

ITEM 23. GREEN SQUARE TOWN CENTRE - IMPLEMENTATION DEED**FILE NO:****SUMMARY**

Following a report to Council in December 2005 on the financial implications and proposed infrastructure delivery for Green Square Town Centre (GSTC), the Chief Executive Officer was given authority to negotiate the terms of an Implementation Deed with Landcom.

The purpose of this report is to seek approval for the CEO to proceed with execution of the Deed, a summary of which is provided in confidential Attachment B.

Apart from the establishment of a Project Policy Committee (PPC) to provide management oversight of the project, the Deed is generally consistent with the principles outlined in the December 2005 Council Report. In the Deed, it is proposed that the City's representatives on the PPC will be the Lord Mayor, two other Councillors and the Chief Executive Officer.

RECOMMENDATION

It is resolved that Council:

- (A) authorise the Chief Executive Officer to execute the Implementation Deed based on the Executive Summary provided as confidential Attachment B to the subject report;
- (B) nominate the two Councillor representatives on the Project Policy Committee; and
- (C) Implementation Deed Executive Summary, Attachment B to the subject report, remain confidential in accordance with Sections 10A(2)(c) and (d) of the Local Government Act 1993.

ATTACHMENTS

Attachment A: Resolution of Council of 12 December 2005 and Report to the Finance, Properties and Tender Committee on 5 December 2005.

Attachment B: Implementation Deed Executive Summary (confidential)

BACKGROUND

1. In December 2005, Council resolved in part to delegate authority to the Chief Executive Officer to negotiate the terms of an Implementation Agreement with Landcom for the provision of development management services and project funding for delivery of the GSTC infrastructure. Refer Attachment A for Resolution and Report to Finance, Properties and Tenders Committee dated 5 December 2005.
2. Negotiations between the City and Landcom on the proposed Implementation Deed have progressed and Council approval is now sought to proceed with execution of the Deed. An Executive Summary of the Deed is provided in confidential Attachment B.
3. Apart from the establishment of a Project Policy Committee (PPC), the terms of the proposed Deed are generally consistent with the principles outlined in the report of 5 December 2005.
4. The role and composition of the PPC are given in the Executive Summary. The PPC will provide project oversight, manage risks and has scope to direct the project within the Council approved Budget. The PPC has no regulatory powers and provides recommendations to Council in regard to tenders and matters restricted by the Local Government Act. It is not a Committee of Council.
5. It is proposed that the City's representatives on the PPC will be the Lord Mayor, two other Councillors and the Chief Executive Officer.
6. Conditions precedent of the Deed comprise:
 - (a) Minister for Planning approval for the GSTC LEP.

Note: The draft LEP is currently with the Department of Planning and approval by the Minister is expected shortly.

- (b) Minister for Local Government approval of loan funding from Landcom (S622) and that the contractual arrangements between the parties do not constitute a PPP (S358).

Note: Discussions have occurred with the Department of Local Government and formal approval will be sought upon execution of the Deed.

KEY IMPLICATIONS

7. The Deed establishes the contractual relationship with Landcom for the delivery and funding of the GSTC infrastructure.

FINANCIAL IMPLICATIONS

8. As outlined in December 2005 Report to Finance, Properties and Tenders Committee. Refer Attachment A.

RELEVANT LEGISLATION

9. Local Government Act and Environmental Planning and Assessment Act.

CRITICAL DATES / TIME FRAMES

10. Execution of the deed required to enable Landcom to commence its contractual role for the delivery of GSTC infrastructure.

OPTIONS

11. Terms of the proposed Deed may be amended but this would require re-negotiation with Landcom.

PUBLIC CONSULTATION

12. The public exhibition process of the draft GSTC LEP has been completed.

JOHN BARBELER

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