner of the 'Norfolk Island' Facebook page locally to discuss issues with the name of the page.
9. That the RDA Tourism Incubator Report be noted.
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.
11. That following formal notification by the Chamber of Commerce of its withdrawal from membership of the Tourism Advisory Committee Council agrees that the Terms of Reference be amended:
  - a) by deleting the representation of the Chamber of Commerce on the Committee; and
  - b) by increasing the number of representatives from other Tourism Operations from two to three.
12. Council endorses Ms Naomi Thompson, owner of the Olive Café, continuing on the Committee in the capacity of a representative of 'other Tourism Operations'.

**CARRIED**

**10 REPORTS FROM GENERAL MANAGER****10.1 OPERATIONAL PLAN 2019-2020**

The purpose of this report is for Council to adopt the Operational Plan 2019-2020 which includes the activities, rates, fees and charges and budget for the financial year 2019-2020. Council adopted the Rating module at the May 2019, Ordinary Council meeting.

**MOTION**

Moved: Cr John McCoy

Seconded: Cr David Porter

That

1. Council notes the submissions from the community received during the public exhibition period;
2. That Council adopts the Operational Plan 2019-2020 as provided under separate cover.

Cr Robin Adams left the meeting at 3:30pm.

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

**AMENDMENT**

Moved: Cr Rod Buffett

Seconded: Cr David Porter

That these words be added to the motion after the words 'separate cover' – 'subject to the following fee change:

- a) The proposed 'Charges for rights of pasturage' fee of \$145 be reduced to the 2016-2017 rate of \$125'

**CARRIED**

Cr Robin Adams returned to the meeting at 3.34pm and resumed the position of Chair.

**AMENDMENT**

Moved: Cr Rod Buffett

Seconded: Cr John McCoy

That these words be added to the first amendment after the words 'rate of \$125' – ‘

- b) The proposed fees for disposal of vehicles (\$200 and \$600) be removed’

**CARRIED**

**AMENDMENT**

Moved: Cr John McCoy

Seconded: Cr Lisle Snell

That these words be added to the second amendment after the words 'be removed' – ‘

- c) The proposed 2019-2020 'Waste Levy imported Motor Vehicles' fee of \$100 be increased to \$150 per cubic metre, and that this new fee to apply when legislation is approved to achieve it.’

**CARRIED**

**AMENDMENT**

Moved: Cr John McCoy

Seconded: Cr Lisle Snell

That these words be added to the third amendment after the words 'achieve it – ‘

- d) The three (3) proposed green waste disposal charges for 2019-2020 be deleted.’

**CARRIED**

**RESOLUTION 2019/99**

Moved: Cr John McCoy

Seconded: Cr David Porter

That

1. Council notes the submissions from the community received during the public exhibition period;
2. That Council adopts the Operational Plan 2019-2020 as provided under separate cover, subject to the following fee changes:
  - a) The proposed 'Charges for rights of pasturage' fee of \$145 be reduced to the 2016-2017 rate of \$125.
  - b) The proposed 'Disposal of vehicles' fees be removed.
  - c) The proposed 'Waste Levy imported Motor Vehicles' fee of \$100 be increased to \$150 per cubic metre, and that this new fee to apply when legislation is approved to achieve it.
  - d) The three (3) proposed 'Green waste disposal' charges be deleted.

**CARRIED**

**10.2 NORFOLK ISLAND REGIONAL COUNCIL CODE OF MEETING PRACTICE**

The purpose of this report is for Council to adopt the Norfolk Island Regional Council Code of Meeting Practice 2019, as prescribed on 14 December 2018, under section 360 of the *Local Government Act 1993* (NSW) (NI).

**RESOLUTION 2019/100**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

1. That Council adopts the Norfolk Island Regional Council Code of Meeting Practice 2019, which is based on the Model Code of Meeting Practice which was prescribed on 14 December 2018, and attached under separate cover.

Recorded votes against: Cr Robin Adams and Cr Lisle Snell

**CARRIED**

**10.3 POLICY REVIEW - OVERSIGHT OF THE GENERAL MANAGER BY THE MAYOR**

The purpose this report is for Council to adopt the reviewed Policy titled *Oversight of the General Manager by the Mayor*.

**RESOLUTION 2019/101**

Moved: Cr Robin Adams

Seconded: Cr David Porter

That Council adopts the amended *Oversight of the General Manager by the Mayor* Policy 1.03.

**CARRIED**

**10.4 MODEL COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY**

The purpose of this report is for Council to consider and adopt the new Model Councillor Induction and Professional Development Policy in line with the Guidelines under section 23A of the *Local Government Act 1993* (NSW) (NI).

**MOTION**

Moved: Cr Rod Buffett

Seconded: Cr John McCoy

That Council adopts the *Model Councillor Induction and Professional Development Policy*.

**AMENDMENT**

Moved: Cr David Porter

Seconded: Cr Lisle Snell

That Council does not adopt the *Model Councillor Induction and Professional Development Policy* and instead adopt the following options:

1. Council requests the General Manager, in consultation with the elected members, prepare a Councillor professional development plan each year in line with identified topics and arrange for the same to be delivered; and
2. Council requests the General Manager to arrange for Pre-election candidate sessions for the Council election in 2020 and develop an Induction Program for the new Council to be delivered subsequent to the Council election in 2020.

**CARRIED**

**RESOLUTION 2019/102**

Moved: Cr Rod Buffett

Seconded: Cr John McCoy

That Council adopt the following options:

1. Council requests the General Manager, in consultation with the elected members, prepare a Councillor professional development plan each year in line with identified topics and arrange for the same to be delivered; and
2. Council requests the General Manager to arrange for Pre-election candidate sessions for the Council election in 2020 and develop an Induction Program for the new Council to be delivered subsequent to the Council election in 2020.

**CARRIED**



**11 REPORTS FROM EXECUTIVE MANAGER GOVERNANCE AND HUMAN RESOURCES****11.1 WORKFORCE MANAGEMENT PLAN 2016-2020**

The purpose of this report is for Council to adopt the revised Workforce Management Plan 2016-2020 as part of the Resourcing Strategy for Council's Delivery Program. This is the final year of the current Workforce Management Plan.

**RESOLUTION 2019/103**

Moved: Cr David Porter

Seconded: Cr John McCoy

That Council adopts the revised Workforce Management Plan 2016-2020.

**CARRIED**

**11.2 WATER STRATEGY UPDATE**

The purpose of this report is to provide Councillors with an update on the recent water survey undertaken by Council at the request of Emergency Management Norfolk Island (EMNI)

**RESOLUTION 2019/104**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That Council notes the responses and result of the water survey issued by Council on behalf of Emergency Management Norfolk Island Committee (EMNIC).

**CARRIED**

**12 REPORTS FROM GROUP MANAGER CORPORATE / CHIEF FINANCIAL OFFICER****12.1 LONG TERM FINANCIAL PLAN 2020-2029**

The purpose of this report is to update Council on the revised Long Term Financial Plan (Plan) in conjunction with the 2019-2020 Operational Plan Budget.

**RESOLUTION 2019/105**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That Council adopts the Long Term Financial Plan 2020-2029 based on the 'Planned Scenario'.

Recorded votes against: Cr Lisle Snell

**CARRIED**

**12.2 INVESTMENT REPORT - MAY 2019**

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

**RESOLUTION 2019/106**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That Council notes the:

1. investment report for May 2019;
2. total deposits held at 31 May 2019 were \$18,433,340; and
3. interest accrued on investments was \$33,109 for the month of May and \$350,584, year to date.

**CARRIED**

**12.3 POLICY - PROCUREMENT POLICY**

The purpose of this report is for Council to adopt the revised Procurement Policy 3.03

**RESOLUTION 2019/107**

Moved: Cr John McCoy

Seconded: Cr Rod Buffett

That Council adopts the revised Procurement Policy 3.03.

**CARRIED**

**13 REPORTS FROM GROUP MANAGER SERVICES****13.1 ASSET MANAGEMENT PLANS**

The purpose of this report is for Council to adopt the Asset Management Plans 2020-2029 for the asset classes of Fleet, Buildings, Infrastructure and Roads.

**RESOLUTION 2019/108**

Moved: Cr David Porter

Seconded: Cr John McCoy

That Council adopts the amended Asset Management Plans for the asset classes Fleet, Building, Infrastructure and Roads, provided in the document under separate cover.

**CARRIED**

**13.2 MOBILE CRANE PURCHASE**

The purpose of this report is to provide Council with an update on the progress with the purchase of a new crane and request approval to purchase a second crane.

**MOTION**

Moved: Cr Lisle Snell

Seconded: Cr David Porter

That Council:

1. Notes and approves the purchase of a 60 tonne Kato mobile crane, for delivery to Department of Defence, at a cost of NZ\$674,300.00.
2. Approves the purchase of a 40 tonne mobile crane, provided the landed cost onto Norfolk Island is within the total budget of \$1.3 million (i.e. approximately AUD 660,000).

**AMENDMENT**

Moved: Cr Lisle Snell

Seconded: Cr David Porter

That point 2 be amended to read – ‘staff investigate the purchase of a 40 tonne mobile crane and bring back to Council for approval’.

**CARRIED**

**RESOLUTION 2019/109**

Moved: Cr Lisle Snell

Seconded: Cr David Porter

That Council:

1. notes and approves the purchase of a 60 tonne Kato mobile crane, for delivery to Department of Defence, at a cost of NZ\$674,300.00.
2. staff investigate the purchase of a 40 tonne mobile crane and bring back to Council for approval.

**CARRIED**

**13.3 WILD MOB NATURE CENTRE**

The purpose of this report is for Council to note the progress of resolution 2019/24 and the closure of the Wild Mob.

**RESOLUTION 2019/110**

Moved: Cr John McCoy

Seconded: Cr Rod Buffett

That Council notes with regret the information in this report that the Wild Mob has ceased to operate.

**CARRIED**

**13.4 DEVELOPMENT APPLICATION DA.BA 4/2019 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.BA 4/2019 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*:

**DA.BA 4/2019**

- Applicant: Norfolk Island Pistol Association
- Subject Land: Portion 109a, 321 Anson Bay Road
- Proposed Use or Development: *Outdoor Sport & Recreation Facility: Relocation and Reuse of Building*

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 2019/111**

Moved: Cr Lisle Snell

Seconded: Cr John McCoy

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 4/2019 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.BA 4/2019 to the Minister’s delegate with Council’s recommendations on the application.

**CARRIED**

**13.5 DEVELOPMENT APPLICATION DA 6/2019 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 6/2019 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*:

**DA 6/2019**

- Applicant: Emily Ryves and Zach Sanders
- Subject Land: Portion 108b1, 417 Anson Bay Road
- Proposed Use or Development: *Change of Use to add Food Premises and Home Industry as additional permitted uses*

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 2019/112**

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 6/2019 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 6/2019 to the Minister’s delegate with Council’s recommendations on the application.

**CARRIED**

**13.6 DEVELOPMENT APPLICATION DA 7/2019 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 7/2019 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*:

**DA 7/2019**

- Applicant: J F and T Anderson
- Subject Land: Portion 19c, 68 Two Chimneys Road
- Proposed Use or Development: *Subdivision – Major: Create one additional lot.*

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 2019/113**

Moved: Cr Rod Buffett  
Seconded: Cr John McCoy

That

1. the Norfolk Island Regional Council, pursuant to section 44(2) of the *Planning Act 2002 (NI)*, makes a recommendation to approve DA 7/2019 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 7/2019 to the Minister’s delegate with Council’s recommendations on the application.

**CARRIED**

Cr John McCoy left the meeting at 6:04pm

### 13.7 DEVELOPMENT APPLICATION DA.BA 8/2019 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.BA 8/2019 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002* (NI):

#### DA.BA 8/2019

- Applicant: L A Rodgers
- Subject Land: Portion 39r27 Taylors Road
- Proposed Use or Development: *Earthworks*

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 2019/114

Moved: Cr Lisle Snell

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.BA 8/2019 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.BA 8/2019 to the Minister’s delegate with Council’s recommendations on the application.

**CARRIED**

Cr John McCoy returned to the meeting at 6:07pm.

**RESOLUTION 2019/115**

Moved: Cr Robin Adams

Seconded: Cr David Porter

That Council adjourn the meeting at 6:10pm and resume at 6:20pm

**CARRIED**

**14 NOTICES OF MOTION****14.1 NOTICE OF MOTION - COUNCIL'S CONTRIBUTION TO THE 2020 COMMEMORATION OF THE END OF WORLD WAR II IN THE PACIFIC**

I, Mayor, Councillor Robin Adams give notice that at the next Ordinary Meeting of Council be held on 26 June 2019, I intend to move the following motion:-

**MOTION**

That Council under the special circumstances provisions of the Grants Program Policy recommends that as part of its financial contribution for this Event that the following support be provided free of charge to the 2020 Event Production Sub-committee –

- Use of Rawson Hall on three nights in August 2020 for two welcome dinners and one Wartime dinner – dates to be advised
- Use of Rawson Hall Supper Room for a military display 7 to 12 August 2020
- Use of the large marquee including erection by Council –
  - On Wednesday 12 August 2020 in the Compound for a fish fry and entertainment following the Air Show; and
  - Thursday 13 August 2020 for a public event titled 'Celebrate Surrender'.



**AMENDMENT**

Moved: Cr Robin Adams

Seconded: Cr John McCoy

That the following paragraph be added as part one of the motion:

‘Council’s Grant Programs Policy (2.07) provides that unless special circumstances exist, Council’s policy is not to consider requests for financial assistance outside of the time. Council, in acknowledgement that the Event 2020 Commemoration of the end of World War II in the Pacific in August 2020 (the Event) is a one-off event requiring advance planning now, Council under the special circumstances provisions of the Grants Program Policy recommends that as part of its financial contribution for this Event that the following support be provided free of charge to the 2020 Event Production Sub-committee.’

**CARRIED**

**RESOLUTION 2019/116**

Moved: Cr Robin Adams

Seconded: Cr John McCoy

That

1. Council’s Grant Programs Policy (2.07) provides that unless special circumstances exist, Council’s policy is not to consider requests for financial assistance outside of the time. Council, in acknowledgement that the Event 2020 Commemoration of the end of World War II in the Pacific in August 2020 (the Event) is a one-off event requiring advance planning now, Council under the special circumstances provisions of the Grants Program Policy recommends that as part of its financial contribution for this Event that the following support be provided free of charge to the 2020 Event Production Sub-committee.
2. Council under the special circumstances provisions of the Grants Program Policy recommends that as part of its financial contribution for this Event that the following support be provided free of charge to the 2020 Event Production Sub-committee –
  - Use of Rawson Hall on three nights in August 2020 for two welcome dinners and one Wartime dinner – dates to be advised
  - Use of Rawson Hall Supper Room for a military display 7 to 12 August 2020
  - Use of the large marquee including erection by Council –
    - On Wednesday 12 August 2020 in the Compound for a fish fry and entertainment following the Air Show; and
    - Thursday 13 August 2020 for a public event titled ‘Celebrate Surrender’.

**CARRIED**

**14.2 NOTICE OF MOTION - COUNCIL'S COMMUNITY PROMISE - COMMUNITY ENGAGEMENT STRATEGY 2018**

I, Councillor Lisle Snell, give notice that at the next Ordinary Meeting of Council be held on 26 June 2019, I intend to move the following motion:-

**MOTION**

Moved: Cr Lisle Snell

Seconded: Cr Rod Buffett

In recognition;

- 1) that the customs and traditions of the Norfolk Island people and the legislation applied to the Norfolk Island people from 1856 to 2015 evolved independently of the customs and laws of the people of New South Wales; and
- 2) the current system of laws for Norfolk Island being made without the sanction of the Federal Parliament is democratically deficient,

Council is of the view that the changes currently being proposed to the *Traffic Act 2010* (NI) require further in-depth consideration and consultation with the Norfolk Island people than what has occurred to date.

Accordingly Council requests that the Department of Infrastructure, Transport, Cities and Regional Development –

- 1) holds a community meeting to explain the impact of each of the changes being proposed; and following the community meeting,
- 2) conduct a formal survey of the Norfolk Island people to gauge agreement or otherwise on each of the changes.

**AMENDMENT**

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

That these words be added to motion after 'each of the changes' –

'Council further requests that the Mayor –

- 1) Forward the above recommendation agreed by Council to the Department along with copies of submissions from the community that have been provided to the Mayor; and
- 2) Invites the Norfolk Island Youth Council at its meeting on 1 July 2019 to note and discuss the recommendation of Council.'

**CARRIED**

**RESOLUTION 2019/117**

Moved: Cr Lisle Snell

Seconded: Cr Rod Buffett

In recognition;

- 1) that the customs and traditions of the Norfolk Island people and the legislation applied to the Norfolk Island people from 1856 to 2015 evolved independently of the customs and laws of the people of New South Wales; and
- 2) the current system of laws for Norfolk Island being made without the sanction of the Federal Parliament is democratically deficient,

Council is of the view that the changes currently being proposed to the *Traffic Act 2010* (NI) require further in-depth consideration and consultation with the Norfolk Island people than what has occurred to date.

Accordingly Council requests that the Department of Infrastructure, Transport, Cities and Regional Development –

- 1) holds a community meeting to explain the impact of each of the changes being proposed; and following the community meeting,
- 2) conduct a formal survey of the Norfolk Island people to gauge agreement or otherwise on each of the changes.

Council further requests that the Mayor –

- 1) Forward the above recommendation agreed by Council to the Department along with copies of submissions from the community that have been provided to the Mayor; and
- 2) Invites the Norfolk Island Youth Council at its meeting on 1 July 2019 to note and discuss the recommendation of Council.

**CARRIED**

**14.3 NOTICE OF MOTION - PROPOSED AMENDMENT TO LAND VALUATIONS ACT 2012 (NI)**

I, Councillor David Porter, give notice that at the next Ordinary Meeting of Council be held on 26 June 2019, I intend to move the following motion:-

**RESOLUTION 2019/118**

Moved: Cr David Porter

Seconded: Cr John McCoy

Notwithstanding the intention to review the roll of boards and tribunals in Norfolk Island law, the Council requests that as a part of the current changes being proposed to the *Land Valuation Act 2012 (NI)* the following be included:

Objections to valuation decisions would be referred to the NSW Land and Environment Court or other State or Territory body.

**CARRIED**

**14.4 NOTICE OF MOTION - EDUCATION ON NORFOLK ISLAND**

I, Councillor Robin Adams, give notice that at the next Ordinary Meeting of Council be held on 26 June 2019, I intend to move the following motion:-

**MOTION**

Moved: Cr Robin Adams

Seconded: Cr John McCoy

Council notes the letter (attached) sent by the Mayor on 17 May 2019 to the NSW Premier in accordance with the resolution of Council 2019/64 (attached) of 17 April 2019 and the response received (attached) from The Hon Gabriella Upton MP, Parliamentary Secretary to the Premier advising that as the matter Council has raised falls under the primary responsibility of The Hon Don Harwin MLC, Minister for the Public Service and Employee Relations, Aboriginal Affairs and the Arts, our request has been forwarded to Minister Harwin.

**AMENDMENT**

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

That these words be added to the motion after 'Minister Harwin' –

'Council also –

- 1) Notes that the Mayor met with the Hon Nola Marino, Assistant Minister for Regional Development and Territories in Canberra on 18 June 2019 and as part of their discussions on a range of issues, the Mayor provided the Assistant Minister with a copy of the attachments referred to in the above motion of Council, along with a copy of the 'NICS P&C Association Scoping Document June 2019' which affirms that it is the wish of the NICS P&C Association that "the current Education Service Provider, NSW Department of Education, in its current level of engagement is our preferred arrangement" and that "It is the desire of the NICS P&C Association for the Australian Government and the Department of Infrastructure, Regional Development and Cities (DIRDC) to secure the continued provision of NSW curriculum, delivered by NSW Department of Education teachers, supported by all NSW Department of Education departmental systems and services."; and
- 2) Agrees the Mayor commence a conversation with The Hon Don Harwin MLC, NSW Minister for the Public Service and Employee Relations, Aboriginal Affairs and the Arts; and continue in consultation with the Department (DITCRD) the conversation with Assistant Minister Marino on the provision of education on Norfolk Island post July 2021.'

**CARRIED**

**RESOLUTION 2019/119**

Moved: Cr Robin Adams

Seconded: Cr John McCoy

Council notes the letter (attached) sent by the Mayor on 17 May 2019 to the NSW Premier in accordance with the resolution of Council 2019/64 (attached) of 17 April 2019 and the response received (attached) from The Hon Gabriella Upton MP, Parliamentary Secretary to the Premier advising that as the matter Council has raised falls under the primary responsibility of The Hon Don Harwin MLC, Minister for the Public Service and Employee Relations, Aboriginal Affairs and the Arts, our request has been forwarded to Minister Harwin.

Council also –

- 1) Notes that the Mayor met with the Hon Nola Marino, Assistant Minister for Regional Development and Territories in Canberra on 18 June 2019 and as part of their discussions on a range of issues, the Mayor provided the Assistant Minister with a copy of the attachments referred to in the above motion of Council, along with a copy of the 'NICS P&C Association Scoping Document June 2019' which affirms that it is the wish of the NICS P&C Association that "the current Education Service Provider, NSW Department of Education, in its current level of engagement is our preferred arrangement" and that "It is the desire of the NICS P&C Association for the Australian Government and the Department of

Infrastructure, Regional Development and Cities (DIRDC) to secure the continued provision of NSW curriculum, delivered by NSW Department of Education teachers, supported by all NSW Department of Education departmental systems and services.”; and

- 2) Agrees the Mayor commence a conversation with The Hon Don Harwin MLC, NSW Minister for the Public Service and Employee Relations, Aboriginal Affairs and the Arts; and continue in consultation with the Department (DITCRD) the conversation with Assistant Minister Marino on the provision of education on Norfolk Island post July 2021.

**CARRIED**

## **15 URGENT BUSINESS WITHOUT NOTICE**

Nil

## **16 CONFIDENTIAL MATTERS FOR CONSIDERATION**

### **RESOLUTION 2019/120**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

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 Contract for Site Preparation for the Composting Facility**

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

#### **16.2 Tender Evaluation New 4G LTE Mobile System & Fixed Network Upgrade Project**

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

The meeting was closed to the public at 6:47pm and Broadcasting was suspended.

**CARRIED**

**RESOLUTION 2019/121**

Moved: Cr Rod Buffett

Seconded: Cr David Porter

That Council moves out of Closed Session at 7:06pm and resumed the Ordinary Council meeting and Broadcasting continuing.

**CARRIED**

**16.1 CONTRACT FOR SITE PREPARATION FOR THE COMPOSTING FACILITY**

This Report is to seek Council's approval for the engagement of the Norfolk Island Block Factory to construct footings and associated bunkers for the HotRot Composting Facility.

**RESOLUTION 2019/122**

Moved: Cr David Porter

Seconded: Cr John McCoy

That Council approves for the General Manager to enter into a contract with the Norfolk Island Block Factory for \$200,750.00 for the construction of footings and associated bunkers for the HotRot Composting facility without a tender process, under section 55 (3) (i) of *the Local Government Act 1993* (NSW) (NI):

*a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders,*

The reasons being as follows:

- That the aerated composting system project is forming part of the larger project of reducing the waste that is burnt and pushed into the sea.
- That the Council staff considered the required associated site preparation work for the composting plant to be between \$100,000-\$150,000 and therefore called for quotations not tenders.
- Because there were no quotations submitted by due date.
- Because only one (1) quotation was submitted after an extension of time.
- Because the site preparation work is fundamental and essential for the aerated composting system to be erected and commissioned.
- Because the aerated composting system is already purchased.
- Because the system is already on Island and ready for installation.
- Because the aerated composting system cannot be erected and commissioned without the site preparation for the composting system project (RFQ06/19).

**CARRIED**

**16.2 TENDER EVALUATION NEW 4G LTE MOBILE SYSTEM & FIXED NETWORK UPGRADE PROJECT**

The purpose of this report is for Council to consider a recommendation to reject the tenders received in response to the tender SPT301819NIRC for a New 4G LTE Mobile System and Fixed Network Upgrade Project.

**RESOLUTION 2019/123**

Moved: Cr Rod Buffett

Seconded: Cr David Porter

1. That the tenders received in response to SPT301819NIRC be rejected in accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005 – Part 7 Tendering.
2. That in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2005 – Part 7 Tendering, Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.
3. That negotiations commence with Speedcast International Limited (Prime Contractor) and Blue Arcus Technologies Inc. (Partner) and Challenge Networks. Other providers to be approached if a satisfactory agreement cannot be achieved with the initial parties.
4. That in accordance with Clause 178(4)(a) of the Local Government (General) Regulation 2005 – Part 7 Tendering, Council notes the reasons for declining fresh tenders as referred to in subclause (3) (b)-(d).
5. That in accordance with Clause 178(4)(b) of the Local Government (General) Regulation 2005 – Part 7 Tendering, Council notes the reasons for determining to enter into negotiations with the person or persons referred to in subclause (3)(e).

**CARRIED**



## 17 QUESTIONS FOR THE NEXT MEETING

COUNCILLOR	QUESTION
Cr John McCoy	<p>On the 22<sup>nd</sup> March 2019 the then Assistant Minister, the Honourable Susan Ley MP advised the General Manager of the Norfolk Island Regional Council (NIRC) that:</p> <p><i>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:</i></p> <p>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.</p> <p>Can the General Manager advise the Council if an independent Heritage expert Assessor has been appointed?</p> <ol style="list-style-type: none"> <li>1. If yes who is the independent expert?</li> <li>2. If not then why not?</li> </ol>
Cr John McCoy	<p>On the 22<sup>nd</sup> March 2019 the then Assistant Minister, the Honourable Susan Ley MP advised the General Manager of the Norfolk Island Regional Council (NIRC) that:</p> <p><i>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:</i></p> <p>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.</p> <p>Can the General Manager advise the Council if negotiations for a licence agreement with the Commonwealth has commenced to extract rock from the site?</p> <ol style="list-style-type: none"> <li>1. If yes when will the agreement come in to affect?</li> <li>2. If not then why not?</li> </ol>

Cr John McCoy	<p>On the 22<sup>nd</sup> March 2019 the then Assistant Minister, the Honourable Susan Ley MP advised the General Manager of the Norfolk Island Regional Council (NIRC) that:</p> <p><i>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:</i></p> <p>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.</p> <ol style="list-style-type: none"> <li>1. Will the Councillors be presented with a Draft Development Application for the Young's Road and Cascade Reserve rock extraction project?</li> <li>2. Has a Development Application been lodged for consideration?</li> </ol>
Cr John McCoy	<p>On the 22<sup>nd</sup> March 2019 the then Assistant Minister, the Honourable Susan Ley MP advised the General Manager of the Norfolk Island Regional Council (NIRC) that:</p> <p><i>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:</i></p> <p>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.</p> <ol style="list-style-type: none"> <li>1. Can the General Manager advise Council of the milestones achieved in accordance with section 49 of the Planning Act 2002 (NI)?</li> <li>2. Can the General Manager advise Council as to what extent has the Commonwealth been informed of the milestones been achieved to date?</li> </ol>

Cr John McCoy	<p><u>Reference:</u> Assistant Minister Susan Ley MP Approved Significant Development dated 22<sup>nd</sup> March 2019</p> <p>Planning Act 2002 (NI) Section 45 states that:</p> <p><b>(4)</b> <i>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.</i></p> <p><b>(5)</b> <i>The environmental impact statement must be prepared –</i></p> <p><i>(a) in accordance with—</i></p> <p><i>(i) the requirements prescribed by the regulations; and</i></p> <p><i>(ii) any directions given under subsection 45(6); and</i></p> <p><i>(b) only after an environmental impact assessment has been carried out.</i></p> <p><b>(6)</b> <i>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.</i></p> <p>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)?</p> <p>a. If yes then by whom?</p> <p>b. If no then why not?</p> <p>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)?</p> <p>a. If yes then by whom?</p> <p>b. If no then why not?</p>
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The next Ordinary Meeting of Council will take place on Wednesday 17 July 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 7:17pm.

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 26 June 2019.

Submitted to the Ordinary Meeting of Council held on Wednesday 17 July 2019.

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Mayor Robin Adams

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Date