MINUTES

Property Committee Meeting

17 February 2020

Committee Members

Here within are the Minutes of the Property Committee Meeting held Monday 17 February 2020 in the City of South Perth Council Chamber, corner 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 1995 the meeting was not open to the public.

9.

GEOFF GLASS CHIEF EXECUTIVE OFFICER

19 February 2020



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Property Committee Meeting - Minutes

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

With the positions of Presiding Member and Deputy Presiding Member vacant, the Chief Executive Officer declared the meeting open at 5.30pm and welcomed everyone in attendance.

1.1 ELECTION OF PRESIDING MEMBER

In accordance with Section 5.12 of the *Local Government Act 1995*, the Presiding Member for the Property Committee was to be elected.

The Chief Executive Officer called for nominations for the position of Presiding Member.

Councillor Carl Celedin nominated himself for the position. No other nominations were received. The Chief Executive Officer declared Councillor Carl Celedin Presiding Member of the Property Committee.

Councillor Carl Celedin assumed the Chair.

1.2 ELECTION OF DEPUTY PRESIDING MEMBER

In accordance with Section 5.12 of the *Local Government Act 1995*, the Deputy Property Committee for the Property Committee was to be elected.

The Presiding Member called for nominations for the position of Deputy Presiding Member.

Mayor Greg Milner nominated himself for the position. No other nominations were received. The Presiding Member declared Mayor Greg Milner Deputy Presiding Member of the Property Committee.

2. ATTENDANCE

Elected Members

Mayor Como Ward Manning Ward

Mill Point Ward

External Members

Mr Lewis Brock Mr Nigel McCombe Greg Milner Councillor Carl Celedin Councillor Andrè Brender-A-Brandis (from 5.39pm) Councillor Ken Manolas



Officers

Chief Executive Officer Mr Geoff Glass
Director Corporate Services Mr Colin Cameron
Director Development and Community Services Ms Vicki Lummer
Director Infrastructure Services Mr Mark Taylor
Manager Governance Ms Bernadine Tucker
Manager Community, Culture & Recreation Mr Patrick Quigley
Manager Strategic Planning Mr Warren Giddens

Governance Coordinator Ms Toni Fry
Recreation Development Coordinator Ms Jennifer Hess
Governance Officer Ms Mieke Wevers
Governance and Facilities Officer Ms Shonay Mitkus

2.1 APOLOGIES

Nil

2.2 APPROVED LEAVE OF ABSENCE

Councillor Glenn Cridland (17 February 2020 to 21 February 2020)

3. DECLARATIONS OF INTEREST

- Councillor Carl Celedin declared an Impartiality Interest in relation to Item 7.2 as he was a social member of the Manning Bowling Club in 2017.
- Mayor Greg Milner declared an Impartiality Interest in relation to Item 7.4 as he accepted a \$273.00 gift from the South Perth Hospital for himself and his partner to attend their Christmas dinner in 2019.
- Councillor Ken Manolas declared an Impartiality Interest in relation to Item 7.4 as he accepted a \$273.00 gift from the South Perth Hospital for himself and his partner to attend their Christmas dinner in 2019.

4. CONFIRMATION OF MINUTES

4.1 PROPERTY COMMITTEE MEETING HELD: 19 August 2019

Officer Recommendation AND COMMITTEE DECISION

Moved: Mayor Greg Milner Seconded: Mr Lewis Brock

That the Minutes of the Property Committee Meeting held 19 August 2019 be taken as read and confirmed as a true and correct record.

For: Mayor Greg Milner, Councillors Carl Celedin, Ken Manolas, and

External Members Lewis Brock and Nigel McCombe.

Against: Nil.

CARRIED (5/0)



- 5. PRESENTATIONS
- 6. BUSINESS ARISING FROM PREVIOUS MEETING



7. REPORTS

Councillor André Brender-A-Brandis entered the meeting at 5.39pm during consideration of Item 7.1.

7.1 TERMS OF REFERENCE - PROPERTY COMMITTEE

Location: Not Applicable
Ward: Not Applicable
Applicant: Not Applicable
File Ref: D-19-93341
Meeting Date: 17 February 2020

Author(s): Toni Fry, Governance Coordinator Reporting Officer(s): Bernadine Tucker, Manager Governance

Strategic Direction: Leadership: A visionary and influential local government

Council Strategy: 4.3 Good Governance

Summary

Terms of Reference for the Property Committee have been developed and are now presented for consideration by the Committee and referral to Council for adoption.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Mayor Greg Milner
Seconded: Councillor Ken Manolas

That the Property Committee recommends to Council that it adopts the Property Committee Terms of Reference as contained in **Attachment (a)**.

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl

Celedin and Ken Manolas, and External Members Lewis Brock and

Nigel McCombe.

Against: Nil.

CARRIED (6/0)

Background

The Property Committee's Terms of Reference have not been reviewed since 2016 and they did not provide an objective or responsibilities for the Committee. In line with best practice and good governance the Terms of Reference have been reviewed and amended as per **Attachment (a)** for consideration and adoption by Council.



7.1 Terms of Reference - Property Committee

Comment

The Terms of Reference will provide:

- Officers with guidance on the type of reports that are eligible to be submitted to this particular Committee; and
- The Committee with its objectives, areas of responsibility and structure.

The Terms of Reference are to be reviewed in line with the appointment of Elected Members to the Committee following the local government elections.

Consultation

Nil.

Policy and Legislative Implications

Section 5.8 of the *Local Government Act 1995* enables Council to establish a Committee.

Financial Implications

Nil.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's <u>Strategic Community Plan 2017-2027</u>:

Strategic Direction: Leadership

Aspiration: A visionary and influential local government

Outcome: Good governance

Strategy: Empower effective and quality decision-making and

governance

Attachments

7.1 (a): Property Committee Terms of Reference



7.2 LEASE FOR THE MANNING MEMORIAL BOWLING CLUB AT LOT 300, NO. 1590 CHALLENGER AVENUE MANNING

Location: Manning
Ward: Manning Ward
Applicant: Not Applicable
File Ref: D-19-92863
Meeting Date: 17 February 2020

Author(s): Bernadine Tucker, Manager Governance 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

To seek Council approval to enter into a new lease with the Manning Memorial Bowling Club for a 21 year term.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Mayor Greg Milner
Seconded: Councillor Ken Manolas

That the Property Committee recommends to Council that it:

- 1. Approves a new lease between the City of South Perth and the Manning Memorial Bowling Club at Lot 300, No. 1590 Challenger Avenue, Manning for a period of 21 years at an annual rental of \$2,500 per annum (exclusive of GST) reviewed every three years; and
- 2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the new lease documentation between the City of South Perth and the Manning Memorial Bowling Club at Lot 300, No. 1590 Challenger Avenue, Manning.

For: Councillors André Brender-A-Brandis, Carl Celedin and Ken Manolas,

and External Members Lewis Brock and Nigel McCombe.

Against: Mayor Greg Milner

CARRIED (5/1)

Background

The Manning Memorial Bowling Club (Club) is located on Lot 300, No. 1590 Challenger Avenue, Manning, which is a portion of Crown reserve 24329 under a Management Order to the City. Lot 300 has a total area of 9567 sqm and comprises a portion of the land contained in Certificate of Title Volume 3136 Folio 436. The reserve is for the purpose of recreation and park, and the City has the power to lease for any term not exceeding 21 years subject to the approval of the Minister for Lands.



The subject site has been leased by the City to the Club since 1959 for bowling club and ancillary purposes. The Club entered into the last lease on 1 July 2014 for a five year term with an annual rental of \$2,500 plus GST. That lease contained a renewal clause in favour of the Club if there are no outstanding breaches of the lease at the expiry of the term, and if the Club had given three months written notice of the intention to renew prior to the expiry date of the lease.

The Club wrote to the City on 3 June 2019 requesting a new lease of the premises for another five year period. However, this request was not received three months prior to the expiry of the lease. The Club has continued occupation of the premises under a holding over clause in the lease.

Comment

A new lease has been developed with the Club based on the same terms and conditions as their previous lease. However, it is proposed that the new lease be for a term of 21 years, the maximum allowable, rather than a five year term as has been the previous case. Granting a new lease of the premises for 21 years will ensure continued provision of bowling facilities at this location.

It is therefore recommended that the new lease be approved.

Consultation

The City has been in consultation with the Club over the lease and they have agreed to the terms and conditions.

The City has received Ministerial consent for the new lease to the Manning Memorial Bowling Club.

Policy and Legislative Implications

Under Section 3.58 of the *Local Government Act 1995* (the Act), a disposition of land includes leasing of local government property. If a local government does not dispose of the property via a public auction or the public tender method, the proposal must be advertised for public comment – unless the proposal is an 'exempt' disposition.

A disposition of property is exempt from Section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the Local Government (Functions and General) Regulations 1996 if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes. Therefore, the Club is exempt from section 3.58 of the Act.

Financial Implications

The City will be responsible for the cost of preparation and lodgement of the lease document.

The new lease has an annual rental income of \$2,500 per annum (exclusive of GST), which is reviewed every three years. The rent review will be based on 0.1% of the replacement value of the premises.



Strategic Implications

This matter relates to the following Strategic Direction identified within Council's <u>Strategic Community Plan 2017-2027</u>:

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



7.3 PROPOSED LEASE FOR THE HENSMAN PARK TENNIS CLUB AT LOT 300, NO. 30 ANSTEY STREET SOUTH PERTH

Location: South Perth
Ward: Mill Point Ward
Applicant: Not Applicable
File Ref: D-19-95188
Meeting Date: 17 February 2020

Author(s): Bernadine Tucker, Manager Governance 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

To seek Council's approval to enter into a new lease with the existing tenant Hensman Park Tennis Club and to execute the lease documentation for a 21 year term.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Mr Nigel McCombe Seconded: Mayor Greg Milner

That the Property Committee recommends to Council that it:

- 1. Approves a new lease between the City of South Perth and the Hensman Park Tennis Club at Lot 300, No. 30 Anstey Street, South Perth for a period of 21 years at an annual rental of \$1,380 per annum (exclusive of GST) reviewed every three years; and
- 2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the new lease documentation between the City of South Perth and the Hensman Park Tennis Club at Lot 300, No. 30 Anstey Street, South Perth.

For: Councillors André Brender-A-Brandis and Carl Celedin, and External

Members Lewis Brock and Nigel McCombe.

Against: Mayor Greg Milner and Councillor Ken Manolas.

CARRIED (4/2)

Background

The Hensman Park Tennis Club (Club) is located on Lot 300, No. 30 Anstey Street, South Perth, which is a portion of Crown reserve 3617 under a Management Order to the City. Lot 300 has a total area of 13,267 sqm and comprises a portion of the land contained in Certificate of Title Volume 3157 Folio 177. The reserve is for the purpose of recreation and park, with the power to lease for any term not exceeding 21 years subject to the approval of the Minister for Lands.



The subject site has been leased by the City since 1986 to the Club for tennis club and ancillary purposes. The Club entered into the last lease on 1 July 2013 with an annual rental of \$1,380 plus GST. That lease contained a renewal clause in favour of the Club if there are no outstanding breaches of the lease at the expiry of the term, and if the Club had given three months written notice of the intention to renew prior to the expiry date of the lease.

The Club wrote to the City on 24 September 2018 requesting to exercise the option to extend the lease. However, this request was not received three months prior to the expiry of the lease. The Club's lease expired on 30 June 2018 with the Club continuing occupation of the premises under a holding over clause in the lease.

Comment

A new lease has been developed with the Club based on the same terms and conditions as their previous lease although it is proposed to change the term of the lease to 21 years in line with the City's bowling clubs. Granting a new lease of the premises for 21 years will ensure continued provision of tennis facilities at this location.

It is therefore recommended that the new lease be approved.

Consultation

The City has been in consultation with the Club over the lease and they have agreed to the terms and conditions. In addition, the City has received Ministerial consent for the new lease to the Club.

Policy and Legislative Implications

Under Section 3.58 of the *Local Government Act 1995* (the Act), a disposition of land includes leasing of local government property. If a local government does not dispose of property via a public auction or the public tender method, the proposal must be advertised for public comment – unless the proposal is an 'exempt' disposition.

A disposition of property is exempt from Section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the Local Government (Functions and General) Regulations 1996 if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes. Therefore, the Club is exempt from section 3.58 of the Act.

Financial Implications

The City will be responsible for the cost of preparation and lodgement of the lease document.

The new lease has an annual rental income of \$1,380 per annum (exclusive of GST), which is reviewed every three years. The rent review will be based on 0.1% of the replacement value of the premises.



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.

Community infrastructure Outcome:

Manage the use and development of the City's properties, Strategy:

assets and facilities

Attachments

Nil



7.4 BURCH STREET CARPARK

This item is considered confidential in accordance with section 5.23(2)(c) of the Local Government Act 1995 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: Como Ward
Applicant: Not Applicable
File Ref: D-19-49572
Meeting Date: 17 February 2020

Author(s): Bernadine Tucker, Manager Governance 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 presents a range of development options for the carpark at Burch Street South Perth while giving appropriate consideration to the parking needs of the South Perth Hospital.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Mayor Greg Milner Seconded: Mr Lewis Brock

That the Property Committee recommends to Council that Option 2 be developed and a further report, including a detailed financial analysis and a recommended commercial implementation strategy, be presented to a future Property Committee.

For: Mayor Greg Milner, Councillor Carl Celedin and External Members

Lewis Brock and Nigel McCombe.

Against: Councillors André Brender-A-Brandis and Ken Manolas.

CARRIED (4/2)



7.5 ECONOMIC DEVELOPMENT STRATEGY

Location: Not Applicable

Ward: All

Applicant: Not Applicable
File Ref: D-19-75182
Meeting Date: 17 February 2020

Author(s): Bernadine Tucker, Manager Governance 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 refers to the Economic Discussion paper presented to the Property Committee in August 2019 and recommends that the City develops an Economic Development Strategy.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Mr Lewis Brock
Seconded: Mayor Greg Milner

The Property Committee recommends to Council that an Economic Development Strategy is considered as part of the 2020/21 budget deliberations.

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl

Celedin and Ken Manolas, and External Members Lewis Brock and

Nigel McCombe.

Against: Nil.

CARRIED (6/0)

Background

At its meeting held 26 February 2019, Council resolved:

That Council:

- 1. Prepares a discussion paper on the promotion of economic development in the City.
- 2. The discussion paper is presented to Council as part of the 2019/20 budget deliberations.

On 14 May 2019, a workshop was held with Councillors on economic development where a snapshot of the economic portfolio of the City was discussed. The workshop also enabled Councillors to provide feedback on the development of the economic discussion paper. Following the workshop, an economic discussion paper began to be developed.



At the Property Committee meeting held 19 August 2019, the economic development paper was presented **Attachment (a)**. This paper was developed by Pracsys and covered critical success factors for the City. This paper included:

- 1. What is economic development and how economic development factors feed into wider local government decision making
- 2. The role of local government in economic development (control, influence, monitor)
- 3. A high level overview of potential economic development opportunities/directions in South Perth including background data analysis of local businesses, employment and land uses
- 4. The role of stakeholder consultation and an overview of the process and techniques
- 5. The structure of an economic development strategy and key components
- 6. Recommendations.

The Economic Development Discussion Paper was a comprehensive document that provided a good overview of economic development in the City and provided future discussion points for Elected Members.

Then, at its meeting held 24 September 2019, Council resolved that:

- 1. The Property Committee receives the Economic Development Discussion Paper; and
- 2. A further report be presented to the Property Committee on the development and implementation of an Economic Development Strategy.

The last City of South Perth Economic Development Strategy was developed with the assistance from Hester Property Solutions and covered the period 2013-2016. The Strategy focused on actions that were critical and within the capacity of the City to influence. This included:

- Economic development leadership and facilitation
- Urban place-making and revitalisation
- Marketing/promotion
- Strategic property management.

Comment

The discussion paper developed by Pracsys recommended that the City undertake the preparation of an Economic Development Strategy. The City supports this recommendation and believes a strategy is a key starting point in promoting economic development opportunities within the District.

To develop a strategy, significant community engagement is needed to:

- 1. Help understand the local factors influencing the capacity for growth of population and business;
- 2. Understand the perceptions regarding the benefits and constraints associated with operating businesses within the City; and
- 3. Identify activities that the City could develop to contribute to the City's economy.



Consultation

Consultation will be needed with officers, Elected Members and the community to develop a long term Economic Development Strategy for the City.

Policy and Legislative Implications

Nil.

Financial Implications

The City does not have a staffing position to undertake economic development and therefore the work will need to be outsourced. The City has received quotes that indicate the development of an Economic Development Strategy will cost approximately \$50,000 ex GST to prepare. There is no budget allocation for this work.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's <u>Strategic Community Plan 2017-2027</u>:

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

7.5 (a): City of South Perth Economic Development Discussion Paper



7.6 PROPERTY MANUAL

Location: Not Applicable
Ward: Not Applicable
Applicant: Not Applicable
File Ref: D-19-97485
Meeting Date: 17 February 2020

Author(s): Bernadine Tucker, Manager Governance 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 provides the Committee with information on the City's property assets and seeks the Committee's endorsement of the City of South Perth Property Manual, and provides information regarding the City's current property leases.

COMMITTEE DECISION

Moved: Mayor Greg Milner Seconded: Mr Nigel McCombe

That the Property Committee notes:

1. The Property Manual as contained in Confidential Attachment (a); and

2. The Lease Agreement Register as contained in **Confidential Attachment** (b).

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl

Celedin and Ken Manolas, and External Members Lewis Brock and

Nigel McCombe.

Against: Nil.

CARRIED (6/0)

Background

Over a period of several decades the City of South Perth (the City) has acquired a major property portfolio in excess of 320 freehold properties that are all documented and have clearly defined purposes.

However, the majority of freehold properties have little or no commercial value as they are zoned public open space, parks and recreation and are rightfully protected from any development. Although these properties have limited commercial value, they are extremely valuable to the community due to their location and community benefit.



In addition to the freehold properties, the City is also responsible for the care, control and management of in excess of a further 120 properties "vested" in the City by the Crown. Whilst not owned by the City, many community services are provided through these vested properties.

Comment

Managing property is an integral part of the functions of local government. Therefore, a coherent Property Manual has been developed to manage the City's property portfolio. This includes both the City's freehold property and crown reserves with a view to delivering better community services.

This strategic approach to managing the City's property portfolio incorporates the following elements:

- Buying property identifying what property is needed so that the right purchase decisions are made at the right time, and so that the necessary resources (including lifecycle costs) can be planned in advance.
- Owning property knowing what property is owned and why it is owned.
- Management of Crown reserves identifying potential property swaps and rationalisations for better community use. Joint ventures with State government on developable Crown land and securing freehold title in some cases.
- Investing in property capturing the benefits of growth for the community.
- Releasing property making informed choices about when and why to dispose of property that has no further purpose in the City's ownership.
- Good stewardship are the properties being managed effectively?
- Achieving the City's Vision how does the property support the City's strategic goals?

This Property Manual provides an integrated approach in managing the City's property assets effectively and efficiently, and provides an assessment tool for Council reports. It is therefore recommended that the Property Manual as contained in **Attachment (a)** be noted.

A Lease Agreement Register has also been developed to give Council an overview of the current lease agreements in place for City owned or managed property. This register provides information as to the tenant, lease details, whether outgoings are paid, and the rent review process. The Lease Agreement Register is contained in Attachment (b).

Consultation

Nil

Policy and Legislative Implications

Nil

Financial Implications

Nil



Strategic Implications

This matter relates to the following Strategic Direction identified within Council's <u>Strategic Community Plan 2017-2027</u>:

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

7.6 (a): City of South Perth Property Manual (Confidential)

7.6 (b): Lease Agreement Register - November 2019 (Confidential)



7.7 MILLERS POOL CAFÉ

This item is considered confidential in accordance with section 5.23(2)(c) of the Local Government Act 1995 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: Reserve 33804, Millers Pool

Ward: Mill Point Ward
Applicant: Not Applicable
File Ref: D-20-5975

Meeting Date: 17 February 2020

Author(s): Bernadine Tucker, Manager Governance 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 on 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.

COMMITTEE DECISION

Moved: Mayor Greg Milner Seconded: Mr Lewis Brock

That the Property Committee notes the report for Millers Pool Cafe.

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl

Celedin and Ken Manolas, and External Members Lewis Brock and

Nigel McCombe.

Against: Nil.

CARRIED (6/0)



These Minute	es were confirmed as a true and correct record of proceedings on 11 August 2020.
Signe	d:

8.

9.

Nil.

CLOSURE

OTHER RELATED BUSINESS

The Presiding Member closed the meeting at 6.43pm.