

7.3 33-37 WESTERFIELD DRIVE NOTTING HILL - PROPOSED LEASE TO NOTTING HILL COMMUNITY ASSOCIATION INCORPORATED

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 33-37 Westerfield Drive Notting Hill to Notting Hill Community Association Incorporated.*
- 2. Notes the S.223 Committee met on Tuesday 16 February 2021 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 for part 33-37 Westerfield Drive Notting Hill to Notting Hill Community Association Incorporated.*
- 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 for part 33-37 Westerfield Drive Notting Hill to Notting Hill Community Association Incorporated.*

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 33-37 Westerfield Drive Notting Hill to Notting Hill Community Association Incorporated (NHCS). The lease premises plan is shown outlined in green in Attachment 1 to this report.

BACKGROUND

At the Ordinary Council meeting on 28 July 2020, Council considered a report on a Proposal to Lease part 33-37 Westerfield Drive Notting Hill to NHCS.

After considering the report, Council resolved as follows:

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.*

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 33-37 Westerfield Drive Notting Hill to NHCS was published in The Age and on Council's website calling for submissions on the proposal.

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 7:00pm on 16 February 2021 to consider the outcome of the above public notification process.

Mayor Brian Little and the 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 33-37 Westerfield Drive Notting Hill to Notting Hill Community Association Incorporated.”

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 the NHCA 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 accepts the Committee of Council’s recommendation to proceed with the lease of part 33-37 Westerfield Drive Notting Hill to NHCA.

ATTACHMENT 1

Leased Premises Plan

