

# Ground lease development vacant land

Lot 19, 213 Kingsway, Darch (reserve 50171)  
(management order for 'community purposes  
and car park')

Expression of interest:

Deadline: 6 weeks from release.

Submission delivery:

[PropertyServicesMailbox@wanneroo.wa.gov.au](mailto:PropertyServicesMailbox@wanneroo.wa.gov.au)

## Introduction

The City of Wanneroo (**City**) is seeking Expressions of Interest (**EOI**) from parties interested in developing a community purpose site on a ground lease basis.

The site is located at Reserve 50171, 213 Kingsway, Darch (Lot 19 on Deposited Plan 58321, Crown Land Title Volume 3156 Folio 654) adjacent to the Darch Plaza Shopping Centre and 'The Kingsway' tavern.

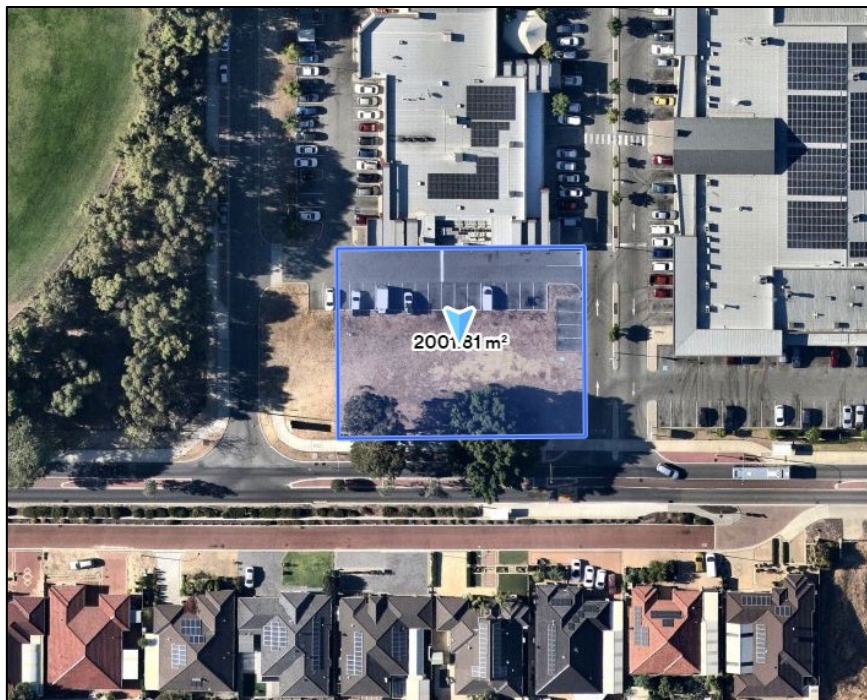
The City manages the land under a management order for the purpose of 'community purposes and car park' (community purpose means the use of premises designed or adapted primarily for the provision of education, social, cultural and recreational facilities and services by organisations involved in activities for community benefit).

## Site information

The site is a 2000m<sup>2</sup> vacant grassed area containing 20 car bays, two mature trees and a driveway area. The lot adjoins part of the Darch Plaza Shopping Centre complex which has a tavern directly to the north, a shopping centre to the east and a child care centre to the north east.

The 20 car bays located on the subject site are overflow parking for the nearby tavern and shopping centre. These bays do not need to be retained as part of any future development, they can also remain.

Access to the site is provided by a public access easement to the east of the subject property, the existing entry can be utilised as part of any future use. Crossover access directly from Kingway is not supported. The existing trees located on site are strongly encouraged to be retained as part of any future development.



**Site Location**

## The City of Wanneroo

The City of Wanneroo's purpose is to create a strong, vibrant community connected through local opportunities to participate, be active, feel secure, contributing to the vision of a welcoming community.

The City is a growing local government in the northern suburbs of Perth, WA. The City of Wanneroo population forecast for 2022 is 219,788, and is forecast to grow to 370,273 by 2041.

Please check out the City's [website](#) for additional demographic data.

## Darch location

The site is located in close proximity to the Darch Plaza. Darch is located 17 kilometres north of the Perth CBD and the suburb contains several small residential parks as well as Landsdale Park, a bushland reserve with interpretative signage.

Residents are served for shopping needs by the Darch Plaza Shopping Centre, and the larger Kingsway City Shopping Centre in Madeley (to the west).

## Site use and lease

The site is currently vacant, aside from a portion used for parking by the adjacent tavern and shopping centre developments.

It is proposed that any successful applicant may be offered a Ground Lease (**Lease**) for a negotiable term (subject to private treaty negotiations. The existing management order restricts the lease term to be up to five (5) years but the City could seek to have this modified should a longer term be proposed. Management order amendment would be a condition on any proposed lease arrangement.

A ground lease would be in accordance with the terms and conditions that form this EOI, subject to formal Council approval and the approval of the Minister for Lands (under section 18 of the Land Administration Act).

It is proposed that the City will enter into private treaty (ground lease) negotiations with the preferred applicant and, if applicable, would give public notice of the proposed disposition in order to satisfy legislative requirements under the terms of the *Local Government Act 1995*.

Any structures on site will be built by the applicant at its cost. The City does not have specific requirements or specifications for improvements and is open to different design options. Key services are provided to the adjoining block, but any further services or connections would need to be provided by the applicant.

Depending on the terms of the preferred proposal from this EOI, the existing parking may be retained or modified, and the City can facilitate discussions with the adjacent landowners and occupiers.

Should an applicant wish to submit an interest on a commercial basis, the City would expect that a portion of the use would be used for a community use by some ancillary space.

Subject to the requirements of the *Local Government Act 1995* and Council approval or delegation, the following essential terms are proposed:

<b>Lessee</b>	Entity to be identified in the EOI submission
<b>Premises</b>	
Address	213 Kingsway, Darch
Area (m <sup>2</sup> )	2,000sqm
DPS2 Zoning	Urban Development
ASP Zoning	Centre, Commercial
Services	Gas, Water, Power, Sewerage (no services are currently connected)
<b>Terms</b>	
Lease Commencement Date	The City is willing to be flexible on the timing to commence the new lease.
Rent Commencement Date	Lease Commencement Date.
Term	To be negotiated.
<b>Rent</b>	
Commencement Base Rent	To be negotiated, subject to the City's <a href="#">Leasing Policy</a>
Rent Reviews	To be negotiated, expected to be CPI.
<b>Other Costs</b>	
Outgoings	The tenant will be billed direct by the service provider or on-charged by the City.
<b>Security</b>	
Security Bond or Bank Guarantee	\$15,000, provided by a bank guarantee or by a cash bond to be held in a non-interest bearing account for the duration of the Lease term.
<b>Contract and Risk ('CAR') Insurance:</b>	Tenant responsibility to ensure that a CAR policy is in place to ensure that the proposed construction works are insured adequately.

<b>Other Commercial Conditions</b>	
Insurances	The Tenant must provide all insurances required under the Lease, including Public Liability Insurance of \$20 million, property insurance and glass replacement.
Maintenance	The Tenant will be solely responsible for all maintenance of the building and site, including capital and structural items, and reinstatement in the event of a damage or destruction event (applying insurance proceeds to this).

Compliance	The Tenant must comply with any Act, by-law etc. relating to the use of the building and site.
Council Rates	Council rates are applicable and will be separately assessed and are in addition to the rent. The Tenant would also be responsible for the Emergency Services Levy, usually accounted for on the Council rates notice.
Waste Bins	The operator will be required to arrange for its waste to be collected by a commercial waste provider and not the City.
Further Tenancy Considerations	<ul style="list-style-type: none"> <li>• A formal Council resolution will be required to proceed with the proposed Lease following the completion of the negotiation process;</li> <li>• Approval of the Minister for Lands (under section 18 of the Land Administration Act) will be required.</li> <li>• Amendment to the Management Order will be required for lease terms of more than five years.</li> <li>• The City is required to give public notice of the proposed disposition in order to satisfy legislative requirements under the terms of the <i>Local Government Act 1995</i>. Should any submissions be received, these will be required to be considered by the City;</li> <li>• An Agreement for Lease (AFL) will be entered into before the lease is signed. The AFL is a document that precedes the Ground Lease and essentially is an agreement between the parties to outline the development steps and timeframes for the development to be undertaken.</li> <li>• Ownership of all improvements erected or constructed on the Land by the Tenant shall at the expiry of the lease (and option period) revert to the City or be removed at Tenant's cost if the City deems it does not require the improvements at the end of the lease.</li> </ul>

## Selection criteria

The following criteria have been developed to assist in the assessment of the submissions received. These criteria have been identified as either essential or preferred, with a weighting assigned accordingly.

Note that:

- All information relevant to your answers to each criterion are to be contained within your application;
- Applicants are to assume that the City has no previous knowledge of your organisation, its activities or experience; and
- Applicants are to provide full details for any claims, statements or examples used to address the selection criteria.

Essential Criteria	% Weighting
<p><b>Community Benefit:</b></p> <ul style="list-style-type: none"> <li>• Planned services offered offer high community benefit. Outline the potential groups / community that is envisaged to use the site;</li> <li>• The proposed use offers inclusivity of services.</li> </ul>	<b>40</b>
<p><b>Capacity</b></p> <ul style="list-style-type: none"> <li>• Financial capacity to be able to realise planned use of the site;</li> <li>• Past experience delivering a similar use;</li> <li>• Outline skills and experience of key personnel.</li> </ul>	<b>30</b>
<p><b>Proposed Use</b></p> <ul style="list-style-type: none"> <li>• Does the proposed use fit in with the aesthetics / streetscape of the surrounding area;</li> <li>• Does the development make the best use of the site;</li> <li>• Have sustainability measures been incorporated in the design;</li> <li>• Is the operation designed so it can be used / sub hired by other groups.</li> </ul>	<b>30</b>

## Implementation timetable

The City is willing to be flexible on the commencement of the lease. The applicant should clearly state it's intended project timeline and preferred target commencement date.

## Proposed timeframes (subject to change) for expressions of interest process

The EOI process and resulting private treaty (lease) negotiations will be subject to the following legislation and Policies:

- *Local Government Act 1995 (WA)* (including section 3.58);and
- *City of Wanneroo Leasing Policy*

	Stage	Target Date
1	Advertise for Initial Expressions of Interest	22 April 2024
2	Formal submissions close	5pm 6 weeks after above
5	Evaluate submissions, select preferred candidate (if any) and finalise negotiations on private treaty (lease) basis for the Lease proposal.	2 weeks after above
6	Report to Council (if required)	4 weeks after above.
7	Undertake Public Advertising of disposition	As above
8	Public submissions period closes	14 days from Public Advertising
9	Signing of legal documentation.	

The above proposed timeframes are indicative only and are subject to change at the City's discretion. Where additional servicing requirements are identified through the EOI process, including by the preferred submission, this may impact delivery timeframes.

## Evaluation Process

This is a request for formal EOI.

Your EOI will be evaluated using information provided in your application.

The following evaluation methodology will be used in respect of this request:

- Submissions are checked for completeness and compliance. Submissions that do not contain all information requested may be excluded from evaluation;
- Submissions are assessed against the Selection Criteria; and
- The most suitable submissions may be shortlisted and may also be required to clarify their application. Referees may also be contacted prior to the selection of the successful applicant.

A private treaty arrangement via an AFL and Ground Lease may then be awarded to the applicant whose submission is considered the most advantageous EOI to the City.

***The City reserves the right to reject all and any submissions at its absolute discretion.***

## How to prepare your submission

- Carefully read all parts of this document;
- Ensure that you understand the requirements (and where applicable, seek independent financial and legal advice);
- Complete and return the application;
- Ensure that you have signed the application and addressed the selection criteria; and
- Lodge your application before the deadline.

## Contact persons

Applicants should not rely on any information provided by any person(s) other than those listed below:

Name: **Mark Pritchard**  
Position: **Property & Leasing Advisor**  
Telephone: **08 9405 5000**  
Email: [Mark.pritchard@wanneroo.wa.gov.au](mailto:Mark.pritchard@wanneroo.wa.gov.au) /  
[Kathryn.hansen@wanneroo.wa.gov.au](mailto:Kathryn.hansen@wanneroo.wa.gov.au)



## Lodgement of submission & delivery method

The submission must be lodged by the deadline. The deadline for this request is **3 July 2024 at 5.00pm**.

EOI submissions are to be sent via email only to:

[PropertyServicesMailbox@wanneroo.wa.gov.au](mailto:PropertyServicesMailbox@wanneroo.wa.gov.au)

All pages must be numbered consecutively and the submission must contain an index.

Hard copy submissions will not be accepted.

## Rejection Of Submissions

A Submission will be rejected without consideration of its merits in the event that it is not submitted at the place specified in the EOI. A Submission may be rejected if it fails to comply with any other requirements of the EOI.

The City reserves the right to reject submissions in response to this EOI should it decide this is necessary.

## Late submissions

Submissions received:

- a) after the deadline; or
- b) in a place other than that stipulated in this request,





may not be accepted for evaluation, noting also that the EOI process is not a formal tender and is solely intended to identify a preferred party for further negotiations.

## Privacy statement

The City is not liable to any person or entity for any damage or loss that occurs in relation to that person or entity taking or not taking action in respect of any presentation, statement, opinion or advice referred to in this document.

All prospective operators should take the appropriate steps to ensure that they conduct their own due diligence and validate the information contained in this document before acting upon it and are advised to seek independent advice from qualified professionals where necessary to understand the relevancy of this information to their own situation.

**ANNEXURE A – CERTIFICATE OF TITLE**

 <p>WESTERN AUSTRALIA</p>	<table border="1" style="margin: auto;"> <tr> <td colspan="2">REGISTER NUMBER <b>19/DP58321</b></td> </tr> <tr> <td>DUPLICATE EDITION <b>N/A</b></td> <td>DATE DUPLICATE ISSUED <b>N/A</b></td> </tr> <tr> <td>VOLUME <b>LR3156</b></td> <td>FOLIO <b>654</b></td> </tr> </table>	REGISTER NUMBER <b>19/DP58321</b>		DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>	VOLUME <b>LR3156</b>	FOLIO <b>654</b>
REGISTER NUMBER <b>19/DP58321</b>							
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>						
VOLUME <b>LR3156</b>	FOLIO <b>654</b>						
<p><b>RECORD OF CERTIFICATE OF CROWN LAND TITLE</b>          UNDER THE TRANSFER OF LAND ACT 1893          AND THE LAND ADMINISTRATION ACT 1997  <b>NO DUPLICATE CREATED</b></p>							
<p>The undermentioned land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.</p>							
 <b>B. Roberts</b> REGISTRAR OF TITLES 							
<p><b>LAND DESCRIPTION:</b></p> <p>LOT 19 ON DEPOSITED PLAN 58321</p>							
<p><b>STATUS ORDER AND PRIMARY INTEREST HOLDER:</b> (FIRST SCHEDULE)</p> <p><b>STATUS ORDER/INTEREST:</b> RESERVE UNDER MANAGEMENT ORDER</p> <p><b>PRIMARY INTEREST HOLDER:</b> CITY OF WANNEROO OF LOCKED BAG 1 WANNEROO WA 6946 (NE 0646308 ) REGISTERED 18/2/2021</p>							
<p><b>LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:</b> (SECOND SCHEDULE)</p>							
<p>1. K938351 RESERVE 50171 FOR THE PURPOSE OF COMMUNITY PURPOSES AND CAR PARK REGISTERED 12/5/2009.          0646308 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED, WITH POWER TO LEASE FOR ANY TERM NOT EXCEEDING 5 YEARS, SUBJECT TO THE CONSENT OF THE MINISTER FOR LANDS. REGISTERED 18/2/2021.</p>							
<p>Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.</p>							
<p>-----END OF CERTIFICATE OF CROWN LAND TITLE-----</p>							
<p><b>STATEMENTS:</b></p> <p>The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.</p>							
<p>SKETCH OF LAND: DP58321          PREVIOUS TITLE: 2567-255          PROPERTY STREET ADDRESS: 213 KINGSWAY, DARCH.          LOCAL GOVERNMENT AUTHORITY: CITY OF WANNEROO          RESPONSIBLE AGENCY: DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)</p>							
<p>END OF PAGE 1 - CONTINUED OVER.</p>							
<p>LANDGATE COPY OF ORIGINAL NOT TO SCALE 09/08/2021 05:05 PM Request number: 62390956</p>  <a href="http://www.landgate.wa.gov.au">www.landgate.wa.gov.au</a>							
<p>ORIGINAL CERTIFICATE OF CROWN LAND TITLE</p>							
<p>REGISTER NUMBER: 19/DP58321      VOLUME/FOLIO: LR3156-654      PAGE 2</p>							
<p>NOTE 1: K938351      CORRESPONDENCE FILE 00312-2009-01RO</p>							

**ANNEXURE B – MANAGEMENT ORDER**

**ORIGINAL**

**INSTRUCTIONS**

1. If insufficient space in any section, Additional Sheet Form B1 should be used with appropriate headings. The boxed sections should only contain the words "See Annexure".
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the person signing this document and their witnesses.

**NOTES**

1. RESERVE DESCRIPTION  
Reserve number and details to be stated. The Volume and Folio numbers to be stated.
2. MANAGEMENT BODY  
State the full name and address of management body.
3. CONDITIONS  
Detail the conditions specified by the Minister to be observed by the management body in its care control and management of the Reserve.
4. ATTESTATION  
This document is to be executed by the Minister for Lands or a person to whom the power to grant a management order under section 46 of the Land Administration Act 1997 has been duly delegated under section 9(1) of the Act (if applicable).

EXAMINED

Office Use Only

**0646308 XE**  
18 Feb 2021 09:12:29 Perth



**MANAGEMENT ORDER (XE)**

LODGED BY Department of Planning Lands and Heritage

ADDRESS Metropolitan and Peel - Box 98C

PHONE No.  
FAX No.

REFERENCE No. Daniel Wee 00312-2009-01RO ph 6552  
4465 fax 6118 8116

ISSUING BOX No. *98c*

PREPARED BY Department of Planning Lands and Heritage

ADDRESS Metropolitan and Peel - Box 98C

PHONE No.  
FAX No.


INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

*3/3*

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. <i>Duplicate MO</i>	Received Items
2. _____	Nos. <i>1</i>
3. _____	
4. _____	Receiving Clerk
5. _____	<i>[Signature]</i>
6. _____	

2000024-003



Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

Department of Planning  
 Land Use Management  
 Senior State and Office

**ORIGINAL**

FORM LAA-1023

SECTION 46

WESTERN AUSTRALIA  
LAND ADMINISTRATION ACT 1997  
TRANSFER OF LAND ACT 1893 as amended

**MANAGEMENT ORDER (XE)**

RESERVE DESCRIPTION (NOTE 1)

EXTENT

VOLUME

FOLIO

50171

Whole

3156

654

MANAGEMENT BODY (NOTE 2)

City of Wanneroo of Locked Bag 1 WANNEROO WA 6946

CONDITIONS (NOTE 3)

See Annexure

THE MINISTER FOR LANDS (IN THE NAME OF AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA) ORDERS THAT THE CARE, CONTROL AND MANAGEMENT OF THE ABOVE RESERVE BE PLACED WITH THE MANAGEMENT BODY DESCRIBED ABOVE FOR THE PURPOSE FOR WHICH THE LAND COMPRISING THE RESERVE IS RESERVED UNDER SECTION 41 OF THE LAND ADMINISTRATION ACT 1997, AND FOR PURPOSES ANCILLARY OR BENEFICIAL TO THAT PURPOSE SUBJECT TO THE CONDITIONS ABOVE

Dated this 17 day of February in the year 2021

ATTESTATION (NOTE 4)

Name: Travis Adams  
Senior State Land Officer - Level 4  
Land Use Management  
Department of Planning, Lands & Heritage

FORM B1 WESTERN AUSTRALIA TRANSFER OF LAND ACT 1893 AS AMENDED ANNEXURE / ADDITIONAL PAGE TO MANAGEMENT ORDER (XE)
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RESERVE DESCRIPTION (NOTE 1)	EXTENT	VOLUME	FOLIO
50171	Whole	3156	654

CONDITIONS (NOTE 3)

- i) To be utilised for the designated purpose of "Community Purposes and Car Park" only.
- ii) Power to lease (sub-lease or licence) for the designated purpose is granted for the whole or any portion thereof for any term not exceeding five (5) years from the date of the lease subject to the approval in writing to the Minister for Lands being first obtained to each and every lease or assignment of lease, pursuant also to the provisions of section 18 and section 19 of the Land Administration Act 1997.
- iii) The Management Body must allocate and use any premium, rental, fees, charges or other income it receives from all leases, subleases and licences in respect of the Reserve or any part of it (Reserve Funds) to maintain and repair all buildings and structures and to maintain the grounds and facilities of the Reserve and where there are surplus Reserve Funds other reserves within the locality and otherwise to satisfy its obligations and liabilities as management body of the Reserve.
- iv) The Management Body must provide to the Department within three (3) months of a request of the Minister, a report that details the amount and source of the Reserve Funds received and what the Reserve Funds have been expended on during that preceding financial year, and other periods as requested.
- v) Any surplus of the Reserve Funds remaining at the end of each financial year shall be paid into a trust fund established by the Management Body pursuant to section 6.9(1) of the Local Government Act 1995 or set aside by the Management Body and carried forward for future capital or major works required to the Reserve and other reserves within the locality. The Management Body shall include in the report(s) referred to in clause 3.2 above, details of any expenditure from the trust fund or from funds which have been carried forward by the Management Body and used for capital or major works to or on the Reserve and other reserves within the locality.

ANNEXURE C – AERIAL PHOTOS

