



Australian Government
Indigenous Land Corporation

Internal Memorandum

ABN: 59 912 679 254

Freecall: 1800 818 490

Website: www.ilc.gov.au

2/12/14

To: **MICHAEL DILLON**, Chief Executive Officer *[Signature]*

Through: **CRAIG NORTH**, Director Program Delivery
MARK DENNING, Operations Manager *[Signature]*

RENEWAL OF LEASE – LEVEL 1 BLACK THEATRE BUILDING, REDFERN NSW

PURPOSE

To seek approval for the renewal of the lease with National Congress of Australia's First Peoples (Congress) over Level 1, Black Theatre Building, Redfern NSW for a period of 2 years with an option for 2 years.

BACKGROUND

The Black Theatre site was transferred to the ILC following the abolition of ATSIC in March 2005. In May 2007, the ILC Board gave its approval for funds of up to \$6.45 million for the construction and fit out costs of the Black Theatre Site. Construction was completed in 2008, creating a three story commercial building.

On 8 September 2008, the ILC entered into a lease agreement with Gadigal Information Services (Gadigal) for level 2 of the property.

A strata title application was approved by the NSW Land and Property Management Authority in February 2012, separating the three floors of the building, along with the provision of separate Certificate of Titles for each floor.

A decision to grant level 2 of the building to Gadigal was approved by the ILC board on 20 February 2013. A deed of grant was executed by Gadigal on 30 June 2014. A transfer is expected to occur by 30 September 2014.

From 2 September 2010, level 1 of the property has been leased to Congress, with the lease due to expire on 1 September 2014.

Congress was set up in April 2010 as a company limited by guarantee and registered under the Corporations Act. Congress advocates for the recognition of Aboriginal and Torres Strait Islander people's rights working towards securing an economic, social, cultural and environmental future for Indigenous people. Congress also works towards developing links with government, industry and among communities.

ISSUES

The current lease between ILC and Congress over Level 1 commenced on 2 September 2010 for a 4 year period and is scheduled to end on 1 September 2014. There is no option to extend this under Item 7 of Schedule 1.

Currently, the ILC receives an annual income of \$167,332.50 (GST Exc) which is \$337 per square metre from Congress for Level 1 of the property. This rent rate has been increased by 4% per annum since the commencement of the lease. The original starting rent was \$300 per square metre.

In addition, Congress pays to the ILC outgoings of \$135.04 per square metre or \$66,952 per annum (\$5579.40 per month). This rate is currently being reviewed and may be increased.

Current Situation

On 11 July 2014 the ILC received a request from Congress to renew their lease over Level 1 of the Black Theatre building.

In its new proposal for the renewal of lease over Level 1, Congress has requested approval of the following conditions:

- Length of lease: 2 years with an option for another 2 years
- Lease rental rate: based on market rate but no higher than current rate of \$337 m2
- Congress to pay estimated variable outgoings – estimated outgoings to be agreed between parties
- Use of 2 car parking spaces

On 16 July 2014, the ILC made further enquiries with Congress relating to the proposed lease rental rate and advised that the commencing rental rate would be \$351m2. *ie +4%.*

Congress responded on 7 August 2014, requesting that the rental rate remain unchanged for a further 12 months, along with the following terms:

- Lease term - 2 years with a 2 year option
- Base rent for Year 1 - \$337 per m2
- Rent increase commencing from 2nd year in line with annual CPI increase (2014, currently approx. 2.9%)
- The use of two car parking spaces
- Outgoings to be reviewed, negotiated and agreed between parties

Each strata unit of the property has 1 car park associated, except for Level 3 which also includes a garage space. The current lease between ILC and Congress over Level 1 provides for 1 car park. There is a vacant car park that belongs to the ground floor strata unit. To meet the demands of Congress for 2 car parking spaces, in the short term, the ground floor car park space may be utilised temporarily by Congress until such time as the ILC finds a suitable tenant for the ground floor unit.

A review of outgoings payable will be conducted annually by the ILC and increased as required. As such, Congress will be liable for outgoing at the annual calculated rate.

Congress has met all of its responsibilities as a tenant of Level 1 while delivering increasing benefits for Aboriginal and Torres Strait Islander people. As such it is recommended that ILC approve the renewal of lease of Level 1 Black Theatre Building to the National Congress of Australia's First Peoples.

In its proposal to the ILC for renewal of lease over Level 1, Congress advised that it was intending to apply to the ILC for the divestment of the ground floor and Level 1 of the Black Theatre building and stated *"The National Board of Congress believes divestment is part of the strategy to secure the long-term viability of Congress as the representative voice for Australia's First Peoples, and continue our work to build national unity and advocate for key issues."*

No formal proposal from Congress relating to the proposed divestment has been received.

A brief is currently being prepared for the CEO's information relating to the divestment strategy for the ground floor and Level 1.

RECOMMENDATION

That the Chief Executive Officer exercises delegation LM-D2 of the Board delegations of 29 August 2007 made pursuant to Section 193T of the *Aboriginal and Torres Strait Islander Act 2005* and approve:

- The renewal of lease of Level 1, Black Theatre Building, Redfern NSW to National Congress of Australia's First Peoples with the following conditions:
 - Lease term - 2 years with a 2 year option
 - Base rent for Year 1 - \$337 per m2
 - Rent increase commencing from 2nd year in line with CPI increase
 - The use of one car parking space
 - Outgoings to be reviewed annually by the ILC with Congress being charged accordingly

Recommended by




SONIA HAYES
Project Advisor, Divestment
28 August 2014

Supported / ~~Not Supported~~




MARK DENNING
Operations Manager
29 August 2014

Supported / ~~Not Supported~~



CRAIG NORTH
Director Program Delivery
30 August 2014

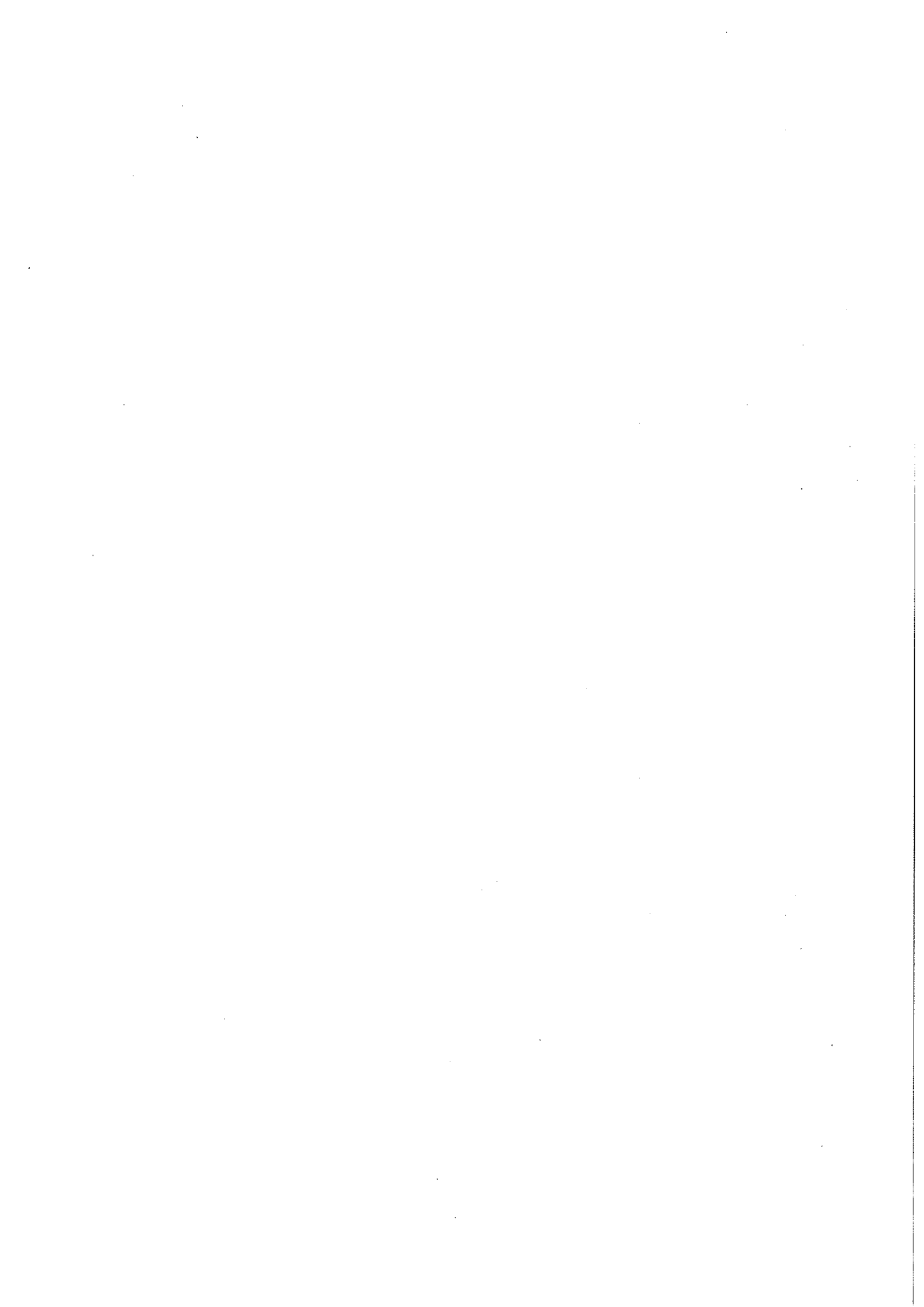
APPROVED / ~~NOT APPROVED~~



MICHAEL DILLON
Chief Executive Officer
August 2014 — 9.9.2014

Hayes, Sonia

From: Hayes, Sonia
Sent: Wednesday, 5 March 2014 10:27 AM
To: Denning, Mark
Subject: Brief for Dawn Casey.doc
Attachments: Brief for Dawn Casey.doc





Chairperson
Divisional Manager
Operations Manager

LEVEL 1 – BLACK THEATRE BUILDING

PURPOSE

To provide you with a chronology of events relating to the lease over the ground floor of 27 Cope Street, Redfern also known as the Black Theatre Site.

BACKGROUND

The Black Theatre Site was transferred from the Aboriginal and Torres Strait Islander Commission (ATSIC) to the ILC by Ministerial Declaration on 24 March 2005. At the time of the transfer the block of vacant land of approximately 965m² was valued at \$1.8 million.

The Black Theatre Site was once home to the first Aboriginal theatre in Sydney, which hosted major International acts and the first Indigenous plays in the 1970s. The original building burnt down in the 1980s.

The site was held very close to the heart of the late Charles Perkins who was instrumental in obtaining the site for the Redfern community. According to ATSIC files, 27-31 Cope Street was gifted to the Aboriginal Development Commission (ADC) by the Uniting Church in 1982. The Uniting Church gifted the properties to ADC for the benefit of Aboriginal people living in the area.

Prior to being abolished the Sydney ATSIC Regional Council made a recommendation to allocate \$1.8m from the Regional Land Fund (RLF) to assist Gadigal Information Services to acquire a property in Sydney.

Upon transfer to the ILC, there was significant interest within the Redfern and wider Indigenous community about the proposed future use of the site. As a result the ILC undertook an extensive community consultation process. Consultations were undertaken by Badge 90 Consulting Services Pty Ltd headed by Mr Sol Bellear during February – March 2006.

Various community views were captured from the consultation process with re-occurring suggestions being articulated as follows:

- The development should provide for commercial business opportunities, commercial office accommodation and retail space, that provide benefits for the community;
- Local community representation should be included in the management of any future development; and
- The development should provide opportunities for the Indigenous youth of the local area.

Further, 85% of community views favoured commercial development of the site and all indicated their support for Gadigal (Koori Radio) to be accommodated in any future building. As a result the ILC proceeded with a \$7.5m re-development of the Black Theatre site.

ILC's re-development of the site has ensured that the site is never forgotten as the birthplace of Indigenous theatre in Sydney. The design on the louvered exterior is based on the 1968 play *The Cherry Pickers* by Indigenous playwright Kevin Gilbert, continuing the tradition of Indigenous arts in Redfern.

On 8 September 2008, the ILC entered into a lease agreement with Gadigal Information Services (Gadigal) for the third floor of the property.

In February 2012, a strata title application was approved by the NSW Land and Property Management Authority in February 2012, separating the three floors of the building, along with the provision of separate Certificate of Titles for each floor.

CURRENT SITUATION

Since the Black Theatre Building was constructed in 2008 the ILC has been unsuccessful in attracting a long term Indigenous tenants for Level 1. In 2008, the ILC tried to source commercial tenants through a formal Expression of Interest process and in 2011 engaged an independent real estate agent to attract potential tenants, no interest was received.

A decision to grant level 2 of the building to Gadigal was approved by the ILC board on 20 February 2013. A deed of grant was prepared by ILC Legal. This deed is yet to be executed. The ILC has continually followed up with Gadigal relating to the delays to the execution of the deed. It is expected that this deed will be executed by 30 April 2014.

From 2 September 2010, level 1 of the property has been leased to Congress. The lease was for a 4 year period and is scheduled to end on 3 September 2014. There is no option to extend under Item 7 of Schedule 1. It is proposed that a new lease may be developed at this time.

Currently, the ILC receives an annual income of \$167,311 (GST Exc) from Congress which is \$337 per square metre for Level 2 of the property. This rent rate has been increased by 4% per annum since the commencement of the lease. The original starting rent was \$300 per square metre.

A recent review of the outgoings was undertaken in August 2013, and the current outgoings that Congress is required to pay to the ILC for 2013/14 are estimated to be \$134.04 per square metre per annum.

Lease over Level 1

In October 2011, negotiations began between the ILC and Aboriginal Employment Strategy Ltd relating to a proposed lease over the ground floor of the property. The Aboriginal Employment Strategy Limited (AES) is an Indigenous controlled Australian Public Company Limited by Guarantee.

Negotiations for the vacant space did not proceed beyond December 2011 as AES did not submit a formal proposal to the ILC.

On 10 April 2013, the ILC received a request from Congress to lease Level 1 of the Black Theatre building in addition to its current lease over Level 2. It was stated by Congress that over the past 12 months Congress had experienced significant growth in its policy and advocacy activities, which required additional staff as well as office and meeting space.

In its new proposal for Level 1, Congress requested approval of the following conditions:

- Length of lease: 4 years with an option for another 4 years
- Lease rental rate: \$324m2

- One year free rental incentive
- Congress to fit out leased space
- Congress to pay estimated variable outgoings
- Additional two cars-paces

Level 1 is currently a bare open floor without any fit-out. In its submission to the ILC Congress stated that it will fit out the vacant space at its own cost. It was also proposed by Congress that it will utilise the services of Amicus Interiors (Amicus), the company that previously fitted out Level 2 of the building for Congress. Amicus has been successfully delivering commercial refurbishment and fit out projects since 1988 in Sydney, Brisbane and Melbourne.

The estimated cost for the proposed fit out works was approximately \$760,000. It was proposed by Congress that the final design layout plans would include a large Board room with the ability to convert to a couple of smaller meeting rooms, a number of offices, pod style workstations, kitchen facilities and storage. The fit-out would be carried out in consultation with the ILC.

It was recommended by project staff, that the ILC's CEO approve the new lease of Level 1 Black Theatre Building to the National Congress of Australia's First Peoples. This recommendation was made based on Congress meeting all of its responsibilities as a tenant of Level 2 while delivering increasing benefits for Aboriginal and Torres Strait Islander people.

On 28 June 2013, the ILC's CEO approved Congress's proposal as listed above, albeit with only one additional car space, not two spaces.

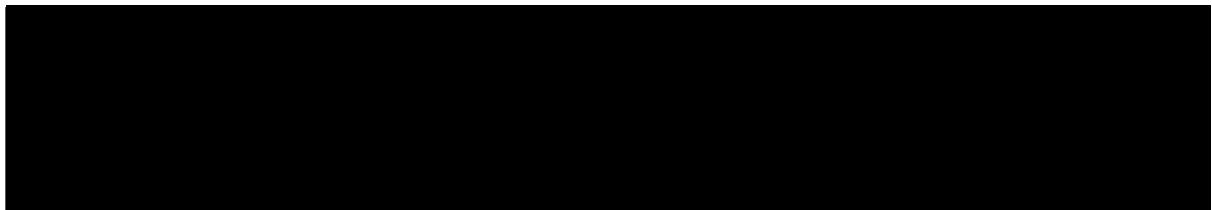
On 12 September 2013, the new lease over Level 1 of the Black Theatre Building was prepared by ILC legal and sent to Congress for its execution.

In December 2013, Congress became aware that their funding for the provision of their services was being cut by the Federal Government.

On 29 January 2014, Congress advised the ILC that it was not in a position to execute a new lease agreement over Level 1 at that time because the outcome of possible future funding from the Government was unknown.

On 4 March 2014, the ILC wrote to Congress requesting further information to ascertain its intention relating to the proposed new lease with the ILC over the Level 1.

Since September 2013, requests relating to the availability of the vacant space have been received from the following organisations:



RECOMMENDATION

That you note this brief.

Recommended	Sonia Hayes, Project Advisor, EDO _____ Date
Supported / Not supported	Mark Denning, Operations Manager, EDO _____ Date
Supported / Not supported	Craig North, Divisional Manager, EDO _____ Date
Noted	Dawn Casey, Chairperson _____ Date

Martens, Ashley

From: Galvin, David
Sent: Friday, 14 May 2010 2:42 PM
To: 'Kerry Arabena'
Cc: Cheryl.Foster@fahcsia.gov.au; Martens, Ashley
Subject: RE: Negotiating for a lease on vacant space at the Black Theatre Site in Redfern.
Attachments: DG to Nat Congress re BTS-14May10.pdf

Importance: High

Kerry

Please find attached a letter on the BTS Building follow our meeting this Monday.

Regards

>David Galvin
>General Manager
>Indigenous Land Corporation

-----Original Message-----

From: Kerry Arabena [mailto:kerryarabena@yahoo.com.au]
Sent: Tuesday, 4 May 2010 6:51 AM
To: Galvin, David
Cc: Cheryl.Foster@fahcsia.gov.au
Subject: Re: Negotiating for a lease on vacant space at the Black Theatre Site in Redfern.

Dear David,

Thanks for the advice. We look forward to working with you over the coming weeks and hope to meet with you soon. For your information, several of the members of the NE will be in Canberra next week between the 10th and 12th May. I will be in Sydney on the 13-14th May, but will be happy to fly to Brisbane the week after if that is convenient. Is there a person in your office we can liaise with to organise an appropriate time that suits?

Looking forward to meeting soon,

Regards,

Kerry Arabena.

----- Original Message -----

From: "Galvin, David" <david.galvin@ilc.gov.au>
To: Kerry Arabena <kerryarabena@yahoo.com.au>
Cc: Cheryl.Foster@fahcsia.gov.au
Sent: Tue, 27 April, 2010 5:44:50 PM
Subject: RE: Negotiating for a lease on vacant space

Dear Kerry

Thanks for the below email regarding your interest in the BTSB.

Next time I am in Canberra I will let you know and we will catch up. If you want to meet sooner let me know and you can come to Brisbane.

Sania
Please see attached for BTS outgoing 09/10 figures. I suggest that we increase to \$70/m² for 10/11.
Thanks ash. 10/9

Regards

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>David Galvin
>General Manager
>Indigenous Land Corporation
>

-----Original Message-----

From: Kerry Arabena [mailto:kerryarabena@yahoo.com.au]

Sent: Monday, 26 April 2010 9:03 PM

To: Galvin, David

Cc: Cheryl.Foster@fahcsia.gov.au

Subject: Negotiating for a lease on vacant space at the Black Theatre Site in Redfern.

Attention: David Galvin
Position: General Manager
Organisation: Indigenous Land Corporation
Address: PO Box 586, Curtin ACT 2605

From: Dr. Kerry Arabena, Co Chairperson, National Executive, National Congress of Australia's First Peoples.

Dear David

I am writing to you on behalf of the newly constituted National Congress of Australia's First People (NCAFP). An Interim National Executive has been appointed to establish the Congress. At the first meeting of the National Executive, it was decided that a key responsibility of the National Executive should include locating long term office space in Sydney and in Canberra. I have been charged with the responsibility of finding offices that would be suitable home for the Congress. I have enlisted the support of Cheryl Foster to assist in this task, and have her email included in this correspondence for your information.

I am seeking the opportunity to meet with yourself and the ILC to discuss the possibility of NCAFP leasing the vacant ground and first floors of the Black Theatre Site BTS in Redfern to establish the Sydney Office. The Sydney office will be the National Office of NCAFP, while the office in Canberra will function as a Parliamentary Liaison and Policy Office.

The vacant space at the BTS is highly suitable for NCAFP for a number of reasons but more in particular for an administration office and meeting venue. In the short term, NCAFP will be leasing office space for interim arrangements, but wish to discuss with you the longer term and or permanent options for the BTS.

I can be contacted on 0418 159 820 or email kerryarabena@yahoo.com.au. If it is convenient I can be contacted to arrange a suitable time for Cheryl Foster and myself to meet, and can meet with you in either Brisbane, Sydney or Canberra in the coming weeks. If you have any queries regarding this email, please do not hesitate to call or contact Cheryl at Cheryl.Foster@fahcsia.gov.au for further information to support our enquiry.

Kind regards

Dr. Kerry Arabena

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14 May 2010

Dr Kerry Arabena
Co-Chair
National Congress of Australia's First Peoples

Dear Kerry

I refer to our meeting on 10 May 2010 regarding the desire of the National Congress of Australia's First Peoples to lease the ground and first floors of the Black Theatre Site (BTS) building in Redfern.

As stated, the ILC would be pleased to lease space in the BTS building to the Congress. The lease would be:

- Four years
- 849m² combined lettable area
- Starting rent of \$300/m² (noting that \$320/m² is the going commercial rate)
- 4% annual increase
- One year rental incentive
- Congress to fit-out leased space
- Congress to pay estimated variable outgoings \$55,185 pa (attached)

As mentioned at our meeting, a Development Application (DA) has previously been submitted and accepted for office space on the first floor. This application was submitted by the building's architects, Tonkin Zulaikha Greer (TZG), and costs approximately \$20,000. The figure of approximately \$175,000 that I mentioned at the meeting was for TZG to manage the whole fit-out process from start to finish, not just the DA.

As such, the timeframe for the Congress to move into the building may well be shorter than 1 January 2011 that I mentioned during our meeting. Mr Ashley Martens, the ILC's Director of Capital Works, has an intimate knowledge of the BTS building and recommends that you meet with TZG as soon as possible to discuss your requirements for the building. It may well be that the office space on the first floor that has received DA approval might, with minor adjustments, be suitable to your purposes and therefore could quickly go out to tender, etc.

I recommend that you contact Mr. Martens as soon as possible to arrange a meeting with TZG. Also, if you are agreeable, the ILC will forward to you a draft lease on the building as soon as possible. If you have any questions, please do not hesitate to contact me or Mr Martens on telephone 07 3854 4600.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Galvin', with a large, stylized flourish at the end.

DAVID GALVIN
General Manager

BLACK THEATRE BUILDING ESTIMATED VARIABLE OUTGOINGS 2009/10

Item	\$/m2
Cleaning	5.00
Consumables	2.00
Window cleaning	2.00
Rubbish Removal	2.00
Air-con Service	3.50
Fire Services	1.50
Fire Protection	3.00
Lift services	4.00
Hygiene Services	3.00
Emergency Evaction	1.50
Building Management	13.00
Common Areas Elec	10.00
Phone Fire & Security	2.50
Insurances	9.00
Rates/Taxes/Water	3.00
	<u>65.00</u>

Hayes, Sonia

From: Hayes, Sonia
Sent: Tuesday, 4 March 2014 1:04 PM
To: 'Colleen Barton'
Subject: FW: PROPOSED LEASE
Attachments: letter to congress.pdf

Hello Colleen,

Please find attached copy of a scanned letter that I have sent to you.

Please call me if you have any questions.

Regards

Sonia Hayes

Project Advisor | Eastern Division

Indigenous Land Corporation

Level 2, 67 Astor Terrace, Spring Hill 4000

GPO Box 5212, Brisbane QLD 4001

Tel (07) 3854 4600 | **Fax** (07) 3854 4666 | **Freecall** 1800 818 490

Email sonia.hayes@ilc.gov.au | **Website** www.ilc.gov.au

Copy



Australian Government
Indigenous Land Corporation

Colleen Barton
Office Manager
PO Box 1446, Strawberry Hills NSW 2012

Dear Colleen

PROPOSED LEASE OVER GROUND FLOOR – BLACK THEATRE BUILDING

I am writing to ascertain the intention of National Congress of Australia's First Peoples (Congress) relating to the proposed new lease with the ILC over the Ground Floor of the Black Theatre building.

A lease agreement over the ground floor of the Black Theatre Building, for a term of 4 years including a car park licence and an option to extend for a further 4 years was prepared by the ILC and sent to Congress on 12 September 2013.

To date, this contract has not yet been executed by Congress.


On 29 January 2014, you advised Mark Denning from the ILC that Congress was waiting on confirmation relating to new operational funding beyond 2014 and at that time were not in a position to execute a new lease.

If the funding situation has changed since your last advice on 29 January 2014, please advise me as soon as possible.

Recently, there has been some interest in the vacant space from other parties. As it has been considerable time from the date that ILC sent out the original lease agreement for execution by Congress, if Congress is not able to execute the new lease, the ILC will need to consider other proposals from other parties.

If you have any further queries, please contact me on telephone (07) 3854 4600.

Yours sincerely,


SONIA HAYES
Project Advisor

4 March 2014

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Hayes, Sonia

From: Denning, Mark
Sent: Monday, 16 December 2013 11:18 AM
To: Hayes, Sonia
Subject: FW: new lease agreement

Sonia

I spoke with Lindon Coombes. He's stated that Nat. congress are still in limbo regarding notification around funding from the Comm. Government.

He suspects that it may not be until week 1 or 2 of January before they know.

He is also moving on. He's advised to follow up with Deborah Soler – Business Manager. Can you please make a note to call Deborah on your return. Thanks

Mark

From: Hayes, Sonia
Sent: Monday, 14 October 2013 2:58 PM
To: 'Colleen Barton'
Cc: Denning, Mark
Subject: new lease agreement

Hello Colleen,

Just touching base to see if Congress has considered the new lease over the ground Floor of the Black Theatre Building? The document was posted out by the ILC on the 12 September 2013.

Regards

Sonia Hayes

Project Advisor | Eastern Division

Indigenous Land Corporation
Level 2, 67 Astor Terrace, Spring Hill 4000
GPO Box 5212, Brisbane QLD 4001
Tel (07) 3854 4600 | Fax (07) 3854 4666 | Freecall 1800 818 490
Email sonia.hayes@ilc.gov.au | Website www.ilc.gov.au

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Hayes, Sonia

From: Hayes, Sonia
Sent: Tuesday, 22 January 2013 3:03 PM
To: 'Colleen Barton'
Subject: RE: Ground Level - 27 Cope Street Redfern

Colleen,

I just spoke with my Manager and he advised that Congress needs to put a proposal forward to the ILC advising of its interest in leasing the ground floor, including advice that Congress will be meeting the cost of the required fitout.

Other additional including information on the preferred lease period; proposed leasing \$ rate per square metre should also be included in the proposal.

Regards
Sonia

From: Colleen Barton [<mailto:colleen.barton@nationalcongress.com.au>]
Sent: Tuesday, 22 January 2013 2:35 PM
To: Hayes, Sonia
Subject: RE: Ground Level - 27 Cope Street Redfern

Hi Sonia

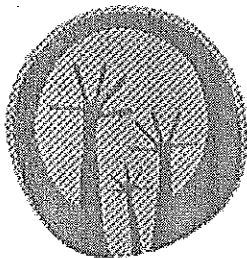
Happy New Year! Hope you had a good break – never long enough ☺

We definitely want to lease the space downstairs and would like to start planning the layout and having a consultant prepare some plans for us – we are quickly running out of space here!

I sent an email last week I think asking what is required to initiate the lease – if you could let me know that would be great.

Gadigal Inf Service will be taking part of the space so we will need to have some agreement as to whether that is sublet through Congress or independently.

Look forward to hearing from you



Colleen Barton
OFFICE MANAGER
Freecall: 1800 266 477
ph: (02) 8070 3100
fax: (02) 8070 3125
mail: PO Box 1446 STRAWBERRY HILLS NSW 2012
email: colleen.barton@nationalcongress.com.au
web: www.nationalcongress.com.au

NATIONAL CONGRESS
OF AUSTRALIA'S FIRST PEOPLES

Follow congressmob  

From: Hayes, Sonia [mailto:sonia.hayes@ilc.gov.au]
Sent: Tuesday, 22 January 2013 3:26 PM
To: Colleen Barton
Subject: Ground Level - 27 Cope Street Redfern

Hi Colleen,

Happy New Year!

Just touching base with you. You mentioned late last year that Congress may be interested in leasing further space on the Ground Level of the Black Theatre Building.

Do you have any further information relating to this?

Cheers
Sonia

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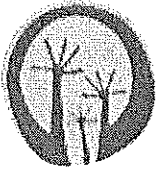
Hayes, Sonia

From: Paola Svagelli [Paola.Svagelli@nationalcongress.com.au]
Sent: Friday, 11 July 2014 4:21 PM
To: Hayes, Sonia
Subject: 27 Cope Street Redfern
Attachments: ILC 110714.pdf

Good Afternoon

Please find attached correspondence in regards to 27 Cope Street Redfern.

In Unity,



Paola Svagelli | Executive Officer CEO & Co-Chairs
Freecall: 1800 266 477 | P: 02 8070 3100 | F: 02 8070 3125
E: paola.svagelli@nationalcongress.com.au | www.nationalcongress.com.au
PO Box 1446, Strawberry Hills NSW 2012 | L2, 27 Cope Street, Redfern NSW 2016

NATIONAL CONGRESS
OF AUSTRALIA'S FIRST PEOPLES

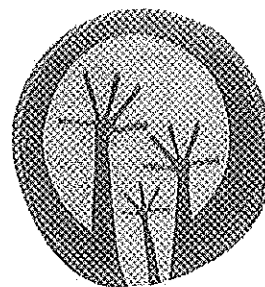


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11 July 2014

Ms Sonia Hayes
Project Advisor | Eastern Division
Indigenous Land Corporation
GPO Box 5212
Brisbane QLD 4001



NATIONAL CONGRESS
OF AUSTRALIA'S FIRST PEOPLES

P: 02 8070 3100 F: 02 8070 3125
FreeCall 1800 266 477

Level 2 27 Cope St Redfern
NSW 2010 AUSTRALIA

PO BOX 1446 Strawberry Hills
NSW 2012 AUSTRALIA

ABN 47 145 207 587

Dear Sonia,

**Renewal of lease: Level 2, Black Theatre Site (BTS) 27 Cope Street, Redfern
NSW**

As you are aware, the National Congress of Australia's First Peoples ("the Congress") currently leases and occupies Level 2 of the Black Theatre site from the Indigenous Land Corporation. The current lease, which commenced in September 2010, expires on 2 September 2014.

I confirm our recent discussions with you that Congress wishes to negotiate a renewal of this lease, on the basis proposed below:

- Length of lease: 2 years with an option for another 2 years
- Lettable area: 495.8m²
- Lease rental rate: based on market rate but no higher than current per square meter charge
- Congress to pay outgoings: estimated outgoing to be agreed between the parties
- Use of 2 car park spaces

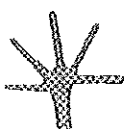
In addition, I confirm that Congress is intending to apply to the Indigenous Land Corporation for the divestment of Levels 1 and 2 of the Black Theatre Site. The National Board of Congress believes divestment is part of the strategy to secure the long-term viability of Congress as the representative voice for Australia's First Peoples, and continue our work to build national unity and advocate for key issues.

I look forward to hearing from you in respect to the above. In the interim, should you need any further information, please do not hesitate to contact either Deborah Soler or myself on 02 8070 3100 or by email on geoffscott@nationalcongress.com.au or deborah.soler@nationalcongress.com.au

We look forward to your favorable determination.

Kind regards,

Geoff Scott
Chief Operation Office



Hayes, Sonia

From: Hayes, Sonia
Sent: Wednesday, 27 March 2013 5:02 PM
To: 'Colleen Barton'
Cc: Denning, Mark
Subject: FW: Divesting

Hi Colleen,

Further to my below email, I am gathering some information to provide to my manager - are you able to provide the ILC with an up to date copy of Congress' constitution and can you please provide information relating to funding that is being received by Congress and the period of that funding?

I am away on leave next week and will be returning to the office on Monday 8th April. In the meantime, if you can assist, can you please provide the requested information to mark.denning@ilc.gov.au

Have a great easter!

Cheers
Sonia

From: Hayes, Sonia
Sent: Monday, 18 March 2013 1:09 PM
To: 'Colleen Barton'
Subject: FW: Divesting

Hi Colleen,

Thanks for your email.

FYI - I have forwarded your email on to my Manager. He will be discussing your request relating to "divestment" with the ILC's Eastern Divisional Manager.

After I receive further advice I will contact you again.

Regards
Sonia

From: Colleen Barton [<mailto:colleen.barton@nationalcongress.com.au>]
Sent: Monday, 11 March 2013 2:34 PM
To: Hayes, Sonia
Subject: Divesting

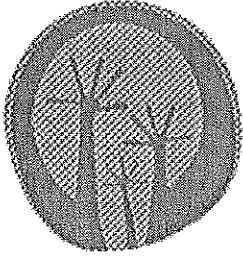
Hi Sonia

I have been asked about our lease and if there is an option of "divesting". I have scoured the lease and cant seem to find anything - can you let me know if there is an option and if it is in the lease? If it is can you tell me where it appears.

If it doesn't can you let me know if this is an option and if so what is involved/required to divest?

Sorry if my lingo isn't correct not up on the jargon!

Thank you



Colleen Barton
OFFICE MANAGER

Freecall: 1800 266 477
ph: (02) 8070 3100
fax: (02) 8070 3125
mail: PO Box 1446 STRAWBERRY HILLS NSW 2012
email: colleen.barton@nationalcongress.com.au
web: www.nationalcongress.com.au

NATIONAL CONGRESS
OF AUSTRALIA'S FIRST PEOPLES

Follow congressmob



Hayes, Sonia

From: Denning, Mark
Sent: Tuesday, 7 May 2013 12:24 PM
To: Hayes, Sonia
Subject: FW: Proposal for lease of Level 1, Black Theatre site, 27 Cope Street Redfern
Attachments: Lease Request. Level 1 Cope St. 10 April 2013.pdf; letter 14 may 2010.pdf

From: Denning, Mark
Sent: Thursday, 18 April 2013 4:47 PM
To: North, Craig
Subject: FW: Proposal for lease of Level 1, Black Theatre site, 27 Cope Street Redfern

Hi Craig

As discussed, if you haven't already received it Congress will email you directly with the same attached letter.

The following details will be useful to form a recommendation towards any approval:

- The current lease between ILC and Congress over Level 2 commenced on 2/9/10 for a 4 year period ending on 3/9/14. There is no option to extend this under Item 7 of Schedule 1.
- The current lease fee that Congress pays to the ILC is \$160,876 which is \$324 per square metre. This rent rate has been increased by 4% each October since the commencement of the lease, the original starting rent was \$300 per square metre. Another rent increase will fall due October this year which will bring the rent rate up to \$337 per square metre - \$167,311.
- Clause 4.3(b) of the lease states "that the landlord may, during any financial year, provide the tenant with a revised statement of its Estimated Outgoings Proportion for that financial year and the tenant will pay to the landlord the revised estimated outgoings proportion by monthly instalments commencing on the 1st day of the next month following receipt of the revised statement". A recent review of the outgoings was undertaken in March this year and the current outgoings that Congress is required to pay to the ILC is \$98.65 per square metre = \$48,910.67 per annum (\$4075.88 per month).
- Each strata unit of the property has 1 car park associated, except for Level 3 which also includes a garage space. The current lease between ILC and Congress over Level 2 provides for 1 car park, if an additional lease over the ground floor is agreed upon, another car park space will become available to Congress.
- The only approval associated with the original lease was the attached copy of a letter dated 14 May 2010 advising of the original lease proposal. This offer included once year rental incentive. On this basis I assume we will seek the CEO's consent for any additional lease.

I'll discuss all with you, when you have received the email.

Cheers

Mark

From: Hayes, Sonia
Sent: Tuesday, 16 April 2013 2:02 PM
To: Denning, Mark
Subject: FW: Proposal for lease of Level 1, Black Theatre site, 27 Cope Street Redfern

FYI

From: Deborah Soler [<mailto:Deborah.Soler@nationalcongress.com.au>]
Sent: Thursday, 11 April 2013 5:39 PM
To: Hayes, Sonia
Cc: Colleen Barton
Subject: Proposal for lease of Level 1, Black Theatre site, 27 Cope Street Redfern

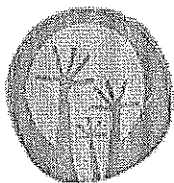
Dear Sonia

I understand you've been speaking with Colleen Barton, our Office Manager, regarding Congress interest in leasing Level 1 of the Black Theatre site.

Colleen is currently away and in her absence, I've taken the liberty to finalise the proposal letter which is address to Craig North Divisional Manager of your Eastern office – copy attached.

The letter is being be sent by post but I would greatly appreciate, if possible, obtain from you Craig's email address so that I can get this letter to him as soon as possible. Also, please advise if Craig North is not the appropriate person to receive Congress proposal letter.

Kind regards
Deborah



NATIONAL CONGRESS
OF AUSTRALIA'S FIRST PEOPLES

Deborah Soler
Operations Director
ph: 02 8070 3100
fax: 02 8070 3125
e-mail: deborah.soler@nationalcongress.com.au
web: www.nationalcongress.com.au

Hayes, Sonia

From: Hayes, Sonia
Sent: Monday, 15 September 2014 11:45 AM
To: 'Lisa Hindman'
Subject: RE: Lease Agreement

Lisa,

On 9 September 2014, The ILC CEO approved the renewal of lease over Level 1, Black Theatre Building to National Congress with the following conditions:

- Lease term – 2 years with a 2 year option
- Base rent for Year 1 - \$337 per m2
- Rent increase commencing from 2nd year in line with CPI increase
- The use of one car parking space
- Outgoings to be reviewed annually by the ILC with Congress being charged accordingly.

It is noted that Congress requested the use of 2 carparking spaces, however each Strata Unit of the property has 1 car park associated, except for Level 3 which also includes a garage space. The current lease between ILC and Congress over Level 1 provides for 1 car park. There is a vacant car park that belongs to the ground floor strata unit. To meet the demands of Congress for 2 car parking spaces, in the short term, the ground floor car park space may be utilised temporarily by Congress until such time as the ILC finds a suitable tenant for the ground floor unit.

As advised earlier today, based on the approval for the renewal of the lease by the ILC CEO, I can now instruct ILC's legal section to prepare a new lease agreement with the above conditions for consideration and execution by Congress.

Regards
Sonia

From: Lisa Hindman [mailto:Lisa.Hindman@nationalcongress.com.au]
Sent: Monday, 15 September 2014 11:32 AM
To: Hayes, Sonia
Subject: Lease Agreement

Hi Sonia,

Just wanted to request a memo outlining the approved terms and conditions for our new lease renegotiations.

Many thanks.

In Unity,



NATIONAL CONGRESS
OF AUSTRALIA'S FIRST PEOPLES

Lisa Hindman | Office Manager
Freecall: 1800 266 477 | **P:** 02 8070 3100 | **F:** 02 8070 3125
E: lisa.hindman@nationalcongress.com.au | www.nationalcongress.com.au
PO Box 1446, Strawberry Hills NSW 2012 | L2, 27 Cope Street, Redfern NSW 2016



Hayes, Sonia

From: Hayes, Sonia
Sent: Wednesday, 16 July 2014 12:09 PM
To: 'Deborah Soler'
Cc: Denning, Mark
Subject: FW: 27 Cope Street Redfern
Attachments: ILC 110714.pdf

Hello Deborah,

As discussed this morning, the attached renewal of lease proposal was received. Thank you.

As mentioned to you, I am currently preparing a memo to the ILC CEO requesting his approval to renew the lease with Congress.

It is noted in the proposal that the requested lease rental rate is to be based on market rate but no higher than current per square meter charge.

Currently the ILC charges Congress \$337.50 per square lease rental rate. If the renewal lease is approved by the CEO, the new rental charge would be \$351 per square metre, which includes an annual 4% increase as agreed at the time of negotiating the original lease conditions in 2010.

Can you please confirm that Congress approves the commencing rental rate of \$351 per square metre.

Regards
Sonia

Sonia Hayes

Project Advisor | Eastern Division

Indigenous Land Corporation

Level 2, 67 Astor Terrace, Spring Hill 4000
GPO Box 5212, Brisbane QLD 4001
Tel (07) 3854 4600 | Fax (07) 3854 4666 | Freecall 1800 818 490
Email sonia.hayes@ilc.gov.au | Website www.ilc.gov.au

From: Paola Svagelli [<mailto:Paola.Svagelli@nationalcongress.com.au>]
Sent: Friday, 11 July 2014 4:21 PM
To: Hayes, Sonia
Subject: 27 Cope Street Redfern

Good Afternoon

Please find attached correspondence in regards to 27 Cope Street Redfern.

In Unity,

Hayes, Sonia

From: Lisa Hindman [Lisa.Hindman@nationalcongress.com.au]
Sent: Thursday, 7 August 2014 2:13 PM
To: Hayes, Sonia
Cc: Deborah Soler
Subject: Level 2/27 Cope Street, Redfern

Hi Sonia,

As per our conversation this afternoon with regards to a new lease agreement for Level 2/27 Cope Street we would like to negotiate the following terms:-

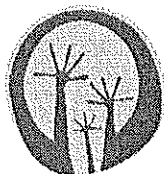
- Lease term - 2 years with a 2 year option (lettable area 495.8m2)
- Base rent for Year 1 \$337 per m2
- Annual CPI rent increase commencing from 2nd year (2015, currently approx. 2.9%)
- The use of two car spaces
- Outgoings to be reviewed, negotiated & agreed between parties

With regards to the outgoings we would like some clarification around firstly repairs & secondly the sinking fund, why we are liable for contributions to the fund under our current lease agreement and what the fund covers. I would also like to request a copy of the by-laws for our records.

Our auditors have also requested that we have a copy of the actual outgoings for 2013/14. If you could please forward when these are available that would be great.

Look forward to hearing from you.

In Unity,



Lisa Hindman | Office Manager
 Freecall: 1800 266 477 | P: 02 8070 3100 | F: 02 8070 3125
 E: lisa.hindman@nationalcongress.com.au | www.nationalcongress.com.au
 PO Box 1446, Strawberry Hills NSW 2012 | L2, 27 Cope Street, Redfern NSW 2016

NATIONAL CONGRESS OF AUSTRALIA'S FIRST PEOPLES



I pay my respects to the traditional custodians across the lands in which we work, and acknowledge our elders past, present and future.

This email and any attachment is confidential between National Congress of Australia's First Peoples and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of National Congress of Australia's First Peoples unless that is stated or apparent from its terms.

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Hayes, Sonia

From: Hayes, Sonia
Sent: Wednesday, 8 April 2015 11:59 AM
To: Ritchie, Leah
Subject: RE: Contract 2806 - Black Theatre Site

Hi Leah,

In September 2010, a four year lease agreement was executed between the ILC and National Congress of Australia's First Peoples for Level 1 of the building.

On 11 July 2014, the ILC received a request from Congress to renew their lease over Level 1 of the Black Theatre building. On 9 September 2014, the ILC CEO approved the renewal of lease of Level 1 for a period of 2 years with a 2 year option.

As stated above, on 11 July 2014 the ILC received a proposal from Congress for renewal of lease over Level 1. In addition, the proposal included advice that Congress was intending to apply to the ILC for the divestment of the ground floor and Level 1 of the Black Theatre building and stated *"The National Board of Congress believes divestment is part of the strategy to secure the long-term viability of Congress as the representative voice for Australia's First Peoples, and continue our work to build national unity and advocate for key issues."*

No formal proposal from Congress relating to the proposed divestment has been received.

Therefore Contract 2806 is still in a holding over period.

Cheers
Sonia

From: Ritchie, Leah
Sent: Wednesday, 8 April 2015 10:27 AM
To: Hayes, Sonia
Subject: Contract 2806 - Black Theatre Site
Importance: High

Hi Sonia,

Contract no. 2806 with National Congress of Australia's First Peoples Ltd expired on 2 September 2014. Please arrange for a contact evaluation to be completed in the Contract System. Please also provide me with confirmation that it has been completed so that I can update the Legal Board Report.

Regards
Leah



Australian Government
Indigenous Land Corporation

Internal Memorandum
ABN: 59 912 679 254
Freecall: 1800 818 490
Website: www.ilc.gov.au

MARK DENNING
Operations manager 

FIELD ACTIVITY REPORT- BLACK THEATRE BUILDING

PURPOSE

To advise you of outcomes from a meeting held with Gary O'Bryan from 360 Facility Management and Colleen Barton and Deborah Soler from National Congress.

BACKGROUND

On 12 August 2013, I separately met with Gary O'Bryan from 360 Facility Management and Colleen Barton and Deborah Soler from National Congress.

In my meeting with Gary, I explained that the ILC has formed a new owners corporation and discussed with him the requirement to novate the existing contract between the ILC and 360 Facility Management relating to the property management. In addition, I requested information as to what additional costs might be incurred for the common areas once National Congress takes up occupation of the ground floor of the property.

Gary stated that there will be increased costs relating to electricity because currently the air conditioning is not switched on at the ground floor level, and fire services and water usage charges and rubbish removal will increase slightly.

In addition, whilst preparing the new property budget, I stated to Gary that the ILC became aware that the ILC is currently paying cleaning costs for the individual tenancies (Gadigal and Congress) in addition to cleaning of the common areas. I requested that Gary contact the cleaning company to ascertain the separate costs relating to these areas as the ILC will only be paying for the cleaning of the common areas from now on and that both Gadigal and Congress will need to arrange for the own separate contracts with the cleaning company.

Gary and I had lengthy discussions relating to various suppliers and the requirement for future invoices to be addressed to THE OWNERS—STRATA PLAN NO 86156. In addition, Gary advised that the contract with Cage Security is due for renewal, but he is currently looking around for other suppliers as Gary has had various issues with this supplier in the past and may recommend to the ILC the use of another supplier.

An inspection of the works that were undertaken on the footpath due to a burst water pipe was undertaken. The plumber that undertook the works has recently submitted paperwork to the City of Sydney Council and once processed, the ILC will receive some reimbursement for these plumbing works, the amount is unknown at this stage.

After my meeting with Gary I separately met with Colleen Barton and Deborah Soler from National Congress.

The purpose of my meeting was to discuss the proposed new lease over the ground floor level and proposed fit-out; future outgoings; and queries that Congress had previously raised relating to "divestment".

I explained that a contract for a new lease has been ordered from ILC legal and that I should expect to see a draft of this lease by 16 August 2013. I explained to Colleen and Deborah that the lease will be almost identical to the existing lease between ILC and Congress over Level 2 of the property.

In addition, I also explained that as part of ILC's planning relating to a new property budget for 2013/14 that it had become apparent that the outgoings being charged by the ILC to Congress were not sufficient to cover the actual outgoings paid and that there was a total deficit of approximately \$51,000 owed by Congress to the ILC for the last three financial years.

I advised that the ILC will not be invoicing Congress for this deficit. But in future, the ILC will be more stringent in analysing the difference between the estimated outgoings compared to the actual outgoings at the end of year financial year and invoice Congress accordingly.

I also explained that currently the ILC is paying all cleaning costs for the property; including the separate internal office areas and that from now on Congress will need to engage its own cleaner independently for their office area as the outgoings paid to the ILC only covers cleaning of common areas.

I advised Colleen and Deborah that when the new property budget for 2013/14 is finalised I will immediately inform them of the new estimated outgoings, so that their accounts section can make the required adjustments to the monthly payments to the ILC.

I requested information relating to the proposed plans for the fit-out of the ground floor level. Deborah Soler advised that currently there are no finalised plans as yet because they are waiting to execute the new lease with the ILC. Once this has been done, Congress will finalise the plans, seek approval from the ILC for the required works, including the lodgement of any plans to Council.

Deborah Soler queried whether the ILC was considering divestment of Level 2 and the ground floor in the near future. I explained to Deborah that this was not on ILC's radar currently and that when the time came, because of the historical relevance of the site the ILC would need to seek Expressions of Interest from other Indigenous organisations.

Deborah was relieved to hear this and stated that Congress would of course be interested in being the potential title holding body (THB), but she was more concerned that the ILC would be looking for potential THB's in the next year which would mean that their lease with the ILC over level 2 which is due to expire in September 2014, may not be continued.

ACTIONS ARISING

- ILC to finalise lease between ILC and National Congress over the ground level.
- Gary O'Bryan to provide advice to ILC relating to adjusted cleaning charges for common areas only.
- ILC to finalise property budget for 2013/14 and provide advice to Congress relating to new estimated outgoings.

RECOMMENDATION

That you note this field activity report.



SONIA HAYES
Project Advisor
15 August 2013

NOTED



MARK DENNING
Operations Manager
16 August 2013



Australian Government
Indigenous Land Corporation

Internal Memorandum
ABN: 59 912 679 254
Freecall: 1800 818 490
Website: www.ilc.gov.au

To: **BRUCE GEMMELL – A/Chief Executive Officer**
Through: CRAIG NORTH, Divisional Manager
MARK DENNING, Operations Manager

Lease Proposal – Level 1 Black Theatre Building, Redfern NSW

PURPOSE

To seek your approval to enter into a lease agreement between ILC and National Congress of Australia's First Peoples (Congress) for occupancy of the ground floor of the Black Theatre Building, Redfern NSW for a period of 4 years.

BACKGROUND

The Black Theatre site was transferred to the ILC following the abolition of ATSIC in March 2005. In May 2007, the ILC Board gave its approval for funds of up to \$6.45 million for the construction and fit out costs of the Black Theatre Site. Construction was completed in 2008, creating a three story commercial building.

On 8 September 2008, the ILC entered into a lease agreement with Gadigal Information Services (Gadigal) for the third floor of the property.

A strata title application was approved by the NSW Land and Property Management Authority in February 2012, separating the three floors of the building, along with the provision of separate Certificate of Titles for each floor.

A decision to grant level 3 of the building to Gadigal was approved by the ILC board on 20 February 2013. A deed of grant has been prepared and is currently being considered by Gadigal. A transfer is expected to occur by 30 September 2013.

From 2 September 2010, level 2 of the property has been leased to Congress, with the lease due to expire on 1 September 2014.

ISSUES

Level 3 is 511m² office suite and comprises a reception area, open plan office area, boardroom and assorted state of the art recording studios and broadcasting rooms. Additionally, the level includes a kitchenette, male and female amenities including showers and toilets. The lot includes a single open car-space and single lock-up garage with a total area of 45m². A decision to grant this floor to Gadigal was made by the ILC Board in February 2013.

Level 2 is a 511m² office suite leased to Congress on a 4 year lease terminating in September 2014. This lot has a single open car space on title.

Level 1 is a 321m² office suite which is currently vacant. This lot has a single open car space on title. This level comprises a small foyer area for access to the building lift and stairwell. Additionally, the floor comprises a vacant space that can be separated into 3 separate shopfronts. This level includes male, female and disabled amenities. The total lettable area of this lot is 321m². This lot includes a single open car space of 15m².

The current lease between ILC and Congress over Level 2 commenced on 2 September 2010 for a 4 year period and is scheduled to end on 1 September 2014. There is no option to extend this under Item 7 of Schedule 1. It is proposed that a new lease be developed at this time.

Currently, the ILC receives an annual income of \$ 160,639 (GST Exc) which is \$324 per square metre for Level 2 of the property. This rent rate has been increased by 4% per annum since the commencement of the lease. The original starting rent was \$300 per square metre. Another rent increase will fall due 2 September 2013 which will bring the rent rate up to \$ 167,084 (GST Excl) or \$337 per square metre.

A recent review of the outgoings was undertaken in March 2013 and the current outgoings that Congress is to pay to the ILC has been estimated at \$98.65 per square metre or \$48,910.67 per annum (\$4,075.88 per month). This figure is subject to change once the 2013/14 outgoings budget is completed for Black Theatre Site's Strata Corporation.

Current Situation

Congress was set up in April 2010 as a company limited by guarantee and registered under the Corporations Act. Congress advocates for the recognition of Aboriginal and Torres Strait Islander people's rights working towards securing an economic, social, cultural and environmental future for Indigenous people. Congress also works towards developing links with government, industry and among communities.

On 10 April 2013, the ILC received a request from Congress to lease Level 1 of the Black Theatre building in addition to its current lease. Over the past 12 months the Congress has experienced significant growth in its policy and advocacy activities, requiring additional staff as well as office and meeting space.

At the time of negotiating the lease conditions with Congress for level 2 in 2010, the following was agreed:

- Length of lease: 4 years
- Starting rent of \$300m2
- 4% annual increase
- One year rental incentive
- Congress to fit-out leased space
- Congress to pay estimated variable outgoings

In its new proposal for Level 1, Congress has requested approval of the following conditions:

- Length of lease: 4 years with an option for another 4 years
- Lease rental rate: \$324m2
- One year free rental incentive
- Congress to fit out leased space
- Congress to pay estimated variable outgoings
- Additional two cars-paces

Each strata unit of the property has 1 car park associated, except for Level 3 which also includes a garage space. The current lease between ILC and Congress over Level 2 provides for 1 car park, if an additional lease over the ground floor is agreed upon, another car park space will become available to Congress.

A 4% annual increase will also be applied to the agreement in line with that of Level 2.

Level 1 is currently a bare open floor without any fit-out. Congress stated in its proposal that it will fit out the vacant space at its own cost. It is proposed by Congress that it will utilise the services of Amicus Interiors (Amicus), the company that previously fitted out Level 2 of the building for Congress. Amicus has been successfully delivering commercial refurbishment and fit out projects since 1988 in Sydney, Brisbane and Melbourne.

The estimated cost for the proposed fit out works is approximately \$760,000. Congress is still working on the final design layout plans but propose a large Board room with the ability to convert to a couple of smaller meeting rooms, a number of offices, pod style workstations, kitchen facilities and storage. The fit-out will be carried out in consultation with the ILC.

It should be noted, that since the Black Theatre Building was constructed in 2008 the ILC has been unsuccessful in attracting a long term Indigenous tenant for Level 1, including through a formal Expression of Interest process in 2008 and the engagement of a leasing agent in 2011.

Congress has met all of its responsibilities as a tenant of Level 2 while delivering increasing benefits for Aboriginal and Torres Strait Islander people. As such it is recommended that ILC approve the lease of Level 1 Black Theatre Building to the National Congress of Australia's First Peoples.

RECOMMENDATION

That the A/g Chief Executive Officer exercise delegation LM-D2 of the Board delegations of 29 August 2007 made pursuant to Section 193T of the *Aboriginal and Torres Strait Islander Act 2005* and approve:


- the lease of Level 1, Black Theatre Building, Redfern NSW to National Congress of Australia's First Peoples with the following conditions:
 - Length of lease: 4 years
 - Lease rental rate: \$324m2
 - 4% annual increase
 - 1 year free rental incentive
 - Congress to fit out leased space
 - Congress to pay estimated variable outgoings
 - 1 car space

Recommended by



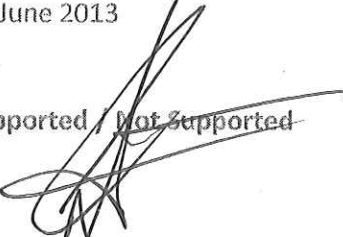
SONIA HAYES
Project Advisor, Divestment
25 June 2013

Supported / ~~Not Supported~~



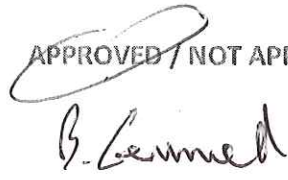
MARK DENNING
Operations Manager
2 June 2013

Supported / ~~Not Supported~~



CRAIG NORTH
Divisional Manager, Eastern
20 June 2013

~~APPROVED~~ / NOT APPROVED



BRUCE GEMMELL
A/Chief Executive Officer
28 June 2013

Hayes, Sonia

From: Hayes, Sonia
Sent: Monday, 20 March 2017 10:21 AM
To: 'gary.oliver@nationalcongress.com.au'
Subject: Lease Agreement Termination
Attachments: Letter to Dr Huggins and Mr Little 20 March 2017.pdf

Good morning Gary,

Please find attached letter from Mark Denning.

Regards

Sonia Hayes

Project Advisor | Eastern Division

Indigenous Land Corporation

Level 2, 67 Astor Terrace, Spring Hill 4000

GPO Box 5212, Brisbane QLD 4001

Tel (07) 3854 4600 | **Fax** (07) 3056 3394 | **Freecall** 1800 818 490

Email sonia.hayes@ilc.gov.au | **Website** www.ilc.gov.au



Australian Government
Indigenous Land Corporation

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please consider the environment before printing this email.

20 March 2017

Dr Jackie Huggins, Co-Chair
Mr Rod Little, Co-Chair
National Congress of Australia's First Peoples
PO Box 1446
Strawberry Hills NSW 2012

Cc – Gary Oliver, A/CEO (by email)

Dear Dr Huggins and Mr Little

Re: Lease Agreement Termination – Level 1, 27-31 Cope Street, Redfern NSW

Further to my letter of 15 February 2017, I write regarding the impending lease agreement termination over Level 1 (noted as Level 2 in the agreement), 27-31 Cope Street, Redfern between the Indigenous Land Corporation (ILC) and the National Congress of Australia's First Peoples (National Congress).

As I understand it, the ILC's commitment of assisting a transition strategy is now being implemented and the ILC has adjusted the lease payments to incorporate an abatement period back dated from 1 December 2016. National Congress will be issued an adjusted notice for the outgoings only associated with this period of the tenancy.

Further to the transition strategy, the ILC has now been informed that the New South Wales Indigenous Chamber of Commerce (NSWICC) does not wish to retain any of the current fit-out that is the property of National Congress. As such, as per clause 16.2 of the agreement National Congress must remove from the premises all fixtures, fittings, floor coverings and signs which have been erected other than those items listed in the agreement.

It is further understood that discussions on sub-lease options with NSWICC for National Congress to remain as tenants within Level 1 are ongoing. This is a matter for NSWICC and National Congress subject to terms agreeable to NSWICC.

As previously advised, the lease agreement between the ILC and National Congress will be terminated on **30 April 2017**. Noting that NSWICC will be the lessee from 1 May 2017 I would remind you that National Congress is required to either – execute a sub-lease arrangement with NSWICC or vacate the premises by 30 April 2017.

If you would like to discuss any aspects of the above proposal please contact ILC Officer Sonia Hayes on Ph: (07) 38544600.

Yours sincerely,



Mark Denning
A/ Divisional Manager

Hayes, Sonia

From: Howell, Callum
Sent: Thursday, 12 January 2017 4:29 PM
To: Hayes, Sonia
Subject: FW: Follow up from Meeting

Also FYI

From: Button, Tricia
Sent: Thursday, 12 January 2017 11:06 AM
To: Howell, Callum
Subject: FW: Follow up from Meeting

Brief you more fully. I'll talk to John about whether we:

1. Continue with this act of goodwill and cooperation (If Barry suggests they have no claim then I think we should)
2. Suspend this offer pending their legal process

TB

From: Button, Tricia
Sent: Wednesday, 14 December 2016 1:15 PM
To: 'Jackie.Huggins@nationalcongress.com.au'; Rod Little
Cc: Maher, John
Subject: Follow up from Meeting

Afternoon Jackie and Rod,
 Thanks for the opportunity to meet yesterday.
 As discussed:

- We are aiming to have the outcomes of the recent Eol process approved by the delegate within the week and advise the successful parties.
- With the Christmas and New Year shutdown we expect that we will commence negotiating with the successful parties in early January.
- Based on these timelines we envisage that the successful parties will not take occupancy until April/ May, so can offer a 5 month 'transitional period'.
- To ensure appropriate transitional period with Congress we will factor these timelines into our negotiations with the successful party.
- In commencing transitional negotiations we can put on the table a rent abatement offer with Congress providing outgoings only for the December to April period (5months). As such we will calculate an adjustment based on the fact you have paid rent for December.
- In light of the recent Eol process we can offer:
 - At a minimum facilitating negotiations between the successful parties and Congress on potential deals around (a) subsidised 'sub-lease' arrangements for Congress; and (b) fit-out arrangements.
 - Every endeavour to explore negotiations for co-location (2 tenancies on the floor) with the successful party – noting that there are no guarantees on this given the other party's Eol was based on occupancy of the entire floor.
- To assist our discussions with the successful party and explore all possible options, it would be appreciated if you could provide advice on Congress's current staffing numbers and minimum floor space requirements (eg. space for 4 staff members, access to meeting space etc).

If you could forward Garry's email address I will continue discussions with him.

Regards
 Tricia

Tricia Button

Executive Director | Program Delivery
Indigenous Land Corporation
2 / 67 Astor Tce, Spring Hill QLD 4000
GPO Box 5212 Brisbane QLD 4001

t 07 3854 4685 / 1800 818 490 | f 07 3056 3394 | w www.ilc.gov.au

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people land
opportunity



Australian Government
Indigenous Land Corporation

15 February 2017

Dr Jackie Huggins, Co-Chair
Mr Rod Little, Co-Chair
National Congress of Australia's First Peoples
PO Box 1446
Strawberry Hills NSW 2012

Cc -gary.oliver@nationalcongress.com.au

Dear Dr Huggins and Mr Little

Re: Lease Agreement – Level 1, 27-31 Cope Street, Redfern NSW

I write regarding the lease agreement over Level 1 (noted as Level 2 in the agreement), 27-31 Cope Street, Redfern between the Indigenous Land Corporation (ILC) and the National Congress of Australia's First Peoples (National Congress).

As you are aware, the lease is currently in a holding over provision on a monthly basis. You are also aware that an Expression of Interest process relating to the future use of Level 1 was conducted last year. The ILC has now concluded its Expression of Interest process, and I can advise that the NSW Indigenous Chamber of Commerce (NSWICC) is the ILC's preferred Indigenous organisation to lease and operate from Level 1.

As previously advised the ILC is committed to assisting National Congress through a transition strategy that includes an assistance package to aid National Congress to find alternate accommodation arrangements including potential sub-leasing options with the NSWICC.

As such, the lease agreement between the ILC and National Congress will be terminated on **30 April 2017**.


The following lease transition terms are proposed:

1. Lease expiry - 30 April 2017;
2. Lease abatement - until 30 April 2017 (Back dated/adjusted from 1 December 2016);
3. Sub-lease option - possible option to sub-lease space within Level 1 subject to negotiations between the National Congress and incoming primary leaseholder NSWICC; and
4. Current fit-out negotiations – Retention of the current fit-out to be negotiated between National Congress and incoming primary leaseholder NSWICC (Subject to negotiations none, part or all of fit-out to be removed upon expiry of current lease as per 'make good provisions').

The ILC will shortly arrange a property inspection by NSWICC at which time it is envisaged that initial discussions on sub-lease options and retention of the fit-out may occur. The ILC looks forward to progressing the proposed lease transition in a timely manner.

I wish National Congress all the best with its future endeavors. If you would like to discuss any aspects of the above proposal please contact ILC Officer Sonia Hayes on Ph: (07) 38544600.

Yours sincerely,



Mark Denning
A/ Divisional Manager

15 MAR 2007



Australian Government
Indigenous Land Corporation

Minute 2702

MINISTER

Redevelopment of the former Black Theatre Site, Redfern

Purpose

To brief you on the Indigenous Land Corporation's (ILC) redevelopment of the former Black Theatre Site (BTS), Redfern, and to seek your support in leveraging funding for this project from relevant Australian Government agencies.

Background

The former BTS was transferred from ATSIC to the ILC in March 2005. The property was originally gifted to the Indigenous people of Redfern by the Methodist Church in the early 1970s. The old church hall was utilised as a theatre by a number of early Indigenous playwrights and later accommodated the first Indigenous community broadcaster, *Radio Redfern*. However, there has been no activity on the site for the past 20 years.

Project Description

The redevelopment of the BTS will provide wide-ranging social, cultural and economic benefits for the Indigenous community of Redfern. It comprises a three-storey building providing a mix of office and retail accommodation for Indigenous small businesses and service providers (levels 1 and 2) and broadcasting and recording studios and office/training facilities for Gadigal Information Services (GIS), the parent organisation of local Indigenous broadcasters *Koori Radio* (level 3).

The ground floor space will provide an opportunity for retail and commercial enterprises for local Indigenous businesses. The lobby area of the ground floor may also feature an historical, interpretive display about the significance of the site and of Indigenous radio in Australia. Attached for your information is a photo-montage of the proposed new building.

Benefits

The benefits delivered by this strategic social project are measurable and ongoing. They also contribute to the achievement of the objectives of the Redfern-Waterloo Partnership Agreement between the Australian and NSW State Governments (executed by you and the Hon Frank Sartor MP, Minister for Redfern-Waterloo, on 1 June 2006).

Office of the General Manager
(Canberra)

PARLIAMENTARY &
MINISTERIAL LIAISON
SECTION

21 MAR 2007

OIPC

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For the past 13 years, GIS has provided Sydney's Indigenous and non-Indigenous community with Indigenous publications, major events (including the *Yabun* Australia Day festival), exhibitions, talent quests for young Indigenous artists, writers' speakeasy café nights, community consultation meetings, and Sydney's only Indigenous radio station, *Koori Radio*. Koori Radio broadcasts north to Newcastle, south to Wollongong and west to Lithgow, providing a voice to Sydney's Indigenous community—at 38,000 people, the home of Australia's largest Indigenous population.

The organisation also reaches into communities, drawing them together regionally through its cultural programs such as *Klub Koori* and *Young, Black and Deadly* workshops and outside broadcasts. Through providing broadcast programming to the National Indigenous Radio Service, the organisation has developed a national profile beyond the Sydney region and an international reputation through its website, cultural touring and presence at international conferences.

The social dynamic of the Redfern area is changing, as is the built environment. The area's proximity to the city centre and the changing social demographic has meant both the Redfern-Waterloo Authority (RWA) and the City of Sydney Council (CSC) are implementing major redevelopment projects to facilitate the economic and social revitalisation of the area. The BTS project, in conjunction with other ILC investments in the area (National Indigenous Development Centre at the former Redfern Public School and Wyanga Aboriginal Aged Care Program, opened by former Minister for Indigenous Affairs, Senator Amanda Vanstone, in November 2005) are contributing to the process of urban renewal through the development of a positive Indigenous business, cultural and social precinct. It will not only complement the Redfern-Waterloo Partnership Agreement and the broader plans of the RWA and CSC, but most importantly will boost the confidence and self-esteem of the Indigenous residents of Redfern by providing employment and enterprise opportunities, encouraging pride and respect for Indigenous identity and community.

Project Funding and Timing

The total project budget is approximately \$7.8 million. The ILC has been working in collaboration with the Sydney Indigenous Coordination Centre, Department of Transport and Regional Services (DoTARS) (Regional Partnerships Program), Department of Communications, Information Technology and the Arts, and the NSW Ministry for the Arts in an attempt to secure a contribution for costs associated with the Koori Radio Station internal fit-out and equipment (estimated at \$2.2 million). GIS will be applying to DoTARS under its Regional Partnerships Program by early April 2007. However, there are timing issues associated with the application process and the construction program. In order to see the successful leveraging of funding for this worthwhile project, the ILC seeks your support in approaching the DoTARS Ministerial Committee on this exciting and worthwhile major project.

To this end, attached for your signature are letters to Ministers Mark Vaile, Jim Lloyd and Gary Nairn outlining the merits of GIS as a successful community organisation and the positive benefits this project can deliver to Redfern. Also attached is a letter to the Minister for Communications, Information Technology and the Arts, Senator the

Hon Helen Coonan, requesting her Department's assistance in a flexible and whole-of-government approach to securing funding for this strategic social project.

Recommendations


1. That you note this brief, and
2. That you sign the attached draft letters to Ministers Vaile, Lloyd, Nairn and Coonan seeking their commitment of funding contributions for the new *Koori Radio* station at the former Black Theatre Site, Redfern.

[not signed: forwarded electronically]

DAVID GALVIN
General Manager
Ph: 62692500 or
0414438025

5 March 2007

**NOTED/PLEASE DISCUSS
SIGNED/NOT SIGNED**


MAL BROUGH



8

The Hon Mal Brough MP
Minister for Families, Community Services and Indigenous Affairs
Minister Assisting the Prime Minister for Indigenous Affairs

Parliament House
CANBERRA ACT 2600

Telephone: (02) 6277 7560
Facsimile: (02) 6273 4122

The Hon Mark Vaile MP
Minister for Transport and Regional Services
Parliament House
CANBERRA ACT 2600

21 MAR 2007

Dear Minister

***Regional Partnerships Program Application:
Redevelopment of the former Black Theatre Site, Redfern***

I am writing to inform you of an exciting social initiative in the Indigenous community of Redfern, NSW. The Indigenous Land Corporation (ILC), an Australian Government Statutory Authority within the Families, Community Services and Indigenous Affairs portfolio, is investing over \$7.8 million in a new building dedicated to community arts and enterprise at the former Black Theatre Site (BTS) in Redfern.

The BTS was originally gifted to the Indigenous people of Redfern by the Methodist Church in the early 1970s. The old church hall was utilised as a theatre by a number of Indigenous playwrights and later accommodated the first Sydney Indigenous community broadcaster, *Radio Redfern*. However, there has been no activity on the site for the past 20 years.

The development of the BTS will provide wide-ranging social, cultural and economic benefits for the local Indigenous community of Redfern. It comprises a three-storey building providing a mix of office and retail accommodation for Indigenous small businesses and service providers (levels 1 and 2) and broadcasting and recording studios and office/training facilities for Gadigal Information Services (GIS), the parent organisation of local Indigenous broadcasters, *Koori Radio* (level 3). I have attached a photo-montage of the proposed new building for your information.

The ground floor space will provide an opportunity for retail and commercial enterprises for local Indigenous businesses. The lobby area of the ground floor may also feature an historical interpretive display about the significance of the site and of Indigenous radio in Australia.

For the past 13 years, GIS has provided Sydney's Indigenous and non-Indigenous community with Indigenous publications, major events (including *Yabun* Australia Day festival), exhibitions, talent quests for young Indigenous artists, writers' speakeasy café nights, community consultation meetings and Sydney's only

7

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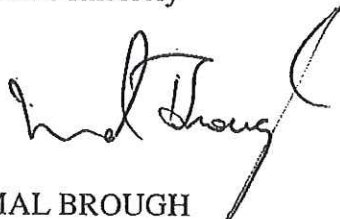
The ILC is investing a major contribution to this new facility, which in conjunction with other strategic investments in the area (the National Indigenous Development Centre at the former Redfern Public School), will contribute significantly to the urban renewal of the Redfern-Waterloo area through the development of a positive Indigenous business, cultural and social precinct. The objectives of this project will complement the Redfern-Waterloo Partnership Agreement (an Australian and NSW State Government initiative) as well as the broader developments undertaken by the Redfern-Waterloo Authority and City of Sydney Council. Most importantly, this initiative has the potential to boost the confidence and self-esteem of the Indigenous residents of this troubled area by providing employment and enterprise opportunities and encouraging pride and respect for Indigenous identity and community.

Through your Department's *Regional Partnerships Program*, GIS will be applying for a funding contribution of \$2.2 million toward the cost of the broadcasting studios and office/training fit-out (application due for submission by early April 2007). As a member of the Ministerial Committee for Regional Partnerships applications, I seek your support in leveraging funds for this important project. The ILC is also seeking support from other relevant Australian and State Government agencies in the spirit of cooperation and a whole-of-government approach to allow for greater flexibility in the funding of strategic Indigenous projects.

I encourage you to give this matter your earliest attention as the ILC is planning to commence construction in May 2007. Mr Ashley Martens of the ILC would be pleased to arrange an ILC briefing on this matter and he can be contacted on telephone 07 3854 4600.

I look forward to your earnest consideration of this positive and original initiative.

Yours sincerely



MAL BROUGH

Encl.



6

The Hon Mal Brough MP
Minister for Families, Community Services and Indigenous Affairs
Minister Assisting the Prime Minister for Indigenous Affairs

Parliament House
CANBERRA ACT 2600

Telephone: (02) 6277 7560
Facsimile: (02) 6273 4122

The Hon Jim Lloyd MP
Minister for Local Government, Territories and Roads
Parliament House
CANBERRA ACT 2600

21 MAR 2007

Dear Minister

***Regional Partnerships Program Application:
Redevelopment of the former Black Theatre Site, Redfern***

I am writing to inform you of an exciting social initiative in the Indigenous community of Redfern, NSW. The Indigenous Land Corporation (ILC), an Australian Government Statutory Authority within the Families, Community Services and Indigenous Affairs portfolio, is investing over \$7.8 million in a new building dedicated to community arts and enterprise at the former Black Theatre Site (BTS) in Redfern.

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5

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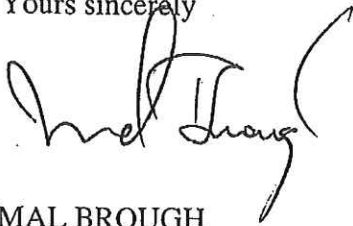
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I look forward to your earnest consideration of this positive and original initiative.

Yours sincerely



MAL BROUGH

Encl.



4

The Hon Mal Brough MP
Minister for Families, Community Services and Indigenous Affairs
Minister Assisting the Prime Minister for Indigenous Affairs

Parliament House
CANBERRA ACT 2600

Telephone: (02) 6277 7560
Facsimile: (02) 6273 4122

The Hon Gary Nairn MP
Special Minister of State
Parliament House
CANBERRA ACT 2600

21 MAR 2007

Dear Minister 

***Regional Partnerships Program Application:
Redevelopment of the former Black Theatre Site, Redfern***

I am writing to inform you of an exciting social initiative in the Indigenous community of Redfern, NSW. The Indigenous Land Corporation (ILC), an Australian Government Statutory Authority within the Families, Community Services and Indigenous Affairs portfolio, is investing over \$7.8 million in a new building dedicated to community arts and enterprise at the former Black Theatre Site (BTS) in Redfern.

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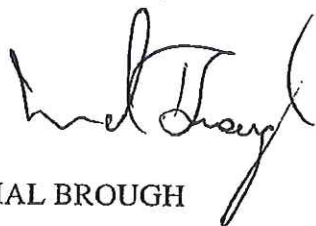
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I encourage you to give this matter your earliest attention as the ILC is planning to commence construction in May 2007. Mr Ashley Martens of the ILC would be pleased to arrange an ILC briefing on this matter and he can be contacted on telephone 07 3854 4600.

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Yours sincerely



MAL BROUGH

Encl.



**The Hon Mal Brough MP
Minister for Families, Community Services and Indigenous Affairs
Minister Assisting the Prime Minister for Indigenous Affairs**

Parliament House
CANBERRA ACT 2600

Telephone: (02) 6277 7560
Facsimile: (02) 6273 4122

Senator the Hon Helen Coonan
Minister for Communications, Information
Technology and the Arts
Parliament House
CANBERRA ACT 2600

21 MAR 2007

Dear *Helen* Minister

Redevelopment of the former Black Theatre Site, Redfern

I am writing to inform you of an exciting social initiative in the Indigenous community of Redfern, NSW. The Indigenous Land Corporation (ILC), an Australian Government Statutory Authority within the Families, Community Services and Indigenous Affairs portfolio, is investing over \$7.8 million in a new building dedicated to community arts and enterprise at the former Black Theatre Site (BTS) in Redfern.

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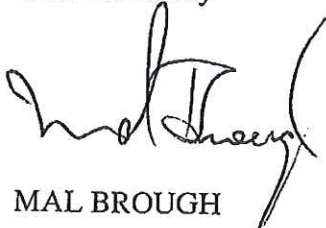
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I encourage you to give this matter your earliest attention as the ILC is planning to commence construction in May 2007. Mr Ashley Martens of the ILC would be pleased to arrange an ILC briefing on this matter and he can be contacted on telephone 07 3854 4600.

I look forward to your earnest consideration of this positive and original initiative.

Yours sincerely



MAL BROUGH

Encl.



Australian Government

Indigenous Land Corporation

Chief Executive Officer

Through: Divisional Manager
Operations Manager

Internal Memorandum

ABN: 59 912 679 254

Freecall: 1800 818 490

Website: www.ilc.gov.au

Handwritten signature

Handwritten notes:
Lindsay
I would like to know what legal say about this
RSP



199

Owners Corporation - Black Theatre, Redfern NSW

PURPOSE

To advise on the requirement to establish an Owners Corporation at Black Theatre, Redfern NSW and to seek your approval for the ILC's involvement in all activities pursuant to the statutory requirements to establish the abovementioned corporation.

BACKGROUND

The Black Theatre site (27-31 Cope St, Redfern NSW) was transferred to the ILC following the abolition of ATSIC in March 2005. In May 2007, the ILC Board gave its approval for funds of up to \$6.45 million for the construction and fit out costs of the Black Theatre Site. Construction was completed in 2008, creating a three story commercial building.

On 8 September 2008, the ILC entered into a lease agreement with Gadigal Information Services (Gadigal) for Level 3 of the property. It is proposed that a Decision to Grant paper will be prepared by December 2012 with Level 3 of the building being transferred to Gadigal on or before 30 June 2013.

Level 2 of the property is leased to National Congress of Australia's First Peoples, with the lease due to expire on 1 September 2014. The ILC is separately seeking a tenant for Level 1 of the building.

Handwritten note: // since 2008?

A strata title application was approved by the NSW Land and Property Management Authority in February 2012, separating the three floors of the building and creating separate Certificate of Titles. As a result, the ILC has many new obligations under the *Strata Schemes Management Act 1996* (NSW) ("the Act") in relation to the property.

ISSUES

Establishing an Owners Corporation

The owners of any lots that comprise a strata scheme constitute a body corporate, which is referred to in the Act as an 'Owners Corporation'. The Owners Corporation comes into existence when the strata plan for a strata scheme is registered.

In relation to the three lots comprising the land known as Black Theatre (Lots 1, 2 and 3 in strata plan 86156) the name of the Owners Corporation is The Owners – Strata Plan No. 86156 and was established on 8 February 2012.

The ILC owns all three lots comprising Black Theatre and so controls the Owners Corporation. As the first owner of the newly created lots, the ILC is also the original owner for the purposes of the Act. Currently the ILC is the only owner, but as the 3 levels of the property are granted, the Owners Corporation gains more members; this is expected to occur in the first instance when Level 3 of the property is transferred to Gadigal next year.

Executive Committee

An Owners Corporation has principle responsibility for the management of its strata scheme. This can be managed through an Executive Committee or a licensed strata managing agent. It is considered that the ILC has the necessary skills and can successfully manage this responsibility internally through the establishment of the Executive Committee.

The Executive Committee of the Owners Corporation is a group which represents owners or owners’ nominees. The Executive Committee can have no more than nine members. It has a chairperson, secretary and treasurer. The following are eligible for election to the Executive Committee:

- an owner
- a company nominee of a corporation that is an owner
- a person who is not an owner but who is nominated by an owner who is not standing for election.

Initially the ILC will be the only members of the Executive Committee of the Owners Corporation - Strata Plan No. 86156.

The Executive Committee administers the day-to-day running of the strata scheme and is elected at each Annual General Meeting (AGM). The Owners Corporation decides the number of executive committee members for the coming year at each AGM. Once the executive committee is elected, the members of the committee decide who is to hold the office-bearer positions. The period from when the strata plan is registered with the Land and Property Management Authority NSW, up to when one third of the total unit entitlements have been sold is called the initial period.

An AGM must be held every year within 11–13 months after the date of the first AGM. The original owner must hold the first AGM within two months of the end of the initial period.

Resolutions at AGMs are generally decided by a simple majority with each unit carrying one vote; however, if a poll is demanded at an AGM then:

1. Decisions are made on a 75% majority;
2. Each units voting power is based on its unit entitlement (as stated on the Certificate of Title for the Common Property); and
3. The original owner’s (ILC’s) unit entitlements are cut by two thirds.

This restriction on value of unit entitlements only applies to the original owner. The original owner is defined in the *Strata Schemes Management Act 1996* (NSW) as a person who held title to the land when the strata plan was registered. There is nothing in the Act that prevents an original owner from transferring one or more units to a subsidiary company. The subsidiary company would not have the same AGM voting restrictions as the original owner.

Owners Corporation as a Subsidiary

An Owners Corporation is an excluded matter for the purposes of s 5F of the *Corporations Act 2001* (Cth), which means that neither the *Corporations Act 2001* (Cth) nor Part 3 of the *Australian Securities and Investments Commission Act 2001* (Cth) apply in relation to the Owners Corporation. While an Owners Corporation is not a usual corporate entity, it is recommended that the ILC treat the Owners Corporation (Strata Plan No. 86156) as a subsidiary of the ILC for the purposes of the *Corporations Authorities and Companies Act 1997* (Cth), as there is nothing in the *Strata Schemes Management Act 1996* (NSW) that specifically exempts owners corporations from the operation of the *Corporations Authorities and Companies Act 1997* (Cth).

Stamp Duty for ILC transferring units to a Subsidiary

Section 13 of the *Duties Act 1997* (NSW) provides that duty is payable by a transferee of dutiable property. This means that ILC's ATSI Act tax exemption will not prevent stamp duty liability if ILC were to transfer the units to one of its subsidiaries. There are no exemptions in the Act for transfers of dutiable property to subsidiary companies.

Key Obligations and Responsibilities

The key obligations of an Owners Corporation are contained in the Act. Broadly they include:

1. An Owners Corporation must keep records and prepare the financial statements and administer the by-laws regarding the strata scheme;
2. An Owners Corporation must establish an administration fund and a sinking fund and levy contributions for these funds from the owners of the lots comprising the strata scheme;
3. An Owners Corporation must maintain and repair the property of the strata scheme and arrange fire safety; and
4. An Owners Corporation must insure the building that is the subject of the strata scheme.

Many of these obligations are effective before the first annual general meeting is held, for example the obligation to:

1. Establish the administrative and sinking funds and estimate expenditure for the administration of the strata scheme;
2. Insure the building comprising the strata scheme; and
3. Keep records, including strata role and financial records.

From July 2009, all strata schemes are required by law to have a 10-year sinking fund plan in place (Section 75A of the *Strata Schemes Management Act 1996*).

This requires that the Owners Corporation must plan how they will repair and maintain common property and raise sufficient funds to cover the costs. The 10-year plan must be approved by owners at an AGM and must be reviewed and adjusted, if required, in the first five years.

CURRENT SITUATION

To progress the Owners Corporation an internal steering committee was established in June 2012, consisting of Legal, Finance and EDO representatives. The steering committee has undertaken to understand and implement all of the required legal, financial and management responsibilities imposed on the formation of the Owners Corporation under the Act.

The following start-up actions have been completed:

- a separate General Ledger for the owners corporation to account for expenditure separate to the ILC;
- a separate bank account (as required by NSW legislation);
- transfer of expenses paid by the ILC to the Owners Corporation since the formation of the Owners Corporation in February 2012;
- a Tax File Number and ABN on behalf of the Owners Corporation; and
- a valuation of the property as a strata scheme to assist with determining future levy's and for insurance purposes.

In June 2012, a valuation as a strata titled commercial office building was prepared for Black Theatre by Herron Todd White (independent Property Advisors) for financial reports and insurance purposes. A summary of the valuation is detailed below.

Table 1: Valuation Summary

Level	Description	Valuation
Lot 1 (Ground Floor)	321m2 office suite/s that is currently vacant. This lot has a single open car space on title.	\$1.420M (GST Ex.)

Lot 2 (Level 1)	511m2 office suite leased to National Congress of Australia's First Peoples on a lease terminating August 2014. Gross income of approx. \$154,690 (\$302/m2/pa). This lot has a single open car space on title.	\$1.960M (GST Ex.)
Lot 3 (Level 2)	511m2 office suite leased to Gadigal Information Service Aboriginal Corporation. This lot has a single open car space on title.	\$1.840M (GST Ex.)
Common Property (Areas)	642m2 Common property areas comprise an open terrace roof level with air conditioning plant room and cleaning room. Additional areas are the ground floor foyer, lift well, fire stairs and amenities.	\$630,000(GST Ex.)

The ILC currently has a building management contract in place with 360 Facility Management Pty Ltd. This contract should now be transferred from the ILC to the Owners Corporation. The current contract contains no provisions dealing with assignment or novation of ILC's rights and obligations. Therefore it is recommended to effectively transfer its rights and obligations to the Owners Corporation, a deed of novation should be entered into between ILC, 360 Facility Management Pty Ltd and the Owners Corporation.

In addition, a life-cycle report that will include property related costs and depreciation schedules is currently being developed by the ILC to determine future outgoings and sinking fund totals. This report is yet to be finalised.

To now further progress the Owners Corporation, the first Executive Committee of the Owners Corporation - Strata Plan No. 86156 will be formed from members of the steering committee.

who?

RECOMMENDATION

That the Chief Executive Officer:

- note the information contained in this briefing document; and ✓
- exercise delegation LM-D6 of the Board delegations of 29 August 2007 made pursuant to Section 193T of the *Aboriginal and Torres Strait Islander Act 2005* and approve the ILC's involvement in all activities pursuant to the statutory requirements of establishing an owners corporation.

<p>Recommended by</p> <p>Sonia Hayes, Project Advisor</p> <p><u>[Signature]</u> Date <u>8/8/12</u></p>	<p>Supported / Not supported by</p> <p>Mark Denning, Operations Manager</p> <p><u>[Signature]</u> Date <u>8/8/12</u></p>
<p>Supported / Not supported by</p> <p><u>[Signature]</u></p> <p>Craig North, Divisional Manager</p> <p><u>27/8/12</u> Date / /</p>	<p>Approved / Not approved by</p> <p><u>[Signature]</u></p> <p>Chief Executive Officer</p> <p><u>[Signature]</u> Date <u>11/9/12</u></p>



Home > Tenants and home owners > Strata schemes > The owners corporation

The owners corporation

In a strata scheme

The owners corporation is the body made up of all the owners in the strata scheme. It has the responsibility for:

- maintaining and repairing the common property of the strata scheme
- managing the finances of the strata scheme
- taking out insurance for the strata scheme
- keeping records and accounts for the strata scheme
- administering the by-laws for the strata scheme.

Each lot owner is part of the owners corporation and has a right to participate in the corporation's decision making. The owners corporation comes into existence immediately a strata plan is registered with the Land and Property Management Authority NSW (formerly called the Department of Lands).

At first it may only be made up of the original owner (usually the developer) but as individuals buy into the scheme, the owners corporation gains more members. The owners corporation has an executive committee which can make many of the necessary decisions on its behalf. The executive committee can have no more than nine members. It has a chairperson, secretary and treasurer. An owners corporation may also employ a strata managing agent and/or caretaker to carry out some or all of their functions.

The period from when the strata plan is registered with the Land and Property Management Authority NSW up to when one third of the total unit entitlements have been sold is called the initial period. There are restrictions on what the owners corporation can do during the initial period however, the original owner, the owners corporation and/or an owner may make an application to the Consumer, Trader and Tenancy Tribunal to waive, vary or extinguish a restriction.

Read more about the owners corporation:

[Starting Responsibilities](#)
[Meetings](#)
[Executive committee](#)
[Sinking funds](#)
[Managing agents and caretakers](#)

Responsibilities of the owners corporation

In a strata scheme

Record keeping

The owners corporation must record all details of notices given under the Strata Schemes Management Act or any other Act. Orders under these Acts, or by a public authority, local council or a court, must also be recorded and kept for at least five years.

The following must be recorded for each notice:

- the date and manner of service
- the part of the strata scheme it is about
- the date for obeying the order
- the date the order was obeyed.

The owners corporation must keep the following information for at least five years:

- details of motions passed
- copies of all correspondence received and sent
- notices of owners corporation and executive committee meetings.

Proxies given to the owners corporation must be kept for at least 5 years after the proxy expires.

Financial records and statements

The owners corporation must keep accounting records and financial statements for at least five years. These include:

- receipts consecutively numbered
- a passbook, a bank deposit book, or a statement of deposits and withdrawals in order of date, that are bound or kept in a loose-leaf folder
- a cash book
- a levy register.

The owners corporation must prepare financial statements:

- for the period beginning on the date the strata plan was registered and ending no earlier than two months before the first Annual General Meeting (AGM)
- for each period beginning on the date the last statement was prepared and ending no earlier than two months before the next AGM.

Strata roll

The owners corporation must prepare and keep a strata roll. The roll must be kept by mechanical, electronic or other means. There must be recorded for each lot:

- the owner's name

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- or the owner's agent and the agent's Australian address for service of notices.

The following information must be recorded for the common property and the strata scheme in general:

- the strata plan number and the address of the building
- the name of the original owner and an Australian address for notices
- the name of the managing agent (if there is one) and an Australian address for notices
- the total unit entitlements for the scheme and each lot
- insurance details
- the by-laws for the strata scheme.

Forms for the records of owners corporations can be purchased from some law stationers.

Insurances

Building insurance

The owners corporation must insure the building under a damage policy with an approved insurer. This does not apply to an owners corporation for a strata scheme comprising two lots if the owners corporation decides by unanimous resolution, and the buildings in one lot are physically detached from the buildings in the other lot, and no other building in the scheme is on common property.

Approved insurers are those authorised by the Australian Prudential Regulation Authority for general insurance.

A damage policy must cover the building for:

- replacement (where destroyed) or the reinstatement (where damaged) of the building back to the same condition it was in when new, and
- payment for removal of debris and the payment of architects and others whose services are needed for the replacement or reinstatement.

The building includes owners' fixtures and fittings. Fixtures and fittings are items like carpets in common areas, hot water systems, light fittings, toilet bowls, sinks, shower screens, cupboards, internal doors, stoves, common air conditioning systems and intercom systems.

The building must be valued every five years and insured for at least that value.

Public liability insurance

The owners corporation must insure, with an approved insurer, against damage to property, death or injury for which the owners corporation could become responsible. The minimum amount of cover is \$10 million.

Workers compensation insurance

The owners corporation must have workers compensation insurance, with an approved insurer, where it is required under the Workers Compensation Act 1987.

Voluntary workers insurance

The owners corporation must insure, with an approved insurer, against any damage that it may become liable for when a person does voluntary work for the owners corporation in the building or on the common property.

A voluntary worker is any person who does work without any fee or reward, or without expecting any fee or reward.

Levies and the administrative and sinking funds

The owners corporation must levy (charge) owners in the strata scheme to raise enough funds to carry out its duties. All levies must be worked out in proportion to the unit entitlements of each lot.

Administrative fund

The administrative fund is for day-to-day recurrent expenses. The amount in it must be enough for the owners corporation to pay its expenses:

- for the cost of looking after common property and personal property of the owners corporation
- for the payment of insurance premiums
- for any other recurrent expenses other than amounts covered by the sinking fund or by a special levy.

Sinking fund

The sinking fund is to cover future capital needs. The amount in the fund must be enough to cover all the owners corporation's expenses:

- for painting of common property
- for obtaining personal property of the owners corporation (eg. mowers or washing machines)
- for renewing or replacing any fixtures on the common property and any personal property owned by the owners corporation
- to replace, repair or make good the common property
- for any debts, other than amounts covered by the administrative fund
- for other capital expenses.

Ten year sinking fund plans

All schemes are required to have a ten year sinking fund plan for the life of the scheme. The plan has to be reviewed at least every five years.

Refer to the Sinking funds page on the Fair Trading website for more information.

Transfer of money between funds

The owners corporation can transfer money from one fund to the other, or make a payment from one fund that should have been paid from the other. But the owners corporation must make a levy to repay that fund within three months after the transfer of monies.

Setting levies

Levies must be set at each AGM. When a levy is to be set, a budget must be given, showing the existing financial situation and an estimate of receipts and payments. The budget can be given out with the notice of the meeting or at the meeting before voting on the levy motion.

The motion to set the levies must show the amount for each fund and be approved by a majority vote.

The owners corporation may decide to allow payments by instalments.

After the levies are set, the Treasurer must write to the owners and tell them the amount to pay and the date to pay. This notice only has to be given once.

Extra levy

If the owners corporation has to pay a debt that was not budgeted for in the administrative or sinking fund estimates, a levy must be set at a general meeting and the amount collected paid to the administrative fund.

Interest and discounts on levies

An unpaid levy gains interest at the rate of 10% simple interest a year if not paid within one month after it is due. The owners corporation cannot increase or decrease the interest but it can make a special resolution to charge no interest. Unpaid levies, including interest, can be recovered by the owners corporation as a debt in court.

An owners corporation may make a special resolution to give a 10% discount where a levy is paid before the day it is due. Payment made on the day it is due does not attract the discount.

Sinking funds

In a strata scheme

A sinking fund is set up by the owners corporation to cover the costs of future capital expenses, which include for example, painting the building, driveway refurbishment, replacement of common property items like carpets, roofing and guttering and lift overhauls.

10-year sinking fund plans

From July 2009, all strata schemes are required by law to have a 10-year sinking fund plan in place (Section 75A of the *Strata Schemes Management Act 1996*).

This means that owners corporations must plan how they will repair and maintain common property and raise sufficient funds to cover the costs. The amount required for the 10-year plan will vary between schemes, for instance, newer schemes may require relatively less money than the plans for older schemes with more repair work due. Each sinking fund plan should reflect the individual needs of its scheme.

The 10-year plan must be approved by owners at an annual general meeting (AGM) and must be reviewed and adjusted, if required, in the first five years.

Who develops the plan?

Owners corporations can put the 10-year plan together themselves or engage outside experts to do the job for them. There are businesses that specialise in preparing sinking fund plans but there is no obligation on owners corporations to use them.

Some owners corporations may feel they have enough internal expertise to carry out the task. It is a matter of choice for each scheme.

A guide to planning

There are a series of steps that are repeated during each 10-year cycle following the development of the first 10-year plan.

AGM 1st year: the owners corporation appoints someone to prepare the sinking fund plan. The plan must cover 10 years from the date of the AGM and must be completed in time for the following AGM.

AGM 2nd year: the finalised plan is presented to the owners and is to be used as the basis for determining sinking fund contributions.

AGM 3rd and 4th years: the sinking fund plan is to be used as the basis for determining contributions (levies).

AGM 5th year: the sinking fund plan must be reviewed and any necessary adjustments made. The sinking fund plan continues to be used as the basis for determining contributions at the following AGMs.

AGM final year of 10-year plan: the owners corporation appoints someone to prepare a new 10-year sinking fund plan for finalisation by the AGM the following year.

Developing your own plan

The following stages outline the steps an owners corporation might follow to create a sinking fund plan.

Step 1 – List all common property

Put together a comprehensive list of all the common property of the scheme which may include: letterbox, intercom, lighting, inclinerators, hot water services, grey water or water re-use systems, rainwater tanks, waterproof membranes, lifts, paving, water features, swimming pools, pool filters or heaters, gymnasiums and exercise equipment, gardens, plants, pots, screens, pergolas, awnings, shadecloth, retaining walls, or television antennas.

Step 2 – Estimate when repairs will be needed

Decide on a time-frame for repair work, cyclical maintenance and replacement for items. Long-term owners or your strata manager may know from previous experience how often repairs and maintenance are needed. For repainting, for example, you could use guarantees or information provided by previous tradesmen to get an idea of how long the existing paintwork will last. Warranty statements and/or service plans may help you estimate the working life of items such as automatic garage doors, communal washing machines and lawnmowers.

Step 3 – Estimate costs

Investigate the cost of replacing items. Refer to service plans, previous quotes and receipts of items as a guide to the approximate costs of future repairs. Obtaining current quotes and talking to tradespeople may also help.

What if my scheme does not develop a plan?

While there are no penalties in the legislation for owners corporations who do not develop a 10-year plan, any owner can apply to the Consumer, Trader and Tenancy Tribunal for an order instructing an owners corporation to meet its obligations to develop a plan.

Raising funds

The owners corporation can decide how they want to raise contributions from owners, for example, yearly, half-yearly, quarterly or monthly. For many strata residents, paying smaller amounts on a more frequent basis may be more affordable than paying larger amounts on an annual basis. Alternatively, owners may agree to wait and raise a large special levy or borrow money when major work needs to be done.

In the end, the financial implications of each way of raising funds should be carefully considered by each owners corporation.

The sinking fund plan must show how funds for particular expenses will be raised so all owners and prospective buyers are aware of their future liabilities and can plan their finances accordingly.

Calculating contributions

The owners corporation must make a resolution at each AGM for an amount to be credited into the sinking fund for the following 12 months and must levy each owner for their contribution.

The total sinking fund amount is divided by the total number of unit entitlements, then this amount is multiplied by each owner's unit entitlements. As an example, if an owners corporation calculates that it needs \$120,000 over 10 years, then it would need to levy \$12,000 for each year. To meet the \$12,000 per year, contributions would need to be levied according to the unit entitlement of each lot. If there were 20 lots in the scheme and each had the same unit entitlement, each owner would be required to contribute \$600 per year to the sinking fund (note - these calculations are of a general nature only).

Reimbursement of funds

An owners corporation can decide, by unanimous resolution only, to distribute any money in its sinking fund to lot owners, if the owners corporation considers that the money is not required for the purposes of the fund.

Contributions made by owners to the sinking fund are not refundable when an owner later moves out of the strata scheme, even if the money has not yet been spent on the item that the levies were intended to fund.

Penalties and discounts

Owners corporations can charge 10% interest for late payment of strata contributions. However, the owners corporation can decide not to charge any interest on late payments, or to offer a discount for early payment of contributions.

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Hayes, Sonia

From: Petty, Barry
Sent: Monday, 30 April 2012 12:35 PM
To: Hayes, Paul
Subject: Black Theatre and Strata Titles in NSW

Paul,

Attached is an outline of ILC's obligations in relation to the strata titling of Black Theatre.



Strata Schemes in
New South Wa...

Regards,
Barry

Strata Schemes in New South Wales

Introduction

On 8 February 2012 ILC registered a strata scheme that separated the land known as Black Theatre into three separate strata lots. As a result ILC has many new obligations under the *Strata Schemes Management Act 1996* (NSW) ('the Act') in relation to Black Theatre.

A good plain English overview of ILC's new strata obligations can be found on the NSW Department of Fair Trading website at

http://www.fairtrading.nsw.gov.au/Tenants_and_home_owners/Strata_schemes.html

The following is a very brief and broad overview of these obligations.

The Owner's Corporation and Management of a Strata Scheme

Owner's Corporation

The owners of any lots that comprise a strata scheme constitute a body corporate,¹ which is referred to in the Act as an 'owners corporation' (*sic*). The owner's corporation comes into existence when the strata plan for a strata scheme is registered.²

In relation to the three lots comprising the land known as Black Theatre (ie lots 1, 2 and 3 in strata plan 86156) the name of the owner's corporation is The Owners—Strata Plan No. 86156 and it came into existence on 8 February 2012. ILC owns all three of the lots comprising Black Theatre so controls the owner's corporation. As ILC was the first owner of the newly created Black Theatre strata lots, ILC is the original owner for the purposes of the Act.

An owner's corporation has principle responsibility for the management of its strata scheme.³ This is done through an executive committee but can, in a large part, be done by appointing a licensed strata managing agent.

An Owner's Corporation as a Subsidiary of ILC

An owner's corporation is an excluded matter for the purposes of s 5F of the *Corporations Act 2001* (Cth),⁴ which means that neither the *Corporations Act 2001* (Cth) nor Part 3 of the *Australian Securities and Investments Commission Act 2001* (Cth) apply in relation to the owner's corporation. While an owner's corporation is not a usual corporate entity, to be prudent ILC should treat The Owners—Strata Plan No. 86156 as a subsidiary of ILC for the purposes of the *Corporations Authorities and Companies Act 1997* (Cth).

¹ *Strata Scheme Management Act 1996* (NSW) s 11(1).

² *Strata Scheme Management Act 1996* (NSW) s 8(1).

³ *Strata Scheme Management Act 1996* (NSW) s 8(2).

⁴ *Strata Scheme Management Act 1996* (NSW) s 11(2).

First Annual General Meeting

The first annual general meeting must be held within two months of the original owner disposing of at least one third of the lots that comprise the strata scheme.⁵ Some of the obligations in the Act only come into operation when the first annual general meeting is held.

Executive Committee

Unless a strata managing agent has been appointed to perform this role, an owner's corporation must appoint an executive committee on or before the first annual general meeting.⁶ The executive committee manages the day to day affairs of the strata scheme.

A decision of the executive committee is taken to be a decision of the owner's corporation, but the following matters cannot be decided by the executive committee:

1. if the Act provides that the decision must be made by the owner's corporation by unanimous resolution or special resolution at its general meeting; or,
2. if the owner's corporation has decided at a previous general meeting that a matter must be decided by the owner's corporation.⁷

The rules governing the constitution, appointment and meetings of an executive committee are contained in Schedule 3 of the Act. The functions of the executive committee are described in Chapter 2, Part 3, Division 2 of the Act.

Strata Managing Agent

An owner's corporation can appoint an appropriately licensed entity to be its strata managing agent⁸ by an instrument in writing that is authorised by a resolution of a general meeting of the owner's corporation.⁹

The owner's corporation may delegate any or all of its functions to the strata managing agent, except a decision:

1. that is required under the Act to be made by the owner's corporation (ie a decision that requires a special or unanimous resolution of the owner's corporation); or,
2. on levying contributions from the owners of the lots in the strata scheme.¹⁰

⁵ *Strata Scheme Management Act 1996* (NSW) Schedule 2, item 2.

⁶ *Strata Scheme Management Act 1996* (NSW) s 16.

⁷ *Strata Scheme Management Act 1996* (NSW) s 21(1) and (2).

⁸ *Strata Scheme Management Act 1996* (NSW) s 26.

⁹ *Strata Scheme Management Act 1996* (NSW) s 27(1).

¹⁰ *Strata Scheme Management Act 1996* (NSW) s 28(1) and (3).

By-Laws and Key Obligations of an Owner's Corporation

By-laws

The by-laws for the strata scheme are the by-laws adopted by the Register-General on the day the strata scheme is lodged.¹¹ For The Owners—Strata Plan No. 86156 the by-laws are The Model By-laws for Commercial/Retail Schemes, which are contained in schedule 6 of the *Strata Schemes Management Regulations 2010 (NSW)* and attached as annexure 'A' to this document.

The by-laws bind the owner's corporation as well as the registered proprietors, lessees and/or sublessees of any lots in the strata scheme.¹²

The owner's corporation, by special resolution, can amend the by-laws,¹³ but the amendment will not have effect until it is lodged and recorded on the land title register.¹⁴ The kind of by-laws that can be made is limited by Chapter 2, Part 5, Divisions 3 and 4 of the Act.

Key Obligations of an Owner's Corporation

The key obligations of an owner's corporation are contained in Chapter 3 of the Act. In broad terms they include as follows:

1. an owner's corporation must maintain and repair the property of the strata scheme and arrange fire safety;
2. an owner's corporation must establish an administration fund and a sinking fund and levy contributions for these funds from the owners of the lots comprising the strata scheme;
3. an owner's corporation must insure the building that is the subject of the strata scheme; however, the owner's corporation can apply to the Strata Schemes Adjudicator for an exemption on the obligation to insure; and,
4. an owner's corporation must keep records and prepare the financial statements regarding the strata scheme.

Many of these obligations are effective before the first annual general meeting is held, for example the obligation to:

1. establish the administrative and sinking funds, and estimate expenditure from for the administration of the strata scheme;¹⁵ and,
2. insure the building comprising the strata scheme (or apply for an exemption);¹⁶ and,
3. keep records, including a strata role financial records.¹⁷

¹¹ *Strata Scheme Management Act 1996 (NSW)* s 41(2).

¹² *Strata Scheme Management Act 1996 (NSW)* s 44.

¹³ *Strata Scheme Management Act 1996 (NSW)* s 47.

¹⁴ *Strata Scheme Management Act 1996 (NSW)* s 48.

¹⁵ *Strata Scheme Management Act 1996 (NSW)* ss 68, 69 and 75.

¹⁶ *Strata Scheme Management Act 1996 (NSW)* s 83.

¹⁷ *Strata Scheme Management Act 1996 (NSW)* Chapter 3, Part 5.

Conclusion

When the Black Theatre strata scheme was registered on 8 February 2012 the owner's corporation named The Owners—Strata Plan No. 86156 came into existence. ILC is the owner of all three lots that comprise strata scheme so The Owners—Strata Plan No. 86156 is currently controlled by ILC. To be prudent ILC should treat The Owners—Strata Plan No. 86156 as a subsidiary of ILC.

ILC can appoint a licensed strata managing agent to perform many of the management obligations that rest on an owner's corporation under the Act. The some of these obligations do not come into operation until ILC has disposed of at least one of the lots that comprise Black Theatre, others come into existence earlier.

A more detailed plain English explanation of ILC's obligations under the Act is contained in the NSW Department of Fair Trading website referred to above. Tailored advice can be provided by legal.

Annexure "A"

STRATA SCHEMES MANAGEMENT REGULATION 2010 - SCHEDULE 6

SCHEDULE 6 – Model by-laws for commercial/retail schemes

(Clause 27)

1 Vehicles

(1) An owner or occupier of a lot must not park or stand any motor or other vehicle on common property or permit any invitees of the owner or occupier to park or stand any motor or other vehicle on common property except with the prior written approval of the owners corporation.

(2) The owners corporation must not unreasonably withhold its approval to the parking or standing of a motor vehicle on the common property.

2 Obstruction of common property

An owner or occupier of a lot must not obstruct lawful use of common property by any person except on a temporary and non-recurring basis (for example a temporary display).

3 Damage to common property

(1) An owner or occupier of a lot must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property without the written approval of the owners corporation.

(2) An approval given by the owners corporation under clause (1) cannot authorise any additions to the common property.

(3) This by-law does not prevent an owner or person authorised by an owner from installing:

(a) any locking or other safety device for protection of the owner's lot against intruders or to improve safety within the owner's lot, or

(b) any screen or other device to prevent entry of animals or insects on the lot, or

(c) any sign to advertise the activities of the occupier of the lot if the owners corporation has specified locations for such signs and that sign is installed in the specified locations, or

(d) any device used to affix decorative items to the internal surfaces of walls in the owner's lot.

(4) Any such locking or safety device, screen, other device or sign must be installed in a competent and proper manner and must have an appearance, after it has been installed, consistent with any guidelines

established by the owners corporation about such installations or, in the absence of guidelines, in keeping with the appearance of the rest of the building.

(5) Despite section 62 of the Act, the owner of a lot must:

(a) maintain and keep in a state of good and serviceable repair any installation referred to in clause (3) that forms part of the common property and that services the lot, and

(b) repair any damage caused to any part of the common property by the installation or removal of any locking or safety device, screen, other device or sign referred to in clause (3) that forms part of the common property and that services the lot.

4 Behaviour of invitees

An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier (including all customers and staff) do not behave in a manner likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using common property.

5 Depositing rubbish and other material on common property

An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material or discarded item except with the prior written approval of the owners corporation.

6 Cleaning windows and doors

The owners corporation must keep clean all exterior surfaces of glass in windows and doors on the boundary of the lots, whether a part of a lot or common property.

7 Garbage disposal

(1) An owner or occupier of a lot in a strata scheme that does not have shared receptacles for garbage, recyclable material or waste:

(a) must maintain such receptacles within the lot, or on such part of the common property as may be authorised by the owners corporation, in clean and dry condition and (except in the case of receptacles for recyclable material) adequately covered, and

(b) must ensure that before garbage, recyclable material or waste is placed in the receptacles it is, in the case of garbage, securely wrapped or, in the case of tins or other containers, completely drained or, in the case of recyclable material or waste, separated and prepared in accordance with the applicable recycling guidelines, and

(c) for the purpose of having the garbage, recyclable material or waste collected, must place the receptacles within an area designated for that purpose by the owners corporation and at a time not

more than 12 hours before the time at which garbage, recyclable material or waste is normally collected, and

(d) when the garbage, recyclable material or waste has been collected, must promptly return the receptacles to the lot or other area referred to in paragraph (a), and

(e) must not place any thing in the receptacles of the owner or occupier of any other lot except with the permission of that owner or occupier, and

(f) must promptly remove any thing which the owner, occupier or garbage or recycling collector may have spilled from the receptacles and must take such action as may be necessary to clean the area within which that thing was spilled.

(2) An owner or occupier of a lot in a strata scheme that has shared receptacles for garbage, recyclable material or waste:

(a) must ensure that before garbage, recyclable material or waste is placed in the receptacles it is, in the case of garbage, securely wrapped or, in the case of tins or other containers, completely drained or, in the case of recyclable material or waste, separated and prepared in accordance with the applicable recycling guidelines, and

(b) must promptly remove any thing which the owner, occupier or garbage or recycling collector may have spilled in the area of the receptacles and must take such action as may be necessary to clean the area within which that thing was spilled.

(3) An owner or occupier of a lot must:

(a) comply with the local council's requirements for the storage, handling and collection of garbage, waste and recyclable material, and

(b) notify the local council of any loss of, or damage to, receptacles provided by the local council for garbage, recyclable material or waste.

(4) The owners corporation may post signs on the common property with instructions on the handling of garbage, waste and recyclable material that are consistent with the local council's requirements.

(5) This by-law does not require an owner or occupier of a lot to dispose of any chemical, biological, toxic or other hazardous waste in a manner that would contravene any relevant law applying to the disposal of such waste.

8 Appearance of lot

The owner or occupier of a lot must not, without the prior written approval of the owners corporation, maintain within the lot anything visible from outside the lot that, viewed from outside the lot, is not in keeping with the rest of the building.

9 Change in use of lot to be notified

An occupier of a lot must notify the owners corporation if the occupier changes the existing use of the lot in a way that may affect the insurance premiums for the strata scheme (for example, if the change of use results in a hazardous activity being carried out on the lot).

10 Preservation of fire safety

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to affect the operation of fire safety devices in the parcel or to reduce the level of fire safety in the lots or common property.

11 Prevention of hazards

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to create a hazard or danger to the owner or occupier of another lot or any person lawfully using the common property.

12 Provision of amenities or services

(1) The owners corporation may, by special resolution, determine to enter into arrangements for the provision of the following amenities or services to one or more of the lots, or to the owners or occupiers of one or more of the lots:

- (a) security services,
- (b) promotional services,
- (c) advertising,
- (d) cleaning,
- (e) garbage disposal and recycling services,
- (f) electricity, water or gas supply,
- (g) telecommunication services (for example, cable television).

(2) If the owners corporation makes a resolution referred to in clause (1) to provide an amenity or service to a lot or to the owner or occupier of a lot, it must indicate in the resolution the amount for which, or the conditions on which, it will provide the amenity or service.

Note: Section 111 of the Act provides that an owners corporation may enter into an agreement with an owner or occupier of a lot for the provision of amenities or services by it to the lot or to the owner or occupier.

13 Controls on hours of operation and use of facilities

(1) The owners corporation may, by special resolution, make any of the following determinations if it considers the determination is appropriate for the control, management, administration, use or enjoyment of the lots or the lots and common property of the strata scheme:

(a) that commercial or business activities may be conducted on a lot or common property only during certain times,

(b) that facilities situated on the common property may be used only during certain times or on certain conditions.

(2) An owner or occupier of a lot must comply with a determination referred to in clause (1).

14 Compliance with planning and other requirements

The owner or occupier of a lot must ensure that the lot is not used for any purpose that is prohibited by law.

15 Service of documents on owner of lot by owners corporation

A document may be served on the owner of a lot by electronic means if the person has given the owners corporation an e-mail address for the service of notices and the document is sent to that address.



Home > Tenants and home owners > Strata schemes > The owners corporation

The owners corporation

In a strata scheme

The owners corporation is the body made up of all the owners in the strata scheme. It has the responsibility for:

- maintaining and repairing the common property of the strata scheme
- managing the finances of the strata scheme
- taking out insurance for the strata scheme
- keeping records and accounts for the strata scheme
- administering the by-laws for the strata scheme.

Each lot owner is part of the owners corporation and has a right to participate in the corporation's decision making. The owners corporation comes into existence immediately a strata plan is registered with the Land and Property Management Authority NSW (formerly called the Department of Lands).

At first it may only be made up of the original owner (usually the developer) but as individuals buy into the scheme, the owners corporation gains more members. The owners corporation has an executive committee which can make many of the necessary decisions on its behalf. The executive committee can have no more than nine members. It has a chairperson, secretary and treasurer. An owners corporation may also employ a strata managing agent and/or caretaker to carry out some or all of their functions.

The period from when the strata plan is registered with the Land and Property Management Authority NSW up to when one third of the total unit entitlements have been sold is called the initial period. There are restrictions on what the owners corporation can do during the initial period however, the original owner, the owners corporation and/or an owner may make an application to the Consumer, Trader and Tenancy Tribunal to waive, vary or extinguish a restriction.

Read more about the owners corporation:

[Starting Responsibilities](#)
[Meetings](#)
[Executive committee](#)
[Sinking funds](#)
[Managing agents and caretakers](#)

Responsibilities of the owners corporation

In a strata scheme

Record keeping

The owners corporation must record all details of notices given under the Strata Schemes Management Act or any other Act. Orders under these Acts, or by a public authority, local council or a court, must also be recorded and kept for at least five years.

The following must be recorded for each notice:

- the date and manner of service
- the part of the strata scheme it is about
- the date for obeying the order
- the date the order was obeyed.

The owners corporation must keep the following information for at least five years:

- details of motions passed
- copies of all correspondence received and sent
- notices of owners corporation and executive committee meetings.

Proxies given to the owners corporation must be kept for at least 5 years after the proxy expires.

Financial records and statements

The owners corporation must keep accounting records and financial statements for at least five years. These include:

- receipts consecutively numbered
- a passbook, a bank deposit book, or a statement of deposits and withdrawals in order of date, that are bound or kept in a loose-leaf folder
- a cash book
- a levy register.

The owners corporation must prepare financial statements:

- for the period beginning on the date the strata plan was registered and ending no earlier than two months before the first Annual General Meeting (AGM)
- for each period beginning on the date the last statement was prepared and ending no earlier than two months before the next AGM.

Strata roll

The owners corporation must prepare and keep a strata roll. The roll must be kept by mechanical, electronic or other means. There must be recorded for each lot:

- the owner's name

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- or the owner's agent and the agent's Australian address for service of notices.

The following information must be recorded for the common property and the strata scheme in general:

- the strata plan number and the address of the building
- the name of the original owner and an Australian address for notices
- the name of the managing agent (if there is one) and an Australian address for notices
- the total unit entitlements for the scheme and each lot
- insurance details
- the by-laws for the strata scheme.

Forms for the records of owners corporations can be purchased from some law stationers.

Insurances

Building insurance

The owners corporation must insure the building under a damage policy with an approved insurer. This does not apply to an owners corporation for a strata scheme comprising two lots if the owners corporation decides by unanimous resolution, and the buildings in one lot are physically detached from the buildings in the other lot, and no other building in the scheme is on common property.

Approved insurers are those authorised by the Australian Prudential Regulation Authority for general insurance.

A damage policy must cover the building for:

- replacement (where destroyed) or the reinstatement (where damaged) of the building back to the same condition it was in when new, and
- payment for removal of debris and the payment of architects and others whose services are needed for the replacement or reinstatement.

The building includes owners' fixtures and fittings. Fixtures and fittings are items like carpets in common areas, hot water systems, light fittings, toilet bowls, sinks, shower screens, cupboards, internal doors, stoves, common air conditioning systems and intercom systems.

The building must be valued every five years and insured for at least that value.

Public liability insurance

The owners corporation must insure, with an approved insurer, against damage to property, death or injury for which the owners corporation could become responsible. The minimum amount of cover is \$10 million.

Workers compensation insurance

The owners corporation must have workers compensation insurance, with an approved insurer, where it is required under the Workers Compensation Act 1987.

Voluntary workers insurance

The owners corporation must insure, with an approved insurer, against any damage that it may become liable for when a person does voluntary work for the owners corporation in the building or on the common property.

A voluntary worker is any person who does work without any fee or reward, or without expecting any fee or reward.

Levies and the administrative and sinking funds

The owners corporation must levy (charge) owners in the strata scheme to raise enough funds to carry out its duties. All levies must be worked out in proportion to the unit entitlements of each lot.

Administrative fund

The administrative fund is for day-to-day recurrent expenses. The amount in it must be enough for the owners corporation to pay its expenses:

- for the cost of looking after common property and personal property of the owners corporation
- for the payment of insurance premiums
- for any other recurrent expenses other than amounts covered by the sinking fund or by a special levy.

Sinking fund

The sinking fund is to cover future capital needs. The amount in the fund must be enough to cover all the owners corporation's expenses:

- for painting of common property
- for obtaining personal property of the owners corporation (eg. mowers or washing machines)
- for renewing or replacing any fixtures on the common property and any personal property owned by the owners corporation
- to replace, repair or make good the common property
- for any debts, other than amounts covered by the administrative fund
- for other capital expenses.

Ten year sinking fund plans

All schemes are required to have a ten year sinking fund plan for the life of the scheme. The plan has to be reviewed at least every five years.

Refer to the Sinking funds page on the Fair Trading website for more information.

Transfer of money between funds

The owners corporation can transfer money from one fund to the other, or make a payment from one fund that should have been paid from the other. But the owners corporation must make a levy to repay that fund within three months after the transfer of monies.

Setting levies

Levies must be set at each AGM. When a levy is to be set, a budget must be given, showing the existing financial situation and an estimate of receipts and payments. The budget can be given out with the notice of the meeting or at the meeting before voting on the levy motion.

The motion to set the levies must show the amount for each fund and be approved by a majority vote.

The owners corporation may decide to allow payments by instalments.

After the levies are set, the Treasurer must write to the owners and tell them the amount to pay and the date to pay. This notice only has to be given once.

Extra levy

If the owners corporation has to pay a debt that was not budgeted for in the administrative or sinking fund estimates, a levy must be set at a general meeting and the amount collected paid to the administrative fund.

Interest and discounts on levies

An unpaid levy gains interest at the rate of 10% simple interest a year if not paid within one month after it is due. The owners corporation cannot increase or decrease the interest but it can make a special resolution to charge no interest. Unpaid levies, including interest, can be recovered by the owners corporation as a debt in court.

An owners corporation may make a special resolution to give a 10% discount where a levy is paid before the day it is due. Payment made on the day it is due does not attract the discount.

Sinking funds

In a strata scheme

A sinking fund is set up by the owners corporation to cover the costs of future capital expenses, which include for example, painting the building, driveway refurbishment, replacement of common property items like carpets, roofing and guttering and lift overhauls.

10-year sinking fund plans

From July 2009, all strata schemes are required by law to have a 10-year sinking fund plan in place (Section 75A of the *Strata Schemes Management Act 1996*).

This means that owners corporations must plan how they will repair and maintain common property and raise sufficient funds to cover the costs. The amount required for the 10-year plan will vary between schemes, for instance, newer schemes may require relatively less money than the plans for older schemes with more repair work due. Each sinking fund plan should reflect the individual needs of its scheme.

The 10-year plan must be approved by owners at an annual general meeting (AGM) and must be reviewed and adjusted, if required, in the first five years.

Who develops the plan?

Owners corporations can put the 10-year plan together themselves or engage outside experts to do the job for them. There are businesses that specialise in preparing sinking fund plans but there is no obligation on owners corporations to use them.

Some owners corporations may feel they have enough internal expertise to carry out the task. It is a matter of choice for each scheme.

A guide to planning

There are a series of steps that are repeated during each 10-year cycle following the development of the first 10-year plan.

AGM 1st year: the owners corporation appoints someone to prepare the sinking fund plan. The plan must cover 10 years from the date of the AGM and must be completed in time for the following AGM.

AGM 2nd year: the finalised plan is presented to the owners and is to be used as the basis for determining sinking fund contributions.

AGM 3rd and 4th years: the sinking fund plan is to be used as the basis for determining contributions (levies).

AGM 5th year: the sinking fund plan must be reviewed and any necessary adjustments made. The sinking fund plan continues to be used as the basis for determining contributions at the following AGMs.

AGM final year of 10-year plan: the owners corporation appoints someone to prepare a new 10-year sinking fund plan for finalisation by the AGM the following year.

Developing your own plan

The following stages outline the steps an owners corporation might follow to create a sinking fund plan.

Step 1 – List all common property

Put together a comprehensive list of all the common property of the scheme which may include: letterbox, intercom, lighting, inclinerators, hot water services, grey water or water re-use systems, rainwater tanks, waterproof membranes, lifts, paving, water features, swimming pools, pool filters or heaters, gymnasiums and exercise equipment, gardens, plants, pots, screens, pergolas, awnings, shadecloth, retaining walls, or television antennas.

Step 2 – Estimate when repairs will be needed

Decide on a time-frame for repair work, cyclical maintenance and replacement for items. Long-term owners or your strata manager may know from previous experience how often repairs and maintenance are needed. For repainting, for example, you could use guarantees or information provided by previous tradesmen to get an idea of how long the existing paintwork will last. Warranty statements and/or service plans may help you estimate the working life of items such as automatic garage doors, communal washing machines and lawnmowers.

Step 3 – Estimate costs

Investigate the cost of replacing items. Refer to service plans, previous quotes and receipts of items as a guide to the approximate costs of future repairs. Obtaining current quotes and talking to tradespeople may also help.

What if my scheme does not develop a plan?

While there are no penalties in the legislation for owners corporations who do not develop a 10-year plan, any owner can apply to the Consumer, Trader and Tenancy Tribunal for an order instructing an owners corporation to meet its obligations to develop a plan.

Raising funds

The owners corporation can decide how they want to raise contributions from owners, for example, yearly, half-yearly, quarterly or monthly. For many strata residents, paying smaller amounts on a more frequent basis may be more affordable than paying larger amounts on an annual basis. Alternatively, owners may agree to wait and raise a large special levy or borrow money when major work needs to be done.

In the end, the financial implications of each way of raising funds should be carefully considered by each owners corporation.

The sinking fund plan must show how funds for particular expenses will be raised so all owners and prospective buyers are aware of their future liabilities and can plan their finances accordingly.

Calculating contributions

The owners corporation must make a resolution at each AGM for an amount to be credited into the sinking fund for the following 12 months and must levy each owner for their contribution.

The total sinking fund amount is divided by the total number of unit entitlements, then this amount is multiplied by each owner's unit entitlements. As an example, if an owners corporation calculates that it needs \$120,000 over 10 years, then it would need to levy \$12,000 for each year. To meet the \$12,000 per year, contributions would need to be levied according to the unit entitlement of each lot. If there were 20 lots in the scheme and each had the same unit entitlement, each owner would be required to contribute \$600 per year to the sinking fund (note - these calculations are of a general nature only).

Reimbursement of funds

An owners corporation can decide, by unanimous resolution only, to distribute any money in its sinking fund to lot owners, if the owners corporation considers that the money is not required for the purposes of the fund.

Contributions made by owners to the sinking fund are not refundable when an owner later moves out of the strata scheme, even if the money has not yet been spent on the item that the levies were intended to fund.

Penalties and discounts

Owners corporations can charge 10% interest for late payment of strata contributions. However, the owners corporation can decide not to charge any interest on late payments, or to offer a discount for early payment of contributions.

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Hayes, Sonia

From: Petty, Barry
Sent: Monday, 30 April 2012 12:35 PM
To: Hayes, Paul
Subject: Black Theatre and Strata Titles in NSW

Paul,

Attached is an outline of ILC's obligations in relation to the strata titling of Black Theatre.



Strata Schemes in
New South Wa...

Regards,
Barry

Strata Schemes in New South Wales

Introduction

On 8 February 2012 ILC registered a strata scheme that separated the land known as Black Theatre into three separate strata lots. As a result ILC has many new obligations under the *Strata Schemes Management Act 1996* (NSW) ('the Act') in relation to Black Theatre.

A good plain English overview of ILC's new strata obligations can be found on the NSW Department of Fair Trading website at

http://www.fairtrading.nsw.gov.au/Tenants_and_home_owners/Strata_schemes.html

The following is a very brief and broad overview of these obligations.

The Owner's Corporation and Management of a Strata Scheme

Owner's Corporation

The owners of any lots that comprise a strata scheme constitute a body corporate,¹ which is referred to in the Act as an 'owners corporation' (*sic*). The owner's corporation comes into existence when the strata plan for a strata scheme is registered.²

In relation to the three lots comprising the land known as Black Theatre (ie lots 1, 2 and 3 in strata plan 86156) the name of the owner's corporation is The Owners—Strata Plan No. 86156 and it came into existence on 8 February 2012. ILC owns all three of the lots comprising Black Theatre so controls the owner's corporation. As ILC was the first owner of the newly created Black Theatre strata lots, ILC is the original owner for the purposes of the Act.

An owner's corporation has principle responsibility for the management of its strata scheme.³ This is done through an executive committee but can, in a large part, be done by appointing a licensed strata managing agent.

An Owner's Corporation as a Subsidiary of ILC

An owner's corporation is an excluded matter for the purposes of s 5F of the *Corporations Act 2001* (Cth),⁴ which means that neither the *Corporations Act 2001* (Cth) nor Part 3 of the *Australian Securities and Investments Commission Act 2001* (Cth) apply in relation to the owner's corporation. While an owner's corporation is not a usual corporate entity, to be prudent ILC should treat The Owners—Strata Plan No. 86156 as a subsidiary of ILC for the purposes of the *Corporations Authorities and Companies Act 1997* (Cth).

¹ *Strata Scheme Management Act 1996* (NSW) s 11(1).

² *Strata Scheme Management Act 1996* (NSW) s 8(1).

³ *Strata Scheme Management Act 1996* (NSW) s 8(2).

⁴ *Strata Scheme Management Act 1996* (NSW) s 11(2).

First Annual General Meeting

The first annual general meeting must be held within two months of the original owner disposing of at least one third of the lots that comprise the strata scheme.⁵ Some of the obligations in the Act only come into operation when the first annual general meeting is held.

Executive Committee

Unless a strata managing agent has been appointed to perform this role, an owner's corporation must appoint an executive committee on or before the first annual general meeting.⁶ The executive committee manages the day to day affairs of the strata scheme.

A decision of the executive committee is taken to be a decision of the owner's corporation, but the following matters cannot be decided by the executive committee:

1. if the Act provides that the decision must be made by the owner's corporation by unanimous resolution or special resolution at its general meeting; or,
2. if the owner's corporation has decided at a previous general meeting that a matter must be decided by the owner's corporation.⁷

The rules governing the constitution, appointment and meetings of an executive committee are contained in Schedule 3 of the Act. The functions of the executive committee are described in Chapter 2, Part 3, Division 2 of the Act.

Strata Managing Agent

An owner's corporation can appoint an appropriately licensed entity to be its strata managing agent⁸ by an instrument in writing that is authorised by a resolution of a general meeting of the owner's corporation.⁹

The owner's corporation may delegate any or all of its functions to the strata managing agent, except a decision:

1. that is required under the Act to be made by the owner's corporation (ie a decision that requires a special or unanimous resolution of the owner's corporation); or,
2. on levying contributions from the owners of the lots in the strata scheme.¹⁰

⁵ *Strata Scheme Management Act 1996* (NSW) Schedule 2, item 2.

⁶ *Strata Scheme Management Act 1996* (NSW) s 16.

⁷ *Strata Scheme Management Act 1996* (NSW) s 21(1) and (2).

⁸ *Strata Scheme Management Act 1996* (NSW) s 26.

⁹ *Strata Scheme Management Act 1996* (NSW) s 27(1).

¹⁰ *Strata Scheme Management Act 1996* (NSW) s 28(1) and (3).

By-Laws and Key Obligations of an Owner's Corporation

By-laws

The by-laws for the strata scheme are the by-laws adopted by the Register-General on the day the strata scheme is lodged.¹¹ For The Owners—Strata Plan No. 86156 the by-laws are The Model By-laws for Commercial/Retail Schemes, which are contained in schedule 6 of the *Strata Schemes Management Regulations 2010 (NSW)* and attached as annexure 'A' to this document.

The by-laws bind the owner's corporation as well as the registered proprietors, lessees and/or sublessees of any lots in the strata scheme.¹²

The owner's corporation, by special resolution, can amend the by-laws,¹³ but the amendment will not have effect until it is lodged and recorded on the land title register.¹⁴ The kind of by-laws that can be made is limited by Chapter 2, Part 5, Divisions 3 and 4 of the Act.

Key Obligations of an Owner's Corporation

The key obligations of an owner's corporation are contained in Chapter 3 of the Act. In broad terms they include as follows:

1. an owner's corporation must maintain and repair the property of the strata scheme and arrange fire safety;
2. an owner's corporation must establish an administration fund and a sinking fund and levy contributions for these funds from the owners of the lots comprising the strata scheme;
3. an owner's corporation must insure the building that is the subject of the strata scheme; however, the owner's corporation can apply to the Strata Schemes Adjudicator for an exemption on the obligation to insure; and,
4. an owner's corporation must keep records and prepare the financial statements regarding the strata scheme.

Many of these obligations are effective before the first annual general meeting is held, for example the obligation to:

1. establish the administrative and sinking funds, and estimate expenditure from for the administration of the strata scheme;¹⁵ and,
2. insure the building comprising the strata scheme (or apply for an exemption);¹⁶ and,
3. keep records, including a strata role financial records.¹⁷

¹¹ *Strata Scheme Management Act 1996 (NSW)* s 41(2).

¹² *Strata Scheme Management Act 1996 (NSW)* s 44.

¹³ *Strata Scheme Management Act 1996 (NSW)* s 47.

¹⁴ *Strata Scheme Management Act 1996 (NSW)* s 48.

¹⁵ *Strata Scheme Management Act 1996 (NSW)* ss 68, 69 and 75.

¹⁶ *Strata Scheme Management Act 1996 (NSW)* s 83.

¹⁷ *Strata Scheme Management Act 1996 (NSW)* Chapter 3, Part 5.

Conclusion

When the Black Theatre strata scheme was registered on 8 February 2012 the owner's corporation named The Owners—Strata Plan No. 86156 came into existence. ILC is the owner of all three lots that comprise strata scheme so The Owners—Strata Plan No. 86156 is currently controlled by ILC. To be prudent ILC should treat The Owners—Strata Plan No. 86156 as a subsidiary of ILC.

ILC can appoint a licensed strata managing agent to perform many of the management obligations that rest on an owner's corporation under the Act. The some of these obligations do not come into operation until ILC has disposed of at least one of the lots that comprise Black Theatre, others come into existence earlier.

A more detailed plain English explanation of ILC's obligations under the Act is contained in the NSW Department of Fair Trading website referred to above. Tailored advice can be provided by legal.

Annexure "A"

STRATA SCHEMES MANAGEMENT REGULATION 2010 - SCHEDULE 6

SCHEDULE 6 – Model by-laws for commercial/retail schemes

(Clause 27)

1 Vehicles

- (1) An owner or occupier of a lot must not park or stand any motor or other vehicle on common property or permit any invitees of the owner or occupier to park or stand any motor or other vehicle on common property except with the prior written approval of the owners corporation.
- (2) The owners corporation must not unreasonably withhold its approval to the parking or standing of a motor vehicle on the common property.

2 Obstruction of common property

An owner or occupier of a lot must not obstruct lawful use of common property by any person except on a temporary and non-recurring basis (for example a temporary display).

3 Damage to common property

- (1) An owner or occupier of a lot must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property without the written approval of the owners corporation.
- (2) An approval given by the owners corporation under clause (1) cannot authorise any additions to the common property.
- (3) This by-law does not prevent an owner or person authorised by an owner from installing:
 - (a) any locking or other safety device for protection of the owner's lot against intruders or to improve safety within the owner's lot, or
 - (b) any screen or other device to prevent entry of animals or insects on the lot, or
 - (c) any sign to advertise the activities of the occupier of the lot if the owners corporation has specified locations for such signs and that sign is installed in the specified locations, or
 - (d) any device used to affix decorative items to the internal surfaces of walls in the owner's lot.
- (4) Any such locking or safety device, screen, other device or sign must be installed in a competent and proper manner and must have an appearance, after it has been installed, consistent with any guidelines

established by the owners corporation about such installations or, in the absence of guidelines, in keeping with the appearance of the rest of the building.

(5) Despite section 62 of the Act, the owner of a lot must:

(a) maintain and keep in a state of good and serviceable repair any installation referred to in clause (3) that forms part of the common property and that services the lot, and

(b) repair any damage caused to any part of the common property by the installation or removal of any locking or safety device, screen, other device or sign referred to in clause (3) that forms part of the common property and that services the lot.

4 Behaviour of invitees

An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier (including all customers and staff) do not behave in a manner likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using common property.

5 Depositing rubbish and other material on common property

An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material or discarded item except with the prior written approval of the owners corporation.

6 Cleaning windows and doors

The owners corporation must keep clean all exterior surfaces of glass in windows and doors on the boundary of the lots, whether a part of a lot or common property.

7 Garbage disposal

(1) An owner or occupier of a lot in a strata scheme that does not have shared receptacles for garbage, recyclable material or waste:

(a) must maintain such receptacles within the lot, or on such part of the common property as may be authorised by the owners corporation, in clean and dry condition and (except in the case of receptacles for recyclable material) adequately covered, and

(b) must ensure that before garbage, recyclable material or waste is placed in the receptacles it is, in the case of garbage, securely wrapped or, in the case of tins or other containers, completely drained or, in the case of recyclable material or waste, separated and prepared in accordance with the applicable recycling guidelines, and

(c) for the purpose of having the garbage, recyclable material or waste collected, must place the receptacles within an area designated for that purpose by the owners corporation and at a time not

more than 12 hours before the time at which garbage, recyclable material or waste is normally collected, and

(d) when the garbage, recyclable material or waste has been collected, must promptly return the receptacles to the lot or other area referred to in paragraph (a), and

(e) must not place any thing in the receptacles of the owner or occupier of any other lot except with the permission of that owner or occupier, and

(f) must promptly remove any thing which the owner, occupier or garbage or recycling collector may have spilled from the receptacles and must take such action as may be necessary to clean the area within which that thing was spilled.

(2) An owner or occupier of a lot in a strata scheme that has shared receptacles for garbage, recyclable material or waste:

(a) must ensure that before garbage, recyclable material or waste is placed in the receptacles it is, in the case of garbage, securely wrapped or, in the case of tins or other containers, completely drained or, in the case of recyclable material or waste, separated and prepared in accordance with the applicable recycling guidelines, and

(b) must promptly remove any thing which the owner, occupier or garbage or recycling collector may have spilled in the area of the receptacles and must take such action as may be necessary to clean the area within which that thing was spilled.

(3) An owner or occupier of a lot must:

(a) comply with the local council's requirements for the storage, handling and collection of garbage, waste and recyclable material, and

(b) notify the local council of any loss of, or damage to, receptacles provided by the local council for garbage, recyclable material or waste.

(4) The owners corporation may post signs on the common property with instructions on the handling of garbage, waste and recyclable material that are consistent with the local council's requirements.

(5) This by-law does not require an owner or occupier of a lot to dispose of any chemical, biological, toxic or other hazardous waste in a manner that would contravene any relevant law applying to the disposal of such waste.

8 Appearance of lot

The owner or occupier of a lot must not, without the prior written approval of the owners corporation, maintain within the lot anything visible from outside the lot that, viewed from outside the lot, is not in keeping with the rest of the building.

9 Change in use of lot to be notified

An occupier of a lot must notify the owners corporation if the occupier changes the existing use of the lot in a way that may affect the insurance premiums for the strata scheme (for example, if the change of use results in a hazardous activity being carried out on the lot).

10 Preservation of fire safety

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to affect the operation of fire safety devices in the parcel or to reduce the level of fire safety in the lots or common property.

11 Prevention of hazards

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to create a hazard or danger to the owner or occupier of another lot or any person lawfully using the common property.

12 Provision of amenities or services

(1) The owners corporation may, by special resolution, determine to enter into arrangements for the provision of the following amenities or services to one or more of the lots, or to the owners or occupiers of one or more of the lots:

- (a) security services,
- (b) promotional services,
- (c) advertising,
- (d) cleaning,
- (e) garbage disposal and recycling services,
- (f) electricity, water or gas supply,
- (g) telecommunication services (for example, cable television).

(2) If the owners corporation makes a resolution referred to in clause (1) to provide an amenity or service to a lot or to the owner or occupier of a lot, it must indicate in the resolution the amount for which, or the conditions on which, it will provide the amenity or service.

Note: Section 111 of the Act provides that an owners corporation may enter into an agreement with an owner or occupier of a lot for the provision of amenities or services by it to the lot or to the owner or occupier.

13 Controls on hours of operation and use of facilities

(1) The owners corporation may, by special resolution, make any of the following determinations if it considers the determination is appropriate for the control, management, administration, use or enjoyment of the lots or the lots and common property of the strata scheme:

(a) that commercial or business activities may be conducted on a lot or common property only during certain times,

(b) that facilities situated on the common property may be used only during certain times or on certain conditions.

(2) An owner or occupier of a lot must comply with a determination referred to in clause (1).

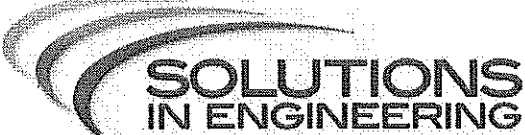
14 Compliance with planning and other requirements

The owner or occupier of a lot must ensure that the lot is not used for any purpose that is prohibited by law.

15 Service of documents on owner of lot by owners corporation

A document may be served on the owner of a lot by electronic means if the person has given the owners corporation an e-mail address for the service of notices and the document is sent to that address.

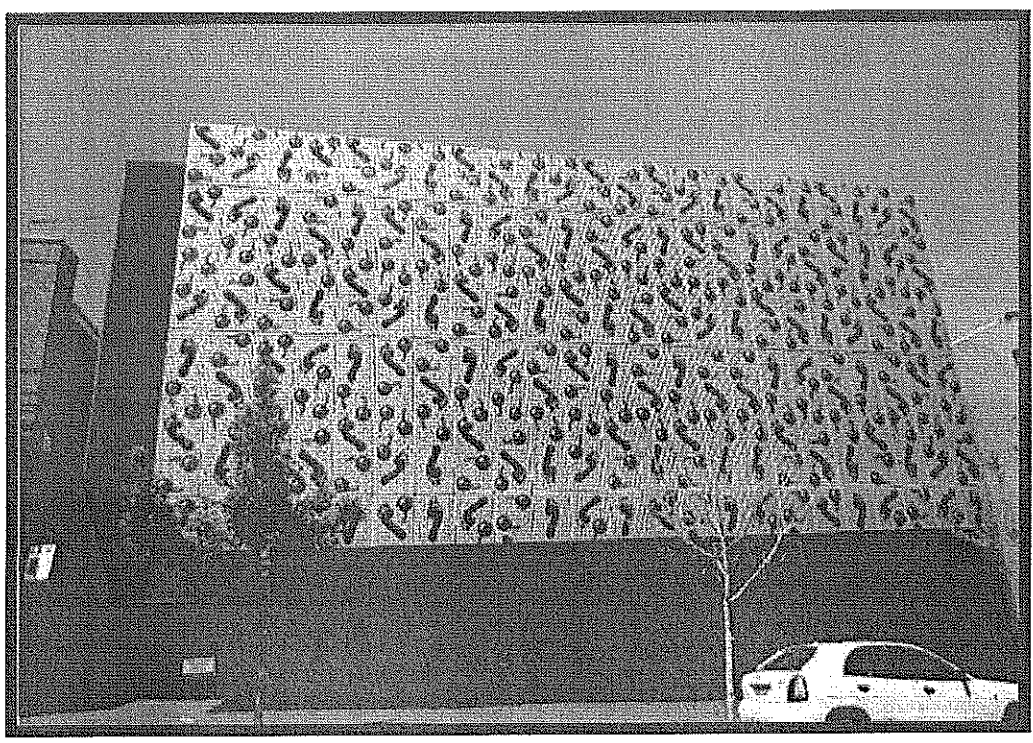
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Sinking Fund Plan for Owners Corporation Strata Plan 86156



**Black Theatre Building
27 Cope Street
Redfern NSW 2016**

Ref No. 1130352

NEW SOUTH WALES
Level 2, 50 York St Sydney 2000
PO Box A72 Sydney South 1235

QUEENSLAND
14 Railway Tce Milton 4064
PO Box 1584 Milton 4064

PO Box 2253 Southport 4064
PO Box 726 Maleny 4552
PO Box 8002 Calms 4870

VICTORIA
Level 1, 1 Queens Rd Melbourne 3004
GPO Box 3025 Melbourne 3000



01 Nov, 2012

The Executive Committee
Strata Plan 86156
27 Cope Street
Redfern NSW 2016

Dear Committee Members,

Thank you for appointing our company to conduct your Sinking Fund Plan.

Based on our survey of your property's maintenance needs, we recommend that the sinking fund levies be set at the levels shown in this report.

This plan should be updated regularly to account for actual changes in construction and maintenance costs, unanticipated changes in the property's condition over time, changes in legal requirements and any discrepancies between the forecast and actual sinking fund balances. Regular updates also create peace of mind and assist the Owners Corporation to manage the risk of litigation from individual owners (current and future) for breaches of its duty to maintain the common property by providing reasonable, up-to-date estimates of the cost of necessary maintenance work and repairs.

Key Report Data Levies Summary – First Financial Year

Levy Per Unit Entitlement (Total sinking fund levy divided by unit entitlements)	\$206.25
Total Unit Entitlements	100
Total Sinking Fund Levy	\$20,625.00

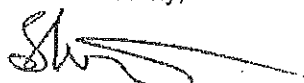
The data used to arrive at the above figures (which includes GST) is in the attached report. It is designed for ease of reading. For your convenience here is your Report Index:

Report Index	Page No.
Owners Report Summary	Section 1
Building Details and Report Inputs Page	2
15 Year Cash Flow Tracking & Graph	3
Report Detail	Section 2
15 Year Anticipated Expenditure Table	4
Building Data List from Property Inspection	6
Inspector's Building Report & Building Specific Report Notes	8
Report Notes	9

All services provided by Solutions in Engineering are supplied on the basis of our 'Supply Terms and Conditions' which are available from our Office and from our website www.solutionsie.com.au

If you have any questions regarding your Sinking Fund Plan or need our specialised services in Professional Safety Reports, Insurance Valuations, Asbestos Audits or Balustrade Testing call us on 1300 136 036 or email enquiry@solutionsie.com.au.

Yours sincerely,



The Team at Solutions in Engineering

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Building Details & Report Inputs

Supplied information

Building Name	Black Theatre Building
Building Address	27 Cope Street Redfern NSW 2016
Strata Plan	86156
Registered Plan Date/Year of Construction	2012
Number of Unit Entitlements	100
Number of Units	3
Estimated Starting Sinking Fund Balance	\$0
Starting date of Financial Year for Report	1/07/2012
GST Status	Registered for GST
Current Sinking Fund Levy per Unit Entitlement (Inc. GST)	\$0.00

Report assumptions & information

Assumed Interest Rate on invested funds (For funds over \$10,000)	5.00%
Company Taxation Rate	30.00%
Interest on Invested Funds - Based on Assumed Interest Rate minus Company Taxation Rate. Calculated only on sinking fund balances over \$10,000.	3.50%
Contingency Allowance - For minor and/or unforeseen expenses	12%
Assumed Rate of Inflation for Building Maintenance Costs - Based on average annual building cost increase between 1985 and 2007	3.10%
Plan Period - Number of years the plan forecasts.	15 years

15 Year Levy Table

Year	Year To	Total Contribution		Contribution per Unit Entitlement		Quarterly Contribution	
		Including GST	GST Component	Including GST	GST Component	Including GST	GST Component
1	30/06/2013	20,625.00	1875.00	206.25	18.75	51.56	4.69
2	30/06/2014	20,625.00	1875.00	206.25	18.75	51.56	4.69
3	30/06/2015	20,831.25	1893.75	208.31	18.94	52.08	4.73
4	30/06/2016	21,039.57	1912.69	210.40	19.13	52.60	4.78
5	30/06/2017	21,249.97	1931.82	212.50	19.32	53.13	4.83
6	30/06/2018	21,462.46	1951.13	214.62	19.51	53.66	4.88
7	30/06/2019	21,677.08	1970.64	216.77	19.71	54.19	4.93
8	30/06/2020	21,893.85	1990.35	218.94	19.90	54.74	4.98
9	30/06/2021	22,112.79	2010.25	221.13	20.10	55.28	5.03
10	30/06/2022	22,333.93	2030.36	223.34	20.30	55.84	5.08
11	30/06/2023	22,557.27	2050.66	225.57	20.51	56.39	5.13
12	30/06/2024	22,782.85	2071.17	227.83	20.71	56.96	5.18
13	30/06/2025	23,010.68	2091.88	230.11	20.92	57.53	5.23
14	30/06/2026	23,240.79	2112.80	232.41	21.13	58.10	5.28
15	30/06/2027	23,473.20	2133.93	234.73	21.34	58.68	5.33

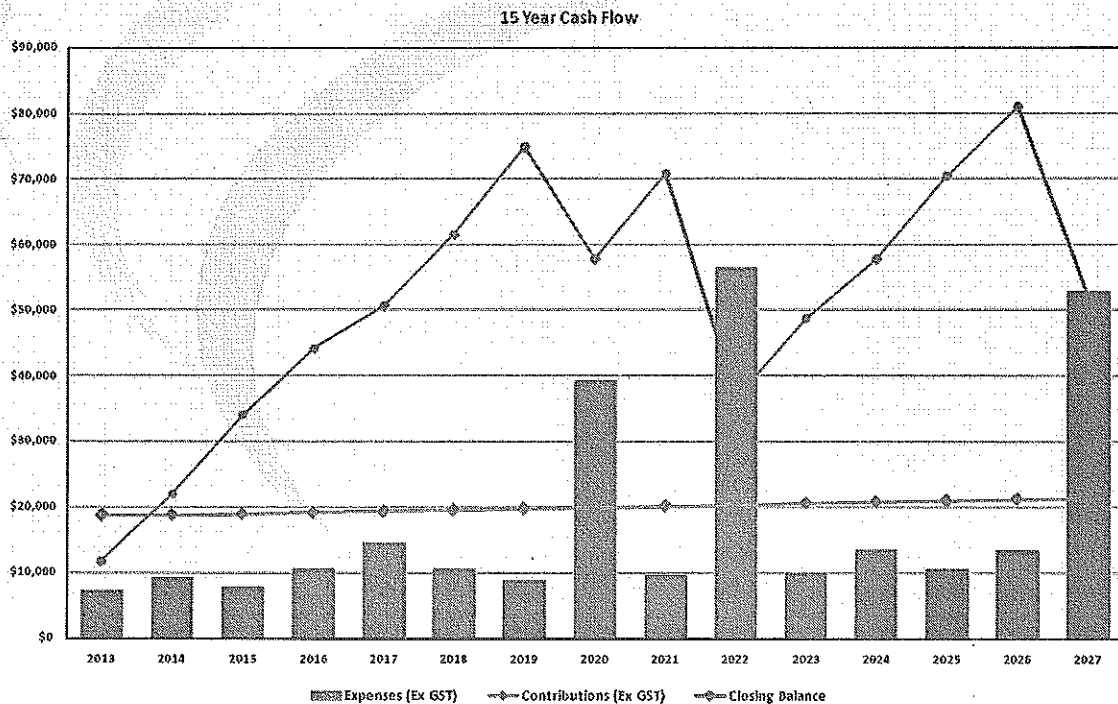
15 Year Cash-Flow Tracking Sheet

The table below shows the cash flow starting with the anticipated 'Opening Balance' at the start of the first financial year which you provided to us. We then add the 'Total Levy Contributions' for the year and any 'Interest' on balances greater than \$10,000. Any 'Anticipated Expenses' are then allowed for leaving a 'Closing Balance' for the year which in turn becomes the 'Opening Balance' for the following year. In summary:
Opening Balance + Total Levy Contributions + Interest - Anticipated Expenses = Closing Balance

Year	Year To	Opening Balance	Total Levy Contributions	Interest	Anticipated Expenses	Closing Balance
1	30/06/2013	0.00	18750.00	201.46	7,238.25	11,713.21
2	30/06/2014	11,713.21	18750.00	577.64	9,168.47	21,872.38
3	30/06/2015	21,872.38	18937.50	960.51	7,795.72	33,974.67
4	30/06/2016	33,974.67	19126.88	1,341.18	10,437.55	44,005.18
5	30/06/2017	44,005.18	19318.15	1,625.28	14,455.15	50,493.46
6	30/06/2018	50,493.46	19511.33	1,925.48	10,470.83	61,459.44
7	30/06/2019	61,459.44	19706.44	2,343.81	8,693.33	74,816.36
8	30/06/2020	74,816.36	19903.50	2,280.58	39,217.53	57,782.91
9	30/06/2021	57,782.91	20102.54	2,210.35	9,362.85	70,732.95
10	30/06/2022	70,732.95	20303.57	1,844.34	56,378.76	36,502.10
11	30/06/2023	36,502.10	20506.61	1,464.55	9,822.46	48,650.80
12	30/06/2024	48,650.80	20711.68	1,829.70	13,458.93	57,733.25
13	30/06/2025	57,733.25	20918.80	2,204.03	10,440.90	70,415.18
14	30/06/2026	70,415.18	21127.99	2,602.83	13,225.16	80,920.84
15	30/06/2027	80,920.84	21339.27	2,282.27	52,765.55	51,776.83

15 Year Cash Flow Graph

The graph below tracks the 'Contributions' (the amount collected in levies), the projected 'Closing balance' of the sinking fund and the likely 'Expenses' for each year of this plan. The three lines in the graph are:
 Contributions line - Total sinking fund contributions per year.
 Expenses line - Total anticipated expenses in each year.
 Closing balance line - Balance in the sinking fund at the end of the year after all income and expenses.



15 Year Anticipated Expenditures Table

This table shows when expenses will occur in the next 15 years. From left to right the columns are:-
 'Expenditure Items' - lists the different areas and items of expenditure.

'Current Cost' - shows the current maintenance expenditure costs in today's dollars.

'Year 1' to 'Year 15', shows the costs in the year in which they occur including the 'Assumed Rate of Inflation' compounded annually until the cost is due.

At the bottom on each column there are three lines. Firstly, a 'Sub Total (Inc. GST)' followed by a line calculating the 'Contingency Allowance (Inc. GST)' for unforeseen and minor expenses and finally 'Total Expenses (Inc. GST)' for that year. Please note: This page rounds figures to the nearest whole dollar.

Expenditure Item	Current Cost	Year 1 (2013)	Year 2 (2014)	Year 3 (2015)	Year 4 (2016)	Year 5 (2017)	Year 6 (2018)	Year 7 (2019)	Year 8 (2020)	Year 9 (2021)	Year 10 (2022)	Year 11 (2023)	Year 12 (2024)	Year 13 (2025)	Year 14 (2026)	Year 15 (2027)
1. Building exterior																
Paint building exterior	484	-	-	-	-	-	-	-	599	-	-	-	-	-	-	-
Repaint door face - one side	651	-	-	-	-	-	-	-	806	-	-	-	-	-	-	-
Repaint timber walls	1,496	-	-	-	-	-	-	-	1,852	-	-	-	-	-	-	-
Repaint metal columns	1,260	-	-	-	-	-	-	-	1,560	-	-	-	-	-	-	-
Repaint timber ceilings on roof top	2,508	-	-	-	-	-	-	-	3,106	-	-	-	-	-	-	-
Maintain rooftop balustrades (total: 62 Lm - 10%)	1,575	-	-	-	-	-	-	-	-	2,073	-	-	-	-	-	-
Maintain pavers (total: 280 m2) - 10%	3,416	-	-	-	-	-	-	-	-	4,496	-	-	-	-	-	-
Maintain building powdercoated panels	3,500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5,366
Scaffolding allowance	1,200	-	-	-	-	-	-	-	1,486	-	-	-	-	-	-	-
Repaint metal fascia	1,540	-	-	-	-	-	-	-	1,907	-	-	-	-	-	-	-
2. Main foyer																
Maintain ceilings & wall panels	1,150	-	-	-	-	-	-	-	1,424	-	-	-	-	-	-	-
Repaint walls	504	-	-	-	-	-	-	-	624	-	-	-	-	-	-	-
Repaint door face - one side	837	-	-	-	-	-	-	-	1,036	-	-	-	-	-	-	-
Maintain concrete floors	220	220	227	234	241	249	256	264	272	281	290	299	308	317	327	337
3. Stairwells																
Repaint door face - one side	744	-	-	-	-	-	-	-	921	-	-	-	-	-	-	-
Repaint handrails	832	-	-	-	-	-	-	-	1,030	-	-	-	-	-	-	-
Maintain stainless steel curtain	1,350	-	-	-	-	-	-	-	-	1,777	-	-	-	-	-	-
4. Lobbies and hallways																
Repaint ceilings	1,602	-	-	-	-	-	-	-	1,984	-	-	-	-	-	-	-
Repaint walls	2,618	-	-	-	-	-	-	-	3,242	-	-	-	-	-	-	-
Repaint door face - one side	1,674	-	-	-	-	-	-	-	2,073	-	-	-	-	-	-	-
Maintain ceiling tiles	350	-	-	-	-	-	-	-	-	461	-	-	-	-	-	-
Replace carpet	2,970	-	-	-	-	-	-	-	-	3,909	-	-	-	-	-	-
5. Toilets & showers																
Repaint ceilings	792	-	-	-	-	-	-	-	981	-	-	-	-	-	-	-
Repaint door face - one side	1,860	-	-	-	-	-	-	-	2,303	-	-	-	-	-	-	-
Maintain wall tiles (total: 218 m2) - 10%	2,596	-	-	-	-	-	-	-	-	3,417	-	-	-	-	-	-
Maintain floor tiles (total: 44 m2) - 10%	720	-	-	-	-	-	-	-	-	948	-	-	-	-	-	-
Replace mirrors	1,832	-	-	-	-	-	-	-	-	2,411	-	-	-	-	-	-

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Expenditure Item	Current Cost (2013)	Year 1 (2014)	Year 2 (2015)	Year 3 (2016)	Year 4 (2017)	Year 5 (2018)	Year 6 (2019)	Year 7 (2020)	Year 8 (2021)	Year 9 (2022)	Year 10 (2023)	Year 11 (2024)	Year 12 (2025)	Year 13 (2026)	Year 14 (2027)	Year 15 (2027)
6. Roof																
Maintain metal roof (total: 308 m2)	2,156	-	-	-	2,436	-	-	-	-	-	2,838	-	-	-	-	3,306
Maintain membranes - waterproofing	14,840	-	-	-	-	-	-	-	-	-	-	-	-	-	-	22,754
7. Driveway & parking																
Cleaning program	620	-	-	679	-	-	-	-	768	-	-	-	867	-	-	-
Maintain paving (total: 310 m2) - 10%	2,170	-	-	-	2,452	-	-	-	-	-	2,856	-	-	-	-	3,327
Maintain security access electric gate	350	350	361	372	384	395	406	420	433	447	461	475	490	505	521	537
Replace gate	2,800	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4,293
Replace motor to gate	1,250	-	-	-	-	-	-	-	-	-	1,645	-	-	-	-	-
Maintain stormwater drains	350	-	361	-	384	-	408	-	433	-	461	-	490	-	521	-
8. Fence maintenance																
Maintain powder coated fences (total: 38 Lm - rate) -20%	680	-	-	-	768	-	-	-	-	-	-	-	-	-	-	1,043
9. Fixtures and fittings																
Maintain directional emergency lighting	121	121	125	133	137	141	145	150	154	159	164	169	175	180	186	186
Maintain emergency lighting	362	362	373	385	409	422	435	448	462	476	491	506	522	538	555	555
Maintain community lighting	750	750	773	822	847	874	901	929	957	987	1,018	1,049	1,082	1,115	1,150	1,150
Maintain letterboxes	94	-	100	-	-	110	-	-	120	-	-	132	-	-	144	-
Maintain security access intercom	325	-	335	-	356	-	379	-	402	-	428	-	455	-	483	-
Replace front door audio speaker	450	-	-	-	508	-	-	-	-	592	-	-	-	-	-	690
Maintain CCTV	950	-	979	-	1,041	-	1,107	-	1,176	-	1,250	-	1,329	-	1,413	-
Maintain building hot water units	420	420	433	446	460	475	489	504	520	536	553	570	588	606	625	644
10. Landscaping																
Maintain gardens and vegetation	650	650	670	691	712	734	757	781	805	830	856	882	909	938	967	997
11. Fire equipment																
General fire maintenance services	1,450	1,450	1,495	1,541	1,589	1,638	1,689	1,741	1,795	1,851	1,909	1,968	2,029	2,092	2,156	2,223
12. Lifts																
Maintain security access system	210	210	217	223	230	237	245	252	260	268	276	285	294	303	312	322
Maintain floor coverings	376	376	388	400	412	425	438	452	466	480	495	510	526	542	559	577
Refurbish lift interior	12,500	-	-	-	-	-	-	-	-	-	16,453	-	-	-	-	-
General lift maintenance	2,200	2,200	2,268	2,339	2,411	2,486	2,563	2,642	2,724	2,809	2,896	2,985	3,078	3,173	3,272	3,373
Sub Total (Incl. GST)	7,109	9,005	7,657	10,251	14,186	10,286	8,537	38,515	9,195	55,373	9,647	13,219	10,255	12,989	51,824	51,824
Contingency Allowance (Incl. GST)	853	1,081	919	1,230	1,704	1,234	1,024	4,822	1,103	6,645	1,158	1,586	1,231	1,559	6,219	6,219
Total Expenses (Incl. GST)	7,962	10,086	8,576	11,481	15,900	11,520	9,561	43,137	10,298	62,018	10,805	14,805	11,486	14,548	58,043	58,043

Building Data List from the Property Inspection for Strata Plan 86156

This table has all the data collected by the building inspector while inspecting the complex. The columns from left to right are:-
 'Items' – identifies and describes the maintenance item
 'Qty' – lets you know the total quantity of that item
 'Unit' – is the unit rate used to measure the quantity
 'Rate' – is the cost of each unit in dollars
 'Value' – is the quantity (Qty) multiplied by the Rate (\$)
 'Next Due' – is the remaining life in years until an item needs money spent on it.
 'Total Life' – is the total life the item after it is replaced, repaired or repainted.
 'Comments' – details any useful explanatory notes for the item.

Items	Qty	Unit	Rate (\$)	Value (\$)	Next Due	Total Life	Comments
1. Building exterior							
Paint building exterior	22	m2	22	484	8	8	
Repaint door face – one side	7	Ea	93	651	8	8	Includes architrave
Repaint timber walls	68	m2	22	1496	8	8	
Repaint metal columns	36	Lm	35	1260	8	8	
Repaint timber ceilings on roof top	114	m2	22	2508	8	8	
Maintain rooftop balustrades (total: 62 Lm - 10%)	7	Lm	225	1575	10	15	Powder coated panels
Maintain pavers (total: 280 m2) – 10%	28	m2	122	3416	10	10	
Maintain building powdercoated panels	1	Item	3,500	3,500	15	15	Ceilings and walls
Scaffolding allowance	1	Ea	1,200	1,200	8	8	
Repaint metal fascia	44	Lm	35	1,540	8	8	
2. Main foyer							
Maintain ceilings & wall panels	1	Item	1,150	1,150	8	8	Powder coated panels
Repaint walls	24	m2	21	504	8	8	
Repaint door face – one side	9	Ea	93	837	8	8	Includes architrave
Maintain concrete floors	1	Item	220	220	1	1	Ongoing maintenance program
3. Stairwells							
Repaint door face – one side	8	Ea	93	744	8	8	Includes architrave
Repaint handrails	26	Lm	32	832	8	8	
Maintain stainless steel curtain	1	Item	1,350	1,350	10	10	
4. Lobbies and hallways							
Repaint ceilings	89	m2	18	1,602	8	8	
Repaint walls	154	m2	17	2,618	8	8	
Repaint door face – one side	18	Ea	93	1,674	8	8	Includes architrave
Maintain ceiling tiles	1	Item	350	350	10	10	Powder coated panels
Replace carpet	66	m2	45	2,970	10	10	Carpet tiles
5. Toilets & showers							
Repaint ceilings	44	m2	18	792	8	8	

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Items	Qty	Unit	Rate (\$)	Value (\$)	NextDue	Total Life	Comments
Repaint door face – one side	20	Ea	93	1860	8	8	Includes architrave
Maintain wall tiles (total: 218 m2) – 10%	22	m2	118	2596	10	10	Ceramic tiles up to 300x300mm in size
Maintain floor tiles (total: 44 m2) – 10%	5	m2	144	720	10	10	Ceramic tiles up to 300x300mm in size, laid to falls
Replace mirrors	8	m2	229	1832	10	10	Salt areas as required
6. Roof							
Maintain metal roof (total: 308 m2)	308	m2	7	2156	5	5	0.42mm corrugated Zincalume or similar
Maintain membranes - waterproofing	280	m2	53	14840	15	20	Bituminous Felt Fibreglass Reinforced Bonded with Hot Bitumen - 3 layers laid to falls on concrete
7. Driveway & parking							
Cleaning program	310	m2	2	620	4	4	Clean as required using Council-approved contractor
Maintain paving (total: 310 m2) – 10%	31	m2	70	2170	5	5	Ongoing maintenance program
Maintain security access electric gate	1	Ea	350	350	1	1	Ongoing maintenance program
Replace gate	1	Ea	2,800	2800	15	15	One-off repairs
Replace motor to gate	1	Ea	1,250	1250	10	10	
Maintain stormwater drains	1	Item	350	350	2	2	Ongoing maintenance program
8. Fence maintenance							
Maintain powder coated fences (total: 38 Lm – rate) - 20%	8	Lm	85	680	5	10	
9. Fixtures and fittings							
Maintain directional emergency lighting	1	Item	121	121	1	1	
Maintain emergency lighting	1	Item	362	362	1	1	
Maintain community lighting	1	Item	750	750	1	1	
Maintain letterboxes	1	Ea	94	94	3	3	
Maintain security access intercom	5	units	65	325	2	2	Ongoing maintenance program
Replace front door audio speaker	1	Ea	450	450	5	5	
Maintain CCTV	1	Item	950	950	2	2	Ongoing maintenance program
Maintain building hot water units	1	Item	420	420	1	1	Ongoing maintenance program
10. Landscaping							
Maintain gardens and vegetation	1	Item	650	650	1	1	Ongoing maintenance program
11. Fire equipment							
General fire maintenance services	1	Item	1,450	1450	1	1	Ongoing maintenance program
12. Lifts							
Maintain security access system	1	Item	210	210	1	1	Maintain to manufactures specifications
Maintain floor coverings	4	m2	94	376	1	1	
Refurbish lift interior	1	Ea	12,500	12500	10	10	
General lift maintenance	1	Ea	2,200	2200	1	1	Ongoing maintenance program

Inspector's Report for Strata Plan 86156

1. **IMPORTANT NOTES ABOUT PAINTING:** Painting a building serves two main purposes: improving the appearance of the building; and protecting the painted surface. From a maintenance point of view, this second purpose is more important. By sealing the surface, paint protects the building from damage caused by water, salt or air pollutants. Although most paints will hold their appearance for at least ten years, before cracking or peeling occurs, they become porous and lose their protective abilities well before this point. As such, we recommend that surfaces are repainted more frequently.

High-quality elastomeric paints, when properly applied, can achieve longer-lasting results, however the higher cost of this paint, lower spread rates and higher labour costs associated with this work tends to increase painting cost by approximately 50%, and so has not been included in this forecast.

Washing or pressure cleaning a painted surface can significantly diminish its function as a protective coating. If the surface is not repainted after the timeframe recommended above it will become more vulnerable to water, salt and/or pollutants. The resulting damage can considerably increase the cost of surface preparation before future repainting and, in extreme cases lead to concrete cancer, requiring major repairs.

2. The painting cost estimates are as accurate as possible. However, due to privacy considerations, access restrictions to some areas and the varied nature of the property, it is recommended that the Body Corporate obtain quotes for painting work well in advance of when the work is to be carried out to allow for any shortfall or excess in funds.
3. The maintenance of fences between properties is regulated under the Dividing Fences Act 1991, which states that neighbours have equal responsibility for dividing fences. As such, we have applied a fifty percent rate to all maintenance work on these fences in this report.
4. An allowance has been made for the cleaning and maintenance of the concrete driveway. Cleaning may be carried out using high pressure water or a chemical wash, however the Owners Corporation should take care to abide by water-use restrictions when doing so.
5. The powder coated surfaces throughout the property have a lengthy maintenance-free period when new. After this period these surfaces may be repainted to maintain their appearance. It is important to note that powder coated surfaces will need to be prepared for painting, and that most paints will require an additive to ensure a high quality finish.
6. The powder coated metalwork throughout the property may be subject to a manufacturer's warranty and, as such, the manufacturer's cleaning and maintenance recommendations should be followed to maximise the lifespan of the product.

Report Notes

Sinking Fund Plan

This forecast satisfies the current requirements of the Strata Schemes Management Act 1996, Part 3 Division 1 which states:-

69 Sinking fund to be established

(1) An Owners Corporation must establish a sinking fund.

(2) However, an Owners Corporation for a strata scheme comprising 2 lots need not establish a sinking fund if:

(a) the Owners Corporation so determines by unanimous resolution, and

(b) the buildings comprised in one of those lots are physically detached from the buildings comprised in the other lot, and

(c) no building or part of a building in the strata scheme is situated outside those lots.

75A Owners Corporation to prepare 10-year sinking fund plans

(1) This section applies to Owners Corporations established on or after the commencement of this section.

(2) An Owners Corporation to which this section applies is to prepare a plan of anticipated major expenditure to be met from the sinking fund over the 10-year period commencing on the first annual general meeting of the Owners Corporation.

(3) The initial plan is to be finalised by the end of the second annual general meeting of the Owners Corporation.

(4) The plan is to be reviewed and (if necessary) adjusted no later than at the fifth annual general meeting of the Owners Corporation.

(5) An Owners Corporation to which this section applies is to prepare a plan as referred to in subsection (2) for each 10-year period following the period referred to in that subsection and is to finalise and review the plan in accordance with the requirements of subsections (3) and (4) at the corresponding annual general meetings in the relevant 10-year period.

(6) An Owners Corporation may engage expert assistance in the preparation of a plan under this section.

THIS REPORT DEALS WITH THE SINKING FUND BUDGET.

Figures used and updates - The figures used in the forecast are typical for this type of building and normal usage. The Executive Committee has some discretion in the timing of most maintenance items. The purpose of this forecast is to ensure monies are available when required to cover foreseeable expenses.

Contingency - A contingency has been allowed for any unforeseen expenses. Please refer to the second page of the report.

Interest, Taxation and Inflation - The standard interest rate used by Solutions in Engineering is based on the Reserve Bank of Australia's (RBA) historical series for Cash Management and Online Savings Account interest rates for the past previous fifteen years. The company tax rate is applied to interest income unless Solutions in Engineering is advised that the Owners Corporation is exempt from tax on external income. The standard inflation rate used by Solutions in Engineering is based upon the entire RBA historical series for Construction, Manufacturing and Property Services inflation, commencing March 1999. While historical figures are not an accurate predictor of specific future outcomes, over the life of this report (fifteen years), interest rates and inflation should approach long-term averages. Changes in economic conditions may affect the accuracy of these figures. This report should be updated at regular intervals to ensure that any such changes are taken into account.

Administration Budget - Items of a recurrent nature that are covered by the administration budget such as maintenance contract for lifts, fire protection equipment, air conditioners, cleaning and gardening are not included. Neither are items of a minor recurrent nature with varying life spans such as light bulbs and exit light battery packs.

Safety - The inspection does not cover safety issues.

Lifts - Due to the many types of lift contracts covering varying parts and aspects of lift maintenance, no allowance is made unless instructed by the Executive Committee Committee/Representative.

Items with Indefinite Lives - There is no allowance for replacement of items that, if properly maintained, should last indefinitely, (unless otherwise requested by the Executive Committee); for example: sanitary fittings and lift carriage interiors. This forecast deals only with estimating the timing of physical obsolescence.

Improvements - The Executive Committee may resolve to undertake improvements not related to normal maintenance. No allowance has been made for these items.

Defects - No allowance has been made for correction of defects resulting from faulty construction except where nominated in the report. The inspectors report summarises only issues observed during our inspection and is not a structural report.

Ongoing Maintenance Programs - The lives of some items overall may have been extended indefinitely due to the use of an ongoing maintenance program. When there is any doubt in our minds about how and when an item may need replacement or maintenance, we give control to the owners and the Executive Committee. With allowances for ongoing maintenance programs, allow funds to be available for maintenance, gradual replacement or in some cases accumulation of funds for total replacement in the long term. The lives of some items can vary considerably, especially with issues such as:

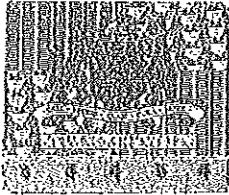
- ◆ Usage.
- ◆ Accidental damage to floor tiles, which may or may not be still available or in stock.
- ◆ Fences can be maintained and replaced gradually or all at once.
- ◆ Metal and Aluminium Balustrades can last anywhere between 10 and 50 years, depending on the original quality, coatings (painting) and maintenance.
- ◆ Concrete driveways that have been cracked but are still perfectly sound and serviceable.
- ◆ Pumps and Fans can last indefinitely or wear out relatively quickly. This often depends on the quality of internal construction and finish.

Updates - The forecast is made with the best available data at this time. The forecast should be upgraded at regular intervals. We recommend a minimum of bi-annual updates.

Supply terms and conditions - All services provided by Solutions in Engineering are supplied on the basis of Supply Terms and Conditions which are available from our Office and from our website www.solutionsie.com.au

Please read the information and the notes on the Inspector's report to gain the most from this report.

BOX 1W
(SP86156)



NEW SOUTH WALES CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE REFERENCE	
CP/SP86156	
EDITION	DATE OF ISSUE
1	8/2/2012
CERTIFICATE AUTHENTICATION CODE	
ZNTX-DG-QTRJ	

70 A4

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

THE COMMON PROPERTY IN THE STRATA SCHEME BASED ON STRATA PLAN 86156 WITHIN THE PARCEL SHOWN IN THE TITLE DIAGRAM

AT REDFERN.
LOCAL GOVERNMENT AREA: SYDNEY.
PARISH OF ALEXANDRIA COUNTY OF CUMBERLAND
TITLE DIAGRAM: SP86156

FIRST SCHEDULE

THE OWNERS - STRATA PLAN NO. 86156
ADDRESS FOR SERVICE OF NOTICES:
31 COPE STREET
REDFERN
NSW 2016

SECOND SCHEDULE

- RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- ATTENTION IS DIRECTED TO THE COMMERCIAL/RETAIL SCHEMES MODEL BY-LAWS CONTAINED IN THE STRATA SCHEMES MANAGEMENT REGULATION APPLICABLE AT THE DATE OF REGISTRATION OF THE SCHEME
- T442959 EASEMENT TO DRAIN SEWAGE AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
- DP1097494 EASEMENT TO PERMIT ENCROACHING STRUCTURE TO REMAIN VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- DP1129619 RESTRICTION(S) ON THE USE OF LAND

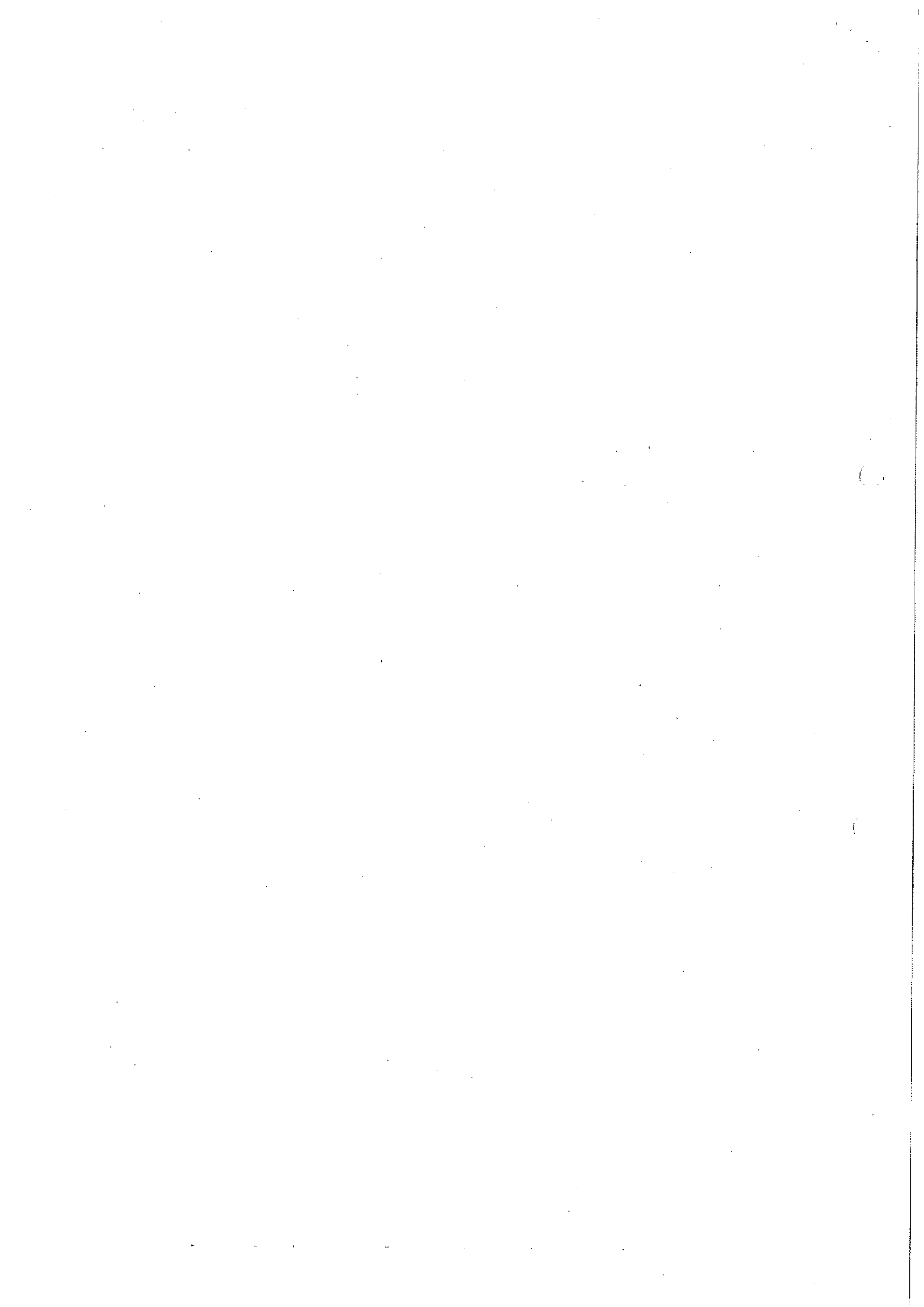
SCHEDULE OF UNIT ENTITLEMENT (AGGREGATE: 100)

STRATA PLAN 86156

LOT	ENT	LOT	ENT	LOT	ENT
1	- 24	2	- 37	3	- 39

**** END OF CERTIFICATE ****

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT)



135 600



Land & Property
Information

A division of the Department of Finance & Services
1 Prince Albert Rd.
Sydney NSW 2000
Ph 1300 052 637
Fax (02) 9233 4357
www.lpi.nsw.gov.au

SCOTT LAURENCE DEVERIDGE
P.O. Box 4004
Macquarie Centre 2113

Date: 8/2/2012

PLAN REGISTRATION NOTICE

THE UNDERMENTIONED PLAN WAS REGISTERED ON 8/2/2012

PLAN NUMBER: SP86156

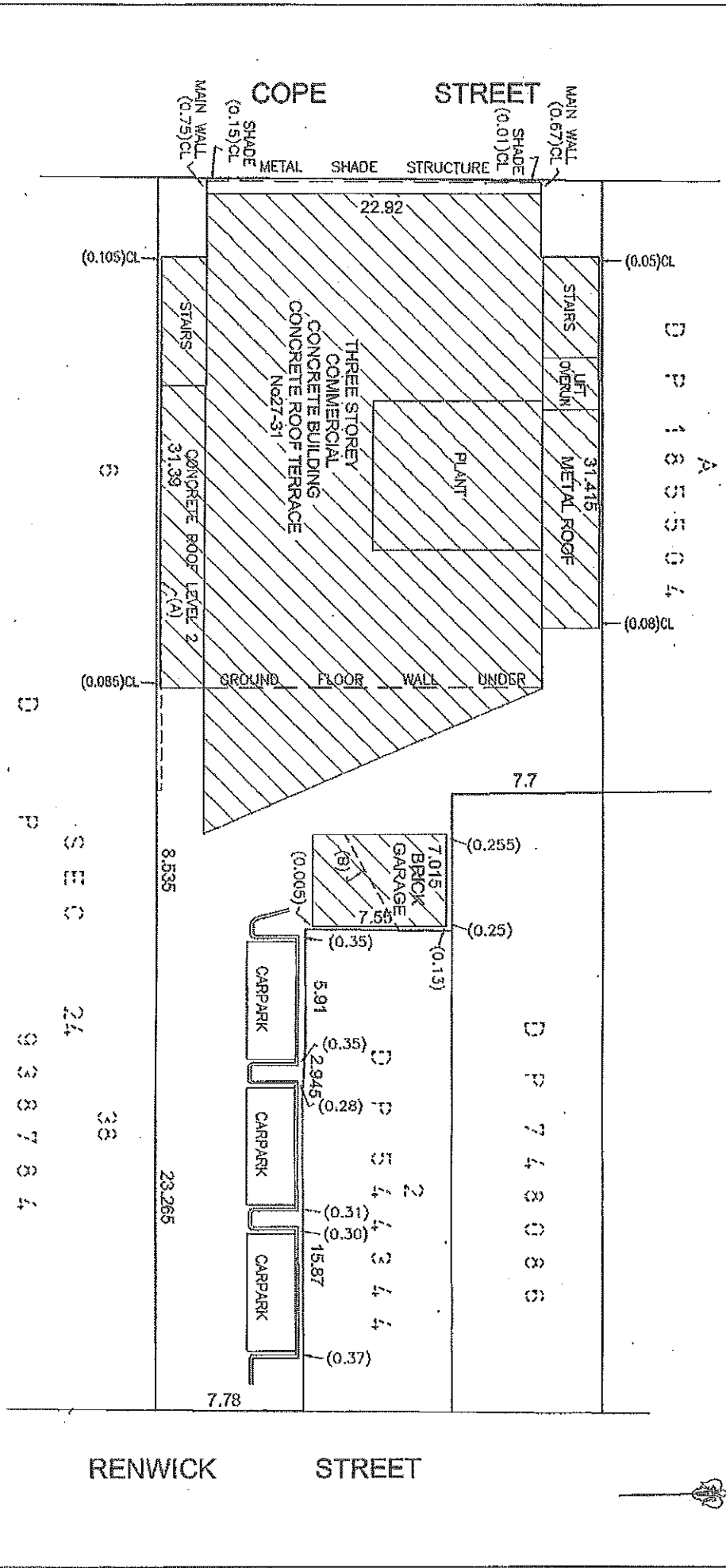
YOUR REFERENCE: 21523-SP

YOUR PROFILE HAS BEEN UPDATED IN REGARD TO THE FOLLOWING CHECKLIST ITEM(S)
21.4, 30.3

REGISTRAR GENERAL

1032

LOCATION PLAN



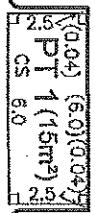
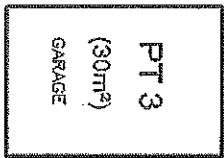
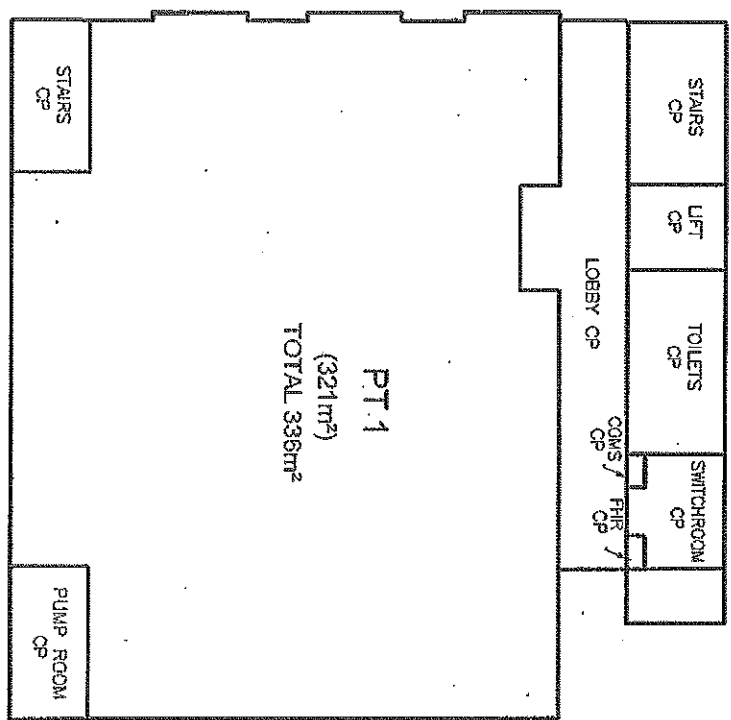
(A) DENOTES EASEMENT TO PERMIT ENCRDACHING STRUCTURE TO REMAIN VARIABLE WIDTH VIDE DP1097494
 (B) DENOTES EASEMENT TO DRAIN SEWAGE AFFECTING THE EXISTING LINE OF PIPES VIDE T442959
 (APPROXIMATE POSITION OF PIPES)

0	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150
---	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----

Surveyor: SCOTT DEVERIDGE
 Surveyor's Ref: 21523-SP
 Subdivision No:
 Lengths are in metres. Reduction Ratio 1:200

Registered

SP



LEVEL 1

EXTERNAL CARSPACES ARE LIMITED IN HEIGHT TO 3 ABOVE
THE UPPER SURFACE OF THEIR RESPECTIVE HARSTAND
AIR-CONDITIONING PLANT, EQUIPMENT AND DUCTING FORMS PART OF COMMON PROPERTY

SHADE STRUCTURE FORMS PART OF COMMON PROPERTY

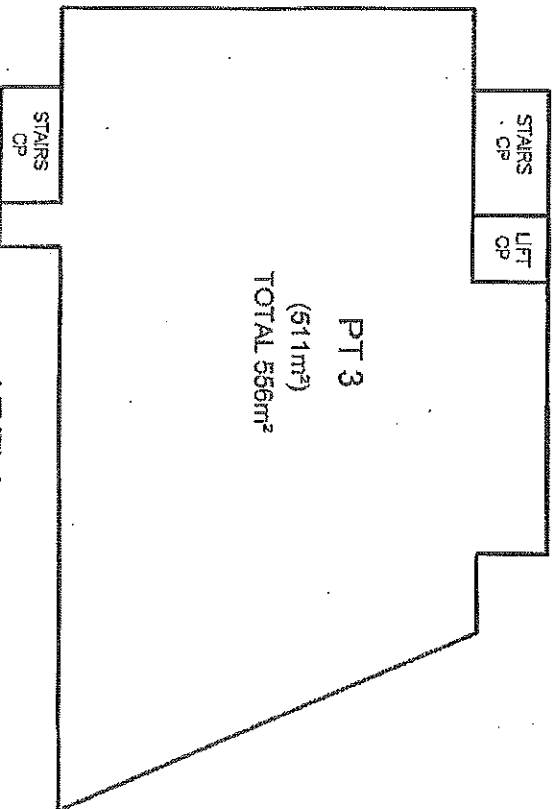
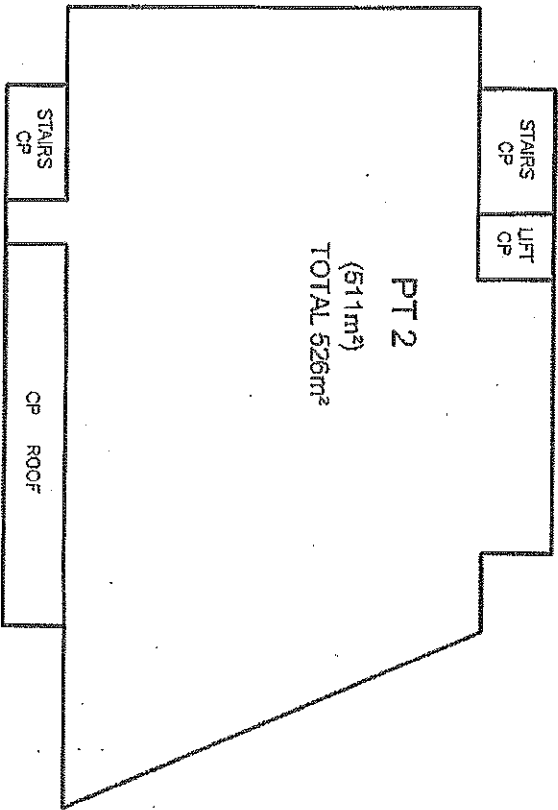
AREAS ARE APPROXIMATE AND FOR THE PURPOSE OF THE STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973 ONLY
ANY SERVICE SERVING ONE LOT WITHIN ANOTHER LOT IS COMMON PROPERTY
L DENOTES 90° ANGLE
CW DENOTES CORNER WALL
CP DENOTES COMMON PROPERTY
COMS DENOTES COMMUNICATIONS ROOM
FHR DENOTES FIRE HOSE REEL
CS DENOTES CARSPACE



Surveyor: SCOTT DEVERIDGE
Surveyor's Ref: 21523-SP
Subdivision No:
Lengths are in metres. Reduction Ratio 1:150

Registered

SP



AREAS ARE APPROXIMATE AND FOR THE PURPOSE OF THE STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1975 ONLY
 CP DENOTES COMMON PROPERTY
 ANY SERVICE SERVING ONE LOT WITHIN ANOTHER LOT IS COMMON PROPERTY
 SHADE STRUCTURE FORMS PART OF COMMON PROPERTY
 AIR-CONDITIONING PLANT, EQUIPMENT AND DUCTING FORMS PART OF COMMON PROPERTY

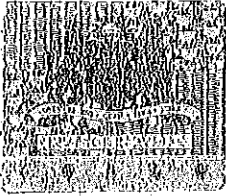


Surveyor: SCOTT DEVERIDGE
 Surveyor's Ref: 21523-SP
 Subdivision No:
 Lengths are in metres. Reduction Ratio 1:200

Registered

SP

BOX 1W
(SP86156)



NEW SOUTH WALES
CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



153

TORRENS TITLE REFERENCE	
1/SP86156	
EDITION	DATE OF ISSUE
1	8/2/2012
CERTIFICATE AUTHENTICATION CODE	
XL7H-NK-NJ3F	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LOT 1 IN STRATA PLAN 86156
AT REDFERN.
LOCAL GOVERNMENT AREA: SYDNEY.

FIRST SCHEDULE

INDIGENOUS LAND CORPORATION

SECOND SCHEDULE

-
1. INTERESTS RECORDED ON REGISTER FOLIO CP/SP86156
 2. SP86156 RESTRICTION(S) ON THE USE OF LAND

**** END OF CERTIFICATE ****

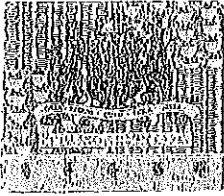
ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT)

BOX 1W
(SP86156)

NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE REFERENCE	
CP/SP86156	
EDITION	DATE OF ISSUE
1	8/2/2012
CERTIFICATE AUTHENTICATION CODE	
ZNTX-DG-QTRJ	

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REGISTRAR GENERAL



LAND

THE COMMON PROPERTY IN THE STRATA SCHEME BASED ON STRATA PLAN 86156 WITHIN THE PARCEL SHOWN IN THE TITLE DIAGRAM

AT REDFERN.
LOCAL GOVERNMENT AREA: SYDNEY.
PARISH OF ALEXANDRIA COUNTY OF CUMBERLAND
TITLE DIAGRAM: SP86156

FIRST SCHEDULE

THE OWNERS - STRATA PLAN NO. 86156
ADDRESS FOR SERVICE OF NOTICES:
31 COPE STREET
REDFERN
NSW 2016

SECOND SCHEDULE

- RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- ATTENTION IS DIRECTED TO THE COMMERCIAL/RETAIL SCHEMES MODEL BY-LAWS CONTAINED IN THE STRATA SCHEMES MANAGEMENT REGULATION APPLICABLE AT THE DATE OF REGISTRATION OF THE SCHEME
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- DP1129619 RESTRICTION(S) ON THE USE OF LAND

SCHEDULE OF UNIT ENTITLEMENT (AGGREGATE: 100)

STRATA PLAN 86156

LOT	ENT	LOT	ENT	LOT	ENT
1	- 24	2	- 37	3	- 39

**** END OF CERTIFICATE ****

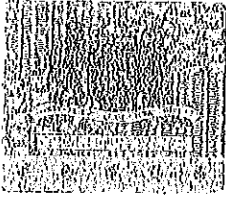
ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT)

BOX 1W
(SP86156)

NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE REFERENCE	
2/SP86156	
EDITION	DATE OF ISSUE
1	8/2/2012
CERTIFICATE AUTHENTICATION CODE	
5GVG-X6-633R	

152

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REGISTRAR GENERAL



LAND

LOT 2 IN STRATA PLAN 86156
AT REDFERN.
LOCAL GOVERNMENT AREA: SYDNEY.

FIRST SCHEDULE

INDIGENOUS LAND CORPORATION

SECOND SCHEDULE

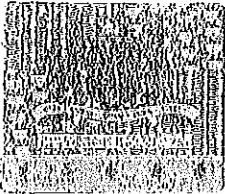
-
1. INTERESTS RECORDED ON REGISTER FOLIO CP/SP86156
 2. SP86156 RESTRICTION(S) ON THE USE OF LAND

**** END OF CERTIFICATE ****

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.144 REAL PROPERTY ACT)

BOX 1W
(SP86156)

NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



TORRENS TITLE REFERENCE	
3/SP86156	
EDITION	DATE OF ISSUE
1	8/2/2012
CERTIFICATE AUTHENTICATION CODE	
T9XD-GD-7KXY	

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REGISTRAR GENERAL



LAND

LOT 3 IN STRATA PLAN 86156
AT REDFERN.
LOCAL GOVERNMENT AREA: SYDNEY.

FIRST SCHEDULE

INDIGENOUS LAND CORPORATION

SECOND SCHEDULE

-
1. INTERESTS RECORDED ON REGISTER FOLIO CP/SP86156
 2. SP86156 RESTRICTION(S) ON THE USE OF LAND

**** END OF CERTIFICATE ****

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).

**OUTCOMES OF COMMUNITY CONSULTATION ON THE FUTURE
DEVELOPMENT OF THE BLACK THEATRE SITE**

27-31 COPE AND 90 RENWICK STREETS REDFERN, NEW SOUTH WALES

**Consultations undertaken by Badge 90 Consulting Services Pty
Ltd on behalf of the Indigenous Land Corporation**



March 2006

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**TERMS OF REFERENCE FOR COMMUNITY CONSULTATION ON THE
FORMER BLACK THEATRE SITE (BTS)**

The following Terms of Reference were developed by the ILC and Badge 90 Consulting Pty Ltd to seek the views of key stakeholders in the Sydney region on the future development of the BTS:

- a) consult with the following persons and organisations, as well as other Aboriginal persons (whether natural persons or corporate entities) who have both an interest in the Properties and an existing connection with Redfern, in order to ascertain what are the most desired purposes to which the Properties should be put:
 - (i) Aboriginal Medical Service;
 - (ii) Aboriginal Legal Service;
 - (iii) Aboriginal Housing Company;
 - (iv) Metropolitan Local Aboriginal Land Council;
 - (v) Aboriginal Dance Theatre, Redfern;
 - (vi) Murrawina Pre-School;
 - (vii) Namaroo (Employment Agency);
 - (viii) Redfern All Blacks Rugby Leagues Club;
 - (ix) Aboriginal Childrens Service;
 - (x) Mundgingal Womens Centre;
 - (xi) Tony Mundine Gymnasium;
 - (xii) Wyanga Aboriginal Aged Care Centre;
 - (xiii) Redfern Aboriginal Youth Services;
 - (xiv) Redfern Aboriginal Mens Service;
 - (xv) Relevant state and local governmental authorities;
 - (xvi) local Aboriginal and non Aboriginal business houses;
 - (xvii) religious groups; and
 - (xviii) the local chamber of commerce,
- b) where appropriate, invite the ILC to send a representative to attend any of the consultations described in sub-paragraph (a);
- c) liaise with representatives of the ILC every week by telephone to discuss the outcomes of the Consultant's work in the prior week;
- d) meet with representatives of the ILC every third week to discuss the outcomes of the Consultant's work in the prior three weeks so that the ILC

- may prepare a report on the basis of the Consultant's work during that period;
- e) meet with representatives of the ILC at the conclusion of two months after the commencement of the contract to jointly review the Consultant's progress to date so that the ILC may prepare an interim report on the basis of the Consultant's work during the first two months;
- f) meet with representatives of the ILC at the conclusion of three months after commencement of the contract to jointly review the outcomes of the Consultant's work so that the ILC may prepare a final report on the basis of the entirety of the Consultant's work; and
- g) review all reports prepared by the ILC to verify their accuracy and to sign them when the Consultant agrees that they are accurate.

EXECUTIVE SUMMARY

The vacant lots comprising 27-31 Cope and 90 Renwick Streets, Redfern, commonly referred to as the 'Black Theatre Site' (BTS) were transferred from ATSIC to ILC in March 2005.

At ILC Board meeting No 89 (25 August 2005) it was agreed that the Deputy Chairperson Mr Sam Jeffries, would take carriage of the BTS strategic project, particularly with regards to overseeing the community consultation about the future development of the BTS.

On behalf of the ILC Community Consultations were undertaken by Badge 90 Consulting Services Pty Ltd, headed by Mr Sol Bellear. Consultations occurred during February – March 2006.

Various views were captured from the BTS consultation process with four reoccurring suggestions being articulated as follows:

- The development should provide for commercial business opportunities, commercial office accommodation and retail space, that provide benefits for the community;
- Local community representation should be included in the management of any future development;
- The development should provide opportunities for the Indigenous youth of the local area; and
- Unanimous support for Koori Radio to be accommodated in the future development.

There is also support for the profits of any commercial development to be invested in community trust funds, providing finances for educational, social, cultural and sporting scholarships.

Badge 90 Consulting Services advised that the consultations process stimulated positive discussions about the future development of the BTS with the community expressing the need to have the site developed to enable the community to derive benefits from the property.

125

OUTCOMES FROM FIRST ROUND
26 January - 2 February 2006

Mr Shane Phillips & Mr Lindsay Newland – Tribal Warrior
Mr Mick Mundine & Mr Peter Valilis – Aboriginal Housing Company
Ms Naomi Mayers & Mr Peter Fanando – Redfern Aboriginal Medical Service
Ms Clare McCure – Metropolitan Local Aboriginal Land Council
Mr Anthony Mundine – Boxa International

Consultations were also held with the following local businesses in the area:

- Regent Café – Indigenous owned business;
- Hot Bread Shop – Non-Indigenous owned business;
- Italian Coffee Shop – Non-Indigenous business; and
- Various Seconds Retail outlets along Redfern Street – All non-Indigenous owned businesses.

Tribal Warrior (TW)

TW indicated that the BTS should be developed for commercial uses such as a supermarket and leased out to a supermarket chain such as Coles, Woolworths or Aldi. TW suggested that the development could include a retail space on the ground floor and commercial office space on floors above.

If available, TW would also like to lease office space within a building.

Aboriginal Housing Company (AHC)

The AHC suggested that a commercial building be developed on the BTS with 3-4 levels of commercial office space and 3-4 levels of units.

The AHC is supportive of the Koori Radio Service being located within any future development on BTS.

Redfern Aboriginal Medical Service (AMS)

The AMS has suggested that the BTS be developed for commercial uses with retail on the ground level, office space, conference centre, youth centre and basement car parking.

The AMS suggested that profits from commercial activities that are generated through the development could be applied to an Indigenous Educational Scholarship fund or a Funeral Fund

The AMS is supportive of the Koori Radio Service being located within any future development on BTS.

Metropolitan Local Aboriginal Land Council (Metro)

Metro indicated that they would like to see the BTS developed for commercial purposes. They suggested 3-5 levels for offices and 3-5 levels for budget motel

accommodation. They suggest that a partnership be developed with an experienced hotel company to develop and run the motel accommodation.

Metro suggested that any profits from the commercial operations of the development could be applied towards a community trust fund for educational scholarships.

Metro expressed that the future of the BTS development should be controlled by a Board of Trustees with Indigenous and non-Indigenous Directors.

Metro is supportive of the Koori Radio Service being located within any future development on BTS.

Summary

- General view that community keen for commercial development of BTS.
- Some indicated view that any profits from commercial development be put toward a community trust fund for funerals and educational scholarships.
- Support for Koori Radio to be a part of any future development.

**OUTCOMES OF ROUND TWO
2 – 9 February 2006**

Ms Millie Ingram – Wyanga Aboriginal Aged Care Program
Ms Tonette Simpson – Murawina Child Care Centre
Ms Christine Donnelly – Aboriginal Dance Theatre Redfern
Ms Lynette Simpson & Ms Bronwyn Penrith - Mudgin-gal Aboriginal Corporation

Wyanga Aboriginal Aged Care Program (Wyanga)

Wyanga suggested that the BTS be developed for community use purposes such as funeral services and wedding receptions. Wyanga would also like to see the BTS used as a market space for Indigenous Artists to sell their arts and crafts from. They also requested that temporary shade sails be erected on BTS to enable the community to use the site.

Murawina Child Care Centre (Murawina)

Murawina indicated that they would like to see the BTS developed for commercial purposes for example; retail and commercial office space.

Murawina would like to see a homework centre established in any future development of the site.

Aboriginal Dance Theatre Redfern (ADTR)

ADTR indicated that they would like 90 Renwick Street to be transferred to them to enable them to construct additional dance studios. ADTR indicated that the remaining lots of the BTS should be developed for commercial activities.

ADTR also indicated that they had been approached by the owner of the Masonic Hall property located on Cope Street next door to 27 Cope Street. ADTR suggested that this property be purchased for it to be developed into an Aboriginal Cultural Centre and Dance Theatre.

ADTR are also supportive of Koori Radio being located at the BTS.

Mudgin-gal Aboriginal Corporation (Mudgin-gal)

Mudgin-gal suggested that the site encompass a keeping place/museum for Aboriginal archives, family records and history of the local Indigenous community.

Mudgin-gal would like to see a mix of commercial office and retail developed on the site.

Mudgin-gal is supportive of the Koori Radio Service being located within any future development of BTS.

Mudgin-gal representatives indicated that they wanted to consult with their Board of Directors and requested a further opportunity to express their views once they had the views of their Board members.

Summary

- Continued support for commercial development.
- Wyanga suggested the site be used for outdoor gatherings of a social nature (e.g.) funerals, celebrations etc.
- Continued support for Koori Radio to be housed in any future development.

**OUTCOMES OF ROUND THREE
10 February – 3 March 2006**

Mr Sam Jefferies – ILC Deputy Chairman
Ms Anne Weldon - NSW Aboriginal Housing Office
Mr Murray Chapman – Administrator NSW Aboriginal Land Council
Mr Colin Kay – Indigenous Coordination Centre
Ms Sandra Bailey -- Aboriginal Health and Medical Research Council of Australia

Sam Jefferies - ILC Deputy Chairperson

On Monday 27 February 2006, Mr Bellear met with Mr Sam Jefferies ILC Deputy Chairman to provide him with a brief in regard to the outcomes of the BTS community consultations to date.

Mr Sol Bellear indicated that he advised the Deputy Chairman that his consultations to date indicated the preference to develop a commercial building on the site with a mixture of retail and commercial office space. Mr Bellear also advised that there was strong support for the Koori Radio Station to be based in the building.

NSW Aboriginal Housing Office - AHO

AHO suggested that the BTS be developed for residential accommodation.

New Wales Aboriginal Land Council - NSWALC

The purchase of the Masonic Hall was canvassed with Administrator of NSWALC, he indicated that the purchase of the neighbouring property could be acquired under a joint venture arrangement between NSWALC, IBA and the Metropolitan Aboriginal Land Council.

Indigenous Coordination Centre - ICC

The ICC expressed they would support the views and suggestions of the community and they were very supportive of the ILC developing the site to enable benefits to be delivered to the local Indigenous community.

Aboriginal Health and Medical Research Council of Australia - AH&MRC

AH&MRC indicated that they support the suggestions put forward by the Redfern Aboriginal Medical Service (commercial development to provide retail and office space, conference centre, youth centre and basement car parking; supportive of Koori Radio being housed on the site).

Summary

- Varied responses however, continued support for Koori Radio to be involved in future development.
- Mixed-use commercial development (office and retail) remains consistent in community views.
- Aboriginal Housing Office suggested the development of residential housing.

- The Indigenous Coordination Centre stated that they would support the majority views of the community.

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OUTCOMES OF ROUND FOUR
3 – 9 March 2006

Ms Kim Merritt – Nammaroo Aboriginal Employment Agency
Ms Bev Coe – Aboriginal Children's Service
Ms Lyn Mundine – Metropolitan Aboriginal Association

Nammaroo Aboriginal Employment Agency (Nammaroo)

Nammaroo would like to see the site developed into a Redfern-based business training and conference facility. Nammaroo identified that these types of services are offered from other institutions such as Tranby College in Glebe, but there is no such facility operating strictly for Redfern residents. Such a facility would compliment the RWA's employment and enterprise strategy for the revitalisation of the area.

Nammaroo suggested that the inclusion of retail outlets on the ground floor could provide opportunities for local community members in terms of on-the-job training in retail skills and management.

Nammaroo also saw opportunities for providing a facility for youth, women and Elders (this is possibly due to the site's close proximity to the neighbouring Wyanga Aboriginal Aged Care Program).

Nammaroo supported the proposal to accommodate Koori Radio on the site.

Aboriginal Children's Service (ACS)

ACS would like to see the whole development be purely community focussed. ACS was not interested in residential or commercial development of the site, but supported the concept of retail outlets occupying the ground floor.

In their view, a community focussed development could include the construction of offices to house Indigenous organisations (at least 2 floors dedicated for this purpose) and if this were to be the case, the Children's Service would be very interested in leasing office space. They currently occupy a terrace building at 62 George St which was purchased for the organisation by ATSIC. If the Service was relocated in the proposed new site they would like to see their existing building used as a safe house for children.

ACS supported the proposal to house Koori Radio on the site.

Metropolitan Aboriginal Association (MAA)

The MAA is the economic arm of the Local Aboriginal Metropolitan Land Council (governed by a different board).

The MAA expressed interest in an income generating development, along the lines of a 4-6 storey building with conference facilities and retail outlet space on the ground

level. The MAA was supportive of leasing the rest of the space to private vendors for commercial investment.

Ms Lynn Mundine expressed particular interest in leasing ground floor retail space for Anthony Mundine's Boxa International clothing range.

The MAA also supported housing Koori Radio on the site.

Summary

- Majority support for commercial development of the site (85% of views canvassed thus far).
- There remains unanimous support for Koori Radio to be housed in any future facility.
- Overall community support for the establishment of an advisory committee (comprising of representatives from key Redfern Aboriginal organisations formed in the 1970s, that is the medical, legal, education and housing) to inform the ILC on the future and ongoing management of the future BTS.

OUTCOMES OF ROUND FIVE

10 - 22 March 2006

Paul Knight - Tranby Aboriginal College
Mr Morris Ship – Tranby Aboriginal College
Mr Nathan Sheriff – Redfern All Blacks Rugby League Club

Tranby Aboriginal College (Tranby)

Tranby would like to see the BTS developed into an educational centre for Indigenous youth and adults, with a specific focus on kick-starting small businesses. Tranby suggested that the educational centre could be developed as an annexe to their main campus in Glebe offering night-school adult education classes.

Tranby have students travel from Darwin, the Kimberley's, Perth and regional NSW for 'block' training throughout the year. Accordingly, they would like to see the BTS provide for these students training and accommodation.

In addition, Tranby suggested the site be used as a facility to encourage political, educational and cultural awareness for Indigenous youth. For example, the facility could host discussions on cultural issues with Indigenous Elders from the Redfern community.

Tranby would not like to see full commercial development of the site (and are not supportive of the building being too high), however they are supportive of a retail element in the building.

Tranby also support Koori Radio being involved in the future BTS development.

Redfern All Blacks Rugby League College (All Blacks)

The President of the All Blacks, Mr Nathan Sheriff consulted with the teams' players (aged 16-23) on this issue.

The All Blacks would like to see the development be focussed on, and provide benefits to, locally born Indigenous youth.

The All Blacks suggested an income-generating enterprise where profits are invested for the community, particularly for the future of the community's young people. They proposed the following profit investment structure: 50% invested commercially; 25% invested in an educational fund; and 25% allocated for community activities such as funerals and celebrations.

They suggested a Board of Trustees be set up to manage the facility and community investment fund. Members should comprise of representatives from the business sector; the local community (including youth representation); community Elders with a knowledge of Indigenous organisations; and the Indigenous Land Corporation.

The All Blacks also support Koori Radio being housed in any future development of the BTS.

Summary

- Strong focus on the BTS development to provide opportunities for, and benefits to, the Indigenous youth of Redfern area (particularly in the areas of education and business development).
- Profits from any commercial development to be invested for the community's benefit.
- A Board of Trustees to be set up to manage investment fund and facility.
- Continued support for Koori Radio to be involved in future development.

CONCLUSIONS & RECOMMENDATIONS

Badge 90 Consulting reported that generally the community felt very positively about ILC resources and facilities being channelled in to the Redfern area. Mr Bellear expressed that many Indigenous people in the community feel that many pro-active government projects are happening elsewhere in Aboriginal Australia, but that Redfern is often neglected and as such, associated only with negative media representation.

Initial responses from many community members were that the site should provide facilities for youth activities. However, the proposed re-development of the former Redfern Public School site seemed to allay these concerns, and community views have now settled on more commercially focussed development opportunities.

In agreement with Badge 90 Consulting, the ILC Eastern Divisional Office recommend the following:

- The BTS should be developed for future commercial uses, office accommodation and retail space. The benefits of developing a commercial building on the site would provide employment and training opportunities for local Indigenous people and would also provide Indigenous organisations with permanent subsidised office accommodation;
- The future management of the BTS should include an advisory board comprised of representation from the local Redfern community (specifically representatives from the medical, legal, educational and housing authorities established in the 1970s) to inform the ILC about the local issues and needs of the Redfern district. This will ensure community involvement and encourage support for ILC activities in the Redfern area. The Redfern Aboriginal Authority is representative of the major Indigenous organisations in Redfern therefore, the Redfern Aboriginal Authority should be represented on any future BTS advisory board;
- Due to the overwhelming support from the community to have Koori Radio Station return to Redfern any future development on the BTS should provide provision to accommodate Koori Radio as part of the development; and
- Once the ILC Board has made a decision in regard to the future of the BTS, that the ILC would meet with the Redfern Aboriginal Authority to inform them of the ILC's development plans for the site.

APPENDIX OF ORGANISATIONS AND INDIVIDUALS CONSULTED

Organisation	Contact Name	Period Consulted
Aboriginal Children's Service	Bev Coe	Round Four
Aboriginal Dance Theatre Redfern	Christine Donnelly	Round Two
Aboriginal Health and Medical Research Council of Australia	Sandra Bailey Mick Mundine	Round Three
Aboriginal Housing Company	Peter Valilis	Round Three
Boxa International (includes Tony Mundine Gymnasium)	Anthony Mundine Brad Cooke	Round One Separate meeting with ILC Officers (24/03/06)
Gadigal Information Service	Mary Mumbulla	Round Three
Indigenous Coordination Centre	Colin Kay	Round Four
Metropolitan Aboriginal Association	Lyn Mundine	Round Two
Metropolitan Local Aboriginal Land Council	Clare McCure	Round Two
Murawina Child Care Centre	Tonette Simpson	Round Two
Mudgin-gal Aboriginal Corporation	Bronwyn Penrith	Round Two
Nammaroo Aboriginal Employment Agency	Kim Merritt	Round Four
NSW Aboriginal Housing Office	Anne Weldon	Round Three
NSW Aboriginal Land Council	Murray Chapman	Round Three
Redfern Aboriginal Medical Service (includes Redfern Aboriginal Men's Service)	Peter Fanando Naomi Mayers	Round One
Redfern All Blacks Rugby League Club	Nathan Sheriff Paul Knight	Round Five
Tranby Aboriginal College	Morris Ship Shane Phillips	Round Five
Tribal Warrior	Lindsay Newland	Round One
Wyanga Aboriginal Aged Care Program	Millie Ingram	Round Two
Consultation with Local Business Industry		
Regent Café (Indigenous owned)	Owner/proprietor	Round One
Hot Bread Shop (non-Indigenous owned)	Owner/proprietor	Round One
Italian Coffee Shop (non-Indigenous owned)	Owner/proprietor	Round One
Various Seconds Retail outlets along Redfern Street (all non-Indigenous owned businesses)	Owner/proprietor	Round One

**OUTCOMES OF COMMUNITY CONSULTATION ON THE FUTURE
DEVELOPMENT OF THE BLACK THEATRE SITE**

27-31 COPE AND 90 RENWICK STREETS REDFERN, NEW SOUTH WALES

**Consultations undertaken by Badge 90 Consulting Services Pty
Ltd on behalf of the Indigenous Land Corporation**



March 2006

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**TERMS OF REFERENCE FOR COMMUNITY CONSULTATION ON THE
FORMER BLACK THEATRE SITE (BTS)**

The following Terms of Reference were developed by the ILC and Badge 90 Consulting Pty Ltd to seek the views of key stakeholders in the Sydney region on the future development of the BTS:

a) consult with the following persons and organisations, as well as other Aboriginal persons (whether natural persons or corporate entities) who have both an interest in the Properties and an existing connection with Redfern, in order to ascertain what are the most desired purposes to which the Properties should be put:

- (i) Aboriginal Medical Service;
- (ii) Aboriginal Legal Service;
- (iii) Aboriginal Housing Company;
- (iv) Metropolitan Local Aboriginal Land Council;
- (v) Aboriginal Dance Theatre, Redfern;
- (vi) Murrawina Pre-School;
- (vii) Namaroo (Employment Agency);
- (viii) Redfern All Blacks Rugby Leagues Club;
- (ix) Aboriginal Childrens Service;
- (x) Mundgingal Womens Centre;
- (xi) Tony Mundine Gymnasium;
- (xii) Wyanga Aboriginal Aged Care Centre;
- (xiii) Redfern Aboriginal Youth Services;
- (xiv) Redfern Aboriginal Mens Service;
- (xv) Relevant state and local governmental authorities;
- (xvi) local Aboriginal and non Aboriginal business houses;
- (xvii) religious groups; and
- (xviii) the local chamber of commerce,

b) where appropriate, invite the ILC to send a representative to attend any of the consultations described in sub-paragraph (a);

c) liaise with representatives of the ILC every week by telephone to discuss the outcomes of the Consultant's work in the prior week;

d) meet with representatives of the ILC every third week to discuss the outcomes of the Consultant's work in the prior three weeks so that the ILC

- may prepare a report on the basis of the Consultant's work during that period;
- e) meet with representatives of the ILC at the conclusion of two months after the commencement of the contract to jointly review the Consultant's progress to date so that the ILC may prepare an interim report on the basis of the Consultant's work during the first two months;
- f) meet with representatives of the ILC at the conclusion of three months after commencement of the contract to jointly review the outcomes of the Consultant's work so that the ILC may prepare a final report on the basis of the entirety of the Consultant's work; and
- g) review all reports prepared by the ILC to verify their accuracy and to sign them when the Consultant agrees that they are accurate.

EXECUTIVE SUMMARY

The vacant lots comprising 27-31 Cope and 90 Renwick Streets, Redfern, commonly referred to as the 'Black Theatre Site' (BTS) were transferred from ATSIC to ILC in March 2005.

At ILC Board meeting No 89 (25 August 2005) it was agreed that the Deputy Chairperson Mr Sam Jeffries, would take carriage of the BTS strategic project, particularly with regards to overseeing the community consultation about the future development of the BTS.

On behalf of the ILC Community Consultations were undertaken by Badge 90 Consulting Services Pty Ltd, headed by Mr Sol Bellear. Consultations occurred during February – March 2006.

Various views were captured from the BTS consultation process with four reoccurring suggestions being articulated as follows:

- The development should provide for commercial business opportunities, commercial office accommodation and retail space, that provide benefits for the community;
- Local community representation should be included in the management of any future development;
- The development should provide opportunities for the Indigenous youth of the local area; and
- Unanimous support for Koori Radio to be accommodated in the future development.

There is also support for the profits of any commercial development to be invested in community trust funds, providing finances for educational, social, cultural and sporting scholarships.

Badge 90 Consulting Services advised that the consultations process stimulated positive discussions about the future development of the BTS with the community expressing the need to have the site developed to enable the community to derive benefits from the property.

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OUTCOMES FROM FIRST ROUND
26 January - 2 February 2006

Mr Shane Phillips & Mr Lindsay Newland – Tribal Warrior
Mr Mick Mundine & Mr Peter Valilis – Aboriginal Housing Company
Ms Naomi Mayers & Mr Peter Fanando – Redfern Aboriginal Medical Service
Ms Clare McCure – Metropolitan Local Aboriginal Land Council
Mr Anthony Mundine – Boxa International

Consultations were also held with the following local businesses in the area:

- Regent Café – Indigenous owned business;
- Hot Bread Shop – Non-Indigenous owned business;
- Italian Coffee Shop – Non-Indigenous business; and
- Various Seconds Retail outlets along Redfern Street – All non-Indigenous owned businesses.

Tribal Warrior (TW)

TW indicated that the BTS should be developed for commercial uses such as a supermarket and leased out to a supermarket chain such as Coles, Woolworths or Aldi. TW suggested that the development could include a retail space on the ground floor and commercial office space on floors above.

If available, TW would also like to lease office space within a building.

Aboriginal Housing Company (AHC)

The AHC suggested that a commercial building be developed on the BTS with 3-4 levels of commercial office space and 3-4 levels of units.

The AHC is supportive of the Koori Radio Service being located within any future development on BTS.

Redfern Aboriginal Medical Service (AMS)

The AMS has suggested that the BTS be developed for commercial uses with retail on the ground level, office space, conference centre, youth centre and basement car parking.

The AMS suggested that profits from commercial activities that are generated through the development could be applied to an Indigenous Educational Scholarship fund or a Funeral Fund

The AMS is supportive of the Koori Radio Service being located within any future development on BTS.

Metropolitan Local Aboriginal Land Council (Metro)

Metro indicated that they would like to see the BTS developed for commercial purposes. They suggested 3-5 levels for offices and 3-5 levels for budget motel

accommodation. They suggest that a partnership be developed with an experienced hotel company to develop and run the motel accommodation.

Metro suggested that any profits from the commercial operations of the development could be applied towards a community trust fund for educational scholarships.

Metro expressed that the future of the BTS development should be controlled by a Board of Trustees with Indigenous and non-Indigenous Directors.

Metro is supportive of the Koori Radio Service being located within any future development on BTS.

Summary

- General view that community keen for commercial development of BTS.
- Some indicated view that any profits from commercial development be put toward a community trust fund for funerals and educational scholarships.
- Support for Koori Radio to be a part of any future development.

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OUTCOMES OF ROUND TWO
2 – 9 February 2006

Ms Millie Ingram – Wyanga Aboriginal Aged Care Program
Ms Tonette Simpson – Murawina Child Care Centre
Ms Christine Donnelly – Aboriginal Dance Theatre Redfern
Ms Lynette Simpson & Ms Bronwyn Penrith - Mudgin-gal Aboriginal Corporation

Wyanga Aboriginal Aged Care Program (Wyanga)

Wyanga suggested that the BTS be developed for community use purposes such as funeral services and wedding receptions. Wyanga would also like to see the BTS used as a market space for Indigenous Artists to sell their arts and crafts from. They also requested that temporary shade sails be erected on BTS to enable the community to use the site.

Murawina Child Care Centre (Murawina)

Murawina indicated that they would like to see the BTS developed for commercial purposes for example; retail and commercial office space.

Murawina would like to see a homework centre established in any future development of the site.

Aboriginal Dance Theatre Redfern (ADTR)

ADTR indicated that they would like 90 Renwick Street to be transferred to them to enable them to construct additional dance studios. ADTR indicated that the remaining lots of the BTS should be developed for commercial activities.

ADTR also indicated that they had been approached by the owner of the Masonic Hall property located on Cope Street next door to 27 Cope Street. ADTR suggested that this property be purchased for it to be developed into an Aboriginal Cultural Centre and Dance Theatre.

ADTR are also supportive of Koori Radio being located at the BTS.

Mudgin-gal Aboriginal Corporation (Mudgin-gal)

Mudgin-gal suggested that the site encompass a keeping place/museum for Aboriginal archives, family records and history of the local Indigenous community.

Mudgin-gal would like to see a mix of commercial office and retail developed on the site.

Mudgin-gal is supportive of the Koori Radio Service being located within any future development of BTS.

Mudgin-gal representatives indicated that they wanted to consult with their Board of Directors and requested a further opportunity to express their views once they had the views of their Board members.

Summary

- Continued support for commercial development.
- Wyanga suggested the site be used for outdoor gatherings of a social nature (e.g.) funerals, celebrations etc.
- Continued support for Koori Radio to be housed in any future development.

**OUTCOMES OF ROUND THREE
10 February – 3 March 2006**

Mr Sam Jefferies – ILC Deputy Chairman
Ms Anne Weldon - NSW Aboriginal Housing Office
Mr Murray Chapman – Administrator NSW Aboriginal Land Council
Mr Colin Kay – Indigenous Coordination Centre
Ms Sandra Bailey -- Aboriginal Health and Medical Research Council of Australia

Sam Jefferies - ILC Deputy Chairperson

On Monday 27 February 2006, Mr Bellear met with Mr Sam Jefferies ILC Deputy Chairman to provide him with a brief in regard to the outcomes of the BTS community consultations to date.

Mr Sol Bellear indicated that he advised the Deputy Chairman that his consultations to date indicated the preference to develop a commercial building on the site with a mixture of retail and commercial office space. Mr Bellear also advised that there was strong support for the Koori Radio Station to be based in the building.

NSW Aboriginal Housing Office - AHO

AHO suggested that the BTS be developed for residential accommodation.

New Wales Aboriginal Land Council - NSWALC

The purchase of the Masonic Hall was canvassed with Administrator of NSWALC, he indicated that the purchase of the neighbouring property could be acquired under a joint venture arrangement between NSWALC, IBA and the Metropolitan Aboriginal Land Council.

Indigenous Coordination Centre - ICC

The ICC expressed they would support the views and suggestions of the community and they were very supportive of the ILC developing the site to enable benefits to be delivered to the local Indigenous community.

Aboriginal Health and Medical Research Council of Australia - AH&MRC

AH&MRC indicated that they support the suggestions put forward by the Redfern Aboriginal Medical Service (commercial development to provide retail and office space, conference centre, youth centre and basement car parking; supportive of Koori Radio being housed on the site).

Summary

- Varied responses however, continued support for Koori Radio to be involved in future development.
- Mixed-use commercial development (office and retail) remains consistent in community views.
- Aboriginal Housing Office suggested the development of residential housing.

- The Indigenous Coordination Centre stated that they would support the majority views of the community.

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OUTCOMES OF ROUND FOUR
3 – 9 March 2006

Ms Kim Merritt – Nammaroo Aboriginal Employment Agency
Ms Bev Coe – Aboriginal Children's Service
Ms Lyn Mundine – Metropolitan Aboriginal Association

Nammaroo Aboriginal Employment Agency (Nammaroo)

Nammaroo would like to see the site developed into a Redfern-based business training and conference facility. Nammaroo identified that these types of services are offered from other institutions such as Tranby College in Glebe, but there is no such facility operating strictly for Redfern residents. Such a facility would compliment the RWA's employment and enterprise strategy for the revitalisation of the area.

Nammaroo suggested that the inclusion of retail outlets on the ground floor could provide opportunities for local community members in terms of on-the-job training in retail skills and management.

Nammaroo also saw opportunities for providing a facility for youth, women and Elders (this is possibly due to the site's close proximity to the neighbouring Wyanga Aboriginal Aged Care Program).

Nammaroo supported the proposal to accommodate Koori Radio on the site.

Aboriginal Children's Service (ACS)

ACS would like to see the whole development be purely community focussed. ACS was not interested in residential or commercial development of the site, but supported the concept of retail outlets occupying the ground floor.

In their view, a community focussed development could include the construction of offices to house Indigenous organisations (at least 2 floors dedicated for this purpose) and if this were to be the case, the Children's Service would be very interested in leasing office space. They currently occupy a terrace building at 62 George St which was purchased for the organisation by ATSIC. If the Service was relocated in the proposed new site they would like to see their existing building used as a safe house for children.

ACS supported the proposal to house Koori Radio on the site.

Metropolitan Aboriginal Association (MAA)

The MAA is the economic arm of the Local Aboriginal Metropolitan Land Council (governed by a different board).

The MAA expressed interest in an income generating development, along the lines of a 4-6 storey building with conference facilities and retail outlet space on the ground

level. The MAA was supportive of leasing the rest of the space to private vendors for commercial investment.

Ms Lynn Mundine expressed particular interest in leasing ground floor retail space for Anthony Mundine's Boxa International clothing range.

The MAA also supported housing Koori Radio on the site.

Summary

- Majority support for commercial development of the site (85% of views canvassed thus far).
- There remains unanimous support for Koori Radio to be housed in any future facility.
- Overall community support for the establishment of an advisory committee (comprising of representatives from key Redfern Aboriginal organisations formed in the 1970s, that is the medical, legal, education and housing) to inform the ILC on the future and ongoing management of the future BTS.

OUTCOMES OF ROUND FIVE

10 - 22 March 2006

Paul Knight - Tranby Aboriginal College
Mr Morris Ship – Tranby Aboriginal College
Mr Nathan Sheriff – Redfern All Blacks Rugby League Club

Tranby Aboriginal College (Tranby)

Tranby would like to see the BTS developed into an educational centre for Indigenous youth and adults, with a specific focus on kick-starting small businesses. Tranby suggested that the educational centre could be developed as an annexe to their main campus in Glebe offering night-school adult education classes.

Tranby have students travel from Darwin, the Kimberley's, Perth and regional NSW for 'block' training throughout the year. Accordingly, they would like to see the BTS provide for these students training and accommodation.

In addition, Tranby suggested the site be used as a facility to encourage political, educational and cultural awareness for Indigenous youth. For example, the facility could host discussions on cultural issues with Indigenous Elders from the Redfern community.

Tranby would not like to see full commercial development of the site (and are not supportive of the building being too high), however they are supportive of a retail element in the building.

Tranby also support Koori Radio being involved in the future BTS development.

Redfern All Blacks Rugby League College (All Blacks)

The President of the All Blacks, Mr Nathan Sheriff consulted with the teams' players (aged 16-23) on this issue.

The All Blacks would like to see the development be focussed on, and provide benefits to, locally born Indigenous youth.

The All Blacks suggested an income-generating enterprise where profits are invested for the community, particularly for the future of the community's young people. They proposed the following profit investment structure: 50% invested commercially; 25% invested in an educational fund; and 25% allocated for community activities such as funerals and celebrations.

They suggested a Board of Trustees be set up to manage the facility and community investment fund. Members should comprise of representatives from the business sector; the local community (including youth representation); community Elders with a knowledge of Indigenous organisations; and the Indigenous Land Corporation.

The All Blacks also support Koori Radio being housed in any future development of the BTS.

Summary

- Strong focus on the BTS development to provide opportunities for, and benefits to, the Indigenous youth of Redfern area (particularly in the areas of education and business development).
- Profits from any commercial development to be invested for the community's benefit.
- A Board of Trustees to be set up to manage investment fund and facility.
- Continued support for Koori Radio to be involved in future development.

CONCLUSIONS & RECOMMENDATIONS

Badge 90 Consulting reported that generally the community felt very positively about ILC resources and facilities being channelled in to the Redfern area. Mr Bellear expressed that many Indigenous people in the community feel that many pro-active government projects are happening elsewhere in Aboriginal Australia, but that Redfern is often neglected and as such, associated only with negative media representation.

Initial responses from many community members were that the site should provide facilities for youth activities. However, the proposed re-development of the former Redfern Public School site seemed to allay these concerns, and community views have now settled on more commercially focussed development opportunities.

In agreement with Badge 90 Consulting, the ILC Eastern Divisional Office recommend the following:

- The BTS should be developed for future commercial uses, office accommodation and retail space. The benefits of developing a commercial building on the site would provide employment and training opportunities for local Indigenous people and would also provide Indigenous organisations with permanent subsidised office accommodation;
- The future management of the BTS should include an advisory board comprised of representation from the local Redfern community (specifically representatives from the medical, legal, educational and housing authorities established in the 1970s) to inform the ILC about the local issues and needs of the Redfern district. This will ensure community involvement and encourage support for ILC activities in the Redfern area. The Redfern Aboriginal Authority is representative of the major Indigenous organisations in Redfern therefore, the Redfern Aboriginal Authority should be represented on any future BTS advisory board;
- Due to the overwhelming support from the community to have Koori Radio Station return to Redfern any future development on the BTS should provide provision to accommodate Koori Radio as part of the development; and
- Once the ILC Board has made a decision in regard to the future of the BTS, that the ILC would meet with the Redfern Aboriginal Authority to inform them of the ILC's development plans for the site.

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Australian Government
Indigenous Land Corporation

Board in Confidence
BOARD GRANT OF LAND DECISION

Decision No 337

BOARD MEETING No: 154
MEETING DATE: 20 February 2013

APPLICATION No: LA/1331
BY: Gadigal Information Service Aboriginal Corporation
FOR: Level 3, 27-31 Cope Street, Redfern, NSW

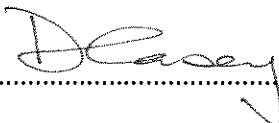
THE BOARD OF DIRECTORS OF THE INDIGENOUS LAND CORPORATION:

Grant of Land

1. **Notes** that the grant of land accords with the:
 - a) Statutory land acquisition functions of the ILC, in particular Section 191D of the *Aboriginal and Torres Strait Islander Act 2005 (Cth)* (ATSI Act)
 - b) National Indigenous Land Strategy
 - c) Regional Indigenous Land Strategy for New South Wales.
2. **Notes** that, in reaching its decision, the Board has considered all the material contained in the Board Report.
3. **Agrees** that the proposed titleholding body has demonstrated its capacity and commitment to own and sustainably manage the property in a manner consistent with the purpose determined at the time the application was submitted.
4. **Accepts** the risks and proposed treatments as identified in the report.
5. **Agrees** to the proposed conditions of the grant.
6. **Notes** that a caveat will be lodged on the property.
7. **Approves** the payment of the titleholding body's reasonable legal costs up to \$3,000 (GST exclusive) as assessed and approved by the ILC's General Counsel and \$1,000 (GST exclusive) for costs of a divestment ceremony.

8. **Resolves** to proceed to grant the land to Gadigal Information Service Aboriginal Corporation pursuant to section 191D(1)(a) of the ATSI Act.
9. **Agrees** that the Chief Executive Officer is to proceed with the grant of the land and execute all necessary Deeds and documents to effect the grant.

SIGNED, Dawn Casey, Chair


.....

Date: 20.02.13

Provided by CITEC Confirm

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 2/SP86156

SEARCH DATE	TIME	EDITION NO	DATE
1/3/2017	10:44 AM	1	8/2/2012

LAND

LOT 2 IN STRATA PLAN 86156
AT REDFERN
LOCAL GOVERNMENT AREA SYDNEY

FIRST SCHEDULE

INDIGENOUS LAND CORPORATION

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 INTERESTS RECORDED ON REGISTER FOLIO CP/SP86156
- 2 SP86156 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Provided on 01/03/2017 09:45 AM by CITEC Confirm

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Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

BOX 1W
(SP86156)



NEW SOUTH WALES
CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE REFERENCE	
1/SP86156	
EDITION	DATE OF ISSUE
1	8/2/2012
CERTIFICATE AUTHENTICATION CODE	
XL7H-NK-NJ3F	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LOT 1 IN STRATA PLAN 86156
AT REDFERN.
LOCAL GOVERNMENT AREA: SYDNEY.

FIRST SCHEDULE

INDIGENOUS LAND CORPORATION

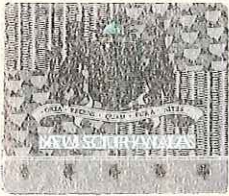
SECOND SCHEDULE

-
1. INTERESTS RECORDED ON REGISTER FOLIO CP/SP86156
 2. SP86156 RESTRICTION(S) ON THE USE OF LAND

**** END OF CERTIFICATE ****

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).

BOX 1W
(SP86156)



NEW SOUTH WALES CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE REFERENCE

CP/SP86156

EDITION

1

DATE OF ISSUE

8/2/2012

CERTIFICATE AUTHENTICATION CODE

ZNTX-DG-QTRJ

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REGISTRAR GENERAL



LAND

THE COMMON PROPERTY IN THE STRATA SCHEME BASED ON STRATA PLAN 86156
WITHIN THE PARCEL SHOWN IN THE TITLE DIAGRAM

AT REDFERN.
LOCAL GOVERNMENT AREA: SYDNEY.
PARISH OF ALEXANDRIA COUNTY OF CUMBERLAND
TITLE DIAGRAM: SP86156

FIRST SCHEDULE

THE OWNERS - STRATA PLAN NO. 86156
ADDRESS FOR SERVICE OF NOTICES:
31 COPE STREET
REDFERN
NSW 2016

SECOND SCHEDULE

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. ATTENTION IS DIRECTED TO THE COMMERCIAL/RETAIL SCHEMES MODEL BY-LAWS CONTAINED IN THE STRATA SCHEMES MANAGEMENT REGULATION APPLICABLE AT THE DATE OF REGISTRATION OF THE SCHEME
3. T442959 EASEMENT TO DRAIN SEWAGE AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
4. DP1097494 EASEMENT TO PERMIT ENCROACHING STRUCTURE TO REMAIN VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
5. DP1129619 RESTRICTION(S) ON THE USE OF LAND

SCHEDULE OF UNIT ENTITLEMENT (AGGREGATE: 100)

STRATA PLAN 86156

LOT	ENT	LOT	ENT	LOT	ENT
1	- 24	2	- 37	3	- 39

**** END OF CERTIFICATE ****

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).

BOX 1W
(SP86156)



NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE REFERENCE

2/SP86156

EDITION

1

DATE OF ISSUE

8/2/2012

CERTIFICATE AUTHENTICATION CODE

5GVG-X6-633R

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REGISTRAR GENERAL



LAND

LOT 2 IN STRATA PLAN 86156
AT REDFERN.
LOCAL GOVERNMENT AREA: SYDNEY.

FIRST SCHEDULE

INDIGENOUS LAND CORPORATION

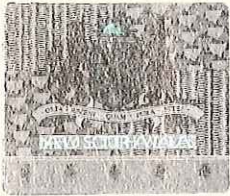
SECOND SCHEDULE

-
1. INTERESTS RECORDED ON REGISTER FOLIO CP/SP86156
 2. SP86156 RESTRICTION(S) ON THE USE OF LAND

**** END OF CERTIFICATE ****

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).

BOX 1W
(SP86156)



NEW SOUTH WALES
CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE REFERENCE	
3/SP86156	
EDITION	DATE OF ISSUE
1	8/2/2012
CERTIFICATE AUTHENTICATION CODE	
T9XD-GD-7KXY	

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REGISTRAR GENERAL



LAND

LOT 3 IN STRATA PLAN 86156
AT REDFERN.
LOCAL GOVERNMENT AREA: SYDNEY.

FIRST SCHEDULE

INDIGENOUS LAND CORPORATION

SECOND SCHEDULE

-
1. INTERESTS RECORDED ON REGISTER FOLIO CP/SP86156
 2. SP86156 RESTRICTION(S) ON THE USE OF LAND

**** END OF CERTIFICATE ****

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).

Provided by CITEC Confirm

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/SP86156

SEARCH DATE	TIME	EDITION NO	DATE
28/2/2017	1:14 PM	1	8/2/2012

LAND

LOT 1 IN STRATA PLAN 86156
AT REDFERN
LOCAL GOVERNMENT AREA SYDNEY

FIRST SCHEDULE

INDIGENOUS LAND CORPORATION

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 INTERESTS RECORDED ON REGISTER FOLIO CP/SP86156
- 2 SP86156 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Provided on 28/02/2017 12:14 PM by CITEC Confirm

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