



31 October 2022

David Workman
Divisional Director – Urban and Community Planning
EG

Via Email: dworkman@eg.com.au

Dear Mr Workman,

7 City View Road Planning Proposal – Response to draft development control plan and voluntary planning agreement letter of offer

The purpose of this letter is to respond to elements of the 7 City View Road Planning Proposal (planning proposal), specifically the following supporting materials:

- *Draft Site Specific Development Control Plan (work-in-progress)* (GYDE Consulting, dated 17 December 2021);
- *Future Voluntary Planning Agreement, Planning Proposal for No. 7 City View Road Pennant Hills* (EG, dated 30 November 2021); and
- *Additional Information Letter – Affordable Housing* (GYDE Consulting, dated 9 May 2022).

As you would be aware, Council considered the planning proposal and its supporting materials at its 13 July 2022 meeting. At that meeting, Council resolved to make a technical amendment to the planning proposal (introduction of an Additional local provision, rather than an Additional permitted use and Floor space ratio map amendment) and send the planning proposal to the Department of Planning and Environment for Gateway Determination. The resulting Gateway Determination considered that the planning proposal was suitable for progression, with conditions seeking additional information regarding design and traffic concerns. Council understands that EG is progressing a response to those Gateway conditions.

Council's 13 July 2022 report also identified two subjects to be considered further, being the draft development control plan (DCP) referenced above and the voluntary planning agreement (VPA) letter of offer. The report deferred a full assessment of the draft DCP, given the potential changes associated with a post-Gateway design change. It also identified several key issues associated with the VPA letter of offer. As the Gateway Determination process has progressed, Council staff have considered the issues more fully, with this letter forming a response to the above supporting materials.

Draft Site Specific Development Control Plan

Council staff have reviewed the draft DCP provided with the planning proposal. For reference, the draft DCP has not been assessed in detail, as that would require formal submission of the draft DCP for assessment and potential adoption. That service is separate to the planning proposal process and subject to its own fees and charges that reflect assessment of the merit and impacts of an amendment to the current Hornsby Development Control Plan.

The draft DCP seeks to implement site-specific development controls for 7 City View Road across the following subjects, including objectives and provisions:

- Design objectives
- Site planning

- Land uses
- Setbacks
- Landscaping and public domain
- Vehicle access and parking
- Sustainability
- Building materials and finishes.

The practical effect of the draft DCP is to encourage the delivery of the concept plan delivered with the planning proposal. Council staff have undertaken a high level review of the objectives and provisions of the draft DCP and have not found substantial differences from Council's existing DCP or benefits associated with adoption of a site specific DCP for the site. Unless EG is able to provide a strong argument for the draft DCP to progress, it does not appear that such an amendment is necessary and this time. Should Council determine that DCP amendments are required in the future, those may be progressed separately by Council.

If EG agrees, acknowledgement of withdrawal of the draft DCP would be helpful.

Voluntary Planning Agreement Letter of Offer

The planning proposal was accompanied by a letter of offer to enter into a VPA (dated 30 November 2021). Upon review of the VPA letter of offer, Council staff requested clarification on 22 April 2022 regarding the affordable housing component discussed in the letter of offer. GYDE Consulting provided a response to that request in a separate letter dated 9 May 2022. This discussion considers those documents as a single amended offer.

The VPA letter of offer includes the following elements:

- Pocket Park
 - Up to 700 sqm of open space and recreation facilities;
 - Subject to easement or similar to allow for public use;
 - Facilitate Pedestrian access from City View Road to Boundary Road.
- Community space
 - Up to 500 sqm of community space and potentially 200sqm of discounted rental space for commercial purposes (unclear if this is cumulative or inclusive);
 - Community space would function as communal space for on-site residents/workers and also be made available for surrounding residents and groups.
- Civic amenity improvements surrounding the site
 - Potential improvements such as acoustic walls, pedestrian amenity/safety at City View Road and Pennant Hills Road intersection;
 - Improvements would likely require the concurrence of road/train authorities.
- Affordable housing
 - Between 5 and 7 per cent of housing as affordable housing (between 5 and 7 of the 105 proposed dwellings);
 - Housing may be an apartment or independent living unit (seniors housing);
 - A proportion of the units can be dedicated to a Community Housing Provider. Dwellings could also be maintained by EG and rented at discounted rates;
 - The dedication period is anticipated to be 15 years.

Council's initial position on these elements were discussed in Directors Report PC14/22 dated 13 July 2022, summarised below:

- Pocket park
 - Likely to benefit the site, but unlikely to represent a park that Council would accept as an owner or caretaker;
 - Investment to assist delivery of Council's strategic social infrastructure objectives would improve community benefit outcomes.

- Community space
 - Council's strategic position is to improve the quality of facilities in centralised locations, not isolated facilities;
 - Council's *Community and Cultural Facilities Strategic Plan* recommends expansion of the Pennant Hills Community Centre and Library.
- Civic amenity
 - Comment is not provided due to the undefined nature of the offer and likely consultation required with TfNSW regarding their nearby assets.
- Affordable housing
 - Council's LHS identifies the need for more affordable housing.

Council's position on the pocket park and community space have not changed. It is requested that EG reconsiders these elements of its VPA letter of offer and how they could be adjusted to meet Council's adopted strategic priorities, namely the delivery of high quality community and open space at the neighbouring Pennant Hills local centre. Given the scale of the additional demand for services associated with the planning proposal, provisions would be in addition to, not instead of, development contributions required by Council's development contribution plans.

Council has not received additional details regarding the proposed civic amenity improvements. Given that these are likely to involve modifications to TfNSW infrastructure, the delivery pathway could be complex. Further, EG would be required to demonstrate the improvements to be of a broader community benefit, rather than site specific (eg easing acoustic issues for future apartments). Additional information is required to provide feedback on this matter, should EG continue to pursue it.

As outlined above, Council's Local Housing Strategy identifies the need for more genuine affordable housing. This principle should be reflected in a future VPA letter of offer, with any affordable housing dedicated in perpetuity to a community housing provider. Dwellings are to be designed and constructed to a standard that is generally consistent with other dwellings, with relevant ADG and DCP provisions within the subset of dwellings (eg 70 per cent of affordable housing dwelling should achieve adequate solar access, with a mix of dwelling sizes). Notwithstanding that plans may change through the design and development application process, it would be useful to identify potential dwellings on concept plans, as well as demonstrate consultation with a community housing provider.

Next steps

As discussed previously, a draft voluntary planning agreement will be required to be reported to Council in order to be exhibited alongside an updated planning proposal. To progress this in a timely manner, it is recommended that EG amend its VPA letter of offer to respond to the matters discussed above, including specific quantifiable outcomes. EG may also find it useful to provide documentation to support the feasibility of delivering the offer, considering the uplift associated with the planning proposal.

We would be open to a meeting to discuss this letter and a potential revised offer.

Should you require any clarification on the feedback provided, please contact me directly on 9847 6780 or Katherine Vickery, Manager Strategic Land Use Planning on 9847 6744.

Yours faithfully



Taylor Richardson
Team Leader Strategic Land Use Planning
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