

Matthew Rosel

From: Michael File <Michael@fileplanning.com>
Sent: Monday, 19 October 2020 12:40 PM
To: Matthew Rosel
Cc: Amy Watson; Paul Parfenow
Subject: FW: Bonnyrigg VPA

Hi Matthew, see email below from Council confirming their acceptance of the arrangements around the VPA.

Could I suggest a form of words that achieves the outcome but doesn't unnecessarily lock in non-essential specifics?
See below;

The revised commitment associated with MP06_0046 MOD5 must be accommodated within an executed Planning Agreement prior to the determination of any residential development within the area that is the subject of the modification (former stages 8-18).

Please contact me if you would like to discuss

Mike

Michael File
Director

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From: David Niven <DNiven@fairfieldcity.nsw.gov.au>
Date: Friday, 16 October 2020 at 5:28 pm
To: Paul Parfenow <Paul.Parfenow@facs.nsw.gov.au>
Cc: Michael File <Michael@fileplanning.com>, Chris Shinn <CShinn@fairfieldcity.nsw.gov.au>
Subject: RE: Bonnyrigg VPA

Afternoon Paul,

Council is able to accommodate either approach on the structure of the VPA and is happy to proceed retaining the existing VPA agreement. What will be important in the final document is recognition of the work completed to date in the VPA and the updated work program arising from the original commitments to be retained and those arising from the modifications to the Concept Plan approval.

Council would consider it appropriate for the VPA approval to occur prior to the determination of the development application for the first residential development i.e. the VPA is in place prior to approval of the first tranche of works under the modification.

David Niven
Group Manager | City Projects
Fairfield City Council



From: Paul Parfenow <Paul.Parfenow@facs.nsw.gov.au>
Sent: Thursday, 8 October 2020 7:34 PM
To: David Niven <DNiven@fairfieldcity.nsw.gov.au>
Cc: 'Michael File' <michael@fileplanning.com>
Subject: Bonnyrigg VPA
Importance: High

David,

As part of the current Concept Plan modification application process, a VPA letter of offer dated December 2018 was provided to Council.

In the letter a two part approach to address the current VPA and ISDP was proposed .

1. Amend the existing VPA to include infrastructure from Stages 1 to 7 of the development that has been completed .
2. Provide a new VPA to be delivered as works in kind for the remainder of the estate Stages 8 to 18 the subject of the modification.

Since then, and as a result of subsequent discussion with Council it was agreed a more appropriate approach would be to retain the VPA as one document only.

The approach to an update of the document would be as follows.

1. Identify items contained in the 2008 ISDP schedule that have been partly or fully completed, and prepare an update of the 2008 schedule to include these items.
2. Prepare a new schedule that updates the amended 2008 cost schedule prepared in item 1 above, in 2020 dollar values using all recognised appropriate building, and construction indexes including CPI.
3. Prepare a new fully costed ISDP schedule based on all items in the 2020 Concept Plan modification and include all partly or fully completed items from the 2020 update to the 2008 cost schedule.

The benefit of this approach is that it would retain the integrity and intent of the original document and at the same time demonstrate the value of the VPA is retained in the new plan.

Work is progressing on this approach and I expect to have a first draft in the next few weeks for discussion.

We have received a draft of the modification instrument from DPIE and are generally happy with the document.

However, the clause relating to the VPA reflects the earlier offer made to Council.
As noted above and in line with recent discussions with Council a single document is preferred rather than as described in the letter of offer.

The draft instrument also includes a requirement for the new VPA to be executed prior to lodgement of the first residential development application or as otherwise agreed with Council.
We consider a more appropriate condition would be the new VPA to be executed prior to the release of a Construction Certificate associated with the first residential development application.
This would provide sufficient time to discuss and prepare the new VPA for execution prior to any new construction work starting on the project.

We would be pleased if Council could confirm agreement to retain a single updated VPA document and the proposed altered timeframe for execution of the new VPA.
DPIE have indicated they will accept email advice from Council in relation to the VPA clauses advising their position of the proposed changes

Many Thanks

Paul Parfenow
Development Director

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