

7.2 OAKLEIGH RECREATION CENTRE - PROPOSED LEASE TO WAVERLEY GYMNASTICS CENTRE INC

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 part of the Oakleigh Recreation Centre, 2A Park Road Oakleigh (as shown in the lease premises plan in attachment 1 to this report), to Waverley Gymnastics Centre Inc (WGC).*
2. *Notes the S.223 Committee met on Tuesday 11 August 2020 to hear and consider submissions received in respect of the proposal.*
 - a) *Further notes that no submissions were received in respect of the proposal.*
3. *Accepts the Committee's recommendation to grant a lease for part of Oakleigh Recreation Centre, 2A Park Road Oakleigh to WGC.*
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, including the necessary approvals from the Minister's Delegate on behalf of the Crown;*
5. *Authorises the Chief Executive Officer or her delegate, on behalf of Council, to sign all documentation required to effect a lease for part Oakleigh Recreation Centre, 2A Park Road Oakleigh to WGC.*

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 of part of Oakleigh Recreation Centre, part 2A Park Road Oakleigh (**ORC**) to the WGC. The lease premises plan is shown outlined in blue in Attachment 1 to this report.

BACKGROUND

At the Ordinary Council meeting on 30 June 2020, Council considered a report on a Proposal to Lease part of the Oakleigh Recreational Centre to WGC.

After considering the report, Council resolved as follows:

That Council:

1. *Negotiate a lease with Waverley Gymnastics Centre Inc. (WGC) for part of the Oakleigh Recreation Centre incorporating the following terms and conditions:*
 - a. *Premises: Part of Oakleigh Recreational Centre, 2a Park Road, Oakleigh*
 - b. *Tenant: Waverley Gymnastics Centre Inc.*
 - c. *Term: 21 Years*
 - d. *Rent: \$15,000 per annum years 1 -3 and \$69,074 per annum from year 4*
 - e. *Rent Reviews: Rent will be adjusted annually by CPI on the anniversary of the commencement date from the commencement of the 5th Year of the term*
 - f. *Outgoings: WGC responsible for all services and outgoings including all utilities that relate to the premises*

("the Proposal")

2. *Give public notice of the Proposal in accordance with Section 190 of the Act, in a newspaper and on Council's website from Thursday 9 July 2020 and invite submissions on the Proposal.*
3. *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').*
4. *Appoint a Committee of Council comprising the Oakleigh Ward Councillors and the Mayor to hear any submitters requesting to be heard and consider any submissions received under Section 223 of the Act.*
5. *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 2 and 3 of the above mentioned Council report, a public notice advising of Council's intention to Lease part of Oakleigh Recreational Centre to WGC was published in The Age and on Council's website on 9 July 2020 and called for submissions on the proposal to be received at Council by 5 August 2020.

Public Response

There were no enquiries, and no written submissions received during this public notification period and there has not been any subsequent submission received.

S.223 Committee Meeting

The S.223 Committee met at 6:00pm on 11 August 2020 to consider the outcome of the above public notification process.

Mayor Stuart James and Oakleigh Ward Councillors made up the S.223 Committee appointed by Council.

The agenda for the S.223 Committee was to consider all written submissions received. There were no written submissions.

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

“To recommend to Council that

1. Council proceed with the proposal to lease *part of the Oakleigh Recreation Centre* to WGC.”

POLICY IMPLICATIONS

This is aligned with Council’s direction to foster confident and connected communities by maximising the use of Council’s local facilities for a diverse range of programs, activities and opportunities.

CONSULTATION

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

FINANCIAL IMPLICATIONS

Council will receive an annual rent payment from WGC for occupation of the Premises.

CONCLUSION

It is recommended that Council accepts the Committee of Council’s recommendation to proceed with the lease of part Oakleigh Recreation Centre, part 2A Park Rd Oakleigh to WGC.

ATTACHMENT 1

Leased Premises Plan

