

1.5 85 ATKINSON STREET, OAKLEIGH – PART CALOOLA RESERVE – PROPOSED LEASE TO OAKLEIGH TENNIS CLUB INC

Responsible Director: Peter Panagakos

Responsible Committee: Committee of Councillors appointed by Council, comprising Oakleigh Ward Councillors and the Mayor

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 Tennis Courts at part Caloola Reserve, 85 Atkinson Street Oakleigh (as shown in the lease premises plan in attachment 1 to this report) to the Oakleigh Tennis Club Inc.*
- 2. Notes the S.223 Committee met on Tuesday 13 April 2021 to hear and consider submissions received in respect of the proposal.*
- 3. Further notes that five (5) submissions in support of the proposal were received.*
- 4. Accepts the Committee's recommendation to lease part Caloola Reserve, 85 Atkinson Street Oakleigh to the Oakleigh Tennis Club Inc.*
- 5. 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.*
- 6. Authorises the Chief Executive Officer or her delegate, on behalf of Council, to sign all documentation required to effect a lease for part Caloola Reserve, 85 Atkinson Street Oakleigh to the Oakleigh Tennis Club Inc.*

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 Caloola Reserve, 85 Atkinson Street Oakleigh to the Oakleigh Tennis Club Inc.

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

BACKGROUND

At the Ordinary Council meeting on 15 December 2020, Council considered a report on a Proposal to lease land at part Caloola Reserve, 85 Atkinson Street Oakleigh to the Oakleigh Tennis Club Inc. (OTC).

After considering the report, Council resolved as follows:

That Council:

1. *Negotiate a lease with the Oakleigh Tennis Club (OTC) for the tennis courts located at part Caloola Reserve, 85 Atkinson Street Oakleigh.*
2. *Incorporating the following terms and conditions:*
Lessee: Oakleigh Tennis Club Incorporated
Rent: \$1,022.00 per annum including GST
Rent Reviews: Increased annually in accordance with the City of Monash's Annual Adopted Budget
Term: 12 Years
Further Term: One (1) further term of ten (10) years
Use: Tennis and associated activities

("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 27 January 2021 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. *Appoints a Committee of Council comprising the Oakleigh 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.*
6. *Consider and determine the outcome of the Section 223 process on the proposed lease at the Ordinary Meeting of Council on a date and time to be fixed.*

DISCUSSION

Public Notification

In accordance with item 3 of the above mentioned Council report, a public notice advising of Council's intention to enter into a Lease for land at part Caloola Reserve, 85 Atkinson Street Oakleigh to OTC was published in The Age and on Council's website calling for submissions on the proposal.

Public Response

Five written submissions were received during this public notification period.

S.223 Committee Meeting

The S.223 Committee met at 7:00pm on 13 April 2021 to consider the outcome of the public notification process.

Mayor Cr Brian Little, Cr Stuart James and Cr Theo Zographos comprised the S.223 Committee appointed by Council. Cr Josh Fergeus was an apology.

The agenda for the S.223 Committee was to consider all written submissions received.

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

To recommend to Council that

1. Council proceed with the intention to lease Tennis Courts at part Caloola Reserve, 85 Atkinson Street Oakleigh to Oakleigh Tennis Club Inc.”

POLICY IMPLICATIONS

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

CONSULTATION

As referred to above, the public notification process of the Intention to Lease land at part Caloola Reserve, 85 Atkinson Street Oakleigh to Oakleigh Tennis Club Inc. has been completed in accordance with the Section 223 of the Act.

FINANCIAL IMPLICATIONS

Council will receive an annual rent payment from OTC for the occupation of the premises and 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 Tennis Courts at part Caloola Reserve, 85 Atkinson Street Oakleigh to Oakleigh Tennis Club Inc.

Attachment 1

Proposed Lease Area



Atkinson Rd