



***SHIRE***

***Of***

***MEEKATHARRA***

MINUTES

Of

HEALTH, BUILDING & TOWN PLANNING MEETING

Held

AT THE COUNCIL CHAMBERS, MEEKATHARRA

On

WEDNESDAY AUGUST 8th, 2012

COMMENCING AT 5:00 PM

## *Minutes*

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

#### ***1.1 DECLARATION OF OPENING***

**The Chairperson, Cr NL Trenfield declared the meeting open at 5:05pm**

#### ***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 Chairperson, Cr NL Trenfield, read the disclaimer aloud.**

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

#### **Members**

**Cr NL Trenfield – Chairperson**

**Cr PS Clancy**

**Cr AG Burrows**

#### **Staff**

**Krys East – Corporate & Development Services Manager**

**Bill Atyeo – Principle Environmental Health Officer/Building Surveyor**

#### **Apologies**

**Cr TR Hutchison – 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**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**6.1 HEALTH, BUILDING AND TOWN PLANNING COMMITTEE MEETING  
HELD JULY 4 2012.**

**Committee Resolution:**

**Moved: Cr AG Burrows**

**Seconded: Cr PS Clancy**

**That the minutes from the Health, Building and Town Planning Committee held  
Wednesday July 4, 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

July 2012

I was in attendance at the Shire from the 2<sup>nd</sup> to the 6<sup>th</sup> July 2012.

##### BUILDING LICENSES:

There were nil (0) Building Licenses processed and issued during this time.

##### Building License Statistics:

- The statistics as required by the ABS and WorkSafe, and others were dispatched accordingly within the required framework as laid down by WorkSafe. Monthly reporting is now required.

##### DEMOLITION LICENSES:

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

##### OTHER MATTERS:

- **Spillage at Capricorn Roadhouse.**

I received a complaint regard the spillage of sewerage at the Capricorn Roadhouse sewerage treatment plant allowing effluent to flow into the caravan parking area and the truck set down area and the fuel farm.

I rang the appropriate person to find that he was in Perth and I was not able to contact him. I therefore rang one of the owners of the Company and discussed the issues with him. He stated that yes there had been a spillage but that it was from the treated water and not raw sewage.

They were flying two technicians up as we were speaking and they appeared to have the situation in hand. There was no need for me to attend.

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- **DORAY ACCOMMODATION VILLAGE – LOT 1017 MEEHAN STREET:**

Spoke with Kevin from Doray on the conditions placed on their Town Planning permit and he was ok with them, but questioned me on the required finish to some of the matters such as fencing and car-parking area etc.

Also there are discussions on how to progress the construction as soon as possible.. These will be handled.

- **DEMOLITION LOT 200 HILL STREET (PINK HOUSE):**

I have contacted the owners and they will arrange for the complete demolition as soon as possible and will take out a further Demolition License as the other one has expired. They will also arrange for a licensed demolition contractor to remove all the asbestos.

- **New Building Act:**

**Further Changes to New Building Act and Regulations:**

On the 25<sup>th</sup> June 2012 the Minister Simon O'Brien MLC met with representatives from Local Government and from WALGA, the Building Industry, the Department of Commerce (including the Building Commission) and the Planning Commission (Industry Meeting). There are many issues that have been identified as problems in regard to processing applications and these have now been acknowledged, and it is accepted that the slow processing and complications experienced have not been the fault of the Permit Authorities (Local Government).

The commitment made to the meeting by the Department of Commerce was that the Building Commission would urgently convene a Focus Group Workshop involving representatives of the HIA WA, the two largest project home builders in the State, and three representative Local Governments (Rockingham, Stirling and Swan).

The Focus Group assisted the Building Commission in developing an information pack comprising a number of tools intended to reduce the volume of building approval delays currently being experienced. These tools include

- A single **Processing Manual** for reference by Local Government staff (Chapter 4 relates to Processing an Application), and also Applicants (Chapter 3 deals with Making an Application);
- Two **Pro Forma Statements** about 'work affecting other land' and 'planning, development approval and R-Codes' that can be utilised as templates where neighbour consent has been obtained or is not required, and where any applicable planning requirements have been met;
- A **Complete Checklist** outlining what is required for a complete application, including plan and specification requirements, for use by Builder and Owner-Builder Applicants, and by Local Government.

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The contents of the Information Pack were requested by the Industry Meeting to be backed by consistent and reliable legal advice where necessary, and to this end a senior lawyer from the State Solicitor's Office has been involved in the development of the documents.

On Friday 29 June 2012, at the reconvened Industry Meeting, a draft Checklist and Processing Manual for Local Governments were tabled for discussion, and feedback received. A final package of materials addressing that feedback was considered by the Focus Group on 4 July 2012 and endorsed as a useful tool to assist in clearing the current backlog of Applications, and increasing the number of new Applications which can be lodged by Builders.

The Local Governments on the Focus Group have confirmed that they are supportive of and will use the Information Pack. In the interests of urgently clearing the current backlog of Applications, the Minister now seeks a commitment from all Local Government CEOs to have their staff apply the Information Pack in processing Applications. In return, in applying the Information Pack, Local Governments can be assured that you will have the full backing of the State Government that they have fulfilled the requirements of the Building Act 2011.

In addition to uploading these new tools on the Building Commission website and emailing them to all registered builders and Local Governments, the Building Commission will be conducting Seminars for Builders, Owners and Local Government officials commencing in the coming week to introduce them to these new tools. Details will be supplied shortly.

In response to requests from the Focus Group for access to reliable and consistent advice, a dedicated Hotline is being set up with senior experienced officers on hand for both Industry and Local Government. Promotion of the Hotline will commence shortly.

Although the following may not affect our Shire directly, this may be a valuable resource we may be able to tap into if we require it in the future. The Department of Commerce was also tasked with identifying further immediate measures to deal with the current backlog and an expected spike in applications (for example, the State engaging private building surveyors for a short time and at the State's cost to assist Local Governments; and allowing for the granting of permits subject to conditions). Local Government representatives have advised that these measures would be of great assistance.

At the Industry Meeting on Friday the Department advised that the State will assist in supplementing building approval resources of Local Governments by engaging private building surveyors to assist Local Government. To ensure these resources are deployed effectively, having regard to those authorities with the greatest backlog, the need for reliable regular data collection was identified as a priority.

The Department has also confirmed that it is open to Local Governments to continue the practice of issuing Building Permits with conditions, provided those conditions meet the requirements of section 27 of the Building Act 2011. Essentially those requirements are that the conditions relate to the particular building work to be done and do not seek to modify the applicable certificate of design compliance or the plans and specifications specified in that certificate.

### How Local Government can assist

To assist in clearing the current backlog of Applications, the Minister seeks a commitment from all Local Government CEOs to

- instruct their staff to apply the Information Pack in processing Applications.
- support a specific request by the building industry for Local Governments to make neighbour information available to builders without requiring the Statutory Declaration normally required by the Local Government Regulations. Given the unlikelihood of misuse of information in this context, the Minister seeks the Shires cooperation to allow the waiver of the usual requirement for a Statutory Declaration in these circumstances.
- assist in the collection of weekly building permit application data collated through WALGA.

Finally, in addition to the regulatory change already undertaken (and referred to in the Minister's previous correspondence), work is continuing in order to resolve some outstanding problems with the interpretation and application of the Act.

As a follow-up to this letter the CEO has received a letter from Ricky Burges, CEO of WALGA, stating that"

*"Whilst the full details of the short term tools and resources being available to Local Governments are outlined in the Minister's correspondence, I would like to draw your attention to two particular initiatives that are being implemented.*

#### **Firstly:**

*The State Government, through the Department of Commerce has engaged a panel of qualified, registered Private Certifiers to provide additional resourcing capacity to those Local Governments experiencing a shortage of building surveyors or a significant increase in workload. These resources are fully paid for by the State Government and can be accessed by your Local Government over the next few weeks.*

#### **Secondly:**

*The Association has established a short, online reporting tool for Local Governments to provide weekly statistical data on the building permit applications received and processed. The provision of this information is very important as it is the only mechanism through which:*

- Additional Department of Commerce resources can be allocated;
- the effectiveness of the Information Pack tools can be assessed; or
- at what stage of the new process problems are still occurring eg applicants not providing complete applications, lack of take up of private certification services, or within Local Government.

*An example copy of the online reporting tool is **attached** and I seek your support in ensuring that an appropriate staff member is appointed to complete the survey on behalf of your Local Government at the beginning of each week. A hyperlink to the online reporting tool has been included in the covering email for my correspondence and is also available from Jacque Taylor at WALGA on [jtaylor@walga.asn.au](mailto:jtaylor@walga.asn.au)*

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*In closing, I thank you for supporting for the adoption of the Information Pack material by your staff and for your efforts in ensuring a sector wide approach is achieved.*

*Now that the State Government has committed to addressing Local Government's calls for clarity and resources and has provided an assurance that those Local Governments applying the Information Pack tools will have met the requirements of the Building Act 2011, it is critical that as a sector we endeavour to process building permit applications as efficiently as possible over the coming weeks."*

I will incorporate the new documents into the handling of Building Applications as stated and I have completed the update information following the request from WALGA and will do the weekly reporting as required by them. While there may not be any financial assistance forthcoming to the Shire by doing this, I feel it is the least we can do to assist WALGA as they have been wonderful advocates for changes we have requested to the new Building Act and Regulations.

● **PLANNING ISSUE:**

● **Ancillary Accommodation:**

The Western Australian Planning Commission has requested that Shires complete a survey in regard to the restrictions placed to developing Ancillary Accommodation within towns.

Ancillary accommodation is essentially a residential addition, which may or may not be physically attached to the existing house, such as 'granny flat'. Generally speaking a Shire may approve the development of ancillary accommodation associated with a single house and on the same lot, provided that:

- The sole occupant or occupants are members of the family of the occupiers of the main dwelling;
- The lot is not less than 450sqm in area;
- The open space requirements of Table 1 of the Residential Design Codes are met;
- The maximum area of the ancillary accommodation is 60sqm;
- One additional car space is provided.

The Government Sewerage Policy permits the design and construction of ancillary accommodation within un-sewered areas if the following criteria are met:

- total floor area is not more than 60m<sup>2</sup>;
- the development is designed with a shared laundry facility located within the main dwelling; and
- the septic tank and effluent disposal system is approved via the submission of the appropriate [septic tank application form](#).

Our Town Planning Scheme allows such to be developed, but only after the Council has used its powers of discretion. ***I have filled the attached form out with this in mind.***



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The real issue in our country is the inadequate percolation of the soil to deal with the effluent. However, should the State Government supply sewerage to all our towns, then we could more fully utilise the current allotments zoned as Residential, and ancillary accommodation would not be a problem.



Principal Environmental Health Officer  
Building Surveyor

**ATTACHMENT:**

**Ancillary Accommodation Survey**

<b>Local Government</b>	SHIRE OF MEEKATHARRA
<b>Name of existing Scheme(s)</b>	Shire of Meekatharra – Town Planning Scheme No 3
<b>Name of proposed Scheme(s)</b> •Give details of proposed new scheme if currently under assessment and summary of its current status.	No Proposed new Scheme
<b>Local Planning Scheme Provisions</b> •What, if any, provisions exist in your current or proposed Local Planning Scheme(s) that restrict the use and or development of ancillary accommodation (e.g. use class provisions, prohibited zones, development standards etc.)?  •If the scheme contains restrictive provisions, please provide the clause number and wording if possible.	The only restriction is that Council must approve it using discretionary powers. Ancillary Accommodation is not defined in the Scheme. When considering extra accommodation Council will consider the probability of the efficient and effective disposal of effluent generated on the allotment.
<b>Local Policies</b> •What, if any, local planning policies restrict or otherwise impact the use and development of ancillary accommodation in your local government area?  •If the local planning policy contains restrictive provisions, please provide a copy of the policy.	Nil

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<p><b>Other</b></p> <ul style="list-style-type: none"> <li>•Can you identify any other impediments/restrictions to the use of both existing and future ancillary accommodation in your local government area?</li> <li>•Can you identify all legal or other mechanisms used/applied by your local government to control the family occupancy restriction for ancillary accommodation approvals (e.g. conditions on planning approvals, S70A Notification on title, legal agreements etc.)</li> </ul>	<p>On Residential allotments the major impediment to the addition of ancillary accommodation is that the land has extremely low permeability to handle the adequate disposal of effluent. Although blocks are usually 1000M<sup>2</sup> there is no sewerage scheme and therefore septic tanks and leach drains are required. Extensive leach drains are required which takes min 60 M<sup>2</sup> in area, strategically placed so as not to interfere with other buildings on any allotment.</p>
<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>•Insert any other comments relating to ancillary accommodation in your local government area.</li> <li>•If the local government collects data relating to the number of ancillary accommodation approvals granted, this information would be appreciated.</li> </ul>	<p>There would be major concerns should people see this additional accommodation as a right as people could set this up in residential land and run it as a business (such as is similar to motel use). This would not be acceptable.</p> <p>Also, without the Government supplying full sewerage in our town the expansion would be virtually impossible as it would contravene the Health Act in regards to the treatment and disposal of sewage. Our Shire does not have the financial resources to fund such a major project. The State Government has abandoned the Infill Sewerage Scheme for Rural Towns, and so this will not happen.</p>

**Committee Resolution:**

**Moved: Cr PS Clancy**

**Seconded: Cr AG Burrows**

**That the Principal Environmental Officer/Buildings Surveyor's Reports for July 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.  CDSM Prepared tender docs and tenders have been called with closing date at 24.08.12	20.06.11  19.08.11  07.10.11  27.07.12

**Committee Resolution:****Moved: Cr AG Burrows****Seconded: Cr PS Clancy****That the Status Report for June 2012 be received.****CARRIED 3/0**

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

Nil

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

Nil

**13. CLOSURE OF MEETING**

**Chairperson Cr NL Trenfield declared the meeting closed at 5:26pm**