



Minutes

**Bush Fire Advisory
Committee Meeting**

Wednesday 3 June 2020

Bush Fire Advisory Committee – 3 June 2020
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Notice of Meeting

Minutes of the Bush Fire Advisory Committee meeting held at the Bushfire Centre of Excellence, 1 Fimmel Lane, Pinjarra on Wednesday 3 June 2020 commencing at 6.30pm.

Important Notes

It should be noted that decisions of this Committee are only recommendations to and not decisions of Council. Committee recommendations should therefore not be acted on or otherwise relied upon until Council has formally considered and decided on the Committee recommendations.

1. ATTENDANCES

Members

Cr. A Rogers (Presiding Member)	Councillor, Shire of Murray
Mr. G Stevens	CESEC, Shire of Murray
Mr. D McLarty	FCO, Coolup VBFB
Mr. B Armstrong (Video teleconference)	DBFCO and FCO, Dwellingup VBFB
Mr. P Thurkle	FCO, North Dandalup VBFB
Mr. J Camplin	Training Coordinator/FCO, South Yunderup/Ravenswood VBFB
Mr. R Wilson	CBFCO and FCO, West Murray VBFB
Mr. K Jones	FCO, Pinjarra VFRS

Ex-Officio

Mr. B Finlay	District Officer – Wellington, DFES
Mr. R Porter	Manager Ranger and Emergency Services, Shire of Murray
Mr. S Gunn	Fire Operations Officer – Perth Hills District, PWS

Guests

Mr. K Jones	Brigade Captain, Pinjarra VFRS
Mr. R Marlborough	Manager Governance, Shire of Murray
Mr. R Mills	Area Officer, DFES

2. ABSENT

Ex-Officio

Mr. S Hurd	Fire Operations Officer – Swan Coastal District, PWS
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Guests

Ms. D Walker	BRPC, Shire of Murray
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3. CONFIRMATION OF MINUTES OF MEETING

- 3.1 Confirmation of Minutes of the Bush Fire Advisory Committee meetings – 15 May 2019

Recommendation/Committee Decision**BFAC20/001****Moved: R Wilson**

That the minutes of the Bush Fire Advisory Committee meeting held on 15 May 2019 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0

Committee Recommendation BFAC20/001 was carried by the Council at the 25 June 2020 meeting as per resolution OCM20/101.

- 3.2 Confirmation of Minutes of the Bush Fire Advisory Committee meetings – 10 June 2019

Recommendation/Committee Decision**BFAC20/002****Moved: D McLarty**

That the minutes of the Special Bush Fire Advisory Committee meeting held on 10 June 2019 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0

Committee Recommendation BFAC20/002 was carried by the Council at the 25 June 2020 meeting as per resolution OCM20/101.

4. BUSINESS ARISING FROM THE PREVIOUS MEETING

Nil

5. BUSINESS ARISING

5.1 Election of Presiding Member

File Ref: 1804-10
 Previous Items: Nil
 Author and Title: Ron Porter, Manager Ranger and Emergency Services
 Voting Requirements: Simple Majority

Appendix 1

Recommendation/Committee Decision

BFAC20/003

Moved: R Wilson

The Bush Fire Advisory Committee recommend to Council to endorse Cr. Ange Rogers as the Chairperson of the Shire of Murray Bush Fire Advisory Committee (BFAC) expiring in October 2021 to coincide with the Local Government Elections.

CARRIED UNANIMOUSLY 8:0

Committee Recommendation BFAC20/003 was carried by the Council at the 25 June 2020 meeting as per resolution OCM20/098.

In Brief

The Shire of Murray Bush Fire Advisory Committee (BFAC) is required to elect a Presiding Member.

Background

Council Committees elect their own Presiding Member from the relevant committee membership. A Presiding Member's term of appointment is until the next Council election or the incumbent resigns.

In 2012 the Bush Fire Advisory Committee formed the view that Fire Control Officers appointments only ran for one year and new Committee members should have the right to elect an alternative Presiding Member, therefore the term of the BFAC Chairperson was amended to reflect this position.

At the Ordinary Council Meeting on Oct 2019 (OCM19/209) council endorsed the following;

That Council endorse Cr Ange Rogers as the Chairperson of the Shire of Murray Bush Fire Advisory Committee (BFAC) for a one-year term expiring in 16 October 2021 with Cr Stuart Kirkham proxy.

Report Detail

A written nomination as detailed at **Appendix 1** has been received from Cr Angela Rogers for the position of BFAC Chairperson.

Murray 2030 Strategic Community Plan

Focus Area	Places for People
Objective	Socially connected, safe and cohesive community
Strategy	Ensure the safety of our community.

Other Strategic Links

Nil

Statutory Environment

Section 67 *Bush Fires Act 1954*; and,
Shire of Murray Meeting Procedures Local Law 2012.

Sustainability & Risk Considerations

Economic - (Impact on the Economy of the Shire and Region)

Nil

Social - (Quality of life to community and/or affected landowners)

There is no impact on the quality of life of the community.

Environment – (Impact on environment's sustainability)

Not Applicable

Policy Implications

There are no policy implications and the level of risk is considered to be low if the recommendation is endorsed.

Risk Management Implications

Nil

Consultation

- *Bush Fires Act 1954*,
- Council Records; and,
- Bush Fire Advisory Committee minutes.

Resource Implications

Financial

Nil

Workforce

Nil

Options

The Committee has the option of recommending to Council to:

1. Endorse the Presiding Member; or,
2. Reject the proposal.

Conclusion

It is recommended that the Committee endorse a Chairperson expiring in October 2021 to coincide with the Local Government Elections.

5.2 Election of Officers for the 2019/2020 Fire Season

File Ref: 1809
 Previous Items: Nil
 Author and Title: Ron Porter, Manager Ranger and Emergency Services
 Voting Requirements: Simple Majority

Appendix 2 and Appendix 3

Recommendation/Committee Decision

BFAC20/004

Moved: G Stevens

The Bush Fire Advisory Committee recommend to Council to appoint the following persons by delegated authority for the 2020/2021 Fire Season:

Chief Bush Fire Control Officer: Mr. Robert (Bluey) Wilson

Deputy Chief Bush Fire Control Officer: Mr. Benjamin (Ben) Armstrong

Fire Control Officers:

**Mr. Robert Wilson – West Murray VBFB
 Mr. Ben Armstrong – Dwellingup VBFB
 Mr. Douglas McLarty – Coolup VBFB
 Mr. Peter Thurkle – North Dandalup VBFB
 Mr. James (Jim) Camplin – South Yunderup / Ravenswood VBFB
 Mr. Kevin Jones – Pinjarra VFRS**

**Fire Control Officers:
 (Permit Issuing Only)**

**Mr. Chris Sattler – Coolup VBFB
 Mr. Lance Pitter – Coolup VBFB
 Mr. Dave Turner – Dwellingup VBFB
 Mr. Michael Webster – North Dandalup VBFB
 Mr. Brendan Webster – North Dandalup VBFB
 Ms. Lorraine Webster – North Dandalup VBFB
 Ms. Christine Thompson JP – West Murray VBFB
 Mr. Brian Bird – West Murray VBFB**

Fire Weather Officer: Mr. Jim Camplin

Deputy Fire Weather Officer: Community Emergency Services Coordinator

**Shire Training Coordinator/s: Mr. Jim Camplin
 Community Emergency Services Coordinator**

CARRIED UNANIMOUSLY 8:0

Committee Recommendation BFAC20/004 was carried by the Council at the 25 June 2020 meeting as per resolution OCM20/099.

In Brief

For the Bush Fire Advisory Committee is to elect and recommend appointments required under the *Bush Fires Act 1954* and other appointments as deemed necessary.

Background

Brigade Fire Control Officers appointments at brigade level are determined by each brigade at their respective Annual General Meetings (AGM) and this supports the Council BFAC membership structure.

Each year at the BFAC meeting, nominations are received for appointment to the following positions.

- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer/s
- Fire Control Officers (Bush Fire Permit issuing only)
- Fire Weather Officer
- Deputy Fire Weather Officer
- Shire Training Coordinator

With the introduction of delegated authority in recent years the endorsement of Fire Control Officers appointments by Council is no longer required as the Chief Executive Officer has the delegated authority under Section 48 of the *Bush Fires Act 1954* to appoint Fire Control Officers, inclusive of a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officers and Fire Weather Officers. The appointment of Fire Weather Officers requires additional DFES endorsement.

Report Detail

Accordingly, the proposal presented is for the Committee to support the appointment of the brigade nominated Fire Control Officers from the Coolup Volunteer Bush Fire Brigade, Dwellingup Volunteer Bush Fire Brigade, North Dandalup Volunteer Bush Fire Brigade, South Yunderup/Ravenswood Volunteer Bush Fire Brigade and West Murray Volunteer Bush Fire Brigade as Fire Control Officers in the district.

Attached at **Appendix 2** for information purposes are the Shire of Murray Volunteer Bush Fire Brigades AGM minutes that detail the appointments of Brigade Officers in each of the Volunteer Bush Fire Brigades, including Fire Control Officers and Permit Issuing Officers.

Written nominations as detailed at **Appendix 3** have been received from Mr Robert Wilson for the position of Chief Bush Fire Control Officer. Mr Benjamin Armstrong & Mr Peter Thurkle AFSM have provided a nomination for the position of Deputy Chief Bush Fire Control Officer. Additionally, Mr James Camplin has forwarded a nomination for the Shire Training Coordinator and Fire Weather Officer positions.

The Committee is also required to identify a suitable member from the Pinjarra Fire and Rescue Services Brigade to be appointed as a Fire Control Officer and any other brigade representative to be appointed as Fire Control Officer/s for permit issuing only.

Shire Rangers, the Community Emergency Service Coordinator (CESC), the Bushfire Risk Planning Coordinator (BRPC), Manager Ranger and Emergency Services (MRES) and the Manager Governance are appointed as Fire Control Officers and prosecutors, as required, under the provisions of the *Bush Fire Act 1954* at the time of their employment. There is no need to appoint or amend the appointments of these officers.

Murray 2030 Strategic Community Plan

Focus Area	Places for People
Objective	Socially connected, safe and cohesive community
Strategy	Ensure the safety of our community.

Other Strategic Links

Nil

Statutory Environment

Fire Control Officers, Fire Control Officers (Permit Issuing Only) & Chief & Deputy Chief Fire Control Officers.

Section 38 (1) of the *Bush Fires Act 1954* ('Act') states that 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 the 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. The appointment of Fire Control Officers may be delegated to the Chief Executive Officer under Section 48 of the Act.

A local government or a person delegated the authority 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.

Fire Weather & Deputy Fire Weather Officers

Section 38 (6) (c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary. The appointment of Fire Weather officers may also be delegated to the Chief Executive Officer under Section 48 of the Act.

- (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
- (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.
- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.
- (d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at

least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the *Government Gazette*.

- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “extreme” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (i) This subsection does not authorise the burning of bush during the prohibited burning times.

Note: Fire Weather Officers must be appointed as Fire Control Officers pursuant to clause (6) (c).

Section 48 Delegation by local governments

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —
 - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
 - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to sub-delegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

The Shire Training Coordinator position is not an appointment specified within the Act. Council has traditionally recognised this position to assist the Shire in certain functions.

Sustainability & Risk Considerations

Economic - (Impact on the Economy of the Shire and Region)

There are no economic impacts on the community.

Social - (Quality of life to community and/or affected landowners)

The appointments support the community and there is no negative impact on the quality of life.

Environment – (Impact on environment’s sustainability)

There is no negative impact on the natural or built environment.

Policy implications

There are no policy implications and the level of risk is considered to be low if the recommendation is endorsed. The proposed appointments under delegated authority are in accordance with the provisions of the *Bush Fires Act 1954*.

Risk Management Implications

Nil

Consultation

- *Bush Fires Act 1954*,
- Council Records,
- Council Staff,
- Chief Bush Fire Control Officer, and;
- Bush Fire Advisory Committee minutes.

Resource Implications***Financial***

The cost of advertising the appointments is provided in the annual Shire of Murray budget.

Workforce

Nil

Options

The Committee has the option of recommending to Council to:

1. Endorse the Officer appointments; or,
2. Reject the proposal.

Conclusion

The Committee recommendations are to be used by the Chief Executive Officer under delegated authority to formally appoint persons in accordance with the provisions of the *Bush Fires Act 1954* to the following positions;

- Chief Bush Fire Control Officer;
- Deputy Chief Bush Fire Control Officer;
- Fire Control Officers;
- Fire Control Officers (Bush Fire Permit issuing only);
- Fire Weather Officer;
- Deputy Fire Weather Officer; and,
- Shire Training Coordinator/s.

5.3 2020/2021 Firebreak Notice

File Ref:	1804
Previous Items:	Nil
Author and Title:	Gavin Stevens, Community Emergency Services Coordinator
Voting Requirements:	Simple Majority

Appendix 4, 5, 5A & 6

Recommendation/Committee Decision

BFAC20/005

Moved: K Jones

That Council accepts the following recommendation to;

- 1. adopt the Shire of Murray Firebreak Notice as amended, and detailed at Appendix 6; and,**
- 2. publish the Notice in the Government Gazette and a local newspaper that circulates within the district before 30 September 2020.**

CARRIED UNANIMOUSLY 8:0

Committee Recommendation BFAC20/005 was carried by the Council at the 25 June 2020 meeting as per resolution OCM20/100.

In Brief

Amend the annual Firebreak Notice (**'Notice'**) to provide clarity for enforcement by removing unattainable measures from within the notice.

Background

During 2019/2020 fire season it was identified by the Ranger and Emergency Services team the need to look at the notice for some areas of enforcement. A post fire season debrief around enforcement of the notice was conducted by the team on the 19 May 2020.

Report Detail

It was cited at the season debrief meeting that aspects particularly relating to Asset Protection Zones ('APZ') were difficult to enforce and open to interpretation or in some cases unachievable. It was noted that the APZ's were developed under the "*Planning for Bushfire Protection Guidelines*" with a 'greenfield' scenario in mind and not meant to apply retrospectively. While the notion of APZ's within the firebreak notice is a sound concept it was felt that it better fitted within the education and information environment than an enforcement environment. It was also seen as supporting the work of brigades in community education.

Further to that the clearing up of the definition of private driveways to just 'driveways' and remove the need for 17.5m turn arounds which often in special residential/rural are unachievable without the removal of established buildings and/or infrastructure.

Finally, a change of Scheme wording correctly reflects legislation has been applied. Change of Rates wording is where information is held in the Shire's digital record management system.

An initial table of summarized changes as detailed at **Appendix 4** was sent to Fire Control Officers on the 27 May 2020 feedback was then incorporated to the draft firebreak notice for consideration, as detailed at **Appendix 5**.

Murray 2030 Strategic Community Plan

Focus Area	Places for People
Objective	Socially connected, safe and cohesive community
Strategy	Ensure the safety of our community.

Other Strategic Links

Nil

Statutory Environment

Section 33 of the *Bush Fires Act 1954* provides a local government the ability to make a Notice requiring all owners or occupiers of land within the district to take measures for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur.

Sustainability Implications

Economic – (Impact on the Economy of the Shire and Region)

Nil

Social – (Quality of life to community and/or affected landowners)

The proposed amendments to the Notice will make it easier for landowners to achieve compliance.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

There are no policy implications

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	The level of negative community feedback will be low if the community are adequately informed on the rationale of the proposed changes.

Consultation

- *Bush Fires Act 1954*
- Council Records
- Council Staff – enforcement officers
- Chief Bush Fire Control Officer
- Fire Control Officers
- Other Local Government Firebreak Notices

Resource Implications

Financial

The cost of advertising the Notice is provided in the annual Ranger and Emergency Services budget.

Workforce

Nil

Options

The Committee has the option of:

1. Recommending to Council to endorse the recommendation.
2. Rejecting the proposal.

Conclusion

The proposals look to build on the existing Notice and ensure it stays contemporary and reflects current legislative requirements. It is recommended that the Committee endorse.

Discussions at the meeting

Concerns were raised about aspects of the proposed changes to the Notice. Discussion ensued about the BAL assessment process and the ongoing need for education of stakeholders. There was also argument on the need for some form of turnaround provision in the definition of 'driveway'.

Discussion progressed around the need for a measurement to make it an enforceable provision, examples such as; DBCA 6x6m turnaround from machine supervision, 17.5m or potentially using Special Works Orders to enforce the need for turnaround in instances where there wasn't one. It was agreed that a reference to a turnaround requirement should be included in the driveway definition.

Recommendation was agreed that amendments would be made relating to driveways to provide a specifiable, enforceable turnaround area and distribute it to the BFAC membership for consideration.

The changes to the definition of driveway within the Notice inclusive of a ten-metre turnaround provision and other minor amendments were subsequently distributed to the BFAC membership for consideration, as detailed at **Appendix 5A**, on Friday 5 June 2020. Feedback received was positive to the amendments made to the Notice.

6. REPORTS – EXTERNAL AGENCIES

6.1 Chief Bush Fire Control Officer Report

A report was submitted as per Appendix 7.

6.2 Shire Training Coordinator Report

Nil due to COVID-19.

6.3 Community Emergency Services Coordinator Report

A report was submitted as per Appendix 8.

6.4 Bushfire Risk Planning Coordinator Report

A report was submitted as per Appendix 9.

6.5 DFES Representative Report

A report was submitted as per Appendix 10.

6.6 DBCA Representative Report

Fire season just finished in the Perth Hills with 10-11 fires and some deployments out of the area. Between Spring Burning and the Autumn season DBCA have burnt approximately 4000 hectares near North Dandalup as well as 2500-3000 hectares out near Scarp Road. It has been a good outcome to the burning perspective. Has allowed some good areas of protection and strategic burns. Hoping for a quiet upcoming fire season.

6.7 Volunteer Brigade Reports

6.7.1 Coolup VBFB

Busy start to the season however quiet in Coolup its self. The Brigade has been developing relationships with landowners during the burning seasons which is going really well with landowners being very understanding.

COVID-19 has reduced the gatherings and call outs have been limited. Everyone is staying engaged through other methods. The Cadets have been busy with their Duke of Edinborough awards. One Cadet is almost at Gold, 4 Cadets are close to Silver and 1 Cadet is on Bronze.

Hopefully in the next month or so things will get to a semi normal arrangement with relaxed restrictions as of this Saturday. Thanks to Bluey and Ben for their work and to the supporting brigades.

6.7.2 Dwellingup VBFB

Refer to Dwellingup VBFB FCO report in the Dwellingup VBFB AGM minutes as per Appendix 2.

6.7.3 North Dandalup VBFB

A report was submitted as per Appendix 11.

6.7.4 South Yunderup/Ravenswood VBFB

South Yunderup held an online/email AGM to elect Officers with all of last year's Officers re-elected with the exception of the Permit Issuing Officer – Jamie McBride who resigned during the year.

COVID-19 brought things to a halt, training outstanding but an update to the command trailer has been completed. The motor on the Fire Boat was updated earlier in the Year. The 2.4 has had some problems but has been repaired now.

Training has been quiet with COVID-19 and it looks like once restrictions are lifted a meeting will be held soon. Thanks to West Murray VBFB particularly Bluey for their help during the year helping with all crews.

Weekly call out list has been invaluable to make sure crews are able to crew the trucks. Thanks to South Yunderup/Ravenswood VBFB members for their input and to all of the other brigades for their help throughout the year. Let's hope it is a quiet year.

In regards to the matter that came up on the 22nd and 23rd of May which was the TFB declaration by DFES. We need to have a way to tell more people about the bans. Jim recommends expanding the Shire SMS or looking at the local radio stations. Discussion followed about different thoughts and ideas including communicating to DFES about how to notify and the media broadcasting focusing on the rain/ storm event. It was tough given the time of year. Brief discussion was had about s.46 and TFB's.

6.7.5 *West Murray VBFB*

A report was submitted as per Appendix 12.

7. **MOTIONS WITHOUT NOTICE FOR DISCUSSION AT THE NEXT MEETING**

Nil.

8. **NEXT MEETING**

TBA.

9. **CLOSE**

There being no further business the Presiding Member declared the meeting closed the time being 8:15pm.