

1.10 33-37 WESTERFIELD DRIVE NOTTING HILL - PROPOSED LEASE TO NOTTING HILL COMMUNITY ASSOCIATION INCORPORATED

Responsible Director: Peter Panagakos

RECOMMENDATION

That Council:

1. *Negotiate a lease with Notting Hill Community Association Incorporated (NHCA) for the building located at part 33-37 Westerfield Drive, Notting Hill incorporating the following terms and conditions:*
 - a. *Premises* Part 33-37 Westerfield Drive, Notting Hill
 - b. *Lessee:* Notting Hill Community Association Incorporated
 - c. *Term:* 5 years
 - d. *Rent:* \$1.00 per annum including GST
 - e. *Use:* Activities associated with Neighbourhood Houses based on local community needs

("the Proposal")

2. *Give public notice of the proposal in accordance with Section 190 of the Act, in a daily newspaper and on Council's website from 6 August 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 on a date and time to be fixed.*
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.*

INTRODUCTION

33-37 Westerfield Drive Notting Hill – Proposed Lease to Notting Hill Community Association Incorporated

The purpose of this report is for Council to commence the statutory process in accordance with Section 190 of the Act to advertise its proposal to grant a Lease to the NHCA for use of part 33-37 Westerfield Drive Notting Hill. Please refer to Attachment 1.

BACKGROUND

The NHCA started approximately eight years ago and delivers a range of activities including:

- Technology and Education
- Health and Well Being
- Kids Activities from new-borns to pre schoolers
- Art & Craft
- Family and Cultural Groups

The main hall is also available for hire.

The NHCA is funded externally with grants from the Council, the Department of Health and Human Services and various local philanthropic organisations.

DISCUSSION

The existing lease agreement expired in June 2018 and the lessee has remained on site in over holding since then, occupying the premises under the existing terms and conditions.

Prior to offering a new lease agreement, Council is required to comply with the requirements of section 190 of the Local Government Act 1989, which states that if a lease is to be:

- (a) for 1 year or more; and
 - (i) the rent for any period of the lease is \$50,000 or more a year; or
 - (ii) the current market rental value of the land is \$50,000 or more a year; or
- (b) for 10 years or more; or
- (c) a building or improving lease,

Council must, at least 4 weeks before the lease is made, publish a public notice of the proposed lease. A person has a right to make a submission under Section 223 of the Act on the proposed lease.

In accordance with Council's Leasing and Licensing Policy, the annual rental for Neighbourhood Houses is \$1.00 per annum (plus GST).

As the market rental value of this facility is greater than \$50,000, Council must publish a public notice of intention to enter into a lease and invite submissions. It is proposed to publish a public notice of the proposed lease to NHCA in a newspaper and on Council's website in early August 2020.

SOCIAL IMPLICATIONS

Neighbourhood Houses bring people together to connect, learn and contribute in their local community through social, educational, recreational and support activities, using a unique community development approach.

Neighbourhood Houses encourage the lifelong learning by welcoming people from all walks of life at all stages of life. This inclusive approach creates opportunities for individuals and groups to enrich their lives through connections they might not otherwise make.

FINANCIAL IMPLICATIONS

The Lessee is responsible for minor repairs and maintenance, Council manages any renewal works associated with the building. The Lessee is responsible for the payment of utility charges.

CONCLUSION

The NHCA has established a strong attachment to the community and delivers services which align with Council's "A Healthy and Resilient Monash: Integrated Plan 2017-2021". It is now appropriate for Council to consider a Lease to the NHCA.

To progress this, Council is required to undertake Public Notification of its intention to grant a lease and consider any submissions before determining to enter into a lease arrangement.

Attachment 1

Site Plan



Attachment 2**Key terms and Conditions associated with the proposed Lease**

Leased Area	Refer to Attachment 1
Commencement Date	The date upon which Council resolves to proceed with a lease
Permitted Use	Activities associated with Neighbourhood Houses based on local community needs
Term	5 years
Rental	\$1.00 per annum (plus GST)
Maintenance	The Lessee will be responsible for minor repairs and maintenance.
Outgoings	The Lessee will be responsible for payment of all utility costs associated with the facility.