



murchisonshire

Ancient land under brilliant skies

Minutes for the Ordinary Meeting of the
Murchison Shire Council

Held in the Council Chambers, Carnarvon Mullewa Road, Murchison,
on Thursday **24 September 2020**, commencing at 12 Noon.

Note: meeting conducted to meet COVID-19 restrictions.

Ancient land under brilliant skies

TABLE OF CONTENTS

1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	3
3	CONFIRMATION OF MINUTES	3
	3.1 Ordinary Council Meeting – 26 August 2020.....	3
4	DISCLOSURE OF INTERESTS.....	3
5	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
6	STANDING ORDERS	4
7	PUBLIC QUESTION TIME	4
8	NEXT MEETING	4
9	APPLICATIONS FOR LEAVE OF ABSENCE.....	4
10	NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS.....	5
11	ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION.....	5
12	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	5
13	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED	5
	13.1 Shire President	5
	13.2 Councillors	5
14	REPORTS OF COMMITTEES	5
15	WORKS.....	6
	15.1 Works Report.....	6
16	FINANCE.....	9
	16.1 Accounts Paid since the last list was adopted/endorsed by Council.....	9
	16.2 Financial Activity Statements 31 July 2020	10
17	DEVELOPMENT	11
	17.1 Settlement Projects Update.....	11
18	ADMINISTRATION.....	14
	18.1 Disability Access and Inclusion Plan	14
	18.2 Aboriginal Cultural Heritage Bill 2020.....	Error! Bookmark not defined.
19	CEO ACTIVITY REPORT	20
20	URGENT BUSINESS	21
21	ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS.....	21
	21.1 Adaman Resources	22
22	MEETING CLOSURE.....	22

ATTACHMENTS

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Shire President declared the meeting open at 12.03pm.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present

Councillors

Cr R Foulkes-Taylor – President
Cr A Whitmarsh – Deputy President
Cr E Foulkes-Taylor
Cr Q Fowler
Cr G Mead
Cr P Squires

Staff

Bill Boehm – CEO
Tatjana Erak – DCEO
William Herold – Works Supervisor

3 CONFIRMATION OF MINUTES

3.1 Ordinary Council Meeting – 26 August 2020

Background

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

Recommendation

That the minutes of the Ordinary Council meeting held on 26 August 2020 be confirmed as an accurate record of proceedings.

Voting Requirements:

Simple majority

Council Decision

Moved: Cr A Whitmarsh

Seconded: Cr Q Fowler

That the minutes of the Ordinary Council meeting held on 26 August 2020 be confirmed as an accurate record of proceedings.

Carried

For 6

Against 0

4 DISCLOSURE OF INTERESTS

Cr E Foulkes- Taylor & Cr R Foulkes-Taylor both declared a financial interest in item 21.1 Adaman Resources.

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 STANDING ORDERS

Matter for Consideration

It has been customary practice in the interests of a productive meeting in relation to the Conduct of Members during debates for the Council suspend Standing Orders 8.2 (Limitation on Number of speeches) and 8.3 (Duration of Speeches) under Local Law 2001. To facilitate this, the following recommended resolution is required.

Recommendation

That the following Local Law-Standing Orders 2001 be stood down:

8.2 Limitation on the number of speeches

8.3 Duration of speeches

Voting Requirements

Simple Majority

Council Decision

Moved: Cr E Foulkes-Taylor

Seconded: Cr G Mead

That the following Local Law-Standing Orders 2001 be stood down:

8.2 Limitation on the number of speeches

8.3 Duration of speeches

Carried

For 6

Against 0

7 PUBLIC QUESTION TIME

Nil

8 NEXT MEETING

Thursday 22 October 2020

9 APPLICATIONS FOR LEAVE OF ABSENCE

Cr P Squires requested leave of absence for October's meeting.

Recommendation

That Council approve Cr Squire's application for leave of absence at the October 2020 meeting.

Voting Requirements

Simple Majority

Council Decision

Moved: Cr A Whitmarsh

Seconded: Cr G Mead

That Council approve Cr Squire's application for leave of absence at the October 2020 meeting.

Carried

For 6

Against 0

10 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

21.1 Adaman Resources

11 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

12 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

13 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

13.1 Shire President

Murchison Zones – Generally some concerns with the proposed New Heritage Bill.

13.2 Councillors

Cr Whitmarsh attended the Regional Innovation Summit 2020 – Initiative for New Industries WA

On Friday 18th September, I attended the Regional Innovation Summit led by Alannah MacTiernan and Dave Kelly. With the aim to outline issues and possible solutions to these issues associated with innovating and building industry within the regions. With the aim to establish a draft new industry strategy to move into the future.

As part of regional innovation \$2.5m over 9 regions to help create and develop small to medium enterprise growth and seed innovative initiatives. Further information can be found on Regional Innovation Fund with a sub program called Groundswell.

Cr E Foulkes-Taylor was unable to attend the Murchison Geo-region launch Friday 18 September. By all accounts it was a “Good day – good vibe”.

14 REPORTS OF COMMITTEES

The Settlement Working Group (Bill Boehm, Cr E Foulkes-Taylor and Cr Whitmarsh) met at 10.45am at the Administration Office. They perused consultation submissions for placemaking plans within the settlement.

15 WORKS

15.1 Works Report

File:

Author: William Herold – Works Supervisor
Bill Boehm – Chief Executive Officer

Interest Declared: No interest to disclose

Date 20 September 2020

Attachments: 15.1.1 Wreath Flowers Access
15.1.2 Beringarra-Cue Road Seal Pickup

Construction Crew

By the time Council meets the Construction crew should have laid 5km of sheeting from the south boundary back towards Bullardoo homestead. 7km of gravel should also have been carted out. The job is progressing well and unfortunately there do not appear to be any signs of rain delays in the near future.

Maintenance Crew

Since Council last met the Maintenance crew have finished the unsealed section of the Beringarra-Pindar Rd, patch graded between flood damage repairs on the Beringarra-Byro Rd, patch graded the Byro-Woodleigh Rd. Graded the Carnarvon-Mullewa Rd from the north boundary to Byro homestead then from the Byro-Curbur boundary to the Settlement. When Council meets, they should be well into Butchers Track.

Flood 6

At present the proposed hand over of works for the West package is 23rd September. I am waiting for a date from Greenfield to do the East package (Squires) who have moved over to Mileura and are working on the Beringarra-Cue Rd.

Flood 7

Them Earthmoving have completed their Flood 7 works on the Beringarra- Byro Rd. Squires Resources are yet to commence their work on the Mt Gould Rd.

Thurkle's Dozing

Stockpiling at Bullardoo was completed on Tuesday 15th September.

Grid Replacement

This program will commence in the next month or so with two placements on the Beringarra-Pindar Rd, two on the Meeberrie-Wooleen Rd and one on the Carnarvon-Mullewa Rd at the Settlement north boundary.

New Housing

Sheds have been completed and new turf and associated sprinklers and irrigation laid. Fencing substantially completed. Trees and shrubs ordered. Some tree irrigation laid.

Wreath Flowers Beringarra-Pindar Road

Attached is a copy of email advice received in relation to the wreath flowers that grow adjacent to sections of the Beringarra-Pindar and Wreath Flowers Access Roads in the Road the southern part of the Shire.

Although not a new issue and only relevant (depending on the season and tourist traffic) it is obviously one that Council has been grappling with for some time. In part this is evidenced by a recent, though unsuccessful, proposal to upgrade this section of the road through a Roads 2030 submission. A copy is also attached.

In light of this, we have taken a proactive action and are in the process of commissioning a Road Safety Audit of the site. It is envisaged that, when completed, this will potentially guide future works but also provide evidence for potential Black Spot Funding, as well as potentially supporting any design options that may arise.

Sealing Program - General

Greenfield Technical Services have been engaged to assist in overseeing and supervising Councils Sealing Program which in the main involves new construction works on the Carnarvon- Mullewa Road at Curbur and adjacent to the southern boundary of the Shire.

Sealing Program - Beringarra-Cue Road

Floodway associated works are also programmed for sections of the Beringarra-Cue Road. Given the nature of our works along the Carnarvon-Mullewa Road, which almost entirely new works associated with pavement construction, and with the Beringarra-Cue road being remote, undertaking this work becomes potentially more difficult than normal. We have therefore been in discussions with Meekatharra Shire with a view to pursuing the potential of utilising their successful contractor to undertake these works whilst they are in the area and working on sections of the Landor Road.

Meanwhile we have undertaken a detailed pick up of the floodway sections of the Beringarra-Cue Road with a view to resealing some or all this year. This review has indicated a larger length than originally envisaged and if proceeded with would need a variation to budget.

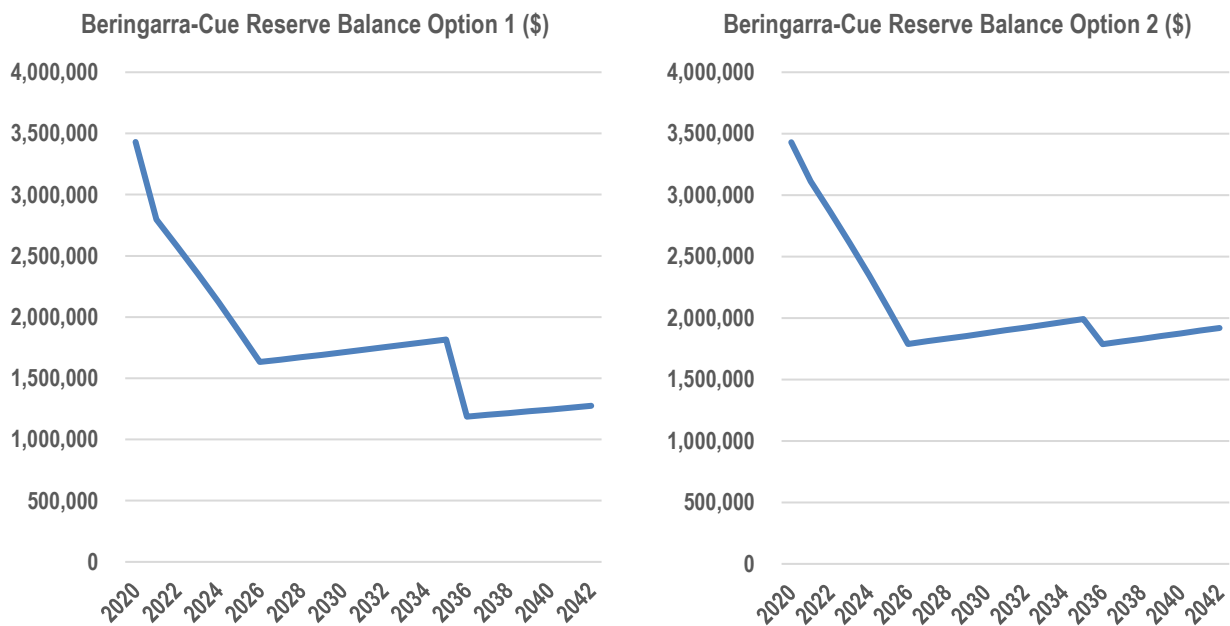
Accordingly, we have undertaken a long term analysis essentially of two options as follows:

- Option 1 retention of all sealed floodways
- Option 2 retaining only a small portion of those gravel floodways that already been reconstructed by Council plus those of greater significance

The main purpose is to ensure that whatever approach is taken that the works could be funded from the existing Beringarra-Cue Road Reserve and that all of the relevant circumstances are considered now in a strategic sense as once committed it will be more costly to alter later.

A copy of the analysis including of the effects of the Beringarra-Cue Road Reserve is attached.

This analysis includes all indicative future costs for reseals, initial seals, converting bitumen to gravel and future gravel resheeting as applicable. In either instance the works can be accommodated from within the Reserve Whilst Option 2 there has a greater amount of Reserve (\$1.9m) compared to (\$1.3m) for Option 1 retained for longer, a floodway reseal program for around 45 years will still be able to be accommodated.



Other relevant considerations include the following:

- 1 There is a shortage of pavement material in the area suitable for sealed construction works although an abundance of calcrete.
- 2 Part of the issue with the current sealed road is the widespread utilisation of calcrete in the existing road formation. Over time this material tends to react with and weaken the bitumen bond which in part explains the current pothole nature of the existing sealed road although it needs to be recognised that by and large the seal has held up well given that it is well past its reseal expiry date.
- 3 Other than the floodway sections which are more or less at a reasonable road level.
- 4 The existing formation has largely one-way crossfall which tends to be opposite to the natural drainage flow. This and the final finished road levels appears to have caused areas of rain shadow. Converting the bitumen to gravel in these sections provides an opportunity to rectify this situation.
- 5 The road has very low traffic volumes which would ordinarily mean resheeting a frequency around 25 years.
- 6 Without the previous impact caused by the Jack Hills Mine it would be unlikely to justify many if any sealing works. Equally however there is a significant asset (pavement and seal) to be preserved that has been funded externally with additional allocations made via the Reserves for future maintenance. From a retention of asset viewpoint retaining various strategic sections appears justified.
- 7 The location is remote from Murchison and is more costly to service.

The decision and approach taken at this time essential sets the future works required hence this report.

In view of all the above factors it is considered appropriate to pursue Option 1 ie retention of all sealed floodways.

Council Comments

Flood7 and Flood 6 damage handover conducted with THEM Earthmoving 23 September 2020.

Good wreath flower information available from Mullewa. Wreath flowers grow in the numbers due to grading.

Recommendation

That Council resolve as follows:

- 1 The Works Report be received and accepted
- 2 That in relation to the Sealing Program for the Beringarra-Cue Road that Council to pursue Option 1 being the retention of all sealed floodways and make an appropriate amendment to the budget with all expenses to fund the project coming from the Beringarra-Cue Road Reserve.

Voting Requirements

Simple Majority

Council Decision

Moved: Cr A Whitmarsh

Seconded: Cr P Squires

That Council resolve as follows:

- 1 The Works Report be received and accepted
- 2 That in relation to the Sealing Program for the Beringarra-Cue Road that Council to pursue Option 1 being the retention of all sealed floodways and make an appropriate amendment to the budget with all expenses to fund the project coming from the Beringarra-Cue Road Reserve.

Carried

For 6

Against 0

16 FINANCE

16.1 Accounts Paid since the last list was adopted/endorsed by Council

File: 4.37.1
Author: Tatjana Erak - Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 20 September 2020
Attachments: 16.1.1 EFT & Cheque Details for August 2020

Matter for Consideration

The *Local Government (Financial Management) Regulations 1996 Regulation 13* requires that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, then the CEO is to prepare a list of accounts paid by the CEO for each month and present this to the next ordinary meeting of the Council after the list has been prepared and have this recorded in the minutes of the meeting.

A list of payments presented in accordance with *Regulation 13* of the *Local Government (Financial Management) Regulations 1996* made since the last report to Council is attached.

Strategic Implications

None

Policy Implications

None

Budget/Financial Implications

Payment from the Municipal, Trust and Reserve Bank Accounts.

Consultation

Moore Australia

Recommendation

That the accounts since the last report to Council, as per the attached Schedule be recorded in the minutes as being presented to Council.

Voting Requirements

Simple Majority

Council Decision

Moved: Cr G Mead **Seconded: Cr** R Foulkes-Taylor

That the accounts since the last report to Council, as per the attached Schedule be recorded in the minutes as being presented to Council.

Carried **For** 6 **Against** 0

16.2 Financial Activity Statements 31 July 2020

File:

Author: Tatjana Erak – Deputy Chief Executive Officer

Interest Declared: No interest to disclose

Date: 20 September 2020

Attachments: 16.2.1 Monthly Management Financial Report July 2020

Matter for Consideration

The Local Government (Financial Management) Regulations 1996 Regulation 34 requires that local government report monthly and prescribes what is required to be reported. Council is required to consider adopting the Monthly Financial Statements.

Budget/Financial Implications:

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Consultation

Moore Australia

Recommendation

That Council adopt the financial statements for the period ending 31 July 2020 as attached.

Voting Requirements

Simple Majority

Council Decision			
Moved: Cr	Q Fowler	Seconded: Cr	A Whitmarsh
That Council adopt the financial statements for the period ending 31 July 2020 as attached.			
Carried	For	6	Against 0

17 DEVELOPMENT

17.1 Settlement Projects Update

File: 10
Author: Bill Boehm - Chief Executive Officer
Interest Declared: Nil
Date: 20 September 2020
Attachments: Nil

Matter for Consideration

Brief progress update of a variety of projects, the scope of which has yet to be determined, in and around the Murchison Settlement.

Background

As per the adopted 2020/21 Budget, Council has finalised a separate list of capital works projects as listed below in and around the Murchison Settlement. These projects identified below are listed in no priority order. Once detailed scoping and design has been completed and then works prioritised it is expected Council will work through the final priority list until the funding runs out. A budget allocation amount of **\$1.55m** budget has been provided

PROJ A	Transportable Classroom
PROJ D	Community / Sports Centre Upgrade
PROJ E	Community Swimming Pool / Splash Pad
PROJ F	New -Caravan Park Ablution Block
PROJ H	New -Caravan Park 2 Ensuite Units
PROJ I	General Settlement Amenity Improvements
PROJ J	Playground Upgrade

Comments

As a follow up to previous Councillor briefings the following points are of note:

- 1 With the desire for an interactive playground the need to bring in an "Place Making" type consultant is now considered essential. Previous positive experience over a number of projects highlights that this essential. Consultant needs an open mind with experience in stakeholder consultation and also the ability to integrate and design concepts with some detailed design elements. Other expertise with respect to elements such as Ablution Block and Swimming Pool / Splash Pad are obtainable, but placemaking is key.
- 2 Desirable to have a very small two person Councillor Working Group to assist the CEO in bringing this concept together.
- 3 Evaluation / Assessment criteria to be separately established once detailed concepts and designs are completed.
- 4 The above will likely to take at least 5 months to finalise designs and costings and prioritise works.

Update

In light of the above I have approached Cr A Whitmarsh and Cr E Foulkes-Taylor who have kindly agreed to be part of the very small Councillor Working Group to assist the CEO in bringing this concept together as outlined in point 2 above. Both have relevant practical settlement focused experience, which will be of invaluable assistance. Regular Working Group Briefings will follow as a matter of course.

In the meantime, I have been able to source some suitable consultants to undertake point 1 above. I expect that once we have collectively reviewed these submissions, we will be able to make an appointment and proceed with initial scoping work. I expect that community engagement at the appropriate time will be a feature of this process.

In addition, updated detailed designs for PROJ FNew -Caravan Park Ablution Block are also being sourced.

Statutory Environment

Local Government Act 1995.

Sustainability Implications

Environmental	There are no known significant environmental considerations
Economic	There are no known significant economic considerations
Social	There are no known significant social considerations

Strategic Implications

These projects are of significant strategic and community importance and are relevant to the implementation Shire of Murchison Community Strategic Plan as follows:

Shire of Murchison Vision Statement

Working together to preserve the unique character of the Shire, supporting diverse and sustainable lifestyle and economic opportunities.

Economic Objective 1

To develop the region's economic potential to encourage families and businesses to stay in the area.

Strategies to Achieve Economic Outcomes

Tourism Development

To promote and support a sustainable tourism industry in the Shire of Murchison.

Economic Development

Retain existing industries and encourage the establishment of new industries to broaden the region's economic base through the provision of residential and industrial land / buildings in Murchison

Social Objective 3

To develop, co-ordinate, provide and support services and facilities which enhance the quality of community life in the Shire by:

- ~ *Supporting and assisting in coordinating projects and events as required.*
- ~ *Providing information on services (funding opportunities, Grant processes etc.).*
- ~ *Supporting community groups.*
- ~ *Supporting and maintaining social infrastructure (i.e. Parks, Gardens, Cemetery) and support those groups who use them.*

Strategies to Achieve Social Outcomes

Refurbishment of Community Centre

The Community Centre is a key building within the Murchison Settlement. The Centre was built in the 1980's and has been maintained since this time. However it is due to be refurbishment.

Explore Education Opportunities

Explore potential opportunities to improve access to existing education services for residents within the Shire.

Policy Implications

Nil

Financial Implications

Project is funded from the approved 2020/21 budget.

Recommendation

That the Chief Executive Officer’s Settlement Projects Update Report be received and noted.

Voting Requirements

Simple Majority

Council Decision			
Moved: Cr	A Whitmarsh	Seconded: Cr	G Mead
That the Chief Executive Officer’s Settlement Projects Update Report be received and noted.			
Carried	For	6	Against 0

18 ADMINISTRATION

18.1 Disability Access and Inclusion Plan

File: 6.1
Author: Bill Boehm - Chief Executive Officer
Interest Declared: Nil
Date: 20 September 2020
Attachments: 18.1.1 Draft Disability Access and Inclusion Plan 2021-2025

Matter for Consideration

Review leading to the eventual adoption of an updated Council's Disability Access and Inclusion Plan (DAIP).

Background

The initial adoption of Council's Disability Access and Inclusion Plan (DAIP) in June 2008 was reviewed for a five year period 2016-2020 in January 2016. Under the *Disability Services Act 1993* this plan is required to be reviewed every 5 years.

Comment

The attached Draft Disability Access and Inclusion Plan 2021-2025 is presented for preliminary consideration. There has minimal change to the content since the last review. Formal public comment is required to be undertaken prior to formal adoption.

Statutory Environment

Disability Services Act 1993 Part 5, LG Act 1995 s5.53, WA Equal opportunity Act 1984

Policy Implications

7.1.13 Equal Opportunity Policy Statement

Strategic Implications

There are no strategic implications

Risk Implications:

There are no risk implications

Financial Implications

There are no financial implications

Recommendation

That the Draft Disability Access and Inclusion Plan 2021-2025 as attached be endorsed "in principal" and comments sort through the required public advertisement.

Voting Requirements

Simple Majority

Council Decision			
Moved: Cr	P Squires	Seconded: Cr	Q Fowler
That the Draft Disability Access and Inclusion Plan 2021-2025 as attached be endorsed "in principal" and comments sort through the required public advertisement.			
Carried	For	6	Against 0

Council broke for lunch at 1.04pm and resumed at 1.52pm.

18.2 Aboriginal Cultural Heritage Bill 2020

File:	11.24
Author:	Bill Boehm - Chief Executive Officer
Interest Declared:	Nil
Date	20 August 2020
Attachments:	18.2.1 Aboriginal Affairs Minister Ben Wyatt full media statement 18.2.2 Aboriginal Cultural Heritage Bill Information Sessions 18.2.3 Draft Aboriginal Cultural Heritage Bill 2020 18.2.4 Draft Bill Overview 18.2.5 Draft Approvals Pathways 18.2.6 Murchison Previous March 2020 Submission 18.2.7 WALGA previous Submissions

Matter for Consideration

Consideration and potential submissions regarding the Aboriginal Cultural Heritage Bill 2020.

Background

The Aboriginal Cultural Heritage Bill 2020 (ACHB) as attached is now open for a 6 week public consultation period. Aboriginal Affairs Minister Ben Wyatt has announced the final consultation on new legislation to improve protection of Aboriginal cultural heritage. The Minister's full media statement is attached.

There are also information sessions directed to Aboriginal people proposed with the Geraldton based one scheduled for Geraldton 25 September 2020 11:00 am to 3:00 pm at the Geraldton Yacht Club 214 Marine Terrace, Geraldton

In March 2020 Council did provide a brief submission as attached.

WALGA are also reviewing the Bill and can accommodate any comments from Council in their response but the timeline is very short, with submissions closing on 9 October 2020. WALGA had planned a sector briefing from the Department Planning Lands and Heritage in March 2020 but had to cancel at the last minute due to COVID. Now the Minister has decided that he wants to Bill to go to Parliament this year so there wasn't time to reschedule a sector wide meeting.

Overview

The Department of Planning Lands and Heritage (DPLH) have provided an Overview of the Aboriginal Cultural Heritage Bill 2020 as attached with the overarching comment that the Bill presents a transformative and contemporary vision for the management of Aboriginal cultural heritage in Western Australia. It will achieve this by including an Aboriginal voice in the management of Aboriginal cultural heritage, and by providing for better decisions and improved protection.

The ACHB 2020 has been drafted to reset the relationship between Traditional Owners and industry. It is aligned with Commonwealth native title laws to respect the right of Aboriginal people to negotiate outcomes for projects and opportunities that may impact Aboriginal cultural heritage on their lands.

The draft Bill reflects contemporary Aboriginal cultural heritage management principles and practice and includes:

- early engagement and meaningful consultation with Aboriginal people in the identification, management and protection of their cultural heritage.
- a new Aboriginal Cultural Heritage Council to facilitate agreements between Aboriginal people and proponents, and provide advice and strategic oversight to the Minister on management of Aboriginal heritage.
- the creation of local Aboriginal Cultural Heritage Services to ensure the right people speak for country and make agreements regarding their cultural heritage.

- the introduction of measures to address unauthorised impacts and provide for new offences and penalties (up to \$10 million); and
- improved transparency in decision-making with reasons for decisions to be published and the same rights of appeal available to Aboriginal people and land users.

The primary objectives of the Bill are to:

- recognise:
 - ~ the fundamental importance of Aboriginal cultural heritage to Aboriginal people;
 - ~ that Aboriginal people have custodianship over their heritage;
 - ~ the value of Aboriginal cultural heritage to Aboriginal people and the wider community;
- recognise, protect and preserve Aboriginal cultural heritage;
- provide a clear framework for the management of activities that may harm Aboriginal cultural heritage to provide balanced and beneficial outcomes for Aboriginal people and the wider Western Australian community; and
- promote the appreciation of Western Australia's Aboriginal cultural heritage.

The detailed Overview as attached highlights the extent of the proposed Bill.

Key Aspects

Important aspects to note are:

- The section 18 regime will be replaced by a tiered assessment system under which, after the due diligence assessment to determine whether cultural heritage may be impacted and whether the activity is minimal impact/ low impact or medium to high impact:
 - ~ Exempt activity – no approval required – includes recreational walking, photography, emergency situations and minor residential developments under than 1100sqm.
 - ~ Minimal impact activity – no approval required – includes light vehicle patrols, metal detecting, maintaining and refurbishing existing facilities.
 - ~ Low impact activity - requires a permit (lasts for 2 years) from Aboriginal Cultural Heritage Council (new body) – minor ground disturbing activity such as digging pitfall traps, temporary camps for exploration or conservation purposes and doesn't require removal of trees or shrubs or earthworks; Proponents need to give 3 weeks' notice and advertise for 3 weeks and the Council has 5 days to grant or refuse to grant permit;
 - ~ Medium or high impact activity – requires an Aboriginal Cultural Heritage Management Plan – proponents need to consult local Aboriginal people in accordance with consultation guidelines (to be drafted by DPLH), proponent and Aboriginal party develop Management Plan (with 80 business days to negotiate it); submit it to Aboriginal Cultural Heritage Council for approval, approved by Council or Minister. Activities involve moderate to high level ground disturbance including mechanised ground disturbance, land clearance where minimal previous disturbance and establishment of new infrastructure easements.
- Aboriginal voices will be enabled through:
 - ~ Local Aboriginal Cultural Heritage Services will be established to facilitate consultation with native title parties and local knowledge holders and make cultural heritage plans and can charge fees for services (will not be set but State will provide guidance on what is reasonable); this single point of contact should make things easier for industry;
 - ~ Aboriginal Cultural Heritage Council will provide oversight of the heritage system, Chair will be an Aboriginal person and other members selected based on skills and experience (preferably Aboriginal). Council will promote public awareness, understanding and appreciation of Aboriginal Cultural heritage, approve Management Plans and inform development of guidelines etc.
- The Aboriginal Cultural Heritage Directory will be established and there is a duty for people to report cultural heritage and it will be recorded on the Directory, proponents will be able to use this to check for sites etc;
- Areas of outstanding significance will be able to be protected from activities that are likely to harm their Aboriginal cultural heritage;
- There are new orders – stop work, prohibition and remediation – and Penalties for breaching the legislation are much stronger: eg serious harm to cultural heritage – for an individual, 5 years

imprisonment or \$1 million or both/ body corporate \$10 million and fine of \$500,000 daily for each day offence continues.

- Both Aboriginal parties and proponents will now have the same rights of review for key decisions made under the Bill.
- Transitional provisions – Aboriginal Cultural Material Committee will continue to operate under the Bill for a transitional period and current Act will continue for 1 year after Bill is enacted, section 18 approvals will continue for 5 years.
- DPLH has not commenced drafting Regulations, Consultation Guide, templates, Cultural Heritage Management Code (replacing Due Diligence Guidelines) etc.

Comments

As would be expected the bill is heavily focused on Aboriginal Heritage which is the driving force and soon to be widening focus.

In a practicable sense, without detailed practical experience, it is difficult to predict how all of these mechanisms will operate in practice and how they will be administered. On the surface, it appears operating requirements will be significant. This will invariably mean that, depending on the circumstances, additional lead time may be required when contemplating some Council works as there are significant consultation and review provisions.

For instance, in relation to roadworks, it will depend on the extent of the roadworks and whether we are maintaining existing roads or building new ones.

DPLH have advised WALGA that

- '*minimal impact activity*', for which no approval is required, means an activity that involves no, or a minimal level of, ground disturbance and would include maintaining and refurbishing existing facilities, which would include roads.
- '*Low impact activity*', which will require a permit, means an activity that involves low level ground disturbance – and include works where no removal of trees or shrubs are required.
- '*Medium to high impact activity*', which will require an Aboriginal Cultural Heritage Management Plan, means activities that involve medium to high level ground disturbance eg including mechanised ground disturbance, land clearance where minimal previous disturbance and establishment of new infrastructure easements.

As with the current system, proponents will be required to undertake a due diligence assessment to determine what level activity they will be undertaking and whether Aboriginal cultural heritage may be affected.

In this regard it would still seem that there is some merit in suggesting that various Council public benefit activities such as road works be classified as either exempt, subject natural to various operating conditions or at the very least Local Government should have clarity about in which category different levels of road works fall.

How balancing design requirements with cultural heritage, landscapes and how this relates to heritage clearance etc will be interesting.

Strategic Implications

There are no strategic implications

Risk Implications

There are potential increased risks associated with non-compliance with increased penalties. The statute of limitation period for prosecutions has been extended from 12 months to 6 years.

Financial Implications

More stringent operating requirements associated with meeting new requirements may increase costs

Statutory Environment

A raft of potential amendments to the Local Government Act 1995 may eventually result.

Council Comments

Cr G Mead raised why is permit valid only for a two year period.

Cr A Whitmarsh requested a requirement for public library/register of registrations and where the Department of Lands sits in this process.

Cr P Squires questioned the inability to appeal decisions.

Cr P Squires volunteered to register to attend the information session in Geraldton at the Yacht Club on the 25 September 2020.

Vincent Catania MLA is to be notified of council's submission.

Recommendation

For Council to decide

Note that It would be prudent for Council to make either its own submission or advise WALGA of issues that we desire to be raised. Council previous submission still seems relevant.

Voting Requirements

Simple Majority

Council Decision

Moved: Cr E Foulkes-Taylor

Seconded: Cr A Whitmarsh

That council authorises the CEO to coordinate a renewed submission to the relevant authorities, taking into account the original March 2020 submission, feedback from councillors and neighbouring councils, by the due date of 30 September 2020.

The submission is to include:

- Avoidance of spurious type objections
- That all stakeholders need to have a part in the new legislation
- That an extended period of enforcement is of concern (what is correct today may be penalized in five year's time)
- That some level of exemption or a reduced fee paid for by state or local government for any surveys done for public works.
- All surveys conducted through PBC and each survey first and final
- Clarifications on what is cultural/heritage site if not identified straight away
- Penalties for false claims
- The extremely short time frame for public consultation of what is extremely important and far reach legislation
- Clarification on why approved permits are not longer than two years
- That a state library is established for any heritage work carried out, therefor eliminating duplications.
- That a robust system of decision making and appeals is available to all stakeholders.

Carried

For 6

Against 0

19 CEO ACTIVITY REPORT

File:

Author: Bill Boehm – Chief Executive Officer

Interest Declared: No interest to disclose

Date: 20 September 2020

Attachments: Nil

General

The activities below show the extent of activity undertaken during the period. I continue to be very appreciative of the support received through time off associated with family support issues.

Date	Activity
24.08.2020 to 25.08.2020	TOIL
26.08.2020	Council Meeting
27.08.2020	Council Meeting Follow Up
28.08.2020	WALGA Murchison Zone Special Meeting via Zoom. Council Meeting Follow up. Finalise Regional Road Group Submission
31.08.2020	Attend Toolbox Meeting. Follow up Council actions
1.09.2020	Regional Road Group Roads follow up. Follow up Council actions.
2.09.2020	Council follow up. Geo Tourism Work
3.09.2020	Drive to Geraldton for Car service. TOIL
4.09.2020	TOIL
6.09.2020	Part Drive back from Perth on lieu of Geraldton
7.09.2020	Regional Road Group Submission Follow Up. Geo Tourism Work. COVID-19 Survey Response. Settlement Works Budget Program
8.09.2020	Beringarra-Pindar Road follow up and sealing works follow up. Update Disability Access and Inclusion Plan. Preliminary Start on Annual Report. Meeting briefing with Technical Services and Administration Services Officers concerning Settlement Works
9.09.2020	Meeting with Works Supervisor. Council Agenda Prep. Renovation inspection with Melissa Faye of several houses
10.09.2020	Meeting with Works Supervisor and DCEO. Agenda Work. Beringarra-Cue Floodway Pickup
11.09.2020	TOIL
14.09.2020	Agenda Preparation. Beringarra-Cue Seal Works. Agenda Preparation. Beringarra-Cue Seal Works.
15.09.2020	Agenda Preparation. Beringarra-Cue Seal Works. Agenda Preparation. Beringarra-Cue Seal Works. Meeting & Briefing with Environmental Health Officer
16.09.2020	Agenda Preparation. Settlement Projects Briefing
17.09.2020	Agenda Preparation. Telephone catch up with Shire President. Meeting with Talis
18.09.2020	Agenda Preparation. Meeting with DCEO. Telephone discussions with Josh Kirk of Greenfields over various Council Works Programs
21.09.2020	Agenda Finalisation

Recommendation

That the CEO's Activity Report be accepted.

Voting Requirements

Simple Majority

Council Decision			
Moved: Cr	Q Fowler	Seconded: Cr	G Mead
That the CEO's Activity Report be accepted.			
Carried	For	6	Against 0

20 URGENT BUSINESS

Nil

Cr E Foulkes-Taylor & Cr R Foulkes-Taylor left the room at 2.16pm. Cr A Whitmarsh assumed the chair.

21 ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Pursuant to LGA s5.23(2)(e) Council is to discuss the following items behind closed doors.

21.1 Adaman Resources

At the November 2019 Council Meeting Council resolved to ratify and execute a Road Access & Maintenance Deed between the Shire of Murchison and Adaman Resources Pty Ltd so as to establish a mine at A Zone and use the Beringarra-Pindar Road for access and cartage of ore.

Adaman Resources have now written to Council to request a variation to various conditions. This request and the potential alteration to the agreement are to be considered behind closed doors.

Recommendation

That the meeting moves behind closed doors to discuss an item pursuant to LGA s.5.23(2)((e) relating to the following items:

21.1 Adaman Resources

Voting Requirements

Absolute Majority

Council Decision			
Moved: Cr	Q Fowler	Seconded: Cr	G Mead
That the meeting moves behind closed doors to discuss an item pursuant to LGA s.5.23(2)((e) relating to the following items:			
21.1 Adaman Resources			
Carried	For	4	Against 0

Meeting was closed to the public at 2.16pm.

Motion to open the meeting to the public

Recommendation

That the meeting moves out from behind closed doors.

Voting Requirements

Absolute Majority

Council Decision				
Moved: Cr	Q Fowler	Seconded: Cr	P Squires	
That the meeting moves out from behind closed doors.				
Carried		For	4	Against 0

Meeting was reopened to the public at 2.34pm. Cr E Foulkes-Taylor and Cr R Foulkes-Taylor returned to the Chambers with the Shire President resuming the Chair.

Decisions Disclosed from Closed Section of Meeting

21.2 Adaman Resources

Voting Requirements

Simple Majority

Council Decision				
Moved: Cr	G Mead	Seconded: Cr	P Squires	
That Council				
1 Decline Adaman Resources request to vary the Road Access and Maintenance Deed between the Shire of Murchison and Adman Resources relating to Maintenance Considerations on the Beringarra-Pindar Road.				
2 Notes that				
<ul style="list-style-type: none">our overriding importance is to as far as practicable ensure that the Beringarra-Pindar Road can be maintained to a satisfactory standard throughout the cartage period on a continuous proactive basis with a degree of risk that that Council is willing to accept and thatthe nature of the plant and equipment specified in the agreement being derived following a great deal of pragmatic thought, based on extensive local practical knowledge and experience				
Carried		For	4	Against 0

22 MEETING CLOSURE

The Shire President closed the meeting at 2.36pm.