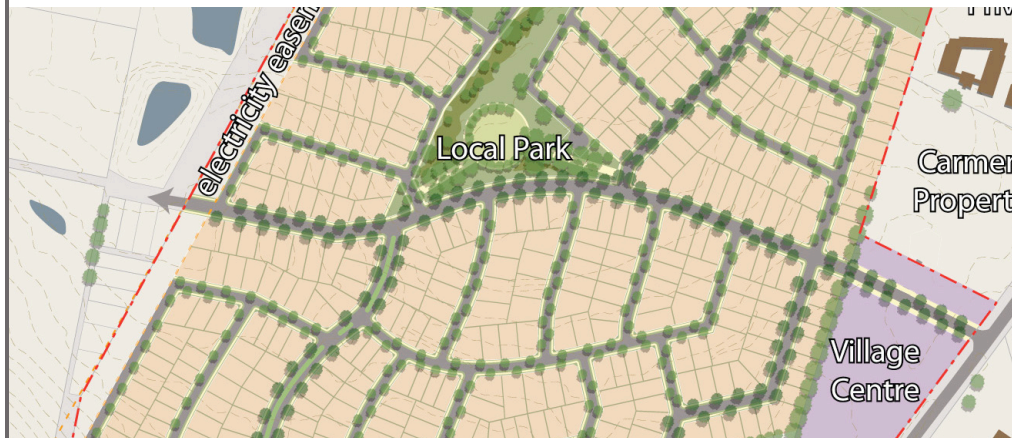




Appendix 9

Correspondence between Orange City Council and Mitcham Nelson

From: "Gerald Ward" <gward@mitchamnelson.com.au>
Subject: **RE: South Orange**
Date: 4 June 2010 12:31:20 PM
To: "David Waddell" <DWaddell@orange.nsw.gov.au>
Cc: "Kylie Ridge" <Kylie.Ridge@spa.nsw.gov.au>, <phil.anquetil@industry.nsw.gov.au>, "Vanessa Colclough" <vanessa.c@paadesign.com.au>, "Linda McFadden" <LMcFadden@orange.nsw.gov.au>, "Craig Mortell" <CMortell@orange.nsw.gov.au>
■ 2 Attachments, 7.1 KB

David,

Yes and yes, provided that there are no restrictions on the B2 zone on the southern portion and therefore no conflict with the concept plan application and limit to the retail floor space.

Regards

Gerald Ward



C18 / 99 Jones Street
Ultimo NSW 2007

p 02 9211 4444
m 0411 102 206

From: David Waddell [<mailto:DWaddell@orange.nsw.gov.au>]
Sent: Friday, 4 June 2010 10:15 AM
To: 'Gerald Ward'
Cc: 'Kylie Ridge'; 'phil.anquetil@industry.nsw.gov.au'; 'Vanessa Colclough'; Linda McFadden; Craig Mortell
Subject: RE: South Orange

Thanks Gerald.

Are you referring to the northern portion, previously B4? Are you happy with the use of B2 in the southern bit?

Regards

From: Gerald Ward [<mailto:gward@mitchamnelson.com.au>]
Sent: Friday, 4 June 2010 10:10 AM
To: David Waddell
Cc: 'Kylie Ridge'; 'phil.anquetil@industry.nsw.gov.au'; 'Vanessa Colclough'
Subject: RE: South Orange

Does this email need to be registered in TRIM?

David,

Thanks for your email below. In essence the DII are comfortable with the current zoning under the SEPP. The DII therefore does not want to be restricted by changing the zone through the LEP process.

However we note the difficulties Council has in adopting a coordinated standard instrument and DII does not want to complicate Council's overall zoning plan if we can reach an agreement that satisfies both parties requirements.

DII have sought planning advice and are prepared to discuss a proposed zone that has the uses you have listed below as permitted ('Seniors Housing' 'Residential Care Facilities', 'Medical Centres' and 'Health Consulting Rooms').

Additional uses that should also be included are the uses listed below, many of which are currently permitted in the zone with consent.

1. Attached Dwellings
2. Boarding Houses
3. Business Premises
4. Child Care Centre
5. Community Facilities
6. Dwelling Houses
7. Educational Establishment
8. Entertainment Facilities
9. Function Centre
10. Funeral Chapel/Home
11. Hospital
12. Hotel or Motel Accommodation
13. Information and Educational Facility
14. Multi Dwelling Housing
15. Office Premises
16. Passenger Transport Facilities
17. Place of Public Worship
18. Recreation Facilities
19. Registered Clubs
20. Residential Accommodation
21. Restaurant
22. Roads
23. Serviced Apartment
24. Tourist and Visitor Accommodation
25. Veterinary Hospital

We look forward to discussing the matter and in particular the detail of the exact zone Council would be proposing.

Regards

Gerald Ward



C18 / 99 Jones Street
Ultimo NSW 2007

p 02 9211 4444
m 0411 102 206

From: David Waddell [<mailto:DWaddell@orange.nsw.gov.au>]
Sent: Wednesday, 19 May 2010 11:24 AM
To: 'Gerald Ward'
Cc: Linda McFadden; Craig Mortell
Subject: South Orange

Gerald - got your letter thanks. I'll reply in detail as soon as I clear my desk. I'll also pass it to some of the other departments who made comment on the layouts etc.

In the meantime may I note that you are satisfied that a B2 Zone will accommodate the range of uses sought on the "area 2" commercial land but there remains a difficulty with respect to the "area 1" land under the SEPP. Part 18 of Schedule 3 of the SEPP zones this land B4 Mixed Use and contains a clause 16(2)(b) that prohibits retail premises.

However, the standard template for LEPs mandates that retail premises must be permitted with consent in a B4 zone. The Department of Planning has repeatedly advised all councils that local clauses may not, under any circumstances, seek to prohibit anything that is mandated as permissible. Accordingly, Council is not able to replicate the retail restriction in a B4 zone that currently exists in the SEPP other than to restrict floorspace.

It is noted from your letter that the viability and intended use of the area 1 lands are yet to be determined but that you wish to retain the option of hospital related uses and/or "some form of residential development including retirement living". Given the apparent uncertainty of this statement and the inability to replicate the retail restriction Council has grave concerns as to what may eventuate should the site remain in a B4 zone as the Area 2 land already provides the retail requirement for the locale.

Accordingly, Council would like to place the site in a zone that will, amongst other uses, permit 'Seniors Housing', 'Residential Care Facilities', 'Medical Centres' and 'Health Consulting Rooms' but that will not permit all forms of "Retail Premises".

Your advice as to any other uses from the standard template dictionary that are considered necessary is urgently sought.

Regards

David Waddell
Director Development Services
Orange City Council
02 63938000

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