

1 DECLARATION OF OPENING

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

3 PUBLIC QUESTION TIME

4 OBITUARIES

5 GUEST SPEAKERS

6 DECLARATIONS OF INTEREST

7 CONFIRMATION OF MINUTES

7.1 March 2012 Minutes

8 BUSINESS ARISING FROM THE MINUTES

9 MINUTES OF COMMITTEES

9.1 Roe Tourism Association

9.2 Tidy Towns Committee

9.3 Corrigin Senior Citizens Association

9.4 Local Emergency Management committee

10 MATTERS REQUIRING A COUNCIL DECISION

10.1 Finance & Administration Reports

10.1.1 COMMUNITY RESOURCE CENTRE REPORT

10.1.2 ACCOUNTS FOR PAYMENT – MARCH 2012

10.1.3 MONTHLY FINANCIAL REPORT – MARCH 2012

10.2 Health Building & Planning Reports

10.2.1 MEHBS – INFORMATION UPDATE

10.2.2 NEW BUILDING ACT & SUBSIDURARY REGULATIONS

10.2.3 APPLICATION FOR PLANNING APPROVAL – CORRIGIN SPEEDWAY FACILITY
PORTION RESERVE 15804, LOT 134 (NO. 12) DRY WELL RD CORRIGIN

10.3 Works & General Purpose Reports

11 NOTICE OF MOTIONS -

12 NOTICE OF MOTIONS – NEXT MEETING

13 CHIEF EXECUTIVE OFFICERS REPORT

- 14 PRESIDENTS REPORT**
 - 15 COUNCILLORS REPORTS**
 - 16 URGENT BUSINESS**
 - 17 INFORMATION BULLETIN**
 - 18 WALGA & CENTRAL ZONE MOTIONS**
 - 19 MEETING CLOSURE**
-

1 DECLARATION OF OPENING

The Chairman Cr Lyn Baker opened the meeting at 3.00pm

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

President	L Baker
Deputy President	G E Downing
	D B Bolt
	D L Hickey
	G A Johnson
	N B Talbot
	M A Weguelin
Chief Executive Officer	J P Murphy
Deputy Chief Executive Officer	T L Dayman
MEHBS	F Buise (4.12pm)

3 PUBLIC QUESTION TIME

There were no members of the public present.

4 OBITUARIES

It was advised that Jess Nottle had passed away since the last meeting.

5 GUEST SPEAKERS

6 DECLARATIONS OF INTEREST

7 CONFIRMATION OF MINUTES

7.1 MARCH 2012 MINUTES

(7929) Moved Crs – Talbot and Hickey

That the minutes of the Ordinary Meeting held on 20 March 2012, be confirmed as a true and accurate record.

Carried 7/0

8 BUSINESS ARISING FROM THE MINUTES

9 MINUTES OF COMMITTEES

9.1 ROE TOURISM ASSOCIATION

(7930) Moved Crs – Johnson and Hickey

That the minutes from the Roe Tourism Association meeting held on the 12 March 2012, be received.

Carried 7/0

9.2 TIDY TOWNS COMMITTEE

(7931) Moved Crs – Bolt and Hickey

That the minutes from the Tidy Towns Committee meeting held on the 19 March 2012, be received.

Carried 7/0

9.3 CORRIGIN SENIOR CITIZENS ASSOCIATION

(7932) Moved Crs – Weguelin and Johnson

That the minutes of the Corrigin Senior Citizens Association held on the 28 March 2012, be received.

Carried 7/0

9.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE

(7933) Moved Crs – Johnson and Talbot

That the minutes of the Local Emergency Management Committee held on the 26 March 2012, be received.

Carried 7/0

10 MATTERS REQUIRING A COUNCIL DECISION

10.1 FINANCE & ADMINISTRATION REPORTS

10.1.1 COMMUNITY RESOURCE CENTRE REPORT

Applicant: Shire of Corrigin
Location: Shire of Corrigin
Date: 17 April 2012
Reporting Officer: Heather Ives, Corrigin CRC Coordinator
Disclosure of Interest: No interest to disclose
File Number: CMS/005/03

COMMENT

1. March 2012 Advertising:

'The Windmill' Newspaper: Local Lamb BBQ Extravaganza - *Event date & details*
Ngala "Families & Farming" Workshop – *29/03/12 details*
2012 Courses – *Expressions of Interest*
One-on-One Computer Lessons – *details*
Corrigin Movie Club – *March date reminder*
Govt. Information Access Point - *details*

E'News: Corrigin Movie Club – *10/04/12 reminder & movie selection*

Corrigin CRC Website: Corrigin Movie Club – *10/04/2012*
Ngala "Families & Farming" Workshop – *29/03/12 details*
Local Lamb BBQ Extravaganza - *Event date & details*

Corrigin CRC Facebook Page: Local Lamb BBQ Extravaganza - *Event date & details*
Ngala "Families & Farming" Workshop – *date & details*

2. MARCH 2012 Room Bookings:

Conference Room	4
Professional Office	4
Video Conference Room	2
Computer Training Room	1
Exam Supervisions	0

3. MARCH 2012 Courses / Workshops / Training / Information Seminars / Meetings:

Corrigin Movie Club (MARCH) " <i>Contagion</i> "	18 people
International Women's Day – Westlink Broadcast	3 people
Hotham Personnel – Employment Agency	0 appointments
Bankwest – Westlink Broadcast	1 person
Community First - Employment Agency	1 appointments
Senior First Aid Training Course	6 people
Skill Hire - Employment Agency	7 appointments
Ngala "Families and Farming" W/Shop	11 people
Corrigin Photo Book Project - Scanner Training	5 people

4. General Business:

- Corrigin Historical Photographic Book Project
 - Set up dedicated PC with new Photo Scanner equipment, software and External HDD
 - 21/03/12 conducted 'Scanner & File Management' Training session for Book Working Group
- Ordered additional equipment with adjustment request to Lotterywest Funding for Corrigin Historical Photo Archive Project. *Laptop with Carry Bag, All-in-one A4 Printer, A4 paper rheem, Power Surge protector.*

5. Equipment, Fixtures & Fittings:

- Uniden Phone System with 2nd Handset (*\$149 using 2011-2012 CRC Marketing & Promotion Funding*)
- OH&S Duress Alarm & Monitoring System (for CRC Staff working alone) – 30/3/12 contacted Securix for advice on staff alarm/monitoring options and costs. *Awaiting reply.*
- CRC Front Counter – *modify counter to include swinging low bench top to prevent public access (Ben Hewett taken measurements)*
- CRC Foyer – *modify public area to include Staff Only door, preventing public access to Staff Amenities & Shire Office. (Ben Hewett taken measurements)*

6. Marketing & Promotion

- Corrigin CRC - BBQ Aprons & Stubbie Drink Holders (*using CRC Special Project Funding for 'Local Lamb BBQ' Event*)

7. Professional Development & Training

- Senior First Aid Certificate Training – Heather Ives (*CRC Coordinator*)

8. CRC Traineeship – Pippa Davey

- Registered Training Organisation (Boyup Brook CRC) – 27/03/12 sign-up meeting.
- Cert IV in Business Fees - \$600

9. Grant Funding:

- Corrigin CRC "Community BBQ Trailer" Project Progress Report –
 - *Gas Plumbing work completed & gas bottles x 2 fitted*
 - *Final fixtures & fittings work completed (First Aid Kit, BBQ Sliding Lock & Handle, Fire Blanket, Tailgate Chains, OH&S stickers)*
 - *Operational tests completed (BBQ, safety gas fuse, water tank, power & lighting)*
 - *Corrigin BBQ Trailer ready for launch @ Local Lamb BBQ Event on 15/4/12*
 - *Finalised Trailer Hire Agreement & Terms & Conditions document*
 - *Trailer Hire Fees & Bond - Scheduled fees set @ \$50 Trailer Hire / \$100 Bond*
 - *Corrigin BBQ Trailer Advertising Flyer printed for distribution at launch event*
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10. CORRIGIN CRC Monthly Usage: March 2012

CUSTOMERS ACCESSING 'FEE FOR SERVICE' and SALES March 2012:					
COMPUTER ROOM	MTHLY	YTD <i>from July'11</i>	HIRE	MTHLY	YTD <i>from July'11</i>
Internet Use	68	707	Room Hire (payments)	4	27
Computer Use	-	25	Data Projector Hire	3	11
Wireless Hotspot	8	25	Laptop Hire	-	0
SERVICES			Folding Machine Hire	-	0
B&W Printing / Photocopies	55	276	Portable Projector Screen Hire	3	8
Colour Printing / Photocopies	18	121	White Board Hire	1	3
Photo Printing	1	11	Portable Pin-Up Board Hire	-	0
Laminating	9	41	Engraver Hire	-	0
Faxing	12	103	NLIS Scanning Wand Hire	-	0
Binding	2	5	SALES		
Secretarial Services	7	75	Phonebook Sales	24	162
Scanning	6	25	Birds of the W/belt Book Sales	-	0
Desktop Publishing	-	1	Map Book Sales	-	2
CD / DVD Burning	1	3	Corrigin Book Sales	1	9
Computer Training (one-on-one)	1	6	Shire Polo Shirt Sales	-	3
Phone Calls	-	5	CD Sales	-	0
FEES			Corrigin Post Card Sales	4	15
Corrigin CRC 2011 Membership	3	15	Corrigin Wrapping Paper Sales	1	10
Corrigin Movie Club (payments)	15	78	OTHER		
Training Course (payments)	-	9	Folding Machine	-	3
University Exam Invigilation	-	0	Yealering Book Sale	-	0
IP Video Conferencing	-	3	Bulyee / Kweda Book Sale	-	0
			BBQ Event Ticket Sales	19	19
<i>Monthly People through the Door : 267</i>					
CUSTOMERS ACCESSING 'CORRIGIN CRC SERVICES' March 2012:					
SERVICE	MTHLY	YTD <i>from July'11</i>	SERVICE	MTHLY	YTD <i>from July'11</i>
Phonebook - Enquiries	14	71	Department of Veterans' Affairs	-	5
Centrelink – Access Point	36	339	Courses & Education Enquiries	14	55
Tourism	28	332	General Enquiries	83	650
Conferences/Training/Meetings	53	526	Corrigin Toy Library	7	71
Broadband for Seniors Kiosk (BFS)	19	146	Government Info. Access Point	1	21
Medicare – Claim Booth	5	40	ATO	1	9
<i>Monthly People through the Door : 260</i>					

TOTAL: 527 (Paying Customers and Customer Services provided for March 2012)

ANNUAL SUMMARY REPORT:

	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	YEAR TOTAL
2003-04	440*	440*	440*	440*	440*	440*	No stat	No stat	No stat	No stat	132	276	3,048
2004-05	271	253	433	535	459	366	214	397	510	443	270	338	4,489
2005-06	373	370	391	526	605	511	297	509	735	488	562	443	5,810
2006-07	471	610	544	523	515	440	537	562	657	584	491	501	6,432
2007-08	535	613	537	714	511	520	561	510	625	733	576	469	6,904
2008-09	479	444	581	532	501	411	417	501	575	525	543	651	6,160
2009-10	629	682	626	757	590	727	421	623	715	529	491	539	7,329
2010-11	708	610	871	759	465	530	426	444	611	413	607	691	7,135
2011-12	568	536	572	535	542	381	426	520	527				

**Statistics taken from Old Telecentre Data (CWA Building location)*

OFFICER'S RECOMMENDATION

That Council receives the Corrigin Community Resource Centre's Report

COUNCIL RESOLUTION

(7934) Moved Crs – Weguelin and Johnson

That Council receives the Corrigin Community Resource Centre's Report.

Carried 6/0

Sven Tetlow from Wheatbelt GP Network entered the meeting at 3.07pm

Sven Tetlow from Wheatbelt GP Network left the meeting at 3.54pm

Clr Talbot left the meeting at 3.54pm

Clr Talbot returned the meeting at 3.56pm

10.1.2 ACCOUNTS FOR PAYMENT – MARCH 2012

Applicant: Shire of Corrigin Location: Shire of Corrigin Date: 10 April, 2012 Reporting Officer: Tanya Ludlow, Finance Officer Disclosure of Interest: No interest to disclose File Number: FM 0036
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BACKGROUND

This information is provided to Council on a monthly basis in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996. A Local Government is to develop procedures for the authorisation of, and payment of, accounts to ensure that there is effective security for, which money or other benefits may be obtained.

COMMENT

The cheques and EFT payments that have been raised for the Council meeting and also during the month of March 2012 are attached.

After payment of the following cheques and EFT payments, the balance of creditors will be \$NIL

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Expenditure in accordance with the 2011 / 2012 Annual Budget.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse Cheques 19503 to 19516 and EFT Payments in the Municipal Fund, totaling \$480,710.12, Cheques 3289 to 3291 and EFT Payments in the Trust fund totaling \$6,521.60, and EFT Payments in the Licensing account totaling \$91,006.55; Total payments for March \$578,238.27.

COUNCIL RESOLUTION

(7935) Moved Crs – Hickey and Bolt

That Council endorse Cheques 19503 to 19516 and EFT Payments in the Municipal Fund, totaling \$480,710.12, Cheques 3289 to 3291 and EFT Payments in the Trust fund totaling \$6,521.60, and EFT Payments in the Licensing account totaling \$91,006.55; Total payments for March \$578,238.27.

Carried 7/0

10.1.3 MONTHLY FINANCIAL REPORT – MARCH 2012

Applicant: Shire of Corrigin Location: Shire of Corrigin Date: 5 April 2012 Reporting Officer: Taryn Dayman, Deputy Chief Executive Officer Disclosure of Interest: No interest to disclose File Number: FM 0036

BACKGROUND

The Local Government (Financial Management) Regulation 34 states that a local government must prepare a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget for the month.

Variances between budgeted and actual expenditure including the required Material Variances (10% with a minimum value of \$10,000 are included in the variance report.

COMMENT

A variance report is included with the monthly financial statements.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Monthly Statement of Financial Activity.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the Statement of Financial Activity for the month ending 31 March 2012, as presented, and note any material variances.

COUNCIL RESOLUTION

(7936) Moved Crs – Hickey and Talbot

That Council adopts the Statement of Financial Activity for the month ending 31 March 2012, as presented, and note any material variances.

Carried 7/0

*Clr Hickey and Clr Weguelin left the meeting at 4.11pm
Clr Weguelin and Mr Buise entered the meeting at 4.12pm*

10.2 HEALTH BUILDING & PLANNING REPORTS

10.2.1 MEHBS – INFORMATION UPDATE

Applicant: Shire of Corrigin Location: Whole of Shire Date: 2 April 2012 Reporting Officer: Frank Buise, MEHBS Disclosure of Interest: No Interest to Disclose File Number: CM 0007
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BACKGROUND

The following is to update Councillors on various issues within the Health & Building and Town Planning area.

COMMENT

The following information is supplied for Council's information:

Building Licenses issued under Delegated Authority

No building licenses were issued for the period.

Annual leave

The MEHBS has been on leave from 10 February to 6 March 2012.

Regional Group Meeting

The MEHBS attended the group meeting on Friday 16 March 2012 at the Shire of Koorda. The following topics were discussed;

New Building Act

A training session was conducted by Mr Ray Adams from C.Y.O'Connor TAFE about the new Building Act. This presentation was for 2 hours.

Public Health Unit

Nurse Anne Foy gave a run down of health issues in the wheatbelt. Ross River virus is now prominent in the community.

Department of Environment and Conservation

Saoria Finucane gave a talk on the activities within the department.

WALGA

Rebecca Brown spoke on a new computer program for LG dealing with 'online Building Applications'. This system is more for the large LG's. Also the latest developments in the container deposit program. Developments in the National Pollution Inventory and the ewaste developments.

Department of Racing Gaming & Liquor

Darryl who is the senior premises inspector outlined some of the provisions of the Act and how LG's can use the Act to get premises up to standard.

Uretak

David gave a talk on the new method of removing cracks in buildings by pumping plastic under footings.

STATUTORY ENVIRONMENT

Local Government Act 1960

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no direct financial implications in relation to this item

STRATEGIC IMPLICATIONS

There are no direct strategic implications in relation to this item

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the MEHBS Report.

COUNCIL RESOLUTION

(7937) Moved Crs – Johnson and Weguelin

That Council receive the MEHBS Report.

Carried 6/0

10.2.2 NEW BUILDING ACT & SUBSIDURARY REGULATIONS

Applicant: Shire of Corrigin Location: Whole of Shire Date: 29 March 2012 Reporting Officer: Frank Buise, MEHBS Disclosure of Interest: No Interest to Disclose File Number:

BACKGROUND

The State Government has progressed through Parliament legislation that will change the future of the building approvals process throughout Western Australia (WA).

The *Building Act 2011* was given Royal Assent on 11 July 2011 and is expected to be proclaimed together with supporting Regulations on 2 April 2012.

The new Act aligns with the following recently proclaimed complementary Acts:

- *Building Services(Registration) Act 2011;*
- *Building Services (Complaint Resolution & Administration) Act 2011; and*
- *Building Services Levy Act 2011.*

The *Building Act 2011* will replace Parts VIII, IX and XV of the current *Local Government (Miscellaneous Provisions) Act 1960* as the building control legislation. The existing Building Regulations 1989 will be replaced by the Building Regulations 2012 to support the new *Building Act 2011*.

With the introduction of the new *Building Act 2011* there will be key changes that will affect local governments, as it will introduce changes such as:

- Private Certification (allows plans to be approved outside of the Shire)
- Permit Authorities and Special Permit Authorities
- Timeframe for approvals.
- Occupancy Permits and Building Approval Certificates.
- Applying for Building Permit when ready to build or occupy.
- Consent to affect other land.
- Local government no longer able to certify their own building projects.

The Act will also set out the role of local government (Permit Authority) which can be categorised into the following three (3) main functions:

1. Building Approval Certificates (Uncertified Applications);
 2. Permit approval and issue (Building and Occupancy Permits); and
 3. Enforcement.
-

Within the Act there are new terms used and the Building Commission has released a paper with the common terms used in the Act (**Refer to Attachment No. 1**). Furthermore the roles and responsibilities of a Permit Authority is also attached (**Refer to Attachment No. 5**).

The intent of the Act is to give the head of power to enable matters to be done and the Regulations will deal with the day to day operation of the Act.

COMMENT

The *Building Act 2011* will replace much of the *Local Government (Miscellaneous Provisions) Act 1960*, and amends a range of associated Acts. The key objectives of the new Act are:

- To provide a comprehensive system of building control in WA;
- Reduce building approval times;
- Set standards for building and demolition work in WA; and
- Deal with building or demolition work that affects other land.

The Act will bring significant changes to the building approvals process, from the design stage through to the occupation of a building and covers all types of buildings within WA. It will establish Permit Authorities, to issue permits and notices/orders, ensure enforcement of permits and retain building records. A Permit Authority can be a local government, Special Permit Authority (a group of local governments) or State Government.

The *Building Act 2011* enables local governments to deal with issues it cannot deal with under existing legislation, for example, the removal of fences without consent. In addition, the penalties for non-compliance are quite severe in that there are in some offences with escalating penalties up to gaol terms for repeat offenders. This enables the local government to take a more proactive role in enforcement of the building control legislation to ensure buildings are constructed in compliance with legislative requirements and appropriate standards within the community.

It is an expectation that local government will be carrying out routine inspection to ensure compliance with building standards and procedures in accordance with the Act. It is anticipated that there will be an additional role for the local government to undertake audits of applications being submitted for accuracy and compliance with the relevant codes and standards.

Under the Act, a local government will be a Permit Authority and this is a separate function to that of a certifier. The Permit Authority checks that the application is complete and has the associated certificate (Certificate of Design Compliance) included within the application. The required permits and supporting certificates are:

Permit	Certificate Required with Permit Application	
Building Permit	Certificate of Design Compliance	
Demolition Permit	Nil	
Occupancy Permit	New Buildings (with a current Certificate of Design Compliance)	Existing Buildings
	Certificate of Construction Compliance	Certificate of Building Compliance; or Building Approval Certificate

The above certificates will only confirm that the building conforms to building regulations and requirements. It may, but does not have to, certify that the building meets other laws or requirements such as the Shire's Town Planning Scheme, environmental health and engineering requirements, heritage requirements and the like. It will be the role of the Permit Authority to ensure that the application is consistent with these requirements, including any other that are specific to the local government - such as footpath deposits, and the Permit Authority will also be required to ensure that all levies and fees are paid.

The Permit Authority will be responsible for issuing all relevant permits under the Act, including:

1. Building Permits;
2. Demolition Permits;
3. Occupancy Permits; and
4. Building Approval Certificates.

The local government as the Permit Authority will be required under the Act to still provide a certification service for Class 1 and 10 buildings (single house on a single lot and incidental structures to dwellings) where it will be required to issue a certificate that the building complies with the Building Code (Certificate of Design Compliance) and other associated legislation. The local government as a service to the community may also provide a certification service for all other classifications of buildings (public & commercial) where certification from a registered building surveyor is required under the Act.

To provide this service all necessary requirements under the *Local Government Act 1995* are required to be met, in particular:

- Section 3.18 Performing executive functions; and
- Section 3.59 Commercial enterprises by local government.

Certification documents can only be signed by a registered building surveyor. On the other hand, Permits can only be signed by 'authorised persons'.

Registered building surveyors are those who are accredited through the Building Commission and at the time of the proclamation of the Act hold a current accreditation. The position of Building Surveyor accredited by the Building Commission cannot be delegated as it is a Statutory function under the *Building Act 2011* and *Building Services (Registration) Act 2011*. The Author has accreditation by the Building Commission for this role.

The powers that the local government has can be delegated to the Chief Executive Officer through Section 5.42 of the *Local Government Act 1995*. The Chief Executive Officer can then in turn sub-delegate those powers to an authorised person through the delegation of Section 5.44 of the *Local Government Act 1995*.

As one of the principles of the Act is to provide a reduction in the approval times for building approvals, the timeframes specified for processing applications will be tight and require local governments to perform at the most efficient level.

Applications can be either 'uncertified' or 'certified'. Uncertified applications will be required to be determined in 25 business days (**Refer to Attachment No. 2**). Certified applications are required to be determined in business 10 days (**Refer to Attachment No. 3**). The timeframes overall are

important to be adhered to as failure to achieve the specified timeframes will result in the application being deemed refused and the full application fees refunded to the applicant. Notwithstanding the refund and the refusal the application will still be required to be determined for no fee and furthermore the determination is appealable through the State administrative Tribunal (SAT).

During the assessment if there is any additional information required the local government may 'stop the clock' and request the additional information to be provided within 21 days. Upon the receipt of the additional information within the specified timeframe the 'clock is restarted' and the local government is to continue to assess the application within the specified timeframe. If the additional information is not received within the specified timeframe then the application is deemed refused and the fees are retained. The local government as the Permit Authority is also responsible to issue the Occupancy Permit, which will enable a building to be occupied (**Refer to Attachment No. 4**). Occupancy permits are required for all other classification of buildings (commercial premises - Class 2, 3, 4, 5, 6, 7, 8 and 9) and replace the now Certificate of Classification.

The issuing of an Occupancy Permit requires an inspection to be undertaken by a registered building surveyor and if the building is compliant with the Building Permit issued by the Permit Authority a Certificate of Construction Compliance can be issued. The owner of the building is then required to apply through the Permit Authority for an Occupancy Permit. The timeframe for determining the Occupancy Permit application is 10 business days with the ability to request for additional information to be provided within 21 days. Applications not determined in the specified timeframes require the application fees are to be refunded to the applicant.

Essentially, the implications of the Act on the Shire's current procedures relating to the processing of building applications is that the applicant when applying for a building permit (building license) must ensure that all relevant approvals applicable to the development have been obtained before making the application to the local government for a building permit (hence the recent front counter staff training sessions). This effectively ceases the common practice of lodging simultaneous applications for building and planning, or the local government holding applications for an extended period of time until the applicant finalises all outstanding requirements. The key differences between the existing and new building processes can be summarised as follows:

Current Process for Residential Class 1 and 10 and Commercial 2 to 9

- Application lodged with local government.
 - Assessed for Building Code Australia compliance.
 - External referrals to other agencies (FESA, Water Corporation, etc.).
 - Internal assessment for compliance with Planning, Environmental Health and Technical Services requirements.
 - Approval issued.
-

Under the Building Act 2011

Uncertified Application Class 1 and 10

- Applicant to obtain external approvals from FESA, Water Corporation, Heritage Council etc.
- Application lodged with local government.
- Assessed for Building Code Australia compliance.
- Internal assessment for compliance with Planning, Environmental Health and Technical Services requirements.
- Approval issued.

Certified Application Class 1 and 10 and 2 to 9

- Applicant to obtain all required approvals necessary from FESA, Water Corporation, Heritage Council and the Shire's Planning, Environmental Health and other authorities as required and Technical Services.
- Applicant obtains Certificate of Design Compliance (in relation to Building Code Australia compliance).
- Application lodged with local government.
- Internal assessment for compliance with Planning, Environmental Health and Technical Services requirements.
- Approval issued.

Delegation of Powers

A Special Permit Authority or a local government will be able under section 127 of the *Building Act 2011* to delegate any of its powers or duties as a Permit Authority to an employee of the Special Permit Authority or a local government (under the *Local Government Act 1995* - section 5.36). The power and the duties of the Permit Authority in relation to both the approval or enforcement roles cannot be delegated to the private sector. The delegation is to be in writing, executed by, or on behalf of, the Special Permit Authority or local government. The person that has the delegated power cannot on delegate those powers to someone else.

The areas in the Act where reference to the local governments having the ability or requirements to perform tasks and delegation from the Council to employees as required is set out as follows (***More details refer to Attachment No. 7***):

- Section 20 - Grant of building permit;
 - Section 21 - Grant of demolition permit;
 - Section 22 - Further grounds for not granting an application;
 - Section 50 - Grant of occupancy permit, building approval certificate Strata type properties
 - Section 58 - Grant of occupancy permit, building approval certificate;
 - Section 96 - Authorised persons;
 - Section 110 - Building orders; and
 - Section 139 - Presumptions about authority to do certain things.
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Currently under the Shires Delegation Authority Register there is one section being C2 relating to Building Control. It is recommended that the existing delegations remain in place and until the Building Act 2011 becomes operative on the 2 April 2012; then the recommended delegations within this item along with the new fees are also enacted.

It is recommended that the following new delegation statements be added to the current Shires Delegation Authority Register and be promulgated upon the enacting of the *Building Act 2011* on the 2 April 2012:

Grant of Building Permit

This delegation is required to enable the Shire to effectively and efficiently fulfill its obligations under the Act in relation to the issuing of building permits to ensure good governance in building control.

Delegation Number	Grant of Building Permit
Officer	Delegation
Chief Executive Officer - Sub-Delegated to: Manager Health & Building Services	Authority to grant or refuse to grant building permits.
Reference	
<i>Building Act 2011</i> Section 20	

Grant of Demolition Permit

This delegation is required to enable the Shire to effectively and efficiently fulfill its obligations under the Act in relation to the issuing of demolition permits to ensure good governance in building control.

Delegation Number	Grant of Demolition Permit
Officer	Delegation
Chief Executive Officer - Sub - Delegated to: Manager Health & Building Services	Authority to grant or refuse to grant demolition permits.
Reference	
<i>Building Act 2011</i> Section 21	

Further Grounds Not to Grant a Permit

This delegation is required to enable the Shire to effectively and efficiently fulfill its obligations under the Act in relation to refusing permits due to incorrect or inconsistent applications to ensure good governance in building control.

Delegation Number	Not to Grant a Permit
Officer	Delegation
Chief Executive Officer - Sub - Delegated to: Manager Health & Building Services	Authority to refuse to grant Building Permits or Demolition Permits if it appears: <ol style="list-style-type: none"> 1. There appears to be an error in the documents or information provided in the application; or 2. If an application is inconsistent with: <ul style="list-style-type: none"> • A function that the Permit Authority has underwritten law; or • An agreement between the Permit

	Authority and the applicant.
Reference	
<i>Building Act 2011 Section 22</i>	

Grant of Occupancy Permits, Building Approval Certificates for Strata type properties

This delegation is required to enable the Shire to effectively and efficiently fulfill its obligations under the Act in relation to issuing Occupancy Permits and Building Approval Certificates for existing buildings to ensure good governance in building control.

Delegation Number #	Grant of Occupancy Permit – Strata, Building Approval Certificate - Strata
Officer	Delegation
Chief Executive Officer - Sub-Delegated to: Manager Health & Building Services	Authority to grant, modify or refuse to grant Occupancy Permits or Building Approval Certificates.
Reference	
<i>Building Act 2011 Section 50</i>	

Grant of Occupancy Permits, Building Approvals/Certificates

This delegation is required to enable the Shire to effectively and efficiently fulfill its obligations under the Act in relation to issuing Occupancy Permits and Building Approval Certificates for existing buildings to ensure good governance in building control.

Delegation Number	Grant of Occupancy Permits, Building Approval Certificate
Officer	Delegation
Chief Executive Officer - Sub-Delegated to: Manager Health & Building Services	Authority to grant, modify or refuse to grant Occupancy Permits or Building Approval Certificates.
Reference	
<i>Building Act 2011 Section 58</i>	

Authorised Persons

This delegation is required to enable the Shire to effectively and efficiently fulfill its obligations under the Act in relation to the appointment of officers to conduct the duties of the Act to ensure good governance in building control.

Delegation Number	Authorised Persons
Officer	Delegation
Chief Executive Officer	Authority to appoint authorised persons for the purpose of the <i>Building Act 2011</i>
Reference	
<i>Building Act 2011 Section 96</i>	

Building Orders

Within the Act permit authorities including local governments, will have the necessary power to ensure that work complies with a building or demolition permit, that buildings are used in accordance with an occupancy permit and that buildings comply with the building code and standards. The local government may take enforcement action when a building is built or demolished without a building or

demolition permit. A permit authority that issued the permit may take enforcement action if building work:

- Contravenes a building, demolition or occupancy permit;
- Is unfit for use or occupancy;
- Is a danger to occupants or adjoining owners; or
- Is used in contravention of the Act or regulations.

The Building Act therefore provides greater power and expectations of local government in the role of building enforcement. This delegation will enable the Shire to deal with non-compliance matters in an effective and efficient manner to enable the Shire to fulfill its obligations under the Act in relation to issuing of orders to ensure good governance in building control.

Delegation Number	Building Orders
Officer	Delegation
Chief Executive Officer - Sub-Delegated to Manager Health & Building Services	Authority to issue Building Orders in relation to: <ul style="list-style-type: none"> • Stop work, demolish/remove a building, alter a building or evacuate a building, where there is a contravention of a provision of the <i>Building Act</i>; • Take specific action to prevent contravention of the Act; • Finish an outward facing side of a wall; • Buildings which are considered as being unsafe or not fit for human habitation.
Reference	
<i>Building Act 2011</i> Section 110	

Presumptions about Authority to do Certain Things

This delegation is required to enable the Shire to have an appropriate person appointed under the Act to sign prosecution documentation as required.

Delegation Number	Presumptions About Authority to do Certain Things
Officer	Delegation
Chief Executive Officer	Authority to commence prosecution.
Reference	
<i>Building Act 2011</i> Section 139	

Building Act Fee Structure

Statutory Fees

Statutory fees are fees prescribed by the state government and are set out in Regulations. The prescribed building fees as set out in the *Building Regulations 1989* are statutory fees imposed by the state government. Given these fees are not a fee charge by or a fee that the '*local government wishes to impose*', the local government is not required to advertise these statutory fees under the *Local Government Act 1995*.

The *Building Act 2011* statutory fees have been set for applications for building (Section 16 (l)), demolition (Section 16 (l)), and occupancy permits (Section 54(4) (d)). The Act also introduces a number of other applications which fees can now be charged for.

Currently, statutory building fees are set in Regulation 24 of the *Building Regulations 1989*. This Regulation will be amended to reflect the new rates and the various types of applications and permits that statutory fees will be applied to (**Refer to Attachment No. 8**). Additional permits and applications to which new statutory fees will be applied are as follows:

- Application for Occupancy Certificate;
- Application for temporary Occupancy Permit;
- Application for modification of an Occupancy Certificate; and
- Application for a replacement of an Occupancy Permit (or Certificate of Classification).

Non-Statutory Fees

Non-statutory fees are those, which are imposed by the local government for a service that it has chosen to offer without any legislative requirement to do so. Under Section 6.19 of the *Local Government Act 1995*, non-statutory fees imposed by the local Government after the adoption of the Shire's budget are required to be advertised. When advertising the fee, the local government is required to advertise the fee charged and the service being delivered for the fee.

Under the *Building Act 2011*, the local government has the opportunity to provide a service to the community to carry out inspections for the purpose of either obtaining appropriate certificates to enable applications to be made to the local government for building related permits to be issued, or to carry out inspections for the builder if required under the issued Certificate of Design Compliance for the Building Permit. Also the builder is required to submit a Certificate of Completion to the local government within seven (7) days of completing the works.

The Certificate of Completion is to note that any inspections that were required (as stated on the Design Compliance Certificate) during construction have been carried out and that the required certificates of inspection have been attached to the Certificate of Completion. The inspections required during the construction can be carried out by any competent person and the local government may be requested or offer to undertake these inspections for the builder and as such charge the appropriate fee for this service.

As this is a non-statutory fee which is imposed by the local government it is required to be advertised in accordance with Section 6.19 of the *Local Government Act 1995*.

Based on the current salaries and overheads for the current building surveyor the recovery rate for a staff member is approximately \$45.00 per hour. When considering the fee for the service of doing inspections, allowances for the following provision should be taken into account:

1. Travel at \$0.91 per kilometre + time travelled based on Full Time Employee rate [FTE]
2. Inspection time -minimum 30 minutes; and
3. Administration and preparation of documentation - minimum 30 minutes (preparation, report, printing, registering and storage).

The minimum cost for an inspection would be 1 hour at \$45.00 per hour + \$0.91 per kilometre + time travelled, therefore it is recommended that the building inspection fee be a minimum of \$90.00 ++ .

Based on the above recommended inspection fees and the expected amount of inspections, the total revenue would not be a major trading activity in relation to the *Local Government Act 1995* and the Local Government (Function and General) Regulations 1996.

In summary the *Building Act 2011* establishes Permit Authorities with the power to administer building control and issue permits within its district and introduces reform in the processing and documentation in applying and issuing permits for building, demolition and occupancy. Provisions have been made in the Act to ensure appropriate delegations and appointments are adopted to ensure the Shire's obligations under the Act are complied with.

Fees for existing statutory applications have been amended and additional statutory fees for new application types have been included. Also under the Act there is the ability for the local government to provide additional services such as building inspections.

Local governments still maintain the responsibility for enforcement of non-compliance matters, with some increased powers to assist in the gathering of evidence and increased penalties for severe breaches of the Act.

It is recommended that Council adopt new delegations to enable the Shire to effectively and efficiently fulfill its obligations under the Act; and introduce fees for the Shire to undertake building inspections.

CONSULTATION:

Honourable Simon O'Brien MLA Minister for Finance; Commerce; Small Business

Mr T Bush President Australia Institute of Building Surveyors National & Principal Building Surveyor City of Belmont

Mr J Mitchell Manager Developmental Services Coolgardie-Kambalda (formally at Merredin)

Ms Rebecca Bowler EHO Shire of Merredin

Mrs M Dennis Manager Developmental Services Katanning

Mr Julian Goldacre PEHO Shire of Wyalkatchem

Mr L Thomas PEHO/BS Goomalling-Dowerin

Mr P Gow Building Commission Director

Mr P Scalzi Building Commission

STATUTORY ENVIRONMENT:

Local Government Act 1995

Local Government (Miscellaneous Provisions) Act 1960 Building Act 2011

Building Services Levy Act 2011

Building Services (Complaint Resolution & Administration) Act 2011

Local Government (Function and General) Regulations 1996.

Building Regulations 1989

POLICY IMPLICATIONS:

The Shire's building policy 'H11 out Building' may be required to be reviewed following the promulgation and operation of the *Building Act*

FINANCIAL IMPLICATIONS:

Fees for certification of Class 1 and 10 buildings as required of a permit authority along with permit issuing is prescribed therefore not unlike present circumstances. There is the potential of further income in the form of additional prescribed fees for the issuing of additional permits introduced into the new Act. The inspection service fees noted above has no cost benefit as it is a fee for service and based on recovery cost only.

STRATEGIC IMPLICATIONS

There are no direct strategic implications in relation to this item.

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. *That Council note the comments contained in this report relating to the Building Act 2011:*
2. *Upon proclamation of the Building Act 2011 adopt the following new delegation statements to the Delegation Authority Register -*

Delegation Number C2 - A	Grant of Building Permit
Officer	Delegation
Chief Executive Officer - Sub-Delegated to: Building Surveyor	Authority to grant or refuse to grant building permits.
Reference	
<i>Building Act 2011 Section 20</i>	

Delegation Number C2 - B	Grant of Demolition Permit
Officer	Delegation
Chief Executive Officer - Sub - Delegated to: Building Surveyor	Authority to grant or refuse to grant demolition permits.
Reference	
<i>Building Act 2011 Section 21</i>	

Delegation Number C2 - C	Not to Grant a Permit
Officer	Delegation
Chief Executive Officer - Sub - Delegated to: Building Surveyor	Authority to refuse to grant Building Permits or Demolition Permits if it appears: 1. There appears to be an error in the documents or information provided in the application; or 2. If an application is inconsistent with: <input type="checkbox"/> i) A function that the Permit Authority has underwritten law; or

*Agenda for the Ordinary meeting of Council to be held in the Shire of Corrigin Council Chambers on
17 April 2012*

	ii) An agreement between the Permit Authority and the applicant.
Reference	
<i>Building Act 2011 Section 22</i>	

Delegation Number C2 - D	Grant of Occupancy Permits – Strata, Building Approval Certificate - Strata
Officer	Delegation
Chief Executive Officer - Sub-Delegated to: Building Surveyor	Authority to grant, modify or refuse to grant Occupancy Permits or Building Approval Certificates.
Reference	
<i>Building Act 2011 Section 50</i>	

Delegation Number C2 - E	Grant of Occupancy Permits, Building Approval Certificate
Officer	Delegation
Chief Executive Officer - Sub-Delegated to: Building Surveyor	Authority to grant, modify or refuse to grant Occupancy Permits or Building Approval Certificates.
Reference	
<i>Building Act 2011 Section 58</i>	

Delegation Number C2 - F	Authorised Persons
Officer	Delegation
Chief Executive Officer	Authority to appoint authorised persons for the purpose of the <i>Building Act 2011</i>
Reference	
<i>Building Act 2011 Section 96</i>	

Delegation Number C2 - G	Building Orders
Officer	Delegation
Chief Executive Officer - Sub-Delegated to Building Surveyor	Authority to issue Building Orders in relation to: <ul style="list-style-type: none"> • Stop work, demolish/remove a building, alter a building or evacuate a building, where there is a contravention of a provision of the <i>Building Act</i>; • Take specific action to prevent contravention of the Act; • Finish an outward facing side of a wall; Buildings which are considered as being unsafe or not fit for human habitation.
Reference	
<i>Building Act 2011 Section 110</i>	

Delegation Number C2 - G	Presumptions About Authority to do Certain Things
Officer	Delegation
Chief Executive Officer	Authority to commence prosecution.

Reference
<i>Building Act 2011</i> Section 139

3. Note that the Schedule of Fees and Charges will be amended to incorporate the new statutory building fees set in the Building Regulations 1989 as amended and gazetted;
4. That the Shire Schedule of Fees and Charges will be amended to incorporate the new statutory building fees set in the Building Regulations 2012 Schedule 2 as (amended and gazetted) upon enactment of the Building Act 2011;
5. Approve the intention to introduce a building inspection service fee at \$45.00 + \$0.91 per kilometre + staff FTE time travelled;
6. Authorise the Shire to advertise the proposed building inspections service fee pursuant to Section 6.19 of the Local Government Act 1995.

COUNCIL RESOLUTION

(7938) Moved Crs – Bolt and Downing

1. That Council note the comments contained in this report relating to the Building Act 2011:
2. Upon proclamation of the Building Act 2011 adopt the following new delegation statements to the Delegation Authority Register -

Delegation Number C2 - A	Grant of Building Permit
Officer	Delegation
Chief Executive Officer - Sub-Delegated to: Building Surveyor	Authority to grant or refuse to grant building permits.
Reference	
<i>Building Act 2011</i> Section 20	

Delegation Number C2 - B	Grant of Demolition Permit
Officer	Delegation
Chief Executive Officer - Sub - Delegated to: Building Surveyor	Authority to grant or refuse to grant demolition permits.
Reference	
<i>Building Act 2011</i> Section 21	

Delegation Number C2 - C	Not to Grant a Permit
Officer	Delegation
Chief Executive Officer - Sub - Delegated to: Building Surveyor	Authority to refuse to grant Building Permits or Demolition Permits if it appears: <ol style="list-style-type: none"> 1. There appears to be an error in the documents or information provided in the application; or 2. If an application is inconsistent with: <ul style="list-style-type: none"> <input type="checkbox"/> i) A function that the Permit Authority has underwritten law; or ii) An agreement between the Permit Authority and the

	applicant.
Reference	
<i>Building Act 2011</i> Section 22	

Delegation Number C2 - D	Grant of Occupancy Permits – Strata, Building Approval Certificate - Strata
Officer	Delegation
Chief Executive Officer - Sub-Delegated to: Building Surveyor	Authority to grant, modify or refuse to grant Occupancy Permits or Building Approval Certificates.
Reference	
<i>Building Act 2011</i> Section 50	

Delegation Number C2 - E	Grant of Occupancy Permits, Building Approval Certificate
Officer	Delegation
Chief Executive Officer - Sub-Delegated to: Building Surveyor	Authority to grant, modify or refuse to grant Occupancy Permits or Building Approval Certificates.
Reference	
<i>Building Act 2011</i> Section 58	

Delegation Number C2 - F	Authorised Persons
Officer	Delegation
Chief Executive Officer	Authority to appoint authorised persons for the purpose of the <i>Building Act 2011</i>
Reference	
<i>Building Act 2011</i> Section 96	

Delegation Number C2 - G	Building Orders
Officer	Delegation
Chief Executive Officer - Sub-Delegated to Building Surveyor	Authority to issue Building Orders in relation to: <ul style="list-style-type: none"> • Stop work, demolish/remove a building, alter a building or evacuate a building, where there is a contravention of a provision of the <i>Building Act</i>; • Take specific action to prevent contravention of the Act; • Finish an outward facing side of a wall; Buildings which are considered as being unsafe or not fit for human habitation.
Reference	
<i>Building Act 2011</i> Section 110	

Delegation Number C2 - G	Presumptions About Authority to do Certain Things
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Officer	Delegation
Chief Executive Officer	Authority to commence prosecution.
Reference	
<i>Building Act 2011 Section 139</i>	

3. *Note that the Schedule of Fees and Charges will be amended to incorporate the new statutory building fees set in the Building Regulations 1989 as amended and gazetted;*
4. *That the Shire Schedule of Fees and Charges will be amended to incorporate the new statutory building fees set in the Building Regulations 2012 Schedule 2 as (amended and gazetted) upon enactment of the Building Act 2011;*
5. *Approve the intention to introduce a building inspection service fee at \$45.00 + \$0.91 per kilometre + staff FTE time travelled;*
6. *Authorise the Shire to advertise the proposed building inspections service fee pursuant to Section 6.19 of the Local Government Act 1995.*

Carried 6/0

Mr Buise left the meeting at 4.25pm

**10.2.3 APPLICATION FOR PLANNING APPROVAL – CORRIGIN SPEEDWAY FACILITY
PORTION RESERVE 15804, LOT 134 (NO. 12) DRY WELL RD CORRIGIN**

Applicant: Urban & Rural Perspectives on behalf of Australian Speedway Drivers & Riders Association
Location: Portion Reserve 15804, Lot 134 (No. 12) Dry Well Rd Corrigin
Date: 11 April 2012
Reporting Officer: Julian Murphy, Chief Executive Officer
Disclosure of Interest: No interest to disclose
File Number: PR0009

BACKGROUND

Urban & Rural Perspectives, on behalf of the Australian Speedway Drivers & Riders Association Incorporated and the current landowner (i.e. the State of Western Australia), has submitted an Application for Planning Approval to undertake a number of upgrades, improvements and additions to the existing Corrigin Speedway facility at Walden Park, portion Reserve 15804, Lot 134 (No. 12) Dry Well Rd Corrigin.

A copy of the application has previously been tabled.

PURPOSE

Urban & Rural Perspectives have been engaged by the Australian Speedway Drivers & Riders Association Incorporated (ASDRA) to help secure the necessary planning approval from the Shire of Corrigin to undertake a number of upgrades, improvements and additions to the existing speedway facility on Reserve 158054 for the purpose of reintroducing the sport of speedway to the Corrigin district.

ASDRA is proposing to reactivate the speedway facility and undertake the work required to bring it back to a suitable standard so that it may be used for speedway events by its members. Accordingly, planning approval for the proposed upgrades and additions to the existing speedway on Reserve 158054 under the Shire of Corrigin Town Planning Scheme No.2 (TPS No.2) has been requested.

LAND DESCRIPTION & OWNERSHIP

The land subject to this application comprises a 9.32 hectare portion of Crown Reserve 15804 being Lot 134 Dry Well Road, Corrigin.

By virtue of the land's status as a Crown Reserve it is currently owned by the State of Western Australia with a Management Order issued in favour of the Shire of Corrigin for the purpose of 'Recreation, Racecourse & Showground'.

Under the terms of the current Management Order the Shire has power to lease all or part of the land for its designated purpose for a term not exceeding twenty one (21) years (see Appendix 1 – Landgate Reserve Enquiry Report).

LOCATION, PHYSICAL CHARACTERISTICS & EXISTING LAND USE

Reserve 15804 is located in the north-western extremities of the Corrigin townsite with direct frontage and access to Dry Well Road along its western and southern boundaries (see Appendix 2 – Plan 1).

That portion of Reserve 15804 previously developed for the purposes of the Corrigin Speedway can generally be described as rectangular in shape and comprises a total area of approximately 9.32 hectares. The land is relatively flat throughout its entire area with the natural ground level ranging from approximately 304 metres AHD in its north-western corner to approximately 298 metres AHD in its south-eastern extremities (see Appendix 2 – Plan 2).

The land has been extensively cleared as a direct result of its historical development and use for recreational purposes (i.e. a speedway). Notwithstanding this fact the land still contains a significant amount of native remnant vegetation, none of which has been identified as being of regional conservation significance (see Appendix 2 – Plan 3).

Existing immediately adjoining land uses are broadly described as follows:

- North: The balance portion of Reserve 15804 comprising the Corrigin golf course with broadacre agriculture (i.e. cropping & grazing) beyond;
- South: Reserve 30217 which has been set aside for conservation purposes and rural living development beyond;
- East: The balance portion of Reserve 15804 comprising the Corrigin golf course with a narrow gauge railway line, undeveloped Crown reserves and low density residential development beyond; and
- West: Broadacre agriculture (i.e. cropping & grazing).

ESSENTIAL SERVICES

By virtue of its location in the Corrigin townsite the subject land is served by or located in close proximity to overhead power, stormwater drainage and telecommunications infrastructure.

The land is not currently served by reticulated sewerage disposal or water supply infrastructure. As such all existing and future development on the land is and will be served by on-site wastewater disposal infrastructure (i.e. septic tanks & leach drains or alternative treatment units) and a large capacity water storage tank.

As previously mentioned the subject land has direct frontage and access to Dry Well Road along its western and southern boundaries which is a local road under the care, control and management of the Shire of Corrigin that has been constructed to both a bitumen and gravel standard.

DEVELOPMENT PROPOSAL

ASDRA is proposing to undertake the required works to reactivate the speedway in a staged manner with stages 1 and 2 of the project planned to be completed over the next 12 to 18 months. Stages 3 and 4 of the project will be undertaken within the next 2 to 3 years as funding becomes available.

Specific details of all proposed upgrades, improvements and additions to the existing facilities on the land including the staging and anticipated timeframes for all of the proposed works are provided in Appendix 3 and 4 and are graphically illustrated in Appendix 2 (see Plans 4 to 10). The planning application submitted seeks Council's approval to the development of all stages of the project in accordance with the information provided in Appendix 2, 3 and 4.

STATUTORY CONSIDERATIONS - PLANNING

Shire of Corrigin Town Planning Scheme No.2

All of the land comprising Reserve 15804 being Lot 134 Dry Well Road, Corrigin is currently classified 'Local Scheme Reserve – Parks and Recreation' under the Shire of Corrigin Town Planning Scheme No.2 (TPS No.2).

Under the terms of Part 2 of TPS No.2 the development of any land reserved under the Scheme other than the erection of a boundary fence is not permitted without Council's prior planning approval. Notwithstanding this fact, clause 2.4 of TPS No.2 clearly states that no provision contained in Part 2 of the Scheme shall prevent:

- a) the continued use of the land for the purpose for which it was being lawfully used immediately prior to final approval and gazettal of TPS No.2; or
- b) the repair and maintenance of buildings or works lawfully existing on the land.

In light of the provisions contained in clause 2.4 of TPS No.2 and the fact that the development and use of portion of Reserve 15804 for speedway purposes was approved in February 1918 prior to the introduction of TPS No.2 in March 2000, it is contended that the land can continue to be used for speedway purposes and that the repair and maintenance of the existing speedway buildings and associated facilities may be undertaken without Council's further planning approval.

Notwithstanding this general conclusion regarding the existing use rights applicable to that portion of Reserve 15804 currently occupied by the Corrigin Speedway, Council's planning approval is required and therefore sought by this application for the following works:

- i) Erection of new barrier fencing around the existing buildings (i.e. clubrooms / canteen & toilet block) for security purposes;
- ii) Erection of new safety barriers and associated gates around the boundaries of the existing speedway track;
- iii) Additions to the existing toilet facilities to accommodate disabled persons;
- iv) Installation of new lighting to provide opportunity for night meetings (i.e. 6.00pm to 11.00pm);
- v) Installation of two (2) refurbished, second-hand transportable buildings (i.e. dongas) in the pit area to provide an executive office for management / operational purposes, new toilet facilities for competitors and a new ambulance / first aid station; and
- vi) Construction of a new gravel car parking area in the south-western portion of the site to accommodate spectators.

It is significant to note that there are no development standards prescribed in TPS No.2 for the development and use of any land classified 'Local Scheme Reserve – Parks and Recreation' for recreational purposes. As such Council has the discretion to impose any standards for the future development of Reserve 15804 it considers reasonable and appropriate in the circumstances.

OTHER POLICY & STRATEGIC CONSIDERATIONS

EPA Guidance Statement No.3 – Separation Distances between Industrial and Sensitive Land Uses

The Environmental Protection Authority's Guidance Statement No.3 provides advice and recommendations regarding generic separation distances between specific industry types and sensitive land uses to avoid or minimise the potential for future land use conflicts.

Under the terms of Appendix 1 of Guidance Statement No.3 there is no recommended buffer distance between 'raceways for motor vehicles' (i.e. speedways and drag strips) and sensitive land uses (i.e. residential development). As such suitable buffer distances between these uses are required to be determined on a case-by-case basis having regard for the nature and scale of the proposed motor vehicle raceway and its potential external impacts which are identified in the guidelines as being predominantly noise and dust.

Having regard for the existing EPA endorsed buffer surrounding the Narrogin Speedway on the fringes of the Narrogin townsite, it is contended that a minimum separation distance of 500 metres between the Corrigin Speedway and any existing or proposed sensitive land uses should be achieved.

It is noted from a review of the current zoning classifications applicable to all land surrounding the Corrigin Speedway facility and the nature of all existing and future possible development within this area that a 500 metre buffer does in fact exist and can be maintained in the long term future. Notwithstanding this fact it is acknowledged that the 500 metre buffer does encroach slightly upon three (3) existing rural living lots located immediately south of the Corrigin Speedway being:

- i) Lot 182 (No.15) Woglin Street, Corrigin which is currently vacant and not being used for any specific purpose/s;
- ii) Lot 190 (No.41) Talbot Street, Corrigin which contains an existing single detached dwelling and ancillary outbuildings; and
- iii) Lot 191 (No.51) Talbot Street, Corrigin which also contains an existing single detached dwelling and ancillary outbuildings.

Whilst the abovementioned properties are located within the 500 metre buffer it is significant to note that they are situated on the outer fringe of the buffer area and are to some extent shielded by the large stands of native vegetation on Reserve 32017 which has been set aside for conservation purposes and is therefore unlikely to be cleared in the long term future.

STATUTORY CONSIDERATIONS – HEALTH AND ENVIRONMENTAL

An assessment of the proposal by Shire's Environmental Health Services brought the following Environmental Health and Safety issues to the fore, and all should be considered by Council when considering the proposal:

Public Buildings

- The buildings at the speedway track which are to be restored for use by the public are subject to the *Health (Public Buildings) Regulations 1992*.
 - An application to Construct, Alter or Extend a Public Building as well as an application for a certificate of approval and a certificate of maximum accommodation, will be required to be submitted to the Shire's Environmental Health Services for assessment.
 - The buildings are currently in a state of disrepair, and an assessment by a building surveyor and possibly a structural engineer may be necessary to substantiate the buildings' integrity and whether they can be successfully renovated.
 - Asbestos will have to be removed and disposed of in accordance with the *Health (Asbestos) Regulations 1992*.
-

- Wiring and electrical infrastructure will need to be assessed by a licensed electrician and repaired or replaced in compliance with Australian Standards
- Internal and external plumbing will need to be assessed by a licensed plumber and repaired or replaced in compliance with AS 3500.

Food Premises

- The kitchen is in a state of severe disrepair and any renovations will need to comply with the *Food Act 2008* and the *Australia New Zealand Food Standards Code Chapter 3.2.3 – Food Premises and Equipment*.
- Plans for the upgraded kitchen will need to be submitted to the Shire's Environmental Health Services for assessment and comment.
- Notification and registration forms are required to be submitted to the Shire's Environmental Health Services
- An inspection of the kitchen by Shire's Environmental Health Officer will be required prior to and after any proposed renovations occur.

Onsite Effluent Disposal

- Walden Park is not connected to the Water Corporation's Sewer. It relies on a septic tank and leach drain system for treatment and disposal of effluent waste on site.
- The integrity of the effluent disposal system will need to be assessed by a licensed plumber.
- The system must be in compliance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and Draft Country Sewage Policy
- An application to install an apparatus for the treatment of sewage is required to be submitted to the Shire's Environmental Health Service, however it will ultimately be approved by the Department of Health's Water Unit.

Dust

- Due to the nature of the sport, speedways generally produce dust emissions if the tracks are not watered down appropriately.
- Generally speedway tracks are watered down before use and during use to ensure that the traction required for the racing vehicles is achieved.
- A dust management plan may be required by Council to ensure dust emissions do not occur and affect residents located in close proximity to the track.

Noise

- Walden Park is located west of the Corrigin townsite and is in close proximity to residential areas of Corrigin town
- The noise created by the speedway operations will be subject to the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). This is to ensure residents of the town are protected from excessive noise emissions.
- The assigned noise levels prescribed under the Noise Regulations are reduced after 1900 hours and then even further between the hours of 2200 and 0700. Speedway meets usually take place at night during these hours which could create noise in excess of the assigned levels.
- It is suggested that a study is undertaken to gauge the level of noise emissions produced by the speedway and what the noise levels received at the nearest residential premises are likely to be.

WA Speedway Commission

The Department of Health has regulated speedways in the past with regards to safety, however this is changing and the WA Speedway Commission are now recognised as the best organisation to administer speedway sports in West Australia.

Mr Sid Brodie from the Department of Health has assessed and dealt with West Australian speedways for many years and was asked to comment on the proposal for Walden Park. His comments are inserted below:

Walden Park (Corrigin) Speedway

I refer to the Australian Speedway Drivers and Riders Association Incorporated proposal to reinstate the Corrigin speedway as a speedway to operate 12 months of the year with provision for night events.

The State government through the Department of Sport and Recreation recognize the WA Speedway Commission as the organization best placed to administer the sport of speedway in WA.

The Commission has controls in place to ensure that the critical elements of spectator safety, competitor safety and officials safety are adequately addressed by appropriate licensing and ongoing training and assessment programs.

The WA Speedway Commission is also closely aligned with the National Association of Speedway Racing NASR which has International recognition as the appropriate organization to control the sport of speedway in Australia.

Every speedway in WA must be affiliated with the WA Speedway Commission and this is a precursor for any government funding. I note that the ASDRA proposal is reliant on government funding.

As the facility will be leased from the Shire it is strongly recommended that any lease is conditioned to require affiliation with the WA Speedway Commission as this will provide for indemnity in the event of a serious injury.

I recommend the WA Speedway Commission publication, WA Speedway New Governance Framework is reviewed to obtain an understanding of the ongoing requirements for speedway in WA.

Until now Department of Health has been responsible for assessing speedway safety barriers for compliance with recognized guidelines. This responsibility now rests solely with the WA Speedway Commission.

The classes nominated by ASDRA will require safety barriers to comply with the Grade 1 specifications. Attached is a summary of the requirements for various vehicle classes. From this it can be seen that the facility will require a 1.1 metre high concrete primary barrier and a catch fence extending 5 metres above the track surface. As what is virtually a new speedway all barriers would require completion before racing could be approved.

Summary

- Safety barriers to Grade 1 must be provided.*
 - The track must be licensed by the WA Speedway Commission.*
-

- *Events must be run in accordance with the WA Speedway Commission recommendations/ guidelines etc.*
- *Government funding will require the organization to be affiliated with the WA Speedway Commission.*
- *It is doubtful that the anticipated spectator numbers will attend*

- *Comments by Sid Brodie*

Miscellaneous

Consultation with the local police regarding antisocial behaviour; ambulance and hospital services regarding their availability and capacity to cope with possible emergency situations and injuries; and the local fire brigade regarding their availability for standby on speedway meetings, should also be conducted.

PUBLIC ADVERTISING OF APPLICATION

The proposal was given public notice on 21 March 2012 seeking public submissions within 21 days of the publication of the notice. The public submission period ended on 11 April 2012 with one submission received as follows:

Name/Address	Description of affected property	Summary of submission
Sgt AJ McRae Corrigin Police Walton St, Corrigin	Within Corrigin Townsite	No objection to the proposal. Supportive of this type of facility to provide a distraction to young men & women to engage in a safe motoring environment.

COMMENT

Following the public advertising period Council has received no objections to the proposal. It is recommended that Council grants approval for the proposed development submitted by Urban & Rural Perspectives, on behalf of the Australian Speedway Drivers & Riders Association Incorporated and the current landowner (i.e. the State of Western Australia), to undertake a number of upgrades, improvements and additions to the existing Corrigin Speedway facility at Walden Park, portion Reserve 15804, Lot 134 (No. 12) Dry Well Rd Corrigin subject to conditions.

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Corrigin Town Planning Scheme No. 2

Environmental Protection Authority's Guidance Statement No.3

Health (Public Buildings) Regulations 1992

Health (Asbestos) Regulations 1992

Food Act 2008

Australia New Zealand Food Standards Code Chapter 3.2.3 – Food Premises & Equipment

Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974

Environmental Protection (Noise) Regulations 1997

POLICY IMPLICATIONS

Council does not have a policy in relation to this item.

FINANCIAL IMPLICATIONS

There are no direct financial implications in relation to this item

STRATEGIC IMPLICATIONS

There are no direct strategic implications in relation to this item

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the planning application submitted by Urban & Rural Perspectives, on behalf of the Australian Speedway Drivers & Riders Association Incorporated and the current landowner (i.e. the State of Western Australia), to undertake a number of upgrades, improvements and additions to the existing Corrigin Speedway facility at Walden Park, portion Reserve 15804, Lot 134 (No. 12) Dry Well Rd Corrigin in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions:

- i) The development is to be substantially commenced within a period of twelve (12) months from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Corrigin having first been sought and obtained.*
 - ii) The applicant is required to enter into a lease agreement with the Shire of Corrigin to use a portion of the Reserve for use as a speedway subject to approval by the Shire of Corrigin and the Minister for Lands.*
 - iii) The applicant is required to submit an Application to Construct, Extend or Alter a Public Building and then apply to have the building/area approved for use under the Health (Public Buildings) Regulations 1992.*
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- iv) *A completed building licence application for building works for the value of \$20,000 or greater must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of development.*
- v) *Developers and builders/building contractors are required to take all practicable steps to ensure that dust emanating from the site during construction is limited so far as is practical and so as not to cause a nuisance.*
- vi) *All reasonable steps are to be taken to ensure that dust emanating from the site during operation as a speedway is to be limited so far as is practical and so as not to cause a nuisance.*
- vii) *Noise from construction sites is to comply with the Environmental Protection (Noise) Regulations 1997. All reasonable steps must be taken to minimise noise during construction.*
- viii) *Noise produced by operating the speedway is to comply with the assigned levels set in Regulation 8 of the Environmental Protection (Noise) Regulations 1997.*
- ix) *It is a requirement to provide a toilet on a building construction site under Part IV Division 4 Section 102 of the Health Act.*
- x) *All generated litter is to be placed in rubbish receptacles and secured so that it does not blow onto neighbouring areas.*
- xi) *All asbestos containing materials need to be removed from the site and disposed of by a licensed person in accordance with the Health (Asbestos) Regulations 1992 and the Code of Practice For The Management And Control Of Asbestos In Workplaces [NOHSC: 2018 (2005)].*
- xii) *A "Track Licence" is required to be obtained by the West Australian Speedway Commission Inc.*
- xiii) *The barriers are to comply with the track grade 1 and must be approved by the West Australian Speedway Commission.*
- xiv) *Speedway meets and events are to be run in accordance with the West Australian Speedway Commission's recommendations and guidelines.*
- xv) *An application for onsite effluent disposal is required to be completed and submitted to the Shire of Corrigin for assessment. The proposed system must comply with the requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*
- xvi) *The kitchen/canteen located at the speedway must comply with the requirements of the Australia New Zealand Food Standards Code. Plans of the kitchen are to be submitted to the Shire of Corrigin's Environmental Health Service for assessment, to ensure the food premises complies with Food Safety Standard 3.2.3.*
- xvii) *Any future advertising signage on the land associated with the use as a speedway shall be provided in accordance with the specific standards and requirements of the Shire of Corrigin's current operative town planning scheme.*

COUNCIL RESOLUTION

(7939) Moved Crs – Downing and Johnson

That Council approves the planning application submitted by Urban & Rural Perspectives, on behalf of the Australian Speedway Drivers & Riders Association Incorporated and the current

landowner (i.e. the State of Western Australia), to undertake a number of upgrades, improvements and additions to the existing Corrigin Speedway facility at Walden Park, portion Reserve 15804, Lot 134 (No. 12) Dry Well Rd Corrigin in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions:

- i) *The development is to be substantially commenced within a period of twelve (12) months from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Corrigin having first been sought and obtained.*
 - ii) *The applicant is required to enter into a lease agreement with the Shire of Corrigin to use a portion of the Reserve for use as a speedway subject to approval by the Shire of Corrigin and the Minister for Lands.*
 - iii) *The applicant is required to submit an Application to Construct, Extend or Alter a Public Building and then apply to have the building/area approved for use under the Health (Public Buildings) Regulations 1992.*
 - iv) *A completed building licence application for building works for the value of \$20,000 or greater must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of development.*
 - v) *Developers and builders/building contractors are required to take all practicable steps to ensure that dust emanating from the site during construction is limited so far as is practical and so as not to cause a nuisance.*
 - vi) *All reasonable steps are to be taken to ensure that dust emanating from the site during operation as a speedway is to be limited so far as is practical and so as not to cause a nuisance.*
 - vii) *Noise from construction sites is to comply with the Environmental Protection (Noise) Regulations 1997. All reasonable steps must be taken to minimise noise during construction.*
 - viii) *Noise produced by operating the speedway is to comply with the assigned levels set in Regulation 8 of the Environmental Protection (Noise) Regulations 1997.*
 - ix) *It is a requirement to provide a toilet on a building construction site under Part IV Division 4 Section 102 of the Health Act.*
 - x) *All generated litter is to be placed in rubbish receptacles and secured so that it does not blow onto neighbouring areas.*
 - xi) *All asbestos containing materials need to be removed from the site and disposed of by a licensed person in accordance with the Health (Asbestos) Regulations 1992 and the Code of Practice For The Management And Control Of Asbestos In Workplaces [NOHSC: 2018 (2005)].*
 - xii) *A "Track Licence" is required to be obtained by the West Australian Speedway Commission Inc.*
 - xiii) *The barriers are to comply with the track grade 1 and must be approved by the West Australian Speedway Commission.*
 - xiv) *Speedway meets and events are to be run in accordance with the West Australian Speedway Commission's recommendations and guidelines.*
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- xv) An application for onsite effluent disposal is required to be completed and submitted to the Shire of Corrigin for assessment. The proposed system must comply with the requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*
- xvi) The kitchen/canteen located at the speedway must comply with the requirements of the Australia New Zealand Food Standards Code. Plans of the kitchen are to be submitted to the Shire of Corrigin's Environmental Health Service for assessment, to ensure the food premises complies with Food Safety Standard 3.2.3.*
- xvii) Any future advertising signage on the land associated with the use as a speedway shall be provided in accordance with the specific standards and requirements of the Shire of Corrigin's current operative town planning scheme.*

Carried 6/0

10.3 WORKS & GENERAL PURPOSE REPORTS

There are no Works & General Purpose Reports

11 NOTICE OF MOTIONS -

12 NOTICE OF MOTIONS – NEXT MEETING

13 CHIEF EXECUTIVE OFFICERS REPORT

The CEO advised that the Manager of Environmental Health & Building Services, Frank Buise has resigned, Advertising has commenced for a replacement with Building Surveyor qualifications.

The CEO advised that a Swimming Pool Manager has been appointed to run the pool over winter.

The CEO will be meeting with AVP tomorrow for training and handover of the Hydrotherapy Pool. It is anticipated that the Hydrotherapy Pool will be open within 3-4 weeks.

The vacant Executive Support Officer position has been advertised. A number of applications have been received, interviews to be held next Tuesday 24 April.

Major works on Lomas South have been completed, 2011-2012 Capital Works Program is on schedule.

14 PRESIDENTS REPORT

The President attended the following meetings and events:

- Thank a volunteer day / welcome to Corrigin
- Bushfire advisory meeting
- LEMC
- Wheatbelt conference
- ASDRA

15 COUNCILLORS REPORTS

Cr Downing reported on the Community BBQ event that he attended on Sunday. The day was a great success with 75 tickets sold, which included patrons from Kondinin. The event included a Lamb auction which raised \$760. Money raised will be donated back to the Corrigin and Kondinin community. Cr Downing acknowledged Heather Ives for all her efforts in coordinating the building of the Community BBQ's and the day's event. Cr Downing also thanked Cr Bolt for helping set up and acknowledged Pippa and Chris Davey for their assistance.

16 URGENT BUSINESS

17 INFORMATION BULLETIN

Cr Bolt commented on the ALGA news in regards to the Carbon omissions for Landfill sites.

18 WALGA & CENTRAL ZONE MOTIONS

Nil

19 MEETING CLOSURE

There being no further business to discuss, the President thanked everyone for their attendance and closed the meeting at 5.00pm.