



CONFIRMED MINUTES

Ordinary Meeting held on 12 December 2017



SHIRE OF CHRISTMAS ISLAND MEETING MINUTES CERTIFICATION

Minutes of the Ordinary meeting of the Shire of Christmas Island Council held at the George Fam Chambers at 7.00pm on Tuesday 12 December 2017

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CONFIRMED MINUTES

Ordinary Meeting of the Shire of Christmas Island held at the George Fam Chambers at 7.00pm on Tuesday 12 December 2017

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Deputy President declared the meeting open at 7.00pm.

Council Resolution

Moved: Cr KOH

Seconded: Cr LEE

Res. No: 117/17

In accordance regulation 14A (a)(c) of the Local Government (Administration) Regulations 1996 council approves the participation of Councillor **THOMSON** via telephone hook-up.

Carried: 7/0 (Absolute Majority)

Cr **THOMSON** entered the meeting at 7.02pm via telephone.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE/DECLARATIONS OF FINANCIAL INTEREST

2.1 Record of Attendance

Shire President
Deputy President
Councillors

Cr Gordon **THOMSON**
Cr Kee Heng **FOO**
Cr Rosnah **PAL**
Cr Azmi **YON**
Cr Nora **KOH**
Cr Kelvin **LEE**
Cr Philip **WOO**
Cr Hafiz **MASLI**

Chief Executive Officer
Manager Finance and Admin
Manager Works & Services
Manager Recreation Services and Training Officer

David **PRICE**
GAN So Hon
Terry **CLARKE**
Olivier **LINES**

Minute Taker

Shikin **HASINUDIN**

2.2 Leave of Absence – Cr SAW

2.3 Apologies

2.4 Declarations of Financial/Impartiality/Proximity Interest

Cr YON and PAL both declared a proximity interest in item 10.1.6 - Proposed Retaining Wall on the basis that they are close relations of the applicant

Crs FOO, MASLI, WOO, PAL, YON and LEE declared a financial interest in item 10.1.1 - Christmas Island Phosphate Resources C2 & C3 Conveyors Proposed Permanent Support Works (lapsed due to no quorum at the OCM 24 October 2017) on the basis that they are shareholders of Christmas Island Phosphate Resources and having completed the necessary Declaration of Financial Interest Form with the CEO as required.

The Chief Executive Officer (CEO), Mr PRICE read the Ministerial exemption letter:

Ministerial exemption was provided in accordance with section 5.69(1) of the Local Government Act (WA) (CI) 1995 by the Minister for Infrastructure and Transport, Acting Minister for Regional Development, Acting Minister for Local Government and Territories (The Hon Darren Chester MP) to Crs **PAL, LEE** and **YON** only in accordance with her written advice to the CEO dated 7 December 2017, thereby allowing Crs **PAL, LEE** and **YON** to participate in the items.

This approval is subject to the following conditions:

1. The approval is only valid for the 12 December 2017 Ordinary Council Meeting when agenda item 10.1.1 is considered;
2. The Chief Executive Officer is to provide a copy of the letter of approval to each of the abovementioned Councillors;
3. The abovementioned Councillors must disclose the nature and extent of their respective interests in the matter immediately before the matter is considered, together with this letter of approval;
4. The Chief Executive Officer is to ensure that the declarations, this approval and these conditions one to six are recorded in the minutes of the meeting of 12 December 2017;
5. The Chief Executive Officer is to provide a copy of the confirmed minutes of the meeting of 12 December 2017 to the Department of Infrastructure and Regional Development to enable verification of compliance with the conditions of this approval; and
6. The approval relates only to the interests disclosed by the abovementioned Councillors, made in accordance with the Application. Should other interests be identified, they will not be covered by this approval and the financial interest provisions of the Act will apply.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

- 4.1 Cr KOH – Phosphate dust – Cr KOH raised the concern that the community has had in the past week, where the community mainly in the Settlement area has raised that the phosphate dust has been really bad. A thick layer of phosphate can be found on people’s veranda and other surfaces. Can Council please take this matter on and contact Christmas Island Phosphates (CIP).

The Deputy President replied that Council will take on this concern and contact CIP.

- 4.2 Cr FOO – Virgin Airlines – There’s been too many cancellations and delays on the Virgin flights to the Indian Ocean Territories. The planes have had too many technical issues and haven’t been very reliable with their flights. Can Council take this matter to the Admin or the Minister?

The CEO replied that Council has in the past approached Admin and the Minister on this topic but still nothing had been done. Now with the Community taking their anger/frustrations to social media regarding the flights, SOCI can write again to the Admin and the Minister through the Council and Community’s perspective.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Council Resolution		
Moved: Cr LEE	Seconded: Cr PAL	Res. No: 118/17
That the leave of absence application submitted by Cr KOH (3/2/18 to 15/3/18) be approved.		
Carried:	8/0	

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of Ordinary Council Meeting held on 21 November 2017

Members considered the unconfirmed minutes.

Council Resolution**Moved: Cr LEE****Seconded: Cr KOH****Res. No: 119/17**

That Council adopt the unconfirmed minutes of the 21 November 2017 Council Meeting.

Carried: 8/0**7.2 Business Arising from the Minutes of Previous Meetings****8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****9 REPORTS OF COMMITTEES****10 REPORTS OF OFFICERS**

Crs **FOO, WOO**, and **MASLI** declared a Financial Interest in item 10.1.1 - Christmas Island Phosphate Resources C2 & C3 Conveyors Proposed Permanent Support Works (lapsed due to no quorum at the OCM 24 October 2017) on the basis that they are shareholders of Christmas Island Phosphate Resources and having completed the necessary Declaration of Financial Interest Form with the CEO as required. Crs **FOO, WOO** and **MASLI** left the chamber at 7.09pm

Cr **YON** chaired the meeting in accordance with Local Government Act 1995 Administration Part 5 Division 3 Section 5.35(1).

10.1 Chief Executive Officer

10.1.1 Christmas Island Phosphate Resources C2 & C3 Conveyors Proposed Permanent Support Works (lapsed due to no quorum at the OCM 24 October 2017)

Crs **PAL, LEE** and **YON** declared a Financial Interest in item 10.1.1 - Christmas Island Phosphate Resources C2 & C3 Conveyors Proposed Permanent Support Works (lapsed due to no quorum at the OCM 24 October 2017) on the basis that they are shareholders of Christmas Island Phosphate Resources and having completed the necessary Declaration of Financial Interest Form with the CEO as required.

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This approval is subject to the following conditions:

1. The approval is only valid for the 12 December 2017 Ordinary Council Meeting when agenda item 10.1.1 is considered;
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5. The Chief Executive Officer is to provide a copy of the confirmed minutes of the meeting of 12 December 2017 to the Department of Infrastructure and Regional Development to enable verification of compliance with the conditions of this approval; and
6. The approval relates only to the interests disclosed by the abovementioned Councillors, made in accordance with the Application. Should other interests be identified, they will not be covered by this approval and the financial interest provisions of the Act will apply.

Council Resolution**Moved: Cr KOH****Seconded: Cr PAL****Res. No: 120/17**

1. CIP be granted approval to implement their permanent support work for the C2 & C3 conveyors in accordance with the engineering report provided by WA Structural.
2. The CEO to conduct regular inspections of the site to ensure is being carried out in accordance with that report.
3. The CEO to initiate discussions with CIP and the Administration on each stakeholder's contributions for the realignment of that section of Murray Road as identified necessary in the Galt Geotechnics report to CIP.
4. That realignment of Murray Road to be carried out in conjunction CIP's work on the conveyors.

Carried: 5/0

Cr **FOO, MASLI & WOO** entered the chamber at 7.14pm

Cr **FOO** resumed chairing the meeting.

Cr **THOMSON** left the meeting at 7.15pm

10.1.2 Appointment of Acting CEO

Council Resolution

Moved: Cr YON

Seconded: Cr KOH

Res. No: 121/17

That Council appoint the Manager Finance and Administration, Ms Gan So Hon as Acting Chief Executive Officer for the period 23rd December 2017 to 27th January 2018 inclusive, and that the applicable higher duties apply

Carried: 7/0

10.1.3 Change of Use – Unrestricted long stay accommodation units

Council Resolution

Moved: Cr LEE

Seconded: Cr MASLI

Res. No: 122/17

That Council grants approval for unrestricted long stay accommodation units and subsequent refurbishment at Lot 1063 (59) Poon Saan Road, Christmas Island, subject to the following conditions:

1. Unless otherwise permitted under other conditions of this approval, all development shall be in accordance with the approved development plans (attached) that form part of this development approval.
2. The 'Unrestricted Long Stay Accommodation Use' is restricted to the first floor only which includes units 13 to 22. Units 1 – 13 shall remain as 'Short Stay Accommodation'.
3. The units outlined in Condition 2, the subject of the change of use to 'Unrestricted Long Stay Accommodation' shall not be occupied until such time as all refurbishments and modifications to the building (inclusive of units 1 -13) are undertaken in accordance with the approved plans.
4. The existing accessway and car parking areas shall be upgraded and drained to an appropriate standard to the satisfaction of the local government and an additional 3 car parking bays provided compliant with Australian Standard 2890.1-2004.
5. Car parking bays associated with the different land uses shall be clearly marked in accordance with Australian Standard 2890.1-2004 and additional signage provided to link the car parking areas to the corresponding units.
6. The proposal shall comply with NCC Building Code of Australia Volume one 2016 and AS 1428.1-2009 Design for access & mobility and Off street parking for people with disabilities AS /NZ 2890.6 - 2009.
7. A landscaping plan designed to improve the amenity of the site utilising appropriate species shall be prepared and implemented to the satisfaction of the local government.
8. The applicant shall provide written confirmation that the relevant service authority has given approval to construct the storage units for Units 17 and 18 over the sewer easement or an alternative location is proposed and approved by the Local Government prior to a building licence being issued.
9. Any modification to the ground floor layout of the 12 Short Stay Accommodation Units can be dealt with at building licence stage if considered generally consistent with the plans submitted.

Any change to the number units will require an amendment to the planning approval.

Advice Notes:

1. This is development approval only. The applicant/owner is advised that it is their responsibility to obtain a building licence prior to construction commencing.
2. The Shire of Christmas Island advises that where a development approval contains conditions which are required to be fulfilled prior to the commencement of site works, to commence development prior to fulfilling these conditions is contrary to this approval and therefore unauthorised development.
3. With regard to Condition 4, depending on the agreed surface, a drainage management plan may be required to demonstrate how run-off from the hardstand areas will be managed.
4. With regard to Condition 9, this is to acknowledge that the applicant may wish to redesign some of the units as a result of the 'unrestricted long stay accommodation' being confined to the first floor only.

Carried: 7/0

10.1.4 Lease 23 Seaview Drive

Council Resolution

Moved: Cr KOH

Seconded: Cr YON

Res. No: 123/17

That Council approves Lease Agreement between the Shire of Christmas Island and Joel Thomas for a twelve (12) month period in accordance with Schedule Item 8 and Clause 5.8 of the lease agreement at the rental amount of \$450.00 per week, effective 22nd January 2018.

Carried: 7/0

10.1.5 Shire of Christmas Island Local Laws

Council Resolution

Moved: Cr YON

Seconded: Cr PAL

Res. No: 124/17

That Council –

1. Endorse the following proposed Shire of Christmas Island Local Laws for advertising:
 - Repeal Local Law 2017
 - Standing Orders Local Law 2017
 - Parking and Parking Facilities Local Law 2017
 - Health Local Law 2017
 - Dogs Local Law 2017
 - Cats Local Law 2017
 - Waste Local Law 2017
 - Animal, Environment and Nuisance Local Law 2017, and
 - Plastic Bag Reduction Local Law 2017
2. Advertise state wide for public submissions and comments to the proposed local laws in accordance with section 3.12 of the Local Government Act (CI) 1995, and
3. Close of submissions regarding the proposed local laws be made to the Chief Executive Officer of the Shire of Christmas Island to be specified in the advertisement as being Friday 16th of February 2018 that is not less than 6 weeks after the notice is given.

Carried: 7/0

10.1.6 Proposed Retaining Wall

Cr YON and PAL both declared a proximity interest in the item on their basis that they are close relations of the applicant.

Council Resolution

Moved: Cr LEE

Seconded: Cr MASLI

Res. No: 125/17

That Council grant planning approval for the proposed retaining wall at Lot 70 and Lot 71 Pai Chin Lu, Silver City, subject to the following conditions:

1. Unless otherwise permitted under other conditions of this approval, all development shall be in accordance with the approved development plans (attached) that form part of this development approval.
2. This planning approval is valid for 2 years, if development has not substantially commenced in that time the approval will lapse and have no further effect.
3. The retaining wall shall be modified to be wholly located on Lot 70 Pai Chin Lu, Silver City. Details to be supplied at building license stage.
4. Engineering certification being provided and submitted with a building license application.
5. Materials and equipment being located such that they do not impact on the safety of road users and pedestrians including impeding sight lines from the existing driveways.
6. The site is to be made good with all left over materials removed and soil re-established within 1 month of completion of the wall, or as otherwise agreed to by Council.

Advice:

- a. This is development approval only. The applicant/owner is advised that it is their responsibility to obtain a building licence prior to construction commencing.
- b. The approval for the retaining wall to be located wholly on Lot 70 was to ensure the wall does not straddle boundaries and was with the consent and co-joint application of the owner of Lot 70.

Carried: 7/0

10.1.7 Proposed Furniture Restoration, Welding and Fabrication Workshop ('Industry – Light')

Council Resolution

Moved: Cr YON

Seconded: Cr KOH

Res. No: 126/17

That Council grants approval for a Furniture Restoration Workshop, ('Industry Light') use and development at Lot 508 Quarry Road, Christmas Island, subject to the following conditions:

1. Unless otherwise permitted under other conditions of this approval, all development shall be in accordance with the approved development plans (attached) that form part of this development approval.
2. If the development, subject of this approval is not substantially commenced within three (3) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without further approval being sought and obtained from Council.
3. The proposed crossover, accessway and car parking areas shall be constructed and drained to an appropriate standard to the satisfaction of the local government and compliant with Australian Standard 2890.1-2004 prior to operation of the use.
4. Car parking bays shall be clearly marked in accordance with Australian Standard 2890.1-2004.
5. The proposal shall comply with the Building Code of Australia and AS4299 in relation to disabled access. This shall be reflected on the plans submitted for a building licence.
6. All development is required to connect to utility services including reticulated sewerage, reticulated potable water, power and drainage.
7. Geotechnical investigation to demonstrate stability of the site to cater for development should be undertaken to the satisfaction of the Shire prior to commencement of development.
8. The premise is not to be utilised for training purposes or for community purpose uses or meet the definition of those use classes as prescribed under the Scheme.
9. Details of the bin refuse area shall be provided to the satisfaction of the local government prior commencement of development.
10. Noise emissions resulting from development/use of premises for the approved purpose shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.

11. Any signage as proposed is to comply with requirements specified under Schedule 4 – Exempted Advertisement of the Scheme.
12. All vehicles connected with the premises including loading and unloading activities shall be parked or garaged within the boundaries of the premises.

Advice Notes:

1. This is development approval only. The applicant/owner is advised that it is their responsibility to obtain a building licence prior to construction commencing.
2. Ensure that the development meets requirements for Category 5 cyclones as per Building Code of Australia standards.
3. The Shire of Christmas Island advises that where a development approval contains conditions which are required to be fulfilled prior to the commencement of site works, to commence development prior to fulfilling these conditions is contrary to this approval and therefore unauthorised development.
4. With regard to Condition 3, depending on the agreed surface, a drainage management plan may be required to demonstrate how run-off from the hardstand areas will be managed.
5. Development is to avoid impact on the Groundwater Protection zone and ensure that the leaching of potential contaminants is minimised.
6. Development will need to have respect to any heritage concerns in relation to the immediate area.
7. Detail in relation to access and ventilation shall be provided prior to occupation of the development.

Carried: 7/0

10.1.8 Policy Manual, CS1,CS2,CS3,EM7

Council Resolution

Moved: Cr LEE

Seconded: Cr WOO

Res. No: 127/17

1. Council adopts the reviewed policies:

CS1 – The Islander Editorial Policy
 CS2 – Use of Community Facilities
 CS3 – Community Welfare Fund
 EM7 – Council Employment

Into the Policy Manual as per UHY Norton Haines recommendations to have a completed, updated set of Policies.

Carried: 7/0

10.2 Manager Finance & Administration

10.2.1 Schedule of Accounts – November 2017

Council Resolution

Moved: Cr PAL

Seconded: Cr WOO

Res. No: 128/17

That Council approves the expenditure as presented in November 2017 Schedule of Accounts.

Carried: 7/0

10.2.2 Financial Statements – November 2017

Council Resolution

Moved: Cr MASLI

Seconded: Cr PAL

Res. No: 129/17

That council receives the Financial Statements of the November 2017 for the Municipal Fund.

Carried: 7/0

10.3 Manager Community Services

10.4 Manager Works & Services

10.5 Manager Recreation Services & Training Officer

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

13 BEHIND CLOSED DOORS

13.1 Light Industrial Area Lot Offers

Council Resolution

Moved: Cr LEE

Seconded: Cr PAL

Res. No: 130/17

The meeting be closed to members of the public in accordance with section 5.23(2) of the Local Government Act 1995 for council to discuss matters of a confidential nature.

Carried: 7/0

Council Resolution

Moved: Cr YON

Seconded: Cr KOH

Res. No: 131/17

That the offer of \$200,000 for Lot 509 from Metro Enterprises Pty Ltd/ Mr Billy Tan not be accepted.

The CEO is requested to:

Continue to negotiated with interested parties on the sale of lots 509 510 and to report back to Council in the new year of those negotiations.

Carried: 7/0

Council Resolution

Moved: Cr PAL

Seconded: Cr WOO

Res. No: 132/17

The meeting be reopened to members of the public

Carried: 7/0

14 CLOSURE OF MEETING

The Deputy President closed the meeting at 7.30pm

15 DATE OF NEXT MEETING: 13 February 2018.