

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Agenda

Ordinary Meeting of Council

Wednesday 29 May 2024, 4:00pm

Community Resource Centre Meeting Room

Administration Building, West Island

Disclaimer

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

OUR VALUES

Service

Provide the best service we can.

We serve the community and each other.

Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

Support

We support our team and our community.

Look for opportunities to help each other.

Respect

We respect and value others.

Our interactions are always respectful towards others.

Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

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1. OPENING/ANNOUNCEMENTS OF VISITORS

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

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

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

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

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

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

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

5. LEAVE OF ABSENCE

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

5.1 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Councillor	Date of Leave	Approved by Council

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 April 2024 - Attachment 7.1

7.2 Special Council Meeting held on 1 May 2024 – Attachment 7.2

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 APRIL 2024 AS PRESENTED IN ATTACHMENT 7.1 AND SPECIAL COUNCIL MEETING HELD ON 1 MAY 2024 AS PRESENTED IN ATTACHMENT 7.2 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 MAY 2024

Report Information

Date: 20 May 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 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 checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report Purpose

The purpose of this report is to provide Council with an update of the actions of the Chief Executive Officer for the April/May 2024 reporting period.

Relevant Documents

Available for viewing at the meeting

Cocos (Keeling) Islands Marine Park Draft Management Plan 2024

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.

CHRMAP

The Coastal hazard risk management and adaption planning document for the Shire of Cocos (Keeling) Islands that was due for completion in 2023 than 2024 may not be available until 2025. Recent advice from Peter Wood of the Department of Lands and Planning (WA), cites:

"The CHRMAP project is now in the report drafting stage which involves peer review by relevant State and Australian Government stakeholders. This is taking an extended amount of time now that we understand the complexity required to deal with the Islands' coastal adaptation planning. If the peer review process is able to reach agreement on the recommended coastal adaption planning, the final draft CHRMAP report is expected to be finalised towards the end of 2024. It will, however, require the approval of the Australian Government before it is publicly released for community feedback."

Further advice from Adam Stankevicius, Assistant Secretary – Indian Ocean Territories, Department of Infrastructure, Transport, Regional Development, Communications, and Arts (DITRDCA), cites:

"it's definitely our intention to share the report with the CKI community prior to its public release. The timing will depend on how the development of the final report progresses. We'll come back to you with further details as things develop. "

The CHRMAP process is integral to good governance and an essential tool for Council to be guided by in its decision making. Continued delays are becoming inexcusable and representation to The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government and the Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories may be appropriate to seek a solution.

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

Adam Stankevicius has advised of a possible visit to the Cocos (Keeling) Islands in late July 2024 by several interested politicians. Initially indicating the Minister for Environment, the Hon Tanya Plibersek MP and the assistant minister for defence the Hon Matt Thistlethwaite MP as well as others yet to be determined. Advice from Adam Stankevicius as follows:

"There were a number of Ministers/Assistant Ministers very interested but no-one actually confirmed yet. I'll see if I can get anything more certain (in terms of attendees and/or dates) and come back to you soon."

If this visit goes ahead, it would be prudent for Council to advise the timing and agenda for the visit. It would also be a good opportunity to meet with any members intending to visit whilst the Council is in Canberra for the ALGA meeting at the start of July.

It should be noted that the member for Lingiari, Marion Scrymgour MP has advised that she also is planning a return visit to Cocos (Keeling) Islands in late July 2024. Combining the two planned visits would be ideal and provide an enormous opportunity for Council. The Parliamentary calendar has no sitting dates for the 22 July to 26 July 2024, there is the Ordinary meeting of Council on 25 July 2024. With Council endorsement the dates of 22 July to 26 July can be relayed to Marion Scrymgour MP and the Commonwealth to schedule any Ministerial visit between those dates.

Arrangements are currently in play to hold a meeting with Sarah Vandebroek, First Assistant Secretary - Territories Division, DITRDCA, to discuss payment of rates and fees and charges owed by the Commonwealth for the 2023 – 2024 financial year. It is expected this meeting will take place during the week commencing 03 June 2024.

Parks Australia

Met with Mike Misso, Director Indian Ocean Territories Marine Parks | Grants | Engagement Draft management Plan, Allyn White, Indian Ocean Territories Marine Parks | Marine & Island Parks Branch | Parks Australia and Sarah Coutin, Indian Ocean Territories Marine Parks | Marine & Island Parks Branch | Parks Australia to discuss the roll out of the Draft Management Plan for Cocos Keeling Islands. A copy of the draft is available for viewing at the meeting for information of Council.

Telstra

Attended a team's meeting with Telstra to discuss progression of a Telecommunications Strategy for the Cocos (Keeling) Islands. In attendance were Eva Colic, Boyd Brown and Kevan Pentner of Telstra, the Shire President Aindil Minkom and me.

The following dot points came out of the meeting:

- *Fixed fee for Telstra Services not able to be done from a Telstra perspective would need to be the Shire with a rebate scheme or similar.*
- *Telstra are currently conducting a feasibility study for service to Cocos, Eva to follow up to see where this is at.*
- *It is advisable for the Shire to participate in – The Minister for Communications, the Hon Michelle Rowland MP, has announced the appointment of the 2024 Regional Telecommunications Independent Review Committee (the Committee), led by the Hon Alannah MacTiernan, as Chair. Mr Ian Kelly, the Hon Fiona Nash, Dr Jessa Rogers and Ms Kristy Sparrow have also been appointed to the Committee. Advised to contact Chair and seek a meeting or at least attend one of the sessions in WA and make a submission. A email request has been sent to the Committee to try and arrange a meeting.*

- *The Shire should look at the Regional Connectivity Project being run by DITRDCA, contact for this is a Megan Hibbert. A meeting request has been sent to DITRDCA and Megan to discuss this program.*
- *There is a need for Shire to meet with Subco to determine what the optic fibre can deliver and if possible, does the capacity exist for a connection to Perth that Telstra could access at fee of course. Will check next week's calendar and re-send invites.*
- *The Shire needs to meet with Nbn Local and see what is happening in their space. This may be impacted by transition from IOTT (not sure).*
- *Next meeting in about 2 weeks.*

These notes were also received from Eva post the meeting:

Frank

- *Contact DITRCA – Meghan Hibbert NB = email sent*
- *Follow-up with NBN to understand if they have any plans to move technology type on the Islands.*
- *2024 Regional Telecommunications Review*
 - *Frank to contact the panel and seek to have a meeting/discussion with the panel. NB = email sent*
 - *Make a written submission before 31 July 2024.*
 - *List of consultation sessions – virtual consultations to be confirmed.*

Telstra

- *Follow-up on Telstra 4G feasibility study.*
- *Provide information on Christmas Island upgrade. NB = this has now been provided.*

Department of Mines, Industry Regulation and Safety, WA

Met with Terence Chia, Senior Inspector/Scientific Officer/Registered Psychologist, Work Safe WA and one other to discuss issues relevant to the Shire. Various workplaces and worksites for shire staff had been visited and overall, a positive outlook prevails. Discussed onboarding, training and development of staff taking consideration of workplace safety. Discussed new legislation regarding asbestos management and the possibility of the Shire becoming a licenced asbestos removalist with new training for staff.

Viva Management

Met with the Viva General Manager for supply chain, Jennifer Gray, along with the Operations Manager for WA Robyn Smart and Shane Lambert who is replacing Pat Doran who has moved to another role in VIVA. General discussion on relationship between Viva, the Shire and community and possible impacts of the airport runway upgrade.

Department of Environment and Water Regulation

Met with Tim Francis, Department of Environment and Water Regulation and held discussions regarding, cash for cans project, waste management and tree clearing.

Fulton Hogan

Attended a team's meeting with Nicky Williams and the Fulton Hogan Project Management team for the airport runway upgrade to discuss the process and requirements for submitting development applications for the project. Also attended were Manager for Governance, Risk and Planning, Ibrahim Macrae and the Shire consultant for all things planning David Chidlow. Takeaway from the meeting was the need for research to be done by the Shire and Fulton Hogan prior to meeting again.

Growing Regions Program

The following advice has been received with respect to a funding application made to the Growing Regions Program to upgrade our waste management infrastructure and practices to meet legislative requirements and meet customer levels of satisfaction.

COCOS (KEELING) ISLANDS SHIRE COUNCIL

Your reference no: GRIG000120

Growing Regions Program – Round 1 application

Thank you for your Growing Regions Program - Round 1 application.

As this is a competitive grant opportunity, a successful application had to rate highly against each assessment criterion and against other applications in this round. As part of this assessment, we consider project size, complexity, grant amount requested, and risks associated with the project.

Unfortunately, your application was not successful as it did not rate sufficiently high against all of the assessment criteria when compared to other applications in this round.

Decisions are final and will not be reviewed.

Thank you for your interest in the Growing Regions Program - Round 1 grant opportunity and for taking the time to apply.

If you have any questions, you can email us at Growing.Regions@industry.gov.au and a member of the team will be in contact with you.

You can also visit GrantConnect for other current and forecast Australian Government grant opportunities that you may be eligible for.

This is an extremely disappointing outcome for the Shire as the application was based on the Commonwealth's own Waste Management study. A request for feedback on why the Shire was not successful has been sent to Growing Regions.

It also brings into question the ongoing capacity of the Shire to continue to open burn waste on both Home and West Island with no funding for alternatives available. Consultation with the Department of Environment and Water Regulation needs to be carried out as a priority to determine any possible solutions.

Policy and Legislative Implications

Nil

Financial Implications

The ongoing telecommunications strategy will in the future be subject to financial support from the Shire.

Strategic Implications

It is strategically important for the Shire to pursue finalisation of the CHRMAP as soon as possible.

Voting Requirements

Absolute majority

OFFICER RECOMMENDATION – ITEM NO 10.1.1

THAT COUNCIL:

- 1. BY ABSOLUTE MAJORITY MAKE REPRESENTATION TO THE HON CATHERINE KING MP, MINISTER FOR INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT AND THE HON KRISTY MCBAIN MP, MINISTER FOR REGIONAL DEVELOPMENT, LOCAL GOVERNMENT AND TERRITORIES TO SEEK SUPPORT FOR THE RELEASE OF THE FINAL DRAFT OF THE CHRMAP.**
- 2. ENDORSE THE DATES OF 22 JULY TO 26 JULY 2024 TO BE RELAYED TO MARION SCRYMGOUR MP AND THE COMMONWEALTH TO SCHEDULE ANY PROPOSED MINISTERIAL VISIT TO THE COCOS (KEELING) ISLANDS BETWEEN THOSE DATES.**
- 3. MAKE A WRITTEN SUBMISSION TO THE REGIONAL TELECOMMUNICATIONS INDEPENDENT REVIEW BY DUE DATE OF 31 JULY 2024.**
- 4. LOBBY FOR A VIRTUAL MEETING WITH REGIONAL TELECOMMUNICATIONS INDEPENDENT REVIEW COMMITTEE (THE COMMITTEE), LED BY THE HON ALANNAH MACTIERNAN, AS CHAIR. MR IAN KELLY, THE HON FIONA NASH, DR JESSA ROGERS, AND MS KRISTY SPARROW TO DISCUSS THE UNIQUITY OF THE COCOS (KEELING) ISLANDS TELECOMMUNICATIONS REQUIREMENTS.**
- 5. ENDORSE THE CHIEF EXECUTIVE OFFICER TO SEEK A MEETING WITH THE DEPARTMENT OF WATER AND ENVIRONMENT REGULATION WEST AUSTRALIA TO DISCUSS THE FUTURE MODEL FOR WASTE MANAGEMENT FOR THE COCOS (KEELING) ISLANDS.**

10.1.2 PROPOSED STORAGE SHED LOT 184 SYDNEY HIGHWAY, LIGHT INDUSTRY AREA, WEST ISLAND

Report Information

Date: 18 May 2024
 Location: Lot 184 Sydney Highway, Light Industry Area, West Island
 Applicant: Department of Infrastructure Transport Regional Development Communications and the Arts (Parks Australia)
 File Ref:
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachments: 10.1.2.1 – Application for Development Approval – Parks Australia

Authority / Discretion

Definition

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

Report Purpose

For Council to consider an application for development approval from Parks Australia to construct a Storage Shed at Lot 184 Sydney Highway, Light Industry Area, West Island.

Relevant Documents

Available for viewing at the meeting

Nil

Background

The Department of Infrastructure Transport Regional Development Communications and the Arts (Landowner) and Parks Australia (Applicant) propose to construct a storage shed in the light industrial area.

Comment

The proposed Storage Shed will provide for covering and protection of Parks infrastructure and is supported.

Policy and Legislative Implications

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

Property is located within the Industrial Zone

Industrial – Objectives (3.2.3)

- (a) To allow for industrial uses which do not generate nuisances detrimental to the amenity or the environment of the Islands or the health, welfare and safety of its residents.
- (b) To promote well maintained buildings which are designed to address the street and which are set in pleasant landscaped surrounds.

INDUSTRIAL ZONE (4.7)

4.7.1 Site and Development Standards

Standard	Comment
(a) Building Quality and Design - Buildings shall be well maintained and demonstrate attractive and practical designs, including: (i) facades which address streets/public spaces including windows and front doors which are visible from streets/public spaces; (ii) the incorporation of a variation of quality building materials; and (iii) incorporate water sensitive urban design best management practices.	Meets criteria
(b) Building Height, Setbacks and Site Coverage - Buildings, including ancillary buildings, shall: (i) be limited to a maximum height of two storeys; (ii) not cover an aggregate area of more than 75% of any lot; and (iii) be setback 9.0 metres from the front boundary and 5.0 metres from one side boundary.	Meets Criteria Proposed shed will be in the same alignment as the existing Parks Building.
c) Access and Landscaping- (i) Provision for vehicle access, car parking, loading and unloading and turning areas shall be provided to the local government's satisfaction. (ii) All buildings shall be set in well maintained, attractive garden surrounds which complement the existing vegetation and the environmental and climatic conditions of the Islands. (iii) The front building setback area shall be used for no purpose other than vehicular and pedestrian circulation, parking and landscaping.	Meets Criteria
(d) Environmental Considerations - (i) All buildings shall be set in well maintained, attractive garden no use or	Meets criteria

<p>development of land within the Industrial zone shall cause, in the opinion of the local government, nuisance or annoyance by way of noise or other emissions beyond the site on which it is conducted. Shire of Cocos (Keeling) Islands LPS 1 Page No. 20 (ii) All wastewater to be disposed in a manner that does not contaminate ground water. (iii) The local government will not support proposals for new industrial development unless wastewater can be treated and disposed of in a manner that does not pose a risk to groundwater sources.</p>	
<p>(e) Storage - All areas used for outdoor storage must, as far as practicable, be screened from adjoining development and streets and roofed/covered to the satisfaction of the local government</p>	<p>Meets criteria</p>

Table 1 – ZONING TABLE - Discretionary use

Land Use “Public Utility” is listed as “D” means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

The Scheme defines a “Public Utility” as – *“authority or the local government as may be required to provide: (a) water, sewerage, electricity, gas, drainage, communications or other similar services; and (b) civic and municipal uses, including public toilets, rubbish disposal, works depots and associated uses.”*

Local Planning Policies

Nil

Financial Implications

The item has no financial implications.

Strategic Implications

None identified

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Compliance	Building permit not obtained prior to construction	Low (1)	Advice note added to planning approval

Risk Matrix

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

Voting Requirements

Simple Majority

Conclusion

The proposed storage shed will assist in storage of Parks Australia infrastructure, the officer supports the proposal with conditions.

OFFICER RECOMMENDATION – ITEM NO 10.1.2

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO.1, RESOLVES TO GRANT DEVELOPMENT APPROVAL TO DEPARTMENT OF INFRASTRUCTURE TRANSPORT REGIONAL DEVELOPMENT COMMUNICATIONS AND THE ARTS (PARKS AUSTRALIA) FOR A STORAGE SHED AT LOT 184 SYDNEY HIGHWAY LIGHT INDUSTRIAL AREA, WEST ISLAND SUBJECT TO THE FOLLOWING CONDITIONS AND ADVICE NOTES:

1. DEVELOPMENT MAY BE CARRIED OUT ONLY IN ACCORDANCE WITH THE DETAILS OF THE APPLICATION AS APPROVED HEREIN AND ANY APPROVED PLAN.
2. ANY ADDITIONAL DEVELOPMENT WHICH IS NOT IN ACCORDANCE WITH THE APPLICATION THE SUBJECT OF THIS APPROVAL OR ANY CONDITION OF APPROVAL WILL REQUIRE THE FURTHER APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS.
3. ALL AREAS USED FOR OUTDOOR STORAGE MUST, AS FAR AS PRACTICABLE, BE SCREENED FROM ADJOINING DEVELOPMENT AND STREETS AND ROOFED/COVERED TO THE SATISFACTION OF THE LOCAL GOVERNMENT.

ADVICE NOTES:

- A. THIS IS A DEVELOPMENT APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS UNDER ITS LOCAL PLANNING SCHEME NO.1. IT IS NOT AN APPROVAL TO COMMENCE OR CARRY OUT DEVELOPMENT UNDER ANY OTHER LAW. IT IS THE RESPONSIBILITY OF THE APPLICANT/LANDOWNER TO OBTAIN ANY OTHER NECESSARY APPROVALS, CONSENTS, PERMITS (INCL. BUILDING PERMITS), LEASES, AND LICENSES REQUIRED UNDER ANY OTHER LAW, AND TO COMMENCE AND CARRY OUT DEVELOPMENT IN ACCORDANCE WITH ALL RELEVANT LAWS.
- B. IF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL IS NOT SUBSTANTIALLY COMMENCED WITHIN A PERIOD OF TWO (2) YEARS, THE APPROVAL SHALL LAPSE AND BE OF NO FURTHER EFFECT.
- C. WHERE AN APPROVAL HAS SO LAPSED, NO DEVELOPMENT SHALL BE CARRIED OUT WITHOUT THE FURTHER APPROVAL OF THE LOCAL GOVERNMENT HAVING FIRST BEEN SOUGHT AND OBTAINED.

- D. SHOULD THE APPLICANT BE AGGRIEVED BY THE DECISION (IN PART OR WHOLE) THERE IS A RIGHT PURSUANT TO THE *PLANNING AND DEVELOPMENT ACT 2005* TO HAVE THE DECISION REVIEWED BY THE STATE ADMINISTRATIVE TRIBUNAL. SUCH AN APPLICATION MUST BE LODGED WITHIN TWENTY-EIGHT (28) DAYS FROM THE DATE OF THE DECISION TO:**

**THE STATE ADMINISTRATIVE TRIBUNAL
GPO BOX U1991
PERTH WA 6845**

- E. THIS APPROVAL RELATES TO THE FOLLOWING PLANS; PLAN DOCUMENTATION AWS1240028 PART 1; PART 2; SHEDSITE SITE SPECIFIC CRITERIA AWS1240028; DATED 12/04/24**

10.1.3 PROPOSED WORKSHOP OUTBUILDING LOT 158 (NO.58) BEACON HEIGHTS, WEST ISLAND

Report Information

Date: 23 May 2024
 Location: Lot 158 (58) Beacon Heights, West Island
 Applicant: John Clunies Ross
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachments: 10.1.3.1 – Application for Development Approval – John Clunies Ross

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

For Council to consider an application for development approval from John Clunies Ross to relocate a pre-fabricated aluminium shed currently located at the Bureau of Meteorology (BOM) for use as a workshop (outbuilding) at Lot 158 (House 58) Beacon Heights, West Island

Relevant Documents

Available for viewing at the meeting

Nil

Background

The applicant states that;

“Information for aluminium shed

A prefabricated shed to be stripped, relocated and erected on the southwest corner of block 158, facing the light industrial area.

Shed is prefabricated and will be relocated from BOM site on the eastern side of the runway. The block does not have a “back” as it is a corner block.

We seek nil offset from public access block to the South.

We attach steel footing/ground screw details and propose one for each corner.”

The proposed outbuilding is 4.8m Length, 2.4m Width and 2.3m Height. Images of the current structure on the BOM site are included in the attachments.

The applicant advises that the current structure on the BOM site will be stripped prior to transport to 58 Beacon Heights.



Comment

The proposed relocated outbuilding (shed) does not meet the R-Codes requirements for setbacks.

In R-Codes Volume 1 Mar 2024 - 5.4.3 Outbuildings are not supported within the primary or secondary street setbacks.

Primary setback R15 is minimum 6m and Secondary setback is minimum 1.5m.

General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40: Table B

R-Code	Dwelling type	Minimum setbacks (m)		
		Primary Street	Secondary Street	Other/rear
R15	Single house or grouped dwelling	6	1.5	*/6

The Residential Design Codes allow for variations to setbacks based on any special circumstances applicable to individual properties.

5.4.3 Outbuildings - allows for variances to the deemed to comply development requirements by adopting the design principles.

P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

The refusal recommendation - The front door is used to determine the primary street frontage where there are two or more boundaries, being Sydney Highway. A nil front boundary setback for a shed would set a precedent for others to do the same.

The residential amenity of open space in front yards is well-established, this is especially relevant for low density (R30) neighbourhoods.

It would not be desirable to spill the industrial vista onto the residential zone opposite the industrial estate.

The approval option - This lot does have three boundaries to roads that reduces the applicants' options to construct outbuildings where there would normally be side and back fence boundaries.

The industrial zone on the opposite side of the proposal would match an industrial look of the proposed shed along Sydney Highway.

Should Council decide to approve the proposed development, the following draft recommendations are provided.

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO.1, RESOLVES TO GRANT DEVELOPMENT APPROVAL TO JOHN CLUNIES ROSS FOR A RELOCATED OUTBUILDING AT LOT 158 (HOUSE 58) BEACON HEIGHTS, WEST ISLAND SUBJECT TO THE FOLLOWING CONDITIONS AND ADVICE NOTES:

1. DEVELOPMENT MAY BE CARRIED OUT ONLY IN ACCORDANCE WITH THE DETAILS OF THE APPLICATION AS APPROVED HEREIN AND ANY APPROVED PLAN.
2. ANY ADDITIONAL DEVELOPMENT WHICH IS NOT IN ACCORDANCE WITH THE APPLICATION THE SUBJECT OF THIS APPROVAL OR ANY CONDITION OF APPROVAL WILL REQUIRE THE FURTHER APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS.

ADVICE NOTES:

- A. THIS IS A DEVELOPMENT APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS UNDER ITS LOCAL PLANNING SCHEME NO.1. IT IS NOT AN APPROVAL TO COMMENCE OR CARRY OUT DEVELOPMENT UNDER ANY OTHER LAW. IT IS THE RESPONSIBILITY OF THE APPLICANT/LANDOWNER TO OBTAIN ANY OTHER NECESSARY APPROVALS, CONSENTS, PERMITS (INCL. BUILDING PERMITS), LEASES, AND LICENSES REQUIRED UNDER ANY OTHER LAW, AND TO COMMENCE AND CARRY OUT DEVELOPMENT IN ACCORDANCE WITH ALL RELEVANT LAWS.
- B. IF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL IS NOT SUBSTANTIALLY COMMENCED WITHIN A PERIOD OF TWO (2) YEARS, THE APPROVAL SHALL LAPSE AND BE OF NO FURTHER EFFECT.
- C. WHERE AN APPROVAL HAS SO LAPSED, NO DEVELOPMENT SHALL BE CARRIED OUT WITHOUT THE FURTHER APPROVAL OF THE LOCAL GOVERNMENT HAVING FIRST BEEN SOUGHT AND OBTAINED.
- D. THIS APPROVAL IS FOR AN OUTBUILDING ONLY FOR USE BY THE OCCUPANTS OF THE DWELLING, THE TERM WORKSHOP IN THE APPLICATION CAN INFER A COMMERCIAL USE WHICH IS PROHIBITED IN THE SCHEME.

SHOULD THE APPLICANT BE AGGRIEVED BY THE DECISION (IN PART OR WHOLE) THERE IS A RIGHT PURSUANT TO THE *PLANNING AND DEVELOPMENT ACT 2005* TO HAVE THE DECISION REVIEWED BY THE STATE ADMINISTRATIVE TRIBUNAL. SUCH AN APPLICATION MUST BE LODGED WITHIN TWENTY-EIGHT (28) DAYS FROM THE DATE OF THE DECISION TO:

THE STATE ADMINISTRATIVE TRIBUNAL
GPO BOX U1991
PERTH WA 6845

Policy and Legislative Implications

Clause 4.3.2 of the Shire of Cocos (keeling) Islands Local Planning Scheme No.1:

Within the Residential zone on Home and West Islands, the minimum setbacks prescribed in Table 1 of the R-Codes may be varied at the discretion of the local government provided:

- (a) the variation is consistent with the orderly and proper planning of the locality and would in the opinion of the local government either maintain or enhance the appearance of the streetscape; and
- (b) the variation will not have any adverse effect upon the occupiers or inhabitants of the locality or upon the future development of the locality.

Local Planning Policies

Nil

Financial Implications

The item has no financial implications.

Strategic Implications

None identified

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Compliance	Building permit not obtained prior to construction	Low (1)	Advice note added to planning approval

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

Council will have to balance the amenity requirements of the residential design codes with the anomalies of the owner having three boundaries facing a road. The property is adjacent to an industrial area, do we want this to spill over to the residential area with a shed that looks like a sea container, of which there are plenty in the industrial area, is that where this application belongs.

OFFICER RECOMMENDATION – ITEM NO 10.1.3

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO.1, RESOLVES TO REFUSE DEVELOPMENT APPROVAL FOR A RELOCATED OUTBUILDING AT LOT 158 (HOUSE 58) BEACON HEIGHTS, WEST ISLAND FOR THE FOLLOWING REASONS:

- 1. THE PROPOSED DEVELOPMENT DOES NOT COMPLY WITH TABLE B OF THE RESIDENTIAL DESIGN CODES VOLUME 1 2024 OF THE SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO.1 IN THAT THE PROPOSAL DOES NOT CONFORM TO THE SETBACK PROVISIONS OF THE CODES.**
- 2. THE PROPOSED DEVELOPMENT DOES NOT COMPLY WITH ORDERLY AND PROPER PLANNING FOR THE LOCALITY.**
- 3. THE AMENITY AND STREETScape OF THE ZONED RESIDENTIAL AREA WILL BE NEGATIVELY IMPACTED BY AN INDUSTRIAL LOOKING STRUCTURE IN FRONT OF A DWELLING OFF SYDNEY HIGHWAY.**

ADVICE NOTES:

NOTE 1:

THE APPLICANT BE ADVISED THAT SHOULD HE BE AGGRIEVED BY THIS DECISION, OR ANY CONDITIONS IMPOSED, THERE IS A RIGHT OF REVIEW UNDER THE *PLANNING AND DEVELOPMENT ACT 2005*. AN APPLICATION FOR REVIEW MUST BE SUBMITTED IN ACCORDANCE WITH PART XIV OF THE PLANNING AND DEVELOPMENT ACT WITHIN 28 DAYS OF THE DATE OF THIS DECISION TO:

THE STATE ADMINISTRATIVE TRIBUNAL
GPO BOX U1991
PERTH WA 6845

1.1.4 COMMUNITY DEVELOPMENT UPDATE – MAY 2024

Report Information

Date: 15 May 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Community Development Coordinator
 Island: Shire wide
 Attachments: 10.1.4.1 - Process for Reviewing the Disability Access and Inclusion Plan (DAIP) 2020 – 2025 and Questionnaire

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 programs and projects of the Community Development team for the month of May 2024.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

Disability and Inclusion Plan (DAIP) 2020 – 2025 (review)

It is a requirement under the *Disability Services Act 1993 (Western Australia, amended 2004)* that all local governments develop and implement a Disability Access and Inclusion Plan (DAIP) identifying barriers and outlining strategies to ensure people with disability have equal access to its facilities and services.

Further legislation underpinning access and inclusion includes the *Equal Opportunity Act 1984 (Western Australia, amended 1988)* and *Commonwealth Disability Discrimination Act 1992 (DDA)*, both of which define discrimination on the basis of a person's disability unlawful.

To comply with the *Disability Services Act 1993 (as amended in 2004)*, it is a requirement for local governments to:

- Meet the Standards in Schedule 2 of the Disability Services Regulations 2013.
- Take all practicable steps to ensure that the plan is implemented by the local government, its officers, employees, and relevant agents and contractors.
- Review its DAIP at least every five years.
- Undertake public consultation, as specified in the regulations, when preparing, reviewing or amending its plan.
- Communicate the review or amended plan to its employees and the community through the methods specified in the Disability Services Regulations 2013.
- Lodge review reports amended plans or new plans (after following consultative process required by legislation in relation to amended or new plans) with the Department of Communities.
- Report to the Department of Communities annually about:
 - Progress made by the local government in achieving the desired outcomes in Schedule 3 of the regulations.
 - Progress made by any agents and contractors of the local government in achieving the desired outcomes in Schedule 3 of the regulations.
 - the strategies used by the local government to inform its agents and contractors about its plan.
- Report in its Annual Report about the implementation of its plan.

The Shire of Cocos (Keeling) Islands is committed to advocating for an accessible and inclusive community for all people. An accessible and inclusive community is one in which people with disability is afforded equal opportunities, rights and responsibilities as other people in the community, ensuring all Shire functions, facilities and services (both in-house and contracted) are open, available and accessible.

It is committed to the community's aspirations and vision set out in the Strategic Community Plan 2016 – 2026, working together to advance its islands.

The Shire believes that supporting an inclusive and accessible community embodies that vision and upholds community aspirations.

The Shire recognises the rich contributions to local social, economic, and cultural life made by people with disability, and believes that recognising diversity and supporting participation and inclusion promotes an involved, healthy community.

The Shire is committed to consulting with people with disability, their families, and carers to address barriers to access and inclusion. The Shire will ensure its agents and contractors work towards the desired outcomes in the DAIP and commits to furthering the principles and objectives of the *Disability Services Act 1993 (amended 2004)* and achieving the seven desired outcomes of its DAIP. These are:

1. People with disability have the same opportunities as other people to access the services of, and any events organised by, a public authority.
2. People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority.
3. People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
4. People with disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
5. People with disability have the same opportunities as other people to make complaints to a public authority.
6. People with disability have the same opportunities as other people to participate in any public consultation by a public authority.
7. People with disability have the same opportunities as other people to obtain and maintain employment with a public authority.

The review process can be summarised in the following steps to ensure that transparency and engagement is fully achieved.

Who undertakes the review? The review will be conducted by the Community Development Coordinator. For children aged up to six years old, most plan reviews will be conducted by the Community Development Officer - Youth and Recreation in person with the families, carers, key stakeholders etc. For participants aged seven to 65 years, plan reviews will be conducted by a Community Development Coordinator face-to-face for interpretation assistance.

The review committee will discuss the DAIP with key stakeholders (internal/external) on the processes and timeframes.

The DAIP review Questionnaire forms part of the review process (Attachment No 10.1.5.1). The Shire of Cocos (Keeling) Islands is seeking feedback on all aspects of its DAIP 2020 -2025.

Round 1 Consultation

DAIP 2020 – 2025 has come to a stage for review. The Shire will be seeking the community's ideas and input for the DAIP 2025-2030 commencing from 30 July 2024 Round 1 consultation process will close consultation around the 30 August 2024.

Drafting

The Community Development Coordinator will create a draft Disability Access and Inclusion Plan 2025 – 2030 based on the community’s preliminary input and ideas. The draft will be developed in consultation with the Shire’s Executive Management Team.

Council Workshop

The draft DAIP 2025 - 2030 will be tabled and presented as information and seek feedback from Council at this stage. This will trigger a second round of consultation if the Council decides the responses are inadequate.

Round 2 Consultation – Open

A second round of consultation will open on the 9 August. Members of the community will be able to review the draft DAIP 2025 – 2030 and provide the Shire with feedback.

The second round of consultation will close on the 30 September. The Community Development Coordinator will use the feedback to make any changes to and provide a final DAIP 2025 - 2030.

Council Report

Council will consider the final DAIP 2025 - 2030 for adoption at the Ordinary Meeting of Council in November.

Thank You

Firstly, let me say I leave with gratitude, respect, and thanks. Gratitude for the opportunity to lead this Community Development Team over the past three years, respect for the work that our Council team do and thanks for the support and opportunities to serve that this role has created. But most of all I leave with pride. Pride for all that we have achieved together. We may not always agree but what I can say is that no matter what our differences, we all want the best for the community of the Cocos (Keeling) Islands.

I am incredibly proud of what we have completed over the three years. Three years that saw the interruption and getting back to ‘normal’ after the pandemic. We have done much work to keep the community going by way of engagement and enjoying what the islands has to offer. There are too many to mention but for me, some highlights in Community Development include:

Our team has taken the most proactive step towards address the gaps and formed real, meaningful, positive change to the lives of many of our elders in the community. the Shire provides valuable financial support through four funding streams. One of these the Adopt a Spot funding program is a regular clean up initiative of our pristine environment. The seniors have been proactive in this program. It has assisted the senior’s group in purchasing much needed exercise equipment for their weekly exercise program. We are supportive in providing interpreting services where possible to our seniors. A highlight were the interview group and individual sessions with ABC radio presenters from the Pilbara region.

Our seniors are well respected and has over many visits with visiting delegates, consultants and media have strongly voicing their concerns of a number of key issues affecting the Islands.

The two that have stood out are concerning the major defence force project on West Island and the issue of land title which has been an ongoing issue after Self Determination.

Continuous engagement with our residents has been key. We have listened and supported our residents through many initiatives and provided administrative support for community events above and beyond. For a small and dynamic team comprising of the Youth and Recreation Officer and Cultural and Heritage Officer we strive to work collaboratively with all Shire staff, key stakeholders (internal and external) to deliver programs and events in a timely, rewarding and cost-efficient manner.

The Community Development team were heavily involved with the consultation phase of CHRMAP (Coastal Hazard Risk Management Adaptation Plan) for the Cocos (Keeling) Islands. Assisting with the delivery of the island engagement with the Reference Group and the Project Team (Shape Urban). Supporting and encouraging the Youth Advisory Council members to be aware and be part of the process of the long-term significant impacts that the predicted changing coastal environment will have in our community. It is the one of the most vulnerable communities with a high risk to losing the majority of land in the next 100 years.

In collaboration with the Shire's Environmental Officer, we continue to wage a war on waste through education and hands on approach by diverting recyclable material from landfill to the designated areas in the transfer stations. We also work in collaboration with the senior's group, the school, environmental groups and key businesses to tackle the issue of beach debris and environmental awareness through native tree planting rehabilitating flooded prone areas.

On a personal note, I am incredibly proud of having led a Community Development team that is both adaptive and progressive, with the assistance and support of our Executive Team, both communities and various dedicated community groups. We have adopted an open communication right across our Shire, we continue to promote involvement and encourage collaboration on all of our projects and activities.

On a personal and concluding note, I'd like to thank and acknowledge Kelli Small former CEO who appointment me to the position and to the current CEO Frank Mills for providing his full support, advice, and entrusting the Community Development Team to explore initiatives and delivering programs to enrich the diversity of the islands. It is much appreciated and thank you for acknowledging the hard work that we do. To our wider council team, inclusive of all our managers and staff both administration and infrastructure I need to thank you all and appreciate the how we best support and work across all departments with such ease.

Community Development Officer – Heritage and Culture - Update

Jukong Restoration Project

Zaitu Feyrel (Nek Callum) is making wonderful progress with the smallest Jukong "Lantar Pujeh". We have engaged Ramnie Mokta (Nek Su) to begin working on brass metal work for the Jukong hardware. He has been provided with all of the materials; his time is being paid for by the funds still remaining from the National Maritime Museum. These funds need to be

utilised before the end of June 2024. We are encouraging community involvement to ensure these funds are put to good use.

Museum

Storeroom in the museum has been completed. Tim Eastwood from WA Museum worked incredible hard to update displays and is working towards clearer story telling through additional printed signage and imagery. Nek Su has begun work on the Proclamation plaque mount to allow this item to fit within the new museum layout. There is some concern for the condition of the building with significant salt build up breaking through bricks and mortar.

It has been planned to cut the paint at 1m above floor level and scrape out all salt deposits. Lime paint to be applied once cleaned in order to allow the wall to remain breathable. All building maintenance and upgrades must be done with careful consideration as we believe the degradation is in part due to wrong applications of products.

The Act of Self Determination Day brochure still in the works to display timeline. Tim has asked me to check with you regarding significant cultural moments after 1984 for Cocos/Cocos Malay people.

The Cocos Keeling Islands Tourism Association have requested change to museum opening hours to reflect the needs of the current visitor numbers. We have requested the visitation data and will present the proposal to Council for a recommendation. There are plans to provide the museum attendants some further training in order for them to be able to provide a more detailed experience for visitors. The draft information sheet will be developed by the WA Museum.

Oral Histories

Dr Elaine Rabbit is a social historian with a PHD in Aboriginal and Intercultural Studies, Oral History, and lecturer in the Graduate Certificate of Aboriginal Studies. She will be undertaking a number of oral history recordings as well as delivering an oral history course on Cocos Island. the CDO – H&C has shared the opportunity with Tourism and Parks to see if anyone in their organisations may be interested to attend and capture as many of our elders' stories. Elaine will visit the school to undertake training with 1 or 2 classes. The Seniors Coordinator has invited Dr Elaine to the meet with the seniors on Wednesday 22 May.

Textile Workshop

Jacky Cheng's workshops were very successful on Cocos. Generally, there was a very positive response. After undertaking a session with the seniors, they expressed their interest in bringing back the process of making Batik.

Jacky knows this process but has also suggested a simplified method of silk dying that she would like to introduce the community to. We would like to look into Jacky coming back to teach the community these skills as they could make a great Cocos-specific trade item that would be beneficial to the senior community and local economics.

Cocos Community Arts Group

We have 10 members signed up for the Arts Group. Looking for a few more interested Home Islanders to join. Members so far are Muslihah Shakirin, Chempaka Brian, Angela and Pearl Faulkner, Naseem Chetty, Emma Washer, Beth Taylor, Ryan Borbas, Niamh Swingler and Chloe Sykes. More members welcome.

Youth and Recreation Officer Update**ASDD 40th Anniversary Celebrations**

The event gained full support and strength by the community as it spread word that 40 years of Self Determination was celebrated with mixed emotions and returned residents to its core culture, tradition, and politics of such a significant piece of real estate in the vast Indian Ocean. The event left a lasting impact on the community, community groups and the local businesses.

The Shire of Cocos Keeling Islands has seen the return of events such mixed jukung racing, traditional cooking and several sporting activities involving the whole of community involvement. With over half of the population attending over the four-day event including visitors it was amazing to see the participation levels. Hosted by a handful of dedicated community group members, volunteer community members and Shire staff it was a well put together event and the community welcomed the variety.

Events have a tremendous positive effect on the islands social and economic impact, seeing visitors come, staying in accommodation providers, visiting our tourist attractions such Oceania House, Home Island Museum, and dining on local cuisines, supporting local businesses keeping our economy strong and helping support local jobs and highlighting the skills of the local community to produce such as quality event.

It will be another 10 years until we mark 50 years. Until then each year the community will continue and embrace where it all started and hope for a better future in the years to come.

Visiting professionals

Throughout April and May saw several professionals visited the islands they are listed below.

Football West Clinic

- Clinics organised between the 23 April – 30 April. Football friendly matches during the ASDD 40th Anniversary weekend.
- Football West coaches Agha Shah and Isabella Wallhead. Isabella plays professionally for Perth Glory.
- Several community sessions were organised on West and Home Islands. A combination of after school sessions and during school activation were also arranged.

Salama Odyssey Performance Tour

- 26th April – 30th April.
- Nine band members. Therese Mavros – Tour Manager.

- Home Island accommodation – Oceania House/Darling’s Air BnB.
- West Island accommodation – The Breakers.
- Thank you to the Infrastructure staff who assisted with vehicles to move band equipment from accommodation to jetty then onto the ferry.
- Community performances included an evening on Home Island due to the inclement weather it was moved to the school’s undercover area.
- West Island was staged at the school undercover area.

Proposed Sporting Clinic Golf and Sailing T2 Hobie

- A Golf Clinic is planned for June 11 to the 14. Coach Megan Henry will be conducting the sessions and provide school and community activations. Equipment will be provided.
- Sailing Clinic in July dates to be confirmed. As part of July school holiday programs sailing is the most anticipated. In conjunction with Department of Local Government, Sport and Cultural Industries the Shire will be endeavouring to repair the T2 Hobies and seek support from Australian Sailing who can also provide the necessary training. Peter McCartney will be assisting with repairing the T2 Hobies and running the program on West Island. Looking at community fundraising as well to purchase new and spare parts for the boats.

Proposed Beach Clean with JLL contractors

- JLL Senior Director of Head of Engineering and Operations Solutions WA first made contact in May 2023.
- JLL currently conduct Property Management, Project Management, and Facilities services for properties owned by the Australian Government on Cocos Island. after visiting the islands in March, he noticed the extent of the plastic pollution on many of the pristine beaches. As an avid diver himself the health of the oceans he takes very seriously, and therefore was hoping to organise a trip whereby JLL provide several of our property, facilities, and project managers, and hopefully a number of senior executives within the business to ‘give back’ to the community by way of being actively involved with a beach clean-up.
- In collaboration with the Shire’s Environmental Officer the proposed visit by JLL senior executives to undertake the beach clean-up will be held in Mid-August. It is an opportunity for JLL to be engaged in working alongside and introduce them to our senior group, PKPK and the Cocos Islands Youth Council on this project.

Department of Sports and Recreation visit

- Mel Eastough Regional Manager – Great Southern and Kylie Severin Coordinator Indian Ocean Territories from the Department of Local Government, Sport and Cultural Industries will be visiting the islands June 11 to the 14.
- Information session with will be held on Home Island on the Wednesday afternoon timing yet to be confirmed. West Island sessions also to be confirmed. The topic of discussions will be centred around the Sports and Recreation in the territory.

Comment

The community development commits to engaging the whole community, working with community groups and participates in debriefing and receiving feedback from participants in order for improvements of the delivery of its programs, content, logistics, volunteering levels and budget allocations.

Policy and Legislative Implications

Shire of Cocos (Keeling) Islands 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

Shire of Cocos (Keeling) Islands Corporate Business Plan

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

Financial Implications

Nil

Strategic Implications

Shire of Cocos (Keeling) Islands Corporate Business Plan – ED 1.1.3.3

Shire of Cocos (Keeling) Islands Strategic Plan – E 1.12

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Cost of labour hours and use of plant and equipment increase	Moderate 6	Increase in budget allocation for the following financial year.
Health & Safety	Community activities and events.	Moderate 6	Risk assessment plan conducted prior to commencing events and activities
Reputation	Shire to take a leading role and setting high standards.	Low 3	Transparency and management of programs in accordance with Policies and Strategic direction.
Compliance	Programs undertaken by Shire to adhere to Work, Health & Safety Policy.	Low 3	Risk assessment, JSA and HR policies.

Property	Programs and events conducted on Shire owned property or land (where possible)	Low 3	Written permission and follow procedures when undertaken events on non-Shire property.
Environment	Adhere to Shire's Strategic Plan – environment.	Low 3	Consult with parks Australia North on environmental impacts.
Fraud	Compliance with Shire's Policy and Procedures.	Low 3	Void program and investigate cause.

Risk Matrix

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

Voting Requirements

Simple majority.

OFFICER RECOMMENDATION – ITEM NO 10.1.4

THAT THE COUNCIL, BY A SIMPLE MAJORITY, ACKNOWLEDGES AND ACCEPTS THE SHIRE'S COMMUNITY DEVELOPMENT CO-ORDINATOR AND OFFICERS MONTHLY UPDATE FOR MAY 2024.

10.2 MANAGER FINANCE AND CORPORATE SERVICES

10.2.1 MONTHLY FINANCIAL REPORT – APRIL 2024

Report Information

Date: 15 May 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: 10.2.1.1 - Monthly Financial Report –April 2024
 10.2.1.2 – CONFIDENTIAL – Note 12 Additional Information Council

Authority / Discretion

Definition

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

Report Purpose

The purpose of this report is to provide a monthly financial report for April 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 April 2024. The current closing municipal surplus for this period is \$2,112,898 compared to a budget position of \$1,519,962.

Income for the period year to date is \$9,746,216 which is made up \$9,343,837 in operating revenues and \$402,379 in capital grants. The budget estimated \$9,174,066 would be received for the same period. The variance to budget is \$572,150.

Expenditure for the period year to date is \$6,874,392 excluding depreciation. This is made up of \$5,136,087 in operating expenditure and \$1,738,305 in capital expenditure. The budget estimated \$6,874,392 would be spent for the same period. The variance to budget is (\$517,471).

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 30 April 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 30 APRIL 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 APRIL 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1.

10.2.2 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD APRIL 2024

Report Information

Date: 13 May 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Senior 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 April 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 #10580 to #10638	\$209,185.25
Direct Debit Payment	\$66,424.87
Cheque Payment 11741	\$1,681.11
Total Payments	\$277,291.23

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 April 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 APRIL 2024 TOTALLING \$277,291.23 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD APRIL 2024, AS CONTAINED IN ATTACHMENT 10.2.2.1.

10.2.3 BUDGET VARIATION 2023/24 – .CC PERFORMANCE PAYMENT

Report Information

Date: 9 May 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Manager Finance and Corporate Services
 Island: Shire Wide
 Attachments:

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 2023/24 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

In August 2023, the Shire agreed to the Amended and Restated Endorsement and Agreement for the Management and Administration of the .cc Top Level Domain with eNIC. The

Agreement included the payment of both a fixed quarterly fee as well as a quarterly gross proceeds share fee. The fixed fee income has previously been budgeted, with Council agreeing to restrict the use of the quarterly payment by way of transfer to the ICT Reserve to fund IT & Communication expenditure for the Shire and community. The gross proceeds share fee is a performance-based fee and so the value for each quarter was unknown, difficult to estimate and thus was unbudgeted.

On the 17 April 2024, the Shire received the first ‘share of gross proceeds’ payment of A\$509,503.87. This is a significant amount of money and as such a material variance from the current budget, requiring a budget variation to be adopted by Council.

It is proposed that this quarterly performance payment be transferred to the ICT Reserve to cover shire-wide communication projects.

Comment

A budget variation to recognise the income and transfer to the ICT Reserve is outlined below:

Description	Current Budget	Increase/ Decrease	Revised Budget
ICT - Other Income – Commissions	0	\$509,504	\$509,504
Transfer to ICT Reserve	\$1,526,006	\$509,504	\$2,035,510

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
Corporate Business Plan 2022-2026	L2 to ensure that Shire resources are utilised in a manner that represents the best interest of the whole community	L2.1 Responsible financial management

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 10.2.3

THAT COUNCIL:

1. BY ABSOLUTE MAJORITY, APPROVES THE REQUIRED BUDGET VARIATIONS TO THE CURRENT BUDGET FOR 2023/24 AS FOLLOWS:

Description	Current Budget	Increase/ Decrease	Revised Budget
ICT - Other Income – Commissions	0	\$509,504	\$509,504
Transfer to ICT Reserve	\$1,526,006	\$509,504	\$2,035,510

10.3 MANAGER INFRASTRUCTURE

11. MINUTES TO BE RECEIVED

11.1 MINUTES FROM EXTERNAL COMMITTEE MEETINGS TO BE RECEIVED

Report Information

Date: 20 May 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Manager Governance Risk and Planning
 Island: Cocos (Keeling) Islands
 Attachments: 11.1.1 - Minutes of External Committees 1. PKNPCMC 7 February 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>
<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. Indian Ocean Group Training Association (IOGTA)
3. 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 7 February 2024.

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 7 FEBRUARY 2024 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 DOOR

15. MATTERS RELATING TO THE LAND TRUSTS



MATTERS RELATING TO THE LAND TRUST 1979 AND LAND TRUST 1984

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

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

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

15.1 TRUSTS ADMINISTRATION

15.2 TRUSTS LEASES

15.2.1 CONFIDENTIAL - APPLICATION TO WITHDRAW LEASE PART LOT 18 HOME ISLAND RETAIL CENTRE TENANCY 3

Report Information

Date: 24 May 2024
 Location: Shire of Cocos (Keeling) Islands
 Applicant: Mr Scott Whiting
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Leasing & Policy Development Officer
 Island: Home Island
 Attachments: 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

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

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

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

15.3 TRUSTS FINANCE

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

17. CLOSURE