

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Agenda

Ordinary Meeting of Council

Wednesday 27 July 2022, 4.00pm

Council Chambers, Shire Administration Building

Lot 256 Jalan Bunga Melati, Home Island

Disclaimer

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

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.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1	OPENING/ANNOUNCEMENTS OF VISITORS	6
2	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	6
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
4	PUBLIC QUESTION TIME	6
5	LEAVE OF ABSENCE	7
5.1	LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	7
5.2	APPLICATION FOR LEAVE OF ABSENCE	7
6	PETITIONS/DEPUTATIONS/PRESENTATIONS	7
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	7
7.1	ORDINARY COUNCIL MEETING HELD ON 22 JULY 2022	7
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS	7
9	DECLARATION OF INTERESTS	7
10	REPORT FROM COMMITTEES AND OFFICERS	8
REPORTS OF OFFICERS		
10.1	CHIEF EXECUTIVE OFFICER	8
10.1.1	HUMAN RESOURCES	8
10.1.2	CEO DELEGATION	13
10.1.3	2022 WA LOCAL GOVERNMENT CONVENTION - WALGA	17
10.1.4	WALGA COMMITTEE NOMINATION	20
10.1.5	CHIEF EXECUTIVE OFFICER REPORT	23
10.1.6	FEDERAL MINISTERS VISIT	27
10.1.7	AIRPORT UPGRADE	29
10.1.8	VIRGIN AIRLINES VISIT	32
10.1.9	BUSINESS IMPROVEMENT GRANT GUIDELINE AMENDMENT	35
10.1.10	PROPOSED TOURIST FACILITY – LOT 1000 (#39) JALAN PANTAI, HOME ISLAND	38
10.1.11	USE OF SHIRE OF COCOS (KEELING) ISLANDS COMMON SEAL	43
10.2	MANAGER FINANCE AND CORPORATE SERVICES	46
10.2.1	SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD 1 JUNE 2022 TO 30 JUNE 2022	46
10.2.2	AMENDMENT TO 2022/2023 ANNUAL BUDGET – PENALTY INTEREST	49

10.3	MANAGER INFRASTRUCTURE	53
10.3.1	PLANT REPLACEMENT PROGRAM	53
10.3.2	CAPITAL PROJECTS	57
11	MINUTES TO BE RECEIVED	62
NIL		62
12	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	62
13	MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL	62
14	MATTERS BEHIND CLOSED DOORS	62
14.1	CONFIDENTIAL ITEM - RFQ SUPPLY OF SELF-PROPELLED ROLLER	62
15	MATTERS RELATING TO THE LAND TRUSTS	63
15.1	TRUSTS ADMINISTRATION	65
NIL		65
15.2	TRUSTS LEASES	65
15.2.1	CONFIDENTIAL ITEM - SHIRE RENTAL PROPERTY – LOT 173 HOME ISLAND JALAN BUNGA KANGKONG	65
15.3	TRUSTS FINANCE	66
NIL		66
16	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING (LATE ITEM)	66
17	CLOSURE	66

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
NIL		

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 22 June 2022 - Attachment 7.1

OFFICER RECOMMENDATION

THAT COUNCIL BY SIMPLE MAJORITY, PURSUANT TO SECTIONS 5.22(2) AND 3.18 OF THE LOCAL GOVERNMENT ACT 1995 (WA)(CKI), RESOLVES THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 22 JUNE 2022, 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.

Name	Item No.	Interest	Nature

10. REPORT FROM COMMITTEES AND OFFICER

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 HUMAN RESOURCES

Report Information

Date: 10th July 2022
 Location: Cocos Keeling Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Not applicable
 Attachments: Nil

Authority / Discretion

Definition

<input checked="" 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 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

The purpose of this report is to seek Council approval of a budget variation for the 2022-2023 financial year to enable suitable Human Resource Management Strategic Plan to be developed for Council.

Relevant Documents

Available for viewing at the meeting

Background

Council currently has no human resource management staff. Unexplainable as it is, this has been a practice of Council for quite some time. Currently Human Resource issues are dealt with by Executive, management and other staff. This is both time consuming and inappropriate at best.

With an extensive period in Senior and Executive management roles in the public and private sector I have formed the opinion that staff are the most valuable asset of any organisation. I also believe they need to be supported by effective contemporary human resource trained staff. My further belief is that in the absence of an appropriate human resource strategy and the engagement of suitable Human Resource staff Council is placed with organisational risk on several fronts. Mine is a view supported widely and examples are as follows:

Human Resources or the people working in the organisation are the most important resource. Human resource management is the process of employing people, training them, compensating them, developing policies relating to the workplace, and developing strategies to retain them. Reference What is Human Resources-
<https://open.lib.umn.edu/humanresourcemanagement/chapter/1-1-what-is-human-resources/#:~:text=Human%20resources%20or%20the%20people,developing%20strategies%20to%20retain%20employees>

Human Resources, or HR, is important for every organisation that has employees, as HR handles a wide variety of tasks related to business operations. HR can help recruit and retain high-quality employees that make a business more effective. HR also ensures compliance in ways related to company, state and federal rules. Reference - Human resource, meaning, importance et al - <https://www.toppr.com/guides/economics/people-as-resource/human-resources/#:~:text=The%20human%20resource%20plays%20a,education%2C%20training%2C%20and%20healthcare>

The role of human resource development is providing the individual with the learning experience necessary to fill the gap in an employee's knowledge and skill, to ensure his continued ability to perform efficiently and effectively in his job, and thereby contribute to the productivity of the organisation. Reference - Human Resource Is the Most Important Asset of an Organisation - <https://www.bartleby.com/essay/Human-Resource-Is-the-Most-Important-Asset-FKS9FCA5HKUEZ>

Intrinsic to the engagement of human resource staff I believe that Council first needs to develop and adopt a suitable Human Resources Strategy to carry Council forward in line with the Shire of Cocos Organisational Strategies.

The following model outlines a process for Council to follow with respect to Human Resources and value adding to our organisation.



Reference - Academy to innovate HR - <https://www.aihr.com/blog/human-resources-models/#SCM>

Comment

The Western Australia Local Government Association is well placed and an ideal organisation to assist Council to develop an appropriate Human Resource Management Strategy.

Policy and Legislative Implications

The *Local Government Act* of Western Australia 1995 incorporating the Cocos (Keeling) Islands Act 1955.

The Western Australian Industrial Relations Commission is established by the Industrial Relations Act 1979 (WA) and resolves disputes about industrial matters, including any matter relating to the work, privileges, rights or duties of employers or employees in industry. It is imperative Council has Executive Management and Human Resource staff fully aware of the obligations to Council under this act.

Councils - Shire of Cocos Keeling Islands POLICY MANUAL 2021/2022 which contains policies that require amendment as a priority.

Financial Implications

There will be an initial cost to Council to develop and implement an appropriate Human Resource Strategy and then engage suitable human resource staff. In time this will be recouped by Council in terms of developing a framework linking people management and

development practices to long term business goals and outcomes. This will in turn increase organisational productivity and workplace satisfaction for employees. In the absence of an appropriate Human Resource Strategy Council faces unnecessary financial risk.

Strategic Implications

Strategic human resource management is the foundation of a strong business because, when properly applied, it ensures that the company as a whole is working together to reach its goals. This gives the business a greater chance to succeed. Reference-Why Is Strategic Human Resource Management Important?-<https://getsling.com/blog/strategic-human-resource-management/#:~:text=Strategic%20human%20resource%20management%20is%20the%20foundation%20of%20a%20strong,a%20greater%20chance%20to%20succeed>

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Untrained/qualified staff	15	Develop & adhere to strategy
Health & Safety	As above	20	As above
Reputation	Questionable	15	As above
Service Interruption	Unavailable qualified staff	15	As above
Compliance	As above	20	As above
Property	As above	15	As above
Environment	As above	15	As above
Fraud	As above	15	As above

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

Whilst the cost of a Develop a Human Resource Management Strategic Plan for Council is yet to be determined it is an essential tool for Council operations and to mitigate risk to Council.

OFFICER RECOMMENDATION – ITEM NO 10.1.1

THAT COUNCIL APPROVE THE ENGAGEMENT OF WEST AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION OR LIKE AGENCY TO DEVELOP A HUMAN RESOURCE MANAGEMENT STRATEGIC PLAN FOR COUNCIL.

10.1.2 CEO DELEGATION

Report Information

Date: 27 June 2022
 Location: Cocos Keeling Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Cocos Keeling Islands
 Attachments: 10.1.2.1 - CKI Council Purchasing Policy

Authority / Discretion

Chief Executive Officer

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 approval for an amendment of the delegation of Council’s Chief Executive Officer under the Purchasing Policy from unlimited to \$250,000.00.

Relevant Documents

Available for viewing at the meeting

Background

Upon commencement of employment with the Shire of Cocos (Keeling) Islands it was noted by the incumbent Chief Executive Officer that the delegation of the Chief Executive Officer of Council was “unlimited” within Council’s Purchasing Policy.

Officer	Limit of Authority for Purchases
Chief Executive Officer	Unlimited
Manager Finance & Corporate Services	\$50,000
Manager of Works and Services	\$50,000
Executive Support Officer	\$5,000

Whilst expedient at times, the unlimited financial delegation would not pass the “pub test” and is in direct contradiction to the intent of statutory and financial purchasing and auditory legislation and provisions.

Comment

Retaining an unlimited financial delegation for the Chief Executive Officer would be inconsistent with delegations to Chief Executive Officers in local government Australia wide.

Policy and Legislative Implications

The West Australian *Local Government Act 1995* outlines the delegations to a CEO and Councils Purchasing Policy sets the value of the delegation. A delegation of \$250,000.00 is in line with the purchase rates that must be complied with by the Shire, including purchasing thresholds and processes, are prescribed within the Regulations, the policy and associated purchasing procedures in effect at the Shire.

Amount of Purchase	Model Policy
<i>Up to \$1000</i>	<i>Direct purchase from a supplier based on a verbal or written quote where possible.</i>
<i>\$1001 - \$20,000</i>	<i>Request at least two verbal quotations.</i>
<i>\$20,001 - \$50,000</i>	<i>Seek formal written quotations.</i>
<i>\$50,001 - \$249,999</i>	<i>At least three written quotations are requested in writing seeking formal written responses. Quotations must contain price and specifications of goods / services received. Procurement decisions are to be based on value for money considerations.</i>
<i>\$250,000 and above</i>	<i>Conduct a public tender where an exemption under section 1.3 of this policy does not apply</i>

Adoption of a \$250,000.00 financial limit and amending Council’s Purchasing Policy as such then restricts the CEO financial delegation limit in accordance with the *Local Government Act* as follows.

Local Government Act 1995

Part 5 Administration

Division 4 Local government employees

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- a) any power or duty that requires a decision of an absolute majority of the council;
- b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;**
- c) appointing an auditor;
- d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;**

Financial Implications

Mitigates risk of possible high-level fraud

Strategic Implications

Mitigates risk of possible high-level fraud

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That budget allocations are significantly exceeded.	Moderate (6)	Variances are monitored and highlighted to Council on a monthly basis for corrective action.
Reputation	The monthly financial statements are open to public scrutiny.	Low (3)	Procedures in place to ensure all expenditure is justifiable.
Compliance	The report is to be presented to Council within two months in order to comply with relevant legislation.	Low (3)	There are processes in place to ensure compliance with legislation.
Fraud	That the report is manipulated.	Low (3)	Interim and end of year audits.

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

Absolute majority

Conclusion

Council should amend the policy as requested.

OFFICER RECOMMENDATION – ITEM NO 10.1.2

THAT COUNCIL AMEND THE SHIRE OF COCOS (KEELING) ISLANDS PURCHASING POLICY TO CHANGE THE FINANCIAL PURCHASING LIMIT OF THE CHIEF EXECUTIVE OFFICER FROM UNLIMITED TO \$250,000.00.

10.1.3 2022 WA LOCAL GOVERNMENT CONVENTION - WALGA

Report Information

Date: 12 July 2022
 Location: Cocos Keeling Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Not applicable
 Attachments: 10.1.3.1 – LGC22_Information Brochure

Authority / Discretion

Definition

<input checked="" 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 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 advise Council of details of the West Australian Local Government Association Convention and approve elected members and Councils Chief Executive Officers to attend.

Relevant Documents

Available for viewing at the meeting

Background

Every year, the West Australian Local Government Association holds an Annual Convention/Forum for members of Local Government and like-minded individuals/organisations.

This year's WA Local Government Convention will take place on Monday, 3 – Tuesday, 4 October at Crown Perth. The Opening Welcome Reception will take place the evening before on Sunday, 2 October.

The WA Local Government Convention is presented specifically for those engaged in the Local Government sector. The conference sessions aim to support and inform Mayors, Presidents, Elected Members and Chief Executive Officers. Additional attendance by Executive Directors and other senior, managers is also highly recommended.

The theme for the 2022 WA Local Government Convention is Embracing Change. With increasing community expectations of Local Governments, legislative reform, and a rapidly changing economic, social and political environment, Local Governments must find new ways of serving and engaging with their communities, doing business and strengthening their influence. This Convention will explore changes to the Local Government landscape over the coming years and how the sector can come together to inform, guide and embrace change.

I have been an active member of Local Government in the Northern Territory, Queensland and now Western Australia. I have attended State and Territory conferences/conventions/seminars annually as they have occurred because they are of immense value in terms of networking and being provided with up-to-date information relevant to Local Government.

A copy of the registration brochure for this year's conference is attached hereto for Council's information.

Comment

Attendance at the convention provides the opportunity for The President, Vice President, elected members and the Chief Executive Officer access to support and information regarding the Local Government sector.

Policy and Legislative Implications

Nil

Financial Implications

Cost to attend the convention is budgeted for in Councils annual budget.

Strategic Implications

Opportunity for an increased awareness of legislative reform, and a rapidly changing economic, social and political environment, Local Governments must find new ways of serving and engaging with their communities, doing business and strengthening their influence for attendees.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Increased awareness of Councils role & responsibilities by attending the conference	Not applicable	Not applicable
Health & Safety	As above	As above	As above
Reputation	As above	As above	As above
Service Interruption	As above	As above	As above
Compliance	As above	As above	As above
Property	As above	As above	As above
Environment	As above	As above	As above
Fraud	As above	As above	As above

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

Attendance is recommended.

OFFICER RECOMMENDATION – ITEM NO 10.1.3

THAT COUNCIL APPROVE SHIRE PRESIDENT AINDIL MINKOM, DEPUTY SHIRE PRESIDENT SERIWATI IKU, COUNCILLORS TONY LACY, AYESHA YOUNG AND CHIEF EXECUTIVE OFFICER FRANK MILLS AND GOVERNANCE RISK COORDINATOR IBRAHIM MACRAE TO ATTEND THE 2022 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CONFERENCE BEING HELD AT THE CROWN PERTH FROM THE 2 TO THE 4 OCTOBER 2022.

10.1.4 WALGA COMMITTEE NOMINATION

Report Information

Date: 13 July 2022
 Location: Cocos Keeling Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Not applicable
 Attachments: 10.1.4.1 – Control of Vehicles (Off-Road) Committee Nomination Form

Authority / Discretion

Definition

<input checked="" 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 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

The purpose of this report is to table to Council a request from the Western Australian Local Government Association (WALGA) seeking nominations from elected members or Local Government Officers to join the Control of Vehicles (Off Road Areas) Act Advisory Committee.

Relevant Documents

Available for viewing at the meeting

Background

Chantelle O'Brien from (WALGA) contacted Councils Chief Executive Officer as per *"I am reaching out to you today, as your Local Government has coastal areas, I thought I would provide you with the attached nomination form to distribute to Elected Members and Local Government Officers that may be interested in nominating for membership to the Control of (Off Road) Vehicles Advisory Committee.*

Nominations close on Friday 5 August 2022".

A copy of the Selection Committee advice and nomination form was also provided by her.

Comment

The request is self-explanatory, and nominees are welcome.

Policy and Legislative Implications

The Terms of Reference for the Control of Vehicles (Off-road Areas) Advisory Committee are as per the Control of Vehicles (Off-road Areas) Act 1978. The Advisory Committee provides advice and recommendations to the Minister for Local Government in relation to:

- The use of or proposed use of land by vehicles, including the declaration of prohibited and permitted areas;
- Submissions made by parties affected by the operation of the Act;
- Consultations with relevant bodies or persons in relation to the use of, or proposed use of any land by vehicles.

Financial Implications

Sitting Fee: Nil

Travelling allowance: Reimbursement of travel associated with meetings applicable in accordance with Public Sector Commission guidelines.

Strategic Implications

Nil

Risk Implications

No risk to Council, assessment not necessary.

Voting Requirements

Simple majority

Conclusion

Interested elected members are encouraged to nominate.

OFFICER RECOMMENDATION – ITEM NO 10.1.4

THAT COUNCIL SUPPORT ANY ELECTED MEMBERS INTERESTED IN NOMINATING TO BE CONSIDERED FOR THE CONTROL OF VEHICLES (OFF ROAD AREAS) ACT ADVISORY COMMITTEE.

10.1.5 CHIEF EXECUTIVE OFFICER REPORT

Report Information

Date: 13 July 2022
 Location: Cocos Keeling Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Not applicable
 Attachments: 10.1.5.1 – Agency Summaries – New CEO

Authority / Discretion

Definition

<input checked="" 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 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 checked="" 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 of the actions and movements of the Chief Executive Officer for the June/July reporting period.

Relevant Documents

Available for viewing at the meeting

Background

The following outlines the movements and activities of Council's CEO for the 23 June/July 2022 reporting period.

Perth meeting - prior to formally commencing with Council, whilst in Perth, on the 21 June 2022 I attended a meeting that consisted of representatives of various Government Departments that included:

- Department of Premier and Cabinet - Shane Jaffar
- Department of Environment & Water - Tim Francis
- Department of Main Roads - Kellie Keable
- Department of Planning, Lands & Heritage - Peter Wood
- Department of Primary Industries & Regional Development - Lindsay Strange, and
- Department of Transport - Nicole Taylor

This meeting was essentially a meet and greet meeting with a brief explanation from the attendees of their roles and relationship to the Cocos (Keeling) Islands. A copy of their preamble and discussion is attached for information (Attachment 10.4.5.1).

Employment - Commencing employment on Thursday 23 June 2022, COVID restrictions in place saw the first 2 days on West Island. The following week travel for Council staff was back to normal and my time was split 4 days on Home Island and 1 day on West Island. Due to COVID restrictions on both islands meeting stakeholders, service providers, government agencies and communities is very restricted.

Insurance - Council's budgeted Insurances for the next financial year have been renewed under the following provisions:

1.4 LGIS Services

The suite of LGIS insurances are established in accordance with section 9.58(6)(b) of the *Local Government Act 1995 (WA)(CKI)* and are provided as part of a mutual, where WALGA member local governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-~~base~~-based service and is not defined as a purchasing activity subject to this policy.

Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this policy is required.

WALGA - phone calls and email conversations with various delegates and staff of the Western Australia Local Government Association regarding the support they can provide to Council in terms of Governance, Human Resources, development applications, planning and environmental health.

AFP - meetings with various members of the Australian Federal Police Stationed on Home and West Island to discuss COVID and other relevant issues.

Staff - I have been fortunate to meet as many staff as possible as we have had due to COVID illness. Once COVID has run its course I will be holding a meeting for all staff on Home Island. The West Island staff will also be in attendance with slight adjustments to their daily duties to attend. We held a leadership meeting of relevant staff which proved very positive and outcomes relating to staff training, performance development and appraisals will flow on from there.

Community - COVID has stymied my intent to meet with many community members and hold a come and meet the Chief Executive Officer open day at both West and Home Island. A

notice will be placed in the next Atoll newsletter and Council social media outlets of meetings dates on both Islands for the community to meet the CEO.

Commonwealth and State Government Departments – with so many departments and individuals contacting myself, it has been a steep learning curve to try and understand the relationships each have with each other, the Cocos (Keeling) Islands and Council. Suffice to say this is a work in progress and August Council meeting will be provided with an update about the individuals and Departments I have been in contact with.

Airport Upgrade – Current discussions have focussed on the use of the Q Station by Fulton Hogan as a batching plant area for the airport upgrade. Q-Station land is currently Unallocated Crown Land and is not zoned appropriately for industrial use. Appropriate land tenure and zoning will be required for Works Approvals and Licences. Some ambiguity remains between parties. A meeting is proposed for the 20 July 2022 to discuss this further with Fulton Hogan and the Commonwealth and the outcome will be presented to Council at the Ordinary Meeting on the 27 July 2022.

Strategic Community Plan – meeting convened with Rose Cummins and Anika Chhabra and Anna Kelderman of Shapeurban who are developing the plan on behalf of Council. It is proposed to have a draft to the August 2022 Ordinary meeting of Council for review and comment prior to finalisation of the plan.

Christmas & New Year holidays – As a customer service focussed organisation, I would like to see Council remain open to the public on all days bar public holidays for the 2022 Christmas & New Year holiday period.

Gazetted holidays for Western Australia for the Christmas & New Year period are:

- Sunday 25 December - Christmas Day
- Monday 26 December - Boxing Day/Additional public holiday for Christmas Day
- Tuesday 27 December - Additional public holiday for Boxing Day
- Sunday 1 January - New Year's Day
- Monday 2 January - Additional public holiday for New Year's Day
- In recent years Council has closed for the Christmas & New Year period and staff have had to use annual leave for the days that were not public holidays.

Council Workshops – In order to provide Council with the opportunity to keep up to date with Council projects, Commonwealth projects such as the runway and other information relevant to Council it is proposed that Council vary the monthly workshop time from immediately after Council meetings until two weeks before the next Council meeting, beginning in August 2022. An indication of agenda items for the workshops is attached (Local Government Reforms: Full Reform Proposals - WALGA Responses)

Comment

This report is for Council information and endorsement as required.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Risk Implications

No risk to Council assessment not necessary

Voting Requirements

Simple majority

Conclusion

OFFICER RECOMMENDATION – ITEM NO 10.1.5

1. THAT COUNCIL APPROVE THE RECOMMENDATION FOR COUNCIL OFFICES AND SERVICES TO BE OPEN DURING THE 2022 CHRISTMAS NEW YEAR PERIOD WITH STAFFING LEVELS ADJUSTED FOR THOSE WISHING TO TAKE ANNUAL LEAVE FROM NON-PUBLIC HOLIDAYS.
2. THAT COUNCIL ENDORSE THE CHANGE OF COUNCIL WORKSHOPS FROM AFTER EACH MONTHLY MEETING OF COUNCIL TO TWO WEEKS PRIOR TO EACH MONTHLY MEETING OF COUNCIL.

10.1.6 FEDERAL MINISTERS VISIT

Report Information

Date: 19 July 2022
 Location: Cocos Keeling Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Not Applicable
 Reporting Officer: Chief Executive Officer
 Island: Cocos Keeling Islands
 Attachments: 10.1.6.1 - Invite

Authority / Discretion

Definition

<input checked="" 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>
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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 advise of a formal invite the Federal Minister for Lingiari, Marion Scrymgour MP and the Minister for Regional Development, Local Government and Territories The Hon Kristy McBain MP to visit the Cocos Keeling Islands to meet with Council and other interested organisation and individuals.

Relevant Documents

Available for viewing at the meeting

Background

Following the 2022 Federal Government Elections, a change of Ministers representing the Indian Oceans Territories, Cocos Keeling Islands has occurred.

The Minister for Regional Development, Local Government and Territories, the Hon Kristy McBain MP and the Federal Minister for Lingiari, Marion Scrymgour MP are now the responsible Ministers.

Comment

It is prudent for Council to be proactive in setting the pathway to both Ministers to promote the goals and aspirations of the Cocos Keeling Islands and its residents. Therefore, an invite for them to visit the Cocos Keeling Islands was prepared and issued under advice from Council President Minkom.

Policy and Legislative Implications

Nil, however, the Administrator for the Indian Ocean Territories, Natasha Griggs has been consulted and is aware of the invite.

Financial Implications

Nil

Strategic Implications

It is strategically astute for Council to issue the invite and open communications with both Ministers.

Risk Implications

No risk related to this invite.

Voting Requirements

Simple Majority

Conclusion

If nothing else an invite to both Ministers fits within announcements from them since their election on their desire to visit the Indian Ocean Territories.

OFFICER RECOMMENDATION – ITEM NO 10.1.6

COUNCIL NOTE THE INVITATION.

10.1.7 AIRPORT UPGRADE

Report Information

Date: 19th July 2022
 Location: Cocos Keeling Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Not applicable
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachments: 10.1.7.1 - Site maps
 10.1.7.2 – Q Station Land Use

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 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 checked="" 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

The purpose of this report is to provide Council with proposed sites for Fulton Hogan accommodation centre and the batch plant, material stockpiles, bitumen storage, workshop, and main office.

Relevant Documents

Available for viewing at the meeting

Background

Fulton Hogan have been engaged by the Commonwealth Government to undertake an extensive upgrade of the runway on West Island. Whilst many of the details of the runway upgrade are yet to be made available to Council, we have been made privy to Fulton Hogan's proposed sites for their accommodation centre and the batch plant, material stockpiles, bitumen storage, workshop, and main office.

The batch plant, material stockpiles, bitumen storage, workshop, and main office are proposed to be on an unoccupied portion of the Q Station (see map attached).

The accommodation centre is proposed for a portion of Lot 3003 Sydney Highway (see attached map)

Comment

As there is some ambiguity among interested individuals and organisations regarding the siting of Fulton Hogan's infrastructure the maps are tendered to clarify the situation.

At this point in time, Council's Chief Executive Officer will be the contact point for Fulton Hogan and the Commonwealth regarding this project. It is expected that as the project develops there may be a need for a project officer to be appointed by Council to deal with all Council issues relating to the project. Discussions have commenced with Fulton Hogan to fund this position and further advice will be provided to Council at the August Ordinary Council meeting.

Policy and Legislative Implications

Q-Station land is currently Unallocated Crown Land and is not zoned appropriately for industrial use. Appropriate land tenure and zoning will be required for Works Approvals and Licences.

Financial Implications

Nil at this stage

Strategic Implications

Nil at this stage

Risk Implications

Nil at this stage, however future progression of any plans will require Council consideration.

Voting Requirements

Simple majority

Conclusion

Maps are tendered to Council for information purposes.

OFFICER RECOMMENDATION – ITEM NO 10.1.7

THAT COUNCIL NOTE THE MAPS AS TENDERED AND ADVISE REGARDING A PROJECT OFFICER.

10.1.8 VIRGIN AIRLINES VISIT

Report Information

Date: 19 July 2022
 Location: Cocos Keeling Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Not Applicable
 Reporting Officer: Chief Executive Officer
 Island: Cocos Keeling Islands
 Attachments: Nil

Authority / Discretion

Definition

<input checked="" 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

The purpose of this report is to advise Council of a visit to the Cocos Keeling Islands for Jeff Dzodz the Assistant Director - Indian Ocean Territories Government Arrangements and representatives of Virgin Airways, to some stakeholder sessions on Home and West Island.

Relevant Documents

[Available for viewing at the meeting](#)

Background

An email has been received from Jeff Dzodz, the Assistant Director – Indian Ocean Territories Government Arrangements as follows:

As I mentioned I'm coming to CKI on 9 August with some reps from Virgin Aust to hold some stakeholder sessions on Home and West Island. It would be appreciated if the Shire could provide access to its facilities such as the Home Island Cyclone Shelter for our meetings. I'm not quite sure about a venue for West Island at this stage so if you have any suggestions please let me know. We'll also walk around and meet some business owners, etc.

At this stage this is what I have although you'll see that nothing is confirmed and I'm looking to book things in this week:

CKI 9-12 August

Wednesday	Thursday	Friday
Home Island – AM Shire 11:45am – 12:45pm Businesses	West Island – AM Tourism Businesses (including Cocos Co-op) School Shire?	West Island – AM Follow-up meetings (TBC)
Home Island – PM School Residents	West Island – PM AFP + IOTA Airport Staff Residents	PM – Flight home

On Wednesday morning it would be good if we could meet with the Shire Council members and key staff. I note that the ferry leaves West Island at 11:15am so this is more likely to be about 11:45am-12:00pm, which may suit council members and staff if they need to get away from work to participate. Please let me know if this time is suitable for you and the Shire councillors and staff.

On Thursday, you'll also see that I've considered whether the Shire councillors and staff on West Island would want to meet separately. If this is the case, we would be happy to do so.

I'd also like to separately meet with you to discuss our Commonwealth/State government arrangements in general, as well as specific projects such as the coastal risk management and fisheries, etc. For other issues, I'd be pleased to provide advice on who would be best to talk to about them. I'm hoping that you share your time between Home and West Islands and may be on West Island on Thursday afternoon and will be available – I'm planning to meet with you whilst Virgin Aust meets with airport staff. Please let me know if this suits.

By the way, our Director for IOT Government Arrangements, Andrew Murphy is back from leave and I've cced him into this email. I'd be pleased to make the introductions at some stage soon.

Comment

The proposed visit provides Council and community an opportunity to meet face to face with Virgin Airways representatives to issues with Air Travel, cost and scheduling from Cocos Keeling Islands to Perth and return.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

There is opportunity for Council members to be strategic in thought and conversation regarding future plans for air travel for the Cocos Keeling Islands.

Risk Implications

Nil as this is information only

Voting Requirements

Simple majority

Conclusion

This visit provides Council and community an opportunity to discuss their grievances and concerns over air and freight travel delivered by Virgin Airways to the Cocos Keeling Islands.

OFFICER RECOMMENDATION – ITEM NO 10.1.8

THAT COUNCIL NOTE THE CONTENTS OF THE REPORT AND ADVISE THE CHIEF EXECUTIVE OFFICE OF THEIR PREFERRED MEETING SITES WITH REPRESENTATIVES OF VIRGIN AIRWAYS AND JEFF DZODZ, THE ASSISTANT DIRECTOR – INDIAN OCEAN TERRITORIES GOVERNMENT ARRANGEMENTS.

10.1.9 BUSINESS IMPROVEMENT GRANT GUIDELINE AMENDMENT

Report Information

Date: 14 July 2022
 Location: Not Applicable
 Applicant: Adim Hajat
 File Ref: Not Applicable
 Disclosure of Interest: Nil
 Reporting Officer: Community Development Coordinator
 Island: Shire Wide
 Attachments: 10.1.9.1 - Business Improvement Grant Guidelines

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>
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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 an anomaly under the new Shire's Grant Funding Program – The Business Improvement Grant and seek Council approval for a variance of the guidelines

Relevant Documents

Available for viewing at the meeting

The Business Improvement Grant Guidelines.

Background

The Business Improvement Grant funding was recently released by the Shire on the 7 June 2022. Full applications were to be submitted by the closing date of 30 June 2022. The funding

program was advertised locally in The Atoll, Facebook page and the Business Improvement Grant Pack were sent to businesses. One of the criteria in the Business Improvement Grant Guidelines states:

“Businesses which are solely home based will be ineligible.”

The Scope of the funding program stipulates that The Shire supports new and existing local businesses to improve amenity, stimulate business activity and provide direct benefits to the Shire of Cocos (Keeling) Islands Community in a manner that is fair, equitable and transparent.

Eligible businesses that are bed and breakfast or any form of home accommodation by inference should have the opportunity to be supported under this program. Unfortunately, because they operate from home, they are ineligible under the guidelines.

Comment

The grant funding is aligned with the following plans and previous consultations with relevant community stakeholders:

Shire’s Corporate Business Plan – ED 1.1.3.3

Shire’s Strategic Plan – E 1.12

The Shire has received three applications as of the closing date of 30 June 2022. One of the proposed applications requires a decision of Council as to the eligibility due to the proponent business is a Bed and Breakfast operator on Home Island. The Guidelines states that businesses which as solely home based will not be considered. However, the business venture requires that it operates from home.

Financial Implications

Should Council resolve to amend the following section in the Business Improvement Grant Guideline it will allow a larger scope of applications from home accommodation businesses.

The total estimated cost of the grant pool will remain unchanged. In the event of an increase in applications in Round 2 of the Business Improvement Grant funding, the officer will review the grant budget as per the Mid-Year Budget Review in early 2023.

Policy and Legislative Implications

Business Improvement Policy – CPC8, Eligibility Criteria to be amended.

Strategic Implications:

Shire’s Corporate Business Plan – ED 1.1.3.3

Shire’s Strategic Plan – E 1.12

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	No increase in funding allocation. Midyear budget review.	Moderate (6)	Applications are still based on merit.
Health & Safety	Design of building to comply with BCA	Low (4)	Proper building certification
Compliance	Applications comply with the Guidelines	Low (4)	Applications needs to be assessed.
Fraud	Applications are required to provide reports and documentation at the completion of the proposed project.	Low (4)	Project becomes void and Shire to take necessary action. Funding will not be approved.

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 minor amendment to the Eligibility Criteria will allow for a larger scope of potential applications for the Shire's consideration.

OFFICER RECOMMENDATION – ITEM NO 10.1.9

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S 3.1 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:

- AMEND THE FOLLOWING SECTION UNDER THE BUSINESS IMPROVEMENT GRANT GUIDELINES WITH THE FOLLIWNG WORDING:
“BUSINESSES WHICH ARE SOLELY HOME-BASED WILL BE INELIGIBLE, HOWEVER EXEMPTION IS PROVIDED TO BUSINESSES SUCH AS BED AND BREAKFAST OR HOME STAY ACCOMMODATION ESTABLISHMENTS.”**

10.1.10 PROPOSED TOURIST FACILITY – LOT 1000 (#39) JALAN PANTAI, HOME ISLAND

Report Information

Date: 19 July 2022
 Location: Lot 1000 (#39) Jalan Pantai, Home Island
 Applicant: Seyfi Seyit, Australian Centre for Sight Pty Ltd
 File Ref:
 Reporting Officer: Chief Executive Officer
 Island: Home Island
 Attachments: 10.1.10.1 – Cover Letter and DA Application
 10.1.10.2 – Oceania House holiday Homes Management Plan
 10.1.10.3 – Ocean House Smoke Detectors Plan

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 use of six bedrooms within the Oceania ('Big') House for the short-term accommodation.

Relevant Documents

[Available for viewing at the meeting](#)

Background

The subject property of Lot 1000 (#39) Jalan Pantai, Home Island is zoned 'Special Use 6' under the Shire's *Local Planning Scheme No.1* (the Scheme).

The following land uses are permissible for Special Use 6:

- shop
- tourist facility
- social/community facility
- restaurant/café
- cultural facility
- residential
- educational establishment

The subject development applications seeks development approval for the use of a portion of the Oceania House as a tourist facility in accordance with the above.

The application was referred to the Department of Infrastructure, Transport, Regional Development and Communications (Commonwealth) regarding any essential service implications. This organisation raised no concerns with the development application.

The Oceania House is also listed under the National Estate in accordance with the *Australian Heritage Commission Act 1975*. However, given the application is for land use approval only with no building works proposed, referral to the responsible agency under the Act is not deemed necessary.

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

The re-activation of the Oceania House through this development application is generally supported. It is however 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 tourist facility approval.

As the development application is made for the use of six bedrooms it is recommended that the short-term accommodation capacity be capped at twelve guests (two guests per bedroom). It is further recommended that prior to the use, that a property management plan, fire and emergency plan and a guest code of conduct be forwarded to Shire officers for review.

An initial two-year approval for the tourist facility land use is further recommended, which on cessation can be extended by Council if deemed appropriate and/or requested by the landowner.

Policy and Legislative Implications

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

Financial Implications

This item has no financial implications.

Strategic Implications

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

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.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Health & Safety	House fire	Extreme (20)	Approval condition – property management plan
Compliance	Unruly behaviour of guests in a residential area	Moderate (9)	Approval condition enforcement

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 tourist facility 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 RECOMMENDATION – ITEM NO 10.1.10

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 TOURIST FACILITY LAND USE AT LOT 1000 (#39) JALAN PANTAI, HOME 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 TOURIST FACILITY 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 TOURIST FACILITY SHALL NOT EXCEED TWELVE (12) 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. BARBEQUES ARE TO BE LIMITED TO GAS OR ELECTRIC ONLY.**
- 7. ACCOMMODATION FOR GUESTS IS LIMITED TO SHORT STAY ONLY, BEING A MAXIMUM BOOKING TIME OF THREE MONTHS IN ANY TWELVE-MONTH PERIOD.**
- 8. PRIOR TO COMMENCEMENT OF THE APPROVED USE, THE OPERATOR OF THE TOURIST FACILITY SHALL SUBMIT TO THE SHIRE OF COCOS (KEELING) ISLANDS A ‘GUEST CODE OF CONDUCT’, A ‘FIRE AND EMERGENCY PLAN’ AND A ‘PROPERTY MANAGEMENT PLAN’ FOR THE TOURIST FACILITY.**
- 9. THE TOURIST FACILITY SHALL BE OPERATED IN ACCORDANCE WITH ANY APPROVED ‘GUEST CODE OF CONDUCT’, ‘FIRE AND EMERGENCY PLAN’ AND ‘PROPERTY MANAGEMENT PLAN’ FOR THE LIFE OF THE DEVELOPMENT, TO THE SATISFACTION OF THE SHIRE OF COCOS (KEELING) ISLANDS.**
- 10. APPLICATION IS SUBJECT TO COMPLIANCE WITH THE SHIRE’S HOLIDAY HOMES POLICY CPP5, WHICH INCLUDES PROVIDING LETTERS OF SUPPORT FROM IMMEDIATE NEIGHBOURS AND THE TOURISM ASSOCIATION PRIOR TO APPROVAL.**

ADVICE NOTES:

- A. 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.**

- B. 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.**
- C. 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.**
- D. THIS APPROVAL IS ISSUED TO THE CURRENT APPLICANT AND IS NOT TRANSFERABLE TO ANOTHER PERSON OR ANOTHER PARCEL OF LAND.**

10.1.11 USE OF SHIRE OF COCOS (KEELING) ISLANDS COMMON SEAL

Report Information

Date: 20 July 2022
 Location: Shire of Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Home Island
 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

To seek Council approval for the Shire President and the Chief Executive Officer use of the Shire of Cocos (Keeling) Islands Common Seal.

Relevant Documents

Available for viewing at the meeting

Background

In accordance with Section 9.49A of the *Local Government Act 1995* a Common Seal may be affixed to a document made by Council Resolution. For this purpose, there are currently 4 lease documents that requires the Council Common Seal to be affixed.

Comment

The following items were resolved by Council and owing to an anomaly, Council was not requested permission affix the Common Seal at the time of resolution.

A detailed register of the documents executed with the Common Seal is now being kept and known as the Shire of Cocos (Keeling) Islands Common Seal Register.

Description:	Authorisation:
Cocos (Keeling) Islands Shire and Zaikat Omal & Danie Olbio and Juwanie Zaikat & Ag Julfaizal Ag Jual. Assignment of Lease of Lot 155 Part of Lot 103 Home Island Kampong	Council Resolution 25 August 2021
Cocos (Keeling) Islands Shire and Omal Ebnue and Zaikat Omal & Danie Olbio Assignment of Lease of Lot 169 Part of Lot 103 Home Island Kampong	Council Resolution 25 August 2021
Lease Agreement – Part Lot 18 Home Island Retail Centre Tenancy 2 – Mr W Liedie – Cocos General Agency	Council Resolution 27 October 2021
Periodic Lease Agreement Part Lot 18 Home Island Retail Centre – Tenancy 5 – Tidal Accents	Council Resolution 22 June 2022

Policy and Legislative Implications

Section 9.49(A) of the *Local Government Act 1995 (WA)*

Financial Implications

Nil

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2013 – *Outcome 4.1.2 Continue to improve organisational planning.*

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	Inconsistent decision making	Moderate (6)	This recommendation is consistent with precedent and established process.
Compliance	Lack of legislative compliance	Moderate (6)	The process outlined in this report is consistent with legislative requirements.

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

That Council authorises the fixing of the Shire of Cocos (Keeling) Islands Common Seal.

OFFICER RECOMMENDATION – ITEM NO 10.1.11

1. THE COUNCIL APPROVE THE CHIEF EXECUTIVE OFFICER AND THE SHIRE PRESIDENT TO AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE FOLLOWING DOCUMENTS:
 - A. LEASE ASSIGNMENT AGREEMENT LOT 55 HOME ISLAND JALAN BUNGA KANGKONG - MRS JUWANIE ZAIKET AND MR AG JULFAIZAL AG JUAL,
 - B. LEASE ASSIGNMENT AGREEMENT LOT 69 HOME ISLAND JALAN BUNGA KANGKONG - MR ZAIKAT OMAL & MRS DANIE OLBIO,
 - C. PERIODIC LEASE AGREEMENT FOR PART LOT 18 HOME ISLAND RETAIL CENTRE TENANCY 5 TIDAL ACCENTS -SHAMROKS SUPERMARKET PTY LTD,
 - D. LEASE AGREEMENT – PART LOT 18 HOME ISLAND RETAL CENTRE TENENCY 2 – MR W LIEDIE – COCOS GENERAL AGENCY,
2. MAINTAIN REGISTER DETAILING EACH OCCASION ON THE SHIRE OF COCOS (KEELING) ISLANDS COMMON SEAL REGISTER.

10.2 MANAGER FINANCE AND CORPORATE SERVICES

10.2.1 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD 1 JUNE 2022 TO 30 JUNE 2022

Report Information

Date: 08 July 2022
 Location: Not applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.2.1.1 – List of Accounts under Delegated Authority June 2022

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

The purpose of this report is to present to Council a list of accounts paid under delegated authority for the period 1 June 2022 to 30 June 2022, as required by the *Local Government (Financial Management) Regulations 1996*.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid is to be provided to Council, where such delegation is made.

Comment

The following table summarises the payments for the period by payment type, with full details of the accounts paid contained within Attachment 10.2.1.1.

Payment Type	Amount (\$)
EFT Payments #9024 to #9138	\$538,370.72
Direct Debit Payment	\$63,858.82
Cheque Payment	\$5,225.95
Total Payments	\$607,455.49

Contained within Attachment 10.2.1.1 is a detailed transaction listing of payments, including credit card expenditure, for the period ended 30 June 2022 as per the Summary table above.

Policy and Legislative Implications

Nil

Strategic Implications:

Nil

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That budget allocations are significantly exceeded.	Moderate (6)	Variances are monitored and highlighted to Council monthly for corrective action.
Reputation	The accounts paid report is open to public scrutiny.	Low (3)	Procedures in place to ensure all expenditure is justifiable.
Compliance	The report is to be presented to Council in	Low (3)	There are processes in place to ensure

	order to comply with relevant legislation.		compliance with legislation.
Fraud	That the report is manipulated.	Low (3)	Interim and end of year audits along with sequence checks.

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

It is recommended that Council receives the reports provided for the period ended 30 June 2022.

OFFICER RECOMMENDATION – ITEM NO 10.2.1

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO PAYMENTS MADE FROM MUNICIPAL OR TRUST FUNDS FOR THE PERIOD 1 JUNE 2022 TO 30 JUNE 2022 TOTTALLING \$607,455.49 AS CONTAINED IN ATTACHMENT 10.2.1.1
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD ENDED 30 JUNE 2022, AS CONTAINED IN ATTACHMENT 10.2.1.1.

10.2.2 AMENDMENT TO 2022/2023 ANNUAL BUDGET – PENALTY INTEREST

Report Information

Date: 14 July 2022
 Location: N/A
 Applicant: N/A
 File Ref: N/A
 Disclosure of Interest: Nil
 Reporting Officer: Manager Finance & Corporate Services
 Island: Whole Shire
 Attachments: 10.2.2.1 – Local Government (COVID-19 Response) Amendment Order 2022
 10.2.2.2 – Adopted Budget 2022/23– Note 2 Amended

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

The purpose of this report is for Council to amend the penalty interest rate adopted as part of the 2022/23 Annual Budget to reflect the Local Government (COVID-19 Response) Amendment Order 2022, gazetted on 24 June 2022.

Relevant Documents

Nil

Background

The 2022/2023 Budget was adopted at the Ordinary Council Meeting held on 22 June 2022. In accordance with Regulation 70 of the Local Government (Financial Management) Regulations 1996, the maximum rate of interest to be imposed under section 6.51 (1) of the *Local Government Act (WA) (CKI) 1995* is prescribed as 11%.

The Minister for Local Government has since gazetted the Local Government (COVID-19 Response) Amendment Order, extending the reduction in the maximum amount of interest imposable as 7% for the 2022/23 financial year. A copy of this Amendment Order can be found at Attachment 10.2.2.1.

Comment

The Shire Annual Budget is required to be prepared in accordance with the *Local Government Act 1995 (WA) (CKI)*, the Local Government (Financial Management) Regulations 1996. As such, it is necessary to amend the penalty interest rate on overdue rates as presented in Note2 ‘Rates and Service Charges’ from 11% to 7% to comply with the Amendment Order gazetted on 24 June 2022. The financial impact of an interest rate reduction on revenue received from penalty interest is expected to be immaterial. A copy of the 2022/23 Adopted Budget with amendments to Note 2 can be found at Attachment 10.2.2.2.

Policy and Legislative Implications

This Budget has been prepared in accordance with the *Local Government Act 1995 (WA) (CKI)*, the Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.

Financial Implications

The decrease in interest income on overdue rates is expected to be immaterial.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 – 2026:
Outcome 4.1 - An Informed Council working with other to advance our islands
Objective 4 – Ensure efficient and effective management of the organisation and financial resources.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	The budget does not accurately reflect actual expenditure and revenue	Low (3)	The budget has been prepared with sufficient rigour to provide a high level of

			confidence in all estimates
Reputation	Over charging interest on overdue rates	Moderate (3)	Amend Budget and apply interest in accordance with Amendment Order.
Compliance	The budget does not comply with relevant legislation	Low (4)	Remain up to date with relevant changes to legislation and adopt amendments as required.

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

Absolute Majority

Conclusion

The Shire Annual Budget is required to be prepared in accordance with the *Local Government Act 1995 (WA) (CKI)*, the *Local Government (Financial Management) Regulations 1996*. As such, it is necessary to amend the penalty interest rate on overdue rates as presented in Note2 ‘Rates and Service Charges’ from 11% to 7% as pictured below:

SHIRE OF COCOS (KEELING) ISLANDS
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

2. RATES AND SERVICE CHARGES (CONTINUED)

(b) Interest Charges and Instalments - Rates and Service Charges

The following instalment options are available to ratepayers for the payment of rates and service charges.

Instalment options	Date due	Instalment plan admin charge	Instalment plan interest rate	Unpaid rates interest rates
		\$	%	%
Option one				
Single full payment	31/08/2022	0	0.0%	7.0%
Option two				
First instalment	31/08/2022	0	5.5%	7.0%
Second instalment	30/11/2022	5	5.5%	7.0%
Third instalment	31/01/2023	5	5.5%	7.0%
Fourth instalment	31/03/2023	5	5.5%	7.0%

	2022/23 Budget revenue	2021/22 Actual revenue	2021/22 Budget revenue
	\$	\$	\$
Instalment plan admin charge revenue	500	315	500
Instalment plan interest earned	500	742	500
Unpaid rates and service charge interest earned	3,000	3,419	4,000
	4,000	4,476	5,000

OFFICER RECOMMENDATION – ITEM NO 10.1.3

THAT COUNCIL, BY ABSOLUTE MAJORITY:

1. PENALTY INTEREST

PURSUANT TO SECTIONS 6.51(1) AND 6.51(4) OF THE LOCAL GOVERNMENT ACT (WA) (CKI) 1995 AND REGULATION 70 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996, RESOLVES TO ADOPT AN INTEREST RATE OF 7% PER ANNUM FOR RATES AND CHARGES THAT REMAIN UNPAID AFTER BECOMING DUE AND PAYABLE.

10.3 MANAGER INFRASTRUCTURE

10.3.1 PLANT REPLACEMENT PROGRAM

Report Information

Date: 19 July 2022
 Location: N/A
 Applicant: The Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Infrastructure Manager
 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 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 checked="" 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 provides an update to Council on the status of the 22/23 plant replacement program.

Relevant Documents

Nil

Background

As part of Councils annual business plans for 21/22 and 22/23, funding has been allocated to the plant replacement program.

Quotes have been received, evaluated and contracts issued for the supply and delivery of a waste management truck on Home Island, excavator, skid steer loader and three vehicles.

Comment

Waste Management Truck – Home Island

Following a compliant procurement process through the WALGA Preferred Suppliers Program, the Shire entered into a contract with Major Motors Pty Ltd for the supply of a rear loading waste compactor.

The Hyva RCO606 six cubic meter rear loading compactor on a Isuzu NQRAC-D21 truck chassis is expected to be delivered in October/November 22.

The supply and delivery of the unit is within the budget of \$234,180 and authorised by the Chief Executive Officer under delegation.

Skid Steer Loader

Following a compliant procurement process through the WALGA Preferred Suppliers Program, the Shire entered into a contract with Source Machinery Pty Ltd for the supply of a skid steer loader.

The KUBOTA SSV75C skid steer loader with slasher and bucket broom attachments is expected to be delivered in December 22/January 2023.

The supply and delivery of the unit is within the budget of \$136,780 and authorised by the Chief Executive Officer under delegation.

Excavator

The Shire received funding of \$300,000 through the External Territories Infrastructure Stimulus Package for the purchase of a new excavator.

Following direct negotiation with a supplier as part of the WALGA Preferred Suppliers Program, the Shire entered into a contract with Komatsu for the supply and deliver of an excavator.

The Komatsu PC200LC 8MO crawler excavator is expected to be delivered in September/October 2022.

The supply and delivery of the unit is within the budget of \$366,411 and authorised by the Chief Executive Officer under delegation.

Vehicles

Following a complaint process whereby quotes were sought from four different suppliers, the Shire entered into a contract with Midland Mitsubishi for the supply and delivery of three vehicles for West Island.

Two Triton GLX 2.4L 4WD vehicles and a Pajero Sport GLS 2.4D 4WD are scheduled for delivery in December 2022.

The supply and delivery of the unit is within the budget of \$180,000 and authorised by the Chief Executive Officer under delegation.

The disposal of existing vehicles will be undertaken by Tender when new ones arrive.

Other

The process for the replacement of the truck on West Island has commenced with a RFQ issued through the WALGA Preferred Suppliers Program. Quotes have now closed and are being considered by the evaluation team. A future report will be presented to Council for endorsement.

Policy and Legislative Implications

CPF4 Shire Purchasing Policy

Financial Implications

The Shire budget has made allocation for the plant replacement program.

Strategic Implications

Corporate Business Plan

Objective 5 Implement a proactive and strategic approach to planning

CL4.1.5.7 Conduct an annual review of the Plant Replacement Program

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	The cost exceeds budget allocation	Low 4)	The recommended quote is within the budget allocation.
Health & Safety	Injury	Moderate (8)	The Supplier will undertake an induction prior to staff operation. A number of safety requirements were

			included in the Specifications.
Compliance	Process non-compliant	Low (4)	The RFQ process has been compliant with Shire Policy

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 is that Council note the current commitments and delivery timeframes for the plant replacement program.

OFFICER’S RECOMMENDATION – ITEM NO 10.3.1

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE THE CURRENT COMMITTED EXPENDITURE RELEVANT TO THE PLANT REPLACEMENT PROGRAM AND THE TIMELINE FOR DELIVERY OF KEY ITEMS OF PLANT.

10.3.2 CAPITAL PROJECTS

Report Information

Date: 19 July 2022
 Location: N/A
 Applicant: The Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Infrastructure Manager
 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 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 checked="" 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 provides an update to Council on the status of significant capital works projects within the 22/23 budget

Relevant Documents

Nil

Background

Council has endorsed an ambitious capital works program for 22/23 to deliver on projects which have been carried forward over a number of years and includes new significant investments.

Comment

Home Island Houses

Completion of the designed scope of works is proceeding as planned with both houses complete in early October. Final materials are expected for delivery on the August ship.

However, there are a couple of design issues which necessitate a change in scope which will need to be undertaken prior to occupation of the dwellings. The construction of an additional wall, veranda and external privacy screen adjoining the external toilet, bathroom and laundry is seen as essential before tenants move in.

These works are currently being costed and if necessary will be presented back to Council for budget review. The current budget to complete the dwellings as designed is \$65,426.

Home Island Retail Centre

Construction of the retail precinct is scheduled to recommence in September. Discussions have started with existing tenants as to arrangements during the construction period including consideration for relocation and closure. It is intended that the work be undertaken in two stages to ensure the restaurant can continue to operate as long as possible.

An audit of the current materials onsite is being undertaken to ensure we have sufficient supplies to complete the work.

Quotes for the plumbing works have been received and a contract for work expected to be issued shortly following a materials take-off from the plans.

A master metering panel has been ordered and is expected to arrive on the September ship which will enable the progression of the bakery and other tenancies from Stage1.

Works are anticipated to continue from September 22 to April 23.

The current budget to complete the retail centre is \$829,376. This includes the electrical, plumbing, labour and fixed appliances for the restaurant and the bakery.

There is moderate risk to delivery timeframes noting some materials are still to be ordered and delivered to the islands. Additional low risk with process for asbestos removal is being investigated to ensure requirements have not substantially changed since the Stage 1 works were undertaken.

TOKOH Building

The BBRF agreement was executed in early April 22. The agreement is comprised of the following

BBRF - \$1,562,000,
Shire - \$661,382

Other Contributions (Business, Community etc) - \$30,000
Total - \$2,253,382

A review of the costing included as part of the funding application was undertaken in November 21 which identified increased costs of more than \$300,000. This was workshopped with Council in February 22 and allocated in the mid-year budget review.

With significant increases in costs since November, staff have met with the Architect and Engineer to seek a further revised costing to ensure the project is still deliverable within the current budget. A further report will be provided to Council when this revised costing is received.

As a result in delays to establishing an agreement, there are a number of milestones that we will not be able to meet. Further, a current condition of the agreement is that internal labour is not a permissible expense and labour is to be procured from external sources. Both of these risks were known at agreement execution and flagged with the funding body.

The Chief Executive Officer is currently negotiating with the funding body in regard to both the timelines and labour component as both are critical to the successful delivery of the project.

Home Island Studio

Building approval has been received and a Contractor has been engaged to install the demountable building on the allotment adjoining the fire station on Home Island.

The current budget of \$32,500 includes the construction of footings, installation of building, construction of veranda decking and connection of the services.

Works are intended to commence in early August for completion September.

Bird Hide – West Island

A Contractor has been engaged to construct the bird-hide on West Island. The frame has been built and enabling works undertaken at site. Footings have been delivered and works are intended to commence onsite in late July for mid-August completion.

Works are anticipated to be completed within the budget of \$62,946 (Note: to be carried forward from 21/22).

Policy and Legislative Implications

CPF4 Shire Purchasing Policy

Financial Implications

The Shire budget has made allocation for the capital works program.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2017 - 2027

Key Result Area 1 – Economic Development

Objective 2 – Facilitate additional accommodation to meet a variety of needs

Key Result Area 4 – Civic Leadership

Objective 4 – Ensure efficient and effective management of the organisation and financial resources

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	The cost exceeds budget allocation	Moderate (9)	Seek revised costs. Forecast expectations has allowed for a contingency and where required funds have been identified. Do not award tenders that exceed budget.
Reputation	Cost and time to complete project exceeds expectations	Moderate (6)	Managing expectations and clear communication to the community and key stakeholders of the challenges that the Shire and other providers on island are facing with accommodation and resourcing will assist in minimising the reputational risk.
Timeframe	Delivery not achieved in accordance with Council or funding body expectations	Moderate (9)	Regular planning meetings – ensure resources are available.

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 is that Council note the current status of the capital works program timelines, risks and budget pressures.

OFFICER RECOMMENDATION – ITEM NO 10.3.2

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE THE:

- 1. COMPLETION OF THE TWO HOUSES ON HOME ISLAND AS DESIGNED IS SCHEDULED FOR OCTOBER.**
- 2. ADDITIONAL WORKS REQUIRED AT THE TWO HOUSES PRIOR TO TENANTS MOVING IN ARE CURRENTLY BEING COSTED FOR FUTURE CONSIDERATION BY COUNCIL IF OUTSIDE EXISTING BUDGET.**
- 3. STATUS OF THE RETAIL PRECINCT DEVELOPMENT.**
- 4. A FURTHER REVIEW OF THE PROJECT COSTING FOR THE TOKOH BUILDING UPGRADE IS BEING UNDERTAKEN WITH A FUTURE REPORT TO COUNCIL ON ADDITIONAL EXPENDITURE IF NECESSARY.**
- 5. THE CHIEF EXECUTIVE OFFICER IS NEGOTIATING WITH THE BBRF FUNDING BODY IN REGARD TO PROJECT DELIVERY MILESTONES AND EXPENDITURE EXCLUSIONS RELATING TO INTERNAL LABOUR.**
- 6. STATUS OF THE HOME ISLAND STUDIO DEVELOPMENT.**
- 7. STATUS OF THE WEST ISLAND BIRDHIDE.**

11. MINUTES TO BE RECEIVED

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

13. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

14. MATTERS BEHIND CLOSED DOORS

14.1 CONFIDENTIAL ITEM - RFQ SUPPLY OF SELF-PROPELLED ROLLER

Report Information

Date: 14 July 2022
 Location: N/A
 Applicant: The Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Manager Infrastructure
 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>

This report is confidential under Section 5.23 (2) of the Local Government Act 1995 and is circulated under a separate cover.

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following—*

(e) a matter that if disclosed, would reveal —

- (i) a trade secret; or*
- (ii) information that has a commercial value to a person; or*
- (iii) information about the business, professional, commercial or financial affairs of a person,*

15. 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) Islander's resident in the Territory on land owned by the Council.'

15.1 TRUSTS ADMINISTRATION

15.2 TRUSTS LEASES

15.2.1 CONFIDENTIAL ITEM - SHIRE RENTAL PROPERTY – LOT 173 HOME ISLAND JALAN BUNGA KANGKONG

Report Information

Date:	10 July 2022
Location:	Lot 173, Jalan Bunga Kangkong
Applicant:	Chief Executive Officer
File Ref:	HL173
Disclosure of Interest:	Cr Hamiril Cr Minkom
Reporting Officer:	Chief Executive Officer
Island:	Home Island
Attachments:	As attached

Authority / Discretion

Chief Executive Officer

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>
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(b) *the personal affairs of any person;*

15.3 TRUSTS FINANCE

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

17. CLOSURE