

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**)

Walter Projects Pty Limited ACN 614 801 820 of Level 1, 571 Military Road,
Mosman NSW 2088 (**Developer**)

Description of the Land to which the Draft Planning Agreement Applies

1-31 Walter Street, Willoughby, and 452-462 Willoughby Road, Willoughby

Description of Proposed LEP Amendment and Development

The Draft Planning Agreement applies to an amendment to the *Willoughby Local Environmental Plan 2012* relating to a planning proposal with Department of Planning, Industry and Environment ref:PP_2019_WILLO_002_00 in respect of the Land which proposes to change the zoning to R4 High Density Residential, increase the maximum permitted height to a maximum of 27 metres and increase the floor space ratio to a maximum of 1.5:1 (including the affordable housing component) to facilitate a high density residential development on 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

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

Objectives of Draft Planning Agreement

Provide for a developer's monetary contribution of \$1,000,000 to be applied towards works to be carried out by Council for the purpose of any existing or new active transport network within the local Government area of Willoughby Council.

Provide for a developer's monetary contribution of \$1,000,000 to be applied towards works to be carried out by Council for the purpose of upgrading the Willoughby Leisure Centre.

Provide for a monetary contribution of \$520,660 to be applied towards other public purposes within the meaning of that expression in the Environmental Planning & Assessment Act 1979 as determined by Council.

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 ('Act').

It is an agreement between Council and the Developer under which the Developer is required to make monetary Development Contribution (as defined in clause 1.1 of the Draft Planning Agreement) to be used for a public purpose (as defined in s7.4(2) of the Act).

Effect of the Draft Planning Agreement

The Draft Planning Agreement:

- has been offered in connection with planning proposal with Department of Planning, Industry and Environment ref:PP_2019_WILLO_002_00 in respect of the Land to amend *Willoughby Local Environment Plan 2012* to change the zoning to R4 High Density Residential, increase the maximum permitted height to a maximum of 27 metres and increase the floor space ratio to a maximum of 1.5:1 (including the affordable housing component) to facilitate a high density residential development on the above land,
- provides for the payment of monetary contributions 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,
- 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

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 public works are to upgrade the roadway to provide for a new pedestrian and cycle connection along Walter Street, Willoughby. 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.