

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Minutes

Ordinary Meeting of Council

Wednesday 26 February 2025, 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 4:09pm 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 – via Teams Meeting
Cr Young
Cr Sloan

Officers: Frank Mills, Chief Executive Officer – Teams Meeting
David Tombs, Manager Finance Corporate Services
Ibrahim Macrae, Manager Governance Risk and Planning
Luluilmaknun Sloan, Infrastructure Coordinator
Siti Azia Bulka, ITC Coordinator
Nadya Adim, Community Development Coordinator
Amallia Alim, Governance Administration Officer

Guests: Nil

Public: 2

Apologies: Nil

Approved Leave of Absence: Cr Knight

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.

Mr. Cahill sought the council's assistance in resolving an issue with his aquaculture development application. He believed he had met the requirements of his development approval as of October 2024 and requested clarification on why the Shire had determined that Milestone Three remained unmet. He felt that this had caused unnecessary delays, preventing him from moving forward with his project and creating ongoing uncertainty for his development plans.

Additionally, Mr. Cahill stated that the building permit issued in October 2020 had expired, and he had applied for an extension to complete the caretaker's residence. However, he claimed that the CEO had not approved the extension and believed the decision was unreasonable. He was concerned that these delays and decisions were significantly impacting his ability to progress with the project as planned.

Mr. Cahill requested a separate meeting with the council to discuss his concerns in more detail and seek a resolution that would allow him to move forward.

Response: The Chief Executive Officer reiterated to Mr Cahill that the course of action open to Mr Cahill is to lodge an appeal with the Statutory Appeals Tribunal WA if he is not satisfied with the CEO's decision.

5. LEAVE OF ABSENCE

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

5.1 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Councillor	Date of Leave	Approved by Council
Cr Knight	11/02/2025 – 09/05/2025	18 December 2024

5.2 APPLICATION FOR LEAVE OF ABSENCE

Cr Young formally requested a leave of absence for the period from 11 March 2025 to 28 March 2025.

COUNCIL RESOLUTION – ITEM NO 5.2

MOVED CR I MINKOM

SECONDED CR BADLU

THE COUNCIL APPROVES CR YOUNG’S LEAVE REQUEST FOR THE PERIOD FROM 11 MARCH 2025 TO 28 MARCH 2025.

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

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

AGAINST: NIL

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)

7.1 Ordinary Council Meeting held on 18 December 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 18 DECEMBER 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 SLOAN

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 18 DECEMBER 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, SLOAN, 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.

Name	Item No.	Interest	Nature
NIL			

10. REPORT FROM COMMITTEES AND OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 CEO MONTHLY REPORT FOR DECEMBER 2024, JANUARY AND FEBRUARY 2025

Report Information

Date: 20 February 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: Nil

Authority / Discretion

Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 update Council on the actions of the Chief Executive Officer for the December/January/February 2025 reporting period.

Relevant Documents

Available for viewing at the meeting.

Background

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

CHRMAP

The draft CHRMAP released to Council in February 2025 is discussed under a separate report to Council.

Civic Legal

A multitude of discussion topics are being dealt with by The Chief Executive Officer of the Shire and Civic Legal Managing Partners and staff. A full report will be tabled to the March 2025 Ordinary Meeting of Council under separate title with updates as required.

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

Attended a monthly Teams Meeting with Kim Forbes and Adam Stankevicius of DITRDCA with discussion items:

CHRMAP Draft release:

- Funding available to Council as we will be taking the lead in design and content. **No funding available from the Commonwealth. Contact DLPH WA as they are funding the CHRMAP.**
- Extension of 18 months, will this be supported by DITRDCA? **No guarantees, DITRDCA will get legal and Ministerial advice on this one.**

Outstanding Rates and Waste Management Fees:

- Has DITRDCA advised other government agencies they have paid rates and some waste fees? **This will be done as a priority on Monday next week.**

Sea wall funding for Cocos (Keeling) Islands:

- Application to be submitted by the Shire. **DITRDCA will support our application?**

Unleaded fuel on Home Island:

- Update of status and co-op has insolvency group Cor Cordis been contacted. Go back to Corcordis **Not a Commonwealth issue, Shire should approach Co-op and CorCordis to resolve.**

Commonwealth Funding for an Application for Disaster Resilience for Home Island:

- Can DITRDCA provide in writing the reasons why the Shire can access part of the 3 million in funding provided by Commonwealth for Disaster relief planning? **No but it was a Cabinet decision, the funding will be used for freshwater lens studies in line with AQ2 report.**

Disaster Relief Funding:

- When will any works be approved for the Shire to carry out such as clinic, South Road and Sydney highway? **No end in sight, DITRDCA will reach out to Maritime Constructions to see if they have a project engineer who could oversee works and check Shire rates as valuable for money.**

Department of Primary Industries and Regional Development (DPIRD)

An update on the Bolstering Biosecurity project and the January stakeholder workshop from Cai Christian, Industry Liaison Officer.

The workshop held on West Island was well attended, with representatives from DITRDCA, Parks Australia, the AFP, CKI Shire, Toll, Linx and other industry partners alongside the CKI community. Participants engaged in a round table discussion highlighting their sector's biosecurity concerns, current management practices and their effectiveness and explored areas for improvement. From the discussion, three main points were raised consistently.

1. *Communication – Increasing the range and efficacy of communications, including with a 'bottom up' approach, targeting schools and the transient workforce.*
2. *Clarity – The legislative framework that governs the region must be well understood. Biosecurity plan and regulations for the IOT should be clear and recognised.*
3. *Contingency – Understanding the risks and having the resources and organisational structure in place to immediately deal with biosecurity threats as they emerge (or before).*

Our next step is to meet internally, discuss what we've learnt and how to apply this new information to the project going forward. This process cannot be finalised until we have held the virtual workshop in which those unable to attend in January can provide their input.

The current plan is for this to go ahead in late March and be held over MS Teams. The current working date is the 27th of March, if you wish to attend virtually, please relate any conflicts prior to the 13th of March when we will finalise the schedule.

I would also like to express my sincere gratitude to those who attended the workshop. Everyone was actively engaged and the contributions to the discussion were considered, productive and highly appreciated by the team and myself, thank you.

Further details will be provided pre the March 2025 meeting in particular to termite activity in the Kampong.

Emergency Management Executive Management meetings

Attended numerous meetings of the Cocos (Keeling) Islands Emergency Management Executive Committee both in person and via Teams. There are constant challenges facing the EMEC due to the Emergency Management process model for the Cocos (Keeling) Islands. A review of the Emergency Management Plan is required, and this is at the behest of the Administrator and the Emergency Management Coordinator for the Indian Ocean Territories to complete.

Fulton Hogan

Monthly meeting with Fulton Hogan did not occur in February 2025 due to internet and connectivity issues. Next meeting scheduled for 6 March 2025.

Ministerial visit to Cocos (Keeling) Islands

After receipt of the draft CHRMAP early February 2025, a request was forwarded on behalf of the Shire President to meet with Marion Scrymgour MP, Senator McCarthy and the Minister for Territories Kristy McBride. A response was received only from Senator McCarthy:

Dear Mr Mills

Thank you for your email of 5 February requesting a meeting with Senator the Hon Malarndirri McCarthy, Minister for Indigenous Australians.

Your correspondence has been passed to the Minister's Diary Manager for consideration.

The Minister's Office will contact you directly regarding the outcome of your request.

Please note that the Minister receives a high-volume of invites and requests and you may experience some delays regarding an outcome to your request.

Follow up with the Ministers will occur to see if an appropriate meeting can be scheduled in due course. The Federal Election may have an impact on future meetings.

Parks Australia

Met with Derek Ball and Mark Bennett to discuss the development of the National Parks Management plan. Also discussed Parks Australia commitment to re-negotiating the lease for North Keeling Island. Mr Ball to raise this with Parks Australia management and respond in due course.

Perth Travel

Travel to and from Perth for medical support has been an important aspect of the Chief Executive Officers work life balance since December 2024 and will continue until April/May 2025.

Shire Rangers Update

- Daily tasks
 - Ongoing Surveillance and treating nests
 - Another visit from DPIRD in January dated (17/01/25 -24/01/25)
 - Nests monitoring at Sandy Point, Q-Station and Tower Paddock
 - Attended Bolstering Biosecurity workshop at West Island
 - Fire ants and Termites surveillance
- Cats - ongoing trapping for both Island and extra traps are put out.
 - X6 Cats removed for December
 - X6 Cats removed for January
 - X3 Cats removed for February
- Rats - Monthly baiting around picnic/camping/leisure spot, both Shire depot No DI baiting as boat is still unserviceable and low fuel.
- Inspections – ongoing inspection on both Island on legal dumping.

Comment

Nil

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, NOTE AND RECEIVE THE CEO REPORT FOR DECEMBER 2024, JANUARY AND FEBRUARY 2025.

COUNCIL RESOLUTION – ITEM NO 10.1.1

MOVED CR I MINKOM

SECONDED CR LACY

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE CEO REPORT FOR DECEMBER 2024, JANUARY AND FEBRUARY 2025.

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

FOR: BADLU, KNIGHT, LACY, MINKOM, MINKOM, SLOAN

AGAINST: NIL

**10.1.2 PROPOSED SHORT STAY HOLIDAY HOME ACCOMODATION, LOT 120 (NO.20)
WILLIAM KEELING CRESCENT, WEST ISLAND**

Report Information

Date: 28 January 2025
 Location: Lot 120 on deposited plan 218319 (House 20) William Keeling Crescent, West Island
 Applicant: Nick Sheriff
 File Ref:
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachments: 10.1.2.1 - Cover Letter
 10.1.2.2 – DA Application -Lot 120 William Keeling Cres West Island
 10.1.2.3 - House 20 Holiday House Management Documentation
 10.1.2.4 - Letter of Support from House 41
 10.1.2.5 - Letter of Support from House 19

Authority / Discretion

Definition

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<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

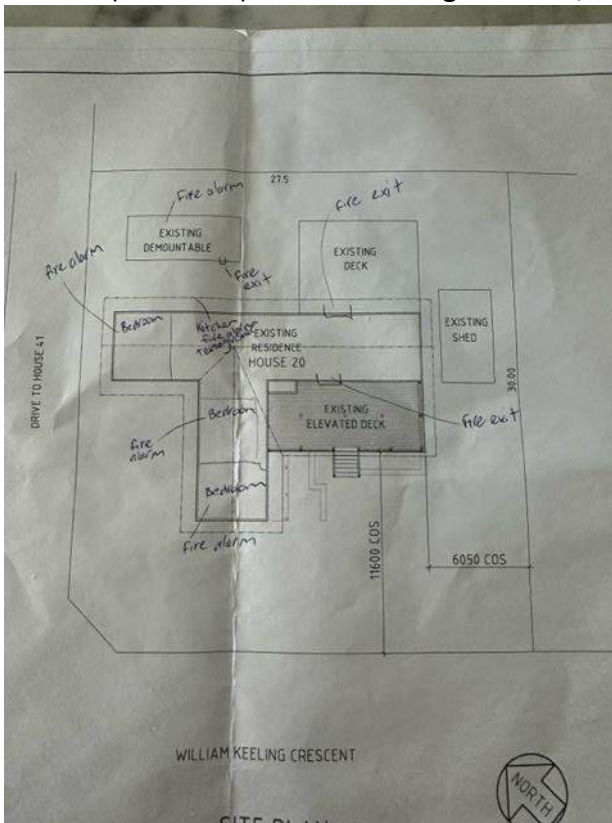
To provide Council with information to consider a request to grant development approval for the operation of a holiday home at Lot 120 on deposited plan 218319 (House 20) William Keeling Crescent, West Island for a period of two years.

Relevant Documents

Available for viewing at the meeting.
Plans/images in attachments.



Lot 120 (House 20) William Keeling Crescent, West Island



Floor Plan and fire emergency

Background

Council has previously granted approvals for holiday homes on West Island. Past applications have been approved for an initial two-year period subject to conditions. Following the two-year period the Council may grant an approval for a further five years with conditions.

The above criteria for time limits have been deleted by the new Planning Bulletin 115/2024 115/2024.

The applicants have submitted a Fire and Emergency Safety Plan and a Management Plan.

Comment

Planning Bulletin 115/2024 115/2024 Short-Term Rental Accommodation (STRA) – Guidance for local government:

The state-wide STRA Register, established by the STRA Act 2024, is now operational. Registration for all STRA will be mandatory by 1 January 2025. The Register replaces any existing local government STRA. All STRA are required to register prior to operation – regardless of whether they are ‘hosted’ or ‘unhosted’, or whether they qualify for a development approval exemption through the LPS Regulations. Registration is completed by either the STRA owner or tenant (with the owner’s consent) and is renewed annually. Under the STRA Act 2024 and associated regulations, it is mandatory.

Amendments to local planning schemes to complement and align with new ‘deemed’ land use classes for short term rental accommodation will need to be initiated as soon as possible and should ideally be completed by mid-2025, to allow for development approvals to be obtained by 1 January 2026.

The current Scheme is still pending with the Department of Planning, as such, approvals are still required under the current Scheme.

Policy and Legislative Implications

The Shire of Cocos (Keeling) Islands Local Planning Scheme No. 1 has been considered in preparing this item to ensure the recommendation is compliant.

The definition of “Holiday Home” is not listed in the Shire’s Local Planning Scheme Zoning Table of land uses (Table 1). The following definition is taken from the Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

holiday house means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

Clause 3.4.2 of the Scheme deals with this issue;

3.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the proposed use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval ; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

In this instance, the proposed development can be reasonably determined as falling within the category of “Guest House” which is listed in the Zoning Table as detailed below.

Guest House: means the use of premises for a commercial accommodation establishment compatible in character and scale with residential housing;

TABLE 1 – ZONING TABLE USE CLASSES	Residential	Commercial	Industrial	General Rural
Guest House	D	D	X	X

Zoning of the subject property is “Residential” R15

“D” means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

There is no requirement to consult with neighbours for a “D” use under the Scheme, however the applicant has been requested to approach the neighbours to provide a letter of support.

Local Planning Policies

Nil

Financial Implications

The item has no financial implications.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 -2026 Outcome 1.1.2 Encourage low impact tourism.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Compliance	Annoyance to neighbours from holiday home activities	Moderate (6)	Mitigated by application of the Holiday House Management Documentation.

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

Holiday Homes have to date not caused any detrimental impacts on neighbours on the islands and support the economy of the islands from tourism. The proposal is supported 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 NICK SHERIFF FOR A SHORT STAY HOLIDAY HOME ACCOMODATION AT LOT 120 (NO.20) WILLIAM KEELING CRESCENT, 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. A MAXIMUM OCCUPANCY OF 8 PEOPLE AT ANY ONE TIME.
4. MAINTAIN THE SUBMITTED MANAGEMENT PLAN (HOUSE 20 HOLIDAY HOUSE MANAGEMENT DOCUMENTATION.DOCX AND FIRE SAFETY MAP.JPG) TO THE SATISFACTION OF THE CHIEF EXECUTIVE OFFICER.
5. EMERGENCY RESPONSE PLAN/EVACUATION DIAGRAM TO BE CLEARLY DISPLAYED IN THE DWELLING.
6. EACH BEDROOM TO BE FITTED WITH A HARD-WIRED SMOKE DETECTOR.
7. A FULLY MAINTAINED AND COMPLIANT FIRE EXTINGUISHER TO BE IN A CLEARLY VISIBLE AND ACCESSIBLE LOCATION.
8. BBQS TO LIMITED TO GAS OR ELECTRIC ONLY.
9. ALL PARKING BE CONTAINED ON-SITE.
10. SIGNAGE BE RESTRICTED TO ONE SIGN ON SITE NOT EXCEEDING 0.5M2 IN SIZE AND INCORPORATED INTO THE FRONT FENCE OR FRONT OF THE BUILDING.

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. ADVISES THAT THIS APPROVAL IS ISSUED TO THE CURRENT OWNER/S (RUSSELL AND DENISE MASON) FOR THIS LOCATION (130 AIR FORCE ROAD, WEST ISLAND) AND IS NOT TRANSFERABLE TO ANOTHER PERSON OR ANOTHER PARCEL OF LAND.
- E. THE STATE-WIDE STRA REGISTER, ESTABLISHED BY THE STRA ACT 2024, IS NOW OPERATIONAL. REGISTRATION FOR ALL STRA WILL BE MANDATORY BY 1 JANUARY 2025. THE REGISTER REPLACES ANY EXISTING LOCAL GOVERNMENT STRA ALL STRA ARE REQUIRED TO REGISTER PRIOR TO OPERATION – REGARDLESS OF WHETHER THEY ARE ‘HOSTED’ OR ‘UNHOSTED’, OR WHETHER THEY QUALIFY FOR A DEVELOPMENT APPROVAL EXEMPTION THROUGH THE LPS REGULATIONS.

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

THE STATE ADMINISTRATIVE TRIBUNAL
GPO BOX U1991
PERTH WA 6845”

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 NICK SHERIFF FOR A SHORT STAY HOLIDAY HOME ACCOMODATION AT LOT 120 (NO.20) WILLIAM KEELING CRESCENT, 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. A MAXIMUM OCCUPANCY OF 8 PEOPLE AT ANY ONE TIME.**
- 4. MAINTAIN THE SUBMITTED MANAGEMENT PLAN (HOUSE 20 HOLIDAY HOUSE MANAGEMENT DOCUMENTATION.DOCX AND FIRE SAFETY MAP.JPG) TO THE SATISFACTION OF THE CHIEF EXECUTIVE OFFICER.**

5. EMERGENCY RESPONSE PLAN/EVACUATION DIAGRAM TO BE CLEARLY DISPLAYED IN THE DWELLING.
6. EACH BEDROOM TO BE FITTED WITH A HARD-WIRED SMOKE DETECTOR.
7. A FULLY MAINTAINED AND COMPLIANT FIRE EXTINGUISHER TO BE IN A CLEARLY VISIBLE AND ACCESSIBLE LOCATION.
8. BBQS TO LIMITED TO GAS OR ELECTRIC ONLY.
9. ALL PARKING BE CONTAINED ON-SITE.
10. SIGNAGE BE RESTRICTED TO ONE SIGN ON SITE NOT EXCEEDING 0.5M2 IN SIZE AND INCORPORATED INTO THE FRONT FENCE OR FRONT OF THE BUILDING.

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. ADVISES THAT THIS APPROVAL IS ISSUED TO THE CURRENT OWNER/S (RUSSELL AND DENISE MASON) FOR THIS LOCATION (130 AIR FORCE ROAD, WEST ISLAND) AND IS NOT TRANSFERABLE TO ANOTHER PERSON OR ANOTHER PARCEL OF LAND.
- E. THE STATE-WIDE STRA REGISTER, ESTABLISHED BY THE STRA ACT 2024, IS NOW OPERATIONAL. REGISTRATION FOR ALL STRA WILL BE MANDATORY BY 1 JANUARY 2025. THE REGISTER REPLACES ANY EXISTING LOCAL GOVERNMENT STRA ALL STRA ARE REQUIRED TO REGISTER PRIOR TO OPERATION – REGARDLESS OF WHETHER THEY ARE ‘HOSTED’ OR ‘UNHOSTED’, OR WHETHER THEY QUALIFY FOR A DEVELOPMENT APPROVAL EXEMPTION THROUGH THE LPS REGULATIONS.

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

THE STATE ADMINISTRATIVE TRIBUNAL
GPO BOX U1991
PERTH WA 6845”

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

FOR: BADLU, KNIGHT, LACY, MINKOM, MINKOM, SLOAN

AGAINST: NIL

**10.1.3 PROPOSED RENEWAL OF SHORT STAY ACCOMMODATION (SERVICED APARTMENTS),
LOT 113 (13) WILLIAM KEELING CRESCENT, WEST ISLAND**

Report Information

Date: 19 January 2025
 Location: Lot 113 (13) William Keeling Crescent, West Island
 Applicant: Timothy Castle
 File Ref: WL113
 Reporting Officer: Chief Executive Officer
 Island: West Island
 Attachment: 10.1.3.1 - DA Application Holiday Accommodation renewal 13 William Keeling Cres West Island

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>

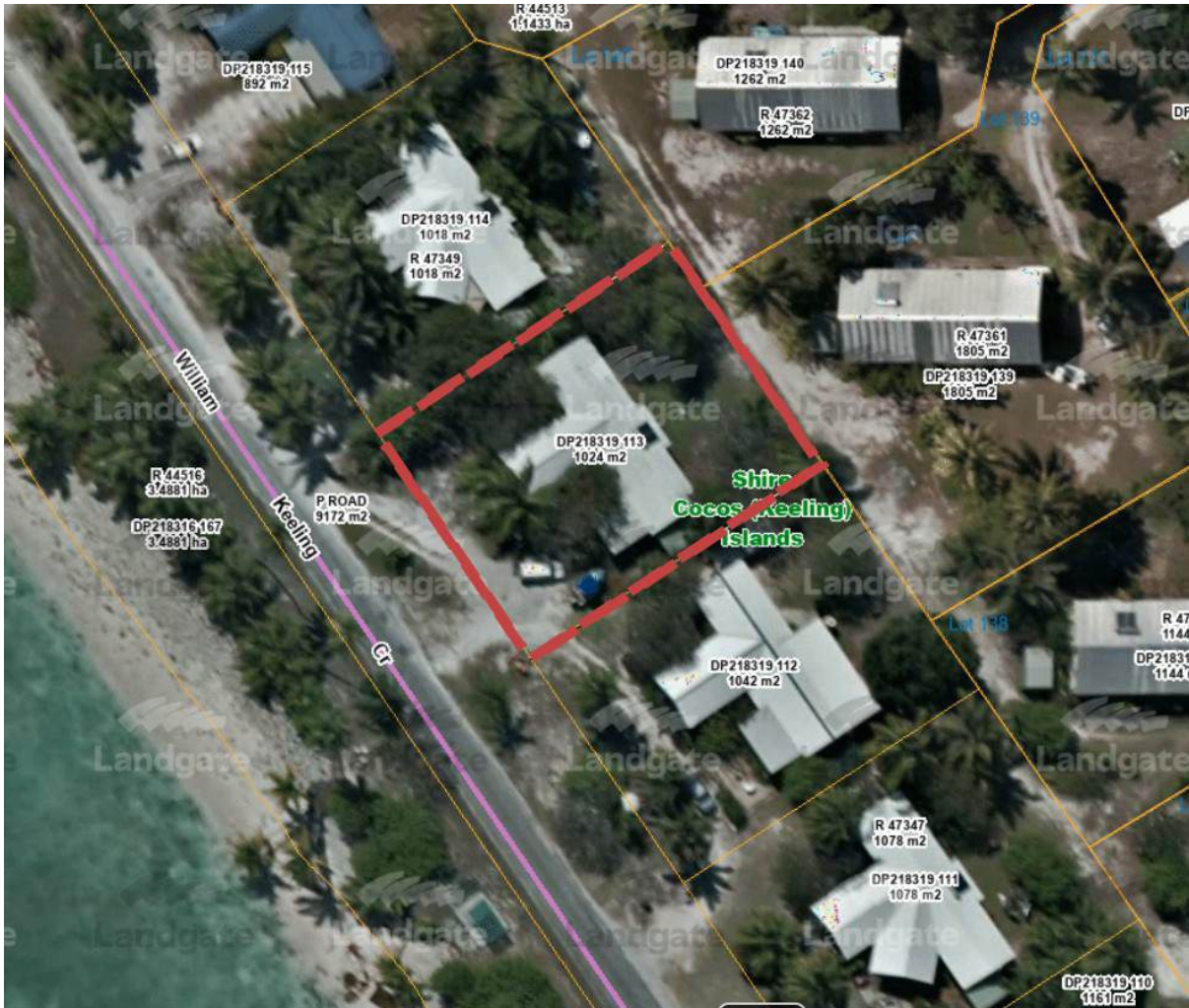
Report Purpose

For Council to consider to renew a development application for the use of the existing dwelling at 13 William Keeling Crescent, West Island for commercial short-stay accommodation (serviced apartments).

Relevant Documents

Available for viewing at the meeting

Plans/images in attachments.



Location Plan

Background

The subject property of Lot 113 William Keeling Crescent, West Island is zoned Residential under the Shire’s Local Planning Scheme No.1 (Scheme).

On 11 November 2020, Council approved the use of the self-contained unit for short-stay accommodation (serviced apartments) for a period of 2 years which expired on 11 November 2022.

On 24 August 2022 Council approved the use of the self-contained unit for short-stay accommodation (serviced apartment) s for an additional period of 2 years which expired on 24 August 2024.

The approval lapsed on 24 August 2024.

The applicant has submitted an application to renew the approval, without the 2-year limitation.

The 2-year time limited approval was previously recommended in a State Planning Bulletin when the original approval was granted, since then a new planning bulletin from the State Department of Planning dealing with holiday accommodation no longer recommends the 2-year time limited approval.

Comment

Planning Bulletin 115/2024 115/2024 Short-Term Rental Accommodation (STRA) – Guidance for local government:

The state-wide STRA Register, established by the STRA Act 2024, is now operational. Registration for all STRA will be mandatory by 1 January 2025. The Register replaces any existing local government STRA. All STRA are required to register prior to operation – regardless of whether they are ‘hosted’ or ‘unhosted’, or whether they qualify for a development approval exemption through the LPS Regulations. Registration is completed by either the STRA owner or tenant (with the owner’s consent) and is renewed annually. Under the STRA Act 2024 and associated regulations, it is mandatory.

Amendments to local planning schemes to complement and align with new ‘deemed’ land use classes for short term rental accommodation will need to be initiated as soon as possible and should ideally be completed by mid-2025, to allow for development approvals to be obtained by 1 January 2026.

The current Scheme is still pending with the Department of Planning, as such, approvals are still required under the current Scheme.

Note: Short Term Accommodation is defined in other legislation as a maximum stay up to three months.

Policy and Legislative Implications

The Shire of Cocos (Keeling) Islands Local Planning Scheme No. 1 has been considered in preparing this item to ensure the recommendation is compliant.

The Scheme defines a ‘serviced apartment’ as “*means an independent living residential unit development for short stay accommodation purposes but does not include a hotel or motel.*” Under the Scheme a ‘serviced apartment’ is discretionary land use for the Residential zone. This means the land use is not permitted unless Council exercises discretion in its decision making.

Clause 3.4.2 of the Scheme deals with this issue.

3.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted.
- (b) determine that the proposed use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

There are two land uses applicable to the proposed use.

Guest House: means the use of premises for a commercial accommodation establishment compatible in character and scale with residential housing.

Serviced Apartment: means an independent living residential unit development for short stay accommodation purposes but does not include a hotel or motel.

TABLE 1 – ZONING TABLE USE CLASSES	Residential	Commercial	Industrial	General Rural
Guest House	D	D	X	X
Serviced Apartment	D	D	X	X

Zoning of the subject property is “Residential” R15

“D” means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

There is no time limit for guests in the definition of a Guest House, whereas the definition for a Serviced Apartment does include the requirement of Short Stay accommodation.

The applicant has applied for the use of three serviced apartments.

In this instance, the proposed development can be reasonably determined as falling within the category of “serviced apartment.”

Local Planning Policies

Nil

Financial Implications

The item has no financial implications.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 -2026 Outcome 1.1.2 Encourage low impact tourism.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Compliance	Unruly behaviour of guests in a residential area	Moderate (6)	Approval condition enforcement

Health & Safety	House fire	Moderate (5)	Approval condition – property management plan
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Risk Matrix

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

Voting Requirements

Simple majority.

Conclusion

The proposed guest capacity of the serviced apartments of eight guests is supported as it will not result in overcrowding in accordance with local health regulations. Collectively, if approved, the property could provide short-stay accommodation for up to eight guests. Consideration is to be given to that the fact that the property will be hosted accommodation with property managers who will also reside on-site. This form of short-stay accommodation is considered low-scale because the host resides on site, can manage any issues with guests and a residential use of the property is retained incidental to the tourist accommodation use. Short Stay Accommodation has to date not caused any detrimental impacts on neighbours on the islands and supports the economy of the islands from tourism. The proposal is supported with conditions.

OFFICER RECOMMENDATION – ITEM NO 10.1.3

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO.1, RESOLVES TO GRANT DEVELOPMENT APPROVAL FOR A SHORT STAY ACCOMMODATION (SERVICED APARTMENTS) AT LOT 113 WILLIAM KEELING CRESCENT, 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. THE TOTAL NUMBER OF PEOPLE TO BE ACCOMMODATED IN THE SERVICED APARTMENTS SHALL NOT EXCEED EIGHT (8) GUESTS AT ALL TIMES.
4. MAINTAIN THE SUBMITTED MANAGEMENT PLAN AND FIRE SAFETY TO THE SATISFACTION OF THE CHIEF EXECUTIVE OFFICER.
5. EMERGENCY RESPONSE PLAN/EVACUATION DIAGRAM TO BE CLEARLY DISPLAYED IN THE DWELLING.
6. EACH BEDROOM TO BE FITTED WITH A HARD-WIRED SMOKE DETECTOR.

7. A FULLY MAINTAINED AND COMPLIANT FIRE EXTINGUISHER TO BE IN A CLEARLY VISIBLE AND ACCESSIBLE LOCATION.
8. BARBEQUES ARE TO BE LIMITED TO GAS OR ELECTRIC ONLY.
9. ALL PARKING BE CONTAINED ON-SITE.
10. SIGNAGE BE RESTRICTED TO ONE SIGN ON SITE NOT EXCEEDING 0.5M2 IN SIZE AND INCORPORATED INTO THE FRONT FENCE OR FRONT OF THE BUILDING.
11. THE DEVELOPMENT MUST NOT CAUSE NUISANCE OR DEGRADE THE AMENITY OF THE LOCALITY IN ANY WAY, INCLUDING BY REASON OF THE EMISSION OF NOISE, LIGHT, ODOUR, FUMES, SMOKE, VAPOUR OR OTHER POLLUTANT, OR IMPACT ON PUBLIC SAFETY OR OTHERWISE; TO THE SATISFACTION OF THE SHIRE OF COCOS (KEELING) ISLANDS.
12. GUESTS OF THE SERVICED APARTMENTS ARE TO BE SHORT STAY ONLY, MEANING NO GUEST SHALL OCCUPY THE SERVICED APARTMENTS FOR MORE THAN A TOTAL OF THREE MONTHS IN ANY ONE TWELVE-MONTH PERIOD.
13. THE SERVICED APARTMENTS SHALL BE OPERATED IN ACCORDANCE WITH ANY APPROVED 'GUEST CODE OF CONDUCT', 'FIRE AND EMERGENCY PLAN' AND 'PROPERTY MANAGEMENT PLAN' FOR THE LIFE OF THE DEVELOPMENT, TO THE SATISFACTION OF THE CHIEF EXECUTIVE OFFICER.

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 AND LICENSES REQUIRED UNDER ANY OTHER LAW, AND TO COMMENCE AND CARRY OUT DEVELOPMENT IN ACCORDANCE WITH ALL RELEVANT LAWS.
- B. THE APPLICANT IS TO IMPLEMENT AND MAINTAIN REPORTING MECHANISMS FOR COMPLAINTS CONCERNING THE OPERATION OF THE SERVICED APARTMENT. IN THE EVENT OF A SUBSTANTIATED COMPLAINT BEING RECEIVED THE APPLICANT IS REQUIRED TO DEMONSTRATE MITIGATION RESPONSE(S) TO THE APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS.
- C. 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.

THE STATE ADMINISTRATIVE TRIBUNAL
GPO BOX U1991
PERTH WA 6845"

- D. THE STATE-WIDE STRA REGISTER, ESTABLISHED BY THE STRA ACT 2024, IS NOW OPERATIONAL. REGISTRATION FOR ALL STRA WILL BE MANDATORY BY 1 JANUARY 2025. THE REGISTER REPLACES ANY EXISTING LOCAL GOVERNMENT STRA ALL STRA ARE REQUIRED TO REGISTER PRIOR TO OPERATION – REGARDLESS OF WHETHER THEY ARE 'HOSTED' OR 'UNHOSTED', OR WHETHER THEY QUALIFY FOR A DEVELOPMENT APPROVAL EXEMPTION THROUGH THE LPS REGULATIONS.

COUNCIL RESOLUTION – ITEM NO 10.1.3

MOVED CR LACY

SECONDED CR BADLU

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO.1, RESOLVES TO GRANT DEVELOPMENT APPROVAL FOR A SHORT STAY ACCOMMODATION (SERVICED APARTMENTS) AT LOT 113 WILLIAM KEELING CRESCENT, 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. THE TOTAL NUMBER OF PEOPLE TO BE ACCOMMODATED IN THE SERVICED APARTMENTS SHALL NOT EXCEED EIGHT (8) GUESTS AT ALL TIMES.**
- 4. MAINTAIN THE SUBMITTED MANAGEMENT PLAN AND FIRE SAFETY TO THE SATISFACTION OF THE CHIEF EXECUTIVE OFFICER.**
- 5. EMERGENCY RESPONSE PLAN/EVACUATION DIAGRAM TO BE CLEARLY DISPLAYED IN THE DWELLING.**
- 6. EACH BEDROOM TO BE FITTED WITH A HARD-WIRED SMOKE DETECTOR.**
- 7. A FULLY MAINTAINED AND COMPLIANT FIRE EXTINGUISHER TO BE IN A CLEARLY VISIBLE AND ACCESSIBLE LOCATION.**
- 8. BARBEQUES ARE TO BE LIMITED TO GAS OR ELECTRIC ONLY.**
- 9. ALL PARKING BE CONTAINED ON-SITE.**
- 10. SIGNAGE BE RESTRICTED TO ONE SIGN ON SITE NOT EXCEEDING 0.5M2 IN SIZE AND INCORPORATED INTO THE FRONT FENCE OR FRONT OF THE BUILDING.**
- 11. THE DEVELOPMENT MUST NOT CAUSE NUISANCE OR DEGRADE THE AMENITY OF THE LOCALITY IN ANY WAY, INCLUDING BY REASON OF THE EMISSION OF NOISE, LIGHT, ODOUR, FUMES, SMOKE, VAPOUR OR OTHER POLLUTANT, OR IMPACT ON PUBLIC SAFETY OR OTHERWISE; TO THE SATISFACTION OF THE SHIRE OF COCOS (KEELING) ISLANDS.**
- 12. GUESTS OF THE SERVICED APARTMENTS ARE TO BE SHORT STAY ONLY, MEANING NO GUEST SHALL OCCUPY THE SERVICED APARTMENTS FOR MORE THAN A TOTAL OF THREE MONTHS IN ANY ONE TWELVE-MONTH PERIOD.**
- 13. THE SERVICED APARTMENTS SHALL BE OPERATED IN ACCORDANCE WITH ANY APPROVED 'GUEST CODE OF CONDUCT', 'FIRE AND EMERGENCY PLAN' AND 'PROPERTY MANAGEMENT PLAN' FOR THE LIFE OF THE DEVELOPMENT, TO THE SATISFACTION OF THE CHIEF EXECUTIVE OFFICER.**

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 AND LICENSES REQUIRED UNDER ANY OTHER LAW, AND TO COMMENCE AND CARRY OUT DEVELOPMENT IN ACCORDANCE WITH ALL RELEVANT LAWS.**

- B. THE APPLICANT IS TO IMPLEMENT AND MAINTAIN REPORTING MECHANISMS FOR COMPLAINTS CONCERNING THE OPERATION OF THE SERVICED APARTMENT. IN THE EVENT OF A SUBSTANTIATED COMPLAINT BEING RECEIVED THE APPLICANT IS REQUIRED TO DEMONSTRATE MITIGATION RESPONSE(S) TO THE APPROVAL OF THE SHIRE OF COCOS (KEELING) ISLANDS.**
- C. 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.**

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

- D. THE STATE-WIDE STRA REGISTER, ESTABLISHED BY THE STRA ACT 2024, IS NOW OPERATIONAL. REGISTRATION FOR ALL STRA WILL BE MANDATORY BY 1 JANUARY 2025. THE REGISTER REPLACES ANY EXISTING LOCAL GOVERNMENT STRA ALL STRA ARE REQUIRED TO REGISTER PRIOR TO OPERATION – REGARDLESS OF WHETHER THEY ARE ‘HOSTED’ OR ‘UNHOSTED’, OR WHETHER THEY QUALIFY FOR A DEVELOPMENT APPROVAL EXEMPTION THROUGH THE LPS REGULATIONS.**

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

**FOR: BADLU, KNIGHT, LACY, MINKOM, MINKOM, SLOAN
AGAINST: NIL**

10.1.4 PRESENTATION OF THE COMPLIANCE AUDIT RETURN 2024

Report Information

Date: 30 January 2025
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Location: Cocos (Keeling) Islands
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire Wide
 Attachments: 10.1.4.1 - Compliance Audit Return 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 checked="" type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Report Purpose

To refer the Shire's responses to the Department of Local Government Compliance Audit Return 2024 to Council for its consideration and adoption.

Relevant Documents

Available for viewing at the meeting

Nil

Background

In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996* each local government in Western Australia must carry out an annual audit of statutory compliance for the period 1 January to 31 December, in the form of Department of Local Government Compliance Audit Return.

The 2024 Compliance Audit Return focuses on high-risk areas of compliance and statutory reporting as prescribed in regulation 13 of the *Local Government (Audit) Regulations 1996*.

The Audit Committee is required to review the completed CAR and report the results to Council, prior to CAR adoption by Council and submission to the Department of Local Government, Sport and Cultural Industries by 31 March 2024.

Comment

Any reporting of non-compliance in the CAR is a reminder for local government officers to engage with elected members via the Audit Committee to provide Council with a plan and timeframe within which to address non-compliance.

Policy and Legislative Implications

Local Government (Audit) Regulations 1996

Financial Implications

Nil

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2022 – 2037
Objective L1: To be involved, respectful and inclusive and to facilitate diversity and representation within the decision-making process.

Risk Implication

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Compliance	It is a Legislative requirement of council which must be adhered to.	Med (1)	A monthly Compliance Calendar assists the Shire to ensure Legislation is adhered to.

Risk Matrix

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

Conclusion

The CAR is a timely reminder of the various areas of compliance required by local governments and is a sound mechanism to test compliance and areas on which to focus improvements.

AUDIT AND GOVERNANCE COMMITTEE RECOMMENDATION – ITEM NO 10.1.4

THAT COUNCIL, PURSUANT TO *REGULATION 14 OF THE LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996*, RESOLVES TO:

- A. NOTE THAT IT HAS REVIEWED THE COMPLIANCE AUDIT RETURN 2024 FOR THE SHIRE OF COCOS (KEELING) ISLANDS; AND
- B. RECOMMEND THAT COUNCIL RECEIVES THE COMPLIANCE AUDIT RETURN 2024 FOR THE SHIRE OF COCOS (KEELING) ISLANDS.

COUNCIL RESOLUTION – ITEM NO 10.1.4

MOVED CR LACY

SECONDED CR SLOAN

THAT COUNCIL, PURSUANT TO *REGULATION 14 OF THE LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996*, RESOLVES TO:

- A. NOTE THAT IT HAS REVIEWED THE COMPLIANCE AUDIT RETURN 2024 FOR THE SHIRE OF COCOS (KEELING) ISLANDS; AND
- B. RECOMMEND THAT COUNCIL RECEIVES THE COMPLIANCE AUDIT RETURN 2024 FOR THE SHIRE OF COCOS (KEELING) ISLANDS.

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

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

10.1.5 COMMUNITY DEVELOPMENT REPORT DECEMBER/JANUARY/FEBRUARY 2025

Report Information

Date: 3rd February 2025
 Location: Cocos Keeling Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Community Development Coordinator
 Island: Cocos (Keeling) Islands
 Attachments: 10.1.5.1 - Museum External Designs
 10.1.5.2 - Basketball Flyer

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 updates on programs and events within the Community Development Team for the month of December/January/February 2025.

Community Development Coordinator Update

Australia Day Celebration 2025

The Australia Day celebrations on Home Island on Sunday 26th of January were a great success, marked by a variety of family-friendly activities and community engagement. The day featured local market stalls offering a diverse range of food, providing both visitors and locals with a vibrant culinary experience. The Senior Group (SUKA DUKA) played an important role

in showcasing traditional cooking, music, and performances, contributing to the cultural richness of the event.

Unfortunately, the Jukung race was cancelled due to low tide.

The Cocos Island Youth Council was also actively involved, assisting the Community Development Team with event setup, games, activities, and the community BBQ that brought the night to a close. The fireworks display was a highlight of the evening, and it was thoroughly enjoyed by all who attended.

Overall, the day was a wonderful celebration of both Australian and Cocos Malay cultures, bringing the community together in a shared spirit of enjoyment and pride.

Please note, the Acquittal Report for the National Australia Day Council (NADC) is due by the 30th of April 2025.

International Women's Day

Following the success and positive feedback of last year's event, the Shire (Community Development Team) and the Indian Ocean Territories Health Service (IOTHS) (Nurse Amy in charge) have once again partnered to create an empowering event for the women of Cocos Island. This year's event will be held on Friday, 21st of February, an earlier date than originally planned to accommodate the month of fasting. Although the event was initially scheduled for the 8th of March, the team decided to bring it forward to ensure inclusivity and accessibility for all participants.

We are pleased to announce that both local and external organizations have generously agreed to sponsor this event, providing support for catering and event setup. The evening will be filled with health promotion talks, exercises, games, and activities designed to encourage women to engage with others outside of their usual social circles.

Local cuisine will be available for everyone to enjoy, and prizes will be awarded for each game organised during the event. The event will run from 4:00 pm to 8:00 pm, with breaks for prayer, and will take place at the Home Island Cyclone Shelter.

This is a fantastic opportunity for the women of Cocos Island to come together, connect, and take part in a range of empowering and enjoyable activities.

Band 2025 – Circuit West

The band that has been selected between Cocos and Christmas Island is the **Steve Hensby Band**. The Band will visit Cocos from the 6th to the 13th of May 2025.

- *“Steve Hensby Band are splitting at the seams with an assault to the musical senses with elements of funk, soul, ska, world, a sprinkle of psychedelia and a dash of folk. The 9-piece ensemble is regular in the WA festival circuit and features a healthy sized horn section. It has been said that they are very danceable! Steve Hensby is a Berklee College of Music graduate and West Australian Music Industry award-winning musician who also works as a session player in the Perth area. He has played with the likes of Jackson Browne, Tim*

Minchin, John Cleary, Steve Poltz, Randy Feltface, WASO, Perth Symphony Orchestra and Taasha Cootes. All members work at Universities and Schools teaching music to individuals, groups and ensembles of a whole variety of styles ranging from choirs, classical ensembles, jazz outfits, funk/soul bands and hard rock/metal bands. There's a focus of being creative whether it's in the realms of songwriting or improvising on an instrument."

When selecting the group who will be attending this year, the Christmas Island Arts committee preferred a group called **Breaksea: Aliwah Bardinar! (Look Out Rosella!)** It was decided in conjunction with Circuit West (the touring Company) that this group will attend the islands in 2026.

- *From the multi-award-winning composers of Wanjoo and Koolbardi wer Wardong (Gina Williams and Guy Ghouse) comes a new children's production! The performance celebrates the nyttiny (creation) story of how the Bardinar (Western Rosella) got its colors. Featuring vibrant costumes, gorgeous puppets, vivacious choreography, and original music, audiences will be entranced by the cheeky frog, elegant swan, and the beauty of the Noongar language. Aliwah Bardinar is performed by Gina and Guy alongside two actor-singers who each play multiple characters using costumes and puppets, directed by Matt Reuben James Ward. The performance includes spoken dialogue and solo and ensemble singing, featuring all original music by Gina and Guy. The audience will have the opportunity to learn sections of some songs and participate in the performance. The event runs for 50 minutes, including introductions, interactive singing, and the performance. It is best suited for families and children aged 4-12.*
- *"Gina is one of the most generous artists I know. Guy Ghouse's beautiful guitar accompaniment, complex, yet not overpowering further embellishes the songs and makes for an enlightening experience." - Archie Roach*
- *"Director Matthew Reuben James Ward brought together the multi-faceted performance, blending the various music theatre features and operatic elements with insight and seamless efficiency. With its highly entertaining and accessible approach to opera for children (and adults) and the relevance of Aboriginal stories shared with everyone, Koolbardi wer Wardong deserves further performances and exposure."- Limelight Magazine Review of Koolbardi wer Wardong by Gina Williams and Guy Ghouse, West Australian Opera.*

Community Development – Culture and Heritage updates

Projects

- Jukong restoration Project/Chula Shed
- Museum
- Batik Revival Project

Jukong Restoration Project/Chula Shed

- Bulka and his team have begun work to install the doors on the Chula Shed. We will continue to update as progress is made.
- Nek Callum and Nek Ainul are both in Perth, taking a break from the Jukong Restoration project while they are away. Before they departed, Nek Ainul had

completed 2 more Jukong support Frames, and Nek Callum was making great progress on the Jukongs. We wish them the best for their time off Island.

- Tim has offered for both Nek Callum and Nek Ainul to visit the Museum's Welshpool storage facility where they have Makmoom. The WA Museum would love to speak with them about the history and any further information on Makmoom. Details to be confirmed.

Museum

- Tim Eastwood will be visiting from February 21st – 28th. Attending Cocos with him, is David O'Sullivan, a curator from the WA Museum. David, Tim and Niamh will be working in the Museum during this time to improve object management, storytelling and general Museum curation.
- We are intending to have a museum open day during ASDD, so the plan is to improve the Museum significantly by then.
- External Museum Design – Painting
 - o Design approved by council must now be carried out.
 - o If the base prep-work can be done (sanding + priming + basecoat), Niamh is intending to undertake the detail painting utilising stencils and a projector. If it is approved that Niamh can undertake the works, she will undertake research and create a project plan based on the best practices and methods for large scale painting, speaking with Paul Marshall and Emma Washer.
 - o Detailed elements included as attachment 10.1.5.1.

Batik Revival Project

- We are working through the details of the Batik Project currently to lock in dates and accommodation for Jacky, the artist, order materials and tools.
- There will be 6 community workshops in the first visit (Between April 29th to May 9th). We would appreciate if council could spread the word about these workshops and encourage community members to contact Niamh or Nadya to register their interest. Workshops will accommodate 10 people maximum so we will be able to accommodate 60 people at maximum, though we are encouraging people to come for multiple sessions if they are able to build skills.
- Niamh is meeting with school to discuss their involvement; they have agreed in principle to provide all required items for the school workshops which is a great show of in-kind support and will look favourably on the project.
- The project will be run out of the Cyclone Shelter, from the Youth Space. This will provide a space where the workshops can remain set up for the duration of Jacky's stay.

Youth & Recreation Officer Update

The Term 4 School Holiday Program (SHP) was a highly successful initiative, with a total of 7 programs completed—5 in late December 2024 and 2 in January—effectively concluding this year's holiday offerings before the resumption of school in February 2025. Children from both Home Island and West Island participated with great enthusiasm and respect. It was a rewarding experience to curate resources and plan activities designed to engage and inspire the students in a way that I felt would resonate with them.

The end-of-year programs included:

- Origami
- Cupcake Baking
- A Family-Friendly Picnic
- Sausage Roll Baking
- Jewellery Making
- A Drive-In Outdoor Cinema
- A Tennis Tournament

Among these, the Drive – In Outdoor Cinema held on the Home Island school oval was a particular highlight. It was an incredibly enjoyable experience to witness families arriving in buggies and quad bikes to watch the movie under the stars. Children and parents alike laid out rugs, enjoyed snacks, and shared in the festive atmosphere. The positive feedback from the community was overwhelmingly positive, with many expressing a desire for another outdoor movie night in the future. This is certainly something to consider for future programs.

Sports Visit – Basketball WA

Keely O’Brien from Basketball WA will be visiting Cocos Island to deliver basketball sessions to the community, catering to all ages and skill levels. The scheduled sessions for both Home Island and West Island are attached for your reference.

Nadya and Niamh will collaborate to assist Keely in delivering these sessions, as Anita will still be on leave during this time.

For further details, please refer to attachment 10.1.5.2.

Anita is on leave from the 17/01/2025 – 25/02/2025.

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Budget allocations may be exceeded.	Moderate (6)	Monitor variances and report them to Council for corrective action.
Reputation	Monthly financial statements are open to public scrutiny.	Low (3)	Ensure all expenditures are justifiable.
Compliance	Report to be presented to Council within two months to comply with legislation.	Low (3)	Processes in place to ensure compliance.
Fraud	Risk of report manipulation.	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, NOTE AND RECEIVE THE COMMUNITY DEVELOPMENT COORDINATOR’S MONTHLY UPDATE FOR DECEMBER/JANUARY/FEBRUARY 2025.

COUNCIL RESOLUTION – ITEM NO 10.1.5

MOVED CR YOUNG

SECONDED CR I MINKOM

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE COMMUNITY DEVELOPMENT COORDINATOR’S MONTHLY UPDATE FOR DECEMBER/JANUARY/FEBRUARY 2025.

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

FOR: BADLU, KNIGHT, LACY, MINKOM, MINKOM, SLOAN

AGAINST: NIL

10.1.6 COMMUNICATIONS AND INFORMATION TECHNOLOGY REPORT JANUARY 2025

Report Information

Date: 18 January 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: ICT Coordinator
 Island: Shire wide
 Attachments: Nil

Authority / Discretion

Definition

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

Report Purpose

This report provides an update on the activities of the Information Communications and Technology (ICT) Coordinator for January 2025.

Relevant Documents

Nil

Background

The .cc domain is assigned to the Cocos (Keeling) Islands, but due to its open registration, it is widely used for various purposes, making it a potential target for misuse, including cybercrime.

This report covers the discussions around the .cc domain, focusing on concerns like cybercrime, governance, and enhancing security. Recent meetings with key players like Verisign, the AFP Cybercrime Unit, eSafety Commissioner, and .au Domain Administration (auDA) have shed light on the challenges and possible actions moving forward.

Key Updates:

1. Cybercrime and CSAM Prevention
 - A meeting with Cody Nagel from the AFP Cybercrime Unit in Sydney addressed concerns around Child Sexual Abuse Material (CSAM) linked to the .cc domain.
 - Last year, action was taken against several sites, and the Cybercrime Unit is willing to help with future Technical Assistance Notices (TANs).
 - A proposal to remove WHOIS privacy is being discussed to improve accountability and transparency.
2. Governance Lessons from auDA
 - auDA, which manages the .au domain, has stricter controls, like requiring Australian business or residency for registration.
 - They also have a more efficient illegal content reporting system. They have offered to help improve governance and security practices.
3. Working with eSafety Commissioner & AFP
 - eSafety focuses on online safety, particularly for vulnerable groups, and works with the AFP to remove illegal content when necessary.
 - Strengthening proactive monitoring is important to catch potential issues early rather than waiting for reports.
4. Registry Transition
 - Moving the .cc domain to a new registry is possible but requires careful management of DNS transfers, legal compliance, and administrative details.
 - Training with Verisign has helped us better understand internet governance operations.

Moving Forward:

- Continue collaboration with Verisign, AFP, eSafety Commissioner, and auDA to improve security, reporting, and governance.
- Proactively monitor the .cc domain to address risks early on.
- Explore additional restrictions on .cc domain registrations to enhance control and security, similar to the .au model.

Policy and Legislative Implications

Nil

Financial Implications

Income from the .cc TLD

Strategic Implications

Nil

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	Failure to monitor and manage cyber risks could damage the Shire’s reputation locally and internationally.	Moderate (3)	Regular monitoring will enhance security, reduce misuse risks, and support a safer online environment
Service Interruption	Weak domain management may expose .cc to DNS spoofing, DDoS attacks, or breaches.	High (4)	Strengthen DNS security measures, including protections against DDoS attacks and spoofing, ensuring a more resilient domain infrastructure.
Compliance	Non-compliance with regulations may lead to legal and operational consequences.	Moderate (2)	Improve registrar and operator compliance to mitigate legal risks and enhance abuse prevention.

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 10.1.7

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE ICT COORDINATOR’S UPDATE FOR JANUARY 2025.

COUNCIL RESOLUTION – ITEM NO 10.1.7

MOVED CR BADLU

SECONDED CR I MINKOM

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE ICT COORDINATOR’S UPDATE FOR JANUARY 2025.

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

FOR: BADLU, KNIGHT, LACY, MINKOM, MINKOM, SLOAN

AGAINST: NIL

10.2 MANAGER FINANCE AND CORPORATE SERVICES

10.2.1 MONTHLY FINANCIAL REPORT – JANUARY 2025

Report Information

Date: 18 February 2025
 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 – January 2025

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 January 2025, 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.

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 the 7 months ended 31 January 2025. The current closing municipal surplus for this period is \$4.1m compared to a budget position of \$1.06m.

Note : the year to date income will be reduced for Top Level Domain receipts that are currently included as income but which were recorded as income in the 2023/24 financial year at the Auditor's request. The related budget will also be recommended to be reduced in the Mid Year Budget Review.

Income for the year to date is \$6.86m which comprises \$6.84m in operating revenues and \$17k in capital grants. The budget for the same period was \$10.4m, resulting in a budget variance of \$3.5m. The main cause of this was the deferral of the second tranche of the Federal Assistance Grant as this is only due once the 2023/24 Annual Report has been registered. Due to a highly complex/technical accounting matter the finalisation of June 2024 audit was deferred, causing a delay in the Annual Report being registered.

Other timing differences related to other government grants also contribute to this variance. Officers emphasise that these are purely timing differences.

Council's expenditure for the period is summarised in the following table:

Type	Actual	Budget	Variance
	\$m	\$m	\$m
Operating Expenditure			
Excluding Depreciation	3.98	6.14	2.16
Depreciation	0.82	0.88	0.06
Total	4.80	7.02	1.96
Capital Expenditure	0.18	1.22	1.05

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

Policy and Legislative Implications

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

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

- a. An explanation of the composition of the net current assets, less committal assets and restricted assets;

- b. An explanation of material variances; and
- c. Such supporting information that is relevant to the Local Government

Strategic Implications

Nil

Risk Implications

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

Risk Matrix

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

Voting Requirements

Simple majority.

Conclusion

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

OFFICER RECOMMENDATION – ITEM NO 10.2.1

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*:

1. RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2025, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 JANUARY 2025, AS CONTAINED IN ATTACHMENT 10.2.1.1.

COUNCIL RESOLUTION – ITEM NO 10.2.1

MOVED CR LACY

SECONDED CR SLOAN

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*:

1. RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2025, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 JANUARY 2025, AS CONTAINED IN ATTACHMENT 10.2.1.1.

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

FOR: BADLU, KNIGHT, LACY, MINKOM, MINKOM, SLOAN

AGAINST: NIL

10.2.2 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD NOVEMBER 2024

Report Information

Date: 12 December 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.2.2.1 - Schedule of Accounts Paid November 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 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 November 2024, as required by the *Local Government (Financial Management) Regulations 1996*.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

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

Comment

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

Payment Type	Amount (\$)
EFT Payments #11108 - #11177	\$293,550.54
Direct Debit Payment	\$72,510.00
Cheque Payment 11759 - 11760	\$1,736.27
Total Payments	\$367,796.81

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

Policy and Legislative Implications

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

Strategic Implications:

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

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

Risk Implications

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

Risk Matrix

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

Voting Requirements

Simple majority.

Conclusion

It is recommended that Council receives the reports provided for the period November 2024.

OFFICER RECOMMENDATION – ITEM NO 10.2.2

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*

1. 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 NOVEMBER 2024 TOTALLING \$367,796.81 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD NOVEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.2.1.

COUNCIL RESOLUTION – ITEM NO 10.2.2

MOVED CR YOUNG

SECONDED CR I MINKOM

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*

1. 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 NOVEMBER 2024 TOTALLING \$367,796.81 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD NOVEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.2.1.

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

FOR: BADLU, KNIGHT, LACY, MINKOM, MINKOM, SLOAN
AGAINST: NIL

10.2.3 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD DECEMBER 2024

Report Information

Date: 3 February 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.2.3.1 - Schedule of Accounts Paid December 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 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 December 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 10.2.3.1

Payment Type	Amount (\$)
EFT Payments #11178 - #11244	\$264,347.52
Direct Debit Payment	\$84,248.77
Cheque Payment	\$16,343.12
Total Payments	\$729,878.82

Contained within Attachment 10.2.3.1 is a detailed transaction listing of payments, including credit card expenditure and fuel card expenditure as per the Summary table above. Report for January 2025 will be presented next month.

Policy and Legislative Implications

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

Strategic Implications

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

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

Risk Implications

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

Risk Matrix

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

Voting Requirements

Simple majority.

Conclusion

It is recommended that Council receives the reports provided for the period December 2024.

OFFICER RECOMMENDATION – ITEM NO 10.2.3

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*:

1. 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 DECEMBER 2024 TOTALLING \$729,878.82 AS CONTAINED IN ATTACHMENT 10.2.3.1
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD DECEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.3.1

COUNCIL RESOLUTION – ITEM NO 10.2.3

MOVED CR BADLU

SECONDED CR SLOAN

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*:

1. 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 DECEMBER 2024 TOTALLING \$729,878.82 AS CONTAINED IN ATTACHMENT 10.2.3.1
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD DECEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.3.1

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

FOR: BADLU, KNIGHT, LACY, MINKOM, MINKOM, SLOAN
AGAINST: NIL

10.2 MANAGER INFRASTRUCTURE

Nil

11. MINUTES TO BE RECEIVED

11.1 MINUTES FROM AUDIT AND GOVERNANCE COMMITTEE MEETING TO BE RECEIVED

Report Information

Date: 21 February 2025
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Location: Cocos (Keeling) Islands
 Disclosure of Interest: Nil
 Reporting Officer: Manager Governance, Risk and Planning
 Island: Shire Wide
 Attachments: 11.1.1 - Minutes Audit and Governance Committee Meeting 29 January 2025 (Unconfirmed)

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>

Summary

The report formally presents the confirmed and unconfirmed minutes of Audit and Governance Committee of Council from the previous meeting.

Background

The Shire has established the Audit and Governance Committee as a Committee of Council. The Audit and Governance Committee does not have any delegated authority; therefore, any

recommendations requiring a Council decision that result from this Committee meeting must be brought before Council. This will be done via agenda items to Council.

Comment

The attached minutes is the unconfirmed minutes of the meeting of Audit and Governance Committee of Council held on the 31 January 2024.

Consultation

N/A

Financial Implications

The Officer's recommendation for Council to receive the minutes of Committee meetings carries no financial commitment for Council. Should any recommendation require a financial commitment or have any implication outside the CEO's delegated authority, the matter will be referred to Council as a specific agenda item.

Risk Implications

Nil

Policy Implications

Nil

Statutory Implications

Administration regulation 11 sets out the content that the minutes of council or committee meetings must contain, including:

- the names of members present at the meeting;
- details of each motion moved, the mover and the outcome of the motion;
- details of each decision made at the meeting; and
 - written reasons for each decision made at a meeting that is significantly different from the committee's or council employee's recommendation.

Section 5.22(2) and (3) of the Act requires that the minutes of a council or committee meeting are to go to the next meeting of the council or committee for confirmation and signing by the person presiding to certify the confirmation.

Strategic Implications

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

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

Voting Requirements

Simple majority.

Conclusion

That the minutes of the Audit and Governance Committee meeting held on the 31 January 2024 be received.

OFFICER RECOMMENDATION – ITEM NO 11.1

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO *SECTION 3.18 OF THE LOCAL GOVERNMENT ACT 1995* RESOLVES TO:

1. RECEIVE THE MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE MEETING HELD ON 29 JANUARY 2025.

COUNCIL RESOLUTION – ITEM NO 11.1

MOVED CR LACY

SECONDED CR SLOAN

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO *SECTION 3.18 OF THE LOCAL GOVERNMENT ACT 1995* RESOLVES TO:

1. RECEIVE THE MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE MEETING HELD ON 29 JANUARY 2025.

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

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

AGAINST: NIL

11.2 MINUTES FROM EXTERNAL COMMITTEE MEETINGS TO BE RECEIVED - PULU KEELING NATIONAL PARK COMMUNITY MANAGEMENT COMMITTEE MEETING

Report Information

Date: 21 February 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Not applicable
 Disclosure of Interest: Nil
 Reporting Officer: Manger Governance and Risk Coordinator
 Island: Shire wide
 Attachments: 11.2.1 – PKNP CMC Minutes 20 November 2024

Authority / Discretion

Definition

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

Report Purpose

The report formally presents the minutes of external committee from previous month.

Relevant Documents

Available for viewing at the meeting

Nil

Background

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

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

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

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

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

Comment

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

1. PKNPCMC Committee held on the 20 November 2024.

Policy and Legislative Implications

Nil

Financial Implications

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

Strategic Implications

Strategic Community Plan - Key Result Area: Civic Leadership

OFFICER RECOMMENDATION – ITEM NO 11.2

THAT COUNCIL BY SIMPLE MAJORITY PURSUANT TO SECTION 3.18 OF THE *LOCAL GOVERNMENT ACT 1995 (WA)* (CKI):

1. RESOLVES TO RECEIVE THE MINUTES OF THE PKNPCMC COMMITTEE MEETING HELD ON THE 20 NOVEMBER 2024 ON WHICH IT HAS A REPRESENTATIVE.

COUNCIL RESOLUTION – ITEM NO 11.2

MOVED CR LACY

SECONDED CR BADLU

THAT COUNCIL BY SIMPLE MAJORITY PURSUANT TO SECTION 3.18 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*:

- 1. RESOLVES TO RECEIVE THE MINUTES OF THE PKNPCMC COMMITTEE MEETING HELD ON THE 20 NOVEMBER 2024 ON WHICH IT HAS A REPRESENTATIVE.**

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

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

AGAINST: 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 BADLU

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.

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

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

PROCEDURAL MOTION

MOVED CR I MINKOM

SECONDED CR BADLU

THAT COUNCIL, BY SIMPLE MAJORITY, RESOLVES TO MOVE FROM BEHIND CLOSED DOORS THE TIME BEING AT 5:17PM.

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

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

AGAINST: NIL

14.1 ENIC .CC REGISTRY ACTIVITY MONTHLY REPORT – JANUARY 2025

Report Information

Date: 18 January 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: ICT Coordinator
 Island: Shire wide
 Attachments: CONFIDENTIAL (Circulated under separate cover)

Authority / Discretion

Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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>

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

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

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) a matter that if disclosed, would reveal —*
 - (i) a trade secret; or*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*

OFFICER RECOMMENDATION – ITEM NO 14.1

AS PER CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 14.1

MOVED CR LACY

SECONDED CR BADLU

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE ICT COORDINATOR'S MONTHLY REPORT ON ENIC .CC REGISTRY ACTIVITIES FOR DECEMBER 2024, AS PRESENTED IN ATTACHMENT 14.1.1.

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

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

AGAINST: NIL

14.2 CONFIDENTIAL CHRMAP (COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN) REPORT FEBRUARY 2025

Report Information

Date: 18 February 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: CONFIDENTIAL (Circulated under separate cover)

Authority / Discretion

Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input 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>

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

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

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) a matter that if disclosed, would reveal –*

- (i) a trade secret; or*
- (ii) information that has a commercial value to a person; or*

(iii) information about the business, professional, commercial or financial affairs of a person,

OFFICER RECOMMENDATION – ITEM NO 14.2

AS PER CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 14.2

THE MOTION WAS PUT AND DECLARED CARRIED BY ABSOLUTE MAJORITY (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

15.2.1 CONFIDENTIAL - PART LOT 18 HI RETAIL CENTRE TENANCY 9 LAUNDROMAT

Report Information

Date: 13 March 2025
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Leasing & Policy Development Officer
 Island: Home Island
 Attachments: CONFIDENTIAL (Circulated under separate cover)

Authority / Discretion

Definition

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

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

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

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

which relates to a matter to be discussed at the meeting; and
(e) a matter that if disclosed, would reveal —

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

OFFICER RECOMMENDATION – ITEM NO 15.1.2

AS PER CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 15.1.2

MOVED CR I MINKOM

SECONDED CR BADLU

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

- A. THE SHIRE CONTINUES TO OPERATE THE LAUNDROMAT UNTIL FORMAL INTEREST FROM THE COMMUNITY IS RECEIVED; OR**
- B. THE ANNUAL LEASE FEE IS REDUCED AND RE-ADVERTISED FOR EXPRESSIONS OF INTEREST.**

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

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

15.3 TRUSTS FINANCE

Nil

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

16.1 PRESENTATION OF THE UPDATED 2023-2024 SHIRE OF COCOS KEELING ISLAND ANNUAL REPORT

Report Information

Date: 13 March 2025
 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: 16.1.1 - Financial Statements for the year ended 30 June 2024
 16.1.2 - Independent Auditors Report 30 June 2024
 16.1.3 - Management Letter
 16.1.4 - Updated SOCKI Annual Report 2023-2024
 16.1.5 – Exist Meeting

Authority / Discretion

Definition

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

Report Purpose

To receive the Independent Audit Report for the 2023-24 financial year and note the related meeting conducted with the Shire's auditors.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

The Office of the Auditor General (OAG), via William Buck Accountants, conducted an on-site audit between September and December 2024. Following the conclusion of the audit, an Audit Exit Meeting was held on 16 December 2024 with the following participants:

Council Officers:

- Frank Mills (CEO)
- Dave Tombs (Manager Finance & Corporate Services)
- Ibrahim Macrae (Manager Governance, Risk and Planning)

Office of the Auditor General WA:

- Tim Sanya (Senior Director)

William Buck Accountants:

- Amar Nathwani (Partner)
- Kuan Yin Lau (Manager)

Councillors:

- Isa Minkom (Deputy Shire President)
- Young (President of the Shire Audit and Governance Committee) (*Shire President Minkom was unable to attend*)

The minute for this meeting is included in the attachments to this report.

Comment

In summary, the auditors advised the following:

1. The audit was completed as required.
2. Four potential accounting adjustments were identified, which were not material and did not require further action.
3. A highly technical accounting issue related to the Shire's Top-Level Domain Agreement required further analysis. This issue was resolved the following week.
4. Three matters were highlighted in the Audit Management Letter.

The critical Audit Opinion states:

In my opinion, the financial report:

- *is based on proper accounts and records*
- *presents fairly, in all material respects, the results of the operations of the Shire for the year ended 30 June 2024 and its financial position at the end of that period*
- *is in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.*

This report presents the audited Annual Financial Report, including the Independent Auditor's Report and the Management Letter from the Shire's auditors for the year ended 30 June 2024. A copy of the updated Annual Report for the year ended 30 June 2024 is attached for the Audit and Risk Committee's review.

Following the Audit Committee's review of this report and its attachments, officers intend to seek Council approval of the updated 2023-2024 Annual Report at the Council meeting scheduled for 26 February 2025.

Annual Report Process

Section 5.27 of the *Local Government Act 1995 (WA)(CKI)* requires a general meeting of electors to be held no more than 56 days after the local government accepts the annual report. To set a date for the 2025 Electors' General Meeting (EGM), the Council must:

1. Receive the audit report for the prior period.
2. Accept the updated Annual Report.

Upon Council's acceptance of the updated Annual Report at the next Ordinary Council Meeting, approval will be sought to set the EGM date. Once the date and time are approved, statutory advertising will occur, and the updated Annual Report will be made available both on the Shire's website and during the EGM.

Policy and Legislative Implications

Local Government Act 1995 (WA) (CKI):

- Section 1.4 Financial Report
- Section 5.27 Electors General Meeting
- Section 5.53 Annual Reports
- Section 5.54 Acceptance of Annual Reports
- Section 5.55 Notice of Annual Reports
- Division 3A Financial Audit

Financial Implications

The related audit fee was budgeted at \$65,000 but increased by \$6,000 due to additional work on the technical accounting matter mentioned above.

Strategic Implications

Strategic Community Plan: Civic Leadership

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	See Fraud below	See Fraud below	See Fraud below
Reputation	For transparency it is important that the audit report is presented to the audit and governance committee.	Moderate (6)	There is a process in place to ensure the audit report is presented to the audit committee.
Compliance	The report is to be presented to the Audit Committee annually in order to comply with relevant legislation.	Low (3)	There are processes in place to ensure compliance with legislation.
Fraud	That the annual financial statements are materially misstated.	Moderate (8)	Annual statements are audited by the office of the auditor general.

Risk Matrix

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

Voting Requirements

Simple majority.

Conclusion

That the Audit and Governance Committee recommends that council receives the 2023-2024 Auditors’ Report for the Shire of Cocos (Keeling) Islands and notes the meeting held with the Shire’s external auditors.

OFFICER RECOMMENDATION – ITEM NO 16.1

THAT THE AUDIT AND RISK COMMITTEE, BY SIMPLE MAJORITY, RECOMMENDS THAT COUNCIL, IN ACCORDANCE WITH SECTION 5.54 OF THE *LOCAL GOVERNMENT ACT 1995 (WA)(CKI)*, AT ITS NEXT ORDINARY COUNCIL MEETING, RECEIVE:

- A. THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2024, INCLUDING THE INDEPENDENT AUDITORS’ REPORT;
- B. THE AUDITORS’ MANAGEMENT LETTER;
- C. THE UPDATED 2023-24 ANNUAL REPORT; AND
- D. SET THE DATE FOR THE ANNUAL ELECTORS’ GENERAL MEETING AS WEDNESDAY, 26

MARCH 2025, AT 3:45 PM AT THE HOME ISLAND COUNCIL CHAMBERS AND AUTHORISE THE CEO TO GIVE PUBLIC NOTICE OF THE MEETING AND THE AVAILABILITY OF THE UPDATED ANNUAL REPORT, AS PER ATTACHMENT NO 6.1.1.

COUNCIL RESOLUTION – ITEM NO 16.1

MOVED CR SLOAN

SECONDED CR LACY

THAT THE AUDIT AND RISK COMMITTEE, BY SIMPLE MAJORITY, RECOMMENDS THAT COUNCIL, IN ACCORDANCE WITH SECTION 5.54 OF THE *LOCAL GOVERNMENT ACT 1995 (WA)(CKI)*, AT ITS NEXT ORDINARY COUNCIL MEETING, RECEIVE:

- A. THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2024, INCLUDING THE INDEPENDENT AUDITORS' REPORT;**
- B. THE AUDITORS' MANAGEMENT LETTER;**
- C. THE UPDATED 2023-24 ANNUAL REPORT; AND**
- D. SET THE DATE FOR THE ANNUAL ELECTORS' GENERAL MEETING AS WEDNESDAY, 26 MARCH 2025, AT 3:45 PM AT THE HOME ISLAND COUNCIL CHAMBERS AND AUTHORISE THE CEO TO GIVE PUBLIC NOTICE OF THE MEETING AND THE AVAILABILITY OF THE UPDATED ANNUAL REPORT, AS PER ATTACHMENT NO 6.1.1.**

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

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

AGAINST: NIL

