

AGENDA

FOR THE ORDINARY MEETING

OF COUNCIL

TO BE HELD ON

THURSDAY 5 DECEMBER 2013

Commencing 11.00 am

SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS ON THURSDAY 5 DECEMBER 2013 COMMENCING AT 11.00 am.

S Daishe

Chief Executive Officer

1 December 2013

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on Acronyms31



Agenda for the Ordinary Meeting of the Yalgoo Shire Council, to be held in the Council Chambers, 37 Gibbons Street, Yalgoo, on Thursday 5 December 2013, commencing at 11.00 am.

1. DECLARATION	OF	OPENING	/ANNOl	JNCEMENT	OF	VISITORS
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2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS

STAFF

GUESTS

OBSERVERS

LEAVE OF

ABSENCE

APOLOGIES

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

4.	PUBLIC QUESTION TIME	
4.1	RESPONSE TO QUESTIONS TAKEN ON NOTICE	
4.2	QUESTIONS WITHOUT NOTICE	
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	
6.	APPLICATIONS FOR LEAVE OF ABSENCE	
7.	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED	
7.1	PRESIDENT	
Date	Details	Attended with whom
7.2	COUNCILLORS	
Date	Details	Councillors

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

Background

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

Voting Requirements

Simple majority

Officer Recommendation

Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting Held on 25 October 2013 be confirmed.

Moved: Seconded: Motion put and carried/lost

9. MINUTES OF COMMITTEE MEETINGS

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters

10.0 INFORMATION ITEMS

Sharing of operational information on items that are not confidential, do not require a decision and do not meet the definition of matters for which the meeting may be closed under section 5.23 of the Local Government Act (eg: matters affecting employee/s or the personal affairs of any person).

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 WORKS AND SERVICES

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.2.1 Refurbishment of Shire House at 30 Selwyn Street

File:

Author: Mark Buckerfield, Acting EMWI

Interest Declared: No interest to disclose Date: 25 November 2013

Attachments

Nil

(yellow)

Matter for Consideration

For Council to approve a budget amendment for the refurbishment of Shire house at 30 Selwyn Street, Yalgoo, for staff housing.

Background

Allowance was made in the 2012/13 annual budget of \$150,000 (income from CLGCF) for the refurbishment of a Shire house at 30 Selwyn Street, Yalgoo.

This grant allocation was made against an estimate prepared more than 12 months ago, and now with final project scope and estimate on hand, it's apparent that the project cost is \$213,730. (+GST)

Statutory Environment

Local Government Act 1995

- s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.
- 6.8. Expenditure from municipal fund not included in annual budget
 - (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.
 - * Absolute majority required.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	Reduction in funds available for future projects
Asset Management Plan	Replacement of staff housing
Workforce Plan	Better housing will assist with staff retention.
Policy	10.1 Occupational Safety and Health providing a safe and healthy work environment so far as practicable
	10.2 Employees Heath and Safety Policy -

Business Implications

Financial (short term/	Additional expenditure outside of normal budget scope.
annual budget)	

Consultation

Terry Iturbide, Shire President

Sharon Daishe, CEO

Comment

Below are the details of the estimated costs of the project at 30 Selwyn Street.

ITEM	CONTRACTOR	ESTIMATE
Plumbing	C.Hanson	\$25,000.00
Electrics	K. Crowe	\$20,000.00
Earthworks/Concrete Slab	Western Bros.	\$18,500.00 QUOTED
Carpentry	N & N Carpentry	\$30,000.00 QUOTED
Rammed Earth	Murchison R E	\$23,000.00QUOTED
Asbestos Removal	Mt. Magnet	\$10,000.00
Roof Sheeting	One Steel	\$6,000.00
Windows & Doors	Parker Aluminium	\$7,500.00
Installation of above		\$3,000.00
Gyprock	Geraldton Gyprock	\$5,000.00
Tiling	Geraldton Ceramics	\$2,000.00
Tile laying		\$10,000.00
Painting		\$5,000.00QUOTED
Plumbing Fixtures		\$5,800.00
Wardrobes		\$4,000.00
Vinyl Floor Coverings		\$10,000.00
Door Architraves		\$1,500.00
Kitchen		\$ 8,000.00
TOTAL		\$194,300.00
Allow 10% for contingencies		<u>\$19,430.00</u>
TOTAL		\$213,730.00

It is the officer's recommendation that the additional \$63,700 be allocated from the Council's Building Reserve account.

The refurbishment of this house will contribute to the Shires' ability to retain staff and economically engage and house contractors in the area.

Voting Requirements

Absolute Majority

Officer Recommendation

Budget Amendment Refurbishment of Shire House at 30 Selwyn Street

That Council:

- 1. Authorises a capital budget expenditure amendment of \$63,730 for the refurbishment of Shire house at 30 Selwyn Street, Yalgoo.
- 2. Authorises the additional expenditure to be funded from the Building Reserve.

Moved: Seconded: Motion put and carried by Absolute Majority/lost

11.2.2 Application by Valerie Enterprises Pty Ltd to Install Two (2) Second Hand Transportable Accommodation Units on Lots 61 and 62 Gibbons Street, Yalgoo

File:

Author: William Atyeo, EHO/BS/TP
Interest Declared: No interest to disclose
Date: 21st November 2013

Attachments P1 Layout Plan for Lots 61, 62, 63 and 64 Gibbons Street

(yellow)

Matter for Consideration

Council has received an application from the owner of the Yalgoo Hotel seeking Planning Approval to install and use two (2) second-hand accommodation units. Each unit measures 14400 mm x 3300 mm and will have attached a 2000 mm wide verandah.

Background

The owner of the hotel has for some time recognised and acknowledged that there is a real need to increased accommodation availability at the Yalgoo Hotel. To this end the owners have purchased two second-hand transportable units which are similar to the ones at Paynes Find.

Statutory Environment

The Shire of Yalgoo Town Planning Scheme No 2

4.3.2 The symbols used in the cross reference in the Zoning Table have the following meanings—

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

'X' means a use that is not permitted by the Scheme.

TABLE I: Zoning Table

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan	Increases Accommodation available to the visitors to Town and itinerant
	workers.
Corporate Business Plan	Nil
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/	Nil
annual budget)	

Consultation

Mr Stan Willock – Representative of Valerie Investments Pty Ltd – Manager of Hotel

Comment

The lots of land involved in this application are Lots 61 and 62 Gibbons Street and these are owned by the owners of the Hotel, Valerie Investments Pty Ltd. Currently there is a motel unit on the land and this straddles the boundary between Lots 61 and 62. This means that unless structures that are straddling the boundaries of the Lots are removed or located, the Hotel and all associated buildings must be sold as one commercial enterprise.

Both Lots 61 and 62 are zoned "Commercial" in the Yalgoo Town Planning Scheme No 2, and the use as a "Motel" has a symbol **D** in the relevant zoning table which indicates that this use is not permitted unless Council uses it's discretional powers by issuing a Planning Approval. I can see no impediment to Council granting this application by Valerie Enterprises Pty Ltd to install 2 accommodation units in the approx locations as shown on the hand drawn layout plan as presented to Council.

The drawing shows security fencing to the whole of the area with an entrance and gateway off Gibbons Street. It also shows new septic/pump out tanks which are also fenced off and the effluent plumbed into the existing disposal system.

Council will need to find another location to place the cardboard recycling bin, but I am sure this can be addressed without too much disruption.

I would recommend some conditions be placed on this development that will further improve the aesthetics of the area and improve the presentation of the older existing unit with fronts Gibbons Street and these will be contained within my recommendation to Council.

I feel that the proposed development will:

- Significantly raise the standards of the facilities offered to the general public.
- Enhance the amenity of the area and improve the aesthetics of the Yalgoo Town main Street.
- Compliment the proposed development by the Shire with the revitalisation of the town.
- Provide additional accommodation facilities which may attract tourists and motorists into the town.



Voting Requirements

Simple Majority

Officer Recommendation

Application by Valerie Enterprises Pty Ltd to Install Two (2) Second Hand Transportable Accommodation Units on Lots 61 and 62 Gibbons Street, Yalgoo.

That Council use its discretion powers under the Shire of Yalgoo Town Planning Scheme No 2 to approve the development applied for by Valerie Enterprises Pty Ltd represented by Mr Stanley Willock to install 2 second-hand transportable accommodation units on Lots 61 and 62 Gibbons Street in Yalgoo.

That Council determine that the following conditions will apply to this approval given to the proposed development:

- 1. All building work and development will comply with all legal requirements under the Building Act 2011, the Health Act 1911 and all other relevant legislation appropriate for this development.
- 2. The use hereby permitted shall not cause injury to or prejudicially effect the amenity of the locality by reason of the processes carried on, the materials, goods and machinery used and stored or by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- 3. The use of the premises as applied for shall not be changed or added to without the consent of Council
- 4. No incinerator is to be provided or used on the site. All refuse shall be regularly removed to Council's tip.
- 5. The area between the finished ground level and the finished floor level of the existing accommodation unit fronting Gibbons Street is to be filled in with an appropriate material.
- 6. The external cladding of the existing accommodation unit fronting Gibbons Street is to be repainted in an appropriate colour that is similar to the colour scheme of the new transportable accommodation units to be installed on the lots.
- 7. All cracked or broken panels of external cladding to the existing accommodation unit fronting Gibbons Street are to be replaced with appropriate material.
- 8. The front entrance steps to the existing accommodation unit fronting Gibbons Street are to be replaced with sound materials and in accordance with the "step" and "tread" requirements of the Building Code of Australia (BCA).
- 9. All new fencing is to be constructed of sound materials only, and if required this fencing will be painted to match existing fencing over the four allotments.

Moved:	Seconded:	Motion put and carried/lost

11.3 FINANCE

11.3.1 Financial Activity Statements and Accounts Paid for the Month of October 2013.

File:

Author: Heather Boyd, EMC Interest Declared: No interest to disclose Date: 13 November 2013

Attachments P1 Financial Activity Statements - R34 (1)

(White) P27 Major Project Progress Reports - C2012-0320

BD008 Staff Housing: Weekes StCA002: Caravan Park: Major Upgrade

RC003 Yalgoo Community Hub: Community and Youth Centre

RC003 Yalgoo Covered Sports

P32 Schedule of Payments - R13(1)

Matter for Consideration

Adoption of the monthly financial statements, major project progress report and schedule of payments for the month of October 2013.

Background

- The Local Government Act and Regulations require local governments to prepare monthly reports
 containing the information that is prescribed and require the Chief Executive Officer to prepare a list of
 accounts paid.
- 2. Council, at the ordinary meeting held in March 2012, requested that a status report for major projects be included in the monthly financial reports (decision C2012-0320). Where relevant this additional report is included in the attachments for the information of council.

Statutory Environment

Local Government Act 1995

Section 6.4–Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996

Reg 13(1)—Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

Strategic Implications

Provision of timely accounting information to inform Council of the financial status and financial affairs of the local government.

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

Policy Implications

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

Financial Implications

Payments from Council's Municipal Account as disclosed in the budget or subsequently approved.

Consultation

Shire accountants UHY Haines Norton.

Comment

The Shire utilises the services of accountants UHY Haines Norton to prepare the monthly financial statements in the statutory format and provide general accountancy support and advice.

A copy of the Statement of Financial Performance is included in the financial attachments with the investment register and schedule of payments.

The areas where material variances have been experienced (10% or \$10,000 above or below budget) are commented on in the material variance attachment.

Voting Requirements

Simple Majority

Officer Recommendation

R34 (1) - Financial Activity Statements for the Month of October 2013.

That Council adopts the financial activity statements for the period ending 31 October 2013, as attached.

Moved: Seconded: Motion put and carried/lost

Officer Recommendation

R13 (1) - List of Accounts Paid for the Month of October 2013

That Council receives the Schedule of Payments for accounts paid in the month of October 2013.

Moved: Seconded: Motion put and carried/lost

11.3.2 Donation to the Isolated Children's Parents' Association of WA (Inc)

File:

Author: Heather Boyd, EMC
Interest Declared: No interest to disclose
Date: 13 November 2013

Attachments P2 Letter from Isolated Children's Parents' Association of WA (Inc)

(yellow)

Matter for Consideration

To consider a request from Isolated Children's Parents' Association of WA (ICPAWA Inc) for a donation towards their State conference themed 'Enjoy the Journey".

Background

A letter was received by the Shire in November 2013 from ICPAWA Inc seeking a donation or sponsorship towards holding their State conference in Perth. ICPA WA is a not-for-profit organisation that ensures children in rural and remote areas of Australia have access to a similar education to children living in metropolitan areas. ICPA (WA) has been instrumental in achieving many of the educational initiatives from which country residents now benefit:

- Funding for travel to and from boarding schools/hostels.
- Improvements in student/teacher ratios.
- State living away from home allowance.
- Constant monitoring of curriculum.
- The Retired Educator Volunteers for Isolated Students
- Education scheme (REVISE WA)
- Residential Care Certificate requirement in boarding schools/hostels
- State of the art replacement for HF radio in Schools of the Air.
- Programs to encourage teachers to the country.
- The introduction of Support Teacher Learning staff (STLs) to address student learning difficulties

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan	1.2.1 Lobby for new or improved educational services.		
	4.1.3 Continue to provide donations to and/or support community and		
	educational groups		
Corporate Business Plan	1.2.1 Lobby for new or improved educational services.		
	4.1.3 Continue to provide donations to and/or support community and		
	educational groups or as above.		
Long Term Financial Plan			
Asset Management Plan			
Workforce Plan	Nil		
Policy	7.7 Donations and Sponsorship		
Financial (short term/	Council has a donation budget of \$2,000 of which \$960.00 is not committed.		
annual budget) No specific donation amount was requested.			

Consultation

CEO - Sharon Daishe

Comment

There are a number of stations in the Yalgoo Shire with children who attend School of the Air or could benefit from the educational support from organisations such as Isolated Children's Parents' Association of WA Inc.

Currently Council donate to REVISE-WA which is supported by ICPAWA Inc.

ICPAWA Inc has not requested a specific amount for the donation.

Voting Requirements

Simple Majority

Officer Recommendation		
Donation Request from Isolated C	Children's Parents' Association of	WA
That Council donates \$ to Is conference.	olated Children's Parents' Associ	ation of WA (Inc) to support their State
Moved:	Seconded:	Motion put and carried/lost

11.4 ADMINISTRATION

11.4.1 Amendment to Policy 1.6 - Councillors Recognition of Service

File:

Author: Heather Boyd, EMC
Interest Declared: No interest to disclose
Date: 26 November 2013

Nil

Attachments

(yellow)

Matter for Consideration

To amend Policy 1.6 – Councillor Recognition of Service to align the policy with the Local Government (Administration) Regulations 1996, Section 34AC.

Background

Policy 1.6 - Councillors Recognition of Service, Section 2 of the Policy statement states:

- 2. The CEO is to arrange a suitable gift for departing Councillors, up to the specified value, after the following periods of service
 - as a Councillor an amount of \$120 for each completed 4-year term or pro-rata amount for shorter period.
 - as Deputy President an additional amount of \$30 for each completed 2-year term the office of Deputy President was held, or pro-rata amount for shorter period.
 - as President an additional allowance of \$60 for each 2-year term the office of President was held, or pro-rata amount for shorter period.
 - Total cumulative value of the gift is not to exceed \$500.00

Under the terms of the Local Government (Administration) Regulations 1996 Section 34 (c) the amount allowed for is \$100.00 per year of service up to a maximum of \$1,000. The Councillor is required to serve at least one full 4 year term in office.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Local Government (Administration) Regulations 1996

34AC. Gifts to council members, when permitted etc.(Act s. 5.100A)

- (1) The retirement of a council member who has served at least one full 4 year term of office is prescribed under section 5.100A(a) as circumstances in which a gift can be given to the council member.
- (2) The amount of \$100 for each year served as a council member to a maximum of \$1 000 is prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in subregulation (1).

Business Implications

Strategic Community Plan	
Corporate Business Plan	

Business Implications

Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	To align policy 1.6, Councillor recognition of Service with the Local Government (Administration) Regulations 1996 - 34AC Gifts to Council Members.
Financial (short term/ annual budget)	

Consultation

Sharon Daishe, CEO

Terri Iturbide, Shire President

Comment

The Shire Policy is an internal document providing guidance on matters relating to the Shire. Policy 1.6 relating to the Councillors recognition of service had previously been reviewed in August 2008. It is recommended that this policy now be brought into alignment with the Local Government (Administration) Regulations 1996, Section 34AC - Gifts to Council Members which increases the amount made available for the purchase of a gift for retiring Councillors who have served a term of at least 4 years.

Voting Requirements

Simple Majority

Officer Recommendation

Amendment of Policy 1.6 - Councillors Recognition of Service

That Council approve the amendment to Policy 1.6 – Councillor Recognition of Service, Section 2 to be as per section 34AC of the Local Government (Administration) Regulations 1996.

Moved: Seconded: Motion put and carried/lost

11.4.2 Amendment to Policy 11.4 Staff Housing - Subsidies

File:

Author: Heather Boyd, EMC
Interest Declared: No interest to disclose
Date: 26 November 2013

Attachments

(yellow)

Nil

Matter for Consideration

To amend Policy 11.4 Staff Housing – Subsidies, statement 1 - Shire Rental to align with the current Shire Budget allocations.

Background

Policy 11.4 Staff Housing – Subsidies, statement 1 states:

Shire Rental – Rental of Shire owned accommodation occupied by an employee is set at \$45 per week for both units and houses.

When the budget for 2010-11 was adopted (C2010-0711) rent for staff living in Shire properties was increased to \$50.00, which was applied from 8 February 2011. This increase was not recognised in the Shire policy.

There have been no further rent increases since this amount was applied.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan 4.3 High quality integrated planning and compliance – Shire staff retention	
Corporate Business Plan	4.3 High quality integrated planning and compliance – Shire staff retention
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	Future operating environment needs – Staff housing
Policy	11.4 Staff Housing - Subsidies
Financial (short term/	
annual budget)	

Consultation

Sharon Daishe, CEO

Comment

Shire staff has been paying \$50 per week in rent since an increase was adopted with the 2010-11 budget. The Shire policy should reflect the change in the rental value.

Voting Requirements

Simple Majority

Officer Recommendation

<u>Amendment to Policy 11.4 Staff Housing - Subsidies</u>

That Council approve the amendment to Policy 11.4 Staff Housing – Subsidies, Section 1 to recognise the rental per Shire property of \$50 per week.

Moved: Seconded: Motion put and carried/lost

11.4.3 Appointment of Deputy Chief Bush Fire Control Officer

File:

Author: Samantha Tarling for Sharon Daishe, CEO

Interest Declared: No interest to disclose Date: 25 November 2013

Attachments P3 Certificate of Appointment

(white):

Matter for Consideration

To appoint a Deputy Chief Bush Fire Control Officer in accordance with s38(1) of the Bush Fires Act 1954.

Background

At the September 2013 Ordinary Council Meeting the following was resolved:

That Council:

- 1. Rescind the appointment of Ron Adams as Chief Bushfire Control Officer, and the appointment of Sharon Daishe as Deputy Chief Bush Fire Control Officer, for the Shire of Yalgoo; and
- 2. Appoint Sharon Daishe as the Chief Bushfire Control Officer for the Shire of Yalgoo; and
- 3. Advertise the appointment in accordance with the legislative provisions.

This created a vacancy in the position of Deputy Chief Bush Fire Control Officer. Under s38(2C) Bush Fires Act 1954 this position is required to be filled within the month.

Statutory Environment

Bush Fires Act 1954

- 38. Local government may appoint bush fire control officer
- (1) 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, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
- (2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (2D) Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the FES Commissioner may appoint a person who is not employed in the Department to the vacant office.
- (2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.

- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for
 - (a) carrying out normal brigade activities;

[(b), (c) deleted]

- (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
- (e) procuring the due observance by all persons of the provisions of Part III.

Business Implications

Strategic Community Plan	KRA – Civic Leadership: Outcome 4.3 – High Quality Integrated Planning and Legislative Compliance
Corporate Business Plan	Nil
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	Nil

Consultation

CEO

Comment

The vacancy of Deputy Chief Bush Fire Control Officer was created in September 2013 when the previous appointment of Sharon Daishe was revoked and she was appointed Chief Bush Fire Control Officer. In accordance with s38(2E) Bush Fires Act 1954 the position is to be filled within the month. This was not achievable due to the Yalgoo Bush Fire Brigade meeting not being held until 14 November 2013 whereby the nomination for this position was to be discussed and a recommendation put forward for Council's consideration.

At the meeting Tom Morrissey was nominated and elected to be recommended to Council, to be appointed and hold the position of Deputy Chief Bush Fire Control Officer of the Shire of Yalgoo.

Section 39 Bush Fires Act 1954 outlines special powers of Bush Fire Control Officers as shown below. In consultation with the CEO, the author's recommendation is to appoint Tom Morrissey, as the Deputy Bush Fire Control Officer, conditional upon s39 special powers being applicable to his duties with the exception of authority to employ a person as shown below in s39(h) or expend Shire funds.

Statutory Environment

Section 39 - Special Powers of Bush Fire Control Officer

(1) Subject to the provisions of this Act a bush fire control officer appointed under this Act by a local government may, in the exercise of his functions and the performance of his duties under this Act, do all or any of the following things —

- (a) exercise any of the appropriate powers of the FES Commissioner under the *Fire Brigades*Act 1942, in so far as the same may be necessary or expedient, for extinguishing a bush fire or for preventing the spread or extension of the fire; and
- (b) enter any land or building, whether private property or not; and
- (c) pull down, cut, and remove fences on land, whether private property or not, if in his opinion it is necessary or expedient so to do for the purpose of taking effective measures for extinguishing a bush fire, or for preventing the spread or extension of the fire; and
- (d) cause fire-breaks to be ploughed or cleared on land, whether private land or not, and take such other appropriate measures on the land as he may deem necessary for the purpose of controlling or extinguishing a bush fire or for preventing the spread or extension of the fire; and
- (e) take and use water, other than that for use at a school or the domestic supply of an occupier contained in a tank at his dwelling-house, and other fire extinguishing material from any source whatever on land, whether private property or not; and
- (f) take charge of and give directions to any bush fire brigade present at a bush fire with respect to its operations or activities in connection with the extinguishment or control of the bush fire, or the prevention of the spread or extension of the fire; and
- (g) any other thing which in his opinion is incidental to the exercise of any of the foregoing powers; and
- (h) employ a person or use the voluntary services of a person to assist him, subject to his directions in the exercise of any of the foregoing powers; and
- (i) either alone or with others under his command or direction enter a building which he believes to be on fire and take such steps as he considers necessary to extinguish the fire or prevent it from spreading, but except as arranged with or requested by an officer in charge of a fire brigade under the *Fire Brigades Act 1942*, this power shall not be exercised in a town site in an area which has been declared a fire district under that Act or in a town site in which there is a fire brigade or volunteer fire brigade formed under the provisions of that Act.

Voting Requirements

Simple Majority

Officer Recommendation #1

Appointment of Deputy Chief Bushfire Control Officer – Bush Fires Act 1954 s38 & s39

That Council:

- Appoints Tom Morrissey as Deputy Chief Bush Fire Control Officer for the Shire of Yalgoo under the Bush Fires Act 1954 s38 (1) conditional upon only the special powers contained in s39 being applicable, with the exception of the authority to employ a person or expend Shire funds; and
- 2. Issues a certificate of appointment (s38 2E) and publicises the appointment (s38 2A) in accordance with the provisions of the Bush Fires Act 1954.

Moved: Seconded: Motion put and carried/lost

11.4.4 Minutes of the Ordinary Meeting of the Yalgoo Bush Fire Brigade and Appointment of Office Bearers of Yalgoo and Paynes Find Bush Fire Brigades

File:

Author: Samantha Tarling for Sharon Daishe, CEO

Interest Declared: No interest to disclose Date: 26 November 2013

Attachments P4 Minutes of the Yalgoo Bush Fire Brigade Ordinary Meeting held on 14

(yellow) November 2013

P10 Minutes of the Paynes Find Bush Fire Brigade Annual General Meeting held

30 April 2013

Matter for Consideration

To receive the minutes as attached of the Ordinary Meeting of the Yalgoo Bush Fire Brigade held on 14 November 2013 and endorse the recommendations of officer bearers to be appointed by Council for the Yalgoo and Paynes Find Bush Fire Brigades.

Background

The Chief Bush Fire Control Officer is to arrange for the minutes of the bush fire brigades annual general meeting to be tabled at the next meeting of the Council. This was undertaken in May 2013 and Council resolved:

That Council receives the minutes as tabled of the AGM of the Yalgoo Bush Fire Brigade held on 10 April 2013 and Paynes Find Bush Fire Brigade held on 30 April 2013.

The May report referred to above did not include the requirement under the Shire of Yalgoo Bush Fire Brigades Local Law 2006 (local Law) s2.2(1)(c) – the local government to appoint office bearers of the respective brigades.

Statutory Environment

Bush Fires Act 1954

Under the powers conferred by the Bush Fires Act 1954 and under all other powers enabling it, the Council of the Shire of Yalgoo resolved on 15 June 2006 to make the *Shire of Yalgoo Bush Fire Brigades Local Law*.

Shire of Yalgoo Bush Fire Brigades Local Law 2006

PART 2 - ESTABLISHMENT OF BUSH FIRE BRIGADES

Division 1 – Establishment of a bush fire brigade

2.1 Establishment of a bush fire brigade

- (1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.
- (2) A bush fire brigade is established on the date of the local government's decision under subclause (1).

2.2 Name and officers of bush fire brigade

- (1) On establishing a bush fire brigade under clause 2.1(1) the local government is to
 - (a) give a name to the bush fire brigade;

- (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (the "brigade area"); and
- (c) appoint -
 - (i) a Captain;
 - (ii) a First Lieutenant;
 - (iii) a Second Lieutenant;
 - (iv) additional Lieutenants if the local government considers it necessary;
 - (v) an Equipment Officer;
 - (vi) a Secretary; and
 - (vii) a Treasurer; or
 - (viii) a Secretary / Treasurer combined; and
 - (ix) any other position(s) deemed necessary for the effective management of brigade activities (eg; a Training Officer).
- (2) When considering the appointment of persons to the positions in subclause (1)(c), the local government is to have regard to the qualifications and experience which may be required to fill each position.
- (3) A person appointed to a position in subclause (1)(c) is to be taken to be a brigade member.
- (4) The appointments referred to in subclause (1)(c) expire at the completion of the first annual general meeting of the bush fire brigade.
- (5) If a position referred to in subclause (1)(c) becomes vacant prior to the completion of the first annual general meeting, then the local government is to appoint a person to fill the vacancy in accordance with subclause (2).

Business Implications

Strategic Community Plan	KRA – Civic Leadership: Outcome 4.3 – High Quality Integrated Planning and Legislative Compliance
Corporate Business Plan	Nil
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/	Nil
annual budget)	

Consultation

Nil

Comment

Due to the oversight to action s2.2(1)(c) of the Local Law, s2.2(5) - If a position referred to in subclause (1)(c) becomes vacant prior to the completion of the first annual general meeting, then the local government is to appoint a person to fill the vacancy with subclause (2) is invoked.

The new Chief Bush Fire Control Officer resolved to hold an Ordinary Meeting of the Yalgoo Bush Fire Brigade on the 14 November 2013 to affirm appointments and make recommendations to Council to appoint office bearers. This was carried out in Yalgoo and not Paynes Find because the recent departure of the previous Chief Bush Fire Control Officer, Ron Adams revoked appointments made at the Yalgoo Bush Fire Brigade Annual General Meeting held in 10 April 2013. The Paynes Find appointments have not been affected and they remain the same.

Excerpt - Minutes of the Yalgoo Bush Fire Brigade meeting held on the 14 November 2013 show the following recommendations for Council consideration:

CBFCO Sharon Daishe called for nominations for **Captain** of the Yalgoo Bush Fire Brigade.

Jason Hodder

Nominated by: Rhys Matthews Seconded by: Heather Boyd

There being no further nominations, **Jason Hodder** was duly elected as the person to be recommended to Council to be appointed as Captain of the Yalgoo Bush Fire Brigade. This appointment needs to be made by Council and will be dealt with at the next Ordinary Council Meeting on 5 December 2013.

CBFCO Sharon Daishe called for nominations for **First Lieutenant** of the Yalgoo Bush Fire Brigade.

Craig Hodder

Nominated by: Jason Hodder Seconded by: Rhys Matthews

There being no further nominations, **Craig Hodder** was duly elected as the person to be recommended to Council to be appointed as First Lieutenant of the Yalgoo Bush Fire Brigade. This appointment needs to be made by Council and will be dealt with at the next Ordinary Council Meeting on 5 December 2013.

 $\textit{CBFCO Sharon Daishe called for nominations for \textbf{Second Lieutenant} of the Yalgoo \textit{ Bush Fire Brigade}.$

Craig Simpson

Nominated by: Rhys Matthews Seconded by: Jason Hodder

There being no further nominations, **Craig Simpson** was duly elected as the person to be recommended to Council to be appointed as Second Lieutenant of the Yalgoo Bush Fire Brigade. This appointment needs to be made by Council and will be dealt with at the next Ordinary Council Meeting on 5 December 2013.

CBFCO Sharon Daishe called for nominations for **Secretary** of the Yalgoo Bush Fire Brigade.

Karen Malloch

Nominated by: Sharon Daishe Seconded by: Jason Hodder

There being no further nominations, **Karen Malloch** was duly elected as the person to be recommended to Council to be appointed as Secretary of the Yalgoo Bush Fire Brigade. This appointment needs to be made by Council and will be dealt with at the next Ordinary Council Meeting on 5 December 2013.

The duly elected persons to office at the Paynes Find Bush Fire Brigade Annual General Meeting held 30 April 2013 as shown in the attached minutes are recommended to Council to be appointed as follows:

Don Anderson, the Chair, called for nominations for **Captain** of the Paynes Find Bush Fire Brigade.

David Rocke

Nominated by: Kim Cable Seconded by: Rachel Grant

There being no further nominations, **David Rocke** was duly elected as Captain of the Paynes Find Bush

Fire Brigade.

Don Anderson, the Chair, called for nominations for **First Lieutenant** of the Paynes Find Bush Fire Brigade.

Doug Taylor

Nominated by: Kim Cable Seconded by: Rachel Grant

There being no further nominations, **Doug Taylor** was duly elected as First Lieutenant of the Paynes Find Bush Fire Brigade.

Don Anderson, the Chair, called for nominations for **Second Lieutenant** of the Paynes Find Bush Fire Brigade.

Ashley Bell

Nominated by: Kim Cable Seconded by: Rachel Grant

There being no further nominations, **Ashley Bell** was duly elected as the Second Lieutenant of the Paynes Find Bush Fire Brigade.

Don Anderson, the Chair, called for nominations for **Secretary/Treasurer** of the Paynes Find Bush Fire Brigade.

Gail Pilmoor

Nominated by: Kim Cable Seconded by: Rachel Grant

There being no further nominations, Gail Pilmoor was duly elected as Secretary/Treasurer of the Paynes

Find Bush Fire Brigade.

Voting Requirements

Simple Majority

Officer Recommendation

Minutes of the Ordinary Meeting of the Yalgoo Bush Fire Brigade Held 14 November 2013 and Appointment of Office Bearers of the Yalgoo and Paynes Find Bush Fire Brigades

That Council:

- 1. Receives the minutes as tabled of the Ordinary Meeting of the Yalgoo Bush Fire Brigade held on 14 November 2013;
- 2. Appoints the following as the office bearers of the Yalgoo Bush Fire Brigade:
 - a) Captain Jason Hodder
 - b) First Lieutenant Craig Hodder
 - c) Second Lieutenant Craig Simpson
 - d) Secretary Karen Malloch;
- 3. Appoints the following as the office bearers of the Paynes Find Bush Fire Brigade:
 - a) Captain Dave Rocke
 - b) First Lieutenant Doug Taylor
 - c) Second Lieutenant Ashley Bell
 - d) Secretary /Treasurer Gail Pilmoor
- 4. Issues a certificate of appointment to each office bearer.

Moved: Seconded: Motion put and carried/lost

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed. Fines of up to \$10,000 or two years imprisonment apply to certain offences relating to misuse of information.

The following legislative extracts were downloaded from www.auslii.edu.au on 8 November 2010.

Local Government Act 1995

5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public
 - (a) all council meetings; and
- (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
- (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or

- (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

5.92. Access to information by council, committee members

- (1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.
 - (2) Without limiting subsection (1), a council member can have access to
 - (a) all written contracts entered into by the local government; and
- (b) all documents relating to written contracts proposed to be entered into by the local government.

5.93. Improper use of information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

Penalty: \$10 000 or imprisonment for 2 years.

Local Government (Rules of Conduct) Regulations 2007

6. Use of information

(1) In this regulation —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;

non-confidential document means a document that is not a confidential document.

- (2) A person who is a council member must not disclose
 - (a) information that the council member derived from a confidential document; or
- (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information
 - (a) at a closed meeting; or
- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday, 20 February 2014 commencing at 11.00 am.

16. MEETING CLOSURE

Common Acronyms

Acronym	Detail
AA	Administration Assistant
ACEA	Admin Coordinator Executive Assistant
AFAC	Australasian Fire Authorities Council
AGDRP	Australian Government Disaster Recovery Payment
AGM	Annual General Meeting
AIIMS	Australasian Inter-Service Incident Management System
AMMS	Accredited Mass Management Scheme
ASKAP	Australian Square Kilometre Array Pathfinder
ATU	Aerobic Transfer Unit
BA	Broadcast Australia
BCITF	Building and Construction Industry Training Fund
BFS	Bush Fire Service
BFTA	Bush Fire Threat Analysis
CALD	Culturally and Linguistically Diverse
CANWA	Community Arts Network of WA
CCYP	Commissioner for Children & Young People
СЕМО	Community Emergency Management Officer
CEO	Chief Executive Officer
CERM	Community Emergency Risk Management
CLGF	Country Local Government Fund (Royalties for Regions)
CPTDM	Caravan Park & Tourism Development Manager
CRC	Community Resource Centre
CRS	Coordinator Regional Services
CSRFF	Community Sporting and Recreation Facilities Fund
Das	Development Applications
DAFWA	Department of Agriculture & Food
DAIP	Disability & Access Inclusion Plan
DAP	Development Assessment Panel
DCA	Department for Culture and the Arts
DCD	Department for Communities
DCEO	Deputy Chief Executive Officer
DCP	Department of Child Protection
DEC	Formerly Department of Environment and Conservation now divided into:
	DER Department of Environmental Regulation
	DPW Department of Parks and Wildlife
DEMC	District Emergency Management Committee
DET	Department of Education
DFES	Department of Fire & Emergency Services - formerly FESA
DHW	Department of Housing
DIA	Department of Indigenous Affairs
DISCEX	Discussion Exercise
DITRDLG	Dept of Infrastructure, Transport, Regional Development & Local Government (Federal)
DLAG	Drug & Liquor Action Group
DLGC	Dept of Local Government & Communities
DoHA	Department of Health & Ageing
DON	Director of Nursing
DOT	Department of Transport
	= cpanishe an instrument

Acronym	Detail
DoW	Department of Water
DPI	Dept for Planning and Infrastructure
DSR	Department of Sport & Recreation
DTWD	Department of Training & Workforce Development
EA	Executive Assistant
EC	Events Corp
ECC	Emergency Coordination Centre
EMC	Executive Manager Corporate
EMWA	Emergency Management Western Australia
EMWI	Executive Manager Works & Infrastructure
ERM	Emergency Risk management
EWP	Elevated Work Platform
FaHCSIA	Families, Housing, Community Services & Indigenous Affairs
FAG	Financial Assistance Grant
FAO	Finance & Admin Officer
FCWP	Forward Capital Works Plan
FHRO	Finance & HR Officer
FRS	Fire and Rescue Service
GPG	General Purpose Grant
GRAMS	Geraldton Regional Aboriginal Medical Service
GTS	Greenfield Technical Services – consulting civil engineers
HCP	Healthy Community Program
HMA	Hazard Management Agency
HSM	Health Services Manager
IAP	Incident Action Plan
ICC	Indigenous Coordination Centre
ICPAWA Inc	Isolated Children's Parents' Association of WA
ICV	Indigenous Community Volunteers
ILRG	Identified Local Road Grant
IMG	Incident Management Group
IMT	Incident Management Team
IPWEA	Institute of Public Works/Engineering WA
ISA	Integrated Service Arrangement – replacing MRWA TNCs in 2011 or 2012
ISG	Incident Support Group
LC	Landcorp
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LGAP	Local Government Assistance Program
LGEEP	Local Government Energy Efficiency Program
LGGC	Local Government Grants Commission
LGMA	Local Government Managers' Association
LMDRF	Lord Mayor's Distress Relief Fund
LRC	Local Recovery Coordinator
LRCG	Local Recovery Coordinating Group
LWA	Lotteries West
MCZ	Murchison Country Zone
MEEDAC	Midwest Employment and Economic Development Aboriginal Corporation
MEG	Murchison Executive Group (CEOs)
MEITA	Morawa Education, Industry and Training Alliance
MGM	Mount Gibson Mining (Extension Hill Haematite)
MMG	Minerals and Mining Group (Golden Grove Mine)
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SMUG Shires of Murchison & Upper Gascoyne	SLK	Straight line kilometres
	SMUG	Shires of Murchison & Upper Gascoyne

Acronym	Detail
SOP	Standard Operating Procedure
SOTA	Schools Of The Air
SoY	Shire of Yalgoo
SWMP	(Regional) Strategic Waste Management Plan
STED	Septic Tank Effluent Disposal System
TNC	Term Network Contract – from MRWA for State roads maintenance
TQUAL	Tourism Quality Projects
TIRF	Tourism Infrastructure Regional Development Fund
TWA	Tourism WA
VAST	Viewer Access Satellite Television
VESTOC	Volunteer Emergency Services Training & Operations Centre
VET	Vocation, Education & Training
VPD	Vehicles per day
VPN	Virtual Private Network
WAAA	West Australian Agriculture Authority
WACHS	WA Country Health Service
WACRN	Western Australian Community Resource Network
WARDT	Western Australian Regional Development Trust
WAERN	West Australian Emergency Response Network
WALGA	WA Local Government Association
WALGEMAG	Western Australian Local Government Emergency Management Advisory Group
WALGGC	West Australian Local Government Grants Commission
WANDRRA	West Australian Natural Disaster Relief and Recovery Arrangements
WAPC	Western Australian Planning Commission
WARDT	Western Australian Regional Development Trust
WPA	Wool Producers Australia
WWTP	Waste Water Treatment Plan
YPS	Yalgoo Primary School