

REPORT FOR MOD 3 OF BREAKFAST POINT CONCEPT PLAN

MODIFICATION OF CONDITION 9

The original approval for the Breakfast Point Concept Plan dated 7th April 2006 had the following condition included:

9. Other Monetary Contributions

In the event that the Applicant obtains approval from the Director General to increase the gross floor area (pursuant to Condition No. 7 – Additional Floor Space of this approval), a further monetary contribution for community enhancement will be levied for all additional dwellings resulting from that increase. This Contribution will be levied at a rate of \$7, 200.00 per dwelling regardless of size (equating to \$1.44 million if the maximum of 200 dwellings is achieved).

The Contributions shall be administered by the Applicant through the establishment of a Trust Fund or other appropriate mechanism.

The Applicant shall prepare and submit a Community Enhancement Plan for the approval of the Minister. The Community Enhancement Plan shall be prepared in consultation with Council, and the local community and nominate funding for community projects and infrastructure within the suburbs of Concord, Mortlake, Breakfast Point, and Cabarita. The Community Enhancement Plan shall also determine a works program, timing and means through which the Contribution delivered through this condition is accessed.

On the 4th August 2006, the Director General approved the additional floor space increasing the dwelling numbers by 200.

The additional contribution was not required to take effect until the last 200 dwellings had been reached. With the approval of our project, 7B2, the contribution will be triggered prior to the first construction certificate to be issued for this project which is expected to be in the latter half of 2013.

Following meetings regarding the Community Enhancement Plan detailed in the Breakfast Point Concept Plan approval, we believe that the preparation of the plan including the consultation process is best carried out by Canada Bay Council to ensure a fair and equitable outcome for the Community.

As such, we are seeking an amendment to Condition 9 of the approval to give Council the authority to prepare, manage and administer the Community Enhancement Plan and Trust Fund.

We confirm that Breakfast Point Pty Ltd has requested Canada Bay Council to carry out this work and recently the Council made the following motion in relation to this request as follows:

**ITEM-12 COMMUNITY ENHANCEMENT PLAN - CONCEPT PLAN APPROVAL
BREAKFAST POINT**

M-3557 1 RESOLVED
(Crs McCaffrey/Cestar)

1. *THAT Council advise Rose Property Group Pty Ltd and the Department of Planning and Infrastructure that it is prepared to manage the preparation of the Community Enhancement Plan in accordance with the intent of Condition 9 of the Breakfast Point Concept Plan Approval*
2. *THAT Rose Property Group Pty Ltd be advised that Council seeks the full cost of engaging a Consultant to prepare a Community Enhancement Plan in accordance with the intent of Condition 9 of the Breakfast Point Concept Plan Approval and that full public consultation occurs in the development of the Community Enhancement Plan.*
3. *THAT Rose Property Group Pty Ltd make application to the Department of Planning and Infrastructure to modify Condition 9 of the Breakfast Point Concept Plan Approval to permit Council to manage the preparation, administration and implementation of the Community Enhancement Plan.*

Therefore, Breakfast Point Pty Ltd request that Condition 9 of the Concept Plan now read as follows:

In the event that the Applicant obtains approval from the Director General to increase the gross floor area (pursuant to Condition No. 7 – Additional Floor Space of this approval), a further monetary contribution for community enhancement will be levied for all additional dwellings resulting from that increase. This Contribution will be levied at a rate of \$7, 200.00 per dwelling regardless of size (equating to \$1.44 million if the maximum of 200 dwellings is achieved).

The Contributions shall be administered by the Council through the establishment of a Trust Fund or other appropriate mechanism.

The Council shall prepare and submit a Community Enhancement Plan for the approval of the Minister. The Community Enhancement Plan shall be prepared in consultation with the local community and nominate funding for community projects and infrastructure within the suburbs of Concord, Mortlake, Breakfast Point, and Cabarita. The Community Enhancement Plan shall also determine a works program, timing and means through which the Contribution delivered through this condition is accessed.