

**1.5 BATESFORD RESERVE – PROPOSED LEASE TO AUSTRALIAN TOWER NETWORK PTY LTD**

Responsible Committee: Committee of Council

**RECOMMENDATION**

*That Council:*

- 1. Receives this report from the Committee of Council established in accordance with the Monash Community Engagement Policy as required by Section 115 (4) of the Local Government Act (2020) (the Act) to hear and consider any submissions received to Council's public notice in respect of the proposal to negotiate a lease with the Australian Tower Network Pty Ltd for the purpose of constructing, maintaining and operating a telecommunications network at Batesford Reserve, 94 Batesford Road Chadstone.*
- 2. Notes the Committee met on Tuesday 13 September 2022 to hear and consider submissions received in respect of the proposal.*
- 3. Notes that no submissions were received.*
- 4. Accepts the Committee's recommendation to grant a lease to the Australian Tower Network Pty Ltd for the purpose of constructing, maintaining and operating a telecommunications network at Batesford Reserve, 94 Batesford Road Chadstone.*
- 5. Having complied with its obligations under the Monash Community Engagement Policy, directs the Chief Executive Officer or her delegate, on behalf of Council to sign all documentation required to effect a lease with the Australian Tower Network Pty Ltd for the purpose of constructing, maintaining and operating a telecommunications network at Batesford Reserve, 94 Batesford Road Chadstone.*

**INTRODUCTION**

This report considers the outcome of the public notification process in accordance with the Monash Community Engagement Policy as required by Section 115 (4) of the Local Government Act (2020) (the Act) for the proposed lease to the Australian Tower Network Pty Ltd. It involves the construction, maintenance and operation of a telecommunications network at Batesford Reserve, 94 Batesford Road Chadstone.

The proposed lease premises plan is shown outlined in red in Attachment 1 to this report.

### **BACKGROUND**

At the Council meeting on 26 July 2022, Council considered a report on a proposal to negotiate a lease for the purpose of constructing, maintaining and operating a telecommunications network at Batesford Reserve.

At that meeting Council resolved to:

1. *Negotiate a lease with the Australian Tower Network Pty Ltd for the purpose of constructing, maintaining and operating a telecommunications network at Batesford Reserve, 94 Batesford Road Chadstone.*
2. *Incorporating the following terms and conditions:  
Rent: \$22,000 per annum + GST  
Rent Reviews: Increased by 2% annually  
Term: 20 years  
(‘the Proposal’)*
3. *Give public notice of the Proposal in accordance with the Monash Community Engagement Policy as required by Section 115 (4) of the Local Government Act (2020) (the Act), in a daily newspaper and on Council’s website from 1 August 2022 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 in accordance with the Community Engagement Policy in respect of the Proposal. (‘Appointed Officer’).*
5. *Appoint a Committee of Council comprising of the Mayor and Mount Waverley Ward Councillors to meet to consider the outcome of the public notice referred to in point 3 above, and to hear and consider any submitters requesting to be heard in accordance with the Community Engagement Policy at 6.30pm on 13 September 2022 at the Monash City Council Civic Centre, 293 Springvale Road Glen Waverley.*
6. *Notes that following the meeting referred to in point 5 above, and consideration of any submissions, that the Committee of Council provide a report to Council on its considerations including a summary of any submissions and make a recommendation to Council on whether or not to proceed with the Proposal.*

***DISCUSSION*****Public Notification**

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

**Public Response**

No submissions were received during this public notification period.

**Committee Meeting**

The Committee met at 6.30pm on 13 September 2022 to consider the outcome of the public notification process.

Mayor Cr Stuart James and the Mount Waverley Ward Councillors comprised the Committee appointed by Council. Cr Anjalee de Silva was an apology for the meeting.

The agenda for the Committee was to consider all written submissions received.

The outcome of the Committee was as follows:

"To recommend to Council that Council proceed with the proposal to lease land to the Australian Tower Network Pty Ltd for the purpose of constructing, maintaining and operating a telecommunications network at Batesford Reserve, 94 Batesford Road Chadstone."

***CONSULTATION***

As referred to above, the public notification process of the Intention to Lease land has been completed in accordance Monash Community Engagement Policy as required by Section 115 (4) of the Local Government Act (2020).

***FINANCIAL IMPLICATIONS***

Council will receive an annual rent payment from the Australian Tower Network Pty Ltd. The Lessee will be responsible for the maintenance and renewal of the installation and the payment of utility charges.

***CONCLUSION***

It is recommended that Council accepts the Committee's recommendation to proceed with the lease of land to the Australian Tower Network Pty Ltd for the purpose of constructing, maintaining and operating a

telecommunications network at Batesford Reserve, 94 Batesford Road Chadstone.

**Attachment 1**



Proposed location of  
Mobile Phone Tower and  
Cabinet