



PLANNING AND INFRASTRUCTURE
Planning Unit

3 April 2023

Hassan, Jilla and Reza Vakili
7 The Bastian
Castlecrag NSW 2068

Dear Mr H and R Vakili and Mrs J Vakili

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

I am writing regarding the Planning Proposal 2023/002 (Portal reference: PP2022-4316) for 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood.

I understand you wrote to the Mayor on this issue, and she has asked me to reply on her behalf.

Council has also received a letter from Hones Lawyers, who are acting on your behalf, and a reply was sent today.

Rather than repeat the response, I attach it for your information. I look forward to discussing the next stages with you once you have considered the options.

Should you have any further questions please contact Norma Shankie-Williams, Team Leader Strategic Planning, on (02) 9777 7671.

Yours sincerely,

Chris Binns
Acting Planning and Infrastructure Director



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Planning Unit

3 April 2023

Hones Lawyers Pty Ltd
PO Box 1989
North Sydney NSW 2059
Att: Jason Hones

Dear Mr Hones

**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 in response to your letter dated 20 March 2023.

We note and acknowledge the work carried out by your client to date. The preparation of Planning Proposals (PPs) take time and during that process certain benchmarks change. In this case it has been the parallel processing of our comprehensive Local Environmental Plan (LEP) which was exhibited from 5 March until 7 June 2022.

All property owners were notified of the exhibition of the draft LEP and Council carried out an extensive process to promote the exhibition. Any ownership of land involving your client by March 2022 would have resulted in the receipt of a letter from Council as we consulted with every ratepayer. The exhibition material clearly stated the affordable housing rate was being increased to 10% in the Chatswood CBD.

The Pre-Planning Proposal Meeting Notes of August 2022 were provided in good faith and are only relevant at the date they are issued. Such notes do not establish ongoing controls.

A position was established in November 2022 that any Planning Proposal lodged after the 5 March and 7 June 2022 exhibition with an affordable housing component of less than 10% is unlikely to be supported as after this exhibition Council's position would be well known. The point is made that Council needs to provide a cut-off point from 4% to 10% affordable housing provision at some stage in the process of progressing the comprehensive LEP.

In the Council report of 12 December 2022 on the comprehensive LEP, it was stated:

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31 Victor Street
Chatswood NSW 2067

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Willoughby City Council

"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".

The applicant did not submit their PP on the NSW Planning Portal until 20 December 2022, with the fee being received on 20 January and receipted on 23 January 2023.

Should your client not proceed with the PP, they will still benefit from a significant uplift in planning controls which are being processed in the comprehensive LEP. Council received expert advice on feasibility testing of the new affordable housing rate. It concluded that the requirement to provide 10% affordable housing is feasible for Chatswood given the uplift. In fact, other areas of the LGA will also incur a 10% affordable housing contribution rate such as Northbridge and North Willoughby. These areas did not result in the significant uplift in planning controls as Chatswood.

Moving forward, I see three possibilities:

1. The applicant withdraws the Planning Proposal, and receives a full refund. Council's comprehensive LEP will provide new planning controls and significant uplift for the site once gazetted. If this is done by 17 April 2023, a full refund may be provided. After 17 April 2023, Council assessment charges will be applicable to any refund.
2. The applicant revises the Planning Proposal to include 10% affordable housing. This is not encouraged, as it would deliver exactly the same controls as proposed in Council's comprehensive LEP which is expected to be made in June 2023. Given the impending gazettal of the comprehensive LEP, I see no reason to progress a separate Planning Proposal.
3. Council assesses the current Planning Proposal and reports it to the Willoughby Local Planning Panel for advice and an Ordinary Council meeting for a decision. This is unlikely to be supported given the Council's position on the affordable housing provision outlined above.

We are encouraged that your client embraces the need to provide affordable housing. We hope that we can work with your client to provide a resultant development which not only provides a benefit for the developer but also contributes such an important housing benefit for the Willoughby community.

I look forward to your response. Should you have any question in regards this letter please contact Norma Shankie-Williams, Team Leader Strategic Planning, on (02) 9777 7671.

Yours sincerely,



Mitchell Noble
Head of Planning

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