



14 September 2022

Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Via online submission form: [Planning Portal - Cherrybrook SSP](#)
Via email: Brendan.Metcalf@planning.nsw.gov.au

Dear Mr Metcalfe,

Cherrybrook Station SSP Planning Proposal – Public Exhibition

Thank you for the opportunity to review and provide comment on the Planning Proposal for Cherrybrook Station State Significant Precinct (SSP) as outlined in the Planning Report, associated technical studies and plans provided on the NSW Planning Portal.

At its meeting on 14 September 2022, Council considered Director's Report No. PC21/22 and resolved to forward this submission on the SSP Planning Proposal.

The concept of development in proximity to the Cherrybrook Metro Station is supported in principle as a means to deliver a sustainable and accessible centre. However, a number of issues need to be resolved prior to finalisation.

As you are aware, Hornsby Shire Council officers have been involved in a project working group for both the SSP and Place Strategy and have made officer level submissions raising a number of concerns as part of the pre-exhibition stakeholder process.

Each submission has raised concerns regarding implications for Cherrybrook residents and issues with respect to transport infrastructure, delivery of community facilities, built form, connectivity to the surrounding Cherrybrook area and open space provision for the projected Cherrybrook population.

Based on a review of the currently exhibited SSP Planning Proposal, Council maintains a number of concerns raised in previous submissions and has identified additional issues which need to be addressed as summarised below.

Proposed Yields

The exhibited documentation for the proposed State Significant Precinct (SSP) site indicate the following yields:

- 391 new dwellings
- 33,212m² of residential gross floor area
- 3,201m² of retail gross floor area
- 12,945m² of public open space

It is acknowledged that these proposed yields are a result of the initial consultation process, proposed maximum building heights, built form, land use typologies and identified constraints of the subject site.

However, economic feasibility testing has not been provided to support the proposed housing typology and land uses yields. Although the height reduction is supported, the impact on yield and resulting implications for development contributions and infrastructure for the subject site and Cherrybrook precinct more broadly are unknown which is problematic.

Building Height

The Planning Proposal documents indicate that the proposed built form for the SSP site would be limited to 'up to 5 storeys when viewed from Bradfield Parade', and includes a combination of 2, 3, 4 and 5 storey retail, commercial and residential developments across the subject site. This built form is proposed to correlate with a maximum building height of 20.5 metres applied across the northern B4 Mixed Use zoned portion of the site and a maximum building height of 18.5 metres applied across the R4 High Density Residential zoned portions of the site.

Concern is raised with the proposed maximum building heights of 18.5m to 20.5m which are inconsistent with a 5-storey built form. The maximum building height under the Hornsby Local Environmental Plan 2013 for 5 storey precincts is 16.5 metres. A maximum height limit of 18.5m to 20.5m would potentially enable additional storeys being proposed in contradiction to what is promoted and depicted in the reference scheme. It is recommended that the height limit be reduced and further consideration of the planning provisions for residential flat buildings within the Hornsby LEP and DCP be undertaken to achieve the desired planning outcome under Council's current planning controls.

Floor Space Ratio

The Planning Proposal documents indicate a floor space ratio (FSR) of 1.25:1 to be applied across the B4 and R4 zoned areas north of Bradfield Parade and an FSR of 1:1 across the remaining south-eastern R4 zoned portion of the site. However, concern is raised that this control would not align with the proposed maximum building height of up to 5 storeys.

An FSR control is not utilised in the Hornsby LEP for residential zoned lands, as Council's preferred approach to use a suite of controls included in the Hornsby DCP to establish an appropriate building envelope to manage bulk and scale, including building heights, site coverage, setbacks and deep soil landscape zones. There is no justification or explanation of the benefit of an FSR control when Council's current controls use height and building envelope to guide built form outcomes.

Design Excellence

Design excellence is a key priority outlined in the Hornsby Local Strategic Planning Statement and is promoted through Council's current planning controls for residential flat buildings which seek well-designed buildings with appropriate setbacks, deep soil landscaping, communal living, open spaces and car parking. It is recommended that the urban design and built form framework for the Precinct be reviewed to ensure these provisions can be appropriately achieved and that Council's current controls for landscaping and setbacks, at minimum, be used.

Open Space and Community Facilities

The provision of a proposed 1,300m² multipurpose community hub is supported in principle. The proposed community hub should align with the details outlined in Council's draft Community and Cultural Facilities Strategy. It is acknowledged that a satisfactory arrangements clause is proposed to ensure the delivery of the multipurpose community hub by any future proponent. However, concern remains regarding the proposed timing for the delivery of the facility and its provision as a "cold shell" only. Further, the dedication to Council of the community facility (land and works) should be required in addition to the payment of development contributions and should be delivered in full (not recouped from other development). The

upzoning of the site will result in a significant increase in land value and the community should share in this benefit through the provision of the community facility.

The identified community open space (i.e. Plaza/Village Square area) and environmental open space (i.e. detention basin/pond) is proposed to be dedicated to Hornsby Council following completion. Council has concerns with public benefit and the ongoing cost of managing these areas within the SSP site. Both the plaza and environmental open space are intrinsic to the overall design of the development and should be delivered and managed by the proponent for the site in perpetuity.

Traffic and Transport

The proposed parking rates to be delivered with all new developments within the SSP site are consistent with Council's endorsed parking rates. However, the Traffic and Transport Assessment concludes that the additional vehicle trips as a result of the SSP site would not have any significant traffic implications on the surrounding road network and no additional infrastructure upgrades are proposed to service development at the SSP site. Concern is raised with reliance on the delivery of any future infrastructure upgrades to be progressed with uptake of the broader Place Strategy proposal. At 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.

Affordable Housing

The Planning report for the rezoning includes a recommendation for the delivery of affordable housing, acknowledging that the rezoning of government-owned land provides an excellent opportunity to deliver new affordable rental housing as per the Government's target of 5-10%. It is therefore disappointing that the proposed amendment to planning controls only requires 5% affordable housing. This should be increased to 10%. In addition, a dwelling mix should be mandated to require a mix of 1, 2 and 3 bedroom units to ensure diversity as per Council's current DCP requirement.

Implementation and Funding

The estimated development contributions and infrastructure costs schedule are acknowledged and noted. However, concern is raised with a proposed planning agreement to offset development contributions and recover costs from the delivery of the community facility. It is noted that the exhibition documentation flags future development on the SSP site would only generate approximately 20% of the demand for the community facility, which disregards visitor generation at the adjoining metro station.

A rezoning proposal provides substantial financial uplift for a proponent and should provide a suitable public benefit in the form of community facilities, usable open space or otherwise. The payment of contributions assists Council in providing infrastructure and facilities for the greater public benefit. The dedication of the plaza and environmental open space are not an appropriate community benefit and would have cost implications for Council to manage and maintain. As noted above, the plaza and environmental open space are intrinsic to the overall design and should be delivered and managed by the proponent for the site in perpetuity. This results in a reduction in the overall financial offer from the proponent and it is reiterated that the community facility should be delivered in addition to payable development contributions.

Sustainability and Climate Change

The Hornsby Local Strategic Planning Statement and Hornsby Shire Community Strategic Plan outline objectives and strategies to achieve 'a resilient Shire that can adapt to a changing climate and withstand shocks and stresses', 'a sustainable community that ensures the needs of future generations are met' and 'a net zero community'.

Therefore, the consideration of sustainability and climate change in the exhibited technical documents for the SSP including the Ecological Sustainability Development Plan, Climate Resilience Assessment and Biodiversity Development Assessment is supported.

Proposed State Environmental Planning Policy (SEPP) Planning Systems amendment

Amendments to Planning Systems SEPP 2021 are proposed to enable the Cherrybrook Station Government land to be listed as a State Significant Development (SSD), which is consistent with other metro station precincts. However, a holistic, cross boundary development contributions plan should be prepared upfront, noting that future development would not be within Council's control if the site is approved and developed through the State Significant Development Pathway. 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.

Should you have any questions regarding this letter, or would like to discuss the matter further, please do not hesitate to contact me on 9847 6750 or Katherine Vickery, Manager, Strategic Land Use Planning on 9847 6744.

Yours faithfully,

James Farrington
Director Planning and Compliance

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