

**Kim Johnston - RE: 75W Modification to MP 10\_0150**

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**From:** Ursula Lang <Ursula.Lang@canadabay.nsw.gov.au>  
**To:** 'Kim Johnston' <Kim.Johnston@planning.nsw.gov.au>  
**Date:** 19/12/2013 1:33 PM  
**Subject:** RE: 75W Modification to MP 10\_0150  
**CC:** Mark Schofield <Mark.Schofield@planning.nsw.gov.au>, Marjorie Ferguson <Marjorie.Ferguson@canadabay.nsw.gov.au>, Karen James <Karen.James@canadabay.nsw.gov.au>

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Hi Kim, The recalibrated CPI for September 2001 is 75.6 (from 135.4).  
 The following wording is suggested.

"Note: CPI figures for Sydney were re-calibrated in 2012. The equivalent CPI for Sydney for the September 2001 period is 75.6, and this replaces the former figure of "135.4" previously used to calculate CPI adjustments. The proponent should also consult with Council prior to making a payment to ensure that there is agreement on the exact amount payable."

**Ursula Lang**

Urban Renewal Manager, Rhodes Peninsula  
**City of Canada Bay**  
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**From:** Kim Johnston [mailto:Kim.Johnston@planning.nsw.gov.au]  
**Sent:** Thursday, 19 December 2013 9:37 AM  
**To:** Ursula Lang  
**Cc:** Mark Schofield  
**Subject:** Re: 75W Modification to MP 10\_0150

Ursula,

Could you please provide any corrections you wish to be made to Condition 22 of MOD 2. You indicated in Council's original comments letter to the department that the CPI was incorrect. Can you please provide the wording and/or figures you would like changed.

I have attached the MOD 2 approval (which is the current approval).

Thanks.

Regards,

Kim Johnston  
 Planner  
 Industry, Social Projects and Key Sites  
 Department of Planning and Infrastructure  
 GPO Box 39 Sydney NSW 2001

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>>> Ursula Lang 27/11/13 4:44 PM >>>

Hi Kim

In response to the submission by Urbis dated 15 November 2013, Council wishes to note the following:

1. Contrary to 3<sup>rd</sup> paragraph Page 2 of Urbis's letter, MP10\_0105 was first submitted to the Department on 12/07/2010. At this time the SREP29 definition was applicable, not CCBLEP which did not come in to effect until the following April, 2011. The VPA with Billbergia was signed in October 2010. The developer claims that floor space should be calculated on the basis of CCBLEP Amendment 1, but Council is of the view it should be calculated in accordance with SREP29.
2. Please note that the SREP29 definition is more stringent than CCBLEP (Amendment 1), due to the non inclusion of wintergardens and communal recreational spaces up to 5% with the CCBLEP excluding the same but NOT having the cap.
3. There appears to be uncertainty about the reason for the increase from 2.71:1 to 2.8:1, but at the end of the day, what is important is that the VPA requires the developer to pay for additional space over and above what they would have received under SREP29, and the approved amount of floor space under SREP29 is an agreed amount. Please note Council is willing to accept the additional floorspace providing a Deed of Variation to the VPA satisfactory to Council is progressed, and providing the developer makes additional monetary contributions for the extra floor space in accordance with the VPA. This includes public exhibition and a resolution of Council to adopt the revised Deed.
4. Council is currently requesting (via its Solicitors) that the developer provides a formal letter of offer to enter into the Deed of Variation, setting out the key terms
5. Council requests that approval NOT be granted until such a formal letter of offer is received by Council, and that compliance with a Revised Deed of Variation to the VPA be made a condition of consent.
6. Council considers that there is considerable risk for the proposed "winter gardens" to be used as bedrooms. Council believes that it would be appropriate to insist that three sides of these "enclosed balconies" be constructed using operable louvers or other treatments that enable them to be used as outdoor rooms rather than comprise solid glass or fixed glazing. Council requests that such a requirement be imposed as a condition of consent.

- winter  
gardens  
clow off.

**Ursula Lang**

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