

Appendix A

(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**)

DPG Project 18 Pty Ltd ABN 91 606 131 695 of Level 14, 97-99 Bathurst Street, Sydney NSW 2000 (**Developer**)

Land to which the Draft Planning Agreement Applies

The Draft Planning Agreement applies to land held within SP30740 and SP11846, also known as 54-56 Anderson Street Chatswood. The land is shown visually in this image:



Description of Proposed LEP Amendment and Development

The Draft Planning Agreement is in connection with planning proposal PP-2021-2467 which proposes amendments to the Willoughby Local Environmental Plan 2021 to rezone the land to B4 Mixed Use, increase the maximum height of buildings for the land to part 90 metres and part 53 metres and increase the maximum floor space ratio for the land to 5:1.

The proposed development is mixed use (shop top housing and commercial premises) building(s) of up to 90 metres in height — with a floor space ratio of up to 5:1.

How the Draft Planning Agreement promotes the public interest

The Council has submitted a planning proposal to the Minister for Planning and Public Spaces to rezone 54-56 Anderson Street from R3 Medium Density Residential to B4 Mixed Use. This change gives effect to an element of the Council's detailed strategic land use planning work.

54-56 Anderson Street, Chatswood - Planning Agreement

Willoughby City Council

DPG Project 18 Pty Ltd

The proposed rezoning of the land (if it proceeds to finalisation) will increase maximum building heights from 12 metres to part 90 metres part 53 metres— and increase the maximum floor space ratio from 0.9:1 to 5:1.

If the rezoning is finalised and implemented, the Draft Planning Agreement promotes the public interest by securing a monetary contribution from the Developer to the Council for \$765 for each square metre of additional residential floor area (proposed to be made possible from the rezoning which is agreed at 6,834 square metres). The monetary contribution will be paid in three instalments, partly within 90 days of the amendment to the LEP, partly within 30 days of the granting of the development consent for the proposed development, and partly prior to the issuing of the first construction certificate (excluding any Construction Certificate for demolition, preparatory site works, excavation and/or shoring).

The amount is consistent with the Council's draft Community Infrastructure Contributions scheme in relation to the Chatswood CBD.

The money raised will be used to support new public infrastructure generally of the kind set out in Appendix A of the *Revised Draft Planning Agreements Policy For Public Exhibition – 2020*, as published by the Council.

This Draft Planning Agreement provides a clear public benefit to the community, above and beyond the normal contributions regime. The Developer will also still need to make the routine contributions to local infrastructure and affordable housing.

The Council's capital works program

The Agreement does not relate to works in the Council's current capital works program.

However, it does relate to works that have been identified by the Council for support in its *Draft Planning Agreements Policy*. It can be expected that, in due course, some or all of these projects will form a part of future Council capital works programs.

The timing for the delivery of any works will be determined by the Council.

Requirements of the Agreement that must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Draft Planning Agreement does not set out any requirements that must be complied with before an occupation certificate or subdivision certificate is issued.

The Draft Planning Agreement does require that the monetary contribution be paid before certain construction certificates are issued