



MINUTES

ORDINARY MEETING OF COUNCIL

Held at the CRC Meeting Room, West Island
Wednesday 27 February 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
Councillors	Councillor Aindil Minkom Councillor Ayesha 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 Ian Evans, Manager Works and Services Ibrahim Macrae, Governance and Risk Coordinator
Public	4
Visitors	Nil
APOLOGIES	Nil
APPROVED LEAVE OF ABSENCE	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

COUNCIL RESOLUTION

MOVED COUNCILLOR YOUNG SECONDED COUNCILLOR CHARLSTON

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 23 JANUARY 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

OFFICER RECOMMENDATION

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 23 JANUARY 2019 BE CONFIRMED AS A TRUE AND CORRECT RECORD.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Nil.

9. DECLARATION OF INTERESTS

Name	Item No.	Interest	Nature
Cr Lacy	10.2.1	Financial	Lessee Salt Farm
Cr Lacy	10.3.1	Financial	Lessee West Island farm lots

10. REPORT AND RECOMMENDATIONS OF COMMITTEE

Nil

10.1 FINANCE

10.1.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDING 31 JANUARY 2019

Report Information

Date: 21 February 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: Statement of Financial Activity with accompanying notes 31 January 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>

COUNCIL RESOLUTION - ITEM NO 10.1.1

MOVED COUNCILLOR CHARLSTON SECONDED COUNCILLOR DEDIAN

THAT THE FINANCIAL STATEMENTS FOR THE PERIODS 1ST OF JULY 2018 TO 31ST OF JANUARY 2019 BE RECEIVED.

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

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

AGAINST: NIL

OFFICER RECOMMENDATION – ITEM NO 10.1.1

THAT THE FINANCIAL STATEMENTS FOR THE PERIODS 1ST OF JULY 2018 TO 31ST OF JANUARY 2019 BE RECEIVED.

Report Purpose

To inform Council of the financial position of the Shire at 31 January 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 31st January 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 31 January 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 periods 1st of July 2018 to 31st January 2019 be received.

10.1.2 SCHEDULE OF ACCOUNTS PAID FOR PERIOD 1ST JANUARY 2019 TO 31ST JANUARY 2019

Report Information

Date: 21 February 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: Schedule of accounts paid

Authority / Discretion

Definitions

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<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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<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 - ITEM NO 10.1.2

MOVED COUNCILLOR DEDIAN SECONDED COUNCILLOR ANTHONY

THAT THE FINANCIAL STATEMENTS FOR THE PERIODS 1ST OF JULY 2018 TO 31ST OF JANUARY 2019 BE RECEIVED.

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

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

AGAINST: NIL

OFFICER RECOMMENDATION – 10.1.2

THAT THE LIST SHOWING ALL ACCOUNTS PAID BETWEEN 1/01/19 TO 31/01/19, INCLUSIVE OF MUNICIPAL EFT 6327 TO EFT 6360, CHEQUE NUMBER 11536 TO 11538 VIVA ENERGY AND DIRECT DEBIT SUPERANNUATION PAYMENTS: TOTALING 146,505.60 BE RECEIVED.

Report Purpose

To inform Council of funds disbursed for the period 1st January 2019 – 31st January 2019.

Relevant Documents

Available for viewing at the meeting

Nil

Background

A list of accounts paid between 1st and 31st January 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 January 2019.

10.1.3 MID YEAR BUDGET REVIEW 2018/2019

Report Information

Date: 21 February 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: Budget Review 2018/19

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 - ITEM NO 10.1.3

MOVED COUNCILLOR CHARLSTON SECONDED COUNCILLOR DEDIAN

THAT COUNCIL ADOPT THE BUDGET REVIEW AS ATTACHED PURSUANT TO REGULATION 33A OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 AND PROVIDE A COPY OF THE DETERMINATION TO THE DEPARTMENT OF LOCAL GOVERNMENT WITHIN 30 DAYS.

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

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

AGAINST: NIL

OFFICER RECOMMENDATION – 10.1.3

THAT COUNCIL ADOPT THE BUDGET REVIEW AS ATTACHED PURSUANT TO REGULATION 33A OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 AND PROVIDE A COPY OF THE DETERMINATION TO THE DEPARTMENT OF LOCAL GOVERNMENT WITHIN 30 DAYS.

NB: ABSOLUTE MAJORITY REQUIRED

Report Purpose

To present the Budget Review to Council for adoption.

Relevant Documents

[Available for viewing at the meeting](#)

Background

The Local Government (Financial Management) Regulations 1996, regulation 33A as amended, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Comment

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. Council has adopted a 10% or \$20,000 whichever is greater threshold for material variances for management reporting and is used in the statements of financial activity and the annual budget review.

In reviewing the 2018/19 Budget the following items are the major items included in the review.

- Financial Assistance Grant determination by the Grants Commission resulted in just over \$1 million increase in the level of FAG's received.
- Funds have been side aside for timely outcomes from the Maju Pulu Kita design workshop.

- Allowances have been made for the new proposed corporate structure, as well as an increase in district allowance.
- Capital Expenditure on 2 x cardboard compactors, a Stove Replacement program and Solar Hart Replacement program have been added to the budget.
- Transfers to the Self Insurance Reserve have been increased to ensure there is sufficient funds for the large excess on the Shires property policy.
- A reduction in the funds coming from the Plant Reserve for purchases of plant.

A full list of all amendments is included in the Budget Review attachment.

Policy and Legislative Implications

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires:

Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

- (a) Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year;
 - (b) Consider the local government's financial position as at the date of the review; and
 - (c) Review the outcomes for the end of that financial year that are forecast in the budget
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review. *Absolute majority required.
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Financial Implications

This review proposes an end of year surplus of \$7 with transfers to reserves of \$724,138 and transfers from reserves of \$188,683.

Strategic Implications

Nil

Conclusion

That Council adopt the budget review.

10.2 LEASES

10.2.1 REQUEST TO RELINQUISH LEASE ON PORTION OF LOT 103 (SALT FARM)

Report Information

Date: 21 February 2019
 Applicant: Cocos Artisans Collective
 File Ref:
 Location: Portion of Lot 103 (Salt Farm)
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Home Island
 Attachments: Email from Tony Lacy of Cocos Artisans Collective dated 19 February 2019

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>
<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>

Cr Lacy declared financial interest on Item 10.2.1 and 10.3.1 and left the meeting room at 4.02pm taking no part in the debate or decision on the matter.

COUNCIL RESOLUTION - ITEM NO 10.2.1

MOVED COUNCILLOR ANTHONY SECONDED COUNCILLOR CHARLSTON

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.18 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* RESOLVES TO ACCEPT THE REQUEST FROM COCOS ARTISANS COLLECTIVE TO RELINQUISH THEIR LEASE ON A PORTION OF LOT 103 WHICH WAS USED FOR A SALT FARM, SUBJECT TO ALL OUTSTANDING FEES AND RATES BEING PAID IN FULL AND THE SITE BEING FULLY REMEDIATED AS PER THE LEASE CONDITIONS.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

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

AGAINST: NIL

OFFICER RECOMMENDATION – ITEM NO 10.2.1

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.18 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* RESOLVES TO ACCEPT THE REQUEST FROM COCOS ARTISANS COLLECTIVE TO RELINQUISH THEIR LEASE ON A PORTION OF LOT 103 WHICH WAS USED FOR A SALT FARM, SUBJECT TO ALL OUTSTANDING FEES AND RATES BEING PAID IN FULL AND THE SITE BEING FULLY REMEDIATED AS PER THE LEASE CONDITIONS.

Executive Summary

This item brings a request from Cocos Artisans Collective to Council which seeks to end their current lease over a portion of Lot 103. 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. 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 consider matters relating to Land held in Trust.

Relevant Documents

Available for viewing at the meeting or prior to the meeting by request

Nil

Background

In May 2016 300sqm of Trust Land being a Part Lot 103 Home Island was leased for 5 years & 1 month to Cocos Artisans Collective for the purpose of salt production. The lease expires on

30th June 2021. On 19 February, Tony Lacy, in his capacity as Coordinator of Cocos Artisans Collective, emailed the Shire seeking to relinquish the lease.

While the lease allows Council to terminate a lease where the lease conditions are not being met, the lease makes no provision for a lessee to seek to relinquish a lease. However, a search of previous Council meeting minutes, shows that Council has previously accepted requests from lessees to surrender their leases where it is no longer viable to continue with the lease.

Financial Implications

The lease fee currently charged on the Salt Farm is \$500.00 per annum. Lease payments are up-to-date. Rates will be calculated on a pro-rata basis and charged accordingly. Therefore there would be very little financial impact from this lease being surrendered.

Strategic Implications

Nil

Conclusion

The officer's recommendation to accept the request from Cocos Artisans Collective is based on the consideration that the lease fee that the Shire collects on this lease is minimal and will therefore have a negligible financial impact; and that the salt farm has been dormant for at least 12 months and therefore the lease is not achieving the purpose of the Land Trusts being "the benefit, advancement and wellbeing of the community formed by Kampong residents; and the wellbeing of Cocos Islanders".

10.3 PLANNING/BUILDING

10.3.1 APPLICATION TO ERECT SIGN – LOT 202 CNR SYDNEY HWY & MAHOON ROAD –WEST ISLAND

Report Information

Date: 22 February 2019
 Applicant: Tony Lacy
 File Ref:
 Location: Lot 202 Cnr Sydney Hwy and Mahoon Road, West Island
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachments: Location Plan
 Elevation

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>

SUSPENSION OF STANDING ORDERS

RESOLUTION

MOVED COUNCILLOR ANTHONY SECONDED COUNCILLOR YOUNG

THAT COUNCIL SUSPEND STANDING ORDERS AT 4.07PM.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

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

RESOLUTION

MOVED COUNCILLOR ANTHONY SECONDED COUNCILLOR CHARLSTON

THAT COUNCIL RESUME STANDING ORDERS AT 4.14PM.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

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

COUNCIL RESOLUTION - ITEM NO 10.3.1

MOVED COUNCILLOR MINKOM SECONDED COUNCILLOR ANTHONY

THAT THE COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO 1, RESOLVES TO GRANT PLANNING APPROVAL FOR A PROPOSED SIGN IN ACCORDANCE WITH THE ATTACHED APPROVED PLANS ON LOT 202 CNR SYDNEY HWY AND MAHOON ROAD, WEST ISLAND SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE ATTACHED PLANS DATE STAMPED 22FEBRUARY 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;**

ADVICE NOTES:

NOTE 1: THE APPLICANT BE ADVISED THIS IS PLANNING APPROVAL ONLY AND NOT A BUILDING PERMIT. A BUILDING PERMIT WILL BE REQUIRED FOR THIS DEVELOPMENT PRIOR TO COMMENCEMENT OF DEVELOPMENT.

NOTE 2: THE STRUCTURE MUST TAKE INTO ACCOUNT THE CYCLONIC RATING FOR THE LOCALITY.

NOTE 3: IF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL IS NOT SUBSTANTIALLY COMMENCED WITHIN A PERIOD OF 2 YEARS, OR SUCH OTHER PERIOD AS SPECIFIED IN THE APPROVAL AFTER THE DATE OF THE DETERMINATION, THE APPROVAL SHALL LAPSE AND BE OF NO FURTHER EFFECT.

NOTE 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.

NOTE 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"

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

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

AGAINST: NIL

OFFICER RECOMMENDATION – ITEM NO 10.3.1

THAT THE COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO 1, RESOLVES TO GRANT PLANNING APPROVAL FOR A PROPOSED SIGN IN ACCORDANCE WITH THE ATTACHED APPROVED PLANS ON LOT 202 CNR SYDNEY HWY AND MAHOON ROAD, WEST ISLAND SUBJECT TO THE FOLLOWING CONDITIONS:

1. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE ATTACHED PLANS DATE STAMPED 22FEBRUARY 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;

ADVICE NOTES:

NOTE 1: THE APPLICANT BE ADVISED THIS IS PLANNING APPROVAL ONLY AND NOT A BUILDING PERMIT. A BUILDING PERMIT WILL BE REQUIRED FOR THIS DEVELOPMENT PRIOR TO COMMENCEMENT OF DEVELOPMENT.

NOTE 2: THE STRUCTURE MUST TAKE INTO ACCOUNT THE CYCLONIC RATING FOR THE LOCALITY.

NOTE 3: IF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL IS NOT SUBSTANTIALLY COMMENCED WITHIN A PERIOD OF 2 YEARS, OR SUCH OTHER PERIOD AS SPECIFIED IN THE APPROVAL AFTER THE DATE OF THE DETERMINATION, THE APPROVAL SHALL LAPSE AND BE OF NO FURTHER EFFECT.

NOTE 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.

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THE STATE ADMINISTRATIVE TRIBUNAL
GPO BOX U1991
PERTH WA 6845"

Report Purpose

For Council to consider an application for Development Approval by Anthony Lacy to erect a sign at the entrance to his property advertising the farm.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Council does not have any signage local laws, signage policy (except for portable policy on signs). There is no list of exempt signage in the Local Planning scheme.

Therefore planning approval is required for any signage (advertising). Given that there is no guidance by way of policy or Scheme requirements, Council has the discretion to approve any sign.

Comment

Whilst there is no guidance given to Council on signage, the Council should take into account the following matters for any development application. Matters not relating to signage have been deleted from the below list.

- (b) the requirements of orderly and proper planning
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following—
 - (ii) the character of the locality;
 - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
 - (zb) any other planning consideration the local government considers appropriate.

DESCRIPTION OF LAND**LOCATION**

The subject land is located on Lot 202 Cnr Sydney Hwy and Mahoon Road, West Island

PROPOSAL**DEVELOPMENT AND USE**

The proposed development is a freestanding PVC sign attached to pine logs.

BUILT FORM

The proposed development consists of a freestanding PVC sign attached to pine logs 3 metres above ground level and 1m below ground encased in concrete. The sign will be located 4 metres from the Eastern boundary of Sydney Highway and 3 metres North of Mahoon Road boundary.

Policy and Legislative Implications**SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING STRATEGY**

The Council has not yet adopted a Local Planning Strategy.

SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO 1

The Council has completed an omnibus amendment to the Scheme and is currently considering its options for reviewing the Scheme.

Financial Implications

Nil

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

The proposal is supported. The proposed sign will be directly associated with the existing farm business. The sign will provide clear identification of the facility to tourists. The signage is remote from residential development and will not pose a safety hazard in the event of a cyclone.

Councillor Lacy returned at 4.16pm.

10.3.2 HOLIDAY HOME-49 BEACON HEIGHTS WEST ISLAND

Report Information

Date: 22 February 2019
 Applicant: Gavin and Mardi Bertram
 Location: 49 Beacon Heights
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachments: WAPC Guidelines – Holiday Homes, September 2009

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>

COUNCIL RESOLUTION - ITEM NO 10.3.2

MOVED COUNCILLOR LACY SECONDED COUNCILLOR CHARLSTON

THAT COUNCIL:

- 1. GRANTS DEVELOPMENT APPROVAL FOR THE OPERATION OF A HOLIDAY HOME AT 49 BEACON HEIGHTS, WEST ISLAND TO GAVIN AND MARDI BERTRAM FOR A PERIOD OF TWO YEARS COMMENCING 1 JANUARY 2020 SUBJECT TO THE FOLLOWING CONDITIONS:**
 - a. A MAXIMUM OCCUPANCY OF 8 PEOPLE AT ANY ONE TIME;**
 - b. SUBMISSION OF A MANAGEMENT PLAN TO THE SATISFACTION OF THE CHIEF EXECUTIVE OFFICER;**
 - c. EMERGENCY RESPONSE PLAN/EVACUATION DIAGRAM TO BE CLEARLY DISPLAYED IN THE DWELLING;**
 - d. EACH BEDROOM TO BE FITTED WITH A HARD-WIRED SMOKE DETECTOR;**
 - e. A FULLY MAINTAINED AND COMPLIANT FIRE EXTINGUISHER TO BE IN A CLEARLY VISIBLE AND ACCESSIBLE LOCATION;**
 - f. BBQS TO LIMITED TO GAS OR ELECTRIC ONLY;**
 - g. ALL PARKING BE CONTAINED ON-SITE;**
 - h. SIGNAGE BE RESTRICTED TO ONE SIGN ON SITE NOT EXCEEDING 0.5M2 IN SIZE AND INCORPORATED INTO THE FRONT FENCE OR FRONT OF THE BUILDING.**
- 2. ADVISES THAT THIS APPROVAL IS ISSUED TO THE CURRENT OWNER/S (GAVIN AND MARDI BERTRAM) FOR THIS LOCATION (49 BEACON HEIGHTS) AND IS NOT TRANSFERABLE TO ANOTHER PERSON OR ANOTHER PARCEL OF LAND.**

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

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

OFFICER RECOMMENDATIONS – ITEM NO 10.3.2

THAT COUNCIL:

- 1. GRANTS DEVELOPMENT APPROVAL FOR THE OPERATION OF A HOLIDAY HOME AT 49 BEACON HEIGHTS, WEST ISLAND TO GAVIN AND MARDI BERTRAM FOR A PERIOD OF TWO YEARS COMMENCING 1 JANUARY 2020 SUBJECT TO THE FOLLOWING CONDITIONS:**
 - i. A MAXIMUM OCCUPANCY OF 8 PEOPLE AT ANY ONE TIME;**
 - j. SUBMISSION OF A MANAGEMENT PLAN TO THE SATISFACTION OF THE CHIEF EXECUTIVE OFFICER;**
 - k. EMERGENCY RESPONSE PLAN/EVACUATION DIAGRAM TO BE CLEARLY DISPLAYED IN THE DWELLING;**
 - l. EACH BEDROOM TO BE FITTED WITH A HARD-WIRED SMOKE DETECTOR;**

- m. A FULLY MAINTAINED AND COMPLIANT FIRE EXTINGUISHER TO BE IN A CLEARLY VISIBLE AND ACCESSIBLE LOCATION;
 - n. BBQS TO LIMITED TO GAS OR ELECTRIC ONLY;
 - o. ALL PARKING BE CONTAINED ON-SITE;
 - p. SIGNAGE BE RESTRICTED TO ONE SIGN ON SITE NOT EXCEEDING 0.5M2 IN SIZE AND INCORPORATED INTO THE FRONT FENCE OR FRONT OF THE BUILDING.
2. ADVISES THAT THIS APPROVAL IS ISSUED TO THE CURRENT OWNER/S (GAVIN AND MARDI BERTRAM) FOR THIS LOCATION (49 BEACON HEIGHTS) AND IS NOT TRANSFERABLE TO ANOTHER PERSON OR ANOTHER PARCEL OF LAND.

A Simple Majority is required.

Report Purpose

To provide Council with information to consider a request to grant development approval for the operation of a holiday home at 49 Beacon Heights, West Island for a period of two years.

Relevant Documents

Available for viewing at the meeting
Plans of the dwelling.

Background

Council has previously granted approval for a holiday home in the same street as this application. At the Ordinary Meeting of Council on 31 August 2016, Council resolved to provide planning approval for the operation of a Holiday Home at 61 Beacon Heights for an initial two-year period subject to conditions. Following the two year period the Council granted an approval for a further five years with the following conditions.

The applicants have submitted the following information in support of their application.

After moving back to Perth in 2010, we have been renting our property to Water Corporation on a permanent basis, however are now considering converting it to a Holiday Rental, so we are able to come and go a bit more freely to the Islands.

We are seeking the approval from the Shire to be able to do this.

As per the WAPC guidelines;

- *We would be renting out our property under the Holiday Home (Large) basis.*
- *Our house does comply with the building code of Australia and would look for confirmation of this from the Local government inspection if required.*

- *Plenty of information would be given to holiday goers as to the Cocos community and adhering to respect all on West and Home Island to ensure they do not cause any unnecessary behaviour whilst staying at our property.*
- *We would become members of the Local Tourism Association to ensure we are supportive of the local community.*
- *Employ locals to keep our property maintained, cleaned etc. on a regular basis.*
- *We would attain accreditation from the Tourism Council of Western Australia*
- *On approval of our application a 'holiday home management plan' would be submitted if required prior to the commencement of renting out our property.*
- *We would ensure that all Fire Safety testing (blankets, extinguishers, smoke detectors etc.) are maintained on a regular basis and adhere to the Fire and Emergency Response Plan.*
- *We will seek legal advice on the legislative requirements regarding the use and management of holiday homes.*

As home owners on Cocos since 2002, we have been part of and understand all the issues which arise on the Islands. We are unsure as to what is happening with the issue of the Insurance on Cocos (K) Islands and would like to know if there is further investigations going ahead by the shire on behalf of the community of Cocos (K) Islands. As this is a factor which impacts us as a home owner and will become a highlight should we be successful in renting out our property as a holiday rental in the future.

Comment

The WAPC Guidelines on Holiday Homes recommends an initial one year approval period to allow the local government to assess compliance and to ensure that there has been minimal impact on the amenity of neighbouring properties before considering a longer approval period. The guidelines also recommend that where it can be demonstrated that there is a history of minimal or no conflicts, a longer approval period should be considered. The Shire has not received any complaints regarding this property as a rental property.

There have not been any complaints for the nearby holiday home at 61 Beacon Heights. Given the abovementioned low impact on neighbouring properties it can be anticipated that there will similarly be no issues with the new holiday home.

The proposed property has been well-maintained and does not impact on the visual amenity of the area. Therefore, the officer's recommendation reflects this by recommending a two year approval period.

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

Policy and Legislative Implications

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

Financial Implications

Nil

Strategic Implications

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

Conclusion

An existing Holiday Home in the same street has not caused any issues. The officer supports this proposal for a two year period. Council has the option of granting a five year extension at the completion of the two year period.

10.4 ADMINISTRATION

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.

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

13.1 CONFIDENTIAL HUMAN RESOURCE MATTER

Report Information

Date: 21 February 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:

Authority / Discretion

Definition

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

COUNCIL RESOLUTION - ITEM NO 13.1

MOVED COUNCILLOR SECONDED COUNCILLOR

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.18 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO IMPLEMENT THE ORGANISATION STRUCTURE AS PROVIDED BY THE CHIEF EXECUTIVE OFFICER TO:

- 1. INCLUDE TWO NEW POSITIONS BEING;**
 - a. ASSET AND PROPERTY MANAGEMENT OFFICER; AND**
 - b. TRAINEE ADMINISTRATION OFFICER.**

