

SHIRE

Of

MEEKATHARRA

MINUTES

Of

HEALTH, BUILDING & TOWN PLANNING MEETING

Held

AT THE COUNCIL CHAMBERS, MEEKATHARRA

On

WEDNESDAY MARCH 9 2011

COMMENCING AT 5.03 PM

1.DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

1.1 DECLARATION OF OPENING

Cr NL Trenfield declared the meeting open at 5.03pm.

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

Committee Chairman
rrived 5:25pm
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<u>Staff</u>

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Krys EastCorporate & Development Services ManagerBill AtyeoPrincipal Environmental Health Officer/Building Surveyor

<u>Apologies</u> Cr AG Burrows

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

MINUTES OF THE HEALTH, BUILDING AND TOWN PLANNING COMMITTEE HELD WEDNESDAY 9 MARCH, 2011 Page 4 6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 HEALTH, BUILDING AND TOWN PLANNING COMMITTEE MEETING HELD FEBRUARY 9, 2011.

Committee Resolution:

Moved:Cr JE BurgemeisterSeconded:Cr NL Trenfield

That the minutes from the Health, Building and Town Planning Committee held Wednesday, February 9, 2011 be confirmed.

CARRIED 3/0

7. PETITION/ DEPUTATIONS/ PRESENTATION/ SUBMISSIONS Nil

8. ANNOUNCMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION Nil

9. REPORTS OF COMMITTEES AND OFFICERS 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

February 2011

I was in attendance at the Shire from the 7th February to the 11th February 2011. I did not visit the Shire in January 2011 as I was on leave.

BUILDING LICENSES ISSUED:

There were Two (2) Building License processed during this time.

- •Building License BL11/10 was issued to DOREY MINERALS PTY LTD., Level 1, 8/8 Clive St West Perth WA 6005 for the construction of accommodation, office, ablutions, and workshop on Lot 909 Stoddard Street Meekatharra.
- •Building License BL01/11 was issued to T&R Homes, 105 Kelvin Rd, Maddington WA 6109 for the construction of a dwelling on Lot 75 Main Street for the RFDS.

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 ISSUED:

There was One (1) Demolition License issued during this time.

•Demolition License DL01/11 was issued to DOREY MINERALS PTY LTD., Level 1, 8/8 Clive St West Perth WA 6005 for the demolition of the existing shed on Lot 909 Stoddard Street Meekatharra.

ISSUES:

Development of Lot 69 Hill Street – Mark Smith:

I spoke with Mr Mark Smith the owner of Lot 69 Hill Street in regard to the development that was occurring on his Lot with the addition of the high fence and the placement of "sea-containers (3). I stated to him that in accordance with the Meekatharra Town Planning Scheme that he was not permitted to use the Lot as part of his Plumbing Business as the land is zoned as "Residential". This excludes Commercial or Industrial use of the land.

Also the fence exceeds 1800 mm and thus needs Council approval.

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I acknowledged the vast improvement of the "look" of the property with the cleaning up and the fence, but that he is now required to:

- ○Apply to Council for the extra height of fencing.
- oApply to Council to have the Lot rezoned, at his expense, through an amendment to the Town Planning Scheme, should he want to use the property as part of his business. If not, then he needs to ensure that the sea-containers are removed to his Industrial land, and cease using the land as such.

•New Dwelling for RFDS – Lot 75 Hill Street – BL01/11:

I have received an application for a Building License for the development of a new house on Lot 75 Main Street for the RFDS. This could become complicated as the land is used for the disposal of effluent generated by three other houses owned by the RFDS that are on the adjacent Lot.

I wrote an Email to Mario Carbone from the RFDS Jandacot in which I stated:

The Lot has been used in the past for the disposal of effluent generated by three (3) dwellings located on your adjacent Lot. That means that there will now be 4 houses trying to dispose of the effluent on the one lot, and have a house on it as well. This will mean a complete revamp and evaluation of your needs for leach drains, as there is no sewerage available in Meekatharra for housing.

I am not sure whether or not you are familiar with the lot, or the layout on that Lot 75. The leach drains are located virtually in the centre of the lot and to towards the front boundary of the Lot. This means that access, given the placement of fencing of the adjacent houses which encroaches upon Lot 75. Also, the slope of the lot is from rear boundary to front boundary, and the drains are what we might class as semi inverted, and that is the reason for the retaining wall to the disposal area. This are needs to be protected at all times from vehicular traffic. Please be advised that if leach drains are the preferred option for treatment and disposal of the effluent, then I will require a minimum of 1 x 50 metres of approved leach drain, with a separation distance of approx 2 metres from boundaries and footings to any structure.

Given all these factors I feel that you will require the services of a qualified and licensed plumber to evaluate and submit a proposal to this office for approval with the appropriate application forms and fees paid.

Of note also is that you may very well require retaining walls for the house's footings due to the slope and the levels on the lot in comparison with adjacent houses. I will cc this to T&R Homes, as they may have problems with access, and the placement of the house. I have processed the application from T&R Homes for the building (dwelling) and have issued the License to build. I stress that T&R will need to evaluate the access and location and pad for this development.

Please contact me if you need further clarification

I have since had a discussion with Mr Carbone who was unaware of the situation, but will now address the issues I have stated.

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Inspection of Karalundi Education Centre:

I inspected the building works progress at Karalundi as required by the Building Regulations in order to issue certificates of classification. These will be issued in the next few days.

• Food Act 2008 – Annual Report to Department of Health Sect 121 of the Act:

I have prepared the following item to go to Council for a decision.

Title/Subject:	DELEGATION OF COUNCIL POWERS UNDER THE FOOD ACT 2008
Agenda/Minute Number:	
Applicant:	SHIRE OF MEEKATHARRA
File Ref:	Council Delegations
Disclosure of Interest:	The author has an interest in that certain delegations will
Date of Report: Author:	fall under his area of responsibility. 11 th February 2011 WV Atyeo Principal Environmental Health Officer Building Surveyor
Senior Officer:	Signature of Author Roy McClymont Chief Executive Officer

Summary/Matter for Consideration:

In order to expedite decision-making within the Shire, a recommendation is made to delegate a number of powers and duties to the Principal Environmental Health Officer as provided for in the Food Act 2008.

Attachments:

Nil

Background:

INTRODUCTION TO THE FOOD ACT 2008

The *Food Act 2008* (the Act) was passed on the 8 July 2008 by the Western Australian Parliament and has now been implemented with a transitional period. The Act will be the principal piece of legislation regulating the sale of food in Western Australia (WA) and provides food safety regulation over the entire food supply chain; a paddock to plate approach. This represents a significant shift in the direction of food regulation and management within WA. The following is an overview of some of the important changes to the new food regulatory system that the Act brings into fruition.

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Application of the Act

The Act will apply to everyone involved in the sale of food in WA. Sale is defined broadly and includes activities such as:

- •the supply of food as a meal to employees at the place of work in accordance with employment arrangements;
- •offering of food as a prize or reward;
- •the giving away of food for the purposes of advertisement;
- •the supply of food under a contract together with accommodation, service or entertainment.

Change in approach

The current food safety regulatory framework includes a number of legislative instruments created under the *Health Act 1911*. These include the *Health (Food Hygiene) Regulations 1993*, the *Health (ANZFood Standards Code Adoption) Regulations 2001*, the *Health (Meat Hygiene) Regulations 2001* and local government local laws. The Act replaces all of these legislative instruments.

This regulatory system was prescriptive and subsequently very inflexible. In contrast, the Act provides for an outcome based approach. In this model of food regulation, food safety outcomes are assessed which provides the food industry the opportunity to be innovative in relation to food safety management. Furthermore, the Act clarifies that the responsibility for food safety rests on the food business.

Implementation of national standards

The Act implements the *Australia New Zealand Food Standards Code* (the Code). This means that all food safety requirements are contained within this national code. The advantage of this approach is that it provides for national consistency; a food business in WA will need to meet the same requirements as a food business operating anywhere else in Australia.

It is very important that the proprietors of all food businesses become aware of the requirements contained within Chapter 3 of the Code specifically. This chapter, known as the *Food Safety Standards*, contains the minimum food handling, hygiene and structural requirements for all food businesses. It is expected that food businesses that comply with the current legislation in terms of food premises fit out and construction will comply with the standard required in the Code.

Administrative matters

The Act makes significant changes to the way food safety is managed that you need to be aware of:

Food Safety Programs

Food Safety Programs must be implemented in food businesses that are captured under *Standard 3.3.1 (Food Safety Programs for Food Service to Vulnerable Persons)* of the Code; specifically high-risk food businesses such as hospitals, nursing homes and child care centres. (There are none in the Shire of Meekatharra that has been determined as yet)

Although not a legal requirement for all food businesses, food safety programs are an effective food safety management tool and assist food businesses to manage their food safety risks. In addition, they are invaluable in ensuring that food businesses are able to demonstrate that all reasonable measures are being taken to produce safe and suitable food.

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Notification Requirements

All food businesses must notify the appropriate enforcement agency in writing that they plan to conduct a food business. The information required includes contact details, the nature of the food business and the location of all proposed food premises. The purpose of notification is so that enforcement agencies know of their existence can contact them if required and know the sort of food business in operation. In addition, it enables them to make a decision as to whether the food business needs to apply for registration as a food business. It is an offence not to provide this information.

Registration

Section 109 of the Act specifies that it is an offence to conduct a food business at any premises unless the food business is registered with the relevant enforcement agency in respect of those premises. This enables the enforcement agency to be aware of all food businesses trading within its responsible area and collect information in relation to food handling so that targeted food safety education, surveillance, enforcement and awareness programs can be developed.

Enforcement

The Act provides enforcement agencies with a number of new enforcement options, designed to assist them to manage compliance with the food standards. Depending on the severity of food safety breaches, authorised officers from enforcement agencies (Local Governments) may issue or initiate any of the following:

- •formal warnings
- •improvement notices;
- •prohibition orders;
- •infringement notices (fines)
- •legal action through the Courts

It is important to be aware that the details of any successful prosecutions will be publicly listed on the Department of Health's website.

Comment:

I feel the explanations are outlined clearly in the background as stated in this agenda item.

Please note that *The Chief Executive Officer cannot exercise authority under Section* 5.44 of the Local Government Act, 1995, as this delegation is to the Principal Environmental Health Officer under the relevant Act.

Consultation:

Chief Executive Officer - Roy McClymont

Statutory Environment:

Section 118 (2) of the Food Act 2008, and also the Food Act Regulations 2009 permit the local government to appoint and authorise the Environmental Health Officer to be delegated the administration and the functions of the Shire as "enforcement agency", pursuant to the Food Act 2008 and the Food Regulations 2009.

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Policy Implications:

Nil at this stage, but there may be policies that Council will need to adopt in the future in regard to a number of issues related to the Food Act and Regulations, such as audits and appointment of authorised officers, etc.

Budget/Financial Implications:

Nil

Strategic Implications:

The delegations will expedite decision-making within the Shire in regard to food and food businesses. This will enable the Principal Environmental Health Officer to act promptly to enforce compliance with the Food Act 2008 and Food Regulations 2009 as required.

Voting Requirements:

Simple Majority

Officers Recommendation / Committee Resolution:

Moved:	Cr JE Burgemeister
Seconded:	Cr PS Clancy

That the Committee recommends to Council that:

Council make the following delegation

The Delegation

That pursuant to section 118 of Division 2 of The Food Act 2008 and Food Regulations 2009, Council appoints and authorises the Environmental Health Officer to be delegated the administration of the functions of the Shire of Meekatharra as "enforcement agency", pursuant to the Food Act 2008 and the Food Regulations 2009. These functions include, but are not limited to, the authorising of Environmental Health Officers as authorised persons, the issuing of food business registrations and the annual reporting requirements described in the act.

Purpose

To enable the Principal Environmental Health Officer to act promptly to enforce compliance with the Food Act 2008 and Food Regulations 2009.

The Power or Duty Delegated

CARRIED 4/0

Food Act 2008 – Food Act Functions – Division 2 Section 118

Powers of Local Government

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made there under:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or functions.

•New Building Bill 2010:

I attended an all day workshop held at Dalwallinu on the 8th February 2011, hosted by the Shire of Dalwallinu and attended by Paul Scalzi, Senior Regulations Officer for the Building Commission, and 15 representatives from other Shires within the Wheatbelt Region, as far as Sothern Cross.

The day was very productive and one of the best I have attended with much discussion over the 200 plus Sections to go through.

My report is attached for your information.

• Food Complaint – Via Meekatharra Police Station

I received a food complaint via the Meekatharra Police, as the complainant directed the concern or complaint to the Police, who have forwarded it on to me at the Shire.

A tourist purchased fresh chicken drumsticks from a shop within Meekatharra, and consumed them for dinner the same night while camping. The lady ate some of the meal but the husband did not. The woman became sick after the meal and saw a doctor in Carnarvon 5 days later, and spent one night (two days) in hospital being re-hydrated.

I spoke with the manager of the shop and asked relevant questions in regard to the keeping and handling of food, and viewed documentation in regard to the recording of temperatures of fridges etc. I am convinced that the store has proper and very good management of the food, and the temperature readings did not dip below the required 4 degrees.

I am not saying that the food was not spoiled, but I note the lack of faecal samples and testing of same to prove that it was definitely food poisoning, and the fact that the meals would not have been consumed until after 6 hrs after the purchase of the food from the shop.

I am also convinced that if the person did have food poisoning, then she would not have been able to leave the hospital within two days if she had food poisoning for 5 days, which is the timeframe between consumption and presentation to the Doctor in Carnarvon and the admission to hospital.

I will respond to the tourist in an appropriate manner, thanking her for taking the time to submit the letter.

1/ Alyes

Principal Environmental Health Officer Building Surveyor

Report to Council on the new Building Bill 2010

I attended an all day workshop held at Dalwallinu on the 8th February 2011, hosted by the Shire of Dalwallinu and attended by Paul Scalzi, Senior Regulations Officer for the Building Commission, and 15 representatives from other Shires within the Wheatbelt Region, as far as Sothern Cross.

The day was very productive and one of the best I have attended with much discussion over the 200 plus Sections to go through.

The *Building Bill 2010* (the Bill) sets out the process for setting building standards and ensuring these standards are met through a system of certifying compliance, granting building, demolition and occupancy permits, inspecting building work and reporting on maintenance of essential services in buildings. It also regulates work affecting other land and standards that apply to existing buildings, and provides for enforcement of standards and processes by permit authorities. Local government remains the permit authority for most buildings under the Bill. However, the State is also made a permit authority with jurisdiction across Western Australia. Provision is made for permit authorities that may need to become special permit authorities where necessary under the Bill.

The Bill replaces Parts VII, IX and XV of the *Local Government (Miscellaneous Provisions) Act 1960* that deal with:

- •private swimming pool safety barriers;
- •smoke alarm installation into existing dwellings;
- •the setting of building standards;
- licenses for the erection, modification or demolition of buildings and other structures;
- •enforcement of building control;
- •the accreditation of building surveyors; and
- •the Building Regulations 1989.

The Bill consolidates the framework for prescribing design, construction and maintenance standards, approving building proposals, and certifying compliance with the relevant building standards and codes in the interests of community safety and health.

What do I see are the implications for Local Government with the passing of the new Building Bill 2010?

- The Bill once passed (thought to be 2012) will streamline the Building Application process and will consolidate all the different legislation we currently handle and make it more consistent throughout WA.
- The forms, including the application forms, certifications required, checklists, and licenses, will be compiled by the Building Commission and distributed throughout.
- ➤The State will be a Permit Authority in its own right, and Local Governments will also be. This means that the State will issue their own Building Licenses, and each Shire in the State will also be Permit Authorities, and keepers of the documents.

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The only matter that I have concerns about is the possible push by other bodies to be Permit Authorities. This means that the Local Governments would not know what building activities were happening in their areas until the permits to build have been licensed, until building works commenced. In other States such as Victoria where this occurs, this has caused many problems, and reduced income for the Local Governments. I will submit this concern to WALGA, as will every Shire that was represented at the workshop in Dalwallinu.

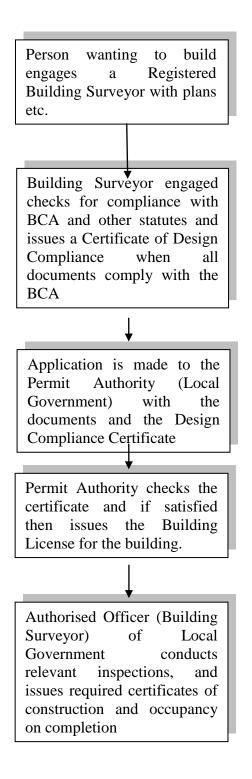
I therefore support the introduction of the new Building Bill 2010 with just the one concern as expressed here.

Local Government will have to engage the services of an Authorised Officer (Building Surveyor) as is required now, and will still be the authority that issues the permits. The State will continue to operate as they are now, so I can see no changes that will adversely affect the Building Department within Local Government. A huge positive is that the processes as outlined on the next two pages will streamline the process and become more uniform and consistent throughout the State.

W.V. Atyeo Principal Building Surveyor

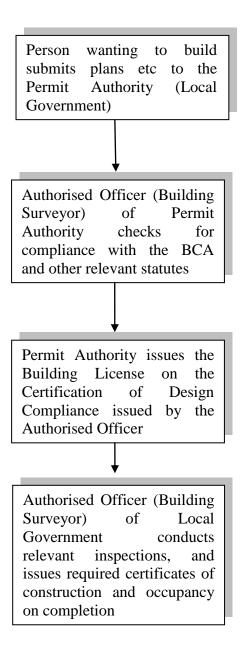
MINUTES OF THE HEALTH, BUILDING AND TOWN PLANNING COMMITTEE HELD WEDNESDAY 9 MARCH, 2011 Page 15 APPLICATION PROCESS UNDER NEW BUILDING ACT

CERTIFIED APPLICATION



MINUTES OF THE HEALTH, BUILDING AND TOWN PLANNING COMMITTEE HELD WEDNESDAY 9 MARCH, 2011 Page 16 APPLICATION PROCESS UNDER NEW BUILDING ACT

UNCERTIFIED APPLICATION



	manage a	es in Place to ppointments ised Officers	Delega	ted Authori Appointi	-	take	The Number of Authorised Officers			The Qualifications of Authorised Officers			Recruiting Difficulties	
AUTHORISED OFFICERS	Yes	No	Council	CEO	РЕНО	Other	Full- time	Part- Time	With Conditions	EHO Degree	Other	Audit Competencies	Yes	No
	Yes				Yes			1			Qualified EHO	Not Yet	Yes	
Registration of	-	umber of ications	The Numbe registered b		The Nu Assess condu		The Number of Food Businesses by Principle or Type of Activity The Number of Food Businesses			s by risk rating				
Food Businesses		14	14	1	1	4	Roadhouse = 4; Motel = 1; Bakery = 1; Hotel/Motel = 3; Supermarket = 1; Caravan Park = 1; Butcher = 1; Takeaway = 1; Mining Camp = 1				edium = 12 :: Low = 3	- 2		
	Enforcem	iance and ent Policy in lace	If Yes, does the DOH Gu		Legal Action Through the Courts Seizu					Seizure Powers				
	Yes	No	Yes	No	-	Number of Prosecutions Number Successful			Number Taken		Value	Numbe	er Returned	
Compliance and Enforcement Activities		Not Yet		Will follow	0			NA		0		NA		NA
	Nu	mber of Impro	ovement Notic	es		Number of Infringement Notices					Number of Prohibition Orders			
	Issued	Complied with	Not Comp	lied With	Issued	Value	+ Paid	Court	Withdrawn	Issued	Complied with	Not Complied	With	Withdrawn
	0	NA		NA	0		NA	NA	NA	0	NA	NA		NA

Publication of	Do you have procedures in	place to managing the publication of names of	offenders?	How many successful prosecutions were reported to DOH?						
Names of	Yes	No								
Offenders		Not at this stage but will mirror Department	that of the							
		Other matters (for example food safety education, food safety surveys undertaken)								
Issues of Highlights of Local Government Activities	Nothing has occurred at this stage and this will be review and decided upon after the needs have been identified									
	Does the Local Government plan to provide regulatory food safety auditing services?									
	Yes	Yes Comment if yes NO								
Regulatory Food Safety Auditing - provision of auditors	When is it er	nvisaged that this service will be available?		At this stage No But this will be assessed further in the near future						
	Will the regulatory auditin	g services be made available to businesses out jurisdiction?	side your	If this is provided then it will be made available outside the jurisdiction						
Signed	Loca	l Government Office		SHIRE OF MEEKATHARRA						
Declaration by Enforcement Agency	Authorised by local	government Chief Executive Officer	CHIEF EXECU	TIVE OFFICER Roy McClymont						
	Date									

Committee Resolution:

Moved: Cr JE Burgemeister Seconded: Cr PS Clancy

That the Principal Environmental Officer/Buildings Surveyor's Report for February 2011 be received.

CARRIED 4/0

Status Report

DATE	SUBJECT	PROPERTY	ACTION REQUIRED	RESPONSIBLE PERSON	STATUS	ACTION TAKEN	DATE
5-Nov-08	Design works for future renovations	Lot 87 Main St Lot 208 Hill St Swimming Pool Engage designer to draw up plans and specifications for renovations to lots 87 Main St & 208 Hill St and for the installation of a roof	renovations Lot 208 Hill St up plans and specifications Swimming Pool for renovations to lots 87 Main St & 208 Hill St and	CDSM	Onhold	Lot 208 Hill Street Tender not awarded and need to revise scope of works	June 2010
			kiosk/change rooms		Completed	Lot 87 Main Street Work Completed Awaiting maintenance period for defects	Dec 2010
					Completed	Swimming Pool Tender awarded and work to commence Mid July	June 2010
						Swimming Pool Work completed Awaiting maintenance period for defects	Feb 2010
July 09	Cleanup of town site and surrounds for abandoned vehicles and	N/A	Ongoing inspections and cleanup of Meekatharra town site and surrounds for a distance of no less than	CDSM/Town Works Crew	Ongoing	Initial Inspection and cleanup commenced	July 09
	general rubbish		of 1km. Cleanup to include car bodies, general rubbish and weeds from vacant blocks, town streets and immediate surrounding bushlands. Town streets to include the Airport Rd to the Met Bureau.			Discussions commenced with Mission Australia Re: using Work for the Dole participants	Feb 10

Committee Resolution:

Moved:	Cr TR Hutchinson
Seconded:	Cr PS Clancy

That the Status Report for February 2011 be received.

CARRIED 4/0

10. NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY RESOLUTION OF THE MEETING Nil

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

12. CLOSE OF MEETING

Cr TR Hutchinson declared the meeting closed at 5.50pm