



MINUTES

Ordinary Council Meeting 28 October 2020

Menets

*f daa Ordeneri Kaunsl Miiten
orn 28 Oktoeba 2020*

**MINUTES OF NORFOLK ISLAND REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE NORFOLK ISLAND REGIONAL COUNCIL CHAMBERS
ON WEDNESDAY, 28 OCTOBER 2020 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: Andrew Roach (General Manager), Alistair Innes-Walker (Manager Corporate and Finance), Meliame Plant (Executive Assistant and Media)

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

Nil

4 DISCLOSURE OF INTEREST

Officer	Agenda Item	Type	Nature of Interest
Councillor David Porter	16.9 Development and Building Application 13/2020	Pecuniary Interest	Own and operate accommodation property.
Officer	Agenda Item	Type	Nature of Interest
Councillor David Porter	16.10 Development and Building Application 28/2020	Pecuniary Interest	Own and operate accommodation property.

5 PUBLIC ACCESS

NIL

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE COUNCIL MEETING HELD ON 23 SEPTEMBER 2020****RESOLUTION 2020/166**

Moved: Cr Lisle Snell

Seconded: Cr Rod Buffett

1. That the Minutes of the Council Meeting held on 23 September 2020 be received and the recommendations therein be adopted.

CARRIED**UNANIMOUS****7 MAYORAL MINUTE****7.1 NORFOLK ISLAND REGIONAL COUNCIL AIRPORT RUNWAY UPGRADE**

Cr Robin Adams There have been several statements made recently by community members around budget overruns for the Airport Runway project and final costings. Whilst the project is awaiting finalisation administratively, which will include an external audit as per the requirements of our funding agreement, these final reports will be made public through release in the Council business papers in due course.

I want to make clear to the community, there has never been any “overrun” of budget, and the project was delivered on schedule, despite the barriers encountered managing resources through the pandemic.

Council approved the following contracts with respect to the Airport Runway project:

- Boral Resources - Runway reseal & lighting upgrade – contracted amount \$44.9M
- Boral Resources - Biosecurity costs associated with importation of rock resource – estimated amount \$4.2M
- Aileron Edge – Project Management on behalf of Council - \$0.2M
- Boral Resources – Contract variations added during the project \$0.2M
- Australian Pavement Specialist – Council Technical Advisor - \$0.5M
- **TOTAL COMMITMENT for project \$50M**
- Funding from the Commonwealth Government - \$43M
- Councils commitment - \$7M
- **ESTIMATED TOTAL COSTS AT COMPLETION - \$48M**

As you can see, there has been no “overrun” for the project. In fact Council’s final contribution is estimated to be \$2M less than the original commitment. The detailed report will be presented to

Council once the external audit has been completed in accordance with our contractual commitments with the Commonwealth of Australia.

As a Council we must congratulate the General Manager and his team on delivering the project during these very difficult times, and I particularly want to thank our contractors, Boral, for their professionalism and contributions made whilst here in our community for the past 12 months.

7.2 NORFOLK ISLAND POSTCODE

Cr Robin Adams - Council at its July 2020 meeting agreed the following:

The Mayor having received several requests that the Norfolk island postcode should be changed on the grounds that the current postcode continues to cause misunderstanding that Norfolk Island is part of New South Wales, Council agrees to take advice and report back on whether it is in the Island's best interest to change the Island's postcode.

The Mayor today having received local correspondence date stamped 21 October 2020 with Australian stamps issued by Australia Post attached and franked with Norfolk Island NSW 2899 call s on the General Manger to enter into discussion with the council of Elders to ascertain their views on whether the current arrangements aligns with the Island's culture, heritage and traditions and seek their advice on whether it is in the Island's best interest to change the Island's postcode.

7.3 THE MALCOLM CHAMPION OVAL

RESOLUTION 2020/167

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

Cr Robin Adams - In acknowledgement that Council at its meeting on 19 February 2020 resolved -

That Council supports the Mayor and the General Manager continuing the conversation commenced by the Mayor with Assistant Minister the Hon Sussan Ley MP on Norfolk Island on 12 November 2018 that the Commonwealth transfer ownership of The Malcolm Champion Oval (the oval) back to the Norfolk Island people for use in perpetuity by the Norfolk Island Central School and the Norfolk Island community for school and community activities; including international track and field events

Council requests the General Manager continue to progress this initiative with the Commonwealth on behalf of the Norfolk Island People.

CARRIED
UNANIMOUS

7.4 PUBLIC HOLIDAY TO CELEBRATE THE BIRTHDAY OF HER MAJESTY THE QUEEN**RESOLUTION 2020/168**

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

Cr Robin Adams to move-

Norfolk Islander honour their relationship with the monarch and reverence for Her Majesty Queen Elizabeth II, including by celebrating Her birthday as a public holiday in June of each year, presently on a variable date.

Council supports the attached request of the Council of Elders to have this annual holiday permanently celebrated on 24th of June each year. This date also celebrates the date of historic significance whereby Her Majesty Queen Victoria did at Buckingham Palace on 24th June 1856 sign the Order in Council and the Royal instructions concerning Norfolk Island.

CARRIED

UNANIMOUS

7.5 TRANSFER OF ASSETS FROM NORFOLK ISLAND COUNCIL TO COMMONWEALTH AND FROM THE COMMONWEALTH TO THE NORFOLK ISLAND REGIONAL COUNCIL**RESOLUTION 2020/169**

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

Cr Robin Adams Cr Adams to move –

Noting that –

1. On 28 June 2016 the Norfolk Island Hospital, outbuildings and carpark; the Norfolk Island Central School and the Police Station (*'the Norfolk Island Assets'*) as identified in Schedule 2 of the Land Transfer Ordinance 2016 (Cth) were transferred from the Administration of Norfolk Island to the Commonwealth; and
2. On 28 June 2016 the roads and reserves (*'the Commonwealth Assets'*) identified in Schedule 1 of the Land Transfer Ordinance 2016 (Cth) were transferred from the Commonwealth to the Administration of Norfolk Island,

as the registrations of the *'Norfolk Island Assets'* and *'the Commonwealth Assets'* are yet to be given effect under the *Land Titles Act 1996 (NI)*, Council calls on the General Manager to take such action as is required:

- a) To register the transfer of those assets that are identified in Schedule 2 of the *Land Transfer Ordinance 2016 (Cth)* for which title is held in the name of the Administration of Norfolk Island by the registration of a transfer of title form "T" as attached; and
- b) To request the Commonwealth to register a Grant in Fee simple of those assets identified in Schedule 1 of the *Land Transfer Ordinance 2016 (Cth)* so that they can effect transfer of those assets under the *Land Titles Act 1996* and that the Federal Minister provide a Grant in Fee Simple

to the Norfolk Island Regional Council as per the attached form so that they may register the transfer under the *Land Titles Act 1996*.

- c) As to those *Commonwealth and/or Norfolk Island Assets* that are not able to be transferred at this time due to ongoing survey issues by the Spatial Services Office of the Surveyor General of New South Wales Council calls on the General Manager to ensure that the transfer of those assets be attended to once the necessary survey information has been completed to the satisfaction of all of the parties. Those '*Commonwealth Assets*' will include the transfer of the roads from the Commonwealth to the Norfolk Island Regional Council and the *Norfolk Island Assets will include the* transfer of the hospital, school and police station to the Commonwealth from the Norfolk Island Regional Council.

Council notes that the school has a Grant in Fee Simple (copy attached) and the police station will require a subdivision before the transfer may be registered.

Council further notes that Part 2 Division 3 of the *Norfolk Island Legislation Amendment Act 2015* (the Act) provides for the transfer of assets and liabilities and section 358 of the Act deals with the vesting of assets of the Administration which becomes an asset of the Norfolk Island Regional Council without any conveyance, transfer or assignment and becomes the successor in law in relation to the asset.

CARRIED
UNANIMOUS

8 STATUS REPORTS**8.1 TOURISM REPORT OCTOBER 2020****REPORT RECEIVED AND NOTED****8.2 MUSEUM & RESEARCH CENTRE UPDATE SEPTEMBER 2020****REPORT RECEIVED AND NOTED****8.3 MUSEUM & RESEARCH CENTRE UPDATE OCTOBER 2020****REPORT RECEIVED AND NOTED****8.4 PLANNING AND ENVIRONMENT UPDATE****REPORT RECEIVED AND NOTED****8.5 SERVICES UPDATE - SEPTEMBER 2020****REPORT RECEIVED AND NOTED****8.6 COMMERCIAL SERVICES PROJECT UPDATE - SEPTEMBER 2020****REPORT RECEIVED AND NOTED****8.7 THE EMPLOYEE RELATIONS STRATEGY FOR THE COVID-19 RESPONSE****REPORT RECEIVED AND NOTED****8.8 OUR PEOPLE STRATEGY 2020 - 2023****REPORT RECEIVED AND NOTED**

8.9 COUNCILLOR SNELL - QUESTION ON NOTICE NO. 1

The following question on notice was received from Councillor Snell.

Question

Will the NIRC become involved in assisting in the provision of sea freight service to Norfolk, if so;

Will the General Manager please provide a report on Costings for barge sea freight service to Norfolk Island from Australia and New Zealand.

Will the General Manager please advise if previous involvement by NIRC in providing a barge sea freight service to Norfolk Island was cost effective (neutral) and what was the total cost.

Response

Council is lobbying of an additional barge in late 2020 to remove the legacy waste that was not able to be returned to mainland Australia on the damaged Barge Bribie and to provide a short-term import capability to meet the shortfall in private sector provided services.

Council is addressing the requirement of the *Strategic Action Plan Councillor Workshop Outcomes, Resolution 2020/32:-*

“Develop a barge program for 12 months, where Council cash flows the first delivery, and recaptures costs over the remaining period. This will enable Council to show a commercial enterprise is viable and will commit longer term to the island.”

Costings for a barge sea freight service from mainland Australia or New Zealand are dependent on a large number of variables, including barge size, source, cargo availability. The only verifiable costings available to Council are from the PT Fortitude, Barge Bribie project in May/June 2020.

Council’s involvement in the barge operation of May/June 2020 incurred a base hiring cost of \$616,736 for the tug PT Fortitude and the Barge Bribie. The revenue received for shipping cargo on the barge was \$601,640 (\$391,462 from shipping Council freight and rolling stock, and \$210,178 from non-Council freight). It should be noted that there are many other associated costs including container hire, container and equipment storage at source, bio-security costs, groyne maintenance, permit costs, labour and transport costs at source and destination. Delays during the sea freighting operation can also incur additional costs and/or penalties in the vicinity of \$20,000 per day.

8.10 COUNCILLOR SNELL - QUESTION ON NOTICE NO. 2**Question:**

Can the General Manager please provide a report on the awarding of the contract for the Norfolk Telecom Website?

Response:

A web development company based in New Zealand, Hothouse Creative, was awarded the contract to develop a new website, and logo for Norfolk Telecom. One of the Directors of Hothouse Creative is the brother of a senior employee of Council. The employee made a disclosure for a non-pecuniary conflict of interest and took no further part in the process. An independent panel was appointed to run the process consisting of three (3) independent panel members.

A Request for Quote (RFQ) was advertised in the local paper on the 28th March 2020, closing Tuesday 14 April 2020. Thirteen (13) quotes were received from Australia, New Zealand and 2 from Norfolk Island residents (one for the website design and one for the logo/brand development).

The Evaluation Panel comprised the following people (excerpt from the Evaluation Panel Recommendation Report):

1. Yemi Lawal: Yemi is an independent Strategy Consultant, who has been engaged to work on the marketing strategy for Norfolk Telecom as part of the NIRC Future Proofing Project, specifically 3G/4G. Yemi has extensive experience in advising Telecom start-ups.
2. Susan Prior: Susan is an experienced professional writer, editor and content producer based on Norfolk Island. Susan has previously worked with the NIRC as an employee, and on a consultancy basis. She has a good feel for the local Norfolk community and culture.
3. Leanne Webb: Leanne is the NIRC Manager Customer Care, and manages several departments including Customer Service, IT, and Legal Services. Leanne has extensive experience in customer service and has managed all aspects of website development and content management.
4. Alistair Innes-Walker: Alistair was the NIRC Commercial Services Manager. Alistair was responsible for the NIRC commercial operations, including Norfolk Telecom. Alistair's role was to coordinate the evaluation panel but **did not to participate** in the process due to a declared conflict of interest.

The evaluation panel recommended acceptance of the quote from Hothouse Option 2 (Silverscript) for the Norfolk Telecom website, and the Hothouse quote for development of the Brand/Logo.

Each Panel Member signed the recommendation, which was subsequently approved by Bruce Taylor, NIRC Group Manager Services.

As General Manager, I am satisfied that the procurement process was executed correctly and met the requirements of Council's code of conduct.

9 REPORTS FROM COMMITTEES**9.1 MINUTES OF THE TOURISM ADVISORY COMMITTEE MEETING HELD ON 1 OCTOBER 2020****RESOLUTION 2020/170**

Moved: Cr Lisle Snell

Seconded: Cr Rod Buffett

1. That the Minutes of the Tourism Advisory Committee Meeting held on 1 October 2020 be received and the recommendations therein be adopted.
2. That the report regarding the Sale of Food Licence be noted, and investigation into the demand for a Special Event Sale of Food Licence, and the possibility of a new scaled fee structure for the Sale of Food Licence be investigated.
3. That the Tourism Report from Team Leader Tourism & Heritage for September 2020 be noted.
4. That the RDA Report THREE about the Nourishing Norfolk Incubator Project be received and noted.
5. That due to late negative feedback from booked airline passengers and the travel industry, Madam Mayor is to discuss the \$25 Entry Pass fee with the General Manager as a matter of urgency with a view that the fee be repealed immediately.

CARRIED

COUNCILLOR MCCOY DISSENTS

MOTION**RESOLUTION 2020/171**

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

1. That the \$25 Entry Pass fee be repealed immediately.
2. That the General Manager report to council on an alternative fee recovery method to fund this project.

CARRIED

COUNCILLOR MCCOY DISSENTS

9.2 MINUTES OF THE HERITAGE AND CULTURE ADVISORY COMMITTEE MEETING HELD ON 25 SEPTEMBER 2020**RESOLUTION 2020/172**

Moved: Cr David Porter

Seconded: Cr Lisle Snell

1. That the Minutes of the Heritage and Culture Advisory Committee Meeting held on 25 September 2020 be received and the recommendations therein be adopted.
2. That the Mayor draft a letter of response to Nicole Pearson's letter to Council regarding the Preamble and the Norfolk Island Act.
3. That the Museum & Research Centre Update for September 2020 be noted.

CARRIED

UNANIMOUS

9.3 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 15 OCTOBER 2020**RESOLUTION 2020/173**

Moved: Cr Rod Buffett

Seconded: Cr John McCoy

1. That the Minutes of the Audit Committee Meeting held on 15 October 2020 be received and the recommendations therein be adopted.
2. That the Minutes of the Audit Committee Meeting held on 3 July 2020 be taken as read and confirmed.
3. That the Audit Committee notes the Unaudited Draft 2019/2020 NIRC Financial Statements.
4. That the Audit Committee thank the Manager Corporate and Finance, Alistair Innes-Walker for his hard work in putting together this report, in spite of the short time he has been an incumbent in the role.
5. That the Audit Committee note the election process is being administered by the Australian Election Company in accordance with the applied *Local Government Act 1993* (NSW) (NI) and the associated regulations.
6. That the Audit Committee notes this Report about the status of the NIRC Payroll System.
7. That the Audit Committee thank all the NIRC staff involved in working towards resolving these payroll issues.
8. That the Audit Committee notes this Report plus attachments regarding Pacific Chartered Accountants engagement as Internal Auditors for Norfolk Island Regional Council.
9. That the Audit Committee Chair meets with Carolyn Eagle and Alistair Innes-Walker after the draft Report has been delivered from the Independent Governance and Financial Auditors; Grassroots Australia and NEXIA.

10. That the Audit Committee thank Chris Gallagher for his exemplary service on the Audit Committee over the last four years and wish him well for his future.

CARRIED

UNANIMOUS

10 REPORTS FROM GENERAL MANAGER**10.1 PACIFIC TUGS ROLL ON ROLL OFF (RORO) FACILITY - BRISBANE PORT****BACKGROUND**

The Boral Contract had considerable biosecurity compliance issues with the return of equipment to the mainland following the completion of the runway project. As a result of these challenges, Council worked closely with Boral and Pacific Tugs to try and minimise the return leg costs to the project. The report below will show Council and the community that we have achieved a saving of approximately \$950K from this development, and considerably more long term for freight movement back to the mainland.

RESOLUTION 2020/174

Moved: Cr Rod Buffett

Seconded: Cr John McCoy

That the General Managers report on the Pacific Tugs new Biosecurity RORO facility in Brisbane Port be noted.

**CARRIED
UNANIMOUS**

11 REPORTS FROM MANAGER PEOPLE AND CULTURE

Nil

12 REPORTS FROM MANAGER CORPORATE AND FINANCE**12.1 INVESTMENT REPORT - SEPTEMBER 2020****SUMMARY**

The purpose of this report is for Council to note the investments held at 30 September 2020 and to provide an overview of Council's cash position at 30 September 2020.

RESOLUTION 2020/175

Moved: Cr Rod Buffett

Seconded: Cr John McCoy

That Council notes the investment report for September 2020

**CARRIED
UNANIMOUS**

13 REPORTS FROM MANAGER COMMERCIAL

Nil

14 REPORTS FROM MANAGER ECONOMIC DEVELOPMENT

Nil

15 REPORTS FROM MANAGER SERVICES**15.1 BARGE PROJECT****SUMMARY**

The purpose of this report is to provide an update on Council barge operations.

RESOLUTION 2020/176

Moved: Cr Rod Buffett

Seconded: Cr Lisle Snell

That the report on the Council barge project be noted.

**CARRIED
UNANIMOUS**

16 REPORTS FROM MANAGER PLANNING AND ENVIRONMENT

16.1 APPLICATION FOR SIGNIFICANT DEVELOPMENT DECLARATION - MULTI PURPOSE HEALTH FACILITY**SUMMARY**

The purpose of this report is for Council to consider an Application for Declaration in relation to Significant Development for the proposed Multi Purpose Health Services Facility planned to be developed at the site of the current Norfolk Island Hospital and Residential Aged Care Service in Grassy Road and to make a recommendation about the Application to the Minister's delegate.

Amendments to the *Planning Act 2002* (NI) ('the Act') were prepared to introduce a specific development assessment pathway for major public infrastructure, which came into effect in October 2018, commonly known as Significant Development. The pathway has two key stages: Declaration, and Development Assessment. Application has been made for the proposed MPHSF development to be declared significant development and accepted for development assessment under that pathway.

The Application has been submitted by Department of Infrastructure, Transport, Regional Development and Communications (DITRDC). This Report is prepared under Section 28C of the Act which requires the General Manager to refer an application for a declaration in relation to a significant development to the Council, together with a report and recommendation from the General Manager.

RESOLUTION 2020/177

Moved: Cr John McCoy

Seconded: Cr Lisle Snell

That:

1. Norfolk Island Regional Council agrees with the General Manager's conclusions that the proposed development of a Multi Purpose Health Services Facility in Grassy Road is –
 - i) eligible for declaration as significant development; and
 - ii) based on the matters required to be considered under section 28D(2)(a)-(e) of the *Planning Act 2002* (NI), warrants declaration as significant development; and
2. Pursuant to section 28C(2) of the *Planning Act 2002* (NI), the Norfolk Island Regional Council recommends that the proposed development of a Multi Purpose Health Services Facility in Grassy Road be declared significant development; and
3. Pursuant to section 25C(4) of the *Planning Act 2002* (NI) the Norfolk Island Regional Council refers its recommendation to the Commonwealth Minister with the General Manager's Report and any other relevant material.

CARRIED

UNANIMOUS

16.2 DEVELOPMENT AND BUILDING APPLICATION 3/2020**SUMMARY**

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 3/2020 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*:

DA.BA 3/2020

- Applicant: Athletics Norfolk Island
- Subject Land: Portion 44a Cascade Road Norfolk Island
- Proposed Use or Development: *Outdoor Sport and Recreation Facility – Storage Shed*

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

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

RESOLUTION 2020/178

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That:

1. The Norfolk Island Regional Council, pursuant to section 44(2) of the *Planning Act 2002 (NI)*, makes a recommendation to approve;

DA.BA 3/2020

- Applicant: Athletics Norfolk Island
- Subject Land: Portion 44a Cascade Road Norfolk Island
- Proposed Use or Development: *Outdoor Sport and Recreation Facility – Storage Shed*;

in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision; and

2. The Norfolk Island Regional Council, pursuant to section 44(4) of the *Planning Act 2002 (NI)*, refers DA.BA 3/2020 to the Minister's delegate with Council's recommendations on the application.

**CARRIED
UNANIMOUS**

16.3 DEVELOPMENT APPLICATION 9/2020**SUMMARY**

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 9/2020 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*:

DA 9/2020

- Applicant: Norfolk Island Regional Council
- Subject Land: Portion 183 Ben Christian Drive
- Proposed Use or Development: *Public Works – Major* - Composting Facility

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

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

RESOLUTION 2020/179

Moved: Cr John McCoy

Seconded: Cr Rod Buffett

That:

- i) The Norfolk Island Regional Council, pursuant to section 44(2) of the *Planning Act 2002 (NI)*, in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision; makes a recommendation to approve DA 9/2020 described as
 - Applicant: Norfolk Island Regional Council
 - Subject Land: Portion 183 Ben Christian Drive
 - Proposed Use or Development: *Public Works – Major* – Composting Facility

and

- ii) The Norfolk Island Regional Council, pursuant to section 44(4) of the *Planning Act 2002 (NI)*, refers DA 9/2020 to the Minister's delegate with Council's recommendations on the application.

CARRIED
UNANIMOUS

16.4 DEVELOPMENT APPLICATION 11/2020**SUMMARY**

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 11/2020 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*:

DA 11/2020

- Applicant: D Fitzpatrick
- Subject Land: Portion: 26b7, 10 New Cascade 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 the *Planning Act 2002 (NI)*.

RESOLUTION 2020/180

Moved: Cr Rod Buffett

Seconded: Cr David Porter

That

- i) The Norfolk Island Regional Council, pursuant to section 44(2) of the *Planning Act 2002 (NI)*, in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision; makes a recommendation to approve DA 11/2020 described as
 - Applicant: D Fitzpatrick
 - Subject Land: Portion: 26b7, 10 New Cascade Road
 - Proposed Use or Development: *Subdivision Major* – create one additional lot

and

- ii) The Norfolk Island Regional Council, pursuant to section 44(4) of the *Planning Act 2002 (NI)*, refers DA 11/2020 to the Minister's delegate with Council's recommendations on the application.

CARRIED
UNANIMOUS

16.5 DEVELOPMENT APPLICATION 12/2020**SUMMARY**

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 12/2020 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*:

DA 12/2020

- Applicant: C Magri
- Subject Land: Portion: 89o3 and 89o4, Bumbora 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 the *Planning Act 2002 (NI)*.

RESOLUTION 2020/181

Moved: Cr Lisle Snell

Seconded: Cr David Porter

That

- i) The Norfolk Island Regional Council, pursuant to section 44(2) of the *Planning Act 2002 (NI)*, in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision; makes a recommendation to approve DA 12/2020 described as

- Applicant: C Magri
- Subject Land: Portion: 89o3 and 89o4, Bumbora Road
- Proposed Use or Development: *Subdivision Major* – create one additional lot

and

- ii) The Norfolk Island Regional Council, pursuant to section 44(4) of the *Planning Act 2002 (NI)*, refers DA 12/2020 to the Minister's delegate with Council's recommendations on the application.

CARRIED

UNANIMOUS

16.6 DEVELOPMENT AND BUILDING APPLICATION 31/2020**SUMMARY**

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 31/2020 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*:

DA.BA 31/2020

- Applicant: Norfolk Island Regional Council
- Subject Land: Portion 183 Ben Christian Drive
- Proposed Use or Development: *Public Works – Major* - Metal Car Baler Facility

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

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

RESOLUTION 2020/182

Moved: Cr John McCoy

Seconded: Cr Rod Buffett

That

- i) The Norfolk Island Regional Council, pursuant to section 44(2) of the *Planning Act 2002 (NI)*, in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision; makes a recommendation to approve DA.BA 31/2020 described as
 - Applicant: Norfolk Island Regional Council
 - Subject Land: Portion 183 Ben Christian Drive
 - Proposed Use or Development: *Public Works – Major* – Metal Car Baler Facility

and

- ii) The Norfolk Island Regional Council, pursuant to section 44(4) of the *Planning Act 2002 (NI)*, refers DA.BA 31/2020 to the Minister's delegate with Council's recommendations on the application.

CARRIED
UNANIMOUS

16.7 DEVELOPMENT AND BUILDING APPLICATION 35/2020**SUMMARY**

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 35/2020 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*:

DA.BA 35/2020

- Applicant: Andrew Roach
- Subject Land: Portions 24n and 24g, Taylors Road
- Proposed Use or Development: Special Use: Public Building, Park and Outdoor Sport and Recreation Facilities

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

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

RESOLUTION 2020/183

Moved: Cr David Porter

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 35/2020

- Applicant: Andrew Roach
- Subject Land: Portions 24n and 24g, Taylors Road
- Proposed Use or Development: Special Use: Public Building, Park and Outdoor Sport and Recreation Facilities

in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision; and

2. The Norfolk Island Regional Council, pursuant to section 44(4) of the *Planning Act 2002 (NI)*, refers DA.BA 35/2020 to the Minister's delegate with Council's recommendations on the application.

CARRIED

UNANIMOUS

16.8 DEVELOPMENT AND BUILDING APPLICATION 36/2020**SUMMARY**

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 36/2020 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*:

DA.BA 36/2020

- Applicant: DITRDC
- Subject Land: Portion 183, Ferny Lane
- Proposed Use or Development: Public Building (First Point of Entry)

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

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

RESOLUTION 2020/184

Moved: Cr David Porter

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 36/2020

- Applicant: DITRDC
- Subject Land: Portion 183, Ferny Lane
- Proposed Use or Development: Public Building (First Point of Entry)

in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision; and

2. The Norfolk Island Regional Council, pursuant to section 44(4) of the *Planning Act 2002 (NI)*, refers DA.BA 36/2020 to the Minister's delegate with Council's recommendations on the application.

CARRIED

UNANIMOUS

Councillor Porter Left the Chamber – 3:52pm

16.9 DEVELOPMENT AND BUILDING APPLICATION 13/2020**SUMMARY**

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 13/2020 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*:

DA.BA 13/2020

- Applicant: A & S McGillicuddy
- Subject Land: Portion 32b, 157 Stockyard Road (a)
- Proposed Use or Development: *Residence - Accommodation Units (Low Density) and one Pole or Freestanding Advertising Structure*

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

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

MOTION

Moved: Cr Rod Buffett

That:

- i) The Norfolk Island Regional Council, pursuant to section 44(2) of the *Planning Act 2002 (NI)*, in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision; makes a recommendation to approve

DA.BA 13/2020 described as

- Applicant: A & S McGillicuddy
- Subject Land: Portion 32b, 157 Stockyard Road (a)
- Proposed Use or Development: *Residence - Accommodation Units (Low Density) and one Pole or Freestanding Advertising Structure*

and

- ii) The Norfolk Island Regional Council, pursuant to section 44(4) of the *Planning Act 2002 (NI)*, refers DA.BA 13/2020 to the Minister's delegate with Council's recommendations on the application.

LAPSED – NO SECONDER
MOTION LOST

16.10 DEVELOPMENT AND BUILDING APPLICATION 28/2020

SUMMARY

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 28/2020 is referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)*:

DA.BA 3/2020

- Applicant: D W Evans
- Subject Land: Portion 39b, 35 Mulberry Lane
- Proposed Use or Development: *Residence – Accommodation Units (Medium Density)*

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

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

RECOMMENDATION

- i) That The Norfolk Island Regional Council, pursuant to section 44(2) of the *Planning Act 2002 (NI)*, in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision; makes a recommendation to approve DA.BA 28/2020 described as
 - Applicant: D W Evans
 - Subject Land: Portion 39b, 35 Mulberry Lane
 - Proposed Use or Development: *Residence – Accommodation Units (Medium Density)* and
- ii) The Norfolk Island Regional Council, pursuant to section 44(4) of the *Planning Act 2002 (NI)*, refers DA.BA 28/2020 to the Minister's delegate with Council's recommendations on the application.

LAPSED – NO MOVER, NO SECONDER

Councillor Porter Returned to Chamber – 3:55pm

17 REPORTS FROM MANAGER CUSTOMER SERVICE**17.1 COUNCIL ELECTION BROADCASTING POLICY****SUMMARY**

The purpose of this report is to seek Councils approval to repeal the Administration of Norfolk Island (ANI) Radio Norfolk Election Broadcasting Policy (2016/06) and, adopt a Norfolk Island Regional Council (NIRC) Election Broadcasting Policy.

RESOLUTION 2020/185

Moved: Cr John McCoy

Seconded: Cr David Porter

That Council:

1. Repeal the Administration of Norfolk Island (ANI) Radio Norfolk Election Broadcasting Policy (2016/06)
2. Adopt the Norfolk Island Regional Council Election Broadcasting Policy (3.12)

**CARRIED
UNANIMOUS**

18 NOTICES OF MOTION**18.1 NOTICE OF MOTION - NORFOLK ISLAND COMMUNITY STRATEGIC PLAN 2016 - 2026 (THE PLAN)
STRENGTHENING THE MISSION IN THE PLAN**

I, Councillor Robin Adams, give notice that at the next Ordinary Meeting of Council be held on 28 October 2020, I intend to move the following motion:-

RESOLUTION 2020/186

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

Cr Adams to move -

The Council in resolution 2018/78 committed to further progress its advocacy role in respect of the reinstatement of the Preamble and to give further clarity to the Mission in the Norfolk Island Community Strategic Plan 2016-2026 in order to protect and enhance our unique culture, heritage, traditions and environment for the Norfolk Island People. Council further committed to consult with the community and the Commonwealth on how this might be achieved.

Council notes the Mayor has had preliminary discussions with, and received support from the Norfolk Island Council of Elders, and Council's Heritage and Culture Advisory Committee, on implementation of the Mission and re-instatement of a Preamble.

Council supports the General Manager –

1. mapping how Council currently protects and enhances the unique culture, heritage, traditions and environment for the Norfolk Island People; and
2. developing a strategy and resource tool for Council's consideration how current practices can be improved across policies, procedures and systems.

**CARRIED
UNANIMOUS**

18.2 NOTICE OF MOTION - ROYAL COMMISSION ON APPROPRIATE FORM OF GOVERNMENT FOR NORFOLK ISLAND

I, Councillor Robin Adams, give notice that at the next Ordinary Meeting of Council be held on 28 October 2020, I intend to move the following motion:-

RESOLUTION 2020/187

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

ROYAL COMMISSION ON APPROPRIATE FORM OF GOVERNMENT FOR NORFOLK ISLAND

Cr Adams to move the below motion on notice in its amended form –

Council by resolution 2020/143 on 23 September 2020 called on the Assistant Minister for Regional Development and Territories the Hon Nola Marino MP, to advocate to the Australian government that a Royal Commission funded by the Commonwealth be formally established by the Governor-General to inquire into and to report and make recommendations on:

Options to provide for the most appropriate form of government for the non-self-governing territory of Norfolk Island that can achieve the majority support of the Norfolk Island people; and build a pathway to peace.

Council acknowledges the attached communication sent by the Mayor on 1 October 2020 to the Hon Nola Marino on behalf of Council and further Council notes the Mayor will forward to Assistant Minister Marino a copy of the attached report dated 26 October 2020 titled "*The Case for Controlled Immigration to Norfolk Island 2020*" sent to the Mayor by Dr Chris Nobbs, the author of the report, to further assist Assistant Minister Marino in her consideration of Council's request for a Royal Commission.

**CARRIED
CR BUFFETT AND CR PORTER DISSENT**

18.3 NOTICE OF MOTION - ADVOCACY FOR REINSTATEMENT OF PREAMBLE TO THE NORFOLK ISLAND ACT 1979 (CTH)

I, Councillor Robin Adams, give notice that at the next Ordinary Meeting of Council be held on 28 October 2020, I intend to move the following motion:-

RESOLUTION 2020/188

Moved: Cr Robin Adams

Seconded: Cr Lisle Snell

Cr Adams to move -

Council notes and supports the attached response (including the background paper) from the Mayor to the letter of 27 August 2020 from the Assistant Secretary, Norfolk Island and ACT/NT Branch, Department of Infrastructure, Transport, Regional Development and Communications to the NIRC General Manager on the matter of the Territories Legislation Amendment Bill 2020 (Cth) and the reference therein to the Preamble.

In acknowledgement that Council is committed –

- a. under the Norfolk Island Community Strategic Plan 2016-2026 *“To advocate for a Preamble to the Norfolk Island Act “; and*
- b. under the Heritage and Culture Strategy 2017-2020 to *“Achieve formal recognition that Norfolk Island is the homeland of the Pitcairn Islanders and their descendants through advocacy to reinstate a Preamble to the Norfolk Island Act 1979 No. 25, 1979 Compilation No. 17”,*

Council encourages the General Manager and the Department of Infrastructure, Transport, Regional Development and Communications to continue to work in collaboration, cooperation and partnership with the Council of Elders to achieve legislative recognition, in a Preamble to the Norfolk Island Act 1979, that:

- satisfies the wishes of the Norfolk Island People of Pitcairn descent;
- meets the definition and purpose of a Preamble
- addresses the chronological historical facts of the governance of Norfolk Island;
- acknowledges Norfolk Island as a distinct and separate settlement; and
- acknowledges the Norfolk Island people of Pitcairn descent, and their desire to preserve their history, culture and traditions.

**CARRIED
UNANIMOUS**

19 URGENT BUSINESS WITHOUT NOTICE

19.1 DRAFT EXTERNAL AUDIT REPORTS FOR GRASSROOTS AND NEXIA

RESOLUTION 2020/189

Moved: Cr Robin Adams

Seconded: Cr John McCoy

Councillors received the Draft External Audit reports on 23 October 2020. These reports were to be reviewed, and comments provided back to the Department of Infrastructure, Transport, Regional Development & Communications by 30 October 2020. The final reports are expected to be issued to the public during the first week of November 2020.

There are several concerning issues raised in these reports, hence the need to raise now in Urgent Business this afternoon.

With the impending election scheduled for 14 November 2020, Councillors feel it is demonstrably unfair to place a significant burden on an incoming Council, and believe an urgent meeting with the Assistant Minister The Hon Nola Marino, be requested. This discussion should also include the delay, or cancellation of the election.

Today, Council consider a financial report (the investment report) that alerts Councillors to the fact that we are running out of cash, and daily operations, may become difficult.

Council is a Body Politic (Section 220, LGA 1993), and in operational terms, that means Council is a body corporate. Should Council not be able to meet its commitments in the coming months, urgent support will be required from the Department.

I therefore move the following motion:

That the General Manager urgently requests the Administrator to arrange a delegation to the Assistant Minister, the Hon Nola Marino, so Norfolk Island Regional Council can discuss the outcomes of the External Audits and its financial position.

CARRIED

UNANIMOUS

19.2 DA.BA. 6/2020

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 6/2020 was referred to Council for consideration and a recommendation under section 44 of the *Planning Act 2002 (NI)* at the Ordinary Council Meeting 20 May 2020. The Application is described as:

DA.BA 6/2020

- Applicant: Department of Infrastructure, Transport, Cities and Regional Development
- Subject Land: Portion 44d, Cascade Road: Norfolk Island Central School
- Proposed Use or Development: Covered Outdoor Learning Area (COLA)

At the Ordinary Council Meeting 20 May 2020 Council resolved to recommend to the Minister's delegate that the development application is approved subject to conditions in the Notice of Decision (Resolution 2020/69).

Subsequently, the Applicant submitted plans for a varied design for the COLA before the Application was determined.

RESOLUTION 2020/190

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)*, in accordance with the statutory requirements of that Act and in accordance with the recommended Notice of Decision; makes a recommendation to approve DA.BA 6/2020 as amended, described as

- Applicant: Department of Infrastructure, Transport, Cities and Regional Development
- Subject Land: Portion 44d, Cascade Road: Norfolk Island Central School
- Proposed Use or Development: Covered Outdoor Learning Area (COLA)

and

The Norfolk Island Regional Council, pursuant to section 44(4) of the *Planning Act 2002 (NI)*, refers DA.BA 6/2020 to the Minister's delegate with Council's recommendations on the application.

CARRIED

UNANIMOUS

20 CONFIDENTIAL MATTERS FOR CONSIDERATION**RESOLUTION 2020/191**

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:

20.1 Additional Airline Services

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

20.2 General Manager's Performance Appraisal.

This matter is considered to be confidential under Section 10A(2)(a) of the Local Government Act and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

**CARRIED
UNANIMOUS**

Council moved into Closed Council at 4:50pm**RESOLUTION 2020/192**

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That Council moves out of Closed Council into Open Council.

**CARRIED
UNANIMOUS**

Council moved out of Closed Council into Open Council at 5:05pm**20.1 ADDITIONAL AIRLINE SERVICES****RESOLUTION 2020/193**

Moved: Cr Rod Buffett

Seconded: Cr David Porter

That the General Managers report on negotiations for additional airline services be noted.

**CARRIED
UNANIMOUS**

20.2 GENERAL MANAGERS PERFORMANCE APPRAISAL 2020

RESOLUTION 2020/194

Moved: Cr David Porter

Seconded: Cr Rod Buffett

That Council:

1. Receive and adopt the annual performance appraisal for the General Manager conducted on 23 October 2020, facilitated by Mr Mark Anderson from Local Government Management Solutions.
2. That Mr Roach be congratulated by Council on an outstanding result for his first year of his contract.
3. That the Mayor provide a media release outlining the performance appraisal result for the community.

**CARRIED
UNANIMOUS**

21 QUESTIONS FOR THE NEXT MEETING

NIL

The next Ordinary Meeting of Council will take place on Wednesday 18 November 2020 held at the Norfolk Island Regional Council Chambers commencing at 2:00pm.

There being no further business the Mayor declared the meeting closed at 5:10pm.

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 28 October 2020.

Submitted to the Ordinary Meeting of Council held on Wednesday 18 November 2020.

Mayor Robin Adams

Date