



# CONFIRMED MINUTES

**Ordinary Meeting held on 27 September 2016**



## 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 27 September 2016**

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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 27 September 2016**

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

Shire Deputy President declared the meeting open at 7.03pm.

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

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

Shire President

Cr Gordon **THOMSON** (via telephone at 9.17pm)

Deputy President  
Councillors

Cr Kee Heng **FOO**

Cr Azmi **YON**

Cr Hafiz **MASLI**

Cr Nora **KOH**

Cr Kelvin **LEE**

Cr Philip **WOO**

Cr Rosnah **PAL** (via telephone at 9.17pm)

Cr Vincent **SAW** (7.13pm)

Acting Chief Executive Officer  
Acting Manager Finance and Admin  
Manager Recreation Services and Training Officer  
Manager of Works and Services  
Governance, Research, Policy & Grants Officer

David **PRICE**

Rostyna **OH**

Oliver **LINES**

Terry **CLARKE**

Chris **SU**

Minute Taker

Shikin **HASINUDIN**

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

#### **2.3 Apologies**

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

Crs **FOO, LEE, WOO, MASLI and YON** declared a Financial Interest in Items 10.5.1, 10.5.2 and 10.5.3 having completed the necessary Declaration of Financial Interest Form with the CEO as required.

The Acting 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 Regional Development, Minister for Local Government and Territories and Minister for Regional Communications (Senator the Hon Fiona Nash) to Crs **THOMSON, PAL and YON** only in accordance with her written advice to the CEO dated 9<sup>th</sup> September 2016, thereby allowing Crs **THOMSON, PAL and YON** to participate in the items.

This approval is subject to the following conditions:

1. The approval is only valid for the 27 September 2016 Ordinary Council Meeting when agenda items 10.5.1, 10.5.2 and 10.5.3 are considered;

2. Councillors Thompson, Pal and Yon must disclose the nature and extent of their respective interests in the matters, immediately before each matter is considered, together with the approval provided;
3. You, as the acting Chief Executive Officer, are to provide a copy of this letter or approval to each of the abovementioned Councillors;
4. You, as the acting Chief Executive Officer, are to ensure that the declarations, the approval given, and these conditions 1 to 6 are recorded in the minutes of the abovementioned meeting when each of these matters are considered;
5. You, as the acting Chief Executive Office, are to provide a copy to the Department of Infrastructure and Regional Development, to allow the Department to verify compliance with the conditions of this approval; and
6. This approval relates only to the interests disclosed by the abovementioned Councillors, made in accordance with this application. Should other interests be identified, they will not be covered by this participation 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 MASLI – Skip Bins at Kampong – Cr MASLI asked whether the skip bin next to the Malay Club was Council's. He also mentioned that the 2 skip bins that were usually placed near Cr PAL's place and near the Madrasah are not there anymore and whether they can be put back.

The Manager Works and Services, Mr CLARKE replied that the current skip bins were supposed to be replaced as they were deteriorating. This matter will be followed up with Council's Health and Building Officer, Mr Ron De Cruz.

- 4.2 Cr FOO – Petrol Price – Cr FOO informed Council that there has been several complaints from the Community regarding the petrol price. Since Christmas Island Phosphate's subsidiary company, Indian Ocean Oil Company had started selling diesel, the community had noticed that Gaseng had dropped their diesel price but have marked up their petrol price. Diesel and petrol are now selling at the same price. Is there a way that Council can arrange for a petition for the community to sign?

The acting CEO suggested a joint petition with community groups and that he will draft up a petition for community groups approval before submitting it to the community for signatures. This matter can also be brought up to the Minister that's planning a visit to the Island around early November.

#### **Cr SAW entered the meeting at 7.13pm.**

- 4.3 Cr FOO – Fisheries – Cr FOO asked what the status was with the Fisheries regulation issue that was brought to Council in the June 2016 Council meeting.

The Governance, Research, Policy & Grants officer, Mr Chris Su replied that he will draft a letter to the Minister that has to be viewed and approved by the Shire President before having it finalised and sent to the Minister.

- 4.4 Cr LEE - Candle for Chinese Prayer – Cr LEE advised Council that Quarantine have been prohibiting certain candles for Chinese prayers into the island.

Cr FOO replied that if residents are having trouble getting these candle to just come and see me.

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

### **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 23 August 2016**

Members considered the unconfirmed minutes.

**Council Resolution**

**Moved: Cr SAW**

**Seconded: Cr KOH**

**Res. No: 101/16**

That Council adopt the unconfirmed minutes of the 23 August 2016 Council Meeting.

**Carried: 7/0**

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

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**9 REPORTS OF COMMITTEES**

**9.1 Minutes of Community Consultative Committee Meetings**

**Council Resolution**

**Moved: Cr MASLI**

**Seconded: Cr KOH**

**Res. No: 102/16**

That the Confirmed Minutes of the Community Consultative Committee meeting held on 20 July 2016 and the Unconfirmed Minutes of the Community Consultative Committee meeting held on 7 September 2016 be received.

**Carried: 7/0**

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

**Council Resolution**

**Moved: Cr SAW**

**Seconded: Cr LEE**

**Res. No: 103/16**

That the Confirmed Minutes of the Senior Citizens Centre Advisory Committee meeting held on 1 August 2016 and the Unconfirmed Minutes of the Senior Citizens Centre Advisory Committee meeting held on 1 September 2016 be received.

**Carried: 7/0**

**10 REPORTS OF OFFICERS**

**10.1 Chief Executive Officer**

**10.1.1 TAFE Course Delivery on Island**

**Council Resolution**

**Moved: Cr YON**

**Seconded: Cr KOH**

**Res. No: 104/16**

That Council requests the Community Consultative Committee to raise options for Council's consideration on the matter of complications around TAFE Course delivery on Christmas Island.

**Carried: 7/0**

**10.1.2 Gardens by the Bay Robber Crab Research Proposal**

**Council Resolution**

**Moved: Cr MASLI**

**Seconded: Cr SAW**

**Res. No: 105/16**

That Council explores any interest Gardens by the Bay Singapore may have in having Christmas Island Robber Crabs as a feature in their facility and if so interested, chart the process by which Robber Crabs can be exported off the island for this purpose through relevant authorities.

**Carried: 7/0**

## 10.2 Manager Finance & Administration

### 10.2.1 Schedule of Accounts – August 2016

#### Council Resolution

**Moved: Cr WOO**

**Seconded: Cr LEE**

**Res. No: 106/16**

That Council approves the expenditure as presented in August 2016 Schedule of Accounts.

**Carried: 7/0**

### 10.2.2 Financial Statement August 2016

#### Council Resolution

**Moved: Cr LEE**

**Seconded: Cr WOO**

**Res. No: 107/16**

That Council receive the Financial Statement of the 31 August 2016 for the Municipal Fund.

**Carried: 7/0**

## 10.3 Manager Community Services

### 10.3.1 2016 Seniors Week Surplus Contribution

#### Council Resolution

**Moved: Cr YON**

**Seconded: Cr LEE**

**Res. No: 108/16**

That Council endorse the transfer of 2016 Seniors Week surplus contribution of \$1678.04 to the Shire's Seniors Activities Fund.

**Carried: 7/0**

### 10.3.2 Australia Day Council WA Membership and Community Citizen of the Year Awards 2017

#### Council Resolution

**Moved: Cr YON**

**Seconded: Cr KOH**

**Res. No: 109/16**

1. That Council resolve to register to become a member of the Australia Day Council of WA.
2. That Council approve to continue support of the Community Citizen of the Year Awards 2017.
3. That subject to Council's approval to continue support of the Community Citizen Awards, Council invites nominations for the Community Citizen Awards for 2017.
4. That subject to Council's approval to continue support of the Community Citizen Awards, Council endorses the establishment of a Judging Panel comprising of Cr MASLI, Cr PAL, Cr THOMSON and the Acting Chief Executive Officer.

**Carried: 7/0**

## 10.4 Manager Works & Services

### 10.4.1 Tender for Sale of Surplus Vehicles and Equipment

#### Council Resolution

**Moved: Cr LEE**

**Seconded: Cr SAW**

**Res. No: 110/16**

That Council

1. Accept the following tenders for the purchase of listed surplus equipment at the tendered price submitted:

Description	Plant No/ Asset No	Tenderer	Tendered Price
Toyota Rav 4	P60010	Sobri Ibrahim	\$5,500.00
Toyota Hi-Lux 4x4 crew Cab well body	P5031	Fong Chew Sim	\$7,100.00
Toyota Hi-Lux 4x2 tray top, small crane attached	P60445	Tee Kok Seong	\$2,500.00
Toyota 4x4 Crew cab tray top	P5391	Fong Chew Sim	\$8,100.00

2. Re Tender the following surplus equipment at the next sale of surplus items:

Description	Plant No/ Asset No
-------------	--------------------

	Grader tyres: 14.00x24x6	N/A
	Various tractor tyres	N/A
	Effer truck crane (Hiab type)	N/A
	Welder on 6x4 Trailer	N/A
	Hydraulic light truck tyre changer	N/A
	Bittelli 2x drum roller	P4775

3. Include the following surplus equipment for tender:

Description	Plant No/ Asset No
Tractor Massey Ferguson	P4922
Tractor Massey Ferguson 4225 2WD Cab	P60899

**Carried: 7/0**

**Meeting was adjourned at 8.05pm**

**Meeting was resumed at 9.15pm**

<b>Council Resolution</b>		
<b>Moved: Cr SAW</b>	<b>Seconded: Cr LEE</b>	<b>Res. No: 111/16</b>
That in accordance regulation 14A (a)( c) of the Local Government (Administration) Regulations 1996 council approves the participation of Councillor PAL and Councillor Thomson via telephone hook-up.		
<b>Carried: 7/0</b> ( <i>Absolute majority</i> )		

Cr **THOMSON** and **PAL** joined the meeting at 9.17pm

Crs **FOO**, **LEE**, **WOO**, and **MASLI** declared a Financial Interest in Items 10.5.1, 10.5.2 and 10.5.3 having completed the necessary Declaration of Financial Interest Form with the CEO as required, and left the meeting at 9.20pm.

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

## **10.5 Manager Planning, Building & Health**

### **10.5.1 Application for Planning Approval 09 /2015**

Crs **YON** and **PAL** declared a Financial Interest in Items 10.5.1 having completed the necessary Declaration of Financial Interest Form with the CEO as required.

The Acting 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 Regional Development, Minister for Local Government and Territories and Minister for Regional Communications (Senator the Hon Fiona Nash) to Crs **THOMSON**, **PAL** and **YON** only in accordance with her written advice to the CEO dated 9<sup>th</sup> September 2016, thereby allowing Crs **THOMSON**, **PAL** and **YON** to participate in the items.

This approval is subject to the following conditions:

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4. You, as the acting Chief Executive Officer, are to ensure that the declarations, the approval given, and these conditions 1 to 6 are recorded in the minutes of the abovementioned meeting when each of these matters are considered;
5. You, as the acting Chief Executive Office, are to provide a copy to the Department of Infrastructure and Regional Development, to allow the Department to verify compliance with the conditions of this approval; and
6. This approval relates only to the interests disclosed by the abovementioned Councillors, made in accordance with this application. Should other interests be identified, they will not be covered by this participation approval, and the financial interest provisions of the Act will apply.

Councillor **THOMSON** advised council that he had disposed of all his shares in CI Resources and no longer held a Financial Interest in agenda item 10.5.1 accordingly he no longer needed to apply the exemption from Minister Nash to participate in those agenda items. Accordingly he has provided update of his Annual Return reflecting that change.

#### **Council Resolution**

**Moved: Cr KOH**

**Seconded: Cr THOMSON**

**Res. No: 112/16**

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: 5/0**

#### 10.5.2 Construction of Emergency Service Communications Tower

Crs **YON** and **PAL** declared a Financial Interest in Items 10.5.2 having completed the necessary Declaration of Financial Interest Form with the CEO as required.

The Acting 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 Regional Development, Minister for Local Government and Territories and Minister for Regional Communications (Senator the Hon Fiona Nash) to Crs **THOMSON, PAL** and **YON** only in accordance with her written advice to the CEO dated 9<sup>th</sup> September 2016, thereby allowing Crs **THOMSON, PAL** and **YON** to participate in the items.

This approval is subject to the following conditions:

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4. You, are the acting Chief Executive Officer, are to ensure that the declarations, the approval given, and these conditions 1 to 6 are recorded in the minutes of the abovementioned meeting when each of these matters are considered;
5. You, as the acting Chief Executive Office, are to provide a copy to the Department of Infrastructure and Regional Development, to allow the Department to verify compliance with the conditions of this approval; and
6. This approval relates only to the interests disclosed by the abovementioned Councillors, made in accordance with this application. Should other interests be identified, they will not be covered by this participation approval, and the financial interest provisions of the Act will apply.

Councillor **THOMSON** advised council that he had disposed of all his shares in CI Resources and no longer held a Financial Interest in agenda item 10.5.2 accordingly he no long needed to apply the exemption from Minister Nash to participate in those agenda items. Accordingly he has provided update of his Annual Return reflecting that change.

**Council Resolution**

**Moved: Cr YON**

**Seconded: Cr KOH**

**Res. No: 113/16**

Council grant planning approval for the proposed 50 metre high emergency services tower to be erected and located upon existing Waddel Hill Mining Lease by the Commonwealth – Indian Ocean Territories Authority subject to the following conditions:-

- The applicant is to submit an Application for Building Permit – BA1 Certified to the Shire and pay the associated fee.

**Carried: 5/0**

10.5.3 Invitation to Review and Comment on proposed Works Approval for Indian Ocean Oil Company- Christmas Island Operations

Crs **YON** and **PAL** declared a Financial Interest in Item 10.5.3 having completed the necessary Declaration of Financial Interest Form with the CEO as required.

The Acting 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 Regional Development, Minister for Local Government and Territories and Minister for Regional Communications (Senator the Hon Fiona Nash) to Crs **THOMSON, PAL** and **YON** only in accordance with her written advice to the CEO dated 9<sup>th</sup> September 2016, thereby allowing Crs **THOMSON, PAL** and **YON** to participate in the items.

This approval is subject to the following conditions:

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5. You, as the acting Chief Executive Office, are to provide a copy to the Department of Infrastructure and Regional Development, to allow the Department to verify compliance with the conditions of this approval; and
6. This approval relates only to the interests disclosed by the abovementioned Councillors, made in accordance with this application. Should other interests be identified, they will not be covered by this participation approval, and the financial interest provisions of the Act will apply.

Councillor **THOMSON** advised council that he had disposed of all his shares in CI Resources and no longer held a Financial Interest in agenda item 10.5.3 accordingly he no long needed to apply the exemption from Minister Nash to participate in those agenda items. Accordingly he has provided update of his Annual Return reflecting that change.

**Council Resolution**

**Moved: Cr KOH**

**Seconded: Cr YON**

**Res. No: 114/16**

Council endorse the MPB&H comments requested by the Department of the Environment & Regulation (DER) regards the Application for Works Approval/Licence received by the DER from the Indian Ocean Oil Company. Comments are those contained within Appendix 5 to this report.

**Carried: 5/0**

Cr **FOO, LEE, WOO** and **MASLI** entered the meeting at 9.28pm.

Cr **FOO** resumed chairing the meeting.

Cr **THOMSON** and **PAL** left the meeting at 9.29pm.

**10.6 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**

**Council Resolution**

**Moved: Cr LEE**

**Seconded: Cr YON**

**Res. No: 115/16**

Council accepts item 12.1 Roundabout Construction on Jalan Pantai to be discussed.

**Carried: 7/0**

**12.1 Roundabout Construction on Jalan Pantai**

**Council Resolution**

**Moved: Cr LEE**

**Seconded: Cr KOH**

**Res. No: 116/16**

That Council recommend the payment of \$189,060 to cover the expenditure of the re-construction of the Jalan Pantai Roundabout. This is the result of four progressive claims, of which the first payment was made for the procurement of materials of \$114,010, last financial year. On completion of the concreting, three more claims amounting to \$189,060 making the grand total of payment \$303,070 to date.

There is one more payment that has been presented and I recommend Council to defer that final payment of \$52,730, until the contractor has finished sealing of all the joins as required.

**Carried: 7/0**

**13 BEHIND CLOSED DOORS**

**14 CLOSURE OF MEETING**

The Shire Deputy President closed the meeting at 9.45pm.

**15 DATE OF NEXT MEETING: 25 October 2016.**