

**12.10 PLANNING PROPOSAL 641-653 AND 655A PACIFIC HIGHWAY
CHATSWOOD AND ATTACHMENT 1**

ATTACHMENTS:	<ol style="list-style-type: none">1. IMPLICATIONS2. COUNCIL DETAILED ASSESSMENT OF PLANNING PROPOSAL3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'LOCAL ENVIRONMENTAL PLAN MAKING GUIDELINE'4. PLANNING PROPOSAL CONCEPT PLANS5. PRECINCT PLAN FOR 641 TO 745 PACIFIC HIGHWAY6. DRAFT SITE AND PRECINCT DEVELOPMENT CONTROL PLANS7. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENTS8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 14 NOVEMBER 20239. DRAFT VOLUNTARY PLANNING AGREEMENT (ATTACHMENTS 2 – 9 CONTAINED IN ATTACHMENT BOOKLET)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CRAIG O'BRIEN – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	<p>3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES</p> <p>5.1 - BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</p> <p>5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS</p>
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

The purpose of this report is to seek endorsement for the forwarding of an applicant initiated Planning Proposal 2022/001 for 641-653 and 655A Pacific Highway Chatswood to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

This report also seeks endorsement to publicly exhibit the draft development control plan for 641-653 and 655A Pacific Highway Chatswood and the 641 to 745 Pacific Highway Chatswood Precinct, and a draft Voluntary Planning Agreement.

Members of the Sydney North Planning Panel (SNPP) may wish to retire from the chambers for consideration of this item in order to preserve their right to vote should the matter come before the SNPP in future as a development application or rezoning review.

2. OFFICER'S RECOMMENDATION

That Council:

1. Require the following additional information to be provided to Council prior to the Planning Proposal being forwarded to Department of Planning for a Gateway Determination:
 - a) The following amended information:
 - i. A Planning Report and Traffic Impact Assessment Report confirming, as relevant, that:
 - a) All car parking related to the Chatswood Bowling Club, currently located on 655A Pacific Highway, is located on the Planning Proposal site.
 - b) All car parking is to be in accordance with Willoughby Development Control Plan.
 - c) Access and egress is provided for croquet premises allocated car parking on the Chatswood Bowling Club site (being the subject of existing rights of way) via Hammond Lane.
 - ii. An updated Traffic Impact Assessment Report providing analysis of traffic impacts in Gordon Avenue, Orchard Road and Albert Avenue, having regard to recently approved Planning Proposals responding to the Chatswood CBD Planning and Urban Design Strategy 2036.
 - iii. Amended/additional plans showing:
 - a. All proposed setbacks, at ground and tower levels, clearly dimensioned.
 - b. All car spaces allocated to the Chatswood Bowling Club clearly identified on-site at ground and basement level.
 - c. Basement design to reflect reduced car parking provision in accordance with Willoughby Development Control Plan. Deep soil planting areas to be maximised, with appropriate landscaping.
 - d. Two east / west pedestrian through site links, as well as the north / south link, consistent with the site specific draft development control plan.
 - b) Preliminary flood analysis responding to the overland flow issues identified by Council's engineers in the Detailed Assessment.
 - c) Detailed shadow diagrams at a readable scale for each hour between 9am and 3pm based on 21 June mid-winter, with each hour showing street names, the individual properties impacted (including addresses), analysis, patterns and conclusions. In addition, clear distinction is to be made between existing shadows and additional shadows from the proposed development.
2. Forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, to achieve the following amendments to Willoughby Local Environmental Plan 2012:

- a) To amend the Land Zoning Map for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, to MU1 Mixed Use.
 - b) To amend the Height of Buildings Map for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, to 90 metres.
 - c) To amend the Floor Space Ratio Map for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, to 6:1 (including affordable housing).
 - d) To amend the Special Provisions Area Map to show 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, as Area 5 (Cl. 6.23 Design Excellence).
 - e) To amend the Active Street Frontages Map to Include for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, the Pacific Highway, Gordon Avenue and Hammond Lane frontages.
 - f) To amend the Lot Size Map to include 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, with a minimum lot size of 5,500 sq metres.
 - g) Identify 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, on the Affordable Housing Map as Area 1 (4%).
3. Endorse the Planning Proposal for public exhibition with the accompanying draft site specific Development Control Plan.
 4. Endorse for public exhibition the Precinct Development Control Plan for 641 to 745 Pacific Highway Chatswood.
 5. Request that the Department of Planning and Environment nominate Council as the Planning Authority to make the Planning Proposal and that the Department of Planning and Environment delegate authority to Council's Head of Planning to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the Environmental Planning and Assessment Act, 1979.
 6. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal and the draft development control plan, which do not alter the policy intent.
 7. Endorse the draft Voluntary Planning Agreement for 641 – 653, 655A Pacific Highway, Chatswood for public exhibition in accordance with Section 7.5 of the Environmental Planning and Assessment Act 1979 and Clause 204 of the Environmental Planning and Assessment Regulation 2021, following Gateway Determination if granted.
 8. Authorise Council's officers to make appropriate changes before public exhibition to the Voluntary Planning Agreement in response to any requirements mandated by the Gateway Determination, if granted.
 9. A further report be provided to Council outlining the outcome of the public exhibition period.

10. Authorise the Chief Executive Officer make minor amendments which do not alter its intent and to execute the Voluntary Planning Agreement following public exhibition.

3. BACKGROUND

The Planning Proposal was lodged by Urbis on behalf of One Global Capital on 11 March 2022, with the required fees paid to Willoughby Council on 7 April 2022. The Planning Proposal was subsequently allocated the Council reference number 2022/1 and assessment commenced.

The subject site is located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to in this report as the CBD Strategy) endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, and endorsed by the Department of Planning and Environment (DPE) on 9 July 2020. Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The CBD Strategy recommended that the site be zoned B4 Mixed Zone (this zone is now known as "MU1 Mixed Use"), with a maximum height of 90 metres and a floor space ratio of 6:1. The recommended zone and maximum controls were subject to the satisfaction of other CBD Strategy key elements and *Willoughby Local Environmental Plan 2012* (WLEP 2012).

The CBD Strategy has now been incorporated into the comprehensive WLEP 2012 review, endorsed for finalisation at the Council Meeting dated 12 December 2022, and now made by DPE and notified on 30 June 2023 (Amendment 34).

However, noting that there was a Planning Proposal lodged and under assessment, the recommended zoning and maximum controls were not implemented as part of the comprehensive WLEP 2012 review (Amendment 34). The current controls (the R3 Medium Density Residential zone, with 12m height and 0.9:1 floor space ratio maximums) were retained on the site, with the recommended future controls for the site to be assessed via this Planning Proposal process.

4. DISCUSSION

4.1 Summary

The Planning Proposal, and the amendments proposed to WLEP 2012, are consistent with the strategic objectives of the *Greater Sydney Region Plan*, the *North District Plan*, as well as Councils' *Local Strategic Planning Statement* and the *Chatswood CBD Planning and Urban Design Strategy 2036*.

As noted above, under the CBD Strategy, the subject site is recommended to be included within the B4 Mixed use zone (now known as the MU1 Mixed Use zone under WLEP 2012 Amendment 34), with a maximum height of 90m and a floor space ratio of 6:1. This is what is proposed in the subject Planning Proposal.

The Planning Proposal is also consistent with the Key Elements contained in the CBD Strategy that have been incorporated as appropriate into WLEP 2012 and WDCP.

The proposed 4% affordable housing contribution is considered acceptable in the circumstances of this case, and is discussed in Section 4.5 below.

It is considered that the relevant requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's (August 2023) *Local Environmental Plan Making Guideline* are adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition.

The detailed assessment of consistency with the CBD Strategy and the relevant State requirements is provided in **Attachment 2**.

4.2 The Planning Proposal

The Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* (WLEP 2012) at 641-653 and 655A Pacific Highway Chatswood, as follows:

- Change the land use zone from R3 Medium Density Residential to MU1 Mixed Use
- Increase the maximum height of buildings control from 12m to 90m.
- Increase the maximum Floor Space Ratio control from 0.9:1 to 6:1.
- Apply a minimum non-residential floor space requirement equating to 17% of total assessable GFA on the site.

Refer to **Table 1** below for a summary of the Planning Proposal 2022/1 amendments following *Willoughby Local Environmental Plan 2012* (Amendment 34).

Table 1: Summary of Planning Proposal 2022/1 Amendments

	641–653, 655A Pacific Highway	Compliance
Zoning Current WLEP 2012 Proposed in Planning Proposal	R3 Medium Density Residential MU1 Mixed Use	Yes
Height Current WLEP 2012 Proposed in Planning Proposal	12m 90m	Yes
Floor Space Ratio Current WLEP 2012 Proposed in Planning Proposal	0.9:1 6:1	Yes
Affordable Housing Current WLEP 2012 Proposed in Planning Proposal	10% of residential GFA 4% of residential GFA	No, however satisfactory in this circumstance. (consistent with Council's position of 12 December 2022, refer to discussion section of report).

During the assessment of the Planning Proposal, Council officers have sought amendments and additional information, with the latest documentation submitted 11 September 2023.

The amended Planning Proposal proposes:

- A podium of between one and three storeys, with two residential towers above.
- Towers separated by communal open space above one storey podium.
- Both towers 90m with floor plates between 589m² and 692m².
- A total of approximately 319 residential apartments.
- All vehicle access and egress for 641 – 655A Pacific Highway via Hammond Lane.
- In regards the existing rights of the Chatswood Bowling Club over 641 – 655A Pacific Highway and how they have been addressed:
 - All vehicle access and egress is via Hammond Lane.
 - Pedestrian access is covered by public rights of way.
 - 41 car spaces for the Chatswood Bowling Club are proposed in a future basement located under a bowling green on the Chatswood Bowling Club site (this is a concern, discussed in this report and addressed in the Officers recommendation).
- 655A Pacific Highway existing egress on northern boundary to Pacific Highway to be retained for use only by neighbouring properties to the north. Rights of way and physical measures are to be introduced to ensure this outcome.
- A through site link is provided from Gordon Avenue and Hammond Lane to the northern boundary and western boundary (the Pacific Highway). Minimum width 3m.

4.3 Subject Location

The site has a total area of 5,774m², bounded by the Pacific Highway to the west, the Chatswood Bowling Club (655 Pacific Highway) to the east, 689 Pacific Highway to the north and Gordon Avenue to the south.

Vehicle access for 641-653 Pacific Highway is via Gordon Avenue. Vehicle access for 655A Pacific Highway is in via Hammond Lane and out via the Pacific Highway. There are a number of easements across 655A Pacific Highway, some being in favour of the Chatswood Bowling Club with particular regard to rights of carriageway and 41 dedicated car parking spaces.

Other Planning Proposals in the vicinity of the site, consistent with the CBD Strategy, have already been supported by Council and made for 5-9 Gordon Avenue to the east, 613-627 Pacific Highway, 629-637 Pacific Highway, 10 Gordon Avenue and 15-19 Nelson Street and 9-11 Nelson Street to the south, of the subject site.

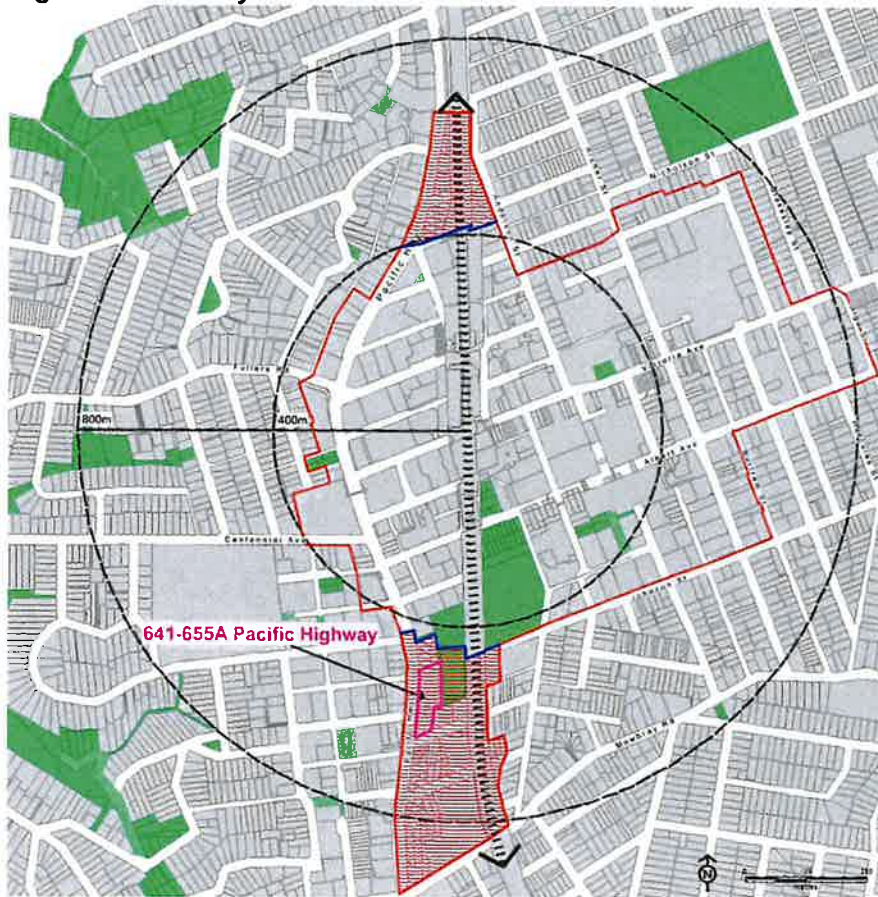
A Development Application has been lodged in relation to properties to the north from 691, 695 and 699 Pacific Highway (689 Pacific Highway has not been included).

Properties to the north from 689-705 Pacific Highway all have vehicle access solely from Pacific Highway.

There are Tennis courts and Croquet Greens immediately to the north of the Chatswood Bowling Club, which are identified as key public spaces in the CBD Strategy.

Figure 1 – Location Plan



Figure 2 – Locality Plan

4.4 Assessment and Report Attachments

The Planning Proposal is consistent with the CBD Strategy and is satisfactory in relation to the other relevant assessment issues subject to additional information required (discussed below). The Detailed Assessment at **Attachment 2** provides detailed comments in relation to the relevant considerations.

The Planning Proposal has also been assessed with regard to the criteria contained in the Department of Planning and Environment's *Local Environmental Plan Making Guideline*, August 2023, with particular regard to the Council, Greater Sydney Commission and DPE strategic planning framework and directions, and is satisfactory (Refer **Attachment 3**).

The Council assessment considered the proponent's documentation supporting the Planning Proposal, including amended concept plans showing a conceptual redevelopment plan for the site (Refer **Attachment 4**).

Provision of ground and tower setbacks, both in accordance with and in addition to the CBD Strategy, are important considerations that have been satisfactorily addressed in the amended concept plans. In addition public domain embellishment has been addressed both in the amended concept plans and the Officers recommendation.

A Traffic Impact Assessment report has been provided concluding that the surrounding road network is able to accommodate the proposed development. Further information is sought in regards impacts in Gordon Avenue, Orchard Road and Albert Avenue.

Pre-exhibition comments have been sought by Council officers and received from Transport for NSW due to the importance of transport related issues to both the individual Planning Proposal and the surrounding precinct (being the properties 641 to 745 Pacific Highway, between Gordon Avenue and Ellis Street). The Transport for NSW response and the position taken by Council officers are discussed in **Attachment 2**.

A Precinct Plan for 641 to 745 Pacific Highway has subsequently been developed, and provided to Transport for NSW who have raised no objection. In addition, the Precinct Plan has also been provided to the proponents of the subject Planning Proposal and the nearby Planning Proposal at 691-699 Pacific Highway (now withdrawn) to clearly indicate the Council vision and expectations with regards to access and egress to/from the Pacific Highway. This Precinct Plan is at **Attachment 5**.

The proponent has provided documentation demonstrating that the proposal is consistent with the Council prepared Precinct Plan.

A draft *Development Control Plan* has been prepared by Council officers, covering the site. A draft *Precinct Development Control Plan* has also been prepared by Council officers for 641 to 745 Pacific Highway (Refer to **Attachment 6** for both draft plans). These documents will be further reviewed following exhibition. Where matters are not covered by the site and precinct specific draft DCPs, the wider *Willoughby Development Control Plan* will apply to the site.

For the purposes of this report and any public notification, Council Officers have prepared mapping amendments to *Willoughby Local Environmental Plan 2012* (Refer to **Attachment 7**).

4.5 Affordable Housing

Under *Willoughby Local Environmental Plan 2012* (Amendment 34), (WLEP 2012), which came into effect on 30 June 2023, contributions can be sought for the provision of affordable housing within the Chatswood CBD at a rate of 10% of the residential gross floor area. Affordable housing is addressed under Clause 6.8 and the Affordable Housing Map of WLEP 2012.

Under the comprehensive review of Council's LEP, which began in December 2020 and led to WLEP 2012 (Amendment 34), contributions towards affordable housing was proposed to be increased in some parts of the LGA from 4% to 10%. The subject site, which is located within the Chatswood CBD, was saved from the proposed increase due to the timing of the subject Planning Proposal lodgement.

The Planning Proposal for 641 – 655A Pacific Highway was lodged 11 March 2022, with fees paid 7 April 2022.

Between 5 March and 7 June 2022, the Council initiated Planning Proposal 2021/2 regarding the comprehensive review of *Willoughby Local Environmental Plan 2012* was exhibited, with an affordable housing contribution of 10% of gross floor area required.

On 7 December 2022 the Agenda was made public prior to the 12 December 2022 Council Meeting. An affordable housing contribution requirement of 10% of total residential GFA was one of the proposed changes for Council consideration at that meeting.

In the Council report, it was stated:

"There are planning proposals (mainly in Chatswood CBD) that have been progressed in tandem or ahead of this comprehensive LEP review. If they have been lodged before

the end of the exhibition period with a 4% agreed rate, it is proposed that rate remains as is."

While a greater affordable housing provision may be encouraged, it is fair and reasonable to consider the proposed provision of a 4% affordable housing contribution in the assessment of this specific Planning Proposal.

4.6 Additional information required

The following additional information to be provided to Council prior to the Planning Proposal being forwarded to Department of Planning for a Gateway Determination:

- A Planning Report and Traffic Impact Assessment Report confirming, as relevant, that:
 - All car parking related to the Chatswood Bowling Club, currently located on 655A Pacific Highway, is located on the Planning Proposal site.
 - All car parking is to be in accordance with Willoughby Development Control Plan.
 - Access and egress is provided for croquet premises allocated car parking on the Chatswood Bowling Club site (being the subject of existing rights of way) via Hammond Lane.
- An updated Traffic Impact Assessment Report providing analysis of traffic impacts in Gordon Avenue, Orchard Road and Albert Avenue, having regard to recently approved Planning Proposals responding to the Chatswood CBD Planning and Urban Design Strategy 2036.
- Amended/additional plans showing:
 - All proposed setbacks, at ground and tower levels, clearly dimensioned.
 - All car spaces allocated to the Chatswood Bowling Club clearly identified on-site at ground and basement level.
 - Basement design to reflect reduced car parking provision in accordance with Willoughby Development Control Plan. Deep soil planting areas to be maximised, with appropriate landscaping.
 - Two east / west pedestrian through site links, as well as the north / south link, consistent with the site specific draft development control plan.
- Preliminary flood analysis responding to the overland flow issues identified by Council's engineers in the Detailed Assessment.
- Detailed shadow diagrams at a readable scale for each hour between 9am and 3pm based on 21 June mid-winter, with each hour showing street names, the individual properties impacted (including addresses), analysis, patterns and conclusions. In addition, clear distinction is to be made between existing shadows and additional shadows from the proposed development.

4.7 Advice from the Willoughby Local Planning Panel

The Willoughby Local Planning Panel has provided advice on this matter dated 14 November 2023 (Refer to **Attachment 8**). The issues considered included:

- Compliance with the strategic framework,
- Ground level public domain embellishment,
- Connection to a wider pedestrian and cycle network,
- Relationship of site with the Chatswood Bowling Club,
- Adequacy of the percentage of affordable housing to be provided,
- Precinct Plan and wider transport issues,
- Approach to vehicle access and egress,
- Traffic capacity of Gordon Avenue,
- Site access from the south, and
- Car parking and traffic generation.

The Panel *"advises it is satisfied that the planning proposal is worthy of being forwarded to the DP&E for a Gateway consideration having demonstrated strategic and site specific merit. The Panel notes that the plans and documentation provided have been superseded and are to include amendments to reflect recent changes to the Council planning controls. The Panel advises the Council that it supports forwarding the planning proposal to the DP&E for a Gateway consideration as set out in the Officer's report for the following reasons:*

- a) The proposal is to be consistent with Council's CBD strategy public domain vision with regard to through site links and open space embellishment.*
- b) The design of the podiums should be in accordance with the podium heights in the site specific development control plan, and involve stepping and articulation to address amenity considerations for through site links and open space and achieve design excellence.*
- c) The non-residential areas adjoining through site links and open space areas are to be designed to create visual interest, amenity and pedestrian activity*
- d) The design of the towers should consider location (with particular regard to key public spaces), articulation, potential shadow and achieve design excellence.*
- e) All parking related to the development and the Chatswood Bowling Club to be located on-site.*
- f) Vehicle access and egress involving the site is to be consistent with the Precinct Plan developed by Council in consultation with Transport for NSW. In this regard the existing Pacific Highway egress point on 655A Pacific Highway is not to be utilised by the subject site, is to be consistent with the Precinct Plan and therefore utilised solely by properties to the north via a right of way.*
- g) The physical blocking of the internal vehicle access from Hammond Lane through to the Pacific Highway for 641-655A Pacific Highway is to involve measures that continue to invite pedestrian access to publicly accessible through site links and open space (cul-de-sac or similar and not barriers or gates)."*

4.8 Voluntary Planning Agreement (VPA)

In line with Council's *Planning Agreement Policy* (Policy) and its *Procedures Manual* (Procedures Manual), an agreement for the Planning Proposal to make a contribution towards the provision of increased community infrastructure in response to the additional growth in this area is sought.

4.9 Acceptance of monetary contribution offer

A monetary contribution of \$17,136,000 considered to be of public benefit has been put forward by the proponent as part of the draft VPA. This contribution is to be paid in four instalments at different stages of the development

The contribution is calculated based on the Community Infrastructure Contribution (CIC) rate of \$765 per additional m² of residential floor area. This is a transitional rate which Council allowed for VPAs that were already being negotiated before Council's Policy and Procedures Manual was adopted.

On 28 March 2022, Council resolved to adopt the final Policy and Procedures Manual and agreed to endorse the higher rate of \$900 per additional m² of residential floor area above existing LEP controls, to be applied to any VPA associated with a Planning Proposal lodged after the adoption of the Policy.

The related Planning Proposal was lodged on 7 April 2022, but substantial negotiations had already commenced at a pre-lodgement meeting that occurred in February 2022 (before the Policy's adoption date). The former rate of \$765 per m² was therefore applied in this instance.

The monetary contribution will be applied towards aspects of community infrastructure works listed under the Community Infrastructure Contribution (CIC) works schedule of the adopted Policy and Procedures Manual, providing valuable public benefits to the Chatswood CBD community.

4.10 Acceptance of additional material public benefit offer

In addition to the monetary contribution offer, the developer has offered a public access easement and an egress easement to be registered on land title. These easements, respectively, are for the proposed pedestrian north-south through-site link across the site and the proposed egress along the northern boundary.

Council does not intend to acquire these parts of the land. As such, registration on land title of the Public Access easement and Egress easement (ie. both being right of passage ways) for public use is considered appropriate. The public access through-site link will predominately be used by pedestrians and for passive recreation purposes. And the egress passage way exiting to Pacific Hwy will be used as vehicular access by users from the neighbouring properties to the north.

4.11 Voluntary Planning Agreement as drafted

The terms within the draft VPA (see **Attachment 9**) for collecting the monetary contribution from the developer and for securing the public access and egress easements for the development at the subject site have been reviewed by Council's solicitors, Lindsay Taylor Lawyers.

The legal advice sought from Lindsay Taylor Lawyers helped to refine the terms and content of the VPA. Council's solicitors took into consideration relevant legislation including the *Environmental Planning and Assessment Act 1979, Regulation 2021* and the *Planning Agreement Practice Note – February 2021*. On the basis of the solicitors' advice, refinements were made to the draft VPA to ensure Council's best interests are served, negotiation rights are safeguarded, exposure to risk is minimised and the payment of the contribution is supported by appropriate security.

5. CONCLUSION

It is recommended that Council forward the Planning Proposal for a mixed use development at 641-653 and 655A Pacific Highway Chatswood, in the Chatswood CBD, to the Department of Planning and Environment, seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

It is further recommended Council advise the Department of Planning and Environment that Council's Head of Planning be nominated as delegate to process and finalise the Planning Proposal. It should be noted that following exhibition and subsequent assessment, further amendments may be required.

The draft Voluntary Planning Agreement outlining the terms for securing the contribution offered have been carefully reviewed by Council's solicitors and is recommended for endorsement for exhibition following Gateway Determination if granted.

The contribution offered under the Voluntary Planning Agreement aligns with the Community Infrastructure Contribution scheme and the *Planning Agreement Policy* and its *Procedures Manual*, which will provide valuable public benefits to the Chatswood community and is considered to be in the best interests of Council.

It is also recommended that the Council prepared site specific and Precinct Development Control Plans proceed to exhibition.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	<p>3.5 – Maintain quality of life by balancing population growth with the provision of assets and services</p> <p>5.1 – Be honest, transparent and accountable in all that we do</p> <p>5.3 – Balance the creation of new public assets with the upgrade of existing public assets</p>
Business Plan Objectives, Outcomes / Services	<p>To ensure this Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> to accommodate future growth needs.</p> <p>To keep Councillors and the community informed ensuring transparency and confidence in the organisation.</p> <p>The monetary contributions received from the Planning Agreement will support Council's delivery of the capital works program, which will facilitate and enhance social outcomes for current and future residents within the Chatswood area of the LGA.</p>
Policy	<p>This Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i>, endorsed by Council on 26 June 2017. The amendment in the Planning Proposal will lead to amendments to <i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby Development Control Plan</i>.</p> <p>The VPA ensures appropriate contributions are obtained from the Planning Proposal towards agreed items of public benefit and aligns with Council's <i>Planning Agreement Policy & Procedures Manual</i> which was adopted on 28 March 2022.</p>
Consultation	<p>Prior to endorsement by Council, the draft <i>Chatswood CBD Planning and Urban Design Strategy</i> was publicly exhibited between 4 February and 27 March 2017.</p> <p>This Planning Proposal would also be publicly exhibited following Gateway Determination.</p> <p>The draft VPA is required to be placed on public exhibition for a period of 28 days in accordance with Section 7.5 of the <i>Environmental Planning and Assessment Act 1979</i> and Clause 204 of the <i>Environmental Planning and Assessment Regulation 2021</i>. Comments received will inform the finalisation of the VPA.</p>
Resource	<p>No additional operating resources used to prepare this report beyond budget.</p> <p>As conditioned in the terms of the draft VPA, the Developer will bear all reasonable costs of and incidentals for preparing, negotiating, executing, stamping and registering the subject Planning Agreement, and any charge, caveats or other documents related to the subject VPA.</p>

Risk	<p>Risk of not achieving the endorsed <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> objectives and accommodating future growth requirements.</p> <p>The draft VPA has been prepared to ensure that it supports Council's mechanism for funding local infrastructure and is in accordance with all legislative requirements.</p>
Legal	<p>The Planning Proposal should be consistent with the endorsed <i>Chatswood CBD Planning and Urban Design Strategy 2036</i>.</p> <p>Amendments are proposed to the <i>Willoughby Local Environmental Plan 2012</i>, which would provide the basis for future development application assessment.</p> <p>In addition, <i>Development Control Plan</i> provisions are proposed to further guide future development application assessment.</p> <p>The draft VPA has been reviewed by lawyers acting for Council to ensure alignment with relevant legislation and regulations.</p>
Legislation	<p>Under <i>Environmental Planning and Assessment Act 1979</i> provisions.</p> <p>The draft Planning Agreement has been prepared in accordance with Subdivision 2 of the <i>Environmental Planning and Assessment Act 1979</i> and Part 9, Division 1 of the <i>Environmental Planning and Assessment Regulation 2021</i> ensuring that all requirements under the Act and Regulations are met.</p>
Budget/Financial	<p>Collecting developer contributions under a Planning Agreement is one of the funding mechanisms to assist with the provision of local infrastructure within the LGA. Contributions will be applied towards the different aspects of community infrastructure works that will provide valuable public benefits to the Chatswood community.</p>