



## **NOTICE OF MEETING**

Dear President and Councillors,

I advise that the Ordinary Meeting of Council will be held in the CRC Meeting Room, West Island on Wednesday, 7 November 2018 commencing at 4.00pm.

Andrea Selvey  
**Chief Executive Officer**

### **COUNCILLORS PLEASE NOTE:**

#### **DISCLAIMER**

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

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PO Box 1094, Home Island, Cocos (Keeling) Islands  
INDIAN OCEAN 6799  
Telephone: (08) 9162 6649  
Facsimile: (08) 9162 6668

### **Disclaimer**

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the Shire during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (Copyright Act 1968, as amended) and the express permission of the copyright owner(s) should be sought prior to the reproduction.

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## **1. OPENING/ANNOUNCEMENTS OF VISITORS**

## **2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

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

## **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.

## **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)**

<b>Councillor</b>	<b>Date of Leave</b>	<b>Approved by Council</b>
NIL		

**5.2 APPLICATION FOR LEAVE OF ABSENCE****6. PETITIONS/DEPUTATIONS/PRESENTATIONS****7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****OFFICER RECOMMENDATION**

That the minutes of the ordinary meeting of council held on 26 September 2018 be confirmed as a TRUE and CORRECT RECORD.

**8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS****9. DECLARATION OF INTERESTS****10. REPORT AND RECOMMENDATIONS OF COMMITTEE**

## 10.1 FINANCE

### 10.1/F1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDING 30 SEPTEMBER 2018

#### Report Information

Date: 2 November 2018  
 Applicant: Shire of Cocos (Keeling) Islands  
 Location: N/A  
 Disclosure of Interest: Nil  
 Reporting Officer: Deputy Chief Executive Officer  
 Island: Shire Wide  
 Attachments: 10.1F1 - Statement of Financial Activity with accompanying notes

#### Authority / Discretion

#### Definitions

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

#### OFFICER RECOMMENDATION:

**THAT THE FINANCIAL STATEMENTS FOR THE PERIODS 1<sup>ST</sup> OF JULY 2018 TO 30<sup>TH</sup> OF SEPTEMBER 2018 BE RECEIVED.**

### **Report Purpose**

To inform Council of the financial position of the Shire at 30 September 2018 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 1<sup>st</sup> July 2018 to 30<sup>th</sup> September 2018 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 2018 to 30 September 2018.

### **Policy and Legislative Implications**

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires all Local Governments to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure for the month in question.

Financial Management Regulation 34 also requires this statement to be accompanied by:-

- a. An explanation of the composition of the net current assets, less committal assets and restricted assets;
- b. An explanation of material variances; and
- c. Such supporting information that is relevant to the Local Government

### **Financial Implications**

Nil

### **Strategic Implications**

Nil



**Conclusion**

That the financial statements for the period 1<sup>st</sup> of July 2018 to 30<sup>th</sup> September 2018 be received.

**10.1/F2 SCHEDULE OF ACCOUNTS PAID FOR PERIOD 1<sup>ST</sup> SEPTEMBER 2018 TO 30<sup>TH</sup> SEPTEMBER 2018**

**Report Information**

Date: 31 October 2018  
 Applicant: Shire of Cocos (Keeling) Islands  
 Location: N/A  
 Disclosure of Interest: Nil  
 Reporting Officer: Senior Finance Officer  
 Island: Shire Wide  
 Attachments: 10.1F2 - Schedule of accounts paid

**AUTHORITY / DISCRETION**

**Definitions**

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<input checked="" 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>

**OFFICER RECOMMENDATION:**

**THAT THE LIST SHOWING ALL ACCOUNTS PAID BETWEEN 1/09/18 TO 30/09/18, INCLUSIVE OF MUNICIPAL CHEQUE NUMBER 11527 TO 11529, TRUST CHEQUE NUMBER 72, EFT 6096 TO EFT 6145, MASTERCARD, VIVA FUEL & DIRECT DEBIT SUPERANNUATION: TOTALING \$236,001.34 BE RECEIVED.**

**Report Purpose**

To inform Council of funds disbursed for the period 1<sup>st</sup> September 2018 – 30<sup>th</sup> September 2018.

## **Relevant Documents**

Available for viewing at the meeting

Nil

## **BACKGROUND**

A list of accounts paid between 1<sup>st</sup> and 30<sup>th</sup> September 2018 is attached.

## **COMMENT**

The schedule of accounts paid is submitted in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996.

## **Policy and Legislative Implications**

Nil

## **Financial Implications**

Nil

## **Strategic Implications**

Nil

## **Conclusion**

That council receives the list stating all accounts paid for September 2018.

## 10.2 LEASES

Nil.

## 10.3 PLANNING/BUILDING

Nil.

## 10.4 ADMINISTRATION

### 10.4/A1 HOME ISLAND RETAIL PRECINCT

#### Report Information

Date: 2 November 2018  
 Applicant: Shire of Cocos (Keeling) Islands  
 Location: Lot 18 Home Island  
 Disclosure of Interest: Nil  
 Reporting Officer: Chief Executive Officer  
 Island: Home Island  
 Attachments: 10.4A1-Home Island Retail Centre Design Feasibility Study - Option One  
 Opinion of Probable costs – Option Two  
 Opinion of Probable costs – Option Three  
 Project Plan/GANTT chart  
 Risk Management Plan  
 Communications Plan

#### Authority / Discretion

#### Definition

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<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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		<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>

**OFFICER RECOMMENDATION:**

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.18 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:**

- 1. APPROVE THE DESIGNS FROM MCG ARCHITECTS FOR THE HOME ISLAND RETAIL CENTRE;**
- 2. SUBMIT AN APPLICATION FOR \$1,640,807 BASED ON THE QS COSTINGS OF \$2,187,743 FOR THE TOTAL PROJECT COST FOR A RETAIL CENTRE ON LOT 18 HOME ISLAND INCLUSIVE OF DETAILED DESIGN AND TENDERING, PROJECT MANAGEMENT, FREIGHT, DEMOLITION AND RUBBISH REMOVAL, CONSTRUCTION AND FIT OUT, CONNECTIONS TO SERVICES AND LANDSCAPING;**
- 3. PROVIDE LOT 18 AS IN-KIND CONTRIBUTION;**
- 4. PROVIDE PROJECT GOVERNANCE AND COMMUNICATION AS AN IN-KIND CONTRIBUTION;**
- 5. CONSIDER THE CASH CO-CONTRIBUTION OF \$546,936 AS PART OF THE MID-YEAR BUDGET REVIEW;**
- 6. COMMIT TO INCLUDING THE ON-GOING OPERATIONAL COST IN THE SHIRE’S LONG TERM FINANCIAL PLAN AND DURING ANNUAL BUDGET PROCESSES.**

**Report Purpose**

To formally provide Council with designs and costs for developing the Home Island Retail Centre on Lot 18 and to seek Council approval to submit a grant application from the Building Better Regions Fund for the project.

**Relevant Documents**

[Available for viewing at the meeting](#)

Financial Implications calculation for Option Two and Three

**Background**

The Shire of Cocos (Keeling) Island’s Vision 2010 identified a Business Park precinct for Home Island as one of its goals:

*“To provide a centrally located and purpose built facility which collocate existing and future commercial small business.*

Existing small businesses are currently located in the old Health Clinic building. The building is badly deteriorated and in very poor condition. In 2011 Council engaged Woods and Bagot in 2011 to develop a concept plan for a modern commercial / retail complex in keeping with the culture and history of Home Island through consultation with the Shire, community and business.

In 2016 The Shire of Cocos was successful in receiving \$947,000 under round two of the Australian Government's National Stronger Regions Funds, for the construction of a retail precinct on Home Island. The grant funding was required to be matched dollar for dollar. However as a result of cost overruns, Council resolved to not proceed with the project and to reapply with more robust costings when an opportunity presented at a later date. In anticipation of an upcoming funding opportunity, officers commenced with stakeholder engagement September 2018 and prepared a brief for an architect for Council consideration. At the Council meeting on 26 September 2018 Council resolved as follows:

- 1. Receive the September 2018 Report on outcomes from the Stakeholder Consultation Process for the Home Island Retail Precinct;**
- 2. Engage an Architect to develop designs and QS costings for a Retail Precinct on Lot 18 Home Island based on the attached Brief to Architects;**
- 3. Set the upper limit of the total project cost at \$2million, noting that the budget must provide the Shire with a fully functional and finalised product (including detailed design and documentation, construction, freight, project management, connections to services, landscaping some of which may be carried out by the Shire, demolition and removal costs.)**
- 4. Consider the designs and final budget prior to approving any applications for funding for the Home Island Retail Precinct project.**

This resolution was timely as the third round of the Building Better Regions Fund (BBRF) opened on 27 September 2018.

In accordance with the Council resolution an architect was engaged to develop a design with sufficient detail to allow for robust QS costings. The architect visited Home Island in early October to conduct a site visit and to meet with key stakeholder. Following his visit, he presented draft designs for consideration. These were reviewed and officer feedback provided so the designs could be finalised.

The design as shown in the attached Feasibility Study is based on construction being entirely based on a pre-fabricated "kit" using 28 x 20 foot high cube containers modified to create the shops with an assumption that all the other components can be brought to Cocos within the containers. This was done recently by All Portables in Jandakot for a RAAF building made of 9 containers. The concept design is attached for further consideration by Council.

The full design (Option One) has been costed at \$2,187,743 requiring a Council co-contribution of \$546,936. This option is based on 28 containers and provides a space for storage/laundry, brick-paved car parking. The \$2,187,743 includes contingency of \$96,000. Noting that this option exceeded Council's resolution to keep the project under \$2million officers sought out areas for scaling back on the design and instructed the architect to provide QS costings based removing elements and re-cost as per the following options:

**Option Two:**

- Keep 28 containers but remove any costing for laundry fit out;
- Delete Brick Paving
- Delete two (2) sets of stairs from the rear verandah
- Delete Tea Preps from each tenancy
- Adjust all multipliers accordingly

**Option Two has been costed at \$2,055,173 with \$91,000 in contingency.**

**Option Three:**

- Delete one bay of containers – 4 containers in total
- Reduce front and rear verandahs accordingly
- Delete Brick Paving
- Delete two (2) sets of stairs from the rear verandah
- Delete Showers and Laundry as previously advised AND join those containers to Tenancy 03
- Delete Tea Preps from each tenancy
- Adjust all multipliers accordingly

**Option Three has been costed at \$1,789,427 with \$79,000 in contingency.**

This item presents all three options to Council for consideration; however the officer's recommendation is to proceed with Option One as the additional financial impact for Council (given that the co-contribution is 25%) is not significant at \$46,936 given the added benefits of Option One compared with the other options. However, should Council prefer a scaled back design of either Option Two or Option Three, the following alternatives are provided for consideration and to assist in the meeting/resolution process.

**Option Two – alternative**

That Council, by Simple Majority, pursuant to Section 3.18 of the *Local Government Act 1995 (WA) (CKI)* resolves to:

1. Approve the designs from MCG Architects for the Home Island Retail Centre;
2. Submit an application for \$1,541,380 based on the QS costings of \$2,055,173 for the total project cost for a Retail Centre on Lot 18 Home Island inclusive of detailed design and tendering, project management, freight, demolition and rubbish removal, construction and fit out, connections to services and landscaping;
3. Provide Lot 18 as in-kind contribution;
4. Provide project governance and communication as an in-kind contribution;

5. Consider the cash co-contribution of \$513,793 as part of the mid-year budget review;
6. Commit to including the on-going operational cost in the Shire's Long Term Financial Plan and during annual budget processes.

**Option Three - alternative**

That Council, by Simple Majority, pursuant to Section 3.18 of the *Local Government Act 1995 (WA) (CKI)* resolves to:

1. Approve the designs from MCG Architects for the Home Island Retail Centre;
2. Submit an application for \$1,342,070 based on the QS costings of \$1,789,427 for the total project cost for a Retail Centre on Lot 18 Home Island inclusive of detailed design and tendering, project management, freight, demolition and rubbish removal, construction and fit out, connections to services and landscaping;
3. Provide Lot 18 as in-kind contribution;
4. Provide project governance and communication as an in-kind contribution;
5. Consider the cash co-contribution of \$447,357 as part of the mid-year budget review;
6. Commit to including the on-going operational cost in the Shire's Long Term Financial Plan and during annual budget processes.

This pre-fabricated design concept with the associated QS costings provides reassurance that the centre can be built for a cost of between \$1.789 million to \$2.187million. However, the pre-fabricated design is only one design solution; should the application for funding be successful, the project would be procured as a design and construct tender to provide opportunities for alternative solutions and value-add initiatives to be presented and considered, provided they can meet the budget parameters.

**Also to be noted:** this budget excludes the transport of asbestos off-island. The completely unknown/unpredictable cost of this activity is a risk that cannot be accommodated within the project budget. It is also not known when this can occur due to the barriers that currently exist. If this activity was included in the project, the project could not be finalised, audited and acquitted until that activity was completed. Therefore removal of asbestos from Cocos is not included in the project scope. The cost of demolition and appropriate storage of asbestos is included.

Officers are also seeking Council approval to proceed with a BBRF grant application. In preparing for this application, officers have prepared the following documents for Council review:

**1. Project plan/GANTT chart showing milestones and dates:**

The estimates are that the project will take approximately 12 months from commencement to completion, with approximately 5 months for demolition and construction. Officers will work with tenants to investigate opportunities to relocate the current tenants for this period. Whilst we are confident we will find alternatives



for the retailers to continue trading, there is possibility that they may have to cease operations for this demolition/construction phase and this has been flagged with the tenants.

**2. Risk Management Plan:**

This plan outlines the risks that have been identified, controls that have (or will) be put in place and the final risk rating for each risk. The only risk that has a rating of “Significant” even after controls is that timeframes and milestones may not be able to be achieved due to delays from weather events. The construction will be scheduled during periods when bad weather is less likely and extra days built into construction program to allow for inclement weather based on historic data. However, this will need to be monitored by the Executive Management Team and in the event of a delay all relevant stakeholders notified, particularly the funding body and current tenants. (The Communication Plan provides further detail.)

**3. Communication Plan:**

A simple communication plan has been developed to identify all stakeholders, the level of communication they will require and the method for communication to ensure all stakeholders are kept informed of progress, milestones and any changes to the project. This plan is easily implemented and will provide a framework for staff to guide all communication on this project.

**Community and Stakeholder engagement**

Officers have conducted stakeholder and community consultation to ensure stakeholders have input into the planning. 46 people participated in the first round of meetings which formed the basis of the architect’s brief.

In addition, all stakeholders were invited to meet with the architect at a meeting held on 10 October 2018 to discuss the brief in more detail and then again on Friday 12 October to review preliminary design concepts and provide feedback. The draft designs were also discussed with staff and provided to Council on 24 October for feedback.

**Policy and Legislative Implications**

Nil

**Financial Implications**

Council allocated funding in the 2018/19 budget to engage an architect to develop a design with robust QS costings to inform any potential grant application. This phase of the project was completed within budget.

Should Council support the officer’s recommendation to proceed with a grant application for Option One and if the application is successful, Council will be committing to the following:

**Capital 2019/20**

Total Project Cost:	\$2,187,743
Funding to be sought from grant:	\$1,640,807
Council co-contribution:	\$546,936

**Council's co-contribution:**

Council's cash co-contribution \$546,936 (taken from Community reserve)

Council's in-kind co-contribution consists of:

Land: A Landgate valuation is currently being sought for this.

Project governance: \$ 37,283

Stakeholder and Community Communication: \$8,529

**Operational (annual budget):**

Item	Current (existing building)	Future (new building)
Depreciation	\$6,600	\$17,500
Insurance	\$5,775	\$7,500
Maintenance - estimated	\$10,000	\$50,000
Rent from tenants (existing building)	\$13,278	\$13,278
Total annual net cost	\$9,097	\$61,722

**NB 1: Previously the Shire has not had an appropriate asset management plan for this building, only performing reactive maintenance when required. It is planned that a proactive maintenance program will be in place for the new building.**

**NB 2: Rents will be reviewed – after the building is completed the Shire will obtain a valuation to determine rents for existing and new tenants so this figure is likely to increase. However, for the purpose of this exercise the current revenue figure has been used to ensure net cost estimates are conservative.**

**NB 3: The financial implications calculations for both Option Two and Option Three will be tabled at the Council meeting should Council wish to examine these two options in closer detail.**

Impact on financial position:

The cash co-contribution that is required will be met through funds from the Community Reserve. The total amount of the Shires Reserve Funds as at the 30 September is \$2,291,039 of which \$826,105 is made up of the Community Reserve. The \$546,936 co-contribution represents 66% of the Community Reserve and 24% of the Shires overall reserve funds. The purpose of the reserve is "To be used for the development of Home Island facilities and infrastructure."

The Shire will need to commit to the ongoing funding of the maintenance of the building to ensure regular proactive maintenance is carried out to keep the asset in good working order. Once the project is complete a detailed asset management plan will be developed and properly costed so that this expenditure can be included in the Shires Long Term Financial Plan and Annual Budget process.

The 2016/2017 Management Report from the Shires auditors Moore Stephens highlighted that the Shires Asset Sustainability Ratio was below the target level set by the Department of Local Government, Sport and Cultural Industries. The unaudited financial statements for 2017/2018 indicate that this ratio will have further deteriorated over the last financial year. Undertaking a large capital replacement expenditure project such as this one should significantly improve the Shires Asset Sustainability ratio.

NB: Noting Council's resolution on 26 September, the project will be strictly controlled to stay within the budget allocation and the above calculations are based on the maximum amount as per budget. And while the projected total capital cost is based on QS costings, the final capital and operational costs may be less than budget and can only be determined after the project finalised.

### **Strategic Implications**

Shire of Cocos (Keeling) Islands Strategic Community Plan 2013 – 2023 – Goal 1 Economic Development –1.5 Promote employment and stable business environment and attraction of new businesses.

### **Conclusion**

The project has been identified in strategic planning as a priority project for the Shire and our stakeholder engagement confirms that it is an important project from a social and economic perspective. Applications close on 15 November and officers are confident of being able to submit a high quality application should Council agree to proceed.

**10.4/A2 BBRF GRANT APPLICATION – COCOS CV**

**Report Information**

Date: 31 October 2018  
 Applicant: Shire of Cocos (Keeling) Islands  
 Location: N/A  
 Disclosure of Interest: Nil  
 Reporting Officer: Chief Executive Officer  
 Island: N/A  
 Attachments: 10.4A2 - Email dated Friday 26 October 2018 from David Eizenberg, Executive Officer, Office of the Administrator of Christmas Island and Cocos (Keeling) Islands on behalf of the Administrator, Mrs Natasha Griggs.

**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>
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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>

**OFFICER RECOMMENDATION:**

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.18 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:**

- 1. LODGE AN APPLICATION FOR FUNDING VIA THE BUILDING BETTER REGIONS FUND FOR \$50,000 TO DEVELOP A COCOS CV;**

2. COMMIT AN IN-KIND CONTRIBUTION FOR PROJECT MANAGEMENT AND SUPPORT; AND
3. PROVIDE FORMAL ACKNOWLEDGEMENT AND THANKS TO THE REGIONAL DEVELOPMENT ORGANISATION FOR THEIR FINANCIAL CONTRIBUTION OF \$12,500 TOWARDS THIS APPLICATION.

### **Report Purpose**

This item seeks Council approval to lodge an application for funding from the Building Better Regions Fund (BBRF) Investment Stream for \$50,000 to develop a Cocos CV. The items also seeks to inform Council of the financial support for the Cocos CV project from the Regional Development Organisation.

### **Relevant Documents**

Available for viewing at the meeting

Nil

### **Background**

In May 2018, the Australian Government's response to the Joint Standing Committee on the National Capital and External Territories report: The strategic importance of Australia's Indian Ocean Territories (IOTs) reaffirmed its commitment to upgrade the Cocos (Keeling) Islands Airport Runway. In addition, where the appropriate skills are available, and subject to Commonwealth Procurement Rules, the Commonwealth indicated that it would engage local suppliers to provide goods and services for major projects (Response to recommendations 4 and 6).

In a recent visit from the Department of Defence to Cocos (Keeling) Islands, the Shire of Cocos (Keeling) Islands has held discussions with the Department of Defence regarding how local job seekers can obtain employment and how local suppliers/businesses can participate in the upgrade of the runway. The concept of a local capability and capacity statement (a Cocos CV) was discussed and the Department of Defence provided in principle agreement to include such a document in their Cocos (Keeling) Islands' Airport Runway Upgrade tender process.

The Cocos CV would include an introduction to the living and working environment of CKI, a detailed capability and capacity of businesses on CKI (workforce, skills, and equipment); information associated with individuals available for work; and information on the Shire, including workforce capabilities and equipment.

It is timely that a Cocos CV is required as the third round to the \$641.6 million Building Better Regions Fund (BBRF) has recently been released. The BBRF supports the Australian Government's commitment to create jobs, drive economic growth and build stronger regional and remote communities into the future.

\$200 million has been allocated to round 3. Two streams are provided – Infrastructure Projects Stream and Community Investment Stream, with the latter being the relevant stream for this project. The Community Investment Stream provides organisations with grants of between \$5,000 to \$10 million to new or expanded local events, strategic regional plans, or leadership and capability strengthening activities that provide economic and social benefits to regional and remote areas. The Cocos CV will be a clear demonstration of how capacity and leadership within the IOTs can be showcased such that significant benefits to local business and industry occurs.

The project will include the following elements:

- Living Environment on Cocos: The proposed method includes detailing the living environment on Cocos (Keeling) Islands. Information to be included in this component would be agreed with the Shire. At this stage, I would envisage that the following is included: a statistical review of population, cultural, industry and economic information; transportation to, from and around the Islands; community facilities and services available on the Islands; and, other information of interest, including activities available and retail goods and services on offer.
- Capability and Capacity of Businesses, the Shire, and Information on Job Seekers: This stage would constitute the main data collection component of the study, and indeed the main focus of the CV. Survey instruments would be developed and a number of data collection methods utilised. The study would include a three phase approach being:
  - Notification of information to be collected and expected timeframes. This would include a clear description of how the information would be used and the benefits for Cocos (Keeling) Islands businesses that have participated. Issues associated with confidentiality will also need to be addressed, including an assurance that no ‘commercial in confidence’ information would be requested or released. A number of information sessions may be required to ensure that all components of the community were adequately notified. Translators may also be required;
  - Handing out of the survey information and/or emailing the survey form. Translations may also be required;
  - Collection of the information – with allowance for at least 2 call backs to ensure a comprehensive collection of business information.
  - Once information has been collected, it will be collated and analysed.

The information collated will be presented back to the community in a timely manner to ensure openness and transparency. All information collected and analysed will then be included in a draft report. The draft Cocos CV will be graphically designed for ease of understanding and use, and also with a web-presence in mind. The draft Cocos CV will be presented to Council and to the Department of Defence for their review.

The project will also include the development of templates and clear directions for staff to be able to update information as required. Once developed the Cocos CV would be printed and available as a web-presence.

The Chair of the RDO, Mrs Natasha Griggs was approached to consider RDO support for this project and grant application via the required 25% cash co-contribution required under BBRF criteria.

Mrs Griggs advised that part of the Administrator's charter from the Minister is to facilitate economic development opportunities for both islands. Please see extract from email attached. On that basis, the Administrator presented a resolution for consideration by the RDO and has subsequently advised that the RDO will provide the \$12,500 cash co-contribution required.

With this cash support, the Shire will not be required to contribute cash; however will be required to make a significant in-kind contribution via project management and promotion. The Shire will engage the assistance, where relevant and appropriate of the newly appointed RIO.

#### **Community and Stakeholder engagement**

The CEO and Community Projects Officer has consulted with IOGTA to discuss collaboration on this project. The IOGTA has been very supportive and will be a valuable partner in developing and implementing the Cocos CV.

#### **Policy and Legislative Implications**

N/A

#### **Financial Implications**

With the cash support of the RDO, the Shire will not be required to contribute cash; however will be required to make a significant in-kind contribution via project management and promotion. The Shire will engage the assistance, where relevant, of the newly appointed RIO.

#### **Strategic Implications**

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 – 2026

Goal: Economic – Encourage economic stability for the Islands

## **Conclusion**

The Runway upgrade project is likely to commence within the next two years and it is important to be proactive in leveraging positive outcomes for our community from this once in a generation opportunity. The Cocos CV would demonstrate that proactivity to government and the private sector.



**10.4/A3 CHIEF EXECUTIVE OFFICER KPI'S**

**Report Information**

Date: 31 October 2018  
 Applicant: Shire of Cocos (Keeling) Islands  
 Location: N/A  
 Disclosure of Interest: Nil  
 Reporting Officer: Chief Executive Officer  
 Island: N/A  
 Attachments: 10.4A3 - Draft CEO KPIs October 2018 – June 2019

**Authority / Discretion**

**Definition**

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

**OFFICER RECOMMENDATION:**

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 5.38 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:**

- 1. ADOPT THE KPI'S OUTLINED IN THE CONFIDENTIAL ATTACHMENT 10.4A3 FOR THE CEO FOR THE 2018/2019 FINANCIAL YEAR; AND**
- 2. CARRY OUT A REVIEW OF THE CEO AGAINST THESE KPI'S IN JULY 2019.**

## Report Purpose

This item seeks Council consideration of KPIs for the CEO for the 2018/19 Financial Year.

## Relevant Documents

Available for viewing at the meeting

Nil

## Background

As per the CEO Contract, Council is required to set KPIs for the CEO. These are used to inform the CEO's performance review which as required under s5.38 of the *Local Government Act 1995*. KPIs also provide a valuable tool for ensuring Council provides clear direction to the CEO regarding Council's priorities for the organisation and particularly in resource allocation.

The draft KPIs presented as Attachment 10.4/A3 were developed by the CEO Recruitment Committee and discussed with full Council at the 26 September Councillor Workshop.

The key performance indicators are based on performance and achievement in the priority areas of:

1. Leadership
2. Financial
3. Compliance
4. Strategic direction

In total there are 9 KPIs with a set of additional questions and prompts for Council to provide feedback to the CEO on overall behaviour and aspects of the organisation.

The CEO KPIs will inform and guide the development of KPIs for Managers who in turn will use their KPIs for their staff resulting in these KPIs cascading to all levels in the organisation.

## Community and Stakeholder engagement

The CEO Recruitment Committee were provided with the draft document at the workshop on 26 September for consideration and feedback.

## Policy and Legislative Implications

Section 5.38 of *The Local Government Act 1995* stipulates that the performance of each employee who is employed for a term of more than one year, including the CEO and each

senior employee, is to be reviewed at least once in relation to every year of the employment. KPIs provide a useful tool to acquit this requirement.

A draft CEO KPI policy is being developed for Council consideration in the near future.

### **Financial Implications**

While there are no direct financial implications in adopting the KPIs, it should be noted that implementation of KPIs will require funding and / or human resources, either as part of the operational budget or specific project funding. Any budget allocation will be presented for Council consideration as part of the budget review process.

### **Strategic Implications:**

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 – 2026

Goal: Leadership

### **Conclusion**

The CEO KPIs are presented for formal adoption by Council.

**10.4/A4 PETITION FROM SENIOR LEADERS OF THE COCOS ISLANDS DISTRICT HIGH SCHOOL**

**Report Information**

Date: 29 October 2018  
 Applicant: Senior Leaders of the Cocos Islands District High School (CIDHS).  
 Location: N/A  
 Disclosure of Interest: Nil  
 Reporting Officer: Chief Executive Officer  
 Island: West Island  
 Attachments: 10.4/A4 - Correspondence from Senior Leaders of the Cocos Islands District High School (CIDHS).

**Authority / Discretion**

**Definition**

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

**OFFICER RECOMMENDATION:**

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.18 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:**

- 1. RECEIVE THE PETITION FROM THE SENIOR LEADERS OF THE COCOS ISLANDS DISTRICT HIGH SCHOOL FOR THE SHIRE TO CONSIDER ADDING PLANS FOR A SKATE PARK TO THE SHIRE'S CORPORATE PLAN**
- 2. ACKNOWLEDGE THE SENIOR LEADERS FOR THEIR INITIATIVE;**

### **3. CONSIDER INCLUDING PLANS FOR A SKATE PARK IN THE CORPORATE BUSINESS PLAN 2018 – 2022 DURING THE CORPORATE PLANNING PROCESS.**

#### **Report Purpose**

The purpose of this report is to advise Council of the receipt of a petition requesting that the Shire of Cocos (Keeling) Islands considers planning for a skate park as part of the Shire's Corporate Plan.

#### **Relevant Documents**

##### Available for viewing at the meeting

Petition and quotation from Senior Leaders of the Cocos Islands District High School (CIDHS).

#### **Background**

A petition was presented to the CEO on 20 March 2018. The petition is addressed to the Shire President Cr Seriwati Iku and to Councillors and was lodged by Senior Leaders of the CIDHS.

The petition contains 113 signatures and formally requests that Council considers a skate park in the Shire's Corporate Plan. The reasons offered by the petitioners is that a skate park would offer the following benefits:

*"To provide the youth of Cocos (Keeling) Islands with a fun and safe environment for exercise and outdoor activity."*

The petitioners are seeking the Shire's support in designing and building a skate park at the playground on West Island (known as Central Park).

(\*17 of the signatories are not residents of Cocos (Keeling) Islands.)

#### **Policy and Legislative Implications**

There are no rules prescribed in the Local Government Act 1995 with regard to petitions. Therefore the manner in which a Council receives and acts upon petitions is usually a matter for Meeting Procedures Local Laws (formally known as the Standing Orders). The Shire of Cocos (Keeling) Islands Standing Orders Local law 1998 does not mention the handling of petitions therefore there is some discretion for Council. (NB: An updated Meeting Procedures Local Law is currently being drafted and will be presented for Council consideration within the next two months.)

Despite having no formal process, given the number of electors that have signed the petition, there is a public interest factor to be considered. On that basis, the officer's recommendation is that the petition be received in good faith.

### **Financial Implications**

There are no direct financial implications in receiving the petition, nor in including planning and investigation. And while implementation would require significant funding any budget request would be provided for Council consideration as part of the annual budget process.

### **Strategic Implications:**

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 – 2026 Outcome 2.1.1 Increase inter-island social and sports interaction.

### **Conclusion**

The officer's recommendation is for the concept to be included in the Shire's Corporate Business Plan 2018 as a first step to allow staff to investigate options and costs. Once these are better established they can be presented for Council to give the concept more informed consideration.

**10.4/A5 MEETING SCHEDULE FOR ORDINARY MEETINGS OF COUNCIL FOR 2019**

**Report Information**

Date: 29 October 2018  
 Applicant: Shire of Cocos (Keeling) Islands  
 Location: N/A  
 Disclosure of Interest: Nil  
 Reporting Officer: Executive Support Officer  
 Island: Shire wide  
 Attachments: Nil

**Authority / Discretion**

**Definitions**

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

**OFFICER RECOMMENDATION:**

**THAT THE COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 5.3 OF THE LOCAL GOVERNMENT ACT RESOLVES TO:**

- 1. ADOPT THE FOLLOWING SCHEDULE FOR ORDINARY MEETINGS OF COUNCIL FOR 2019 AS FOLLOWS AND GIVE LOCAL PUBLIC NOTICE REGARDING THIS SCHEDULE.**

Time	Date	Venue
4pm	Wednesday, 23 January 2019	Council chamber, Home Island
4pm	Wednesday, 27 February 2019	CRC meeting room, West Island
4pm	Wednesday, 27 March 2019	Council chamber, Home Island
4pm	Wednesday, 17 April 2019	Council chamber, Home Island
1pm	Wednesday, 22 May 2019	Council chamber, Home Island
4pm	Wednesday, 26 June 2019	CRC meeting room, West Island
4pm	Wednesday, 24 July 2019	Council chamber, Home Island
4pm	Wednesday, 28 August 2019	Council chamber, Home Island
4pm	Wednesday, 25 September 2019	Council chamber, Home Island
4pm	Wednesday, 6 November 2019	CRC meeting room, West Island
4pm	Wednesday, 4 December 2019	Council chamber, Home Island

### **Report Purpose**

To determine schedule for Ordinary meetings of Council for 2019.

### **Relevant Documents**

Available for viewing at the meeting

Nil



**Background**

Under Section 5.3 of the Local Government Act, councils are required to hold Ordinary meetings no more than three months apart, although for good governance, more frequent meetings are standard practice. The Shire of Cocos (Keeling) Islands usual practice is to hold monthly meetings, with the exception of October.

The Local Government (Administration) Regulations – Reg 12 requires Council to give local public notice of dates, times and the location of its Ordinary and Special meetings.

*Meetings, public notice of (Act s. 5.25(1) (g))*

*(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which*

*(a) the ordinary council meetings; and*

*(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months*

*2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1).*

**Comment**

The following dates for the Ordinary meetings of Council for 2019 are listed for Council’s consideration taking into account external factors, school and gazetted holidays relevant in the territory of Cocos (Keeling) Islands.

Also Councillors should note that the 22 May meeting is scheduled at 1.00pm in consideration of Ramadan.

The dates proposed for the Ordinary Meetings of Council for 2019 are as follows:

Time	Date	Venue
4pm	Wednesday, 23 January 2019	Council chamber, Home Island
4pm	Wednesday, 27 February 2019	CRC meeting room, West Island
4pm	Wednesday, 27 March 2019	Council chamber, Home Island

4pm	Wednesday, 17 April 2019	Council chamber, Home Island
1pm	Wednesday, 22 May 2019	Council chamber, Home Island
4pm	Wednesday, 26 June 2019	CRC meeting room, West Island
4pm	Wednesday, 24 July 2019	Council chamber, Home Island
4pm	Wednesday, 28 August 2019	Council chamber, Home Island
4pm	Wednesday, 25 September 2019	Council chamber, Home Island
4pm	Wednesday, 6 November 2019	CRC meeting room, West Island
4pm	Wednesday, 4 December 2019	Council chamber, Home Island

### **Policy and Legislative Implications**

Nil

### **Financial Implications**

Nil

### **Statutory Implications**

Section 5.3 of the Local Government Act stipulates the requirement to hold regular Ordinary meetings of Council and Reg 12 of the Local Government (Administration) Regulations requires Council to give local public notice of dates, times and the location of its Ordinary and Special meetings. The Officer's recommendation complies with these statutory requirements.

### **Conclusion**

To seek Council resolution to adopt a schedule for the Ordinary Meetings of Council for the 2019 calendar year.

## 11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 11.1 TRANNIES BEACH

#### Report Information

Date: 31 October 2018  
 Applicant: Shire of Cocos (Keeling) Islands  
 Location: N/A  
 Disclosure of Interest: Nil  
 Reporting Member: Cr Shane Charlston  
 Island: West Island  
 Attachments: 11.1 – Aerial image

#### Authority / Discretion

#### Definition

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

#### Elected Member Notice of Motion

I have concerns with the current damage to the coastline of Trannies Beach. The coast is being eroded and a large number of sand bags and geo fabric that were protecting the area have disintegrated. Some lay half buried in the sand and create a safety hazard for area users. The top run of bags along this area have also deteriorated, torn open and require replacing.

I am concerned that the erosion is threatening Shire infrastructure (i.e. the western shelter) and any further storm damage may result in the shelter being damaged beyond repair or will require moving to another location.

Given that community value of the area and its high use over the Christmas period it is important that the area is given some urgent attention. The Shire has recently installed a BBQ at Trannies in recognition of the importance of the area as a community recreation space.

I am proposing that Council allocate the funds for works to reinstate the sand bags and tidy the Trannies Beach area are carried out as soon as possible.

### **Officer's Comment**

Trannies Beach area has been impacted by severe coastal processes, particularly in July 2018. With sand bags now deteriorated and displaced, the area is under threat of further erosion, particularly with any big swells and high tides and/or storm events.

The existing sandbagging was carried out in 2012 and was done by the Shire; as a result the sand bags are a shire asset and therefore the Shire's responsibility.

The following mitigation / remediation work is recommended and has costed for Council consideration:

Reconstruction of the sea wall using 1.2 m<sup>3</sup> Geo Fabric Sand Containers in the most vulnerable area (see attached aerial image). To achieve a sea wall that will with stand the force of the ocean that mainly occurs through High Tides and Swell events, the wall will need to be constructed on the coral plate. This will enable the scour flap Sand Container to work effectively and stop any erosion from occurring underneath the wall. (This the main reason the seawall at the fuel depot has failed in sections.)

Once the ground has been excavated to coral plate a layer of GEO Fabric will be laid behind the sand container to prevent any erosion from behind the wall.

The wall will be five layer high giving it a height of 2 meters. The instep of the wall at each layer will be 400mm giving swimmers ease of access to the beach.

All the material to achieve this are already on Island.

### **Financial Implications**

The Shire has materials in stock to carry out this work – therefore while there is no impact on the 2018/19 budget for materials for this project, it should be noted that the materials have an estimated value of \$54,000.

The direct (unbudgeted) financial impact on the 2018/19 budget will be from labour, plant and overheads. Costs have been calculated on the following:

Filling

a.	Labour	\$3635
b.	Plant	\$6600
c.	Overheads	\$6288

Transporting to Site

a.	Labour	\$2908
b.	Plant	\$3300
c.	Overheads	\$5031

Installation of Sand Containers

a.	Labour	\$2181
b.	Plant	\$3960
c.	Overheads	<u>\$3773</u>

TOTAL: \$37,676

Should Council approve this expenditure, the works can be programmed to commence in mid-November 2018 and would be anticipated to be completed by the end of November/early December 2018. The Back Laneway Fencing job has been completed under budget in both Labour and Overhead costs by \$9,953.36 and \$18,367.43 respectively. The estimated total labour costs for this project will total \$8,724 with overheads of \$15,092 therefore there is sufficient left over funds from the back lane fencing job that can be transferred across to this project. Plant costs for the budgeted project of clearing the future West Island depot site are conservative and management believes the plant costs for this work at Trannies can be transferred across from that job.

**ELECTED MEMBER MOTION:**

**THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO S6.8 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI) 1995* RESOLVES TO ALLOCATE \$37,676 TO REINSTATE THE SAND BAGS AT TRANNIES BEACH BY MID DECEMBER 2018.**

## 12. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

## 13. MATTERS BEHIND CLOSED DOORS

A report is confidential under Section 5.23 (2) of the Local Government Act 1995.

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following—
- (a) a matter affecting an employee or employees; and
  - (b) the personal affairs of any person; and
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret; or
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person,

## 14. CLOSURE OF BUSINESS