



MINUTES

ORDINARY MEETING OF COUNCIL

Held at the Council Chamber, Home Island
Wednesday 25 July 2018 commencing at 4.00pm

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the Shire during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (Copyright Act 1968, as amended) and the express permission of the copyright owner(s) should be sought prior to the reproduction.

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1. OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding member declared the meeting open at 4.00pm and welcomed Councillors and members of the public.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

| | |
|----------------------------------|--|
| President | Councillor Seriwati Iku |
| Deputy President | Councillor Aindil Minkom |
| Councillors | Councillor Tony Lacy Councillor Jan Young Councillor Shane Charlston |
| Staff | Andrea Selvey, Chief Executive Officer Joanne Soderlund, Deputy Chief Executive Officer Ian Evans, Manager Works and Services Ibrahim Macrae, Executive Support Officer |
| Public | 2 |
| Visitors | Nil |
| APOLOGIES | Nil |
| APPROVED LEAVE OF ABSENCE | Councillor Woren Dedian |

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

In accordance with section 5.24(1) (a) of the Local Government Act 1995, time is allocated for questions to be raised by members of the public, as follows:

(1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Pursuant to regulation 7(4) (a) of the Local Government (Administration) Regulations 1996, questions from the public must relate to a matter affecting the local government.

In accordance with section 5.25 (1) (f) of the Local Government Act 1995 and the Local Government (Administration) Regulations 1996 regulation 11(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.

Where a question is taken on notice at the meeting, a summary of the response to the question will be included in the agenda for the following Council meeting.

Nil.

5. LEAVE OF ABSENCE

The Local Government Act 1995 (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council. Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

5.1 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

| Councillor | Date of Leave | Approved by Council |
|--------------|---------------------|---------------------|
| Woren Dedian | 02 Jun-28 July 2018 | 23 May 2018 |

5.2 APPLICATION FOR LEAVE OF ABSENCE

Councillor Anthoney has put in a written application for leave of absence for the period of 25 July 2018 to 29 August 2018.

Moved Councillor Lacy, Seconded Councillor Young

That Cr Anthoney be GRANTED leave of absence from 25 July 2018 to 29 August 2018 inclusive.

Moved Councillor Lacy, Seconded Councillor Minkom

That Cr Young be GRANTED leave of absence from 29 August 2018 to 25 October 2018 inclusive.

The motion was put and declared CARRIED (5/0)

For: Charlston, Iku, Lacy, Minkom, Young

Against: Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Council resolution

Moved Councillor Charlston, Seconded Councillor Minkom

That the minutes of the Ordinary Meeting of Council held on 23 May 2018 be confirmed as a TRUE and CORRECT RECORD.

The motion was put and declared CARRIED (5/0)

For: Charlston, Iku, Lacy, Minkom, Young

Against: Nil

Recommendation

That the minutes of the Ordinary Meeting of Council held on 23 May 2018 be confirmed as a TRUE and CORRECT RECORD.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Nil.

9. DECLARATION OF INTERESTS

In accordance with section 5.60A and 5.65 of the Local Government Act 1995 the following disclosures of financial interest were made at the meeting:

| Name | Item No | Interest | Nature |
|-------------|----------------|-----------------|-------------------------------------|
| Cr Iku | 10.4/A1 | Impartiality | Parents & Citizens Committee member |

10. REPORT AND RECOMMENDATIONS OF COMMITTEE

10.1 FINANCE

10.1/F1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDING 31 MAY 2018

Report Information

Date: 19 July 2018
 Applicant: Shire of Cocos (Keeling) Islands
 Location: N/A
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Deputy Chief Executive Officer
 Island: N/A
 Attachments: Statement of Financial Activity with accompanying notes

Authority / Discretion

Definitions

| | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i> |
| <input type="checkbox"/> | Information | <i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i> |

Council resolution

0718/01

Moved Councillor Charlston, Seconded Councillor Young

That the Financial Statements for the period 1st of July 2017 to 31st of May 2018 be RECEIVED.

The motion was put and declared CARRIED (5/0)

For: Charlston, Iku, Lacy, Minkom, Young

Against: Nil

Recommendation

That the Financial Statements for the period 1st of July 2017 to 31st of May 2018 be RECEIVED.

A simple majority is required.

Report Purpose

To inform Council of the financial position of the Shire at 31 May 2018 in compliance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996.

Relevant Documents

Available for viewing at the meeting

Nil

Background

The Monthly Financial Statements for the period 1st July 2017 to 31st May 2018 are presented for consideration.

Comment

The Monthly Financial Report is prepared in accordance with the requirements of the Local Government Act 1995 and Local Government (Financial Management) Regulations.

A statement of Financial Activity with accompanying notes is attached for the period 1 July 2017 to 31 May 2018.

Policy and Legislative Implications

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires all Local Governments to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure for the month in question.

Financial Management Regulation 34 also requires this statement to be accompanied by:-

- a. An explanation of the composition of the net current assets, less committal assets and restricted assets;
- b. An explanation of material variances; and
- c. Such supporting information that is relevant to the Local Government

Financial Implications

Nil

Strategic Implications

Nil

Conclusion

That the financial statements for the period 1st of July 2017 to 31st May 2018 be received.

10.1/F2 SCHEDULE OF ACCOUNTS PAID FOR PERIOD 1ST MAY 2018 TO 31ST MAY 2018

Report Information

Date: 18 July 2018
 Applicant: Shire of Cocos (Keeling) Islands
 Location: N/A
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Senior Finance Officer
 Island: N/A
 Attachments: Schedule of accounts paid

Authority / Discretion

Definitions

| | | |
|-------------------------------------|----------------|--|
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| <input type="checkbox"/> | Information | <i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i> |

Council resolution

0718/02

Moved Councillor Charlston, Seconded Councillor Minkom

That the list showing all accounts paid between 1/05/18 to 31/05/18, inclusive of Municipal Cheque number 11512 to 11516, EFT 5880 to EFT 5925, Direct Debit Superannuation totaling \$225,981.73 be RECEIVED.

The motion was put and declared CARRIED (5/0)

For: Charlston, Iku, Lacy, Minkom, Young

Against: Nil

Recommendation

That the list showing all accounts paid between 1/05/18 to 31/05/18, inclusive of Municipal Cheque number 11512 to 11516, EFT 5880 to EFT 5925, Direct Debit Superannuation totaling \$225,981.73 be RECEIVED.

A simple majority is required.

Report Purpose

To inform Council of funds disbursed for the period 1st May 2018 – 31st May 2018.

Relevant Documents

Available for viewing at the meeting

Nil

Background

A list of accounts paid between 1st and 31st May 2018 is attached.

Comment

The schedule of accounts paid is submitted in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Conclusion

That council receives the list stating all accounts paid for May 2018.

10.1/F3 SCHEDULE OF ACCOUNTS PAID FOR PERIOD 1 JUNE 2018 TO 30 JUNE 2018

Report Information

Date: 18 July 2018
 Applicant: Shire of Cocos (Keeling) Islands
 Location: N/A
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Senior Finance Officer
 Island: N/A
 Attachments: Schedule of accounts paid
 MasterCard statements

Authority / Discretion

Definitions

| | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application / matter that directly affects a person’s right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i> |
| <input type="checkbox"/> | Information | <i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i> |

Council resolution

0718/03

Moved Councillor Charlston, Seconded Councillor Young

That the list showing all accounts paid between 1/06/18 to 30/06/18, inclusive of Municipal Cheque number 11517 & 11518, EFT 5926 to EFT 5969, Direct Debit Superannuation & MasterCard Payments: totaling 254,166.88 be RECEIVED.

The motion was put and declared CARRIED (5/0)

For: Charlston, Iku, Lacy, Minkom, Young

Against: Nil

Recommendation

That the list showing all accounts paid between 1/06/18 to 30/06/18, inclusive of Municipal Cheque number 11517 & 11518, EFT 5926 to EFT 5969, Direct Debit Superannuation & MasterCard Payments: totaling 254,166.88 be RECEIVED.

A simple majority is required.

Report Purpose

To inform Council of funds disbursed for the period 1st June 2018 – 30th June 2018.

Relevant Documents

Available for viewing at the meeting

Nil

Background

A list of accounts paid between 1st and 30th June 2018 is attached.

Comment

The schedule of accounts paid is submitted in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Conclusion

That council receives the list stating all accounts paid for June 2018.

10.2 LEASES

Nil.

10.3 PLANNING/BUILDING

10.3/PB1 HOLIDAY HOME-61 BEACON HEIGHTS WEST ISLAND

Report Information

Date: 18 July 2018
 Applicant: Brian Sorensen
 Location: 61 Beacon Heights
 File Ref: WL161
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachments: 61 Beacon Heights Holiday Home Management, Code of Conduct and
 Emergency Plan
 WAPC Guidelines – Holiday Homes, September 2009

Authority / Discretion

Definition

| | | |
|-------------------------------------|----------------|--|
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| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i> |
| <input type="checkbox"/> | Information | <i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i> |

Council resolution

0718/04

Moved Councillor Lacy, Seconded Councillor Young

That Council:

- 1. GRANTS development approval for the operation of a Holiday Home at 61 Beacon Heights, West Island to Mr Brian Sorensen for a period of five years commencing 31 August 2018 subject to the following conditions:**
 - a. A maximum occupancy of 8 people at any one time;**
 - b. Adherence to the Management Plan as submitted with the application;**
 - c. Emergency response plan/evacuation diagram to be clearly displayed in the dwelling;**
 - d. Each bedroom to be fitted with a hard-wired smoke detector;**
 - e. A fully maintained and compliant fire extinguisher to be in a clearly visible and accessible location;**
 - f. BBQs to limited to gas or electric only;**
 - g. All parking be contained on-site;**
 - h. Signage be restricted to one sign on site not exceeding 0.5m² in size and incorporated into the front fence or front of the building.**
- 2. Advises that this approval is issued to the current owner (Mr Brian Sorensen) for this location (61 Beacon Heights) and is not transferable to another person or another parcel of land.**

The motion was put and declared CARRIED (5/0)

For: Charlston, Iku, Lacy, Minkom, Young

Against: Nil

Recommendations

That Council:

- 3. GRANTS development approval for the operation of a Holiday Home at 61 Beacon Heights, West Island to Mr Brian Sorensen for a period of five years commencing 31 August 2018 subject to the following conditions:**
 - i. A maximum occupancy of 8 people at any one time;**
 - j. Adherence to the Management Plan as submitted with the application;**
 - k. Emergency response plan/evacuation diagram to be clearly displayed in the dwelling;**
 - l. Each bedroom to be fitted with a hard-wired smoke detector;**
 - m. A fully maintained and compliant fire extinguisher to be in a clearly visible and accessible location;**
 - n. BBQs to limited to gas or electric only;**

- o. All parking be contained on-site;
 - p. Signage be restricted to one sign on site not exceeding 0.5m² in size and incorporated into the front fence or front of the building.
4. Advises that this approval is issued to the current owner (Mr Brian Sorensen) for this location (61 Beacon Heights) and is not transferable to another person or another parcel of land.

A simple majority is required.

Report Purpose

To provide Council with information to consider a request to grant an extension on development approval for the operation of a holiday home at 61 Beacon Heights, West Island.

Relevant Documents

Available for viewing at the meeting

Nil

Background

At the Ordinary Meeting of Council on 31 August 2016, Council resolved to provide planning approval for the operation of a Holiday Home at 61 Beacon Heights for an initial two-year period subject to conditions as follows:

Extract from minutes of 31 August 2016 Ordinary Meeting of Council:

- a) *A maximum number of people that can stay at any one time is eight (8) people;*
- b) *A holiday home management plan must be submitted and prior to the commencement of business. The management plan must include:
 - *Nomination of a local manager / caretaker on island*
 - *Details of how nuisance issues such as noise will be addressed by the manager*
 - *A fire and emergency response plan;**
- c) *An emergency response plan (i.e. fire escape, route maps) is required to be clearly displayed in a conspicuous location within the dwelling;*
- d) *Each bedroom is to be fitted with a hard wired smoke detector;*
- e) *A fire extinguisher in a clearly visible location, is to be maintained in proper working order;*
- f) *Outside barbeques are to be gas or electric only;*
- g) *A maximum of one sign on the site not exceeding 0.5m² in area and incorporated into a front fence, wall structure or building.*

Comment

The WAPC Guidelines on Holiday Homes recommends an initial one year approval period to allow the local government to assess compliance and to ensure that there has been minimal

impact on the amenity of neighbouring properties before considering a longer approval period. The guidelines also recommend that where it can be demonstrated that there is a history of minimal or no conflicts, a longer approval period should be considered. The Shire has not received any complaints regarding this property; nor are officers aware of any conflicts or breaches of the conditions of approval. The property has been well-maintained and does not impact on the visual amenity of the area. Therefore, the officer's recommendation reflects this by suggesting a five year approval period.

An additional condition regarding parking being contained on the property has been included, not due to any concerns with this specific property, but in response to concerns more generally in the community regarding parking in public spaces.

The local government retains a degree of control by making the approval subject to various conditions including adherence to the management plan submitted along with the application. A breach of these conditions, should that occur, can be dealt with in accordance with the enforcement provisions of the local planning scheme and cancellation of registration.

Policy and Legislative Implications

The Shire of Cocos (Keeling) Islands Local Planning Scheme No. 1 has been considered in preparing this item to ensure the recommendation is compliant.

Financial Implications

Nil

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 -2026 Outcome 1.1.2 Encourage low impact tourism.

Conclusion

To grant an extension on development approval for the operation of a holiday home at 61 Beacon Heights, West Island.

10.3/PB2 TOWN PLANNING SCHEME NO 1, AMENDMENT NO 3

Report Information

Date: 19 July 2018
 Applicant: Shire of Cocos (Keeling) Islands
 Location: 63 (Lot 163) Beacon Heights West Island
 File Ref: WL163
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachments: Amendment No 3
 Shire Cocos (Keeling) Islands Local Planning Scheme 1 – zoning table
 Response from EPA
 Schedule of Submissions received in relation to Amendment No. 3

Authority / Discretion

Definition

| | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i> |
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| <input type="checkbox"/> | Information | <i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i> |

Council resolution

0718/05

Moved Councillor Charlston, Seconded Councillor Minkom

That Council:

1. Pursuant to Regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015(WA)(CKI)* (Planning Regulations) responds to each of the submissions made in relation to Amendment No. 3 to Local Planning Scheme No 1 as set out in the Schedule of Submissions (Attachment 10.3/PB2).
2. Pursuant to Regulation 50(3) (a) of the Planning Regulations, resolves to support Amendment No. 3 to Local Planning Scheme No 1 without modifications.
3. Forwards the documentation for Amendment No. 3 to Local Planning Scheme No 1 to the Western Australian Planning Commission in accordance with Regulation 53 of the Planning Regulations.

The motion was put and declared CARRIED (5/0)

For: Charlston, Iku, Lacy, Minkom, Young

Against: Nil

Recommendations

That Council:

1. Pursuant to Regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015(WA)(CKI)* (Planning Regulations) responds to each of the submissions made in relation to Amendment No. 3 to Local Planning Scheme No 1 as set out in the Schedule of Submissions (**Attachment 10.3/PB2**).
2. Pursuant to Regulation 50(3) (a) of the Planning Regulations, resolves to support Amendment No. 3 to Local Planning Scheme No 1 without modifications.
3. Forwards the documentation for Amendment No. 3 to Local Planning Scheme No 1 to the Western Australian Planning Commission in accordance with Regulation 53 of the Planning Regulations.

A simple majority is required.

Report Purpose

To consider submissions on the proposed Scheme Amendment No. 3 to Local Planning Scheme No 1 and pass resolution with regards the proposed Amendment.

Relevant Documents

Available for viewing at the meeting

Shire of Cocos (Keeling) Islands Local Planning Scheme 1

Background

The Shire received a request from the owners of lot 163 Beacon Heights to consider a rezoning of their property from Residential (R15) to the Commercial zone.

The owner proposes to use the land for accommodation purposes however other commercial development would also be permitted (refer to zoning table).

At the March 2017 Council meeting council resolved to advertise in the Atoll to seek community feedback on the proposed Amendment No 3 to Local Planning Scheme No 1 to rezone Lot 163 Beacon Heights from residential R15 zone to commercial zone as it felt that it needed to seek community feedback to consider proposed Amendment No 3 to Local Planning Scheme No 1 to rezone Lot 163 Beacon Heights from residential R15 zone to commercial zone. The request for community feedback at this stage was to enable council to decide whether it should move forward with the process at this point and was not the formal advertising required under Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015(WA) (CKI)* (Planning Regulations).

An advert was placed in the 27th April 2017 Atoll inviting written submissions from residents regarding the rezoning request.

Council subsequently resolved at its May 2017 Ordinary Meeting

That Council:-

1. *Pursuant to Section 75 of the Planning and Development Act 2005 (WA) (CKI), prepare to amend the Shire of Cocos (Keeling) Islands Local Planning Scheme No. 1 by:
 - a. *Rezoning Lot 163 Beacon Heights, West Island, from residential R15 zone to commercial zone**
2. *resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (WA)(CKI) (the Regulations), that Amendment No. 3 is a standard amendment in accordance with Regulation 34(c) of the Regulations as it considered to have a minimal impact on surrounding land.*
3. *Authorise Council officers to prepare the scheme amendment documentation.*
4. *pursuant to Section 81 of the Planning and Development Act 2005 (WA) (CKI), refers Amendment No. 3 to the Commonwealth Minister;*

5. Pursuant to Regulation 58 of the Regulations, provides Amendment No. 3 to the Western Australian Planning Commission.

The proposed Amendment No 3 was advertised in the Atoll on the 9th and the 23rd of November and feedback was open for a period of 42 days. A sign was also placed at the site and neighbouring properties were notified. Submissions for comments closed on the 22nd of December 2018.

Whilst assessing the submissions to continue progressing the scheme amendment the Acting Chief Executive Officer sought advice from Principal Planning Officer Mr Peter Wood from the Department of Planning, Lands & Heritage. Mr Wood provided advice regarding procedural steps required in order to progress the amendment.

After receiving the advice from the Department of Planning the Shire promptly submitted the proposed amendment documentation to the WA Environmental Protection Authority. The Shire received a response from the Authority on the 19th of March 2018. The Authority determined that formal assessment under Part IV of the EP Act was not warranted but provided the following recommendation:

“The EPA concludes that the amendment can be managed to meet the EPA’s objective for Marine Environmental Quality through not allowing discretionary uses including Industry-Service, Public Utility and Service Station.”

After receiving the advice from the WA Environment Protection Authority Council subsequently resolved at its April 2018 Ordinary Meeting:

That Council:-

Pursuant to Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015, advertise Town Planning Scheme No. 1 Amendment 3.

The classification of an amendment under the Planning Regulations influences the consultation requirements and timeframes in which the amendment must be dealt with. Council resolved at the May 2017 meeting that proposed Amendment No 3 is a standard amendment. Consultation requirements and timeframes are as outlined in Regulation 47 of the Planning Regulations:

| Scheme Amendment type | Advertising | Local government consideration period (post advertising) | WAPC timeframe to make recommendation to Minister |
|------------------------------|--------------------|---|--|
| Standard | 42 days | 60 days post end date of submission period | 60 days |

An advertisement was placed in the 26 April 2018 edition of the Atoll inviting written submissions between 1 May 2018 and 11 June 2018 (42 days). regarding the rezoning request.

The Shire contacted those that made a submission during the last advertising period and explained why it was being re advertised and invited them to resubmit their comments.

Comment

At the conclusion of the advertising period, two submissions had been received from residents.

The issues raised in the submissions and the recommended Council responses to each submission are provided in the Schedule of Submissions (Attachment 10.3/PB1).

Land Supply

Among the matters raised in submissions, concerns were expressed regarding the impact of the proposed amendment on the supply of both 'Residential' and 'Commercial' zoned land on West Island.

The rates book for the Shire currently shows that West Island has 88 properties that are zoned residential and 21 properties that have commercial zoning. Land across the board is at a premium on both West and Home Island. The proposed zoning as Commercial would provide the flexibility to accommodate both uses and would provide for a range of residential and non-residential land uses on the subject Lot 163 which will generate new opportunities for local employment and economic growth to meet the needs of the local population, as well as tourists and other visitors to the Islands.

The proposed rezoning does not prohibit the continued use of Lot 163 for residential purposes (i.e. 'Single House' or 'Caretakers Dwelling' uses) and therefore contribute to the available accommodation on West Island.

Potential Precedent

Submissions also raised concerns over risk of the amendment (if approved) setting a precedent where owners of other 'Residential' zoned lots will apply to have their properties rezoned to 'Commercial'.

Lot 163 is provided with a unique aspect compared to other residential zoned properties, being located in the interface between commercial zoned land to the south, light industry zoned land to the north east and residential zoned land to the North West.

Lot 163 is further distinguished from nearby residential properties given it has wide frontage to a local road reserve to the north, and is surrounded to the east, south and west by land reserved under the local scheme for 'Foreshore protection and nature conservation'.

These characteristics of the subject lot, in addition to the development control provisions of clause 4.6 LPS No 1, will provide for Council to determine development on Lot 163 in a way that is compatible with the surrounding natural and built environment, while capitalising on direct ocean views from the property.

Policy and Legislative Implications

This process is compliant with the Planning and Development (Local Planning Schemes) Regulations 2015(WA) (CKI)

Financial Implications

There is likely to be an increase in the rates received as a result of the property being rezoned and revalued as commercial.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2013 – 2023 – Goal 1 Economic Development – 1.2 Reduced restraints on potential for economic diversity.

Conclusion

Officers have considered the submissions and recommend that Council proceeds with the proposed Commercial zone as it would provide for a range of residential and non-residential land uses on the subject with an aim of creating new opportunities for local employment and economic growth to meet the needs of the local population, as well as tourists and other visitors to the Islands.

10.3/PB3 LEASE OPTION LOT 223 & 224 SYDNEY HIGHWAY

WITHDRAWN: The Shire received a letter from the proponent (Hender Property Group) which formally advises that Hender Property Group seeks to exercise their option to lease on 24 July 2018 after the Council Agenda had been distributed. Therefore, Agenda Item 10.3/PB3 LEASE OPTION LOT 223 & 224 SYDNEY HIGHWAY is withdrawn from the Agenda. An updated agenda item will be presented to Councillors to progress this item in accordance with previous Council resolutions and statutory requirements.

Report Information

Date: 19 July 2018
 Applicant: Hender Property Group
 Location: Lot 223 and Lot 224 Sydney Highway
 File Ref: WL223/224
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachments: Email from Mr John Hender dated 19 July 2018

Authority / Discretion

Definitions

| | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i> |
| | Information | <i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i> |

Recommendations

That Council defers consideration of the request from Hender Property Group for a further extension on the option to lease Lot 224, Sydney Highway until the Ordinary Meeting of

Council on 29 August 2018 and invites representatives from Hender Property Group to present to Council prior to the August Council Meeting.

A simple majority is required.

Report Purpose

To consider a request from Hender Property Group for an extension on their option to lease Lot 224 Sydney Highway. The rationale for their request is to allow them to review a draft Lease Agreement and advertise their proposal for community feedback.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Lots 223 and 224 have been the subject of interest from various parties over the years. In 2008/9 Shire records indicate that Arup was engaged by the Attorney General's Department to work with the Shire on developing an EOI for interested parties and manage the EOI process. Since that period, a number of proposals have been considered, received planning approval but subsequently lapsed. The agenda report to Council on 18 April 2018 provided a comprehensive outline of the history of these Lots.

Comment

At the July 2017 ordinary council meeting council resolved the following:

That Council provides a 6 month option to the Hender Property group to lease lot 224, Sydney Hwy for 20 + 20 years at full market rental for the development of an Eco Resort, subject to legislative requirements and the finalisation of agreed terms and conditions which is to include first right of refusal for lot 223.

Hender Property Group subsequently wrote to council in December 2017 requesting a 3 month extension to the option period. At the January Council Meeting Council resolved the following:

1. *That Council GRANT Hender Property Group a 3 month extension on the option to lease the reference of Lot 224, Sydney Highway for 20 + 20 years at full market rental for the development of an Eco Resort, subject to legislative requirements and the finalisation of agreed terms and conditions which is to include first right of refusal for lot 223.*

2. That Council INFORM Hender Property Group that any further extension to the option will be at the discretion of Council.
3. That at the end of this 3 month extension it would be required that the proposal by Hender Property Group be advertised for public feedback.

The option period concluded at the end of April. On the 10th of April the Shire received further correspondence from John Hender of the Hender Property Group requesting an extension on the following grounds:

“by way of an update on our option to lease Lot 224, we have now completed considerable due diligence and continue to work on a number of important issues which at this stage are outside our control to fully resolve.

I refer to us reaching agreement with the Shire on the terms and conditions of the draft lease which you have in hand and we are awaiting advice from Watercorp in relation to sewerage disposal and water supply to the site. As you are also aware we have lodged a grant application with the C’wealth under their “Building Better Regions Fund – Infrastructure Projects” which we are yet to know the outcome of.

Our current option to lease expires at the end of this month and clearly further time will be needed from both sides point of view to bed down the lease and for us to get answers on other issues. You have also confirmed the Shire need to advertise the project for community comment. If there is a possibility that public opinion requires additions or changes to our proposal or the lease terms it would be helpful to both parties to have these negotiations settled upfront. In the circumstances can we suggest our option be extended a further 90 days.”

At that stage the Shire was working with Civic Legal on a draft lease. Council considered the request for an extension at the Ordinary Meeting of Council on 18 April 2018 and resolved as follows:

1. That Council grant Hender Property Group a 3 month extension on the option to lease Lot 224, Sydney Highway for 20 + 20 years at full market rental for the development of an Eco Resort, subject to legislative requirements and the finalisation of agreed terms and conditions which is to include first right of refusal for lot 223.
2. That Council advertise Hender Property Group’s proposal in the ‘Atoll’ seeking community feedback on the proposed development

On 17 July 2018, the CEO emailed Hender Property Group to remind them that materials for public consultation were required and that it was time critical given that their extension was due to expire at the end of July. In response, Mr John Hender emailed the CEO on 19 July 2018 requesting a further extension on the following grounds:

Following on from yesterday's conversation we confirm the Shire is yet to finalise their amendments to the draft lease however, you expect to receive the document from your solicitors toward the end of next week and after consideration of the document you will forward it on to us.

Once we have received the draft and consider your amendments in consultation with our solicitors our option would have expired (due 31/7/18). We therefore require an extension to our option commensurate with the time needed to complete all remaining lease negotiations with the Shire.

We also confirm the "Building Better Regions Fund-Infrastructure Projects Stream" grant was unsuccessful and believe the hinge point was the inability to confirm insurance so as to conform with the grant documentation.. However, this does not preclude us from reapplying for this funding or any other funding at a later date as insurance may be resolved in accordance with the recent findings/report by the Joint Standing Committee on tourism.

With above matters in mind it may not be preferable to advertise the project in the Atoll at least until we are all in agreement on the lease terms and conditions.

Officers are of the view that Council needs to be fully advised of any progress that has been made on the project by Hender Property Group in order to be able to fully assess their request for a further extension to ensure these Lots are developed in as timely a manner as possible. Therefore the Officer's Recommendation is that consideration of the request is deferred by Council until the Ordinary Meeting of Council in August prior to which the proponent is invited to present to Council on progress they have made in their due diligence and the current status of the project.

Policy and Legislative Implications

Shire of Cocos (Keeling) Islands Town Planning Scheme No.1 and Section 3.58 of the Local Government Act 1995 (WA) (CKI) relating to the disposal of property.

Lot 223 is 5.9582 ha and Lot 224 is 6.0964 ha. Both lots are zoned special use 8 – which is Tourist Resort.

"Tourist resort means any land or buildings used for the overnight or holiday accommodation of patrons in self-contained units and / or shared accommodation and may include incidental onsite facilities such as golf, swimming, bike riding, tennis, bowls, fishing, restaurants, shops, function rooms and entertainment facilities, administration offices, and caretakers facilities. It may include dormitory style accommodation, hostel / backpackers, tourist lodging house / guest houses and motel and hotel".

Financial Implications

In the event the lease goes ahead full market rent as well as Shire rates on lot 224 will be received by the Shire. Both amounts require a valuation to determine what those amounts will be.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2013 – 2023 – Goal 1 Economic Development – 1.1 Increase Tourism; 1.2 promote available of accommodation to meet a variety of needs; 1.3 encourage developer to construct a low impact eco-style Resort; 1.5 Promote employment and stable business environment and attraction of new businesses.

Conclusion

Council needs further information to be able to better assess progress made by Hender Property Group and the status of the project before considering the request for a further extension in an informed manner.

10.4 ADMINISTRATION

10.4/A1 COCOS ISLANDS DISTRICT HIGH SCHOOL PARENTS AND CITIZENS ASSOCIATION INC

Report Information

Date: 16 July 2018
 Applicant: Cocos Islands District High School Parents and Citizens Association Inc.
 Location: N/A
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Home Island
 Attachments: Letter from the P & C dated 09 July 2018

Authority / Discretion

Definition

| | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i> |
| <input type="checkbox"/> | Information | <i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i> |

Council resolution

0718/06

Moved Councillor Lacy, Seconded Councillor Minkom

That Council RESOLVES to consider waiving the annual fee of \$500 for an unpowered site at the Shire's Sea Container Park for exclusive use by the Cocos Islands District High School Parents and Citizens Association Inc. (P & C) for storage of Cocos Island District High School

and P & C equipment as part of the Schedule of Fees and Charges during the Annual Budget Process; noting that the consideration is in recognition of the contribution of the P & C to the community and is conditional on that storage is strictly limited to the property of the Cocos Islands District High School or the Cocos Islands District High School Parents and Citizens Association Inc.

The motion was put and declared CARRIED (5/0)

For: Charlston, Iku, Lacy, Minkom, Young

Against: Nil

Recommendations

That Council RESOLVES to consider waiving the annual fee of \$500 for an unpowered site at the Shire's Sea Container Park for exclusive use by the Cocos Islands District High School Parents and Citizens Association Inc. (P & C) for storage of Cocos Island District High School and P & C equipment as part of the Schedule of Fees and Charges during the Annual Budget Process; noting that the consideration is in recognition of the contribution of the P & C to the community and is conditional on that storage is strictly limited to the property of the Cocos Islands District High School or the Cocos Islands District High School Parents and Citizens Association Inc.

A simple majority is required.

Report Purpose

To provide Council with information to consider a request to waive the annual fee for an unpowered site at the Shire's Sea Container Park for exclusive use by the Cocos Islands District High School Parents and Citizens Association Inc. (P & C) for storage of Cocos Island District High School and P & C equipment.

Relevant Documents

Available for viewing at the meeting

Nil

Background

The P & C has identified that valuable school community resources cannot currently be stored together in a secure and readily accessible manner. Current storage of P & C resources is inadequate and includes storage in private homes which results in a lack of monitoring and control.

Comment

The P & C has secured a suitable sea container to store these items and has been advised by the Shire that a site is available at the Shire's Sea Container Park and that the fee set by Council for an unpowered site is \$500 per annum. The P & C is seeking Council consideration of waiving of that fee in recognition of the P & C as a non-profit organisation that raises funds that aims to benefit the children of our community.

Officers have considered that while waiving the fee for one community not-for-profit organisation sets a precedent and that other community organisations may seek similar concessions, officer are of the view that storage for community groups is an issue and that this approach provides a solution that requires community groups to also be proactive in securing a sea container.

Policy and Legislative Implications

The Local Government Act 1995 Section 6.12 (1) (b) provides the legislative framework for Council to defer, grant discounts, waive or write off debts.

Financial Implications

The loss of revenue that would arise should Council resolve to support the officer's recommendation would have not have a significant financial impact.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 -2026 Outcome 2.1.1 Maximise usage of current facilities.

Conclusion

The officer's recommendation is that the fee of \$500 is waived in recognition of the contribution of the P & C to the social fabric of the community and the not for profit status of the P & C.

10.4/A2 VOTING DELEGATES TO THE 2018 ANNUAL GENERAL MEETING OF THE WA LOCAL GOVERNMENT ASSOCIATION

Report Information

Date: 16 July 2018
 Applicant: Shire of Cocos (Keeling) Islands
 Location: N/A
 File Ref: 151.02.06
 Disclosure of Interest: Nil
 Reporting Officer: Executive Support Officer
 Island: N/A
 Attachments: WALGA Convention Program

Authority / Discretion

Definition

| | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i> |
| <input type="checkbox"/> | Information | <i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i> |

Council resolution

0718/07

Moved Councillor Minkom, Seconded Councillor Lacy

That Council, by Simple Majority, Pursuant To Section 3.18 of The Local Government Act 1995 RESOLVES to nominate the following as voting delegates to the 2018 WA Local Government Association Annual General Meeting:

- 1. Councillor Iku; And**
 - 2. Councillor Minkom**
- Proxy Councillor Young**

The motion was put and declared CARRIED (5/0)

For: Charlston, Iku, Lacy, Minkom, Young

Against: Nil

Recommendations

That Council, by Simple Majority, Pursuant To Section 3.18 of The Local Government Act 1995 RESOLVES to nominate the following as voting delegates to the 2018 WA Local Government Association Annual General Meeting:

1. _____; And
 2. _____
- Proxy _____

A simple majority is required.

Report Purpose

To inform Council that it may choose to send voting delegates to the Annual General Meeting of the WA Local Government Association (WALGA). This item seeks a Council resolution to formally appoint delegates to vote on behalf of Council.

Relevant Documents

Available for viewing at the meeting

Nil

Background

The WALGA AGM is to be held on Wednesday, 1 August 2018. The Shire is a member of WALGA and all Member Councils are entitled to be represented by two (2) voting delegates at the AGM which will be held at the Perth Convention Centre.

Comment

The Shire will need to notify WALGA by 25 July 2018 if it wish to register the attendance and voting entitlements of Council's delegates.

In the event that a Voting Delegate is unable to attend, provision is made for proxy delegates to be registered. Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers. As the peak industry body, WALGA advocates on behalf of 138 WA Local Governments and negotiates service agreements for the sector. The AGM provides a forum for all member Local Governments to contribute to the priorities for the association.

WALGA uses the opportunity arising from Elected Members attendance at the AGM to schedule Elected Member training for the IOT. The training, which is provided over two half days, is subsidised via Commonwealth SDA funding and offers a subsidy of \$5,000 for each local government to assist with travel costs. This year the training topic is 'Policy Development' to assist new councillors as well as refresh the knowledge of existing councillors.

The AGM is held immediately prior to the annual Local Government Convention and Trade Exhibition which is usually attended by several hundred senior Local Government Council representatives from across the State. The Convention will be held at the Perth Convention and Exhibition Centre on Wednesday, 1 August to Friday, 3 August 2018.

Themed Ready & Relevant, the 2018 program encourages delegates to reflect on where we are as a sector, and plan for the challenges ahead. The concurrent sessions will discuss contemporary and sometimes controversial topics, while the overarching conference provides opportunity to converse, debate, discuss and to share ideas.

Policy and Legislative Implications

Nil

Financial Implications

In consideration of the financial implications for off-island training and attendance at conferences, the Management Team at the Shire is proposing to draft a Councillor Training Policy that puts a policy framework and some parameters around off-island training and

conferences for Council to consider in coming months. Council has a budget allocation each year for Councilor training and also receives \$5,000 from the Department of Local Government, Sport and Cultural Industries to assist with travel costs.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 -2026 Outcome 4.1.1 -To provide leadership to the community

Conclusion

Seek Council resolution to formally appoint delegates to vote on behalf of Council at the 2018 WA Local Government Association (WALGA).

11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

Nil.

13. MATTERS BEHIND CLOSED DOORS

A report is confidential under Section 5.23 (2) of the Local Government Act 1995.

- | |
|---|
| <p>(2) If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following—</p> <ul style="list-style-type: none">(a) a matter affecting an employee or employees; and(b) the personal affairs of any person; and(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and(e) a matter that if disclosed, would reveal —<ul style="list-style-type: none">(i) a trade secret; or(ii) information that has a commercial value to a person; or(iii) information about the business, professional, commercial or financial affairs of a person, |
|---|

Nil.

