



OFFICE OF THE DIRECTOR-GENERAL

Mr Gary Styles
General Manager
Orange City Council
PO Box 35
Orange NSW 2800

19 NOV 2010

Dear Mr Styles

Response to the Orange City Council Submission (Letter dated 27 September 2010) in respect of Major Project Application – Department of Industry and Investment (I&I) Site South Orange

Following your submission in respect of the above project, subsequent discussions with Council and our meeting on Wednesday, 17 November, I am writing to clarify the Department of Industry and Investment (I&I) concept plan application. We also refer to your letter in response to requests for input into the Director General's requirements and Mitcham Nelson's subsequent response to Council on 18 May 2010.

Council's submission raised a number of points relating to the application and for the purposes of this response, these have been categorised into general headings:

1. The restriction of retail floor area
2. Subdivision design and internal road layout
3. Traffic connections, intersection design and road widths

1.0 Retail

Council has raised concerns in respect of the size of the retail facility proposed on the southern portion of B4 zoned land on the I&I site. Council argued that a centre of 3500m² is not sustainable and will have a significant impact on retailers within the CBD.

Representatives of I&I and their consultants met with Council's retail specialist to discuss these issues in March 2010. I&I's retail consultant prepared a supplementary report in response to the issues raised. A copy of this report was sent to Council in May 2010 and was also included in the application lodged for the concept plan. We believe that there are strong arguments justifying a retail facility that will support and grow with the precinct. Taking into account in-depth analysis undertaken by Pitney Bowes we consider that the proposed location and size of the centre is both supportable and sensible and will not have a long term detrimental impact on trading within the Orange CBD or elsewhere.

Council suggests in their letter that Leyshon Consulting has provided further advice in response to our latest report. However, at the time of writing, I&I has not had any response to the supplementary report provided to Council apart from Council's direct response to the Department of Planning.

2.0 Subdivision Design

Council's letter claims that the design principles applying to the layout do not represent "best practice" design. We consider that the proposed concept plan application demonstrates how a future layout could reflect the constraints and opportunities of the site. We believe that the proposed modified grid layout clearly matches the intent of part 7 of Council's Development Control Plan – ***Development in Residential Areas***. I&I are seeking endorsement of the general street layout and street types as shown in the ***Street Types Plan*** (see Appendix 2 of Bloomfield Concept Plan Environmental Assessment).

The concept plan proposes a connected street layout that offers a high degree of choice for pedestrians, cyclists and motorists. This type of development is promoted and considered 'Best Practice' by the Urban Design Advisory Service (UDAS) in *'Residential Subdivision – a Handbook for the Design & Planning of New Neighbourhoods'* (2000) as developed by State Government in the most recent advice on the subject. The urban layout of recent parts of North Orange, based on looping collector systems with cul-de-sac offshoots, is no longer considered contemporary design best practice. It lengthens travel distances, makes walking and cycling difficult, and creates unconnected urban patterns.

The plan carefully follows slopes & drainage lines with a 'deformed' street grid that creates visual interest through curves, deviations and views to open space, without losing the clarity and simplicity of the broader pattern. It does not, however, deviate to create artificial interest which, in our experience, is visible only on a plan and does not translate into benefit for the community.

While the I&I site is not adjacent to central Orange, the same principles that have served to make the traditional areas of Orange such an attractive and connected place to live can be incorporated into this subdivision, albeit in a modified way.

The proposed concept plan design accords with the planning outcomes contained in Orange City Council's DCP (PO7.2-1). A future development application will provide further detail to demonstrate this. The structure of the proposed concept plan readily accommodates future compliance with Council's planning and development policies.

2.1 Open Space

Council has suggested that they are disappointed that the plan submitted with the rezoning proposal appeared to have more open space than is now proposed in the concept plan. It should be noted that the rezoning concept drawings that were submitted with the rezoning proposal did not ground truth contours and actual site conditions and were indicative plans only. In any event, there is more open space proposed in the current concept plan than was proposed in the rezoning concept drawings. The latest proposal reflects the actual site contours and we believe provides a solution that better reflects site conditions.

It was determined from on-site investigation that the significance of the drainage line in the Southern portion of the I&I site was overstated in the mapping. The corridor was found to be not much more than a small depression in the land running halfway up the slope towards the ridge that marks the northern boundary of the redefined DPII research station. Thus, any implied creek corridor connection is notional and not based on topographic evidence.

From on site investigation it is clear that the primary source of water feeding the main northern dam comes from off-site to the West, entering the site near the existing smaller westerly dam. At this point the depression becomes more of a corridor in nature and this has been reflected in the initial concept plan. Thus, a riparian corridor has been created that connects the northern dam with the primary overland flow path to the west through the site.

The plan that was provided with the rezoning application shows an implied continuous north-south corridor through the site of 40m width x 1150m length which would yield an open space/environmental corridor of **4.6Ha**. The latest concept, shown in the plan submitted with the Director Generals Requirements, has Public Open Space of **4.69 Ha** – comprising the Western Boundary Park: (1.35Ha) and the Central Park + Riparian Linear Open Space: 3.34Ha. These calculations do not include the triangular shaped park at the southern end of the concept plan.

The north/south drainage line has been managed with an appropriately sized swale within the road reserve. This will connect to the primary western corridor through a more formalised central local park. These pieces connect to form green linkages that lend themselves to pedestrian access and cycle ways.

Council was advised in March that the current concept plan showed a greater area of open space compared with that previously submitted.

3.0 Traffic connections, intersection design and road widths

Council's response raises a number of issues relating to internal and external traffic movements and the connections to existing traffic networks.

The proposed road hierarchy was designed to fulfil Council requirements and Roads and Traffic Authority (RTA) requirements. Council's response raised concerns relating to future development to the west of the site and future connectivity from the site to this area.

The proposed road hierarchy shows a main connector road (22m wide) running east west through the site. This road provides the site with access to Forest Road and allows for future connection to the west. The single connection to Forest Road has been maintained as a channelised intersection in accordance with Council's contributions plan and RTA advice. It should be noted that engineering design specifications for connecting and internal roads will be required to meet Council and RTA design standards.

In figure 6 of the application a potential second connection is shown to Shiralee road. This indicates an alternative future option to connect to the west of the site. This connection would require the proposed internal road hierarchy on the I&I site to be modified from a local traffic scenario in order to cater for more inter district flows. This would depend on the final development outcome of land to the West. Therefore, we suggest that the current single

connection to the west be maintained as an inter-district road, 22m wide, to cater for future traffic. The future development of the land to the west should be assessed on its merits at the time of development and any intersection or road upgrades that are required should be addressed at that time. It is our understanding that all proposed road widths within the road hierarchy of the I&I site comply with Council and RTA standards. All future road designs that service internal traffic movements will be required to comply with Council's standards.

The channelized intersection along Forest road is proposed as part of any initial works in line with the requirements of the RTA. It should be noted that no specific commitment is made to the timing of through connection to the West of the site as this connection should occur in conjunction with the development of the site itself and not in advance of the site's overall development.

Council also raised queries regarding the future access to the Carmen property. These access arrangements are difficult to design in the absence of the internal design of the site's retail facility. In addition, I&I are not aware of any future plans that have been lodged for the Carmen property. Notwithstanding this, it is anticipated that future access to Forest Road in this vicinity will be limited to the channelised intersection to be constructed as part of the I&I site redevelopment. Therefore, the logical planning outcome for access to the Carmen property is via the proposed seagull intersection and then through the I&I site.

It is anticipated that the logical access to the Carmen site is along the southern or western boundary as indicated in figure 6 of the current application. This should be clarified during the development application process once detailed design for the retail site and the intersection has occurred. I&I will consider a commitment in the Statement of Commitments requiring any future application to provide access to the site along the southern or western boundary.

Other Matters

Council has raised concerns regarding the B4 zoning on the site. I&I have previously stated that a change in the zoning is acceptable, provided that it does not effectively "back zone" their property and limit potential future land uses. I&I has submitted a planning report to Council regarding this matter earlier this year and reiterates that it is open to changing the zone, provided the flexibility of the current zone is not compromised.

The Council has suggested that the site be subject to a Voluntary Planning Agreement (VPA). However in the context of the status of the service provision discussions already concluded with Council, and the newly adopted contributions plan, a VPA is not sought by I&I, nor considered necessary for the development of the site.

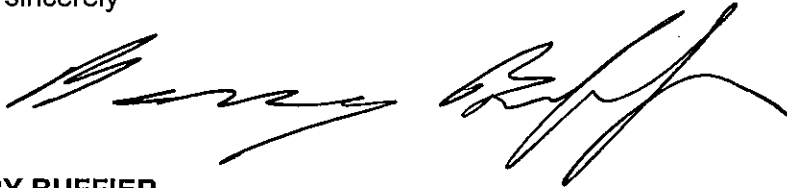
We trust that the above explanation provides some clarity and addresses many of Council's main concerns. It is anticipated that a development application will address with more certainty the exact lot yields and dimensions. The role of the concept plan application is to provide a framework for ensuring that the site will be developed in accordance with Council's design standards. We would appreciate if Council could respond to this letter clarifying its position regarding the matters mentioned above and in particular:

- the proposed development area for the residential subdivision including the open space provision

- the internal road hierarchy and its compliance with Council's own DCP and road width standards
- the acknowledgement that Council and RTA design documents support a channelised intersection on Forest Road, notwithstanding that detailed design is required to be submitted for approval

If you have any further queries or wish to discuss the matter please do not hesitate to contact Olga Masella of the State Property Authority on 93387046.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Barry Buffier', with a stylized, flowing script.

BARRY BUFFIER
ACTING DIRECTOR-GENERAL



D10/24248
PR4075

14 December 2010

Barry Buffier
Acting Director-General
NSW Industry & Investment
PO Box K220
Haymarket NSW 1240

Dear Mr Buffier

**MAJOR PROJECT APPLICATION - DEPARTMENT OF INDUSTRY AND INVESTMENT
(I&I) SITE SOUTH ORANGE**

Following our meeting of 17 November 2010 in Sydney, and in respect of your letter received 19 November 2010 in which you request our response and clarification of the matters raised, I wish to advise the following. I apologise for the delay.

Exhibition

On 6 December 2010, the Draft Orange Local Environmental Plan 2010 was placed on exhibition. Exhibition will end at 5.00 pm on Monday, 14 February 2011. The Draft LEP contained zonings and lot sizes for the South Orange Precinct consistent with our approach to data and discussions with the Department of Planning.

We welcome any submission from the Department.

I reiterate that Orange City Council is not opposed to the South Orange development; rather, seeks more of a staged approach to the development in the context of our overall servicing plan for the area. We welcome the opportunity to continue to work with your team as you proceed to the Project Approval stage.

Retail

Council retains the view that for the short to medium term the population in the South Orange catchment (by any reasonable definition of that catchment) is inadequate to support an increased retail floor space of 3,500m². Should such a centre be built it would therefore need to draw significant trade away from the CBD to be viable. This has the potential to undermine the performance, vitality and regional significance of the Orange CBD, a viewpoint Council has consistently maintained in recent years.

MAJOR PROJECT APPLICATION - DEPARTMENT OF INDUSTRY AND INVESTMENT (I&I) SITE SOUTH ORANGE

14 December 2010

Council has never received documentation to the contrary. The Pitney Bowes analysis covers the question of how large a South Orange centre would need to be in order to be viable. However, this has not addressed the more fundamental question of what impact such a centre would have on the main CBD.

Pitney Bowes assert that because the South Orange complex would open at a different time to the North Orange complex there is no significant impact. This does not address the cumulative effect, over a relatively short space of time, on the Orange CBD of two additional retail centres. The difference being that the North Orange complex will serve a significant and growing existing population, whereas the South Orange complex will, in the early years at least, be reliant on drawing trade away from the CBD.

We trust this clarifies why Council does not support the proposed increase in retail space to 3,500m² prior to the establishment of a sizeable population base in the South.

With regards to the Leyshon Consulting report, this has previously been provided to the Department of Planning as part of our efforts to prepare the standard LEP. Our letter was in response to the Department of Planning's request for input into the drafting of Director General's Requirements, consequently we presumed that they already had access to the document and that it would be superfluous to send a further copy.

Subdivision design

Our reference to "best practice" design should not be viewed in the narrow terms of street layout alone. Rather the critique extends to the lack of any mix of allotment sizes, housing forms and types. In particular, the absence of any medium density opportunities in proximity to the commercial area seems to be an opportunity missed. Integrating such forms would only help to boost vitality and activity in a fledgling precinct and would reinforce the centre in the long term. Yet the concept plan offers only low density detached housing lots. Naturally, a mixture of forms would influence the location and design of open space provision so that residents have reasonable amenity.

The use of a 'deformed' street grid is not, of itself, opposed. However, in laying out the grid and the abundant use of staggered T intersections the design effectively thwarts any future attempt to provide a viable connection with Shiralee Road. A future Shiralee Road connection would result in significant volumes of traffic seeking both the base hospital and the shopping centre. With the current design this traffic would be required to proceed through a rat run of streets not designed for the volume.

It is considered that minor realignment of some of the roads, with a reduction in the use of staggered T intersections, and some widening of a Shiralee Road connection route would greatly assist the long term strategic planning of the City and enable future urban development to the west of the site to be designed in an efficient and orderly fashion. Conversely, the current concept layout appears to hinder future interconnection to the northwest. Given that the proposal is seeking to establish a traffic attractor and occupies land between the base hospital and a future urban growth corridor Council would prefer a different layout.

**MAJOR PROJECT APPLICATION - DEPARTMENT OF INDUSTRY AND INVESTMENT
(I&I) SITE SOUTH ORANGE**

14 December 2010

Furthermore, given the negligible population catchment we do not understand why the development is not actively seeking to provide a more direct connection with Shiralee Road as this would only serve to enhance the trading performance of the centre.

As the zoning of this land occurred outside of the normal local government planning processes, the current DCP needs to be updated to integrate the site with the remainder of the City. Council believes the site would benefit from a master plan within the DCP to address the particular context of the site and its relationship to the future growth of Orange. Such a master planning exercise would naturally include appropriate structure plans, road network integration and the like, that relate the estate to the broader context of South Orange. Therefore, we are concerned that any concept plan approval needs to avoid compromising Council's ability to properly plan South Orange's future in the short, medium and long term.

Open space

Your letter suggests a marginal increase in open space, whereas our submission had indicated that open space had been reduced. In the breakdown of public open space calculations you indicate a 'Western Boundary Park' of 1.35Ha as a component of this open space. It is unclear whether this is a reference to Lot 7012 DP 1125624, a 30m wide reserve running along the western boundary of the site. If so you are advised that Lot 7012 is not part of the site and should not be counted towards public open space of the development.

I note that your on-site investigations have revealed the drainage line in the southern portion of the site to be less significant than originally presumed. Accordingly, there is seen to be little obstacle to reconfiguring the proposed layout to take better account of future traffic connections with Shiralee Road.

Traffic connections

I note and agree that the future connection to Shiralee Road would require modification of the proposed internal road hierarchy from a local traffic scenario to cater for more inter district flows.

Your view that any intersection or road upgrades within the site, that may be required by future development of land to the west, should be addressed at the time of the future development of the land to the west is not supported. Once the concept plan is approved Council's ability to seek appropriate changes in the layout of each stage will be minimal and once the estate is constructed the opportunity to provide appropriate roads and road widths to cater for the inter district flows would be lost. It is therefore imperative that the concept plan does not, in effect, eliminate this potential.

Once again, the fact that the DCP has not provided for this eventuality is acknowledged but it needs to be recognised that this omission is the result of the DCP having been drafted prior to the imposition of the current zoning pattern. Council is in the process of revising the DCP to relate to the draft Orange LEP 2010 and, in doing so, we shall be establishing an appropriate future inter district road network for South Orange - in recognition that the sustainable settlement strategy recognises the (long term) future of South Orange as an urban area. This includes lands to the west of the subject site.

MAJOR PROJECT APPLICATION - DEPARTMENT OF INDUSTRY AND INVESTMENT (I&I) SITE SOUTH ORANGE

14 December 2010

Given that the concept plan itself includes two commercial areas that will become significant attractors in their own right, the proposition that the development should not facilitate inter district flows is questioned. Having imposed a new zoning regime in the area it should be self evident that Council now needs to create an appropriate framework for the integration of the site with future development in the vicinity. In this regard there are two obvious westerly connection points and any design should have been predicated on the assumption that Council would want to ensure that both realistically available and functional. Whereas the proposed concept plan effectively excludes any meaningful use of the Shiralee Road connection.

Intersection design

In principle, Council agrees with the concept of a channelised intersection on Forest Road, however Council and the RTA would reserve the right to require a higher standard of intersection once more detailed designs and engineering plans are undertaken.

The detailed design would include, but not be limited to, the proximity of other intersections, horizontal and vertical alignments, and future traffic loadings. Alternative designs to accommodate the expected and future loadings may involve a roundabout or traffic lights.

Road widths

The main link road through the development is proposed to have a 22 metre wide road reserve, 13 metre wide carriageway and 4.5 metre footpaths. This is in accordance with Council's development and subdivision code and is described as a Major Inter-district Through Road.

It is recommended that to provide a link into Shiralee Road that a road reserve in accordance with Council's development and subdivision code and described as Local Distributor and Residential Ring Road (20 metre wide road reserve, 11 metre wide carriageway and 4.5 metre footpaths) be provided through the development.

Section 94 contribution and Section 64 Water and Sewer

In recent discussions it has been agreed that Council's current Section 64 water and sewerage headwork charges would apply to the development and that demand on Council's infrastructure would be managed in consultation with Council's engineers to ensure the timely provision of water and sewer infrastructure.

It is noted that the DI&I have acknowledged and accepted Council's recently adopted 2010 contribution plan, which includes a cost of the channelised intersection. This contribution may need to be revised if additional or alternative works are required.

Carman property

Council welcomes the suggestion that I&I "will consider" a commitment in the Statement of Commitments to address access to the Carman property in future applications.

**MAJOR PROJECT APPLICATION - DEPARTMENT OF INDUSTRY AND INVESTMENT
(I&I) SITE SOUTH ORANGE**
14 December 2010

Zoning

I acknowledge the previous I&I advice accepting zoning changes required by the draft LEP and the proviso that you wish to preserve the range of uses currently available. Particularly in relation to the northern section of commercial land. Council has proceeded in this regard with what we believe is an appropriate zoning regime that takes your concerns into account. The draft LEP has recently been certified by the Department of Planning to allow it to go on exhibition. The exhibition period commenced on Monday 6 December 2010 for a period of 10 weeks (concluding 14 February 2010).

Should the Department of Planning direct us to incorporate a listing in the schedule of Additional Permitted Uses (APU) or alternatively create a new zone tailored to this site (the northern commercial area) we would also be willing to proceed on that basis. In this respect we have drafted an Additional Permitted Use listing that could be inserted into schedule 1 to cover any missing land uses. Alternatively, we have also drafted an additional zone, beyond those in the standard template, however this would require a substantial policy shift by the Department of Planning. We suggest that you consider this issue during the exhibition period and make a submission detailing your preferred approach to resolving this issue.

Particular responses requested

In addition to the matters raised in the body of your letter, you have also requested a response on three specific matters. These are detailed below

The proposed development area for the residential subdivision including the open space provision

It is not clear what response is sought by this statement.

The internal road hierarchy and its compliance with Council's own DCP and road width standards

As stated above, the main link road complies with Council's development and subdivision code but an additional Local Distributor and Residential Ring Road (20 metres wide) is required to link through the development to Shiralee Road.

The acknowledgement that Council and RTA design documents support a channelized intersection on Forest Road, notwithstanding that detailed design is required to be submitted for approval.

Agreed subject to the rider detailed above.

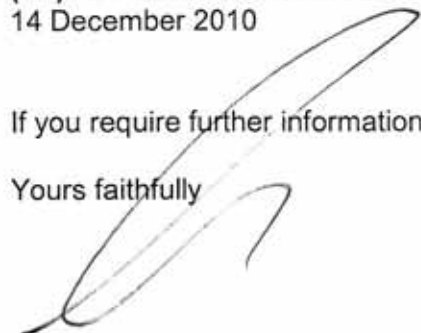
There is one final issue that was flagged during our meeting on which Council requests clarification, namely, what is DI&I's intention for the future and long term ownership/management of the northern reserve and large dam?

I trust the above, together with our formal submission to the Department of Planning, adequately clarifies Council's position in regard to the concept plan application.

**MAJOR PROJECT APPLICATION - DEPARTMENT OF INDUSTRY AND INVESTMENT
(I&I) SITE SOUTH ORANGE**
14 December 2010

If you require further information, please contact me on 6393 8261.

Yours faithfully

A handwritten signature in black ink, appearing to be 'David Waddell', written over the 'Yours faithfully' text.

David Waddell
DIRECTOR DEVELOPMENT SERVICES
lgm



Industry & Investment

OFFICE OF THE DIRECTOR-GENERAL

COPY

DGO10/1051

Mr Garry Styles
General Manager
Orange City Council
PO Box 35
Orange NSW 2800

17 DEC 2010

Dear Mr Styles *Garry*

I refer to the letter of December 14 2010 from your Mr David Waddell, Director Development Services to the Acting Director General of Industry and Investment, Mr Barry Buffier in relation to the Department of Industry and Investments' proposed development in South Orange. The details contained in the letter were disappointing, as I understand the spirit of the meeting held in November was very positive. The letter addresses a number of issues but, for simplicity we have identified what we think are Council's three specific areas of major concern:

- Retail
- Open Space
- Road Connections to the West

We are seeking clarification on the following points of Mr Waddell's letter:

Retail

I understand that Council does not support the increased retail area. however I believe the comments in Mr Waddell's letter are not correct. It is suggested that the Pitney Bowes Report does not address the impact of the South Orange Retail on the CBD retail. However, on Page 49 and 50 of Annexure 4 in the EA the impacts are stated in their report down to % impacts on existing retail trading in the CBD. It would be helpful to know if Council is disagreeing with the figures in the report or, have not taken them into account at this stage. I am happy for someone to challenge the figures and then to discuss further, however from your officer's letter it appears that they have as yet not be considered.

Open Space

Mr Waddell's letter suggests that it is unclear on the open space calculation.

We did not include any linear strips of open space that are outside our site. The open space calculation is based on the contiguous open space of the riparian corridor that branches out to the west and connects to the more formalised park in the centre. The issue which needs to be addressed is,

is the Open space area of 4.6ha in principle enough open space for a development this size?

Please note that this open space is greater than the plan submitted with the rezoning not a reduction as Council suggested earlier.

Road Connections to the west

Mr Waddell's letter refers under several headings of a second connection to the west via Shiralee road. We believe that this is a relatively straight forward issue. Put simply, if I&I NSW show a modified road layout that includes a 20 metre wide road connecting to Shiralee road, and then ultimately connecting to Forest Road via the proposed intersection, would council be able to say that they support the road network with two connections to the west?

I have attached a copy of Mr Waddell's letter for your information and I look forward to resolving these issues as soon as practicable.

Yours sincerely



**RICHARD SHELDRAKE
DIRECTOR GENERAL**

encl.

D10/25455
PR4075

23 December 2010



Richard Sheldrake
Director General
NSW Industry & Investment
PO Box K220
Haymarket NSW 1240

Dear Mr Sheldrake

DEPARTMENT OF INDUSTRY AND INVESTMENT (I&I) SITE SOUTH ORANGE

I refer to your letter received 17 December 2010 in response to Council's letter to Acting Director General, Mr Barry Buffier, of 14 December 2010. I acknowledge that Council's letter was quite detailed owing to the significant and permanent implications that such a proposal has for Council's core functions and responsibilities. Whilst I acknowledge the meeting was very positive, I was keen to document thoroughly our position.

In respect of the three matters addressed in your letter and following due consideration I wish to advise the following.

Retail

As previously advised Council acknowledges the Pitney Bowes Report addresses the economic impacts of the proposal upon the CBD. Our concern has always been that this assessment has not considered the cumulative impact arising from the emergence of both the North Orange commercial precinct in addition to the NSW I&I proposal. We retain the view that the details provided on page 49 and 50 of Annexure 4 in the EA do not address this cumulative effect.

Pitney Bowes describe the impacts, of this proposal in isolation, as equating to a range of between -4.6% through to -6.9% for different parts of the CBD and asserts that "Generally, the levels of impact projected will not threaten the ongoing viability of existing retail centres or precincts ...". However, it is difficult to see how such conclusions can be reached when the analysis has not had regard for the likely impacts on the CBD that may arise from the already approved North Orange complex. Should these impacts be of a similar scale it is conceivable that opening a second out-of-centre commercial precinct could undermine the trading performance of the CBD.

I say 'conceivable' because the omission of this matter from the Pitney Bowes analysis leaves room for considerable doubt and uncertainty, and it is this uncertainty that underpins Council's concern.

Open Space

I appreciate the clarification of the open space calculation and advise that 4.6ha is considered to be an appropriate amount of open space for a development of this size. Naturally, the distribution of the open space should be designed to maximise public benefit in broad terms. The suggestion to modify the road layout (discussed below) may necessitate some reallocation of open space, however provided the overall extent remains consistent with the current proposal Council will raise no objection.

ORANGE CITY COUNCIL

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DEPARTMENT OF INDUSTRY AND INVESTMENT (I&I) SITE SOUTH ORANGE

23 December 2010

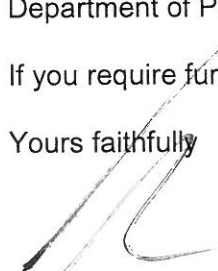
Road Connections to the West

Council is gratified by your response on this matter. I confirm that if I&I submit a "modified road layout that includes a 20 metre wide road connecting to Shiralee Road, and then ultimately connecting to Forest Road via the proposed intersection" Council would support such a road network with two connections to the west.

As already stated, this advice is predicated on the assumption that the full range of matters previously raised, such as access to the Carman property, will receive full and proper consideration in any modified layout that forms part of I&I's formal response to the Department of Planning.

If you require further information, please contact me on 63938261

Yours faithfully


David Waddell**DIRECTOR DEVELOPMENT SERVICES**

rjc