

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Agenda

Ordinary Meeting of Council

Wednesday 24 August 2022, 4.00pm

Community Resource Centre Meeting Room,

Administration Building, West 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.

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1. OPENING/ANNOUNCEMENTS OF VISITORS

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

In accordance with section 5.24(1) (a) of the *Local Government Act 1995*, time is allocated for questions to be raised by members of the public, as follows:

(1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Pursuant to regulation 7(4) (a) of the *Local Government (Administration) Regulations 1996*, questions from the public must relate to a matter affecting the local government.

In accordance with section 5.25 (1)(f) of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* regulation 11(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.

Where a question is taken on notice at the meeting, a summary of the response to the question will be included in the agenda for the following Council meeting.

5. LEAVE OF ABSENCE

The *Local Government Act 1995* (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council. Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

5.1 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Councillor	Date of Leave	Approved by Council
Cr Hamiril	1 August – 31 September 2022	27 July 2022

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 27 July 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 27 JULY 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 CEO REPORT

Report Information

Date: 19 August 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: 10.1.1.1 – IOT Waste Strategy-Public Advertisement CKI
 10.1.1.2 – IOT Community Questionnaire Cocos (K) Islands English
 10.1.1.3 – IOT Community Questionnaire Cocos (K) Islands Malay
 10.1.1.4 – CCS Contract SOCKI Roads 2022-23
 10.1.1.5 – Cocos (Keeling) Islands Coastal Vulnerability Study Report
 10.1.1.6 - CKI EMC Executive update 11 August 2022v2 – AECOM
 10.1.1.7 – Online Questionnaire
 10.1.1.8 – Grade 10-12 Cert Diploma Marine Habitat Conservation

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 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 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>
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Report Purpose

To provide Council with an update of the actions and movements of the Chief Executive Officer for the July/August reporting period.

Relevant Documents

[Available for viewing at the meeting](#)

Background

The following outlines the movements and activities of Council's CEO for the 28 July/August 2022 reporting period.

Commonwealth & State Government Departments

Teleconference with Beth Duncan the Acting Branch Head • Indian Ocean Territories Branch
• Territories Division to discuss several items as follows:

Boat ramp West Island – no resolution or assistance from the Commonwealth will be forthcoming suggested wait until airport runway project and material offloading facility plans are known to see if a solution can be devised.

Street lighting – a more robust type of streetlight is currently being constructed to replace all streetlights on Home and West Island with works to be complete this financial year. An audit of streetlights shows that on Home Island 24 are working 16 are not and on West Island an audit is yet to be finalised.

Home Island Container Transport – Funding is being made available for the Co-Op to have a new truck and trailer suitable for use on home Island.

Home and West Island incinerators – no resolution now, details of issues with incinerators have been forwarded to Beth Duncan for review by GHD who are developing the Waste Management Strategy for the Indian Ocean Territories. Suggested a solution needs to be achieved prior to Airport Upgrade construction camp facility occupation on West Island.

Works Depot – Q Station long term lease – no resolution in sight and no guarantee of continued Council lease as Fulton Hogan is making a submission to Government for a lease at the Q Station.

Land Management Orders – no resolution or assistance from the Commonwealth as the land has been vested to Council and it is Council responsibility to maintain it.

Waste Management Strategy – The Waste Management Strategy – Indian Ocean Territories – Christmas Island and Cocos (Keeling) Islands is currently being developed by GHD Pty Ltd of

Level 13, 203 Robina Town, Centre Drive Robina, Queensland 4226. Part B General Waste Management, Part C Marine Debris and Plastic Management and Part C Waste and Resource Recovery Strategy have been provided to Council's CEO and Manager of Works for review. A request for GHD to meet with and address Council was declined due to lack of funding for the project! Parts B, C and D are available separately to this report. Further to this advice, email correspondence as follows has taken place with Natasha Ambrey of GHD:

"As part of the development of the IOT Waste and Resource Recovery Strategy, GHD is looking to consult the Cocos Keeling Islands community for input into the Strategy. Surveys attached. Firstly, can the Shire confirm they are happy for the distribution of this community survey?"

We are looking at providing hard copy survey's and placing them at key locations, such as the CRCs. Would the Shire be happy to provide printed surveys at their offices and act as a collection and drop off location?"

We are also looking at publishing the survey in the Atoll for the 12th of August issue.

Please reach out if you have any questions or comments".

Good morning, Natasha,

"I have suggested to various Commonwealth Government people that a starting point is for GHD to come to Cocos and formally meet with Council before any further action is taken regarding this strategy.

I reiterate this request and I will take your response to Council at this month's meeting. Until then I cannot approve any community consultation via survey that should take place until after the meeting.

Can you send me a copy of the proposed survey please and provide an answer to my invite"?"

Hi Frank,

We have been in discussions with DITRDCA about next steps and are pulling together the details, which include the CKI Council briefing.

GHD and/or DITRDCA will provide further details as they develop; we look forward to working with you on this.

Our proposed community survey is attached for your information.

Kind regards,

*Natasha Ambrey
BE Env (Hons)
Environmental Engineer – Waste and Environment
(See attached bilingual survey papers)*

While this strategy is still being developed it is a Commonwealth document that once complete will be owned by the Commonwealth. Development of the strategy should be viewed as an opportunity to influence and leverage the Commonwealth to support goals, aspirations, and strategies of Council.

Australian Government – Department of Infrastructure, Transport, Regional Development, Communications, and the Arts – Attended two meetings with Jeff Dozdz, the Assistant Director - Indian Ocean Territories Government Arrangements. The first meeting had a focus on Services delivered to the Cocos (Keeling) Islands and the service delivery Arrangements with the West Australian Government.

The second meeting with Council elected members focussed on the draft Coastal Hazard Risk Management and Adaption Plan (CHRMAP) for the Cocos Keeling Islands and the first stage of the process which presents a Coastal Vulnerability Assessment (CVA). Whilst a lot of the content of the documentation is high level and technical extensive community consultation must follow the release of the document. Shape Urban have been engaged to carry out the community consultations which will begin in September 2022. With public release of the document imminent, it has been requested that a copy of the documents be loaded onto Council's web site and that social media and other communication platforms provide a link to access the document.

Australian Government - Department of Infrastructure, Transport, Regional Development, Communications, and the Arts – Commonwealth Contract for Goods and Services. Delegation for the Chief Executive Officer relegates to procurements to the value of \$25,000.00. A contract has been received from the Commonwealth for funding of \$200,000.00 made up of 3 payments for various milestones for the continued roadworks on Home Island (see attached). As the value of the contract falls within the Chief Executive Officers delegation, a signed copy has been returned to the Commonwealth. Remaining funds for the project are being made up of unexpended Roads to Recovery and Council Budgeted funds.

Community meet and greets – the first morning session on Home Island was attended by a group of "senior citizens" and 2 much younger ones. A variety of topics from rising sea levels to flooding back lanes and housing were discussed. A common denominator coming from the discussions was Council's failure to complete projects or provide reasons for non-continuance of projects started. The evening session was not as well attended however the opportunity for robust discussion was present and again issues discussed covered a wide area from housing post 2034 to Council providing the opportunity for school-based traineeships/apprenticeships or short-term school holiday work experience.

The second round of meetings on West Island was poorly attended for the evening session with the daytime session the next day being no better.

Feedback from the meetings will be fed into Council's strategic planning for the future and due to the success of the meetings, bi-annual meet and greet the CEO meetings will be convened in the future. One consistent point from the meetings is that Council has a poor reputation in terms of levels of satisfaction to community. Identified reasons for this are the failure of Council to respond to complaints in a timely and efficient manner and resolve those

complaints to the satisfaction of the complainant, complete projects on time and to the satisfaction of community members.

While there is no instant fix to this issue, all staff are now fully aware of the Chief Executive Officers expectations in terms of service and project delivery. Over time it is expected that levels of community “customer service “satisfaction will improve. The first step in the improvement process involves a community survey of levels of “customer” satisfaction, the results of which will be tabled at the September 2022 Ordinary Meeting of Council.

Cocos (Keeling) Islands Emergency Management Committee Executive Update – On the 11 August 2022, attended a teleconference with members of the Cocos Keeling Islands Emergency Management Committee to receive a presentation on the Runway Upgrade Project and emergency management related scenarios. A copy of the agenda and presentation for the meeting is attached hereto.

Christmas Island – contacted and now in ongoing discussions with David Price, the Chief Executive Officer of Christmas Islands Council. Issues such as development of the Indian Ocean Territories Waste Management Strategy and various other opportunities or synergies for the future to be discussed as needed.

Staff Leadership Group – Due to the timing of appointment of the Chief Executive of the Shire, it would be a folly for the Chief Executive Officer to conduct performance reviews of senior management staff. An alternative process of meeting with senior management and developing personal/professional development plans for the 2022 – 2023 period has been conducted. All staff will undergo performance reviews once all senior management have undergone appropriate training and the results of the reviews will be factored into the 2023 – 2024 annual budget and planning.

Whole of staff luncheon – On Wednesday 10 August 2022, I hosted a whole of Council staff luncheon. This provided an opportunity for me to address all staff on a range of matters from accountability and performance, to what we do well, what we need to improve on and the need for teamwork. Work Health and Safety, flexibility of roles and the capacity to undergo professional and personal development were also discussed. I also addressed staff on the need to have pride in their role, performance and Council as an employer and the challenges of being seen as the employer of first choice on the Islands that delivers above average standards of service delivery striving towards excellence.

Mechanical Workshop – following discussions with Nicole Taylor and Mal Davey of Transport West Australia and the Indian Ocean Territories Commercial and Partnerships, an agreement has been reached for Council to hire the workshop on Home Island out for a day at a time (as agreed to by our mechanic) for the purpose of vehicle inspections and registration checks which our mechanic Riadi is not licenced to do. The Department of Transport will undertake a tender process to appoint a licenced person to carry out the estimated 60 checks per year on Home Island.

Nuisance Animal Direction – following complaints an inspection of a house in Beacon Heights Road West Island, a Nuisance Animal Direction was served on the lessee to:

1. *Abate the number of pigeons you keep at 43 Beacon Heights Road to a manageable number (not more than 20) and house them in an appropriate shelter,*
2. *Remove all roosters and chickens from the property, and*
3. *Contain all cats you keep or foster in appropriate housing and prevent them from leaving 43 Beacon Heights Road at any time.*

An inspection of the property relating to this matter was conducted on Saturday the 13 August 2022 and compliance with the direction notice has been complete. Council's Ranger will now conduct a feral cat trapping program in the area commencing the week 15 August 2022.

Ministerial visit: Somewhat disappointingly, the following response has been received from the Hon Kirsty McBain. In lieu of the visit, contact has been made with Ministerial staff to arrange a regular meeting schedule for the Shire President, Vice President, and Chief Executive Officer to catch up with the Minister via Teams/Zoom or Skye. This is seen as a favourable proposition by Ministerial staff and will be progressed to fruition. Advice from Ministerial Staff is that the Minister is still working on visiting Cocos (Keeling) Islands this year or as early as possible when her schedule permits.

Dear Ibrahim,

Thank you for taking the time to contact the Hon Kristy McBain, Minister for Regional Development, Local Government and Territories.

Unfortunately, due to competing commitments, the Minister is unable to accept your kind invitation at this time.

However we are looking to find a time to visit the Indian Ocean Territories – Cocos (Keeling) Islands and our office will be in contact. We would also invite you to continue engaging with our office and would welcome a future meeting opportunity should one become available later in the year.

Kind regards

Gabrielle Said

Executive Assistant • Office of the Hon Kristy McBain MP
Minister for Regional Development, Local Government and the Territories

A second copy of the invitation has been sent to Marion Scrymgour the Member for Lingiari at her request.

Requests for Council endorsement of Grant applications and PhD Studies – As Council's Chief Executive Officer, I receive a proliferation of requests for Council endorsement of various grants (most recently marine grants) and requests for support for community surveys and PhD studies and the like.

As an example, the following two requests have recently been received:

One:

Hello Frank,

I am Denise, a masters student at the University of Western Australia.

I recently completed my thesis on offshore plastic debris and community-based development on the CKI. While I was completing my thesis I did not get the chance to meet you because it was during the time that Kelli was about to leave.

Right now I am developing a survey on community perspectives of plastic debris on the CKI as a part of an internship with the UWA Oceans Institute. This internship falls under a practicum unit for my degree. Prior to deploying this survey I am hoping to gain support of approval from the Shire. I have spoken to Seri and she said she would review the survey with the President. I thought I would also loop you into this, because I think it is important you know what the survey is about and what the plan is.

If you are interested, it would be great to get some feedback on the survey. Please let me know if you are willing to do this.

*Kind regards,
Denise.*

Two:

Hi Frank,

Hope you're having a good day,

We are able to add support letters after the due date :)

Would it be possible to present the idea to the board, for approval to sign a support letter to include with the grant application?

Thank you for your time and support for this project, which could be a great opportunity for students to stay on Island and gain a Certificate or Diploma in Marine Science.

Here is a short video with students from our Certificate II

Our High School Students discuss their experiences with the Marine Habitat Course

https://youtu.be/ywKE4RzAE_U

Look forward to hearing from you,

Have a lovely day,

*Kind Regards,
Jasmin :)*

A copy of the supporting documentation from both parties is attached to this report for Council information.

Council currently does not have a policy that deals with requests of these types and magnitude and the area of approval of PhD studies is a somewhat vexed question especially regarding intellectual property/knowledge ownership and whether Council has any role to play in a request such as the one from Denise.

Prior to any decision being made by Council with respect to the request from Denise Ignatescu, it is recommended that advice is sought by Council staff to develop an appropriate policy/plan that addresses this type of request for now and the future.

Similarly, prior to any decision being made by Council with respect to the request from Jasmin McLeod, it is recommended that Council staff develop an appropriate policy/plan that addresses this type of request for now and the future.

Indian Ocean Group Training Association (IOGTA) – meeting and discussions arising from community meet and greet regarding the opportunities for school-based traineeships, apprenticeships, and work experience for school aged children. Further discussions will continue prior to a submission to Council at the September 2022 Ordinary Meeting for consideration of introduction to Council.

Tide inundation, flooding, and road damage – As a result of the high tides on the mornings of Sunday 14 August 2022 and Monday 15 August 2022, Council’s Chief Executive Officer after consultation with the Officer in Charge of Cocos (Keeling) Islands police Jeff Cukon, made the decision to close the South Road on West Island from the township to the bottom of the island. Appropriate signage has been installed and social media used to advise residents and visitors of the closure. Due to the state of the road surface, for the entire length of South Road past the bitumen, once mitigation works are carried out to open the road again, a temporary speed limit of 30 kilometres per hour has been posted. Until a full remediation of South Road is carried out it is recommended that Council approve a reduction from 50 kilometres an hour to 30 kilometres an hour for South Road.

Council’s Infrastructure staff are carrying out immediate works to remediate damage to the road network and seawalls as required to make the roads safe to open. Council’s Infrastructure Manager is developing a works plan to repair existing damage to sea walls as well as remediation of South Road. The works plan will be forwarded to the Commonwealth for funding approval in addition to invoicing for works done by Council to reinstate the roads back to a useable state.

Policy and Legislative Implications

Appropriate policy development and implementation needs to occur to mitigate risk to Council

Financial Implications

Risk to Council for tidal inundation damage needs to be considered and actioned

Strategic Implications

Appropriate planning and strategic development need to be carried out by Council staff to mitigate risk to Council

Risk Implications

As above

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Tidal inundation & associated damage	High	Commonwealth recognition of their ownership of the problem & funding Council works.
Reputation	Council seen in poor light by some community members	Moderate	Staff education, training and performance along with improved communication with community
Service Interruption	Tidal inundation & associated damage	High	Develop strategic process to prioritise works
Property	Tidal inundation & associated damage	High	Develop strategic process to prioritise works
Environment	Tidal inundation & associated damage	High	Develop strategic process to prioritise works

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

OFFICER RECOMMENDATION – ITEM NO 10.1.1

- 1. THAT COUNCIL ACCEPT THE DRAFT COASTAL HAZARD RISK MANAGEMENT AND ADAPTION PLAN AND COASTAL VULNERABILITY ASSESSMENT AS Tabled.**
- 2. THAT COUNCIL APPROVE THE ACCEPTED DRAFT COASTAL HAZARD RISK MANAGEMENT AND ADAPTION PLAN AND COASTAL VULNERABILITY ASSESSMENT TO BE POSTED ON COUNCILS WEBSITE FOR PUBLIC VIEWING.**
- 3. THAT COUNCIL PROVIDE ADVICE AND DIRECTION REGARDING POLICY DEVELOPMENT FOR MATTERS INVOLVING PHD STUDIES AND INTELLECTUAL PROPERTY/KNOWLEDGE OWNERSHIP AND WHETHER COUNCIL HAS ANY ROLE TO PLAY IN REQUESTS SUCH AS THE ONE Tabled BY DENISE IGNATESCU.**
- 4. THAT COUNCIL ADVISE DENISE IGNATESCU, THAT THERE IS NO CURRENT COUNCIL POLICY TO ADDRESS HER REQUEST AND ONCE A POLICY IS DEVELOPED AND APPROVED BY COUNCIL, SHE WILL BE ADVISED ACCORDINGLY.**
- 5. THAT COUNCIL PROVIDE ADVICE AND DIRECTION REGARDING POLICY DEVELOPMENT FOR REQUESTS FOR SUPPORT FOR GRANT APPLICATIONS FOR INDIVIDUALS OR ORGANISATIONS SUCH AS THE ONE Tabled BY JASMIN MCLEOD.**
- 6. THAT COUNCIL ADVISE JASMIN MCLEOD, THAT THERE IS NO CURRENT COUNCIL POLICY TO ADDRESS HER REQUEST AND ONCE A POLICY IS DEVELOPED AND APPROVED BY COUNCIL, SHE WILL BE ADVISED ACCORDINGLY.**
- 7. THAT COUNCIL APPROVE THE SPEED LIMIT OF 30 KILOMETRES PER HOUR FOR SOUTH ROAD ON WEST ISLAND UNTIL FURTHER NOTICE.**
- 8. THAT COUNCIL NOTE AND RECEIVE THE REMAINDER OF THE REPORT.**

10.1.2 AUGUST 2022 ORGANISATIONAL CHART

Report Information

Date: 10 August 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: 10.1.2.1 -CONFIDENTIAL Shire of Cocos (Keeling) Islands
 Organisational Chart August 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 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 to seek Council approval of a proposed organisational structure for the 2022 – 2023 financial year.

Relevant Documents

[Available for viewing at the meeting](#)

Background

Section 5.41 (g) of the *West Australian Local Government Act 1995* states:

Functions of CEO

(g) be responsible for the employment, management, supervision, direction, and dismissal of other employees (subject to 5.37 (2) in relation to senior employees);

For the 2022 – 2023 financial year, Council had workshopped an organisational structure that has since been reviewed by the recently appointed Chief Executive Officer. A revised structure with minimal changes has been developed.

It is prudent that each financial year, Council approves an organisational structure that aligns with the annual budget for that financial year. The structure now presented to Council fits within the amount budgeted for by Council in the budget approval process.

Comment

The organisation structure tabled will meet operational requirements and as a living document it can be revised as needed.

Policy and Legislative Implications

The organisation structure tabled meets policy and legislative requirements.

Financial Implications

The organisation structure tabled has been budgeted for by Council.

Strategic Implications

Organisation structure developed to meet Council’s needs.

Risk Implications

Council requires an organisation structure that meets its operational needs

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Staff overrun and overtime not monitored	Minor	Budget variations
Health & Safety	Staff failing to follow health and safety legislated practices	Moderate	Staff training, supervision and direction
Reputation	Staff employed trained to perform to expectations	Moderate	Staff training, supervision and direction
Service Interruption	Sufficient staff in organisation structure employed	Moderate	Casual pool available to meet staff shortfall

Compliance	Staff employed trained to perform to expectations		Policy development and implementation with staff training
Fraud	Staff employed trained to perform to expectations	Minor	Policy development and implementation

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

OFFICER RECOMMENDATION – ITEM NO 10.1.2

THAT COUNCIL APPROVE THE ORGANISATIONAL STRUCTURE FOR THE 2022 – 2023 FINANCIAL YEAR AS TABLED.

10.1.3 VOTING DELEGATES TO THE 2022 ANNUAL GENERAL MEETING OF THE WA LOCAL GOVERNMENT ASSOCIATION

Report Information

Date: 4 August 2022
 Applicant: Shire of Cocos (Keeling) Islands
 Location: N/A
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Governance and Risk Coordinator
 Island: N/A
 Attachments: 10.1.3.1 - Notice of Annual General Meeting 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 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 inform Council that it may choose to send voting delegates to the Annual General Meeting of the WA Local Government Association (WALGA). This item seeks a Council resolution to formally appoint delegates to vote on behalf of Council.

Relevant Documents

Available for viewing at the meeting

Nil

Background

The WALGA AGM is to be held on Monday, 3 October 2022. The Shire is a member of WALGA, and all Member Councils are entitled to be represented by two (2) voting delegates at the AGM which will be held at Crown Perth, Burswood.

Comment

The Shire will need to notify WALGA by 23 September 2022 if it wishes to register the attendance and voting entitlements of Council's delegates.

In the event that a Voting Delegate is unable to attend, provision is made for proxy delegates to be registered. Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers. As the peak industry body, WALGA advocates on behalf of 138 WA Local Governments and negotiates service agreements for the sector. The AGM provides a forum for all member Local Governments to contribute to the priorities for the association.

WALGA uses the opportunity arising from Elected Members attendance at the AGM to schedule Elected Member training for the IOT. The training, which is provided over two half days, is subsidised via Commonwealth SDA funding and offers a subsidy of \$5,000 for each local government to assist with travel costs. This year the training topic is 'Emergency Management' to assist new councillors as well as refresh the knowledge of existing councillors.

The AGM is held immediately prior to the annual Local Government Convention and Trade Exhibition which is usually attended by several hundred senior Local Government Council representatives from across the State. The Convention will be held at the Crown Perth, Burswood on Sunday, 2 to Tuesday, 4 October 2022.

Themed *Embracing Change*, the 2022 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.

Policy and Legislative Implications

Nil

Financial Implications

Council has a budget allocation each year for Councilor training and also receives \$5,000 from the Department of Local Government, Sport and Cultural Industries to assist with travel costs.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 -2026
Outcome 4.1.1 -To provide leadership to the community

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

Seek Council resolution to formally appoint delegates to vote on behalf of Council at the 2022 WA Local Government Association Annual General Meeting.

OFFICER RECOMMENDATION – ITEM NO 10.1.3

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.18 OF THE *LOCAL GOVERNMENT ACT 1995* RESOLVES TO NOMINATE THE FOLLOWING COUNCILLORS AS VOTING DELEGATES TO THE 2022 WA LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING:

1. _____; AND

2. _____

PROXY _____

10.1.4 COMMUNITY DEVELOPMENT SECTION UPDATE – AUGUST 2022

Report Information

Date: 15 August 2022
 Location: Cocos (Keeling) Islands
 Applicant: Community Development Coordinator
 File Ref: Community Development
 Disclosure of Interest: Nil
 Reporting Officer: Adim Hajat
 Island: Cocos (Keeling) Islands
 Attachments: 10.1.4.1 - Progress photos of Chicken and Garden Plot project
 10.1.4.2 - Draft Minutes from Community Arts Group Meeting
 10.1.4.3 - Kampong Atas Steering Committee Draft Projects layout Photos.

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

Monthly update to Councillors on various Community Development programs and projects for information only.

Relevant Documents

Available for viewing at the meeting

Background

Chicken and Garden Plots – Home Island

The Shire continues to clear and remove unused chicken coops and overgrown vegetable gardens. As of August, the Shire has demolished four unused plots and commenced the replanting the trees at one of the sites. The other three areas will be replanted with native trees and local fruit trees which have been propagated from Ocean House community garden. The Shire continues an open dialogue with the plot owners and assist in relocating unwanted materials from the site to the Waste Transfer Station. The Shire's main outcome is the establishment of a sensory community garden and harvesting vegetables through setting up various raised garden beds throughout the site for benefit of all community members and maintained in collaboration with the Shire.

Department of Local Government, Sport Recreation and Cultural Industries Visit

The IOT Sport and Recreation Coordinator, Mel Eastough visited Cocos from the 5 to 12 August. She met with most of the community and sporting groups on Home and West Island to discuss various issues of concerns such as insurance, program development, integrated programs and sporting coaches' visits. In consultation with the Shire and key agencies such as the Cocos Islands District High School a draft program will be developed which will include sports coaching development throughout the year.

Kampong Atas Steering Committee

The Shire invited several local residents from Home Island to participate in providing feedback on the future development at Kampong Atas. The main objectives of the committee are to assist the Shire in identifying key areas of concerns along the foreshore of Kampong Atas and identify the activities and infrastructure best suited to attract, protect and increase the visitation from community members and visitors to this frequently used foreshore area. See attached notes taken from the steering committee meeting held on the 8 August.

Oral History Curator Program

The program was first introduced in 2019 and attracted several young people in the community to pursue and capture the stories from our elders. These stories are valuable and since its inception we have lost three elders which if we had more time we could have retrieved so many more stories for the collection. Only two Oral History Curators remain in the program and are eager in pursuing many stories to be included in the Interactive Display which is located in the Home Island Museum. The Shire has commenced in a community engagement plan to attract more young people from the community to participate in this significant program. Letters have been distributed to the Cocos Islands Youth Council for their consideration and participation.

Community Arts Group Advisory Committee

In July the Shire advertised inviting interested community members to the Community Arts Group which was established in 2020. The Community Arts Group is to provide input to and feedback on the nature and range of programs, events, activities and infrastructure to optimise community capacity, exposure to and participation in all forms of arts in the Shire. The Shire attracted five new community members. It held its first meeting on 27 July. Due to COVID there was a lapse to undertake a number of important and well attended community-based arts and events. The group is excited to pursue these art and craft activities and events

and encourages the collaboration and support from key agencies and stakeholders. The two significant events which the group proposes on staging in 2023 is an Art Exhibition in May and Sculptures by the Sea in October.

Comment

The community development programs are aligned with the following plans and through feedback from several meetings with community groups and relevant key agencies. The Community development section adheres to the following Shire Plans for guidance and direction.

- Shire’s Corporate Business Plan*
- Shire’s Strategic Plan*
- Shire’s Master Plan*

Policy and Legislative Implications

Strategic Plan

- 3.1.2 Protects the Islands environment*
- 4.1.1 To provide leadership to the community*
- 2.1.3 Maintain the cultural heritage*

Corporate Business Plan

- E3.1.3.1 Promote community education, awareness and participation in the “Reduce, Reuse, Recycle” programs.*
- S2.1.7.2 Develop local capacity for heritage conservation via an Emerging Curator Program*

Master Plan recommendation

Expansion of the allotment area for food production.

Financial Implications

In the event of an increase in costs for the Community Garden Program, the Community Development Coordinator will review the budget as per the Mid-Year Budget Review in April 2023 in consultation with the Executive Team.

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	Cost of labour hours and use of plant and equipment increase	Moderate 6	Increase in budget allocation for the

			following financial year.
Health & Safety	Community activities and events.	Moderate 6	Risk assessment plan conducted prior to commencing events and activities
Reputation	Shire to take a leading role and setting high standards.	Low 3	Transparency and management of programs in accordance with Policies and Strategic direction.
Compliance	Programs undertaken by Shire to adhere to Work, Health & Safety Policy.	Low 3	Risk assessment, JSA and HR policies.
Property	Programs and events conducted on Shire owned property or land (where possible)	Low 3	Written permission and follow procedures when undertaken events on non-Shire property.
Environment	Adhere to Shire's Strategic Plan – environment.	Low 3	Consult with parks Australia North on environmental impacts.
Fraud	Compliance with Shire's Policy and Procedures.	Low 3	Void program and investigate cause.

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.

OFFICER RECOMMENDATION – ITEM NO 10.1.4

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S 3.1 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RECEIVES THE SHIRE'S COMMUNITY DEVELOPMENT SECTION MONTHLY UPDATE FOR AUGUST 2022.

10.1.5 PROPOSED GUEST HOUSE – LOT 113 WILLIAM KEELING CRESCENT, WEST ISLAND

Report Information

Date: 16 August 2022
 Location: Lot 113 (13) William Keeling Crescent, West Island
 Applicant: Timothy Castle
 File Ref:
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachment: 10.1.5.1 – DA Application Holiday Accommodation 13 William Keeling Cres West Island

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 the existing single house at 13 William Keeling Crescent, West Island for commercial short-stay accommodation.

Relevant Documents

Available for viewing at the meeting

Background

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

Currently a single house and detached self-contained unit exists on the property.

On 11 November 2022, Council approved the use of the self-contained unit for short-stay accommodation (serviced apartment) subject to the following conditions:

1. *Development may be carried out only in accordance with the details of the application as approved herein and any approved plan.*
2. *Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the Shire of Cocos (Keeling) Islands.*
3. *The total number of people to be accommodated in the serviced apartment shall not exceed four (4) guests at all times.*
4. *The development must not cause nuisance or degrade the amenity of the locality in any way, including by reason of the emission of noise, light, odour, fumes, smoke, vapour or other pollutant, or impact on public safety or otherwise; to the satisfaction of the Shire of Cocos (Keeling) Islands.*
5. *Prior to commencement of the approved use as serviced apartment, a 'property management plan' must be submitted and thereafter approved by the Shire of Cocos (Keeling) Islands. This management plan shall include details on the code of conduct of guests, and the fire and emergency protocols and equipment of the premises.*
6. *Barbeques are to be limited to gas or electric only.*
7. *Guests of the serviced apartment are to be short stay only, meaning no guest shall occupy the serviced apartment for more than a total of three months in any one twelve-month period.*
8. *Prior to the use and occupation of the development, the existing single house on the subject property is to be restored to a visual standard commensurate with that prevailing in the vicinity of the development and provide details of restorations to of the Shire of Cocos (Keeling) Islands.*

This application seeks Council's approval for the use of the single house for short-stay accommodation as a 'guest house'. A maximum of four guests across two bedrooms is proposed within the single house with the property manager's occupying the third bedroom of the house.

The Scheme defines a 'guest house' as the use of premises for a commercial accommodation establishment compatible in character and scale with residential housing.

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

The application was advertised to adjoining neighbours and the Cocos Islands' essential service providers, no concerns were raised by these parties.

Furthermore, as part of this application the applicant has provided proof that condition 8 of the serviced apartment development approval above has been satisfied.

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 proposed guest capacity of the guest house of four guests across two bedrooms is supported as it will not result in overcrowding in accordance with local health regulations.

Collectively, if approved, the property could provide short-stay accommodation for up to eight guests. Consideration is to be given to that the fact that the property will be hosted accommodation with property managers who will also reside on-site. This form of short-stay accommodation is considered low-scale because the host resides on site, can manage any issues with guests and a residential use of the property is retained incidental to the tourist accommodation use.

If the property is managed to the protocols stated, the tourist use is deemed compatible with the surrounding residential locality. Nonetheless it is recommended that Council grant an initial two-year approval for the guest house, which on cessation can be extended by Council if deemed appropriate and/or requested by the landowner.

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

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	Moderate (5)	Approval condition – property management plan
Compliance	Unruly behaviour of guests in a residential area	Moderate (6)	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

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

OFFICER RECOMMENDATION – ITEM NO 10.1.5

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

1. DEVELOPMENT MAY BE CARRIED OUT ONLY IN ACCORDANCE WITH THE DETAILS OF THE APPLICATION AS APPROVED HEREIN AND ANY APPROVED PLAN.
2. ANY ADDITIONAL DEVELOPMENT WHICH IS NOT IN ACCORDANCE WITH THE APPLICATION THE SUBJECT OF THIS APPROVAL OR ANY CONDITION OF APPROVAL WILL REQUIRE THE FURTHER APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS.
3. THE TOTAL NUMBER OF PEOPLE TO BE ACCOMMODATED IN THE GUEST HOUSE SHALL NOT EXCEED FOUR (4) GUESTS AT ALL TIMES.
4. THE DEVELOPMENT MUST NOT CAUSE NUISANCE OR DEGRADE THE AMENITY OF THE LOCALITY IN ANY WAY, INCLUDING BY REASON OF THE EMISSION OF NOISE, LIGHT, ODOUR, FUMES, SMOKE, VAPOUR OR OTHER POLLUTANT, OR IMPACT ON PUBLIC SAFETY OR OTHERWISE; TO THE SATISFACTION OF THE SHIRE OF COCOS (KEELING) ISLANDS.
5. BARBEQUES ARE TO BE LIMITED TO GAS OR ELECTRIC ONLY.
6. GUESTS OF THE GUEST HOUSE ARE TO BE SHORT STAY ONLY, MEANING NO GUEST SHALL OCCUPY THE SERVICED APARTMENT FOR MORE THAN A TOTAL OF THREE MONTHS IN ANY ONE TWELVE-MONTH PERIOD.
7. THE GUEST HOUSE 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.
8. THIS DEVELOPMENT APPROVAL IS VALID UNTIL THE 24 AUGUST 2024. THE GUEST HOUSE LAND USE SHOULD CEASE BEFORE OR ON THIS DATE UNLESS OTHERWISE APPROVED IN WRITING BY THE SHIRE OF COCOS (KEELING) ISLANDS.

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 SERVICED APARTMENT. IN THE EVENT OF A SUBSTANTIATED COMPLAINT BEING RECEIVED THE APPLICANT IS REQUIRED TO DEMONSTRATE MITIGATION RESPONSE(S) TO THE APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS.**
- 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.**

10.2 MANAGER FINANCE AND CORPORATE SERVICES

10.2.1 MONTHLY FINANCIAL REPORT – JUNE 2022

Report Information

Date:	3 August 2022
Location:	Not Applicable
Applicant:	Not Applicable
File Ref:	
Disclosure of Interest:	
Reporting Officer:	Manager Finance & Corporate Services
Island:	Shire Wide
Attachments:	10.2.1.1 - Monthly Financial Report - 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 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 to provide a monthly financial report for June 2022, which includes rating, investment, reserve, debtor, and general financial information to Elected Members in accordance with Section 6.4 of the *Local Government Act 1995 (WA) (CKI)*.

This report is a summary of the financial activities of the Shire at the reporting date. End of financial year processing continues, and adjustments are still being finalised. The 2021/22 Annual Financial Statements will be finalised and audited by the Shires auditors with presentation due to the Audit Committee in November/December 2022. At this time the final 2021/2022 result will be determined and any impact on the 2022/2023 Annual Budget will be presented to Council for consideration.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

The reporting of monthly financial information is a requirement under section 6.4 of the *Local Government Act 1995 (WA) (CKI)*, and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* and provides oversight of the Shire's finances to Council.

Comment

The period of review is June 2022. The current closing municipal surplus for this period is \$568,444 compared to a budget position of \$0.

Income for the June 2022 period year to date is \$7,758,430 which is made up \$6,603,553 in operating revenues, \$974,877 in non-operating grants, contributions, and subsidies. The budget estimated \$8,068,175 would be received for the same period. The variance to budget is (\$489,745).

Expenditure for the June 2022 period year to date is \$8,578,506. This is made up of \$6,780,265 in operating expenditure and \$1,798,241 in capital expenditure. The budget estimated \$9,453,838 would be spent for the same period. The variance to budget is \$875,332.

Details of all significant variances against the current budget are provided in the notes to the Monthly Financial Report contained within Attachment 10.2.1.1.

Policy and Legislative Implications

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

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

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

Strategic Implications

Nil

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

Simple majority

Conclusion

That the Monthly Financial Report for the period ending 30 June 2022, including explanations of material variances, be received.

OFFICER RECOMMENDATION – ITEM NO 10.2.1

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 JUNE 2022, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 JUNE 2022, AS CONTAINED IN ATTACHMENT 10.2.1.1.

10.2.2 MONTHLY FINANCIAL REPORT – JULY 2022

Report Information

Date: 5 August 2022
 Location: Not Applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: 10.2.2.1 - Monthly Financial Report - July 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 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 to provide a monthly financial report for July 2022, which includes rating, investment, reserve, debtor, and general financial information to Elected Members in accordance with Section 6.4 of the *Local Government Act 1995 (WA) (CKI)*.

This report is a summary of the financial activities of the Shire at the reporting date. End of financial year processing continues, and adjustments are still being finalised. The 2021/22 Annual Financial Statements will be finalised and audited by the Shires auditors with presentation due to the Audit Committee in November/December 2022. At this time the final 2021/2022 result will be determined and any impact on the 2022/2023 Annual Budget and opening surplus will be presented to Council for consideration.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

The reporting of monthly financial information is a requirement under section 6.4 of the *Local Government Act 1995 (WA) (CKI)*, and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* and provides oversight of the Shire's finances to Council.

Comment

The period of review is July 2022. The current closing municipal surplus for this period is \$2,911,012 compared to a budget position of \$2,869,476.

Income for the period year to date is \$2,885,094 which is made up \$2,885,094 in operating revenues, \$0 in non-operating grants, contributions, and subsidies. The budget estimated \$3,018,418 would be received for the same period. The variance to budget is (\$133,324).

Expenditure for the period year to date is \$537,542. This is made up of \$494,522 in operating expenditure and \$43,020 in capital expenditure. The budget estimated \$711,994 would be spent for the same period. The variance to budget is \$174,452.

Details of all significant variances against the current budget are provided in the notes to the Monthly Financial Report contained within Attachment 10.2.2.1.

Policy and Legislative Implications

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

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

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

Strategic Implications

Nil

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

Simple majority

Conclusion

That the Monthly Financial Report for the period ending 31 July 2022, including explanations of material variances, be received.

OFFICER RECOMMENDATION – ITEM NO 10.2.2

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JULY 2022, AS CONTAINED IN ATTACHMENT 10.2.2.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 JULY 2022, AS CONTAINED IN ATTACHMENT 10.2.2.1.

10.2.3 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD 1 JULY 2022 TO 31 JULY 2022

Report Information

Date: 8 August 2022
 Location: Not applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Finance Officer
 Island: Shire Wide
 Attachments: 10.2.3.1 - Schedule of Accounts paid

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 July 2022 to 31 July 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 10.2.3.1.

Payment Type	Amount (\$)
EFT Payments #9139 to #9202	\$605,193.56
Direct Debit Payment	\$46,511.90
Cheque Payment 11681 to 11683	\$6,432.91
Total Payments	\$658,048.37

Contained within Attachment 10.2.3.1 is a detailed transaction listing of payments, including credit card expenditure, for the period ended 31 July 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 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 along with sequence checks.
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Risk Matrix

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

Voting Requirements

Simple majority

Conclusion

It is recommended that Council receives the reports provided for the period ended 31 July 2022.

OFFICER RECOMMENDATION – ITEM NO 10.2.3

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 JULY 2022 TO 31 JULY 2022 TOTALLING \$658,048.37 AS CONTAINED IN ATTACHMENT 10.2.3.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD ENDED 31 JULY 2022, AS CONTAINED IN ATTACHMENT 10.2.3.1.

10.2.4 WRITE OFF - DEBTOR INVOICE

Report Information

Date: 4 August 2022
 Location: Not Applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: 10.2.4.1 – CONFIDENTIAL Invoice 37017
 10.2.4.2 – Delegation 2.1.11 – Defer, Grant Discounts, Waive or Write off Debts

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 to seek Council approval to write off a debtor balance of \$2,070.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

Invoice 37017 was raised in October 2021 to recoup the costs of a contractors accommodation whilst they were undertaking works for the Shire. However, the property agent has advised that sub-letting arrangements are not allowable under the agreement that was in place. Though the Shire did not consider this to be a sub-let arrangement, the nature of the reimbursement could be perceived as such. The debtor has not paid the invoice and it would be prudent to remove the charge.

Batch	Inv No	Inv Date	Amount	Description	Balance	Type
5628	37017	06/10/2021	2070.00	Contribution to rent buffet close West Island 2 rooms at \$250/wk each from 01 to 30 September 2021	2070.00	INV

Comment

In accordance with s6.12(1)(c) of the *Local Government Act 1995 (WA) (CKI)*, a local government may write off any amount of money which is owed to the local government.

Delegation 2.1.11 – Defer, grant Discounts, Waive or Write off Debts does not apply to debts in excess of \$1,000 and as such Council approval is required.

Policy and Legislative Implications

Local Government Act 1995 (WA) (CKI) s6.12(1)(c)

Delegation 2.1.11 – Defer, Grant Discounts, Waive or Write off Debts

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 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.
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Risk Matrix

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

Voting Requirements

Absolute majority

Conclusion

Invoice 37017 should not have been raised against the debtor and should be written off.

OFFICER RECOMMENDATION – ITEM NO 10.2.4

THAT COUNCIL:

1. **BY ABSOLUTE MAJORITY, PURSUANT TO THE SECTION 6.12(1)(C) LOCAL GOVERNMENT ACT 1995 (WA)(CKI), APPROVES THE WRITE-OFF OF INVOICE 37017 TOTALLING \$2,070.**

10.2.5 BUDGET VARIATIONS 2022/23

Report Information

Date: 12 August 2022
 Location: Not Applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 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 amend the 2022/23 budget to reflect various adjustments to the General Ledger.

All items will have nil effect on the closing budgeted surplus and a balanced budget will be maintained.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

Item 1: The capital projects to construct a Bird hide at the freshwater lagoon and a Shelter at The Spot were expected to be completed in 2021/22 and as such the expenditure had been deducted from the budgeted 2022/23 opening surplus. The projects were delayed and a balance of \$68,614 remained unspent as at 30 June 2022. As a result, the ‘actual’ 2022/23 opening surplus is higher than has been budgeted and the expenditure has been incurred in July 2022.

Item 2: When preparing the 2022-23 Budget it was assumed that the consultants engaged to prepare the Strategic Community Plan would have completed their work by June 2022. This work has however, carried over to July/August 2022. The full cost of the consultants was fixed and provided for in the 2021/22 budget with the balance of \$11,736 remaining unspent at year end. As a result, the ‘actual’ 2022/23 opening surplus is higher than budgeted.

Item 3: The Shire has a Service Agreement with Cocos (Keeling) Islands Tourism Association (CKITA) to staff the Home Island Museum. The prior year’s agreement covered opening hours Monday & Wednesday during the Doldrum season (October to June) and Monday, Wednesday, Thursday during the Trade Winds season (July to September). The 2022-23 agreement proposes to increase the opening hours to Monday, Wednesday, Thursday all year round rather than just during the Tradewinds season, a total of 18 hours per week (excluding public holidays). It is proposed that Tourism staff will also greet tourists from the jetty as they arrive on Home Island. This is expected to enhance the Home Island ‘experience’, encouraging visitors to stay longer and increase exposure to local businesses. The increase in hours will result in an estimated additional cost to the Shire of \$9,532 for the year.

Item 4: The Shire has budgeted \$250,000 for the purchase of a Tipper Truck as part of the 2022/23 plant replacement program. In accordance with the Shires Purchasing Policy, the purchase was issued for tender with an RFQ being issued to four suppliers through the WALGA Preferred Suppliers Program. The recommended vendor quote was \$14,000 higher than the adopted budget. A separate Council report has been drafted for Council to consider entering a purchase contract.

Comment

Item 1: It is proposed that the funds for this project are carried forward to the 2022/23 financial year with an increase to the opening surplus and corresponding capital expenditure as detailed below:

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
1	Capital Expenditure - Bird hide	0	(\$53,614)	(\$53,614)
	Capital Expenditure – Shelter	0	(\$15,000)	(\$15,000)
	Brought forward surplus	\$467,014	\$68,614	\$535,628

Item 2: It is proposed that the balance of funding for the Strategic Community Plan is carried forward to the 2022/23 financial year with an increase to the opening surplus and corresponding operating expenditure as detailed below:

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
2	Operating Expenditure – Integrated Planning	(\$116,479)	(\$11,736)	(\$128,215)
	Brought forward surplus	\$535,628	\$11,736	\$547,364

Item 3: It is proposed that funds to increase the staffing hours are to be drawn from the budgeted contingency in consulting fees.

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
3	Operating Expenditure – Heritage Programs	(\$16,968)	(\$9,532)	(\$26,500)
	Operating Expenditure - Consultants Fees – Finance & Corporate Services	(\$51,656)	\$9,532	(\$42,124)

Item 4: It is proposed that savings from other recently tendered plant replacement are allocated to the tipper purchase.

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
4	Capital Expenditure – C238 Bobcat	(\$136,780)	\$14,000	(\$122,780)
	Capital Expenditure – C215 Tipper Truck	(\$250,000)	(\$14,000)	(\$264,000)

Policy and Legislative Implications

The *Local Government Act 1995 (WA)(CKI)* Part 6 Division 4 s6.8(1) requires the local government not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –
(b) is authorised in advance by resolution*

“additional purpose” means a purpose for which no expenditure estimate is included in the local governments annual budget.

* Requires an absolute majority of Council

Strategic Implications

The proposed variations support the achievement of the following goals and outcomes detailed in the Strategic Community Plan or Corporate Business Plan.

Plan	Outcome	Goal
Strategic Community Plan 2013-2023	1.1 Increase tourism	1. To foster and promote economic development
Corporate Business Plan 2018/19 – 2021/22	4. 5 Implement a proactive and strategic approach to planning	4. Civic Leadership

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	Expenditure is incurred without Council approval	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

That Council approve the budget variations as outlined in this report.

OFFICER RECOMMENDATION – ITEM NO 10.2.5

THAT COUNCIL:

1. BY ABSOLUTE MAJORITY, APPROVES THE REQUIRED BUDGET VARIATIONS TO THE CURRENT BUDGET FOR 2022/23 AS FOLLOWS:

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
1	Capital Expenditure - Bird hide	0	(\$53,614)	(\$53,614)
	Capital Expenditure – Shelter The Spot	0	(\$15,000)	(\$15,000)
	Brought forward surplus	\$467,014	\$68,614	\$535,628

2. BY ABSOLUTE MAJORITY, APPROVES THE REQUIRED BUDGET VARIATIONS TO THE CURRENT BUDGET FOR 2022/23 AS FOLLOWS:

Item	Description	Current Budget	Increase/Decrease	Revised Budget
2	Operating Expenditure – Integrated Planning	(\$116,479)	(\$11,736)	(\$128,215)
	Brought forward surplus	\$535,628	\$11,736	\$547,364

3. BY ABSOLUTE MAJORITY, APPROVES THE REQUIRED BUDGET VARIATIONS TO THE CURRENT BUDGET FOR 2022/23 AS FOLLOWS:

Item	Description	Current Budget	Increase/Decrease	Revised Budget
2	Operating Expenditure – Heritage Programs	(\$16,968)	(\$9,532)	(\$26,500)
	Operating Expenditure - Consultants Fees – Finance & Corporate Services	(\$51,656)	\$9,532	(\$42,124)

4. BY ABSOLUTE MAJORITY, APPROVES THE REQUIRED BUDGET VARIATIONS TO THE CURRENT BUDGET FOR 2022/23 AS FOLLOWS:

Item	Description	Current Budget	Increase/Decrease	Revised Budget
4	Capital Expenditure – C238 Bobcat	(\$136,780)	\$14,000	(\$122,780)
	Capital Expenditure – C215 Tipper Truck	(\$250,000)	(\$14,000)	(\$264,000)

10.3 MANAGER INFRASTRUCTURE

10.3.1 RFQ SUPPLY OF TIPPER TRUCK FOR WEST ISLAND

Report Information

Date: 16 August 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 checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report Purpose

This report brings the results of a tender for the supply and delivery of a tipper truck before Council, seeking a Council resolution to accept a quote from the recommended Supplier.

Relevant Documents

Available for viewing at the meeting

Background

As part of Councils annual business plans for 22/23, funding has been allocated for the purchase of a new tipper truck. The current allocation is \$250,000.

A request for quote was issued to four suppliers through the WALGA Preferred Suppliers Program on 28 June 22 and closed on 12 July 2022.

At close of tender four responses were received to the Vendor Panel online dashboard.

Comment

In accordance with the Shire Policy, at least three written quotations were requested.

As per Regulation 18(5) of the Functions and General Regulations and Section 11 (2) of the Local Government (Functions and General) Regulations 1996 this process was exempt from a public tender as 'the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program'.

The four submissions were reviewed by the Infrastructure Manager and Senior Mechanic.

A summary of the submissions will be tabled at the meeting.

The review identified that three of the four submissions met the specifications. The Isuzu truck did not meet the weight capacity specifications.

Two of the submissions proposed a 5mm thick base and sides for the tray. The evaluation team considered this a high priority given the corrosive environment on Cocos and discounted the 4mm tray proposed by one Supplier.

The other consideration was the delivery timeframe. Two of the submissions proposed delivery in 9 or 12 months. Considering the age of the current machine, and recent issues with the hydraulics the evaluation team preferred a Supplier that could deliver within 12 weeks.

For this procurement range, the selection should not be based on price alone. Regard as been given for the quality/thickness of the tipper base and sides and the delivery timeframe. Our Senior Mechanic has worked on Fuso machines in the past. Linx operate a similar truck on West Island which could be a source of spare parts/knowledge sharing in the event of an emergency. For this reason, the review team recommends that the Shire purchase a 2022 Fuso FV70 Shogun 6x4 Tipper from Daimler Truck Australia Pacific Pty Ltd at cost of \$263,478.

As the value of this procurement is more than \$250,000, the Chief Executive Officer does not have delegated authority to enter into a Contract.

Policy and Legislative Implications

CPF4 Shire Purchasing Policy

Regulation 18(5) of the Functions and General Regulations and Section 11 (2) of the Local Government (Functions and General) Regulations 1996

Financial Implications

The Shire's budget makes an allocation for this purchase of \$250,000. Whilst the tender amount exceeds the allocation by \$14,000, there has been savings in the purchase of the Bobcat (C238). A budget variation has been requested in a separate Council report.

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

Absolute Majority

Conclusion

The officer's recommendation is that Council accepts the recommendation to purchase a 2022 Fuso FV70 Shogun 6x4 Tipper from Daimler Truck Australia Pacific Pty Ltd at cost of \$263,478.

OFFICER RECOMMENDATION – ITEM NO 10.3.1

THAT COUNCIL, BY ABSOLUTE MAJORITY:

- 1. ENDORSE THE PURCHASE OF A 2022 FUSO FV70 SHOGUN 6x4 TIPPER FROM DAIMLER TRUCK AUSTRALIA PACIFIC PTY LTD FOR \$263,478 AND DELEGATE AUTHORITY TO THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A CONTRACT IN ACCORDANCE WITH THE SHIRE CF4 PURCHASING POLICY.**

10.3.2 WEST ISLAND RECREATIONAL BOAT RAMP

Report Information

Date: 16 August 2022
 Applicant: NA
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Infrastructure Manager
 Island: West Island
 Attachments: 10.3.2.1 - Letter to Assistant Secretary Indian Ocean Territories and the Director of Indian Ocean Territories dated 28 March 22
 10.3.2.2 - Response from Assistant Secretary Indian Ocean Territories dated 4 May 2022
 10.3.2.3 - Correspondence with Director Indian Ocean Territories Administration regarding funding for the boat ramp
 10.3.2.4 – CONFIDENTIAL Quotes for temporary matting suitable for a boat ramp

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 an update to Council on actions arising from its resolution at the March 2022 meeting in regard to the West Island Recreational Boat Ramp ('the ramp'). To seek Council direction how to proceed.

Relevant Documents

Nil

Background

At its March 22 meeting, Council considered a report regarding the ramp and resolved as follows.

COUNCIL RESOLUTION – ITEM NO 10.4.4

MOVED CR LACY

SECONDED CR YOUNG

THAT COUNCIL, BY SIMPLE MAJORITY:

- 1. RECEIVE THE INFORMATION CONTAINED WITHIN THIS REPORT;**
- 2. NOTE THAT UNDER THE CURRENT ENVIRONMENTAL CONDITIONS, PUBLIC SAFETY CONCERNS AND LACK OF FUNDING ARRANGEMENTS THE SHIRE CAN NO LONGER MAINTAIN THE BOAT RAMP TO MEET THE SERVICE LEVEL EXPECTATIONS OF THE COMMUNITY;**
- 3. ADVOCATE TO THE RELEVANT COMMONWEALTH AGENCIES FOR THE CONSTRUCTION OF A NEW FIT FOR PURPOSE BOAT LAUNCHING FACILITY ON WEST ISLAND WHICH MEETS CURRENT STANDARDS FOR RECREATIONAL BOATING FACILITIES; AND**
- 4. REQUEST STAFF INVESTIGATE TEMPORARY SOLUTIONS TO ENSURE A BOAT LAUNCHING FACILITY IS ACCESSIBLE WHILST FUNDING, CONSTRUCTION AND OWNERSHIP OF A NEW FACILITY IS DETERMINED.**

THE MOTION WAS PUT AND DECLARED CARRIED (5/0)

FOR: HAMIRIL, IBRAM, IKU, LACY, LIU, MINKOM, YOUNG
AGAINST: NIL

As per item 3 of the above resolution, staff wrote to the Assistant Secretary Indian Ocean Territories and the Director of Indian Ocean Territories dated 28 March 22 to advocate for funding to construct a new facility, raise awareness of current maintenance issues and seek clarification on ownership. A copy of the letter is Attachment 10.3.2.1.

The Assistant Secretary Indian Ocean Territories responded on 4 May 22 as per Attachment 10.3.2.2.

As per item 4 of the above resolution, staff have been investigating temporary boat ramp solutions in the form of polyester or aluminium matting.

Comment

The Commonwealth indicated they are very supportive of working to determine potential sites and funding for a new boat ramp, noting that it may be a longer-term project. They have also indicated support to identify funding sources for the ongoing maintenance of the ramp. Attempts by staff to follow up on the offer of support for both the development of a new facility and funding for a temporary solution have not been successful (Attachment 10.3.2.3). We were however able to confirm that the Commonwealth fund the maintenance of the boat ramps on Christmas Island (under a Management Order with the Shire and on Crown Land through the Ports Contractor) so our situation is unique in the Territories (Attachment 10.3.2.3).

It would appear that the development of a new facility at or near Rumah Baru is not likely to be considered until after the development of the material offload facility for the Runway Project.

Risk

Investigations have identified that the existing boat ramp is 1.4m below the sand and 10m from the low tide mark. Further, with coastal erosion and higher tides, the ramp is primarily within Crown Land between the high and low water mark.

One option for the Council to consider is advising the Commonwealth that the ramp is no longer serviceable or within Trust land and will be abandoned. If they would like any interim works undertaken, other than removing signage, they will need to let us know.

The Crown Land between high and low tide within the lagoon is managed by Ports.

Temporary Boat Ramp Solutions

Works undertaken recently were intended to line both sides of the boat ramp with sandbags. Upon commencement it became obvious that the scale of the works was significantly greater than envisaged. A trial of stacked sandbags on the ramp with a geogrid surface was installed pending further direction from Council.

This initial work was undertaken from the boat ramp maintenance budget and cost \$28,000, (noting we have only used a third of the sandbags prepared and the time and materials taken to fill these will be reallocated to future sandbag projects).

In order to expose the current boat ramp, extend it to the low tide mark and line it both sides with sandbags there are potential costs in excess of \$300,000. The current ramp is 1.4m below the sand and is 10m from the low tide mark. Two sandbag walls 30m in length and up to 5 sandbags high is a significant project.

Further, amending the profile of the beach presents significant risk due to the changing conditions on the islands. There is a likelihood that Council expend significant funds on the existing ramp with potential for it to become unserviceable in the short term.

This is supported by the fact the current ramp was covered with sand within 12 months of completion.

A temporary solution could be roll out matting. This could be portable and be lifted as the beach profile changes. Subject to approval from Ports (who manage the Crown Land between the high and low tide mark) the Shire can locate the ramp anywhere within the lagoon to the north or south of Rumah Baru as the sand moves.

Quotes have been received from three suppliers for portable roll-out matting suitable for large boats and vehicles. These range in price from \$14,000 for a flexible concrete mat, \$36,000 for polyester matting and \$86,000 for aluminium matting. The last two products have a lead time of 6 months, where the concrete matting could be onsite by November. Concrete matting, whilst less portable, is cheaper and can be delivered in the short term.

As a result of the recent high tides and consequential erosion, Staff are preparing a summary for the Commonwealth of works required on West Island to protect and repair assets impacted by coastal erosion and to ensure ongoing public safety. This will include the provision of matting for the boat ramp.

Policy and Legislative Implications

Nil

Financial Implications

There is no budget identified for the purchase of a temporary ramp. Staff are preparing a funding summary for the Commonwealth of works required on West Island to protect and repair assets impacted by coastal erosion and to ensure ongoing public safety.

A budget variation will be prepared for Council as part of the mid-year budget review.

The Shire does not have a long-term financial plan and the boat ramp is not identified in asset management plans developed in 2013.

Strategic Implications

A new ramp facility on West Island has been a request from the community for many years and is documented as below:

Our Cocos (Keeling) Islands 2030 Strategic Plan (March 2019) – E1.8 Seek funding for infrastructure to maximise community well-being (see SOCKI list of projects). HIGH PRIORITY

Cocos (Keeling) Islands Masterplan (April 2019) - 71. Establish a better boat ramp that could double as a breakwater for the small boat marina, potentially with a ramp on either side.

Conclusion

In order to continue boat ramp access to the lagoon, the purchase of a rollout boat ramp is an option. It appears that there are no current funding opportunities for something of this nature.

Given the changing environment of the islands, it is recommended that the Shire purchase both the concrete and the aluminum matting. This provides a level of assurance to the community that the Shire is committed to ensuring access to the lagoon for boating over the next few years until the material offload facility is built.

The costs associated with this purchase are to be included in a summary of required works to reinstate and protect asset impacted by coastal erosion on the island.

There will always be a need for sand access matting on island.

OFFICER RECOMMENDATION – ITEM NO 10.3.2

THAT COUNCIL, BY SIMPLE MAJORITY:

- 1. NOTE THE CORRESPONDENCE WITH THE ASSISTANT SECRETARY INDIAN OCEAN TERRITORIES AND THE DIRECTOR OF INDIAN OCEAN TERRITORIES ADMINISTRATION IN REGARD TO THE WEST ISLAND BOAT RAMP**
- 2. ADVISE THE COMMONWEALTH THAT THE RAMP IS NO LONGER SERVICEABLE OR WITHIN TRUST LAND AND WILL BE ABANDONED**
- 3. ENDORSE THE PURCHASE OF BOTH CONCRETE AND ALUMINIUM MATTING FOR USE AS A TEMPORARY BOAT RAMP AND OTHER SAND ACCESS REQUIREMENTS OF \$110,000.**
- 4. NOTE THE COSTS ASSOCIATED WITH THIS PURCHASE ARE TO BE INCLUDED IN A FUNDING SUMMARY BEING PREPARED FOR THE COMMONWEALTH OF WORKS REQUIRED TO REINSTATE AND PROTECT ASSETS IMPACTED BY COASTAL EROSION ON THE ISLAND.**
- 5. NOTE STAFF WILL IN REFLECT BUDGET CHANGES IN THE MID-YEAR BUDGET REVIEW**

- 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**

- 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 - COCOS BORONIA RESORT

Report Information

Date: 3rd August 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: 15.2.1.1 – CONFIDENTIAL Appendix 1 FW_Chris Blakeman Cocos Boronia Resort
 15.2.1.2 – CONFIDENTIAL Appendix 2 F_Chris Blakeman
 15.2.1.3 – CONFIDENTIAL Shire of Cocos (Keeling) Islands – Notice of Moratorium

Authority / Discretion

Definition

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<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,*

15.3 TRUSTS FINANCE

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

17. CLOSURE