



Department of Primary Industries

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The General Manager
Lithgow Council
PO Box 19
LITHGOW NSW 2790

Attention: Sherilyn Hanrahan, Strategic Landuse Planner

Dear Sherilyn

Public Exhibition – Planning Proposal for Draft Principal Lithgow Local Environmental Plan 2013

Thank you for the opportunity to comment in your letter dated 17 June 2013 on the Planning Proposal for the Draft Lithgow Local Environmental Plan 2013.

Please find attached comments in relation to the interests of agriculture as dealt with in the Draft Lithgow LEP 2013.

We acknowledge the differences in the subdivision standards applied in the primary production zones between the old Rylstone shire area and the existing Lithgow area. It is unfortunate to continue to use a provision based on agricultural land suitability which is not intended to be used for this purpose. However, only allowing more generous living entitlements where the intent should be to support the primary production use of the land in this zone is also not desirable. It is unfortunate that the interests of primary production are still not recognised in the shire overall.

Although the whole focus of Lithgow has been away from primary production, the work undertaken by Council has been of a high standard and also has been presented in a number of ways to highlight the changes in the LEP. Council should be congratulated on the process that has been long, but is a thorough and well documented process that will continue to be a bench mark for future monitoring and planning.

I am available for any further enquiries in relation to this letter.

Yours faithfully

Mary Kovac
Resource Management Officer
Central and Far West
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2 August 2013

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Comments on the Draft Principal Lithgow Local Environmental Plan 2013

Land Use Table

Primary Production Zone

The level of permissibility of a large range of developments in this zone that require consent is noted. Whilst this is not a problem, many of these potential developments may be impacted by the existing dwelling potential in the council area and the opportunity for more conveyed by subdivision provisions. Also it is noted that rural workers dwellings are prohibited in this zone. This is supported as primary production is not a major intent of this zone considering the existing subdivision and ongoing allowances under the subdivision provisions that have been retained. Likewise secondary dwellings should also be not permitted as they only encourage more residential opportunities.

Rural Landscape Zone

It is acknowledged that this zone intends to retain values related to amenity and that extensive agriculture is allowed without consent. Consideration should also extend to both horticulture and viticulture being allowed in this area to cater for "small scale agriculture" that does not detract from the intent of the zone. Other councils do not allow turf farming in this zone due to the higher impact imposed by this activity in term of landuse and visual impacts. It is noted that plant nurseries and roadside stalls are permissible with consent in this zone so it would also be useful to allow these land uses in this zone that would have some compatibility with the zone intent. The same issue for secondary dwellings as outlined above should also be considered in this zone.

Part 4 Principal Development Standards

4.2A Erection of dwelling houses or dual occupancies and secondary dwelling in certain rural and environmental protection zones (local)

(7) In relation to existing holdings provisions that allow opportunities to develop since 31 July 1970 in the old Rylstone area should be reconsidered. It would be preferable to have a more recent time limit on the permissibility of existing development potential for subdivision in the primary production zone, especially in areas of more sensitive landscape features or where primary production still occurs. The opportunity to take up development approval to allow subdivision and housing since 1970 (over 40 years ago) does not seem warranted in terms of overall land use planning objectives for the orderly development of land given the number of years that may have elapsed in which the ability to take up approvals has not been exercised, and the number of existing holdings that have the potential for dwellings. Work by Council already indicates that many areas have little or no real primary production value due to subdivision so this only would have the potential to continue to fragment land and create conflict.

An alternative could be to include an additional "sunset clause" (as a sub clause) that provides that current existing holdings be phased out after a limited time after the commencement of this LEP.

In relation to future planning considerations, Lithgow Council may wish to set up a land monitor especially in the primary production zone that will act as a guide to test the appropriateness of the 40 hectare minimum lot size, and its impacts on land supply and landscape impacts for future review.