



## **CONFIRMED MINUTES**

**Ordinary Meeting of the Shire of Christmas Island held at the George Fam Chambers at 7.00pm on Tuesday 26 April 2016**

### **1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

- 1.1 Shire President, Cr Gordon Thomson declared the meeting open at 7.00pm

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

#### **2.1 Record of Attendance**

Shire President  
Councillors

Cr Gordon **THOMSON**  
Cr Kee Heng **FOO**  
Cr Azmi **YON**  
Cr Rosnah **PAL**  
Cr Nora **KOH**  
Cr Hafiz **MASLI**  
Cr Vincent **SAW (7.04pm)**

Chief Executive Officer  
Manager Finance and Admin  
Manager Planning Building & Health  
Manager Works and Services  
Manager Community Services  
Manager Recreation Services and Training Officer

Kelvin **MATTHEWS**  
So Han **GAN**  
Colin **WHEADON**  
Terry **CLARKE**  
Boon Beng **CHEW**  
Oliver **LINES**

Minute Taker

Chris **SU**

#### **2.2 Leave of Absence**

Councillors

Cr Philip **WOO**  
Cr Kelvin **LEE**

#### **2.3 Apologies**

#### **2.4 Declarations of Financial/Impartiality/Proximity Interest**

Cr Rosnah **PAL**, Cr Azmi **YON**, Cr Kee Heng **FOO**, Cr Hafiz **MASLI**, Cr Gordon **THOMSON** declares a Financial Interest for item 10.5.1 Application for Planning Approval 09/2015 Lot 3022 Murray Rd on the basis that they are shareholders of Christmas Island Resources.

### **3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

### **4 PUBLIC QUESTION TIME**

- 4.1 Phil **LESLEY**, proprietor of CI Cranage provided background to his company responding to a tender by SERCO for the supply of waste collection services at the Immigration Detention Centre on Christmas Island.

Provided that he had previously held an arrangement with SERCO to transport their Skip Bin waste to the Waste Landfill Site (WLS) on a per truck entry voucher. He also advised that the Shire took over these duties with Sulo Bins as they were a covered container which was a requirement for SERCO.

Phil **LESLEY** queried the contract arrangement by the Shire with SERCO for waste services collection after CI Cranage were successful in obtaining the tendered contract for waste collection services.

K **MATTHEWS** replied that Council had a contract of services with SERCO for waste management services and in accordance with legislation a local Council can receive revenue through gazetted fees and charges, or through a contract of services for delivering services that do not have a gazetted fee or charge for it.

Phil **LESLEY** asks 'Why does it have to go through Budget to get a Fees and Charges through?'

K **MATTHEWS** replied that Councils adopt an annual Budget that sets the Fees and Charges for the new financial year.

Phil **LESLEY** comments that SOCI is denying a private business because there is no Fees and Charges for accepting commercial putrescible waste at the WLS.

Phil **LESLEY** asked 'How do you negotiate a contract without Fees and Charges in place for that service?'

G. **THOMSON** replies that Council can accept a contract with SERCO without a Fees and Charges item for commercial putrescible waste being in place.

Phil **LESLEY** stated that prior to March 2014, CI Cranage had been providing Skip Bin putrescible waste services for SERCO, and had been paying on a truck voucher per entry basis.

K **MATTHEWS** replied that Skip Bins are uncovered and are not meant for putrescible waste disposal.

Phil **LESLEY** asks 'Will the Council do tip fees and charges or contract for companies like CI Cranage?'

K **MATTHEWS** responds that Liam PARRY at SERCO has commenced contract negotiations between SERCO and SOCI for the purpose of collecting and accepting putrescible waste from Serco at the WLS.

G **THOMSON** invites Phil LESLEY to resume his questioning if he would like to after other members of the public gallery have had a chance to ask their questions to Shire.

4.2 Christina **ELLIS** enquired about disabled access on the island. Requests an update from Shire.

K. **MATTHEWS** advises that a disabled ramp is currently being constructed at the Poon Saan Community Hall. Plans have been drawn up for the George Fam Building to provide access to the library building. Actioning of this plan relies on adoption in the 2016/17 budget regarding cost.

C. **WHEADON** updates that drawings have been completed for wheelchair access to the cinema. Notes that with the disabled access legislation, it is not retrospective in its application; old buildings do not have to be fitted with disabled access, however new buildings do.

Christina **ELLIS** asks for an update on the Supermarket access. Puts forward that the ramp from the Visitors Centre side of the carpark to the Supermarket, does provide wheelchair access from car park to the Supermarket, does not cater for the need of having to traverse from Settlement to Kampong where the footpath features steps going up the CLA side.

C. **WHEADON** advises that the ownership of that footpath is in dispute; SOCI and the Supermarket cannot ascertain who the owner is. C. WHEADON to follow it up.

Christina **ELLIS** requested that Shire establishes a footpath that is appropriate if it is Shire's footpath.

Christina **ELLIS** asks if there will be a disabled access car parking bay available at the Cove?

K. **MATTHEWS** has said there is a process by which Shire can go through to obtain a disabled parking bay.

Discussion on the best location for establishment of a disabled parking bay in the Cove. Shire to follow up on the process of establishing a disabled parking bay at an agreed location with different stakeholders.

4.3 Phil **LESLEY** resumes questioning, asks if Council intends to establish a Fees and Charges schedule for putrescible waste?

G **THOMSON** responds that Council is responsible for ensuring waste is disposed of properly on Christmas Island. The Council will set up Fees and Charges with this goal in mind.

Notes that there currently is not a Fees and Charges item for commercial putrescible waste and that there may be in the forthcoming 2016/17 budget. This would be reliant on the CEO providing a rationale for one; if Council establishes a contract for putrescible waste with SERCO, it won't be likely.

## **5 APPLICATIONS FOR LEAVE OF ABSENCE**

5.1 Cr WOO – Leave of Absence

### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr FOO**

**Res. No: 24/16**

That the leave of absence application submitted by Cr Woo (19/04/2016 to 07/05/2016) be approved

**Carried: 7/0**

## **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 22 March 2016**

Members considered the unconfirmed minutes.

### **Council Resolution**

**Moved: Cr MASLI**

**Seconded: Cr PAL**

**Res. No: 25 /16**

That Council adopt the unconfirmed minutes of the 22 March 2016 Council Meeting noting correction to Cr Thomson surname is spelt incorrectly.

**Carried: 7/0**

### **7.2 Business Arising from the Minutes of Previous Meetings**

Item 4.5, March 22<sup>nd</sup> Council Meeting: Vet Visitation

Cr **THOMSON** advises that a vet is scheduled to visit the island shortly with National Parks.

Discussion of an 'amnesty' for local residents to see to the desexing, chipping and registration of any cats they may be caring for. Residents to be made aware of the opportunity.

## **8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

8.1 Community Assistance Grant Application for CI 2021 Planning Forum's Mural Art Project  
Cr Gordon **THOMSON** briefs Council on the Mural Art Project proposed from the CI 2021 Planning Forum. An application has been made for \$1000 to go towards the artist's consultation fee.

8.2 Joint Standing Committee on National Capital and External Territories Recommendation 19 rejection.

Cr Gordon **THOMSON** recaps Recommendation 19 of the JSCNCET Governance Inquiry in the Indian Ocean Territories 2016 report; a *recommendation to the Australian Government to seek formal advice from the Governments of WA and the NT to determine whether they are receptive to the proposal for incorporation of the IOTs into their State of Territory. Based upon a positive response to this proposal, the Australian Government should develop an incorporation model for consultation and review.*

Cr Gordon **THOMSON** updates Council that the Shire of Cocos (Keeling) Islands (SOCKI) would like to submit a letter jointly signed by the Presidents of SOCKI and SOCI outlining a common position on the matter for the rejection of the recommendation.

### 8.3 President off island

Cr Gordon **THOMSON** advises Council that he will be off island from Saturday 30<sup>th</sup> April, returning Tuesday May 3<sup>rd</sup>. Possibility he may have to extend until Saturday 7<sup>th</sup> May pending outcome of business in Perth.

## 9 REPORTS OF COMMITTEES

### 9.1 Minutes of Transport, Land and Communications Committee Meeting

#### Council Resolution

**Moved: Cr MASLI**

**Seconded: Cr FOO**

**Res. No: 26 /16**

That the Confirmed Minutes of the Transport, Land and Communications Committee Ordinary meeting held on 24 November 2015 and 17 December 2015 be received.

**Carried: 7/0**

### 9.2 Minutes of Senior Citizens Centre Advisory Committee Meetings

#### Council Resolution

**Moved: Cr YON**

**Seconded: Cr MASLI**

**Res. No: 27 /16**

That the Confirmed Minutes of the Senior Citizens Centre Advisory Committee meeting held on 23 September 2015 and 20 October 2015 and the Unconfirmed Minutes of the Senior Citizens Centre Advisory Committee meeting held on 4 April 2016 be received.

**Carried: 7/0**

## 10 REPORTS OF OFFICERS

### 10.1 Chief Executive Officer

#### 10.1.1 WALGA Local Government Conference 2016

#### Council Resolution

**Moved: Cr FOO**

**Seconded: Cr YON**

**Res. No: 28/16**

That Council –

1. nominate elected members Cr Hafiz **MASLI**, Cr Rosnah **PAL**, Cr Nora **KOH**, Cr Vincent **SAW**, Cr Azmi **YON**, Cr Gordon **THOMSON**, Cr Kelvin **LEE** and Cr Phillip **WOO** and the CEO to attend the 2016 Annual West Australian Local Government Association (WALGA) conference to be held at the Perth Convention Centre from 3 to 5 August 2016 inclusive, and
2. nominate two elected members, Cr Rosnah **PAL** and Cr Azmi **YON** as voting delegates and two elected members, Cr Hafiz **MASLI** and Cr Nora **KOH** as proxy delegates to register for the forthcoming 2016 conference.

**Carried: 7/0**

## 10.2 Manager Finance & Administration

### 10.2.1 Schedule of Accounts – March 2016

<b>Council Resolution</b>		
<b>Moved: Cr YON</b>	<b>Seconded: Cr SAW</b>	<b>Res. No: 29 /16</b>
That Council approves the expenditure as presented in March 2016 Schedule of Accounts		
<b>Carried:</b>	<b>7/0</b>	

### 10.2.2 Financial Statements - March 2016

<b>Council Resolution</b>		
<b>Moved: Cr FOO</b>	<b>Seconded: Cr PAL</b>	<b>Res. No: 30/16</b>
That Council receives the Financial Statements of the 31 March 2016 for the Municipal Fund.		
<b>Carried:</b>	<b>7/0</b>	

### 10.2.3 Outstanding Rates/Debtors Report 31 March 2016

<b>Council Resolution</b>		
<b>Moved: Cr YON</b>	<b>Seconded: Cr SAW</b>	<b>Res. No: 31 /16</b>
The report is noted.		
<b>Carried:</b>	<b>7/0</b>	

## 10.3 Manager Community Services

## 10.4 Manager Works & Services

### 10.4.1 Procurement of Materials Proposed Roundabout Works

<b>Council Resolution</b>		
<b>Moved: Cr YON</b>	<b>Seconded: Cr SAW</b>	<b>Res. No: 32/16</b>
That Council endorse the procurement of materials required for the proposed Roundabout re-construction project for the amount of \$114,010.		
<b>Carried:</b>	<b>7/0</b>	

**Crs FOO, MASLI and PAL left the meeting at 8.12pm in accordance with the declaration they made and and the written advice from the Minister for Major Projects, Territories and Local Government (the Hon Paul Fletcher MP) that disqualified them from participating in the item. Crs THOMSON and YON were exempted from disqualification in accordance with the written advice from the Minister for Major Projects, Territories and Local Government and remained in the meeting. However due to the absence of disqualified Crs, and Crs who subsequently declared an interest and Cr LEE who was an apology for the meeting, there was no quorum and the item lapsed. Crs FOO, PAL and MASLI returned to the meeting at 8.14pm.**

**The CEO will again be required to request exemption of Crs in order to participate in the item when resubmitted to the 24 May 2016 ordinary meeting.**

## 10.5 Manager Planning, Building & Health

### 10.5.1 Application for Planning Approval 09/2015 Lot 3022 Murray Rd

#### **Council Resolution**

**Moved: Cr**

**Seconded: Cr**

**Res. No: N/A**

That Council acting in accordance with Schedule 2 Part 4 clause 27 (2) (a) & (b) of the Planning Development (Local Planning Schemes) Regulations 2015 advise the applicant with regard to development upon Lot 3022 by Phosphate Resources Limited (PRL) the following:

1. That SOCI grants planning approval re DA 09/2015 specifically for the new modular mining laboratory facility and its associated loading dock and 120 square metres of landscaping only and does so without requiring the submission by PRL of a 'Structure Plan';
2. That further SOCI provides this approval without prejudicing itself in that a 'Structure Plan' may need to be provided by PRL in future in SOCI achieving compliance with the Planning Development (Local Planning Schemes) Regulations 2015 Schedule 2 Part 4 clause 15 (a) (i) (ii); (b) or (c) where same is deemed applicable;
3. PRL are to submit a Certified Application for Building Permit;
4. PRL are to have the local WA Water Corporation assess, sign and stamp the building plans prior to submission to SOCI for approval; and
5. PRL are to have the landowner of Lot 3022 being DIRD to sign off on the DA.

**Carried: N/A**

### 10.5.2 Veranda with timber deck addition to existing heritage building – Lot 1003

#### **Council Resolution**

**Moved: Cr FOO**

**Seconded: Cr KOH**

**Res. No: 33 /16**

Council grant planning approval for the proposed veranda with timber deck to be constructed at Unit 1, 20 Gaze Rd, CI subject to the following conditions being met by the owner prior to a Building Permit for the proposed works being issued:-

1. The applicant is responsible to arrange at their own expense the placement of a Section 70A Notification upon the Land Title which shall as per the correspondence received from the Indian Ocean Territories Power Service need to state:-  
"If at any point in the future the IOTPS (or any future network operator) requires access to the easement, this access must be granted."  
and
2. The applicant is to submit an Application for Building Permit -Certified to the Shire.

**Carried: 7/0**

10.5.3 Proposed 'Change of Use' and set up as 'Fast Food Outlet' Lot 1050

**Council Resolution**

**Moved: Cr MASLI**

**Seconded: Cr PAL**

**Res. No: 34/16**

It is recommended Council grant planning approval for both the requested:

- a. 'Change of Use' from Class 5 - Office to Class 6 -'Fast food outlet'; and
- b. Establishment of the new 'Fast food outlet' at existing heritage listed premises being Lot 1050, 41B Gaze Rd, Christmas Island subject to the following conditions:
  1. The applicant is to submit an Application for Building Permit – Certified with requisite Certificate of Design Compliance to confirm the Class 6 building meets the provisions of the current edition of the Building Code of Australia;
  2. Council record the 'Change of Use' upon its Synergy Rates program and provide the owner with the documentation to reflect the 'Change of Use';
  3. The kitchen facility / fit-out is to comply with Australian Standard 4674 -2004 Design, construction and fit-out of food premises and ANZFA Standard 3.2.3 – Food Premises and Equipment; Note: As-constructed drawings will suffice and concessions regards no changes to be made to existing windows and doorways.
  4. Externally install a grease arrestor/grease trap by a licensed plumbing contractor to service the commercial kitchen;
  5. Maximum seating permitted is to be set at eight (8) chairs based upon 2 x car parking spaces available and in accordance with SOCI Local Planning Scheme No: 2 - Table 2;
  6. Access to the front entry doorway is to be made accessible at the point of entry by disabled persons in accordance with AS1428.1;
  7. Proposed hours of operation be set between 6am to 10pm - 7 days a week;
  8. Persons are not permitted to reside within the Class 6 building;
  9. Applicant is to both procure and maintain current, a public liability insurance policy of value not less than 10 million dollars, register the business with the relevant WA authorities and provide copies as proof of same to the Shire;
  10. The owner is not to undertake any alterations of any part of the building in the future without first having applied for and received further planning approval; and
  11. Applicant must apply for 'Shire Registration as a Food Premises' once all required works have been completed, inspected and passed prior to being permitted to open for business.

**Carried: 7/0**

10.5.4 Proposed Scheme Amendment No. 1 to Local Planning Scheme No. 2

**Council Resolution**

**Moved: Cr PAL**

**Seconded: Cr FOO**

**Res. No: 35/16**

That the Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, initiate Scheme Amendment No. 1 to Local Planning Scheme No. 2 for the purpose of:

1. Amending Schedule 2 of the Scheme Text to include the following Additional Uses:

No.	Land particulars	Permitted uses	Development Standards/Conditions
1	Lots 417, 418, 419, 420 and 422 Kiln Place and Murray Road	Showroom, Warehouse, Trade Display and Storage	Development approval must be sought in accordance with clause 64 of the Deemed Provisions.

2. Amend Scheme Map 3 to show the extent of the Additional Use.
2. Pursuant to Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* determines that the proposed amendment is, and should be progressed as a standard amendment for the following reasons:

- a. The underlying rural zoning will be maintained, however the additional uses will allow alternative uses on the site.
  - b. The additional uses proposed are low impact.
3. Forwards Amendment No. 1 to the Local Planning Scheme No. 2 to the Environmental Protection Authority and the Commonwealth Department of Environment Pursuant to Section 81 of the *Planning and Development Act 2005* and subject to no objection being received, advertises the amendment for public comment for a period of 42 days.

**Carried: 7/0**

#### 10.5.5 Issue of Building Permits Classes 1 & 10

##### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr KOH**

**Res. No: 36/16**

Council endorse the following changes regards the processing and issuing of all new Building Permits received after 26<sup>th</sup> April 2016 under the provisions of the Building Act 2011 and its subsidiary Building Regulations 2012:

1. The Manager Planning Building & Health to continue to issue Building Permits for buildings classified as 1 and 10 where received as Applications for a Building Permit - Uncertified or Certified and where planning approval is required such approval has been granted by the Council as per previous Council resolution No: 216/12; and
2. Where Class 1 and 10 building proposals are received as an Application for a Building Permit - Uncertified on Form BA2 the applicant is at their cost required to obtain a completed 'Certificate of Design Compliance' duly signed and which must contain each other thing that is prescribed to be in the certificate in accordance with the WA Building Act 2011 Section 19(5).

**Carried: 7/0**

#### 10.6 Manager Recreation Services

##### 10.6.1 Country Week 2016 Sponsorship Request

##### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr SAW**

**Res. No: 37/16**

That Council agrees to the request from the Christmas Island District High School for sponsorship of \$250.00 for the 2016 Country Week.

**Carried: 7/0**

#### 11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

Motion to admit new business of an urgent nature by decision of the meeting

##### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr FOO**

**Res. No: 38/16**

That Council agrees to admit new business of an urgent nature to the meeting.

**Carried: 7/0**



12.1 Community Assistance Grant Application Request.

<b>Council Resolution</b>		
<b>Moved: Cr FOO</b>	<b>Seconded: Cr KOH</b>	<b>Res. No: 39/16</b>
That Council support the Community Assistance Grant application of \$1500 to the Mahayana Society for their Vesak Day observations if no other donation has been to the Mahayana Society the 2015/16 financial year. In the event that there has been a donation in the 2015/16 year then the Shire will grant \$1000 towards the Vesak Day observations only.		
<b>Carried: 7/0</b>		

12.2 Community Assistance Grant Application for Mural Art Project.

<b>Council Resolution</b>		
<b>Moved: Cr YON</b>	<b>Seconded: Cr MASLI</b>	<b>Res. No: 40/16</b>
That Council supports the Community Assistance Grant application of \$1000 for the Mural Project Project submitted by Chris Su representing the Christmas Island Neighbourhood Centre on the Christmas Island 2021 Planning Forum.		
<b>Carried: 7/0</b>		

12.3 Councillor MASLI request to attend the 2016 ALGA Conference.

<b>Council Resolution</b>		
<b>Moved: Cr YON</b>	<b>Seconded: Cr FOO</b>	<b>Res. No: 41/16</b>
That Council approves Cr Hafiz Masli to attend the 2016 ALGA Conference in Canberra.		
<b>Carried: 7/0</b>		

12.4 Response to Recommendation 19 of the 2016 JSCNCET Governance Inquiry Report.

<b>Council Resolution</b>		
<b>Moved: Cr FOO</b>	<b>Seconded: Cr YON</b>	<b>Res. No: 42/16</b>
That Council prepare a letter advising the Commonwealth that the Shire of Christmas Island does not support Recommendation 19 of the Joint Standing Committee on National Capital and the External Territories' Governance in the Indian Ocean Territories 2016 Report and to make available this letter to the Shire of Cocos (Keeling) Islands for joint signing by both Shire Presidents.		
<b>Carried: 7/0</b>		

**13 BEHIND CLOSED DOORS**

<b>Council Resolution</b>		
<b>Moved: Cr SAW</b>	<b>Seconded: Cr PAL</b>	<b>Res. No: 43/16</b>
The meeting be closed to members of the public in accordance with section 5.23(2)(c) of the Local Government Act 1995 for council to discuss matters of a confidential nature.		
<b>Carried: 7/0</b>		

13.1 Deed of Settlement

<b>Council Resolution</b>		
<b>Moved: Cr KOH</b>	<b>Seconded: Cr YON</b>	<b>Res. No: 44/16</b>
That Council endorse the final Deed of Settlement between the Shire of Christmas Island and Acker Trading Pty Ltd that was signed by the Shire President and CEO on 14 <sup>th</sup> of April 2016 with Councils Common Seal affixed.		
<b>Carried: 7/0</b>		

13.2 Draft Business Plan Light Industrial Area

<b>Council Resolution</b>		
<b>Moved: Cr SAW</b>	<b>Seconded: Cr PAL</b>	<b>Res. No: 45/16</b>
That Council approve the draft Business Plan for the Light Industrial Area as attached to this report and advertise for the statutory required period.		
<b>Carried: 7/0</b>		

<b>Council Resolution</b>		
<b>Moved: Cr FOO</b>	<b>Seconded: Cr YON</b>	<b>Res. No: 46/16</b>
The meeting be reopened to members of the public.		
<b>Carried: 7/0</b>		

**12 CLOSURE OF MEETING**

The Shire President closed the meeting at 9.30pm.

**15 DATE OF NEXT MEETING: 24 May 2016.**