

ITEM 5.4	MAYORAL MINUTE NO 14/2014 - EXPECTATIONS AND RESPONSIBILITIES IN REGARD TO BUILDING DEVELOPMENT SUCH AS FRAZER STREET, COLLAROY
TRIM FILE REF	2014/263427
ATTACHMENTS	NIL

BACKGROUND

Following the incident on Tuesday 19 August 2014 which saw the collapse of a driveway at a building site in Frazer Street, Collaroy, and Council immediately issued an Emergency Order to force the owner to carry out works to make the site safe.

There has been much debate within the community and in the media as to where the responsibility lies when situations such as this occur. I believe the public has unrealistic expectations of Council's responsibilities and under the current system there is no clarity as to who is ultimately in charge of a site under development. It is easy to point the finger at local government but we must remember that we are governed by State Government legislation and ultimately, it is the land owner's responsibility to ensure the site is safe.

The concerns I have following this recent incident relate to the overall role and responsibilities of both Council and the Private Certifiers appointed in these circumstances. Council staff as I understand have issued the emergency order and have been working with the Private Certifier and other stakeholders in ensuring the site is safe and that appropriate action is undertaken. But who is ultimately responsible for ensuring the safe site. I would like Council to provide a report that outlines our actions and responsibilities in this case so the matter can be further considered by Council. I would also like Council staff to outline their suggestions to improve the development system we are currently working under.

I believe there needs to be absolute clarity of the roles of all the stakeholders including the builders, certifiers and Council and I think this is a very good example of how the system is currently flawed. The community also needs to know exactly where to go in such situations and who is responsible – the lines of accountability are vague to say the least.

This is an opportunity to highlight the concerns we have and raise these issues with the Building Professionals Board and the State Government to ensure there are more effective guidelines in relation to the powers and responsibilities of Councils, Private Certifiers, builders and all the stakeholders.

I understand such work can be undertaken within existing operational budgets.

RECOMMENDATION

That Council staff:

- A. Provide a report to Council that outlines our actions and responsibilities in relation to the incident at Frazer Street, Collaroy prior to the actual incident on 19 August and our responsibilities moving forward.
 - B. Provide recommendations on how to improve the building management system we are currently working within that can be considered by Councillors and communicated to the State Government.
-



Michael Regan
MAYOR