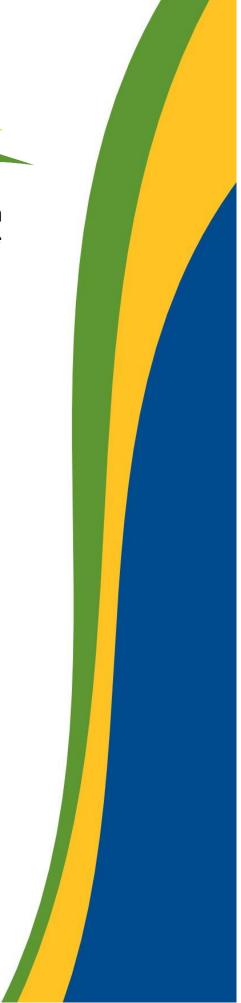


Heritage, Commerce and Lifestyle

# Shire of Northam

Minutes Special Council Meeting 2 December 2021





#### DISCLAIMER

This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

In certain circumstances members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential, and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or Officer of the Shire of Northam during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Northam.

The Shire of Northam advises that anyone who has any application lodged with the Shire of Northam must obtain and should only rely on <u>WRITTEN CONFIRMATION</u> of the outcome of the application and any conditions attaching to the decision made by the Shire of Northam in respect of the application.

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#### 1. DECLARATION OF OPENING

The Shire President, Cr C R Antonio declared the meeting open at 5:30pm.

#### 2. ACKNOWLEDGEMENT TO COUNTRY

The Shire President, Cr C R Antonio acknowledged the Traditional Owners of the land on which we meet, the Ballardong and Whadjuk people of the Nyoongar nation and paid our respects to Elders, past present and emergina.

#### 3. ATTENDANCE

Council: Shire President **Deputy Shire President** Councillors

#### C R Antonio M P Ryan D Galloway R W Tinetti A J Mencshelyi M I Girak D A Hughes H Appleton

#### Staff:

Chief Executive Officer Executive Manager Development Services A/Executive Manager Engineering Services N Binning Executive Manager Corporate Services Executive Assistant – CEO

J B Whiteaker C B Hunt C Young A C McCall

#### 3.1 APOLOGIES

Councillor

J E G Williams

## 3.2 APPROVED LEAVE OF ABSENCE

Cr P T Curtis has been granted leave of absence from 1 December 2021 to 11 December 2021 (inclusive).

#### 3.3 ABSENT

Nil.

#### 4. DISCLOSURE OF INTERESTS

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.





As defined in section 5.60A of the Local Government Act 1995, a **financial interest** occurs where a Councillor / Committee Member, or a person with whom the Councillor / Committee Member is closely associated, has a direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

As defined in section 5.61 of the Local Government Act 1995, an **indirect financial** interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

As defined in section 5.60B of the Local Government Act 1995, a person has a **proximity interest** in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; or a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

As defined in 34C of the Local Government (Administration) Regulations 1996, an **impartiality 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.

Item Name	ltem No.	Name	Type of Interest	Nature of Interest
Business Redevelopment Fund	13.1	Cr R W Tinetti	Impartiality	Several of the owners are known to Cr Tinetti.
Application – 68-76 Fitzgerald Street, Northam		Cr M I Girak	Impartiality	Cr Girak knows one of the property owners, Dr Marie Fox and also Simon Dickenson owner of Dickinson Construction.
		Cr C R Antonio	Impartiality	Some of the applicants are known to Cr Antonio.



## 5. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

- 6. PUBLIC QUESTION TIME
  - 6.1 PUBLIC QUESTIONS

Nil.

## 7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

#### 8. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

8.1 PETITIONS Nil.

#### 8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS Nil.

#### 9. APPLICATION FOR LEAVE OF ABSENCE

Nil.

#### **10. CONFIRMATION OF MINUTES**

Nil.

# 11. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

Nil.

## 12. REPORTS OF COMMITTEE MEETINGS

Nil.





#### 13. SPECIAL ITEMS

Cr R W Tinetti declared an "Impartiality" interest in item 13.1 - Business Redevelopment Fund Application – 68-76 Fitzgerald Street, Northam as several of the owners are known to Cr Tinetti.

Cr M I Girak declared an "Impartiality" interest in item 13.1 - Business Redevelopment Fund Application – 68-76 Fitzgerald Street, Northam as Cr Girak knows one of the property owners, Dr Marie Fox and also Simon Dickenson owner of Dickinson Construction.

Cr C R Antonio declared an "Impartiality" interest in item 13.1 - Business Redevelopment Fund Application – 68-76 Fitzgerald Street, Northam as some of the applicants are known to Cr Antonio.

# 13.1 BUSINESS REDEVELOPMENT FUND APPLICATION – 68-76 FITZGERALD STREET, NORTHAM

Address:	68-76 Fitzgerald Street, Northam		
Owner:	A Canalicchio, Red Cross, L Saulys & M Fox		
Applicant:	M Fox		
File Reference:	3.1.8.19		
Reporting Officer:	<b>Officer:</b> Jacky Jurmann, Manager Planning & Environment		
Responsible Officer:	Chadd Hunt, Executive Manager Development		
	Services		
Officer Declaration of	Nil		
Interest:			
Voting Requirement:	Simple Majority		
Press release to be	No		
issued:			

#### BRIEF

An application has been received to access funds from the Shire's Business Redevelopment Fund from the owners of 68-76 Fitzgerald Street, Northam to carry out rectification works to the front facades of the buildings.

The purpose of this Report is for Council to determine if the allocation of additional funds will be approved for this purpose, and if approved, whether the funds will be paid upfront.

#### ATTACHMENTS

Attachment 1:	Application form & Quotation.
Attachment 2:	Architectural drawings.
Attachment 3:	Development approval.



#### A. BACKGROUND / DETAILS

#### Background

The parapet walls across the four properties are structurally failing and in danger of collapse.

Shire Officers were made aware of the issue and requested a Structural Engineer to review the situation and on their advice temporary fencing was erected around the properties, with the exception of Dominos, resulting in 3 of 4 shops being closed to the public.

A decision was made to work with the owners to encourage rectification works to be carried out in a coordinated approach, in lieu of serving Orders under the provisions of the Building Act, to achieve a better heritage and streetscape outcome.

Due to the properties are located in the Fitzgerald Street Heritage Precinct, the first step was to prepare architectural plans to enable an application for development approval to be submitted. The Architect presented 3 options for reconstruction of the parapets and verandahs (**Attachment 2**), which were submitted with the development application and referred to the Shire's Heritage Consultant who recommended a combination of Options 2 and 3. This combination will result in the parapets and verandahs being reconstructed to reflect the original design using modern materials.

Development approval (Attachment 3) has been issued under delegated authority and a quote (Attachment 1) has been obtained to prepare the documentation required to submit the building permit application, including amended architectural drawings, structural engineer's design and certification, and the Certificate of Design Compliance prepared by a private building certifier.

#### <u>Details</u>

A grant application has been received on behalf of the property owners to access the Business Redevelopment Fund to assist with the cost of the building permit application process associated with the rectification works.

The fund enables property owners to seek funding of up to 50% of the total cost of the project, with the maximum grant per application being \$20,000 of matching funds. The actual building works are estimated to well exceed \$20,000 and for the purposes of the grant, are the matching component.



Due to the current budgetary constraints, funds and time already expended and number of related buildings the subject of this application, it is being recommended that a maximum grant of \$15,000 is awarded.

### B. CONSIDERATIONS

#### B.1 Strategic Community / Corporate Business Plan

Theme Area: Economic Growth

- Outcome: Northam central business area is a strong and vibrant centre with a variety of cultural/art, retail and hospitality choices on offer every day of the week.
- Objective: An activated and attractive town centre with low retail vacancy rates.
- Theme Area: Environment & Heritage
- Outcome: The Shire of Northam honours, and is recognised for, its unique heritage and cultural identity.
- Objective: The Shire of Northam's heritage buildings and locations are well maintained.

#### **B.2** Financial / Resource Implications

To date, \$5,840 has been spent on obtaining a Structural Engineer's report together with \$147 for the development application and staff time, and when distributed across the 4 properties will reduce the grant funds available per property.

The Business Redevelopment Fund was allocated \$30,000 in the 2021/22 adopted budget. The above costs have been allocated to this account already and another grant of \$10,000 has been approved, which will be claimed in the near future.

It is proposed that the additional required income will be allocated during the budget review process expected to be carried out during January/February 2021.

#### B.3 Legislative Compliance

Development approval has been granted under delegated authority under the provisions of the Shire of Northam Local Planning Scheme No. 6. A certified building permit application will be submitted in the near future.

#### **B.4** Policy Implications

Business Redevelopment Fund

Conditions of the fund include the requirement to obtain all relevant approvals, to carry out the works in accordance with the approvals, and to submit evidence of payment for the works to enable the funding to be paid. In this application, the owners are requesting the funding to be paid upfront.



#### Local Planning Policy No. 18 – Heritage Precincts

The properties are located within the Fitzgerald Street Heritage Precinct and are identified as having Considerable Contribution to the Precinct due to their very early shopfront designs. The reconstruction of their parapets and verandahs based on their original design using modern materials is consistent with the objectives of the LPP.

#### Purchasing Policy

Two quotes were requested from Dickenson Construction and Structerre to prepare the documentation required to submit the building permit application. However, due to both companies having history with the situation, it was determined that a combined quote would be more appropriate.

#### **B.5** Stakeholder Engagement / Consultation

The landowners have been consulted extensively throughout the process to date together with the Shire's Heritage Consultant.

Risk Category	Description	Rating (likelihood x consequence)	Mitigation Action
Financial	Approvingtheallocationoffundsupfrontandworksnotcommencingat all orin a timely manner.	Medium (3) x Moderate (6) = Unlikely (2)	Imposing conditions on the approval regarding timing of the works.
Health & Safety	Works not commencing and temporary fencing being removed.	x Low (2) =	Conditions imposed on the approval and Shire Officers monitor the situation.
Reputation	N/a	N/a	N/a
Service Interruption	N/a	N/a	N/a
Compliance	Works do not commence in a timely manner.	Minor (2) x Low (4) = Unlikely (2)	Building Order can be issued to require works to be carried out.
Property	Parapets collapse and damage verge and/or road before works commence.	Medium (3) x Moderate (6) = Unlikely (2)	Imposed conditions to ensure works commence in a timely manner.
Environment	N/a	N/a	N/a

#### B.6 Risk Implications

## C. OFFICER'S COMMENT



The request to provide the grant funding upfront to assist in the coordination of the works and the property owners will result in an improved and timelier outcome when compared to the individual owners pursuing their own approvals. Conditions have been recommended to ensure that the works occur in a timely manner.

## **RECOMMENDATION / COUNCIL DECISION**

Minute No: C.4358

Moved: Cr Mencshelyi Seconded: Cr Tinetti

That Council:

- 1. Approve the application for grant funding to a maximum of \$15,000 per property for the purposes of reconstruction of the parapet wall and associated works, subject to:
  - a. The application for a building permit to be submitted within 3 months from the date of this resolution; and
  - b. The works to be completed within 6 months from the date of the issue of the building permit.
- 2. Approve a budget amendment of \$60,000 to be carried out during the 2021/22 budget review.
- 3. Approve upfront payment of the funds required to prepare the documentation required to submit the application for a building permit.

CARRIED 8/0



Shire of Northam Harringe. Commerce and lifelyle	Application Form BUSINESS REDEVELOPMENT FUND	395 Fitzgerald Street PO 80x 613 NORTHAM WA 6401 P: (08) 9622 6100 F: (08) 9622 1910 E: records@northam.wa.gov.au W: www.northam.wa.gov.au
Property Details		
Address	68 - 76 FTZC	FRALD ST NORTH
Certificate of Title	1594 /614; 2108/2	238:1411/11
Owner's Details		
Name	ON BEHARIZEF OWNERS	- FOX ALODO Conglicat
Address		REDCEOSS
Contact No.	c/marie for	
Email		
Applicant's Details (if diffe	erent from Owner)	
Name	MARIE Fox	
Address		
Contact No.		
Email		
Business Details		
Business Name	Oickenson Constri	noiton
Current Use	various relail	
ABN NO.	69 009 460 42	22
GST Registration	V Yes DN	lo
Bank Account Details	T. B. A.	
Account Name		
Account No.		
BSB No.		

# Attachment 1 – Application Form & Quotation



Shire of Northam Herlinge, Commerce and Lifestyle	Application Form BUSINESS REDEVELOPME FUND	395 Fitzgerald Street PO 8ax 613 NORTHAM WA 6401 P: (08) 9622 6100 F: (08) 9622 1910 E: records@northam.wa.gov.au W: www.northam.wa.gov.au
Details of Proposal		
Description of Works	APPROVAL OF ALL FOR BUILDING PE WORKS 68 - 76	
Cost of Works		= 549280 00
Details of Quotes (to be attached to application)	1. Dickenson C 2. Structelle.	onstruction
Preferred Quote & Reason		USE OF EXISTING SPUCTURE
Application Authority – Conse	ent to submit application	
Owner's Signature		
Date	241121	
Applicant's Signature		
Date	24 1121	
Certification of Works		
	t the works as specified in this ap the above property have been a	
Receipts and paid invoices a	ttached.	🗆 Yes
Applicant's Signature		
Date		
Owner's Signature		
Date		
BALL BALL DATE		
G:\1, CEO Office\2,0 EXECUTIVE ASSISTANTV	APPLICATION FORM Business Redevelopment Fun	nd.docx



# DICKENSON CONSTRUCTION PTY. LTD.

315 HIDDEN VALLEY ROAD PARKERVILLE WA 6081 EMAIL: <u>dcjudy0@bigpond.com</u> PHONE: 0408 924 144 ABN: 69 009 460 422 REGO NO'S: 10009 & 7409

28<sup>TH</sup> NOVEMBER 2021

SHIRE OF NORTHAM 395 FITZGERALD STREET NORTHAM WA 6401

ATTENTION: GORDON TESTER

#### JOB REFERENCE: 68 - 76 FITZGERALD STREET, NORTHAM

Dear Gordon,

In answering your email sent on the 18<sup>th</sup> of November 2021, the answer is yes, the quotation is for all four dwellings, the total of each dwelling \$ 12,320.00 for engineer's drawings, architectural working drawings of which includes certification, all sections, elevations, plans, builder's inspection of each dwelling internally to properly assess the existing façade and relay to engineer and architectural draftsmen the best way to properly draw all necessary plans etc.

The percentage allowed on this project works to be as follows:-

Engineering	35%
Architectural draftsmen	40%
Builder	25%

NOTE:- The working drawings, engineers details etc there will be one full set covering the four dwellings.

The price does not include Shire fees.

Yours faithfully,

1) Dickenson

SIMON J. DICKENSON DICKENSON CONSTRUCTION PTY. LTD.

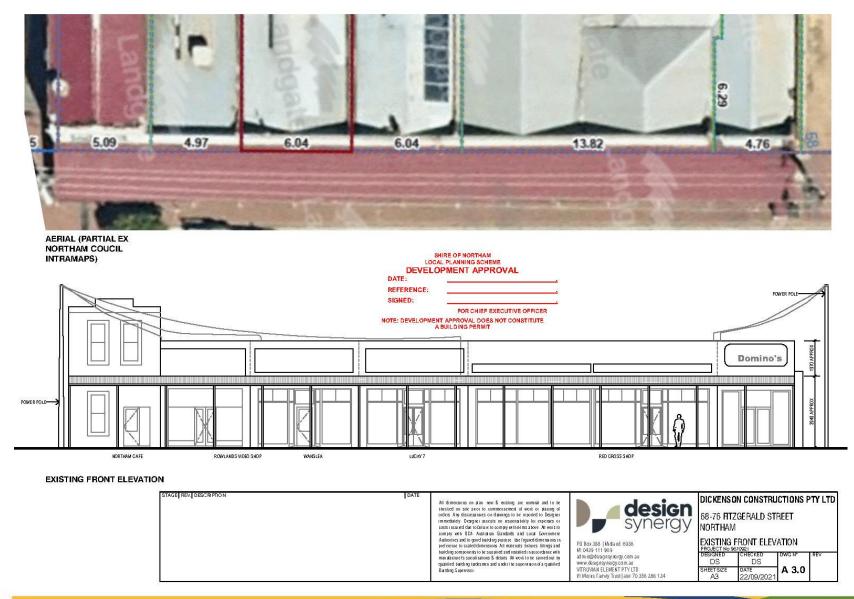
THE PRICE INCLUDES GST



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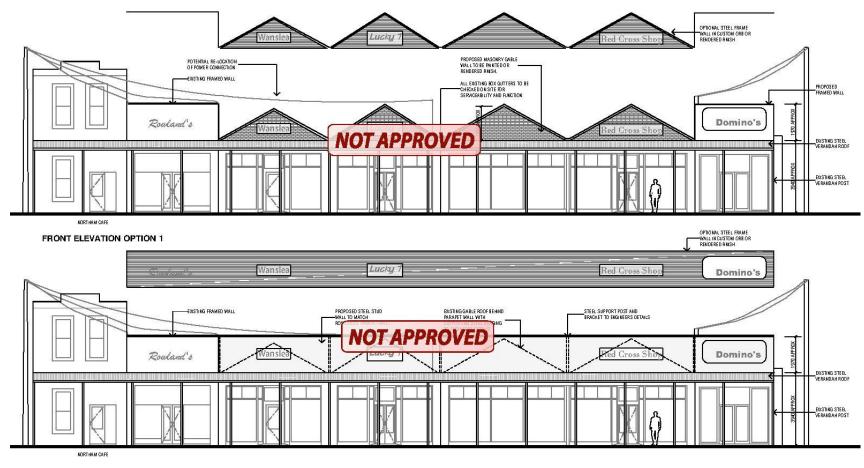


#### Attachment 2 - Architectural Drawings



# Special Council Meeting Minutes **2 December 2021**





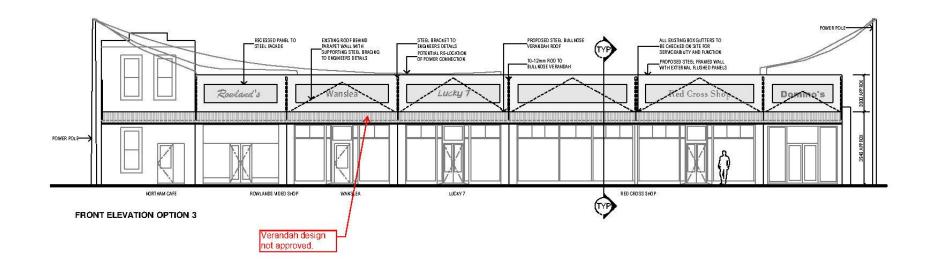
FRONT ELEVATION OPTION 2

THIS DRAWING TO BE READ IN CONJUNCTION WITH Structerre Consulting Engineers Report No. 1 21.13884





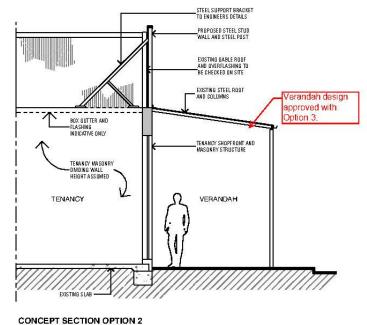
APPROVED

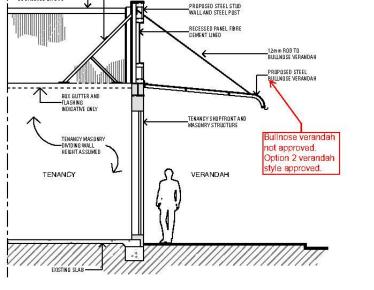




SCALE 1:50







STEEL SUPPORT BRACKET

TO ENGINEERS DETAILS

CONCEPT SECTION OPTION 3 SCALE 1:50

> THIS DRAWING TO BE READ IN CONJUNCTION WITH STRUCTBRE CONSULTING ENGINEERS REPORT NO. 1.21.13884



EXISTING GABLE ROOF And overflashing to be checked on site





#### Attachment 3 - Development Approval



Shire Of Northam PO BOX 613 NORTHAM WA 6401

Our Ref : A14188 A14189 A11011 A11010 / P21126 / OPA12499 Enquiries : Jacky Jurmann

Dear Shire Of Northam

#### RE: RECONSTRUCTION OF PARAPET WALLS AND VERANDAHS 68-76 FITZGERALD STREET NORTHAM WA 6401

Thank you for your application lodged on behalf of the landowners regarding the above proposal.

I wish to advise that your application for the reconstruction of the parapet wall and verandahs at the above properties has been approved by the undersigned under delegated authority from Council. This approval is subject to the conditions contained on the attached Notice of Determination and approved plans (attached).

Pursuant to Clause 76(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, an affected person (the applicant or the owner of the land) may apply to the State Administrative Tribunal for a review of a reviewable determination in accordance with the Planning and Development Act 2005 Part 14.

You are also reminded that **this approval does not constitute a Building Permit**. In order to begin construction and on-site works, you are required to lodge and have issued a Building Permit, addressing any conditions of this Development Approval relevant to the permit.

Should you have any further queries regarding this matter please contact the undersigned on 9622 6134 or via email mgrplanning@northam.wa.gov.au.

Yours sincerely

URMANN MANAGER PLANNING & ENVIRONMENT

22 October 2021

Encl. Notice of Determination & Approved Plans

ABN 42 826 617 380 395 Fitzgerald Street - PO Box 613, Northam WA 6401 T (08) 9622 6100 F (08) 9622 1910 E records@northam.wa.gov.au W www.northam.wa.gov.au





#### Planning and Development Act 2005 SHIRE OF NORTHAM

#### NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Address: 68-76 Fitz	gerald Street East, N	Northam	
Lot/Loc.:	3, 4, 340 & 341	Plan/Diagram:	P1850 & D60898
Vol. No.:	2108 & 1594	Folio No.:	238 & 615
Application date:	22/10/2021	Received on:	22/10/2021

#### Description of proposed development:

Reconstruction of Parapet Walls and Verandahs

#### The application for development approval is:

- Approved subject to the following conditions
- Refused for the following reason(s):

#### Conditions/reasons for refusal:

- The development hereby permitted shall substantially commence within two (2) years from the date of determination.
- 2. The development hereby permitted shall be carried out in accordance with the stamped approved plans.
- 3. Work on a contributing building shall use like for like materials and detailing except where otherwise approved by the local government.
- 4. Prior to the commencement of any works, a detailed schedule of external finishes and colours shall be submitted to the local government for approval.
- 5. No part of an existing building shall be altered except where approved in this determination.
- Advertising signage shall be displayed within the designated area on the parapet wall. Any other advertising signage requires the separate approval of the local government.

Date of Determination: 22 October 2021

#### Advice Notes:

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.



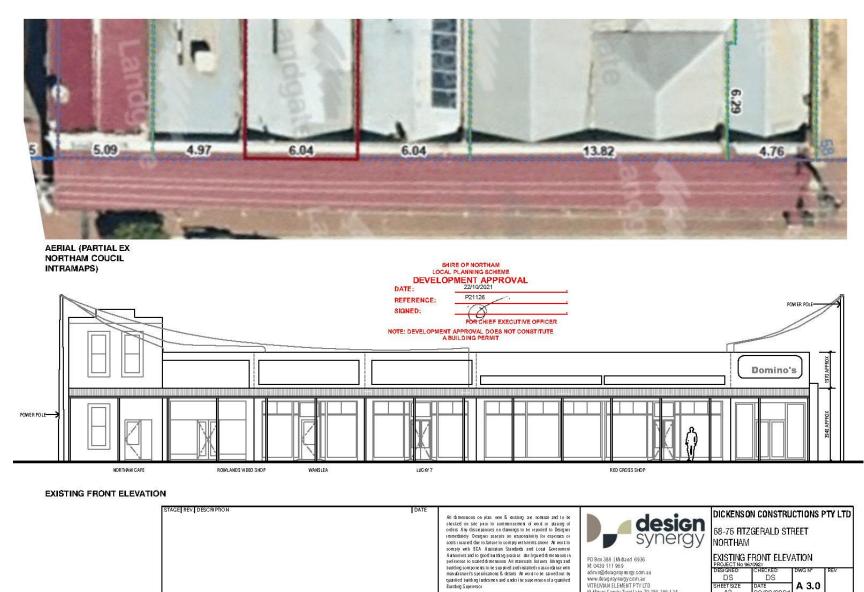
Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
Note 4: A development approval is not an approval to commence any works associated with the development. A Building Permit must be obtained prior to commencement of any site and building works. Please liaise with the Shire's Building Section to ascertain the requirements to allow for a building permit to be issued.

Signed: for and on behalf of the Shire of Northam

Dated: 22 10 21

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www.designsynergy.com.au VITRUVIAN ELEMENT PTY LTD VITRUVIAN ELEMENT PTY LTD VI Morks Family Trust Jahn 70.356.286.1.24

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#### Special Council Meeting Minutes 2 December 2021

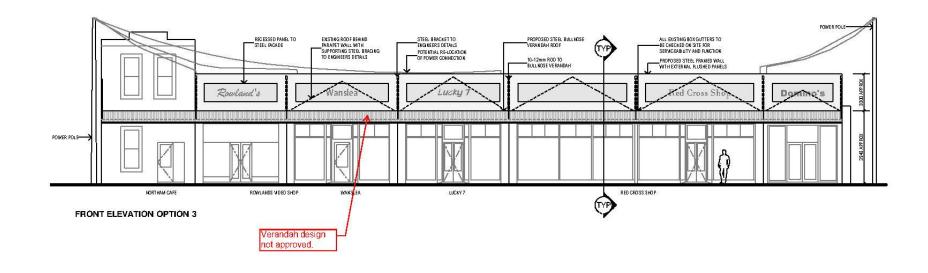








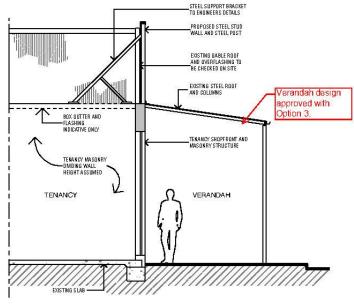
APPROVED



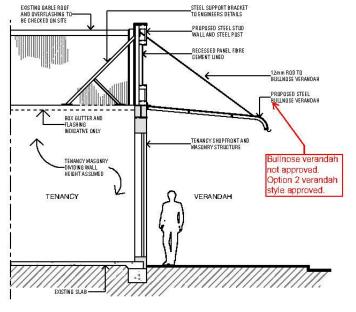












CONCEPT SECTION OPTION 3 SCALE 1:50







#### 14. MATTERS BEHIND CLOSED DOORS

Nil.

#### 15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

#### 16. URGENT BUSINESS APPROVED BY DECISION

Nil.

#### 17. DECLARATION OF CLOSURE

There being no further business, the Shire President Cr C R Antonio declared the meeting closed at 5:08pm.

"I certify that the Minutes of the Special Meeting of Council held on Thursday, 2 December 2021 have been confirmed as a true and correct record." President 2021 Date