

APPENDIX D DEPARTMENT'S ADVICE TO PROPONENT

Andrew Beattie

From: Enguang Lee
Sent: Wednesday, 1 April 2015 2:30 PM
To: Steve Ryan
Cc: Andrew Beattie; Lisa Mitchell
Subject: SIMTA: VPA Requirements and Supplementary Information
Attachments: 20150317_Ltr_DPE VPA.PDF

Hi Steve,

Further to your letter of offer dated 17 March 2015 and accompanying information in relation to a planning agreement at the SIMTA intermodal site, Moorebank.

The Department's Developer Contributions Team has reviewed Condition 1.9 of Concept Approval MP_0193 and the accompanying Revised Statement of Commitments and can confirm that the only item required to be addressed by a planning agreement is the re-routing of the 901 bus. In this regard, your letter of offer is consistent with the requirements of Condition 1.9, as all other traffic upgrade works will be subject to a separate planning agreement in connection with future project applications on the site.

However, the current infrastructure contribution framework does not allow government to levy contributions related to bus services. Instead the government will bear the costs bus service provision. See Planning Circular 2008-017 below:

http://www.planning.nsw.gov.au/planningsystem/pdf/ps08_017_review_infrastructure_contributions.pdf

Accordingly, a planning agreement is not the appropriate mechanism to secure changes to the 901 bus route. In discussions with the Department's Assessments Team, I understand that a modification proposal is currently being prepared in relation to other matters on the site. In this instance, it is suggested that you consider dealing with this matter as part of this modification. I have spoken to Andrew Beattie regarding the above and can confirm that the existing requirements of Condition 1.9 can be re-addressed through any concept plan modification application process.

Should you be agreeable to this arrangement, please confirm in writing which will serve to withdraw your letter of offer dated 17 March 2015. Should you have any queries please contact me on 9228 6579.

Kind regards

Enguang Lee
Senior Planner, Developer Contributions
Department of Planning & Environment
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From: Steve Ryan [<mailto:sryan@tacticalgroup.com.au>]
Sent: Tuesday, 17 March 2015 1:10 PM
To: Russell Simpson
Cc: Andrew Beattie; Terry Natt; 'Michael Yiend(michael.yiend@qube.com.au)'
Subject: SIMTA: VPA Requirements and Supplementary Information

Russell,

Apologises for the delay, on behalf of SIMTA please refer to the following:

- Letter from SIMTA regarding entering into a planning agreement for the re-routing of the 901 bus route
- Completed VPA requirements list
- A copy of the Concept Plan Conditions of Approval for the SIMTA Project
- and the link for the Stage 1 Proposal PEA (https://www.dropbox.com/s/lzww6mdrowqmi4b/SIMTA%20Stage%201_PEA%20and%20Request%20for%20SEARs_24102014_low%20res.pdf?dl=0) and SEARs received by DPE (attached)

We look forward to receiving the drafted general terms for further discussion.

Should you require further information do not hesitate in calling.

Regards,

STEVE RYAN
DIRECTOR

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From: Russell Simpson [<mailto:Russell.Simpson@planning.nsw.gov.au>]
Sent: Thursday, 19 February 2015 9:57 AM
To: Steve Ryan
Cc: Andrew Beattie; Terry Natt
Subject: RE: List of VPA requirements from Proponent

Hi Steven,

In order for the Department's Legal team to provide a first draft VPA (rather than a template as you'd requested), could you please assist with providing the following:

1. A letter of irrevocable offer signed by the party entering into the agreement should be provided to the Department. The letter of offer merely has to state something to the effect that the party 'irrevocably offer to

enter into a planning agreement under section 93F of the Environmental Planning and Assessment Act 1979 under the attached terms' and reference the information included in the VPA requirements list;

2. The VPA requirements list (filled out below each point is sufficient);
3. Any trust deed(s) (if applicable); and
4. A copy of the Development Application that was lodged with Council.

Once I've received this information I will instruct our legal team to draft up a VPA and send to you so that we can begin discussing the terms further.

Feel free to call me in needed.

Thanks

Russell Simpson
Senior Planning Officer, Developer Contributions
NSW Planning & Environment | GPO Box 39 | Sydney NSW 2001
T 02 9228 2082 E russell.simpson@planning.nsw.gov.au

From: Steve Ryan [<mailto:sryan@tacticalgroup.com.au>]
Sent: Thursday, 19 February 2015 9:35 AM
To: Russell Simpson; Terry Natt
Cc: Andrew Beattie
Subject: RE: List of VPA requirements from Proponent

Gents,

I just wanted to follow up on below. I tried contacting Russell yesterday with no luck to see whether it would be possible to action below?

If you could assist with providing the draft general terms and conditions for a VPA that would be greatly appreciated.

Do not hesitate in calling should you require further information.

Regards,

STEVE RYAN
DIRECTOR



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From: Steve Ryan
Sent: Wednesday, 11 February 2015 3:52 PM
To: Terry Natt

Cc: 'Russell Simpson'; 'Andrew Beattie'
Subject: RE: List of VPA requirements from Proponent

Terry,

We have made contact with TFNSW regarding the development of the re-routing of an existing bus route as part of the SIMTA Stage 1 SSD Application.

Would it be possible to obtain the standard template for a VPA terms and conditions to which we could start to review and establish the necessary background information to be annexed to the VPA.

Should you require further information do not hesitate in calling.

Regards,

STEVE RYAN
DIRECTOR



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-----Original Message-----
From: Russell Simpson [<mailto:Russell.Simpson@planning.nsw.gov.au>]
Sent: Wednesday, 25 June 2014 12:18 PM
To: Steve Ryan
Cc: Terry Natt
Subject: List of VPA requirements from Proponent

Hi Steve,

I've attached the list of requirements in relation to VPAs.

Hope this helps, any questions let me know.

Thank you,

Russell Simpson
Senior Planning Officer, Growth Infrastructure Funding NSW Planning & Environment | GPO Box 39 | Sydney NSW
2001 T 02 9228 2082 E russell.simpson@planning.nsw.gov.au

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