



***SHIRE***

***Of***

***MEEKATHARRA***

MINUTES

Of

HEALTH, BUILDING & TOWN PLANNING MEETING

Held

AT THE COUNCIL CHAMBERS, MEEKATHARRA

On

WEDNESDAY MAY 11, 2011

COMMENCING AT 5:03 PM



## **MINUTES**

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

**Due to the absence of the Chairperson, Cr NL Trenfield, Cr TR Hutchinson took the chair and**

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

**Cr TR Hutchinson declared the meeting open at 5:03 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*

**Cr TR Hutchinson read the disclaimer aloud.**

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

#### **Members**

**Cr TR Hutchinson  
Cr JE Burgemeister  
Cr AG Burrows**

#### **Staff**

**Bill Atyeo                      Principal Environmental Health Officer/Building Surveyor**

#### **Apologies**

**Cr NL Trenfield    Committee Chairperson  
Cr PS Clancy  
Krys East              Corporate & Development Services Manager**

#### **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**

**Cr JE Burgemeister applied for leave of absence for the June meeting.**

**Moved: Cr AG Burrows  
Seconded: Cr TR Hutchinson**

**CARRIED 3/0**

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

**6.1 HEALTH, BUILDING AND TOWN PLANNING COMMITTEE  
MEETING HELD APRIL 6, 2011.**

**Committee Resolution:**

**Moved: Cr AG Burrows  
Seconded: Cr JE Burgemeister**

**That the minutes from the Health, Building and Town Planning  
Committee held Wednesday, April 6, 2011 be confirmed.**

**CARRIED 3/0**

**7. PETITION/ DEPUTATIONS/ PRESENTATION/ SUBMISSIONS**

**Nil**

**8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT  
DISCUSSION**

**Nil**

**Principal Environmental Health Officer/Building Surveyor's Report**

**Meekatharra Health, Building, Town Planning Committee**

**W.V. Atyeo**

**April 2011**

I was in attendance at the Shire from the 4<sup>th</sup> to the 8<sup>th</sup> April 2011.

**BUILDING LICENSES ISSUED:**

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

**DEMOLITION LICENSES ISSUED:**

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

**ISSUES:**

• **Dwelling Unfit for Human Habitation – Lot 292 Hill Street:**

In May 2010 the dwelling located at Lot 292 Hill Street was declared Unfit for Human Habitation (UHH) and the relevant Health Notice was issued and posted on it as required by the Health Act. The owner was informed and a copy of the Notice issued on the owner of the property.

I was informed that someone was living in the house and directed to investigate. On the 8/04/2011 I spoke with the occupant of the house and gave him a copy of the letter and UHH Notice and stated that he must vacate and have the owner write to the Shire in regard to proposed renovations to the house and request a stay of the UHH Notice.

The occupant stated that he was not aware that a Notice had been issued on the premises, and that the Notice now requires the dwelling to be demolished as there had been no works carried out on the house to bring it into compliance within the designated timeframe. He also stated that he was buying the house and that he had not been informed of the Notice. Had he gone through a settlement agent in the acquisition of the house, he would have been informed.

He also stated that he would vacate the premises until this matter was resolved. I will follow-up on this when next in Meekatharra and will continue to monitor the situation.

• **Royal Mail Hotel - Complaints:**

Following the inspection at my last visit to Meekatharra, I met with the new manager and the outgoing manager of the Royal Mail Hotel. The outgoing manager had informed the new manager of the matters raised by me and we went around the hotel facilities highlighting the areas of concern:

- Thorough cleaning of the kitchen equipment including below and sides of cookers.
- Cleaning of the skirtings, floors, and walls of the hotel.
- Renovation of the accommodation units on a rotational basis.
- Check and clean all sewer drainage on the property.
- Make the pump-out equipment compliant with the relevant legislation.

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- Check and make sound the drainage sump to the rear yard of the hotel.
- Replace broken or missing tiles, with the possible removal of all wall tiles to the male outside toilets.
- Plan to replace the male urinal and the stained and smelly step-up to the urinal.

I indicated that I would return when in town next to assess the progress towards up-grading of the standards at the hotel.

- **Pensioner Quarters concerns:**

I met with the manager of the Department of Housing at the Pensioner Units to discuss the matters I had raised with her previously. It was indeed great to see that the area had significantly cleaned up, and that the manager had put in place procedures and protocols in regard to what is expected from the tenants, and also to reduce the numbers of persons residing illegally at the units.

We were asked to remove the one car body remaining in the car park at the front of the units, and Mr Trenfield offered to organise for its removal, and also the removal and replacement of the nearly full rubbish-bin placed at the front of the units.

The matter of the build-up of car-bodies on housing properties was discussed and the fact that Fire and rescue at Newman were looking for car bodies to use in training exercises, and she indicated that she would be happy for them to come and remove them. To this end she would contact them to see what they could arrange.

Mr Trenfield and I did a "whip" around, and while doing this we discussed the accumulation at a particular property in Queen Street with the tenants, and Mr Trenfield offered to organise to have a number removed. The tenants were happy for this to occur and it was determined that Mr Trenfield would organise this for the next day.

- **Late Agenda Item – KINTYRE Uranium :**

I drew up a late agenda item for consideration in regard to the Kintyre Uranium project. Council had received an Environmental Scoping Document (ESD) from

the Department of Environment Protection Authority in regard to the proposal by Cameco Australia Pty Ltd to the Kintyre Uranium Project.

Council was asked to submit comments to the Environmental Protection Authority in regard to the Environmental Scoping Document submitted to Council for comments on the Kintyre Uranium Project. It was recommended that Council submit to the Environmental Protection Authority the comment in regard to being fully consulted and informed in regard to the Transport Risk Study for the Kintyre Uranium Project for the proposed Transport Risk Study to be included in the Environmental Review and Management Program (ERMP).

- **Other Issues in progress at the time:**

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Review of the Tobacco Act 2006.



Further Development of Sandfire Mining



Further Development on Plutonic Mining Lease



Re-Development of the Capricorn Roadhouse

Thus ends my report.

A handwritten signature in black ink, appearing to read 'N. V. A. Jones'.

Principal Environmental Health Officer  
Building Surveyor

**Committee Resolution:**

**Moved: Cr JE Burgemeister**

**Seconded: Cr AG Burrows**

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

**CARRIED 3/0**

**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 on the swimming pool kiosk/change rooms	CDSM	Onhold	Lot 208 Hill Street Tender not awarded and need to revise scope of works	June 2010
					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 general rubbish	N/A	Ongoing inspections and cleanup of Meekatharra town site and surrounds for a distance of no less than 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.	CDSM/Town Works Crew	Ongoing	Initial Inspection and cleanup commenced	July 09
						Discussions commenced with Mission Australia Re: using Work for the Dole participants	Feb 10



**Committee Resolution:**

**Moved:** Cr AG Burrows  
**Seconded:** Cr JE Burgemeister

**That the Status Report for April 6, 2011 be received.**



**CARRIED 3/0**

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

**Moved:** Cr AG Burrows  
**Seconded:** Cr JE Burgemeister

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

**CARRIED 3/0**

<b>Title/Subject:</b>	<b>Planning – Development Assessment Panels – Progress and members</b>
<b>Agenda/Minute Number:</b>	<b>10.1</b>
<b>Applicant:</b>	<b>Administrative Matter</b>
<b>File Ref:</b>	<b>Nil</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Date of Report:</b>	<b>1<sup>st</sup> April 2011</b>
<b>Author:</b>	<b>WV Atyeo</b> Principal Environmental Health Officer Building Surveyor
	
	<i>Signature of Author</i>
<b>Senior Officer:</b>	<b>Roy McClymont</b> Chief Executive Officer
	
	<i>Signature Senior Officer</i>

**Summary/Matter for Consideration:**

Regional Development Assessment Panels (DAP) will soon be established or formed by the State Government under new legislative changes. There will be one that will cover the Shire of Meekatharra which may also cover other Local Governments within the region.

Under the new changes Local Governments throughout the State are required to nominate 2 Councillors to be a part of the DAP for their region, plus 2 alternative Councillors, for the Ministers consideration and appointment.

This item will recommend that these Councillors be nominated and submitted to the Minister.

**Attachments:**

Nil

**Background:**

Councillors will be aware that we have objected to the introduction of Development Assessment Panels for Western Australia, as did 98% of the Local Governments that responded to the comment papers circulated for comment. Well they are here and here to stay. Their formation and implementation is as follows.

As you are aware, fifteen new Development Assessment Panels ('DAPs') are scheduled to commence operation from **1 July 2011**.

On **24 March 2011**, Part 11A of the *Planning and Development Act 2005* (the 'PD Act') will commence operation. Part 11A contains the heads of powers required to introduce DAPs in this State, through the making of regulations by the Governor.

On **24 March 2011**, the new *Planning and Development (Development Assessment Panels) Regulations 2011* (the 'DAP regulations') will also commence operation. The regulations were formulated with the assistance of a working group, comprising representatives from the Western Australian Local Government Association ('WALGA'), the Property Council and the Planning Institute of Western Australia. The working group endorsed the DAP regulations on 10 February 2011.

On **24 March 2011**, amendments to the *Planning and Development Regulations 2009* (the 'PDR') will also commence. Regulation 8(1)(b) of the new DAP regulations state that any DAP application of development within a district for which a DAP is established cannot be determined by the local government for the district – they must be determined by the DAP. As such, local governments cannot charge a fee under regulation 47 and Schedule 2 PDR for DAP applications, as they will not be the determining body for such applications.

In order to address this situation, and with the assistance of the working group, amendments to the PDR will allow local governments to continue charging fees for

applications that will be subject to the new DAP process under the DAP regulations. In particular, a new regulation 48A has been inserted into the PDR, which states:

**48A. Fees for DAP applications**

(1) *A local government may impose a fee for services in respect of a DAP application made to it notwithstanding that it will not itself determine the application.*

(2) *The fee must be decided by the local government but must not exceed the maximum fee specified in Schedule 2 in relation to a development application in respect of the same kind of development.*

(3) *Any fee imposed under sub regulation (1) must be paid to the local government by the applicant when making the DAP application.*

This has been one outcome that Local Government will be pleased with.

A short-list working group has already been established to assist the Minister with the selection of specialist DAP members. It is expected that the Minister and Cabinet will approve the appointment of specialist DAP members on or around **4 April 2011**. The names of appointments for each DAP area will be communicated to each respective local government before the 40-day local government nomination period formally begins.

On **2 May 2011**, the Ministerial Order formally creating the 15 DAPs will be gazetted. This order will set out which local government district falls within the jurisdiction of each DAP area, and a copy of the order will also be published on the DAP website. As outlined in the DAP regulations, DAP will not start to consider new applications until 60 days after their establishment. Therefore, DAPs will effectively commence operation on **1 July 2011**.

The new DAP regulations prescribe local governments with a 40-day period, from the establishment of the 15 DAPs, to submit to the Minister nominations for 2 DAP members and 2 alternate DAP members (i.e. 4 names in total). As DAPs will be formally created on 2 May 2011, local governments will have until **13 June 2011** to submit their nominations.

However, the Department of Planning would greatly appreciate if local government could start the process of selecting their DAP nominations from their pool of councillors. They would also appreciate names being submitted to the Department from this point onwards, if possible.

If a local government fails to provide the requisite nominations within the 40-day deadline of 13 June 2011, the Minister is empowered to nominate replacements from eligible voters in the district to which the DAP is established. In turn, the Minister and Cabinet is expected to formally approve the local government nominations on or around **15 June 2011**.

The DAP regulations prevent a DAP member from attending a meeting without first completing mandatory training. Please keep in mind that any DAP member who successful completes training is entitled to the payment of \$400 from the Department.

Given the very tight deadlines, the Department proposes to begin training DAP members as soon as they are nominated by their respective local governments, starting from **3 May 2011**. Priority will be given to those areas that are expected to have a high-volume of DAP applications. Therefore, the Department would greatly appreciate local government nominations as soon as possible from this point onwards.

**Comment:**

Council really does not have a choice but to nominate the four required Councillors, otherwise the Minister will canvas eligible voters in the district to which the DAP applies.

It needs to be pointed out further that those Councillors appointed by the Minister, ***MUST*** attend and complete the required training to the level required and this commences from 3<sup>rd</sup> May 2011. Thus the urgency to nominate the Councillors.

**Consultation:**

**Statutory Environment:**

- *Planning and Development Act 2005*
- *Planning and Development (Development Assessment Panels) Regulations 2011*

**Policy Implications:**

Nil

**Budget/Financial Implications:**

Not Known at this stage

**Strategic Implications:**

Nil

**Voting Requirements:**

Simple Majority

**Officers Recommendation / Council Resolution:**

**Moved:** Cr JE Burgemeister

**Seconded:** Cr AG Burrows

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

➤ *Councillor*

➤ *Councillor*

*to the Minister as members of the relevant Development Assessment Panel for the Shire of Meekatharra, and nominate*

➤ *Councillor*

➤ *Councillor*

*as alternative members to the relevant DAP for the Shire of Meekatharra.*

*and*

*That Council forward the names of the nominated Councillors to the Minister and to the Department of Planning as required.*

**CARRIED 3/0**

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

**Nil**

**12. CLOSE OF MEETING**

**Cr TR Hutchinson declared the meeting closed at 5:45 pm**