

AGENDA

Meeting of the Strategic Planning
Committee of Council

To be held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 9 December 2019 at 7:00 pm



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Tony Doyle
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 11 November 2019

4 Considering and Ordering Upon Officers' Reports

4.1 Treaty for Victoria

Presentation by Andrew Peters and Michelle Isles as resolved by the Strategic Planning Committee, 11 November 2019

4.2 Notice of Intention to Lease Knox Park Athletics Track, Bunjil Way, Knoxfield

SUMMARY: Coordinator Leisure Services, Bronwyn Commandeur

This report seeks Council's approval to initiate the process specified under Section 190 of the Local Government Act 1989 to lease the Knox Park Athletics Centre, 1672 Ferntree Gully Road, Knoxfield (as indicated in Attachment 1), to Athletics Knox Board of Management Inc.

RECOMMENDATION

That Council:

- 1. Initiate the process specified under Section 190 of the Local Government Act 1989 to lease the Knox Park Athletics Centre contained in Certificate of Title Volume 10478 Folio 212 at 1672 Ferntree Gully Road, Knoxfield to Athletics Knox Board of Management (AKBOM) Inc A0036972H (as indicated in Attachment 1) and that public notice of the proposed lease be given in the Knox Leader. This proposed lease is to include the following conditions:**
 - a) The term of the lease will be for five years with two further terms of five years each.**
 - b) The rental will be \$6,280 (plus GST) increasing annually by CPI.**
 - c) That AKBOM will contribute \$100,000 (plus GST) towards the synthetic track replacement.**
- 2. Hear submissions in accordance with Section 223(1)(b) of the Local Government Act 1989 and appoint the following Committee of Council comprising Councillor _____, Councillor _____ and Councillor _____ to consider submissions at 5.00 pm on 10 February 2020 at the Knox Civic Centre, 511 Burwood Highway, Wantirna South.**
- 3. Authorise the Chief Executive Officer to carry the administrative procedures required by Section 223 (3) of the Local Government Act 1989.**
- 4. Receive a further report on the outcome and associated recommendations of the Section 190 and 223 process.**

1. INTRODUCTION

On 1 September 2009, Council entered into a lease agreement with Athletics Knox Board of Management (AKBOM) for the management and operation of the Knox Park Athletics Centre at 1672 Ferntree Gully Road, Knoxfield. The lease was for a period of nine years and expired on 31 August 2018. This lease continued in overholding to ensure continued operation and community access to the Centre.

It is proposed that Council recommence the statutory process to enter into a lease with AKBOM for the site identified as Attachment 1 of this report. The site includes a pavilion, grandstand, storage shed, and synthetic athletics track incorporating an eight-lane circular track, hammer and discus cages, long and triple jump pits, and areas for high jump, pole vault, shot put and javelin.

This proposed lease will allow AKBOM to continue to service the Knox community and operate the facility to a high standard. The proposed lease also provides that AKBOM is responsible for maintenance and contributions towards facility upgrades and renewal works.

2. DISCUSSION

2.1 Knox Park Athletics Centre

Knox Park Athletics Centre consists of a synthetic athletics track, including an eight-lane circular running track, hammer and discus cages, long and high jump areas and pole vault, pavilion, grandstand and storage shed. It is currently managed by AKBOM, which is made up of representatives from Knox Athletics Club, Knox Little Athletics Centre and Knox Masters Athletics. AKBOM oversees all operational issues including club, school and casual bookings, utilities and services, cleaning and maintenance in line with the maintenance schedule. Under the maintenance schedule, Council is broadly responsible for structural maintenance and repair with AKBOM responsible for non-structural issues. AKBOM are responsible for track maintenance and Council maintains the grass area inside the synthetic track.

2.2 Legislative Requirements

It is proposed that Council enter into a lease with AKBOM for five years with two further terms of five years each (15 years) for this site. Sections 190 and 223 of the Local Government Act 1989 requires that a public notice of the proposed lease be given and that submissions be invited and considered.

2.3 Athletics Knox Board of Management

AKBOM has been involved in a management role with Knox Park Athletics Centre since its establishment in 1978 as an asphalt track. AKBOM has contributed financially to numerous capital works projects since that time, including construction of the pavilion, storage sheds, long and triple jump pits, shotput and discus areas, grandstand and pole vault run up, in addition to purchasing equipment, and installing speakers, floodlights and paths.

The synthetic track was replaced in 2013, with AKBOM contributing \$100,000 (plus GST) towards the cost in line with the requirements of their lease agreement.

AKBOM manages all operations of the facility and regular users including:

- Knox Athletic Club – regular training sessions and track meets conducted by Athletics Victoria.
- Knox Little Athletic Centre – regular training sessions and weekly meets during summer; occasional regional events conducted by Little Athletics Victoria.
- Knox Masters Athletics – weekly track meets.
- Knox Tri Club – twice weekly training sessions.
- Yarra Ranges Umpires Association – weekly training sessions autumn to spring.
- Schools – approximately 100 school carnivals held annually.
- Relay for Life – annual fundraising event.

AKBOM allows members of the public to use the track at no cost when it is not being used by a paying booking. The gates at the track are open 24/7 for community use.

2.4 Proposed Lease Principles

Discussions have occurred between AKBOM and Council representatives regarding an appropriate lease agreement. These discussions have resulted in a draft lease agreement with the following key terms and conditions proposed:

Lease Term

Initial term of five years with an option of two further terms of five years each (15 years in total).

It is proposed that the lease commence on 1 April 2020.

Lease Rental Fee

A rental of \$6,280 (plus GST) per annum from the commencement date, to be increased annually by CPI.

The proposed lease fee has been determined in line with Council's Leasing and Licensing Policy. AKBOM is a not-for-profit incorporated association with all proceeds from the management of Knox Park Athletics Centre invested back into the facility. It is dependent on volunteers and can generate income above the operating costs. As such and in accordance with the policy, AKBOM is classed as "Community Group B".

The required fees for this category of tenant allows the Facility Advocate to make a recommendation to Council based upon a number of factors, including market rental value, level of maintenance responsibility, capital and renewal contributions and access to the facility.

A market rental valuation was carried out in May 2018, and the report assessed the current value at \$7,000 (plus GST) per annum. In line with the Leasing and Licensing Policy, the Facility Advocates within the Leisure Services Team recommend that this figure be reduced to reflect the contribution made to the facility by AKBOM. Under the terms of the lease agreement, AKBOM are responsible for maintenance of non-structural elements of three Council buildings (pavilion, grandstand and storage shed) and share financial responsibility for preventative and reactive maintenance to the synthetic track and field sport area with Council. Council's contribution towards maintenance is capped at \$20,000 per annum with AKBOM solely responsible for any repairs beyond this cap.

AKBOM is required to contribute \$100,000 (plus GST) of the total project cost of replacement of the synthetic track, currently scheduled for 2022/23. AKBOM have been saving for this cost throughout their existing agreement and currently have \$97,053.00.

The policy also allows for access by Knox residents to be considered when determining the lease fee. In addition to use by Knox Athletics Club, Knox Little Athletics Centre and Knox Masters Athletics, the track is also used for a number of local schools' sports days and is open 24/7 for the general public to use casually free of charge.

The current lease fee is \$6,151 (plus GST) and the proposed new fee reflects an increase of 2.1% from the current fee, in line with CPI.

Track Renewal and Improvement Fund

AKBOM is required to contribute \$100,000 (plus GST) of the total project cost of replacement of the synthetic track, currently scheduled for 2022/23. AKBOM have been saving for this cost throughout their existing agreement.

Maintenance Schedule

AKBOM will be responsible for carrying out all maintenance and repair work to the facility, including the track and buildings, in line with the maintenance schedule. In general, Council will be responsible for structural maintenance and repair, maintenance of the grass area inside the track, external fencing and a capped contribution towards track repairs. AKBOM will be responsible for non-structural maintenance and repair, grassed areas outside the track, internal fencing and track repairs beyond Council's contributions.

3. CONSULTATION

AKBOM has indicated its interest to enter into a new lease agreement with Council for Knox Park Athletics Centre.

Consultation has been undertaken with all appropriate internal and external stakeholders.

Sections 190 and 223 of the Local Government Act 1989 provides the opportunity for the public to make a submission about the proposed lease.

4. ENVIRONMENTAL/AMENITY ISSUES

There are no environmental or amenity issues associated with this report.

5. FINANCIAL & ECONOMIC IMPLICATIONS

It is recommended that the annual lease fee be set at \$6,280 (plus GST). The proposed lease fee has been determined in line with Council's Leasing and Licensing Policy and reflects the contribution AKBOM has and will make to the local community and the investment it has and will make to the facility through the ongoing operation and maintenance and capital upgrades to this facility.

AKBOM is required to contribute \$100,000 (plus GST) of the total project cost of replacement of the synthetic track, currently scheduled for 2022/23.

6. SOCIAL IMPLICATIONS

The use of this property by Athletics Knox Board of Management will allow the provision of athletic and athletics related activities for local sporting clubs, schools and the wider community.

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

Goal 6 - We are healthy, happy and well

Strategy 6.1 - Mitigate lifestyle risks such as smoking, risky alcohol consumption and drug use, obesity, lack of physical activity and poor nutrition

Strategy 6.2 - Support the community to enable positive physical and mental health

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

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author – (Bronwyn Commandeur, Coordinator Leisure Services) – In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – (Peter Gore, Co - Manager, Youth Leisure and Cultural Services) – In providing this advice as the Officer Responsible, I have no disclosable interests in this report.
Director, Community Services, Tanya Scicluna

9. CONCLUSION

It is recommended that Council commence the statutory process to lease Knox Park Athletic Centre contained in Certificate of Title Volume 10478 Folio 212 at 1672 Ferntree Gully Road, Knoxfield to Athletics Knox Board of Management for a term of five years with two further terms of five years each. The rental for this proposed lease is \$6,280 (plus GST) per annum increasing annually by CPI for the term of the lease.

10. CONFIDENTIALITY

There are no items of a confidential nature in this report.


Report Prepared By: Coordinator Leisure Services , Bronwyn Commandeur

Report Authorised By: Co-Manager Youth, Leisure and Cultural Services, Peter Gore

Attachments

1. Attachment 1 - Area proposed to be leased to AKBOM [4.2.1 - 1 page]



 Area proposed to be leased to Athletics Knox Board of Management (AKBOM)

5 Motions for Which Notice has Previously Been Given

6 Supplementary Items

7 Urgent Business

7.1 Urgent Business

7.2 Call Up Items

8 Confidential Items

8.1 Proposed Land Use and Acquisition of JW Manson Reserve

A confidential report has been circulated under separate cover