

## Resolution of Council

**13 May 2024**

### Item 12

#### **Exemption from Tender - Planning Agreement - 118-130 Epsom Road and 905 South Dowling Street, Zetland**

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 to contribute \$7,169,889 to the Planning Agreement for 118-130 Epsom Road and 905 South Dowling Street, Zetland;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders for this work because:
  - (i) the developer will be delivering community infrastructure in the form of new roads, trunk drain and parks as works-in-kind required by Clause 6.14 of Sydney Local Environmental Plan 2012;
  - (ii) the infrastructure works will be co-ordinated and delivered as one project in a timely manner as part of the re-development of the entire site at 118-130 Epsom Road and 905 South Dowling Street, Zetland;
  - (iii) delivery as part of the Planning Agreement will facilitate completion of Mulgu Park, the adjoining pedestrian areas and two pocket parks approximately four years earlier, which will reduce disruption to the local community as works could not otherwise commence until the developer's works were completed and land dedicated to the City;
  - (iv) physical constraints prevent the separate delivery of new parks by the City in a cost-efficient manner, due to substantial level changes necessitating temporary and redundant works such as retaining walls;
  - (v) delivering the new parks separately would restrict the pedestrian and vehicle access to the new development, necessitating a lengthy and expensive construction methodology by the City; and

- (vi) the engagement of the developer to do the works provides value for money to the City as the offer by Karimbla Properties (No. 60) Pty Ltd has been peer reviewed by the City's quantity surveyor and provides financial savings when compared to the works being undertaken separately by the City in the future, including through elimination of temporary works, whole-of-site access for excavation, bulk earthworks, etc and given the developer's existing knowledge, resources and experience associated with the project site; and
- (C) Council endorse the City's payment of \$7,169,889 from the Epsom Park Precinct New Open Space project contained in the draft capital works budget and Long Term Financial Plan as a partial payment of the cost of the developer's works for the construction of Mulgu Park, the adjoining pedestrian areas and two pocket parks as part of the Planning Agreement for 118-130 Epsom Road and 905 South Dowling Street, Zetland.

The motion was carried on the following show of hands –

Ayes (9)            The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Jarrett, Kok, Scott, Weldon and Worling

Noes (1)            Councillor Ellsmore\*.

Carried.

\*Note – Councillor Ellsmore abstained from voting on this matter. Pursuant to the provisions of clause 10.4 of the Code of Meeting Practice, Councillor Ellsmore is taken to have voted against the motion.

VPA/2023/10