

PART C - OTHER BUSINESS AND CLOSING PROCEDURES

1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

2. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING IF GIVEN DURING THE MEETING

2.1 CR CONGERTON

That City staff initiate discussions with the Department of Land Information on the possibility of transferring part of Lot 12513 (a "Section 20A" Recreation Reserve) located on the north side of Paradise Quays, Ballajura, to Council to enable Council to use the land for aged care accommodation.

RESOLVED UNANIMOUSLY that the Council meet behind closed doors, having regard to the provisions of s.5.23 of the Local Government Act 1995.

(Cr Holmes - Cr Haynes)

At 6.06pm members of the press and the public gallery left the Chamber.

Cr McNamara declared a financial interest in Item 3.1 by virtue of one of the people involved being a former employee of his business. Cr Mcnamara left the Chamber at 6.07pm and was absent during the whole of the debate on Item 3.1 and did not speak or otherwise participate in the decision making process.

3. CONFIDENTIAL ITEMS

3.1 OFFER TO SETTLE: WRIT OF TRESPASS - CONSTRUCTION OF MALAGA DRIVE, MALAGA OVER PRIVATE STREET (TRUGANINA ROAD)

(Ballajura) (Operations)

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the Local Government Act 1995 which permits the meeting to be closed to the public for business relating to the following:

- (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

RECOMMENDATION

That the Council resolve to:

- 1) Accept the Plaintiffs' offer of settlement of the action of trespass against the City by agreeing to undertake and meet the cost of excision and dedication of the portion of the private street (Truganina Road) crossed by Malaga Drive, Malaga at nil compensation to the Plaintiffs on condition that each party shall be responsible for its respective legal costs.
- 2) Seek the Minister for Lands' approval to the dedication of the portion of private street, Truganina Road, crossed by Malaga Drive, Malaga pursuant to Section 56 (1) (b) (i) of the Land Administration Act 1997, subject to the Plaintiffs acceptance that each party shall be responsible for its respective legal costs.
- 3) Advise the Plaintiffs that any Court costs incurred during the course of their action are to be met by them.

MOTION that the Council resolve to adopt the Recommendation.

(Cr Congerton - Cr Wainwright)

RESOLVED UNANIMOUSLY TO:

- 1) Accept the Plaintiffs' offer of settlement of the action of trespass against the City by agreeing to undertake and meet the cost of excision and dedication of the portion of the private street (Truganina Road) crossed by Malaga Drive, Malaga at nil compensation to the Plaintiffs on condition that each party shall be responsible for its respective legal costs.
- 2) Seek the Minister for Lands' approval to the dedication of the portion of private street, Truganina Road, crossed by Malaga Drive, Malaga pursuant to Section 56 (1) (b) (i) of the Land Administration Act 1997, subject to the Plaintiffs acceptance that each party shall be responsible for its respective legal costs.
- 3) Advise the Plaintiffs that any Court costs incurred during the course of their action are to be met by them.

Cr McNamara returned to the Chamber at 6.10pm.

At 6.11pm all staff, with the exception of the CEO and Minute Clerk, left the Chamber and did not return.

3.2 CONFIDENTIAL STAFF MATTER

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the Local Government Act 1995 which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

RESOLVED UNANIMOUSLY that the motion moved by Cr Alban and seconded by Cr Congerton as contained in the confidential file and folder be adopted.

(Cr Alban - Cr Congerton)

RESOLVED UNANIMOUSLY that the Council no longer meet behind closed doors.

(Cr Wainwright - Cr Haynes)

RESOLVED UNANIMOUSLY that the resolutions of the Council made behind closed doors be taken as read.

(Cr Holmes - Cr Wainwright)

4. CLOSURE

There being no further business, the Presiding Member, Mayor Councillor Gregorini, thanked those present for their attendance and declared the meeting closed at 6.18pm.