

# Shire of Cocos (Keeling) Islands

## Shire of Cocos (Keeling) Islands

### Agenda

#### Ordinary Meeting of Council

Wednesday 28 September 2022, 4.00pm

Council Chambers, Shire Administration Building

Lot 256 Jalan Bunga Melati, Home Island

### **Disclaimer**

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

## OUR VALUES

### Service

Provide the best service we can.

We serve the community and each other.

### Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

### Support

We support our team and our community.

Look for opportunities to help each other.

### Respect

We respect and value others.

Our interactions are always respectful towards others.

### Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

### Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

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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 24 August 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 24 AUGUST 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

### 10.1.1 CHIEF EXECUTIVE OFFICER REPORT

#### Report Information

Date: 8 September 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 -DRAFT IOT FOI poster  
 10.1.1.2 - DRAFT IOT Steps for access applicants  
 10.1.1.3 – DRAFT Report Cocos Risk Assessment

#### 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

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



## Relevant Documents

Available for viewing at the meeting

## Background

The following outlines the movements and activities of Council's CEO for the 18 August/September 2022 reporting period.

**Kampong Atas Steering Committee** – Attended 2 meetings of this committee where matters as varied as red footed boobies harvesting to coastal erosion including the loss of Prison Island, pontoons for the sailing club beach, sandbagging and the Coastal Hazard Risk Management and Adaption Plan (CHRMAP). Groups such as this provide an excellent opportunity to get the views and opinions of elders from the Malay/Cocos community and a monthly meeting schedule is being coordinated by the Community Development Team for me to attend.

**Emergency Management** – Convened a meeting with Brad Stringer the Emergency Management Officer - Indian Ocean Territories Administration and Isa Minkom to discuss emergency management procedures and processes for the Cocos (Keeling) Islands and how best the Shire can provide support as and when required. Further meetings and discussions will continue once the Cocos (Keeling) Islands Emergency Management Plans are received.

**Water Corporation** – Met with Luke Doherty the Operations Manager - Service Delivery Cocos (Keeling) Islands, Northwest Region to establish relationship and discuss opportunity for working relationships in moving forward.

**Information Commissioner** – Held a meeting with Catherine Fletcher the Information Commissioner of Western Australia whilst she was holidaying at the Cocos (Keeling) Islands. This proved to be an invaluable meeting that provided an insight into Council obligations with respect to the *Freedom of Information Act 1992 (WA) (CKI)*. A review of documentation to be forwarded to Council, by the Commissioner will be carried out, then all appropriate Shire policies and processes either amended or developed and implemented to comply with the legislation. This meeting generated follow up communication with the Office of the Information Commissioner to arrange training for staff to enable them to fulfil their obligations under the *Freedom of Information Act*. A request has also been received from the Office of the Commissioner seeking endorsement of two draft publications that once complete will be for public viewing and information. (See attachment 10.1.1.1 and 10.1.1.2).

**Trannies Beach** – Ordered the closure of the recently installed steps to Trannies Beach until further notice, after concerns over their design were raised. An investigation as to whether the issue was a design, prefabrication or installation issue were carried out. A minor design error was detected in the investigation of the problem, and this has been rectified by Council staff and the steps open again.

**Leadership Group** – Finalised the training and development plans for the 2022 – 2023 financial year with the leadership group. This is a statutory process that is to occur by the 31

August each year and it was pleasing to see staff with continued ambition beyond their current roles. Training and development are an important content of individuals roles and is budgeted for by Council each year.

**Draft Waste Management Strategy for Indian Oceans Territories** –a Waste Management Workshop with Strategy developers GHD on the 21 October 2022 via video conference. Shire’s Infrastructure Manager and Environment Officer have provided an insightful response to a previous request for comment from GHD which will be further tabled at the Workshop. This will be the final workshop prior to the completion of the strategy and is an invaluable opportunity to provide the Shire’s viewpoint.

**Parks Australia** – held meetings and teleconferences with Parks Australia, Mike Misso, Matthew Anderson, and Allyn White to get a background of and discuss the Cocos (Keeling) Islands Marine Park. In part the meetings concerned the development of a Management Plan for Cocos (Keeling) Islands Marine Park. Parks will soon start preparing a management plan for the Cocos (Keeling) Islands Marine Park. The plan will establish the detailed management arrangements for these marine parks for 10 years. Parks are looking to establish an advisory committee to help with the development of the management plan. Part of Parks visit will involve discussing the terms of reference for this advisory committee and its membership.

**Meetings with Ministers** - Contact has been made with Marion Scrymgour MP Member for Lingiari and she and her staff are trying to arrange to travel to Perth to meet with Council during or post the WALGA Conference. The Honourable Catherine King MP Minister for Infrastructure, Transport, Regional Development and Local Government is attending the WALGA conference, and a request has been sent to her seeking a “one-on-one” meeting with Council whilst she is there.

**Strategic Regional Plan** – Held a meeting with Fionn Griffin representing Centred Solutions who have been engaged by the Commonwealth to develop a Strategic Regional Plan for the Indian Ocean Territories. Discussion centred on our Shire’s development of our Strategic Community Plan and Corporate Business Plan and how to meld the two processes. Shire’s consultant Rose Cummins will commence discussions with Centred Solutions and act as a point of contact for the Shire for this matter until further development by Centred Solutions occurs.

**Concrete Batching Plant** – held a meeting with Bruce Barlow of BLS Construction regarding siting of his portable concrete batching plant post the current work he is doing for the Bureau of Meteorology on West Island. Mr Barlow is looking for a permanent site for his batching plant so that he can deliver concrete to several future contracts including the Department of Defence AIR555 Project. Discussions and negotiations will continue once there is some certainty around future commercial leasing and land use.

**Coastal Hazard Risk Management and Adaption Plan (CHARMAP)** – Attended various meetings with Shape Urban, Anika Chhabra, Anna Kelderman and Peter Wood, Principal Planning Officer | Land Use Planning, Department of Planning, Lands and Heritage, West Australian Government to discuss the rollout and community meetings to be held regarding the CHARMAP model and process.

**Shire of Cocos (Keeling) Islands Local Planning Scheme** – Ibrahim Macrae, the Shires Governance, Risk and Planning Coordinator and I held a meeting with Peter Wood, Principal Planning Officer | Land Use Planning, Department of Planning, Lands and Heritage, West Australian Government, seeking clarity of the impacts of the Coastal Hazard Risk Management and Adaption Plan (CHARMAP) on the Shire’s Planning Scheme. Flowing from this meeting will be a follow up meeting in Perth post the WALGA conference where more detailed discussions will be held.

**Leases & Site Risk Assessment** – as part of the leasing review and moratorium the Shire’s leasing officer and I will be conducting on site visits to Commercial leases on West Island to establish a photographic data base. Visits will be carried out on the 17 and 18 October 2022 with tenants present. A minimum of 30 days’ notice will be provided to all commercial tenants intended to be visited.

**Commonwealth & State Government Departments** – Held a teleconference with Beth Duncan the Acting Branch Head • Indian Ocean Territories Branch • Territories Division to have our monthly meeting and discuss amongst other things agenda items as follows:

1. Beth Duncan has been the Acting Branch Head • Indian Ocean Territories Branch • Territories Division, whilst the Branch Head, Kim Sorees has been on leave. Kim will return to the role as Branch Head 18 September 2022. A schedule of monthly meetings will be planned with Kim when she is back in her role.
2. Minister McBain’s to visit CKI in December 2022 – advice is that Minister McBain will be using the Commonwealth Plane reserved for the Prime Minister to visit Cocos (Keeling) Islands. The visit is yet to be finalised, but the planning is for early December 2022 to fly in late afternoon and then leave late afternoon the following day. Further details will be provided as they become available.
3. Strategic approach to Home and West Island erosion, water inundation mitigation of risk to Shire assets, - Reinstatement of road damage & other damage from recent tidal inundation – this was discussed in detail, however there was essentially no “buy in” by the Commonwealth and this matter needs to be pursued as a priority for the Shire.

**Forward Defence Base** - Held a meeting with Manteena Security (Australia) Pty Ltd representative to discuss the Department of Defence project (known as AIR555) which includes a new facility on Cocos (West Island), adjacent to the existing RAAF facility.

For clarity, this is a separate project to the runway upgrade which is being managed by Aurecon and delivered by Fulton Hogan.

Manteena’s scope includes completion of the design of the facility and then on-site delivery. The agreed schedule forecasts a commencement on Cocos in February 2023 with completion occurring September 2023.

Manteena Project Manager Matthew Fletcher was advised of the need to continue direct communication with the Shire regarding the relevant development application and building approval processes.

Manteena Project Manager Matthew Fletcher tabled opportunity for Council to provide commercial support to the project in terms of concrete slab removal and the provision of 600 cubic metres of sand required for the building. These discussions will be ongoing with the Shire's Infrastructure Manager to obtain best value.

**Rising sea levels and coastal erosion** - Held a meeting with Ian McKendrick the Director of Indian Ocean Territories, to discuss the issues with coastal erosion caused by rising sea levels and the need for a strategic plan to be developed for both Home Island and West Island. Emphasis from the Shire perspective that this process needs to commence immediately rather than subject to delays. Discussion also involved the possibility in the future of re-routing or closure of South Road as this is a constant risk to the Shire from a maintenance and flooding perspective. During his visit, Mr McKendrick is to discuss and site visit with the Shire's Infrastructure Manager to get a firsthand view of the situation the Shire is facing.

**Public Liability Site Risk Assessment – Public Coastal Access** – Held discussions with Megan Sumpton – Senior Account Executive, LGIS Member Services - Public Sector regarding a report that was developed “Public Liability Site Risk Assessment – Public Coastal Access” February 2020 (see confidential attachment 10.1.1.3) after site inspections were carried out across the Cocos (Keeling) Islands in December 2021. The report which was originally forwarded to the Shire in March 2021 and clearly outlines identified risks and mitigation strategies the Shire should undertake. A comprehensive review of actions and suggested mitigations is currently being undertaken by the Shire's leadership team.

**Strategic Community Plan 2022 - 2037** – regular meetings have been held with the Shire's consultant, Rose Cummins continues to progress the development of a draft Strategic Community Plan 2022 – 2037, Corporate Business Plan 2022 – 2027 and Annual Workplan 2022 – 2023. It is anticipated that draft plans will be available for Council viewing and comment by the October 2022 ordinary meeting of Council. A draft of the Workforce Plan for the Shire 2022 – 2037 will also be available for review and comment prior to the October 2022 Ordinary Meeting of Council.

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

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

The Shire needs to avail itself of any opportunity to meet with Ministers of Parliament, State and Commonwealth and be tactical and strategic in discussions to promote issues regarding the Cocos (Keeling) Islands.

### **Risk Implications**

See matrix in attached Public Liability Site Risk Assessment document.

### **Voting Requirements**

Simple majority

### **OFFICER RECOMMENDATION**

**ITEM NO 1 - COUNCIL APPROVE THE TWO DRAFT PUBLICATIONS TABLED AS FIT FOR RELEASE TO THE COMMUNITY.**

**ITEM NO 2 - COUNCIL NOTE AND RECEIVE THIS REPORT.**

**10.1.2 COMMUNITY DEVELOPMENT REPORT – SEPTEMBER 2022**

**Report Information**

Date: 19 September 2022  
 Location: Cocos (Keeling) Islands  
 Applicant: Community Development Coordinator  
 File Ref: Community Development  
 Disclosure of Interest: Nil  
 Reporting Officer: Community Development Coordinator  
 Island: Cocos (Keeling) Islands  
 Attachments: 10.1.2.1 - Cocos CHRMAP CRG Meeting 1  
 10.1.2.2 - School Holiday Program  
 10.1.2.3 - Invitation letter to Volunteer Appreciation Dinner

**Authority / Discretion**

**Definition**

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<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

### **Volunteer Appreciation Dinner – 21 September 2022**

The Shire continues to support and acknowledge volunteering in the community. As a clear objective in the Shire's Corporate Business Plan, it has organised a Volunteer Appreciation Dinner and extended an invitation to all volunteers in the community. In response 107 supported the event which was held on West Island at the Tropika Restaurant.

In response to this overwhelming support the Shire will continue to hold this significant event and advertise this in the community calendar.

### **Coastal Hazard Risk Management Adaptation Plan (CHRMAP)**

Consultants (Project Team) from Shape Urban, Wavelength Coastal Engineers, and the WA Department of Planning Lands and Heritage arrived on island from the 2 to the 6 September. The Project Team organised three workshop sessions with a number of community members identified as key relevant people and spectrum to discuss the CHRMAP which identifies Cocos's vulnerability to coastal erosion and inundation. The workshops were not well attended due to other commitments and COVID cases on Island. The Project Team is expected to return in November and meet with the elders which they have formed a Coastal Reference Group which will be led by Haji Adam Rabuhu Anthoney. The Kampong Atas Steering Committee will also be combined with this group.

### **School Holiday Program**

The Youth and Recreation Officers have put together a program for the September/ October school holidays. The program will also include the popular Junior Ranger Program in collaboration with Parks Australia North. This program will be held on Direction Island. The other programs will be advertised on the Shire's Facebook page.

### **Youth Affairs Council of WA**

Representatives from the Youth Advisory Council of WA will be on island from the 18 November to 22 November delivering a number of workshops for the Cocos Islands Youth Council (CIYC) on the following themes: Culture, Employment and Welfare and Youth Leadership. The workshops will be developed in collaboration of the CIYC. The YACWA will also be meeting with other key stakeholders in the community during their visit.

### **Cocos Club Inc**

The Cocos Club Inc is organising two events in September and October. The first being the Altitude Cup (Ardmona Cup) which will be held on the 23 September and the second the Fun Run in collaboration with the Hash House Harriers which will be a fundraiser event. The Cocos Club has provided the Shire with the necessary documentation to run the event including a Risk Management Plan.

### **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

### 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

S2.1.2.3 Develop and implement a volunteer support program to encourage, incentivise, acknowledge and thank our volunteers

### 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.
Service Interruption	Nil	Nil	Nil
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)
<b>Almost Certain (5)</b>	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely (4)</b>	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
<b>Possible (3)</b>	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
<b>Unlikely (2)</b>	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
<b>Rare (1)</b>	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Voting Requirements

Simple majority.

### OFFICER RECOMMENDATION – ITEM NO 10.1.2

THAT COUNCIL RECEIVES THE SHIRE'S COMMUNITY DEVELOPMENT SECTION MONTHLY UPDATE FOR SEPTEMBER 2022.

## 10.2 MANAGER FINANCE AND CORPORATE SERVICES

### 10.2.1 MONTHLY FINANCIAL REPORT – AUGUST 2022

#### Report Information

Date:	6 September 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 - 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>
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<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

#### Report Purpose

The purpose of this report is to provide a monthly financial report for August 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 August 2022. The current closing municipal surplus for this period is \$2,566,129 compared to a budget position of \$2,508,526.

Income for the period year to date is \$3,045,285 which is made up \$2,958,072 in operating revenues, \$87,213 in non-operating grants, contributions, and subsidies. The budget estimated \$3,159,860 would be received for the same period. The variance to budget is (\$114,575).

Expenditure for the period year to date is \$1,039,992. This is made up of \$873,101 in operating expenditure and \$166,891 in capital expenditure. The budget estimated \$1,392,073 would be spent for the same period. The variance to budget is \$352,081.

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)

### Conclusion

That the Monthly Financial Report for the period ending 31 August 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 31 AUGUST 2022, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 AUGUST 2022, AS CONTAINED IN ATTACHMENT 10.2.1.1.

## 10.2.2 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD 1 AUGUST 2022 TO 31 AUGUST 2022

### Report Information

Date: 14 September 2022  
 Location: Not applicable  
 Applicant: Not Applicable  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Finance Officer  
 Island: Shire Wide  
 Attachments: 10.2.2.1 - 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 August 2022 to 31 August 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 10.2.2.1.

Payment Type	Amount (\$)
EFT Payments #9203 to #9255	\$227,012.08
Direct Debit Payment	\$64,840.42
Cheque Payment 11684 to 11686	\$4,232.03
<b>Total Payments</b>	<b>\$296,084.53</b>

Contained within Attachment 10.2.2.1 is a detailed transaction listing of payments, including credit card expenditure, for the period ended 31 August 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)
<b>Almost Certain (5)</b>	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely (4)</b>	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
<b>Possible (3)</b>	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
<b>Unlikely (2)</b>	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
<b>Rare (1)</b>	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Conclusion

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

### OFFICER RECOMMENDATION – ITEM NO 10.2.2

#### 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 AUGUST 2022 TO 31 AUGUST 2022 TOTTALLING \$296,084.53 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD ENDED 31 AUGUST 2022, AS CONTAINED IN ATTACHMENT 10.2.2.1.

### 10.2.3 WRITE OFF SMALL RATES BALANCES

#### Report Information

Date: 09 September 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

The purpose of this report is to request approval to write off small Rates debtor balances below \$1.00.

#### Relevant Documents

Available for viewing at the meeting.

Nil



## Background

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. Under s6.51(3) accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, that is due and payable. Delegation 2.1.11 – Defer, grant Discounts, Waive or Write off Debts does not apply to debts, which are prescribed debts that are taken to be a rate or service charge and thus Council approval is sought to write off small interest balances on rates debtors.

## Comment

Due to the charging of interest on overdue rates, where the payment may have been made shortly after the due date, there are some small amounts showing as outstanding on a number of assessments.

Below is a list of the amounts outstanding that are less than \$1.00 each, with the total amount being \$0.45. Writing off these debts maintains the Rates Ledger, avoids further interest being charged and allows for a clear opening balance for the next financial year. The amounts are insignificant for accounting purposes and will eliminate needless enquiries on small balances.

Assessment Number	Balance
A6074	0.07
A6086	0.16
A6172	0.22
<b>Total</b>	<b>0.45</b>

## Policy and Legislative Implications

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

*Local Government Act 1995 (WA) (CKI) s6.51 (3)*

## Strategic Implications

Nil

## Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Income varies significantly from Budget	Low (2)	Write-offs are limited to small, immaterial amounts.

### Risk Matrix

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

### Conclusion

That the detailed small balances be approved for write-off.

### OFFICER RECOMMENDATION – ITEM NO 10.2.3

THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO THE SECTION 6.12(1)(C) *LOCAL GOVERNMENT ACT 1995 (WA)(CKI)*, APPROVES THE WRITE-OFF OF SMALL RATES BALANCES TOTALLING \$0.45 PER TABLE BELOW:

Assessment Number	Balance
A6074	0.07
A6086	0.16
A6172	0.22
<b>Total</b>	<b>0.45</b>

## 10.2.4 BUDGET VARIATIONS 2022/23

### Report Information

Date: 19 September 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 works project to re clad the Shire Admin Office building was expected to be completed in 2021/22 and as such the expenditure had been deducted from the budgeted 2022/23 opening surplus. The cladding work was still in progress at year end and an invoice of \$8,788 has been received for works completed in July 2022. The project is now complete, and no further expenditure is expected for the 2021/22 works plan. As the \$8,788 was unspent during the 2021/22 year, the budget needs to be brought forward in the 2022/23 opening surplus balance.

To note: the current \$15,000 budgeted for the 2022/23 Home Island Admin Office building works plan relates to reception area renewals that are yet to be undertaken.

### Item2:

The Shire tipper truck on Home Island was recently damaged in an accident whereby a Shire employee has veered off the road and struck a tree. The truck is currently out of service and is likely to be written off by our insurer. The accident has been investigated and an insurance claim has been lodged with LGIS. Whilst the vehicle is insured for a value of \$60,000, the claim is still in progress and a final payout figure is yet to be finalised. Quotes have been received for a new truck and is expected to cost around \$75,000 plus \$25,000 in shipping (total estimate \$100,000). The tipper truck was listed on the plant replacement program to be replaced in next year's budget however, as the tipper truck is an essential item of plant for the works crew on Home Island it is important to purchase a replacement truck as soon as possible.

## 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 – Admin Building C332	(\$15,000)	(\$8,788)	(\$23,788)
	Brought forward surplus	\$547,364	\$8,788	\$556,152

Item 2: As the tipper truck was scheduled for replacement next year it is proposed to bring forward the funding from the Plant Reserve. Once the insurance claim is finalised, the proceeds can be transferred into the Plant Reserve.

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
2	Transfer from Reserve – Plant Reserve	\$400,089	\$100,000	\$500,089
	Capital Expenditure – Tipper Truck	\$0	(\$100,000)	(\$100,000)
	Operating income – insurance proceeds	\$0	\$55,000	\$55,000
	Transfer to Reserve – Plant Reserve	(\$1,920)	(\$55,000)	(\$56,920)

### 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	4. 1 Continue to provide resources to maintain and upgrade staff facilities to create an environment safe and fit for purpose.	4. Attract and retain quality staff and elected members

### 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)
<b>Almost Certain (5)</b>	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely (4)</b>	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
<b>Possible (3)</b>	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
<b>Unlikely (2)</b>	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
<b>Rare (1)</b>	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Conclusion

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

### OFFICER RECOMMENDATION – ITEM NO 10.2.4

#### 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 – Admin Building C332	(\$15,000)	(\$8,788)	(\$23,788)
	Brought forward surplus	\$547,364	\$8,788	\$556,152

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	Transfer from Reserve – Plant Reserve	\$400,089	\$100,000	\$500,089
	Capital Expenditure – Tipper Truck	\$0	(\$100,000)	(\$100,000)
	Operating income – insurance proceeds (estimate)	\$0	\$55,000	\$55,000
	Transfer to Reserve – Plant Reserve	(\$1,920)	(\$55,000)	(\$56,920)

### 10.2.5 BUDGET VARIATIONS 2022/23 – CKITA SERVICE AGREEMENT - MUSEUM

#### Report Information

Date: 19 September 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**

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.

This item was presented to Council at the Ordinary Council Meeting held 24 August 2022 whereby Council resolved to defer the decision pending further discussion and information regarding visitor numbers. Visitor numbers for 2020 through to 2022 (year to date) were provided and the proposed variation to opening hours was discussed at the Councillor Workshop held on 14 September 2022.

**Comment**

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
2	Operating Expenditure – Heritage Programs	(\$16,968)	(\$9,532)	(\$26,500)
	Operating Expenditure - Consultants Fees – Finance & Corporate Services	(\$51,656)	\$9,532	(\$42,124)

**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

### 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)

### 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
2	Operating Expenditure – Heritage Programs	(\$16,968)	(\$9,532)	(\$26,500)
	Operating Expenditure - Consultants Fees – Finance & Corporate Services	(\$51,656)	\$9,532	(\$42,124)

## 10.3 MANAGER INFRASTRUCTURE

### 10.3.1 INFRASTRUCTURE REPORT

#### Report Information

Date: 5 September 2022  
 Location: Cocos (Keeling) Islands  
 Applicant:  
 File Ref: Nil  
 Disclosure of Interest: Nil  
 Reporting Officer: Coordinator Infrastructure  
 Island: Cocos (Keeling) Islands  
 Attachments: Nil

#### Authority / Discretion

#### Definition

<input checked="" type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 checked="" type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

#### Report Purpose

The purpose of this report is to provide Council with an update on the status of key capital works projects, the operations of the infrastructure team in July to August and to highlight the immediate need for additional trades and project management staff to work on Council projects.

#### Relevant Documents

Nil

## Background

The Shire's Infrastructure Manager commenced in November 2021 and upon commencement he inherited the Shire's "capital works" projects. Some of these projects were in various stages of commencement, not commenced or nearing completion. Disappointingly there was limited available scope and records for a lot of the works along with little budgetary information. This report is provided to outline known status progress on works, budget allocation, forecast and variant implications for the Council approved capital projects. Some of these projects are those that have been rolled over into this financial year's budgets. With these continuances we have seen some completions, positive advancement of works for some and unavoidable delays on others.

## CAPITAL PROJECTS

### New Houses

The "new houses" project has seen one problem after another since it commenced in February 2020. Construction of the new houses was nearing completion when a design fault was identified that is now going to require additional works to be carried out. At the time of this reporting period works being progressed for House 2 include internal painting and tiling with the additional works listed in the table below remaining outstanding. House 1 on LOT 202 has been cleaned and is waiting on enclosing the rear area of the house as identified as the design fault.

With the current progress and minor delivery setbacks, it is forecast that with the resources we have on island major works for the second house should be completed by end of December.

Current financial year budget allocation for the project is \$65,426 to complete both houses.

This financial year \$88,549 has been expended on this project. An overspend of \$23,123 on the budget amount of \$65,426.

The cost to enclose the rear of the houses is estimated at \$40,000 for materials and labour. We are trying to source materials on island – if materials are to be imported works will cease until the new year when materials arrive. This will push completion out to February 23.

It is anticipated that the final expenditure budget figure for this project will be in the vicinity of \$60,000 more than the current budget. This being the case and will be put to Council as a variation (noting additional change of scope).

### Expenditure

19/20 - \$4579

20/21 - \$752,449

21/22 - \$623,002

22/23 - \$88,549

**Total - \$1,468,579**

We will not be formally awarding the house to future tenants until the works to enclose the rear area are complete.

It is understood the initial budget per dwelling at commencement was \$500,000. Costs are likely to be \$750,000 per dwelling at completion.

### **Retail Precinct**

Both the Retail Precinct and the New Housing project were part funded from the Stimulus Funding program. Due to the change in management alluded to above and with limited resources it was decided in September 2021 to focus on completing the more advanced project, this resulted in shifting all our resources to finishing the new houses.

Inevitably with the decision to progress one project at a time, this resulted in a request to seek variation on funding project milestones which was approved.

It is now planned that when there is completion of major works on the houses, we will be able to shift back all our resources to resume works for the retail precinct.

The current budget for the project is \$829,376 to undertake the remainder of the build for Stage 2, which includes east wing additional extension, laundry and toilet facility extension, refurbishment of the remaining existing tenancies and fit out of restaurant and bakery.

We are awaiting a quote for the electrical works and are currently considering a quote for the plumbing. Further, there is some conjecture as to Council commitment regarding the fitting out of the bakery and the restaurant. The Shire's Chief Executive Officer is currently having discussions with the bakery and restaurant managers to determine the original commitment from Council for these projects. There is a medium risk that the budgeted figure is not sufficient to complete the build.

The project will recommence in late September with the installation of stumps for the eastern expansion. The installation of bearers and deck will follow. It is anticipated that demolition of existing tenancies (excluding the restaurant) will proceed in November. Completion of project identified for May 2023.

Major activities for the project listed in table below.

<b>ACTIVITY</b>	<b>AMOUNT SPENT</b>	<b>COMMENT/STATUS</b>
Fabrication and delivery of master metering panel.	Funds already expended in previous financial year	In transit and should be arriving on island in October shipment.
Contract architects to finalise sustainability certification for the building.	Funds already expended in previous financial year	Still waiting on response from architects.
Relocation of remaining retailers to alternative temporary premises.	Staff hours to assist with moving of supplies and equipment.	Leasing Officer in negotiations on the move.
Architects to redesign bakery fit out	\$4050 (expended in previous financial year)	Redesign completed and will be presented for Council consideration.
Fit out of restaurant and bakery	Yet to be quoted	To be presented to Council for financial consideration and approval. Forecasted to request budget variation for these fit out if it cannot be accommodated within this current allocated budget

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

### **Road Works – Jalan Bunga Mawar**

In the 2021 – 2022 financial year the Shire completed repaving of Jalan Masjid and intersection of Jalan Raya and section of Jalan Bunga Mawar. It then identified a need to repave the remaining section of Jalan Bunga Mawar. The Department of Infrastructure, Transport, Regional Development, Communication, and the Arts (DITRDCA) funded the Shire to complete the identified works during the 2022 – 2023 financial year.

The budget allocation for the project is \$270,276 with \$200,000 made up of funding assistance received from the Commonwealth and the remainder provided by Council. From the current budget an amount of \$153,675.43 has been expended for freight charges.

The pavers have arrived and have been delivered to site, with works projected to commence in October for completion January 2023.

The remaining balance of \$116,600.57 will be put towards labour, plant and machinery and any other costs associated with construction of the road renewal. As we have extensive experience in road renewal works, we can ensure the work will be complete on time and within the set budget.

**Re-sheeting of Bungalows**

Council adopted as part of this financial year’s budget expenditure to the amount of \$235,424 to re-clad the Shire’s two bungalow units on Home Island. Cladding material have been ordered and have arrived on island waiting to be delivered. With freight the cost of materials was \$48,000.

The commencement of works is scheduled for January 2023. Purchase of the cladding material was expended in the previous financial year.

We have identified completion of the project for March 2023 with works undertaken by casual employees under the direction of the Senior Building Officer.

In conjunction with these works, minor additional maintenance is planned on the bungalows.

**Studio Unit**

Christmas Island Maintenance Services (CIMS) has been engaged to undertake the project of installing the studio unit on LOT198 Jalan Edit, Home Island. Preliminary works have commenced with setting out the studio on the preferred lot.

Allocated budget for this project is \$32,500. The studio was originally earmarked to be installed for staff amenity at our West Island Depot at the Quarantine Station. However due to the inability to have sufficient and feasible utilities connection it was decided to install the studio on Home Island as an alternative. With connection to services excluded from the current contract, it is likely that the budget will be exceeded by up to \$5,000.

Footings have been prepared and are ready for installation. Transport of the building from West Island to Home Island is being organised however may be dependent on side lifted access on Home Island. Once onsite, completion within 3 weeks is anticipated.

<b>ACTIVITY</b>	<b>AMOUNT SPENT</b>	<b>COMMENT/STATUS</b>
Application for water and sewerage connection	Yet to receive quotation	Waiting on update from Water Corporation – Building Services department to provide schedule of installation and invoice.
Power connection – installation of consumer mains	Yet to received quotation	To engage electrical contractor to provide quotation to install consumer mains for the building.

### **Shelter at The Spot**

The works crew has successfully completed the construction of new shelter at The Spot. This has transformed the site and provided a much-needed space for visitors and locals to sit and enjoy the scenery that it has on offer.

A pad has been constructed in prep installing a gas barbeque under the shelter.

### **Steps at Trannies**

The project to install beach access steps at Trannies was completed last month. This was one of many carry over projects from the previous financial year.

The steps were purchased in 2021/22 for \$25,900. Freight and labour costs amounted to \$9992 in 2021/22 and labour costs of \$7450 in 2022/23. The project has been completed for \$43,342.

Budget of \$37,532 was fully expended in 2021/22 – additional expenditure in 2022/23 to complete the project will be presented to Council as part of mid-year review.

Minor amendments were made to the staircase following completion to ensure complete compliance with the relevant Australian Standards. This was undertaken by internal labour at cost of \$950.

### **Bird-hide**

The Shire engaged an external contractor CIMS to install the bird hide located at the freshwater lake on West Island. Parts of this project such as purchase of equipment was expended in the previous financial year with funds allocated for this year just for the installation.

There was no clear scope or budget for the project. Current expenditure is \$59,227 which has been incurred between 2019 and 2022. Remaining budget of \$14,953 for 2022/23 is committed.

It is anticipated that the project will be delivered with minor over expenditure in the vicinity of 10%.

The Shire team also aided with site clearing, plant and machinery and logistical support for delivery of equipment to the site.

The project is now complete and ought to be a hit with visiting bird watchers and visitors to the freshwater lake.

### **Kampong Bathroom Renewal**

This is a legacy project from previous two financial years. In the current budget Council approved an amount of \$104,269 for the renewal of ablution block for three properties. The

project came about a couple of years ago when the Shire was approached by tenants for works that was promised to them but was half delivered.

There are several properties that was identified for this renewal dating back 2005. The works to be undertaken include full refurbishment of the ablution block for three properties in this current financial year. Works have been scheduled to commence in September. Works will be undertaken by building maintenance staff and casuals under the direction of the Senior Building Officer.

Initial project budget of \$56,127 was approved in 2020/21. Materials for the project were purchased in 2020/21 at cost of \$38,000. Works were commenced under sub-contract at cost of \$4,000 but halted due to sub-standard delivery.

### **Kampong Kitchen and Window Renewal**

The budget allocated for this project is \$196,553 to renew kitchen and windows for Shire rental properties. Property inspections will be conducted to identify and confirm prioritisation which properties will receive the renewals. Once we determine which properties will be affected, we will work with occupiers to formalise scheduling of the works.

Given the current committed schedule of works for other projects and resources this project is most likely to commence May 2023. Works will be undertaken by building maintenance staff and casuals under the direction of the Senior Building Officer.

There is high risk of this project being carried forward to 2023/24.

### **Tokoh Building Redevelopment**

In 2020, the Shire submitted a funding application through the Building Better Regions Fund (BBRF) Round Five and was successful to redevelop the Tokoh Building on Home Island to include a museum, a visitor centre, and space for tourism business. The financial components of the project are as follow.

<b>TOTAL PROJECT:</b>	<b>\$2,253,382</b>
<b>BBRF FUNDING:</b>	<b>\$1,562,000</b>
<b>SHIRE CONTRIBUTION:</b>	<b>\$661,382</b>
<b>EXTERNAL CONTRIBUTION:</b>	<b>\$30,000</b>
<b>BUDGET FY22/23:</b>	<b>\$1, 101, 666</b>
<b>FORECAST FY23/24:</b>	<b>\$1, 151, 716</b>

At its July meeting, Council noted that:

1. A FURTHER REVIEW OF THE PROJECT COSTING FOR THE TOKOH BUILDING UPGRADE IS BEING UNDERTAKEN WITH A FUTURE REPORT TO COUNCIL ON ADDITIONAL EXPENDITURE IF NECESSARY.



2. THE CHIEF EXECUTIVE OFFICER IS NEGOTIATING WITH THE BBRF FUNDING BODY IN REGARD TO PROJECT DELIVERY MILESTONES AND EXPENDITURE EXCLUSIONS RELATING TO INTERNAL LABOUR.

Staff are still awaiting further advice from a quantity surveyor on the current costs for the project.

The first milestone in the Grant is due end of October – finals costs, completed design and statutory approvals.

We will not meet the construction milestones in April 2023 (substantial commencement) and completion in December 2023.

Whilst preliminary works have commenced onsite (cleaning, testing etc) works are planned to commence in earnest at the completion of the retail precinct in May 2023.

Works are planned to continue until June 2024.

Negotiations with the BBRF funding body regarding timelines and use of external labour is ongoing.

Current project activities and status updates listed in table below.

ACTIVITY	AMOUNT SPENT	COMMENT/STATUS
Engage architects to draft drawing.	\$5045.04 (expanded in previous financial year)	Completed
Hydrant flow and pressure testing and reporting.	\$886	Completed in August
Cleaning of the building in preparation for works to commence and architect inspection.	\$1925.27 (expanded in previous financial year)	Completed
Architects to provide costs and report to Quantity Surveyor (QS)	N/A	Cost for windows has been provided awaiting on cost for trusts and QS yet to prepare an overall estimate
Architects to seek advice from Heritage Consultancy		Waiting on update and report from architects.

### Plant Replacement Program

In this financial year Council accepted and approved allocation of \$1,447,371.00 for an extensive plant replacement program. Listed in table below plant purchases.

PLANT	BUDGET	PURCHASE AMOUNT	STATUS	ESTIMATED DELIVERY
SELF PROPELLED ROLLER	\$180,000	\$174,830	Purchase order raised	November

SIDE/REAR TIPPER TRUCK	\$250,000	\$242,631.35	Purchase order raised	February
EXCAVATOR	\$ 366,411	\$348,411	In transit, delivered to Zentner Shipping. Manager Infrastructure travelled to Perth in mid-August to do final inspection.	October
RUBBISH TRUCK	\$234,180	\$209,180	Purchase order raised. Chassis to arrive in Perth in September with fabrication to fit compactor body commence as soon as received.	December
SKID STEER	\$136,780	\$87,045	Purchase order raised. Dealer waiting on stocks to arrive in Perth on mid-November.	February
TRACTOR AND FLAIL MOWER	\$100,000		Quotation yet to be sought.	
LIGHT FLEET	\$180,000	\$125,699.99	Purchase order raised and dealer waiting on delivery to Perth in October.	February

**Comment**

This report outlines several projects that should be complete this financial year, however with limited qualified trades staff and no project management staff there is some risk of project delays.

**Policy and Legislative Implications**

Nil

**Financial Implications**

Project finances are monitored to ensure wherever possible works are done within scope and set allocated budget. Budgets for some of the legacy projects were not thought out correctly and this translates to unexpected overruns of expenditure. Should there be any unforeseen variances such as increase in freight and shipping is identified earlier rather than later for each of the projects that is yet to commence.

**Strategic Implications**

Projects will continue to be delayed and not delivered on time until increases of staffing or external trades staff are resolved. This could result in funding such as Building Better Regions for the Tokoh Project being withdrawn.

**Risk Implications**

<b>Risk Category</b>	<b>Description</b>	<b>Rating (consequence x likelihood)</b>	<b>Mitigation Action</b>
Financial	Projects exceed budget allocation	Moderate	Ensure projects are delivered in schedule time and finances are monitored.
Health & Safety	Staff do not comply with Work Health and Safety requirements	Moderate	Adequate training all for staff and constant monitoring by WHS Representatives, Supervisors and Managers that requirements are adhered to.
Reputation	Projects are not delivered and up to required standard	Moderate	Works are scheduled and project updates are provided accordingly
Service Interruption	Loss of key personnel to undertake project	Moderate	Ensure adequate staff is available for project delivery – limit number of projects to be delivered each FY
Compliance	Non-compliant with regulations and codes	Low	Ensure Supervisors and Managers have the necessary knowledge in standards, regulations and codes.
Property	Damage to property	Moderate	Ensure staff are aware of their surroundings and to avoid damage to property as necessary.
Environment	Damage to environment and surroundings	Moderate	Ensure minimal impact on environment at every means possible. Rehabilitation and replanting of area at the completion should it be impacted by project.

### Risk Matrix

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

### Voting Requirements

Simple majority.

#### OFFICER RECOMMENDATION – ITEM NO 10.3.1

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

## 11. MINUTES TO BE RECEIVED

### 11.1 MINUTES FROM EXTERNAL COMMITTEE MEETINGS TO BE RECEIVED

#### Report Information

Date:	8 September 2022
Location:	Not applicable
Applicant:	Shire of Cocos (Keeling) Islands
File Ref:	Not applicable
Disclosure of Interest:	Nil
Reporting Officer:	Governance and Risk Coordinator
Island:	Not applicable
Attachments:	11.1.1 - Minutes of External Committees 1. PKNPCMC 11 May 2022 11.1.2 - Minutes of External Committees 1. PKNPCMC 27 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 report formally presents the minutes of external committee from previous month.

#### Relevant Documents

Available for viewing at the meeting

Nil

## **Background**

The Shire has an official Council representative on the following committees which are external to the Shire (i.e. established and managed by an external agency).

1. The Pulu Keeling National Park Community Management Committee (PKNPCMC)
2. Cocos Keeling Islands Tourism Association (CKITA)
3. Indian Ocean Group Training Association (IOGTA)
4. Kimberley Zone

To ensure that Council is kept informed of the activities of these external committees in which it has an interest, the minutes from all external committees will be presented for Council to receive as soon as they are available from the secretariat of the group.

It should be noted that by receiving the minutes Council is not being asked to endorse a decision of the external committee, nor can it be implied that Council is committing resources in support of a recommendation by the external committee. Should a decision or resource allocation be required from Council on a specific matter, a separate agenda item will be prepared for Council consideration.

Council's representatives on the various external committees will be able to answer any questions arising from the minutes.

## **Comment**

The attached minutes are the minutes of the following external committees:

1. PKNPCMC Committee held on the 11 May 2022 and 27 July 2022.

## **Policy and Legislative Implications**

Nil

## **Financial Implications**

The Officer's recommendation to receive the minutes of external committee meetings carries no financial commitment for Council.

## **Strategic Implications**

Strategic Community Plan - Key Result Area: Civic Leadership

**OFFICER RECOMMENDATION – ITEM NO 11.1**

**THAT COUNCIL BY SIMPLE MAJORITY PURSUANT TO SECTION 3.18 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* RESOLVES TO RECEIVE THE MINUTES OF THE PKNPCMC COMMITTEE MEETING HELD ON THE 11 MAY 2022 AND 27 JULY 2022 ON WHICH IT HAS A REPRESENTATIVE.**

- 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**

**15.3 TRUSTS FINANCE**

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

**17. CLOSURE**