

# CHAPTER 1 BACKGROUND

The Lithgow Local Government Area (LGA) was proclaimed on 26 May 2004 and incorporated parts of the former Rylstone and Evans Shires. The LGA covers an area of approximately 4,551 square kilometres.

As a result of the local government amalgamations the LGA is governed by two environmental planning instruments, both of which were gazetted in the early 1990s.

This Strategy represents the first strategic review of these instruments and land use planning in general since the early 1990s.

## INTRODUCTION

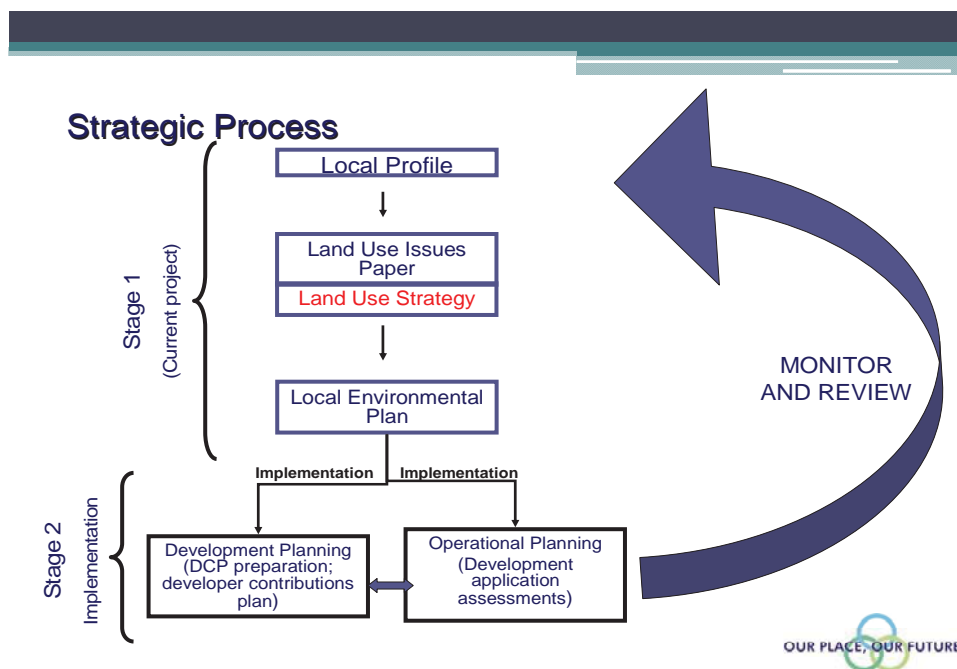
All local government authorities in NSW are required to prepare a new comprehensive local environmental plan (LEP) in accordance with the Standard Instrument Local Environmental Plan as introduced by State Government Planning Reforms in March 2006.

As part of the reforms, NSW Department of Planning provided funding through the Planning Reform Fund to assist with development of the comprehensive LEPs and any necessary strategic planning and studies required to inform the new LEPs. Lithgow City Council was successful in gaining considerable funding assistance under this fund and commenced the necessary strategic planning work in late 2005.

The Lithgow City Local Profile that provides a snapshot of the social, economic and environmental profile of Lithgow LGA was completed in 2007 and in part informed the 2007 Lithgow City Strategic Plan.

The Strategic Framework for the development of the new LEP is outlined in the Figure 1

Figure 1. Strategic Process



This Strategy, being the Lithgow Land Use Strategy 2010-2030, is a combined Land Use Issues Paper and Strategy. It explores the issues that currently face the Lithgow LGA and recommends a new planning approach to address these issues. The Strategy will be implemented through the planning system, primarily through a new Local Environmental Plan and Development Control Plan, as well as Council's other policy, regulatory and governance functions.

This Strategy is significant to Council and the community because it will set directions for the LGA's settlement and land use management for the next 20 years.

## COMMUNITY VISION

The following overarching vision was developed in collaboration with the community and adopted by Council in October 2006:

"A centre of regional excellence that:

- Encourages community growth and development
- Contributes to the effective and efficient management of the environment, community and economy for present and future generations"

The following vision statements were developed to support the overarching vision statement:

Community	We retain, respect and strengthen both our overall sense of community, and the unique linked communities of groups, rural areas, villages and towns that make up the Lithgow LGA.
Transport	Providing a choice of effective public and private transport options for those who live, work and visit our community.
Employment	Developing and embracing diverse job opportunities for all ages and abilities.
Heritage	Celebrating, protecting and sustaining our unique industrial and natural heritage, its cultural landscapes and its built heritage.
Education	Progressing to a "learning city of excellence" with a broad range of formal and non-formal education services.

Health	Creating a healthy community providing opportunities and facilities for a healthy lifestyle.
Environment	Balancing, protecting and enhancing our diverse environmental elements, both natural and built, for the enjoyment and support of both current and future generations.
Arts and Culture	Supporting, celebrating and expanding a diversity of cultural and creative adventures that explore and discover the richness in our society.
Youth	Providing suitable entertainment and recreational facilities; education and employment opportunities and lifestyle choices for our valuable community of young people.
Growth	Providing for sustainable and planned growth, while enhancing the existing rural and village identity.

Source: Lithgow City Council Strategic Plan 2007

These visions underpin the recommended strategies and actions presented in this Strategy.

## AIMS AND OBJECTIVES OF THE LAND USE STRATEGY

The aims and objectives of the Land Use Strategy include:

- A thorough consultative process to incorporate both community and government participation and involvement in the development of the Strategy in accordance with an agreed Consultation Program.
- Consideration of additional residential land supply and initiatives to satisfy the projected demand and its demographic profile.
- Consideration of additional commercial and industrial land supply and initiatives to reconcile the changing character of existing areas and specific actions or responses to encourage economic development in a sustainable manner.
- Consideration of a land supply to accommodate the infrastructure and institutional needs of the projected population.
- Consideration of the management of existing and future rural settlement that will accord with the rural planning principles of Part 2 & 3 of State Environmental Planning Policy (Rural Lands) 2008.
- Determination of a single or range of minimum lot sizes for subdivision of rural land for commercial agriculture with an attached dwelling entitlement that will accord with the rural planning principles of Part 2 & 3 of State Environmental Planning Policy (Rural Lands) 2008.
- Consideration of the protection of land used for all forms of primary production (agriculture, forestry, mining, extractive industries, wind energy generation etc).
- Consideration of the future management of environmentally sensitive lands and the protection of natural resources in both the rural and urban context.

- Consideration of the recreational land supply (both passive and active) to meet the needs of the projected population.
- Consideration and recommendations of the individual rezoning requests received by Council.
- Justification in broad strategic terms, using best practice, for any proposal to initiate land use change.

## STRATEGY FORMAT

The strategy document is presented in four parts as follows:

### PART 1 STRATEGIC OVERVIEW

This part seeks to provide:

- The background to the development of the strategy and its aims and objectives;
- The regional context of the LGA and the external factors that impact upon its future planning
- The legislative and policy framework that underpins the development of the strategy and planning tools to implement its recommendations

### PART 2 STRATEGIC DIRECTION AND PRINCIPLES

This part seeks to identify strategic directions and actions as a response to consideration of issues that affect the following factors across the LGA:

- Growth Management and Structure
- Social and Economic
- Infrastructure
- Environmental Protection and Natural Resource Management
- Cultural and Built Heritage

### PART 3 LAND USE DIRECTIONS AND PRINCIPLES

This part seeks to identify strategic principles and actions as a response to consideration of the issues that affect the following land uses in the LGA:

- Rural
- Large Lot Residential
- Residential
- Employment Lands
- Open Space and Recreation

## **PART 4 IMPLEMENTATION FRAMEWORK**

This part seeks to bring together the findings of the Local Profile, Issues Analysis and recommendations of this Strategy for each of the planning precincts and their key settlement areas in the following way:

- A consolidated list of the recommended strategies and actions.
- Summary of the key characteristics of each precinct with a SWOT analysis.
- An implementation framework for each precinct presented spatially including.
- A plan showing the existing zoning of each planning precinct.
- An LEP direction plan for each planning precinct and key settlement areas within that indicates the proposed land use changes and directions to be implemented and/or further considered in the 2012 LEP.
- A strategic directions plan that indicates the directions of the strategy that are deferred beyond the 2012 LEP. This plan represents the desired future land use and structure of each planning precinct that may be achieved in incremental stages over the 20 year life of the Strategy.

## **APPENDICES**

### **Appendix 1: Supply and Demand and Constraints Analysis**

This appendix contains an analysis of supply and demand of all land use designations and the findings of a primary desktop constraints analysis.

All identified constrained lands have been removed from supply calculations to provide a more realistic supply scenario.

### **Appendix 2: Community Profile by Precinct**

This appendix contains a demographic profile of each planning precinct containing data taken from Council's on-line Id community profile considered most relevant to land use planning.

### **Appendix 3: Heritage Listings**

This appendix contains a consolidated list of proposed heritage items and conservation areas proposed to be listed in the 2012 LEP and a series of maps which spatially indicate the location of these conservation areas.

# CONSULTATION

## PUBLIC EXHIBITION PROCESS

The Draft Lithgow Land Use Strategy was placed on continuous exhibition from the 5<sup>th</sup> May 2011 until the 31<sup>st</sup> July, 2011.

In this period Council undertook an extensive public exhibition process and community and government authority consultation program as outlined below:

Table 1. Summary of Community and Government Authority Engagement Program

OPEN HOUSE SESSIONS		
Location	Date Held	Number of attendees
Lithgow	16 May 2011	9
Rydal	17 May 2011	27
Portland	18 May 2011	15
Capertee	19 May 2011	26
Lithgow - Valley Plaza - Fri	20 May 2011	28
Lithgow - Valley Plaza - Sat	21 May 2011	15
Wallerawang	24 May 2011	9
Lithgow - Evening	25 May 2011	8
Hartley	26 May 2011	20
<b>TOTAL</b>		<b>157</b>
*In addition to these sessions Council officers received a large number of phone and counter enquiries as well as meeting individually with many members of the public.		
STAKEHOLDER MEETINGS		
Location	Date Held	Number Invitations/Number of Attendees
Reserve Road Marrangaroo	6 June 2011	36/15
Real Estate Agents	7 June 2011	13/5

<b>GOVERNMENT AUTHORITY FORUM/MEETINGS</b>		
<b>Location</b>	<b>Date Held</b>	<b>Number of Invitations/ Number of Attendees</b>
Lithgow	27 May 2011	52/13
Dubbo (DoP and EOH)	23 August 2011	4/5
<b>NOTIFICATION LETTERS</b>		
<b>To</b>	<b>Date Sent</b>	<b>Number</b>
Government Authority/Agencies	2 May 2011	52
Persons who have registered an interest in process	3 May 2011	337
Progress Associations	3 May 2011	15
All Rural Ratepayers (as a response to community)	22 June 2011	2094
<b>RESIDENT FEEDBACK REGISTER</b>		
<b>To</b>	<b>Date Sent</b>	<b>Number Sent/ Number Returned</b>
Members of the Resident Feedback Register	29 April 2011	199/26

## SUBMISSIONS RECEIVED

Council received an unprecedented number of submissions. Written submissions in the form of letters and emails were received as well as completed submission/feedback forms.

The table below summarises the number of written submissions received and their form:

Table 2 Summary of written submissions

<b>FORM</b>	<b>NUMBER RECEIVED</b>
Individual Letter/Email	332
Individual Public Submission Form	130
Business on behalf of Individual/s	33
Government Authority/Agencies	17
Anonymous	15
<b>TOTAL</b>	<b>527</b>

\*Note: A small number of individuals submitted more than one submission. The total above reflects all submissions lodged and not the number of persons lodging submissions.

All written submissions received were placed on Council's website for public viewing with private information or information of a commercial in confidence nature removed.

The number of submissions received reflects not only the level of interest and concern within the community but also the relative success of Council's consultation program in engaging with the wider community and encouraging debate on the critical issue of local planning policy.

The overwhelming majority of submissions received were in relation to the proposed changes to rural land policy within the Local Government Area.

A detailed analysis of the 527 submissions received has been undertaken. The key themes and issues have been identified and these are commented upon in the following tables.

The key issue areas of the submissions received are summarised below along with a relevant response:

## GENERAL ISSUES

Key Issue – What the submissions have said	Response
<b>Consultation Program</b>	
<ul style="list-style-type: none"> <li>Insufficient time to comment</li> </ul>	<p>The initial public exhibition period was a total of six weeks. At the end of this exhibition period Council responded to the community's request for an extension of the exhibition period by continuing the exhibition period for a further six weeks.</p>
<ul style="list-style-type: none"> <li>Many people may still be unaware of the existence of the Draft Strategy and what it means. Council should have written to all landowners at the start of the exhibition period</li> </ul>	<p>The engagement program for the Draft Strategy was far in excess of any other community engagement program undertaken by Council. Despite all efforts to engage with the community Council became aware towards the end of the initial exhibition period that many in the community may still not have been aware of the existence of the Draft Strategy or what it involved.</p> <p>As the issue of most concern raised with Council was in relation to rural land policy Council resolved to write to all rural landowners at the beginning of the second six week exhibition period.</p>
<ul style="list-style-type: none"> <li>Document was too large and difficult to read</li> </ul>	<p>The document was written as a planning document and as such involved extensive information, analysis and complex planning principles.</p> <p>A written summary document was prepared to assist with the community engagement program, along with displays, public open house meetings, individual meetings, press releases and radio interviews.</p>
<ul style="list-style-type: none"> <li>Workshops should have been held with the community prior to the draft being finalised for full public exhibition</li> </ul>	<p>The planning process used to develop the Draft Land Use Strategy commenced in 2006 with the development of the 2007 Strategic Plan. This process involved an extensive community visioning process and identification and verification of planning issues facing the LGA. In addition a number of other strategic documents including the Economic Development Strategy and Social Plan for example were developed and now inform the Draft Land</p>

	<p>Use Strategy. These also involved considerable consultation with the community.</p> <p>These documents assisted with identifying land use issues and the strategies to address them which were combined in the Draft Land Use Strategy forming both an issues paper and strategy in one.</p>
<ul style="list-style-type: none"> <li>Meetings arranged by the community were more useful than Council open house sessions or one on one discussion with staff</li> </ul>	<p>The community public meetings were successful in raising public awareness of the Draft Strategy recommendations.</p>
<b>Policy Decision Making</b>	
<ul style="list-style-type: none"> <li>Community questioned Council's power to make the policy decisions presented in the Draft Strategy</li> </ul>	<p>Part 3 of the Environmental Planning and Assessment Act provides Council as a planning authority with the power to prepare or amend Local Environmental Plans subject to a legislated process.</p> <p>The development of a Land Use Strategy is a significant part of this process and seeks to provide planning direction for the longer timeframe.</p> <p>Similarly public and government agency consultation is also a significant component of this process.</p> <p>Council has the powers to make the policy decisions presented within the Strategy.</p> <p>Development standards in Local Environmental Plans can be reviewed and amended at any time within the legal and planning framework set by State legislation and policy.</p>
<ul style="list-style-type: none"> <li>Legal recourse/class action muted should Council not review and amend the Draft Strategy recommendations</li> </ul>	<p>Council is acting in good faith and within the parameters of a strategic planning process endorsed by the NSW Department of Planning.</p> <p>The new Local Environmental Plan will be developed in accordance with the legislative process of the Environmental Planning and Assessment Act 1979.</p> <p>Legal advice provided to Council advises that there is no legal precedence for class action of this nature.</p>
<b>Growth Management Principles</b>	
<ul style="list-style-type: none"> <li>Target growth rate of between 0.5 and 1% is too low</li> </ul>	<p>The target growth rate is just that a target. It is not a limitation on future growth. The Draft Land Use Strategy has identified strategic lands in each category to cater for growth in excess of the target rate.</p>
<ul style="list-style-type: none"> <li>Cluster planning approach based on established/desired settlement hierarchy is flawed and perceived as social engineering. Council should not dictate where people choose to live</li> </ul>	<p>The identification of a desired settlement hierarchy is a sound planning principle designed to align population density with the ability of areas to provide essential and higher order services and facilities.</p>
<ul style="list-style-type: none"> <li>Many see it as too late to "shut the gate" on dispersed rural living and that market forces should be allowed to dictate where dwellings and settlement occurs</li> </ul>	<p>It is recognised that the rural areas of the LGA are extremely fragmented, particularly in the south.</p> <p>However, further significant land fragmentation can still occur should the current minimum lot size of 40ha be retained across the LGA. The impact of this is a potential</p>

	3,545 new dwellings in rural areas.
<ul style="list-style-type: none"> <li>Draft strategy rural planning recommendations will stifle growth and force people to relocate to neighbouring LGA's</li> </ul>	<p>The 40ha minimum lot size has been in place across the majority of the rural areas in the LGA since 1969. This has not resulted in the growth of the overall population in this time.</p> <p>The neighbouring LGAs experiencing growth all have proposed a MLS in excess of 40ha with the exception of the former Rylstone area in Mid Western Regional LGA.</p> <p>Growth in these areas is being achieved within the urban areas.</p> <p>For example Bathurst grew by 5.2%% between 2001 and 2006. The rural minimum lot size in the Bathurst LGA is 200ha and 100ha in the former Evans Shire LGA area.</p> <p>Enquiries with neighbouring LGAs have revealed that it is likely that the predominant rural minimum lot size in these LGAs will be 100ha.</p>

## RURAL ISSUES

Key Issue – What the submissions have said	Planning Comment/Response
<b>Objection to removal or sun setting of current rural dwelling provisions</b>	
<ul style="list-style-type: none"> <li>Interpreted as "unlawful" retrospective legislation</li> </ul>	<p>The right to lodge a development application for the erection of a dwelling (otherwise referred to as dwelling entitlements) on rural lands are governed by development standards contained within an LEP in relation to MLS or other performance criteria.</p> <p>These standards and provisions are reflective of planning policy at the commencement date of the LEP but can be subject to change at any given time in the future through alteration to that LEP.</p> <p>Although the sun setting of these provisions is lawful, it is recognised that the social and economic implications of such policy had not been given sufficient weight in the Draft Land Use Strategy.</p> <p>Please refer to Chapter 9 that details the recommended actions in respect of retaining dwelling provisions in the new LEP.</p>
<ul style="list-style-type: none"> <li>Loss of land value</li> </ul>	<p>The value of land is driven by market forces and the Valuer General's review of market forces. With a change in land use policy, some land may lose its potential value, while other land may potentially gain value. For example a large oversupply on the market at any one time can significantly reduce market and land values, while controlled release of land may strengthen market and thus land value.</p>

<ul style="list-style-type: none"> <li>Loss of investment</li> </ul>	Investment in land for future positive return is speculative in nature and does not necessarily provide long term investment security. Market forces and the potential for planning law governing the use of that land to change may influence how well the investment achieves its returns.
<ul style="list-style-type: none"> <li>Does not allow for long term investment decisions made</li> </ul>	See above comment
<ul style="list-style-type: none"> <li>Will stifle growth opportunities and not capitalise on the LGA's proximity to Sydney and the new government incentive of \$7,000 regional relocation assistance</li> </ul>	The current 40ha MLS has been in place across the rural areas of the LGA since 1969. This has not resulted in the growth of the overall population of the area in this time. It is not MLS in the rural areas that determines overall growth; as is evidenced by growth in areas such as Bathurst, that has a 100ha & 200ha MLS.
<ul style="list-style-type: none"> <li>Policy will lead to poor environmental outcomes such as low cost housing to secure entitlement; illegal dwellings; lack of investment in land management such as weed control, bushfire management, fencing</li> </ul>	This report proposes that building entitlements on allotments currently approved by subdivision and existing holding entitlements be retained.
<ul style="list-style-type: none"> <li>Policy may cause a rush of development applications for dwellings and create a false demand scenario in the short term</li> </ul>	This is a potential consequence of policy change that would need to be managed by Council and other authorities.
<ul style="list-style-type: none"> <li>Draft Strategy does not address provision for rural dual occupancy</li> </ul>	The Draft Strategy is silent in relation to rural dual occupancy development. Currently dual occupancy is permitted in the rural areas. As demand is currently low it is intended to carry this through to the new LEP and monitor its take-up over time to inform future LEP reviews.
<b>Objection to the proposed 400ha Minimum Rural Lot Size (MLS)</b>	
<ul style="list-style-type: none"> <li>Proposed minimum lot size is too high</li> </ul>	<p>The 400ha rural minimum lot size (MLS) has been identified as the MLS that would reduce fragmentation of rural land, consolidate residential land around villages and towns and assist with the timely and sustainable provision of infrastructure and services in the LGA.</p> <p>The reasons as set out in the Draft LUS for the proposed increase in rural MLS remain valid. However, based upon community comment, it is apparent that the community will not accept this significant increase.</p> <p>Chapter 9 outlines further options for a rural MLS that seeks a balance between sound planning principle and community expectation.</p> <p>These options are discussed in further detail in Chapter 9.</p>
<ul style="list-style-type: none"> <li>LGA has little agricultural land to conserve</li> </ul>	These issues have been addressed by the recommendation to amend the LUS with revised rural MLS options.
<ul style="list-style-type: none"> <li>Loss of land value</li> </ul>	
<ul style="list-style-type: none"> <li>Loss of superannuation</li> </ul>	
<ul style="list-style-type: none"> <li>Loss of investment</li> </ul>	
<ul style="list-style-type: none"> <li>LGA is already extremely fragmented and not likely to return to larger lot sizes through consolidation</li> </ul>	
<ul style="list-style-type: none"> <li>Will prevent farm succession and entry of young farmers</li> </ul>	The further fragmentation of land may, in itself, prevent viable farm succession and entry of young farmers unless it is intended that more intensive farm practices be adopted on smaller lots.
<ul style="list-style-type: none"> <li>Will stifle growth opportunities</li> </ul>	The current 40ha MLS has been in place across the rural areas of the LGA since 1969. This has not resulted in

	the growth of the overall population of the area in this time. It is not MLS in the rural areas that determines overall growth. Growth in industry, investment and economic activity is the major driver for overall growth; as is evidenced by growth in areas such as Bathurst. Bathurst has a 100ha & 200ha MLS.
<ul style="list-style-type: none"> <li>Does not allow for new emerging "boutique" rural industries</li> </ul>	The LUS has identified that an applicant can apply for a subdivision to create an allotment of any size for a purpose other than a dwelling. The current number of small lots throughout the LGA already provides significant choice.
<ul style="list-style-type: none"> <li>Will lead to poor environmental outcomes and land management as landowners struggle to deal with larger land holdings in marginal areas</li> </ul>	The management of land, no matter what the size depends largely upon the capacity of the land owner to manage the land. This report recommends an amendment to the LUS with revised rural MLS options.
<ul style="list-style-type: none"> <li>A one size fits all approach is flawed. One zone and one MLS does not allow for varying factors across the LGA. A more robust analysis is required</li> </ul>	The Draft recognises a range of options across the LGA.
<ul style="list-style-type: none"> <li>Merit based assessment should replace arbitrary MLS requirements</li> </ul>	<p>It is the role of the Land Use Strategy to identify issues and constraints that face the LGA whether they are environmental, economic or social in nature.</p> <p>Many issues and constraints go beyond property boundary and some even across LGA and regional boundaries.</p> <p>These constraints should be addressed at the highest level of planning and not deferred to a merit based assessment that has limited ability to deal with cumulative impact.</p>
<b>Provision of a range of more small rural lots</b>	
<ul style="list-style-type: none"> <li>Current supply does not meet demand</li> </ul>	The Supply and Demand Analysis that supports the LUS indicates that a sufficient supply of lots remains in the existing clustered large lot residential areas of the LGA to meet demand over the next 20yrs.
<ul style="list-style-type: none"> <li>Should be allowed in more locations</li> </ul>	The allocation of existing clustered large lot residential areas is adequate to meet expected demand. The allocation of further new release areas for this type of land use will be dependant on a substantial change in demand for this type of allotment. Allowance has been made in the LUS for inclusion of new small clustered large lot residential areas adjoining the Tarana, Capertee and Rydal villages.
<ul style="list-style-type: none"> <li>Unwillingness of landowners to subdivide misrepresents supply numbers</li> </ul>	A land monitor will be developed by Council to capture development data. This monitor will introduce a trigger point for reanalysis of supply areas based on demand. The willingness or otherwise of landowners to subdivide their land will be managed as part of this process.
<ul style="list-style-type: none"> <li>Council should consider reintroducing concessional small lots as an alternative to larger rural MLS</li> </ul>	The concessional small lots were removed by the State Government in 2008 via the Rural Lands State Environmental Planning Policy (SEPP), and it is unlikely that this policy direction will be reintroduced.
<ul style="list-style-type: none"> <li>Request for Rural Residential Extension at South Bowenfels. Two areas have been identified being River let hilltop (291ha) and McKanes Falls (73ha). Both these areas would yield around 125 lots of varying sizes.</li> </ul>	<p>The allocation of existing clustered large lot residential areas is adequate to meet expected demand. The allocation of further new release areas for this type of land use will be dependant on a substantial change in demand for this type of allotment.</p> <p>A land monitor will be developed by Council to capture development data. This monitor will introduce a trigger</p>

	point for reanalysis of supply areas based on demand and other factors that may influence demand such as major employment generating development.
<ul style="list-style-type: none"> <li>There are also some 28 requests for consideration of further areas for rural small lots received in 2006 predominantly around Portland.</li> </ul>	<p>The allocation of existing clustered large lot residential areas is adequate to meet expected demand. The allocation of further new release areas for this type of land use will be dependant on a substantial change in demand for this type of allotment.</p> <p>A land monitor will be developed by Council to capture development data. This monitor will introduce a trigger point for reanalysis of supply areas based on demand and other factors that may influence demand such as major employment generating development.</p>
<b>Rural land use conflict</b>	
<ul style="list-style-type: none"> <li>Draft Strategy has misrepresented land use conflict</li> </ul>	Land use conflict is of major concern to all planning authorities. One of the reasons why the process of land use planning is used is to minimise as far as possible the potential for conflict to occur. Issues of land use conflict have been raised in submissions received by Council to the LUS, validating the comments made regarding the land use conflicts that can occur between lifestyles and working farms; particularly in relation to farm equipment noise, control of weeds and domestic animals
<ul style="list-style-type: none"> <li>Draft Strategy does not recognise the valuable contribution to land conservation and community made by small rural landowners (lifestylers)</li> </ul>	<p>The importance of providing rural lifestyle options within the LGA is recognised by the LUS.</p> <p>The management of land, no matter the size (urban lot to large pastoral), depends largely upon the capacity of the land owner to manage the land.</p>
<ul style="list-style-type: none"> <li>Too much emphasis on protection of mining interests</li> </ul>	Council is bound by section 117 directions from the Minister for Planning to ensure that areas containing state significant resources are protected from encroaching development that may impact upon the ability of that resource to be won.
<b>Blackmans Flat</b>	
<ul style="list-style-type: none"> <li>Objection to the proposed heavy industrial zoning at Blackmans Flat. Suggests area should be zoned Village</li> </ul>	This area has significant and unresolvable land use conflicts between residential and power generation, mine activities and infrastructure.
<ul style="list-style-type: none"> <li>Objection to proposed heavy industrial zoning over existing Rural Small Holdings 1(c) land. Will affect amenity of approved small lots and the ongoing operation of the Jannei Goat Dairy</li> </ul>	<p>The Blackmans Flat area containing houses on the smaller allotments has never been zoned village by an environmental planning instrument.</p> <p>A village zone in this area is not appropriate in this location due to the presence of state significant mineral resource and power generation activities and there are no higher level services to support the range of uses permitted within Village zone.</p> <p>While current approved rural lots will remain available for development, no further land subdivision for the purposes of a dwelling is being encouraged.</p> <p>The land designation of this area has been reviewed and is recommended to remain rural in the new LEP while being identified as a potential future area for heavy industrial land use in the future. This is discussed Chapter 12.</p>
<b>Provision of rural infrastructure</b>	

<ul style="list-style-type: none"> <li>Rural residents are self sufficient</li> </ul>	All ratepayers share the burden of Council's operational and governance costs. Location within the LGA does not change this fact. The dispersed nature of our rural settlement means that demand from residents for better roads, garbage services, community facilities and governance is increasing in the rural areas.
<ul style="list-style-type: none"> <li>Council provides little infrastructure and services to rural ratepayers</li> </ul>	All ratepayers share the burden of Council's operational and governance costs. Location within the LGA does not change this fact. Whether all ratepayers chose to utilise Council services like libraries, recreational facilities, parks and reserves, community halls etc is a personal decision. However, it cannot be disputed that continuing the policy of dispersed rural settlement means that demand for better roads, garbage services, community facilities and governance will continue to increase with the cost burden born by all ratepayers.
<ul style="list-style-type: none"> <li>Rural roads need maintenance regardless of the increase in rural living</li> </ul>	Our current rural roads maintenance program prioritises maintenance based on various factors. The more dwellings and usage on a rural road is likely to increase the demand for higher road standards and increased levels of maintenance. Council is unable to fund existing road maintenance with current rate revenue and relies on rates being supplemented from other sources of funding. This would not change with additional subdivision
<ul style="list-style-type: none"> <li>Increased rate revenue from rural subdivision should provide for any increased services required</li> </ul>	Our current rural roads maintenance program prioritises maintenance based on various factors including number of complaints. The more dwellings and usage on a rural road is likely to increase the demand for higher road standards. Council is unable to fund existing road maintenance with current rate revenue and relies on rates being supplemented from other sources of funding. This would not change with additional subdivision
<ul style="list-style-type: none"> <li>Decrease in rural living opportunities will result in loss of rate revenue for all LGA infrastructure</li> </ul>	Although the revised Rural MLS scenarios are proposing an increase in the MLS for a dwelling in some areas, the retention of existing dwelling entitlements on approved subdivided lots and entitlements for existing holdings, still allows for rural living opportunities for an additional 2125 dwellings and subsequent rate capture. This additional dwelling potential coupled with existing dwellings provides a plethora of choice for those seeking a rural lifestyle.
<ul style="list-style-type: none"> <li>Rural developers provide or make contribution towards rural roads</li> </ul>	The initial capital cost of road improvements is in some instances met by developers through either road construction or via a Section 94 Roads contribution. However the whole of life cost of roads is paid for by all ratepayers.
<b>Objections to 500m buffer areas around DECC estate and Forestry lands</b>	
<ul style="list-style-type: none"> <li>Draft Strategy is not clear on the implications of this recommendation</li> </ul>	Following the consultation process and advice from the Office of Environment and Heritage, it is proposed to remove this direction from the LUS and provide for management of these areas through the implementation of the new DCP and the use of overlays.
<ul style="list-style-type: none"> <li>Sufficient lands are held in DECC estate and Forestry without encroaching further on private land use</li> </ul>	
<ul style="list-style-type: none"> <li>Draft Strategy provides no basis for 500m</li> </ul>	
<b>Objection to change of zoning for existing Rural Small Holding 1(c) lands</b>	
<ul style="list-style-type: none"> <li>Residential zoning does not allow for hobby farm development</li> </ul>	The LUS recognises that the primary purpose of our existing clustered rural residential areas (2ha average holdings), is to provide for a dwelling in a rural setting. Therefore the policy direction for these areas will retain this character by recognising the large lot residential

	nature of these areas. Hobby farm type uses are more aligned to properties of 20ha or larger
<ul style="list-style-type: none"> <li>Will prevent the keeping of farm animals</li> </ul>	The LUS recognises that the primary purpose of our existing clustered rural residential areas (2ha average holdings), is to provide for a dwelling in a rural setting. The keeping of farm animals will not be prohibited in these areas, but all landowners will be required to comply with new DCP provisions in regards to keeping of animals and will need to be mindful of the carrying capacity of land.
<ul style="list-style-type: none"> <li>Will prevent the use of large farm machinery</li> </ul>	It is likely that extensive agriculture will not be allowed in the large lot residential areas. However, existing farm operations will be able to continue under existing use rights.
<ul style="list-style-type: none"> <li>Will prevent "boutique" rural industries</li> </ul>	The LUS has identified that a subdivision of any allotment size can occur in the rural area for purposes other than a dwelling. The proliferation of small lots currently would provide enormous choice in this regard.
<ul style="list-style-type: none"> <li>Suggest rural small holding is a more appropriate zone</li> </ul>	The LUS recognises that the primary purpose of our existing clustered rural residential areas (2ha average holdings), is to provide for a dwelling in a rural setting. Therefore the policy direction for these areas will retain this character by recognising the large lot residential nature of these areas. The Rural Small Holding land use category is more aligned to properties of 20ha or larger that are looking to provide a broader range of uses than just a dwelling.

## URBAN ISSUES

Key Issue - What the submissions have said	Planning Comment/Response
<b>TOWNS (LITHGOW)</b>	
<b>COMMERCIAL – VALLEY PLAZA/POTTERY PLAZA AND SURROUNDS</b>	
<ul style="list-style-type: none"> <li>Anomaly exists between the boundaries of the proposed Silcock St Heritage Conservation Area and the existing state Permanent Conservation Area boundary</li> </ul>	Noted and will be further considered in the mapping of the final conservation areas in the new LEP
<ul style="list-style-type: none"> <li>Supports extension of business zone to the south of Valley Drive and a zoning change for the current business zoned land to the north east of the Valley Plaza off Silcock St</li> </ul>	Noted
<ul style="list-style-type: none"> <li>Objection to Mixed Use Zone for Lithgow Valley Plaza as this zone would not permit shops or retail premises. Request that new zone protects the continued operation of the retail shopping centre</li> </ul>	The standard LEP template mandates that commercial uses including shops and retail business are to be permissible in the mixed use zone.
<ul style="list-style-type: none"> <li>Suggests that a more appropriate FSR of 1 :1 be considered for the Lithgow Valley Plaza site</li> </ul>	Noted. A further assessment of appropriate floor space ratio's (FSR's) will be carried out as part of the development of the LEP and will be considered in relation to proposed land use tables of the proposed new zones.
<ul style="list-style-type: none"> <li>Any future height controls for the Valley Plaza/ Pottery Plaza area should be suitable to accommodate bulky goods/retail use. Suggest 10-12 metres</li> </ul>	Noted. A further assessment of appropriate height controls will be carried out as part of the development of the LEP.
<ul style="list-style-type: none"> <li>Supports differentiation through zoning of the Lithgow Main St business area and</li> </ul>	Noted

Valley/Pottery Plaza area	
<ul style="list-style-type: none"> <li>• Recommends expansion of the proposed mixed use area around the shopping plazas to adjacent precinct bounded by the Bowling Club, Mines Rescue Training Facility and childcare facility</li> </ul>	<p>Noted and is recommended as an amendment to the exhibited Draft Strategy.</p> <p>Refer to Chapter 12 for further detail.</p>
<ul style="list-style-type: none"> <li>• Recommends reconsideration of the FSR to 1.5:1 or even 2:1</li> </ul>	<p>Noted. A further assessment of appropriate floor space ratios (FSR's) will be carried out as part of the development of the LEP and will be considered in relation to proposed land use tables of the proposed new zones.</p>
<b>POTTERY ESTATE</b>	
<ul style="list-style-type: none"> <li>• Objection to back zoning of the Pottery Estate area from current residential and business zones to an environmental zone. The site is a strategic site in terms of its location and potential to contribute to achieving housing choice in close proximity to town services and facilities. Environmental hazards and constraints can be dealt with through the implementation of a robust development control plan and adherence to relevant legislation picked up by the development application assessment process.</li> </ul>	<p>Noted. Please refer to Chapter 12 for clarification of changes proposed to the LUS</p>
<ul style="list-style-type: none"> <li>• Anomalies in Draft Strategy Figures 3 and 7 Chapter 14 proposing back zoning over established commercial and residential land use.</li> </ul>	<p>Noted and will be corrected.</p>
<b>MARRANGAROO</b>	
<ul style="list-style-type: none"> <li>• Objection to the proposed recreational zoning on land in Oakey Forest Road. Back zoning of residential land will sterilise land; may lead to noisy recreational uses such as extension to Go Kart track or a new motocross track and lead to antisocial behaviour.</li> <li>• Objection to Golf Club being zoned recreational. Concern that if the Golf Club goes into financial distress that the land could be sold for land uses incompatible with residential.</li> </ul>	<p>The Marrangaroo Local and Environmental Study and Structure Plan have recommended that this area be recognised as a recreational area, commensurate with the use of the land by the Go Kart Club and the Lithgow Golf Club. Other private land in this area will retain existing use rights over an existing use that does not conform to the new zone and a range of other compatible permissible uses will be regulated via the LEP.</p>
<ul style="list-style-type: none"> <li>• Objection to the proposed recreational zoning on land in Oakey Forest Road. Land should either remain residential or would have a higher use for employment generation</li> </ul>	<p>The Marrangaroo Local Environmental Study and Structure Plan have recommended that this area be recognised as a recreational area, commensurate with the use of the land by the Go Kart Club and the Lithgow Golf Club. Other private land in this area will retain existing use rights over an existing use that does not conform to the new zone and a range of other compatible permissible uses will be regulated via the LEP.</p>
<ul style="list-style-type: none"> <li>• Objection to the proposed recreational zoning of the Lithgow Golf Club. This land should remain residential to enable future redevelopment of the golf course such as a retirement village within the golf course.</li> </ul>	<p>The Marrangaroo Local Environmental Study and Structure Plan have recommended that this area be recognised as a recreational area, commensurate with the use of the land by the Lithgow Golf Club. Council has also classified the land as "community" land, which forms the basis for the strategic management of this site as a significant community asset.</p>
<b>RESERVE ROAD</b>	
<ul style="list-style-type: none"> <li>• Objection to industrial employment lands on Reserve Road. Considers industrial zone will destroy the nature of local community. Considers there is other land available within or closer to Lithgow that can be developed.</li> </ul>	<p>The Marrangaroo Local Environmental Study and Structure Plan have recommended that this area be recognised as an area for industrial land use. The development of the land fronting the Great Western Highway for industrial uses and the location of earthmoving, truck depots, conveyor belt and mine support industries in this locality, suggests</p>

	<p>that it is already an area supportive of industrial land use. The location of the land in close proximity to major transport routes, accessible to infrastructure and the greenfields nature of this site, all add to its value for industrial land use.</p> <p>It is proposed to retain the industrial areas within the Lithgow township and also zone out areas in Portland and Wallerawang for industrial use, but these areas cannot sustain our anticipated demand for industrial land and it is imperative that the Marrangaroo location be pursued to become the main "go to" area for industrial land use in the Lithgow area</p>
<ul style="list-style-type: none"> <li>Concerns that Reserve Road is not the appropriate area for employment lands due to the number of affected landowners. An area at Lidsdale owned in single ownership may provide a better alternative</li> </ul>	<p>The locational advantages of the Marrangaroo site make it ideal for an industrial park. The Mineral Processing Park at Lidsdale is also proposed to be designated for industrial land use</p>
<ul style="list-style-type: none"> <li>Concerns regarding the potential affect rezoning of land in Reserve Road to industrial will have on land rates</li> </ul>	<p>The determinant of rate category is tied to current land use. It is anticipated that while the land use of the current properties remains unchanged (i.e. rural residential despite zoning change), that the rating category will remain unchanged.</p> <p>If the land owners were to pursue redevelopment of their sites under the new industrial zone, Council could alter the category for rating purposes to industrial which may have a substantial bearing on rate value.</p>
<ul style="list-style-type: none"> <li>A concept plan would need to be developed to enable the proper development of the Reserve Road industrial lands. Council would need to assist with infrastructure provision.</li> </ul>	<p>The development of an overall concept plan for this site is required, including infrastructure and potential lot layout, to facilitate the orderly and economic development of the site. The input of a number of stakeholders would be required.</p>
<ul style="list-style-type: none"> <li>Suggest that the employment lands along Reserve Road not be dissected as shown in Draft Strategy as this may preclude development of roads and infrastructure in the appropriate areas.</li> </ul>	<p>Comment noted. LUS amended accordingly. Sensitive areas of the site will be protected through the use of overlays and DCP provisions.</p>
<b>PORTLAND</b>	
<ul style="list-style-type: none"> <li>Objection to the zoning out of Portland as this will alter the village character of the area and remove flexibility for future development</li> </ul>	<p>The character and identity of Portland will be recognised and protected through the application of land use categories.</p> <p>The use of the full range of land use zones helps to maintain the amenity of particular areas and affords a greater degree of certainty to existing residents regarding the compatibility of any new use.</p>
<ul style="list-style-type: none"> <li>Objection to the industrial zoning in the former Boral Site. This site has a higher use as residential and the industrial zoning in close proximity to the town centre would be detrimental to a change in land use and character for the town. Industrial land should be located outside the village area.</li> </ul>	<p>It is proposed to zone out a small section of the Boral site for industrial use. This will allow the reuse and redevelopment of the area directly off Williewa St to the east of the site. Another small section of the site containing the remaining structures and the houses along Williewa St will be zoned mixed use; to encourage the adaptive reuse of this area.</p> <p>The remainder of the site will be held as environmental management until such time as further information is forthcoming from Boral in relation to the overall strategic direction for redevelopment of the site. The strategic direction for the site is however recognised as future urban land use, when the long term development issues are resolved.</p>
<ul style="list-style-type: none"> <li>Objection to the back zoning of land to the north/east of Portland village to large lot</li> </ul>	<p>This area contains a subdivision that has already been approved by Council with lots down to 1000m<sup>2</sup>.</p>

residential as this area contains approved subdivision for lots of approximately 1000m <sup>2</sup> .	However, due to difficulties in servicing this area, it is still proposed to categorise this area as large lot residential with a minimum allotment size of 4000 m <sup>2</sup> for new dwellings other than those on allotments created by a subdivision approved by Council
<ul style="list-style-type: none"> <li>Objection to the back zoning of land south of Purcell St to large lot residential with a 2ha minimum lot size. Land does not have significant remnant vegetation and has already been subdivided into lots of ranging sizes. Proposed zoning and lot size will diminish the future lot yield of an area that conforms to the general principles of larger allotments in close proximity to town centres</li> </ul>	Comments noted. Ground truthing of constraints has found that very little remnant vegetation remains, and the issues of site contamination and other environmental constraints can be dealt with at the development assessment level. It is proposed to amend the LUS to retain this area as large lot residential but to modify the minimum allotment size to 4000 m <sup>2</sup> .
<b>WALLERAWANG</b>	
<ul style="list-style-type: none"> <li>Request to have land (aprox 27acres) to the south of Hillview Estate Wallerawang zoned residential. This land has been identified since 1994 as Rural (Future Urban 1(d). Since the infrastructure has been provided to the Hillview Estate it is now timely to release this land. The land is not a viable farming holding</li> </ul>	The supply and demand analysis prepared for the LUS, has identified that based on existing demand, Wallerawang has enough zoned residential land to provide 66yrs supply. This land has still been identified as a strategic site for residential development into the future, when and if required
<ul style="list-style-type: none"> <li>Area south of Brays Lane and extending to the existing coal loader should be considered for industrial land use</li> </ul>	Noted. This land is already shown to be industrial in the LUS
<b>VILLAGES</b>	
<b>RYDAL</b>	
<ul style="list-style-type: none"> <li>Land to the west of the Railway line should be rezoned to allow growth of the village through the availability of land for large lot residential development. This would reflect the current land use pattern of the area</li> </ul>	<p>Noted. Changes reflected in the LEP Directions and Strategic Framework plans for Rydal are as follows</p> <ul style="list-style-type: none"> <li>The area to the west of Charles St and the area to the north of Quarry St to be changed from rural to large lot residential with a minimum allotment size for the erection of a dwelling of 2ha</li> <li>The area to the west of the railway line bounded by Charles St, Quarry St and Railway St, be changed from rural to large lot residential with a minimum allotment size for the erection of a dwelling of 4000m<sup>2</sup></li> <li>The existing southeast village area be changed from village to large lot residential with a minimum allotment size for the erection of a dwelling of 4000m<sup>2</sup></li> <li>The proposed extension to the village area to the north be changed to large lot residential with a minimum allotment size for the erection of a dwelling of 2ha</li> <li>It is also noted that the LUS will be amended to reflect the minimum allotment size for the erection of a dwelling in the unsewered village area to be 4000m<sup>2</sup></li> </ul>
<ul style="list-style-type: none"> <li>The proposed extension of the Rydal village to the north should be limited to large lot residential use</li> </ul>	
<ul style="list-style-type: none"> <li>An appropriate minimum lot size for development within the current village area should be defined to ensure appropriate sized development lots.</li> </ul>	
<b>CAPERTEE</b>	
<ul style="list-style-type: none"> <li>Need to provide for growth opportunities for the Capertee Village. There is an need for lots of around 2ha in this area</li> </ul>	<p>Noted. Changes reflected in the Capertee New LEP Directions and Strategic Framework plan to show:</p> <ul style="list-style-type: none"> <li>Part of the old southern village area as large lot residential with a minimum allotment size of 4000m<sup>2</sup> for the erection of a dwelling</li> <li>The area behind the hotel to be changed from village to large lot residential with a minimum</li> </ul>
<ul style="list-style-type: none"> <li>Objection to the back zoning of the village area to the south of Castlereagh Highway due to the existing development patterns and numbers of</li> </ul>	

existing lots.	allotment size of 4000m <sup>2</sup> for the erection of a dwelling
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## GOVERNMENT AUTHORITY / AGENCY COMMENT

Strategy issues raised
<b>Department of Planning and Infrastructure</b>
<ul style="list-style-type: none"> <li>• Congratulates Council and Council's planning team on their commitment to the strategic planning process</li> <li>• Draft Strategy represents demonstrates a thorough assessment and consideration of the complexity of strategic planning issues facing the Lithgow LGA.</li> <li>• Draft Strategy form a good basis for the strategic planning direction for Lithgow for the next 20 years</li> <li>• Has provided comment on how to improve the document in terms of further explanation and presentation of information</li> </ul>
<b>Sydney Catchment Authority</b>
<ul style="list-style-type: none"> <li>• Highly supportive of the strategic planning directions and actions in the Strategy aimed at protecting water quality</li> <li>• Recommendations to strengthen planning and development controls such as increased minimum lot sizes, more appropriate zoning provisions and the protection of environmentally sensitive areas and water quality are considered a major improvement compared to controls under the current Lithgow LEP 1994 and DCP's.</li> <li>• Cluster planning approach and settlement hierarchy in the Strategy are supported, however the SCA has some concern with the 15km outer limit for further rural residential opportunity as these land are mostly unserviced and most in the drinking water catchment. Concern that this are may be interpreted as endorsement of any of these areas within that outer limit. SCA recommends a more detailed explanation of the intention.</li> <li>• Ongoing concern for the SCA is the cumulative impact of inappropriate development on water quality and catchment health within unserviced areas of the catchment. The SCA strongly supports the proposed introduction of strengthened controls in the new LEP such as the use of environmentally sensitive overlays, increased lot sizes and environmental protection zoning</li> <li>• SCA strongly supports the Strategy recommendation to require all new development within the urban core and urban core reservation areas to be connected to reticulated sewer</li> <li>• SCA strongly supports the proposed minimum lot size for unserviced land in the village areas of 4000m<sup>2</sup>.</li> <li>• SCA supports the minimum lot size for large lot residential land of unserviced 2ha and 2000m<sup>2</sup> serviced.</li> <li>• SCA supports the approach to target particular land for industrial uses. Generally supportive of the Marrangaroo industrial area, however recommends a stormwater management plan be prepared and adopted prior to rezoning of the site</li> <li>• SCA has concerns with the targeted heavy industrial area at Blackmans Flat. Recommends applying the group industry term to encourage lesser impact uses within the drinking water catchment without tying it just heavy industry.</li> <li>• SCA strongly recommends that the Strategy recommendations are incorporated in full in the new LEP and DCP.</li> </ul>
<b>Office Environment and Heritage</b>
<ul style="list-style-type: none"> <li>• OEH strongly supports the increase in the minimum lot size for rural lands from 40 – 400ha, the phasing out of existing dwelling entitlements below the new minimum and action to increase the minimum lot size for unsewered large lot residential areas and village areas</li> <li>• Encourage council to further consider the site specific constraints applying the varying large lot residential areas in setting the final minimum lot sizes within the LEP.</li> <li>• OEH supports the actions to direct settlement away from environmentally sensitive areas and how Council has applied the ESA mapping</li> <li>• OEH supports action to limit land use conflict. Recommends using zoning in the first instance to implement buffers for incompatible land use.</li> <li>• OEH supports the 500m buffer to OEH estate, however considers that this may need to be higher in some areas</li> <li>• OEH strongly supports the preparation of a Biodiversity Strategy for the LGA.</li> <li>• Concern that areas to the south of Portland still appears to enable a substantial number of lots in areas with mapped native vegetation. Urge Council to consider an environmental living zone with a further increase in minimum lot size.</li> <li>• Encourage use of an environmental living zone over the current residential area adjoining Marrangaroo National Park</li> </ul>

<ul style="list-style-type: none"> <li>• Supports action to prepare a Cultural Landscape Study for selected areas and encourages Council to include the landscape surrounding Hartley Historic Village. Supports rural zoning surrounding this site.</li> </ul>
<ul style="list-style-type: none"> <li>• OEH notes it is ideal to prepare Aboriginal Heritage Study prior to LEP development, however acknowledges and supports action to prepare when resources permit.</li> </ul>
<ul style="list-style-type: none"> <li>• OEH considers it essential that Council carry out comprehensive flood studies and floodplain management studies to develop a floodplain risk management plan for all urban and rural residential areas.</li> </ul>
<b>Trade &amp; Investment Regional Infrastructure and Services</b>
<b>Trade and Investment</b>
<ul style="list-style-type: none"> <li>• Concern that the proposed zoning of the Lithgow Minerals and Industry Park (LMIP) may be too restrictive. Suggest retaining either general rural or applying heavy industry zone</li> </ul>
<ul style="list-style-type: none"> <li>• Nature of likely activities targeted for the LMIP creates the need for a significant buffer (2.5km) to be placed around the Park. Therefore highly desirable no further residential development occur in that area</li> </ul>
<ul style="list-style-type: none"> <li>• Council may wish to consider increasing the land stock of industrial land "in town". A lack of "in town" industrial land may place Lithgow at a competitive disadvantage.</li> </ul>
<b>Agriculture</b>
<ul style="list-style-type: none"> <li>• Supports the intent of Council to increase the rural minimum lot size to control the ongoing inappropriate rural subdivision and scattered and poorly planned rural residential development. In addition the sunset provisions to deal with existing inappropriate rural allotments is also supported</li> </ul>
<ul style="list-style-type: none"> <li>• Significant that Council has considered climate change in relation to rural settlement and community servicing</li> </ul>
<b>Fisheries</b>
<ul style="list-style-type: none"> <li>• Inclusion of the ESA – Water Overlays in conjunction with controls for riparian buffers will assist in proactively protecting waterways from inappropriate development and will provide significant gains in the protection of sensitive habitats and consequent maintenance of fisheries productivity</li> </ul>
<b>Minerals</b>
<ul style="list-style-type: none"> <li>• DTIRIS – Minerals supports the Draft Strategy and commends the thorough approach taken by Council's planners in formulating the document. In particular the division supports Council's intention to increase the minimum lot size for rural lands which will improve planning in the region, and reduce land fragmentation and associated impacts on primary industry opportunities.</li> </ul>
<ul style="list-style-type: none"> <li>• Housing NSW notes and supports strategies including increasing the range of available housing types, density, lot sizes and encouraging seniors housing, affordable and adaptable housing.</li> </ul>
<ul style="list-style-type: none"> <li>• Supports the preparation of a Housing Strategy, Ageing Strategy, Community Strategic Plan and implementation of the Economic Development Strategy and offers support in the development of these plans</li> </ul>
<ul style="list-style-type: none"> <li>• Supports the proposed Eskbank St Conservation Area and requests that a conservation management plan be prepared to guide future maintenance, upgrade and rehabilitation of this area.</li> </ul>
<ul style="list-style-type: none"> <li>• Generally supports the aims and objectives of the Open Space and Recreational Needs Study.</li> </ul>
<ul style="list-style-type: none"> <li>• Forests NSW supports buffer to minimise conflicts between new dwelling developments and forestry activities. A buffer of 150m is considered appropriate for safety and amenity reasons.</li> </ul>
<ul style="list-style-type: none"> <li>• Forests NSW supports the identification of major log haulage routes in the Strategy when planning for future development. Strategies to focus residential development in key areas around existing townships assist Forests in planning haulage routes to minimise impacts on the community</li> </ul>
<ul style="list-style-type: none"> <li>• Forests NSW support the increase in the rural minimum lot size. Many of the forest activities are not considered compatible with rural lifestyle living adjacent to Forests.</li> </ul>
<b>Land and Property Management Authority (Crown Lands)</b>
<ul style="list-style-type: none"> <li>• No objection to Draft Strategy</li> </ul>
<ul style="list-style-type: none"> <li>• LPMA will review zonings and heritage items affecting crown land and will comment further at LEP stage</li> </ul>
<ul style="list-style-type: none"> <li>• Where Draft LEP includes new land for urban purpose that will result in increase use of Crown roads, LPMA will request that such roads be transferred to Council.</li> </ul>
<ul style="list-style-type: none"> <li>• Crown land must not be relied on to provide perimeter access roads and asset protection zones for bushfire management</li> </ul>
<ul style="list-style-type: none"> <li>• Crown land cannot be relied upon for infrastructure service requirements</li> </ul>
<ul style="list-style-type: none"> <li>• Crown lands are not Council public lands and cannot be classified as operational or community land. These lands are administered under the Crown Lands Act 1989.</li> </ul>
<b>State Emergency Services</b>
<ul style="list-style-type: none"> <li>• LCC should complete a Flood Study for the LGA. Ideally this should occur to inform the new LEP.</li> </ul>
<ul style="list-style-type: none"> <li>• Strategy should clearly define flood prone areas within the LGA and stipulate the uses of these areas to be in accordance with flood mitigation legislation and strategies. Council could develop a priority based system for the development of land to ensure that flood prone land is used last</li> </ul>

<ul style="list-style-type: none"> <li>LCC should consider establishing a Flood Plain Management Committee to assist council with the use of flood prone lands.</li> </ul>
<b>Transport Roads and Traffic Authority</b>
<ul style="list-style-type: none"> <li>There is currently neither State nor Federal government policy for the upgrade of the Bells Line of Road from Windsor to Lithgow or the extension of that road from Clarence to Marrangaroo. RTA suggest Council reconsider statements relating to this in the Strategy</li> </ul>
<ul style="list-style-type: none"> <li>The prudence of ensuring planning measures to not conflict with the possibility of construction of the Bells Line Expressway in the long term is acknowledged.</li> </ul>
<ul style="list-style-type: none"> <li>RTA supports the strategy to consolidate growth in the urban areas including the proposal that at least 50% of lands available for residential development are taken up before the areas identified for future development at Marrangaroo are zoned for release</li> </ul>
<ul style="list-style-type: none"> <li>Council is urged to undertake a concept planning exercise to limit and consolidate access to both the Castlereagh Highway and Great Western Highway north of Wallerawang and Marrangaroo to ensure the Highway is maintained as a high speed through road.</li> </ul>
<ul style="list-style-type: none"> <li>RTA requests that all re-zonings adjacent to the GWH and Castlereagh Highways be identified as urban release areas in new LEP.</li> </ul>
<b>Mine Subsidence Board</b>
<ul style="list-style-type: none"> <li>No objection to Strategy</li> </ul>
<b>Rural Fires Service</b>
<ul style="list-style-type: none"> <li>RFS notes that the Strategy identifies a strategic approach to bush fire protection measures</li> </ul>
<ul style="list-style-type: none"> <li>Zoning should reflect the hazard/risk posed to new development. Exclusion of development in certain areas is an option where the risk from bush fire is high and environmental and access constraints cannot be easily overcome.</li> </ul>
<b>Education and Communities</b>
<ul style="list-style-type: none"> <li>Acknowledge very low rate of population growth is projected for the LGA in the coming years. Committed to responsibly providing sustainable education infrastructure to ensure that the educational needs for the people who live in established parts of the LGA will be provided</li> </ul>
<ul style="list-style-type: none"> <li>Department does not foresee any impacts on the local primary and secondary schools from the Draft Strategy</li> </ul>
<b>Department of Defence</b>
<ul style="list-style-type: none"> <li>Industrial development is generally compatible with defence activities, whilst residential is not. Keen to ensure appropriate buffers are in place to reduce potential land use conflicts between proposed residential development and training areas</li> </ul>
<ul style="list-style-type: none"> <li>Defence would not support any extension of the Bells Line of Road intersecting the Marrangaroo training area</li> </ul>
<b>Transgrid</b>
<ul style="list-style-type: none"> <li>Seeks that appropriate development controls are attached to any future development within vicinity of Transgrid sites</li> </ul>
<ul style="list-style-type: none"> <li>Council to consider the following in developing the LEP; Ensure all Transgrid electrical easements are zoned in accordance with the appropriate adjacent land Ensure that the development of electricity infrastructure is not prohibited in any zone.</li> </ul>

## COUNCIL CONSIDERATION AND RESOLUTION

Council at its meeting of 31<sup>st</sup> October, 2011 considered a planning report from the Strategic Land Use Planner relating to the Draft Land Use Strategy 2010-2030.

A copy of this report can be viewed at the following link:

[http://www.council.lithgow.com/gen\\_businesspapers.html](http://www.council.lithgow.com/gen_businesspapers.html)

Council resolved the following:

### Min 11-422 RESOLVED

#### THAT:

1. Council amends the exhibited Draft Lithgow Land Use Strategy 2010-2030 to provide effect to the following:

#### Section A      Urban Land Use

- i. Retention of a primary production zone over the Blackmans Flat area in the new Local Environmental Plan and identification of the land as a strategic site for future industrial land use in the strategic framework.
- ii. Inclusion of an action in the Land Use Strategy to provide specific provisions and controls within the comprehensive development control plan to manage future land use conflict in the Blackmans Flat area.
- iii. Extension of the Lithgow mixed use business zone around Lithgow St, to encompass the land bounded by the Bowling Club, Mines Rescue Facility and Childcare Centre as shown in Figure 1 of the attached report.
- iv. Alteration of the land use designation for the Pottery Estate Lithgow to identify lands of highest hazard and constraints within an environmental zone and retain the residential zoned land as shown in Figure 1 of the attached report.
- v. Correction of the mapping anomalies over the existing commercial uses off Bent and Silcock St and existing residential development along Hassans Walls Road, Lithgow.
- vi. Provision of a neighbourhood business area at South Bowenfels as identified in Figure 2 of the attached report.
- vii. Correction of anomalies in the land use designations for the following areas as shown in Figure 3 of the attached report:
  - a. The slither of land between the railway line and the Great Western Highway, opposite the Reserve Rd intersection at Marrangaroo which is currently identified as rural to

- remain rural in the Local Environmental Plan directions but be identified as a future urban land use in the strategic framework plans to signify that this land may have a higher use once commencement of the development of the Marrangaroo Release Area occurs.
- b. The area along Coerwull Rd, Lithgow, containing the existing caravan park, currently shown as environmental in the Local Environmental Plan directions to be shown as residential.
- viii. Introduction of an environmental land use designation to that part of the former Boral Site, Portland, not proposed for mixed use or industrial land use as shown in the Figure 4 of the attached report.
  - ix. Application of a minimum lot size of 4000m<sup>2</sup> for the following areas:
    - a. area to the north of Roxburgh St and east of High St Portland
    - b. area to the south of Purcell St, Portland.
  - x. Alteration to the identified land use for the area to the west of Charles St, Rydal, and north of Quarry St, Rydal, from rural to large lot residential with a minimum allotment size for the erection of a dwelling of 2ha.
  - xi. Alteration to the identified land use for the area to the west of the railway line bounded by Charles St, Quarry St and Railway St, Rydal, from rural to large lot residential with a minimum allotment size for the erection of a dwelling of 4000m<sup>2</sup>.
  - xii. Alteration to the existing southeast Rydal village zone from village to large lot residential with a minimum allotment size for the erection of a dwelling of 4000m<sup>2</sup>.
  - xiii. Alteration to the proposed extension to the Rydal village area to the north to large lot residential with a minimum allotment size for the erection of a dwelling of 2ha.
  - xiv. Introduction of a minimum allotment size for the erection of a dwelling in the zoned Rydal Village area of 4000m<sup>2</sup>.
  - xv. Modification of the existing village boundaries of Capertee and introduction of a large lot residential area as follows:
    - a. Extension of the village zone to the north over existing small lots
    - b. Provision of a large lot residential area to the north west of the existing village boundary and south of the Castlereagh Highway and rail line.
  - xvi. Application of a 4000m<sup>2</sup> minimum lot size to both the Capertee village and large lot residential areas.

Min 11-450 RESOLVED

**THAT:**

**Section 1B Rural Land Use**

Council adopts Option 3, "Status Quo" for rural planning directions for Council's Draft Land Use Strategy;

2. Council provides the General Manager with the delegation to make any minor amendments to the Draft Lithgow Land Use Strategy 2010-2030 that do not alter policy intent.
3. Council adopts the amended Lithgow Land Use Strategy 2010-2030.
4. Council refers the adopted Lithgow Land Use Strategy 2010-2030 to the NSW Department of Planning for final endorsement.
5. Council adopts in principle the recommendations of the Open Space and Recreational Needs Study and Heritage Development Control Plan Study to inform the development of the comprehensive Local Environmental Plan and other Council planning and management documents.
6. Councillors wishing to seek an exemption under Section 458 of the Local Government Act 1993 nominate their intent in relation to the preparation of the new comprehensive Local Environmental Plan with the General Manager by the 21 November 2011.

## ABBREVIATIONS USED – QUICK REFERENCE

<b>DCP</b>	Development Control Plan
<b>DECC</b>	Department of Environment and Climate Change now Office of Environment and Heritage
<b>DoP</b>	NSW Department of Planning (now NSW Department of Planning and Infrastructure)
<b>DSP</b>	Development Servicing Plan
<b>EP&amp; A Act</b>	Environmental Planning and Assessment Act, 1979
<b>ESA</b>	Environmentally Sensitive Areas
<b>FSR</b>	Floor Space Ratio
<b>LCC</b>	Lithgow City Council
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>LUS</b>	Land Use Strategy
<b>MLS</b>	Minimum lot size
<b>NP &amp; W</b>	National Parks and Wildlife
<b>OEH</b>	Office of Environment and Heritage
<b>RFS</b>	Rural Fire Service
<b>SCA</b>	Sydney Catchment Authority
<b>SEPP</b>	State Environmental Planning Policy
<b>SLAWCA</b>	Strategic Land and Water Capability Assessment
<b>SWOT</b>	Strengths, Weakness, Opportunities, Threats