

# Cherrybrook Station State Significant Precinct – Rezoning Proposal

Response to Submissions Report



**'Gura Bulga'**

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.

By using the green and blue colours to represent NSW, this painting unites the contrasting landscapes. The use of green symbolises tranquillity and health. The colour cyan, a greenish-blue, sparks feelings of calmness and reminds us of the importance of nature, while various shades of blue hues denote emotions of new beginnings and growth. The use of emerald green in this image speaks of place as a fluid moving topography of rhythmical connection, echoed by densely layered patterning and symbolic shapes which project the hypnotic vibrations of the earth, waterways and skies.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

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# Executive summary

This Response to Submissions Report (RtS) has been prepared by Ethos Urban on behalf of Landcom and Sydney Metro in support of the rezoning proposal for the Cherrybrook Station State Significant Precinct (SSP). The rezoning proposal will enable development of a vibrant new mixed use and transit oriented local centre around Cherrybrook Station.

The Cherrybrook Station SSP Study was publicly exhibited for five weeks over July and August 2022. During this period, over 150 submissions from the community, State agencies and councils were received. Following the end of the public exhibition period, the Department of Planning and Environment (DPE) requested a response to the submissions received from the public, State and government agencies.

This report addresses the queries and issues raised in those submissions and provides an updated description of the proposal.

## Key issues raised

The following is a list of the key issues raised in the community, State agency and council submissions:

- Capacity of commuter carparking
- Capacity of existing roads / traffic congestion
- Capacity of existing sports grounds
- Need for community facilities
- Building height and density transitions
- Overshadowing
- Sustainability
- Provision of electric vehicle charging infrastructure
- Tree canopy cover
- Pedestrian connectivity
- Provision of affordable housing
- Perceived increase in crime
- Implementation and funding
- Lack of public transport
- Capacity of existing schools
- Capacity of existing medical facilities & emergency services
- Impact on low density, treed character
- Need for additional retail and commercial floor space
- Visual privacy
- General environmental impacts
- Impact on the Blue Gum High Forest
- Green linkages
- Concerns about existing overhead transmission lines
- Impact on heritage

These key issues have been reviewed and responded to, supported by technical expert advice attached to this report.

## Changes to the proposal

Landcom would be supportive of inserting an incentive/bonus mechanism in the LEP to facilitate up to 10% affordable housing for a minimum period of 10 years, provided that the incentive provision includes the associated changes to the planning controls that have been identified in the Affordable Housing Analysis prepared by SJB Architects as necessary to facilitate the additional affordable dwellings as a net increase to the overall dwelling yield. It is envisaged this could be addressed through Height of Buildings and FSR incentive provisions in the proposed LEP clause 6.10 *'Development in Cherrybrook Station Precinct'*. The incentive provisions would also need to allow for a localised increase in building height in one portion of the site, to facilitate the additional affordable dwellings. The draft Design Guide has been revised to reflect the change to the number of storeys control, to reflect the height of buildings incentive provision of 23.5m (which will allow up to 6 storeys when viewed from Bradfield Parade, or 7 storeys when viewed from the north).

Additionally, the draft Design Guide has been updated to include the matters raised by Transport for NSW in their submission. Specifically, the following:

- a new bullet point has been added into Prescriptive Measure PM1.2 which states any vehicle access are to comply with the requirements of AS2890.1 and AS2890.2
- a new prescriptive measure PM4.3 has been added which states that "all basement service areas should comply with all requirements of AS2890.2", and

- a new prescriptive measure stating that a Green Travel Plan be developed and implemented by future developers to realise the benefits of the development being within close proximity of the metro station.

### **Next steps**

DPE will now finalise its assessment, considering the submissions received together with this RtS report and the proposed changes. An assessment report will be prepared and submitted to the Minister for Planning to make a determination on the rezoning.

# Glossary

Key term or abbreviation	Meaning
The Corridor Strategy	Northwest Rail Link Corridor Strategy
DPE	NSW Department of Planning and Environment
RtS	Response to submissions
SSP	State Significant Precinct
SSP Study	State Significant Precinct Study
The Structure Plan	Cherrybrook Station Structure Plan
The Place Strategy	Cherrybrook Station Precinct Place Strategy

# 1.0 Introduction

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**This section provides an introduction to this RtS report, including its purpose and structure**

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## 1.1 Purpose

Landcom and Sydney Metro have prepared the Cherrybrook Station State Significant Precinct Study (the Cherrybrook Station SSP Study) that seeks to amend the existing planning framework for land around Cherrybrook Station called the Cherrybrook Station State Significant Precinct (the Cherrybrook Station SSP) (refer **Figure 1**) to enable its development as a vibrant new mixed use and transit oriented local centre (the proposal).

The Cherrybrook Station SSP Study was publicly exhibited for five weeks between 22 July and 28 August 2022. During this period, 161 submissions from the community, State agencies and councils were received.

Consistent with the 'State Significant Precincts Guideline 2016', the purpose of this Response to Submissions report (the RtS report) is to:

- analyse submissions
- identify key issues raised in submissions
- respond to key issues raised in submissions
- outline additional investigations that have been undertaken as part of the response to submissions
- outline changes to the proposal made in response to submissions, and present the revised proposal.

The SSP Study relates to land including and surrounding Cherrybrook Station and generally bounded by Oliver Way and Kayla Way to the north, Franklin Road to the east, Castle Hill Road to the south and Robert Road to the west.

While there are considerable synergies with the Cherrybrook Precinct, planning for this larger, surrounding area is being undertaken as part of a separate process known as the Cherrybrook Station Precinct Place Strategy (the Place Strategy). As such, this report does not address submissions received in respect of this area. For this, please refer to [Cherrybrook Station Precinct Place Strategy | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](https://www.nsw.gov.au/planning-and-environment/planning-portal/cherrybrook-station-precinct-place-strategy).

## 1.2 Structure of this report

The structure of this RtS report is as follows:

- **Part 1 – Introduction:** provides an introduction to this RtS report, including its purpose and structure
- **Part 2 – Background:** provides relevant background for this RtS report, including the Cherrybrook Station SSP, the planning process, the proposal, community and stakeholder engagement and public exhibition
- **Part 3 – Analysis of submissions:** analyses submission to identify the number of submissions, who submissions were from, where they were from and the key issues
- **Part 4 – Response to submissions:** provides a response to the key issues, including outlining additional investigations and changes made to the proposal
- **Part 5 – Additional investigations:** outlines additional investigations that have been undertaken as part of the response to submissions
- **Part 6 – Changes to the proposal:** outlines changes to the proposal made in response to submissions
- **Part 7 – Revised proposal:** outlines the revised proposal
- **Part 8 – Conclusion:** draws a conclusion from the RtS, and identifies next steps in the planning process.

## 1.3 Scope and limitations

### Relationship to planning for the Cherrybrook Precinct

The Cherrybrook Station SSP is part of the larger Cherrybrook Station Precinct. The Department of Planning and Environment (DPE) has prepared the Place Strategy to guide future renewal of Cherrybrook Precinct as a 'compact and walkable green village', including increasing the amount and choice of homes.

The Place Strategy was publicly exhibited at the same time as the Cherrybrook Station SSP Study. While related, ultimately the Place Strategy is different from the Cherrybrook Station SSP Study. As such, this RtS report only addresses key issues raised in submissions in relation to the Cherrybrook Station SSP Study. For address of matters raised in submissions in relation to the Place Strategy, refer to the NSW Planning Portal website (<https://pp.planningportal.nsw.gov.au/>).

### Nature of submissions

Submissions inherently express matters in an individual manner. The role of this RtS report is to identify key issues through recognising general patterns in submissions. As such, while considered, not every nuance in submissions is specifically identified and addressed in this RtS. This is considered acceptable in the interests of focussing on key issues, and communicating them in a clear, concise and non-repetitive manner.



## 2.0 Background

This section provides relevant background for this RtS report, including the Cherrybrook Station SSP, the planning process, the proposal, community and stakeholder engagement and public exhibition

### 2.1 The Cherrybrook Station State Significant Precinct

The Cherrybrook Station SSP comprises the Cherrybrook Station, commuter carpark, station access road (Bradfield Parade) and vacant land to the north and east of the station (referred to as the Developable Government Land) (DGL). It is bound by Castle Hill Road (south), Franklin Road (south east) and Robert Road (north west) (refer **Figure 1**). This land is the subject of this SSP Study.

The Cherrybrook Station SSP comprises four (4) sites, including:

- 2 Bradfield Parade, Cherrybrook (Lot 30 DP1253104)
- 4 Bradfield Parade, Cherrybrook (Lot 31 DP1253104)
- 6 Bradfield Parade, Cherrybrook (Lot 32 DP1253104)
- 1-19 Bradfield Parade, Cherrybrook (Lot 33 DP1253104).

The Cherrybrook Station SSP is wholly contained in the Hornsby local government area (LGA).



 Cherrybrook Station Government Land State Significant Precinct



**Figure 1: The Cherrybrook State Significant Precinct**

Source: Ethos Urban and Nearmap

## 2.2 The planning process

Plans for the future of land surrounding Cherrybrook Station were first announced in 2013 with the NSW Government release of the Northwest Rail Link Corridor Strategy (the Corridor Strategy). To capitalise on the significant opportunity for sustainable development provided by the Northwest Rail Link (now the Metro North West Line), the aim of the Corridor Strategy was to enable the creation of vibrant new precincts delivering new homes and jobs within walking distance of new metro stations.

The Corridor Strategy included the Cherrybrook Station Structure Plan (the Structure Plan). Under the Structure Plan, land around Cherrybrook Station comprises two parts:

- a core area, which was intended to become a vibrant new mixed use local centre
- a surrounding area, which was to deliver a significant increase in the amount and choice of housing for the local community.

To facilitate delivery of the core area and in recognition of its importance in achieving government policy objectives, in 2019 the former Minister for Planning declared this area the Cherrybrook Station SSP.

In May 2020, DPE issued the Cherrybrook Station State Significant Precinct Study Requirements (the study requirements). This provided the scope for the Cherrybrook Station SSP Study.

Preparation of the SSP Study involved extensive planning, design and technical work and community and stakeholder engagement. As part of the SSP Study process, a Project Working Group (PWG) was set up to establish a collaborative working arrangement between DPE, Hornsby Shire Council, The Hills Shire Council and Transport for NSW to guide the planning investigations for the Cherrybrook Station SSP. As part of their role, the PWG has reviewed and provided comments on materials submitted by Landcom, including deliverables for key stages of the SSP process. The PWG met nine times during the preparation of the SSP Study, including a final presentation of the Reference Scheme and planning framework for feedback.

In April 2022, Landcom and Sydney Metro submitted the SSP Study to DPE for Test of Adequacy purposes. The final SSP Study was submitted in May 2022.

## 2.3 Early community and stakeholder engagement

Between July and September 2020 Landcom undertook early community and stakeholder engagement. This included online meetings and briefings, a community incubator and follow-up information session, coffee table conversations, and online and telephone surveys. More than 800 people participated in the engagement. The findings of this early community and stakeholder engagement were used to help inform preparation of the SSP Study.

## 2.4 The proposal

The SSP Study seeks to enable development of the Cherrybrook Station SSP in accordance with the following vision:

*'The Cherrybrook State Significant Precinct is a vibrant and leafy mixed-use community; a welcoming place that provides a range of housing choices, open space for community activity, local retail and business spaces, a community facility and easy access to the metro'.*

In accordance with this vision, the SSP Study includes a Reference Scheme that illustrates one way in which the Cherrybrook Station SSP may develop in the future (refer to **Figure 2**). The Reference Scheme provides for the following key outcomes:

- around 390 homes, including a minimum of 5% Affordable Housing for very low, low and middle income earners
- building heights up to five storeys when viewed from Bradfield Parade, with an additional storey at lower ground floor level when viewed from the north to activate the public open space
- more than one hectare of public open space including a village square, community gathering space and environmental space around the pond and next to the Blue Gum High Forest
- a 1,300 square metres multifunctional community space to house a multi-purpose community centre (this may include a library)

- up to 3,200 square metres of retail space which could include cafes, restaurants, and supermarket
- a new pedestrian and cycle connection through the precinct
- around 376 car parking spaces and 177 bicycle parking spaces
- a blend of landscaping, architecture and design to support a village type atmosphere
- increased tree canopy and green cover on the site, and the protection of the Blue Gum High Forest outside of the precinct.

To enable these outcomes to be delivered, the SSP Study (as exhibited) seeks Department approval to amend the existing planning framework for the Cherrybrook State Significant Precinct. This comprises:

- amendments to the Hornsby Local Environmental Plan 2013 (HLEP 2013), including for land zoning, building height and floor space ratio. Specifically, this sought to:
  - amend the "Land Zoning Map" to exclude the land from the R2 Low Density Residential zone and include it in part B4 Mixed Use zone, part R4 High Density Residential zone and part RE1 Public Recreation zone
  - amend the "Height of Buildings Map" to increase the maximum height of buildings from 8.5m to part 18.5m and part 20.5m and remove the 8.5m maximum height of buildings control from the land containing the station and commuter car park
  - amend the "Floor Space Ratio Map" to insert a maximum floor space ratio of part 1:1 and part 1.25:1
  - amend the "Additional Permitted Uses Map" to include the Cherrybrook Station Government Land State Significant Precinct, including allowing Residential Flat Buildings in the B4 Mixed Use Zone
  - insert a new "Key Sites Map" and show the Cherrybrook Station Government Land State Significant Precinct to trigger Additional Local Provisions
  - insert a new clause 6.10 "Development in the Cherrybrook Station Government Land State Significant Precinct" outlining additional local provisions
  - insert a new clause 6.11 "Site area of proposed development includes dedicated land" to ensure the site area of any new dedicated public land is included for the purpose of calculating FSR
- amendments to the Hornsby Development Control Plan 2013 to include a precinct specific DCP (design guide)
- amendments to the State Environmental Planning Policy (Planning Systems) 2021 (the Planning Systems SEPP) to make the Cherrybrook Station SSP a State significant site.

For the purposes of this report, the proposal is referred to as the 'rezoning proposal'.

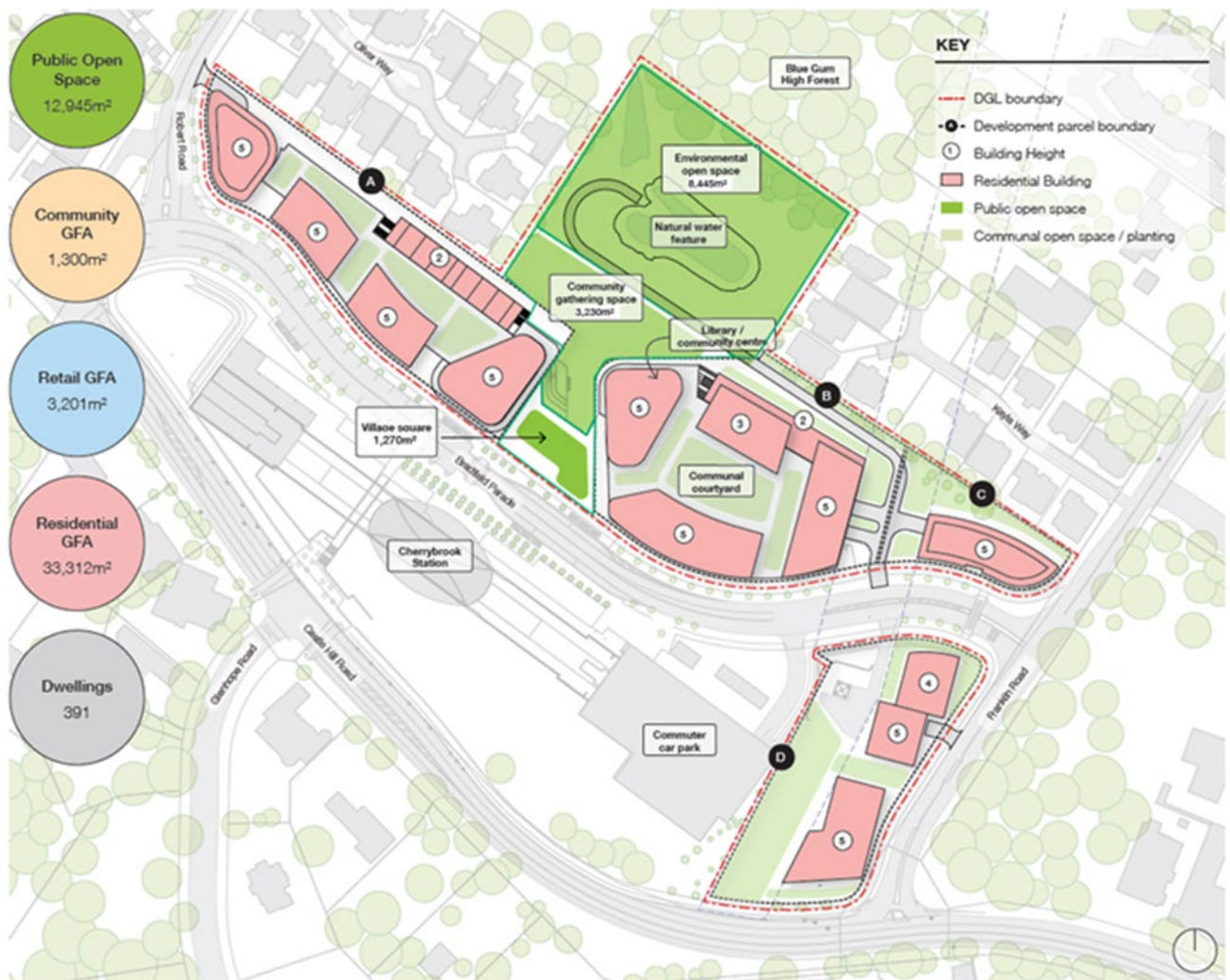


Figure 2: Reference Scheme – masterplan

Source: SJB

## 2.5 Public exhibition

In accordance with the 'State Significant Precincts Guideline 2016', (the SSP Guideline), the SSP Study was publicly exhibited for over five weeks between 22 July to 28 August 2022. During this time written submissions could be made in respect of the draft SSP Study.

Public exhibition involved the following activities:

- in-person community information sessions
- 'talk to a planner' sessions
- an online community information session
- resident group meetings
- councillor briefings
- an online engagement room.

Landcom attended the sessions and meetings to answer any questions related to the SSP.

Details of these activities are provided at **Appendix A1**.

## 3.0 Analysis of submissions

This section analyses submissions to identify the number of submissions, who submissions were from, where they were from and the key issues

### 3.1 Overview

During the submission period, a total of 161 individual submissions were received. No form letter submissions were received. The submissions comprised:

- 148 submissions from members of the community (of these, 14 were comments made in relation to the SSP and 2 were relevant comments made in relation to the Cherrybrook Place Strategy on the Social Pinpoint Map (part of the online public exhibition))
- 11 submissions from State agencies
- 2 submissions (1 each) from Hornsby Shire Council and The Hills Shire Council

Of the submissions received:

- 75 (46.6%) did not support the proposal
- 32 (19.9%) support the proposal
- 54 (33.5%) provided comments on the proposal for consideration, without stating a position.

### 3.2 Community submissions

Table 1 identifies the main and sub-issues raised by submitters and the frequency of their occurrence.

Table 1: Issues raised in community submissions

Theme of key matters raised	Matters raised	Number of times raised by submissions
Infrastructure	Capacity of existing schools	25 (16%)
	Capacity of existing sports grounds	7 (4%)
	Capacity of existing medical facilities & emergency services	10 (6%)
	Need for community facilities	12 (7%)
Road and traffic impacts	Capacity of commuter carparking	44 (27%)
	Lack of public transport	17 (11%)
	Capacity of existing roads / traffic congestion	34 (21%)
Character & Built Form	Impact on low density, treed character	50 (31%)
Amenity	Overshadowing	2 (1%)
	Visual privacy	2 (1%)
Land use and Economic Feasibility	Need for additional retail and commercial floor space	21 (13%)
Sustainability	Provision of electric vehicle charging infrastructure	6 (4%)
Biodiversity and the Natural Environment	Impact on the Blue Gum High Forest	12 (7%)
	Tree canopy cover	6 (4%)

Theme of key matters raised	Matters raised	Number of times raised by submissions
	Green linkages	2 (1%)
Transmission lines	Concerns about existing overhead transmission lines	3 (2%)
Affordable housing	Provision of affordable housing	13 (8%)
Heritage	Impact on heritage item Glenhope	1 (0.6%)
	Reporting of Aboriginal artefacts, and other matters relating to Inala land holdings	1 (0.6%)
Crime and safety	Perceived increase in crime	1 (0.6%)

### 3.3 Council submissions

Submissions were received from Hornsby Shire Council and The Hills Shire Council. The following table provides an overview of the key matters raised by these submissions.

**Table 2: Key matters raised by Councils**

Council	Themes of the key matters raised
Hornsby Shire Council	<ul style="list-style-type: none"> <li>• Yields</li> <li>• Building height</li> <li>• Floor space ratio</li> <li>• Design excellence</li> <li>• Community facility</li> <li>• Open space</li> <li>• Traffic and transport</li> <li>• Affordable housing</li> <li>• Dwelling mix</li> <li>• Implementation and funding</li> <li>• Sustainability and climate change</li> <li>• State Environmental Planning Policy (SEPP) Planning Systems amendment</li> </ul>
The Hills Shire Council	<ul style="list-style-type: none"> <li>• Pedestrian connectivity over Castle Hill Road</li> <li>• Height and density transitions</li> <li>• Consideration of environmental constraints</li> <li>• Infrastructure contributions mechanism</li> <li>• The Pond / detention basin</li> <li>• Clarification with regard to the draft Design Guide</li> </ul>

### 3.4 Government agency and non-government organisation submissions

Submissions were received from the following State agencies:

- NSW Environment Protection Authority (EPA)
- Heritage NSW
- NSW State Emergency Service (SES)
- NSW Crown Lands (Crown Lands)
- NSW Environment and Heritage Group (EHG)
- Transport for NSW (TfNSW)
- Endeavour Energy
- Sydney Water
- NSW Rural Fire Service
- School Infrastructure NSW.

The following table provides an overview of the key matters raised by submissions from government agency and non-government organisations.

**Table 3: Key matters raised by government agency and non-government organisation submissions**

Government agency and non-government organisation	Key matters raised
NSW Environment Protection Authority (EPA)	<ul style="list-style-type: none"> <li>• Supports the inclusion of condition DO3 in the draft proposed site-specific development control plan (design guide) regarding soundscapes</li> <li>• Notes that acoustic assessments including a careful consideration of rail noise and vibration impacts will need to be undertaken at the detailed design stage of future development in the precinct</li> <li>• The implementation of water sensitive urban design principles of the Ecologically Sustainable Development Plan is led by the 'Risk-based Framework for Considering Waterway health Outcomes in Strategic Land-use Planning Decisions' (Office of Environment and Heritage and EPA, 2017)</li> <li>• The Ecologically Sustainable Development Plan reference and implement principles from the 'Better practice guide for resource recovery in residential developments' (EPA, 2019)</li> </ul>
Heritage NSW	<ul style="list-style-type: none"> <li>• DPE work with the Local Councils to address impacts to the local heritage items</li> </ul>
NSW State Emergency Service (SES)	<ul style="list-style-type: none"> <li>• Ensure that the rezoning proposal is considered against the relevant Ministerial Section 9.1 Directions, including 4.3 – Flood Prone Land, and is consistent with the NSW Flood Prone Land Policy as set out in the NSW Floodplain Development Manual, 2005</li> <li>• Risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF) and not focus only on the 1% AEP flood</li> <li>• Risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes.</li> <li>• For residential development, habitable floors (including aged care) should be located above the PMF with the building structurally designed for the likely flood and debris impacts</li> <li>• All ground floor businesses and retail floors must be above the 1% AEP flood levels, access to the basement must be above PMF and there must be the provision of sufficient readily accessible habitable areas above the PMF cater for the safety of potential occupants, clients and visitors</li> <li>• Any vehicle parking should have entrances above the PMF</li> <li>• Publicly accessible space or access to space above the PMF (with adequate infrastructure to enable the physically impaired to access such space) should be provided for the itinerant population in surrounding areas that is easily accessible 24 hours a day for seven days a week and which is clearly identified for this purpose with associated directional signage</li> </ul>
NSW Crown Lands (Crown Lands)	<ul style="list-style-type: none"> <li>• Crown Land's submission on Amendment to Planning Systems SEPP for SSD Pathway: Notes that proposed amendment to the Planning Systems SEPP to enable the State significant development pathway may not afford checks and balances to adequately protect environmental components and amenity compared to that offered through the regular planning system</li> <li>• Crown Land's Submission on rezoning proposal: Appears to be no Crown Land within the SSP. Appears that most open space apart from the Blue Gum High Forest and detention basin will be provided as linear corridors associated with roads. Recommends integration of pedestrian desire lines shown in Figure 38 of the Planning Report and potential access points and links with a broader circulation system within the Cherrybrook Station SSP and beyond. Recommends that green connections for pedestrians and cyclists extend to green corridors outside the precinct.</li> </ul>
NSW Environment and Heritage Group (EHG)	<ul style="list-style-type: none"> <li>• Supports the avoidance of biodiversity impacts including impacts to native vegetation for any future development proposal over the site.</li> <li>• EHG recommends: <ul style="list-style-type: none"> <li>- the northern portion of the site that contains Critically Endangered Ecological Community Blue Gum High Forest (BGHF) be included in Zone C2 – Environmental Conservation as opposed to the proposed zone RE1 – Public Recreation, and should be provided with an appropriate buffer</li> <li>- mitigation measures identified in the biodiversity development assessment report (BDAR) are considered and applied to any future development of the subject site</li> <li>- a vegetation management plan that provides for the ongoing protection and enhancement of all areas of retained native vegetation must be provided, either as part the site-specific development control plan or as part of any future proposal over the site</li> <li>- construction and civil engineering plans for future development are to ensure that they provide adequate buffers to remnant trees and vegetation</li> </ul> </li> </ul>

Government agency and non-government organisation	Key matters raised
Transport for NSW (TfNSW)	<ul style="list-style-type: none"> <li>No substantive issues with the proposal.</li> <li>The proposal would be benefit in raising awareness of detailed implementation measures relating to vehicle access design and sustainable travel measures included in the Traffic and Transport Assessment prepared by SCT Consulting in the draft Design Guide.</li> </ul>
Endeavour Energy	<ul style="list-style-type: none"> <li>Advises that it does not have any concerns regarding the proposal, and that there is currently sufficient network capacity in the area to supply the growth in the Cherrybrook Precinct.</li> <li>All new cabling / reticulation infrastructure must be of an underground construction type</li> <li>The planting of large / deep rooted trees near electricity infrastructure is not supported, and existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting</li> </ul>
Sydney Water	<ul style="list-style-type: none"> <li>Advises that it supports government-backed growth initiatives in its area of operations and endeavours to provide services that deliver water and wastewater infrastructure in a timely and prudent manner without impacting on its current customer base or service levels.</li> <li>Anticipated ultimate and annual growth data for the development needs to be fully populated and returned to Sydney Water within 4 weeks of their submission to fully assess and support the proposed development and associated growth</li> <li>It is acknowledged that timescales and final growth numbers may alter, however a realistic indication of demand and staging timescales are required in order to provide robust servicing.</li> </ul>
NSW Rural Fire Service	<ul style="list-style-type: none"> <li>Advises that the lots that are subject to the rezoning proposal are not mapped bush fire prone.</li> <li>Advises that the proposed rezoning and amendments to the HLEP 2013 are considered to be generally in accordance with the provisions of <i>Planning for Bush Fire Protection 2019</i>.</li> </ul>
School Infrastructure NSW	<ul style="list-style-type: none"> <li>Requests amendments to the Social Infrastructure Needs Assessment prepared by Cred Consulting to remove commentary that references a specific demand for primary and high school places.</li> <li>Advises that SINSW will commence investigations to identify appropriate solutions to accommodate the projected enrolment demand stemming from the wider Precinct development. SINSW will continue engaging with DPE as detailed planning progresses for the Precinct to ensure that surrounding public schools are resourced to respond to changes in the student population,</li> <li>Requests that, in the drafting of any future Contributions Plan, Council give consideration to including requirements for public domain, transport and other infrastructure works required to support government schools, which are likely to accommodate the growth stemming from the Precinct.</li> </ul>



## 4.0 Response to submissions

This section provides a response to the key issues, including outlining additional investigations and changes made to the proposal

### 4.1 Response to key matters raised by community submissions

Review of community submissions shows that the following are key issues to be address by this RtS:

- Infrastructure
- Road and traffic impacts
- Character and built form
- Amenity
- Land use and economic feasibility
- Sustainability
- Transmission lines
- Heritage
- Biodiversity and the natural environment
- Affordable housing
- Crime and safety

#### 4.1.1 Infrastructure

##### Summary of submissions

Submissions expressed concern that existing infrastructure cannot support the planned additional population. Particular areas of concerns were:

- schools
- sporting facilities
- community facilities
- hospital and emergency services
- NSW Government delivery of infrastructure.

**Table 4:** Summary of matters raised in submissions in regard to infrastructure

Infrastructure type	Key matter raised
Schools	<ul style="list-style-type: none"><li>• Concern that existing schools are already over capacity, citing Cherrybrook Public School (CPS) and Cherrybrook Technology High School (CTHS) as examples.</li><li>• Submissions suggest that the planned 390 additional homes will require delivery of a new school.</li></ul>
Sport grounds	<ul style="list-style-type: none"><li>• Submissions raise concern that existing sports grounds are already over-capacity and will not be able to cater for additional demand generated by the proposal.</li><li>• Submissions requested that the Cherrybrook Station SSP be developed for a sporting precinct incorporating parking for commuters.</li></ul>
Community facilities	<ul style="list-style-type: none"><li>• Greater priority be given to community facilities, and that they incorporate uses which cover a wider area.</li><li>• There was general support in the submissions for the provision of a multipurpose community facility with a potential library within the SSP.</li><li>• One submission requested that the proposal include a commercial gym.</li></ul>

Infrastructure type	Key matter raised
Hospital and emergency services	<ul style="list-style-type: none"> <li>• Submissions raise concern that there is insufficient capacity in hospitals to cater for the planned increase in population.</li> <li>• Submissions raise concern the impact of development on the ability of emergency services, in particular police, fire fighting and ambulance services, to service the broader area.</li> </ul>
NSW Government delivery of infrastructure.	<ul style="list-style-type: none"> <li>• Submissions raise concern that delivery of infrastructure through developer payments alone is insufficient, and will result in infrastructure lagging behind development of the homes.</li> </ul>

## Response

### Schools

A Social Infrastructure Needs Assessment (SINA) has been prepared by Cred Consulting for the proposal (refer **Appendix A2**) which indicates that the proposed growth in the broader precinct of 3,200 additional dwellings over 20 years, along with current growth projections, is likely to result in the need for one additional primary school and one additional secondary school, as well as support services infrastructure. The 390 additional dwellings that will be provided through the rezoning proposal can, however, be accommodated in existing schools. Any need for new school sites as the broader precinct is developed will be subject to future population and housing forecasts to be issued by DPE in the NSW Common Planning Assumptions. School Infrastructure NSW requests that ongoing liaison is undertaken in order to monitor the situation as detailed planning progresses.

Landcom and Sydney Metro are committed to engaging in ongoing liaison with School Infrastructure NSW throughout the detailed planning phase for the SSP.

### Sport grounds

The SINA prepared by Cred Consulting for the rezoning proposal (refer **Appendix A2**) has assessed the current capacity of existing sporting facilities, and the expected additional demand generated by the Cherrybrook Station SSP. This has identified that the Cherrybrook Station SSP will need to provide one local multipurpose park of at least 0.3 ha, one fitness station and one playable element installation in addition to private open space within the residential development.

In order to provide a level of assurance that the anticipated additional demand for open space will be adequately provided for, a site-specific clause is proposed to be inserted into the Hornsby LEP 2013 requiring that development consent not be granted to future development unless a minimum of 3,000 m<sup>2</sup> of land zoned B4 Mixed Use be provided for public open space. This is in addition to the portion of the site (approximately 8,450 m<sup>2</sup>) that is proposed to be zoned RE1 Public Recreation.

Further to this, it is noted that the site constraints (i.e. topography and stormwater detention basin) do not make the site suitable to accommodate sporting facilities, hence the controls relating to the design of public open space are based on passive recreation needs, community gathering and environmental protection of the Blue Gum High Forest. Notwithstanding this, the SINA finds that 2 sports fields are required to support the wider precinct and the proposed precinct growth of 3,200 dwellings, of which the SSP rezoning proposal represents 390 dwellings. It is anticipated that the 2 sports fields will be delivered through developer contributions as the broader precinct develops.

### Community facilities

The SINA prepared by Cred Consulting (refer **Appendix A2**) has identified that the Cherrybrook Station SSP will generate demand for 262 m<sup>2</sup> of community floor space. A new community hub of 1,300 m<sup>2</sup> is proposed within the Cherrybrook Station SSP to address both the Cherrybrook Station SSP demand and the broader demand from the Cherrybrook Precinct.

The findings from the SINA are consistent with the recommendations of the Hornsby Shire Council's Draft Community and Cultural Facilities Strategic Plan, and the Council's submission states that they support the provision of the proposed multipurpose community hub in principle.

It is noted that one submission requested that the proposal should include a commercial gym. The purpose of this proposal is to amend the planning framework for the Cherrybrook Station SSP. As part of the rezoning proposal, the land use zones proposed includes the application of the B4 Mixed Use zone to the central area of the study area, which

would permit a variety of non-residential uses, such as a commercial gym. Indicative land uses have been shown in Figure 5 of the proposed Design Guide, which are broadly split into residential and non-residential uses. This aims to provide flexibility to the types of land uses (such as a commercial gym) that can be accommodated within the Cherrybrook Station SSP. The provision of a commercial gym will be the decision of a future private developer and would be subject to a future DA process.

#### ***Hospitals and emergency services***

The SINA prepared by Cred Consulting (refer **Appendix A2**) has identified that the additional population within the Cherrybrook Station SSP would generate demand for an additional three hospital beds. It is not, however, practical to provide a new hospital in the SSP and so it has been recommended that this be provided for outside of the SSP. This could be addressed by either the public or private sector.

Since the preparation of the SINA and lodgement of the SSP rezoning proposal, Health Infrastructure NSW has contacted Landcom to advise that they are investigating ideal and acceptable locations for an ambulance station in Cherrybrook as part of the Ambulance Infrastructure Program to deliver 30 new ambulance stations across NSW. It is understood that Health Infrastructure NSW is continuing to investigate a range of locations in the Cherrybrook area.

#### ***NSW Government delivery of infrastructure***

The delivery of infrastructure is not expected to be wholly funded through developer contributions. For school upgrades, the cost is typically provided through existing NSW budget processes. In respect of roading and other traffic infrastructure upgrades, the Bitzios Traffic and Transport Study notes that the 390 additional dwellings provided by the SSP rezoning will form part of the overall precinct growth of 3,200 dwellings and will contribute to the overall traffic impacts, and as such has proposed the apportionment of the necessary road infrastructure upgrades attributable to the SSP rezoning. It is likely that the road infrastructure required for the SSP will be at least partly delivered through developer payments. Future developers are expected to engage in discussions / negotiations with the relevant State departments regarding the delivery of infrastructure at the detailed design stage.

### **4.1.2 Road and traffic impacts**

#### **Traffic congestion**

##### **Summary of submissions**

Submissions raise concern that the existing road network already cannot adequately cater for the increased traffic from other development in the area, let alone the demand generated by the proposal. Particular roads identified as challenging included Castle Hill Road, New Line Road and John Road. A concern about the existing bottleneck at the Kiss and Drop zone at the metro station and the implications of that on the traffic on surrounding streets has also been raised.

Submissions argue that not all residents will rely on the Cherrybrook Metro Station as their main form of transport and suggest that existing roads should be widened to cater for the increased number of vehicles seeking to use roads.

##### **Response**

The Traffic and Transport Assessment (TTA) prepared by SCT Consulting (refer **Appendix A2**) for this proposal has found that the SSP development will have a negligible impact on the road network and that no additional infrastructure is needed to accommodate the SSP development, either in or outside the SSP. The TTA also found that the SSP proposal will have a minimal impact on the Movement and Place status of Bradfield Parade, Robert Road and Franklin Road. This is due to the minor increase in traffic expected from the SSP that will use each of these vehicular access points. The bottleneck due to the Kiss and Drop zone at the metro station appears to be an existing issue that falls outside of the realm and scope of the SSP development, and will need to be considered by DPE as part of the population growth and upgrades required for the broader Cherrybrook Precinct as part of its Place Strategy.

Additionally, a key objective of the rezoning proposal is to develop a transit-oriented development that supports a mode shift and encourages the use of public transport and active modes of transport for commuting and accessing local services.

## Car parking

### Summary of submissions

Regarding commuter car parking, submissions raised concern about whether the amount of car parking provided within the Cherrybrook SSP will meet commuter demand. Submissions suggest that occupants and / or visitors of new apartments may use the commuter car park for free parking. Submissions also contend that additional car parking is justified on a number of local context grounds, including:

- the inherent difference between Cherrybrook and inner city suburbs, with the consequent need for residents to have cars
- coverage of bus services and walkable amenities connecting to the metro station.

With regard to on-site car parking, submissions highlighted concern that the proposed on-site car parking rate for dwellings is inadequate to cater for residents (in particular those with multiple cars) and visitors. Concerns were also raised about the car parking rates for non-residential uses.

Submissions also raised concern about the amount of car parking provided for disabled persons within the Cherrybrook SSP.

### Response

#### Commuter parking

It is important to note that the existing car parking provisions provided for Cherrybrook Station are not subject to any changes under the SSP rezoning proposal. The rezoning proposal relates only to car parking provisions required as part of development occurring within the SSP site.

A key objective of the rezoning proposal is to develop a transit-oriented development that supports the use of public transport and active modes of transport for commuting and to access local services.

All future residents within the SSP will be within <5 minutes walk from the station.

Sydney Metro has provided the following comments in respect to connections to Cherrybrook Station (which was considered and addressed in the SSI and EIS and associated planning conditions for the project), noting that the commuter car park is outside of the scope of the SSP developable government lands:

- Cherrybrook Station is accessible by walking and cycling with a network of new shared paths connecting the station to the surrounding residential areas. Convenient and secure parking is provided at the station for 45 bicycles (35 spaces in a bike cage facility at the station and a further 10 bicycle racks close to the station entrance). Sydney Metro have also constructed new and upgraded footpaths in the surrounding precinct to make it easy and convenient to walk to Cherrybrook Station.
- Cherrybrook Station is served by regular bus services on five different routes, in addition to a number of school services.
- Sydney Metro customers also have access to conveniently located 'kiss and ride' spaces available to family, friends and ride share services, providing another alternative to all-day commuter parking.

#### On-site parking

The number of on-site parking spaces has been determined with the aim to reduce any potential traffic congestion impacts on the road network, which was highlighted as a key concern by members of the community. Additionally, at the time that the rezoning proposal was lodged with DPE the residential parking rates in the Design Guide for the SSP were consistent with the Hornsby DCP rates for residential flat buildings, and the non-residential parking rates were consistent with the rates that apply to development around other stations on the Metro North West Line. These parking rates are also aligned with best practice for transit-oriented development and parking rates in similar precincts. Furthermore, the SSP parking provision/rates would be reviewed through the lens of the TfNSW Guide to Traffic Generating Developments.

Notwithstanding the above, the parking provisions tied to the station are not part of the SSP rezoning proposal. All parking provisions within the SSP will be tethered to the solution for the development site, which will be subject to a

detailed DA. There will be statutory requirements for accessible parking within the development site that is in addition to those currently provided for the station.

### **Accessible parking spaces**

The Traffic and Transport Assessment (TTA) prepared by SCT Consulting for this proposal has demonstrated that an adequate number of accessible car park spaces will be provided. The rate of accessible car parking spaces for people with a disability will be in accordance with the rates of section 1C.2.1 Transport and Parking of the Hornsby DCP 2013. This specifically requires an accessible car parking space for each Adaptable Design unit as per AS 2890.6, and also requires that a minimum percentage of the total car parking spaces provided for non-residential uses (such as commercial premises, public transport facilities, community and recreation facilities, etc) be accessible car parking.

## **Impact of Tangara School pick up and drop off on the Franklin & Neale Avenue intersection**

### **Summary of submissions**

Submissions raise concern about the existing traffic congestion and associated dangerous road conditions on Franklin Road and Neale Avenue caused by student pick up and drop off associated with Tangara School. This includes an inability to access private property during this period. A concern about the existing bottleneck at the Kiss and Drop zone at the metro station and the implications of that on the traffic on surrounding streets has also been raised.

A submission also raised concerns about the timing of the commuter survey in November 2019 and requested that the Traffic and Transport Assessment prepared by SCT Consulting be updated to include an assessment of peak periods of the school, taking into consideration the specific conditions of the land uses surrounding the metro station, to assess the impacts of the rezoning proposal on the operations of the school.

### **Response**

The TTA prepared by SCT Consulting did not identify the need for any road or intersection upgrades as a result of development within the SSP. The existing traffic congestion appears to be an existing issue that falls outside of the realm and scope of the SSP development, and will need to be considered by DPE as part of the population growth and upgrades required for the broader Cherrybrook Precinct as part of its Place Strategy.

In respect of the TTA and the timing of the commuter survey in November 2019, we acknowledge that traffic volumes and patterns can change over time, however the methodology and timing of the survey, which included the weekday morning and afternoon peaks as well as weekends, to be robust for the purposes of informing this rezoning proposal.

## **Frequency of bus services**

### **Summary of submissions**

Submissions raise concern there is an insufficient frequency of bus services in the surrounding area, noting that many services run only every half hour even in peak times. Reference was made to the strong demand for the City Express bus service.

### **Response**

Transport for NSW is responsible for developing the bus routes and timetables that operate in the Cherrybrook Precinct. TfNSW work closely with local bus operators and planning authorities to help understand where development is taking place and where future demand may exist. TfNSW considers a range of factors when planning service changes including:

- feedback received from customers, bus operators and other stakeholders,
- current and future population growth in the wider region, and
- current and emerging travel patterns drawn from Opal data.

Changes to services affect customers over a wide area so it is important that any planning work takes into account the impact of a change in different suburbs. TfNSW will continue to monitor demand for bus services to Cherrybrook Station and where necessary consider service improvements in response to changed demand.

As the area continues to grow, TfNSW will look at ways to enhance the local bus network to make it easier for customers to get around. As with all transport improvements, any changes will be subject to operational constraints, including the cost of delivering extra services and the availability of resources like buses.

## **Pedestrian footbridge over Castle Hill Rd**

### **Summary of submissions**

Submissions request provision of a pedestrian footbridge over Castle Hill Road to cater for the proposed increase in residents on the southern side of Castle Hill Road as a result of DPE's Place Strategy.

### **Response**

This issue does not directly relate to development within the SSP, rather it is a matter for consideration by DPE as part of its Place Strategy.

## **Cycling condition on existing roads**

### **Summary of submissions**

Submissions raise concern health and safety issues prevent the use of bikes on public roads. In particular, roads are already cluttered, with particular reference to challenges navigating the roundabout at Newline Road and County Drive.

### **Response**

This is a broader issue than the SSP rezoning proposal, and is expected to be addressed as part of the Place Strategy that was prepared by DPE. Under the rezoning proposal, end-of-trip facilities will be required for commercial and community premises, and there are also specific bicycle parking provisions provided in the Design Guide to provide for and encourage cycling as a mode of transport.

## **4.1.3 Character and Built form**

### **Building height and density**

#### **Summary of submissions**

Submissions expressed a range of views in relation to building height. These included:

- support for the proposed five storey maximum building height
- support for the proposed five storey maximum building height subject to the establishment of a 'transition zone' having a three storey maximum building height at the interface between the SSP and surrounding land included in Zone R2 Low Density Residential
- request for a maximum building height of seven storeys or greater
- Some concern about buildings greater than three storeys in height on the basis that it is inconsistent with the existing character of Cherrybrook.
- some concern about publicity material promoting the rezoning proposal as a low to medium density development of the site, however the R4-zoning which is proposed is classed as high density.
- one submission also queried whether land burdened by an easement could be used in the calculation of FSR.

#### **Response**

The envisaged built form for the Cherrybrook Station SSP will present a progression of the character of Cherrybrook to support the development of a transit-oriented community and support increased housing supply. It is important to focus density around key public transport nodes, such as train stations, and also around key community and open spaces, such as those provided in the SSP. One of the primary goals of the SSP is to provide higher-density housing in a mixed-use precinct around the Cherrybrook metro station. The draft Place Strategy proposes for medium density housing typologies up to five storeys in height to areas surrounding the Cherrybrook Station SSP study area. Notably, it is likely that the surrounding R2-zoned land will be rezoned to the higher density R3-zone in accordance with the draft Place Strategy. Should this proposed built form outcome for areas surrounding the Cherrybrook Station SSP be

adopted into the planning framework, future buildings within the Cherrybrook Station SSP would blend and transition with the future scale and character of the surrounding area. The previous eight storey building heights that were investigated for the SSP in 2020 were reduced to five storeys in response to stakeholder feedback during the early consultation process.

Furthermore, the rezoning proposal and amended planning framework for the SSP have been designed to minimise adverse impacts of building height on character, while remaining viable to deliver additional housing alongside the proposed community facilities and public open space. This includes the provision of appropriate prescribed setbacks in the Design Guide which will help to minimise perceived building bulk on the adjacent lower-density residential areas. Landscaped setbacks and building separation (in accordance with the NSW Apartment Design Guide specifications) have also been demonstrated to be achievable by the Urban Design Study undertaken by SJB. The existing roads around the SSP will also provide an adequate separation distance from the existing residential areas. The setbacks established in the ADG are a statutory requirement under SEPP 65, and all amenity controls in the ADG and the Design Guide will be assessed as part of the detailed DA process, including solar access and privacy impacts.

In terms of the submission which queried whether land burdened by an easement could be used in the calculation of FSR, it is understood that there is no exclusion for this land from FSR calculations. Land burdened by easements must be clear of structures, but can still be relied upon for purposes ancillary to the development such as communal open space and landscaping. As such, it is reasonable for this land to be relied upon for the purpose of calculating FSR.

## Building setbacks

### Summary of submissions

Submissions request that setbacks should be increased for 5 storeys.

### Response

Section 1.11 of the Design Guide sets out the required building setbacks, which will be a key part of ensuring adequate visual privacy is maintained for the existing dwellings to the north. The indicative setbacks identify the following:

- A 10m setback is proposed on the corner of Castle Hill Road and Franklin Road;
- A 6m setback is proposed from the residential interface with the dwellings on Oliver Way (to the north); and
- A range of 6m and 15m setbacks have been proposed from the residential interface with the dwellings on Kayla Way (to the north).

The adoption of these setbacks will allow for landscaping, open space and separation between buildings and provide deep soil areas that are able to create a garden setting for future development.

Additionally, the fifth storey will be setback from road frontages by a further 3m as demonstrated in Section 1.11 of the Design Guide submitted as part of the SSP Study. If a sixth storey is also provided through an incentive provision in the LEP for affordable housing, this will also be setback from the road frontage by 3m. These setbacks are also consistent with the specifications for setbacks and building separation in the NSW Apartment Design Guide which aim to maintain an adequate level of visual privacy for adjoining residents.

## 4.1.4 Amenity

### Visual privacy

#### Summary of submissions

Submissions raise concern about the proposal's impact on visual privacy to existing dwellings to the north, citing the direct abutting of the SSP to the residential properties to the north, and height of the screening vegetation relative to the slope of the site. Submissions also request that setbacks should be a minimum of 8m for 5 storeys.

## Response

Clause 1.11 of the Design Guide sets out the indicative setbacks for buildings in the Cherrybrook SSP, which will be a key part of ensuring adequate visual privacy is maintained for the existing dwellings to the north. The indicative setbacks identify the following:

- a 6m setback is proposed from the residential interface with the dwellings on Oliver Way (to the north); and
- a range of 6m and 15m setbacks have been proposed from the residential interface with the dwellings on Kayla Way (to the north).

These setbacks would provide sufficient curtilage to allow for landscape measures to be adopted to maintain visual privacy for the adjacent existing low-density residential areas. Further detailed mitigation measures to maintain visual privacy for existing residents to the north would be detailed as part any future development application for new buildings within the Cherrybrook Station SSP.

Furthermore, the setbacks specified in the Design Guide are consistent with the NSW Apartment Design Guide's specifications for building separation and visual privacy. The Urban Design Study prepared by SJB (refer **Appendix A2**) for the rezoning proposal demonstrates the proposal's ability to generally comply with the ADG guidelines. Compliance with the guidelines may be achieved through internal arrangement of apartments, such as by not providing a habitable room window on a façade which has an external residential interface, thereby avoiding direct overlooking. This will be assessed in further detail at a detailed DA stage for development within the SSP.

## Building materiality

### Summary of submissions

Submissions contend that generic glass and steel building materiality will be inconsistent with the prevailing character of established homes in the area, and that rather a predominant brick materiality would be more appropriate.

### Response

Building materiality is only conceptual at the rezoning proposal stage, and will be subject to a full assessment as part of future DAs for development in the SSP. No approval for building materials will be given as part of this rezoning proposal.

## Overshadowing

### Summary of submissions

Submissions raise concern about the proposal overshadowing existing dwellings to the north, citing the proposed 5 storey height of buildings and direct abutting of the SSP to the residential properties to the north.

### Response

Due to the direction of sunlight and the positioning of the SSP to the south of the adjoining residential properties, the proposed 5 storey buildings in the Cherrybrook Station SSP will not result in any overshadowing of the existing dwellings to the north. A preliminary shadow study has been prepared (refer Section 12.16 of the Urban Design Report, by SJB Architecture) which demonstrates that no adjacent properties will be impacted by overshadowing between 8am and 3pm.

## 4.1.5 Land use and economic feasibility

### Summary of submissions

Submissions raise concern about the impact of new retail floor space and inclusion of a supermarket on competing centres (in particular Cherrybrook Village). There were also submissions that requested that an appropriately sized supermarket to support growth be provided in the SSP.



## Response

AEC Group Limited has prepared a response to these concerns (refer **Appendix A2**). Overall, they have advised that the provision of 3,000 m<sup>2</sup> (minimum) of retail and commercial floorspace is consistent with the requirements of a local centre to cater to the everyday needs of its immediate residents and commuters. It is unlikely that there be a significant impact on existing nearby centres as residents will likely continue to travel to these centres when they have higher order needs than everyday retail convenience.

AEC have specifically made the following comments:

- The main trade area resident population included in AEC's analysis is in line with the 2021 ABS Census information and the most recent NSW DPE Population Projections (2022).
- The provision of supermarket floorspace within the main trade area of the Cherrybrook Station SSP is lower than the average Sydney metropolitan area, even when considering any approved and proposed development such as the Aldi Supermarket at the Cherrybrook Village.
- The proposal is seeking to reduce the reliance of private vehicle use and emphasises a 'convenience-based retail offering' for any retail provision on the site. Due to the lower car parking rates, likely retail customers will be residents within the immediate catchment (i.e. residents of the Cherrybrook Station SSP) and commuters of the Cherrybrook Metro Station. The retail needs of future residents in the Place Strategy area will also be supported. Residents demanding higher order needs are expected to continue to travel to Cherrybrook Village or the Castle Towers Shopping Centre for these goods and/or services.

Given the above, there has been no change to the proposed planning framework as part of this rezoning proposal in relation to this matter.

## 4.1.6 Sustainability

### Electric vehicle charging

#### Summary of submissions

Submissions raise concern that the proposed requirement for 10% of on-site car parking spaces to have EV charging is inadequate, citing the NSW Electric Vehicle Strategy intended to increase EV sales to 52% by 2030–31. Submissions request that 50% of on-site car parking spaces have EV charging.

#### Response

The Traffic and Transport Assessment (TTA) prepared by SCT Consulting (refer **Appendix A2**) for this proposal has noted that there are no specifications for the amount of electric vehicle charging infrastructure required in the Hornsby DCP. Notwithstanding this, the TTA has noted that green star point is awarded when 5% of parking designated for electric vehicles with charging infrastructure is provided. In order to plan for and encourage further uptake of electric vehicles in the future, the TTA has recommended that more than this be provided, with a total of 10% of car parking spaces being designated for electric vehicles with charging infrastructure. This is a minimum and the developer can choose to provide more, based on market demand. Should the demand for electric vehicle charging infrastructure increase over time, there is the potential to retrofit charging infrastructure for car parking spaces within the Cherrybrook Station SSP.

## 4.1.7 Transmission lines

#### Summary of submissions

Submissions requested that the high-voltage overhead electricity transmission lines be relocated underground on the basis of adverse impacts including:

- restricting residential development
- restricting establishment of a green corridor
- prohibiting the planting of large trees within the easement.

## Response

All new cabling / reticulation infrastructure will be underground. The Utilities Assessment prepared by Atmos Consulting (refer **Appendix A2**) for the proposal found that any modifications to the existing sub-transmission service would be costly, complex and time-consuming. As such, no changes to existing overhead transmission lines are proposed. It is not considered that this will prevent the establishment of residential development or a green corridor.

### 4.1.8 Heritage

#### Summary of submissions

One submission raised concern about the impact of the scale of development on Glenhope, in particular its setting. It was also requested that maximum building heights be reduced to no more than 3 storeys within 40m of the corner of Castle Hill Road and Franklin Road, and that setbacks be increased from all boundaries. Additionally, this submission raised concern about the methodology and findings of the VIA in respect to impacts on Glenhope, including which viewpoints were selected for the photomontages.

One submission raised concern with respect to the reporting on Aboriginal heritage relics located within the grounds of Inala. Additionally, this submission requested that the SSP not include land within the Inala Administration Site located at 99 Franklin Road as land zoned for Heritage Conservation, and advised that a pedestrian or road link through Inala land holdings would not be supported. This submission also raised concern about future rezoning of land on the southern side of Ridgmont Close to a medium density development.

## Response

### Glenhope

The Non-Aboriginal Heritage Impact Assessment (HIA) prepared by Artefact Heritage (refer Appendix A2) notes that identified heritage values have been appropriately addressed in the proposed development controls in Section 1.18 of the Design Guide. Specifically, the HIA notes that building heights indicated in the proposed planning controls for development adjacent to listed heritage items are acceptable provided the future development responds to the context and setting of these heritage items through the use of appropriate design, materials and finishes, and screening vegetation. This will be assessed in detail at a detailed DA stage for development within the SSP.

In respect of the heritage item Glenhope, it has been noted that current viewlines between Glenhope and the Cherrybrook Station SSP are largely screened by mature trees. There are however open viewlines which exist to the north-north-east (NNE) between Glenhope and the Cherrybrook Station multi-level car park. The HIA recommends that any new proposed development situated opposite Glenhope be sympathetic to the low profile design principles implemented in the construction of the existing multi-storey car park. The HIA further recommends that development at the corner of Franklin Road and Castle Hill Road should be adequately setback from Castle Hill Road and street trees should be planted as evident on the adjacent street frontage of the Cherrybrook Station car park to create a continuity of vegetated streetscape as viewed from Glenhope.

The Visual Impact Assessment (VIA) prepared by Ethos Urban (refer **Appendix A2**) notes that the heritage item Glenhope will mainly be visible from the public domain in a direction away from the SSP and so the proposal will not be visible in the immediate background to this item, which is considered to have the greatest scope for impact on context, setting or curtilage where this is identified as part of the 'statement of significance.' With respect to the concerns raised in the submission regarding the methodology and findings of the VIA, it is noted that this VIA and the selection of viewpoints for the photomontages have been undertaken in accordance with best practice and are considered to provide robust findings to inform the rezoning proposal.

There is nothing in the HIA or VIA to suggest that building heights should be decreased or setbacks should be increased from that which is proposed in the LEP amendments and Design Guide. The Design Guide specifies a 10m setback from the corner of Franklin Road and Castle Hill Road. Landscaping within this setback will further contribute to reducing any visual impact and can be assessed at a detailed DA stage for development within the SSP. It is also noted that Heritage NSW and The Hills Shire Council did not raise concerns about impacts of the proposal on the heritage values at Glenhope.

Notwithstanding the above, any impacts on heritage items will be further addressed and fully assessed through appropriate existing planning mechanisms as part of a detailed DA process for development in the Cherrybrook Station SSP study area.

## Inala

With regard to the submission that raised concern with respect to the reporting of Aboriginal heritage relics located within the grounds of Inala, we note that consideration of specific impacts on Aboriginal heritage relics will be appropriately dealt with as part of the design and assessment of future DAs, following finalisation of the proposed planning framework. There is nothing in the heritage and archaeological assessments that identified relics that are of sufficient significance to influence or change the proposed rezoning of the land.

With regard to the request that the SSP not include land within the Inala Administration Site located at 99 Franklin Road as land zoned for Heritage Conservation, it is confirmed that land within the Inala Administration Site is located outside of the SSP boundaries and will not be zoned for heritage conservation under the rezoning proposal.

With regard to the comments on a pedestrian or road link through Inala land holdings not being supported, it is also confirmed that this is not proposed under the rezoning proposal. With regard to the concerns raised about future rezoning of land on the southern side of Ridgmont Close to a medium density development, this is outside of the scope of the current rezoning proposal as this land is not proposed to be rezoned under this proposal.

## 4.1.9 Biodiversity and the Natural Environment

### Impacts on the Blue Gum High Forest

#### Summary of submissions

Submissions raise concern about the impact of the proposal on the Blue Gum High Forest in the northern part of the Cherrybrook Station SSP. Submissions request that greater protection be afforded to this area, including through amended land zoning, ensuring edge effects are minimised and precluding access for people and animals.

#### Response

The Biodiversity Development Assessment Report prepared by Biosis (refer **Appendix A2**) notes that no potential serious and irreversible impacts on biodiversity values are likely to occur as part of the rezoning proposal or any future development of the rezoned land. This includes impacts on native vegetation, TECs, threatened species or their habitats. Furthermore, the proposed REI Public Recreation zone in the north of the SSP, where the Blue Gum High Forest is located, is consistent with the indicative zoning / public recreation land use shown in the DPE's draft Place Strategy for the remainder of the forest to the north. DPE has identified this land as being suitable for public recreation purposes. As such, there is no justification for greater protective measures for the Blue Gum High Forest to be proposed at the rezoning stage.

### Tree canopy and green linkages

#### Summary of submissions

Submissions requested strengthening of tree canopy cover requirements, with suggestions through conditions of development consent or other mechanisms.

Submissions raised concerns that appropriate and viable green linkages have not been provided between the Blue Gum High Forest and the Cumberland State Forest, with the high-voltage overhead electricity transmission lines, inadequate street setbacks, small blocks and lack of Castle Hill Road fauna overbridge (a bridge that is appropriately vegetated for use by animals) providing limited opportunity for such an outcome.

#### Response

Section 1.13 of the Design Guide includes prescriptive measures for increasing the urban tree canopy of the SSP. Prescriptive measure 1.1 specifies that the minimum tree canopy cover for land in the private domain be 25%, and for land in the public domain be 30%. Consistency of any future development proposals in the SSP with the tree canopy cover requirements in the Design Guide will be assessed as part of the detailed DA process and can be strengthened through appropriate existing planning mechanisms (i.e. conditions of consent) as part of this process.

Viable green linkages have been identified and provided for in the open space network in Section 1.7 of the Design Guide. This includes the provision of connecting open space from Blue Gum High Forest to Castle Hill Road (refer to **Figure 3**).



**Figure 3: Indicative Open Space Network in Design Guide**

Source: Ethos Urban and SJB

#### 4.1.10 Affordable housing

##### Summary of submissions

Some submissions raise concern that the proposed 5% affordable housing target is inadequate. Those submissions request that:

- 10-20% of homes be provided as affordable housing
- affordable housing be maintained in NSW Government ownership for more than 10 years
- affordable housing be distributed throughout the Precinct.

##### Response

##### Proportion of affordable housing

The rezoning proposal seeks to provide 5% of homes as affordable housing for a minimum period of 10 years. This is considered to be an appropriate provision in the current context, noting that there is no formal requirement for minimum affordable housing provision in any applicable environmental planning instrument, nor any affordable housing requirement or policy applicable to this site in the Hornsby LEP or DCP. This position also remains aligned with the current 'Greater Sydney Region Plan – A Metropolis of Three Cities' (GSC, 2018), which recognises that affordable housing targets of 5-10% of new residential floor space are viable. It is also consistent with the provision for affordable housing across all other precincts along the Metro North West Line, including Tallawong, Kellyville, Bella Vista, Hills Showground and Epping.

Importantly, the financial viability of the rezoning proposal is highly sensitive to further costs (i.e. through the increase of proportion of affordable housing) due to:

- the relatively lower density proposed (compared to other transit-oriented development precincts around metro stations in Greater Sydney), and
- the significant amount of public benefit that is proposed as part of the rezoning, including:
  - high quality new public domain, including a vibrant, community focussed community open space
  - easier, safer and more attractive pedestrian connections to the metro station
  - the potential for a new multi purpose community facility
  - the proposed 5% of affordable housing.

A Potential Increased Affordable Housing Analysis has been prepared by SJB (refer **Appendix A2**) to test opportunities to increase affordable housing in the SSP whilst maintaining other public benefits. Ultimately, this analysis investigated the potential to provide an additional 5% of affordable housing (equating to a total of 10% of all units within the SSP) and identified what changes to planning controls in the Hornsby LEP would be required to provide this additional affordable housing, without impacting on the delivery of public benefits.

Landcom would be supportive of inserting an incentive/bonus mechanism in the LEP to facilitate up to 10% affordable housing for a minimum period of 10 years, provided that this is a separate and optional incentive above the publicly exhibited 5% affordable housing requirement, and the incentive mechanism includes the associated changes to the planning controls that have been identified in the Analysis as necessary to facilitate the additional affordable dwellings as a net increase to the overall dwelling yield. The incentive provision would need to allow for the option of additional FSR and a localised increase in building height in one portion of the site, to facilitate the additional affordable dwellings. Sydney Metro and Landcom do not support any change to the exhibited proposal for 5% affordable housing (for a minimum of 10 years) as the base requirement for provision of affordable housing on the site.

Importantly, the Analysis included 3D modelling and a solar assessment which demonstrated that the necessary changes to the planning controls to achieve the additional affordable housing dwellings would not result in a notable increase in impacts, in this regard. The delivery of additional affordable housing would also result in an enhanced social outcome, with a minor increase in built form.

#### **Ownership of affordable housing**

It is not proposed that affordable housing dwellings would be owned by the NSW Government. Affordable housing dwellings delivered as part of the development of the Cherrybrook Station SSP will be managed by Community Housing Providers (CHPs) for a minimum period of 10 years. This is consistent with other arrangements for the provision of affordable housing in other precincts along the Metro North West Line, including Tallawong, Kellyville, Bella Vista, Hills Showground and Epping.

#### **Distribution of affordable housing**

In respect of distribution of affordable housing, the proposed planning controls do not specify the distribution of affordable housing dwellings throughout the precinct or within a single building. This would be subject to market demand and the needs or preference of the CHPs.

### **4.1.11 Crime and safety**

#### **Summary of submissions**

Submissions raise concern that crime would increase as a consequence of the development of apartments within the Cherrybrook Station SSP.

#### **Response**

There is no evidence to suggest that crime would increase as a consequence of the rezoning proposal and associated future development of residential apartments. Notwithstanding this, the Hornsby DCP 2013 includes a section on Crime Prevention (1C.2.7) which includes prescriptive measures for any future development, to reduce crime risk and minimise opportunities for crime. Any detailed DA for future development of the SSP will be subject to assessment against these prescriptive measures.

Additionally, the open space network, movement network and landscaping/setback requirements in the Design Guide been designed in accordance with Crime Prevention through Environmental Design (CPTED) principles in the following ways:

- Provision of a clear, legible movement and open space network,
- Provision of an appropriately sized central open space corridor, ensuring that people are always close to a built edge,
- Using edges to provide clear delineation between the public and private domains through buildings being built to the edge of the central open space corridor,
- Provision of extensive opportunities for passive casual surveillance above the ground level through building siting, layout and design,
- Landscaping precluding access to the remote Blue Gum High Forest,
- Avoidance of large, concealed areas.

To further reduce the likelihood of increases in crime, other measures, such as lighting and signage, can be considered and conditioned as part of the subsequent DA process.

## 4.2 Response to Hornsby Shire Council submission

In its submission, Hornsby Shire Council (HSC) supports the concept of development in proximity to the Cherrybrook Metro Station in principle as a means to deliver a sustainable and accessible centre.

Council also supports:

- the provision of the proposed 1,300 square metre multipurpose community hub (in principle)
- the proposed car parking rates
- the consideration of sustainability and climate change in the proposal, including as outlines in the Ecological Sustainability Development Plan, Climate Resilience Assessment and Biodiversity Development Assessment
- noting consistency with other metro station precincts, amendment of the Planning Systems SEPP to enable future development to be assessed under the State Significant Development pathway.

HSC raises a number of issues for resolution prior to finalisation of the rezoning proposal. The responses to these matters are provided below.

### 4.2.1 Building height

Council is concerned that the proposed maximum building heights of 18.5m to 20.5m are inconsistent with a 5-storey built form, do not align with the maximum building height of 16.5m under the HLEP 2013 for 5 storey precincts and would potentially allow additional storeys being proposed in contradiction to what is shown in the reference scheme. Council recommends that the proposed maximum building height be reduced and further consideration of the planning provisions for residential flat buildings within the HLEP 2013 and HDCP 2013 be undertaken.

#### Response

It is noted that the proposed amendments (as exhibited) to the maximum building height control in the Hornsby LEP 2013 are greater than that which is provided for in the LEP for development up to 5 storeys in height. The Urban Design Study prepared by SJB which has informed the preparation of the planning framework for the rezoning proposal has outlined that a greater height limit in metres, relative to other 5 storey precincts, is proposed for the following reasons:

- A greater floor to floor height has been allowed for the ground level of development in Zone B4 Mixed Use to provide for commercial uses such as shops, restaurants and cafes. This approach has been adopted by many other mixed use renewal precincts that seek to create 'main street' environments where the public and private domain interface.
- Similarly, a greater height has also been provided for the lower levels to accommodate office uses to provide for local employment opportunities.
- Residential floor levels are consistent with conventional heights.

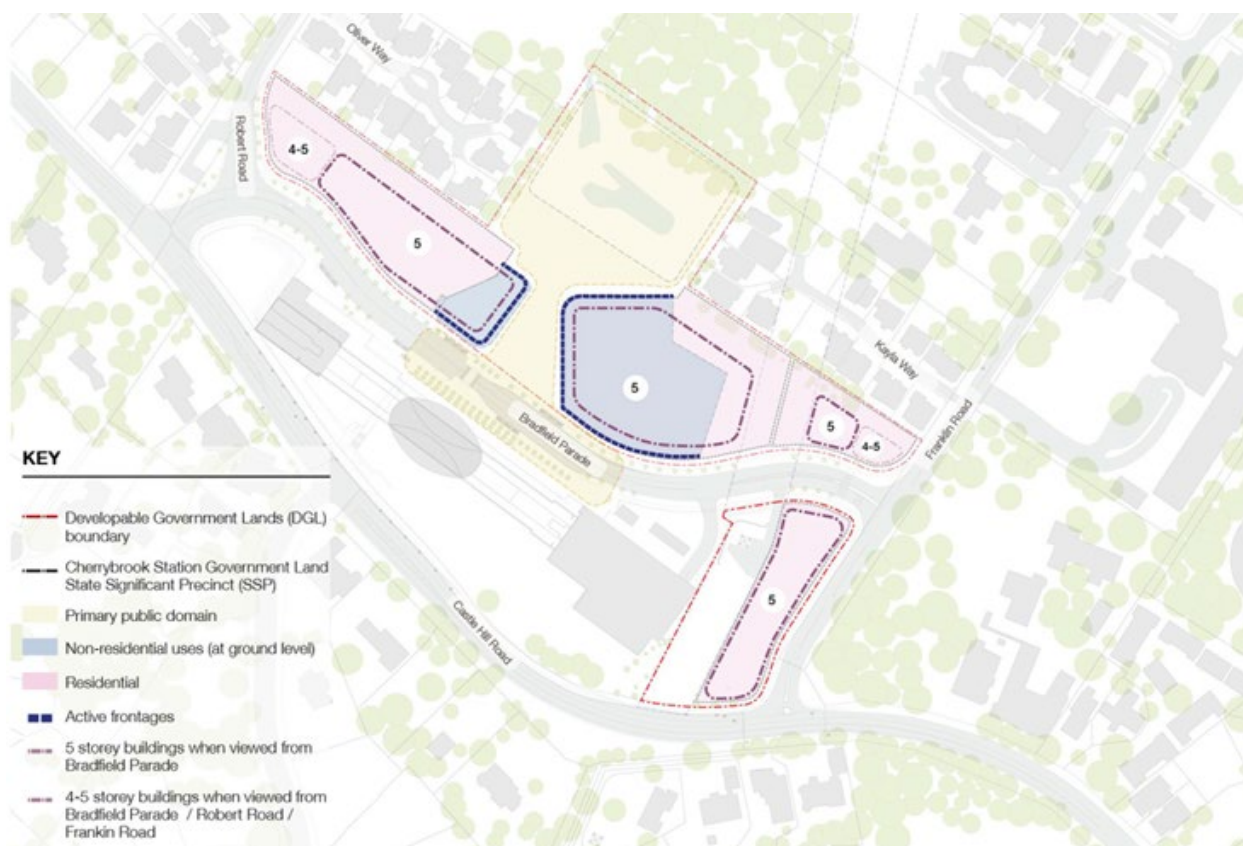
- Additional maximum height will be required to ensure an appropriate and feasible design response to the steep slope of the site, and to accommodate the large floorplates needed for commercial and community uses, as well as for any lift overruns to cater for the multi-storey nature of the proposal.
- To ensure buildings are read consistent with the intent of the precinct, in addition to a height limit in metres, the Design Guide requires development to also comply with a storey limit. The Design Guide also includes a provision that seeks to prevent the use of space within a floor to be provided for greater than envisaged yield through self-contained mezzanines or lofts.

To reinforce the intended 5 storey height limit (as exhibited) for the SSP when viewed from Bradfield Parade, a Design Guide was prepared for the rezoning proposal. This included prescriptive measures in Section 1.10 which specifically related to a maximum number of storeys for development within the SSP. Prescriptive measure 1.2 required development to not exceed the maximum number of storeys shown on the Indicative Land Use and Built Form Map (**Figure 4**), noting that the maximum number of storeys in the SSP is 5 storeys (when viewed from Bradfield Parade) on this map. Notwithstanding the above, Prescriptive measure 1.3 of section 1.10 Built Form of the Design Guide allowed for an additional lower ground floor level when viewed from the north in the B4 – Mixed Use Zone, to respond to the topography of the site and activate the public open space at the lower level.

Landcom would be supportive of inserting an incentive/bonus mechanism in the LEP to facilitate up to 10% affordable housing for a minimum period of 10 years, provided that this is a separate and optional incentive above the publicly exhibited 5% affordable housing requirement, and incentive mechanism includes the associated changes to the planning controls that have been identified in the Potential Increased Affordable Housing Analysis as necessary to facilitate the additional affordable dwellings as a net increase to the overall dwelling yield. The incentive provision would need to allow for the option of additional FSR and a localised increase in building height in one portion of the site, to facilitate the additional affordable dwellings. Sydney Metro and Landcom do not support any change to the exhibited proposal for 5% affordable housing (for a minimum of 10 years) as the base requirement for provision of affordable housing on site.

Based on the above, the Design Guide has been revised to include a change to the number of storeys control, to reflect a height incentive provision of 23.5m (which will allow up to 6 storeys when viewed from Bradfield Parade, or 7 storeys when viewed from the north).

We consider the proposed planning framework to be robust for limiting development to a maximum of 6 storeys when viewed from Bradfield Parade in the SSP (if the developer provides affordable housing as per the potential LEP incentive provisions), while providing an appropriate level of flexibility in the detailed design of the buildings and variances that may occur in floor to ceiling heights and as a result of topography. To align the height limit in the Design Guide with Hornsby Council's LEP and DCP height controls for residential flat buildings would result in negative design impacts that do not respond appropriately to the site constraints for development up to 6 storeys in height when viewed from Bradfield Parade, and do not support the varying height requirements of mixed-use buildings.



*Figure 4: Indicative land use and built form map within the Design Guide (as exhibited)*

Source: Ethos Urban and SJB

## 4.2.2 Floor space ratio

Hornsby Council's preferred approach to establishing an appropriate building envelope to manage bulk and scale are the suite of controls included in the HDCP 2013, including building height, site coverage, setbacks and deep soil landscape zones. Council is of the view that there is no justification or explanation of the benefit of an FSR control compared to these other provisions.

### Response

Extensive work has gone into the development of the Reference Scheme, which has been used to guide the proposed planning controls. The FSR controls will allow for an acceptable density within the precinct while providing certainty for the future development. The FSR controls will assist in guiding the built form, in conjunction with the Design Guide controls. Discussions with DPE prior to lodgement of the rezoning proposal indicated their support for FSR controls applying to all developable land within the precinct.

## 4.2.3 Design excellence

Council recommends that the urban design and built form framework for the Cherrybrook Station SSP be reviewed to ensure it can meet Council's design excellence outcomes for well-designed buildings with appropriate setbacks, deep soil landscaping, communal living, open spaces and car parking. In particular, council requests that as a minimum its current controls for landscaping and setbacks be used.

### Response

Clause 6.8 Design Excellence of the HLEP 2013 applies to all development for the purpose of attached dwellings, multi dwelling housing, residential flat buildings and shop top housing. All future residential development within the SSP will be subject to assessment against this clause. The proposed landscaping and setback controls in the Design Guide are not contrary to the matters outlined in this clause and would be capable of delivering a development outcome that exhibits design excellence.



#### 4.2.4 Community facility

Council expresses concern around the proposed timing for the delivery of the community facility and its provision as a 'cold shell' only. Council also requests the delivery in full (not recouped from other development) and dedication of the community facility (land and works), in addition to the payment of development contributions.

##### Response

The timing for the delivery of the community facility is likely to be in line with the development in the B4 zone, as the facility will most likely be integrated into the overall built form (depending on future detailed design).

The planning controls specify the minimum GFA and some other design-related requirements. Whether it is delivered as a 'cold shell' or not will not be determined through the rezoning proposal. Rather, it will be subject to VPA discussions between Council and Landcom/Sydney Metro or the future developer.

Landcom and Sydney Metro consider the request for the community facility to be delivered in full and for the developer to pay full contributions in addition to this, to be unreasonable and unjustified.

#### 4.2.5 Open space

Council has concerns with the public benefit and proposed dedication to council and consequent ongoing management costs of the village square, community open space and environmental open space around the pond and Blue Gum High Forest. Council recommends that these areas be delivered and managed by the proponent for the site in perpetuity.

##### Response

In respect of the public benefit delivered, this will involve a minimum of 3,000 m<sup>2</sup> of open space in the B4 zone, and approximately 8,450 m<sup>2</sup> in the RE1 zone. Both areas will be co-located with the community facility, and detailed controls relating to the design and function (e.g. activate the retail uses, provide passive recreation areas, assist in protecting the BGHF etc) are proposed. The dedication and on-going management of these areas will be subject to VPA discussions between Council and the future developer. Notwithstanding this, it may be relevant for publicly accessible courtyard areas and public domain spaces that are above private basements to remain in private ownership, but the ownership (and subsequent maintenance) of public open spaces would be far more suited to Council rather than the proponent as Council would be best positioned to care for those areas and maintain appropriate insurances.

#### 4.2.6 Traffic and transport

Council notes that the Traffic and Transport Assessment prepared by SCT Consulting concludes that the additional vehicle trips as a result of development of the Cherrybrook Station SSP would not have any significant traffic implications on the surrounding road network and no additional infrastructure upgrades are proposed to service development. However, council raises concern with reliance on the delivery of any future infrastructure upgrades to be progressed with uptake of the broader Place Strategy proposal. Council recommends that as a minimum proposed traffic upgrades in and around Bradfield Parade should be progressed with the rezoning of the SSP site to ensure that infrastructure, outside of the train line, is adequate for anticipated future growth.

##### Response

The Hornsby Shire Council comments with regard to traffic and transport are noted. The TTA prepared by SCT Consulting notes that the highest traffic increase on the surrounding road network as a result of SSP site will be observed at Bradfield Parade. However, given the scale of development envisaged in the SSP and associated small increase in vehicle trip generation, the impact of the SSP on the road network will be minimal and as such, no additional infrastructure is needed to support development under the proposed SSP planning framework at this stage. The suggestion by Council that this project commit to infrastructure upgrades required to support potential future development in the broader precinct is not supported as it is beyond the scope of the proposal currently under consideration.

It is understood that council's concern is about a reliance on future infrastructure upgrades to be progressed with the uptake of the broader Place Strategy proposal. Transport for NSW will be responsible for the delivery of any future infrastructure upgrades and will need to decide what works it will commit to delivering. Notwithstanding this, minor amendments have been made to the TTA for the rezoning proposal to address feedback received from TfNSW at the

Test of Adequacy stage. While this feedback was not incorporated into TfNSW's submission, the report has been revised to address the relevant points regardless.

#### 4.2.7 Feasibility

While the proposed height reduction is supported, council is concerned that as economic feasibility testing has not been provided, its impact on yield and resulting implications for development contributions and infrastructure are unknown.

##### Response

Landcom reduced the proposed building height and FSR to respond to community and stakeholder feedback (including Council feedback) in 2020 that raised significant concerns with heights of up to 8 storeys and the associated yield. The current rezoning proposal is expected to be economically feasible. It is not typical for economic feasibility modelling to be provided for a rezoning proposal. In respect of development contributions and the delivery of infrastructure, this can be adequately addressed by a VPA between Council and Landcom/Sydney Metro or the future developer.

#### 4.2.8 Affordable housing

Council requests that the proposed 5% affordable housing target be increased to 10%.

##### Response

The rezoning proposal seeks to provide 5% of homes as affordable housing for a minimum period of 10 years. This is considered to be an appropriate provision in the current context, noting that there is no formal requirement for minimum affordable housing provision in any applicable environmental planning instrument, nor any affordable housing requirement or policy applicable to this site in the Hornsby LEP or DCP. This position also remains aligned with the current 'Greater Sydney Region Plan – A Metropolis of Three Cities' (GSC, 2018), which recognises that affordable housing targets of 5-10% of new residential floor space are viable. It is also consistent with the provision for affordable housing across all other precincts along the Metro North West Line, including Tallawong, Kellyville, Bella Vista, Hills Showground and Epping.

Importantly, the financial viability of the rezoning proposal is highly sensitive to further costs (i.e. through the increase of proportion of affordable housing) due to:

- the relatively lower density proposed (compared to other transit-oriented development precincts around metro stations in Greater Sydney), and
- the significant amount of public benefit that is proposed as part of the rezoning, including:
  - high quality new public domain, including a vibrant, community focussed community open space
  - easier, safer and more attractive pedestrian connections to the metro station
  - the potential for a new multi purpose community facility
  - the proposed 5% of affordable housing.

A Potential Increased Affordable Housing Analysis has been prepared by SJB (refer **Appendix A2**) to test opportunities to increase affordable housing in the SSP whilst maintaining other public benefits. Ultimately, this analysis investigated the potential to provide an additional 5% of affordable housing (equating to a total of 10% of all units within the SSP) and identified what changes to planning controls in the Hornsby LEP would be required to provide this additional affordable housing, without impacting on the delivery of public benefits.

Landcom would be supportive of inserting an incentive/bonus mechanism in the LEP to facilitate up to 10% affordable housing for a minimum period of 10 years, provided that this is a separate and optional incentive above the publicly exhibited 5% affordable housing requirement, and the incentive mechanism includes the associated changes to the planning controls that have been identified in the Analysis as necessary to facilitate the additional affordable dwellings as a net increase to the overall dwelling yield. The incentive provision would need to allow for the option of additional FSR and a localised increase in building height in one portion of the site, to facilitate the additional affordable dwellings. Sydney Metro and Landcom do not support any change to the exhibited proposal for 5% affordable housing (for a minimum of 10 years) as the base requirement for provision of affordable housing on site.

### 4.2.9 Dwelling mix

To ensure housing diversity, Council requests that a mix of 1, 2 and 3 bedroom apartments be mandated for the precinct.

#### Response

The NSW Apartment Design Guide (ADG) includes design guidance for the provision of a mix of apartment types. Any future detailed DA for residential development in the SSP will be assessed against the NSW ADG, as required under SEPP 65, and this is considered to be a sufficient mechanism to ensure housing diversity in the SSP. Notwithstanding this, the Design Guide includes prescriptive measures that require a mix of 1, 2 and 3 bedroom dwellings, and in the case of development for 10 or more dwellings, a minimum of 10% of each. Further, the provision of larger, integrated terrace/townhouse typologies at ground floor level is encouraged.

### 4.2.10 Implementation and funding

Council raises concern with a proposed planning agreement to offset development contributions and recover costs from the delivery of the community facility, noting development of the precinct would only generate approximately 20% of the demand for the community facility (which disregards visitor generation at the adjoining metro station).

Council does not view the village square, community open space and environmental space as appropriate community benefit, and as such does not support their dedication to council.

Council requests that a holistic, cross boundary development contributions plan be prepared upfront for both the Cherrybrook Station SSP and the Cherrybrook Precinct. Council further requests that contributions levies and attribution should be consistent across the SSP and the remainder of the private land within the broader precinct to ensure an equitable distribution of costs and clear identification of the essential works list, timing for delivery, funding source and responsible authority.

#### Response

A VPA is likely to be necessary on the basis that Council's current contributions plan does not account for growth within the SSP or the Cherrybrook Precinct, and there is currently no precinct-wide contributions plan in place. While the rezoning proposal outlines the key public benefits of the proposal and potential infrastructure items, and Landcom will continue to engage with Council to discuss these benefits, the future developer for the SSP may be better placed to negotiate a VPA with Council.

The provision of a village square, community open space and environmental space have been carefully selected for the SSP to provide appropriate community benefit based on anticipated community needs. The site constraints (i.e. topography and stormwater detention basin) do not make the site suitable to accommodate sporting facilities, hence the controls relating to the design of public open space are based on passive recreation needs, community gathering and environmental protection of the Blue Gum High Forest.

The suggestion for a holistic, cross boundary development contributions plan to be prepared for both the SSP and Cherrybrook Precinct is a matter for DPE to consider as part of the Place Strategy, along with their assessment of the SSP.

## 4.3 Response to The Hills Shire Council submission

The Hills Shire Council (THSC) supports in-principle the proposed amendments to the Planning Systems SEPP to enable future development to be assessed under the State Significant Development pathway.

THSC raises a number of matters for resolution prior to finalisation of the rezoning proposal. The responses to these matters are provided below.

### 4.3.1 Pedestrian connectivity

A solution should be included to address pedestrian connectivity over Castle Hill Road (between Hornsby LGA and The Hills LGA), the location for which would need to be identified and secured as part of this proposal

## Response

This issue does not directly relate to development within the SSP. It falls outside of the scope of the SSP development and is a matter for consideration by DPE as part of the Place Strategy. Notwithstanding this, a solution to address pedestrian connectivity over Castle Hill Road is not warranted at this stage based on the minimal additional pedestrian volumes generated by the SSP at this location.

### 4.3.2 Building height and transitions

Higher density development along Castle Hill Road should provide acceptable building height and density transition away from the station having consideration for visual amenity and privacy implications on surrounding lower density development and sensitive interfaces.

## Response

The planning framework for the rezoning proposal has been designed to minimise adverse impacts of building height on surrounding lower density development, while remaining viable. This includes prescriptive measures in the Design Guide for the provision of sufficient setbacks from the adjacent lower density development to the north of the SSP and sensitive interface toward the east, while adopting upper floor setbacks to minimise the perceived building scale from these locations. Landscaping and building separation (in accordance with the NSW Apartment Design Guide specifications) have been demonstrated to be achievable and will be assessed as part of any future detailed DA to ensure that adverse visual amenity and privacy effects are adequately mitigated for the surrounding lower density areas.

Notwithstanding the above, the envisaged built form for the Cherrybrook Station SSP will present a progression of the character of Cherrybrook to support the development of a transit-oriented community and support increased housing supply. It is important to focus density around key public transport nodes, such as train stations, and also around key community and open spaces, such as those provided in the SSP. In line with this approach, the Place Strategy (prepared by DPE) proposes for building typologies up to five storeys in height to areas surrounding the Cherrybrook Station SSP study area. Notably, it is likely that the surrounding R2-zoned land will be rezoned to the higher density R3-zone in accordance with the draft Place Strategy. Should this proposed built form outcome for areas surrounding the Cherrybrook Station SSP be adopted into the planning framework, future buildings within the Cherrybrook Station SSP would blend and transition with the future scale and character of the surrounding area.

### 4.3.3 Consideration of environmental constraints

Recommended development controls should consider existing environmental constraints, such as topography, to ensure the resulting built form outcomes facilitate the envisaged character of the precinct.

## Response

The Urban Design Study prepared by SJB, which has informed the preparation of the proposed planning framework for the SSP, has taken existing environmental constraints into consideration to ensure the resulting built form outcomes facilitate the envisaged character of the precinct. For example, the proposed amendments to the maximum building height control in the Hornby LEP 2013 (as exhibited) are greater than which is provided for in the LEP for development up to 5 storeys in height when viewed from Bradfield Parade and the reason for this is to allow variances in floor to floor heights for different uses, but also to allow for the sloping topography and large floorplates needed to accommodate commercial and community uses, and activation of the public open space to the north through the potential for a storey at lower ground level

To reinforce the intended 5 storey height limited (as exhibited) for the SSP when viewed from Bradfield Parade), a Design Guide was prepared for the rezoning proposal. This included prescriptive measures in Section 1.10 which specifically related to a maximum number of storeys for development within the SSP. Prescriptive measure 1.2 required development to not exceed the maximum number of storeys shown on the Indicative Land Use and Built Form Map (**Figure 4**), noting that the maximum number of storeys in the SSP is 5 storeys (when viewed from Bradfield Parade) on this map. Notwithstanding the above, prescriptive measure 1.3 of section 1.10 Built form of the Design Guide allowed for an additional lower ground floor level when viewed from the north in the B4 Mixed Use zone, to respond to the topography of the site and activate the public open space at the lower level.

Landcom would be supportive of inserting an incentive/bonus mechanism in the LEP to facilitate up to 10% affordable housing for a minimum period of 10 years, provided that this is a separate and optional incentive above the publicly

exhibited 5% affordable housing requirement, and the incentive mechanism includes the associated changes to the planning controls that have been identified in the Potential Increased Affordable Housing Analysis as necessary to facilitate the additional affordable dwellings as a net increase to the overall dwelling yield. The incentive provision would need to allow for the option of additional FSR and a localised increase in building height in one portion of the site, to facilitate the additional affordable dwellings. Sydney Metro and Landcom do not support any change to the exhibited proposal for 5% affordable housing (for a minimum of 10 years) as the base requirement for provision of affordable housing on the site.

Based on the above, the Design Guide has been revised to include a change to the number of storeys control, to reflect a height incentive provision of 23.5m (which will allow up to 6 storeys when viewed from Bradfield Parade, or 7 storeys when viewed from the north).

#### **4.3.4 Infrastructure contributions**

An infrastructure contributions mechanism should be in place to enable contributions to be secured from the Government land before any rezoning is finalised, noting that future development would not be within Council's control if the site is approved and developed through the proposed State Significant Development Pathway. The contributions burden and framework applicable to the SSP land should be consistent with that to be imposed across the remainder of the private land within the broader precinct to ensure an equitable distribution of costs.

##### **Response**

The preparation of a Contributions Plan that applies to the whole Cherrybrook Precinct is a matter for consideration by DPE as part of the Place Strategy.

It is anticipated that the delivery of public infrastructure within the SSP will be subject to a VPA between Hornsby Council and Landcom/Sydney Metro or the future developer of the SSP.

#### **4.3.5 Clarification of the intent of the proposed detention basin**

THSC raised that the design intent of the detention basin to service the entire SSP requires clarification, noting that should it be required to service an area larger than Cherrybrook Station and / or hold water permanently it would require enlargement and an alternate design. THSC also noted that the detention basin is located upstream of residential properties and local roads (SSP land) and the sudden failure of the basin's embankment may prove catastrophic to residents and motorists

##### **Response**

Royal Haskoning have provided a response to the point of clarification regarding the detention basin, as follows:

- The purpose of the proposed detention basin is to maximise the utilisation of the existing basin for storage within the Cherrybrook Station SSP to manage stormwater volume.
- The future basin will be designed with reference to the relevant stormwater management controls of the Design Guide and the Hornsby DCP 2013.
- The development application process would evaluate the volume of detention storage that can be provided via an augmentation of the existing stormwater basin. The design of any future detention basin would be informed by detailed modelling and analysis of the available footprint of the existing basin, along with the consideration of any loss of storage for the maintenance of a permanent water storage.
- Should additional storage be required to achieve the relevant planning requirements as they relate to stormwater management, additional provisions for storage may be incorporated as part of the development including tanks, sub-surface storage near the water body or other related measures.
- In respect of the risk of dam failure, it is expected that the nature of this specific risk associated with augmentation of the existing detention basin at the Cherrybrook Station Precinct would be assessed as part of the future DA process. If deemed unacceptable, the design can be revised to mitigate to a level that is acceptable, with advice as necessary from Dam Safety NSW.

### 4.3.6 Clarification of whether design guide is a Development Control Plan

Clarification is required on whether the design guide is a DCP, and will it have any weight as part of the assessment of future SSDAs applying to the Cherrybrook Station SSP. If it is uncertain as to whether the design guide will have weight as part of the assessment of future SSDAs then it is recommended that a Masterplan SSDA, that is reflective of the final Place Strategy and proposed DCP, be prepared to circumvent any ambiguity that may arise.

#### Response

This is a matter for consideration by DPE as part of their assessment of the Planning Systems SEPP amendment and rezoning proposal.

It is understood that the current intention by DPE is that the LEP instrument and Planning Systems SEPP SSD listing will progress enabling both development pathways and both Design Guide made or DCP to be made by Council, if required.

## 4.4 Response to government agency and non-government organisation submissions

### 4.4.1 NSW Environment Protection Authority (EPA)

Object, support or comments	Comments
Key matters	Noise; Water quality; Waste

#### Noise

In relation to noise, the EPA:

- supports the inclusion of condition DO3 in the draft Design Guide regarding soundscapes
- notes that acoustic assessments including a careful consideration of rail noise and vibration impacts will need to be undertaken at the detailed design stage of future development in the precinct.

#### Response

The comments from the EPA in their submission with regard to noise are noted, and it is confirmed that acoustic assessments will be undertaken as appropriate at the detailed design stage as part of future development applications in the SSP.

#### Water quality

In relation to water quality, the EPA supports the focus of the rezoning proposal and the Cherrybrook Station SSP Ecologically Sustainable Development Plan (ESD Plan) on the implementation of water sensitive urban design principles.

The EPA recommends:

- that the approach in both documents should also be led by the 'Risk-based Framework for Considering Waterway health Outcomes in Strategic Land-use Planning Decisions' (Office of Environment and Heritage and EPA, 2017) consistent with Action 64 of the North District Plan, which is to 'improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes'.

#### Response

The EPA's comment that the ESD Plan should be led by the 'Risk-based Framework for Considering Waterway health Outcomes in Strategic Land-use Planning Decisions' (Office of Environment and Heritage and EPA, 2017) is noted. This framework identifies relevant objectives for the waterway that support the community's environmental values and uses and can be used to set benchmarks for design and best practice. While being a consideration, the framework notes that it is best implemented at the catchment or subcatchment scale by an overall managing authority, such as a

council, or regional or state agency. Given this, it is considered that the framework is best applied in informing Hornsby Shire Council's broader policy documents for the LGA around stormwater management and its relevant stormwater management controls of its Hornsby DCP, rather being applied to a site-specific rezoning proposal such as Cherrybrook Station SSP.

It is noted that the Design Guide gives consideration to section 1C.1.2 Stormwater Management, section 1C.1.3 Watercourses of the Hornsby DCP 2013. This aims to ensure future development at the Cherrybrook Station SSP will be in accordance with the LGA's requirements for stormwater quality and quantity targets, and will contribute to the broader management of cumulative impact on waterways within the catchment. This will be considered and addressed at detailed DA stage.

## Waste

In relation to waste, the EPA:

- supports the ESD Plan's focus on circular economy principles.

The EPA recommends:

- the rezoning proposal and ESD Plan reference and implement principles from the 'Better practice guide for resource recovery in residential developments' (EPA, 2019) (Guide) which is intended for use when designing new residential developments. As the Guide states, when designing new precincts it is important to:
  - consider whether waste systems can accommodate the storage and handling requirements of the total development
  - provide clear and secure separation of residential and commercial waste facilities
  - ensure enough public street frontage to support presentation of bins at the kerbside (this can be particularly difficult with narrow lots)
  - ensure the width and alignment of public roads, internal roads and/or rear laneways are sufficient to support access and movements of waste collection vehicles
  - consider whether off-street parking allows for access of waste collection vehicles
  - ensure there are transitional arrangements to support efficient waste management as the development is being staged, for example the provision of temporary turning areas for waste collection vehicles.
  - the Plan and the Rezoning Proposal expressly reference and are guided by principles contained in the 'NSW Waste and Sustainable Materials Strategy 2041 (Department of Planning, Industry and Environment, 2021) and the Circular Economy Policy Statement: Too Good to Waste' (NSW Government, 2018).

## Response

The EPA's comments with regard to the design of new precincts for waste management and resource recovery are noted. All matters in respect of resource recovery and waste management will be fully addressed as part of a detailed DA for future residential development in the SSP.

### 4.4.2 Heritage NSW

Object, support or comments	Comments
Key matters	Local heritage items

Heritage NSW notes that the rezoning proposal has the potential to impact on the following local heritage items listed under HLEP 2013 and The Hills Local Environmental Plan 2019 (The HLEP 2019):

- 'House', 150 Castle Hill Road
- 'Inala School', 160-168 Castle Hill Road
- 'Glenhope', 113 Castle Hill Road
- 'Dunrath', 139 Castle Hill Road.

Heritage NSW notes that it does not have a role in considering these impacts, and that instead this is the responsibility of Hornsby Shire Council and The Hills Shire Council. Heritage NSW recommends that DPE work with the Local Councils to address impacts to these local items.

## Response

Heritage NSW's comments in their submission are noted. Any comments from the Local Councils regarding heritage impacts on the local items specified will be considered and addressed as appropriate.

### 4.4.3 NSW State Emergency Service

Object, support or comments	Comments
Key matters	Flooding

The SES notes that:

- the SSP appears to have minimal impact from known flood risk (e.g. Hornsby Floodplain Risk Management Study and Plan 2015; Hornsby Overland Flow Study 2010; Concept Stormwater Management and Preliminary Flood Risk Assessment 2022)
- the consent authority will need to ensure that the rezoning proposal is considered against the relevant Ministerial Section 9.1 Directions, including 4.3 – Flood Prone Land, and is consistent with the NSW Flood Prone Land Policy as set out in the NSW Floodplain Development Manual, 2005 (the Manual).

In terms of the Manual, the SES advises consideration should be given to a number of principles, including:

- risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF) and not focus only on the 1% AEP flood
- risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes.

The SES makes a number of recommendations, including:

- for residential development, habitable floors (including aged care) should be located above the PMF with the building structurally designed for the likely flood and debris impacts
- for commercial development, all ground floor businesses and retail floors must be above the 1% AEP flood levels, access to the basement must be above PMF and there must be the provision of sufficient readily accessible habitable areas above the PMF cater for the safety of potential occupants, clients and visitors
- any vehicle parking should have entrances above the PMF to facilitate safe and effective vehicular evacuation and have pedestrian access to a podium level above the PMF to increase human safety
- publicly accessible space or access to space above the PMF (with adequate infrastructure to enable the physically impaired to access such space) should be provided for the itinerant population in surrounding areas that is easily accessible 24 hours a day for seven days a week and which is clearly identified for this purpose with associated directional signage (including building security considerations to ensure the appropriate areas above the PMF remain accessible).

## Response

The matters for consideration and recommendations from the SES in their submission on the rezoning proposal are noted. These will be fully addressed as part of the future detailed DA process for development of the SSP.

### 4.4.4 NSW Crown Lands

Object, support or comments	Comments
Key matters	Amendment to the Planning Systems SEPP; Movement network

Crown Lands note that there appears to be no Crown land within the Cherrybrook Station SSP.

While agreeing with the State significance of Cherrybrook Station SSP, Crown Lands notes that proposed amendment to the Planning Systems SEPP to enable the State Significant Development pathway may not afford checks and balances to adequately protect environmental components and amenity compared to that offered through the regular planning system.



To provide residents with improved access opportunities, Crown Lands recommends integration of pedestrian desire lines shown in Figure 38 of the Planning Report and potential access points and links as part of a broader circulation system within the Cherrybrook Station SSP and beyond. Crown Lands also recommends that green connections for pedestrians and cyclists extend to green corridors outside the precinct.

## Response

Regardless of whether future development is subject to assessment by DPE as a SSDA or subject to assessment by the Hornsby Shire Council as a DA, the same planning legislation will apply and this will require a comprehensive assessment by the determination authority. The planning pathway will not influence environmental protection or amenity matters.

In respect of the recommendations for better pedestrian connectivity and green connectivity beyond the precinct, this is outside the realm and scope of the rezoning proposal and will be a matter for consideration by DPE as part of the Place Strategy.

### 4.4.5 NSW Environment and Heritage Group

Object, support or comments	Comments
<b>Key matters</b>	Minimising biodiversity impacts; Zoning of land supporting Blue Gum High Forest;

The NSW Environment and Heritage Group (EHG) supports the avoidance of biodiversity impacts including impacts to native vegetation for any future development proposal over the site. EHG recommends:

- the northern portion of the site that contains Critically Endangered Ecological Community Blue Gum High Forest (BGHF) be included in Zone C2 – Environmental Conservation as opposed to the proposed zone RE1 – Public Recreation, and should be provided with an appropriate buffer
- mitigation measures identified in the biodiversity development assessment report (BDAR) are considered and applied to any future development of the subject site
- a vegetation management plan that provides for the ongoing protection and enhancement of all areas of retained native vegetation must be provided, either as part the site-specific development control plan or as part of any future proposal over the site
- construction and civil engineering plans for future development are to ensure that they provide adequate buffers to remnant trees and vegetation on the site and that they are accordance with the recommendations of the vegetation management plan or other applicable controls as appropriate.

## Response

The recommendations by EHG in their submission are noted. We consider it appropriate to retain the proposed RE1 zoning for the Blue Gum High Forest, given that zoning should primarily deal with land use, as opposed to environmental constraints. Should greater protection be deemed appropriate, the Hornsby Council's terrestrial biodiversity overlay could be extended or amended to include the Blue Gum High Forest. This is the best way to deal with environmental constraints, and will trigger clause 6.4 of the Hornsby LEP which requires the impact of any development on biodiversity to be assessed as part of any future detailed DA process. Alternatively, DPE may consider rezoning this portion of the site to C2 Environmental Conservation collectively for both the SSP land for the specific areas containing the BGHF and the larger area of BGHF within the Place Strategy area at the upcoming rezoning stage for the wider precinct/Green Village.

Additionally, the mitigation measures identified in the BDAR that was submitted with the rezoning proposal, as well as the requirement for a vegetation management plan, and construction and civil engineering plans will form part of the detailed DA for any future development in the SSP. More specifically, the requirement for future development to address mitigation measures outlined in the BDAR, and for the preparation of a Vegetation Management Plan, are detailed in the prescriptive measures contained in section 1.8 Environment of the Design Guide.

#### 4.4.6 Transport for NSW

Object, support or comments	Comments
<b>Key matters</b>	Vehicle access design and sustainable travel measures

Transport for NSW (TfNSW) advises that it has no substantive issues with the proposal.

TfNSW suggests that it would be beneficial to raise awareness of detailed implementation measures relating to vehicle access design and sustainable travel measures included in the Traffic and Transport Assessment prepared by SCT Consulting in the Design Guide. These are as follows:

- access for Lot B should be designed in such that a heavy rigid vehicle (HRV) of 12.5m can enter and exit the site in a forward direction
- a new bullet point should be added into Prescriptive Measure PM1.2 that states any vehicle access are to comply with the requirements of AS2890.1 and AS2890.2
- a new prescriptive measure PM4.3 should state that “all basement service areas should comply with all requirements of AS2890.2”, and
- Green Travel Plan Actions contained in Section 4.3 of the SCT report should also be included as prescriptive measures.

TfNSW notes that as the Cherrybrook Station SSP is located in relative proximity to major linear road and rail related transport infrastructure including Castle Hill Road and the metro line:

- both the road and rail provisions of the Transport & Infrastructure State Environmental Planning Policy together with the Guidelines for Development Near Busy Roads and Railways are NSW Government policies likely to be applicable for future stages of development
- further consultation may be required with TfNSW and / or Sydney Metro regarding these provisions and advice sought as to any further measures that need to be addressed at the development application / design phases.

#### Response

The Design Guide for the rezoning proposal has been revised to include the prescriptive measures requested in TfNSW’s submission.

Additionally, it is noted that minor amendments have been made to the TTA for the rezoning proposal to address feedback received from TfNSW at the Test of Adequacy stage. While this feedback was not incorporated into TfNSW’s submission, the report has been revised to address the relevant points regardless.

Landcom is committed to ongoing, continued consultation with TfNSW and/or Sydney Metro at the development application / design phases to ensure all relevant road and rail provisions are adequately addressed.

#### 4.4.7 Endeavour Energy

Object, support or comments	Comments
<b>Key matters</b>	Undergrounding of cabling / reticulation infrastructure; Trees near electricity infrastructure

Endeavour Energy advises that it does not have any concerns regarding the proposal, and that there is currently sufficient network capacity in the area to supply the growth in the Cherrybrook Precinct.

Of note for planning purposes, Endeavour Energy advises that:

- all new cabling / reticulation infrastructure must be of an underground construction type
- the planting of large / deep rooted trees near electricity infrastructure is not supported, and existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting.

## Response

The comments from Endeavour Energy in their submission on the rezoning proposal are noted. We confirm that all new cabling / reticulation infrastructure will be underground and that careful consideration will be given to tree planting and existing trees in proximity of electricity infrastructure at the detailed DA stage.

### 4.4.8 Sydney Water

<b>Object, support or comments</b>	Comments
<b>Key matters</b>	Servicing needs of the proposal

Sydney Water advises that it supports government-backed growth initiatives in its area of operations and endeavours to provide services that deliver water and wastewater infrastructure in a timely and prudent manner without impacting on its current customer base or service levels.

Of note for planning purposes, Sydney Water advises that:

- Anticipated ultimate and annual growth data for the development needs to be fully populated and returned to Sydney Water within 4 weeks of their submission to fully assess and support the proposed development and associated growth
- It is acknowledged that timescales and final growth numbers may alter, however a realistic indication of demand and staging timescales are required in order to provide robust servicing.

## Response

The comments from Sydney Water in their submission on the rezoning proposal are noted. Anticipated ultimate and annual growth data for the development was populated and returned to Sydney Water in August 2022 to allow them to fully assess and support the proposed development and associated growth.

### 4.4.9 NSW Rural Fire Service

<b>Object, support or comments</b>	Comments
<b>Key matters</b>	Mapped bush fire prone land and <i>Planning for Bush Fire Protection 2019</i>

NSW Rural Fire Service advises that the lots that are subject to the rezoning proposal are not mapped as bush fire prone. NSW Rural Fire Service considers the proposed rezoning and amendments to the HLEP 2013 to be generally in accordance with the provisions of Planning for Bush Fire Protection 2019.

## Response

The comments from NSW Rural Fire Service in their submission on the rezoning proposal are noted.

### 4.4.10 School Infrastructure NSW

<b>Object, support or comments</b>	Comments
<b>Key matters</b>	References to demand for primary/high school places in the exhibited Social Infrastructure Needs Assessment; Matters for consideration by Council in the drafting of any future Contributions Plan.

School Infrastructure NSW requests that the Social Infrastructure Needs Assessment prepared by Cred Consulting be amended to remove commentary that references a specific demand for primary/high school places. SINSW will commence investigations to identify appropriate solutions to accommodate the projected enrolment demand stemming from the wider Precinct development. SINSW will continue engaging with DPE as detailed planning progresses for the Precinct to ensure that surrounding public schools are resourced to respond to changes in the student population.

School Infrastructure NSW also requests that, in the drafting of any future Contributions Plan, Council give consideration to including requirements for public domain, transport and other infrastructure works required to support government schools, which are likely to accommodate the growth stemming from the Precinct.

## Response

The comments from School Infrastructure NSW in their submission on the rezoning proposal are noted. Any references to a specific number of primary/high school places in the exhibited Social Infrastructure Needs Assessment or Planning Report should be disregarded as this will be subject to investigations by SINSW to identify appropriate solutions to accommodate the projected enrolment demand stemming from the wider Precinct development.

## 5.0 Additional investigations

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### **This section outlines additional investigations that have been undertaken as part of the response to submissions**

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#### Stormwater investigations

Landcom instructed Royal Haskoning (Drainage Engineer) to respond to The Hills Shire Council's submission regarding the design intent of the stormwater detention basin and potential for failure to the basin's embankment. This investigation found that there are no issues with the level of detail provided in the rezoning proposal relating to stormwater management as the overall approach provides a clear objective for the outcome while maintaining flexibility for the future detailed DA. The response also acknowledges that potential risk of failure to the dam embankment would be considered through the design process of the future detailed DA and Dam Safety NSW could be consulted by the consent authority throughout the assessment process. There were no suggestions by Royal Haskoning for any changes to the proposed planning controls in response to this submission.

#### Economic and Land Use Investigations

Landcom instructed AEC (Economist) to respond to a public submission regarding the adequacy of the Economic and Land Use Assessment report and potential impacts on existing retail floorspace within the locality. The response found that:

- the main trade area population reported in AEC's report is in line with 2021 ABS Census information and DPE's Population Projections (2022)
- the provision of supermarket floorspace within the SSP is lower than the average Sydney metropolitan area, even when considering surrounding developments such as Cherrybrook Village
- the proposal seeks to reduce car reliance and emphasises a 'convenience-based retail offering' for the retail provision on site, which suggests residents demanding higher order needs will continue to travel to Cherrybrook Village or Castle Towers Shopping Centre.

There were no suggestions by AEC for any changes to the proposed planning controls in response to this submission.

#### Affordable Housing Investigations

In response to submissions calling for an increase to the provision of affordable housing, Landcom has further investigated the potential for an incentive provision option of delivering up to 10% of residential floor space as affordable housing for a minimum period of 10 years whilst maintaining the other public benefits and feasibility of the proposal.

SJB (Urban Designer) has analysed the potential increase to the number of affordable housing dwellings (equivalent to 10% of the total number of dwellings) to determine what impact this would have on the proposed planning controls and overall built form to accommodate the additional dwellings as well as the base proposal.

The Analysis found that an additional 5% affordable housing (approximately 21 residential units) could be accommodated within the precinct if an incentive provision permitted the FSR control for the lot north of Bradfield

Parade to be increased from 1.25:1 to a minimum of 1.32:1, and the height of buildings control for the B4 zone to be increased from 20.5m to a minimum of 23m (with a suggestion to increase to 23.5m to allow for topographical level changes and be consistent with the Hornsby LEP Height of Buildings increments). This also requires a change to the number of storeys controls in the Design Guide from 5 storeys to 6 storeys when viewed from Bradfield Parade, and from 6 storeys to 7 storeys when viewed from the north, for development in the B4 zone.

Landcom would be supportive of inserting an incentive/bonus mechanism in the LEP to allow an increase to 10% affordable housing for a minimum period of 10 years, provided that this is a separate and optional incentive above the publicly exhibited 5% affordable housing requirement, and the incentive mechanism includes the associated changes to the planning controls that have been identified in the Analysis as necessary to facilitate the additional affordable dwellings as a net increase to the overall dwelling yield. The incentive provision would need to allow for the option of additional FSR and a localised increase in building height in one portion of the site, to facilitate the additional affordable housing. Sydney Metro and Landcom do not support any change to the exhibited proposal for 5% affordable housing (for a minimum of 10 years) as the base requirement for provision of affordable housing on the site.

### Traffic Investigations

Landcom instructed SCT (Traffic Engineer) to revise the Traffic and Transport Assessment to address minor issues raised by TfNSW at the Test of Adequacy stage. It is noted, however, that TfNSW's formal submission did not include these issues as they were resolved through on-going discussions during the public exhibition phase.

## 6.0 Changes to the proposal

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### This section outlines changes to the proposal made in response to submissions

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A Potential Increased Affordable Housing Analysis has been prepared by SJB (refer **Appendix A2**) in response to the submissions made with regard to the proposed 5% affordable housing target. This analysis has been undertaken to test opportunities to increase affordable housing in the SSP whilst maintaining other public benefits. Ultimately, the Analysis has investigated the potential to provide an additional 5% of affordable housing (equating to a total of 10% of all units within the SSP) and identified what changes to planning controls in the Hornsby LEP would be required to be permitted under such an incentive provision to accommodate this additional affordable housing, without impacting on the delivery of public benefits, such as the provision of a vibrant, mixed-use precinct with high-density living within walking distance of a metro station, retail/community facilities and high-quality public open space on site.

Landcom would be supportive of inserting an incentive/bonus mechanism in the LEP to facilitate up to 10% affordable housing for a minimum period of 10 years, provided that this is a separate and optional incentive above the publicly exhibited 5% affordable housing requirement, and the incentive mechanism includes the associated changes to the planning controls that have been identified in the Analysis as necessary to facilitate the additional affordable dwellings as a net increase to the overall dwelling yield. The incentive provision would need to allow for the option of additional FSR and a localised increase in building height in one portion of the site, to facilitate the additional affordable dwellings. Sydney Metro and Landcom do not support any change to the exhibited proposal for 5% affordable housing (for a minimum of 10 years) as the base requirement for provision of affordable housing on the site.

Based on the above, the Design Guide has been revised to include a change to the number of storeys control, to reflect the height incentive provision of 23.5m (which will allow up to 6 storeys when viewed from Bradfield Parade, or 7 storeys when viewed from the north). Other minor changes have been made to the Design Guide to address feedback from DPE and TfNSW.

Importantly, the Analysis included 3D modelling and a solar assessment which demonstrated that the necessary changes to the planning controls to achieve the additional affordable housing dwellings would not result in a notable increase in impacts, in this regard. The delivery of additional affordable housing would also result in an enhanced social outcome, with a minor increase in built form.

## 7.0 The revised proposal

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### **This section outlines the revised proposal**

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If the proposal is revised to include 10% affordable housing, the proposal will have the potential to deliver:

- more than 411 dwellings, including a minimum of 10% Affordable Housing for very low, low and middle income earners
- an increase in the permissible FSR from 1.25:1 to 1.35:1 for development north of Bradfield Parade
- an increase in the maximum building height for the B4 zone from 20.5m to 23.5m
- building heights up to six storeys when viewed from Bradfield Parade, or up to seven storeys when viewed from the north, for development in the B4 zone
- an increase in car parking to cater for the additional dwellings.

The rezoning proposal will also continue to deliver the following public benefits:

- more than one hectare of public open space including a village square, community open space and environmental space around the pond and next to the Blue Gum High Forest
- a 1,300 square metres multifunctional community facility to house a multi-purpose community centre (this may include a library)
- a minimum of 3,000 square metres of commercial floor space, which could include cafes, restaurants, and supermarket
- a new pedestrian and cycle connection through the precinct
- a blend of landscaping, architecture and design to support a village type atmosphere
- increased tree canopy and green cover on the site, and the protection of the Blue Gum High Forest outside of the precinct.

## 8.0 Conclusion

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### **This section draws a conclusion from the RtS, and identifies next steps in the planning process**

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The submissions and issues raised by DPE, State agencies, local councils, and the community in response to the exhibited Cherrybrook Station SSP rezoning proposal have been reviewed. The key issues have been responded to, supported by technical expert advice attached to this report.

In respect to the affordable housing issue, Landcom would be supportive of inserting an incentive/bonus mechanism in the LEP to facilitate up to 10% affordable housing for a minimum period of 10 years, provided that this is a separate optional incentive above the publicly exhibited 5% affordable housing requirement, and the incentive mechanism includes the associated changes to the planning controls that have been identified in the Analysis as necessary to facilitate the additional affordable dwellings as a net increase to the overall dwelling yield. The incentive provision would need to allow for the option of additional FSR and a localised increase in building height in one portion of the site, to facilitate the additional affordable dwellings. Sydney Metro and Landcom do not support any change to the exhibited proposal for 5% affordable housing (for a minimum of 10 years) as the base requirement for provision of affordable housing on the site.

DPE will now finalise its assessment, considering the submissions received together with this RtS report and the proposed changes. An assessment report will be prepared and submitted to the Minister for Planning to make a determination on the rezoning.

# Appendices

## A.1 Summary of engagement activities

### Cherrybrook Station SSP Rezoning Proposal – Public Exhibition Community Consultation 22 July 2022 to 28 August 2022

#### DPE-led consultation

##### Councillor briefings

Hornsby Shire Council 5pm on 26 July 2022	Key issues raised in relation to SSP rezoning proposal: <ul style="list-style-type: none"><li>- Lack of references to affordable housing and sustainability initiatives (energy and water targets, climate change etc)</li><li>- Suggestion for 10% affordable housing</li><li>- Car parking rates for development</li><li>- Retention and protection of BGHF (supported)</li></ul>
The Hills Shire Council 7pm on 2 August 2022	Key issues raised in relation to SSP rezoning proposal: <ul style="list-style-type: none"><li>- Commuter car parking</li><li>- Car parking rates for development</li></ul>

##### Online Community Information session

5.30pm on 4 August 2022 144 attendees (187 registrations)	Key issues raised in relation to SSP rezoning proposal: <ul style="list-style-type: none"><li>- Building separation and privacy to north</li><li>- Commuter car parking</li><li>- Car parking rates for development</li></ul>
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##### In-person Community Information session

10am on 13 August 2022 155 attendees (176 registrations)	Key issues raised in relation to SSP rezoning proposal: <ul style="list-style-type: none"><li>- General discussion on proposed planning controls, including zoning, FSR, height and reference scheme</li><li>- Local infrastructure – community facility, library and open space</li><li>- Divestment process</li><li>- Future developer</li><li>- Timing for delivery of development</li><li>- Setbacks, landscaping and visual privacy to north (adjacent to Kayla Way)</li><li>- Commuter car parking</li><li>- Car parking rates for development</li><li>- Traffic impacts and road upgrades</li><li>- Number of dwellings</li><li>- Boundary fencing</li><li>- Potential for building height or number of storeys to exceed approved planning controls</li><li>- Affordable housing</li><li>- Schools</li><li>- Access via BGHF</li><li>- Impacts on nearby heritage property (Glenhope)</li></ul>
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##### Talk to a Planner sessions



**Cherrybrook Station SSP Rezoning Proposal – Public Exhibition Community Consultation**  
**22 July 2022 to 28 August 2022**

15 August 2022 to 26 August 2022 12 x 20 minute one-on-one sessions	Key issues raised in relation to SSP rezoning proposal: <ul style="list-style-type: none"> <li>- General discussion on proposed planning controls, including zoning, FSR, height and reference scheme</li> <li>- Local infrastructure – community facility, library and open space</li> <li>- Divestment process</li> <li>- Timing for delivery of development</li> <li>- Commuter car parking</li> <li>- Car parking rates for development</li> <li>- Traffic impacts and road upgrades</li> <li>- Delivery of services</li> </ul>
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**Landcom-led consultation**

**Resident group meetings**

Local Real Estate Agent 1pm on 1 August 2022	Key issues raised in relation to SSP rezoning proposal: <ul style="list-style-type: none"> <li>- Affordable housing</li> <li>- Reduced building height (supported)</li> <li>- Undergrounding of overhead powerlines</li> <li>- Design of stormwater detention basin/pond</li> <li>- Demand for library and gym</li> <li>- Car parking</li> <li>- Ambulance station</li> <li>- Dwelling mix</li> <li>- Divestment timing</li> </ul>
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Tangara School for Girls 2pm on 2 August 2022	Key issues raised in relation to SSP rezoning proposal: <ul style="list-style-type: none"> <li>- Impact of development on Franklin Road</li> <li>- Local traffic congestion and road upgrades</li> <li>- Commuter car parking</li> <li>- Library (supported)</li> </ul>
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Franklin Road residents 2pm on 5 August 2022	Key issues raised in relation to SSP rezoning proposal: <ul style="list-style-type: none"> <li>- Community response</li> <li>- Divestment and construction process</li> <li>- Traffic congestion</li> <li>- Flythrough – design of public open space</li> </ul>
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Oliver Way residents 10.30am on 10 August 2022	Key issues raised in relation to SSP rezoning proposal: <ul style="list-style-type: none"> <li>- Reduced building heights</li> <li>- Divestment process and timing</li> <li>- Interface with Oliver Way</li> <li>- Floor Space Ratio</li> <li>- Regional Infrastructure Contributions</li> </ul>
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West Pennant Hills Valley Progress Association 2pm on 12 August 2022	Key issues raised in relation to SSP rezoning proposal: <ul style="list-style-type: none"> <li>- Reduced building heights</li> <li>- Design controls</li> <li>- Tree canopy cover</li> <li>- Car parking</li> <li>- Affordable housing</li> </ul>
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**Cherrybrook Station SSP Rezoning Proposal – Public Exhibition Community Consultation**  
**22 July 2022 to 28 August 2022**

- Sporting fields
- Planning framework

Inala  
 9.30am on 17 August 2022

Key issues raised in relation to SSP rezoning proposal:

- Medical facilities within precinct
- Affordable housing
- Aboriginal heritage – inconsistencies/inaccuracies in Aboriginal Cultural Heritage Assessment Report and Planning Report
- Impact of rezoning on future plans for expansion of Inala

Cherrybrook Little Athletics  
 9.30am on 23 August 2022

Key issues raised in relation to SSP rezoning proposal:

- Traffic impacts
- Capacity of schools
- Public open space
- Affordable housing
- Disability Discrimination Act requirements
- Divestment process and timing

Kayla Way residents  
 5.30pm on 26 August 2022

Key issues raised in relation to SSP rezoning proposal:

- Interface with Kayla Way – setbacks, deep soil landscaping
- Building height/storeys
- Density
- Divestment process and timing

## A.2 Supporting information