

10.2 Fernleigh Gardens Retirement Village

Cr Mazzachi declared a Conflict of Interest as a summer clerk at Norman Waterhouse Lawyers and left the chamber at 11.20pm.

Cr Jamieson MOVED:

1. *That:*

- a. *Under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at the meeting with the exception of Manager Development Services, Group Manager Sustainability, Group Manager Economic Development, Chief Financial Officer, General Manager City Development, Chief Executive Officer, General Manager Corporate and Community, Minute Secretary, Executive Assistant to the Chief Executive Officer and General Manager Projects and Services in order to consider in confidence this item.*
- b. *The Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting on the following grounds:*
 - (a) *legal advice.*
- c. *Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Erwin.

CARRIED

Cr Coomans MOVED:

2. *Council initiate enforcement proceedings under the relevant provisions of the Development Act (subject to legal advice on the appropriate process and section of the Act) in relation to alleged breaches of the Development Act relating to development of the Fernleigh Gardens Retirement Village at 177 Pimpala Road, Woodcroft.*

Seconded by Cr Schulze.

CARRIED

Cr Fletcher MOVED:

3. *That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the abovementioned document (or part of such document) including the minutes and the report of the Council relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the*

Act, should be kept confidential on the grounds of information contained in Section 90(3)(h) until conclusion of legal proceedings (including appeal actions) relating to the alleged breaches.

Seconded by Cr Erwin.

CARRIED

Mayor Rosenberg reopened the meeting to the public at 11.35pm.

Cr Mazzachi returned to the chamber at 11.35pm.

