

Our Ref: L5PJB18001.docx

20 May 2020

Orange City Council
PO Box 35
ORANGE NSW 2800

Attention: Craig Mortell

Dear Craig

PLANNING PROPOSAL TO REZONE PRECINCT 1 BLOOMFIELD PRIVATE HOSPITAL SITE FROM R1 GENERAL RESIDENTIAL TO B2 LOCAL CENTRE, 1517 FOREST ROAD, ORANGE

In accordance with Item 1 of the Gateway Determination of 5 May 2020, the Planning Proposal has been updated to the following effect:

- a) proposed Floor Space Ratio (FSR) will be 0.185, not 0.37; and
- b) to apply the FSR controls to 'retail premises' only.

Please note that since the Planning Proposal was lodged the following circumstances have changed:

1. As a result of recent subdivision, the real property description of the land is now Lot 4 DP 271257 but the site/extent of the proposed B2 Zone will remain unchanged.
2. The Part 3A Concept Approval (MP 07_0072) has been voluntarily surrendered (essentially to facilitate the process for this Planning Proposal). However, it should be noted that the surrender of the Concept Approval does not result in the surrender of the Project Approvals referred to as MP 08_0232 (relating to Precinct 1 of the former Concept Approval) and MP 08_0233 (relating to Precinct 2 of the former Concept Approval). The development that is the subject of those Project Approvals was declared to be State Significant Development by order made on 19 September 2018, with the effect that those Approvals are now taken to be Development Consents.

Further to Point 1 above, recent experience with cross boundary zoning and land use characterisation has indicated that in some cases there may be an issue with permissibility particularly where the access to a development in one zone is via land in a different zone. In this regard, if Council considers it is necessary to extend the proposed B2 Zone to include the driveway system, it is acknowledged that the final FSR will need to operate to the effect that no more than 2,923m² of retail space will be created (consistent with the figure provided in *Section 3* of the Planning Proposal (page 13)). In this context, it is requested that further consultation be held between the applicant and Council prior to finalisation of the LEP mapping.

We trust this is satisfactory but would be pleased to discuss any aspect further.

Yours faithfully

Peter Basha Planning & Development

Per:

PETER BASHA