

**92-96 Victoria Avenue, Chatswood Planning Agreement**  
**Willoughby City Council**  
**Tai Family Holdings Pty Limited**

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**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**)

**Tai Family Holdings Pty Limited** ABN 64 750 013 516 and ACN 141 711 088  
(**Developer**)

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

The Planning Agreement will apply to the land known as 92-96 Victoria Avenue, Chatswood, being the land comprised in:

Lot 7 DP809	92 Victoria Avenue, Chatswood
Lot 6 DP809	94 Victoria Avenue, Chatswood
Lot 5 DP809	96 Victoria Avenue, Chatswood

**Description of Proposed Development**

The planning proposal with Department of Planning, Industry and Environment (ePlanning Portal ref: PP-2021-2784; Council ref: PP2021/3) which seeks to amend the LEP in the following manner with respect to the Land:

- Amendment of Schedule 1 Additional permitted uses to allow for multi dwelling housing on the site;
- Increase the maximum Height of Buildings (HOB) to 10m and indicate the application of 4.3A exceptions to HOB for 'Area 4' for multi dwelling housing only;

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- Increase the Floor Space Ratio (FSR) to 1:1 and indicate the application of 4.4A exceptions to FSR for 'Area 21' for multi dwelling housing only;
- Remove lot size controls of the subject site from the Lot Size (LSZ) Map;
- Include the site in Area 9 (Clause 6.8 Affordable Housing) and in Area 15 (Clause 6.10 Minimum Lot Sizes) of the Special Provisions Area (SPA) Map;
- Amend Clause 6.10 Minimum lot sizes for certain residential accommodation that states, despite subclause (2), development consent may be granted to development for the purposes of multi dwelling housing on a lot in an area identified as "Area 15" on the Special Provisions Area Map if the lot size is at least 2,500 square metres.

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

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

Provide for a monetary contribution of \$300,000 (paid in one lump sum) to be applied towards public infrastructure works within the North Willoughby local area.

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

The Draft Planning Agreement under s7.4(1) of the Environmental Planning and Assessment Act 1979 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(2) of the Act).

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

The Draft Planning Agreement:

- relates to the carrying out of the Development (as defined in clause 1.1 of the Draft Planning Agreement) on the Land by the Developer,
- requires the payment of monetary development contributions in a lump sum,
- 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,
- requires provision of security on the commencement of 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,

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- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development,

#### **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(b), (c), (g) and (j) of the Act.

If the planning proposal is finalised and implemented, the Draft Planning Agreement will promote the public interest by securing a monetary contribution from the Developer to the Council which will fund public infrastructure works within the North Willoughby local area.

The Developer will still make the routine contributions to local infrastructure and affordable housing.

#### **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. The contribution towards the public infrastructure works will align 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***

N/A