



# Higgins Lawyers

Helping you achieve your goals since 1939

**Principal:**

**ROSS HIGGINS**

Accred Specialist (Pers. Injury) PUBLIC NOTARY

**Associates:**

**KLAUS FEGEBANK**

Dip Law SAB

**DAMIEN MCKAY**

BA LLB

Accred Specialist (Family Law)

**KEN LAMBETH**

LLB (HONS) BA Grad Dip Leg. Prac, Dip AE

**NICOLE STEVENSON**

Dip Law (LPAB), Grad Dip Leg. Prac.BN

**Consultant:**

**PATRICK HEATH**

LLB Accred.Specialist (Pers. Injury)

46 Main Street, LITHGOW 2790

Tel: (02) 6352 1266

Fax: (02) 6352 3279

Email: [reception@higginslawyers.com](mailto:reception@higginslawyers.com)

Web: [www.higginslawyers.com](http://www.higginslawyers.com)

ABN: 90 136 128 488

All correspondence to:

P.O. Box 12 LITHGOW 2790

DX 3150 LITHGOW

Lithgow City Council

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20 JAN 2017

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Property Exchange Australia

Our Ref: RWH:KK SG:20170000

Your Ref:

19 January 2017

The Acting General Manager  
Lithgow City Council  
PO Box 19  
LITHGOW NSW 2790

Dear Sir,

## Re: Expression of Interest for Local Legal Services

We submit an application expressing interest to be invited to submit a tender for the provision of legal services to the Council.

### Qualifications:

Higgins Lawyers is a medium size Law firm which was established in 1939 and now has offices in Lithgow, Katoomba and Oberon, enabling us to serve the entire central West region. Our qualified and highly skilled legal personnel have experience and expertise in the following special areas of work referable to your EOI. Higgins Lawyers is the only Lithgow law firm with resident members holding NSW Law Society Specialist Accreditation.

### Ross Higgins

Date of Admission: 14.06.74

Special Areas of Work: General & Estates Litigation, Wills & Estates. Personal Injury – Accredited Specialist. Ross is also a Public Notary, Member of Australian Lawyers Alliance.

Liability limited by a scheme approved under Professional Standards Legislation

#### LITHGOW

46 MAIN STREET

Tel: (02) 6352 1266

Fax: (02) 6352 3279

Mon-Fri: 8.45 a.m. to 5.00 p.m.

#### KATOOMBA

10 KATOOMBA STREET

Tel: (02) 4782 5377

Fax: (02) 4782 4892

Mon-Fri: 8.45 a.m. to 5.00 p.m.

#### OBERON

120 OBERON STREET

Tel: (02) 6336 1637

Fax: (02) 6336 0197

Thurs: 10.00 a.m. to 5.00 p.m.



**Klaus Fegebank**

Date of Admission: 05.12.75

Special Areas of Work: Property & Conveyancing, Commercial, Local Government  
Klaus is the district's most experienced Conveyancer having been in practice for over 40 years.

**Damien McKay**

Date of Admission: 22.05.87

Special Areas of Work: Commercial Dispute Resolution, Family Law – Accredited Specialist. Experienced Court room advocate and registered with Legal Aid panel NSW.

**Ken Lambeth**

Date of Admission: 02.04.04

Special Areas of Work: Criminal, Traffic & Associated matters brought to the Local & District Courts, Debt Recovery.  
Registered with the Legal Aid panel NSW and prior experience with Aboriginal Legal Aid NSW.

**Nicole Stevenson**

Date of Admission: 24.08.12

Special Areas of Work: Property & Conveyancing, Local Government, Wills and Estates.

**Patrick Heath**

Date of Admission: 20.12.85

Special Areas of Work: General Litigation, Insurance, Personal Injury – Accredited Specialist.  
Honorary Fellow of the Australian College of Legal Medicine and member of the Australian Lawyers Alliance.

**Nicole Roland**

Date of Admission: 22.4.16

Special Areas of Work: Family Law  
Bachelor of Arts majoring in Sociology and Social Policy  
Bachelor of Law

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Thurs, 10.00 a.m. to 5.00 p.m.

**Experience:**

It is noted that there are six areas of law identified which will form part of the tender. Members of our firm are well versed and competent across each of the identified areas of law.

Our Solicitors are supported by a team of skilled and experienced administrative staff and they ensure they are compliant with legislative updates by utilising the latest Legal software and attending legal seminars.

We express our interest in submitting a formal tender for this work and look forward to receipt of your invitation to do so.

Yours faithfully  
**Higgins Lawyers**

Ross Higgins

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Thurs. 10.00 a.m. to 5.00 p.m.

# Le Fevre & Co.

## Solicitors & Attorneys

Incorporating Thompson and Le Fevre. Est. 1907

Our Ref: AJL:29121  
17 January 2017

The Acting General Manager  
Lithgow City Council  
Council Chambers  
PO Box 19  
LITHGOW NSW 2790

Attn: Mr. Andrew Muir

By email: [REDACTED]

Dear Sir,

**RE: EXPRESSION OF INTEREST  
FOR PROVISION OF LEGAL SERVICES  
TO LITHGOW CITY COUNCIL**

We refer to the notice placed in the Lithgow Mercury on 13 January 2017 by Lithgow City Council and advise that this practice is interested in submitting a tender to Council for the provision of local legal services in relation to:

- . Matters relating to the Local Government Act 1993 and related legislation.
- . Property and conveyancing matters.
- . Matters relating to the Land Acquisition (Just Terms Compensation) Act 1991.
- . Matters relating to the Roads Act 1993.
- . General legal advice.
- . Local and District Court matters.

As you are aware, this practice has provided the above services to Lithgow City Council in relation to the above areas of law for in excess of 70 years, and we look forward to the opportunity to submit our tender to Council for the continuation of our services to Council in these areas of law.

Yours faithfully  
**LE FEVRE & CO.**

Allan Lindsay  
[REDACTED]



*Principal: Allan J. Lindsay*

**City Chambers**  
**108 Main Street, Lithgow NSW 2790**  
P.O. Box 67, Lithgow NSW 2790  
DX 3151 Lithgow  
ABN: 27 759 019 416  
Telephone: (02) 6352 2699 Facsimile: (02) 6352 1351  
Hours: 9a.m. to 5 p.m. Monday to Friday

*Consultant: Tim Le Fevre*

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Swaab Attorneys would like to register its expression of interest to submit a tender to provide legal services to council. We believe our firm is well placed to deliver local legal services consisted with: the Local Government Act 1993 and related legislation, Property and conveyancing, Land Acquisition including Just Terms Compensation Act 1991, the Roads Act 1993 and General legal and Local and District Court advise.

We currently provide local legal services listed above to the following councils:

- Camden Council
- Ku-Ring-Gai Council
- Liverpool City Council
- Bega Valley Shire Council
- Richmond Valley Shire Council and
- Wingecarribee Shire Council

We also have extensive experience working with NSW State Government authorities including:

- Transport for NSW
- Rail Corporation of New South Wales (Sydney Trains, NSW Trains)
- Roads and Maritime Services

We are a commercial law firm located in Sydney. Established over 30 years ago, we pride ourselves on our ability to get on with business. We understand that to achieve the best results for our clients we need to work as a trusted advisor and partner to their organisation, not just as a legal service provider. We see the real value that comes from building lasting relationships with clients and where we can, support their businesses as much as they support ours

## **PROPERTY LAW**

We provide transaction and advisory services to property owners, investors, landlords and tenants throughout Australia. We are sought out by leading land developers as well as state government departments and local government agencies for our expertise. We work with our clients to develop, negotiate and document deals. Our early involvement and understanding minimises unexpected complications which can delay transactions. Based on our extensive industry experience, we offer our clients a full range of services and practical advice from the local to the national level. Our expertise includes:

- Disposal and acquisition of commercial buildings, retail shopping centres, industrial parks and facilities, manufacturing plants and transport nodes throughout Australia. This includes due diligence, drafting and negotiating sale and acquisition contractual documentation, (including put and call options) and complex contractual arrangements to deal with delayed settlement, structured payment regimes and vendor finance mortgages
- Acting for both landlords and tenants in high volume and “bespoke” commercial, industrial and retail leasing
- Providing leasing advice, including with respect to:
  - rent reviews
  - tenant breaches
  - make good obligations
  - incentive structures
- Project joint ventures and development agreements
- Advice on title structuring options for land subdivisions and multi-use developments
- Drafting of, and advice with respect to easements, covenants and licences for supply of services and rights over property
- Advisory services for property owners, investors, landlords and tenants in Australia
- Tenders and Expressions of Interest

## **PLANNING, ENVIRONMENT AND GOVERNMENT**

We are proud of the reputation we have as a leading team of experts in land use planning & development, environment and government law. We are sought out by both leading land developers as well as state government departments and local government agencies for our expertise and the practical application of our knowledge to facilitate commercial outcomes. We have an enviable record of achieving our client's desired objectives.

### **Planning and Environmental Law**

- Development applications
- Heritage law
- Land and Environment Court proceedings (all classes)
- Planning agreements and developer contributions
- Policy and legislative changes
- Rezoning and planning approvals
- Council orders
- Town planning compliance and risk assessment
- Contaminated land assessment and remediation
- Pollution law

### **State Government Law**

- Inter-government transactions including dedications of land and land interest transfers and swaps, advices on stamp duty applications for government transactions
- Compulsory acquisitions and compensation agreements
- Construction leases and licences
- Public Positive Covenants and Restrictions as to User
- Commercial and retail leases, subleases and licences both of government assets
- Long term leases by government bodies as lessee with extensive provisions granting redevelopment rights to the government
- Sales of government assets by tender, expressions of interest and private treaty contracts
- Asset management agreements
- Civil liability

### **Local Government law**

- Code of Conduct and Meeting practice
- Corporate Governance
- Delegation of authority
- Freedom of information
- Infringements and prosecutions
- Notices and Orders
- Tenders and Service Contracts and Licences
- Waste management
- Roads Act openings, works and closures
- Ratings issues
- s. 94 Contributions
- Voluntary Planning agreements

## OUR TEAM

Refer attached PDF document for individual team members CVs

## OUR FIRM

Refer Swaab Attorneys [website](#) for an overview of our full range of services provided.

We look forward to the opportunity to submit a tender to provide legal services to council. In the meantime, if you have any questions please feel free to contact me directly.

Level 1, 20 Hunter Street SYDNEY NSW 2000 | DX 522 SYDNEY

**Member of Meritas Law Firms Worldwide** ~ Meritas is your gateway to 7,020 experienced lawyers in 178 full-service law firms serving 236 markets; [www.meritas.org](http://www.meritas.org)

**Law9000 Accredited** (Legal best practice standard incorporating ISO 9001)



Our Ref: AF: Lithgow City Council Tender  
Contact: Annette Fontana  
Email: [anette@forumlaw.com.au](mailto:anette@forumlaw.com.au)



Suite 44  
23 Norton St  
Leichhardt NSW 2040  
Telephone: 9560 3388  
Facsimile: 9569 5423

25 January 2017

Legal Services  
Lithgow City Council

via email: [council@lithgow.nsw.gov.au](mailto:council@lithgow.nsw.gov.au)

Dear Sir / Madam

**EXPRESSION OF INTEREST FOR PROVISION OF LEGAL SERVICES  
DEADLINE: CLOSE OF BUSINESS ON 27 JANUARY 2017**

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We attach this firm's Expression of Interest in the above matter.

Forum Law wishes to develop its practice by gaining experience in the provision of legal services to government and larger organisations. Forum Law believes it can provide personable and quality service with greater efficiency, speed and at a lower cost than larger law firms.

Forum Law is poised to enlarge its staff and resources as required.

Please do not hesitate to contact Annette Fontana if you have any enquiries or wish to discuss any aspects of this Expression of Interest.

Yours faithfully  
Forum Law

A handwritten signature in blue ink that reads "Annette Fontana".

Annette Fontana

ForumLaw (Aust.) Pty.Ltd. ABN 66 118 834 352 t/as ForumLaw

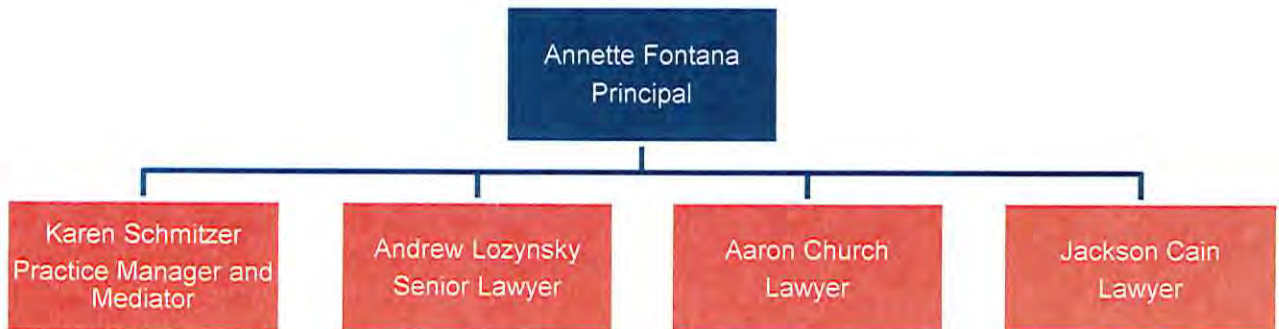


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## Organisation Chart

Forum Law's current organisational chart is below:



## Roles and Responsibilities

The roles and responsibilities of each staff member are summarised below:

Name	Position Title	Employment arrangement	Primary duties
Annette Fontana	Principal	Permanent full-time	End to end management and running of the business, strategic planning, sales and marketing strategy. Delivery of all services, other than Mediation and IP Law.
Karen Schmitzer	Office Manager and Mediator	Permanent part-time	Reception, executive assistant duties, office and facilities management. Trust accounting, accounts payable and receivables, payroll, mail, banking. Marketing execution, e.g. website, email marketing, print marketing. Day to day management of vendors and service providers, e.g. web designer. Monitoring and reporting of CLE and firm licence requirements. Delivery of Mediation services to clients. Events management.
Andrew Lozynsky	Senior Lawyer	Casual	Assists the Principal on a casual/consulting basis in any litigation matter.
Aaron Church	Lawyer	Permanent full-time	Delivery of Property Law services for Forum Law clients. Also involved in prospecting and business development.
Jackson Cain	Lawyer	Permanent full-time	Delivery of all services other than Property Law. Specialist areas include IP Law and, more and more, Wills and Estates.

The Profile page of the Forum Law website (URL <http://www.forumlaw.com.au/profile.html>) provides short profiles for each employee.

## Organisation Structure

Forum Law is a full-service commercial and property law practice, based in Leichhardt. Our core practice areas include conveyancing, retail and commercial leasing, property law, litigation, and general matters regarding commercial law.

Our team includes a director and senior lawyer, Annette Fontana, an additional senior lawyer, two lawyers with 3-4 year PAE, and one practice manager/mediator. Forum Law intends to employ a paralegal and junior support staff member in 2017.

The Forum Law team draws upon solid experience in established commercial law firms, servicing small, medium and large clients in the private and public sectors.

Annette Fontana has experience in providing talks and seminars to a variety of audiences. Forum Law is a current member of the Housing Industry Association [and has been since 2006] and is on their panel of solicitors.

In 2015, Forum Law commenced the process to attain our International Standards Organisation (ISO) 9001 Quality Management System certification and we received our certification in August 2016 (see **attached** Statement of Certification)

In doing so, we have created a more quality-based organisational approach and model.

An organisation focused on quality promotes a culture that results in the behaviour, attitudes, activities and processes that deliver value through fulfilling the needs and expectations of clients and other relevant interested parties.

## Staff

### **Annette Fontana, Principal of Forum Law**

Annette was admitted as a solicitor in 1991. Over the past twenty five years, her clients have included small, medium and large firms throughout Sydney, publicly listed companies, government departments and external administrators of companies. Annette is experienced in commercial property law and commercial litigation, and regularly advises on conveyancing, commercial and retail leasing and development projects for private, corporate and government clients.

Education: BA Dip Law, LLM, Graduate Member of the Australia Institute of Company Directors. Annette majored in corporate and trade practices law in her Masters Degree.

Annette also completed a course in Negotiation for Lawyers in 2008 and a course in Mediating Disputes in 2016, both at Harvard University, Boston.

Previous firms include: Shailer, Dawson & Hickey (now Atkinson & Vinden), Gadens Lawyers, Leigh Adams Lawyers and Brown & Partners.

Management experience: Annette has been the director of Forum Law for ten and half years. She actively supervises all staff in all matters. Prior to that Annette was a senior associate at other law firms and supervised numerous professional and non-professional staff.

**Andrew Lozynsky, Senior Lawyer**

Andrew has worked with Forum Law since 2006, and is a corporate and commercial lawyer in a variety of areas including commercial litigation, insolvency and contractual disputes. He has also acted for clients in property and family law matters.

Prior to his admission as a solicitor of the Supreme Court of New South Wales in 1994, Andrew acquired litigation and commercial law experience working in a boutique city law firm, which specialised in commercial litigation and insolvency law.

Andrew has a particular focus on commercial and insolvency law, having acted for a broad range of clients including liquidators, voluntary administrators, bankruptcy trustees, creditors, debtors, directors, companies (including publicly listed) and business owners.

**Karen Schmitzer, Practice Manager and Mediator**

Karen is the Practice Manager of Forum Law. Karen was admitted to practice in 2000 and worked as a commercial lawyer in both small and medium Sydney CBD firms until leaving the workforce to raise her two young boys.

With previous experience working in legal accounts combined with her legal knowledge, Karen joined Forum Law in October 2011 and she runs our accounts, and all office operations as well as assisting Annette, Andrew, Aaron and Jackson with commercial and property matters.

Karen completed a Mediation course in 2013 at LEADR (now The Resolution Institute) and became a National Accredited Mediator in 2015.

**Aaron Church, Lawyer**

Aaron joined Forum Law in late 2012, and he is principally engaged in all aspects of property, wills and debt recovery matters.

A University of Western Sydney law graduate, Aaron was admitted to practice in October 2013. He is a highly motivated and dedicated solicitor whose interests include litigation, commercial and administrative law, and all aspects of property transactions and estate planning.

Aaron is a member of the Young Lawyers Committee for the Inner West Law Society.

**Jackson Cain, Lawyer**

Prior to becoming a solicitor, Jackson studied photography at the University of Technology Sydney and studied Business at the University of Newcastle (with a double major in marketing and management). Jackson's artistic background as a freelance photographer has influenced his interest in protecting the creative works and ideas of clients through intellectual property law.

Jackson was admitted to practice in February 2013 and joined Forum Law in mid-2014. He is an attentive and motivated solicitor working mostly in commercial litigation, including debt recovery and deceased estate matters in advising and assisting clients in intellectual property.

Jackson is also a member of the Young Lawyers Committee for the Inner West Law Society.



# Statement of Certification

**BESTPRACTICE**  
CERTIFICATION

## FORUM LAW (AUST.) PTY LTD

*Best Practice Certification Pty Ltd has assessed the above company as complying with the following management system standard requirements at the address shown.*

**Standard:** AS/NZS ISO 9001:2008 - Quality Management System

**Scope of Certification:**

Solicitors - Commercial Law, Personal Law & Mediation, Property Law & Conveyancing, Building & Construction Law, Intellectual Property Law, Wills & Estates.

**Exclusions:** Clause 7.6

**Address:** Level 1, Suite 44 The Italian Forum, 23 Norton St, Liechhardt NSW 2040 Australia

**Issue Date:**  
22/08/2016

**Expiry Date:**  
14/09/2018\*

**Client Number:**  
2098

CERTIFICATION APPROVED:



Kobi Simmat  
Chief Executive Officer  
Best Practice Certification Pty Ltd

**BESTPRACTICE**  
CERTIFICATION



[www.jas-anz.org/register](http://www.jas-anz.org/register)

**JAS-ANZ**



**a»** Suite 211, Lifestyle Working Centre  
117 Old Pittwater Road  
Brookvale NSW 2100  
**p»** 1300 402 602  
**w»** [bestpracticecertification.com.au](http://bestpracticecertification.com.au)

\* Subject to regular surveillance audits

## **Previous Experience**

Forum Law has experience in the following areas:

### **Property and Conveyancing**

- Sale of commercial land and improvements valued at over \$20m including rural land, involving due diligence and options.
- Purchase of commercial land and improvements including options and leases.
- Sale and purchase of residential land and improvements including Strata Title, Company Title and Torrens Title.
- Retail and commercial leasing for Lessors and Lessees, including the preparation of bespoke commercial and retail leases.
- Sale and purchase of numerous types of businesses.

### **Land Acquisition (Just Terms Compensation) Act 1991**

- Acting for Vendors in compulsory acquisition of property and businesses for State Government acquisitions.

### **General Legal Advice**

Forum Law acts as quasi in-house Lawyers for small, medium and large companies advising and assisting and representing clients in the following areas:

- employment law;
- sub-contracting arrangements;
- supply agreements;
- distribution agreements;
- shareholder and other stakeholder agreements;
- debt recovery;
- insolvency and dealing with external administrators/trustees;
- securities, mortgages and PPSA matters;
- corporate governance and compliance matters;
- brand management and IP law including registration of IP assets on the IP Australia Register and the PPSR;
- estate planning and deceased estates;
- property and leasing matters and disputes; and
- dispute resolution and mediation services.

### **Local and District Court Matters**

- Debt recovery.
- Enforcement of judgements.
- Commercial litigation.
- Matters arising out of the Building and Construction Security of Payments Act or NCAT proceedings.
- Neighbourhood disputes including obtaining orders for access over neighbouring property.
- Equitable disputes in the District Court
- Traffic offences and summary criminal matters.
- Defamation matters.



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**Lithgow City Council – Expression of  
Interest for Local Legal Services**

27 January 2017



**HOLDING REDLICH**





We are writing to submit a formal expression of interest to tender for the provision of Local Legal Services to the Lithgow City Council.

Holding Redlich has extensive experience providing legal services to councils, and would be thrilled to submit a proposal to the Lithgow City Council. Below is a brief summary of our experience in relation to the main services we understand the Council will likely be seeking:

## 1. Matters relating to the Local Government Act 1993 and related legislation

Holding Redlich has substantial experience providing advice under the *Local Government Act 1993* and associated legislation. We have provided advice to Council on matters relating to land acquisition and planning requirements for the East West Relief Road.

Additionally, we advised a NSW State Government agency in relation to the heritage impact assessment requirements in connection with proposed infrastructure works which had the potential to impact upon an item of heritage significance. As a result of our assistance, our client was able to proceed with its assessment of the proposal with more certainty in relation to heritage impact, ensuring that the impacts were appropriately addressed, thereby helping to minimise risk of a challenge to any decision made. The infrastructure projects are now underway.

We have also advised Sutherland Shire Council regarding regulations concerning negotiation and other procurement advice, as well as City of Sydney in relation to issues arising from the remediation of land to be dedicated by a developer to the City for use as a public park, amongst many other local council matters.

## 2. Property and Conveyancing

Because we act for a number of government agencies and local councils, we understand the regulatory environment, media pressures and the unique issues and risks faced by local councils when dealing with council property matters.

We also understand the peculiarities of property as an asset class and the commercial and practical issues that underpin successful projects, both from the perspective of investors, financiers and developers and also from the perspective of occupiers, users and regulators.

We have a large team dedicated to dealing with property owners and tenants and their operational and asset management needs such as leasing, access and easement issues and responsibility for maintenance of services, structural and capital repairs and replacements.

We often advise and assist with asset maintenance issues and the negotiation of facilities maintenance agreements for single assets as well as for asset portfolios.

Over the past five years we have been the project lawyers for Billbergia's Wentworth Point development during the course of which we have advised in relation to the titling and sales component of the development as well as assisting in relation to the satisfaction of certain voluntary planning agreement obligations in connection with the Bennelong Bridge, community centre and library and the public forecourt.

We provided practical legal advice in relation to the subdivision of the development into residential, retail and community spaces, including drafting appropriate management statements, by-laws and easements to ensure the development addressed the needs of private residents, retail businesses and members of the public. We are currently assisting Government Property NSW who will become the registered tenant under two commercial leases and a grantee under an incentive deed for two floors

within an office tower, in addition to various other property matters concerning councils and government.

### 3. Matters relating to the Land Acquisition (Just Terms Compensation) Act 1991

Holding Redlich have considerable skill providing advice to acquiring authorities on matters relating to land acquisition, including state and local government bodies under the *Land Acquisition (Just Terms Compensation) Act 1991*. Our firm has a pre-eminent practice in property and planning law with the skilled specialists, resources and capacity to assist NSW Government agencies in resolving issues arising during the land acquisition process.

A key recent transaction involved the provision of advice to the City of Sydney council in relation to and acquisition and planning requirements for the East West Relief Road. During this transaction we identified and assigned risks, liabilities and obligations between parties to minimise Council's exposure to risk. We also successfully negotiated and drafted documentation for the final settlement of compensation pursuant to section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991*, including indemnities in favour of Council to minimise the risk of additional claims for compensation being made.

We pride ourselves on our ability to strategically position our clients to achieve successful outcomes, whether that involves the early settlement of disputes on favourable terms, or seeing a case through to judgment with minimal disruption to the client's activities.

### 4. Matters relating to the Roads Act 1993

We have been providing ongoing legal advice to Roads and Maritime Services (RMS) in connection with the redevelopment of an infrastructure facility for the benefit of the community. The matter has required us to advise on a number of complex planning issues and also involves the interaction of multiple environmental planning instruments.

Through our work for RMS we can demonstrate that our planning team has a track record State Government on the planning issues associated with the delivery of projects and infrastructure, and of providing clear, practical advice on complex planning issues.

At The New Rouse Hill, Holding Redlich was asked to come up with a titling solution to manage the many shared facilities and privately owned but publicly accessible areas (including roads) within The New Rouse Hill Town Centre. This led to us conceiving and drafting a unique shared costs document to manage the various shared areas between the retail, education, public administration and residential components of the town centre.

### 5. General Legal Advice

We deploy strategies designed to achieve fast and efficient dispute resolution for our clients. We are experts in alternative dispute resolution and all forms of commercial litigation. Our aim is to achieve our clients' objectives.

We pride ourselves in working with our clients as a team. We consult from the outset with our clients to identify their objectives and provide clear, concise and practical advice to achieve their goals.

We act for government, statutory authorities, corporations, partnerships and individuals. We represent clients throughout Australia. Our clients are important to us. We put a lot of effort into understanding our clients' businesses and earning their trust. We compete head-to-head with the major law firms. We have the resources to handle the most complex cases but our points of difference are:

- Our partners provide leadership, strategy, involvement and commitment

- Our clients have access to our partners at all times
- We use small but efficient teams to limit costs
- We have successfully designed strategies to resolve the most complex cases and are committed to the use of alternative dispute resolution forms and techniques. When required, we can litigate in any court, are skilled in arbitration, expert determination and representing clients before commissions of inquiry and other official investigations.

Our general court representation experience includes:

- |  |  |
|--|--|
| ▪ Regulatory investigations                        | ▪ Contractual and corporate disputes                 |
| ▪ Trade practices                                  | ▪ Insolvency   |
| ▪ Information technology and intellectual property | ▪ Conducting proceedings in all courts and tribunals |
| ▪ Professional negligence                          | ▪ Media and privacy                                  |
| ▪ Commissions of Inquiry                           | ▪ APRA, ASIC and ACCC investigations                 |
| ▪ Commercial arbitrations                          | ▪ Alternate dispute resolution techniques            |

## 6. Other Local and District Court matters

We have a proven track record of successfully acting for local councils, in addition to State and Federal Government agencies. We are currently a member of the City of Sydney's legal service panel, and also act for a number of councils in New South Wales, Queensland and Victoria. We have acted for the NSW Department of Industry for Administrative review matters, as well as various planning and environment matters including Sutherland Shire Council, Intellectual Property for Transport for NSW, and Bass City Council on licensing matters, and we believe that our experience supporting such a varied group of public bodies would provide us with a strong base from which to understand, and engage with, Lithgow City Council's legal needs.



# REDENBACH LEE

PROJECT LAWYERS

Level 4, 12 O'Connell Street, Sydney NSW 2000

Tel: +61 2 8002 1799 | Fax: +61 2 8212 8182

Email: [admin@redenbachlee.com](mailto:admin@redenbachlee.com)

27 January 2017

**By Email – [council@lithgow.nsw.gov.au](mailto:council@lithgow.nsw.gov.au)**

Lithgow City Council  
PO Box 19  
180 Mort St  
LITHGOW NSW 2790

Dear Sir/Madam,

**Re: Expression of Interest for Lithgow City Council's Request for Legal Services**

As a relatively new firm, we are pleased to enclose our Expression of Interest for the subject matter. The document attached includes the following:

- (a) Section 1: Who We Are
- (b) Section 2: Business Details;
- (c) Section 3: Insurances;
- (d) Section 4: Structure;
- (e) Section 5: Notable Projects'
- (f) Section 6: Experiences of the Practice;
- (g) Section 7: Responsibility for Council and Billing Details;
- (h) Section 8: Our Commitment to Local Government Environment
- (i) Section 9: Value Added Services
- (j) Section 10: Other Benefits for Council
- (k) Schedule 1 – Curriculum Vitae

We would welcome the opportunity to be asked to submit a tender. Please contact us should you wish to clarify any matter or to discuss our focus on the Lithgow City Council.

Thank you for considering our firm.

Yours Faithfully,

**Greg Lee, Partner**

**Keith Redenbach, Partner**

**REDENBACH LEE**

*Encl.*

Redenbach Lee ABN 47 642 109 743

Liability limited by a scheme approved under Professional Standards Legislation.

# Expression of Interest

## Lithgow City Council



27 January 2017



**REDENBACH LEE**

PROJECT LAWYERS

Level 4, 12 O'Connell Street  
Sydney NSW 2000

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Email: [admin@redenbachlee.com](mailto:admin@redenbachlee.com)

Website: [redenbachlee.com](http://redenbachlee.com)

## **1 | WHO WE ARE**

### **Introduction**

Given the unique environment of Local Government, Lithgow City Council (“**LCC**”) needs a legal firm that can distil the complex commercial issues and risks and reconcile its obligations under legislation and common law. This perspective drives risk mitigation, pragmatic solutions and the outcomes LCC needs to achieve an appropriate solution.

To complete the range of legal matters the subject of the Request for Quotation (for which we submit this Proposal) requires legal advisors with at least the following skills and experience:

- An understanding of the unique legislative and common law obligations facing LCC and the solutions to these risk issues.
- An understanding of the available contracts and strategies to develop future solutions and their shortcomings.
- A proven track record in advising Local Government, as well as the private sector.
- Experience in, drafting and advising on EOI, RFP and contractual documentation for both Government and private sector.
- Importantly, an understanding of how local, state and federal government interacts with LCC and others (such as utilities) on key issues such as compliance and probity.
- A cooperative and collaborative approach to advising and a proven track record with Local Government.

Our proposal demonstrates that we have all of these skills and experiences. Our innovative technology based approach as set out below will provide LCC with the solutions it seeks to these complex issues.

### **We understand the context in which Local Government operates**

Redenbach Lee understands the NSW Government’s statutory functions and business intimately. Our co-Founder and Equity Partner, Keith Redenbach, has advised the NSW Government (as well as Commonwealth and other State Governments) for well over a decade, which has included time as lead partner at several national and international law firms.

The NSW Government exists within and must comply with some fundamental principles arising out of the three branches of government; legislative, executive and judiciary. The Constitution Act 1902 (NSW) provides the ultimate source of the powers of the NSW Government, who must always act within power and must not



act ultra vires. Keith Redenbach is an expert on the background to, and application of, these principles in practice. Keith won a University Medal in 1991, as well as the University Administrative Law and Constitutional Law prizes in 1994 and 1995. In 2006 and 2007, as set out in his CV in Schedule 1, Keith was awarded formal commendations by three NSW Councils (known as the St George Region of Councils) due to having delivered quality advice on a unique legal compliance task which directly benefited the Community.

Keith has assisted many public servants, including legal counsel, to comply with their obligations under the Government Sector Employment Act 2013 (Cth) and predecessor legislation. This was most recently demonstrated when Keith assisted TfNSW legal counsel to design, implement and then publicise the recent changes to important construction industry legislation. Keith's work was directly uploaded to the internal policy and procedures website of the NSW Government and assisted over 1,000 NSW Government employees to comply with their obligations under this new and challenging legislation. Keith abides by, and has assisted the NSW government public sector workforce he advised to abide by, the highest ethical standards reasonably possible. Keith's advice is often delivered in the context of competing demands from the private sector and the commercial realities of project procurement.

Keith is also directly known by a number of members of Parliament and Ministers of the Crown. Keith is a trusted adviser to the NSW Government and is regularly speaking at or attended events hosted in conjunction with the NSW Government. Keith has chaired and hosted the UNSW Construction Law Conferences for a number of years, regularly introducing the keynote speakers - normally Construction List Judges (such as The Hon Justice Hammerschlag on 3 March 2016 and in numerous years prior).

Keith is also well aware of, and has advised the NSW Government on, the obligations set out in key procurement legislation, such as Part 11 of the the Public Works and Procurement Act 1912. We are aware that the NSW Government has also conducted a review, in consultation with agencies and other key stakeholders, of its procurement operating model. The net result of the applicable provisions is to ensure value for money, delivering Quality government goods and services and aligning procurement with business needs, fundamental principles underpinning government procurement.

Keith's record on applying these principles over many years is outstanding and unblemished. To our knowledge, not one of Keith's projects has been cited or

reviewed by any government body for non-compliance with applicable laws. This achievement has stood the test of time, with Keith having been an adviser to the NSW Government for well over a decade. This demonstrates Keith's understanding of the policy and legislative framework in which the NSW Government operates, and a proven track record of quality advice to the NSW Government.

We understand the dynamic of the NSW Government, with its unique mix of public sector accountability, probity, freedom of information and Model Litigant requirements permeating the statutory and policy framework in which it operates. Likewise, the prominent role of ICAC in recent times has given the NSW Government a legal framework with a very specific environment in which to operate. Further, with the Government's "fit for the future" and amalgamation program for Local Councils, the environment is even more coloured with very specific local and State issues. Keith understands, and has acted as lawyer for, a number of the cluster groups of the NSW Government and indeed many local councils. As set out in Schedule 2 above, Keith has led parts of the TfNSW and Agency in establishing and delivering training on a State-Wide basis. This experience provides us with a solid understanding of the functions and business of the NSW Government. This includes the role of clusters, delegations and agencies in the NSW Government, on which Keith was called to advise regularly.

Our team understands the requirements which NSW Government will need to meet in order to successfully deliver infrastructure in NSW in a construction project context. We are determined to offer you high quality advice which represents real value for money. We have a depth of experience in acting for government at all levels in Australia. This ensures that you will have lawyers with a sound understanding of the statutory context in which the NSW Government must operate. The statutory framework does not, however, occur in a policy vacuum. Specifically, Keith assisted the as legal adviser to implement the actions within NSW Government's March 2011 100 Day Plan. We understand the continuing importance and relevance of the plan to provide quality rail infrastructure to the State of NSW.

We note that in that Plan the Government:

- introduced legislation for the creation of Infrastructure NSW;
- began work on planning and budgeting for the North West Rail Link, and set up project teams which have since delivered major work packages;
- established and maintained an Infrastructure Fund called "Restart NSW";
- commenced the establishment of an Integrated Transport Authority, now called TfNSW.

Since then, the NSW Government has utilised this solid foundation to privatise and “recycle” funds from assets such as electricity, property and ferries. Indeed, the concept of “asset recycling” was first adopted in Australia with gusto by the NSW Government, particularly under the guidance of (then) Treasurer and former Premier The Hon Mike Baird MP, which has since seen other States seek to follow suit. We have established a NSW Government presence (which is led by Keith Redenbach and who is assisted by Co-Founder and equity partner, Greg Lee) which allows us to develop our understanding of the NSW Government and its priorities.

We believe that we can provide the NSW Government with the necessary expertise advising on both large and medium scale infrastructure, construction and property projects. We can provide the NSW Government with a quality team who are able to provide strategic advice on many different projects from inception through to completion, in a timely and cost effective manner.

We also note that the NSW Government supports small and innovative business, of which Redenbach Lee is one.

If provided the opportunity, we would be delighted to assist on relevant board or committee appointments since, as a small firm, we can manage conflicts in this regard much better than our larger competitors. We commend the approach of the NSW Government and undertake to continue, should we be given the opportunity, our work in support of its aims.

### **Working with multiple stakeholders**

Through local partners based in Sydney, we will provide local experience in Local Government. We will be a safe pair of hands. Our experience working with multiple stakeholders including multiple local councils and utilities providers places Redenbach Lee in the ideal position to advise you.

Through our role acting for Government and the private sector at all levels of the contractual chain, we have developed substantial know how on strategic decision making.

We are familiar with the various procurement and tendering policies that apply to the Government, including the various Government Procurement Policy Statements, Government Code of Practice for Procurement and Government Tendering Guidelines.

### **The right experience**

Our team have acted for a large number of NSW Government agencies, including Transport for New South Wales and Agencies, Government Property NSW, NSW Office of Water, FACS, Sutherland Shire Council, Roads and Maritime Service, St George Region of Councils, Blacktown City Council, Hurstville City Council, Rockdale City Council, Auburn City Council, Liverpool City Council, Burwood Council, Hurstville City Council, Department of Primary Industries (Vic), Department of Commerce and Commonwealth Government (specifically Department of Defence). Particularly, where we have acted in major projects for NSW State Government agencies (eg New South Wales Health Infrastructure) we have a good understanding of the State's value for money requirements and also the approach required for drafting and negotiating, ensuring matters are dealt with quickly and efficiently

### **No conflicts of interest**

We do not have any current conflicts of interest that would impede our ability to act for LCC.

### **Advanced technology**

As a small firm, we are quick to adopt new technology where it assists and is appropriate. This will help LCC bridge the gap of distance and keep constantly updated on the status of its legal matters and our advice to it. We have strong experience in advising clients how to manage these critical government legal matters by the use of technology platforms, such as "Relativity" and "Actionstep".

In that regard, we note that:

- Relativity platforms offer reduction in the cost of matter management by adopting an electronic approach rather than copying and exchanging hard copy documents in the traditional paper manner. The advantages of this system include time efficiencies created by a highly collaborative, easily accessible workspace and enhanced searching and sorting capabilities for easier document review. We have relationships with licensed providers and have project managed these providers to ensure a legally correct outcome ensues. Keith managed the team at Norton Rose Fulbright that acted for TfNSW in response to, among other matters, the WestConnex call for papers and has also advised other Agencies and local government on the use of technology to manage matters (including GIPA and tendering).
- Our adoption of Actionstep (cloud based matter and billing management) has allowed us to provide "real time" updates regarding the status of matters, as well as subsequent steps to be taken and billing queries online via a secure login which is provided to our clients. This has reduced the need for telephone and

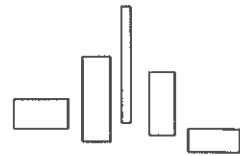
email attendances, increasing productivity and cost savings, which we have passed on to our clients.

**Personal approach**

Our approach of working with existing NSW Government document management and related providers will ensure that the LCC is not obliged to use our own in-house document management providers, leading to a more appropriate and cost effective solution.

Thank you for considering our expression of interest, to which we now turn in detail.

Level 2                      Postal address:    **T** 02 9262 6188    **E** info@pvlaw.com.au  
50 King Street    GPO Box 164    **F** 02 9262 6175    **W** www.pvlaw.com.au  
Sydney 2000    Sydney 2001    **DX** 521 Sydney    **ABN** 77 357 538 421



**PIKES & VEREKERS**  
LAWYERS

24 January 2017

The General Manager  
Lithgow City Council  
PO Box 19  
LITHGOW NSW 2790

**BY EMAIL** council@lithgow.nsw.gov.au

Dear Sir

**EXPRESSION OF INTEREST FOR PROVISION OF LEGAL SERVICES TO LITHGOW CITY COUNCIL**  
**Our ref JAW:KEG:LITHGOW**  
**TenderLink Ref : AU-753025**

We are pleased to submit our expression of interest for the provision of legal services to Council.

We **enclose** the following in compliance with the expression of interest requirements:

1. Expression of Interest of Pikes & Verekers Lawyers;
2. Lawyer Profiles attachment providing greater detail of the experience of each of our partners and employed lawyers.

Yours faithfully

Julie Walsh  
Partner  
Accredited Specialist Local Government and Planning Law





## EXPRESSION OF INTEREST TO TENDER FOR THE PROVISION OF LOCAL LEGAL SERVICES TO LITHGOW CITY COUNCIL

Closing 27 January 2017

Pikes & Verekers Lawyers  
Level 2, 50 King Street  
SYDNEY NSW 2000

Telephone: (02) 9262 6188  
Facsimile: (02) 9262 6175  
Email: [REDACTED]  
Contact: Julie Walsh  
Website: [www.pvlaw.com.au](http://www.pvlaw.com.au)

## Introduction

Pikes & Verekers Lawyers wishes to express interest in submitting a tender to provide legal services to Council.

## Outline of the Qualifications and Experience of Pikes & Verekers Lawyers

Pikes & Verekers Lawyers has specialised in local government and related matters since the establishment of its predecessor firms in the early 1900s. We have a broad local government, property and commercial practice currently acting for 18 Councils in New South Wales including metropolitan councils and rural councils. We also act for numerous individuals and corporate clients in local government, planning, commercial and property matters.

Pikes & Verekers Lawyers has been on the existing panel of legal service providers to Lithgow City Council for over 20 years. During that time we have had the opportunity to gain a close understanding of the needs and priorities of Council and its community. We have formed good working relationships with Council staff. We have demonstrated the ability to deal sensitively and conclusively with a number of sensitive local issues.

We act for a number of other rural councils including Blayney, Goulburn Mulwaree, Griffith, Upper Lachlan, Clarence Valley, Ballina, Mid Coast Council, Broken Hill and Parkes.

As recognised local government specialists, it would be very rare if we have not already advised or litigated an issue that a council would require our assistance on.

We have four accredited specialists in local government and planning law and two accredited specialists in property law (who specialise in property law as it relates to Council).

If reappointed, Council will continue to always receive strategically sound legal support from Pikes & Verekers Lawyers which goes beyond mere advice. We present common sense, pragmatic legal solutions and take rapid effective action.

Pikes & Verekers Lawyers specialises in local government, planning, environmental and property law as well as commercial litigation and business/corporate law.

We believe that the strength of our firm is the ratio of senior practitioners to junior practitioners. Many firms have one "star" often supported by a number of junior lawyers. We have a number of highly experienced partners, special counsel and associates so that Council can be assured at all times that if the Service Relationship Partner or nominated partner is not available due to court commitments, absence on leave, etc there will always be another senior practitioner who will be able to respond to Council's enquiries.

Should our submission be accepted, the following lawyers are nominated as the **core "team" to** service Council:

FULL NAME OF SPECIFIED PERSON	QUALIFICATIONS / EXPERIENCE
David Baxter – Service Relationship Partner ("SRP") Accredited specialist in Property law	<ul style="list-style-type: none"> <li>Property</li> <li>Local Government</li> <li>Commercial &amp; Corporate</li> </ul>
Peter Jackson – Alternate Service Relationship Partner ("Alternate SRP")	<ul style="list-style-type: none"> <li>Planning &amp; Environment</li> <li>Local Government</li> <li>Litigation/ADR</li> </ul>

Roslyn McCulloch, Partner Accredited specialist in Local Government and Planning law	<ul style="list-style-type: none"> <li>▪ Planning &amp; Environment</li> <li>▪ Local Government</li> <li>▪ Litigation/ADR</li> </ul>
Stephen Griffiths, Special Counsel Accredited specialist in Local Government and Planning law	<ul style="list-style-type: none"> <li>▪ Planning &amp; Environment</li> <li>▪ Local Government</li> <li>▪ Litigation/ADR</li> </ul>
Kim Probert, Partner Accredited specialist in Property law	<ul style="list-style-type: none"> <li>▪ Property</li> <li>▪ Local Government</li> <li>▪ Commercial &amp; Corporate</li> </ul>
Michael Hewett, Special Counsel	<ul style="list-style-type: none"> <li>▪ Local Government</li> <li>▪ Property</li> <li>▪ Commercial &amp; Corporate</li> <li>▪ Litigation &amp; Dispute Resolution</li> </ul>
Rebecca Darr, Senior Associate	<ul style="list-style-type: none"> <li>▪ Local Government</li> <li>▪ Commercial &amp; Corporate</li> <li>▪ Property</li> </ul>
Diarna Cuda, Graduate-at-Law (soon to be admitted as a solicitor)	<ul style="list-style-type: none"> <li>▪ Commercial &amp; Corporate</li> <li>▪ Property</li> </ul>
Alistair Knox, Solicitor	<ul style="list-style-type: none"> <li>▪ Planning &amp; Environment</li> <li>▪ Local Government</li> </ul>
Tom Bush, Solicitor	<ul style="list-style-type: none"> <li>▪ Planning &amp; Environment</li> <li>▪ Local Government</li> <li>▪ Property</li> </ul>

All of our lawyers would be available to assist as and when required.

We invite you to read our Lawyer Profiles in the accompanying attachment.

Further details relating to our experience in specific areas

Matters relating to the Local Government Act 1993 and related legislation

Pikes & Verekers is regularly required to provide advice to its council clients with respect to the Local Government Act 1993 and Regulations.

Apart from providing advice about the interpretation of the Local Government Act 1993 and Regulations, we have acted for councils in proceedings under the Local Government Act including enforcement proceedings (both injunctions and prosecutions) and administrative law proceedings. We have prepared and advised councils on Agreements and Memoranda of Understanding relating to matters under the Local Government Act. We also regularly give advice to our council clients on meetings procedure, conflict of interest, pecuniary interests, code of conduct and probity.

We have also acted for councils in relation to the following complex matters involving the Local Government Act and Regulations:

- Supreme Court proceedings involving boundary changes;
- High Court proceedings concerning a rating matter involving constitutional issues. The relevant property had previously been owned by the Commonwealth;

- Supreme Court proceedings concerning proposed local government amalgamations.

### Property and conveyancing

Pikes & Verekers has many years experience acting for councils in the acquisition and disposal of assets and advising generally in relation to appropriate asset management. Two of our partners are accredited specialists in property law.

Our experience includes:

- Sales and purchases of residential, commercial and industrial land
- Sales of closed roads, drainage easements and unused open space
- Sales of council-owned businesses and utilities
- Leases and licences of ovals, parks, community facilities, commercial, residential and industrial property owned by councils
- Advices generally relating to sale and acquisition of properties including community land, operational land, roads, closed roads and drainage reserves
- The leases which have been the subject of advice range from short term residential leases to 99 year commercial leases, and from small residences to large community facilities located partially in council-owned community open space and partially in Crown Reserves
- Joint ventures and sale/lease back arrangements:
  - Drafting joint venture agreements
  - Drafting commercial leases of all kinds, including leases of 99 year terms
  - Drafting development deeds and collateral documentation in relation to council projects
  - Drafting and reviewing all ancillary documentation including construction contracts, tenders and specifications, expressions of interest, consultants' agreements, fundraising agreements, creation of tax exempt charitable bodies for the acceptance of donations towards cultural projects
  - Dealing with stratum and strata title, the creation and registration of stratum and strata titles, neighbourhood plans, community plans, the dedication of community open space, libraries and cultural facilities, the stratum development of council-owned properties for lease or sale
  - Numerous redevelopments of council car parks and lease/licence/joint venture agreements in respect of redevelopments of leisure centres and other council-owned/operated facilities.

### Matters relating to the Land Acquisition (Just Terms Compensation) Act 1991

Pikes & Verekers Lawyers has extensive experience in this area. David Baxter is currently on the panel of service providers to the Department of Planning in respect of valuation matters. David has acted in many class 3 proceedings under the Land Acquisition (Just Terms Compensation) Act 1991 and also acted for dispossessed owners including recent matters relating to WestConnex, Sydney Metro and the North West Rail Link. Peter Jackson also acts in such matters, having commenced his legal career in house at the Department of Main Roads (predecessor to the Roads and Maritime Service).

Matters relating to the Roads Act 1993

Pikes & Verekers Lawyers has extensive experience advising on the Roads Act 1993 and acting for Councils in such matters as leases and road closures and sales under that Act.

General Legal Advice

Because we are a general practice, we have the expertise to advise Council in all areas of law, as required, including local government, planning, property and commercial law.

Other Local and District Court Matters

Our experience includes prosecutions for offences against the Environmental Planning and Assessment Act 1979 and other legislation for which local governments are responsible.

A number of our lawyers have been involved in litigation in the Supreme Court and District Court in relation to the enforcement of and actions for damages for breach of contracts. We recently acted for a Sydney council in a substantial commercial dispute in the Supreme Court, which was satisfactorily resolved.

Pikes and Verekers also has extensive experience in debt recovery matters in all jurisdictions including the Local Court, District Court and Supreme Court. This experience includes accredited specialists in the area and encompasses a broad range of matters whether the debt arises from a commercial transaction or from court ordered costs.

One of our partners is an accredited specialist in commercial litigation and has extensive experience in all types of litigation in the Local, District, Supreme, and Federal Courts.

Conclusion

We look forward to submitting a fully detailed submission should Council accept this Expression of Interest.



25 JAN 2017

Doc Set ID .....

GA Ref .....

Years .....

Our ref: 216124  
Your ref:

24 January 2017

The General Manager  
Lithgow City Council  
180 Mort Street  
Lithgow NSW 2790


Dear Sirs

**EXPRESSION OF INTEREST – LOCAL LEGAL SERVICES**

Please find attached our Expression of Interest with respect to the above matter. We have enclosed some additional copies for your assistance.

We look forward to hearing you.

Yours faithfully  
**OSBORNES LAWYERS**



**Michael Osborne**





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**Submission for Expression of Interest - Legal Services**  
**Lithgow City Council**

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Submitted to:

**Lithgow City Council**

PO Box 19  
180 Mort Street  
Lithgow NSW 2790

Date Submitted: 24 January 2017

**OSBORNES**  
— LAWYERS —

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[www.osborneslawyers.com.au](http://www.osborneslawyers.com.au)  
ref: 216124

## OVERVIEW

Osbornes Lawyers is a specialist law firm headed up by Michael Osborne, that deals with all aspects of property law and related real estate transactions and advises in relation to other areas of law such as contracts and tenders, building and construction issues, planning, insolvency, succession planning, general commercial advice, litigation, dispute resolution, finance and property development. A description of the firm is set out at **Annexure A**.

Despite being a specialist small firm, Osbornes has the experience of advising in relation to significant transactions and has acted in more than ten transactions (with a combined value of approximately \$1 billion, involving more than 1,300 apartments and associated commercial/retail space). A description of some of these projects is set out at **Annexure B**.

Osbornes has particular experience in relation to negotiating projects and agreements with government departments and other stakeholders which enables us to maintain a deep level of expertise in this area of the law.

With respect to our individual /entrepreneur clients, a lot of our work includes conveyancing, leasing, drafting and negotiating easements and advising generally in relation to property law issues. We act for both landlord's and tenant's and provide advice and assistance in relation to rent reviews, breaches of lease, terminations / forfeiture of lease and dispute resolution. Being centrally located in the heart of Sydney CBD we have access to all of the Courts and Tribunals and have good relationships with eminent Barristers and are experienced in running matters in all jurisdictions together with experience in briefing and instructing Counsel.

Those persons, who would be involved in providing assistance to Council under any tender subsequently awarded, are set out in **Annexure C** together with details of their relevant experience. As part of any future invitation to tender process we will supply up to date Curriculum Vitae's for key personnel involved as part of our tender.

We would welcome the opportunity to be invited to tender for Council's legal services. **Annexure D** contains some further information in relation to our fees for the provision of legal services.

## **Annexure A**

Osbornes Lawyers are providers of legal services specialising in property law and related transactions. We specialise in providing transactional services to private individuals and businesses and act for a diverse range of both large and small scale property developers and entrepreneurs, as well as providing legal advice in these areas.

We are a tightly run team of talented legal professionals with extensive experience in negotiating and completing property transactions. Our small team and strong culture means that we communicate and collaborate with regards to a matter or a particular project, bringing together collective individual strengths and experiences for the client's benefit.

Osbornes Lawyers has the technical expertise and capacity to undertake all property matters (including those which may be on a par with the traditional larger firms). Our team can confidently work across all the disciplines involved, from undertaking general conveyancing work and leasing, drafting easements, drafting more complex commercial leases or undertaking development agreement negotiations with various stakeholders including state government departments, major supermarket chains and retailers, shopping centres and local government, through to acting for individuals or entrepreneurs.

Every member of our property team possesses extensive experience and technical skills in relation to providing property law advice and transactional property services. We can also provide end to end legal support for property development projects and are experts in dispute resolution. We appreciate that the practice of law can be and often is a complex undertaking and guarantee a personalised service.

We confirm that all of our professional staff are members of the Law Society of New South Wales and are currently entitled to practise law in New South Wales. The firm carries professional indemnity insurance of an amount of \$10,000,000.

Over the last 5 years Osbornes has made a significant investment in the use of technology throughout the firm and can accommodate all IT requests that may be made by either Council or one of the parties to the transaction. In addition, Osbornes can provide a free on-line data or due diligence room for transactions involving numerous documents. We are already on-line with and are full conversant with PEXA, undertaking transactions in the electronic workspace.

## **Annexure B**

### **PARTICULARS OF RECENT DEVELOPMENTS / MATTERS**

- An Urban Renewal Project being a public private partnership for demolition, remediation, construction and installation of services and infrastructure and the construction of 150 social housing units and 610 private dwellings. In this matter Osbornes Lawyers act for the developer as the principal lawyer.
- A private public partnership between a government department and a local council and the private developer for the construction of social housing units, a library to be owned by council and 68 private units.
- A Project Development Deed between a developer and a statutory authority for the construction of 257 waterfront units, a childcare facility and about 15,000 square metres of retail space.
- A Project Delivery Agreement to obtain approvals for and construct for a government department about 30 social housing units and 120 private dwellings.
- The acquisition of the development site for construction of approximately 500 units with an associated obligation to obtain the approval for and lease back to a government department boating and marina facilities.



## Annexure C

### **Michael Osborne – Director and Accredited Specialist Property Law**

After nearly 30 years in private practice Michael has acquired enormous experience across areas of law including company law, trusts, tax, succession planning, estate administration, and litigation. A well known legal drafter, he's often asked to negotiate and draft complex and unique commercial transactions.

Michael's particular specialty is property development – structuring and documenting the acquisition and sale of the site, and the associated work - joint venture or shareholder agreements, building contracts, development management agreements, financing and security, leasing, advice on stamp duty and GST.

Well known and respected within his fields of expertise, Michael is an accredited property law specialist, and has extensive practical experience in all aspects of property law.

Michael is recognised as an expert in his industry and currently contributes as a member and chair of committees in various aspects of property law. His current positions include:

- Chair of the Advisory Committee for the Law Society of NSW for the solicitors specialist accreditation scheme in property law;
- Member of the Property Law Committee of the NSW Law Society

**David Stott – Senior Property Lawyer and Accredited Specialist Property Law**

David graduated LL.B. (Hons) from Leeds Metropolitan University (UK) in 1997 together with a Post Graduate Diploma in Legal Practice in 2000 and was admitted as a solicitor in England & Wales in 2002. He practised as a solicitor in Leeds undertaking Residential and Commercial Property transactions.

David moved to New South Wales in 2004 and re-qualified as a Solicitor of New South Wales in 2006. His dedication to property law led to his admission as an Accredited Specialist in Property Law by the Law Society of New South Wales in 2013. With a thirst for knowledge and technical excellence, David is currently studying for his Masters degree in Applied Law (Property).

David's experience covers a wide array of property matters and advice including property acquisitions, disposals, lease development work, compulsory acquisition involving all forms of title (Crown Land, Torrens, Stratum) for an impressive list of public, local government and private clients.

David has had the privilege of acting for various local government council's for over 10 years and has experience in working across related industries such as infrastructure/roads, sporting venues, health, hospitality and telecommunications.

Most recently prior to joining Osbornes, David has headed up a Local Government Property Law practice group acting for various Local Government Council's throughout Western Sydney and a specialist Strata & Property Practice Group of a Sydney based strata law firm.



## **Local Government Property & Development Experience**

David's recent development experience includes:

### **Lake Macquarie Council**

- Drafted tender and development agreement for 8100 square metre mixed use site in Charlestown NSW with Council retaining a proposed commercial facility.
- Advised Council in relation to extension of Stocklands shopping centre – negotiated sale agreement and planning agreement in relation to construction of new roads and subdivision.

### **Pittwater Council**

- Drafted and negotiated the development and land swap agreement as to 9900 square metre allocation of community open at Warriewood Valley enabling facilitation of construction of stormwater infrastructure and extension of Fern Creek Road.
- Drafted and negotiated the sale contract, lease and development agreement in relation to the rezoning, purchase and redevelopment of Avalon Bowling Club.

### **The Hills Shire Council**

- Drafted and negotiated a complex agreement for lease and lease documentation in relation to the expansion and redevelopment of Castle Towers Shopping Centre. This involved the closure of roads, relocation of utility infrastructure and the creation of both strata and stratum pedestrian air space footbridges.
- Drafted, facilitated and managed through to completion, Council's 83 lot residential sale and 8 medium density lot sale and subdivision of council's Grey Gum Estate.
- Drafted and negotiated a land swap and development agreement for the old Castle Hill Bus Interchange to facilitate development of Crane Road / Old Northern Road 'Atmosphere' apartments.

### **Blacktown City Council**

- Drafted and negotiated various lease & licence and sponsorship agreements in relation to the redevelopment, use and occupation of various sporting codes and facilities at Blacktown International Sports Park, AFL NSW, NSW Cricket, Western Sydney Wanderers and the International Goal Keepers Academy.

### **Canada Bay City Council**

- Drafted and negotiated numerous related Deeds and Licence agreements in relation to the construction and occupation of Powells Creek primary school, early learning centre and redevelopment of associated sports fields (as Reserve Trust Manager) and car parking.
- Drafted and negotiated compulsory acquisition documentation in relation to the WestConnex delivery expansion project and advised Council in relation to the relocation and redevelopment of various sporting facilities including Cintra Park Hockey Complex.
- Drafted and negotiated various Construction Licence agreements in relation to the construction of the new Homebush Bay Bridge.

### **Hornsby Shire Council**

- Advised Council and negotiated the contract for sale for the purchase of future development land valued at \$21M.
- Assisted and advised Council in relation to the negotiated Land swap and redevelopment of Kim Warrick Tennis Academy and redevelopment of former bowling club site at Waitara Park.

### **Burwood City Council**

- Negotiated and completed a series of interdependent sale contracts for sale of road for development purposes (valued in excess of \$10M) including the successful negotiation and documentation of various third party adjoining owner easements.

David's general governance and related property law advice (shown below) includes providing advice to the various local councils set out above including Warringah, Fairfield, Blacktown, Holroyd, Parramatta, Wollongong and Campbelltown:-

- Road closure procedure, sale, transfer and consolidation with existing adjoining land to facilitate development - including negotiating the removal / relocation of utility infrastructure (Sydney Water, Endeavour Energy, Ausgrid, Telstra, Railcorp) and drafting relevant easement documentation;
- Tender structuring and tender contract preparation (including preparation of EOI's) in relation to acquisition / disposal development sites and waste management contracts (Veolia / Visy);
- Planning Agreements;

- Public Private Partnerships and related exemptions;
- Drafting and advising as to liability in respect of Rail Infrastructure and Interface agreements;
- Roads Act – s125 & 138 approvals;
- Compulsory acquisition - reviewing and advising as to existing land uses, negotiation and mediation with land occupants as to "Compensation" claims with respect to potential acquisition of land; drafting and negotiating land occupancy agreements and relocation agreements.
- Street lighting / Bus shelter agreements;
- Telecommunications Act infrastructure agreements, preparation of access deeds, leases and licenses including holding round table discussions with Carriers in relation to the enforcement and payment of arrears;
- General contract advice - funding / sponsorship agreements, waste management / recycling agreements, joint ventures, IT and supply agreements, management agreements, advertising contracts, termination / breaches of lease; and
- Real Property Law advice and document structuring advice in relation to community land uses, Plans of Management, Easements and matters affecting the Crown Lands Act (principally Reserve Trusts).

David's transactional experience includes drafting leases and licences for a varied range of community land uses including soccer fields, restaurants, tennis courts, golf courses, aquatic center's, football clubs, surf clubs, kindergartens, childcare centers, libraries cinemas & museums.

**John Valmas – Senior Lawyer**

John is our expert litigator.

John graduated with his Bachelor of Law from Bond University in 1996. He was admitted to practice in New South Wales in 1998. John brings a wealth of knowledge to his role in the firm as senior lawyer and litigator. John currently practices in the New South Wales Courts and Tribunals and in the Federal Courts.

Since joining Osbornes in 2002, John has built an impressive portfolio of civil litigation matters and has been involved in several high profile Australian commercial matters. *Council of the City of Sydney v Goldspar Australia Pty Limited (2006) 230 ALR 437* and *Galafassi v Kelly (2014) 87 NSWLR 119* are significant reported cases to date.

John's expertise and areas of interest lie primarily in the fields of property, construction and commercial law. His considerable experience includes applications in the Supreme Court of New South Wales Equity Division, the Real Property List, and in the Construction and Technology List.

John has acted for plaintiff and defendants in commercial and contractual disputes, including those which involve deceased estates, family provision claims and strata disputes. John can give honest, practical advice on when to litigate, what to do to defend a matter and advice and options for dispute resolution before or during the course of litigation.

**Loretta Yabsley – Licensed Conveyancer**

Following her graduation from Newcastle Business College with a diploma in secretarial studies, Loretta began working for Benjamin and Osborne in 1988 as a junior legal secretary. Loretta has worked continuously with Michael Osborne since that time.

Loretta possesses extensive experience as a legal secretary and in all aspects of the administration of a legal practice. She also has considerable knowledge of the law and regulations relating to trust and controlled accounts.

Loretta has also gained knowledge of all facets of conveyancing and is now an experienced paralegal and conveyancer who has worked confidently for many years across an enormous range of property matters.

Loretta now works full time as a conveyancer, handling all her own matters and enjoying the repeat business of many, very happy clients. She assists her clients to complete their transaction with insight and understanding and her specialty is managing large developments. She was appointed a Justice of the Peace in 1997.

## **Annexure D**

1. The usual basis for the calculation of solicitors professional costs is normally characterised by the amount of time spent on the matter based on hourly rates, where time is recorded in units of 6 minutes, and the minimum charge for any work performed is one unit.
2. In relation to your Council, should we be invited to tender for the provision of legal services, we confirm that we will be able to offer our services on affixed fee basis for all routine work including conveyancing and leasing. In relation to advice work or more complex transactional or development work, we propose to charge a competitive discounted hourly rate, details of which will be submitted as part of any future tender submission.
3. We recognise that most Council's now implement procurement procedures before engaging service providers to undertake certain work. We can work with your Council to ensure for example, when dealing with a matter which is not being charged on a fixed basis), that estimates for the work involved are provided for approval before the work is undertaken to enable Council to raise a purchase or work order.





**LOCAL  
GOVERNMENT  
LEGAL**

LOCAL GOVERNMENT LEGAL  
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Our Ref: TP:CC  
Your Ref:

27 January 2017

The Acting General Manager  
Lithgow City Council  
180 Mort Street  
LITHGOW NSW 2790

**Attention: Andrew Muir**

**By email only: [council@lithgow.nsw.gov.au](mailto:council@lithgow.nsw.gov.au)**

Dear Sir,

**Expression of Interest – Local Legal Services**

Local Government Legal (LGL) is pleased to submit this Expression of Interest to participate in Lithgow City Council's Legal Services Panel.

**About Local Government Legal**

Local Government Legal has been specifically developed by Hunter Councils (Strategic Services Australia Ltd) to provide high quality, timely, cost effective and specialised legal services to local councils in New South Wales. This involves ensuring communication is clear, concise and unambiguous to assist and guide council staff in decision making processes.

LGL specialises in the law as it applies to local government. To date we have provided legal services to over 30 local councils in the areas of local government, planning, environmental, administrative, and property law.

LGL only works for local councils and will never act against a local council.

Our solicitors are all aware that local government is part of the political system and are conscious of the dynamics associated with acting for local councils, the need for some matters to be handled with particular sensitivity, and the appropriate ways that advice should be provided in such circumstances.

LGL acknowledges that Council operates within a diverse range of legal arenas and in an increasingly regulated environment, with limited access to resources, and is willing to take a progressive and client-based approach to the provision of legal services.

LGL's office is situated in Thornton, between Newcastle and Maitland in the Hunter Valley.



Liability limited by a scheme approved under Professional Standards Legislation.  
Legal practitioners employed by Local Government Legal are members of the scheme.

### Our fees

LGL's current hourly charge-out rate is as follows (exclusive of GST):

Principal Lawyer/Director	\$270
Special Counsel	\$270
Senior Lawyer	\$250
Paralegal/Licensed Conveyancer	\$150

LGL also offers fixed fees for standard conveyancing matters, as follows (excluding disbursements and GST):

Sale	\$1200
Purchase	\$1300
Lease	\$1500

### Our People

Local Government Legal is managed by the Principal Lawyer / Director, Tony Pickup, who is assisted by Special Counsel, two Senior Lawyers, a Licensed Conveyancer and a Paralegal.

The team's qualifications and experience are set out in the following table.

Name	Position Held	Qualifications	Level of experience PAE= post admission experience
Tony Pickup	Principal Lawyer / Director	BBus (L. Govt), Dip Law (SAB)	18 years PAE plus approx. 20 years working in local government prior to admission.
Peter Caldwell	Special Counsel	Dip Law (LAPB)	In excess of 30 years experience providing legal services to local government.
Ben Swain	Senior Lawyer	BBus, LLB, GradCertLegP	9 years PAE plus 9 years working as a paralegal/law clerk prior to admission.
Rachael Webb	Senior Lawyer	BSc/LLB, Masters of Environmental Law	12 years PAE plus approx. 2 years working as a paralegal prior to admission.
Carole Cox	Paralegal	Diploma Bus. (Legal Services) Cert. IV Accounting Cert. IV Training & Assessment	21 years experience working as a Legal Assistant/Paralegal. Former part-time casual teacher of Certificate III Bus. Admin. (Legal) at Hunter TAFE.
Brooke Downey	Licensed Conveyancer / Paralegal	AssocDegLaw (Paralegal) Lic. Conv. Cert. III Business	3 years experience as a Licensed Conveyancer. Over 9 years experience as a Legal Assistant/Paralegal.

## Services Required

LGL specialises in law as it applies to local councils and regularly provides legal services for the “local legal services” listed in the request for Expressions of Interest.

We note that the request for Expressions of Interest does not refer to two of the broad areas we practice in, planning and environmental law, including enforcement and litigation, and contracts. Accordingly we have not included our expertise and experience in these areas. However, we would be happy to assist Council in this area of the law if required. Please let us know if you would like details of our expenditure in this area.

If LGL is invited to tender, we would be pleased to provide detail about the experience and expertise of our lawyers in relation to each of the services identified. A few examples of our recent experience are set out below.

## Local Government Act 1993 and related legislation

LGL has extensive experience in litigation under the *Local Government Act 1993* (LG Act). For instance:

- ***Muswellbrook Shire Council v Pemberton* [2013] NSWLEC 190**

The Council commenced class 4 proceedings for failure to comply with two orders made under section 124 of the Local Government Act regarding the keeping of poultry and the stockpiling of rubbish. The court made orders upholding those orders, and ordering costs.

- ***Riverina Water County Council ats Nash Bros. Builders Pty Ltd* [2015] NSWLEC 156 & [2016] NSWCA 225**

In this matter the Court dismissed a challenge by a developer to the Council levying developer servicing charges in relation to water. The Court looked at powers under both the *Local Government Act 1993* and the *Water Management Act 2000*. The developer also appealed to the Court of Appeal but was unsuccessful.

LGL regularly provides advice to local councils in relation to the LG Act, for example:

- Advice regarding the confidentiality of documents provided in a call for expressions of interest in a selective tendering process;
- Advice regarding whether council is caught by the tendering or public private partnership requirements under the Local Government Act.
- Advising in relation to the liability of councils for awnings over public land and in another advice, the liability of council for a bridge failure.
- Advice regarding the categorisation of land (in particular land used as buffer zones for mining) for the purposes of rating.

- Advice regarding the delegations. LGL has developed a cloud-based database to process and record a council's delegations and sub-delegations, for subscription by NSW local councils. Subscription to the database gives a council access to updates to delegable functions drafted by our lawyers as a result of legislative amendments. As such we consider ourselves experts in the delegation of functions and authorisation and appointment of officers.
- Advice regarding the validity of a resolution to grant rights of access over community land.
- Advice in relation to a burial plot on private property and in another matter, the Council's proposed purchase of a cemetery on private land.
- Advice in relation to the rating of land, including for mining and in relation to a rating dispute which involves whether the recipient of rates notices is the owner of land 'in equity'.
- LGL has also provided advice of a general nature to Lithgow City Council over the past three (3) years, in relation to water access charges, the making of rates and charges and issues in relation to the emailing of rate notices.

Many of our advices deal with complex factual circumstances and the interpretation and application of several pieces of legislation. For example, the advice we provided in relation to the installation and operation of closed circuit television in public places such as libraries and public footpaths, involving consideration of amendments to the *Privacy and Personal Information Protection Act 1998*, access to footage under the *Government Information (Public Access) Act 2009*, as well as the relevance of the *Surveillance Devices Act 2007* and the *Securities Industries Act 1997*.

- In another example of advice regarding both the LG Act and related legislation, we have advised several council clients in relation to restricting access to a Council building, utilising powers under the Libraries legislation and Inclosed Lands Protection Act.

We are frequently asked to advise in relation to the *Government Information (Public Access) Act 2009* for instance in relation to the relationship with the Copyright Act (Cth).

This advice involved examining the provision of DA documents under GIPA, during and outside the exhibition period, what documents constitute "open access information", the extent of any implied licence in relation to DA plans, providing DA plans to a prospective purchaser and the relevance of indemnity provisions under the EP&A Act.

This matter demonstrates LGL's ability to provide practical legal solutions (to satisfy the applicant's request) as well as ensuring Council was not exposed to liability and providing a comprehensive advice which can be used more generally.

In other advices regarding GIPA, we have advised regarding:

- The ability for a Council to require a General Manager's diary to be made public.
- The imposition of conditions on "open access" documents.

- Whether a document is subject to client legal privilege under an access application.

#### **Property and conveyancing**

- Land transactions – including the purchase and sale of land (including Old System, Qualified & Limited Title) and preparation of leases and licenses for several councils.
- Advising a council in regards to the construction of section 14G of the *Valuation of Land Act 1916* and how valuation attention was to be given in the case of heritage buildings.
- Acting for a council in several leases of land for telecommunication facilities.
- Advising Councils in relation to options available for the acquisition/transfer of land.
- Advising in relation to a possessory title application for a Council.
- Advising and acting for Councils in relation to several easement matters including in relation to modifying terms of transfer granting easement.
- Section 88B instruments and the Court's power to create easements pursuant to section 88K of the *Conveyancing Act 1919* and section 40 of the *Land and Environment Court Act 1979*.
- Sale of land and exchanges of land for overdue rates.

#### **Matters relating to the *Land Acquisition (Just Terms Compensation) Act 1991***

- Advising council clients in the acquisition of land, both by private agreement and compulsorily under the *Land Acquisition (Just Terms Compensation Act) Act 1991*, *Local Government Act 1993* and the *Roads Act 1993*.
- Advice regarding the extinguishment of native title associated with the compulsory acquisition of land involving a complicated and lengthy history of land dealings and use.
- Both Tony Pickup and Ben Swain have experience acting for local councils in land valuation appeals and claims for compensation for compulsory acquisition of land before the Land & Environment Court.

#### **Matters relating to the *Roads Act 1993***

- Advice regarding the revocation of a Roads Act permit.
- Advices regarding opening and closing public roads.
- The drafting and negotiation of a s.138 Agreement between a Council and a mining company and in a separate matter, advising in relation to a footway dining approval (s125) is subject to the Retail Leases Act.

- The negotiation of a short-term lease of an unused public road.
- An advice in relation to the construction of a road over a travelling stock reserve.
- The provision of general advice in relation to the creation of 'public roads' and several advices applying the law to factual circumstances.

#### **General Legal Advice**

LGL has broad experience in the law as it applies to local government and in addition to the areas listed above, LGL regularly advises Councils in relation to several pieces of planning and environmental legislation, governance and administrative matters, contracts, commercial law and construction law.

#### **Other Local and District Court matters**

LGL regularly appears for its local council clients in the Local Court, including matters under the *Companion Animals Act 1998* and prosecutions under the *Local Government Act 1993*, *Environmental Planning & Assessment Act 1979* and the *Protection of the Environment Operations Act 1997*. However, given the location of our office, it would be a more cost effective for Council to engage a local solicitor for this type of service.

Should you require any further information or wish to discuss this Expression of Interest please contact me on 4922 2307. We hope to receive an invitation of tender in due course.

Yours faithfully

**Local Government Legal**



Tony Pickup  
Principal Lawyer