



Our Ref: 13031

23<sup>rd</sup> December, 2013

The General Manager  
Lithgow City Council  
180 Mort Street  
Lithgow NSW 2790

Attention: Mr Andrew Muir

Dear Sir

**Re: Review of Proposals For Amending the Zoning of Land at Marangaroo relating to Lot 58 DP 751655 and Lot 31 DP 839469**

Recently the Council proposed via a draft LEP to backzone Lot 702 DP 1135310 from Zone 2(a) – Residential to a Living E4 zone, with a minimum area of subdivision of 40ha.

Following a submission to Council concerning this matter, the Council has resolved to leave the Residential 2(a) zone on Lot 702 and to replace this zone on the balance of the Council's own Marangaroo Fields Estate which has not, as yet, been developed.

This reversal of Council's attitude to its own land appears, in part, to fly in the face of its investigation that some of the land is in unreasonable proximity to the existing mineral quarry. Nevertheless we do not argue with Council's determination of this matter.

However, the lack of a recommendation to replace the Residential 2(a) zone on that part of Lot 58 DP 751655 is difficult to understand, as the adjoining Council land, on the northern side of the Crown reserve road has had its residential zone reinstated, and Marangaroo Fields Estate Development Control Plan shows the area within Lot 58 being subdivided in conjunction with the Council land. When the Council land was proposed to be backzoned to a 40ha minimum lot size we suggested that the area within Lot 58 zoned Residential be replaced by a similar area of land on the northern side of Lot 31 DP 839469. Either of these two alternatives is acceptable to the owner. However, the deleting of good residential land is not. Such an action would continue the discriminatory action previously proposed in the draft LEP.

In addition to the subdivision relating to the backzoning of residential land to a 40ha minimum lot size zone, there is still the issue relating to the increase in the minimum lot size within Lot 31 DP 839469. Council had proposed an increase from 10ha to 40ha. The officers report to Council has now stated that the 40ha lot size was in error, and the figure should have been 20ha. This is still a halving of the density permissible on the land and is a completely unnecessary reduction in density. While the Council proposes that the area south of

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Marangaroo generally be shown as a future urban area, there is no planning requirement or justification for the increased lot size or the reduction in density.

The 10ha minimum area would create no greater difficulty in subdividing the land in the future for urban use than a 20ha minimum lot size.

We therefore submit that for the reasons given Council should:-

- Reinstatement of the Residential 2(a) portion of Lot 58 DP 751655, or alternatively replace it with a similar area of residential land within Lot 31 DP 839469 adjoining Lot 702 DP 1135310.
- Reinstatement of the 10ha minimum lot size within the area to the south of Lot 702 DP 1135310 identifying the land as "future urban".

We thank Council for its attention to these matters.

Yours faithfully

**NEIL INGHAM**

c.c. The Mayor and Councillors

The General Manager,

2 January 2014.

Lithgow City Council,

180 Mort St, Lithgow NSW 2790, Australia

Dear Sir,

**Re: Proposed “Back Zoning” Lot 58 DP 751655 & Lot 31 DP 839469 Item 2 Agenda 16 Dec 2013**

I refer to a further meeting with Mr Andrew Muir on 18 December, and as requested, now enclose further submissions including that of Ingham Planning dated 23 December 2013 relating to the subject lots to enable the matter to receive further consideration.

As you would understand, we strenuously *oppose* such “Back Zoning”.

In addition to the further submission by Ingham Planning we confirm the following matters:-

1. The subject lots were acquired in about 2005 with their existing zonings.
2. “Back Zoning”, as proposed by Council, will result in the subject lots being rendered virtually worthless and will result in substantial loss.
3. It is not commercially viable to build just 1 dwelling on each of lot 58 and lot 31 pursuant to the *proposed* LEP.
4. There is *NO* justifiable basis to support the “back zoning” of the subject land and there is *NO* benefit to the community in the “back zoning” the land.
5. Upgraded access would be available to both lot 58 and lot 31 by utilizing the same access as that proposed to develop Lot 702 DP 1135310 (via Girraween and Bundara). As an integral part of the proposal contained in DA 245/13 (relating to lot 702), it is intended to widen/upgrade the existing single lane bridge at Marrangaroo Fields by replacing its superstructure with a prefabricated 2 lane superstructure in compliance with all applicable standards and providing for pedestrian access if desired.

The bridge construction company have confirmed that a new bridge can be completed within about 2 *days*. During construction, temporary alternative access can be provided via the go kart track and Oakey Forest Road as suggested/requested by Transport Roads & Maritime Services.

As part of the proposed development of lot 702 it has been agreed in principle for the *developer to bear the cost* of upgrading the bridge.

Community sentiments reveal and confirm that the upgrading of the bridge is well over due. The upgrading of the bridge will be of substantial benefit to Council, the immediately surrounding community, and the community generally.

6. The subject lots have easy access to *ALL* services.
7. There is substantial demand for new housing lots in the subject area. We have already been approached by some 5 building companies, all keen to build housing subject of course to a DA relating to lot 702.
8. The residential portion of Lot 58 can readily be developed in isolation.
9. Both lots 31 and 58 can be developed in isolation.
10. There would be absolutely *NO* detrimental effects to Council or the community if the subject lots were not back zoned and were developed.
11. There are no statutory provisions which have not, or cannot, be fully addressed.

An inspection of the land will demonstrate that Lot 31 is particularly well located and suited to the development of residential homes, as is part of Lot 58 (about 10 acres of existing Residential 2(a) zoned land) adjoining Marrangaroo Fields. Any development would complement the area and properly developed, could become a show piece for development standards particularly in light of the existing topography and adjoin natural landscape.

Given the submissions of Ingham Planning and the matters outlined above, we respectfully request that the issues relating to lots 31 and 58 be reviewed and consideration be given to the zoning of Lot 31 and Lot 58 along the lines proposed by Ingham Planning.

We are available to continue discussions with you in an effort to achieve a mutually acceptable resolution.

In the event that these matters are unable to be determined prior to the Council meeting of 3 February, we request that the zoning of Lot 31 DP 839469 and Lot 58 DP 751655 be deferred pursuant to S59(3) of the Environmental Planning and Assessment Act.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Heinz Beckers', written in a cursive style.

Heinz Beckers

For and on behalf of

Lithgow Mountain View Estate Pty Limited

The General Manager,

10 January 2014.

Lithgow City Council,

180 Mort St, Lithgow NSW 2790, Australia

Dear Sir,

**Re: Proposed "Back Zoning" Lot 58 DP 751655 & Lot 31 DP 839469 Item 2 Agenda 16 Dec 2013**

Further to our recent submissions and telephone conversation with your Mr Nichols, we confirm that an acceptable solution on the land owners part would be as follows:-

Lot 31 contains an area of 73 acres or 29.54 hectares.

On that basis, replace/apply an area of 9.54 hectares within Lot 31 (adjoining lot 702) as R2 zoned land under the proposed LEP to compensate for both the Residential 2(a) and Future Residential land which would be lost if Lot 58 were to be back zoned.

The remaining 20 hectares of Lot 31 could then become subject to the proposed future zoning.

Yours Sincerely

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Heinz Beckers

For and on behalf of

Lithgow Mountain View Estate Pty Limited