

7 August 2013

General Manager
Lithgow City Council

LITHGOW NSW 2790

Dear Sir,

Reference: **LEP 2013**

This letter is in response to the Lithgow City Council draft Local Environmental Plan (LEP). We attended an information evening at the Council offices where the staff answered our questions. We have a concern about the changes that will occur as a result of the adoption of this document.

At the information evening we were told the LEP will not be changing the zones on our property, however this is not the case. We understood from discussions that the premise for the draft LEP 2013 was a conversion of the existing provisions to the standard instrument template with the exceptions as noted in clause 1 of the planning proposal. However, our land is currently zoned Rural (Small Holdings) 1c with about ¼ of our land identified as Area of Environmentally Sensitive Land and with a minimum lot size of 2 hectares. Under the draft LEP 2013 our property will be zoned R5 Large Lot Residential and RU2 Rural Landscape and with 2 hectare minimum (R5 area) and 40 hectare minimum (RU2 area) lot size. This reduces potential subdivision opportunity from 2 additional lots to a maximum of 1 additional lot.

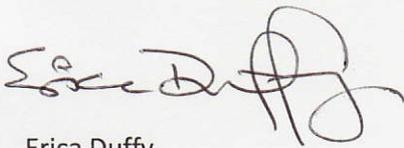
In addition, the mapping showed that about 1/3 of our property is now mapped as being in a buffer for Biodiversity. As well as the large section mapped as buffer, your mapping shows a small area of Biodiversity and buffer which is partly on our land and partly on the road. We discussed with the planner what this could mean and were told that the mapping used to identify Biodiversity was taken from maps prepared by the Office of Environment and Heritage and were not intended to be used at individual property level. Importantly, this is the mapping that the Council will be using to identify provisions and constraints at a property level. Given the mapping status, for any future development on our property we will be required to have studies prepared by suitably qualified professionals to support our application and this requirement is based on very broad information which is at best unclear and possibly incorrect at individual property level.

The draft LEP does not include any details of what the Biodiversity area comprises. We, and the council officers, do not know if it is a vegetation community, landforms, habitat or corridor. This information is not made available in either the written plan or the maps.

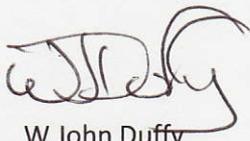
Given the questionable accuracy of the Biodiversity overlay we would like to see the Council commit funds to undertake studies which identify, with appropriate accuracy, where the landforms, vegetation communities, habitat and corridors are located and that these features receive an appropriate level of protection. By Council having appropriate studies it would save Council officers time by being able to refer to accurate information rather than having to rely on information provided by applicants for developments on a case by case basis. Such a study will provide a holistic approach to the natural environment within the local government area. This would avoid development that could fragment significant natural feature, vegetation communities, habitat or corridors due to incorrect or incomplete data.

We appreciate the work that has been undertaken to create this plan and hope that the Council considers our request for this important commitment.

Kind regards



Erica Duffy



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