



PLANNING AND INFRASTRUCTURE
Planning Unit

4 August 2023

Parade Consulting PTY Limited
PO Box 239
Potts Point NSW 2000
Att: Matt Hurst

Dear Matt,

**RE: Planning Proposal 2023/002 (Portal reference: PP2022-4316)
3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood**

I am writing to you regarding the Planning Proposal 2023/002 (Portal reference: PP2022-4316) for 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood, and your email to Council dated 26 July 2023.

Council wrote to you on 9 March 2023 identifying a fundamental issue with the Planning Proposal as submitted, being a proposed affordable housing provision of 4% of the residential gross floor area instead of 10%.

Since this letter to you, Council has been receiving and replying to a number of letters from Hones Lawyers, acting on behalf of 3 McIntosh Pty Limited (representing H, J and R Vakili), on the issue of affordable housing as follows:

- Hones Lawyers letters dated 20 March, 20 April, 7 June.
- Council letters in reply dated 3 April, 6 May, 21 June.

In addition a letter regarding the affordable housing issue was received by the Mayor from H, J and R Vakili on 27 March 2023. A response on behalf of the Mayor was issued by letter dated 3 April 2023.

In summary regarding the above:

- Council has been in communication with three parties regarding this Planning Proposal to date and it has been reasonably assumed that all correspondence has been available to all parties.
- There has been regular communication in regards the fundamental issue of affordable housing.

Willoughby City Council

Council officers had anticipated that the affordable housing issue would be satisfactorily resolved prior to any discussion of other issues, however this has unfortunately not been the case to date. As stated in the Council letter dated 21 June 2023 to the Hones Lawyers dated 7 June 2023:

"Council continues to reaffirm the importance of affordable housing and the relevance of 10% affordable housing provision with regards to Planning Proposal 2023/002.

As previously indicated, Council staff will proceed to conclude the assessment and report the Planning Proposal to a Council Meeting for a decision. The proponent will be advised of the meeting date when it has been identified."

It is noted that Council has not received any further correspondence in regards this Planning Proposal from you, Hones lawyers or H, J and R Vakili since the Hones Lawyers letter of 7 June 2023 prior to your email of 26 July 2023.

In your email dated 26 July 2023, you state:

"Please advise accordingly if our planning proposal is currently adequate and sufficient to proceed with regards to any and all detail (other than the affordable housing discrepancy)"

In response, and excluding the fundamental affordable housing issue as requested, please note the following issues with this Planning Proposal and the accompanying documentation including the concept plans:

- All 1:1 non-residential floor space is to be located at ground level or above.
- Tower setbacks to all boundaries, including 38 Anderson Street, are to be in accordance with the Willoughby Development Control Plan (previously the *Chatswood CBD Planning and Urban Design Strategy 2036*). Based on the concept plans showing a 1.5m tower setback for Tower 2 (the western tower) to the boundary with 38 Anderson Street, the maximum height of Tower 2 should be 30m.
- All loading and unloading is to be located within basement levels, with non-residential floor space to be maximised at ground level.
- The inclusion of 38 Anderson Street is strongly encouraged as part of an amalgamated site with 3 McIntosh Street, 2 Day Street and 40 and 42 Anderson Street, in order to achieve a comprehensive approach to planning for this block (up to the 1 Day Street boundary), and to remove complications such as irregular shaped boundaries with neighbouring properties.
- Relevant documentation is to be updated to address the above issues, WLEP 2012 (Amendment 34, dated 30 June 2023) and WDCP and the revised car parking rates (as updated 31 July 2023).

To be clear and to assist you going forwards, there is a risk involved in updating the Planning Proposal to address the issues above while not satisfactorily addressing the fundamental issue of affordable housing.

Willoughby City Council

You are encouraged to satisfactorily address the fundamental issue as a priority, as already outlined in correspondence, as well as addressing the other issues identified in this letter.

Council will continue to progress this matter to a Council Meeting at a date yet to be determined. You will be advised when a date is confirmed.

Should you have any question in regards this letter please contact Craig O'Brien on 9777 7647.

Yours sincerely,



**Norma Shankie-Williams
STRATEGIC PLANNING TEAM LEADER**

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