



**NOTES  
OF THE  
AGENDA BRIEFING FORUM  
HELD ON  
5 OCTOBER 2010  
COMMENCING AT 6.30PM  
AT THE MELVILLE CIVIC CENTRE  
2<sup>ND</sup> 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 19 October 2010.**

**DISTRIBUTED: 8 October 2010**

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Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday, 5 October 2010 commencing at 6.30pm.

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## **AGENDA BRIEFING FORUM BRIEFING NOTES**

### **1. PRESENT**

His Worship the Mayor, Russell Aubrey

#### **COUNCILLORS**

Cr R Subramaniam (Deputy Mayor)  
Cr N Pazolli, Cr P Reidy  
Cr T Ceniviva, Cr A Nicholson  
Cr J Barton  
Cr C Halton, Cr B Kinnell  
Cr M Reynolds, Cr N Foxtan  
Cr C Robartson (From 6.41pm)

#### **WARD**

Bull Creek/Leeming  
Applecross/Mount Pleasant  
City  
Bicton/Attadale  
Palmyra/Melville/Willagee  
University  
Bull Creek/Leeming

### **2. IN ATTENDANCE**

Dr S Silcox  
Mr M Tieleman  
Mr J Christie  
Ms C Young  
Mr S Cope  
Mr L Hitchcock

Mr D Vinicombe  
Mr H Shigeyoshi  
Mr L Anderson (until 9.23pm)  
Mr M Spencer (until 9.23pm)  
Mr J Burton (until 9.25pm)  
Mr J Cameron (until 8.38pm)  
Mr T Capobianco  
Mr J Clark

Ms J Paparella  
Ms C Mitchell

Chief Executive Officer  
Director Corporate Services  
Director Technical Services  
Director Community Development  
Director Urban Planning  
Executive Manager Legal Services

Manager Planning & Development  
A/Planning Services Coordinator  
Senior Planning Officer  
A/Manager Strategic Planning  
Health Services Coordinator  
Executive Engineer  
A/Manager Planning & Development  
A/Manager Information, Technology and Support  
Business Support Officer  
Minute Secretary

There was 1 person from the Media in attendance and 38 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 G Wieland            Bicton/Attadale

**3.2 APPROVED LEAVE OF ABSENCE**

Nil

**4. QUESTION TIME**

Nil

**5. DISCLOSURES OF INTEREST**

<b>P10/3159</b>	Cr Pazolli	
<b>P10/3169</b>	Cr Reidy	
<b>P10/3169</b>	David Vinicombe	Manager Planning and Development Services
<b>P10/3169</b>	Hide Shigeyoshi	A/Planning Services Coordinator

**6. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

Cr N Foxtton  
Cr M Reynolds  
Cr J Barton

At 6.40pm Cr Ceniviva moved, Cr Subramaniam seconded

**That the application for new leave of absence submitted by Cr Foxtton, Cr Reynolds and Cr Barton on 5 October 2010 be granted.**

**CARRIED (12/0)**

## **7. DEPUTATIONS**

- P10/3169** Proposed Fruit, Vegetable and Meat Distribution 'Warehouse' with Incidental 'Shop' on Lot 101 (99B) North Lake Road, Myaree
- Mark Scott – Co-Owner and Operator Beetroot Brothers  
Michael Lee – Traffic Engineer
- P10/3159** Canning Bridge Precinct Vision
- Mr J Brown, Resident - Ogilvie Road and Mr Philip Gresley, Director of Gresley Abas
- Mr G James and Mr Andrew Bobey on behalf of Melville Action Group
- P10/3166** Reconsideration of Refused Change of use from 'Residential' to 'Office' at 1A (Lot 21) MacDonald Road, Applecross
- Ms K Clifford of 1 MacDonald Road, Applecross
- Mr R Tollefsen of 1A MacDonald Road, Applecross representing Mrs J Tollefsen
- P10/3170** Amendment No. 43 to Community Planning Scheme No. 5 by Amending the Scheme Map and Text from "Local Reserve – Public Purpose – Primary School" to 'Local Reserve – Local Open Space' and "Community Centre Precinct (CCR) with a Density Coding of Residential R30/60", Lot 300 (10) Archibald Street, Willagee
- Mr K Dethlefsen, the organiser of a submission signed by 757 residents
- Ms I McGavock, a resident who provided a detailed submission on the proposed amendments. Mr M Mallace – Technical Support

## **8. BUSINESS**

## **PROCEDURE FOR AGENDA BRIEFING FORUMS**

### **PRINCIPLES**

The Agenda Briefing Forum which occurs two weeks prior to the Council meeting provides an opportunity for elected members to ask questions and clarify issues relevant to the specific agenda items before Council. The briefing is not a decision-making forum and the Council has no power to make decisions in the Forum.

In order to ensure full transparency the meetings will be open to the public to observe the process. Where matters are of a confidential nature, they will be deferred to the conclusion of the briefing and at that point the briefing session closed to the public. The reports provided are the officers' professional opinions. While it is acknowledged that members may raise issues that have not been considered in the formulation of the report and recommendation, it is a basic principle that as part of the briefing sessions elected members cannot direct officers to change their reports or recommendations.

### **PROCESS**

The Agenda Briefing Forum will commence at 6.30 pm in accordance with the Schedule of Public Meetings (except January). It will be chaired by His Worship the Mayor or in his absence, the Deputy Mayor or in his/her absence the immediate past serving Deputy Mayor. In the absence of all, Elected Members will elect a chairperson from amongst those present. In general, Standing Orders will apply, EXCEPT THAT members may speak more than once on any item and there is no moving or seconding of items.

Where an interest is involved in relation to an item, the same procedure which applies to Ordinary Meeting of Council will apply. It is a breach of the City's Code of Conduct for an interest to not be declared. The briefing will consider items on the agenda only and proceed to deal with each item as they appear. The process will be for the Presiding Member to call each item number in sequence and ask for questions. Where there are no questions regarding the item, the briefing will proceed to the next item.

### **AGENDA CONTENTS**

While every endeavour is made to ensure that all items to be presented to Council at the formal council meeting are included in the Agenda Briefing Forum, it should be noted that there will be occasions when, due to necessity, items will not be ready in time for the forum session and will go straight to the Council agenda as a matter for decision. Further, there will be occasions when items are TABLED at the briefing rather than the full report being provided in advance. In these instances, staff will endeavour to include the item on the agenda as a late item.

### **AGENDA DISTRIBUTION**

The agenda will be distributed to elected members on the FRIDAY prior to the Agenda Briefing Forum. Copies will be made available to the libraries and the Internet for interested members of the public. Spare agendas will be available at the Agenda Briefing Forum for interested members of the public.

## **DEPUTATIONS**

Deputations may be heard prior to the commencement of an item.

The following guidelines have been prepared to assist groups who have requested or been invited to a Council Meeting, Agenda Briefing Forum or Committee Meeting to present a submission.

- (a) A deputation shall not exceed three (3) persons, only two of whom may address the meeting.
- (b) Notice of a request for Deputation including the name, office and contact details of members of the deputation **MUST** be forwarded to the Chief Executive Officer at least forty eight (48) hours prior to the meeting.
- (c) An outline of the points to be made in addressing the Council, Agenda Briefing Forum or Committee must be submitted in writing forty eight (48) hours prior to the meeting.
- (d) The representatives on the deputation must be met in the foyer of the Civic Centre by a Council Officer.
- (e) The Presiding Member will ask the leader of the deputation to present the submission on behalf of the Group. The leader of the deputation may call on one other member of the deputation to assist.
- (f) The deputation period, including time allowed for questions and answers from Members of the Committee, should not exceed fifteen (15) minutes. To allow adequate time for questions and answers, it is suggested the deputation address should last no longer than ten (10) minutes.
- (g) The individual or group will be advised in writing of the decision of the Council.
- (h) The Presiding Member has discretion to permit a Deputation to present a submission under other circumstances.

## **RECORD OF BRIEFING**

The formal record of the briefing session will be limited to notes regarding any agreed action to be taken by staff or elected members. No recommendations will be included.

## **QUESTION TIME**

Question Time will be limited to fifteen (15) minutes and be the first item of Business immediately following Apologies at the commencement of the meeting. Questions must relate to the ordinary business of the City of Melville or function of the Agenda Briefing Forum. A question must be submitted in writing and placed in the Question Tray prior to the commencement of the meeting.

- (a) The Presiding Member may, with absolute discretion, accept or reject the question, or determine that any complex questions requiring research, be answered in writing.
- (b) The Mayor may nominate a Member or Officer to answer the questions.
- (c) No debate or discussion will be permitted on any question or answer
- (d) In addition to question time during the meeting, the Mayor or Elected Members may make themselves available after the meeting to meet members of the public to answer any questions.

## **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 has 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.**



**9. AGENDA ITEMS FOR PRESENTATION**

At 6.41pm Cr Robartson entered the meeting.

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
P10/3167	<p><b>Refurbishment of Existing Performing Arts Centre and New Theatre on All Saints College, 28 Ewing Avenue, Bull Creek</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION</b> Lloyd Anderson - Senior Planning Officer</p> <p><b>NOTES FROM FORUM</b> Elected Members requested further information regarding how many nights a week the New Theatre will be open. This information will be distributed in the Elected Members Bulletin. General discussion took place regarding the item and officer recommendation.</p>

At 6.58pm His Worship the Mayor requested that item P10/3159 be brought forward for discussion.

<b>Item No.</b>	<b>Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum</b>
<b>P10/3159</b>	<p><b>Canning Bridge Precinct Vision</b></p> <p><b>DISCLOSURE OF INTEREST</b> Cr Pazolli – Interest under Code of Conduct</p> <p><b>DEPUTATION PRESENTATION/S</b> From 6.58pm to 7.13pm a deputation was heard from Mr J Brown, Resident - Ogilvie Road and Mr Philip Gresley, Director of Gresley Abas.</p> <p>From 7.13pm to 7.39pm a deputation was heard from Mr G James and Mr Andrew Bobey on behalf of Melville Action Group.</p> <p><b>OFFICER PRESENTATION</b> Martin Spencer - A/Manager Strategic Planning</p> <p><b>NOTES FROM FORUM</b> Elected Members requested further information relating to the number of brochures inviting submissions that were sent out to residents regarding this item. This information will be distributed in the Elected Members Bulletin. General discussion took place regarding the item and officer recommendation.</p>

At 8.09pm the meeting reverted back to the normal order of the Agenda.

At 8.09pm Cr Pazolli left the meeting and returned at 8.11pm.  
 At 8.09pm Mr D Vinicombe, having declared an interest in this item, left the meeting.  
 At 8.09pm Cr Reidy, having declared an interest in this item, left the meeting.

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
P10/3169	<p><b>Proposed Fruit, Vegetable and Meat Distribution 'Warehouse' with Incidental 'Shop' on Lot 101 (99B) North Lake Road, Myaree</b></p> <p><b>DISCLOSURE OF INTEREST</b>            Mr. David Vinicombe – Manager Planning and Development Services – Code Disclosure – association with applicant and Financial Interest with respondent            Mr. Hide Shigeyoshi – A/Planning Services Coordinator – Code Disclosure – past association with applicant            Cr Reidy – Financial Interest, a member of his family is employed by the applicant.</p> <p><b>DEPUTATION PRESENTATION/S</b>            From 8.10pm to 8.19pm a deputation was heard from Mark Scott – Co-Owner and Operator of Beetroot Brothers and Michael Lee – Traffic Engineer.</p> <p><b>OFFICER PRESENTATION</b>            Lloyd Anderson - Senior Planning Officer</p> <p><b>NOTES FROM FORUM</b>            Elected members requested further information regarding;           <ul style="list-style-type: none"> <li>• Where is No. 99A North Lake Road?</li> <li>• What are the car parking requirements for Bikeforce?</li> <li>• Has the car parking requirement been met?</li> </ul>           This information will be distributed through the Elected Members Bulletin. General discussion took place regarding the item and officer recommendation.</p>

At 8.24pm Mr J Cameron entered the meeting.  
 At 8.38pm Mr M Tieleman left the meeting and returned at 8.41pm.  
 At 8.38pm Cr Kinnell left the meeting and returned at 8.40pm.  
 At 8.38pm Mr J Cameron left the meeting.  
 At 8.38pm Mr D Vinicombe returned to the meeting.  
 At 8.38pm Cr Reidy returned to the meeting.

<b>Item No.</b>	<b>Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum</b>
P10/3170	<p><b>Amendment No. 43 to Community Planning Scheme No. 5 by Amending the Scheme Map and Text from 'Local Reserve – Public Purpose – Primary School' to 'Local Reserve – Local Open Space' and 'Community Centre Precinct (CCR) with a Density Coding of Residential R30/60', Lot 300 (10) Archibald Street, Willagee</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> From 8.39pm to 8.57pm a deputation was heard from Mr K Dethlefsen, the organiser of a submission signed by 757 residents.</p> <p>From 8.57pm to 9.04pm a deputation was heard from Ms I McGavock, a resident who provided a detailed submission on the proposed amendments with Mr M Mallace – Technical Support.</p> <p><b>OFFICER PRESENTATION</b> David Vinicombe – Manager Planning &amp; Development Services</p> <p><b>NOTES FROM FORUM</b> Elected Members requested a tree survey to be undertaken for the CCR Site and advised prior to the next Council meeting. General discussion took place regarding the item and officer recommendation.</p>

At 9.05pm Cr Reynolds left the meeting and returned at 9.09pm.

At 9.23pm Cr Kinnell left the meeting and returned at 9.25pm.  
 At 9.23pm Mr M Spencer & Mr L Anderson left the meeting.  
 At 9.23pm Cr Nicholson left the meeting.  
 At 9.24pm Mr L Hitchcock left the meeting and returned at 9.25pm.

<b>Item No.</b>	<b>Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum</b>
<b>C10/9002</b>	<p><b>Changes to Tobacco Control Legislation</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION</b> John Burton – A/Manager Health &amp; Lifestyle Services</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

At 9.25pm Mr J Burton left the meeting.

<b>Item No.</b>	<b>Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum</b>
<b>C10/5136</b>	<p><b>City of Melville Annual Report 2009-2010</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION</b> Marten Tieleman – Director Corporate Services</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item or officer recommendation.</p>

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
C10/5137	<p><b>Appointment of External Member of Financial Management, Audit, Risk and Compliance Committee</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION</b> Marten Tieleman – Director Corporate Services</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item or officer recommendation.</p>

At 9.26pm Cr Foxtton left the meeting and returned at 9.28pm.

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
C10/5138	<p><b>Rescission of Previous Motion P08/5023 – Dedication of a Right of Way as a Public Road – Swan Location 70 on Diagram 5983 Between Stock Road and Waddell Road, Bicton</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION</b> Jeff Clark – A/Manager Information, Technology &amp; Support</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

At 9.35pm Cr Nicholson returned to the meeting.

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
C10/6036	<p><b>Rating Concessions</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION – IF REQUESTED</b> Marten Tieleman - Director Corporate Services</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
C10/5000	<p><b>Common Seal Register</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION – IF REQUESTED</b> Marten Tieleman - Director Corporate Services</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item or officer recommendation.</p>

At 9.47pm Mr S Cope left the meeting and returned at 9.49pm.  
At 9.47pm Cr Subramaniam left the meeting and returned at 9.48pm.

<b>Item No.</b>	<b>Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum</b>
<b>C10/6000</b>	<p><b>Investment Statements August 2010</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION– IF REQUESTED</b> Marten Tieleman - Director Corporate Services</p> <p><b>NOTES FROM FORUM</b> Elected Members requested that the Director Corporate Services to provide information on the percentage of Reserved Funds held in CDO'S. This information will be distributed in the Elected Members Bulletin. General discussion took place regarding the item and officer recommendation.</p>

<b>Item No.</b>	<b>Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum</b>
<b>C10/6001</b>	<p><b>Schedule of Accounts August 2010</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION – IF REQUESTED</b> Marten Tieleman - Director Corporate Services</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item or officer recommendation.</p>



Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
C10/6002	<p><b>Financial Statements August 2010</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION – IF REQUESTED</b> Marten Tieleman - Director Corporate Services</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item or officer recommendation.</p>

**CONFIDENTIAL ITEM**

At 9.55pm Cr Robartson moved, seconded Cr Barton

**That in accordance with section 5.23 (d) of the Local Government Act 1995 the discussion regarding Item P10/3166 - Reconsideration of Refused Change of use from 'Residential' to 'Office' at 1A (Lot 21) Macdonald Road, Applecross be discussed confidentially behind closed doors.**

At 9.55pm the Mayor submitted the motion, which was declared

**CARRIED (12/0)**

At 9.56pm Dr S Silcox left the meeting and returned at 9.57pm.

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
P10/3166	<p><b>Reconsideration of Refused Change of use from 'Residential' to 'Office' at 1A (Lot 21) Macdonald Road, Applecross</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> From 9.56pm to 10.11pm a deputation was heard from Ms K Clifford of 1 MacDonald Road, Applecross. From 10.11pm to 10.28pm a deputation was heard from Mr R Tollefsen of 1A MacDonald Road, Applecross representing Mrs J Tollefsen</p> <p><b>OFFICER PRESENTATION – IF REQUESTED</b> Hide Shigyoshi – A/Planning Services Coordinator</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

At 10.59pm Cr Robartson moved, seconded Cr Subramaniam

**That the meeting come out from behind closed doors and the public be invited back into the meeting.**

At 10.59pm the Mayor submitted the motion, which was declared

**CARRIED (12/0)**

## **9. CLOSURE**

There being no further business, His Worship the Mayor closed the Agenda Briefing Forum at 11.00pm.