

22 April 2024

Derryn John, Manager, North District  
Planning Land Use Strategy and Housing  
Department of Planning Housing and Infrastructure  
4 Parramatta Square, 12 Darcy Street  
Parramatta NSW 2150

**Re: Request for a rezoning review – RR-2023-32  
2 Day Street, 3 McIntosh Street and 40-42 Anderson Street, Chatswood**

Dear Mr John

I am writing in response to your letter to Council dated 4 April 2024 regarding the request for a rezoning review (RR-2023-32) involving 2 Day Street, 3 McIntosh Street and 40-42 Anderson Street, Chatswood.

Council considered Planning Proposal PP-2023-2 (Council reference) and PP-2022-4316 (NSW Planning Portal reference) at the Council Meeting dated 27 November 2023, where it was resolved:

***“That Council:***

- 1. Does not 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, as the Planning Proposal:***
  - (a) Is inconsistent with Willoughby Local Environmental Plan 2012 as it does not meet the 10% affordable housing provision requirements of the plan.***
  - (b) Is inconsistent with the strategic objectives of the Greater Sydney Region Plan and the North District Plan and the relevant directions of Willoughby Council’s Local Strategic Planning Statement, which encourages the provision of affordable housing.***
  - (c) Is inconsistent with the Chatswood CBD Planning and Urban Design Strategy 2036, as expressed in Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan, by seeking the maximum floor space and height and at the same time a reduced affordable housing rate of 4%.***
  - (d) Does not provide updated supporting documentation satisfactorily addressing Willoughby Local Environmental Plan 2012 (Amendment 34) and Willoughby Development Control Plan (as updated).***
- 2. Notify the proponent of Council’s decision.”***

## Willoughby City Council

The reasons why Council did not progress the Planning Proposal are outlined in the Council resolution, report and attachments provided. These documents, as well as the contents of this letter, represent the Willoughby Council submission regarding this rezoning review. In summary the following should be noted:

- The fundamental issue with Planning Proposal 2023/2, as considered by Council, is the variation sought from 10% affordable housing as required in *Willoughby Local Environmental Plan 2012* (WLEP 2012) to 4%. The Planning Proposal accepted the uplift provided in WLEP 2012 Amendment 34 with regard to height (90m) and floorspace (6:1), and sought to vary the expected affordable housing controls by reducing the contribution rate by 6%. Affordable housing provision lower than 10% was not supported by Council based on the WLEP 2012 affordable housing requirements and the applicable strategic planning documents which emphasize the importance of, and need for, affordable housing in the City of Willoughby.
- The Planning Proposal considered by Council involved:
  - 3 McIntosh Street, being SP 2650.  
Owner: Owners Corp Strata Plan 2650.
  - 2 Day Street, being SP 76364.  
Owner: Owners Corp Strata Plan 76364.
  - 40 Anderson Street, being SP 19181.  
Owner: Owners Corp Strata Plan 19181.
  - 42 Anderson Street, Lot 1 DP 1604.  
Owner: Owners Corp Strata Plan 1604.
- The *Chatswood CBD Planning and Urban Design Strategy 2036* expected affordable housing to be provided with the significant uplift proposed. This has been incorporated into the assessment process for planning proposals in the Chatswood CBD.
- 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 a proposed affordable housing contribution rate of 10% of residential gross floor area. All owners were sent a letter informing them of the exhibition period.
- With regard to planning proposals in the Chatswood CBD, the affordable housing rate was applied at 4% up to the abovementioned exhibition end date (7 June 2022).
- On 12 December 2022, the Council initiated Planning Proposal 2021/2 was reported to a Council Meeting, supported for finalisation and to be forwarded to DPE (now DPHI) to be made (which happened on 30 June 2023). The affordable housing provision of 10% of total residential GFA was supported.
- On 20 December 2022, the subject Planning Proposal, with a 4% affordable housing contribution rate, was lodged on NSW Planning Portal.

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- On 20 January 2023, the subject Planning Proposal fee was paid to Council, resulting in it being identified as Planning Proposal 2023/2, and Council assessment commenced.
- The subject Planning Proposal was assessed and a subsequent Council resolution made (provided above) based on information submitted prior to the 27 November 2023 Council Meeting.

In regards to your question, the documentation submitted by Mecone refers to 38 Anderson Street being part of this rezoning review (refer to report from Mecone date 19 February 2024 titled 'Request for Rezoning Review – 38-42 Anderson Street, 3 Mcintosh Street and 2 Day Street, Chatswood.' This site was not part of PP-2023-2 (Council reference) and PP-2022-4316 (NSW Planning Portal reference), and the supporting documentation, assessed and considered at the Council Meeting 27 November 2023. Therefore the proposal submitted for a rezoning review is not the same proposal originally submitted, amended, assessed and considered by Council.

If you have any questions in relation to this letter, please contact Craig O'Brien on 9777 7647.

Yours Sincerely



Caitlin McNally  
ACTING HEAD OF PLANNING