

**PROPOSED AMENDMENTS / RESOLUTIONS AT
COMMITTEE OR COUNCIL MEETINGS**
(Elected Members)

Name: Cr Matthew Woodall
Date of Meeting: 15 September 2020
Meeting of the: Ordinary Meeting of Council
Item No. M20/5770
Title of Item Melville Bowling Club Inc New Lease & Petition

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to the Elected Member who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstance is it to be expressed to any party that administration or any officer holds a view on this motion other than that expressed in an official written or verbal report by administration to the Committee or Council meeting considering the motion.

PROPOSED AMENDMENT OR REJECT & REPLACE MOTION:

(If an amendment is proposed, please identify the words being amended and reasons for the amendment:

That the Council amend the City's Lease as attached to the Officer Recommendation by renumbering the existing clause under clause 10 in the Proposed Lease to sub-clause 10.1, and insert a new sub-clause 10.2 as follows:

“Notwithstanding any other clause in this Deed and to the maximum extent permitted by law, the Lessor's maximum aggregate liability to the Lessee, whether arising at law, in equity, under contract, under statute, in tort, or otherwise, shall be limited to an amount equal to the Rent payable during the year in which the liability arose.”

REASONS:

1. The Council should ensure that ratepayer funds/assets are protected from legal actions, including claims for damages.
2. If the City was to face a claim by the Lessee, this clause would cap the City's liability at 1 years' rent. This protects ratepayers and ensures the City's funds are spent towards the benefit of the broader Melville community.

SIGNATURE: *MJ Woodall*