



MINUTES

ORDINARY MEETING OF COUNCIL

Held at the CRC Conference Room, West Island
Wednesday 28 February 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.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

President Councillor Seriwati Iku

Deputy President Councillor Aindil Minkom

Councillors Councillor Tony Lacy
Councillor Noor Anthoney
Councillor Woren Dedian
Councillor Shane Charlston

Staff Joanne Soderlund, Acting Chief Executive Officer
Ian Evans, Manager Works & Services
Ibrahim Macrae, Executive Support Officer

Public 1

Visitors Nil

APOLOGIES Nil

APPROVED LEAVE OF ABSENCE Councillor Jan Young

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Charlston has put in a written application for leave of absence for the period of 17 March 2018 to 3 April 2018.

Council resolution

Moved Councillor Anthony, Seconded Councillor Dedian

That Cr Charlston be GRANTED leave of absence for the 21 March 2018 to 3 April 2018 inclusive.

The motion was put and declared CARRIED (6/0)

For: Anthony, Charlston, Dedian, Iku, Lacy, Minkom

Against: Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Council resolution

Moved Councillor Charlston, Seconded Councillor Dedian

That the minutes of the Ordinary Meeting of Council held on 3 January 2018 be confirmed as a TRUE and CORRECT RECORD.

The motion was put and declared CARRIED (6/0)

For: Anthony, Charlston, Dedian, Iku, Lacy, Minkom

Against: Nil

Recommendation

That the minutes of the Ordinary Meeting of Council held on 3 January 2018 be confirmed as a TRUE and CORRECT RECORD.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Nil

9. DECLARATION OF INTERESTS

Nil

10. REPORT AND RECOMMENDATIONS OF COMMITTEE

10.1 FINANCE

10.1/F1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDING 31 DECEMBER 2017

Report Information

Location: Not Applicable
 Applicant: Not Applicable
 File Ref:
 Reporting Officer: Acting Chief Executive Officer
 Island: Shire Wide

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

0218/01

Moved Councillor Charlston, Seconded Councillor Minkom

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

The motion was put and declared CARRIED (6/0)

For: Anthoney, Charlston, Dedian, Iku, Lacy, Minkom

Against: Nil

Recommendation

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

Report Purpose

To inform Council of the financial position of the Shire at 30 December 2017 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

Attachments

Statement of Financial Activity with accompanying notes

Available for viewing at the meeting

Nil

Background

The Monthly Financial Statements for the period 1st July 2017 to 31st December 2017 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 December 2017.

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 December 2017 be received.

10.1/F2 SCHEDULE OF ACCOUNTS PAID FOR PERIOD 1ST DECEMBER 2017 TO 31ST DECEMBER 2017 & 1ST JANUARY 2018 TO 31ST JANUARY 2018

Report Information

Location: Not Applicable
 Applicant: Not Applicable
 File Ref:
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide

Authority/Discretion

Definitions

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<input checked="" 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

0218/02

Moved Councillor Anthoney, Seconded Councillor Dedian

That the list showing all accounts paid between 1/12/17 to 31/12/17, inclusive of Municipal cheque number 11499 & 1500, EFT 5608 to EFT 5657, MasterCard and Direct debit Superannuation payments: totaling \$232,056.09 and all accounts paid between 1/01/18 to 31/01/18, inclusive of Municipal cheque number 1501 to 1506, EFT 5658 to EFT 5708, MasterCard and Direct debit Superannuation payments: totaling \$242,600.28 be RECEIVED.

The motion was put and declared CARRIED (6/0)

For: Anthoney, Charlston, Dedian, Iku, Lacy, Minkom

Against: Nil

Recommendation

That the list showing all accounts paid between 1/12/17 to 31/12/17, inclusive of Municipal cheque number 11499 & 1500, EFT 5608 to EFT 5657, MasterCard and Direct debit Superannuation payments: totaling \$232,056.09 and all accounts paid between 1/01/18 to 31/01/18, inclusive of Municipal cheque number 1501 to 1506, EFT 5658 to EFT 5708, MasterCard and Direct debit Superannuation payments: totaling \$242,600.28 be RECEIVED.

Report Purpose

To inform Council of funds disbursed for the period 1/12/17 to 31/12/17 and 1/01/18 to 31/01/18.

Relevant Documents

Attachments

Master Card
Schedule of accounts paid

Available for viewing at the meeting

Nil

Background

A list of accounts paid between 1/12/17 to 31/12/17 and 1/01/18 to 31/01/18 are 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 from the 1/12/17 to 31/12/17 and 1/01/18 to 31/01/18.

10.2 LEASES

Nil

10.3 PLANNING/BUILDING

Nil

10.4 ADMINISTRATION

10.4/A1 HOME ISLAND RETAIL PRECINCT

Report Information

Location: Lot 247, 248 and 253 Home Island
 Applicant: Not Applicable
 File Ref:
 Reporting Officer: Acting Chief Executive Officer
 Island: Home Island

Authority / Discretion

Definition

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<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>
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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>

This item was **HELD OVER** at the November 2017 Ordinary Council Meeting pending information regarding the costing to upgrade the existing Home Island Retail Centre.

Recommendations

1. That Council agrees to continue with the Home Island Retail precinct project.
2. That Council instruct the CEO as a matter of urgency to obtain new working plans/ drawing to be presented to Council that can be built within budget.

MOTION

Council resolution

0218/03

Moved Councillor Minkom, Seconded Councillor Lacy

1. That Council **INFORM** the National Stronger Regional Fund that the Shire would not be able to complete the Home Island Retail Precinct by the required deadline and as such will not be proceeding with the project.
2. That Council **SEEK** to investigate alternative solution to replace the existing Home Island Retail Centre and look to apply for funding through the next round of Building Better Regions Fund.

The motion was put and declared CARRIED (6/0)

For: Anthony, Charlston, Dedian, Iku, Lacy, Minkom

Against: Nil

NOTE

Council are of the view that due to the tight deadline Council does not believe the project can be completed in the required timeframe to accept the full grant from the National Stronger Regions Fund.

Report Purpose

To seek council direction on the Home Island retail precinct project.

Relevant Documents

Attachment

Woods Bagot, Home Island Retail Centre concept plans
Proposed Home Island Retail Precinct site plan, floor plan and elevation plans
Draft CAPEX budget 2016 for proposed Home Island Retail Precinct

Available for viewing at the meeting

A1 Full Working Drawings of proposed Home Island Retail precinct

Background

Identified in the Shire of Cocos (Keeling) Island's Vision 2010 was a Business Park precinct for Home Island which had as one of its goals:

"To provide a centrally located and purpose built facility which collocate existing and future commercial small business.

The existing small business are currently located in the old Health Clinic. This premises is sub standards, has poor access, are not attractive for tourists and are inappropriate for modern commercial and retail operations.

Council received funding from the then Department of Regional Australia, regional Development and Local Government for the preparation of Concept Plans for a Home Island Commercial and Retail Centre and a West Island tourism and Retail precinct.

Council engaged Woods and Bagot in 2011 to develop a concept plan for a modern commercial / retail complex in keeping with the culture and history of Home Island through consultation with the Shire, community and business.

Council at its July 2011 Council meeting resolved:

"Moved Cr Anthoney Seconded Cr Keegan that Council acknowledges receipt of the Home Island Commercial and Retail Centre Concept Plan and the West Island tourism and Retail Concept Plan and that Council advertises in the Atoll Newsletter that both plans are available for inspection and comment. Following the advertising period Council considers the comments received and then prioritises the project in order that grant funding opportunities can be sourced to progress the projects."

Carried 4/0

Council at its September 2011 Council meeting resolved:

“Moved Cr Charlston Seconded Cr Keegan that Council notes that at the expiration of the advertising period calling for comments / submissions regarding the Concept plans for a Home Island commercial and retail centre and a West island tourism and Retail precinct no submissions were received. Based upon this response, council assumes that the communities of Home and West Island support the Concept plans presented.

In order to allow staff to pursue funding opportunities for a project, council allocates the West Island Tourism and Retail Precinct as the first priority primarily because its development will provide the 2014 Sydney/Emden celebrations with a site for the display of memorabilia and provide much needed additional retail space on West Island.”

Carried 4/0

Council records indicate little to no further action from staff in pursuing funding opportunities occurred. In addition the recommended site Lot 336 William Keeling Crescent (then Dory’s café site now Maxi’s café site) for the West Island Tourism and Retail Precinct was not zoned commercial and as such could not be further developed until the appropriate rezoning took place, nor was the site owned nor under the control of the Shire, and as such was not a viable option at the time.

The Shire via the WA planning commission finalised in 2014 the rezoning of Lot 336 from public purpose to commercial as part of the Shire’s amendment number 1 to its local planning scheme number 1.

In addition the Joint standing committee on National Capital and External Territories in its final report on Economic Development and Governance March 2016 recommended

Recommendation 10

The Committee recommends that the Department of Infrastructure and Regional Development transfer, on a long-term lease basis, the following Crown land assets on West Island to the Shire of Cocos (Keeling) Islands for development:

☐ The four commercially zoned parcels on Emden Walk;

☐ The Light Industrial Area bounded by the Sydney Highway, Fremantle Road and Alexander Street; and

☐ The land suitable for retail at lot 193 (lot 336) William Keeling Crescent.

In 2015 with the consent of council, staff started pursuing funding opportunities for a new Home Island Retail precinct project. Discussion regarding the maximum amount of funding that could be contributed by Council was limited to no more than \$1million dollars cash. The Community Reserve – which can only be used for the development of Home Island facilities and infrastructure was to be the primary source of the Shire’s funding contribution. The balance of this reserve is currently \$808,910.94. In addition council discussed for any additional funding shortfall the use of the Shire’s building reserve – which can only be used for the construction of Council buildings. The balance of this reserve is currently \$701,322.26.

Council had previously expressed to Woods and Bagot that it required that a high quality buildings which harmonise with the natural environmental settings of the island and which incorporate design features which reflect the unique culture of the local population.

Woods Bagot examined a number of sites and two siting locations were identified:

- 1) Lot 18, the small business centre and Kelapa Gading site; and
- 2) Old power house site to the east of the shire depot.

It was proposed by Woods Bagot that buildings be ‘inward looking’ so as to provide off street parking but also create a “town square’ feel for mingling and interaction between people using the commercial / retail outlets. This would also retain the avenue of trees that generally line each side of the paved roads, rather than removing them for shops and parking area to “front” the roads

The flexibility of module small business building layout would enable the total retail and storage area to be tailored to the needs of each operators as dividing wall could be created between modular grids e.g. half way to create two 25sqm area instead of one 50sqm area.

The old powerhouse site was considered too small to accommodate the development area. It also had existing industrial buildings on it, which were at the time still required and would detract from the amenity of the commercial / retail complex.

Accordingly the site on Lot 18 was recommended by Woods Bagot for development as a Commercial / Retail Precinct. *“It has an area of around 4,000sqm and can comfortably accommodate the commercial and retail development as well as adequate open space and parking areas”.*

The concept plan was to be the first step in the process of constructing a purpose built facility within an accessible precinct for the community.

In 2016 The Shire of Cocos was successful in receiving \$947,000 under round two of the Australian Government's National Stronger Regions Funds, for the construction of a retail precinct on Home Island. The grant funding was required to be matched dollar for dollar.

Council discussed the possible locations for the retail precinct, and determined that lot 247, lot 248 and Lot 253 – (the old power house site together with the old coop shed etc.) was a more preferred location than lot 18 (current old medical building site) Although the site was previously ruled out by Woods Bagot, as it did not consider the whole site, and they were of the view the existing industrial buildings would detract from the amenity of a retail complex. The total area of these three lots is 3,105m².

Council determined that this location would allow the current small businesses to continue to trade whilst at the same time a new retail building would be built. Council subsequently gave notice to the then tenant of the old shed – the Coop that it was not renewing the lease.

A draftsman was engaged and developed more advanced plans. This was taking into account the funding application included more green building principles, a previous external report that buildings on Home island should be raised 1.4 – 1.6 metres above current ground levels, and the need for a town square feeling for mingling and interaction between people using the retail outlets, whilst also including design features which reflected the unique culture of the local population.

Council agreed with the building concept, floor plan and elevation plan that has been provided to councillors as an attachment.

Given the complexities of the project a suitably qualified and experienced Building project manager was recruited and employed to manage the project. After reviewing the plans that were available at the time, he identified that there was a need to reduce the building costs due to the limited budget. Final working drawing and engineering plans were received by the shire on the 15th September 2017.

The Building project manager has since 15th September undertaken material take offs, and has been submitting request for quotations. This has allowed a much more accurate costing of the project. The draft CAPEX costing for the project had a total amount of \$432,000 for freight. The Building Projects Manager has obtained final costing of the freight for the block work and cement and the costs for freight only of these items is slightly over \$400,000. The total freight costs are estimated to be 90% more than the draft CAPEX costing. In addition further costing obtained would suggest a number of other draft CAPEX costing allocated are not enough.

On the 16th October the CEO instructed that no additional costs to be incurred until a report was presented to council seeking their direction. The then Shire President and Deputy Shire President were advised of this matter.

Comment

Council has three options:

- 1) Scrap the project
- 2) Change the project to be a basic construction
- 3) Ask for more money.

In anticipation the CEO wrote to the then Minister Fiona Nash on the 16th October to request further funding. Although the likelihood of having received extra funding was low, it now appears to be not likely given that Fiona Nash has recently been ruled as being ineligible to continue as a Commonwealth politician due to her dual citizenship issue. The Ministers portfolio has been transferred to and added to another existing Ministers portfolio, who would have no knowledge of Cocos, let alone the complexities and / or the issues that are faced.

Council therefore has in effect only two options available, that being: scrap the project and advised the National Stronger regional funds that the funding allocated will not be utilised; or change the project to a basic construct of an on ground slab with frame construction. This would be similar to the current Home Island CRC building (post office IOGTA building)

A requirement of the funding agreement is that the construction of the project needs to be completed by the 30th June 2019. In addition any changes to the project will need to be first endorsed by the program manager for the National stronger regional funds.

In is anticipated that a new set of full working drawings and engineering plans could be available for presentation to Council by late January.

Policy and Legislative Implications

Nil

Financial Implications

The direct costs incurred to date on this project are \$86,350. With the majority of these costs being the design and engineering component of \$69,195.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2013 – 2023 – Goal 1 Economic Development –1.5 Promote employment and stable business environment and attraction of new businesses.

Conclusion

That Council agrees to continue with the Home Island Retail precinct project.

Additional Information

The Shires Building Project Manager resigned on the 10th of November and as such was not able to provide the Council with projected costing on remediating the existing retail precinct.

The Shire asked a local building contractor to assess the building and give an approximation of the likely cost to remediate the building. The building was inspected by the contractor and the Shires Manager of Works and Services and they reported back the following:

“The whole place needs to be restumped, there is also no structural tie down bracing tying the building to the frame work of the structure to classify it as being cyclone rated for this area. There has been white ant infestation in the past were we have replaced some of the window frames and architraves but what damage they have done to the other timberwork, floor juicing, wall frame work, roof trusses, and the list goes on won’t be revealed until the building has been stripped down. Once around the back were Rasa Di Sayang has been added on you can see when under the building that it is not attached to the original building. All said and done we could start to pull the walls an roofing off and expose more problems which is more than likely, it is too hard for him to put a rough estimate on it unless we start taking roof and wall sheets off which are both asbestos.”

Advice was sought from the Contract Manager of the Nation Stronger Regions Fund grant on a possible extension of the time to complete the project if the Shire decides to proceed. The absolute longest extension that they would consider would be February 2020 but more likely they would give to December 2019.

10.4/A2 2017 COMPLIANCE AUDIT

Report Information

Location: Not Applicable
 Applicant: Not Applicable
 File Ref:
 Reporting Officer: Acting Chief Executive Officer
 Island: Shire Wide

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>
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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

0218/04

Moved Councillor Minkom, Seconded Councillor Anthony

- 1. That Council ADOPT the attached Department of Local Government Compliance Audit return for the period 1 January 2017 to 31 December 2017.**
- 2. That Council AUTHORISE the certification to be jointly completed by the Shire President and Chief Executive Officer in Accordance with Regulation 15 of the Local Government (Audit) Regulations 1996.**

The motion was put and declared CARRIED (6/0)

For: Anthoney, Charlston, Dedian, Iku, Lacy, Minkom

Against: Nil

Audit Committee Recommendations

1. That Council ADOPT the attached Department of Local Government Compliance Audit return for the period 1 January 2017 to 31 December 2017.
2. That Council AUTHORISE the certification to be jointly completed by the Shire President and Chief Executive Officer in Accordance with Regulation 15 of the Local Government (Audit) Regulations 1996.

Report Purpose

To refer the Shire's responses to the Department of Local Government 2017 Compliance Audit Return to Council for its consideration and adoption.

Relevant Documents

Attachment

2017 Compliance Audit Return

Available for viewing at the meeting

2016 Compliance Audit Return

Background

In accordance with Regulation 14 of the Local Government (Audit) Regulations 1996 the Shire must carry out an annual audit of statutory compliance for the period 1 January to 31 December, in the form of Department of Local Government Compliance Audit Return.

The 2017 Compliance Audit Return focuses on those areas considered high risk.

Comment

Responses to questions were provided by the relevant officers of the Shire. Two areas of noncompliance were identified while preparing the compliance audit return.

Delegations to committees were not recorded in the delegations registered and were not reviewed in the 2016/2017 financial year. These issues have already been rectified at the Ordinary Council Meeting in January 2018 however still need to be shown as non-compliance areas in the 2017 compliance audit return.

The other area of noncompliance was the late lodgment of a primary return by a newly designated employee within three months of their start day.

Policy and Legislative Implications

The Shire must undertake a Compliance Audit for the Period 1 January to 31 December each year and submit to the Director General of the WA Department of Local Government and the Assistant Secretary of the Federal department of Regional development.

Regulation 14 of the Local Government (Audit) Regulations 1996 requires the Local Government's Audit Committee to review the Compliance Audit Report and report the results to the Council, prior to the Compliance Audit Report's adoption by Council and Submissions to the relevant departments.

Financial Implications

Nil

Strategic Implications

Nil

Conclusion

The completed 2017 Compliance Audit Return is attached for adoption.

10.5 WORKS

Nil

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

Nil

14. CLOSURE OF BUSINESS

The President member declared the meeting closed at 4.43pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2018 as a
true record of proceedings.

PRESIDING MEMBER