

DATE OF DECISION	14 April 2020
PANEL MEMBERS	Abigail Goldberg (Chair), Ken McBryde and Gabrielle Morrish
APOLOGIES	David Ryan
DECLARATIONS OF INTEREST	<p>Stewart Seale, Mark Colburt and Chandi Saba declared a conflict of interest as they participated in the council meeting for this planning proposal.</p> <p>Gabrielle Morrish advised that she was a member of the State Government's Design Review Panel for the North West Metro and as such had involvement in the station precinct but not in relation to this site. The Panel Chair advised that this is not a conflict that would prohibit Ms Morrish from remaining on the Panel.</p> <p>The Panel notes that Ms Morrish was approached by phone by the Proponent or his representative on Thursday 2 April 2020 but declined to engage and immediately notified the Panel Chair and Secretariat. The Panel Chair asked that this be placed on the record but supported Ms Morrish's ongoing involvement. The Proponent's legal team were also advised.</p>

REZONING REVIEW

- 2020CCI002 – The Hills Shire – RR_2019_THILL_003_00 AT Castle Hill Road to the north, Glenhope Road to the east and Highs Road to the west, West Pennant Hills (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:




- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
- ☒ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was **unanimous**.

REASONS FOR THE DECISION

- The Panel considers that the Planning Proposal does not demonstrate **strategic merit** as it is inconsistent with key strategic plans including the Greater Sydney Region Plan, Central District Plan, North West Rail Link Corridor Strategy, Hills Corridor Strategy and Council's Local Strategic Planning Statement. The Panel notes that these Plans are all relatively recent and remain current.

- The Panel is advised that there is significant precinct planning underway or still to be undertaken for the location, including master-planning and precinct-wide traffic investigations, but that these strategic studies are not yet complete. As such, the Panel believes that further work is required with both the Department of Planning, Industry and Environment as well as Council to ensure that strategic objectives for the location are met.
- While the Panel notes that for the rezoning review process to progress, strategic merit must be met, the Panel nevertheless opines that the Planning Proposal does not demonstrate **site specific merit**, noting that this is a particularly challenging site, being south-facing and steeply sloping. As such the Panel considers that more detailed design development than has been undertaken would be required in order to achieve a reasonable outcome where the topography is effectively addressed, solar access is optimised, open space is achieved that aligns with remnant blue gum forest (which is rare albeit not all high quality), access to the station is facilitated and the required community / social facilities for a new population of the size proposed are introduced.
- The Panel observes that a significant increase in density is proposed for the location, with greater heights (up to 16 storeys) than anticipated on the site. The Panel remarks that power lines appear to traverse the site but that these are not yet acknowledged in the site planning.
- It is insufficiently clear for the Panel how internal amenity for residents will be achieved with the building typologies and layout proposed.
- The Panel notes that the site is currently under multiple ownership, and that it is unclear how development is proposed to take place across the site. Evidence of the support of all landowners has not been provided, and it appears – anecdotally – that this support may be contested. Equity regarding the distribution of development opportunities is not apparent across the site.
- While a high level staging plan has been presented, a delivery plan has not been put forward for this complex site with multiple landowners.
- The Panel observed that it was unclear for stakeholders how key community facilities, such as the underpass proposed in the application, were to be funded.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Ken McBryde
 Gabrielle Morrish	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2020CCI002 – The Hills Shire – RR_2019_THILL_003_00 AT Castle Hill Road to the north, Glenhope Road to the east and Highs Road to the west, West Pennant Hills
2	LEP TO BE AMENDED	The Hills Local Environmental Plan 2012

3	PROPOSED INSTRUMENT	The proposal seeks to amend The Hills Local Environmental Plan 2012 by rezoning the subject site known as Cherrybrook Central containing 28 properties from E4 Environmental Living to R4 High Density Residential and E2 Environmental Living and amending the maximum height of building and floor space ratio controls. The subject site is bordered by Castle Hill Road to the north, Glenhope Road to the east and Highs Road to the west, West Pennant Hills.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning, Industry and Environment.
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually. Briefing with Department of Planning, Industry and Environment (DPIE): 8 April 2020, 10.00am <ul style="list-style-type: none"> Panel members in attendance: Abigail Goldberg (Chair), Ken McBryde, Gabrielle Morrish DPIE staff in attendance: Gina Metcalfe and Angela Hynes. Briefing with Council: 8 April 2020, 11.00am <ul style="list-style-type: none"> Panel members in attendance: Abigail Goldberg (Chair), Ken McBryde and Gabrielle Morrish DPIE staff in attendance: Gina Metcalfe and Angela Hynes Council representatives in attendance: Nick Carlton, Brent Woodhams and David Reynolds. Briefing with Proponent: 8 April 2020, 12.00pm <ul style="list-style-type: none"> Panel members in attendance: Abigail Goldberg (Chair), Ken McBryde and Gabrielle Morrish DPIE staff in attendance: Gina Metcalfe and Angela Hynes Proponent representatives in attendance: David Krepp and Ian Cady. Papers were circulated electronically between 2 April 2020 and 14 April 2020.