

*Lithgow & District*  
COMMUNITY FORUM



LITHGOW AND DISTRICT COMMUNITY FORUM

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9<sup>th</sup> August 2013

Mr. Roger Bailey,  
General Manager,  
Lithgow City Council.

Dear Mr. Bailey,

Draft 2013 LEP Document

We write in response to Council's invitation to make a submission on material contained in the LEP document presently on display throughout the LGA.

In assisting us to better understand the document and its thrust we are grateful for the opportunity to meet you and the Council's senior planning staff and for them to have extended their patience and courtesy and a significant amount of time.

This submission, in the form of a number of objections, is lodged after many discussions with our membership and with many individuals throughout the community. We support the need for Council to have a planning function and for that function to be agreed and implemented for the community's comfort, security and long term benefit. We do feel on the other hand that some of the matters being put forward in the draft document do not reflect the wishes of the community at large and in some cases are an unnecessary restriction on the enjoyment of an individual's property rights. We think too that a more positive approach to developing "so called" rural lifestyle opportunities would be timely.

Having said that and for good orders sake, we attach the individual objections that comprise our formal response.

Yours faithfully,

Dick Austen

Lithgow and District Community Forum

for

Bob Morris

Barry Funnell

Jim Robson

Dick Austen

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## LEP. Comments and Objections.

- We note with interest the proposed rural land study and commend the council for the proposal. However this should be formalised by the proposal being written into the LEP. This will give confidence to the community that the study cannot be delayed or set aside in the future so that the proposal becomes meaningless.
- Further the Council must seek written confirmation from NSW Planning that the proposed rural lands study when completed ( your estimation is about eighteen months) will allow changes to the then existing LEP regardless of the time frame. We also suggest the 'outside consultant' to be appointed must consult with the affected community members to ensure the final outcome of the study truly reflects the aspirations of local residents and not simply follow NSW Planning's or Sydney Catchment authority's instructions. Community consultation must be mandatory.
- Changes to the dual occupancy rules seem to be an attempt to further restrict rural building without regard to common sense. The 'attached' clause is too restrictive and should be removed entirely. The location of any second residential building should be on the same basis as any other site; sewerage treatment, slope etc and should not be forced into an artificial situation. Some of these applications could be on sites of 40 to 400 hectares or more and maybe even require to be separated by some distance for security purposes. Rules governing attached dwellings such a granny flats may co-exist but to place all dual occupancy applications into the same category is not acceptable.
- We are concerned that the 1700 home sites at Marangaroo may create problems on two counts.

How does the proposed industrial area at Marrangaroo sit in relation to these residential sites. We already have problems within Lithgow of industrial sites being situated near residential dwellings. There does not appear to be a buffer zone. How do you propose to stop complaints by future residents against industrial noise etc., Please ensure there is a sufficient buffer and not 'across the road' type buffer.

The Marangaroo proposal is commendable but should not restrict residential development elsewhere. Other areas such as South Bowenfels should be allowed to proceed without the attitude that we already have 1700 sites at Marangaroo so we do not need more sites. The Marrangaroo site due to its proximity to the Great Western Highway and the Western Rail link May not be the preferred site for buyers. The LEP must provide alternatives and allow the market place to determine which sites are the preferred locations by purchasers.

- The proposed 2000sm sites along the Rydal Road being " Inzitari's land" at South Bowenfels is wasteful. This site already has existing roads, water, power, telephone, and sewerage: Why waste this land, suitably serviced, on oversize blocks. In addition there is considerable highway frontage and this land should not be put into residential sites of any size but rather should be considered for commercial. A strip along the highway could be serviced by Rydal Road with a new link road across to the South Bowenfels roundabout to be constructed by the

RMS next to the South Bowenfels Bush Fire Brigade shed. The balance of the site should be 800 to 2000sm sites at the discretion of the designers and be governed by the DA application. The rural buffer zone will be covered by the water course and by the slope and will provide suitable scenic zones if designed correctly. This area is unique and is the last suitable site in Lithgow where a proper planned site could dramatically enhance the approach to Lithgow.

- Heritage Listings are being imposed on a negative response basis from existing owners. We understand that all properties affected have received a letter advising the owners of the Heritage Listing. It would appear that should landowners not object to this inclusion then this will be taken to be a positive response by planners. However the lack of a response may simply be a lack of understanding by the landowner. Adding sites to 'List 1' should be only permitted on a positive confirmation by current land owners. Blanket impositions are not understood and can be misinterpreted by owners. You have identified 470 odd sites, a large number of which may already have a 'yes' response and in fact may have been driven by state significance or by the landowner. If there is no response to the LEP suggested sites list this cannot be taken as a positive sign for listing as a 'List 1' item. Instead Council should deal with each site not positively confirmed on a one by one basis to arrive at a true 'List 1' position. All other identified sites must remain as 'List 2' until the process, per site, has a positive 'yes'. It remains the Heritage officers job (and thereby Council's) to convince landowners of the advantages of Heritage Listing and not be perceived as being dictatorial by "imposing" some other position .
- The future LEP must be supportive of so called life style blocks. This is a serious promotion tool for Council. A negative attitude pervaded the LUS and we must change this to a positive attitude even if this attitude could be accused of being over optimistic. This does not mean total coverage over the LGA but where existing subdivisions already exist and existing roads and services are adequate these blocks should be allowed. Council should not be the arbitrator on the supply and demand curve but should allow the market place to determine the supply. An excess of blocks should not be perceived as a bad thing as the excess can result in the price for these blocks coming down making them more affordable and potential driving more sales. Council should remain the controlling authority. Development should not impose costs on ratepayers generally, such should fall to the developer eg as Section 94 type charges together with appropriate conditions deemed necessary.
- Lithgow City has taken over tracts of lands from Bathurst and Rylstone. These lands should be incorporated into the Lithgow land use strategy and not be dealt with under the previous council's recommendations. We consider that one set of rules is desirable, to have multiple conditions across the LGA makes for unnecessary complications and creates friction with affected landowners feeling disadvantaged by this Council. It can lead to court challenges which will cost both Council and Ratepayer massive legal expenses when common sense and simplicity should prevail.
- There is a serious level of support for the return of concessional blocks. There needs to be community consultation on this matter covering the possibility of a return to the previous system and a review of the impact that this change has made.

- We are against and cannot find any community support for land previously the subject of concessional blocks division to be subject of no further subdivision. It would appear that this proposal and others is influenced by the Summary of Issues identified on Page 9 of Chapter 9 – Rural Land Use.

With respect we suggest that this list is a highly theoretical grouping of items with no apparent recognition of a diversity element but rather the implied suggestion that most of the issues listed would inevitably apply. Were, if treated in a site-specific way we believe many of the listed issues may not be applicable or barely relevant.

As per the conditions on submissions and objections with the LUS we seriously recommend all objections and submissions be published on the Council Website. As previously, privacy must be considered and applications for subdivision with detailed title particulars and the like should not be included. All objections should be given to all the councillors without modification.

RA 9<sup>th</sup> August 2013