

Department of Planning and Environment

Our ref: D22/2476370

Mr Alan Young
The City Manager
Fairfield City Council
PO Box 21
Fairfield NSW 1860
Attention: Andrew Woodley

20 September 2022

Subject: Kamira Court, Villawood – Revised Voluntary Planning Agreement Offer

Dear Andrew,

Thank you for your ongoing interest and recent meetings regarding the urban renewal of the site.

I note that the Planning Proposal is now finalised, and both the NSW Land and Housing Corporation (LAHC) and its development partner, Traders In Purple Pty Ltd (Traders) are keen to progress the Stage 1 development approval and commencement of works onsite.

The purpose of this letter is to confirm an offer under Section 7.4 of the *Environmental Planning and Assessment Act 1979* (the Act) to enter into a Voluntary Planning Agreement (VPA) with Fairfield City Council (Council), LAHC and Traders for the reconfiguration of lands and creation of open space at Kamira Court, Villawood.

The VPA supports the previous Planning Proposal lodged by LAHC over part Lot 31 DP36718 (i.e. part Hilwa Park) that sought to amend Fairfield Local Environmental Plan (FLEP) by rezoning approximately 430m² from RE1 Public Recreation to R4 High Density Residential.

The VPA will provide a suitable mechanism for LAHC and Council to reconfigure their land ownership in a manner that is consistent with LAHC's Planning Proposal, Council's Villawood Town Centre Urban Design Study (2018) and the recent Villawood Town Centre Planning Proposal implemented by Council (PP_2018_FAIRF_001_00).

LAHC entered into a Project Delivery Agreement with Traders for the subsequent redevelopment of LAHC's reconfigured site in July 2020, which provides certainty to Council for the ongoing delivery of the wider project works.

The VPA is considered vitally important to help realise the 'transformative' vision that is envisaged by Council for the Villawood Town Centre precinct.

Department of Planning and Environment

The general terms of the VPA are summarised below:

Parties	NSW Land and Housing Corporation, Traders In Purple Pty Ltd and Fairfield City Council
Description of the land (s7.4(3)(a))	See Appendix One and Two
Description of the planning proposal (s7.4(3)(b)(i))	The Planning Proposal and Planning Agreement will facilitate the creation of a major local open space fronting Kamira Avenue, with the reconfiguration of lands via acquisition and dedication processes to facilitate the orderly development of the Villawood Town Centre precinct.
Nature and extent of the provision to be made by the developer, and the times and manner in which the provision is to be made (s7.4(3)(c))	<p>The Planning Agreement aims to reconfigure the LAHC owned lands and Council owned lands to enable the orderly development of the Villawood Town Centre precinct, consistent with relevant strategic planning documents through a series of land exchanges between Council and LAHC. The balance of land is around 973m² in Council's favour.</p> <p>It is proposed that LAHC will acquire the Council owned land via a Section 30 agreement under the <i>Land Acquisition (Just Terms Compensation) Act</i> 1991, in accordance with its powers under the <i>Housing Act</i> 2001.</p> <p>The tables attached at Appendix One and Two detail the scope of proposed acquisitions and dedications for the proposed VPA.</p>
Exclusion of s7.24	No future Special Infrastructure Contribution (SIC) is currently proposed. It is expected that LAHC will either pay any future SIC or negotiate a separate VPA with the State Government should one be required.
Relationship to s7.11 and 7.12	<p>Section 7.11 and 7.12 of the Act are not excluded as they apply to the future payment of local contributions for the development. The Planning Agreement recognises works in kind and resultant credits to be offset against payment of future contributions.</p> <p>Appendix Three details applicable credits to the site.</p>
Enforcement of the agreement by a suitable means (s7.4(3)(g))	LAHC will register the VPA on the title to the land, to be removed from title on satisfaction of the terms of the agreement.

Department of Planning and Environment

If you have any questions regarding this letter, I have arranged for Michael File to assist between the parties. Michael can be contacted on 0433 458 984.

Subject to an indication of in principle support from Council, LAHC will submit a revised draft planning agreement for discussion as soon as practicable.

Yours sincerely,

A handwritten signature in black ink, appearing to be "P. Brackenreg", with a stylized flourish at the end.

Peter Brackenreg

Executive Director, Delivery South
NSW Land and Housing Corporation

Appendix One – Land to be dedicated to Council

Land	Future Use	Quantum	Current Zoning
37/202006 (Part)	Public Open Space	1260m ²	R4
39/202006 (Part)	Public Open Space	500m ²	R4
381/1232437	Future Road Connection	403m ²	R4
382/1232437 (Part)	Future Road Connection	480m ²	R4
Total		2,643 m²	

Appendix Two – Land to be acquired by LAHC

Land	Future Use	Quantum	Current Zoning
31/36718	Incorporated into development site consistent with Urban Design Study creating consistent street wall	430m ²	RE1
Kamira Court Road	Incorporated into development site to facilitate built form and street pattern in Urban Design Study.	1,260m ²	R4
Total		1,670m²	

Appendix Three – Offsets against applicable contributions

Item	Description	Value										
Credit for previous social dwellings	<table><tr><td colspan="2">Credit for previous 111 social dwellings</td></tr><tr><td>1 Bed</td><td>38</td></tr><tr><td>2 Bed</td><td>15</td></tr><tr><td>3 Bed</td><td>58</td></tr><tr><td>Total</td><td>111</td></tr></table>	Credit for previous 111 social dwellings		1 Bed	38	2 Bed	15	3 Bed	58	Total	111	In accordance with applicable development contributions plan at time of consent.
Credit for previous 111 social dwellings												
1 Bed	38											
2 Bed	15											
3 Bed	58											
Total	111											
Embellishment of public open space	Embellishment of approximately 3,000 sqm of public open space with credit to be determined in accordance with <i>Fairfield City Council – Direct Development Contributions Plan 2011 Amendment 11 - Appendix D Schedule of Contribution Rates</i>	Approx. \$248,841 based on current dwelling mix in 2022 dollars.										