

# Shire of Cocos (Keeling) Islands

## Shire of Cocos (Keeling) Islands

### Minutes

### Ordinary Meeting of Council

Wednesday 26 June 2024, 4:00pm

Council Chambers, Shire Administration Building

Lot 256 Jalan Bunga Melati, Home Island

### **Disclaimer**

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

## OUR VALUES

### Service

Provide the best service we can.

We serve the community and each other.

### Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

### Support

We support our team and our community.

Look for opportunities to help each other.

### Respect

We respect and value others.

Our interactions are always respectful towards others.

### Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

### Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

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## **1. OPENING/ANNOUNCEMENTS OF VISITORS**

The Presiding member declared the meeting open at 4:06pm and welcomed Councillors and Officers.

## **2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

President: Cr A Minkom

Deputy President: Cr I Minkom

Councillors: Cr Badlu  
Cr Lacy  
Cr Young (left at 5.04pm)  
Cr Sloan

Officers: Frank Mills, Chief Executive Officer  
Vikki Lauritsen, Manager Finance and Corporate Services  
Kevin Wilson, Interim Manager Finance and Corporate Services  
Ibrahim Macrae, Manager Governance Risk and Planning

Guests: Nil

Public: 0

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.

Nil

## 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
NIL		

### 5.2 APPLICATION FOR LEAVE OF ABSENCE

Cr Knight formally requested a leave of absence for the period from 26 June 2024 to 28 June 2024.

#### COUNCIL RESOLUTION – ITEM NO 5.2

MOVED CR BADLU

SECONDED CR SLOAN

THE COUNCIL APPROVED CR KNIGHT'S LEAVE REQUEST FOR THE PERIOD FROM 26 JUNE 2024 TO 28 JUNE 2024.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

## **6. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

## **7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)**

7.1 Ordinary Council Meeting held on 29 May 2024 - Attachment 7.1

### **OFFICER RECOMMENDATION – ITEM NO 7.1**

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 29 MAY 2024 AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

### **COUNCIL RESOLUTION – ITEM NO 7.1**

**MOVED CR I MINKOM**

**SECONDED CR LACY**

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 29 MAY 2024 AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

**THE MOTION WAS PUT AND DECLARED CARRIED (6/0)**

**FOR:** BADLU, LACY, MINKOM, MINKOM, YOUNG

**AGAINST:** NIL

## **8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**

Nil

## **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.

<b>Name</b>	<b>Item No.</b>	<b>Interest</b>	<b>Nature</b>
Cr A. Minkom	15.2.1	Impartiality	He is the Chairperson of Cocos Marine Care
Cr I. Minkom	15.2.1	Impartiality	He is the Committee member of Cocos Marine Care

## **10. REPORT FROM COMMITTEES AND OFFICERS**



## 10.1 CHIEF EXECUTIVE OFFICER

### COUNCIL RESOLUTION

MOVED CR LACY

SECONDED CR SLOAN

THAT COUNCIL SUSPEND STANDING ORDERS, THE TIME BEING 4:13PM.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

### COUNCIL RESOLUTION

MOVED CR LACY

SECONDED CR SLOAN

THAT COUNCIL RESUME STANDING ORDERS, THE TIME BEING 4:30PM.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, YOUNG

AGAINST: NIL

### 10.1.1 CEO REPORT JUNE 2024

#### Report Information

Date: 15 June 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: 10.1.1.1 – 10.1.1.2 CONFIDENTIAL Circulated under separate cover  
 10.1.1.3 – CKI Fisheries Milestone 5 Report June 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 type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>

<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person’s right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input checked="" type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

**Report Purpose**

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

**Relevant Documents**

Available for viewing at the meeting

Nil

**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.

**May Council Meeting Actions**

- *Council endorse and approve the transfer of the assets named in the Asset Transfer Deed from IOTT to the Shire at such time and under such circumstances as possible in the future. COMPLETED*
- *Council endorse and approve the Shire to partner with Cocos Communications and IT Pty Ltd, Subco and any other agency as identified as necessary to deliver telecommunications services to the Cocos Keeling Islands post 1 June 2024 until further notice. COMPLETED*
- *Council endorses the Chief Executive Officer (within financial delegation) to utilise Verisign reserve funding to support the partnership with Cocos Communications and IT Pty Ltd to deliver telecommunications to the Cocos Keeling Islands post 1 June 2024 for a twelve-month period. ONGOING*
- *Council endorse and approves the Shire President and Chief Executive Officer, on behalf of the Shire, to sign the Asset Transfer Deed, Memorandum of Understanding, Land Transfer Deed and Transfer of Land documents as tabled and to attach the Common Seal of the Shire to the documents where applicable. COMPLETED*
- *That Council 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. COMPLETED AWAITING RESPONSE*
- *That Council 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. COMPLETED AWAITING RESPONSE*

- That Council make a written submission to the Regional Telecommunications Independent Review by due date of 31 July 2024. UNDERGOING DRAFT DEVELOPMENT
- That Council 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 uniqueness of the Cocos (Keeling) Islands telecommunications requirements. COMPLETED
- That Council 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. MEETING ARRANGED FOR 08 JULY 2024. INTERIM ADVICE AS FOLLOWS:

## CURRENT POSITION

*While the open burning is approved in the licence for the Home Island waste facility, it is only while the incinerator remains non-operational. This approval for open burning was never intended or assessed as the primary waste disposal method, it was only and remains so, a default position while the Shire takes all reasonable steps to bring the incinerator back into operation through, I would suggest, repairs or replacement of the incinerator.*

## WA CONTAINER DEPOSIT SCHEME

*The WA CD Scheme and the management body - WA Return Recycle Renew Ltd (WARRRL) are appointed by the WA Minister for Environment, Climate Change and DWER has the regulatory oversight for the Scheme. The WA Minister can direct WARRRL to implement the CDS scheme in a particular area/community. WARRRL are the corporate body who manage and operate the Scheme.*

*As we have discussed, the potential implementation of the Container Deposit Scheme (CDS) into Cocos (Keeling) Islands would, if approved, significantly change your communities waste profile requirements for final disposal methods.*

*The consideration of the WA CDS is also acknowledged and considered in the Commonwealth (DITRDCA) Indian Ocean Territories Waste Strategies.*

*The DWER Container Deposit Manager (Ross Belton) and I are currently booked to meet with you and your team on Cocos (Keeling) Islands (CKI) between 23 – 26 July 2024 to discuss the WA CDS Scheme. This includes options and processes that would be available if, it was viable and agreed to implement the WA CDS into the CKI.*

*During this trip, it will be important for Ross to gain an understanding of the current Shire recycling methods and the anticipated quantum of CDS waste material that would require collection for refund on island and for processing for offshore disposal to the CDS scheme provider (WARRRL) in Perth.*

*I am anticipating the best source of understanding of the potential quantum of CDS materials will come from the importers, supermarkets, and shops of CKI as inevitably, they are the parties bringing the materials into CKI that will require disposal, potentially through the reward system of CDS, if approved, or current disposal method, incineration as approved in the current DWER licences. Regardless, we are also investigating with WARRRL if there are*

*any rebates provided to CKI that should reflect, if rebates are paid, the amount of CDS products sold/delivered to CKI businesses.*

*Closer to the time of our visit in July, we will be in a position to provide further information on the WA CD Scheme, its operation and potentially the CDS landscape if introduced on CKI.*

*I trust this provides some update and understanding of the pathway we are currently following. Happy to discuss further anytime and if you wish to workshop, on island, waste options prior to 23 July 2024, this can be accommodated also.*

### **Community consultation**

Successful community consultation sessions held both am and pm on Saturday 8 June 2024 at the cyclone shelter on Home Island. Discussions and suggestions were included in the draft Annual Work Plan and the revised Corporate Plan 2022 – 2026 and the Strategic Community Plan 2022 – 2037.

### **Fulton Hogan**

Attended monthly teams meeting with Fulton Hogan Adrian Sykes and others Greg Lowrie, Nicholas Strange, and David Chidlow to discuss updates regarding the Defence Department Runway Upgrade Project. Agenda items included:

- Approvals for a wet mess.
- Health Board Approvals; and
- Final Certificate in connection with the body of work the third-party certifier does. (Shire's Planning Consultant, David Chidlow representing Council spoke to this).
- Shire's Environmental Health Officer, Felix Neuweiler to attend the next monthly meeting to discuss points 1 & 2.
- Traffic management plan to be developed, model to be provided by Shire prior to next meeting.

### **GHD**

Met with Hayley Rolfe, Technical Director - Circular Economy of GHD Perth to discuss outcome of waste management application and opportunities for project management from GHD in the future.

### **Indian Gaganyaan HSF mission update**

The following advice and update has been received on the progress and status of India's Gaganyaan HSF mission for the parts of the project Australia is assisting:

#### *Draft IA Gaganyaan Cooperation on Crew and Crew Module Recovery*

- *The Agency met with ISRO staff on 9 May to work through their comments on the draft IA.*
- *The majority of the comments related to minor corrections and changes (e.g., replacing 'Launch Vehicle' with 'Crew Module'; 'Indian military personnel' with 'Indian defence personnel'; 'Indian Military of Defence' with 'Indian Ministry of Defence'; the correction of the number of crew and length of the mission; the incorrect reference to*

section 4 rather than section 5 in Article 9.2; and extending the term of the IA to 2028 to align with the proposed amendment to the CKI IA).

- ISRO also recommended the removal of the specific reference of a customs broker from the text, with ISRO noting that although they intend to go down that path, it will be easier for them to get internal sign-off on the draft IA if it wasn't in the document – the Agency and DISR Legal agreed with this proposed change.
- The Agency and DISR Legal disagreed with other ISRO suggestions relating to the recommendation that the Agency coordinate and provide ISRO advice on permits, licences etc that are the responsibility of other government departments; and that text referring to full cost-recovery be replaced with 'mutually agreed cost-recovery basis'.
- On 28 May, ISRO provided some additional minor comments to the document (Attachment No 10.1.1.1) and advised that they will now consult with their Ministry on the draft IA, with the view of having the document ready for approval and signature by July 2024 at the earliest.

#### Implementing Arrangement for the temporary tracking station on the Cocos (Keeling) Islands

- On 30 April 2024, ISRO contacted the Agency to advise that the CKI IA was due to expire at the end of the year and requested that it be extended as a matter of priority.
- ISRO advised that they were unable to ensure suitability for all operational and procedural purposes for the TTC network on CKI and seek their Ministry's approval of the DITRDCA licence for Site 5 on CKI unless the expiry date for the CKI IA was extended beyond all four planned Gaganyaan launches.
- ISRO has advised that the first uncrewed Gaganyaan launch would occur in November 2024, with the remaining two uncrewed launches and one crewed launch to occur between November 2024 and December 2027.
- Article 6.2 of the CKI IA allows Participants to make amendments to the IA, provided the amendments are made in writing and signed by the Participants.
- In consultation with DISR Legal, the Agency prepared a document (Amendment No. 1 to CKI IA\_Draft version\_For ISRO consideration (Attachment No 10.1.1.2) that proposes to amend provision 6.1 (Duration, Termination and Amendment) of the CKI IA to extend it by four years until 31 December 2028. This will allow a 12-month buffer between ISRO's expected final (crewed) Gaganyaan launch and the expiry of the amended CKI IA. The document also proposes to amend provision 16 (Points of contact) in consultation with ISRO to reflect updated contact points for both ISRO and the Agency.
- ISRO has advised that they will review the amendment to the draft IA, with the aim of having the document ready for approval and signature by July 2024 at the earliest.

#### Other matters

- The Agency has encouraged ISRO to consider nominating a customs broker, to provide details of Indian defence and ISRO personnel who intend to travel to Australia for the G1 launch in the lead up to November and to liaise with their Defence colleagues regarding the existing Aus-India Defence arrangements.
- Post is also talking with Defence colleagues at Post and with ISRO re the logistical aspects of the Gaganyaan HSF program (in particular the movement of equipment and personnel into and around Australia for the launches).
- The Agency is liaising with AMSA and ISRO regarding the search and rescue response should the Gaganyaan missions abort within Australia's search and rescue region.

The Agency will continue to engage with ISRO, Post and individual departments as required, and I will keep you all posted on any updates to the project. Two draft attachments to this report are sensitive in nature and circulated in confidence.

### **CKI Port-LINX**

Met with Shane Charlston of CKI Port-LINX to discuss an application being prepared by him to carry out sea dumping.

*“I’m in the process of completing a sea dumping permit for the old barge. Part of the application is consultation with Stakeholders the Shire being one of the main organisations.*

*The plan is to scuttle the vessel in an area of 300m outside the boundary of the marine park. If you would be able to provide some feedback whether the shire considers this as a viable solution would be appreciated. And any Shire reference documents that would benefit the application would be greatly appreciated.*

*As mentioned, once I have completed this application for approval. I’m happy to share the information with the Shire and assist with any further applications the Shire may wish to complete to assist alleviate the issues we face with rubbish disposal”.*

A copy of advice regarding Sea Dumping was provided as follows:

#### **Option 6 – Sea disposal**

Sea disposal would require a permit from the Department of Agriculture, Water and the Environment (DAWE) – since 1 July 2022 now known as the Department of Climate Change, Energy, the Environment and Water (DCCEEW), and are administer in accordance with the Environment Protection (**Sea Dumping**) Act 1981. **Sea dumping** permits follow the London Convention and Protocol which applies a “black and grey list” approach for wastes, which can be considered for disposal at sea according to the hazard they present to the environment.<sup>8</sup>

There are several types of sea disposal permits relevant potentially relevant in the IOT, including: disposal of dredge material at sea, creation of an artificial reef, disposal of vessels, platforms or other man-made structures at sea, and disposal of bulky items from small islands into the sea. Current permit fees range from \$10,000 for ‘artificial reef placement’ to \$12,700 for a vessel.

When preparing the application for a sea disposal permit there must be considerable justification why the item/material cannot be disposed of another way, such as sold, beneficially reused, recycled, thermally destroyed by incineration, shipped off the island for treatment and disposal, onsite treatment and disposal, and/or prohibitive disposal costs, etc. If DCCEEW considers that the item/material can be disposed of another way, then the permit will be refused. An example provided by the Assistant Director of Environmental Assessments Queensland and **Sea Dumping** was that if an obsolete asset was a sea vessel and the vessel is floating it is likely that the vessel can be sold.<sup>9</sup> As such, a floating sea vessel would likely not be considered suitable for **sea dumping**. The assets to be disposed also must be prepared and assessed to ensure that they would not cause adverse harm to the marine environment (i.e., no fuel tanks, hydraulic lines, or coatings etc). Equipment would have to be stripped and cleaned, then broken into manageable pieces for **sea dumping** using the dump barge. Rolling items off the barge would be possible for smaller (light) items.

It is possible for multiple items to be disposed under one permit; however, the items must be grouped together in a logical way (e.g., vehicles with vehicles) as there are different assessment considerations for different waste items

being disposed at sea. Another consideration is that once a sea disposal permit application is lodged, the permit will be either granted or refused at the cost to the applicant.

Based upon the above, an environmental planner would need to be engaged to justify that there was no other way to dispose the obsolete asset(s), the asset(s) could no longer be used and that they had been prepared in a way to not cause adverse harm. The engagement of an environmental planner to prepare and lodge a sea dumping application would likely cost between \$5,000 - \$10,000, depending on the complexity of the application and supporting evidence requirements. As such, given the costs, difficulties associated with justifying sea dumping and the preparation of the equipment, sea dumping is not considered a suitable disposal pathway for a large proportion of the assets requiring disposal in the IOT.

It is noted however, the sea disposal permit may be suitable for the CI phosphate mine's old mining equipment and this was suggested in discussion with DCCEE<sup>10</sup>. If DITRDCA would like to consider this option further, DCCEE indicated that DITRDCA should contact the department directly as this could facilitate more direct dialogue.

Mr Charlston was also provided with a copy of the IOT Waste Management Strategy to provide further background to the waste dumping.

### **Sea Country Solutions**

Met with Sea Country Solutions (SCS), Harriet Davies, Cocos Marine Care (CMC) Aindil Minkom and Fisheries Ranger Shakirin Keegan to discuss the current and future status of contractual arrangements and future relationships between the Shire and SCS and CMC. Discussed and received a copy of CKI Fisheries Program 2024/25 Milestone 5 Report- June 2024- prepared by Sea Country Solutions.

Following a successful pilot year of the new community-based fisheries management program on Cocos (Keeling) Islands in 2023, the initial service agreement was extended for a further 12 months. The milestone report (Attachment No 10.1.1.3) is for the first quarter of year two.

### **Sport and Recreation WA**

Met with Mel Estaugh of WA Sport and Recreation to discuss a range of sporting activities and opportunities for the second half of the calendar year for the Cocos (Keeling) Islands.

### **Transport Department WA**

Met with Nicky Taylor of WA department of Transport to sign extension to agreement for vehicle registration checking on Home Island. Also discussed the roll out of personalised plates to the Cocos (Keeling) islands to occur later this calendar year.

### **Policy and Legislative Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM NO 10.1.1**

THAT COUNCIL, BY SIMPLE MAJORITY:

1. ACKNOWLEDGE AND RECEIVE THE CEO'S JUNE REPORT.
2. SUPPORT AN APPLICATION BY CKI PORT-LINX FOR SEA DUMPING TO DISPOSE OF THE "OLD BARGE" IN AN AREA WITH A DEPTH OF 300 METERS OUTSIDE THE BOUNDARY OF THE MARINE PARK.

**COUNCIL RESOLUTION – ITEM NO 10.1.1**

**MOVED CR BADLU**

**SECONDED CR LACY**

THAT COUNCIL, BY SIMPLE MAJORITY:

1. ACKNOWLEDGE AND RECEIVE THE CEO'S JUNE REPORT.
2. THAT COUNCIL REQUEST FURTHER CLARIFICATION OF THE APPLICATION BY CKI PORT-LINX FOR SEA DUMPING TO DISPOSE OF THE "OLD BARGE" IN AN AREA WITH A DEPTH OF 300 METRES OUTSIDE THE BOUNDARY OF THE MARINE PARK PRIOR TO MAKING A DECISION ON THIS MATTER.

**THE MOTION WAS PUT AND DECLARED CARRIED (6/0)**

**FOR:** BADLU, LACY, MINKOM, MINKOM, YOUNG

**AGAINST:** NIL

**REASON FOR VARIATION TO THE OFFICER RECOMMENDATION**

The council felt that more detailed information on the CKI Port-LINX sea dumping application was needed before proceeding with a decision on this matter.



**10.1.2 PROPOSED FIRE STATION AND STORAGE LOT 184 SYDNEY HIGHWAY, LIGHT INDUSTRY AREA, WEST ISLAND**

**Report Information**

Date: 4 June 2024  
 Location: Lot 184 Sydney Highway, Light Industry Area, West Island  
 Applicant: Adowra Pty Ltd  
 File Ref:  
 Reporting Officer: Chief Executive Officer  
 Island: West Island  
 Attachments: 10.1.2.1 - AE189 ARC 000 REV C-WI FIRE STATION-DA

**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 Adowra Pty Ltd to construct a Fire Station and Storage Shed Lot 184 Sydney Highway, Light Industry Area, West Island.

**Relevant Documents**

Available for viewing at the meeting

Nil

## Background

The applicant states.

*We propose the construction of a new Fire Station spanning 354 m<sup>2</sup> and a Storage facility covering 81 m<sup>2</sup>, with a combined area of 435 m<sup>2</sup> (13m x 33.4m) on Lot 184 in Light Industrial area. The building is facing Sydney Highway frontage, aligned with other existing buildings and a fence at approximate setback of 5m from the lot boundary as depicted on the Site Plan. This layout adheres to Clause 4.6.1(b)(iii) of the SOCKI Town Planning Scheme 1.*

*The proposed development occupies the former position of a shed destroyed by fire in 2021, situated at Finish Floor Level 10.20m AHD. The previous shed's outline is indicated on the site plan. The new structure will be a single-story building with a Colorbond gable roof featuring a 10-degree pitch, 5.40m eaves, and a maximum ridge height of 6.60m, designed to accommodate two Fire Appliances (Fire trucks) with working spaces measuring 6m x 13m each. Additionally, the Fire Station will include Stores, Amenities, an Office, and Training/Kitchen areas, meeting requirements outlined by the fire brigade and Australian standards. The facility will provide 10 parking bays and one tandem disabled bay, all meeting Australian Standards, with adequate space and door widths satisfying accessibility standards.*

*Construction will involve a cyclone-rated steel frame structure on a new concrete slab, with cyclone-rated doors, windows, and roller shutters. The building will be externally clad with Colorbond cladding as specified in elevations. Mechanical ventilation will be provided for the Appliance shed, while the rest of the building (excluding the storage area) will be air-conditioned. Heavy vehicle access to and from the Appliance shed will be facilitated by a specially designed Heavy Trafficable Concrete Apron and Driveway, with a grated drain collecting stormwater at the boundary line. The remaining setback width area between the building and boundary will be dedicated to landscaping to enhance the building's street appearance, as outlined in the site plan. The estimated construction cost is \$2,500,000.*

*Enclosed with this application are the attached the following drawings demonstrating our compliance with relevant Shire local planning policies, Codes, applicable Australian standards, and Fire Brigade expectations:*

No	TITLE	SCALE	REV
001	SITE PLAN	1/200	C
002	SECTION ELEVATION	1/200	C
003	FLOOR PLAN	1/100	C
004	SECTION A-A	1/100	C

*We seek approval for the following variations to the SOCKI Town Planning Scheme 1:*

- 1. Parking: Vehicle parking will be confined to the LIA Lot to ensure unobstructed egress and visibility for departing emergency vehicles.*
- 2. Landscaping: The west area of the development will be grassed and kept open to maximise visibility for departing emergency vehicles.*

## Comment

The proposed Fire Station will be a community benefit and is supported. Parking at the rear of the fire station as well as minimal landscaping at the road frontage will enhance visibility for emergency vehicles exiting the station.

## 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.	Variation to setbacks is supported as a precedent has been set using the footprint of the previous building destroyed by fire.
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.	Variation to front landscaping is supported to enable clear sight to emergency vehicles exiting onto Sydney Highway.
(d) Environmental Considerations - (i) All buildings shall be set in well maintained, attractive garden no use or development of land within the Industrial zone shall	Meets criteria

<p>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

A new fire station is a benefit to the community. Site variations for setback and landscaping are acceptable, 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 ADOWA PTY LTD FOR A FIRE STATION AND 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. VEHICLE PARKING WILL BE CONFINED TO THE LIA LOT TO ENSURE UNOBSTRUCTED EGRESS AND VISIBILITY FOR DEPARTING EMERGENCY VEHICLES.

### 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.

- E. THIS APPROVAL RELATES TO THE FOLLOWING PLANS; AE189 ARC 001 REV C-WI FIRE STATION-DA SH1; AE189 ARC 002 REV C-WI FIRE STATION-DA SH2; AE189 ARC 003 REV C-WI FIRE STATION-DA SH3; AE189 ARC 004 REV C-WI FIRE STATION-DA SH4.

**COUNCIL RESOLUTION – ITEM NO 10.1.2**

MOVED CR LACY

SECONDED CR YOUNG

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO.1, RESOLVES TO GRANT DEVELOPMENT APPROVAL TO ADOWA PTY LTD FOR A FIRE STATION AND 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. VEHICLE PARKING WILL BE CONFINED TO THE LIA LOT TO ENSURE UNOBSTRUCTED EGRESS AND VISIBILITY FOR DEPARTING EMERGENCY VEHICLES.

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.
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- E. THIS APPROVAL RELATES TO THE FOLLOWING PLANS; AE189 ARC 001 REV C-WI FIRE STATION-DA SH1; AE189 ARC 002 REV C-WI FIRE STATION-DA SH2; AE189 ARC 003 REV C-WI FIRE STATION-DA SH3; AE189 ARC 004 REV C-WI FIRE STATION-DA SH4.

**THE MOTION WAS PUT AND DECLARED CARRIED (6/0)**

**FOR:** BADLU, LACY, MINKOM, MINKOM, YOUNG

**AGAINST:** NIL

### 10.1.3 INTEGRATED PLANNING AND REPORTING

#### Report Information

Date: 15 June 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: 10.1.3.1 - SOCKI Annual Workplan 2024-25  
 10.1.3.2 - SOCKI Asset Management Plan (AMP) 2024-2034  
 10.1.3.3 - SOCKI Corporate Business Plan 2022-2026 –June 2024  
 10.1.3.4 - SOCKI Strategic IT Plan 2022-2025  
 10.1.3.5 - SOCKI Risk Management Framework and Policy  
 10.1.3.6 - SOCKI Strategic Community Plan 2022-2037  
 10.1.3.7 - SOCKI Workforce Plan 2022-2037 and 2024-2025  
 Organisational Structure

#### Authority / Discretion

#### Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

#### Report Purpose

The purpose of this report is to provide Council with an overview of the suite of integrated planning and reporting documents for endorsement and approval.

#### Relevant Documents

Available for viewing at the meeting

Nil



## Background

Three key stakeholders are involved in the development of an integrated plan: the council, the community and the local government administration led by the Chief Executive Officer.

A successful integrated planning and reporting process will deliver a:

- Strategic Community Plan that clearly links the community's aspirations with the council's vision and long-term strategy.
- Corporate Business Plan that integrates resourcing plans and specific council plans with the strategic community plan clearly stated vision for the future viability of the local area.

The Integrated Planning and Reporting Framework:

- Recognises that planning for a local government is holistic in nature and driven by the community.
- Builds organisational and resource capability to meet community need.
- Optimises success by understanding the integration and interdependencies between the components; and
- Emphasises performance monitoring so that local governments can adapt and respond to changes in community needs and the business environment.

The Integrated Planning and Reporting Guidelines provide a process that aims to:

- Ensure community input is explicitly and reliably generated.
- Provide the capacity for location-specific planning where appropriate.
- Update long term objectives with these inputs.
- Identify the resourcing required to deliver long-term objectives; and
- Clearly convey long term financial implications and strategies.

## Legislation

All local governments are required to produce a ***plan for the future*** under S5.56 (1) of the *Local Government Act 1995*.

The Local Government (Administration) Regulations 1996 provide a brief outline of the minimum requirements to meet this requirement, which includes the development of a strategic community plan and a corporate business plan.

This report not only addresses the minimum planning requirements for the Shire but goes beyond with additional planning as follows.

### **Annual Work Plan**

In addition to the legislative requirement for mandatory plans as part of the Integrated Planning and Reporting model for Local Governments in West Australia, an Annual Work Plan is developed for the Shire of Cocos (Keeling) Islands. The Shire's Annual Workplan for the 2024 – 2025 Financial Year has been developed after consultation with the community, posting on the Shire's Website for comment. It has been developed as a tool guide to inform,

measure, and track the day – to – day strategic activities of the Shire and incorporates a review of the Shire’s 2024 – 2025 Annual Budget, 2024 – 2025 Organisational Structure, Corporate Business Plan 2022 – 2026 and Strategic Community Plan 2022 – 2037.

A copy of the proposed Shire of Cocos (Keeling) Islands Annual Workplan 2024 – 2025 is attached (Attachment No 10.1.3.1) with this report for Council endorsement and approval.

### **Asset Management Plan**

Ensuring that the Shire meets the service needs of current and future users is important to us. To do this, the Shire takes a long-term management view. This view, and the plans and strategies that the Shire has for its assets, are referenced within this document.

The Shire of Cocos (Keeling) Islands Asset Management Plan (AMP) 2024 – 2034 is maintained as a live document to ensure that it remains up to date. It integrates with the Shire’s Strategic Community Plan so that it is balanced against our long-term vision. It is also structured around the four major service areas of:

- Transport – assets that support vehicular, pedestrian, cycling and mobility device travel.
- Property – building assets.
- Recreation – assets with places such as ovals, parks, gardens etc.
- Fleet and equipment – assets such as plant, equipment, vehicles, and IT.

This AMP considers a future planning view of ten years. The Shire understands that over this time, the way that the community uses our services will change. This means that our assets may also have to change.

A copy of the Shire of Cocos (Keeling) Islands Asset Management Plan (AMP) 2024 – 2034 is attached (Attachment No 10.1.3.2) with this report for Council endorsement and approval.

### **Corporate Business Plan**

The Western Australian Local Government (Administration) Regulations 1996, Section 19DA sets out the requirements for a local government to have a Corporate Business Plan:

#### ***19DA. Corporate business plans, requirements for (Act s. 5.56)***

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
  - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*

- (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
  - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*

In 2022 a Corporate Business Plan was developed for the Shire of Cocos (Keeling) Islands for the period 2022 – 2026 and subsequently endorsed and approved by Council.

A review has been conducted of the Shire of Cocos (Keeling) Islands Strategic Community Plan 2022 – 2026 and the amended version is attached (Attachment No 10.1.3.3) with this report for Council endorsement and approval.

### **ICT Strategic Plan**

In 2022, the Shire in conjunction with Focus Networks produced the Shire of Cocos (Keeling) Islands Strategic I.T Plan 2022 – 2025.

The Shire's Strategic Information Technology Plan (IT Plan) provides direction for addressing both short-term and long-term requirements for cost-effective, practical technological solutions. Through the investment in and use of advanced technology, The Shire can emphasise both external and internal customer services.

The Shire's plan provides a framework for effectively managing Information Technology (IT). The primary goal of IT is to support the business objectives of The Shire and to facilitate departmental efforts to provide efficient and effective services to its members, the public, and other stakeholders. The plan also provides a foundation for an enterprise-wide approach to the management of IT.

Many future technology efforts cross multiple departments with a single goal of providing services to its members, the public, and other stakeholders. This environment requires technology to be used as the basis for communication, interoperability, data, and resource sharing. Furthermore, technology is a vehicle through which cost reduction can occur by increasing the efficiency and effectiveness of services through corporate architecture and standards.

While the IT Plan has been a living document since inception, it is now at the point where recent opportunities and developments in the use of optic fibre and other technologies means a full review is due in the first quarter of the 2024 – 2025 financial year.

A copy of the current version of the Shire of Cocos (Keeling) Islands Strategic I.T Plan 2022 – 2025 is attached (Attachment No 10.1.3.4) for Councillors endorsement and approval.

### **Risk Management Framework**

The Risk Management Policy Framework were developed as the vision for risk management and is for all decision makers to be fully informed of risks, and that risks are effectively

managed in the achievement of the Council's Strategic and Operational objectives. Risk management benefits the Council, rate payers and stakeholders by enabling new ideas to be explored and potential risks to be managed to minimise unacceptable impacts.

The Council is committed to continuing to improve our operational efficiency and find innovative ways of delivering our services to residents, ratepayers, businesses, and visitors without compromising service quality or elevating risks above a level that the Council is willing to accept.

Risk management plays a critical role in helping us understand the impacts and manage the risks associated with these priorities. It helps us determine an appropriate control environment and balance strategies to address risk so that we are using our resources efficiently and effectively. It involves making decisions and establishing governance systems that embed and support effective risk processes, as well as building an organisational culture that supports alertness, openness, and responsiveness to change.

The Risk Management Framework reflects good practice and sound corporate governance and is consistent with the risk management guidelines and principles of AS/NZS ISO 31000:2018 (the Standard).

The management of risk is the responsibility of everyone and is an integral part of the Council's culture, and is reflected in the various policies, protocols, systems, and processes used to ensure efficient and effective service delivery.

A review has been conducted of the Shire of Cocos (Keeling) Islands Risk Management Framework and Risk Management Policy and the amended versions are attached (Attachment No 10.1.3.5) with this report for Council endorsement and approval.

### **Strategic Community Plan**

The Western Australian Local Government (Administration) Regulations 1996, Section 19C sets out the requirements for a local government to have a Strategic Community Plan:

#### **19C. Strategic community plans, requirements for (Act s. 5.56)**

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*

In 2022 a Strategic Community Plan was developed for the Shire of Cocos (Keeling) Islands for the period 2022 – 2037 and subsequently endorsed and approved by Council.

A review has been conducted of the Shire of Cocos (Keeling) Islands Strategic Community Plan 2022 – 2037 and the amended version is attached with this report for Council endorsement and approval.

### **Workforce Plan 2022 – 2037 and 2024 – 2025 Organisational Structure**

The Shire's Workforce Plan has been developed to align with the Shires Strategic Community Plan and Long-Term Financial Plan. It provides the Shire of Cocos (Keeling) Islands with clear guidance on how to manage its workforce for the next fifteen years by aligning decisions about human resources (recruitment, development, retention and so on) with outcomes, goals, and strategies in its Annual Workplan 2024 – 2025, Corporate Plan 2022 - 2026 and Strategic Community Plan 2022 -2037. Embedded in this planning is the movement towards secondment placing for short periods to allow for future staff development and the capacity to exercise better management and flexibility of staff.

The *Western Australian Local Government Act 1995* Section 5.36 sets out the requirements for a local government to employ a Chief Executive Officer and staff.

#### **5.36. Local government employees**

(1) *A local government is to employ —*

- (a) *a person to be the CEO of the local government; and*
- (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*

A review of the organisational staff structure for the Shire for the 2024 – 2025 financial year has been carried out and some modifications have been made to the structure in place for the 2023 – 2024 financial year. Of note the following modifications have been initiated:

- Infrastructure Manager position removed.
- Infrastructure supervisor position removed.
- Addition of a plumber assistant/trainee position included under Infrastructure.
- All Infrastructure casual positions removed, and permanent positions created; and
- Additional trainee position for Community Development Team included.

A review has been conducted of the Shire of Cocos (Keeling) Islands Workforce Plan 2022 – 2037 and the Shire of Cocos (Keeling) Islands Organisational Structure for 2024 – 2025. Amended versions are attached (Attachment No 10.1.3.7) with this report for Council endorsement and approval.

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

Met as above.

#### **Financial Implications**

The suite of plans has been designed to meet the 2024 – 2025 annual budget and the long-term financial plan.

### **Strategic Implications**

A lack of strategic planning has inherent risk to organisational finances and performance.

### **Voting Requirements**

Absolute Majority

### **OFFICER RECOMMENDATION – ITEM NO 10.1.3**

THAT COUNCIL, BY ABSOLUTE MAJORITY, ENDORSE AND APPROVE THE FOLLOWING SHIRE OF COCOS (KEELING) ISLANDS DOCUMENTS AS PRESENTED:

- ANNUAL WORK PLAN 2024–2025
- ASSET MANAGEMENT PLAN 2024–2024
- CORPORATE BUSINESS PLAN 2022–2026
- RISK MANAGEMENT POLICY AND FRAMEWORK
- STRATEGIC I.T PLAN 2022–2025
- STRATEGIC COMMUNITY PLAN 2022–2037
- WORKFORCE PLAN 2022–2037

### **COUNCIL RESOLUTION – ITEM NO 10.1.3**

**MOVED CR I MINKOM**

**SECONDED CR SLOAN**

THAT COUNCIL, BY ABSOLUTE MAJORITY, ENDORSE AND APPROVE THE FOLLOWING SHIRE OF COCOS (KEELING) ISLANDS DOCUMENTS AS PRESENTED:

- **ANNUAL WORK PLAN 2024–2025**
- **ASSET MANAGEMENT PLAN 2024–2024**
- **CORPORATE BUSINESS PLAN 2022–2026**
- **RISK MANAGEMENT POLICY AND FRAMEWORK**
- **STRATEGIC I.T PLAN 2022–2025**
- **STRATEGIC COMMUNITY PLAN 2022–2037**
- **WORKFORCE PLAN 2022–2037**

**THE MOTION WAS PUT AND DECLARED CARRIED BY ABSOLUTE MAJORITY (6/0)**

**FOR:** BADLU, LACY, MINKOM, MINKOM, YOUNG

**AGAINST:** NIL

**10.1.4 LGIS RENEWAL REPORT 2024 - 2025**

**Report Information**

Date: 18 June 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: 10.1.4.1 - CONFIDENTIAL Circulated under separate cover

**Authority / Discretion**

**Definition**

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<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 a copy of the LGIS renewal report for the period 30 June 2024 to 30 June 2025 and fees for 2024 – 2025 for approval of payment.

**Relevant Documents**

Available for viewing at the meeting

Nil

**Background**

It is not only sound business practice but also a legislated requirements that the Shire of Cocos (Keeling) Islands affords itself protection by insuring its assets.

As a member of LGISWA (LGIS) the Cocos (Keeling) Islands Shire Council has recently been the recipient of the insurance renewal terms for 2024/25. This report includes alternative limit options where requested.

A suite of documents i.e., Renewal Report and costings for 2024 – 2025, Important Information Report, and LGIS Protection Policy Amendments 2024 are circulated under a separate cover (Attachment No 10.1.4.1) for information and approval of Council.

### **Policy and Legislative Implications**

Nil

### **Financial Implications**

*Total Scheme Membership for 2024 – 2025 is \$531,607.00. An overall \$6,212 saving in comparison to last year.*

### **Strategic Implications**

It is strategically important to insure assets of the Shire. Failure to do so may result in significant loss financially and operationally.

### **Voting Requirements**

Absolute Majority

### **OFFICER RECOMMENDATION – ITEM NO 10.1.4**

THAT COUNCIL, BY ABSOLUTE MAJORITY, NOTE AND RECEIVE THE LGISWA INSURANCE AS PRESENTED AND APPROVE THE PAYMENT OF \$531,607.00 FOR SCHEME MEMBERSHIP FOR THE 2024–2025 FINANCIAL YEAR.

### **COUNCIL RESOLUTION – ITEM NO 10.1.4**

**MOVED CR BADLU**

**SECONDED CR I MINKOM**

**THAT COUNCIL, BY ABSOLUTE MAJORITY, NOTE AND RECEIVE THE LGISWA INSURANCE AS PRESENTED AND APPROVE THE PAYMENT OF \$531,607.00 FOR SCHEME MEMBERSHIP FOR THE 2024–2025 FINANCIAL YEAR.**

**THE MOTION WAS PUT AND DECLARED CARRIED BY ABSOLUTE MAJORITY (6/0)**

**FOR: BADLU, LACY, MINKOM, MINKOM, YOUNG**

**AGAINST: NIL**



### 10.1.5 COMMUNITY DEVELOPMENT UPDATE JUNE 2024

#### Report Information

Date: 14 June 2024  
 Location: Cocos Keeling Islands  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Acting Community Development Coordinator  
 Island: Shire wide  
 Attachments: 10.1.5.1 – CONFIDENTIAL Circulated under separate cover

#### Authority / Discretion

#### Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 on programs and events within the Community Development Team for the month of June 2024.

#### Relevant Documents

Available for viewing at the meeting

Nil.

#### Youth & Recreation Officer Update

##### Sailing – HOBIE T2

Postponed from the July school holidays to October school holidays. Peter McCartney offered to assist with repairing max. of 2 Hobie T2 before October. Kylie and Mel from Department of

Sports and Rec will also be assisting. Meeting with the Jukong Sailing Club in terms of planning for a fundraising event to purchase spare parts for the T2 – TBC.

**Oral History Training: Elaine Rabbitt**

Oral History Training with Dr. Elaine Rabbitt on the 22 – 23 May. Her lessons consist of background knowledge on how to develop a good historian. Building skills on doing interviews and using those skills during the interview assessment. Interviewed three members of the Seniors Group regarding Cocos Life as it was and their childhood stories.

**Department of Sports & Recreation**

Kylie Severin and Mel Eastough visits the Cocos Islands from the 11 – 14 June for a community info session on all things sports and recreation. Updates on the sports and recreation officer, visits, and inspection on the sporting areas such as the volleyball courts, tennis courts, HISRA shed and community oval. Due to the disruption of the ferry services, kylie and Mel were unable to stay for a Youth Council meeting/updates.

**Golf WA Visit**

Megan Henry, Golf WA coach visits Cocos Island on the 11 – 14 June for a community and private Golf lessons. She did a school workshop on Home Island, teaching the students basic skills and knowledge on Golf. Due to the disruption of the ferry services, Megan was unable to attend the Home Island community sessions. West Island community had private lessons and a game of “scroungers” at the Golf Club.

**School Holiday Programs – DRAFT**

School Holiday Term 2 commencing from 27 June – 22 July. Term 2 school holiday program this year consist of 6 activities shared equally with both Home and West Island students/youth.

Emma Washer, local artist, volunteers to run an art workshop on West Island at the Big Barge Art Centre using washed up marine debris and recycled materials. Currently in search for more volunteers closer to date for both Home and West Island, (TBC) and awaiting confirmation with the school to use their facilities for activities.

**Budget Review Planning 2024/25**

Update Budget Spreadsheet before Friday 7 June. Adding as many notes as possible and update budget draft budget figures as required for Community Development Team. – Review with Vikki.

**Community Development Officer – Culture and Heritage****Projects**

- Jukong restoration Project with Nek Callum + Tim Eastwood
- Museum upgrade
- Oral Histories with Elaine Rabbitt
- Cocos Community Arts Group
- ASDD Book

**Jukong Restoration Project**

- Nek Callum will complete Lantar Pujeh this week, in keeping with our end of June deadline for Boat 1.

- The last step - paints have been sent up from Perth and arrived on the Freighter on Friday 14 June.
- Nek Iz is engaged to begin building boat support frames for each of the Jukong's from Thursday 20 June. This will allow all the Jukong's to be mobilised and shuffled around in the workshop to make space for projects.
- Plans to have doors installed in the workshop to ensure that the space can be secured once we introduce all the machinery equipment. Planning to have commence this work early this financial year once the boating support frames are completed and the Jukong's positions can be changed.
- Nek Callum has begun to make the (Keel Strip) from Brass provided by Tim Eastwood. Nek Su will get involved with the accessories such as bits (cleats). Working through what the appropriate finish will be – Brass or Stainless steel. Nek Su has expressed he does not have the necessary tools for making these elements from Brass and is proposing they are made from stainless steel as this is easier to work with and will require fewer specific tools.
- Niamh has been working through creating a Jukong Terminology dictionary that can be share with the school and used as a learning resource. Thank you to Pak Qush and Nek Callum for your knowledge and assistance.
- Hoping to start looking for a local provider for a small stall at the Chula Shed to encourage visitation to the Jukong Restoration project. Moving forward, intending to check on food handling requirements with Pak Yus and then to advertise to find interested providers.

### **Museum**

- Nek Su has completed the mount for the proclamation plaque based on Tim Eastwood's design. Now he is working to install into the Museum.
- Niamh spent an afternoon scraping salt from the walls in the Museum during the power outage on Home Island. [Photos attached below] While she made good progress, there is still a lot more to be removed. Tim has sent up a can of limewash paint to paint over the areas where the top layer has been removed.
- Tourism have submitted a proposal for the amendment of Museum operating hours. Proposal to be presented to council.
- NS + TE to work through creating a Gallery Manual to assist attendants to provide a more detailed experience for visitors.
- From the community consultation, there was discussions around encouraging community members to make Salt and Soap with Wak Udin. It would be wonderful to introduce these products as local souvenirs, if possible, another potential project.

### **Oral Histories**

- Nadya Adim, Sofiya Aindil, Niamh Swinger and Siddiq Juljali completed the Oral History training and are now accredited in AHCOCM404 Record and document Aboriginal and/or Torres Strait Islander Community History. (Although the course title refers to Aboriginal and Torres Strait Islander communities, it is entirely relevant to any community.)
- Nadya Adim undertook a series of interviews with Cocos community members which are incredibly important as records of Cocos history.

- The interviews are currently held on the Shire System; however, we are interested in the possibility to make them publicly accessible through the Shire's website. This is a budget item that will require a quote from a web design professional.
- Elaine recommended that the course attendees (NA, SA, NS, SJ) attend the Oral History Conference in Melbourne, November 2024. She highly recommends this conference, which has an emphasis in Ethics of Oral History.

**Cocos Community Arts Group**

- After discussions with the CEO, the Cocos Community Arts Group will exist wholly as a separate entity to the Shire.



**ASDD Book**

- Sofiya Aindil and Niamh Swingler and continuing to work on the ASDD book – 40 Tahun 40 Cerita.
- We are currently collecting historical photos in relation to the stories each person told Sofiya. Anyone with historical photographs is encouraged to bring them forward so that they can be scanned and included in the book.
- We have enquired about quotes to get the book published. Looking at getting 100-200 copies (160 to be available for purchase after 40 given to interviewees.)

Attachment 1 : Drafted of the Term 2 School Holiday Programs.



## Term 2 Program 2024

DATE	TIME	ACTIVITY	VENUE
MONDAY 8 <sup>TH</sup> JULY	9.00am - 10.30am	 Come make an artwork made with washed up Marine Debris!	West Island - Big Barge Art Centre
TUESDAY 9 <sup>TH</sup> JULY	8.30am - 10.30am	 Painting with Nature	Home Island - Kampong Atas
MONDAY 15 <sup>TH</sup> JULY	8.30am - 10.00am	 Let's Bake!	West Island School - Home & Ec. Room
TUESDAY 16 <sup>TH</sup> JULY	10.30am - 12.00pm	 Let's Make Pizzas!	Home Island - Cyclone Shelter
WEDNESDAY 17 <sup>TH</sup> JULY	5.00pm - 6.00pm	 Basketball	West Island School - Basketball Court
FRIDAY 19 <sup>TH</sup> JULY	6.30pm - 8.00pm	 Volleyball	Home Island - Volleyball Courts

Permission slips and details of activities can be obtained by contacting Nadya at the Shire Office on 91626849 or email [nadya.admin@cocos.wa.gov.au](mailto:nadya.admin@cocos.wa.gov.au)

**Attachment 2.1: Museum Project – Proclamation Plaque Mount by Nek Su.**



**Attachment 2.2: Museum Project – Salt Deposit scraped by Niamh.**



**Attachment 2.3: Museum Project – Salt Deposit 2.**



**Attachment 2.4: Museum Project – Salt Progress.**



**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	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

### **OFFICER RECOMMENDATION – ITEM NO 10.1.5**

THAT COUNCIL, BY SIMPLE MAJORITY:

1. ACKNOWLEDGE AND RECEIVE THE SHIRE'S ACTING COMMUNITY DEVELOPMENT CO-ORDINATOR AND OFFICER'S MONTHLY UPDATE FOR JUNE 2024; AND
2. RECEIVE THE HOME ISLAND MUSEUM AND VISITOR CENTRE PROPOSAL FY24.

### **COUNCIL RESOLUTION – ITEM NO 10.1.5**

**MOVED CR I MINKOM**

**SECONDED CR SLOAN**

THAT COUNCIL BY SIMPLE MAJORITY:

1. ACKNOWLEDGE AND RECEIVE THE SHIRE'S ACTING COMMUNITY DEVELOPMENT CO-ORDINATOR AND OFFICER'S MONTHLY UPDATE FOR JUNE 2024; AND
2. RECEIVE THE HOME ISLAND MUSEUM AND VISITOR CENTRE PROPOSAL FY24.

**THE MOTION WAS PUT AND DECLARED CARRIED (6/0)**

**FOR:** BADLU, LACY, MINKOM, MINKOM, YOUNG

**AGAINST:** NIL

### 10.1.6 2024 WALGA LOCAL GOVERNMENT CONVENTION

#### Report Information

Date: 12 June 2024  
 Location: Cocos (Keeling) Islands  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref: Nil  
 Disclosure of Interest: Nil  
 Reporting Officer: Chief Executive Officer  
 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 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 inform the Council about the scheduled dates for the 2024 WALGA Local Government Convention and to seek nominations and approval for the elected members and staff who wish to attend.

#### Relevant Documents

Available for viewing at the meeting

Nil

## **Background**

Each year, WALGA's annual Local Government Convention brings together hundreds of elected members and local government staff from across Western Australia to discuss and examine important issues and trends facing the sector.

Themed "Innovation Ecosystem," this year's convention speaks to the ability of WALGA and the sector to foster dynamic change within the fabric of WA through collaboration, promotion and daring to think big.

It will evoke new ideas, heightened passion for communities and facilitate connections for ongoing skills and ideas sharing within the Local Government sector.

It serves the purpose of highlighting the rich expertise base within WALGA available as a resource to members and the benefits that can be leveraged for all of WA when we work as a collective.

WALGA bring together Elected Members, suppliers, Council officers and key stakeholders as part of a unique program of professional development, networking and business opportunities.

Expect the ultimate program of inspirational and educational speakers, elevated function experiences and opportunities to raise pressing matters affecting your community direct to the source.

The convention exhibition is also a unique opportunity for preferred suppliers to meet Council representatives and showcase the latest innovations and technologies across the sector.

The dates for the 2024 Convention are Tuesday to Thursday, 8-10 October 2024 at the Perth Convention and Exhibition Centre, and a copy of the program will be provided once available. Registrations are now open for the 2024 Convention.

## **Comment**

The annual WALGA Convention provides an important opportunity for elected members and staff to keep abreast of innovations and information pertaining to Local Government in Western Australia.

## **Policy and Legislative Implications**

Nil

## **Financial Implications**

Cost of attendance for elected members and staff is budgeted for each financial year.

## **Strategic Implications**

It is good practice for elected members and staff to attend events such as this to remain strategically informed.

### Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Increased awareness of Councils role & responsibilities by attending the conference	Not applicable	Not applicable
Health & Safety	As above	As above	As above
Reputation	As above	As above	As above
Service Interruption	As above	As above	As above
Compliance	As above	As above	As above
Property	As above	As above	As above
Environment	As above	As above	As above
Fraud	As above	As above	As above

### Risk Matrix

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

### Voting Requirements

Simple

#### OFFICER RECOMMENDATION – ITEM NO 10.1.6

THAT COUNCIL, BY SIMPLE MAJORITY, APPROVES AND NOMINATES ELECTED MEMBERS AND STAFF TO ATTEND THE 2024 WALGA LOCAL GOVERNMENT CONVENTION TO BE HELD AT THE PERTH CONVENTION AND EXHIBITION CENTRE FROM TUESDAY TO THURSDAY, 8-10 OCTOBER 2024.

#### COUNCIL RESOLUTION – ITEM NO 10.1.6

MOVED CR YOUNG

SECONDED CR LACY

THAT COUNCIL, BY SIMPLE MAJORITY, APPROVES AND NOMINATES ELECTED MEMBERS AND STAFF TO ATTEND THE 2024 WALGA LOCAL GOVERNMENT CONVENTION TO BE HELD AT THE PERTH CONVENTION AND EXHIBITION CENTRE FROM TUESDAY TO THURSDAY, 8-10 OCTOBER 2024.

**THE MOTION WAS PUT AND DECLARED CARRIED (6/0)**

**FOR:** BADLU, LACY, MINKOM, MINKOM, YOUNG

**AGAINST:** NIL

## 10.2 MANAGER FINANCE AND CORPORATE SERVICES

### 10.2.1 MONTHLY FINANCIAL REPORT – MAY 2024

#### Report Information

Date: 13 June 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 –May 2024  
 10.2.1.2 – CONFIDENTIAL – Note 12 Additional Information Council  
 (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>

#### Report Purpose

The purpose of this report is to provide a monthly financial report for May 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 May 2024. The current closing municipal surplus for this period is \$1,604,470 compared to a budget position of \$885,786.

Income for the period year to date is \$9,864,573 which is made up \$9,462,194 in operating revenues and \$402,379 in capital grants. The budget estimated \$9,730,530 would be received for the same period. The variance to budget is \$134,043.

Expenditure for the period year to date is \$7,559,052 excluding depreciation. This is made up of \$5,808,873 in operating expenditure and \$1,750,179 in capital expenditure. The budget estimated \$8,070,873 would be spent for the same period. The variance to budget is \$511,822.

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

### Voting Requirements

Simple majority.

### Conclusion

That the Monthly Financial Report for the period ending 31 May 2024, including explanations of material variances, be received.

### OFFICER RECOMMENDATION – ITEM NO 10.2.1

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MAY 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 MAY 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1.

### COUNCIL RESOLUTION – ITEM NO 10.2.1

MOVED CR LACY

SECONDED CR SLOAN

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MAY 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 MAY 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1.



**THE MOTION WAS PUT AND DECLARED CARRIED (6/0)**

**FOR:** BADLU, LACY, MINKOM, MINKOM, YOUNG

**AGAINST:** NIL

## 10.2.2 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD MAY 2024

### Report Information

Date: 18 June 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 May 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.

<b>Payment Type</b>	<b>Amount (\$)</b>
EFT Payments #10639 to #10736	\$475,342.57
Direct Debit Payment	\$81,560.33
Cheque Payment 11742 - 11744	\$4,072.75
<b>Total Payments</b>	<b>\$560,975.65</b>

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

<b>Risk Category</b>	<b>Description</b>	<b>Rating (consequence x likelihood)</b>	<b>Mitigation Action</b>
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 May 2024.

**OFFICER RECOMMENDATION – ITEM NO 10.2.2.**

THAT COUNCIL BY SIMPLE MAJORITY:

1. 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 MAY 2024 TOTALLING \$560,975.65 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD MAY 2024, AS CONTAINED IN ATTACHMENT 10.2.2.1.

**COUNCIL RESOLUTION – ITEM NO 10.2.2**

**MOVED CR BADLU**

**SECONDED CR LACY**

THAT COUNCIL, BY SIMPLE MAJORITY:

1. 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 MAY 2024 TOTALLING \$560,975.65 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD MAY 2024, AS CONTAINED IN ATTACHMENT 10.2.2.1.

**THE MOTION WAS PUT AND DECLARED CARRIED (6/0)**

**FOR:** BADLU, LACY, MINKOM, MINKOM, YOUNG

**AGAINST:** NIL

### 10.2.3 2024/2025 ANNUAL BUDGET

#### Report Information

Date: 24 June 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: 10.2.3.1 –2024-2025 Statutory Budget – Shire of Cocos (Keeling) Islands (includes Schedule of Fees & Charges)  
 10.2.3.2 – 2024-2025 Budget – Additional Information

#### 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 for Council to consider and adopt the proposed budget for Municipal, Trust and Reserve Funds for the 2024/2025 financial year, together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of Elected Members fees for the year, and other consequential matters arising from the budget papers.

#### Relevant Documents

Available for viewing at the meeting

Nil

## Background

The presented budget for 2024/2025 is a balanced budget. This Budget document has been prepared in accordance with the *Local Government Act 1995 (WA) (CKI)*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

## Comment

The following information is provided in support of the Budget being presented for consideration.

### 2023/2024 Forecast Carried Forward Surplus

The estimated surplus to be carried forward from 2023/2024 into this budget is \$68,500. The surplus is a combination of savings against current budget expectations, and projects and services budgeted in 2023/2024 not yet completed. Incomplete projects and services have been re-budgeted in 2024/2025 for completion. The material variances to the current budget are listed below.

Description	Current Budget	Increase/ Decrease	Revised Budget
<b>Operating Income</b>			
Fisheries – Operating Contribution Revenue	\$320,273	\$(66,278)	\$386,551
Waste Collection Fees – Comm/Public Agency	\$518,056	\$(167,249)	\$350,807
Waste Transfer Station Fees	\$62,768	\$15,832	\$78,600
Interest Earnings	\$209,541	\$55,000	\$262,534
<b>Operating Expenditure</b>			
Fringe Benefits Tax	\$43,626	\$18,242	\$61,868
Staff Training – Public Works	\$32,619	\$11,568	\$44,000
Consultants - Fisheries	\$179,609	\$76,697	\$256,306
Consultants – IOTT Migration	\$0	\$50,000	\$50,000
Legal Fees – .cc / IOTT Migration & Commonwealth waste fees review	\$81,609	\$68,810	\$150,420
Off Island Disposal Costs	\$150,924	\$19,500	\$170,405
<b>Capital Income</b>			
LRCI 4 Grant – DI Beach Shelters – cfwf balance to 2024/25	\$42,133	\$(15,270)	\$26,863
LRCI 4 Grant – Underspend on Cyclone Shelter under-croft lighting	\$18,000	\$(5,000)	\$12,000
<b>Capital Expenditure</b>			
<b>Completed Projects below budget</b>			
C332 – Hi Admin Re-roof	\$190,602	\$(24,597)	\$166,005
C554 – Jalan Baru	\$235,430	\$(50,300)	\$185,130
C525 – Jalan Raya	\$172,842	\$(15,423)	\$157,419
<b>Carry forward projects to 2024/25</b>			
C272 - Crusher Bucket	\$85,000	\$(85,000)	\$0
C574 - Plant Replacement – Kubota tractor	\$85,000	\$(85,000)	\$0
C279 – Photocopier Replacement	\$20,000	\$(20,000)	\$0

C154 – Depot Shelving Fit out	\$19,196	(\$9,876)	\$9,320
C030 – Beach Shelters Direction Island	\$63,562	(\$36,699)	\$26,863
C267 – Studio Unit Lot 190	\$43,488	(\$32,937)	\$10,511
C269 – Kampong Renewals ( <i>Land Trust contribution</i> )	\$134,680	(\$134,680)	\$0
<b>Reserve Transfers</b>			
Transfer to – Waste Mgmt Reserve	\$657,921	(\$126,469)	\$531,452
Transfer from – Waste Mgmt Reserve	\$657,921	(\$126,469)	\$531,452
Transfer from – IT & Communications Reserve	\$458,941	\$72,531	\$531,472
Transfer from – Plant Replacement Reserve	\$600,562	(\$97,632)	\$502,930
Transfer from – Building Reserve	\$149,680	(\$134,680)	\$15,000

### Major Projects, Services and Programs

The major projects, services and programs that have been included in the 2024/2025 Budget include:

<b>Project/Initiative</b>	<b>Budget Allocation (\$)</b>
Provision of Communication services to Islands	\$1,411,000
Plant Replacement	\$520,000
New Plant & Equip	\$164,000
Shire IT & Communications Equip renewals / upgrades	\$91,500
Road Reconstruction – Home Island	\$282,883
Kampong Rental Housing - Renewals	\$144,920
Azmie Zaitu Building – Re-roof	\$55,630
Home Island Depot Shed	\$51,442
Waste Management (excl. Off-Island disposal, excl. depreciation)	\$736,785
Off Island Disposal of Waste	\$239,600
Road Maintenance	\$290,068
Parks and Reserves (including Playground & BBQ) maintenance	\$868,227
Other Property Maintenance (Public halls, museum, toilets, beach shelters, Depot, cemetery)	\$589,317
Community Development, grants, events, programs & heritage	\$700,491
Boat Ramp Maintenance	\$62,454
Kampong & other housing maintenance	\$887,646
Land Trust Administration - Other	\$374,800

### Proposed Rates

At the Ordinary Council Meeting held on 24 April 2024 Council resolved to provide local public notice of its intention to adopt differential rates and minimum payments for the 2024/2025 financial year. Ratepayers were provided 21 days to make a submission. Only one submission was received during this period, however the submission disputed the Commonwealth waste fees rather than addressing any issues with the proposed differential rates.



The proposed rate in the dollar (RiD) equates to an approximate 3.5% increase from the 2023/24 RiD and minimum payments across all categories.

Once adopted the proposed rates would yield revenue of \$524,569.

The following rating categories, rates in the dollar and minimum payments for 2024/2025 are recommended for adoption:

RATING CATEGORY	RATE IN \$ 2024/25	MINIMUM RATE 2024/25
GRV General Developed	0.1244	\$810
GRV Vacant Land	0.2483	\$910
GRV Business	0.1312	\$810

The Shire continues to charge the reduced penalty interest rate of 7% in accordance with the Local Government (COVID-19 Response) Amendment order extension gazetted by the Minister for Local Government in the 2022/23 year.

### **Capital Expenditure**

Total Shire capital expenditure for 2024/2025 is budgeted to be \$1.27 million, with \$257,654 funded from non-operating grants and contributions, \$736,529 from reserve funds, \$500 from sale of assets and the balance of \$279,896 funded from municipal funds. A number of capital works projects are carried forward from 2023/24 with additional projects focusing on renewal or upgrade of existing assets and infrastructure. Should resources become available throughout the year, new projects can be considered by Council. Details of the capital works program for 2024/25 is attached at 10.2.3.2 – 2024-2025 Budget Additional Information.

### **Schedule of Fees and Charges**

In providing facilities and services, Council must consider a range of 'Best Value' principles including service cost and quality standards, value for money and community expectations. Council must balance affordability and accessibility of services with its financial capacity and in the interests of long-term financial sustainability.

A major review of the Waste Management Fees and Charges occurred in 2023/24. Bin collection fees and waste transfer station fees have had a high-level review this year to ensure cost recovery where possible. Commonwealth feedback has been considered and the Commonwealth bin collection fees reduced to cost recovery for 2024/25. This may affect the Shires ability to subsidise private resident waste fees going forward. Unfortunately, a recent funding application to purchase incinerators and make capital improvements to the transfer stations was unsuccessful. It was hoped that the funded improvements would provide savings and efficiencies in waste services and assist the Shire in meeting outcomes within the IOT Waste & Resource Recovery Strategy. The outcome of the funding request was disappointing. The Shire will continue to work on finding efficiencies and passing on cost savings where possible.

Shire services are provided on the basis of one of the following pricing methods:

1. Market Price
2. Full Cost Recovery
3. Subsidised Price

The Proposed Schedule of Fees Charges form part of the Statutory Budget report and can be found on page 25 of the Attachment No 10.2.3.1 –2024-2025 Statutory Budget – Shire of Cocos (Keeling) Islands.

### **Cash Backed Reserves**

The Shire's Plant and Building reserves have been utilised to fund capital projects totalling \$520,000. The Shire proposes to cash-back depreciation in the Plant Replacement Reserve, Building Reserve and Furniture Reserve in order to fund future renewals.

Transfer in % of current year depreciation  
Transfer out – current year capital renewals

.cc revenue received continues to be restricted in the IT & Communications Reserve and utilised to fund Shire IT expenditure & community communication projects.

The 2024/25 budget includes expenditure related to the management of assets and infrastructure previously managed by IOTT.

The 2024/25 budget includes a \$120,000 contribution to the Infrastructure Reserve to fund future capital road works on West Island as well as a \$100,000 contribution to the Land Trust Administration Reserve to continue future works in winding up the Land trusts and Kampong housing issues.

Waste fees received by the Shire continue to be restricted to the Waste Management Reserve, however as resident fees are subsidised and waste management expenditure continues to exceed the revenue, the net transfer for 2024/25 is expected to be zero.

### **Budget Variations and Materiality thresholds**

Budget variations may be presented to Council for consideration throughout the year where income or expenditure is expected to exceed the materiality thresholds adopted by Council as part of this report.

Budget variations may eventuate due to new funding becoming available or unforeseen expenditure. Any variation should always maintain a balanced budget.

It is recommended, a reporting material variance of 10% or \$20,000, whichever is the greater, be used in the monthly statement of financial activity.

**Policy and Legislative Implications**

This Budget has been prepared in accordance with the *Local Government Act 1995 (WA) (CKI)*, the *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

Section 6.2 of the *Local Government Act 1995 (WA) (CKI)* requires Council to prepare an annual budget.

Section 6.16 of the *Local Government Act 1995 (WA) (CKI)* Imposition of fees and charges.

**Financial Implications**

The proposed budget is a balanced budget for the 2024/2025 financial year.

**Strategic Implications**

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

*Objective L1: to be involved, respectful and inclusive and facilitate diversity and representation within the decision-making process.*

*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	The budget does not accurately reflect actual expenditure and revenue	Low (3)	The budget has been prepared with sufficient rigour to provide a high level of confidence in estimates
Reputation	The budget does not reflect community aspiration and priority	Moderate (3)	The budget has been prepared to align with the CBP
Compliance	The budget does not comply	Low (4)	The budget has been prepared in accordance with all legislative requirements

**Risk Matrix**

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

**Voting Requirements**

Absolute Majority

**Conclusion**

Officers submit the Shire’s 2024/2025 Annual Budget for adoption as required under Section 6.2 of the *Local Government Act 1995 (WA) (CKI)*.

**OFFICER RECOMMENDATION – ITEM NO 10.2.3**

THAT COUNCIL, BY ABSOLUTE MAJORITY:

1. PURSUANT TO SECTION 6.2 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* AND PART 3 OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*, RESOLVES TO ADOPT THE 2024/2025 BUDGET, INCLUDING THE STATEMENT OF COMPREHENSIVE INCOME BY NATURE AND TYPE, STATEMENT OF CASH FLOWS, STATEMENT OF FINANCIAL ACTIVITY, SUPPORTING NOTES TO AND FORMING PART OF THE STATUTORY BUDGET, CAPITAL EXPENDITURE BUDGET BY PROJECT AND TRANSFERS TO/FROM RESERVE FUNDS FOR THE YEAR ENDING 30 JUNE 2025, AS DETAILED IN ATTACHMENT 10.2.3.1 AND ATTACHMENT 10.2.3.2.
2. PURSUANT TO SECTIONS 6.32, 6.34, 6.35, 6.37 AND 6.38 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* AND REGULATION 54 OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*, RESOLVES TO ADOPT THE 2024/2025 GENERAL RATE AND MINIMUM PAYMENT FOR THE SHIRE OF COCOS (KEELING) ISLANDS AS FOLLOWS:

RATING CATEGORY	RATE IN \$ 2024/25	MINIMUM RATE 2024/25
GRV General Developed	0.1244	\$810
GRV Vacant Land	0.2483	\$910
GRV Business	0.1312	\$810

3. PURSUANT TO THE PROVISIONS OF THE *WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007* PART 6, DIVISION 3, SECTION 67:
  - A) LEVY A CHARGE OF \$600 IN RESPECT OF THE REMOVAL OF THE CONTENTS OF ONE 240L REFUSE BIN FROM RESIDENTIAL PROPERTY PER WEEK; AND
  - B) APPLY A PENSIONER DISCOUNT RATE IN RESPECT OF THE REMOVAL OF THE CONTENTS OF ONE 240L REFUSE BIN FROM RESIDENTIAL PROPERTY PER WEEK BEING \$380 FOR A SINGLE PENSION HOUSEHOLD AND \$400 FOR A COUPLE PENSION HOUSEHOLD; AND
  - C) LEVY A MINIMUM CHARGE OF \$3000 IN RESPECT OF THE REMOVAL OF THE CONTENTS OF ONE 240L REFUSE BIN FROM A COMMERCIAL AND/OR PUBLIC AGENCY PROPERTY PER WEEK;

ANY ADDITIONAL BINS OR COLLECTIONS WILL RESULT IN ADDITIONAL CHARGES;

4. RATES INSTALMENTS

ENDORSE THE DUE DATES FOR PAYMENT OF INSTALMENT OPTIONS AS:

A) ONE (1) INSTALMENT OPTION – MONDAY 26 AUGUST 2024: AND

B) FOUR (4) INSTALMENT OPTION - FIRST INSTALMENT MONDAY 26 AUGUST 2024, SECOND INSTALMENT MONDAY 4 NOVEMBER 2024, THIRD INSTALMENT MODAY 20 JANUARY 2025, AND FOURTH INSTALMENT MONDAY 24 MARCH 2025;

5. INSTALMENT ADMINISTRATION FEE

PURSUANT TO SECTIONS 6.45 AND 6.50 OF *THE LOCAL GOVERNMENT ACT (WA) (CKI) 1995* AND REGULATION 67 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 RESOLVES TO ADOPT AN INSTALMENT ADMINISTRATION CHARGE WHERE THE OWNER HAS ELECTED TO PAY RATES (AND SERVICE CHARGES) BY WAY OF AN INSTALMENT OPTION OF \$5 FOR EACH INSTALMENT AFTER THE INITIAL INSTALMENT IS PAID, BEING \$15.00;

6. INSTALMENT INTEREST

PURSUANT TO REGULATION 68 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996, RESOLVES TO ADOPT AN INSTALMENT INTEREST RATE OF 5.5% WHERE THE OWNER HAS ELECTED TO PAY RATES AND SERVICE CHARGES THROUGH AN INSTALMENT OPTION;

7. PENALTY INTEREST

PURSUANT TO SECTIONS 6.51(1) AND 6.51(4) OF *THE LOCAL GOVERNMENT ACT (WA) (CKI) 1995* AND REGULATION 70 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996, RESOLVES TO ADOPT AN INTEREST RATE OF 7% PER ANNUM FOR RATES AND CHARGES THAT REMAIN UNPAID AFTER BECOMING DUE AND PAYABLE;

8. ELECTED MEMBERS' FEES AND ALLOWANCES

PURSUANT TO SECTION 5.99 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, RESOLVES TO SET THE ANNUAL ATTENDANCE FEE FOR ALL COUNCILLORS TO \$7,000 AND THE SHIRE PRESIDENT'S ALLOWANCE TO \$7,000 FOR THE 2024/2025 FINANCIAL YEAR.

9. FEES AND CHARGES

PURSUANT TO SECTION 6.16 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, ADOPTS THE FEES AND CHARGES SET OUT ON PAGE 25 OF THE STATUTORY BUDGET REPORT ATTACHMENT 10.2.3.1 TO TAKE EFFECT 1 JULY 2024.

10. MATERIAL VARIANCE FOR 2024/2025 FINANCIAL YEAR

PURSUANT TO REGULATION 34(5) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* ADOPTS THE LEVEL TO BE USED IN THE MONTHLY STATEMENTS OF FINANCIAL ACTIVITY IN 2024/2025 FOR REPORTING MATERIAL VARIANCES TO BE THE GREATER OF:

I) 10%; OR

II) \$20,000;

APPLICABLE TO EACH REVENUE AND EXPENDITURE ITEM WITHIN THE NATURE AND TYPE CLASSIFICATION AND CAPITAL INCOME AND EXPENDITURE.

11. BUDGET VARIATIONS TO 2023/24 CURRENT BUDGET

PURSUANT TO PART 6 DIVISION 4 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, ADOPT THE FOLLOWING MATERIAL VARIATIONS TO THE 2023/24 CURRENT BUDGET TO MORE CLOSELY ALIGN THE CURRENT 2023/24 BUDGET TO THE FORECAST OPENING SURPLUS PER THE 2024/25 BUDGET.

Description	Current Budget	Increase/ Decrease	Revised Budget
Operating Income			
Fisheries – Operating Contribution Revenue	\$320,273	\$(66,278)	\$386,551
Waste Collection Fees – Comm/Public Agency	\$518,056	\$(167,249)	\$350,807
Waste Transfer Station Fees	\$62,768	\$15,832	\$78,600
Interest Earnings	\$209,541	\$55,000	\$262,534
Operating Expenditure			
Fringe Benefits Tax	\$43,626	\$18,242	\$61,868
Staff Training – Public Works	\$32,619	\$11,568	\$44,000
Consultants - Fisheries	\$179,609	\$76,697	\$256,306
Consultants – IOTT Migration	\$0	\$50,000	\$50,000
Legal Fees – .cc / IOTT Migration & Commonwealth waste fees review	\$81,609	\$68,810	\$150,420
Off Island Disposal Costs	\$150,924	\$19,500	\$170,405
Capital Income			
LRCI 4 Grant – DI Beach Shelters – cfwd balance to 2024/25	\$42,133	(\$15,270)	\$26,863
LRCI 4 Grant – Underspend on Cyclone Shelter under-croft lighting	\$18,000	(\$5,000)	\$12,000
Capital Expenditure			
Completed Projects below budget			
C332 – Hi Admin Re-roof	\$190,602	(\$24,597)	\$166,005
C554 – Jalan Baru	\$235,430	(\$50,300)	\$185,130
C525 – Jalan Raya	\$172,842	(\$15,423)	\$157,419
Carry forward projects to 2024/25			
C272 - Crusher Bucket	\$85,000	(\$85,000)	\$0
C574 - Plant Replacement – Kubota tractor	\$85,000	(\$85,000)	\$0
C279 – Photocopier Replacement	\$20,000	(\$20,000)	\$0
C154 – Depot Shelving Fit out	\$19,196	(\$9,876)	\$9,320
C030 – Beach Shelters Direction Island	\$63,562	(\$36,699)	\$26,863
C267 – Studio Unit Lot 190	\$43,488	(\$32,937)	\$10,511
C269 – Kampong Renewals ( <i>Land Trust contribution</i> )	\$134,680	(\$134,680)	\$0
Reserve Transfers			
Transfer to – Waste Mgmt Reserve	\$657,921	(\$126,469)	\$531,452
Transfer from – Waste Mgmt Reserve	\$657,921	(\$126,469)	\$531,452
Transfer from – IT & Communications Reserve	\$458,941	\$72,531	\$531,472

Transfer from – Plant Replacement Reserve	\$600,562	(\$97,632)	\$502,930
Transfer from – Building Reserve	\$149,680	(\$134,680)	\$15,000

**COUNCIL RESOLUTION – ITEM NO 10.2.3**

MOVED CR SLOAN

SECONDED CR BADLU

THAT COUNCIL, BY ABSOLUTE MAJORITY:

1. PURSUANT TO SECTION 6.2 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* AND PART 3 OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*, RESOLVES TO ADOPT THE 2024/2025 BUDGET, INCLUDING THE STATEMENT OF COMPREHENSIVE INCOME BY NATURE AND TYPE, STATEMENT OF CASH FLOWS, STATEMENT OF FINANCIAL ACTIVITY, SUPPORTING NOTES TO AND FORMING PART OF THE STATUTORY BUDGET, CAPITAL EXPENDITURE BUDGET BY PROJECT AND TRANSFERS TO/FROM RESERVE FUNDS FOR THE YEAR ENDING 30 JUNE 2025, AS DETAILED IN ATTACHMENT 10.2.3.1 AND ATTACHMENT 10.2.3.2.
2. PURSUANT TO SECTIONS 6.32, 6.34, 6.35, 6.37 AND 6.38 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* AND REGULATION 54 OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*, RESOLVES TO ADOPT THE 2024/2025 GENERAL RATE AND MINIMUM PAYMENT FOR THE SHIRE OF COCOS (KEELING) ISLANDS AS FOLLOWS:

RATING CATEGORY	RATE IN \$ 2024/25	MINIMUM RATE 2024/25
GRV General Developed	0.1244	\$810
GRV Vacant Land	0.2483	\$910
GRV Business	0.1312	\$810

3. PURSUANT TO THE PROVISIONS OF THE *WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007* PART 6, DIVISION 3, SECTION 67:
  - A) LEVY A CHARGE OF \$600 IN RESPECT OF THE REMOVAL OF THE CONTENTS OF ONE 240L REFUSE BIN FROM RESIDENTIAL PROPERTY PER WEEK; AND
  - B) APPLY A PENSIONER DISCOUNT RATE IN RESPECT OF THE REMOVAL OF THE CONTENTS OF ONE 240L REFUSE BIN FROM RESIDENTIAL PROPERTY PER WEEK BEING \$380 FOR A SINGLE PENSION HOUSEHOLD AND \$400 FOR A COUPLE PENSION HOUSEHOLD; AND
  - C) LEVY A MINIMUM CHARGE OF \$3000 IN RESPECT OF THE REMOVAL OF THE CONTENTS OF ONE 240L REFUSE BIN FROM A COMMERCIAL AND/OR PUBLIC AGENCY PROPERTY PER WEEK;

ANY ADDITIONAL BINS OR COLLECTIONS WILL RESULT IN ADDITIONAL CHARGES;

4. RATES INSTALMENTS

ENDORSE THE DUE DATES FOR PAYMENT OF INSTALMENT OPTIONS AS:

- A) ONE (1) INSTALMENT OPTION – MONDAY 26 AUGUST 2024: AND
- B) FOUR (4) INSTALMENT OPTION - FIRST INSTALMENT MONDAY 26 AUGUST 2024, SECOND INSTALMENT MONDAY 4 NOVEMBER 2024, THIRD INSTALMENT MODAY 20 JANUARY 2025, AND FOURTH INSTALMENT MONDAY 24 MARCH 2025;
5. **INSTALMENT ADMINISTRATION FEE**  
PURSUANT TO SECTIONS 6.45 AND 6.50 OF *THE LOCAL GOVERNMENT ACT (WA) (CKI) 1995* AND REGULATION 67 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 RESOLVES TO ADOPT AN INSTALMENT ADMINISTRATION CHARGE WHERE THE OWNER HAS ELECTED TO PAY RATES (AND SERVICE CHARGES) BY WAY OF AN INSTALMENT OPTION OF \$5 FOR EACH INSTALMENT AFTER THE INITIAL INSTALMENT IS PAID, BEING \$15.00;
6. **INSTALMENT INTEREST**  
PURSUANT TO REGULATION 68 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996, RESOLVES TO ADOPT AN INSTALMENT INTEREST RATE OF 5.5% WHERE THE OWNER HAS ELECTED TO PAY RATES AND SERVICE CHARGES THROUGH AN INSTALMENT OPTION;
7. **PENALTY INTEREST**  
PURSUANT TO SECTIONS 6.51(1) AND 6.51(4) OF *THE LOCAL GOVERNMENT ACT (WA) (CKI) 1995* AND REGULATION 70 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996, RESOLVES TO ADOPT AN INTEREST RATE OF 7% PER ANNUM FOR RATES AND CHARGES THAT REMAIN UNPAID AFTER BECOMING DUE AND PAYABLE;
8. **ELECTED MEMBERS' FEES AND ALLOWANCES**  
PURSUANT TO SECTION 5.99 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, RESOLVES TO SET THE ANNUAL ATTENDANCE FEE FOR ALL COUNCILLORS TO \$7,000 AND THE SHIRE PRESIDENT'S ALLOWANCE TO \$7,000 FOR THE 2024/2025 FINANCIAL YEAR.
9. **FEES AND CHARGES**  
PURSUANT TO SECTION 6.16 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, ADOPTS THE FEES AND CHARGES SET OUT ON PAGE 25 OF THE STATUTORY BUDGET REPORT ATTACHMENT 10.2.3.1 TO TAKE EFFECT 1 JULY 2024.
10. **MATERIAL VARIANCE FOR 2024/2025 FINANCIAL YEAR**  
PURSUANT TO REGULATION 34(5) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* ADOPTS THE LEVEL TO BE USED IN THE MONTHLY STATEMENTS OF FINANCIAL ACTIVITY IN 2024/2025 FOR REPORTING MATERIAL VARIANCES TO BE THE GREATER OF:
- I) 10%; OR
  - II) \$20,000;
- APPLICABLE TO EACH REVENUE AND EXPENDITURE ITEM WITHIN THE NATURE AND TYPE CLASSIFICATION AND CAPITAL INCOME AND EXPENDITURE.



**11. BUDGET VARIATIONS TO 2023/24 CURRENT BUDGET**

PURSUANT TO PART 6 DIVISION 4 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, ADOPT THE FOLLOWING MATERIAL VARIATIONS TO THE 2023/24 CURRENT BUDGET TO MORE CLOSELY ALIGN THE CURRENT 2023/24 BUDGET TO THE FORECAST OPENING SURPLUS PER THE 2024/25 BUDGET.

Description	Current Budget	Increase/ Decrease	Revised Budget
<b>Operating Income</b>			
Fisheries – Operating Contribution Revenue	\$320,273	\$(66,278)	\$386,551
Waste Collection Fees – Comm/Public Agency	\$518,056	\$(167,249)	\$350,807
Waste Transfer Station Fees	\$62,768	\$15,832	\$78,600
Interest Earnings	\$209,541	\$55,000	\$262,534
<b>Operating Expenditure</b>			
Fringe Benefits Tax	\$43,626	\$18,242	\$61,868
Staff Training – Public Works	\$32,619	\$11,568	\$44,000
Consultants - Fisheries	\$179,609	\$76,697	\$256,306
Consultants – IOTT Migration	\$0	\$50,000	\$50,000
Legal Fees – .cc / IOTT Migration & Commonwealth waste fees review	\$81,609	\$68,810	\$150,420
Off Island Disposal Costs	\$150,924	\$19,500	\$170,405
<b>Capital Income</b>			
LRCI 4 Grant – DI Beach Shelters – cfwd balance to 2024/25	\$42,133	\$(15,270)	\$26,863
LRCI 4 Grant – Underspend on Cyclone Shelter under-croft lighting	\$18,000	\$(5,000)	\$12,000
<b>Capital Expenditure</b>			
<b>Completed Projects below budget</b>			
C332 – Hi Admin Re-roof	\$190,602	\$(24,597)	\$166,005
C554 – Jalan Baru	\$235,430	\$(50,300)	\$185,130
C525 – Jalan Raya	\$172,842	\$(15,423)	\$157,419
<b>Carry forward projects to 2024/25</b>			
C272 - Crusher Bucket	\$85,000	\$(85,000)	\$0
C574 - Plant Replacement – Kubota tractor	\$85,000	\$(85,000)	\$0
C279 – Photocopier Replacement	\$20,000	\$(20,000)	\$0
C154 – Depot Shelving Fit out	\$19,196	\$(9,876)	\$9,320
C030 – Beach Shelters Direction Island	\$63,562	\$(36,699)	\$26,863
C267 – Studio Unit Lot 190	\$43,488	\$(32,937)	\$10,511
C269 – Kampong Renewals ( <i>Land Trust contribution</i> )	\$134,680	\$(134,680)	\$0
<b>Reserve Transfers</b>			
Transfer to – Waste Mgmt Reserve	\$657,921	\$(126,469)	\$531,452
Transfer from – Waste Mgmt Reserve	\$657,921	\$(126,469)	\$531,452
Transfer from – IT & Communications Reserve	\$458,941	\$72,531	\$531,472
Transfer from – Plant Replacement Reserve	\$600,562	\$(97,632)	\$502,930
Transfer from – Building Reserve	\$149,680	\$(134,680)	\$15,000

**THE MOTION WAS PUT AND DECLARED CARRIED BY ABSOLUTE MAJORITY (6/0)**

**FOR:** BADLU, LACY, MINKOM, MINKOM, YOUNG

**AGAINST:** NIL

### **10.3 MANAGER INFRASTRUCTURE**

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 DOOR**

*Pursuant to Section 5.2(1) of the Shire of Cocos (Keeling) Islands Meeting Procedures Local Law 2019, this part of the meeting was closed to the public, as a confidential discussion was required.*

*Confidential items, details of which have been circulated separately to Elected Members.*

#### **PROCEDURAL MOTION**

**MOVED CR I MINKOM**

**SECONDED CR LACY**

**THAT COUNCIL BY SIMPLE MAJORITY, RESOLVES TO MOVE BEHIND CLOSED DOORS AT 4:52PM IN ACCORDANCE WITH SECTION 5.23(2) OF THE LOCAL GOVERNMENT ACT 1995 AND SECTION 5.2(1) OF THE SHIRE OF COCOS (KEELING) ISLANDS MEETING PROCEDURES LOCAL LAW THAT THE FOLLOWING REPORTS ARE CONFIDENTIAL AS THEY CONTAIN INFORMATION RELATING TO A MATTER THAT IF DISCLOSED WOULD REVEAL INFORMATION A MATTER AFFECTING AN EMPLOYEE OR EMPLOYEES.**

**THE MOTION WAS PUT AND DECLARED CARRIED (6/0)**

**FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG**

**AGAINST: NIL**

**PROCEDURAL MOTION**

**MOVED CR BADLU**

**SECONDED CR SLOAN**

**THAT COUNCIL, BY SIMPLE MAJORITY, RESOLVES TO MOVE FROM BEHIND CLOSED DOORS THE TIME BEING AT 5:04PM.**

**THE MOTION WAS PUT AND DECLARED CARRIED (6/0)**

**FOR:** BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

**AGAINST:** NIL

**14.1 CIVIC LEGAL – KAMPONG HOUSING VALUATIONS**

**Report Information**

Date: 15 June 2024  
 Location: Cocos (Keeling) Islands  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref: Nil  
 Disclosure of Interest:  
 Reporting Officer: Chief Executive Officer  
 Island: Shire wide  
 Attachments: 14.1.1 -14.1.3 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>

*(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,*

**OFFICER RECOMMENDATION – ITEM NO 14.1**

AS PER THE CONFIDENTIAL ITEM.

**COUNCIL RESOLUTION – ITEM NO 14.1**

MOVED CR LACY

SECONDED CR I MINKOM

THAT COUNCIL, BY SIMPLE MAJORITY:

1. **NOTE AND RECEIVE THE DOCUMENTATION RECEIVED FROM CIVIC LEGAL AS ATTACHED.**
2. **APPROVE THE SHIRE TO ENGAGE VALUERS THROUGH CIVIC LEGAL, AS RECOMMENDED IN THE DOCUMENT RECEIVED ON 14 JUNE 2024.**

**THE MOTION WAS PUT AND DECLARED CARRIED (6/0)**

**FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG**  
**AGAINST: 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

*Cr A Minkom have declared impartiality interest regarding Item No 15.2.1 and have chosen to remain present in the meeting chambers. Cr A Minkom is the Chairperson of Cocos Marine Care.*

*Cr I Minkom have declared impartiality interest regarding Item No 15.2.1 and have chosen to remain present in the meeting chambers. Cr I Minkom is a committee member of Cocos Marine Care.*

### 15.2.1 CONFIDENTIAL - APPLICATION FOR NEW LEASE LOT 237 HOME ISLAND AZMIE ZAITU CENTRE TENANCY 1

#### Report Information

Date: 17 June 2024  
 Location: Lot 237 Home Island Azmie Zaitu Centre – Tenancy 1  
 Applicant: Cocos Marine Care Incorporated (CMC)  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Leasing & Policy Development Officer  
 Island: Home Island  
 Attachments: 15.2.1.1 - CONFIDENTIAL – Circulated under separate cover

#### Authority / Discretion

#### Definition

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

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

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

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

*(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*

*(f) 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,*

#### **OFFICER RECOMMENDATION – ITEM NO 15.2.1**

AS PER THE CONFIDENTIAL ITEM.

#### **COUNCIL RESOLUTION – ITEM NO 15.2.1**

**MOVED CR LACY**

**SECONDED CR YOUNG**

**THAT COUNCIL BY SIMPLE MAJORITY PURSUANT TO SECTION 3.58 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES:**

- 1. TO GIVE LOCAL PUBLIC NOTICE OF THE INTENT (INCLUDING INVITING PUBLIC SUBMISSIONS) TO DISPOSE BY WAY OF LEASE FOR PART LOT 237 HOME ISLAND AZMIE ZAITU CENTRE TENANCY 1 TO COCOS MARINE CARE INCORPORATED (CMC) ON THE CONDITON THAT; -**
  - a. THE LEASE FEE BE SET AS PER THE RECOMMENDED VALUATION BY AN INDEPENDENT VALUER AT \$3,420.00 PER ANNUM. THE ANNUAL LEASE FEE IS SUBJECT TO AN ANNUAL CPI REVIEWS AND A ONE-OFF LEASE PREPARATION FEE OF \$260;**
  - b. THE LEASE TERM BEING UP TO THREE (3) YEARS;**
  - c. THAT THE PROSPECTIVE LESSEE IS ADVISED THAT THEY WILL BE RESPONSIBLE FOR ALL MAINTENANCE OF THE BUILDING PER THE LEASE CONDITIONS;**
- 2. THE PURPOSE OF THE LEASE IS TO UTILISE THE SPACE AS AN OFFICE/INFORMATION SPACE;**
- 3. THAT SHOULD NO OBJECTIONS BE RECEIVED DURING THE PUBLIC NOTICE PERIOD; THE CHIEF EXECUTIVE OFFICER IS AUTHORISED TO ENTER INTO THE LEASE AS PER THE SHIRE'S NEW 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 BE UNDERTAKEN;
6. THE APPLICANT HAVE NO CURRENT DEBT WITH THE SHIRE AND IF SO THAT ALL DEBT ARE CLEARED PRIOR TO ENTERING INTO A NEW LEASE; AND
7. THE CHIEF EXECUTIVE OFFICER OR AN AUTHORISED OFFICER TO SIGN THE LEASE AGREEMENT DOCUMENT.

**THE MOTION WAS PUT AND DECLARED CARRIED (6/0)**

**FOR:** BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

**AGAINST:** NIL

*Cr Young excused herself from the meeting chambers at 5:04pm due to feeling unwell and did not return.*

**15.2.2 CONFIDENTIAL - APPLICATION TO WITHDRAW LEASE PART LOT 18 HI RETAIL CENTRE  
TENANCY 9 – LAUNDROMAT**

**Report Information**

Date: 4 July 2024  
 Location: Lot 18 Home Island Retail Centre  
 Applicant: Mr Muhammad Rawlinson  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Chief Executive Officer  
 Island: Home Island  
 Attachments: 15.2.2.1 - CONFIDENTIAL – Circulated under separate cover

**Authority / Discretion**

**Definition**

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

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*(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,*

**OFFICER RECOMMENDATION – ITEM NO 15.2.2**

AS PER THE CONFIDENTIAL ITEM.

**COUNCIL RESOLUTION – ITEM NO 15.2.2**

**MOVED CR I MINKOM**

**SECONDED CR BADLU**

**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 1995 (WA) (CKI)* RESOLVES:**

- 1. TO ACCEPT MR. RAWLINSON'S REQUEST TO WITHDRAW FROM THE LEASE FOR PART LOT 18, HOME ISLAND RETAIL CENTRE, TENANCY 9 (LAUNDROMAT); AND**
- 2. TO AUTHORISE OFFICERS TO RE-ADVERTISE FOR EXPRESSIONS OF INTEREST TO LEASE PART LOT 18, HOME ISLAND RETAIL CENTRE, TENANCY 9 (LAUNDROMAT).**

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

**FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN**

**AGAINST: NIL**

**15.2.3 CONFIDENTIAL - REQUEST TO EXTEND PHASE ONE MILESTONE FOR PORTION OF LOT 103 HOME ISLAND – ISLAND POWER CO PTY LTD**

**Report Information**

Date: 4 July 2024  
 Location: Portion of Lot 103 Home Island  
 Applicant: Island Power Co Pty Ltd  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Leasing & Policy Development Officer  
 Island: Home Island  
 Attachments: 15.2.3.1 - CONFIDENTIAL - Circulated under separate cover

**Authority / Discretion**

**Definition**

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

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*(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,*

**OFFICER RECOMMENDATION – ITEM NO 15.2.3**

AS PER THE CONFIDENTIAL ITEM.

**COUNCIL RESOLUTION – ITEM NO 15.2.3**

**MOVED CR SLOAN**

**SECONDED CR I MINKOM**

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.58 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, RESOLVES TO EXTEND THE PHASE ONE MILESTONE FOR AN ADDITIONAL 12 MONTHS, WITH THE REVISED MILESTONE BEING TO LODGE THE DEVELOPMENT APPLICATION WITHIN 60 MONTHS FROM THE COMMENCEMENT DATE.**

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

**FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN**

**AGAINST: NIL**

