

# CHIEF EXECUTIVE OFFICER'S REPORT

28 MAY 2012

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**CITY OF ARMADALE**  
**Chief Executive Officer's Report**

**Mayor and Councillors**  
**City of Armadale**

Following is my Report for the period  
ended 28 May 2012

**1.1 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO. 9/2012**

WARD : ALL  
FILE No. : M/358/12  
DATE : 22 May 2012  
REF : CT  
RESPONSIBLE : Chief Executive Officer  
MANAGER

**In Brief:**

- Councillors' Information Bulletin – Councillors are advised to take note of the information submitted in Issue No. 9/2012 to be received by Council.

**Strategic Implications**

Corporate Services

- 2.1 Identify and implement mechanisms to improve communication and achieve common understanding of corporate issues and objectives.

**COMMENT**

The following general information and memorandums were circulated in Issue No. 9/2012 on 24 May 2012.

**Correspondence & Papers**

- **Correspondence Papers**
- **WA Local Government Association (WALGA) News**
- Issue No 19.12 – 14 May 2012
- Issue No 20.12 – 21 May 2012
- **Australian Local Government Association (ALGA) News**
- 11 May 2012
- 18 May 2012
- **Media Releases**
- Ratepayer costs averted as Minister responds to sector – 15 May 2012

**Information from Human Resources**

- Employee Movements

### **Information from Technical Services**

- **Outstanding Matters and Information Items**  
Report on Outstanding Matters – Technical Services Committee
- **Monthly / Quarterly Departmental Reports**  
Technical Services Works Programme
- **Miscellaneous**  
The Parks Forum  
Fatality Free Friday – RoadWise Media Release

### **Information from Community Services**

- **Outstanding Matters & Information Items**  
Report on Outstanding Matters – Community Services Committee
- **Monthly / Quarterly Departmental Reports**  
Community Development Report –Community Development Report April 2012  
Manager Library & Heritage Services Monthly Report –April 2012  
Manager Ranger & Emergency Services Monthly Report –April 2012  
Tourism/Visitor Centre Monthly Report –April 2012
- **Minutes/Notes of Occasional/Advisory Committees**  
ATSIAG Notes – 1 May 2012  
Positive Ageing Working Group Notes – 7 May 2012
- **Miscellaneous**  
Photographs from Afternoon Tea – Volunteer Week-

### **ATTACHMENTS**

There are no attachments for this report.

### **RECOMMEND**

That Council acknowledge receipt of Issue No 9/2012 of the Information Bulletin.

**Moved Cr**  
**MOTION CARRIED ()**

***0.0 - APPOINTMENT OF AUTHORISED OFFICERS AND NEW DELEGATIONS  
BUILDING ACT 2011 (LATE ITEM)***

WARD : ALL  
FILE No. : M/371/12  
DATE : 28 May 2012  
REF : IM  
RESPONSIBLE : EDDS  
MANAGER

**In Brief:**

- The City has secured the services of a contract Building Surveyor to assist with a backing of traditional building applications.
- Urgent approval is needed to delegate the necessary authority to this officer.
- Under the provisions of the Building Act 2011 Council acting as a Permit Authority is required to approve delegations to Building Surveying Officers to issue Permits and Certificates.
- Delegation is urgently requested for the above, to temporary Coordinator Building Services - Ross Galbraith.

**Tabled Items**

Nil

**Officer Interest Declaration**

Nil

**Strategic Implications**

- 4.1.1 Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.
- 4.5.1 Provide professional administrative services to support Council operations and services.

**Legislation Implications**

Building Services (Registration) Act 2011  
Building Act 2011  
Building Regulations 2012

**BACKGROUND**

Development Services Committee (19<sup>th</sup> March 2012) and Ordinary Council meeting (26<sup>th</sup> March 2012) approved delegation powers to Building Surveyor Practitioners to issue Permits and Certificates in accordance with the Building Act 2011.

Development Services Committee (19<sup>th</sup> March 2012) and Ordinary Council meeting (26<sup>th</sup> March 2012) approved appointment of Authorised Officers for inspection of authorised structures and the investigation of unauthorised structures within their own districts;

Following a request to the CEO, the temporary services of Ross Galbraith (a Level 1 Building Surveyor) have been contracted to assist the Building Services Department to deal with the transitional building permit applications that were active prior to the Building Act implementation on 2<sup>nd</sup> April 2012.

Council is requested to urgently approve the delegation and authorisation to this additional officer.

## DELEGATION

Section 127 of the new Building Act 2011 enables a local government (Permit Authority) to delegate any of its powers or duties to an employee (officer). The Act specifically requires delegation to be to a person rather than a position. Consequently when new officers are engaged a new instrument of delegation will be required.

The following sections of the Building Act require delegation to specified officers.

- ◆ (Section 19) Assess and issue a Certificate of Design Compliance.  
Note: A Certificate of Design Compliance can only be delegated to Building Services Manager, the Building Services Co-ordinators, Senior Building Surveyors and Building Surveyors. (as level of qualification designated by the Building Commission).
- ◆ (Section 20) Approve or refuse a building Permit.
- ◆ (Section 21) approve or refuse a Demolition Permit.
- ◆ (Section 58) Issue an Occupancy Permit or a Building Approval Certificate.
- ◆ (Section 65) Consider extending the period of duration of an Occupancy permit or a Building Approval Certificate.
- ◆ (Section 110) Issue Building Orders.
  - ◆ (Section 117) Revoke Building Orders.

## AUTHORISATION

The new *Building Act 2011* provides a new system of approval for commercial and residential building applications and the ability for local governments within their own districts to appoint authorised officers to perform certain functions under this Act including undertaking inspections of authorised structures or investigating non-complying or unauthorised structures.

Local governments can nominate which officers are authorised provided these officers have been employed in accordance with s.5.36 of the *Local Government Act 1995*.

The City has accordingly appointed Ross Galbraith to the position of Coordinator Building Services under the Local Government Act and Council approval of his nomination as an authorised officer is now required.

## Options - DELEGATIONS

1. Not adopt the new delegations to discharge the requisite duties of the *Building Act 2011* **(Not recommended)**
2. Approve the new delegations for Building Surveyor Practitioner Ross Galbraith to operate from 28<sup>th</sup> May 2012 in accordance with the *Building Act 2011* thus more effectively discharging the duties required as a 'Permit Authority' **(Recommended)**.

### **Options - AUTHORISATIONS**

1. Not appoint authorised officers to discharge the requisite duties of the *Building Act 2011* **(Not recommended)**
2. Approve the appointment of additional Authorised Officer (Ross Galbraith) and issue Identity Cards in accordance with the *Building Act 2011* thus more effectively discharging the duties required as a 'Permit Authority' **(Recommended)**

### **ATTACHMENTS**

There are no attachments for this report.

### **RECOMMEND**

**That Council:**

1. Pursuant to Section 127 of the Building Act 2011 delegate
  - Section 20 - Approve or refuse a Building Permit.
  - Section 21 - Approve or refuse a Demolition Permit.
  - Section 58 - Issue an Occupancy Permit or Building Approval Certificate.
  - Section 65 - Consider extending the period of duration of an Occupancy Permit or a Building Approval certificate.
  - Section 110 - Issue Building Orders.
  - Section 117 - Revoke Building Orders.

**To Co-ordinator Building Services – Ross Galbraith.**

**Approve the appointment of the following officer classes as “Authorised Officer” pursuant to section 96 (s100, s101, s102 and s103) of the Building Act 2011 for the purpose/s of s100 Entry Powers, s101 Powers after entry for purposes of compliance, s102 Obtaining information and documents, s103 Use of force and assistance, s104 Directions generally and s105 Obstruction of authorised persons.**

**To Co-ordinator Building Services – Ross Galbraith**

**Moved Cr  
MOTION CARRIED ()**

**0.0 - ARALUEN BOTANIC PARK - LAND MATTERS (LATE ITEM)**

WARD : JARRAH  
FILE No. : M/374/12  
DATE : 28 May 2012  
REF : RT  
RESPONSIBLE : Chief Executive Officer  
MANAGER

**In Brief:**

- Over the past decade the City has been in dialogue with Araluen Botanic Park Foundation (ABPF) on the conduct of major events at the park and has assisted them in addressing parking issues.
- The CEO will advise Council confidentially on progress on the matter of land purchase to extend the area of the park to accommodate additional parking.

**Tabled Items**

Nil

**Officer Interest Declaration**

Nil

**Strategic Implications**

- 3 Communicating and Marketing
  - working with State Government and other key stakeholders to market the City of Armadale

**Legislation Implications**

Section 3.50 of the Local Government Act 1995

- (1) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed for the passage of vehicles.

**Council Policy/Local Law Implications**

Council Policy ENG 3 – Road Closures for Events

**Budget/Financial Implications**

Nil

**Consultation**

1. Department of Environment and Conservation (DEC)
2. Araluen Botanic Park (ABP)

## **BACKGROUND**

Over the past decade the City has been in dialogue with the Araluen Botanic Park Foundation (ABPF) on the conduct of major events at the Araluen Botanic Park.

While major events are enjoyed by the broader community there are associated risks and impact on the adjacent community. The City has assisted ABPF in addressing these issues.

Relevant reports to Council were:-

- Technical Services Committee (T16/3/12) of 7 March 2012
- Technical Services Committee (T43/8/11) of 9 August 2011
- Technical Services Committee (T71/8/09) of 3 August 2009
- Technical Services Committee (T53/6/09) of 3 June 2009

## **COMMENT**

The CEO has advised Councillors confidentially under separate cover on progress (or otherwise) on the matter of purchase of private property to assist with parking and access arrangements at the Botanic Park.

## **ATTACHMENTS**

There are no attachments for this report.

## **RECOMMEND**

### **That Council:**

- 1. advise Department of Environment and Conservation and Araluen Botanic Park Foundation of its continued support of the Araluen Botanic Park as a premier tourist destination within the City.**
- 2. support the Araluen Botanic Park Foundation in its efforts to accommodate parking within the confines of the park, and the proposal to extend the area of the park towards this end.**
- 3. looks forward to receiving details of amended traffic management arrangements for access to Araluen Botanic Park over the August to October period of 2012.**

**Moved Cr  
MOTION CARRIED ()**