

Our Ref: PGH:13:0463
Your REF: LEP2013



8 August 2013

The General Manager
Lithgow City Council
PO Box 19
Lithgow NSW 2790
council@lithgow.nsw.gov.au

Dear Sir/Madam

**Lithgow Draft Local Environmental Plan (LEP) 2013
'Lithgow Valley Plaza' Lot 7 and Lot 9 DP 1005128, Lithgow Street**

We act for Sala Pty Ltd the owners of the 'Lithgow Valley Plaza' shopping centre. The subject site is comprised of Lot 7 and Lot 9 DP 1005128, Lithgow Street (Corner Bent Street) (refer *Figure 1*) and have undertaken a review of the draft Lithgow Local Environmental Plan 2013 (**draft LEP 2013**) in relation to the site.



Lithgow Valley Plaza

Figure 1 – Aerial photograph (Dept. of Lands NSW six maps 2013)

Corro to Cncl- LEP2013_SubmissionLVP_080813

1. The Site

The site is located at Lot 9 DP1005128, 69 Bent Street, Pottery Estate within the Lithgow local government area. The site is situated on the eastern side of Lithgow Street and is bounded by Bent Street to the north, Kirkland Link and Valley Drive to the south, and Silcock Street (along the northernmost section of the eastern boundary) where it connects to Bent Street (refer Figure 1).

2. Zoning

We understand that the proposed zoning under draft LEP 2013 is B4 Mixed Use and from our reading of the draft plan the B4 Mixed Use zone nominates ‘commercial premises’ as a land use permitted with consent, consequently business, office, and retail premises are also permitted.

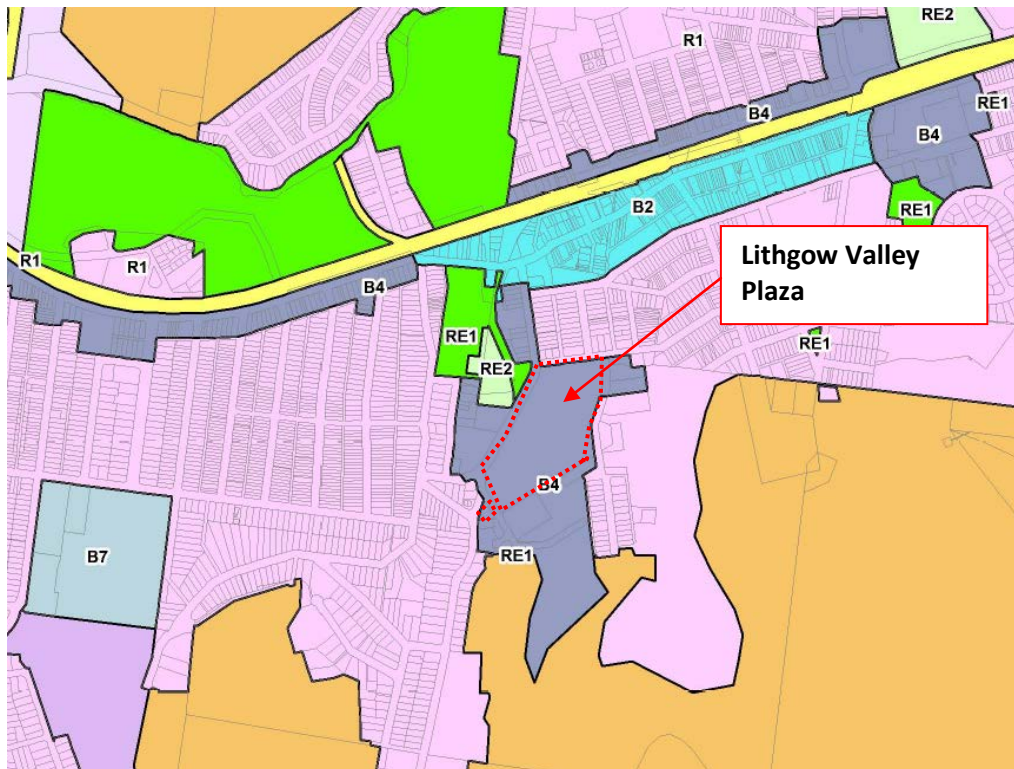


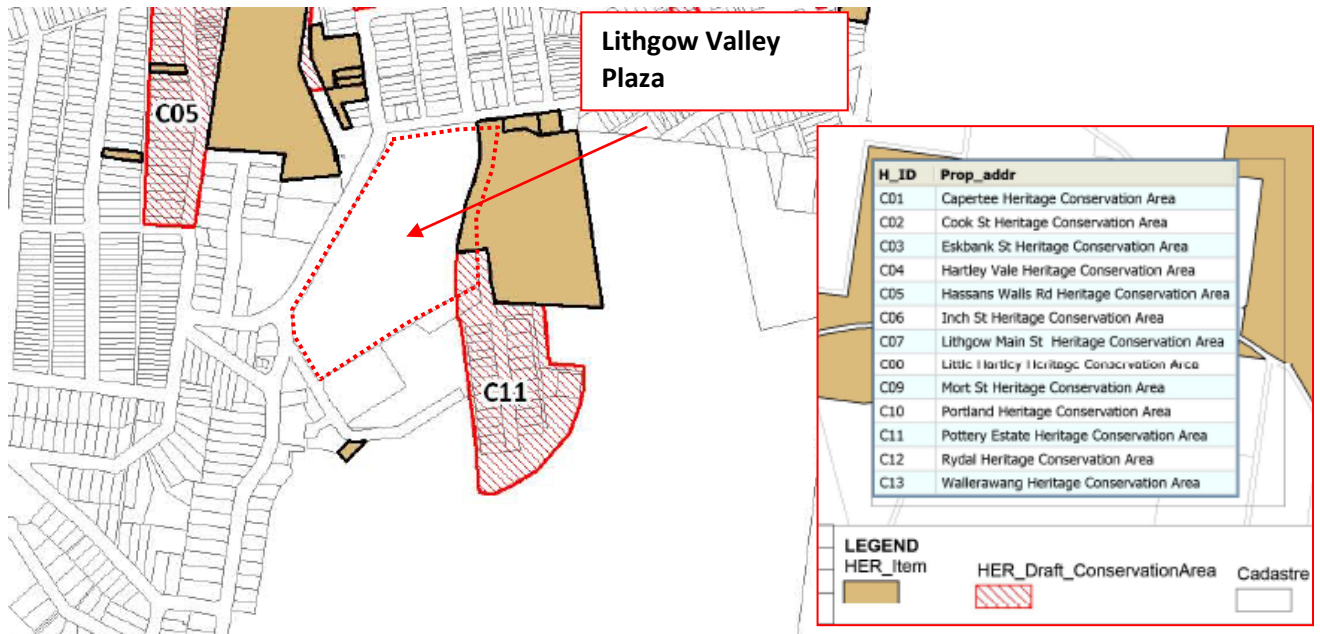
Figure 2 – Extract from Draft LEP 2013 of Lithgow Zone Map

3. Site Constraints

Lot size: the site is not included as being restricted by the lot size map.

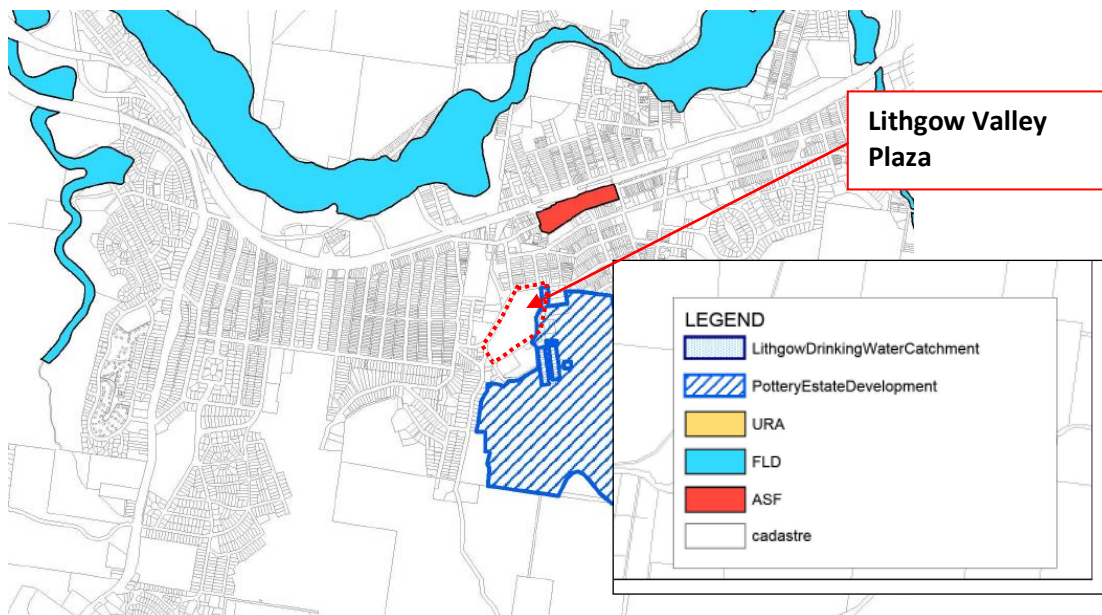
4. Heritage Constraints

The site is constrained in the north-eastern boundary with part of the site listed as a heritage item and part of the site as a Draft Conservation area (extract of map below).



5. Pottery Estate Development Area

The plan also identifies the site as being partly affected by the Pottery Estate Development area.



As a result any future development of the site would have to have regard to Clause 5.10 Heritage Conservation; and Clause 7.11 Development Pottery Estate. Our client has consistently raised concerns regarding the inclusion of the site in these precincts as it has the potential to impact upon future development and requests that Council review this matter and exclude the site.

6. Height and floor space ratio constraints

It is noted that the draft LEP does not adopt any height or floor space ratio controls. Consequently we expect that these controls would be included within associated development control plans. Our client is of the understanding that they'll have an opportunity to review any proposed controls prior to them being adopted by Council and further requests that Council ensure that any future height or floor space controls do not prohibit the orderly and economic development of the site.

7. Recommendations

That Council review the boundary of the Heritage and Conservation Area; and Pottery Estate Development Area and undertake the necessary adjustments to the plan so that Lithgow Valley Plaza is excluded from both

Should you wish to discuss the matter or require clarification please do not hesitate to contact us. It would be appreciated if to keep us informed as to the status of the draft LEP 2013 and when the matter might be reported to Council

Yours faithfully
PGH Environmental Planning



Patrick Hurley
Director
cc-Sala Pty Ltd