

Appendix 4

Burns Road Progress Report



Burns Road Industrial Estate
Land Owner Engagement
Evaluation Report

Prepared for Hobsons Bay City Council
April 2018

Contents	Page
Executive Summary	2
Background	3
Challenges	4
Project Approach	5
Project Milestones	5
Project Progress & Achievements	6
BRLG Inc. Annual General Meeting	11
BRLG Inc. Next Steps	11
Approach & Deliverables 2018/2019	12
Conclusion	13

Tables & Figures

Table 1.	Project Milestones
Table 2.	BRLG Inc. Membership Growth
Figure 1.	Burns Road Industrial Estate
Figure 2.	Estate Challenges
Figure 3.	Business Name Registration
Figure 4.	Certificate of Incorporation
Figure 5.	BRLG Inc. Membership Application Form
Figure 6.	Estate & BRLG Inc. Member Lots
Figure 7.	Species under Investigation
Figure 8.	Annual General Meeting

Appendix A

Disclaimer:

While care has been taken to ensure the content in the document is accurate, Gerard Cou tts & Associates cannot guarantee it is without flaw of any kind. Gerard Cou tts & Associates accepts no responsibility or liability for any error, loss or other consequence which may arise from relying on any information contained in this document.

Executive Summary

Land owner engagement and land assembly is a highly complex process requiring holistic, steady and careful project management strategy. The Burns Road Industrial Estate land owner engagement and assembly project is an example of this process “*in action*” and is also a model working and achieving results.

The Estate presents with the complexities of a large number and culturally diverse mix of land owners, biodiversity issues and planning constraints. It has been further complicated by years of Council and land owner frustration in attempting to develop a pathway forward and provide a satisfactory outcome for all stakeholders.

Over the last three (3) years and through the cost effective support by Council to the process and strategy, it has been successfully managed, co-ordinated and driven and, is now gaining the traction and momentum to further progress.

The project requires continued commitment to the considered approach and robust project management strategy. The strategy will not only provide the structure to the Steering Committee as they undertake the necessary tasks on behalf of the broader land owners group, but will also provide the necessary guidance, advice and expertise to further shape the approach to unlock the development potential of the Burns Road Industrial Estate.

Background

The Burns Road Industrial Estate (the Estate) is a 44 hectare parcel of land comprising of 505 lots, owned by 170+ land owners. The land owners range from individuals to companies, with varying levels of ownership (1 to 88 lots) and represent a diverse number of cultural backgrounds.



FIGURE 1: BURNS ROAD INDUSTRIAL ESTATE

The Estate has remained undeveloped due to a number of issues and constraints; including size, configuration, limited services, native vegetation, an unsuitable road network, State and Federal planning regulations and the complexities of the multiple ownerships. Achieving a realistic planning outcome for the Estate is not a straight forward exercise. There are many obstacles confronting the owners and the overall Estate as a whole. Conversely, there are also

many potential opportunities, but these will all take dedication, patience, and time to achieve. In September 2014, Hobsons Bay City Council made a decision to appoint a facilitator to engage and work with the land owners. Gerard Coutts & Associates (GCA) was appointed in February 2015 to undertake the engagement process. The project brief;

- Initiate contact & build trust with the land owners.
- Establish a land owner group.
- Develop an understanding & consensus regarding an approach to address the current constraints to unlock the development potential of the Estate.

In March 2017, GCA delivered a report to Council containing the key milestones, successful outcomes and achievements of the engagement process. As a result, Council resolved at the April 2017 Council Meeting, to re-appointment GCA for a further twelve (12) month period with the following identified as the key project deliverables for the 2017/2018 period;

- Administrative support for the land owner engagement process.
- General facilitation & co-ordination of the land owners group, including database management & mapping.
- Advice leading to the establishment of an Incorporated Association.
- Facilitation of Steering Committee meetings.
- Facilitation of larger group land owner meetings.
- Assistance & administrative support in the production of the Burns Road Land Owners Group Inc. Annual Report.
- Advocate for an appropriate outcome on the site.

Challenges

The following diagram (Figure 1.) demonstrates the planning and development challenges confronting the Estate and the active steps that have been taken over the last twelve (12) months to address these key issues.

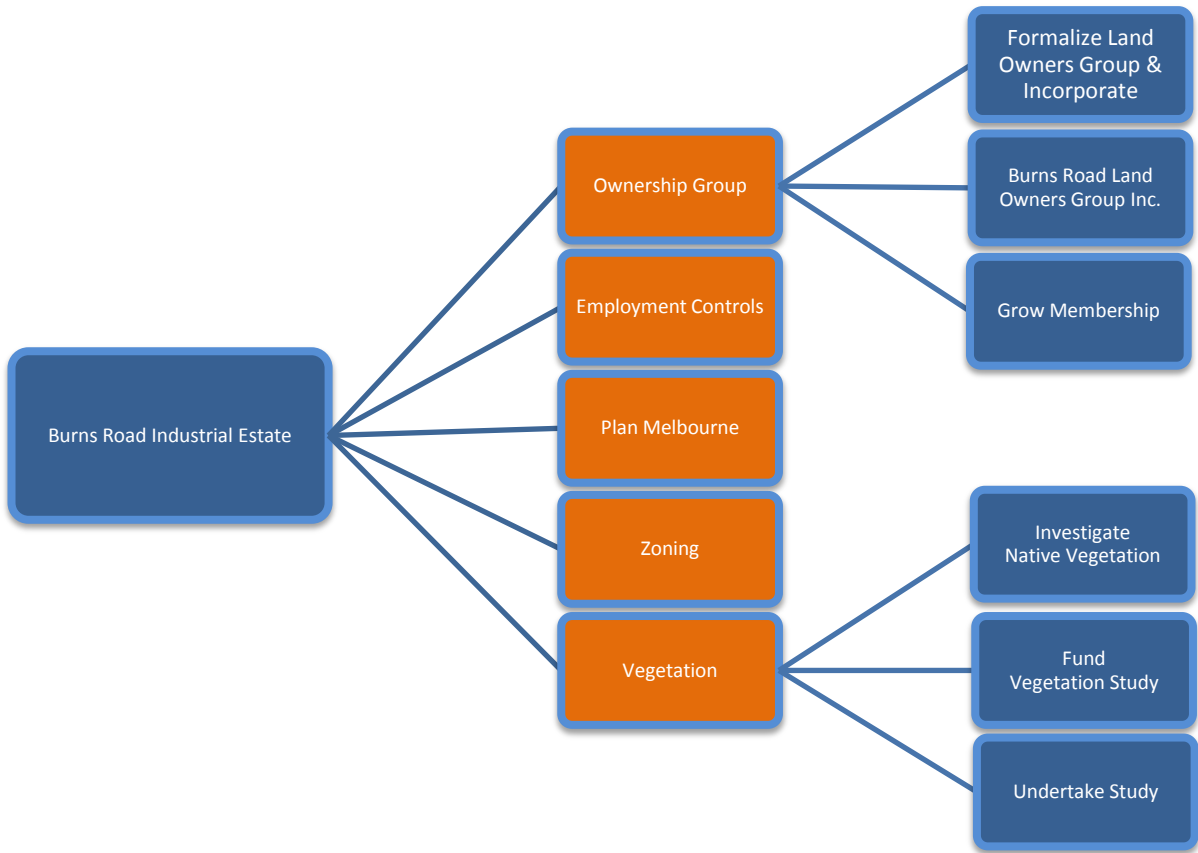


FIGURE 2: ESTATE CHALLENGES

Project Approach

GCA has continued to build on the engagement achievements of the previous two (2) years. The role has remained complex and challenging but also very rewarding. It has been well supported by both the Hobsons Bay City Council and Officers and, the small group of hard working and dedicated members of the Steering Committee for Burns Road Land Owners Group Inc.

- ❖ Mark Rodda
- ❖ Philip Barton
- ❖ George Neofytou
- ❖ Josef Belani
- ❖ Nick Taleveski

GCA has continued to provide a venue for Steering Committee meetings and undertaken the administrative requirements of Committee Meetings, the Special General Meeting and Annual General Meeting; including the notification of meetings, the completion and distribution of agendas and minutes and, responding to land owner and member enquiries.

Project Milestones

A total of six (6) Steering Committee Meetings, one (1) Special General Meeting and an Annual General Meeting (AGM) were held between, March 2017 to March 2018. The following table (Table 1.) provides further detail of these meetings.

MEETING TYPE	DATE HELD	LOCATION HELD	ATTENDEE TYPE & NO'S			
			COM	COU	GCA	MEM
ST	27 Mar 2017	GCA Office	3	1	2	0
ST	8 May 2017	GCA Office	4	1	2	0
ST	19 Jun 2017	GCA Office	3	1	2	0
SGM	26 Jun 2017	Footscray Community Arts Centre	4	2	2	14
ST	2 Oct 2017	GCA Office	4	1	2	0
ST	13 Nov 2017	Council Offices	4	1	2	0
ST	19 Feb 2018	GCA Office	3	1	2	0
AGM	18 Mar 2018	Council Offices	4	1	2	8

TABLE 1: PROJECT MILESTONES

Key:

Meeting Type:	ST	Steering Committee
	SGM	Special General Meeting
	AGM	Annual General Meeting
Attendee Type:	Com	Committee Member
	Cou	Council Officer
	GCA	Gerard Coutts & Associates
	Mem	Land Owner Group Member

GCA has also attended, upon request by Council, meetings relating to specific land owner issues and representation to government regarding the biodiversity issues confronting the Estate.

Project Progress & Achievements

Over the last twelve (12) months significant progress and achievements have been made to address the key challenges confronting the Estate. These include;

- i. Formalize land owners group & Incorporate
- ii. Achieve Incorporation
- iii. Grow membership
- iv. Investigate native vegetation
- v. Fund vegetation survey
- vi. Undertake survey

This work has been undertaken through the volunteered time, dedication, strong work ethic and close working relationship of the Steering Committee members.

Formalize land owners group & Incorporate

The Committee has actively pursued the formalization of the land owners group, including the registration of the *business name* (Figure 3.) and the opening of a bank account in 2016 and, the development of *Rules* and becoming an *Incorporated Association* in 2017. The benefits to the land owners group of becoming an Incorporated Association include;

- Clarifies & formalizes the objectives of the land owners group.
- Provides a structure for the management of the land owners group.
- Model rules provide the regulatory framework for the operation of the land owners group.
- Provides legal protection for the land owners group.

- Enables the land owners group to act as a single entity (rather than multiple land owners) for the negotiation of contracts.



FIGURE 3: BUSINESS NAME REGISTRATION

The Committee confronted several obstacles to formally register the land owners group as an association under the preferred name of *Burns Road Land Owners Group Incorporated (BRLG Inc.)*. GCA and Finlayson Lawyers provided administrative guidance and support to the Committee to resolve these obstacles.

Achieve Incorporation

The Burns Road Landowners Group achieved *Incorporation* as an *Association* on Tuesday 23rd May 2017. The land owners group is now formally titled *Burns Road Land Owners Group Incorporated (BRLG Inc.)* with the following number A0099502N. (Figure 4.)

Coming from a position of limited knowledge and in their drive to make the best decision to benefit all the land owners of the Estate, the members of BRLG Inc. have worked hard to understand the full implications of forming and incorporating the land owners group. Incorporation of BRLG Inc. should be recognised as a major achievement over the last twelve (12) months.



FIGURE 4: CERTIFICATE OF INCORPORATION

The Rules drafted and adopted by BRLG Inc. is a twenty six (26) page document governed by the following preliminary statement.

Under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Association and its members.

PART 1—PRELIMINARY

1 Name

The name of the incorporated association is **Burns Road Landowners Group Incorporated.**

2 Purposes

The purposes of the association are to facilitate the use and development of the Burns Road Estate by the owners of land in the Estate.

3 Financial year

The financial year of the Association is each period of 12 months ending on 31 October.

Grow membership

Membership of BRLG Inc. is open to all land owners within the Burns Road Industrial Estate. Eligibility for membership is governed by the following item within the Rules (Item 8).

8. Who is eligible to be a member:

The persons entitled to be members of the Association are:
(1) any person (other than a company) who; and
(2) any director of a company which;

is a registered proprietor of land in the Burns Road Estate, or the representative of any such person or director appointed in writing. Provided that if a particular Lot in the Burns Road Estate has more than one person and/or company as its registered proprietors, then only one such person, director of such company, or representative thereof is permitted to be a member.

Application for membership is likewise also governed by the following item within the Rules (Item 9).

- 9. Application for membership:**
- (1) To apply to become a member of the Association, a person must submit a written application to a committee member stating that the person—
 - (a) wishes to become a member of the Association; and
 - (b) supports the purposes of the Association; and
 - (c) agrees to comply with these Rules.
 - (2) The application—
 - (a) must be signed by the applicant; and
 - (b) may be accompanied by the joining fee.

Each BRLG Inc. member owns either, a single or multiple lots within the Estate. The following table (Table 2.) provides data relating to the growth in BRLG Inc. membership over the March 2017 to March 2018 period. The growth in membership has resulted in a 22% increase in member lots for the full year.

The strong growth reflects the significant effort by the Committee, careful management and observation by the broader land owners that the assembly process is working and heading in a positive direction.

Date	No. of BRLG Inc. Members	No. of Lots	% of Estate
March 2017	35	118	23
May 2017	36	209	41
October 2017	42	221	44
March 2018	43	227	45

The Committee determined the membership fee (joining fee) be set at \$50.00. With the support of GCA the Committee developed a Membership Application Form (Figure 5.) and Members Register to complete and manage this process.

TABLE 2: BRLG INC. MEMBERSHIP GROWTH

FIGURE 5: BRLG INC. MEMBERSHIP APPLICATION FORM

The following two (2) maps (Figure 6.) provide a visual image of the Estate and display the total 505 lots compared to the 227 lots (of the overall 505) which are members of BRLG Inc.



- ❖ 227 lots (green) of 505 total lots are current & fully paid members of BRLG Inc.
- ❖ BRLG Inc. members represent 45% lot ownership of the overall Estate.



FIGURE 6: ESTATE & BRLG INC. MEMBER LOTS

Investigate native vegetation

The Burns Road Industrial Estate has significant environmental value. The area provides suitable habitat for nationally significant flora and fauna which is governed by State and Federal legislation (EPBC Act and FFG Act). Any potential development of the Estate which may have significant impact on a species protected by this legislation must be referred to the Commonwealth Minister of Environment for assessment and approval. This will be a process which involves several steps and will require a uniform approach.

Initially viewed as a liability, and, an obstacle to development of the Estate, the presence and significance of the native vegetation on the Estate was acknowledged by BRLG Inc. as an issue which needed addressing. This acknowledgement represented a significant shift in thinking within the land owner group, where an active solution was being sought to a major issue impacting the Estate.

In its objective to come to terms with and better understand the impact of the biodiversity values on future development potential of the Estate, the BRLG Inc. Committee identified the imperative to drive the request to undertake an ecological assessment/survey to provide the basic information to the relevant regulators.

Fund vegetation study

In April 2017 and, as a result of a submission by the BRLG Inc. Committee to the Council Budget 2017-18 consultation process, the

Committee was notified that funding had been allocated to the proposed budget to undertake a comprehensive assessment of the biodiversity values of the Burns Road Estate. Council commenced a tendering process and by October 2017, *Abzeco (Applied Botany, Zoology & Ecological Consultants)* was engaged to undertake the biodiversity study.

Undertake study

The study is being conducted during 2017/2018 and involves an investigation into the existence and extent of various flora and fauna on the Estate, including, but not limited to the:

- Spiny rice flower
- Golden Sun Moth
- Striped Legless Lizard

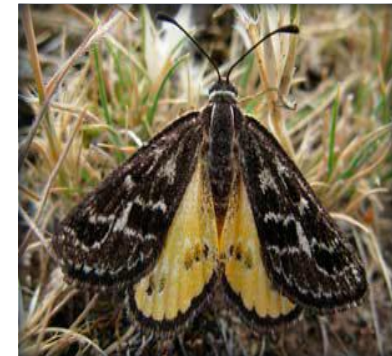


FIGURE 7: SPECIES UNDER INVESTIGATION

Targeted visual-encounter surveys for the Golden Sun Moth were undertaken during the flying season between late October 2017 and early January 2018. Targeted surveys for the Striped Legless Lizard were undertaken between September 2017 and early May 2018 in accordance with Department of Sustainability, Environment, Water Populations and Communities 2011a (DSEWPC 2011a) requirements. A planned burn will also be conducted to increase ground level visibility for an adequate survey of any potentially threatened flora.

In preparation for the study and planned burn, Council prepared and sent letters to all land owners within the Estate, advising them of the impending investigation. Of the total 170 land owners, only four (4) owners opted to not participate.

BRLG Inc. Annual General Meeting

The BRLG Inc. held their first Annual General Meeting (AGM) on Monday 19th March, 2018 at Hobsons Bay Civic Centre. All fully paid members of the BRLG Inc. were sent a Notice of the Meeting and an Appointment of Proxy Form. The meeting satisfied the reporting requirements of an Incorporated Association, including;

- Receive & consider Annual Report
- Receive & consider Financial Statement
- Committee nominations & elections



FIGURE 8: ANNUAL GENERAL MEETING

The nomination and election of office bearers resulted in the following members being elected to Committee positions for the next twelve (12) months;

- ❖ Mark Rodda (President)
- ❖ Josef Belani (Vice President)
- ❖ Philip Barton (Secretary)
- ❖ George Neofytou (Treasurer)
- ❖ Ordinary Committee Members (nil)

A copy of the BRLG Inc. Annual Report and Financial Statement is included in *Appendix A* of this Report.

BRLG Inc. Next Steps

As they await the outcome of the biodiversity study, the Committee of BRLG Inc. will continue to meet, with a larger BRLG Inc. members meeting planned for later in the year.

Approach & Deliverables 2018/2019

Land assembly is a complex process. The project is at a critical juncture in this process. It is essential within the next twelve (12) months to continue the strategy development to move the project forward. The Steering Committee and BRLG Inc. will continue to need diplomatic guidance, management, co-ordination and support as they progress forward.

GCA is able to provide these services and more importantly appropriately advise, based on first-hand knowledge and skill in land assembly, to better identify and inform the future potential of the Estate. GCA recommends that the following five (5) key issues be addressed in the upcoming twelve (12) month period.

1.	Continue to engage with and encourage the land owners to work collaboratively to achieve an outcome for the Estate. Develop further mechanisms to increase the take-up in membership of BRLG Inc.
2.	Review the biodiversity study findings & provide GCA's depth of experience in assessing the implications for Estate development potential.
3.	Formalize a BRLG Inc. strategy to address the study findings. Provide GCA experience in the development of an approach for the assessment & approval application including; <ul style="list-style-type: none"> * Prepare & refine base plans to promote the development potential of the Estate. * Prepare outline Staging Plan. * Prepare accompanying vision & outline in accordance with Staging Plan.
4.	Initiate an application for assessment & approval process (if required).
5.	Develop a high quality Report to Council on twelve (12) month progress.

GCA recommends the application of the following five (5) Key Performance Indicators (KPI's) as a measurement of these issues;

KPI #1	Co-ordinate the management of the Burns Road Industrial Estate land owner database.
KPI #2	Co-ordinate the management of BRLG Inc. membership applications & members register. Increase membership by a further 10% of the overall Estate. To be assessed by an anticipated increase of a further fifty (50) lots.
KPI #3	Provide technical support for NearMap & GIS membership mapping.
KPI #4	Provide administrative co-ordination to the Committee of the BRLG Inc. including provision of meeting venue, minute taking & other tasks as requested &, assist with larger member meetings, the AGM & the production of the BRLG Inc. 2018/2019 Annual Report.
KPI #5	Draft a BRLG Inc. strategy to address study findings & an approach for the assessment & approval application.

Conclusion

Over the last twelve (12) months GCA has continued to co-ordinate and manage the engagement process with the broader number of land owners within the Estate, whilst also supporting the Committee of BRLG Inc. as it navigates the highly complex issues and unique challenges in its pursuit of a satisfactory outcome for all key stakeholders of the Estate.

By working collaboratively as a single entity, the members of the BRLG Inc. recognize the value and capacity of a land assembly strategy to steer a positive pathway forward. Led by a re-elected Committee of four (4) dedicated individual land owners who offer their time free of charge to represent the interests of their members, the BRLG Inc. has grappled with the first phase of the land assembly process.

The land owners group is now moving in a solid direction. However, the challenge still remains, that on its own BRLG Inc. has limited skills and expertise in tackling the overall issues affecting the Estate. GCA has, and can continue to provide this necessary expertise, knowledge and experience.

Over the next twelve (12) months the Committee and BRLG Inc. will need further support and guidance in their activities and endeavours i.e. growing the membership base, understanding the implications of the biodiversity study findings and the realization of a strategy and application to not only satisfy environmental and planning regulations but also provide a satisfactory financial return to the land owners of the Estate.

To achieve these objectives, GCA strongly recommends Hobsons Bay City Council maintain a commitment to the Steering Committee, BRLG Inc. and broader land owners of the Burns Road Industrial Estate by continuing to provide ongoing support for the engagement process.

Appendix A

**Annual Report of the
Committee for Burns Road Land Owners Group Incorporated
Year Ending 31st October 2017
No. A0099502N**

It is with great pleasure that I present the Committee's first Annual Report of activities by Burns Road Land Owners Group Incorporated (BRLG Inc.). With Incorporation formally achieved on 23rd May 2017, and given the work that had been progressed prior to this date, the period prior to incorporation will also be covered by this report.

Membership

One of the key focus areas for the committee is to continually increase the membership of BRLG Inc. At the time of Incorporation, we had thirty six (36) members representing 209 lots (41%). This has grown to the end of October 2017 to the current total of forty-two (42) members representing 221 lots (44%). This has continued to increase and will be vital to making progress towards an end solution.

Meetings

Including the period prior to incorporation, up to the end of October 2017, there have been a total of fourteen (14) meetings conducted prior to this Annual General Meeting, comprising of both Committee Meetings and the broader Group Meetings.

Type	Before Incorporation	After Incorporation	Total
Committee Meetings	9	2	11
Group Meetings	2	1	3

Environmental Impact Studies

One of the biggest achievements of the group to date has been the progress made in relation to, the funding and conduct of environmental studies on the Burns Road Estate. Prior to Incorporation, the BRLG took advantage of the opportunity to lodge and then present to Hobsons Bay City Council as part of its 2017/2018 budgeting process. Subsequent to the proposal, funding by council for required environmental studies on Burns Road Estate were made available. These studies are currently in progress and the results will help to inform our next steps, and some of the challenges we face ahead.

Hobsons Bay City Council has seen the great progress that BRLG Inc. has made to date, and is providing continued support through the engagement of Gerard Coutts and Associates, resources to support BRLG Inc. meetings, publishing Newsletter updates that help to increase membership and, the Environmental studies.

The Future

Over the coming year, the areas of importance for the association will be to continue to grow the membership of BRLG Inc. and to start planning the options the group have available to unlock the development potential of the estate, depending on the results of the environmental studies being undertaken by Council.

I would like to thank

- ❖ The Committee for their hard work and progress both before and since Incorporation.
- ❖ The membership of BRLG Inc. By joining, you are demonstrating your willingness to work together and be part of the solution.
- ❖ Gerard Coutts and Louise Vines from Gerard Coutts & Associates for their guidance and support
- ❖ Hobsons Bay City Council and their Council Officers and representatives who support our meetings and, the activities proposed by BRLG Inc.

I look forward to the association making further progress over the next twelve (12) months.

Mark Rodda
President, BRLG Incorporated

BURNS ROAD LANDOWNERS GROUP INCORPORATED

Profit and Loss Statement
For The Year ended 31 October 2017

Income

Members Fess \$2150.00

TOTAL INCOME \$2150.00

Expenses

Bank Fees and Charges \$106.37

BRLG Incorporation Fee Registration \$202.10

Bank Refund Account Fees -\$36.37

TOTAL EXPENSES \$272.10

BALANCE IN BANK \$1877.90

