

TABLE 7

Community Submissions		General Issues	Draft Lithgow City LEP 2013
Respondent	Summary of Submission	Planning Comments	Action Required
Lithgow and District Community Forum Morris, Funnell, Robson and Austen	<p>Submission is made after consultation with membership and the community. Feel that matters being put forward in Draft LEP 2013 do not reflect the wishes of the community at large and in some cases are an unnecessary restriction on property rights. Need more positive approach to developing rural lifestyle opportunities.</p> <ul style="list-style-type: none"> Should formalize the proposed rural land study by writing into the LEP. Council must seek written confirmation from NSW Planning that the rural lands study when completed will allow changes to the LEP. Suggest the consultant engaged compulsorily consult 	<p>Rural Lifestyle Opportunities The standard instrument LEP does not have the capacity to enable the insertion of a clause to require Council to undertake of the Rural Lands Study, into small lot rural lifestyle development within the LGA.</p> <p>However, Council at its meeting of the 15th April 2013, resolved as per Minute 13-116, to undertake the preparation of a detailed rural lands study to inform a possible future Planning Proposal to provide for additional rural small lots within the Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan. The study must take into account the impacts on the viability of our current urban centre, towns and villages, conflicting land use issues, levels of facilities and services required and their projected costs.</p> <p>Council requested and received written confirmation from the Western Region office of the NSW Department of Planning and Infrastructure stating that "<i>the Department confirms advice provided on 6th March 2013 at the Councillor workshop on the Draft Local Environmental Plan (LEP), that Council proceed with making the draft Lithgow LEP 2013, and defer matters regarding increases in rural small lots and rural residential areas to a separate planning proposal.</i>" (see Attachment Number 2)</p> <p>Recommendation That the submission be noted and the respondent advised of Council's resolution of the 15th April 2013. And further, that the Department of Planning has offered its support to Council's position in relation to the preparation of the Rural Lands Study.</p>	<p>62. Advise the respondents, Lithgow and District Forum the following in relation to their submission:</p> <ol style="list-style-type: none"> The standard instrument LEP does not have the capacity to enable the insertion of a clause to require Council to undertake the Rural Lands Study to investigate small lot rural lifestyle development within the LGA. Council's resolved at its meeting of the 15th April 2013 as per Minute 13-116, to undertake the preparation of a detailed rural lands study to inform a possible future Planning Proposal to provide for additional

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	<p>with affected community members to ensure outcome reflects the aspirations of the local residents and not just state framework.</p> <ul style="list-style-type: none"> Remove the restriction on detached dual occupancies on all land. Concerns with the proposed 1700 home sites at Marrangaroo on two counts: <ul style="list-style-type: none"> Potential land use conflict with proposed industrial area Development of this area should not restrict residential development elsewhere. LEP must provide alternative locations such as South Bowenfels and allow market place to determine preferred location. The proposed 2000m² site along Rydal Road 	<p>Future Planning Proposals The process of preparing a planning proposal is undertaken in accordance with Part 3 Of the EP & A Act 1979; this is the formal process through which Council undertakes amendments to its Principal LEP post gazettal. The community consultation process for any planning proposal is mandated in legislation, and as long as Council meets these minimum requirements, has the ability to implement a consultation strategy of its choosing, in line with community expectation. It is anticipated that a project steering committee will be established to oversee the rural lands study project and that this committee will comprise community members, Councillors and Council staff.</p> <p>Recommendation</p> <ul style="list-style-type: none"> That the submission be noted and the respondent advised of Council's responsibilities under Part 3 of the EP & A Act in relation to community consultation. That the consultation strategy developed for the rural lands study and any subsequent planning proposal will be developed having regard to the high degree of community interest and expectation in regard to this matter. That a project steering committee be formed to oversee the Rural Lands Study project, and comprise members from the community, Council and be led by Council staff. <p>Dual Occupancy 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</p>	<p>rural small lots within the Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan.. And further, that the Department of Planning's has offered its support to Council's position in relation to the preparation of the Rural Lands Study. This resolution is reiterated in the recommendations to this report.</p> <p>3) That the submission be noted and the respondent advised of Council's responsibilities under Part 3 of the EP & A Act in relation to community</p>

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	<p>"Inzitari's land" at South Bowenfels is wasteful and should be 800m² to 2000m² at the discretion of the designers. The Strip along the Highway should be considered for commercial.</p> <ul style="list-style-type: none"> Proposed heritage listings are being imposed on landowners without positive confirmation being received that the landowners accept the listing. All listing must remain deferred in "list 2" until a positive confirmation of listing is received from the affected landowners. Future LEP must be supportive of rural lifestyle blocks. The negative attitude of the LUS must change. These lots should be allowed where existing 	<p>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>Recommendation Amend the land use tables of zones. RU1, RU2, RU5, R5, E3 and E4 to identify detached dual occupancy as development permitted with consent.</p> <p>Marrangaroo Urban Release Area The urban release area at Marrangaroo will be master planned to ensure appropriate location and siting of differing land uses to mitigate perceived conflicts. Development in the urban release area will be staged and controlled by a DCP prepared for this area in accordance with CI 6.3 of the LEP.</p> <p>South Bowenfels The physical extent of the infrastructure servicing area for the Lithgow urban area - south, is defined by the residential development zone that has been applied to the area to the south of Magpie Hollow Rd. The strategic infrastructure planning for both water and sewer services has recognised this servicing limit for urban development to the south.</p> <p>The MLS of 2000m² applied to Inzitari's land at Magpie Hollow Rd, provides an opportunity to meet a perceived demand for larger allotment sizes within the</p>	<p>consultation.</p> <p>4) That the consultation strategy developed for the rural lands study and any subsequent planning proposal will be developed having regard to the high degree of community interest and expectation in regard to this matter.</p> <p>5) That a project steering committee be formed to oversee the Rural Lands Study project, and comprise members from the community, Council and be led by Council staff.</p> <p>6) Amend the land use tables of zones. RU1, RU2, RU5, R5, E3 and E4 to identify detached dual occupancy as</p>

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	<p>subdivisions exist and where roads and services are adequate. Council should not be arbitrator on supply and demand this should be a matter for the market place. Excess supply should not be seen as bad thing as it make this land more affordable and attract more people. Development contributions and appropriate consent conditions should be used to cover the costs of development and not affect other ratepayers.</p> <ul style="list-style-type: none"> • Lands from former Rlystone and Evans Shire should be fully incorporated into the Lithgow LUS and LEP and not dealt with under the previous rules. • There is serious level of 	<p>Lithgow urban area; additionally this development will provide a transitional large lot residential area between the lower residential densities to the north of Magpie Hollow Rd and the larger residential densities to the south of the subject site.</p> <p>The identification of an additional commercial area on the Inzitari's land at Sth Bowenfels is contrary to the finding of the LUS, as informed by the Business and Retail Strategy 2010.</p> <p>Recommendation: Not supported</p> <p>Heritage An extensive consultation strategy was developed and undertaken for the LUS and Draft LEP. The notification of those affected by either individual heritage listing or listing within the terms of a heritage conservation area formed part of the consultation strategy, and resulted in 956 individual landholders being advised in writing of the impending heritage listings.</p> <p>Council staff fielded many enquiries during the exhibition period, regarding the proposed heritage management under the Draft LEP; however the great majority of enquiries required an explanation of what was being proposed, and the implications for each property owner.</p> <p>In total only 20 objections were received to Council's heritage management framework as put forward in the Draft LEP.</p> <p>Recommendation: Objection not supported, however irrelevant given Council Minute No 13-390.</p> <p>Subdivision Requirements – Former Evans Shire Area Council's resolved in October 2011 in relation to the LUS, to retain the</p>	<p>development permitted with consent.</p> <p>7) Changes requested at Sth Bowenfels are not supported</p> <p>8) All proposed new individual heritage items and heritage conservation areas will be removed from the Draft LEP as per Minute 13-390</p> <p>9) Changes requested to effectively remove Clause 4.1 (5) of Draft LEP 2013 is NOT supported.</p> <p>10) Refer to separate General Manager's recommendation for the Former Evans Shire LGA area.</p>

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	<p>support for concessional lots. There needs to be community consultation and the possible return of this provision.</p> <ul style="list-style-type: none"> • Oppose the LEP restriction on the further subdivision of lands already subject of concessional lot subdivision. It would appear that this proposal and other is influenced by the summary of issues on Pg 9 Chapter 9 of the LUS. 	<p>development standards, relating to subdivision for the erection of a dwelling in the rural areas, as contained in the Lithgow 1994 LEP. This meant that the 100ha MLS for the Former Evans Shire LGA be retained. Any change to this MLS now would require reconsideration of the Rural Lands Planning Directions under S.117 and the Rural Land Planning and Subdivision Principles of the Rural Lands SEPP 2008 which has not been undertaken for this Planning Proposal.</p> <p>Recommendation: Comment noted and the respondent be advised that Council has previously resolved that the MLS for the Former Evans Shire LGA remain at 100ha being "status quo" and any change at this stage would not be justifiably consistent with the Gateway approved Draft LEP.</p> <p>See separate General Manager's Recommendation 8 in the main body of the report.</p> <p>Subdivision Requirements - Former Rylstone Area Council's resolved in October 2011 in relation to the LUS, to retain the development standards, relating to subdivision for the erection of a dwelling in the rural areas, as contained in the Lithgow 1994 LEP. In retaining the "status quo", all development standards relating to rural subdivision for the erection of a dwelling were required to then be brought forward into the planning proposal developed for the consideration of Council and the community for the making of the new comprehensive LEP.</p> <p>The consequences of this includes the retention of the prohibition on subdivision within the area covered by the Rylstone LEP 1996, and the retention of the</p>	

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		<p>prohibition on further subdivision of consolidated lots created under cl12(3)-(5)(repealed 2008) of the Lithgow LEP 1994. Recommendation: Removal of these restrictions is not supported and would be major departure from the endorsed LUS and exhibited draft LEP.</p> <p>Concessional Allotments The development provisions relating to the creation of rural concessional allotments were removed from all NSW planning instruments in 2008 by the NSW Government as they were recognized as being an inappropriate form of development in the rural areas. There is no mechanism to allow the reintroduction of this development form within the standard instrument LEP. Recommendation: Not supported</p>	
Morris	<ul style="list-style-type: none"> • Council should reconsider the heritage listing under the Draft LEP. • Council should look closely at the land classifications of the LEP. This can be used by Council officers a revenue stream. Publish the small print. • Status quo for small rural lifestyle, dual occupancy still seems 	<p>Heritage The heritage management framework outlined in the Draft LEP is the culmination of many years of work, which started with the development of the Lithgow Community Heritage Study in 2000. For some in the community, the inclusion of the extensive heritage inventory with the Draft LEP, supplemented by the Heritage Conservation Areas, is recognition of the important role that heritage plays in the Lithgow LGA for both present and future generations. In order to continue to keep those affected by the proposed heritage listings involved in the process, an extensive consultation strategy was developed and undertaken for the LUS and Draft LEP. The notification of those affected by either individual heritage listing or listing within the terms of a heritage conservation area formed part of the consultation strategy, and resulted in 956 individual landholders being advised in writing of the impending heritage listings.</p>	<p>63. Advise the respondent, Morris of the following in relation to their submission: 1) Council resolved at its meeting of the 15th April 2013 as per Minute 13-116, to undertake the preparation of a detailed rural lands study to inform a possible future Planning Proposal to</p>

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	<p>to a major stumbling block after LUS.</p> <ul style="list-style-type: none"> • Further study of lifestyle lots need not ever happen if current Draft adopted. • RMS plans for GHW upgrade should not be included in Draft LEP. 	<p>The Heritage provisions of the Draft LEP only resulted in 20 written objections, a very small number compared to the relative significant change to heritage management being proposed. Recommendation: Objection not supported</p> <p>Reclassifications A total of 90 parcels of public land are proposed for reclassification in the Draft LEP. Council is required to comply with the legislative requirements of the Local Government Act 1993 and the Environmental Planning and Assessment Act and the requirements outlined in DOP & I LEP Practice Note 09-003, that all detail the requirements for reclassification of public land via an LEP. As part of the exhibition of the LEP, the following was provided in relation to reclassifications:</p> <ul style="list-style-type: none"> • Full schedule of properties contained in Schedule 4 of the Draft LEP • Every property mapped and identified in Council Draft LEP mapping system • Information sheet prepared for each parcel detailing: <ul style="list-style-type: none"> ○ When land was acquired ○ Reason for acquisition ○ Financial benefit expected from reclassification ○ Reason for reclassification ○ Management objective being pursued • Public hearing held to allow community submissions to be heard into reclassification <p>The whole process required for reclassification of public land demands absolute transparency from Council, and every effort has been made to provide the community with as much information as possible to allow them to make an informed submission or comment on the proposal. There has certainly not been</p>	<p>provide for additional rural small lots within the</p> <ol style="list-style-type: none"> 2) Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan. 3) All proposed new individual heritage items and heritage conservation areas will be removed from Draft as per Minute No 13-390 4) RMS layer is required to be included within the Draft LEP

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		<p>any "fine print", used to mislead the public in relation to the reclassification of the public land parcels as part of the exhibition of the Draft LEP.</p> <p>Rural Lifestyle Allotments Council at its meeting of the 15th April 2013, resolved as per Minute 13-116, to undertake the preparation of a detailed rural lands study to inform a possible future Planning Proposal to provide for additional rural small lots within the Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan. The study must take into account the impacts on the viability of our current urban centre, towns and villages, conflicting land use issues, levels of facilities and services required and their projected costs.</p> <p>RMS Great Western Highway Corridor The inclusion of the RMS acquisition map for the upgrades to the Great Western Highway Katoomba to Lithgow project was a condition of the Gateway Determination issued by the delegate of the Minister for Planning and Infrastructure.</p>	
Funnell	<ul style="list-style-type: none"> Disappointed plan does not address 5 acres lifestyle lots as there is a real need in our community. Ability for landowners to subdivide small lot from an existing holding for a relative should be reinstated. Council 	<p>Rural Lifestyle Allotments Council at its meeting of the 15th April 2013, resolved as per Minute 13-116, to undertake the preparation of a detailed rural lands study to inform a possible future Planning Proposal to provide for additional rural small lots within the Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan. The study must take into account the impacts on the viability of our current urban centre, towns and villages, conflicting land use issues, levels of facilities and services required and their projected costs</p> <p>Concessional Allotments</p>	<p>64. Advise the respondent, Funnell of the following in relation to their submission:</p> <ol style="list-style-type: none"> Council resolved at its meeting of the 15th April 2013 as per Minute 13-116, to undertake the

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	<p>should represent our local needs and wishes and not fall meekly into line with the wishes of the state government.</p>	<p>The development provisions relating to the creation of rural concessional allotments were removed from all NSW planning instruments in 2008 by the NSW Government as they were recognized as being an inappropriate form of development in the rural areas. There is no mechanism to allow the reintroduction of this development form within the standard instrument LEP.</p>	<p>preparation of a detailed rural lands study to inform a possible future Planning Proposal to provide for additional rural small lots within the Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan.</p> <p>2) That the consultation strategy developed for the rural lands study and any subsequent planning proposal will be developed having</p>

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			<p>regard to the high degree of community interest and expectation in regard to this matter.</p> <p>3) Concessional allotment are not able to be reintroduced within the standard instrument LEP</p>
Fitzgerald	<ul style="list-style-type: none"> The prohibition of erecting dwelling on vacant residential land of less than 4000m² that are unsewered is unjust and should be amended to allow each site to be considered on merit. The prohibition of erecting an unattached dwelling on rural land of 40ha or more appears to have little merit and little reason for support. 	<p>4000sqm Lot size</p> <p>The benchmark standard for the erection of a dwelling in unsewered areas has been set at 4000sqm as per the model suggested in Environment and Health Protection Guidelines – On –site sewerage management for single Households January 1998. The aims and objectives of standard is to address impacts on:</p> <ul style="list-style-type: none"> Water quality Groundwater Health and amenity issues <p>Initial assessment data from Council’s on-site sewerage management program indicated that in excess of 50% of systems inspected do not meet prescribed performance and operational objectives.</p> <p>The cumulative impact of onsite effluent disposal is evident in the Village of Cullen</p>	<p>65. Advise the respondent, Fitzgerald of the following in relation to their submission:</p> <p>1) Council minute 13-391 has removed the requirement for 4000sqm minimum allotment size for the erection of a dwelling on an unsewered existing allotments. The status quo of</p>

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		<p>Bullen, despite individual properties meeting performance and operational objectives. The Draft LEP provision is proposed to strategically prevent this situation arising again into the future.</p> <p>This issue has been addressed by Council resolution on 28 October 2013 Min No 13-391.</p> <p>Detached Dual Occupancy 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>Recommendation Amend the land use tables of zones. RU1, RU2, RU5, R5, E3 and E4 to identify detached dual occupancy as development permitted with consent.</p>	<p>merit based assessment will remain in these circumstances.</p> <p>2) The land use tables of zones. RU1, RU2, RU5, R5, E3 and E4 will be amended to identify detached dual occupancy as development permitted with consent.</p>

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Cullen Bullen Lifestyle Group	Questions the sincerity and validity of the aims and objectives of the Draft LEP given Council's approval and advocacy for such projects as the Coalpac Consolidation Project and the Wattlemount Quarry.	NA	
Botfield	Aims and objectives of the Draft LEP appear to be at odds and in direct conflict with proposals such as the Coalpac Consolidation Project.	NA	
CEH - Grosfeld	Reviewed plan and have no significant issues with proposed documents.	NA	
Burrows	<ul style="list-style-type: none"> • Draft LEP changes from the LUS for R5 land are supported. • Support the proposed industrial zone for Marrangaroo and consider this site as essential if new businesses are to relocate here. 	NA	

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Green	<ul style="list-style-type: none"> • How does the development of Large Lot Residential areas not hinder the orderly and economic development of urban areas in the future? • Stocking rates on 2ha lots can be a problem but these owners should not be restricted in having a horse or cow on their lot. • Current use of tertiary treatment systems for onsite effluent disposal is bad for the environment. There are better ways to dispose of effluent. • Use of E4 – Environmental Living Zone objectives seem to contradict the long term use of the land for urban land use. • Approving permissible uses in the RU1 & RU2 	<p>Large Lot Residential Development The provision of large lot residential areas should be planned and located in order to facilitate the orderly and economic future development and expansion of urban settlements. It is anticipated that the rural lands study that will be undertaken by Council in 14/15, will have this issue as one of its key parameters. The LUS, has already identified future urban settlement areas for Lithgow in three major town centres, so it will be imperative that the location of any new large lot residential areas do not impinge on these sites.</p> <p>Stocking rates on small rural/res lots The LEP does not restrict agriculture in the large lot residential zone. Guidelines around the keeping of animals within the large lot residential zone will be contained within the yet to be developed comprehensive DCP</p> <p>Onsite Effluent Disposal On site disposal of domestic effluent is an evolving technology that requires constant review and monitoring by Council and other environmental monitoring authorities. No system is perfect and the implementation of the septic safe program by Council aims to improve the long term operational effectiveness of installed on site effluent disposal systems to improve environmental outcomes for our catchment.</p> <p>E4 Environmental Living The E4 zone has been used in the LEP as an urban holding zone as the standard instrument does not provide a transition zone for future urban land use.</p> <p>Rural Zones The range of permissible uses within the rural zones has been substantially</p>	

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	<p>zones cannot possibly meet the zone objectives</p> <p>Concerned that roads do not need Council consent.</p>	<p>reduced from the existing 1994 LEP. General industry has been purposely excluded from the rural areas, together with general commercial and business uses. For major state significant developments, including mining and extractive industry, the approval process is generally not via the LEP; any other development that is permissible with consent will have to show consistency with the zone objectives through the development assessment process in order to gain approval.</p>	
Stoneman & McLelland	<ul style="list-style-type: none"> • LEP is too prescriptive and inflexible and does not allow the consideration of evolving technologies • Too much restriction around home business and home industry in the rural zone <p>Should be encouraging these types of developments in rural areas with development consent.</p>	<p>The Draft LEP has made provision to allow home business and home industry as permissible with consent in the rural area and the R5 – Large lot residential areas and home occupations as permissible without consent. The majority of home based business and home industries operate quite comfortably within the development guidelines for these types of uses which are quite broad in the types of development that can be captured under this broad definition.</p> <p>As new technologies evolve and develop, the operational requirements for home based work environments may change. Council will have to ensure the development standard and permissibility's keep pace with community expectation and need, in order for the definition to remain relevant.</p>	<p>66. Advise the respondent, Stoneman and McLelland that objections and concerns have been noted but are not supported at this time.</p>
Owens	<ul style="list-style-type: none"> • Objects to the restriction on subdivision within the prime crop and pasture lands within the Capertee Valley • Objects to prohibition of 	<p>Subdivision Requirements - Former Rylstone Area</p> <p>Council resolved in October 2010, to retain the development standards, relating to subdivision for the erection of a dwelling in the rural areas, as contained in the Lithgow 1994 LEP. In retaining the "status quo", all development standards relating to rural subdivision for the erection of a dwelling were required to then be brought forward into the planning proposal developed for the consideration of Council and the community for the making of the new comprehensive LEP.</p>	<p>67. Advise the respondent, Owens that the land use tables of zones. RU1, RU2, RU5, R5, E3 and E4 will be amended to identify detached dual occupancy</p>

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	<p>detached dual occupancy in the rural areas.</p> <ul style="list-style-type: none"> Objects to the use of the Biodiversity and Sensitive Water Overlays, as the information they contain does not appear accurate at property level. <p>Concerned with the prohibition of intensive plant and livestock agriculture in the RU2 zone</p>	<p>The consequences of this includes the retention of the prohibition on subdivision within the area covered by the Rylstone LEP 1996, and the retention of the prohibition on further subdivision of consolidated lots created under c12(3)-(5) of the Lithgow LEP 1994.</p> <p>Recommendation: Removal of these restrictions is not supported</p> <p>Detached Dual Occupancy 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>Recommendation Correct the land use tables of zones. RU1, RU2, RU5, R5, E3 and E4 to identify detached dual occupancy as development permitted with consent.</p> <p>Biodiversity Overlay</p>	<p>as development permitted with consent.</p> <p>68. Advise Owens that the other objection and concerns raised in the submission have been noted but are not supported at this time.</p>

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		<p>The inclusion of the environmental overlays through CI 7 of the Draft LEP provide Council and the community with a development assessment tool, intended to first act as a trigger for the identification of environmentally sensitive areas.</p> <p>The data contained in the biodiversity layer can be broken down to identify the ecological reference within each area. When development is to be undertaken on a site identified as being affected by the BIO layer, the proponent is required to comply with the requirements of CI 7 of the Draft LEP, if it is determine that the land contains vegetation as described which will be affected by any proposed development.</p> <p>Through the process of preparing the LUS, the lack of a full Biodiversity Strategy was identified as a data gap. The completion of this strategy before the first full review of the new LEP, will allow Council to move towards a bio certified LEP that contains absolute bio data at property level. This will then make the process of development application lodgment and assessment much simpler for both the proponent and Council.</p>	
Curran	<ul style="list-style-type: none"> MLS for dwellings in the rural areas should be lowered or more flexible. LEP should allow for further expansion of rural small lots for housing 	<p>Rural Lifestyle Allotments</p> <p>Council at its meeting of the 15th April 2013, resolved as per Minute 13-116, to undertake the preparation of a detailed rural lands study to inform a possible future Planning Proposal to provide for additional rural small lots within the Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan. The study must take into account the impacts on the viability of our current urban centre, towns and villages, conflicting land use issues, levels of facilities and services required and their projected costs</p>	69. Advise the respondent, Curran that objections and concerns have been noted but are not supported at this time
Thirlwall. 2	Urges an objective approach to the consideration of mining related development	NA	

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	within the Capertee Valley and throughout the LGA.		
Duffy	<ul style="list-style-type: none"> Land is being backzoned from Rural Residential 1(c) to part R5 -Large Lot Residential & RU2 – Rural Landscape. This reduces subdivision potential Land is affected by Biodiversity Overlay, and quality of mapping is not adequate to identify what species are contained within the overlay. It is not adequate to be used at property level. Suggest Council doing the work to have a biocertified LEP rather than putting the onus back on the landowner to justify development where the overlays apply. 	<p>The environmental constraints and characteristics of the subject land warrant the zoning change to RU2 – Rural Landscape for a portion of the site, with the cleared and developed sections of the site retaining the residential zoning. However it should be noted that the landowner will not lose the ability to lodge a DA for the erection of a dwelling on each of the allotments as a result of the zoning change.</p> <p>Biodiversity Overlay</p> <p>The inclusion of the environmental overlays through CI 7 of the Draft LEP provide Council and the community with a development assessment tool, intended to first act as a trigger for the identification of environmentally sensitive areas.</p> <p>The data contained in the biodiversity layer can be broken down to identify the ecological reference within each area. When development is to be undertaken on a site identified as being affected by the BIO layer, the proponent is required to comply with the requirements of CI 7 of the Draft LEP, if it is determine that the land contains vegetation as described which will be affected by any proposed development.</p> <p>Through the process of preparing the LUS, the lack of a full Biodiversity Strategy was identified as a data gap. The completion of this strategy before the first full review of the new LEP, will allow Council to move towards a bio certified LEP that contains absolute bio data at property level. This will then make the process of development application lodgment and assessment much simpler for both the proponent and Council.</p>	70. Advise the respondent, Duffy that objections and concerns have been noted but are not supported at this time.
Lithgow	Areas such as Hassans	In order to utilize the E2 – Environmental Protection zone, Council would have to	71 Advise the

TABLE 7

Community Submissions		General Issues	Draft Lithgow City LEP 2013
Respondent	Summary of Submission	Planning Comments	Action Required
Escarpment Landcare Group	Walls Reserve Hyde Park, Zig Zag Reserve should be protected with an E2 – Environment Protection zone.	complete and implement a biodiversity strategy. This was identified as a data gap through the LUS process. It is anticipated that this strategy will be undertaken in line with the first full review of the new LEP.	respondent, Lithgow Escarpment Landcare Group that objections and concerns have been noted but are not supported at this time
Le Fevre	Objects to the rezoning of her land from rural residential 1(c) with a 2ha MLS to RU2 – Rural Landscape with a 40ha MLS.	The environmental constraints and characteristics of the subject land warrant the zoning change to RU2 – Rural Landscape for the majority of the site, with the cleared and developed sections of the site retaining the residential zoning. Recommendation: Objection not supported	72. Advise the respondent, Le Fevre that objection and concerns have been noted but are not supported at this time.
Favell	<ul style="list-style-type: none"> • Would like the boundaries of the Heavy Industrial zone at Blackmans Flat to extend no further east than Council Waste facility and be bounded by Boulder Rd. The remainder of Blackmans Flat should be rural residential. • Ben Bullen State Forest should be protected from future open cut mining • Encourage Council to 	<ul style="list-style-type: none"> • The heavy industrial zone proposed in the exhibited LUS, was not endorsed in the adopted LUS. It has therefore not been brought forward in the Draft LEP. • Open cut mining was initially proposed to be prohibited in the RU3 – Forestry zone in the exhibited Draft LEP. However, following advice from NSW Forestry Corp, it is considered that open cut mining should be allowed in the RU3 zone with consent ; open cut mining operations, would in most instances be permissible with consent under the mining SEPP in these areas, which as the parent legislation overrides the provisions of Council's LEP. Council should maintain consistency with SEPP's where possible. • Other issues noted. 	

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	<p>facilitate diversity within our economy</p> <ul style="list-style-type: none"> Encourage Council to work with Energy Australia to secure a renewable energy site at the second stage of Mt Piper. <p>Questions Councils support of the Coalpac mining proposal at Cullen Bullen.</p>		
Gabriel	<ul style="list-style-type: none"> Increase in rating with change in zone Assurance that land will not be forcibly acquired How will development of this area be undertaken and how will this impact on their existing dwelling 	<p>Rating</p> <p>Council's Finance Division has advised that rates are determined firstly by rating category and then secondly by valuation. The rating category for land is not inextricably tied to land use zoning, but zoning is one element that is considered in review of rating categories.</p> <p>Council may review categories for rating purposes for individual parcels of land or a selection of parcels of land at any time but is not required to do so unless an application is received under Section 525 of the Act.</p> <p>Council may review the category for rating purposes of a parcel of land on approval of a Construction Certificate application or otherwise as indicated in Section 523 of the Act, and adjust rates and charges accordingly under Section 527 of the Act.</p> <p>Council will categorise new valuations created by the Valuer General as a result of sale or subdivision according to the relevant sections of the Local Government Act</p>	

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		<p>1993. Zoning may impact on the category given to new valuations for vacant land under Section 519 of the Act.</p> <p>Acquisition Council has no current plans to acquire this land at the current time.</p> <p>Master planning of Reserve Rd Industrial Area In order for the new industrial area at Reserve Rd Marrangaroo to be developed in an economically and environmentally sustainable way, it is proposed that Council will undertake the relevant strategic planning work that will be required in relation to infrastructure, environmental and urban design planning that will be required prior to development of this new green field industrial area. This work will be undertaken by way of a development control plan and will consider the impacts of incoming development on existing residential land use.</p>	