



SHIRE OF
COCOS
KEELING ISLANDS

MINUTES

ORDINARY MEETING OF COUNCIL

Held at the Home Island Council Chambers, Home Island on Wednesday, 24
July 2019 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 welcome Councillors, staff and members of the public to the meeting.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

President Councillor Seriwati Iku

Deputy President Councillor Aindil Minkom

Councillors Councillor Jan Young
Councillor Tony Lacy
Councillor Shane Charlston
Councillor Woren Dedian
Councillor Noor Anthony

Staff Andrea Selvey, Chief Executive Officer
Joanne Soderlund, Deputy Chief Executive Support Officer
Ibrahim Macrae, Governance and Risk Coordinator

Public 4

Visitors Nil

APOLOGIES Nil

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
NIL		

5.2 APPLICATION FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

OFFICER RECOMMENDATION

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 26 JUNE 2019 BE CONFIRMED AS A TRUE AND CORRECT RECORD.

COUNCIL RESOLUTION

MOVED COUNCILLOR MINKOM SECONDED COUNCILLOR LACY

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 26 JUNE 2019 BE CONFIRMED AS A TRUE AND CORRECT RECORD.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

FOR: ANTHONY, CHARLSTON, DEDIAN, IKU, LACY, MINKOM, YOUNG

AGAINST: NIL

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Nil

9. DECLARATION OF INTERESTS

Nil

10. REPORT AND RECOMMENDATIONS OF COMMITTEE

10.1 FINANCE

10.1.1 SCHEDULED OF ACCOUNTS PAID FOR PERIOD 1ST JUNE TO 30TH JUNE 2019

Report Information

Date: 19 July 2019
 Location: Not applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.1.1 Schedule of accounts paid, Credit MasterCard

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>

Report Purpose

To inform Council of funds disbursed for the period 1st June 2019 -30th June 2019

Relevant Documents

Available for viewing at the meeting

Nil

Background

A list of accounts paid between 1st and 30th June 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

Strategic Implications:

Nil

Conclusion

That Council receives the list stating all accounts paid for June 2019.

OFFICER RECOMMENDATION – ITEM NO 10.1.1

THAT THE LIST SHOWING ALL ACCOUNTS PAID BETWEEN 1/6/2019 TO 30/6/2019, INCLUSIVE OF MUNICIPAL CHEQUE NUMBER 11559, EFT 6601 TO EFT 6662, TRUST CHEQUE NUMBER 75, MASTERCARD PAYMENTS AND DIRECT DEBIT SUPERANNUATION'S TOTALLING: \$545,452.24 BE RECEIVED.

COUNCIL RESOLUTION – ITEM NO 10.1.1

MOVED COUNCILLOR DEDIAN SECONDED COUNCILLOR ANTHONY

THAT THE LIST SHOWING ALL ACCOUNTS PAID BETWEEN 1/6/2019 TO 30/6/2019, INCLUSIVE OF MUNICIPAL CHEQUE NUMBER 11559, EFT 6601 TO EFT 6662, TRUST CHEQUE NUMBER 75, MASTERCARD PAYMENTS AND DIRECT DEBIT SUPERANNUATION'S TOTALLING: \$545,452.24 BE RECEIVED.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

**FOR: ANTHONY, CHARLSTON, DEDIAN, IKU, LACY, MINKOM, YOUNG
AGAINST: NIL**

10.1.2 ADOPTION OF 2019/2020 MUNICIPAL FUND BUDGET AND RELEVANT DOCUMENTS

Report Information

Date: 19/07/2019
 Location: N/A
 Applicant: N/A
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Deputy Chief Executive Officer
 Island: Shire wide
 Attachments: 10.1.2 2019/20 Statutory Budget, 2019/20 Capital Expenditure, Plant Replacement 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>

Report Purpose

To consider and adopt the 2019/2020 Municipal Budget and supporting schedules in accordance with Section 6.2(1) of the Local Government Act 1995. The report includes the setting of municipal fund rates and other matters arising from the budget papers.

Relevant Documents

Available for viewing at the meeting

Background

The 2019/2020 municipal budget is being presented to Council for adoption.

Comment

The format for Adoption of 2019/2020 Budget is as follows;

1. Adoption of Municipal fund budget for 2019/2020
2. Adoption of General Rates and Minimum Payments
3. Adoption of Payment Options
4. Adoption of Instalment Administration Fee
5. Adoption of Instalment Interest Charges
6. Adoption of Late Payment Penalty Interest
7. Adoption of Material Variance Reporting

Policy and Legislative Implications

Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996 state that every Local Government is to prepare and adopt an annual budget.

Sections 6.32, 6.34, 6.35, 6.37 and 6.38 of the Local Government Act 1995 and Regulation 54 of the Local Government (Financial Management) Regulations 1996 provide Council with the power to impose rates and service charges.

Sections 6.45 and 6.50 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996 provide Council with the power to adopt options for payments of rates or service charges.

Regulation 68 of the Local Government (Financial Management) Regulations 1996 provides Council with the power to impose interest on payment by instalment.

Sections 6.13 and 6.51 of the Local Government Act 1995 and Regulation 19(A) and 70 of the Local Government (Financial Management) Regulations 1996 provide Council with the power to impose interest on overdue amounts owing to the Shire.

Section 6.49 of the Local Government Act 1995 provides Council with the power to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

Section 6.11 of the Local Government Act 1995 and Regulations 17 and 27(h) of the Local Government (Financial Management) Regulations 1996 provide Council with the power to establish and maintain reserve accounts.

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality require the Council to adopt a percentage or value to be used in statements of financial activity for reporting material variances.

Financial Implications

The annual budget provides the Shire with the approval to undertake all of its planned activities in the 2019/2020 financial year.

Strategic Implications

This report is aligned with the Shire's Corporate Business Plan 2018/19 – 2021/22.

Conclusion

The report submits the Shire’s 2019/2020 Annual Budget for adoption as required under Section 6.2 of the Local Government Act 1995.

OFFICER RECOMMENDATION – ITEM NO 10.1.2

1. MUNICIPAL FUND BUDGET FOR 2019/2020
 THAT COUNCIL ADOPTS THE 2019/2020 MUNICIPAL FUND BUDGET FOR THE SHIRE OF COCOS (KEELING) ISLANDS WHICH INCLUDES THE FOLLOWING:
 STATEMENT OF COMPREHENSIVE INCOME BY NATURE OR TYPE SHOWING A NET RESULT FOR THE YEAR OF (\$801,628) ON PAGE 2
 STATEMENT OF COMPREHENSIVE INCOME BY PROGRAM SHOWING A NET RESULT FOR THE YEAR OF (\$801,628) ON PAGE 4
 STATEMENT OF CASH FLOWS ON PAGE 6
 RATE SETTING STATEMENT SHOWING AMOUNT TO BE RAISED FROM RATES OF \$413,734 ON PAGE 7
 NOTES TO AND FORMING PART OF THE BUDGET ON PAGES 8 TO 22
 TRANSFERS TO / FROM RESERVE ACCOUNTS AS DETAILED ON PAGE 18

N.B. ABSOLUTE MAJORITY REQUIRED

2. GENERAL RATE AND MINIMUM PAYMENTS
 THAT COUNCIL IMPOSES THE 2019/2020 GENERAL RATES AND MINIMUM PAYMENTS AS FOLLOWS:-

RATING CATEGORY	PROPOSED RATE IN \$	PROPOSED MINIMUM RATE
GRV GENERAL DEVELOPED	.1090	\$705
GRV UNDEVELOPED	.2175	\$800
GRV BUSINESS	.1150	\$705

GRV HOLIDAY ACCOMMODATION	.1617	\$705
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N.B. ABSOLUTE MAJORITY REQUIRED

3. PAYMENT OPTIONS

THAT COUNCIL ADOPTS THE FOLLOWING PAYMENT OPTIONS FOR THE PAYMENT OF RATES & DOMESTIC REFUSE CHARGE:

a) ONE INSTALMENT

PAYMENT IN FULL BY 16TH OF SEPTEMBER 2019

b) FOUR INSTALMENTS

1ST QUARTERLY INSTALMENT DUE DATE 16TH OF SEPTEMBER 2019

2ND QUARTERLY INSTALMENT DUE DATE 12TH OF NOVEMBER 2019

3RD QUARTERLY INSTALMENT DUE DATE 3RD OF JANUARY 2020

4TH QUARTERLY INSTALMENT DUE DATE 16TH OF MARCH 2020

N.B ABSOLUTE MAJORITY REQUIRED

4. INSTALMENT ADMINISTRATION FEE

THAT COUNCIL ADOPTS AN INSTALMENT ADMINISTRATION CHARGE WHERE THE OWNER HAS ELECTED TO PAY RATES (AND SERVICE CHARGES) BY WAY OF AN INSTALMENT OPTION OF \$5 FOR EACH INSTALMENT AFTER THE INITIAL INSTALMENT IS PAID.

N.B ABSOLUTE MAJORITY REQUIRED

5. INSTALMENT INTEREST CHARGES

THAT COUNCIL ADOPTS AN INTEREST RATE OF 5.5% WHERE THE OWNER HAS ELECTED TO PAY RATES AND SERVICE CHARGES THROUGH AN INSTALMENT OPTION.

N.B ABSOLUTE MAJORITY REQUIRED

6. LATE PAYMENT PENALTY INTEREST

THAT COUNCIL ADOPTS AN INTEREST RATE OF 11% PER ANNUM

N.B ABSOLUTE MAJORITY REQUIRED

7. MATERIAL VARIANCE REPORTING FOR 2019/2020

THAT COUNCIL ADOPTS THE LEVEL FOR REPORTING MATERIAL VARIANCES IN MONTHLY FINANCIAL STATEMENTS IN 2019/2020 AS 10% OR \$20,000 WHICHEVER IS THE GREATER.

COUNCIL RESOLUTION – ITEM NO 10.1.2

MOVED COUNCILLOR LACY SECONDED COUNCILLOR YOUNG

1. MUNICIPAL FUND BUDGET FOR 2019/2020

THAT COUNCIL ADOPTS THE 2019/2020 MUNICIPAL FUND BUDGET FOR THE SHIRE OF COCOS (KEELING) ISLANDS WHICH INCLUDES THE FOLLOWING:

STATEMENT OF COMPREHENSIVE INCOME BY NATURE OR TYPE SHOWING A NET RESULT FOR THE YEAR OF (\$801,628) ON PAGE 2

STATEMENT OF COMPREHENSIVE INCOME BY PROGRAM SHOWING A NET RESULT FOR THE YEAR OF (\$801,628) ON PAGE 4

STATEMENT OF CASH FLOWS ON PAGE 6

RATE SETTING STATEMENT SHOWING AMOUNT TO BE RAISED FROM RATES OF \$413,734 ON PAGE 7

NOTES TO AND FORMING PART OF THE BUDGET ON PAGES 8 TO 22

TRANSFERS TO / FROM RESERVE ACCOUNTS AS DETAILED ON PAGE 18

N.B. ABSOLUTE MAJORITY REQUIRED

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

FOR: ANTHONY, CHARLSTON, DEDIAN, IKU, LACY, MINKOM, YOUNG

AGAINST: NIL

MOVED COUNCILLOR CHARLSTON SECONDED COUNCILLOR MINKOM

2. GENERAL RATE AND MINIMUM PAYMENTS

THAT COUNCIL IMPOSES THE 2019/2020 GENERAL RATES AND MINIMUM PAYMENTS AS FOLLOWS:-

RATING CATEGORY	PROPOSED RATE IN \$	PROPOSED MINIMUM RATE
GRV GENERAL DEVELOPED	.1090	\$705
GRV UNDEVELOPED	.2175	\$800
GRV BUSINESS	.1150	\$705
GRV HOLIDAY ACCOMMODATION	.1617	\$705

N.B. ABSOLUTE MAJORITY REQUIRED

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

FOR: ANTHONY, CHARLSTON, DEDIAN, IKU, LACY, MINKOM, YOUNG

AGAINST: NIL

MOVED COUNCILLOR CHARLSTON SECONDED COUNCILLOR LACY

3. PAYMENT OPTIONS

THAT COUNCIL ADOPTS THE FOLLOWING PAYMENT OPTIONS FOR THE PAYMENT OF RATES & DOMESTIC REFUSE CHARGE:

c) ONE INSTALMENT

PAYMENT IN FULL BY 16TH OF SEPTEMBER 2019

d) FOUR INSTALMENTS

1ST QUARTERLY INSTALMENT DUE DATE 16TH OF SEPTEMBER 2019

2ND QUARTERLY INSTALMENT DUE DATE 12TH OF NOVEMBER 2019

3RD QUARTERLY INSTALMENT DUE DATE 3RD OF JANUARY 2020

4TH QUARTERLY INSTALMENT DUE DATE 16TH OF MARCH 2020

N.B. ABSOLUTE MAJORITY REQUIRED

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

FOR: ANTHONY, CHARLSTON, DEDIAN, IKU, LACY, MINKOM, YOUNG

AGAINST: NIL

MOVED COUNCILLOR ANTHONY SECONDED COUNCILLOR MINKOM

4. INSTALMENT ADMINISTRATION FEE

THAT COUNCIL ADOPTS AN INSTALMENT ADMINISTRATION CHARGE WHERE THE OWNER HAS ELECTED TO PAY RATES (AND SERVICE CHARGES) BY WAY OF AN INSTALMENT OPTION OF \$5 FOR EACH INSTALMENT AFTER THE INITIAL INSTALMENT IS PAID.

N.B. ABSOLUTE MAJORITY REQUIRED

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

FOR: ANTHONY, CHARLSTON, DEDIAN, IKU, LACY, MINKOM, YOUNG

AGAINST: NIL

MOVED COUNCILLOR CHARLSTON SECONDED COUNCILLOR ANTHONY

5. INSTALMENT INTEREST CHARGES

THAT COUNCIL ADOPTS AN INTEREST RATE OF 5.5% WHERE THE OWNER HAS ELECTED TO PAY RATES AND SERVICE CHARGES THROUGH AN INSTALMENT OPTION.

N.B. ABSOLUTE MAJORITY REQUIRED

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

FOR: ANTHONY, CHARLSTON, DEDIAN, IKU, LACY, MINKOM, YOUNG
AGAINST: NIL

MOVED COUNCILLOR CHARLSTON SECONDED COUNCILLOR ANTHONY

- 6. LATE PAYMENT PENALTY INTEREST
THAT COUNCIL ADOPTS AN INTEREST RATE OF 11% PER ANNUM**

N.B. ABSOLUTE MAJORITY REQUIRED

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

FOR: ANTHONY, CHARLSTON, DEDIAN, IKU, LACY, MINKOM, YOUNG
AGAINST: NIL

MOVED COUNCILLOR CHARLSTON SECONDED COUNCILLOR MINKOM

- 7. MATERIAL VARIANCE REPORTING FOR 2019/2020
THAT COUNCIL ADOPTS THE LEVEL FOR REPORTING MATERIAL VARIANCES IN
MONTHLY FINANCIAL STATEMENTS IN 2019/2020 AS 10% OR \$20,000 WHICHEVER
IS THE GREATER.**

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

FOR: ANTHONY, CHARLSTON, DEDIAN, IKU, LACY, MINKOM, YOUNG
AGAINST: NIL

10.2 LEASES

Nil

10.3 PLANNING/BUILDING

10.3.1 GUEST HOUSE (BED AND BREAKFAST) - HOUSE 48 HOME ISLAND

Report Information

Date: 16 July 2019
 Applicant: Darling Elat Rasa
 Location: House 48 Home Island
 File Ref: HL148
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Home Island
 Attachments: Application letter
 House 48 plans showing area for proposed B&B

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>
<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>

Report Purpose

To provide Council with information to consider a request to grant a development approval for a Guest House (Bed and Breakfast) at House 48, Home Island.

Relevant Documents

Available for viewing at the meeting

Nil

Background

The applicant provided the following background information. A full copy of the letter is provided as an attachment.

The B&B accommodation will be located at the front of the dwelling and completely be separated from the main house with separate entrance. The accommodation will be a self-contained one bedroom unit and suitable for one person, a couple or twin share. It will be fully air conditioned to ensure the comfort for the guests staying. I would like to highlight the benefits to our Islands should this B&B be approved:

- 1. Offer a highly needed accommodation for visitors to the Islands especially on Home Island. Home Island is the hub for various community, social and cultural events and functions.*
- 2. Promote the unique Cocos Malay history and culture. Cocos Malay forms a very important part of the history and culture of Cocos (Keeling) Islands, which makes our Island unique.*
- 3. Create potential employment for residents especially for Home island residents. We will need to use local businesses/tradesmen to complete modification of the accommodations such as plumbers, electricians, builders etc. Should the B&B accommodation be approved, it will also require ongoing maintenance and cleaning.*
- 4. Contribute to local economy and businesses.*

In summary, it will be beneficial to the islands should this B&B accommodation be approved as it not only offers extra beds to visitors but also creates potential employment and helps with local economy to a certain degree. In addition, it offers a great opportunity for visitors to experience the unique history and culture of the Cocos Malays.

Comment

Given the small scale of the proposal and the need for short stay accommodation on Home Island this proposal is supported by the Planning Officer. Experience with B&B type accommodation is that there is little impact on neighbours due to the owners living onsite and able to manage any issues that arise.

The local government retains a degree of control by making the approval subject to various conditions and time limiting the approval to 5 years, after which an application for renewal may be considered by the Council.

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.

The definition of “Bed and Breakfast” is not listed in the Shire’s Local Planning Scheme Zoning Table of land uses (Table 1). The following definition is taken from the Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

bed and breakfast means a dwelling —

- (a) *used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and*
- (b) *containing not more than 2 guest bedrooms;*

Clause 3.4.2 of the Shire’s Scheme deals with this issue;

3.4.2 *If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:*

- (a) *determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) *determine that the proposed use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or*
- (c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

In this instance, the proposed development can be reasonably determined as falling within the category of “Guest House” which is listed in the Zoning Table as detailed below.

Guest House: means the use of premises for a commercial accommodation establishment compatible in character and scale with residential housing;

TABLE 1 – ZONING TABLE USE CLASSES	Residential	Commercial	Industrial	General Rural
Guest House	D	D	X	X

Zoning of the subject property is “Residential”

“D” means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

There is no requirement to consult with neighbours for a “D” use under the Scheme, however the applicant has verbally consulted with neighbours.

It should be noted that while this is a relatively small development, for the sake of consistency with other guest house approvals issued by Council in the past year which have referred to the WA Planning Commission's Guidelines for Holiday Homes (see https://www.planning.wa.gov.au/dop_pub_pdf/Holiday_homes_guidelines.pdf) the officer's recommendation for this application includes a requirement for a property management plan, a code of conduct an emergency plan and a certificate of registration along with fire safety equipment.

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 approval to operate a Guest House (bed and breakfast establishment) at House 48 Home Island for a period of 5 years, subject to conditions

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 GRANT PLANNING APPROVAL FOR A GUEST HOUSE (BED AND BREAKFAST ESTABLISHMENT) AT HOUSE 48 HOME ISLAND FOR A PERIOD OF 5 YEARS, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

1. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE ATTACHED PLANS DATE STAMPED 16 APRIL 2019 SUBJECT TO ANY MODIFICATIONS REQUIRED AS A CONSEQUENCE OF ANY CONDITIONS OF THIS APPROVAL AND SHALL NOT BE ALTERED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE LOCAL GOVERNMENT;
2. THE DEVELOPMENT MUST BE SUBSTANTIALLY COMMENCED WITHIN 2 YEARS OF THE DATE OF THIS APPROVAL;
3. ALL PARKING BE CONTAINED ON-SITE;
4. ALL ROOMS ARE TO BE CLEARLY IDENTIFIED ON A FLOOR PLAN SUBMITTED WITH THE APPLICATION;
5. 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;
6. A MAXIMUM OCCUPANCY OF 2 PEOPLE PER BEDROOM AT ANY ONE TIME;
7. ACCOMMODATION FOR GUESTS IS LIMITED TO SHORT STAY ACCOMMODATION (MAXIMUM OF 3 MONTHS IN ANY 12 MONTH PERIOD) AND INCLUDES THE PROVISION OF BREAKFAST;

8. GUEST ROOMS SHALL NOT BE SELF CONTAINED WITH SEPARATE COOKING AND LAUNDRY FACILITIES, UNLESS ALREADY RETROSPECTIVELY PROVIDED. EN-SUITE BATHROOM FACILITIES HOWEVER MAY BE PROVIDED FOR EACH ROOM;
9. KITCHEN FACILITIES USED FOR THE PREPARATION OF BREAKFASTS WILL NEED TO BE REGISTERED WITH THE SHIRE'S ENVIRONMENTAL HEALTH OFFICER AND COMPLY WITH THE FOOD ACT, 2008 AND AUSTRALIAN NEW ZEALAND FOOD STANDARD CODE.
10. THE APPLICANT IS TO DISPLAY THE PROPERTY MANAGEMENT PLAN, CODE OF CONDUCT, FIRE AND EMERGENCY PLAN AND CERTIFICATE OF REGISTRATION WITHIN THE PREMISE AT ALL TIMES. GUESTS ARE TO BE MADE AWARE OF THESE DOCUMENTS.
11. DEVELOPMENT APPROVAL DOES NOT AFFECT THE EXISTING AND FUTURE USE OF THE DWELLING AS A SINGLE HOUSE.

ADVICE NOTES:

FOR GUEST HOUSE (BED AND BREAKFAST ESTABLISHMENTS) THE FOLLOWING WORKS WILL NEED TO BE COMPLETED TO THE DWELLING:

- A) SMOKE DETECTORS AND EVACUATION LIGHTING WILL NEED TO BE INSTALLED AND CONFIGURED IN THE DWELLING TO ACHIEVE COMPLIANCE WITH PART 3.7.2.5 OF THE BUILDING CODE OF AUSTRALIA FOR A CHANGE OF BUILDING CLASSIFICATION FROM A CLASS 1A 'SINGLE DWELLING' TO A CLASS 1B 'BOARDING HOUSE, GUEST HOUSE OR HOSTEL USE' RESIDENCE.
- B) A MINIMUM OF TWO RCDS WILL NEED TO BE FITTED TO PROTECT ALL POWER POINT AND LIGHTING CIRCUITS AS PRESCRIBED UNDER REGULATION 12 OF THE ELECTRICITY REGULATIONS, 1947.

COUNCIL RESOLUTION – ITEM NO 10.3.1

MOVED COUNCILLOR LACY SECONDED COUNCILLOR ANTHONY

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO. 1 GRANT PLANNING APPROVAL FOR A GUEST HOUSE (BED AND BREAKFAST ESTABLISHMENT) AT HOUSE 48 HOME ISLAND FOR A PERIOD OF 5 YEARS, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

1. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE ATTACHED PLANS DATE STAMPED 16 APRIL 2019 SUBJECT TO ANY MODIFICATIONS REQUIRED AS A CONSEQUENCE OF ANY CONDITIONS OF THIS APPROVAL AND SHALL NOT BE ALTERED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE LOCAL GOVERNMENT;
2. THE DEVELOPMENT MUST BE SUBSTANTIALLY COMMENCED WITHIN 2 YEARS OF THE DATE OF THIS APPROVAL;
3. ALL PARKING BE CONTAINED ON-SITE;
4. ALL ROOMS ARE TO BE CLEARLY IDENTIFIED ON A FLOOR PLAN SUBMITTED WITH THE APPLICATION;

5. 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;
6. A MAXIMUM OCCUPANCY OF 2 PEOPLE PER BEDROOM AT ANY ONE TIME;
7. ACCOMMODATION FOR GUESTS IS LIMITED TO SHORT STAY ACCOMMODATION (MAXIMUM OF 3 MONTHS IN ANY 12 MONTH PERIOD) AND INCLUDES THE PROVISION OF BREAKFAST;
8. GUEST ROOMS SHALL NOT BE SELF CONTAINED WITH SEPARATE COOKING AND LAUNDRY FACILITIES, UNLESS ALREADY RETROSPECTIVELY PROVIDED. EN-SUITE BATHROOM FACILITIES HOWEVER MAY BE PROVIDED FOR EACH ROOM;
9. KITCHEN FACILITIES USED FOR THE PREPARATION OF BREAKFASTS WILL NEED TO BE REGISTERED WITH THE SHIRE'S ENVIRONMENTAL HEALTH OFFICER AND COMPLY WITH THE FOOD ACT, 2008 AND AUSTRALIAN NEW ZEALAND FOOD STANDARD CODE.
10. THE APPLICANT IS TO DISPLAY THE PROPERTY MANAGEMENT PLAN, CODE OF CONDUCT, FIRE AND EMERGENCY PLAN AND CERTIFICATE OF REGISTRATION WITHIN THE PREMISE AT ALL TIMES. GUESTS ARE TO BE MADE AWARE OF THESE DOCUMENTS.

11. DEVELOPMENT APPROVAL DOES NOT AFFECT THE EXISTING AND FUTURE USE OF THE DWELLING AS A SINGLE HOUSE.

ADVICE NOTES:

FOR GUEST HOUSE (BED AND BREAKFAST ESTABLISHMENTS) THE FOLLOWING WORKS WILL NEED TO BE COMPLETED TO THE DWELLING:

- A) SMOKE DETECTORS AND EVACUATION LIGHTING WILL NEED TO BE INSTALLED AND CONFIGURED IN THE DWELLING TO ACHIEVE COMPLIANCE WITH PART 3.7.2.5 OF THE BUILDING CODE OF AUSTRALIA FOR A CHANGE OF BUILDING CLASSIFICATION FROM A CLASS 1A 'SINGLE DWELLING' TO A CLASS 1B 'BOARDING HOUSE, GUEST HOUSE OR HOSTEL USE' RESIDENCE.
- B) A MINIMUM OF TWO RCDS WILL NEED TO BE FITTED TO PROTECT ALL POWER POINT AND LIGHTING CIRCUITS AS PRESCRIBED UNDER REGULATION 12 OF THE ELECTRICITY REGULATIONS, 1947.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

FOR: ANTHONEY, CHARLSTON, DEDIAN, IKU, LACY, MINKOM, YOUNG
AGAINST: NIL

10.4 ADMINISTRATION

10.4.1 TENDER FOR DESIGN, SUPPLY AND CONSTRUCTION OF ONE RESIDENTIAL PROPERTY ON HOME ISLAND

Report Information

Date: 15 July 2019
 Location: N/A
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Andrea Selvey, Chief Executive Officer
 Island: Home Island
 Attachments: 10.4.1 CONFIDENTIAL RFTP 2019/01 Evaluation Report, Housing Reference Group Terms of Reference, Community and Stakeholder Engagement Plan - Housing

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>

Report Purpose

This report brings the results of a tender for the supply and construction of one residential on Home Island before Council, seeking a Council resolution to reject all tenders and to seek alternative options within budget constraints.

Relevant Documents

Available for viewing at the meeting

Background

At the Ordinary Meeting of Council on 24 April 2019 Council resolved to proceed with open public tender process to find suitable proposals to design, supply and construct a free-standing residential dwelling at a fully serviced block on Home Island. The WA Local Government Association (WALGA) was engaged to facilitate the process to ensure it was independent and compliant. The RFT was advertised in the West Australian and WALGA's Tendering Portal (Tenderlink at www.tenderlink.com/walga) on Saturday 25th May.

Two (2) Responses were received by the deadline of the Request for Proposal (RFP), with a third that was not submitted in accordance with the specifications. The responses were reviewed by an evaluation panel consisting of the Shire's DCEO, MWS, CEO and one WALGA Procurement Specialist.

All submissions were processed through to the qualitative/price evaluation on the basis that all compliance criteria had been met for the purposes of assessment.

5.2 Qualitative

All submissions contained a qualitative component, which the evaluation panel considered initially as individuals before reaching a consensus. This related to:

- Capability and Methodology – 25%
- Organisation Experience – 45%
- Organisational Capacity and Personnel – 30%

5.3 Pricing

The pricing submissions were considered only after the qualitative criteria had been considered by the evaluation panel. The tenderers estimated price with minimal backup as to how they arrived at these figures.

5.4 Value for Money Assessment

The qualitative criteria and the pricing were then considered by the evaluation panel, to determine a Value for Money (VFM) Assessment.

A summary statement for each Respondent can be found in the attached confidential Evaluation Report. The summaries have been prepared a brief overview of the principal issues used by the Evaluation Panel to reach a decision on the recommended Respondent. The summaries are not meant to cover all criteria and issues discussed by the Evaluation Panel during the assessment process.

Comment

As can be seen in the attached confidential Evaluation Report, both tenderers scored qualitatively below the minimum acceptable score and both were considerably over budget leading the evaluation panel to recommend to reject all tenders.

Policy and Legislative Implications

Regulation 18(5) of the Functions and General Regulations and Section 11 (2) of the Local Government (Functions and General) Regulations 1996

Strategic Implications

Housing has been repeatedly raised as a priority strategic issue and barrier to social and economic sustainability. See Corporate Business Plan ED1.1.21 and ED1.1.25

Conclusion

The officer's recommendation to reject all tenders is based on the Evaluation Panel's view that the quality of the tenders were very poor and the prices exceeded the projected budget. The legislation will now permit the Shire to approach potential providers to ascertain the ability of other builders to provide a suitable product at a price within budget constraints.

OFFICER RECOMMENDATION – ITEM NO 10.4.1

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 18(5) OF THE FUNCTIONS AND GENERAL REGULATIONS AND SECTION 11 (2) OF THE LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 RESOLVES TO:

1. ACCEPT THE RECOMMENDATION OF THE EVALUATION PANEL AND REJECT ALL TENDERS SUBMITTED FOR THE DESIGN AND CONSTRUCTION OF RESIDENTIAL PROPERTY RFP 2019/01.
2. DELEGATES TO THE CHIEF EXECUTIVE OFFICER THE USE OF SECTION 11 (2) OF THE LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 TO EXPLORE ALTERNATIVE OPTIONS AND REPORT BACK TO COUNCIL.
3. FORM THE HOUSING REFERENCE GROUP TO PROVIDE ADVICE AND RECOMMENDATIONS TO THE CHIEF EXECUTIVE OFFICER IN MATTERS RELATING TO HOUSING.

MOVED COUNCILLOR MINKOM SECONDED COUNCILLOR CHARLSTON

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 18(5) OF THE FUNCTIONS AND GENERAL REGULATIONS AND SECTION 11 (2) OF THE LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 RESOLVES TO:

1. ACCEPT THE RECOMMENDATION OF THE EVALUATION PANEL AND REJECT ALL TENDERS SUBMITTED FOR THE DESIGN AND CONSTRUCTION OF RESIDENTIAL PROPERTY RFP 2019/01.
2. DELEGATES TO THE CHIEF EXECUTIVE OFFICER THE USE OF SECTION 11 (2) OF THE LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 TO EXPLORE ALTERNATIVE OPTIONS AND REPORT BACK TO COUNCIL.
3. FORM THE HOUSING REFERENCE GROUP TO PROVIDE ADVICE AND RECOMMENDATIONS TO THE CHIEF EXECUTIVE OFFICER IN MATTERS RELATING TO HOUSING.

THE MOTION WAS PUT AND DECLARED CARRIED (7/0)

FOR: ANTHONEY, CHARLSTON, DEDIAN, IKU, LACY, MINKOM, YOUNG
AGAINST: NIL

10.5 MINUTES TO BE RECEIVED

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

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,

Nil

