

Appendix

(Clause 56)

Environmental Planning and Assessment Regulation 2021

(Clause 205)

Explanatory Note

Draft Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Willoughby City Council ABN 47 974 826 099 of Level 4, 31 Victor Street, Chatswood, New South Wales 2067 (**Council**)

Chatswood Square Pty Ltd ACN 624 613 805 of Tower A, The Zenith, Level 21, 821 Pacific Highway, Chatswood, NSW, 2067 (**Developer**)

Description of the Land to which the Draft Planning Agreement Applies

The Planning Agreement will apply to land which at the date of this Deed is identified as SP80201, SP68797 and SP78790, otherwise known as 44-52 Anderson Street, Chatswood, including any land created as a result of the termination of the strata scheme, or a subdivision or consolidation of that land.

Description of Proposed Development

The draft Planning Agreement is in connection with a Planning Proposal (PP Ref No Council's ref: PP2021/1; ePlanning Portal ref: PP-2021-3476) which proposes amendments to the *Willoughby Local Environmental Plan 2012 (LEP)* as follows in relation to the Land:

- a) Rezone the land from R3 Medium Density Residential to B4 Mixed Use;
- b) Increase the maximum Floor Space Ratio (FSR) development standard to 6:1; and
- c) Increase the maximum Height of Buildings from 12m to 90m.

The Draft Planning Agreement is also in connection with a mixed-use development comprising residential and commercial uses on the Land authorised by a Development Consent and that will be permitted as a consequence of the LEP Amendment to Willoughby Local Environmental Plan 2012

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

Objectives of Draft Planning Agreement

Provide for a monetary contribution of \$8,016,665 (to be indexed in accordance with CPI and paid in 3 instalments) to be applied towards capital works in the Chatswood CBD. These may include transport and traffic upgrades, new public domain works and street upgrades, pedestrian improvements, active transport projects, green links and street tree planting, open space improvements, recreation facilities, community facilities and cultural projects.

Nature of Draft Planning Agreement

The Draft Planning Agreement is a planning agreement under s7.4(1) of the *Environmental Planning and Assessment Act 1979*. The Draft Planning Agreement is a voluntary agreement under which Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) are made by the Developer for various public purposes (as defined in s7.4(3) of the Act).

Effect of the Draft Planning Agreement

The Draft Planning Agreement:

- is in connection with an amendment to the *Willoughby Local Environmental Plan 2012 (LEP)* relating to a Planning Proposal (Council's Ref: PP2021/1; ePlanning Portal ref: PP-2021-3476)
- relates to the carrying out of the Development (as defined in clause 1.1 of the Draft Planning Agreement) on the Land,
- does not exclude the application of s7.11, s7.12 or s7.24 of the Act to the Development,
- is to be registered on the title to the Land,
- imposes restrictions on the Parties transferring the Land or part of the Land or assigning, or novating an interest under the agreement,

- provides for the payment of monetary contributions by the Developer.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The Draft Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the land to which it applies,
- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development,
- provides for additional monetary contributions by a developer to the Council to be used for public purposes, additional to other development contributions under s7.11 or s7.12 and s7.24 required for a proposed Development on the land which it applies.

How the Draft Planning Agreement Promotes the Public Interest

The draft Planning Agreement promotes the public interest by requiring payment of monetary contributions towards Council's provision of community infrastructure. It also promotes the objects of the Act as set out in s1.3(a), (b), (c), (d), (g), (j) of the Act.

For Planning Authorities:

Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities

N/A

Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

N/A

Councils – How the Draft Planning Agreement Promotes the Principles for Local Government Contained in Chapter 3 of the Local Government Act 1993

The Draft Planning Agreement promotes the principles for local government by:

- keeping the local and wider community informed about its activities,
- Providing adequate, equitable and appropriate service and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.

All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

44-52 Anderson St, Chatswood Planning Agreement

Willoughby City Council

Chatswood Square Pty Ltd

Yes. The proposed contributions are consistent with the community infrastructure identified in the Council's Planning Agreement Policy and Procedures Manual and aligns with Council's Capital Works Program.

All Planning Authorities – Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

Yes. Monetary contributions are required to be paid prior to issuing the first Construction Certificate and prior to the first Occupation Certificate.

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