

What is new in the Draft Lithgow City Local Environmental Plan 2013

*Our Place...
Our Future*

Overview

This fact sheet gives a summary of the key changes one will see in the new Draft LEP 2013. For further detail in relation to all provisions of the Plan please refer to the formal exhibition documents and further explanatory material provided on line and at each of the static public exhibition displays.

The Lithgow Draft LEP 2013 is different to the current operating LEPs. This is because of the need to accord with the Standard Instrument LEP as well as the identified need to provide more certainty to landowners, developers and investors using the planning system.

The key objectives of the Planning Proposal and new LEP are:

- To implement a Standard Instrument LEP (SI LEP) across the Lithgow Local Government Area (LGA) that will repeal and replace the two environmental planning instruments that apply to the area: Lithgow Local Environmental Plan 1994 and Rylstone Local Environmental Plan 1996.
- To implement Council's key strategic directions arising from the Lithgow Land Use Strategy 2010-2030 (LUS) adopted by Council on 31 October 2011 and formally endorsed by the Director General of NSW Department of Planning and Infrastructure on 24 May 2012.

The aims of Draft LEP 2013 are informed by the strategies and recommendations of Lithgow Land Use Strategy 2010-2030 and the visions and strategies established by the Lithgow Community Strategic Plan 2013-2026.

What will the Draft LEP do?

Specifically the Draft LEP will:

- Provide a range of new land use zones to accord with the Standard Instrument LEP and support the strategic directions of the LUS;
- Provide 50 ha of new industrial land at Marrangaroo and 104ha of heavy industrial land at the Minerals Processing Site, Wallerawang;
- Identify a 310ha urban release area at Marrangaroo to provide for future growth in residential and allied urban land use and to ensure potential further growth is not compromised in the short term;

- Provide a range of new land use zones to replace the Village Zone in the towns of Portland and Wallerawang;
- Consolidate the commercial centre of Lithgow and differentiate the role of the commercial core and areas out of the centre commercial areas;
- Modify the zoning of land in the villages of Capertee, Rydal, Tarana and Lidsdale to consolidate village zoned lands and provide for large lot residential growth to support each village to align with its role in the settlement hierarchy considering their size and capacity to provide essential social and service infrastructure;
- Retain existing provisions in relation to rural minimum lot size and the erection of dwellings in the rural areas;
- Retain existing areas available for unsewered large lot residential land use with the exception of the area to the northeast of Lidsdale;
- Provide for serviced large lot residential areas at Lidsdale and on the southern urban fringe of Lithgow;
- Contain provisions to protect the natural environment;
- Contain provisions to align development growth with the provision of essential infrastructure;
- Provide for the protection and conservation of items and areas of environmental heritage;
- Classify or reclassify a number of public lands to accord with the provisions of the Local Government Act, 1993.

Key Changes

A comparison between the current plans and the local provisions (those that are developed by Council) of Draft LEP 2013 are summarised in Tables 1-3 of Part 2 of the Planning Proposal and the key changes are explained in more detail below.

Interpreting Land Use Zones and Tables

The Draft LEP 2013 proposes to adopt twenty one (21) land use zones. These zones cover all land in the Lithgow LGA and replace the twelve (12) zones in the current plans.

The Draft LEP 2013 seeks to appropriately allocate land use zones based on both the existing and desired future character of areas and is more up front about the types of land uses considered appropriate within those zones.

All proposed zones will have different names to the zones in the current plans and all land will have a different land use table to that which currently applies.

The land use table identifies the permissibility and assessment path of each land use.

For this reason all persons are encouraged to make themselves informed of the proposed zoning and land use table that relates to their land, neighbourhood or area of interest.

Please refer to the separate land use zoning fact sheets for more information in relation to land use zones and tables.

Dictionary

The Standard LEP template includes a Dictionary that defines all land use terms. In this way definitions are consistent in all LEPs across the State.

This Dictionary is considerably larger than that within the existing plans and this provides more transparency when identifying the assessment path for development.

Definitions are an important part in determining whether a land use should or should not be permitted within a zone.

The Dictionary provides definitions of group terms and sub terms that are available for use in the land use tables. A group term is a broad land use definition which attempts to capture a range of land uses (sub – terms). For example the group term tourist and visitor accommodation captures backpackers' accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation and serviced apartments.

In this example if tourist and visitor accommodation is listed as permitted with consent within a zone, then each of the sub-terms with the group term are also automatically permitted with consent, unless Council intends to prohibit one or more of the sub terms.

This also applies where the group term is prohibited in the land use table.

The new group term and sub term hierarchy of definitions means that not all sub terms need to be listed in the land tables of the LEP written document despite the fact that they may be prohibited or permissible within the zone.

The use of group terms in this way reduces the length of land use tables.

Land Use Matrix

A **land use matrix** is a tool available to assist with understanding the permitted and prohibited land uses within each zone. It lists all land use terms. All interested persons are encouraged to use the land use matrix in reviewing the Draft LEP 2013.

The land use matrix is a visual interpretation of the land

Use of Mapping

For the first time the new Draft LEP 2013 contains mapping to provide a spatial component to more than just land use zoning.

Many of the development and performance standards in the Draft LEP 2013 that apply also have a corresponding map that identifies where the standard applies across the local government area.

This enables development standards such as minimum lot sizes to vary within zones allowing for the LEP to be more locality and site responsive.

Mapping is a user friendly tool to present the LEP in a usable and more easily understood format than just the written word.

Please refer to the Fact Sheet – **Understanding the Maps** for more detail.

There is also an online mapping tool provided on Council's website at www.lithgow.com/lep/map.html

Development and Performance Standards

The Draft LEP 2013 contains “development standards”. These are the major controls that relate to the carrying out of development and set out the minimum standards that must be met.

The main development standards within the Draft LEP are:

Minimum subdivision lot sizes

Which are also mapped on the Lot Size Map. Lot sizes are variable for each zone and may also be variable within a zone. Minimum lot sizes may depend on what the land is zoned, its environmental characteristics and its ability to be serviced.

Not all zones have minimum lot sizes, but as a general indication minimum lot sizes apply to Rural, Residential and Environmental Protection Zones.

Minimum site areas for dual occupancy, multi dwelling housing and residential flat buildings within R1 and R2 residential zones.

Minimum lot sizes as shown on the Lot Size Map have been determined on the basis of conventional subdivision for a single dwelling. Higher density residential development such as Dual Occupancy (being two dwellings), multi dwelling housing and residential flat buildings (being three or more dwellings) require a larger site area to ensure that the development does not adversely affect or alter the existing character of an area and is able to achieve a reasonable level of amenity.

These standards are not mapped and are included in Clause 4.1B of the Draft Plan.

Controls relating to miscellaneous permissible uses

Clause 5.4 is a compulsory standard clause that identifies the numerical development standard (determined by Council) for a number of commonly occurring development types.

Performance Standards

Part 7 of the Draft LEP 2013 contains local provisions that provide performance standards for flood planning, stormwater management, earthworks, riparian lands and waterways, groundwater vulnerability, terrestrial biodiversity, sensitive lands, essential services, active street frontages, location of sex service premises, development of Pottery Estate, existing dwellings on certain unsubdivided land, Lithgow Drinking Water Catchment and development within a designated buffer zone around key infrastructure.

The areas where these provisions apply, where it is not all lands within the LGA, are mapped.

Exempt & Complying Development

State Environmental Planning Policy (Exempt and Complying Development Code) 2008 was introduced by the NSW state government to speed up and simplify some minor developments on a state-wide basis so that they could proceed as either “exempt development” or “complying development”. Draft LEP 2013 does not propose at this time to add any additional development types to be dealt with under these provisions.

Schedule 2 and 3 of the Draft Plan are therefore unchanged.

This policy will override any other provision in the Draft LEP 2013.

Exempt and Complying development can not be undertaken on certain environmentally sensitive lands, if the land contains a heritage item or is within a heritage conservation area, is on unsewered land in the Sydney Drinking Water Catchment or where concurrence is required from another authority before development can proceed. Please refer to the State Policy for the full provisions.

Heritage Items and Heritage Conservation Areas

For the first time the new Draft LEP 2013 will contain heritage provisions for 13 new heritage conservation areas and an additional 380 individual heritage items.

The property location of these items and conservation areas have been mapped on the Heritage Map.

Urban Release Area

Part 6 of Draft LEP 2013 relates only to significant land releases where satisfactory arrangements must be made with various state authorities for the provision of infrastructure. In order to trigger Part 6 clauses the land must be identified on the Urban Release Map.

A development control plan addressing a range of planning and design matters is also required before any major development of this area can be considered.

Land at Marrangaroo has been identified in the Draft LEP 2013 as an urban release area. This area has the potential to provide for some 1700 new lots.

The identification of the land as urban release area provides transparency regarding the intended future use of the land and brings forward the orderly planning and staging of development and the provision of infrastructure.

For information

Further information on this or any other aspect of Draft LEP 2013 can be obtained:

- Online at www.lithgow.com/lep/; or
- By contacting a Council Planner on 0263549906 or 0263549920; or
- Emailing lep@lithgow.nsw.gov.au

Please note: this document has been prepared to assist you in understanding the Draft Lithgow LEP 2013 and should not be relied on in preparing a formal submission. Any submission should be based on the formal exhibition material and documents exhibited at Council's Administration Centre, town libraries or online at www.lithgow.com/lep/.