

**MINUTES OF
ORDINARY COUNCIL MEETING
WEDNESDAY 19 OCTOBER 2016**

MINUTES OF THE **Ordinary Council Meeting** OF THE NORFOLK ISLAND REGIONAL COUNCIL held at the Council Chambers on Wednesday, 19 October 2016 commencing at 2.00 pm.

ATTENDANCE Mayor Robin Adams
Councillor John McCoy
Councillor David Porter
Councillor Lisle Snell
Councillor Rod Buffett

ALSO IN ATTENDANCE General Manager (Lotta Jackson)
Group Manager – Services (Bruce Taylor)
Group Manager – Commercial Hub (John van Gaalen)
Program Manager (Sharyn Quintal)

WELCOME

The Mayor welcomed Councillors, Officers and the community to the meeting.

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.

APOLOGIES

Nil.

DISCLOSURES OF INTEREST

79/16 Resolved:

That Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

| NAME | TYPE | ITEM | DISCLOSURE |
|-------------|---------------------------|--|--|
| Dave Porter | Non Pecuniary Significant | 7. Mayoral Minute – Submission Management Plans for Commonwealth Marine Reserves | Step son fishes to supply his takeaway shop in the area. |

| | | | |
|-------------|---------------------------|---------|---|
| Robin Adams | Non Pecuniary Significant | GM36/16 | Son proposed for Committee Membership and Mayor is Secretary of the Cattle Association Inc. |
| John McCoy | Non Pecuniary Significant | GM37/16 | Employed in the local construction industry. |

(John McCoy/Lisle Snell)

Motion Carried

CONFIRMATION OF MINUTES

80/16 Resolved that:

The Minutes of the Ordinary Council meeting held on Wednesday, 21 September 2016 as circulated, be confirmed and signed as a true record of the proceedings of the meeting.

(David Porter/John McCoy)

Motion Carried

81/16 Resolved that:

The Minutes of the Extraordinary Council meeting held on Wednesday, 28 September 2016 as circulated, be confirmed and signed as a true record of the proceedings of the meeting.

(David Porter/John McCoy)

Motion Carried

PUBLIC ACCESS

Nil.

MAYORAL MINUTE

Cr Porter left the Chamber at 2.07pm.

SUBMISSION MANAGEMENT PLANS FOR COMMONWEALTH MARINE RESERVES

SUMMARY

Council received correspondence from the acting Director of Marine Protected Area Management North, informing Council of the independent Commonwealth Marine Reserves Review reports from the Expert Scientific Panel and Bioregional Advisory Panels that have been released by the Minister for the Environment and Energy, the Hon Josh Frydenberg MP. The following are parts of what was included in the correspondence from the acting Director:

The Minister has asked the Director of National Parks to commence the process of preparing management plans for Commonwealth marine reserves – including the Norfolk Island Commonwealth marine reserve - in line with the process set out in the Environment Protection and Biodiversity Conservation Act 1999. The Director issued a public notice inviting interested parties to comment on the proposal to prepare draft management plans – a notice was placed in the Norfolk Islander. She is also seeking comments on her proposal to use the recommendations in the independent review as the basis of these plans.

82/16 Resolved:

That Council provides a submission outlining the following:

- (1) Currently Norfolk Island fishers can legally collect (in pots and nets) spanner crabs etc in waters surrounding Norfolk Island up to the limits of the 40nm x 67nm 'box'. Rezoning the majority of 'the box' from MUZ to HPZ will prevent Norfolk Island Fishermen from participating in traditional fishing activities; including using pots and nets to collect crabs outside of the 10kms x 10km MUZ. We ask that the current traditional fishing activities remain legal in waters surrounding Norfolk Island up to the limits of the 40nm x 67nm 'box'.
- (2) Council is in agreement with the northern part of the reserve maintaining the marine national park zone.
- (3) Council is in agreement with the southern part of the reserve introducing a new marine national park zone which provides protection over the Vening-Meinseze Fracture Zone.
- (4) That the recommendation to rezone a large part of Norfolk Islands 'box' from MUZ to HPZ and to create a small 10km x 10km MUZ zone around Norfolk Island be amended to be the same size as our current 'box'. For clarity, the recommendation would need to be amended to read - 'Change the MUZ to HPZ except for an area of 40nm X 67nm centred around Norfolk Island'.

(Robin Adams/Lisle Snell)

Motion Carried

Cr Porter returned to the Chamber 2.26pm.

REPORTS FROM COMMITTEES

Nil.

REPORTS FROM OFFICERS

(ITEM: GM35/16) OATH OR AFFIRMATION BY COUNCILLORS

SUMMARY

The purpose of this report is to inform Councillors of the new requirements under section 233A of the NSW *Local Government Act 1993* (as amended), being that all Councillors must take an Oath of Office or make an Affirmation of Office.

83/16 Resolved:

That each Councillor take an oath or affirmation as follows:

Oath

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of the **Norfolk Island** area and the **Norfolk Island Regional Council** and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the **Norfolk Island** area and the **Norfolk Island Regional Council** and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

(John McCoy/Rod Buffett)

Motion Carried

All Councillors took their oaths.

The General Manager read an attestation.

(ITEM: GM 36/16) PUBLIC RESERVES ADVISORY COMMITTEE MEMBERSHIP

The Mayor left the Chair and Chamber at 2.38pm.

The Deputy Mayor took the Chair at 2.38pm.

SUMMARY

The purpose of this report is for Council to adopt the members for Public Reserves Advisory Committee following the call for expressions of interest in line with the adopted Terms of Reference.

84/16 Resolved:

That Council approves of the following community members to be part of the Public Reserves Advisory Committee:

- 1) Aaron Graham (Vice President) and PJ Wilson (President) as the alternate member, to represent the Norfolk Island Cattle Association
- 2) Mel Wilson, Acting Park Manager or Craig Doolan, Parks Manager to represent the Norfolk Island National Park
- 3) David Dids Evans and Margaret Christian (Norfolk Island Flora and Fauna Society) to represent the Community

(David Porter/Rod Buffett)

Motion Carried

Deputy Mayor left the Chair at 2.43pm.

Mayor returned to the Chamber and the Chair at 2.43pm.

(ITEM: GM 37/16) ROCK FEED SOURCE ADVISORY COMMITTEE MEMBERS

SUMMARY

The purpose of this report is for Council to adopt members for the Rock Feed Source Advisory Committee following the call for expressions of interest in line with the adopted Terms of Reference.

Amendment

Dennis Sterling to represent the Community.

(Lisle Snell/John McCoy)

Motion Carried

85/16 Resolved:

That Council approves of the following community members to be part of the Rock Feed Source Advisory Committee:

- 1) Richard Cottle and Jim Tavener to represent the industry
- 2) Dennis Sterling to represent the Community

(Rod Buffett/David Porter)

Motion as Amended Carried

(ITEM: GM 38/16) TOURISM ADVISORY COMMITTEE MEMBERSHIP

SUMMARY

The purpose of this report is for Council to adopt members for the Tourism Advisory Committee following the call for expressions of interest in line with the adopted Terms of Reference.

86/16 Resolved:

That Council approves of the following community members to be part of the Tourism Advisory Committee:

- 1) Richard Hay, Executive Officer (non-voting member by request) to represent The Administrator's Office
- 2) Monica Anderson, to represent the Chamber of Commerce
- 3) Rael Donde, (President) and Sue Sills (Vice-President) as the alternate member to represent the Accommodation and Tourism Association
- 4) Rebecca Christian (Proprietor of Norfolk Island Travel Centre) and Lillian Mann (Resort Manager and Events Organiser) to represent Tourism Operations
- 5) Cherri Buffett to represent the Community

(John McCoy/Rod Buffett)

Motion Carried

(ITEM: GM 39/16) WASTE MANAGEMENT ADVISORY COMMITTEE MEMBERS

SUMMARY

The purpose of this report is for Council to adopt members for the Waste Management Advisory Committee following the call for expressions of interest in line with the adopted Terms of Reference.

87/16 Resolved:

That Council approves of the following community members to be part of the Waste Management Advisory Committee.

- 1) Denise Quintal to represent EcoNorfolk
- 2) Rael Donde, (President) and Sue Sills (Vice-President) to represent the Accommodation and Tourism Association
- 3) Mr Rick Kleiner to represent the Chamber of Commerce
- 4) Diana Adams and Phil Mc Dowell to represent the Community

(John McCoy/David Porter)

Motion Carried

(ITEM: GM 41/16) DRAFT DELIVERY PROGRAM 2016-2020

SUMMARY

The purpose of this report is for Council to adopt the Norfolk Island Regional Council Delivery Program 2016-2020, and for it to be placed on public exhibition for 28 days.

88/16 Resolved:

That Council adopts the Delivery Program 2016-2020, and places it on public exhibition for 28 days, and if no submissions are received, the Delivery Program becomes the adopted Delivery Program for the Norfolk Island Regional Council for 2016-2020.

(Rod Buffett/David Porter)

Motion Carried

(ITEM: GM 41/16) HERITAGE AND CULTURE ADVISORY COMMITTEE

SUMMARY

The purpose of this report is for Council to appoint a Heritage and Culture Advisory Committee; adopt the Terms of Reference for the Heritage and Culture Advisory Committee and allow the General Manager to advertise for expressions of interest for membership of the Heritage and Culture Advisory Committee.

Amendment

- (4) Council nominates the Mayor and a Councillor to be on the Advisory Council.

(John McCoy/David Porter)

Motion Carried

Amendment

That the meeting time of the Committee as proposed in the Terms of Reference be amended to 4:00pm.

(David Porter/John McCoy)

Motion Carried

Amendment

That Councillor Snell be nominated as the Councillor to sit on the Advisory Committee with the Mayor.

(John McCoy/David Porter)

Motion Carried

89/16 Resolved:

- (1) That Council appoints a Heritage and Culture Advisory Committee;
- (2) That Council adopts the Terms of Reference – Heritage and Culture Advisory Committee and that the meeting time of the Committee as proposed in the Terms of Reference be amended to 4:00pm.
- (3) That Council approves the General Manager to advertise for expressions of interest for membership of the Heritage and Culture Advisory Committee.
- (4) Council nominates the Mayor and Councillor Snell to be on the Advisory Council.

(David Porter/John McCoy)

Motion as Amended Carried

(ITEM: GM 42/16) COUNCIL CLOSURE OVER THE CHRISTMAS PERIOD

SUMMARY

The purpose of this report is for Council to consider the closure of Council's offices during the Christmas and the New Year Period.

90/16 Resolved:

- (1) That Council adopts the closure of Council Offices during the (3) days between Christmas and New year each year;

- (2) That staff be required to take annual leave for the three (3) days during the closure of Council;
- (3) That the General Manager arranges for a Media Release and Gazette notice of the closure period times with reminders to the community.

(David Porter/Rod Buffett)

Motion Carried

(ITEM: GM 43/16) SUSTAINABLE ENERGY ADVISORY COMMITTEE

SUMMARY

The purpose of this report is for Council to adopt the Terms of Reference for the Sustainable Energy Advisory Committee; nominate a Councillor for the Committee and for the General Manager to advertise for expressions of interest for membership of the Sustainable Energy Advisory Committee.

Amendment

That Council appoints Councillor Buffett and Councillor Porter to be members of the Sustainable Energy Advisory Committee.

(John McCoy/Lisle Snell)

Motion Carried

91/16 Resolved:

- (1) That Council adopts the Terms of Reference – Sustainable Energy Advisory Committee;
- (2) That Council appoints Councillor Buffett and Councillor Porter to be members of the Sustainable Energy Advisory Committee;
- (3) That Council approves the General Manager to advertise for expressions of interest for membership of the Sustainable Energy Advisory Committee as per the Terms of Reference.

(David Porter/Rod Buffett)

Motion as Amended Carried

(ITEM: GC 02/16) PROCUREMENT POLICY

SUMMARY

The purpose of this report is for Council to consider the adoption of the Draft Procurement Policy.

92/16 Resolved:

That Council adopts the Draft Procurement Policy.

(John McCoy/Rod Buffett)

Motion Carried

Cr Snell requested that his dissenting vote be recorded.

(ITEM: GC 03/16) GIFTS AND BENEFITS POLICY

SUMMARY

The purpose of this report is to present to Councillors the Gifts and Benefits Policy for adoption.

The acceptance of gifts or benefits has real and perceived opportunities for undermining integrity. The purpose of this policy is to clearly define the way in which the organisation will manage the offer of gifts and benefits.

93/16 Resolved:

That Council adopts the Gifts and Benefits Policy.

(Rod Buffett/David Porter)

Motion Carried

Cr Snell requested that his dissenting vote be recorded.

(ITEM: GC 04/16) NORFOLK ISLAND REGIONAL COUNCIL 2016/17 RATING MODEL CORRECTION

SUMMARY

The purpose of this report is for Council to note and adopt the necessary corrections to the 2016/17 Rating Model.

94/16 Resolved:

That Council notes and adopts the corrected Rating Model below supersedes the Rating Model approved by Council on 28/09/2016.

NORFOLK ISLAND REGIONAL COUNCIL: 2016/17 Rating Model - as corrected

| Category | Sub-Category | YEAR 1- Levy per property raising \$500,000 | No. of Assessments | Rates raised per Category |
|------------------------------------|---------------------|--|-------------------------------|--------------------------------------|
| Residential | less than 0.05 Ha | \$135.00 | 30 | \$4,050 |
| Residential | 0.05Ha - 0.099Ha | \$255.00 | 98 | \$24,990 |
| Residential | 0.1Ha - 0.499Ha | \$270.00 | 565 | \$152,550 |
| Residential | 0.5Ha - 0.99Ha | \$290.00 | 296 | \$85,840 |
| Residential | 1.0Ha - 4.99Ha | \$310.00 | 460 | \$142,600 |
| Residential | 5.0Ha -20.0Ha | \$320.00 | 46 | \$14,720 |
| Farmland | 1 portion | \$240.00 | 111 | \$26,640 |
| Business - Commercial/ Industrial | less than 0.1 Ha | \$320.00 | 83 | \$26,560 |
| Business - Commercial/ Industrial | 0.1Ha - 0.499Ha | \$580.00 | 56 | \$32,480 |
| Business - Commercial/ Industrial | 0.5Ha - 0.99Ha | \$845.00 | 15 | \$12,675 |
| Business - Commercial/ Industrial | 1.0Ha - 4.99Ha | \$1,105.00 | 9 | \$9,945 |
| Business - Commercial/ Industrial | 5.0ha – 20.0ha | \$1,365.00 | 5 | \$6,825 |
| Business – Commercial / Industrial | 21.0Ha + | \$1,625.00 | 1 | \$1,625 |
| Business - Tourist Accommodation | 1 unit | \$320.00 | 24 | \$7,680 |
| Business - Tourist Accommodation | 2 units | \$550.00 | 4 | \$2,200 |
| Business - Tourist Accommodation | 3 units | \$745.00 | 5 | \$3,725 |
| Business - Tourist Accommodation | 4 units | \$895.00 | 2 | \$1,790 |
| Business - Tourist Accommodation | 5 units | \$1,025.00 | 10 | \$10,250 |
| Business - Tourist Accommodation | 6-10 units | \$1,275.00 | 16 | \$20,400 |
| Business - Tourist Accommodation | 11-20 units | \$1,615.00 | 7 | \$11,305 |
| Business - Tourist Accommodation | 21 - 50 units | \$1,975.00 | 3 | \$5,925 |
| Business - Tourist Accommodation | 51+ units | \$2,315.00 | 2 | \$4,630 |
| Business – Not For Profit | Non-Liquor | \$100.00 | 7 | \$700 |
| Business – Not For Profit | Liquor | \$350.00 | 7 | \$2,450 |
| Total | | | 1862 | \$612,555 |

(David Porter/Rod Buffett)

Motion Carried

(ITEM: GC 05/16) STATEMENT OF BUSINESS ETHICS

SUMMARY

The purpose of this report is for Council to adopt the Statement of Business Ethics which will apply when conducting business with the private sector.

95/16 Resolved:

That the Statement of Business Ethics be adopted by Council.

(Rod Buffett/John McCoy)

Motion Carried

Cr Snell requested that his dissenting vote be recorded.

(ITEM: GC 06/16) INVESTMENTS REPORT

SUMMARY

The purpose of this report is to report to Council the balance of investments held as at 30th September 2016.

96/16 Resolved:

That the Investments Report be received and noted.

(David Porter/Rod Buffett)

Motion Carried

NOTICES OF MOTION

Nil.

URGENT BUSINESS WITHOUT NOTICE

Nil.

CONFIDENTIAL MATTERS FOR CONSIDERATION

97/16 Resolved:

That Council move into closed Committee.

(David Porter/Rod Buffett)

Motion Carried

The doors were closed to the public and the meeting moved into Committee at 3.45pm.

(CONFIDENTIAL ITEM GM 44/16) AUDIT COMMITTEE MEMBERS EXPRESSIONS OF INTEREST

This item is placed within the confidential part of the agenda in accordance with section 10A (2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.

SUMMARY

The purpose of this report is for Council to appoint two (2) independent Audit Committee Members following the calling for Expressions of Interest (EOI).

98/16 Resolved:

That Council appoints Ms Kelly McFayden and Mr Chris Gallagher to be the independent members of Council's Audit Committee with Ms Kelly McFayden to be the Chair Person.

(Rod Buffett/David Porter)

Motion Carried

(CONFIDENTIAL ITEM: GS 06/16) BUSINESS PLAN - TELECOMMUNICATIONS

This item is placed within the confidential part of the agenda in accordance with section 10A (2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.

SUMMARY

The purpose of this report is to respond to Council Resolution 68/16 from the Ordinary Council Meeting on 21 September 2016, in relation to Council's Telecommunications business.

Mayor left the Chair 4.10pm.

Deputy Mayor took the Chair 4.10pm.

Amendment

In acknowledgement that –

- 1) Quality telecommunications are imperative to Norfolk Island's future prosperity especially as a tourism destination;
- 2) Norfolk Telecom is currently the principle provider of fixed-line ADSL; PSTN; 2G voice and text mobile services on the Island; and
- 3) The commercial viability of Norfolk Telecom currently is in serious doubt - in order to improve the commercial viability of Norfolk Telecom going forward Council be provided as a matter of urgency with a business case -
 - A) To support an application being made to the Commonwealth -
 - i) For grant funding to upgrade the mobile network to 4G which in 2014 was estimated to cost \$3.7 million; and
 - ii) For grant funding to update the fixed voice system with fixed wireless units with the 4G system at an estimated cost of \$640,000;
 - B) To support Norfolk Telecom becoming a Retail Service Provider (RSP) for nbn services as recommended by Senator the Hon Fiona Nash in her letter to Cr. Adams of 21 September 2016 thereby allowing Norfolk Telecom to compete with other RSPs to provide nbn services on Norfolk Island as well as to expand its potential market to other parts of regional Australia; and
 - C) To support a further application being made to the Commonwealth for grant funding to enable fibre optic connectivity.

(Robin Adams/Lisle Snell)

Motion Carried

Amendment

- D) If the aforementioned are not successful then Council commence discussions with the Minister for Regional Communications, Senator the Honourable Fiona Nash, with the aim of extending the *Telecommunications Act 1997 (Cth)* to Norfolk Island by 30 June 2017.

(David Porter/Rod Buffett)

Motion Carried

Crs Snell and Adams requested that their dissenting vote be recorded.

99/16 Resolution:

In acknowledgement that –

- 1) Quality telecommunications are imperative to Norfolk Island's future prosperity especially as a tourism destination;
- 2) Norfolk Telecom is currently the principle provider of fixed-line ADSL; PSTN; 2G voice and text mobile services on the Island; and
- 3) The commercial viability of Norfolk Telecom currently is in serious doubt -
in order to improve the commercial viability of Norfolk Telecom going forward Council be provided as a matter of urgency with a business case -
 - A) To support an application being made to the Commonwealth -
 - i) For grant funding to upgrade the mobile network to 4G which in 2014 was estimated to cost \$3.7 million; and
 - ii) For grant funding to update the fixed voice system with fixed wireless units with the 4G system at an estimated cost of \$640,000;
 - B) To support Norfolk Telecom becoming a Retail Service Provider (RSP) for nbn services as recommended by Senator the Hon Fiona Nash in her letter to Cr. Adams of 21 September 2016 thereby allowing Norfolk Telecom to compete with other RSPs to provide nbn services on Norfolk Island as well as to expand its potential market to other parts of regional Australia; and
 - C) To support a further application being made to the Commonwealth for grant funding to enable fibre optic connectivity.
 - D) If the aforementioned are not successful then Council commence discussions with the Minister for Regional Communications, Senator the Honourable Fiona Nash, with the aim of extending the *Telecommunications Act 1997 (Cth)* to Norfolk Island by 30 June 2017.

(John McCoy/David Porter)

Motion as Amended Carried

4.49pm Deputy Mayor left the Chair and Mayor resumed the Chair.

100/16 Resolved:

That the Council move out of closed Committee.

(David Porter/John McCoy)

Motion Carried

QUESTIONS FOR THE NEXT MEETING

Nil.

CLOSE OF MEETING

There being no further business the Mayor declared the meeting closed at 4:51pm.

.....
Councillor Robin Adams
Mayor
Dated: ___ November 2016