

# MINUTES

## Property Committee Meeting

9 August 2018

### Committee Members

Here within are the Minutes of the Property Committee Meeting held Thursday 9 August 2018 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.

*As this Committee does not hold Delegated Powers or Duties in accordance with Section 5.23 of the Local Government Act the meeting was not open to the public.*



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

15 August 2018

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# Property Committee Meeting - Minutes

## 1. DECLARATION OF OPENING

The Chair opened the meeting at 6.35pm and welcomed everyone in attendance.

## 2. ATTENDANCE

### Elected Members

Mayor	Sue Doherty
Manning Ward	Councillor Blake D'Souza
Manning Ward	Councillor Colin Cala
Mill Point Ward	Councillor Ken Manolas
Moresby Ward	Councillor Greg Milner (Deputy Chair)
Moresby Ward	Councillor Travis Burrows (Chair)

### External Committee Members

Mr Lewis Brock

### Consultants

Conway Highbury	Mr Ray Davy
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### Officers

Chief Executive Officer	Mr Geoff Glass
Director Development & Community Services	Ms Vicki Lummer
Manager Development Services	Mr Stevan Rodic
Manager Governance	Ms Bernadine Tucker
Governance Officer	Ms Sharron Kent

### 2.1 APOLOGIES

Nil

### 2.2 APPROVED LEAVE OF ABSENCE

Nil

## 3. DECLARATIONS OF INTEREST

Nil.

## 4. CONFIRMATION OF MINUTES

### 4.1 PROPERTY COMMITTEE MEETING HELD: 12 MARCH 2018

#### **Motion AND COMMITTEE DECISION**

**Moved:** Councillor Greg Milner  
**Seconded:** Mayor Sue Doherty

That the Minutes of the Property Committee Meeting held 12 March 2018 be taken as read and confirmed as a true and correct record.

**CARRIED (7/0)**

## 5. BUSINESS ARISING FROM PREVIOUS MEETING

Nil.

## 6. REPORTS

*Note: The Chair brought forward Items 6.2 – 6.5 pending the arrival of a representative from Mackay Urban Design for Item 6.1.*

### 6.2 FORMER MANNING LIBRARY

Location:	Reserve 33639
Ward:	Manning Ward
Applicant:	City of South Perth
File Ref:	D-18-77199
Meeting Date:	9 August 2018
Author(s):	Ray Davy, Property Consultant
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Economy: A thriving City activated by innovation, attractions and opportunities
Council Strategy:	2.2 Activated Places

#### Summary

This report provides an update regarding the proposed lease of the former Manning Library, and seeks guidance from the Committee as to a preferred way forward.

#### Officer Recommendation AND COMMITTEE RECOMMENDATION

**Moved:** Mayor Sue Doherty  
**Seconded:** Councillor Greg Milner

That the Committee recommends to the Council that it proceed with Option 4 of this report.

**CARRIED (7/0)**

#### Background

The City of South Perth built the subject building situated at the George Burnett Recreation Precinct, on the corner of Manning Road and Goss Avenue, Karawara for the purposes of a Library in 1964. Officially named the Walter Murdoch Library - Manning Branch, it was in operation up until February 2017 when the new Manning Library opened as part of the Manning Community Hub adjacent to James Miller Oval.

With the relocation of the library collection to the new Hub, it was decided to lease the property for a suitable use whilst a decision is made regarding the master planning process of the George Burnett Recreation Precinct.

The City sought non-binding expressions of interest for use of the building in line with the Strategic Community Plan 2017-2027, and the zoning of the land for the purpose of Community, Parks and Recreation. Submissions needed to be cognisant of the location and the City's commitment to facilitate the provision of a range of services and opportunities. This included potential and innovative sharing arrangements, community usage, environmental groups, arts and cultural usage and not for profit.

At its meeting on 6 December 2017 the Committee received a report on the outcome of the expressions of interest process and resolved to defer the matter pending advice from the Minister for Lands on the scope of commercial use that may be permissible. Following receipt of advice that ruled out any commercial use, the matter was further considered by the Committee at its meeting on 12 March 2018 when it was agreed to recommend to Council that 5 of the 8 applications be progressed to a further stage of evaluation. It also resolved that any decision on the potential alternative of having the existing Management Order revoked to permit the premises to be leased for commercial purposes, be deferred pending the outcome of the George Burnett Leisure Precinct Master Plan Review.

### **Comment**

Two formal tenders were received, being from:

- Bayswater Extended Community Help Organisation (ECHO) Community Services, and
- Blue Thumb Project Inc

These were evaluated by an internal panel, which resolved not to recommend either proposal progress through to Stage 3.

Upon finalising consensus, the panel decided to explore the option (indicated in both submissions) for a joint proposal. This was suggested by the panel, appreciating that both organisations were perceived to offer complementary and supplementary elements to each other's proposals which could collectively represent a more favourable proposition. Also, due to the infrequency of the meeting of the Property Committee (and the timeline extension to the process previously when officers were required to seek additional advice during Stage 1 for the Committee's consideration), the value in obtaining an additional proposal was seen as a positive opportunity to increase options for the site available to the City.

This approach was facilitated following an informal telephone discussion (31 May 2018), formal meeting (6 June 2018) and correspondence exchange wherein both applicants were invited to jointly respond to each of the qualitative criteria, including additional detail on layout and a proposed MOU.

This opportunity to submit a joint proposal to the Property Committee for consideration was well received by both organisations at the formal meeting, appreciating earlier discussions regarding shared use of the building having stimulated conversation amongst and engagement between the organisations.

## 6.2 Former Manning Library

Owing to deadlines for pending meetings, it was requested by both organisations that preliminary information would be sought and received by the City for consideration by 11 June 2018, rather than a detailed proposal. This was deemed acceptable, acknowledging that should the proposal be favourable to the Committee further detail would be required at a later stage to accompany any reports required to go through Council.

The preliminary information sought was therefore deemed to be a brief but collective response to all the selection criteria outlining how ECHO and Blue Thumb would jointly propose to use the building and service the community. The majority of this information sought had already been received but varied somewhat between organisations. Additionally, further clarity was sought detailing anticipated works and associated costings to upgrade the ablution services in the building expected of Council as part of their proposal, as well as anticipated return to Council.

However, on 12 June 2018 Blue Thumb decided not to proceed in partnership, and suggested instead that their original proposal stand on its own merits. The other organisation, ECHO, decided to present another submission as a stand-alone entity on this date.

The panel met again on 14 June 2018, discussing the decision of the organisations not to submit a joint proposal. At this meeting, the following was noted:

- ECHO maintained their expectation that Council outlay capital expenditure for ablutions;
- ECHO services were still predominantly very similar to SouthCare, an organisation supported by the City;
- ECHO sought to seek out partnerships within the local community by providing co-working space for various activities including craft or sporting groups;
- ECHO expect a turnover of over \$4 million in the 2017/2018 year; and
- ECHO propose to pay the City a peppercorn lease

The panel noted that should the City decide to accept the submission from ECHO, this may detract existing or future bookings from community groups using other existing City infrastructure (including neighbouring George Burnett Leisure Centre), thereby reducing activity within these premises and revenue to the City. Additionally, by entering into a peppercorn lease, the panel suggested that this may unfairly advantage this organisation's competitiveness and indirectly discriminate commercially against other like providers.

This final version of the Evaluation Panel Recommendation Report has been updated accordingly, with the panel decision that neither applicant be invited individually to progress through to Stage 3 still being maintained.

Longer term options for the site are being reviewed in the George Burnett Leisure Precinct Draft Masterplan and are likely to include a recommendation to demolish the building as it is no longer fit for purpose. This is in line with more recent approaches to planning highlighting inefficiencies exist owing to the lack of co-location of community infrastructure.

## 6.2 Former Manning Library

The building currently represents a financial impost on the City and is subject to graffiti and other anti-social behaviour. Accordingly, if it is to be retained in the shorter term there is a need to both activate it and to recoup revenue from the building at least sufficient to cover the costs of maintenance given that the implementation of the GBLC Masterplan may be some years away.

The following options are presented for the consideration of the Committee:

Option 1 – Demolish the building

Option 2 – Re-advertise expressions of interest for community groups willing to lease the building at a rental sufficient to cover the maintenance and operating costs to the City. It is estimated that operating costs would be in excess of \$23,000 per year.

Option 3 – Explore the possibility of relocating the South Perth Senior Citizens Centre or another community group to the building, allowing another property to be freed up for potential redevelopment

Option 4 - Seek the revocation of the existing Management Order and an amendment to the Metropolitan Region Scheme to enable the property to be leased for commercial purposes.

### Consultation

The City will be required to advertise any proposed lease arrangements as mandated by section 3.58 of the *Local Government Act 1995* and consider any public submissions prior to entering into the lease.

### Policy and Legislative Implications

Nil.

### Financial Implications

Not known at this stage.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Economy
Aspiration:	A thriving City activated by innovation, attractions and opportunities
Outcome:	Activated Places
Strategy:	Facilitate activity centres and neighbourhood hubs that offer a diverse, viable and attractive mix of uses.

### Attachments

Nil

### 6.3 BURCH STREET CARPARK

Location:	Ernest Johnson Reserve
Ward:	Como Ward
Applicant:	City of South Perth
File Ref:	D-18-77215
Meeting Date:	9 August 2018
Author(s):	Ray Davy, Property Consultant
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

#### Summary

This report summarises the situation regarding the Burch Street carpark, which provides parking for South Perth Hospital as well as for the Ernest Johnson Reserve.

#### Officer Recommendation

**Moved:** Mayor Sue Doherty  
**Seconded:** Councillor Colin Cala

That the Committee recommends to the Council that the CEO be requested to initiate a study of options for the Burch Street carpark land, incorporating an appropriate provision for parking to be leased to South Perth Hospital on commercial terms, and present the outcome to a future meeting of the Committee.

#### Amended Motion AND COMMITTEE RECOMMENDATION

**Moved:** Mr Lewis Brock  
**Seconded:** -

That the words “or sold” be added after the words “to be leased” as follows (shown in red):

That the Committee recommends to the Council that the CEO be requested to initiate a study of options for the Burch Street carpark land, incorporating an appropriate provision for parking to be leased **or sold** to South Perth Hospital on commercial terms, and present the outcome to a future meeting of the Committee.

#### LAPSED FOR WANT OF A SECONDER

#### Amended Motion AND COMMITTEE RECOMMENDATION

**Moved:** Mayor Sue Doherty  
**Seconded:** Councillor Colin Cala

That the words “, incorporating an appropriate provision for parking to be leased to South Perth Hospital on commercial terms,” be deleted as follows (shown in red):

That the Committee recommends to the Council that the CEO be requested to initiate a study of options for the Burch Street carpark land ~~, incorporating an~~



~~appropriate provision for parking to be leased to South Perth Hospital on commercial terms~~, and present the outcome to a future meeting of the Committee.

**CARRIED (7/0)**

The Amended then became the Substantive.

#### **COMMITTEE RECOMMENDATION**

**Moved:** Mayor Sue Doherty  
**Seconded:** Councillor Colin Cala

That the Committee recommends to the Council that the CEO be requested to initiate a study of options for the Burch Street carpark land and present the outcome to a future meeting of the Committee.

**CARRIED (7/0)**

#### **Background**

The City owns in freehold title an area of land adjacent to the Ernest Johnson (“EJ”) Reserve which has been developed as a car park (also known as the Burch Street carpark) and jointly used for many years by patrons of the Reserve as well as by clients of the adjoining South Perth Hospital. With the redevelopment of the EJ Reserve including extensive new parking areas, it is anticipated that demand for parking in this area by patrons of the Reserve will be significantly reduced. This raises the question of whether the City should now seek a return from the asset through lease, sale or redevelopment.

Concurrently, the South Perth Hospital has over many years been developing a masterplan for future development and has recently presented a draft version of this for consideration by the City’s Design Review Panel. The draft masterplan clearly identifies the Burch Street carpark as a key element of the Hospital’s future development.

A preliminary meeting was held between City officers and the CEO of the Hospital on 21 March 2018, following which the Mayor, Deputy Mayor and CEO of the City were asked to meet with the Chair, Deputy Chair and CEO of the Hospital Board to discuss the future of the carpark. Whilst the Hospital acknowledged that the carpark belonged to the City, at both meetings it was made clear they believed that the City should provide a more favourable arrangement to them in regards to the carpark.

#### **Comment**

There is no record of any formal arrangement with the South Perth Hospital for the use or maintenance of the Burch Street carpark, despite it having been used by the Hospital for many years. It is unambiguous that the carpark is owned by the City, which has extended it in the past and provides ongoing regular maintenance including sweeping, line marking and surface patching.

Documentation in the City’s files suggests that South Perth Hospital has historically acknowledged the City’s ownership. By way of example, a Concept Paper for future development of the hospital forwarded to the City under cover of a letter dated 30 August 2004 stated that “*We understand that the Council has budgeted funds for 2004/05 to resurface the Burch Street car park. The Hospital Board has agreed to*

*meet part of the costs involved and would request that 15 bays closest to the hospital be granted to South Perth Hospital as a special hospital use."*

A report to the Council meeting on 27 June 2006, at which a development application for extensions and refurbishment to the Hospital was being considered, also noted that "... the Hospital has offered to contribute towards the cost of redesigning the City's Ernest Johnson carpark to accommodate approximately 30 additional car bays" and further that "... Council may wish to consider the possibility of charging the Hospital for long-term dedicated use of specific car bays in the Ernest Johnson carpark".

None of this suggests that the parties were ever in doubt as to the proper ownership and tenure arrangements applying to the Burch Street carpark.

Council resolved at that time that a conceptual master plan should be prepared to assist the Hospital and the City in better understanding and planning for the future needs of the Hospital. In approving this development application the Hospital was required to pay \$61,250 towards increasing the available public parking in the vicinity of the Hospital.

The Hospital has been progressing work on a master plan over the past several years, including seeking feedback from the City's Design Review Panel in July 2016 and again in March 2018. The Hospital's representatives also provided a briefing to the Council in October 2016 regarding the future requirements of the Hospital and progress towards preparation of a master plan. The presentation to the Design Review Panel in March 2018 included plans for a second level to the Burch Street Carpark and associated adjacent landscaping, playground and entrance from South Terrace. The Design Review Panel provided design feedback on this proposal but did not discuss the ownership of the carpark site or adjacent public reserve (across which the master plan proposed to construct an access road to the carpark).

The City has been at pains to reassure the Hospital that it has no plans at the present time to sell, redevelop or rezone the Burch Street carpark. However, the City should not be constrained from considering such measures as part of its Strategic Property Review. In order to progress the matter, it is recommended that a study of development options be undertaken, which would incorporate an appropriate level of parking for the Hospital, to inform the Council's future decisions on the use of the land and as a basis for further discussions with the Hospital.

It is unsatisfactory from a legal risk perspective that there is no formal tenure arrangement at present for the Hospital to use the carpark and this needs to be rectified. Accordingly, it is appropriate that any use of the land by the Hospital, both now and under any future development scenario, be covered by a formal commercial lease.

### **Consultation**

The City has committed to ongoing consultation with South Perth Hospital regarding the future use and tenure of the property. Any proposed lease will be subject to statutory consultation as mandated by section 3.58 of the *Local Government Act 1995*.

**Policy and Legislative Implications**

Nil.

**Financial Implications**

A valuation of the property has been commissioned by the City, showing a market value in the range \$3.8 million to \$4.8 million excluding GST, depending on zoning. If the property were leased to the Hospital on a yield of 5%, this would equate to annual rental in the vicinity of \$200,000 - \$250,000.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	Community Infrastructure
Strategy:	Manage the use and development of the City's properties, assets and facilities

**Attachments**

Nil

## 6.4 BOATSHED CAFE EXPANSION

Location:	Boatshed Cafe, Coode Street, South Perth
Ward:	Mill Point Ward
Applicant:	City of South Perth
File Ref:	D-18-77223
Meeting Date:	9 August 2018
Author(s):	Ray Davy, Property Consultant
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Economy: A thriving City activated by innovation, attractions and opportunities
Council Strategy:	2.1 Local Business

### Summary

This report provides an update regarding the proposed expansion of the Boatshed Café.

### Officer Recommendation AND COMMITTEE RECOMMENDATION

**Moved:** Councillor Greg Milner

**Seconded:** Councillor Colin Cala

That the Committee recommends to the Council that it receive and note the report.

**CARRIED (7/0)**

### Background

At its meeting on 6 December 2017 the Committee received a presentation from the Lessee of the Boatshed Café regarding a proposed expansion of the lease area in order to develop an expanded alfresco dining area. The café sits on Crown Reserve land which was excised from the surrounding Sir James Mitchell Park in 2008, with a lease that is due to expire in 2029.

A Development Application (DA) has been submitted for the proposed expansion, and at its meeting on 27 March 2018 Council authorised the CEO to sign the DA (as primary lessee of the land) for the purposes of submission to the relevant State planning authorities.

The owner/Lessee of the café has approached the City with a proposal for a new lease of 21 years from the date on which the DA or the new lease is approved (whichever is the later), in order to defray the cost of expansion. The Lessee also proposes that it assume full maintenance responsibility for the public toilets which form part of the café complex.

### Comment

The Boatshed Café is regarded as a key element in creating a vibrant riverside precinct for the City, and the present owners have been exemplary Lessees since taking over the premises. The City is supportive of the aspiration to provide an expanded and less formal riverside dining experience through the proposed alfresco expansion. It is understood that there is not intended to be any overall

#### 6.4 Boatshed Cafe expansion

increase in patronage as a consequence of the proposed changes, but that is one of several matters to be addressed in the planning approval process.

While the City has general powers to lease Crown reserve lands under its management for a period of up to 21 years, the management order for designated parks and recreation land such as Sir James Mitchell Park excludes commercial use, which applies to a restaurant or café taking bookings. When the current lease was created in 2008, the lease area was excised from the surrounding reserve and placed under a separate management order to permit the current lease for commercial purposes. Accordingly, if the Minister for Lands approves the proposed new lease it would presumably also require the additional land to be similarly excised for inclusion in the separate title on which the café currently sits.

The Lessee's proposal to include management and maintenance of the public toilets in any new lease is considered to be a sensible outcome for both parties, and the commercial implications of this will be reflected in the new rental arrangements. Any specific conditions arising from either the Ministerial consent or the planning approval process can also be incorporated in a new lease agreement.

Until the terms of the requisite approvals are known, it is not practicable to finalise a new lease agreement. In addition, it will be necessary for the parties to reach agreement on a starting rent for the new lease, which would then be subject to periodic review in accordance with the existing lease. Discussions will be held with the Lessee on key terms for a new lease, to be presented for the "in principle" approval of the Committee and Council at a future meeting. It is then proposed that an Agreement for Lease be entered into to reflect the agreed terms, with the formal lease to come into effect at such later date as the necessary approvals are received.

#### **Consultation**

The City will be required to advertise the proposed lease arrangements as mandated by section 3.58 of the *Local Government Act 1995* and consider any public submissions prior to entering into the lease.

#### **Policy and Legislative Implications**

Nil.

#### **Financial Implications**

Nil.

#### **Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Economy
Aspiration:	A thriving City activated by innovation, attractions and opportunities
Outcome:	Local business
Strategy:	Attract and support a broad range of small and medium-sized enterprises (SMEs) to the City

#### **Attachments**

Nil

## 6.5 RESERVE 33804 PROPOSED MILLERS POOL RESTAURANT / CAFE

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	City of South Perth
File Ref:	D-18-77228
Meeting Date:	9 August 2018
Author(s):	Ray Davy, Property Consultant
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Economy: A thriving City activated by innovation, attractions and opportunities
Council Strategy:	2.1 Local Business

### Summary

This report considers the City's proposal to develop a portion of Reserve 33804 for the purpose of a permanent café / restaurant, to be known as Millers Pool Café.

### Officer Recommendation

**Moved:** Mayor Sue Doherty  
**Seconded:** Councillor Colin Cala

That the Committee recommends to the Council that the CEO be authorised to:

- a) Take the necessary steps to excise a portion of Reserve 33804, for the purpose of the development and operation of a permanent café / restaurant; and
- b) Seek indicative proposals from potential developers of a café/restaurant at the site; and
- c) Secure a lease of the excised land to the City (with the power to sublease), for the purpose of a permanent café / restaurant.

### Amended Motion AND COMMITTEE RECOMMENDATION

**Moved:** Councillor Ken Manolas  
**Seconded:** Councillor Blake D'Souza

That point a) be deleted as follows (in red):

That the Committee recommends to the Council that the CEO be authorised to:

- ~~a) Take the necessary steps to excise a portion of Reserve 33804, for the purpose of the development and operation of a permanent café / restaurant; and~~
- b) Seek indicative proposals from potential developers of a café/restaurant at the site; and
- c) Secure a lease of the excised land to the City (with the power to sublease), for the purpose of a permanent café / restaurant.

**LOST 2/5**

**Officer Recommendation AND COMMITTEE RECOMMENDATION**

**Moved:** Mayor Sue Doherty  
**Seconded:** Councillor Colin Cala

That the Committee recommends to the Council that the CEO be authorised to:

- a) Take the necessary steps to excise a portion of Reserve 33804, for the purpose of the development and operation of a permanent café / restaurant; and
- b) Seek indicative proposals from potential developers of a café/restaurant at the site; and
- c) Secure a lease of the excised land to the City (with the power to sublease), for the purpose of a permanent café / restaurant.

**CARRIED (5/2)**

**Background**

Reserve 33804 comprises a portion of Crown Land near Millers Pool, primarily being reclaimed land. The care, control and management of Reserve 33804 has been vested in the City pursuant to Management Order 1697600, subject to the condition that the Reserve is to be used for the designated purpose of ‘recreation’, and for purposes ‘ancillary or beneficial to recreation’.

The existing Management Order does not grant the City a power to lease or licence the whole or any portion of the reserve.

**Comment**

The City is proposing to develop a portion of Reserve 33804 for the purpose of a permanent café / restaurant, to be known as Millers Pool Café. The South Perth Foreshore Strategy and Management Plan (SPFSMP) is the strategic document that guides the use, development and management of the South Perth Foreshore. The SPFSMP contemplates a permanent drink/food stop being located at “Foreshore Node 5: Mill Point” (Strategy N5.3), which is located on Reserve 33804.

The concept for Millers Pool Café has previously been presented to Council as part of the Mill Point Node 5 Development Concept in 2015 (Stage 2), and was also the subject of extensive community consultation from July 2015 to September 2015.

The Council adopted the Mill Point Node 5 Development Concept in October 2015, where the following was noted:

*There was considerable discussion at the public information session, concerning the proposed café/restaurant, which is part of Stage 2 and not currently funded but shown on the Concept plan. The City was very clear about the possibility of a potential future café/restaurant and most of the feedback to this proposal was positive – although the community were clear for their preferences:*

- *To ensure that it catered for casual/informal dining – not only formal / higher end;*
- *A single storey and ‘appropriate’ building for the area close to the river*



## 6.5 Reserve 33804 Proposed Millers Pool Restaurant / Cafe

In April 2017, the City met with representatives from the Department of Lands (Department) to discuss the low impact single storey café proposal at Millers Pool.

The Department advised when a 'use' of a reserve may no longer be considered to be consistent with the designated purpose of 'recreation', including where:

- the use of the reserve is for a permanent commercial activity, such as a café; and
- the commercial activity, such as a café, is the purpose for a person visiting the reserve so that the commercial activity cannot be described as 'ancillary' to the designated purpose of 'recreation' for the reserve.

The Department indicated that in this situation, the portion of the reserve required for the proposed permanent café would be required to be 'excised' from the wider reserve and leased to the City for a commercial purpose pursuant to section 79 of the *Land Administration Act 1997*. A sub-lease arrangement would then be entered into between the City and the successful applicant of the expression of interest process. This process was undertaken in respect of the Boatshed Café, also located on the South Perth Foreshore.

Having regard to the Department's observations set out above, to facilitate the Millers Pool Café at this site, the following action is required:

- excision from Reserve 33804; and
- leasing to the City for the purposes of a café/restaurant together with the power to sub-lease (in a manner similar to the Boatshed Café).

The City required the Department's 'in principle' approval to progress this proposal and present it to Council for consideration. This 'in principle' approval was received on 5 July 2017.

Following further discussions with the Department, the City has now received "in principle" support for a new lease to be for 21 years with the option of a further 21 years in order to maximise the commercial viability of any new development.

The City has previously engaged JBA Surveys to undertake a site survey of the proposed land to be excised for the café, and received preliminary site drawings that identified the boundaries of the café land (791m<sup>2</sup>) and the boundaries of a proposed easement (368m<sup>2</sup>) to provide road access to the site. However, prior to finalising the details of the site it is recommended that firm proposals be received from potential developer/operators of the café, as their plans or expectations may result in a variance to these hypothetical dimensions.

### Consultation

The City has undertaken extensive community consultation in relation to the Millers Pool Café proposal, as well as consultation with relevant governance agencies. The Mill Point Node 5 Development Concept, inclusive of the café, was also the subject of extensive community consultation from July 2015 to September 2015, prior to being adopted by the Council in October 2015.

This proposal was also the subject of a Councillor Briefing on 14 June 2017.



## 6.5 Reserve 33804 Proposed Millers Pool Restaurant / Cafe

The final award of a lease/sublease will be subject to public notification in compliance with section 3.59 of the *Local Government Act 1995*.

### **Policy and Legislative Implications**

The *Land Administration Act 1997* and the *Swan and Canning Rivers Management Act 2006* are applicable to Reserve 33804 and its uses.

### **Financial Implications**

Costs associated with the excision of the land can be accommodated within existing budgets and is expected to be minimal.

### **Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Economy
Aspiration:	A thriving City activated by innovation, attractions and opportunities
Outcome:	Local business
Strategy:	Embrace and facilitate unique events and attractions on or near foreshore areas and reserves around the City.

### **Attachments**

Nil

**6.1 CONFIDENTIAL ITEM - ANGELO STREET SOUTH PERTH**

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (c) as it contains information relating to "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting"*

Location: South Perth  
Ward: Mill Point Ward  
Applicant: City of South Perth  
File Ref: D-18-77185  
Meeting Date: 9 August 2018  
Author(s): Ray Davy, Property Consultant  
Reporting Officer(s): Geoff Glass, Chief Executive Officer  
Strategic Direction: Community: A diverse, connected, safe and engaged community  
Council Strategy: 1.2 Community Infrastructure

**Summary**

As per the confidential report.

## **7. CLOSURE**

The Chair thanked everyone for their attendance and closed the meeting at 7.38pm.

## **RECORD OF VOTING**

### **6.2 FORMER MANNING LIBRARY**

For: Mayor Sue Doherty, Councillor Blake D'Souza, Councillor Colin Cala, Councillor Ken Manolas, Councillor Greg Milner, Councillor Travis Burrows, Mr Lewis Brock

### **6.3 AMENDED MOTION: BURCH STREET CARPARK**

For: Mayor Sue Doherty, Councillor Blake D'Souza, Councillor Colin Cala, Councillor Ken Manolas, Councillor Greg Milner, Councillor Travis Burrows, Mr Lewis Brock

### **6.3 BURCH STREET CARPARK (SUBSTANTIVE AS AMENDED)**

For: Mayor Sue Doherty, Councillor Blake D'Souza, Councillor Colin Cala, Councillor Ken Manolas, Councillor Greg Milner, Councillor Travis Burrows, Mr Lewis Brock

### **6.4 BOATSHED CAFE EXPANSION**

For: Mayor Sue Doherty, Councillor Blake D'Souza, Councillor Colin Cala, Councillor Ken Manolas, Councillor Greg Milner, Councillor Travis Burrows, Mr Lewis Brock

### **6.5 AMENDED MOTION: RESERVE 33804 PROPOSED MILLERS POOL RESTAURANT / CAFE**

For: Councillor Blake D'Souza, Councillor Ken Manolas

Against: Mayor Sue Doherty, Councillor Colin Cala, Councillor Greg Milner, Councillor Travis Burrows, Mr Lewis Brock

### **6.5 RESERVE 33804 PROPOSED MILLERS POOL RESTAURANT / CAFE**

For: Mayor Sue Doherty, Councillor Colin Cala, Councillor Greg Milner, Councillor Travis Burrows, Mr Lewis Brock

Against: Councillor Blake D'Souza, Councillor Ken Manolas

### **6.1 MOTION TO DEFER: CONFIDENTIAL ITEM - ANGELO STREET SOUTH PERTH**

For: Mayor Sue Doherty, Councillor Blake D'Souza, Councillor Colin Cala, Councillor Ken Manolas, Councillor Greg Milner, Councillor Travis Burrows, Mr Lewis Brock

These Minutes to be confirmed at the next Property Committee Meeting yet to be determined.

Signed: \_\_\_\_\_  
Presiding Member at the meeting at which the Minutes were confirmed