



15 March 2024

NOTICE OF MEETING

Dear Councillor,

The next Ordinary Meeting of Council will be held at 3.00pm Wednesday, 20 March 2024 at the Eneabba Tennis Club, Eneabba Drive, Eneabba.

The attached Agenda is presented for your consideration.

Robert Paull

Robert Paull
Chief Executive Officer



Unlocking the past, securing our future

We reflect on the spirit of the people who settled this country and developed the land; along with the service personnel and volunteers whose sacrifices have enabled us to enjoy the lifestyle we are accustomed.

AGENDA
ORDINARY COUNCIL MEETING
20 MARCH 2024

DISCLAIMER

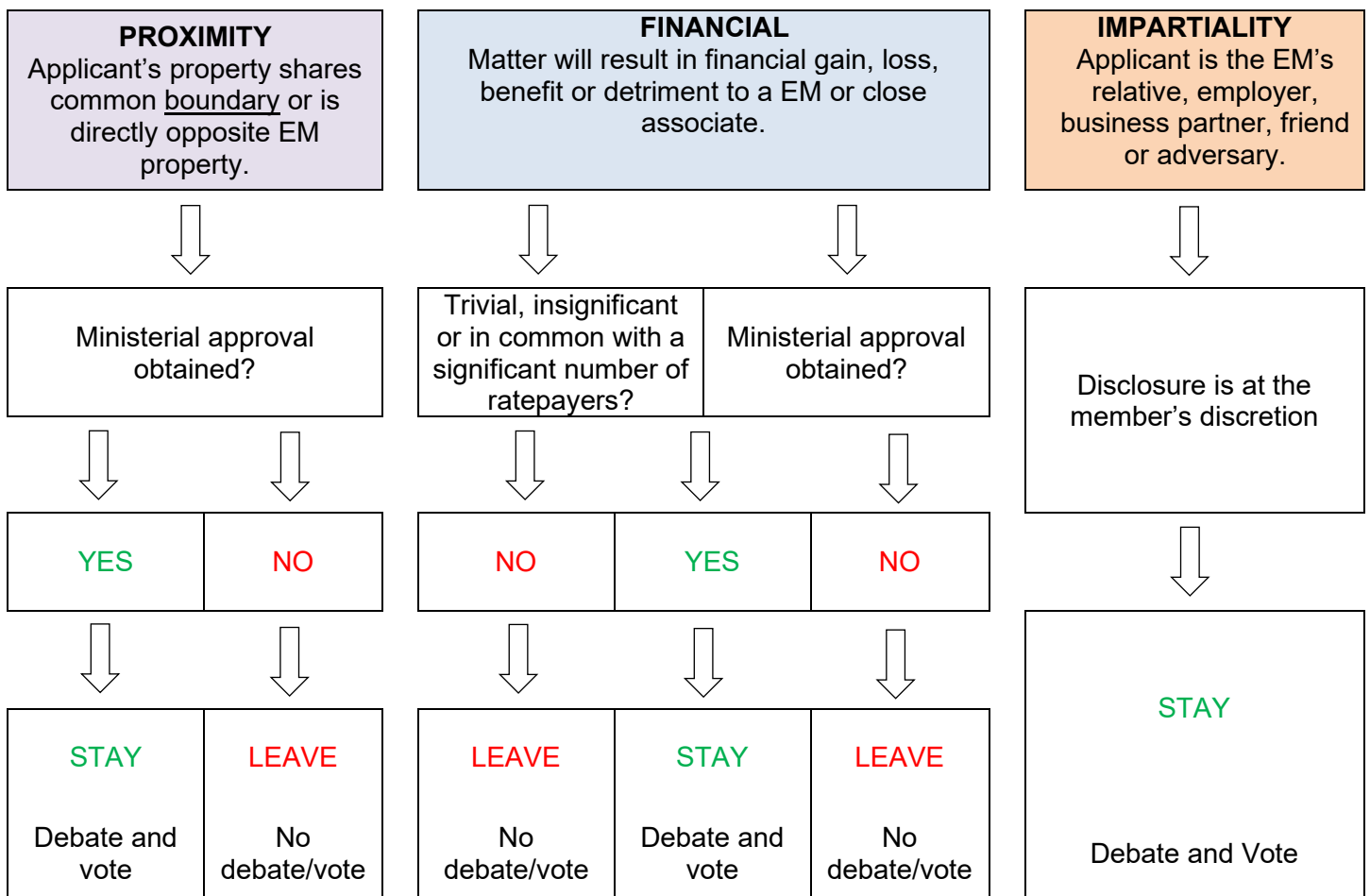
No responsibility is implied or accepted by Shire of Carnamah for any act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

Shire of Carnamah advises that anyone who has any application lodged with Shire of Carnamah shall obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by Shire of Carnamah in respect of the application.

Disclosure of Interests at Meetings

The Act places specific obligations on **elected members of council, local government employees** and other persons involved in making decisions or giving advice on Council matters to act honestly and responsibly in carrying out their functions. Generally, those obligations include the lodgement of disclosure of interest returns, the lodgement of written declarations and the verbal disclosure of financial interests at council and council committee meetings.

- **Financial interest:** a financial interest is where it is reasonable to expect that a matter being considered will result in a financial gain, loss, benefit or detriment for the person declaring the interest.
- **Proximity interest:** a proximity interest in a matter is where the matter being considered involves redevelopment or other changes of use of land that adjoins or has a common boundary or is directly across a thoroughfare to any land belonging to the person making the declaration of interest.
- **Indirect financial interest:** an indirect interest is where a matter being considered by the local government relates to another person with which the person making the declaration has a financial relationship.
- **Impartiality interest:** An impartiality interest is where there is an actual or perceived relationship that could adversely affect the impartiality of the person making the decision, and includes family, friends or membership of an association (*Local Government (Administration) Regulations 1996 reg 34C*).



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ORDINARY COUNCIL MEETING
Wednesday, 20 March 2024

1.0 DECLARATION OF OPENING

1.1 OPENING

Acknowledgement of Country

The President acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, waters and community; and pays respect to Elders past, present and emerging.

2.0 RECORD OF ATTENDANCE

2.1 TABLE OF COUNCILLOR ATTENDANCE OVER THE LAST 12 MONTHS

2022/23	Cr Isbister	Cr Woollorton	Cr Smallwood	Cr Ogilvie	Cr Kikeros	Cr Chisholm	Cr Risinger
02-23 OCM							
03-23 OCM							
04-23 OCM							
05-23 OCM							
06-23 OCM							
07-23 OCM							
08 - 23 OCM							
09-23 OCM							
10-23 OCM							
11-23 OCM							
12-23 OCM							
01-24 OCM							

Legend:

Attended		
Leave of Absence		
Apology		

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

2.3.1 Cr Smallwood

Cr Smallwood approved leave of absence for the Ordinary Meeting of Council to be held 20 March 2024.

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME

Nil

5.0 APPLICATION FOR LEAVE OF ABSENCE

Nil

6.0 DISCLOSURE OF INTEREST

6.1 DECLARATION OF FINANCIAL INTEREST AND PROXIMITY INTERESTS**6.1.1 Chief Executive Officer, Robert Paull – Item 10.3.1**

Chief Executive Officer, Robert Paull declared a financial interest in Item 10.3.1 Chief Executive Authorisations and Reporting due to the item addressing matters relating to his employment as CEO.

6.2 DECLARATION OF INTEREST AFFECTING IMPARTIALITY

Nil

7.0 PETITIONS AND DEPUTATIONS

7.1 BENDIGO BANK “OUTREACH” BRANCH

Community Bank representative Cathy Johnston, Branch Manager – Community Bank Jurien Bay would like to discuss an ‘outreach’ bank branch in Carnamah.

8.0 ANNOUNCEMENTS BY THE PRESIDING PERSON

Nil

9.0 CONFIRMATION OF MINUTES

9.1 UNCONFIRMED MINUTES - ORDINARY MEETING OF COUNCIL 21 FEBRUARY 2024

OFFICER RECOMMENDATION

That the Minutes of the [Ordinary Meeting of Council](#) held on 21 February 2024 be accepted as a true and accurate record.

9.2 SHIRE OF CARNAMAH AUDIT AND RISK MANAGEMENT COMMITTEE HELD ON 20 MARCH 2024

Minutes to be provided to Council under separate cover after completion of the Audit and Risk Management Committee.

OFFICER RECOMMENDATION

That the Minutes of the Audit and Risk Committee Meeting held on 20 March 2024 be accepted as a true and accurate record.

10.0 REPORTS OF THE CEO

10.1 MANAGER REGULATORY SERVICES

Nil

10.2 WORKS ADMINISTRATION REPORTS

Nil

10.3 FINANCE REPORTS

10.3.1 Chief Executive Officer Authorisations and Reporting

File Code	ADM0076
Author	Ian Walsh, Acting Chief Executive Officer
Senior Author	Ian Walsh, Acting Chief Executive Officer
Disclosure of Interest	Robert Paull, Chief Executive Officer
Attachments	1. CEO's Timesheets 2. CEO's Credit Card Statement

SUMMARY

The purpose of this agenda item is to report to Council on the Chief Executive Officer (CEO) leave applications, use of corporate credit card and reimbursement of CEO expense applications.

COMMENT

Due to the position held by the CEO, there is no other individual person authorised under the *Local Government Act 1995* (the Act) to approve or authorise the CEO's leave applications, use of the corporate credit card and the reimbursement of CEO expense applications. These functions can only be approved by Council resolution.

Time Sheets

This report covers period between 15 February 2024 to 14 March 2024 (**Attachment 1**).

Leave Taken

This report covers period between 15 February 2024 to 14 March 2024. All leave taken during the period was in accordance with Council resolution 20240205 (21 February 2024).

Leave Sought

The CEO is not requesting leave.

Reimbursement Applications

This report covers period between 15 February 2024 to 14 March 2024. The CEO has not sought any claims for reimbursement during this period.

Corporate Credit Card

This report covers 15 February 2024 to 14 March 2024 credit card statement (**Attachment 2**).

CONSULTATION

Chief Executive Officer
Executive Management Team

STATUTORY ENVIRONMENT

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(1) The council —

- (a) governs the local government’s affairs; and*
- (b) is responsible for the performance of the local government’s functions.*

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government’s finances and resources; and*
- (b) determine the local government’s policies.”*

STRATEGIC IMPLICATIONS

The proposal for Lot 100 is consistent with the following element of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (revised December 2022):

Outcome 4.2 Improvement in efficient and effective service delivery
Strategy 4.1.2 Continuous improvement in efficient and effective service delivery

POLICY IMPLICATIONS

Policy 1.9 CEO Leave Authorisations and Other Approvals

Policy 9.23 Acting Chief Executive Officer

Policy 9.23 States in part:

“In accordance with the requirements of the Local Government Act 1995, section 5.36(2)(a), Council has determined that the person appointed as the permanent incumbent to the position of Deputy Chief Executive Officer is suitably qualified to perform the role of Acting Chief Executive Officer or in emergency situations.

The Shire’s incumbent Deputy Chief Executive Officer is Ian Walsh, Deputy Chief Executive Officer.

Appointment to the role of Acting Chief Executive Officer shall be made in writing by the Chief Executive Officer for a defined period that does not exceed 3 months. A Council resolution is required for periods exceeding 3 months.

RISK IMPLICATIONS

Risk: Legal and Reputational – Only Council can approve or authorise the CEO’s leave applications, use of the corporate credit card and the reimbursement of CEO expense applications.		
Likelihood	Consequence	Acceptance Criteria
Possible	Low	Moderate
Action / Strategy		
The risk is mitigated by complying with the approved policy.		

FINANCIAL IMPLICATIONS

There are no known financial implications associated with this Item.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That with respect to Chief Executive Officer Authorisations and Reporting, Council:

1. Receives the information presented to this meeting of the time worked by the Chief Executive Officer between 15 February 2024 to 14 March 2024 and acknowledges that the time worked is in accordance with the Chief Executive Officer's Letter of Appointment.
2. Receives the information presented to this meeting that the Chief Executive Officer took leave in accordance with Council resolution 20240205 (21 February 2024).
3. Receives the information presented to this meeting of the credit card transactions made by the Chief Executive Officer using his corporate credit card between 15 February 2024 to 14 March 2024 and acknowledges that payment has been incurred in accordance with the Shire's procurement policy.
4. Receives the information presented to this meeting of reimbursements applications made by the Chief Executive Officer between 15 February 2024 to 14 March 2024.

10.3.2 Accounts for Payment

File Code	ADM0076
Author	Ian Walsh, Deputy Chief Executive Officer
Senior Author	Rob Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Cheque and EFT Listing

SUMMARY

Council to confirm the payment of creditors for the period 19 February 2024 to 14 March 2024, in accordance with the *Local Government (Financial Management) Regulations 1996*, section 13(1).

BACKGROUND

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

COMMENT

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the provision of services and as to prices, computations and costings, and that the amounts shown were due for payment.

CONSULTATION

Executive Management Team

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4 Financial Report

Local Government (Financial Management) Regulations 1996 -

- Section 12 Payments from Municipal Fund;
- Section 13 Lists of accounts; and
- Section 15 Rounding off figures.

From 1 September 2023, local governments are required to disclose information about each transaction made on a credit card, debit card or other purchasing cards. New regulation 13A has been added to the *Local Government (Financial Management) Regulations 1996* to increase transparency and accountability, by providing greater oversight of incidental local government spending.

- *Regulation 13A Payments via purchasing cards*

- (1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —
- (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment;
 - (d) sufficient information to identify the payment.
- (2) A list prepared under subregulation (1) must be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031
(Reviewed December 2022)

Outcome 4 *Open, collaborative and empowered*
Priority 4.1 *Improvement in efficient and effective service delivery*
Strategy 4.1.2 *Continuous improvement in efficient and effective service delivery*

POLICY IMPLICATIONS

Council has a suite of Financial Policies to achieve Council's overarching financial objectives.

RISK IMPLICATIONS

Risk: Payments are not monitored against approved budget and delegation		
Likelihood	Consequence	Acceptance Criteria
Possible	Minor	Moderate
Action / Strategy		
The monthly list of payments provides an open and transparent record of payments made under the CEO's approved delegation		

FINANCIAL IMPLICATIONS

There are no known financial implications associated with this Item.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That with respect to Accounts for Payment Council approves the payments listed as Attachment 1 for the period 19 February 2024 to 14 March 2024, and paid by the Chief Executive Officer under delegated authority of Council, or by the Deputy Chief Executive Officer (in the Chief Executive Officer's absence) as delegated by the Chief Executive Officer including:

Municipal cheque: None

Municipal EFT's: 17028 – 17085

Payroll direct debits: # 118 & 119

Municipal direct debit: 14884.2, 14895.1, 14900.1, 14902.1, 14910.1, 14908.1, &
Band Fees

Totalling \$422,918.54 be approved and passed for payment.

11.0 ADMINISTRATION REPORTS

11.1.1 2023/2024 Budget Review

File Code	ADM0167
Author	Ian Walsh – Deputy Chief Executive Officer
Senior Employee	Robert Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Budget Review Report – To be forwarded Separate Cover 2. Proposed Budget Amendments

SUMMARY

Council is requested to consider and adopt the Budget Review as presented for the period 1 July 2023 to 28 February 2024.

BACKGROUND

Statements of Budget Review as at the 28 February 2024, by nature & type incorporating year to date budget variations and forecasts to 30 June 2024 are being presented for council consideration.

The *Local Government (Financial Management) Regulations 1996 (Regulations)* regulation 33A as amended, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Consideration of the status of various projects was undertaken to ensure any anticipated variances were captured within the review document where possible.

The budget review includes information required by the *Regulations* and Australian Accounting Standards. At the Ordinary Meeting of 16 August 2023, Council adopted 10% as the materiality variances to be used in the statements of financial activity and the annual budget review. The Budget Review presented to Council respects this variance.

COMMENT

The budget review report includes Note 3 a summary of predicted variances contained within the Statement of Financial Activity, including whether variances are considered to be permanent (a difference is likely between the current budget and expected outcome to 30 June) or due to timing (e.g. where a project is likely to be delayed)

CONSULTATION

Executive Leadership Team

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

33A. Review of budget

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*
 - (a) *consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government’s financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 14 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031
(Reviewed December 2022)

Outcome 4. *Open, collaborative and empowered*
Strategy 4.1 *Improvement in efficient and effective service delivery*

POLICY IMPLICATIONS

Council has a suite of Financial Policies to achieve Council’s overarching financial objectives.

RISK IMPLICATIONS

Risk: Financial performance is not monitored against approved budget		
Likelihood	Consequence	Acceptance Criteria
Possible	Low	Moderate
Action / Strategy		
Budget review ensures that Council monitors the Shire’s financial performance and allows for the reallocation of any surplus funds to other high ranking works / jobs.		

FINANCIAL IMPLICATIONS

The review shows that it is likely that there will be a surplus as a result of variation to the original budget either as a result of projects being completed under budget or additional income being generated.

It is recommended that any estimated surplus be allocated firstly to items that were unforeseen at the time when the budget was adopted in August 2023.

These along with correction of duplicated budget figures (both income and expenditure) and other suggested budget amendments are listed in **Attachment 2**.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That with respect to the 2023/2024 Budget review, Council:

1. Adopt by absolute majority the 2023/24 budget review as presented in Attachment 1; and
2. Adopt by absolute majority the budget amendments to the 2023/24 adopted annual budget presented in Attachment 2.

11.1.2 Request to financially assist the Carnamah Craft Group

File Code	ADM0327
Author	Ian Walsh, Acting Chief Executive Officer
Senior Employee	Robert Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	Nil

SUMMARY

Council is requested to assist the Carnamah Craft Group (CCG) by accepting a liability insurance of \$10M and by way of donation, provide up to \$300 towards the insurance premium.

BACKGROUND

The CCG will soon occupy the 'Old Landcare Building' at Lot 1123 Macpherson Street, Carnamah. Whilst the CCG is not an incorporated body, the Shire will have a direct lease with the coordinator who will ensure that the electricity and water accounts are paid.

As good practice, the CCG should have Public Liability Insurance for the protection of the CCG, the Shire and the Coordinator. In this regard, the Shire's Insurer has suggested that the level of risk for the CCG appears to be quite low on the basis of the low risk activities that are undertaken in the form of quilting, general craft work and simply as a place to meet. In this regard, a reduction from \$20M liability insurance to \$10M is not unrealistic. The Shire has received an insurance estimate of \$660. Given the CCG charge participants only a few dollars to participate, the Council has been asked to assist the CCG by accepting up to 50% of the cost of the premium.

COMMENT

Whilst the CCG is not a Shire operated group, it does provide an important link for generally the older collective of the Carnamah community. The Shire is of the understanding that the CCG welcomes all community members to participate. It is normally the responsibility of the respective community group to provide their own liability insurance (noting that as is the usual practice, the building insurance is covered by the Shire). In this instance however, because of the anticipated low risk of the activities and of its members, Council agree to accept a liability insurance of \$10M and by way of donation, provide up to \$300 towards the insurance premium.

CONSULTATION

Executive Management Team

STATUTORY IMPLICATIONS

Local Government Act 1995

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031

- Outcome 1 *Close-knit and family-friendly*
- Priority 1.2 *Improve the standard and utilisation of community and recreation facilities*
- Strategy 1.2.2 *Work with the community to improve utilisation of community and recreation facilities*

POLICY IMPLICATIONS

Council Policy 2.1 *Contributions and Donations* applies to this Item.

“POLICY

1. *An allocation to a generic donations account will be included in the Shire’s Annual Budget.*
2. *In consultation with the Shire President, the Chief Executive Officer may consider and make decisions on donations of up to \$260.00 (ex GST) for:*
 - a. *community fundraising events; or*
 - b. *donations for all or part of a fee where the event or activity is free to the general public.*
3. *Community contributions will not be considered for:*
 - a. *Any activity, event, or program that contravenes Council Policies; or*
 - b. *Bond charges associated with the use of Shire facilities; or*
 - c. *Retrospective applications; or*
 - d. *Requests from non-resident individuals or organisations which do not directly service represent the community of the Shire of Carnamah.”*

RISK IMPLICATIONS

Risk: Financial Impact		
Likelihood	Consequence	Acceptance Criteria
Almost Certain	Insignificant	Moderate
Action / Strategy		
There will be an expenditure of \$300 however the benefit to the community will mitigate this.		

FINANCIAL IMPLICATIONS

The donation as sought would be addressed in the revised 2023/24 Budget.

VOTING REQUIREMENT

Absolute Majority

<p>OFFICER RECOMMENDATION</p> <p>That in relation to the Request to financially assist the Carnamah Craft Group (CCG), Council:</p> <ol style="list-style-type: none"> 1. accept a liability insurance of \$10M for the CCG’s activities; and 2. by way of donation, provide up to \$300 towards the insurance premium.
--

11.1.3 Proposed subdivision of Lot 1610 Winchester East road, Carnamah

File Code	ADM0398
Author	Giulia Stangle, Executive Coordinator
Senior Employee	Robert Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Landgate screenshot of Lot 1610 Winchester East Road 2. Landgate screenshot showing proposed subdivision

SUMMARY

Council is requested to support the Officer recommendation in order to progress a subdivision application to the Western Australian Planning Commission (WAPC).

BACKGROUND

Location and Ownership

The Winchester Public Cemetery is located on Winchester East Road, Carnamah and has been established in 1927. It is adjacent to Lot 1610 Winchester East Road, Carnamah is privately owned. Winchester Public Cemetery is the only cemetery in WA jointly maintained by two local governments, Shire of Carnamah and Shire of Coorow.

Recent History

Further to multiple site inspections throughout the years and depending on yearly rainfall levels, Shire Officers noted that the water contained in the lagoon has been causing ground infiltrations in the north area of the cemetery resulting in reports of burials having moved underneath and causing affected areas to be unviable for its intended use.

A section of the cemetery shows clear run off from surrounding areas that settles on top of a grave and then seeps into the ground.

In addition, it has come to the Shire's attention that the salt lakes and a portion of the current Cemetery parking lot (where the gazebo has been constructed) are not currently owned by the Shire but are part of property of the adjoining landowner.

COMMENT

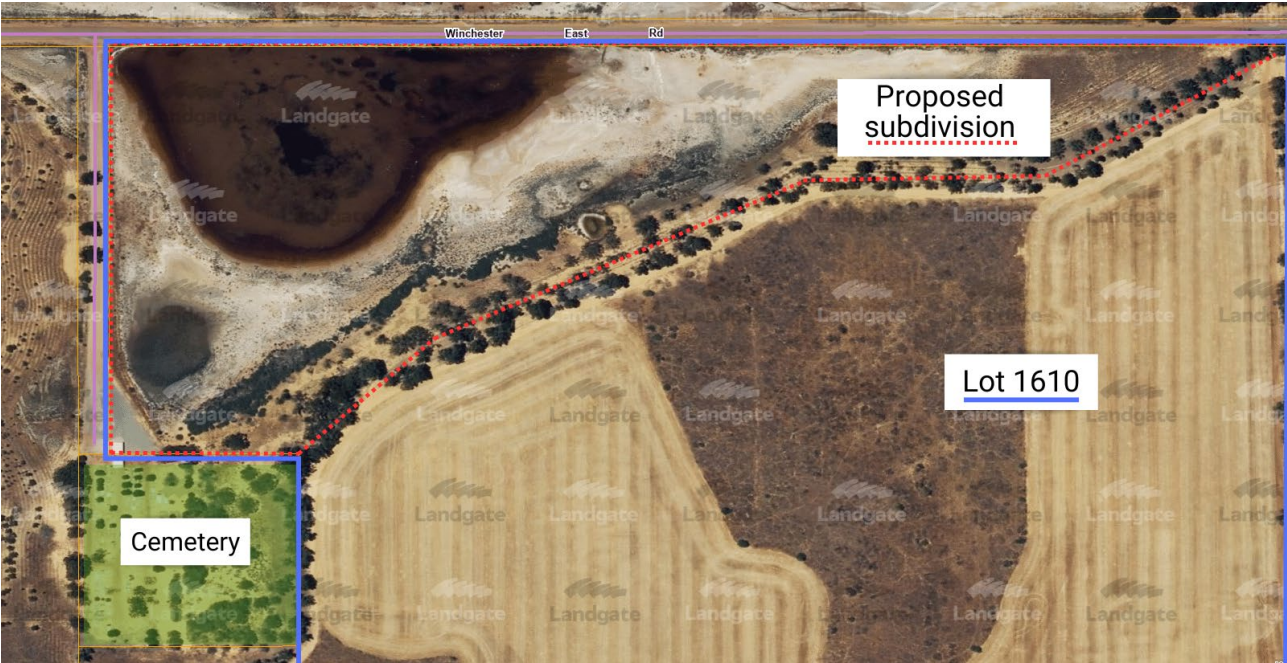
To address the water infiltration and parking lot issues, Shire Officers met with the landowners, who indicated that they are willing to sell a portion of Lot 1610 Winchester Road East to the Shire for a symbolic value of \$1, with the amount of the subdivision application to be borne by Shire of Carnamah.

The outcome of the meeting was subsequently addressed in correspondence to the landowners.



Winchester Public Cemetery – picture taken July 2023 showing water levels close to north section of graves and gazebo

The portion of land that the Shire would acquire includes the salt lagoon and the parking lot (see photos below).



Landgate Map showing Lot 1610 Winchester East Road proposed



In order for the Shire to progress with the subdivision of the land, Council is requested to authorise Shire Officers to progress the subdivision application to WAPC. The application will be referred back to Council once approved by WAPC to authorise the survey and transfer of the land.

CONSULTATION

Shire President, Cr Merle Isbister

Councillor Briefing Session March 2023

CEO and Shire President, Shire of Coorow

Owners of Lot 1610

STATUTORY IMPLICATIONS

Planning and Development Act 2005

Planning and Development Regulations 2009

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031

Outcome 1.2 Improve the standard and utilisation of community and recreation facilities

Strategy 1.1.2 Work with the community to improve utilisation of community and recreation facilities

POLICY IMPLICATIONS

There are no known policy implications associated with this Item.

RISK IMPLICATIONS

Risk: Potential future litigation due to car park being constructed on privately owned land. Damage to Shire Asset (cemetery) due to water infiltration and potential reputational risk if existing graves are affected.		
Likelihood	Consequence	Acceptance Criteria
Unlikely	Low	Low
Action / Strategy		
The risk is mitigated by addressing the entirety of the carpark construction at the same time as the subdivision of Lot 1610 occurs.		

FINANCIAL IMPLICATIONS

Costs of survey, subdivision fees and incidentals are addressed in grant funding associated an allocation from the State Government's 'LRCIP 4' fund. In addition, the Shire of Coorow has advised that it will contribute 50% to the cost of subdivision.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That, with respect of Subdivision of Lot 1610 Winchester East Road, Carnamah, Council:

1. authorises Chief Executive Officer to progress a subdivision application to the WA Planning Commission to subdivide and amalgamate Lot 1610 Winchester East Road, Carnamah with the Winchester Cemetery in consultation with the current landowners; and
2. requests the Chief Executive Officer to write to the owners of Lot 1610 and thank them for their assistance in progressing the amalgamation

11.1.4 Request from Iluka Resources to seek a new 21 year lease over Lot 11426 on DP 184144, Mineral Sands Road, Eneabba

File Code	ADM0139
Author	Robert Paull, Chief Executive Officer
Senior Employee	Robert Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1 Letter from Iluka – 20 April 2023

SUMMARY

Council is requested to consider the request from Iluka Resources (via Department of Planning, Lands and Heritage (DPLH)) to seek a new 21 year lease over Lot 11426 on DP 184144, Mineral Sands Road, Eneabba. It is recommended that Council not support the new lease until Iluka (the Company):

1. provides written advice to Council and the community of Eneabba on how it will undertake its town development obligations under s.18 of the *Mineral Sands (Eneabba) Agreement Act 1975*;
2. advises how the Company will: “..... *do those things necessary to attract and sustain a stable and content workforce and associated population ...*” (extract from s.18(a)); and
3. commits to the installation of residential accommodation (not including camps) associated with the Rare Earth Refinery within the Eneabba townsite for their operational staff.

BACKGROUND

The “*Mineral Sands (Eneabba) Agreement Act 1975 (WA)*” (*State Agreement*) establishes certain obligations on the Company as follows:

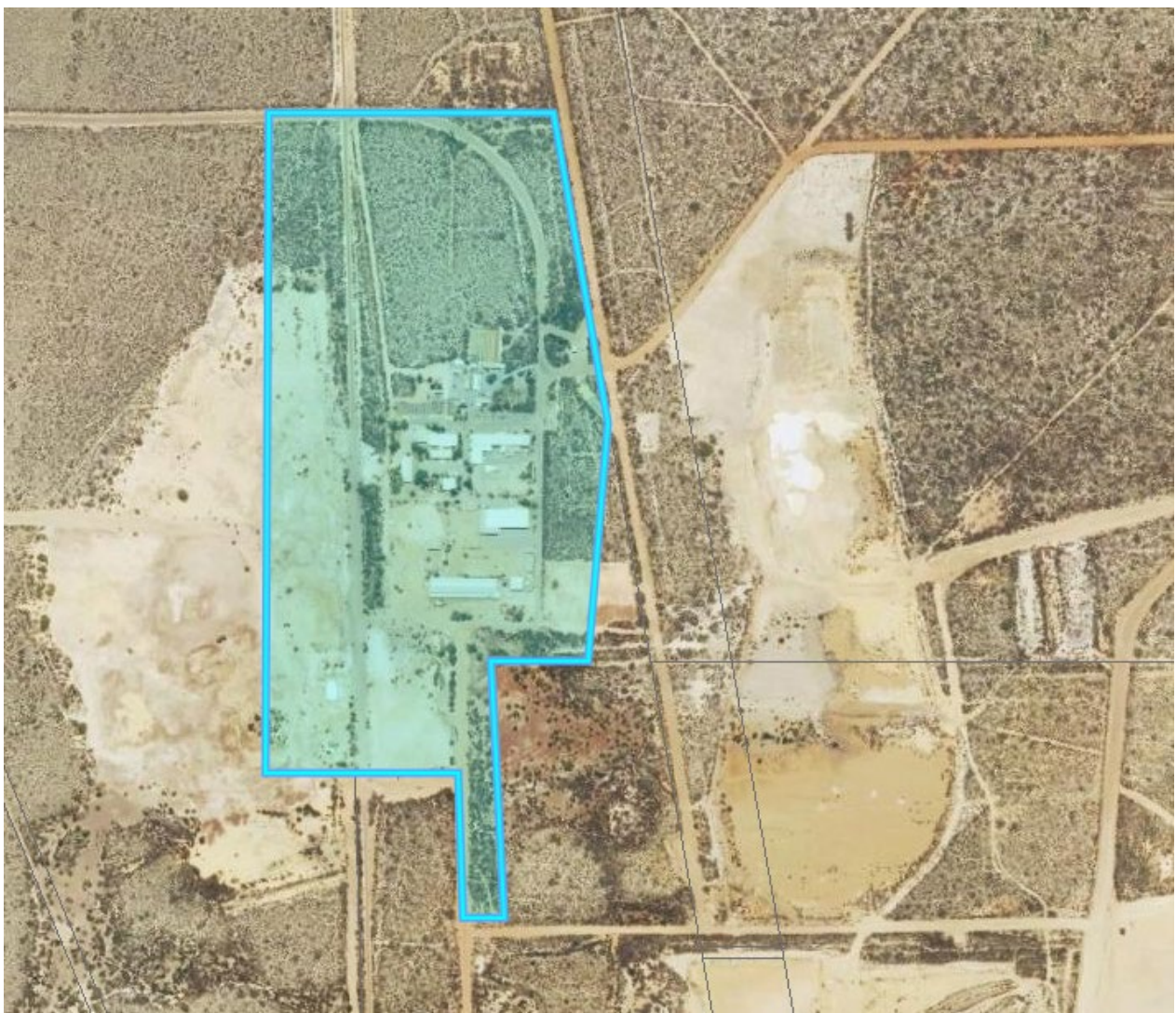
“18 Town development²

- a) *To enable the Company to do those things necessary to attract and sustain a stable and content workforce and associated population (including the development and maintenance of an attractive physical environment together with appropriate community, recreation, civic, social and commercial amenities) the Company shall continue to collaborate with the State in the development of an area or areas in the town for the purposes of the approved project and where applicable an approved proposal hereunder.*
- b) *The Company shall at its cost cause to be provided and maintained at the town and made available at such prices, rentals or charges and upon such terms and conditions as are fair and reasonable under the circumstances, housing accommodation to the extent necessary to provide for the needs of persons and the dependants of such persons engaged in connection with the Company’s operations hereunder.*
- c) *For the purposes of subclause (2) of this Clause the State shall in accordance with the approved project and where applicable an approved proposal hereunder make*

available lots of land in the town for purchase by the Company at prices determined by the State.

- d) *The parties recognise that as a consequence in part of the progressive development of the Company's operations hereunder the need will progressively develop at the town for additional sewerage treatment works water supply headworks main drainage educational hospital medical and police services and community recreation civic social and commercial amenities. The Company accepts the principle of fair and reasonable sharing by it whether by way of capital contribution or otherwise of the costs of establishing and extending such works services and amenities having regard to the benefits flowing to the State, the community, the Company and others therefrom."*

Lot 11426 on DP 184144, Mineral Sands Road, Eneabba has an area of 32,77ha and is zoned 'Rural' under the Shire of Carnamah Local Planning Scheme No. 2. Lot 11426 is fundamental to the establishment of the Company's Rare Earth Refinery.



The Shire has written to the Company on numerous occasions reminding Iluka of their obligations to develop Eneabba (and Leeman as part of the later amendment to the State Agreement) under s.18 of the State Agreement has been a key focus of Council for several months. At the time of preparing this Report, the most recent correspondence from the Company's management was on 20 April 2023 (**Attachment 1**).

The correspondence refers to the new 300-person camp on Three Springs Road being approximately 500 metres from the boundary of the townsite. The correspondence fails to acknowledge the extent of the townsite boundary and in fact the camp for construction and operational staff is nearly 2km from the built up centre of the town and in particular, the residential land the Company owns.

Whilst the Shire regularly meets with some excellent local Iluka representatives, the Shire still has not received any formal indication that the company is seriously interested in addressing s.18 of the *State*.

COMMENT

Iluka has not given any indication that it will be developing the town of Eneabba in accordance with s.18 of the State Agreement to “.... *do those things necessary to attract and sustain a stable and content workforce and associated population...*” (extract from s.18(a)).

On this basis, it is recommended that Council not support the new lease until Iluka:

1. provides written advice to Council and the community of Eneabba on how it will undertake its town development obligations under s.18 of the *Mineral Sands (Eneabba) Agreement Act 1975*;
2. advises how the Company will: “..... *do those things necessary to attract and sustain a stable and content workforce and associated population ...*” (extract from s.18(a)); and
3. commits to the installation of residential accommodation (not including camps) associated with the Rare Earth Refinery within the Eneabba townsite for their operational staff.

It is regret that the Shire concludes that the position of Council will again not be addressed by the Company or by the State Government. However, for the future of the community of Eneabba it is concluded that Council must continue its position of demanding the Company provide residential accommodation for its operational staff in Eneabba.

CONSULTATION

Executive Management Team

STATUTORY IMPLICATIONS

Mineral Sands (Eneabba) Agreement Act 1975 (WA) (State Agreement)

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (amended on 14 December 2023):

- | | |
|-----------------------|---|
| <i>Outcome 1.2</i> | <i>Improve the standard and utilisation of community and recreation facilities.</i> |
| <i>Strategy 4.2.3</i> | <i>Advocate for improved community outcomes in education, medical and aged care services, infrastructure, and seek external grants.</i> |

POLICY IMPLICATIONS

There are no known policy implications associated with this Item. It is noted that the *Eneabba Economic Revitalisation Strategy* provides general guidance for the development of Eneabba.

RISK IMPLICATIONS

Risk: Potential negative impact on Eneabba community from limited housing and infrastructure.		
Likelihood	Consequence	Acceptance Criteria
Possible	Low	Moderate
Action / Strategy		
Support and encourage Iluka to work cooperatively with the Shire and the community on the provision of housing and community infrastructure assets.		

FINANCIAL IMPLICATIONS

There are no known financial implications associated with this Item.

VOTING REQUIREMENT

Simple Majority

<p>OFFICER RECOMMENDATION</p> <p>That with respect to request from Iluka Resources to seek a new 21 year lease over Lot 11426 on DP 184144, Mineral Sands Road, Eneabba, Council not support the new lease until Iluka:</p> <ol style="list-style-type: none">1. provides written advice to Council and the community of Eneabba on how it will undertake its town development obligations under s.18 of the <i>Mineral Sands (Eneabba) Agreement Act 1975</i>;2. advises how the Company will: “..... <i>do those things necessary to attract and sustain a stable and content workforce and associated population ...</i>” (extract from s.18(a)); and3. commits to the installation of residential accommodation (not including camps) associated with the Rare Earth Refinery within the Eneabba townsite for their operational staff.

12.0 CONFIDENTIAL REPORTS

Nil

13.0 ORDERING OF THE COMMON SEAL

Nil

14.0 REPORTS OF COMMITTEES AND MEMBERS

Nil

15.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16.0 NOTICE OF MOTIONS (FOR CONSIDERATION AT THE FOLLOWING MEETING, IF GIVEN DURING THE MEETING)

Nil

17.0 NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

Nil

18.0 CLOSURE OF MEETING

Next Ordinary Council Meeting to be held on Wednesday 17 April 2024 Carnamah Council Chambers commencing at 4.00pm.