

Proposed Minor Amendments to Lithgow Local Environmental Plan

Matter	Background	Why there is a need for amendment	What the amendment does	Why the amending plan is suitable to be made in accordance with Section 73A
Lot Size Map – Area as indicated in Attachment 2 of has incorrectly shown the lot size as 2ha instead of 40ha.	The subject area was indicated as having a 40ha MLS in the exhibited Draft Lithgow LEP 2013 placed on public exhibition. 40ha is the MLS Council resolved to take forward into the new Principal LEP. In amending the lot size mapping for the land around the subject lands post exhibition an error has been made in transferring the correct MLS across to the final LEP lot size maps presented to the Department for the making of the Plan.	The land is zoned RU 1 Primary Production in LLEP2014. There are no areas of 2ha MLS contained within the RU1 zone. The direction in the adopted and endorsed Lithgow Land Use Strategy for this land was to retain the land in RU1 zone with a 40ha MLS to prevent further fragmentation whilst being strategically identified as future employment lands.	Corrects the error in Lot Size Map by amending the lot size to 40ha.	The 40ha MLS was extensively exhibited as part of the Draft LEP 2013 public exhibition process. No submissions or objections to this MLS were received. One of the affected landowners has since commencement of LLEP2014 enquired with Council in relation to the MLS and was advised that an error had occurred in the final Plan and that Council would be seeking to have that error corrected through an amending LEP. Further written advice to this effect was also issued with a Planning Certificate for the part of the subject lands. Therefore it is considered that no persons will be disenfranchised through the expedited process. The amendment will not affect any existing development and therefore will not have any material effect “on the ground”. The amendment will implement Council’s resolution in relation to the land as part of the Principal LEP process as originally intended.

Matter	Background	Why there is a need for amendment	What the amendment does	Why the amending plan is suitable to be made in accordance with Section 73A
Schedule 5 Part 1 Environmental Heritage	Administrative errors have occurred in the address and/or land descriptions for the following heritage items listed in Schedule 5 Part 1 of LLEP2014: Theatre Royal, Main St Lithgow; Northbrook, Pipers Flat Road Wallerawang. The correct address and land description can be identified for the listing of the heritage items.	Need to correct the land descriptions to identify the heritage items on their correct land parcels. If items remain with incorrect address and/or land descriptions the legality and effectiveness of the heritage listing is seriously diminished.	Corrects the address and/or land descriptions in Schedule 5 Part 1 of LLEP2014 for the subject items as follows: Theatre Royal (I351) delete 210-212 Main St and Lot 10 DP 131092 and replace with 208 Main St and Lot 1 DP 169176 Northbrook (I220) delete Lot 1 DP 1124158 and replace with Lot 2 DP 1124158	The Theatre Royal and Northbrook are well known and identifiable local heritage items. Current landowners of these properties are aware of the heritage items located thereon and therefore there is no need to further notify the proposed amendments. All amendments will correct obvious misdescriptions in relation to the location of heritage items and are minor in nature. The amendments are necessary to retain the integrity of the heritage listings.
Heritage Map	Errors in mapping followed on from the identified errors in Schedule 5 Part 1 in relation to addresses and/or the land descriptions.	Heritage Map is required to be linked and mirror Schedule 5 information.	Amend the Heritage Map to identify the correct locations of the subject heritage items I351 and I 220	Amendment is of a consequential/machinery nature if the amendments to Schedule 5 Part 1 are supported.

Matter	Background	Why there is a need for amendment	What the amendment does	Why the amending plan is suitable to be made in accordance with Section 73A
Schedule 1 Additional Permitted Clause 2(1) Uses	Schedule 1 Clause 2 - Use of Certain land at Hoskins Avenue, Lithgow was inserted into LLEP2014 with the express purpose of supporting the post exhibition submission of Westfund to enable the use of the then identified land being Lot 1 DP 868379 for office purposes. Since finalising the PC opinion on the Draft LEP the land was subdivided and Westfund has since only purchased Lot 1 DP 1198292.	The additional permitted use of “office premises” is required to be restricted to the new smaller lot to conform to Council’s original intention. The extension of this additional permitted use into areas not directly associated with Westfund would lead to inappropriate extension of commercial landuses within a residential zone.	Delete Lot 1 DP 868379 in Schedule 1 Clause 2 (1) and replace with Lot 1 DP 1198292.	The amendment does not require further public exhibition. The amendment is consequential and minor in nature to remain consistent with Council’s and the Departments intention in creating Clause 2 of Schedule 1 of LLEP2014.