

19 July 2022

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Director, North District  
NSW Department of Planning and Environment  
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Parramatta NSW 2124

### **Request for Gateway Consideration – PP/1/2022 7 City View Road, Pennant Hills**

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Council is seeking a Gateway Determination for Planning Proposal 1/2022, which seeks to amend Hornsby Local Environmental Plan 2013 by amending planning controls as they relate to 7 City View Road, Pennant Hills Road.

The Planning Proposal seeks to create a Part 6 Additional Local Provision for the site, allowing the residential flat building and seniors living land uses and an increased Floor Space Ratio (FSR) control if a future development application delivers at least an FSR of 0.5:1 in commercial land uses.

The Planning Proposal is also accompanied by:

- an offer to enter a Voluntary Planning Agreement (VPA) to deliver public benefits, including affordable housing.
- A site specific development control plan.

Negotiation of the VPA and DCP will progress in parallel with the Gateway and post-Gateway activities.

#### **Background**

Council has received a planning proposal request for land at No. 7 City View Road, Pennant Hills (the site). The Planning Proposal sought 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; and
- Increase the permissible FSR on the site from 1.5:1 to 2.7:1.

Through the assessment process, Council staff found that an Additional Local Provision was a more appropriate mechanism for delivering the described outcomes of the Planning Proposal. This mechanism has been assessed and has replaced the additional permitted use and FSR amendments considered by the applicant's Planning Proposal documentation. The applicant has agreed in-principle.

In accordance with the Minister's Direction of 27 September 2018 issued under s.9.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Planning Proposal was referred to the Hornsby Local Planning Panel (LPP) for their advice on 25 May 2022. In the LPP minutes, the following was noted:

*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 DCP 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.*

At its meeting on 13 July 2022, Council resolved to support the progression of the Planning Proposal to Gateway Determination. Council resolved to:

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.*

### **Supporting documentation**

To assist with its consideration as to whether to grant a Gateway determination, please find the attached the following documentation:

- Planning Proposal and supporting information, as submitted by the applicant
- Addendum to the Planning Proposal, as required by Council's resolution
- Council officer's assessment report to the LPP and LPP minutes
- Council officer's report and Council's resolution of 13 July 2022.

### **Request**

In accordance with its resolution, Council now seeks a Gateway Determination in accordance with s3.34 of the Environmental Planning and Assessment Act for PP/1/2022. With respect to the outcomes of assessment of the Planning Proposal, including consideration by Transport for NSW (TfNSW), the following is requested:

- That a condition be placed on the Gateway Determination requiring the following be completed prior to public exhibition:
  - o Part 2 – Explanation of provisions be updated to reflect the proposed Additional Local Provision
  - o Transport Impact Assessment be updated with traffic modelling at the Pennant Hills Road and City View Road intersection, to TfNSW's satisfaction
- That the public exhibition period be for a minimum period of 28 days and coincide with exhibition of a draft DCP and VPA

- That the timeframe for completing the LEP be set with consideration of the parallel tasks of preparing and finalising the draft DCP and VPA
- Council be authorised as the Local Plan Making Authority for this Planning Proposal.

Should you have any queries, please direct them to either Taylor Richardson, Principal Strategic Planner or the undersigned on 9847 6666.

Yours faithfully,



Katherine Vickery  
Manager Landuse Planning

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