

M22/5895 Motions from 2 February 2022 Electors Annual General Meeting (EAGM)

Council, my deputation's focuses is on:

Motions 9: That Council within three months, replace the CEO

Motion 10: Motion of No Confidence in the Planning, Building and Environment Health functions of the City of Melville

These motions as passed unopposed at the EAGM bring to Council's attention Electors' concerns about the conduct and performance of the CEO and the Director Urban Planning. It should be apparent to most that it would be very awkward for any City employee to investigate and make adequate recommendations on such motions impartially and objectively.

Council needs to take these motions seriously and put in place appropriate processes to ensure that they are dealt with thoroughly and independent of conflicts of interests if the City's Administration is to regain the community's confidence.

Council must reject the City officer's Motion 9 and Motion 10 recommendations and replace them with motions to ensure, a) Council independently investigates the Elector's underlying reasons for the motions, b) Council hears from others in the community that share similar concerns with the CEO and the City's planning, building and environmental services functions; and c) Council has had the opportunity to properly question those with concerns, not just the movers of the motions that provided short summaries of their issues at the EAGM. As no Electors spoke against the motions at the EAGM no other Electors, other than the movers, were provided an opportunity to speak in support of the motions.

I share just one of my examples that has caused my loss of confidence in the CEO and the Urban Planning Directorate, and thus my unwavering support of the motions and my request that Council thoroughly investigate and properly deal with Motions 9 and Motion 10.

This example is one of the CEO and the Urban Planning Directorate misleading Council, the community, SAT, and others to cover-up the City's past failures to demonstrate the Administration's endemic lack of transparency and accountability over an extended period.

Council heard at the 15 February 2022 OMC the CEO respond to public questions asked in relation to the protracted fiasco associated with my patio the City had approved in 2012 to be built along the eastern boundary of my property, Attachment 4. The CEO's responses to the questions were incomplete, inaccurate and/or misleading due to incompetence, negligence and/or wilful blindness. Council should not allow the CEO's responses to these questions to be adopted in the minutes of that meeting.

The truth is essentially summarised in the public questions I have submitted to the 15 March 2022 OMC, Attachment 2. This is not the first time the City has provided such inaccurate, incomplete, and misleading responses to Council and the community on my patio issue, including as outlined in my 7 January 2022 email to all Elected Members.

The CEO's 15 February responses included the statement "SAT found on 30 June 2017 that the Building Permit BA-2011-2477 (Two Storey Single Dwelling with Undercroft), approved on 14 May 2012, had in fact included a patio, but with insufficient detail in order to determine precisely what the patio would consist of".

The truth is that SAT essentially found:

- The City's Principal Building Surveyor did certify and approve the patio in 2012, but the City approved the patio in error. That is, the patio as certified did not comply with the National Construction Code fire separation requirements and the design would need to be modified for it to comply. The City did not raise any issues with the plans in 2012.
- The 2012 approval had lapsed and in 2014 the City failed to properly extend the 2012 approval to allow the patio and other structures to be completed when it issued the amendment to the 2012 approval, as the City had intended at the time: notwithstanding the certification errors.

The CEO also stated: "The City advised the owner of 12 Beach Street in March 2015, "that it did not believe that there was a building permit that allowed construction of a patio roof structure at the applicant's property."

I have tired to engage the CEO and the Urban Planning Director numerous times over the years to resolve this and other building matters¹; including having a telephone meeting with the CEO on 10 June 2019 post my 15 May 2019 to the CEO in relation to the City's errors in the patio approvals².

During the telephone meeting the CEO refused to acknowledge the City had made a mistake on the patio approval and effectively said **'he is just an accountant and has no technical knowledge, he can't even read a drawing'**³. Attachment 3 is a copy of the plans for the patio that the City approved in 2012 and the Certificate of Design Compliance issued by the City's Building Surveyor; you decide for yourselves if you think there is a patio depicted on the City's 2012 approved plans?

The CEO's seemingly convenient lack of 'technical capabilities' surfaced again in July 2020 when he attended my property with Mayor George Gear and inspected the 'retaining wall' the City had certified and issued a retrospective building approval for in 2017, as shown in Attachment 1.

When the CEO was specifically asked if a section of the neighbour's 'structure' abutting my boundary "is an adequate limestone 'retaining wall'"; his response was along the lines of: **"I am not qualified to say"**. Please look at Attachment 1 and decide for yourselves if you can see an adequate limestone retaining wall abutting our property.

This is just one example of the CEO seemingly burying his head in the sand over an extended period as opposed to properly addressing the City's planning, building and environmental services failures. I am aware of other examples.

Council should not decide on Motion 9 and Motion 10 until such times as it is fully informed of all the issues to make the correct and proper decisions to address the Electors' underlying reasons for the motions that were passed unopposed by Electors at the Annual General Meeting.

Thank you.

¹ E.g., our 5 Sept 2018 offer to Tieleman and Cope to inspect our property and agree way forward: offer rejected.

² See 12 June 2019 email to CEO Tieleman post telephone meeting

³ See 15 July 2019 email to a/CEO Mick McCarthy post Tieleman telephone meeting

Attachment 1: CEO 8 July 2020 Site Visit 12 Beach St Bicton



At site Tieleman was asked, in respect to the section of the 'retaining wall' as shown below, "is this an adequate limestone retaining wall"

Tieleman's response was along the lines of:

"I am not qualified to say"

This was after Tieleman's engagements with B&E on this very issue; and having been provided the 2016 VTP and Scott & Associates engineering reports that condemn this boundary 'wall' on numerous times.

Tieleman could have, and should have, been proactive in his response to demonstrate leadership and accountability for resolving clear and present issues.



Reo on 12 Beach land



Attachment 2: Questions for Council to answer at the Council meeting, Tuesday 15 March 2022

1. I refer to the City's responses to questions asked of Council at the **15 February 2022** meeting in relation the excessively protracted process in relation to a previously approved side patio at 12 Beach St Bicton. CEO Marten Tieleman personally responded to the questions on behalf of Council. For the sake of completeness, accuracy and clarity please confirm:

1.1. Mr Tieleman stated that in **March 2015** the City "did not believe that there was a building permit that allowed construction of a patio" [11 March 2015 Mr Russell, recently the City's Manager Building and Environmental Services]

- a) Is it true in **July 2015** City's Mr Hitchcock told the landowners that "The City has not issued a building permit, nor altered or withdrawn a building permit, in respect of the patio, as alleged by the" 12 Beach St Bicton landowners (**Landowners**).
- b) Is it true in **October 2015** the City made submissions to SAT that "the plans attached to building permit No BA-2012-2477 do not indicate detail for the construction of the patio. It is implicit in the respondent's [City's] submission that it takes the view that the building permits No BA-2011-2477 and BA-2011-2477/A do not authorise the construction of the patio structure" that is the City firm in its view that patio had not been approved.
- c) Is it true in **May 2012** the City's principal registered building surveyor (**Surveyor**), reviewed all the plans associated with BA-2011-2477 and did not raise any questions or issues with the depiction of the patio shown on the plans and thus provided a certificate of design compliance (**CDC**) for those plans. That is, the City's Surveyor certified that if the structure was built in accordance to the plans it would meet all applicable building standards.
- d) Is it true on **28 June 2017** at the final SAT hearing Building and Energy's principal building surveyor gave sworn testimony in favour of the Landowners stating, amongst other things: "In the documentation [ie BA-2011-2477] I reviewed I did not observe any parts that lead me to the conclusion that the structure in question was not part of the building approval."
- e) Is it true at the **June 2017** SAT hearing the City's Surveyor refused to take the stand under oath to give evidence and to be cross-examined.

1.2. Mr Tieleman stated that in June 2017 SAT that BA-2011-2477 "had in fact included a patio, but with insufficient details in order to determine precisely what the patio would consist of".

- a) Is it true in **June 2017** SAT found: "that the 2012 permit [BA-2011-2477] did include approval for a patio structure", the position the Landowners' had taken since the beginning.
- b) Is it true in **June 2017** SAT found: "in cross-examination, Mr Russell [City's then building coordinator] conceded that it was his view that the 2014 permit [BA-2011-2477/A] also allowed the applicant to complete any outstanding building work that remain from the 2012 permit [BA-2011-2477]. This evidence was in direct contradiction, arguably, to the views expressed by Mr Russell in his witness statement."...ie "Mr Russell's change in evidence from his statement in cross-examination".

- c) Is it true circa **21 November 2016** finally accepted payment for an application for an extension time for BA-2011-2477/A (Application) after initially and repeatedly refusing to accept it.
 - d) Is it true in **December 2016** the City refused the Application citing, amongst other things, that “the purported Roofed Structure did not comply with the requirements of the Code”, in reference to the National Construction Code fire safety and separation requirements (NCC).
 - e) Is it true in **May 2012** the City’s Surveyor incorrectly provided a CDC for the BA-2011-2477 when the depicted patio did not comply with the NCC.
- 1.3. Mr Tieleman stated, in relation to the errors in the plans certified by the City’s Surveyor, “SAT further commented that this was to the advantage of the applicant/builder who could have proceeded with the construction of the patio”:
- a) Is it true that the City ordered demolition of the illegal wall encroaching onto the Landowners land over the location where the patio supporting posts were to be located was not formally completed until **28 January 2015**, just before **11 March 2015** when the City stated that it had not approved the construction of the patio.
 - b) Is it true that if the builder had managed to build the patio as depicted on the plans between **28 January** and **11 March 2015** it would not have complied with the NCC fire safety requirements?
 - c) Is it true the City had/has the power to take compliance and enforcement action against the Landowners/builder had the builder built the non-compliant patio at any time. If so, what could that action have been or be.
 - d) Is it true Council also believes it would have been in the Landowners’ interest to have had the non-compliant patio built.
- 1.4. Mr Tieleman stated, in relation to commitments made to Building and Energy “no commitments were asked for or given”:
- a) Is it true on **4 September 2017** former CEO Shayne Silcox, Mr Hitchcock and other City officers met Building and Energy officers, including the a/Building Commissioner, to discuss a number of various concerns the Landowners had raised with Building and Energy.
 - b) Is it true during the meeting the City advised Building and Energy that if the Landowners “decide to submit a new building permit application in relation to the patio it [the City] will prioritise the processing of the application and believes it can do this within two business days. Furthermore, it will waive the building permit application fee.”
 - c) Is it true in **June 2019** CEO Tieleman was advised by the Landowners of the City’s prior commitment but subsequently declined to honour that commitment?
 - d) Is it true in **June / July 2019** the substantive facts in all the questions above, and supporting information, were outlined to CEO Tieleman and a/CEO Mr Mick McCarthy by the Landowners.

Attachment 3

City's 2012 approved plans showing patio

and

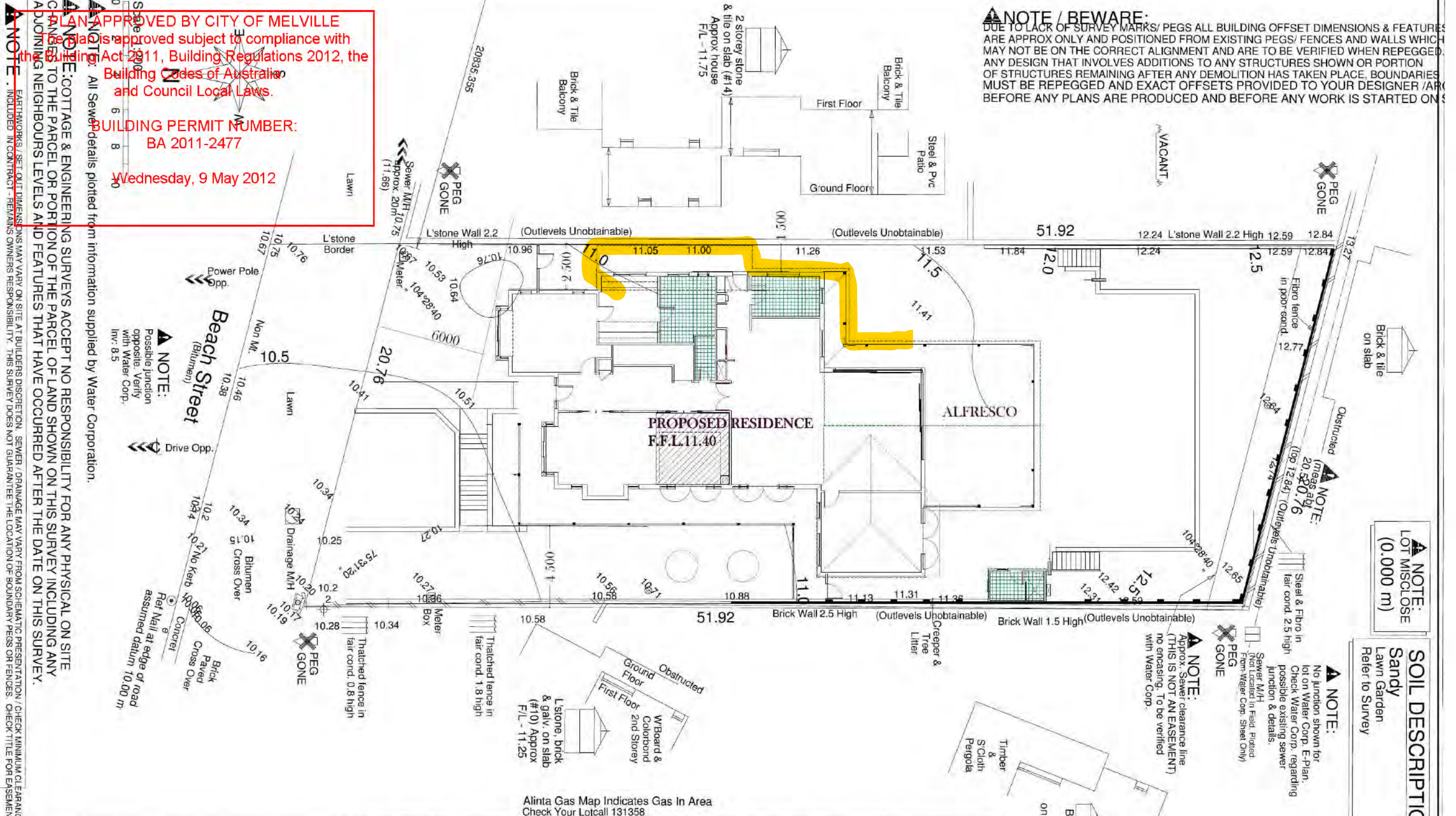
City Building Surveyor's
Certificate of Design Compliance (CDC)

PLAN APPROVED BY CITY OF MELVILLE
 The plan is approved subject to compliance with the Building Act 2011, Building Regulations 2012, the Building Codes of Australia and Council Local Laws.

BUILDING PERMIT NUMBER:
 BA 2011-2477

Wednesday, 9 May 2012

NOTE / BEWARE:
 DUE TO LACK OF SURVEY MARKS/ PEGS ALL BUILDING OFFSET DIMENSIONS & FEATURES ARE APPROX ONLY AND POSITIONED FROM EXISTING PEGS/ FENCES AND WALLS WHICH MAY NOT BE ON THE CORRECT ALIGNMENT AND ARE TO BE VERIFIED WHEN REPEGGED. ANY DESIGN THAT INVOLVES ADDITIONS TO ANY STRUCTURES SHOWN OR PORTION OF STRUCTURES REMAINING AFTER ANY DEMOLITION HAS TAKEN PLACE, BOUNDARIES MUST BE REPEGGED AND EXACT OFFSETS PROVIDED TO YOUR DESIGNER / ARCHITECT BEFORE ANY PLANS ARE PRODUCED AND BEFORE ANY WORK IS STARTED ON SITE.



BUILDING SITE INSPECTION REPORT
 MSD REF 401 17/33

SERVICE AND CONTOUR SKETCH
 Client: **McLerie**
 Date: **30/8/07**
 Lot No. **60** Area **1042m²** Street **Beach Street**
 Suburb **Bicton** Shire **Melville**

Road Descr.	Bitumen
Kerbing	See Survey
Condition	GOOD
Footpath	Nil
Condition	GOOD
Soil	Sandy
Drainage	GOOD

Services: Gas	Telstra	Yes
Water	Sewer	Yes
Electricity	U/ground	
Coastal Zone	N	O
(Scaled from Strata Section Only)		
Fencing and		

OTTAGE & ENGINEERING SURVEY

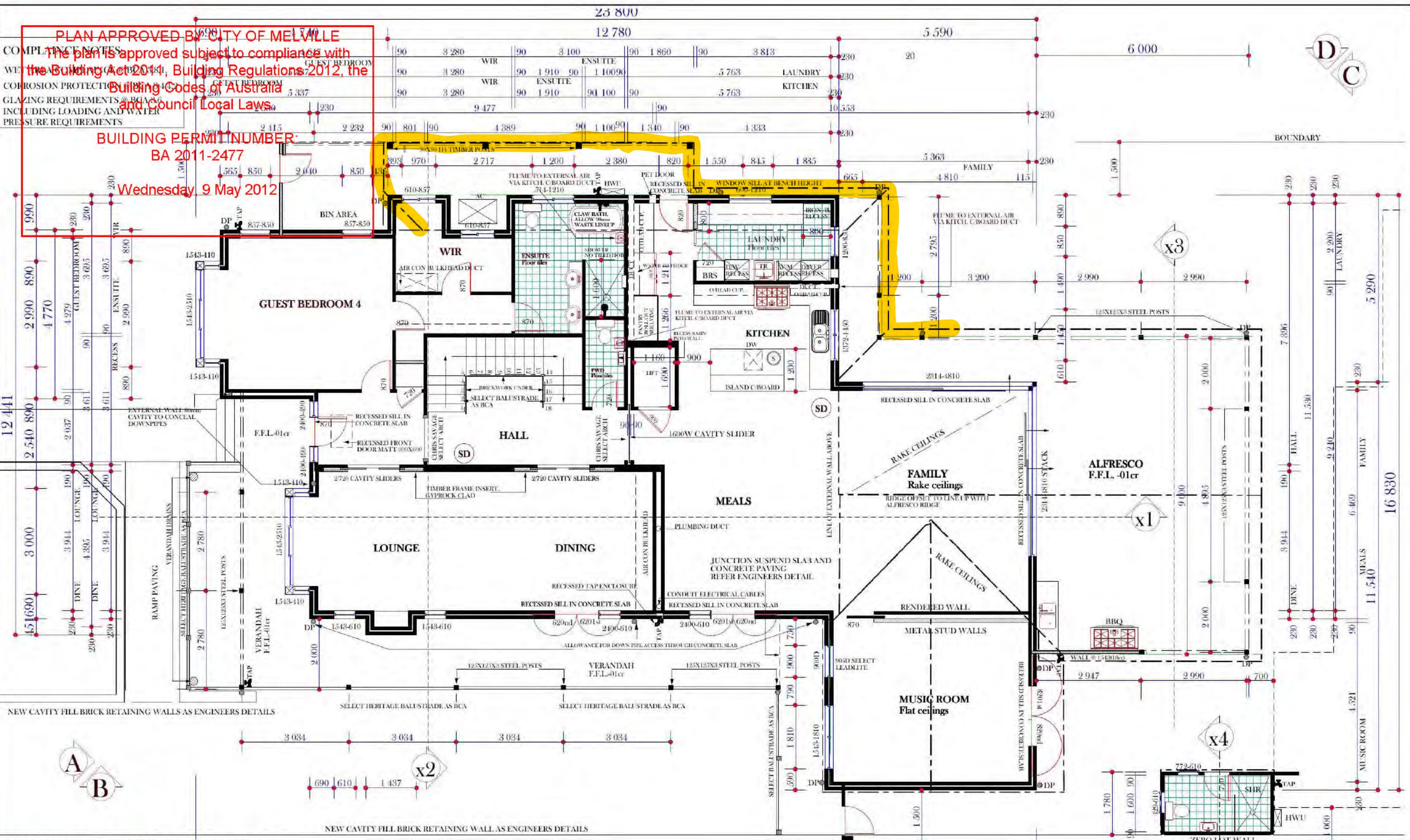
Licensed Surveyor

219 SULLOW ROAD, SHENTON PARK, 6008.
 Ph (08)9381 6211 Fax (08)9382 2503
 Email perth@cottage.com.au
 www.cottage.com.au

SOIL DESCRIPTION
 Sandy
 Lawn Garden
 Refer to Survey

LEGEND:

SEC D
 Power
 Phone
 Conc.
 Path
 Slabs



PROPOSED FIRST FLOOR PLAN

Scale; 1-100

BASEMENT/GARAGE/SHED	133.86m ²
HOUSE AREA	253.88m ²
ALFRESCO/VERANDAH	63.51m ²
G/FLOOR VERANDAH	36.41m ²
UPPER FLOOR AREA	178.77m ²
U/FLOOR VERANDAH	41.11m ²

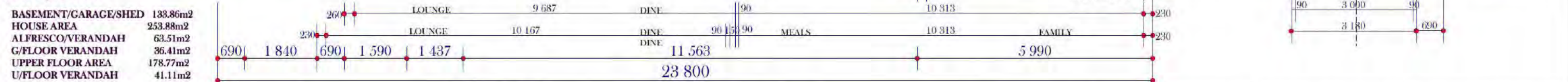
NOTE:
 Allow downpipe sleeves through balconys
 Roof plumber to check positions of downpipes

PAGE	4-19
JOB	0138
DATE	11/02/2011
	16/04/2011
	29/10/2011
	24/03/2012
SCALE	

PROPOSED NEW RESIDENCE for;
 M. & M. McLERIE
 12 BEACH STREET BICTON

WRITTEN DIMENSIONS SHALL BE USED IN PREFERENCE TO SCALED DIMENSIONS
 BUILDER TO CHECK ALL MEASUREMENTS, HEIGHTS & LEVELS BEFORE SITE START

APPECROSS RESIDENTIAL DRAFTING & DESIGN
 743A CANNING HIGHWAY APPECROSS 6153
 TELEPHONE (08) 93164699 FAX (08) 93164799



PLAN APPROVED BY CITY OF MELVILLE
 The plan is approved subject to compliance with
 the Building Act 2011, Building Regulations 2012, the
 Building Codes of Australia
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**BUILDING PERMIT NUMBER:
 BA 2011-2477**

Wednesday, 9 May 2012



ELEVATION A
 Scale: 1.100



ELEVATION B
 Scale: 1.100

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	16/04/2011
	29/10/2011
	24/03/2012
SCALE	

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M. & M. McLERIE

12 BEACH STREET BICTON

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ENGINEERS NOTE:
 THESE DRAWINGS ARE TO BE READ IN CONJUNCTION
 WITH STRUCTURAL ENGINEERS DRAWINGS

INSULATION NOTE:
 1. BUILDERS TO INCLUDE R3.5 INSULATION BATTS IN
 ACCORDANCE WITH THE B.C.A. AND THROUGHOUT NEW
 HABITABLE ROOF SPACE

NOTE:
 CEILING SPACE TO BE USED AS STORAGE
 WHERE POSSIBLE



SECTION 2
 Scale; 1-75

PAGE	10-19
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DATE	11/02/2011
	16/04/2011
	29/10/2011
	24/03/2012
SCALE	

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M. & M. McLERIE

12 BEACH STREET BICTON

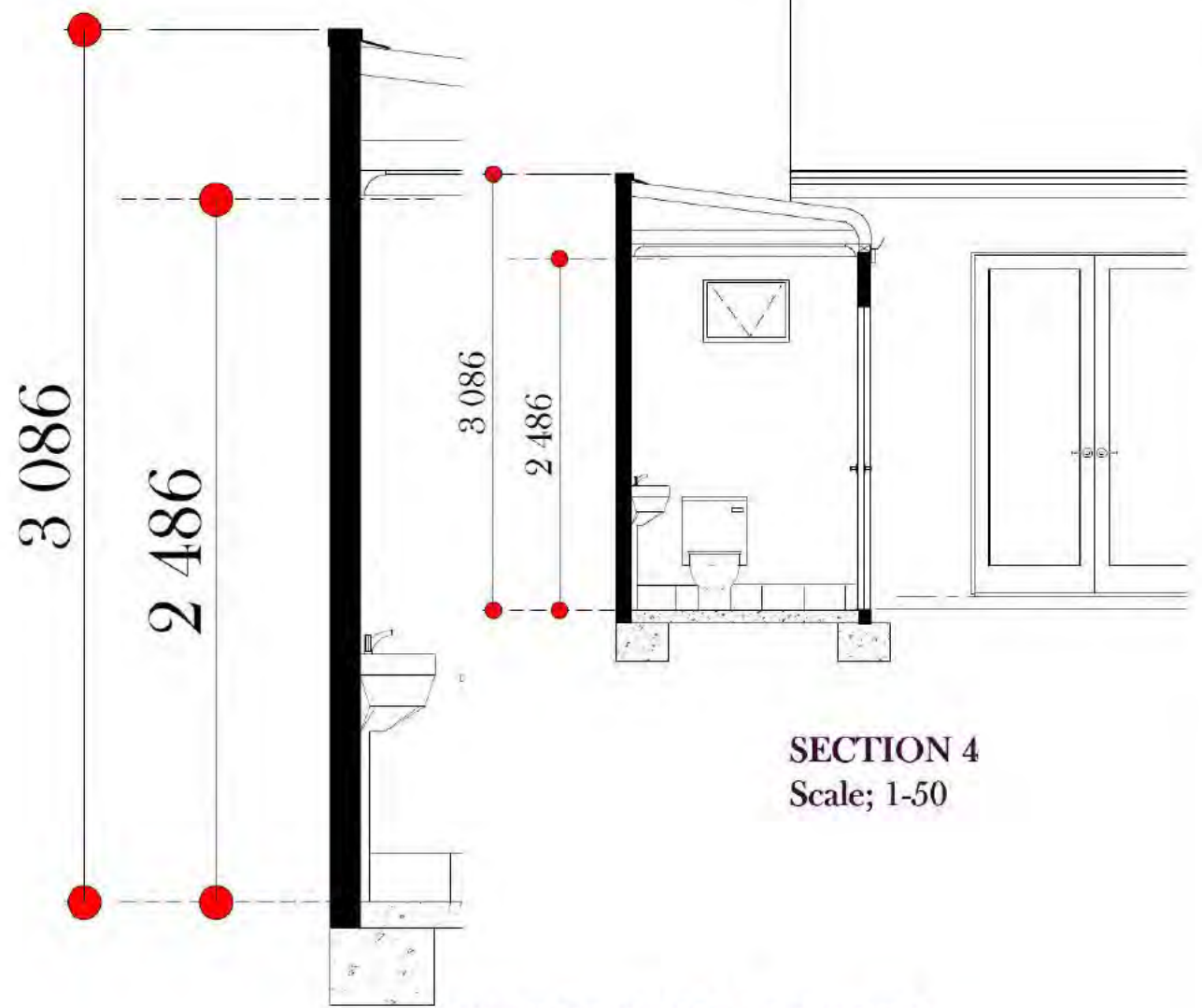
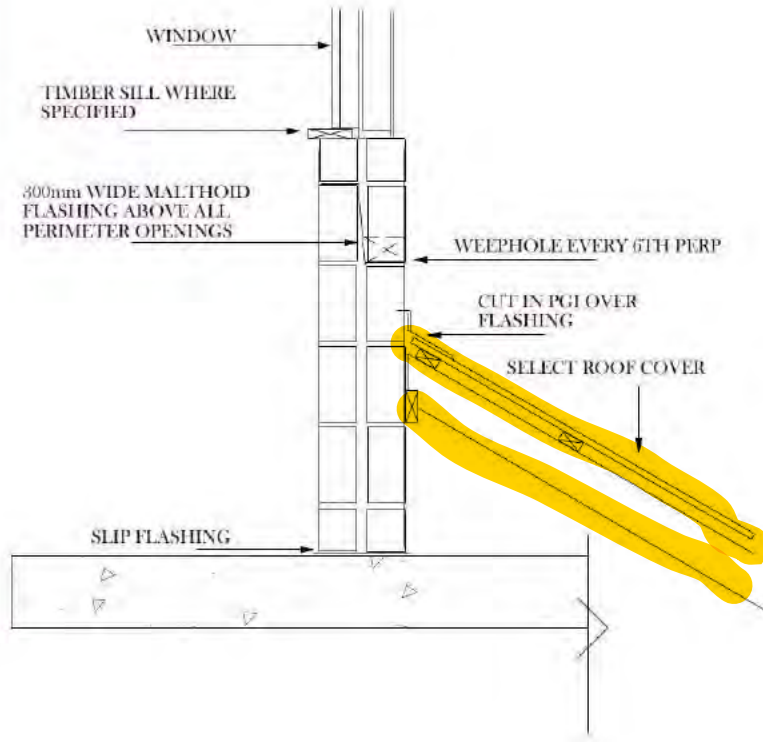
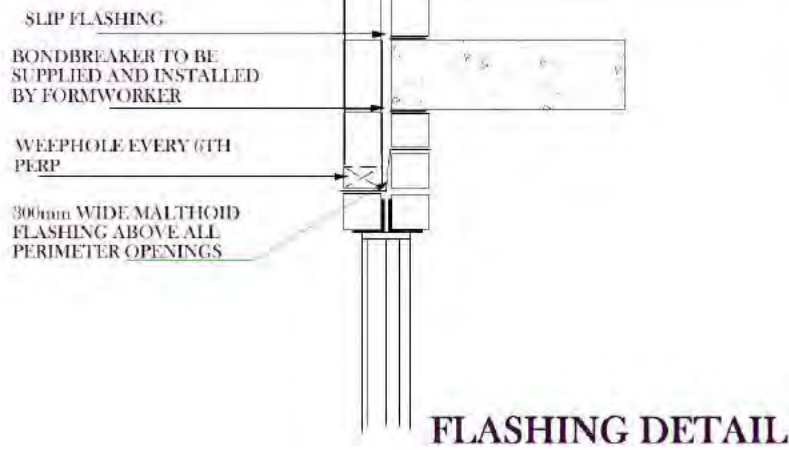
APPLECROSS RESIDENTIAL DRAFTING & DESIGN

743A CANNING HIGHWAY APPLECROSS 6153
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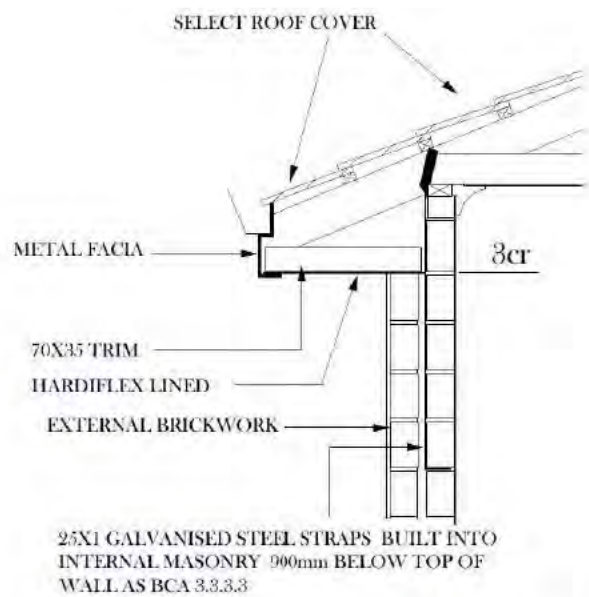
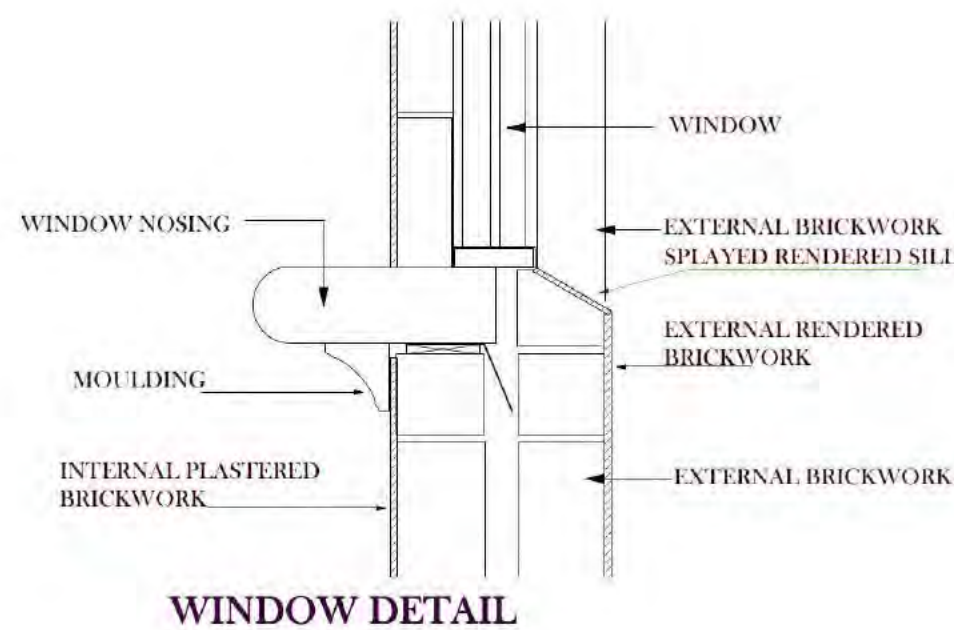
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ZERO LOT WALL SECTION
 Scale; 1-15



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	24/03/2012
SCALE	

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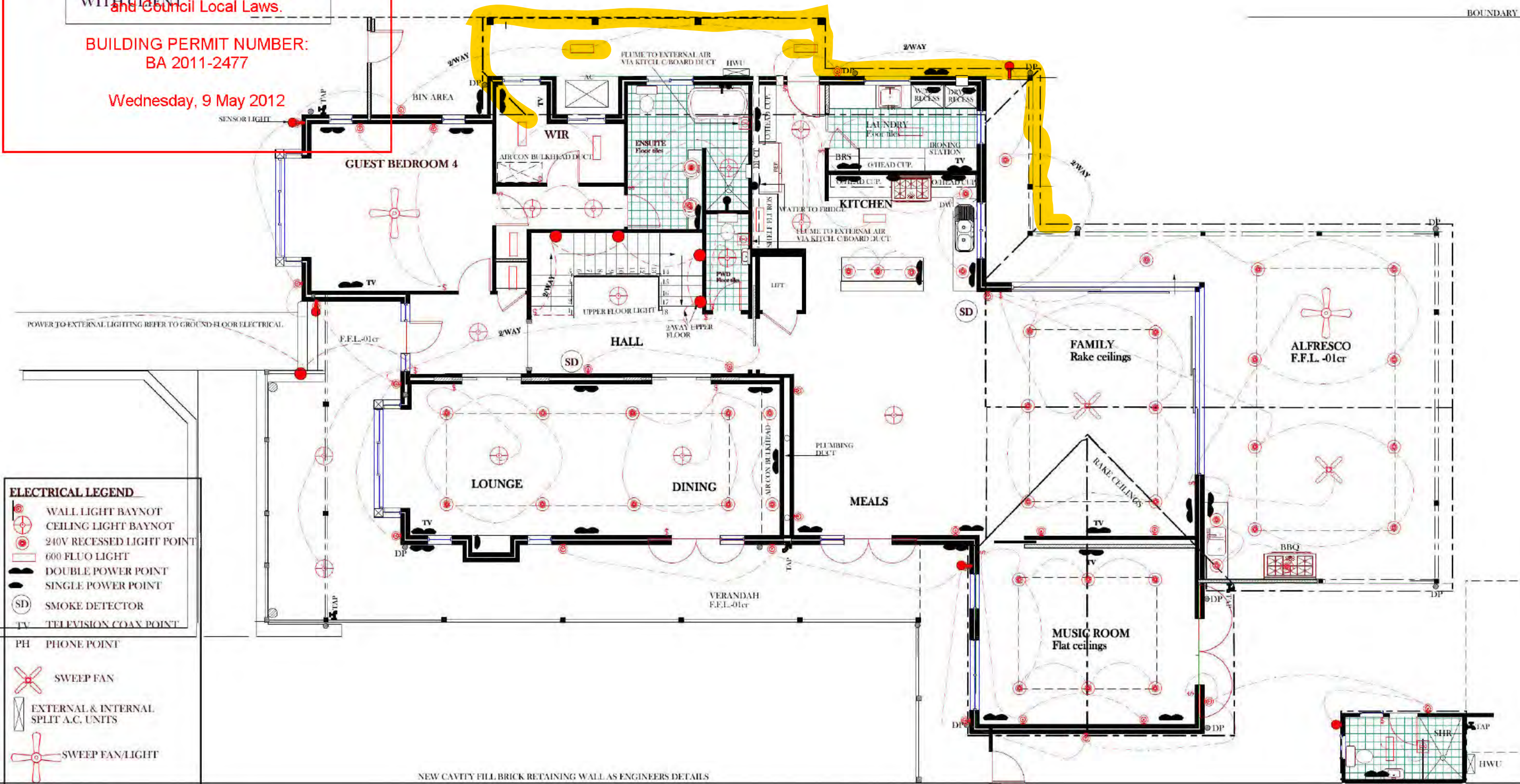
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Wednesday, 9 May 2012



- ELECTRICAL LEGEND**
- WALL LIGHT BAYNOT
 - CEILING LIGHT BAYNOT
 - 240V RECESSED LIGHT POINT
 - 600 FLUO LIGHT
 - DOUBLE POWER POINT
 - SINGLE POWER POINT
 - SMOKE DETECTOR
 - TELEVISION COAX POINT
 - PHONE POINT
 - SWEEP FAN
 - EXTERNAL & INTERNAL SPLIT A.C. UNITS
 - SWEEP FAN/LIGHT
 - METER BOX
 - FLUMED CEILING EXHAUST FAN
 - SENSOR
 - RECESSED WALL LIGHT

Note:
 Power to Electric & Gas Stove & ducted Range Hood Canopy
 Power to Gas HWU
 Dual Safety Switch to Meter Box
 Isolation switch to Electric Oven
 All Exhaust fans to be self closing

FIRST FLOOR ELECTRICAL LAYOUT
 Scale: 1-50

PAGE	17-19
JOB	0138
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SCALE	

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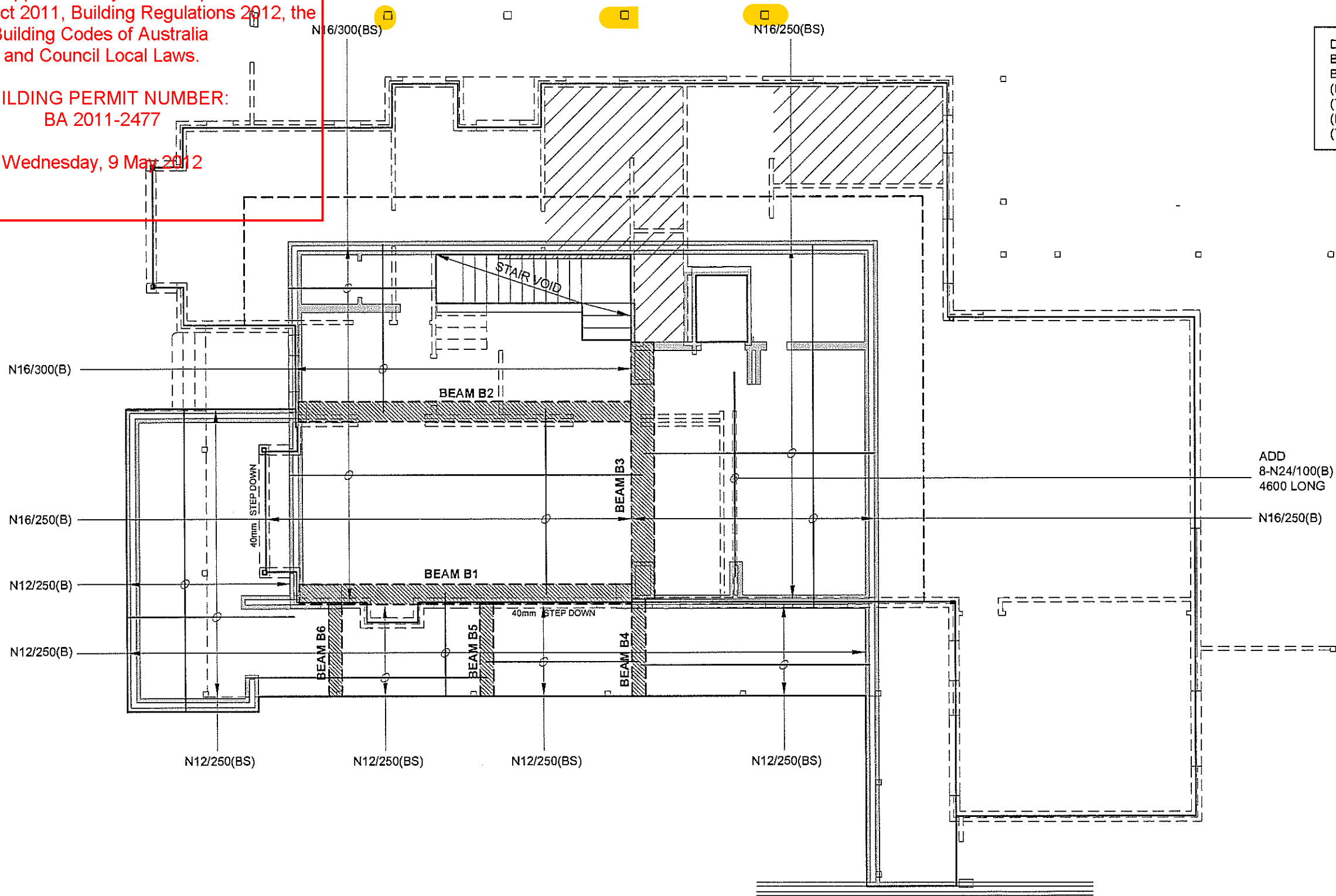
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Wednesday, 9 May 2012

DISTRIBUTION NOT SHOWN ON THE PLAN
 BUT NECESSARY TO COMPLETE THE
 BENDING SCHEDULE TO BE:


(B) AND (BS)	N12 @ 300
(T) AND (TS)	N12 @ 450
(B) AND (BS)	N12 @ 250 (3c SLAB)
(T) AND (TS)	N12 @ 300 (3c SLAB)




BOTTOM STEEL

LOAD BEARING WALLS
 BELOW SHOWN SHADED

SUSPENDED SLAB LAYOUT - lower level 1 : 100

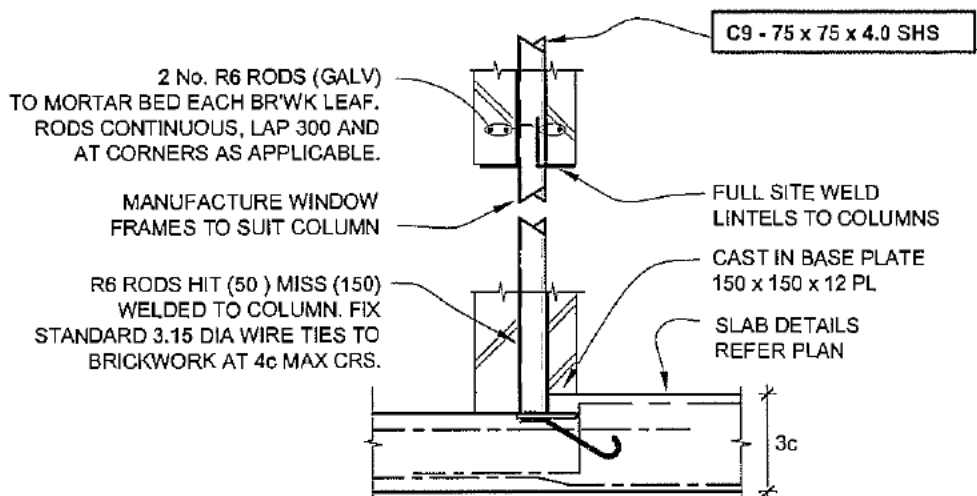
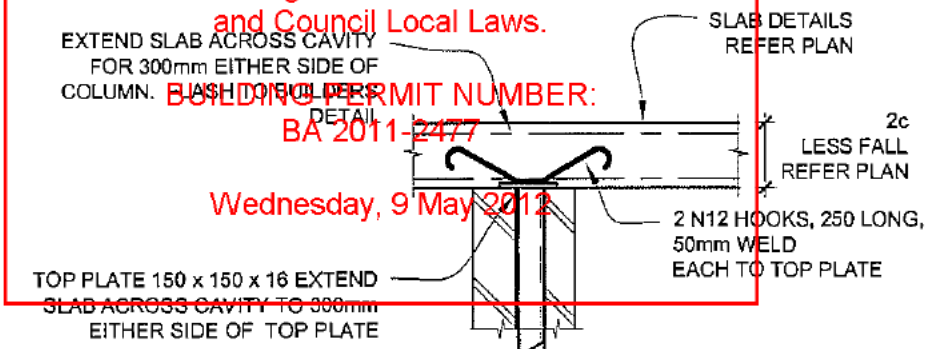

Boris Govedarica
 MIEAust B.E.Hons
 Professional Engineer
 Membership No. 3049491
 The Institution of Engineers, Australia

Revision	Date	Details	Eng
Client	M. & M. McLERIE		
Project	12 BEACH STREET BICTON WA		
 BG Structural Engineers BG Structural Engineers Pty Ltd (ABN 76 685 160 693) ACN 147 094 602 as trustee for the BGS Trust trading as BG Structural Engineers 7 Allerton Way, BOORAGOON WA 6154 Phone: 08 9315 3295 Fax: 08 9315 3294 E-mail: boris@ca.com.au			
DRAWN	SCALES	REVISION	DRAWING No.
L.D.	AS SHOWN	0	S9 of 22
DESIGNED	DATE		
B.G.	12.10.2010		419.11

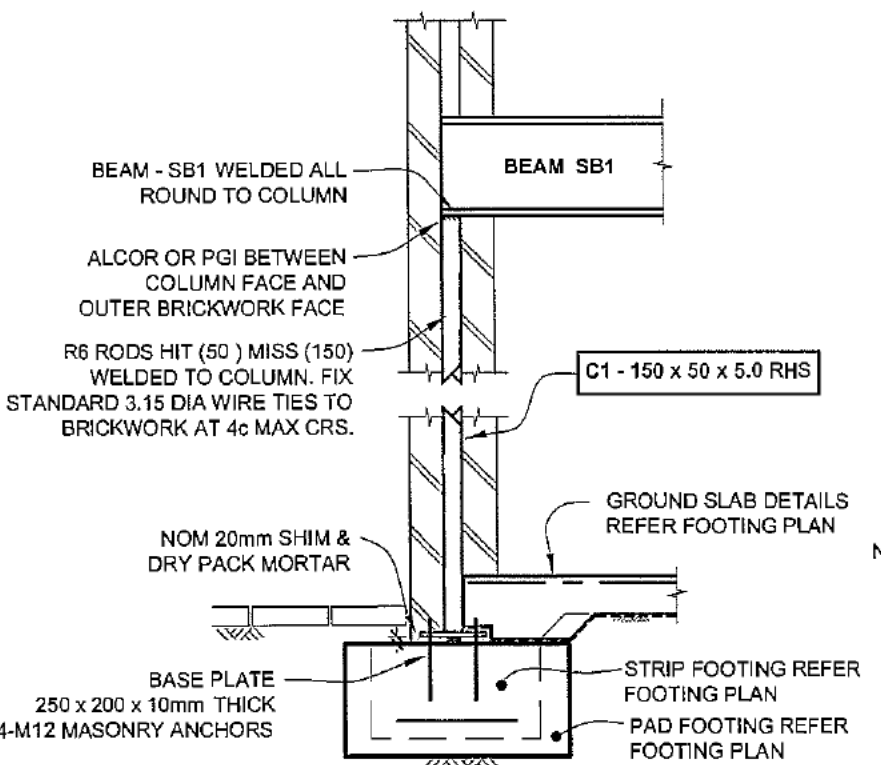
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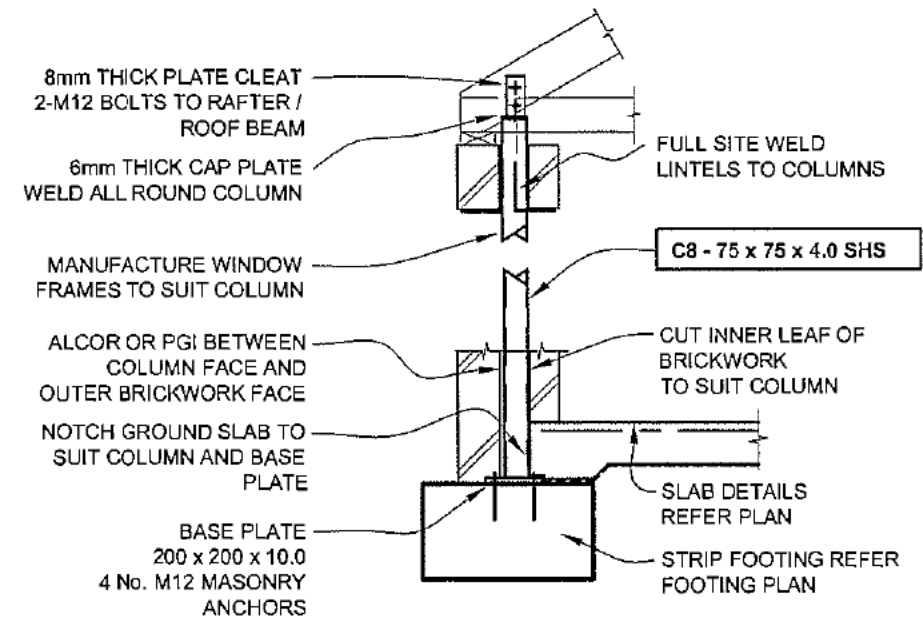
Wednesday, 9 May 2012



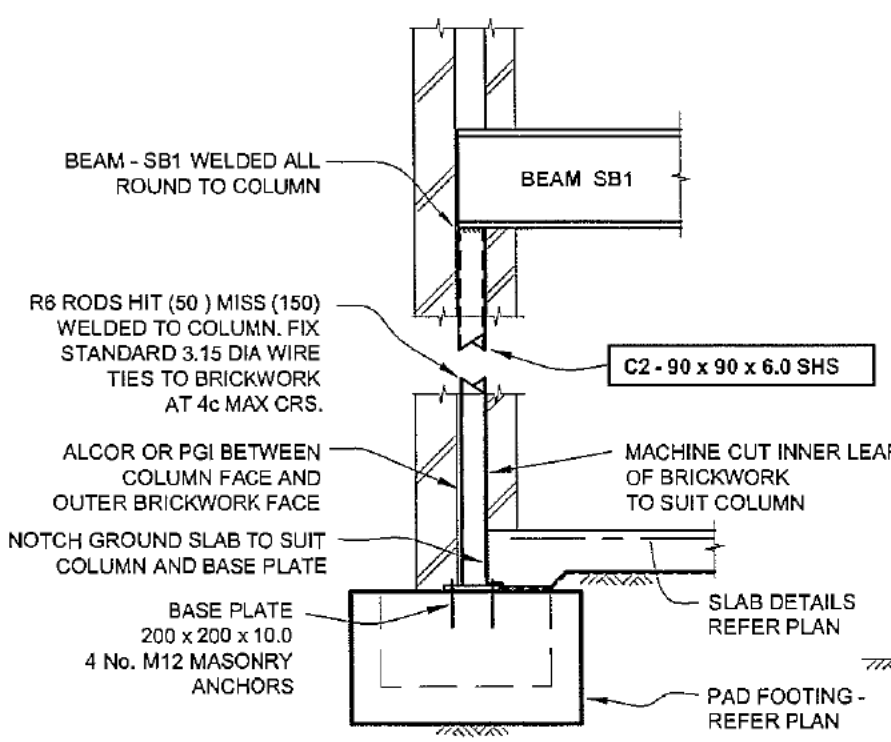
COLUMN C9 1:20



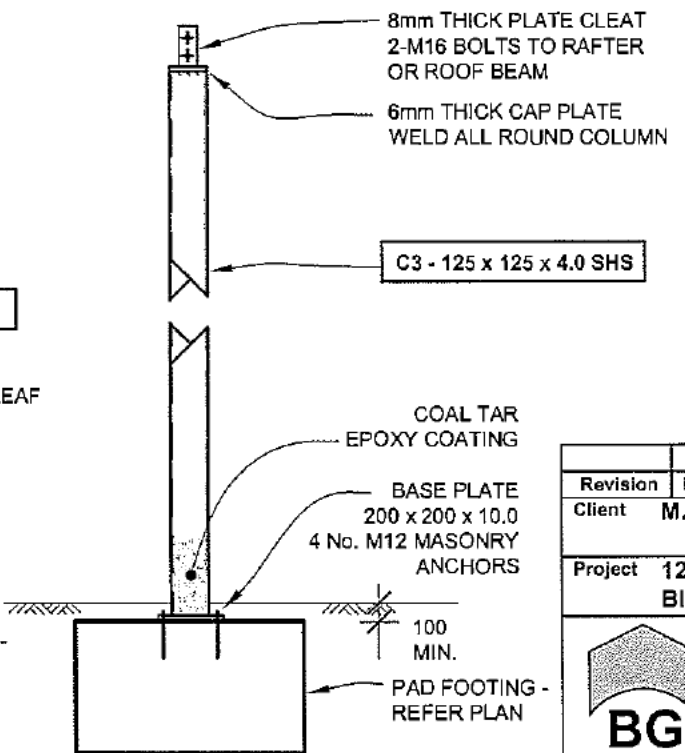
COLUMN C1 1:20



COLUMN C8 1:20



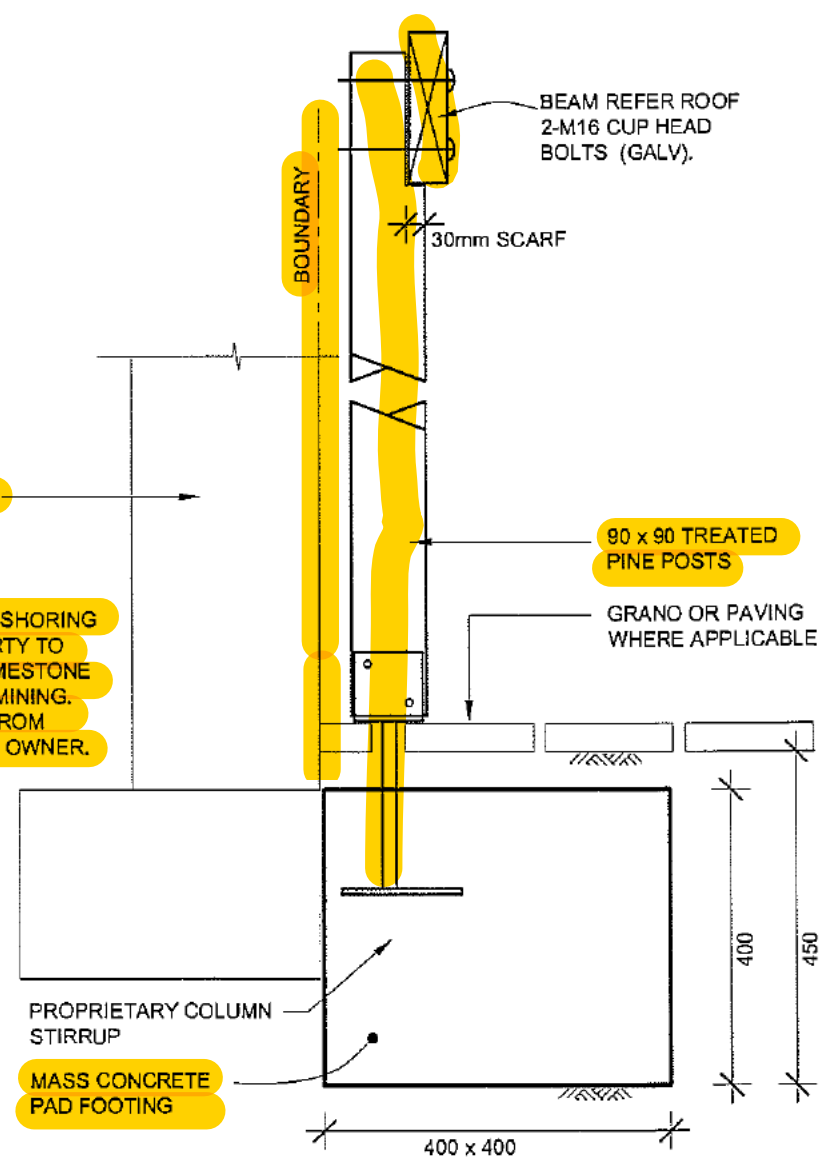
COLUMN C2 1:20



COLUMN C3 1:20

EXISTING LIMESTONE WALL

PROVIDE TEMPORARY SHORING TO ADJACENT PROPERTY TO PROTECT EXISTING LIMESTONE WALL & AVOID UNDERMINING. OBTAIN PERMISSION FROM ADJOINING PROPERTY OWNER. CONFIRM ON SITE.



TIMBER POST TP 1:10

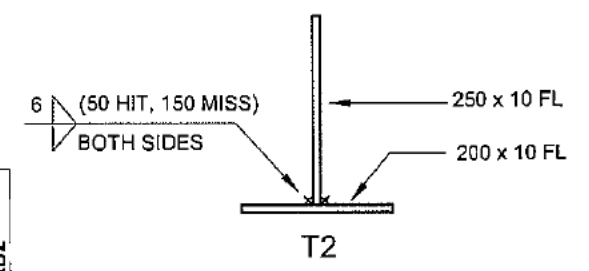
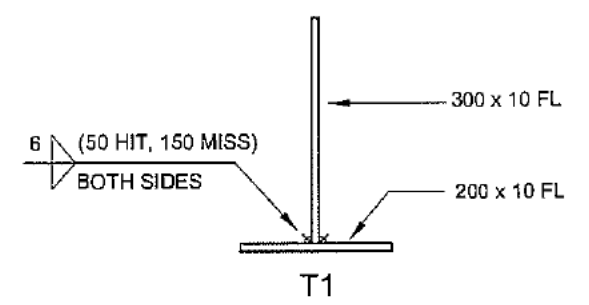
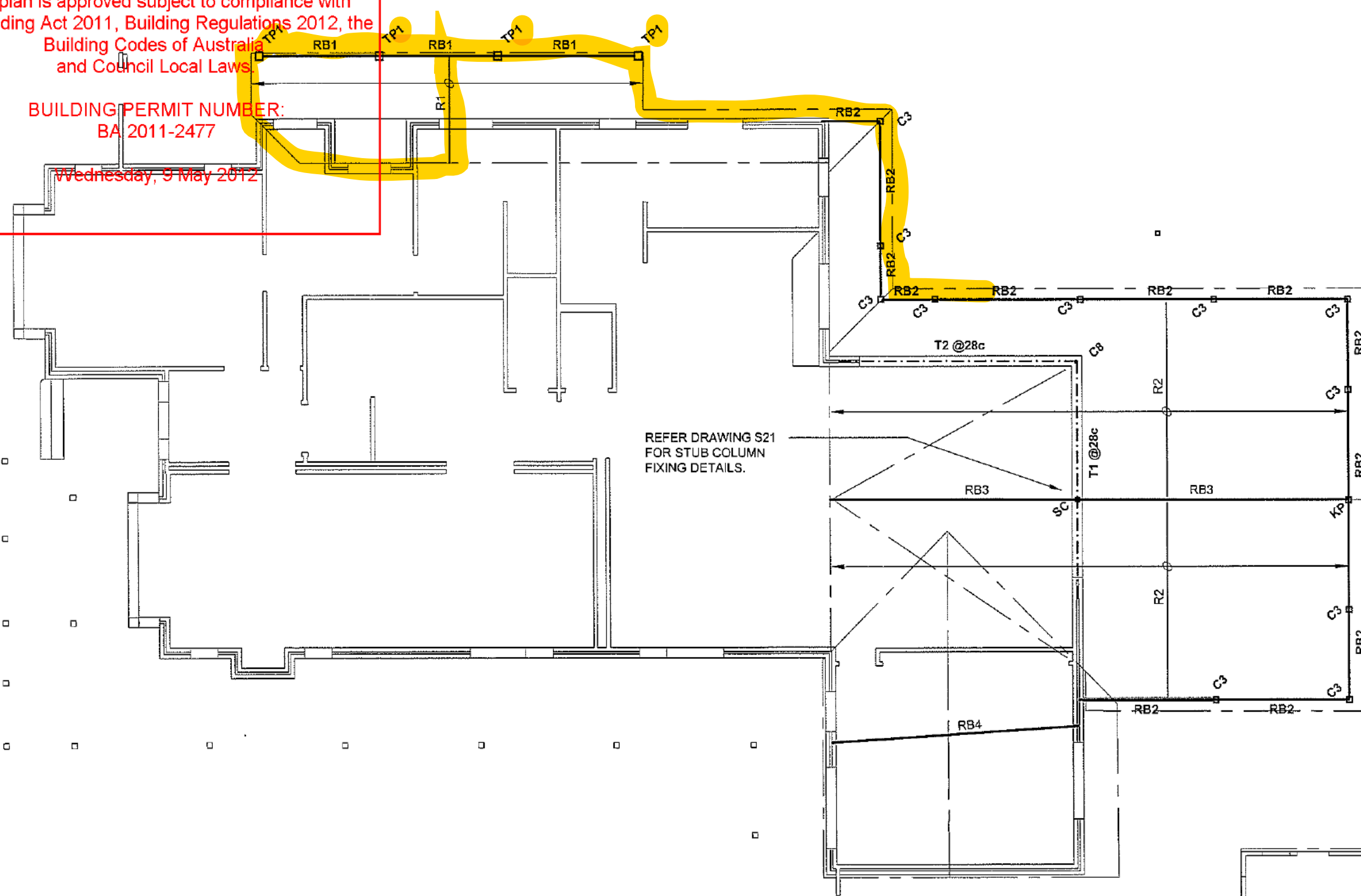
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 Professional Engineer
 Membership No. 3049491
 I E Aust The Institution of Engineers, Australia

Revision	Date	Details	Eng
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DRAWN	SCALES	REVISION	DRAWING No.
L.D.	AS SHOWN	0	S13 of 22
DESIGNED	DATE		PROJECT No.
B.G.	12.10.2010		419.11

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BUILDING PERMIT NUMBER:
 BA 2011-2477

Wednesday, 9 May 2012



250 END BEARING
 2 L6 GALV HD WIRES IN FIRST 2 BED JOINTS
 OF EACH LEAF 500 LAPS, 20 SIDE COVER
 HOT DIP GALVANIZE ALL EXTERNAL
 LINTELS TO AS4680 AFTER FABRICATION
 MITRE CUT & FULLY WELDED AT CORNERS

T - LINTELS 1:10

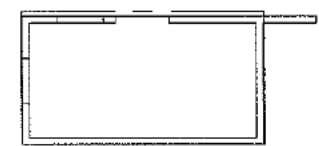
ROOF PLAN - lower level 1:100

METAL ROOF

ROOF BRACING AND ROOF TIE DOWN
 AS PER TIE DOWN NOTES & DETAILS &
 IN ACCORDANCE WITH TIMBER
 FRAMING CODE A.S. 1684

IT IS THE RESPONSIBILITY OF THE BUILDER
 TO INFORM THE OWNER OF THE IMPORTANCE
 OF MAINTAINING EXTERNAL STRUCTURAL
 TIMBERS BY WAY OF PAINTING OR SIMILAR
 PROTECTION.

MEMBERS SCHEDULE	
RB1	190x45 MGP10
RB2	264x60 KAPUR "GLULAM "
RB3	360x63 HYSpan CONTINUOUS
RB4	360x63 LVL WESBEAM
R1	90x45 MGP10 @ 1200 c/c MAX
R2	190x45 MGP10 @ 600 c/c MAX
KP	90x90 MGP10 TIMBER KING POST



Boris Govedarica
 MIEAust B.E.Hons
 Professional Engineer
 Membership No. 3049491
 I E Aust The Institution of Engineers, Australia

Revision	Date	Details	Eng
Client	M. & M. McLERIE		
Project	12 BEACH STREET BICTON WA		
BG Structural Engineers BG Structural Engineers Pty Ltd (ABN 76 685 160 693) ACN 147 094 602 as trustee for the BGS Trust trading as BG Structural Engineers 7 Allerton Way, BOORAGOON WA 6154 Phone: 08 9315 3295 Fax: 08 9315 3294 E-mail: boris@ca.com.au			
DRAWN	SCALES	REVISION	DRAWING No.
L.D.	AS SHOWN	0	S19 of 22
DESIGNED	DATE		
B.G.	12.10.2010		
			PROJECT No.
			419.11

Certificate of Design Compliance

Western Australian Building Act 2011, s.19
Building Regulations 2012, r. 17

Application number

OFFICE USE ONLY

BA-2011-2477

1. Property details

Property street address (Street number, lot number, street name, suburb, postcode)	12 Beach Street, BICTON WA 6157 Lot 600 P 4549	
Local government area	City of Melville	
Main use of building/s	TWO STOREY SINGLE DWELLING WITH UNDERCROFT	
BCA class of the building/s	Main BCA Class 1a Residential	Secondary BCA classes (for multi-purpose buildings) N/A

2. Declaration

1. I certify that this building or incidental structure, if completed in accordance with the plans and specifications specified in this certificate will comply with each building standard that applies to the building or incidental structure; and
2. I certify that the building work, if done in accordance with the plans and specifications that are specified in this certificate, will comply with each authority under a written law listed in building regulation r.18(2) that applies to the building work; and
3. I certify that this certificate only relates to the components of the plans and specifications which demonstrate compliance with each building standard that applies to the building or incidental structure; and
4. In making this declaration, I rely on the plans, specifications and technical documents specified in this certificate; and
5. I certify that any alternative solution that is relied upon to establish compliance with a building standard is shown on the plans and specifications specified in this certificate.
6. The building work associated with this building or incidental structure, is reasonably likely to adversely affect other land, under s77 of the *Building Act 2011*; and
7. I have not obtained a declaration to not apply or modify a building standard from the Building Commissioner under s.39 of the *Building Act 2011*; and
8. (Class 2 - 9 buildings only) I confirm that plans and specifications in sufficient detail to allow assessment of compliance with FESA operational requirements were provided to FESA at least 15 business days prior to the date of this certificate, and that FESA has been advised of any decision not to follow advice given by FESA in respect of the plans and specifications and the reasons for that decision; and
9. I am an independent building surveyor as defined in s4 of the *Building Act 2011*.

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BA-2011-2477

Name **Mr T Capobianco** Ph 08 9364 0683
 Postal address **C/- City of Melville** Mob
 Locked Bag 1
 BOORAGOON WA 6954 Fax 08 9364 5224
 Email address **tony.capobianco@melville.wa.gov.au**
 Registration number 080 Level 1
 Signature of certifier Date



11 May 2012

MR TONY CAPOBIANCO
PRINCIPAL BUILDING SURVEYOR

3. Building standards applicable to the building or incidental structure

Building standards applicable to this building or incidental structure:

Building Standards applicable as stated in the Building Code of Australia 2011 Volume 2, Class 1 and 10 Buildings, Table 1.4.1 : Schedule of Referenced Documents

4. Plans, specifications and other documents

Plans and specifications certified in accordance with s19 (3) of the Building Act 2011.

Drawing Numbers:

Architectural Plans date 30/08/2007 Page 1 to 18 Rev 24/03/2012

Energy Efficiency Conformance to the BCA by Rowley Aires dated 31/10/2011

Structural Engineering plans

Structerre Site Class report dated 05 April 2011, Brick Retaining Wall detail T5, V8

BG Engineers Plans S1 - S22 Rev 0 12/10/2010.

David Royal contiguous piles engineering plans 1202-226-01 and 02 Rev 0

Specifications: Home Specifications dated 19 September 2011

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Technical documents: N/A

Alternative solutions (Class 2 - 9 buildings only) *Include the information required under r.17(b)*
N/A)

5. Work affecting other land

Details about any work that adversely affects land beyond the boundaries of the works land

6. Prescribed approvals applicable to the building or incidental structure

The following authorities under written law as prescribed in regulation 18(2) have been obtained:

7. FESA advice

Details of any advice given by FESA in respect of the plans and specifications:

Any part of this advice that I do not intend to follow:

8. Certificate issued by

Contractor/local government	City Of Melville	Ph	08 9364 0683
Postal address	C/- City of Melville Locked Bag 1 BOORAGOON WA 6954	Mob	
Email address	PBadmin@melville.wa.gov.au	Fax	08 9364 5224

Certificate of Design Compliance

Western Australian Building Act 2011, s.19
Building Regulations 2012, r. 17

Application number

OFFICE USE ONLY

BA-2011-2477

Registration number N/A

Name: (print)

Mr Tony Capobianco

Signature:



Date:

11/05/2012

Signature of
contractor or local
government officer

MR TONY CAPOBIANCO
PRINCIPAL BUILDING SURVEYOR

6.1.1 Citizens for Building Reform (WA), continued.

Secondly, in relation to what CBR WA considers an excessively protracted process for the completion of a previously approved side boundary patio, namely, at 12 Beach St Bicton. For context we refer the council to SAT [2017] CC 9 McLerie vs City of Melville, which we understand was a review of the City's decision to refuse an extension of time to complete the patio on the side boundary of the 12 Beach St property and as was clearly shown on BA-2011-2477 and BA-2011-2477/A submitted plans. Consequently we seek answers to the following questions:

Question 3

- a. *The date of the first instance that the City building services denied that they had issued a building approval for the 12 Beach St side patio?*

Response

The City advised the owner of 12 Beach Street in March 2015, "that it did not believe that there was a building permit that allowed construction of a patio roof structure at the applicants property." (Paragraph 11 of [2016] WASAT 4).

This was confirmed in writing on 9 April 2015 when the City advised that a search of the City's records failed to find any Building Approvals issued for a Patio roof with a Boundary Parapet Wall.

Question 4

- b. *The date that SAT ruled that the City had in fact approved the patio via BA-2011-2477?*

Response

SAT found on 30 June 2017 that the Building Permit BA-2011-2477 (Two Storey Single Dwelling with Undercroft), approved on 14 May 2012, had in fact included a patio, but with insufficient detail in order to determine precisely what the patio would consist of.

Question 5

- c. *Please confirm that SAT did, in fact, find that the City's building surveyor had certified the patio even though it did not comply with current building codes?*

Response

In 2017 [SAT 9/2017] SAT found that the 2012 permit in relation to the patio approval was in error or oversight, and that the plans submitted were not clear. The SAT further commented that this was to the advantage of the applicant/builder who could have proceeded with construction of the patio.

As a consequence of not undertaking the construction in the time permitted the building permit lapsed and the SAT refused to grant the extension applied for and invited the applicant to lodge a new compliant application.

6.1.1 *Citizens for Building Reform (WA), continued.*

Question 6

- d. *What was the state regulator, Building and Energy's involvement? And what commitment(s) did the City provide Building and Energy in relation to remedying their acknowledged failings?*

Response

The extent of involvement of the Building and Energy Division of the Department of Mines, Industry Regulation and Safety was that an officer was called in evidence to SAT as a witness by the applicant to the SAT 9/2017 matter. In relation to this matter no commitments were asked for or given to the Department.

6.2 Questions Taken on Notice

Nil.

6.3 Questions without Notice

6.3.1 Dr S Peterson, Murdoch-Bateman-Kardinya

Further to the online PerthNow article by Kristie Lim on 10/02/2022 entitled "City of Melville electors' meeting calls for CEO to be replaced" Please clarify the following statements:

1. *Mr Gear said the process for appointing or dismissing a CEO was prescribed in legislation, which the council had to follow.*

Question 1

- 1.1. *Does Council itself have the power to terminate the CEO's contract?*

Question 2

- 1.2. *What is the prescribed process and legislation relevant to dismissing the CEO?*

2. *Among a small turnout of less than 30 local residents...*

Question 3

- 2.1. *What is the maximum number of members of the public that attended online, attended in person, how many of each of these were electors, and what was the maximum number of electors who voted?*