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| Government Agency Submissions  |  | Draft Lithgow City LEP 2013  |                                |
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| Respondent   | Summary of Submission  | Planning Comments  | Draft LEP 2013 Recommendations |
| <p>Sydney Catchment Authority (SCA)<br/>PO Box 323<br/>PENRITH NSW 2750</p> <p>Malcolm Hughes A/Senior Manager, Sustainability</p> | <p>SCA supports the water quality objective of each land use zone.</p> <p>SCA supports the pattern of RU1, RU2 and E3 land use zones</p> <p>SCA strongly supports the removal of intensive livestock and intensive plant agriculture from the RU2 and E3 zones and the requirement for consent for these uses in the RU1 zone.</p> <p>SCA recommends the E2 Environmental Conservation Zone be applied to Hassans Walls Reserve and the environmentally sensitive crown land between Blackmans and Reedy Creek as well as the crown land around Hartley Vale to offer higher environmental outcomes.</p> <p>SCA recommends the parcels of crown land immediately next to Marrangaroo National Park and Lidsdale State Forest be zoned E2 rather than E4 due to the high to extreme risk to water quality residential and rural uses would have in this area.</p> <p>SCA supports the conversion of the existing Rural 1(c) zones to R5 zone as well as the proposed MLS for these areas. Also supported is the requirement for all development including dwellings and extensive</p> | <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>To use the E2 zone Council would need to demonstrate by appropriate evaluation that the lands meet the core objectives of that zone. This is a matter for the Biodiversity Strategy that has been identified as an information gap for this process and will be filled prior to the next LEP review.</p> <p>See comment above</p> <p>Noted</p> |                                |

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|   | <p>and intensive plant agriculture to require consent. SCA supports the zoning and MLS proposed for those parts of Rydal in the Sydney Drinking Catchment. This area shows an extreme risk to water quality from unsewered residential development on lots below 4000m<sup>2</sup> as well as from intensive livestock and plant agriculture.</p> <p>SCA supports the provisions to prevent further subdivision of concessional holdings.</p> <p>SCA supports the restriction of development on all unsewered land below 4000m<sup>2</sup>.</p> <p>SCA does not support the inclusion of the Drinking Water Catchment model local clause 7.13 in the Draft LEP. The Lithgow Drinking Water Catchment is within the Sydney Drinking Water Catchment to which the Drinking Water SEPP applies. The clause is therefore an unnecessary duplication.</p> | <p>Noted, however this provision will now be removed from the final Draft LEP due to Council resolution No 13-391</p> <p>Agreed. The Drinking Water SEPP will provide more robust protection and therefore there is no need to duplicate provisions. The removal of the Clause will remove any ambiguity as to what process needs to be followed.</p> | <p>1. Remove Clause 7.3 and the Drinking Water Map from the Draft LEP</p> |
| Office of Environment and Heritage (OEH)<br>PO Box 2111<br>DUBBO NSW 2830 | <p>Support the E1 zoning for the OEH Estate.</p> <p>Support the use of Environmental Zones E3 and E4 particularly the E4 zone adjacent the Marrangaroo National Park.</p> <p>Support the inclusion of the Terrestrial Biodiversity</p>   | Noted   |   |

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| Sonya Ardill, Team Leader<br>Planning<br>North West Region | <p>Clause and overlay.</p> <p>Not all current OEH estate is included in the E1 Zone. Recommend updating layer to include all land gazetted as well as those acquired but not yet gazetted.</p> <p>Recommend applying E3 zone at a minimum to the following public lands:</p> <ul style="list-style-type: none"> <li>• Crown Commons and Public Recreation Reserves with high biodiversity sensitivity vegetation</li> <li>• Travelling Stock Reserves (TSR) identified to be of medium or high biodiversity value</li> <li>• Vegetated TSR adjoining OEH estate</li> </ul> <p>All zonings of TSR's to be in consultation with DPI (Local Land Services).</p> <p>OEH considers that minimum lot sizes (MLS) in the RU1, RU2 zones and environmentally sensitive areas should be higher to reduce pressures of development and settlement on biodiversity in rural lands.</p> <p>OEH supports Clause 4.1(5) which restricts subdivision of prime agricultural land and residue holdings from previous concessional subdivisions.</p> | <p>Mapping was correct at time of the preparation of the Planning Proposal. Only minor differences appear and will be corrected for final mapping in line with most recent data. It should be noted that the LEP mapping will only ever be current for the date on which it was prepared.</p> <p>Noted. In order to undertake this action further work is required in relation to identifying biodiversity at the property and site level. The LUS identified the Biodiversity Strategy as an information gap to be filled prior to the next major review of the LEP.</p> <p>Noted. MLS for the wider rural areas has been determined by Council in its resolution of 31 October 2011 and will not be revisited as part of this process.</p> <p>Noted</p> | <p>2. Update LEP mapping to include all OEH estate identified in most recent data from OEH and LPI in E1 zone.</p> |

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|  | <p>OEH supports the MLS of 2ha for the R5 zone and the increase to 10ha MLS for the vegetated R5 zone south of Portland, and encourages Council to utilise the E4 zone in this area rather than the R5.</p> <p>OEH is concerned that the draft LEP permits roads with consent in all zones except E1 and E3. Uncontrolled construction of roads has the potential to cause environmental impacts such as fragmentation of remnant vegetation, erosion and sedimentation.</p>  | <p>Noted</p> <p>Noted. Council does not have the resources to control and regulate the construction of all rural roads associated with primary industry use. Educative material on t minimising the impacts of road construction either with or without consent will be addressed in the new Development Control Plan.</p> |                                |
| <p>NSW Department of Primary Industries- Agriculture<br/>Dubbo NSW</p> <p>Mary Kovac<br/>Resource Management Officer Central and Far West.</p> | <p>Considers that the interests of primary industry still not considered in the LGA.<br/>Acknowledge that the differences in subdivision standards applied in the primary production zones between the former Rylstone and Lithgow LGA's is unfortunate and undesirable. However to continue to allow generous living entitlements in these areas is also not desirable.</p> <p>Despite the outcome of the strategic planning process in relation to primary production Council should be congratulated on a thorough and well documented process that will continue as a benchmark for future monitoring and planning.</p> | <p>Noted. Draft LEP reflects the Council resolution of 31 October, 2011 that set the directions for rural subdivision.</p> <p>Noted</p>  |                                |

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|                               | <p><b>Land Use Table</b><br/>                     RU1 Zone -The extensive range of permitted land uses and the potential for rural landuse conflict with both existing and future residential land use is noted.</p> <p>Supports the prohibition of rural workers dwellings given the generous living opportunities already provided. Recommends that secondary dwellings also be prohibited.</p> <p>RU2 Zone - Consideration should be given to small scale agriculture that does not detract from the objectives of the zone, such as viticulture and horticulture being permissible with consent.</p> | <p>Land use conflict in primary production zones will always be an issue whilst ever the MLS remains low enough to make residential development the predominant use of land.</p> <p>Secondary dwellings are essentially "granny flats" that provide for only a small additional dwelling. They are permissible in all zones where dwellings are permissible. It would be unreasonable not to provide this opportunity in the rural zones, given the range of other residential accommodation types available in the zone.</p> <p>The RU2 zone applies to land that has been identified as environmentally sensitive or providing corridors between environmentally sensitive areas. It is considered that the majority of these lands would be unsuitable for intensive plant agriculture. The impact of this land use decision on small scale agricultural opportunities in the LGA will be kept under review and if need be will be reconsidered</p> |                                |

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| <p>NSW Department of Primary Industries- Fisheries<br/>Marsden Park Road<br/>CALALA</p> <p>David Ward<br/>Fisheries Conservation</p> | <p>Recommends that secondary dwellings also be prohibited in this zone.</p> <p><b>Principal Development Standards</b><br/>Recommends reconsidering retention of the 1970 existing holdings provisions in the former Rylstone LGA. Alternatively consider a sunset clause to phase out opportunities after the commencement of the LEP.</p> <p>Council should set up a land monitor to act as guide to test the appropriateness of the 40 ha MLS and its impacts on land supply and landscape for future review.</p> <p>Fisheries supports inclusion of Clause 7.4 in LEP.</p> <p>Pleased to note the identification of watercourses on the Sensitive Water Overlay Map.<br/>Advised that Fisheries have a more detailed riparian mapping layer that identifies waterways down to third order streams (Strahler Stream Ordering System). Recommends Council include this information in the LEP mapping as Clause 7.4 should also apply to these streams.</p> | <p>in a future LEP review.</p> <p>See comment on secondary dwelling in the RU1 zone above.</p> <p>Council only identified 14 properties below 40ha in the former Rylstone LGA. Therefore the impact of this provision on rural planning is minimal and not worthy of removal or sunset given Council's resolution of 31 October 2011 to set rural planning directions.</p> <p>This is an action of the adopted LUS 2010-2030 that will be commenced upon gazettal of the LEP.</p> <p>Noted</p> <p>Noted</p> <p>Detailed data will improve the environmental outcomes able to be achieved by the implementation of Clause 7.4.</p> | <p><b>3. Source mapping and update Sensitive Water Overlay Map in Draft LEP.</b></p> |

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| Manager (Greater Darling)<br>NSW Department of<br>Primary Industries- Office<br>of Water<br>PO Box 323<br>PENRITH<br><br>Mitchell Isaacs<br>Manager Strategic<br>Stakeholder Liaison Unit | The Office of Water has submitted a comprehensive and detailed review of the Draft LEP and has submitted a number of suggested amendments to aims and objectives as well as provisions to reinforce the protection, maintenance, enhancement and rehabilitation of waterways, riparian land, surface and groundwater resources and dependent ecosystems. | <p>In considering provisions for the Draft LEP Council must have regard to its capacity to review and assess development against those provisions within its area of responsibility.</p> <p>The Draft LEP has for the first time included objectives and provisions directly relating to natural resource management that will compliment the provisions of other natural resource legislation such as the Water Management Act.</p> <p>Whilst all the suggested amendments have merit it is considered that Council's ability at this time to implement them through the Draft LEP is limited due to a number of factors such as limited local data, resourcing and skills.</p> <p>This is an area where considerable work and data collection needs to be undertaken to appropriately assess the current local situation and identify the outcomes sought and measures to achieve those outcomes.</p> <p>In the meantime, this level of natural resource management will remain with</p> |                                |

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|   |  | <p>those agencies best equipped and legislated to deal with them.</p> <p>These matters will be kept under review for possible inclusion in future LEP amendments.</p> <p>Additionally the Comprehensive DCP will provide guidelines and further detail on this issue.</p>   |                                |
| <p>NSW Trade &amp; Investment Resources and Energy - Mineral Resources Branch<br/>PO Box 344 Hunter Region Mail Centre</p> <p>Cressida Gilmore<br/>Team Leader Land Use</p> | <p>Draft LEP 2013 generally satisfied key recommendations of DTIRIS Mineral Resources. Recommends that the provisions of SEPP (Mining, Petroleum production and Extractive Industries), 2007 be reflected in the Land Use Tables to clearly clarify permissibility of open cut mining and extractive industry.</p> | <p>Noted</p> <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> |                                |

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|                               | Reinforces concern regarding intensification of residential development around the Marrangaroo Quartzite Quarry and rural land fragmentation as the cumulative effect may sterilise undiscovered minerals and discourage further mineral exploration. | <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 LUS identified these concerns. Council's resolution of 31 October 2011 to retain the existing MLS in rural areas prevents a more strategic approach to such issues; however there is still ample opportunity through the development assessment process to prevent unnecessary sterilisation of resources on a case by case basis.</p> | <p>4. Modify the RU3 land use table to specify open cut mining and extractive industry as permissible with consent.</p> <p>5. Modify Land Use Matrix to appropriately notate relationship with applicable SEPP's.</p> |

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|   | Recommend Council adopt strategies to protect mineral resources from encroachment from incompatible land use; not unnecessarily sterilise areas of high mineral potential; maintain access to land for mineral exploration.  | The LUS and Draft LEP has had regard to the data made available to determine the location of significant known and potential mineral and coal resources and has adopted similar land use planning strategies and directions. |                                |
| NSW Trade and Investment<br>Crown Lands Division<br><br>Elizabeth Burke<br>Group Leader,<br>Property Management<br>Services<br>Central West | Crown Lands have reviewed the proposed plan and has no comments other than any use or occupation of Crown land (including roads) must have the consent of the Minister prior to any use of occupation commencing.  | Noted  |                                |
| Mine Subsidence Board<br>Singleton District Office<br><br>Richard Pickles<br>Acting District Manager  | <p>The Board recognises the following three areas of major rezoning:</p> <ul style="list-style-type: none"> <li>• 50ha of new industrial land at Marrangaroo</li> <li>• 104ha of heavy industrial land at Wallerawang</li> <li>• 310ha of urban release at Marrangaroo</li> </ul> <p>All three areas are outside the current Mine Subsidence District and approval is not required for surface development, subdivision or rezoning.</p> <p>The Board is currently reviewing its Mine Subsidence Districts and has identified large areas of active and abandoned mining to the north west of Lithgow.</p> | <p>Noted</p> <p>Noted. This should not affect any major tracts of urban land. Will review land use zonings once further detailed information is</p>  |                                |

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|  | Inclusion of these areas into an extended Lithgow Mine Subsidence District or new District may occur in the future.   | forthcoming.   |  |
| <p>Transport for NSW and Roads and Maritime Service<br/>18 Lee St<br/>CHIPPENDALE</p> <p>Carolyn McNally<br/>DPD<br/>Planning and Programs</p> <p>Chris Barnett<br/>Senior Project Manager<br/>LITHGOW</p> | <p>SP2 Zone- Infrastructure</p> <p>Permit advertising beside classified roads and NSW railways in SP2 zone without consent with permission from RMS and Railcorp.</p> <p>Include roads with consent in SP2 zone</p> <p>Identify all of Chifley Road and Jenolan Caves Road as SP2 "Classified Road".</p> <p>E3 Zone<br/>Include roads either with or without consent. Reference to the former Roads and Traffic Authority in Part 5 Clause 5.1(2) be changed to Roads and Maritime Service.</p> <p>TfNSW and RMS support Part 6 Urban Release Area at Marrangaroo and look forward to further</p> | <p>Any signage justified as ordinarily ancillary or incidental to road or rail infrastructure or activity is permissible. General signage should remain restricted along transport corridors within the SP2 zone.</p> <p>Noted</p> <p>Noted</p> <p>Noted. This is an oversight. Roads to be permitted without consent in the E3 zone to be consistent with other zones.</p> <p>Noted, TfNSW and RMS will be identified stakeholders.</p> | <p>6. Amend SP2 - Infrastructure land use table to specify roads as permitted with consent.</p> <p>7. Amend Land Zoning Map to identify all Chifley Road and Jenolan Caves Road as SP2 "Classified Road".</p> <p>8. Amend E3 Land Use Table to specify roads as permitted without consent.</p> |

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|  | <p>consultation and engagement in the preparation of the DCP and future rezoning/ planning proposals.</p> <p>Ensure that in establishing the urban release area consideration is given to the impact of freight activities supporting the adjacent industrial precinct.</p> <p>Ensure appropriate assessment of the suitability of the new heavy industrial precinct for access to rail without compromising other services and infrastructure including road access.</p> <p>Consideration should also be given to the Draft Freight and Port Strategy that guides investment and other decisions to enhance freight logistics in NSW.</p> <p>RMS has set boundaries for the proposed upgrade of the GWH between Mt Victoria and Lithgow. RMS seeks Council's co-operation in including new road boundaries in the LEP as SP2 Infrastructure Zone (Classified Road).</p> | <p>Noted will be considered as part of the DCP scope.</p> <p>Noted will be considered as part of any development assessment process and identified as general consideration in DCP.</p> <p>Noted.</p> <p>Included in Draft LEP 2013 as exhibited in both the Land Zoning Map and the Land Reservation Acquisition Map.</p> |  |
| <p>NSW Transport Rail Corp<br/>PO Box K 349<br/>HAYMARKET</p> <p>Jim Tsirimiagos<br/>Manager Land Use<br/>Planning</p> | <p>Railcorp have identified two parcels of land that are not currently utilized for rail purposes and suitable for rezoning;</p> <p>Lot 1 DP 1111595 &amp; Lot 1089726, Coerwull Road, Bowenfels. Request IN2 Light Industrial zoning. This request is consistent with LEP Practice Note PN 10-</p>  | <p>The extension of the IN2 zone in this locality is inconsistent with the endorsed LUS and is not supported.</p>  | <p><b>9. Insert Standard Clause 5.3 into Draft LEP 2013 excluding its application to</b></p> |

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|                               | <p>001.</p> <p>Land at Fullager Avenue, Bowenfels (Identified on Council's property system as 1A Fullager Ave having an area of 2,934m<sup>2</sup>). – Request R2 Low Density Residential zoning.</p> <p>Submission addresses a number of comments on the proposed heritage listing of rail property as identified through the Railcorp's S.170 Register</p> <p>There are two entries for Eskbank Railway Station in the LEP Heritage Schedule</p> <p>The "Signal Box at Eskbank Station is currently</p> | <p>In the absence of any information supporting the IN2 zone in this location the sites should remain zoned SP2 "Railway" ,</p> <p>It is considered that in order to give more flexibility to infrastructure lands Clause 5.3 can be inserted into the Draft LEP applicable to the SP2- Infrastructure zone only (all other zones specifically excluded) and the relevant distance be set at 50m.</p> <p>The request is supported as the land is currently used for residential use and adjoins the proposed R2 Low Density zone.</p> <p>Noted as an anomaly to be corrected.</p> <p>Noted, Signal box is part of Eskbank</p> | <p>all zones except the SP2 – Infrastructure zone and identify the relevant distance as 50m.</p> <p><b>10. Modify the Land Zone Map to identify 1A Fullager Ave as R2 Low Density Zone.</b></p> <p><b>11. Modify the Lot Size Map to identify 1A Fullager Ave MLS of 800m<sup>2</sup>.</b></p> <p><b>12. Remove duplicate</b></p> |

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|                               | <p>included within the State Heritage Register. This item is not shown on the Draft LEP maps.</p> <p>The former Lithgow Railway Platform and Lithgow Railway Station Goods Lift and Residence are not shown on the Draft LEP maps.</p> <p>Railway corridor through Lithgow falls within the proposed Lithgow Main St Conservation Area. This would require this area to be added to its S.170 Heritage Register. Railcorp have no information available to determine implications.</p> <p>The location of the "Inverted A Frame Footbridge" is unknown. This item is not listed on Railcorp's S.170 Heritage Register. Details should be provided and the location mapped on the Draft LEP maps.</p> <p>The location of the "Oakey Park Railway culvert" at Lithgow is unknown and not listed on Railcorp's S.170 Heritage Register. Details should be provided and the location mapped on the Draft LEP maps.</p> <p>Unable to determine from mapping the extent of the</p> | <p>Station listing. Locality should be Lithgow (not Sodwalls) and significance should be identified as State.</p> <p>Noted. Mapping should be updated to show this item as per the State Heritage Register cartilage. Significance of item to be updated to State</p> <p>Council is not longer proceeding with Heritage Conservation Areas due to Minute No 13-390.</p> <p>Inventory sheets can be made available to Railcorp.</p> <p>Inventory sheets can be made available to Railcorp.</p> <p>This is a group item B245 comprised of</p> | <p>listing and update significance of Eskbank Railway Station to State. In Schedule 5 of Draft LEP.</p> <p>13. Correct Heritage Schedule 5 and Heritage Map to identify as State significant and include SHR cartilage of item as identified.</p> |

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|                               | <p>"Railway Line Newnes to Zig Zag". Details should be provided and the location mapped on the Draft LEP maps.</p> <p>Likely that "Stone Viaduct James St" will be added to State Heritage Register. Suggest significance be identified as State.</p> <p>There appears to some formatting problems with the LE P Heritage Schedule.</p> <p>LEP maps should be updated with a reference to the heritage schedule.</p> <p>Railcorp requests that the listing of the Fullager Road property (subject of rezoning request) does not</p> | <p>nine components, each of which has an inventory sheet. These can be made available to Railcorp. As the rail corridor is not in Council's property system it is difficult to identify each component by reference to lot and DP or mapping layers. Every attempt has been made to narrow down the exact location of these items and further consultation will be undertaken with Railcorp in this regard prior to finalisation of LEP mapping.</p> <p>Noted. Significance of item within the Heritage Schedule to be updated.</p> <p>Noted and will be corrected.</p> <p>Draft LEP mapping in the Standard Instrument template form as exhibited does show the Heritage Schedule Inventory Sheet Number</p> <p>Property at 1A Fullager Ave is currently listed in LEP 1994 and will be relisted in</p> | <p>14. Further consultation with Railcorp to be undertaken to finalise the mapped location of all items within B245.</p> <p>15. Update significance of this item to State in Schedule 5 of the Draft LEP.</p> <p>16. Review and correct formatting issues within Heritage Schedule 5 of Draft LEP</p> |

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|  | progress until status and constraints over future use are known.  | the Draft LEP.   |                                |
| <p>NSW Transport – Country Regional Network<br/>John Holland Rail Pty Ltd<br/>PO Box 215<br/>PARRAMATTA</p> <p>Chris Payne<br/>Chief Financial Officer</p> | <p>JHR supports the zoning of railway land in accordance with LEP Practice Note PN 10-001.</p> <p>JHR preference is for all rail land to be zoned in consistent with adjoining zones or with existing uses.</p> | <p>In zoning infrastructure in Draft LEP 2013 consideration has been given to LEP DOP &amp; 1 Practice Note 10-001. This Practice Note contains six principles for zoning infrastructure. Principles 1 and 4 are applicable to the rail infrastructure corridors in the Lithgow City LGA. Draft LEP 2013 proposed that these corridors be zoned SP2 Infrastructure – Railways.</p> <p>Under the Infrastructure SEPP 2007, Railways are permitted in any land use zone. Therefore from the perspective of ensuring that rail land can be used for railway purposes there is no need for a SP 2 Infrastructure zone as indicated in PN 10-001, Principle 1.</p> <p>The SP2 Infrastructure zone has been applied in the Draft LEP2013 to be transparent as to the location of infrastructure that is unlikely to change both now and into the future planning horizon and to ensure that such infrastructure is duly considered in any development proposal on adjoining or</p> |                                |

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|                               | JHR supports listing of heritage items on railway land within LEP's consistent with the State Heritage Register and Country Regional Network s170 Register. | <p>adjacent lands.</p> <p>JHR has not identified any lands not currently being used for railway lands or any lands considered to be surplus to their needs that would benefit from zoning consistent with adjoining lands to allow land uses other than railway. Should such be identified in the future this can be further considered in the next LEP review. Draft LEP 2013 has not proposed to adopt the flexible zone boundaries clause 5.3. This is inconsistent with Principle 4 of PN 10-001 in relation to the use of the SP2 - Infrastructure zone.</p> <p>It is considered that in order to give more flexibility to infrastructure lands Clause 5.3 can be inserted into the Draft LEP applicable to the SP2- Infrastructure zone only (all other zones specifically excluded) and the relevant distance be set at 50m.</p> <p>Noted.</p> | <p>17. Insert Standard Clause 5.3 into Draft LEP 2013 excluding its application to all zones except the SP2 – Infrastructure zone and identify the relevant distance as 50m.</p> |

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| <p>NSW Education and Communities<br/>GPO Box 33<br/>SYDNEY</p> <p>Tony McCabe<br/>Director Planning and Delivery.</p> | <p>Land use zones over school sites should be attributed a prescribed zone under the Infrastructure SEPP.</p> <p>The Department requests that school sites be zoned the same as neighbouring land uses and that development control standards of floor space ratios (FSR) and height should not apply.</p> <p>Necessary for the zoning of school sites to allow community and recreational uses to achieve a broader role in the community.</p> | <p>This has been achieved in Draft LEP 2013 for all school sites with the exception of Meadow Flat School, zoned RU1 Primary Production and part of the Lithgow High School site zoned E3 Environmental Management.</p> <p>The proposed zoning of Meadow Flat School should remain RU1 to be consistent with the adjoining land zoning and use. However educational establishment can be made permissible with consent within that zone.</p> <p>That part of Lithgow High School zoned E3 in Draft LEP 2013 has been found to be a mapping anomaly and will be corrected. This site should all be zoned R1 General Residential.</p> <p>Draft LEP 2013 does not adopt development control standards for FSR and building height.</p> <p>Community facilities are a permissible use in all applicable school site zones.</p> | <p><b>18. Amend the RU1 Land Use Table to specify Educational Establishment as permitted with consent.</b></p> <p><b>19. Correct Land Zone Map to remove the E3 zone from lands owned by NSW DE&amp;C and replace with R1 zone consistent with the remainder of the site.</b></p> |

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|                               | <p><b>Heritage</b><br/>                     DE&amp;C has no objection to the inclusion of individual school buildings where the style and features are significant and the items are not commonly found throughout NSW.</p> | <p><b>Cooerwull</b></p> <ul style="list-style-type: none"> <li>The School Bell (A170) is the only item to be listed. It is not proposed to list any of the school buildings within the site.</li> <li>As it is a new listing under the Draft LEP it will not be carried forward in the Draft LEP post exhibition as per Council Minute 13-390</li> </ul> <p><b>Cullen Bullen</b></p> <ul style="list-style-type: none"> <li>The Cullen Bullen School site (B117) is proposed for listing in the Draft LEP. The inventory sheet refers to the importance of the two (2) early school buildings which the Dept has no objection to being listed. The other building on the site which is not mentioned in the inventory sheet is the residence on the site. The Dept does not support this building being listed.</li> <li>As the site is a new listing</li> </ul> |                                |

TABLE 3

| Government Agency Submissions |                       | Draft Lithgow City LEP 2013  |                                |
|-------------------------------|-----------------------|--|--------------------------------|
| Respondent                    | Summary of Submission | Planning Comments  | Draft LEP 2013 Recommendations |
|                               |                       | <p>under the Draft LEP it will not be carried forward in the Draft LEP post exhibition as per Council Minute 13-390.</p> <p><b>Lithgow Public School</b></p> <ul style="list-style-type: none"> <li>• The Lithgow Public School (B278, B346 - Memorial Gates)) is currently listed in the 1994 Lithgow LEP.</li> <li>• The inventory sheet refers to the 3 major buildings on the site (Main School Building Mort St, Residence Mort St, and Infants Building Eskbank St).</li> <li>• The Dept support the continued listing of the site encompassing the buildings notated on the inventory sheet and the other significant buildings on the site including the Memorial Gates.</li> <li>• It is recommended that the Memorial Gates be noted as being included in the group listing for the site together</li> </ul> |                                |

TABLE 3

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|-------------------------------|-----------------------|---|--------------------------------|
| Respondent                    | Summary of Submission | Planning Comments   | Draft LEP 2013 Recommendations |
|                               |                       | <p>with the other buildings referred to by the Departments Heritage advisor.</p> <ul style="list-style-type: none"> <li>The listing of the site under the Draft LEP will be carried forward as per Council Minute 13-390, as it is a current heritage item under the 1994 LEP.</li> </ul> <p><b>Meadow Flat Public School</b></p> <ul style="list-style-type: none"> <li>The Meadow Flat school site (B231) and School Bell (A092), were proposed for listing under the Draft LEP. The inventory sheet makes reference to the original beehive school building as the building of most significance on the site, as does the inventory sheet for the school bell.</li> <li>The Dept has no objection to the listing of these two items.</li> <li>As the site is a new listing under the Draft LEP it will not be carried forward in the Draft LEP post exhibition as per</li> </ul> |                                |

TABLE 3

| Government Agency Submissions   |   | Draft Lithgow City LEP 2013  |  |
|---|---|--|--|
| Respondent  | Summary of Submission   | Planning Comments  | Draft LEP 2013 Recommendations   |
|   |   | Council Minute 13-390  |  |
| <p>NSW Land and Housing Corporation<br/>168 Liverpool Road<br/>ASHFIELD</p> <p>Linda Blinkhorn<br/>Director Portfolio</p> | <p>LAHC owns 546 dwellings in the Lithgow LGA. The majority are located in Bowenfels.</p> <p>LAHC supports the preparation of the Draft LEP 2013 based on the findings of the Lithgow LUS. LAHC supports the zonings of its assets as proposed by the Draft LEP 2013.</p> <p>LAHC does not support the minimum lot size prescribed for the Lithgow Estate. The 600m<sup>2</sup> MLS reduces the options for future management of housing assets within the estate and could have significant cost impacts. LAHC requests the MLS of the Lithgow Estate area at Bowenfels be lowered to 400m<sup>2</sup> to be consistent with current average lot size in the existing development pattern.</p> | <p>Clarification was sought from LAHC as to the area sought to have a 400m<sup>2</sup> minimum lot size applied.</p> <p>This area would be the boundaries of the super lot bounded by Landa Street. LAHC are proposing a re-subdivision of this area to improve housing and social outcomes. It will be necessary to retain housing stock in this area that the minimum lot size be 400m<sup>2</sup>.</p> <p>Council has been involved in extensive discussions with LAHC in relation to the resubdivision proposal for the past two years.</p> <p>The reduction in the MLS for this area is supported in order to achieve the strategic goals of both LAHC and Council to continue to support the provision of affordable housing in the LGA.</p> | <p><b>20. Modify the Lot Size Map to identify the area of the LAHC superlot bounded by Landa Street to 400m<sup>2</sup>.</b></p> |
| <p>NSW Corrective Services<br/>PO Box 31<br/>SYDNEY</p> <p>Peter Hay</p>  | <p>CSNSW intends to continue the current use of the Lithgow Correctional Centre at Marrangaroo.</p> <p>Propose that the centre site be zoned SP1 Special Activities.</p>  | <p>Draft LEP 2013 proposes to zone this site SP2 Infrastructure – Correctional Centre. It is intended that the Correction Centre land use is highly unlikely to change. The SP2 zoning is therefore consistent with</p>  |  |

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| Respondent  | Summary of Submission  | Planning Comments   | Draft LEP 2013 Recommendations  |
| Director, Asset Management  | Confirms that development in the zone should be exempt from development standards.   | DOP & I Practice Note 11-002.<br><br>The SP2 mandated zone objectives are better suited to the correctional centre landuse.<br><br>Development of correction centres are regulated by Part 3 Division 2 of the Infrastructure SEPP, 2007. |   |
| NSW Rural Fire Service<br>15 Carter St<br>HOMEBUSH BAY<br><br>Mark Hawkins<br>Acting Team Leader<br>Development Assessment and Planning | FRS recommends that the following additional aim of the LEP be inserted "creating resilience to natural hazards through local land use planning". This will highlight the need for consideration of <i>Planning for Bushfire Protection 2006</i> . | This aim does have particular relevance to our LGA in terms of land use planning issues such as bushfire and flooding.  | <b>21. Identify an additional aim of the Draft LEP in Clause 1.2(2) (x) "creating resilience to natural hazards through local land use planning".</b> |
| Essential Energy<br><br>Karina Noel-Anderson<br>Environmental Programs<br>Co-ordinator  | The proposal will not adversely impact Essential Energy.   | Noted   |   |
| Bathurst Regional Council<br>BATHURST<br><br>David Shaw<br>Director Environmental,<br>Planning and Building                             | Congratulates Council on preparing its new Principal LEP and raises no objections on the Draft Plan.   | Noted   |   |

TABLE 3

| Government Agency Submissions  |   | Draft Lithgow City LEP 2013   |                                |
|--|---|---|--------------------------------|
| Respondent   | Summary of Submission   | Planning Comments   | Draft LEP 2013 Recommendations |
| Services   |   |   |                                |
| Blue Mountains City Council<br>2 Civic Place<br>KATOOMBA<br><br>Lee Morgan<br>Acting General Manager       | <p>BMCC were consulted during the preparation of the LUS and no objection to the recommendations was raised.</p> <p>BMCC has reviewed the planning proposal and raises no concerns.</p> <p>BMCC supports the measures to provide greater protection for environmentally sensitive lands, particularly on their boundaries.</p>  | Noted   |                                |
| TransGrid<br>Elizabeth Street<br>SYDNEY<br><br>David Turvey<br>Easement Officer Land Assets and Facilities | <p>TransGrid is a state owned corporation responsible for the development, operation and maintenance of the high voltage transmission network across NSW. Refers to previous response in relation to the Draft LUS that is still current.</p> <p>Ensure all TransGrid electrical easements are zoned in accordance with the appropriate adjacent land zone.</p> <p>Ensure that the development of electricity infrastructure is not prohibited in any zone.</p> | <p>Achieved</p> <p>Electricity transmission or distribution networks are regulated by the Part 3 Division 5 of the Infrastructure SEPP 2007 and are permitted without consent on any land when carried out by or on behalf of a public authority such as TransGrid.</p> |                                |
| NSW Health Nepean Blue Mountains Local Health District<br><br>Derby St<br>PENRITH                          | LCC through its LEP has the potential to impact on the underlying causes of acute and chronic illness and injury, by zoning and facilitating the development/creation of local environments conducive to health. This in turn can have positive impacts for local communities.  | Noted.  |                                |

TABLE 3

| Government Agency Submissions   |   | Draft Lithgow City LEP 2013  |                                |
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| Respondent  | Summary of Submission   | Planning Comments  | Draft LEP 2013 Recommendations |
| <p>Kym Scanlon<br/>Director, Planning,<br/>Strategy and Epidemiology</p>  | <p>A range of healthy built environment recommendations are provided for Council's consideration.</p> <p>Important for NBMLHD to remain informed of developments in the Lithgow LGA that may impact upon service provision, particularly community based health services.</p>   | <p>Recommendations where possible were considered in developing the adopted LUS and Draft LEP. Many of the recommendations as noted are matters for consideration in other planning tools/processes such as development control plans and site specific masterplanning and development assessments and will be revisited as these plans are being developed.</p> <p>Noted. Continued and regular engagement and liaison with NBMLHD will occur as part of Council's strategic planning functions.</p>                    |                                |
| <p>Department of Defence<br/>Brindabella Park<br/>CANBERRA ACT</p> <p>Anthony Farrell<br/>Director Estate Planning<br/>ACTNSW</p> | <p>Marrangaroo Training Area (MTA) has been identified as an enduring Defence training area which supports a number of demolition ranges on which unexploded ordnance disposal and explosive training activities are conducted. It also provides for arduous infantry minor tactics and adventurous training exercises for the Army Reserve and terrain driver training. It is also suitable for trials by scientific organisations when authorised by Defence.</p> <p>Defence is unlikely to reduce the intensity of use of the MTA in the foreseeable future.</p> | <p>Further consultation with the Department of Defence has been undertaken to clarify the nature of the Urban Release Area and the process that is to occur prior to final land use designations being implemented.</p> <p>Defence has responded stating that their objection relating to the intensification of residential land use along their western boundary remains current. The Department does not feel that the land use designation identified in the Marrangaroo Structure Plan and the R1 zoning within</p> |                                |

TABLE 3

| Government Agency Submissions  |   | Draft Lithgow City LEP 2013   |                                |
|--|---|---|--------------------------------|
| Respondent   | Summary of Submission   | Planning Comments   | Draft LEP 2013 Recommendations |
|  | <p>The proposed Marrangaroo Urban Release Area adjacent to the MTA is not supported by Defence. Defence does not support any change of zoning that will lead to the intensification of urban development within close proximity to the MTA.</p> <p>Defence requests that a land use buffer be established to separate MTA from future urban development. Development near the MTA will expose residents to noise and vibration from activities within the MTA. This creates land use conflict that may lead to Defence having to curtail or alter training activities at the MTA.</p> | <p>the Urban Release Area is satisfactory to provide a buffer to defence lands. However they have stated that they are willing to collaborate with Council to establish a mutually agreed buffer area as part of the Development Control Plan process required under Clause 6.3 and the future planning proposal required to finalise land use zones.</p> <p>Council notes the concerns of the Department of Defence will ensure that Department of Defence is involved in all future planning processes and decisions in relation to the Marrangaroo Urban Release Area.</p> |                                |
| <p>State Water Corporation<br/>55 Clarence St<br/>SYDNEY</p> <p>Lindy Hoang<br/>Environmental Engineer<br/>Natural Assets and<br/>Sustainability</p> | <p>Confirm State Water has undertaken a heritage assessment of the Fish River Water Supply Scheme in 2010 which identified 63-67 Pipers Flat Rd as local significance status. State Water has developed a S.170 heritage register for all heritage assets which was endorsed by the Heritage Council in August 2011.</p>  | <ul style="list-style-type: none"> <li>• The cottage at 63 Pipers Flat Rd owned by State Water is proposed for listing under the Draft LEP as a new item.</li> <li>• The other parts of the State Water site are not proposed to be listed.</li> <li>• As the site is a new listing under the Draft LEP it will not be carried forward in the Draft LEP post exhibition as per Council Minute 13-390.</li> </ul>  |                                |

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| NSW Police<br>Chifley Local Area<br>Command<br><br>Chris Sammut<br>Inspector, Lithgow<br>Operations Duty Officer  | I have perused the proposal draft which I found to be very thorough and informative. I have no comment to add about the proposal.   | Noted   |                                |
| Forests NSW Corporation<br>Macquarie Region<br>BATHURST<br><br>M Klootwijk for<br>J Molkentin Regional<br>Manager | <p><b>Zoning</b><br/>Agree to the zoning of FC Estate as RU3 and see no conflict with any other adjoining zones.</p> <p><b>Mining in Forestry Areas</b><br/>FCNSW has no authority over mining within the State Forests.</p> <p><b>Private land surrounded by Forestry</b><br/>Request that Council remain consistent with the limitations of the RU1 and RU2 zone.</p> <p><b>Response to LUS.</b><br/>FCNSW would like to reiterate the points made in the letter in 2011.</p> | <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted. These matters have either been addressed in the LEP where modified by Council resolution or will be addressed in the preparation of the Comprehensive DCP.</p> |                                |
| Heritage Council of NSW<br>Office Environment and<br>Heritage<br>PARRAMATTA                                       | It is noted Clause 5.10 of the Standard Instrument has been adopted in Draft LEP 2013. Supports Draft LEP 2013 subject to the following comments:   | <p>Noted</p> <p>Supported. This additional clause will</p>  | 22...Insert the following      |

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| Vincent Sicari<br>Conservation Manager –<br>Heritage Division | <p>Clause 7.3 Recommends the insertion of the following clause to achieve the objectives of Clause 7.3;<br/><i>7.3(3) (i) The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</i></p> <p>Notes the contents of Schedule 5 of Draft LEP 2013 as being informed by the Lithgow Community based Heritage Study 2000, the Rylstone Shire Heritage Study 2003 and the Evans Shire Heritage Study 1987. The heritage conservation areas are also informed by the Heritage DCP Study 2010.</p> <p>Heritage Division advises that it is considered good heritage management practice to list additional heritage items and heritage conservation areas that have had the appropriate assessment undertaken and that have been determine as being of local heritage significance.</p> <p>In this regard, any additional items listed in the relevant heritage studies should be included in Schedule 5 of the Draft LEP 2013.</p> <p>Council does not require the owner's consent to list additional items.</p> | <p>ensure that impact on heritage is considered in any earthworks requiring consent.</p> <p>The Heritage Schedule 5 of Draft LEP 2013 seeks to implement the recommendations of both the Lithgow Heritage Study 2000 and the Heritage DCP Study 2010 both of which were partnered and jointly funded by the Heritage Office.</p> <p>However due to Council resolution 13-390 these listings will not move forward within Draft LEP 2013.</p> | <p>Clause into Draft LEP 2013<br/><i>7.3(3) (i) The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</i></p> |

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| Respondent                    | Summary of Submission  | Planning Comments   | Draft LEP 2013 Recommendations   |
|                               | <p>All state significant items listed in Schedule 5 must be consistent with the details on the State Heritage Register (SHR) and all items in the SHR must be identified in Schedule 5.</p> <p>Amend Schedule 5 to adopt the format of the Standard Instrument LEP template, prefixed with ‘I’ for Heritage items; ‘C’ for Heritage Conservation Areas and ‘A’ for Archaeological Sites. Numbering of Schedule 5 needs to be arranged in sequential order and heritage mapping amended to correspond accordingly.</p> <p>Any changes to existing principal development standards applying to land which contains a listed item of State significance or in the vicinity of, should ensure that such standards are appropriate for retaining and enhancing the embodied heritage significance of the State listed item.</p> | <p>Noted. Will review listing to ensure consistency.</p> <p>Noted. Will amend accordingly</p> <p>Noted.</p> | <p>23... Review Schedule 5 to ensure that all items on SHR are listed and are consistent with SHR details.</p> <p>24... Amend Schedule 5 and Heritage Map to accord with Standard Instrument Template as required.</p> |