



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

EXTRAORDINARY MEETING OF COUNCIL

HELD ON

03 FEBRUARY 2014

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 3 FEBRUARY 2014**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 45

PRESENT

Her Worship the Mayor
Councillor M Statham
Councillor R Thompson
Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam

OTHER ABSENTEES

Councillor M F Ticehurst (Suspended)

APOLOGIES

NIL

Also in attendance

Mr Roger Bailey, General Manager
Miss Rhiannan Pace, Minutes Secretary
Mr Andrew Muir, Group Manager Environment and Development
Mrs Juli-Ann Brozek, Group Manager Corporate and Community
Mr Iain Stewart, Group Manager Operations
Mrs Sherilyn Hanrahan, Strategic Planner
Mrs Karen Luka, Land Use & Property Officer

DECLARATION OF INTEREST

Her Worship the Mayor called for Declarations of Interest on any matter before the Meeting.

Special disclosures were made by Councillors:

- R Higlett
- F Inzitari
- M Statham

Councillor F Inzitari declared:

- A pecuniary interest in Item 1, Recommendation 32 of Table 4 because the land belongs to his mother. He will vacate the chambers.
- A less than significant, non pecuniary interest in Item 1, table 7, Action 62 (1-10), due to him being a member of the Lithgow and District Community Forum. He will not vacate the Chambers.
- A less than significant, non pecuniary interest in Item 1, Attachment 8, Late Submission BOSKAE Environmental Planning and also Table 8 - Fairview Park - Recommendation 97 being a political donor.
- Table 9, Private Respondent No 8, should the heritage issue be discussed in detail.

Councillor R Higlett declared:

- A less than significant, non pecuniary interest in a submission by Craven Elliston & Hayes as a political donation made by Mr Noel Craven.
- A less than significant, non pecuniary interest in the Lithgow and District Community Forum.

Councillor P Pilbeam declared:

- A less than significant, non pecuniary interest in Table 8 - Fairview Park - Recommendation 97 being a political donor.
- A less than significant, non pecuniary interest in the Lithgow and District Community Forum.

Councillor M Statham declared:

- A less than significant, non pecuniary interest in a submission by Craven Elliston & Hayes as a political donation made by Mr Noel Craven.
- A less than significant, non pecuniary interest in the Lithgow and District Community Forum.

QUESTIONS FROM THE PUBLIC

At 7.04pm Members of public gallery were invited to participate in the Public Forum Session.

PF – 03/02/14 – MR HOWARD FISHER, WESTFUND

PROCEDURAL MOTION

14-01 RESOLVED

THAT an extension of time be granted

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson

PF – 03/02/14 – MRS PAMELA MASON

PROCEDURAL MOTION

14-02 RESOLVED

THAT an extension of time be granted

MOVED: Councillor R Thompson

SECONDED: Councillor C Hunter

PF – 03/02/14 – MR PATRICK HURLEY

PF – 03/02/14 – MR JOHN FULLER

Mr Fuller addressed the Council in relation to an item not relevant to the Agenda.

The Mayor gave Mr Fuller two warnings and asked that he leave the premises.

Mr Fuller refused.

14-03 RESOLVED

THAT Mr Fuller be expelled from the meeting.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett

Mr Fuller continued to disrupt the meeting.

The General Manager requested that Mr Fuller leave the premises.

Mr Fuller refused.

14-04 RESOLVED

THAT a five minute adjournment be granted whilst Mr Fuller leaves the chambers

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson

The Meeting was adjourned at 7.22pm.

Mr Fuller left the Chambers.

The meeting resumed at 7.28pm with all of the aforementioned present.

PF – 03/02/14 – MR NEIL INGHAM

PF – 03/02/14 – MR JOHN IRELAND

PF – 03/02/14 – MRS LYN FOWLER

PROCEDURAL MOTION

14-05 RESOLVED

THAT an extension of time be granted to Mrs Fowler.

MOVED: Councillor C Hunter

SECONDED: Councillor R Thompson

PF – 03/02/14 – MRS SUE GRAVES

PF – 03/02/14 – MRS LAUREL AUSTIN

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ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-1 ENVIRO - 03/02/2014 - DRAFT PLANNING PROPOSAL FOR THE PRINCIPAL LITHGOW CITY LOCAL ENVIRONMENTAL PLAN 2013 EXHIBITION OUTCOMES AND RECOMMENDED ACTIONS

MOTION

THAT Items 1 – 9 be dealt with individually.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett.

AMENDMENT

THAT:

1. Council amend the Draft Planning Proposal for Draft Lithgow City Principal LEP 2013 and advise respondents in accordance with the recommended actions as outlined below:

A	Table 3	Government Agencies	Recommendations 1-24
B	Table 4	Community Submissions - Urban	Recommendations 25-46 Amend Recommendation 33 to include Lot 68 DP 813538.
C	Table 5	Community Submissions - Rural	Recommendations 47-54 Amend Recommendation 49 Table 5 to include Lot 7 DP 753777, Lot 63 DP 755796, Lot 26 DP 753777 and Lot 8 DP 753777. Amend Recommendation 50 Table 5 to read "Amend RU1 Land Use Table to specify Educational Establishment as permitted with consent".
D	Table 6	Community Submissions - Rural Lifestyle	Recommendations 55-61
E	Table 7	Community Submissions - General	Recommendations 62-72
F	Table 8	Draft LEP Anomalies	Recommendations 73-102
G	Table 9	Community Submissions - Heritage	Recommendations 103-113

2. Council note the report prepared by Ray Christison regarding the Public Hearing held in relation to the proposed reclassification of Public Lands and

proceed with the reclassification of all lands identified in Schedule 4 of the Draft LEP 2013 from community to operational.

3. Council reiterate its decision per Minute No 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.
4. Council note the correspondence dated 12th September 2013 from the Regional Director Western Region Department of Planning and Infrastructure that states Council should proceed with the making of Draft LEP 2013 and defer matters regarding increases in rural small lots and rural residential areas to a separate planning proposal.
5. Council proceed with the preparation of the Rural Lands Study following gazettal of the Draft LEP 2013.
6. Council delegate to the General Manager authority to make any minor amendments that may arise during the preparation of the final draft document that do not substantially alter the recommendations adopted by this report.
7. Council delegate to the General Manager authority to refer the amended Final Draft Planning Proposal to the Western Region Office of NSW Department of Planning and Infrastructure for the making of the Plan.
8. Amend the Draft LEP Lot Size Map for the area of land contained within the former Evans LGA as shown on the Former LGA Boundaries Map from 100ha to 40ha.
9. Amend Draft LEP 2013 Land Zone Map to zone Part Lot 162 DP 1073238 along Brays Lane to a depth of 150m IN2 Light Industrial with the remainder of the land being zoned RU1 Primary Production.
10. Amend proposed Draft LEP 2013 Zone over Lot 1 DP 868379 from R1 – Gen Res to B4 Mixed Use.

MOVED: Councillor W McAndrew **SECONDED:** Councillor R Thompson.

The Amendment was PUT and **LOST**

On being **PUT** the Motion was **CARRIED**

14-06 RESOLVED

THAT Items 1 – 9 be dealt with individually.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett

14-07 RESOLVED

1. **THAT** Council amend the Draft Planning Proposal for Draft Lithgow City Principal LEP 2013 by replacing the land use tables within the draft LEP with those tabled (see Attachment 1) and advise respondents in accordance with the recommended actions as outlined below, noting that in the event of any inconsistencies between the recommended actions outlined in Tables 3 to 9 and the new land use tables, then the new land use tables shall prevail.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett

A **DIVISION** was called by Councillors W McAndrew and C Hunter.

Division -

FOR

Councillor P Pilbeam
Councillor F Inzitari
Councillor R Higlett
Councillor M Statham (Mayor using her casting vote)

AGAINST

Councillor R Thompson
Councillor J J McGinnes
Councillor C Hunter
Councillor W McAndrew

14-08 RESOLVED

1A THAT Council adopt Recommendations 1 – 24 of Table 3 of the Draft LEP 2013

- **Recommendation 1** - Remove Clause 7.3 and the Drinking Water Map from the Draft LEP
- **Recommendation 2** - Update LEP mapping to include all OEH estate identified in most recent data from OEH and LPI in E1 zone
- **Recommendation 3** - Source mapping and update Sensitive Water Overlap Map in Draft LEP
- **Recommendation 4** - Modify the RU3 land use table to specify open cut mining and extractive industry as permissible with consent

- **Recommendation 5** - Modify Land Use Matrix to appropriately notate relationship with applicable SEPP's.
- **Recommendation 6** - Amend SP2 - Infrastructure land use table to specify roads as permitted with consent
- **Recommendation 7** - Amend Land Zoning Map to identify all Chifley Road and Jenolan Caves Road as SP2 "Classified Road".
- **Recommendation 8** - Amend E3 Land Use Table to specify roads as permitted without consent.
- **Recommendation 9** - 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.
- **Recommendation 10** - Modify the Land Zone Map to identify 1A Fullager Ave as R2 Low Density Zone.
- **Recommendation 11** - Modify the Lot Size Map to identify 1A Fullager Ave MLS of 800m².
- **Recommendation 12** - Remove duplicate listing and update significance of Esbank Railway Station to State. In Schedule 5 of Draft LEP.
- **Recommendation 13** - Correct Heritage Schedule 5 and Heritage Map to identify as State significant and include SHR cartilage of item as identified.
- **Recommendation 14** - Further consultation with Railcorp to be undertaken to finalise the mapped location of all items within B245.
- **Recommendation 15** - Update significance of this item to State in Schedule 5 of the Draft LEP.
- **Recommendation 16** - Review and correct formatting issues within Heritage Schedule 5 of Draft LEP
- **Recommendation 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.
- **Recommendation 18** - Amend the RU1 Land Use Table to specify Educational Establishment as permitted with consent.
- **Recommendation 19** - Correct Land Zone Map to remove the E3 zone from lands owned by NSW DE&C and replace with R1 zone consistent with the remainder of the site.
- **Recommendation 20** - Modify the Lot Size Map to identify the area of the LAHC superlot bounded by Landa Street to 400m².

- **Recommendation 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".
- **Recommendation 22** - Insert the following Clause into Draft LEP 2013 7.3(3)(i) *The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.*
- **Recommendation 23** - Review Schedule 5 to ensure that all items on SHR are listed and are consistent with SHR details.
- **Recommendation 24** - Amend Schedule 5 and Heritage Map to accord with Standard Instrument Template as required.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam

Councillor Inzitari vacated the chambers at 8.17pm.

Councillor Inzitari returned to the Chambers at 8.21pm

14-09 RESOLVED

1B THAT Council adopt recommendations 25 – 46 excluding recommendations 26, 30, 31, 32, 33, 34 and 40.

- **Recommendation 25** - The respondent, Focus Planning be advised that Council does NOT support the requested change to the Draft LEP 2013.
- **Recommendation 27** - Refer to General Manager's Recommendation 9 included in the main report.
- **Recommendation 28** - Amend the Lot Zone and Lot Size Map of the LEP to include Lot 33 DP 878290 and Lot 71 DP 1108238 in the R5 Large Lot Residential zone with an MLS of 2ha. and advise owners.
- **Recommendation 29** - Amend the Land Use Zone Map for this site to RU5 and amend the Land Use Table of the RU5 zone to specify serviced apartments as permissible with consent.
- **Recommendation 35** - Lot 58 DP 741655 zone remain unchanged from E4 Environmental Living with the corrected MLS of 20ha.
- **Recommendation 36** - Modify the Land Zoning Map as indicated in the Rezoning Request Map above.
- **Recommendation 37** - Modify the Lot Size Map to provide a 400m² MLS for the land to zoned R1 General Residential.

- **Recommendation 38** - Advise the respondents, APP and Boral that Council require a timely consideration of the "Deferred Matter" within 12 months of the gazettal of the Principal LEP.

This should be in the form of a separate detailed Planning Proposal prepared on behalf of Boral and submitted for Council consideration.

- **Recommendation 39** - Modify the zoning of the land upon which the Clarence Sand Quarry is operating to RU1 Primary Production.

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam

14-10 RESOLVED

THAT in relation to Recommendation 26 Lot Y DP 407106 be zoned IN2 Light Industrial.

MOVED: Councillor C Hunter

SECONDED: Cllr F Inzitari

14-11 RESOLVED

THAT in relation to Recommendation 30 Lot 152 DP 659519 and Pt Lot 2 DP 719920 MacAuley St and Atkinson St Lithgow be zoned R1 General Residential.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett

14-12 RESOLVED

THAT in relation to Recommendation 31 the respondent, Peter Basha be advised that Council supports the requested change to the Draft LEP 2013 zone Pt Lot 1 DP 1082148 to R1 - General Residential with the minimum lot size of 400m².

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett

Councillor Inzitari vacated the chambers at 8.40pm.

MOTION

THAT in relation to Recommendation 32 Council amend Draft LEP 2013 to zone Part Lot 1 DP 700704 being a strip of land extending south of Magpie Hollow Road having an area of approx 8.5ha as indicated in Figure 2 Pg 8 Attachment 6 as B6 Enterprise Corridor.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson

AMENDMENT

THAT Council support the submission to rezone land fronting the highway from Magpie Hollow Road to the Sth Bowenfels Bushfire Shed to B6 – Enterprise Corridor and Residential land to R1 – General Residential with 800m² minimum lots size as shown in Rezoning request Plan on page 21 of Table 4. Additionally commercial land on the Northern side of Magpie Hollow Rd to rezone to B1 – Neighbourhood Centre and the land adjoining the Donnybrook Hotel to B4 – Mixed Use (as per submission attachment 6)

MOVED: Councillor R Higlett

SECONDED: Councillor P Pilbeam

The Amendment was **PUT** and **LOST**

On being PUT the Motion was carried.

14-13 RESOLVED

THAT in relation to Recommendation 32 Council amend Draft LEP 2013 to zone Part Lot 1 DP 700704 being a strip of land extending south of Magpie Hollow Road having an area of approx 8.5ha as indicated in Figure 2 Pg 8 Attachment 6 as B6 Enterprise Corridor.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson

A **DIVISION** was called by Councillors W McAndrew and R Thompson.

Division -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor W McAndrew
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

AGAINST

Councillor J J McGinnes

Councillor Inzitari returned to the chambers at 8.49pm

14-14 RESOLVED

THAT in relation to Recommendations 33-35 Lot 31 DP 839469 be zoned E4 with a minimum lot size of 10ha. Zone part Lot 58 DP 751655 (currently residentially zoned having an area of 2.3ha) & Lot 68 DP 813538as R2 – Residential with a minimum lot size of 2,000m².

MOVED: Councillor C Hunter **SECONDED:** Councillor W McAndrew

A **DIVISION** was called by Councillors W McAndrew and R Thompson.

Divisions (unanimous) -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

14-15 RESOLVED

THAT voting for the remainder of the meeting be by division.

MOVED: Councillor P Pilbeam **SECONDED:** Councillor W McAndrew

14-16 RESOLVED

THAT in relation to Recommendation 40 that the lands in Area 1 and Area 2 shown in the rezoning request map be zoned as R1 General Residential

MOVED: Councillor C Hunter **SECONDED:** Councillor P Pilbeam

Division -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

AGAINST

Councillor J J McGinnes

14-17 RESOLVED

THAT in relation to Recommendation 40 the minimum allotment size for Area 2 be 1500m².

MOVED: Councillor C Hunter **SECONDED:** Councillor W McAndrew

Division -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

AGAINST

Councillor J J McGinnes

14-18 RESOLVED

THAT in relation to Recommendation 40 that Area 3 be rezoned to R1 General Residential with a MLS of 800m².

MOVED: Councillor C Hunter **SECONDED:** Councillor W McAndrew

Division -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor P Pilbeam
Councillor M Statham

AGAINST

Councillor J J McGinnes
Councillor R Thompson

14-19 RESOLVED

1C THAT recommendation's 47-54 in Table 5 of the report be adopted with the following amendments;

- Amend Recommendation 49 Table 5 to include Lot 7 DP 753777, Lot 63 DP 755796, Lot 26 DP 753777 and Lot 8 DP 753777.
- Amend Recommendation 50 Table 5 to read "Amend RU1 Land Use Table to specify Educational Establishment as permitted with consent".
- **Recommendation 47** - In conjunction with Energy Australia clarify those lands associated with power generation and zone SP2 Special Purposes 'Power Generation' and those rural lands associated with the power stations and zone RU1 Primary Production on the Draft LEP Land Zone Map.
- **Recommendation 48** - Identify recreation areas as permitted with consent in the SP2 Land Use Table.
- **Recommendation 49** - Amend the "Zoning Map" to modify the zoning of Lots 1,6,9,10,11,12,14,16,40,41,73 DP 753777, Lots 14,16,20,26,27,30 DP 755793, Lot 8 DP 755796 to RU1 - Primary Production as shown in the map above.
- **Recommendation 50** - Identify educational establishments as an additional permitted use with consent on Lot 4 DP 1171245 in Schedule 1 of Draft LEP 2013.
- **Recommendation 51** - Advise the respondent, Radecki of the correct zoning proposed for the land. Amend the land use tables of zones. RU1, RU2, RU5, R5, E3 and E4 to identify detached dual occupancy as development permitted with consent.
- **Recommendation 52** - Modify the Land Use Table of the RU1 zone to permit with consent truck depots and transport depots.
- **Recommendation 53** - The respondent, Private 2 be advised that the request is not supported.
- **Recommendation 54** - The respondent, Maxwell be advised that the request is NOT supported, however the Rural Lands Study will provide an opportunity for this request to be revisited post gazettal of Draft LEP 2013 in accordance with Council Minute No 13-116.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson

Division (Unanimous) -

FOR

Councillor R Higlett

Councillor C Hunter

Councillor F Inzitari

Councillor W McAndrew

Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

14-20 RESOLVED

1D THAT Council adopt recommendation's 55-61 of Table 6 of the report.

- **Recommendation 55** - The respondent, Hollands be advised that Council does NOT support the requested change to Draft LEP 2013, however the Rural Lands Study will provide an opportunity for this request to be revisited post gazettal of Draft LEP 2013 in accordance with Council Minute No 13-116.
- **Recommendation 56** - The respondent, Morrissey be advised that Council does NOT support the requested change to Draft LEP 2013, however the Rural Lands Study will provide an opportunity for this request to be revisited post gazettal of Draft LEP 2013 in accordance with Council Minute No 13-116.
- **Recommendation 57** - The respondents, Sheehan, Boardman, Russ and Nosbor be advised that Council does NOT support the requested change to Draft LEP 2013, however the Rural Lands Study will provide an opportunity for this request to be revisited post gazettal of Draft LEP 2013 in accordance with Council Minute No 13-116.
- **Recommendation 58** - The respondents, Thompson & Thompson be advised that Council does NOT support the requested change to Draft LEP 2013, however the Rural Lands Study will provide an opportunity for this request to be revisited post gazettal of Draft LEP 2013 in accordance with Council Minute No 13-116.
- **Recommendation 59** - The respondent, Private 6 be advised that building entitlement cannot be granted under the provisions of Draft LEP 2013.
- **Recommendation 60** - Small existing rural settlement areas be identified in the scope of the proposed Rural Lands Study to review MLS appropriate to each area.
- **Recommendation 61** - The respondent, Stanmar Constructions P/L be advised that Council does NOT support the requested change to Draft LEP 2013, however the Rural Lands Study will provide an opportunity for this request to be revisited post gazettal of Draft LEP 2013 in accordance with Council Minute No 13-116.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Thompson

Division (Unanimous) -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes

Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

14-21 RESOLVED

1E THAT Council adopt recommendations 62-72 of Table 7 in the report.

- **Recommendation 62** - Advise the respondents, Lithgow and District Forum the following in relation to their submission:
 - 1) 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.
 - 2) Council's resolved at its meeting of the 1^{5th} 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 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.
 - 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 consultation.
 - 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.
 - 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.
 - 6) Amend the land use tables of zones. RU1, RU2, RU5, R5, E3 and E4 to identify detached dual occupancy as development permitted with consent.
 - 7) Changes requested at Sth Bowenfels are not supported
 - 8) All proposed new individual heritage items and heritage conservation areas will be removed from the Draft LEP as per Minute 13-390
 - 9) Changes requested to effectively remove Clause 4.1 (5) of Draft LEP 2013 is NOT supported.
 - 10) Refer to separate General Manager's recommendation for the Former Evans Shire LGA area.

- **Recommendation 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 provide for additional rural small lots within the
 - 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
- **Recommendation 64** - Advise the respondent, Funnell 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 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.
 - 2) 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.
 - 3) Concessional allotment are not able to be reintroduced within the standard instrument LEP
 - **Recommendation 65** - Advise the respondent, Fitzgerald of the following in relation to their submission:
 - 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 merit based assessment will remain in these circumstances.
 - 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.
 - **Recommendation 66** - Advise the respondent, Stoneman and McLelland that objections and concerns have been noted but are not supported at this time.
 - **Recommendation 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 as development permitted with consent.
 - **Recommendation 68** - Advise Owens that the other objection and concerns raised in the submission have been noted but are not supported at this time.
 - **Recommendation 69** - Advise the respondent, Curran that objections and concerns have been noted but are not supported at this time
 - **Recommendation 70** - Advise the respondent, Duffy that objections and concerns have been noted but are not supported at this time.
 - **Recommendation 71** - Advise the respondent, Lithgow Escarpment Landcare Group that objections and concerns have been noted but are not supported at this time.
 - **Recommendation 72** - Advise the respondent, Le Fevre that objection and concerns have been noted but are not supported at this time.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Hunter

Division (Unanimous) -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

14-22 RESOLVED

1F THAT Council adopt recommendations 73-102 but excluding recommendation 97 from Table 8 of the report.

- **Recommendation 73** - Amend zoning of Property No 90810 to R2 - Low Density Residential on the "Zoning Map".
- **Recommendation 74** - Amend zoning of Property No 17640 to R1 - General Residential on the "Zoning Map".
- **Recommendation 75** - Amend zoning of Property No 46580 to R1 - General Residential on the "Zoning Map".
- **Recommendation 76** - Remove Lot 91 DP 757076, Lot 1910 DP 1136597, and Lot 1 DP 215958 from Area 2 on the "Lot Size Map".
- **Recommendation 77** - Remove Lot 9 Sec 1 DP 758445 from the property description in Schedule 4 of the LEP. Update the "Reclassification Map".
- **Recommendation 78** - Amend the zoning of Lot 62 DP 791927, Lot 58 DP 791928, Lot 56 DP 791926 & Lot 1 DP 792415 to RE1 - Public Recreation on the "Zoning Map". Amend the land use table for the RE1 - Public Recreation Zone to allow camping grounds as a permissible use with development consent.
- **Recommendation 79** - Amend the zoning of Lot 33 DP 879290 and Lot 71 DP 1108238 to R5 - Large Lot Residential on the "Zoning Map". Amend the "Lot Size Map" to reflect the 2ha minimum lot size for subdivision for a dwelling in this location.
- **Recommendation 80** - Amend the land use matrix and Land Use table for IN2 - Light Industrial to record the permissibility or otherwise of the other land use terms on pg 2 of the matrix relating to infrastructure.
- **Recommendation 81** - Amend the "Zoning Map" to include the latest OEH estate data.

- **Recommendation 82** - Amend the "Zoning Map" to modify the zone of the escarpment adjoining Mt York to E3 - Environmental Management.
- **Recommendation 83** - Amend "Heritage Map" to include the Zig Zag Brewery site and manor. Amend schedule 5 to reference the site of the Zig Zag Brewery Manor House as part of the original listing
- This item is an existing listing in Lithgow LEP 1994 and so will remain in Draft LEP 2013.
- **Recommendation 84** - Amend the "Zoning Map" to modify the zone of Lot 6 DP 228849 to RE2 - Private Recreation
- **Recommendation 85** - Amend the "Zoning Map" to modify the zoning of Lots 1,6,9,10,11,12,14,16,40, 41,73 DP 753777, Lots 14,16,20,26,27,30 DP 755793, Lot 8 DP 755796 to RU1 - Primary Production
- **Recommendation 86** - Amend the "Zoning Map" to modify the zone of Lot 1 DP 1097679 to IN1 - General Industrial
- **Recommendation 87** - Amend the "Zoning Map" to modify the zone of Lot 1 & 2 DP 582151, Lot 1 & 5 DP 209006, Lot 9 & 11 DP 253969, Lot 21 & 22 DP 1114219 to E4 - Environmental Living
- **Recommendation 88** - Annotate the appropriate generic notation to the SP2 - Infrastructure zone on the "Zoning Map", as per principle 4 of PN 10-001 - Zoning for Infrastructure in LEPs and the requirements of the Infrastructure SEPP 2007.
- **Recommendation 89** - Amend the "Zoning Map" to modify the zone of Lot 1 DP 214813, Lot 21 DP 816431, to R1 - General Residential
- **Recommendation 90** - Amend Schedule 5 of the Draft LEP
- **Recommendation 91** - Amend Schedule 5 of the Draft LEP to show as State significance
- **Recommendation 92** - Amend Schedule 5 of the Draft LEP
- **Recommendation 93** - Amend "Heritage Map" to show correct curtilage of Lithgow Railway Station and Platform and the Eskbank Station Group of items.
- **Recommendation 94** - Amend "heritage Map" and schedule 5 of the Draft LEP to ensure correct identification of the Eskbank Signal Box and its significance as a State item.
- **Recommendation 95** - Amend "Zoning Map" to show Metro Mix and Boral extractive industry sites as RU1 – Primary Production
- **Recommendation 96** - Amend "Zoning Map" to show the Lower Mountains Motorcycle Club Lot 139 DP 751655 as RU1 – Primary Production

- **Recommendation 98** - Amend the “Zoning Map” to show Lot 104 DP 1075376 as E3 – Environmental Management, and amend the “Lots Size Map” to remove the MLS from this site.
- **Recommendation 99** - Ensure most up to date data is sourced for LEP mapping data
- **Recommendation 100** - Update the R5 – Large Lot Residential and RU 5 – Village land use tables to show the definition of “serviced apartments” as permissible with consent.
- **Recommendation 101** - Amend the “Lot Size Map” to show the 1(d) – Future Urban areas under the Lithgow LEP 1994, that have not be given an urban zone under the Draft LEP, provided with an MLS of 20ha.
- **Recommendation 102** - Complete the Land Use Matrix and relevant Land Use Table of the IN2 zone to indicate the following;
 - Permissible without consent
 - Roads
 - Permissible with consent:
 - Carparks
 - Electricity Generating Works
 - Freight Transport Facilities
 - Passenger Transport Facilities

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson

Division (Unanimous) -

FOR

Councillor R Higlett
 Councillor C Hunter
 Councillor F Inzitari
 Councillor W McAndrew
 Councillor J J McGinnes
 Councillor P Pilbeam
 Councillor M Statham
 Councillor R Thompson

14-23 RESOLVED

THAT in relation to Recommendation 97 Council Amend “Zoning Map” to extend the R2 – Low Density Residential zone over the cleared section of Lot 1 DP 933666. Amend the “Lot Size Map” to show this land with an MLS of 800m².

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari

Division (unanimous) -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

14-24 RESOLVED

THAT in relation to Recommendation 97 the uncleared section of Lot 1 DP 933666 be rezoned to R2 – Low density residential with a MLS of 2000m².

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett

Division -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

AGAINST

Councillor W McAndrew
Councillor J J McGinnes

14-25 RESOLVED

1G THAT Council adopt recommendations 103-113 Table 9 of the report.

- **Recommendation 103** - Lot to be removed from future listing
- **Recommendation 104** - Advise the respondent that as item is a new listing, item will not be brought forward for listing in the Draft LEP as per Council Minute 13-390
- **Recommendation 105** - Advise the respondent that all heritage conservation areas will not be brought forward in the Draft LEP as per Council Minute 13-390.

- **Recommendation 106** - Update "Heritage Map" to include correct property description Lot 14 DP 253969 for Coerwull House and advise the respondent that as item is an existing listing it will retain its local heritage listing in the Draft LEP
- **Recommendation 107** - Update heritage Inventory sheet B316 as per submission. As per action 104
- **Recommendation 108** - Update heritage Inventory sheet B087 as per submission. As per action 104
- **Recommendation 109** - Update schedule 5 of the Draft LEP and the "Heritage Map" to show A061 on Lot 3 DP 1015522. As per action 104
- **Recommendation 110** - The respondent to be advised that all heritage conservation areas and new heritage items will not be brought forward in the Draft LEP as per Council Minute Council Minute 13-390.
- **Recommendation 111** - Advise the respondent that inventory sheet B203 will be updated Advise respondent that as item is an existing listing it will retain its local heritage listing in the Draft LEP.
- **Recommendation 112** - Advise the respondent that inventory sheet B051 will be updated. Advise respondent that as item is an existing listing it will retain its local heritage listing in the Draft LEP.
- **Recommendation 113** - Advise the respondent that inventory sheet B289 will be updated, and that the proponent can utilise CI 5(10) (3) in relation to internal fit out, subject to Council concurrence. Advise respondent that as item is an existing listing it will retain its local heritage listing in the Draft LEP.

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam

Division -

FOR

Councillor R Higlett
 Councillor F Inzitari
 Councillor W McAndrew
 Councillor J J McGinnes
 Councillor P Pilbeam
 Councillor M Statham
 Councillor R Thompson

AGAINST

Councillor C Hunter

14-26 RESOLVED

2. **THAT** Council note the report prepared by Ray Christison regarding the Public Hearing held in relation to the proposed reclassification of Public Lands and proceed with the reclassification of all lands identified in Schedule 4 of the Draft LEP 2013 from Community to operational.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Hunter

Division (Unanimous) -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

14-27 RESOLVED

3. **THAT** Council reiterate its decision per Minute No 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.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam

Division (Unanimous) -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor R Thompson
Councillor M Statham

14-28 RESOLVED

4. **THAT** Council note the correspondence dated 12th September 2013 from the Regional Director Western Region Department of Planning and Infrastructure that states Council should proceed with the making of Draft LEP 2013 and defer matters regarding increases in rural small lots and rural residential areas to a separate planning proposal.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Thompson

Division (Unanimous) -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

14-29 RESOLVED

5. **THAT** Council proceed with the preparation of the Rural Lands Study following gazettal of the Draft LEP 2013.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew

Division (Unanimous) -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor R Thompson
Councillor M Statham

14-30 RESOLVED

6. **THAT** Council delegate to the General Manager authority to make any minor amendments that may arise during the preparation of the final draft document that do not substantially alter the recommendations adopted by this report.

MOVED: Councillor F Inzitari

SECONDED: Councillor W McAndrew

Division (Unanimous) -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

14-31 RESOLVED

7. **THAT** Council delegate to the General Manager authority to refer the amended Final Draft Planning Proposal to the Western Region Office of NSW Department of Planning and Infrastructure for the making of the Plan.

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam

Division (Unanimous) -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

MOTION

THAT Council:

1. Amend the Draft LEP Lot Size Map for the area of land contained with the former Evans LGA as shown on the Former LGA Boundaries Map from 100ha to 40ha
2. Delete Clause 4.1 (5) of the Draft LEP 2013 – *Despite any other provision of this clause land shown as “Area 1” and “Area 2” on the Lot size Map may not be further subdivided.*

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett

AMENDMENT

THAT Council amend the Draft LEP Lot Size Map for the area of land contained with the former Evans LGA as shown on the Former LGA Boundaries Map from 100ha to 40ha

MOVED: Councillor C Hunter

SECONDED: Councillor W McAndrew

The Amendment was **PUT** and **LOST**

On being **PUT** the motion was **CARRIED**.

14-32 RESOLVED

8. **THAT** Council:

1. Amend the Draft LEP Lot Size Map for the area of land contained with the former Evans LGA as shown on the Former LGA Boundaries Map from 100ha to 40ha
2. Delete Clause 4.1 (5) of the Draft LEP 2013 – *Despite any other provision of this clause land shown as “Area 1” and “Area 2” on the Lot size Map may not be further subdivided.*

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett

Division -

FOR

Councillor R Higlett
Councillor F Inzitari
Councillor M Statham (Mayor using her casting vote)
Councillor P Pilbeam

AGAINST

Councillor W McAndrew
Councillor J J McGinnes
Councillor R Thompson
Councillor C Hunter

14-33 RESOLVED

9. **THAT** Amend Draft LEP 2013 Land Zone Map to zone Part Lot 162 DP 1073238 along Brays Lane to a depth of 150m IN2 Light Industrial with the remainder of the land being zoned RU1 Primary Production.

MOVED: Councillor C Hunter

SECONDED: Councillor W McAndrew

Division -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor M Statham
Councillor R Thompson

AGAINST

Councillor P Pilbeam

14-34 RESOLVED

THAT the proposed zoning under Lithgow City Draft LEP 2013 over Lot 1 DP 868379, Hoskins Avenue, Lithgow, be amended from R1 General Residential to B4 Mixed Use.

MOVED: Councillor W McAndrew
Division (Unanimous) -

SECONDED: Councillor F Inzitari

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

14-35 RESOLVED

THAT Clause 7.9 of the Draft LEP 2013 and associated mapping relating to active street frontage be deleted.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Higlett

Division (unanimous) -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew

Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

14-36 RESOLVED

THAT Council extend congratulations to the staff involved with the preparation of the LEP.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Statham

Division (Unanimous) -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

There being no further business the meeting concluded at 10.10pm.

ATTACHMENT 1

SUGGESTED CHANGES

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To minimise the environmental and visual impact of development on the rural landscape.
- To provide for recreational and tourist development and activities of appropriate type and scale that do not detract from the economic resource, environmental or conservation value of the lands.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home-based child care; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Cellar door premises; Dwelling houses; Extractive industries; Farm buildings; Food and drink premises; Funeral homes; Garden centres; High technology industries; Home industries; Hostels; Landscaping material supplies; Markets; Neighbourhood shops; Open cut mining; Plant nurseries; Roadside stalls; Rural Supplies; Rural workers dwellings; Secondary dwellings; Any other development not otherwise specified in Item 2 and 4

4 Prohibited

Amusement centres; Commercial premises; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Home occupation (sex services); Industries; Public administration buildings; Residential accommodation; Restricted premises; Sex service premises; Storage premises; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wholesale supplies

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.
- To facilitate tourism and recreational uses that are compatible with the capability and suitability of the land.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home-based child care; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Agricultural produce industries; Cellar door premises; Dwelling houses; Farm buildings; Food and drink premises; Home industries; Kiosks; Markets; Plant nurseries; Secondary dwellings; Any other development not otherwise specified in Item 2 and 4

4 Prohibited

Amusement centres; Cemeteries; Crematoria; Child care centres; Commercial premises; Correctional centres: Crematoria; Depots; Exhibition Homes; Exhibition villages; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupation (sex services); Industries; Intensive livestock agriculture; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Residential accommodation; Respite day care facilities; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Transport depots; Truck depots; Warehouse or distribution centres; Wholesale supplies

ZONE RU3

No

Change

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To maintain and enhance the unique character of each of the rural villages.
- To encourage and promote opportunities for population and local employment growth opportunities commensurate with available services and infrastructure capacity.
- To minimise the impact of non-residential uses and ensure those uses are compatible with surrounding residential development.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home-based child care; Home occupations; Roads

3 Permitted with consent

Agricultural produce industries; Child care centres; Community facilities; Dwelling houses; Light industries; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Any other development not otherwise specified in Item 2 or 4

4 Prohibited

Air transport facilities; Amusement centres; Attached dwellings; Bulky goods premises; Correctional centres; Electricity generating works; Exhibition villages; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupation (sex services); Industries; Intensive livestock; agriculture; Multi dwelling housing; Residential flat buildings; Resource recovery facilities; Restricted premises; Rural Industries; Rural worker's dwellings; Sex service premises; Storage premises; Warehouse or distribution centre; Wholesale supplies

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provides facilities or services to meet the day today needs of residents.
- To maintain or improve the water quality of receiving water catchments In accordance with the NSW water quality objectives.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home-based child care; Home occupations; Roads

3 Permitted with consent

Attached dwellings; Boarding houses; Child care centres; Community facilities; Dwelling houses; Food and drink premises; Garden centres; Group homes; Home industries; Hostels; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Plant nurseries; Residential flat buildings; Respite day care centres; Roadside stalls; Semi-detached dwellings; Seniors housing; Shop top housing; Waste or resource transfer stations; Any other development not otherwise specified in Item :2 or 4

4 Prohibited

Air transport facilities; Amusement centres; Boat building and repair facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupation (sex services); Industrial training facilities; Industries; Intensive livestock agriculture; Open cut mining; Restricted premises; Retail premises; Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provides facilities or services to meet the day to day needs of residents.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Environment protection works; Extensive agriculture; Home businesses; Home-based child care; Home occupations; Roads

3 Permitted with consent

Boarding houses, Dwelling houses; Food and drink premises; Garden centres; Group homes; Home industries; Kiosks; Markets; Neighbourhood shops; Plant nurseries; Roadside stalls; Secondary dwellings; Waste or resource transfer stations; Any other development not otherwise specified in Item 2 or 4

4 Prohibited

Air transport facilities; Amusement centres; Boat building and repair facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupation (sex services); Industrial training facilities; Industries; Intensive livestock agriculture; Open cut mining; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To limit development to areas in reasonable proximity to the settled town centres of Lithgow, Wallerawang and Portland to strengthen the settlement hierarchy of the City.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home-based child care; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Agricultural produce industries; Bed & breakfast accommodation; Cellar door premises; Dwelling houses; Farm stay accommodation; Home industries; Kiosks; Markets; Plant nurseries; Secondary dwellings; Waste or resource transfer stations; Any other development not otherwise specified in Item 2 or 4.

4 Prohibited

Air transport facilities; Amusement centres; Boat building and repair facilities; Cemeteries; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail premises; Industrial training facilities; Industries; Intensive livestock agriculture; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Residential accommodation; Restricted premises; Rural Industries; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops, Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure development within the area is of a scale consistent with the needs of the local community and will not detract from the role of the Lithgow core business areas as the primary centre for the City.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Environmental protection works; Home businesses; Home-based child care; Home occupations; Roads

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Home industries; Medical centres; Neighbourhood shops; Respite day care centres; Shop top housing; Waste or resource transfer stations; Any other development not otherwise specified in items 2 and 4

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training facilities; Bulky goods premises; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Industries; Landscape material supplies; Mortuaries; Open cut mining; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers dwellings; Sex services premises; Storage premises; Timber yards; Transport depots; Truck depots; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

Zone B2 and B4 No Change

Zone B6 Enterprise Corridor

1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3 Permitted with consent

Business premises; Community facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Multi dwelling housing; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Restaurants or cafes; Roads; Rural supplies; Self-storage units; Shop top housing; Take away food and drink premises; Timber yards; Tourist and visitor accommodation; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat Launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive Industries; Farm buildings; Forestry; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Respite day care centres; Retail premises; Rural industries; Rural workers' dwellings; Sex services premises; Storage premises; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures

Zone B7 Business Park

1 Objectives of zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To promote the retention and reuse of heritage items as well as the retention of established buildings that contribute positively to the heritage and cultural values of lands within the zone.
- To enable development that is compatible with the surrounding residential land use and that does not detract from the role of the Lithgow core business areas.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Child care centres; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Roads; Take away food and drink premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home business; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Retail premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Wholesale supplies

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home-based child care; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Depots; Food and drink premises; Freight transport facilities; Funeral homes; Hotel or motel accommodation; General industries; Industrial training facilities; Kiosks; Light industries; Neighbourhood shops; Secondary dwellings; Warehouse or distribution centres; Any other development not otherwise specified in Item 2 and 4

4 Prohibited

Agriculture; Camping grounds; Caravan parks; Commercial premises; Eco-tourist facilities; Exhibition homes; Exhibition villages; Forestry; Hazardous industries; Hazardous storage establishment; Offensive industries; Offensive storage establishment; Open cut mining; Residential accommodation; Tourist and visitor accommodation

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Depots; Funeral homes; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Roads; Rural supplies; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Rural industries; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Water recycling facilities; Water supply systems

Zone IN3 Heavy Industrial

1 Objectives of zone

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.
- To support and protect industrial land for industrial uses.
- To maintain or improve the water quality of receiving water catchments in accordance with the NS W water quality objectives.

2 Permitted without consent

Roads

3 Permitted with consent

Advertising structures; Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industries; Landscaping material supplies; Offensive storage establishments; Office premises; Plant nurseries; Rural supplies; Rural workers' dwellings; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Function centres; Health services facilities; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Recreation facilities(major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities; Wholesale supplies

Zone RE1 No Change

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To maintain or improve the water quality of receiving water catchments In accordance with the NSW water quality objectives.

2 Permitted without consent

Environmental facilities; Environmental protection works; Extensive agriculture; Home businesses; Home based child care; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Cellar door premises; Community facilities; Dwelling houses; Environmental facilities; Food or drink premises; Kiosks; Markets; Roadside stalls; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Secondary dwellings; Any other development not otherwise specified in item 2 or 4

4 Prohibited

Air transport facilities; Commercial premises; Correctional centres; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Heavy industrial storage establishments; Health services facilities; Highway service centres; Home occupations (sex services); Industries; Industrial retail outlets; Industrial training facilities; Intensive livestock agriculture; Open cut mining; Port facilities; Public administration buildings; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

Zone E1 E3 & E4 No Change