

7. LEASES, LICENCES AND OTHER ESTATES AT BROOKVALE PARK

In accordance with Section 46A of the Local Government Act 1993 a plan of management is to specify in relation to Community Land any purpose for which a lease, licence or other estate may be granted. This section of the Plan of Management describes the existing Deed of Agreement with the Manly Warringah Rugby League Club Limited and describes leases, licences and other estates permitted on the land covered by this Plan. Any lease, licence or other estate must be in line with the core objectives of the Community Land categories.

The Local Government Act requires Council to consider what activities may require granting of a lease, licence or other estate during the life span of a plan of management. The authorisation allows for the consideration, and granting if appropriate, of the prescribed activity.

7.1 Existing Lease and Licence Details

Council has a Deed of Agreement with the Manly Warringah Rugby League Club Limited until September 2009. This deed was entered into in 1993 under the provisions of the Local Government Act 1919. This Act no longer exists and there is no power to amend or renew the deed unless either party terminates the deed, it is mutually renegotiated or reaches the expiry date.

The agreement covers the period from the first Friday in February to September 30 within each year (the season). The Club has exclusive use of the sportsground area and related facilities for the entire length of the season and all other land and amenities on any National Rugby League match day.



Photo 7: Main entrance to Brookvale Sportsground

Since this agreement was signed, the Manly Warringah Rugby Football Club have merged with North Sydney Rugby League Club and is now the “Northern Eagles Rugby League Club”. This has meant that only 6 or 7 games of National Rugby League are played at Brookvale Park each season, which has affected the income received by Council. The merger, however, has not been successful and the Manly Warringah Football Club is again a single entity. For the 2002 season the Club must play as the Northern Eagles Rugby League Club and is to play half its home games at North Power Stadium, Gosford. The Club will however be playing all its home games at Brookvale Park after the 2002 season.

Both the Northern Eagles and Council have requested that the Deed of Agreement be reviewed and renegotiated.

There are no other leases or licences granted at Brookvale Park although there have been numerous requests for other agreements.

7.2 Commercial Use

Council has recently exhibited a Interim Policy on the Management of the Commercial Use of Beaches, Reserves and Buildings/Facilities in Warringah. The Policy governs the use of open space and facilities in Warringah whilst plans of management are to provide direction on the extent of commercial activities permitted at the relevant reserves.

The principles of the Policy are to apply to the commercial use of Brookvale Park, specifically Council should seek a financial return on any commercial use of the Park. The Policy should act as a guide for negotiation of any commercial use and should be used in the development of the Hire Guidelines as noted in Action 17. This Plan of Management however does not provide detail on the level of commercial use permitted at Brookvale Park due to the unique use of the Park. Commercial use is to be assessed in accordance with the Policy, the values and actions of this Plan of Management and is to be in accordance with the existing Deed of Agreement over the land.

7.3 Authorisations

The following leases, licences and/or grants of estates have been included and therefore authorised within this Plan of Management and are permissible at Brookvale Park.

In addition to the conditions provided within the authorisations, the granting of a lease, licence or other estate must:

- Be in keeping with the purpose, category and core objectives of the land;
- Have no negative impact on historical or cultural sites;
- Not alienate the Park unreasonably;
- Be ecologically sustainable;
- Have a component of community benefit;

- Demonstrate a clear nexus between the activity and the Park;
- Not result in overuse of the area or conflict with community use of the area;
- Ensure traffic and parking implications are addressed; and
- Be in accordance with relevant policies and procedures governing the use of open space.

A: Sportsground Use

1. This Plan of Management expressly authorises the lease, licence or grant of any other estate over that land within Brookvale Park categorised as **Sportsground** for sports and related auxiliary purposes.

This authorisation relates to the use of all buildings and facilities within the boundaries of the sportsground category. Sport and events can be defined as any sporting, cultural, educational, promotional, musical event and/or activities which the ground can cater for, providing the core objectives of the sportsground category are met, and any conditions noted in this Plan of Management are adhered to.

B: Park Usage

1. This Plan of Management expressly authorises a lease, licence or grant of any other estate over some of the land categorised as **Park** to be used for sports and major events. The purpose of this authorisation is for amenity usage, catering vans, crowd dispersal and sportsground security.

This authorisation relates to the land categorised as Park adjacent to Pine Avenue and Alfred Road only. It does not authorise inclusion of the Village Green (Federal Parade end of the Park) into this usage, with the exception of crowd dispersal.

2. This Plan of Management expressly authorises a lease, licence or grant of any other estate over the land categorised as **General Community Use and Park** for the purpose of entry to the sportsground.

C: Catering

1. This Plan of Management expressly authorises the lease, licence or grant of any other estate over the catering facilities within that land categorised as **Sportsground**. This includes the area used to prepare food and the temporary canteens on the grounds. The canteens may serve prepared snacks, packaged and prepared foods with alcoholic and non-alcoholic beverages to take away.

The canteens are to be supportive of and ancillary to the function of the sportsground.

2. This Plan of Management expressly authorises the lease, licence or grant of any other estate over the land categorised as **Sportsground** for the purpose of provision of food and beverage in the Presidents Lounge and Corporate Boxes.

D: Function Centre

1. This Plan of Management expressly authorises the lease, licence or grant of any other estate over the land categorised as **Sportsground** for the use of that area known as the Presidents Lounge as a function centre. The function centre may be hired for the purpose of events whereby there may be the distribution of alcoholic beverages, restaurant food and entertainment.

E: Advertising

1. This Plan of Management expressly authorises the lease, licence or grant of any other estate over the land categorised as **Park and Sportsground** for the purposes of internal amenity advertising, where it is supportive and ancillary to the use of the land. (See Action 11)
2. This Plan of Management expressly authorises the lease, licence or grant of any other estate over the land categorised as **Sportsground** and **General Community Use** for the purposes of placing advertising material on the ground and buildings providing it is consistent with State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64). Replacement of existing approved signage may benefit from the existing use provisions of the Environmental Planning & Assessment Act. New signage would be subject to assessment under the provisions of SEPP64 and the Warringah Local Environment Plan.

F: Naming Rights

1. This Plan of Management expressly authorises the lease, licence or grant of any other estate over the land categorised as **Sportsground and General Community Use** for the purposes of ‘Naming Rights’ of the sportsground section only of Brookvale Park. (See Action 13).

G: Car Parking

1. This Plan of Management expressly authorises the lease, licence or grant of any other estate over the land categorised as **General Community Use and some land categorised as Park** for the purposes of car parking on major event days.

Note: This authorisation only refers to the formal car park adjacent to Alfred Road and the land categorised as park adjacent to Alfred Road and Pine Avenue. It does not allow the use of the Village Green at the Federal Parade end of the Park for car parking.

Major events are to include any National Rugby League home games and any other event that is expecting a crowd over 5000 people.

For events expecting crowds under 5000 but over 2000 the land categorised as park adjacent to Alfred Road may be used for car parking but the land categorised as park adjacent to Pine Avenue may not. Car parking is not permitted on the land categorised as park adjacent Alfred and Pine Streets for events expecting crowds under 2000.

The car parking is not to be sublet to any other group and is to be utilised for car parking related to the users – that is for event officials, VIP's, administration personnel, media requirements and participants. It is not to be used for spectator or public parking.

2. This Plan of Management expressly authorises the lease, licence or grant of any other estate over the land categorised as **General Community Use** for the purposes of exclusive use car parking. This authorisation relates to the formal car park in the south-west corner of the Park. The authorisation aims to provide car parking during times when a group has a formal agreement to use the sportsground. The numbers of patrons attending an event does not impact on this authorisation.

H: Cottage

1. This Plan of Management expressly authorises a lease, licence or grant of any other estate over the land categorised as **Park** for the purposes of utilising Brookvale Park Cottage as a centre for a community focussed service. Such a service may include a childcare centre, a museum, an environment centre, tourism centre, or arts centre. The cottage may also be used as a caretaker's residence.

This authorisation also enables renting this space to a not for profit community-focussed group.

I: Temporary Licences

1. This Plan of Management expressly authorises the granting of a licence or short term estate (eg agreement) for the purposes of occasional sporting, recreational, social or educational activities over the land categorised as **Sportsground, Park or General Community Use**. This would include activities such as one off sporting events and events such as fetes, fairs and cultural, musical or entertainment events.

*Short term is defined in accordance with the general regulations to the Local Government Act and is an activity where: -

- (a) The use or occupation does not involve the erection of a building or structure of a permanent nature.
- (b) In the case of any use or occupation that occurs only once, it does not continue for more than three consecutive days.

- (c) In the case of any use or occupation that occurs more than once, each occurrence is for no more than 3 consecutive days, not including Saturday and Sunday, and the period from the first occurrence to until the last occurrence is not more than 12 months.

It is expected that in most cases only one lease, licence or grant of any other estate will need to be written per user and may include a number of the authorised activities noted in this section.