

2 December 2019

Department of Planning, Industry and Environment
320 Pitt Street
Sydney NSW 2150

Attention: **Gina Metcalfe**
 Acting Director Western (Central)

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creating great places

**REQUEST FOR REZONING REVIEW – STRATEGIC & SITE SPECIFIC MERIT ASSESSMENT
CHERRYBROOK CENTRAL PLANNING PROPOSAL - THE HILLS SHIRE (Ref 9/2016/PLP)**

Dear Gina,

We are writing on behalf of Toplace to formally request a Rezoning Review in relation to the above planning proposal, and to provide a Strategic and Site Specific Merit Assessment of the proposal in support of that request.



Figure 1: Computer Generated Image of Master Plan (Source: Grimshaw)

1. Background

The Planning Proposal was prepared on behalf of the applicant, Toplace by Mecone Pty Ltd. It proposes amendments to The Hills Local Environmental Plan 2012 (the LEP) in relation to numerous parcels of land to the south of Castle Hill Road, between Highs Road and Franklin Road, Cherrybrook (the site), directly across Castle Hill Road from Cherrybrook Metro Station.

The Planning Proposal seeks Gateway Determination to commence amendment of the LEP to change the zoning, height of building and FSR provisions applicable to the site to facilitate development in accordance with a master masterplan providing for 3,200 dwellings in a variety of housing typologies, ranging from 2 to 16 storeys, in addition to a range of open spaces and supporting business, retail, community and recreation uses.



 The Site

Figure 2: Aerial Photograph of the Site (Source: Grimshaw)

The masterplan involves the creation a vibrant new transit-oriented precinct within walking distance of the recently opened Cherrybrook Metro Station, which provides less than 30 minute access to the wide range of jobs available within Castle Hill, Norwest, Macquarie Park, Chatswood and St Leonards, and upon completion of the Metro City & South West in 2024 will provide 30 minute access to the jobs available in North Sydney and the Sydney CBD.

The proposed LEP amendments will assist in achieving the strategic planning potential unlocked by the State Governments significant investment in the Northwest Metro project.

The LEP came into force in 2012 and the Northwest Rail Link Corridor Strategy and Cherrybrook Station Structure Plan were adopted on 30 September 2013, over six years ago. In short, we submit that while the Planning Proposal is entirely consistent with all relevant strategic planning objectives, the yield estimates and built forms incorporated in the Corridor Strategy and Cherrybrook Station Structure Plan are inconsistent with these objectives. That is, the three to six storey medium density development envisaged in the structure plans is based upon misapprehensions as to the constraining effect of geotechnical hazards and limitations of the local road network and is an entirely inadequate response to major transport infrastructure such as the Cherrybrook Metro Station, as evidenced by the outcomes approved or envisaged in other comparable circumstances.

The following is a summary of key events in relation to the subject Planning Proposal:

2015

- Toplace commenced purchasing the various sites comprising the site.
- 5 October Planning Proposal 9/2016/PLP lodged, providing for 3,900 dwellings.
- 24 November Council adopted The Hills Corridor Strategy.

2016

- 16 June Amended concept plans submitted by Proponent, providing for 3,700 dwellings.

2017

- 27 June The Department of Planning, Industry and Environment (the Department) announced the Cherrybrook 'Planned Precinct' and that it would be the lead agency for coordinated planning of the broader precinct, including the site.
- 12 December Council considered planning proposal (9/2016/PLP) and resolved:
'The planning proposal not proceed to Gateway Determination on the grounds that it is inconsistent with the State and Local Government strategic framework for the land as outlined within the State Government's North West Rail Link Corridor Strategy and the Hills Corridor Strategy, and that progressing the planning proposal prior to the completion of the master planning process for the Cherrybrook Planned Precinct would be premature and could prejudice the outcome of the precinct planning process'.

2018

- 13 February Council considered a rescission motion and resolved:
'The General Manager provide a further report on an amended planning proposal based on a development concept that is more consistent with the built form envisaged in the NWRL Corridor Strategy and The Hills Corridor Strategy. An alternative master plan and revised road layout as provided in the report of 12 December 2017 may be used to guide future decisions for the 'rezoning area'.
- 28 November This generally proposed the current road layout, but only about 500 dwellings. Council sent a letter to the Department requesting advice on the Department's intention regarding the completion of the master planning for the broader Cherrybrook Precinct. The letter raised concern regarding the lack of progress since the announcement of Cherrybrook as a Planned Precinct.
- 5 December Amended planning proposal 9/2016/PLP lodged, providing for 3,084 dwellings

2019

- 31 January Council sent a further letter to the Department requesting advice on the Department's intention for the broader Cherrybrook Precinct.
- 11 February Letter received from the Department advising that:
*"planning for the land immediately around the Cherrybrook Metro Station is a priority. The 2013 Cherrybrook Structure Plan sets the strategic direction for future land use change and development across the private land in the broader precinct. It also provides the framework for Council to consider rezoning in the broader precinct, with support from the Department and other state agencies. **Of course, the Department would welcome further discussion regarding planning in the broader precinct...**"* (my emphasis)
- 22 October Council resolved that the Proposal not proceed to Gateway Determination.
- 28 October Council notified the proponent of its resolution not to proceed

4 November State Government announced that the 48 priority precincts across Sydney would be recategorized to progress through one of the three following pathways: 'Collaborative Planning'; 'State-led rezoning'; 'Council-led rezoning'. Cherrybrook was identified as a 'State-led rezoning' precinct. However, we understand that this 'precinct' only includes the Landcom property within which the station is located, not the site.

In addition, Topplace have discussed numerous iterations of the various schemes with Council.

Council's resolution not to proceed to Gateway Determination was made on the basis that:

1. *It is inconsistent with the Infrastructure and Liveability priorities within the **Greater Sydney Region Plan and Central City District Plan**;*
2. *It is inconsistent with the built form and density outcomes identified within the applicable State and Local Government strategic planning framework for the land, as outlined within the State Government's **North West Rail Link Corridor Strategy and the Hills Corridor Strategy**;*
3. *It would result in an overdevelopment of the site which is incompatible with the current and future character for the Cherrybrook Station Precinct and surrounding locality. The proposed built form exhibits excessive building heights and lengths, insufficient setbacks and building separation and would result in excessive **visual and amenity impacts, including overshadowing** of landscaped open space areas and the public realm; and*
4. *The proposal **precedes the completion of detailed and holistic precinct planning and infrastructure analysis** for the Cherrybrook Station Precinct and does not adequately consider the **capacity of the local and regional road network** to support cumulative growth within the Cherrybrook Precinct. The proposal has not resolved issues relating to the funding and provision of local and regional infrastructure required to support the additional residential development proposed.*
(our underlining)

In brief, and as detailed more fully throughout this request, our responses to the above matters are:

- The Planning Proposal is consistent with the priorities contained in the Greater Sydney Region Plan and Central City District Plan;
- The Planning Proposal is consistent with the underlying intent of the 2013 Corridor and Precinct Structure Plans, but detailed analysis has demonstrated that the 3 to 6 storey outcomes suggested in the plans were based upon misapprehensions as to the constraining effect of geotechnical hazards and limitations of the local road network.
- The Planning Proposal demonstrates compliance with the solar access, building separation and other relevant provisions of the Apartment Design Guide, and concerns in relation to visual and amenity impacts are unfounded.
- With the Metro Station already in operation and given the lead times from Gateway Determination to the completion of development projects, precinct planning and the delivery of housing supply is already significantly out of sequence with infrastructure investment and should not be further delayed.
- Detailed traffic investigations have identified suitable measures to mitigate potential impacts upon the functioning of the local and regional road network.

2. Rezoning Review

The rezoning review process aims to increase independence and transparency and to focus reviews firstly on Strategic Merit then Site-Specific Merit. As required, this request demonstrates that the Planning Proposal satisfies both. In preparing this justification, consideration has been given to:

- *A Guide to Preparing Local Environmental Plans* published by the Department.
- Planning Circular, PS16-004 *Independent reviews of plan making decisions*.

3. Strategic Merit Test

To decide whether a Planning Proposal has Strategic Merit and should proceed to a Gateway determination, proposals are assessed to determine if they are:

- *consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant **district plan** within the Greater Sydney Region, or **corridor/precinct plans applying to the site**, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *consistent with a relevant **local strategy** that has been endorsed by the Department; or*
- *responding to a **change in circumstances**, such as the investment in new infrastructure or changing demographic trends that have **not been recognized by existing planning controls**.*
(my emphasis)

Strategic Merit may be demonstrated by satisfying any one of these tests. It is not necessary to satisfy all of the tests.

The Planning Proposal submission prepared on behalf of Toplace by Mecone Pty Ltd demonstrated the Strategic Merit of the Planning Proposal in terms of the following strategic planning documents at the time of submission in November 2018:

- NSW State Plan
- Greater Sydney Region Plan
- Central City District Plan
- Northwest Rail Link Corridor Strategy
- Cherrybrook Station Structure Plan
- NSW Long Term Transport Master Plan

However, following the Strategic and Site Specific Merit test for Rezoning Reviews, this request provides a more focussed emphasis upon:

- Central City District Plan
- North West Rail Link Corridor Strategy & Cherrybrook Station Structure Plan
- Hills Corridor Strategy
- Change in circumstances not been recognized by existing planning controls

3.1 Central City District Plan

The Central City District Plan was adopted in March 2018. It sets out Planning Priorities for the district to manage growth while enhancing liveability, productivity and sustainability into the future. It is a guide for implementing the draft Greater Sydney Region Plan by district, providing a relationship between local and regional planning. Within the catchment of the Central River City, The Hills will play a pivotal role in supplying both jobs and housing in a dynamic and growing population. The Draft Central City District Plan sets out Planning Priorities, Objectives and Actions.

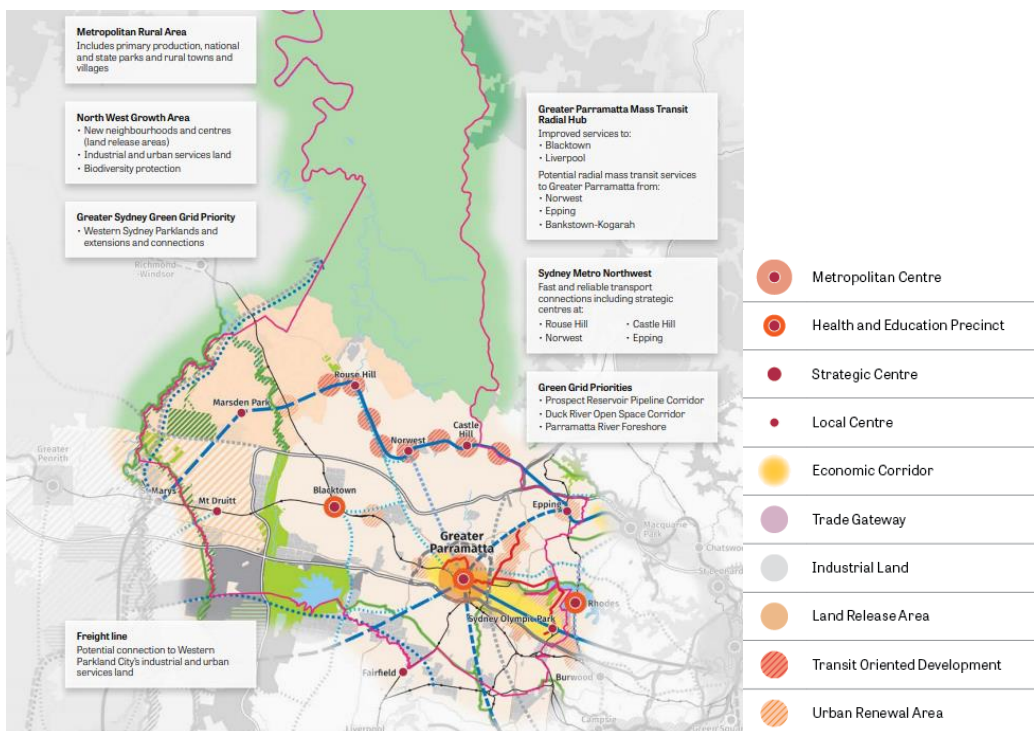


Figure 3: Central City District Plan (Source: Greater Sydney Commission)

While the Strategic Merit Test references the relevant District Plan as embodying the Greater Sydney Region Plan, the planning proposal relates to transit-oriented development around a Metro Station, which forms part of a new Metro Line that traverses the Central City District, the Northern District, the Eastern City District and the Southern District, and provides 30 minute access well beyond the Central City District. The planning proposal therefore has implications beyond the District and should therefore also be considered in terms of planning for the Greater Sydney Region.

The Greater Sydney Region Plan identifies the following key challenges across the greater region:

- ***An imbalance in access to jobs created by the Harbour CBD located on the eastern edge of Greater Sydney.***

Comment: Optimising housing densities around the Northwest Metro rail stations will help redress this imbalance by optimising access to the extensive employment locations accessible via the Metro. In the case of Cherrybrook Station, this includes less than 30 minute access to jobs available within Castle Hill, Norwest, Macquarie Park, Chatswood and St Leonards, and upon completion of the Metro City & South West in 2024, jobs available in North Sydney and the Sydney CBD

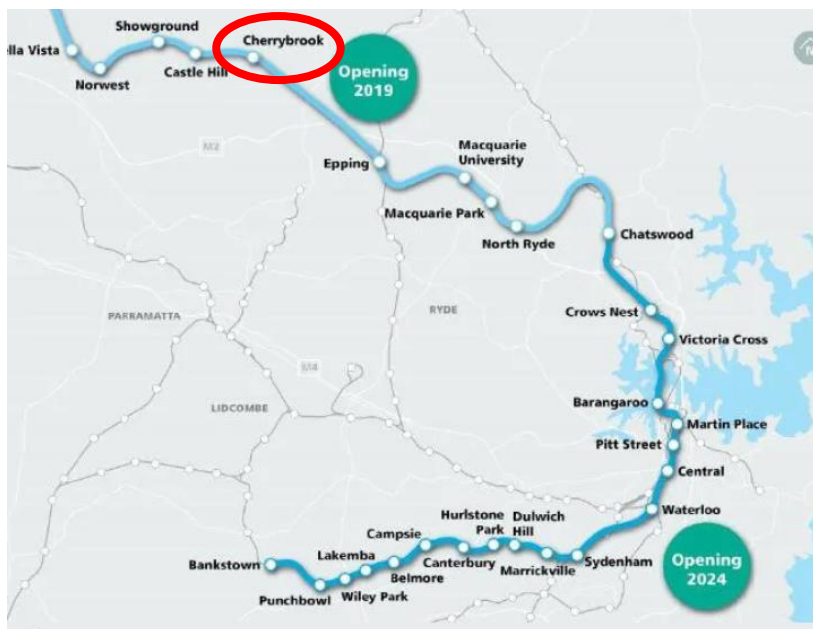


Figure 4: Sydney Metro North West & City and South West (Source: Sydney Metro)

- ***The geography of the Sydney Basin ... The ridges and ravines in particular, impede the development of roads and rail and in some areas significantly constrain accessibility.***

Comment: Cherrybrook is located on the east-west ridge followed by both Castle Hill Road and the Metro alignment. The settlement of the ridge and ravine areas of Sydney (predominantly the Northern and Eastern suburbs) is characterised by transport routes along the ridges connecting nodes of activity and building height. In terms of the specific ridgetop location of the site, this provides for:

- Extensive views south and west over the Central and Western City
- Access to breezes that will moderate microclimate and improve air quality.
- Landmarking of the Metro location on the ridge from extensive parts of the Central City, in much the same way as the flagpole at Thompson's corner historically provided a landmark to Parramatta and locations such as Chatswood and St Leonards are positively landmarked along the Pacific Highway ridgeline.

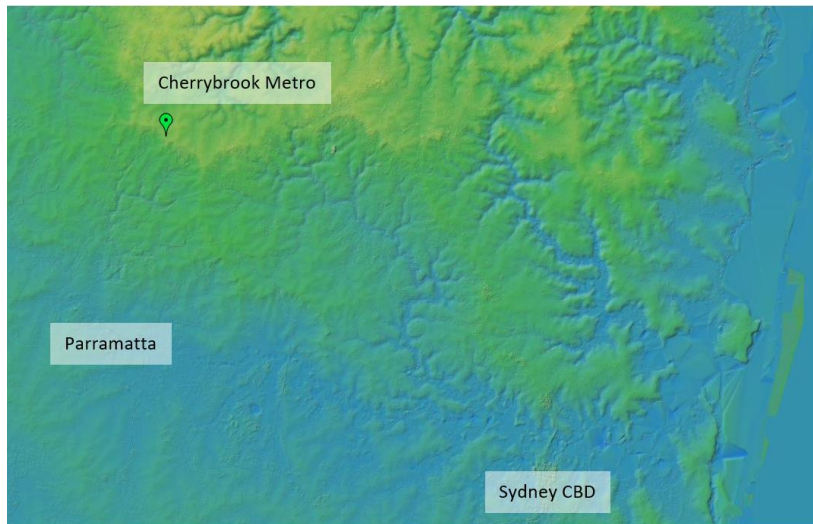


Figure 5: Ridgeline Location of Cherrybrook Metro (Source: Nearmap)

- ***An historic car-based suburban form***

Comment: Concentration of new development around new transit nodes is fundamental to reducing the dominance of car-based transport in Greater Sydney.

- ***Shifting demographics.***

Comment: The plan notes that Sydney is seeing rapid change in household trends with single person households being the fastest growing sector. The population is also ageing and 'downsizing' to smaller dwelling types in the same locality is therefore a significant trend. As the local housing supply is comprised almost exclusively of large detached dwellings on large allotments, the provision of a range of apartment types on the site will balance this supply and accommodate changing demographics within the locality.

- ***Significant differences in the landscape, climate and amenity across the region – from the cooler eastern areas to the west which has many more hot days, low rainfall and less tree canopy cover***

Comment: A location just below a significant elevated ridge provides access to cooling breezes and a hospitable microclimate. Extensive tree planting is also proposed to moderate the local microclimate.

Furthermore, A Plan for Growing Sydney emphasises the importance of Western Sydney to Greater Sydney's long-term prosperity. It identifies the need to expand the economic role of Western Sydney's key centres, taking advantage of opportunities arising from infrastructure investment such as the North West Rail Link. The plan also emphasises that the most suitable areas for significant urban renewal are those areas best connected to employment, including:

- In an around centres that are close to jobs and are serviced by public transport services that are frequent and capable of moving large number of people; and
- In and around strategic centres.

3.1.1 Ten Directions for a Metropolis of Three Cities

The Central City District Plan adopts the following Ten Directions for A Metropolis of Three Cities.

A city supported by infrastructure

Optimised residential density around the new Metro station directly aligns with Planning Priority C9 - to create a 30 minute city.

A collaborative city

The proponent has been, and remains open to continued collaboration with Council, the Department and the Community to deliver open space and community facilities to support the proposed residential population.

A city for people

The proposal would create a highly walkable local centre within which all local retail, community and recreation needs could be accessed, but also with convenient mass transit access to much of the rest of the Greater Sydney Region.

Housing the city

The proposal facilitates a wide range of apartment types, in building typologies that will provide a housing alternative to the primarily detached housing stock within the locality, thereby providing for a more diverse range of household types.

Toplace remains open to discussions in relation to the potential provision of a component of Affordable Housing on the site.

A city of great places

The proposal includes the provision of a range of different open spaces, including:

- Public plaza space
- A 'wildwoods' park
- Heritage gardens around Dunrath and Glenhope (State Heritage listed houses)
- Courtyards and thoroughfares
- Ecological 'green links'

The retention in context of the State Heritage listed Dunrath and Glenhope within the public domain will provide a significant sense of place and identity

A well connected city

The precinct will be internally connected through easy bike and pedestrian access, and externally connected by the new Metro station, providing 30 minute access to a significant proportion of Greater Sydney, including significant retail and employment opportunities.

The proposal includes the creation of a subterranean pedestrian link under Castle Hill Road, connecting the site to the Metro Station.

Jobs and skills for the city

While some local employment will be created by retail and community services within the precinct, the proposal is focussed upon facilitating housing growth with optimum access to the extensive range of jobs available via the Metro, i.e. Norwest, Macquarie Park, Chatswood, North Sydney and Sydney CBD

A city in a landscape

The master plan retains numerous significant remnant Blue Gum High Forest (BGHF) trees and recognises the importance of maintaining and enhancing the existing Cherrybrook environment and ecology.

The master plan proposes:

- Planted trees into every available road and footpath
- Increased green canopies across developments and precincts
- Increase in urban parklands and wildlife corridors which support natural ecology

Specific public spaces that are proposed include:

- The Ecological Corridor,
- Central Precinct public Piazza,
- Green corridors and wild life links,
- Central Precinct Playground,
- Heritage Gardens within Dunrath
- The Wildwood,
- Adventure Playground.
- The Terrace
- Glenhope Park



Figure 8: Landscape Plan (Source: Turf)

A resilient city

As detailed later in this request, engineered solutions are proposed to manage the significant landslip hazard of the site. No other urban or natural hazards, such as bushfire or flooding, are known to affect the site. Best practice noise and air quality performance measures can be imposed to ensure that potential impacts of traffic on Caste Hill Road are properly managed at DA stage.

An efficient city

Locating a significant supply of new housing in the immediate vicinity (i.e. walking catchment) of new rail nodes in one of the key planning initiatives that can reduce transport related greenhouse gas emissions. The adoption of suitable sustainability rating tools will ensure the energy, water and waste efficiency of future buildings.

3.1.1 Priorities and Objectives of the Central City District Plan

Relevant priorities and objectives of the Central City District Plan are considered below.

INFRASTRUCTURE AND COLLABORATION

Planning Priority C1 Planning for a city supported by infrastructure

Objective 1 Infrastructure supports the three cities.

Objective 2 Infrastructure aligns with forecast growth – growth infrastructure compact.

Objective 3 Infrastructure adapts to meet future needs

The North West Metro involved a major investment of public funds and facilitates the move towards a transit-oriented 30 minute city. However, the potential benefit on this investment cannot be realised unless the density of transit-oriented development within walking distance of each station is optimised.

Given the transit-oriented location of the site, reduced car parking rates are proposed in accordance with the *RMS Guide to Traffic Generating Developments* for high density developments. However, without mitigating measures, additional traffic generated by the master plan development would nevertheless reduce the performance of the intersection of Highs Road and Castle Hill Road. The following measures are therefore proposed to mitigate this potential impact:

- Additional lane to Castle Hill Road (westbound) with width recovered from the northern side of Castle Hill Road.
- Left turn slip lane on the east approach of Castle Hill Road (to Highs Road)
- Increase the length of left turn short lane on the Highs Road southern approach by widening on the eastern side of Highs Road.

Toplace has agreed to fund these measures.

Planning Priority C2 Working through collaboration

Objective 5 Benefits of growth realised by collaboration of governments, community and business.

Over four years the proponent has worked with, and remains open to ongoing collaboration with the local community, Council and the State Government.

LIVABILITY

Planning Priority C3 Providing services and social infrastructure to meet people's changing needs

The Planning Proposal is accompanied by a Community Facility and Open Space Needs Study prepared by Cred Consulting. A Community Benefits Letter of Offer accompanies the proposal, and proposes:

Community Facilities

- 1 Child care centre – 1,350sqm
- 1 Indoor fitness centre facility / gym / spa – 2,184sqm
- 1 multi-purpose community centre/space (potentially utilising heritage building) – for parties, functions, meetings, weddings, social/community group gatherings.
- Semi-private community facilities will include communal spaces within apartment blocks for use by tenants for parties, functions, meetings, community group activities, play groups. These will be located near open space or other activity areas.

Transport

- a 400 space commuter car park below the Central Village Piazza and East Plaza
- a new pedestrian subway below Castle Hill Road providing a direct and safe link between the residential development and Cherrybrook Station precinct.

Open Space

A total of 55,660sqm of open space (public and semi-private) is proposed across the village site. This equates to over 30% of the site and includes:

- 42,248sqm of public open space (over 23% of the site). This includes:
 - a generous local park (6,134sqm),
 - rehabilitated green-ways connecting the existing community with Castle Hill Road,
 - an extensive riparian corridor running east to west, which rehabilitates the unique blue gum ecology, playgrounds, hardscape and 3 sports courts.
- 13,412sqm of communal open space. This includes rooftop gardens, parks, and recreation spaces

Planning Priority C4 Fostering healthy, creative, culturally rich and socially connected communities

Objective 7 Communities are healthy, resilient and socially connected.

Objective 8 Greater Sydney's communities are culturally rich with diverse neighbourhoods.

The proposed density facilitates the provision of enough retail, community and other services to support the local needs of future residents. The fine-grained network of proposed walking and cycling connections and the creation of a series of separate 'micro-communities' of different building forms set around a diverse range of open space types provides for a culturally rich and connected, walkable community.

The historic Dunrath and Glenhope homes and their curtilages are proposed to be retained, celebrated and made publicly accessible as defining elements of the public domain character. These spaces will be made available for a range of functions and community group uses, such as yoga, art classes and community group meetings.

While the removal of some remnant vegetation is unavoidable, the retention and augmentation of a significant proportion of the remnant BGHF vegetation and the creation of ecological corridors will also recognise and celebrate the existing landscape character of the locality.

Planning Priority C5 Providing housing supply, choice and affordability, with access to jobs, services and public transport

Objective 10 Greater housing supply

Objective 11 Housing is more diverse and affordable.

The existing housing supply in Cherrybrook is fairly homogenous, being characterised by detached dwelling houses on large blocks of land. While well suited to the family stage of life, this stock is not well suited to an ageing, and often downsizing population, or the increasing number of one and two person households within the community.

The provision of a significant supply of transit-oriented dwellings of various types and sizes will provide a more balanced range of housing options, providing for a more diverse range of households and price points.

All dwellings will be located between 50 and 800 metres of the Metro Station, ranging from an immediately accessible to a 'walkable' distance. The concentration of building height and density around the station entry, with heights declining with distance from the station will optimise the accessibility of the station.

While dwelling mix is notionally proposed in accordance with the guidance of the Apartment Design Guide, development of the site and the broader precinct will occur over an extended period of at least ten years, allowing the supply of dwelling types to evolve in response to changing demographic trends over time.

Toplace remains open to discussions in relation to the potential provision of a component of Affordable Housing on the site.

Planning Priority C6 Creating and renewing great places and local centres, and respecting the District's heritage

Objective 12 Great places that bring people together

Objective 13 Environmental heritage is identified, conserved and enhanced.

While Cherrybrook Village, Castle Hill and Thompson's corner provide retail services to residents of Cherrybrook, the suburb lacks a clear town centre. The establishment of a Metro Station provides the logical focus for such a centre. While the master plan will result in a dramatic transformation of the existing character, the retention and augmentation of characteristic BGHF vegetation and the celebration of the historic Glenhope and Dunrath heritage homes next to proposed open spaces will provide meaningful and defining connections to the history of the place.

The wide range of the proposed open space experiences will provide for rich and varied community experiences and the connectivity between these spaces will provide for an integrated and connected community.

Toplace is open to engaging in discussion of how the indigenous culture of the traditional owners of the land may be appropriately reflected in the design of public and private spaces as the planning process progresses.

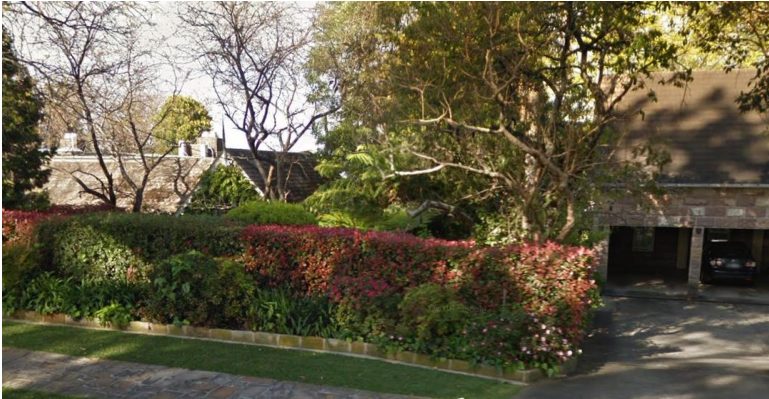


Figure 9: Dunrath (Source: Nearmaps)



Figure 10: Glenhope (Source: Nearmap)

Productivity

Planning Priority C9 Delivering integrated land use and transport planning and a 30 minute city

The opening paragraph of the Central City District Plan states that:

*The vision for Greater Sydney as a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City and a **30 minute city** – means residents in the Central City District will have quicker and easier access to a wider range of jobs, housing types and activities as part of the transformation of their District. The vision will improve the District's lifestyle and environmental assets. (my emphasis)*

Optimising the number of dwellings that can be provided within walking distance of the new Metro Stations is a key means of achieving this aim. The Cherrybrook Metro station provides less than 30 minute access to the wide range of jobs available within Castle Hill, Norwest, Macquarie Park, Chatswood and St Leonards, and upon completion of the Metro City & South West in 2024 will provide 30 minute access to the jobs available in North Sydney and the Sydney CBD.

Sustainability

Planning Priority C13. Protecting and improving the health and enjoyment of the District's waterways

Objective 25 The coast and waterways are protected and healthier.

Several minor watercourses start within the site, flowing down the West Pennant Hills Valley via Excelsior Creek and Darling Mills Creek to Parramatta River, upstream of Parramatta CBD. Water sensitive urban design measures will be implemented to ensure that the quality of drainage water leaving the site has a positive impact upon the flooding characteristics, water quality and ecological functions of the downstream environment.

Planning Priority C15. Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes

Objective 27 Biodiversity is protected, urban bushland and remnant vegetation is enhanced.

Objective 28 Scenic and cultural landscapes and protected.

EcoLogical Australia (ELA) have prepared a Preliminary Biodiversity Assessment and identified critically endangered Blue Gum High Forest (BGHF) on the site. However, the BGHF vegetation is fragmented and in poor condition, lacking mid and understorey. As the BGHF vegetation is scattered across the site any significant urban renewal is likely to impact some vegetation. The proposed master plan involves the retention of 0.64 ha of BGHF within parks, with 0.96 ha being impacted.



Figure 11: The largest patch of BGHF on in the NW of site – lacks mid and under storey
(Source: Ecological)

The landscape concept for the site involves augmenting and expanding retained BGHF vegetation.



Figure 12: Ecological Strategy (Source: Grimshaw)

Planning Priority C16. Increasing urban tree canopy cover and delivering Green Grid connections

Objective 30 Urban tree canopy cover is increased.

Objective 32 The Green Grid links parks, open spaces, bushland, and walking and cycling paths.

There are no Open Space, Reserves or other "green grid opportunities" identified on the site on the Central City District Green Grid opportunities plan. However, the Central City District Plan notes that The Hills Shire enjoys extensive urban tree canopy cover relative to the rest of the District. The master plan therefore retains as much remnant BGHF as is practicable and adopts the following key landscape principles:

- Planted trees into every available road and footpath
- Increased green canopies across developments and precincts
- Increase in urban parklands and wildlife corridors which support natural ecology

Planning Priority C17. Delivering high quality open space

The proposal includes a total of 55,660sqm of open space (over 30% of the site), including:

- 42,248sqm of public open space (over 23% of the site). This includes:
 - Public plaza space
 - A 'wildwoods' park
 - Heritage gardens around Dunrath and Glenhope (State Heritage listed houses)
 - Courtyards and thoroughfares
 - Ecological 'green links'
- 13,412sqm of semi-private open space. This includes rooftop gardens, parks, and recreation spaces

Each of these spaces will provide distinct experiences that reflect and enhance the unique character of the place, consciously responding to its history, topography and vegetation. Toplace is open to ongoing collaboration with Council, the community and State Government in the design of these spaces, including discussion of how the indigenous culture of the traditional owners of the land may be appropriately reflected.

Extensive pedestrian and cycle connections will ensure that these spaces are accessible to all, providing a diverse, yet integrated open space experience.

Planning Priority C19. Reducing carbon emissions and managing energy, water and waste efficiently

The adoption of suitable sustainability rating tools at Development Application (DA) stage will optimise energy, water and waste efficiency as the project is delivered over ten or more years.

Planning Priority C20. Adapting to the impacts of urban and natural hazards and climate change

Engineered solutions are proposed to manage the significant landslip hazard of the site. No other urban or natural hazards, such as bushfire or flooding, are known to affect the site.

Central City District Plan Summary

In summary, the Planning Proposal is directly consistent with all relevant Planning Priorities and Objectives of the Central City District Plan. Given the significant public investment in, and the recent opening of the Cherrybrook Metro Station, failing to proceed to Gateway Determination would be directly inconsistent with the aims of the plan and in particular the central concept of the 30 minute city.

3.2 Other Strategic Plans and Strategies

Other relevant strategic plans include:

- 3.2.2 North West Rail Link Corridor Strategy – Cherrybrook Station Structure Plan
- 3.2.3 The Hills Corridor Strategy

3.2.1 3.2.2 North West Rail Link Corridor Strategy – Cherrybrook Station Structure Plan

The Department of Planning and Environment's North West Rail Link Corridor Strategy (2013) is a strategic plan to guide the future character and development around the stations.

The vision for each station precinct is determined through high level studies investigating the challenges presented in terms of transport, traffic & accessibility, open space & conservation, heritage & special uses, topography, drainage and recent residential development. The vision for the Cherrybrook Station Structure Plan (pp 21) is:

*The introduction of the NWRL has the potential to **transform the Cherrybrook Study Area** by providing a new focal point for the community centred around the station. This is proposed to include a mix of neighbourhood shops and services to provide for the daily needs of the local community.*

*The NWRL will also provide opportunities to **increase residential densities within walking distance of the station**, involving a variety of housing types to ensure there is affordable and appropriate housing for all members of the community. (my emphasis)*

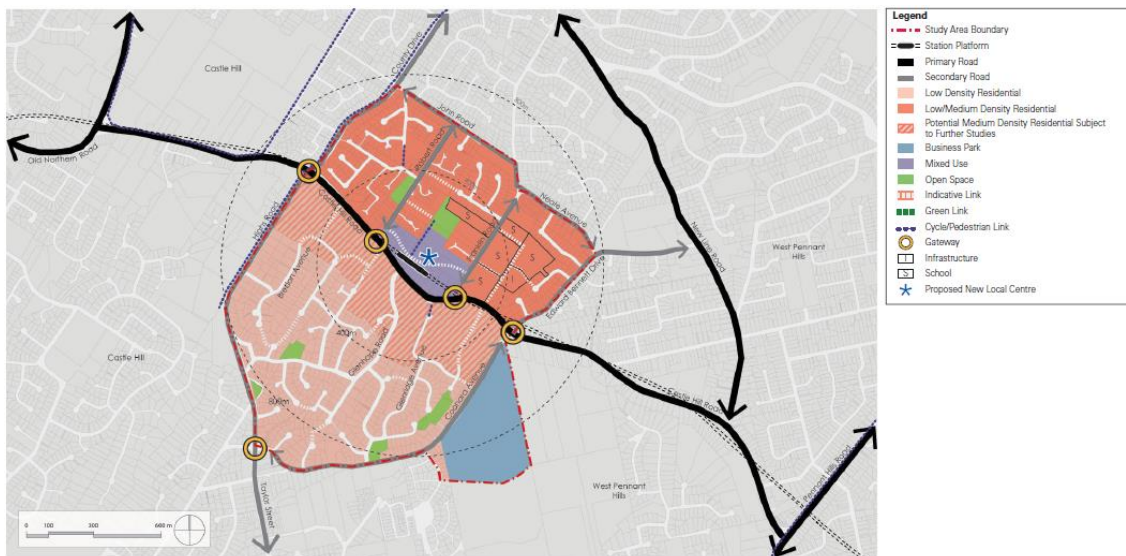


Figure 13: Structure Plan for the Cherrybrook Study Area (Source: DPIE)

However, the Structure Plan's specific recommendations are premised on the following assessment of the site (pp 20):

*To the south of Castle Hill Road, the opportunity sites are constrained by poor accessibility, due to an **inadequately connected road network** and steep topography.*

*Furthermore, the development of slopes greater than 10 percent and within **landslip risk areas**, requires **alternative development and construction techniques** and may limit the types of **buildings** that can be constructed. However, these sites still present opportunities for redevelopment subject to geotechnical studies. (my emphasis)*



Figure 14: Proposed Location of Medium Density Apartments (Source: DPIE)

On the above basis, recommended outcomes for the site were limited to 3 to 6 storey buildings, and the total projected growth for the broader precinct is limited to 3,200 dwellings and 50 jobs. However, the claimed constraints of an '*inadequately connected road network and steep topography*' have been examined in detail by the proponent and found not to provide any valid basis for limiting height or yield.

A fine grained street, pedestrian and cycle movement network has been designed in close consultation with Council. This network provides a highly permeable urban form, with all parts of the site being within walking distance of the Metro Station entry. The walkability of land south of Castle Hill Road is also significantly enhanced by the proposed provision of a subterranean pedestrian tunnel under Castle Hill Road, providing a direct connection to the station without any conflict with vehicle traffic on Castle Hill Road.



Figure 6: Circulation and Access (Source: Grimshaw)

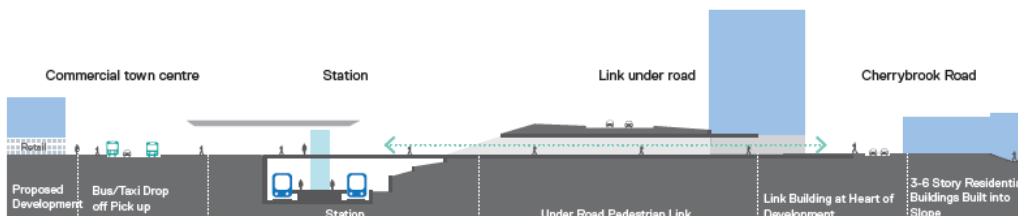


Figure 6: Pedestrian Link under Castle Hill Road (Source: Grimshaw)



Figure 7: Urban Plaza to Metro Pedestrian Tunnel (Source: Grimshaw)

While the site is subject to landslip hazard, Toplace have proposed engineering solutions to manage this hazard. It is not clear on what basis the structure plan determined that the landslip hazard should limit buildings to a maximum of only six storeys.

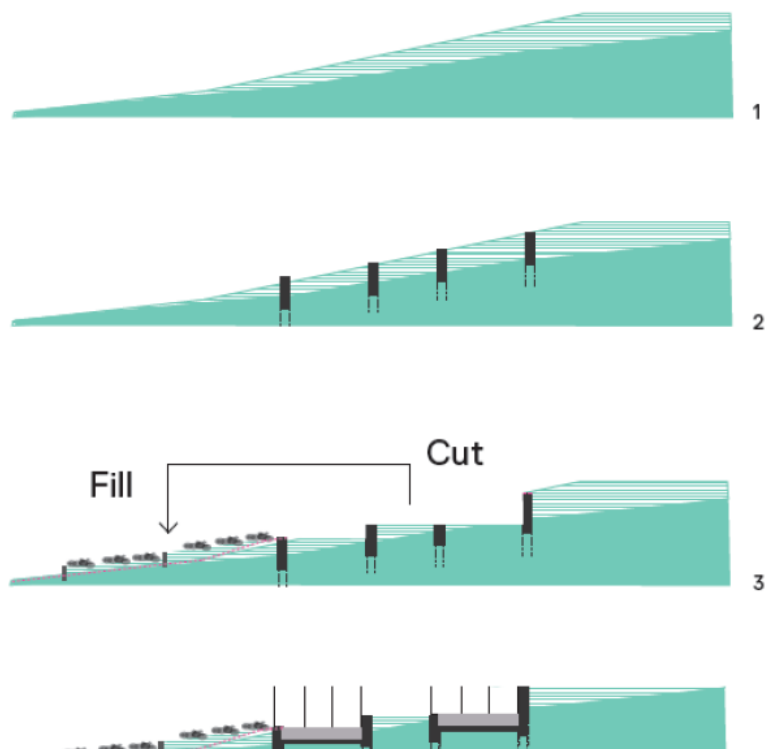


Figure 9: Slope Stabilisation (Source: Grimshaw)

Given that road connectivity and landslip hazard issues have been resolved, there is no apparent planning reason why the form of transit-oriented development on the site should be restricted so far below that which has been applied to other stations across the Metro network.

The height of buildings existing or proposed as part of Transit Oriented Development associated with stations along the Metro line (excluding CBD locations, such as Chatswood, Crows Nest, North Sydney and Central Sydney) are:

Metro Station	Height of Development	Planning Status
• Tallawong	8 Storeys	DA Approved
• Rouse Hill	16 storeys	DA Approved
• Kellyville	15 storeys	DA lodged
• Bella Vista	27 storeys	DA Lodged
• Norwest	25 storeys	Planning Proposal
• Showground	20 storeys	Concept Proposal
• Castle Hill	23 storeys	DA Approved
• Cherrybrook	16 storeys	Subject Proposal
• Epping	30 storeys	DA Approved
• Macquarie University	40 storeys	Zoned
• Macquarie Park	15 storeys	Zoned
• North Ryde	27 storeys	Built
• Waterloo	29 storeys	Zoned

In the above context, the proposed 2-16 storey height is quite reasonable.

3.2.3 The Hills Corridor Strategy

The Hills Corridor Strategy (2015), is a strategic plan which sets out Council's framework to promote the orderly future development in the Sydney Metro Northwest rail corridor to ensure appropriate delivery of housing and jobs that is compatible with the character of The Hills Shire. The objective of the strategy is to adequately respond to land use development over the next 20 years for each of the stations within or adjacent to The Hills LGA.

Six guiding principles are outlined within the strategy to ensure highly liveable and diverse urban areas within The Hills Shire including:

Accountable and sustainable approach: Outcomes are guided by clear evidence that respond to the opportunities and constraints presented by the existing natural and built environment.

Comment: Evidence based analysis has demonstrated the 3 to 6 storey heights recommended in the Strategy were based upon misapprehension of the constraints imposed by local road connectivity and landslip hazard. Given the resolution of these perceived constraints, outcomes consistent with best practice in comparable TOD locations should guide outcomes. As detailed above, the proposed maximum height of 16 storeys is reasonable in this context.

Balance high and lower density housing: Higher density housing is located in areas that has the greatest potential for change, in easy walking distance to retail centres and the future stations, thereby enabling nearby low-density character to be retained.

Comment: The maximum height of 15-16 storeys is only proposed at the three locations along the Castle Hill Road ridgeline where collector roads intersect with Castle Hill Road, all of which are within 550 metres relatively level walk of the Metro Station.

Heights of 8-12 storeys are generally confined to a central precinct within 400 metres of the station entry, well separated from surrounding low density housing.

Within the wide interface zone to adjacent low density housing, heights are generally limited to two to three storeys, enabling nearby low-density character to be retained.

Housing to match Shire needs: A diversity of housing options are to be provided to respond to future demand, with a particular focus on the delivery of viable and attractive apartment living for families.

Comment: While dwelling mix is notionally proposed in accordance with the guidance of the Apartment Design Guide, development of the site and the broader precinct will occur over an extended period of at least ten years, allowing the supply of dwelling types to evolve in response to changing demographic trends over time.

This will complement the fairly homogenous supply of detached dwelling houses on large blocks of land existing within the locality. While well suited to the family stage of life, this stock is not well suited to an ageing, and often downsizing population, or the increasing number of one and two person households within the community.

Facilities to match Shire lifestyle: Residents of new development are able to access open space, recreation and community facilities in line with the lifestyle enjoyed by existing Hills residents.

Comment: As discussed, the Planning Proposal is accompanied by a Community Facility and Open Space Needs Study prepared by Cred Consulting and A Community Benefits Letter of Offer accompanies the proposal.

This will ensure that future residents will be able to access open space, recreation and community facilities in line Hills Shire expectations, including over 30% of the site area as open space in a diverse variety of high quality formats.

Jobs to match shire needs: A range of employment opportunities are made available that reflect the qualifications and skills of Shire residents and facilitate more jobs close to home.

Comment: The Metro Station provides less than 30 minute access to the wide range of jobs available within Castle Hill, Norwest, Macquarie Park, Chatswood and St Leonards, and upon completion of the Metro City & South West in 2024 will provide 30 minute access to the jobs available in North Sydney and the Sydney CBD. Optimising the number of residents with walking access to the Metro will provide these residents with access to a broad range of job opportunities.

Grow our strategic centres: Reinforce the hierarchy of centres recognising the significance of Castle Hill and Rouse Hill as major centres and Norwest as a specialised centre.

Comment: Being a primarily residential centre, the proposed development will provide an increased resident base to reinforce the employment role of Castle Hill, Rouse Hill and Norwest without competing with them.

3.2.4 Strategic Merit Test Conclusion

The proposal clearly has strategic merit and is consistent with relevant priorities and objectives of the Central City District Plan. While it exceeds the heights and yields envisaged in the corridor strategy and precinct structure plan, this is because it has provided evidence based resolution of early concerns relating to the local road network and landslip hazard. The proposed outcomes are modest in the context of other comparable TOD outcomes along the North West Metro line.

4. Site Specific Merit Test

As well as demonstrating consistency with established strategic planning objectives and directions under the strategic merit test, a proponent seeking a Rezoning Review must also establish that the Planning Proposal demonstrates site specific merit in relation to the following matters:

4.1 The natural environment (including known significant environmental values, resources or hazards);

The Planning Proposal identifies suitable measures to mitigate all potential adverse environmental effects.

Vegetation

EcoLogical Australia (ELA) have prepared a Preliminary Biodiversity Assessment and identified critically endangered Blue Gum High Forest (BGHF) on the site. However, the BGHF vegetation is fragmented and in poor condition, lacking mid and understorey. As the BGHF vegetation is scattered across the site any significant urban renewal is likely to impact some vegetation. The proposed master plan involves the retention of 0.64 ha of BGHF within parks, with 0.96 ha being impacted. However, the landscape includes the following measures to enhance that part of the BGHF community that is proposed to be retained:

- Planted trees into every available road and footpath
- Increased green canopies across developments and precincts
- Increase in urban parklands and wildlife corridors which support natural ecology

Biodiversity offsets can be negotiated at DA stage for individual DAs proposing the removal of BGHF vegetation.

Stormwater

Several minor watercourses start within the site, flowing down the West Pennant Hills Valley via Excelsior Creek and Darling Mills Creek to Parramatta River, upstream of Parramatta CBD. Water sensitive urban design measures will be implemented to ensure that the quality of drainage water leaving the site has a positive impact upon the flooding characteristics, water quality and ecological functions of the downstream environment. The design of specific measures will be detailed at DA stage.

Natural Hazards

The site is not subject to flood or bush fire hazard. While it is identified as having a significant land slip hazard, engineered solutions have been identified to manage this hazard.

Heritage

The historic Dunrath and Glenhope dwelling houses within the site are both listed on the State Heritage Register. The Planning Proposal maintains statutory recognition and protection of these buildings and the master plan preserves them within expanded open space curtilages as key character elements of the design and public access for community based uses is proposed.

4.2 The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal;

The locality was originally developed as urban fringe low density suburban housing. However, with the construction of the North West Metro and Cherrybrook Station, this form of development fails to capitalise on the significant public investment in the Metro. Redevelopment in accordance with the existing low density housing controls would fail to deliver the city shaping transformation that is appropriate for such a transit oriented location.

4.3 The services and infrastructure that are or will be available to meet the demands arising from the proposed financial arrangements for infrastructure provision.

The Planning Proposal seeks to rezone the site to accommodate higher residential densities and increase building height controls to establish a diverse residential community which will ultimately house approximately 3,000 residents. This will result in increased demand for local infrastructure.

The site is serviced by a wide range of infrastructure and services within the locality.

Utility Services

While significant augmentation will be required, the locality is served by all urban utilities. Details of utility augmentation can be resolved through the gateway and DA processes.

Transport

In addition to optimising patronage of the recently opened Northwest Metro, the proposed significant supply of high density transit oriented housing with limited parking will help to reduce car dependency across Sydney.

While some potential impact on the existing road network could result from additional traffic generated by the Planning Proposal, measures to mitigate such impacts are proposed.

Community Facilities and Open Space

The Planning Proposal is accompanied by a Community Facility and Open Space Needs Study prepared by Cred Consulting. A Community Benefits Letter of Offer accompanies the proposal, and proposes:

Community Facilities

- 1 Child care centre – 1,350sqm
- 1 Indoor fitness centre facility / gym / spa – 2,184sqm
- 1 multi-purpose community centre/space (potentially utilising heritage building) – for parties, functions, meetings, weddings, social/community group gatherings.
- Semi-private community facilities will include communal spaces within apartment blocks for use by tenants for parties, functions, meetings, community group activities, play groups. These will be located near open space or other activity areas

Transport

- a 400 space commuter car park below the Central Village Piazza and East Plaza
- a new pedestrian subway below Castle Hill Road providing a direct and safe link between the residential development and Cherrybrook Station precinct.

Open Space

A total of 55,660sqm of open space (public and semi-private) is proposed across the village site. This equates to over 30% of the site and includes:

- 42,248sqm of public open space (over 23% of the site). This includes:
 - a generous local park (6,134sqm),
 - rehabilitated green-ways connecting the existing community with Castle Hill Road,
 - an extensive riparian corridor running east to west, which rehabilitates the unique blue gum ecology, playgrounds, hardscape and 3 sports courts.
- 13,412sqm of communal open space. This includes rooftop gardens, parks, and recreation spaces

Toplace welcomes discussion with Council regarding the Community Benefit Offer and any of the items offered.

5. Conclusion

This rezoning review request has been prepared in accordance with the Departments *A Guide to Preparing Local Environmental Plans* and Planning Circular, PS16-004 *Independent reviews of plan making decisions*. The Rezoning Review has been submitted as The Hills Council resolved on 22 October 2018 that the Planning Proposal not proceed to Gateway Determination.

The Planning Proposal was initiated by Toplace in order to facilitate a new transit oriented residential masterplan adjacent to the recently opened Cherrybrook Metro Station.

The proposed masterplan has been designed to positively respond to the key features of the existing locality, including topography, remnant vegetation and heritage items, providing for a very high standard of design quality, and facilitating the creation of a great place.

The main benefits of this Planning Proposal are that it:

- Takes advantage of the proximity to the Cherrybrook train station and the 30 minute access it provides to a wide range of employment opportunities and other facilities and services located along the North West Metro line.
- Provides a significant opportunity to create a vibrant, well connected new residential community with a diversity of housing choice that responds to the changing demographic and housing trends within The Hills Shire and the West Central subregion, within walkable distance of Cherrybrook Station.
- Is consistent with the strategic vision for Greater Sydney, supplying additional high-quality housing to meet demand from population growth within proximity to transport infrastructure and facilities.
- Integrates with the context of the existing locality.
- Will provide local infrastructure in the form of community facilities, local retail, open spaces and local road, pedestrian and cycle connections, including a subterranean pedestrian link under Castle Hill, linking the heart of the Master Plan directly to the Metro Station concourse.
- Retains and enhances a significant portion of the currently degraded remnant BGHF vegetation.
- Results in the retention and enhancement of heritage values on site with the adaptive re-use of Dunrath, Glenhope and their associated curtilage.
- Resolves early concerns in relation to local road connectivity and landslip hazard.

The Planning Proposal clearly has strategic merit and is consistent with:

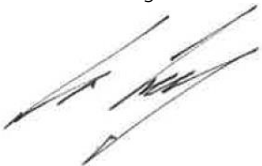
- Greater Sydney Region Plan
- Central City District Plan,
- A Plan for Growing Sydney,
- North West Rail Link Corridor Strategy – Cherrybrook Station Structure Plan
- The Hills Corridor Strategy

While the proposed yield and building heights exceed those envisaged in the 2013 North West Rail Link Corridor Strategy and Cherrybrook Station Structure Plan, the 3 to 6 storey heights recommended in the Strategy were based upon misapprehension of the constraints imposed by load road connectivity and landslip hazard. Given the evidence based resolution of these perceived constraints, outcomes consistent with best practice in comparable TOD locations has clear Strategic Merit. In this context, the proposed heights of two to 16 storeys are quite reasonable.

The Planning Proposal clearly has site specific merit considering the natural environment; existing and likely uses of land around the site and suitable provision for services and infrastructure to meet the demand arising from the development.

Given it's clear Strategic and Site Specific Merit, the Planning Proposal should proceed to Gateway Determination as requested.

Kind regards,

A handwritten signature in black ink, appearing to read 'Ian Cady', with a stylized flourish at the end.

Ian Cady
Director - Planning