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Licence Agreement for the Sport and Community Facility at Boronia Park Submission from the Hunters Hill Trust

The Trust objects to the proposed Licence Agreement between Hunters Hill Council and Hunters Hill Rugby Union Football Club (the 'rugby club') for many reasons, some of which are discussed below.

The Licence

The proposed licence would allow the rugby club almost exclusive rights to the planned facility for an unnecessarily long period of time (20 years, being 5 years plus options for three further 5 year periods). As stated in the Plan of Management, Boronia Park *'has been a venue for rugby union for over 100 years'*, presumably without requiring such a long-term licence. In the absence of any justification for an enduring licence, we recommend continuing the current practice of annual licences.

No justification is provided for giving the rugby club exclusive access to the playing fields and facility throughout all weekday evenings, and all day on weekends, throughout the 5 months of the rugby season.

The proposed licence needs to comply with the principles listed in the Plan of Management for Boronia Park, in particular that '(c) ... *public use and enjoyment of appropriate Crown land be encouraged, and (d) that, where appropriate, multiple use of Crown land be encouraged*'. The proposed licence must recognise access by those other uses identified in the Plan of Management as *'Casual games, "kick around", independent sporting practice or fitness training, walking and dog-walking, and socialising occur across these grounds when not used for organised sporting activities'*.

Use of the Facility at no cost

No justification is offered for granting the rugby club the use of the facility for up to 20 years without payment when other users will be required to pay Council's standard hall-usage charges for access. Free access could only be justified by evidence that the rugby club's financial contribution is of a value to match the benefits offered by this arrangement, but there is no evidence that the rugby club's *'significant financial contribution'* is of this magnitude.

As shown by the optimistic (and outdated) Business Plan, ratepayers will be responsible for subsidising the long term maintenance and operating costs of the Facility. It is highly unlikely that residents will receive any significant benefit because the bulk of its use will be by the rugby club. (We understand that Council has been unable to identify any other regular hirers for the Facility due to the constraints of its design and the limited hours it will be available).

The Business Case for the Facility, '*received and noted*' by Council at its meeting in April 2021, was created while the design of building was still in development, and is now seriously out of date. Assuming paid occupancy by other users for the 15% of time the Facility was not allocated to the rugby club, the Business Case predicted maintenance and operating costs would require an initial subsidy of \$37,738 p.a. rising at a CPI rate of 2.1%. The current design will be more expensive to maintain, and the CPI seems unlikely to revert to this low figure, creating substantial continuing expense Council can ill afford.

We believe the actual income generated from other usage of the Facility will be less than the 15% estimated because the final design of the Facility makes the upper storey unattractive for most non-sporting uses. Access will be difficult for many (either a long flight of stairs with no landing, or the tiny lift), and there are inadequate toilet facilities (a single toilet, with other toilets accessible only from outside the building).

The Playing Fields

Little provision is allowed by the licence for other field sports to use the playing fields during the rugby season. All 3 playing fields would be reserved for the rugby club throughout the 5 months of the rugby season on all weekday evenings, and all day on weekends. And because of the long duration of the Licence, this prevents all other field sports from ever having access to these resources even if the popularity of rugby wanes in comparison with other winter field sports. The Licence needs to account for this eventuality.

Moreover, for unstated reasons, the Club will receive a 10% discount on the rate charged to other users, and also be reimbursed for those hours when it doesn't use the fields (time they could be used by other Sports). Responsible financial management requires that all sports be charged at the same rate and be dealt with equitably.

Conclusion

In conclusion, we question whether Council has demonstrated responsible management of its finances or of the public land under its care and control, and suggest that:

- Any licence to the rugby club (or any other organisation) should be made on a renewable, annual basis.
- Unless there is a stated, justified reason, all users should be charged the same rate for access to Council's facilities.
- Council should attempt to cater for all sports according to demand and the availability of its resources.
- The local community needs clear information about constraints that may impede their enjoyment of and access to the park's open areas and playing fields as determined by the proposed licence.

Yours sincerely



Alister Sharp
President Hunters Hill Trust
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