



09 AUG 2013

6 August 2013

Doc. No.....
GDA Ref.....
Years.....Mr. R. Bailey
General Manager
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

Dear Mr Bailey

RE: Public Exhibition – Planning Proposal for Draft Principal Lithgow City Local Environmental Plan 2013 – Review & Submission of Comments

Reference is made to Council's letter of 17 June 2013 inviting review and comments in respect to the above planning proposal.

Reference is also made to Council's letter of 6 March 2012 in response to the letter of 21 December 2011 from our planning consultant Mr. Ian Rufus.

Comments are provided in respect to the current planning proposal in the context of relevant background issues. Each of the undersigned persons has a property interest as identified in the following table:

Property Name	Property Description	Property Owner(s)
Narran Park	Lot 41 DP 751650, No 3038 Great Western Highway Bowenfels	Mr. B & Mrs. J Russ
Nosbor	Lot 29 DP 751650, Lot 2 DP 234393, Lot 31 DP 1127293 No 3029 Great Western Highway Bowenfels	Nosbor Pty Ltd
Allambee	Lot 2, DP 623229, No 3012 Great Western Highway, Bowenfels	C Boardman & J Sheehan

We the undersigned wish to strenuously object to the lack of support from Council to date in the formulation of the current planning proposal as it reflects on our various submissions seeking the rezoning of the our lands (River Lett Hill) from Rural 1(a) to Rural 1(c).

Council has failed to properly explain why its adopted resolution (proclaiming land atop River Lett Hill as suitable for large lot residential use) has been dismissed and not subsequently applied to this land. This resolution was made in respect to the recommendations of the report of the Manager Environmental and Planning Services tabled to Ordinary Meeting of 26 September 1994 (see copy attached).

Our legal advice suggests that Council has failed to fulfil a binding resolution of Council and as such has not afforded procedural fairness to the proponents of that resolution.

The planning proposal report prepared on our behalf by Ian Rufus (Planning Consultant) was purposefully lodged with Council on 3 May 2011, prior to the public exhibition of the Draft Land Use Strategy.

Council was subsequently advised by Mr. Rufus that this report was prepared as a formal planning proposal in its own right, drawing upon the support previously given by Council in their 1994 resolution, our previous planning proposal dated January 1994 prepared by Resource Design & Management Pty. Ltd. (see copy attached), and in accordance with established planning principles under the Dept. of Planning's 'Guide for Preparing Planning Proposals'.

In the same advice Council was made aware that the planning proposal lodged on 3 May 2011 could also be considered as an aid to Council in the Draft Land Use Strategy (when placed on public exhibition) and should also be considered as a submission in respect to such strategy. In short there was no need to submit a further submission on the DLUS as the comprehensive planning submission played a dual role.

This is incongruous with your statement in Paragraph 1 of Page 2 in Council's letter of 6 March 2012 which states "I would also point out that you also had the opportunity to make a further submission addressing the findings of the Draft LUS including the supply and demand analysis once the Draft LUS was released on 5 March 2011, but no submission was received".

It would therefore seem that, despite written clarification from our planning consultant, our planning proposal has not been duly considered by Council as a submission in relation to the Draft Land Use Strategy nor has our position on supply and demand analysis been properly considered. This does not instil confidence in Council's review processes.

Council's seventeen (17) year failure to review the supply and demand for rural-residential land in the Hartley area since its adopted 1994 resolution requiring same, has resulted in the current unsupportive Draft LEP2013 in respect to our lands. This is particularly unpalatable when the 1994 Manager's report states that due to resident objection the resolution of the Draft 1994 LEP could be 'held up for months'. The associated resolution of Council would appear to have been made on the grounds of expediency and not planning merit and directly contrasted a previous recommendation that our lands be included in LEP1994 as rural-residential.

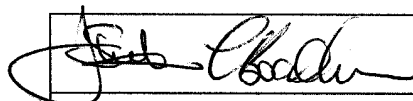
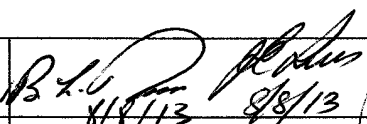
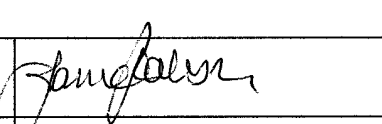
In respect to the 1994 release of land by Morris / Inzitari we would maintain that the greatest percentage of that land has since been subdivided and developed.

Despite the vastness of the Blue Mountains, the land between Lithgow and Mt. Victoria represents the first small holding of arable farmland within a two (2) hour drive west of Sydney. The take-up of existing released land demonstrates a strong demand. If no more land is made available in this locality the demand in relation to the Sydney market influence will dry up.

The current rapid expansion of western Sydney by the state government can only increase the demand for rural-residential land on the fringe of this expansion. The land within the Hartley, River Lett Hill and McKanes Falls Road areas is not suitable for agricultural use therefore will be left to the ravages of weed infestations and poor land-care practices due to land owner's inability to properly resource their custodial obligations.

We, once again, formally object to the apparent rejection by Council Planners to our application and request again a return to the review process commenced in 1994.

Yours faithfully

	 8/8/13	 8/8/13
Jim Sheehan & Christine Boardman	Barry Russ & Jane Russ	Nosbor

Greater Lithgow City Council

File No. A138/01/004/00					
Cross Ref. File No/s					
Disposal Action		Date Received		Folio 23	
		18 OCT 1984		Ser.	
				Sec	
				Prot	
				T&D	
Referred to:					
SECTION	CHIEF	SECTION	CHIEF	SECTION	CHIEF
1		2		3	
4		5		6	

COPY

A138/01/004/00
Environmental 0892H IR

14 October 1994

Mr I Maher
Resource Design and Management
PO BOX 1929
COFFS HARBOUR NSW 2450

Dear Sir

**DRAFT LOCAL ENVIRONMENTAL PLAN EXHIBITION
SUBMISSIONS FROM YOUR COMPANY**

I refer to your submission on the Draft Plan, concerning a number of properties on Great Western Highway and McKanes Falls Rd South Bowenfels (K Foley, B Russ, J Robson, G Vlazny, G Corney, J Sheehan). Discussions have been held with the Department of Planning concerning this particular zone extension, which was the major alteration arising from the exhibition.

The Department has insisted that the rural residential land in South Bowenfels/Hartley be deleted from this Plan. Even though there have been 162 lots approved from a total possible yield of 400 lots in the rural residential zone to date, only approximately five houses have been built in the L.E.P. 59 area. Obviously Council needs to pre-empt demand, but the point made by the Department is that on the basis of houses built, there is sufficient zoned land available for the next 5-10 years, as was originally agreed to by Council when the Rural Residential Plan (L.E.P. 59) was finalised. As well as this, a South Bowenfels resident has made submissions to various Government Authorities regarding this new rural/residential inclusion and the plan could be held up for many months, either by a new display or by the matter being contested. If building rates in the South Bowenfels/Hartley area increase over the next couple of years, a separate L.E.P. can be made to include the land.

Council resolved to defer the zone extension pending development need in the area. Council will monitor housing development in the rural/residential zone and has advised the Department that it reserves the opportunity to prepare a separate LEP at that time.

For your information, the Department of Planning expects finalisation of the Plan in early November.

Please do not hesitate to contact Mr Ian Rufus of Council's Environmental and Planning Services Division should you require any additional information in relation to this matter.

Yours faithfully

S W MCPHERSON
GENERAL MANAGER

PER: *R S Darney*
MANAGER ENVIRONMENTAL & PLANNING SERVICES

Greater Lithgow City Council

File No. A138/01/0040		Date Received		22	
Cross Ref. File No.		- 4 OCT 1994		PLANNING & DEVELOPMENT COMMITTEE	
Disposal Action		Date Received		22	
Reviewed To:		Cleaner Prot		T&D	
Section	Officer	Section	Officer	Section	Officer
				3	
4	3.	5		6	

COPY

COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN - MEETING
WITH DEPARTMENT OF PLANNING (A138/01/004/00)

The Department of Planning has reviewed the Plan and met with the General Manager, Environmental and Planning Services Manager and Senior Environmental Planner. There are issues needing resolution before a report can be put to the Minister recommending gazettal of the Plan.

It was emphasised that a number of major developments totalling around \$5 million in value were awaiting finalisation of the Plan by the Department. These include Council's own development of the APG site.

The major issue is residential opportunities on rural land. The amended Plan does allow an increased number of ways to subdivide and/or build dwellings in rural areas.

Council amended the draft plan to maintain the 40 hectares minimum subdivision size and existing concessional allotments for relatives of owners in 1969, an increase of one lot over the existing provisions. The Department was concerned that this would potentially allow four concessional allotments on a 50 hectares parcel, where the land had been held since 1969. The Department required a maximum of three concessional allotments, including the one available to 50 hectares existing holdings. It was conceded that this was reasonable, in that the existing number of concessional allotments was retained, with the added advantage that one lot could be freely sold, without the requirement of occupation by a relative.

Council officers successfully argued the retention of all other development opportunities of the Plan. In particular, one clause specifically outlined details for dwellings being associated with rural uses, including farms, mines and other operations in rural areas. The Department feels that such uses can be approved as ancillary to the use, even though dwellings would not separately be permitted. The clause has been amended to retain the opportunity for temporary workers hostels in rural areas, which would not normally be located on the building site.

MEB

Manager Environmental Planning Services
PLANNING & DEVELOPMENT COMMITTEE

However, the Department of Planning has insisted that the rural residential land in South Bowenfels/Hartley be deleted from this Plan. Even though there have been 162 lots approved from a total possible yield of 400 lots in the rural residential zone to date, only approximately five houses have been built in the L.E.P. 59 area. Obviously Council needs to pre-empt demand, but the point made by the Department is that on the basis of houses built, there is sufficient zoned land available for the next 5-10 years, as was originally agreed to by Council when the Rural Residential Plan (L.E.P. 59) was finalised. As well as this, a South Bowenfels resident has made submissions to various Government Authorities regarding this new rural/residential inclusion and the plan could be held up for many months, either by a new display or by the matter being contested. If building rates in the South Bowenfels/Hartley area increase over the next couple of years, a separate L.E.P. can be made to include the land.

In effect, Council has achieved virtually all the changes requested to the Plan. If agreed by Council, the Department could finalise the Plan by the end of October.

RECOMMENDATION: That Council agree to the amendment of the Plan, and advise the Department of Planning that the South Bowenfels/Hartley rural/residential extension be deferred pending development need in the area.

Adopted Min. No. 988.....

MINUTES OF THE ORDINARY MEETING OF GREATER LITHGOW CITY COUNCIL HELD ON MONDAY, 26 SEPTEMBER 1994.

COPY

- 2. ENVIRONMENTAL PLANNING AND ASSESSMENT (A073/01/011/00)

RESOLVED: That the report from the Manager Environmental and Planning be received and that Council review it's Development/Building fee structure at a future meeting of the Budget, Fees and Charges Committee.

CARRIED

987.

- 3. COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN - MEETING WITH DEPARTMENT OF PLANNING (A138/01/004/00)

RESOLVED: That Council agree to the amendment of the Plan, and advise the Department of Planning that the South Bowenfels/Hartley rural/residential extension be deferred pending development need in the area.

CARRIED

988.

- 4. TABULAM COTTAGES - PROGRESS (440/813/00)

RESOLVED: That the report from the Manager Environmental and Planning Services be received and that a meeting be arranged between Council Officers, Council's Solicitor and the Tabulam Cottages Committee to determine the most appropriate course of action to conclude the matter.

CARRIED

989.

- 5. DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

RESOLVED: That the report from the Manager Environmental and Planning Services be received.

CARRIED

990.

COPY

SUBMISSION ON

**EXHIBITION OF DRAFT LOCAL
ENVIRONMENTAL PLAN**

CITY OF GREATER LITHGOW 1993

January 1994

RESOURCE DESIGN & MANAGEMENT PTY LTD
71 Albany Street (PO Box 1929)
COFFS HARBOUR NSW 2450
Phone (066) 51 2688
Fax (066) 51 3689

Reference No.: 3057RA01
January, 1994

© Reproduction of this document without prior permission is not permitted.

TABLE OF CONTENTS

	EXECUTIVE SUMMARY	1
1	LAND DESCRIPTION	3
	1.1 Title	3
	1.2 Land Area	3
	1.3 Zoning	3
	1.4 Draft Local Environmental Plan	3
	1.5 Site Location and Existing Development	3
	1.6 General Description	4
	1.7 Plans	4
2	ISSUES	5
3	GREATER LITHGOW DRAFT LOCAL ENVIRONMENTAL PLAN 1993	10
	CONCLUSION	14

EXECUTIVE SUMMARY

The consultancy firm of Resource Design & Management have been engaged by several adjoining South Bowenfels property owners to prepare a fully detailed planning submission to Greater Lithgow City Council in response to the exhibition of Draft Local Environmental Plan 1993. This submission seeks to have the land (Study Area) incorporated as an extension of the existing 1(c) Zone as gazetted by Local Environment Plan 59.

The planning submission recognises the capability of the study area to be included in the 1(c) Zoning, and to be developed at a density of one lot per two hectares.

The study area involves the following property descriptions, and owners:-

- * Lots 2 and 3 DP 24414 Great Western Highway, River Lett Hill, South Bowenfels - "Akoonah" - Mr K Foley
- * Lot 41 DP 56371 Great Western Highway, River Lett Hill, South Bowenfels - "Narran Park" - Mr B Russ
- * Portions 29 and 31 Great Western Highway, River Lett Hill, South Bowenfels - "Nosbor" - Mr J Robson
- * Portions 208, 178 and Part Portion 30 Great Western Highway, River Lett Hill, South Bowenfels - Mr G Vlazny
- * Lot 13 DP 602583 and Lot 3 DP 594534 - McKanes Falls Road, South Bowenfels - Mr G Corney
- * Lot 2 DP 623229 Great Western Highway, South Bowenfels - Mr J Sheehan

The above properties form the major land holdings in the area, and are located on both sides of the Great Western Highway, and with McKanes Falls Road.

It was considered appropriate that as many landholders as possible be included in the study area to overcome the problem associated with the investigation of isolated land holdings or applications for "spot" rezonings.

The study area is an extension of the existing 1(c) Zone and forms a logical and planned enlargement of this zone.

Those areas considered suitable for inclusion in the 1(c) Zone have been identified through analysis of the following constraints:-

- (i) Slope
- (ii) Vegetation type
- (iii) Water courses or drainage lines
- (iv) Bushfire Risk
- (v) Access
- (vi) Environmental constraints

This submission has been prompted by Councils preparation of a City Wide Local Environmental Plan and positive responses provided in the past over the suitability of the land for rural residential subdivision.

1 LAND DESCRIPTION

1.1 TITLE

The land has a title description as follows:-

Lots 2 and 3 DP 24414, Great Western Highway, South Bowenfels

Lot 41 DP 56371, Great Western Highway, South Bowenfels

Portions 29 and 31, Great Western Highway, South Bowenfels

Portions 208, 178 and Part Portion 30, Great Western Highway, South Bowenfels.

Lot 13 DP 602583 and Lot 3 DP 594534 McKanes Falls Road, South Bowenfels.

Lot 2 DP 623229 Great Western Highway, South Bowenfels.

The land is located in the Parish of Lett and has frontage to the southern and northern alignments of the Great Western Highway, plus the western alignment of McKanes Falls Road. (Refer to Figure 1 for a plan of the study area).

1.2 LAND AREA

The study area has a combined area of 595.06 hectares. However not all the land, due to slope and environmental constraints, is suitable for rural residential development. Figure 2 outlines those areas considered suitable for subdivision into rural/small holdings allotments, which amounts to approximately 280 hectares.

1.3 ZONING

The land is currently zoned Non Urban "A" under the provisions of Interim Development Order No. 1 Shire of Blaxland, Gazetted 24 April 1969.

1.4 DRAFT LOCAL ENVIRONMENTAL PLAN

The study area has been excluded from the Draft Plan, currently on exhibition. The purpose of this submission is to satisfy Council on the suitability of the land for rural/small holdings development and seek its inclusion in the final plan.

1.5 SITE LOCATION AND EXISTING DEVELOPMENT

(i) Location

The study area is located approximately 4 kilometres east of Lithgow and is situated on the north western, western and south western alignment of the Great Western Highway generally at the crest of River Left Hill, with 197 hectares being located off McKanes Falls Road with frontage also to Coxs River.



The study area is adjoining and adjacent, the existing 1(c) Zone as implemented through Local Environmental Plan No. 59. The study area also adjoins a number of smaller land parcels ranging from 2 to 12.5 hectares.

(ii) Existing Development

The study area contains four existing dwellings and a number of associated outbuildings. That part of the study area involving Portions 31 and 29 and Lot 13 is vacant except for property improvements such as fencing, yards and dams.

A 132kv power line traverses a small part of the southern and western sections of the area, from the north east to the south west.

1.6 GENERAL DESCRIPTION

The study area is generally regarded as undulating grazing land which is bounded in part by the Coxs River to the south and the Hassans Walls Escarpment to the north.

The locality is characterised by rural small holdings development, and adjoins the area of land zoned 1(c) under Local Environmental Plan No. 59.

The land is located approximately 4 kilometres from Lithgow which is easily accessible by the Great Western Highway.

The open and undulating nature of the land coupled with the development that has already occurred gives an immediate impression the study area has the capability of sustaining rural/small holdings development without effecting the intrinsic environmental qualities and character of the area. This aspect shall be covered in greater detail at a later part of the submission.

1.7 PLANS

In support of this submission, plans have been prepared which:-

- * Fix the locality of the study area.
- * Identify land suitable for rural/small holdings development.
- * Identify land which is unsuitable (due to slope and the like) for rural/small holdings development.
- * Locational Plan.

2 ISSUES

In determining suitability of land for release for the purpose of rural/small holdings development the major planning issues need to be identified, and satisfactorily resolved.

In the case of the study area it is seen that the following are the major planning issues:-

- (i) Market demand
- (ii) Environmental considerations including Heritage and Cultural significance
- (iii) Locational Context
- (iv) Services and demand on existing services
- (v) Access
- (vi) Character, amenity and visual impact
- (vii) Social implications
- (viii) Geographic/topographic constraints
- (ix) Take up of existing land zoned for rural/small holdings development.
- (x) Agricultural Classification

These issues will now be analysed in greater detail.

(i) Market Demand

Often market demand is clouded by a perception that "because dwellings have not been erected there is no demand".

Local Environmental Plan No. 59 which allowed release areas for rural/small holdings development within Lithgow Council area was gazetted on the 30 April 1992.

Within the 1(c) zoned areas of Hartley and McKanes Falls Road there has been an excellent response to the subdivision of land. Our firm has been involved in a number of subdivision applications within Hartley, Coxs River Road and McKanes Falls Road.

Only just over 1 $\frac{1}{2}$ years have elapsed since the gazettal of Local Environmental Plan No. 59, which is a limited time to submit applications to Council, gain approval, finalise engineering works, and release of the final plan of subdivision.

Demand should not simply be identified through the number of dwellings which have been erected, but should also encompass the components of subdivision proposals lodged, demographic trends, available options for alternative living styles, potential for growth from adjoining local government areas, and location.

Discussion with Real Estate agents both within Lithgow, Blackheath and Katoomba have revealed there is a high demand for rural/small holdings development on the eastern fringe of the Lithgow urban area.

As council would be aware development potential is extremely limited in the adjoining Blue Mountains Local Government Area and residents are actively seeking alternate living styles in close proximity to the urbanised areas of Lithgow and Katoomba with ease of access to railway stations and the highway.

The 1991 Census statistics indicate that the Lithgow and Blue Mountains Census District will experience a steady level of growth and alternative living styles will be required to satisfy this growth. The study area is ideally located to satisfy demands in this regard, and continue the level of development already experienced in the existing 1(c) Zone.

It is important that a growing city such as Lithgow offer viable alternative living styles. Rural/small holdings development is an alternative sought after by many residents of a given area. The success of any rural/small holdings proposal is its location and proximity to services and amenities. The study area is located only 3 - 4 minutes drive from Lithgow and in close proximity to all necessary services.

The locational context of the study area is such to ensure the success of its development. Subdivision proposals in McKanes Falls Road and Forty Bends are a strong indicator that demand exists for rural/small holdings development in close proximity to the city.

The close proximity of the study area to the city will ensure that subdivision entitlements will be taken up, upon any decision of property owners to pursue subdivision of their land.

(ii) Environmental Consideration

The study area currently forms undulating grazing land and those sections of land considered suitable for rural/small holdings development is mainly cleared of substantial vegetation.

The steeper lands (slopes in excess of 33%) have been excluded, due to excessive slope and vegetation cover that exists.

Figure 2 depicts that land which is considered suitable for rural/small holdings development.

It will be noted in regard to Portions 208, 178 and Part Portion 30 the land considered suitable for development does not include environmentally sensitive land as identified by the cross hatching on Draft Local Environmental Plan 1993 - City of Greater Lithgow. The areas of cross matching has been taken into account in our submission.

No endangered species or protected flora or fauna was observed within that section of the study area proposed for rural/small holdings development. This is due in the main to the extent of clearing undertaken and use of the land for the grazing of cattle.

Land immediately adjoining Coxs River and Whites Creek will not be subject to development. Appropriate buffers shall be maintained along the banks of these waterways to ensure their environmental stability is preserved.

Due to the existing nature of the land involved no adverse environmental effects will be created, with its existing character being maintained.

The study area has not been recognised in the City of Greater Lithgow Draft Local Environmental Plan 1993 as being of, or having any heritage or cultural significance.

There appears to be no reason to draw any different conclusions than that reached in the Draft Plan, however an archaeological study may be undertaken, if required, in conjunction with any Development Application lodged for subdivision of any land within the study area.

(iii) Locational Context

The study area is located adjoining and adjacent the area of land zoned 1(c) under Local Environmental Plan No. 59. That part of the land sought to be included in the 1(c) zone is a logical and planned extension of the zone. The land is located 3 - 4 minutes drive from Lithgow which can be achieved via the Great Western Highway. The land is not isolated and will not add cost to the community in the provision of services.

This application merely seeks a minor extension to the existing 1(c) zone to incorporate land which is suited for rural/small holdings development and located on the urban fringe of Lithgow.

(iv) Services

The land is serviced by power and telephone. Reticulated water and sewer are not available. Disposal of effluent may be achieved as with the land being developed in the adjoining 1(c) zone, i.e. aerated septic systems and tank supply for potable water.

Development of this land will not result in any costs to the community in the provision of services or the like.

(v) Access

Access to Lithgow will be directly via the Great Western Highway which is mainly of three to four lane configuration.

Part of the study area will gain access from McKanes Falls Road to the Highway. This will be the only section of public road involved, and the development of this sector will attract appropriate Section 94 Contributions for road improvements.

The direct use of the highway to gain access to Lithgow will avoid additional pressures on public roads and provide a desirable and quick transport linkage to Lithgow.

Public transport is available to and from local schools on a daily basis.

The use of the Highway to achieve access to Lithgow further reinforces the locational values of the study area.

(vi) Character and Amenity

The character of the study area is consistent with rural/small holdings development. Many parcels of land adjoining or adjacent the study area are small holdings ranging from 2 to 12.5 hectares.

A large majority of the land in McKanes Falls Road and Forty Bends Road which is zoned 1(c) under Local Environmental Plan No. 59 is in the process of being subdivided for rural/small holdings development.

Subdivision of the study area into rural/small holdings allotments will be completely consistent with the character and amenity of the immediate locality, including development proposals currently being implemented.

Suitable buffers can be achieved along the Great Western Highway frontages to ensure the existing visual perception is maintained. This aspect can be readily incorporated into the design concepts for future subdivision proposals.

(vii) Social Implication

The provision of additional land for rural/small holdings development in close proximity to Lithgow will allow for diversity or alternative in living styles, with direct access to all necessary services.

This aspect has positive benefits in respect to social implications and avoids the adverse aspects of creating rural/small holdings in isolated locations.

Community expectations within a growing City are for alternative living areas within the Urban Fringe and potential for this to occur should be recognised through appropriate land use zonings.

Rezoning of the study area will not result in its wholesale subdivision from the outset. The release of land will be in response to community and market demand. However, it is important sufficient land is set wide for this purpose and the ability to respond to respective demands recognises proper planning principles.

(viii) Land Constraints

As mentioned previously those parts of the study area which have slopes in excess of 33%, dense vegetation cover or traversed by water courses have been excluded from the area sought to be rezoned for rural/small holdings.

Having regard to this aspect the residue land does not have any physical constraints to preclude as development for the purpose of rural/small holdings, at a density of 1 lot per 2 hectares.

The bushfire classification of the land is low to medium. this classification takes into account fuel loadings, slopes and aspect.

The medium classification is that part of the study area which is heavily timbered with a north westerly aspect and steep slopes. The cleared grazing land has a low risk due to low fuel loadings.

Figure 3 delineates that part of the study area for which the extension of the 1(c) Zone is being sought.

(ix) Take Up of Existing 1(c) Zoned Land

Whilst this component may be linked with market demand it is important to evaluate the extent of land within the adjoining 1(c) Zone which has land subdivisions approved by council.

Our firm has been involved in securing Council approval for the subdivision of Portion 20 Forty Bends Road and Lot 4 DP 59996 McKanes Falls Road. We have also been engaged to prepare application for subdivision over Lot 12 DP 602583 and Lot 22 DP 601497 McKanes Falls Road and we expect to gain the commission over a further property in McKanes Falls Road in the immediate future. Having regard to the above only 3 properties remain in McKanes Falls Road which have subdivision potential.

Limited potential exists for land fronting the Great Western Highway or Old Bathurst Place due to the small areas of land parcels involved or access considerations.

The take up of the subdivisional potential has been solely generated by the demand for rural/small holdings in close proximity to Lithgow. We are aware of similar proposals in the Hartley Valley (as again we have been involved in a number of these applications) however, the demand is not as intense due to this land being located further away from Lithgow.

The fact that a limited number of dwellings have been erected is not indicative of demand. Local Environmental Plan No. 59 is a recent planning instrument, and the time involved in preparing the subdivision design, obtaining Council approval and final release of final subdivision plan has not as yet allowed for the subsequent erection of dwellings.

For example "The Morris" subdivision at Hartley was submitted soon after the gazettal of Local Environmental Plan No. 59, but as yet (as we have been informed) the final release of the plan has not occurred.

The subdivision of Lot 4 DP 59996 McKanes Falls Road (Johnstone and Wiseman) has yet to be finalised, however, strong demand has already occurred with a number of people seeking to secure lots "off the plan" by way of deposit.

There is a proven demand for Rural Small Holdings in the locality of the study area and an extension of the 1(c) Zone as proposed will allow this demand to be satisfied.

(x) Agricultural Classification

The land is mainly classified as Class 4 and 5 Agricultural Land, with a minor section of Class 3 land over Lots 2 and 3 DP 24414 and Lot 41 DP 56371.

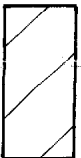
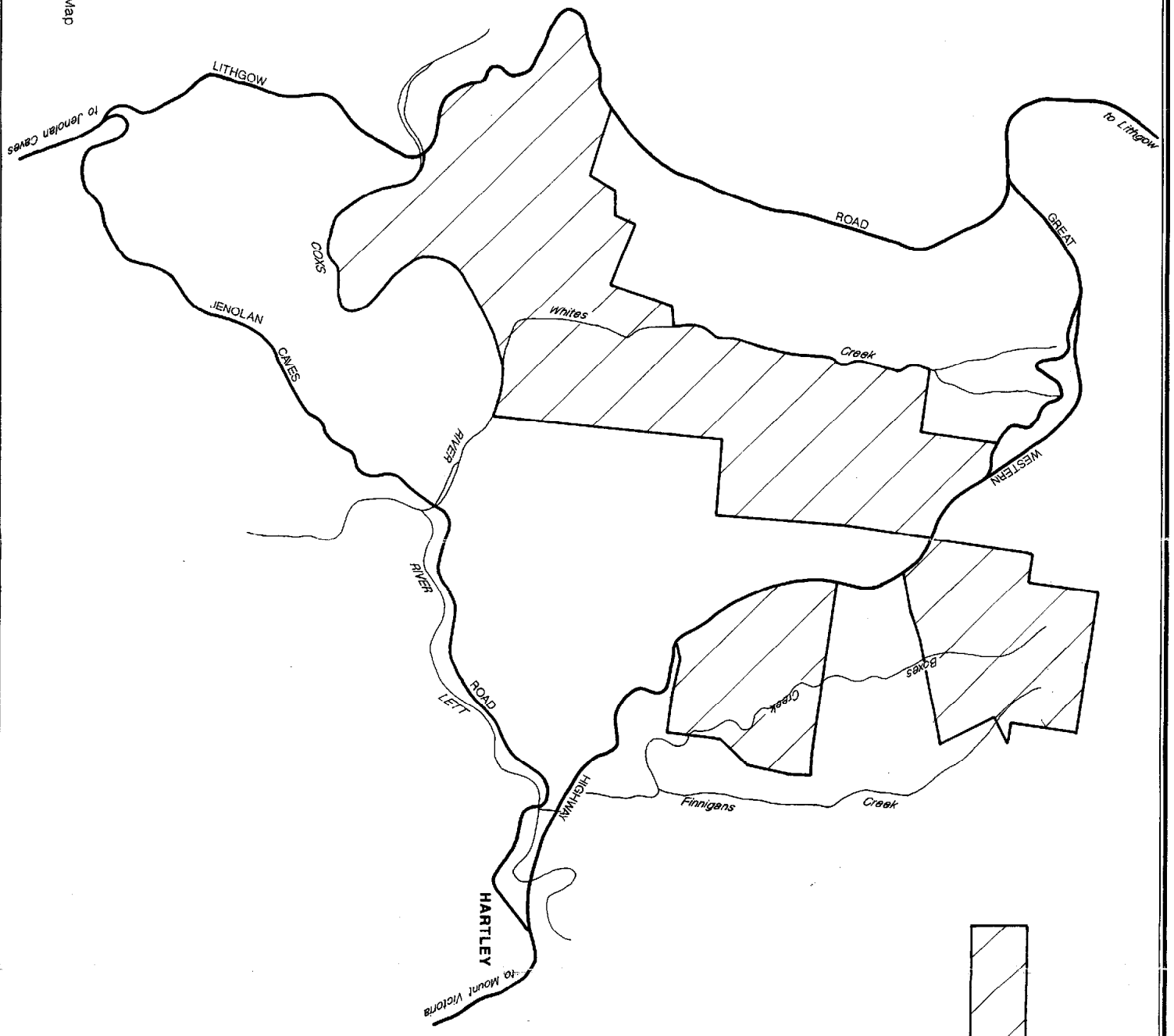
The land is not prime agricultural land nor is it suited to continuous cropping.

Therefore the development of the land will not result in the loss of any prime agricultural land.

The above classifications are in accordance with the Department of Agriculture's Suitability Classification undertaken in July 1983.

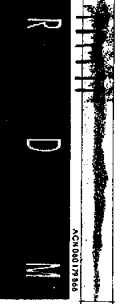


SCALE - 1 : 25000
SOURCE - C.M.A. Topographic Map

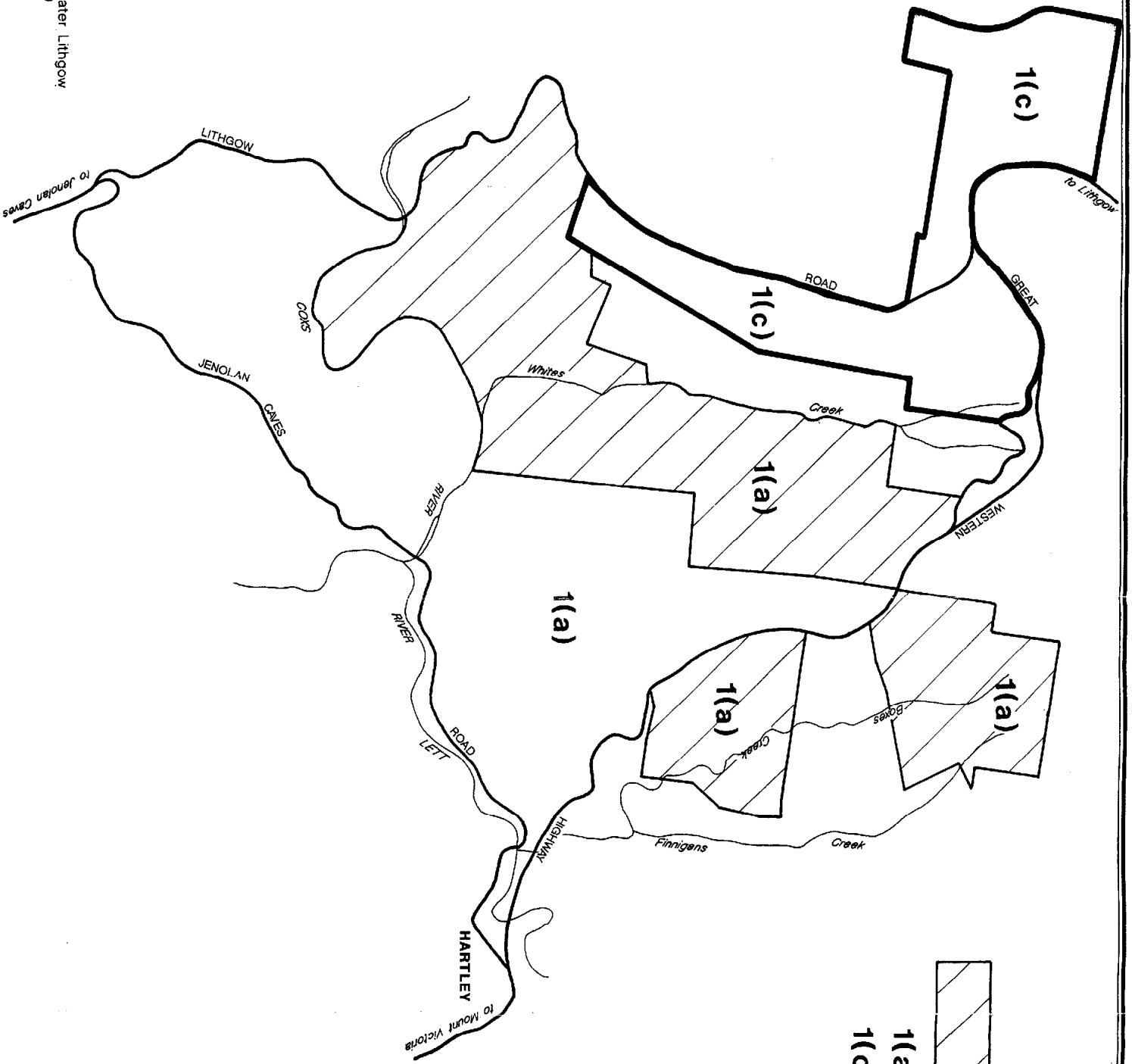



STUDY AREA

**SITE &
LOCALITY PLAN
FIGURE 1**



RESOURCE DESIGN & MANAGEMENT PTY. LTD.



-  STUDY AREA
- 1(a)** NON URBAN
- 1(c)** RURAL (SMALL HOLDINGS)

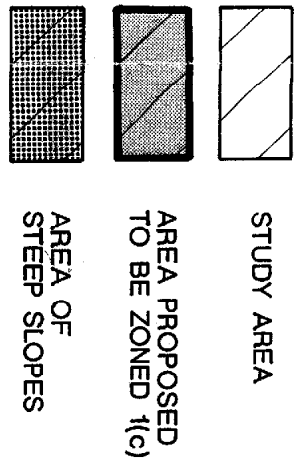
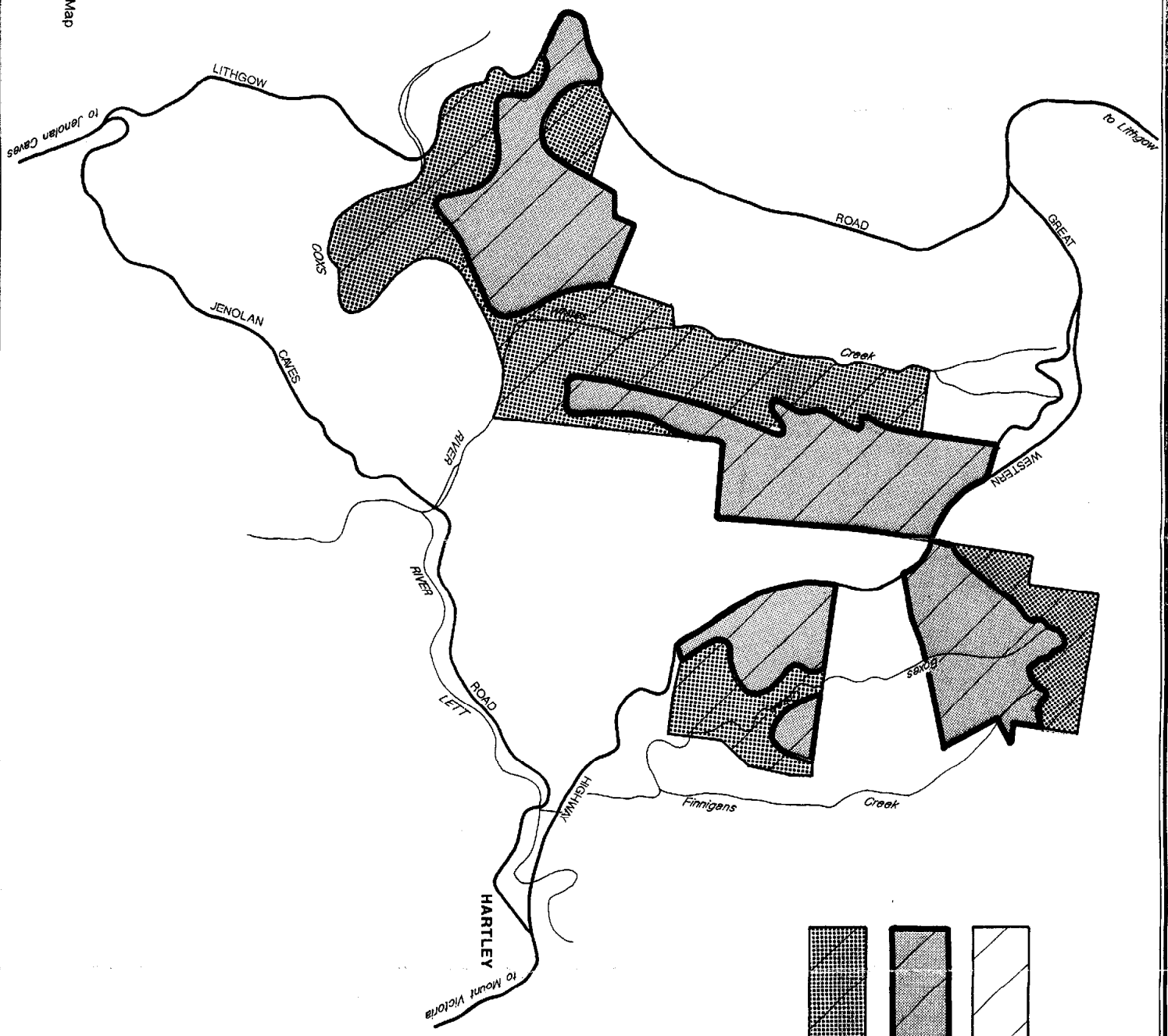
SCALE - 1 : 25000
 SOURCE - City of Greater Lithgow
 L.E.P. No.59

EXISTING ZONING
FIGURE 2





SCALE - 1 : 25000
SOURCE - C.M.A. Topographic Map



AREA PROPOSED TO BE REZONED
FIGURE 3



3 GREATER LITHGOW DRAFT LOCAL ENVIRONMENTAL PLAN 1993

The abovementioned Draft Plan identifies a number of objectives for the development of land into rural/small holdings.

The objectives are as follows:-

- (a) to allow for development of land for rural small holdings if the land is identified as suitable for that purpose;
- (b) to ensure that allotments created for rural small holdings are of an area and subject to arrangements that:
 - (i) enable the provision of an adequate water supply;
 - (ii) enable effective disposal of domestic waste;
 - (iii) minimise the creation of traffic hazards;
 - (iv) do not contribute to pollution of water supply catchments; and
 - (v) do not impact unfavourably on water quality within the Nepean-Hawkesbury River System;
- (c) to ensure that development is carried out in a way that is sensitive to the environmental characteristics of the land;
- (d) to minimise the cost to the community of providing, extending and maintaining public amenities and services;
- (e) to ensure that rural small holdings development does not prejudice the interests of agricultural producers in the vicinity; and
- (f) to allow development for a range of purposes which are compatible with the environmental capabilities of the land and which are unlikely to adversely affect land or other development in the vicinity or create unscheduled demands for service infrastructure.

The study area which is the subject of this submission satisfies all the objections of the 1(c) Zone, as the following will establish.

1) Objective (a)

This objective is more of a statement, and one would assume if the land is zoned 1(c) by Local Environmental Plan 1993 then the land has been identified as being suitable for this purpose.

2) Objective (b)

(i) Water Supply

As is the case with holdings within the existing and adjoining 1(c) Zone water supply will be supplied via way of a 45,000 litre water tank connected to the roofs of the dwelling or outbuildings.

(ii) Domestic Waste Water Disposal

All applications will be accompanied by a geotechnical and/or water balance report carried out by professional consultants who are recognised and qualified in this field to assess whether the disposal of domestic waste water is feasible within the property boundaries.

As is the adjoining area, the effective disposal of waste water can be adequately achieved through the use of aerated septic systems. There is no reason to conclude (particularly on allotments with an average density of 2 hectares) this situation could not continue.

(iii) Traffic Hazards

Properly designed and located intersections onto the Great Western Highway from the eastern sector of the study area would ensure traffic hazards would not be created as a result of the subdivision of this land.

McKanes Falls Road at its junction with the Great Western Highway is already subject to formalised intersection works which would satisfactorily handle the increased traffic from the subdivision of the McKanes Falls Road land.

To minimise intersections onto the Great Western Highway it is possible to link that part of the study area on the Southern alignment of the Highway (Portions 29 and 31) to Forty Bends Road. This will all be subject to formal design of the final subdivision layout.

(iv) Pollution of Water Supply Catchments

The risk of pollution to water supply catchments is of no greater potential than that posed by the existing 1(c) Zone.

To ensure pollution does not occur it is essential to adopt adequate property management practices, control erosion and site run-off and ensure domestic waste water is effectively disposed of.

Proper and appropriate control measures can be implemented at the required stages to ensure pollution does not occur.

Due to the average density of 1 lot per 2 hectares, and the minor potential number of allotments (60 - 80) appropriate controls can be implemented at the development stage to ensure the environmental qualities of the supply catchment are maintained.

(v) Nepean - Hawkesbury River System

It is assumed this relates to the Warragamba Dam Catchment area and the comments in relation to (iv) above are directly associated with this objective. As long as the water supply catchments are protected the Warragamba Dam Catchment will not be unfavourably impacted upon due to the development of the study area. Sensitive design principles at subdivision stage will ensure catchment areas are protected. The land considered suitable for development within the study area also recognised the need to protect water catchments.

3) Environmental Characteristics of the Land

The development of the study area can be achieved in such a way to ensure the environmental characteristics of the land are maintained. Steep slopes, heavily vegetated land and creek embankments are being excluded from the study area to ensure an environmentally sensitive development occurs.

4) Minimise Costs to the Community - Public Amenities and Services

The location of the land in close proximity to Lithgow ensures the residents can readily rely upon existing community and social services within the City itself.

Services will not require to be extended, with power and telephone available to all sections of the study area.

The use of the Great Western Highway to provide direct vehicle access to Lithgow reduces reliance on or the need to upgrade public roads.

Public transport (bus service) is available to the study area, giving access to schools and amenities on a morning and evening basis.

5) Prejudice to Agricultural or Agricultural Produces

The study area is used only for the purpose of grazing cattle. No crop production is undertaken and to our knowledge only a small apple orchid is located in close proximity. This being the only produce produced in the locality.

No adverse impacts will occur to any agricultural producers in the area as a result of this development.

6) Development Purposes

The range of developments permitted in 1(c) Zones under the provisions of Draft Local Environmental Plan 1993 could be achieved in an environmentally sensitive manner without the need for unscheduled demands for service infrastructure.

It is noted the majority of uses which would place pressure on the environment of the area are prohibited.

The objectives of the plan are clear and orientated towards sustainable development but not so restrictive to override the advantages of a merit based instrument.

CONCLUSION

The submission for the extension of the existing 1(c) Zone to be extended to include the land in the study area is primarily based on logical planning issues supported by demand, proximity, location, lack of environmental impact (both physical and social), and no requirement to extend any services which would be a direct cost to the general community.

It is recognised the study does not include all the land between the existing 1(c) Zone and the most easterly sector of the study area. In the event of Council agreeing to support this submission the 1(c) Zone would also then include those land parcels not being part of the study area.

This would not create a problem as the majority of residue land parcels are of limited area and lack development potential to achieve the 2 hectare per lot density criteria. In fact these parcels are already in the format of rural/small holdings further reinforcing the validity of this submission and how rural/small holding development is in keeping with the dominant character of the area.

There are no merit based issues which preclude the development of the land into the rural/small holdings.

The extension of the existing 1(c) Zone to incorporate the study area will not create an isolated zoned parcel of land or be what is commonly known as "spot zoning". What will occur is merely an extension of the existing zone.

The major issue appears to be one of demand. As outlined in this submission there is an identified demand for rural/small holdings within close proximity to the city's urban fringe.

The greater majority of land zoned 1(c) under Local Environmental Plan No. 59 in the immediate locality of the study area has had subdivisions approved or subdivision applications are in the process of being lodged. The fact that a large number of dwellings have not been erected within the 1(c) Zones is a factor of time and not related to demand. It should be noted that Local Environmental Plan No. 59 was gazetted on the 30 April 1992.

There has been an insufficient lapse of time since the gazettal of that Local Environmental Plan to enable whole-scale development of the areas involved. Market demand should not be gauged alone on the total number of houses which have been erected. A number of other factors (identified in this submission) should also be taken into account.

We submit, the study area is a logical and planned extension of the existing 1(c) Zone, and totally consistent with the aims and objectives of Draft Local Environmental Plan 1993.

Your favourable consideration of this submission is sought.