

14 February 2023

Taylor Richardson
Team Leader Strategic Land Use Planning
Hornsby Shire Council
By email: trichardson@hornsby.nsw.gov.au

Dear Taylor,

7 CITY VIEW ROAD PLANNING PROPOSAL – GATEWAY RESPONSES

Thank you for meeting with me and EG representatives on 7 February to discuss progress on the subject Planning Proposal (PP). We are pleased to provide this consolidated response to the Gateway requirements and Council subsequent correspondence, as discussed at that meeting.

1. Satisfaction of all Gateway Conditions

The following table summarises the requirements of the Gateway Determination dated 26 August 2022, and our relevant responses.

Gateway requirement	Response
(a) Reflect the changes to the proposal made by Council, consistent with its resolution date 13 July 2022.	PP updated accordingly. Refer to Attachment 1 – tracked changes in various relevant parts of the PP.
(b) Demonstrate consistency with the Regional Plan and relevant objectives of the Regional Plan	PP updated accordingly. Refer to Attachment 1 – tracked changes in Section 6.2.1 of the PP.
(c) Update the 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 prepared in accordance with the relevant guidelines and be provided to Transport for NSW for comment.	Updated transport modelling completed. Refer to Attachment 2 - Stantec correspondence dated 13 February 2023.
(d) 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	Refer to Attachment 3 . Evidence in the form of a compliance statement by FK Architects, dated 25 January 2023. We refer to Council's email confirming advice from the DPE that a compliance statement will satisfy this requirement.
(e) Ensure the Project Timeline is updated to reflect the timelines to make the LEP included in this determination.	PP updated accordingly. Refer to Attachment 1 - tracked changes in Section 9. However, we consider it appropriate for Council to confirm and if required, further update the timeline to ensure that it accurately reflects Council's capabilities and intentions.

2. Development Control Plan

We refer to Council's correspondence dated 31 October 2022, that states Council's position that a site specific DCP is unnecessary because the general provisions of Council's DCP sufficiently address the matters sought to be addressed in our site specific DCP. Council has sought EG's acknowledgement of withdrawal of the draft DCP. The site specific DCP was submitted with the PP in response to the desire expressed by Councillors at various briefing sessions on the PP, to ensure that the design form and qualities of the proposed development shown the PP documentation, was actually delivered. We considered the site specific DCP was a mechanism to assist in providing that assurance.

Nonetheless, we understand and accept Council's position that a site specific DCP may not be necessary and EG's acknowledges the withdrawal of the draft DCP.

3. Letter of Offer to enter into a VPA

Council's correspondence dated 31 October 2022 also provided a response to EG's letter of offer to enter into a Planning Agreement (VPA). EG is pleased to submit an updated letter of offer to enter into a VPA, consistent with the principles raised in Council's correspondence and as further discussed during our meeting. Please find attached at **Attachment 4**.

In summary, the updated offer acknowledges Council's stated preference not to accept dedication of the pocket park and community space, or to enter into discussions with TfNSW over the civic improvements described in the original letter of offer. Instead, EG is willing to offer a monetary contribution towards the provision of such facilities, at Council's discretion.

In doing so, we reiterate EG's intention to nonetheless incorporate the pocket park and the community spaces as part of the future development proposal for the site and to make them available for use by the general public. In our opinion, such facilities, together with the normal monetary contributions that will be levied on the development and will go towards general public open space and community facilities, represent a significant contribution towards public facilities and service in the area. The additional monetary contribution outlined in the letter of offer is therefore over and above what is required to meet the demands generated by future development on the site. It is not necessary to justify the PP, but rather, represents additional public benefit arising from the PP.

EG has also updated its offer in relation to the provision of affordable housing in association with the PP.

As advised at our recent meeting, feasibility analysis commissioned by EG concludes that any value uplift associated with the PP is marginal. Council's suggestion of dedicating a number of future units to a Community Housing Provider in perpetuity was assessed as putting significant strain on the feasibility of any future development scheme under the proposed LEP controls. EG is happy to provide Council with a copy of the feasibility study currently being finalised by Atlas Economics to confirm this position. We will issue this to Council as soon as it is received.

Informed by this advice, EG nonetheless confirms its willingness to now offer a proportion of its approved total residential apartments for use as affordable housing, in the terms outlined in the updated letter of offer.

We confirm your advice at our recent meeting that EG will be called upon to incorporate the outcomes of the negotiations on the above offer into a formal Planning Agreement, which will be subject to consideration by Council and if agreed, will be publicly notified, ideally concurrently with the PP.

4. Next Steps

We acknowledge your advice that the attached information will be referred by Council to the Department of Planning and Environment to determine its satisfaction with the responses.

Nonetheless, we will be pleased to discuss or clarify any of the matters raised above with Council prior to that referral, if necessary.

We once again thank you for your professional and constructive assistance through this PP process and look forward to further engagement with you as the process continues to finalisation.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'DR', with a long horizontal flourish extending to the right.

David Ryan
Executive Director

ATTACHMENT 1 – UPDATED PLANNING PROPOSAL

ATTACHMENT 2 – STANTEC TRAFFIC RESPONSE

ATTACHMENT 3 – FK DESIGN COMPLIANCE STATEMENT

ATTACHMENT 4 – UPDATED LETTER OF OFFER