



— City of —
Melville

**NOTES
OF THE
AGENDA BRIEFING FORUM
HELD ON
2 FEBRUARY 2010
COMMENCING AT 6.30PM
AT THE MELVILLE CIVIC CENTRE
2ND FLOOR IN THE COUNCIL CHAMBERS
10 ALMONDBURY ROAD, BOORAGOON**

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Please note: The Agenda for the Agenda Briefing Forum should be read in conjunction with the [Agenda for the Ordinary Meeting of Council](#) to be held on 16 February 2010.

DISTRIBUTED: 5 FEBRUARY 2010

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— City of —
Melville

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Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday, 2 February 2010 commencing at 6.30pm.

AGENDA BRIEFING FORUM BRIEFING NOTES

1. PRESENT

| | |
|------------------------------------|---------------------------|
| R A Aubrey (Presiding Member) | Mayor |
| Cr P Reidy, Cr N Pazolli | Applecross/Mount Pleasant |
| Cr A Ceniviva, Cr E Nicholson | City |
| Cr R Subramaniam, Cr C W Robartson | Bull Creek/Leeming |
| Cr B Kinnell; Cr C M Halton | Palmyra/Melville/Willagee |
| Cr G Wieland | Bicton/Attadale |
| Cr L M Reynolds, Cr N Foxton | University |

2. IN ATTENDANCE

| | |
|----------------|--|
| Dr S Silcox | Chief Executive Officer |
| Mr M Tieleman | Director Corporate Services |
| Mr S Cope | Director Urban Planning |
| Ms L Reid | A/Director Community Services |
| Mr D Vinicombe | Manager Planning & Development |
| Mr J Christie | Director Technical Services |
| Mr L Hitchcock | Executive Manager Legal Services |
| Ms K Johnson | Executive Manager Organisational Development |
| Mr J Gonzalez | Planning Services Coordinator |
| Mr J Clark | Governance and Compliance Program Manager |
| Mr M Spencer | Senior Strategic Urban Planner |
| Mr L Bosworth | Manager Operations Services |
| Mr I Davis | Manager Parks & Environment |
| Mr P Kellick | Manager Asset Management |
| Mr P Camilleri | Senior Strategic Urban Planner |
| Ms K Davis | Manager Strategic Urban Planning |
| Mr B Taylor | Manager Information, Technology & Support |
| Ms J Paparella | Minute Secretary |

There was 1 member from the Media in attendance and 6 people present in the public gallery at the commencement of the Agenda Briefing Forum.

3. APOLOGIES AND APPROVED LEAVE OF ABSENCE

3.1 APOLOGIES

Cr J Barton - Bicton/Attadale Ward

3.2 APPROVED LEAVE OF ABSENCE

Nil

4. QUESTION TIME

4.1 Mrs J Tesoriero

Question 1

"It is my understanding that all professional offices in this area must face onto a main road and not a residential street. Has this ruling changed, because, as I see it, this lot is located along Marmion Street but faces onto a side residential street. One of my concerns is that should this plan proceed, then it would obviously detract from the residential use of the area."

The Chief Executive Officer responded by saying consulting rooms is a discretionary use on all residential land within the City and could be established throughout all residential areas. The report to Council acknowledges, "the property is located at the intersection of a major road, the residential amenity of the location is already diminished and more suited to these types of uses than internal locations within larger residential cells (e.g. – within quiet residential streets such as a cul-de-sac). The proposal has been designed to be a low impact use which is compatible with residential areas. The proposal is not considered to represent a detrimental amenity impact and is considered to be acceptable in land use terms." A consulting room use is different to an "office" use, which is generally not permitted in a residential areas and is required to establish within commercial type zones.

Question 2

"Can the Committee assure the concerned people living in this residential area that commercial approval of this lot will only be granted if the property can be modified to face Marmion Street and for the parking area to also be accessed from Marmion Street, because if it cannot be modified to comply then the approval should not be granted."

The Chief Executive Officer responded by saying the report and traffic consultant's conclusions indicate that the traffic "concerns have been assessed to be based on perceived problems rather than real technical issues. The traffic generated by the consulting rooms based on a single practitioner and an average of one client per hour will have less impact than a residential development on the site. The traffic generated by the proposed consulting rooms has been assessed not to have any adverse impact on the operating conditions (levels of service) of traffic in Preen Street." Accordingly, access from Marmion Street is not required and would in fact be more problematic for both the owner and neighbours. Access to parking at the front of the property would be too close to the intersection of Marmion and Preen Streets

and construction of a parking area in the rear corner of the property would require in the removal of an existing pool and impose any negative impacts of noise etc. directly on the adjoining neighbour's back and side yards.

Question 3

*"I would ask the Committee to consider that, should approval be given, and the clinic is permitted to face on to Preen Street, it must to state that at **no time can more than one practitioner** operate from the property."*

The Chief Executive Officer responded by saying a condition is proposed to restrict the number of practitioners as follows:

"Not more than one (1) practitioner to operate from the premises at any one time.

Question 4

"I ask the Committee to please consider that if this proposal is approved on this corner lot in its existing layout, it then opens up the floodgates for the houses next door (not fronting Marmion Street) to apply for commercial approval, and to realise that because of their approval, bit by bit the whole residential fabric of this area will be destroyed."

The Chief Executive Officer responded by saying this is a one off application and has been assessed on its relative merits. In general, activities of this nature locate adjacent to major roads to gain exposure to assist in attracting patients. There is no reason to assume that approval of this application will result in further applications of this nature and therefore detract from the residential use of the area.

5. DISCLOSURES OF INTEREST

P10/3113 – David Vinicombe
Manager Planning & Development Services
Declared a Financial Interest

6. DEPUTATIONS

Item: P10/3112 – Change of use from Residential to Consulting Rooms (Naturopathy) on Lot 26 No 1 Preen Street Booragoon

Dr P Belcher – Resident of Booragoon

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

Members' interests in matters to be discussed at meetings to be disclosed

S.5.65 (1) A member who as an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.

7. AGENDA ITEMS FOR PRESENTATION

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|----------|--|
| P10/3112 | <p>Change of use from Residential to Consulting Rooms (Naturopathy) on Lot 26 No 1 Preen Street Booragoon</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>DEPUTATION PRESENTATION/S From 6.45pm to 7.07pm a deputation was heard from Dr P Belcher, a – Resident of Booragoon</p> <p>OFFICER PRESENTATION David Vinicombe - Manager Planning and Development Services</p> <p>NOTES FROM FORUM General discussion took place regarding the item and the officer recommendation. Information provided to the meeting by Dr P Belcher was forwarded to Elected Members via distribution on 5 February 2010. Mr Vinicombe advised the meeting that he would seek additional comment from the Traffic Engineer, comment from the owner of the property on the proposed sale of the property and advise Elected Members of similar applications of this nature that have been determined in recent times. Depending on the significance of this information it will either be provided to Elected Members in the Elected Member Bulletin or be tabled at the February Ordinary Meeting of Council, to form part of the minutes of the meeting.</p> |

At 7.36pm M Tieleman left the meeting and returned at 7.41pm.

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|----------|---|
| P10/3108 | <p>Special Trading Precincts and Extended Trading Hours</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>OFFICER PRESENTATION Peter Camilleri - Senior Strategic Urban Planner Kym Davis – Manager Strategic Planning</p> <p>NOTES FROM FORUM General discussion took place regarding the item and the officer recommendation. The Chief Executive Officer advised the meeting that additional information relating to this Item and in particular the results of Extended Trading Hours Survey would be provided to Elected Members at Elected Member Information Session to be held on Tuesday 9 February 2010.</p> |

At 7.51pm Cr Reynolds left the meeting and returned at 7.53pm.

At 7.51pm K Johnson left the meeting and returned at 8.00pm.

At 7.53pm Cr Reidy left the meeting and returned at 7.55pm.

At 7.54pm Cr Nicholson left the meeting and returned at 7.58pm.

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|----------|--|
| P10/3107 | <p>Transfer of Management Order for Heathcote lower land, Adjacent Bushland and Foreshore Reserves</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>OFFICER PRESENTATION Kym Davis – Manager Strategic Planning Martin Spencer - Senior Strategic Urban Planner</p> <p>NOTES FROM FORUM General discussion took place regarding the item and the officer recommendation.</p> |

At 8.12pm K Davis, P Camilleri, M Spencer left the meeting.

At 8.12pm D Vinicombe having disclosed an interest in this item left the meeting

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|-----------------|--|
| P10/3113 | <p>Proposed Amendment No 58 to Community Planning Scheme No. 5 – Application of Precinct zonings and density codings to undesignated (unzoned and unreserved) land resulting from Metropolitan Region Scheme amendment No 1100-33 – portion of former Canning Highway Reservation between Petra Street and Canning Bridge</p> <p>DISCLOSURE OF INTEREST David Vinicombe – Trustee for Property</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>OFFICER PRESENTATION Julio Gonzalez – Planning Services Coordinator</p> <p>NOTES FROM FORUM General discussion took place regarding the item and the officer recommendation.</p> |

At 8.22pm D Vinicombe returned to the meeting.

At 8.22pm J Gonzalez left the meeting.

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|-----------------|--|
| T10/3109 | <p>Petition – Traffic Calming Devices in Dunkley Avenue, Applecross</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>OFFICER PRESENTATION John Cameron - Executive Engineer, Design</p> <p>NOTES FROM FORUM General discussion took place regarding the item and the officer recommendation.</p> |

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|----------|--|
| T10/3110 | <p>Petition – Reserve Street Bicton – Traffic issues</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>OFFICER PRESENTATION John Cameron - Executive Engineer Design</p> <p>NOTES FROM FORUM General discussion took place regarding the item and the officer recommendation.</p> |

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|----------|--|
| C10/5101 | <p>City of Melville – Chief Executive Officer Performance Review</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>OFFICER PRESENTATION Kylie Johnson - Executive Manager Organisational Development</p> <p>NOTES FROM FORUM General discussion took place regarding the item and the officer recommendation.</p> |

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|----------|---|
| C10/5102 | <p>Planning and Building Fee Amendment</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>OFFICER PRESENTATION Marten Tieleman - Director Corporate Services</p> <p>NOTES FROM FORUM General discussion took place regarding the item and the officer recommendation.</p> |

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|----------|--|
| C10/5000 | <p>Common Seal Register</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>OFFICER PRESENTATION – NOT REQUESTED</p> <p>NOTES FROM FORUM No discussion took place regarding the item or the officer recommendation.</p> |

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|----------|---|
| C10/6000 | <p>Investment Statements November and December 09</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>OFFICER PRESENTATION– NOT REQUESTED</p> <p>NOTES FROM FORUM General discussion took place regarding the item and the officer recommendation.</p> |

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|----------|--|
| C10/6001 | <p>Schedule of Accounts November 09</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>OFFICER PRESENTATION – NOT REQUESTED</p> <p>NOTES FROM FORUM General discussion took place regarding the item and the officer recommendation.</p> |

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|----------|--|
| C10/6001 | <p>Schedule of Accounts December 09</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>OFFICER PRESENTATION – NOT REQUESTED Marten Tieleman - Director Corporate Services</p> <p>NOTES FROM FORUM No discussion took place regarding the item or the officer recommendation.</p> |

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|----------|---|
| C10/6002 | <p>Financial Statements for November and December 2009</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>OFFICER PRESENTATION – NOT REQUESTED</p> <p>NOTES FROM FORUM No discussion took place regarding the item or the officer recommendation.</p> |

| Item No. | Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum |
|-----------------|---|
| C10/6028 | October 2009 Budget Review DISCLOSURE OF INTEREST Nil DEPUTATION PRESENTATION/S Nil OFFICER PRESENTATION Marten Tieleman - Director Corporate Services NOTES FROM FORUM General discussion took place regarding the item and the officer recommendation. |

Please click on this link to access the: [Agenda for the Ordinary Meeting of Council](#) to be held on Tuesday, 16 February 2010.

8. CLOSURE

There being no further business, the Presiding Member declared the Forum closed at 9.00pm.