



Mr Dave Walker
General Manager
The Hills Shire Council
PO Box 7064
Castle Hill NSW 1765

16/05857

Dear Mr Walker

I refer to your letter to the Department seeking the Secretary's agreement that an inconsistency with Section 117 Direction 5.9 North West Rail Link Corridor for the planning proposal *The Hills Local Environmental Plan 2012 (Amendment No 32) – 47 Spurway Drive, Baulkham Hills* is justified.

The Norwest Structure Plan in the North West Rail Link Corridor Strategy identifies the site as being suitable for future high density apartment living and provides that this could comprise 7-12 storey apartment buildings. The original proposal was inconsistent with the *S117 Direction 5.9 North West Rail Link Corridor Strategy* (the Strategy Direction) in that the height and intensity of development exceeded that identified in the Norwest Structure Plan.

The revised planning proposal adopted by Council has now reduced the height limits and floor space ratio controls to better align with the Norwest Structure Plan's vision for 7-12 storey apartment buildings. Given this, it is considered that the proposal, as submitted, could accommodate a high density residential development outcome that is consistent with the concept design for the site and the Norwest Structure Plan. The proposal is no longer considered inconsistent with the Strategy Direction.

Further to the ongoing discussions with the NSW Chief Planner, Gary White, for the Showground Priority Precinct, the Department accepts that this planning proposal will contain a residential dwelling yield cap of 1300 dwellings. I understand that it is proposed that a similar approach will be followed for other planning proposals to which the Strategy Direction applies, i.e. Council will include a similar residential dwelling yield provision with a number of residential dwellings that is consistent with the implementation of the Norwest Structure Plan and as agreed with the Department.

I understand from the discussions that the apartment sizes and parking rates provided for in *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65) will apply to residential flat buildings to the extent that dwelling numbers in the precinct remain within that agreed yield. Above that agreed residential dwelling yield, Council's preferences for apartment size and parking rates will apply.

The Department notes that the part of Council's proposed local provision *cl. 7.10 Residential Development Yield* of draft LEP Amendment No 32 which would not apply the SEPP 65 apartment sizes and parking rates to all of the first 1300 dwellings in the Spurway Drive precinct is not consistent with the agreed future approach. However, as the proposed clause was submitted for consideration some time ago, and the developer has made representations to the Department that it will accept the clause with the Council's agreement to a new way forward for all other proposals to which the Strategy Direction applies, the Department will remove its objection to this clause.

Should you have any further enquiries, please contact Ms Catherine Van Laeren, Director, Sydney West Region, at the Department on (02) 9860 1520.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marcus Ray', with a stylized flourish at the end.

Marcus Ray
Deputy Secretary
Planning Services

22/04/2016