

Subject **10.2.3 Late Report - Wings Over Illawarra - Licence Agreement (11345616)**

To the General Manager

Directorate: **Council Sustainability**
Group: **Airport**

Manager: Scott Bridgement – Director Council Sustainability
Author: Joel Sinclair – Manager Airport

Summary

The purpose of this report is to seek Council's approval to vary the current Licence Agreement with Bright Events Pty Ltd to enable them to run the "Wings Over Illawarra" Event in 2020.

The amendments that are sought to the Licence Agreement are that the term of the current Licence Agreement be extended to 30 November 2020, Clause 5.1 is to be amended to change the notice of occupation period to 7 months, and a clause is to be included that the Licensee is to ensure there are no conflicts between the other major events and major projects that are currently planned, and provide such evidence in writing.

Background

Following Council Resolution of 27 October 2015 Council Meeting, a Licence Agreement was entered into on 1 September 2015 with Bright Events Pty Ltd for the operation of the "Wings Over Illawarra" event on, the Licence Agreement is due to expire 31 August 2020.

On Friday 13 March 2020, Bright Events Pty Ltd requested Council to agree to a postponed date of 6, 7 and 8 November 2020 in anticipation of the government's ban on mass gatherings associated with COVID-19.

On 15 March 2020, NSW Health Minister Brad Hazzard made an Order under Section 7 of the *Public Health Act 2010* to force the immediate cancellation of major events with more than 500 people.

The proposed amendments to the Licence Agreement can be made under Clause 17.4 of the current Licence, with all other clauses of the current licence agreement remaining enforceable. The proposed amendments are as follows:-

- Extend the term of the current Licence Agreement to 30 November 2020, and;
- Amend Clause 5.1 to change the notice of occupation period to 7 months which is currently 12 months to enable a new date being 6, 7 and 8 November 2020 for the Wings Over Illawarra event, and;
- Amend the Licence Agreement so that the Licensee must ensure there are no conflicts between the other major events and major projects that are currently planned under the Airport Redevelopment Project, and provide such evidence in writing.

Financial / Resources Implications

Council will charge the licence fee as per the current Licence Agreement which is the subject of the proposed extension. For the proposed November 2020 “Wings Over Illawarra” event, the licence fee amount is approximately \$9,946 GST exclusive based on December 2019 Annualised Consumer Price Index (CPI).

That is, there will be no additional financial burden for the community.

All legal costs associated with the application and negotiation of the agreement, if any, will be the responsibility of the licensee as per the current agreement Clause 6.1.4.

Legal and Policy Implications

The operator will be responsible to seek all necessary approvals and permits from Shellharbour City Council as landowner and as a consent authority under any legislative Act, the Australian Civil Aviation Authority and any other authority having power to regulate the use of the Shellharbour Airport and other public land. The Operator will be required to adhere to all statutory and regulatory compliance activities involved in running the event.

There is no need to amend the existing development consent.

Public / Social Impact

“Wings Over Illawarra” is one of the largest annual events held in the Illawarra Shoalhaven region, with more than 180,000 attendees since its inception in 2007 with approximately 22,000 in attendance for the May 2019 event.

Furthermore, “Wings Over Illawarra” has been funded by the NSW Government reflecting its’ importance as a major event for the New South Wales region.

There would be negative financial and reputational impacts for the local business community should the event not proceed.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 1.1 Vibrant, safe, creative and inclusive

Strategy: 1.1.1 Deliver and promote events and activities for our community

Objective: 2.3 A city that is connected through places and spaces

Strategy: 2.3.6 Deliver sustainable whole of life asset management for the community

Objective: 3.3 Welcomes, engages and attracts visitors

Strategy: 3.3.1 Promote our City as a tourist destination of choice

Consultations

Internal

Governance Manager
Chief Financial Officer
Executive Manager
Group Manager City Development
Property Coordinator

External

Fly Corporate
Convoy
Bright Events Pty Ltd

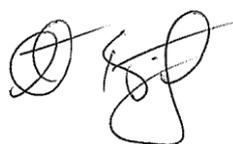
Political Donations Disclosure

Not applicable.

Recommendation

That:

1. Council vary the Licence Agreement with Bright Events Pty Ltd to extend the term of the current Licence Agreement to 30 November 2020.
2. Clause 5.1 be amended to change the notice of occupation period to 7 months.
3. Council amend the Licence Agreement to include a clause so that the Licensee ensures there are no conflicts between the other major events planned and major projects that are currently planned under the Airport Redevelopment Project, and provide such evidence in writing.
4. The Mayor and General Manager or his nominated delegate be authorised to sign all documentation associated with the variation of the Licence Agreement with Bright Events Pty Ltd for the "Wings over Illawarra" event on Council owned and managed land.



Approved for Council's consideration:

Date of Meeting:

17 March 2020

Attachments

1. Bright Events Request
2. Fly Corporate Support

Attachment 1 – Bright Events Request

From: Kerry Bright <kerry@brightevents.com.au>
Sent: Friday, March 13, 2020 3:50 pm
To: Marianne Saliba
Cc: Carey McIntyre; Mark Bright
Subject: Wings Over Illawarra 2020 and COVID-19

Dear Marianne,

Thank you for your time on the phone today.

As I explained Wings Over Illawarra 2020 which is being held on the 2nd and 3rd May, 2020 is being severely impacted by the current COVID-19 situation.

Tickets sales have come to a halt, when in the past this is the week that they start to ramp up heading toward the event.

Many major events have been cancelled already due to COVID-19 and I am sure there are many to follow. This includes the Melbourne Grand Prix, Canberra's Sky Fire and Wollongong's Under the Southern Stars. While I have been typing this email it has been deemed by the government that all non-essential mass gatherings of more than 500 people has been banned.

For us to cancel the event will mean that we will need to liquidate our company and both of us declare personal bankruptcy. This is certainly not a road that we want to go down, as you would expect.

What we would really like to do postpone the event until the 6th, 7th and 8th November, 2020.

This way the current attendees who have purchased tickets will not lose their money, stallholders will not lose their money and sponsors will not lose their money. Plus the event will be able to survive into the future.

We have discussed the possible postponement with Destination NSW and our major sponsors and they agree that it would be in the best interests of the event given the current situation.

There are two issues that we need council support with:

Firstly, the licence agreement is that we are to notify council 12 months in advance the dates of the event.

Secondly, as you are aware the new extension to the licence agreement has not been signed off by council as yet, and our existing licence terminates on 31st August, 2020, before the proposed dates for the postponed 2020 event.

As this change of date is out of our control, we hope that council will not hold us to the 12 month notification period.

And as far as the licence agreement goes, can our current agreement be extended to December 2020, pending the extension to the licence agreement being formally signed off.

We really need to advise the Wings Over Illawarra ticket purchasers and followers ASAP as to what is going to happen into the future, so we would appreciate a prompt decision being made by Shellharbour City Council.

Many thanks

Kerry

Kerry Bright
Event Administration
Bright Events Pty Ltd
Ph: +61 2 4208 3997
Mob: +61 417 335 409

Location: Hangar 1/32 Airport Rd, Albion Park Rail, NSW 2527
Mail: PO Box 25, Oak Flats, NSW 2530 Australia



Attachment 2 – Fly Corporate Response

Hello Joel .
No problem from our end . We will work with the proposed dates and times.
Regards
Jeff

Sent from my BlackBerry — the most secure mobile device — via the Telstra Mobile Network
Jeff Boyd | M: 0409 443 338

T: +61 2 6249 7044 (24/7) | M: 0409 443 338

From: Joel.Sinclair@shellharbour.nsw.gov.au
Sent: 16 March 2020 17:57
To: jboyd@corporate-air.com.au
Cc: rebecca.kennedy@shellharbour.nsw.gov.au
Subject: Wings over Illawarra proposed new dates

Hi Jeff

I seek your approval in writing to adopt the new proposed dates for wings over Illawarra which will go to Council tomorrow.

As discussed, the new dates for wings over Illawarra would be the 6,7 and 8 of November 2020 meaning Fly Corporate would need to relocate (half a day earlier than current practice but as was proposed for the May 2020 event) between 12pm Thursday 5 November and 12pm Monday the 9 November 2020.

Please advise if you accept this proposal as soon as possible?

Kind regards
Joel



Joel Sinclair | Manager Airport

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