

PROPOSED WCE TERMS SHEET SUMMARY
27 October 2021

The following defined terms and acronyms are referred to in this Terms Sheet Summary:

AFL	Australian Football League
AFLW	Australian Football League Women's
DA	Development Approval
MRP	Mineral Resources Park
PFC	Perth Football Club
Town	Town of Victoria Park
WAFL	Western Australian Football League
WAPC	Western Australian Planning Commission
WCE	West Coast Eagles

1. Council Approval:
 - A formal Deed of Agreement is required and entering such a deed is conditional upon a resolution of the Council of the Town of Victoria Park.

2. Legally Binding:
 - No binding agreement will exist between the parties until such time as the parties have executed a formal Deed of Agreement.
 - This Terms Sheet supersedes any negotiation or discussion between the parties prior to the date of this Terms Sheet.

3. Permitted Purpose:
 - The definition of Permitted Purpose will permit playing of WAFL, AFLW and AFL pre-season football games on Oval 1, subject to and in accordance with the DA issued by the WAPC dated 22 December 2020.

4. Oval 2:
 - WCE is prohibited from playing any WAFL, AFLW or AFL pre-season games on Oval 2 at any time.
 - During any WAFL, AFLW or AFL pre-season games WCE will not restrict or prohibit public access to Oval 2.

5. 2020 DA Conditions:
 - The 2020 DA Conditions will be incorporated into and form part of the Deed of Agreement, and WCE will comply with the DA Conditions at all times.

6. Duration:

- The Deed of Agreement will apply for 3 years from the date of the 2020 DA and will automatically expire at midnight on 22 December 2023 and have no further effect. Following which the Lease will be interpreted without regard to the Deed of Agreement.
- Prior to the end of the 3 year term WCE may apply to the WAPC for development approval to play competitive games for attendances above 3,500 spectators after 22 December 2023. At that time the WCE may request the Town to consider whether or not the Town will permit a further Deed of Agreement.

7. Annual Fixtures:

- WCE must provide annual AFLW, WAFL and AFL pre-season (or similar) fixtures to the Town prior to the commencement of each season once available.

8. Maximum Number of Games:

- WCE to comply with 2020 DA Conditions.
- No more than 45 game days are permitted per year, of which no more than 3 are to the AFL pre-season men's games (currently called the AFL Marsh Community series).

9. Night Games:

- Maximum of 10 games played under lights per calendar year with no more than one such game occurring in any seven day period (except as set out in the WCE Monday and Thursday Game Days Summary) and limited to the days specified in 12 below.
- Operating of the oval floodlighting is to be restricted so, as to be switched off after 9pm Sunday, Monday and Thursday and 10pm on Friday and Saturday.
- Operation of the lights after the above cut off periods will be considered by the Town of Victoria Park, when a written request has been submitted by the operators of the facility.
- The request to operate after the time periods shall be submitted in writing at least 7 days prior to the event. Public notifications will be administered by WCE.
- For the avoidance of doubt the maximum number of night games is included within the maximum number of 45 game days referred to in 8 above.

10. AFL Pre-season Games:

- WCE to comply with 2020 DA Conditions.

11. AFL Premiership Season:

- AFL Premiership Season games are prohibited.

12. Game Days:

- Competition games can only be played on Friday, Saturday, Sunday and Public Holidays.

- AFLW Competition games can be played on Monday and Thursday if the season has been impacted due to a COVID-19 event, subject to satisfying the criteria based assessment and additional conditions referenced within the WCE Monday and Thursday Game Days Summary.

13. Crowd Capacity:

- For a period of 3 years from the date of the 2020 DA, no more than 6,500 spectators are to attend the site at any time. After that 3 year period, no more than 3,500 spectators are to attend the site at any time and the approval for 6,500 spectators shall lapse and be of no further effect.
- Measured and controlled by the Crowd Management Plan.

14. Special Events Management Plan:

- For special events/other events that are not competitive football games (eg Grand Final Celebrations and Fan Days), a Special Events Management Plan must be submitted to the Council in accordance with Condition 9 and advice note 9 of the JDAP approval dated 21 December 2016 for consideration and if applicable approval.

15. Perth Football Club:

- PFC will continue to play games on Oval 1 in collaboration with WCE on game days.
- WCE agree and undertake that, in the event that PFCs access and use of Oval 1 in accordance with Schedule 3 of the Lease will be impacted or reduced by the playing of WAFL, AFLW and AFL pre-season games under the terms of this deed, then WCE shall be responsible to agree alternative access and use of Oval 1 with PFC to the satisfaction of PFC and to provide such alternative access and use of Oval 1 to PFC.

16. Notify Neighbours:

- WCE must provide annual WAFL, AFLW and AFL pre-season (or similar) fixtures to neighbouring properties within 500m of the lease area prior to the commencement of each season.

17. Transport Impact Assessment, Traffic Management Plan and Travel Plan:

- The Transport Impact Assessment, Traffic Management Plan and Travel Plan will cover the duration of the Deed of Agreement. WCE will comply with these plans at all times.
- These plans must address (amongst other things) car and alternative travel modes, including initiatives and actions to encourage spectators to use public transport to get to and from the venue.
- Once approved by the Town, the plans must be implemented to the specifications of the Town and satisfaction of the WAPC.
- Approvals will need to be undertaken with both the Lathlain and East Victoria Park Primary schools to allow use of their parking area and school ovals for parking. This will allow flexibility in the use of off-street parking around Mineral Resources Park and

reduce the impact of on-street parking close to Mineral Resources Park.

- WCE must comply with all the requirements of the Travel Plan endorsed by the WCE Chief Executive Officer.
- WCE are prohibited from using Oval 2 for carparking.

18. Indemnity:

- WCE must indemnify and keep indemnified the Town against all loss, costs, and expenses in respect of the change in the Permitted Purpose.

19. Costs:

- Each Party to the Deed of Agreement shall pay all of their own respective costs and expenses incurred or to be incurred, in connection with the preparation, negotiation and execution of the Deed of Agreement.

20. Crowd Management Plan:

- WCE must comply with all the requirements of the approved Crowd Management Plan.

21. Insurance Requirements:

- WCE to ensure their liability protection will deal with claims that arise out of the permitted purpose.

22. No Nuisance

- WCE must not do or permit to be done anything which may be a nuisance, disturbance, disruption or annoyance (Nuisance) to the Town or any owners, tenants or occupiers of other property in the neighbourhood of the Leased Premises.
- WCE must promptly inform the Town of any complaints received in connection with any Nuisance and in connection with the Permitted Purpose and the use of Oval 1 for the playing of WAFL, AFLW and AFL pre-season football games and report to the Town when requested as to the actions being taken to prevent Nuisances.

23. Compliance with Liquor Legislation

- WCE will be permitted to sell liquor, provided that the WCE at its own expense:
 - obtains and keeps current a Liquor Licence required under the Liquor Control Act 1988; and
 - promptly complies with any order or notice given to the WCE under the Liquor Control Act 1988, any conditions of the Liquor Licence or any other Law or requirements of any other Authority relating to the sale and consumption of liquor.
- The WCE acknowledges that the clause concerning the sale and consumption of liquor, Liquor Licences and the Liquor Control Act will be inserted into the Deed of Agreement.

24. Compliance with Statutory Obligations

- WCE will comply promptly with all statutes and local laws.

Reference Documents

WAPC Approval Letter – 22 December 2020

Reference: 32-50045-7

Mineral Resources Park Transport Impact Assessment – 10 March 2021

Reference: W202980

Mineral Resources Park Travel Plan – 17 February 2021

Reference: W202980

Lathlain Park Management Plan – 17 July 2017

Reference: 851/02/32/0005PV

Acoustic Report: Noise Management Plan – March 2021

Reference: 27229-3-21058

Mineral Resources Park - Crowd Management Plan

Provided to the Town of Victoria Park 14 October 2021

WCE Parking Management Plan – 22 September 2021

Reference: 301401169

WCE Traffic Management Plan – 7 February 2020

Reference: TMP No 9420

Proposed WCE Monday and Thursday Game Days Summary – 13 October 2021