



MINUTES

ORDINARY MEETING OF COUNCIL

Held via teleconference Wednesday, 22 April 2020 commencing at 11.00am
as per the instruction from the Territory Controller in the current State of Emergency, in
accordance with Admin. Reg. 14D (3) & (4)

OUR VALUES

Service

Provide the best service we can.

We serve the community and each other.

Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

Support

We support our team and our community.

Look for opportunities to help each other.

Respect

We respect and value others.

Our interactions are always respectful towards others.

Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

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1. OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding member declared the meeting open at 11.05am and welcome Councillors and staff to the meeting.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

President	Cr A Minkom
Deputy President	Cr S Iku
Councillors	Cr M Hamiril Cr N Anthony Cr S Charlston Cr T Lacy Cr J Ibram
Staff	A Selvey, Chief Executive Support Officer J Soderlund, Deputy Chief Executive Officer I Macrae, Governance and Risk Coordinator
Public	Nil
Visitors:	Mrs Annelies Flynn
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
Cr Charlston	25 March 2020 – 26 April 2020	25 March 2020

5.2 APPLICATION FOR LEAVE OF ABSENCE

Cr Lacy submitted verbal application for leave for the period of 22 April 2020 to 20 May 2020.

COUNCIL RESOLUTION

MOVED CR ANTHONY, SECONDED CR IKU

THAT CR LACY BE GRANTED LEAVE OF ABSENCE IN ACCORDANCE TO SECTION 2.25 OF THE LOCAL GOVERNMENT ACT 1995 FOR THE 22 APRIL 2020 TO 20 MAY 2020 INCLUSIVE.

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

FOR: IKU, ANTHONY, CHARLSTON, HAMIRIL, IBRAM, LACY, MINKOM
AGAINST: NIL

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

The Presiding member presented Mrs Annelies Flynn with a Citizenship Award. The award was made at the Shire's Australia Day event on 27 January 2020; however, Mrs Flynn was not at the event to accept the award. The award acknowledges Mrs Flynn hard work and effort in the area of heritage, particularly in making it accessible via Facebook.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)

7.1 Ordinary Council Meeting held on 25 March 2020 -Attachment 7.1

COUNCIL RESOLUTION

MOVED CR ANTHONY, SECONDED CR CHARLSTON

THAT COUNCIL BY SIMPLE MAJORITY, PURSUANT TO *SECTIONS 5.22(2) AND 3.18 OF THE LOCAL GOVERNMENT ACT 1995*, RESOLVES THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING 25 MARCH 2020, AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

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

FOR: IKU, ANTHONY, CHARLSTON, HAMIRIL, IBRAM, LACY, MINKOM

AGAINST: NIL

OFFICER'S RECOMMENDATION

THAT COUNCIL BY SIMPLE MAJORITY, PURSUANT TO *SECTIONS 5.22(2) AND 3.18 OF THE LOCAL GOVERNMENT ACT 1995*, RESOLVES THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING 25 MARCH 2020, AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Nil

9. DECLARATION OF INTERESTS

Councillors are to complete a Disclosure of Interest Form for each item they are required to disclose an interest in. The Form should be given to the Presiding Member before the meeting commences. After the meeting, the Form is to be provided to the Governance and Risk Coordinator for inclusion in the Disclosures Register.

10. REPORT AND RECOMMENDATIONS OF COMMITTEE

10.1 FINANCE

10.1.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDING 31 MARCH 2020

Report Information

Date: 15 April 2020
 Location: Not Applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Deputy Chief Executive Officer
 Island: Shire Wide
 Attachments: 10.1 Statement of Financial Activity with accompanying notes 31 March 2020

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</i>

		<i>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 the financial position of the Shire at 31 March 2020 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 2019 to 31 March 2020 are presented for consideration.

Comment

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

A statement of Financial Activity with accompanying notes is attached for the period 1 July 2019 to 31 March 2020.

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

Strategic Implications

Nil

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That budget allocations are significantly exceeded.	Moderate (6)	Variances are monitored and highlighted to Council on a monthly basis for corrective action.
Health & Safety	N/A	N/A	N/A
Reputation	The monthly financial statements are open to public scrutiny.	Low (3)	Procedures in place to ensure all expenditure is justifiable.
Service Interruption	N/A	N/A	N/A
Compliance	The report is to be presented to Council within two months in order to comply with relevant legislation.	Low (3)	There are processes in place to ensure compliance with legislation.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	That the report is manipulated.	Low (3)	Interim and end of year audits.

Risk Matrix

Consequence / Likelihood	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Conclusion

That the financial statements for the period 1 July 2019 to 31 March 2020 be received.

COUNCIL RESOLUTION – ITEM NO 10.1.1

MOVED CR CHARLSTON, SECONDED CR ANTHONY

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2019 TO 31 MARCH 2020.

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

FOR: IKU, ANTHONY, CHARLSTON, HAMIRIL, IBRAM, LACY, MINKOM

AGAINST: NIL

OFFICER'S RECOMMENDATION – ITEM NO 10.1.1

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2019 TO 31 MARCH 2020.

10.1.2 SCHEDULED OF ACCOUNTS PAID FOR PERIOD 1 MARCH 2020 TO 31 MARCH 2020

Report Information

Date: 9 April 2020
 Location: Not applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.1.2 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>
<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 March 2020 - 31st March 2020.

Relevant Documents

Available for viewing at the meeting

Nil

Background

A list of accounts paid between 1st March and 31st March 2020 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 March 2020.

COUNCIL RESOLUTION – ITEM NO 10.1.2

MOVED CR ANTHONY, SECONDED CR IKU

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO CREDITOR PAYMENTS FROM THE MUNICIPAL FUND FOR THE PERIOD 1 MARCH TO 31 MARCH 2020 INCLUSIVE OF CHEQUE 11584 TO 11588, EFT 7146 TO EFT 7208, VIVA ENERGY & DIRECT DEBIT SUPERANNUATION TOTALLING \$351,756.30.

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

**FOR: IKU, ANTHONY, CHARLSTON, HAMIRIL, IBRAM, LACY, MINKOM
AGAINST: NIL**

OFFICER'S RECOMMENDATION – ITEM NO 10.1.2

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO CREDITOR PAYMENTS FROM THE MUNICIPAL FUND FOR THE PERIOD 1 MARCH TO 31 MARCH 2020 INCLUSIVE OF CHEQUE 11584 TO 11588, EFT 7146 TO EFT 7208, VIVA ENERGY & DIRECT DEBIT SUPERANNUATION TOTALLING \$351,756.30.

10.2 LEASES

All leases for consideration in this agenda are for leases of Trust Land and therefore listed in a separate part of this meeting dealing with Land Trusts matters.

10.3 PLANNING/BUILDING

10.3.1 PROPOSED INDUSTRIAL SHED EXTENSION PART LOT 103 JALAN BUNGA MAWAR, HOME ISLAND

Report Information

Date: 16 April 2020
 Location: Part Lot 103 Jalan Bunga Mawar, Home Island
 Applicant: Mr Lofty Raptikan
 File Ref:
 Reporting Officer: Chief Executive Officer
 Island: Home Islands
 Attachments: 10.3.1 DA Letter SCKI
 10.3.1 Lofty revised Application for Development Approval and Checklist March 2020
 10.3.1 Project Plans
 10.3.1 A00 Rev revised site plan

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

For Council to consider an application for a development approval for an extension at the existing warehouse upon part Lot 103 Jalan Bunga Mawar, Home Island.

Relevant Documents

Available for viewing at the meeting

Background

The applicant has proposed to extend the existing warehouse upon part Lot 103 Jalan Bunga Mawar for additional storage.

The subject land is zoned 'Industrial' under the *Shire of Cocos (Keeling) Islands Local Planning Scheme No.1* (the Scheme). No exemption from requiring development approval applies for any form of Industrial development, including building extensions to existing land uses like this application. Additionally, currently Council does not have a delegation register in place for statutory planning approvals, meaning each application must be presented to Council for determination.

At its Ordinary meeting of Council held on the 26 September 2018, Council granted approval to Mr Lofty Raptikan for an addition of an office to existing warehouse. Through the intent of this application Mr Lofty Raptikan has cancelled the previous approval in accordance with clause 77 (1)(d) of the Deemed Provisions of the Scheme – An owner/applicant may request the local government to cancel development approval previously granted over their subject land.

Comment

The proposed 5m long, 7.03m wide, and 2.7m high extension will be constructed of like materials to match and complement the existing warehouse shed. There is also an identified shortfall of storage on Home Island, therefore additional storage meets a community need.

Section 4.7.1 of the Scheme lists the site and development standards of the Industrial Zone. Given the minor nature of the extension to the warehouse, no matters of non-compliance with these development requirements are identified, other than in terms of the side setback. The Scheme states a setback of at least 5 metres shall be maintained from one side boundary. The proposed extension will site the warehouse 3.4 metres from the side boundary where the side setback requirement was previously met. However, as the warehouse extension proposes to increase the run of the existing gable roof, in like materials to not substantially alter the built form or appearance of the warehouse; a variation of 1.6m is practicable and

results in no adverse visual or vehicle access outcomes for the development site or neighbouring properties.

For these reasons, the application has no identified planning concerns.

Policy and Legislative Implications

Shire of Cocos (Keeling) Islands Local Planning Scheme No.1:

The existing land use of 'warehouse' is defined by the Scheme as "a building wherein goods are stored and may be offered for sale by wholesale".

The Zoning Table of Scheme lists this land use as permitted, subject to the use complying with any relevant development standards and requirements of the Scheme.

Financial Implications

The item has no financial implications.

Strategic Implications

*Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 - 2026 – Goal 3.2.1:
Maintain and develop infrastructure in-line with community needs and the Islands environment.*

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial			
Health & Safety			
Reputation			
Service Interruption			
Compliance	Building permit not obtained prior to construction	Low (3)	Advice note added to planning approval
Property			
Environment	The proposal detracts from the natural and for built environment	Low (3)	The development is minor and has been designed to complement the existing warehouse
Fraud			

Risk Matrix

Consequence / Likelihood	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Voting Requirements

Simple Majority

Conclusion

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

COUNCIL RESOLUTION – ITEM NO 10.3.1

MOVED CR HAMIRIL, SECONDED CR LACY

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO.1*, RESOLVES TO GRANT DEVELOPMENT APPROVAL FOR THE PROPOSED INDUSTRIAL SHED EXTENSION IN ACCORDANCE WITH THE ATTACHED PLANS ON PART LOT 103 JALAN BUNGA MAWAR, HOME ISLAND SUBJECT TO THE FOLLOWING CONDITION AND ADVICE NOTES:

1. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE ATTACHED PLANS DATE STAMPED 25 MARCH 2020 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* (THE ACT). AN APPLICATION FOR REVIEW MUST BE SUBMITTED IN ACCORDANCE WITH PART XIV OF THE 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 (7/0)

FOR: IKU, ANTHONY, CHARLSTON, HAMIRIL, IBRAM, LACY, MINKOM
AGAINST: NIL

OFFICER’S 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 THE PROPOSED INDUSTRIAL SHED EXTENSION IN ACCORDANCE WITH THE ATTACHED PLANS ON PART LOT 103 JALAN BUNGA MAWAR, HOME ISLAND SUBJECT TO THE FOLLOWING CONDITION AND ADVICE NOTES:

1. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE ATTACHED PLANS DATE STAMPED 25 MARCH 2020 AND SHALL NOT BE ALTERED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE LOCAL GOVERNMENT.

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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* (THE ACT). AN APPLICATION FOR REVIEW MUST BE SUBMITTED IN ACCORDANCE WITH PART XIV OF THE ACT WITHIN 28 DAYS OF THE DATE OF THIS DECISION TO:

THE STATE ADMINISTRATIVE TRIBUNAL
GPO BOX U1991
PERTH WA 6845”

10.4 ADMINISTRATION

10.4.1 FINANCIAL RELIEF

Report Information

Date: 17 April 2020
 Location:
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Joanne Soderlund, DCEO
 Island: N/A
 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>
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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>

Report Purpose

To seek Council's approval for a range of support and recovery measures to assist the Shire of Cocos Keeling Islands community and local businesses impacted by COVID-19.

Relevant Documents

[Available for viewing at the meeting](#)

Background

The COVID-19 pandemic has escalated world-wide over the two months and has resulted in considerable and serious economic and social impacts. The Federal Governments health response to COVID-19, whilst recognised as essential to ensure the pandemic is managed and contained, has impacted on the lives and livelihoods of Shire of Cocos Keeling Islands residents, businesses and community organisations and there is deep concern in regard to the long-term socio-economic impacts of the pandemic.

On 27 March 2020 WALGA called an emergency meeting of its State Council to consider a set of actions that Councils may contemplate to support their communities through COVID-19. A summary of the measures the State Council endorsed for consideration by local governments is included below:

- Consider not increasing rates for the 2020-21 financial year.
- Adoption of the WALGA template financial hardship policy by local governments that do not currently have a policy.
- Consider rate relief options to support small businesses affected by COVID-19.
- Review fees and charges considering whether fees can be reduced, waived or deferred during the pandemic.
- Bring forward capital works and infrastructure spending with aggressive application of reserves and borrowing.
- Prioritise local government spending with businesses and contractors located within the local government.
- Implement business friendly payment terms to support business cash flow.

Comment

Impacts on Shire Services, Facilities and Staff

In the face of COVID-19 the Shire has taken significant steps to remodel its services to reduce face to face contact where possible to protect both staff and the community and prevent the spread of infection. Many employees are working from home where possible and the community libraries are offering a home deliver service due to the facility closure. Shire events have been cancelled for the foreseeable future and community programs have been modified to allow for online delivery methods due to social distancing requirements. In these challenging times Council is committed to retaining staff to lessen the financial impact on staff, the organisation and the wider community.

To provide staff with some assurance of a safety net, all permanent staff have also been given an additional 20 day (pro-rata) COVID-19 leave entitlement which is consistent with the WA State Public Service entitlement and with the entitlement provided by many other local governments, including Christmas Island.

Impacts on the Community

The Shire recognises the serious impact the COVID-19 pandemic is having on the community as a whole. The islands are already being heavily impacted by response measures to COVID-19. This is evidenced by:

- Travel ban on arrivals to the islands with the exception of returning residents and essential workers;
- Business contraction (particularly in the tourism industry);
- Increased unemployment;
- Forced closure of places of worship, gyms, playgrounds, libraries and others;
- Restricted trading conditions for restaurants and cafes;
- Cancellation of events;
- Restrictions of gatherings of more than two people; and
- People working from home and undertaking isolation.

The Shire recognises the need to provide additional support to the community, particularly the most vulnerable members, noting that it is expected that there will be a significant increase in the number of people falling into this category, and this may continue for a significant period of time. There are assistance packages being made available through the Federal Government. The assistance offerings are rapidly changing and to assist the community to access these offerings the Shire has engaged a grants officer on short term contract to help guide the community through the process.

There are also a range of support services available to businesses including financial services, staff management resources and assistance, marketing initiatives and mental health advice services. Residents, community organisations and businesses are strongly encouraged to review these offerings.

COVID-19 Support Package

The Shire acknowledges that it also has an important role to play at a local level. The Shire is taking swift action to introduce a COVID-19 Support Package comprising a mix of funding and in-kind support designed to mitigate some of the impacts that will be felt across the community in the short to medium term.

Actions that the Shire has already taken include:

- The short-term employment of a grants officer to help the community access government assistance offerings.
- Expediting planned capital projects in the coming months to ensure employment and business opportunities for the local community.
- Advocate for the reduction of registration fees for businesses such as car hire providers who currently pay registration at a higher business use rate.
- Advocate for a freeze on increases to water, sewerage and electricity rates for the 2020/2021 financial year.

Further actions recommended for Council consideration:

Item	Details	Saving to community	Foregone Revenue for the Shire
Shire rates <u>INCREASE</u> freeze	The standard annual increase in rates is usually 3%.	3% saving per rateable property e.g. The average rateable value of general developed (residential) is \$17,166. This would result in an average rate amount of \$1871 and an average saving of \$56 per property.	\$12,300
Reduce the rate in the dollar for holiday accommodation to the same as residential:	Differential rate in the dollar for Holiday Accommodation is .1617 as opposed to the residential rate of .1090.	48.34% saving per effected ratepayer 13 rate payers - average saving of \$991 per property - but will vary based on rateable value of each property.	\$12,891
Shire waste collection charge <u>INCREASE</u> freeze.	The standard annual increase in rates is usually 3%.	3% or \$10.35 saving per bin.	\$2,059
TOTAL IMPACT			\$27,250

Further Support by the Land Trusts

Additional relief options to those tabled above will be considered by the Cocos Keeling Islands Land Trusts at the May 2020 Ordinary Council Meeting. At this meeting the Land Trusts will consider concessions on lease fees for affected lessees and level of increase (if any) for the Kampong House rentals for the coming financial year.

Policy and Legislative Implications

As any decision relating to budgets, including rate setting, must be done under Section 6.2 (1) of the Local Government Act 1995 (WA) (CKI), this report seeks an in-principle agreement for officers to prepare the draft budget. The draft budget would then be considered by Council during the budget processes, presented under Section 6.32 of the Local Government Act (WA) (CKI) early in the new financial year for Council to adopted under Absolute Majority.

Council currently does not have a Financial Hardships Policy as recommended by the WALGA State Council; however, officers will review the WALGA template policy and present it for consideration by Council.

On 7 April 2020, the National Cabinet approved a Mandatory Code of Conduct for SME commercial leasing principles during the COVID-19 pandemic (the Code). The Code provides a binding framework for resolving the fraught question of how the financial burden of the COVID-19 pandemic should be shared between landlords and their small-to-medium sized business tenants. In summary, the Code achieves this by requiring landlords to negotiate with tenants, amendments to existing lease arrangements during the COVID-19 pandemic, including reductions to rent, in accordance with a set of good faith leasing principles. Whilst this is not directly applicable to rates, it establishes the foundation principles for sharing the burden of the economic impact of the pandemic.

Financial Implications

The financial relief items proposed for adoption in this agenda will not have any affect of the current 19/20 financial year budget. It is anticipated that they will however reduce the revenue available in 20/21 budget by \$27,250.

Strategic Implications

Corporate Business Plan 2018/19 – 2021/22: Economic Development Objective 1 – Support and assist Tourism in recognition of its importance as an economic driver. Object 5 – Support employment and promote business opportunities.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That the recommended measures have a significant financial impost on the Shire.	Low (3)	Financial relief measures will be included in the preparation of the 20/21 financial year budget.
Health & Safety	N/A	N/A	N/A
Reputation	That the recommended measures are seen as either too generous or not generous enough.	Low (4)	Financial relief measures proposed are all in line with the recommendations from WALGA state council.
Service Interruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Risk Matrix

Consequence / Likelihood	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Voting Requirements

Simple majority

Conclusion

The officer's recommendation is based on balancing the Shire's capacity to offer this financial relief with our responsibility for economic development via local employment, our responsibility to continue to provide quality services to our community, whilst also sharing some of the burden of the economic impacts of the pandemic.

COUNCIL RESOLUTION – ITEM NO 10.4.1

MOVED CR CHARLSTON, SECONDED CR IBRAM

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.18 OF *THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* RESOLVES TO CONSIDER THE FOLLOWING MEASURES WHEN SETTING THE 2020/2021 SCHEDULE OF RATES AND THE 2020/2021 SCHEDULE OF FEES AND CHARGES:

- a) **NO INCREASE IN THE RATE IN THE DOLLAR ACROSS ALL DIFFERENTIAL RATING CATEGORIES;**
- b) **REDUCE THE RATE IN THE DOLLAR FOR HOLIDAY ACCOMMODATION TO THE SAME AS GENERAL DEVELOPED;**
- c) **NO INCREASE IN THE FEE AND CHARGE FOR WASTE COLLECTION.**

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

FOR: IKU, ANTHONY, CHARLSTON, HAMIRIL, IBRAM, LACY, MINKOM

AGAINST: NIL

OFFICER'S RECOMMENDATION – ITEM NO 10.4.1

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.18 OF *THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* RESOLVES TO CONSIDER THE FOLLOWING MEASURES WHEN SETTING THE 2020/2021 SCHEDULE OF RATES AND THE 2020/2021 SCHEDULE OF FEES AND CHARGES:

- d) NO INCREASE IN THE RATE IN THE DOLLAR ACROSS ALL DIFFERENTIAL RATING CATEGORIES;
- e) REDUCE THE RATE IN THE DOLLAR FOR HOLIDAY ACCOMMODATION TO THE SAME AS GENERAL DEVELOPED;
- f) NO INCREASE IN THE FEE AND CHARGE FOR WASTE COLLECTION.

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

Nil

14. MATTERS RELATING TO THE LAND TRUSTS



MATTERS RELATING TO THE LAND TRUST 1979 AND LAND TRUST 1984

The Australian Government transferred ownership of portions of land on the Cocos (Keeling) Islands, under two separate deeds, to the Territory's local government being the Cocos (Keeling) Islands Council. On 1 July 1992 the Territories Law Reform Act came into effect by which the Commonwealth Government applied Western Australian laws to the Cocos (Keeling) Islands. The Local Government (Transition) Ordinance 1992 established the Shire of the Cocos (Keeling) Islands by absorbing the Cocos (Keeling) Islands Council. By this arrangement, the body corporate called the Shire of Cocos (Keeling) Islands became the Trustee for both Land Trusts. Decisions relating to the Trust are made by Council as the decision-making arm of the body corporate.

The 1979 Deed: The 1979 Trust Deed applies to all of the land above the high-water mark on Home Island, except Lot 13, Lot 14 and Pulu Gangsa (Cemetery Island). The Deed states that the land is to be held 'upon trust for the benefit, advancement and wellbeing of the community formed by the Kampong residents.' No other terms were expressed in the Deed. 'Kampong residents' were described in the 1979 Trust Deed as 'the residents from time to time of the Kampong area'.

The 1984 Deed: The 1984 Trust Deed applies to all parcels of land situated and being above high-water mark within the Cocos (Keeling) Islands, including North Keeling Island, but not including parcels of land as described in the First Schedule of the 1984 Trust Deed.

This transferred land was to be held by the Council (and later, by its successor, the Shire) 'upon trust for the benefit, advancement and wellbeing of the Cocos (Keeling) Islanders resident in the Territory on land owned by the Council.'

