



SHIRE OF
COCOS
KEELING
ISLANDS

NOTICE OF MEETING

Dear President and Councillors,

I advise that the Ordinary Meeting of Council will be held in the Council Chamber, Home Island on Wednesday, 27 March 2019 commencing at 4.00pm.

Andrea Selvey
Chief Executive Officer

COUNCILLORS PLEASE NOTE:

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

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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

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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.

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
NIL		

5.2 APPLICATION FOR LEAVE OF ABSENCE**6. PETITIONS/DEPUTATIONS/PRESENTATIONS****7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****OFFICER RECOMMENDATION**

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 27 FEBRUARY 2019 BE CONFIRMED AS A TRUE AND CORRECT RECORD.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**9. DECLARATION OF INTERESTS****10. REPORT AND RECOMMENDATIONS OF COMMITTEE**

10.1 FINANCE

10.1.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDING 28 FEBRUARY 2019

Report Information

Date: 21 March 2019
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Location: N/A
 Disclosure of Interest: Nil
 Reporting Officer: Deputy Chief Executive Officer
 Island: Shire Wide
 Attachments: 10.1.1 Statement of Financial Activity with accompanying notes 28 February 2019

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>

OFFICER RECOMMENDATION – ITEM NO 10.1.1

THAT THE FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2018 TO 28 FEBRUARY 2019 BE RECEIVED.

Report Purpose

To inform Council of the financial position of the Shire at 28 February 2019 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 2018 to 28th February 2019 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 periods 1 July 2018 to 28 February 2019.

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 2018 to 28st February 2019 be received.

10.1.2 SCHEDULE OF ACCOUNTS PAID FOR PERIOD 1 FEBRUARY 2019 TO 28 FEBRUARY 2019

Report Information

Date: 21 March 2019
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Location: N/A
 Disclosure of Interest: Nil
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.1.1 Schedule of accounts paid

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>

OFFICER RECOMMENDATION – ITEM NO 10.1.2

THAT THE LIST SHOWING ALL ACCOUNTS PAID BETWEEN 1/02/19 TO 28/02/19, INCLUSIVE OF MUNICIPAL CHEQUE NUMBER 11543 TO 11546, EFT 6361 TO EFT 6404 & DIRECT DEBIT SUPERANNUATION: TOTALING \$220,903.42 BE RECEIVED.

Report Purpose

To inform Council of funds disbursed for the period 1st February 2019– 28th February 2019.

Relevant Documents

Available for viewing at the meeting

Nil

BACKGROUND

A list of accounts paid between 1st and 28st February 2019 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 February 2019.

10.2 LEASES

10.2.1 BIG BARGE CARETAKERS

Report Information

Date: 21 March 2019
 Applicant: Emma Washer
 File Ref:
 Location: Big Barge, Part Lot 100 Sydney Hwy
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachments: 10.2.1 SHIRE – Managers 2020-2021

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>
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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>

OFFICER RECOMMENDATION – ITEM NO 10.2.1

1. THAT COUNCIL, IN THE CAPACITY OF TRUSTEE OF THE LAND TRUSTS AND THEREFORE THE LESSOR OF THE PROPERTY IN QUESTION RESOLVES TO APPROVE THE APPLICATION BY THE LESSEES OF PART LOT 100 SYDNEY HWY (THE BIG BARGE) TO APPOINT CARETAKERS WHO WILL BE LOCATED AT THE "BIG BARGE" FOR A PERIOD OF TWO YEARS COMMENCING IN JANUARY 2020 ON THE FOLLOWING CONDITIONS:

- **THAT THE BIG BARGE ART CENTRE CONTINUES TO OPERATE AS A BUSINESS INCLUDING MAINTAINING THE 15 HOURS OF SET OPENING HOURS EACH WEEK;**
 - **THAT THE LESSEES DO NOT CHARGE ANY RENT OR DERIVE ANY OTHER DIRECT FINANCIAL BENEFIT FROM THE ARRANGEMENT;**
 - **ALL LEASE CONDITIONS ARE OBSERVED.**
- 2. THAT THE CARETAKER DWELLING POLICY BE DRAFTED TO INCLUDE GUIDANCE ON THE APPOINTMENT OF TEMPORARY CARETAKERS IN THE ABSENCE OF THE LESSEE AND THAT THE REVIEW OF THE DELEGATIONS REGISTER INCLUDE DELEGATED AUTHORITY FOR THE CEO TO ACT WITHIN THE PARAMETERS OF THE POLICY AND DEAL WITH SUCH REQUESTS AS OPERATIONAL MATTERS.**

Report Purpose

This matter brings a request from the lessee of the Big Barge, Emma Washer, to appoint a caretaker for a period of two years before Council.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Ms Washer holds a current lease with the Shire of Cocos (Keeling) Islands that commenced on 1 March 2016 and expires on 28 February 2026.

Clause 2.3 of Schedule 2 of the lease states:

(b) where the Lessee is to be absent from the Cocos (Keeling) Islands for a period which exceeds 3 months in any period of 12 months, the approval is in the Lessor's absolute discretion.

The Shire has received a formal written application from Ms Washer to appoint a caretaker for a period of 2 years while Ms Washer and her family are off-Island.

Comment

The lease provides no guidance regarding reasons for approving or denying a request, only that any such requests are at the Lessor's absolute discretion. However, Council has previously granted approval for caretakers to be appointed for periods that the lessee away from Cocos, albeit shorter periods of time.

It is recommended that Council considers its policy position in terms of temporary caretakers and includes that position statement on this matter in the Caretaker Dwelling Policy currently

in draft. Once a policy position is clearly articulated, it would be recommended that such requests are dealt with as operational matters by the administration under a delegation to the CEO.

The lessee has outlined the credentials of the temporary caretakers (see attached letter from Ms Washer). The officer is satisfied that the temporary caretakers will ensure the business provides a tourism and community development product that would add value to the Islands. The officer also believes that allowing the Big Barge to be vacant for two years will not be a good outcome for the community or for tourism.

Policy and Legislative Implications

Nil – however it is recommended that the draft Caretaker Dwelling Policy includes direction from Council on this matter for future reference and guidance.

Financial Implications

Nil

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 -2026 Outcome 1.1 Encourage economic stability for the Islands.

Conclusion

The recommendation is based on the strong credentials of the temporary caretakers and the view that allowing temporary caretakers will provide a better outcome for the community than allowing the facility to remain vacant for two years.

10.2.2 REQUEST TO LEASE PORTION OF LOT 103 FOR A RENEWABLE ENERGY FACILITY – PUBLIC SUBMISSIONS AND CONSULTATION ON INTENT TO LEASE

Report Information

Date: 20 March 2019
 Applicant: Island Power Co Pty Ltd
 File Ref:
 Location: Portion of Lot 103
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Home Island
 Attachments: 10.2.2 Stakeholder and Community Consultation Outcomes Report

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>
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<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>

OFFICER RECOMMENDATION – ITEM NO 10.2.2

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.58 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:

- 1. RECEIVE AND ACKNOWLEDGE THE REPORT ON THE RESULTS OF THE STAKEHOLDER AND COMMUNITY CONSULTATION ON THE INTENT TO LEASE A PORTION OF LOT 103 FOR THE RENEWABLE ENERGY FACILITY;**

2. AUTHORISE THE CEO TO DISPOSE (BY LEASE) OF A PORTION OF LOT 103 IN TWO PARTS (PART ONE: 7,500SQM AND PART TWO: 12,500SQM GIVING A TOTAL LEASE AREA OF 2.00 HECTARES) TO ISLAND POWER CO PTY LTD FOR THE PURPOSE OF DEVELOPING A RENEWABLE ENERGY FACILITY SUBJECT TO THE FOLLOWING LEASE CONDITIONS:

- **LEASE VALUE OF \$4,200 (\$0.21PSQM) PER ANNUM AS DETERMINED BY THE INDEPENDENT PROFESSIONAL VALUATION BY OPTEON AND SUBJECT TO ANNUAL CPI REVIEW;**
- **LEASE TERM OF 15 YEARS PLUS 15 YEARS;**
- **THE LEASE APPLICATION IS MADE BY ISLAND POWER CO PTY LTD ON BEHALF OF PROJECT COMPANY ISLAND POWER CO HI PTY LTD WHICH WILL BE USED TO DELIVER THE PROJECT (HEREAFTER THEY ARE REFERRED TO TOGETHER AS THE "LESSEE").**
- **DEVELOPMENT MAY BE CARRIED OUT IN TWO STAGES WITH TIMEFRAMES AS FOLLOWS:**

PHASE ONE:

- A. LODGE DEVELOPMENT APPLICATION: WITHIN 24 MONTHS FROM THE COMMENCEMENT DATE.**
- B. COMPLETE THE NEGOTIATIONS ON THE DEVELOPMENT APPLICATION TO THE SATISFACTION OF THE SHIRE OF COCOS (KEELING) ISLANDS IN ITS CAPACITY AS CONSENT AUTHORITY TO THE DEVELOPMENT APPLICATION: WITHIN 6 MONTHS FROM THE DATE OF LODGEMENT OF THE DEVELOPMENT APPLICATION OR AS EXTENDED BY THE LESSOR IN ITS ABSOLUTE DISCRETION.**
- C. LODGE BUILDING PERMIT APPLICATION: WITHIN 12 MONTHS FROM THE DATE OF ISSUE OF A DEVELOPMENT APPROVAL.**
- D. COMMENCE LESSEE'S WORKS: WITHIN 12 MONTHS FROM THE DATE OF ISSUE OF A BUILDING PERMIT.**
- E. PRACTICAL COMPLETION OF LESSEE'S WORKS: WITHIN 24 MONTHS FROM THE DATE OF ISSUE OF COMMENCING LESSEE'S WORKS.**

PHASE TWO:

- A. LODGE DEVELOPMENT APPLICATION: WITHIN 5 YEARS AFTER THE COMMENCEMENT DATE.**
- B. COMPLETE THE NEGOTIATIONS ON THE DEVELOPMENT APPLICATION TO THE SATISFACTION OF THE SHIRE OF COCOS (KEELING) ISLANDS IN ITS CAPACITY AS CONSENT AUTHORITY TO THE DEVELOPMENT APPLICATION: WITHIN 6 MONTHS FROM THE DATE OF LODGEMENT OF THE DEVELOPMENT APPLICATION OR AS EXTENDED BY THE LESSOR IN ITS ABSOLUTE DISCRETION.**

- C. LODGE BUILDING PERMIT APPLICATION: WITHIN 12 MONTHS FROM THE DATE OF ISSUE OF A DEVELOPMENT APPROVAL.**
- D. COMMENCE LESSEE'S WORKS: WITHIN 12 MONTHS FROM THE DATE OF ISSUE OF A BUILDING PERMIT.**
- E. PRACTICAL COMPLETION OF LESSEE'S WORKS: WITHIN 24 MONTHS FROM THE DATE OF ISSUE OF COMMENCING LESSEE'S WORKS.**

Executive Summary

This report formally brings the report from the community and stakeholder engagement seeking a community and stakeholder views on the intent to dispose (by lease) a portion of Lot 103 to Island Power Co Pty Ltd to develop a renewable energy facility. This process outlined below will meet all statutory requirements for disposal of property as per the Local Government Act 1995 (WA) (CKI). It should be noted that Council, in this instance, is acting in its capacity as the Trustee of the Land Trusts as the Land (Lot 103) is held in Trust; however the process as outlined in this report applies all requirements of the *Local Government Act 1995 (WA) (CKI)* to provide transparency and as a best practice process. Council, in making any decision in relation to the Trusts, must give due consideration of the purpose of the Trusts that is *"the benefit, advancement and wellbeing of the community formed by Kampong residents; and the wellbeing of Cocos Islanders"* and ensure their decision-making is guided by this objective. Council, acting in its capacity as Trustee, has the authority to dispose of Land held in Trust to the Lessee.

Background

At the Ordinary Meeting of Council on 23 January 2019, Council resolved to give public notice of the intent to lease a Lot 103 to Island Power Co Pty Ltd to develop a renewable energy facility. Council also approved a community and stakeholder engagement process that included advertising for public submissions and meeting with identified stakeholder groups.

The Lessee had submitted a proposal for a renewable energy facility at Home Island which included leasing land for the project. The lease application was made by Island Power Co Pty Ltd on behalf of project company Island Power Co HI Pty Ltd which will be used to deliver the project (hereafter referred to together as the "Lessee").

The proposed development is a renewable energy facility on a portion of Lot 103 at Home Island (Trust Land) being the unused land directly behind and adjacent to the power station, fuel depot area, and water utilities area.

The development may be staged across two sites in the area as separate projects starting at different times but are proposed to be managed under a single lease with different target dates and milestones for Phase One and Phase Two.

Phase One consists of a renewable energy facility including solar and battery storage.
Timeframes for Phase One are as follows:

Phase One:

- a) Lodge Development Application: 24 months from the Commencement Date.
- b) Complete the negotiations on the Development Application to the satisfaction of the Shire of Cocos (Keeling) Islands in its capacity as consent authority to the Development Application: 6 months from the date of lodgement of the Development Application or as extended by the Lessor in its absolute discretion.
- c) Lodge Building Permit Application: 12 months from the date of issue of a Development Approval.
- d) Commence Lessee's Works: 12 months from the date of issue of a Building Permit.
- e) Practical Completion of Lessee's Works: 24 months from the date of commencing Lessee's Works.

Phase Two allows the renewable energy facility to be developed at a larger scale with additional solar and battery storage located across the two site areas.

Timeframes for Phase Two are as follows:

- a) Lodge Development Application: 5 years after the Commencement Date.
- b) Complete the negotiations on the Development Application to the satisfaction of the Shire of Cocos (Keeling) Islands in its capacity as consent authority to the Development Application: 6 months from the date of lodgement of the Development Application or as extended by the Lessor in its absolute discretion.
- c) Lodge Building Permit Application: 12 months from the date of issue of a Development Approval.
- d) Commence Lessee's Works: 12 months from the date of issue of a Building Permit.
- e) Practical Completion of Lessee's Works: 24 months from the date of commencing Lessee's Works.

The independent valuation by Opteon provides a valuation of \$0.21psqm: The areas requested by the proponent are as follows:

Area 1:	7,500 sqm for Phase One
Area 2:	12,500 sqm for Phase Two
Area Total:	20,000 sqm (2.0 hectares)
Total Price:	\$4,200

The proponent has agreed to pay the full lease fee for both area one and area two from the commencement of the lease and has agreed to pay for the total maximum area, regardless of if the final useable area is less than the maximum area.

NB: Should Phase Two not commence within the timeframes as stated above, Council can, at its discretion, re-negotiate new timeframes or cancel the portion of the lease that deals with the area set aside for Phase Two without impacting on the lease for the area used by Phase One.

The lease terms requested are as follows:

The lease is for 15 years with an option for a further 15 years (i.e. 15 + 15). This lease period provides the minimum required operational lifetime for the project, plus additional time for pre-development work, government approval processes, and island logistics.

Land valuation is to be determined by an independent valuer and lease fees will be paid at the exact valuation provided by the valuer (no reduced fees). Lease fees will be subject to CPI or market value, as finalised in the lease drafting process.

Consultation

Outcomes from the public submissions period and the stakeholder group meetings are detailed in the attached report.

The meeting with HISRA was scheduled for the evening of Wednesday 13 March; however due to the Yellow Alert for TC Savannah, the meeting was postponed. At time of writing this report, the meeting is being planned for Saturday 23 March after the deadline for this agenda to be distributed to Council. Therefore, the outcome of the meeting with HISRA will be distributed to Council on Monday 25 March via Memo.

Comment

The proposed project offers significant benefit to the Community and progresses environment, social and economic goals of the Strategic Community Plan whilst putting land that has little, community, commercial or recreational value to good use. Whilst some conditions and questions have been raised during the stakeholder and community engagement, none are opposed to the development. Further negotiations between the lessee and Water Corporation will be facilitated by the Shire to ensure a mutually agreed position on the exact lease boundaries. The primary objective will be ensure water resources and associated infrastructure are accessible and safe-guarded.

As noted above, in determining this matter, Council is acting in its capacity as the Trustee of the Land Trusts as the Land (Lot 103) is Land held in Trust; therefore Council, is required to have due consideration of the purpose of the Trust, that is *"the benefit, advancement and*

wellbeing of the community formed by Kampong residents; and the wellbeing of Cocos Islanders” and ensure their decision-making is guided by this objective. The officer’s recommendation is based on the proposal’s alignment with community goals as articulated in the Strategic Community Plan as this provides a framework for Council (as Trustees) to be confident that the proposed lease is consistent with the purposes of the Trusts, that is, the advancement and well-being of the relevant community via the following:

Benefits to the community include: a cleaner, greener, more sustainable future for the island; specialised training and employment for local workers; lower diesel fuel usage; costs savings to government; and the payment of lease fees to the Shire. There appears to be sound support for this project in the community and no objections to the proposed lease.

Financial Implications

The proposed lease fee of \$4,200 per annum would provide an additional revenue stream for the Trusts.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2013 – 2023 – Outcome 3.1.1. Increase the environmental credentials of the Islands.

Conclusion

The officer’s recommendation supports proceeding with the leasing a portion of Lot 103 to Island Power Co Pty Ltd on behalf of project company Island Power Co HI. The recommendation has been made on the basis that the project offers significant social, environmental and economic benefits, progresses the objectives of the Trusts for the community, provides a financial return on otherwise under-utilised land and is supported by the community and stakeholders.

10.3 PLANNING/BUILDING

10.3.1 PROPOSED ABLUTION BLOCK – COCOS (KEELING) ISLANDS DISTRICT HIGH SCHOOL

Report Information

Date: 21 March 2019
 Applicant: CareyMC Pty Ltd
 File Ref:
 Location: Lot 169 Nelson Mandela Walk
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachments: 10.3.1 Development Application
 10.3.1 Cocos West Island – Lot 169 Air Force Road toilet location
 10.3.1 West Island Block site plan Rev B
 10.3.1 855-0119-IFC - West Island - Rev A-
 10.3.1 CIDHS WI Grounds

Authority / Discretion

Definition

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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>

OFFICER RECOMMENDATION – ITEM NO 10.3.1

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO.1, RESOLVES TO GRANT DEVELOPMENT APPROVAL

FOR A PROPOSED ABLUTION BLOCK IN ACCORDANCE WITH THE ATTACHED APPROVED PLANS ON LOT 169 NELSON MANDELA WALK, WEST ISLAND, SUBJECT TO THE FOLLOWING CONDITION AND ADVICE NOTES:

- 1. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE ATTACHED PLANS DATE STAMPED 27 MARCH 2019 AND SHALL NOT BE ALTERED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE LOCAL GOVERNMENT.**

ADVICE NOTES:

- 1. THE APPLICANT BE ADVISED THIS IS PLANNING APPROVAL ONLY AND NOT A BUILDING PERMIT. A BUILDING PERMIT MUST BE OBTAINED FOR THIS DEVELOPMENT.**
- 2. STORMWATER IS TO BE MANAGED IN ACCORDANCE WITH LOCAL CONDITIONS.**
- 3. IF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL IS NOT SUBSTANTIALLY COMMENCED WITHIN A PERIOD OF TWO (2) YEARS, THE APPROVAL SHALL LAPSE AND BE OF NO FURTHER EFFECT.**
- 4. WHERE AN APPROVAL HAS SO LAPSED, NO DEVELOPMENT SHALL BE CARRIED OUT WITHOUT THE FURTHER APPROVAL OF THE LOCAL GOVERNMENT HAVING FIRST BEEN SOUGHT AND OBTAINED.**
- 5. THE APPLICANT BE ADVISED THAT "SHOULD YOU BE AGGRIEVED BY THIS DECISION, OR ANY CONDITIONS IMPOSED, THERE IS A RIGHT OF REVIEW UNDER THE *PLANNING AND DEVELOPMENT ACT 2005*. AN APPLICATION FOR REVIEW MUST BE SUBMITTED IN ACCORDANCE WITH PART XIV OF THE *PLANNING AND DEVELOPMENT ACT* WITHIN 28 DAYS OF THE DATE OF THIS DECISION TO:**

**THE STATE ADMINISTRATIVE TRIBUNAL
GPO BOX U1991
PERTH WA 6845"**

Report Purpose

For Council to consider an application for development approval from CareyMC Pty Ltd to install a new ablution block at the Cocos (Keeling) Islands District High School.

Relevant Documents

Available for viewing at the meeting

Plans of the ablution block.

Background

The Commonwealth Department of Infrastructure, Regional Development and Cities have contracted CareyMC to install new ablution blocks at both the Home and West Island schools. This application before Council deals only with the ablution block to be installed at the Cocos (Keeling) Islands District High School on West Island.

The subject land is a Crown reserve which is classified for the purposes of a school.

Currently Council does not have a delegation register in place for statutory planning approvals, meaning each application must be presented to Council for determination.

Comment

The proposed 15.38m long, 4.82m wide and 3.13m high ablution block will be sited to the rear of the existing school and provide a welcomed upgrade from the current facilities.

The ablution block is adequately setback from current building and the boundaries of the reserve and will be clad with appropriate materials; resulting in no planning concerns for the proposal.

Policy and Legislative Implications

Clause 2.1.2 of the *Shire of Cocos (Keeling) Islands Local Planning Scheme No.1*:

A person or body shall not use or commence or carry out development on land or within a waterway reserved under this Scheme without first applying for and obtaining development approval of the local government. In determining an application for development approval the local government shall have regard to:

(a) the matters set out in Part 9 of the deemed provisions.

(b) the ultimate purpose intended for the reserve.

Strategic Implications:

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 -2026 Outcome 3.21 Maintain and develop infrastructure in-line with community needs and the Islands environment.

Conclusion

Given there is no relevant planning concerns the officer supports the proposal.

10.4 ADMINISTRATION

10.4.1 2018 COMPLIANCE AUDIT

Report Information

Date: 19 March 2019
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Location: N/A
 Disclosure of Interest: Nil
 Reporting Officer: Governance and Risk Coordinator
 Island: Shire Wide
 Attachments: 10.4.1 2018 Compliance Audit Return

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 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>

AUDIT COMMITTEE RECOMMENDATION – ITEM NO 10.4.1

1. THAT COUNCIL ADOPT THE ATTACHED DEPARTMENT OF LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN FOR THE PERIOD 1 JANUARY 2018 TO 31 DECEMBER 2018.
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 2018 Compliance Audit Return to Council for its consideration and adoption.

Relevant Documents

Minutes of the Audit Committee Meeting held on 19 March 2019 – see Item 10.5.1 of this agenda.

Available for viewing at the meeting

2017 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 2018 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 non-compliance were identified while preparing the compliance audit return.

Person appointed by the Shire to be its auditor was not appointed by an absolute majority decision of Council. The vote was 7/0 in favour however the agenda item did not specify that it was an absolute majority decision.

The other area of non-compliance was the late lodgment of a primary return by a newly designated employee within three months of their start day but provided explanation to Council.

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 2018 Compliance Audit Return is attached for adoption.

10.4.2 SHIRE OF COCOS (KEELING) ISLANDS CORPORATE BUSINESS PLAN

Report Information

Date: 21 March 2019
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Location: N/A
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire Wide
 Attachments: 10.4.2 Shire of Cocos (Keeling) Islands Corporate Business Plan 2018 – 2022

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 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>

OFFICER RECOMMENDATION – ITEM NO 10.4.2

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S5.56 (1) OF THE LOCAL GOVERNMENT ACT (WA) (CKI) 1995 ADOPTS THE SHIRE OF COCOS (KEELING) ISLANDS CORPORATE BUSINESS PLAN 2018 – 2022.

Report Purpose

For Council to consider the reviewed Shire Corporate Business Plan 2018 – 2022.

Relevant Documents

Available for viewing at the meeting

Nil

Background

The Corporate Business Plan (CBP) is a part of the Integrated Planning and Reporting Framework and a key operational document that takes into consideration other planning documents including the Strategic Community Plan, Long Term Financial Plan and Asset Management Plans. The CBP identifies Council priorities and details current services, future operations and major projects expected to be undertaken by the Shire over the next four years. The CBP outlines the operational activities that will be undertaken to achieve the desired outcomes of the Strategic Community Plan.

The current Corporate Business Plan 2016 - 2020 was adopted at an Ordinary Council Meeting on 25 January 2017 following a significant review. Moving forward the CBP will be reviewed annually to ensure it remains up to date, continues to have full integration and provides a framework clearly outlining our current and future activities and resourcing requirements.

Comment

The Corporate Business Plan is compliant with the Integrated Planning and Reporting Framework. Councillors and Shire Staff participated in a Corporate Planning day in October 2018 to review and update the CBP to ensure it is achievable and reflects where the Shire is currently and where it needs to be. The objective of the plan is to activate the goals and aspirations outlined in the Strategic Community Plan.

Given the close alignment between Corporate Business Plan and the Community Master plan that the Shire is currently developing, both plans will be distributed to the community together to facilitate interest and involvement in these important community plans.

Policy and Legislative Implications

All local governments are currently required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995*. Regulations have been made under S5.56 (2) of the Act to briefly outline the minimum requirements to achieve this.

Financial Implications

The Corporate Business Plan will be used to inform the annual budget and the Long Term Financial Plan; therefore any commitment to expenditure will be considered by Council as part of the budgeting process.

Strategic Implications

The CBP is intended to activate the Strategic Community Plan and therefore is intrinsically linked to all the Strategies identified.

Conclusion

Given the significant input from Councillors and staff, the recommendation is that Council adopt the Shire of Cocos (Keeling) Islands Corporate Business Plan 2018 – 2022.

10.5 MINUTES TO BE RECEIVED

10.5.1 MINUTES FROM AUDIT COMMITTEE MEETING TO BE RECEIVED

Report Information

Date: 19 March 2019
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Location: N/A
 Disclosure of Interest: Nil
 Reporting Officer: Governance and Risk Coordinator
 Island: Shire Wide
 Attachments: 10.5.1 Audit Committee Meeting Minutes (Unconfirmed), 19 March 2019

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 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>

OFFICER RECOMMENDATION – ITEM NO 10.5.1

THAT COUNCIL BY SIMPLE MAJORITY PURSUANT TO SECTION 3.18 OF THE LOCAL GOVERNMENT ACT 1995 RESOLVES TO:

1. RECEIVE THE MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 19 MARCH 2019.

Summary

The report formally presents the (unconfirmed) minutes of Audit Committee of Council from the previous meeting.

Background

The Shire has established the Audit Committee as a Committee of Council. The Audit Committee does not have any delegated authority; therefore, any recommendations requiring a Council decision that result from this Committee meeting must be brought before Council. This will be done via agenda items to Council.

Comment

The attached minutes are the unconfirmed minutes of the meeting of Audit Committee of Council held on the 19 March 2019.

Consultation

N/A

Financial Implications

The Officer's recommendation for Council to receive the minutes of Committee meetings carries no financial commitment for Council. Should any recommendation require a financial commitment or have any implication outside the CEO's delegated authority, the matter will be referred to Council as a specific agenda item.

Risk Implications

Nil

Policy Implications

Nil

Statutory Implications

Administration regulation 11 sets out the content that the minutes of Council or committee meetings must contain, including:

- the names of members present at the meeting;
- details of each motion moved, the mover and the outcome of the motion;
- details of each decision made at the meeting; and
- written reasons for each decision made at a meeting that is significantly different from the committee's or council employee's recommendation.

Section 5.22(2) and (3) of the Act requires that the minutes of a council or committee meeting are to go to the next meeting of the council or committee for confirmation and signing by the person presiding to certify the confirmation.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2013 – Outcome 4.1.2 Continue to improve organisational planning.

Voting Requirements

Simple majority

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

12. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

13. MATTERS BEHIND CLOSED DOORS

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

- (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—
- (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 —
 - (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,

14. CLOSURE OF BUSINESS