

14. RESCISSION MOTION

14.1 Rescission Motion - Airds Bradbury Renewal Project - Proposed Voluntary Planning Agreement

Councillors Dobson, Rowell and Thompson have given Notice in writing of their intention to move the following Motion at the next meeting of Council on 10 September 2013.

That the Council decision at the Ordinary Meeting of Council held 13 August 2013 as detailed below:

1. That Council make a submission to the Department of Planning and Infrastructure regarding Urban Growth's modification application no. MP10-0186 MOD 1 advising that:
 - a. no amendment to the Concept Plan Approval should be considered that would have the effect of altering Council's capacity to negotiate and execute a Voluntary Planning Agreement for the Airds Bradbury Renewal Project, in the best interests of the community.
 - b. Council raises no objection to a modification to the Concept Plan Approval that accounts for the requirement for the proponent to put into place Works In Kind Agreements with Council to secure the funding and delivery of infrastructure relevant to Stages 1 and 2 of the Renewal Project, in accordance with the draft Voluntary Planning Agreement as amended and endorsed by Council.
2. That Council formally acknowledge the letter of offer from the NSW Land and Housing Corporation dated 9 May 2013 and confirm its commitment to enter into a Voluntary Planning Agreement for the delivery of public amenity and infrastructure services associated with the Airds Bradbury Renewal Project.
3. That Council request UrbanGrowth NSW to make amendments to the draft Voluntary Planning Agreement as submitted and associated documentation so that:
 - a. Council is the responsible management authority for any newly constructed Community Facilities Centre, from the commencement of its operation.
 - b. Any newly constructed Community Facilities Centre has exclusive access to at least 20 on site car parking spaces, secured through an appropriate legal mechanism.
 - c. More detailed specifications for the proposed Community Facilities Centre (Option 2) are provided to satisfy Council that the facility can accommodate local community requirements.
 - d. The proposed amenities buildings at both the proposed new Kevin Wheatley VC Reserve and Riley Park are a minimum of 205sqm GFA plus 110sqm awning.
 - e. A minimum 80 off-street spaces are provided at the proposed new Kevin Wheatley VC Reserve playing fields.

- f. The minimum establishment/early maintenance period for bushland regeneration areas containing EECs is increased from two years to seven years or alternatively additional funds are made available to Council after the initial two year period, sufficient to enable Council to meet its higher establishment and early maintenance obligations for the management of EECs.
 - g. Structural engineering certification, attesting to the integrity of the walls of the pond at Kevin Wheatley VC Reserve, is provided and referred to in the Voluntary Planning Agreement.
4. That upon receipt of the requested amendments (Item nos. 3a to 3g inclusive) to Council's satisfaction, the draft Airds Bradbury Renewal Project Voluntary Planning Agreement and Infrastructure Services Delivery Plan be placed on public notification/exhibition with such public notification/exhibition to be carried out in accordance with the *Environmental Planning and Assessment Act 1979* and Regulations, as soon as possible.
 5. That the General Manager be delegated authority to execute the Agreement with NSW Land and Housing Corporation following public notification/exhibition and subject to any variations arising from community submissions or ongoing negotiations with NSW Land and Housing Corporation and UrbanGrowth NSW, deemed appropriate by the General Manager.
 6. That the General Manager be delegated authority to provide owner's authorisation to the Airds Bradbury Renewal Project Stage 1 subdivision Development Application subject to a requirement that prior to the issue of the construction certificate for any access or works applicable to land currently owned by Council, the proponent is required to be the owner of that land.
 7. That in negotiating the finer details of the Voluntary Planning Agreement Council officers explore the notion of retaining Baden Powell Reserve.

be rescinded.

Having declared an interest in regard to Item 14.1, Councillors Hawker and Lake left the Chamber and did not take part in debate nor vote on this item.

Council Meeting 10 September 2013 (Dobson/Rowell)

That the Recommendation be adopted.

LOST

A **Division** was called in regard to **Item 14.1** - Rescission Motion - Airds Bradbury Renewal Project - Proposed Voluntary Planning Agreement with those voting for the Motion being Councillors Dobson, Greiss, Matheson, Mead, Rowell, and Thompson.

Voting against the Rescission Motion were Councillors Borg, Brticevic, Chanthivong, Glynn, Kolkman, Lound and Oates.

At the conclusion of the discussion regarding Item 14.1, Councillors Hawker and Lake returned to the Chamber for the remainder of the meeting.