

12 October 2023

Bradley Cutts
General Manager
Fairfield City Council
86 Avoca Road
Wakeley NSW 2176

Attention: Chris Shinn, Coordinator Strategic Planning

Dear Mr Cutts,

Local Planning Agreement Offer – Keyhole Lands, Horsley Park

Australand C & I Land Holdings Pty Ltd (**Developer**) is the proponent of a Planning Proposal to rezone a section of land at Horsley Park known as the 'Keyhole Lands', situated between The Horsley Drive and Chandos Road, from RU2 – Rural Landscape to IN1 – General Industrial under the *Fairfield Local Environmental Plan 2013* (**Planning Proposal**).

The Planning Proposal (Ref: PP-2021-3824) received Gateway Determination from the NSW Department of Planning and Environment on 15 May 2023. The Gateway Determination recommends that the Planning Proposal proceed to Public Exhibition. Condition 3 requires that a Voluntary Planning Agreement Letter of Offer be exhibited concurrently with the Planning Proposal.

By this letter, the Developer wishes, subject to the finalisation and negotiation of the following terms, to make a formal offer (**VPA Offer**) under section 7.4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) to enter into a Voluntary Planning Agreement (**VPA**) with Council in connection with the future development of the Land facilitated by the Planning Proposal.

In summary, the terms of the proposed VPA would be as follows:

Item	Terms
Parties	Fairfield City Council (Council) Australand C & I Land Holdings Pty Ltd ACN 107 356 141 (Developer) Minister for Planning and Public Spaces (Minister)
Description of the land (s 7.4(3)(a))	All properties owned by the Developer that are the subject of the Planning Proposal (Land).

Item	Terms
<p>Description of the development to which the planning agreement applies / change to the environmental planning instrument to which the planning agreement relates (s 7.4(3)(b)(i) and (ii))</p>	<p>The future development of the Land facilitated by Planning Proposal PP-2021-3824 to amend the <i>Fairfield Local Environmental Plan 2013</i> by:</p> <ul style="list-style-type: none"> a) rezoning the Keyhole Lands from RU2 Rural Landscape to E4 General Industrial; b) remove the existing height of buildings control applying to the Keyhole Lands; c) introduce a floor space ratio control of 0.55:1; d) reduce the minimum lot size development standard from 10,000m² to 930m²; and e) remove the minimum lot size for dual occupancy development standard.
<p>Nature and extent of the provision to be made by the Developer, and the time(s) and manner by which the provision is to be made (s 7.4(3)(c))</p>	<p>The Developer offers to, in connection with the Planning Proposal and future development of the Land, deliver the public benefits indicated in the plan at Annexure A, comprising the:</p> <ul style="list-style-type: none"> a) construction and dedication to Council of a new north-south local industrial road, in accordance with the requirements of the site-specific development control plan to be adopted in connection with the Planning Proposal (Estate Road); b) construction of a roundabout at the intersection of Redmayne Road and the Estate Road, and dedication to Council of additional land required to ensure the roundabout becomes a public road; and c) upgrade of Redmayne Road, to the extent shown in the plan at Annexure A. <p>The total value of the proposed works and dedication land is to be subject to the assessment of a quantity surveyor and agreed between the parties prior to being reflected in the VPA.</p> <p>It is proposed that the VPA would contain provisions requiring the public benefit contributions to be delivered prior to the issue of an occupation certificate for any building fronting the relevant road works.</p> <p>In addition to the works proposed to be the subject of this VPA, the Developer proposes to enter into a planning agreement with Transport for NSW (TfNSW) to deliver a new signalised intersection at The Horsley Drive, a State road.</p>

Item	Terms
Application of sections 7.11, 7.12, 7.24 and new Division 7.1, Subdivision 4 (s 7.4(3)(d))	<p>On the basis that there is currently no section 7.11 contributions plan that applies to the Land, contributions under section 7.11 are not proposed to be excluded in connection with the future development of the Land.</p> <p>Contributions under section 7.12 are proposed to be excluded, in whole or in part, reflecting a proportionate offset of the value of the public benefits to be delivered under the VPA in connection with the future development of the Land. [Note: The exclusion of contributions under section 7.12 requires the consent authority (which in the case of State Significant Development is the Minister for Planning or his delegate) to be a party to the VPA (section 7.4(3A)). Accordingly, the Minister is proposed to be a party to this VPA.]</p> <p>Contributions under section 7.24 (as in force immediately prior to the commencement of the <i>Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Act 2023</i> (NSW)) are not proposed to be excluded in connection with the future development of the Land.</p> <p>Contributions under Division 7.1, Subdivision 4 (as inserted into the <i>EP&A Act by the Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Act 2023</i> (NSW)) on its commencement, but as it may be amended from time to time) are not proposed to be excluded in connection with the future development of the Land under this VPA, but are proposed to be excluded under a separate planning agreement with TfNSW.</p>
Whether benefits are to be taken into consideration in determining a development contribution under s 7.11 (s 7.4(3)(e))	<p>Not applicable.</p>
Mechanisms for resolution of disputes (s 7.4(3)(f))	<p>Conventional dispute resolution mechanisms including mediation.</p>

Item	Terms
Enforcement of the agreement by a suitable means (s 7.4(3)(g))	<p>The VPA will include the following security measures:</p> <ul style="list-style-type: none"> (a) registration on the title to the Land; (b) provision of a bank guarantee(s) or bond(s) to secure the delivery of the proposed road works; (c) rights for Council to step in and remedy certain breaches of the VPA in carrying out the proposed road works, at the Developer's cost; (d) provisions allowing Council to compulsorily acquire land that is proposed to be dedicated for \$1 if the Developer does not dedicate or transfer the relevant land by the time prescribed in the VPA; and (e) restrictions on the issue of occupation certificates before certain public benefit contributions have been delivered.
Costs	<p>The Developer agrees to pay Council's and the Minister's reasonable costs of and incidental to the negotiation, preparation and entering into the VPA.</p>

We look forward to receiving Council's response to the above offer. Please contact Samantha Wilson (Planning Manager) at samantha.wilson@frasersproperty.com.au if you have any questions or would like to discuss the above.

Regards,



Roland Martin
General Manager – NSW

Fraser's Property Industrial Australia Pty Limited

Annexure A – Public Benefits Plan