



Minutes

Special Council Meeting held at 12.30 PM on the Monday 14 October 2019 in the Council Chamber. Pleasant Creek Historic Precinct.

Present

Cr Kevin Erwin (Mayor)
Cr Tony Driscoll
Cr Murray Emerson
Cr Rob Haswell
Cr Jason Hosemans
Cr Karen Hyslop
Cr Merrilee Reid

Mr Vaughan Williams, Acting Chief Executive Officer
Mr Trenton Fithall, Director Operations
Mrs Naomi Goode, Director Communities

Affirmation

We recognise the traditional owners of the land.
We are inspired by the early pioneers and by those who gave their lives for our country.
We now ask God's blessing on our deliberations
and on our commitment to build a better lifestyle and environment.

Confirmed at the meeting of Council on Monday 11 November 2019.

Table of Contents

1. Apologies3

2. Disclosures of Interest and Declarations of Conflict of Interest3

3. Consideration of Reports of Officers4

 3.1. St Arnaud Aerodrome Lease Notice.....4

4. Closure of Meeting Pursuant to Section 89(2) of the Local Government Act 19897

 4.1. Appointment of a Chief Executive Officer7

5. Close8

1. Apologies

Nil

2. Disclosures of Interest and Declarations of Conflict of Interest

A Councillor who has a conflict of interests and is attending the Council meeting of the Council must make a full disclosure of that interest.

- (a) by either-
 - (i) advising the Council at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or
 - (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
- (b) classifying the type of interest that has given rise to the conflict as either-
 - (i) a direct interest; or
 - (ii) an indirect interest and specifying the particular kind of indirect interest under:
 - section 78 - close association
 - section 78A - financial interest
 - section 78B - conflicting duties
 - section 78C - receipt of an applicable gift
 - section 78D - consequence of becoming an interested party
 - section 78E - impact on residential amenity; and
- (c) describing the nature of the interest; and
- (d) if the Councillor advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

Members of Staff

Under Section 80C of the *Local Government Act 1989*, officers or people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.

Nil

3. Consideration of Reports of Officers

3.1. St Arnaud Aerodrome Lease Notice

Author/Position: Kylie Allen, Risk & Lease Management Officer

Summary

The purpose of this report is for Council to commence the process as per section 190 (3) of the *Local Government Act 1989* (the Act) to enter into a formal lease with John Stanley Dods for the use of Lot 3 St Arnaud Aerodrome.

Recommendation

That

1. Council gives notice of its intention to enter into a lease with John Stanley Dods for the use of Lot 3 St Arnaud Aerodrome
2. in respect of the above notice, seeks submissions from any person pursuant to section 223 of the *Local Government Act 1989*.

RESOLUTION

That

1. Council gives notice of its intention to enter into a lease with John Stanley Dods for the use of Lot 3 St Arnaud Aerodrome
2. in respect of the above notice, seeks submissions from any person pursuant to section 223 of the *Local Government Act 1989*.

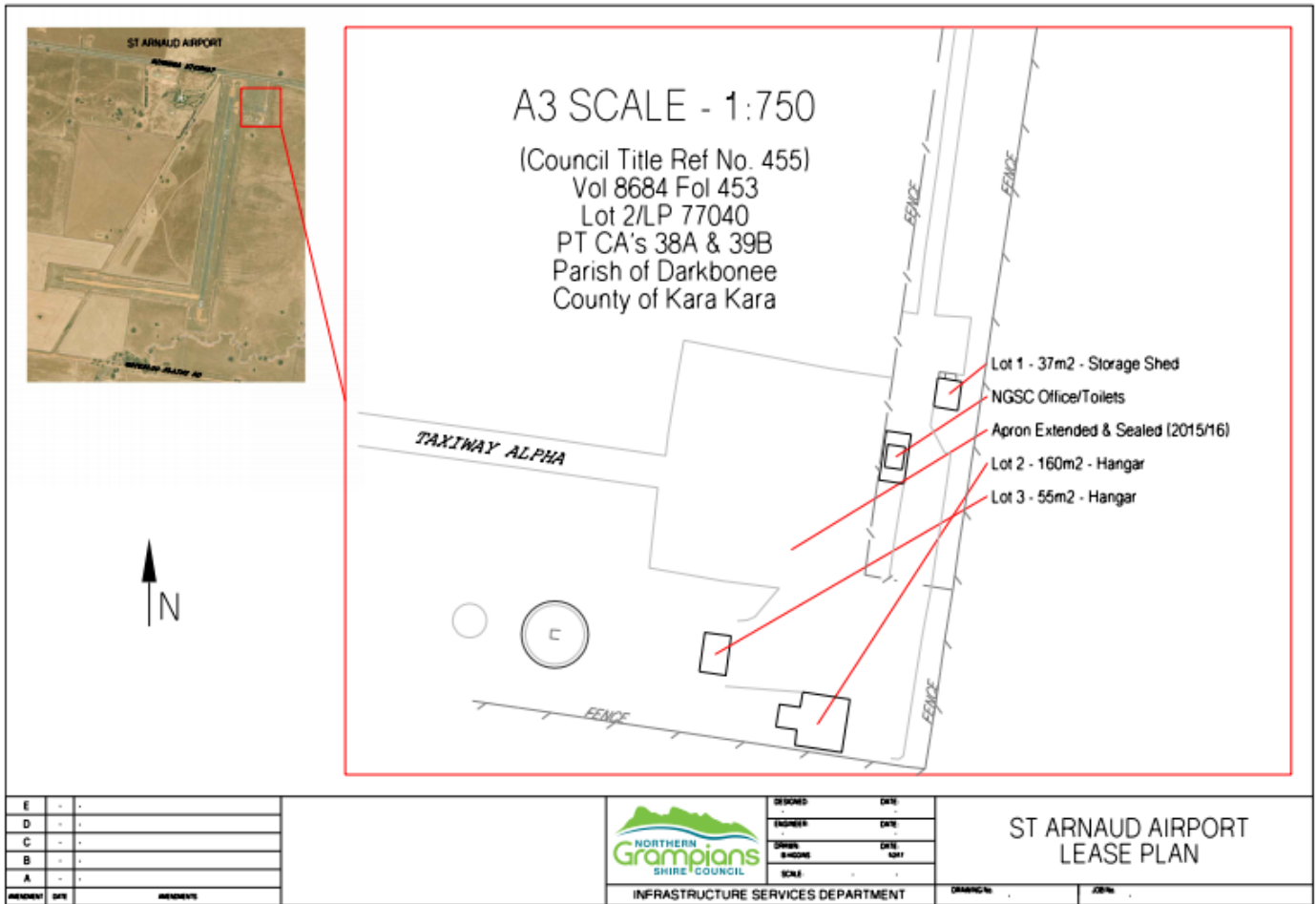
Moved: Cr Tony Driscoll

Seconded: Cr Merrilee Reid

Carried

Background/Rationale

The proposed lease area located at the St Arnaud Aerodrome is Council freehold land. Mr Dods is the current tenant of lot 3 and has been for several years. The one plane capacity hangar was built on the land in 1997 and is classified as a tenant improvement.



Council have implemented standardised lease agreements for users of the Stawell Airport and St Arnaud Aerodrome with common terms and conditions which include:

- rental calculated at \$15 per m² subsidised over the initial 5 year term for existing airport users
- rent subject to annual CPI increase but only after initial 5 year term
- power and NBN extensions or ongoing usage costs to be borne by lessee
- all service extensions, earthworks, other site works to be at the lessee's cost, unless they can be included in a future grant application by Council
- all site building costs, including approvals, to be at the lessee's cost
- no transfer or sub-leases permitted unless prior approval of Council obtained
- only aviation based activity to be approved for any site that has direct airside access
- all other normal commercial lease conditions for renewal, insurance and related matters.

Lot 3 currently does not have water, sewer or power services connected.

Legislation, Council Plan, Strategy and Policy Implications

Local Government Act 1989

Options

Option 1

Agree to give public notice of Council's intention to enter into a lease with John Stanley Dods for the lease of Lot 3 St Arnaud Aerodrome, and seek submissions on the proposal. **[recommended]**

Option 2

Not to enter into a lease with John Stanley Dods for Lot 3 St Arnaud Aerodrome. **[not recommended]**

Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

Consultation

In compliance with section 190 (3) & (4) of 'the Act', community consultation will occur via the giving of public notice in local newspapers and the Council website. Council is required to consider any submissions received prior to making a formal decision on the proposed lease.

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Kylie Allen, Risk & Lease Management Officer

In providing this advice as the author, I have no disclosable interests in this report.

Attachments

Nil

4. Closure of Meeting Pursuant to Section 89(2) of the Local Government Act 1989

4.1. Appointment of a Chief Executive Officer

A Council or Special Committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following :

- (a) Personnel matters**
- (b) The personal hardship of any resident or ratepayer**
- (c) Industrial matters**
- (d) Contractual matter**
- (e) Proposed developments**
- (f) Legal advice**
- (g) Matters affecting the security of Council property**
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any other person**
- (i) A resolution to close the meeting to members of the public.**

RESOLUTION

That item 4.2 be considered in Closed Council as it deals with confidential matters as detailed in section 89 of the *Local Government Act 1989*.

Moved: Cr Murray Emerson
Seconded: Cr Rob Haswell **Carried**

RESOLUTION

That the meeting be closed to consider the item listed pursuant to section 89(2) of the *Local Government Act 1989*.

Moved: Cr Murray Emerson
Seconded: Cr Rob Haswell **Carried**

OPEN COUNCIL

The Acting Chief Executive Officer reported on the item discussed in Closed Council.

4.1 Council appointed Ms Liana Thompson as Chief Executive Officer.

5. Close

There being no further business the Mayor declared the meeting closed at 12.47pm.

Confirmed

A handwritten signature in black ink, appearing to read "Kevin Erwin". The signature is written in a cursive style with a large initial 'K' and 'E'.

CR KEVIN ERWIN
CHAIRPERSON

Date: 11 November 2019