



IRF22/2861

## Gateway determination report – PP-2022-908

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7 City View Road, Pennant Hills

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

### Relevant reports and plans

Planning Proposal – prepared by Gyde

Business Paper of Council General Meeting - July 2022

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Minutes of Council General Meeting - July 2022

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Architectural Statement and Plans – prepared by Fender Katsilidis January 2022

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Arboricultural Impact Assessment – prepared by Travers Bushfire and Ecology November 2021

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Biodiversity Assessment Report – prepared by Travers Bushfire and Ecology March 2022

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Economic Assessment – prepared by HillPDA Consulting October 2021

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Pre-DA Report for Ecologically Sustainable Development Services – prepared by EMF Griffiths August 2021

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Heritage Impact Statement – prepared by City Plan October 2021

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Services Infrastructure Report prepared by Northrop November 2021

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Landscape Concept – prepared by Arcadia November 2021

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Transport Impact Assessment – prepared by Stantec November 2021

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Urban Design Report prepared by Hatch Roberts Day November 2021

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Draft Site Specific DCP – prepared by Gyde Consulting December 2021

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Letter of Offer for Future Voluntary Planning Agreement – prepared by EG Funds Management November 2021

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Social Infrastructure Report – prepared by Elton Consulting / WSP November 2021

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Community Engagement Report – prepared by Elton Consulting / WSP

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Minutes of Local Planning Panel Briefing – 25 May 2022

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Hornsby
<b>PPA</b>	Hornsby Shire Council
<b>NAME</b>	7 City View Road, Pennant Hills (77 residential apartments, 28 seniors independent living units and 280 jobs)
<b>NUMBER</b>	PP-2022-908
<b>LEP TO BE AMENDED</b>	Hornsby Local Environmental Plan 2013
<b>ADDRESS</b>	7 City View Road, Pennant Hills
<b>DESCRIPTION</b>	Lot 3 DP 732565
<b>RECEIVED</b>	19/07/2022
<b>FILE NO.</b>	IRF22/2861
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The intended outcome of the planning proposal is to enable the redevelopment of the site to deliver:

- a mixed-use development including residential, commercial (office) and community uses.
- improved public benefits on the site, including open space in the form of a 'pocket park', a pedestrian thoroughfare, affordable housing and other civic amenity improvements.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Hornsby LEP 2013 per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	B5 Business Development	No Change proposed

Height	23.5 metres	No change proposed
Floor space ratio	1.5:1	An increased FSR where development results in the provision of a minimum 0.5:1 floor space ratio for commercial uses through a site-specific clause in Part 6 of the LEP.
Additional Permitted uses	N/A	Residential flat buildings and seniors housing where there is a minimum of 0.5:1 floor space ratio for commercial uses through a site-specific clause in Part 6 of the LEP
Number of dwellings	N/A	77 apartments, 28 seniors independent living units
Number of jobs	N/A	280 jobs

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. Council's resolution dated 13 July 2022 changed the proposed provisions and updates to the planning proposal are required to reflect this. It is recommended that prior to exhibition, the proposal is updated to include a plain English explanation of the proposed provisions that are now being progressed.

## 1.4 Site description and surrounding area

The site is located at 7 City View Road, Pennant Hills and is legally described as Lot 3 DP 732565. The site has an area of approximately 6,476m<sup>2</sup> and has a sloping topography. It has frontages to City View Road on the north-west boundary and Wongala Crescent on the south-west boundary (Figure 1). The site is located in the City View Road Precinct which forms part of the Pennant Hills Local Centre.

The site is currently occupied by a 3-5 storey commercial office building with above ground parking. The building is currently vacant. The site also contains mature trees and vegetation to the east, south and west of the building.

The site adjoins the T1 North Shore, Northern & Western train line to the south-east. Directly north is a 7-9 storey commercial building including a basement carpark. There is also a 7-storey commercial building including a basement carpark. Directly west is a residential apartment hotel. To the south and west of the site are detached residential dwellings.

The site is opposite the Beecroft-Chelton heritage conservation area (HCA), separated by Boundary Road, and Heritage Item No. 139, Bushland. It is also in proximity to the following heritage items:

- Heritage item 618 - St. Agatha's Primary School grounds (excluding buildings)
- Heritage item 619 - 'Cheddington' and stables (formerly 'Niara')
- Heritage item 641 - 'Eudora' and garden
- Heritage item 651 - Westpac
- Heritage item 688 – bushland.

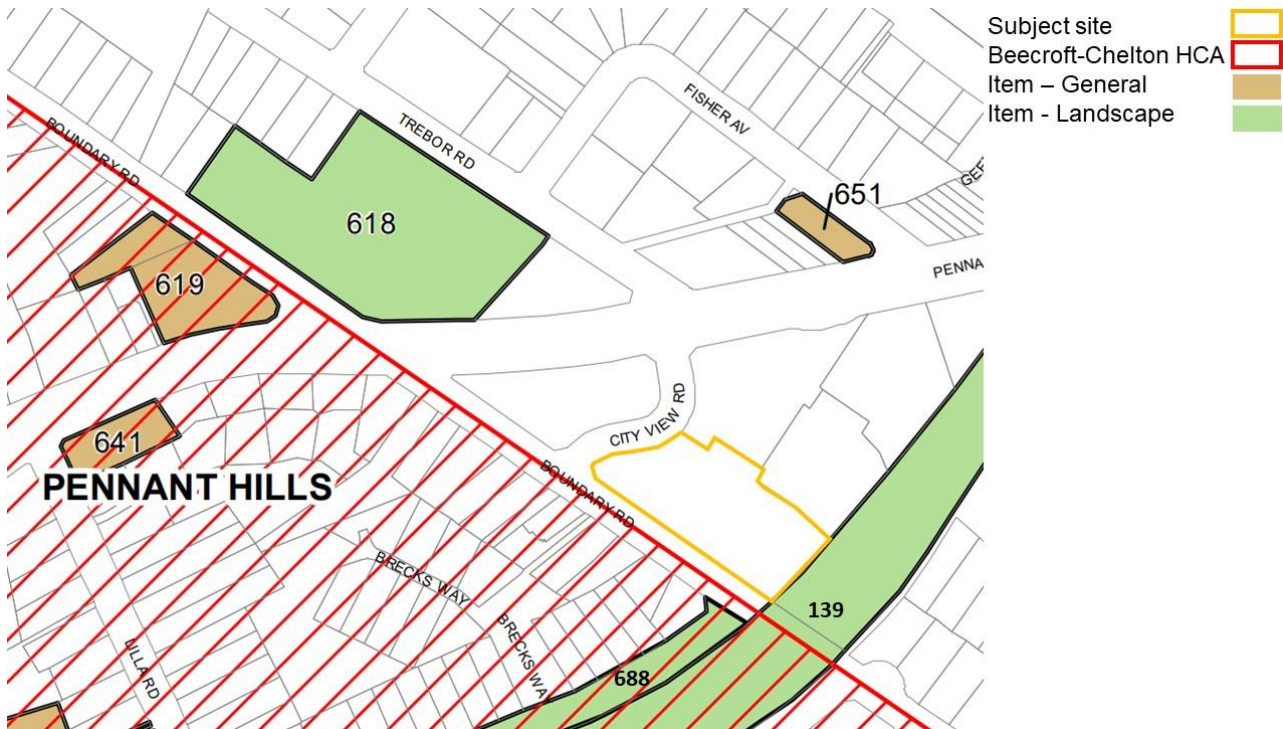




Figure 1 Subject site (source: Six Maps 15 August 2022)



Figure 2 Site context (source: Six Maps 15 August 2022)



**Figure 3 Heritage context of site (source: extract from Hornsby LEP 2013, 16 August 2022)**

## 1.5 Mapping

There are no proposed changes to the LEP mapping.

## 1.6 Background

GYDE, on behalf of the owner EG Funds Management Pty Ltd, lodged the request for the planning proposal in April 2022. The proposal lodged with Council sought to make the following amendments to the Hornsby LEP 2013:

- Amend Schedule 1 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.

Council placed the proposal on preliminary (non-statutory) exhibition from 14 April 2022 to 4 May 2020 and received 11 submissions, raising concerns with traffic, access and character.

## 1.7 Local Planning Panel

On 25 May 2022, the Hornsby Shire Council Local Planning Panel (LPP) considered the proposal and noted that the proposal, as submitted, may result in a net loss of employment floor space. The LPP acknowledged that an additional local provision would instead be the most appropriate mechanism to achieve the outcomes the proponent is seeking.

The LPP advised Council that it supported the progression of the proposal for a gateway determination, with implementation through an additional local provision.

## 1.8 Council resolution

Council considered the proposal at its 13 July 2022 meeting and resolved to support progression of the planning proposal subject to the following amendments:



- Removal of the proposed amendments to the HLEP 2013 regarding additional permitted uses and FSR increase.
- 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 Need for the planning proposal

The planning proposal is not the result of a local strategic planning statement, or Department approved strategy or report. Notwithstanding, the proposal aligns with Hornsby Local Strategic Planning Statement's objectives of revitalising and renewing land within the Pennant Hills town centre. The proposal does not seek to amend the underlying zoning or maximum building height, and the proposed additional land use is comparable to existing permitted uses.

The planning proposal seeks to insert a site-specific clause into the LEP to incentivise the development of the site for a mixed-use commercial and residential development. It is considered that the proposal is the best means of achieving the objectives of the planning proposal as it provides certainty to council and the proponent about the development potential of the site.

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
<b>Infrastructure</b>	<b>Objective 1 Infrastructure supports the three cities:</b> The site is located 500 metres from the Pennant Hills train station which is serviced by both train and bus services. Other infrastructure services that improve the sites accessibility include the Northconnex (10min drive from the site) and Cherrybrook Metro station (10min drive from the site). All these infrastructure services provide access to centres across Sydney, such as Chatswood, Sydney and Parramatta CBDs, which help promote the “30-minute city” objectives of the plan.
<b>Liveability</b>	<p><b>Objective 10 Greater housing supply:</b> The planning proposal seeks to facilitate the redevelopment of the site to provide for 77 residential apartments and 28 independent living units for seniors. These dwellings will be located in close proximity to existing services and infrastructure.</p> <p><b>Objective 11 Housing is more diverse and affordable:</b> The proposal notes that detached dwellings are the dominate dwelling topology within the LGA. The concept plan provided with the planning proposal seeks to facilitate the development of the site for a mixed-use development, which includes residential apartment units and seniors living units.</p>

Regional Plan Objectives	Justification
<b>Productivity</b>	<p><b>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities:</b> The proposal seeks to facilitate the development of a site for residential purposes in close proximity to existing services and infrastructure.</p> <p><b>Objective 22: Investment and business activity in centre:</b> The proposal is seeking to redevelop the site for a mixed-use development. The site is located in close proximity to the Pennant Hills town centre precinct.</p>

The proposal notes its consistency with the Greater Sydney Region Plan and provides some analysis about consistency with the locational criteria for urban renewal investigation opportunities contained within plan. The proposal includes no discussion on why it is consistent with the objectives or actions of the plan. Prior to exhibition, the proposal will need to be updated to include further consideration of the Regional Plan and relevant regional objectives.

## 3.2 District Plan

The site is within the Eastern Harbour City District and the then Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 5 District Plan assessment**

District Plan Priorities	Justification
<b>N1 Planning for a city supported by infrastructure</b>	The planning proposal will facilitate the redevelopment of the site for residential and commercial purposes. The site is within 500m of the Pennant Hills train station, which provides both train and bus services to major centres and employment hubs.
<b>N3 Providing services and social infrastructure to meet people's changing needs.</b>	The proposal will result in the development of the site for a mixed-use development, incorporating a minimum non-residential floorspace of 0.5:1. The site is located in close proximity to transport infrastructure and will provide additional employment floorspace within close proximity to the Pennant Hills town centre.
<b>N4 Fostering healthy,</b>	The site subject is within walking distance of train and bus services. It is noted that the architectural plans and concept design (dated January 2022) prepared

District Plan Priorities	Justification
<b>creative, culturally rich and socially connected communities</b>	by Fender Katsilidis submitted as part of the proposal included community infrastructure, such as a pocket park and community space, for the utilisation of both Council and the local community.
<b>N5 Providing housing supply, choice and affordability, with access to jobs, services and public transport</b>	The proposal seeks to facilitate redevelopment of the site for mixed use building. The concept plan provided with the planning proposal seeks to facilitate the development of the site for a mixed-use development, which includes 77 residential apartments and 28 independent living units for seniors. The North District Plan identifies Pennant Hills as a local centre with bus and rail networks linking to strategic centres. These centres provide access to day-to-day goods and services. The site is located with 500m of the station and town centre.
<b>N6 Creating and renewing great places and local centres, and respecting the District's heritage</b>	The site is located adjacent to an existing HCA. The planning proposal is supported by a Heritage Impact Statement and a concept plan which includes building setbacks and building transitions to minimise potential impacts on the HCA.
<b>N10 Growing investment, business opportunities and jobs in strategic centres</b>	The planning proposal seeks to introduce a site specific minimum non-residential floor space requirement within Part 6 of the LEP. This will ensure there is opportunity for commercial growth on the site, which in turn will provide jobs for the region.
<b>N12 Delivering integrated land use and transport planning and a 30-minute city</b>	The site is located within 10 min drive and walk of existing infrastructure services that help provide for a 30-minute city. The delivery of residential dwellings on site will help locate housing supply within 30 minutes of strategic employment hubs within region.

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies:

- Hornsby Local Strategic Planning Statement (LSPS)
- Hornsby Local Housing Strategy 2020 (LHS)
- Hornsby Employment Lands Study 2021 (ELS)

Consistency with the strategic direction and objectives of these local strategies is stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
LSPS	<p>The 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.</p> <p>The planning proposal gives effect to the following priorities of the LSPS.</p> <p><b>Enhancing, protecting, conserving and promoting our natural, built and cultural heritage:</b> The heritage impact statement (dated October 2021) prepared by City Plan notes the proposal will have minimal impact on the neighbouring Beecroft - Cheltenham HCA (C2) and the heritage items in proximity to the site.</p> <p><b>Supporting sustainable economic growth based on the Shire's built and natural assets, infrastructure and locational advantages:</b> The proposal seeks to introduce a site-specific clause within Part 6 to ensure that there is a minimum area of floor space dedicated to employment uses. The site is located within 500m of the Pennant Hills train station, which is serviced by train and bus services, that provides access to other local centres across the region.</p> <p><b>Promoting the '30-minute City' by improving the walkability, connectivity and accessibility of our centres and neighbourhoods:</b> The proposal will facilitate the redevelopment of a site within 500m of an existing train station and 10minute drive of the Northconnex. The redevelopment of the site will supply new jobs and dwellings on a site that is highly accessible and close to existing services.</p>
LHS	<p>The 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 was approved by the Department in May 2021.</p> <p>The LHS identifies potential future housing opportunities through a review of Pennant Hills Road Corridor and the Pennant Hills town centre and would be led by Council.</p> <p>The planning proposal gives effect to the following objective of the LHS.</p> <p><b>Identify opportunities to encourage housing diversity including medium density, adaptable housing for the aging and multi-unit housing in areas of limited choice and availability:</b> The planning proposal seeks to facilitate the supply of more diverse housing typologies, particularly for smaller households and the elderly population, in an area close to transport and services.</p> <p><b>Promote sustainable locations for housing growth close to transport, which support the role of centres, have adequate infrastructure and maximise opportunities through collaboration:</b> The planning proposal seeks to amend the LEP to introduce site -specific controls to incentivise the site to be renewed for mixed use purposes, including approximately 77 residential apartments and 28 independent living units. The resulting development will</p>

Local Strategies	Justification
	<p>support housing diversity and density in an area that is accessible, close to commercial hubs and other services.</p> <p><b>Protect sensitive areas from development and ensure new housing does not detract or erode an area's local character:</b> the planning proposal would increase density adjacent to a low-density neighbourhood and an existing HCA. It is noted that the site can already be developed for residential purposes and the proposal does not seek to increase the permissible height.</p>
ELS	<p>Council's 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 identifies Pennant Hills as a local centre, focusing on the area immediately surrounding Pennant Hills Station and local shops.</p> <p>The planning proposal gives effect to the following objective of the ELS.</p> <p><b>1.2: Revitalise Pennant Hills to Thornleigh Corridor:</b> the proposal seeks to facilitate the redevelopment of a site located close to the Pennant Hills town centre area. The site is with 500 metres of existing transport infrastructure and has access to services and infrastructure needed to support the future residents on the site.</p> <p><b>1.5: Implement minimum non-residential FSR controls:</b> The proposal seeks to include a site-specific clause within Part 6 of the LEP which includes a minimum non-residential FSR for the site.</p> <p><b>2.2: Increase the utilisation capacity of Hornsby B5 Urban Service Land:</b> The ELS recommends prohibiting shop top housing in the B5 Business Development zone. This has yet to be actioned by Council. Should the proposal be made, it would maintain residential land use permissibility on the site. This is inconsistent with this direction of the ELS. It is considered that this inconsistency is justified as business related zoned land adjacent to the site contains a mix of residential and commercial land uses. The proposed minimum non-residential FSR component would ensure that some employment generating floor space and uses are maintained on the site.</p> <p><b>3.2: Protect the role and function of employment lands:</b> The proposal seeks to include a site-specific clause within Part 6 of the LEP which includes a minimum non-residential FSR. The inclusion of a minimum non-residential FSR will ensure that employment uses will still be required on site.</p>

### 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:



Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>This proposal is consistent. See section 3.1.</p>
1.4 Site Specific Provisions	Consistent	<p>The objective of this Ministerial Direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal will not impose additional restrictive site-specific provisions. It will permit 'Residential flat buildings' and/or 'Seniors housing' as an additional permitted use but only as part of a mixed-use redevelopment containing non-residential uses including office premises. This clause will not restrict the development of the site for uses currently permitted.</p>
3.1 Conservation Zones	Justifiably inconsistent	<p>The objective of this direction is to protect and conserve environmentally sensitive areas</p> <p>The proposal is supported by a biodiversity assessment report (BAR) (dated March 2022) prepared by Travers Bushfire and Ecology. Although this assessment found that there was Blue Gum High Forest threatened ecological community (TEC) on site, it concluded that the proposal will not have a significant impact on any threatened species, populations or TECs. The current concept plan for the site shows the removal of 0.121 ha of Blue Gum High Forest.</p> <p>The proposals inconsistency with this direction is considered minor given the:</p> <ul style="list-style-type: none"> <li>existing land use zoning is mapped as B5 Business Development.</li> <li>concept design for the site shows that the development footprint will largely be contained within the existing building footprint.</li> <li>concept design has implemented mitigation measures to limit the impact of the proposal on biodiversity in the locality.</li> </ul> <p>It is considered reasonable for further investigation and assessment to be prepared at DA stage, once a future building form is better established.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Consistent	<p>The objective of this direction is to conserve items, areas, objects, and places of environmental heritage significance.</p> <p>A brief heritage impact statement (dated October 2021) prepared by City Plan provided an assessment of the heritage impacts arising from the planning proposal.</p> <p>The site is opposite the Beecroft-Chelton HCA, separated by Boundary Road, and Heritage Item No. 139, Bushland. It is also in proximity to the following heritage items:</p> <ul style="list-style-type: none"> <li>• Heritage item 618 - St. Agatha's Primary School grounds (excluding buildings)</li> <li>• Heritage item 619 - 'Cheddington' and stables (formerly 'Niara')</li> <li>• Heritage item 641 - 'Eudora' and garden</li> <li>• Heritage item 651 - Westpac</li> <li>• Heritage item 688 – bushland</li> </ul> <p>The heritage impact statement concludes that the proposed amendments to the FSR and additional permitted uses of the site will have no adverse impacts on the Beecroft – Cheltenham HCA or to heritage items in proximity. The proposed development is of a similar nature to the existing subject building. The landscape planning proposal (dated November 2021) prepared by Arcadia designs proposes to implement landscaping design on the Boundary Road/Wongola Crescent boundary to obscure the site from the HCA.</p> <p>The concept plan prepared also includes a transition in height to the HCA and a setback from boundaries. As a result, the proposal will not increase the level of impact on the HCA or other heritage items in the vicinity.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>This Ministerial Directions seeks to ensure increased access to housing, jobs, services and public transport while reducing dependence on cars.</p> <p>The proposal will provide commercial and residential floor space within 500 metres walking distance of Pennant Hills train station which is serviced by the T9 line. It is also in close proximity to bus services on Pennant Hills</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		Road. There are established pedestrian paths providing connection to these bus stops.
6.1 Residential Zones	Consistent	<p>The objectives of this direction are to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise the impact of residential development on the environment and resource lands.</p> <p>The proposal will provide 77 apartment dwellings and 28 senior independent living units. This will introduce diverse housing options into an area predominantly comprised of detached low-density dwellings. The site is in close proximity to Pennant Hills train station, bus services and Northconnex.</p>
7.1 Business and Industrial Zones	Consistent	<p>This Ministerial Direction seeks to protect and encourage employment growth, as well as supporting the land and zones which support that work.</p> <p>The proposal will retain the B5 zoning of the site and deliver additional commercial floor space, within a highly accessible site, supported by existing transport infrastructure</p>

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing) 2021	This SEPP aims to promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services and designing housing in a way that reflects and enhances its locality.	Consistent	<p>The proposed additional permitted uses will facilitate 77 new residential apartment dwellings and 28 seniors independent living units. The site is also located near the Pennant Hills town centre and the Pennant Hills train station.</p> <p>The letter of offer (dated November 2021) prepared by EG Funds Management Pty Ltd offered to provide affordable or discounted rental housing comprising of 5% of the future</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
			<p>residential accommodation approved on the site for an agreed period.</p> <p>The proposal is consistent with this SEPP as it will deliver a range of housing typologies on a site in close to proximity to existing infrastructure and services. The proposed provisions will not interfere with the operation of the SEPP.</p>
SEPP (Transport and Infrastructure) 2021	This SEPP aims to facilitate the effective delivery of infrastructure, identify and establish appropriate planning controls for infrastructure corridors, facilitate the effective delivery of educational and care facilities.	Consistent	<p>The eastern boundary of the site is adjacent to a rail corridor.</p> <p>A transport impact assessment (TIA) (dated November 2020) prepared by Stantec, has concluded that the proposal will have a minimal impact on the road network. The expected traffic volumes are a minor reduction compared to existing traffic generation if the site was occupied.</p> <p>The impacts NorthConnex could potentially have on the performance of the Pennant Hills Road/City View Road intersection have not been captured by the TIA. A condition has been placed in the Gateway requiring the proponent to update its modelling conditions.</p> <p>Notwithstanding the above, the proposal has demonstrated consistency with the SEPP as it is considered that the resulting development will not impact upon the adjacent rail corridor. It is also considered that the traffic generated from the resulting development will not significantly impact the road network.</p> <p>Given the proximity to the rail line and the additional work needed for the TIA, a condition has been included on the Gateway determination requiring consultation with Transport for NSW.</p>
SEPP No 65 — Design Quality of Residential	This SEPP aims to improve the design quality of residential apartment development in NSW.	Consistency to be further demonstrated.	The planning proposal is supported by architectural statement and plans (dated January 2022) prepared by Fender Katsilidis. The proposal states that the indicative concept plan can

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Apartment Development			<p>meet the Apartment Design Guide design criteria is for 70% of apartments to receive 2 hours' solar access between 9am and 3pm on the winter solstice.</p> <p>The Department has undertaken testing, which concluded that further evidence demonstrating compliance can be achieved is needed to fully satisfy the requirements of the Apartment Design Guide.</p> <p>A condition has been included on the Gateway determination requiring Council to update the proposal to provide further evidence demonstrating compliance can be achieved with the SEPP.</p>

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 9 Environmental impact assessment**

Environmental Impact	Assessment
Environmental	<p>The planning proposal is supported by a preliminary arboricultural impact assessment (dated November 2021) and BAR both prepared by Travers Bushfire and Ecology.</p> <p>The BAR found that there were no threatened fauna species, threatened flora species, endangered populations recorded within the study area. However, there has been vegetation mapped on the site has been mapped consistent with the Blue Gum High Forest threatened ecological community (TEC). The BAR concluded that the proposal would not have a significant impact on any threatened species, populations or TECs. Notwithstanding this, the proposal would result in the removal of an estimated 0.121 ha of Blue Gum High Forest, as well as a number of other trees across the site.</p> <p>A preliminary arboricultural impact assessment submitted with the proposal notes that 71 trees have been surveyed on the site, but additional stands of trees to be retained have not been surveyed. The assessment concluded that provided tree protection measures are implemented and works are carried out</p>



	<p>in a sensitive manner, the proposed development would not have a significant impact on long-term health of the retained trees.</p> <p>The impact any proposed development would have on the TEC located on site, as well as the removal/retention of existing trees would be subject to further investigation at the time a future DA for the detailed development stage is lodged.</p>
Heritage	<p>The site is not listed as a heritage item or located within a HCA listed under Schedule 5 of the LEP. The property is adjacent to the Beecroft-Cheltenham HCA “C2” and Heritage Item No. 139, Bushland.</p> <p>The site is also located in close proximity to</p> <ul style="list-style-type: none"> <li>• Heritage item 618 - St. Agatha's Primary School grounds (excluding buildings).</li> <li>• Heritage item 619 - 'Cheddington' and stables (formerly 'Niara').</li> <li>• Heritage item 641 - 'Eudora' and garden.</li> <li>• Heritage item 651 – Westpac.</li> <li>• Heritage item 688 – bushland.</li> </ul> <p>A brief heritage impact statement (dated October 2021) prepared by City Plan supports the proposed amendments given the minimum impact the resulting development would have on the adjacent and surrounding heritage items.</p> <p>The proposed planning envelope resulting from this proposal can support a development, without negatively impacting on the proposed heritage item within the site, and existing items in the vicinity through design treatments such as setbacks. Potential impacts on the heritage items will need to be considered and addressed as part of the development application for the future development on the site.</p>
Solar Access	<p>The architectural statement and plans (dated January 2022) prepared by Fender Katsilidis contains an indicative concept scheme to minimise the solar access impacts of the design. The planning proposal states that the Apartment Design Guide design criteria is for 70% of apartments to receive 2 hours' solar access between 9am and 3pm on the winter solstice and preliminary analysis of the concept building design indicates this requirement can be achieved.</p> <p>The Department has undertaken preliminary urban design testing of this statement and plans. This testing found that due to the orientation of units and sun between 9am-3pm, some units, particularly those on the lower ground floor and the south and east of the building, not receive sufficient direct sunlight throughout the day. This suggests the current proposed scheme may not satisfy the requirements of the Apartment Design Guide and therefore SEPP 65. Therefore, a condition has been imposed as part of the Gateway determination that the planning proposal is updated to provide further evidence demonstrating compliance can be achieved with SEPP 65, particularly for units on the lower ground floors and the south and east of the development.</p> <p>Although the Department's testing suggests the current proposed scheme may not satisfy the requirements of the SEPP, the Department is of the view that consistency can be achieved through further analysis and potentially refinements to the design scheme. Additionally, the proposal will be subject to further investigation and detailed design work as part of any future development assessment application.</p>

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 10 Social and economic impact assessment**

Social and Economic Impact	Assessment
Economic	<p>The proposal is supported by an economic assessment (dated October 2021) prepared by Hill PDA. The economic assessment notes that the planning proposal would have no adverse impact on Hornsby's employment land stocks.</p> <p>The concept plans for a seven-storey mixed use development submitted with the application comprised of 3,448m<sup>2</sup> of commercial (mix of retail and office space) floor space across the development. This floor space could be changed once a final design is submitted as part of a detailed development application in the future. Although there is potential that this could be less than what is currently permitted, residential forms of land use are already permitted on the site. It is considered that the introduction of the residential flat building and seniors housing land use, when part of a mixed-use development, would not significantly impact the amount of employment land stocks in the LGA.</p>
Social	<p>The planning proposal is supported by a social infrastructure review (dated November 2021) prepared by WSP/Elton Consulting. The current concept plan proposes to deliver the following community/social infrastructure:</p> <ul style="list-style-type: none"> <li>• a pocket park of around 700sqm that would be publicly accessible.</li> <li>• approximately 500m<sup>2</sup> of floor space would be available for community use.</li> <li>• a further 250m<sup>2</sup> of floor space provided for use by start-up businesses at discounted rents.</li> </ul> <p>The proponent has also advised council that it will provide affordable or discounted rental housing comprising of 5% of the future residential accommodation approved on the site for an agreed period.</p> <p>The social infrastructure proposed to be delivered through the concept plan will be finalised once a future development application is lodged at the site. Notwithstanding, the proposal is unlikely to have a major impact on existing social infrastructure.</p>

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Traffic and Parking	<p>The planning proposal is supported by a TIA (dated November 2020) prepared by Stantec to support the development proposed for the site. The TIA noted that the specific impacts of NorthConnex are unknown but may have resulted in additional capacity at the Pennant Hills Road/City View Road intersection. Notwithstanding this, the TIA concluded that there is sufficient capacity within the immediate road network and intersection (Pennant Hills and City View) to accommodate the traffic generated by any future re-development on the site.</p> <p>Given the impacts NorthConnex could potentially have on the performance of the Pennant Hills Road/City View Road intersection, a condition has been placed in the Gateway requiring the proponent to update its modelling conditions, including queue lengths and level of service during peak hours, with scenarios for existing, concept design and cumulative impacts. This updated modelling should be provided to Transport for NSW for comment.</p> <p>The urban design study (dated November 2021) prepared by Hatch Roberts Day and architectural statement and plans (dated January 2022) prepared by Fender Katsilidis currently show a that the proposed three-level basement car park, as part of its concept design, would accommodate approximately 187 parking spaces. This is below the required 210 parking spaces in Council's development control plan and the recommended 206 car parking spaces under Transport for NSW's guidelines. The proponent has recommended that this inconsistency is justifiable has due to the site's proximity to the Pennant Hills Local Centre and its associated transport options.</p> <p>Appropriate levels of parking would be subject to further investigation as part of a detailed assessment during any future development application.</p> <p>A condition is included on the Gateway determination to require consultation with transport for NSW.</p>
Services	<p>The proposal includes an infrastructure servicing report (dated November 2021) prepared by Northrop, which indicates there are adequate services in proximity to the site and these should be sufficient to service the proposed development. It is expected that these services would be upgraded where required by the developer.</p> <p>A Gateway condition requires that utility service providers are notified of this proposal.</p>

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 20 days.

Under the new *Local Environmental Plan Making Guide* (December 2021), the exhibition period for a standard planning proposal is 25 working days. This forms a condition of the Gateway determination.

The proposal is considered a standard planning proposal as it relates to the alteration of a LEP and is consistent with the North District Plan and Local Strategic Planning Statement.

## 5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 25 days to comment:

- Transport for NSW
- NSW Environment and Heritage (Heritage Branch)
- Relevant utility providers, including Sydney Water.

## 6 Timeframe

Council proposes a 4 month time frame to complete the LEP.

Under the new *Local Environmental Plan Making Guide (December 2021)*, a standard planning proposal is to achieve the following timeframes:

Stage	Actions	Working Days
<b>Post-Gateway</b>	Review gateway, action conditions, prepare relevant studies and consult with government agencies prior to exhibition	50 days (counted from date of Gateway Determination)
<b>Public exhibition and assessment</b>	Undertake public exhibition and consultation with authorities, review of submissions and endorsement of proposal by the PPA	95 (inclusive of a maximum public exhibition period of 25 days)
<b>Finalisation</b>	Finalisation of the LEP, including legal drafting and gazettal	55
<b>Total days</b>		<b>200</b>

Accordingly, the Department recommends a timeframe of 10 months to ensure it is completed in line with its commitment to reduce processing times whilst also accommodating the end of year shutdown periods.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is a standard planning proposal, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed subject to conditions for the following reasons:

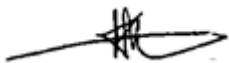
- There is regional, district and local strategic merit for the proposal. It will facilitate delivery of housing diversity and additional commercial floor space in the Pennant Hills town centre, consistent with the objectives of the region, district and local strategic plans.
- The proposal is expected to provide for approximately 77 residential apartments, 28 seniors independent living units and 280 additional jobs in site well serviced by existing transport and infrastructure.

- The proposal is located in a strategic location, in close proximity to a wide range of existing public transport options and commercial hubs.
- The proposal will not significantly impact upon the heritage items or the adjacent heritage conservation area.
- An amendment to the Hornsby LEP 2013 is the best means of achieving the objectives of the planning proposal.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
  - Reflect the changes to the proposal made by Council, consistent with its resolution date 13 July 2022.
  - Demonstrate consistency with the Regional Plan and relevant objectives of the Regional Plan.
  - Update transport impact assessment's modelling conditions, including queue lengths and level of service during peak hours, with scenarios for existing, concept design and cumulative impacts. This updated modelling should be provided to Transport for NSW for comment.
  - Provide further evidence demonstrating compliance can be achieved with SEPP 65, particularly for units on the lower ground floors and the south and east of the development.
  - Update the Project Timeline to reflect the timelines included in this determination.
2. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and forwarded to the Department for review and approval.
3. Consultation is required with the following public authorities:
  - Transport for NSW
  - NSW Environment and Heritage (Heritage Branch)
  - Relevant utility providers, including Sydney Water.
4. The planning proposal should be made available for community consultation for a minimum of 25 days
5. The planning proposal must be reported to the Department for a final recommendation 10 months from the date of the Gateway determination.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



(Signature)

24 August 2022

(Date)

Kelly McKellar

Specialist Planning Officer, Agile Planning and Programs





\_\_\_\_\_  
(Signature)

\_\_26 August 2022\_\_\_\_ (Date)

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