



3 Marist Place
Parramatta NSW 2150

Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500
Facsimile: 61 2 9873 8599

heritage@heritage.nsw.gov.au
www.heritage.nsw.gov.au

Contact: Michael Edwards
Phone: (02) 9873 8588
Fax: (02) 9873 8550
Email: michael.edwards@heritage.nsw.gov.au

The General Manager
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

Attention: Ms Sherilyn Hanrahan

Dear Ms Hanrahan,

Consultation on draft Lithgow Local Environmental Plan 2013.

Thank you for referring the draft *Lithgow Local Environmental Plan 2013* (draft *Lithgow LEP 2013*) to the Heritage Division for comment.

It is understood that draft *Lithgow LEP 2013* is a translation and amalgamation of the existing environmental planning instruments into the Standard Instrument Principal Local Environmental Plan format ('Standard Instrument').

Compulsory Heritage Provisions

The heritage provisions (clause 5.10 *Heritage Conservation*) of the Standard Instrument have generally been adopted in draft *Lithgow LEP 2013*.

Additional Local Provisions

Draft *Lithgow LEP 2013* proposes local provisions as contained in Part 7.

Clause 7.3 relates to earthworks. The objectives of this clause, stated in clause 7.3(1)(a)&(b), seek to ensure that earthworks '*will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land*'.

The ensuing clauses of 7.3 do not include any such mechanism that requires the Consent Authority to consider whether the proposed earthworks will have a '*detrimental impact on...heritage items*'.

In this regard, the Heritage Division recommends the insertion of the following clause to achieve the objectives of clause 7.3:

7.3(3)(i) *The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.*

The other clauses of Part 7 either do not apply to heritage items or conservation areas, will further assist in the protection and management of heritage items, or relate to development and land uses that are of such scale and intensity that will not result in any unreasonable impacts on the heritage significance of heritage items and conservation areas.

Accordingly, the Heritage Division raises no objection to the proposed local provisions in Part 7, subject to the above comments.

Exempt and Complying Development

Draft *Lithgow LEP 2013* will include standard exempt and complying development provisions as contained in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP).

There are no additional matters of exempt or complying development proposed.

Schedule 5 Environmental Heritage

Schedule 5 of the draft *Lithgow LEP 2013* identifies a list of 390 individual Heritage Items, 13 Heritage Conservation Areas and 90 Archaeological Sites within the Lithgow LGA and is comprised of Part 1 – Heritage Items, Part 2 – Heritage Conservation Areas and Part 3 – Archaeological Sites.

The contents of Schedule 5 have been informed by the Lithgow Community Based Heritage Study 2000, the Rylstone Shire Heritage Study 2003 and the Evans Heritage Study 1987. The heritage conservation areas are also informed by the Heritage DCP Study 2010.

The Heritage Division advises that it is considered good heritage management practice to list additional heritage items and heritage conservation areas that have had the appropriate assessment undertaken and that have been determined as being of local heritage significance.

In this regard, any additional items of heritage significance identified in the relevant heritage studies should be included in Schedule 5 of draft *Lithgow LEP 2013*. Council does not require the owners consent to list additional items and further information can be obtained from the Heritage Division's website on the benefits of heritage listings.

A search of the Heritage Division database identifies that there are 29 state significant heritage items listed on the State Heritage Register (SHR) within the Lithgow LGA.

Schedule 5 identifies 30 items of state significance. This is because some items which comprise multiple elements have been listed individually in Schedule 5 and some items which are listed on the SHR have not been identified in Schedule 5.

Accordingly, all state significant items listed in Schedule 5 must be consistent with the details on the SHR and all items listed on the SHR must be identified in Schedule 5.

While the format of Schedule 5 is generally consistent with the conventions of the Department's Circular PS 09-011 *Certification of Draft Standard Instrument local environmental plans for public exhibition*, the Heritage Division advises that the numbering of Heritage Items, Heritage Conservation Areas and Archaeological Sites in Schedule 5 must be amended to adopt the format of the Standard Instrument LEP template, prefixed by either 'I' for Heritage Items 'C' for Heritage Conservation Areas and 'A' for Archaeological Sites.

The numbering of items in Schedule 5 needs to also be arranged in sequential numerical order and the heritage mapping amended to correspond accordingly. This is to assist in the ease of identification of items.

Dictionary Definitions

The definitions for heritage management and conservation related terms should be consistent with the Dictionary definitions as contained in the Standard Instrument.

LEP Mapping – Heritage

The Heritage Maps accompanying the draft instrument appear in accordance with the mapping convention of the Department's Circular PS 09-011 *Certification of Draft Standard Instrument local environmental plans for public exhibition and Standard technical requirements for LEP maps*.

As advised above, the Heritage Maps should be amended to correspond with the required changes to Schedule 5.

Proposed Principal Development Standards

Any proposed changes to existing principal development standards applying to land which contains a listed item of State heritage significance, or that is located within the vicinity of a State heritage item, should ensure that the land zoning, maximum building height, minimum lot sizes and floor space ratio is appropriate for retaining and enhancing the embodied heritage significance of the State heritage item.


Specifically, any changes to the principal development standards should:

- a) Ensure an appropriate visual buffer is retained to protect views to and from heritage items;
- b) Ensure that there is an appropriate transition in the scale and height of development to ensure new development does not visually dominate State significant heritage items; and
- c) Ensure that the land zoning will both allow and restrict certain land uses that will compliment the character of the heritage item.

Overall, the Heritage Branch supports the draft *Lithgow Local Environmental Plan 2013*, subject to the above comments.

I trust that these comments are of assistance. Please contact Michael Edwards – Heritage Planner, on (02) 9873 8588 or michael.edwards@heritage.nsw.gov.au if you have any further enquiries in this matter.

Yours sincerely



28/11/2013

Vincent Sicari

Conservation Manager – Heritage Division
Office of Environment & Heritage
Department of Premier and Cabinet
As Delegate of the Heritage Council of NSW