



NOTICE OF MEETING

Elected Members

Please be advised that the next Ordinary Meeting of Council will be held in CRC Meeting Room, West Island on Wednesday, 11 November 2020 commencing at 4.00pm.

Andrea Selvey
Chief Executive Officer

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. 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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OUR VALUES

Service

Provide the best service we can.

We serve the community and each other.

Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

Support

We support our team and our community.

Look for opportunities to help each other.

Respect

We respect and value others.

Our interactions are always respectful towards others.

Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

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1. OPENING/ANNOUNCEMENTS OF VISITORS

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)

Councillor	Date of Leave	Approved by Council

5.2 APPLICATION FOR LEAVE OF ABSENCE

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)

7.1 Ordinary Council Meeting held on 7 October 2020 -Attachment 7.1

OFFICER'S RECOMMENDATION

THAT COUNCIL BY SIMPLE MAJORITY, PURSUANT TO SECTIONS 5.22(2) AND 3.18 OF THE LOCAL GOVERNMENT ACT 1995, RESOLVES THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING 7 OCTOBER 2020, AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

9. DECLARATION OF INTERESTS

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

10. REPORT AND RECOMMENDATIONS OF COMMITTEE

10.1 FINANCE

10.1.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDING 30 SEPTEMBER 2020

Report Information

Date: 05/11/2020
 Location: Not Applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Deputy Chief Executive Officer
 Island: Shire Wide
 Attachments: 10.1.1 Statement of Financial Activity with accompanying notes 30 September 2020

Authority / Discretion

Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>

<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report Purpose

To inform Council of the financial position of the Shire at 30 September 2020 in compliance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996.

Relevant Documents

Available for viewing at the meeting

Nil

Background

The Monthly Financial Statements for the period 1st July 2020 to 30 September 2020 are presented for consideration.

Comment

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

A statement of Financial Activity with accompanying notes is attached for the period 1 July 2020 to 30 September 2020.

Policy and Legislative Implications

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

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

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

Strategic Implications

Nil

Conclusion

That the financial statements for the period 1 July 2020 to 30 September 2020 be received.

OFFICER'S RECOMMENDATION – ITEM NO 10.1.1

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2020 TO 30 SEPTEMBER 2020.

10.1.2 SCHEDULE OF ACCOUNTS PAID FOR PERIOD 1 SEPTEMBER 2020 TO 30 SEPTEMBER 2020

Report Information

Date: 6 November 2020
 Location: Not applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.1.2 Schedule of Accounts paid - September 2020

Authority / Discretion

Definition

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

Report Purpose

To inform Council of funds disbursed for the period 1 September 2020 - 30 September 2020.

Relevant Documents

Available for viewing at the meeting

Nil

Background

A list of accounts paid between 1 September 2020 and 30 September 2020 is attached.

Comment

The schedule of accounts paid is submitted in accordance with legislative requirements.

Policy and Legislative Implications

13(1) of the *Local Government (Financial Management) Regulations 1996*.

Strategic Implications

Nil

Conclusion

That Council receives the list stating all accounts paid for September 2020.

OFFICER'S RECOMMENDATION – ITEM NO 10.1.2

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO CREDITOR PAYMENTS FROM THE MUNICIPAL FUND FOR THE PERIOD 1 SEPTEMBER 2020 TO 30 SEPTEMBER 2020 INCLUSIVE OF CHEQUE 11603 TO 11606, EFT 7510 TO EFT 7583, VIVA ENERGY & DIRECT DEBIT SUPERANNUATION TALLING \$513,233.66.

10.1.3 SCHEDULE OF ACCOUNTS PAID FOR PERIOD 1 OCTOBER 2020 TO 31 OCTOBER 2020

Report Information

Date: 6 November 2020
 Location: Not applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.1.3 Schedule of Accounts paid – October 2020

Authority / Discretion

Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
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<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report Purpose

To inform Council of funds disbursed for the period 1 October 2020 – 31 October 2020.

Relevant Documents

Available for viewing at the meeting

Nil

Background

A list of accounts paid between 1 October 2020 and 31 October 2020 is attached.

Comment

The schedule of accounts paid is submitted in accordance with legislative requirements.

Policy and Legislative Implications

13(1) of the Local Government (Financial Management) Regulations 1996.

Strategic Implications:

Nil

Conclusion

That Council receives the list stating all accounts paid for October 2020.

OFFICER'S RECOMMENDATION – ITEM NO 10.1.3

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE LOCAL *GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS* 1996 RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO CREDITOR PAYMENTS FROM THE MUNICIPAL FUND FOR THE PERIOD 1 OCTOBER 2020 TO 31 OCTOBER 2020 INCLUSIVE OF CHEQUE 61607 to 11616 AND EFT 7584 TO EFT 7641, VIVA ENERGY & DIRECT DEBIT SUPERANNUATION TOTALLING \$192,302.55.

10.2 LEASES

10.2.1 PROPOSED LEASE OVER A PORTION OF LOT 341 ON DEPOSITED PLAN 42274 (RESERVE 47727)

Report Information

Date: 30 October 2020
 Location: Lot 341
 Applicant: Department of Planning, Lands and Heritage
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: A. Selvey, Chief Executive Officer
 Island: West Island
 Attachments: 10.2.1 Map and aerial of proposed lease area
 10.2.1 Oman Australia Cable Project Overview

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>

Report Purpose

To seek Council's endorsement of a proposed lease over a portion of Lot 341 for the purpose of installing infrastructure that supports a new subsea telecommunications cable that will facilitate improved internet connectivity and speed on Cocos (Keeling) Islands.

Relevant Documents

[Available for viewing at the meeting](#)

Background

The Department of Planning, Lands and Heritage (Department) is considering a proposal to grant a lease over a portion of Lot 341 on Deposited Plan 42274 (CLT 3133/400) being a portion of Unmanaged Reserve 47727 held for the current purpose of 'Aerodrome'.

The proposed lease would be granted pursuant to section 79 of the Land Administration Act 1997 (LAA) for the permitted use of 'Communications Facility' for a term of 21 years with OAC Pty Ltd being the lessee. The proposed dimension of the lease will be 20 meters by 20 meters (square shaped) with its northern and western boundaries being anchored on Lot 347 DP 42274 and Alexander Street, respectively.

The proposal will involve attaching a lateral to an undersea telecommunications cable that is being laid between Western Australia and the Middle East, this cable's alignment will place it close to Cocos Island. It is intended that the lateral will emerge in vicinity of the waterfront near Lot 167 on Deposited Plan 218316 (CLT 3081/832) being Reserve 44516 held for the current purpose of 'Recreation and Foreshore Management' and vested to the Shire of Cocos Island. The lateral's alignment will follow a road reserve, Emden Walk (PIN 11826039), before reaching the proposed lease area.

Comment

The Department of Planning, Lands and Heritage is presenting this information for Council's information and formally seeking Council's views as an interested stakeholder.

This lease will allow infrastructure that local service providers could connect to and therefore offer improved internet connectivity and speeds to the residents, businesses and government agencies located on Cocos (Keeling) Islands. Noting the community benefits likely to arise from this infrastructure, the officer's recommendation is to support the proposed lease. The

undersea cable is expected to be laid in early 2021 and the proposed lessee has requested that tenure over the lease area be in place by then.

Policy and Legislative Implications

The lease will be offered by the Department under the Land Administration Act 1997. There are no direct legislative or policy implications for Council

Financial Implications

There are no financial implications

Strategic Implications

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

Outcome 4.1 An informed Council leading working with others to advance our Islands

4.1.1 To provide leadership to the community

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	N/A		
Health & Safety	Structures and/or infrastructure poses risks to community members	Low (3)	Structures will be assessed by the Shire's building surveyor
Reputation	N/A		
Service Interruption	N/A		
Compliance	Structures are non-compliant.	Low (3)	Structures will be assessed by the Shire's planning and building consultants for compliance
Property	N/A		
Environment	Development impacts on the environment	Low (3)	Proponents will have been required to comply with all environmental legislation and requirements.
Fraud	N/A		

Risk Matrix

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

Voting Requirements

Simple Majority Required

Conclusion

The officer's recommendation to support this request to lease is based on the social and economic outcomes that are likely to be generated from having high-speed internet capacity on Cocos.

OFFICER'S RECOMMENDATION – ITEM NO 10.2.1

That COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S3.18 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI) 1995* RESOLVES TO ADVISE THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE THAT IT HAS NO OBJECTIONS TO THE PROPOSED LEASE OVER A PORTION OF LOT 341 ON DEPOSITED PLAN 42274 (CLT 3133/400) BEING A PORTION OF UNMANAGED RESERVE 47727 FOR THE PERMITTED USE OF 'COMMUNICATIONS FACILITY' FOR A TERM OF 21 YEARS WITH OAC PTY LTD.

10.3 PLANNING/BUILDING

10.3.1 PROPOSED SERVICED APARTMENT – LOT 113 WILLIAM KEELING CRESCENT, WEST ISLAND

Report Information

Date: 29 October 2020
 Location: Lot 113 (13) William Keeling Crescent
 Applicant: Urbanize Pty Ltd on behalf of Timothy Castle
 File Ref:
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachment: 10.3.1 01-499 Development Application
 10.3.1 03-499 Certificate of Title
 10.3.1 04-499 Plan 23-10-20

Authority / Discretion

Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report Purpose

For Council to consider a development application for the addition of self-contained, 2-bedroom, 99m² detached serviced apartment upon 13 William Keeling Crescent, West Island.

Relevant Documents

Available for viewing at the meeting

Background

The subject property of Lot 113 William Keeling Crescent, West Island is zoned Residential under the Shire's *Local Planning Scheme No.1* (the Scheme).

Currently only a single house exists on the property. This application seeks Council's approval for the addition of a detached self-contained, 2-bedroom, 99m² serviced apartment and 15m² outbuilding.

The Scheme defines a serviced apartment as an independent living residential unit for short stay accommodation purposes not including a hotel or motel.

Under the Scheme a serviced apartment is discretionary land use for the Residential zone. This means the land use is not permitted unless Council exercises discretion in its decision making.

The only design provision the serviced apartment does not meet is the side boundary setback. The standard setback under Residential Design Codes (R-Codes) is 1.5m, while a reduction to 1.1m is proposed.

The proposed outbuilding which also forms part of the application will be a repurposed shipping container secured on footings and re-cladded. This outbuilding design meets the relevant design provisions of the R-Codes.

Currently Council does not have a delegation register in place for statutory town planning approvals, meaning each application must be presented to Council for determination.

Comment

Where a proposal does not meet the provisions of any Local Planning Policy or the R-Codes the decision maker is to exercise its judgement to consider the merits of the proposal in accordance with the Design Principles of the R-Codes. The relevant design principle for the reduced side setback to the serviced apartment is:

Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

It is assessed that the 0.4m setback reduction is of minor nature and can satisfy the design principle in question, resulting in little to no impact on the adjoining property, especially given the mature vegetation between the proposal and the neighbouring residence.

The proposed serviced apartment will be setback 5m from the primary street boundary (William Keeling Crescent). Under the R-Codes the standard front setback for the property is 6m. However under the R-Codes the front setback can be reduced by up to 50 per cent provided that the area of any building intruding into the setback area is compensated for by at least an equal area of open space between the setback line and line drawn parallel to it at twice the setback distance. Given the existing house is setback approximately 9.5m the proposed serviced apartment complies with this provision allowance.

The approval as serviced apartment will also limit the use of the self-contained unit to short stay accommodation only, meaning any guest can stay up to maximum of 3 months in any successive 12-month period. This is reinforced as a condition of approval, in addition to the maximum guest capacity being 4 people in accordance with local health overcrowding regulations.

The plans presented show an architectural building finish that complement the existing dwelling and therefore no further information is required on this matter.

This self-contained unit application has been classed as 'serviced apartments' under the planning scheme due to use for short stay accommodation; however the officer has not recommended a time limit on these approvals like is the case for other guest house applications as there would an onsite manager staying within the primary residence on the same property to ensure guests act accordingly during their stay.

No property management plan was submitted with the application, therefore one of the recommended conditions of approval calls for such to be approved by the Shire prior to commencement of the accommodation use.

Policy and Legislative Implications

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

Financial Implications

Should the applicant proceed with this development, the property valuation will increase and as such, the rate levied on the property will also increase with a corresponding increase in the Shire's rate revenue.

Strategic Implications

Shire of Cocos (Keeling) Islands Corporate Business Plan:
Objective 2 – Facilitate accommodation to meet a variety of needs.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial			
Health & Safety	House fire	Moderate (5)	Approval condition – property management plan
Reputation			
Service Interruption			
Compliance	Building permit not obtained prior to construction	Low (1)	Advice note added to planning approval
	Unruly behaviour of guests in a residential area	Moderate (9)	Approval condition enforcement
Property			
Environment			
Fraud			

Risk Matrix

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

Voting Requirements

Simple Majority

Conclusion

Given there is no relevant planning concerns, the officer supports the proposals subject to conditions being imposed on the applicant.

OFFICER'S RECOMMENDATION – ITEM NO 10.3.1

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO.1*, RESOLVES TO GRANT DEVELOPMENT APPROVAL FOR A SERVICED APARTMENT AT LOT 113 WILLIAM KEELING CRESCENT, WEST ISLAND SUBJECT TO THE FOLLOWING CONDITIONS AND ADVICE NOTES:

1. DEVELOPMENT MAY BE CARRIED OUT ONLY IN ACCORDANCE WITH THE DETAILS OF THE APPLICATION AS APPROVED HEREIN AND ANY APPROVED PLAN.
2. ANY ADDITIONAL DEVELOPMENT WHICH IS NOT IN ACCORDANCE WITH THE APPLICATION THE SUBJECT OF THIS APPROVAL OR ANY CONDITION OF APPROVAL WILL REQUIRE THE FURTHER APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS.
3. THE TOTAL NUMBER OF PEOPLE TO BE ACCOMMODATED IN THE SERVICED APARTMENT SHALL NOT EXCEED FOUR (4) GUESTS AT ALL TIMES.
4. THE DEVELOPMENT MUST NOT CAUSE NUISANCE OR DEGRADE THE AMENITY OF THE LOCALITY IN ANY WAY, INCLUDING BY REASON OF THE EMISSION OF NOISE, LIGHT, ODOUR, FUMES, SMOKE, VAPOUR OR OTHER POLLUTANT, OR IMPACT ON PUBLIC SAFETY OR OTHERWISE; TO THE SATISFACTION OF THE SHIRE OF COCOS (KEELING) ISLANDS.
5. PRIOR TO COMMENCEMENT OF THE APPROVED USE AS SERVICED APARTMENT, A 'PROPERTY MANAGEMENT PLAN' MUST BE SUBMITTED AND THEREAFTER APPROVED BY THE SHIRE OF COCOS (KEELING) ISLANDS. THIS MANAGEMENT PLAN SHALL INCLUDE DETAILS ON THE CODE OF CONDUCT OF GUESTS, AND THE FIRE AND EMERGENCY PROTOCOLS AND EQUIPMENT OF THE PREMISES.
6. BARBEQUES ARE TO BE LIMITED TO GAS OR ELECTRIC ONLY.

7. GUESTS OF THE SERVICED APARTMENT ARE TO BE SHORT STAY ONLY, MEANING NO GUEST SHALL OCCUPY THE SERVICED APARTMENT FOR MORE THAN A TOTAL OF THREE MONTHS IN ANY ONE TWELVE-MONTH PERIOD.

ADVICE NOTES:

1. THIS IS A DEVELOPMENT APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS UNDER ITS *LOCAL PLANNING SCHEME NO.1*. IT IS NOT AN APPROVAL TO COMMENCE OR CARRY OUT DEVELOPMENT UNDER ANY OTHER LAW. IT IS THE RESPONSIBILITY OF THE APPLICANT/LANDOWNER TO OBTAIN ANY OTHER NECESSARY APPROVALS, CONSENTS, PERMITS AND LICENSES REQUIRED UNDER ANY OTHER LAW, AND TO COMMENCE AND CARRY OUT DEVELOPMENT IN ACCORDANCE WITH ALL RELEVANT LAWS.
2. THE APPLICANT IS TO IMPLEMENT AND MAINTAIN REPORTING MECHANISMS FOR COMPLAINTS CONCERNING THE OPERATION OF THE SERVICED APARTMENT. IN THE EVENT OF A SUBSTANTIATED COMPLAINT BEING RECEIVED THE APPLICANT IS REQUIRED TO DEMONSTRATE MITIGATION RESPONSE(S) TO THE APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS.
3. SHOULD THE APPLICANT BE AGGRIEVED BY THE DECISION (IN PART OR WHOLE) THERE IS A RIGHT PURSUANT TO THE *PLANNING AND DEVELOPMENT ACT 2005* TO HAVE THE DECISION REVIEWED BY THE STATE ADMINISTRATIVE TRIBUNAL. SUCH AN APPLICATION MUST BE LODGED WITHIN TWENTY-EIGHT (28) DAYS FROM THE DATE OF THE DECISION.
4. IF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL IS NOT SUBSTANTIALLY COMMENCED WITHIN A PERIOD OF TWO (2) YEARS, THE APPROVAL SHALL LAPSE AND BE OF NO FURTHER EFFECT.
5. WHERE AN APPROVAL HAS SO LAPSED, NO DEVELOPMENT SHALL BE CARRIED OUT WITHOUT THE FURTHER APPROVAL OF THE LOCAL GOVERNMENT HAVING FIRST BEEN SOUGHT AND OBTAINED.

10.3.2 PROPOSED RESIDENTIAL ADDITIONS & GUEST HOUSE USE – LOT 145 BEACON HEIGHTS, WEST ISLAND

Report Information

Date: 28 October 2020
 Location: Lot 145 (#45) Beacon Heights
 Applicant: Clint Morris on behalf of Bradley Waugh
 File Ref:
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachment: 10.3.2 45 Beacon Heights Title
 10.3.2 Application – Development Approval
 10.3.2 DA SET – COCOS
 10.3.2 Cover letter

Authority / Discretion

Definition

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

Report Purpose

For Council to consider a development application for the addition of a carport, deck and outbuilding to the existing single house upon 45 Beacon Heights, West Island. Council is also

requested to consider the use of the single house as a guest house from time to time for working contractors to the Cocos Islands.

Relevant Documents

Available for viewing at the meeting

Background

The subject property of Lot 145 Beacon Heights, West Island is zoned Residential under the Shire's *Local Planning Scheme No.1* (the Scheme).

Currently only a single house exists on the property. This application seeks Council's approval for the addition of a carport, deck and outbuilding. The renovation will also see an office created internally, and the current kitchen remodelled, however this does not form part of the town planning decision making process.

The south-east corner of the 40m² double garage will be built 100mm from the adjacent side boundary to keep square with the existing house which runs true north to south on the north-east to south-west orientated property as detailed on the attached development plans. The required setback under the Residential Design Codes (R-Codes) is 1m.

The proposed rear deck meets the overlooking/privacy provisions of the R-Codes. The proposed outbuilding also meets its relevant provisions of the R-Codes.

The landowner also intends to use the single house for short stay accommodation from time to time for working contractors to Cocos Islands. The specific land use term for this development under the Scheme is 'guest house', which is defined as the following:
means the use of premises for a commercial accommodation establishment compatible in character and scale with residential housing.

Currently Council does not have a delegation register in place for statutory town planning approvals, meaning each application must be presented to Council for determination.

Comment

Where a proposal does not meet the provisions of any Local Planning Policy or the R-Codes the decision maker is to exercise its judgement to consider the merits of the proposal in accordance with the Design Principles of the R-Codes. The relevant design principle for the reduced setback to the carport corner is:

Buildings built up to boundaries (other than the street boundary) where this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties;*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties; and*
- *does not have any adverse impact on the amenity of the adjoining property.*

It is assessed that on the basis that the proposed carport will taper away from the boundary rather than run parallel for full length at the reduced setback, the proposal can satisfy the design principle in question and would have no impact on the adjoining property.

Council is requested to apply its town planning direction by approving the additions subject to conditions.

In terms of the 'guest house' land use proposal, it is assessed across the existing floor plans that the house could accommodate up to six guests at any one time.

Six guests across the three bedrooms is in accordance with local health regulations which outline that each person requires fourteen cubic meters of air space to sleep within a bedroom.

There is scope to provide an initial two-year approval for the guest house component of the application, which on cessation can be extended by Council if deemed appropriate and/or requested by the landowner.

It is recommended Council retains a degree of control by making the approval subject to various conditions. Should a breach of these conditions occur, Council, in accordance with the enforcement provisions of the Scheme can cancel the guest house approval.

No property management plan was submitted with the application, therefore one of the recommended conditions of approval calls for such to be approved by the Shire prior to commencement of the accommodation use.

Policy and Legislative Implications

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

Financial Implications

Should the applicant proceed with this development, the property valuation will increase and as such, the rate levied on the property will also increase with a corresponding increase in the Shire's rate revenue.

Strategic Implications

Shire of Cocos (Keeling) Islands Corporate Business Plan:
Objective 2 – Facilitate accommodation to meet a variety of needs.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial			
Health & Safety	House fire	Moderate (5)	Approval condition – property management plan
Reputation			
Service Interruption			
Compliance	Building permit not obtained prior to construction	Low (1)	Advice note added to planning approval
	Unruly behaviour of guests in a residential area	Moderate (9)	Approval condition enforcement
Property			
Environment			
Fraud			

Risk Matrix

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

Voting Requirements

Simple Majority

Conclusion

The officer supports the proposals subject to conditions being imposed on the applicant.

It is recommended the guest house is approved for an initial two-year period. Council has the option of granting a five-year extension at the completion of the two-year period at the request of the landowner.

OFFICER'S RECOMMENDATION – ITEM NO 10.3.2

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO.1*, RESOLVES TO GRANT DEVELOPMENT APPROVAL FOR THE RESIDENTIAL ADDITIONS AND GUEST HOUSE LAND USE AT LOT 145 BEACON HEIGHTS, WEST ISLAND SUBJECT TO THE FOLLOWING CONDITIONS AND ADVICE NOTES:

- 1. DEVELOPMENT MAY BE CARRIED OUT ONLY IN ACCORDANCE WITH THE DETAILS OF THE APPLICATION AS APPROVED HEREIN AND ANY APPROVED PLAN.**
- 2. ANY ADDITIONAL DEVELOPMENT WHICH IS NOT IN ACCORDANCE WITH THE APPLICATION THE SUBJECT OF THIS APPROVAL OR ANY CONDITION OF APPROVAL WILL REQUIRE THE FURTHER APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS.**
- 3. THE APPROVED USE AS GUEST HOUSE IS LIMITED FOR A PERIOD OF TWO YEARS FROM THE DATE OF THIS APPROVAL.**
- 4. THE TOTAL NUMBER OF PEOPLE TO BE ACCOMMODATED IN THE GUEST HOUSE SHALL NOT EXCEED SIX (6) GUESTS AT ALL TIMES.**
- 5. THE DEVELOPMENT MUST NOT CAUSE NUISANCE OR DEGRADE THE AMENITY OF THE LOCALITY IN ANY WAY, INCLUDING BY REASON OF THE EMISSION OF NOISE, LIGHT, ODOUR, FUMES, SMOKE, VAPOUR OR OTHER POLLUTANT, OR IMPACT ON PUBLIC SAFETY OR OTHERWISE; TO THE SATISFACTION OF THE SHIRE OF COCOS (KEELING) ISLANDS.**

6. PRIOR TO COMMENCEMENT OF THE APPROVED USE AS GUEST HOUSE, A 'PROPERTY MANAGEMENT PLAN' MUST BE SUBMITTED AND THEREAFTER APPROVED BY THE SHIRE OF COCOS (KEELING) ISLANDS. THIS MANAGEMENT PLAN SHALL INCLUDE DETAILS ON THE CODE OF CONDUCT OF GUESTS, AND THE FIRE AND EMERGENCY PROTOCOLS AND EQUIPMENT OF THE PREMISES.
7. BARBEQUES ARE TO BE LIMITED TO GAS OR ELECTRIC ONLY.
8. ACCOMMODATION FOR GUESTS IS LIMITED TO SHORT STAY ONLY, BEING A MAXIMUM BOOKING TIME OF THREE MONTHS IN ANY TWELVE-MONTH PERIOD.

ADVICE NOTES:

1. THIS IS A DEVELOPMENT APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS UNDER ITS *LOCAL PLANNING SCHEME NO.1*. IT IS NOT AN APPROVAL TO COMMENCE OR CARRY OUT DEVELOPMENT UNDER ANY OTHER LAW. IT IS THE RESPONSIBILITY OF THE APPLICANT/LANDOWNER TO OBTAIN ANY OTHER NECESSARY APPROVALS, CONSENTS, PERMITS AND LICENSES REQUIRED UNDER ANY OTHER LAW, AND TO COMMENCE AND CARRY OUT DEVELOPMENT IN ACCORDANCE WITH ALL RELEVANT LAWS.
2. THE APPLICANT IS TO IMPLEMENT AND MAINTAIN REPORTING MECHANISMS FOR COMPLAINTS CONCERNING THE OPERATION OF THE GUEST HOUSE. IN THE EVENT OF A SUBSTANTIATED COMPLAINT BEING RECEIVED THE APPLICANT IS REQUIRED TO DEMONSTRATE MITIGATION RESPONSE(S) TO THE APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS.
3. SHOULD THE APPLICANT BE AGGRIEVED BY THE DECISION (IN PART OR WHOLE) THERE IS A RIGHT PURSUANT TO THE *PLANNING AND DEVELOPMENT ACT 2005* TO HAVE THE DECISION REVIEWED BY THE STATE ADMINISTRATIVE TRIBUNAL. SUCH AN APPLICATION MUST BE LODGED WITHIN TWENTY-EIGHT (28) DAYS FROM THE DATE OF THE DECISION.
4. THIS APPROVAL IS ISSUED TO THE CURRENT APPLICANT AND IS NOT TRANSFERABLE TO ANOTHER PERSON OR ANOTHER PARCEL OF LAND.
5. DEVELOPMENT APPROVAL AS GUEST HOUSE DOES NOT AFFECT THE EXISTING AND FUTURE USE OF THE PREMISES AS A SINGLE HOUSE.
6. THE FOLLOWING WORKS WILL NEED TO BE COMPLETED TO THE DWELLING:
 - 1) SMOKE DETECTORS AND EVACUATION LIGHTING WILL NEED TO BE INSTALLED AND CONFIGURED IN THE DWELLING TO ACHIEVE COMPLIANCE WITH PART 3.7.2.5 OF THE *NATIONAL CONSTRUCTION CODE OF AUSTRALIA* FOR A CHANGE OF BUILDING CLASSIFICATION FROM A CLASS 1A 'SINGLE DWELLING' TO A CLASS 1B 'BOARDING HOUSE, GUEST HOUSE OR HOSTEL USE' RESIDENCE.
 - 2) A MINIMUM OF TWO RCDS WILL NEED TO BE FITTED TO PROTECT ALL POWER POINT AND LIGHTING CIRCUITS AS PRESCRIBED UNDER REGULATION 12 OF THE *ELECTRICITY REGULATIONS 1947*.

10.3.3 PROPOSED SERVICED APARTMENT – LOT 163 BEACON HEIGHTS, WEST ISLAND

Report Information

Date: 27 October 2020
 Location: Lot 163 Beacon Heights, West Island
 Applicant: Helen Liu & David O’Dowd
 File Ref:
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachment: 10.3.3 Carport Unit – Development Application
 10.3.3 Cover Letter – Carport Unit
 10.3.3 APPROVED – 101-185-COCOS
 10.3.3 APPROVED -ENGINEERING DRAWINGS

Authority / Discretion

Definition

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

Report Purpose

For Council to consider a development application for the conversion of carport into self-contained, one-bedroom, 46m² serviced apartment.

Relevant Documents

Available for viewing at the meeting

Background

The subject property of Lot 163 Beacon Heights, West Island was rezoned from Residential to Commercial within the Shire's *Local Planning Scheme No.1* (the Scheme) on 15 February 2019.

Currently only a single house exists on the property. The landowner now proposes converting the carport of the existing house into a self-contained, one-bedroom, 46m² serviced apartment.

The Scheme defines a serviced apartment as an independent living residential unit for short stay accommodation purposes not including a hotel or motel.

Under the Scheme a serviced apartment is discretionary land use for the Commercial zone. This means the land use is not permitted unless Council exercises discretion in its decision making.

Currently Council does not have a delegation register in place for statutory town planning approvals, meaning each application must be presented to Council for determination.

A separate application has also been received from the same applicant/landowner for the further 12-month placement of a shipping container for storage of building materials and tools during the construction of the serviced apartment. Council previously approved the placement of a shipping container on the subject property on 12 July 2019 for a period of 12-months.

Comment

The proposal meets the site and development requirements for the Commercial zone under the Scheme. As such, it is recommended Council approve the application subject to conditions.

As no detail on the schedule of final colours and materials for the development were submitted with the Development Application, the officer is recommending that this is requested as a condition of approval to ensure that the development does not detract from the visual amenity of the West Island locality.

The approval as serviced apartment will also limit the use of the self-contained unit to short stay accommodation only, meaning any guest can stay up to maximum of 3 months in any successive 12-month period. This is reinforced as a condition of approval, in addition to the maximum guest capacity being 2 people in accordance with local health overcrowding regulations.

This self-contained unit application has been classed as 'serviced apartments' under the planning scheme due to use for short stay accommodation; however the officer has not recommended a time limit on these approvals like is the case for other guest house applications as there would an onsite manager staying within the primary residence on the same property to ensure guests act accordingly during their stay.

No property management plan was submitted with the application, therefore one of the recommended conditions of approval calls for such to be approved by the Shire prior to commencement of the accommodation use.

Policy and Legislative Implications

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

Financial Implications

Should the applicant proceed with this development, the property valuation will increase and as such, the rate levied on the property will also increase with a corresponding increase in the Shire's rate revenue.

Strategic Implications

Shire of Cocos (Keeling) Islands Corporate Business Plan:
Objective 2 – Facilitate accommodation to meet a variety of needs.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial			
Health & Safety	House fire	Moderate (5)	Approval condition – property management plan
Reputation			
Service Interruption			
Compliance	Building permit not obtained prior to construction	Low (1)	Advice note added to planning approval
	Unruly behaviour of guests in a residential area	Moderate (9)	Approval condition enforcement
Property			
Environment			
Fraud			

Risk Matrix

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

Voting Requirements

Simple Majority

Conclusion

Given there is no relevant planning concerns, the officer supports the proposal subject to conditions being imposed on the applicant.

OFFICER'S RECOMMENDATION – ITEM NO 10.3.3

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO.1*, RESOLVES TO GRANT DEVELOPMENT APPROVAL FOR A SERVICED APARTMENT UPON LOT 163 BEACON HEIGHTS, WEST ISLAND SUBJECT TO THE FOLLOWING CONDITIONS AND ADVICE NOTES:

- 1. DEVELOPMENT MAY BE CARRIED OUT ONLY IN ACCORDANCE WITH THE DETAILS OF THE APPLICATION AS APPROVED HEREIN AND ANY APPROVED PLAN.**
- 2. ANY ADDITIONAL DEVELOPMENT WHICH IS NOT IN ACCORDANCE WITH THE APPLICATION THE SUBJECT OF THIS APPROVAL OR ANY CONDITION OF APPROVAL WILL REQUIRE THE FURTHER APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS.**
- 3. DEVELOPMENT PLANS AND A SCHEDULE OF THE COLOUR AND TEXTURE OF THE BUILDING MATERIALS, DEMONSTRATING THAT THE PROPOSED DEVELOPMENT COMPLEMENTS THE SURROUNDING AREA, MUST BE SUBMITTED TO AND APPROVED BY THE SHIRE OF COCOS (KEELING) ISLANDS, PRIOR TO LODGING AN APPLICATION FOR A BUILDING PERMIT. THE DEVELOPMENT MUST BE FINISHED, AND THEREAFTER MAINTAINED, IN ACCORDANCE WITH THE PLANS AND SCHEDULE PROVIDED TO AND APPROVED BY THE SHIRE OF COCOS (KEELING) ISLANDS, PRIOR TO OCCUPATION OF THE DEVELOPMENT.**
- 4. GUESTS OF THE SERVICED APARTMENT ARE TO BE SHORT STAY ONLY, MEANING NO GUEST SHALL OCCUPY THE SERVICED APARTMENT FOR MORE THAN A TOTAL OF THREE MONTHS IN ANY ONE TWELVE-MONTH PERIOD.**
- 5. THE DEVELOPMENT MUST NOT CAUSE NUISANCE OR DEGRADE THE AMENITY OF THE LOCALITY IN ANY WAY, INCLUDING BY REASON OF THE EMISSION OF NOISE, LIGHT, ODOUR, FUMES, SMOKE, VAPOUR OR OTHER POLLUTANT, OR IMPACT ON PUBLIC SAFETY OR OTHERWISE; TO THE SATISFACTION OF THE SHIRE OF COCOS (KEELING) ISLANDS.**
- 6. THE TOTAL NUMBER OF PEOPLE TO BE ACCOMMODATED IN THE SERVICED APARTMENT SHALL NOT EXCEED TWO (2) GUESTS AT ALL TIMES.**
- 7. PRIOR TO COMMENCEMENT OF THE APPROVED USE AS SERVICED APARTMENT, A 'PROPERTY MANAGEMENT PLAN' MUST BE SUBMITTED AND THEREAFTER APPROVED BY THE SHIRE OF COCOS (KEELING) ISLANDS. THIS MANAGEMENT PLAN SHALL INCLUDE DETAILS ON THE CODE OF CONDUCT OF GUESTS, AND THE FIRE AND EMERGENCY PROTOCOLS AND EQUIPMENT OF THE PREMISES.**
- 8. BARBEQUES ARE TO BE LIMITED TO GAS OR ELECTRIC ONLY.**

ADVICE NOTES:

- 1. THIS IS A DEVELOPMENT APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS UNDER ITS *LOCAL PLANNING SCHEME NO.1*. IT IS NOT AN APPROVAL TO COMMENCE OR CARRY OUT DEVELOPMENT UNDER ANY OTHER LAW. IT IS THE RESPONSIBILITY OF THE APPLICANT/LANDOWNER TO OBTAIN ANY OTHER NECESSARY APPROVALS, CONSENTS,**

- PERMITS AND LICENSES REQUIRED UNDER ANY OTHER LAW, AND TO COMMENCE AND CARRY OUT DEVELOPMENT IN ACCORDANCE WITH ALL RELEVANT LAWS.
2. IF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL IS NOT SUBSTANTIALLY COMMENCED WITHIN A PERIOD OF TWO (2) YEARS, THE APPROVAL SHALL LAPSE AND BE OF NO FURTHER EFFECT.
 3. WHERE AN APPROVAL HAS SO LAPSED, NO DEVELOPMENT SHALL BE CARRIED OUT WITHOUT THE FURTHER APPROVAL OF THE LOCAL GOVERNMENT HAVING FIRST BEEN SOUGHT AND OBTAINED.
 4. THE APPLICANT IS TO IMPLEMENT AND MAINTAIN REPORTING MECHANISMS FOR COMPLAINTS CONCERNING THE OPERATION OF THE SERVICED APARTMENT. IN THE EVENT OF A SUBSTANTIATED COMPLAINT BEING RECEIVED THE APPLICANT IS REQUIRED TO DEMONSTRATE MITIGATION RESPONSE(S) TO THE APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS.
 5. SHOULD THE APPLICANT BE AGGRIEVED BY THE DECISION (IN PART OR WHOLE) THERE IS A RIGHT PURSUANT TO THE *PLANNING AND DEVELOPMENT ACT 2005* TO HAVE THE DECISION REVIEWED BY THE STATE ADMINISTRATIVE TRIBUNAL. SUCH AN APPLICATION MUST BE LODGED WITHIN TWENTY-EIGHT (28) DAYS FROM THE DATE OF THE DECISION.

10.4 ADMINISTRATION

10.4.1 DRAFT CAMPING POLICY

Report Information

Date: 30 October 2020
 Location: N/A
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: A. Selvey, Chief Executive Officer
 Island: N/A
 Attachments: 10.4.1 Draft Camping Policy

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>

Report Purpose

This report presents a draft Camping Policy for Council consideration. The officer's recommendation is that the policy is adopted as an interim policy as it is likely issues are going to arise that will require policy review and amendment as the policy is implemented.

Relevant Documents

[Available for viewing at the meeting](#)

Background

The travel zone between Western Australia and the IOTs has brought much welcomed tourism to Cocos. CKITA are reporting record numbers of tourists and that all available accommodation is over-prescribed. As a result, CKITA has advised they are getting an increasing number of tourists enquiring about the opportunity to camp on Cocos and have sought clarification from the Shire regarding the Shire's policy position.

The Shire had a Camping Local Law which permitted camping at Scout Park, Direction Island and South Island for a maximum of seven days. This allowed people to camp for extended periods provided they took a one-day break after seven days. This could result in people camping for extended periods of time, putting pressure on facilities and preventing others from using our limited camp site. Hence it was felt that more thorough policy should be developed.

The Shire's Camping Local Law was repealed in 20 May 2020 when Council adopted the new *Public Places and Local Government Property Local Law*. This Local Law references the *Caravan Parks and Camping Grounds Regulations 1997* but also allows for Council discretion in developing a policy to ensure camping is managed for the local context.

Comment

This policy has been developed to:

- facilitate camping as an experience for residents and visitors to Cocos, for people who enjoy nature based experiences and are equipped to be self-sufficient, recognising that the Shire's camp sites have limited facilities; and
- balance making camping available to residents and visitors with the Shire's capacity to provide and maintain core service infrastructure (e.g. toilets, shelters, BBQs);
- recognise the Islands' capacity to sustain increased numbers, particularly in relation to emergency management and waste disposal.

It limits camping to two areas, which the Shire can service, with a maximum of eight sites able to accommodate 4 people at each site. Officers feel these numbers can be accommodated within current infrastructure capacity.

Consultation:

The Shire advised that a camping policy was being developed via the Atoll on 16 and 30 October 2020 and invited any interested person to contact the Shire to discuss the policy.

A community and stakeholder workshop was held on 20 October. 13 people attended, many of whom are frequent campers. The draft policy principles were discussed, and general consensus was reached on most points and these are reflected in the draft policy currently before Council. The only major point of difference between the views of some participants in the workshop and the administration relates to alternative accommodation. Some participants in the workshop felt that anyone camping should have arranged alternative accommodation (e.g. booked and paid for accommodation) in case a camp site has to be closed during an emergency. The Shire administration feels that this could be seen as unreasonable and has not recommended this requirement be included in the policy at stage and instead continue to review how this evolves and ensure the policy is updated as required. In the interests of transparency, the administration feels this request from some participants should be offered to Council for their deliberations.

Policy and Legislative Implications

Local Government Act 1995-

- *s.3.37 and 3.39 – authority and power to impound and remove goods*
- *s.6.16 – adoption of fees and charges by absolute majority*

Caravan Parks and Camping Grounds Regulations 1997

Shire of Cocos (Keeling) Islands Property and Places Public Places and Local Government Property Local Law 2020

Financial Implications

While it will place an administrative workload on the Shire, it is essential that the Shire better manages camping facilities and sites under its control. The cost for administration of this policy has not been accurately quantified as it is a new area for the Shire; however, estimates would suggest five hours per week in administrative workload.

Some revenue will be raised from the imposition of camping fees. These have not been quantified but are likely to be immaterial.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 – 2026: Outcome 1.1 - Encourage economic stability for the Islands

1.1.2 - Encourage low impact tourism

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	The cost of administration of this policy becomes onerous and diverts much needed resources from other more important issues.	High (12)	Automate processes and promote self-management.
Health & Safety	<ol style="list-style-type: none"> 1. Infrastructure (e.g. toilets) cannot cope with usage. 2. Campers do not have access to potable water, showers and laundry. 3. Campers are at risk during emergencies 	Moderate (8)	<ol style="list-style-type: none"> 1. Limiting the numbers of camp sites should result in being able to meet requirements. 2. Campers will be advised as part of their permits that they will need to have their own drinking water, camp shower and clothes washing facilities. 3. The draft policy allows the Shire to close campgrounds during emergencies and make people find and fund alternative accommodation.
Reputation	Local residents who have been used to camping with few restrictions may find this policy onerous and bureaucratic	High (12)	
Service Interruption	N/A		
Compliance	The Policy is contrary to legislation	Unlikely (4)	The policy has been checked for compliance by a local law specialist.
Property	N/A		

Environment	Impacts on and damage to the environment from extended periods of camping	Moderate (9)	The limited number of camp sites and regular monitoring of the environment.
Fraud	N/A		

Risk Matrix

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

Voting Requirements

Part A - Simple majority required

Part B – Absolute majority required

Conclusion

The officer recommends that the draft Camping Policy is adopted to provide structure for the management of camping. The policy is likely to need ongoing review as it is implemented, and new issues arise.

OFFICER'S RECOMMENDATION – ITEM NO 10.4.1

PART A

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S3.18 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI) 1995* RESOLVES TO:

1. ADOPT THE SHIRE OF COCOS (KEELING) ISLANDS CAMPING POLICY AS PRESENTED;
2. ADD THE POLICY TO THE SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL 2020;
3. REVIEW THE POLICY ON OR PRIOR TO THE REVIEW OF THE SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL 2020 IN FEBRUARY 2021 AND AS NEEDED THEREAFTER TO ENSURE THE POLICY RESPONDS TO NEW INFORMATION AND EMERGING ISSUES AS THEY ARISE.

PART B

THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO S.6.16 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI) 1995* RESOLVES TO:

1. **ADOPT THE FOLLOWING FEES AND CHARGES AND INCLUDE THEM IN THE 2020/21 SHCHEDULE OF FEES AND CHARGES;**
 - **CAMPING –**
 - **ADULT \$15.00 PER NIGHT PER ADULT**
 - **CHILD \$5.00 PER NIGHT PER CHILD**
 - **DEPOSIT –**
 - **FULL PAYMENT REQUIRED TO BE PAID TO CONFIRM BOOKING**
 - **REFUNDS –**
 - **75% IF MORE THAN ONE MONTH PRIOR TO FIRST NIGHT OF CAMPING**
 - **NIL IF LESS THAN ONE MONTH PRIOR TO FIRST NIGHT OF CAMPING.**
- ANNUAL FEE**
 - **\$100 PER ANNUM PER ADULT (PRO-RATA FOR 2020/21)**
 - **\$ 25 PER ANNUM PER CHILD (PRO-RATA FOR 2020/21)**
2. **REVIEW THE FEES AND CHARGES AS PART OF THE REVIEW OF FEES AND CHARGES DURING THE ANNUAL BUDGET PROCESS.**

10.4.2 DRAFT COMPLAINTS HANDLING AND PUBLIC INTEREST DISCLOSURE POLICY

Report Information

Date: 30 October 2020
 Location: N/A
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: A. Selvey, Chief Executive Officer
 Island: N/A
 Attachments: 10.4.2 Draft Complaints Handling and Public Interest Disclosure Policy

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>

Report Purpose

This report presents a draft Complaints Handling and Public Interest Disclosure Policy for Council consideration. The officer's recommendation is that the policy is adopted as presented and that the policy is reviewed as part of the annual review of all policies in February 2021.

Relevant Documents

[Available for viewing at the meeting](#)

Background

The Regulation 17 Review of the Shire's legislative compliance, risks and internal controls found that one area that could be improved was the Shire's complaints handling process. It was also found that the Shire did not have a clear Public Interests Disclosure framework. An action arising from the Regulation 17 Review as to improve on the policy to better meet statutory requirements for complaints handling whilst also being clearer to the community about our commitment to seriously review and address complaints.

Comment

This policy aims to establish an effective complaint handling system that differentiates between service complaints and statutory complaints. The framework provides a structure for all complaints from members of the public to be resolved in a fair, efficient and structured manner. It differentiates between a complaint about a service or where behaviour is inconsistent with the Shire's Code of Conduct and complaints of a statutory nature, where an employee or elected member has breached legislation.

Policy and Legislative Implications

Local Government Act (WA) (CKI) 1995
Corruption Crime and Misconduct Act 2003;
Public Disclosures Act 2003

Financial Implications

There are no direct financial implications for Council in adopting this policy; however, improvements to governance and processes does have a resourcing impact in administration of policies and processes, while essential, are time consuming.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 – 2026:
Outcome 4.1 An informed Council leading working with others to advance our Islands
4.1.1 To provide leadership to the community

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	The cost of administration of this policy becomes onerous and diverts much needed resources from other more important issues.	Moderate (6)	Automate processes as far as possible.
Health & Safety	Complaints about employees or elected members can be stressful for all concerned.		Ensure vexatious and frivolous complaints are identified and appropriate action taken to prevent further complaints. Ensure employees and elected members are aware of the EAP service.
Reputation	Poor handling of complaints can result in reports to other authorities and damage the Shire's reputation as a professional organisation	Moderate (9)	Ensure staff are aware of and follow good process. Make this policy publicly available so our community and stakeholders know what to expect.
Service Interruption	N/A		
Compliance	The Policy is contrary to legislation	Unlikely (4)	The policy has been checked for compliance by a WALGA.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Risk Matrix

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

Voting Requirements

Simple majority

Conclusion

OFFICER'S RECOMMENDATION – ITEM NO 10.4.2

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S3.18 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI) 1995* RESOLVES TO:

1. ADOPT THE SHIRE OF COCOS (KEELING) ISLANDS COMPLAINTS HANDLING AND PUBLIC INTERESTS DISCLOSURE POLICY AS PRESENTED;
2. ADD THE POLICY TO THE SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL 2020;
3. REVIEW THE POLICY AT THE REVIEW OF THE SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL 2020 IN FEBRUARY 2021.

10.4.3 CORPORATE BUSINESS PLAN UPDATE – OCTOBER 2020

Report Information

Date: 30 October 2020
 Location: N/A
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: A. Selvey, Chief Executive Officer
 Island: N/A
 Attachments: 10.4.3 Corporate Business Plan Update November 2020

Authority / Discretion

Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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>

Report Purpose

To provide Council with an update on actions listed in the Shire of Cocos (Keeling) Islands Corporate Business Plan.

Relevant Documents

Available for viewing at the meeting

Background

The Corporate Business Plan (CBP) is a part of the Integrated Planning and Reporting Framework and a key operational document that takes into consideration other planning documents including the Strategic Community Plan, Long Term Financial Plan and Asset Management Plans. The CBP identifies Council priorities and details current services, future operations and major projects expected to be undertaken by the Shire over the next four years. The CBP outlines the operational activities that will be undertaken to achieve the outcomes of the Strategic Community Plan to ensure the Shire activates the goals and aspirations outlined in the Strategic Community Plan.

Councillors and Shire Staff participated in a Corporate Planning day in October 2018 to review and update the CBP to ensure it is achievable and reflects where the Shire is currently and where it needs to be. In May 2020, Council completed a minor review as the Shire as required by the IPRF legislation.

Comment

Please see attached update on CBP actions from May 2020 to October 2020.

Policy and Legislative Implications

All local governments are currently required to produce a plan for the future under S5.56 (1) of the Local Government Act 1995. Regulations have been made under S5.56 (2) of the Act to briefly outline the minimum requirements to achieve this. Section 5.53 of the Local Government Act 1995 requires Integrated Planning and Reporting (IPR) initiatives to be included in the Annual Report. Regulation 19DA (6) of the Local Government (Administration) Regulations 1996 requires that Council considers adoption of the Corporate Business Plan (CBP) when it is revised or any other modifications are made. Apart from that, the legislation is silent on the local government specifically reporting to council about the CBP.

However, the Department published best practice guidelines about implementation of the IPR process in which regular reporting to Council is strongly encouraged.

Financial Implications

The Corporate Business Plan was used to inform the 2020/21 annual budget. There are no financial implications arising from this report and recommendation.

Strategic Implications

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

Outcome 4.1 - An informed Council leading working with others to advance our Islands

4.1.1 - To provide leadership to the community

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	The CBP commits the Shire beyond its resourcing capacity	Moderate (9)	Review done in the context of the budget and human resourcing.
Health & Safety	N/A		
Reputation	The CBP is a public document to which the Shire is held accountable by the Community. Failure to deliver can reflect badly on Council.	Moderate (9)	Ongoing monitoring of the CBP actions to ensure the activities align with identified priorities.
Service Interruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Risk Matrix

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

Voting Requirements

Simple majority

Conclusion

The CBP is a useful tool for officers and Council in prioritising activity and to ensure activity aligns with community strategic priorities. This update provides an opportunity for the administration to audit themselves on their actions in relation to the CBP and for Council to assess progress.

OFFICER'S RECOMMENDATION – ITEM NO 10.4.3

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S3.18 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI) 1995* RECEIVES THE OCTOBER 2020 UPDATE ON THE SHIRE OF COCOS (KEELING) ISLANDS CORPORATE BUSINESS PLAN 2020 – 2024.

10.4.4 EMPLOYMENT OF APPRENTICE CARPENTER

Report Information

Date: 4 November 2020
 Location: N/A
 Applicant: The Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Deputy Chief Executive Officer
 Island: N/A
 Attachments: Nil

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>

Report Purpose

This report brings information regarding employment of an apprentice carpenter before Council and seeks a Council resolution to approve a change to the organisational structure, support funding applications from relevant funding streams for the position, and consider any supplementary Council funding for this position during the Mid-Year Budget Review.

Relevant Documents

Available for viewing at the meeting

Background

The Manager for Works and Services has identified a gap between required resources to effectively manage the Shire's assets and the resources that the current organisational structure contains. The fair valuation report completed in 2018 shows the Shire has \$81.5 million of building assets under management.

The Shire also has a significant number of construction projects in the current budget which are planned to commence this financial year and continue into the 21/22 financial year. This projects which are planned to be completed in house with Shire labour wherever possible include the construction of two new dwellings on Home Island, the refurbishment of the retail precinct on Home Island and the construction of a new gym area on West Island.

Comment

The Shire was recently successful in applying for Australian Government funding under the "1,000 Jobs Program" for an apprentice mechanic. The total wage subsidy and retention bonus over the duration of this program to the Shire for the apprentice mechanic will be \$56,099.36 and the Shire can reasonably expect a similar level of funding support from the Australian Government for the apprentice carpenter. Therefore, the Shire would like to make a further application under this program for this new position. If further funding is not available under the "1000 Jobs Program" the Shire would investigate with IOGTA, options for other subsidies or incentives may be applicable to support this new apprenticeship position. The Shire's existing carpenters are highly skilled tradespeople; robust workforce and succession planning would support those senior tradespeople pass on their highly sought after and valued skills to the next generation.

In August 2020 the Shire was informed of an increase to its financial assistance grant for 2020/2021 of \$343,745. This revenue is not yet recognised in the budget and it is intended to bring this increase in at the Mid-Year Budget Review. It is proposed to also consider the increased financial impost of employing the apprentice carpenter at the same time when grants and subsidies have been secured and the exact co-funding requirement is known.

Policy and Legislative Implications

Section 5.2 of the *Local Government Act (WA) (CKI) 1995* requires that Council is to determine the Organisational Structure.

Financial Implications

The Shire's budget makes an allocation for salaries and wages required for the successful operation of the organisation. The cost of employing an additional apprentice for the remainder of the second half of the 20/21 financial year is anticipated to be approximately \$32,000 for salaries and superannuation. Anticipating 50% co-funding from the Australian Government, the financial impost is likely be less than \$20,000 for 2022/21. The estimated additional direct costs of this position over the life of the four-year apprenticeship is approximately \$257,000, less anticipated co-funding from grants and subsidies. The financial implications will be more accurately quantified after the outcome of any applications for funding is known.

Strategic Implications

Strategic Community Plan:

Economic Objective: 1.1.1 Increase employment opportunities for local residents

Environment Objective: 3.2.2 Develop and maintain infrastructure within the resource capability of the Shire

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	The cost of the position puts a financial strain on the Shire that is not manageable and adversely effects the Shire's finances.	Moderate (6)	The significant grants and subsidies currently being offered could result in the co-contribution being very manageable within the Shire budget.
Health & Safety	N/A		
Reputation	N/A		
Service Interruption	Carpenters, reaching their retirement age, may leave a gap in our ability to maintain our properties.	High (12)	This position provides for continuity of service from a locally grown tradesperson.
Compliance	N/A		
Property	The current risk is that the Shire is not managing and maintaining is large	High (12)	An apprentice carpenter will provide much needed additional human resource to improve

	property portfolio as well as it could be.		our maintenance and renewal regimes.
Environment	N/A		
Fraud	N/A		

Risk Matrix

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

Voting Requirements

Simple Majority

Conclusion

The officer's recommendation for Council to support progressing with an application for an apprentice carpenter is based on aligning the organisational structure with the requirements of the organisation and implementing a succession planning strategy during a period when Australian Government subsidies are likely to reduce the financial impact on the Shire for a position that is needed by the organisation.

OFFICER'S RECOMMENDATION – ITEM NO 10.4.4

THAT COUNCIL, BY SIMPLE MAJORITY, RESOLVES TO:

1. APPROVE, PURSUANT TO S.5.2 OF THE *LOCAL GOVERNMENT ACT (WA)(CKI) 1995*, AN AMENDMENT OF THE WORKFORCE PLAN WHEN NEXT REVIEWED AND THE ORGANISATIONAL STRUCTURE TO INCLUDE A 4 YEAR CARPENTRY APPRENTICE POSITION;
2. SUPPORT, PURSUANT TO S3.18 THE *LOCAL GOVERNMENT ACT (WA)(CKI) 1995*, APPLICATIONS FOR FUNDING OF THE POSITION FOR THE 4 YEAR TERM OF THE APPRENTICESHIP, AS APPLICABLE AND AVAILABLE;
3. APPROVE, IN PRINCIPLE, THE ALLOCATION OF FUNDING IN THE 2020/21, 2021/22, 2022/23 AND 2023/24 BUDGETS FOR THE PURPOSES OF COMPLETION OF THE 4 YEAR APPRENTICESHIP; AND
4. CONSIDER AMENDMENTS TO THE 2020/21 BUDGET TO INCLUDE EMPLOYMENT COSTS FOR THE POSITION ONCE THE OUTCOME OF GRANT APPLICATIONS ARE KNOWN AND THE COSTS HAVE BEEN DETERMINED, AS PART OF THE MID YEAR BUDGET REVIEW.

10.4.5 USE OF ELEVATED WORK PLATFORM FOR MACAO PAPER WASP TREATMENT

Report Information

Date: 5 November 2020
 Location: N/A
 Applicant: The Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Deputy Chief Executive Officer
 Island: N/A
 Attachments: Nil

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>

Report Purpose

This report brings information regarding the current arrangements the Shire has with the Department of Primary Industries and Regional Development (DPIRD) for the treatment of the Macao paper wasp (MPW) and seeks a Council resolution to waive the fee for the use of the Elevated Work Platform (EWP) noting any additional labour required to operate the machine would be charged as per the Council adopted schedule of fees and charges.

Relevant Documents

[Available for viewing at the meeting](#)

Background

The MPW is a large social wasp that has become established on the Cocos (Keeling) Islands. On 3 September 2018, the National Biosecurity Management Group, comprising representatives from all Australian governments, determined that MPW was not technically feasible to eradicate from the Cocos (Keeling) Islands under the National Environmental Biosecurity Response Agreement and the program was transitioned into a control and management program.

The DPIRD provided funding throughout the 19/20 financial year to the Shire for a 0.5 FTE to carry out MPW surveillance and treatment work. This agreement allowed the Shire to employ the Shire Ranger in a full-time capacity. A new funding agreement continuing this program was signed and covers the 0.5FTE costs for the Shire Ranger for the 20/21 financial year. In October the Shire was advised by DPIRD that it had secured economic stimulus funding which would allow another 0.5FTE officer for wasp control to be employed for the remainder of the financial year.

Comment

Whilst some MPW nests can be treated from ground level there are also a significant proportion of high nests that are out of reach and require the use of the EWP to treat. While the DPIRD has a modest budget to fund the use of the EWP, the cost of the EWP hire results in the budget being depleted very quickly and therefore some nests remain untreated. The 2020/2021 adopted schedule of fees and charges lists the hire rate of the EWP with an operator at \$145/hour. The EWP is electric and therefore does not have direct running costs such as fuel.

This report proposes that the Shire provide the EWP as a contribution to this important program to ensure optimum results for the community. If a separate operator is required to operate the EWP that cost would be charged to DIPRD at the rate of \$61/hour as set out in the schedule of fees and charges. This would allow for approximately 2.3 times more EWP hours at DIPRD's existing budget allocation for the EWP. Having 2 x .5FTE MPW treatment personnel also allows for the operation of the EWP using already funded hours with one treating the nests whilst the other operates the machine.

Policy and Legislative Implications

Under the *Local Government Act (WA) (CKI) 1995* s. 6.12 General financial provisions Council may waive or grant concessions in relation to any amount of money.

Financial Implications

Whilst there are minimal direct cash costs associated with operating the EWP such as fuel the extra use of the machine will result in additional wear and tear and maintenance requirements. The total funding expected to be received from DIPRD is expected to remain the same however it would result in more EWP hours on the program.

Strategic Implications

Corporate Business Plan:

Environment Objective: E3.1.2.2 Partner with other government agencies to manage Macao Paper Wasps

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	The cost of the additional wear and team and maintenance puts a financial strain on the Shire that is not manageable and adversely effects the Shire's finances.	Low (4)	The Shire will monitor for excessive increases in maintenance costs and can review this contribution if the cost burden outweighs the community benefit.
Health & Safety	Large numbers of MPW in the community pose a health and safety risk to residents and visitors, particular those prone to anaphylactic reactions.	High (10)	By contributing the EPW to the program more high nest will be able to be treated to maximise the effectiveness of the program.
Reputation	N/A		
Service Interruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	The MPW is classified as an invasive species and it is not fully known what consequences they may have on the local environment.	Moderate (6)	Maximising the treatment and control program to enable the highest possible treatment rates.

Fraud	N/A		
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Risk Matrix

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

Voting Requirements

Simple Majority

Conclusion

The officer's recommendation for Council to support the Shire contributing the use of the EWP towards the MPW surveillance and treatment program is based on the CBP stated strategic of partnering with other agencies to manage the Macao Paper Wasp. Use of the EWP would be a valued contribution towards a partnership strongly supported by the Australian Government.

OFFICER'S RECOMMENDATION – ITEM NO 10.4.5

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S.6.12 OF THE *LOCAL GOVERNMENT ACT (WA)(CKI) 1995*, RESOLVES TO APPROVE THE USE OF THE EWP FOR THE MACAO PAPER WASP PROGRAM AT THE COST OF THE OPERATOR ONLY AS PER THE ADOPTED SCHEDULE OF FEES AND CHARGES.

10.4.6 MEETING SCHEDULE FOR ORDINARY MEETINGS OF COUNCIL FOR 2021

Report Information

Date: 4 November 2020
 Applicant: Shire of Cocos (Keeling) Islands
 Location: N/A
 Disclosure of Interest: Nil
 Reporting Officer: Governance and Risk Coordinator
 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>

Report Purpose

The purpose of this item is to determine schedule for Ordinary meetings of Council for 2021.

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. However, informal discussions with several Councillors suggests that many Councillors will be off-Island in January 2021, therefore, it may be more appropriate to hold an Ordinary Meeting in October and not hold an Ordinary Meeting in January.

The Local Government (Administration) Regulations 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 2021 listed below are proposed 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 21 April 2021 meeting is scheduled at 1.00pm in consideration of Ramadan.

The dates proposed for the Ordinary Meetings of Council for 2021 are as follows:

Time	Date	Venue
4pm	Wednesday, 24 February 2021	CRC Meeting Room, West Island

4pm	Wednesday, 24 March 2021	Council Chambers, Home Island
1pm	Wednesday, 28 April 2021	Council Chambers, Home Island
4pm	Wednesday, 26 May 2021	CRC Meeting Room, West Island
4pm	Wednesday, 30 June 2021	Council Chambers, Home Island
4pm	Wednesday, 28 July 2021	Council Chambers, Home Island
4pm	Wednesday, 25 August 2021	CRC Meeting Room, West Island
4pm	Wednesday, 29 September 2021	Council Chambers, Home Island
4pm	Wednesday, 27 October 2021	Council Chambers, Home Island
4pm	Wednesday, 24 November 2021	CRC Meeting Room, West Island
4pm	Wednesday, 15 December 2021	Council Chambers, Home Island

It should also be noted that this schedule reverts to holding two meetings on Home Island to every one meeting on West Island in recognition that the majority of the community resides on Home Island.

Policy and Legislative Implications

Section 5.3 of the *Local Government Act (WA) (CKI) 1995* stipulates the requirement to hold regular Ordinary Meetings of Council and Regulation 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.

Financial Implications

Nil, there are no direct financial implications from adopting a schedule of meetings.

Strategic Implications

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

Outcome 4.1 - An informed Council leading working with others to advance our Islands

4.1.2 - Continue to improve organisational planning

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Nil		
Health & Safety	Nil		
Reputation	Council does not encourage active participation in Council meeting processes.	Moderate (9)	Council hold Ordinary Council meetings on Home and West Island
Service Interruption	Nil		
Compliance	Non-compliance with the Local Government Act 1995 with respect to setting meeting dates and providing the necessary notice	Low (1)	This report to Council and the associated decision ensures compliance with the Act and Regulations. Public notice is to be given after the Council has set the 2021 Council meeting dates.
Property	Nil		
Environment	Nil		

Risk Matrix

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

Conclusion

The proposed schedule for the Ordinary Meetings of Council for the 2021 calendar year has been developed to ensure dates and times are suitable and do not overlap with public holidays or other significant events; therefore, it is recommended they are adopted as presented.

OFFICER’S RECOMMENDATION – ITEM NO 10.4.6

THAT THE COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 5.3 OF THE LOCAL GOVERNMENT ACT (WA) (CKI) 1995 RESOLVES TO:

ADOPT THE FOLLOWING SCHEDULE FOR ORDINARY MEETINGS OF COUNCIL FOR 2021 AS FOLLOWS AND GIVE LOCAL PUBLIC NOTICE REGARDING THIS SCHEDULE VIA THE ATOLL ON DATES – AT LEAST THREE TIMES AND THE SHIRE’S WEBSITE.

TIME	DATE	VENUE
4PM	WEDNESDAY, 24 FEBRUARY	CRC MEETING ROOM, WEST
4PM	WEDNESDAY, 24 MARCH 2021	COUNCIL CHAMBERS, HOME
1PM	WEDNESDAY, 28 APRIL 2021	COUNCIL CHAMBERS, HOME
4PM	WEDNESDAY, 26 MAY 2021	CRC MEETING ROOM, WEST
4PM	WEDNESDAY, 30 JUNE 2021	COUNCIL CHAMBERS, HOME
4PM	WEDNESDAY, 28 JULY 2021	COUNCIL CHAMBERS, HOME
4PM	WEDNESDAY, 25 AUGUST 2021	CRC MEETING ROOM, WEST
4PM	WEDNESDAY, 29 SEPTEMBER	COUNCIL CHAMBERS, HOME
4PM	WEDNESDAY, 27 OCTOBER 2021	COUNCIL CHAMBERS, HOME

4PM	WEDNESDAY, 24 NOVEMBER	CRC MEETING ROOM, WEST
4pm	Wednesday, 15 December 2021	Council Chambers, Home Island

10.4.7 RECOVERY OF SUNDRY DEBTS POLICY

Report Information

Date: 5 November 2020
 Location: N/A
 Applicant: The Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Deputy Chief Executive Officer
 Island: N/A
 Attachments: 10.4.7 Draft Recovery of Sundry Debts Policy

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>

Report Purpose

This report presents a draft Recovery of Sundry Debts Policy for Council consideration and the officer's recommendation is that Council resolves to accept the policy as presented.

Relevant Documents

Available for viewing at the meeting

Nil

Background

In accordance with *section 2.7(2)(b) of the Local Government Act 1995*, Council is responsible for determining the Shire's policies. The Shire does not have a policy in relation to the recovery of sundry debts. Council's endorsement is sought for the adoption of a policy addressing the process for managing the recovery of sundry debts.

At the Ordinary Meeting of Council on 24 June 2020, in considering outstanding debts in relation to Kampong Housing, Council resolved to

- 2) *DEVELOP A BAD DEBT POLICY AND PROCESS IMPROVEMENT PLAN TO ENSURE DEBTS ARE MANAGED IN A MORE TIMELY MANNER.*

Comment

This draft policy enacts the Council resolution of 24 June 2020 and provides a framework for the timely follow up of outstanding sundry debts in a transparent and equitable manner.

Policy and Legislative Implications

Section 2.7(2) (b) of the Local Government Act 1995 (WA)(CKI)

Financial Implications

Adopting this policy aims to assist with the timely collection of sundry debts.

Strategic Implications

Strategic Community Plan: Key Result Area 4 – Civic Leadership

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That outstanding debts are not followed up in an appropriate manner increasing the likelihood of old unrecoverable debts.	Moderate (8)	Adopting this policy will guide the timely follow up of sundry debts.
Health & Safety	N/A		
Reputation	Poor or uncertain practices in the	Moderate (9)	This draft policy as presented provides a

	recovery of debts is damaging to the reputation of the organisation.		clear, transparent and equitable process.
Service Interruption	N/A		
Compliance	The Shire has a legislative and ethical responsibility to recover debts as efficiently and equitably as possible.	Moderate (6)	This draft policy will provide a sound framework for compliance in this area.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Risk Matrix

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

Voting Requirements

Simple majority required

Conclusion

The draft policy ensures the Shire deals with outstanding sundry debts in a way that is timely, equitable and consistent and therefore the officer recommends that the policy is adopted as presented.

OFFICER'S RECOMMENDATION – ITEM NO 10.4.7

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 2.7(2)(B) OF THE LOCAL GOVERNMENT ACT 1995 (WA)(CKI), RESOLVES TO ADOPT THE RECOVERY OF SUNDRY DEBTS POLICY AND INCLUDE THE POLICY IN THE SHIRE OF COCOS (KEELING) POLICY MANUAL 2020 FOR REVIEW WHEN THE POLICY MANUAL IS REVIEWED IN JANUARY/FEBRUARY 2021.

10.4.8 DRAFT ASSET MANAGEMENT POLICY

Report Information

Date: 5 November 2020
 Location: N/A
 Applicant: The Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: A. Selvey, Chief Executive Officer
 Island: N/A
 Attachments: 10.4.8 Draft Asset Management Policy

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>

Report Purpose

This report presents a draft Asset Management Policy for Council consideration and the officer's recommendation is that Council resolves to accept the policy as presented.

Relevant Documents

Available for viewing at the meeting

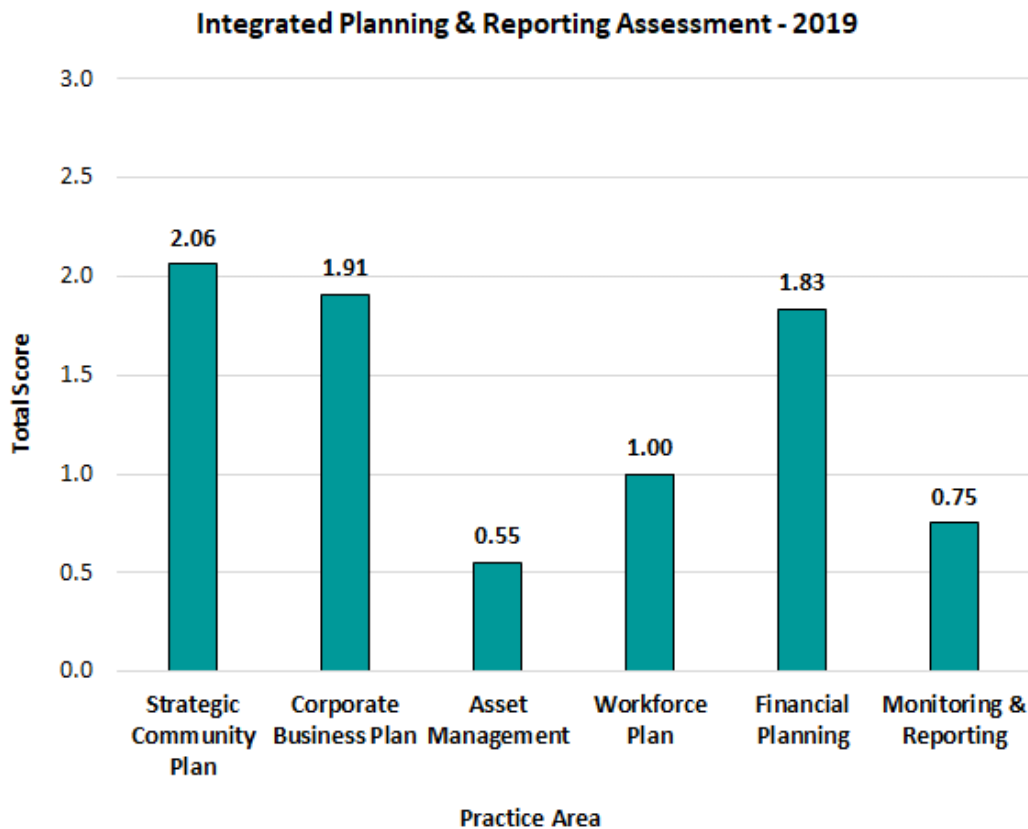
Nil

Background

Periodically, the Shire undertakes a self-assessment of its Integrated Planning and Reporting (IPR) practices against a nationally consistent framework. Staff then use this to set future improvement goals. The results from the last self-assessment in October 2019 are detailed below.

Self-Assessment Results October 2019

Last undertaken in October 2019, the performance of the Shire’s IPR practices is as follows.



One of the improvement actions arising from the above self-assessment was to develop an Asset Management Policy to establish the Council endorsed guidelines for consistent asset management.

Comment

The draft policy as presented applies to all Shire activities in relation to Council-owned assets where their components have a useful life of more than one year and a replacement cost greater than \$5,000.

It recommends a systematic asset management methodology in order to apply appropriate asset management practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.

Policy and Legislative Implications

Local Government Act 1995 (WA)(CKI)

Financial Implications

Whilst there are no direct financial impacts from adopting this policy as all expenditure on asset management is considered during the budget process, and in future via the Long Term Financial Plan (LTFP); this policy aims to provide a structure for more strategic, proactive investment in asset management, rather than a reactive approach which is often more expensive. The intent is to integrate asset management into the LTFP as that is developed in the coming months.

Strategic Implications

Strategic Community Plan:

Outcome 3.2 - Future development is sympathetic to the Islands environment

3.2.1 - Maintain and develop infrastructure in-line with community needs and the Islands environment

3.2.2 - Develop and maintain infrastructure within the resource capability of the Shire

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That the Shire's budget will not accommodate aspirations in the asset management policy.	High (12)	Asset management plans and the Long-Term Financial Plan will be developed concurrently to ensure financial sustainability.
Health & Safety	N/A		

Reputation	Poorly maintained/ reactive asset management can be damaging to the reputation of the organisation.	Moderate (9)	This draft policy is a first step in more proactive, sustainable and professional approach to asset management.
Service Interruption	N/A		
Compliance	Asset Management is a requirement under the IPFR.	Moderate (6)	This draft policy is compliant with IPRF requirements.
Property	Property is one of the key services provided by the Shire of Cocos (Keeling) Islands to its community. This service is underpinned by building and land assets.	High (16)	Ensuring that the Shire meets the property needs of current and future users is important. The policy is one element of improving the management of our property portfolio.
Environment	N/A		
Fraud	N/A		

Risk Matrix

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

Voting Requirements

Simple majority required

Conclusion

The draft policy is presented for Council to adopt as it articulates the principles and aspirations in moving to towards enhancing our approach to asset management.

OFFICER'S RECOMMENDATION – ITEM NO 10.4.8

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 2.7(2)(B) OF THE LOCAL GOVERNMENT ACT 1995 (WA)(CKI), RESOLVES TO ADOPT THE ASSET MANAGEMENT POLICY AND INCLUDE THE POLICY IN THE SHIRE OF COCOS (KEELING) POLICY MANUAL 2020 FOR REVIEW WHEN THE POLICY MANUAL IS REVIEWED IN JANUARY/FEBRUARY 2021.

10.5 MINUTES TO BE RECEIVED

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

12. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

13. MATTERS BEHIND CLOSED DOORS

14. MATTERS RELATING TO THE LAND TRUSTS



MATTERS RELATING TO THE LAND TRUST 1979 AND LAND TRUST 1984

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

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

The 1984 Deed: The 1984 Trust Deed applies to all parcels of land situated and being above high-water mark within the Cocos (Keeling) Islands, including North Keeling Island, but not including parcels of land as described in the First Schedule of the 1984 Trust Deed. This transferred land was to be held by the Council (and later, by its successor, the Shire) 'upon trust for the benefit, advancement and wellbeing of the Cocos (Keeling) Islanders resident in the Territory on land owned by the Council.'

14.1 TRUSTS ADMINISTRATION

14.2 TRUSTS LEASE

14.2.2 REQUEST TO RELINQUISH LEASE – APE X KITEBOARDING

Report Information

Date: 3 November 2020
 Location: Part Lot 100, South End Precinct Area 5
 Applicant: April Warren, Director, Ape X Kiteboarding
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: L Sloan Asset & Property Management Coordinator
 Island: West Island
 Attachments: 14.2.2 Email requesting to relinquish lease dated 5 October 2020

Authority / Discretion

Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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>

Report Purpose

To present the request and supporting documentation from April Warren, Director of Ape X Kiteboarding to Council in which Ape X Kiteboarding seeks to end their current lease for portion of Lot 100, in the South End Precinct being Area 5. It should be noted that Council, in this instance, is acting in its capacity as the Trustee of the 1984 Land Trusts as the Land (part Lot 100) is held in Trust. Council, in making any decision in relation to the Trust, must give due consideration of the purpose of the Trust that is “the benefit, advancement and wellbeing of Cocos (Keeling) Islanders resident in the Territory on land owned by the Council” and ensure their decision-making is guided by this objective. Council, acting in its capacity as Trustee, has the authority to consider matters relating to Land held in Trust.

Relevant Documents

[Available for viewing at the meeting](#)

Background

In May 2019, April Warren of Ape X Kiteboarding sought approval from Council to enter into a formal lease for Part Lot 100 being Area 5 located at the South End Precinct and Council resolved the following;

- 1. ENTER INTO A LEASE FOR PART LOT 100 LEASE AREA 5 FOR AN INITIAL ONE YEAR TERM WITH A TWO YEAR OPTION WITH APE X KITEBOARDING SUBJECT TO THE FOLLOWING CONDITIONS BEING INCLUDED IN THE LEASE AND MEETING ALL THE REQUIREMENTS OF SECTION 3.58 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RELATING TO THE DISPOSAL OF PROPERTY.**
 - THE BUSINESS OPERATES FROM JULY TO SEPTEMBER AT A MINIMUM.**
 - THE BUSINESS PROVIDES THE SHIRE WITH A BUSINESS PLAN, INCLUDING A PROFIT AND LOSS STATEMENT, AT THE CONCLUSION OF THE YEAR OF OPERATION.**

REASON FOR VARIATION:

THE PROPONENT IS A NEW BUSINESS AND COUNCIL NEEDS TO BE ASSURED THAT THE BUSINESS WILL DELIVER THE ECONOMIC/TOURISM DEVELOPMENT OUTCOMES

Following a period to obtain valuation, undertake statutory advertising and then execute the lease, the lease was signed with a lease expiry date of 31 August 2021.

Comment

On 5 October 2020 Ms Warren wrote to the Shire to advise that Ape X Kiteboarding wished to relinquish the lease for Area 5 at the South End Precinct. The reasons provided by Ms Warren were as follows:

- *Ape X Kiteboarding is at an infancy stage of developing the business and retain regular clientele unlike that of established fellow kiteboarding operators on the islands who has been in operation for many years. The business relies heavily on engaging visitors that come to the Islands rather than those that have pre-booked with the operator. As an emerging small tourism operator business, Ape X Kiteboarding has been massively impacted by the global pandemic.*
- *Unlikely financial profitability – the cost and expenses to operate have become overwhelming. This included lease, rates, improvements required to the land and short-term accommodation verses forecasted income of the business.*
- *Difficulty in maintaining the land fit for purpose - during the latest visit to Cocos, the exposure of rocks and the lack of a sand on the beach has made it unsafe to operate. To maintain safety, I would have to improve the land at a large cost to myself*
- *Misleading and/or incorrect information provided during the process*

NB: Officers would like to clarify that information provided to Ms Warren was very clear – i.e. that Ape X Kiteboarding would be required to pay Council rates on the property.

While the lease allows Council to terminate a lease where the lease conditions are not being met, the lease does make provision for a lessee to seek to relinquish a lease. A search of previous Council meeting minutes shows that Council has previously accepted requests from lessees to surrender their leases where it is no longer viable for them to continue with the lease.

As noted above, in determining this matter, Council is acting in its capacity as the Trustee of the Land Trusts as the Land (Part Lot 100) is Land held in Trust under the 1984 Land Trust Deed; therefore Council, is required to have due consideration of the purpose of the Trust, that is “upon trust for the benefit, advancement and wellbeing of the Cocos (Keeling) Islanders resident in the Territory on land owned by the Council.”

Policy and Legislative Implications

Section 3.58 of the *Local Government Act (WA) (CKI) 1995* as amended

Financial Implications

The initial lease fee charged on the land is \$1500per annum. In September the Lessee applied for the Covid 19 financial concession for trust lease holders and was approved for a reduction of \$375 off the lease fee. Therefore, there would be a reduction in revenue of \$1125 in the 2020/21 which does not have a material impact on the budget.

Strategic Implications

Strategic Community Plan: Key Result Area 1– Economic: Outcome 1.1. Encourage economic stability for the Islands.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That any monies owing is not paid in full	Low (3)	This item is being progressed quickly to minimise further financial burden for the lessee and to ensure this is set out in the correspondence once the request has been approved
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service Interruption	N/A	N/A	N/A
Compliance	The process for termination of lease does not comply with legislation	Low (3)	The process outlined in this report is consistent with legislative requirements.
Property	The property is left in an untidy state	Low (3)	Property inspection to be conducted and lessee to be advised of any cleaning required as per terms of lease
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Risk Matrix

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

Voting Requirements

Simple majority

Conclusion

The officer's recommendation to accept the request from Ape X Kiteboarding is based on the recognition that 2020 has been a difficult year for tourism related businesses; that the loss of the lease fee will not have a material impact on the budget; and that the area has been dormant for the last kiteboarding season and therefore the lease is not achieving the purpose of the Land Trusts being "the benefit, advancement and wellbeing of the community formed by Kampong residents; and the wellbeing of Cocos Islanders". Freeing up the lease may create another business opportunity for a more sustainable and financial robust business.

OFFICER'S RECOMMENDATION – ITEM NO 14.2.2

THAT COUNCIL ACTING IN ITS CAPACITY AS TRUSTEE OF THE 1984 LAND TRUST DEED, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.58 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI) 1995* RESOLVES TO ACCEPT THE REQUEST FROM APE X KITBOARDING TO RELINQUISH ITS LEASE ON A PORTION OF LOT 100 (BEING THE SOUTH END PRECINCT AREA 5) WHICH WAS USED FOR A KITEBOARDING TOURISM OPERATOR, SUBJECT TO ALL OUTSTANDING FEES AND RATES BEING PAID IN FULL AND THE SITE BEING FULLY REMEDIATED AS PER THE LEASE CONDITIONS.

14.3 TRUSTS FINANCE

15. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING (LATE ITEM)

16. CLOSURE