



SUPPLEMENTARY AGENDA

Notice is hereby given that an Ordinary Meeting of Council will be held at the Civic Centre, Dee Why on

Tuesday 16 February 2016

Beginning at 6:00pm for the purpose of considering and determining matters included in this agenda.

Rik Hart
General Manager

Issued: 15 February 2016



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 16 February 2016
at the Civic Centre, Dee Why
Commencing at 6:00pm**

7.0	COMMUNITY DIVISION REPORTS	
7.5	2016 Licence for the Use of Brookvale Oval by the Manly Warringah Sea Eagles	1

ITEM 7.5	2016 LICENCE FOR THE USE OF BROOKVALE OVAL BY THE MANLY WARRINGAH SEA EAGLES
REPORTING MANAGER	DEPUTY GENERAL MANAGER COMMUNITY
TRIM FILE REF	2016/047932
ATTACHMENTS	1 20160215 - Manly Warringah Sea Eagles Revised Licence Proposal for the 2016 NRL season - Joe Kelly

EXECUTIVE SUMMARY

PURPOSE

To seek Council approval to enter into a licence with the Manly Warringah Sea Eagles Pty Ltd (MWSE) for a period of 1 year with a further 1 year option at the discretion of both the MWSE and Council.

SUMMARY

There is currently no licence or holdover licence agreement in place between the Manly Warringah Sea Eagles (MWSE) and Warringah Council for the use of Brookvale Oval for the 2016 NRL season. In 2014 a licence was put in place for 1 year with a holdover provision to ensure ongoing capacity for the MWSE to use the ground. A draft licence for the 2015 NRL season was not signed and the 2014 licence remained in hold-over until the MWSE terminated the holdover clause effective 16 October 2015.

As at 15 February 2016 the MWSE proposed (Attachment 1) an alternate licence approach to Warringah Council.

Given the rapidly approaching season and the fact that the financial impact of the proposal by the MWSE is generally consistent with Council's current operational budget, it is recommended to accept the MWSE proposal. This will then ensure that MWSE have the surety of playing at Brookvale Oval for the 2016 and 2017 NRL seasons.

FINANCIAL IMPACT

The financial impact of the proposal by the MWSE is generally consistent with Council's current operational budget and is considered to be generally consistent with the Office of Local Government's Section 23A Guidelines "Council Decision Making During Merger Proposal Periods".

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council approves subject to compliance with the requirements of the Local Government Act 1993 entering into a licence with the Manly Warringah Sea Eagles Ltd for the use of Brookvale Oval on the terms proposed within this report for a period of 1 year with a 1 year option at the discretion of both the Manly Warringah Sea Eagles and Council (or Administrator as appropriate).

REPORT

BACKGROUND

There is currently no licence or holdover licence agreement in place between the Manly Warringah Sea Eagles (MWSE) and Warringah Council for the use of Brookvale Oval for the 2016 NRL season. In 2014 a licence was put in place for 1 year with a holdover provision to ensure ongoing capacity for the MWSE to use the ground. A draft licence for the 2015 NRL season was not signed and the 2014 licence remained in hold-over until the MWSE terminated the holdover clause effective 16 October 2015.

At this time it was recommended, given the rapidly approaching season, that the most expedient approach would be to put in place a similar arrangement as the licence used and agreed in 2014 and that was agreed in principle in 2015. The licence proposed by Warringah Council to the MWSE in January 2016 kept the costs for using Brookvale Oval at the same price as for the 2014 NRL season, being \$375,000 plus \$1 per general admission attendance.

As at 15 February 2016 the MWSE proposed (Attachment 1) an alternate licence approach to Warringah Council on the following terms:

...Manly Warringah Sea Eagles Limited (MWSE) proposed the following terms for the usage of Brookvale Oval for the 2016 season, with an option in our favour for the 2017 for:

1. *An occupation for of \$375,000 (plus GST) annually, with no further fees or charges levied on MWSE for the usage of Brookvale Oval for season 2016. For the avoidance of doubt, any amounts invoiced and paid to date for 2016 are to be offset against the 11 March 2016 instalment; and*
2. *This occupation fee is to be paid by way of the following instalments:*
 - i. *\$30,000 payable on 11 March 2016 (less any amounts to be offset as indicated in clause 1)*
 - ii. *\$30,000 payable on 28 March 2016*
 - iii. *\$30,000 payable on 7 April 2016*
 - iv. *\$30,000 payable on 21 April 2016*
 - v. *\$30,000 payable on 7 May 2016*
 - vi. *\$30,000 payable on 20 June 2016*
 - vii. *\$30,000 payable on 11 July 2016*
 - viii. *\$30,000 payable on 8 August 2016*
 - ix. *\$30,000 payable on 29 August 2016*
 - x. *\$30,000 payable on 5 September 2016*
 - xi. *\$75,000 payable on 30 September 2016*
3. *All other terms and conditions of this proposal are to remain fundamentally consistent with those included in the 2014 executed deed of license between MWSE and Warringah Council in relation to Brookvale Oval, with the following exceptions:*
 - i. *The removal of Clause 22 – Holding Over; and*
 - ii. *The amendment of the Fourth Schedule, Special Conditions, Clause S8 – Naming Rights. The amendment is to state that any proceeds received which relate to the sale*

of naming rights to the premises are to be retained wholly by MWSE, with the commercial terms of such arrangement to remain confidential between MWSE and the naming rights party; and

- iii. A one year option to renew on the same terms in MWSE's favour only, subject to the presiding Council at the time of expiry of the 2016 license confirming its ability to meet the license conditions for the 2017 season*
- 4. MWSE is to receive a copy of your recommendation in relation to this proposal to be tabled at the Warringah Council meeting to be held at 6pm Tuesday 16 February 2016; and*
- 5. MWSE and Warringah Council are to agree to a joint press release should the proposal be accepted at the 16 February 2016 Council meeting.*

FINANCIAL IMPACT

The financial impact of the proposal by the MWSE is generally consistent with Council's current operational budget and is considered to be generally consistent with the Office of Local Government's Section 23A Guidelines "Council Decision Making During Merger Proposal Periods".

POLICY IMPACT

Nil



Manly-Warringah Sea Eagles Limited
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15 February 2016

Your ref: 2016/023952

Mr. Rik Hart
General Manager
Warringah Council

E-mail: rik.hart@warringah.nsw.gov.au

By email: C/-: lynne.hamann@warringah.nsw.gov.au

Dear Mr. Hart,

2016 Brookvale Oval Licence Offer

As discussed with you earlier today, Manly Warringah Sea Eagles Limited (MWSE) propose the following terms for the usage of Brookvale Oval for the 2016 season, with an option in our favour for the 2017 season:

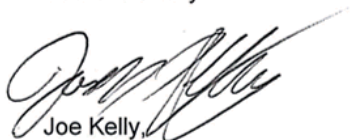
- 1) An occupation fee of \$375,000 (plus GST) annually, with no further fees or charges levied on MWSE for the usage of Brookvale Oval for season 2016. For the avoidance of doubt, any amounts invoiced and paid to date for 2016 are to be offset against the 11 March 2016 instalment; and
- 2) This occupation fee is to be paid by way of the following instalments:
 - i) \$30,000 payable on 11 March 2016 (less any amounts to be offset as indicated in clause 1)
 - ii) \$30,000 payable on 28 March 2016
 - iii) \$30,000 payable on 7 April 2016
 - iv) \$30,000 payable on 21 April 2016
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 - ix) \$30,000 payable on 29 August 2016
 - x) \$30,000 payable on 5 September 2016
 - xi) \$75,000 payable on 30 September 2016
- 3) All other terms and conditions of this proposal are to remain fundamentally consistent with those included in the 2014 executed deed of license between MWSE and Warringah Council in relation to Brookvale Oval, with the following exceptions:





- i) The removal of Clause 22 – Holding over; and
 - ii) The amendment of The Fourth Schedule, Special Conditions, Clause S8 – Naming Rights. The amendment is to state that any proceeds received which relate to the sale of naming rights to the premises are to be retained wholly by MWSE, with the commercial terms of such arrangement to remain confidential between MWSE and the naming rights party; and
 - iii) A one year option to renew on the same terms in MWSE's favour only, subject to the presiding Council at the time of expiry of the 2016 license confirming its ability to meet the license conditions for the 2017 season.
- 4) MWSE is to receive a copy of your recommendation in relation to this proposal to be tabled at the Warringah Council meeting to be held at 6pm Tuesday 16 February 2016; and
- 5) MWSE and Warringah Council are to agree a joint press release should the proposal be accepted at the 16 February 2016 Council meeting.

Yours faithfully


Joe Kelly,
Chief Executive Officer
Manly Warringah Sea Eagles

