



SHIRE

Of

MEEKATHARRA

MINUTES

Of

HEALTH, BUILDING & TOWN PLANNING MEETING

Held

AT THE COUNCIL CHAMBERS, MEEKATHARRA

On

WEDNESDAY APRIL 4, 2012

COMMENCING AT 5:04 PM

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

1.1 DECLARATION OF OPENING

The Committee Chairperson, Cr NL Trenfield, declared the meeting open at 5:04 pm.

1.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Meekatharra for any act, omission or statement or intimation occurring during this Meeting.

It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this Meeting

The Committee Chairperson, Cr NL Trenfield, read the disclaimer aloud.

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

Members

Cr NL Trenfield - Committee Chairperson

Cr AG Burrows

Cr PS Clancy

Staff

Krys East - Corporate & Development Services Manager

Bill Atyeo - Principle Environmental Health Officer/Building Surveyor

Apologies

Cr TR Hutchinson - Deputy Chairperson

Cr JE Burgemeister

Approved Leave of Absence

Nil

Observers

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

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6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**6.1 HEALTH, BUILDING AND TOWN PLANNING COMMITTEE MEETING
HELD MARCH 7, 2012.**

Committee Resolution:

Moved: Cr PS Clancy

Seconded: Cr AG Burrows

**That the minutes from the Health, Building and Town Planning Committee held
Wednesday March 7, 2012 be confirmed.**

CARRIED 3/0

7. PETITION/ DEPUTATIONS/ PRESENTATION/ SUBMISSIONS

Nil

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. REPORTS OF COMMITTEES AND OFFICERS

9.1 OFFICERS MONTHLY REPORTS

9.1.1 PRINCIPAL ENVIRONMENTAL OFFICER/BUILDING SURVEYOR'S REPORT

Principal Environmental Health Officer/Building Surveyor's Report

Meekatharra Health, Building, Town Planning Committee

W.V. Atyeo

March 2012

I was in attendance at the Shire from the 5th to 9th March 2012.

BUILDING LICENSES ISSUED:

There were Nil (0) Building Licenses issued during this time.

DEMOLITION LICENSES ISSUED:

There were Nil (0) Demolition Licenses issued during this time.

OTHER MATTERS:

•REQUEST FOR INFORMATION – Temporary Camps

An inquiry was handled in regard to what uses an existing building in the "Commercial" zone area is permitted. The options were conveyed to the person followed by discussion and clarification on matters that arose.

•HOUSE INSPECTION LOT 369 HILL STREET– A103:

I visited the site of the burnt out house Lot 369 Hill Street (Dershaw) and spoke with the owner in regard to the demolition and clean-up of the block. I informed the owner that the placement of a caravan to live on the site was prohibited as there were no facilities for the occupants, and it contravened the Caravan Parks and camping Grounds Act and Regulations.

The owner also discussed the possibility of cleaning up the block and putting a second-hand transportable dwelling on site. I stated that the Council may not look on this favourably and a lot would depend on the structural soundness of the building and also the "look" of the building. There would need to be a lot of issues that would need to be addressed, which would include a new septic tank and leach drain system, as I determined the present toilet and leach drain system would not be acceptable.

I will be having discussions with the owner when next in Meekatharra.

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•NEW BUILDING ACT – 2nd APRIL 2012

The New Act is now in force which will require a new system of handling applications with a raft (20) new forms that have been generated and must be used in accordance with the new regulations. This will take time, and new delegations will need to be presented to Council for approval. I hope to have these at the meeting on Wednesday for the Committee's approval, and for these to go to Council for the next Ordinary Meeting.

As stated, this will take a lot of time to organise, and will entail changes to the procedural handling of applications by counter staff. I hope to be able to train the appropriate staff when in Meekatharra. The new Act also means new and increased fees.

The application of the Act and also the need for Registered Builders has also now been sorted with the Building Commission, and I am pleased to announce that the present status remains the same. We do not require registered builders to perform the building works in our region.

•CAPRICORN ROADHOUSE – PROGRESS

I drove to Capricorn Roadhouse and spend some time with the developers on-site. The progress has not been as quick as was programmed, but the end results will be quite spectacular.

There are new facilities (pumps) for road-trains and the like, renovation of the old homestead to provide a tavern with meals and drinks, new 150 man accommodation, renovated roadhouse to an improved standard, and accommodation for staff. There will now be three eating areas and the truckies will have access to exclusive rest and relaxation areas (including sleeping).

A complete waste water treatment system is in operation, and I am so glad to see the "back-end" of the old sewer pond to the rear of the complex. The owners and operators of the complex are justifiably proud of what they have achieved, and what they intend to develop there, and they are really ensuring quality of workmanship.

The facility will be 1st Class and a credit to the developers. The only unfortunate thing is that most of the people I speak with think it is in the Shire of East Pilbara.

•KUMARINA ROADHOUSE AND TAVERN

On my way back from Capricorn I inspected the Kumarina Roadhouse and Tavern.

While the facilities appear to be clean, there are a number of matters that I will be in discussion with the owner as it appears that the owner is responsible for. This is disputed but as I stated that is not my issue, and that is between the owner and the person leasing the business. My letters and orders will be levied on the owner of the premises.

There are major problems with the sewerage system, toilet block (public/tavern), swimming pool, pathways, etc. These will all be discussed and addressed in the coming weeks through speaking with the owner.

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Principal Environmental Health Officer
Building Surveyor

Committee Resolution:

Moved: Cr AG Burrows

Seconded: Cr PS Clancy

**That the Principal Environmental Officer/Buildings Surveyor's Report for March 2012
be received.**

CARRIED 3/0

10. STATUS REPORT

DATE	SUBJECT	PROPERTY	ACTION REQUIRED	RESPONSIBLE PERSON	STATUS	ACTION TAKEN	DATE
June 2011	Staff Housing	Lot 208 Hill St	Council at Ordinary Council Meeting resolved to engage designer to draw up plans and specifications for renovations to Lot 208 Hill St for conversion of existing dwelling into two self contained 1 bedroom units	CDSM	Ongoing	Contacted Architect re quote for design Quote accepted. Draft design presented to Councillors at Ordinary Council meeting held 19.08.11 for comments/suggestions/alterations Architect commenced preparation of tender documents on agreed draft plan.	20.06.11 19.08.11 07.10.11
April 2012	Pool Alterations	Meekatharra War Memorial Swimming Pool	Allocation included in 2011/12 Budget for alterations to girls' changerooms including the inclusion of a disabled toilet	CDSM	Ongoing	Advertise / source alternative architect to design	04.04.12

Committee Resolution:

Moved: Cr PS Clancy

Seconded: Cr AG Burrows

That the Status Report for March 2012 be received.

CARRIED 3/0



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

Moved: Cr AG Burrows

Seconded: Cr PS Clancy

**That the following items be included as items of an urgent nature introduced by
Resolution of the Committee.**

CARRIED 3/0

Title/Subject:	BUILDING ACT 2011 - AUTHORISATIONS
Agenda/Minute Number:	11.1
Applicant:	Nil
File Ref:	Nil
Disclosure of Interest:	Nil
Date of Report:	2 April 2012
Author:	WV Atyeo Principal Environmental Health Officer Building Surveyor
	 <i>Signature of Author</i>
Senior Officer:	Roy McClymont Chief Executive Officer
	 <i>Signature Senior Officer</i>

Summary/Matter for Consideration:

Council to adopt new authorisations as proposed under different sections of the Building Act 2011.

Attachments:

Nil

Background:

The Shire currently has one Authorisation under the Local Government (Miscellaneous Provisions) Act 1960, which provides Authority for its Building Surveyor to inspect private swimming pools within the Shire.

With the introduction of the Building Act 2011, existing authorisations will not be affected, however additional authorisations are needed for Officers to carry out the relevant provisions under the Building Act 2011. Given these relevant provisions have not yet come into operation, the new authorisations cannot be undertaken by officers until such time as this occurs. It is therefore proposed that Council appoint an authorised officer and adopt the new

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authorisations to be implemented at such future time as the relevant provisions of the Building Act are proclaimed.

Under s.96 of the Building Act 2011, permit authorities (local governments) may also designate employees as authorised persons.

The following new authorisations are therefore proposed under different sections of the Building Act:

- s100 - Entry Powers
- s101 - Powers after entry for compliance
- s102 - Obtaining information and documents
- s103 - Use of force and assistance
- s106 - Apply for an entry warrant

Comments:

New authorisations under the now current Building Act 2011 are required in order to facilitate a quick response if required and to set in place new procedures for handling the applications received under the new Act.

Consultation:

Krys East – Community and Development Services Manager

Statutory Environment:

Building Act 2011

Policy Implications:

Nil

Budget/Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority

Officers Recommendation / Committee Resolution:

Moved: Cr PS Clancy

Seconded: Cr AG Burrows

**That the Health Building and Town Planning Committee recommend to Council that:
Council adopts the following authorisations and appoints the relevant positions
to these authorisations as ‘Authorised Officers’ in accordance with section 96 of
the Building Act 2011**

**CARRIED 3/0
BY AN ABSOLUTE MAJORITY**



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BUILDING AUTHORISATIONS				
COUNCIL AUTHORISATIONS of POSITION TITLE				
<i>Building Act 2011</i>	s100	Entry Powers	Authorised Officer	Building Surveyor Chief Executive Officer
<i>Building Act 2011</i>	s101	Powers after entry for compliance purposes	Authorised Person	Building Surveyor
<i>Building Act 2011</i>	s102	Obtaining information and documents	Authorised Person	Building Surveyor Chief Executive Officer
<i>Building Act 2011</i>	s103	Use of force and assistance	Authorised Person	Building Surveyor Chief Executive Officer
<i>Building Act 2011</i>	s106	Application for warrant to enter a place	Authorised Person	Building Surveyor Chief Executive Officer

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Title/Subject:	BUILDING ACT 2011 - DELEGATIONS
Agenda/Minute Number:	11.2
Applicant:	Nil
File Ref:	ADM 0154
Disclosure of Interest:	Nil
Date of Report:	2 April 2012
Author:	WV Atyeo Principal Environmental Health Officer Building Surveyor
	
	<i>Signature of Author</i>
Senior Officer:	Roy McClymont Chief Executive Officer
	
	<i>Signature Senior Officer</i>

Summary/Matter for Consideration:

Parts of the Local Government (Miscellaneous Provisions) Act 1960 are now defunct and certain delegations under this Act are required to be withdrawn and new delegations under the new Building Act 2011 to the appropriate Council employees need to be instigated.

Attachments:

Nil

Background:

The Shire of Meekatharra currently has the following delegations under the provisions of the Local Government (Miscellaneous Provisions) Act 1960:

- 42. Building Notices
- 43. Building Licenses
- 44. Demolition Licenses
- 45. Building – Extensions of Time to Complete
- 46. Works – Unlawful
- 48. Buildings – Dangerous
- 49. Certificates of Classification

With the Building Act 2011 coming into force on the 2nd April 2012, the above delegations will become redundant in that the head of power will shift from the Local Government (Miscellaneous Provisions) Act 1960 to the Building Act 2011.

Comments:

New delegations are required under the Building Act 2011. Section 127 of the Building Act 2011 enables local governments the ability to delegate any powers or duties to an employee.

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Council is requested to approve the new delegations as provided for under the following sections of the new Building Act 2011:

- s20 – Approve or refuse a Building Permit
- s21 – Approve or refuse a Demolition Permit
- s58 - Issue an Occupancy Permit and a Building Approval Certificate
- s65 - Consider Extending the period of duration of an Occupancy permit or a Building approval Certificate.
- s110 - Issue Building Orders
- s117 - Revoke Building Orders

Delegations are to be made to classes of Officers based on their skills and qualifications and are recommended in order to effect the smooth running of the Building Department, and maintain a high degree of service to our customers/community.

I feel that the need for new delegations under the now current Building Act 2011 is quite clear.

Consultation:

Krys East – Community and Development Services Manager

Statutory Environment:

Local Government Act 1995

Local Government (Miscellaneous Provisions) Act 1960

Building Act 2011

Building Regulations 2012

Policy Implications:

Nil

Budget/Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority

Officers Recommendation / Committee Resolution:

Moved: Cr AG Burrows

Seconded: Cr PS Clancy

That the Health Building and Town Planning Committee recommend to Council that Council:

- **Withdraw delegations:**
 - 42. Building Notices**
 - 43. Building Licenses**

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44. Demolition Licenses

45. Building – Extensions of Time to Complete

46. Works – Unlawful

47. Buildings – Dangerous

48. Certificates of Classification

contained in the Shire of Meekatharra's Register of Delegations which were delegated under the Local Government (Miscellaneous Provisions) Act 1960.

- **adopt the following delegations under the Building Act 2011 effective from the 21st April 2012.**

**CARRIED 3/0
BY AN ABSOLUTE MAJORITY**

XXBUILDING PERMIT

Function to be performed: To approve or refuse to approve plans and specifications submitted under section 20 of the *Building Act 2011*.

Delegated to: Building Surveyor
Chief Executive Officer
Corporate and Development Services Manager

On delegated to: N/A

Conditions: In undertaking the functions of this delegation, Building Surveyors must:

1) be employed by the Shire of Meekatharra in accordance with section 5.36 of the *Local Government Act 1995*; and

2) be authorised in writing by the Chief Executive Officer prior to exercising the authority. (Note, this may include other limitations based on the building surveyor's experience and demonstrated competencies).

In addition to the above, for an uncertified application, Building Surveyors must hold the appropriate qualification as set out under Regulation 6 of the *Local Government (Building Surveyors) Regulations 2008*.

Record of Use: As per the requirements of the Building Act 2011

Reference: Sections 20, 22 and 127 of the *Building Act 2011*.

Council Policy:

Date Adopted:

Date Reviewed:

Date Reviewed and Amended:

XXBUILDING ORDERS

Function to be performed:

1)To issue building orders pursuant to section 110 of the
Building Act 2011 in relation to: -

- building work
- demolition work
- an existing building or incidental structure

2)To revoke building orders pursuant to section 117 of the
Building Act 2011

Delegated to:

Building Surveyor

On delegated to:

N/A

Conditions:

The Building Surveyor after receiving authorisation from
the Chief Executive Office may:

- refer Notices to the Corporate Lawyer where it is
considered appropriate.
- determine that an order is to remain in effect in accordance
with section 117 (2) of the *Building Act 2011* where it
is considered appropriate.

In undertaking the functions of this delegation, Building
Surveyors must be employed by the Shire of Meekatharra in
accordance with section 5.36 of the *Local Government Act
1995*.

Record of Use:

As per the requirements of the Building Act 2011

Reference:

Sections 110, 117 and 127 of the *Building Act 2011*.

Council Policy:

Date Adopted:

Date Reviewed:

Date Reviewed and Amended:

XXDEMOLITION PERMIT

Function to be performed: To approve or refuse to approve plans and specifications submitted under section 15 of the *Building Act 2011*.

Delegated to: Building Surveyor
Chief Executive Officer

On delegated to: N/A

Conditions: Nil.

Record of Use: As per the requirements of the Building Act 2011

Reference: Sections 21, 22 and 127 of the *Building Act 2011*.

Council Policy:

Date Adopted:

Date Reviewed:

Date Reviewed and Amended:

**XXEXTENSION OF PERIOD OF DURATION OF OCCUPANCY PERMIT OR
BUILDING APPROVAL CERTIFICATE**

Function to be performed: To approve, modify or refuse to approve applications submitted under section 58 of the *Building Act 2011*.

Delegated to: Building Surveyor
Chief Executive Officer

On delegated to: N/A.

Conditions:

Record of Use: As per the requirements of the Building Act 2011

Reference: Sections 58 and 127 of the *Building Act 2011*.

Council Policy:

Date Adopted:

Date Reviewed:

Date Reviewed and Amended:

XXGRANT OF OCCUPANCY PERMIT, BUILDING APPROVAL CERTIFICATE

Function to be performed: To approve, modify or refuse to approve applications submitted under section 58 of the *Building Act 2011*.

Delegated to: Building Surveyor
Chief Executive Officer

On delegated to: N/A.

Conditions:

Record of Use: As per the requirements of the Building Act 2011



Reference: Sections 58 and 127 of the *Building Act 2011*.

Council Policy:

Date Adopted:

Date Reviewed:

Date Reviewed and Amended:

Title/Subject:	AMENDMENT TO SCHEDULE OF FEES AND CHARGES - APPLICATION FOR CERTIFICATE OF DESIGN COMPLIANCE
Agenda/Minute Number:	11.3
Applicant:	Nil
File Ref:	ADM0146
Disclosure of Interest:	Nil
Date of Report:	2 April 2012
Author:	WV Atyeo Principal Environmental Health Officer Building Surveyor
	
	<i>Signature of Author</i>
Senior Officer:	Roy McClymont Chief Executive Officer
	
	<i>Signature Senior Officer</i>

Summary/Matter for Consideration:

Council to adopt a new fee for an application for a Certificate of Design Compliance when lodged with Council.

Attachments:

Schedule of fees and charges contained within the Building Act 2011 and the Building Regulations 2012.

Background:

There are a whole raft of new and increased charges associated with applications under the new Building Act 2011 and the Building Regulations 2012 which came into effect on the 2nd April 2012. However, a fee for an application and issue of a Certificate of Design Compliance with the Building Code of Australia (BCA) is not.

All applications for a Building Permit require a Certificate of Design Compliance which is issued by a qualified and registered Building Surveyor. Not all Building Surveyors are working for Local Government (Permit Authority) and can charge whatever fees they want, and therefore these fees are not legislated within the Act or Regulations.

Therefore, if Council wishes to provide this service, then they must set this fee through their schedule of fees and charges.

Comments:

I have conversed with other Local Governments and they are (for this year anyway) providing certification of building design compliance to applicants at a competitive rate of 0.2% of the value of the building work. Of course this fee attracts GST at the rate of 10% and there needs to be a minimum fee of \$90.00, which would also attract 10% GST.

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My understanding is that private certification by others outside of Local Government are closer to 0.4%. I therefore feel that 0.2% as proposed is a fair and equitable fee to charge.

Consultation:

Krys East – Community and Development Services Manager

Statutory Environment:

Building Act 2011

Building Regulations 2012

Policy Implications:

Nil

Budget/Financial Implications:

Increased revenue through the charges determined by Council.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority

Officers Recommendation / Committee Resolution:

Moved: Cr PS Clancy

Seconded: Cr AG Burrows

That the Health Building and Town Planning Committee recommend to Council that:

Council determines the fee to be applied for an application for a Certificate of Design Compliance issued by the Shire Building Surveyor be 0.2% of the value of the building work, plus GST, with a minimum fee for service of \$90.00 plus GST, and authorises the amendment of the schedule of fees and charges to include this addition.

**CARRIED 3/0
BY AN ABSOLUTE MAJORITY**

Attachment:

Schedule 2 — Fees

[r. 11]

Division 1 — Applications for building permits, demolition permits

Item	Application	Fee
1.	Certified application for a building permit (s. 16(1)) —	
	(a) for building work for a Class 1 or Class 10 building or incidental structure	0.19% of the estimated value of the building work as determined by the relevant permit authority, but not less than \$90
	(b) for building work for a Class 2 to Class 9 building or incidental structure	0.09% of the estimated value of the building work as determined by the relevant permit authority, but not less than \$90
2.	Uncertified application for a building permit (s. 16(1))	0.32% of the estimated value of the building work as determined by the relevant permit authority, but not less than \$90
3.	Application for a demolition permit (s. 16(1)) —	
	(a) for demolition work in respect of a Class 1 or Class 10 building or incidental structure	\$90
	(b) for demolition work in respect of a Class 2 to Class 9 building	\$90 for each storey of the building
4.	Application to extend the time during which a building or demolition permit has effect (s. 32(3)(f))	\$90

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Division 2 — Application for occupancy permits, building approval certificates

Item	Application	Fee
1.	Application for an occupancy permit for a completed building (s. 46)	\$90
2.	Application for a temporary occupancy permit for an incomplete building (s. 47)	\$90
3.	Application for modification of an occupancy permit for additional use of a building on a temporary basis (s. 48)	\$90
4.	Application for a replacement occupancy permit for permanent change of the building's use, classification (s. 49)	\$90
5.	Application for an occupancy permit or building approval certificate for registration of strata scheme, plan of re-subdivision (s. 50(1) and (2))	\$10 for each strata unit covered by the application, but not less than \$100
6.	Application for an occupancy permit for a building in respect of which unauthorised work has been done (s. 51(2))	0.18% of the estimated value of the unauthorised work as determined by the relevant permit authority, but not less than \$90
7.	Application for a building approval certificate for a building in respect of which unauthorised work has been done (s. 51(3))	0.38% of the estimated value of the unauthorised work as determined by the relevant permit authority, but not less than \$90
8.	Application to replace an occupancy permit for an existing building (s. 52(1))	\$90
9.	Application for a building approval certificate for an existing building where unauthorised work has not been done (s. 52(2))	\$90

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Item	Application	Fee
10.	Application to extend the time during which an occupancy permit or building approval certificate has effect (s. 65(3)(a))	\$90

Division 3 — Other applications

Item	Application	Fee
1.	Application as defined in regulation 31 (for each building standard in respect of which a declaration is sought)	\$2 000

- 12. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
Nil

- 13. CLOSURE OF MEETING**
The Committee Chairperson, Cr NL Trenfield, declared the meeting closed at 5:35 pm.