



MEETING OF SPECIAL COUNCIL

# MINUTES

WEDNESDAY 11 JULY 2018

AT 5PM

COPACC



## COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

11 JULY 2018

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## COLAC OTWAY SHIRE COUNCIL SPECIAL MEETING

MINUTES of the *SPECIAL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC  
on 11 July 2018 at 5.25pm.

### 1. OPENING PRAYER

*Almighty God, we seek your  
blessing and guidance in our  
deliberations on behalf of the  
people of the Colac Otway Shire.  
Enable this Council's decisions to be  
those that contribute to the true  
welfare and betterment of our community.*

**AMEN**

### 2. PRESENT

Cr Kate Hanson  
Cr Stephen Hart  
Cr Joe McCracken (Mayor)  
Cr Chris Potter  
Cr Jason Schram  
Cr Chris Smith

Peter Brown, Chief Executive  
Errol Lawrence, General Manager, Corporate Services  
Tony McGann, General Manager, Infrastructure & Leisure Services  
Gareth Smith, General Manager, Development & Community Services  
Sarah McKew, Manager, Governance & Customer Service  
Lyndal McLean, Acting Governance Officer  
Trevor Olsson, Manager, People, Performance & Culture  
Sarah Osborne, Acting Communications Coordinator  
Melanie Duvé, Corporate Planning & Reporting Officer  
Gary Warrener, Manager, Economic Development & Events  
Ian Seuren, Manager, Arts & Leisure  
Vicki Jeffrey, Events Officer  
Greg Fletcher, Manager, Community Services  
Jo Wade, Acting Communications Officer  
Jane Preston-Smith, Executive Officer  
Tamzin McLennan, Acting COPACC Manager  
Mark McLennan, Contracts Administrator

### 3. APOLOGIES

Cr Terry Woodcroft

### 4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

I would like to start this evening by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

I would also like to advise that all Council meetings are audio recorded, with the exception of confidential matters. This includes the public participation sections of meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorized recording of the meeting.

This is a Special Council meeting required under legislation. The sole purpose of the Special Meeting is to consider:

- The results from the Community Satisfaction Survey.
- The Municipal Public Health and Wellbeing Plan 2017-2021 Annual Review.
- The location for the 2019 Australia Day Awards.
- The Australia Day Advisory Committee Terms of Reference.
- The Corangamite Regional Library Corporation's amended Local Laws.
- The Corangamite Regional Library Corporation Service Level Agreement.
- The proposed Asset Management Policy.
- The lease and licence agreement for the Apollo Bay Airfield.

In the Special Council meeting advertisement which appeared in the *Colac Herald* on 29 June 2018, the following item was also listed for this meeting however it has since been withdrawn:

- The Conservation Ecology Centre (Wildlife Wonders) lease – 465 Great Ocean Road, Apollo Bay.

## 5. QUESTION TIME

A public question time of thirty minutes is allowed but I need to emphasise to everyone here that Council's meeting procedures in our Local Law do not allow you to ask questions on topics that aren't on the agenda tonight.

If you have general questions about other matters, I encourage you to ask them at the next Ordinary Council meeting.

To ensure that everyone has the opportunity to ask questions, I may need to limit the number of questions from each person to two. Then, once everyone has had an opportunity to ask their initial questions, and if time permits, I will invite further questions.

As I call you to the lectern, please remember this is not a forum for debate or statements; you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question.

Please note that whilst we will do our best, it may not be possible to answer all questions without notice tonight. If this is the case, they will be answered later.

### QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Nil

### QUESTIONS RECEIVED VERBALLY AT THE MEETING

Nil

## 6. DECLARATION OF INTEREST

|                       |                                                                                                                |
|-----------------------|----------------------------------------------------------------------------------------------------------------|
| Cr Schram             | <b>SC181107-8</b>                                                                                              |
| Nature of Disclosure: | Indirect Interest                                                                                              |
| Type of Interest:     | Section 78B                                                                                                    |
| Nature of Interest:   | My family has registered to attend a joy flight for charitable purposes from the Apollo Bay Airfield operator. |

SPECIAL COUNCIL MEETING  
**2018 COMMUNITY SATISFACTION SURVEY**  
SC181107-1

|                           |                                                                                                                                                                                                                |                        |                    |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------|
| <b>LOCATION / ADDRESS</b> | 2-4 Rae Street Colac                                                                                                                                                                                           | <b>GENERAL MANAGER</b> | Errol Lawrence     |
| <b>OFFICER</b>            | Melanie Duve                                                                                                                                                                                                   | <b>DIVISION</b>        | Corporate Services |
| <b>TRIM FILE</b>          | F17/7279                                                                                                                                                                                                       | <b>CONFIDENTIAL</b>    | No                 |
| <b>ATTACHMENTS</b>        | <ol style="list-style-type: none"><li>1. Report JWS Research - Communication Satisfaction Survey - 2018</li><li>2. Report Tailored Questions JWS Research - Communication Satisfaction Survey - 2018</li></ol> |                        |                    |
| <b>PURPOSE</b>            | To provide Council with a summary of the findings of the 2018 Community Satisfaction Survey (CSS) results.                                                                                                     |                        |                    |

## RESOLUTION

*MOVED Cr Jason Schram seconded Cr Chris Potter*

*That Council notes the results of the 2018 Community Satisfaction Survey conducted in the period of 1 February – 30 March 2018.*

*CARRIED 6 : 0*

Tamzin McLennan attended the meeting at 5.31pm.  
Trevor Olsson left the meeting at 5.37pm.  
Melanie Duvé left the meeting at 5.37pm.

SPECIAL COUNCIL MEETING  
**MUNICIPAL PUBLIC HEALTH AND WELLBEING  
PLAN 2017-2021 ANNUAL REVIEW**  
SC181107-2

|                           |                                                                                                                    |                        |                                  |
|---------------------------|--------------------------------------------------------------------------------------------------------------------|------------------------|----------------------------------|
| <b>LOCATION / ADDRESS</b> | Municipality                                                                                                       | <b>GENERAL MANAGER</b> | Gareth Smith                     |
| <b>OFFICER</b>            | Greg Fletcher                                                                                                      | <b>DIVISION</b>        | Development & Community Services |
| <b>TRIM FILE</b>          | F17/9622                                                                                                           | <b>CONFIDENTIAL</b>    | No                               |
| <b>ATTACHMENTS</b>        | Nil                                                                                                                |                        |                                  |
| <b>PURPOSE</b>            | To provide Council with a report on the annual review of the Municipal Public Health and Wellbeing Plan 2017-2021. |                        |                                  |

## RECOMMENDATION

*That Council adopts the Municipal Public Health and Wellbeing Plan 2017-2021, without amendment.*

### ALTERNATIVE MOTION

*MOVED Cr Jason Schram seconded Cr Chris Potter*

*That Council:*

- 1. Adopts the Municipal Public Health and Wellbeing Plan 2017-2021, subject to inclusion of reference to community impacts from inappropriate use of social media.*
- 2. Delegates to the Chief Executive to authorise the appropriate amendment to the Municipal Public Health and Wellbeing Plan 2017-2021 referred to in point 1.*

**CARRIED 6 : 0**

Mark McLennan attended the meeting at 5.38pm.  
Greg Fletcher left the meeting at 5.49pm.

SPECIAL COUNCIL MEETING  
**EXPRESSIONS OF INTEREST TO HOST 2019  
AUSTRALIA DAY EVENT**  
SC181107-3

|                           |                                                                                     |                        |                                  |
|---------------------------|-------------------------------------------------------------------------------------|------------------------|----------------------------------|
| <b>LOCATION / ADDRESS</b> | Municipality                                                                        | <b>GENERAL MANAGER</b> | Gareth Smith                     |
| <b>OFFICER</b>            | Hege Eier                                                                           | <b>DIVISION</b>        | Development & Community Services |
| <b>TRIM FILE</b>          | F18/3340                                                                            | <b>CONFIDENTIAL</b>    | No                               |
| <b>ATTACHMENTS</b>        | Nil                                                                                 |                        |                                  |
| <b>PURPOSE</b>            | For Council to determine the successful host town for the 2019 Australia Day Event. |                        |                                  |

## RECOMMENDATION

*That Council:*

1. *Notes no communities expressed an interest to host the 2019 Australia Day Event.*
2. *Determines the 2019 Australia Day event be held in Apollo Bay.*
3. *Extends an invitation for community groups to participate in developing and delivering the 2019 Australia Day Event in Apollo Bay.*

## ALTERNATIVE MOTION

*MOVED Cr Jason Schram seconded Cr Kate Hanson*

*That Council:*

1. *Notes no communities expressed an interest to host the 2019 Australia Day Event.*
2. *Encourages the principle of sharing the Australia Day event around the municipality and to lessen the burden on community groups.*
3. *Notes the previous two Australia Day events were held in Colac (2018) and Apollo Bay (2017) and therefore encourages hosting the 2019 event in other townships.*
4. *Delegates authority to the Chief Executive to determine the 2019 Australia Day event host town following further consultation with small townships.*

**CARRIED 6 : 0**



SPECIAL COUNCIL MEETING  
**AUSTRALIA DAY ADVISORY COMMITTEE**  
**TERMS OF REFERENCE**

SC181107-4

|                           |                                                                                         |                        |                                  |
|---------------------------|-----------------------------------------------------------------------------------------|------------------------|----------------------------------|
| <b>LOCATION / ADDRESS</b> | Municipality                                                                            | <b>GENERAL MANAGER</b> | Gareth Smith                     |
| <b>OFFICER</b>            | Hege Eier                                                                               | <b>DIVISION</b>        | Development & Community Services |
| <b>TRIM FILE</b>          | F17/1914                                                                                | <b>CONFIDENTIAL</b>    | No                               |
| <b>ATTACHMENTS</b>        | 1. Terms of Reference ADAC (V3)                                                         |                        |                                  |
| <b>PURPOSE</b>            | For Council to endorse the Terms of Reference for the Australia Day Advisory Committee. |                        |                                  |

## RESOLUTION

*MOVED Cr Chris Potter seconded Cr Stephen Hart*

*That Council:*

- 1. Endorse the attached for the Australia Day Advisory Committee Terms of Reference.*
- 2. Authorise Council Chief Executive to conduct an expression of interest process for community representation on the Australia Day Advisory Committee, with appointment of up to five nominees subject to a future Council decision.*

*CARRIED 5 : 1*

*DIVISION*

*For the motion: Cr Stephen Hart, Cr Kate Hanson, Cr Chris Potter, Cr Joe McCracken, Cr Jason Schram*

*Against the motion: Cr Chris Smith*

Jane Preston-Smith left the meeting at 5.59pm.

Jo Wade left the meeting at 6.01pm.

The meeting adjourned for a short break at 6.01pm.

The meeting resumed at 6.04pm.

SPECIAL COUNCIL MEETING  
**CORANGAMITE REGIONAL LIBRARY  
CORPORATION - AMENDED LOCAL LAWS**  
SC181107-5

|                           |                                                                                                           |                        |                                   |
|---------------------------|-----------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------|
| <b>LOCATION / ADDRESS</b> | Whole municipality                                                                                        | <b>GENERAL MANAGER</b> | Tony McGann                       |
| <b>OFFICER</b>            | Ian Seuren                                                                                                | <b>DIVISION</b>        | Infrastructure & Leisure Services |
| <b>TRIM FILE</b>          | F18/158                                                                                                   | <b>CONFIDENTIAL</b>    | No                                |
| <b>ATTACHMENTS</b>        | 1. Draft CRLC Library Services Local Law 1 of 2018<br>2. Draft CRLC Meeting Procedure Local Law 2 of 2018 |                        |                                   |
| <b>PURPOSE</b>            | To consider the Corangamite Regional Library Corporation's amended Local Laws.                            |                        |                                   |

## RECOMMENDATION

*That Council:*

1. *Endorses the Corangamite Regional Library Corporation Local Law 1 – Library Services;*
2. *Endorses the Corangamite Regional Library Corporation Local Law 2 – Meeting Procedures.*

## ALTERNATIVE MOTION

*MOVED Cr Stephen Hart seconded Cr Chris Potter*

*That Council:*

1.
  - a. *Endorses the Corangamite Regional Library Corporation Local Law 1 – Library Services;*
  - b. *Recommends amending Clause 3.3, section 5(j) to state “remain within the Library after having been lawfully directed to leave by the Chief Executive Officer, Authorised Officer, or a member of the Victoria Police”;*
2. *Endorses the Corangamite Regional Library Corporation Local Law 2 – Meeting Procedures.*

*CARRIED 5 : 1*

## DIVISION

*For the motion: Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram*

*Against the motion: Cr Chris Smith*

SPECIAL COUNCIL MEETING  
**CORANGAMITE REGIONAL LIBRARY  
CORPORATION SERVICE LEVEL AGREEMENT**  
SC181107-6

|                           |                                                                                                           |                        |                                   |
|---------------------------|-----------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------|
| <b>LOCATION / ADDRESS</b> | Whole municipality                                                                                        | <b>GENERAL MANAGER</b> | Tony McGann                       |
| <b>OFFICER</b>            | Ian Seuren                                                                                                | <b>DIVISION</b>        | Infrastructure & Leisure Services |
| <b>TRIM FILE</b>          | F18/158                                                                                                   | <b>CONFIDENTIAL</b>    | No                                |
| <b>ATTACHMENTS</b>        | 1. Colac Otway-CRLC Service Level Agreement 2018-19                                                       |                        |                                   |
| <b>PURPOSE</b>            | To consider a one-year extension of the Corangamite Regional Library Corporation Service Level Agreement. |                        |                                   |

## RESOLUTION

*MOVED Cr Stephen Hart seconded Cr Chris Potter*

*That Council extends the existing Service Level Agreement with the Corangamite Regional Library Corporation for a period of one year from 1 July 2018 to 30 June 2019.*

*CARRIED 5 : 1*

*DIVISION*

*For the motion: Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Chris Smith*

*Against the motion: Cr Jason Schram*

Tamzin McLennan left the meeting at 6.31pm.

Ian Seuren left the meeting at 6.31pm.

SPECIAL COUNCIL MEETING  
**ASSET MANAGEMENT POLICY**  
SC181107-7

|                           |                                                                        |                        |                                   |
|---------------------------|------------------------------------------------------------------------|------------------------|-----------------------------------|
| <b>LOCATION / ADDRESS</b> | Colac Otway Shire                                                      | <b>GENERAL MANAGER</b> | Tony McGann                       |
| <b>OFFICER</b>            | Jade Thomas                                                            | <b>DIVISION</b>        | Infrastructure & Leisure Services |
| <b>TRIM FILE</b>          | F17/11143                                                              | <b>CONFIDENTIAL</b>    | No                                |
| <b>ATTACHMENTS</b>        | 1. 13.7 Asset Management Policy (current draft OCM) PDF                |                        |                                   |
| <b>PURPOSE</b>            | To seek Council's endorsement for the proposed Asset Management Policy |                        |                                   |

## RESOLUTION

*MOVED Cr Kate Hanson seconded Cr Chris Potter*

*That Council adopts the Council Policy for Asset Management.*

*CARRIED 5 : 1*

*DIVISION*

*For the motion: Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram*

*Against the motion: Cr Chris Smith*

SPECIAL COUNCIL MEETING

# APOLLO BAY AIRFIELD LEASE & LICENCE TO BUSH PILOTS AUSTRALIA PTY LTD TRADING AS APOLLO BAY AVIATION

SC181107-8

|                           |                                                                                                                                                                                                                                                                 |                        |                                      |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------|
| <b>LOCATION / ADDRESS</b> | 45 Telford Street,<br>Marengo                                                                                                                                                                                                                                   | <b>GENERAL MANAGER</b> | Tony McGann                          |
| <b>OFFICER</b>            | Mark McLennan                                                                                                                                                                                                                                                   | <b>DIVISION</b>        | Infrastructure &<br>Leisure Services |
| <b>TRIM FILE</b>          | F11/3134                                                                                                                                                                                                                                                        | <b>CONFIDENTIAL</b>    | No                                   |
| <b>ATTACHMENTS</b>        | <ol style="list-style-type: none"> <li>1. Lease 45 Telford Rd Apollo Bay - Apollo Bay Aviation (Draft)</li> <li>2. License 45 Telford Rd Apollo Bay - Apollo Bay Aviation (Draft) 1</li> <li>3. Valuation Lease and Licence 45 Telford Rd Apollo Bay</li> </ol> |                        |                                      |
| <b>PURPOSE</b>            | To seek Council's endorsement for a Lease & Licence at Apollo Bay Airfield.                                                                                                                                                                                     |                        |                                      |

Having declared a conflict of interest, Cr Jason Schram adjourned from the meeting at 6.44pm and did not take part in debate nor vote on the matter.

|                       |                                                                                                                |
|-----------------------|----------------------------------------------------------------------------------------------------------------|
| Cr Schram             | <b>SC181107-8</b>                                                                                              |
| Nature of Disclosure: | Indirect Interest                                                                                              |
| Type of Interest:     | Section 78B                                                                                                    |
| Nature of Interest:   | My family has registered to attend a joy flight for charitable purposes from the Apollo Bay Airfield operator. |

## RECOMMENDATION

*That Council:*

1. *Enters into a new lease and licence agreement with Bush Pilot's Pty Ltd, trading as Apollo Bay Aviation for the property located at 45 Telford Street, Apollo Bay for the purpose of aviation activities under the following terms:*

|                       |                                                                                          |
|-----------------------|------------------------------------------------------------------------------------------|
| <b>Agreement type</b> | <b>Lease agreement</b>                                                                   |
| <b>Rent</b>           | <i>\$4,002.00 per annum (plus GST) year 1<br/>\$4,788.00 per annum (plus GST) year 2</i> |
| <b>Lease term</b>     | <i>5 years</i>                                                                           |

|                                    |                                                                                                                 |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| <i>Maintenance &amp; utilities</i> | <i>100% tenant's responsibility</i>                                                                             |
| <i>Rent review</i>                 | <i>Reviewed annually from the 3<sup>rd</sup> anniversary of the commencement of the lease by CPI% each year</i> |

|                                    |                                        |
|------------------------------------|----------------------------------------|
| <i>Agreement type</i>              | <i>License agreement</i>               |
| <i>Rent</i>                        | <i>\$1,550.00 per annum (plus GST)</i> |
| <i>Lease term</i>                  | <i>5 years</i>                         |
| <i>Maintenance &amp; utilities</i> | <i>100% tenant's responsibility</i>    |
| <i>Rent review</i>                 | <i>Reviewed annually plus CPI%</i>     |

2. *Authorises for the Chief Executive or delegate to complete all administrative processes necessary to execute the lease on behalf of Council.*

#### **ALTERNATIVE MOTION**

**MOVED** Cr Chris Potter seconded Cr Stephen Hart

**That Council:**

1. *Enters into a new lease and licence agreement with Bush Pilot's Pty Ltd, trading as Apollo Bay Aviation for the property located at 45 Telford Street, Apollo Bay for the purpose of aviation activities under the following terms:*

|                                    |                                        |
|------------------------------------|----------------------------------------|
| <i>Agreement type</i>              | <i>Lease agreement</i>                 |
| <i>Rent</i>                        | <i>\$4,650.00 per annum (plus GST)</i> |
| <i>Lease term</i>                  | <i>1 year</i>                          |
| <i>Maintenance &amp; utilities</i> | <i>100% tenant's responsibility</i>    |

|                                    |                                        |
|------------------------------------|----------------------------------------|
| <i>Agreement type</i>              | <i>Licence agreement</i>               |
| <i>Rent</i>                        | <i>\$1,550.00 per annum (plus GST)</i> |
| <i>Lease term</i>                  | <i>1 year</i>                          |
| <i>Maintenance &amp; utilities</i> | <i>100% tenant's responsibility</i>    |

2. *Authorises the Chief Executive or delegate to complete all administrative processes necessary to execute the lease on behalf of Council.*
3. *Requests the Chief Executive to review future opportunities prior to the expiration of the lease to consider future arrangements.*
4. *Submit the lease and licence to the appropriate Minister for approval.*

**LOST 2 : 3**

**DIVISION**

**For the motion:** Cr Stephen Hart, Cr Chris Potter

**Against the motion:** Cr Kate Hanson, Cr Joe McCracken, Cr Chris Smith

**RESOLUTION**

**MOVED** Cr Chris Smith seconded Cr Kate Hanson

**That Council:**

1. *Enters into a new lease and licence agreement with Bush Pilot's Pty Ltd, trading as Apollo Bay Aviation for the property located at 45 Telford Street, Apollo Bay for the purpose of aviation activities under the following terms:*

|                                    |                                                                                                                 |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| <i>Agreement type</i>              | <i>Lease agreement</i>                                                                                          |
| <i>Rent</i>                        | <i>\$4,002.00 per annum (plus GST) year 1<br/>\$4,788.00 per annum (plus GST) year 2</i>                        |
| <i>Lease term</i>                  | <i>5 years</i>                                                                                                  |
| <i>Maintenance &amp; utilities</i> | <i>100% tenant's responsibility</i>                                                                             |
| <i>Rent review</i>                 | <i>Reviewed annually from the 3<sup>rd</sup> anniversary of the commencement of the lease by CPI% each year</i> |

|                                    |                                        |
|------------------------------------|----------------------------------------|
| <i>Agreement type</i>              | <i>License agreement</i>               |
| <i>Rent</i>                        | <i>\$1,550.00 per annum (plus GST)</i> |
| <i>Lease term</i>                  | <i>5 years</i>                         |
| <i>Maintenance &amp; utilities</i> | <i>100% tenant's responsibility</i>    |
| <i>Rent review</i>                 | <i>Reviewed annually plus CPI%</i>     |

2. *Authorises the Chief Executive or delegate to complete all administrative processes necessary to execute the lease on behalf of Council.*

**CARRIED 3 : 2**

**DIVISION**

*For the motion: Cr Kate Hanson, Cr Joe McCracken, Cr Chris Smith*

*Against the motion: Cr Stephen Hart, Cr Chris Potter*

Cr Jason Schram returned to the meeting at 7.19pm.



*The meeting was declared closed at 7.19pm*

**CONFIRMED** at the meeting held on 25 JULY 2018

*J Mc Crae*