

---

|          |                      |                                                                                                |
|----------|----------------------|------------------------------------------------------------------------------------------------|
| <b>1</b> | <b>SUBJECT:</b>      | Outcome of Public Notice, Proposed Major Land Transaction<br>Western Foreshore Commercial Site |
|          | <b>DIRECTOR:</b>     | Business Services                                                                              |
|          | <b>MEETING:</b>      | Council                                                                                        |
|          | <b>MEETING DATE:</b> | 27 August 2024                                                                                 |

---

## Summary

The City of Mandurah (the City) is proposing to enter into a sublease with Left Coast Leisure Group Pty Ltd for a portion of: Lot 1561 on Deposited Plan 209268 in Certificate of Crown Land Title Volume LR3014 Folio 635; and Lot 500 on Deposited Plan 404353 in Certificate of Crown Land Title Volume LR3165 Folio 486, 25 Leighton Place, Mandurah. This site is locally known as the 'King Carnival' site located on the Western Foreshore, Mandurah.

At the Council Meeting on 28 May 2024, Council endorsed the Western Foreshore Commercial Site Business Plan (refer Attachment 1.1) for the purposes of inviting submissions from the public and interested stakeholders. During the public consultation period, the City received 1,102 submissions. The City officers have summarised the City's proposal and engagement process to date through a Community Engagement Report: Western Foreshore Leisure Precinct & Commercial Site Major Land Transaction Business Plan Report (refer Attachment 1.2). The Public Submissions (refer electronic Attachment 1.3) are now presented to Council for consideration, noting 10 submissions were not published due to the responded requesting that the submission be withheld from Council.

Due to the high volume of Public Submissions received, City officers have undertaken extensive analysis of the commentary including comments, issues and concerns raised regarding the Commercial Site. To assist Council in their decision-making, the commentary within the Public Submissions has been presented in Themes (for example Traffic Management Concerns, Economic Benefits) and a City officer comment has been provided against each Theme (refer Attachment 1.4).

Following an extensive community consultation process, Council is now requested to consider the submissions on the proposed Western Foreshore Commercial Site Major Land Transaction Business Plan and whether or not to proceed with the Major Land Transaction in accordance with section 3.59 of the *Local Government Act 1995* (the Act). Council is also requested to consider amendments to the Key Terms of Agreement with Left Coast Leisure Group Pty (refer Attachment 1.5) to address community matters raised through the public advertising process.

## Disclosure of Interest

Nil.

## Location

25 Leighton Place, Halls Head 6210.

- Lot 1561 on Deposited Plan 209268 in Certificate of Crown Land Title Volume LR3014 Folio 635, 25 Leighton Place, Mandurah; and
- Lot 500 on Deposited Plan 404353 in Certificate of Crown Land Title Volume LR3165 Folio 486, 25 Leighton Place, Mandurah.

## Previous Relevant Documentation

- |             |             |                                                                          |
|-------------|-------------|--------------------------------------------------------------------------|
| • G.6/05/24 | 28 May 2024 | Major Land Transaction – Western Foreshore Commercial Site Business Plan |
|-------------|-------------|--------------------------------------------------------------------------|

|              |                  |                                                            |
|--------------|------------------|------------------------------------------------------------|
| • G.21/11/22 | 22 November 2022 | Western Foreshore Commercial Site - Expression of Interest |
| • G.15/05/22 | 24 May 2022      | Western Foreshore Expression of Interest Stage One         |
| • G.23/6/21  | 22 June 2021     | Western Foreshore Commercial Site Project Plan June 2021   |

## Background

Planning for the Western Foreshore commenced as early as 2015, with Council in 2018 resolving to adopt the Waterfront (Eastern and Western Foreshore) Concept Plan for the Mandurah City Centre Waterfront Precincts for the purposes of advertising. In 2019, Council adopted the Western Foreshore Recreation Precinct, Eastern Foreshore South Precinct and Eastern Foreshore North Precinct for detailed design and construction.

Following the expiration of the commercial leases previously operating in the northern portion of the Western Foreshore Precinct, the City was required to ensure an open and transparent process was undertaken prior to entering into any future long term lease arrangements. At its meeting on 22 June 2021, Council approved the project plan for the Commercial Site to undertake a multi-staged Expression of Interest (EOI) process to explore potential opportunities for commercial activations over the existing commercial lease site.

The City received seven submissions through the first stage of the EOI and following a comprehensive assessment process Council at its meeting of 24 May 2022 endorsed three submissions to proceed to the second stage of the EOI.

Following the EOI Stage Two, at the Council Meeting on 22 November 2022, Council selected Geographe Bay Leisure Group as the preferred proponent for the Commercial Site. Noting that Geographe Bay Leisure Group have advised the City that Left Coast Leisure Group Pty Ltd is the registered business entity for the purposes of the proposed sublease.

At the Council Meeting of 28 May 2024, Council endorsed the Western Foreshore Commercial Site Business Plan (refer Attachment 1.1), inviting submissions from the community and interested stakeholders. Council also approved the Chief Executive Officer to enter into a Key Indicative Terms with Left Coast Leisure Group as detailed in Attachment 1.5 which is subject to the Major Land Transaction process and approval of the State Government for the land excision.

## Comment

### Major Land Transaction

In accordance with section 3.59 of the Act, local governments are required to undertake a Major Land Transaction, which means the acquisition, disposal (sell, lease or otherwise dispose of, whether absolutely or not) or development of land that is not exempt under the Act, and where the consideration is worth more than either \$10 million or 10% of the local governments operating expenditure incurred by the local government from its municipal fund in the last completed financial year.

The City is proposing to enter into a sublease with Left Coast Leisure Group Pty Ltd for a portion of:

- Lot 1561 on Deposited Plan 209268 in Certificate of Crown Land Title Volume LR3014 Folio 635; and
- Lot 500 on Deposited Plan 404353 in Certificate of Crown Land Title Volume LR3165 Folio 486, 25 Leighton Place, Mandurah.

In accordance with the Act, before a local government enters into a Major Land Transaction the local government is required to prepare a Major Land Transaction Business Plan. A Business Plan includes an overall assessment of the transaction including the:

- expected effect on the provision of facilities and services by the local government and other persons providing facilities and services in the district;
- expected financial effect on the local government;
- expected effect on matters referred to in the local government's current plan prepared under section 5.56 of the Act; and
- the ability of the local government to manage the undertaking or the performance of the transaction.

For the purposes of public advertising, Council endorsed the Western Foreshore Major Land Transaction Business Plan (Business Plan) (refer Attachment 1.1) at its meeting of 28 May 2024.

### Proposal Overview

The Business Plan outlines Left Coast Leisure Group Pty Ltd (Proponent) proposal and the following components to be developed by the Proponent over an area of 8,000 square metres:

- Licenced Restaurant and Microbrewery – 2,500m<sup>2</sup>
- 18-hole Mini Golf Course and Café – 5,050m<sup>2</sup> which approximately 4,700m<sup>2</sup> is for the mini-golf course
- Chocolate Production and Retail – 450m<sup>2</sup>

The Proposal provides an opportunity for the City to facilitate a commercial development on the Western Foreshore that will offer significant benefits to the local and regional economy through the delivery of a premier tourism attraction as part of the Western Foreshore Leisure Precinct.

### Western Foreshore Commercial Site

The Western Foreshore Commercial Site (Commercial Site) is reserved as Regional Open Space in the Peel Region Scheme, requiring the land use to be consistent with the recreation and cultural opportunities of the Site and any development of the site needs to ensure a high level of public access.

The Commercial Site is currently a 'Class A' Crown reserve with management vested to the City of Mandurah. Under the current 'reserve' designation, the City has the power to issue a lease for recreational opportunities and complementary commercial uses.

Since 1987, the land comprising the Commercial Site has been used for commercial purposes. Kings Carnival have leased approximately 6,300m<sup>2</sup> and prior to 2022, a second commercial aquatic operator leased a further portion of the land (comprising approximately 281m<sup>2</sup>), with a total commercial footprint of 6,581m<sup>2</sup>. The total area for the Proposal is 8,000m<sup>2</sup>.

### Key Indicative Terms – Prior to Advertising

In the development of the Business Plan for community consultation, the Chief Executive Officer commenced preliminary negotiations with Left Coast Leisure Group Pty Ltd (Proponent) to reduce the impact of the proposed development on the community and to identify opportunities to enhance the jobs, local content and regional outcomes more broadly.

These negotiations achieved the following:

- Limitation on the opening hours from 10 am to 10 pm (until the second anniversary of the commencement of trading for the Licensed Restaurant and Microbrewery).
- Ensures the design and scale of any development (height, bulk and appearance) should be in keeping with the nature of the Western Foreshore, noting the skate park, playground, war memorial have a high quality architectural design.

- The Proposal is 8,000m<sup>2</sup>, with the built form component being approx. 3,300m<sup>2</sup> and the remainder will be utilised for the purposes of the mini-golf course. This ensures that the City and the Proponent maximise tree retention, protecting the environmental value of the Site.
- View corridors to the water are to be maintained between built form elements.
- Development is to provide a leisure and/or active tourism offering additional and/or complimentary to existing offerings in the area.
- Development will need to activate/create vibrancy in the area and be well integrated into the surrounding reserve and broader City Centre Precinct.
- Development needs to provide economic and/or community benefit the ongoing economic impact for consumer spending, tourism activity and local employment – with specific outcomes including:
  - Local content opportunities for Mandurah and Peel based businesses during the construction phase;
  - Prior to commencing the development, the Proponent acting in good faith will attempt to enter into an agreement with the South Metropolitan TAFE, where the Proponent will participate in and support opportunities for work placement, work experience and graduate programs for hospitality students at the South Metropolitan TAFE Mandurah campus.

### Public Submissions

Prior to deciding whether or not to proceed with a Major Land Transaction, Council must consider the public submissions received during the Statewide public notice period. In accordance with section 3.59 of the Act, Statewide public notice of the Business Plan must be undertaken for a period of six weeks. Due to the community's interest in this proposal, Council committed to an extended advertising period, with the City inviting submissions on the Western Foreshore Commercial Site Business Plan.

During the public consultation period, the City received 1,102 submissions, noting 10 submissions were not published due to the respondent requesting that the submission be withheld from Council. It should be noted that during this period for the Business Plan, the City also invited comments from the community on the Western Foreshore Leisure Precinct Master Plan (Master Plan). The Master Plan is a high-level conceptual plan that outlines the remaining elements of the Waterfront Precinct Plan and incorporates the Western Foreshore Commercial Site.

112 members of the public completed both surveys with many others choosing to complete only one survey. The submissions were received through various avenues and presented in a range of formats. The feedback was analysed to identify key themes with specific 'descriptors' that reflect the subject-matter mentioned. 33 key themes were identified within the data. The Community Engagement Report: Western Foreshore Leisure Precinct & Commercial Site Major Land Transaction Business Plan is detailed in Attachment 1.2 and all submissions are included in electronic Attachment 1.3 available via the City of Mandurah website, Agendas and Minutes page under August Council Meeting. <https://www.mandurah.wa.gov.au/-/media/files/com/city-and-council/council/council-and-committee-meetings/agendas-and-minutes/2024/council/council-meeting-agenda-aug-27---public-submissions-electronic-attachment.pdf>

### Public Submission Themes and Response

Public Submissions have been presented in Themes (for example Traffic Management Concerns, Economic Benefits) and a City officer comment has been provided against each Theme (refer Attachment 1.4). There were key themes in the submissions that are summarised below:

| # | Themes                                              | City of Mandurah Response                                                                                                                                                                                                                                                                                                                                       |
|---|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <b>Traffic Management Concerns / Considerations</b> | <u>Single road access on local road</u><br>The traffic engineering consultant modelled the existing configuration and three (3) improvement options for the intersections of Mary Street / Leighton Place and Pinjarra Road / Old Coast Road / Mary Street, taking into account the predicted traffic generation related to the Commercial Site Proposal on the |

|   |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |                                          | <p>Western Foreshore. The modelling considered the present traffic volumes (2023) and the predicted future traffic volumes in 2031, including the impacts of the Mandurah Estuary Bridge Duplication which is presently being delivered by Main Roads WA. The 3 improvement options are outlined below:</p> <ul style="list-style-type: none"> <li>• Option 0 – Existing configuration (ie. no change).</li> <li>• Option 1 – Dedicated left turn lane from Mary Street onto Pinjarra Road together with a right turn / straight through lane.</li> <li>• Option 2 – Dedicated left turn lane from Old Coast Road onto Mary Street together with a right turn / straight through lane.</li> <li>• Option 3 – Combination of Option 1 and Option 2.</li> </ul> <p>The traffic modelling assessed each of the above options during the Weekday AM peak period (8am – 9am), the Weekday PM peak period (3:15pm – 4:15pm) and the Weekend Mid-day peak period (11:30am – 12:30pm).</p> <p>The traffic modelling suggests that the Mandurah Estuary Bridge Duplication will improve the level of service at the intersection of Mary Street / Leighton Place due to a reduction in northbound traffic volumes on Old Coast Road. In addition, minor road network improvements on Mary Street between Leighton Place and Pinjarra Road would result in satisfactory performance at the intersection of Mary Street / Leighton Place during peak periods, taking into account the Commercial Site Proposal on the Western Foreshore.</p> <p>In summary, the outcomes of the traffic modelling showed that Option 1 (dedicated left turn lane from Mary Street onto Pinjarra Road together with a right turn / straight through lane) was the preferred option as it provided a good level of service at the intersections of Mary Street / Leighton Place and Pinjarra Road / Old Coast Road / Mary Street, during all peak periods with only short traffic delays of between 10 and 15 seconds. This option was also not detrimental to the performance of Old Coast Road.</p> <p>If Council agree to proceed with the Major Land Transaction, further detailed analysis will be undertaken as part of the City's own commitment to managing the local road network and there will be further consideration through the Development Application process.</p> <p><u>Upgrades to intersection</u></p> <p>As explained above, the intersection improvements / upgrades are likely to be required on Mary Street and Leighton Place with issues such as right turn movements and potential pedestrian and cyclist conflicts being noted. If Council decide to proceed with the major land transaction, design and costings will be presented to Council. The City is committed to engaging and working with local residents to achieve a suitable outcome.</p> |
| 2 | <b>Parking concerns / Considerations</b> | <p><u>Inadequate parking</u></p> <p>Car parking provisions and improvements to transport links to service the Precinct and the future development of the Commercial Site have been considered as part of the extensive work conducted on the City Centre Master Plan and the City Centre Parking Plan. Through the Local Planning Framework, the City has adopted a contemporary approach to parking ratios</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

|         |                                            | <p>and is consistent with the State Activity Centre Planning Policy, which include the following principles:</p> <ul style="list-style-type: none"><li>• Parking being provided as public parking and therefore available for reciprocal use;</li><li>• Reciprocal parking allows for the most efficient use of available bays whereby uses that have different periods of peak demand can utilise the same parking facilities;</li><li>• Promoting the use of public transport, particularly for the location where high-density employment and housing is being promoted; and</li><li>• Overflow parking to be provided upon approval by the City of Mandurah.</li></ul> <p>The proposed Leisure Precinct Plan indicates an additional 202 parking bays to service future activation of the Precinct. This includes: War Memorial Carpark – 96 bays, Skatepark Carpark – 40 bays and Leighton Road street parking – 66 bays, whether they be formal or informal is to be determined through further design development.</p> <p>The City will carry out carparking works on land adjacent to the proposed Commercial Site. The parking will be available for public use and the Commercial Site Proponent will have no exclusivity over this parking. This is consistent with businesses in the City Centre area where there is recognition through the Strategic Centre City Centre Precinct Plan that efficient use of parking has benefits for City environments and, this is often best located in the public domain. The proposed parking amount is more than what would be required for a development of a similar nature within the City Centre, which is demonstrated in the following table:</p> <table><tr><th></th><th>Guidance Source</th><th>Required Parking Ratio</th><th>Estimated Bays</th></tr><tr><td rowspan="4">Summary</td><td>Local Planning Scheme No 12</td><td>1 per 4 patrons</td><td>163 bays</td></tr><tr><td>Strategic Centre City Centre Precinct Plan</td><td>3 bays per 100m2</td><td>53 bays</td></tr><tr><td>Current bays on western foreshore</td><td></td><td>183 bays (serving war memorial, skate park, play space and general use.</td></tr><tr><td>Additional Bays proposed</td><td></td><td>202 bays</td></tr></table> |                                                                         | Guidance Source | Required Parking Ratio | Estimated Bays | Summary | Local Planning Scheme No 12 | 1 per 4 patrons | 163 bays | Strategic Centre City Centre Precinct Plan | 3 bays per 100m2 | 53 bays | Current bays on western foreshore |  | 183 bays (serving war memorial, skate park, play space and general use. | Additional Bays proposed |  | 202 bays |
|---------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------|------------------------|----------------|---------|-----------------------------|-----------------|----------|--------------------------------------------|------------------|---------|-----------------------------------|--|-------------------------------------------------------------------------|--------------------------|--|----------|
|         | Guidance Source                            | Required Parking Ratio                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Estimated Bays                                                          |                 |                        |                |         |                             |                 |          |                                            |                  |         |                                   |  |                                                                         |                          |  |          |
| Summary | Local Planning Scheme No 12                | 1 per 4 patrons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 163 bays                                                                |                 |                        |                |         |                             |                 |          |                                            |                  |         |                                   |  |                                                                         |                          |  |          |
|         | Strategic Centre City Centre Precinct Plan | 3 bays per 100m2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 53 bays                                                                 |                 |                        |                |         |                             |                 |          |                                            |                  |         |                                   |  |                                                                         |                          |  |          |
|         | Current bays on western foreshore          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 183 bays (serving war memorial, skate park, play space and general use. |                 |                        |                |         |                             |                 |          |                                            |                  |         |                                   |  |                                                                         |                          |  |          |
|         | Additional Bays proposed                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 202 bays                                                                |                 |                        |                |         |                             |                 |          |                                            |                  |         |                                   |  |                                                                         |                          |  |          |
| 3       | Social and Safety Issues related to a      | <p><u>Opening hours</u></p> <p>Subject to Council’s decision, the City has negotiated with the Proponent restricting operating hours, with the requirement for the venue to close at 10pm. It is important to note that this restriction far exceeds other venues</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                         |                 |                        |                |         |                             |                 |          |                                            |                  |         |                                   |  |                                                                         |                          |  |          |

|   |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>licenced premises</b>    | <p>operating in the City Centre which are typically permitted to trade until 12:00 midnight or later with extended trading permits.</p> <p>A number of conditions are likely to be required to mitigate anti-social or safety issues where the Director of Liquor Licencing, through the liquor licensing process may impose conditions on the venues Liquor Licence requiring the operator to:</p> <ul style="list-style-type: none"> <li>• Prepare a Harm Minimisation Plan which will outline requirements to manage customers through signage, staffing and security measures.</li> <li>• Set occupancy numbers dependent on factors including toilet facilities, floor area, exit widths among other considerations.</li> </ul> <p><u>Community Safety</u></p> <p>The Council endorsed a Community Safety Strategy in July 2024 outlining an ongoing commitment from the City to prevent, prepare, and respond to community safety concerns, including anti-social behaviour. The Western Foreshore Leisure Precinct will be designed to best practice Crime Prevention Through Environmental Design (CPTED) principles in order to create an environment that designs out the opportunity for crime. This will include elements such as improved lighting, CCTV and activations to increase passive surveillance. The City will continue to maintain strong partnerships with Police and other stakeholders, such as the Liquor Accord.</p> <p><u>Noise Impact</u></p> <p>Through the Development Approval and Liquor Licencing processes the City has the opportunity to request conditions be applied to the development to control noise impacts. These may include the setting of noise levels of speakers, orientation of speakers, amplified music being run through a centralised system with noise limiting device. In all cases the development will be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>With regard to patron noise from patrons Harm Minimisation Plans are required through the liquor licencing process that are able to manage post closure behaviour including the provision of security. Controls are also able to be applied to support lower risk drinking environments with food available and seating lay outs that reduce anti-social behaviour. The liquor licence and development assessment process can also be used to require security management plans that include considerations such as lighting and CCTV.</p> |
| 5 | <b>Environmental Impact</b> | <p><u>Loss of green space</u></p> <p>Refer to response for <b>Improved Community Spaces and Events Theme</b>.</p> <p><u>Tree retention</u></p> <p>Tree retention will remain a priority in addition to increasing the tree canopy throughout the reserve with additional planting to increase the usability of the area. For the purposes of the proposed Commercial Site, the City will be conducting a range of environment-related site assessments as part of its due diligence process and in advance of any development application for the site. These assessments will include flora and fauna assessment (including a tree retention plan), arborist report, site contamination report, geotechnical report and coastal risk assessment.</p> <p>The proposed sublease area for the Commercial Site Proposal is 8,000m<sup>2</sup>,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|   |                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |                                                                 | <p>which is 1,419m<sup>2</sup> larger than the existing part of the land used for commercial purposes. It should be noted that the built form component of the Proposal is approximately 3,300m<sup>2</sup> and the remainder will be utilised for the purposes of the mini-golf course. This enables the City and the Proponent to maximise tree retention, protecting the environmental value of the Site.</p> <p>The City will be responsible for completing an Arborist Report which will specifically identify those trees that must be retained on the Commercial Site. The Proponent will be required to develop a Tree Management Plan taking into account the City's advice and recommendations. The final design of the built form will be required to work within those parameters.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 6 | <b>Opposition to Commercialisation of the Western Foreshore</b> | <p>Since 1987, the land comprising the Commercial Site, which is a Class A Reserve, has been used for commercial purposes. Since this time approximately 6,581m<sup>2</sup>, comprising the existing King Carnival lease area and the previous commercial aquatic operator, has been dedicated for commercial purposes.</p> <p>The total area of the reserves is 68,634m<sup>2</sup>, which 8,000m<sup>2</sup> is being used for commercial purposes. The total area for the proposed Commercial Site is 8,000m<sup>2</sup>, noting that approximately 4,700m<sup>2</sup> of this area will be utilised for the purposes of the 18-hole mini-golf course to maximise tree retention.</p> <p>It is proposed that all rent received will be set aside for funding infrastructure components of the Western Foreshore Leisure Precinct which would be more than likely funded from ratepayers if the proposal did not proceed. If there was no commercialisation on the Western Foreshore, the City would undertake improvements to bring the existing site to a standard that is consistent with the Western Foreshore Leisure Precinct, and this would be required to be funded through rates.</p>                                                                                                                                                           |
| 9 | <b>Concern for spend of rate-payers money and rental terms</b>  | <p><u>Concern regarding City investing in a Commercial Development</u></p> <p>The Western Foreshore Commercial Site is proposed to be developed at an estimated cost of \$23 million. The construction of the licenced restaurant, mini-golf course, café and chocolate/retail is the sole responsibility of the Proponent, with no financial contributions being made by the City.</p> <p>Should Council support the Proposal, the Proponent will be responsible for the construction of all elements of the development and ongoing maintenance obligations in accordance with the proposed Sublease conditions. In addition, the Proponent will be required to pay rent (from year 3 onwards). The Proponent will be required to pay all charges, local government rates and outgoings over the full term of the proposed sublease.</p> <p><u>Financial Contribution by the City</u></p> <p>The City's financial contribution to the development is limited. The City will support the Proposal by providing infrastructure within the Western Foreshore Precinct including parking upgrades.</p> <p>These infrastructure works (construction of 202 car parking bays) is estimated to cost approximately \$850,000 (exclusive of GST). Noting the parking is available for public use and the Proponent will have no exclusivity over this parking.</p> |

|  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | <p>For the purposes of undertaking the Major Land Transaction the costs incurred by the City to date include:</p> <ul style="list-style-type: none"> <li>• \$42,000 (exclusive of GST) for a specialised commercial consultant to market the Expression of Interest;</li> <li>• \$4,500 (exclusive of GST) to engage a commercial valuer; and</li> <li>• \$26,507 (exclusive of GST) in legal fees to prepare the Heads of Agreement.</li> </ul> <p>It is anticipated that the costs incurred by the City for negotiation and preparation of the Sublease, the land excision, Flora and Fauna Assessment, Arborist Report, Site Contamination Report, Geotechnical Report and Coastal Risk Assessment be approximately \$130,000. This expenditure is in accordance with the City's approved budget for the project</p> <p><u>Peppercorn rent (two years only)</u></p> <p>The City is seeking support from the Department of Planning, Lands and Heritage to enter into a Headlease for the Commercial Site with the State of Western Australia for a peppercorn rent (\$1 or other nominal amount payable per annum) over the entire lease term.</p> <p>This will result in the City paying no rent to the State of Western Australia for this Headlease, however is proposing to enter into a Sublease with the Proponent, which will require the Proponent to pay rent and other charges (including rates, taxes, levies, charges and outgoings) directly to the City. In addition, the Proponent will be responsible for all other associated costs including buildings, maintenance and insurance.</p> <p>Under the Proposed Rental Terms for Years 1 and 2 (only) the City will provide the Proponent a peppercorn rent. This is due to the construction phase of the development occurring during this time. It is considered standard commercial practice to negotiate a reduced rental fee during the construction phase as the proponent is not trading or drawing an income from the development. All other fees such as rates and outgoings will be charged to the sublessee during this period.</p> <p>In addition, the City has recognised the delivery of a significant community benefit this development provides in terms of contribution to tourism and economic growth for Mandurah.</p> <p>It is proposed that the revenue from the sublessee is reinvested back into the management, maintenance and ongoing renewal costs for elements of the Western Foreshore Leisure Precinct.</p> <p><u>Rental Terms</u></p> <p>The City has engaged an independent commercial valuer to undertake a valuation of the Commercial Site. The current market value of the disposition as carried out by a licensed valuer is \$160,000 per annum plus GST. The valuer has taken into account commercial operations of a similar nature and tourism footprint.</p> <p>The City engaged a commercial valuer to undertake analysis and modelling on the Net Present Value (NPV). NPV is defined as the current value of a future net</p> |
|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                     | <p>income stream of an investment over a period of time, discounted at an acceptable rate. The NPV calculation is considered the appropriate method for defining the current value of a future net income stream of an investment over a period of time, which incorporates discounts (7.5%) at an acceptable rate.</p> <p>In accordance with the Proposed Rental Terms, which includes the rent free period of two years (due to the construction period) the rent to be received to the City would amount to \$6,197,609.91 over the first 25 year term.</p> <p>Based on the Reasonable Market Rent which is based on the valuation undertaken with a starting rent of \$160,000 per annum plus GST (with no rent free period) the rent amounts to \$5,508,716.35 over the first 25 year term.</p> <p>This indicates that the City is achieving a greater return from the sublessee's Proposed Rental Term, than the rates based on the market valuation. By Year 5 the annual Proposed rent exceeds the amount that could be achieved under the Reasonable Market Rent (which is based on the valuation). The cumulative rent of the Proposed Rental Terms is greater than the Reasonable Market Rent in Year 15. Refer to table below.</p> <p>In addition, the sublease terms will provide the City protection against turbulence in the market, through a term which ensures that the rent cannot be less than the previous year.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |          |          |             |            |             |            |  |      |          |       |       |       |       |       |                                |     |        |        |        |        |        |        |                                   |     |          |      |          |          |            |           |                                  |        |        |        |        |        |        |        |                                     |        |          |          |          |          |           |           |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|----------|-------------|------------|-------------|------------|--|------|----------|-------|-------|-------|-------|-------|--------------------------------|-----|--------|--------|--------|--------|--------|--------|-----------------------------------|-----|----------|------|----------|----------|------------|-----------|----------------------------------|--------|--------|--------|--------|--------|--------|--------|-------------------------------------|--------|----------|----------|----------|----------|-----------|-----------|
|                                     | <table><tr><th></th><th colspan="5">First Term</th><th>Second Term</th><th>Third Term</th></tr><tr><th></th><th>Yr 2</th><th>Yr 8 Mkt</th><th>Yr 15</th><th>Yr 20</th><th>Yr 25</th><th>Yr 50</th><th>Yr 65</th></tr><tr><td>Proposed Rental Term per annum</td><td>\$0</td><td>\$236K</td><td>\$280k</td><td>\$315k</td><td>\$355k</td><td>\$640k</td><td>\$913k</td></tr><tr><td>Proposed cumulative Rental income</td><td>\$0</td><td>\$1,173m</td><td>\$3m</td><td>\$4,505m</td><td>\$6,197m</td><td>\$18,435 m</td><td>\$30,109m</td></tr><tr><td>Reasonable Market Rent per annum</td><td>\$164k</td><td>\$191k</td><td>\$228k</td><td>\$256k</td><td>\$288k</td><td>\$521k</td><td>\$744k</td></tr><tr><td>Reasonable cumulative Rental income</td><td>\$325k</td><td>\$1,417m</td><td>\$2,905m</td><td>\$4,130m</td><td>\$5,508m</td><td>\$15,475m</td><td>\$24,983m</td></tr></table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | First Term |          |          |             |            | Second Term | Third Term |  | Yr 2 | Yr 8 Mkt | Yr 15 | Yr 20 | Yr 25 | Yr 50 | Yr 65 | Proposed Rental Term per annum | \$0 | \$236K | \$280k | \$315k | \$355k | \$640k | \$913k | Proposed cumulative Rental income | \$0 | \$1,173m | \$3m | \$4,505m | \$6,197m | \$18,435 m | \$30,109m | Reasonable Market Rent per annum | \$164k | \$191k | \$228k | \$256k | \$288k | \$521k | \$744k | Reasonable cumulative Rental income | \$325k | \$1,417m | \$2,905m | \$4,130m | \$5,508m | \$15,475m | \$24,983m |
|                                     | First Term                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |          |          | Second Term | Third Term |             |            |  |      |          |       |       |       |       |       |                                |     |        |        |        |        |        |        |                                   |     |          |      |          |          |            |           |                                  |        |        |        |        |        |        |        |                                     |        |          |          |          |          |           |           |
|                                     | Yr 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Yr 8 Mkt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yr 15      | Yr 20    | Yr 25    | Yr 50       | Yr 65      |             |            |  |      |          |       |       |       |       |       |                                |     |        |        |        |        |        |        |                                   |     |          |      |          |          |            |           |                                  |        |        |        |        |        |        |        |                                     |        |          |          |          |          |           |           |
| Proposed Rental Term per annum      | \$0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$236K                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$280k     | \$315k   | \$355k   | \$640k      | \$913k     |             |            |  |      |          |       |       |       |       |       |                                |     |        |        |        |        |        |        |                                   |     |          |      |          |          |            |           |                                  |        |        |        |        |        |        |        |                                     |        |          |          |          |          |           |           |
| Proposed cumulative Rental income   | \$0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$1,173m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | \$3m       | \$4,505m | \$6,197m | \$18,435 m  | \$30,109m  |             |            |  |      |          |       |       |       |       |       |                                |     |        |        |        |        |        |        |                                   |     |          |      |          |          |            |           |                                  |        |        |        |        |        |        |        |                                     |        |          |          |          |          |           |           |
| Reasonable Market Rent per annum    | \$164k                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$191k                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$228k     | \$256k   | \$288k   | \$521k      | \$744k     |             |            |  |      |          |       |       |       |       |       |                                |     |        |        |        |        |        |        |                                   |     |          |      |          |          |            |           |                                  |        |        |        |        |        |        |        |                                     |        |          |          |          |          |           |           |
| Reasonable cumulative Rental income | \$325k                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$1,417m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | \$2,905m   | \$4,130m | \$5,508m | \$15,475m   | \$24,983m  |             |            |  |      |          |       |       |       |       |       |                                |     |        |        |        |        |        |        |                                   |     |          |      |          |          |            |           |                                  |        |        |        |        |        |        |        |                                     |        |          |          |          |          |           |           |
| 16                                  | <p><b>Concerns about Impact on other Businesses</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>The evaluation criteria used in the EOI were specifically designed to prioritise proposals that offer demonstrable benefits to Mandurah and complement existing local businesses environment. The recreation aspects of the proposal scored highly with few similar offers within the area. The scale of the hospitality elements is also expected to be complementary to businesses on the Eastern Foreshore.</p> <p>Overall, the proposal is anticipated to generate significant additional economic activity through increased visitation, rather than simply absorb a share of the existing market. This is reflected in the anticipated economic impact of \$47m per annum across the Mandurah economy in each year of operation.</p> |            |          |          |             |            |             |            |  |      |          |       |       |       |       |       |                                |     |        |        |        |        |        |        |                                   |     |          |      |          |          |            |           |                                  |        |        |        |        |        |        |        |                                     |        |          |          |          |          |           |           |

|    |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                             | <p>This notwithstanding, the City intends to continue its investment in the Eastern Foreshore and City Centre activation program to manage the risk of diversion. The City invests just under \$550k per year in the City Centre activities including grant programs, business led activations, and support for permits and approvals for new opportunities. The investment relating to the City's festivals and events delivered in the City Centre is \$1,742,000 and includes Crab Fest, the Christmas in Mandurah program and Winter in Mandurah activations. All these programs support businesses on the Eastern Foreshore/City Centre to maximise footfall. Additionally, the City's support through Visit Mandurah supports City Centre businesses including support in destination marketing and promotion of Mandurah and local businesses across WA and Australia every year, driving visitation to businesses in the City Centre and across Mandurah.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 22 | <b>Improved Family-Friendly Environment</b> | <p><u>Western Foreshore Commercial Site</u></p> <p>The Western Foreshore Commercial Site forms an important part of this Precinct providing further opportunities for activation through high quality designed family friendly and intergenerational hospitality offerings by adding to the existing range of recreation facilities, including a new premium 18-hole mini golf course.</p> <p><u>Attractions for families</u></p> <p>The proposed Western Foreshore Leisure Precinct Concept Master Plan contains a variety of elements for different age groups and activities, with a strong family focus. This includes:</p> <ul style="list-style-type: none"> <li>• Regional level skate park and Koolaanga Waabiny destination playground.</li> <li>• 'Village Green' recreation and events space, including retention of 'disc golf' and potentially new sport specific infrastructure such as AFL goal posts and soccer goals; and the ability for large scale events to continue to take place i.e. Ride to cure cancer, Circus, Crab Fest, Pop-up amusement / fairgrounds etc.</li> <li>• Enhanced foreshore areas for community enjoyment, including green spaces for picnics and recreation, and maintaining access to the water.</li> <li>• New public car parking and new tree planting will improve the access and usability of the space further.</li> <li>• Proposed opportunities for structured recreation closer to the skate park and playground that may accommodate beach volleyball, hard stand for court specific sports.</li> <li>• Under bridge event and activation space with potential new infrastructure to accommodate more music and youth events and mural artwork.</li> <li>• Additional commercial activation through water and land based seasonal and annual licenses by mobile and aquatic commercial operators via Expression of Interest process.</li> </ul> |
| 25 | <b>Community Involvement</b>                | <p><u>Community involvement</u></p> <p>To establish the future vision for the Western Foreshore, in 2018, the City completed an extensive community engagement to inform the Waterfront Redevelopment, which identified the Western Foreshore commercial site as a 'high' priority for change. This engagement identified future opportunities for mixed use cultural/commercial developments to be explored on the site, including land based and overwater development and activities, cultural/arts/heritage attractions, leisure amusements and activities, and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

|    |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                          | <p>food/drink/retail outlets. Community feedback identified the commercial site on the Western Foreshore as a high priority for change and provided feedback indicating the site is currently underutilised for the prime location, with a preference for the existing activity to be replaced with a more contemporary destination attraction. There were 969 responses from a range of engagement methodologies including written/verbal responses (559 participants), illustrated responses (148 participants) and Dotmocracy activity at pop up locations (491 participants where 229 of participants also provided written/verbal responses and have been not counted twice in the total responses).</p> <p>The City recently completed a major review of the Strategic Community Plan 2020 – 2040. As part of this review process, a multi-stage community engagement process was conducted over a six-month period from August 2023. Through analysis of the community's vision for Mandurah, the community goals, outcomes and measures of success are now reflected in the adopted Strategic Community Plan 2024 – 2044. The community outcomes in the economic pillar of the Plan focus on local jobs, diversified economy, sustainable development, a thriving city for residents and visitors, investment encouragement and education and training opportunities. The proposed Western Foreshore Leisure Precinct and the Commercial Site support the achievement of these community outcomes, while balancing the other community outcomes for the Community and Environment pillars.</p> <p>For the proposed Western Foreshore Leisure Precinct Master Plan and Western Foreshore Commercial Site Major Land Transaction, the City conducted a further community engagement process, providing the community with an engagement period where submissions were received from 31 May 2024, and formally commencing 4 June 2024 (public notice issued). The City invited feedback through a wide range of methods outlined in Attachment 1.2 and included extensive community consultation including 91 signs, 9 newspaper articles and stories, 4 TV broadcast stories, 3 million digital advertisement impressions, 5 variation of social media advertising. The City has received 1,102 submissions with 12,300 Mandurah Matters webpage visits.</p> |
| 26 | <b>Economic Benefits</b> | <p><u>Supports Job Creation</u></p> <p>The City has undertaken an economic impact analysis that indicates the project is expected to support approximately 174 jobs during construction (direct and indirect). Once established, the proposed Western Foreshore Commercial Site will create approximately 437 ongoing jobs (292 direct and 145 indirect), offering various types of employment within a range of industries. Opportunities for casual and part-time positions will exist, in addition to full-time professional roles. Should a sublease be granted, the City requires the Proponent to enter into an agreement with the South Metropolitan TAFE to support opportunities for work placement, work experience and graduate programs for hospitality students at the South Metropolitan TAFE Mandurah campus.</p> <p><u>Supports Local Content</u></p> <p>The City has negotiated with the Proponent to maximise local content in the construction phase which will provide opportunities for businesses in Mandurah and the Peel Region.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|    |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                             | <p><u>Economic benefit</u></p> <p>The proposed Commercial Site will deliver a significant wider economic benefit to the local and regional economy over the proposed sublease term. The Proposal represents a private investment of \$23 million, creation of hundreds of jobs and provides an additional hospitality and entertainment element within the Western Foreshore Leisure Precinct. The proposal provides services not currently available in the City Centre and is expected to create a net increase in visitation to Mandurah.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 29 | <b>Improved Community Spaces and Events</b> | <p><u>Improved use of space</u></p> <p>The 'Village Green' is proposed to be retained as flexible space for passive recreation, major events and seasonal attractions (i.e. ride to conquer cancer, Circus, Crab Fest, Pop-up amusement / fairgrounds etc), and the broader reserve will continue to be retained for community and visitor use, including access to the water. Refer to City officer response for Improved Family-Friendly Environment Theme.</p> <p><u>Retention of green space</u></p> <p>Due to the planned additional parking requirements to facilitate the Western Foreshore Leisure Precinct, there is an anticipated reduction of approximately 11% of green space. The green space refers to the grass area included in the village green space. It is grass only (does not include trees) and it is not the total reserve area (which is 68,634).</p> <p>Green Space estimated calculation – based on the Australian parking bay standards which are 2.4 - 2.6m wide and 5.4m long. The total green space is 39,500m<sup>2</sup>. The proposed car parking is 4,375m<sup>2</sup>. Detailed design would be required if Council approve to proceed. The reduction is required in order to provide this additional infrastructure to cater to the increasing use by residents and visitors as a significant public open space in line with the Western Foreshore Leisure Precinct Concept Master Plan and City Centre Master Plan (CCMP). The enhancements to the Precinct will improve the usability of the space for the broader community and visitors. Additional planting of trees will improve the usability of the green space and assist in providing adequate shade for users.</p> <p>The proposed Western Foreshore Commercial Site has been designed to maximise retention of green space, with the 18 hole mini-golf course and Café (5,050 m<sup>2</sup> of which approximately 4,700m<sup>2</sup> is mini-golf course) designed to include landscaping in and around the existing trees on site and will reflect the historic and cultural significance of the site.</p> <p><u>Tree Retention</u></p> <p>For both the Western Foreshore Leisure Precinct and the Commercial Site, tree retention will remain a priority in addition to increasing the tree canopy throughout the reserve with additional planting planned to increase the shade cover and usability of the area. Refer to Environmental Impact Theme.</p> |

## Key Stakeholder Engagement

The City undertook key stakeholder engagement with business partners, industry leaders, local businesses and residents, associations and community groups. As a result, the City received a number of key stakeholder feedback submissions and the City officer response is provided in the table below. A copy of the letters is available in Attachment 1.3.

#### City of Mandurah Advisory Groups

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Youth Advisory Group</b><br>This item was considered by the Youth Advisory Group at its meeting on 5 June 2024. The engagement session combined feedback on both the Western Foreshore Leisure Precinct Concept Master Plan and the Western Foreshore Commercial Site Major Land Transaction and Business Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                 |
| <b>Summary of feedback/comments</b> <ul style="list-style-type: none"> <li>Concerns around anti-social behaviour (in later evening). Consideration for safety, regular security, or police patrols?</li> <li>Skatepark and Playground are far away from the venue.</li> <li>Concerns of traffic volume increases and resulting traffic management challenges around Mandurah and venue.</li> <li>Great job opportunities, also for young people.</li> <li>Great space for youth and young children.</li> <li>Concern about lack of playground in the venue and implications for accessibility of families with younger kids.</li> <li>Concern regarding construction and length of construction plans.</li> <li>Consideration that Kings Carnival is the closest version to a time-zone (Youth entertainment), with sentimental value held to Kings Carnival. YAG suggestion to acknowledge King Carnival in the new development (signs).</li> <li>YAG love the versatility of the space in terms of recreation and commercial uses.</li> <li>YAG like the mini golf (as many people went to King Carnival for minigolf only).</li> <li>Suggestion for archaeological dig on Kings Carnival site.</li> <li>Artworks in the area (artworks come to life). Art comes to life: Suggestion to insert augmented and/or physical art around Western Foreshore to commemorate landmarks being removed by development (especially kings carnival, ferris-wheel, mini golf etc), and to increase foot traffic along Western Foreshore, from restaurant, microbrewery and cafe to park, playground, skatepark, bridge and around whole area.</li> <li>Development brings the energy that Mandurah needs to stand out.</li> </ul> | <b>City of Mandurah Comment</b><br>Refer to responses for <b>Improved Family-Friendly Environment, Economic Benefits, Traffic Management Concerns / Considerations, Improved Community Spaces and Events Theme and Social and Safety Issues related to a licenced premises.</b> |
| <b>Strategic Economic Advisory Group</b><br>This item was considered by the Strategic Economic Advisory Group at its meeting on 22 July 2024 and provided a letter of support to the City for the proposed Western Foreshore Commercial Site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                 |
| <b>Summary of feedback/comments</b><br>Supports the proposed Business Plan, citing that a redevelopment of this nature and scale will not only be an                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>City of Mandurah Comment</b><br>Refer to responses for <b>Economic Benefits, Community Benefit</b> and                                                                                                                                                                       |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| invaluable enhancement to the new public infrastructure on the Western Foreshore, but it will have a significantly positive impact on Mandurah's local economy through the creation of new local business and significant employment opportunities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Improved Community Spaces and Events Theme</b>                                                                 |
| <b>Mandurah Environmental Advisory Group</b><br>This item was presented to the Mandurah Environmental Advisory Group at its meeting on 23 August 2024.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                   |
| <b>Summary of feedback/comments</b><br>MEAG acknowledged the briefing and were informed of the Proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>City of Mandurah Comment</b><br>Noted                                                                          |
| <b>Access and Inclusion Advisory Group</b><br>This item was considered by the Access and Inclusion Group at its meeting on 4 June 2024. The engagement session combined feedback on both the Western Foreshore Leisure Precinct Concept Master Plan and the Western Foreshore Commercial Site Major Land Transaction and Business Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                   |
| <b>Summary of feedback/comments</b> <ul style="list-style-type: none"> <li>The area is expected to see high use by disability providers and will need more than the regulated number of ACROD parking bays. The MARC has a high number of ACROD bays, which are frequently in use during the day.</li> <li>Connection to Mandurah's waterways is important, but accessibility is often lacking for people with disability. This plan is a great opportunity to explore accessible options for people with disability to engage with the water in various ways.</li> <li>Consider access to public transport for people who do not drive.</li> <li>The buildings and facilities within the space must be accessible, not just the external areas and should move beyond compliance to providing an overall accessible experience for people with different disability needs.</li> <li>Wide and accessible pathways that connect to all spaces are essential so that people of all abilities and ages can confidently move around the space. General feedback – great spread of activities and commercial spaces, like the area under the bridge, John Tonkin College Education Support Centre students have been asking for a mini golf space, and the area allocated for bands and events is good as another nearby location often used by musicians is not very accessible.</li> </ul> | <b>City of Mandurah Comment</b><br>Refer to responses for <b>Accessibility and Pedestrian Linkages and access</b> |

#### Business Partners and Industry Leaders Submissions

|                                                                                                                                         |                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>Peel Chamber of Commerce and Industry</b><br>Letter received 28 June 2024                                                            |                                                                                                          |
| <b>Summary of feedback/comments</b><br>Supports the proposed Business Plan citing economic growth and diverse employment opportunities. | <b>City of Mandurah Comment</b><br>Refer to responses for <b>Economic Benefits and Community Benefit</b> |
| <b>South Metropolitan TAFE</b><br>Letter received 23 July 2024                                                                          |                                                                                                          |
| <b>Summary of feedback/comments</b>                                                                                                     | <b>City of Mandurah Comment</b>                                                                          |

|                                                                                                                                                                                                                                                                           |                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Supports the proposed Business Plan citing the opportunity to enhance the hospitality offering in Mandurah, providing opportunities for employment and skill development for young people and increasing the tourism offering in the region.                              | Refer to responses for <b>Economic Benefits</b> and <b>Community Benefit</b>                |
| <b>Visit Mandurah</b><br>Letter received 12 July 2024                                                                                                                                                                                                                     |                                                                                             |
| <b>Summary of feedback/comments</b>                                                                                                                                                                                                                                       | <b>City of Mandurah Comment</b>                                                             |
| Supports the proposed Business Plan citing that the Business Plan proposal will significantly enhance Mandurah's appeal as a premier tourism destination within Western Australia and provide substantial benefits to our community.                                      | Refer to responses for <b>Economic Benefits, Tourism Boost</b> and <b>Community Benefit</b> |
| <b>Peel Development Commission</b><br>Letter received 26 July 2024                                                                                                                                                                                                        |                                                                                             |
| <b>Summary of feedback/comments</b>                                                                                                                                                                                                                                       | <b>City of Mandurah Comment</b>                                                             |
| Supports the proposed Business Plan citing that the Business Plan proposal will enhance the new public infrastructure on the Western Foreshore and will have a profoundly positive effect on Mandurah's local economy through job creation, investment and tourism spend. | Refer to responses for <b>Economic Benefits</b> and <b>Community Benefit</b>                |

Two submissions were provided on the Business Plan before the Public Submission period commenced; however these stakeholders were in support of the Proposal:

- Tourism Western Australia
- Tourism Council

#### Local Businesses and Community Groups Submissions

|                                                                                                                                                                                                                                                                                        |                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <b>Pirate Ship</b><br>Letter received 12 July 2024                                                                                                                                                                                                                                     |                                                                                             |
| <b>Summary of feedback/comments</b>                                                                                                                                                                                                                                                    | <b>City of Mandurah Comment</b>                                                             |
| Supports the proposed Business Plan citing the significant opportunity for Mandurah to enhance its appeal and extend its tourism season beyond the traditional summer months.                                                                                                          | Refer to responses for <b>Economic Benefits, Tourism Boost</b> and <b>Community Benefit</b> |
| <b>Boundary Island Brewery</b><br>Letter received 15 July 2024                                                                                                                                                                                                                         |                                                                                             |
| <b>Summary of feedback/comments</b>                                                                                                                                                                                                                                                    | <b>City of Mandurah Comment</b>                                                             |
| Supports the proposed Business Plan citing the proponent's unique tourism offerings, job placement and sustainable.                                                                                                                                                                    | Refer to responses for <b>Economic Benefits, Tourism Boost</b> and <b>Community Benefit</b> |
| <b>Sea West   Mandurah Cruises</b><br>Letter received on 18 July 2024                                                                                                                                                                                                                  |                                                                                             |
| <b>Summary of feedback/comments</b>                                                                                                                                                                                                                                                    | <b>City of Mandurah Comment</b>                                                             |
| The Commercial proposal and the Western Foreshore Leisure Precinct are in line with the Waterfront Vision Report. Supports developments that will improve the local economy, jobs and tourism. Requested that appropriate infrastructure such as parking and road access be supported. | Refer to responses for <b>Economic Benefits, Tourism Boost</b> and <b>Community Benefit</b> |
| <b>Mandurah Boat Charters</b><br>Email received on 19 July 2024                                                                                                                                                                                                                        |                                                                                             |
| <b>Summary of feedback/comments</b>                                                                                                                                                                                                                                                    | <b>City of Mandurah Comment</b>                                                             |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Supports the proposed Business Plan citing the proposals potential to drive significant economic and lifestyle benefits.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Refer to responses for <b>Economic Benefits, Tourism Boost and Community Benefit</b>                                                                                                                                                                       |
| <b>Brighton Hotel (Landowner and Landlord)</b><br>Letter received 24 July 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                            |
| <b>Summary of feedback/comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>City of Mandurah Comment</b>                                                                                                                                                                                                                            |
| <p>Objection to the Business Plan with the main concerns outlined in the letter being:</p> <ol style="list-style-type: none"> <li>1. Increase in Noise and Congestion</li> <li>2. Detracts from Town Centre &amp; venues along Eastern Foreshore</li> <li>3. Compromise Public Park &amp; Amenity</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Refer to <b>Environmental Impact, Opposition to Commercialisation of the Western Foreshore, Concerns about Impact on other Businesses, Traffic Management Concerns / Considerations and Social and Safety Issues related to a licenced premises</b></p> |
| <b>Blind Sport Support Group</b><br>Meeting held on 17 July 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                            |
| <b>Summary of feedback/comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>City of Mandurah Comment</b>                                                                                                                                                                                                                            |
| <p>The City of Mandurah officers met with the local Blind Spot group and collected the following feedback:</p> <ul style="list-style-type: none"> <li>• Supportive of open spaces that allow people to continue enjoying the Western Foreshore.</li> <li>• Important to have tactile ground surface indicators (TGSI) throughout the area so that people who are blind or have low vision can safely and confidently navigate the space.</li> <li>• Local people who are blind seek out spaces where they feel confident and would like this area to support their needs, including water bowls for guide dogs at water fountains and regular seating for rest.</li> <li>• ACROD parking is crucial in this space. For people who are blind, navigating car park areas with their support person can be challenging. This space will be popular, so additional ACROD bays will be needed.</li> <li>• Where there is a change in the purpose of the area, such as from a footpath to a car park, it is essential to have a change in surface. People who are blind rely on the ground's texture to indicate they are entering a different area. While smooth transitions from footpaths to roads/car parks are ideal for people who use a wheelchair, they can be unsafe for those who are blind or have low vision. Providing tactile strips and/or high-visibility paint strips can help people be aware of these changes.</li> <li>• If including any new artwork, and for existing public artwork, providing a QR code linking to an audio description can enable people who are blind to experience the joy of the art.</li> <li>• Overall, this group was excited about the opportunities to make this space enjoyable and accessible for everyone.</li> </ul> | <p>Refer to responses for <b>Accessibility, Community Benefit and Pedestrian Linkages and access</b></p>                                                                                                                                                   |
| <b>Port Mandurah Ratepayers Association</b><br>Letter received 24 July 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                            |
| <b>Summary of feedback/comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>City of Mandurah Comment</b>                                                                                                                                                                                                                            |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Objection to the Business Plan with the main concerns outlined in the letter being:</p> <ol style="list-style-type: none"> <li>1, lack of any credible traffic modelling and congestion that proposal will create to the roundabout and the single entry to Leighton Place.</li> <li>2. the substantial loss of public open green space given up for parking and road access ways.</li> <li>3. the unsuitability and incompatibility of a large 650-seat brewery/restaurant complex adjoining a residential area.</li> <li>4, The noise and anti-social aspects of the expected number of visitors the development may attract.</li> </ol>                                                  | <p>Refer to <b>Environmental Impact, Opposition to Commercialisation of the Western Foreshore, Concerns about Impact on other Businesses, Traffic Management Concerns / Considerations and Social and Safety Issues related to a licenced premises</b></p> <p>Response to point three: The Western Foreshore in its entirety is considered part of and integral to the components of the City Centre. This has been explored and confirmed in multiple projects and strategies including the Foreshore Focus 2020 Vision Master Plan, Mandurah Waterfront project and the City Centre Master Plan. The siting of the commercial site within the Precinct responds to the surrounding residential area by having clear separation being adjacent to the waters edge and makes the high amenity location highly accessible for the broader community. The scale of the venue is consistent with the capacity of the Precinct that has traditionally and will continue to host events, recreational needs, ceremonial occasions and the like and the additional commercial activity, from a strategic planning perspective, being part of the City Centre is considered a suitable activity for the broader precinct.</p> |
| <p><b>Silver Wheels Cycle Club</b><br/>Submission received 8 July 2024</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Summary of feedback/comments</b></p> <ul style="list-style-type: none"> <li>• Replacement of the current waterside path in front of Kings Carnival is urgent.</li> <li>• The upgraded intersection of Leighton Place and Mary Street should include a raised hump crossing of the Principal Cycle Route along Mary Street, with priority over the motor vehicle traffic turning into and out of Leighton Place.</li> <li>• Likewise, noting that the planned shared path parallel to Leighton Place across the car park entrance will be a busy route, especially once the above-mentioned bridges are built, it should be constructed with priority over the car-park entry.</li> </ul> | <p><b>City of Mandurah Comment</b></p> <p>Refer to responses for <b>Accessibility and Pedestrian Linkages and access</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>RSL</b><br/>The Proposal was discussed with the members of this RSL at the General Meeting conducted on Thursday the 25 July 2024 and a letter confirming their position was submitted on 10 August 2024.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Summary of feedback/comments</b></p> <p>Provided a letter outlining areas of interest for the City's attention:</p> <ol style="list-style-type: none"> <li>1. Modifications to Hall Park that would assist our aging veterans on our formal ceremonial occasions, such as</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                     | <p><b>City of Mandurah Comment</b></p> <p>Refer to responses for <b>Accessibility and Pedestrian Linkages and access</b></p> <p>Consideration of all other suggested improvements would be included as part of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <p>wide footpaths that would allow veterans to march 4 abreast on a flat even surface and modified curbing to assist with the veterans transition from Hall Park to the Memorial in a safe manner.</p> <ol style="list-style-type: none"> <li>The addition of ablutions closer to the memorial would be advantageous not only for our veterans but the general public who also attend the Memorial site.</li> <li>additional installation of more at or near the memorial car park would also be advantageous to dissuade any future vandalism.</li> </ol> | <p>the Proposal if Council agree to proceed with the proposal.</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|

### Amendments to Key Terms of Agreement (following advertising)

Following review of the Public Submissions, City officers are recommending the following amendments to the Key Terms of Agreement with the Proponent:

- Removing the hours of operation review period which requires the business to close at 10pm and incorporating that prior to any request for an extension of hours or permanent change, that community consultation will be required with residents directly located on Leighton Place, Amity Cove, Siska Court and Perie Banou Close.

The amended Key Terms of Agreement are now being presented to Council for consideration. If Council approve the Key Terms, the Chief Executive Officer will continue negotiating towards a Heads of Agreement which will be presented to Council once both parties have concluded negotiations.

### City of Mandurah Commitments

If the Council agree to proceed with the Major Land Transaction, one key concern is the intersection improvements that will be required. It is recommended that Council requests the Chief Executive Officer to present to Elected Members the design, costings and timetable for the local road network improvements including the intersections of Mary Street / Leighton Place and Pinjarra Road / Old Coast Road / Mary Street by June 2025.

### Land Tenure

Should Council proceed with the Major Land Transaction the City is required to seek an excision of the Commercial Site 'Class A' Reserve into its own separate Crown leasehold tenure pursuant to a lease between the State of Western Australia (as lessor) and the City (as lessee).

The City would then seek approval to sublease part (comprising approximately 8,000 m<sup>2</sup>) of this Commercial Site to the Proponent. The proposed sublease area for the Proposal is 8,000m<sup>2</sup>, which is 1,419m<sup>2</sup> larger than the existing part of the land used for commercial purposes.

It should be noted that the built form component of the Proposal is approximately 3,300m<sup>2</sup> and the remainder 4,700m<sup>2</sup> will be utilised for the purposes of the mini-golf course. This enables the City and the Proponent to maximise tree retention, protecting the environmental value of the Site.

Class A reserves afford the greatest degree of protection for reserves of Crown land created under the *Land Administration Act 1997*. The A classification is used solely to protect areas of high conservation or high community value.

A land excision process is therefore required to enable the Proposal to proceed. This process is led by the Department of Planning Lands and Heritage with a further requirement to advertise for 30 days seeking community comment, before being laid before both Houses of Parliament for consideration.

The City is seeking amendment to Hall Park (Reserve No. 27581) to:

- Change the purpose of the Reserve from 'Recreation Act 105-1970' to 'Public Recreation',
- Amalgamate Lots 500 on Deposited Plan 404353 and Lot 1561 on Deposited Plan 209268 for ease of management;
- Undertake a major amendment to the Reserve to excise an area of land of approximately 8,000m<sup>2</sup> from the Reserve for commercial purposes to create the Commercial Site; and
- Grant a ground lease to the City (as lessee) over the Commercial Site.

The ability for the City to grant a sublease to the Proponent over part of the Commercial Site is subject to the following:

- Council considering submissions received in response to this Business Plan and resolving to proceed with the Major Land Transaction;
- Both Houses of Parliament approving the excision of the Commercial Site from Class A Reserve;
- The Department of Planning, Lands and Heritage approving the grant of the headlease of the Commercial Site on terms acceptable to the City including a peppercorn rent and a term of 65 years; and
- The Minister for Lands approving the terms of the sublease to the Proponent.

## Consultation

The City advertised the Major Land Transaction Business Plan via Statewide and local public notice in accordance with Section 3.59(4) of the Act and regulation 30(2a)(c) of the *Local Government (Functions and General) Regulations 1996*. A summary of the advertising of the notice is below:

- 31 May 2024 the Notice was placed on the City's Public Notice Boards at City of Mandurah Facilities including the Administration Building, Mandurah, Lakelands and Falcon Libraries and copies of the Business Plan were made available for inspection;
- 1 June 2024 Public notice advertisement was placed in the West Australian newspaper and on 5 June 2024 the Public Notice was included in the Mandurah Times inviting comments on the Business Plan;
- 4 June 2024 the Public Notice and a copy of the Business Plan was published on the City of Mandurah Website inviting the public to comment via an online survey;
- 4 June 2024 a notification of the proposed Business Plan was included on the City's social media X (Twitter); and
- 4 June 2024 the Business Plan was made available on the Mandurah Matters page.

The community were also invited to participate in consultation pop-ups at key facilities and events to ensure that members of the community had the opportunity to have their views captured and included in the process. Posts on the City's Facebook page were also provided.

The community was invited to make submission in writing in relation to the transaction proposed in the Business Plan to the City's Chief Executive Officer via the following methods:

- Mail: PO Box 210, Mandurah WA 6210
- Email: [council@mandurah.wa.gov.au](mailto:council@mandurah.wa.gov.au)
- In person: 3 Peel Street, Mandurah WA 6210
- Community Engagement Platform online survey: Mandurah Matters

Submissions closed on 26 July 2024.

The purpose of the various engagement methods was to offer Elected Members the broadest cross-section of community views to make an informed decision. The engagement process achieved the following:

- Proposal was widely reported by local and Statewide media;
- The total reach was 7.6 million;
- The consultation webpage, Mandurah Matters was visited by 12,300 participants who spent significant time looking through the proposal; and
- The documents were downloaded 2,803 times.

## Statutory Environment

The proposed transaction and disposition of property is governed by sections 3.58 and 3.59 of the *Local Government Act 1995*. The proposal meets the threshold for a major land transaction under section 3.59, which requires the preparation and public notice of a business plan. The Western Foreshore Commercial Site Business Plan (refer Attachment 1.1) addressed the requirements of section 3.59 of the Act.

Following public notice of the business plan, section 3.59 provides that:

*(5) After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

*\* Absolute majority required.*

*(6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*

## Policy Implications

N/A

## Financial Implications

The City is seeking support from the Department of Planning, Lands and Heritage (DPLH) to enter into a Headlease for the Commercial Site with the State of Western Australia for a peppercorn rent (\$1 or other nominal amount payable per annum) over the entire lease term.

The Sublessee (the Proponent) will be required to pay the City rent over the term of the sublease, noting that in Years 1 and 2, the City will provide the Sublessee (Proponent) a peppercorn rent. This is due to the construction phase of the development occurring during this time.

From Year 3 onwards the Sublessee is required to pay rent to the City and by Year 8, a market rent review will be undertaken and every five years thereafter and the annual rent will be adjusted by CPI. In addition, the sublease will afford the City protection against turbulence in the market, through a term which ensures that the rent cannot be less than the previous years.

The rent payable over the first term of the sublease (25 years) will equate to approximately \$6.2 million in revenue for the City. In addition to the rent, the Sublessee, must pay the City rates, taxes, levies, charges and outgoings that are attributable to the Premises as if the Lessee was the owner of the Premises.

It is proposed that the revenue from the sublessee is reinvested back into the management, maintenance and ongoing renewal costs for the Western Foreshore Leisure Precinct. This will enable an ongoing

financial commitment by the City to ensure the Precinct is maintained, activated, and promoted as a destination that will attract the local community and tourism alike.

### Major Land Transaction Costs

The costs incurred by the City to date include:

- \$42,000 (exclusive of GST) for a specialised commercial consultant to market the Expression of Interest;
- \$4,500 (exclusive of GST) to engage a commercial valuer; and
- \$26,507 (exclusive of GST) in legal fees to prepare the Heads of Agreement.

It is anticipated that the costs incurred by the City for negotiation and preparation of the Sublease, the land excision, Flora and Fauna Assessment, Arborist Report, Site Contamination Report, Geotechnical Report and Coastal Risk Assessment be approximately \$130,000.

This expenditure is in accordance with the City's approved budget for the project. Should Council support the Proposal, the Proponent will be responsible for the construction of the development and the City will incur no additional costs associated with the construction process.

The City will support the Proposal by providing infrastructure within the Western Foreshore Precinct including parking and road access upgrades. The parking provision that will cater for the commercial proposal is estimated to cost approximately \$850,000 (exclusive of GST) and is proposed to commence in 2025/26. Noting the parking is available for public use and the Proponent will have no exclusivity over this parking.

The other projects proposed to be funded by the revenue received by the Commercial Proposal includes:

- Western Foreshore Skate Park (new carpark) and formal parking Leighton Street
- Coastal Erosion Management and Jetty Construction
- Leighton Street/Mary Street intersection and bus stop upgrade
- Mary Street/Pinjarra Road/Old Coast Road intersection upgrade

### Net Present Value

The City has engaged an independent valuer to undertake a valuation of the Commercial Site. The current market value of the disposition as carried out by a licensed valuer is \$160,000 per annum plus GST.

Analysis has been undertaken modelling on the Net Present Value (NPV) as outlined below: The NPV is defined as the current value of a future net income stream of an investment over a period of time, discounted at an acceptable rate. The NPV calculation is considered the appropriate method for defining the current value of a future net income stream of an investment over a period of time, which incorporates discounts (7.5%) at an acceptable rate.

The NPV of the rent to be received over the term of Sublease is below:

- 25 year (less one day) sublease term \$1,359,791
- 50 year (less two days) sublease term \$2,181,088
- 65 year (less three days) sublease term \$2,360,152

In accordance with the Proposed Rental Terms, which includes a rent free rent period in years 1 and 2 (due to construction period) amounts to \$6,197,609.91 over the first 25 year term.

Based on the Reasonable Market Rent which is based on the valuation undertaken with a starting rent of \$160,000 per annum plus GST (with no rent free period) the rent amounts to \$5,508,716.35 over the first 25 year term.

The NPV of Reasonable Market Rent over the term of the Sublease is demonstrated below:

- 25 year (less one day) sublease term \$1,336,129
- 50 year (less two days) sublease term \$2,005,030
- 65 year (less three days) sublease term \$2,150,868

### **Environmental Implications**

The City will be conducting a range of site assessments as part of its due diligence process and in advance of any Development Application for the site. These assessments will include but are not limited to:

- Flora and Fauna Assessment
- Arborist Report
- Site Contamination Report
- Geotechnical Report
- Coastal Risk Assessment

The Arborist Report will specifically identify those trees that must be retained on the Commercial Site. The Proponent will be required to develop a Tree Management Plan taking into account the Arborist Report provided by the City.

The final design of the built form will be required to work within those parameters. The Commercial Site built form is only approximately 3,300m<sup>2</sup> of a proposed 8,000 m<sup>2</sup> subleased area. The reason for the additional area is to maximise the tree retention and incorporate into the design of the 18 hole mini golf course and location of each element of land use

### **Risk Analysis**

The main risks associated with the Major Land Transaction process are provided below:

#### Approval from the State Government

The City presented a Business Case to DPLH in February 2024 seeking support for a headlease from the State of Western Australia. This is on the basis that the Headlease is for a peppercorn rate (\$1) and the total term of 65 years (including options). This will enable the City to reinvest the revenue received from the sublease back into the management, maintenance and ongoing lifecycle costs for the Western Foreshore Leisure Precinct.

The main risk for the City in advertising the Business Plan before DPLH has confirmed the head lease terms and conditions is that DPLH may be unwilling to grant the Headlease on the terms requested by the City. There may be a requirement to amend the terms. Whether such differences will render the sublease “significantly different” to the transaction described in the Business Plan for the purposes of section 3.59(5) of the Act will depend upon the terms of the Headlease.

#### Conducting the Major Land Transaction Process

The process that has been followed and the approach to the development of the Business Plan including sublease conditions avoids any non-compliance risk.

This risk is controlled through the following controls:

- Robust proponent selection process through a multi stage EOI process, resulting in an experienced Proponent being selected to deliver the project;
- Compliance with the Act and Regulations for the Major Land Transaction process including Statewide Notice process;

- Agreed terms set out in the draft Heads of Agreement, which manage potential process and financial risks;
- Competent and experienced finance, assets, technical services property, governance and communications teams working closely with the project team;
- Experienced expert property advisors who were engaged to undertake the market valuation;
- Experienced legal counsel engaged to draft Heads of Agreement;
- Strong working relationship, communication and collaboration with the Proponent;
- Strong relationships, communication and collaboration with local businesses; and
- Strong, open and transparent communications with Council.

## **Strategic Implications**

The following community outcomes from the City of Mandurah Strategic Community Plan 2024 – 2044 are relevant to this report:

### Economy:

- Local jobs to retain our people and attract skilled workers
- A diversified economy that supports growth sectors
- Well-planned, sustainable urban development
- A thriving city that residents are proud to call home and people want to visit
- A supportive business environment where investment is encouraged, and entrepreneurship prospers
- A highly skilled workforce supported by strong education and training opportunities

### Community:

- Safe and connected communities
- Inclusive and welcoming places, spaces and neighbourhoods
- An enriched, creative, and empowered community that values culture, heritage and life long learning
- A healthy lifestyle and healthy community, with an emphasis on prevention
- Modern health facilities and services that are local, accessible, affordable, and fit for purpose

### Environment:

- Nature has a voice in all decision-making
- A shared responsibility for our environment with a focus on engagement, education and respect
- Our natural environment is celebrated, protected and restored for generations to come
- Our built environment is clean, accessible and sustainable
- Our coast and waterways are healthy and celebrated

### Leadership:

- A clear and shared vision for Mandurah's future
- Sound decisions based on evidence and meaningful engagement
- Effective advocacy focused on the needs of the community and strong relationships with key stakeholders
- Well-maintained assets and facilities that meet the needs of our community
- Responsible, transparent, value for money delivery of well planned, sustainable, projects, programs and services
- A committed, innovative, effective, and values driven Council and workforce

## **Conclusion**

Following an extensive community consultation process, Council is now requested to consider the submissions on the proposed Western Foreshore Commercial Site Major Land Transaction Business Plan and whether or not to proceed with the Major Land Transaction in accordance section 3.59 of the Act.

Council is also requested to consider minor amendments to the Key Indicative Terms with Left Coast Leisure Group Pty to address community matters raised through the Public advertising process.

NOTE:

- Refer **Attachment 1.1 Western Foreshore Commercial Site Major Land Transaction Business Plan**  
**Attachment 1.2 Community Engagement Report: Western Foreshore Leisure Precinct and Commercial Site Major Land Transaction Business Plan**  
**Attachment 1.3 Public Submissions** (electronic attachment link via <https://www.mandurah.wa.gov.au/-/media/files/com/city-and-council/council/council-and-committee-meetings/agendas-and-minutes/2024/council/council-meeting-agenda-aug-27---public-submissions-electronic-attachment.pdf>)  
**Attachment 1.4 City of Mandurah Comments on Themes**  
**Attachment 1.5 Key Indicative Terms**

**RECOMMENDATION**

**That Council:**

1. **Receives:**
  - a. the Western Foreshore Commercial Site Major Land Transaction Business Plan contained in Attachment 1.1;
  - b. the Community Engagement Report: Western Foreshore Leisure Precinct and Commercial Site Major Land Transaction Business Plan contained in Attachment 1.2;
  - c. Public Submissions made on the Western Foreshore Major Land Transaction Business Plan contained in Attachment 1.3;
  - d. City of Mandurah comments on the Submission Themes in Attachment 1.4; and
  - e. the Key Indicative Terms in Attachment 1.5.
2. **Following consideration of the Public Submissions received for the Western Foreshore Major Land Transaction Business Plan, note that the following amendment has been made to the Key Terms set out in Attachment 1.5:\***
  - a. **Removal of the opening hours two year review period requiring the closure of the venue at 10pm.**
3. **Having considered the Public Submissions, proceed with the Major Land Transaction as proposed in the Western Foreshore Commercial Site Major Land Transaction Business Plan as per Attachment 1.1, in accordance with the Key Indicative Terms included in Attachment 1.5 and the proposed Heads of Agreement with Left Coast Leisure Group Pty Ltd pursuant to section 3.59 (5) of the *Local Government Act 1995*, and approves the Chief Executive Officer to finalise the Heads of Agreement with Left Coast Leisure Group Pty Ltd and commence negotiations with the State Government in relation to a Headlease and Sublease for the Commercial Site.\***
4. **Authorises the Mayor and Chief Executive Officer to execute the Heads of Agreement with Left Coast Leisure Group Pty Ltd once finalised on terms acceptable to the Chief Executive Officer.**
5. **Notes that before the City can enter into a Sublease with Left Coast Leisure Group Pty Ltd the City of Mandurah must give a local public notice in accordance with section 3.58(3) of the *Local Government Act 1995* and Council must consider any submissions received and decide to enter into that Sublease.**

6. Notes that entry into the Sublease, as proposed in the Western Foreshore Commercial Site Major Land Transaction Business Plan and the Key Indicative Terms, is also subject to the prior satisfaction of additional stages under the *Land Administration Act 1997* including:
  - a. Both Houses of Parliament approving the excision of the Commercial Site from the Class A Reserve;
  - b. The Department of Planning, Lands and Heritage approving the grant of the headlease of the Commercial Site on terms acceptable to the City including a peppercorn rent and a term of 65 years; and
  - c. The Minister for Lands approving the terms of the Sublease to the Proponent.
7. Requests the Chief Executive Officer to present to Elected Members the design, costings and timetable for the local road network improvements including the intersections of Mary Street / Leighton Place and Pinjarra Road / Old Coast Road / Mary Street by June 2025.
8. Requests the Chief Executive Officer to present to Council for consideration a Western Foreshore Commercial Site Community Consultation Council Policy relating to any requests for extension of operating hours, prior to any works commencing on site.

**\*ABSOLUTE MAJORITY REQUIRED\***