



14 September 2022

Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

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

Dear Mr Metcalfe,

Cherrybrook Station Precinct Place Strategy – Public Exhibition

Thank you for the opportunity to review and provide comment on the Place Strategy for the Cherrybrook Station Precinct as outlined 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 Place Strategy.

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 Place Strategy, Council maintains a number of concerns raised by staff in previous submissions and has identified additional issues which need to be addressed as summarised below.

Green Village boundary – interface and transitions

The boundary for the Place Strategy has been reduced since the 2013 Structure Plan. There are now instances where the boundary runs through cul-de-sacs and directly between houses (i.e. boundary between, which would result in a poor interface and amenity issues. Further, the reduction and refinement of land within the boundary has resulted in a proposed 5 storey form across the entire precinct with no transition down in height as was originally suggested in the Structure Plan.

For example, the boundary that runs between the side and rear boundaries of properties at No. 36-38, 40 and 42 Robert Road and the properties within the southern portion Arundel Way, and between properties at No. 20 and 22 Ridgemont Close, would result in transition and amenity issues with proposed developments stepping down from 5 storeys to 2 storey maximum low density residential areas.

Land ownership and capitalisation

A large number of properties located within the Hornsby Shire portion of the precinct are part of community title schemes. The resulting delivery of the 2,000m² lot size developments may be limited or delayed due to the additional constraints of the community title. The current scheme may result in piecemeal developments around community title estates and a corresponding lack of contributions and infrastructure funding if the sites do not develop. This would have associated amenity impacts where 5 storey buildings are located adjacent to low density dwellings within the community title schemes.

Affordable Housing and Housing Diversity

The draft Place Strategy recommends affordable housing provisions of 5% across the green village/potential growth area, which is consistent with the Greater Sydney Commission target range of 5-10%. The planning report also briefly references 'a diversity of new homes' to be offered within the precinct. However, the removal of townhouses and lower rise apartment developments due to feasibility analysis limits the housing types within the precinct. At minimum, a dwelling mix should be mandated to require a mix of 1, 2 and 3 bedroom units as per Council's current DCP requirement.

Sustainability provisions

The draft document briefly references sustainable building design to be explored through future planning proposals and that future residential development will need to comply with BASIX. However, the proposal does not address how development within the precinct will be ecologically sustainable or detail the measures to manage energy, waste and water efficiently. Further, the proposal does not address options for the creation of a sustainable net zero carbon precinct or address possible targets for carbon neutrality.

The Hornsby Local Strategic Planning Statement outlines priorities and actions for 'mitigating and adapting to the impacts of urban and natural climate change' and reducing carbon emissions and managing energy, water and waste efficiently. In that respect, Council has adopted the Hornsby Waste Strategy, Water Sensitive Hornsby, Hornsby Climate Change Mitigation and Adaption Strategy and Hornsby Environmental Sustainability Strategy. The Cherrybrook Station Precinct provides an excellent opportunity to establish a sustainable carbon neutral precinct. The Strategy should detail sustainability measures and planning controls to be implemented and address options for the creation a net zero precinct.

Building Height, FSR and Setbacks

The documentation sets a maximum building height of 5 storeys. However, no maximum building height in metres is provided. The maximum building height under the Hornsby Local Environmental Plan 2013 for 5 storey precincts is 16.5 metres. This should be reflected in the Place Strategy and any future amendments to planning controls to ensure that a built form of a maximum of 5 storeys is achieved.

A floor space ratio of 1.4:1 is indicated for the majority of the precinct to align with the proposed maximum building height of 5 storeys. A FSR control is not utilised in Council's LEP for residential zoned lands. A suite of controls is included in the Hornsby DCP 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 achieve appropriate built form controls.

The setbacks indicated in the Place Strategy are not adequate to ensure a green village with tree planting. The draft document includes an action to "prioritise and consider opportunities to deliver additional tree canopy in the public domain, especially in new streets. For any new streets, aim to achieve a minimum 50% canopy cover". This is supported and aligns with Council's Urban Forest Strategy. However, this is unlikely to be achieved based on the setbacks proposed. Proposed setbacks should, at minimum, match those required under Hornsby Council's current controls, being 8 - 10m.

Design Excellence

It is noted that no direct provisions relating to the design excellence of developments within the precinct are identified within the exhibition documents. 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 is reviewed to ensure these provisions can be achieved and should match those required under Hornsby's current controls.

Proposed Open Space Network

Active Open Space

The proposed open space network does not allow for the provision of active open space within the precinct and relies heavily on existing sporting facilities in surrounding areas to accommodate the proposed increase in population which is not supported. The location and funding of the required 2 sportsfields should be resolved prior to the rezoning of the SSP or the Place Strategy as the costs would have significant impacts on contributions planning.

Park Expansions and Acquisitions

The proposed Roberts Road Park expansion and creation of the new Mariam Place Park are supported in principle. However, concern is raised regarding the acquisition costs and the feasibility of achieving the open spaces.

Blue Gum High Forest

The proposed public ownership of the Blue Gum High Forest, potentially through a transfer to Council as an asset to manage, would be favourable. This is a high value and iconic community type that would be best managed by a local authority. However, clarification on the management, costs of transfer and maintenance funding would be required. Concern is also raised with proposed 'low impact walking trails' to be located within the forest and it is recommended that further investigations be undertaken to understand the potential impacts of such a development on the health of the Blue Gums.

Green Link Corridor

The Place Strategy should not be finalised until design investigations are completed for the 'Green Link Corridor' through property Nos. 16-24 Roberts Road. The width of the green link requires review due to its proximity to the identified overland flow path and resolution of its design (i.e. open swale or piped) is required prior to understand how the pedestrian linkage would be achieved.

Traffic and Transport

The Traffic and Transport Study identifies upgrades in, or around, the immediate study area. However, there is no identification of the costs of the works or how these would be funded. The costs should be identified prior to the finalisation of the Place Strategy and the rezoning of the State Significant Precinct. Concern is raised with reliance on the delivery of any future infrastructure upgrades to be progressed with uptake of the broader Place Strategy proposal. The combined yield of both projects contribute to the necessary upgrades and the associated funding should be attributed to the future development of both schemes.

The Study does not consider wider traffic network issues which are likely to be exacerbated by growth within the Cherrybrook Precinct. For example, the potential cumulative traffic impacts further along New Line Road may be significant, given Cherrybrook Station is the closest Metro station for many rural areas to the north.

Issues with the broader regional road network should be identified now, with solutions identified and programmed in conjunction with the current precinct planning. The State Government should commit to any funding shortfall should the planning proposal be supported, given the location and delivery of the Cherrybrook Metro has wider implications on the surrounding area.

Infrastructure Funding

The contributions framework (both local and state) needs to be in place prior the SSP rezoning and the finalisation of the Place Strategy. Details of the supporting financial strategy including clear identification of the essential works list, timing for delivery, funding source and responsible authority are required and should be prepared based on both planning projects.

Prior to finalising the planning for Cherrybrook, there should be certainty about Regional Infrastructure Contributions (RICs) as a potential funding mechanism. The RIC framework is yet to be legislated and it is unclear whether a specific infrastructure list would secure funding for the delivery of specific infrastructure. There should be certainty that identified State infrastructure can be funded to enable delivery in line with future development.

Implementation

As outlined under the 'Implementation of planning controls' section of the exhibition document, there are three potential pathway options for implementation of the Cherrybrook Station Precinct Place Strategy.

Given the issues raised above, the Place Strategy is not ready for implementation and requires refinement. Further consideration needs to be given to the boundary interfaces, development controls and design excellence, sustainability, feasibility based on community titles and levels of capitalisation, open space provision, traffic and transport and funding for the required infrastructure.

Subject to resolution of the issues, a precinct-wide rezoning undertaken by the State Government (Option 1) would circumvent a piecemeal approach and facilitate orderly planning and development. It would result in a clear and consolidated transition for the precinct and a cross-boundary holistic solution to infrastructure contributions, while also alleviating the funding, resourcing and administrative issues for Council.

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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