



**murchisonshire**

*Ancient land under brilliant skies*

Agenda for the Ordinary Meeting of the

Murchison Shire Council

To be held in the Council Chambers, Carnarvon Mullewa Road, Murchison,  
on Thursday **23 February 2023**, commencing at 12 Noon.

*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 – 17 December 2022 .....	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	URGENT BUSINESS .....	4
11	NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS .....	4
12	ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION.....	4
13	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS .....	5
14	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED .....	5
	14.1 Shire President .....	5
	14.2 Councillors .....	5
15	REPORTS OF COMMITTEES .....	5
	15.1 Audit Committee .....	5
16	WORKS .....	7
	16.1 Works Report.....	7
	16.2 Main Roads WA Mid-West Regional Roads Group.....	9
	16.3 Carnarvon-Mullewa Road Development .....	11
17	FINANCE.....	14
	17.1 Accounts Paid since the last list was presented to Council .....	14
	17.2 Financial Activity Statements 31 December 2022.....	16
	17.3 Financial Activity Statements 31 January 2023.....	17
18	DEVELOPMENT .....	18
	18.1 Murchison Vast Sky Experience Business Case.....	18
	18.2 Murchison Roads Sealing Planning & Design Project.....	19
	18.3 Ancient Lands Under Brilliant Skies Festival .....	21
19	ADMINISTRATION.....	22
	19.1 Bush Fire Brigade Management Arrangements .....	22
20	CEO ACTIVITY REPORT .....	25
21	OTHER ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS .....	27
	21.1 RFT 1 - 2022-23 – Murchison Settlement Water Supply .....	27
22	MEETING CLOSURE.....	27

## ATTACHMENTS

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## 1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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Shire President declared the meeting open at

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## 2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

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Present

Councillors

Cr R Foulkes-Taylor  
Cr A Whitmarsh  
Cr Q Fowler  
Cr E Foulkes-Taylor  
Cr M Fowler  
Cr G Mead

Staff

Bill Boehm – CEO  
William Herold – Works Manager  
Travis Bate (RSM) – Financial Accountant  
Steven Cosgrove – Community Manager DCEO

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## 3 CONFIRMATION OF MINUTES

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### 3.1 Ordinary Council Meeting – 17 December 2022

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 17 December 2022 be confirmed as an accurate record of proceedings.

Voting Requirements:

Simple Majority

<b>Council Decision</b>		
<b>Moved: Cr</b>	<b>Seconded: Cr</b>	
<b>Carried/Lost</b>	<b>For</b>	<b>Against</b>

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## 4 DISCLOSURE OF INTERESTS

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## 5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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Nil

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## **6 STANDING ORDERS**

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### 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

<b>Council Decision</b>		
<b>Moved: Cr</b>	<b>Seconded: Cr</b>	
<b>Carried/Lost</b>	<b>For</b>	<b>Against</b>

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## **7 PUBLIC QUESTION TIME**

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## **8 NEXT MEETING**

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Thursday 23 March 2023

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## **9 APPLICATIONS FOR LEAVE OF ABSENCE**

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## **10 URGENT BUSINESS**

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## **11 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

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- Item 17.1.1 Account Listings Paid since the last list was presented to Council
- Item 21.1 RFT 1 - 2022-23 – Murchison Settlement Water Supply

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## **12 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

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## 13 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

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## 14 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

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### 14.1 Shire President

### 14.2 Councillors

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## 15 REPORTS OF COMMITTEES

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### 15.1 Audit Committee

File: 2.2  
Author: Bill Boehm – Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 20 February 2023  
Attachments: 15.1.1 Audit Committee Meeting Recommendations

#### Matter for Consideration

Amongst other things one of the objectives of the Audit Committee is to receive the Annual Compliance Return for the period 1 January to 31 December in each that is presented to the Audit Committee for review. The Audit Committee is to report to the Council the results of that review. The Compliance Audit Return is to then be adopted by Council and the certified copy is to be sent to the Director General of the Department of Local Government & Communities by 31 March of the following year.

A copy of the Audit Committee Meeting Agenda and Attachments for the meeting on 23 February 2023 including the Compliance Audit Return was separately circulated to all councillors.

#### **Committee Recommendations**

To be provided to Council following deliberations of the Audit Committee Meeting

#### Voting Requirements

Simple Majority

<b>Committee Recommendations</b>		
<b>Moved: Cr</b>	<b>Seconded: Cr</b>	
<b>Carried/Lost</b>	<b>For</b>	<b>Against</b>

**Recommendations**

That Council adopt the recommendations from the Audit Committee Meeting held on 23 February 2023

Voting Requirements

Simple Majority

<b>Council Decision</b>			
<b>Moved: Cr</b>		<b>Seconded: Cr</b>	
<b>Carried/Lost</b>	<b>For</b>	<b>Against</b>	<b>0</b>

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## 16 WORKS

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### 16.1 Works Report

File: 12.42  
Author: William Herold – Works Manager  
Interest Declared: No interest to disclose  
Date: 17 February 2023  
Attachments: Nil

#### General

Both crews started on Monday January 30 after the Christmas break while the office re-opened on January 3. The works department have hit the ground running and taken up where we left off prior to the Christmas break. CEO Bill has found some more funding from MRWA and as a result the works department is in for a particularly busy year ahead.

#### Construction Crew

The construction crew got right into the Black Spot funded job down at the wreath flower lane. I anticipate that this job will be completed by the end of February. It has had a few issues with plant breakdowns as well as the ongoing shortage of water. We have managed to secure extra water from a local farmer to get the job completed all be it at some considerable extra cost.

#### Maintenance Crew

The maintenance crew have cleaned up the shoulders, drains and backslopes on the Carnarvon-Mullewa Road as far as Billabalong. On Monday 13 February they moved over to the Beringarra-Pindar Road and will grade from south to north, skipping recent flood damage work where possible.

#### Flood Damage

Both flood damage contractors started around the end of the first week of January.

#### *Squires Resources*

Have continued up the Beringarra-Pindar Road, picking up Manfred Road and by the time Council meets should have completed the Mileura-Nookawarra Road. It is estimated this should leave around 30 working days to complete this package.

#### *Them Earthmoving*

Have completed works on the Yunda Road and Innouendy Road as well as the Erong Road and have made a start on the Beringarra-Byro Road. It is estimated that this package should reach completion around mid-May or 90 working days.

#### *Flood 10 – AGRN 1021*

Currently DFES are in the final throes of finalising their assessment following a raft of minor questions which Greenfields have addressed.

#### Beringarra-Cue Road

Rowe Contractors did not have much of a break re-starting on January 3. They continue to make good progress and deliver work of a high standard. While they are on site a large floodway, 150m long will have to be reconstructed and cement stabilised. It also needs to be lowered about 450mm and the two 300mm pipe culverts removed as they are completed inadequate.

#### Pavement Sampling on Carnarvon-Mullewa Road

Pavement sampling has been conducted on the Carnarvon-Mullewa Road to determine pavement strength and depth prior to the pavement widening in preparation for the seal widening. This stretch is from Billabalong entrance to the New Forest-Yallalong Road intersection. It is hoped that all results will be in by the time Council meets.

6 Kurara Way

Works on 6 Kurara Way are complete, and the end result looks impressive. Thanks to AGFIX on another job well done.

Parks and Gardens

I would like to draw Councils attention to the stellar job being done by Des and Wendy. Des is clearly highly allergic to leaking taps and misbehaving sprinklers! Our parks and gardens look very good in spite of the heat we have experienced since January.

10M Mining Operations

There has been a hiatus with respect to 10M’s proposed iron ore development on Twin Peaks-Wooleen Road, due in part due to delays in 10M obtaining Mining Approval and negotiating Port access and changes to the price of iron ore. However, matters have rapidly progressed with 10M now in a position to commence a trial export. At this stage a 15,000-tonne trial will commence rather than the initial 60,000 tonnes previously envisaged.

The CEO and I have met with 10M where we were updated as to the current state of play. The Maintenance Deed a draft of which was previously agreed to, has now been signed and executed. The required bond has also been paid. 10M are working on submitting the required traffic management plans with cartage expected shortly. A further update can be provided at the Council Meeting.

Main Roads WA SKA Roads Access Agreement

Progress is well underway to commence the first contractor engagement for work on the SKA Route. Discussions with Main Roads staff indicate that Council will likely be responsible for work on the 27.54km gravel section within the City of Greater Geraldton.

Road Asset Management Update

At the November Council Meeting the CEO provided an updated Road Asset Management Report which was duly noted. It was indicated that this still needed to be reviewed with the CEO. Due to work commitments this has not as yet been undertaken. The CEO has however advised that further refinement has been undertaken to the underpinning support program and that a summary for uploading into a now updated Long Term Financial Plan.

Once reviewed a refined Road Asset Management Plan can be presented along with other support documents. Subject to work commitments every endeavour will be undertaken to have this ready for the March or April Meeting.

**Recommendation**

That the Works Report be noted.

Voting Requirements

Simple Majority

<b>Council Decision</b>		
<b>Moved: Cr</b>	<b>Seconded: Cr</b>	
<b>Carried/Lost</b>	<b>For</b>	<b>Against</b>



## 16.2 Main Roads WA Mid-West Regional Roads Group

File: 12.2  
 Author: Bill Boehm – Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 17 February 2023  
 Attachments: Nil

### Matter for Consideration

Main Roads WA Mid-West Regional Roads Group Update

### Update

The Midwest Regional Road Group meets on 21 February 2023 to consider recommendations from the respective Subgroup Meetings (North Midlands, Murchison and Coastal). At the time of preparing the Agenda, whilst out comes from this meeting are unknown, all three subgroups have accepted recommendations from the Technical Working which include the following.

### *Roads 2040 Document*

The following route/roads within our Shire namely Beringarra- Byro Road, Beringarra-Cue Road and Twin-Peaks Wooleen Road are to be added to the MW RRG DRAFT Roads 2040 Document

The following road/route namely Carnarvon Mullewa Road and Cue-Murchison Route within our Shire will be amended in the MW RRG DRAFT Roads 2040 document.

### *Shoulder Width Standards*

That the LGAs are to determine their own shoulder widths that are fit for purpose

### *2023/24 RPG Submission – Reserve Projects*

The 2023/24 RPG program was undersubscribed, and it was decided to call for additional submissions. This resulted in one additional submission from our Shire received for inclusion in the 2023/24 RPG program. The Main Roads assessment panel reviewed the submission, and no comments were made. This project will be part funded, with the remaining shortfall listed as a reserve project, as follows.

LGA	Road SLK	Project Description	Comments	MRWA Grant	Funding
Murchison	Carnarvon-Mullewa Rd 214.32-230.34	Reconstruct & Widening	2023/24 Funded	\$300,000	\$217,569
			2023/24 Reserve Project	\$82,431	\$0

### *Road Type Description*

The Technical Working Group conferred that no Council would upgrade their gravel road to a Type 4 sealed road which some also believed is dangerous and costs to maintain that type of road is higher. Therefore, it was recommended that a Type 4 road is removed from the table, and the Seal Width be amended to read less than or equal to 7.0m and the AADT range for a Type 5 road is changed to reflect the traffic range of the former Type 4 road. So if you had a gravel road as a minimum you would upgrade it to a Type 5 road as follows:

Road Type & Description	2 Formed	3 Gravel	4 Sealed	5 Sealed	6 Sealed	7 Sealed
Seal Width			4.0m	≤7.0m	7.0m	passing lane
AAADT Range	0-30	32-50	<del>51-100</del>	51-500	501-1000	>1000
Daily ESA Range	0-5	6-20	<del>21-40</del>	21-60	>60	

Comment

Whilst recommendation of shoulder widths will have no impact on future Shire operations all other elements have significant positive impacts now and into the future.

**Recommendation**

That the Chief Executive Officer's Works Main Roads WA Mid-West Regional Roads Group Update Report be noted.

Voting Requirements

Simple Majority

<b>Council Decision</b>		
<b>Moved: Cr</b>	<b>Seconded: Cr</b>	
<b>Carried/Lost</b>	<b>For</b>	<b>Against</b>

## 16.3 Carnarvon-Mullewa Road Development

File: 12.42  
Author: Bill Boehm – Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 17 February 2023  
Attachments: 16.3.1 Carnarvon-Mullewa Road Alternative Routes Summary

### Matter for Consideration

Revised Strategic Approach to the development of the Carnarvon-Mullewa Road

### Background

The following elements provide a good background to this report.

### *Recent Works*

As Council is aware the Carnarvon-Mullewa Road has been able to be significantly upgraded over the past three years with 35.42km being constructed and sealed to a 7.2m width thereby completing the seal from the Murchison Settlement and the Shire Boundary. This has been able to be achieved through Council allocating additional funds as part of a COVID19 economic stimulus approach, but also due to Commonwealth Funding under the Local Roads Community Infrastructure Program and Main Roads WA.

Remaining LRCI Program Works in 2022/23 involve reconstruction and widening some sections between the new wide seal at the southern end of the Shire and Twin Peaks-Wooleen Road.

### *LRCI Funding*

A total of \$ 2,213,227 in funding has thus far been provided from the Commonwealth Governments the Local Roads Community Infrastructure Program as follows:

- ~ Phase 1 in 2020/21 \$602,446
- ~ Phase 2 in 2021/22 \$405,889
- ~ Phase 3 in 2022/23 \$1,204,892

An additional \$602,446 Phase 4 funding is proposed for 2023/24. This can be spent on roads but can also be spent on other community infrastructure.

### *Main Roads WA Funding*

Funding through Main Roads WA Mid-West Regional Road Group has steadily increased over the past 3 years. As previously advised applications are made for works on Roads that fall within the applicable Main Roads Strategic document, the latest version which is now Roads 2040.

In our instance widening and sealing works on the Carnarvon-Mullewa Road are the only types that has the potential to attract a score that will achieve the 2:1 funding for more than one project. Growth in funding is shown as follows.

<b>Year</b>	<b>No Projects</b>	<b>Amount</b>	<b>Works</b>
2019/20	1	\$181,667	surface drainage improvements and gravel resheeting
2020/21	1	\$213,333	surface drainage improvements and gravel resheeting
2021/22	1	\$278,667	reconstruction and sealing
2022/23	2	\$600,000	reconstruction and sealing
2023/24	2.7	\$817,569	reconstruction, widening and sealing

As indicated under Agenda Item 16.2 Main Roads WA Mid-West Regional Roads Group Report improvements in policy will see a revision in scores as follows:

<b>Works</b>	<b>Current Score</b>	<b>Revised Score</b>
	<b>Points</b>	<b>Points</b>
Reconstruction from gravel to a 7m seal	10	20
Reconstruction from gravel to a 4.0m seal	10	0
Reconstruction and widening from a 4.0m seal to a 7m seal	0	20

The net result of these changes should see an additional 1 to 2 projects over and above the current 2 projects being funded for works that either construct a 7m seal from a gravel road or reconstruct and widening from a 4.0m seal to a 7m seal where the traffic count is greater than 50 vehicles per day. This applies for potential works from Talling Peak to the Murchison Settlement.

#### *Roads to Recovery*

Current Commonwealth Roads to Recovery funding of \$565,630 per annum applies for a 5-year period. Forward Commonwealth Estimates show this being maintained. Scope of works and roads are flexible and now used on a variety of roads. With the exception of supplementing flood damage restoration works such as work adjacent to the Curbur Lakes, Roads other than the Carnarvon-Mullewa Road can be targeted.

#### *SKA Route*

Additional resheet and floodway works on the gravel sections of the SKA Route, namely Twin Peaks-Wooleen, Woollen-Mt Wittenoom, Boolardy Kalli, Beringarra-Pindar and Boolardy Kalli Roads over and above the norm can be separately funded for the next 5 years.

#### *Murchison Roads Sealing Planning & Design Project*

As per the Agenda Item 18.2 Murchison Roads Sealing Planning & Design Project the separate cost benefit analysis has now been completed by ACIL Allen for the 27.54 km section of gravel road within the City of Greater Geraldton. This shows a positive return meaning that options for seeking additional funding are significantly enhanced.

#### *Strategic Importance*

Apart from the relative higher traffic usage, compared to other roads within the Shire that provides opportunities for additional funds to be sourced, the route is strategically important on a wide range of aspects as shown as follows.

- ~ Main Roads WA Classification as a Regional Distributor Road making this the highest ranked road classification in the Shire
- ~ Main Roads WA Roads 2040 Route
- ~ Main road servicing the Shire's operations at the Murchison Settlement which underpins the development of the entire Shire.
- ~ The Shires' most significant tourist route which amongst other things is the major reason why there are plans to significantly expand the operations at the Settlement as a consequence of works involved in developing the Murchison Settlement Masterplan and Murchison Vast Sky Experience Business Case.
- ~ Road forms a significant part of the SKA Route which has attracted significant funds allowing then linking gravel roads to be upgraded without a cost to Council. As shown on the attached Carnarvon-Mullewa Road Alternative Routes Preliminary Summary Analysis this has wider implications in Asset Management and traffic growth terms
- ~ Road is the major route for a raft of mining developments

Comment

As indicated above, for the foreseeable future respective local governments will be in a stronger position than ever to upgrade and widen the Carnarvon-Mullewa Road from Tallering Peak to the Murchison Settlement. In addition, our Works crew has a very full program to achieve in 2023/24 in completing Main Roads WA funded works and it seems likely SKA Works within the City of Greater Geraldton.

Given this and the already elevated expenses on roads and the fact that that we now have a sealed road from the Shire boundary to the Settlement, then it is considered appropriate the additional \$602,446 Phase 4 LRCI funding proposed for 2023/24 be directed to community infrastructure within the Murchison Settlement.

At this stage guidelines for Phase 4 of the program have yet to be released but based on previous guidelines Eligible Community Infrastructure Projects are projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

Generally accessible to the public' means that the project, or the amenity provided by the project, is generally accessible to the public at large. Some areas are clearly publicly accessible as they are areas that are open to all members of the public such as parks, playgrounds, footpaths and roads. Projects will also be considered generally publicly accessible if they are in a location that is

- ~ generally publicly accessible to the wider public undertaking a specific activity (for example council operated sporting fields); or
- ~ generally publicly accessible for a limited age group of the community as a whole i.e. a kindergarten building; or
- ~ used for the provision of an essential service or community service, as determined by the Department, and the amenity of the asset is publicly accessible and benefits the community.

Achieving grant funding for these types of community projects are notoriously difficult. This also affords a better alignment with strategic actions generally and also provides savings to Council when providing matching funding with community grant funding applications that are currently in play.

**Recommendation**

That Council notes the Chief Executive Officer's Carnarvon-Mullewa Road Development Report

Voting Requirements

Simple Majority

<b>Council Decision</b>			
<b>Moved: Cr</b>	<b>Seconded: Cr</b>		
<b>Carried</b>	<b>For</b>	<b>Against</b>	<b>0</b>

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## 17 FINANCE

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### 17.1 Accounts Paid since the last list was presented to Council

File: 4.37.1  
Author: Bill Boehm – Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 18 February 2023  
Attachments: 17.1.1 EFT & Cheque Details for December 2022 and January 2023  
(Elected Members Only)

#### 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 list 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

Nil

#### Consultation

Nil

#### **Recommendation**

- 1 That that pursuant to LGA s5.23(2)(b) & (e) of the *Local Government Act 1995* that attachment 17.1.1 EFT & Cheque Details for December 2022 January 2023 be discussed behind closed doors
- 2 That Council receive and note attachment 17.1.1 EFT & Cheque Details for December 2022, January 2023 and that the accounts since the last report to Council, as provided to Councillors be recorded in the minutes as being presented to Council.

#### Voting Requirements

Recommendation 1 Absolute Majority  
Recommendation 2 Simple Majority

#### **Item to be Discussed behind closed doors**

<b>Council Decision</b>		
<b>Moved: Cr</b>	<b>Seconded: Cr</b>	
<b>Carried</b>	<b>For</b>	<b>Against</b>

*The meeting was moved to behind closed doors at*

**Motion to open the meeting to the public**

<b>Council Decision</b>		
<b>Moved: Cr</b>	<b>Seconded: Cr</b>	
<b>Carried/Lost</b>	<b>For</b>	<b>Against</b>

*The meeting was moved out of closed doors at*

**Decisions Disclosed from the Closed Section of Meeting associated with Attachment Item 17.1**

<b>Council Decision</b>		
<b>Moved: Cr</b>	<b>Seconded: Cr</b>	
<b>Carried/Lost</b>	<b>For</b>	<b>Against</b>

## 17.2 Financial Activity Statements 31 December 2022

File: 2.6  
Author: Travis Bate (RSM) – Financial Accountant  
Interest Declared: No interest to disclose  
Date: 18 February 2023  
Attachments: 17.2.1 Monthly Management Financial Report December 2022

### 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 and receipt the Monthly Financial Statements.

### Comment

These statements are being presented to meet a statutory obligation to have each month's end and report presented within the following two months.

### Budget/Financial Implications:

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

### Consultation

RSM Australia

### **Recommendation**

That Council note the financial statements as presented for the period ending 31 December 2022 as attached.

### Voting Requirements

Simple Majority

<b>Council Decision</b>		
<b>Moved: Cr</b>	<b>Seconded: Cr</b>	
<b>Carried/Lost</b>	<b>For</b>	<b>Against</b>



### 17.3 Financial Activity Statements 31 January 2023

File: 2.6  
Author: Travis Bate (RSM) – Financial Accountant  
Interest Declared: No interest to disclose  
Date: 18 February 2023  
Attachments: 17.3.1 Monthly Management Financial Report January 2023

#### 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 and receive the Monthly Financial Statements.

#### Comment

These statements are being presented to meet a statutory obligation to have each month's end and report presented within the following two months.

#### Budget/Financial Implications:

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

#### Consultation

RSM Australia

#### **Recommendation**

That Council note the financial statements as presented for the period ending 31 January 2023 as attached.

#### Voting Requirements

Simple Majority

<b>Council Decision</b>		
<b>Moved: Cr</b>	<b>Seconded: Cr</b>	
<b>Carried/Lost</b>	<b>For</b>	<b>Against</b>

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## 18 DEVELOPMENT

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### 18.1 Murchison Vast Sky Experience Business Case

File: 10.6  
Author: Bill Boehm – Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 18 February 2023  
Attachments: 18.1.1 Public Consultation Murchison Vast Sky Business Case DRAFT

#### Matter for Consideration

Consideration of the Final Draft of the Murchison Vast Sky Experience Business Case developed by UDLA.

#### Background

At the November 2022 Council Meeting following consideration by Council of a report on the Final Draft of the Murchison Vast Sky Experience Business Case developed by UDLA, Council resolved as follows

- 1 That Council notes the Chief Executive Officer's Murchison Vast Sky Experience Business Case Report
- 2 That Council endorse in principle the Draft Murchison Vast Sky Experience Business Case prepared by UDLA and that public input and comment be sought.

#### Comment

Since this time as per the attached, formal notice has been provided to the community. At the close of the public notification period no responses have been received.

It is important that a formal position be adopted, especially as this will demonstrate strong support for future funding applications and also for others who may advocate on our behalf. Accordingly, it is desirable that Council's endorsement in principle be formalised by way of formal adoption of the Murchison Vast Sky Experience Business Case developed by UDLA

#### Strategic Implications

These projects are of significant strategic and community importance and are relevant to the implementation Shire of Murchison Community Strategic Plan. The Plan itself will also form part of the way forward hence only the broader vision statement is referenced.

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

#### Financial Implications

Delivery of the projects will involve significant future budget allocations with external funding required.

#### **Recommendation**

That Council endorse and adopt the Draft Murchison Vast Sky Experience Business Case prepared by UDLA

#### Voting Requirements

Simple Majority

<b>Council Decision</b>
<b>Moved: Cr</b> <span style="margin-left: 200px;"><b>Seconded: Cr</b></span>
<b>Carried</b> <span style="margin-left: 150px;"><b>For</b></span> <span style="margin-left: 100px;"><b>Against</b></span> <span style="margin-left: 50px;"><b>0</b></span>

## 18.2 Murchison Roads Sealing Planning & Design Project

File: 10.6  
Author: Bill Boehm – Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 18 February 2023  
Attachments: 18.2.1 Greenfields Desktop Assessment Carnarvon Mullewa Road CGG  
18.2.2 ACIL Allen Cost Benefit Assessment - Carnarvon-Mullewa Road

### Matter for Consideration

Murchison Roads Sealing Planning & Design Project Update

### Background

In 2020 through Royalty for Regions Funding obtained via the Mid-West Development Commission, Council received funding to undertake work for the planning, designs and preliminary business case to seal and widen the Carnarvon-Mullewa Road between Mullewa and the Murchison Settlement.

At the February 2022 Meeting Council was advised that

- ~ Greenfields Technical Services were engaged to assist in undertaking an overall costing for the upgrade and widening of the Carnarvon-Mullewa Road. Part of this work involved designing the gravel section through the City of Geraldton.
- ~ In light of recent advice from the City, which amongst other things indicated a lack of commitment to the upgrade of their gravel section, the extent of work originally proposed to be undertaken was to be scaled back.
- ~ ACIL Allen have been engaged to prepare the actual business case

### Update

Given the circumstances since this time the initial notion of a detailed survey and design in the City of Greater Geraldton was dismissed as this could be undertaken later and, in any event, would not materially assist the development of the business case.

It was also realised as per Agenda Item 16.2 Carnarvon-Mullewa Road Development that Council's substantial work in upgrading the changes in Main Roads Funding and discussions with ACIL Allen meant that the need for a complete business case for the entire road length was not critical, especially as the capital costs involved would invariably realise a lower cost benefit.

Both the desktop assessment by Greenfields's and Cost Benefit Assessment for the 27.54km section of gravel road within the City of Greater Geraldton by ACIL Allen have now been completed as attached.

### Comment

This shows a positive return meaning that options for seeking additional funding are significantly enhanced.

### Consultation

ACIL Allen, Greenfield Technical Services, Mid-West Development Commission

### Statutory Environment

Nil

### Policy Implications

Nil

Strategic Implications

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

Maintenance and Upgrade of Road Network *To develop, maintain and improve an efficient road system to support the transport requirements associated with the pastoral and mining industries and tourism.*

Financial Implications

To be determined but influenced on future funding opportunities is expected to be enhanced.

**Recommendation**

That Council notes the Chief Executive Officer’s Murchison Roads Sealing Planning & Design Project Update Report

Voting Requirements

Simple Majority

<b>Council Decision</b>				
<b>Moved: Cr</b>		<b>Seconded: Cr</b>		
<b>Carried</b>		<b>For</b>	<b>Against</b>	<b>0</b>

### **18.3 Ancient Lands Under Brilliant Skies Festival**

File:  
Author: Bill Boehm – Chief Executive Officer  
Interest Declared: No interest to disclose  
Date 20 February 2023  
Attachments: Nil

#### Matter for Consideration

Brief Update of Ancient Lands Under Brilliant Skies Festival (ALUBSF) Activities

#### Update

There have been several meetings of the ALUBSF Working Group the latest of which was undertaken on 17 February 2023.

Working Group thus far comprises Cr M Fowler, Steven Cosgrove, Vicki Dumbis and Nick Drew (Council), Megan Howlett (Megan Howlett Business Concepts), and Community Members Francis Pollock, Julia Foulkes-Taylor, and Sam Walton. Others will be added as a matter of course

At the last meeting a raft of operational matters were put in train. A verbal update can be provided at the meeting, but I can say that the group works well and is extremely positive and committed.

#### **For Information**

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## 19 ADMINISTRATION

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### 19.1 Bush Fire Brigade Management Arrangements

File:	5.2
Author:	Bill Boehm – Chief Executive Officer
Interest Declared:	No interest to disclose
Date	18 February 2023
Attachments:	19.1.1 Extract WALGA Advocacy Position Manual Bush Fire Brigades 19.1.2 WALGA Advice Bush Fire Brigades 19.1.3 Murchison Bush Fire Brigade Local Law 1961

#### Matter for Consideration:

Future Bush Fire Brigade Management Arrangements.

#### Background

During the course of 2022 the subject of future management of Bush Fire Brigades has arisen throughout the local government sector.

As per the attached extract from WALGA's Advocacy Positions Manual, the sector has formed as position that advocates various mechanisms that should ideally be put in place for any transfer of Bush Fire Brigades to the State Government. In finalising its advocacy position, amongst other things WALGA has noted that

- ~ the Work Health and Safety Act 2020 (WHS Act), enacted in March 2022, raised the sector's concerns regarding risk and liability in the management of BFBs; and
- ~ the State Government is preparing the Consolidated Emergency Services Act, which is expected to be released for consultation in early 2023.

On 28 October 2022 in discussions in Murchison with Craig Smith (Superintendent Mid-West Gascoyne Region DFES) and Rick Ryan (Community Emergency Services Manager Shires of Morawa Murchison Perenjori Yalgoo) it became evident which direction Bush Fire Brigade Management was heading.

At this meeting it was also indicated that some local governments had already moved some, or all of their bush Fire Brigade management to DFES and that DFES would be willing to address Council should Council wish to take up the opportunity for a briefing. It is understood that there would be little change operationally on the ground but costs to Council and importantly liability would reduce.

In early January 2023 we received a request from DFES to advise them of the legal status of the Shire's Bush Fire Brigade. It was indicated that legislatively a local government (LG) may establish and maintain bush fire brigades (BFB) as a part of its organisation for the prevention, control and extinguishment of bush fires. If a BFB is established, then this must be done in accordance with a LG's local law, pursuant to the powers given by section 41 of the *Bush Fires Act 1954* (BF Act).

In circumstances where there are no BFB local laws and BFBs have been set up informally by the LG (for example, by LG policies and procedures), the BFBs will not be in compliance with section 41 of the BF Act and will not be considered BFBs within the BF Act.

Following advice from WALGA it was determined that in our Shires instance, the Murchison Bushfire Brigade was lawfully established in accordance with the *1954 Act* back in 1961. Copy of advice and local law is attached. The Shire's Bush Fire Brigade is legally compliant and able to function operationally. As required we have now posted on our website a copy of our local law to comply with the relevant legislative provisions.

## Comment

Given the current state of play, whilst there may be merit in at some stage in modernising this local law, there is no urgency to do so especially if legislative changes are implemented to transfer Bush Fire Brigade Management to the State Government are put into effect.

The most important question though is whether Council is the most appropriate entity to Manage Bush Fire Brigades and should it and the CEO continue to be financially, legally and potentially criminally liable?

I am of the clear view that this should not be the case and that it is advisable that Council takes a proactive action to change the current legal arrangements. In the first instance this should involve discussions with DFES to determine likely operational and transitional issues so that Council is well informed prior to finalising a decision. The recommendations below provide a proactive way forward.

## Consultation

Works Manager, James McGovern (WALGA), Craig Smith (Superintendent Mid-West Gascoyne Region DFES) and Rick Ryan (Community Emergency Services Manager Shires of Morawa Murchison Perenjori Yalgoo)

## Statutory Environment

Bush Fires Act 1954 and Local Law 5 January 1961

## Policy Implications

Nil at this stage, Councils Policy 6.3 Fire is subservient to the original 1961 Local Law.

## Financial and Risk Implications

Council and the CEO are significantly exposed, a situation that has been aggravated under the Work Health and Safety Act 2020 (WHS Act) which was enacted in March 2022

## Strategic Implications

Vision Statement	<i>Working together to preserve the unique character of the Shire, supporting diverse and sustainable lifestyle and economic opportunities.</i>
Social Objective 3	<i>To develop, co-ordinate, provide and support services and facilities which enhance the quality of community life in the Shire by:</i>
Strategies	
Regional Community Emergency Services Manager	<i>Emergency Services planning and response is a key issue for the Shire. Additional resources would improve the planning and response to emergency situations.</i>
Civic Leadership Objective 4	<i>To provide Good Governance to the Murchison Shire through:</i>
	<i>Regional collaboration where possible; Detailed and professional administration; High levels of accountability; Compliance with statutory requirements; High-quality forward planning, particularly for assets and finances;</i>
Strategies	
Bush Fire Brigade – Fast Attack	<i>The need for a fast attack unit has been identified as a required piece of equipment to respond to emergency situations.</i>

**Recommendations**

That Council resolve as follows:

- 1 That Council notes the Chief Executive Officer’s Murchison Bush Fire Brigade Management Arrangements Report
- 2 That Council in the first instance enter into discussions with representatives of the Department of Fire and Emergency Services (DFES) to determine likely operational and transitional issues associated with Council transferring management of its Bush Fire Brigade over to DFES.

Voting Requirements

Simple Majority

<b>Council Decision</b>		
<b>Moved: Cr</b>	<b>Seconded: Cr</b>	
<b>Carried/Lost</b>	<b>For</b>	<b>Against</b>



## 20 CEO ACTIVITY REPORT

File:

Author: Bill Boehm – Chief Executive Officer

Interest Declared: No interest to disclose

Date 13 December 2022

Attachments: Nil

### General

The following update of activities is provided.

Date	Activity
15.12.2022 to 16.12.2022	General Administration. Various outstanding tasks
17.12.2022	Council Meeting and Community Meetings
18.12.2022	Council Meeting Minutes & Follow Up
19.12.2022	Council Meeting Follow up. General Admin TOIL
20.12.2022 to 02.01.2023	TOIL, Annual Leave and Christmas and New Year Public Holidays
3.01.2023	General Administration. Water Supply Specification. Meeting with Will. Main Roads Funding Claim. Roads to Recovery Quarterly Report.
4.01.2023	Water Supply Tender & Specification. Meeting with Works Manager. Administration work
5.01.2023	Water Supply Tender & Specification.
6.01.2023	Finalise Draft Water Supply Tender & Specification for GHD Review.
9.01.2023 to 11.01.2023	TOIL
12.01.2023 to 13.01.2023	Water Supply Tender & Specification. Meeting with Will. Admin work. Main Roads 2040 Submission Work
14.01.2023	MRWA Technical Working Group Discussion Paper
16.01.2023	TOIL
17.01.2023	Finalise Water Supply Tender Specification. General Administration Work
18.01.2023	Meeting with Works Manager. Performance Review Works. Meeting with Gardener. Follow up rates query
19.01.2023	Meetings with Gardening Staff. Finalise rates query. General Administration
20.01.2023	Emails & general Administration. Site meeting with representative from Mullewa based St Johns Ambulance.
23.01.2023	Meeting with Works Manager. Performance Review Work
24.01.2023	Performance Review Work. Emails and general administration. Update Main Roads WA Roads expenses return
25.01.2023	Catch up briefing with Works Manager. Performance Review Work.
26.01.2023	Australia Day Public Holiday. Performance Review Work
27.01.2023	Meeting and briefing with Works Manager and Depot Officer.. Performance Review Work. Submit LRCIP Quarterly Report
28.01.2023 to 31.01.2023	Performance Review Work and LTFP Template
1.02.2023	Travel to Geraldton and back. Attend Main Roads WA Technical Working Group meeting. Meeting with Leon Wilson to discuss SKA Roads Maintenance Program

<b>Date</b>	<b>Activity</b>
2.02.2023	Meeting with Community Manager DCEO. Performance Review Work. Meeting with Works Manager to discuss outcomes from Wednesdays meeting with Main Roads.
3.02.2023	Performance Review Work. Start Building Asset Management Plan
4.02.2023 to 5.02.2023	Performance Review Work. LTFP Template
6.02.2023	Performance Review Work. Meetings with Community Manager DCEO. Meeting with Works Manager
7.02.2023	Performance review work. Meeting with Depot Officer. Work on strategic road analysis. Telephone discussion with James McGovern. General administration work.
8.02.2023	Telephone catch up discussion with Shire President. Meetings with Works Manager over roadworks programs. General Administration
9.02.2023 to 10.02.2023	General Administration TOIL
12.02.2023	Asset Management Plan
13.02.2023 to 15.02.2023	Emails Telephone Calls. TOIL
16.02.2023	Meeting and briefing with Works Manager. Meeting with Rick Ryan. Administration and Emails. Start Agenda Work
17.02.2023	Agenda Work. ALUBSF Working Group Meeting
18.02.2023	Agenda Work.
19.02.2023	Agenda Work. Catch up with Works Crews handling Electrical Genset outage
20.02.2023	Agenda Work. Briefing with Works Manager over actions associated with Electrical Genset outage.

**Recommendation**

That Council note the CEO's Activity Report.

Voting Requirements

Simple Majority

<b>Council Decision</b>		
<b>Moved: Cr</b>	<b>Seconded: Cr</b>	
<b>Carried/Lost</b>	<b>For</b>	<b>Against</b>

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## 21 OTHER ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

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### Other Items to be Discussed behind closed doors

21.1 RFT 1 - 2022-23 – Murchison Settlement Water Supply

#### Recommendation

That that pursuant to LGA s5.23(2)(b)(c) & (e) of the *Local Government Act 1995* that the following matters be discussed behind closed doors

21.1 RFT 1 - 2022-23 – Murchison Settlement Water Supply

#### Voting Requirements

Absolute Majority

*The meeting was moved to behind closed doors at*

### Motion to open the meeting to the public

#### Recommendation

That the meeting come from behind closed doors

#### Voting Requirements

Absolute Majority

*The meeting was moved out of closed doors at*

### Decisions Disclosed from the Closed Section of Meeting

#### 21.1 RFT 1 - 2022-23 – Murchison Settlement Water Supply

<b>Council Decision</b>		
<b>Moved: Cr</b>	<b>Seconded: Cr</b>	
<b>Carried/Lost</b>	<b>For</b>	<b>Against</b>

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## 22 MEETING CLOSURE

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*The Shire President closed the meeting at.*