



# Minutes

## ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,  
953 SOUTH COAST HIGHWAY, DENMARK ON  
TUESDAY, 24 JULY 2012.

<b>Contents</b>	<b>Page No.</b>
	2
1. DISCLAIMER	2
1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	3
3. ANNOUNCEMENTS BY THE PERSON PRESIDING	3
4. PUBLIC QUESTION TIME	4
4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.2 PUBLIC QUESTIONS	4
4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	7
4.4 PRESENTATION, DEPUTATIONS & PETITIONS	7
5. APPLICATIONS FOR LEAVE OF ABSENCE	7
6. CONFIRMATION OF MINUTES	7
6.1 ORDINARY COUNCIL MEETING – 3 JULY 2012	7
7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	7
8. REPORTS OF OFFICERS	8
<b>8.1 Director of Planning &amp; Sustainability</b>	8
8.1.1 PROPOSED SINGLE DWELLING - NO. 537 (LOT 111) LIGHTS ROAD, DENMARK	8
<b>8.2 Director of Community &amp; Regulatory</b> - Nil	17
<b>8.3 Director of Infrastructure Services</b> - Nil	17
<b>8.4 Director of Finance &amp; Administration</b>	18
8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 JUNE 2012	18
8.4.2 SHIRE OF DENMARK ADMINISTRATION CENTRE BUSINESS CONTINUITY AND RECOVERY PLAN	21
<b>8.5 Chief Executive Officer</b>	23
8.5.1 REVIEW OF DELEGATIONS	23
9. COMMITTEE REPORTS & RECOMMENDATIONS	28
9.1 BUSH FIRE ADVISORY COMMITTEE - FIRE CONTROL OFFICER APPOINTMENTS FOR 2012/2013	28
9.2 BUSH FIRE ADVISORY COMMITTEE - SHIRE OF DENMARK ANNUAL FIRE REGULATION NOTICE 2012/2013	32
9.3 BUSH FIRE ADVISORY COMMITTEE - TRAINING STANDARDS PROCEDURE FOR BUSH FIRE BRIGADES	35
9.4 HAZARD REDUCTION BURNING ON PRIVATE PROPERTY PROCEDURE	41
9.5 SHIRE OF DENMARK LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS	48
10. MATTERS BEHIND CLOSED DOORS	50
11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	50
12. CLOSURE	50

# Ordinary Council Meeting

24 July 2012

## DISCLAIMER

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

4.02pm - *The Deputy Shire President, Cr Sampson, declared the meeting open.*

4.02pm – *The Chief Executive Officer left the room.*

4.03pm – *The Chief Executive Officer returned to the room.*

**2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**

MEMBERS:

- Cr John Sampson (Deputy Shire President) (Presiding Person)
- Cr Kelli Gillies
- Cr Adrian Hinds
- Cr Jan Lewis
- Cr Barbara Marshall (*from 5.01pm*)
- Cr David Morrell
- Cr Ian Osborne
- Cr Dawn Pedro
- Cr Roger Seeney
- Cr Belinda Rowland
- Cr Alex Syme

STAFF:

- Mr Dale Stewart (Chief Executive Officer)
- Mr Garry Bird (Director of Finance & Administration)
- Mrs Annette Harbron (Director of Planning & Sustainability)
- Mr Gregg Harwood (Director of Community & Regulatory Services)
- Mr Rob Whooley (Director of Infrastructure Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Cr Ross Thornton (Shire President)

ON LEAVE OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 11

Members of the press in attendance at the commencement of the meeting: Nil

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Sampson	8.1.1	Proximity	Cr Sampson is the owner of an adjoining property at 571 Lights Road, Denmark.

**3. ANNOUNCEMENTS BY THE PERSON PRESIDING**

Nil

#### 4. PUBLIC QUESTION TIME

##### 4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

##### 4.2 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council. The procedure for public question time can be found on the back of the front cover of this Agenda.

Questions from the public are invited and welcomed at this point of the Agenda.

In accordance with clause 3.2 (2) & (3) of the Shire of Denmark Standing Orders Local Law, a second Public Question Time will be held, if required and the meeting is not concluded prior, at approximately 6.00pm.

##### Questions from the Public

##### 4.2.1 Dr Cyril Edwards – Denmark Aquatic Centre Committee Inc.

Dr Edwards made the following statement;

*“The most recent issue of the Denmark Bulletin contains a Public Notice calling for public submissions on the proposed rate increase for FY12/13. That invitation includes the declaration that the proposed 8.95% increase contains no provision to fund the proposed Denmark Aquatic Facility nor to create a Reserve Fund to finance future construction.*

*The organisation which I represent today, DACCI, is the management committee of the Denmark Aquatic Centre Association which currently has a database of supporters of over 850. Most of these database entries represent families rather than individuals within families. Supporters on our list therefore account for more than half of the 1437 families normally resident in the Shire. It is, in a very particular sense, the biggest club in Denmark. It is also the only club that has no facilities.*

*On behalf of this club, DACCI has worked to address this shortcoming alongside council officers and councillors – first in the Needs Assessment stage and currently in the Feasibility Study stage. In good faith and without prejudice, it has devoted hundreds of hours to the DSR approved analytical process.*

*Nearly three months ago this team of officers, councillors and DACCI representatives adopted a concept plan originating with DACCI, but modified in committee, and agreed that we had a concept robust enough for councillors to decide whether or not to initiate a reserve fund and commit to the pool. It recommended both.*

*The concept plan included the essence of a financial model designed to impose a more commercial perspective on the pool management. Unlike so many public enterprises where management failures are brought home to the taxpayer, the model proposed a fixed annual operating subsidy within which user revenue would have to be adjusted to balance the books.*

*A second important feature of this concept was that although the magnitude of the annual subsidy was determined from a particular set of numbers, and was therefore based on a particular model of pool operations, the subsidy could be accumulated during the capital raising stage when it was not actually needed for operations. By establishing such a savings fund, every “subsidy” dollar*

*saved prior to the pool becoming operational, it would save roughly twice as much over the life of the pool.*

*Another key feature of the financial perspective is that it deals with the problem of opportunity cost in a simple and effective way. Rather than allow the annual subsidy to compete with the fluctuating demands and requests - examples of which are evident in the public notice referred to earlier - it has the status of a quarantined special purpose fund specifically acknowledged as such by ratepayers.*

*It also proposed a solution to depreciation and questions of eventual replacement.*

*DACCI has explained these features of the concept plan to the community and we believe that it is understood and that its common sense approach is much appreciated. Evidence in support of this belief can be found in the pile of written submissions that we seek leave to table today.*

*I ask Council to reconsider its (implied) decision to exclude the concept of a reserve fund from this year's budget. By rejecting the work of its own team, Council will send the clearest possible signal to all grant agencies that it has no intention of listening to the majority of its ratepayers. Rejection would be a slap in the face to your community."*

4.05pm – The Director of Finance & Administration left the room.

4.07pm – The Director of Finance & Administration returned to the room.

#### **4.2.2 Ms Vicki Wilson – Denmark Aquatic Centre Proposal.**

Ms Wilson stated that she was not a member of the Denmark Aquatic Centre Committee Inc. (DACCI) and asked why it was that the Council had not provided support towards a funding application going in this year? Ms Wilson stated that she did not believe that the Council's support would commit them to anything and that, if need be, that support could be withdrawn at a later date. Ms Wilson urged Council to offer its support for funding applications so that the process could move forward.

*The Chief Executive Officer responded stating that the Community Sport & Recreational Fund was the biggest grant source that the community and Council could derive for the construction of a pool and that applications for this year's round closed at the end of September. Mr Stewart stated that applications for CSRFF funding needed to include a commitment from Council not just in principle support. Mr Stewart added that Council Officers were currently working on a report on the matter for Council to formally consider the Working Group's recommendations and hoped that this would be completed by the end of August 2012.*

#### **4.2.3 Mr Matthew Stadler – Item 8.1.1 (Proposed Single Dwelling – No. 537 (Lot 111) Lights Road, Denmark)**

Mr Stadler spoke as the proponent, distributed maps to Councillors showing the location of the building envelope and gave an overview of their application process thus far, noting that it had been lengthy and costly. Mr Stadler stated that he and his wife would be living permanently in the building but the design could accommodate his extended family when they came to visit.

#### **4.2.4 Dr Ceinwen Gearon – Denmark Aquatic Centre Proposal**

Dr Gearon made the following statement;

"Council will be aware that the DACCI has been facilitating and supporting the Denmark Community to communicate to Council not only their desire to have

a heated indoor aquatic facility in Denmark but their willingness to pay for a pool via their rates and admission or membership charges.

I have here approx. 280 written submissions to Councillors stating just that. Two weeks ago I lodged 20 of these submissions with the Council Administrative Officers. It has recently come to my attention that Councillors have yet to receive them and I would like to ask the CEO what has happened to them, as it was the clear intention of the community members who completed them that they be forwarded to the Councillors. In addition I would like these 260 odd submissions tabled here and made available to all Councillors. Here is a list of the names of the people who completed these submissions and I ask that this list be incorporated into the minutes of this meeting.

To summarise this informal community consultation:

- DACA now has approx. 857 supporters
- Councillors have received at least 110 emails indicating the sender's willingness to pay for a pool
- Denmark HS Students have written 84 letters in support of a pool
- I have here 20 similar letters from Denmark PS Students
- And 280 community members have completed submissions.

And this response to this issue is from a community suffering fatigue over the question of a pool in Denmark. You will see this fatigue reflected in many of the exasperated comments on the submissions.

How does this compare to other issues faced by the Shire of Denmark? Well I have searched your website to try and put this into perspective for you. Not an easy task I can assure you as your search tool alternatively doesn't work or returns all the documents on your website regardless of the search term used. However, I have gleaned the following information:

- In 2011 the response rate to the Community Needs and Customer Satisfaction survey was 47.9% or 479 responses from 1000 randomly picked rate payers.
- Council received a petition regarding the retention of the Cottage Craft Shop at it's current location containing 735 signatures
- I understand you also received a number of submissions from the parents of Denmark PS Students regarding rezoning of the precinct in the vicinity of the PS (unfortunately, I could not get numbers from your website).

I think it is apparent that the informal community consultation undertaken by the DACCI is probably the largest such consultation seen in Denmark's recent history.

There is another theme running through many of these submissions and verbalized by many people in our Community in discussions with them. Denmark prides itself on its "Green" Image. We value environmental responsibility and one of the issues with having to travel to Albany to use the ALAC is the unnecessary impact it has on our individual carbon footprints. I am sure you are all aware that Australia has the highest carbon footprint per head of population of any country in the world. We Denmarkians care about this stuff.

Here is an **opportunity** for Denmark Shire Council to build and operate Australia's first public swimming pool with advanced solar heating year round from an Evacuated Tube Solar hot water system, a Solar PV Array that actually produces more electricity than the facility consumes, a Rain Water Harvest System providing **all** the water requirements for the Aquatic Centre

and the Rec. Centre without drawing on the town's supply (and sanitized using ozone generated by solar electricity rather than chlorine), all housed in an insulated Solar Passive/Active(ly) designed building. The running costs would be minimal, and the entire community knows and appreciates that it is the ongoing running costs that concerns Council most. What an opportunity for you: to show other Communities in Australia that it is possible to have an indoor heated aquatic facility with a small carbon footprint that it is not a financial drain on the community. People would come from far and wide to learn from your experience. Come on, let's do something entirely novel in Australia and let's not wait for some other Community to get there before us."

*The CEO responded stating that the first batch of submissions had been received and logged into the inward correspondence records system however he had made the decision to wait for all of the submissions to be received and then presented to Council as one batch, ideally with the report for the Council Agenda, thus enabling Councillors to digest all of the information at once and at the time that the project was to be considered by Council. Mr Stewart deferred to Councillors asking whether they would prefer to be sent individual submissions as they are received or wait and receive them all together. The general consensus was that Councillors preferred to receive them individually (as they are received). The CEO agreed and noted that Council Staff would copy all of the submissions, received thus far, and send them to those Councillors who wished to receive printed copies.*

*The Presiding Person agreed to include the list of submitters' names in the Minutes, without their residential addresses.*

*[This list has been included in the attachments under Attachment 4.2.4.]*

**4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

Nil

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6. CONFIRMATION OF MINUTES**

**6.1 ORDINARY COUNCIL MEETING**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 6.1</b>
MOVED: CR HINDS	SECONDED: CR MORRELL
That the minutes of the Ordinary Meeting of Council held on the 3 July 2012 be confirmed as a true and correct record of the proceedings, with the following amendment;	
1. Page 16 – correct the seconder of item 8.4.1 from Cr Marshall to Cr Rowland.	
CARRIED: 10/0	Res: 070112

**7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

4.48pm – Cr Gillies left the room and then returned.

**8. REPORTS OF OFFICERS**

**8.1 Director of Planning & Sustainability**

*Prior to consideration of Item 8.1.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:*

*Cr Sampson declares a proximity interest on the basis that he is the owner of an adjoining property at 571 Lights Road.*

*4.50pm - Cr Sampson requested that Cr Hinds assume the role as the Presiding Person, left the room and did not participate in discussion or vote on the matter.*

*Cr Hinds assumed the chair and requested a motion from Councillors as to whether they accept him in the role of the Presiding Person.*

**COUNCIL RESOLUTION**

MOVED: CR MORRELL

SECONDED: CR SEENEY

That Council appoint Cr Hinds as the Acting Presiding Person in the absence of the Shire President and the Deputy Shire President.

CARRIED UNANIMOUSLY: 9/0

Res: 080712

*4.50pm – The Director of Finance & Administration left the room.*

*4.51pm – The Director of Finance & Administration returned to the room.*

*4.53pm – The Director of Community & Regulatory Services left the room.*

*4.55pm – The Director of Community & Regulatory Services returned to the room.*

**8.1.1 PROPOSED SINGLE DWELLING - NO. 537 (LOT 111) LIGHTS ROAD, DENMARK**

<b>File Ref:</b>	A5066 (2012/84)
<b>Applicant / Proponent:</b>	WA Country Builders
<b>Subject Land / Locality:</b>	No. 537 (Lot 111) Lights Road, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	12 July 2012
<b>Author:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Attachments:</b>	8.1.1 a) – Plans of Proposed Development
	8.1.1 b) – Plans Associated with Planning Refusal 2012/20
	8.1.1 c) – Amended Floorplans

**Summary:**

The applicant, on behalf of M Stadler, K Burton & A Watson, is seeking Planning Approval for a Single Dwelling at No. 537 (Lot 111) Lights Road, Denmark.

After due assessment of the proposal, Planning Services consider that the proposal as presented is two dwellings and noting that ‘Grouped Dwellings’ are not a permissible landuse class on the subject property it is recommended that the application for a Single Dwelling be refused.

Notwithstanding, Planning Services have also assessed the application in the context of being classified as a Single Dwelling and Ancillary Accommodation. In this regard Planning Services consider that the intent of Ancillary Accommodation is not achieved with this proposal due to the nature of occupancy and the scale of development and essentially one of the ancillary buildings will become a defacto single house, thus resulting in two dwellings on the property. Given that this would then have major potential to set a precedent for other proposals of this nature to effectively over-ride the

density provisions provided for in TPS No. 3, it is recommended that the classification of Single Dwelling and Ancillary Accommodation not be applied to this development proposal.

**Background:**

Current Planning Application 2012/84

An application for Planning Approval was lodged with Planning Services on 14 May 2012 for a Single Dwelling to be constructed on-site - refer Attachment 8.1.1 a).

Initial Enquiries With Planning Services on Development Potential

One of the owners made initial enquiries with Planning Services in June 2011 as to the ability to subdivide and/or build two houses on the subject property in order to provide the ability for the two families who own the property to reside on-site in the future.

Planning Services provided a response to the enquirer advising that based on the zoning of the property, being Special Rural (SR 3), that the relevant Town Planning Scheme No. 3 (TPS No. 3) provisions only provided for a single dwelling on-site and there was no further subdivision potential of the property.

Previous Planning Application 2012/20

An application for Planning Approval was lodged with Planning Services on 2 February 2012 for a Single Dwelling. After due consideration of the proposal, Planning Refusal was issued, under delegated authority, on the 16 March 2012 on the following grounds:

- 1. The proposal as submitted is classified as a 'Grouped Dwelling' (refer Advice Note 1) and not a 'Single House', and in accordance with the Shire of Denmark's Town Planning Scheme No. 3 Appendix VI – Special Rural Zone provisions pertaining to Special Rural Area 3 'Grouped Dwelling' is a use class that is not permitted.*
- 2. The proposal is inconsistent with the principles of orderly and proper planning of the locality.*

Advice to Applicant:

- 1. This proposal has been classified as Two (2) x Grouped Dwellings on the basis that:
  - a) The description of the Proposed Development as provided on the 'Application for Planning Consent' form is '2 x houses (A) & (B) with Common Alfresco'.*
  - b) The site plan has labeled the buildings as 'Proposed House A' and 'Proposed House B'.*
  - c) As per the Residential Design Codes of Western Australia (November 2010), a dwelling is defined as "a building or portion of a building being used, adapted or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family". From the information provided it is evident there are two family structures living on-site, with each family structure residing in separate buildings totally independent of each other.*
  - d) Each building has facilities (being a kitchen, bathroom, laundry and sleeping area) that are necessary for each building to be classified as a Class 1 building in their own right in accordance with Section 2 Part 2.4 Functional Statement F2.4.3 Facilities of the National Construction Code 2011 Building Code of Australia Volume Two.**

Attached as Attachment 8.1.1 b) are the plans that accompanied the Planning Refusal decision notice.

**Comment:**

Since receiving Planning Refusal 2012/20 in March 2012, the applicant and one of the owners have had discussions with Planning Services to consider their options – being to apply for a review by the State Administrative Tribunal as per Part 14 of the *Planning and Development Act 2005* (noting that it was considered the only discretionary power

pertained to whether the proposal was classified as a Grouped Dwelling) or to submit a redesigned development proposal based on one (1) large dwelling that made provision for one (1) kitchen and one (1) laundry only such that the function of the building was autonomous and could not function independently each of other.

After considering their options, a new proposal has been lodged with Planning Services for consideration. From reviewing the previously refused proposal and the current proposal the main modifications are as follows:

- The two 'habitable' components are now aligned rather than being offset, thus providing for an improved external appearance of one building;
- An increase in floor area of 18.5m<sup>2</sup>;
- An enclosed covered passageway joining the two 'habitable' components;
- The porch area associated with the western 'habitable' component being relocated to the northern elevation; and
- Renaming of rooms as per the following:
  - In the western 'habitable' component, the Home Theatre was previously referenced as Bed 2 – noting the layout is identical, including the provision of built-in-ropes; notwithstanding the notation on the floorplan Planning Services consider this still to have the function and appearance of a bedroom;
  - In the western 'habitable' component, the Mudroom was previously referenced as Laundry – noting the layout is identical, with the reference to the washing machine and dryer location having been removed; Planning Services consider this area is a laundry, noting that the addition of a washing machine and laundry can easily be accommodated for having regard to the space available and the fact that building and/or health approval would not be required if they were incorporated afterwards;
  - In the western 'habitable' component, the Kitchenette was previously referenced as Kitchen – noting the layout is slightly modified including removal of the breakfast bar, however provides for all features that are traditionally provided for in a kitchen.
  - In the eastern 'habitable' component, the Study was previously referenced as Bed 2 – noting the layout is identical, including the provision of built-in-ropes; notwithstanding the notation on the floorplan Planning Services consider this still to have the function and appearance of a bedroom;
  - In the eastern 'habitable' component, the Home Office was previously referenced as Bed 2 – noting the layout is identical, including the provision of built-in-ropes; notwithstanding the notation on the floorplan Planning Services consider this still to have the function and appearance of a bedroom;
  - In the eastern 'habitable' component, the Bar was previously referenced as Kitchen – noting the layout is identical, with the reference to oven and cooktop only having been removed; Planning Services consider that this area is a kitchen, noting that the addition of an oven and cooktop can easily be accommodated for having regard to the space available and the fact that building and/or health approvals would not be required if they were incorporated afterwards.

Having regard to the above, Planning Services consider that the current proposal is effectively still two dwellings and noting that 'Grouped Dwellings' are not a permissible landuse class on the subject property it is recommended that the application for a Single Dwelling be refused for similar reasons as provided for on Planning Refusal 2012/20.

Notwithstanding the above, should Council consider that the Mudroom & Bar rooms are not deemed to be a laundry and kitchen respectively, thus determining that the proposal is not two dwellings, it is considered that Council could consider classifying the proposal as a Single Dwelling and Ancillary Accommodation and not as a Single Dwelling.

In relation to the Ancillary Accommodation nature of the proposal, in the absence of a definition in TPS 3, the *Residential Design Codes of Western Australia (November 2010)* reference Ancillary Accommodation as being an ancillary dwelling that accommodates

the needs of large or extended families to live in proximity with some autonomy without compromising the amenity of adjoining properties.

In this instance the proposal is to accommodate two (2) family structures on-site – being two brothers with their respective families presently consisting of four (4) adults and three (3) children. The issue that Council needs to satisfy itself with in the first instance to classify this proposal as Ancillary Accommodation is whether two brothers and their respective families are considered to be an extended family – noting that in some cultures this is the case whereas from an Australian planning sense it has generally been limited to an upward generation extension (i.e. accommodation for a grandparent(s)).

In relation to the actual design of the Ancillary Accommodation component, Clause 5.3.6 Ancillary Accommodation of TPS No. 3 states the following:

*b) Where ancillary accommodation is not itself added to an existing building Council may request there be constructed between the added accommodation and the existing building a fully covered connection.*

*c) The total area of ancillary accommodation shall not exceed 60 square metres, exclusive of any fully covered connection unless approved by Council.*

The proposal does provide for a fully covered connection in the form of an enclosed passageway, thus complies with Clause 5.3.6 b) of TPS No. 3.

In relation to Clause 5.3.6 c) of TPS No.3, the eastern and western 'habitable' components (excluding the passageway, the alfresco and courtyard) are approximately 344m<sup>2</sup> and 297m<sup>2</sup> respectively thus regardless of which 'habitable' component is considered to be the Ancillary Accommodation dwelling (noting the referenced kitchen is in the western 'habitable' component and the referenced laundry in the eastern 'habitable' component) the area of such far exceeds the size provisions provided for in TPS No. 3.

In this regard the size provisions pertaining to an Ancillary Accommodation dwelling are consistent with the Acceptable Development Criteria of the *Residential Design Codes of Western Australia (November 2010)* – noting that this applies for the following reasons:

- In order to ensure that the dwelling does not become a defacto single house; and
- In acknowledgement that facilities such as laundries and a full kitchen are not necessary in the ancillary accommodation dwelling as the facilities in the main dwelling on-site are accessible by the occupants of the ancillary accommodation dwelling given the family relationship between the occupants.

From a Planning Services perspective it is considered that the intent of Ancillary Accommodation is not achieved with this proposal and it merely will become a defacto single house, thus resulting in two dwellings on this property. This has major potential to set a precedent for other proposals of this nature to effectively over-ride the density provisions provided for in TPS No. 3, thus it is recommended that the classification of Single Dwelling and Ancillary Accommodation not be applied to this development proposal.

Should Council consider that this Single Dwelling and Ancillary Accommodation proposal is appropriate and are considering approving the application; the following recommendation is provided for Council's reference:

*That Council with respect to the development application for the Proposed Single Dwelling at No. 537 (Lot 111) Lights Road, Denmark:*

1. *Advise the applicant that the proposal as presented is not considered to be a Single Dwelling;*

2. Notwithstanding Point 1, it is considered that the proposal is appropriate to be classified as a Single Dwelling and Ancillary Accommodation and consequently Council grants Planning Approval on this basis subject to the following:

Conditions:

- a) Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) dated 14 May 2012 including the following modifications:
  - a. The kitchen and laundry are to be provided within one 'habitable' component only and not split between the two 'habitable' components as is proposed, with the other 'habitable' component not to provide for the installation of an oven, cooktop, rangehood and washing machine. Details of the kitchen and laundry facilities within the one 'habitable' component are to be detailed on the plans for lodged for a Building Permit to the satisfaction of the Shire of Denmark (Planning/Building Services).
- b) A Section 70A Notification under the Transfer of Land Act 1893 (as amended) must be prepared and subsequently registered against the Certificate of Title to the land the subject of the proposed development advising the owners, their heirs and successors in title that the occupier of the ancillary accommodation shall be a member of the family that resides in the main dwelling. The Section 70A Notification is to be registered on the Certificate of Title **prior** to the issuance of a Building Permit. All costs associated with preparing and lodging the Section 70A Notification on the Certificate of Title shall be at the applicant's/owner's expense.
- c) This approval to establish Ancillary Accommodation on the subject land shall not be viewed as providing a basis for subdivision of the land (either strata subdivision or fee simple (green title)) to create a separate title for the ancillary accommodation component.
- d) All buildings and development such as the approved effluent disposal system, retaining walls, water tanks, stone walls or any other form of revetment to contain building structures on the lot to be contained within the approved 3000m<sup>2</sup> building envelope.
- e) The vehicle crossover onto Lights Road is to be constructed, drained and sealed (asphalt, concrete or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services).
- f) The driveway/accessway shall be constructed and maintained to a minimum all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles.
- g) The approved development shall be connected to an approved effluent disposal system prior to the occupation of the dwelling to the satisfaction of the Shire of Denmark (Environmental Health Services).
- h) All stormwater and drainage runoff from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Denmark (Infrastructure Services).
- i) The approved development shall provide a potable water supply with a capacity of not less than 92,000 litres.
- j) The approved watertank shall provide an adequate permanent water supply of not less than 10,000 litres for bush fire fighting purposes, accessible by a FESA approved coupling for emergency purposes only.
- k) The tank (and any pumping equipment or structure) shall be coloured, toned or painted to complement the colours of the proposed dwelling.
- l) The dwelling to be constructed to Australian Standard AS3959 – Construction of Buildings in Bushfire Prone Areas (refer Advice Note c).
- m) Clearing outside of the approved building envelope shall only be associated with vehicle access arrangements to the development and in accordance with the requirements of Town Planning Scheme No. 3 (Special Rural 3 provisions) and Town Planning Scheme Policy No. 10: Parkland Clearing Outside Building Envelopes.
- n) The 'Strategic Fire Access Route' that traverses the site is to be constructed in accordance with the specifications contained within the Shire's Annual Fire Regulation Notice.

- o) Immediately prior to the occupation of the dwelling, the applicant shall notify the Shire of Denmark (Planning Services), in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained on this Planning Consent.*

Advice Notes

- a) A building permit is required to be submitted and approved by the Shire of Denmark (Building Services) prior to any works commencing on-site.*
- b) The garage as shown on the approved plan(s) does not form part of this approval, thus an application for Planning Approval will need to be applied for when the garage is proposed to be built.*
- c) The building shall be required to be constructed to a BAL-29 rating to the satisfaction of the Shire of Denmark (Building Services).*

**Consultation:**

External Consultation:

Planning Services have undertaken discussions with the applicant and one of the owners regarding available options to develop the property.

Internal Consultation:

The proposal has been considered by the Shire's Development Co-ordination Unit.

**Statutory Obligations:**

Town Planning Scheme No. 3 (TPS No. 3) specifies the pertinent development requirements for the site.

Should Council refuse this Planning Application, as per the provisions of the *Planning and Development Act 2005* the applicant can apply to the State Administrative Tribunal for a Right of Review.

**Policy Implications:**

There are no known policy implications relating to the report or the officer recommendation.

**Budget / Financial Implications:**

There are no known financial implications upon the Councils current Budget or Plan for the Future.

Should the applicant/owners apply to the State Administrative Tribunal for a Right of Review, the Shire of Denmark will need to cover its costs associated with such process – noting depending on the nature of the review expenses incurred could extend to legal representation costs.

**Strategic Implications:**

There are no known significant strategic implications relating to the report or the officer recommendation.

**Sustainability Implications:**

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

➤ **Social:**

There are no known significant social considerations relating to the report or officer recommendation.

**Voting Requirements:**

Simple majority.

*OFFICER RECOMMENDATION*

ITEM 8.1.1

*That Council with respect to the planning application for the Proposed Single Dwelling at No. 537 (Lot 111) Lights Road, Denmark:*

1. *Refuse Planning Approval for the following reasons:*
  - a) *The proposal as submitted is classified as a 'Grouped Dwelling' and not a 'Single Dwelling' and in accordance with the Shire of Denmark's Town Planning Scheme No. 3 Appendix VI – Special Rural zone provisions pertaining to Special Rural Area 3, 'Grouped Dwelling' is a use class that is not permitted.*
  - b) *The proposal is inconsistent with the principles of orderly and proper planning of the locality.*
2. *Advise the applicant that in light of Point 1, the planning application has also been assessed to determine appropriateness of whether it can be classified as a 'Single Dwelling and Ancillary Accommodation', and after due consideration of the proposal it is considered that the proposal would not comply with the 'Ancillary Accommodation' requirements of Town Planning Scheme No. 3 having regard to the following:*
  - a) *The nature of the occupancy of the buildings;*
  - b) *The overall size of the 'ancillary accommodation component' of the development; and*
  - c) *Approval to such a proposal would set an undesirable precedent that effectively over-rides relevant density provisions.*
3. *Notwithstanding Point 2, Council wishes to emphasise that it fully supports the provision of Ancillary Accommodation throughout the Shire of Denmark where the nature and scale of development proposed is appropriate and ancillary to the main dwelling on-site.*

This proposal was referred to the Ordinary Meeting of Council held on 3 July 2012 wherein at the request of the applicant/owner Council resolved the following (Res No. 020712):

*"That with respect to the planning application for the proposed Single Dwelling at No. 537 (Lot 111) Lights Road, Denmark, Council adjourn consideration of this item at this meeting, at the request of the applicant and owners, until the meeting of the 24 July 2012."*

Since Council's Resolution of 3 July 2012, the owner has amended the floorplan of the development (refer Attachment 8.1.1 c)) as per the following:

- Removed all reference to a bar;
- Called the kitchenette a 'kitchen';
- Taken out every built in cupboard; and
- Removed the internal doors in the passageway.

Planning Services notes the amendments to the floorplan have been undertaken by the applicant/owner in an attempt to reflect a single dwelling proposal.

Notwithstanding, Planning Services consider that the amended proposal is still not able to be classified as a Single Dwelling primarily on the basis that the definition of dwelling as defined in the *Residential Design Codes of Western Australia (November 2010)* is "a building or portion of a building being used, adapted or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family". From the information provided by the owners, there are still two (2) family structures (comprising of seven (7) persons currently) that are to be accommodated on-site.

In addition to the above the following is also relevant to the position by Planning Services that the proposal is not a 'Single Dwelling':

- The overall layout and external appearance of the development has not altered and from an external view the development does give the appearance of two dwellings due to the nature, configuration and scale of the development;
- The nature of the amendments is such that these facilities/infrastructure could easily be accommodated for as a retro-fit after completion of the building noting that building and/or health approvals would generally not be required; and
- The intention of the owners from the outset has been to provide for two dwellings on-site or subdivision the property to provide for two dwellings on the original land parcel, and the nature of the amendments to the floorplan do not change this intent.

It should be noted that the way that the *Residential Design Codes of Western Australia (November 2010)* deals with developments that provide for more than six persons who do not comprise a single family to classify it as a 'residential building' – which is defined as:

*“a building or portion of a building, together with rooms and outbuildings separate from each building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*

- *temporarily by two or more persons; or*
- *permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”*

Given the above, it is still considered that if Council are inclined to support the proposal, it would be recommended that the most appropriate way to do such would be to approve it as a Single Dwelling and Ancillary Accommodation proposal such that there it does not set a precedent for other proposals of this nature to effectively over-ride density provisions of Town Planning Scheme No. 3.

In this regard a recommendation was provided for Council's reference earlier in the report and it is considered that this would still be applicable with the exception that it would be recommended that Point 1 should be amended to reference that the proposal is not considered to be a Single Dwelling due to the nature, scale and appearance of the development and the fact that more than six persons from two (2) family structures are to be accommodated on-site.

It should also be noted that the recommendation provided for Council's reference pertains to the plans dated 14 May 2012 (with some modifications recommended) and not the amended plans dated 9 July 2012. In this regard it is considered that the plans of 14 May 2012, with the modifications as recommended, are appropriate and that the amendments provided for on the plans dated 9 July 2012 were only provided in an attempt to reflect a single dwelling proposal on-site.

#### OFFICER RECOMMENDATION

ITEM 8.1.1

That Council with respect to the planning application for the Proposed Single Dwelling at No. 537 (Lot 111) Lights Road, Denmark:

1. Refuse Planning Approval for the following reasons:
  - a) The proposal as submitted is not able to be classified as a 'Single Dwelling' in accordance with the Shire of Denmark's Town Planning Scheme No. 3 as the building is to be occupied by more than six persons who do not comprise a single family;
  - b) Notwithstanding the amendments that have been undertaken to the floorplan, the overall layout and external appearance of the development has not altered and from an external view the development gives the appearance of two



- k) Clearing outside of the approved building envelope shall only be associated with vehicle access arrangements to the development and in accordance with the requirements of Town Planning Scheme No. 3 (Special Rural 3 provisions) and Town Planning Scheme Policy No. 10: Parkland Clearing Outside Building Envelopes.
- l) Strategic Fire Access Route that traverses the site is to be constructed in accordance with the specifications contained within the Shire’s Annual Fire Regulation Notice.
- m) Immediately prior to the occupation of the dwelling, the applicant shall notify the Shire of Denmark (Planning Services), in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained on this Planning Consent.

Advice Notes

- i. A building permit is required to be submitted and approved by the Shire of Denmark (Building Services) prior to any works commencing on-site.
- ii. The garage as shown on the approved plan(s) does not form part of this approval, thus an application for Planning Approval will need to be applied for when the garage is proposed to be built.
- iii. The building shall be required to be constructed to a BAL-29 rating to the satisfaction of the Shire of Denmark (Building Services).

CARRIED: 7/2

Res: 090712

REASONS FOR CHANGE

Council wished to approve the planning application subject to conditions.

*Cr Syme & Cr Morrell requested that their votes against be recorded.*

*5.29pm – The Deputy Shire President, Cr Sampson, returned to the room and resumed the chair as the Presiding Person.*

**8.2 Director of Community & Regulatory Services**  
Nil

**8.3 Director of Infrastructure Services**  
Nil

## 8.4 Director of Finance & Administration

### 8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 JUNE 2012

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	14 July 2012
<b>Author:</b>	Garry Bird, Director of Finance and Administration
<b>Authorising Officer:</b>	Garry Bird, Director of Finance And Administration
<b>Attachments:</b>	8.4.1 - Monthly Financial Report

#### Summary:

It is a requirement of the Local Government Act 1995 that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Shire's finances. In addition, Council is required to review the Municipal Budget on a six monthly basis to ensure that income and expenditure is in keeping with budget forecasts. It should be noted that the budget is monitored on a monthly basis in addition to the requirement for a six monthly review.

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcome enquiries in regard to the information contained within these reports.

#### Background:

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified;

- Reconciliation of all bank accounts.
- Reconciliation of the Rates Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and postal services.
- Reconciliation of the Sundry Debtors and Creditors Ledger.
- Reconciliation of the Stock Ledger.
- Completion of all Works Costing transactions, including allocation of costs from the Ledger to the various works chart of accounts.

#### Comment:

Shire Trust Funds have been invested for 30 days with the National Bank, maturing 29 July 2012 at the quoted rate of 4.00%.

Reserve Funds have been invested for 30 days with the National Bank, maturing 29 July 2012 at the quoted rate of 4.00%.

No municipal funds have been placed on investment, being required for short term cash flow requirements until 2012/13 rating income is received.

#### Key Financial Indicators at a Glance

The following comments and/or statements provide a brief summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached Financial Statement.

- Operating revenue is lower than that predicted for 30 June 2012, largely due to the unclaimed grants budgeted for and not expended during 2012/13 (Statement of Financial Activity).

- Operating expenditure is lower than that predicted for 30 June 2012, although it is noted accounts are still being received for this period (Statement of Financial Activity).
- The 2011/12 Capital Works Program was 76.14% complete as at 30 June 2012 (Note 10). As previously reported, some major projects remain outstanding and will need to be carried forward into the 2012/13 year. These projects include:
  - Morgan Richards Community Centre.
  - Plant purchases.
  - CBD Redevelopment.
- Rates Collection percentage of 97.71% is in keeping with historical collection rates (Note 6). Debt recovery processes have commenced against those ratepayers who have not yet paid or made alternative arrangements with Council.
- Various transfers to and from Reserve Funds have been made as per the 2102/13 Municipal Budget.

**Consultation:**

Nil

**Statutory Obligations:**

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

The attached statements are prepared in accordance with the requirements of the Local Government Act 1995.

**Policy Implications:**

Policy P040222 - Material Variances in Budget and Actual Expenditure, relates

*For the purposes of Local Government (Financial Management) Regulation 34 regarding levels of variances for financial reporting, Council adopt a variance of 10% or greater of the annual budget for each program area in the budget, as a level that requires an explanation or report, with a minimum dollar variance of \$5,000.*

*The material variance is calculated by comparing budget estimates to the end of month actual amounts of expenditure, revenue and income to the end of the month to which the financial statement relates.*

*This same figure is also to be used in the Annual Budget Review to be undertaken after the first six months of the financial year to assess how the budget has progressed and to estimate the end of the financial year position.*

**Budget / Financial Implications:**

There are no significant trends or issues to be reported.

**Strategic Implications:**

There are no known significant strategic implications relating to the report or the officer recommendation.

**Sustainability Implications:****➤ Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

**➤ Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

**➤ Social:**

There are no known significant social considerations relating to the report or officer recommendation.

**Voting Requirements:**  
Simple Majority.

5.31pm – Cr Lewis left the room.

5.32pm – Cr Lewis returned to the room.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.4.1
MOVED: CR MORRELL	SECONDED: CR PEDRO
That with respect to Financial Statements for the month ending 30 June 2012, Council;	
1. Receive the Financial Report, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment as listed.	
CARRIED: 10/0	Res: 100712

<b>8.4.2 SHIRE OF DENMARK ADMINISTRATION CENTRE BUSINESS CONTINUITY AND RECOVERY PLAN</b>
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<b>File Ref:</b>	INS.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	14 July 2012
<b>Author:</b>	Garry Bird, Director of Finance & Administration
<b>Authorising Officer:</b>	Garry Bird, Director of Finance & Administration
<b>Attachments:</b>	8.4.2 - Draft Business Continuity and Recovery Plan

**Summary:**

The Shire of Demark Administration Centre Business Continuity and Recovery Plan (BCRP) has been prepared to plan for an incident at the Administration Centre that creates a loss of Shire services and assist in resuming normal business activity as soon as possible.

The Draft Plan is attached for the consideration of Elected Members and is recommended for adoption.

**Background:**

A Business Continuity and Recovery Plan is an important business planning tool that provides for an incident that creates serious loss of capacity to undertake normal business activity.

The Administration Centre BCRP will be used to provide a template for other Shire facilities such as the Depot, Administration Centre, and Library etc. to complete similar plans.

**Comment:**

The Draft BCRP is considered to be a relatively practical and easy to use document that outlines a coordinated and systematic approach to resuming normal Administration Centre activities.

It is considered that urban fire or storm damage is the most likely threat to the Administration Centre, which appropriate measures in place to protect the building and its contents from such an incident.

**Consultation:**

Administration staff have been invited to provide input or review the Draft Plan.

**Statutory Obligations:**

Local Government Act 1995

**Policy Implications:**

Nil

**Budget / Financial Implications:**

There are no budget or financial implications arising from the adoption of the Draft Business Continuity and Recovery Plan.

The Business Continuity and Recovery Plan was prepared utilising in-house resources saving approximately \$15,000 in consultant's expenses to prepare a similar Plan.

**Strategic Implications:**

There is no known alternative long term strategic use for the site.

**Sustainability Implications:**

➤ **Environmental:**

There are no known environmental implications arising from the Officers report or recommendation.

➤ **Economic:**

The prompt recovery of the Shire Administration Centre, in the event of an incident that would interrupt usual operations, could have the potential to damage the local economy if services such as planning and building approvals were not recommenced in a timely manner.

➤ **Social:**

There are no known social implications arising from the Officers report or recommendation.

**Voting Requirements:**

Absolute majority required for delegated authority from Council to the Chief Executive Officer.

5.38pm – Cr Morrell left the room.

5.40pm – Cr Morrell returned to the room.

5.41pm – The Director of Infrastructure Services left the room.

5.43pm – The Director of Infrastructure Services returned to the room.

OFFICER RECOMMENDATION

ITEM 8.4.2

That with respect to the Draft Shire of Denmark Business Continuity and Recovery Plan; Council

1. Adopt the Draft Shire of Denmark Business Continuity and Recovery Plan, and
2. Grant delegated authority to the Chief Executive Officer to amend the Administration Centre Business Continuity and Recovery Plan as required and approve subsequent Plans for other Council facilities.

**COUNCIL RESOLUTION**

ITEM 8.4.2

MOVED: CR MORRELL

SECONDED: CR MARSHALL

That with respect to the Draft Shire of Denmark Business Continuity and Recovery Plan; Council

1. Adopt the Draft Shire of Denmark Business Continuity and Recovery Plan, and
2. Grant delegated authority to the Chief Executive Officer to amend the Administration Centre Business Continuity and Recovery Plan as required, no later than every two years, and approve subsequent Plans for other Council facilities.

CARRIED BY AN ABSOLUTE MAJORITY: 10/1

Res: 110712

REASONS FOR CHANGE

Council added the words “no later than every two years” to ensure that there was a set date for the Plan’s review.

## 8.5 Chief Executive Officer

### 8.5.1 REVIEW OF DELEGATIONS

<b>File Ref:</b>	Delegations Register
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not Applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	10 July 2012
<b>Author:</b>	Claire Thompson, Executive Assistant
<b>Authorising Officer:</b>	Garry Bird, Director of Finance & Administration
<b>Attachments:</b>	8.5.1 – Delegations Register (marked up with proposed amendments)

#### Summary:

Pursuant to section 5.18 of the Local Government Act 1995, Delegations of Authority granted by Council are to be reviewed every financial year.

This report recommends continuation of the current delegations with amendments as listed below and detailed in the attachment.

#### Background:

To assist in the effective administration of the Shire, Council has granted various delegations. Delegations made under the Local Government Act 1995 (as opposed to some other Acts) can generally only be made to the Chief Executive Officer (CEO) or Council Committees. Where appropriate, the CEO can on-delegate to other Council employees, with conditions as specified, unless the delegation to the CEO specifically removes this right of on-delegation.

Delegations under other legislation are often made direct to the Officer or position concerned.

Council's last review of its delegations was on 26 July 2011 (Resolution No. 150711).

#### Comment:

A copy of the existing Delegations Register with the proposed amendments is attached. Items being deleted have been marked through with a line and additions are shown as underlined.

#### Significant Amendments to the Delegations Register

(some minor corrections (eg. spelling, grammatical, titles & font etc..) have been made throughout the document which are not listed below but are shown in the attachment).

Section / Delegation	Amendment
D050203 – Cat Act 2011	Added new Delegation.
Delegations from Council direct to Officers	Removed D040215 from the list of CEO delegations. D040215 was deleted from the Register in 2009. Added D050203 – Cat Act 2011 to the list of CEO delegations.
Delegations from CEO to other Employees	Added delegation of D050203 to Law Enforcement Officers delegation list.
Delegations from other agencies/acts	Removed the reference to the Senior Management Group from “Shire of Denmark Town Planning Scheme” Delegation D100601.
D040101	Added the words “A group or individual is eligible to receive a donation under this delegation only once in any one financial year”.

	<p>Comment: These words are recommended to be added to provide clarification to those applying for a donation from the CEO under this delegation. It is the view of the author that donations approved by the CEO for local community groups or individuals should be ad-hoc and 'once off' and should community groups or individuals require further and/or additional financial assistance from Council then they should refer their request to Council under the Community Financial Assistance Grants Fund.</p>
D040108	<p>Added the words "of the Shire of Denmark Standing Orders Local Law" to provide clarification.</p>
D040205	<p>Added the references, "Section 3.58 – Local Government Act 1995 (Disposing of Property) and Local Government (Functions &amp; General) Regulations – Regulation No. 30" which should also be referred to when executing this delegation.</p>
D040213	<p>Add the following; In part 2, add the word "Council" following the word "After"; and In part 5, add the word "Council" following the word "stating". to provide clarity.</p>
D040216	<p>Added the words "of the Local Government Act 1995" to provide clarification.</p>
D050101	<ul style="list-style-type: none"> <li>- Added a new condition stating "That any one side of the road reserve can be burnt in any one year";</li> <li>- Amended the word "September" to "November" in the second last dot point;</li> <li>- Added the words "If after the 1 September &amp; prior to 1 December, the CEO must be satisfied that the intensity of the burn will not endanger native flora or fauna" to the second last dot point; and</li> <li>- Added the words "Shire of Denmark Activities on Thoroughfares &amp; Trading in Thoroughfares &amp; Public Places Local Law" under Other Legislative Requirements.</li> <li>- all references to CFM (Community Fire Manager) under Delegation D050101 being corrected to CESH (Community Emergency Services Manager).</li> </ul>
D050103	<p>Amended "17(7)" to "17(7B)" and added "and 18(5B)"; Replaced the words "the local newspaper" with the words "a newspaper circulating within the Shire, preferably the Denmark Bulletin". Added the words "Note: A maximum term of 14 days applies to shortening the restricted or prohibited burning times without Fire &amp; Emergency Services Authority (FESA) approval / gazettal".</p>
D050302	<p>Corrected the title "Shire Rangers" to "Council's Law Enforcement Officers".</p>
D100601	<p>Changes to part 10.2 and 18 (refer attachment).</p>
D120103	<p>Added the words "for a minimum period of 35 days as per section 58 of the Land Administration Act 1997".</p>

**Consultation:**

All Senior Council Employees.

**Statutory Obligations:**

- Local Government Act 1995  
Sections 5.16 to 5.18 relate to Council delegations to Committees.  
Sections 5.42 to 5.46 relate to Council delegations to the CEO.

Section 5.16 states;

**5.16. Delegation of some powers and duties to certain committees**

- (1) *Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.*

*\* Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
  - a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*
  - b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*
- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

#### **5.17. Limits on delegation of powers and duties to certain committees**

- (1) *A local government can delegate —*
  - a) *to a committee comprising council members only, any of the council's powers or duties under this Act except —*
    - (i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
    - (ii) *any other power or duty that is prescribed;*
  - b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
  - c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*
    - (i) *the local government's property; or*
    - (ii) *an event in which the local government is involved.*
- (2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

#### **5.18. Register of delegations to committees**

*A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.*

#### **5.42. Delegation of some powers and duties to CEO**

- (1) *A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

*\*Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation."*

#### **5.43. Limits on delegations to CEO's**

*A local government cannot delegate to a CEO any of the following powers or duties –*

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.99 or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (h) *any power or duty that requires the approval of the Minister or the Governor; or*
- (i) *such other powers or duties as may be prescribed."*

**5.44. CEO may delegate powers and duties to other employees**

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
  - a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
  - b) *the exercise of that power or the discharge of that duty by the CEO's delegate,**are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) —*  
**conditions** *includes qualifications, limitations or exceptions.*

**5.45. Other matters relevant to delegations under this Division**

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
  - a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
  - b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing —*
  - a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
  - b) *a CEO from performing any of his or her functions by acting through another person.*

**5.46. Register of, and records relevant to, delegations to CEO's and employees**

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

**Policy Implications:**

Council's Delegation Register will be updated accordingly following this review. There are no known implications or relevance to Council's Policy Manual.

**Budget / Financial Implications:**

There are no known financial implications upon the Council's current Budget or Plan for the Future.

**Strategic Implications:**

There are no known significant strategic implications relating to the report or the officer recommendation.

**Sustainability Implications:****➤ Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

➤ **Social:**

There are no known significant social considerations relating to the report or officer recommendation.

**Voting Requirements:**

Absolute majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.5.1</b>
<b>MOVED: CR MORRELL</b>	<b>SECONDED: CR GILLIES</b>
That Council adopt the Delegations Register 2012/13 with additions, deletions and amendments as per Attachment 8.5.1.	
<b>CARRIED BY AN ABSOLUTE MAJORITY: 10/0</b>	<b>Res: 120712</b>

**9. COMMITTEE REPORTS & RECOMMENDATIONS**

**9.1 BUSH FIRE ADVISORY COMMITTEE - FIRE CONTROL OFFICER APPOINTMENTS FOR 2012/2013**

<b>File Ref:</b>	FIRE.1
<b>Applicant / Proponent:</b>	Shire of Denmark
<b>Subject Land / Locality:</b>	All land within the Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	9 July 2012
<b>Author:</b>	Nathan Hall, Community Emergency Services Manager
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Attachments:</b>	No

**Summary:**

Denmark Volunteer Bush Fire Brigades and the Bush Fire Advisory Committee (BFAC) have submitted Minutes of their respective Annual General Meetings outlining their recommendations for Fire Control Officers for 2012/2013. BFAC has endorsed these recommendations together with the appointment of a number of senior officers and staff and this Item seeks endorsement from Council for the appointment of these officers.

**Background:**

Nil

**Comment:**

The reason why these nominations have been referred direct to Council and not the 6 September 2012 BFAC meeting is that the constraints involved in the delivery of the annual Fire Regulation Notice would mean that the Parryville and East Denmark FCO positions would have to be left unfilled.

The East Denmark and Parryville FCO nominations were not submitted prior to the BFAC meeting but their nominations have however since been provided. These nominees have the support of their Brigades, the Community Emergency Services Manager and the Deputy and Chief Bush Fire Control Officer.

All of the Brigade Officers recommended have carried out senior/management roles in their respective brigades and have carried out relevant training, that being the FESA Fire Control Officers Course.

At its meeting held on the 7 June 2012, the BFAC recommended the following persons be appointed as Fire Control Officers for 2012/2013.

Community Emergency Services Manager	Nathan Hall
Senior Ranger	Dick Dimmock
Ranger	Mark Halse
BFAC nominated and approved Fire Control Officers	
Chief Bush Fire Control Officer	Graeme Thallon
Deputy Chief Bush Fire Control Officer	Wayne Kranendonk
Fire Weather Officer	Adrian Kranendonk
Bush Fire Brigade nominated and BFAC approved Fire Control Officers	
Carmarthen	Lez Baines
Harewood	Mike Hills
Hazelvale	Alex Williams
Kordabup	Bruce Pringle
Mehniup	David Guthrie
Mt Lindesay	Malcolm Hick

Nornalup	Jean-Marc Merat
Ocean Beach	Joe Baker
Owingup	Samantha Blythe
Peaceful Bay	Alec Cull
Scotsdale	Sid Marshall
Shadforth	Lee Shelley
Somerset Hill	Ross McDougall
Tingledale	Brian Vigus
Town	Don Atkinson
William Bay	Joan Merrifield
V.F.R.S.	Gary Stanway
Bush Fire Brigade nominated and Officer recommended Fire Control Officers	
Parryville	Kevin Hard
Denmark East	Chris Hoare

**Consultation:**

In January 2012 each Bush Fire Brigade was requested to submit a nomination for the position of Fire Control Officer to the June 2012 Bush Fire Advisory Committee Meeting.

Nominations for the senior Fire Control Officer positions were elected by the Bush Fire Advisory Committee Meeting at its June 2012 meeting.

**Statutory Obligations:**

While the Captains, Lieutenants, Secretaries, Equipment Officers and the like are elected by brigades it is Council’s role to appoint Fire Control Officers under section 38(1) of the Bush Fires Act 1954. This section reads as follows:

*“A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act,”*

Section 33(1) of the Bush Fires Act 1954 states

**Policy Implications:**

Policy P050107 - Volunteer Bush Fire Brigade Numbers & Advisory Committee Structure relates and is copied below for information.

*“COUNCIL VOLUNTEER BUSH FIRE BRIGADES*

*(A total of 17 with Kordabup/Owingup and Shadforth/Scotsdale operating as combined brigades).*

- *Hazelvale*
- *Tingledale*
- *Mehniup*
- *Nornalup*
- *Peaceful Bay*
- *Kordabup/Owingup*
- *Somerset Hill*
- *Harewood*
- *Carmarthen*
- *Parryville*
- *Shadforth/Scotsdale*
- *Denmark East*
- *Mt Lindesay*
- *William Bay*
- *Ocean Beach*

## *BUSH FIRE ADVISORY COMMITTEE*

*The Charter of the Bush Fire Advisory Committee is as per the version adopted by Council at its meeting held on the 20 October 2011.*

### Members not eligible for election as Chairman or Deputy Chairman:-

- *Shire Councillor Delegate*
- *Department of Environment & Conservation (DEC) representative*
- *Fire and Emergency Services Authority (FESA) representative”*

### **Budget / Financial Implications:**

There are no known financial implications upon the Council's current Budget or Plan for the Future.

### **Strategic Implications:**

There are no known significant strategic implications relating to the report or the officer recommendation.

### **Sustainability Implications:**

#### ➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

#### ➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

#### ➤ **Social:**

There are no known significant social considerations relating to the report or officer recommendation.

### **Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; COMMITTEE &amp; OFFICER ITEM 9.1</b>	
RECOMMENDATION	
MOVED: CR SEENEY	SECONDED: CR MARSHALL
That Council appoint the following persons as Fire Control Officers for 2012/2013, as recommended by the Bush Fire Advisory Committee at its June 2012 Annual General Meeting.	
Denmark Shire recommended and BFAC approved Fire Control Officers	
CESM	Nathan Hall
Senior Ranger	Dick Dimmock
Ranger	Mark Halse
BFAC nominated and approved Fire Control Officers	
Chief Bush Fire Control Officer	Graeme Thallon
Deputy Chief Bush Fire Control Officer	Wayne Kranendonk
Fire Weather Officer	Adrian Kranendonk
Bush Fire Brigade nominated and BFAC approved Fire Control Officers	
Carmarthen	Lez Baines
Harewood	Mike Hills
Hazelvale	Alex Williams
Kordabup	Bruce Pringle
Mehniup	David Guthrie
Mt Lindesay	Malcolm Hick
Nornalup	Jean-Marc Merat
Ocean Beach	Joe Baker
Owingup	Samantha Blythe
Peaceful Bay	Alec Cull
Scotsdale	Sid Marshall
Shadforth	Lee Shelley
Somerset Hill	Ross McDougall
Tingledale	Brian Vigus
Town	Don Atkinson
William Bay	Joan Merrifield
V.F.R.S.	Gary Stanway
Bush Fire Brigade nominated and Officer recommended Fire Control Officers	
Parryville	Kevin Hard
Denmark East	Chris Hoare
CARRIED: 10/0	Res: 130712

<b>9.2</b>	<b>BUSH FIRE ADVISORY COMMITTEE - SHIRE OF DENMARK ANNUAL FIRE REGULATION NOTICE 2012/2013</b>
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<b>File Ref:</b>	FIRE.1
<b>Applicant / Proponent:</b>	Shire of Denmark
<b>Subject Land / Locality:</b>	All privately held land within the Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	11 July 2012
<b>Author:</b>	Nathan Hall, Community Emergency Services Manager
<b>Authorising Officer:</b>	Gregg Harwood, Director Community and Regulatory Services
<b>Attachments:</b>	9.2 – 2012/2013 Annual Fire Regulation Notice

**Summary:**

This report considers the 2012/2013 Annual Fire Regulation Notice, which incorporates several changes that were endorsed by the Bush Fire Advisory Committee on the 7 June 2012 who resolved as follows;

*“That Council adopt the 2012/13 Fire Regulation Notice with the inclusion of the amendments mentioned above.” (Carried: 21/0).*

**Background:**

Council’s practice is that the Bush Fire Advisory Committee (BFAC) is asked to consider the proposed Notice and make recommendations to Council. Once the Notice has been approved by Council it’s then the task of Council’s administration to ensure its distribution and enforcement.

**Comment:**

In addition to style and formatting changes the 2012/2013 Annual Fire Regulation Notice contains a number of minor amendments that will further reduce the fire hazard in Denmark and provide further clarity to the notice.

These changes are as follows:

- Updating of dates to match the current year
- Removal of the following properties as designated locations for camping and cooking fires during the prohibited period;
  - Ocean Beach Caravan Park
  - Valley of the Giants Caravan Park
  - Valley of the Giants (DEC)
  - Rivermouth Caravan Park

The reason why these properties have been removed is that the CESM has contacted the property owners/managers of these facilities and they have advised that they no longer permit camping and cooking fires during the prohibited season.

- Updated list of Fire Control Officers and contact numbers
- Inclusion of a section referring to available information for the tethering of gas tanks as per recommendation 5 of the Perth Hills Keelty Report, which is as follows;

*“Recommendation 5*

*Local Government recognise the work of the Gas Technical Regulatory Council and ensure any amendments to the Australian Standard are enforced.*

*Local Government provide information to residents on any changes to the Australian Standard relating to tethering gas tanks and encourage property owners to take action to comply with the Standard.”*

**Consultation:**

The preparation of the 2012/2013 Fire Regulation Notice has involved consultation with the Shire of Denmark Fire Control Officers, the Director of Community and Regulatory Services, the Community Emergency Services Manager and feedback from landowners.

The Fire Regulation Notice will also be sent to all landowners within the Shire as an alternative to publishing the notice in the Government Gazette.

**Statutory Obligations:**

The Bush Fires Act 1954 gives Council the statutory power to issue a Fire Regulation Notice.

Section 33(1) of the Bush Fires Act 1954 that Council may give notice in writing to an owner or occupier of land situated within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area.

**Policy Implications:**

Council has several policies relevant to the Fire Regulation Notice. The Fire Regulation Notice will comply with these policies. The policies mainly refer to the number of brigades, open air fires, burning periods, etc.

**Budget / Financial Implications:**

It is proposed that the Fire Regulation Notice for 2012/2013 be professionally printed. It is estimated that this will cost \$2,800 and an allocation request has been made in the Draft 2012/ 2013 Municipal Budget to cover the printing and distribution of the Notice.

**Strategic Implications:**

Bushfire prevention and control is an important strategic initiative of the Shire.

**Sustainability Implications:****➤ Environmental:**

The adoption, distribution and enforcement of 2012/2013 Fire Regulation Notice will reduce the risk that bush fires pose to Denmark's local environment.

**➤ Economic:**

The adoption, distribution and enforcement of 2012/2013 Fire Regulation Notice will reduce the risk that bush fires pose to Denmark's economy.

**➤ Social:**

The adoption, distribution and enforcement of 2012/2013 Fire Regulation Notice will reduce the risk that bush fires pose on the social fabric and the amenity of Denmark's neighbourhoods.

The 2012/2013 Fire Regulation Notice also makes reference to the need to reduce the smoke nuisance from fires wherever practical.

**Voting Requirements:**

Simple majority.

6.03pm – Cr Rowland left the room.

6.05pm – Cr Rowland returned to the room.

<p><b>COUNCIL RESOLUTION &amp; COMMITTEE &amp; OFFICER ITEM 9.2</b> RECOMMENDATION MOVED: CR SEENEY SECONDED: CR ROWLAND That Council adopt the 2012/2013 Fire Regulation Notice which has been approved at the Bush Fire Advisory Committee at its 7 June 2012 meeting. CARRIED: 10/0 Res: 140712</p>
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**6.08pm - Public Question Time**

*The Deputy Shire President stated that the second public question time would begin however there were no members of the public present.*

<b>9.3</b>	<b>BUSH FIRE ADVISORY COMMITTEE - TRAINING STANDARDS PROCEDURE FOR BUSH FIRE BRIGADES</b>
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<b>File Ref:</b>	FIRE.1
<b>Applicant / Proponent:</b>	Shire of Denmark
<b>Subject Land / Locality:</b>	Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	11 July 2012
<b>Author:</b>	Nathan Hall, Community Emergency Services Manager
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Attachments:</b>	No

**Summary:**

The objective of this procedure is to establish minimum training standards for bush fire brigade volunteers. The benefits of such a procedure include;

1. Providing fire fighters with a sound knowledge base to undertake the required duties of the position they hold, minimise injury to themselves, fellow fire fighters and the community;
2. Enabling fire fighters to keep up to date with the latest information and technology in fire fighting;
3. Increasing the effectiveness and efficiency of bush fire suppression; and
4. Enabling effective participation in responding to fire incidents in jurisdictions outside the Shire of Denmark.

**Background:**

The Shire of Denmark does not currently have a written procedure that sets out a standard of training for its volunteer bush fire fighters. Previously there was an “unwritten rule” that fire fighters would complete the now outdated fire fighting modules 1-3. While the majority of our volunteers have completed this training there is still no procedure in place outlining a standard of training for all volunteer bush fire fighters.

At its December 2011 meeting the Bush Fire Advisory Committee (BFAC) was presented with a proposal that sought to establish a minimum training standard which was consistent with a “Settlement Brigade (Rural/Semi Rural)” training profile and resulted in the following recommendation to Council;

*That the Committee recommended that Council adopt the following procedure;*

*“That all new Volunteer Bush Fire Brigade members shall complete within 12 months of joining a brigade the following training courses, to form a minimum standard of training, before undertaking active duty on a fire ground:*

- *Volunteer Fire Induction (Induction at local brigade by FCO)*
- *Introduction to Fire Fighting (1 day FESA course)*
- *Bush Fire Fighting (1 day FESA course)*

*The nominated person responsible for the policies implementation;*

*The Community Emergency Services Manager will have responsibility for the implementation of this procedure, the organisation and implementation of an adequate and ongoing training program to ensure that brigade members have sufficient opportunities to achieve this training standard.*

*The Community Emergency Services Manager will have responsibility for ensuring that training records are kept and correlated with FESA’s training records.*

*The Officer is of the view that an additional clause; "All current brigade members shall complete or up skill to these minimum training requirements by 1<sup>st</sup> January 2014 if they wish to continue active duty on a fire ground", should be included in the final procedure."*

Council considered this recommendation at its Ordinary Meeting held on the 17 January 2012 and resolved as follows; (Resolution No. 160112):

*"That Council prior to consideration of the adoption of a Volunteer Fire Fighting Procedure, invite comment from the Bush Fire Advisory Committee and the Volunteer Bush Fire Brigades and their members."*

The CESM then prepared the following revised procedure in response to this Resolution, the discussion in Council and feedback from individual Councillors and Brigade FCOs. After consideration, it was presented to the BFAC at its March 2012 meeting to take back to their brigades for comment, with the expectation that it would be referred back to the June 2012 meeting for a decision.

*"That Council apply the "Settlement Brigade (Rural/Semi Rural)" training profile as outlined in the FESA "Guidelines for Bush Fire Brigades" manual as a standard for brigade training and qualifications.*

*That as of the 1<sup>st</sup> July 2012 all new Volunteer Bush Fire Brigade members shall complete the following training courses, to form a minimum standard of training within a 12 month period;*

- *Volunteer Fire Induction (Induction at local brigade by FCO)*
- *Introduction to Fire Fighting (1 day FESA course)*
- *Bush Fire Fighting (1 day FESA course)*

*Whilst a new member will be able to attend an incident within this 12 month period, the most senior brigade officer in charge at the time must take into consideration the appropriateness and relevant safety concerns related to the incident that the member will be attending.*

*That existing members be encouraged to complete/undertake the training required to meet the "Settlement Brigade (Rural/Semi Rural)" training profile as is relevant to their position within the brigade.*

*That the CESM, where possible, work with existing members on a case by case basis to assist them in obtaining the minimum standard of training through assessing their current training qualifications and completing any gap training as identified.*

*That in order to reinforce brigade culture towards ongoing training, prioritising and organising of training courses and to assist in the distribution of personal protective equipment (PPE), brigade secretaries will review and update their brigade membership lists annually with assistance from the CESM.*

*In reviewing the membership lists the Brigades will be requested to categorise their members into one of the following categories;*

**Active Fire Fighter**, Priority 1 – *Attends callouts, meetings and training sessions on a regular basis. Has top priority to receive PPE and attend training courses.*

**Active Fire Fighter**, Priority 2 – *New members in their first 12 months of service and members for whatever circumstances are unable to attend callouts, meetings and training sessions on a regular basis.*

**Auxiliary Brigade Member** – Members who performs support roles such as communications, catering and non operational roles.

**Resigned Member** - Members who have resigned from the Brigade, moved from the Shire or have not had an active role with the brigade for a period of 12 months, without prior notice given to the brigade's FCO. In cases where prior notice of absence is given to the brigade's FCO then the period before, which a member is classed as resigned, can be extended to 2 years at the discretion of that brigade's FCO.

The member will be removed from the brigade membership list, however their details will still be retained by FESA should that member ever wish to return to service.

**Request for Leave** – Members wishing to take a period of leave for longer than 1 year are required to formally advise the brigade FCO in writing.

The nominated person responsible for the policies implementation;

The Community Emergency Services Manager will have responsibility for;

- the implementation of this procedure, the organisation and implementation of an adequate and ongoing training program to ensure that brigade members have sufficient opportunities to achieve this training standard; and
- ensuring that training records are kept and correlated with FESA's training records".

Having had the opportunity to consult with their respective brigade members, BFAC at its 7<sup>th</sup> June 2012 meeting considered the CESM's revised procedure and resolved to make the following amended recommendation to Council:

*"That Council adopt the following recommendation as an Emergency Management Standard Operating Procedure for the Shire of Denmark;*

1. That Council apply the "Settlement Brigade (Rural/Semi Rural)" training profile as outlined in the FESA "Guidelines for Bush Fire Brigades" manual as a standard for brigade training and qualifications.
2. That as of the 1<sup>st</sup> July 2012 all new Volunteer Bush Fire Brigade members shall complete the following training courses, to form a minimum standard of training within a 12 month period;
  - Volunteer Fire Induction (Induction at local brigade by FCO)
  - Introduction to Fire Fighting (1 day FESA course)
  - Bush Fire Fighting (1 day FESA course)

*Whilst a new member will be able to attend an incident within this 12 month period, the most senior brigade officer in charge at the time must take into consideration the appropriateness and relevant safety concerns related to the incident that the member will be attending.*

3. That existing members be encouraged to complete/undertake the training required to meet the "Settlement Brigade (Rural/Semi Rural)" training profile as is relevant to their position within the brigade.
4. That the CESM or a FESA qualified assessor, where possible, work with existing members and in consultation with the relevant FCO on a case by case basis to assist them in obtaining the minimum standard of training through assessing their current training qualifications and completing any gap training as identified.

5. *That in order to reinforce brigade culture towards ongoing training, prioritising and organising of training courses and to assist in the distribution of personal protective equipment (PPE), brigades will review and update their brigade membership lists annually with assistance from the CESM.*

*In reviewing the membership lists the brigades will be requested to categorise their members into one of the following categories;*

- **Active Fire Fighter, Priority 1** – *Attends callouts, meetings and training sessions on a regular basis. Has top priority to receive PPE and attend training courses.*
- **Active Fire Fighter, Priority 2** – *New members in their first 12 months of service and members for whatever circumstances are unable to attend callouts, meetings and training sessions on a regular basis.*
- **Auxiliary Brigade Member** – *Members who performs support roles such as communications, catering and non operational roles.*
- **Honorary Life Members** – *Members who are active or perform support roles such as active fire fighting, communications, catering and non operational roles.*

*The nominated person responsible for the procedure implementation;*

*The Community Emergency Services Manager will have responsibility for;*

- *the implementation of this procedure, the organisation and implementation of an adequate and ongoing training program to ensure that brigade members have sufficient opportunities to achieve this training standard; and*
- *ensuring that training records are kept and correlated with FESA's training records".*

Broadly speaking the reasons why BFAC amended the CESM's revised proposal was that some FCO's were of the opinion that volunteers should not have to request leave of absence and that they needed sufficient flexibility in terms of membership to enable community based brigades to maintain an extended membership.

#### **Comment:**

In 2008 the Fire and Emergency Services Authority (FESA) released the "Guidelines for Bush Fire Brigades – Volunteer Training". This document outlined the recommended training requirements for bush fire brigades in relation to how the brigades were profiled.

The 15 bush fire brigades in the Shire of Denmark fall into 3 different profiles being;

- Rural Brigades
- Settlement Brigades and
- Urban Defensive Brigades.

In an attempt to achieve clarity and efficiency with the profiling it is recommended that the "Settlement brigade" profile be selected for the purpose of this training procedure as it will best accommodate the needs of the brigades. This profile still allows for and acknowledges structural fire fighting training.

With the ever increasing levels of technology being incorporated into each new generation of equipment and appliances the ongoing training of our fire fighters is extremely important not only for the effectiveness of our brigades in the use of equipment and the suppression of fires but also in ensuring the safety of our fire fighters. The updating of skills is also paramount in our constantly changing built environment where special rural and residential developments are encroaching further into our heavily forested rural areas.

With the increased levels of communication and regional cooperation between brigades there is a high likelihood that local Brigades will either be called to assist in fires outside

the Shire or working alongside brigades that have been brought in from neighbouring districts. Under these circumstances Brigades will be working under Incident Controllers who do not personally know brigade members and these controllers need to be confident that all members of our brigades have received a required level of training so that they can be effective on the fire ground.

BFAC's amendments to the revised procedure are supported by the CESM because the primary goal of the referral process was to achieve an outcome that suited the breadth of Denmark's volunteer fire fighter community. This outcome has now been achieved and it is the CESM's recommendation that Council adopt the policy as amended by BFAC.

**Consultation:**

Consultation has been conducted as per Council resolutions and the current version of this procedure has involved consultation with the Shire of Denmark FCOs, Bush Fire Brigades, the Director of Community and Regulatory Services and consideration of other Council's training procedures.

**Statutory Obligations:**

There are statutory obligations whereby our Shire has a duty of care to our volunteer fire fighters to provide a standard level of training.

**Policy Implications:**

If this procedure is adopted by Council it will become an Emergency Management Standard Operating Procedure for the Shire of Denmark.

**Budget / Financial Implications:**

There are known financial implications upon the Council's Budget in the form of an increased cost for providing the additional training to enable volunteers to acquire the minimum standard of training. This additional cost of training will be covered by Emergency Services Levy (ESL) funding in 2012/13.

**Strategic Implications:**

There are significant strategic implications relating to the report through the improved training and knowledge base of our volunteer fighters, enabling them to provide the community with a better bush fire suppression capacity.

**Sustainability Implications:**

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

➤ **Social:**

There are no known significant social considerations relating to the report or officer recommendation.

**Voting Requirements:**

Simple majority.

**COUNCIL RESOLUTION & COMMITTEE & OFFICER** ITEM 9.3  
**RECOMMENDATION**

MOVED: CR MORRELL

SECONDED: CR HINDS

That Council adopt the following recommendation as an Emergency Management Standard Operating Procedure for the Shire of Denmark;

1. That Council apply the "Settlement Brigade (Rural/Semi Rural)" training profile as outlined in the FESA "Guidelines for bush fire brigades" manual as a standard for brigade training and qualifications.
2. That as of the 1<sup>st</sup> July 2012 all new Volunteer Bush Fire Brigade members shall complete the following training courses, to form a minimum standard of training within a 12 month period;
  - Volunteer Fire Induction (Induction at local brigade by FCO)
  - Introduction to Fire Fighting (1 day FESA course)
  - Bush Fire Fighting (1 day FESA course)

Whilst a new member will be able to attend an incident within this 12 month period, the most senior brigade officer in charge at the time must take into consideration the appropriateness and relevant safety concerns related to the incident that the member will be attending.

3. That existing members be encouraged to complete/undertake the training required to meet the "Settlement Brigade (Rural/Semi Rural)" training profile as is relevant to their position within the brigade.
4. That the CESM or a FESA qualified assessor, where possible, work with existing members and in consultation with the relevant FCO on a case by case basis to assist them in obtaining the minimum standard of training through assessing their current training qualifications and completing any gap training as identified.
5. That in order to reinforce brigade culture towards ongoing training, prioritising and organising of training courses and to assist in the distribution of personal protective equipment (PPE), brigades will review and update their brigade membership lists annually with assistance from the CESM.

In reviewing the membership lists the Brigades will be requested to categorise their members in to one of the following categories;

- **Active Fire Fighter**, Priority 1 – Attends callouts, meetings and training sessions on a regular basis. Has top priority to receive PPE and attend training courses.
- **Active Fire Fighter**, Priority 2 – New members in their first 12 months of service and members for whatever circumstances are unable to attend callouts, meetings and training sessions on a regular basis.
- **Auxiliary Brigade Member** – Members who performs support roles such as communications, catering and non operational roles.
- **Honorary Life Members** – Members who are active or perform support roles such as active fire fighting, communications, catering and non operational roles.

The nominated person responsible for the procedure implementation;

The Community Emergency Services Manager will have responsibility for;

- the implementation of this procedure, the organisation and implementation of an adequate and ongoing training program to ensure that brigade members have sufficient opportunities to achieve this training standard; and
- ensuring that training records are kept and correlated with FESA's training records.

CARRIED: 10/0

Res: 150712

<b>9.4 HAZARD REDUCTION BURNING ON PRIVATE PROPERTY PROCEDURE</b>
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<b>File Ref:</b>	FIRE.1
<b>Applicant / Proponent:</b>	Shire of Denmark
<b>Subject Land / Locality:</b>	All land within the Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	11 July 2012
<b>Author:</b>	Nathan Hall, Community Emergency Services Manager (CESM)
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Attachments:</b>	9.4

**Summary:**

This report discusses a request from the Bush Fire Advisory Committee (BFAC) that Council:

- 1) Obtain a State Solicitors Office legal opinion, or where this cannot be obtained a suitably experienced solicitors opinion as to whether; when considered in conjunction with Council's Fire Regulation Notice volunteer fire fighters are authorised to conduct hazard reduction burns on private land and whether Section 35A (c) of the Bush Fires Act which relates to normal brigade duties is overridden.

And

- 2) That until such time as a legal opinion on brigades performing hazard reduction burns on private property has been obtained, brigades be directed not to conduct private property hazard reduction burns.

The report discusses this request and further recommends that this opinion be obtained from FESA as they are the custodians of the Bush Fires Act 1954 and also recommends that while in accordance with BFAC's recommendation, Brigades should be directed not to conduct burns on private property until the matter has been resolved in that the CEO be allowed to authorise brigades to conduct private property burns where staff are of the opinion that the risk factors have been adequately addressed.

In considering this issue it should be noted that the Shire of Denmark made use of what is known as the "Standard Request to Burn Form" or the "ABC Form", for completing requests to burn on Private Property (see the attached City of Armadale form as an example) but this practice has fallen by the way side in recent years.

The draft Shire of Denmark, "Request for Hazard Reduction Burning on Private Property" form (attached) has been developed to restart this practice and to bring Council's practices into line with the approach that is being increasingly taken on by other South West Councils and the Shire of Murray's form has been attached as a comparison.

**Background:**

At the January 2012 Special Committee Meeting BFAC made the following recommendation in relation to adopting a procedure that would allow Shire of Denmark's Volunteer Bush Fire Brigades to conduct control burns on private property;

*"That Council adopt the recommended procedure in relation to the Shire's volunteer bush fire brigades conducting hazard reduction burns on private property with the following amendments;*

1. A clause is added to the burn request form, below the indemnity clause, stating "I understand that if this burn is not able to be completed by the brigade, the land owner is still required to comply with the Shire's Fire Regulation Notice".

2. *The Community Emergency Services Manager replaces the word "authorise", under the Authorisation Section of the Request Form, with a word which clarifies that the Shire of Denmark still maintains responsibility for the activity".*

Following this recommendation the burn request form was updated to include the below indemnity clause, stating that:

*"I understand that if this burn is not able to be completed by the brigade, the land owner is still required to comply with the Shire's Fire Regulation Notice".*

In terms of BFAC's query regarding the use of the word "authorisation" advice has been sought from John Abercrombie, the Divisional Manager for Liability for Local Government Insurance Service (LGIS) who are the insurance company that provides the insurance to Local Governments for their bush fire brigades and John has advised that;

Upon looking up the word "authorise" in the Oxford dictionary (online) the meaning of "authorise" was given to be "to give official permission for or approval to (an undertaking or agent)".

Given this meaning John, the CESM and the CEO were all satisfied that the word "authorise" would be the appropriate terminology for this procedure and that the resultant form if completed correctly would cover both the Council and volunteer bushfire brigades in their responsibilities when hazard reduction burns are undertaken.

At its 17 January 2012 Meeting Council referred the issue of Shire of Denmark Volunteer Bush Fire Brigades conducting control burning on private property procedure back to BFAC for further discussion in the following Resolution (Resolution No. 200112).

*"That the matter be referred to the Bush Fire Advisory Committee for comment and recommendation to Council."*

As requested by Council an agenda item relating to the Shire of Denmark Volunteer Bush Fire Brigades conducting control burning on private property procedure was placed on the 7<sup>th</sup> June 2012 BFAC meeting and before any substantial discussion had taken place the following motions were carried by the Committee;

*"That the Bush Advisory Committee recommends to Council that in regards to hazard reduction burns on private property that Council seek a State Solicitors Office legal opinion, or where this cannot be obtained a suitably experienced solicitors opinion as to whether; when considered in conjunction with Council's fire regulation notice volunteer fire fighters are authorised to conduct hazard reduction burns on private land and whether Section 35A (c) of the Bush Fires Act which relates to normal brigade duties is overridden."*

*"That the Bush Advisory Committee recommends to Council that until such time as a legal opinion on brigades performing hazard reduction burns on private property has been obtained, brigades be directed not to conduct private property hazard reduction burns."*

**Comment:**

Section 35 A (c) of the Bush Fires Act 1954 states as follows;

*"any bush fire prevention activity including the burning, ploughing or clearing of fire-breaks or any other operation, including but without being limited to, the inspection of fire-breaks or other works and the survey of areas for the purpose of detecting fire or ascertaining the need for precautions against the outbreak of fire, but not including the activities of an owner or occupier providing a fire-break or fire prevention works on his own property in order to comply with a notice given under section 33(1) or a local law made under section 33(5a);"*

The words *“but not including the activities of an owner or occupier providing a fire-break or fire prevention works on his own property in order to comply with a notice given under section 33(1) or a local law made under section 33(5a)”* under Section 35 A (c) are what has given rise to the BFAC’s concerns in relation to possible conflicts with Council’s Fire Regulation Notice.

While Council staff are confident that the proposed form and procedure are consistent with wider local government practice and within the powers granted under the Bush Fires Act 1954, there would be benefit to obtaining clarity on this matter through some legal avenue. Whilst Council could obtain legal clarity through a State Solicitors Office this would involve some considerable cost to Council and for this reason the Author recommends that Council obtain this advice from the Fire and Emergency Services Authority’s (FESA) legal team, who are the custodians of the Bush Fires Act 1954 and the Hazard Management Agency for Bush Fires in Western Australia.

Once an opinion has been obtained from FESA the matter would then be referred back to the BFAC for comment and further recommendation to Council.

In the meantime, given the BFAC’s second recommendation, it is important that Council advise its Bush Fire Brigades that until such time as a legal opinion on brigades performing hazard reduction burns on private property has been obtained and endorsed by Council, they are not permitted to conduct private property hazard reduction burns without the express authorisation of the Chief Executive Officer.

**Consultation:**

In developing this report the CESM has consulted with the Chief Bush Fire Control Officer (Graeme Thallon) and the Director of Community and Regulatory Services (Gregg Harwood).

The CESM has already begun the process of seeking advice from FESA’s legal team via the FESA District Manager.

**Statutory Obligations:**

Section 33(4) and 33(6) of the Bushfires Act 1954 relate to this issue.

Nowhere under the Act or within Council’s Policies are bush fire brigades given the authority to conduct fire mitigation burns on private land without authorisation from the Local Government/Council.

Without such authorisation one would have to seriously consider the consequences of conducting fire mitigation burns on private land and what impact there would be on individual fire fighters or Council’s insurance policies if a Brigade were to be found NOT to be operating within the parameters of the Act.

Section 33(4) deals with a property owner not complying with a fire regulation notice and Local Government/Council authorising a brigade to conduct fire mitigation measures on private land and Section 33(6) deals with a property owner requesting assistance from Local Government/Council (owner of the bush fire brigades) to conduct fire mitigation measures on their land.

In light of recent views undertaken by FESA in regards to prescribed burning, it is recommended that the Chief Executive Officer require a risk assessment of the proposed burn prior to providing authorisation (this requirement is detailed on the draft Prescribed Burning Application Form).

**Policy Implications:**

There are no known policy implications in relation to this report, the Committee’s Recommendation or the Officer’s Recommendation.

**Budget / Financial Implications:**

There are financial implications upon the Council's current Budget as a result of the officer report and recommendation as private property owners having the hazard reduction undertaken on their properties will be required to pay the quoted amount to the Shire who will then pass this money back to the brigade(s) conducting the burn.

If Council was to seek a legal opinion from private solicitors, it is estimated to cost approximately \$5,000.

**Strategic Implications:**

There are significant strategic implications relating to the officer report and recommendation as the procedure would enable private properties owners within the Shire to reduce their fire fuel risk and become more resilient to bush fires resulting in a safer community. Bush Fire Brigades will also be able to hone their skills through more regular use of their equipment.

**Sustainability Implications:****➤ Environmental:**

There are environmental considerations relating to the officer report and recommendation as privately owned bush land areas will be subject to control burning and if these burns are conducted correctly they will assist in reducing environmental damage that occurs during wild fires.

**➤ Economic:**

There are economic considerations relating to the officer report and recommendation as the money raised from conducting the hazard reduction burns will go towards funding improvements at Bush Fire Brigades.

**➤ Social:**

There are known social considerations relating to the officer report and recommendation as the additional funding would enable brigades to increase their ability to provide regular social events that could result in the retention and/or increase of brigade memberships.

**Voting Requirements:**

Simple majority.

**COMMITTEE RECOMMENDATION****ITEM 9.4**

That the Bush Advisory Committee recommends to Council that in regards to hazard reduction burns on private property that Council seek a State Solicitors Office legal opinion, or where this cannot be obtained a suitably experienced solicitors opinion as to whether; when considered in conjunction with Council's Fire Regulation Notice Volunteer Fire Fighters are authorised to conduct hazard reduction burns on private land and whether Section 35A (c) of the Bush Fires Act which relates to normal brigade duties is overridden.

**COMMITTEE RECOMMENDATION****ITEM 9.4**

That the Bush Advisory Committee recommends to Council that until such time as a legal opinion on brigades performing hazard reduction burns on private property has been obtained, brigades be directed not to conduct private property hazard reduction burns.

Reason for revised Officer Recommendation:

- 1) FESA have their own legal team on the matter as they are the custodians of the Bush Fires Act 1954 and the Hazard Management Agency for Bush Fires in Western Australia and it would be cheaper and quicker for Council to seek their advice on the matter.

- 2) The revised Officer Recommendation better achieves the intent of BFAC's recommendation by requiring that the legal opinion be referred back to them.
- 3) While it is appropriate that the BFAC as the volunteer fire fighters should be able to direct brigades not to conduct burns if it has reason to do so, it is also appropriate and that Council's CEO retain the ability to issue permission to a brigade to conduct a burn on private property where Council staff are confident all of the risk factors have been reasonably addressed.

## OFFICER RECOMMENDATION

## ITEM 9.4

That in relation to the draft procedure for its Bush Fire Brigades conducting hazard reduction burns on private property, Council;

1. Requests that the Chief Executive Officer seek a legal opinion from the Fire and Emergency Services Authority (FESA) in relation to the Bush Fires Act 1954, with a specific focus on section 35A(c).
2. That once an opinion has been obtained that the matter be referred to the Bush Fire Advisory Committee for comment and recommendation to Council.
3. Formally advise the Bush Fire Brigades that until such time as a legal opinion on brigades performing hazard reduction burns on private property has been obtained and approved by Council, that Brigades be directed not to conduct private property hazard reduction burns without the express permission of the Chief Executive Officer.

Following the meeting of the Bush Fire Advisory Committee, the Community Emergency Services Manager wrote to the FESA District Manager, Russell Gould on the 9 July 2012 requesting advice on the legality of bush fire brigades being able to burn on private property, particularly with reference to section 35A (c) of the Bush Fires Act 1954.

The FESA District Manager forwarded the query to Cameron Boyle, FESA's Policy Officer, Legal & Legislation, Governance & Strategy Officer who provided the following response.

*"Hi Russell,*

*I apologise for being unable to look at this issue until now.*

*Firstly, I note committee decision 5.3.5 asking that the Council seek advice from State Solicitor's Office regarding the conducting of hazard reduction burns on private property. State Solicitors operate to provide advice to Cabinet, Ministers and State Agencies. They do not give legal advice to local governments. I am also similarly limited in the advice that I can give. FESA can give general guidance to local governments, but it is usually only referring them to the relevant sections of the act or providing basic assistance. If a local government needs in-depth advice on a specific issue, we usually inform them to seek independent legal advice.*

*Having read through the attached documents, I note that the Shire's Standard Operating Procedures state there are two primary circumstances in which a bush fire brigade may undertake hazard reduction on private property. Firstly, pursuant to sections 33(1) – (4) of the Bush Fires Act 1954 (the Act), where a local government has provided a notice to an owner or occupier requiring the clearing of land and the owner/occupier does not comply with that notice, the relevant local government may direct a bush fire control officer to enter the land and undertake the hazard reduction required in the original notice. Pursuant to section 33(5) of the Act, any costs incurred in doing this work may be recovered by the local government in court.*

*Secondly, section 33(6) provides that an owner/occupier may request that a local government carry out any hazard reduction works on their land. The local government may then authorise a bush fire brigade to carry out this function on their behalf. Any such works under this section are at the expense of the owner/occupier.*

*In addition to these two circumstances section 35A of the Act provides that normal brigade activities includes:*

*(c) any bush fire prevention activity including the burning, ploughing or clearing of fire-breaks or any other operation, including but without being limited to, the inspection of fire-breaks or other works and the survey of areas for the purpose of detecting fire or ascertaining the need for precautions against the outbreak of fire, but not including the activities of an owner or occupier providing a fire-break or fire prevention works on his own property in order to comply with a notice given under section 33(1) or a local law made under section 33(5a)*

*Section 38(4) then states that a bush fire control officer, subject to the directions of the relevant local government, may take such measures necessary or expedient and practicable for carrying out normal brigade activities. This includes bush fire prevention activities. Be aware that section 35A of the act does state that the definition of bush fire prevention does not include the activities of an owner/occupier doing fire prevention work on their own property. I consider that this only limits the coverage for an owner/occupier with regards to insurance under the Act (see section 37). However, this is an issue that may warrant further consideration.*

*It can be seen that a bush fire control officer, and consequently a bush fire brigade, may undertake hazard reduction under these three powers. Section 33 provides two more specific scenarios, whereas section 38 provides a general power. It is important to note that in each of these powers, the bush fire control officer is operating on behalf of, or subject to, the local government.*

*As I am unable to provide advice on the Shire's particular circumstances, I can only look to see whether the SOPs comply with the Act. Based on the documents attached, I am satisfied that the SOPs are not inconsistent with the Act. I would only note that the SOPs only deal with the circumstances under section 33(6) of the Act where an owner/occupier is requesting hazard reduction on their land. The SOPs should probably also contain a process for undertaking hazard reduction following an owner/occupier failing to comply with a fire regulation notice. In addition, there should also be some consideration as to the use of the general power in section 38(4) whereby a bush fire control officer may undertake bush fire prevention subject to the directions of the relevant local government. The processes may be similar, but it is worth noting that they are undertaken under legislative processes.*

*As stated above, for the other issues raised by the Shire (such as coverage by insurance and indemnity clauses) I would recommend that the Shire seek independent legal advice.*

*I am happy to discuss this further.*

**Cameron Boyle** | Policy Officer, Legal & Legislation | Governance & Strategy | Fire & Emergency Services Authority of WA”

Given this response, the Director of Community & Regulatory Services proposed an Alternate Recommendation.

**COUNCIL RESOLUTION & ALTERNATE OFFICER RECOMMENDATION ITEM 9.4**  
MOVED: CR SYME SECONDED: CR MORRELL

That in relation to the draft procedure for its Bush Fire Brigades conducting hazard reduction burns on private property, Council;

1. Requests that the Chief Executive Officer seek a legal opinion from its Solicitors in relation to the Bush Fires Act 1954, with a specific focus on section 35A(c), as a matter of urgency.
2. That once an opinion has been obtained that the matter be referred to the Bush Fire Advisory Committee for comment and recommendation to Council.
3. Formally advise the Bush Fire Brigades that until such time as a legal opinion on brigades performing hazard reduction burns on private property has been obtained and approved by Council, that Brigades be directed not to conduct private property hazard reduction burns without the express permission of the Chief Executive Officer.

CARRIED: 10/0

Res: 160712

**REASONS FOR CHANGE**

In part 1 of the Officer's Recommendation, Council replaced the words "the Fire and Emergency Services Authority (FESA) in relation to the Bush Fires Act 1954, with a specific focus on section 35A(c)" with the words "its Solicitors in relation to the Bush Fires Act 1954, with a specific focus on section 35A(c), as a matter of urgency".

<b>9.5 SHIRE OF DENMARK LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS</b>
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<b>File Ref:</b>	ORG.20
<b>Applicant / Proponent:</b>	Local Emergency Management Committee
<b>Subject Land / Locality:</b>	Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	11 July 2012
<b>Author:</b>	Nathan Hall, Community Emergency Services Manager
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Attachments:</b>	9.5 a) – Local Emergency Management Arrangements 9.5 b) – 2012 Risk Register

**Summary:**

This report discusses and proposes that Council adopt a recommendation from the Local Emergency Management Committee's (LEMC) 26<sup>th</sup> June 2012 Special Meeting that the Council adopt the recently completed Shire of Denmark Emergency Management Arrangements.

**Background:**

Over the past 2 years, as a requirement of the Emergency Management Act 2005, Shire staff and the LEMC have been developing and reviewing the Shire of Denmark Local Emergency Management Arrangements.

To ensure that the arrangements were completed and distributed before the start of the 2012/13 bush fire season, the LEMC held a Special Meeting on the 26<sup>th</sup> June 2012 and moved the following motion recommending that Council adopt the arrangements;

*“That the Local Emergency Management Committee recommends to Council that it adopts the Local Emergency Management Arrangements, as amended, which comprises of the following segments which outline the procedures of how an emergency situation should be managed;*

1. *Introduction*
2. *Planning*
3. *Response*
4. *Evacuation*
5. *Welfare*
6. *Recovery*
7. *Contacts Directory*
8. *Exercising and Reviewing.”*

**Comment:**

A considerable amount of time, effort and consultation has gone into developing these comprehensive and detailed arrangements by Directorate of Community and Regulatory Services staff. As a collected set of documents they form the necessary procedures of how an emergency situation should be managed within the district and enables emergency services within this area to cooperate and have an equal understanding of how the functions of planning, response, evacuation, welfare and recovery should operate.

By developing these arrangements in a locally focused, collaborative fashion it has ensured that they reflect the culture and priorities of the local community in respect to emergency management.

The arrangements were drafted with the assistance of Adam Smith, Community Emergency Management Officer at FESA Great Southern and John Lane who is the Western Australian Local Government Association's (WALGA's) Coordinator of Emergency Management Services and with their combined knowledge represent the best in industry practice in local authority emergency management arrangements.

An additional benefit of the “in house” approach to the development of these arrangements is that Council has saved \$30 - 40 thousand dollars that would have been required if the task had been contracted out to a consultant and the considerable corporate knowledge has been built up and retained in the organisation and its volunteer base meaning that Council now has a greater emergency management response capacity.

**Consultation:**

The Local Emergency Management Committee, FESA, WALGA, the Director of Community and Regulatory Services (Gregg Harwood), the Community Emergency Services Manager (Nathan Hall) and Project Officer (Lee Shelley) were consulted in the development of these arrangements.

**Statutory Obligations:**

Under section 36(a) of the Emergency Management Act 2005 all local governments within Western Australia are required to ensure that effective local emergency management arrangements are prepared and maintained for its district.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

There are financial implications upon the Council's budget that relate to the printing and distribution of the arrangements. This cost can be met under the LEMC management and consultancies account for 2012/13.

The in house preparation of these arrangements in house has saved Council an estimated amount of \$30-40,000 in consultant's fees.

**Strategic Implications:**

The arrangements will provide the Shire and all the local Denmark emergency management groups/units with a significant and very comprehensive document that includes the procedures of how an emergency situation should be managed within the Shire of Denmark.

**Sustainability Implications:****➤ Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

**➤ Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

**➤ Social:**

There are no known significant social considerations relating to the report or officer recommendation.

**Voting Requirements:**

Simple majority.

**COUNCIL RESOLUTION & COMMITTEE & OFFICER ITEM 9.5  
RECOMMENDATION**

MOVED: CR ROWLAND

SECONDED: CR GILLIES

That the Council adopts the Local Emergency Management Arrangements, as amended, which comprises of the following segments which outline the procedures of how an emergency situation should be managed;

1. Introduction;
2. Planning;
3. Response;
4. Evacuation;
5. Welfare;
6. Recovery;
7. Contacts Directory; and
8. Exercising and Reviewing.

CARRIED: 10/0

Res: 170712

**10. MATTERS BEHIND CLOSED DOORS**

Nil

**11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

Nil

**12. CLOSURE OF MEETING**

*6.45pm - There being no further business to discuss the Deputy Shire President, Cr Sampson, declared the meeting closed.*

The Chief Executive Officer recommends the endorsement of these minutes at the next meeting.

Signed: \_\_\_\_\_

*Dale Stewart – Chief Executive Officer*

Date:

These minutes were confirmed at the meeting of the \_\_\_\_\_

Signed: \_\_\_\_\_

*(Presiding Person at the meeting at which the minutes were confirmed.)*