



IRF23/2198

Gateway determination report – PP-2023-1772

7 City View Road, Pennant Hills

September 23

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2023-1772

Subtitle: 7 City View Road, Pennant Hills

© State of New South Wales through Department of Planning and Environment 2023. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (August 23) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

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.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
	Employment zones reform	2
1.4	Site description and surrounding area.....	3
1.5	Mapping.....	4
1.6	Background	5
1.6.1	Planning Proposal – 20 February 2023 (PP-2022-908).....	5
1.6.2	Council Resolution – 9 August 2023	5
1.6.3	Planning Proposal – 15 August 2023 (PP-2023-1772).....	5
2	Need for the planning proposal	7
3	Strategic assessment	7
3.1	Regional Plan	7
3.2	District Plan	8
3.3	Local.....	9
3.4	Section 9.1 Ministerial Directions	11
3.5	State environmental planning policies (SEPPs)	14
4	Site-specific assessment	16
4.1	Environmental.....	16
4.2	Social and economic.....	17
4.3	Infrastructure	18
5	Consultation.....	20
5.1	Community	20
5.2	Agencies.....	20
6	Timeframe	20
7	Local plan-making authority	20
8	Assessment summary	20
9	Recommendation.....	21

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal
A1 – Planning Proposal (February 2023)
A2 – Gateway Determination Request
A3 – Gateway Determination Response
A4 – Preliminary Arboricultural Impact Assessment
A5 – Biodiversity Assessment Report
A6 – Pre-DA ESD Services Report
A7 – Landscape Report
A8 – Services Infrastructure Report
A9 – Social Infrastructure Review
A10 – Community Engagement Report
A11 – Economic Assessment
A12 – Heritage Impact Statement
A13 – Transport Impact Assessment (08/11/2021)
A14 – Updated Transport Impact Assessment (13/02/2023)
A15 – TfNSW Response to PP
A16 – Architectural Report
A17 – Urban Design Report
A18 – SEPP 65 Statement
Attachment B – Hornsby Shire Council (Council) and Hornsby Local Planning Panel (LPP)
B1 – Council Meeting Minutes (13/07/2022)
B2 – Council Report (13/07/2022)

B3 – Council Meeting Minutes (9/08/2023)

B4 – Council Report (9/08/2023)

B5 – LPP Minutes (25/05/2022)

Attachment C – Draft Voluntary Planning Agreement (VPA)

C1 – Draft VPA

C2 – VPA Explanatory Note

C3 – VPA Letter of Offer

Attachment D – Previous Gateway Documents (PP-2022-908)

D1 – Gateway Determination (PP-2022-908), 26 August 2022

D2 – Department confirmation Gateway conditions met – (PP-2022-908), 24 February 2023

D3 – Council request for extension, 5 April 2023

D4 – Gateway Determination Alteration

D5 – Letter to Council – Gateway Alteration

D6 – Council resolution – 9 August 2023

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Hornsby
PPA	Hornsby Shire Council
NAME	7 City View Road, Pennant Hills (77 residential apartments, 28 seniors independent living units and 280 jobs)
NUMBER	PP-2023-1772
LEP TO BE AMENDED	Hornsby Local Environmental Plan 2013
ADDRESS	7 City View Road, Pennant Hills
DESCRIPTION	Lot 3 DP 732565
RECEIVED	16/08/2023
FILE NO.	IRF23/2198
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal seeks to develop a currently vacant site, to deliver:

- a mixed-use, residential, seniors living, commercial, and community development,
- provision of public benefits including a pedestrian thoroughfare, communal spaces, affordable housing, and additional 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 3.1 Current and proposed controls

Control	Current	Proposed
----------------	----------------	-----------------

Zone	B5 Business Development	No change is proposed as part of this proposal, however this zone has become 'E3 Productivity Support' as part of state government employment zones reform (Table 3.2).
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.

Employment zones reform

The *B5 Business Development* zone was replaced with the *E3 Productivity Support* zone by the employment zones reform undertaken by state government and commenced on 26 April 2023.

The employment zones reform commenced in 2020 and involved a comprehensive state review of Business and Industrial zones, and replacement of those zones with Employment Zones for all NSW LEPs. The purpose of the reform was to boost productivity and create jobs as part of post-pandemic economic recovery. The reform increased land use flexibility while also providing alignment to state and local strategic planning.

Table 3.2 Hornsby equivalent zone table – Employment zones

Hornsby Local Environmental Plan 2013

Current Business and Industrial Zones	Employment Zones
B1 Neighbourhood Centre B2 Local Centre	E1 Local Centre
B3 Commercial Core	E2 Commercial Centre
B4 Mixed Use	MU1 Mixed Use
B5 Business Development B6 Enterprise Corridor	E3 Productivity Support
IN1 General Industrial IN2 Light Industrial	E4 General Industrial
IN4 Working Waterfront	W4 Working Waterfront

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 6,476m² with a sloping topography, which falls substantially from north-west to south-east away from Pennant Hills Road. 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. Within a 5-10 minute walk of the site, to the north-east is the Pennant Hills Rail station and bus interchange.

The site is not a heritage item; however, it is opposite the Beecroft-Cheltenham 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 LEP mapping.

1.6 Background

1.6.1 Planning Proposal – 20 February 2023 (PP-2022-908)

A planning proposal for 7 City View Road (PP-2022-908) was submitted to the Department of Planning and Environment (the Department) on 20 February 2023. The planning proposal sought to introduce a new site-specific clause in Part 6 of the Hornsby LEP 2013 to permit residential flat buildings, seniors housing and an increased FSR for development which included a minimum 0.5:1 FSR for commercial uses. This was expected to provide 105 new dwellings and 280 new jobs.

The planning proposal was considered to have merit and was issued with a Gateway on 26 August 2022 (**Attachment D1**). Council was authorised to be the local plan making authority.

Gateway conditions

A condition was placed in the Gateway determination requiring additional traffic modelling to address the potential impact of NorthConnex on the performance of the Pennant Hills Road/City View Road intersection. Council advised the Department that the proponent had found this traffic modelling condition to be time consuming.

Additional information was sent to the Department on 20 February 2023 and the Department confirmed that the Gateway Determination conditions had been met on 24 February 2023 (**Attachment D2**).

Extension request

The Gateway determination for PP-2022-908 was to expire on 26 June 2023. On 5 April 2023 Council requested an extension of 4 months (**Attachment D3**) to finalise a voluntary planning agreement (VPA) for the proposal, and publicly exhibit both the proposal and the VPA. It was determined it would be unlikely Council would be able to meet this timeframe, even with the requested extension, and the decision was made to alter the Gateway determination to Not Proceed. The Department recommended that Council submit the planning proposal again for a new Gateway determination.

Gateway Alteration to Not Proceed

The Department issued a Gateway Alteration (**Attachment D4**), altering the Gateway Determination recommendation to 'should not proceed' for PP-2022-908 on 16 May 2023.

A letter (**Attachment D5**) was sent to Council highlighting the Department's commitment to finalisation timeframes and committing to fast processing times. Council was encouraged to submit a new planning proposal for a Gateway determination once the VPA and supporting technical studies had been finalised for the 7 City View Road proposal. The Department made a commitment this Gateway Determination would be issued within two weeks of Council's lodging the proposal.

1.6.2 Council Resolution – 9 August 2023

Council resolved to progress the proposal (PP-2023-1772) and draft VPA on 9 August 2023. It was unanimously resolved that the proposal be submitted to the Department for a Gateway determination, and the draft Voluntary Planning Agreement be placed on public exhibition concurrently with the planning proposal (**Attachment D6, pg.8-9**).

1.6.3 Planning Proposal – 15 August 2023 (PP-2023-1772)

This planning proposal (PP-2023-1772) was submitted to the Department on 15 August 2023. PP-2023-1772 also applies to the site at 7 City View Road and proposes the same amendments as the previous planning proposal, outlined above.

As stated previously, the Gateway Determination conditions for proposal PP-2022-908 had been previously met. The issues that were raised and satisfied by these conditions are satisfied by the current planning proposal. Specifically, this includes:

- The proposal is consistent with Council's resolution, dated 13 July 2022 (**Attachment A1**)
- The proposal is consistent with the objectives of the Regional Plan (**Attachment A1**)
- The proposal is consistent with the updated Transport Impact Assessment, dated 13 February 2023 (**Attachment A14**)
- The proposal includes a SEPP 65 compliance statement by FJ Architects, dated 25 January 2023 (**Attachment A18**)
- The proposal includes a project timeline (**Attachment A2**)

The proposal is accompanied by a draft VPA (**Attachment C1**) which commits to public benefits. The VPA outlines the following development contributions:

- A monetary contribution of \$450,000 in total (excluding GST),
- Construction and transfer to Council of four Affordable Housing units, in accordance with Schedule 2, and
- Grant of an Easement to provide public access to a walkway through the pocket park on the Land, in accordance with Schedule 3.

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 aligns with objective N5 of the North District Plan, which seeks to leverage the investment of NorthConnex on Pennant Hills Road.

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.

The planning proposal considers alternative options to achieving the intended outcomes of the planning proposal, including using a Clause 4.6 Variation, however it is considered that a planning proposal is the best means of achieving the proposal's objectives. The proposal will provide certainty to Council and the proponent regarding 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
Infrastructure	Objective 1 Infrastructure supports the three cities: 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.
Liveability	Objective 10 Greater housing supply: 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.
	Objective 11 Housing is more diverse and affordable: The proposal notes that detached dwellings are the dominant dwelling typology 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.
Productivity	Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities: The proposal seeks to facilitate the development of a site for residential purposes near existing services and infrastructure – walkable for future occupants of the subject site

Regional Plan Objectives	Justification
	Objective 22: Investment and business activity in centres: The proposal is seeking to redevelop the site for a mixed-use development, including a minimum commercial FSR of 0.5:1. The site is adjacent to an existing local centre, the Pennant Hills town centre precinct.

The planning proposal notes consistencies with the Greater Sydney Regional Plan, in addition to providing analysis about consistency with the locational criteria for urban renewal investigation opportunities, with the ultimate goal of situation more housing in the right locations, contained within the plan. The proposal considers the actions of the Greater Sydney Regional Plan and relevant regional objectives at **Attachment A1**.

3.2 District Plan

The site is situated within the Metropolitan North District. The Greater Cities Commission (formerly the 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 addresses 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
N1 Planning for a city supported by infrastructure	The planning proposal will facilitate the redevelopment of the site for both 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.
N3 Providing services and social infrastructure to meet people's changing needs.	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. Additionally, the proposal will provide additional public space for use by the community, further bolstering local social infrastructure.
N4 Fostering healthy, creative, culturally rich and socially connected communities	The site is within walking distance of train and bus services. It is noted that the architectural plans and concept design (dated January 2022) prepared by Fender Katsilidis submitted as part of the proposal, that community infrastructure is provided, such as a pocket park and community space, for the utilisation of both Council and the local community.
N5 Providing housing supply, choice and affordability, with access to	The proposal seeks to facilitate redevelopment of the site for a mixed-use building. The concept plan provided with the planning

District Plan Priorities	Justification
jobs, services and public transport	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 within 500m of the station and town centre.
N6 Creating and renewing great places and local centres, and respecting the district's heritage	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 sympathetic building setbacks and transitions to minimise any potential impacts on the HCA.
N10 Growing investment, business opportunities and jobs in strategic centres	The planning proposal seeks to introduce a site specific, minimum commercial floor space ratio 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.
N12 Delivering integrated land use and transport planning and a 30-minute city	The site is located within a convenient, walkable distance to 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 the region. Additionally, the provision of commercial floorspace on site will aid in reducing the need for long commutes and increase the local community's access to jobs.

3.3 Local

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

- Hornsby Local Strategic Planning Statement 2020 (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
Local Strategic Planning Statement (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>Enhancing, protecting, conserving, and promoting our natural, built and cultural heritage: The heritage impact statement (dated October 2021) prepared by City Plan notes the proposal will have minimal impact on the</p>

Local Strategies	Justification
	<p>neighbouring Beecroft - Cheltenham HCA (C2) and the heritage items in proximity to the site.</p> <p>Supporting sustainable economic growth based on the Shire's built and natural assets, infrastructure, and locational advantages: The proposal seeks to introduce a site-specific clause within Part 6 of the LEP to ensure that there is a minimum area of floor space dedicated to commercial use. The proposed concept takes advantage of the site's strategic location, being within the Pennant Hills town centre. The site is within 500m of the Pennant Hills train station, its adjacent bus interchange, and the recently constructed NorthConnex tunnel which provides access to other local centres.</p> <p>Promoting the '30-minute City' by improving the walkability, connectivity and accessibility of our centres and neighbourhoods: The proposal will facilitate the redevelopment of a site into a mixed-use development within 500m of an existing train station, and local amenities. The redevelopment of the site will supply new jobs and dwellings on a site that is highly accessible and close to existing services.</p>
Local Housing Strategy (LHS)	<p>The LHS outlines Council's 20-year vision and priorities for housing in the 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 the 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>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: The planning proposal seeks to facilitate the supply of more diverse housing typologies, including both residential apartments and seniors independent living units. This housing diversity will cater particularly for smaller households and the elderly population, in an area close to transport and services.</p> <p>Promote sustainable locations for housing growth close to transport, which support the role of centres, have adequate infrastructure and maximise opportunities through collaboration: The planning proposal seeks to amend the LEP to introduce site-specific controls, incentivising the site to be renewed for mixed use purposes, including approximately 77 residential apartments and 28 independent living units. The resulting development will support housing diversity and density in an area that is readily accessible by public transit and close to commercial hubs and other services.</p> <p>Protect sensitive areas from development and ensure new housing does not detract or erode an area's local character: The planning proposal will uplift density adjacent to a low-density neighbourhood and an existing HCA. It is noted however, that existing LEP provisions mean that the site can already be developed for residential purposes and the proposal does not seek to increase the site's permissible height.</p>

Local Strategies	Justification
Employment Lands Strategy (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>1.2: Revitalise Pennant Hills to Thornleigh Corridor: the proposal seeks to facilitate the redevelopment of a site located close to the Pennant Hills town centre area. The site is within 500 metres of existing transport infrastructure and has access to services and infrastructure needed to support future residents of the site.</p> <p>1.5: Implement minimum non-residential FSR controls: 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>2.2: Increase the utilisation capacity of Hornsby B5 Urban Service Land: The <i>E3 Productivity Support</i> zone (which replaces the B5 Business Development zone) applies to the site from the commencement of the Employment Zones on 26 April 2023. The proposed uses are considered appropriate as the proposed minimum non-residential FSR component would ensure that some commercial floor space and uses are maintained on the site.</p> <p>3.2: Protect the role and function of employment lands: The proposal seeks to include a site-specific clause within Part 6 of the LEP which includes a minimum non-residential FSR of 0.5:1. 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>The proposal is consistent, refer to 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 'Senior's housing' as an additional permitted use but only as part of a mixed-use redevelopment</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		containing non-residential uses including office premises. This clause will not restrict the development of the site for uses currently permitted.
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, a 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 requirement for 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"> existing land use zoning is <i>E3 Productivity Support</i>. concept design for the site shows that the development footprint will largely be contained within the existing building footprint. concept design has implemented mitigation measures to limit the impact of the proposal on biodiversity in the locality. <p>It is considered reasonable for further investigation and assessment to be prepared at development application stage once a future building form is established.</p>
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-Cheltenham 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"> Heritage item 618 - St. Agatha's Primary School grounds (excluding buildings) Heritage item 619 - 'Cheddington' and stables (formerly 'Niara')

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<ul style="list-style-type: none"> Heritage item 641 - 'Eudora' and garden Heritage item 651 - Westpac Heritage item 688 – Bushland <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 implementing 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 near bus services on Pennant Hills Road. There are established pedestrian paths providing connection to these public transit links.</p>
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 strategically located near Pennant Hills train station, bus services and the NorthConnex.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
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 <i>E3 Productivity Support</i> zone and deliver additional commercial floor space within a highly accessible site that is 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 retain commercial floor space, while facilitating 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 proposal includes housing for seniors, which may rely on the SEPP for development. Due to the prevalence of Biodiversity Values mapping on a small part of the site, the application of the Housing SEPP may be excluded. As such, seniors housing has been identified as part of a new local provision for the site.</p> <p>The proposal was submitted with a draft VPA (Attachment C1), which dedicates four affordable housing units to Council in perpetuity.</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</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
			not interfere with the operation of the SEPP.
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>An updated traffic impact assessment by Stantec (formerly GTA) dated 13 February 2023 was submitted to the Department on 20 February 2023 (Attachment A14). This work addressed 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.</p> <p>The traffic modelling (Attachment A14) concludes that future operating conditions <i>"would generally operate at existing levels of service, with minor increases to average delay and 95th percentile queue lengths... regardless, the additional delay would not materially impact the operation of the intersection."</i></p> <p>The proposal has demonstrated consistency with the SEPP as it is considered that the development will not impact upon the adjacent rail corridor. The traffic generated from the resulting development will also not significantly impact the road network.</p>
SEPP No 65 — Design Quality of Residential Apartment Development	This SEPP aims to improve the design quality of residential apartment development in NSW.	Consistent	<p>The planning proposal is supported by both an architectural statement and plans (dated January 2022) prepared by Fender Katsilidis.</p> <p>The proposal also includes further justification regarding SEPP 65 compliance, dated 25 November 2022 (Attachment A18). This confirms that the indicative concept plan, building envelope and floor plate configuration, can achieve the minimum 2 hours or more of solar access for 70% of apartments during the winter solstice.</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
			The proposal has addressed compliance with SEPP 65 and is consistent with the objectives of the SEPP.

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 (Attachment A4) and Biodiversity Assessment Report (BAR) (dated November 2021, (Attachment A5) 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>The 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 in a sensitive manner, the proposed development would not have a significant impact on long-term health of the retained trees. Per the indicative architectural plans provided, the existing building footprint of the structure on site is being largely retained, with the exception of an extension at the rear, south-east end of the site. This means additional impacts on vegetation on-site has been largely mitigated.</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 development application for the detailed development stage is lodged.</p>

Environmental Impact	Assessment
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, however, adjacent to the Beecroft-Cheltenham HCA “C2” and Heritage Item No. 139, Bushland.</p> <p>The site is also located near:</p> <ul style="list-style-type: none"> • 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. <p>A brief heritage impact statement (dated October 2021) prepared by City Plan supports the proposed amendments given the minimal 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 planning proposal is supported by both an architectural statement and concept plans (dated January 2022) and further, written justification regarding potential solar access impacts of the proposal's design and SEPP 65 compliance (25 November 2022), prepared by Fender Katsilidis. The written justification has been provided in response to Condition 1 (d) of the planning proposal's original Gateway determination, which requested further evidence of compliance with SEPP 65.</p> <p>The proposal states that the indicative concept plan, building envelope and floor plate configuration, is capable of achieving the minimum 2 hours or more of solar access for 70% of apartments during the winter solstice between 9am and 3pm.</p> <p>As the proposal has both addressed compliance with SEPP 65 requirements, and Condition 1 (d) of the original Gateway determination issued on 26 August 2022, it has been deemed to be consistent with the objectives of the SEPP.</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 3,448m² 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 both the subject and neighbouring sites. It is considered that the introduction of residential flat building and seniors housing land uses, when part of a mixed-use development, would not significantly impact the amount of employment land stocks in the LGA. The economic viability of the proposal should also be considered within the context of the subject site's current, long-standing vacant state, which is unproductive for the local economy.</p>
Social	<p>The proposal outlines several public benefits. These include open space in the form of a 700sqm 'pocket park', a pedestrian thoroughfare, publicly available communal space, affordable housing, and pedestrian amenity improvements at nearby intersections. The development will also include subsidised rental space for start-up businesses.</p> <p>The planning proposal is accompanied by a draft VPA (Attachment C1). The VPA outlines the following development contributions:</p> <ul style="list-style-type: none"> • A monetary contribution of \$450,000 in total (excluding GST), • Construction and transfer to Council of four Affordable Housing units, in accordance with Schedule 2, • Grant of an Easement to provide public access to a walkway through the pocket park on the Land, in accordance with Schedule 3.

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>An updated Traffic Impact Assessment (TIA) by Stantec (formerly GTA), dated 13 February 2023, was submitted with the proposal (Attachment A14). This work addressed the transport impact assessment's modelling conditions,</p>

Infrastructure	Assessment
	<p>including queue lengths and level of service during peak hours, with scenarios for existing, concept design and cumulative impacts.</p> <p>The traffic modelling notes that future operating conditions “<i>would generally operate at existing levels of service, with minor increases to average delay and 95th percentile queue lengths... regardless, the additional delay would not materially impact the operation of the intersection.</i>”</p> <p>The TIA concluded that there is sufficient capacity within the immediate road network and intersection (Pennant Hills and City View Road) to accommodate the traffic generated by any future re-development on the site.</p> <p>The urban design study (dated November 2021, (Attachment A17) prepared by Hatch Roberts Day and architectural statement and plans (dated January 2022, (Attachment A16) prepared by Fender Katsilidis show 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 proximity of the development to Pennant Hills Train station, and the mixed nature of the proposed uses of the development are cited as justification for the reduced parking provision. Appropriate parking would be subject to further assessment during any future development application.</p> <p>It is considered that the traffic generated from the resulting development will not significantly impact the road network.</p>
Services	<p>The proposal includes an infrastructure servicing report (dated November 2021, (Attachment A8) prepared by Northrop, indicating there are adequate services in proximity to the site, sufficient to service the proposed development. It is expected that these services would be upgraded where required by the developer.</p>
Draft voluntary planning agreement (VPA)	<p>The proposal is accompanied by a draft VPA (Attachment C1) which commits to public benefits. The VPA outlines the following development contributions:</p> <ul style="list-style-type: none"> • A monetary contribution of \$450,000 in total (excluding GST), • Construction and transfer to Council of four Affordable Housing units, in accordance with Schedule 2, • Grant of an Easement to provide public access to a walkway through the pocket park on the Land, in accordance with Schedule 3.

5 Consultation

5.1 Community

Within the Gateway Determination request (**Attachment A2**), Council proposes a community consultation period of 30 days, accounting for the duration of school holidays. This exhibition period is considered appropriate and will form part of the Gateway determination. Council anticipates exhibition to occur between 29 September and 10 November 2023.

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 Department of Environment and Heritage
- Relevant utility providers, including Sydney Water

6 Timeframe

Council proposes a timeframe of **8 months** to complete the LEP.

The Department supports this timeframe of **8 months**. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates. As such, from the date of the Gateway determination, the planning proposal should be:

- exhibited within **3 months**; and
- reported to Council for a recommendation within **6 months**.

A condition to the above effect is recommended in the Gateway determination.

It is noted that planning proposal PP-2022-908 was previously assessed for this site, and that this previous assessment is also applicable to this planning proposal. The Department issued a Gateway Alteration (**Attachment D4**), altering the Gateway Determination recommendation to 'should not proceed' for PP-2022-908 on 16 May 2023.

A letter (**Attachment D5**) was sent to Council highlighting the Department's commitment to finalisation timeframes and committing to fast processing times. Council was encouraged to submit a new planning proposal for Gateway determination once the VPA and supporting technical studies had been finalised for the proposal. The Department made a commitment this Gateway Determination would be issued within two weeks of Council's lodging the proposal.

7 Local plan-making authority

Council has not requested delegation to be the Local Plan-Making Authority (LPMA). As the planning proposal is a standard planning proposal, the Department recommends that Council be authorised to be the LPMA for this proposal.

8 Assessment summary

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

- There is regional, district and local strategic merit for the proposal. It will facilitate the delivery of housing diversity, additional commercial floor space and community benefits 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 in a strategically advantageous location, near a wide range of existing infrastructure, including public transport connections and commercial hubs, including Pennant Hills town centre and train station.
- The proposal will not significantly impact upon the heritage items or the adjacent heritage conservation area.
- An amendment to the Hornsby LEP 2013 with an additional local provision is considered the best means of achieving the objectives of the planning proposal.

9 Recommendation

The LEP should be completed on or before 30 April 2024.

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

1. Prior to exhibition, the planning proposal should be updated to remove references to the *B5 Business Development* zone which was superseded by the *E3 Productivity Support* zone with the commencement of the Employment Zones on 26 April 2023.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within **3 months** following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Transport for NSW
 - NSW Department of Environment and Heritage
 - Relevant utility providers, including Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



29 August 2023

Ashley Richards

Manager, Metro North



31 August 2023

Brendan Metcalfe

Director, Metro North

Assessment officer

Matt Carpenter

Planning Officer, North District

02 9585 6663