

Note: The Mayor, Councillor Laxale returned to the meeting at 12.13am.

Note: The Mayor, Councillor Laxale assumed the Chair.

Note: Councillor Perram left the meeting at 12.15am and did not return.

**6 VOLUNTARY PLANNING AGREEMENT / PLANNING PROPOSAL - 66-82
TALAVERA ROAD, MACQUARIE PARK**

Note: Councillor Maggio was not present for discussion or consideration of this Item.

Note: Councillor Perram was not present for discussion or consideration of this Item.

Note: Gavin Carrier (representing Holdmark Property Group) addressed the meeting in relation to this Item.

Note: Confidential correspondence from Holdmark dated 26 July 2016 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

Note: A Confidential Memorandum from the Acting General Manager dated 2 August 2016 together with attachments was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

Note: Confidential correspondence from HillPDA Consulting dated 25 July 2016 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

MOTION: (Moved by Councillors Pickering and Etmekdjian)

- (a) That Council invite Holdmark to submit an amended Planning Proposal with a maximum FSR of 3.7:1 and provide a letter of offer to enter into a Planning Agreement under Section 93f of the *Environmental Planning and Assessment Act (1979)*, that provides a community benefit offer with the amended proposal, to a value of \$145 million, subject to the following:-
- i. That the community benefit offer valued at \$145 million from Holdmark be supported by valuations report from a registered valuer and will be peer reviewed by a Council appointed expert at its cost;
 - ii. The community benefit offer is to include a minimum of 200 car parking spaces dedicated to Council to support the community facilities; and
 - iii. The full payment of Section 94 Contributions is to be made in addition to the community benefit offer valued at \$145 million.

- (b) That the General Manager be delegated to forward the amended Planning Proposal and letter of offer from Holdmark to enter into a Planning Agreement to the Department of Planning and Environment for Gateway Determination, provided the amended documents satisfy part (a) above.
- (c) That any further negotiations with Holdmark on this matter be independently facilitated by a third party mediator, with the costs met equally between Holdmark and Council.

AMENDMENT: (Moved by Councillor Chung and The Mayor, Councillor Laxale)

- (a) That Council accept the irrevocable letters of offer from Holdmark dated 21 and 26 July 2016 to enter into a Voluntary Planning Agreement in accordance with Option 3 as outlined in the Report.
- (b) That Council forward, within 7 days, the Planning Proposal to the Department of Planning and Environment for Gateway Determination.

On being put to the Meeting, the voting on the Amendment was seven (7) for and two (2) against. The Amendment was **CARRIED** and then became the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Pickering, Simon, Stott and Yedelian OAM

Against the Amendment: Councillors Li and Pendleton

RECOMMENDATION: (Moved by Councillor Chung and The Mayor, Councillor Laxale)

- (a) That Council accept the irrevocable letters of offer from Holdmark dated 21 and 26 July 2016 to enter into a Voluntary Planning Agreement in accordance with Option 3 as outlined in the Report.
- (b) That Council forward, within 7 days, the Planning Proposal to the Department of Planning and Environment for Gateway Determination.

Record of Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Pickering, Simon, Stott and Yedelian OAM

Against the Motion: Councillors Li and Pendleton

OPEN SESSION

RESOLUTION: (Moved by Councillors Simon and Pickering)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 1.25am.

RESOLUTION: (Moved by Councillors Simon and Pendleton)

That the recommendations of Items considered in Closed Session be received and adopted as resolutions of Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

The National Anthem was sung at the conclusion of the meeting.

The meeting closed at 1.27am on Wednesday, 3 August 2016.

CONFIRMED THIS 23RD DAY OF AUGUST 2016

Chairperson