

AGENDA



Meeting of the Strategic Planning Committee of Council

To be held on

Monday 9 August 2021 at 7:00 PM

Please note that this meeting is being conducted in accordance with the Department of Health and Human Services COVID-19 guidelines.

Please refer to Council's website for the latest up to date information on the format and arrangements for this meeting.

This meeting will be streamed live on the internet and recorded.

The live stream and recording can be accessed via Council's website at webcast.knox.vic.gov.au

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Ian Bell
Acting Chief Executive Officer

1 Apologies and Requests for Leave of Absence

2 Declarations of Conflict of Interest

3 Confirmation of Minutes

Confirmation of Minutes of Strategic Planning Committee Meeting on Monday 12 July 2021

4 Considering and Ordering Upon Officers' Reports

4.1 Proposed Lease for Council Owned Property - 51 Michellan Court Bayswater

SUMMARY: Acting Coordinator Property Management, Paige Kennett

This report recommends the signing of a 3 plus 3-year lease for Council owned property at 51 Michellan Court, Bayswater.

RECOMMENDATION

That the Committee:

- 1. Enter into a new lease between Knox City Council (Lessor) and Ms Lauren Gardini (Lessee) for the property located at 51 Michellan Court, Bayswater commencing 10 August 2021. The lease will be for a period of 3 years, with a 3-year option, and the annual rental being \$3,100 plus outgoings and GST, increasing annually by 3%;**
- 2. Authorise the Chief Executive Officer to sign and seal all lease documentation required to execute the lease; and**
- 3. Authorise the Chief Executive Officer to negotiate extensions to the lease to the maximum six-year term and to execute any associated documentation necessary for the extension.**

1. INTRODUCTION

Council officers have negotiated a new 3-year lease with 3-year option for the property located at 51 Michellan Court Bayswater to Ms Lauren Gardini, which is now ready for Council consideration and approval.

2. DISCUSSION

The 6 acres located at 51 Michellan Court, Bayswater has been leased for agistment for the past 11 years. The property is within a Public Acquisition Overlay (partly within the Healesville Freeway Reservation) and is affected by multiple planning scheme zones which include Rural Living Zone, Public Conservation Zone and Urban Floodway Zone. The land is also subject to an Environmental Significance Overlay. For these reasons, the property has very limited uses, so council officers recommend the site continues to be used for agistment. Officers have negotiated a new lease on this basis.

The proposed tenant has sub-leased the agistment for her horses since 2007, including one 34-year-old thoroughbred mare, and one 24-year-old thoroughbred gelding, with both still agisted on the property. The proposed tenant intends to use the agistment land privately for her animals, using the land for livestock/grazing only. Poor management of the lease and sub-tenants saw the previous tenant lose the option to extend the previous lease. The previous tenant sub-let part of the property to this proposed lessee, who made improvements during that time and has demonstrated themselves to be a suitable tenant for the overall property.

As a condition of the lease, the proposed tenant will maintain the property, including fencing, provide periodic reporting of all animals agisted on the property to Council, and will not be

permitted to sub-let the agistment without prior written approval from Council. The property is also subject to a Public Acquisition Order which is included in the lease in the form of a demolition clause (6 months' notice).

3. CONSULTATION

As the lease is less than 10 years and the annual market rental is less than \$100,000, there is no requirement under the Local Government Act 2020 to advertise.

4. ENVIRONMENTAL/AMENITY ISSUES

There are no environmental or amenity issues with this report.

5. FINANCIAL & ECONOMIC IMPLICATIONS

The proposed lease amount for 51 Michellan Court, Bayswater is based on an independent valuation. The agreed lease amount is \$3,100 plus outgoings and GST, increasing annually by 3%.

The 3-year term of the lease with a 3-year option, meets the strategic intent of the site.

6. SOCIAL IMPLICATIONS

Having this property used as a private agistment will ensure the property continues to be used with the tenant upkeeping the property at no cost to Council or rate payers.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 8 - We have confidence in decision making

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations.

8. CONFLICT OF INTEREST

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

9. CONCLUSION

It is recommended to enter a lease with Ms Lauren Gardini for the property located at 51 Michellan Court, Bayswater. The recommended lease term is for 3 years with a 3-year option, commencing 10 August 2021. The recommended annual rent is \$3,100 plus outgoings and GST, with 3% annual increases. It is recommended to authorise the Chief Executive Officer to execute all lease documents, and all lease extensions up to the maximum term of 6 years.

10. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

Report Prepared By: **Acting Coordinator Property Management, Paige Kennett**

Report Authorised By: **Director, City Strategy and Integrity, Matt Kelleher**

Attachments

Nil

4.2 Proposed Lease - 946 Burwood Highway Ferntree Gully

SUMMARY: Acting Coordinator Property Management, Paige Kennett

This report recommends the signing of a new 6-month lease, with 3 x 6-month options for the Council property located at 946 Burwood Highway, Ferntree Gully.

RECOMMENDATION

That the Committee:

- 1. Enter into a new lease between Knox City Council (Lessor) and Capsolate Pty Ltd (Lessee) for 946 Burwood Highway, Ferntree Gully dependent on imminent permit approval. The lease will be for a period of 6 months, with 3 further 6-month options, with the monthly rental being \$2,900 plus GST and outgoings, increasing annually by 3%; and**
- 2. Authorise the Chief Executive Officer to sign the lease documents required to execute the lease and to negotiate and execute any extensions up to a maximum of 2 years.**

1. INTRODUCTION

The Council owned vacant land located at 946 Burwood Highway, Ferntree Gully (shown below in red) is 1,217 sqm. The previous tenant was a car sales company that vacated in 2018 with the property remaining vacant since. The vacant land was recently advertised for lease by Council's managing agent, with a lease negotiated with a new tenant, Capsolate Pty Ltd. As this parcel of land is subject to a Public Acquisition Order (PAO) the proposed use requires a permit. The lease is therefore conditional on a permit being approved by Council and the Department of Transport (DOT).

2. DISCUSSION

The property located at 946 Burwood Highway Ferntree Gully is owned by Council and subject to a Public Acquisition Order as it's earmarked for the Dorset Road extension. Council officers instructed managing agents to advertise for a short-term lease for the site, to better utilise Council assets, which otherwise remain vacant while waiting for the Dorset Rd extension project to progress.

The prospective tenant has a business in pop-up accommodation domes which take little time to put up and take down. The business plans to display the pop-up accommodation system, with no permanent structures permitted on the site as part of this lease.

The proposed tenant is applying to Council for a planning permit to use the site as described. Officers have consulted with statutory planning and the Department of Transport, and have determined that the proposed use meets the requirements of a permit application, and as the structures are not permanent, do not cause any concern.

The proposed lease meets the strategic intent for the site, and specific lease terms safeguard the future access requirements of the site for the Dorset Road extension, to be undertaken by the Major Road Projects Victoria.



3. CONSULTATION

In accordance with the Local Government Act 2020, no public consultation is required as the lease is under 10 years and \$100,000 per annum.

Council officers have consulted internally with the planning department, with the Department of Transport and managing agents.

4. ENVIRONMENTAL/AMENITY ISSUES

The property has been vacant for two years. Having a tenant on the property improves utilisation of Council assets keeping them occupied, and cared for, particularly in such a prominent position on Burwood Highway.

5. FINANCIAL & ECONOMIC IMPLICATIONS

The proposed lease for 946 Burwood Highway, Ferntree Gully is with Capsolate Pty Ltd for a period of 6 months with 3 x 6-month further options; commencement date dependent on permit approval. The agreed rental is \$2,900 per calendar month (plus GST), plus outgoings, increasing annually by 3%.

The rental has been determined by agents appointed by Council in accordance with commercial rentals within this area and in accordance with the condition of the premises. This is a worthwhile

opportunity for Council to receive income for vacant land in the lead up to the Dorset Road extension project.

6. SOCIAL IMPLICATIONS

There are no social implications in relation to this report.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 8 - We have confidence in decision making

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

8. CONFLICT OF INTEREST

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

9. CONCLUSION

It is recommended to enter into a lease with Capsolate Pty Ltd for 6-months, with 3 x 6-month further options, for a monthly rent of \$2,900 plus GST, plus outgoings, increasing annually by 3%. Commencement of the lease is conditional on permit approval by Council and Department of Transport. It is also recommended to authorise the Chief Executive Officer execute all lease documentation, and all lease extensions to a maximum term of 2 years.

10. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

Report Prepared By: Acting Coordinator Property Management, Paige Kennett

Report Authorised By: Director, City Strategy and Integrity, Matt Kelleher

Attachments

Nil

5 Motions for Which Notice has Previously Been Given

6 Supplementary Items

7 Urgent Business

8 Confidential Items

8.1 Synthetic Surfaces

A confidential report is circulated under separate cover.