

Our Ref: L1PJB13031.doc

8 August 2013

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

Dear Sir

**SUBMISSION IN RESPECT OF DRAFT LITHGOW CITY LOCAL ENVIRONMENTAL PLAN 2013**

In respect to the above, please find enclosed submission prepared on behalf of Regional Project Management Pty Ltd.

We trust that the matters raised will be considered favourably and please do not hesitate to contact our office to discuss anything further.

Yours faithfully

*Peter Basha Planning & Development*



Per:

**PETER BASHA**

Enc



## SUBMISSION IN RESPECT OF DRAFT LITHGOW CITY LOCAL ENVIRONMENTAL PLAN 2013

Request for Minimum Lot Size of 400m<sup>2</sup> for Part of Lot 1 DP 1082148  
Col Drewe Drive, Lithgow

Request to reduce Minimum Lot Size for  
Dual Occupancy in the R2 Zone

Prepared for the Land Owner  
Regional Project Management Pty Ltd  
8 August 2013

Ref: R1PJB13031

## TABLE OF CONTENTS

<b>Section 1.0.....</b>	<b>1</b>
<b>INTRODUCTION .....</b>	<b>1</b>
1.1 PREAMBLE .....	1
1.2 PROPOSAL .....	2
1.3 SCOPE OF THIS DOCUMENT .....	3
<b>Section 2.0.....</b>	<b>4</b>
<b>SUBJECT LAND .....</b>	<b>4</b>
2.1 LOCATION AND TITLE .....	4
2.2 SITE DESCRIPTION .....	4
2.3 SURROUNDING LAND USE .....	5
2.4 ROADS AND ACCESS .....	5
2.5 SERVICES .....	5
<b>Section 3.0.....</b>	<b>6</b>
<b>CONSIDERATION OF RELEVANT PLANNING STRATEGY .....</b>	<b>6</b>
3.1 STRATEGIC PLANNING PRINCIPLES .....	6
3.2 KEY RESIDENTIAL PLANNING ISSUES .....	10
<b>Section 4.0.....</b>	<b>16</b>
<b>PLANNING FRAMEWORK .....</b>	<b>16</b>
4.1 REGIONAL ENVIRONMENTAL PLANS .....	16
4.2 STATE ENVIRONMENTAL PLANNING POLICIES .....	16
4.3 SECTION 117(2) DIRECTIONS .....	16
4.4 DRAFT LOCAL ENVIRONMENTAL PLAN .....	18
4.4.1 General Aims of the Draft LEP .....	18
4.4.2 Zoning .....	20
<b>Section 5.0.....</b>	<b>21</b>
<b>CONCLUSION .....</b>	<b>21</b>

### Figures

## INTRODUCTION

### 1.1 PREAMBLE

This is a submission on Draft Lithgow City Local Environmental Plan 2013 (the Draft LEP). The submission is made on behalf of the property owner, Regional Project Management Pty Ltd.

The submission is made in relation to 2 matters in the Draft LEP as outlined below:

#### ***Request for Minimum Lot Size of 400m<sup>2</sup> for Part of Lot 1 DP 1082148***

The first matter is made in relation to part of Lot 1 DP 1082148 and forms the basis of this submission.

Under the Draft LEP, the majority of Lot 1 DP 1082148 is proposed to be zoned R2 Low Density Residential with a Minimum Lot Size of 800m<sup>2</sup>. An area at the western end of the land is proposed to be zoned R5 Large Lot Residential with a Minimum Lot Size of 4,000m<sup>2</sup>.

This submission seeks to have the Minimum Lot Size reduced to 400m<sup>2</sup> for a small section at the eastern end of Lot 1. A subdivision of this nature is depicted in the attached concept plan. This request is predicated on the following matters:

- There are no physical characteristics to suggest the subject land would not be suitable for subdivision with a Minimum Lot Size of 400m<sup>2</sup>.
- The proposal is not adverse to the relevant matters and issues raised in the *Lithgow City Council Land Use Strategy 2010-2030*.

Should Council support this submission, it is acknowledged that the subject land may need to be zoned R1 General Residential instead of the proposed R2 Low Density Residential zone (given that Council has based its minimum lot sizes according to residential zone type).

#### ***Request to reduce Minimum Lot Size for Dual Occupancy in the R2 Zone***

The second matter relates more broadly to the proposed R2 Low Density Residential Zone and will only be discussed in this section of the submission.

The Draft LEP sets a Minimum Lot Size of 1,000m<sup>2</sup> as a precondition for dual occupancy in the R2 Zone. It is requested that Council reduce the Minimum Lot Size for dual occupancy to 800m<sup>2</sup>.

This request is predicated on the basis of the following:

- The Draft LEP sets the Minimum Lot Size for multi dwelling development (i.e. 3 or more dwellings) at 1,200m<sup>2</sup>. If 3 dwellings are proposed for a 1,200m<sup>2</sup> site, this equates to 400m<sup>2</sup> per dwelling. If say, 4 dwellings are proposed for a 1,200m<sup>2</sup> this would equate to 300m<sup>2</sup> per dwelling.
- In the context of the Minimum Lot Size applying to multi dwelling development, it seems an anomaly that dual occupancy would be subject to a Minimum Lot Size that effectively equates to 500m<sup>2</sup> per dwelling.
- Given the more generous development potential that seems available to multi dwelling development, it is suggested that applicants may prefer this option over dual occupancy when seeking to maximise property development options.

If dual occupancy development is to be encouraged it is submitted that a reduction in the Minimum Lot Size for dual occupancy to 800m<sup>2</sup> would be more appropriate in balancing development potential between dual occupancy development sites and multi dwelling development sites.

## **1.2 PROPOSAL FOR MINIMUM LOT SIZE OF 400m<sup>2</sup>**

It is formally requested that the subject land, described as the easternmost section of Lot 1 DP 1082148, be rezoned as R1 General Residential under Draft Lithgow City Local Environmental Plan 2013 and that the Minimum Lot Size be 400m<sup>2</sup>.

As indicated in the attached concept plan, the site has the potential to be developed for some 70 urban residential allotments based on a Minimum Lot Size of 400m<sup>2</sup>.

The proposed lots would be created for the purpose of residential development. Some of the larger lots would be nominated as lots suitable for dual occupancy or multi-dwelling development.

The proposed layout adopts a modified grid pattern with a through road system and the limited use of cul-de-sacs. Accordingly the majority of lots are of a regular configuration.

The long axis of the proposed lots fits within the acceptable orientation range for north-south and east-west to facilitate effective solar access.

Access to the subdivision would be provided via an extension of Col Drewe Drive and the new road network would include connections to adjacent lands to facilitate their future development.

The proposed lots would be connected to urban utility services. In this regard:

- The internal stormwater drainage system will be designed to convey stormwater runoff from the subdivision in accordance with Council's standard design criteria.
- The subdivision will be serviced by gravity sewer mains. The internal sewer reticulation will be designed in accordance with Council's standard design criteria.
- Town water, electricity and telecommunications will be provided via street mains in accordance with the requirements of the relevant supply authorities.

### **1.3 SCOPE OF THIS DOCUMENT**

Having regard to the abovementioned proposal this document will provide:

- A description of the subject land;
- A consideration of the relevant planning strategy;
- A consideration of the existing town planning framework;
- A conclusion which summarises the key points that justify the proposal.

## Section 2.0

# SUBJECT LAND

## 2.1 LOCATION AND TITLE

The subject land is located west of the Great Western Highway at South Bowenfels and is adjacent to the northern and western boundaries of the Lithgow Hospital (refer to Figure 1).



The land that is the subject of this submission is described as the easternmost section of Lot 1 in DP 1082148.

## 2.2 SITE DESCRIPTION

The land is an L-shaped parcel. It extends along the northern and western boundaries of the Lithgow Hospital site. It does not have frontage to the Great Western Highway. Access is provided via Col Drewe Drive which extends to the south eastern corner of the subject land.

The physical characteristics of the site do not pose a constraint to the proposal. In this regard;

- The terrain of the site is relatively gentle and would accommodate smaller lot subdivision;
- It appears unaffected by watercourses or low lying or waterlogged areas;
- It is cleared of native timber;
- Practical access is available via Col Drewe Drive;

- Given the surrounding urban development pattern, the land appears able to be connected to typical urban utility services without unreasonable constraint.

## **2.3 SURROUNDING LAND USE**

The surrounding development pattern is depicted in the attached plans and is characterised by a mix use precinct adjacent to the subject land that comprises the Lithgow Hospital site; motel; church; medical centre; and an over-55s retirement village.

Other development in the area includes a developing urban residential area to the north plus the planned urban residential area to the west.

Given the potential for the proposed small lots to integrate with and relate to the hospital/medical/retirement precinct, it is submitted that the proposal would not be out of character with the broader existing and planned residential pattern.

## **2.4 ROADS AND ACCESS**

South Bowenfels is serviced by the Great Western Highway and a connecting road network.

Col Drewe Drive provides access to the south eastern corner of the subject land and can be easily extended to form part of the road network to serve future subdivision in this area.

The Col Drewe Drive and Great Western Highway intersection serves the hospital/medical/retirement precinct. It is suggested that it would be of a standard to offer a satisfactory level of service to future subdivisions in the area.

## **2.5 SERVICES**

Due to the urbanised pattern of development, it is assumed that the subject land can be connected to typical urban utility services without undue burden upon the developer or the community.



---

# CONSIDERATION OF RELEVANT PLANNING STRATEGY

The proposal is required to demonstrate consistency with the *Lithgow Land use Strategy 2010-2030*. This section provides a consideration of the relevant matters.

### 3.1 STRATEGIC PLANNING PRINCIPLES

The Strategy expresses a list of planning principles to inform the future management and development of residential lands in Lithgow. These principles are considered below.

**Strategic Planning Principle:**

**Reinforce the recommended settlement hierarchy by providing for the main focus of housing opportunities within the LGA at Lithgow, Wallerawang and Portland supported by the villages and rural areas.**

The recommended settlement strategy seeks to concentrate 400m<sup>2</sup> lots around the Lithgow town centre. We note that the majority of the identified area is already developed with existing housing, with only modest opportunities to create new 400m<sup>2</sup> lots.

The recommended settlement strategy ignores the opportunity to create smaller lots further from the centre. The fact that a multi-dwelling retirement village is continuing to develop at South Bowenfels is considered reasonable evidence that those seeking retirement/down size living opportunities do not necessarily require a close-to-centre location. In fact, some people may seek a site that is not overly distant to the town centre; reasonably connected by transport links; and provided with a more open environment with an outlook beyond the urban centre. The subject land provides this very opportunity and also offers other attributes as follows:

- Being adjacent to Lithgow Hospital and the medical centre, small lots in this location would accommodate some of the down-sizing and healthcare needs of an ageing population.
- The proposed lots would offer a different style of retirement/down-size living by enabling residents a different level of independence compared to a typical retirement village.
- Given the potential for the small lots to integrate visually and spatially with the hospital/retirement village precinct, it is submitted that the proposal would not be out of character with the broader existing and planned residential pattern.

**Strategic Planning Principle:**  
**Define the limits to outward growth of the townships and villages and prevent urban sprawl.**

The proposal is entirely consistent with this principle. Despite seeking a higher density than planned; the proposed lots are confined to an area already identified for urban residential development and thus would not contribute to the sense of urban sprawl.

**Strategic Planning Principle:**  
**Recognise and protect local character and heritage values in the provision of new residential development.**

There are no aspects of the proposal that would impact upon local heritage values.

**Strategic Planning Principle:**  
**Recognise and protect environmentally sensitive lands.**

The proposal is consistent with this principle. The proposal excludes environmentally sensitive lands.

**Strategic Planning Principle:**  
**Protect the scenic landscapes that surround the existing towns and villages and consider appropriate development for the interface.**

The proposal is consistent with this principle. The subject land is well within a defined residential release area and is not identified as contributing to the scenic landscape that surrounds Lithgow.

**Strategic Planning Principle:**  
**Provide for a range of lot size and housing density to respond to changing community needs and align with the provision of higher order infrastructure.**

The proposal is consistent with this principle. The Strategy states that there is a LGA trend for smaller household size. It is our submission that 400m<sup>2</sup> lots would represent a suitable land supply for smaller household development.

The Strategy states that there is an increased need for diverse housing given the current low percentage of medium and high density living opportunities. The Strategy refers to a growing trend of lone person and couples only households. It is our submission that such households dictate the need for smaller dwellings and thus the need for smaller allotments. The proposed 400m<sup>2</sup> lots represent a sensible response to this issue.

**Strategic Planning Principle:**  
**Identify opportunities for seniors housing.**

Whilst this proposal does not purport to provide seniors housing in the formal sense of the term, it is not inconsistent with this principle. The Strategy states that the Lithgow LGA is rapidly ageing and the percentage of persons over 55 is significantly increasing. It is our submission that 400m<sup>2</sup> lots in this location would cater for the needs of an ageing population.

Being adjacent to Lithgow Hospital, a principal aim of this proposal is to accommodate the down-sizing and healthcare needs of an ageing population. Further, smaller lots such as those proposed recognise a national goal to improve housing opportunities to allow people to age in place by not imposing an ongoing maintenance regime typically attributed to larger lots and houses.

Compared to a typical retirement village (which may be more institutional in nature) the proposed lots would offer a different style of retirement/down-size living by enabling residents a different level/style of independence.

**Strategic Planning Principle:**  
**Residential development and occupation to respond to environmentally sustainable design principles and natural and cultural values.**

The proposal is not adverse to this principle. There are no aspects of the site to suggest that the proposed subdivision would compromise natural and cultural values. Sustainable design principles can be encouraged at the dwelling design stage.

**Strategic Planning Principle:**  
**Provide for high quality living environments with links to town centres and open space networks via pedestrian, cycle ways and roadways.**

The proposal is not adverse to this principle. In the context of the existing and planned residential areas in this location, plus the existing retirement village;

it is assumed that Council is satisfied that the area enjoys effective and efficient links to the town centre and open space.

**Strategic Planning Principle:**

**Residential land releases and development to be planned to accommodate the orderly and efficient provision of infrastructure and services and enable an effective development contributions system to operate.**

The proposal is not adverse to this principle. The subject land is already identified in the Strategy and LEP as being suitable for urban residential expansion. As such, one would assume that Council is satisfied that the orderly and efficient provision of infrastructure and services can be achieved.

The increase in lot density would actually enhance the potential for an effective development contributions system to operate.

**Strategic Planning Principle:**

**Provide for water sensitive urban design in all future residential development.**

The proposal is not adverse to this principle. The provision of water sensitive urban design can be addressed at the subdivision design phase.

**Strategic Planning Principle:**

**Ensure that all new residential development within the defined boundaries (Layer 1A and 1B of Hierarchy) of Lithgow, Wallerawang and Portland townships is fully serviced with reticulated water and sewer.**

The proposal is not adverse to this principle. The subject land is already identified in the Strategy and LEP as being suitable for urban residential expansion. As such, one would assume that Council is satisfied that future development in this area is able to be serviced with reticulated water and sewer without unreasonable burden to the subdivider or the community.

### 3.2 KEY RESIDENTIAL PLANNING ISSUES

The Strategy identifies key issues relating to residential development which are considered below.

#### **Limitations of existing LEP:**

- **The flexibility of the current LEP, instead of encouraging development opportunity has to some degree, stifled development as a result of an uncertain investment environment.**
- **LEP does not provide a defined minimum lot size or density controls for differing residential form and types allowing market demand to dictate.**
- **The range of permissible uses in the residential zone and other zones where residential development is permitted has created land use conflict.**
- **The flexibility of the LEP is not supported by a detailed Development Control Plan.**

With particular reference to residential lot sizes, the Strategy expresses concerns that the current LEP does not set a Minimum Lot Size and thus leads to the following adverse affects:

- On one hand the absence of a Minimum Lot Size creates the potential for lot sizes to be substantially smaller than the average of existing areas thereby changing the character of those areas;
- On the other hand, the absence of a Minimum Lot Size creates the potential for inefficient land use when market forces dictate a desired larger lot size.

The proposal does not compromise the ability to address this issue due to the following:

- The proposal seeks to maintain a Minimum Lot Size, albeit at a smaller size than proposed in the Draft LEP.
- The identification of the subject land with a Minimum Lot Size of 400m<sup>2</sup> would actually increase subdivision options at South Bowenfels and thus address the Strategy's concerns pertaining to the lack of flexibility under the current planning provisions.

**Primary constraints impact upon residential dwelling opportunities:**

- **The presence of natural and physical constraints defines the limits of the three urban centres and has led to a lateral expansion of these centres.**
- **Primary constraints analysis may require some existing zoned areas to be back zoned or provide reduced density to avoid environmental impact.**
- **The management of constrained areas will require more detailed development standards and provisions to be implemented through the LEP and/or DCP.**

The proposal does not compromise the ability to address this issue because the subject land is well within an area identified in the Strategy and Draft LEP as being suitable for urban residential development.

It is our submission that in terms of the Primary Constraints upon residential dwelling opportunities (i.e. vegetation, slope, drainage/water and access to key services) the subject land is suited to a higher lot yield (or smaller Minimum Lot Size) than is currently proposed by the Draft LEP.

**Defining and maintaining residential character and amenity:**

- **The flexibility of the current LEP does not differentiate the desired character and amenity to be achieved in each residential neighbourhood. This creates conflict between new and existing development.**

The Strategy identified the following as key threats to residential amenity:

- Inappropriate development (form, density, building design, siting and issues associated with privacy and overshadowing)
- Concentration of higher density housing opportunities causing a substantial change of character for some streets and areas where historical housing form has been detached dwellings
- Conflicting land use
- Traffic conflict
- Interruption and impact upon streetscape characteristics and aesthetics particularly in the vicinity of heritage items

The proposal does not compromise the ability to address the above issues. For the reasons expressed throughout this report, it is our submission that the subject land is appropriate for a Minimum Lot Size of 400m<sup>2</sup>.

Should Council support this submission and include it in the Draft LEP now, the above key threats would be addressed essentially by making the public aware of the planned development pattern sooner rather than later.

**Housing choice and affordability:**

- **The LGA has a high percentage of detached single dwellings (77.5%). This reduces the ability of the LGA to provide housing choice and affordability.**
- **The LGA has an increase in lone person household and households with couples without children, indicative of an ageing population, and therefore there will be an increasing need for more diverse housing structure to be provided.**
- **A new planning approach will be required to encourage the development a mix of housing types and forms.**

In regard to this issue, the Strategy states that the challenge is *to find ways to encourage affordable and adaptable housing, wider choices of allotment sizes and more dense housing in close proximity to town centres and to address the fears of the community to this form of housing*. The proposal represents a sensible response to this issue due to the following:

- The Strategy states that there is a LGA trend for smaller household size along with a growing trend of lone person and couples only households. As mentioned earlier, 400m<sup>2</sup> lots would represent a suitable land supply for smaller household development.
- Smaller households dictate the need for smaller dwellings and thus the need for smaller allotments. These elements combine to make housing more affordable.

**Future provision of seniors housing:**

- **The rapidly aging population will increase the need for varying forms of seniors housing.**
- **The planning system will need to respond positively to this form of development and should provide “go to areas” to encourage and facilitate development.**

This proposal responds to the above issue in a positive way due to the following:

- Being adjacent to Lithgow Hospital and the medical centre, small lots in this location would accommodate some of the down-sizing and healthcare needs of an ageing population.

- The proposed lots would offer a different style of retirement/down-size living by enabling residents a different level of independence compared to a typical retirement village.
- Given the potential for the small lots to integrate visually and spatially with the hospital/retirement village precinct, it is submitted that the proposal would not be out of character with the broader existing and planned residential pattern.

**Potential for urban renewal and consolidation:**

- **Despite the flexibility of the existing LEP, urban renewal and consolidation has not been considered a viable alternative to the development of new areas. This is due in part to the relative ease and cost of development in the new release areas.**
- **As the existing housing stock ages and the demand for smaller housing increases there will be pressure on existing areas to accommodate higher density living opportunities and the potential for some areas to experience new development and change in character.**
- **Planning for this scenario must be considered in the development of the new LEP and DCP.**

In relation to this issue, the Strategy suggests that the established areas of Lithgow may meet the increasing demand for smaller housing via urban consolidation.

However, the Strategy also acknowledges that the concept of “knock down and rebuild” has not represented a viable alternative in supplying suitable land for smaller households.

It is submitted that the proposal would address this issue as follows:

- Rather than relying solely on existing areas to provide smaller lots through urban consolidation (at what appears to be a slow rate), the proposal would bring forward a supply of small lots suited to smaller household development.
- As a planned estate, the proposal would overcome the likely issues (relating to heritage values, neighbourhood character and built form and so on) that may arise when trying to integrate new development in established areas.



**Infrastructure and service provision:**

- The ability to service some of the existing zoned lands will require consideration of back zoning or reduction in density to ensure all future development can be adequately serviced.
- Council currently does not have a development contributions plan or development servicing plan to ensure that the costs of servicing new development is equitably shared between developers and the existing community.

The proposal does not compromise the ability to address this issue. The subject land is already identified in the Strategy and Draft LEP as being suitable for urban residential expansion. As such, one would assume that Council is satisfied that the orderly and efficient provision of infrastructure and services can be achieved.

The increase in lot density would actually enhance the potential for an effective development contributions system to operate.

**Managing supply and urban release:**

- The planning system should be able to regulate the supply of land to effectively manage the provision of infrastructure and create a positive living and investment environment. Both of these outcomes can be adversely affected by the provision of too little or too much residential land supply.

The Strategy explains that the Lithgow LGA has a residential land supply that outstrips demand over the life of the Strategy. It is submitted that the proposal would not unreasonably exacerbate the present over-supply due to the following:

- Based on a Minimum Lot Size of 400m<sup>2</sup>, the proposal would only contribute approximately 30 additional lots compared to the lot yield that may be achieved if the Minimum Lot Size of 800m<sup>2</sup> was retained for the subject land. In context, an additional 30 lots represents a very minor percentage of the overall supply.
- The Strategy states that the majority of dwelling demand has been met by rural areas and that the intention now is to reverse that trend by encouraging urban living opportunities in the LGA's urban centres. With this aim in mind, it is submitted that the proposal has the potential to offer a style of living in Lithgow that has not been available under previous planning schemes and not widely proposed under the Draft LEP.

- Whilst other areas around the City may also be identified for smaller lot residential development, choice and diversity are important for various reasons including the following:
  - In any residential land supply there should be a range of sub-markets in terms of price, location, size, setting, terrain, and personal preference.
  - At present there are no identified sites in the South Bowenfels area that could be subdivided for 400m<sup>2</sup> lots as proposed by this submission. For the various reasons outlined throughout this submission, it is not an unreasonable suggestion that there may be a demand for such lots in this location.
  - It is possible that some zoned land is being withheld from the market by owners not ready to develop for various reasons.
  - A range of allotments needs to be maintained to suit the different markets at any one time to maintain choice for the range of homebuyers in Lithgow and to plan and fund infrastructure.

## PLANNING FRAMEWORK

There are certain planning legislation, instruments, and policies that need to be considered in this submission. This section provides a summary of the relevant provisions.

### 4.1 REGIONAL ENVIRONMENTAL PLANS

The proposal outlined in this submission is not adverse to any existing regional plans or known draft plans which apply to Lithgow City Council.

### 4.2 STATE ENVIRONMENTAL PLANNING POLICIES

There are no existing State Environmental Planning Policies (SEPPs) or known draft policies that would prohibit or restrict the proposal outlined in this submission.

### 4.3 SECTION 117(2) DIRECTIONS

The proposal outlined in this submission would not contravene the existing Ministerial Directions under Section 117(2) of the Environmental Planning and Assessment Act, 1979.

In this regard *Direction 3.1 Residential Zones* is particularly relevant. The objectives of this Direction are:

- (a) To encourage a variety and choice of housing types to provide for existing and future housing needs
- (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) To minimise the impact of residential development on the environment and resource lands

In accordance with subclause (4) of this Direction, Council must ensure the draft LEP does the following:

- (a) broaden the choice of building types and locations available in the housing market,
- (b) make more efficient use of existing infrastructure and services

- (c) reduce the consumption of land for housing and associated urban development on the urban fringe
- (d) be of good design
- (e) not permit residential development until land is adequately serviced
- (f) not reduce the permissible residential density of land

The proposal would satisfy the above requirements as follows:

- There are no aspects of the proposed rezoning to indicate that it would be adverse to the objectives of the Direction.
- The creation of 400m<sup>2</sup> lots in this location would encourage a mix of dwelling types and broaden housing choice for the broader LGA.
- Infrastructure and utility services would be provided to the subject land in accordance with Council's normal requirements.
- The parcel does not contain valued environmental features or comprise resource lands.
- The proposal does not include land on the City fringe. Rather the subject land is well within an area identified at a Strategic and LEP level as being suitable for urban residential development.
- The subdivision has the potential to reflect good design and contribute to an appealing residential environment. The proposed layout adopts a modified grid pattern with a through road system and the limited use of cul-de-sacs. Accordingly the majority of lots are of a regular configuration with reasonable width and depth. The long axis of the proposed lots fits within the acceptable orientation range for north-south and east-west to facilitate effective solar access.
- In terms of services, the subject land is already identified at a Strategic and LEP level as being suitable for urban residential expansion. As such, one would assume that Council is satisfied that future development in this area is able to be serviced with reticulated water and sewer without unreasonable burden to the subdivider or the community
- Consistent with this Ministerial Direction, the proposal does not reduce the permissible residential density of the land. In fact it would represent an increase in residential density.

#### **4.4 DRAFT LOCAL ENVIRONMENTAL PLAN**

The proposal can be demonstrated to satisfy the relevant provisions of Draft Lithgow City Local Environmental Plan 2013. These are considered below.

##### **4.4.1 General Aims of the Draft LEP**

Draft Lithgow City Local Environmental Plan 2013 lists the following Aims which establish the overarching purpose of the plan:

- a) to encourage sustainable and planned development that complements the unique character and amenity of Lithgow City and enhances its towns, villages and rural areas, and
- b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Lithgow City in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development, and
- c) to manage, facilitate and encourage sustainable growth and development that:
  - i. promotes the efficient and effective delivery of utilities, infrastructure and service and minimises long-term costs of government, authorities and the community, and
  - ii. protects, enhances and conserves mineral and extractive resources lands, forests and agricultural lands and the contributions they make to the local, regional and state economy, and
  - iii. allows for the orderly growth of land uses while minimising conflict between land uses within the zone and land uses within adjoining zones, and
  - iv. encourages a range of housing choices in planned urban and rural locations to meet population growth and the diverse needs of the community, and
  - v. preserves and protects land that has been identified for future long term urban development from inappropriate fragmentation and development, and
  - vi. protects and enhances environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value and areas that have potential to contribute to improved environmental outcomes, and

- vii. protects and enhances places and items of environmental, archaeological cultural or heritage significance, including Aboriginal relics and places, and
- viii. avoids or minimises impact of development upon drinking and environmental water catchments to protect and enhance water availability and safety for human consumption and maintenance of environmental and recreational values, and
- ix. Strengthens and promotes employment land opportunities and appropriate tourism development and growth.

The proposal outlined in this submission is consistent with the relevant Aims as indicated below:

- Aim (a) – The proposal is consistent with this Aim. The adoption of this proposal would contribute positively to the residential character and amenity of Lithgow by increasing the diversity of the land supply at South Bowenfels. The developing nature of the area provides an ideal opportunity to integrate this smaller lot precinct as a planned estate that forms part of the character of the area.
- Aim (b) – The proposal is consistent with this Aim. There are no aspects of the proposal that would contravene the principles of ecologically sustainable development.
- Aim (c)(i) – The proposal is consistent with this Aim. The subject land is identified at a Strategic and LEP level as being suitable for urban residential expansion. As such, one would assume that Council is satisfied that the orderly and efficient provision of infrastructure and services can be achieved.
- Aim (c)(ii) – The proposal is consistent with this Aim as it does not encroach upon identified mineral or extractive resources; forests or agricultural lands.
- Aim (c)(iii) – The proposal is consistent with this Aim as it will integrate with the planned residential land use pattern for the area and would thus allow for the orderly growth of land uses while minimising conflict between land uses within and beyond the zone.
- Aim (c)(iv) – The proposal is entirely consistent with this Aim. It encourages a range of housing choices in planned urban and rural locations to meet population growth and the diverse needs of the community.

- Aim (c)(v) – The proposal is consistent with this Aim because it does not threaten land that has been identified for future long term urban development. Rather, the proposal represents appropriate subdivision of a site that has already been identified in Council's Strategy and Draft LEP as land suitable for urban residential development.
- Aim (c)(vi) – The proposal is consistent with this Aim as it does not encroach upon environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value and areas that have potential to contribute to improved environmental outcomes.
- Aim (c)(vii) – The proposal is consistent with this Aim as it does not encroach upon environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value and areas that have potential to contribute to improved environmental outcomes.
- Aim (c)(viii) – The proposal is consistent with this Aim. Given that the subject land is within a broader defined area for urban development it is assumed that Council is satisfied that such development does not threaten drinking and environmental water catchments.
- Aim (c)(ix) – This Aim refers to employment lands and tourism development is not relevant to this proposal.

#### **4.4.2 Zoning**

Should Council support the proposal outlined in this submission, it is suggested that the most appropriate zoning for the land would be R1 General Residential.

The objectives of the R1 Zone are expressed in the Draft LEP as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

There are no aspects of the proposal that are adverse to these zone objectives. The proposal is particularly consistent with the objective which seeks to provide for a variety of housing types and densities.

Adoption of the R1 Zone for this land would also underpin the Minimum Lot Size of 400m<sup>2</sup> more appropriately than the R2 Low Density Residential Zone currently proposed under the Draft LEP.

### CONCLUSION

This submission requests that the subject land, being the easternmost section of Lot 1 DP 1082148, be rezoned as R1 General Residential under Draft Lithgow City Local Environmental Plan 2013 and that the Minimum Lot Size be 400m<sup>2</sup>.

This submission has considered the proposal against:

- The relevant strategic planning principles and the residential planning issues identified in the *Lithgow Land Use Strategy 2010-2030* (the Strategy); and
- The relevant provisions of Draft Lithgow City Local Environmental Plan 2013 (the Draft LEP).

Following a consideration of these matters, it is submitted that the proposal would result in a satisfactory town planning outcome due to the following:

- 1) The recommended settlement strategy seeks to concentrate 400m<sup>2</sup> lots around the Lithgow town centre. We note that the majority of the identified area is already developed with existing housing, with only modest opportunities to create new 400m<sup>2</sup> lots.

The recommended settlement strategy ignores the opportunity to create smaller lots further from the centre. The fact that a multi-dwelling retirement village is continuing to develop at South Bowenfels is considered reasonable evidence that those seeking retirement/down size living opportunities do not necessarily require a close-to-centre location. In fact, some people may seek a site that is not overly distant to the town centre; reasonably connected by transport links; and provided with a more open environment with an outlook beyond the urban centre. The subject land provides this very opportunity and also offers other attributes as follows:

- a) Being adjacent to Lithgow Hospital and the medical centre, small lots in this location would accommodate some of the down-sizing and healthcare needs of an ageing population.
- b) The proposed lots would offer a different style of retirement/down-size living by enabling residents a different level of independence compared to a typical retirement village.
- c) Given the potential for the small lots to integrate visually and spatially with the hospital/retirement village precinct, it is submitted that the proposal would not be out of character with the broader existing and planned residential pattern.



2) The Strategy states that:

- a) There is an LGA trend for smaller household size;
- b) There is an increased need for diverse housing given the current low percentage of medium and high density living opportunities.
- c) There is a growing trend of lone person and couples only households.

It is our submission that such households dictate the need for smaller dwellings and thus the need for smaller allotments. The proposed 400m<sup>2</sup> lots represent a sensible response to this issue

3) The Strategy suggests that the established areas of Lithgow may meet the increasing demand for smaller housing via urban consolidation. However, the Strategy also acknowledges that the concept of “knock down and rebuild” has not represented a viable alternative in supplying suitable land for smaller households. It is submitted that the proposal would address this issue as follows:

- a) Rather than relying solely on existing areas to provide smaller lots through urban consolidation (at what appears to be a slow rate), the proposal would bring forward a supply of small lots suited to smaller household development.
- b) As a planned estate, the proposal would overcome the likely issues (relating to heritage values, neighbourhood character and built form and so on) that may arise when trying to integrate new development in established areas.

4) The Strategy explains that the Lithgow LGA has a residential land supply that outstrips demand over the life of the Strategy. It is submitted that the proposal would not unreasonably exacerbate the present over-supply due to the following:

- a) Based on a Minimum Lot Size of 400m<sup>2</sup>, the proposal would only contribute approximately 30 additional lots compared to the lot yield that may be achieved if the Minimum Lot Size of 800m<sup>2</sup> was retained for the subject land. In context, an additional 30 lots represents a very minor percentage of the overall supply.
- b) The Strategy states that the majority of dwelling demand has been met by rural areas and that the intention now is to reverse that trend by encouraging urban living opportunities in the LGA’s urban centres. With this aim in mind, it is submitted that the proposal has the potential to offer a style of living in Lithgow that has not been available under previous planning schemes and not widely proposed under the Draft LEP.

- c) Whilst other areas around the City may also be identified for smaller lot residential development, choice and diversity are important for various reasons including the following:
- In any residential land supply there should be a range of sub-markets in terms of price, location, size, setting, terrain, and personal preference.
  - At present there are no identified sites in the South Bowenfels area that could be subdivided for 400m<sup>2</sup> lots as proposed by this submission. For the various reasons outlined throughout this submission, it is not an unreasonable suggestion that there may be a demand for such lots in this location.
  - It is possible that some zoned land is being withheld from the market by owners not ready to develop for various reasons.
  - A range of allotments needs to be maintained to suit the different markets at any one time to maintain choice for the range of homebuyers in Lithgow and to plan and fund infrastructure.
- 5) Despite seeking a higher density than planned; the proposed lots are confined to an area already identified for urban residential development and thus would not contribute to the sense of urban sprawl.
- 6) It is our submission that in terms of the Primary Constraints upon residential dwelling opportunities (i.e. vegetation, slope, drainage/water and access to key services) the subject land is suited to a higher lot yield (or smaller Minimum Lot Size) than is currently proposed by the Draft LEP.
- 7) The proposal can be demonstrated to satisfy the relevant provisions of Draft Lithgow City Local Environmental Plan 2013. Should Council support the submission, it is acknowledged that the subject land may need to be zoned as R1 General Residential instead of the proposed R2 Low Density Residential zone (given that Council has based its minimum lot sizes according to residential zone type).

Yours faithfully

***Peter Basha Planning & Development***

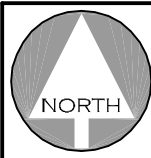
Per:

***PETER BASHA***

Figures

---

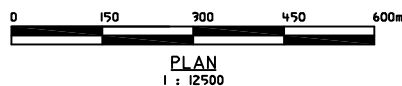




#### IMPORTANT NOTES

- THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
- ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY
- DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY.
- FUTURE EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS, & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN.
- THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY

#### SCALE



SUBMISSION ON DRAFT LITHGOW LEP 2013  
IN RESPECT OF PART OF LOT 1 DP 1082145

FIGURE 1 - LOCALITY

DATE: 7.08.2013

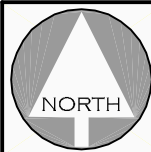
REFERENCE: 13031DA

SHEET: 1 OF 4

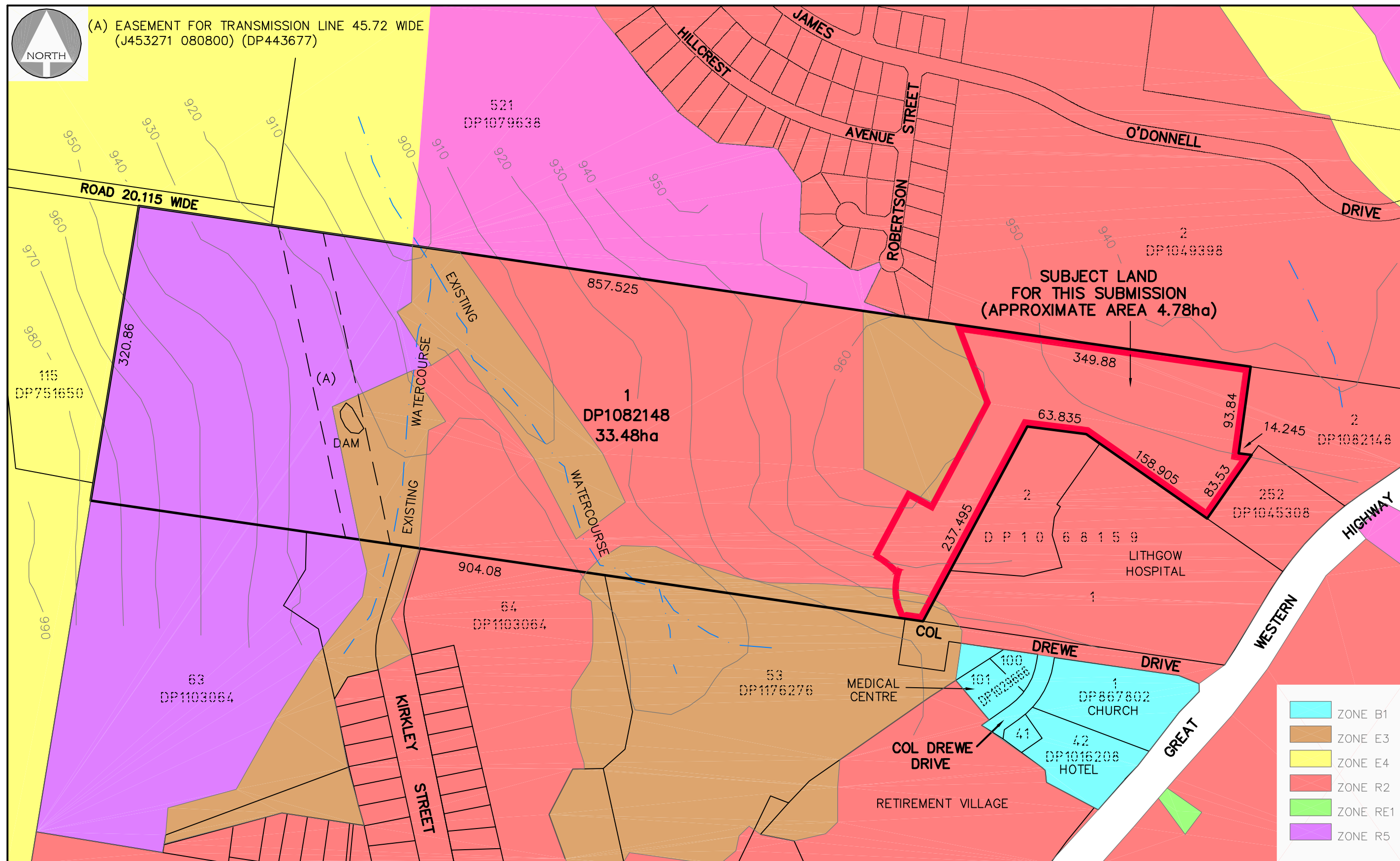


PLANNING & DEVELOPMENT  
Phone : 6361 2955 Fax: 6360 4700  
P.O. BOX 1827 ORANGE, NSW 2800





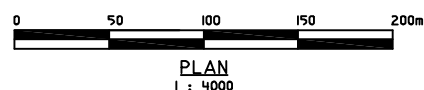
(A) EASEMENT FOR TRANSMISSION LINE 45.72 WIDE  
(J453271 080800) (DP443677)



#### IMPORTANT NOTES

- THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
- ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY
- DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY.
- FUTURE EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS, & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN.
- THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY

#### SCALE



SUBMISSION ON DRAFT LITHGOW LEP 2013  
IN RESPECT OF PART OF LOT 1 DP 1082148

FIGURE 2 - SUBJECT LAND, ZONES & LAND USE

DATE: 7.08.2013

REFERENCE: 13031DA

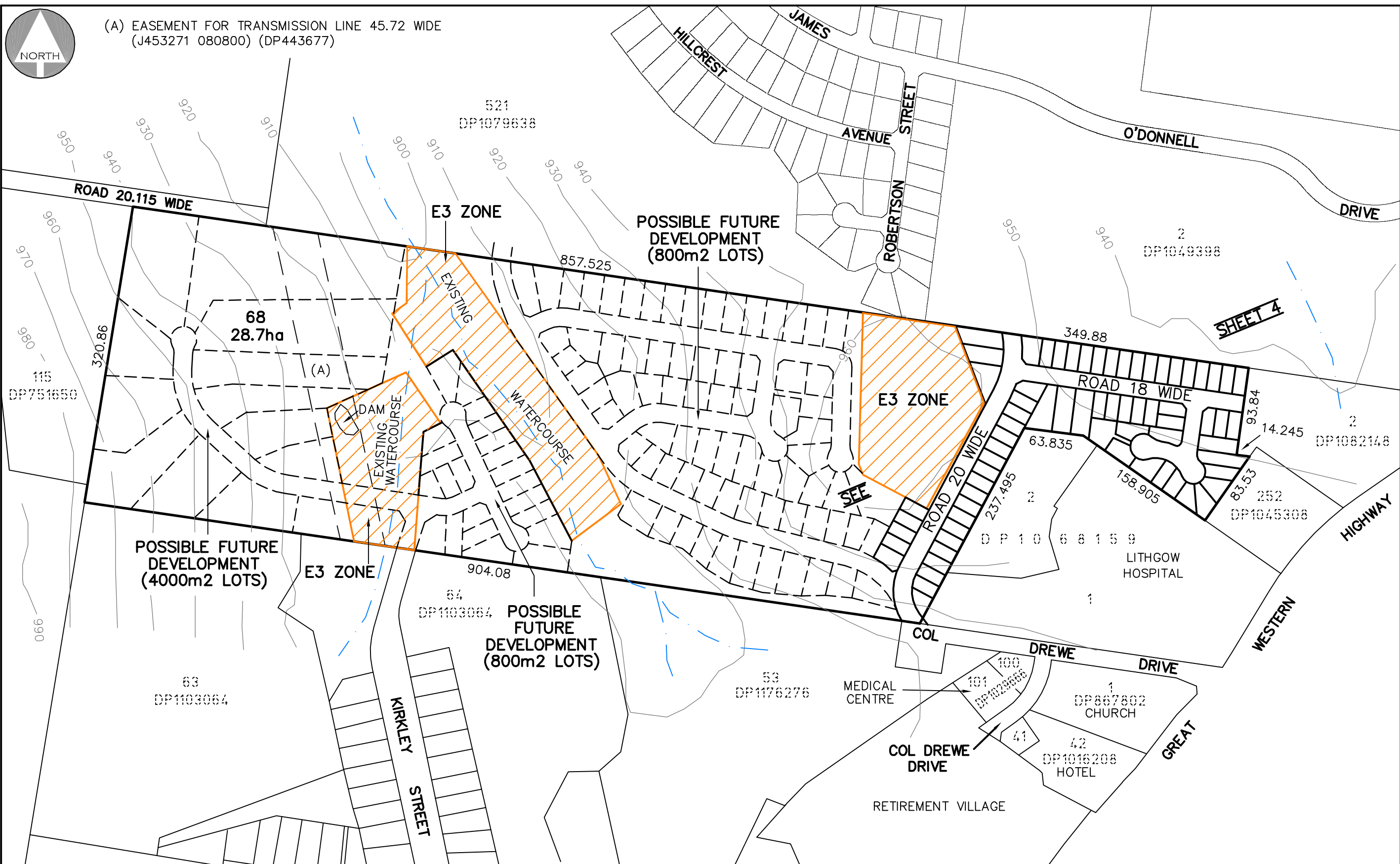
SHEET: 2 OF 4



PLANNING & DEVELOPMENT  
Phone : 6361 2955 Fax: 6360 4700  
P.O. BOX 1827 ORANGE, NSW 2800



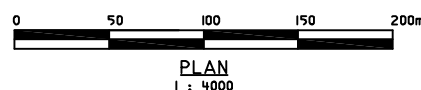
(A) EASEMENT FOR TRANSMISSION LINE 45.72 WIDE  
(J453271 080800) (DP443677)



#### IMPORTANT NOTES

- THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
- ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY
- DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY.
- FUTURE EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS, & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN.
- THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY

#### SCALE



SUBMISSION ON DRAFT LITHGOW LEP 2013  
IN RESPECT OF PART OF LOT 1 DP 1082145

#### FIGURE 3 - OVERALL SUBDIVISION LAYOUT

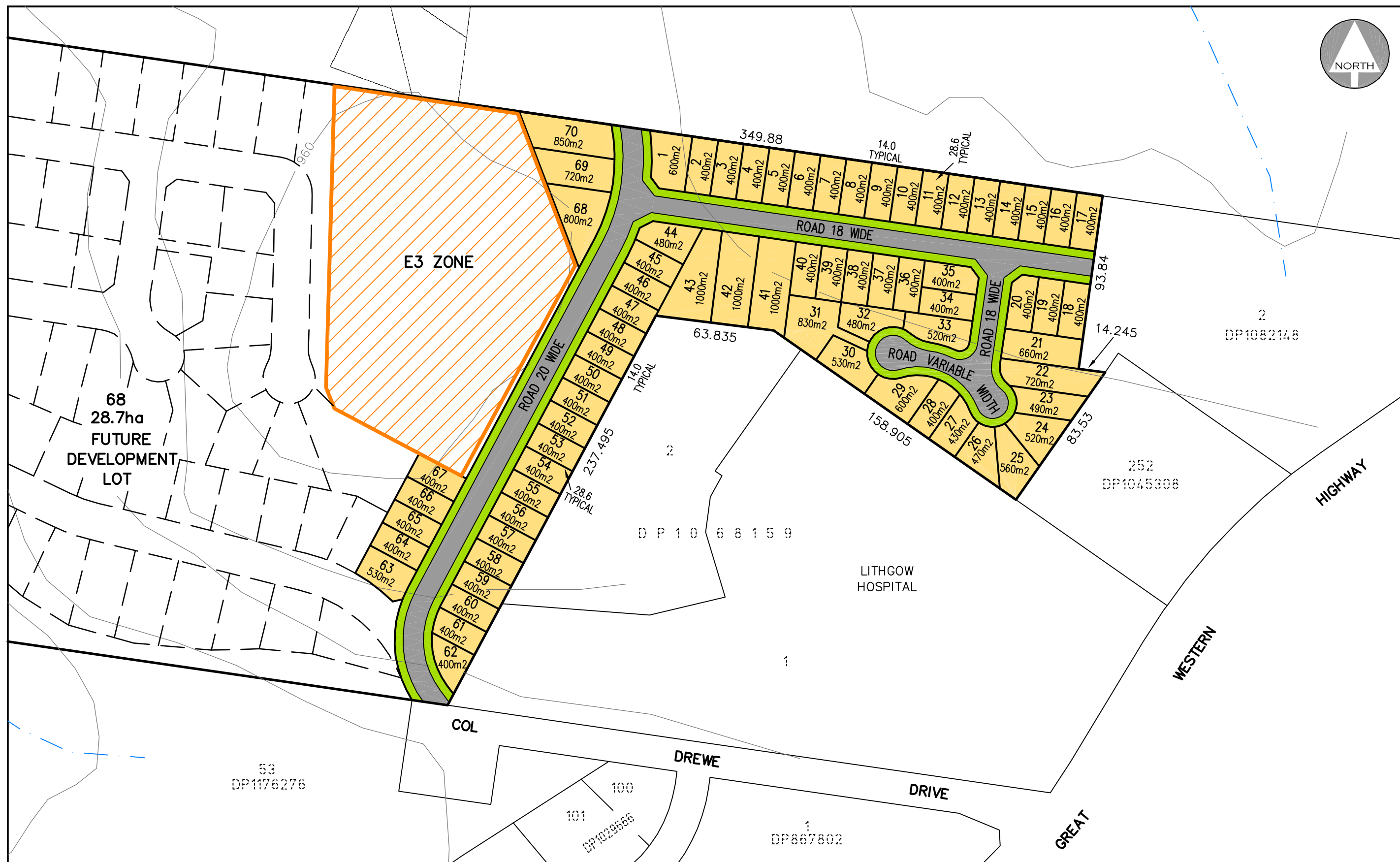
DATE: 7.08.2013

REFERENCE: 13031DA

SHEET: 3 OF 4



PLANNING & DEVELOPMENT  
Phone : 6361 2955 Fax: 6360 4700  
P.O. BOX 1827 ORANGE, NSW 2800



<b>IMPORTANT NOTES</b> <ul style="list-style-type: none"><li>● THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY</li><li>● ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY</li><li>● DO NOT RELY ON THIS PLAN FOR THE LOCATION &amp; TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY.</li><li>● FUTURE EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS, &amp; AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN.</li><li>● THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY</li></ul>	<b>SCALE</b>  <b>PLAN</b> 1 : 2000	<b>SUBMISSION ON DRAFT LITHGOW LEP 2013 IN RESPECT OF LOT 1 DP 1082145</b>  <b>FIGURE 4 - CONCEPTUAL SUBDIVISION LAYOUT - 400m<sup>2</sup> LOTS</b>  DATE: 7.08.2013      REFERENCE: 13031DA      SHEET: 4 OF 4	 <b>PETER BASHA</b> <b>PLANNING &amp; DEVELOPMENT</b> Phone : 6361 2955      Fax: 6360 4700 P.O. BOX 1827 ORANGE, NSW 2800
---	---	---	--