



Presented to	Ordinary Meeting of Council
Related to Item	C23/5964 Review of 14 Beach Street Boundary Foundation and Retaining by an Independent Registered Building Surveyor
Submitted by	Acting Chief Executive Officer
Attachments	Not Applicable

This Advice Note provides information relating to:

1. The TESH recommendation for a structural engineer to determine the structural adequacy of the retaining wall;

The TESH report recommendation is that the retaining wall be inspected by a structural engineer to determine the structural adequacy of the retaining wall and that the City consider issuing a building order to the owner if the engineer considers the limestone wall to be dangerous.

Officer comment on this recommendation is included in the Officer report and it has been confirmed with TESH that it is likely that a visual inspection can only be carried out, without the consent of the owner of 14 Beach Street to access their property.

2. An Alternative motion submitted by Cr Edinger for an independent structural engineer to undertake an inspection of the boundary structure footings and associated retaining; and

The alternative motion proposed by Cr Edinger is for an independent structural engineer to undertake an inspection of the boundary structure footings and associated retaining and to report back to the July 2023 Council Meeting.

As advised above, it is likely that only a visual inspection can be conducted by the engineer.

Should the Council wish to proceed with this motion the matter of 'independence, needs to be clarified. An independent engineer would be a professional that has not previously undertaken work for either property owner (14 or 12 Beach Street) or undertaken work on either property.

The engineer should be selected by the City in accordance with the Council's Procurement Policy CP-023 and be from the WALGA engineering panel. The City should then obtain consent from the owner of 12 Beach Street to access their property if that is the only means of undertaking the inspection. The inspection should be undertaken independent of both property owners and without involvement of either property owner.

Further independence could be interpreted to be independent of City Officers, by not previously having undertaken any work for the City. The TESH inspection was frustrated by Officers attempting to remain independent of this process by attempting to not engage with the inspector and the inspector trying to remain independent of the City and not seeking information from Officers.

3. Mr McLerie's deputation and hand-outs forwarded to the City and Elected Members on 21 March 2023.

A fifteen-page deputation has been submitted by Mr McLerie on 21 March 2023, which is to be presented to the 21 March 2023 Council Meeting. In view of the information that has been provided, the Council may wish to defer a decision in relation to this matter and invite Mr Schwanke (TESG) to an Elected Member Engagement Session (EMES) to:

- (i) present his report and recommendation; and
- (ii) provide comment on relevant matters raised in the deputation.

Should the matter be deferred, Officers may seek further legal comment and advice on points raised in the deputation, should this be considered necessary.

Additional costs will be incurred in respect to undertaking any of the above alternative options. The cost for the TESG inspection and report was \$6,490.00 and it is estimated that the expense to appoint an engineer would be of a similar amount.

The Council should also be mindful of a resolution from the 29 June 2020 Council Meeting that:

That the Council notes its intention that this review (Weir Review) represents the final review of these issues.

Alternatively, the Council can consider the Officer recommendation as presented in the report C23/5964.