

SUPPLEMENTARY COUNCIL AGENDA

Ordinary Council Meeting

6:00pm 27 May 2025
Council Chamber (Level 1), Civic Centre,
23 Dundobar Road, Wanneroo

wanneroo.wa.gov.au



Notice is given that the next Ordinary Council Meeting will be held in the Council Chamber (Level 1), Civic Centre, 23 Dundobar Road, Wanneroo on **Tuesday 27 May 2025** commencing at **6:00pm**.

B Parker
Chief Executive Officer
23 May 2025

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Item 10 Late Reports

MN02-05/25 Cr Wright - Request to bring LPP 4.3 Public Open Space to Policy Review Committee

File Ref:	3443V02 – 25/181550
Author:	Councillor Wright
Action Officer:	Director Planning & Sustainability
Disclosure of Interest:	Nil
Attachments:	Nil

Issue

Local Planning Policy 4.3: Public Open Space (**LPP 4.3**) is an important policy that influences the outcome of the City of Wanneroo's (the **City**) public open spaces. In recognising this, Councillors are keenly seeking its review to ensure that it remains fit for purpose and ensures the delivery of public open space that meets the needs and expectations of the community.

Background

LPP 4.3 Public Open Space was adopted by Council on 20 April 2021 (PS05 – 04/21). The policy's purpose is to articulate Council's position on the planning, provision, location, design, development and interim maintenance of Public Open Space (**POS**). It is considered by applicants, Administration, and Council in the design, assessment, and determination of scheme amendments; structure plans; local development plans; subdivision applications; and development applications.

The policy is due for review in 2025.

Detail

The intent is to bring LPP 4.3 Public Open Space to the next Policy Review Committee meeting for workshoping.

A number of issues have arisen since the adoption of LPP 4.3 in April 2021, such as:

- Where barbeques, water fountains, playground equipment can be placed.
- The outdated public open space hierarchy contained within schedule 3 with the acceptable sizes and criteria needing an update to reflect more contemporary community sentiments.
- Irrigation requirements around the number of dry and wet parks, as the expectations and care factor of our community has increased wanting good quality public open spaces.

That should be urgently reviewed.

Consultation

No consultation has taken place however, any review to a local planning policy is subject to community consultation.

Comment

As good governance, I am wanting to provide ample time to the Administration to prepare a discussion paper for Council to consider at the upcoming Policy Review Committee on the 30 June 2025.

Statutory Compliance

The review of LPP 4.3: Public Open Space will be undertaken in accordance with Schedule 2, Division 2 – Local Planning Policies of the *Planning and Development (Local Planning Schemes) Regulations 2015* which outlines the circumstances and procedures for which a local government may prepare a local planning policy.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2021 – 2031:

7 ~ A well governed and managed City that makes informed decisions, provides strong community leadership and valued customer focused services

7.1 - Clear direction and decision making

Risk Appetite Statement

In pursuit of strategic objective goal 7, we will accept a Medium level of risk as the City balances the capacity of the community to fund services through robust cost-benefit analysis and pursues evidence-based decision making to be effective stewards of the Council and City for future generations.

Risk Management Considerations

Risk Title	Risk Rating
ST-S04 Integrated Infrastructure & Utility Planning	Medium
Accountability	Action Planning Option
Director Planning and Sustainability and Director Assets	Manage

Risk Title	Risk Rating
ST-S23 Stakeholder Relationship	Medium
Accountability	Action Planning Option
Chief Executive Officer	Manage

The above risks relating to the issue contained within this report have been identified and considered within the City's Strategic risk register. Action plans are in place to manage these risks.

Policy Implications

The review of the above policy will be undertaken to ensure that the City conforms to current statutory and legislative provisions through the use of local planning policies.

Financial Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That Council:-

1. REQUESTS LPP 4.3 Public Open Space be brought to the next Policy Review Committee meeting for workshopping; and
2. REQUESTS that the final LPP 4.3 Public Open Space, incorporating feedback from the workshop, be forwarded to the subsequent scheduled Policy Review Committee meeting for endorsement.

Administration Comment

Local Planning Policy 4.3: Public Open Space (**LPP4.3**) is due for review in 2025. Administration has already commenced a review of the Policy and will prepare a report for the 30 June 2025 Policy Review Committee for workshopping.

Attachments: Nil

MN03-05/25 Cr Miles - Alkimos Regional Open Space - Continuation of Lease

File Ref: 33904 – 25/180855
Author:
Action Officer: Director Corporate Strategy & Performance
Disclosure of Interest: Nil
Attachments: 1
Previous Items: CP02-08/24 - Alkimos Open Spaces Master Plan - Ordinary Council - 13 Aug 2024

Issue

To consider the City of Wanneroo (the **City**) advocating with the Western Australian Planning Commission (**WAPC**) for the continuation of an existing market garden lease of WAPC-owned land at the site of the future Alkimos Regional Open Space.

Background

The WAPC owns land intended for the future Alkimos Regional Open Space, being Lots 2771 and 2767 Wanneroo Road and 12 Reinhold Place, Carabooda (**Alkimos Land**).

The City and the WAPC are already in contact regarding the future allocation of the Alkimos Land to the City for the development of the Alkimos Regional Open Space. The timing for the land transfer and vesting, and the future planning of the facility, is not the subject of the current report.

A working market garden operates on part of the Alkimos Land, under a lease to a private tenant, with the tenant understood to be named Tan Doen (**Alkimos Tenant**).

Detail

The Alkimos Tenant and the WAPC have confirmed that the WAPC requires the termination of the lease to the Alkimos Tenant with effect from 30 June 2025.

Although the WAPC has advised it may take into consideration should the tenant require additional time to allow the relocation of their business, there are no holding over or extension provisions in the lease which would allow a longer term tenure or support the Alkimos Tenant in continuing with its business.

Consultation

Administration has engaged with the WAPC to seek information on the lease to the Alkimos Tenant and to the potential for an extension.

Comment

The WAPC has already expressed an unwillingness to support a further lease to the Alkimos Tenant, which creates uncertainty for an existing business, which would likely need to prematurely cease operations.

This reports requests that the City, via the Chief Executive Officer (**CEO**), provide a formal request by letter to the Chairperson of the WAPC, to request a new or extended lease to the Alkimos Tenant.

The requested lease would be on terms agreed between the WAPC and the Alkimos Tenant, but is requested to have a maximum term of five (5) years, with scope for the City to take over the lease as landlord (following the transfer and vesting of the Alkimos Land) and for the lease to be terminated by either party without cause with reasonable notice by either the tenant or the landlord (such as by 6 months' notice).

Statutory Compliance

The Alkimos Land is not currently owned or managed by the City, with any further lease before handover being the responsibility of the WAPC.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2021 – 2031:

3 ~ A vibrant, innovative City with local opportunities for work, business and investment

3.2 - Attract and support new and existing business

Risk Appetite Statement

In pursuit of strategic objective goal 3, we will accept a Medium level of risk, extended to High in the areas of where there may be Governance, Community / Reputation & Financial / Commercial impacts. For the City to realise a future role as a self-sustainable, vibrant and viable business and corporate centre, the City recognises higher risk will be required to attract investors, build a contemporary environment which ensures regulation is efficient but effective and realise a higher return on investment for the City. It is recognised that land acquisitions, environmental development and management processes and community support could all be challenged in the short term to realise the future successful offset of longer-term strategic risk.

Risk Management Considerations

Risk Title	Risk Rating
ST-S23 Stakeholder Relationship	Medium
Accountability	Action Planning Option
Chief Executive Officer	Manage

The risk relating to the issues contained within this report has been identified and considered in the City's Strategic risk register. Administration has developed action plans to manage this risk to support existing management systems.

Policy Implications

Nil

Financial Implications

No current financial implications for the City, other than potential rates income from the ongoing market garden.

All rent and other lease proceeds are received by the WAPC.

The continuation of the WAPC's lease to the Alkimos Tenant would facilitate an ongoing agricultural business to continue for a further period, which would generate economic activity, production and employment.

Management of the Alkimos Land under an ongoing market garden may also reduce further development costs for the Alkimos Regional Open Space, by limiting the unintended regrowth of vegetation that would then need to be cleared for the facility development.

Voting Requirements

Simple Majority

Recommendation

That Council REQUESTS the Chief Executive Officer to write a letter to the Chairperson of the Western Australian Planning Commission, requesting further consideration of the current tenant leasing the Alkimos Regional Open Space from the WAPC, with a view to negotiating a lease extension with the City for a possible further five (5) years.

Administration Comment

Administration has contacted the WAPC to investigate the status of the market garden lease, noting that the future Alkimos Regional Open Space is not currently under City ownership or management, with a timeline for transfer and vesting not yet known and outside the scope of the current Motion on Notice report.

In contacting the WAPC, City staff requested that:

“Would there be scope for the market garden lease to be continued by the State for a further 12 months, while the preparation and land allocation of the open space continues?”

Noting:

- a) the tenant has apparently complied with the lease;*
- b) the site provides a commercial business and local employment (and presumably farming produce); and*
- c) current operations may limit the regrowth of native vegetation that would need to be managed as part of the open space development,*

there seem to be a number of reasons why a further, interim lease is worthwhile.”

“A decision on renewing or extending the lease would primarily be a matter for the State, given its understanding of the tenant’s performance and the commercial terms. However, I expect the City would be supportive of the lease being renewed for a further 6 month period, with provision for rolling 3 or 6 month holding over periods (i.e. on holdover unless either party gives notice to terminate).

The renewal of the lease should be able to accommodate a medium term continuation of the tenant’s business, while the City and the WAPC coordinate the handover of the site and the City’s intentions for any transfer of the lease. Subject to due diligence on the lease and the site conditions under the current tenant, we may be open to assuming the lease post handover.”

In response, the WAPC advised that, based on input from the relevant Director at the WAPC:

“If the tenant requires additional time to re-locate or harvest then it will be taken into consideration, however WAPC will not be extending the lease agreement beyond 30 June 2025.”

In this context, Administration anticipates that the WAPC will not change its position in relation to the lease. However, the City is entitled to advocate in the form recommended in the Motion on Notice report.

If the lease to the Alkimos Tenant was renewed or extended, the City would need to undertake site investigation before deciding whether it would want to retain the arrangement following the transfer and vesting of the Alkimos Land.

Issues such as the rent, past compliance with the lease, condition and maintenance of infrastructure, and the potential for contamination, are currently unknown and would be relevant to pre-acquisition due diligence.

Attachments:

[1](#). Attachment 1 - Alkimos Regional Open Space 25/180958

Alkimos Regional Open Space – Lot Boundaries**Confirmed:**

- 2771 Wanneroo Rd
- 2767 Wanneroo Rd
- 12 Reinhold Place
- TOTAL = 42ha

Not confirmed:

- Lot 21
- Lot 22
- TOTAL = 10ha