



AGENDA

SPECIAL COUNCIL MEETING

**COUNCIL CHAMBERS
241 ROKEBY ROAD, SUBIACO**

TUESDAY 2 MARCH 2021

COMMENCEMENT: 5:30PM

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- 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

- 2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

- 3. DISCLOSURES OF INTEREST**

- 4. PUBLIC QUESTION TIME**

- 5. PUBLIC STATEMENT TIME**

- 6. PETITIONS AND APPROVED DEPUTATIONS**

- 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

8. MEETING CLOSED TO THE PUBLIC

PROCEDURAL MOTION (7.1(h) of the Meeting Procedures Local Law)

That the Meeting be closed to the public, pursuant to section 5.23(2)(d), (e)(ii) and (f)(iii) of the *Local Government Act 1995* while item 8.1 is considered.

Reasons:

- Section 5.23(2)(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.
- Section 5.23(2)(e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person.
- Section 5.23(2)(f)(iii) a matter that if disclosed could be reasonably expected to prejudice the maintenance or enforcement of a lawful measure for protecting public safety.

8.1 HAY STREET EXCLUSION ZONE / SANUR PTY LTD – CONFIDENTIAL *

PREAMBLE

Sanur Pty Ltd and its associated entities (“**Sanur**”), is a large landowner in the Subiaco Town Centre.

The City understands that two buildings owned by Sanur have been vacant for some time, and are now in a poor state of repair.

1. The first of these buildings located at 424 – 436 Hay Street is a single-story building approximately 6.9 metres high (“**Building 1**”).
2. The second of these buildings located at 440 Hay Street is a two-story building approximately 10.7 metres high (“**Building 2**”).

In February 2021, Sanur advised the City that the buildings were unstable and were at imminent risk of collapse. Sanur provided the City with a structural engineer’s report, which stated that Building 1 was leaning over Hay Street by as much as 160mm.

In order to prevent potential injury to people or property, the City permitted Sanur to form an exclusion zone around the buildings by closing half the width of Hay Street.

The City subsequently engaged Structerre Consulting (“**Structerre**”) to investigate the buildings. Structerre advised that the buildings were “active” and would need to be demolished unless they could be assessed as being safe and stable by appropriately qualified professionals.

Based on the Structerre advice, the City permitted Sanur to extend the exclusion zone around the buildings to the full width of Hay Street. The width of the exclusion zone was based on approximately 1.5 times the height of Building 2, i.e. the taller building. The decision to extend the exclusion zone to the full width of Hay Street was made based on the latest engineering advice at the time, to ensure public safety.

The City is deeply concerned about the impact the current exclusion zone and consequent road closures are having on local businesses, but is carefully balancing this interest with the need to ensure public safety.

In response to Structerre’s recommendation, the City engaged specialist engineering firm Quoin Structural and Heritage Engineers (“**Quoin**”) to perform a structural assessment of the buildings. Quoin concluded that neither building facade is “active”. Quoin also concluded that there is a strong likelihood that both buildings could be stabilised and remediated in situ, and that only a reduced exclusion zone was required around Building 1.

It is open to Council to accept the position of Quoin as to the extent of imminent risk of collapse and, by extension, the requirement for an exclusion zone. There are several reasons for this, all of which have been articulated in the following report.

The Quoin report is provided as **Attachment 1**.

Also attached is a brief summary of the events in chronological order and other comments on this matter (**Attachment 2**), together with the most recent media response issued to the Sunday Times (**Attachment 3**).

9. CLOSURE OF MEETING



WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

NOTE: USE ONE FORM PER DECLARATION OF INTEREST FOR EACH MEETING

I, _____ wish to declare an interest
 in the following item to be considered by Council at its meeting to be held on
 _____ Agenda Item: _____

The type of interest I wish to declare is:

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007

The nature of my interest is:

I understand that the above information will be recorded in the minutes of the meeting and recorded by the Chief Executive Officer in an appropriate register.

Signature

Date

Financial interest (s.5.60A)

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

Proximity interest (s.5.60B)

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns
 - (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
 - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (*the proposal land*) adjoins a person's land if —
 - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

Indirect financial interests (s.5.61)

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Impartiality (Regulation 11, Local Government (Rules of Conduct) Regulations 2007)

- (1) In this regulation —
interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (2) A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Sub-regulation (2) does not apply if —
 - (a) a person who is a council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or
 - (b) a person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5) If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then —
 - (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.
- (6) If —
 - (a) under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b) under sub-regulation (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,
the nature of the interest is to be recorded in the minutes of the meeting