



STATE SIGNIFICANT PRECINCTS

Cherrybrook Station State Significant Precinct

Finalisation Report

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Executive Summary

This report provides an assessment of a rezoning proposal seeking to amend the planning controls for the Cherrybrook Station State Significant Precinct (SSP) announced in December 2019. The Cherrybrook Station SSP establishes a new planning framework to facilitate redevelopment of Government land surrounding the Cherrybrook Metro station.

The proposal has been submitted by Landcom on behalf of the landowners Sydney Metro.

The proposal seeks to amend the planning controls applicable to the site in the Hornsby Local Environmental Plan 2013 to facilitate mixed use development at the site. The main objective of the SSP rezoning proposal is to amend the existing planning controls to facilitate the delivery of a vibrant mixed-use centre providing a mix of retail, residential, community floorspace and public open space for the needs of residents, workers and visitors.

The key elements of the proposal include:

- Rezone the land from R2 Low Density Residential zone to B4 Mixed Use zone, R4 High Density Residential zone and RE1 Public Recreation
- Increase the maximum building control from 8.5m to a range of heights up to 23.5m
- Introduce a maximum floor space ration (FSR) control of 1:1 and 1.35:1 across the site
- Include residential flat buildings as an additional permitted use in the B4 Mixed Use zone
- Identify the Cherrybrook Station SSP as a 'Key Site' with associated local provisions for affordable housing and a requirement for 3,000sqm of publicly accessible open space.

An amendment to *State Environmental Planning Policy (Planning Systems) 2021* is also proposed to list the site as State Significant Development (SSD). This will facilitate the SSD pathway for future development undertaken by or on behalf of Sydney Metro or the Planning Ministerial Corporation and development with a capital investment value of more than \$30 million on the site.

The Cherrybrook Station SSP proposal was exhibited between 22 July and 28 August 2022 and a total of 154 submissions were received. 142 submissions were from individual community members and community groups, 10 submissions from State Government agencies and 2 submissions from The Hills Shire and Hornsby Shire Councils.

Response to submissions and revised proposal

A Response to Submissions (RTS) has been submitted by Ethos Urban on behalf of Landcom and Sydney Metro. The RTS includes suggested amendments to the proposal to address the issues raised, including incentive provisions to increase affordable housing to 10% and an additional building height of 23.5m and floor space ratio (FSR) of 1.35:1. The proposed changes are supported by urban design analysis which considers the potential impacts of the additional height and FSR.

The RTS also provided further advice relating to traffic and transport, retail and commercial floorspace, and stormwater issues.

The rezoning includes controls which will ensure that issues are appropriately addressed through subsequent stages of the planning process. The supporting Design Guide provides detailed controls to guide future development on the site and ensure all issues are addressed in future development applications.

Department's assessment and recommended changes

The NSW Department of Planning and Environment (the Department) has considered the RTS and determined that the proposal has appropriately addressed the key issues raised through the public exhibition process, subject to the recommendations contained in this report.

The Department supports the proposed amendment to increase affordable housing to a total of 10% based on additional height and FSR as proposed by Landcom as demonstrated through their urban design analysis.

The Department has included a concurrence provision in the proposed SEPP in relation to state infrastructure. This requires the Planning Secretary in deciding whether to grant concurrence, to consider the impact that the proposed development on the SSP site will have on state public infrastructure and the need for additional state public infrastructure, including whether a planning agreement requiring a contribution to designated State public infrastructure is required.

The Department supports the proposed amendment to the Planning Systems SEPP to identify future development on the site as State Significant Development (SSD). No significant issues were raised in response to the proposed amendment to the Planning Systems SEPP.

The Department recommends the rezoning of the Cherrybrook Station SSP and supporting amendment to the Planning Systems SEPP be supported.

1 Overview

1.1 Cherrybrook Precinct

Cherrybrook is located 27km north-west of Sydney on the Metro North West line. The Place Strategy applies to the Cherrybrook Station Precinct which spans land to the north and south of Castle Hill Road in The Hills and Hornsby local government areas.

The Cherrybrook Station SSP is large 7.7ha Government owned site around the Cherrybrook Metro Station. The Cherrybrook Station SSP is bound by Castle Hill Road to the south, Franklin Road to the east, Robert Road to the northwest and low-density housing and Blue Gum High Forest to the north. The Cherrybrook Station SSP is shown in Figure 1.

The site consists of the Metro station, commuter carpark, Bradfield Parade and vacant land to the north and east of the station. Future development will be focussed within the 3.5 hectares of vacant land in the northern and eastern portion of the site.

The rezoning of the Cherrybrook Station SSP site is being led by Landcom on behalf of Sydney Metro, in alignment with the vision and objectives for the Cherrybrook Precinct established in the Place Strategy.



Figure 1: Cherrybrook Station SSP (Source: Landcom)

1.2 Cherrybrook Station State Significant Precinct

The Cherrybrook Station government land was nominated as a SSP in December 2019.

Landcom, on behalf of landowners, Sydney Metro, prepared and submitted a SSP rezoning proposal for the site to amend the planning controls to facilitate the delivery of a vibrant, mixed-use centre surrounding the Metro Station.

Detailed study requirements were drafted by the Department in consultation with other relevant State agencies, Hornsby Shire Council and The Hills Shire Council and issued to Landcom in May 2020.

Landcom, on behalf of Sydney Metro, submitted its study to the Department proposing to rezone parts of the site for mixed use, high density residential and recreation uses, and to amend the height and FSR controls applying to the site.

1.2.1 State Significant Precincts

SSPs are areas with state or regional planning significance because of their social, economic, or environmental characteristics. The process for SSPs involves the nomination of an area for investigation, followed by a SSP rezoning proposal to the Department.

The Department is responsible for undertaking a comprehensive assessment of the rezoning proposal to determine the appropriateness, carefully consider environmental and social factors, and identify the infrastructure needs of the future population.

The Department undertakes this assessment, considering feedback from the public and other stakeholders, in collaboration with local government and relevant State agencies and makes a recommendation to the Minister for determination.

1.3 Cherrybrook Station Precinct Place Strategy

The Cherrybrook Station Precinct Place Strategy (Place Strategy) provides a strategic framework to guide development of the wider Cherrybrook Station Precinct including the Cherrybrook Station SSP and growth area over the next 20 years.

The Place Strategy establishes a framework to guide future land use planning and infrastructure delivery in the Cherrybrook precinct. The Place Strategy covers the wider Cherrybrook Station Precinct and includes the Cherrybrook Station SSP as shown in Figure 2.

The Place Strategy does not directly change the existing zoning and built form controls for the precinct but includes recommended land uses and built form controls for land outside the Cherrybrook Station SSP site to inform future rezonings. It also includes an infrastructure schedule which sets out the infrastructure requirements to service the projected precinct growth over the next 20 years, including new schools, active open space and regional intersection upgrades.

The Place Strategy aims to facilitate approximately 3,200 new homes, generally within 400m of Cherrybrook station with heights up to 5 storeys, over 2.3ha of new and expanded local open space, new walking and cycling connections and protection of Blue Gum High Forest.

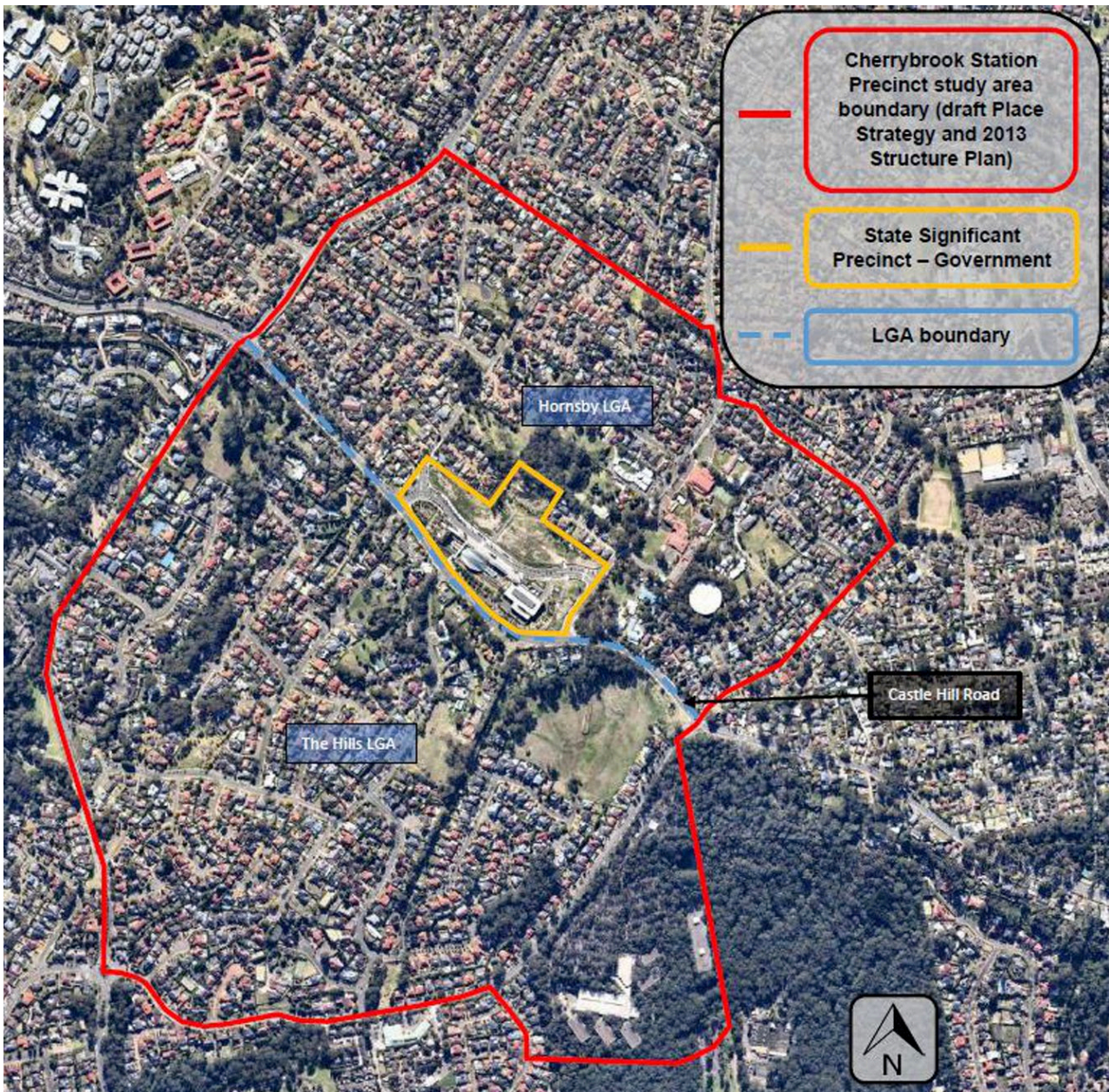


Figure 2: Cherrybrook Station SSP as exhibited (Source: Department of Planning and Environment)

1.4 State Significant Development

To support the rezoning of the SSP site, an amendment to *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) is proposed to list the SSP site as SSD.

The overarching objective of amendment to the Planning Systems SEPP is to enable the SSD pathway for future development on the site, and ensure a State-led, consistent, and transparent planning pathway for the development of the Cherrybrook SSP site.

Further discussion on the proposed amendment to the Planning Systems SEPP is provide in Section 3.2.

2 Planning context

As the SSP process will change the planning framework for the site, the proposal must demonstrate how it responds to the broader strategic planning framework and the local policy context of the area.

2.1 Strategic planning context

2.1.1 Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan, A Metropolis of Three Cities was released by the Greater Sydney Commission in March 2018. The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities. It establishes directions, objectives and actions to achieve the 40-year vision which are focused on infrastructure and collaboration, liveability, productivity and sustainability.

The Greater Sydney Region Plan also aims to provide ongoing housing supply and a range of housing types in the right places to create more liveable neighbourhoods and support Sydney's growing population.

The Cherrybrook Station SSP proposal supports the following objectives in the Region Plan:

- Objective 1: Infrastructure supports the three cities
- Objective 10: Greater housing supply
- Objective 11: Housing is more affordable and diverse
- Objective 12: Great places that bring people together
- Objective 14: Integrated land use and transport creates walkable and 30 minute cities
- Objective 30: Urban tree canopy cover is increased
- Objective 31: Public open space is accessible, protected and enhanced

2.1.2 North District Plan

The North District Plan supports the Greater Sydney Region Plan and seeks to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It contains planning priorities and actions for implementing the Greater Sydney Region Plan at the district level and is a bridge between regional and local planning.

The North District Plan identifies Cherrybrook as a Planned Precinct, with planning to be led by the NSW Department of Planning and Environment, as part of the Sydney Metro Northwest Urban Renewal Corridor. This is designed to bring together the Hornsby Shire Council, the Hills Shire Council, Transport for NSW, NSW Roads and Maritime Services and other State agencies to maximise the land use benefits of Sydney Metro Northwest.

It identifies Cherrybrook as an emerging destination for eateries and cafes offering unique neighbourhood qualities and cultural facilities, as well as an area with potential to provide additional capacity for housing supply. As a dynamic place with a vibrant street life, and proximity to major transport networks including the Metro station, Cherrybrook is identified as an opportunity for renewal and activation.

It is noted that the southern parts of the study Cherrybrook Station Precinct are located within the Central City District, however the future direction for the Cherrybrook Station Precinct is largely set out within the North District Plan.

The proposal aligns with the relevant priorities in the District Plan below:

- Providing services and social infrastructure to meet peoples changing needs
- Providing housing supply, choice and affordability with access to jobs, services and public transport
- Creating and renewing great places and local centres and respecting the District’s heritage
- Delivering integrated land and transport planning and a 30-minute city
- Protecting and enhancing bushland and biodiversity
- Increasing tree canopy cover and delivering Green Grid connections

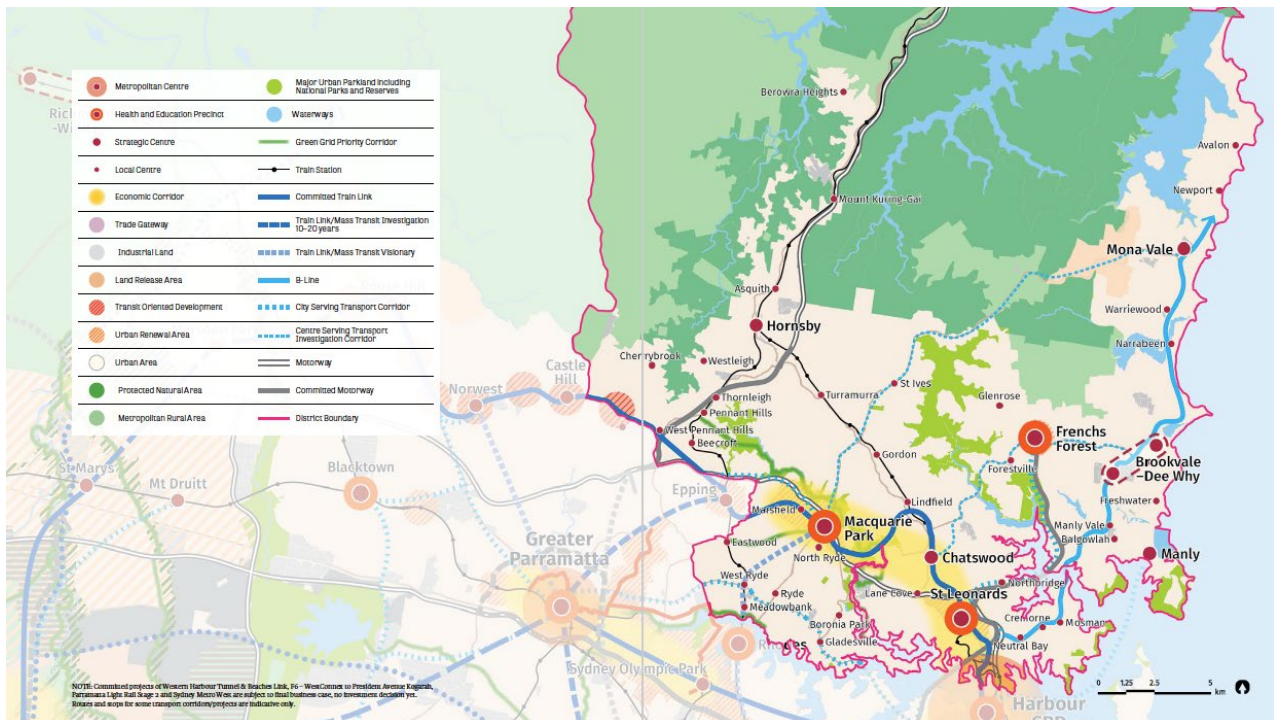


Figure 3: Structure Plan for the North District (Source: GSC 2016)

2.1.3 North West Rail Link Corridor Strategy

The North West Rail Corridor Strategy 2013 was prepared to guide development of each of the eight station precincts on the Sydney Metro North West corridor over a 20-25 year timeframe. It sets out structure plans for each of the station precincts with recommendations to guide future rezonings and details of further investigations and strategies that would be required.

The Cherrybrook Structure Plan sets out the future vision, character and projected growth for the Precinct. The Cherrybrook Station SSP aligns with the key aspects of the vision for the Cherrybrook Precinct as summarised below:

- A new mixed use local centre and focal point for the community centred around the station including a mix of neighbourhood shops and services to provide for the daily needs of the local community
- Opportunities to increase residential densities within walking distance of the station, involving a variety of housing types
- To the north of Castle Hill Road the future character will comprise, over the long term, low to medium density residential dwellings, ranging in height from two storey townhouses to six storey apartment buildings, with higher density developments located closest to the station

- The Cherrybrook Structure Plan also identified potential new connections and Blue Gum High Forest vegetation to the north of the metro station as potential open space.

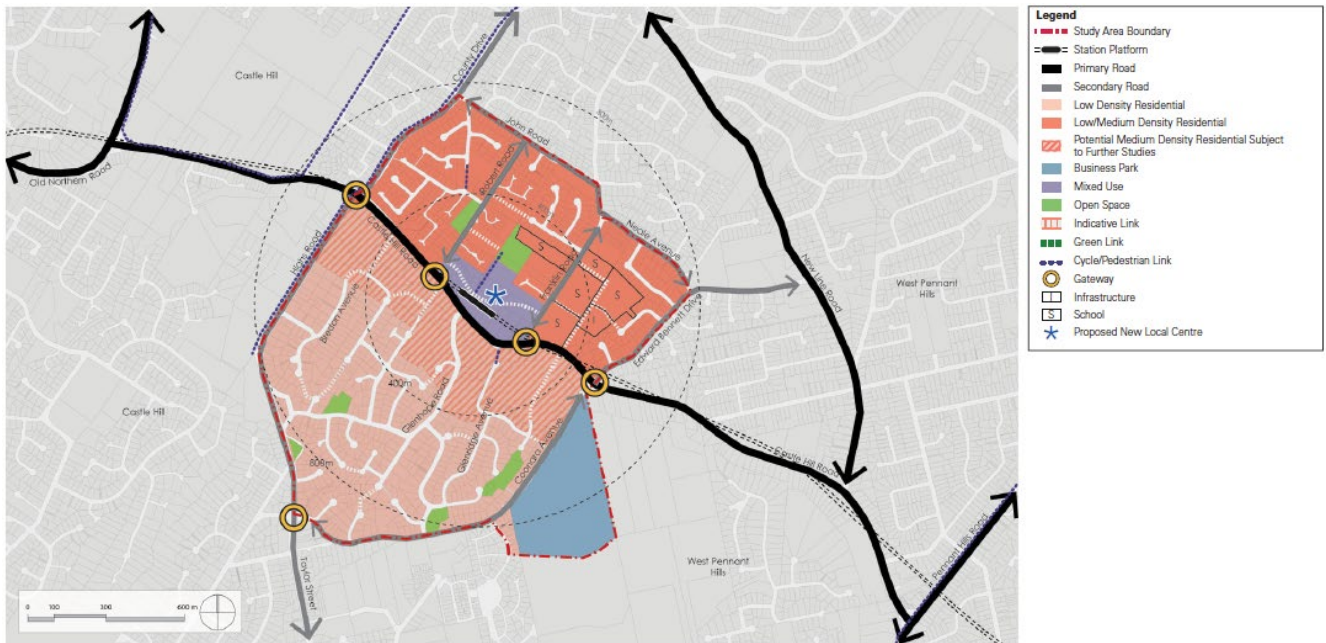


Figure 19: Structure Plan for the Cherrybrook Study Area

Figure 4: Cherrybrook Structure Plan: North West Rail Link Corridor Strategy (Source: DPIE 2013)

2.1.3 Future Transport Strategy

The Future Transport Strategy, prepared by Transport for NSW (TfNSW) sets out a transport vision and strategic directions to achieve The Future Transport Strategy sets the strategic directions for TfNSW to achieve world-leading mobility for people, communities, and businesses and aims to better integrate land use and transport planning across NSW.

The Future Transport Strategy will provide the direction for Transport in NSW based on three outcomes:

- Connecting our customers' whole lives
- Successful places for communities
- Enabling economic activity.

It sets 14 strategic directions to achieve these outcomes. The rezoning proposal to provide for mixed use development directly adjacent to the Cherrybrook Metro Station supports the following strategic directions in the Future Transport Strategy:

- Connectivity is improved across NSW:
 - Enhance 30-minute metropolitan cities
- Multi-modal mobility supports end-to-end journeys:
 - Support car-free, active, sustainable transport options
- Supporting growth through smarter planning:
 - Support growth around public transport
- Transport infrastructure makes a tangible improvement to places:
 - Support thriving and healthy 15-minute neighbourhoods
 - Manage street space as public space
 - Incorporate green, blue and OCHRE infrastructure

Other relevant policies

Other relevant policies that will need to be considered in the development and assessment of future development applications for the site include:

- Sydney Green Grid (NSW Government Architect)
- Greener Places and draft Greener Places Design Guide (NSW Government Architect)
- Better Placed (NSW Government Architect)
- Evaluating Good Design (NSW Government Architect).

2.2 Local planning context

2.2.1 Local Strategic Planning Statement

The Hornsby Local Strategic Planning Statement (LSPS) sets out the land use planning context and 20-year vision to guide future growth. The LSPS identifies Cherrybrook as a local centre and recognises the role of the SSP site in assisting with meeting Hornsby Shire Council's longer term (10 year) housing targets.

The Cherrybrook Station SSP proposal aligns with the following key priorities in the LSPS:

- Expanding tree canopy cover and protecting mature trees to enhance the environmental qualities and character of the bushland shire
- Protecting the character of our low-density neighbourhoods
- Improving the quality of architectural design of new development
- Enhancing, protecting, conserving and promoting our natural, built and cultural heritage
- Supporting sustainable economic growth based on the Shire's built and natural assets, infrastructure and locational advantages
- Promoting the '30-minute City' by improving the walkability, connectivity and accessibility of our centres and neighbourhoods.

2.2.2 Existing planning controls

The Hornsby LEP 2013 applies to the site. The proposal seeks changes to land use zoning, building height and floor space controls that currently apply to the site.

The existing land use zoning, building height and FSR controls that apply to the land are outlined in Table 1 below.

Table 1: Existing planning controls

LEP	Existing zoning	Existing height	Existing FSR
Hornsby LEP	R2 Low Density Residential	8.5m	No FSR control

All other relevant planning controls in the Hornsby LEP 2013 will continue to apply and will be addressed through future development applications (DAs) for the site.

3 The proposal

This Section describes the proposal for the site, to be implemented through a State Environmental Planning Policy to amend the *Hornsby Local Environmental Plan 2013* and the supporting Design Guide or DCP to be prepared.

The proposed amendments and supporting Design Guide establish land uses, objectives and controls for future development to ensure high quality outcomes and mitigate impacts in relation to future development.

3.1 Exhibited proposal

Landcom developed a proposal to amend the planning controls which apply to the site.

The exhibited proposal included amendments to the planning controls for the Cherrybrook Station SSP to facilitate:

- around 390 homes, including a minimum of 5% affordable housing;
- heights up to five storeys when viewed from Bradfield Parade, with an additional lower ground level for retail and community uses (when viewed from the north);
- more than one hectare of open space including a village square, open space and environmental space around the pond and including some areas of Blue Gum High Forest species;
- 1,300sqm of community space to house a multi-purpose community centre;
- up to 3,200sqm of retail space which could include cafes, restaurants, and supermarket;
- a new pedestrian and cycle connection through the site;
- around 376 car parking spaces and 177 bicycle parking spaces; and
- increased tree canopy and green cover on the site.

The proposal included a Reference Scheme (Figure 5) to demonstrate how the site could be developed under the proposed controls. The Reference Scheme is indicative only and development of the Cherrybrook Station SSP will be subject to future detailed development applications.



Figure 5: Reference scheme / master plan (Source: SJB)

3.1.1 Proposed planning controls

The exhibited proposal included changes to the zoning, building heights, and FSR controls, and proposed new local provisions under the *Hornsby Local Environmental Plan 2013* as discussed below.

Proposed controls

The proposed zoning, height and FSR controls are shown in Table 2.

Table 2: Existing and proposed (exhibited) planning controls

Provision	Existing	Proposed
Zoning	R2 Low Density Residential	B4 Mixed Use R4 High Density Residential RE1 Public Recreation
Height	8.5m	18.5m and 20.5m
FSR	No FSR	1:1 and 1.25:1

Additional permitted use

The proposal also includes an amendment to Schedule 1 'Additional Permitted Uses' to allow residential flat buildings as an additional permitted use in the B4 Mixed Use zone.

Additional local provisions

The exhibited proposal included the identification of the Cherrybrook Station SSP as a 'Key Site' with associated local provisions relating for:

- a minimum of 5% affordable housing to be provided for a minimum period of 10 years
- requirement for 3,000sqm of publicly accessible open space to be provided

3.1.2 Development guidelines

The exhibited rezoning proposal included a supporting development control plan (DCP) and Design Guide that have been prepared to inform and guide future development within the Cherrybrook Station SSP.

The draft DCP/ Design Guide exhibited with the rezoning proposal sets out a suite of built form and urban design controls. This ensures the new development within the SSP site achieves high quality outcomes for built form, access and public domain, new open space areas and landscaping, and is aligned with the vision for the broader Cherrybrook precinct.

The DCP/ Design Guide are referenced in the amendments to the Hornsby LEP 2013 so that any future development applications will need to demonstrate consistency with the DCP/ Design Guide, subject to the planning pathway for future development applications.

The Design Guide is to be approved through rezoning process to amend the Hornsby LEP 2013. Although, the Design Guide will only apply to the State Significant Development application pathway. Alternatively, if the development application (DA) pathway is followed, a DCP will need to be first made and approved by Council. Noting the general content of the Design Guide would form the potential basis of the DCP.

3.2 Amendment to Planning Systems SEPP

The proposal includes a supporting amendment to Schedule 2 of the Planning Systems SEPP to identify certain development on the site as SSD.

'Schedule 2 State significant development – identified sites' lists sites identified as SSD, subject to meeting the criteria set out in the Schedule. The Minister for Planning is the consent authority for SSD.

The SSD pathway offers a more coordinated approach to dealing with state significant projects by enabling development applications to be lodged under the SSD pathway and assessed at the State level, rather than at the local Council level.

To facilitate the delivery of infrastructure, new homes and jobs within the Cherrybrook Station precinct, it is proposed that the following development be identified as State Significant Development:

- development undertaken by or on behalf of Sydney Metro or the Planning Ministerial Corporation; and
- development has a capital investment value of more than \$30 million.

A mapping amendment has been prepared to support the proposed amendment to the Planning Systems SEPP. The map identifies the Cherrybrook Station SSP site to be listed in Schedule 2 as the Cherrybrook Station State Significant Precinct.

3.3 Amended Proposal

3.3.1 Response to submissions

Following public exhibition, Landcom was asked to consider the issues raised in submissions and provide a response.

Landcom's Response to Submissions (RTS) includes further information and justification as well as suggesting an amendment to the proposal to increase affordable housing to 10% based on additional height of 23.5m to the central portion of the site and an FSR of 1.35:1 for part of the site.

This would result in approximately 410 apartments (an additional 21 affordable housing dwellings) and building heights up to six storeys when viewed from Bradfield Parade

No other changes are proposed to the exhibited proposal. The proposal includes:

- new open space including a town square, community open space and environmental space around the pond and next to the Blue Gum High Forest;
- 1,300sqm multifunctional community space to house a multi-purpose community/library facility;
- a minimum of 3,000sqm of commercial floor space, which could include cafes, restaurants, and supermarket; and
- new pedestrian and cycle connections through the precinct.

3.3.2 Department recommended amendments

In response to the issues raised in submissions to the Cherrybrook SSP rezoning proposal, the following changes have been made to the rezoning proposal:

- The inclusion of incentive provisions to increase the amount of affordable housing from 5% to 10%.
- To facilitate additional affordable housing, by applying an incentive provision based on additional height of up to 23.5m (up from 20.5m) for the central portion of the site and an FSR of 1.35:1. The additional height will increase storey height from 5 to 6 storeys within the central town centre/mixed-use area of the SSP site.
- The additional 21 affordable housing dwellings increases the total dwelling yield from 390 to 411.
- Increased car parking to cater for an additional 21 units.
- Minor changes to the Design Guide including:
 - to ensure retail shopfronts are setback sufficiently to cater for outdoor dining and to ensure the public square/open space area is aligned to maximise the view to the Blue Gum High Forest area and views back to the station facade.
 - prescriptive measures regarding heavy rigid vehicle access and compliance with Australian Standards for vehicle access, basements, and Green Travel Plan actions.

4 Consultation

The consultation process undertaken by the Department of Planning and Environment for the SSP site rezoning proposal is detailed below.

4.1 Public exhibition

The Cherrybrook Station SSP proposal was publicly exhibited for five weeks from 22 July to 28 August 2022. The exhibition involved a range of engagement activities, including community information sessions, ‘talk to a planner’ sessions, an online community session, resident group meetings, and Councillor briefings.

The SSP and all supporting studies were available to view on the Planning Portal at <https://www.planningportal.nsw.gov.au/cherrybrook-ssp>

During the submission period, a total of 154 of individual submissions were received. Submission comprised:

- 142 submissions from members of the community
- 10 submissions from State agencies
- Submissions from the Hornsby Shire Council and the Hills Shire Council

Key issues raised in submissions included:

- Traffic congestion and transport impacts
- Need for additional car parking
- Built form controls including height controls and setbacks
- Need for more affordable housing
- Infrastructure delivery and funding arrangement
- The amount of retail and commercial floorspace
- Biodiversity impacts

Submissions were received from the following State government agencies/advisory bodies:

- School Infrastructure NSW
- NSW Environment and Heritage Group
- Transport for NSW
- NSW Environment Protection Authority
- NSW Crown Lands
- NSW State Emergency Services
- Endeavour Energy
- Sydney Water
- NSW Rural Fire Service

Section 5 provides an assessment of the proposal’s impacts and refers to specific agency comments or concerns where relevant.

5 Consideration of key issues

The key issues raised in submissions were:

- Transport and car parking
- Community infrastructure
- Infrastructure delivery
- Built form controls
- Retail and commercial floorspace
- Affordable housing
- Biodiversity

The Department's consideration of these issues is provided below.

5.1 Transport and car parking

5.1.1 Traffic

Submissions raised the following issues:

- concern that the existing road network cannot cater for the traffic demand generated by the proposal;
- existing traffic congestion on roads including Castle Hill Road, New Line Road and John Road;
- existing roads should be widened to cater for increased number of vehicles (as not all residents will use the Metro for trips); and
- 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.

Hornsby Shire Council submission

The Hornsby Shire Council raised concerns that the delivery of road infrastructure upgrades will be progressed as part of the implementation of the broader Place Strategy and recommended that traffic upgrades in and around Bradfield Parade be progressed with the rezoning of the Cherrybrook Station SSP.

Transport for NSW (TfNSW)

TfNSW did not raise any issues with the overall proposal but recommended additional controls should be included in the Design Guide. This included additional controls relating to heavy rigid vehicle access, compliance with Australian Standards for vehicle access, basements, and Green Travel Plan actions.

Department response

Future apartments in the SSP site and the wider precinct (Green Village /growth area) will be generally within 10 minutes walk or 400m of the metro station and combined with new pedestrian and cycle links and local roads will encourage greater walkability, active transport and public transport use.

The Traffic and Transport Assessment prepared for Landcom to support the SSP proposal advised that the scale of development and small increase in vehicle trip generation, would result in minimal

impacts to the network and would not in isolation generate the need for any road upgrades to support the development.

The Cherrybrook Station Precinct Traffic and Transport Study project, managed by Transport for New South Wales in partnership with the Department, examined the combined impact of the SSP rezoning exhibited proposal of 390 dwellings and the balance of the 3,200 dwellings across the wider precinct expected over a 20 year period.

The study recommendations reflected in the Place Strategy, identifies a series of state and regional road upgrades to support future growth across the broader Cherrybrook precinct, which includes the SSP site rezoning. The modelling also considers the traffic generation growth of the broader regional background growth and other recent rezonings. The recommended traffic infrastructure primarily involves intersection upgrades along Castle Hill Road.

The identified regional road upgrades in the Place Strategy support future growth in the area and development within the SSP site may be required to contribute toward the cost of regional road upgrades, based on cost apportionment.

A concurrence provision will be included in the Hornsby LEP 2013 to require future development to consider the impact of the development on state infrastructure and to make any necessary arrangements to contribute towards the cost of designated state infrastructure. This process will address the issue of any necessary funding of state infrastructure and the appropriate apportionment to be considered.

Transport for NSW will be responsible for the delivery of identified regional road upgrades. The Department supports the inclusion of the additional controls in the Design Guideline as requested by Transport for NSW.

The impact of the SSP rezoning on the local road network and whether road widening is required regarding the existing school drop off issues in Franklin Road has been considered as part of Landcom's Traffic and Transport Assessment. The study does not recommend the need for local road widening. The Traffic and Transport Study for the wider Cherrybrook precinct supports the proposed improvements to the local road network proposed in the Place Strategy, but also does not recommend the need for road widening in Franklin Road or Robert Road.

5.1.2 Car parking

Submissions raised the following issues:

- whether car parking rates are sufficient to meet commuter demand
- concern that residents and visitors of new apartments may use the commuter car park for parking
- suggested that additional car parking is required given the higher private vehicle use in Cherrybrook, and limited bus services and active transport connections to the station
- concern that the proposed on-site car parking rate for residential development is too low
- concern about the proposed car parking rates for non-residential uses
- concern about the provision of car parking for disabled people within the Cherrybrook Station SSP.
- concern that the proposed requirement for 10% of on-site car parking spaces to have EV charging is inadequate and request for 50% of on-site car parking spaces have EV charging.

Department response

The Cherrybrook SSP proposal does not propose any changes to the commuter car parking for the Metro station.

Sydney Metro has provided approximately 400 commuter spaces, parking and storage for 40 bicycles as well as kiss-and-ride spaces for 14 cars to help ensure the new Cherrybrook Station and train link reduce pressure on current car parking spaces.

Hornsby Council will also continue to manage the on-street parking in the local area which already has restricted parking near the metro station. Council will continue to monitor local area parking restrictions in order to manage commuter parking and preserve on-street parking opportunities for local residents.

New developments will be required to include on-site car parking, including accessible car parking, in accordance with the rates included in the Design Guide.

The Department agrees with Landcom's response and supports the proposed minimum 10% requirement for EV charging spaces included in the Design Guide.

5.1.3 Public transport

Submissions raised concern about frequency of bus services, noting that many services run only every half hour even in peak times.

Response

Transport for NSW are responsible for monitoring the service level and demand for bus services.

The Department will work with Transport for NSW as part of the implementation of the Cherrybrook Place Strategy and precinct rezoning to consider opportunities for improved bus services and access to the Metro station.

5.1.4 Walking and cycling

Submissions from community members and The Hills Council requested a pedestrian footbridge over Castle Hill Road to improve access to the Metro station.

Submissions suggested that health and safety issues prevent the use of bikes on public roads, including congested roads and challenges navigating the roundabout at Newline Road and County Drive.

Response

The Department does not support the provision of a pedestrian bridge across Castle Hill Road.

The traffic and transport study prepared for the Cherrybrook Place Strategy specifically considered the suggestions for a pedestrian overpass to be provided on Castle Hill Road and concluded that there is no justification for a pedestrian overpass/underpass on Castle Hill Road based on projected pedestrian demand and the lack of any significant road network benefits from removal of the 3 existing at-grade signalised pedestrian crossings.

The Department acknowledges Landcom's response that this is an issue beyond the scope of the station site and agrees that the cycle network is a broader issue to be considered as part of the implementation of the Place Strategy. The Department will work with both councils and Transport for NSW to implement the actions and recommendations to improve walking and cycling outcomes as identified in the Place Strategy.

5.2 Community infrastructure

Issue

Submissions raised concern about the provision and delivery of infrastructure including:

- Capacity of local schools;
- Provision of open space, particularly the provision of sportsgrounds and active space;
- Support for the community facility; and
- Capacity of hospitals and emergency services.

Hornsby Council submission

Open space

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

Council is concerned about ongoing cost of managing the village square, community space and environmental open space and request these spaces are delivered and managed by the proponent in perpetuity.

Community facility

Hornsby Council supports the provision of the proposed 1,300sqm multipurpose community library facility. However, Council is concerned about the timing for the delivery of the community facility and its provision as a 'cold shell' only.

Council requests the delivery of the community facility in full (not recouped from other development) and dedication of the community facility in addition to the payment of development contributions.

Department response

Schools

School Infrastructure NSW (SINSW) have been consulted and advised that the expected growth within SSP site (based on 390 dwellings) can be accommodated within the existing schools including through upgrades where required. However, SINSW has also advised that the total 3,200 dwelling precinct growth planned over 20 years, that includes the SSP rezoning dwelling growth, indicates a requirement for a new primary and secondary school in the wider area. They advise that the need for new school sites will be subject to future population and housing forecasts. SINSW advise they will continue to monitor, with support from the Department, the future demand for schools in the area to ensure additional spaces and resources are provided as required.

Open space

The Social Impact Assessment prepared by Landcom identified the need for a minimum of 3,000sqm of local open space to be provided on the site. The proposal includes over 3,000sqm of publicly accessible open space and over 8,000sqm of 'environmental open space' land around the stormwater pond, proposed to be zoned for public open space.

Landcom will deliver the open space and public domain areas on the site, which will include construction and embellishment of a Town Square, Community Open Space and Environmental Open Space.

The 3,000sqm Community Open Space (which includes the town square) will be provided as publicly accessible open space. The arrangements for future ownership and management of the 3,000sqm Community Open Space, and potential for local contribution offsets is still to be negotiated with Council, noting that Council and Landcom currently have different views on this matter.

The Environmental Open Space is zoned RE1 Public Recreation and Landcom has proposed this land be dedicated to Council. However, this is a matter for Council and the SSP site developer/land owner to negotiate and decide on.

The Social Impact Assessment considered demand for district level recreation facilities and highlighted the need for a double playing field to be provided within 2km of the site to support the wider Cherrybrook precinct growth of 3,200 dwellings.

Given the topographic constraints and lack of suitable sites, district recreation facilities cannot be accommodated within the SSP site or broader Cherrybrook precinct. This matter will be further considered by the Councils with support by the Department, as part of the implementation of the Place Strategy and rezoning process of the wider Cherrybrook precinct. The funding contribution that the future development on the SSP site may be required to contribute, is yet to be determined, with the concurrence clause in the proposed amendments to the Hornsby LEP 2013 providing the mechanism to do this.

Community facility

A Social Infrastructure Needs Assessment was prepared by Landcom as part of the proposal considered community needs for the SSP site and wider Cherrybrook precinct. The assessment recommended the need for 1,300sqm of floor space for community and library uses to service the SSP site and the wider area.

The proposal includes provision of a new multipurpose community hub of 1,300sqm including a local library which will meet demand generated by the SSP site and the wider precinct growth.

The Department acknowledges that the provision of the community facility is required to support growth within the SSP site and broader Cherrybrook precinct and has been located within the SSP site to ensure high levels of accessibility and activation for all future residents.

The community facility will be delivered by Landcom as part of the development of the site, with arrangements for dedication and local contributions offsets to be negotiated with Council (refer to Section 5.3 for further discussion on infrastructure).

Health

The Social Infrastructure Needs Assessment identified that the additional population within the SSP site would generate demand for an additional three hospital beds. The Department agrees with Landcom's response that it is not practical or possible to deliver three beds within the site.

Health Infrastructure NSW did not provide a submission in response to the exhibited proposal, however they previously provided pre-exhibition comment to the Department indicating they did not have concerns with the 3,200 dwellings proposed over 20 years, which includes the SSP rezoning yield. They indicated they no longer use per bed benchmarking, but instead base their planning and modelling generally on the regional and metropolitan NSW government growth forecasts.

5.3 Infrastructure funding and delivery

Submissions raised concern that delivery of infrastructure through developer payments alone is insufficient and will result in infrastructure lagging behind development of the homes.

Hornsby Council submission

Council requested a holistic, cross boundary development contributions plan be prepared for both the SSP site and broader Cherrybrook precinct. Council requested that contributions should be consistent across the SSP site and broader Cherrybrook precinct with clear identification of the essential works list, timing for delivery, funding source and responsible authority

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.

The Hills Council submission

The Hills Council suggested that an infrastructure contributions mechanism should be in place to enable contributions to be secured for the site prior to the rezoning being finalised and that the contributions requirements for the SSP site should be consistent with that to be imposed across the broader Cherrybrook precinct.

Response

Infrastructure will be delivered through a number of mechanisms, including through local contributions, works-in kind and land dedication, voluntary planning agreements, and the State Agency budgetary program. Some opportunities will be delivered through the normal development process, such as public domain upgrades. It is not intended that local and state infrastructure contributions would fund the total cost of identified infrastructure.

The Department has prepared an Infrastructure Schedule outlining infrastructure works required to be carried out to support the proposal (see Table 3). The Infrastructure Schedule identifies the local and state infrastructure upgrades to support development on the site.

The Place Strategy also includes a list of the infrastructure requirements and funding mechanisms for identified infrastructure to support growth in the broader Cherrybrook precinct. The SSP site forms part of the broader Cherrybrook precinct and will be required to contribute towards the cost of identified state infrastructure – including regional intersection upgrades. Contributions toward state infrastructure will be based on cost apportionment, which is expected to be approximately 12% of the total allocation for the Cherrybrook precinct.

The Department has recommended the inclusion of a provision in the Hornsby LEP 2013 to require future development on the SSP site to contribute towards state infrastructure costs prior to development occurring.

The Infrastructure Schedule sets out the infrastructure items that will be provided to support growth in the precinct. The delivery of local infrastructure within the SSP site will be subject to a Voluntary Planning Agreement (VPA) with Hornsby Council. This includes the 1,300sqm community facility and the open space areas.

Arrangements for any dedication of the community facility and open spaces, including any local contributions levy offsets, would need to be negotiated between Council and the SSP site developer/landowner.

Local infrastructure contributions and the preparation of a Section 7.11 Plan for the Cherrybrook precinct will be a matter for both councils to consider as part of the implementation of the Place Strategy. The Department will work with the councils as part of the rezoning of the Cherrybrook precinct, particularly in providing costings for all the proposed local infrastructure.

A list of required infrastructure upgrades, delivery mechanism and responsibility is outlined in Table 3.

Table 3: Infrastructure schedule

Infrastructure item	Delivery mechanism	Responsibility
Community facilities		
1,300sqm multipurpose community hub	Local infrastructure contributions/ Works in kind (WIK) Arrangements for dedication and local contributions levy offset to be negotiated with Council.	Landcom / developer
Schools		
Additional primary and high school places in existing schools (as required)	State Government budget funding	School Infrastructure NSW
Open space and recreation		
Town Square: 1200sqm publicly accessible plaza on Bradfield Road	Delivered as part of development	Landcom / developer
Community Open space: minimum 3,000sqm of publicly accessible open space (includes the Town Square) and embellishment works	Delivered as part of development / Works in kind Arrangements for dedication and local contributions levy offset to be negotiated with Council.	Landcom / developer
Environmental Open Space: 8,445sqm of bushland and open space, natural water feature, and limited low impact walking paths	Local infrastructure contributions/ Works in kind (WIK) Arrangements for dedication and local contributions levy offset to be negotiated with Council.	Landcom / developer
District open space: 1x double playing field within 2km of the site	Local infrastructure contributions	DPE/Council
Traffic and transport		
New pedestrian / cycle connections	Delivered as part of development	Landcom / developer
Regional transport upgrades <i>(identified in the Cherrybrook Station Precinct Place Strategy)</i>	State infrastructure contributions Development will be required to make state infrastructure contributions based on cost apportionment.	Transport for NSW

5.4 Affordable housing

- Some submissions raised concern that the proposed 5% affordable housing target is inadequate. The submissions requested that: 10-20% of homes be provided as affordable housing;
- affordable housing be maintained in NSW Government ownership for more than 10 years; and
- affordable housing be distributed throughout the SSP site.

Hornsby Council submission

- Council recommended that the affordable housing contribution should be increased to 10%.
- Council requested the DCP / Design Guide should include apartment mix controls for affordable housing consistent with Hornsby DCP.

Response

Landcom has responded to concerns raised in submissions proposing 10% affordable housing subject to additional height and FSR and has modelled the implications of increasing affordable housing from 5% to 10% and the feasibility of extending the provision beyond 10 years. Landcom has indicated 10% affordable housing, based on being provided for 10 years, can be accommodated with a height increase from 20.5m to 23.5m in the central section of the SSP site and with an FSR of 1.32:1.

The Department supports the response provided by Landcom and the proposed increase in affordable housing to 10% and associated changes to height and FSR controls to support this.

The Department's supports the new planning controls subject to:

- Introducing an incentive provision to provide additional height and FSR for the provision of 10 affordable housing (up from 5%), which is consistent with Council's request. The provision of the 3,000sqm of publicly accessible open space and the 1,300sqm of community/library facility is also linked to this incentive provision.

The Department supports the apartment mix controls in the Design Guide as it will apply to affordable housing which is consistent with Council's approach and will ensure a mix of apartment types within walking distance to the station, including a minimum of 10% of all types of apartments.

5.5 Built form controls

Submissions included mixed views in relation to building heights and proposed built form controls. This included:

- support for the proposed five storey maximum building height;
- support for the proposed five storey maximum building height subject to a 3-storey 'transition zone' at the interface between the SSP site and surrounding low density residential areas;
- request for setback controls to be increased;
- request for a maximum building height of seven storeys or greater; and
- some concern about buildings greater than three storeys being inconsistent with the existing character of Cherrybrook.

Hornsby Council submission

Hornsby Council raised the following matters in relation to the proposed height and FSR controls:

- 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 Hornsby LEP 2013 for 5 storey development;
- recommend proposed building heights are reduced;
- concern that the proposed FSR controls do not align with the proposed maximum building height of 5 storeys;

- no justification or explanation of the benefit of an FSR control; and
- Council's preferred approach is to use height and building envelope controls in the DCP to guide built form.

The Hills Council submission

The Hills Council's submission requested that higher density development along Castle Hill Road provide a transition to surrounding lower density development and sensitive interfaces.

Response

The RTS provides further justification and rationale for the proposed height controls. The Department supports the proposed height controls for the site. The supporting DCP / Design Guide provides additional guidance and built form controls, including maximum heights in storeys.

The Department acknowledges community views on the proposed built form controls was mixed, with some submissions requesting reduced height and density controls, and others requesting greater heights.

The Department supports the proposed building heights (as a base control) and built form controls for the site and considers that the planning controls amendments and supporting provisions in the DCP/ Design Guide will ensure future development minimises potential amenity impacts and provides an appropriate transition between the proposed development and surrounding low density areas.

The Cherrybrook Station Precinct Place Strategy identifies opportunities for increased development (up to 5 storeys) for land surrounding the site, and within 400m of the Metro station, which will reduce any potential interface issues in the future. This is directly consistent with the 2013 NWRLS Corridor Strategy, the Cherrybrook Structure Plan and its accompanying Ministerial Direction.

The revised proposal provides for increased affordable housing based on additional height of 23.5m and FSR of 1.35:1 in the B4 Mixed Use zone. The Department supports the proposed changes, acknowledging that the supporting urban design analysis provided as part of the RTS demonstrates the additional height and FSR would have minimal impact to surrounding properties and proposed open space areas. The increased affordable housing will be delivered through an incentive provision, with additional height and FSR only available for the delivery of additional affordable housing. If this is not provided the base height and FSR controls (as exhibited) will apply.

The RTS provides further justification and rationale for the proposed height controls. The Department supports the proposed height controls for the site. The supporting DCP / Design Guide provides additional guidance and built form controls, including maximum heights in storeys.

The Department supports the introduction of FSR controls for the site. FSR controls are an important mechanism to guide built form outcomes and provide certainty about the bulk and scale of development.

It is standard practice for FSR controls to be applied in renewal precincts and growth areas where increased densities are planned. Without a density control there is an incentive to maximise building envelopes and impact on minimum ADG amenity standards. The FSR controls are required to ensure consistent development outcomes across the precinct. It also provides certainty that the intended height and density outcomes will be achieved.

5.6 Biodiversity and tree canopy

Submissions raise concern about:

- the impact of the proposal on the Blue Gum High Forest and requested greater protection to this area through land use zoning and limiting access;
- requested strengthening of tree canopy cover requirements for future development; and
- concerns that appropriate and viable green linkages have not been provided between the Blue Gum High Forest and the Cumberland State Forest.

Environment and Heritage Group (EHG) submission

EHG recommend that areas of Blue Gum High Forest species on site should be provided with an appropriate buffer and zoned C2 Environmental Conservation. EHG considers the objectives of the C2 Zone better aligns with the proposed use of the site while offering greater protection of this patch of Blue Gum High Forest.

EGH also recommended:

- the Design Guide include the identified mitigation measures in the Biodiversity Development Assessment Report to ensure the mitigation measures are considered and applied to any future development of the site;
- additional mitigation measures are included to manage the ongoing direct and indirect impacts to the Blue Gum High Forest, and specifically, that a vegetation management plan be provided; and
- construction and civil engineering plans for future development are to ensure adequate buffers to remnant trees and vegetation on the site in accordance with the recommendations of a vegetation management plan or other controls as appropriate.

Response

The Design Guide includes tree canopy targets and landscaping requirements that will need to be addressed in future development applications. This includes a minimum tree canopy target of 25% for private areas and 30% for land in the public domain. The Design Guide also identifies and ensures delivery of the green linkages and proposed open space across the SSP site as part of future development applications. This will also improve connectivity to the wider Green Village including the green links and open space connections identified in the Place Strategy.

The Department considers that the Design Guide contain appropriate tree canopy targets and provisions to address landscaping and green links and no changes are recommended.

The majority of the BGHF species (critically endangered ecological community) within the SSP site, primarily consists of a strip of vegetation adjacent to the northern boundary. This boundary is shared with the larger area of BGHF species (currently privately owned) that is proposed through the Place Strategy to be publicly acquired and preserved.

It is proposed that a C2 Environmental Conservation zoning is considered collectively for both the SSP land specifically where the BGHF is located and the larger area of BGHF at the upcoming rezoning stage for the wider precinct/Green Village. The BGHF is also protected through the *Biodiversity Conservation Act 2016*.

In the interim the proposed RE1 Public Recreation zone is supported as it will ensure land containing Blue Gum High Forest species is in public ownership and as the RE1 zone allows limited development.

The mitigation measures contained in the Biodiversity Development Assessment Report have also been referred by Landcom as a prescriptive measure in the Design Guide

Further protection of the Blue Gum High Forest Species under existing legislation and will also be addressed in further biodiversity assessments when undertaken as part of detailed development applications for the SSP site.

Future SSD applications will need to address the requirements of the *Biodiversity Conservation Act 2016* which requires an SSD application must be accompanied by a biodiversity development assessment report unless it is determined that the proposed development is not likely to have any significant impact on biodiversity values.

5.7 Retail and commercial floorspace

Submissions raised concern about the impact of new retail floor space and a supermarket on nearby centres (in particular Cherrybrook Village). Other submissions requested the provision of an appropriately sized supermarket to support growth and for shops be constructed prior to new homes.

Response

The Department agrees with Landcom' response and additional retail advice provided which supports the amount of retail and commercial floorspace for the SSP site. The Department considers that the Design Guide contain appropriate provisions for retail and commercial uses to support the future population and no changes are required.

The provision of retail and commercial uses, including a supermarket within the SSP site will ensure local retail and services are within walking distance of new homes. New retail and commercial uses will be delivered as part of future mixed-use development on the site.

6. Conclusion

The Department recommends the rezoning of the Cherrybrook Station SSP and supporting amendment to the Planning Systems SEPP be supported.

The rezoning includes appropriate controls which will ensure that issues are appropriately addressed through subsequent stages of the planning process. The supporting Design Guide provides detailed controls to guide future development on the site and ensure all issues are addressed in future development applications.

Key issues raised during public exhibition of the proposal include traffic and car parking, infrastructure provision, affordable housing and built form. These issues have been appropriately considered and addressed in the RTS and in this report.

The Department supports the proposed amendment from the exhibited proposal to increase the provision of affordable housing from 5% to 10% delivered through an incentive provision based on additional height from 20.5m to 23.5m for the central section of the site and increase in FSR from 1.25:1 to 1.35:1.

The inclusion of a concurrence clause in the SEPP amendments to the Hornsby LEP 2013 is recommended to ensure the future development contributes towards any required state infrastructure. Additional provisions have also been included in the Design Guidelines, as required by Transport for NSW.

The Department supports the proposed amendment to the Planning Systems SEPP to identify future development on the site as State Significant Development (SSD). No significant issues were raised in response to the proposed amendment to the Planning Systems SEPP.

The Department has undertaken a detailed assessment of the rezoning proposal and is satisfied the issues raised have been adequately addressed for rezoning purposes.