



Camden Council

Attachments

Ordinary Council Meeting
12 August 2014

Camden Civic Centre
Oxley Street
Camden

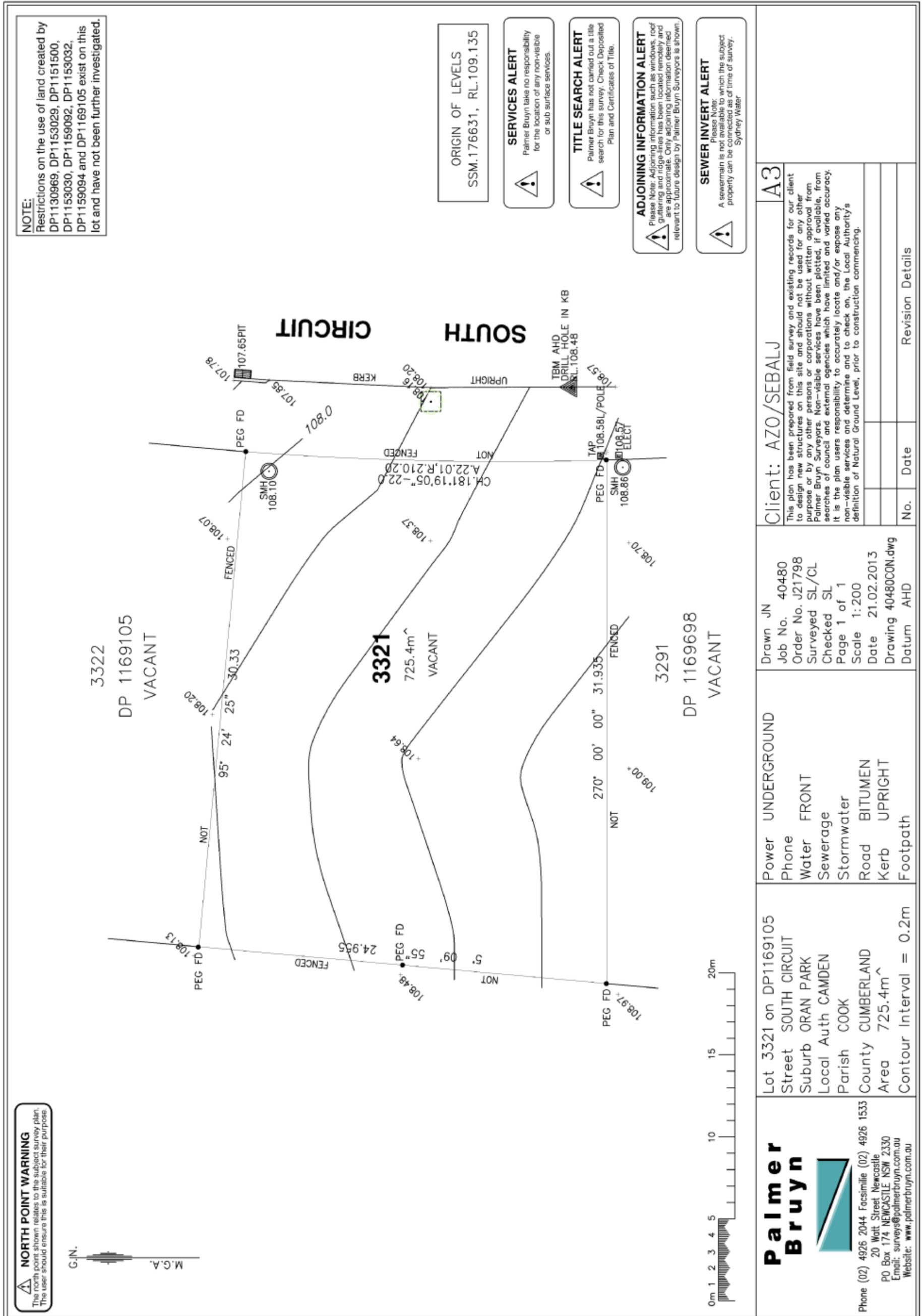


ORDINARY COUNCIL

ATTACHMENTS - ORDINARY COUNCIL

ORD01	Construction Of A Two Storey Attached Dual Occupancy, Strata Subdivision And Associated Site Works At 321 South Circuit, Oran Park	
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NORTH POINT WARNING
 The north point shown relates to the subject survey plan.
 The user should ensure this is suitable for their purpose

NOTE:
 Restrictions on the use of land created by
 DP1130969, DP1153029, DP1151500,
 DP1153030, DP1159092, DP1153032,
 DP1159094 and DP1169105 exist on this
 lot and have not been further investigated.

ORIGIN OF LEVELS
 SSM.176631, RL.109.135

SERVICES ALERT
 Palmer Bruyn take no responsibility
 for the location of any non-visible
 or sub surface services.

TITLE SEARCH ALERT
 Palmer Bruyn has not carried out a title
 search for this survey. Check Deposited
 Plan and Certificates of Title.

ADJOINING INFORMATION ALERT
 Please Note: Adjoining information such as windows, roof
 gutters and ridge-lines has been located remotely and
 are approximate. Only adjoining information deemed
 relevant to future design by Palmer Bruyn Surveyors is shown.

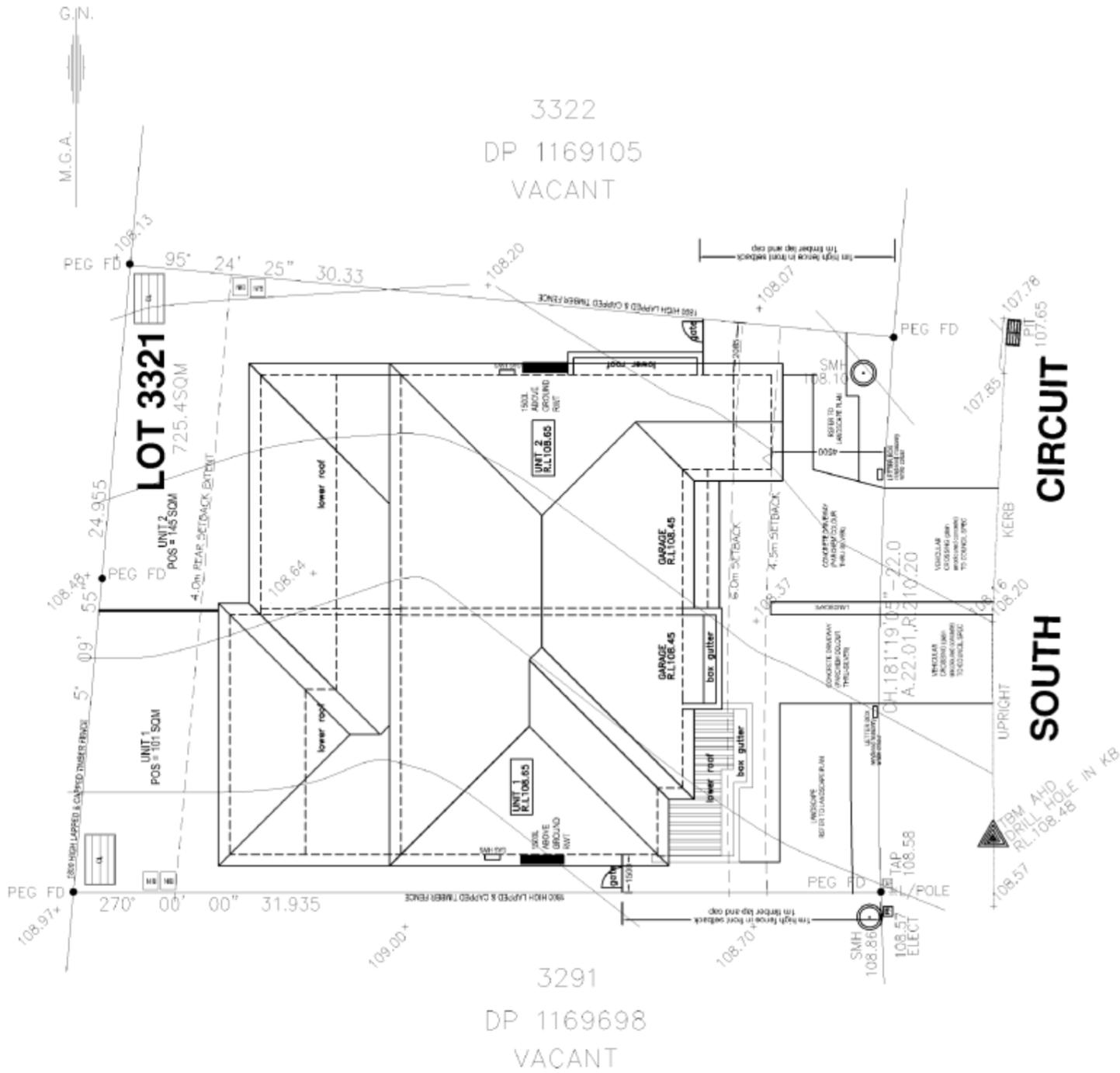
SEWER INVERT ALERT
 Please Note:
 A sewermain is not available to which the subject
 property can be connected as of time of survey.
 Sydney Water

Palmer Bruyn Phone (02) 4926 2044 Facsimile (02) 4926 1533 20 Watt Street Newcastle PO Box 174 NEWCASTLE NSW 2330 Email: surveys@palmerbruy.com.au Website: www.palmerbruy.com.au	Lot 3321 on DP1169105 Street SOUTH CIRCUIT Suburb ORAN PARK Local Auth CAMDEN Parish COOK County CUMBERLAND Area 725.4m ² Contour Interval = 0.2m	Power UNDERGROUND Phone FRONT Water FRONT Sewerage Stormwater Road BITUMEN Kerb UPRIGHT Footpath	Drawn JN Job No. 40480 Order No. J21798 Surveyed SL/CL Checked SL Page 1 of 1 Scale 1:200 Date 21.02.2013 Drawing 40480CON.dwg Datum AHD	Client: AZO/SEBALJ A3 This plan has been prepared from field survey and existing records for our client to design new structures on this site and should not be used for any other purpose or by any other persons or corporations without written approval from Palmer Bruyn Surveyors. Non-visible services have been plotted, if available, from searches of council and external agencies which have limited and varied accuracy. It is the plan users responsibility to accurately locate and/or expose any non-visible services and determine and to check on the Local Authority's definition of Natural Ground Level, prior to construction commencing.
	No. Date Revision Details	No. Date Revision Details	No. Date Revision Details	No. Date Revision Details

ORAN PARK DCP2007 - PART 7-RESIDENTIAL DEVELOPMENT	REQUIRED	COMPLIANCE
LOT SIZE	725 SQM	
FRONTAGE	22m	
SECTION 7.3 - FRONT SETBACK FOR LOT >20m	4.5m TO BUILDING FACADE 6.0m TO FIRST FLOOR 5.5m GARAGE AND 1m BEHIND 6.5m FOR THIRD GARAGE	YES
SECTION 7.4 - SIDE SETBACK FOR LOT >20m	GROUND 0.9m FIRST FLOOR 1.5m REAR 4m MINIMUM	YES
SECTION 7.5 - CORNER LOTS	N/A	YES
SECTION 7.6 - ZERO LOTS	N/A	YES
SECTION 7.7 - BUILDING HEIGHT MASSING AND SITTING	2 STOREY PROPOSAL GROUND COVERAGE=315sqm<50% FIRST FLOOR COVERAGE=276sqm<30% SITTING AS PER FIGURE 33- EAST ORIENTATION	YES
SECTION 7.8 - PRIVATE OPEN SPACE	REQUIRED 20% = 145sqm PROPOSAL UNIT 1 = 101sqm PROPOSAL UNIT 2 = 145sqm PROPOSED DEVELOPMENT AND NEIGHBOURS RECEIVE REQUIRED SUNLIGHT	YES
SECTION 7.9 - SITE COVERAGE	GROUND COVERAGE=315sqm<50% FIRST FLOOR COVERAGE=276sqm<30%	YES
SECTION 7.10 - LANDSCAPE	30% MINIMUM AS PER LANDSCAPE PLAN	YES
SECTION 7.11 - GARAGES AND CARPARK	FOR LOTS >20m TRIPLE GARAGE PERMITTED LOCATED AS PER FIGURE 35.	YES

BASIX COMMITMENT

- INSTALL 3 STAR RATED SHOWER HEAD
- INSTALL 4 STAR RATED TOILET FLUSH SYSTEM
- INSTALL 4 STAR RATED BASIN TAPS
- INSTALL 4 STAR RATED KITCHEN TAP
- INSTALL 2000L RAINWATER TANK
- CONNECT RWT TO TOILETS, LDY, IRRIGATION & POOL TAP
- SWIMMING POOL 33.1 KL OUTDOOR AND HAVE A POOL COVER
- UNVENTILATED, MEDIUM (SOLAR ABSORPTANCE 0.475-0.70)
- INSTALL R2.5 CEILING INSULATION
- INSTALL R0.5 WALL INSULATION
- INSTALL ROOF FOIL / SARKING
- INSTALL ALL WINDOWS WITH IMPROVED ALUMINIUM SINGLE CLEAR (OR U-VALUE 6.44 SHGC 0.75)
- INSTALL 5 STAR GAS INSTANTANEOUS HOT WATER SYSTEM
- INSTALL WINDOW IN KITCHEN FOR NATURAL LIGHTING
- INSTALL WINDOWS IN 3 BATHROOM / TOILET FOR NATURAL LIGHTING
- INSTALL A ZONED 3 PHASE DUCTED REVERSE AC UNIT FEE 3.0-3.5
- INSTALL NATURAL VENTILATION TO BATHROOMS & LDY
- INSTALL DUCTED VENTILATION TO KITCHEN WITH MANUAL SWITCH
- INSTALL ARTIFICIAL LIGHTING TO 5 BEDROOMS, 3 LIVING DINING, BATHROOM & LAUNDRY
- INSTALL NATURAL LIGHTING TO KITCHEN & 3 BATHROOMS
- INSTALL A POOL TIMER WITH NO HEATING SYSTEM
- INSTALL GASS COOK TOP AND ELECTRIC OVEN
- INSTALL VENTILATED FRIDGE SPACE
- INSTALL OUTDOOR & INDOOR DRYING CLOTHE LINE



SITE PLAN

Level 1, 68 Brookwell St
Berrimbong NSW 2200
TEL: 02 9780 1030
FAX: 02 9790 7622
WWW.OZYHOMES.COM.AU
INFO@OZYHOMES.COM.AU
BUILDERS LICENSE: 260118C



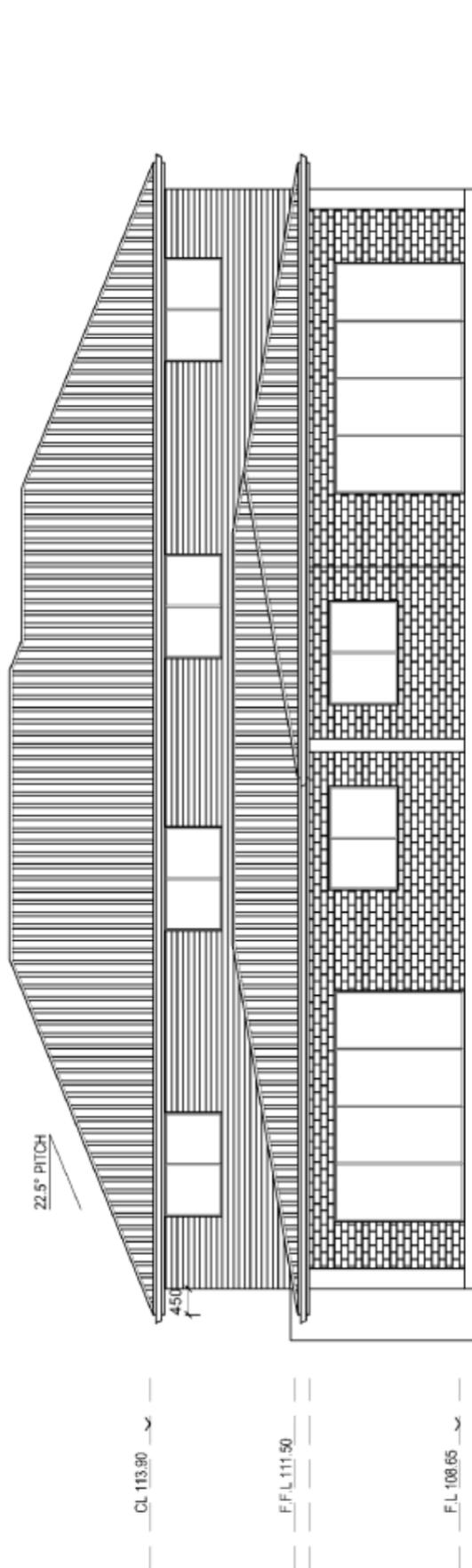
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GENERAL NOTES
Figured dimensions & larger scale drawings shall be taken in preference to scaled readings.
Check all dimensions are correct on site before commencement of work or ordering materials.
All workmanship and materials shall comply with all relevant codes, standards, Australian standards and manufacturer's instructions.
All discrepancies shall be brought to the attention of Ozy Homes PL.

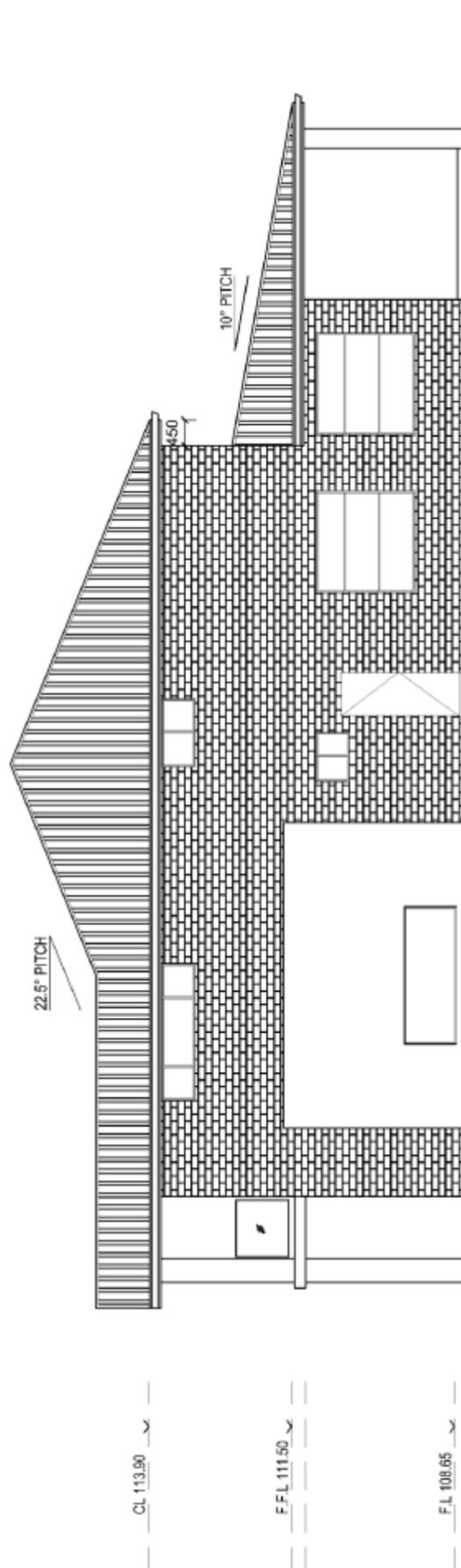
ISSUE	AMENDMENT	DATE

CLIENT: OZY HOMES PTY LTD
PROJECT: TWO STOREY DUPLEX
ADDRESS: LOT 3321 SOUTH CIRCUIT ORAN PARK NSW 2557
TITLE: SITE PLAN

DRAWN: A.WEHB
APPROVED: A.WEHB
DATE: 20.03.2014
SCALE: 1:200 @ A3
JOB NO: 135
SHEET: DA01



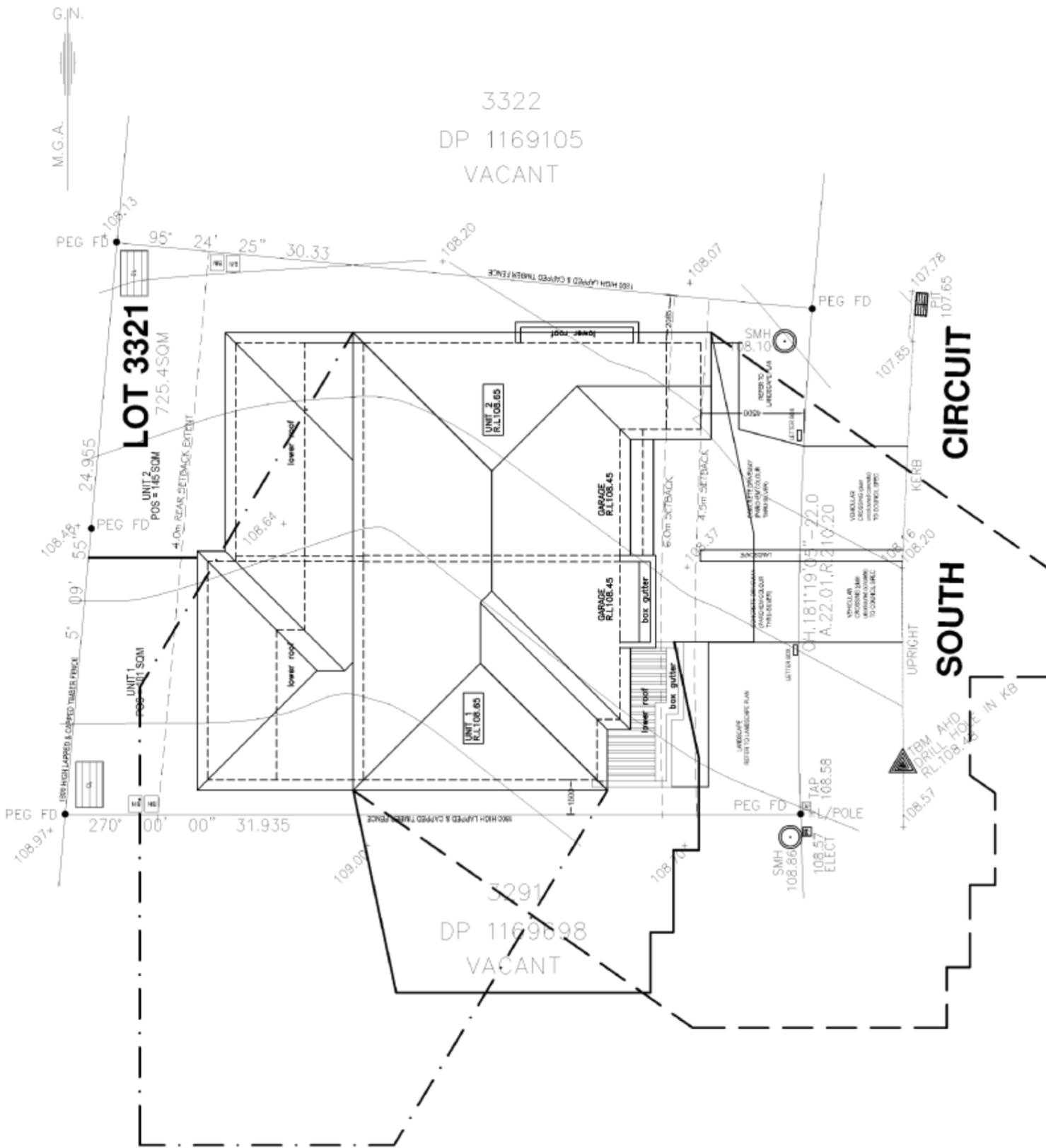
REAR ELEVATION
EAST FACING



SIDE ELEVATION
SOUTH FACING

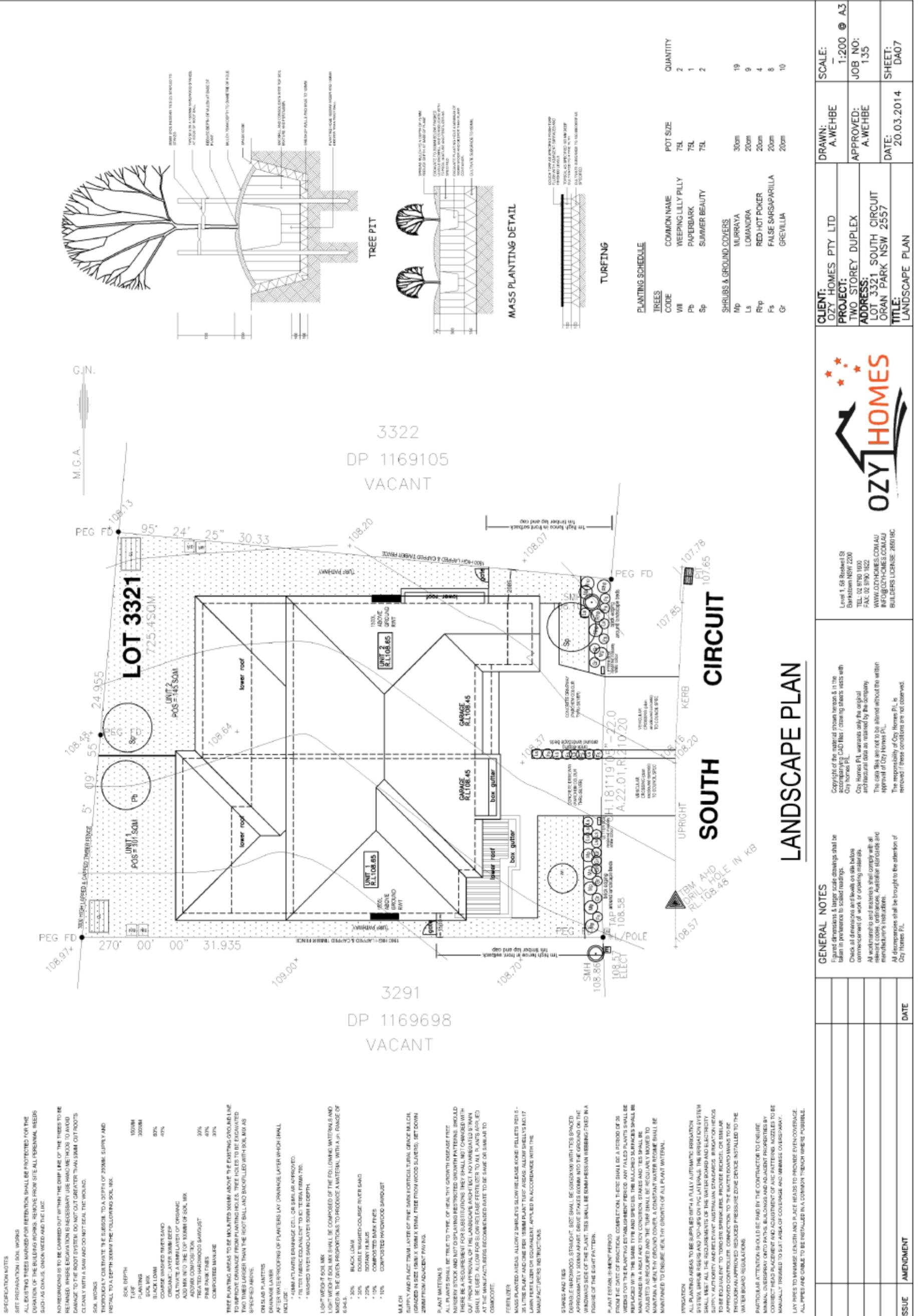
ISSUE	AMENDMENT	DATE

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SHADOW DIAGRAM
 JUNE 21st
 9AM
 12PM
 3PM

CLIENT:	OZY HOMES PTY LTD	DRAWN:	A. WEHBE	SCALE:	1:200 @ A3
PROJECT:	TWO STOREY DUPLEX	APPROVED:	A. WEHBE	JOB NO:	135
ADDRESS:	LOT 3321 SOUTH CIRCUIT ORAN PARK NSW 2557	DATE:	20.03.2014	SHEET:	DA06
TITLE:	SHADOW PLANS				
<p>Level 1, 68 Rockwell St Bankstown NSW 2200 TEL: 02 9790 1030 FAX: 02 9790 1622 WWW.OZYHOMES.COM.AU INFO@OZYHOMES.COM.AU BUILDERS LICENSE: 266018C</p>					
<p>Copyright of the material shown herein & in the accompanying CAD files / drawing sheets vests with Ozy Homes PL. Ozy Homes PL warrants only the original architectural data as released by the company. This data file is not to be altered without the written approval of Ozy Homes PL. The responsibility of Ozy Homes PL is removed if these conditions are not observed.</p>					
<p>GENERAL NOTES Figured dimensions & larger scale drawings shall be taken in preference to scaled readings. Check all dimensions and levels on site before commencement of work or ordering materials. All workmanship and materials shall comply with all relevant codes, ordinances, Australian standards and manufacturer's instructions. All discrepancies shall be brought to the attention of Ozy Homes PL.</p>					
ISSUE	AMENDMENT	DATE			





Camden Council

Options and Models for the Establishment of a Business Alliance for Camden Council

July 2014

achieving
results
in the public sector

SYDNEY | BRISBANE | PERTH | AUCKLAND

ORD02

Attachment 1



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Document Status

Approving Director:		Date:	
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Ref: 6995 Options for Establishment of a Camden Business Alliance for Camden Council





1. INTRODUCTION

The Camden Local Government Area has begun a period of unparalleled urban growth and development to accommodate an end population of over 256,000 people – five-fold the population of today. Council has committed to actively managing this growth to ensure that the significant opportunities afforded through growth of this scale are maximised. A key part of this commitment has been the recent adoption of an Economic Development Strategy and commencement of an Economic Development Officer to drive and facilitate the implementation of the Strategy.

Camden Council has acknowledged that realisation of the unique opportunities arising through this growth period require a response beyond the delivery of a range of economic development projects. Higher level planning and advocacy, and strategic and collaborative efforts across all levels of government will be needed in order to drive and influence key decisions and investments. Council has thus resolved to establish a Business Alliance as a key vehicle to achieve this.

For the purposes of this report, the objectives / scope of an alliance are considered to include the following:

- Actively pursue and maximise a wide range of opportunities
- Lobby and advocate in a coordinated fashion on agreed key messages
- Promote investment interest in Camden
- Encourage job creation
- Create a point of difference for Camden
- Increase the quality of life for current and future communities

Morrison Low was engaged by Camden Council in March 2014 to explore a range of different options for the role, scope and function of a Business Alliance for Council.

The project objectives were to:

- provide a range of options for a Business Alliance for Camden Council
- provide a report which outlines options for establishing and implementing the Alliance
- assist Council in determining the best way to proceed.

Business Alliances in a range of forms are in place around Australia and New Zealand, providing a strong and united voice amongst leaders in the local community. Their success depends greatly on how they are structured, administered and driven. Clear vision for the role, scope and function of the Alliance, and effective management and membership will be critical to ensuring that a body of this kind can deliver the optimal results for the future of the Camden community.

This report considers a range of options for how a Business Alliance might be structured, governed, administered and resourced. It aims to provide Council with an assessment of the relative pros and cons of each model, with a view as to the most appropriate option for the Camden area.



2. BACKGROUND

Camden Council, in consultation with the Camden community, has prepared and adopted a vision for Camden which is outlined in Camden 2040, which states:

"In the year 2040, the Camden Local Government Area is a dynamic, modern, urban place which is defined by its unique history and rural backdrop, and has realised the many opportunities presented by urban development and population growth."

As a key strategy within Camden 2040, Council prepared and adopted an Economic Development Strategy in July 2013 for the Camden Local Government Area.

During the development of the Camden Economic Development Strategy, the Council discussed their role in the development and delivery of the strategy against the three options below.

Option 1 Protector

- **Maintain** core Council business services – policies and approvals
- **Promote** Camden 2040 Vision – A Prosperous Economy
- **Maintain** current engagement with local business organisations
- **Brand** Camden and other LGA towns as economic centres in their own right
- \$ + †

Option 2 Strategist

- **Actively promote, coordinate and market** economic development, including through key community leaders
- **Collect and distribute** economic and business information
- **Advocate and partner** on economic opportunities
- **Facilitate** access to business support
- **Brand** Camden LGA as an economic centre within a wider economic region
- \$\$ + † †

Option 3 Investor

- **Active job creation**, including as a major employer
- **Business developer** for large projects
- **Business attraction** targeting out-of-region corporations
- **Brand** Camden LGA as the regions' key economic centre
- \$\$\$ + † † †

The discussion largely centred on Council's role as strategist, and the Economic Development Strategy was positioned accordingly. The establishment of a Business Alliance supports Council to have some role in economic investment decisions and attraction, while maintaining the delivery of its core commitments under the existing strategy.



3. THE BUSINESS ALLIANCE CONCEPT

An alliance is an arrangement governing cooperation between two or more parties with a shared interest. Alliances can come in many forms and in the local government and economic development context Business Alliances exist to foster and undertake actions that support the economic growth and development of an area or region. They bring together key local leaders to identify, secure and realise opportunities that will attract investment, deliver infrastructure, create jobs, and grow business and industry (both existing and future). They provide a strong and united voice for a local area.

This report highlights a number of examples of Business Alliances throughout Australia and New Zealand and these provide a good overview of the typical activities of a Business Alliance. LeadWest Victoria's constitution¹ neatly articulates its functions, as listed below:

- Leadership – taking the front foot to identify and act on issues and opportunities for the area, and providing high level advice to Council, other levels of government and other stakeholders
- Planning – preparing and reviewing the Economic Development Strategy
- Coordination – ensuring a coordinated and integrated approach to economic development and investment attraction initiatives that provides consistent messages, and minimises duplication and overlap
- Advocacy – providing a strong voice and engaging with the NSW and Federal Government to influence infrastructure investment and policy decisions that will facilitate economic growth in the area
- Promotion and marketing – attracting investment through the promotion of the area through creating and communicating “points of difference”
- Implementation of projects – supporting the implementation of actions in the Economic Development Strategy
- Performance measurement – the setting and monitoring of performance indicators, targets and measures and ensuring these are reported regularly to Council and the community
- Research – undertaking, commissioning and promoting research into local issues, trends and activities that will underpin future planning, advocacy and projects.

¹ http://www.leadwest.com.au/files/files/425_2009-06-24_-_Constitution_of_LeadWest_Ltd_-_Final.pdf



4. STRUCTURAL OPTIONS

Under Section 355 of the Local Government Act, the following options for the delivery of service functions are:

1. By the council, by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
2. By a committee of the council, or
3. Partly or jointly by the council and another person or persons, or
4. Jointly by the council and another council or councils (including by means of a Voluntary Regional Organisation of Councils of which the councils concerned are members), or
5. By a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member).

For the purposes of a Business Alliance, we are of the view that the following structural options are the most realistic:

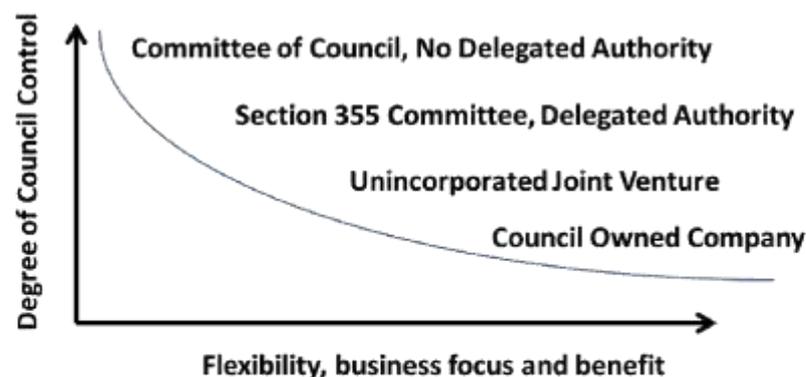
- Option 1 Committee of Council, No Delegated Authority (in-house)
- Option 2 Section 355 Committee, Delegated Authority (in-house / business unit)
- Option 3 Unincorporated Joint Venture (external)
- Option 4 Council Owned Company (external)

A discussion of these options is detailed in the sections following, along with case studies (where available).

Two workshops were held with Councillors during this project and the discussion and feedback from those has been reflected in this report.

It is important to note that with some options there is an opportunity to transition between structures options as Camden's Economic Development Strategy and Business Alliance develop and change over time, and as the growth of the area continues. For example from a Section 355 Committee to a Council Owned Company.

The structural options are set out in the diagram below, which highlights the relationship between the degree of Council control and the level of flexibility and benefit derived from each option.





5. OPTION 1 – COMMITTEE OF COUNCIL, NO DELEGATED AUTHORITY

5.1 Description

Council currently operates a number of advisory committees that exist to provide a consultative forum and specific/targeted advice relating to particular issues or target groups. These are used to provide external expertise, agree on shared actions and strengthen partnership and advocacy focus.

A committee of Council can be informal in nature (with no legislative context) or could be constituted under the provisions of the *Local Government (Meetings) Regulation 1993, Part 5 – Council Committees, Clause 29* (as per the Camden Companion Animals Advisory Committee for example).

Management and administration of the Alliance would be undertaken within the existing organisational structure, through use of the Economic Development Officer or additional resources if required.

5.2 Discussion

The advantages of this option is that it is highly flexible, allowing Council to develop a structure that is not bound by requirements that apply to other options in this report, such as a Section 355 Committee or a company. In addition, Council retains full decision-making authority. As this option is currently used by Camden Council, it is an understood and accepted structure requiring little organisational change.

One of the key disadvantages of this option is that there is an inherent inequality of standing, which is not in the spirit of an “alliance”. Council retains all power and control, which is likely to create frustration from members with the perceived or real lack of influence. Depending on the calibre of people that Council envisages as involved in the Alliance, an advisory role only with no decision-making responsibility may be a disincentive to participation. In addition, with Council retaining control over decision-making there is a risk of being subject to the political and operational priorities of Council, potentially reducing the strategic focus of the group at large.

5.3 Case Study

Spearhead Manawatu, New Zealand

Spearhead Manawatu is a business alliance between Manawatu District Council and the Palmerston North City Council with the primary goal of attracting business into the region, increasing the number of high end jobs and growing the regional economy.

Spearhead Manawatu is staffed by a single consultant, who reports to a committee comprising the Mayors and Chief Executive Officers of the two councils. Annual funding for the alliance is in the order of \$200k. There is no involvement of industry or community stakeholders as part of the governance of the alliance.

The informal nature of the committee enables it to be very flexible and responsive, but lacks the formal transparency and accountability of other options. It is also an “alliance” between councils only, with no industry or community representation in its governance.

The alliance recently attracted a \$24 million factory into the region, with expected local economic return of \$90 million.



6. OPTION 2 – SECTION 355 COMMITTEE, DELEGATED AUTHORITY

6.1 Description

The Local Government Act provides for the delegation of Council authority to a community management committee under Section 355. The committee can have both Councillors and community appointees.

Council currently uses this section of the Act to delegate responsibility for the management of community facilities and events, including the Camden Town Farm, Bicentennial Equestrian Park and Australia Day.

Council could manage and administer a Section 355 Committee utilising the existing organisational structure. An alternate approach would be the formation of a ring-fenced business unit providing increased delegated authority and accountability over operations and outputs.

6.2 Discussion

The advantage of this model is that it provides for greater sharing of responsibility to the "alliance" through formal delegated authority, which is more in the spirit or intent of an alliance. Council retains influence through Councillor membership on the committee, and ultimately remains in overall control over the future of the committee (which can be dissolved by Council at any time).

Given that this structure is currently used by Camden Council, little internal structural or process change is required. There will be some resource implications for the effective administration and management of a committee of this kind.

The disadvantages of this option are that it does not allow Council to share any of the risks that may be associated with the committee. The delegation of authority means that Council may have a reduced level of control of the functioning of the committee (whilst retaining ultimate control over its existence) and there is the possibility of the direction of the committee being in conflict or misalignment with Council direction. Neither does the committee process allow for swift and flexible responses, meaning a Business Alliance operating under this type of structure is likely to be a step behind issues and opportunities as they arise.

As with Option 1, of the key challenges of this option is that there is an inherent inequality of standing, which is not in the spirit of an "alliance". Council retains all power and control, which is likely to create frustration from members with the perceived or real lack of influence. Depending on the calibre of people that Council envisages as involved in the Alliance, an advisory role only with no decision-making responsibility may be a disincentive to participation. In addition, with Council retaining control over decision-making there is a risk of being subject to the political and operational priorities of Council, potentially reducing the strategic focus of the group at large.

It should be noted that Section 355 Committees are typically used for the management of discrete functions – facilities and events. These have clear scope, goals and tasks. The functioning of a business alliance is less tangible so will require significant effort and leadership to ensure that scope, goals, tasks and responsibilities are clearly defined, communicated and actioned (however this is also the case for any of the options). It is likely that a Business Alliance operating under this structure will have a focus on provision of advice and direction to Council rather than an entity undertaking investment attraction and other activities in its own right.



6.3 Case Studies

Bega Valley Section 355 Business Growth Advisory Committee

The Bega Valley Business Growth Advisory Committee is a formal Section 355 Committee under the Local Government Act. The Committee aims to focus on the broader business sector without focusing on any one industry at the expense of another. Its objectives are to provide support to established businesses; identify gaps in the local economy, and present these gaps to the relevant industry bodies to encourage investment in the region; and investigate means and methods by which Council can leverage its resources to assist, kick-start or even develop within the local economy to achieve outcomes.

Residents are invited to submit Expressions of Interest to be members of the Committee and are selected based on their level of business experience and acumen and ability to work across a range of industries. The Committee comprises nine voting members, and representation from an elected Councillor and a senior staff member of Council. The elected Councillor acts as the Chair of the Committee for at least the first term.

Committee roles and responsibilities as delegated by Council include assisting to review and implement the Council's Economic Development Strategy; encourage community engagement; provide guidance on business related growth matters to Council; provide leadership and guidance on matters of current economic importance; and identify opportunities to grow the local economy and fill gaps in the market; and investigate initiatives, projects or studies that will lead to employment growth.

Venture Southland, New Zealand

Venture Southland is a joint initiative of the Invercargill City, Southland District and Gore District Councils in New Zealand. It is a separate arms-length entity responsible for undertaking investment facilitation as well as delivering economic and community development activities and iconic events.

Venture Southland operates as a business unit of the councils with formal delegation to the committee transferred through a Heads of Agreement, which is a contract specifying the roles and delegated authority of the entity. The Joint Committee is made up of elected and community representatives from the three councils, including the three mayors. The community representatives are appointed to the committee for their skills and expertise.

The initiative is jointly funded by the councils, with staff remaining the employees of one of the councils. A separate business unit has been established which enables the entity to run under a different brand.

There are some difficulties with the lack of legal standing, and the dual reporting responsibility of staff (to council and to the board) creates some confusion. The lack of formal structure means that the entity needs significant work, clarity of shared expectations and continuing effort to sustain its operation.



7. OPTION 3 – UNINCORPORATED JOINT VENTURE

7.1 Description

An unincorporated joint venture is a type of business arrangement in which multiple entities come together using an agreement (formal or otherwise) as the basis for governing the collective relationship. It does not include formal structure such as trusts, companies or limited liability partnerships.

There are few if any regulations that specifically apply to an unincorporated joint venture, making it necessary to cover as many contingencies in the joint venture agreement as possible to appropriately manage risk and liability.

Option 3 would involve the establishment of a joint venture, formed through Memorandum of Understanding with partners. This would be an entity that lacks a formal legislative basis of the type identified in the other options, such as a Section 355 Committee or incorporated entity and would require Council to identify the appropriate partners. They could be representative bodies such as Chambers of Commerce or individual organisations such as the University.

It is not a common governance arrangement utilised within the local government context and we were unable to find any examples of joint ventures governing Business Alliances or economic development functions more broadly. Examples do exist for delivery of other services, for example waste facilities.

7.2 Discussion

Unincorporated joint ventures are not a commonly used structure for council partnerships. Their lack of formal structure means that they lack certainty or clarity and this leads to a significant amount of risk. In order to make these function effectively, substantial effort and goodwill is required in order to sustain focus, direction and achieve outcomes.

Joint venture arrangements are typically more suited to discrete projects that have distinct parameters and timeframes. For this reason, this is an option that could be used parallel to other options as a way of engaging in specific joint projects or activities as opposed to being a suitable option for governing an ongoing relationship.

In theory this option could provide a highly flexible arrangement that is structured and managed in a way that is tailored to the unique circumstances and desired outcomes of Council and its alliance partners. The advantages of this option is that it offers a more equal standing between members, whereby there is greater sharing of authority, responsibility for risk, and accountability for outcomes. The entity could function through the use of a board appointed by the partners on the basis of particular skills and experience.

This option would not necessarily be fixed and this potentially provides for partners to move in and out of the joint venture, or for different joint venture business alliances to operate based on specific projects, issues, or opportunities.

The challenge for a joint venture arrangement is to ensure that the agreements binding the alliance clearly define the structure, function, roles, performance expectations and the management of disagreements under the joint venture. A further disadvantage of this option is that the role of a "board" or committee is not as clearly understood as under a Section 355 committee or company structure. For example, one of the parties (presumably council) would need to be the party responsible for employing any staff.



Council would need to carefully consider who are the most appropriate strategic partners to form a joint venture, and whether this extends to individual partners (such as developers, local businesses or corporations), and manage the associated probity and equity issues (real or perceived) that may arise. Council's control over decision-making of the joint venture will be indirect, with greater sharing of responsibility for decisions and direction.

8. OPTION 4 – COUNCIL OWNED COMPANY

8.1 Description

Option 4 involves the formation of a council owned company under the Corporations Act.

This entity would have a separate legal identity from council and would have all the typical features of a company, including the ability to enter contracts, own assets, employ staff, and borrow money, as well as the statutory obligations of the directors.

The company would be run by a board of directors who report to the shareholder (Council). Council as shareholder has the right to appoint (and remove) the directors and may choose to appoint directors based on their particular skills and expertise and/or appoint councillors as directors. The legal duties, responsibilities and liabilities of the directors are set out in the Corporations Act. Resources would be transferred to the council owned company which is then responsible for the ongoing management of staff, budgets and any other assets.

Council retains control of the direction and focus of the company as it is the sole shareholder. Council sets the Constitution and Statement of Corporate Intent which specify the functions, objectives, limitations, direction and performance expectations of the company and the board of directors.

The structure of a company and its arm's length nature is represented by the following diagram:





There are two types of companies applicable to the Business Alliance model:

1. *Company Limited by Shares*

This is the typical company structure used in Australia. A company limited by shares means a company formed on the principle of having the liability of its members limited to the amount unpaid (if any) on the shares respectively held by them. In contrast, with a company limited by guarantee discussed below there are no restrictions on returning profits to its shareholders.

Section 358 of the Local Government Act requires Camden to have the approval of the Minister for the formation of a company limited by shares. The test applied by the Minister requires him to be consider²:

- a) Is the proposal consistent with the functions of the council or an existing service that the council provides?
- b) Will the proposed entity legally separate from the council?
- c) Is the council currently financially viable?
- d) What is the impact of the proposal on existing council staff?

2. *Company Limited by Guarantee*

Companies limited by guarantee are predominantly used for not for profit entities. The formation of a not for profit company requires the approval of the Australian Taxation Office and the company must be formed for purposes beneficial to the community with the constitution setting out what that purpose is.

A company limited by guarantee is a company formed on the principle of having the liability of its members limited to the respective amounts that the members undertake to contribute to the property of the company if it is wound up. These are generally nominal amounts. A requirement is that any surplus (profit) generated must be reinvested back into the company to serve its primary purpose and payment of dividends to the members or transfer of assets on winding up are prohibited.

A company limited by guarantee does not require the Minister's approval but as noted above does require ATO approval for its formation.

8.2 Discussion

A council owned company offers the most 'inclusive' model representing a partnership between Council and the community. The company is a well understood model used by many councils throughout Australia to deliver a range of functions including economic development. There are settled common law and legislative obligations for directors and shareholders, and provides an opportunity for Council to minimise risk, both operational and financial, by devolving it to the company.

An arms-length entity provides wider scope and freedom to operate outside of Council's existing structure and political process. Its sole focus is on delivering strategic functions, and does not get distracted by other unrelated Council business. This increases its capacity to operate at a very strategic level.

² DLG Circular 07-49



A company structure ensures that there are clear accountabilities for the CEO, the board and for Council. Directors can be appointed on the basis of particular skills and experience, bringing an increased commercial focus. This structure maximises the use and independence of these business leaders as they have greater responsibility and accountability than under the other options. Typically a company has efficient decision-making that is not tied to Council's existing processes, enabling it to respond flexibly and quickly to opportunities as they arise.

The formation of a not for profit company appears to better fit the structure of the Business Alliance. It sends a strong signal that the purpose of the Alliance is to benefit the community through economic growth and that it is not intended to be a profit making venture. This is expected to help address any community and business concerns over its formation and role. While it will require ATO approval there are existing examples (Penrith Business Alliance and LeadWest Victoria) which indicate that this is likely to be successful. Forming a company limited by guarantee will streamline the implementation process as Ministerial approval will not be required.

The challenge for this option (as with all the options) is that it requires strong and regular monitoring of performance, as determined through the Constitution and Statement of Corporate Intent, so there is additional work for Council in ensuring the company is operating as desired.

The formation of a council owned company often faces the perception that there is a loss of or lack of control by Council. However, Council as the sole shareholder retains ultimate control by determining the purpose, objectives, goals and expectations of the Business Alliance. The Constitution and Statement of Corporate Intent need to be carefully crafted to ensure that they articulate clear direction, functions, responsibilities and principles, and that performance expectations, monitoring and reporting are understood and agreed. This is Council's key way of "controlling" the company.

Council can also bring about change by appointing or removing the directors. The appointment of directors is critical to the success of a council owned company. The effective operation of any board depends on building a team with common vision and purpose, commitment, good will and willingness to work within the parameters set by Council.

A separate council owned company will introduce operating costs over and above the delivery of the current economic development function. For example, costs associated with statutory reporting obligations and running a separate organisation including a board of directors, staff and its activities. Some of these costs can be minimised through the use of Council's existing systems and services under service level agreements, such as HR, IT and finance.

As an arms-length entity, the situation may arise where the Business Alliance takes a line that may be different to, and in some cases in conflict with that of Council itself. This may arise for example where the company pursues the economic objectives of an issue (as is its mandate) but where Council must balance a range of other community views and interests. This can be both an advantage and a disadvantage of the company model and a risk that needs to be considered and managed in the Constitution and Statement of Corporate Intent through which the council exerts control. This also creates an inherent tension for any Councillors who sit on the board where decisions or policy positions may be in conflict with those of Council.



8.3 Case Studies

Penrith Business Alliance

The Penrith Business Alliance (PBA) is an incorporated entity under the Corporations Act and is led by an independent and largely private sector Board of Directors and a Chief Executive Officer. The board comprises Board comprising 14 directors, 11 are business people (based on key target sectors for Penrith), plus 2 councillors and 1 representative of the General Manager. It is governed by a Deed of Agreement outlining the specific obligations, which has a five year sunset clause for review.

It was formed in 2008 following closure of Penrith Valley Economic Development Corporation and the council's internal Economic Development unit. The intent is that the PBA carry out the economic development function (projects and specialist advice) previously undertaken in-house.

The PBA is fully funded by Penrith City Council to the order of \$650k per year. It is staffed by three permanent employees and there is a large contract portfolio on project-by-project basis.

The Penrith Business Alliance has recently entered into a consortium with UWS and Penrith City Council for the \$29.5 million development of the Werrington Park Corporate Centre, which has secured \$13.5 million in funding from the Federal Government. This will be a health and education precinct that will cater for up to 6,000 "knowledge" jobs.

Council made provision for payment of directors, with a total pool of \$40,000. The Board resolved at its first meeting that directors would not take payments. Some minor expenses are reimbursed.

As part of the investigation for the preparation of this report, Morrison Low met with the Chief Executive Officer of the Penrith Business Alliance and with senior managers at Penrith Council.

Our observations of the Penrith Business Alliance are:

- There were no specifications made within the Deed of Agreement for how performance would be measured, monitored or reported
- The Deed of Agreement has a sunset clause for review of five years. This provides an opportunity to review and amend the Agreement as needed
- The board of 14 directors is large (11 non-Council directors)
- Directors are appointed by the Board, which in our view limits Council's control to determine the most effective board membership and composition
- The directors of the board have been sourced from wider than the Penrith area, which has enabled them to draw on a level of skill and expertise that is not restricted to one geographic area
- The Alliance replaced the existing Economic Development function within Council, leaving Council short on capacity in this area. There is a need to ensure that specialist economic activities, such as advice, analysis and programs advancing the Economic Development Strategy continue to be available to Council should the function likewise be removed in the Camden context
- There was an acknowledgement that the Penrith Business Alliance has had a greater focus on attracting new industry and investment into the area than on supporting and building existing businesses. There is an intention to move to a better balance
- The Penrith Business Alliance has the ability to say things that Council may not be able to say for a range of reasons. In our experience, this can be both an advantage and a disadvantage and also a risk for Council which needs to be considered and managed.



Bunbury Wellington Economic Alliance (WA)

The Bunbury Wellington Economic Alliance is a partnership between the six councils in the Bunbury Wellington region of Western Australia, the South West Development Commission and industry leaders across a range of sectors. It is an incorporated entity, but with a unique membership structure, whereby the councils are members and there is corporate partners at differing levels similar to a sponsorship approach.

The alliance is resourced with funding of approximately \$220k per year and is staffed at 1.4 full time equivalent employees (executive officer and administration support). Funding for the alliance is split between councils (35% funding) and the contributions of the corporate partners. Corporate buy-in is an intrinsic part of this model.

The focus of the alliance is engaging with government and business to attract investment in industry, infrastructure and services to support prosperity and development. The alliance takes a project-based approach, with Roads to Export a flagship project. Through this project the Bunbury Wellington Economic Alliance has led a consortium of agencies to shine a spotlight on limitations in major transport infrastructure relating to the Bunbury Port.

8.4 Implementing the Company Model

The following sections discuss some of the key aspects of implementing a Council Owned Company.

8.4.1 Board Composition

There are a number of options in terms of how the board of the Business Alliance might be comprised including the use of independent directors, directors appointed to represent particular sectors of the economy, directors appointed to represent the business community in general, as well as councillors being appointed as directors. Taking into account the purpose and objectives of the Alliance, as well as the feedback from the workshops with Council, it is considered that the best model would be a mix of independent directors and councillors, with an independent Chair. Independent directors should be appointed to represent the business community generally rather than a specific sector as this allows greater flexibility to appoint based on skills and expertise.

Some issues for consideration by Council in terms of the appointment of independent directors include:

- Whether to restrict membership or representation to the local area or maximise the level of skill and expertise by drawing from a wider pool of candidates. In the case of the Penrith Business Alliance this has reportedly brought a higher level of expertise onto the board
- How directors to a company board would be selected, both in the first instance at establishment, and then as terms end. As mentioned above, the Penrith Business Alliance board selects new (or returning) directors, which limits Council's control over the board membership. In our experience it is better if council retain control over appointments

Council owned companies take different approaches to remunerating independent directors. The nature and type of the company can influence whether a market rate is paid, a small honorarium is paid, or no fees are paid but some (or all) expenses may be met. Independent directors will likely incur some costs from attending meetings and contributing to the governance of the company. Additionally they carry risk and bear significant personal responsibility (and liability) under the Corporations Act.



Some relevant examples for comparison are:

- The Penrith Business Alliance has provision for \$40,000 per annum in total to be paid in director's fees but the Board has resolved not to take any fees.
- Newcastle Airport and Kimbriki Environmental Enterprises are commercial businesses and the fees paid to the directors are more in line with a market based remuneration, with fees of approximately \$30,000 – \$40,000 per director

Taking into account the purpose and objectives of the Alliance, as well as the feedback from the workshops with Council, it is considered that the best model for council will be one where a small honorarium is paid to recognise the costs involved or no fees are paid but some (or all) expenses are met.

8.4.2 Control Mechanisms

A Council Owned Company will be established and controlled using a range of the following mechanisms:

Constitution

- Establishes the rules for the company including purpose of the company e.g. economic growth of Camden, what the company is authorised to do (and what it is not) e.g. borrow money, appointment, term and removal of Directors, operation of the board e.g. code of conduct and meetings, voting, Annual General Meetings
- Required by law (Corporations Act provides default)

Statement of Corporate Intent

- Typically used for Council owned companies to provide clarity and control. It is complementary to the Constitution
- Usually a public document providing transparency
- Establishes the objectives and performance expectations of Council (as shareholder) in delivering on the core objectives e.g. Economic Growth, Advocacy but also in that the company operates as a corporate citizen e.g. employment, environmental and any other policies or procedures that the council wants the Alliance to operate under
- Sets monitoring and reporting regime e.g. frequency, who, what
- Reviewed and agreed annually.

Appointment and Removal of Directors

- Directors are accountable for the operation of the company, achieving the objectives of the Council (as shareholder) and meeting agreed KPIs
- Council (as shareholder) sets the number of Directors and length of term
- Council (as shareholder) has sole ability and right to appoint and remove Directors and can make changes at any point in time.

Corporations Act

- Sets mandatory requirements for all companies in Australia e.g. ASIC/ATO reporting requirements, defines what is 'not for profit'
- Establishes Duty of Care for Directors.



8.4.3 Resourcing

A separate company will need to be resourced (staff, assets and funding) in order to perform the nominated functions. From investigation of other Business Alliances that are council owned companies operating in Australia, there is typically a Chief Executive Officer/Manager, some administration/office support and in some cases 1 or 2 project officers. In the case of the Penrith Business Alliance, there is also a large contract portfolio operating on a project-by-project basis.

It is important that the Chief Executive/Manager has the appropriate skills and expertise to match the objectives and activities of the Alliance. Council would need to retain in-house economic development capacity to continue the implementation of its Economic Development Strategy. The focus and direction of the Business Alliance will not exactly match the Council's Economic Development role, while some of the existing Economic Development role (and funding) would be performed by the Alliance.

There will be costs associated with establishing and operating a separate company. These will vary depending on the option chosen by council, how the company operates, the extent to which the Business Alliance is resourced and how well it is able to attract sponsorship for its activities/projects.

It is assumed that Council will be in a position provide services under a Service Level Agreement for a range of corporate services e.g. HR, IT, finance. These are services already provided to support delivery of the economic development function and typically covered by a corporate overhead cost. If the economic development function and the funding associated with that is transferred to the Business Alliance then the services should also be able to be provided at the same cost. The Business Alliance will need a premises to operate from and equipment, branding and promotions as well as completing statutory reporting requirements. These costs are indicatively estimated as being at least \$50,000 - \$100,000 per annum depending on the option chosen by Council.

There are also costs associated with establishing a company including the need for legal, tax and financial advice sufficient to obtain ATO approval. The Constitution and Statement of Corporate Intent need to be drafted and approved by Council, a process for recruiting and appointing staff and directors needs to be undertaken, and the Business Alliance launched and an office set up. Again, the actual costs depend on the extent to which services can be provided by Council and the option implemented by Council but are estimated as being at least \$100,000 – 200,000 depending on the option chosen by Council.



9. SUMMARY OF OPTIONS MOST APPROPRIATE FOR CAMDEN COUNCIL

Taking into account the purpose and objectives of the Alliance as well as the feedback from the workshops with Council, it is considered that the options most likely to meet the needs of Camden Council are:

1. Section 355 Committee
2. Company limited by guarantee

9.1 Section 355 Committee

A section 355 Committee is a relatively simple option to implement because all actions are within Council's control. It would bring members of the business community into the Business Alliance but not in as meaningful way as the company structure does. While the committee will have some powers delegated to it by council; our experience of 355 Committees that don't manage a specific asset, like the Business Alliance would, they are essentially an advisory board. That role and limited responsibility may not attract the calibre of representatives that the council is seeking.

A 355 Committee could be used as a transitional step towards an arm's length Business Alliance.

Advantages	Challenges
Committee established with business/community representatives appointed	No separation between the Business Alliance and Council
Council maintains almost total control over Alliance	The perception that it lacks authority and limited decision making role for committee members may inhibit the ability to attract business and community leaders of the type that Council would want
Lower cost; there are no governance or structural costs associated with the external body, uses existing staff resource	
Little/no impact on staff	

9.2 Company Limited by Guarantee

Our view is that a council owned company has the capacity to deliver the greatest benefit for Council because it will be a separate entity solely focused on economic growth of the Camden area without the distraction of other council issues and priorities. It allows the business community to contribute in a meaningful way and separates the Business Alliance from Council whilst still retaining control.

A company limited by guarantee is the most suitable structure company structure for a Business Alliance and streamlines implementation by removing the need for Council to seek ministerial approval for its formation. It clearly signals the purpose and intention of the company as not for profit and solely to promote economic growth of the region.

While there is typically a perception of a loss of control when a council owned company is formed, Council, as the sole shareholder retains ultimate control over the Alliance through setting the



Constitution and Statement of Corporate Intent, and ultimately has the ability to remove directors if required or dissolve the Business Alliance at any time.

Advantages	Challenges
Separates the Business Alliance from Council	Requires ATO approval for a not for profit company
Creates an independent body focused on clear objectives	Requires cultural change to role as shareholder
Provides the greatest partnership opportunity	Appointment (and removal) of right directors is critical to success
Well understood governance model that provides for a meaningful input from the business community	As an independent entity there may be occasions where views of the Business Alliance and Council do not align
As an independent entity with key independent community stakeholders, the company is likely to have influence across more jurisdictions	Impact on staff from the transfer of some or all of the economic development function
It maximises the use and independence of business "experts" as it gives them accountability and flexibility	Perception over loss of control needs to be managed
A separate organisation may be able to partner more effectively than Council and seek sponsorship opportunities	Increased cost over the status quo (establishment and ongoing)
It separates Council from risk, both operational and financial	Requires strong and regular monitoring of performance
	Any councillors who are appointed to the Board will need to carefully balance their dual responsibilities to the company and the council

Control Mechanisms

Council will need to determine the type and level of controls it will establish over the Business Alliance. The different examples of Business Alliances, as highlighted in this report, demonstrate the range of types and levels of control applied by Councils. Our experience with council owned companies strongly indicates that better results are achieved where strong controls are put in place. Providing a clear direction to the board as to the objectives of the Business Alliance and the measures against which their performance will be assessed will help address the perception of a loss of control and allow the Council and Business Alliance to understand their respective roles.

As a comparison and to inform council's decision the table below sets out two possible approaches to control. Option A is a 'basic' level of control which places a large degree of autonomy on the company and relies largely on the statutory framework under the Corporations Act. Option B has 'strong' controls with the council establishing a Statement of Corporate Intent, regular monitoring & reporting regime and a more prescriptive constitution.



Option A – Basic Controls	Option B – Strong Controls
<p><i>Constitution</i></p> <ul style="list-style-type: none"> Establishes the minimum rules for the company including purpose of the company e.g. economic growth of Camden, appointment, term and removal of directors, operation of the board e.g. code of conduct and meetings, voting, Annual General Meetings Required by law (Corporations Act provides standard if not bespoke) 	<p><i>Constitution</i></p> <ul style="list-style-type: none"> Establishes more extensive rules for the company including purpose of the company e.g. economic growth of Camden, appointment, term and removal of directors, operation of the board e.g. code of conduct and meetings, voting, Annual General Meetings Far more prescriptive than Option B Required by law (Corporations Act provides standard if not bespoke)
	<p><i>Statement of Corporate Intent</i></p> <ul style="list-style-type: none"> Typically used for Council owned companies to provide clarity and control. It is complementary to the Constitution A public document providing transparency to community Establishes the objectives and performance expectations of Council³ (as Shareholder) in delivering on <ul style="list-style-type: none"> the core objectives e.g. economic growth, advocacy; and How the company operates as a corporate citizen e.g. employment, environmental, borrowing limits and any other policies or procedures that the council wants the Alliance to operate under Sets regular monitoring and reporting regime e.g. frequency, who, what Reviewed and agreed annually between Council and the Business Alliance

³ Draft initial KPI's set out in Appendix A



Option A – Basic Controls	Option B – Strong Controls
<p><i>Appointment & Removal of Directors</i></p> <ul style="list-style-type: none"> • Directors are accountable for the operation of the company, achieving the objectives of the Council (as shareholder) and meeting agreed KPIs • Council (as shareholder) sets the number of directors and length of term • Business Alliance appoints its own directors (which we understand to be the Penrith approach) 	<p><i>Appointment & Removal of Directors</i></p> <ul style="list-style-type: none"> • Directors are accountable for the operation of the company, achieving the objectives of the Council (as shareholder) and meeting agreed KPIs • Council (as shareholder) sets the number of directors and length of term • Council (as shareholder) has sole ability and right to appoint and remove directors and can make changes at any point in time
<p><i>Corporations Act</i></p> <ul style="list-style-type: none"> • Sets mandatory requirements for all companies in Australia e.g. ASIC/ATO reporting requirements, • Satisfies definitions of 'not for profit' • Establishes Duty of Care for directors 	<p><i>Corporations Act</i></p> <ul style="list-style-type: none"> • Sets mandatory requirements for all companies in Australia e.g. ASIC/ATO reporting requirements, • Satisfies definitions of 'not for profit' • Establishes Duty of Care for directors



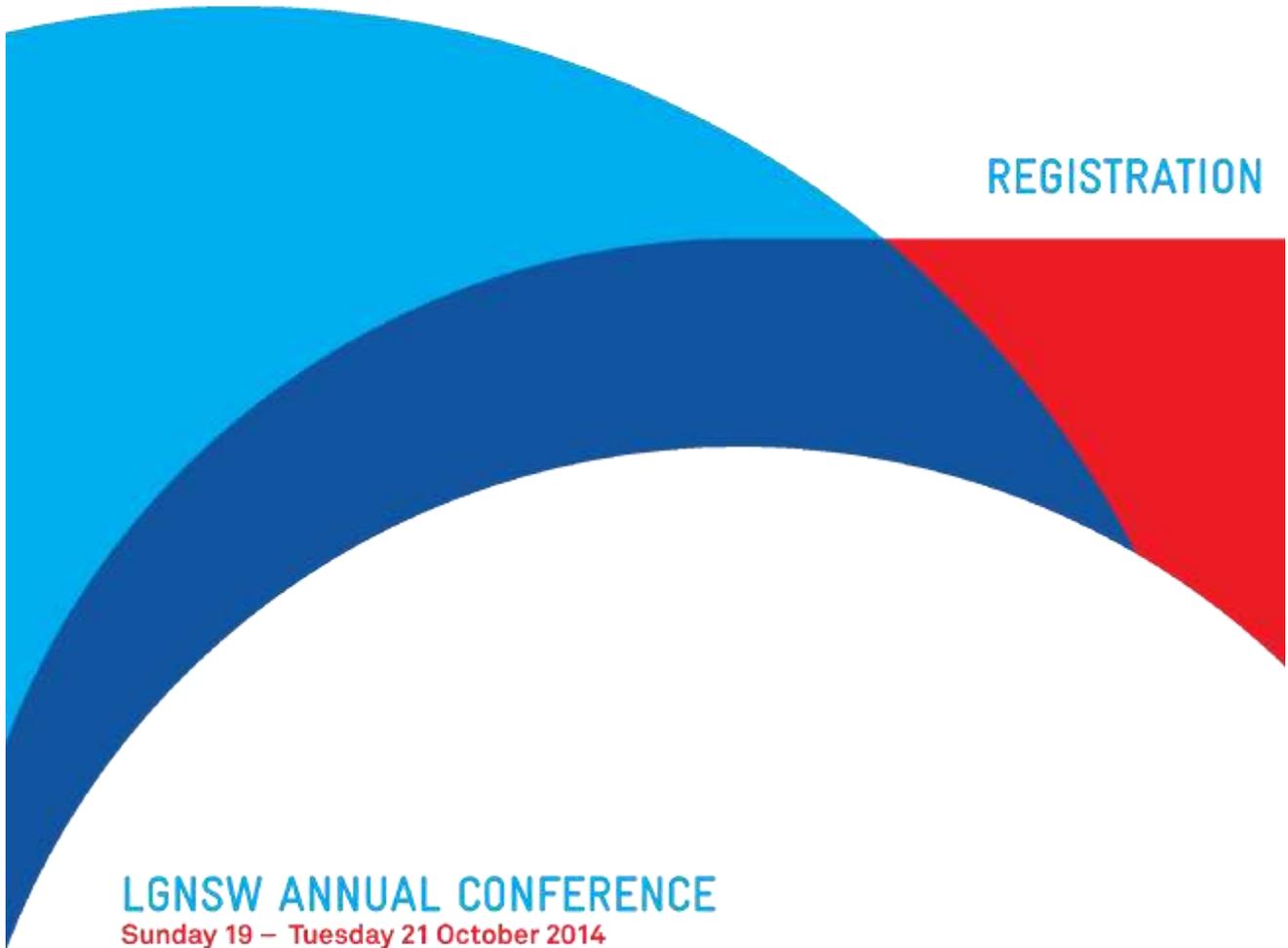
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Attachment 1

10. NEXT STEPS

The next steps towards implementation will depend on the option chosen by Council. However, a high level action plan has been set out below with key next steps with an indicative timeframe.

Action	Timeframe
<i>Council confirm model</i>	July 2014
<i>Establish Structure</i> <ul style="list-style-type: none"> • Either set objectives in <ul style="list-style-type: none"> ○ Constitution ○ Statement of Corporate Intent ○ Code of Conduct for Directors ○ Establish shareholders committee and terms of reference • Or develop terms of reference for 355 Committee • Legal and tax advice • Financial statements • Role descriptions 	2 – 4 months
<i>Incorporate Company</i> <ul style="list-style-type: none"> • Ministerial or ATO approval • Capitalisation of company • Develop policies and Procedures • Finalise draft agreements (Statement of Corporate Intent, Service Level Agreements) 	1 – 3 months
<i>Recruit and appoint</i> <ul style="list-style-type: none"> • Staff • Directors; or • Committee members 	1 – 2 months
<i>Business Alliance</i> <ul style="list-style-type: none"> • Agree Statement of Corporate Intent and KPIs • Operational 	1 month



LGNSW ANNUAL CONFERENCE
Sunday 19 – Tuesday 21 October 2014

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WELCOME FROM THE PRESIDENT

LGNSW ANNUAL
CONFERENCE
REGISTRATION 2014

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Welcome from the President

Cr Keith Rhoades AFSM

The Local Government NSW (LGNSW) Annual Conference returns to Coffs Harbour from 19 – 21 October 2014 and I invite all delegates to attend.

Attending the Conference has never been so important for council delegates given the significant changes to government and the ongoing review affecting Local Government in NSW. The Conference offers an opportunity to discuss and tackle these issues, confirm policies for the coming year and engage in healthy debate in developing appropriate solutions to challenges faced.

A number of important topics will feature in the Conference, including the NSW Government's response to the Independent Local Government Review Panel's final report, the Local Government Acts Taskforce, and the proposed Planning System reforms, which will undoubtedly foster healthy discussion amongst delegates.

Cr Denise Knight, Mayor of our host city, Coffs Harbour, will open the Conference, which will also feature the new NSW Premier, the Hon Mike Baird MP, and the Minister for Local Government, the Hon Paul Toole MP.

Keynote speakers will include Claire Madden, Research Director of McCrindle Research, discussing demographic change; and Paul Clitheroe AM, Director of Ipac Securities, Chairman Financial Literacy Foundation and Chairman of *Money Magazine*, who will highlight economic trends in Australia.

We encourage you all to make the trip to the beautiful Coffs Coast for the LGNSW Annual Conference and look forward to seeing you all there.



Welcome to Coffs Harbour

Cr Denise Knight
Mayor, Coffs Harbour City Council

It's with very great pleasure that I welcome you to Coffs Harbour for the 2014 LGNSW Conference. Local Government is always a fascinating place to work and the last couple of years have presented us with some major challenges. So this Conference will be a great opportunity to share thoughts, ideas and experiences – as well as a fantastic chance to learn from our peers and experts in the sector. Hopefully, we'll also have some laughs too.

And you couldn't have chosen to visit a more beautiful or welcoming part of the world. It will be very hard to tear yourself away from the Conference, but while you're here, I'd urge you to make the most of any free time you have to explore the wonderful Coffs Coast. We have something for everyone – and if you can't find something that appeals to you, let me know!

I am confident that you will find the 2014 LGNSW Conference useful and informative and that you'll leave with valuable knowledge – and also some great memories. I look forward to welcoming you, in person, to Coffs Harbour.

CONFERENCE VENUE

LGNSW ANNUAL CONFERENCE REGISTRATION 2014

Coffs Harbour Ex-Services Club

Coffs Harbour Ex-Services Club (C.ex Coffs) is located in the heart of the Coffs Harbour CBD, opposite the newly renovated Coffs Central Shopping Centre and just three kilometres from Coffs Harbour Regional Airport, making it easily accessible by public transport.

C.ex Coffs offers complimentary parking in the onsite multi storey car park. Entry to the car park is via Castle Street. There are multiple disabled car parks throughout the C.ex Coffs car park, particularly at both entrances to Vernon Street and Castle Street Receptions.

Entry to C.ex Coffs can be via the Castle Street or Vernon Street Receptions. Both entrances will be open for the LGNSW Conference.

C.ex Coffs has a great range of facilities, including two dining outlets, a 250-seat brasserie, a 50-seat coffee shop, two bar areas, three lounge areas, two courtesy buses, disabled access, a bottle shop, travel agent and a recently refurbished TAB. C.ex Coffs has nine purpose-built function rooms, earning Best Club Function Venue at the 2012 Clubs NSW Awards for Excellence Ceremony.

The opening hours of C.ex Coffs and the full range of services and sports they offer can be found online at: www.cex.com.au.

Free Wi-Fi will be available to all delegates whilst in the C.ex Coffs venue. The password will be provided at the time of registration.

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If you are tweeting about the LGNSW Annual Conference, please use the hashtag #lgnsw2014 to continue the conversation.

Conference Overview

Full program details are available on the LGNSW website lgnsw.org.au

EVENT	LOCATION
Sunday 19 October	
Trade Exhibition set up	Entertainment and Vista Lounge, ground floor
Delegate Registration	Blue Room, first floor off auditorium
President's Welcome Reception	Entertainment and Vista Lounge, ground floor
Monday 20 October	
Trade Exhibition	Entertainment and Vista Lounge, ground floor
Partners' Tour: Hinterland Tour to Dorrigo and Bellingen	Meet at C.ex Coffs at 9.45am for 10am start
Business Sessions	Grand Auditorium, first floor
Sponsors Happy Hour	Entertainment and Vista Lounge, ground floor
Conference Gala Dinner	Bonville Golf Resort
Tuesday 21 October	
Trade Exhibition	Entertainment and Vista Lounge, ground floor
Partners' Tour: Coffs Coastal Tour	Meet at C.ex Coffs at 9.45am for 10am start
Business Sessions	Grand Auditorium, first floor
Sponsors Happy Hour	Entertainment and Vista Lounge, ground floor

REGISTRATION DETAILS

LGNSW ANNUAL
CONFERENCE
REGISTRATION 2014

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Registrations are invited from councillors and staff of LGNSW member councils (including associate members, Land Councils, County Councils and Regional Organisations of Councils). All delegates need to be pre-registered, and partners are required to book for optional tours and functions. It is recommended that you book your accommodation prior to registration, as you need to indicate your accommodation in order to book complimentary transfers in the registration process.

Sponsors of the Conference will also need to register online and check their sponsorship packages for inclusions.

Early Bird Registration Deadline:
Monday 8 September 2014

Full Registration Deadline:
Monday 6 October 2014

Register online at lgnsw.org.au.

Online registration is conducted through a secure site which accepts credit cards (Visa or Mastercard with a 2.5 per cent surcharge), cheque and direct deposit payments. Bank account details are part of the online registration form.

Once you have registered, you should receive a confirmation email within 15 minutes and a tax invoice will be automatically emailed to you for all payments. Your registration will not be confirmed until full payment is received.

Delegate Registration Fees

Delegate registration fees include business papers, the President's Welcome Reception, two days of Conference business sessions (including morning and afternoon tea), lunch, the Gala Dinner, name badge and a satchel. The cost to attend the Conference is heavily subsidised by LGNSW and our successful sponsor relationships.

This fee does not cover accommodation, partner attendance and functions, or other events held in conjunction with the Conference. There is no charge for partners unless they attend social functions or the partners' program, which can be booked as part of the online booking process.

Sponsors' Registration Fees

Each sponsorship level includes a certain number of registrations included in the sponsored fee. If you wish to register additional staff, there is a special rate of \$440. Inclusions are the same as the delegate rate.

Registration fees

(inclusive of GST)

DELEGATES	FEES
Early Bird Registration (paid by Monday 8 September 2014)	\$880
Full Registration	\$990
Sponsors Extra Staff Registrations	\$440
PARTNERS AND EXTRA GUESTS	
President's Welcome Reception	\$77
Conference Gala Dinner	\$154
Partners' Tour Monday	\$70
Partners' Tour Tuesday	\$66
SPEAKERS AND SPECIAL GUESTS	
If you are an invited guest, or are a part of the Conference program, and would like to attend the Conference (in full or a portion), please contact the LGNSW events team directly at events@lgnsw.org.au	

REGISTRATION DETAILS

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Confirmation, Cancellation Policy and Enquiries

Should you be unable to attend once registered, a substitute delegate is welcome to attend on the day at no additional charge. All cancellations and amendments must be advised in writing to the Conference Secretariat, Bradley Hayden (contact details below). Cancellations made by 5pm Monday 29 September 2014 will be eligible for a full refund, less a \$110 administration fee per registration. Cancellations made after 5pm Monday 29 September 2014 will not be entitled to any refund. Any changes to registrations must be made by emailing the Conference Secretariat, Bradley Hayden, on lgnsw2014@ccem.com.au by Monday 13 October 2014.

Special Requirements

If you have any special dietary requirements, access or impairment issues, please ensure you complete the appropriate section of the online registration form. Every effort will be made to ensure the Conference catering is varied, nutritional and inclusive of differing tastes.

Privacy

LGNSW is the organiser of the Local Government NSW Annual Conference 2014 and is bound by and committed to supporting the principals set out in the *Privacy and Personal Information Act 1998* and the Australian Privacy Principles. LGNSW will collect and store information you provide in the registration process for the purpose of enabling us to register your attendance at the Conference. With your permission, LGNSW may disclose some of the information whereby it is reasonably expected that such purpose be related to the offer, provision and improvement of Conferences and services; this is part of the online registration process.

Liability for your Registration

In the event of unforeseen circumstances, LGNSW and the Conference Secretariat does not accept responsibility or liability for the loss of expenses incurred by delay, cancellation, or miscommunication. By completing and submitting the online registration form, you are deemed to have read and accepted the cancellation and privacy information.

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Contact

LGNSW manages arrangements for delegates, observers and partners attending this year's Conference in relation to:

- Business Papers and Conference material
- Application for Service Awards (now presented as part of the Conference Gala Dinner)
- All general enquiries regarding the business program.

Email:
events@lgnsw.org.au

Phone:
02 9242 4000

Address:
GPO Box 7003, Sydney NSW 2001

The Conference Secretariat, Bradley Hayden, Countrywide Conference and Event Management, is your contact for:

- All registration and function enquiries for delegates, sponsors and partners including payments and inclusions.
- Sponsorship enquiries, bookings and the trade exhibition.

Email:
bradley@ccem.com.au

Phone:
02 6023 6300 or 0412 461 392

Fax:
02 6023 6355

Address:
PO Box 5013, Albury NSW 2709

Attachment 1

BUSINESS PROGRAM

LGNSW ANNUAL
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A copy of the draft program is available on LGNSW's website. Following feedback from delegates at last year's LGNSW Annual Conference in Sydney, the LGNSW Board has decided to try to balance specific motions and discussion of overarching issues. Subsequently, the first full day of the Conference has been set as the primary time to discuss all issues and motions, and a session

time will be put aside to ask you how you wish to deal with motions and issues in the future.

The second day of the Conference will be dedicated to keynote speakers covering a range of issues pertinent to all councils.

LGNSW has invited the following keynotes:



The NSW Premier, the Hon Mike Baird MP

Premier Baird was elected leader of the NSW Liberal Party on Thursday 17 April 2014 and was sworn in as the state's 44th Premier on Wednesday 23 April 2014. He is also the Minister for Western Sydney and the Minister for Infrastructure.



The Minister for Local Government, the Hon Paul Toole MP

The Hon Paul Toole MP, Member for Bathurst, was appointed Minister for Local Government in April 2014. He has been committed to community affairs within Local Government for almost 20 years.



Paul Clitheroe AM

Director of Ipac Securities, one of Australia's largest specialist financial advisory firms, leading media commentator on financial issues, author, radio commentator and government advisor.



Ellen Fanning

Ellen Fanning is an award-winning current affairs journalist, with a wealth of experience in communications, politics, social, cultural and business issues.



Claire Madden

Claire Madden is the Director of Research at the internationally recognised McCrindle Research. She is a media commentator on TV, radio and print, a business speaker and an engaging communicator.

BUSINESS PROGRAM

LGNSW ANNUAL
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Voting at the Conference

If you are the voting representative for your council, you must be in the main auditorium on Monday 20 October 2014 so that a quorum can be achieved.

All voting at the Conference will be by electronic handsets and a delegate plastic voting card will be distributed at registration. The plastic voting card must be returned at the end of the voting day or a fee of \$100 will be invoiced to councils. Electronic handsets will be distributed at accessible points in the main auditorium and a demonstration of the cards and units will be given prior to business motion voting.

For information relating to councils voting entitlements please contact LGNSW Director - Corporate Services, Peter Coulton, on 02 9242 4030. For further details, including how to change your voting delegate's name, please refer to the LGNSW website.

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Business Papers

Member councils will receive printed copies of the Business Papers one month before the Conference. Papers will also be available in draft form and to download from the LGNSW website. Councils may also view the Record of Decisions from the 2013 Conference on the LGNSW website.

SOCIAL PROGRAM

President's Welcome Reception

Sunday 19 October 2014, 6pm – 7pm

C.ex Coffs, 1 Vernon St, Coffs Harbour

Dress Code: Smart Casual

Join special guests, your fellow councillors, the LGNSW Board, general managers, sponsors and speakers at an informal cocktail party in the Trade Exhibition.

Registration opens upstairs from 3pm for you to pick up your voting card. A cocktail reception will then be held from 5 – 7pm. Following the reception, please make your own arrangements to sample the best food and wine that Coffs Harbour restaurants have to offer.

We suggest you book a table at a local restaurant if you wish to eat out. A restaurant guide is available on the LGNSW website.

Conference Gala Dinner

Sponsored by Statewide Mutual



Monday 20 October 2014, 7pm – 11pm
(Transfers for 7.30pm arrival)

Bonville Golf Resort, North Bonville Road, Bonville.

Dress Code: Black, white, red and sparkling
(bring a warm coat or wrap).

The evening will be hosted in a state-of-the-art marquee on the beautiful grounds of Bonville Golf Resort.

Guests will arrive to a bespoke dinner designed by Michael Urquhart, Bonville's own two hat chef. Join us for a roving entrée and entertainment by Soulman O'Gaia, followed by a sit-down dinner of local produce under the stars.

We will recognise some of our own Local Government stars with the presentation of LGNSW's Outstanding Service Medals. This will be followed by the sheer talent of Lisa Hunt and her blues band, Forever Soul.



Soulman O'Gaia

From Jamaica via the UK, Soulman O'Gaia now calls Byron Shire home. He is fast becoming recognised as one of the regions most uplifting musical and spoken word exports.



Lisa Hunt

From America via Byron Bay, Lisa is a singer, songwriter, actress and performer of motown, rhythm and blues, disco, funk and soul.

PARTNERS' PROGRAM

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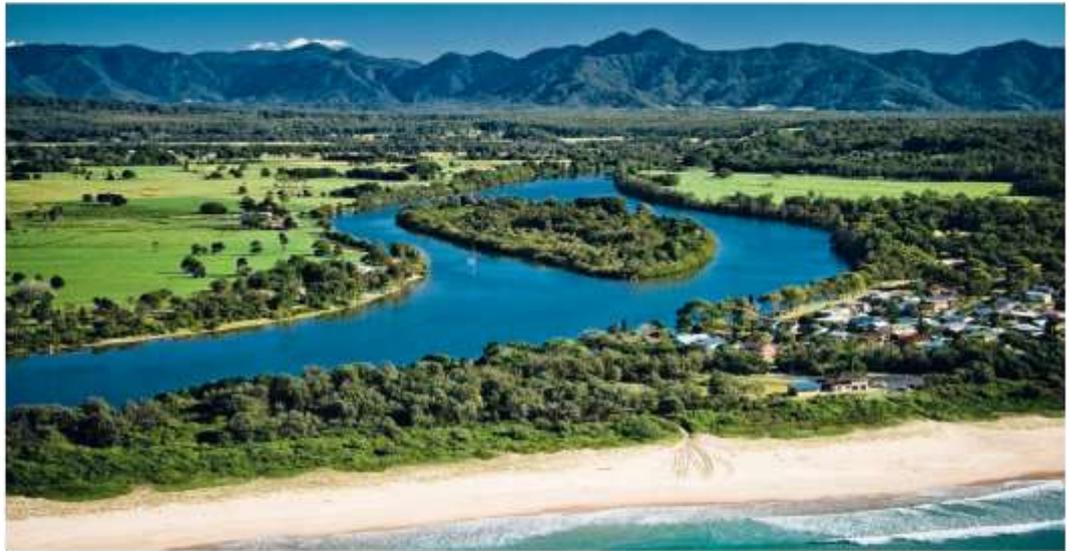
8

Monday 20 October 2014, 10am – 4pm Hinterland Tour of Dorrigo and Bellingen

This tour will meet at 9.45am at C.ex Coffs to board the bus, and costs \$70 including morning tea. Lunch is at your own expense.

Maximum attendees: 20 people.

A full-day guided tour of the scenic waterway, including the laid back town of Bellingen and the town of Dorrigo perched high on the plateau. Visit Honey Place, Dangar Falls and the Dorrigo Skywalk with breathtaking views of this World Heritage national park. Buy your own lunch in Bellingen and enjoy the shopping before visiting the Yellow Shed, a century old butter factory converted into a boutique shopping village of art and craft.



Tuesday 21 October 2014, 10am – 2pm Coffs Coastal Tour

This tour will meet at 9.45am at C.ex Coffs to board the bus, and costs \$55 including morning tea. Lunch is at your own expense.

Maximum attendees: 20 people.

Discover the local vantage points of the beautiful beaches and waterways on this half-day tour of Coffs Coast. First stop is Woolgoolga Headland, which is one

of the best land locations for whale watching, then Emerald Beach, Sealy Lookout and the 21-metre elevated Sky Pier. Next stop is Sawtell, a charming beach village with boutique shopping, and finally the Coffs Harbour International Marina with the man-made breakwater leading to Muttonbird Island. The tour concludes with lunch at the Surf Club overlooking Park Beach. The bus will return you to C.ex Coffs.

A full description of these tours is available on the [LGNSW website](#). Book online as part of your registration.



OTHER INFORMATION

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Service Awards

Outstanding Service Awards and Emeritus Mayor Certificates will be presented at the Conference Gala Dinner at Bonville Golf Resort on Monday 20 October 2014. To enable the processing of awards, councils are asked to advise LGNSW whether or not nominees for the award will be attending the Conference. The application deadline for Outstanding Service Awards and Emeritus Mayor Certificates is Monday 18 August 2014.

A letter confirming the presentation will be sent to your general manager. If you do not receive confirmation by Monday 1 September 2014, please contact Karen Rolls on 02 9242 4060.

The online nomination form is available on the LGNSW website at lgnsw.org.au.

Accommodation

Delegates must book their accommodation through Coffs Coast Visitor Information Centre as they have the best and closest accommodation options to the Conference venue within a varied price range. Phone 02 6648 4990 or toll free on 1300 369 070. Alternatively, email tourism@coffscoast.com.au to book accommodation.

The Conference will only provide transfers to and from accommodation that has been booked from the preferred supplier list available from the Coffs Coast Visitor Information Centre.

Supporting Charity

The two coffee stations at the Conference, sponsored by StateCover, will charge a gold coin donation to support the work of the 'Buy a Bale' campaign, which provides resources and assistance to farmers in need.

Childcare Arrangements

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If delegates require childcare facilities in order to attend the Conference or the Social Program, please contact a Coffs Harbour childcare centre:

- **Caterpillar House – Occasional Childcare**
Phone: 02 6651 2377
Address: 205 Harbour Drive
- **Little Munchkins – Occasional Childcare**
(located at Pacific Bay Resort)
Phone: 02 6659 7041
Website: www.pacificbayresort.com.au/kids-club.html

Sponsorships and Partnerships

If you are interested in sponsoring the Conference, giving support or taking part in our trade display, please contact the Conference Secretariat, Bradley Hayden, Countrywide Conference and Event Management, via email: bradley@ccem.com.au

Environmental Sustainability Commitment

LGNSW is committed to ensuring the LGNSW Annual Conference 2014 is organised and conducted in a sustainable manner to reduce the impact on the planet. The event will adhere to LGNSW Principles and Guidelines for Event Sustainability (version 4). A full list of sustainability measures is on the LGNSW website.



Attachment 1

SPONSORS

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Major Sponsor



Distinguished Sponsors



Valued Sponsors



Local Government NSW Annual Conference 2014

DRAFT PROGRAM 19 - 21 October, 2014 (as of 2 July 2014)

Main conference venue is C.ex Coffs, 1 Vernon Street, Coffs Harbour

Sunday 19 October

- 3.00pm – 7.00pm Registration opens, Upstairs Auditorium Lobby (off Blue Room)
- 5.00pm – 7.00pm President's Welcome Reception at C.ex Coffs
Welcome To Country (Performance)
Welcome from **Cr Denise Knight, Mayor of Coffs Harbour City Council**
Welcome from **Cr Keith Rhoades AFSM, President, LGNSW**

Monday 20 October

Business Session Day 1 - chaired by Cr Keith Rhoades AFSM, C.ex Coffs

- 8.00am – 5.00pm Registration opens in Trade Expo. Distribution of voting materials and electronic handsets
- 8.30am – 9.00am Address from **The Hon Mike Baird MP, Premier of New South Wales**
- 9.00am – 11.00am Address from **Cr Keith Rhoades AFSM, President LGNSW**. Opening of the Business session, Adoption of Standing Orders and Consideration of Motions chaired by the President (includes discussion about future conference format)
- 11.00am – 11.30am Morning tea in Trade Exhibition sponsored by Local Government Super
- 11.30am – 11.35am Message from Local Government Super
- 11.35am – 1.00pm Consideration of Conference business continued chaired by the President

Concurrent session for General Managers: Briefing on new 2014 Local Government (State) Award. Blue Room off auditorium
- 1.00pm – 1.50pm Lunch in Trade Exhibition sponsored by Local Government Super
- 1.50pm - 2.00pm Message from sponsor
- 2.00pm – 2.05pm Short address from the Mining Related Councils
- 2.05pm - 3.00pm Consideration of Government's response to the Local Government Review Panel's *Revitalising Local Government*
- 3.00pm – 4.00pm Consideration of Conference Business continued, chaired by the President

Collection of all electronic handsets and voting cards
- 4.00pm – 5.00pm Happy hour in Trade Exhibition
- 5.00pm – 5.30pm Delegate transfers back to accommodation for dinner
- 7.00pm – 7.30pm Transfers for delegates arriving at Dinner

ORD03

Conference Dinner, Bonville Golf Resort, North Bonville Road, Bonville

- 7.30pm Arrival drinks and canapés
Entertainment with Soulman O'Gaia
- 8.15pm Delegates seated and main course served
Welcome from the President
Introduction of Major Sponsor Statewide Mutual
Presentation of Outstanding Service Awards
- 8.30pm Entertainment with Lisa Hunt
- 9.30pm Dessert served
- 10.00pm **First transfers offered**
- 11.00pm **Function finishes, final transfer buses**

**Tuesday 21 October
Business Session Day 2, C.ex Coffs**

- 8.00am – 5.00pm **Registration opens in Trade Expo**
- 9.00am – 9.10am Introduction by Master of Ceremony, **Ellen Fanning**
- 9.10am – 9.15am Address on Association Business from **Cr Keith Rhoades AFSM, President, LGNSW**
- 9.15am – 9.25am Treasurers Report
- 9.25am – 9.40am Address from **Mr Les Turner, Chief Executive Officer, NSWALC**
- 9.40am – 10.00am Address from **The Hon Paul Toole MP, Minister for Local Government**
- 10.00am – 10.15am Facilitated Q and A with the **Minister for Local Government**
- 10.15am – 10.30am Presentation of the AR Bluett Awards
- 10.30am – 11.15am **Claire Madden, Research Director, McCrindle Forecasts**, Demographic Change, Emerging Generations and the Future
- 11.15am – 11.35am **Morning tea in Trade Exhibition sponsored by NSW EPA**
- 11.40am – 11.45am Message from NSW EPA
- 11.45am – 12.30pm **Paul Clitheroe AM, Director Ipac Securities, Chairman Financial Literacy Foundation, Chairman Money Magazine** on Economic Trends in Australia
- 12.30pm – 1.00pm Address from **The Hon Duncan Gay MLC, Minister for Roads and Freight** (invited)
- 1.00pm - 2.00pm Address from keynote speaker on planning issues (to be confirmed).
Planning Panel facilitated by MC, Ellen Fanning, on 'How to make informed decisions about Planning'
- 2.00pm – 2.15pm Close of Conference
- 2.15pm – 3.00pm **Lunch sponsored by NSW EPA (Conference closing)**

This program is correct at the time of printing; speakers and program details may have changed due to unforeseen circumstances.

Attachment 2



ORDINARY COUNCIL

ORD07

SUBJECT: ACQUISITION OF HARRINGTON PARK SITE - LOT 46 DP 1115480
FAIRWATER DRIVE.
FROM: Acting Director Governance
TRIM #: 14/27563

PURPOSE OF REPORT

This report seeks Council approval to acquire a parcel of land (5924 sqm) at Harrington Park (Lot 46 DP 1115480) from Dandaloo Pty Ltd.

MAIN REPORT

Correspondence was received from Harrington Estates, the developer acting on behalf of Dandaloo Pty Ltd, seeking to dedicate a parcel of land adjacent to Harrington Park Lake, Lot 46 DP 1115480 Fairwater Drive, Harrington Park. **A copy of the correspondence is provided with the Business Paper Supporting Documents.**

The land is zoned as residential and has an additional permitted use as a restaurant/café. Harrington Estates have advised that due to the construction of the Harrington Grove Country Club, they no longer intend to use this site as a restaurant and as such wish to dedicate the land to Council. Harrington Estates stated that *"it is our view that the land best serves the residents of Harrington Park if the current use as a car park is maintained. We therefore propose to dedicate the land to Council as operational land"*.

The subject land, consisting of a constructed driveway, carpark and vacant land is surrounded by Council owned land and given its location Council has been maintaining the site for several years. The site is used by pedestrians as well as providing overflow parking for sports ground users.

Council officers considered the request and determined that there was no formal or legal requirement for this land to be dedicated to Council. As such, advice was sought from Shaw Reynolds Lawyers in respect to the following:

- does consideration of \$1.00 present any issues for Council;
- if Council accepts the land, does this set a precedent; and
- are there probity issues associated with the transfer.

A copy of the letter of advice is attached in **Supporting Documents** and summarised as follows:

- the consideration of \$1.00 is not an issue as Council is exempt from paying stamp duty;
- there is sufficient reason to justify Council acquiring the land in this instance that would differentiate it from other cases which may set a precedent;
- there are no probity issues, provided the process is kept transparent and the reasons for the decision are duly recorded.

This is the report submitted to the Ordinary Council held on 11 March 2014 - Page 1

ORD04

Attachment 2



ORD04

Attachment 2

It should be noted that had this land been dedicated to Council through the original plan of subdivision, it would have been transferred at no cost to Council. The \$1.00 consideration being offered is to satisfy the need for consideration as part of a legally binding transfer of sale.

Council's Assets Branch has inspected the subject land and advised that there are no significant works required to the car park or surrounding area, prior to the transfer of the land to Council.

All land that comes into Council ownership must be classified as operational land or community land in accordance with the Act. All car parks within the local government area are currently classified as operational land, so therefore it would be appropriate to classify this land as operational land. This will also accord with the majority of the surrounding Council owned land.

Section 34 of the Act requires public notice be given of a proposed resolution to classify public land. In order to formalise the proposed classification as operational land, public notice will be given allowing for submissions to be made. At the conclusion of the public notice period, the outcome will be reported back to Council seeking final approval of the classification.

FINANCIAL IMPLICATIONS

Council has already been maintaining this land as it forms part of the natural boundary adjoining Council land. There is no additional cost to Council other than the \$1.00 consideration as part of the transfer of sale.

CONCLUSION

Council officers have reviewed the offer to transfer Lot 46 DP 1115480 Fairwater Drive, Harrington Park from Dandaloo Pty Ltd and are satisfied that it would be appropriate for Council to take ownership of this land.

RECOMMENDED

That Council:

- i. **acquire Lot 46 DP 1115480 Fairwater Drive, Harrington Park for consideration of \$1.00 for the reasons set out in the report;**
- ii. **that Council authorise the execution of the Transfer and all necessary documents for the acquisition of Lot 46 DP 1115480 to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13;**
- iii. **notify Dandaloo Pty Ltd that the transfer of land has been accepted by Council; and**
- iv. **place the proposed "operational" classification of the land on public exhibition, with a further report to Council upon completion of the exhibition period.**

ATTACHMENTS

This is the report submitted to the Ordinary Council held on 11 March 2014 - Page 2



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1. Location Plan
 2. Letter from Harrington Estates - *Supporting Document*
 3. Legal Advice - *Supporting Document*

ORD04

Attachment 2

This is the report submitted to the Ordinary Council held on 11 March 2014 - Page 3

ORD04

Attachment 2

