

# **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.

No responsibility whatsoever is implied or accepted by the Shire of Northam for any act, omission, statement or intimation occurring during Council or Committee meetings.

The Shire of Northam disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement of intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

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.

The Shire of Northam advises that any plans or documents contained within this agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.



# Contents

1.	DECLARATION OF OPENING	4
2.	ACKNOWLEDGEMENT TO COUNTRY	4
3.	ATTENDANCE	4
	3.1 APOLOGIES	4
	3.2 APPROVED LEAVE OF ABSENCE	4
	3.3 ABSENT	4
4.	DISCLOSURE OF INTERESTS	4
5.	ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION).	6
6.	PUBLIC QUESTION TIME	6
	6.1 PUBLIC QUESTIONS	6
7.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
8.	RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS	
	8.1 PETITIONS	6
	8.2 PRESENTATIONS	6
	8.3 DEPUTATIONS	6
9.	APPLICATION FOR LEAVE OF ABSENCE	
10.	CONFIRMATION OF MINUTES	6
11.	ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN T	
12.	REPORTS OF COMMITTEE MEETINGS	6
13.	SPECIAL ITEMS	7
	13.1 BUSINESS REDEVELOPMENT FUND APPLICATION – 68-76 FITZGERA STREET, NORTHAM	
14.	MATTERS BEHIND CLOSED DOORS	. 26
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	. 26
16.	URGENT BUSINESS APPROVED BY DECISION	. 26
17	DECLARATION OF CLOSURE	26



#### 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 emerging.

#### 3. ATTENDANCE

#### Council:

Shire President

Deputy Shire President

Councillors

D Galloway

R W Tinetti

A J Mencshelyi

M I Girak

M I Girak
D A Hughes
H Appleton

#### Staff:

Chief Executive Officer

Executive Manager Development Services

A/Executive Manager Engineering Services

Executive Manager Corporate Services

C B Hunt

N Binning

C Young

Executive Assistant – CEO

A C McCall

#### 3.1 APOLOGIES

Councillor J E G Williams

## 3.2 APPROVED LEAVE OF ABSENCE

Cr PT 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	Item No.	Name	Type of Interest	Nature of Interest
Business	13.1	Cr R W Tinetti	Impartiality	Several of the owners
Redevelopment Fund				are known to Cr Tinetti.
Application – 68-76		Cr M I Girak	Impartiality	Cr Girak knows one of
Fitzgerald Street,				the property owners,
Northam				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 MEM	BER (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:	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.

#### Details

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.

**B.6** Risk Implications

Risk Category	Description	Rating (likelihood x consequence)	Mitigation Action
Financial	Approving the allocation of grant funds up front and works not commencing at all or in 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.	Insignificant (1) x Low (2) = Unlikely (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

#### 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 2020/21 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



# Attachment 1 – Application Form & Quotation

4; 2108 238; 1411 171  OWNESS - FOX ALCORCOSS
4; 2108 238; 1411 171
OWNES - FOX ALONO COMPLICA
Acono Conglico
Acono Conglico
REXCOSS
JAWLYS
e fox
Fox
on Construction
s relail
7 460 422
7 460 422
7 460 422 0 No
7 460 422 0 No





# Application Form **BUSINESS REDEVELOPMENT** FUND

395 Fitzgerald Street
PO 8ox 613
NORTHAM WA 6401
P: (08) 9622 6100
F: (08) 9622 1910
E: records@northam.wa.gov.au
W: www.northam.wa.gov.au

Description of Works	APPROVED OF ALL	WORK REGULES
	FOR BUILDING PO	WORK REGULED SEMIT FOR FACADE SERVERAND ST
Cost of Works	\$ 12.320.00 ×4	
Details of Quotes (to be attached to application)	1. Dickenson ( 2. Structelle.	onstruction
Preferred Quote & Reason		USE OF EXISTING SPULLIN
Application Authority – Cons	ent to submit application	
Owner's Signature		
Date	241121	
Applicant's Signature		
Date	24 1121	
Certification of Works		
	at the works as specified in this a the above property have been	
Receipts and paid invoices of	attached.	□ Yes
Applicant's Signature		
Date		
Owner's Signature		
Date		

G:\1, CEO Office\2,0 EXECUTIVE ASSISTANT\APPLICATION FORM Business Redevelopment Fund,docx



# DICKENSON CONSTRUCTION PTY. LTD.

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

28TH 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.

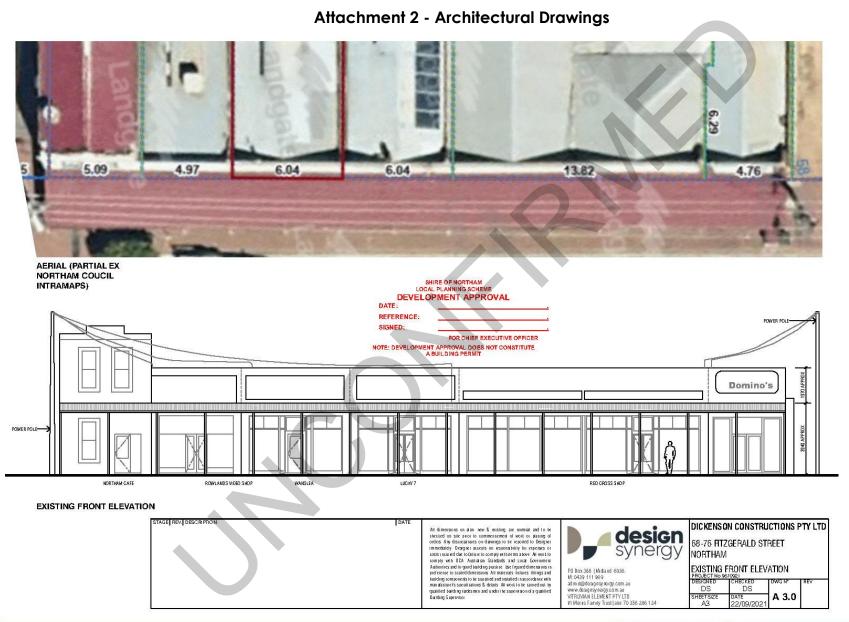
Yours faithfully,

SIMON J. DICKENSON

DICKENSON CONSTRUCTION PTY. LTD.

THE PRICE INCLUDES GST

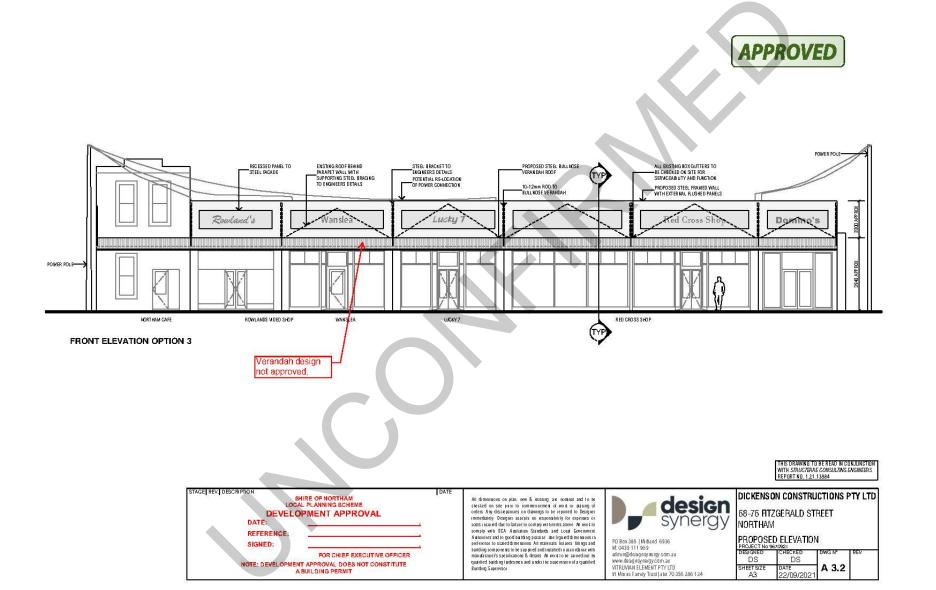




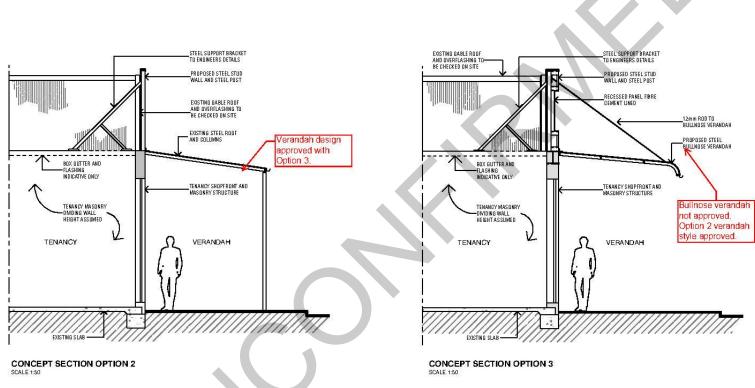












THIS DRAWING TO BE READ IN CONJUNCTION WITH STRUCTERRE CONSULTING ENGINEERS REPORT NO. 1.21.13884

DICKENSON CONSTRUCTIONS PTY LTD **design** synergy SHIRE OF NORTHAM LOCAL PLANNING SCHEME All dimensions on plan new B existing are nominal and to be chected on sile paor to commencement of work or placing of orders. Any discrepancies on diawings to be reported to Designer **DEVELOPMENT APPROVAL** 68-76 HTZGERALD STREET immedialely. Designer accepts no exponsibility for expenses or costs incurred due to failure to compty with items above. All world to compty with BEA. Australian Standards and Local Government DATE: NORTHAM REFERENCE: Authorities and to good building practice litse figured dimensions in preference to scaled dimensions. All materials fixtures fillings and SECTIONS PD Box 388 1M dand 6936 M: 0439 111 969 admin@designsynergy.com.au building components to be supplied and installed in accordance with FOR CHIEF EXECUTIVE OFFICER manufacture is specifications & details. All work to be carried out by quarried building lades men and under the supervision of a quarried DS DS www.desgnsynergy.com.au VITRUVIAN ELEMENT PTY LTD 1/1 Moris Family Trust Jahn 70 356 286 124 NOTE: DEVELOPMENT APPROVAL DOES NOT CONSTITUTE SHEETSIZE A 4.0 A BUILDING PERMIT A3



### Attachment 3 - Development Approval



Heritage, Commerce and Lifestyle

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

JACKY JURMANN 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 Fitzgerald Street East, 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:

- 1. The development hereby permitted shall substantially commence within two (2) years from the date of determination.
- The development hereby permitted shall be carried out in accordance with the stamped approved plans.
- 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.
- 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.

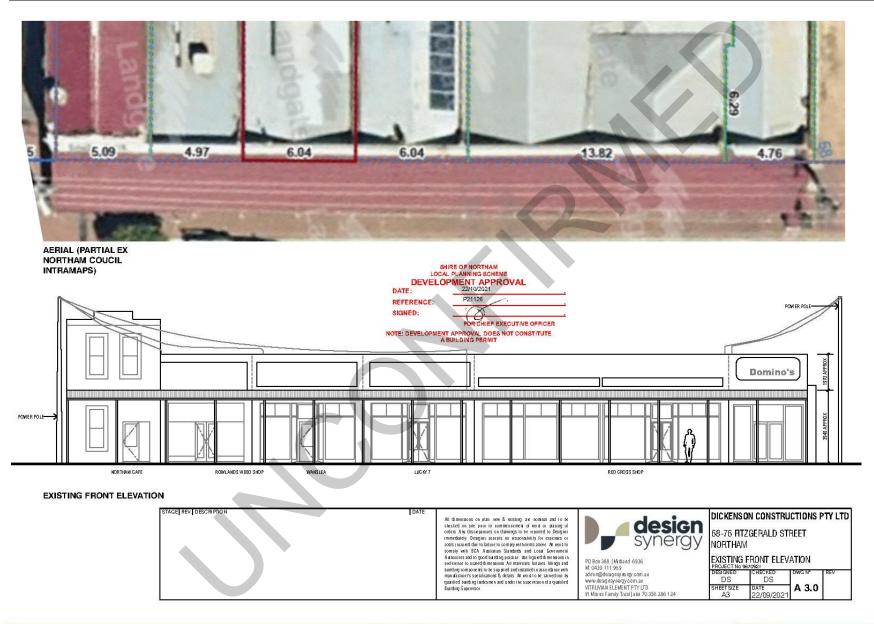
Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

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.

for and on behalf of the Shire of Northam

Dated:

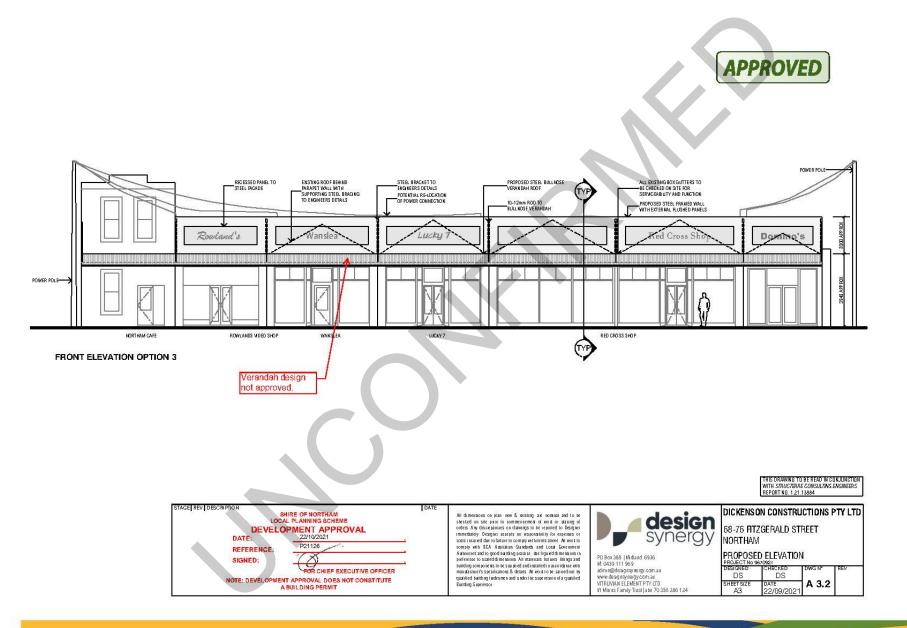




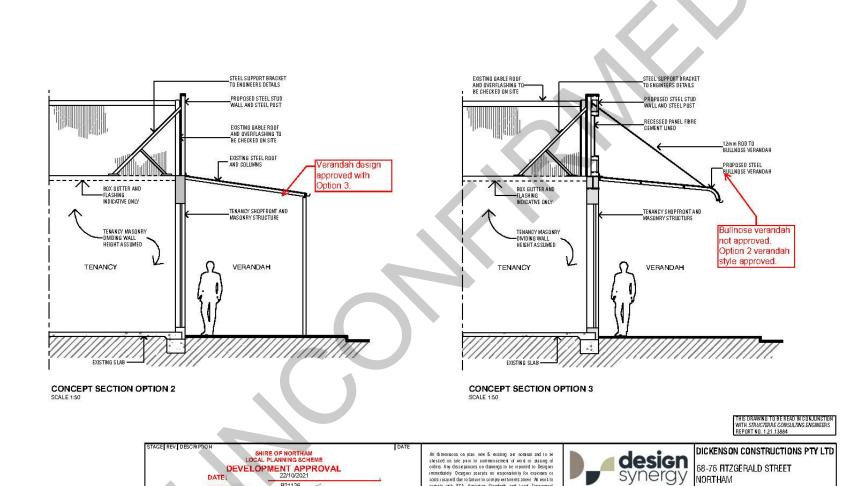












22/10/2021

FOR CHIEF EXECUTIVE OFFICER

P21126

NOTE: DEVELOPMENT APPROVAL DOES NOT CONSTITUTE

A BUILDING PERMIT

DATE:

REFERENCE:

immedialely. Designer accepts no exponsibility for expenses or costs incurred due to failure to compty with items above. All world to compty with BEA. Australian Standards and Local Government

Authorities and to good building practice litse figured dimensions in preference to scaled dimensions. All materials fixtures fillings and

building components to be supplied and installed in accordance with manufacture is specifications & details. All work to be carried out by quarried building lades men and under the supervision of a qualified

PD Box 388 1M dand 6936 M: 0439 111 969 admin@designsynergy.com.au

www.desgnsynergy.com.au VITRUVIAN ELEMENT PTY LTD 1/1 Moris Family Trust Jahn 70 356 286 124

NORTHAM

SECTIONS

DS

A 4.0

DS

SHEETSIZE

A3



14. MATTERS BEHIND CLOSED DOO	RS
-------------------------------	----

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
	Date