

11.9 PROPOSAL TO HOLD EVENTS AT LEEDERVILLE OVAL

Attachments: 1. Leederville Oval Map of Leased Area

RECOMMENDATION:

That Council:

1. Subject to the approval of the Minister of Lands, **APPROVES** the grant of licence to Newox Pty Ltd (ACN 640 888 599) for the use of a portion of Leederville Oval, 246 (Lot 500) Vincent Street, Leederville on the following key terms:
 - 1.1 **Initial Term:** Two (2) years as follows:
Events including use of Leederville Oval:
1 October 2023 to 7 January 2024; and
1 October 2024 to 7 January 2025.

Events solely using internal common area, club rooms and car park:
1 October 2023 to 30 September 2025.
 - 1.2 **Option Term:** Two x One (1) year term as follows:
Events including use of Leederville Oval:
1 October 2025 to 7 January 2026; and
1 October 2026 to 7 January 2027;

Events solely using internal common area, club rooms and car park:
1 October 2025 to 30 September 2026; and
1 October 2026 to 30 September 2027;

both at the absolute discretion of the City.
 - 1.3 **Licence Fee:** 1 October 2023 to 30 September 2025:
Based on City of Vincent's fees and charges applicable to Leederville Oval for financial year 2023/2024.

1 October 2025 to 30 September 2027:
Based on City of Vincent's fees and charges applicable to Leederville Oval as at 1 July of the respective financial year.
 - 1.4 **Licence Area:** Portion of Leederville Oval, being oval section, common area section, additional facilities, and car parking area (i.e. all of Lot 500 Vincent Street, Leederville except the areas leased to East Perth Football Club Inc., Subiaco Football Club Inc. and the Department of Local Government, Sport and Cultural Industries).
 - 1.5 **Permitted Purpose:** To host a number of events focused around food, music or family friendly entertainment.
Proposed events under this Licence shall be operated in keeping with the deliverables of the City's Public Health Plan, including:
 - a) The event activities shall not be focused on the consumption of alcohol;
 - b) Alcohol advertising, marketing, promotion and sponsorship shall be limited; and
 - c) All events shall be smoke and vape free.

- 1.6 **Outgoings:** Lighting as per City of Vincent's fees and charges adopted as at 1 July annually.
- 1.7 **Cleaning and Maintenance:** Licensee's responsibility.
- 1.8 **Make good:** Licensee's responsibility, including through bond payment for turf repair by City.
- 1.9 **Approvals** The licensee shall make all relevant applications to the City, prior to each event, for approval under relevant Environmental Noise, Building and Health legislation.
- 1.10 **Redevelopment:** If the City:
- d) wishes to develop the Land or its surrounds; or
 - e) determines that it can no longer maintain the Land in a safe and occupiable condition,
- the City, may upon providing the Licensee with 3 months' prior notice, require the Licensee to surrender the licence over the Land.
2. **Subject to the Minister's approval in Recommendation 1 and final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES the Mayor and the Chief Executive Officer to affix the common seal and execute the Licence; and**
3. **NOTES that the event organiser would be required to inform the community of event details ahead of events.**

PURPOSE OF REPORT:

To consider granting a Licence to Newox Pty Ltd (ACN 640 888 599) as trustee for the Newox Trust (Licensee) for the use of the portions of Leederville Oval, 246 (Lot 500) Vincent Street, Leederville, that are not currently leased from the City (Licence Area).

BACKGROUND:

Land

No. 246 (Lot 500) Vincent Street, Leederville (Land) is reserved Parks and Recreation under the Metropolitan Region Scheme and is Crown land. Pursuant to a Management Order dated 22 September 2009, the City is vested with the care control and management of the Land for Recreation, Office and Administration purposes. The City has the power to lease, sub-lease or licence the Land for any term not exceeding 30 years subject to the prior written approval of the Minister for Lands.

The City has a lease with the East Perth Football Club and the Subiaco Football Club (the Clubs) for the period from 1 November 2004 to 31 October 2025. At the end of the current lease period, the Clubs have a right to exercise the option to extend the lease for a further nine years. The leases are for portions of the building shown in the Leederville Oval map attached as **Attachment 1**.

Newox Pty Ltd Proposal

The Licensee is a company associated with FJM Property. The Newox Trust has a long term lease over and runs the Leederville Hotel.

In early May 2023, the Licensee requested exclusive rights to the unleased areas of Leederville Oval for the purpose of hosting a series of events focused around food and beverage offerings and/or music.

The proposal would include the use of the Clubs leased areas, in which the Licensee would negotiate and arrange with the two clubs.

The Licensee has advised that they have the support of the Clubs for this proposal and propose to share revenue with the Clubs in return for the use of their clubrooms.

The proposed licence with the City would cover the interconnecting area between the Clubs' leased areas, as well as the oval, car park and other common areas.

The Licensee is looking to hold events on two distinctly different scales:

- Larger events would utilise the whole or at least a substantial part of the Leederville Oval and its amenities. The larger events are all proposed to be family friendly, with the exception of a New Year's Eve event; and
- Smaller events would be confined to the Clubs' leased premises; the interconnecting area between the Clubs' leased areas at the rear of the first floor old grandstand; a small portion of the car park and the toilets at the rear of the grandstand. The smaller events would either be family friendly or be confined to the internal areas and held at night.

The Licensee has advised that the events using the oval are proposed to occur only between October and December each year and that no events would occur during the Western Australian Football League (WAFL) season. Events using the clubrooms and inter-connecting area could potentially be used throughout the year subject to approval from the Clubs.

The Licensee has requested for the licence to commence by mid-2023.

DETAILS:

Licence

The Licensee's proposal to host the events at Leederville Oval would be considered under a licence tenure where they have a contractual right to non-exclusive occupation and use of the Licence Area. In accordance with the [Property Management Framework](#) (adopted by Council on 17 November 2020), the Licensee is classified as a category 3 tenant, being a commercial entity. The framework sets out that the tenancy fee for a licence is to be negotiated.

The Licensee has proposed the following key licence terms:

1	Initial Term	Two years commencing 1 October 2023 and expiring on 30 September 2025.
2	Option Term	Two x One (1) year term.
3	Licence Fee	As per City of Vincent's fees and charges applicable to Leederville Oval for the respective financial year.
4	Licence Area	Portion of Leederville Oval, being the oval section, common area section, additional facilities, and car parking area.
5	Permitted Purpose	To host a number of events focused around food, music or family friendly entertainment.
6	Outgoings	Lighting as per City of Vincent's fees and charges adopted as at 1 July annually.
7	Cleaning and maintenance	Licensee's responsibility.
8	Make Good	Licensee's responsibility, including through bond payment for turf repair by City.
9	Redevelopment	If the City: a) wishes to develop the Land or its surrounds; or b) determines that it can no longer maintain the Land in a safe and occupiable condition; the City, may upon providing the Licensee with 3 months' prior notice, require the Licensee to surrender the licence over the Land.

Licence Term

As the Licensee only wants the right to use Leederville Oval for events between October and December each year, it is proposed that the licence be granted only for this period rather than for a continuous 24 months. This would allow others to propose events at other times of the year, such as St Patricks Day.

It is proposed that the option term be at the absolute discretion of the City.

Licence Fees

The City of Vincent's current fees and charges applicable to Leederville Oval are as follows:

- **Half Day Event Under 1,000 people** – \$2,500.00 PLUS Bump in/Bump out – \$1,250;
- **Full Day Event Under 1,000 people** – \$5,000.00 PLUS Bump in/Bump out – \$2,500;
- **Full Day Event of 1,000 – 5,000 patrons** – \$7,900.00 per day PLUS Bump in/Bump out – \$3,950 PLUS Event Application Fee – \$500;
- **Full Day Event of 5,000 – 12,000 patrons** – \$12,600.00 per day PLUS Bump in/Bump out – \$6,300 PLUS Event Application Fee – \$500; and
- Note: Floodlights per hour \$ 276.00.

These fees would provide the most appropriate basis for the licence fees, noting that they do not include a fee for the use of the car park or the bar between the two club rooms.

For use of the car park and the area between the two club rooms, the Licensee has proposed a fee of \$1,000 per day. This proposed fee is acceptable in the context of the fees charged by other inner city local governments for the use of unpaid car parks and that the City currently does not have a fee or charge for the use of these spaces.

The licensee (or other responsible person(s)) will be subject to paying fees and charges associated with event related applications (public building, food, noise etc.), for each event, per the City's Fees and Charges schedule for the relevant financial year.

Licence Area

The Licence Area will comprise of portion of the Leederville Oval, being the oval section, common area section, additional facilities and car parking area.

Before entering into the licence, the City would be required to gain support from all lease and licence holders over the Land.

The licence would not apply to the areas leased by the Clubs, being their club rooms and changerooms. In order to use these areas, the Licensee would require the consent from the Clubs.

The licence would require the Licensee to inform lease and licence holders of any events before they occur.

Permitted Purpose

It is recommended that the events proposed be required to meet the deliverables in the City's Public Health Plan and not be focused around alcoholic beverage offerings.

It is recommended that the licence require any events to be open to all ages and family friendly with the exception of late night events, which could be permitted to be over 18's only, provided alcoholic beverage offerings are not the focus of the event and alcohol consumption is not promoted by the event.

The maximum accommodation for any event at the Licence Area would be subject to State Government regulations based on:

- Use of the venue / building(s);
- Available floor space (publicly accessible);
- Available exits (number and aggregate width); and
- Available sanitary facilities.

The Licensee would be responsible for making the relevant applications to construct, alter or extend the Public Building(s) proposed to be used at Leederville Oval, prior to each event, and occupancy of the venue would be subject to approval being granted.

Temporary structures erected for any event at Leederville Oval would be subject to independent certification by a suitable qualified engineer/building surveyor/person. The City would require sufficient evidence to be provided, prior to the use of the structure(s), to satisfy evidence of suitability, safety, accessibility and integrity.

Exits and toilet facilities at Leederville Oval are not currently adequate for large event crowds and additional signage and accessible toilets would be required to accommodate such events.

In relation to the Leederville Oval itself, due to the short 'dummy fence' that surrounds it, the available capacity of the pitch/oval would be limited at any one time, depending on the management measures being implemented by the Licensee.

The use of amplified sound at any event at the Venue will be subject to compliance with the Environmental Protection (Noise) Regulations 1997 (Noise Regulations). A detailed noise management plan will be required for any event involving the use of amplified music. A maximum of two events, in any consecutive 12 month period, may be considered in accordance with Regulation 18 of the Noise Regulations.

Cleaning

All cleaning and maintenance associated with events would be the responsibility of the Licensee.

Make Good

The events would take place during the WAFL offseason, during which time reticulation needs to take place on the oval. The impact on the turf of any events taking place on the oval would need to be carefully managed and restrictions would be put in place through the terms of the licence to ensure that any damage can be managed and reticulation can occur in preparation for the WAFL preseason.

In addition, the Licensee acknowledges that AFLW and AFL preseason games are sometimes held on Leederville Oval during the proposed events period (October to December). The licence would need to be restricted so that if these games are proposed, they can occur. These restrictions would include not permitting events on the oval surface for at least six weeks prior to any AFLW or AFL preseason games. Events could then occur on the oval after games, provided watering is not impacted. Turf renovations to repair any damage could then occur in January ready for the WAFL preseason training.

The turf repairs resulting from the events would be funded by the Licensee. A bond would be retained for the event season and the City would undertake any remediation work.

CONSULTATION/ADVERTISING:

The City would be required to obtain the written consent of the lease holders and licence owners prior to entering into the licence.

The licence holder would be required under the licence to notify the lease holders, licence owners and the community of event details prior to events occurring.

LEGAL/POLICY:

- Health (Miscellaneous Provisions) Act 1911
- Health (Public Buildings) Regulations 1992
- Health (Temporary Sanitary Conveniences) Regulations 1997
- Guidelines for Concerts, Events and Organised Gatherings 2022
- AS/NZS ISO 31000:2009
- Building Act 2011
- National Construction Code
- Building Regulations 2012
- Environmental Protection Act 1987
- Environmental Protection (Noise) Regulations 1997

The grant of licence would require the Minister for Lands consent.

The event organiser would be required to provide advance resident notification of the event program and details.

RISK MANAGEMENT IMPLICATIONS

Medium: It is low to medium risk for Council to approve this license as proposal with the following issues to be considered

Risks	Mitigation
Delays to turf renovations during the football off season impacting on the WAFL clubs preseason use of the ground and use of the oval during the WAFL season	<ul style="list-style-type: none"> • Licence to require turf maintenance plan prior to commencement of each event season (WAFL off-season) and event usage to comply with this turf maintenance plan. This may restrict use of the oval at particular times and set maximum usage periods (i.e. two days maximum) to ensure turf replacement and reticulation can take place. • Licence to require the licensee to fund any additional costs over and above the turf maintenance plan approved at the start of the off-season. • Bond retained at start of season for turf repair following events season.
Impact on AFLW and AFL preseason game opportunities at Leederville Oval	<ul style="list-style-type: none"> • Licence to prioritise AFLW and preseason AFL games over licensee's events, including the six weeks prior to those games.
Noise complaints from nearby residents	<ul style="list-style-type: none"> • Licence to require the licensee to prepare a noise management plan for each event, for assessment and consideration under the Environmental Protection (Noise) Regulations 1997. The noise management plan must include details on the proposed impact to surrounding properties, and appropriate noise mitigation and management measures. • Licence to require the licensee to notify all impacted residents, within a radius agreed by the City, for each proposed event. This notification must include details of the potential noise impact and direct contact details to the event Owner/Operator so that action occurs immediately. • For any event that involve amplified music (for example: concert, live music, DJs etc.), a maximum of two such events will be permitted in the first season. The second season could consider additional events if there is majority community support.
Antisocial behaviour from event patrons	<ul style="list-style-type: none"> • Licence to require security management plan for each event, including crowd management and notification to surrounding residents regarding events and security's direct contact details so that they can be notified of any antisocial behaviour and action is taken immediately. • Licence to require all large-scale events, with the exception of New Year's, required to family friendly events. • Licence to require all other events to be food or music focused, rather than focused on the consumption of alcohol; and limit alcohol advertising, marketing, promotion and sponsorship. • Licence to require event management plan for approval by the City, to ensure learnings from each event improve subsequent approach.

Benefits:

- Financial return to the City;
- Increased economic benefit to Leederville Town Centre;
- Financial support for the two WAFL clubs;
- Activation of Leederville Oval during the football off season; and
- Vibrancy and activation of Leederville Town Centre.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Connected Community

Our community facilities and spaces are well known and well used.

Thriving Places

We encourage innovation in business, social enterprise and imaginative uses of space, both public and private.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

The City of Vincent's Public Health Plan 2020-2025 sets the long-term goal of reducing smoking and harmful alcohol use, with the following key deliverables related to events proposals:

"1.4 Reduce exposure to unhealthy advertising, marketing, promotion and sponsorship (includes, but not limited to alcohol, unhealthy food and drink, smoking, and gambling)"

18.1 Develop partnerships with the community, organisations and licenced premises to reduce the risk of antisocial behaviour and alcohol related harm in the community

18.2 Support the implementation of alcohol and or smoke free environments including festivals, events, activities and or clubs

18.3 Incorporate public health principles into applications involving the sale and supply of alcohol."

The events proposed by Newox Pty Ltd would be required to achieve the above deliverables.

FINANCIAL/BUDGET IMPLICATIONS:

The City would benefit from additional revenue generated as a result of the licence.

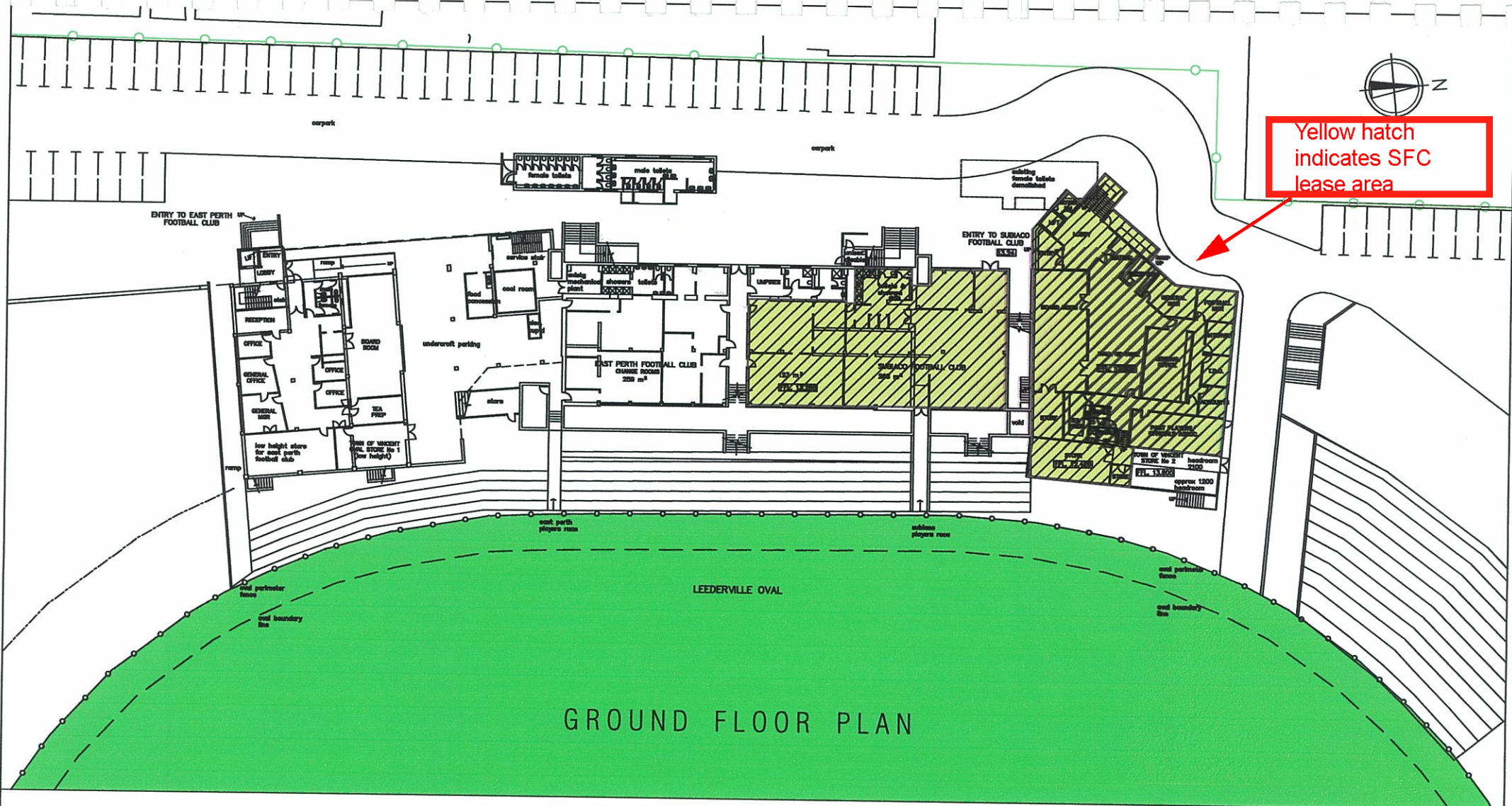
COMMENTS:

The presence of large-scale events at Leederville Oval brings many advantages to Leederville Town Centre, attracting visitors who would patronise local businesses and contribute to the overall economic development and vibrancy of the town centre. As demonstrated by the WAFL Grand Final in 2022, there was an approximate increase of \$283,000 in spending in the town centre on event day. The City would continue to monitor the spend map data to measure the economic impact on local businesses while events are taking place. These types of events would highlight Leederville as an attractive destination for local residents and tourists alike.

The City would work with Newox Pty Ltd to reduce any impacts on surrounding residents which would be managed through community consultation, noise management plans, ingress and egress plans and resident notifications. Impacts on the community would be monitored over the event period.



Yellow hatch indicates SFC lease area



GROUND FLOOR PLAN



PROPOSED REDEVELOPMENT OF LEEDERVILLE OVAL

SUBIACO FOOTBALL CLUB PROPOSED LEASE AREA



GROUND FLOOR PLAN, LEASE AREA 571 SQM
CHANGE ROOMS, LEASE AREA 414 SQM

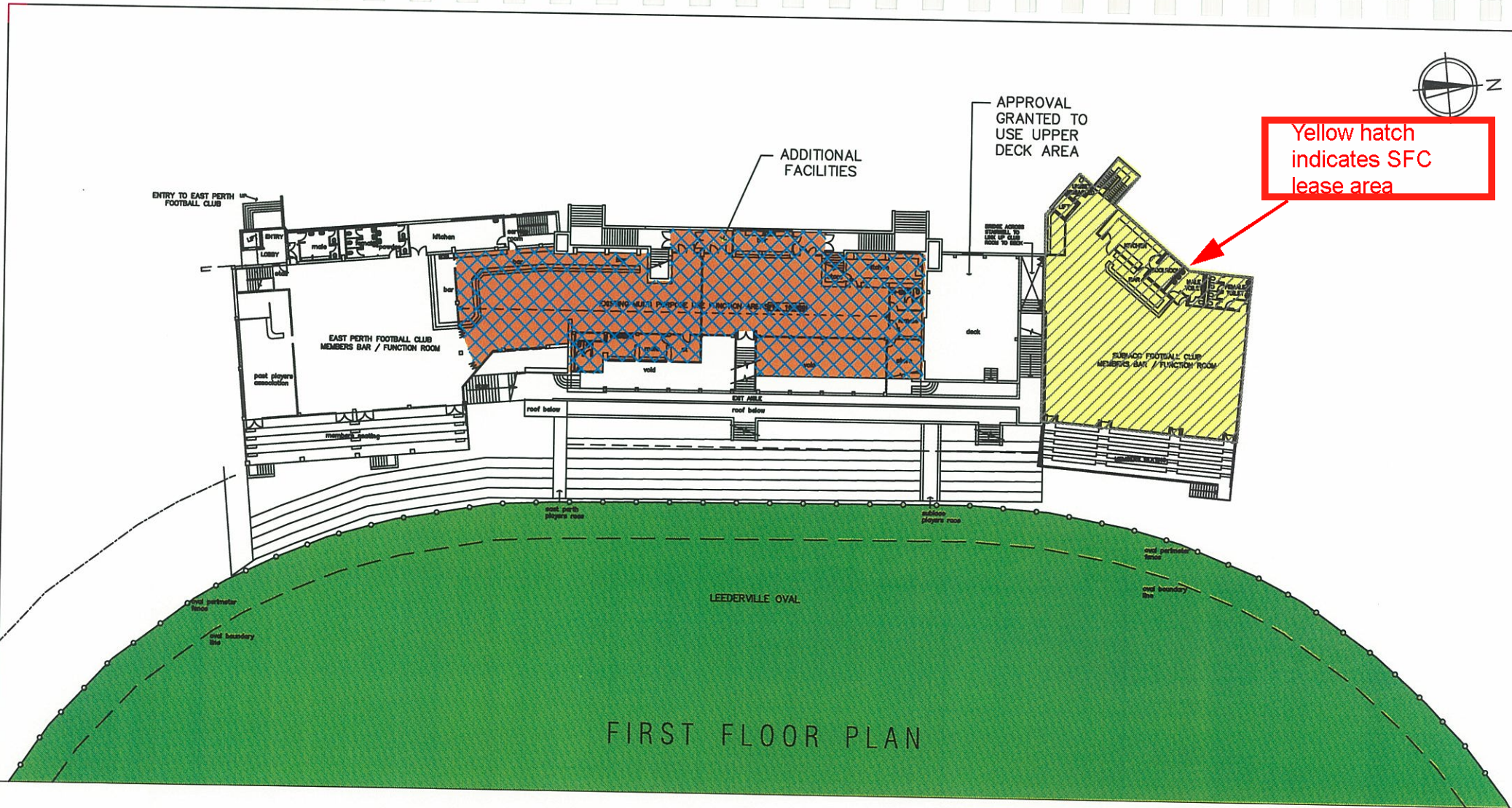


TOWN OF VINCENT

20 OCTOBER 2004



Yellow hatch indicates SFC lease area



FIRST FLOOR PLAN



PROPOSED REDEVELOPMENT OF LEEDERVILLE OVAL

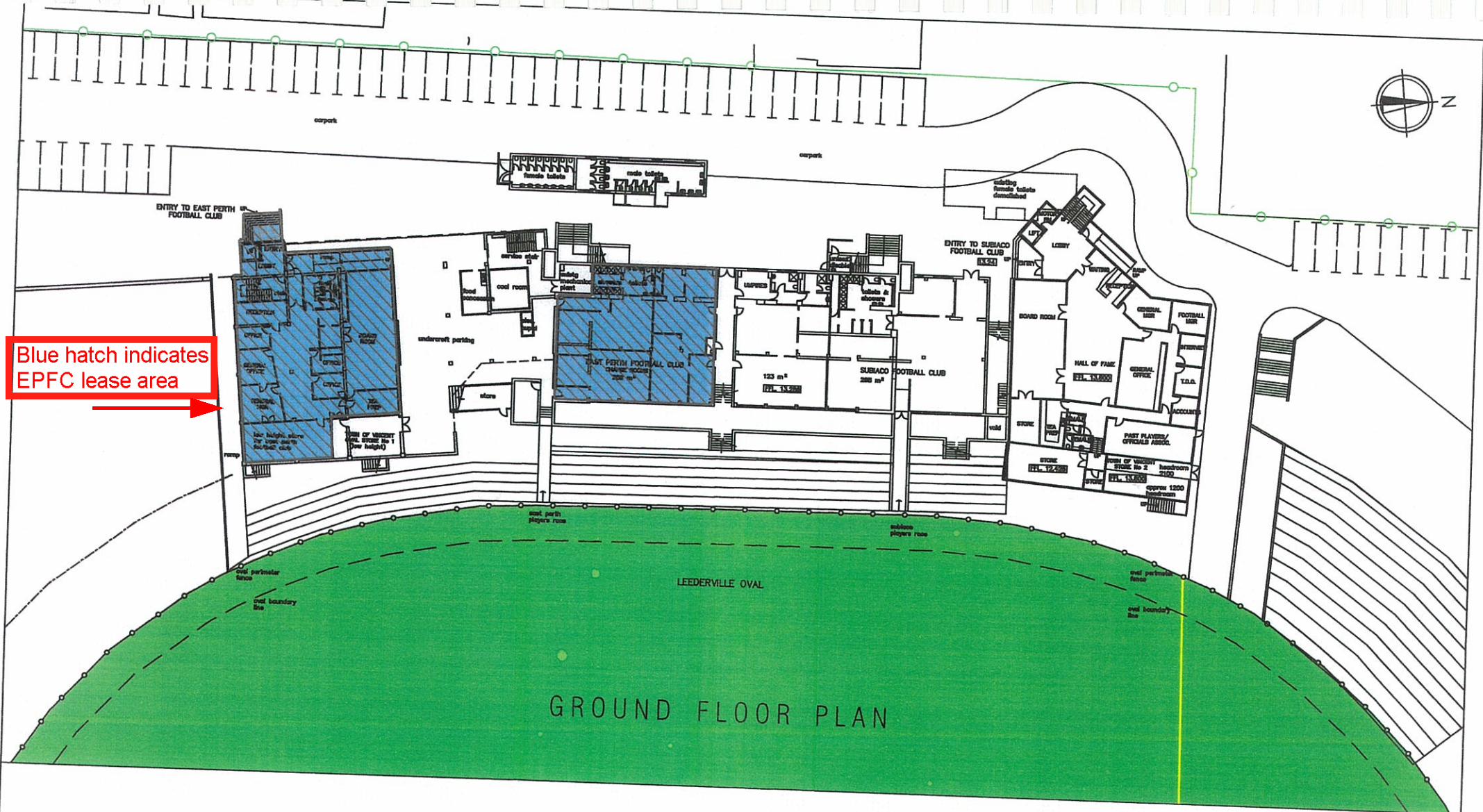
SUBIACO FOOTBALL CLUB PROPOSED LEASE AREA



FIRST FLOOR PLAN, LEASE AREA 498 SQM

TOWN OF VINCENT





Blue hatch indicates EPFC lease area

GROUND FLOOR PLAN



PROPOSED REDEVELOPMENT OF LEEDERVILLE OVAL

EAST PERTH FOOTBALL CLUB PROPOSED LEASE AREA



DRAWING No:

GROUND FLOOR PLAN, LEASE AREA 414 SQM
CHANGE ROOMS, LEASE AREA 262 SQM



TOWN OF VINCENT

