

From: Keith Fletcher [klf@ceh.com.au]
Sent: Monday, 15 July 2013 9:44:59 AM
To: Sherilyn Hanrahan; Andrew Muir; Roger Bailey
CC: Anthony Daintith; Angela O'Connor
Subject: Pottery Estate L.E.P.

Sherilyn

This letter is in response to our meeting with Andrew Muir on Tuesday 25th June regarding the new Planning Proposal for "Pottery Estate".

The proprietor of the land was shocked to find out he was "losing" a lot of residential zoning.

My initial concern is shown as Area 1 on attached plan CDIVEzoning_2.

Area 1

This land was previously zoned residential and is now zoned E1 which prohibits residential. As pointed out this area is stage 2 of a proposed residential Development as shown on Approved DA 002/07DA plan attached.

You gave 4 reasons why this was changed :-

1. "The area is in a riparian zone." This is incorrect. Attached are approved plans and letter from The Office of Water allowing a sewer main to be constructed along the edge of the riparian zone. Lithgow Council have approved the construction of a sewer main and this is partly built - see attached sewer design plans.
2. "There are contamination issues". This is also incorrect. Col O'Connor has informed me a full contamination report has been carried out and submitted to Council. Notwithstanding this, the area in question is virgin bushland with any potential contamination being extremely remote.
3. "The land is too steep". This land is a lot less steep than DA 335/05 approved for 160 residential lots in the vicinity of "Three Tree Hill"
4. "There are environmental issues with the copper wing butterfly" To my knowledge there is no evidence of copper wing butterflies west of the watercourse. A flora and fauna study would be carried out by a qualified person to ascertain this and prepare a plan of management.

It appears that there has been an anomaly in this area on the plan and all 4 reasons cannot be justified.

I request "Area 1" shown on the attached plan be zoned Residential.

I was concerned at the negative response I received at the meeting. Lithgow Council should be promoting development.

Area Shaded Light Green

This is an approximate riparian zone - 40 metres either side of the bank of a "Class 1" watercourse. Could this be zoned as "open space" to be transferred to Council.

There will be further submissions from Town Planner Anthony Daintith regarding other areas

I thank you for your co-operation. If you would like to discuss any issues please contact me

Yours Faithfully

Keith Fletcher
 Director - CEH

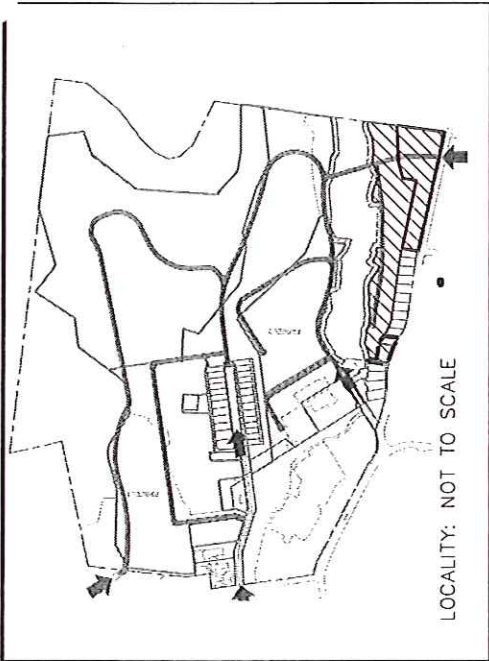
CRAVEN, ELLISTON & HAYES (LITHGOW) PTY LIMITED

Consulting Land, Engineering & Mining Surveyors ABN 68 056 544 551

'Astrolabe' Rutherford Lane Lithgow NSW 2790 Australia

Telephone: 02 63512281 Facsimile: 02 63521339 Email: survey@ceh.com.au Web:
<http://www.keh.com.au/>

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Approved by Lithgow City Council

Development

Application No. 002/0708

Dated: 05/11/2012

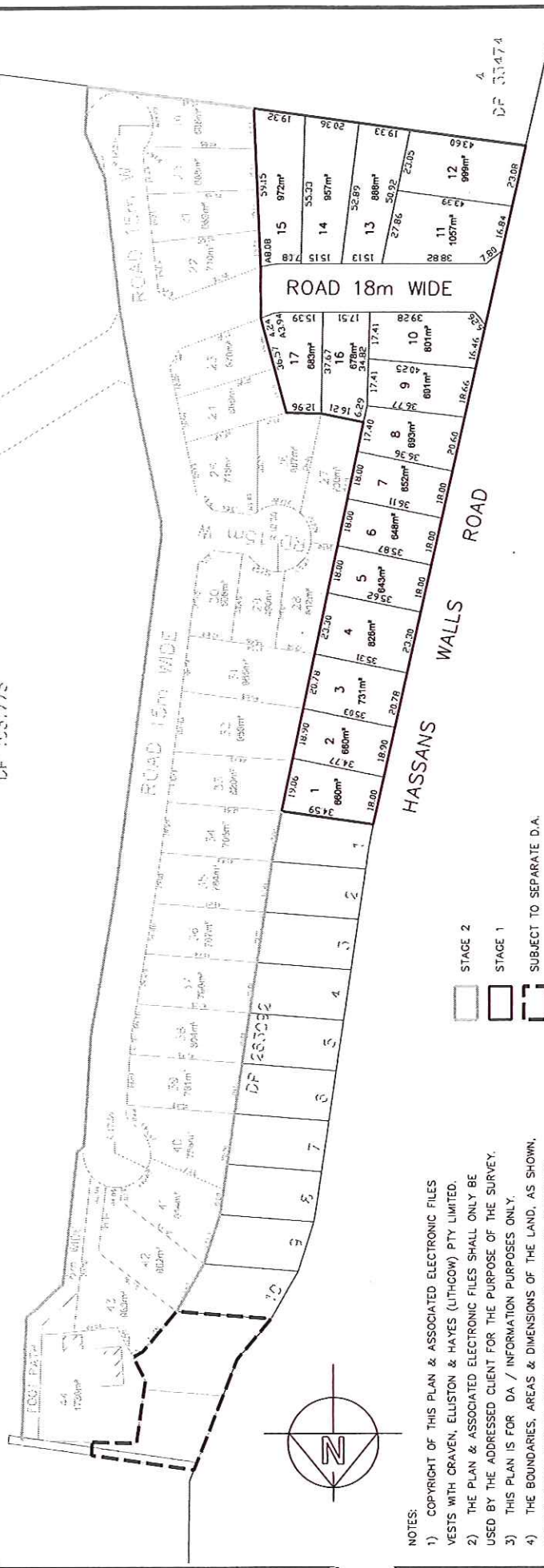
AMENDED PLAN

[Signature]

Signed

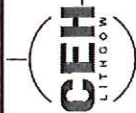
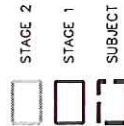
LOCALITY: NOT TO SCALE

SC4
DF 1051775



NOTES:

- 1) COPYRIGHT OF THIS PLAN & ASSOCIATED ELECTRONIC FILES VESTS WITH CRAVEN, ELLISTON & HAYES (LITHGOW) PTY LIMITED.
- 2) THE PLAN & ASSOCIATED ELECTRONIC FILES SHALL ONLY BE USED BY THE ADDRESSED CLIENT FOR THE PURPOSE OF THE SURVEY.
- 3) THIS PLAN IS FOR DA / INFORMATION PURPOSES ONLY.
- 4) THE BOUNDARIES, AREAS & DIMENSIONS OF THE LAND, AS SHOWN, ARE BASED ON ORIGINAL DATA AND HAVE NOT BEEN RE-SURVEYED, OR ARE SUBJECT TO FINAL SURVEY.



CRAVEN, ELLISTON & HAYES (LITHGOW) PTY LIMITED
CONSULTING LAND, ENGINEERING & MINING SURVEYORS
"Astrolabe", Rutherford Lane, Lithgow NSW 2790
Phone: (02) 6351 2281 Fax: (02) 6352 1339 Email: ceh@lisp.com.au

DATE	Feb. 2007
AMENDED	
SURVEYOR	
DRAWN	MATC
CHECKED	KLF

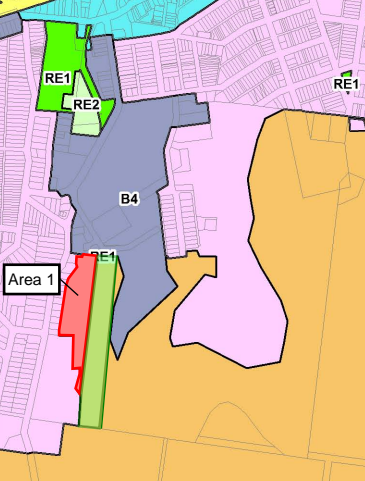
CLIENT: COL O'CONNOR
REFERENCE: 4/4236
SURVEY: PROPOSED SUBDIVISION STAGE 1, FOR POTTERY ESTATE
PROPERTY: LOT 604 DP1051775
LOCALITY: LITHGOW

DRAWING No:

SCALE - 1 : 1 500 on A3

DATUM: AHD

PE_Stage 1 Lots



RE1

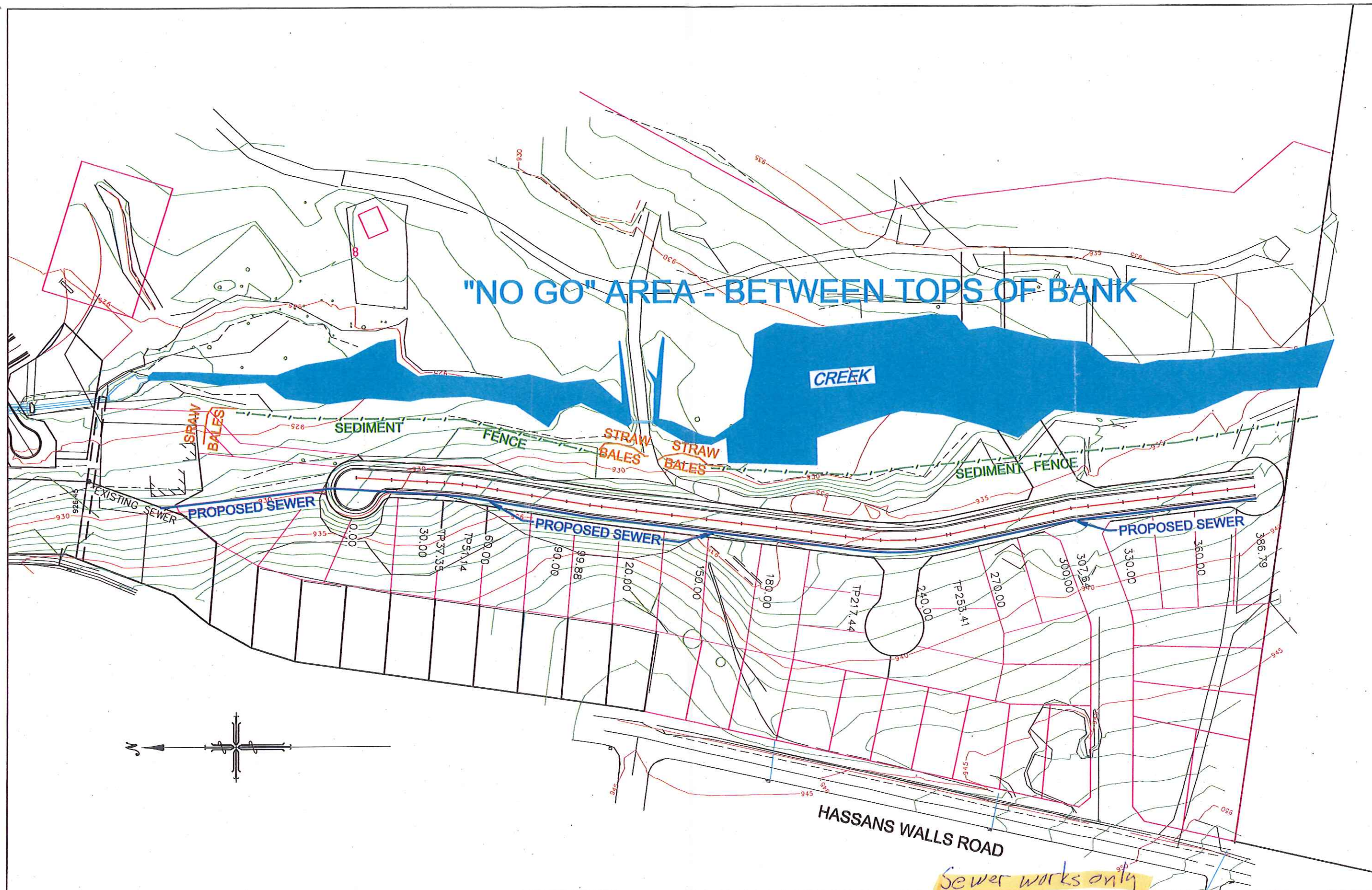
RE2

B4

RE1

RE1

Area 1



NOTES:



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CONSULTING LAND, ENGINEERING AND MINING SURVEYORS

ACN 056 544 551

"ASTROLABE" RUTHERFORD LANE, LITHGOW, 2790 PH: (02) 6351 2281, FAX: (02) 6352 1339
EMAIL : survey@ceh.com.au

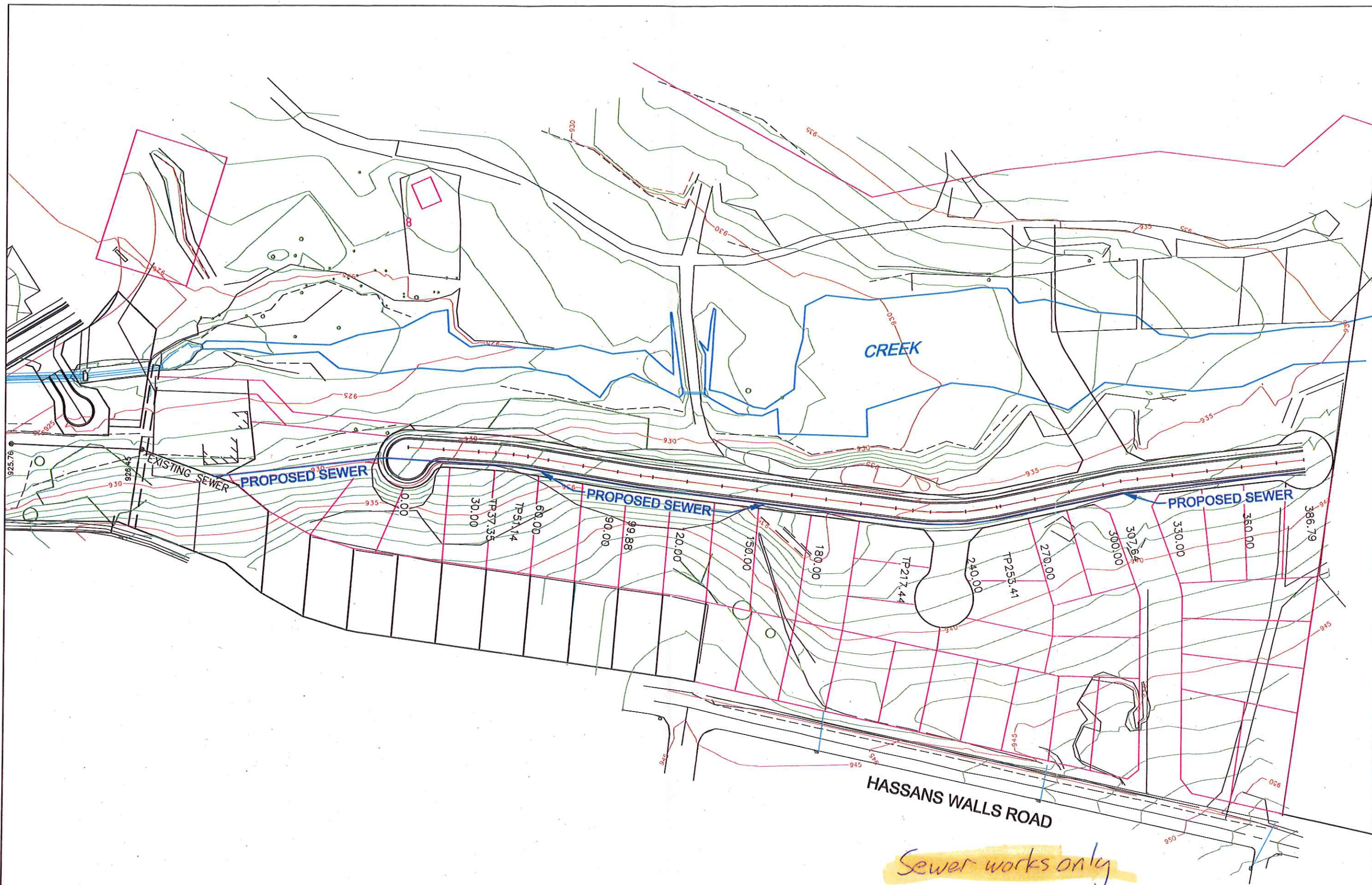
DATE	01-11-12
AMENDED	
SURVEYOR	
DRAWN	K.L.F.
CHECKED	

CITY OF LITHGOW - HASSANS WALLS ROAD
DA No 002/07DA -17 LOT SUBDIVISION
PRELIMINARY ROAD DESIGN ADJACENT TO CREEK
PLAN AND SEDIMENT CONTROL

SCALE - 1 : 750 (A1 SHEET)

DWG No
2
CD/VESED

CEH REF 4/4236



NOTES:



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ACN 056 544 551

"ASTROLABE" RUTHERFORD LANE, LITHGOW, 2790 PH: (02) 6351 2281, FAX: (02) 6352 1339

EMAIL : survey@ceh.com.au

DATE	24-05-12
AMENDED	
SURVEYOR	
DRAWN	K.L.F.
CHECKED	

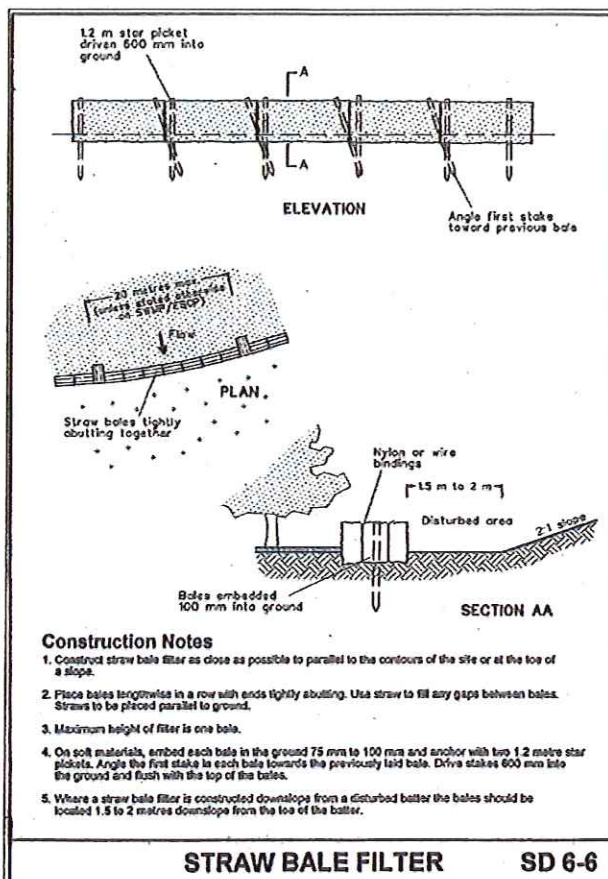
CITY OF LITHGOW - HASSANS WALLS ROAD
DA No 002/07DA -17 LOT SUBDIVISION
PRELIMINARY ROAD DESIGN ADJACENT TO CREEK

PLAN

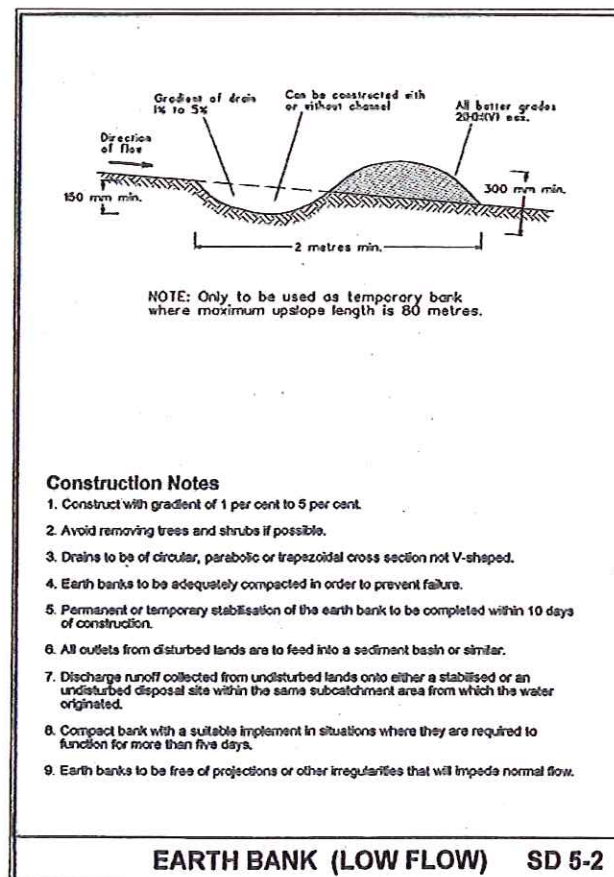
SCALE - 1 : 750 (A1 SHEET)

DWG No
①
CDIVED

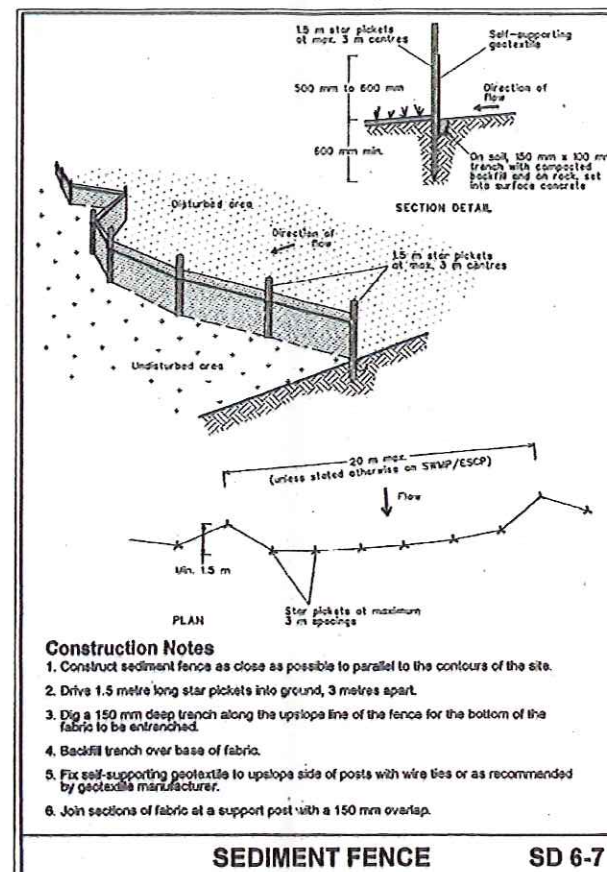
CEH REF 4/4236



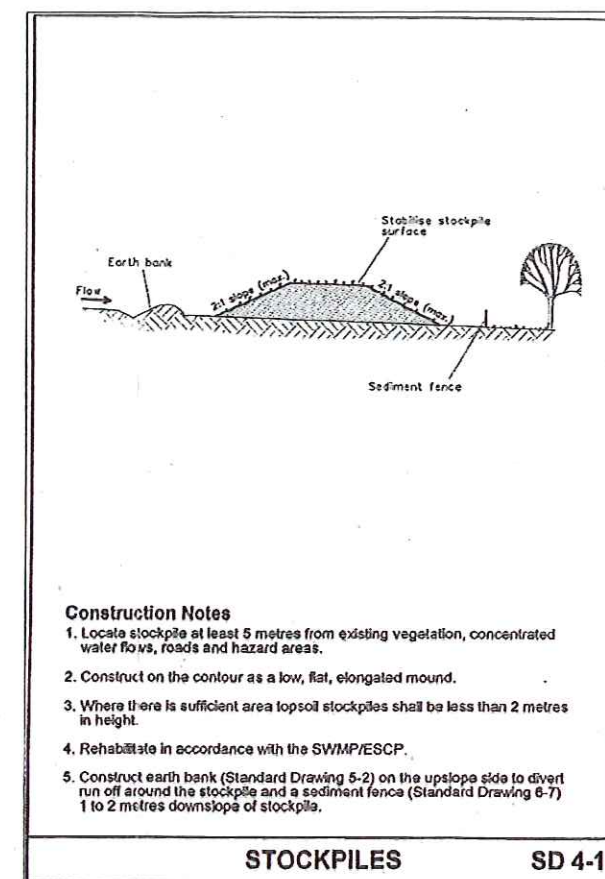
STRAW BALE FILTER SD 6-6



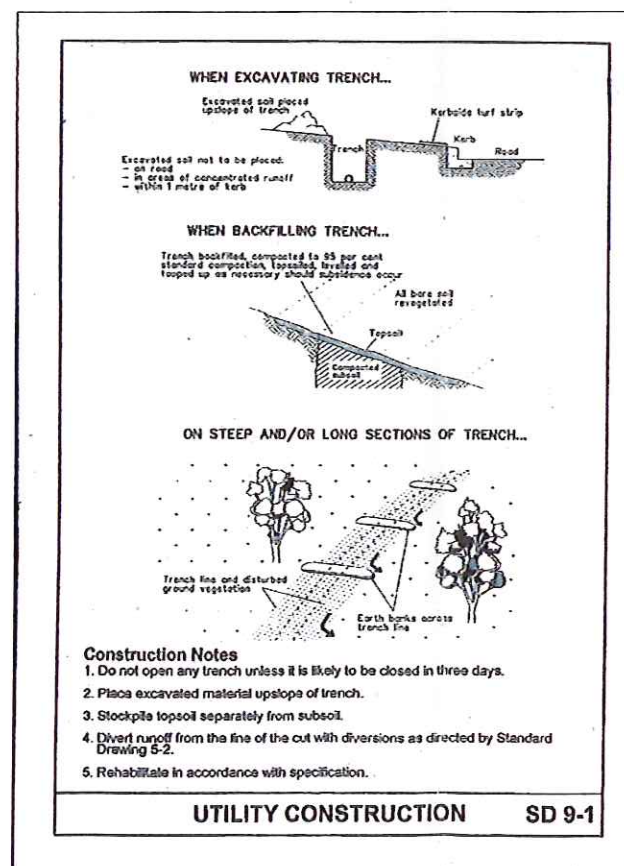
EARTH BANK (LOW FLOW) SD 5-2



SEDIMENT FENCE SD 6-7



STOCKPILES SD 4-1



UTILITY CONSTRUCTION SD 9-1

GENERAL NOTES

1. DISTURBED AREAS TO BE KEPT TO A MINIMUM.
2. TOPSOIL IS TO BE LOCATED IN A COMPACTED STOCKPILE IN ACCORDANCE WITH FIGURE SD 4-1
3. ALL FORMED EMBANKMENTS (CUT & FILL) TO BE TOPSOILED & SEEDS AFTER FINAL TRIMMING.
4. ALL DISTURBED AREAS ARE TO BE TOPSOILED AND SEEDS.
5. THE GROUND SHALL BE TINED TO A MINIMUM DEPTH OF 100mm PRIOR TO SEEDING.
6. SEDIMENT FENCE TO BE ERECTED IN ACCORDANCE WITH FIGURE SD 6-7
7. WHERE LOW FLOW EARTH BANKS ARE REQUIRED, THESE SHALL BE CONSTRUCTED IN ACCORDANCE WITH FIGURE SD 5-2
8. STRAW BALE FILTERS ARE TO BE PLACED IN THE LOCATIONS SHOWN AND REMAIN IN PLACE UNTIL STABILISED.
9. ALL TRENCHES INCLUDING SEWER, STORMWATER DRAINAGE AND UTILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH FIGURE SD 9-1
11. THE SITE IS CONSIDERED TO BE REHABILITATED WHEN ALL SEEDS DISTURBED AREAS HAVE A MINIMUM OF 70% GROUND COVER (PLANT DENSITY) AT LEAST 100mm IN HEIGHT.
12. NOTHING SHALL PREVENT THE SUPERINTENDENT OR COUNCIL INSTRUCTING ADDITIONAL EROSION & SEDIMENTATION CONTROL, NOT SHOWN ON THIS PLAN, TO BE CONSTRUCTED.

MAINTENANCE

1. SEDIMENT FENCES ARE TO BE MAINTAINED AT ALL TIMES.
2. WHERE REQUIRED, SEDIMENT FENCES TO BE STABILISED WITH MESH AT CONCENTRATED FLOW PATHS
3. STRAW BALES AND FILTERS TO BE INSPECTED REGULARLY TO ENSURE MAXIMUM CONTROL.
4. ALL CONTROLS TO BE INSPECTED TO ENSURE THEY ARE FULLY FUNCTIONAL PRIOR TO WORK STOPPAGES
5. ACCUMULATION OF SEDIMENT SHALL BE REMOVED ON A REGULAR BASIS.

NOTES:



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CONSULTING LAND, ENGINEERING AND MINING SURVEYORS

ACN 056 544 551

"ASTROLABE" RUTHERFORD LANE, LITHGOW, 2790 PH: (02) 6351 2281, FAX: (02) 6352 1339
EMAIL : ce@isp.com.au

DATE	01-11-12
AMENDED	
SURVEYOR	K.L.F.
DESIGNED	K. FLETCHER
CHECKED	

CITY OF LITHGOW - HASSANS WALLS ROAD
DA No 002/07DA -17 LOT SUBDIVISION
PRELIMINARY ROAD DESIGN ADJACENT TO CREEK
SEDIMENT CONTROL

SCALE - N.T.S.

DWG No
CDIVESD-2



Department of
Primary Industries
Office of Water

Contact: Greg Brady
Phone: 02 47298 134
Fax: 02 4729 8141
Email: greg.brady@water.nsw.gov.au

Craven Elliston & Hayes
"Astrolabe" Rutherford Lane
Lithgow NSW 2790

Our ref: 10 ERM2012/0240
File No: 9055767
Your Ref: DA2/07

Attention: Keith Fletcher

19 November 2012

Dear Sir

Re: Controlled activity approval – 10 ERM2012/0240
For activity described as: Sewer connection works,
To be carried out at: Lot 702, DP 1150747, Hassans Wall Road, Lithgow
Date of Issue 19 November 2012: Date of Expiry 19 November 2017.

I refer to your application for a controlled activity approval under the *Water Management Act 2000* which was received at this office on 14 November 2012. Receipt of your application fee of \$3616 is also acknowledged.

1. Controlled activity approval

The Office of Water has determined to grant you a controlled activity approval. Please find enclosed the **Notice of Determination** together with your **Statement of Approval**.

Please read carefully the conditions of the approval and seek clarification from the Office of Water for any condition not fully understood.

A **copy** of this approval and any annotated documentation should be **provided to council**, your **certifier** and to all **contractors** engaged in the implementation of this controlled activity or the Vegetation Management Plan (VMP) to ensure they are also aware of the conditions.

The controlled activity approval must be kept **current until** the controlled activity has been **completed**. Applications for **extending the approval** should be made to the Office of Water, in writing, at least **one month** prior to the expiry date on the approval.

2. Inspections and fees

As the approval holder, you are required to notify the Office of Water on completion of the controlled activity. A site inspection may be needed to confirm that all of your obligations under the controlled activity approval have been carried out.

Costs associated with a single inspection may be covered by the application fee. However, if extra inspections or significant reassessment is required then additional fees will be incurred.

Fees will also apply to any amendments requested or any extension of this approval. The current fee schedule is available at:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > [Controlled activities](#)

www.water.nsw.gov.au

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia
t + 61 2 9895 6211 | e information@water.nsw.gov.au | ABN 47 661 556 763

3. Other approvals may be required

Subject to the conditions of the attached Statement of Approval, the approval holder is only authorised to carry out the controlled activity described at the location specified.

The attached Statement of Approval does not relieve the approval holder of any obligation which may exist to also obtain permission / approval / consent from any other agency who may have some form of control over the site or the proposed development.

Any questions regarding this correspondence should be directed to **Greg Brady**,
greg.brady@water.nsw.gov.au.

Yours sincerely



Greg Brady
Licensing Officer
NSW Office of Water
Licensing Operations South

Enc:
Notice of Determination
Statement of Approval



ABN: 47 661 556 763

Office
of Water

RECEIPT/TAX INVOICE

PARRAMATTA

Receipt Number

PAR13-00206

Date

14/11/2012

Funds received from: **Ceedive Pty Limited**

Payment Type

Cheque

001022

Description	Amount	GST	Total Amount
CAA ERM2012/240	3,616.00	0.00	3,616.00

Total Funds Received

\$3,616.00


Signed

If payment has been made by cheque, this receipt is issued subject to the cheque being duly cleared.



Statement of Approval

Water Management Act 2000

Approval details

Approval No: **10 ERM2012/0240**

File No: 9055767

Status: CURRENT *

Approval type: Controlled Activity Approval

Water sharing plan: not applicable

Period of Approval

Date of effect: 19 November 2012

Expiry date: 19 November 2017

Approval holder(s): Schedule 1

Description of activity: Schedule 2

Conditions: Schedule 3

Contact for service of documents

Name: Craven Elliston & Hayes

Address: "Astrolabe" Rutherford Lane, Lithgow, NSW, 2790

* NOTE: An approval has effect for such period as is specified in the approval, or if the period is extended under section 105 of the *Water Management Act 2000*, that extended period. If an application for extension of an approval is lodged before the approval expires, the term of the expiring approval is extended until either the date of the final decision on the application, or a date fixed by the Minister for the approval, whichever is the later date. An approval which has expired can be the subject of an application to extend it but it needs to be accompanied by a statutory declaration of the reasons for the delay in making the application. If the Minister accepts these reasons the term of the approval is taken to have been extended, and the application may be dealt with, as if the application had been made before the approval expired.

It is an offence under the *Water Management Act 2000* to breach a term or condition of the approval or to construct or carry out a controlled activity to which the approval does not relate, or if the approval has expired, been surrendered or cancelled.

Schedule 1 - Approval holder(s)

Holder's name(1): Craven Elliston & Hayes

Postal Address: "Astrolabe" Rutherford Lane

Town/City Lithgow

State NSW

P/Code 2790

Holder's name(2):

Postal Address:

Town/City

State

P/Code

Company Name:

ACN (if applicable):

Office Address:

Town/City

State

P/Code

Property/land owner's details

Name of Owner/s (1) Ceedive Pty Ltd

Postal Address: PO Box 379

Town/City Lithgow

State NSW

P/Code 2790

Name of Owner/s (2)

Postal Address:

Town/City

State

P/Code

IMPORTANT NOTICE – Change of approval holder or landholder or contact person.

Please advise the Office of Water in the event of any of the following as soon as practicable:

- If there is a change in the ownership or occupation of the land benefited by this approval (see Schedule 2). Under the *Water Management Act 2000*, an approval is typically held by the owner or lawful occupier of the benefited land. Consequently, a change in ownership may cause a change in your legal obligations as an approval holder. *
- If there is a change to the contact person or their contact details. You will be required to lodge a written statement signed by all the approval holders. *
- If there is a change in the mailing address for the nominated contact person. This should be done by the contact person in writing.

* An updated Statement of Approval reflecting these changes will be issued free of charge.

Schedule 2 – Controlled activity

Authorised Controlled Activity

Subject to the conditions of this approval, in relation to the controlled activity described, the holders of this approval are authorised to construct and carry out the controlled activity at the location specified:

Controlled activity: Sewer connection works

Property Name:

Site address: Hassans Wall Road, Lithgow

Lot 702	DP 1150747	Parish	County
Lot	DP	Parish	County
Lot	DP	Parish	County

Local Council: Lithgow City Council

Development

Reference: DA2/07
(if applicable)

Name of watercourse: Sheedys Gully

Catchment name:

Security Details (if applicable)

Number	Provider	Value
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Application fees

Fee: \$ 3616 has been paid exclusive of GST

Receipt No: PAR13/0206

Approval issued by

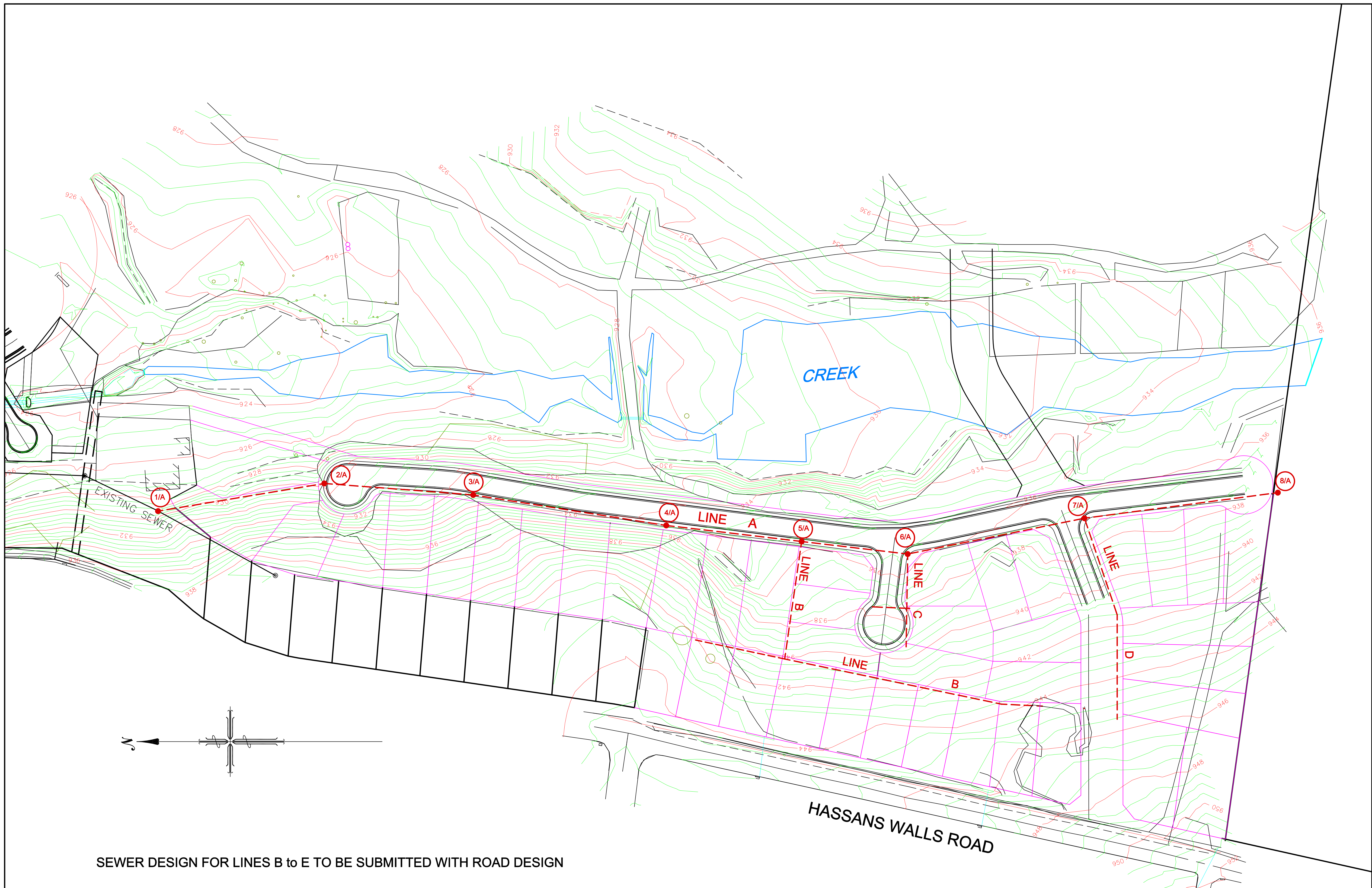
Officer's name Greg Brady

Schedule 3 Conditions:


In relation to the controlled activity described in Schedule 2, the holders of this approval are authorised to construct and carry out the controlled activity at the location specified subject to the conditions listed:

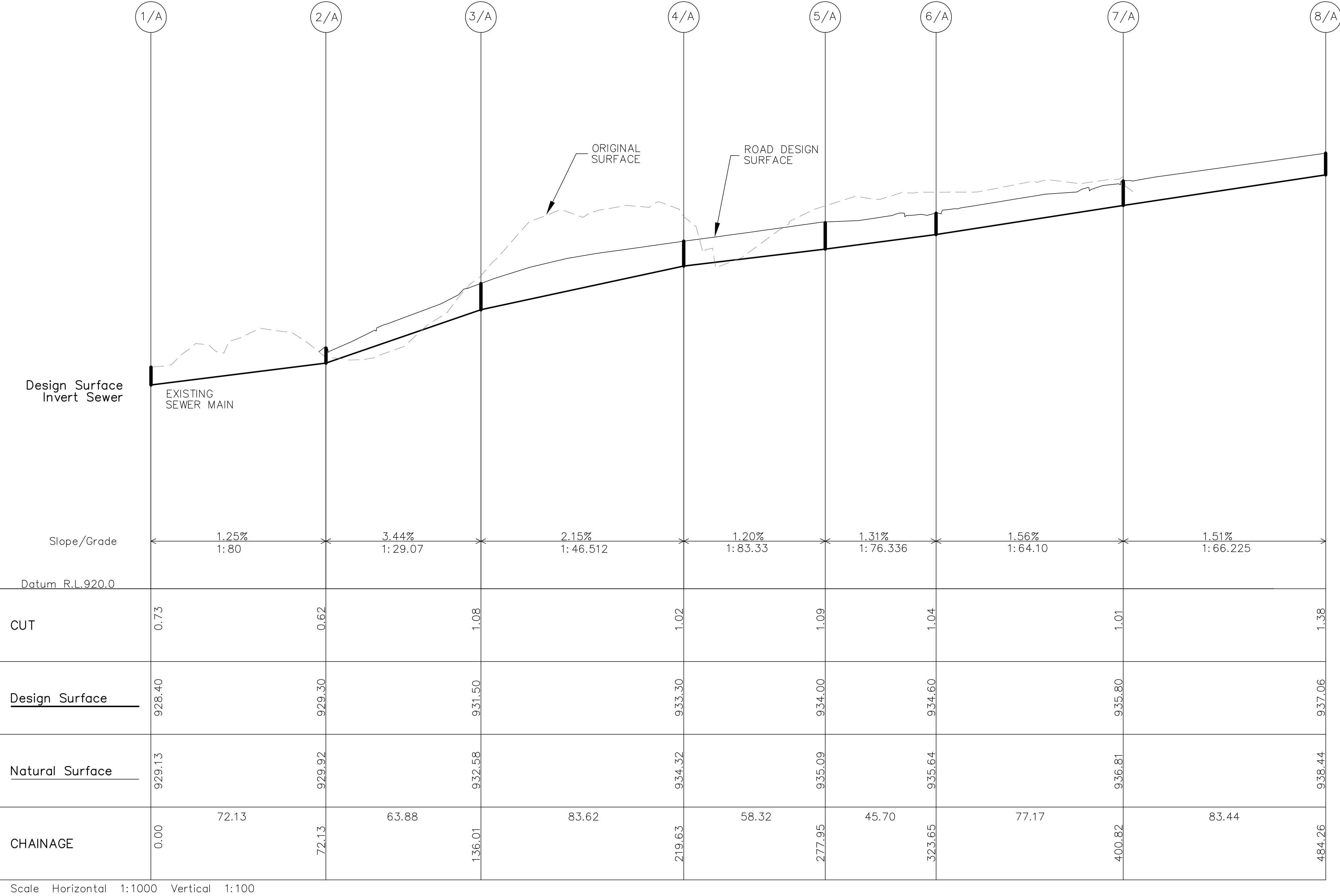
Number	Condition
Plans, standards and guidelines	
1	This Controlled Activity Approval number 10 ERM2012/0240 only applies to the controlled activity carried out at the location marked on Plan No XX as approved by the NSW Office of Water and stamped on 19 November 2012. This Controlled Activity Approval does not permit controlled activities at any other site.
2	The approval holder must not transfer this Controlled Activity Approval 10 ERM2012/0240 without the written approval of the NSW Office of Water.
3	The approval holder must keep a copy of the current Controlled Activity Approval 10 ERM2012/0240 on site at all times and make this approval available to officers from the NSW Office of Water on request.
4	If the controlled activities described in this Controlled Activity Approval 10 ERM2012/0240, have not commenced or been completed within the period of this approval, the approval holder must apply to the NSW Office of Water for a new approval or seek an extension prior to the lapsing of the consent.
5	The approval holder must notify the NSW Office of Water in writing within 14 calendar days of any change in (i) site management; (ii) land ownership; (iii) land occupation.
6	<p>The approval holder must comply with the requirements of each of the plans approved by the NSW Office of Water and stamped on 19 November 2012 as follows:</p> <ul style="list-style-type: none"> i. City of Lithgow – Hassans Wall Road. DA No 002/07DA – 17 Lot Subdivision. Preliminary road design adjacent to creek. Sewer works only (annotated): dwr 1, dated 24/5/12, by CEH, Lithgow. ii. City of Lithgow – Hassans Wall Road. DA No 002/07DA – 17 Lot Subdivision. Preliminary road design adjacent to creek. Plan and sediment control. Sewer works only (annotated): dwr 2, dated 1/11/12, by CEH, Lithgow. iii. City of Lithgow – Hassans Wall Road. DA No 002/07DA – 17 Lot Subdivision. Preliminary road design adjacent to creek. Plan and sediment control. Sewer works only (annotated): dwr 3, dated 1/11/12, by CEH, Lithgow.
7	N/A
8	The approval holder must submit for approval, by the NSW Office of Water, any amendments to a plan listed in Condition 6 (six) prior to carrying out any works in relation to the approved controlled activity.
9 to 35	N/A
36	The approval holder must not leave materials which could obstruct the flow of water or damage river banks on waterfront land at any time.
37	The approval holder must remove surplus material when operations cease and the controlled activity is completed.

Number	Condition
38	The approval holder must not put materials in the drainage line or river or in any area that has existing native vegetation and/or that is identified as part of the riparian corridor.
39 to 41	N/A
42	The approval holder must establish erosion and sediment control works using a suitably qualified person, prior to the commencement of any other works on the site.
43	N/A
44	N/A
45	The approval holder must decommission all erosion and sediment control works using a suitably qualified person when the site has stabilised.
END OF CONDITIONS	



SEWER DESIGN FOR LINES B to E TO BE SUBMITTED WITH ROAD DESIGN

NOTES:	 CRAVEN, ELLISTON & HAYES (LITHGOW) PTY.LTD. CONSULTING LAND, ENGINEERING AND MINING SURVEYORS ACN 056 544 551 "ASTROLABE" RUTHERFORD LANE, LITHGOW, 2790 PH: (02) 6351 2281, FAX: (02) 6352 1339 EMAIL : survey@ceh.com.au	DATE	10-12-12	CITY OF LITHGOW - HASSANS WALLS ROAD DA No 002/07DA -17 LOT SUBDIVISION SEWER DESIGN ADJACENT TO CREEK - LINE A PLAN SCALE - 1 : 750 (A1 SHEET)	DWG No CDIVE-SEWP CEH REF 4/4236
		AMENDED	17-01-13		
		SURVEYOR			
		DRAWN	K.L.F./D.M.		
		CHECKED			



LINE A

NOTES:



CRAVEN, ELLISTON & HAYES (LITHGOW) PTY.LTD.
CONSULTING LAND, ENGINEERING AND MINING SURVEYORS

ACN 056 544 551

"ASTROLABE" RUTHERFORD LANE, LITHGOW, 2790 PH: (02) 6351 2281, FAX: (02) 6352 1339

EMAIL : survey@ceh.com.au

DATE	10-12-12
AMENDED	18-01-13
SURVEYOR	
DRAWN	K.L.F./D.M.
CHECKED	

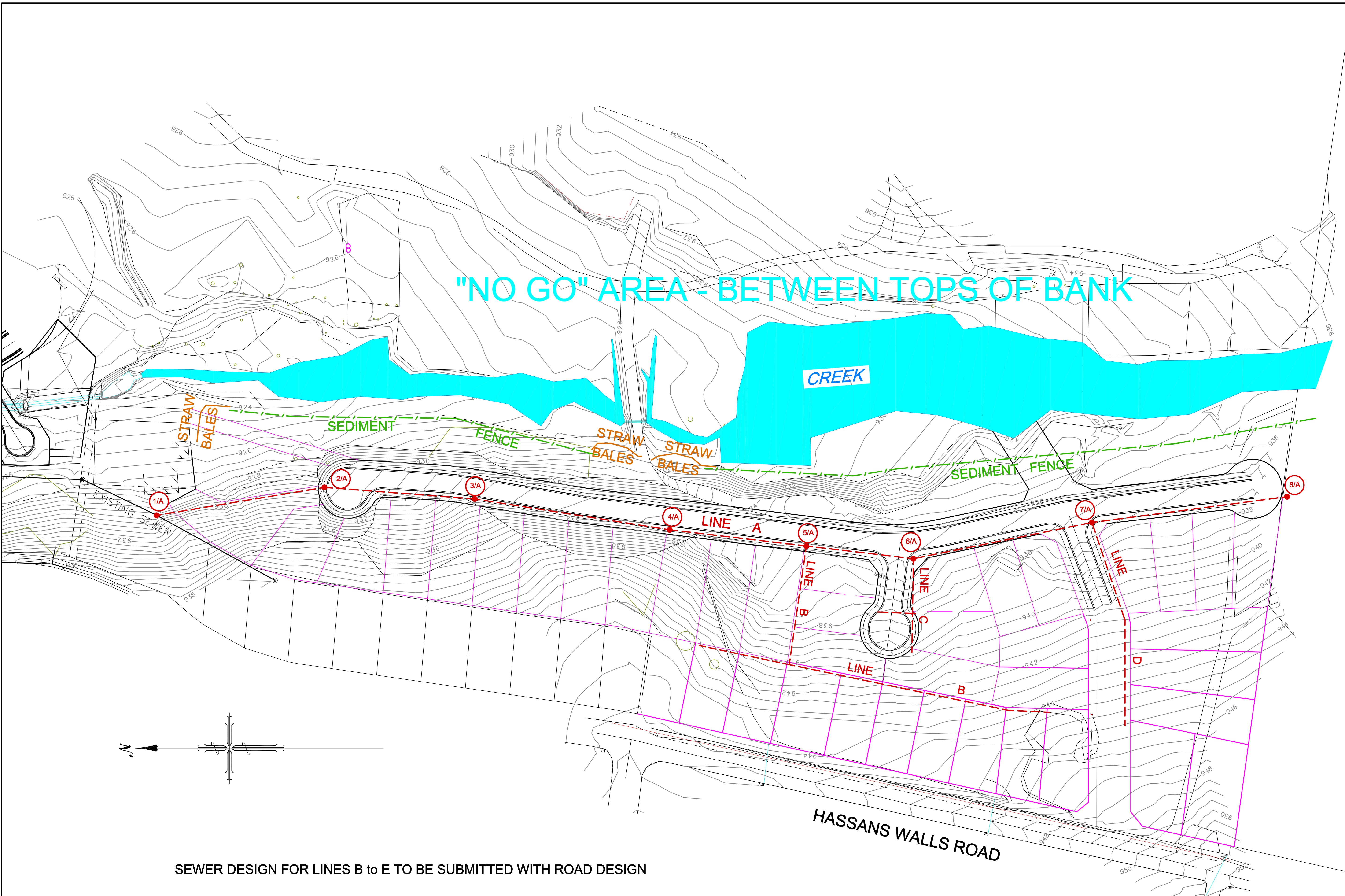
CITY OF LITHGOW - HASSANS WALLS ROAD
DA No 002/07DA -17 LOT SUBDIVISION
PROPOSED SEWER - LONGITUDINAL SECTION


SCALE - 1 : 750 (A1 SHEET)

DWG No

CDIVE-SEW

CEH REF 4/4236



NOTES:	 <div>CRAVEN, ELLISTON & HAYES (LITHGOW) PTY.LTD. CONSULTING LAND, ENGINEERING AND MINING SURVEYORS ACN 056 544 551 "ASTROLABE" RUTHERFORD LANE, LITHGOW, 2790 PH: (02) 6351 2281, FAX: (02) 6352 1339 EMAIL : survey@ceh.com.au</div>	DATE	10-12-12	CITY OF LITHGOW - HASSANS WALLS ROAD DA No 002/07DA -17 LOT SUBDIVISION SEWER DESIGN ADJACENT TO CREEK - LINE A SEDIMENTATION CONTROL SCALE - 1 : 750 (A1 SHEET)	DWG No CDIVE-SEW-SED CEH REF 4/4236
		AMENDED	18-01-13		
		SURVEYOR			
		DRAWN	K.L.F./D.M.		
		CHECKED			