

Confidential Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on Tuesday 25 July 2017.

17. ITEMS IN CONFIDENCE

17.1 Fee for Use of Council Land (Report No: 235/17)

Motion – Exclusion of the Public – Section 90(3)(h) Order C250717/863

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 235/17 - Fee for Use of Council Land in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 235/17 - Fee for Use of Council Land on the following grounds:**
 - h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice provide by KelledyJones Lawyers on the relationship between Council as Trustee of the Dorothy Cheater Trust and Council as a legal entity.**
- 3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Councillor Lonie, Seconded Councillor Aust

Carried

Councillor Charlick rejoined the chamber at 7.33pm.

17.1 Fee for Use of Council Land (Report No: 235/17)

Legal advice has been sought to clarify the relationship between Council, as a legal entity, and Council as Trustee of the Dorothy Cheater Trust. In particular, advice was sought on the most suitable way for Council as the legal entity to receive a financial return from the operations of Alwyndor Aged Care (Alwyndor).

The advice received recommends that Council charges an appropriate annual fee to Alwyndor to occupy such land as is owned outright by Council (and not held by the Trust). This fee would be based on a current valuation of the land only and would be indexed annually with a review of the valuation every 5 years.

To put this into effect, Council needs to write to the Alwyndor Management Committee advising that it intends to charge an annual fee for the use of Council land, based on the valuation received and the Fee would be adjusted annually, based on CPI. A letter has been drafted to the Chair of the Alwyndor Management Committee and is attached to this report.

Motion

C250717/864

That Council agrees to:

- 1. Charge Alwyndor Aged Care an annual fee of \$227,500, based on the current valuation, for the use of land owned by Council and occupied by buildings which form part of Alwyndor.**
- 2. The annual fee is to be increased by CPI each year with a full review based on a revaluation of the land every 5 years.**

Councillor Bouchee left the chamber at 7.37pm.

Councillor Bouchee rejoined the chamber at 7.39pm.

Councillor Bouchee left the chamber at 8.16pm.

Councillor Bouchee rejoined the chamber at 8.18pm.

Councillor Wilson left the chamber at 8.29pm.

Councillor Wilson rejoined the chamber at 8.31pm.

Moved Councillor Bouchee, Seconded Councillor Aust

Carried

Division called

A division was called:

Those voting for: Councillors Lonie, Aust, Bouchée, Bradshaw, Charlick, Patton, Smedley and Yates (8)

Those voting against: Councillors Wilson, Clancy and Donaldson (3).

His Worship the Mayor declared the motion

Carried

Councillor Bouchee left the chamber at 8.25pm

RETAIN IN CONFIDENCE - Section 91(7) Order

C250717/865

1. That having considered Agenda Item 17.1 Fee for Use of Council Land Report No: 235/17 in confidence under section 90(2) and (3)(h) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that Attachments 3 and 4 be retained in confidence for a period of 2 years and that this order be reviewed every 12 months.

2. That the report, minutes and Attachment 1 to be retained in confidence until 4 August 2017 so that the documents can be received by the Alwyndor Management Committee and that the Chief Executive Officer is authorised to release the report, minutes and attachment 1.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

CONFIRMED

Tuesday 8 August 2017

MAYOR

Released from Confidence 4 August 2017

CONFIDENTIAL