
Explanatory Note

Hornsby Shire Council and EG Funds Management Planning Agreement – 7 City View Road, Pennant Hills

Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft Voluntary Planning Agreement (**Planning Agreement**) under s7.4 of the *Environmental Planning and Assessment Act 1979* (NSW) (**Act**).

This Explanatory Note has been prepared jointly between the parties as required by clause 205 of the Environmental Planning and Assessment Regulation 2021 (**Regulations**).

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

1 Parties

Hornsby Shire Council

EG Funds Management Pty Ltd ACN 108 198 492 ATF EG Unit Trust in its capacity as Investment Manager for the Yield Plus Infrastructure Property Fund No.2

2 Description of Subject Land

Lot 3 DP 732565, otherwise known as 7 City View Rd Pennant Hills.

3 Description of Proposed Change to Environmental Planning Instrument/Development Application

A change to *Hornsby Local Environmental Plan 2013* to include a local provision which would:

- permit residential flat buildings and seniors housing on the Land; and
- allow for an increased FSR on the Land consistent with the renewal concept submitted with the Planning Proposal,

provided that the Development would result in the provision of a minimum of 0.5:1 floor space for commercial use.

4 Summary of Objectives, Nature and Effect of the Draft Planning Agreement

The **objective** of the Planning Agreement is to provide public benefit from an Instrument Change.

The nature of the public benefits are:

- Monetary Contribution – the payment of up to \$450,000 to be used by Council for the provision of public domain works in the Pennant Hills town centre;
- The dedication of four Affordable Housing units to Council in perpetuity, providing Council-owned affordable housing;
- The grant of an easement for public access to a pedestrian walkway which will provide access through the Development from City View Rd to Boundary Rd.

5 Assessment of the Merits of the Draft Planning Agreement

The Public Purposes Served by the Planning Agreement

The Planning Agreement will provide a material public benefit to be applied towards community infrastructure and also provides a benefit by way of monetary contributions, including towards affordable housing.

The provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by achieving the objectives of the Act by promoting:

- certainty for the Developer and Council as to the provision of public benefit within the Pennant Hills Town Centre;
- the provision of affordable housing;
- the social and economic welfare of the community by requiring construction of local infrastructure as determined by the General Manager of Council from time to time;
- delivery of infrastructure, facilities and services to benefit and satisfy needs of the community; and
- the orderly and economic use and development of land and good design and amenity of the built environment by ensuring improved walkability and town centre infrastructure.

How the Planning Agreement promotes Council's guiding principles

The Planning Agreement promotes a number of Council's guiding principles under section 8A of the *Local Government Act 1993* (NSW), as follows:

- The exhibition of the Planning Agreement facilitates the involvement of members of the public in the consultation process for the Planning Agreement.
- To plan strategically for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- To act fairly, ethically and without bias to the interests of the local community.
- To have regard to the long term and cumulative effects of its decisions on future generations.
- To engage in long-term strategic planning on behalf of the local community.
- To bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.
- The Planning Agreement makes it clear that Council has a statutory role as consent authority in relation to the Planning Proposal and that the Planning Agreement is not intended to unlawfully influence the exercise of Council's regulatory functions.

Whether the Agreement Conforms with Council's Capital Works Program

The monetary contribution proposed under the Planning Agreement is for the provision of open space, community facilities and civic improvements within the Pennant Hills Town Centre.

Multiple strategies adopted by Council have identified opportunities for improvements to community infrastructure within the Pennant Hills Town Centre, including Play Plan and Community and Cultural Facilities Strategic Plan.

If the VPA is entered into, options for improvements would be investigated further, costed and incorporated into a future delivery plan for Council review and adoption.

The Planning Agreement does not exclude the application of Section 7.11 or 7.12 fees for future development, therefore does not affect the infrastructure works program under these Plans.