

15.1 Fernleigh Gardens Retirement Village

MOVED Cr Parslow.

1.

- 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 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:

Section 90(3)(h) 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 Webster.

CARRIED

Cr Jamieson left his seat in the Chamber at 8.25pm.

Cr Jamieson resumed his seat in the Chamber at 8.27pm.

MOVED Cr Bray.

2. *That having regard to legal advice dated 15 January 2013 and the further costs involved, Council resolves not to seek at this time the winding up of Excelsior Land Management Pty Ltd, in relation to development of the Fernleigh Gardens Retirement Village at 177 Pimpala Road, Woodcroft.*

Seconded by Cr Gunn.

Cr Olsen left his seat in the Chamber at 8.39pm.

Cr Olsen resumed his seat in the Chamber at 8.42pm.

CARRIED

MOVED Cr Merritt.

3. *That the matter of the Fernleigh Gardens Retirement Village having been considered in confidence under Section 90(3)(h) of the Local Government Act 1999 an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the Fernleigh Gardens Retirement Village report and minutes of the Council relating to discussion of the subject matter be kept confidential until conclusion of any legal proceedings (including appeal actions) relating to a winding up application. The report attachments containing legal advice shall remain confidential.*
4. *That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
5. *That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr Kilby.

CARRIED