



# **BUSINESS PAPER**

## **GENERAL MEETING**

**Wednesday 13 July 2022  
at 6:30PM**



---

## TABLE OF CONTENTS

### AGENDA AND SUMMARY OF RECOMMENDATIONS

### RESCISSION MOTIONS

### MAYORAL MINUTES

### ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

### GENERAL BUSINESS

#### Office of the General Manager

Item 1	GM24/22 Car Parking Management - Brooklyn .....	1
--------	---	---

#### Corporate Support Division

Item 2	CS45/22 Adoption of Council's 2022/23 - 2031/32 Long Term Financial Plan .....	10
Item 3	CS49/22 Investments and Borrowings for 2021/2022 - Status for the Period Ending 31 May 2022.....	15

#### Community and Environment Division

Item 4	CE11/22 Draft Disability Inclusion Action Plan .....	18
--------	--	----

#### Planning and Compliance Division

Item 5	PC11/22 Exhibition of State Government Employment Zone Reform .....	22
Item 6	PC13/22 Planning Proposal - 679 - 685 Old Northern Road, Dural.....	30
Item 7	PC14/22 Planning Proposal - 7 City View Road, Pennant Hills .....	57
Item 8	PC15/22 Hornsby Town Centre Masterplan.....	77
Item 9	PC16/22 Sydney North Planning Panel and Hornsby Local Planning Panel - Local and Community Panel Members.....	85
Item 10	PC17/22 Planning Proposal - High Street and Ashley Street, Hornsby .....	90

#### Infrastructure and Major Projects Division

Item 11	IM5/22 Approval to attend International Conference for Lesley Tipping .....	106
---------	---	-----

### PUBLIC FORUM – NON AGENDA ITEMS

### QUESTIONS WITH NOTICE

### MAYOR'S NOTES

Item 12	MN6/22 Mayor's Notes 01 June 2022 to 30 June 2022 .....	109
---------	---	-----

### NOTICES OF MOTION

---

Item 13 NOM2/22 Johnston Road, Galston - Re-Purpose of Council Depot and Adjacent Site.....	110
--	-----

**SUPPLEMENTARY AGENDA**

**MATTERS OF URGENCY**

## 7 PLANNING PROPOSAL - 7 CITY VIEW ROAD, PENNANT HILLS

### EXECUTIVE SUMMARY

- An owner-initiated Planning Proposal has been received for property No. 7 City View Road, Pennant Hills. The proposal seeks to amend the *Hornsby Local Environmental Plan (HLEP) 2013* to permit a residential flat building and/or seniors housing mixed use development as an additional permitted use and increase the floor space ratio (FSR) on the site from 1.5 to 2.7:1.
- The Planning Proposal is attached. Additional supporting documents, including concept plan, ecological, social, traffic, heritage and architectural reports are available on Council's website.
- A Letter of Offer to enter a Voluntary Planning Agreement has been submitted, with community benefits including open and community space, affordable housing and traffic works. The offer has not been formally considered and would be subject to negotiations.
- In accordance with Council practice, the Planning Proposal was placed on preliminary (non-statutory) exhibition from 14 April 2022 to 4 May 2020. During this period 11 submissions were received, generally raising concerns with traffic, access and character. Concerns raised related to traffic and access may be addressed post-Gateway determination.
- It is recommended that the Planning Proposal be progressed for Gateway determination, subject to inclusion of a local provision instead of the additional permitted land use and increased FSR requested by the proponent. This would achieve the outcomes described in the Planning Proposal and is consistent with Council's approach to planning controls in centres to encourage mixed use developments where employment floorspace is retained.

### RECOMMENDATION

#### THAT:

1. Council support progression of the Planning Proposal for No. 7 City View Road, Pennant Hills attached to Director's Report PC14/22 to the Department of Planning and Environment for a Gateway determination with an addendum requiring the following amendments:
  - 1.1. Remove proposed amendments to the HLEP 2013 regarding additional permitted uses and FSR increase.
  - 1.2. Propose an amendment to the HLEP 2013 for a local provision to permit residential flat buildings, seniors housing and an increased FSR, where the development would result in the provision of a minimum 0.5:1 floor space ratio for commercial uses.
2. Subject to Gateway Determination being received, a further report be prepared for Council's consideration presenting a draft Voluntary Planning Agreement and draft Development Control Plan amendments for exhibition concurrently with the Planning Proposal.

## PURPOSE

The purpose of this report is to present an owner-initiated Planning Proposal (attached) for No. 7 City View Road, Pennant Hills to determine whether the proposal should be supported for progression to the Department of Planning and Environment for a Gateway determination.

## BACKGROUND

Council has received a planning proposal request for land at No. 7 City View Road, Pennant Hills (the site). The Planning Proposal seeks the following amendments to *Hornsby Local Environmental Plan 2013* (HLEP):

- Amend Schedule 1 of the *HLEP* to permit a residential flat building and seniors housing, where part of a mixed use development, as an additional permitted use on the site.
- Increase the permissible FSR on the site from 1.5:1 to 2.7:1.

The Planning Proposal has been the subject of informal discussions and pre-lodgement meetings over the past four years. Advice to the proponent has been consistent across all meetings, including that the following matters would need to be addressed in any planning proposal:

- Consistency with State Planning Framework (Region Plan and North District Plan).
- Consistency with Employment Lands Study.
- Relationship of site to remainder of City View precinct.
- Analysis of traffic, parking, urban design and environmental impacts.
- Public benefit of the proposed changes to planning controls.

The Planning Proposal was lodged on 4 April 2022, with a presentation provided to Councillors at an informal workshop on 6 April 2022. At the workshop, the proponent identified that the Planning Proposal was required to facilitate redevelopment of the site for the following reasons:

- The current office premises have been vacant for an extended period, signalling a need to redevelop for alternate uses.
- Residential land uses are permissible on the site, but not achievable under the 'shop top housing' land use due to the sloping nature of the land.
- There is a potential disconnect between the current permissible height of approximately seven storeys and the current floor space ratio (FSR) controls (i.e. height cannot be achieved within the current FSR).

## DISCUSSION

This report considers the merit of the Planning Proposal in relation to State and local planning policies and the potential impacts of the proposal. Preliminary consultation outcomes are also summarised.

### 1. The Site

The site is identified as Lot 3 DP 732565, No. 7 City View Road, Pennant Hills. The site is located on the eastern side of City View Road at the northern end of Wongala Crescent, to the east of the intersection of City View Road and Boundary Road. It is approximately 50 metres south of the intersection of Pennant Hills Road and City View Road and approximately 400 metres southwest of Pennant Hills station.

The site is an irregular-shaped allotment with an area of approximately 6,500 sqm with a frontage of approximately 60 metres to City View Road and 125 metres to Boundary Road. The site experiences a substantial fall from City View Road to the southern boundary where it borders the alignment of the North Shore railway line. The fall is 20% (or 1:5 grade), falling approximately 26 metres over 130 metres.

The site is currently occupied by a vacant office building that ranges between three and five stories. The site area of the office building (i.e. building footprint) is approximately 2,600 sqm. The gross floor area of the office building is approximately 7,300 sqm. The remainder of the site contains vegetation along its north-western, south-western and south-eastern boundaries, including Blue Gum High Forest trees.

Pedestrians and vehicular access is via City View Road at the north-eastern boundary of the site. Vehicle access is via a driveway which is shared with the neighbouring office and residential buildings at No. 423 Pennant Hills Road.

The proponent has advised that the boundary along the North Shore railway line is affected by a 20 metre sewer easement.

Adjoining land uses include two office buildings and a residential flat building to the northeast, serviced apartments to the northwest, dwelling houses to the south west and the north shore railway line to the south east.

## 2. The Planning Proposal

The Planning Proposal seeks to amend the HLEP by:

- Amending Schedule 1 of the *HLEP 2013* to permit the residential flat building and seniors housing, where part of a mixed use development, as an additional permitted use on the site.
- Increase the permissible FSR from 1.5:1 to 2.7:1.

The existing height limit of 23.5m (approximately seven stories) is not proposed to change.

The concept plans submitted with the application include a seven-storey mixed use development comprising the following land uses:

- Residential: 9,700 sqm (77 units).
- Seniors: 3,400 sqm (28 units).
- Commercial: 3,448 sqm (mixed retail and office).
- Community: 571 sqm.

A 700 sqm public 'pocket park' and associated pedestrian access are shown on the north-western portion of the site. The current vehicle and pedestrian access from City View Road would be maintained, with service vehicle access into the site from Boundary Road.

The proposal includes a draft site-specific development control plan (draft DCP). The draft DCP seeks to translate elements of the concept proposal to design controls. The draft DCP considers themes such as design, access, parking and sustainability. This report considers elements of the draft DCP as they relate to impacts associated with the concept design. The draft DCP has not been considered in detail as fundamental elements of the Planning Proposal may change through the assessment process. The contents, language and controls associated with a site-specific DCP would be considered in the future should the Planning Proposal receive a Gateway determination.

A letter of offer to enter a voluntary planning agreement (VPA Offer Letter) has been submitted with the Planning Proposal. Since lodgement, Council requested clarification regarding the affordable housing component of the VPA Offer Letter. Clarification was received on 9 May 2022, confirming the following items of public benefit:

- Affordable housing (approx. five per cent of future residential accommodation).
- Pocket park (700 sqm).
- Communal space (500 sqm).
- Civic amenity improvements such as acoustic walls and nearby pedestrian amenity improvements.

Certain aspects of the VPA Offer Letter are discussed in this report based on initial review. The terms and contents of a VPA would be negotiated following a Council resolution regarding the Planning Proposal. Subject to Gateway Determination being received, a report would be prepared for Council's consideration presenting a draft Voluntary Planning Agreement exhibition concurrently with the Planning Proposal.

Supporting documentation and technical studies submitted in support of the proposal (and available to view on Council's website) include:

- Arboriculture Impact Assessment (Travers Bushfire and Ecology).
- Architectural Statement and Plans (Fender Katsilidis).
- Biodiversity Assessment Report (Travers Bushfire and Ecology).
- Community Engagement Report (Elton Consulting/WSP).
- Draft Site Specific DCP (GYDE Consulting).
- Economic Assessment (HillPDA Consulting).
- Heritage Impact Statement (City Plan Heritage).
- Landscape Concept (Arcadia).
- Pre-DA Report for ESD Services (EMF Griffiths).
- Proposed LEP Maps (Hatch Roberts Day).
- Services Infrastructure Report (Northrop).
- Social Infrastructure Report (Elton Consulting / WSP).
- Traffic and Transport Impact Assessment (Stantec).
- Urban Design Report (Hatch Roberts Day).
- Voluntary Planning Agreement Offer (EG/Mills Oakley).
- The Planning Proposal is attached to this report and the above listed documents can be viewed at <https://www.hornsby.nsw.gov.au/property/build/policies/planning-proposals/planning-proposal-for-7-city-view-road,-pennant-hills>.

### **3. Strategic and Statutory Context**

Relevant policies and legislation are discussed below.

### **Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan**

*A Metropolis of Three Cities – the Greater Sydney Region Plan* (Regional Plan) has been prepared by the NSW State Government to guide land use planning decisions for the next 40 years (to 2056). The North District Plan is a guide for implementing the Regional Plan at a District level and is a bridge between regional and local planning.

The plans set strategies and actions for accommodating Sydney's future population growth and identifies key targets such as dwelling numbers, infrastructure planning, liability, sustainability and productivity.

Importantly, housing should not compromise a centre's primary role to provide goods and services and potential employment functions over time.

The District Plan also identifies the potential for urban renewal opportunities across the North District that could allow for the alignment of growth and infrastructure investment. One such opportunity would be leveraging the investment in NorthConnex on Pennant Hills Road. Corridor investigations can provide for a longer-term strategic context while other planned precincts within the corridor are investigated and planned.

Under *Planning Priority N6: Creating and renewing great places and local centres, and respecting the District's heritage*, there are two actions that Council is required to consider in land use planning relevant to the proposal:

- Action 19. *Using place-based and collaborative approach through planning, design, development and management, deliver great places by:*
  - a) *Prioritising a people-friendly public realm and open spaces as a central organising design principle.*
  - b) *Recognising and balancing the dual function of streets as places for people and movement.*
  - c) *Providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centre.*
  - d) *Integrating social infrastructure to support social connections and provide a community hub.*
  - e) *Recognising and celebrating the character of a place and its people.*
- Action 22. *Use place-based planning to support the role of centres as a focus for connected neighbourhoods.*

The site is located within 400m of Pennant Hills Station. The North District Plan identifies Pennant Hills as a local centre with bus and rail networks linking to strategic centres. Local centres are highlighted by the North District Plan as a focal point of neighbourhoods, providing essential access to day-to-day goods and services and are an important part of a 30-minute-city. Local government is encouraged to consider local conditions through place-based planning that provides for centres around transport interchanges to grow and evolve. Local centres are also noted to have an important role in providing a range of local jobs and services.

### **Section 9.1 Local Planning Directions**



Section 9.1 of the *EP&A Act* allows the Minister for Planning (the Minister) to provide direction to Council concerning the preparation of draft local environmental plans. The directions considered for the Planning Proposal commenced on 1 March 2022.

The Planning Proposal has been considered against the following directions relevant to the proposal:

*Direction 1.1 – Implementation of Regional Plans*

The objective of the direction is to give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans (e.g. the Greater Sydney Region Plan). The direction requires a planning proposal to be consistent with a Regional Plan released by the Minister for Planning.

The Planning Proposal would result in increased residential density in proximity to the Pennant Hills Local Centre, allowing for efficient access to infrastructure and services in a pedestrian catchment. Public transport infrastructure at Pennant Hills allows for easy access to major employment hubs at Hornsby, Epping, and Macquarie Park, potentially enforcing the employment role of the strategic centres. It may also promote urban renewal along Pennant Hills Road, leveraging the competition of NorthConnex and subsequent reduction in competing freight movements along the corridor.

The Planning Proposal document considers consistency with the relevant Planning Priorities of the North District Plan. On balance, the Planning Proposal is shown to be consistent with the Planning Priorities, particularly those related to access to infrastructure and services, housing diversity and site renewal.

*Direction 1.4 - Site Specific Provisions*

The objective of the direction is to discourage unnecessarily restrictive site-specific planning controls. The direction prescribes that a planning proposal must either:

- a) *Allow that land use to be carried out in the zone the land is situated on.*
- b) *Rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in the zone.*
- c) *Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

The requested additional permitted uses (residential flat building and seniors housing) are proposed without imposing further development standards in addition to those already contained in the HLEP.

Planning proposals must not contain or refer to drawings showing details of the proposed development. The draft DCP contains multiple site specific provisions to give effect to the concept plan. The draft DCP would be considered alongside the Planning Proposal as a post Gateway determination matter. It would not be referenced directly in an amendment to the HLEP. Therefore, progression of the Planning Proposal would not limit a future development application to the concept plans. The final development may have a different design, dwelling mix, landscaping proposal or materials and finishes.

The Planning Proposal is generally consistent with the direction.

*Direction 3.2 - Heritage Conservation*

The objective of the direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The direction requires planning proposals contain provisions that facilitate the conservation of items of heritage significance to the area.

The property is not listed as a heritage item or located within a Heritage Conservation Area (HCA) listed under Schedule 5 of the *Hornsby Local Environmental Plan (HLEP) 2013*.

The property is however located within the immediate vicinity to:

- Heritage Item No. 139, Bushland.
- The Beecroft-Cheltenham Heritage Conservation Area (HCA) "C2."

A review of the proponent's technical reporting and description of proposed changes to the subject site indicates that the Planning Proposal would have no direct impact on the significant aspects of the adjacent heritage item or HCA, and that preservation of the natural vegetation and trees would be addressed and mitigated through a future development application process.

The Planning Proposal is generally consistent with the direction.

#### *Direction 5.1 - Integrating Land Use and Transport*

The objective of the direction is to ensure that urban structures, building forms, land use locations, development designs, subdivisions and street layouts achieve planning objectives regarding improving access, increasing transport choice, reducing travel demand and distance travelled and supporting public transport operation.

The objective requires planning proposals to be consistent with the aims, objectives and principles of

- Improving Transport Choice – Guidelines for planning and development (DUAP 2001).
- The Right Place for Business and Services – Planning Policy (DUAP 2001).

The Planning Proposal would increase permissible residential and/or commercial density within a walkable catchment of the Pennant Hills Town Centre. This location would encourage public and active transport alternatives to private vehicle usage and similarly encourage the development of residential and employment lands in other accessible locations.

The Planning Proposal is generally consistent with the direction.

#### *Direction 6.1 - Residential Zones*

The objectives of the direction are to encourage a variety of housing types for existing and future housing needs, make efficient use of accessible infrastructure and services and minimise the impact of residential development on the environment and resource lands.

The direction requires that planning proposals broaden the choice of the housing market, make more efficient use of infrastructure and services, reduce land consumption for housing and be of good design. Planning proposals are to be for land that is or can be adequately serviced and not reduce residential density.

The Planning Proposal would provide opportunities for a variety of housing types (residential apartments and seniors housing units) in an area within walking distance of the Pennant Hills local centre and railway station.

The concept design indicates approximately 105 units, split between apartments and independent seniors living units, with the ultimate dwelling types and mix subject to a future development application.

The Planning Proposal is generally consistent with the direction.

*Direction 7.1 - Business and Industrial Zones*

The objectives of the direction are to encourage employment growth in suitable locations and to protect employment land in business and industrial zones and support the viability of identified centres.

Planning proposals are required to retain the areas and locations of existing business and industrial zones, not reduce the potential floorspace for employment uses, and align with employment areas in accordance with employment strategies.

The B5 Business Development zone currently permits shop top housing, which must have commercial or medical facilities at ground level. Under current controls, a seven storey 'shop top housing' development would hypothetically result in approximately 1,500 sqm of employment floorspace.

The proposed additional permitted use of residential flat building and seniors living, as part of a mixed use development, has been requested so that the entire ground floor would not be required to be used for commercial or medical facilities. Instead, the commercial component would be developed over numerous levels to suit the slope of the site, with the concept design indicating approximately 3,500 sqm of commercial land use split across multiple floors mid-building.

The provision of 3,500 sqm of commercial floor space as indicated in the concept plan would be greater than that required under current controls and would be more responsive to the sloping nature of the site than shop top housing.

The Planning Proposal is generally consistent with the direction. However, a planning proposal cannot tie a future development to a concept design. The implications of this are discussed below under the heading 'Impacts of the Proposal'.

***Hornsby Local Strategic Planning Statement***

The Local Strategic Planning Statement (LSPS) sets out a 20-year vision for land use in Hornsby Shire, identifying the special character and community values that are to be preserved as well as how Council will manage growth and change.

Relevant actions in the LSPS include:

- Action PA2: Complete the Pennant Hills Town Centre Review.
- Action CA3: Commence a review of the Pennant Hills Road Corridor subsequent to the opening of NorthConnex.

The LSPS references NSW Future Transport 2056 and its identification of City shaping, City serving and Centre serving corridors. These corridors provide regional and local access for residents and businesses, supporting the efficient movement of people and goods. Pennant Hills Town Centre is identified in the context of the completion of NorthConnex, which would provide opportunities for different types of land uses and business investments. The town centre is identified as needing revitalisation and renewal, with a review of the Pennant Hills Town Centre and corridor presenting an opportunity for a place-based planning approach aimed at improving amenity within the corridor. The Planning Proposal for this site may act as a catalyst for the revitalisation of the town centre.

Although the Planning Proposal would be progressed outside of the town centre and corridor review, it would not impede the upcoming reviews. The unique nature of the City View area as a discrete precinct would not give a precedent for other rezonings along the corridor or within the town centre. There is no change requested to the underlying zone or building heights, with the proposed land uses

comparable to existing permitted land uses (e.g. residential accommodation is permitted through the shop top housing land use).

The Planning Proposal would allow for delivery of similar uses that are permitted on the site, responding to constraints associated with the slope of the site. Any future review would need to consider the mixed use nature of the site and surrounding City View Road properties, the objectives of the B5 Business Development and overall land use permissibility. These factors would not substantially change based on the Planning Proposal.

### ***Hornsby Local Housing Strategy 2020***

*The Hornsby Local Housing Strategy 2020 (LHS)* outlines Council's 20-year vision and priorities for housing in Hornsby Shire, responding to the Regional and North District plans. The LHS is consistent with the strategic priorities identified in Council's LSPS and CSP and was approved by the then Department of Planning, Industry and Environment in May 2021.

The LHS identifies potential future housing opportunities through a review of Pennant Hills Road Corridor, the Pennant Hills Town Centre and medium density housing investigations. These projects would be led by Council and identify the potential for additional housing growth in the future.

The proponent has identified that the Planning Proposal would assist meet the future housing demand gap identified by the LHS, consistent with Council's intention for master planning in the Pennant Hills Town Centre area.

The objectives of the LHS include identifying opportunities for more housing diversity, particularly for single and smaller households and the growing elderly population. These types of dwellings are preferred close to transport and services, rather than in more isolated areas. The LHS also identifies a need for more affordable housing for key workers and single-parent families. The location of additional housing density is guided by the LHS objective 'Protect sensitive areas from development, and ensure new housing does not detract or erode an area's local character.' In particular, a place-based approach to planning is encouraged, being mindful of the characteristics and streetscape design of low density neighbourhoods. Although the Planning Proposal would increase density adjacent to a low density neighbourhood, apartments are already permitted on the site via the shop top housing land use. As such, the additional density would increase the overall footprint of potential future development, rather than introduce a character-altering land use.

Overall, the Planning Proposal is consistent with the objectives of the LHS relating to encouraging housing diversity and density near areas that are accessible.

### ***Employment Lands Study***

Council's *Employment Lands Study* (ELS) provides a strategic framework to facilitate and accommodate future employment growth within Hornsby Shire in the context of the North District Plan. The ELS was endorsed by Council in May 2021.

The ELS identifies Pennant Hills as a Local Centre, focusing on the area immediately surrounding Pennant Hills Station and local shops.

The ELS recommends several strategies related to employment lands. The following are most relevant to the Planning Proposal:

- Strategy 1.2: Revitalise Pennant Hills to Thornleigh Corridor.
- Strategy 1.5: Implement minimum non-residential FSR controls.
- Strategy 2.2: Increase the utilisation capacity of Hornsby B5 Urban Service Land.

- Strategy 3.2: Protect the role and function of employment lands.

Pennant Hills Local Centre is envisioned to transition into a higher order centre to complement Hornsby Town Centre with a greater provision of business and office space. The ELS recommends retaining and intensifying the B5 Business Development as an essential urban support zone that facilitates employment uses.

Of note, the ELS recommends prohibiting shop top housing in the B5 Business Development zone. At its May 2021 meeting, Council endorsed the recommendation as part of an implementation plan to be progressed in the short term (i.e. within two years). This action has not yet been progressed, but when completed, would prohibit residential land uses on the site. Progression of the Planning Proposal would maintain residential land use permissibility on the site in the form of mixed use commercial, residential flat building or seniors housing land uses.

The City View Road precinct has a different character to other B5 Business Development zoned areas. It does not contain traditional urban services/industrial development but contains a mix of residential, commercial and accommodation land uses. On balance, allowing for residential land uses on the site as part of a mixed use development that is within the walking catchment of the Pennant Hills Local Centre would be in keeping with the existing character of the immediately surrounding area, whilst retaining a commercial component.

The concept design submitted with the Planning Proposal would result in less commercial floorspace than currently exists on the site, but more than is currently permissible under a shop top housing development. However, the land use mix described in the concept design would not be mandated under the additional permitted use described in the Planning Proposal. Therefore, there is potential for the Planning Proposal to result in an outcome that is inconsistent with the ELS. The implications of this are discussed below under the heading Impacts of the Proposal.

### ***Hornsby Local Environmental Plan 2013***

- The proposal does not request a change to the zoning of the site from B5 Business Development. The objective of the zone is:

*To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*

The zone permits a range of commercial, service, logistics and infrastructure land uses, with limited retail and residential land uses also permitted. The current residential land use permitted is shop top housing, defined as:

*Shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.*

The Planning Proposal seeks to add the site to Schedule 1 – Additional Permitted Uses to permit a residential flat building and seniors housing on the site, as part of a mixed use development.

The Planning Proposal also seeks to make the following changes to HLEP mapping:

- Amend the Additional Permitted Use map to identify the site.
- Amend the Floor Space Ratio map to increase the floor space ratio from 1.5:1 to 2.7:1.

This approach would not require a change to the current zoning of the site or the current height limit, which is 23.5m or approximately 7 storeys.

As noted above, the proposed FSR and additional permitted use amendments would not mandate a minimum quantum of employment land uses described in the concept design. The Planning Proposal may result in a development with a land use mix that is substantially different to that described in the Planning Proposal. An alternative amendment to the HLEP which introduces an additional local provision is recommended rather than the additional permitted use requested by the proponent.

### ***Hornsby Development Control Plan 2013***

The Hornsby Development Control Plan 2013 (HDCP) applies to all land within Hornsby Shire and is a comprehensive framework for the development of land. The HDCP aims to outline procedures, processes and responsibilities to ensure that development is consistent with Council's vision of maintaining an environment which is sustainable and liveable. Future development applications would be considered in the context of the provisions of the HDCP.

As part of the Planning Proposal, the proponent has prepared a draft DCP for the site as a work in progress document. The purpose of the draft DCP is to provide site specific controls for the site. The objectives and provisions generally seek to formalise the outcomes of the concept design, such as:

- Locations of active frontages.
- Minimum floor areas for office premises, community and café/retail use.
- Setbacks.
- Landscaping, including rooftop gardens.
- Open space provision.
- Vehicle access and parking provision.
- Sustainability.

The proponent has indicated that the draft DCP could be exhibited and adopted alongside the Planning Proposal, in the post-Gateway period. Should Council resolve to submit the Planning Proposal to the Department of Planning and Environment (DPE) for Gateway determination, the draft DCP would be exhibited with the Planning Proposal.

Adoption of a site specific DCP similar to that submitted by the proponent would give some additional certainty to development outcomes. However, it is important to note that DCPs do not carry the same statutory weight as LEP amendments.

## **4. Impacts of the Proposal**

The potential impacts of the Planning Proposal are discussed below, along with the supporting documentation and technical studies submitted by the proponent in support of the proposal.

### ***Delivery of employment floorspace***

The concept plans submitted with the application include a seven-storey mixed use development comprising the following land uses:

- Residential: 9,700 sqm (77 units).
- Seniors: 3,400 sqm (28 units).
- Commercial: 3,448 sqm (mixed retail and office).
- Community: 571 sqm.

The proponent has clarified that affordable housing contribution referenced in the Planning Proposal and supporting documentation would be between five and seven per cent of all dwellings. This would be part of the 77 residential and 28 seniors units (105 units total). Pending negotiation and acceptance of a planning agreement, a future development would deliver between five and seven affordable housing units. These would likely be a mix of general residential and seniors-specific units.

As shop top housing is currently a permitted land use, the site could be redeveloped principally for residential land uses with a single floor of commercial premises. Assuming a seven-story building under the current 23.5 m height control, this would result in about 1,500 sqm of commercial land uses and around 8,000 sqm of residential land uses. As such, the concept design in associated with the Planning Proposal would result in about twice as much employment generating space than the minimum hypothetical design. While this result is referenced in a draft site-specific DCP, it is not referenced in the proposed HLEP amendment. A much smaller commercial component could be permissible under the proposed HLEP amendment.

Therefore, an alternative mechanism is recommended for consideration. HLEP Part 6 Additional Local Provisions allows for more refined development outcomes than additional permitted uses. A local provision could be prepared that permitted residential flat buildings and seniors housing land uses and an increased floor space ratio, if a set proportion of the development included commercial premises. Under the proponent's concept plan, a development would deliver approximately 3,500 sqm (or 20%) as commercial premises.

An additional local provision would better achieve the benefits and outcomes described in the Planning Proposal and is consistent with Council's approach to planning controls in centres encouraging mixed use developments where they retain adequate employment floorspace. It would explicitly link the additional yield associated with the increased FSR to community benefits associated with the delivery of employment floorspace and would not require an amendment to the additional permitted use and FSR map.

### ***Traffic and Local Road Network***

The Transport Impact Assessment (TIA) provided by the proponent compares traffic impacts of the following scenarios:

- The existing built form of a 1.3:1 FSR office premises, if fully occupied.
- Hypothetical maximum of a full office premises development with an FSR of 1.5:1.
- 2.7:1 FSR mixed use concept design.

Traffic impacts are described in terms of traffic generation under these scenarios at peak periods. Modelling of the Pennant Hills Road/City View Road intersection was not undertaken.

Overall, the TIA projects that the concept design would have the following impacts on traffic in and out of the site compared to the existing built form and hypothetical maximum office premises scenarios.

Scenario	AM	PM
Existing office premises 1.3:1 FSR (fully occupied)	116 trips	88 trips
Hypothetical 1.5:1 FSR office premises (max under existing controls)	156 trips	117 trips
Concept plan 2.7:1 FSR (mixed use residential, office and community)	102 trips	80 trips

As described by the TIA, the concept plan would have a net reduction in the amount of trips generated by the site, when compared to the existing 1.3:1 FSR office building and a hypothetical office building built to the maximum permitted 1.5:1 FSR.

The reductions would largely be driven by reductions to 'In' trips during the AM peak and 'Out' trips in the PM peak. Conversely, there would be a smaller increase in 'Out' AM peak and 'In' PM peak trips. The increases could feasibly worsen the potential operation of the Pennant Hills Road/City View Road intersection, with the TIA noting that concept plan could result in an additional 44 vehicles per hour turning right from Pennant Hills Road into City View Road (approx. two to three additional vehicles on average per cycle, up from an observed one vehicle per cycle). Additional trips would be in the same direction as those generated by the surrounding residential land uses and could result in longer queues. The TIA indicates that the opening of NorthConnex in late 2020 may have improved operation of the Pennant Hills Road/City View Road intersection, with increased capacity for traffic movements.

The high level information presented in the current TIA is suitable for an initial pre-Gateway analysis as it demonstrates that the impacts of the concept design's land use mix would reduce traffic overall, compared to both existing and maximum permissible office premises developments. The specific impacts of NorthConnex are unknown, but may have resulted in additional capacity at the Pennant Hills Road/City View Road intersection.

The TIA indicates that this could be considered further at the development application stage. More detailed intersection analysis should be a requirement of the Gateway determination and be completed before the public exhibition of the draft HLEP amendment. Modelling and intersection analysis should be based on current traffic flow on Pennant Hills Road and cumulative traffic generation potential of adjoining development in the precinct. This is required to justify the FSR and land use mix suggested by the proponent, including determining the impact of the increase of 'Out' AM peak and 'In' PM peak trips on local road network operation, particularly the Pennant Hills Road/City View Road intersection.

It is acknowledged that there may be improved capacity at the intersection since the opening of NorthConnex. Additional feedback regarding the proposal and performance of the intersection would also be sought directly from Transport for NSW (TfNSW) as part of post-Gateway activities.

Should a Gateway Determination be issued, the proponent should be requested to model the conditions Pennant Hills Road/City View Road intersection, including queue lengths and Level of Service during peak hours, with scenarios for existing, concept design and cumulative impacts.

### **Parking and access**

The proponent's concept design suggests the delivery of 187 car parking spaces as part of future development. Council's DCP would require 210 parking spaces and TfNSW's guidelines would require 206 car parking spaces. Parking rates are derived based on demand generated by residential, seniors living, commercial and community land uses.

Council's DCP defers to State Environmental Planning Policy (*Housing for Seniors or People with a Disability*) 2004 (now part of the *Housing State Environmental Planning Policy*), for seniors housing parking rates. Those rates are 0.5 spaces per bedroom and are equivalent to Council's general residential rate for two and three bedroom units. Affordable housing units have not been identified separately and the TIA does not suggest that affordable housing would have a reduced car parking provision compared to other residential land uses.

The proponent has recommended a reduction due to proximity to the Pennant Hills Local Centre, associated transport options and the TIA's preliminary green travel plan to encourage a reduction in private vehicle travel. Reductions in parking supply would be considered post-Gateway as part of a refinement of the draft DCP.



The concept design retains the existing City View Road driveway as the primary access to the site. This access is approximately 30m from the Pennant Hills Road/City View Road, or around 5 car lengths. The TIA has observed inefficiencies in the signal phasing and orientation of the intersection. Additional 'Out' AM peak and 'In' PM peak traffic may put existing pressure on queue lengths at the intersection.

The proponent's concept design identifies a service entrance at Boundary Road that would accommodate vehicles up to 12.5 m and allow for forward movement in and out of the site. Community submissions have identified service vehicle traffic on Boundary Road as a potential traffic and safety issue. The proponent's TIA has indicated that service vehicle traffic would be relatively low (e.g. in the order of a trip a day).

Given that parking and vehicle access are described in the proponent's draft DCP, it is recommended that additional information be provided by the proponent post-Gateway, including:

- Swept path analysis of the proposed service vehicle entrance, demonstrating potential impacts on on-street car parking.
- Consideration of traffic impacts between vehicles (especially heavy vehicles) and pedestrians on Boundary Road.
- Consideration of queue lengths at the Pennant Hills Road/City View Road intersection on the operation of the site's City View Road driveway operation at peak periods.
- Justification for a reduced car parking rate associated with a site-specific DCP.

#### **Natural environment**

The site contains an existing building with landscaped gardens and stands of trees with limited understorey and groundcovers. Vegetation on the site has been mapped by ELA (2017) as characteristic of Blue Gum High Forest (BGHF) which is listed as a Critically Endangered Ecological Community under the NSW *Biodiversity Conservation Act 2016*. The site is included in the HLEP's current Terrestrial Biodiversity Map.

A Biodiversity Assessment Report (BAR) has been submitted with the Planning Proposal. The report notes the proposal would remove an estimated 0.121 ha of Blue Gum High Forest, 1 hollow-bearing tree (2 hollows) and 17 trees. The report also notes several serious and irreversible impact entities likely to be affected by the proposal including BGHF, Regent Honeyeater, Swift Parrot and several microbats.

A Preliminary Arboricultural Impact Assessment (AIA) has been submitted with the Planning Proposal. It notes that 71 trees have been surveyed on the site, but additional stands of trees to be retained have not been surveyed. 17 trees have been identified for removal with several additional trees noted for further investigation as part of detailed design.

Most trees proposed for removal are due to the development footprint with some identified for removal due to poor health. In considering the trees proposed for removal, four are considered significant trees. Due to the conservation significance of the BGHF community, it would be ideal to retain these mature individual trees and the value they provide to the local ecological community.

The following are recommended as part of a future development application, should the Planning Proposal be finalised:

- Biodiversity Development Assessment Report in accordance with s.7.7 of the BC Act, including a demonstration of the efforts to avoid or minimise impacts on biodiversity values.

- Arboricultural Impact Assessment must consider the impacts of basement construction and infrastructure on retained trees and their long-term viability, including a discussion on the potential for retention of large and mature trees on the site.
- Consideration of the objectives and prescriptive measures in the Trees, Vegetation and Biodiversity parts of HDCP.

### **Social infrastructure**

The Social Infrastructure Review (SIR) provided by the proponent considers how the Planning Proposal aligns with government social infrastructure directions for the area and the benefit of social infrastructure provided by a future development to the local Pennant Hills community.

The SIR states that the following social infrastructure would be delivered as part of the concept design:

- Open space: A pocket park of around 700sqm that would be publicly accessible.
- Communal space: Approximately 500 sqm of floor space would be available for community use.
- Affordable commercial office space: A further 250sqm of floor space is provided for use by start-up businesses at discounted rents.

The proponent has clarified that between five and seven per cent of all apartments could be provided as affordable housing (e.g. five to seven units).

The proponent's VPA Offer Letter suggests a VPA would be the mechanism for the delivery of social infrastructure. The terms of the VPA, including ownership and management measures, would be negotiated with the proponent. This offers flexibility in the delivery of infrastructure, with the potential for a range of mechanisms, including easements, works in kind or monetary contributions for works on or off the site. The VPA offer letter suggests that a planning agreement would be linked to amendments to HLEP, meaning that it would effectively be finalised prior to an HLEP amendment, with a clear outcome for Council and the community.

Alternatively, Council may seek for provision of the infrastructure to be accounted for in a local provision. Such an approach would provide transparency, but may limit flexibility if off-site infrastructure is preferred. It may also conflict with the Section 9.1 Direction related to site specific provisions.

The SIR identifies the following surrounding facilities which would support the site:

- Pennant Hills facilities (approx. 500 m from the site) including:
  - Pennant Hills Community Centre and library, which includes several halls and meeting rooms.
  - Wollundry Park which includes a small, local grassed area and play equipment and is the closest passive open space to the site.
- The Pennant Hills Leisure and Learning Centre (approx. 800 metres from the site);
- Pennant Hills Park (approx. 1km from the site) with district level active and passive recreation facilities.
- Several child care centres.

The SIR also notes Council plans to expand the Pennant Hills Community Centre into a multipurpose district hub, as described in Council's *Community and Cultural Facilities Strategic Plan 2020-2040*.

The SIR assumes the following average household sizes for the concept design:

- General residential apartment: 2.2 persons per unit.
- Seniors living apartment: 1.3 persons per unit.

These household sizes would result in approximately 205 people living on the site if the concept design were delivered. The SIR indicates that this would generate demand for around 30 sqm of community/library space. The SIR has indicated that an open space benchmark of 15 per cent of the land area is used for the site, resulting in demand for about 970 sqm of open space.

Council's priorities for the provision of open and community spaces, as per *Play Plan* and *Community and Cultural Facilities Strategic Plan* encourage improving the quality of such facilities in centralised locations. *Play Plan* recommends additional embellishment of local parks, such as Wollundry Park at Pennant Hills. Likewise, the *Community and Cultural Facilities Strategic Plan* recommends expansion of the Pennant Hills Community Centre and Library.

Smaller facilities, such as those proposed by the concept plan, are specifically not recommended by the *Play Plan* and *Community and Cultural Facilities Strategic Plan*. Whilst a positive outcome on the site, the pocket park is unlikely to represent a local park that Council would accept as owner or caretaker. Instead, investment in existing facilities would improve community benefit outcomes. This would be achieved through development contributions associated with future development on the site. The VPA Offer Letter could be pursued to assist delivery of Council's strategic social infrastructure objectives.

### **Heritage**

The property is not listed as a heritage item or located within a Heritage Conservation Area (HCA) listed under Schedule 5 of HLEP.

The property is however located within the immediate vicinity to:

- Heritage Item No. 139, *Bushland*.
- The Beecroft-Cheltenham Heritage Conservation Area (HCA) "C2."

The proponent has submitted a Heritage Impact Statement (HIS) discussing impacts.

The HIS identifies that any future changes to the vegetation within the subject site would be mitigated through the use of outdoor community spaces and greenery. It identifies that any future development application would also seek to conserve as much as possible of the existing vegetation within the site.

Considering changes to the subject site will have no direct impact on the significant aspects of the adjacent heritage item or HCA, and that preservation of the natural vegetation and trees would be addressed and mitigated through a future development application process, the subject Planning Proposal is acceptable in accordance with the heritage provisions outlined in Part 9.4 of the HDCP.

## **CONSULTATION**

### **Preliminary Notification**

The proponent has undertaken engagement activities, as described in the proponent's Community Engagement Report. Activities include phone and email contacts with the Pennant Hills District Civic Trust and nearby commercial buildings, as well as letterbox drops and doorknocking of 16 nearby

residential dwellings. In its Community Engagement Report, the proponent has committed to ongoing community and stakeholder engagement. Key themes identified in the Community Engagement Report include:

- Support towards renewal of City View Road precinct.
- Pedestrian safety impacts.
- Tree retention.
- Parking and traffic.
- Potential for negative construction impacts (e.g. noise and dust).
- Positive views regarding the proposed community centre.
- Potential to negatively impact property values.
- Amenity and aesthetics.
- Desire to retain Pennant Hills as a business area.
- Support for the engagement process.

In accordance with the *Hornsby Community Participation Plan*, a preliminary exhibition of owner-initiated planning proposals is undertaken before consideration by Council or DPE. The notification is not intended to fulfil the requirements of the *EP&A Act* for public exhibition, but rather to obtain feedback from the local community and relevant agencies to assist Council in deciding whether to support the progression of the Planning Proposal to gateway determination.

The Planning Proposal was placed on preliminary (non-statutory) exhibition from 14 April 2022 until 4 May 2022. The proposal was available for viewing on Council's website and letters were sent to approximately 70 nearby property owners inviting comments on the proposal. Public authorities invited to comment as part of the preliminary notification included TfNSW and the Rural Fire Service (RFS).

In response, 11 community submissions were received, including a submission from the Pennant Hills District Trust and two submissions from a one community member. Community responses generally objected to the Planning Proposal. A submission was received from TfNSW. No submission was received from the RFS.

Most submissions raise concerns regarding potential impacts on local traffic and on-street parking demand. Issues were raised regarding congestion at the Pennant Hills Road/City View Road intersection and the potential for additional traffic on Wongala Crescent and other local streets due to workers and visitors looking for on-street parking. The narrow width of local roads was identified as a constraining factor.

Other concerns and issues raised include:

- Existing trees and other vegetation has high character and environmental value, including habitat for native fauna.
- The building as described is too tall, with character, privacy and overshadowing issues.
- The lack of dedicated visitor parking and proposed reduced resident parking rate, which would worsen on-street car parking availability.
- Additional residential density will undesirably alter the character of the neighbourhood.

- The existing City View Road driveway presents congestion and road safety issues that will be made worse by the described development.
- The proposed pocket park is not supported as it would remove the existing natural vegetation area.

These topics are considered in the discussion of impacts in Section 4. They would be considered further as part of the post-Gateway process. Additional information would be requested following a Gateway determination, including traffic/access impacts. The community would be presented with an additional opportunity to comment on the Planning Proposal at that time, including any additional reporting or changes to the proposal.

TfNSW has provided initial comment regarding the proposal and has indicated that additional traffic modelling is required at the City View Road/Pennant Hills Road intersection as part of post-Gateway reporting. TfNSW also noted the in-progress Employment Zone Reform project being led by DPE as well as potential parking and access issues that align with Council officer analysis above. Given the proximity of the site to Pennant Hills Road, which is operated by TfNSW, additional comment would be requested should the Planning Proposal process advance further.

### **Consultation Strategy – post-Gateway**

Should the Planning Proposal receive a Gateway determination, the consultation would follow the requirements of the Gateway Determination, the *Hornsby Shire Community Engagement Plan 2021* and the Public Exhibition requirements of the Local Environmental Plan Making Guidelines 2021.

Consultation for the Planning Proposal would include:

- Advertisements in local Publications: An advertisement would be placed in the Hornsby Kuringai Post identifying the purpose of the Planning Proposal and providing a web-link to where the Planning Proposal can be viewed.
- Advertisement on the Council website: The Planning Proposal would be exhibited on Council's website (<https://www.hornsby.nsw.gov.au/council/noticeboard/your-say/have-your-saycontent/current-exhibitions>).
- Letters to affected owners: A letter would be sent to landowners who adjoin or are in close proximity to the sites.
- Displays at the Council Administration Buildings and local libraries: The Planning Proposal would be displayed at the Council Chambers, 296 Pacific Highway, Hornsby, and the Hornsby and Pennant Hills Library.
- Consultation with Authorities: A copy of the Planning Proposal and relevant supporting material will be provided to the public authorities identified in the Gateway Determination.

### **STATUTORY CONSIDERATIONS**

The preparation of a Planning Proposal is the first step in the process of requesting changes to a planning instrument. Should Council resolve to proceed with the Proposal to Gateway Determination, DPE would confirm whether any technical studies are required and relevant parts of the Planning Proposal to be updated or amended prior to public exhibition.

As part of the Gateway Authorisation process, Section 2.4 of the EP&A Act allows the Minister and the Director-General to delegate functions to a Council and/or an officer or employee of a Council.

When submitting a Planning Proposal, Council is required to identify whether it wishes to Exercise Delegation (the Authorisation). Authorisation delegates the following plan making powers to Council:

- To make and determine not to make an LEP.
- To defer the inclusion of certain matters.
- To identify which matters must be considered and which stages of the plan making process must be carried out again.

Should Council resolve to progress the Planning Proposal, it is recommended that Council identifies that it intends to delegate the plan making functions to the General Manager.

Subject to Gateway Determination being received, a further report would be prepared for Council's consideration presenting a draft Voluntary Planning Agreement and draft Development Control Plan amendments for exhibition concurrently with the Planning Proposal.

### **BUDGET**

Costs associated with this Planning Proposal are covered through the application fee. The matter has no direct financial impact on Council's adopted budget or forward estimates.

### **POLICY**

The *Local Planning Panels Direction – Planning Proposals* requires that the Local Planning Panel must give its advice on the Planning Proposal before Council considers whether or not to forward it to the Minister or Greater Sydney Commission in accordance with Section 9.1 clause (2)(b1) of the EP&A Act.

### **Local Planning Panel Advice**

A briefing was provided to the Hornsby Local Planning Panel on 25 May 2022. The Panel considered that the proposal had strategic merit and site specific merit, subject to the outcomes of the proposed post Gateway studies, proposed design principles to be included in HDCP controls, and satisfactory VPA for public benefits as discussed in the officer's report, to be exhibited with the Planning Proposal.

The Panel advised that it supports the progression of the proposal for a Gateway determination, with implementation through an additional local provision and post Gateway investigations as discussed above.

### **CONCLUSION**

This report presents an owner-initiated Planning Proposal for 7 City View Road, Pennant Hills. The Planning Proposal seeks to:

- Amend Schedule 1 of the *Hornsby Local Environmental Plan 2013* to permit the residential flat building and seniors housing land use, where part of a mixed use development, as an additional permitted use on the site.
- Increase the permissible FSR on the site from 1.5:1 to 2.7:1.

Preliminary exhibition of the proposal resulted in a total of 11 community submissions, generally objecting to the proposal due to traffic and character concerns.

Based on the assessment of the proposal as submitted, it is considered that the Planning Proposal has sufficient site and strategic merit to be considered for submission to DPE for a Gateway determination, with the following amendment:

- Reference to a new additional permitted use and 2.7:1 FSR for the site be removed
- New Local Provision that would permit residential flat buildings, seniors housing and an increased FSR for the site, if the development would result in the delivery of a minimum 0.5:1 floor space ratio for commercial uses:

The Local Planning Panel has reviewed the Planning Proposal and advised that progression of the Planning Proposal is supported, with the amendment.

Accordingly, it is recommended that Council support the progression of the Planning Proposal for submission to DPE for Gateway determination with this amendment.


#### **RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is Katherine Vickery - who can be contacted on 9847 6744.

KATHERINE VICKERY  
Manager - Strategic Landuse Planning  
Planning and Compliance Division

JAMES FARRINGTON  
Director - Planning and Compliance  
Planning and Compliance Division

#### **Attachments:**

1.  PP/1/2022 - Planning Proposal - 7 City View Rd, Pennant Hills\_PP-2022-908

File Reference: PP/1/2022  
Document Number: D08419347