



New South Wales

# **State Environmental Planning Policy Amendment (Cherrybrook Station Precinct) 2022**

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP  
Minister for Planning

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy Amendment (Cherrybrook Station Precinct) 2022*.

### **2 Commencement**

This Policy commences on the day on which it is published on the NSW legislation website.

### **3 Repeal of Policy**

This Policy is repealed at the beginning of the day following the day on which this Policy commences.

### **4 Maps**

The maps adopted by *Hornsby Local Environmental Plan 2013* and *State Environmental Planning Policy (Planning Systems) 2021*, Chapter 2 are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy.

## Schedule 1 Amendment of Hornsby Local Environmental Plan 2013

### [1] Part 7

Insert after Part 6—

## Part 7 Cherrybrook Station Precinct

### 7.1 Definitions

In this Part—

*Area 1* means the land identified as “Area 1” on the Height of Buildings Map.

*Area 2* means the land identified as “Area 2” on the Height of Buildings Map.

*Area 10* means the land identified as “Area 10” on the Floor Space Ratio Map.

*Cherrybrook Station Precinct* means the land identified as “Cherrybrook Station Precinct” on the Key Sites Map.

*designated State public infrastructure* means the following public facilities or services provided or financed by the State or, if provided or financed by the private sector, to the extent of the financial or in-kind contribution by the State—

- (a) State and regional roads,
- (b) regional parks and public space,
- (c) social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities.

*residential floor space* means the combined gross floor area of the parts of buildings used for the purposes of residential accommodation.

### 7.2 Objective of Part

The objective of this Part is to ensure development in the Cherrybrook Station Precinct—

- (a) occurs in accordance with design guidelines or a site-specific development control plan, and
- (b) provides for a mix of the following to meet the needs of the community—
  - (i) housing, including affordable housing,
  - (ii) community facilities,
  - (iii) publicly accessible open space.

### 7.3 Concurrence of Planning Secretary required

- (1) Development consent must not be granted to development on land in the Cherrybrook Station Precinct unless the consent authority has obtained the concurrence of the Planning Secretary.
- (2) In deciding whether to grant concurrence, the Planning Secretary must consider the following—
  - (a) the impact of the development on—
    - (i) existing designated State public infrastructure, and
    - (ii) the need for additional designated State public infrastructure,
  - (b) the cumulative impact of the development and other development that has been, or is likely to be, carried out in the surrounding area on—

- (i) existing designated State public infrastructure, and
    - (ii) the need for additional designated State public infrastructure,
  - (c) the steps taken to address the impacts, including whether a planning agreement requiring a contribution to designated State public infrastructure has been, or will be, entered into.
- (3) In deciding whether to grant concurrence, the Planning Secretary must consult the public authorities the Planning Secretary considers relevant to the development.

#### **7.4 Design guidelines for State significant development**

Development consent must not be granted to development on land in the Cherrybrook Station Precinct that is State significant development carried out under *State Environmental Planning Policy (Planning Systems) 2021* unless the consent authority has considered the *Design Guide—Cherrybrook Station Precinct*, published by the Department in December 2022.

#### **7.5 Development control plan for other development**

- (1) Development consent must not be granted to development on land in the Cherrybrook Station Precinct unless a development control plan has been prepared for the land.
- (2) This clause does not apply to development to which clause 7.4 applies.

#### **7.6 Height of buildings**

- (1) A building in Area 1 may have a height of up to 23.5m if the consent authority is satisfied of the following—
  - (a) the building will not result in unreasonable massing or adversely affect the amenity of the surrounding area,
  - (b) at least 3,000m<sup>2</sup> of land in Area 1 will be publicly accessible open space,
  - (c) at least 1,300m<sup>2</sup> of the gross floor area of all buildings in Area 1 will be used for the purposes of community facilities,
  - (d) at least 10% of residential floor space in Area 10 will be used for the purposes of affordable housing (the ***affordable housing component***),
  - (e) all dwellings comprising the affordable housing component will be—
    - (i) used for the purposes of affordable housing for at least 10 years from the date the occupation certificate is issued for the building containing the dwelling, and
    - (ii) managed by a registered community housing provider.
- (2) A building in Area 2 may have a height of up to 18.5m if the consent authority is satisfied of the matters specified in subclause (1)(a)–(e).

#### **7.7 Floor space ratio for buildings**

A building in Area 10 may have a floor space ratio of up to 1.35:1 if the consent authority is satisfied of the matters specified in clause 7.6(1)(b)–(e).

#### **7.8 Additional permitted use**

Development for the purposes of residential flat buildings is permitted with development consent on land in Area 1.

**[2] Dictionary**

Insert in alphabetical order—

***Key Sites Map*** means the Hornsby Local Environmental Plan 2013 Key Sites Map.

## **Schedule 2      Amendment of State Environmental Planning Policy (Planning Systems) 2021**

### **[1]    Section 2.2 Definitions**

Insert in alphabetical order in section 2.2(1)—

*Sydney Metro* means Sydney Metro constituted under the *Transport Administration Act 1998*, section 38.

### **[2]    Schedule 2 State significant development—identified sites**

Insert at the end of the Schedule—

#### **18    Development in Cherrybrook Station Precinct**

Development on land identified as the Cherrybrook Station Precinct on the State Significant Development Sites Map if the development—

- (a) is carried out by or on behalf of—
  - (i) Sydney Metro, or
  - (ii) the Planning Ministerial Corporation, and
- (b) has a capital investment value of more than \$30 million.