

7.1 EARLY YEARS - PROPOSED MULTIPLE LEASES TO YMCA OF BALLARAT YOUTH SERVICES INCORPORATED (YMCA)

Responsible Committee: Section 223 Committee of Council

RECOMMENDATION:

That Council:

1. *Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1999 (S.223 Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to lease to the YMCA of Ballarat Youth Services Inc. (YMCA) the following Council owned sites:*

*Ashwood Memorial Kindergarten – 17A Arthur Street, Ashwood
Brandon Park Preschool – 7 Collegium Avenue, Wheelers Hill
Clayton Community Centre Kindergarten – 9-15 Cooke Street, Clayton
Columbia Park Preschool – 26-28 Columbia Drive, Wheelers Hill
Dover Street Preschool – 19 Dover Street, Oakleigh East
Germain Street Kindergarten – 1 Germain Street, Oakleigh South
Glendal Preschool – 3 Lucerne Street, Mount Waverley
Mt Waverley Preschool – 35 Sherwood Road, Mount Waverley
Mulgrave Park Preschool – 68 Albany Drive, Mulgrave
Nara Preschool – 2 Stanley Avenue, Mount Waverley
St John's Preschool – 2 Carmichael Road, East Oakleigh
Tally Ho Preschool – 24 Martin Place, Glen Waverley
Ward Avenue Kindergarten – 4 Ward Avenue, Oakleigh South
Waverley Foothills Preschool – Gladstone Drive, Mulgrave
Wayburne Preschool – 579 Waverley Road, Glen Waverley*

2. *Notes the S.223 Committee met on Tuesday 8 December 2020 to hear and consider submissions received in respect of the proposal and notes that there were no submissions received.*

3. *Accepts the Committee's recommendation to grant a lease to the YMCA for the following sites:*

*Ashwood Memorial Kindergarten – 17A Arthur Street, Ashwood
Brandon Park Preschool – 7 Collegium Avenue, Wheelers Hill
Clayton Community Centre Kindergarten – 9-15 Cooke Street, Clayton
Columbia Park Preschool – 26-28 Columbia Drive, Wheelers Hill
Dover Street Preschool – 19 Dover Street, Oakleigh East
Germain Street Kindergarten – 1 Germain Street, Oakleigh South
Glendal Preschool – 3 Lucerne Street, Mount Waverley
Mt Waverley Preschool – 35 Sherwood Road, Mount Waverley
Mulgrave Park Preschool – 68 Albany Drive, Mulgrave
Nara Preschool – 2 Stanley Avenue, Mount Waverley
St John's Preschool – 2 Carmichael Road, East Oakleigh
Tally Ho Preschool – 24 Martin Place, Glen Waverley*

*Ward Avenue Kindergarten – 4 Ward Avenue, Oakleigh South
Waverley Foothills Preschool – Gladstone Drive, Mulgrave
Wayburne Preschool – 579 Waverley Road, Glen Waverley*

- 4. Having complied with its obligations under S.223 of the Local Government Act, directs the Chief Executive Officer or her delegate to progress the finalisation of the lease document;*
- 5. Authorises the Chief Executive Officer or her delegate, on behalf of Council, to sign all documentation required to effect a lease to the YMCA for the above-mentioned sites.*

INTRODUCTION

This report considers the outcome of the public notification process pursuant to s.223 of the Local Government Act 1989 (**Act**) for the lease to the YMCA of the following sites:

- Ashwood Memorial Kindergarten – 17A Arthur Street, Ashwood
- Brandon Park Preschool – 7 Collegium Avenue, Wheelers Hill
- Clayton Community Centre Kindergarten – 9-15 Cooke Street, Clayton
- Columbia Park Preschool – 26-28 Columbia Drive, Wheelers Hill
- Dover Street Preschool – 19 Dover Street, Oakleigh East
- Germain Street Kindergarten – 1 Germain Street, Oakleigh South
- Glendal Preschool – 3 Lucerne Street, Mount Waverley
- Mt Waverley Preschool – 35 Sherwood Road, Mount Waverley
- Mulgrave Park Preschool – 68 Albany Drive, Mulgrave
- Nara Preschool – 2 Stanley Avenue, Mount Waverley
- St John's Preschool – 2 Carmichael Road, East Oakleigh
- Tally Ho Preschool – 24 Martin Place, Glen Waverley
- Ward venue Kindergarten – 4 Ward Avenue, Oakleigh South
- Waverley Foothills Preschool – Gladstone Drive, Mulgrave
- Wayburne Preschool – 579 Waverley Road, Glen Waverley

BACKGROUND

At the Ordinary Council meeting on 25 August 2020, Council considered a report on a Proposal to Lease multiple Early Years sites to the YMCA.

After considering the report, Council resolved as follows:

That Council:

1. *Negotiate a lease with the YMCA of Ballarat Youth Service Inc. for the facilities located at the following Council owned sites:*

*Ashwood Memorial Kindergarten – 17A Arthur Street, Ashwood
Brandon Park Preschool – 7 Collegium Avenue, Wheelers Hill
Clayton Community Centre Kindergarten – 9-15 Cooke Street, Clayton
Columbia Park Preschool – 26-28 Columbia Drive, Wheelers Hill
Dover Street Preschool – 19 Dover Street, Oakleigh East
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Ward Avenue Kindergarten – 4 Ward Avenue, Oakleigh South
Waverley Foothills Preschool – Gladstone Drive, Mulgrave
Wayburne Preschool – 579 Waverley Road, Glen Waverley*

2. *Incorporating the following terms and conditions:*

Lessee: The YMCA of Ballarat Youth Services Inc.

Rent: \$1.00 per annum (plus GST)

Term: 5 Years

Further Term: 5 Years

Use: For the purposes associated with the activities of a kindergarten including three and four year old kindergarten programs, playgroups, activity programs for young children and other activities such as kindergarten meetings and fundraising functions.

(“the Proposal”)

3. *Give public notice of the proposal in accordance with Section 190 of the Act, in a daily newspaper and on Council’s website from 3 September 2020 and invite submissions on the proposal.*
4. *Authorises Council’s Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act in respect of the proposal (‘Appointed Officer’).*
5. *Appoint a Committee of Council comprising of all Councillors to hear any submitters requesting to be heard and consider any submissions received under Section 223 of the Act on a date and time to be fixed.*
6. *Consider and determine the outcome of the section 223 process on the proposal at the Ordinary Meeting of Council on a date and time to be fixed.*

DISCUSSION

Public Notification

In accordance with items 3 and 4 of the above-mentioned Council resolution, a public notice advising of Council's intention to enter into multiple leases with the YMCA was published in The Age and on Council's website calling for submissions on the proposal.

Public Response

There were no enquiries or written submissions received during the public notification period and there have not been any subsequent submission received.

S.223 Committee Meeting

The S.223 Committee met at 7:00pm on 8 December 2020 to consider the outcome of the above public notification process. All Councillors made up the S.223 Committee appointed by Council.

The agenda for the S.223 Committee was to consider all written submissions received and make a recommendation to Council on the proposed leases. There were no speakers or written submissions.

The outcome of the S.223 Committee was as follows:

“To recommend to Council that Council proceed with the proposal to lease to the YMCA the following sites:

- Ashwood Memorial Kindergarten – 17A Arthur Street, Ashwood
- Brandon Park Preschool – 7 Collegium Avenue, Wheelers Hill
- Clayton Community Centre Kindergarten – 9-15 Cooke Street, Clayton
- Columbia Park Preschool – 26-28 Columbia Drive, Wheelers Hill
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POLICY IMPLICATIONS

A new service provider is required to ensure the continued provision of kindergarten services within the municipality, which is key deliverable within Council’s “A Healthy and Resilient Monash: Integrated Plan 2017-2021”.

CONSULTATION

As referred to above, the public notification process of the Intention to Lease Multiple sites to the YMCA has been completed in accordance with the Section 223 of the Act and no submissions were received.

FINANCIAL IMPLICATIONS

The Lessee is responsible for the payment of utility charges.

CONCLUSION

It is recommended that Council accept the Committee of Council’s recommendation to proceed with the above-mentioned leases to the YMCA for the provision of Early Years Learning.