

TABLE 5

Community Submissions Zoning and Development Controls Rural Draft Lithgow City LEP 2013			
Respondent	Summary of Submission	Planning Comments	Draft LEP Recommendations
Centennial Coal	Requests that mining should be defined in LEP and specifically recorded in any relevant zone as either permissible or not.	<p>A type of development referred to in the Land Use Table is a reference to that type of development only to the extent that it is NOT regulated by an applicable SEPP. The SEPP qualifies the permissibility of each land use type not just by zone; therefore it is not easily translated into the land use tables.</p> <p>It would be difficult to imagine an open cut mining operation or extractive industry that would not be regulated by the SEPP, however should this occur the Standard Instrument has mandated these uses in the RU1 zone as permitted with consent.</p> <p>Draft LEP 2013 reflects this. However upon review of the possible implications of the RU3 zone, where uses are restricted only to those uses authorised under the Forestry Act 2012, it is appropriate that open cut mining and extractive industry be identified in the land use table as permissible with consent.</p> <p>The Land Use Matrix does not form part of the final LEP and is to be used a quick reference tool to assist understanding or permissible uses across zones. In light of the confusion apparent in relation to the relationship to applicable SEPP's for certain land uses, it can be modified with appropriate notations when made available post LEP commencement.</p> <p>The current land use of the major infrastructure facilities of each mine site will be protected whilst ever the mine continues to operate and comply with the mine development consent. Development, expansion or redevelopment of these sites whilst ever associated with mining will be authorised and regulated under the Mining, Petroleum and Extractive Industries SEPP.</p> <p>Therefore there is no need to zone these site as industrial.</p>	As per Recommendations 4 and 5.

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	<p>Centennial has a number of major infrastructure sites throughout the LGA which include pit top facilities; coal preparation plants etc. Request that these existing infrastructure sites be zoned industrial in recognition of and to protect the current land use now and into the future.</p> <p>These changes would provide a degree of certainty to the mining industry.</p>		
<p>Energy Australia/Delta Electricity</p>	<p>Impacts to Mining Sector Requests that the proposal to rezone 1(f) Forestry to RU3 Forestry be revoked due to RU3 not permitting open cut mining that will impact on the development capacity of Pine Dale Coal Mine.</p> <p>Requests that all parcels that are subject to existing and proposed mining related activity be encumbered by a Special Purpose Zone that provides for all mining</p>	<p>See comment above</p> <p>Not required. Mining is authorised and regulated under the Mining, Petroleum and Extractive Industries SEPP.</p>	<p>As per Recommendations 4 and 5</p>

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	<p>activities as permissible.</p> <p>Draft LEP does not resolve existing and potential future land use conflict between mining and rural lifestyle development. Council should revisit the recommendations of the Draft LUS to zone the Blackmans Flat area as IN3 Heavy Industrial.</p> <p>Impacts to Power Generation Sector Requests that the proposed public recreation zone around Lake Wallace be removed as the lake is a water storage facility integral to power generation.</p> <p>Requests that a special purpose infrastructure zone is considered for all lands subject to existing power generation activities</p> <p>Requests that all rural land</p>	<p>Council has resolved not to zone the Blackmans Flat area as IN3 Heavy Industrial under this LEP. Council will monitor and review all LEP and LUS directions and strategies over time to ensure that they are still meeting the overall land use objectives of the LGA.</p> <p>The proposed public recreation zone was to reflect the recreational assets and development of that part of Lake Wallace foreshores and to provide for any future recreational land use that Council and Energy Australia may wish to facilitate into the future.</p> <p>The concerns of Energy Australia are noted and it is considered that the same outcome can be achieved by zoning the lands associated with direct power generation activities as SP 2 'Power Generation' and nominate recreation areas as an additional permitted land use with consent in the SP2 Land Use Table.</p> <p>Support ed. Will correct the Land Zoning Maps to zone all land associated with power generation activities or held by Energy Australia as either SP2 "Power Generation" or RU1 Primary Production except for those land proposed to be zoned industrial in the Draft LEP including the Minerals Processing Park and the area of the Wallerawang/ Lidsdale Siding.</p>	<p>47. In conjunction with Energy Australia clarify those lands associated with power generation and zone SP2 Special Purposes 'Power Generation' and those rural lands associated with the power stations and zone RU1 Primary Production on the Draft LEP Land Zone Map.</p> <p>48. Identify recreation areas as permitted with consent in the SP2 Land Use Table.</p>

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	<p>associated with the power station be zoned RU1 Primary Production. Request the RU3 Forestry zone is rezoned RU1 to align consistently with the adjacent land to enable ongoing power station operations and land management requirements.</p> <p>Requests that the Heritage Conservation Area impacting power station lands is removed.</p>	<p>Land to be zoned RU3 zone is identified by NSW Forestry Corporation. It is not considered appropriate to zone any these identified lands as any other zone other than RU3.</p> <p>Energy Australia lands are not affected by the proposed Wallerawang Heritage Conservation Area. There is however two individual heritage items listed under the current LEP upon the lands. These are the Walker Barton Cemetery and the Wallerawang School and Residence.</p> <p>It is not recommended that these items be removed from the LEP being locally significant to the early development of Wallerawang.</p> <p>These items will remain locally listed in Schedule 5 of Draft LEP 2013.</p>	

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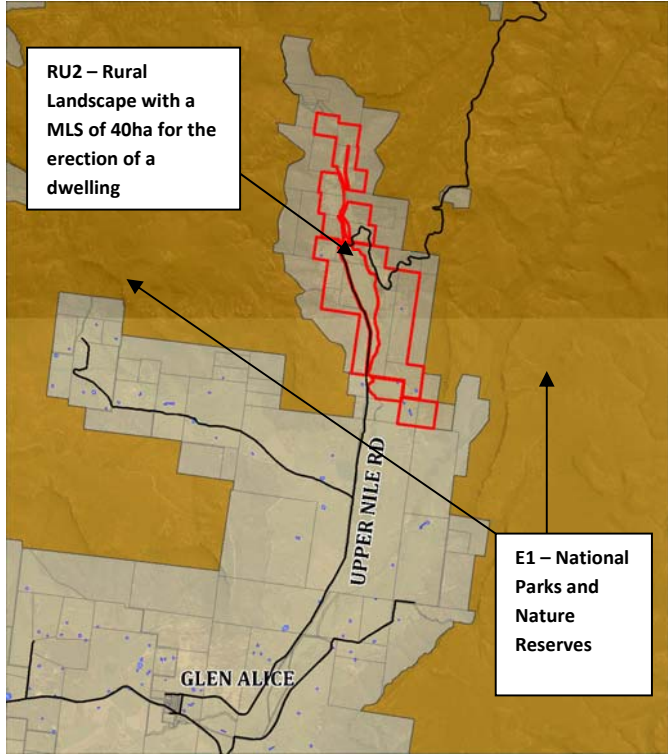
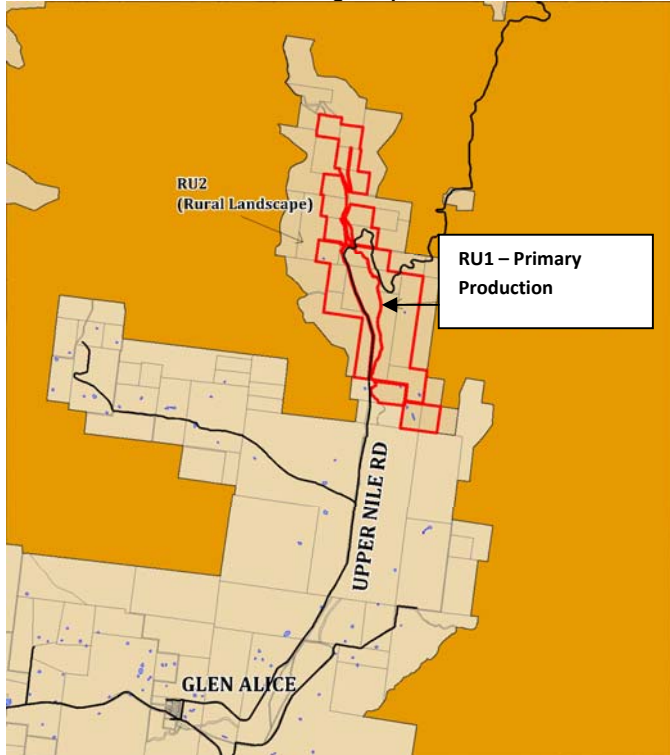
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Hall, Agnew and McGrigor	<p style="text-align: center;">Draft LEP</p>  <p>RU2 – Rural Landscape with a MLS of 40ha for the erection of a dwelling</p> <p>E1 – National Parks and Nature Reserves</p> <p>UPPER NILE RD</p> <p>GLEN ALICE</p>	<p style="text-align: center;">Rezoning Request</p>  <p>RU2 (Rural Landscape)</p> <p>RU1 – Primary Production</p> <p>UPPER NILE RD</p> <p>GLEN ALICE</p>	
	Objects to the proposed RU2 Rural Landscape zone over land in the most northern	The subject lands were identified as RU 2 Rural Landscape due to the majority of lands within the northern most land finger of the LGA in the Capertee Valley as being identified as environmentally sensitive and not	49. Amend the "Zoning Map" to modify the zoning of Lots

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	sector of Upper Nile Road. Requests that the land remain in the general rural RU1 Primary Production zone that permits the full range of agricultural land uses.	<p>suitable generally suitable for intensive plant agriculture as defined under the Standard LEP Dictionary Term.</p> <p>A review of the mapping has identified that some lands adjoining the river flat are not predominantly affected by the ESA mapping and can therefore be zoned RU1 Primary Production. This will remove the restriction on intensive plant and livestock agriculture in these areas.</p>	1,6,9,10,11,12,14,16,40, 41,73 DP 753777, Lots 14,16,20,26,27,30 DP 755793, Lot 8 DP 755796 to RU1 - Primary Production as shown in the map above.
Don Fox Planning on behalf of Cranbrook School	<p>Lot 4 DP 1171245 Wolgan Road, Wolgan Valley</p> <p>Requests that "educational establishment" be included as an additional permitted use on the subject land pursuant to Clause 2.5 and Schedule 1 of the Draft LEP 2013.</p> <p>This will enable Cranbrook School to proceed with plans for the development of an educational establishment including learning and teaching rooms with accommodation to avoid the need to rely on existing use rights into the future. A DA has recently been lodged with Council as Stage1 of this proposal.</p>	<p>The subject land is proposed to be zoned RU1. Surrounding land is used for rural, forestry and tourism purposes (Emirates Wolgan Resort).</p> <p>The development of an educational establishment is currently permitted in the General Rural 1(a) zone.</p> <p>The Cranbrook school proposes this site to provide an extension to their environmental education program and have recognised the opportunities the site presents to facilitate such a program in a rural and nature based environment with possible partnerships with the conservation objective of the Emirates Resort.</p> <p>The Cranbrook school have recently lodged a development application (DA 229/13) to develop Stage 1 of the establishment involving both indoor and outdoor teaching rooms, camp site with amenities, kitchen and store.</p> <p>The use of the site for this purpose is not considered incompatible with adjoining landuse or the objectives of the zone or adjoining zones. It should also be noted that information and education facilities are permissible within the zone. The impacts and scale of the development can be assessed as part of any development application process. Therefore the request is considered reasonable in the circumstances of the case.</p>	50. Identify educational establishments as an additional permitted use with consent on Lot 4 DP 1171245 in Schedule 1 of Draft LEP 2013.

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		<p>Draft LEP 2013 proposes to prohibit this form of development in the RU1 zone given the extent of the zone coverage in the LGA and that most educational establishments, by nature, need to be located in established urban areas.</p> <p>RU1 is not a prescribed zone under the Infrastructure SEPP 2007 that would enable the development of an educational establishment under the SEPP provisions.</p> <p>It is not proposed to change this direction in the Draft LEP 2013 for the RU1 zone.</p> <p>However, Clause 2.5 of Draft LEP enables Council to identify additional permitted uses for particular land either with or without development consent as specified in Schedule 1 of the LEP. This clause then has effect despite anything contrary in the zone Land Use Table or other provision of the plan.</p> <p>Recommendation Support the request.</p>	

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P Curran/Farrant	<p>Lot 1 DP 786574 and Lot 2 DP 615400 Castlereagh Highway</p> <p>Objects to the IN3 Heavy Industrial zone proposed by Draft LEP 2013.</p> <p>Should not include land used for residential purposes in an industrial zone. Believe the area will in the future suit rural subdivision rather than industrial into the future when the power and mining operation in the vicinity wind up.</p> <p>Should be a 3km buffer from residences to any IN3 zone.</p> <p>Farrant – objects to the IN3 zoning and the split zoning of his land.</p>	<p>Further discussions have been held with Mr Curran in relation to this submission.</p> <p>Having regard to the relative impact of residential zoning on the continued operation of the various components of the existing Good Earth business Mr Curran is now happy with the zoning of the land to remain IN3 Heavy Industrial, noting that any new industrial use on the adjoining lands will need to have regard to its impacts upon the existing residence and identify appropriate mitigation measures. The development guidelines for the separation of uses will be included as part of the Comprehensive DCP being developed to support Draft LEP 2013.</p> <p>The piece of Mr Farrants property included in the IN3 zone is a separate allotment with separate title, therefore a split zoning does not occur. The lot separated by the Castlereagh Highway from the remainder of Mr Farrant's property is unable to be developed jointly and given its size would benefit from the proposed IN3 zoning that may provide development opportunity in conjunction with adjoining land.</p>	
Radecki – Public Officer Glen Alice Community Association	<p>“Redrock” 2371 Glen Davis Road Capertee</p> <p>Has concerns with the proposed RU2 Rural</p>	<p>The subject lands are not proposed to be zoned RU2 Rural Landscape but rather RU1 Primary Production as shown on the Land Zone Map. This zone identifies extensive agriculture as permitted without development consent and all other forms of agriculture as permitted with consent.</p>	<p>51 Advise the respondent, Radecki of the correct zoning proposed for the land. Amend the land use</p>

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	<p>Landscape zone over this land and the restrictions this will have in the following areas:</p> <ul style="list-style-type: none"> • Detached dual occupancy on the site to cater for elderly parents and forster children. • Prohibition of Intensive Agriculture – currently use land to farm cattle intensively by hydroponic fodder system. • Potential impact of the water overlay and the 40m restriction provision in preventing cropping up to the creek. 	<p>Clause 7.4 and the Water Overlay Map will only apply if a development application for landuse is made upon the land. Extensive Agriculture land use and practices will not require development consent.</p> <p>The exhibited Draft LEP 2013 has proposed that detached dual occupancy not be permitted in all proposed zones except R1 and R2.</p> <p>Upon review, development pressure from this form of development in the rural areas and villages has not been significant to date. Due to the attractive development opportunities for rural dwellings being retained in the Draft LEP it is not considered likely that development pressure for rural dual occupancy will increase in the life of the new LEP.</p> <p>Further Draft LEP 2013 does not provide for rural workers dwellings. Detached dual occupancy would provide for this development need.</p> <p>It is therefore recommended that detached dual occupancy be permitted with development consent in all zones where attached dual occupancy is permitted with consent.</p>	<p>tables of zones. RU1, RU2, RU5, R5, E3 and E4 to identify detached dual occupancy as development permitted with consent.</p>
Private 5	<p>Springvale Lane Draft LEP 2013 does not provide land to cater for B Double Trucking Depots as many of the proposed industrial areas are unable to be accessed by B Double</p>	<p>Truck and Transport depots are proposed to be restricted to the industrial IN1 and IN3 zones. Upon review this is found to be too restrictive given that these forms of development would benefit from being located closer to the mines and extractive industries which are within the RU1 zone</p> <p>It is considered appropriate that such uses be permitted with consent in the RU1 Primary Production Zone.</p>	<p>52. Modify the Land Use Table of the RU1 zone to permit with consent truck depots and transport depots.</p>

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	<p>Transports.</p> <p>Request zoning of the land at Springvale Lane to enable the development of truck depots with consent.</p>		
Private 2	<p>Lot 10 DP 253969 Great Western Highway West Bowenfels</p> <p>Object to the 40ha minimum lot size on this land that would prevent the erection of a dwelling. The land has an area of 2.44ha.</p> <p>The land was severed from the original parcel when the new GWH went through for which the owner received some compensation. Land is currently used for grazing.</p> <p>Request flexibility in the 40ha development standard to enable the erection of a dwelling.</p>	<p>The land is currently zoned 1(a) General Rural with a 40ha MLS applicable. The Draft LEP 2013 is therefore not either removing or providing any development opportunity.</p> <p>This land is fragmented from residential lands and is partially flood liable land.</p> <p>The ability of the land to be adequately serviced by essential services has not been identified.</p> <p>No site suitability or capability assessment has been provided as part of the submission.</p> <p>It is recommended that the request not be supported as being inconsistent with the endorsed LUS.</p>	<p>53. The respondent, Private 2 be advised that the request is not supported.</p>
Private 3	<p>Lot 1 DP 510491 Pipers Flat Road</p> <p>Object to the 40ha minimum</p>	<p>Clause 4.3 Exceptions to Development Standards of Draft LEP 2013 provides for an appropriate degree of flexibility in applying development standards such as minimum lot sizes for the erection of a dwelling where</p>	

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	<p>lot size on this land that would prevent the erection of a dwelling. The land has an area of 39.7ha.</p> <p>Consider that the land area difference is so minor that it would not cause impact for a dwelling to be erected on the land.</p>	<p>the applicant can demonstrate that compliance with the standard is unreasonable and unnecessary in the circumstances of the case.</p> <p>As the lot size of the subject land is only .3ha below the required standard of 40ha it is considered that this provision should be explored by the respondent once the Draft LEP 2013 is made.</p> <p>It should be noted that the concurrence of the Director General will also be required.</p> <p>Advise Private 3 to explore the possibility and justifications of lodging a DA supported by a written request to vary the minimum lot size development standard in accordance with Clause 4.3 of the new LEP once made.</p>	
Maxwell	<p>Lot 255 DP 751651, Rydal This land should be zoned to enable the development of smaller allotments (19) to provide for a viable and surviving village.</p>	<p>This submission was received 2 October, 2013. The submission provides no justification that would enable Council to move forward with the request at this point in time.</p> <p>The request is inconsistent with the endorsed LUS .</p> <p>The role of the villages in providing rural lifestyle allotments can be revisited as a component of the Rural Lands Study to be undertaken in 2014/15 in accordance with Council resolution 13-116.</p>	<p>54. The respondent, Maxwell be advised that the request is NOT supported, however the Rural Lands Study will provide an opportunity for this request to be revisited post gazettal of Draft LEP 2013 in accordance with Council Minute No 13-116.</p>
Peters	<p>Lot 275 DP 751650 Clarence Land is shown as having no environmental significance</p>	<p>The Environmentally Sensitive Areas (ESA) mapping has been prepared by three State Government Authorities using available data. This mapping is at a large scale not ground truthed to the property level.</p>	

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	<p>whereas the surrounding land is of significant value. Why is this land not shown as having significance as it is the same as adjoining land.</p>	<p>In relation to biodiversity value of lands, the LUS identified the preparation of a LGA wide Biodiversity Strategy as an information gap for the Draft LEP, which will include review of the ESA mapping.</p> <p>This Strategy is proposed to be completed prior to the next significant review of the LEP.</p>	