



# Public Excluded Extraordinary Meeting of Council

13 February 2025

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Report no: HCC2025/1/37

## Ricoh Sports Centre lease

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### Purpose of Report

1. To seek Council's approval to grant a lease to Wellington Phoenix to operate Ricoh Sports Centre at Fraser Park.

### Recommendations

That Council:

- (1) notes the information in this paper and the draft Deed of Lease (Appendix 1) and additional terms document (Appendix 2); and
- (2) agrees to grant a lease to Wellington Phoenix to operate the Ricoh Sports Centre for an initial term of three years, with a further right of renewal for three years.

For the reason(s) the previous operating model for the facility did not prove financially sustainable and Wellington Phoenix was the preferred tenderers in a competitive RFP process, in part due to offering greater financial sustainability.

### Background

2. In May 2024 the Fraser Park Sportsville (FPS) Board advised Council that it would be ending its tenancy at Ricoh Sports Centre due to commercial reasons.
3. Officers worked with the FPS Board and Founding member (FM) Clubs on a Transition Agreement and plan that would see the tenancy end on 30 September 2024 and the building transfer to Council management so it could continue to be available for community sport.
4. Alongside this, Council immediately began a process to find new operators for the facility.
5. Leases of two sub-tenants (Hutt Valley Softball and Lower Hutt Football on behalf of the Phoenix Academy) were novated to Council in the interim.
6. A Registration of Interest was run from 12 July to 9 August 2024 and received nine applications. Three were selected to progress to a Request for

Proposal (RFP). The RFP document included a list of FM clubs' priorities for future use of the facility and applicants were asked how they would respond to this, with an associated weighting. The RFP stated the proposals would be considered and scored by independent reviewers, with the final decision made by Council.

7. On 28 August 2024 elected members received a briefing and a short presentation from these groups.
8. The RFP closed on 16 September 2024. One of the three tenderers advised they were pulling out of the process at that point. The independent reviewers met on 20 September 2024 to score the proposals and provide advice for elected members on the pros and cons of each so they can decide on which to progress.
9. Council agreed to progress the proposal from Wellington Phoenix as it scored highest on the three criteria in the RFP, which were:
  - i. Providing broad community benefit through sport and recreation, including responding to the core requirements of the FM Clubs.
  - ii. Being financially sustainable and significantly reducing the risk of additional/ongoing rate payer funding
  - iii. Providing broader social, economic, environmental and cultural benefits to the city.
10. The future financial sustainability of the facility had been a key focus for elected members, given the original operating model proved financially unviable and required significant additional rate-payer funding throughout the time it operated. Elected members were seeking an operating model which would be self-sustaining, which the Phoenix proposed.
11. Elected members also considered that Wellington Phoenix have been significant tenants of Ricoh Sports Centre for the past 5 years and have established relationships with other users, and noted that they provided five letters of support - three from FM Clubs Lower Hutt Football, Hutt Valley Softball and Taita Cricket, with others from Wellington Cricket and Capital Football.
12. Since September officers, supported by legal and commercial advisors, have been negotiating with Wellington Phoenix to agree a lease. It was hoped the new operators would be in place by 1 January 2025, however the negotiations have required more time to complete due to complexity and staff changes.
13. On 13 February, officers were advised that the Wellington Phoenix Board had approved the lease. It now requires Council's agreement so that officers can sign the lease. The start date for the new operators is now 24 February, 2025.

**Discussion**

14. The draft lease (Appendix 1) and additional terms (Appendix 2) are appended to this report. These are confidential as they include commercial terms. Below is a summary of the non-commercial terms agreed:
- i. The lease is for an initial term of three years, with a further right of renewal for three years.
  - ii. Phoenix will manage the Ricoh Sports Centre and artificial turf, making them available for community hire and to meet the core needs of community sport at Fraser Park (including the provision of power and wi-fi). Management of all other playing surfaces at Fraser Park, including the No 1 softball diamond previously managed by FPS, will stay with Council (Mexteds).
  - iii. Phoenix will pay an agreed rent and contribute to both maintenance and long-term renewal of the artificial turf.
  - iv. Phoenix will run the booking system for the facility and turf and will ensure 40% of peak time for the turf (weekends and after 3pm on weekdays) is available for community use. Founding Member Clubs will continue to have a 2-week preferential booking period each year. Where there are competing demands, the parties will work collectively to resolve those as they have in the past. The pricing must at all times be in keeping with other like facilities operated by local councils or 'community-based' organisations.
  - v. Phoenix intend to operate the café and bar (and are currently seeking providers for these services). The bar will continue to be open to the public, with the exception of when hosting private events. The bar will be available for Founding Member Clubs to hire for clubrooms and hosting activity.
  - vi. The sauna will remain available for paid public use.
  - vii. Changes to the internal configuration of the facility and new sponsor signage will require Council officer approval.
  - viii. Four carparks will be marked out for the exclusive use of the Phoenix staff.
  - ix. The lease includes performance criteria and KPIs which will be reported on quarterly.
15. From January 2026, Phoenix will additionally manage an additional grass playing field on the northern side of the building (sand-based pitch) on the same basis as the artificial turf. This impacts existing ground allocations and Avalon Rugby Club have agreed to shift to the adjoining field, which Council will bring budget forward to upgrade.
16. The sand-based pitch will be made available for the Phoenix for national league matches (men and women) from August-Nov 2025 (timing TBC), and Phoenix will work with cricket on scheduling of matches to accommodate this.

**Options**

17. Council can choose to either:
  - a. Agree to the lease being granted to Wellington Phoenix, or
  - b. Not agree to the lease being granted and provide feedback and direction to officers.

**Climate Change Impact and Considerations**

18. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide.
19. The RFP included environmental benefits in the broader benefits Council is seeking to achieve with all procurement, and this was taken into consideration .

**Consultation**

20. Council publicly announced the ending of the FPS tenancy and both the ROI and RFP processes. FM Clubs were involved in the transition working group and there have been regular communications to FM Clubs throughout the process, including two meeting with the Mayor. FM Clubs have been briefed twice during negotiations and invited to attend this meeting. Once the lease has been agreed, Council has agreed to work on a future-focused MOU or Accord with the FM Clubs.

**Legal Considerations**

21. The lease is a legal document and has been drafted by lawyers engaged by Council.

**Financial Considerations**

22. Council had not expected to take back management of the facility in this financial year. There have been a number of unbudgeted costs including building services. This will only be partially offset by revenue from facility and turf hire over this time. This will be reflected in Council's quarterly financial performance reporting to the Policy, Finance and Strategy Committee.
23. One of the key reasons the lease has been awarded to the Wellington Phoenix is that their proposal offered financial sustainability and significantly reduces the risk of additional/ongoing rate payer funding. As with any new business, it is likely to take some time for the new operating model to be fully realised. Officers will work alongside Wellington Phoenix to find opportunities for events and activities that can support them to be successful.

**Appendices**

| No. | Title  | Page |
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| 1   | Appendix 1: Fraser Park facility - Deed of Lease -<br><b>CONFIDENTIAL INFORMATION AND NOT RELEASED</b> |      |
| 2   | Appendix 2: Fraser Park facility - Further Terms -<br><b>CONFIDENTIAL INFORMATION AND NOT RELEASED</b> |      |

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