

Unique Commercial Opportunity Old Tennis Club Building, Busselton Foreshore

Submission Deadline: 5pm Friday 22 October 2021



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1. Introduction

The City of Busselton is calling for Expressions of Interest (EoI) from business owners to establish and operate a successful commercial offering within the premises of the old Tennis Club building, located on Lot 448, Busselton WA 6280.

The City seeks to attract a commercial operator to activate this City leased property and to provide an exciting new and diverse business venture to be enjoyed by the local community and visitors to the region, in line with the City's Busselton Foreshore Master Plan and Economic Development Strategy.

This EoI invites operators to submit proposals consistent with the permissible building uses (subject to final approval from the Department of Planning, Lands and Heritage) of;

- Restaurant/Café
- **Reception Centre**
- Shop
- Tavern
- Small Bar
- **Exhibition Centre**
- **Amusement Parlour**
- Cinema/Theatre
- Activities consistent with a recreation reservation under the Scheme.

Submitted proposals will include information relating to the business offering, financial operating statements, relevant experience and operational capacity to deliver the City of Busselton's objectives as well as detailing the economic benefits to the City and wider region, such as industry diversification and job creation.

A commercial lease may be offered to a successful proponent on terms and conditions negotiated by the City of Busselton through a commercial process, however the City is not obliged to enter into a lease with any party and may choose not to proceed with the EoI at any point.

All decisions resulting from the process will be made at the discretion of the Chief Executive of the City of Busselton.

1.1 Busselton

Busselton is located approximately 230km from Perth, on the picturesque Geographe Bay; a protected marine habitat and water playground of the South West of Australia and is the gateway to the internationally renowned Busselton Margaret River wine region. The region has a Mediterranean style climate, with pleasant summer months and mild winter rainfall and has one of the fastest growing population's outside the Perth metropolitan region. Bordered by the Indian Ocean, the region's coastline features some of the best surfing beaches in the country, towering forests and established wine regions.



The region boasts a range of world class wineries and restaurants, and a thriving arts community with numerous galleries showcasing the works of talented artisans. Other attractions include national parks, beaches, micro-breweries and eco-tourism sites that have credited the South West region as the most popular tourist destinations outside Perth in Western Australia. The City of Busselton includes the town sites of Busselton, Vasse, Dunsborough, Yallingup, Eagle Bay and Port Geographe, each offering their own character and attractive lifestyle choices. As a prime tree/sea change destination in WA, its resident population of around 39,623 people is experiencing significant growth. The City forecasts its population to reach 43,950 persons residing in the district by 2026.

The Busselton Margaret River Region has gained an international reputation as a diverse holiday destination and viticulture region. Many visitors to this region stay in tourism accommodation close to the town site of Busselton, establishing the City as a base for exploring the region and surrounding attractions.

As the "Events Capital WA" and WA's "Top Tourist Town 2021," the City is the preferred location for many recreational tourist and leisure events that attract local, interstate and overseas visitors and is a popular destination for weddings. Examples of major events held in the region include:

- Ironman Triathlon Western Australia;
- Busselton Jetty Swim;
- Cape to Cape Mountain Bike event;
- Cinefest Oz (film festival);
- Margaret River Gourmet Escape;
- Jazz by the Bay;
- Music Festivals; and
- Festival of Busselton.

The City of Busselton's annual average number of visitor nights for the period 2017-2019 was approximately 2.8 million per annum with an average annual spend of \$479million.

Overnight visitors to the South West Region were approximately 3.269million per annum with visitation predominantly from within Western Australia, a factor that has contributed greatly to the resilience of the local economy to the Covid-19 pandemic and associated tourism related shocks.



1.2 The Busselton Foreshore

The foreshore area of the Busselton CBD has a high level of appeal for both visitors and local residents. It has long been a recreational playground for families enjoying the pristine beaches of Geographe Bay, picnics and walks and is a popular location for events, focused around the iconic Jetty.



Figure 2 The Foreshore is a regional playground bounded by parks and visitor amenities including a new skate park



Figure 1 Events are a major drawcard for visitors to Busselton

The Busselton foreshore includes 38.5 hectares of land and is characterised by grassed recreation reserves, a number of commercial lease sites of varying function, and low coastal vegetation. The City completed the enhancement of nearby Queen Street in 2012 which includes the 'cultural precinct' that strategically links the CBD with the redeveloped foreshore. The cultural precinct contains various artistic functions and is the location for the new Performing Arts and Convention Centre to be constructed in 2022 that will serve as a venue for concerts, conferences and conventions. As an entry point to the foreshore, the cultural precinct is central to the promotion of a blended commercial and recreational/cultural experience.

The Busselton Foreshore includes the following precincts:

- Hotel/Short-stay Accommodation precinct Hilton Garden View Hotel under construction
- Youth and Community Activities precinct
 - Skate Park
 - Youth and Community Activities Building (YCAB) incorporating the Busselton Surf Lifesaving Club
 - Jetty Train Toddlers Play Space
- **Central Core Activities Precinct**
 - Railway House (Visitor and Interpretative Centre)
 - Equinox Café
 - Former Goose Beach Bar and Kitchen (to be reconstructed in 2022)
 - Shelter Brewing Co Family Restaurant / Microbrewery
 - Award winning Sea Play on the Bay adventure playground
 - Landscaping, amphitheatre and car parking
- **Barnard Park Active Sporting Precinct**
 - Barnard Park Active Sporting Precinct Regional Playing fields



- **Barnard Park Community Sporting Club Complex**
- **Tennis Complex**

The Busselton Foreshore Master Plan (2016) is shown in Figure 8, with a full copy available at www.busselton.wa.gov.au



Figure 3 Busselton Foreshore Stage 3 Master Plan identifying the short stay accommodation areas (labelled Site 1, Site 2, Site 3)





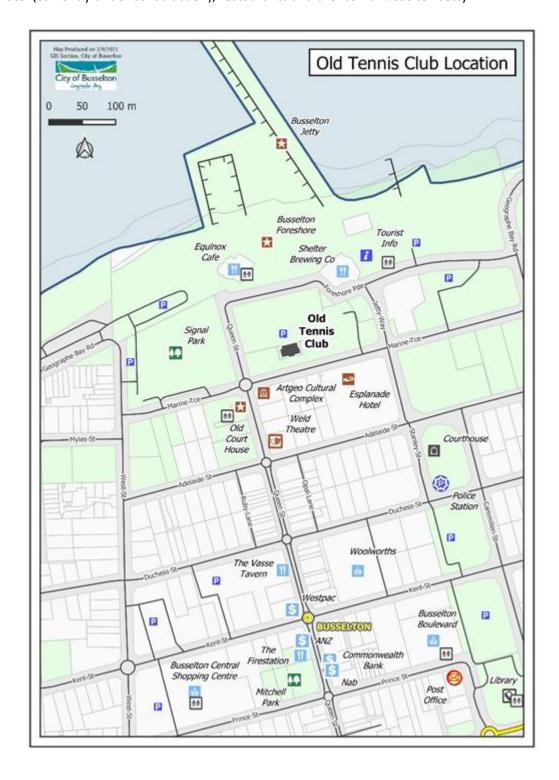
Figure 4 The revitalised foreshore west of the Jetty has created an attractive promenade including landscaped gardens and stairways to the beach



Old Busselton Tennis Club 2.0

2.1 Location

The Old Busselton Tennis Club located on the Busselton Foreshore, is situated along Marine Terrace with close access to parking and surrounding amenities such as the Busselton Visitor Centre, Hilton Garden View Hotel (currently under construction), restaurants and the iconic Busselton Jetty.





The building was originally opened in 1999 as the Busselton Tennis Clubhouse after funds were raised by the club alongside investment from the then Shire of Busselton. The club aided the attraction of internationally acclaimed coaches and state competitions, previously only held in Perth, remaining as the clubhouse for the Busselton Tennis Club for over two decades before the Club relocated to its new facility on Barnard Park East in 2019.

Ideally located between the Busselton foreshore and town centre, the City is now seeking to activate this historic space at the end of the current lease in December 2021. The City is seeking to attract an offering that fits in with the surrounding environment and ideally provides an alternate offering than already exists, such as a recreation, amusement premise, or tourism offering.

With this in mind, the City will consider submissions consistent with the following uses;

- Restaurant/ Café
- **Reception Centre**
- Shop
- Tavern
- Small Bar
- **Exhibition Centre**
- **Amusement Parlour**
- Cinema/Theatre
- Activities consistent with a recreation reservation under the Scheme.

Note: These uses are subject to Department of Planning, Lands and Heritage approval.

2.2 **Building**

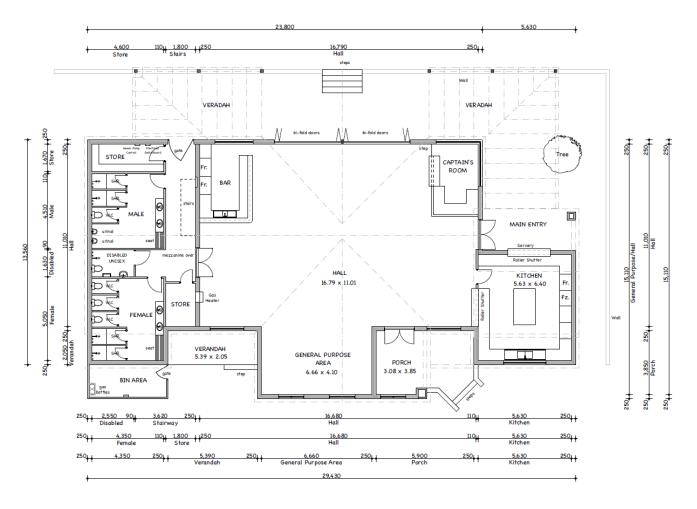
The Old Busselton Tennis Club building includes a ground floor area of approximately 386sqm, an additional 66sqm mezzanine floor area, and the following features;

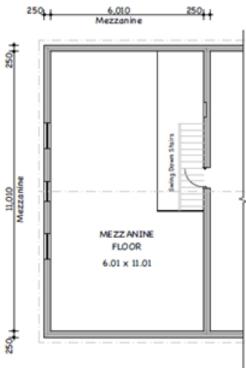
- Captains room / Office •
- General purpose area/hall
- Commercial kitchen
- Male and female toilets both with two showers
- Unisex disabled access toilets
- Mezzanine Floor
- Veranda / porch area
- Two store areas and bin area

The building will be offered for lease "as sighted" with no further contributions to be required or provided by the City of Busselton.

Any alterations or refurbishment to the building, including those required to facilitate the above uses, will be at the cost of the proponent and require approval from the City of Busselton prior to work commencing, as well as being subject to all applicable building, planning and environmental health approvals. All required approvals and associated fees are at the proponents cost.









Lease Terms 3.0

3.1 **Proposed Lease Arrangements**

The City may choose to enter into a lease with proponents subject to commercial negotiations and final approval by the City of Busselton. Examples of the lease terms may include but are not limited to;

	Details	
Term	Negotiable 10 years with further options up to a maximum of 21 years subject to Department of Planning, Lands and Heritage approval.	
Rent	By market valuation or negotiation.	
Rent Reviews	Rent will be subject to a market rent review every five years with all other years subject to CPI (Perth All Groups) rent reviews.	
Outgoings	The Lessee will be required to pay for:	

As per Section 3.587 of the Local Government Act 1995 any proposed lease will be subject to public advertising for a minimum period of 14 days.

3.2 **Zoning and Planning Considerations**

As noted in the Busselton Foreshore Development Guide Plan, the precinct encompassing the Old Tennis Club aims to provide for pedestrian focused activity between the Busselton Foreshore, the Cultural Precinct and the Busselton City Centre.

The uses specified shall be deemed to be a 'D' use for the purpose of the scheme and include;

- Restaurant/Café
- **Reception Centre**
- Shop
- Tavern
- Small Bar
- **Exhibition Centre**
- **Amusement Parlour**
- Cinema/Theatre
- Activities consistent with a recreation reservation under the Scheme.

These uses are subject to Department of Planning, Lands and Heritage approval which is currently pending.







4. Evaluation Process and Timeline

The City of Busselton is seeking proposals from suitably qualified proponents to enter into a commercial lease for a business offering for the Old Busselton Tennis Club. Proponents are to provide sufficient information against each of the requirements detailed in the Proponents Response Form (Annexure A) using the same headings and in the same order as listed, to demonstrate their ability to satisfy all of the assessment criteria. Submissions will be checked for completeness and compliance and may be rejected if considered not complete with the submission requirements.

The City of Busselton in its absolute discretion, before, during or after any negotiation with one or more Proponents may decide not to proceed with any of the EOI submissions or Proponents.

INDICATIVE TIME-FRAME FOR SELECTION PROCESS

Expressions of Interest (4 weeks)

Expressions of Interest opens 22 September 2021

Site inspection 12.00pm on 29 September; 7 October 2021

Expressions of Interest closes 22 October 2021

Evaluation / short listing of Proponents 25 – 29 October 2021

DPLH approvals Commence November 2021

Enter into a lease with selected proponent Late 2021 – early 2022

At the close of the advertising period, all applications will be assessed by a panel of City of Busselton Officers from the Economic Development, Legal and Property, and Development Services business units. Applications will be assessed against the criteria as presented within the application process, scored independently as a range between 1 and 10 (1 being the lowest and 10 being the highest score) by each panel member to provide a score out of 100 for each application. The panel will then meet to discuss the applications and provide a recommendation to the Chief Executive Officer (CEO).

5. Submission Requirements

The submission should provide sufficient information to enable a panel to assess the proposal against the relevant criteria. EoI submissions require applicants to complete the following:

- 1. A written submission addressing each one of the Expression of Interest Assessment Criteria (see below);
- 2. Any references the proponent may wish to provide.

The total length of submissions addressing Expression of Interest Assessment Criteria, is not to exceed 10 double sided A4 pages (20 pages in total).



5.1 Expression of Interest Criteria

The City of Busselton seeks suitably qualified business owners /operators to establish a new commercial offering within the site of the Old Busselton Tennis Club within the above permissible uses, subject to final DPLH approval.

Expressions of Interest Assessment Criteria				
Objectives	Submission Requirements	Eol Short List Assessment Criteria	Weight %	
What the City of Busselton is aiming to achieve	(How you should address City of Busselton's objectives)	(What submissions will be assessed on)		
Provide a diverse, attractive range of community and commercial offerings for residents and tourist to the City of Busselton	Proponents are to detail their business offering / product.	 Is the business offering new and/or unique to the Busselton Foreshore Does the business offering directly compete with other business offerings in the Busselton town centre Does the business offering enhance the Busselton CBD and Foreshore experience for residents and visitors 	25	
Attract a suitably qualified tenant that can show previous relevant experience; business model is financially viable and sustainable; and the proponent can demonstrate operational capacity.	Proponents must provide / show: • Financial operating model or profit and loss statements • proven relevant business experience • operational capacity – either existing or ability to employ / recruit • outline of marketing / advertising capacity	 Business model is financially viable Proponent can show access to capital if required for any building improvements Direct business experience in owning/managing similar business ventures Access / ability to adequately staff the business offering Ability/experience to market and attract customers 	25	
Activate the Busselton Foreshore and town centre through a range of trading hours	 Outline the intended trading days and hours Product offering and economic benefit to the City including job creation 	 Offers trading seven days a week with an extensive range of daily trading hours relevant to the business offering Any seasonal influences on trading hours Timelines for business operations commencing 	20	
Achieve community valued outcomes for use of City of Busselton owned and/or managed assets.	 Provide a general description of the building use Submit floor plans and/or concept plans 	 Attracts residents and visitors to the Busselton foreshore Creative / innovative use of the building area 	15	



Expressions of Interest As	Expressions of Interest Assessment Criteria			
Objectives	Submission Requirements Eol Short List Assessment Criteria		Weight %	
What the City of Busselton is aiming to achieve	(How you should address City of Busselton's objectives) (What submissions will be assessed on)			
	of the business offering • Provide a description / concepts of any proposed building improvements.	 Business brand / building presentation and fit out aligns with Busselton Foreshore development guidelines Proposal is compliant with City of Busselton Town Planning Scheme 		
Facilitate an innovative and diversified economy that supports local enterprise, business investment and employment growth.	Show how the business offering will increase local economic activity and improve amenity.	 Does the proposal create new or increase existing employment opportunities Will the business offering attract visitors to Busselton Does the business offering utilise or support other local businesses / industries within the City of Busselton 	15	
		TOTAL	100%	

5.2 Lodgement of Submissions

Expressions of Interest submissions are to be lodged as at the following address:

Chief Executive Officer
City of Busselton
2 Southern Drive
Busselton, Western Australia 6280

Submissions may also be emailed to: city@busselton.wa.gov.au

CLOSING DATE: 5pm (WST) on 22 October 2021

Due to the comparative nature of the EoI process non-conforming/alternate submissions are not encouraged however may be considered at the absolute discretion of the City of Busselton where this does not jeopardise the fairness of the process or compliant submissions.

5.3 Enquiries

Jennifer May Manager Economic and Business Development City of Busselton

Tel: +61 8 9781 0444

Email: economicdevelopment@busselton.wa.gov.au



6. Negotiating with Preferred Proponent

The City of Busselton, upon selection of preferred proponent(s) from the Expressions of Interest process will negotiate in good faith with the preferred proponent(s), with a view to entering into a binding agreement to operate at the approved location for a fixed term. The negotiations will be conducted on the basis that the contract to be entered into, will be with the preferred proponent(s) and that it will incorporate the fees payable under the terms of the agreement and will also reflect the proposal(s) submitted by the preferred proponent(s).

In the event that the City of Busselton and the preferred proponent(s) are unable to agree to reach a binding agreement, then the City may negotiate with another party or elect not to proceed with offering the agreement. It will be a requirement of the final form of the contract that the proponent(s) must trade as agreed within the agreement.

7. Attachments (Recommended Reading)

Prospective proponents are encouraged to review the following documents to guide and inform the preparation of submissions.

Site Specific information: These attachments are available at www.busselton.wa.gov.au

1. Busselton Foreshore Master Plan and Development Guide Plan (2016)

General Information

- City of Busselton Economic and Demographic Profile (2016): http://www.busselton.wa.gov.au/Developing-Busselton/Economic-Development
- 2. Western Australia Tomorrow Population Forecasts for Busselton Local Government Area; Department of Planning (2016 -2031): <u>Western Australia Tomorrow population forecasts</u> (<u>www.wa.gov.au</u>)
- 3. City of Busselton Overnight Visitor Fact Sheet 2017-2019; Tourism Western Australia <u>LGA Visitor</u> <u>Factsheet 2019 City of Busselton.pdf (tourism.wa.gov.au)</u>
- 4. South West Development Commission Retail & Commerce South West Development Commission (swdc.wa.gov.au)





Figure 5 Busselton Cultural Precinct



8. Annexure A: Proponent Details

Identity of the Proponent

Annexure A must be completed by the Proponent. A copy of this form is available to download at www.busselton.wa.gov.au.

<u> </u>	
Name of Organisation (s):	
ACN/ABN:	
Business Address:	
Postal Address:	
Contact Details	
Name of Dringing Contact	
Name of Principal Contact	
Person:	
Position:	
Telephone:	
Email:	
Consortium Details	
Consortium Details	
Complete this section if the Pro	ponent is a consortium. Provide details of intended roles and responsibilities of
	ers and the intended legal and financial relationship between the members as
follows:	
Roles and Responsibilities of	Members:
Legal relationship of Member	'S:
İ	



Agreement to Terms and General Conditions

By lodging the EoI Submission the Proponent agrees to be bound by the City of Busselton's Terms and General Conditions set out in the document (if Proponent is a consortium, all consortium members to separately sign)

Signed for and on behal	f of:		
Signature:		_	
Name:		_	
Organisation			
Position:			
Date:		_	
	,		
Other Parties (add deta	ils as required):		
Signed for and on behal	f of:		
Signature:		_	
Name:			
Organisation:			
Position:			
Date:			
Signed for and on behal	f of:		
Signature:			
Name:			
Organisation:			
Position:			
Date:			



Appendix 1: General Conditions for Expressions of Interest

Acceptance and Rejection of Eol

The City of Busselton (the City) may in its sole discretion accept any EoI, either wholly or in part, or decide not to accept any EoI (or part of an EoI) at all.

Following the evaluation of the EoIs the City may, in its sole discretion, or before, during or after negotiation with one or more Proponent, choose not to enter into any further negotiation or contract relating to the EoI and/or occupancy agreement.

Disclosure of EoI Evidence

The Proponents acknowledge and accept that the City may be required by law (under the Freedom of Information Act 1992, in terms of a court order or otherwise) to disclose documents and/or other information which form part of, or are in relation to, the EoI and or this EoI process.

The Proponent shall treat the information in this EoI and any/all information provided by the City or its nominated agents, in relation thereto as confidential and communicate it only to the people directly involved in the preparation of its EoI.

Information relating to the examination, clarification, evaluation and comparison of the proposal submitted in response to this EoI is confidential to the City and will not be disclosed to Proponents or any other persons not officially concerned with such process.

Eol Validity period

All EoIs will remain valid and open for acceptance for a minimum period of ninety (90) days from the Deadline unless extended on mutual agreement between the City and the Proponent in writing.

No Contract

This EoI may result in negotiations for the award of a Contract, but is in itself not an offer open for acceptance by Proponents by submitting an EoI.

Conditions Binding

EoIs will be deemed to have been made on the basis of and to incorporate (and Proponents shall be bound to) all the terms and conditions of this EoI.

Proponents to Inform Themselves

Proponents will be deemed to have:

- Examined the EoI and any other information available in writing to Proponents for the purpose of submitting an EoI;
- Examined and to be aware of all the risks; contingencies, and other circumstances having an effect on their EoI, which is obtainable by the making of reasonable enquires;
- Acknowledged that the City may enter into negotiations with one or more Proponents and that negotiations are to be carried out in good faith; and
- Satisfied themselves they have a full set of the EoI documents and all relevant attachments and acknowledge the background reports referred to in Section 8 (Attachments/Recommended Reading) of this EoI document.

The City has used reasonable efforts in compiling this EoI. It will not be liable to Proponents for any inaccuracy or omission in this EoI or any additional information which may be provided or withheld.



Alterations

The Proponent must not alter or add to the EoI or any part thereof, unless specifically required by this EoI.

Risk Assessment

The Proponent, by submitting an EoI, irrevocably authorises the City to contact and have access to and give consideration to:

- Any referees nominated by the Proponent;
- Any information provided by the Proponent on behalf of their nominated bank, financial institution or accountant;

Ownership of Documentation

All documents, materials, articles and information submitted by the Proponent as part of or in support of an EoI will become upon submission of the EoI the absolute property of City and will not be returned to the Proponent PROVIDED that the Proponent is entitled to retain any copyright and other intellectual property rights therein, unless otherwise provided by the EoI.

Canvassing of Councillors

If a Proponent, whether personally or by an agent, canvasses any of the City's Councillors with a view to influencing the acceptance of any EoI regardless of such canvassing having any influence on the acceptance of any EoI, the City may at its absolute discretion omit such Proponents EoI from consideration.

Changes To/Withdrawal of Eol

The City reserves the right to:

- notify the Proponents in writing before the Deadline of any changes to this EoI which may in the discretion of the City be necessitated by any matter of significance;
- extend the deadline for submissions; or
- cancel, amend, re-issue or withdraw all or part of this EoI and/or process under it at any stage prior to entering into a Contract, without incurring any liability

No Right to Claim

Except as expressly and specifically permitted in this EoI, no Proponent shall have any claim for compensation of any kind whatsoever, as a result of participating in or responding to this EoI and/or participating or not participating in any further negotiations resulting from this EoI. By submitting an EoI, each Proponent shall be deemed to have agreed that it has no right to claims.



Appendix 2: Busselton Foreshore Redevelopment Statement of Intent

(Adopted 8 June 2011 and updated/reaffirmed 25 February 2015)

Vision for the Development

The Council of the City of Busselton holds a vision for the Busselton Foreshore Development to become "Busselton's Playground" - it will be a unique water's edge playground to be enjoyed by all.

A Balanced Approach: The Foreshore will be developed in a manner that respects Busselton's identity and heritage whilst providing economic, social, environmental and cultural benefits to the City and the South West region.

Protecting Your Environment

As with any new development, a sustainable approach will be encouraged:

- We will encourage a sustainable approach to urban design;
- We will balance development and open space;
- We will encourage the use of sustainable building methods and techniques;
- We will identify and develop strategies for coastal erosion/impacts;
- We will optimise the interaction with the water and foreshore;
- We will conserve and enhance the growth of native flora species;
- We will conserve and enhance the population growth of native fauna; and,
- We will seek to attract and develop sustainable commercial developments which are sympathetic to the aesthetics of the foreshore

Viability for the Community

The City of Busselton is committed to facilitating commercial development in the area that is self-sustainable and contributes towards the ongoing operations of the Foreshore whilst ensuring the vision and principles that Council have expressed are met:

- We will proactively seek Government support for the development;
- We will seek a partnership with levels of Government to fulfil the Foreshore development;
- We will seek to develop economically viable lease areas which deliver sustainable revenue;
- We will ensure all development on the Foreshore is complimentary and sympathetic to existing infrastructure;
- We will ensure commercial developments benefit the community and business; and,
- We will ensure an allocation of funds from the leased sites developed on the foreshore are used to fund the maintenance and upkeep of the foreshore



Economic Benefits

The City of Busselton recognises the significant economic opportunities associated with the development of the Busselton Foreshore:

- We will promote the Busselton Foreshore as a destination for visitors, nationally and internationally;
- We will investigate and pursue business opportunities;
- We will attract commercial developments that are conducive to the growth and development of existing businesses;
- We will ensure the future development actively encourages and facilitates the further development and attraction of events to the region; and,
- We will encourage the training of youth in both the development and the operation of the Foreshore

Social Benefits

The City of Busselton seeks to develop the Busselton Foreshore to be a water front playground which is enjoyed by all:

- We will seek to provide a space accessible to all;
- We will seek to develop a place for locals to own and visitors to frequently enjoy;
- We will seek to optimise the use and enjoyment of different places through quality experience and access; and,
- We will ensure the integration of the Busselton Cultural Precinct and the Foreshore, maximising cultural experiences

Governance

The Busselton Foreshore Redevelopment will be managed by the City of Busselton in a manner that gives the highest regard to relevant regulations and safety, is responsible and progressive:

- We will have the highest regard for Urban design, Engineering and Place making regulations and standards;
- We will continuously improve and review where necessary management principles and practices; and,
- We will manage the development to maximise benefits to the community

Community Involvement

The City of Busselton recognises it is managing the Busselton Foreshore Development on behalf of its community and will therefore involve the community in decision-making:

- We will be consultative, informative and responsive;
- We will regularly report on development activities supporting the highest levels of transparency and visibility; and,
- We will support a community consultation program which engages and seeks advice from members of the community;

We will ensure to develop a space that is owned by the community.