

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Minutes

Ordinary Meeting of Council

Wednesday 23 November 2022, 3.00pm

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

The Presiding Member declares the meeting open at 3.04pm and welcomed Councillors and staff.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

President: Cr A Minkom

Deputy President: Cr S Iku

Councillors: Cr T Lacy
Cr H Liu
Cr Young (arrived at 3.09pm)

Officers: F Mills, Chief Executive Officer
V Lauritsen, Manager Finance and Corporate Services
M Faulkner, Manager Infrastructure
I Macrae, Governance Risk Coordinator

Public: 3

Visitors: Nil

Apologies: Nil

Approved Leave of Absence: Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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.

Azah Badlu – 46 Home Island, Cocos (Keeling) Islands

Questions 1 - When will the bakery likely to be completed and operating?

Response - It is planned for the bakery to be operational by June 2023.

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 Minkom	14 October 2022 – 28 October 2022	28 September 2022
Cr Young	30 September 2022 – 28 October 2022	28 September 2022

5.2 APPLICATION FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 OCTOBER 2022 CEO REPORT

Report Information

Date: 19 October 2022
 Location: Cocos Keeling Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Not Applicable
 Reporting Officer: Chief Executive Officer
 Island: Cocos Keeling Islands
 Attachments: 10.1.1.1 – ARC Linkage Grant Proposal
 10.1.1.2 – IOT-RDO-Strategic Regional Plan 2030
 10.1.1.3 – LGC22_Information Brochure
 10.1.1.4 – Survey Data Collection

Authority / Discretion

Definition

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

Report Purpose

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

Relevant Documents

Available for viewing at the meeting

Background

The following information outlines the movements and activities of Council's CEO for the September/October reporting period.

Ranger Funding

With Lindsay Strange the Regional Biosecurity Coordinator of the Rangelands and Indian Ocean Territories, finalised and signed the works contract for the ranger position that Council is auspice on behalf of the Invasive Species and Environmental Biosecurity, Department of Primary Industries and Regional Development. This provides the opportunity for the Shire's Ranger, Razali Zainiel to have a full time assistant/trainee ranger who has now commenced with the Shire.

ARC Linkage Grant Proposal

A request has been received from Professor Muhammad Shazzad Hossain, ARC Future Fellow Graduate Research Coordinator, Centre for Offshore Foundation Systems (COFS), Oceans Graduate School, University of Western Australia (UWA), as follows:

Chari and I are writing an ARC Linkage Grant Proposal on (i) tracking the trajectories of transportation of plastics in Indonesian rivers, drifting in Southern Indian Ocean and deposition on Cocos (Keeling) Islands; and (ii) developing a floating barrier and its anchoring solution for collection and removal of plastics, and guidelines for mitigation. The Industry partner is Foresys, Korea.

It would be great if the Shire of Cocos (Keeling) Islands becomes a Partner Organisation on the proposal, providing plastic deposition data/info as an in-kind contribution.

In the past, in collaboration with the Shire of Cocos (Keeling) Islands, UWA has carried out some preliminary works on plastics. (See attachment 10.1.1.1) This ARC Linkage project will be a great opportunity to keep the momentum going.

Whilst Shire staff are still developing a Policy concerning decision making for requests for endorsement for Research Projects, allowing UWA have previously conducted research in collaboration with the Shire on the marine debris issue, this is a research project worthy of support. With the recent appointment of an environmental officer for the Shire, Thomas Battcher, he would be a worthy conduit between the Shire and UWA for the Project if UWA is funded for it.

Volunteer Appreciation Dinner

Attended the Shire of Cocos (Keeling) Islands inaugural Volunteer Appreciation Dinner hosted by the Community Development Team of the Shire. Held at the Tropika Restaurant on West Island, this was a great showcase for the Shire and the volunteers and was warmly received by all those in attendance. Cudo's goes to Adim Hajat and his team for an excellent effort in arranging the function.

Indian Ocean Territories Regional Development Organisation

Held a meeting with Bianca McKinney, the Program Manager for the Indian Ocean Territories Regional Development Organisation (IOT RDO) to discuss the role of the IOT RDO and its relationship to the Shire of Cocos (Keeling) Islands. Synergies and opportunities are at the forefront of discussion and regular meetings in the future will ensure both the Shire and IOT RDO continue to work together.

Strategic Regional Plan

The IOT RDO has now completed their Strategic Regional Plan 2030 (see attachment 10.1.1.2). This plan was developed through research, community and stakeholder engagement, and economic analysis, and aims to leverage the region's natural assets and community strengths to foster a more diverse economy and a stronger, more resilient, and capable region. The plan will drive the work of the IOT RDO, and is also available for use by the community, community organisations, private enterprise, and government. It is intended to link to the Shire's Integrated Planning processes and a thorough review of the plan will be conducted during the finalisation of the Shire's Community Business Plan and Corporate Strategic Plan.

Department of Transport, Regional Development and Communications

Participated in the scheduled monthly teleconference with Kim Forbes, Assistant Secretary, Indian Ocean Territories Branch, Territories Division and Beth Duncan, Director, Indian Ocean Territories Policy, Indian Ocean Territories Branch, Territories Division, Department of Transport, Regional Development and Communications. Topics of conversation surrounded the priority need for Commonwealth Funding to support damage and mitigation from the last tidal surge to hit the Cocos (Keeling) Islands. Discussions ran to a stalemate with no resolution in sight. Further discussion will be pursued as per Ministerial letters recently sent by The Shire President to the Prime Minister and other Ministers having portfolio relationships to the Indian Ocean Territories. Other discussion centred upon the Shire's current Building Better Regions Funding for the Tokoh Building and the way forward for the Shire with this project.

Oceania House

Met with Seyfi Seyit (FAIR AUSTRALIA) General Manager of the property on behalf of the owner Suheb Ahmed (GM SIGHT Pty Ltd). General discussion regarding the proposed future use of Oceania House and plans to revitalise the property to the "days of old".

Haji Adam

Met with Haji Adam for our monthly catch up to discuss a variety of matters relative to the Cocos Malay people of Home Island. Items discussed included - CHARMAP, Home Island Cemetery works, Home Island house leasing and rentals, Cocos (Keeling) Islands trusts, Council Services, Booby Bird harvesting and the conduct of a community meeting. As usual this meeting proved to be very informative and provided the Shire's CEO with insight to several issues from an independent local point of view.

Big Barge Art Centre

Attended a very rewarding onsite visit to the Big Barge Art Centre at the invitation of Emma Washer and had a tour of the facilities currently in use. Also had very positive discussions regarding proposed future expansion of facilities on site.

Civic Legal

Convened teleconferences/teams' meetings with Civic Legal to progress the finalisation of the lease issues regarding house 73 as well as development of a leasing policy and templates for leases and rentals of Shire owned properties. It is proposed that a community meeting will be held on Home Island on Wednesday the 9th of November 2022 at 6.30 p.m. at the Cyclone Shelter to meet and consult with community members prior to the finalisation of a Leasing Policy being developed for Council approval.

Leadership meeting

Hosted the monthly meeting of the Shire's Leadership Team where agenda items included but was not limited to - Building Permits for Retail Precinct, Houses, Transportable accommodation, review of casual employees, Write to WALGA about Planning/Building/EHO Review timesheets -develop comms for toolbox/staff meeting, Altus and Synergy Training for staff, Develop Strategic Communication Plan with FOCUS, and Course/Training for leadership team to undertake performance reviews, Public Liability site Risk Assessment – Public Coastal Access and Annual Report -leadership team feedback. Ongoing commitment to the leadership team meetings sees a "living" agenda that reflects both complete and incomplete tasks and new agenda items.

WALGA Convention 2022

The West Australian Local Government Association (WALGA) annual convention was held at the Crown in Perth on the 3 and 4 October 2022. Time spent off-island to attend the convention highlighted the shortcomings of the current capacity for air fares to and from the Cocos (Keeling) Islands and the need for government to review the current schedule as Shire staff were in Perth from the 30 September 2022 to the 11 October 2022 to attend. Spanning over two days, the convention was a mix of political speakers, the WALGA annual meeting and a variety of keynote speakers and plenary sessions. The session "National Survey of Local Government Skills and Workforce Capability 2022" delivered by Michelle Tjondro was of particular importance as information provided and discussed is particularly relevant to the development of Council's Workforce Plan 2022 - 2037. A copy of the convention program is attached (attachment 10.1.1.3) hereto for information.

In addition to the convention, attendance at a dinner for Country Council Chief Executive Officers was convened by the convention sponsor Civic Legal. This proved an invaluable opportunity to meet with CEOs from other Councils in West Australia to discuss process and policy from a West Australia Local Government perspective.

Council's Governance, Risk and Planning Coordinator and I also attended a meeting with Peter Wood the Principal Planning Officer for the Department of Land Use Planning (DPLH) with the

West Australian Local Government. Also, in attendance for part of the meeting was Jeff Dodz, the Acting Director, Indian Ocean Territories Government Arrangements with the Commonwealth Department of Infrastructure, Transport, Regional Development, Communication, and the Arts. The focus of this meeting was discussion regarding a draft scope and specifications for the Cocos (Keeling) Islands Local Planning Strategy and Scheme project. As a result, a spreadsheet was prepared which aligns certain deliverables of the Shire's Strategic Community Plan, and the CHRMAP, for inclusion within the Local Planning Strategy.

Following due process, the next task will be for DPLH and the Shire to review the draft specifications and quantify the in-kind resources and funding each of our respective agencies can contribute to delivery of the new Local Planning Strategy and Local Planning Scheme No 2.

For example, DPLH and the Shire might agree to be responsible for completing much of the writing and desktop work in preparing the Local Planning Strategy and Local Planning Scheme documents (including strategy and scheme maps), while the responsibility for some of the background investigation and gap analysis, implementing community engagement, etc being contracted out to a suitably qualified contractor.

It is proposed that Peter Wood will meet with Council at the November 2022 Councillor Workshop where he will provide a briefing to Council that would provide an outline and timeframe for the CHRMAP and Strategy/Scheme review.

Community Survey

The results of the community survey to gauge the level of satisfaction the community have with Council services on both Home and West Island have been finalised. During the survey period, it became evident that a large number of people were away on holidays and "survey monkey" was not as popular as expected. Consequently only 91 surveys were completed. However, the results (see attachment 10.1.1.4) do provide essential information for inclusion in the Shire's suite of Integrated Planning Processes especially the development of the Workforce Plan 2022 - 2032, the Community Business Plan 2022 - 2037 and the Corporate Business Plan 2022 - 2026. Success of actions resulting from the survey will also be gauged by an ongoing annual survey as part of the annual budget and Annual Work Plan for the Shire.

Runway Upgrade Project

The following advice has been received from AECOM regarding the runway upgrade project:

Project Status Update:

Please see below brief bullet point summary of current status:

- Design complete to 90%.
- Project currently going through the final funding sign-offs/approvals process with Department of Defence & Department of Finance.
- Once approved internally by Defence/Finance, project will be referred to the Parliamentary Works Committee (PWC) for whole of government endorsement.
- The referral to PWC is currently forecast to occur approx. Nov 2022.
- The public hearing for PWC is likely to be scheduled early in the New Year (Feb/Mar – tbc)
- Once Parliamentary Approval for the project is granted, Fulton Hogan will be formally contracted to Defence and will commence the enabling works on CKI (likely timeframe approx mid-2023) – construction of the MOF, the materials handling areas and the workers temporary accommodation camp.

Community Consultation – Project Team Visit to CKI:

Further to my above notes regarding the PWC, the project team (Defence/AECOM/Fulton Hogan) has scheduled a visit to CKI for the end of November (arr approx. midday Fri 25th / dep approx. 6pm Tues 29th Nov) to undertake Community Consultation activities.

As part of the visit we will be conducting site familiarisation activities for those project team members that have not yet visited CKI and we also intend to host Community Consultation sessions on both Home Island and West Island. We are tentatively planning these to occur on the Monday and the Tuesday – the project have conducted similar briefings on previous occasions. I was wondering whether you (or someone more appropriate in your team) might be able to assist us in making preparations for our visit?

Could you advise whether the below would be suitable? Specifically the proposed dates, approx. timings (tbc) and the proposed venues? We are on island over the weekend, but have assumed that the public briefings would be more appropriate (in terms of likely attendance) to be held during a working week – is that a correct assumption, or could a Sat or Sun also work?

COMMUNITY INFORMATION SESSIONS – 28-29 NOVEMBER 2022

The Cocos (Keeling) Islands Airfield Upgrade project team are hosting community information sessions to provide you with an update on Planning Phase progress.

Information sessions include a presentation with an opportunity to ask questions and speak with the Project Team.

INFORMATION SESSIONS (includes presentation)

Home Island, Cyclone Shelter

Monday 28 November 2022

- 3.00pm – 4.30pm

West Island, CRC Conference Room

Tuesday 29 November 2022

- 10.00am – 11.30am

**Light refreshments are available at the information sessions.*

AIR555 Project

An update of this project will be provided by Manteena for the November 2022 Ordinary Meeting of Council.

Cyclone Readiness meeting

In conjunction with the Shire Work Health and Safety Committee and their regular meeting, chaired a meeting of staff to discuss roles and responsibilities for the upcoming cyclone season. Members responsible for cyclone shelters on Home and West Island were briefed and given time frames to report their preparedness for the upcoming season. A meeting with the Officer in Charge of the Australian Federal Police will follow in due course to ensure roles and responsibilities of all agencies are understood. This information will then be disseminated to Shire staff. Dialogue with Kara Collins, Director – Property and Asset Management of JLL was commenced to ensure that appropriate contractual arrangements were in place for the Shire Chief Executive Officer and other staff to carry out expected roles and responsibilities with respect to Cyclone Shelter Management.

Leases & Site Risk Assessment

Day one, in conjunction with the Shire's Leasing and Policy Development Officer, conducted inspections of various lots at 214 Light Industrial area. The uptake of inspections by lessees was less than pleasing with only 2 out of the entire area attending at times allotted. Notices of follow up actions required by Lessees will be prepared and sent.

Day two, saw inspections carried out at the Sydney Highway lease sites that include the Coconut Farm, Clam Farm, Red Claw farm and the Big Barge. It was pleasing to see the improvements being made on each of the lease sites and as with the previous day's visits, notices of follow up actions required by Lessees will be prepared and sent.

Draft Waste Management Strategy for Indian Oceans Territories

Part 5 of the IOT Waste Management and Resource Recovery Strategy – Asset Disposal Management has now been released to the Shire. The purpose of this part of the report is to "provide options for how the Department can manage obsolete assets that are either inoperable or past the end of their useful life." Shire staff i.e., Martin Faulkner and Thomas Battcher will review the latest release and provide appropriate commentary as required. It is noteworthy that the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts have signalled an intent to manage obsolete assets of the Shire. There is a face to face and teams meeting/teleconference being held on the 1st of November to discuss the draft strategy in its entirety which Shire staff will be attending either in person or via teams meeting.

Meetings with Ministers

Follow up from the September 2022 CEO Report to Council indicating - *Minister McBain's to visit CKI in December 2022 – advice is that Minister McBain will be using the Commonwealth Plane reserved for the Prime Minister to visit Cocos (Keeling) Islands. The visit is yet to be*

finalised, but the planning is for early December 2022 to fly in late afternoon and then leave late afternoon the following day. Further details will be provided as they become available.

The Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts has recently advised - *we are still confirming the potential Ministerial visit, nothing is locked in as of yet. Once I receive confirmation I will let you know.*

Regarding the letters of invitation to the Prime Minister and various other Ministers, at the time of this report, advice has only been received from Minister King, which reads - *Unfortunately, the Minister is unable to accommodate a meeting. However, the Minister has asked that we refer your request to the office of the Hon Kristy McBain for consideration.*

Contact with Grabielle Said - Executive Assistant, Office of the Hon Kristy McBain MP, has confirmed a virtual meeting with the Minister on Thursday 17 November 2022. Further advice from Gabrielle as follows “Unfortunately, due to pre-existing commitments, the Minister is unable to lock in a regular catch up at this time, however we will look to schedule in such a thing in for next year.”

Coastal Hazard Risk Management and Adaption Plan (CHARMAP)

Commonwealth Government engaged, Shape Urban and Peter Wood the Principal Planning Officer for the Department of Land Use Planning (DPLH) will be travelling to Cocos (Keeling) Islands for a further round of community consultations regarding the CHARMAP process during mid-November 2022. This will be an opportunity for Council to meet and discuss any concerns of ideas they have regarding CHARMAP.

West Island Mosque

Commenced discussions with the Land Management Office of the Indian Ocean Territories Administration, Indian Ocean Territories Branch, Territories Division regarding development of a plan to upgrade the West Island Mosque. With heritage listing and used daily by a significant number of people for respite and prayer this may prove to be difficult. However, as the mosque is also advertised as a place for tourists to visit, in its current state it portrays a very poor picture and sad reflection of a place of respite and worship.

Public Liability Site Risk Assessment – Public Coastal Access

Within the limitations of Shire staff to undertake on site assessments as outlined in the LGIS Public Liability Site Risk Assessment – Public Coastal Access, the Infrastructure Coordinator Luluilmaknun Sloan will carry out the work. It is anticipated that the on-site inspections will be complete, and a schedule of required works developed to present to Council at the November 2022, Ordinary Meeting.

Integrated Planning and Reporting Framework

Legislation requires the Shire's Integrated Planning and Reporting Framework to include the production and subsequent Council approval of a suite of long-term plans which include:

- a Corporate Business Plan 2022 - 2026,

- a Strategic Community Plan 2022 - 2037,
- a Workforce Plan 2022 - 2037 and
- a Long-Term Financial Plan 2022 - 2037.

Draft copies of Corporate Business Plan and Workforce Plan have been produced and are tabled for Council endorsement prior to being released for community comment (see attached). The Strategic Community Plan and Long-Term Financial Plan are still in development and will be presented to Council in draft format as soon as possible.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Risk Implications

Nil - as this is information only

Voting Requirements

Simple majority

OFFICER RECOMMENDATION – ITEM NO 10.1.1

THAT COUNCIL NOTE AND RECEIVE THIS REPORT.

COUNCIL RESOLUTION – ITEM NO 10.1.1

MOVED CR LACY SECONDED CR IKU

THAT COUNCIL NOTE AND RECEIVE THIS REPORT.

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

FOR: IKU, LACY, LIU, MINKOM, YOUNG

AGAINST: NIL

10.1.2 COMMUNITY DEVELOPMENT SECTION REPORT – OCTOBER 2022

Report Information

Date: 7 October 2022
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Community Development
 Disclosure of Interest: Nil
 Reporting Officer: Community Development Coordinator
 Island: Cocos (Keeling) Islands
 Attachments: 10.1.2.1 - Beach Debris Clean Up
 10.1.2.2 - International Day of People with Disability

Authority / Discretion

Definition

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

Report Purpose

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

Relevant Documents

Available for viewing at the meeting

Nil

Background

Saluting Their Service Commemorative Grant

The CDC is working closely with the Manager of Infrastructure to seek additional funding to urgently restore the Emden Memorial on Direction Island. The Department of Veteran's Affairs is providing funding under the Saluting Their Service Commemorative Grant. The funding will be used to replace the balustrading and fretworks on the gazebo.

Beach Debris Clean Up

The Beach Debris Clean Up was held on the 15 October on both Home and West Island. Organised by the Environmental Officer and supported by the Community Development team. It attracted many volunteers including the members of the Cocos Islands Youth Council.

International Day of People with Disability

Every year on 3 December, people around the world take part in International Day of People with Disability (IDPWD). It is a day to celebrate the contributions and achievements of people with disability and promote awareness, understanding and acceptance in our community. The CDC is working together with a community member in organising an event which the community can get involved. Discussing the issues and experiences of people with disability to challenge misconceptions and break down barriers. And to have an inclusive community.

Youth Affairs Council of WA

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

Museum WA

Polly Smith – Project and Research Officer and Tim Eastwood from Museum WA will be visiting Cocos from the 29 November to Friday 9 December.

During this time, they are arranging meeting with key community members, Councillors, Shire CEO etc.

Some of the meeting items will be Assessing the Emerging Curators program, better delivery of the program – what worked, what didn't. Gauge Community support for an exhibition. On a related matter, the Shire is considering setting up a Reference/Advisory Group for the Home Island Museum and cultural engagement.

The Digital Interactive Launch – Home Island Museum. Dates to be confirmed for Act of Self Determination Day celebrations from Persatuan Kebudayaan Pulu Kokos.

Chicken and Garden Plot

The Shire's application under the Innovative Agricultural Trials in the IOT's had not been successful. Planning around the funding included the purchase of materials for raised garden beds, tools shed, shelter and soil improvements for the community garden.

With no additional funding the following option for the Shire is planting native and fruit trees which are being sourced from the Shire’s nursery stock and planted on these open sites. The Shire will continue to clear and pick up as much building materials and green waste from the plots. Additional works however will be reviewed and included in the next financial year’s budget.

The Shire will continue to encourage the removal of building materials, boats and machinery from the site to ensure that it is safer for the community and it’s workers. The Community Development Coordinator is working in collaboration with the Works Supervisor and Environmental Officer in achieving more sustainable and cleaner farming practices on the site.

Comment

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

Policy and Legislative Implications

Nil

Strategic Implications

Strategic Plan

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

Corporate Business Plan

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

Financial Implications

In the event of an increase in costs for the Community Garden Program, the Community Development Coordinator will review the budget as per the Mid-Year Budget Review in December 2022 in consultation with the Leadership Team.

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 10.1.2

THAT COUNCIL RECEIVES THE COMMUNITY DEVELOPMENT REPORT.

COUNCIL RESOLUTION – ITEM NO 10.1.2

MOVED CR LACY SECONDED CR IKU

THAT COUNCIL RECEIVES THE COMMUNITY DEVELOPMENT REPORT.

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

FOR: IKU, LACY, LIU, MINKOM, YOUNG

AGAINST: NIL

10.1.3 APPROVAL TO APPLY FOR FUNDING UNDER THE SALUTING THEIR SERVICE COMMEMORATIVE GRANT FUNDING FOR 2023

Report Information

Date: 14 October 2022
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Community Development Coordinator
 Island: Cocos (Keeling) Islands
 Attachments: 10.1.3.1 - Saluting Their Service Commemorative Grant Funding
 Application 2023

Authority / Discretion

Definition

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

Report Purpose

To inform Council that the Shire intends to apply for external funding through the Department of Veterans Affairs under the Saluting their Service Commemorative Grant for urgent restoration works for the Emden Memorial located on Direction Island. The total project cost is approximately \$48,730. Shire's in-kind co-contribution is approximately \$16,517 for labour, waste removal and administration fees. The Officer seeks Council's recommendations be accepted for approval to apply for the funding.

Relevant Documents

[Available for viewing at the meeting](#)

Nil

Background

The objective of the funding program is to commemorate the service and sacrifice of Australia's service personnel in wars, conflicts and peacekeeping operations.

The intended outcome of the grant opportunity is to provide funding for projects and activities that:

- Promote appreciation and understanding of the experiences of service and the roles that those who served have played.
- Preserve, add to the sum of knowledge on, or provide access to information about, Australia's wartime heritage.

There are two categories of grants available under the program:

1. Community Grants (CG)
Grants to a maximum of \$10,000 are available for local, community-based projects and activities.
2. Major Grants (MG)
Grants between \$10,001 and \$150,000 are available for major commemorative projects and activities that are significant from a national, state, territory and/or regional perspective.

Comment

The proposed restoration project is aligned with the following plans and previous consultations with relevant community stakeholders:

Shire's Corporate Business Plan – S2.1.7.1
Shire's Strategic Plan – Outcome 2.1.1 and 2.1.3

The project's main objective is the restoration of the current Emden Memorial which has been identified as significant. The memorial at its current condition is an increased potential OSH risk to visitors and the Shire employees that regularly maintain the structure as per the weekly works program on Direction Island.

Ideally the project will enhance further visitation, maximise enjoyment of seeing a well exhibited War Memorial.

Funding programs from the Department of Veterans Affairs are accepted at three intervals in – June, October and February. If the recommendation is approved by Council, the Shire will be required to submit a full application by 7 February 2023. It would be preferable to obtain Council's approval to proceed prior to submitting the application as it requires the commitment for labour and other operational costs. However, should Council not support the recommendation the Shire will factor the cost of replacement as per the normal budget review. However, the Shire will need to consider the refurbishment works to be of an urgent nature.

Policy and Legislative Implications

Nil

Financial Implications

Should Council resolve to approve associated costs for the contribution towards the funding application under the Saluting Their Service Commemorative Grant Funding for 2023, contribution from the Shire will be for the following components to the proposed project:

- labour component to install the Fretwork and balustrades to the Gazebo
- labour component to paint the memorial double coating for protection
- labour component for the removal of the discarded materials to the Waste Transfer Station on Home Island
- labour component for the administration of the grant funding. Reporting on key milestones and reporting and acquittal of the grant.

The total estimated cost of the restoration project is \$48,730, with \$12,069 for Shire's contribution and \$32,321 for the materials and freight requested from grant funding. Should Council approve the restoration projects these costs will be fully developed and included as part of the Mid-Year Budget Review.

Strategic Implications

Strategic Plan

3.1.2 - Protects the Islands environment

4.1.1 - To provide leadership to the community

2.1.3 - Maintain the cultural heritage

Corporate Business Plan

S2.1.7.1 - Maintain and support the Islands Museum and preservation historical assets.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Cost of labour hours and waste removal and administration cost	Moderate 6	Increase in budget allocation for the following financial year.
Health & Safety	Community safety and staff safety at the Emden War Memorial	High 12	Risk assessment plan implemented. Area closed off to the public and staff until urgent

			remediation works to make it safe.
Reputation	Shire to take a leading role and setting high standards.	Low 3	Transparency and management of historical assets in accordance with Policies and Strategic direction.
Service Interruption	Public access	Low 3	Public notices and timeframe are communicated.
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 Waste Management on environmental impacts. Removal of deteriorating building materials.

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 Saluting their Service Commemorative Grant guidelines is attached and presented to Council for its consideration and approval. In preparation of the funding application the consultation between the Manager of Infrastructure and Community Development Coordinator is ongoing. Drafting the application is progressing.

OFFICER RECOMMENDATION – ITEM NO 10.1.3

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

1. SUPPORT THE SHIRE'S SALUTING THEIR SERVICE COMMEMORATIVE GRANT APPLICATION TO THE DEPARTMENT OF VETERANS' AFFAIRS FOR THE PROPOSED URGENT RESTORATION PROJECT FOR THE EMDEN MEMORIAL ON DIRECTION ISLAND. AND, IF THE APPLICATION IS APPROVED BY COUNCIL, CONSIDER THE CONTRIBUTION REQUIREMENT FOR LABOUR, WASTE MANAGEMENT AND ADMINISTRATIVE COSTS AS PART OF THE MID YEAR BUDGET REVIEW.

COUNCIL RESOLUTION – ITEM NO 10.1.3

MOVED CR LIU

SECONDED CR IKU

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

1. SUPPORT THE SHIRE'S SALUTING THEIR SERVICE COMMEMORATIVE GRANT APPLICATION TO THE DEPARTMENT OF VETERANS' AFFAIRS FOR THE PROPOSED URGENT RESTORATION PROJECT FOR THE EMDEN MEMORIAL ON DIRECTION ISLAND. AND, IF THE APPLICATION IS APPROVED BY COUNCIL, CONSIDER THE CONTRIBUTION REQUIREMENT FOR LABOUR, WASTE MANAGEMENT AND ADMINISTRATIVE COSTS AS PART OF THE MID YEAR BUDGET REVIEW.

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

FOR: IKU, LACY, LIU, MINKOM, YOUNG

AGAINST: NIL

10.2 MANAGER FINANCE AND CORPORATE SERVICES

10.2.1 MONTHLY FINANCIAL REPORT – SEPTEMBER 2022

Report Information

Date:	10 October 2022
Location:	Not Applicable
Applicant:	Not Applicable
File Ref:	
Disclosure of Interest:	
Reporting Officer:	Manager Finance & Corporate Services
Island:	Shire Wide
Attachments:	10.2.1.1 - Monthly Financial Report - September 2022

Authority / Discretion

Definition

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

Report Purpose

The purpose of this report is to provide a monthly financial report for September 2022, which includes rating, investment, reserve, debtor, and general financial information to Elected Members in accordance with Section 6.4 of the *Local Government Act 1995 (WA) (CKI)*.

This report is a summary of the financial activities of the Shire at the reporting date. End of financial year processing continues and adjustments are still being finalised. The 2021/22 Annual Financial Statements will be finalised and audited with presentation due to the Audit Committee in December 2022. At this time the final 2021/2022 result will be determined and

any impact on the 2022/2023 Annual Budget and opening surplus will be presented to Council for consideration.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

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

Comment

The period of review is September 2022. The current closing municipal surplus for this period is \$2,004,313 compared to a budget position of \$2,005,475.

Income for the period year to date is \$3,429,191 which is made up \$3,041,978 in operating revenues, \$387,213 in non-operating grants, contributions, and subsidies. The budget estimated \$3,569,330 would be received for the same period. The variance to budget is (\$140,139).

Expenditure for the period year to date is \$1,928,387. This is made up of \$1,198,641 in operating expenditure and \$729,746 in capital expenditure. The budget estimated \$2,754,509 would be spent for the same period. The variance to budget is \$826,122.

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

Policy and Legislative Implications

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

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

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

Strategic Implications

Nil

Risk Implications

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

Risk Matrix

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

Conclusion

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

OFFICER RECOMMENDATION – ITEM NO 10.2.1

THAT COUNCIL:

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

COUNCIL RESOLUTION – ITEM NO 10.2.1

MOVED CR LACY

SECONDED CR YOUNG

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 SEPTEMBER 2022, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 SEPTEMBER 2022, AS CONTAINED IN ATTACHMENT 10.2.1.1.

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

FOR: IKU, LACY, LIU, MINKOM, YOUNG

AGAINST: NIL

10.2.2 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD 1 SEPTEMBER 2022 TO 30 SEPTEMBER 2022

Report Information

Date: 12 October 2022
 Location: Not applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Finance Officer
 Island: Shire Wide
 Attachments: 10.2.2.1 - Schedule of Accounts paid

Authority / Discretion

Definition

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

Report Purpose

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

Relevant Documents

Available for viewing at the meeting

Nil

Background

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

Comment

The following table summarises the payments for the period by payment type, with full details of the accounts paid contained within Attachment 10.2.2.1.

Payment Type	Amount (\$)
EFT Payments #9256 to #9326	\$738,220.60
Direct Debit Payment	\$52,361.79
Cheque Payment 11687 to 11689	\$43,801.81
Total Payments	\$834,384.20

Contained within Attachment 10.2.2.1 is a detailed transaction listing of payments, including credit card expenditure, for the period ended 30 September 2022 as per the Summary table above.

Policy and Legislative Implications

Nil

Strategic Implications:

Nil

Risk Implications

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

Fraud	That the report is manipulated.	Low (3)	Interim and end of year audits along with sequence checks.
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Risk Matrix

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

Conclusion

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

OFFICER RECOMMENDATION – ITEM NO 10.2.2

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO PAYMENTS MADE FROM MUNICIPAL OR TRUST FUNDS FOR THE PERIOD 1 SEPTEMBER 2022 TO 30 SEPTEMBER 2022 TOTALLING \$834,384.20 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD ENDED 30 SEPTEMBER 2022, AS CONTAINED IN ATTACHMENT 10.2.2.1.

COUNCIL RESOLUTION – ITEM NO 10.2.2

MOVED CR IKU

SECONDED CR LIU

1. BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO PAYMENTS MADE FROM MUNICIPAL OR TRUST FUNDS FOR THE PERIOD 1 SEPTEMBER 2022 TO 30 SEPTEMBER 2022 TOTALLING \$834,384.20 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD ENDED 30 SEPTEMBER 2022, AS CONTAINED IN ATTACHMENT 10.2.2.1.

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

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

10.2.3 BUDGET VARIATIONS 2022/23

Report Information

Date: 11 October 2022
 Location: Not Applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: 10.2.3.1 - Urgent Budget Variation – Loader Bucket Replacement

Authority / Discretion

Definition

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

Report Purpose

To amend the 2022/23 budget to reflect various adjustments to the General Ledger.

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

Relevant Documents

Available for viewing at the meeting.

Nil

Background

Item 1:

The Shire purchased a new loader bucket for PC1220 in September 2021, however the bucket was not suitable to fit the loader we had on island. The bucket was returned to the supplier and the value credited back to the Shire in 21/22. The correct loader bucket has a cost of \$23,000. With the current bucket becoming unusable and the expected delays in delivery, this purchase is urgently required in order to ensure the Shire is able to maintain normal services to the Community as well as provide safe equipment for the works crew.

Due to the cancellation of shipments over the December/January period, it was imperative that the loader bucket be ordered immediately in order ensure delivery on the next available ship.

In accordance with the Local Government Act (WA) (CKI) s6.8 (1)(c) a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure (c) is authorised in advance by the mayor or president in an emergency.

Emergency expenditure is considered to be any expenditure required to mitigate any risk to:

- Injury to a person
- A natural disaster
- Restoring and maintaining normal services to the Community.

To ensure the safety of our workers and maintain Shire services, an urgent budget variation was issued to the Shire President to purchase a new loader bucket per Attachment 10.2.3.1

Comment

Item 1: The funds for this loader bucket replacement will be drawn from the budget allocated to the flail mower replacement. This mower was recently able to be repaired and will not require replacement this year. The remaining balance of funds from the flail mower will be allocated as part of the 2022/23 Budget Review.

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
1	Capital Expenditure – C270 Loader Bucket	0	(\$23,000)	(\$23,000)
	Capital Expenditure C239 – 6t Flail mower	(\$100,000)	\$23,000	(\$77,000)

Policy and Legislative Implications

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

(b) is authorised in advance by resolution*

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

* Requires an absolute majority of Council

Strategic Implications

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

Plan	Outcome	Goal
Strategic Community Plan 2013-2023	4. 1 Continue to provide resources to maintain and upgrade staff facilities to create an environment safe and fit for purpose.	4. Attract and retain quality staff and elected members

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That budget allocations are significantly exceeded.	Moderate (6)	Variances are monitored and highlighted to Council on a monthly basis for corrective action.
Reputation	The monthly financial statements are open to public scrutiny.	Low (3)	Procedures in place to ensure all expenditure is justifiable.
Compliance	Expenditure is incurred without Council approval	Low (3)	There are processes in place to ensure compliance with legislation.
Fraud	That the report is manipulated.	Low (3)	Interim and end of year audits.

Risk Matrix

Consequence / Likelihood	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
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 receive the budget variation as approved by the Shire President on 30 September 2022.

OFFICER RECOMMENDATION – ITEM NO 10.2.3

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

THE APPROVED BUDGET VARIATION TO THE CURRENT BUDGET FOR 2022/23 AS FOLLOWS:

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
1	Capital Expenditure – C270 Loader Bucket	0	(\$23,000)	(\$23,000)
	Capital Expenditure C239 – 6t Flail mower	(\$100,000)	\$23,000	(\$77,000)

COUNCIL RESOLUTION – ITEM NO 10.2.3

MOVED CR IKU

SECONDED CR LACY

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

THE APPROVED BUDGET VARIATION TO THE CURRENT BUDGET FOR 2022/23 AS FOLLOWS:

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
1	Capital Expenditure – C270 Loader Bucket	0	(\$23,000)	(\$23,000)
	Capital Expenditure C239 – 6t Flail mower	(\$100,000)	\$23,000	(\$77,000)

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

FOR: IKU, LACY, LIU, MINKOM, YOUNG

AGAINST: NIL

10.3 MANAGER INFRASTRUCTURE

10.3.1 BBRF PROJECT – TOKOH REDEVELOPMENT

Report Information

Date: 13 October 2022
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Manager Infrastructure
 Island: Shire wide
 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 the BBRF project redeveloping the TOKOH building and seek guidance for the next course of action.

Relevant Documents

Nil

Background

At its February 2022 meeting, Council agreed to accept the BBRF grant funding and proceed with the Stage 1 Tokoh Redevelopment project over the next 2 years.

At that time, as part of the budget review, Council

- were informed of the Council contribution of up to \$750,000.
- endorsed the transfer of \$480,000 to reserve for the construction.
- endorsed \$60,000 to capital works for the design.
- were informed that the costs had increased by in excess of \$300,000 since the application was submitted.

The funding agreement was executed in April 2022. The financial components of the project are as follow.

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

At its July meeting, Council noted that

1. A FURTHER REVIEW OF THE PROJECT COSTING FOR THE TOKOH BUILDING UPGRADE IS BEING UNDERTAKEN WITH A FUTURE REPORT TO COUNCIL ON ADDITIONAL EXPENDITURE IF NECESSARY.
2. THE CHIEF EXECUTIVE OFFICER IS NEGOTIATING WITH THE BBRF FUNDING BODY IN REGARD TO PROJECT DELIVERY MILESTONES AND EXPENDITURE EXCLUSIONS RELATING TO INTERNAL LABOUR.

Comment

The detailed design of the redevelopment is nearing completion. An updated estimate was sought to ensure the cost reflected the current material, resource and freight charges and the components of the design.

The updated estimate was received on 3 October 22 with a revised cost of \$3,201,400. The increase reflects quoted costs for the manufacture and supply of trusses, manufacture and supply of windows, roof sheeting and freight.

The additional \$948,000 is currently unfunded.

The funding Agreement specifies the activity details to be delivered as part of the project as;

- construct a visitor centre, museum and business space.
- complete internal building works.
- improve structural building elements.
- upgrade electrical systems and plumbing.

- repair the roof and undertake the replacement of doors/windows; and
- install building air-conditioning.

The origins of the project appear to have been the 2019 Cocos Keeling Islands Masterplan which identified '33. Refurbishment and reuse of the old heritage depot'. The cyclone damage in 2021 perhaps provided another impetus to upgrade the building.

With a number of high value projects necessary for the Shire to deliver a basic service to the community currently unfunded (incinerators, depots, boat ramps, kampong housing maintenance) commitment of further expenditure to a project of questionable community value should be considered wisely.

There are a few options for Council consideration.

- Council either allocate or seek additional funding.
- Council negotiate with the funding body for a reduction in scope. There is provision within section 8.1 for 'this Agreement may be varied in writing only, signed by both Parties. The Shire could approach the funding body and identify that due to budget constraints the only achievable outcomes are;
 - improve structural building elements.
 - repair the roof and undertake the replacement of doors/windows;

The negotiations would also pursue the project delivery milestones and expenditure exclusions relating to internal labour.

- Council can request to cancel the agreement and not pursue the upgrade to the TOKOH building. Council would still need to commit some expenditure (est \$300k) to make the structure safe and replace the damaged trusses and open roof.

Policy and Legislative Implications

Nil

Financial Implications

The revised estimate is an additional 40% from the November 21 estimate and nearly 50% more than the funding application.

Strategic Implications

The project is identified in the 2019 Masterplan.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Projects exceed budget allocation	Extreme	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	High	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	Moderate	Ensure Supervisors and Managers have the necessary knowledge in standards, regulations and codes.
Property	Damage to property	Moderate	Ensure staff are aware of their surroundings and to avoid damage to property as necessary.
Environment	Damage to environment and surroundings	Moderate	Ensure minimal impact on environment at every means possible. Rehabilitation and replanting of area at the completion should it be impacted by project.

Risk Matrix

Consequence / Likelihood	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
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, BY SIMPLE MAJORITY, PURSUANT TO S 3.1 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* ENDORSES:

THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE WITH THE FUNDING BODY FOR A

- a. REDUCTION IN SCOPE TO DELIVER ON IMPROVED STRUCTURAL BUILDING ELEMENTS, REPAIR THE ROOF AND UNDERTAKE THE REPLACEMENT OF DOORS/WINDOWS
- b. EXTENSION TO PROJECT DELIVERY MILESTONES AND
- c. EXPENDITURE EXCLUSIONS RELATING TO INTERNAL LABOUR.

COUNCIL RESOLUTION – ITEM NO 10.3.1

MOVED CR LIU

SECONDED CR YOUNG

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

THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE WITH THE FUNDING BODY FOR A

- a. REDUCTION IN SCOPE TO DELIVER ON IMPROVED STRUCTURAL BUILDING ELEMENTS, REPAIR THE ROOF AND UNDERTAKE THE REPLACEMENT OF DOORS/WINDOWS
- b. EXTENSION TO PROJECT DELIVERY MILESTONES AND
- c. EXPENDITURE EXCLUSIONS RELATING TO INTERNAL LABOUR.

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

FOR: IKU, LACY, LIU, MINKOM, YOUNG

AGAINST: NIL

10.3.2 WA ROAD TRAFFIC CODE – INSTRUMENT OF AUTHORISATION

Report Information

Date: 26 October 2022
 Applicant: Shire of Cocos (Keeling) Islands
 Location: Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Manager Infrastructure
 Island: Cocos (Keeling) Islands
 Attachments: 10.3.2.1 - Cocos (Keeling) Island Sign and Pavement Marking Corrective June 2019

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

To provide Council with details of a signage and line marking audit undertaken by Main Roads WA in June 2019 and recommendations for implementation.

Relevant Documents

Cocos (Keeling) Island Sign and Pavement Marking Corrective June 2019.

Background

Main Roads WA provide advice and assistance to the Shire under a service delivery arrangement with the Commonwealth.

Under the arrangement, Main Roads WA will provide assistance and advice to the Territory local governments in satisfying the expectations of stakeholders and customers, and managing the road network in an effective, efficient and environmentally sensitive manner.

Specifically:

- Main Roads WA will assist the Territory local governments to improve the management of their road network.
- Main Roads WA will also provide advice on road construction including materials, road design standards and guidelines, road safety, environment and quality issues.
- Training can also be provided to Territory local governments relating to road maintenance techniques and activities, and plant management and operation.

In June 2019, an audit of the Shire road network was undertaken. The purpose of the audit was to obtain a detailed record of Signs and Pavement Markings across the islands so the collected data could be utilised for the following purposes:

- i. Identification of Asset Scale
- ii. Assess condition of existing Assets for maintenance planning
- iii. Identify alignment with current Standards
- iv. Identify Road Safety Improvements
- v. Produce a detailed report for future reference.

Comment

Many signs across both West Island and Home Island are superfluous and can be removed with little to no change to the level of safety provided. The majority of the remaining signs are in poor condition (due to local environmental conditions) and need to be replaced.

Regulatory signs such as Give Way and Speed Zoning need to be formally approved by the Delegated Officer authorised by the Commissioner of Main Roads.

It should be noted that the report identifies that *'many of the roads on the island are unsealed and as such cannot be speed zoned'*.

In Austroads Guide to Traffic Management Part 10 it says (in part) *".....The legend used on road signs in Australia and New Zealand must be in the English language. Information on signs is not to be duplicated in another language, as it is not practicable to accede to all such requests from the community. The replication of information in multiple languages would lead to confusing and ineffective signs that have excessive information."*

Give Way signs follow an international shape convention so they can be recognised in every country regardless of language.

Main Roads are undertaking a specific review of the speed zoning on Cocos Keeling Islands, so no changes to the speed zoning is proposed at this time.

The Australian Federal Police have been provided with a copy of the report and are supportive of implementing the recommendations.

The cost to purchase replacement signs, remove superfluous signage and install new signs is estimated at \$10,000.

Policy and Legislative Implications

Road Traffic Code 2000
Australian Standards

Financial Implications

Removal and replacement of signage is planned to be undertaken as part of routine maintenance within the current road maintenance budgets.

Strategic Implications

Nil

Risk Implications

Nil

Risk Matrix

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

Conclusion

It is recommended that Council note the contents of the report and that staff are progressing with implementation of recommendations.

OFFICER RECOMMENDATION – ITEM NO 10.3.2

THAT COUNCIL NOTE THE COCOS (KEELING) ISLAND SIGN AND PAVEMENT MARKING CORRECTIVE ACTION REPORT JUNE 2019 AND THAT IMPLEMENTATION OF RECOMMENDATIONS HAS COMMENCED.

COUNCIL RESOLUTION – ITEM NO 10.3.2

MOVED CR IKU

SECONDED CR LIU

THAT COUNCIL NOTE THE COCOS (KEELING) ISLAND SIGN AND PAVEMENT MARKING CORRECTIVE ACTION REPORT JUNE 2019 AND THAT IMPLEMENTATION OF RECOMMENDATIONS HAS COMMENCED.

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

FOR: IKU, LACY, LIU, MINKOM, YOUNG

AGAINST: NIL

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 DOORS

Nil

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

15.2.1 LEASE FOR PART LOT 18 HOME ISLAND RETAIL CENTRE – HOME ISLAND BAKERY

Report Information

Date: 27 September 2022
 Location: Part Lot 18 Home Island Retail Centre – Tenancy 8 Bakery
 Applicant: Azah Badlu and Siti Az-Zahra Azah
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Manager Infrastructure
 Island: Home Island
 Attachments: 15.2.1.1 - Report from May 2021 Bakery Layout – Design
 15.2.1.2 – Home Island Retail Precinct Plan

Authority / Discretion

Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 provide an update to Council on the progression of the bakery proposal on Home Island and seek resolution of the design and funding of the infrastructure.

It should be noted that Council, in this instance, is acting in its capacity as the Trustee of the 1979 Land Trust as the Land (Lot 18) is held in Trust.

Council, in making any decision in relation to the Trust, must give due consideration of the purpose of the Trust that is “*for the benefit, advancement and wellbeing of the community formed by the Kampong residents*” and ensure their decision-making is guided by this objective. Council, acting in its capacity as Trustee, has the authority to consider matters relating to Land held in Trust.

Relevant Documents

Available for viewing at the meeting.

Background

The Shire advertised in the Atoll seeking expressions of interest for 4 new retail tenancies at the Home Island Retail Centre. Mr Badlu and Mrs Azah wrote to the Shire expressing their interest in tenancy 8 for the purpose of a Bakery. At the April 2021 Ordinary Council Meeting council resolved the following:

THAT COUNCIL ACTING IN ITS CAPACITY AS TRUSTEE OF THE 1979 LAND TRUST DEED, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.58 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI)* 1995 RESOLVES:

1. TO GIVE PUBLIC NOTICE OF THE INTENT (INCLUDING INVITING PUBLIC SUBMISSIONS) TO DISPOSE BY LEASE OF PART LOT 18 HOME ISLAND RETAIL CENTRE TENANCY 8 TO THE MR BADLU & MRS AZAH AS PER THE SHIRE’S STANDARD COMMERCIAL LEASE TEMPLATE, SUBJECT TO THE FOLLOWING CONDITIONS:
 - a. THAT THE LEASE FEE BE SET AS PER THE INDEPENDENT VALUATION, SUBJECT TO ANNUAL CPI REVIEWS, PLUS A ONE-OFF LEASE PREPARATION FEE OF \$250;
 - b. THE LEASE TERM BEING FOR 3 YEARS WITH 3 YEAR OPTION;
2. THE PURPOSE OF THE LEASE IS TO OPERATE A BAKERY BUSINESS.
3. THAT SHOULD NO OBJECTIONS BE RECEIVED DURING THE PUBLIC NOTICE PERIOD; THE CEO IS AUTHORISED TO ENTER INTO THE LEASE AS PER THE SHIRE’S STANDARD COMMERCIAL LEASE TEMPLATE AND WITH THE CONDITIONS AS OUTLINED ABOVE;
4. THAT IF OBJECTIONS ARE RECEIVED, TO CONSIDER ALL PUBLIC SUBMISSIONS AT THE FIRST ORDINARY MEETING OF COUNCIL FOLLOWING THE CLOSE OF THE PUBLIC SUBMISSION PERIOD;
5. THAT REGULAR INSPECTIONS OF COMMERCIAL TENANCY WILL BE UNDERTAKEN;

At its May 2021 meeting, council considered a further report (Attachment 15.2.1.1) which detailed the proposal from Mr Badlu and Mrs Azah that Council fund the essential equipment required for the bakery acknowledging that this would increase the annual lease fee for the tenancy. At that time, Council resolved the following:

THAT COUNCIL ACTING IN ITS CAPACITY AS TRUSTEE OF THE 1979 LAND TRUST DEED, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.58 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI)* 1995 RESOLVES:

1. THAT COUNCIL AGREE TO FITOUT THE TENANCY WITH THE FIRST THREE ESSENTIAL ITEMS ONLY AS LISTED IN THIS REPORT BEING THE TRAY RACK – 18 SHELVES, ROTEL

OVEN AND CHEF 60CM STOVE TOP WHICH WILL BE FACTORED INTO THE LEASE VALUATION AND REMAIN THE PROPERTY OF THE SHIRE.

Comment

Generally, the fitting out of a leased premises is the responsibility of the tenant. It is noted however that in resolving as above Council did so, to be consistent with another café and restaurant that the Shire have purchased essential equipment for which is also to be fitted. In February 2022, Council engaged an architect to design the bakery layout and engage with relevant planning and building experts to ensure compliance with the code. The design as based on a sketch prepared by the tenant in conjunction with previous Shire staff in early 2021.

The design is Attachment 15.2.1.2. The design identifies fixed assets such a double sink, hand basin, stove, rangehood, oven, sliding window and necessary stainless-steel benches and splashbacks. Removable assets such as the centre benchtop, fridges, mixer, prover, divider are also identified – these are the responsibility of the tenant.

Airconditioning, sliding window, commercial gloss paint and new non-slip flooring are additional new works required.

Staff have sought costs for all fixed assets in the bakery and estimated the internal labour and Contractor hours to install. Total cost approximately \$53,000.

Description	Cost (\$)
Turbofan Oven 30D - 6 Tray with Hood and stand	19000
Benchtops, shelving,	5000
Stovetop, rangehood	2000
Sinks, double and handwash (w/accessories)	4000
New sliding window	1200
New Floor	3000
Air Conditioner	3000
Gloss Paint	500
Contractors (Plumbing/Electrical)	6000
Labour	6050
Freight	3500
	53250

These costs were identified as part of the 22/23 annual budget. Note – the servery has been removed and reinstated with stainless steel benchtop with undershelf.

The cost of providing the essential items as fixtures with the tenancy will be recouped over time through an increase in the annual lease fee than what would otherwise be charged.

As noted above, in determining this matter, Council is acting in its capacity as the Trustee of the Land Trusts as the Land (Part Lot 18) is Land held in Trust under the 1979 Land Trust Deed;

therefore Council, is required to have due consideration of the purpose of the Trust, that is “upon trust for the benefit, advancement and wellbeing of the Cocos (Keeling) Islanders resident in the Territory on land owned by the Council.”

Policy and Legislative Implications

Section 3.58 of the *Local Government Act (WA) (CKI)* 1995 as amended.

Financial Implications

The total cost for the fit-out of the bakery is expected to be \$53,250 which can be accommodated within the current budget remaining for this project for the 2022/23 financial year. The Shire would seek a valuation for the lease fee that takes into account the fixtures that are being provided to the tenant.

Strategic Implications

Strategic Community Plan: *Key Result Area 1– Economic: Outcome 1.1. Encourage economic stability for the Islands.*

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Service Interruption	Without the support of the essential equipment the tenancy may not be taken on and the community will not have access to this service.	Moderate (6)	This item is being progressed as quickly as possible, while still observing legislative requirements.
Compliance	The process for leasing does not comply with legislation.	Low (3)	The process outlined in this report is consistent with legislative requirements.
Property	The property is being used other than what it has been intended for.	Low (3)	Property inspection to be conducted annually.

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 approves the bakery design and notes the required upgrades to the existing tenancy and the anticipated cost to Council.

OFFICER RECOMMENDATION – ITEM NO 15.2.1

THAT COUNCIL ACTING IN ITS CAPACITY AS TRUSTEE OF THE 1979 LAND TRUST DEED, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.58 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI) 1995* RESOLVES:

1. APPROVE THE DESIGN OF THE BAKERY AS SHOWN IN DRAWING A001 – HOME ISLAND BAKERY
2. THAT COUNCIL NOTE THE COST FOR THE UPGRADE AND FITOUT OF THE HOME ISLAND BAKERY HAS BEEN INCLUDED IN THE 22/23 BUDGET.

COUNCIL RESOLUTION – ITEM NO 15.2.1

MOVED CR LACY

SECONDED CR YOUNG

THAT COUNCIL ACTING IN ITS CAPACITY AS TRUSTEE OF THE 1979 LAND TRUST DEED, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.58 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI) 1995* RESOLVES:

1. APPROVE THE DESIGN OF THE BAKERY AS SHOWN IN DRAWING A001 – HOME ISLAND BAKERY
2. THAT COUNCIL NOTE THE COST FOR THE UPGRADE AND FITOUT OF THE HOME ISLAND BAKERY HAS BEEN INCLUDED IN THE 22/23 BUDGET.

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

FOR: IKU, LACY, LIU, MINKOM, YOUNG

AGAINST: NIL

