

**849-859 Pacific Hwy, 2 Wilson St & Lot 1 O'Brien St, Chatswood -
Planning Agreement**

Willoughby City Council

853 Pacific Highway Pty Ltd ATF the 2017 PHC Unit Trust

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**)

853 Pacific Highway Pty Ltd ACN 620 640 413 ATF the 2017 PHC Unit Trust
of PO Box 885, North Willoughby 2068 (**Developer**)

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

The Planning Agreement will apply to the following land.

- 849 Pacific Highway, Chatswood, being Strata Plan SP1496;
- 853 Pacific Highway, Chatswood, being Strata Plan SP60178;
- 859 Pacific Highway, Chatswood, being Strata Plan SP10110;
- 2 Wilson Street, Chatswood, being Strata Plan SP52947; and
- Lot 1 O'Brien Street (also known as 8 Wilson Street), Chatswood, being Lot 1 in DP1189541, and

includes 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 applies to an amendment of the Willoughby Local Environmental Plan 2012 (LEP) in accordance with a Planning Proposal (Council Ref:

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PP2021/7; ePlanning Portal Ref:PP2021-6560) which seeks to amend the LEP to facilitate the development of a mixed use development on the Land, by:

- rezoning the Land to B4 Mixed Use (excluding that portion of the Land zoned SP2 which fronts the Pacific Highway and has been earmarked for road widening);
- applying a maximum building height control of 90m; and
- applying a maximum floor space ratio (FSR) control of 6:1;

The Draft Planning Agreement also applies to development of a mixed-use development on the Land as authorised by the future Development Consent granted as a result 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 \$10,840,203 (to be paid in 3 instalments) to be applied towards community infrastructure in accordance with the Council's Planning Agreements Policy and Procedures Manual as in force and effect.

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:

- relates to the Planning Proposal and the 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,
- 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,

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- 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 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(a), (b), (c), (d), (g) and (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***

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

Yes