

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Agenda

Ordinary Meeting of Council

Wednesday 24 April 2024, 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 Osman Sloan	22 March 2024 to 29 April 2024	24 March 2024

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 March 2024 - 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 MARCH 2024 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 OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 CEO REPORT APRIL 2024

Report Information

Date: 9 April 2024
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 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 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 of the actions of the Chief Executive Officer for the March/April 2024 reporting period.

Relevant Documents

Available for viewing at the meeting.

Background

Amongst daily meetings with staff, community members, a myriad of Commonwealth and State Government agencies and their staff and visitors to the Cocos (Keeling) Islands, of note for this month's report is the following.

ABC

Attended interviews with the ABC journalists Alice Angeloni and Charlie Mills to discuss issues relating to Cocos (Keeling) Islands. The interview with Alice Angeloni can be viewed by following this link - <https://www.abc.net.au/news/2024-04-15/anniversary-cocos-keeling-islands-integration-australia/103080308>

Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRDCA)

Met with Sarah Vandenbrook the First Assistant Secretary, Territories Division of DITRDCA to discuss the following matters:

40 ASDD Anniversary

Advised the Minister for Territories will not be accepting our invitation to attend and that no sponsorship for the anniversary functions will be provided by either the Ministers Office or DITRDCA.

Q Station lease

Unable to be provided with any advice on this matter other than it is in the hands of Adam Stankevicius, Assistant Secretary, Indian Ocean Territories Branch DITRDCA. Contact with Mr Stankevicius on 15.April2024 indicates he has not had a look at the lease situation but will now do so and come back with his advice.

Waste Management Fees

Sarah advised that the position of the Commonwealth had not changed, and no payment will be made for either the waste management fees and charges or rates for Commonwealth houses as set at the time of compilation of the 2023 – 0224 budget and fees and charges. It was suggested by Ms Vandenbrook that a reduced dollar figure for rates and fees and charges (no figure given) may see payment made. This is a frustrating issue with financial implications to the Shire and one that needs to be resolved one way or another, sooner rather than later. A separate report will go to Council on this matter for the April 2024 Ordinary meeting.

2024 – 2025 Planning

A significant amount of time has been spent in April reviewing and preparing the Shire's suite of legislative plans to be ready for community consultation in early May 2024. It is intended to hold a whole of community planning session on Home Island and possibly West Island to gauge community input and seek their advice. Plans under review include, Organisational Structure, Annual Work Plan, Annual budget (Manager of Finance and Corporate Services), Business Continuity Plan, Corporate Business Plan, Strategic Community Plan, Strategic IT Plan, Strategic Risk Plan and Workforce Plan. It is proposed to workshop all these plans with Council prior to update/amendment and approval at the June 2024 Ordinary meeting of Council.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple

OFFICER RECOMMENDATION – ITEM NO 10.1.1

THAT THE COUNCIL FORMALLY ACKNOWLEDGES AND RECEIVE THE CEO'S REPORT.

10.1.2 CIVIC LEGAL – CLIENT FEE RATES

Report Information

Date: 9 April 2024
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 10.1.2.1 - CONFIDENTIAL Civic Legal Letter to Shire

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

The purpose of this report is to provide Council with a copy of correspondence from Civic Legal that details some indicative costs and discount rates for assisting Council for the provision of legal advice and assistance.

Relevant Documents

Available for viewing at the meeting

Background

During the 2022 - 2023 financial year, the Shire engaged Civic Legal to assist in the resolution of some long-term complex issues that have complex legal obligations. This trend continued in the current 2023 – 2024 financial year and it expected to continue during the 2024 – 2025 financial year.

The following figures are from the Shire finance records and differ slightly to Civic Legal which is explainable by the timing of invoicing and payment.

2022 – 2023 \$255,472
2023 – 2024 \$191,545 (to date)

The volume of work Civic Legal has been and will be carrying out for the Shire is quite substantial and as such considering the history and very strong and unique working relationship between Civic Legal Shire, a fee discount has been negotiated with Civic Legal (see attachment 10.1.2.1).

Comment

Civic Legal have been providing a high standard of advice and service to the Shire for at least the last two financial years. They are WALGA preferred suppliers, and their fees/rates are comparable with other legal organisations in West Australia.

Policy and Legislative Implications

Nil

Financial Implications

A fee discount is of financial benefit to the Shire.

Strategic Implications

Nil

Voting Requirements

Simple

OFFICER RECOMMENDATION – ITEM NO 10.1.2

THAT COUNCIL BY SIMPLE MAJORITY, ACKNOWLEDGES AND RECEIVE THIS REPORT.

10.1.3 CIVIC LEGAL – SUMMARY OF MATTERS

Report Information

Date: 9 April 2024
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 10.1.3.1 - CONFIDENTIAL Civic legal Letter to Shire (Summary of Matters)

Authority / Discretion

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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

The purpose of this report is to provide Council with a summary of matters Civic Legal are currently supporting the Shire with and some indicative costs associated with the matters.

Relevant Documents

Available for viewing at the meeting.

Background

Civic Legal have been assisting the Shire with several complex issues during 2022 – 2023 and 2023 – 2024 financial years. A brief of the matters and their indicative cost for the remainder of 2023 – 2024 financial year is attached (attachment 10.1.3.1).

Comment

It is prudent for all the matters Civil Legal are assisting the Shire with to be seen through to fruition. In some cases, this will go beyond the 2023 – 2024 financial year and include additional cost to the Shire.

Policy and Legislative Implications

Housing Policy development and progression of leasing templates is essential for clarity of process for the Shire acting on behalf of the Land Trusts.

Financial Implications

As indicated in attached correspondence.

Strategic Implications

Clarification of the legal status and implications for 1991 MOU and land tenure systems for Cocos Malay residents of Cocos (Keeling) Islands has been deemed essential by Council.

Voting Requirements

Simple

OFFICER RECOMMENDATION – ITEM NO 10.1.3

THAT COUNCIL, BY SIMPLE MAJORITY, ACKNOWLEDGES AND RECEIVE THIS REPORT.

10.1.4. CIVIC LEGAL - HOUSING POLICY REVIEW – COMMUNITY SURVEY QUESTIONS

Report Information

Date: 09 April 2024
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 10.1.4.1 - CONFIDENTIAL Civic Legal Letter to Shire
 10.1.4.2 - CONFIDENTIAL Survey Questions and Purpose
 10.1.4.3 - CONFIDENTIAL Survey Questions

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

The purpose of this report is to provide Council with draft versions of the Housing Policy Review – Community Survey Questions that require Council approval prior to the survey being conducted.

Relevant Documents

Available for viewing at the meeting.

Background

The Shire has been working with Civic Legal to develop a housing policy and an extensive review process has taken place during 2023 and 2024 calendar years. Civic Legal has developed a community survey as part of the review process and a copy of the proposed survey is attached to this report.

In addition to the survey, Shire staff have conducted an extensive review of all community housing in terms of maintenance and repair needs. The list is quite exhaustive and has an indicative total of \$9,889,037.50 to carry out the maintenance and repairs.

Comment

The community survey will assist in the development of an appropriate housing policy for the Shire and residents of the Kampong.

The community survey will assist in determining community sentiment towards maintain and repairing houses in the Kampong.

Policy and Legislative Implications

The community survey is seen as integral to policy development.

Financial Implications

Under appraisal and consideration in the development of the Housing Policy.

Strategic Implications

Nil

Voting Requirements

Simple

OFFICER RECOMMENDATION – ITEM NO 10.1.4

THAT COUNCIL, BY SIMPLY MAJORITY, APPROVES AND ENDORSE THE COMMUNITY SURVEY AS PRESENTED.

10.1.5 PARKS AUSTRALIA – BLUE TAILED SKINK

Report Information

Date: 16 April 2024
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 10.1.5.1 - Cocos Shire Council Letter

Authority / Discretion

Definition

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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 seek Council’s formal endorsement for the further introduction of the critically endangered blue tailed skink (*Cryptoblepharus egeriae*) to the Cocos (Keeling) Islands.

Relevant Documents

Available for viewing at the meeting.

Background

Parks Australia has successfully in the past carried out a relocation program from Christmas Island to Pulu Belan and Pulu Belan Madar for the endangered blue-tailed skink.

This matter was discussed at the February 2024 Ordinary meeting of Council and Parks Australia is now seeking formal endorsement from Council to extend the program to other islands (see attachment 10.1.5.1).

As discussed, prior to taking place, this extension of the program would involve community consultation and meet the same strict guidelines as in the past.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple

OFFICER RECOMMENDATION – ITEM NO 10.1.5

THAT THE COUNCIL, BY A SIMPLE MAJORITY, SUPPORTS THE EXTENSION OF THE PARKS AUSTRALIA PROGRAM TO INTRODUCE THE CRITICALLY ENDANGERED BLUE-TAILED SKINK (CRYPTOBLEPHARUS EGERIAE) TO THE COCOS (KEELING) ISLANDS, AS DISCUSSED AT THE FEBRUARY 2024 ORDINARY MEETING OF COUNCIL.

10.2 MANAGER FINANCE AND CORPORATE SERVICES

10.2.1 MONTHLY FINANCIAL REPORT – MARCH 2024

Report Information

Date: 8 April 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: NIL
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: 10.2.1.1 - Monthly Financial Report –March 2024
 10.2.1.2 – CONFIDENTIAL – Note 12 Additional Information Council

Authority / Discretion

Definition

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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 March 2024, 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)*.

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 March 2024. The current closing municipal surplus for this period is \$2,471,337 compared to a budget position of \$2,136,420.

Income for the period year to date is \$8,630,741 which is made up \$8,28,362 in operating revenues and \$402,379 in capital grants. The budget estimated \$8,530,945 would be received for the same period. The variance to budget is \$99,796.

Expenditure for the period year to date is \$6,470,499 excluding depreciation. This is made up of \$4,727,101 in operating expenditure and \$1,743,398 in capital expenditure. The budget estimated \$6,694,612 would be spent for the same period. The variance to budget is (\$224,113)

Details of all material 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 31 March 2024, 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 MARCH 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 MARCH 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1.

10.2.2 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD MARCH 2024

Report Information

Date: 15 April 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.2.2.1 - Schedule of Accounts paid March 2024

Authority / Discretion

Definition

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

Report Purpose

The purpose of this report is to present to Council a list of accounts paid under delegated authority for the period March 2024, 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 further details of the accounts paid contained within Attachment 10.2.2.1.

Payment Type	Amount (\$)
EFT Payments #10502 to #10579	\$207,229.62
Direct Debit Payment	\$64,749.28
Cheque Payment 11737 to 11739	\$3,765.45
Total Payments	\$275,744.35

Contained within Attachment 10.2.2.1 is a detailed transaction listing of payments, including credit card expenditure and fuel card expenditure as per the Summary table above.

Policy and Legislative Implications

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

Strategic Implications:

Shire of Cocos (Keeling) Islands Community Strategic Plan 2022-2037

Objective L2: To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

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.

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 March 2024.

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 MARCH 2024 TOTTALLING \$275,744.35 AS CONTAINED IN ATTACHMENT 10.2.2.1.

2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD MARCH 2024, AS CONTAINED IN ATTACHMENT 10.2.2.1.

10.2.2 DIFFERENTIAL RATING 2024/2025 FINANCIAL YEAR

Report Information

Date: 18 April 2024
 Location: Not Applicable
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: 10.2.3.1 - Statement of Object and Reasons 2024/25

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 is provided for Council to consider the Statement of Objects and Reasons and the proposed differential rates and minimum payments for the 2024/2025 financial year for the purpose of advertising and seeking public submissions as required by the *Local Government Act 1995 (WA)(CKI)*.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

The *Local Government Act 1995 (WA) (CKI)* (the Act) provides, that before imposing differential general rates or a minimum payment applying to a differential rate category, a local government is to give 21 days' local public notice of the intention to do so. Where a local government proposes to modify the proposed rates or minimum payments after considering any submissions received during the advertising period, it is not required to give local public notice of the modified rate or minimum payment.

The Act provides that a local government may impose differential general rates according to any, or a combination, of the following characteristics:

- A. The purpose for which the land is zoned under a town planning scheme in force under the *Planning and Development Act 2005 (WA)(CKI)*.
- B. A purpose for which the land is held or used as determined by the local government.
- C. Whether or not the land is vacant; or
- D. Any other characteristic or combination of characteristics prescribed.

Section 6.33 of the Act also dictates that without the approval of the Minister, a local government is not to impose a differential general rate that is more than twice the lowest differential rate.

Section 6.35 of the Act provides that a local government may impose on any rateable land a minimum payment which is greater than the general rate which would otherwise be payable on that land. A minimum payment is not to be imposed on more than 50% of the total number of properties for each category, unless the general minimum does not exceed the prescribed amount (\$200).

Comment

Every six years the Office of the Valuer General undertakes a revaluation of all properties on Cocos (Keeling) Islands. The last valuation was completed in August 2018 and took effect 1 July 2019. Without a change in valuations, an increase to rate revenue is only achieved by increasing the rate in the dollar. An increase in Rate revenue is required to assist in maintaining the current level of services as well as meeting compliance requirements in an environment of ever-increasing costs.

Inflation has moderated over the last 6 months, falling to 4.1% in December 2024, the lowest level in 2 years. According to ABC news reports, the federal government is pushing for wage increases that keep pace with inflation, this having a significant impact on the Shire as employee costs make up ~ 50% of the Shires operating budget.

With the exception of 2020/21, rates have been increased 3% year on year between 2014/15 – 2019/20. Due to the COVID-19 Pandemic Council rates were frozen for 2020/21 as well as reducing the rate in the dollar for Holiday Accommodation in response to the travel ban that was in place. The travel ban was lifted in August 2020 and the tourism industry has seen high levels of visitation since. The reduction in Holiday Accommodation was reversed in 2021/22, and rates on all categories were again increased by 3%. Rates were increased by 3.5% for 2022/23 & 2023/24.

The application of differential rates aims to provide an equitable solution for the rates charged according to the use of the property. The proposed Objects and Reasons for Differential Rates have been reviewed and are outlined in Attachment 10.2.3.1.

The tables below present the sensitivity of each Rate Category to various percentage (%) increases to the RiD & Minimum Payments.

2.5% Increase to RiD and Minimum Payments:

RATING CATEGORY	Number of Properties	Rateable value	Rate in \$ 2024/25	Total Rate Revenue 2024/25	Average Rates \$ 2024/25	Average Increase \$	Max Increase \$	# Properties increase over \$100
GRV General Developed	159	\$ 2,720,380	\$ 0.1232	\$ 335,151	\$ 2,107.87	\$ 51.33	\$ 70.20	-
GRV Vacant Land	10	\$ 44,400	\$ 0.2459	\$ 10,918	\$ 1,091.80	\$ 26.64	\$ 48.60	-
GRV Business	43	\$ 1,151,975	\$ 0.1300	\$ 149,757	\$ 3,482.72	\$ 85.73	\$ 570.76	8
	212	\$ 3,916,755		\$ 495,826				
Minimum		<i>Minimum Value</i>						
GRV General Developed	4	\$ 3,540	\$ 800	\$ 3,200	\$ 800.00	\$ 20.00		
GRV Vacant Land	5	\$ 16,120	\$ 900	\$ 4,500	\$ 900.00	\$ 20.00		
GRV Business	20	\$ 77,544	\$ 800	\$ 16,000	\$ 800.00	\$ 20.00		
	29	\$ 97,204		\$ 23,700				
	241			\$ 519,526				
			Increase	\$ 15,703				
				Land Trust Kampong Rentals	56,376			
				Other Trust, Commonwealth and Private Land	463,149			
				\$ 519,526				

A 2.5% increase results in an overall increase of \$15,703 to Rate Revenue, the highest expected increase being \$570.76 for the year for a GRV Business rated property (average increase \$85.73). For GRV General Developed the highest expected increase would be \$70.20 (average increase \$51.33). Of the \$519,526 in rate revenue, \$56,376 relates to rates charged on Kampong rentals that are paid by the Shire under the 1979 Land Trust.

3.5% Increase to RiD and Minimum Payments:

RATING CATEGORY	Number of Properties	Rateable value	Rate in \$ 2024/25	Total Rate Revenue 2024/25	Average Rates \$ 2024/25	Average Increase \$	Max Increase \$	# Properties increase over \$100
GRV General Developed	159	\$ 2,720,380	\$ 0.1244	\$ 338,415	\$ 2,128.40	\$ 71.86	\$ 98.28	-
GRV Vacant Land	10	\$ 44,400	\$ 0.2483	\$ 11,025	\$ 1,102.45	\$ 37.30	\$ 68.04	-
GRV Business	43	\$ 1,151,975	\$ 0.1312	\$ 151,139	\$ 3,514.86	\$ 117.88	\$ 784.80	9
	212	\$ 3,916,755		\$ 500,579				
Minimum		<i>Minimum Value</i>						
GRV General Developed	4	\$ 3,540	\$ 810	\$ 3,240	\$ 810.00	\$ 30.00		
GRV Vacant Land	5	\$ 16,120	\$ 910	\$ 4,550	\$ 910.00	\$ 30.00		
GRV Business	20	\$ 77,544	\$ 810	\$ 16,200	\$ 810.00	\$ 30.00		
	29	\$ 97,204		\$ 23,990				
	241			\$ 524,569				
			Increase	\$ 20,747				
				Land Trust Kampong Rentals	56,925			
				Other Trust, Commonwealth and Private Land	467,644			
				\$ 524,569				

A 3.5% increase results in an overall increase of \$20,747 to Rate Revenue, the highest expected increase being \$784.80 for the year for a GRV Business rated property and for GRV General Developed the highest expected increase being \$98.28.

4.5% Increase to RiD and Minimum Payments:

RATING CATEGORY	Number of Properties	Rateable value	Rate in \$ 2024/25	Total Rate Revenue 2024/25	Average Rates \$ 2024/25	Average Increase \$	Max Increase \$	# Properties increase over \$100
GRV General Developed	159	\$ 2,720,380	\$ 0.1256	\$ 341,680	\$ 2,148.93	\$ 92.39	\$ 126.36	32
GRV Vacant Land	10	\$ 44,400	\$ 0.2507	\$ 11,131	\$ 1,113.11	\$ 47.95	\$ 87.48	-
GRV Business	43	\$ 1,151,975	\$ 0.1325	\$ 152,637	\$ 3,549.69	\$ 152.70	\$ 1,016.67	15
	212	\$ 3,916,755		\$ 505,448				
Minimum		<i>Minimum Value</i>						
GRV General Developed	4	\$ 3,540	\$ 820	\$ 3,280	\$ 820.00	\$ 40.00		
GRV Vacant Land	5	\$ 16,120	\$ 910	\$ 4,550	\$ 910.00	\$ 30.00		
GRV Business	20	\$ 77,544	\$ 820	\$ 16,400	\$ 820.00	\$ 40.00		
	29	\$ 97,204		\$ 24,230				
	241			\$ 529,678				
			Increase	\$ 25,855				
				Land Trust Kampong Rentals	57,475			
				Other Trust, Commonwealth and Private Land	472,203			
				\$ 529,678				

A 4.5% increase results in an overall increase of \$28,855 to Rate Revenue, the highest expected increase being \$1,016.67 for the year for a GRV Business rated property and for GRV General Developed the highest expected increase being \$126.36.

As CPI and wages have increased significantly over the last 3 years an increase to Rate revenue is recommended. However, it is also recognised that Rates are a very small portion of the Shire’s total revenue (~5%) and the increase required to effectively mitigate the expected cost increases would be too large for residents and local businesses to absorb. With this in mind, it is recommended that the Rates increase is capped at 3.5% for 2024/25.

Before the Shire of Cocos (Keeling) Islands can impose differential rates, Council must advertise the proposed differential rates for a minimum of 21 days, not commencing prior to 1st May (2months before adoption of the budget). This period of advertising allows ratepayers the ability to inspect the proposed Objects and Reasons and make a public submission in respect to the proposed differential rates and minimum payments prior to Council’s adoption of the rates as part of the 2024/2025 Budget. Council can, however, adopt a different rate in the dollar and minimum payment at the time Council adopts the 2024/2025 Budget if justified.

Policy and Legislative Implications

Sections 6.33, 6.35 & 6.36 of the *Local Government Act 1995 (WA) (CKI)*.

Financial Implications

The differential rates model as endorsed by Council will influence Council’s ability to fund expenditure requirements proposed to be included in the 2024/2025 Budget.

Expenses will be incurred in relation to advertising, which are accommodated within the current budget.

If imposed, the above rates would yield an estimated revenue of \$524,569 compared to the 2023/2024 Rates levied of \$503,553. This includes 28 Kampong rentals being rated against the 1979 Land Trust (\$56,925), which are actually paid by the Shire as Trustee.

Strategic Implications

The level of Rate revenue may have a direct impact on the Shires ability to maintain current service levels and meet community expectations.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	If rates are not considered fair and equitable, members of the community may develop a poor opinion of Council.	Low (3)	Consideration has been given to both the historical increases, Shire cost increases as well as the communities ability to meet rate payments when developing the rates model.
Compliance	That the differential rates are not raised as per the <i>Local Government Act 1995 (WA) (CKI)</i> .	Low (3)	This report is prepared to allow time for the differential rates to be advertised for the statutory period before adoption.

Risk Matrix

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

Conclusion

The officer's recommendation is for the statement of objects and reasons and proposed differential rates and minimum payments be endorsed by Council for advertising as follows:

RATING CATEGORY	2023/24	2023/24	Proposed	Proposed	
	RID	Minimum	24/25 RID	24/25 Minimum	Increase
GRV General Developed	\$0.1202	\$ 780	\$ 0.1244	\$ 810	3.5%
GRV Vacant Land	\$0.2399	\$ 880	\$ 0.2483	\$ 910	3.5%
GRV Business	\$0.1268	\$ 780	\$ 0.1312	\$ 810	3.5%

OFFICERRECOMMENDATION – 10.2.3

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTIONS 6.33, 6.35 AND 6.36 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI):

- 1. ENDORSE THE ADVERTISING OF THE DIFFERENTIAL RATES AND MINIMUM PAYMENTS THAT ARE BEING PROPOSED FOR THE 2024/25 FINANCIAL YEAR AS FOLLOWS:**

RATING CATEGORY	Proposed	Proposed
	24/25 RID	24/25 Minimum
GRV General Developed	\$ 0.1244	\$ 810
GRV Vacant Land	\$ 0.2483	\$ 910
GRV Business	\$ 0.1312	\$ 810

- 2. ADOPT THE SHIRE OF COCOS (KEELING) ISLAND STATEMENT OF OBJECTS AND REASONS AS CONTAINED IN ATTACHMENT 10.2.3.1; AND**
- 3. COMMENCE THE PUBLIC SUBMISSION PERIOD, INCLUDING THE PUBLISHING OF NOTICE FROM THE EARLIEST ATOLL PUBLICATION ON OR AFTER 1 MAY 2024, BEING 10 MAY 2024.**

10.3 MANAGER INFRASTRUCTURE

10.3.1 INFRASTRUCTURE REPORT

Report Information

Date: 18 April 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Infrastructure Manager
 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 and the operations of the infrastructure team over the reporting period.

Relevant Documents

Nil

Background

The Shire has an ambitious capital works program to deliver in 2023/2024 in addition to ongoing maintenance and private works projects.

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

Retail Precinct

The Shire has undertaken trenching and engaged a Contractor to connect the consumer mains to the retail. We are awaiting IOTPS to connect the new cable with Contractors on island week commencing 21 May 24. Unfortunately, the new tenancies cannot be serviced until that occurs.

Studio Unit

We have received two updated quotes for the completion of the project which are significantly more than anticipated. We are exploring the option of completing the works internally and locating materials purchased through Christmas Island Maintenance Services (CIMS).

Kampong Rental Housing Renewal

With the review of the current Housing Policy advice was sought from Civic Legal as to our maintenance responsibility for Leased Properties. The Chief Executive Officer has directed, no capital works will occur, until that advice has been considered and discussed with the new Council.

Capital expenditure for this project has been substantially reduced in the mid-year review.

Direction Island Works

Works have commenced on the replacement of the balustrade and fretwork at the Emben memorial. Unfortunately, the Supplier has supplied steel rather than aluminium materials as provided for in the quote. Staff are working with the Supplier for either a replacement or credit.

Materials have been received for the Shelter 2 replacement and works are scheduled to be undertaken in May pending availability of the Mintie to freight materials and plant to Direction Island.

Plant Replacement Program

A purchase order has been issued for the supply of a crusher bucket to process waste concrete, bricks, pavers, and coral. Anticipated delivery date is June 2024.

Quotes have been received and evaluated for the replacement of the Home Island mower through WALGA Vendor panel. A purchase order has been issued with delivery expected in July 2024.

OPERATIONAL WORKS

Tropical Low Cleanup

Cleanup of green waste on Home Island is continuing with priority given to opening roads and boat ramps, making areas safe and then general aesthetics. The small truck and large fallen trees on Home Island have made progress slower.

Home Island Museum

The construction of a small storeroom at the museum is complete. Additional works to amend cabinets and shelving was also undertaken whilst onsite.

Road Maintenance

Additional pothole patching has been undertaken on the Sydney Highway and other roads on West Island.

Due to no coral material on Home Island, it is difficult to maintain the unsealed road network on Home Island. Patching the roads with sand would be ineffective and potentially dangerous. We are awaiting dredging of the port on Home Island to source appropriate materials.

Verge Trimming/Tree Management

Clearing of overhanging branches along the road network on Home Island has been undertaken.

Boat Ramp – West Island

The concrete panels at the temporary ramp at the end of Mahoon Road have been lifted and re-laid again in mid-April following the heavy swells of mid-March. Vertical panels have been installed on the side of the boat ramp to provide support for the horizontal panels.

In conjunction with this work, large rocks at the end of the ramp have been removed to enable easier access during low tides.

Building Works/Maintenance

Painting of the third tenancy at the Azmie Zaitu Centre is complete. Painting works at the community resource centre on Home Island are also complete. Replacement of the toilet cisterns will occur when the current ship is unloaded.

Construction of a storeroom at the Home Island workshop has commenced. This will ensure parts and materials are stored appropriately and ensure the workshop remains tidy. The storeroom at the West Island Tennis Club is complete.

ENVIRONMENTAL INITIATIVES

Vegetation

The two areas been trialled for natural revegetation (North of Transfer Station and rear of clinic) are seeing great results. Hundreds of seedlings are popping up through these areas. We will look to start planting some established species through these spaces as well in the coming months.

Marine debris

Additional marine debris bags have arrived. These will be put out at the marine debris collection locations.

Waste/Water Education

A community waste education morning is planned for Saturday 20 April 24 on Home Island. This will be facilitated by representatives from Department for Environment and Water. Whilst on island, water education sessions will be undertaken with the Cocos Island District High School.

Waste Management

Late last year the Shire submitted an application to Department for Environment and Water Regulation to extend our prescribed premises boundary on Home Island. Landfill area within the current boundary has been exhausted and an extension will allow for the future burial of ash and sludge.

The amendment application has been approved. As part of this approval, we are required to install a water monitoring point along the boundary of the extension and plans are underway to have this done as soon as possible, with expenditure to be budgeted in the 24/24 annual business plan.

The container of tyres shipped in February has been successfully recycled. The cost to disposed of the tyres was \$5200 with \$20,000 for shipping. With nearly 500 tyres shipped this equates to a cost of \$51 per tyre (not including 'on island' costs). This validates our commercial fee of \$70 per tyre noting the intent to subsidise residential fees which are currently \$6 per tyre.

Comment

This report outlines the status of current projects that have commenced. Again, we have an ambitious capital works program and with limited qualified trades staff and no project management staff there is some risk of project delays and budget.

Policy and Legislative Implications

Nil

Financial Implications

Project finances are monitored to ensure wherever possible works are done within scope and set allocated budget. Should there be any unforeseen variances such as increase in freight and shipping these will be identified earlier rather than later for each of the projects that are yet to commence.

Strategic Implications

Projects will continue to be delayed and not delivered on time if issues of staffing or external trades staff are not resolved.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
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.
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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.

OFFICER RECOMMENDATION – ITEM NO 10.3.1

THAT COUNCIL, RECEIVES THE INFRASTRUCTURE MANAGER MONTHLY UPDATE FOR APRIL 2024.

11. MINUTES TO BE RECEIVED

Nil

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

Nil

13. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

Nil

14. MATTERS BEHIND CLOSED DOOR

14.1 SEA COUNTRY SOLUTIONS – COLLABORATION AGREEMENT

Report Information

Date: 17 April 2024
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 14.1.1 - Confidential – Circulated Under Separate Cover

Authority / Discretion

Definition

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

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

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

*(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
and*

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

Nil

15.2 TRUSTS LEASES

15.2 NEW LEASE PART LOT 24 WEST ISLAND LIGHT INDUSTRIAL AREA – CONFIDENTIAL

Report Information

Date: 19 April 2024
 Location: Part Lot 24 West Island, Light Industrial Area (LIA)
 Applicant: Shire of Cocos Keeling Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Leasing & Policy Development Officer
 Island: West Island
 Attachments: 15.2.1 - Confidential – Circulated Under Separate Cover

Authority / Discretion

Definition

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

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

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

- (d) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
and*

15.3 TRUSTS FINANCE

Nil

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

Nil

17. CLOSURE