

## **Appendix**

(Clause 53)

*Environmental Planning and Assessment Regulation 2000*

(Clause 25E)

## **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**)

**H and J Vakili** ABN 54 842 177 668 of 12 Yawung Street Dundas NSW 2117 (**Developer**).

### **Description of the Land to which the Draft Planning Agreement Applies**

The land shown on the Map in Schedule 3, identified as 3 to 5 Help Street, Chatswood (Lots 40 & 41, DP2602)

### **Description of Proposed Development**

The Draft Planning Agreement applies to an amendment to the Willoughby Local Environmental Plan 2012 relating to a planning proposal with the Department of Planning, Industry and Environment ref: PP\_2020\_WILLO\_002\_00 (PP-2021-2420) in respect of the Land which proposes to:

- Increase the maximum floor space ratio control from 2.7:1 to 6:1;
- Increase the maximum permitted height of building from 25m (north section of the site) and 20m (south section of site) to 90m

This will facilitate higher density development of the Land. The Draft Planning Agreement also applies to development on the Land as authorised by Development Consent granted as a result of the LEP Amendment.

### **3-5 Help Street Chatswood Planning Agreement**

**Willoughby City Council**

**H and J Vakili**

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

### **Objectives of Draft Planning Agreement**

To provide Council a development monetary contribution of \$1,401,480.00 towards the Community Infrastructure Contributions ('CIC') to fund various public infrastructure within the CIC scheme, in accordance with *Council's Revised Draft Planning Agreement Policy*.

### **Nature of Draft Planning Agreement**

This Draft Planning Agreement takes the form of a legally binding deed over the subject property titles, binding the Council and the Developer.

### **Effect of the Draft Planning Agreement**

The Draft Planning Agreement:

- relates to the proposed amendment to the LEP in accordance with the Planning Proposal and the subsequent carrying out of the Development (as defined in clause 1.1 of the Draft Planning Agreement) on the Land by the Developer,
- 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 until all obligations are met, and
- imposes restrictions on the Parties transferring the Land or part of the Land or assigning, or novating an interest under the agreement.

## **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 required for a proposed Development on the land to which it applies.

### **How the Draft Planning Agreement Promotes the Public Interest**

The draft Planning Agreement promotes the public interest by promoting the objects of the Act as set out in s1.3 (c), (d) and (g) of the Act.

### **For Planning Authorities:**

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

N/A

### **3-5 Help Street Chatswood Planning Agreement**

**Willoughby City Council**

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#### **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,
- provides value for residents and ratepayers by requiring the developer to contribute to public works. The works are to upgrade public domain, works on road, open space and recreation spaces. The developer's contribution to these public works is additional to the developer's statutory contributions to the Council for the proposed development on the site.

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

Yes

#### **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**

No