



## **Planning Proposal**

### **Amendment to Lithgow Local Environmental Plan 2014 as it Applies to Various Lots in Portland**

Williwa Street, Portland

Lot 1 in DP109592, Lot 1 in DP842890, Lot 5 in DP749907, Lot 6 in DP749908, Lot 7 in DP749909, Lot 24 in Section 46 in DP758855, Lots 53 and 104 in DP755769, and Lots 1 DP1227369 and 4 DP1227369

Prepared by Willowtree Planning Pty Ltd on behalf of Roberts Day

**November 2020**

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## **PART 1      PRELIMINARY**

### **1.1      INTRODUCTION**

This Planning Proposal (PP) has been prepared by Willowtree Planning Pty Ltd (Willowtree) on behalf of Roberts Day. The land subject to this PP is described as Williwa Street, Portland, and traverses several lots as outlined in **Section 1.2** (i.e. the site).

A concept masterplan has been developed for the site. The intended urban design outcome is for the site to become a tourism and community-based ecosystem celebrating the area's unique offerings, place attributes, and people. This will include recreation activities and a museum celebrating Portland's history, as well as the following:

- Around 71 R2 Low Density Residential lots;
- Around 103 R1 General Residential lots;
- Senior Housing;
- Employment and entertainment land;
- Land zoned RE2 Private Recreation to support parks, walkways, caravanning, camping/glamping and suitable tourist and visitor accommodation;
- B4 Mixed Use zoned land to support commercial, retail, tourism and employment land uses;
- RE2 Private Recreation zoned man-made quarry lake in the east of the site to support future works to improve dam wall integrity (where required);
- Adaptive reuse of heritage cottages at the site; and

While portions of the site are zoned under the Lithgow Local Environmental Plan 2014 (LLEP2014) (for B4 Mixed Use, R1 General Residential, R2 Low Density Residential and R5 Large Lot Residential – refer to **Table 1** in **Section 1.2**), much of the site is mapped as Deferred Matter under the LLEP2014. These sections of the site remain zoned 2(v) Village under the Lithgow City Local Environmental Plan 1994 (LCLEP1994). This PP seeks to amalgamate the Deferred Matter portions of the site into the more recent LLEP2014 and apply suitable planning controls across the entire site as follows:

- Rezone the site to permit a range of suitable residential, tourist, recreation, commercial, employment uses and specialised land uses; and
- Remove the minimum lot size control as it currently applies to the land zoned R1 in the south-west of the site as well as the R2 zoned land in the east of the site and maintain no minimum lot size across the site in its entirety.

This PP therefore seeks adaptive reuse of a previous quarry/cement works site for a range of positive economic uses. Adoption of the amendments put forward in this PP would allow the site to provide a range of residential accommodation, seniors' living, and tourist-related infrastructure to boost region's economic activity. It would also create active linkages to, and include the reuse of, the site's State Heritage items.

### **1.2      SITE DESCRIPTION**

The site lies immediately north of the current Portland town centre, around 26km north-west of the City of Lithgow and around 164km west of the Sydney CBD. It lies within the Central Tablelands of NSW, south of Mudgee Wine Country and to the west of the Blue Mountains range. It is generally bound by Forest Street to the north, Carlton Street and Kiln Street to the west, High Street and Williwa Street to the east, and Williwa Street and Laurie Street to the south (refer to **Figure 1** and **Figure 2**).

Although small, the town centre of Portland includes essential and specialist retail and a range of recreational facilities. It is also one of the few authentic Art Deco towns in New South Wales.



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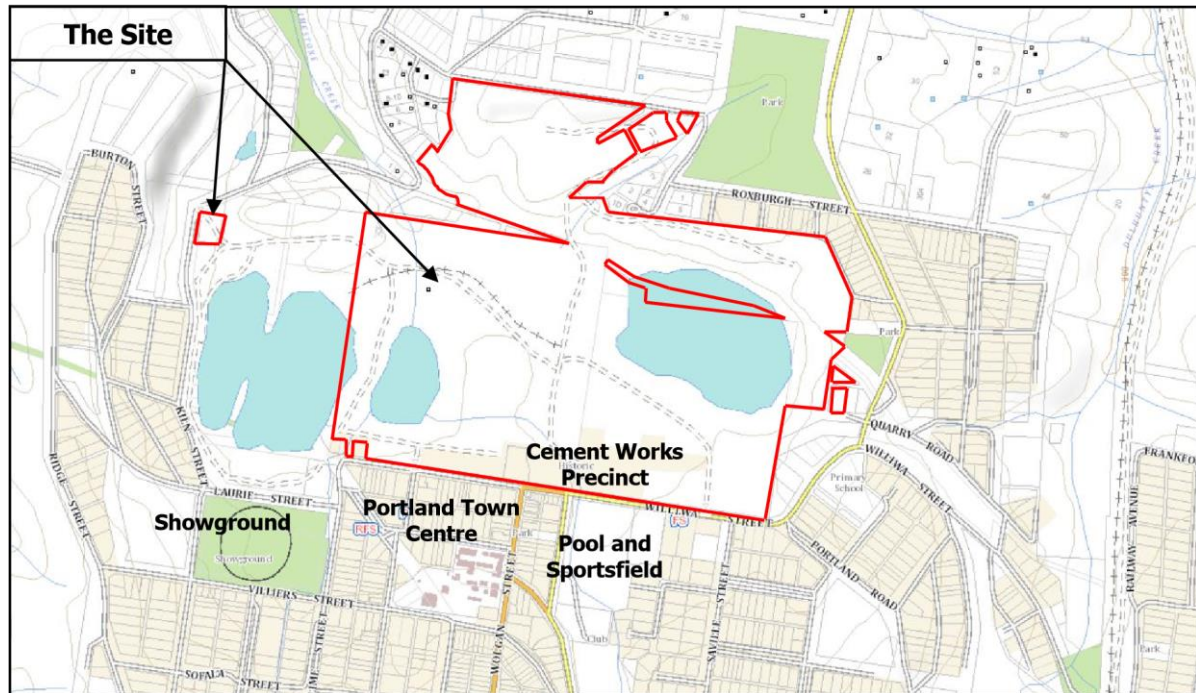


Figure 1 The Site – Cadastral View (SIXMaps, 2020)



Figure 2 The Site – Aerial View (SIXMaps, 2020)

Key features of the site and its surrounds are summarised in **Figure 3**. As shown on **Figure 3**, the site exhibits steep topography in a downwards direction from all boundaries, descending into the four manmade quarry lakes onsite. There are significant views available from the north and north-west of the site into the lakes area and dense vegetation to the north of the site, buffering onto the site's northern rural edge. These features create a natural site boundary. Limestone Creek traverses the site from north to south. Two unnamed creek tributaries traverse the site from south to south-west and from the north-east.



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It is noted that **Figure 3** shows several lots which border the site and which are owned by Crown Lands. It was originally intended to include these Crown Lands lots for rezoning as part of this PP. However, whilst it is understood that Crown Lands supports this PP in principal, Crown Lands has yet to divest ownership of these lots. Overall concept master planning for the future development of the Portland site has nevertheless envisaged the future rezoning and development of those Crown Lots so that they may be used in a compatible manner with the remainder of the Portland site.

For an appropriate planning outcome to be achieved across the entire site, it is therefore recommended that Lithgow City Council consider rezoning these Crown Land lots to provide certainty over the future planning potential of this overall site.



The Foundations site	Town Centre core
Heritage Building	Accessway
Dense forest	Topographic peak
Rocky plateau	Topographic peak
Protected creek	Key location

**Figure 3 Key Features of the Site and its Surrounds (Roberts Day, 2017)**

The site currently exists as a mostly vacant and partially cleared areas with four large lakes which originated as lime quarries. These have stepped back walls, are filled with water, and are surrounded by rehabilitation plantings. They range in depth from 15-70m and have a combined surface area of around 18.3ha.

The site consists of various lots as outlined in **Table 1**. While the majority of the site is covered in a mixture of native and derived grasses, portions of the site are heavily vegetated, including mature trees.

The site is not currently being used for any dedicated use. A 66kV electricity transmission line bisects the south-eastern corner of the site. Internal circulation throughout the site is provided by unsealed vehicle access tracks (refer to **Figure 1** and **Figure 2**).

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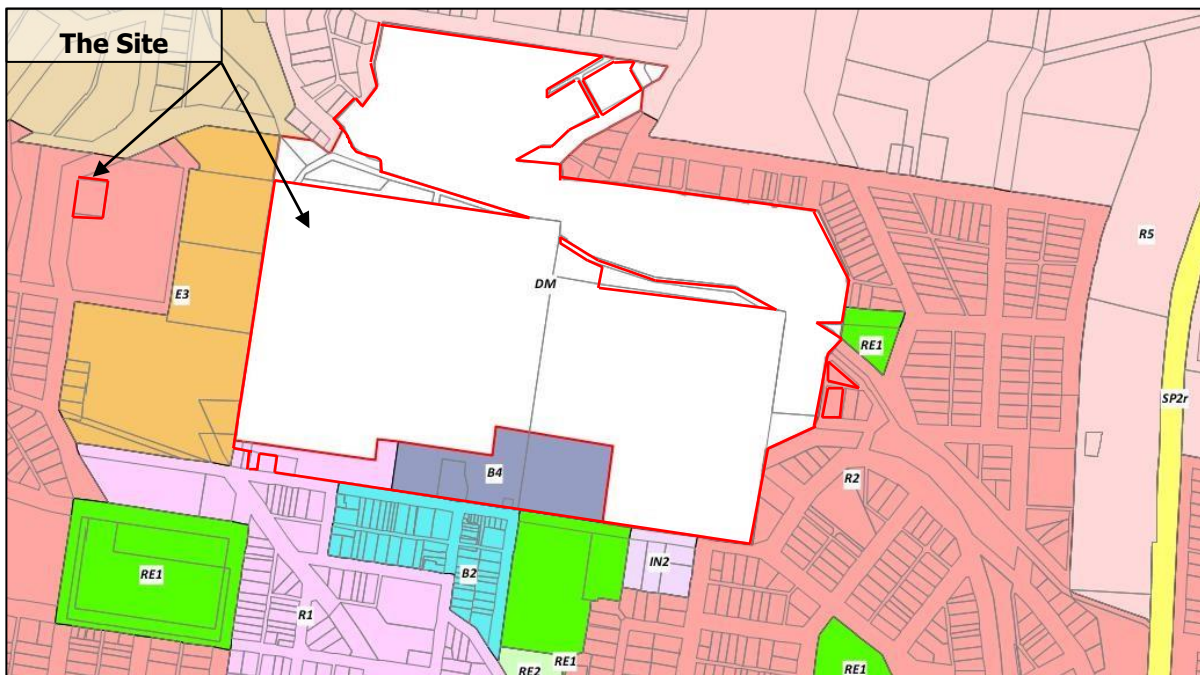
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The site is irregular in shape, and lies adjacent to the following existing land uses and zones (refer to **Figure 4**):

- R2 Low Density Residential zoned dwellings to the east, a pocket of RE1 Public Recreation zoned land, and St Joseph's School Portland;
- R2 Low Density Residential and R5 Large Lot Residential zoned dwellings, Portland Produce (a grain and livestock feed retailer) and Roxburgh Street Reserve to the north;
- R2 Low Density Residential zoned dwellings and the SP2 zoned Blue Mountains railway line to the west; and
- R1 General Residential land to the south, including St Stephens Anglican Church.

The Portland town centre lies directly to the south of the site (refer to **Figure 1**, **Figure 2** and **Figure 3**), and includes the following existing land uses and zones (refer to **Figure 4**):

- R2 Low Density Residential (including existing residential accommodation);
- IN2 Light Industrial (including Fire and Rescue NSW Portland Fire Station);
- RE1 Public Recreation (including Portland Olympic Pool, sports field and Portland Showground);
- B2 Local Centre (including the Portland town centre consisting of a range of retail, commercial and services uses such as cafes, restaurants, service station, childcare centre, pub, grocery stores, Australia Post, hairdressing salon); and
- R1 General Residential (including existing residential dwellings).



**Figure 4 Zoning of the Site and its Surrounds (Lithgow City Council, 2020)**

While the majority of the site remains a deferred matter under the LLEP2014 and subject to the controls of the LCLEP1994, some of the lots at the site have already been subject to rezoning under the LLEP2014 (refer to **Table 1**).



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Table 1 Lots Forming Part of the Site					
Lot and DP	Address Provided?	Zoned under LCLEP1994?	Zoned under LLEP2014?	Lot Area	Proposed to be Rezoned under this PP?
Lot 1 DP1227369	Williwa Street, Portland	Yes – partially 2(v) Village	Yes – partially B4 Mixed Use, R1 General Residential, and E3 Environmental Management	245,000m <sup>2</sup>	Yes – proposed to be rezoned to B4, R1, RE2 and R2
Lot 4 DP1227369	Williwa Street, Portland	No	Yes – B4 Mixed Use	236m <sup>2</sup>	No
Lot 1 in DP109592	Williwa Street, Portland	No	Yes - B4 Mixed Use	3,120.10m <sup>2</sup>	No
Lot 1 in DP842890	Forest Street, Portland	Yes - 2(v) Village	No – Deferred Matter	184,093.73m <sup>2</sup>	Yes - proposed to be rezoned to B4, RE2, R1 and R2
Lot 5 in DP749907	Williwa Street, Portland	Yes - 2(v) Village	No – Deferred Matter	5,596.32m <sup>2</sup>	Yes – proposed to be rezoned to R2
Lot 6 in DP749908	Williwa Street, Portland	No	Yes - R2 Low Density Residential	1,203.18m <sup>2</sup>	Yes – proposed to be rezoned to B4
Lot 7 in DP749909	Williwa Street, Portland	No	Yes - R2 Low Density Residential	1,850.04m <sup>2</sup>	Yes – proposed to be rezoned to B4
Lot 24 Section 46 in DP758855	Forest Street, Portland	No	Yes – R5 Large Lot Residential	771.30m <sup>2</sup>	No
Lot 53 in DP755769	The Portland Cement Works Precinct, Williwa Street, Portland	Yes - 2(v) Village	No – Deferred Matter	164,280.14m <sup>2</sup>	Yes – proposed to be rezoned to R1, RE2 and B4
Lot 104 in DP755769	Carlton Street, Portland	No	Yes – R2 Low Density Residential	3,028.70m <sup>2</sup>	Yes – proposed to be rezoned to RE2

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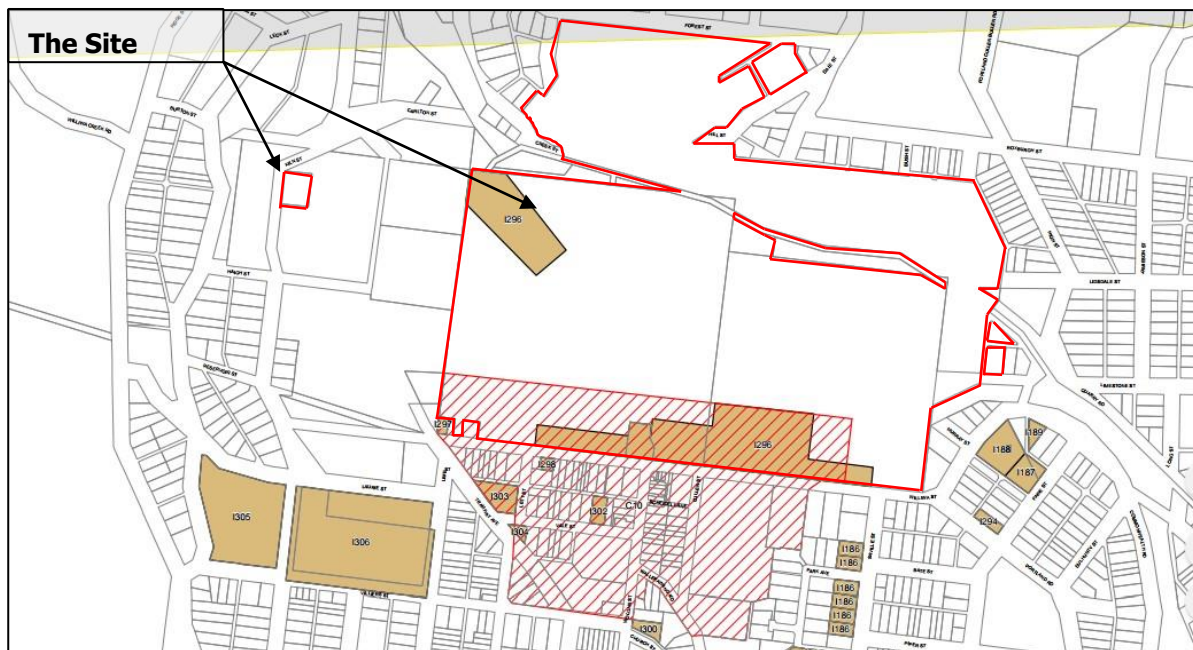
The site includes portions of the State Heritage item number 01739 Portland Cement Works (traversing Lot 53 in DP755769, Lot 1 in DP109592, and Lots 1 and 4 in DP1227369 – and shown as Item 296 in **Figure 5**). This site is also referred to as the Portland Cement Works Precinct (refer to **Figure 1**), and has is zoned B4 Mixed Use under the LLEP2014 (refer to **Table 1** and **Figure 4**).

State listed heritage item number 01738 Raffan's Mill and Brick Bottle Kilns Precinct is also shown on **Figure 5**, in the north of the site. The site is also adjacent to the local heritage listed item I297 St Stephens Anglican Church and Hall (refer to **Figure 5**).

This also includes the locally listed Portland Heritage Conservation Area (C10), shown in red hatching on **Figure 5**. Several other locally listed heritage items are also shown in the near vicinity of the site on **Figure 5**.

A section of the historic Lithgow railway line also bisects the site, although it is noted that this railway line is not subject to any specific local or State heritage listing. The 'Portland Cement Group' is also listed as a local heritage item under the LCLEP1994.

Heritage protection works have been undertaken to protect the integrity of the powerhouse building, boiler house, blacksmith's shop, bath house, administration office building, Williwa Street cottages, workshop and Raffan's Mill.



**Figure 5 Locally Listed Heritage Items at the Site (NSW Legislation, 2017)**

The Portland Cement Works Draft Conservation Management Plan (Niche, October 2017 – refer to **Appendix 2**) contains a statement of significance or the State Heritage items at the site as follows:

*The Raffan's Mill and Brick Bottle Kilns are of State significance as outstanding and rare remnants of a nineteenth century lime and cement manufacturing plant in a still legible industrial landscape. Their development is closely linked to the origin of the associated town of Portland and to the later development of the Commonwealth Portland Cement Works. The Raffan's Mill and Brick Bottle Kilns represent the genesis of the Portland cement industry in NSW and the beginnings of a century of cement production at Portland.*

*The Portland Cement Works Site is of State significance as the remnants of a cultural landscape that evidences the history of one of Australia's most successful lime quarrying and cement*

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*manufacture enterprises – an enterprise which generated a product crucial to the construction of many important structures in NSW throughout the twentieth century. Between 1900 and 1995 the site provided both raw materials from its own quarries and a place for the long term, large-scale production of world-quality cement, using a succession of both local and imported machinery and labour. This industrial site led to the establishment and naming of the town of Portland and has contributed to its civic and social development since the late nineteenth century. This relationship between industry and local population is of State significance because of its rarity within NSW as a long-term, single-industry, one-company town, and because the relationship is evident in the layout of the town and in many of its civic amenities (from workers cottages and concrete roads to the municipal swimming pool). While the (former) Portland Cement Works Site is of local significance as 'the heart of Portland', it is of State significance for begetting 'the town that built NSW'.*

It is proposed to redevelop the site for a mixture of residential, seniors' living, tourist and event uses, as well as commercial and light industrial land uses and specialised land uses (refer to **Section 1.5**). The site would then form a new precinct called The Foundations. This PP seeks enabling amendments to the LLEP25014 to allow this redevelopment to take place, including through rezoning the site, creating Additional Permitted Uses, and by setting appropriate lot sizes and building heights. It is envisaged that once this PP is finalised and the resulting amendments gazetted, DAs for development of the site would be lodged with Lithgow City Council.

### 1.3 REGIONAL LOCATION

The site lies in the central western regional of New South Wales which is layered in National Parks, industrial centres and tourist destinations (refer to **Figure 6**). With the wider population spread across small cities and towns, Portland itself is home to 2307 residents. Best known for its spectacular natural environment, the region also boasts a rich industrial and mining heritage. The hilly rural landscape is characterised by mines, factories, power stations and production works, with the Portland Cement Works (established 1902) at the heart of that network.

Further north, in the fertile Cudgegong River valley, vineyards dot the landscape and draw tourists from across the state. The Zig-Zag railway, for example, currently attracts over 80,000 visitors a year.

Once a manufacturing and resource processing centre, the Lithgow LGA is highly dependent on the energy sector and electricity generation, with mining the main current employment industry for Portland residents.

The site is over two hours' drive from Sydney. Regional access is provided via Cullen Bullen road heading north from the site towards Mudgee along the Great Western Highway, and via Boulder Road heading west from the site to Sydney. Pipers Flat Road travels in south-easterly direction from the site, connecting to the Great-Western Highway.

While the site is situated between Sydney to the west and Mudgee Wine Country to the north (refer to **Figure 6**), it is hidden from view and therefore does not attract highway traffic. The dramatic landscapes of the nearby Blue Mountains attract over 2 million visitors each year for outdoor recreation (in addition to overnight stays and commercial tourism). Major neighbouring cities Bathurst and Lithgow collectively draw over a million visitors per year, with Bathurst known for its gold rush-era buildings and growing education sector, and Lithgow as the core of the coal-mining district.

Portland offers the unique combination of close proximity to three State Forests (Sunny Corner, Ben Bullen, and Falnash – refer to **Figure 6**) in addition to events infrastructure such as its showground.



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Figure 6 Regional Context of the Site (Roberts Day, 2017)

### 1.4 SITE HISTORY

The Lithgow LGA has always been a centre for enterprise, and along with cement, there has been the production of iron, copper, steel, weaponry, and even textiles. The site's history exemplifies this.

Lime was being extracted from the site to build settler residences as early as the 1820's. By the 1860's this had expanded into the commercial production and extraction of lime with kilns. The site was variously known after this as the Cullen Bullen Lime and Marble Works, the Cullen Bullen Lime and Cement Company (which produced 'Kangaroo' branded cement), and later the Ivanhoe Lime and Cement Works and Colliery. Cement was only produced intermittently at this initial site until production ceased in 1895. The only remnants of cement production from this era are the two bottle kilns in the north-west of the site and the old brick building known as Raffan's Mill (refer to **Figure 7**).

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**Figure 7 Heritage Bottlekilns and Forest (Roberts Day, 217)**

By 1894 the village of Portland was gazetted to the south, with a population of around 200.

In 1899 the New Zealand Mine Trust purchased the land, plant and leases and constructed a new cement production plant. In 1900 a new company was formed, the Commonwealth Portland Cement Company (CPCC). Most of the existing plant was destroyed and a new German plant installed. Construction of a railway line commenced to link the plant to its colliery and to the Portland siding.

Between 1902 and 1991, the site was used as a highly successful, high quality lime quarrying and cement production works. Production capacity increased from 13.5 tonnes in 1903 to 68 tonnes in 1910. By 1912, the company was producing around 40% of Australia's Portland Cement, with maximum production levels reached in 1928. Migrant labourers were also recruited for the site in the early 1900's, creating a diverse cultural mix in the locality.

World War I increased demand for cement because of the cessation of German imports, while the available workforce shrank with men going off to fight. The Great Depression eventually led to cement supply outstripping demand, and the first downturn in sales and subsequent production.

The CPCC is credited with contributing much to the local area, including:

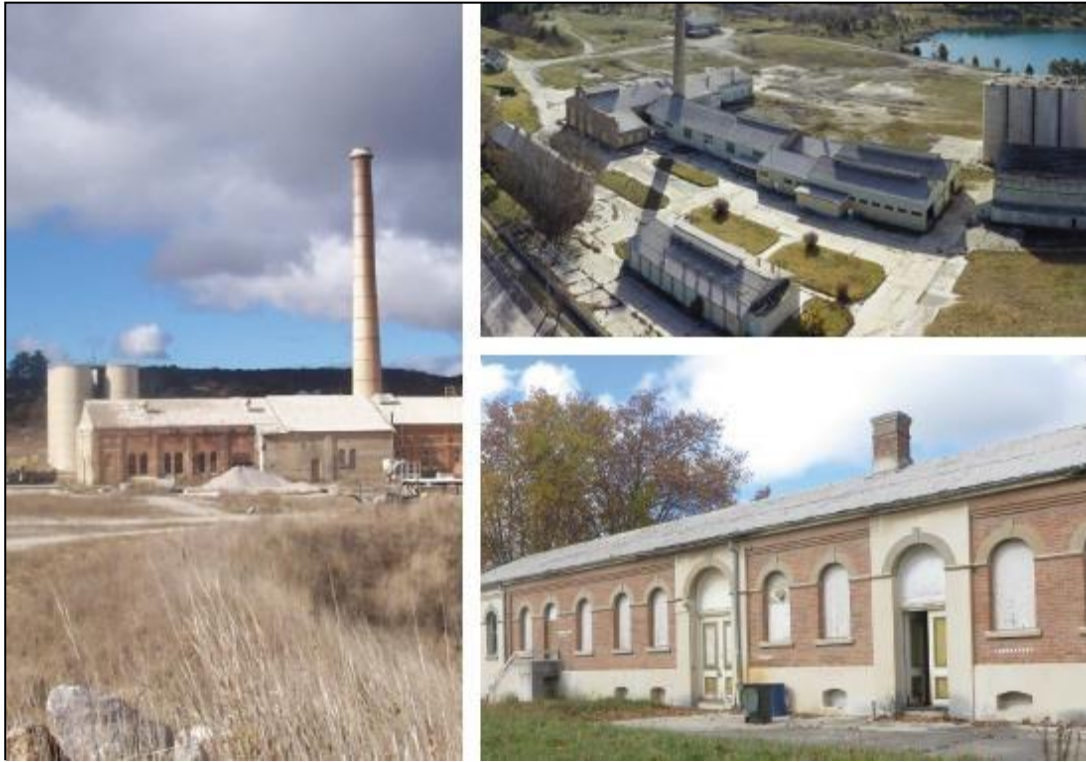
- Donating the site of the St Stephens Anglican Church and later donating more land for the church hall and rectory;
- Providing a cottage for use by the Postal Department, and later expanding this site for the Department;
- Providing uniforms and music for the Portland town band (later known as the Commonwealth Portland Cement Company's Employees' Band);
- Providing free electricity to light the main streets of Portland;
- Building houses for its officers and employees;
- Contributing to development of the Portland District Hospital; and
- Establishing an ambulance service in the town.

Indeed, the development of Portland's township and the cement works is considered to have been closely entwined. It is one of around 10 towns worldwide which have received their name from a history of manufacturing Portland Cement. Some local families are known to have worked at the site for three generations.

A number of the buildings remaining within the Processing and Administrative Precinct date from the 1902 phase of cement works development at the site (refer to **Figure 8**). Buildings from this phase include the Powerhouse, Locomotive Shed, Administration Building, blacksmith's workshops and ambulance station.

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**Figure 8 Heritage Cement Works Buildings (Roberts Day, 2017)**

The Powerhouse was originally built as two separate buildings but joined by 1910. The southern end of the building was also extended around the same time. Also, at this time, the overhead gantry crane was extended through the entire Powerhouse. A number of changes were made internally over the operation period of the Powerhouse to support new machinery.

The other buildings within this precinct underwent little change during their operation. The last major change was after 1991, when cement production within the precinct ceased and the plant was gradually closed down. Much of the operating machinery was removed to other sites. The main processing and administrative precinct was decommissioned in 1995. The last lime quarry was decommissioned in 1998. The main mill buildings were removed before 2003, with ownership of the dormant site transferred from Boral to The Foundations Portland Pty Ltd in 2014. At the time of transfer the building stock within the Precinct was ageing and in various states of disrepair.

The closure of the works in 1991 impacted Portland and the region's economy, but alternative employment opportunities had begun to arise at nearby power stations.

Prior to its closure, the Cement Works operated under a mining lease for the extraction of limestone. Since the transfer of ownership in 2014, works required to complete the process of relinquishing this lease have been undertaken including demolition of certain buildings, heritage protection works, soil remediation, hazardous material removal, weed control work, safety signage, groundwater monitoring, dam surface water monitoring, slope stability audits, and gabion wall stability audit.

Demolition works (cement store, loco shed and former bachelors' cottage) were completed in 2015 with the consent of Lithgow City Council. Two community consultation sessions were undertaken in early 2015 (refer to **Section 5.1**). Council has given its principal approval to redevelop the site under The Foundations concept plan (refer to **Section 1.5**).

As the site has been used as a mine site, there are still mine closure formalities which have to be completed. The significant mine void areas which have become inundated with water now form scenic man-made lakes. These lakes will be incorporated within The Foundations for their scenic and recreational value.



## **1.5 THE FOUNDATIONS CONCEPT PLAN**

Acknowledging the site's significant historical contribution to the building of Sydney, a concept plan has been developed for the redevelopment of the site, to be known as The Foundations (refer to **Appendix 1**). The Foundations would allow the site to become a productive part of Portland once again, whilst celebrating the site's long and proud manufacturing history.

The site holds the potential to become a major regional destination for events and tourism, where industrial heritage, tourism and outdoor amenity meet. A range of tourism, cultural, community-centred and recreational land uses are planned for The Foundations.

### **1.5.1 Urban Design Outcomes**

The intended urban design outcome for The Foundations is to become a tourism and community-based ecosystem celebrating the area's unique offerings, place attributes, and people. This would include recreation activities and a museum celebrating Portland's history, as well as the following:

- Around 71 R2 Low Density Residential lots;
- Around 103 R1 General Residential lots;
- Senior Housing;
- Employment and entertainment land;
- Land zoned RE2 Private Recreation to support parks, walkways, caravanning, camping/glamping and suitable tourist and visitor accommodation;
- B4 Mixed Use zoned land to support commercial, retail, tourism and employment land uses;
- RE2 Private Recreation zoned man-made quarry lake in the east of the site to support future works to improve environmental management;
- Adaptive reuse of heritage cottages at the site; and

The Foundations would:

- Include a sensitive built-form transition with:
  - Higher-density building typologies concentrated in the south and centre of the site, in proximity to the Portland town centre;
  - Low density subdivisions encouraged in the north of the site;
  - Higher intensity activation encouraged in the south of the site with legible pedestrian links to Portland; and
  - Physical connections to the quarry lakes onsite to create recreational and communal amenity;
- The Foundations would enrich the landscape by:
  - Enhancing and protecting view corridors to water bodies and landscape features;
  - Protecting significant vegetation clusters and creating pocket parks with green emphasis;
  - Treating the quarry lake edges sensitively and ensuring unbroken community access;
  - Weaving built form into the site's natural topography and avoiding overly damaging cut and fill;
- Protect landscape features by:
  - Protecting the lakes and their landscape setting;
  - Providing 'light touch' uses such as camping, glamping, fishing and recreational utility and complementary built-form tourist accommodation land uses;
- Create a legible movement system including streets as well as cycle and pedestrian networks;
- Visually connect significant heritage features and destinations along a legible view corridor and future heritage rail trail;

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- Activate the urban economic viability by extending the fine grain forms of the Portland town centre into The Foundations around the powerhouse and eastern lake. Over-development would be discouraged through promotion of nodal development around key places; and
- Instil residential eco-villages\* through the centre of the site, close to the heritage village and away from the quarry lakes and environmentally protected areas outside key view corridors between heritage sites.

*\*Note that "eco-villages" are generally understood to be an alternative to urban sprawl. This type of community features clusters of housing, whilst retaining land for recreation and agriculture. Four hamlets offer complimentary commercial centres based on the themes of arts, agriculture, health and education (refer to **Appendix 1** for examples).*

### 1.5.2 Proposed Land Uses

The proposed land uses at The Foundations are outlined in **Appendix 9**, along with each land use's current permissibility under either the LCLEP1994 or the LLEP2014.

These land uses will include:

- Powerhouse Museum and Visitor Centre;
- Lakes adapted for recreation and leisure;
- Interpretive heritage trail
- Residential lots, offering expansive open space and views to the scenic surroundings, and room for generous dwellings;
- Traditional lots complimenting the existing housing in Portland, with room for couples and families;
- Homes satisfying the demand for greater housing diversity and smaller dwellings, allowing ageing in place;
- Adaptive reuse of the heritage cottages on the site;
- Seniors'-specific living, which is currently under-provided in the area;
- A range of tourism, cultural and recreational land uses, including temporary camping land uses on residential zoned land up until the date of first residential subdivision;
- A range of employment land uses; and
- Potential future filling works at the man-made quarry lake in the east of the site.

Locating essential recreation infrastructure at the Cement Works site would be central to both The Foundations and Portland's positioning as an event venue and recreational destination. Residential lots at the site would offer a rural lifestyle, while complementing land uses would cater to tourist and recreational land users.

The nearby town centre of Portland includes essential and specialist retail and a range of recreational facilities to support the future development of The Foundations.

### 1.5.3 Reasons for Proposed Land Uses Zones

The land use zones proposed to be applied to the site have been selected as they would allow for a suitable range of land uses in areas of the site which best respond to the desired precinct layout and orderly development of the site, as well as the site characteristics, opportunities and constraints. Further, these land uses zones have been selected to ensure the ultimate development outcome of the site responds most appropriately to the strategic planning directions and priorities for the region and Lithgow LGA.

A land use zone analysis has been carried out to determine the most appropriate land use zones for the intended land uses within The Foundations site, the findings of which have been presented in **Appendix 10**. As demonstrated in this analysis, the proposed land use zones provide the best opportunity to achieve the intended development outcomes and land uses for the site. More specifically, the proposed land use zones have been selected for the following reasons:

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- **R1 General Residential zone:** The R1 zone has been provided in a centralised area within the site and is envisaged to provide for more traditional, and potentially smaller, sized residential lots in close proximity to commercial offerings in the B4 Mixed Use zone.
- **R2 Low Density Residential zone:** The R2 zone has been provided in the northern fringe areas of the site and is envisaged to provide for larger residential lots which more appropriately respond to the characteristics of the site in these locations.
- **B4 Mixed Use zone:** The B4 zone has been proposed to be applied at the site as it is highly flexible and would ideally cater to a range of potential future land uses at the site, some of which may not be envisaged at this point in time. The B4 zone will provide for a range of commercial land uses to cater to the residents and visitors to The Foundations site whilst not impacting the demand for existing locals centres in close proximity to the site.
- **RE2 Private Recreation zone:** The RE2 zone has been proposed at the man-made quarry lake in the east of the site and is envisaged to allow for the future environmental protection works to be undertaken. The RE2 zone has also been provided within the south-west portion of the site to support parks, walkways, caravanning, camping/glamping and suitable tourist and visitor accommodation.

The proposed Additional Permitted Use for residential land uses to take place within the B4 Mixed Use zoned heritage cottages in the south of the site is considered to be necessary as the B4 Mixed Use zone under the LLEP2014 currently prohibits the following forms of residential accommodation which are proposed to be included in the Additional Permitted Use areas:

- Dual occupancies;
- Dwelling houses; and
- Multi dwelling housing.

All other forms of residential accommodation are currently permitted within the B4 Mixed Use zone, which therefore includes the following residential accommodation land uses:

- Attached dwellings;
- Boarding houses;
- Group homes;
- Residential flat buildings;
- Semi-detached dwellings; and
- Seniors housing; and ▪ Shop top housing.

Whilst Clause 5.10(10) of the LLEP2014 allows development which is otherwise prohibited to be permitted with consent where that development facilitates the conservation of a heritage item, it is considered in the best interests of the future adaptive reuse of these heritage cottages that a range of residential accommodation be made permitted within their curtilage. This is because the Land and Environment Court in NSW has interpreted the application of Clause 5.10(10) quite narrowly, meaning that it lacks the flexibility to ensure these heritage cottages are made use of according to their full adaptive reuse potential. Specific issues with the utilisation of this Clause 5.10(10) include:

- Potential implications with regards to subdivision, amalgamation, minimum lot size controls, Strata/Community Title subdivision, the subsequent lawful application of Clause 5.10(10) to entire sites;
- Potential problems in establishing the permissibility of future DA's to add, modify, or intensify land uses at the site;



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- The NSW Planning Scheme is volatile, and the standard Clause 5.10(10) could be removed from the Planning Scheme at any time, thereby invalidating this approvals pathway before a DA is lodged or when it is later sought to be modified;
- Where a development is determined by the Western Regional Planning Panel or the NSW Department of Planning, Industry and Environment rather than Lithgow City Council, the Panel or DPIE may not be receptive to this Conservation Incentive approvals pathway; and
- A commitment to conservation works at the site constitutes a significant commitment of private landholder's time and resources with no guarantee of approval from the relevant consent authority.

As such, the use of Clause 5.10(10) to facilitate future development within this portion of the site is not considered optimal.

Potentially, this proposed Additional Permitted Use clause could be added into Schedule 1 of the LLEP2014 as follows:

#### **4 Use of certain land at The Foundations for Residential Accommodation**

*(1) This clause applies to land within Area 1 at The Foundations site, Portland, as indicated on the Additional Permitted Use Map and that is in the B4 Mixed Use Zone.*

*(2) Development for the purposes of form dwelling houses; dual occupancies; and multi dwelling housing is permitted with consent.*

Applying alternative land zones to the site under the LLEP2014 would not meet the abovementioned objectives, nor the broad future planning needs of The Foundations.

It is anticipated that this would avoid the need for multiple rezoning applications to be made to Lithgow City Council in future to facilitate the desired land uses at the site.

### **1.5.4 Unique Qualities of the Site**

The Foundations offers the potential to be reimagined as one of the main attractions in the region – combining unique industrial buildings and attractive natural surroundings. The precinct would be based on the four place pillars of tourism, culture, community and recreation, capitalising on a range of place opportunities (refer to **Figure 9**). It would benefit from:

- The site's regional position bordering Central NSW and the Blue Mountains, capitalising on the halfway point between Sydney City and Mudgee wine country, as well as its location just off the highway between Sydney and Bathurst;
- A compelling historic narrative as a production hub showcasing landmark heritage buildings, allowing the site to become a heritage attraction in its own right. This would be reinforced through the Glen Museum's collection, which would be relocated to The Foundations;
- Heritage buildings and the industrially iconic quarry lakes which are impressive in scale, significant in historic importance and iconic representations of the 'Town that Built Sydney';
- An engaged community within the Portland township, including business networks driving Portland to become a productive tourist hub;
- Recreational opportunities, with Portland offering a range of land uses with a town centre, event facilities, National parks, lakes and dams all in close proximity to one another; and
- Town centre proximity and connectivity, drawing visitors into the area and creating a strong place brand.

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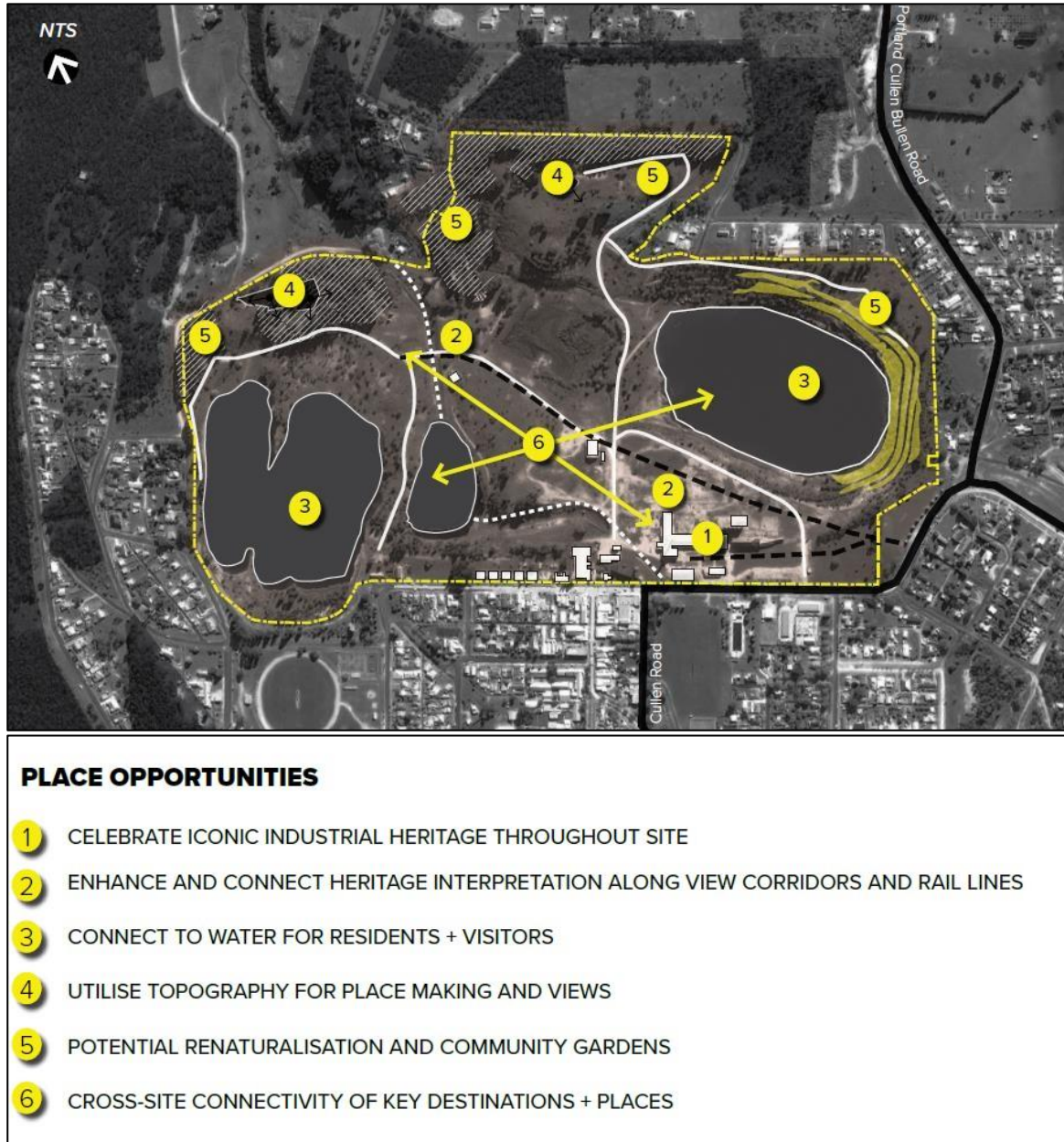


Figure 9 Place Opportunities (Roberts Day 2017)

### 1.5.5 Relationship to the Blue Mountains Industry Valley

The site is located within the Blue Mountains Industry Valley (refer to **Figure 10**). The Foundations would be a strategically positioned tourism and community-based ecosystem celebrating the area's unique offerings, place attributes and people. Castlereagh Highway links the region's destinations together, from Mudgee to Lithgow along an accessible drive or potential cycle highway, where the distances between each destination does not exceed 30 minutes. The site is also located at a convenient stopping location along the route between Sydney and Bathurst.

The Blue Mountains Industry Valley creates a dramatic setting for arts and cultural events, challenging traditional entertainment complexes and creating a great destination. It caters to multiple use groups and includes critical offerings grouped under the site's four place drivers: tourism, culture, community and recreation. Non-typical activities in industrial spaces (e.g. skating, swimming and climbing) at The Foundations would act as drawcards for visitors with quality outdoor amenities satisfying locals.

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While nearby tourist sites such as The Emirates attract luxury tourists, Portland and The Foundations creates an opportunity for more financially accessible and diverse opportunities. In terms of place brand, Portland and The Foundations can compete with other destinations in the region. Indeed, Portland's industrial heritage, active recreation, engaged community and cultural offerings promise a strong point of difference as a tourist destination, ensuring Portland plays its part to attract visitors to the Blue Mountains Industry Valley from outside the region.



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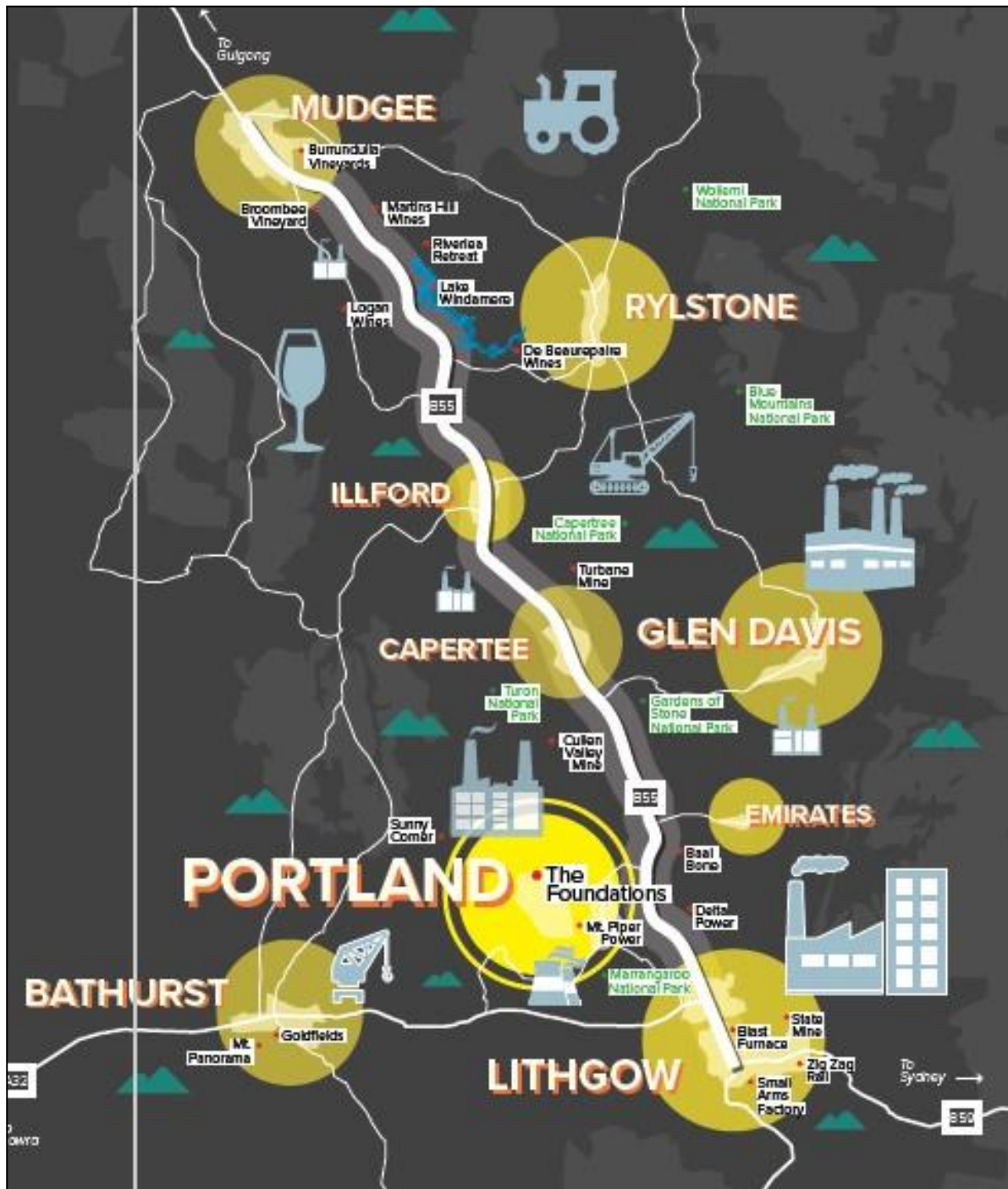


Figure 10 The Blue Mountains – Industry Valley (Roberts Day, 2017)

## **PART 2      OBJECTIVES OR INTENDED OUTCOMES**

### **2.1      OBJECTIVES AND INTENDED OUTCOMES**

The objectives of this PP are to amend LLEP2014:

- To amalgamate the Deferred Matter portions of the site into the more recent LLEP2014; and ▪ Apply suitable planning controls across the entire site as follows:
  - Rezone the site to permit a range of suitable residential, tourist, environmental protection, village centre and specialised uses; and
  - Remove the minimum lot size control as it currently applies to the land zoned R1 in the south-west of the site as well as the R2 zoned land in the east of the site and maintain no minimum lot size across the site in its entirety.

The intended outcomes of this PP are to:

- Create suitable planning controls under the LLEP2014 and future DCP to facilitate future subdivision at the site for:
  - Seventy-one R2 Low Density Residential lots; ○ One-hundred and three R1 General Residential lots; and ○ Employment and entertainment land; ▪ Promote:
  - Fine grain uses in the south of the site, transitioning to large residential lots in the north of the site, thereby encouraging a suitable level of development at the site whilst discouraging over-development;
- Apply suitable land use zones and permitted uses to the site, allowing for a range of residential, cultural, tourist, recreational and specialised land uses to take place onsite;
- Maintain and apply suitable land use zones and permitted uses to the heritage items onsite, allowing these heritage sites to be appropriately activated and managed;
- Apply an Additional Permitted Use for B4 zoned heritage cottages in the south of the site and the B4 zoned land south of Quarry 4, allowing those cottages to be adaptively reused;
- Incorporate the outstanding deferred matter lots at the site (refer to **Table 1** in **Section 1.2**) into the LLEP2014;
- Permit future works to improve the integrity of the man-made quarry lake in the east of the site (where required), whilst not preventing recreational use of the man-made quarry lake; and
- Avoid the need for multiple rezoning applications to be made to Lithgow City Council in future to facilitate the above.

## **PART 3 EXPLANATION OF PROVISIONS**

### **3.1 OVERVIEW**

The proposed outcomes would be achieved by way of the following:

- Rezoning the site to a mixture of R1 General Residential, R2 Low Density Residential, B4 Mixed Use, RE2 Private Recreation as shown in **Figure 11** below;
- Apply an Additional Permitted Use for B4 Mixed Use zoned heritage cottages in the south of the site and the B4 zoned land south of Quarry 4, allowing those cottages to be adaptively reused; and

It is noted that, under the LLEP2014, the vast majority of the site is not currently subject to any minimum lot sizes. This PP seeks to maintain this no minimum lot size control at the site. It is also noted that the LLEP2014 does not contain maximum building height limits or FSRs. This PP therefore does not seek to apply maximum building height limits or FSRs to the site.

**Appendix 9** contains a review of the future aspirational land uses proposed to take place at the site, and their permissibility against the current land zonings applicable to the site under the LLEP2014 and the LCLEP1994. **Appendix 10** contains a review of these land uses proposed to take place at the site, and their permissibility against the potential land use zones which were considered for the site.

It is noted that the site subject to this PP is bordered by several lots owned by Crown Lands, and which were originally intended to be included for rezoning as part of this PP. However, whilst it is understood that Crown Lands supports this PP in principal, Crown Lands has yet to divest ownership of these lots. Overall concept master planning for the future development of the Portland site has nevertheless envisaged the future rezoning and development of those Crown Lots so that they may be used in a compatible manner with the remainder of the Portland site.

For an appropriate planning outcome to be achieved across the entire site, it is therefore recommended that Lithgow City Council consider rezoning these Crown Land lots to provide certainty over the future planning potential of this overall site.

#### **3.1.1 Site Specific Development Controls Plan**

The Applicant is committed to preparing a **site-specific Development Control Plan** to guide future development at The Foundations site. It is considered that the optimal timing for preparing this site-specific Development Control Plan would be once the PP has been formalised and built-form DAs are being scoped within areas subject to PP rezoning. To this end, it is considered appropriate that such a site-specific Development Control Plan comply with **Clause 6.3(3) of the LLEP2014** which requires the following to be included in a Development Control Plan prepared for urban land release areas:

- A **staging plan** for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing;
- An overall **transport movement hierarchy** showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists;
- An overall **landscaping strategy** for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
- A network of **active and passive recreation areas**;
- **Stormwater and water quality management controls**;
- Amelioration of **natural and environmental hazards**, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected;

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- Detailed **urban design controls** for significant development sites;
- Measures to encourage higher density living around transport, open space and service nodes;
- Measures to accommodate and control **appropriate neighbourhood commercial and retail uses**; and
- **Suitably located public facilities and services**, including provision for appropriate traffic management facilities and parking.

Further to the above requirement under Clause 6.3(3) of the LLEP2014, the **site-specific Development Control Plan** would also include greater certainty around:

- Controls in relation to lots sizes and housing product types;
- Indicative dwelling/lot yields;
- Indicative land uses across the site; and
- Indicative commercial floor space.

As identified above, it is proposed that the site-specific Development Control Plan be used to establish **minimum lot sizes** as well as an overall **lot and dwelling yield** for each portion of the site. In this respect, an amendment to Clause 6.3(3) of the LLEP2014 may need to be considered in relation to The Foundations site specifically and future planning requirements under this Development Control Plan as well as any subsequent Precinct Plans.

Following the adoption of a site-specific Development Control Plan, it is anticipated, as a requirement of the Development Control Plan, that each stage of the development of The Foundations site would be subject to the preparation of a **Precinct Plan** for endorsement by Council prior to the approval of a development application for the locality of the proposed works so as to ensure orderly development is achieved.

The Precinct Plans shall act as a masterplan of sorts for each stage of the development and subsequent development applications would be required to be consistent with the endorsed Precincts Plans unless modified. These Precinct Plans however would not act as 'concept development applications' or 'consents' pursuant to Division 4.4 of the EP&A Act.

It is considered that including these matters in the site-specific Development Control Plan would be an adequate means of further guiding future built-form development at The Foundation site.

### 3.1.2 Minimum Lots Sizes and Lot Yield

The proposed amendments to the LLEP2014 do not seek to impose a minimum lot size to the site. Whilst there is a general understanding around the likely development outcomes for the site in relation to lot/dwelling yield as presented within this report, given the unique characteristics of this legacy site, as well as the anticipated lifespan of the development, it is imperative that a level of flexibility be permitted through the Planning Proposal phase to enable the ultimate development outcomes for the site to be able to adapt to the needs and demands of the community.

In this respect, the development is anticipated to be delivered in stages which may span over extended periods of time. For this reason, flexibility in relation to lot yields and minimum lots sizes is critical to allow these outcomes to be more appropriately and accurately realised following the Planning Proposal phase and as the development of the site progresses and evolves.

This approach will enable the proponent to carry out further urban design, social and community analysis to more accurately inform the planning controls around minimum lot sizes and product and more appropriately respond to the community and social demands at the time of development. Not providing such an opportunity to carry out such analysis would significantly jeopardise the site from being able to realise its potential and adapting to the needs of the community and market demands at the time.

Notwithstanding the above, it is important to note that whilst a minimum lot size or lot yield is not sought for the site under the Planning Proposal, the minimum lot sizes and final lot/dwelling yield shall be



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determined under a site-specific DCP and subsequent Precinct Plans. These plans to determine the lot/dwelling yields and minimum lots sizes for the different precincts within the site would ultimately be subject to community exhibition and Council endorsement. In this respect, there would be opportunity for the community to review and provide comment on these plans and allow for further collaboration with Council to ensure the most appropriate outcomes are achieved for the site. The future minimum lots sizes under these plans may include controls such as lot averaging controls or lot/dwelling density bands for different precincts. However, this will be subject to further analysis to determine the most appropriate mechanisms to apply. This process will ensure that the site is not subject to multiple Planning Proposals and amendments to the LLEP2014 as the development progresses and evolves which would place significant a constraint on the viability of the future development of the site.

It is understood that this is somewhat an unorthodox approach to the rezoning of the site however, as aforementioned, this is a necessary approach in this scenario given the uniqueness of this site and what is trying to be achieved across it in response to the strategic and community demands for Portland and the greater Lithgow area. Accordingly, it is considered reasonable in this scenario to support the proposed amendments under this Planning Proposal without a minimum lot size development standard, noting the mechanisms which are able to be adopted under a site-specific DCP and Precinct Plans to ensure there is ultimate transparency and assurance provided in relation to the development outcomes of the site through these processes.

### 3.1.3 Residential Additional Permitted Land Uses

The residential APU within two sections of the B4 zone are sought to allow a level of flexibility in the potential residential outcomes in these parts of the site. Specifically, this APU seeks the following additional permitted uses:

- **Dual occupancy:** ***dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).*
  - *dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.*
  - *dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.*
- **Dwelling house:** ***dwelling house** means a building containing only one dwelling.*
- **Multi dwelling housing:** ***multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.*

In relation to the residential APU sought within the south-western part of the site, this area encompasses the existing heritage cottages. The primary objective in this respect is to ensure the future use of the heritage cottages, as well as future development of the land surrounding these, can be achieved in a sympathetic manner and not be unreasonably constrained in terms of permissibility.

In this respect, it is imperative that the heritage significance and fabric of these heritage cottages be maintained and protected. In providing the proposed residential APU in this location, it would enable the adaptive reuse of heritage cottages for residential accommodation without impacting their heritage fabric. Further, providing an APU for additional residential accommodation in the areas surrounding the existing heritage cottages would enable future development within close proximity to be in keeping with the existing character of the locality and attempt to, where possible and appropriate, mimic the form and scale of these cottages.

Providing this residential APU in this location would facilitate development of a scale and form more appropriate for these areas surrounding the heritage cottages, whilst also enabling land uses which would still satisfy the objectives of the B4 zone. Further, it is important that the B4 mixed use zone be retained in this area to provide opportunities for a range of commercial activities to still be available in this location as detailed within this report.

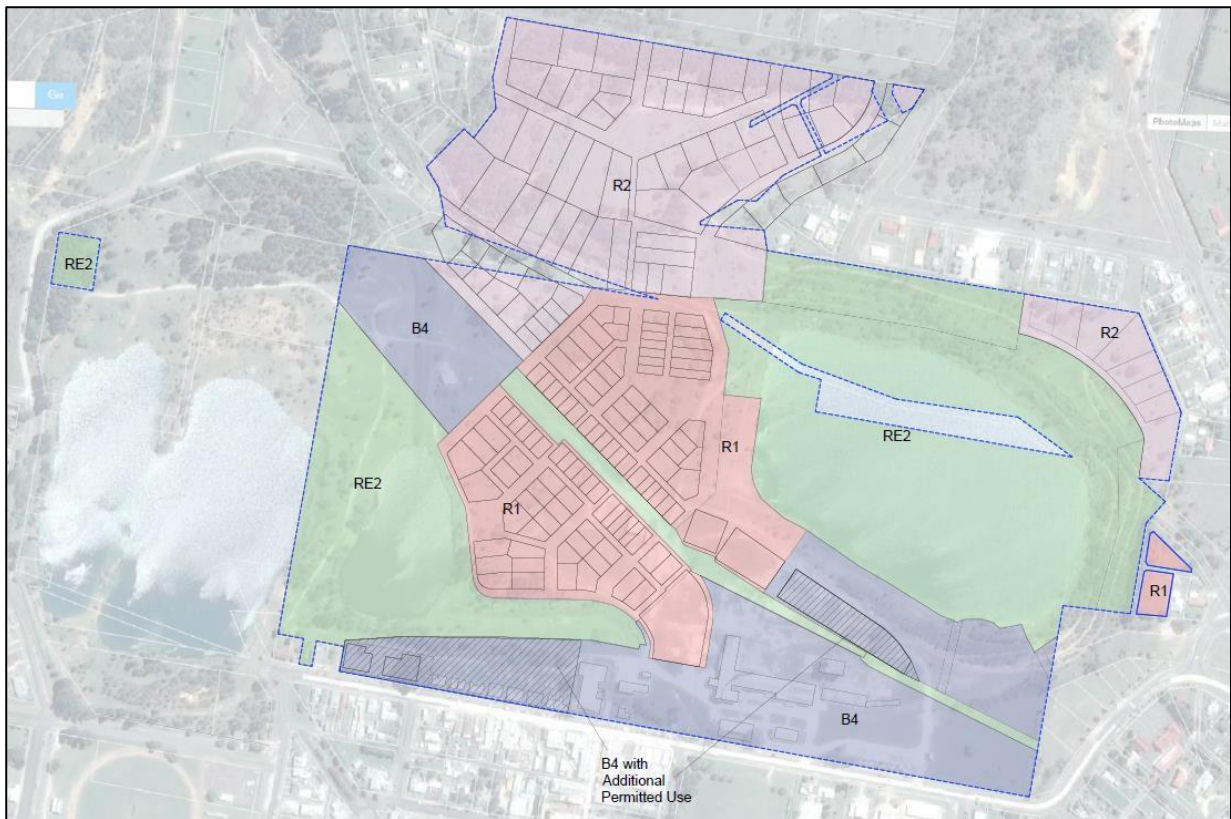
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In relation to the residential APU located directly to the south of the eastern lake, whilst a mixed-use development outcome is currently envisaged for this location, given the location of this land in close proximity to the lake and along spine of the site, a level of flexibility is sought to provide the opportunity deliver low density residential accommodation in this location.

It is important to note that given the anticipated lifespan of this development, the community and market demands are likely to evolve as the development progresses in stages. As this progresses, the most appropriate land uses for this location will be more accurately realised and through this process, there would be a greater opportunity to deliver development outcomes which better align with the community needs for the site.

In relation to the proposed residential APUs, it is important to note that the future development of the site would still be subject to the preparation and approval of a site-specific DCP and subsequent Precinct Plans. In this respect, these plans would be subject to community exhibition and Council endorsement which would provide the opportunity for further collaboration through these processes to provide certainty around these outcomes and remove the need for multiple Planning Proposals across the site.



**Figure 11 Proposed Land Zones at the Site and Indicative Lot Layout Overlay (Roberts Day, 2020)**

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The various land uses referenced in the concept plan prepared for The Foundations will also create a wide range of community needs. With respect to other potential land uses which may be required or desired at The Foundations, it is noted that:

- Roads are permitted without consent in all of the proposed land zones at The Foundations;
- Car parks are permitted in the B4 Mixed Use zone and RE2 Private Recreation, but prohibited in all other proposed land zones at The Foundations;
- Environmental protection works are permitted in all of the proposed land zones at The Foundations;
- Emergency Services Facilities are permitted in the B4 Mixed Use, R1 General Residential and R2 Low Density Residential zones, whilst they are prohibited in the RE2 Private Recreation zone;
- Centre-Based Child Care Facilities are permitted in B4 Mixed Use, R1 General Residential and the R2 Low Density Residential zones, whilst they are prohibited in the RE2 Private Recreation zone;
- Home-Based Child Care is permitted in the B4 Mixed Use, R1 General Residential and R2 Low Density Residential zones, whilst it is prohibited in the RE2 Private Recreation zone;
- Respite Centres are permitted in the R1 General Residential, R2 Low Density Residential and B4 Mixed Use zones, while they are prohibited in the RE2 Private Recreation zone;
- All forms of Health Services Facilities are permitted in the B4 Mixed Use and R2 Low Density Residential zone, whilst they are prohibited in the RE2 Private Recreation zone<sup>1</sup>;
- Backpackers' Accommodation is permitted in the R1 General Residential zone and RE2 Private Recreation zone, and prohibited in all other proposed zones at The Foundations (i.e. in the B4 Mixed Use zone and R2 Low Density Residential zones);
- Veterinary Hospitals are permitted in the B4 Mixed Use zones, while they are prohibited in the R1 General Residential, R2 Low Density Residential and RE2 Private Recreation zones; and
- Educational establishments are permitted in the B4 Mixed Use zone and prohibited in all other proposed zones at The Foundations (i.e. in the R1 General Residential, R2 Low Density Residential and RE2 Private Recreation zones); and
- Recreation areas are permitted in all of the proposed land zones at The Foundations.

It is envisaged that the man-made quarry lake in the east of the site is likely to require extensive filling to be undertaken for environmental protection works in the future. To allow for the future environmental protection works to be undertaken. In the event that this is undertaken, it would involve extensive filling operations and associated ancillary infrastructure to be present at the site. **Table 2** shows the land zone comparison analysis (based on the land use zones available under the LLEP2014) which was undertaken to determine which of the potential land uses at the site would best allow for these works to be permitted over the long term. Due to the nature of the envisaged works within this location, it was decided that the RE2 Private Recreation zone would be the most suitable zoning for this land.

The landowner is currently defining the scope of proposed future filling activities in this eastern man-made quarry so as to ensure the dam remains environmentally sound. Any fill emplaced within the eastern manmade quarry would be done after relevant development consent is obtained, including consultation with the NSW Environment Protection Authority where required. It is important to note that it is not proposed to emplace general putrescible wastes or other contaminating items into the eastern man-made quarry. The correct classification of any fill materials to be emplaced within the eastern man-made quarry would be undertaken as per relevant guidelines issued by the NSW Environment Protection Authority.

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<sup>1</sup> It is noted that Health Services Facilities are not permitted under the LLEP2014 within the RU5 Village or R1 General Residential zones. However, Clause 57 of State Environmental Planning Policy (Infrastructure) 2009 makes development for the purposes of a Health Services Facility permitted within both of these land use zones.

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Table 2 Potential Zoning Analysis for Eastern Lake				
Lane Use	B4 Mixed Use	RE2 Private Recreation	IN1 General Industrial	SP2 Infrastructure
Waste Disposal Facility	Prohibited	Prohibited	Permitted*	Permitted*
Waste or Resource Management Facility	Permitted	Prohibited	Permitted*	Permitted*
Waste or Resource Transfer Station	Permitted	Prohibited	Permitted*	Permitted*
Water Recreation Structure	Prohibited	Permitted	Prohibited	Prohibited
Water Recycling Facility	Permitted	Permitted	Permitted	Permitted
Water Reticulation System	Permitted	Permitted	Permitted	Permitted
Water Storage Facility	Prohibited	Permitted	Permitted	Permitted if done by a public authority
Water Supply System	Permitted	Permitted	Permitted	Prohibited
Water Treatment Facility	Prohibited	Permitted	Permitted*	Permitted*
Wharf or Boating Facilities	Prohibited	Prohibited	Prohibited	Prohibited

\*Permitted under State Environmental Planning Policy (Infrastructure) 2007

The analysis of land zones contained in **Appendix 10** and **Table 2** and the above list of land uses predicated by community need indicate that the RU5 Village, B6 Enterprise Corridor, B7 Business Park and IN1 General Industrial zones were less suited to the site when compared to the B4 Mixed Use, R1 General Residential, R2 Lot Density Residential and RE2 Private Recreation zones.

The LLEP2014 objectives for each of these chosen zones also suit the proposed land uses at The Foundations (refer to **Table 3**).



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Table 3 Suitability of Potential Land Zoning Objectives	
Zone Objective	Suitable Proposed Land Uses
B4 Mixed Use	
To provide a mixture of compatible land uses.	Lifestyle shops and cafes, Boutique hotel and spa, Heritage storytelling walking tour, Picnic on the lawns, Adaptive reuse artists’ studios, Multipurpose cultural centre, Open-air amphitheatre, Lights and outdoor cinema, Farm to table restaurant, Pop-up pottery fair, Lithgow orchestra summer concert, Active agriculture (farm + garden), Portland spring fair and car show, Farmers market, Growing and making workshops, Swap and share coffee mornings, Portland driving tour app, Wild harvest farm tours, Wellness retreat, Bulky goods premises, Business premises, Commercial
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	
To promote development that does not detract from the role of the town centre core commercial precincts.	
Table 3 Suitability of Potential Land Zoning Objectives	
Zone Objective	Suitable Proposed Land Uses
To promote the retention and reuse of heritage items as well as the retention of established buildings that contribute positively to the heritage and cultural values of lands at Portland.	premises, Garden centre, Hardware and building supplies, High technology industry, Landscaping and material supplies. Light industry, Office premises, Plant nursery, Rural supplies, Timber yards, Vehicle sales or hire premises, Warehouse or distribution centre, Waste or resource management facility.
To maintain or improve the water quality of receiving water catchments.	Noted.
R1 General Residential	
To provide for the housing needs of the community.	Diverse mix of housing (including large lots, traditional lots, cottage lots, seniors’ apartments and seniors’ villas).
To provide for a variety of housing types and densities.	Diverse mix of housing (including large lots, traditional lots, cottage lots, seniors’ apartments and seniors’ villas).
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Multipurpose cultural centre, Active agriculture (farm + garden), Boutique hotel and spa, Heritage storytelling walking tour, Picnic on the lawns, Portland driving tour app, Wellness retreat.
To maintain or improve the water quality of receiving water catchments.	Noted.
R2 Low Density Residential	
To provide for the housing needs of the community within a low density residential environment.	Diverse mix of housing (including low density lots, traditional lots, cottage lots, seniors’ apartments and seniors’ villas).
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Multipurpose cultural centre, Active agriculture (farm + garden), Heritage storytelling walking tour, Picnic on the lawns, Portland driving tour app, Wellness retreat.
To maintain or improve the water quality of receiving water catchments.	Noted.
RE2 Private Recreation	
To enable land to be used for private open space or recreational purposes.	Multipurpose cultural centre, Active agriculture (farm + garden), Pop-up pottery fair, Portland spring fair and car show, Farmers market, Swap and share coffee mornings, Heritage storytelling walking tour, Picnic on the lawns,

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	Portland driving tour app, Winter fair and pop up skating, Wild harvest farm tours.
To provide a range of recreational settings and activities and compatible land uses.	Activity lake (swimming, boating, etc.), Forest fun run, Orienteering and nature trails, Motorsports and cycle are and Tough mudder endurance race, Camping and caravanning park, Backpackers' accommodation, Hotel or motel accommodation, and Eco-tourist facilities.
To protect and enhance the natural environment for recreational purposes.	Noted.
To maintain or improve the water quality of receiving water catchments.	Noted.

The proposed B4 Mixed Use areas at The Foundations would apply to State Heritage curtilage items. It is not desirable to rely solely on these heritage areas to provide all of the additional community resources such as Medical Centres and Educational Establishments which might be required at the site, as well as all of the future employment lands at the site. Whilst these State Heritage sites create opportunities for site-specific reuse for commercial, tourist and community purposes, it is likely that significant redevelopment could not be undertaken at these State Heritage sites to facilitate the specific needs of some future land users.

As such, additional B4 Mixed Use land has been proposed at the site which would be free of heritage curtilage restraints. It is anticipated that such land could provide for a range of commercial, tourist, community resources or even light industrial land uses in the future. It is noted that the B4 Mixed Use zone under the LLEP2014 is highly flexible and would ideally cater to a range of potential future land uses at the site, some of which may not be envisaged at this point in time.

As noted in **Table 5** in **Section 4.2.3** below, Clause 7 of SEPP No 62 – Sustainable Aquaculture provides that development for the purposes of pond-based aquaculture or tank-based aquaculture is permissible on land zoned RE2 Private Recreation. The Department of Primary Industries – Fisheries have overseen the stocking of fish at the site (Rainbow Trout and Murray Cod). Once these stocked fish reach a suitable size and the relevant water quality parameters are confirmed, stocked fishing would occur at the site. This land use would therefore be permissible at the site's quarry lakes, which are proposed to be zoned RE2 Private Recreation under this PP. However, Schedule 1 to SEPP No 62 – Sustainable Aquaculture provides that pond-based aquaculture may not take place on vacant Crown Land. For those lots which adjoin the site and for which Crown Ownership currently prevails, such future land uses would be delayed until such time as the ownership is transferred from the Crown. These matters would be discussed further once those adjoining Crown Land lots are either incorporated into this PP through formal Crown Lands landowner's consent being provided, or as part of a separate, future PP.

It is noted that RE2 Private Recreation zoned land at the site would ideally be transferred to private ownership under the site's development corporation, or another, similar landowner.

The Additional Permitted Use for certain residential accommodation in the existing B4 Mixed Use heritage cottages in the south of the site would enable flexibility in the adaptive reuse of those heritage items for suitable residential purposes, should such land uses be desired for those heritage items.

It is envisaged that the RE2 Private Recreation zoning at the man-made quarry lake in the east of the site would allow for the future environmental protection works to be undertaken. In the event that this is undertaken, it would involve extensive filling operations and associated ancillary infrastructure to be present at the site for a number of years.

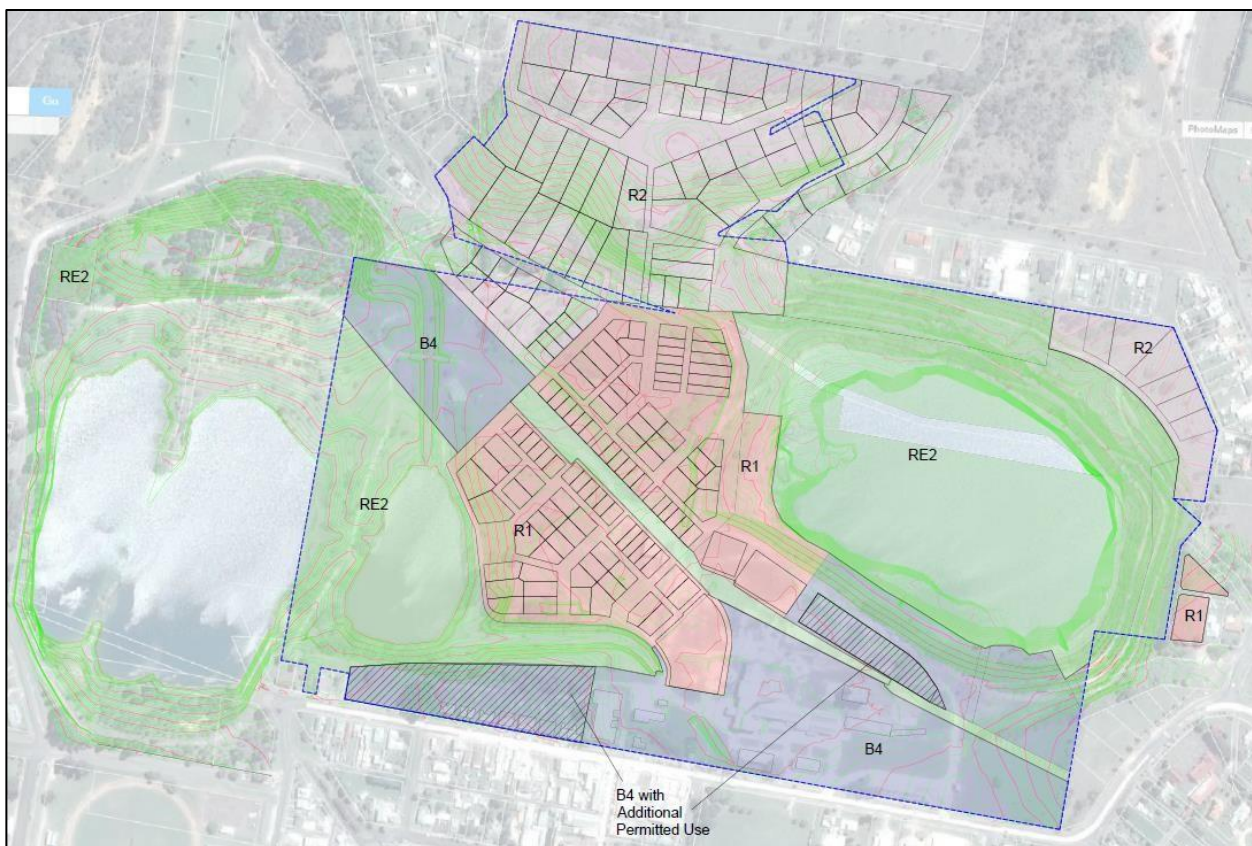
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Built form development to facilitate The Foundations would likely take a number of years to complete. In the meantime, there may be a greater need to use more portions of the site for recreational and cultural activities than are ultimately planned for. It is noted, for example, that Markets are permitted in the B4 Mixed Use and RE2 Private Recreation zones at the site. Hence, vacant B4 land at the site could be used for market stalls at different times during the year whilst built form development is still pending at the site. A range of other such 'interim' land uses might also be desired at the site prior to built form development being completed in some areas of the site. These might include land uses such as Roadside stalls, Entertainment facilities, and various types of Recreation facilities (indoor, major and outdoor). The various zones proposed at the site would either permit or prohibit these land uses, as outlined in **Appendix 10**.

It is also noted that, in the instance where a specific temporary land use is required to take place on a land zone at the site where it is prohibited (such as for a one-off festival or sporting event), it may be possible to invoke the temporary land use provisions under Clause 2.8 of the LLEP2014 (in consultation with Lithgow City Council). It is noted that the maximum time period for which such a temporary land use may operate under the LLEP2014 is 52 days (whether or not consecutive) over a period of 12 months.

With respect to the site's prevailing topography (refer to **Figure 12** and **Figure 13** below showing 2.5m contour lines and 0.5m contour lines respectively) at the site, it is noted that the proposed concept designs for street layout and relationship to future land uses, particularly residential, has considered that it is feasible to have larger residential lots, particularly in the north of the site, with relatively steep topography at the street front where the chosen design addresses this land slope. An example of how this could be achieved is through utilising a garage at street level with a residence located above.



**Figure 12 Overall Topography at the Site (RobertsDay, 2020)**



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**Figure 13 Topography in the North of the Site (RobertsDay, 2020)**

Overall, the proposed land use zones for the site are considered suitable, as they would allow for a broad range of temporary land uses prior to built form development being completed at the site whilst avoiding the need to submit multiple rezoning for the site in future.



## **PART 4 JUSTIFICATION**

### **4.1 NEED FOR THE PLANNING PROPOSAL**

DP&E's "A Guide to Preparing Planning Proposals" requires a PP to address the following questions.

#### **4.1.1 Is the planning proposal a result of any strategic study or report?**

This PP draws on various strategic plans which have been prepared by Lithgow City Council expressing the need for the site to be rezoned to accommodate a wide-range of reuse opportunities, including commercial, industrial, mixed use, residential and recreational land uses. These strategic plans are outlined in **Section 4.2.2**.

#### **4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?**

The planning control amendments outlined and analysed in **Section 3.1** of this PP are considered to be the best means of achieving the objectives and intended outcomes outlined in **Section 2.1** because they:

- Would amalgamate the Deferred Matter portions of the site into the more recent LLEP2014;
- Would apply suitable land zones across the entire site to permit a range of desired land uses whilst prohibiting other less desirable land uses;
- Allow for suitable lot sizes to be developed at the site so as to achieve desired residential yields;
- Would allow for appropriate, adaptive reuse of the site's heritage items;
- Would mirror land use zones which currently adjoin the site, therefore creating suitable urban transition;
- Are a result of consultation with Lithgow City Council and the NSW Office of Heritage; and
- Are based on extensive review of the proposed land uses at the site against the existing land use zones under the LLEP2014 to determine which land use zones would allow for the desired land uses to take place at the site in future.

The proposed land zones for the site are considered to represent the most appropriate means for achieving the desired outcomes for The Foundations site as they would permit a range of desired land uses, most of which are already currently permitted at the site. Further, the proposed land use zones provide for a suitable mixed of residential accommodation; tourist and visitor accommodation and attractions; recreation and community facilities; and commercial/employment offerings to ensure the development outcomes appropriately respond the surrounding areas as well as the strategic planning priorities for the region and Lithgow LGA.

The proposed land use zones however have been strategically located within the site in response to the site characteristics, opportunities, and constraints to ensure the future development of The Foundations is carried out in an orderly fashion. In this respect, whilst the proposed land use zones permit a wide range of permitted land uses, the ultimate development outcome, in terms of specific land uses, layout and built form, would be realised through the preparation of a site-specific Development Control Plan and subsequent Precinct Plans for the difference precincts through the site. This process, and its purpose, has been explained further in **Section 3.1** of this report and is considered to represent the most suitable means of achieving the intended outcomes for the site and providing the necessary flexibility to respond evolving market trends, strategic planning directions, and land use demand.

The analysis of land zones contained in **Appendix 10** and the selected land uses predicated by community need indicate that the RU5 Village, B6 Enterprise Corridor, B7 Business Park and IN1 General Industrial zones were less suited to the site when compared to the B4 Mixed Use, R1 General Residential, R2 Lot Density Residential and RE2 Private Recreation zones, particularly to achieve the desired outcome for the site. Alternative land use zones under the LLEP2014 would not meet the objectives for the site, nor the broad future planning needs of The Foundations.

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The land zones proposed to be applied to the site would allow for a suitable range of interim land uses to take place at the site so as to make orderly, economic use of the site until such time as built form development of The Foundations is progressed. Specifically, with respect to the B4 Mixed Use zone which is proposed to be applied at the site, it is noted that the B4 Mixed Use zone under the LLEP2014 is highly flexible and would ideally cater to a range of potential future land uses at the site, some of which may not be envisaged at this point in time.

The proposed Additional Permitted Use for certain residential land uses to take place within the B4 Mixed Use zoned heritage cottages in the south of the site is considered to be necessary as the B4 Mixed Use zone under the LLEP2014 currently prohibits the following forms of residential accommodation which are proposed to be included in the Additional Permitted Use:

- Dual occupancies;
- Dwelling houses; and
- Multi dwelling housing.

All other forms of residential accommodation are currently permitted within the B4 Mixed Use zone, which therefore includes the following residential accommodation land uses:

- Attached dwellings;
- Boarding houses;
- Group homes;
- Residential flat buildings;
- Semi-detached dwellings;
- Seniors housing; and
- Shop top housing.

The reasons for proposing this residential Additional Permitted Use have been explained in **Section 3.1.2** above.

Whilst Clause 5.10(10) of the LLEP2014 allows development which is otherwise prohibited to be permitted with consent where that development facilitates the conservation of a heritage item, it is considered in the best interests of the future adaptive reuse of these heritage cottages that a range of residential accommodation be made permitted within their curtilage. This is because the Land and Environment Court in NSW has interpreted the application of Clause 5.10(10) quite narrowly, meaning that it lacks the flexibility to ensure these heritage cottages are made use of according to their full adaptive reuse potential. Specific issues with the utilisation of this Clause 5.10(10) include:

- Potential implications with regards to subdivision, amalgamation, minimum lot size controls, Strata/Community Title subdivision, the subsequent lawful application of Clause 5.10(10) to entire sites;
- Potential problems in establishing the permissibility of future DA's to add, modify, or intensify land uses at the site;
- The NSW Planning Scheme is volatile, and the standard Clause 5.10(10) could be removed from the Planning Scheme at any time, thereby invalidating this approvals pathway before a DA is lodged or when it is later sought to be modified;
- Where a development is determined by the Western Regional Planning Panel or the NSW Department of Planning, Industry and Environment rather than Lithgow City Council, the Panel or DPIE may not be receptive to this Conservation Incentive approvals pathway; and
- A commitment to conservation works at the site constitutes a significant commitment of private landholder's time and resources with no guarantee of approval from the relevant consent authority.

As such, the use of Clause 5.10(10) to facilitate future development within this portion of the site is not considered optimal.

Potentially, this proposed Additional Permitted Use clause could be added into Schedule 1 of the LLEP2014 as follows:

#### **4 Use of certain land at The Foundations for Residential Accommodation**

*(1) This clause applies to land within Area 1 at The Foundations site, Portland, as indicated on the Additional Permitted Use Map and that is in the B4 Mixed Use Zone.*

*(2) Development for the purposes of form dwelling houses; dual occupancies; and multi dwelling housing is permitted with consent.*

Applying alternative land zones to the site under the LLEP2014 would not meet the abovementioned objectives, nor the broad future planning needs of The Foundations.

It is anticipated that this would avoid the need for multiple rezoning applications to be made to Lithgow City Council in future to facilitate the desired land uses at the site.

It is envisaged that the RE2 Private Recreation zoning at the man-made quarry lake in the east of the site would allow for the future environmental protection works to be undertaken. In the event that this is undertaken, it would involve extensive filling operations and associated ancillary infrastructure to be present at the site.

### **4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

#### **4.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy (including the Sydney Metropolitan Plan and exhibited draft strategies)?**

Overall, the strategic vision for the Foundations is consistent with NSW 2021, the Central West and Orana Regional Plan 2036 and the various strategic plans applying to the Lithgow LGA. This PP would enable these strategic visions to be met and would assist in the timely and orderly delivery of The Foundations to meet these requirements of these strategies.

It is noted that the Lithgow LGA is not directly encompassed within A Plan for Growing Sydney or any of the Greater Sydney Commission's District Plans. As such, consistency with those plans has not been assessed.

##### **4.2.1.1 NSW 2021**

NSW 2021 is a 10-year plan which identifies the following five key strategies:

- Rebuild the economy;
- Return quality services;
- Renovate infrastructure;
- Strengthen our local environment and communities; and
- Restore accountability to government.

This PP would enable development of The Foundations, creating jobs onsite stimulating additional commercial activity in the locale. The provision of new jobs and services close to where people live, work and visit would improve the overall level of service-provision in the area. The Foundations also provides an opportunity to improve the availability and affordability of housing through additional housing supply and diversity. As such, The Foundations would positively contribute towards dwelling targets.

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The provision of a tourism and community-based ecosystem would include public parklands and recreational areas, as well as a modern, internal road network system. It would also improve public access to and enjoyment of existing cultural heritage sites. All of these would contribute towards the return of quality services to residents of NSW.

### 4.2.1.2 Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan 2036 (Regional Plan) identifies Lithgow as a strategic centre, which can capitalise on its proximity to Sydney, and will provide new options and opportunities for surrounding networks of communities. Portland itself is described in the Regional Plan as a town.

The Regional Plan also recognises how the region's internationally recognised environmental assets, such as the Macquarie Marshes and Greater Blue Mountains World Heritage Area, along with major attractions, including the Taronga Western Plains Zoo and festivals and events, will attract increasing numbers of visitors.

The Regional Plan acknowledges how the Lithgow LGA contributed \$1.58 billion to the gross regional product in 2011. Mining was the largest contributor through established coal mines, supported by electricity, gas, water and waste water services. Other economic sectors include health care and social assistance, manufacturing, public administration and safety, and retail. The Lithgow LGA is described as having the potential to grow renewable energy industries such as wind energy, with a private wind farm in operation at Hampton, south-east of Lithgow. It is also well suited to agricultural-based industries to supply the Sydney Basin, and as a commuter suburb of Sydney via the rail network

Key priorities for the LGA are:

- Maintain the primacy of Lithgow's main street and central business district;
- Develop transport and freight connections that capitalise on Lithgow's proximity to Sydney; and
- Leverage opportunities from the LGA's location and rural character to support diverse industries such as tourism.

The future development of The Foundations does not contradict the first two priorities listed above, and directly implements the third priority listed above. Indeed, as identified in **Section 1.5.1**, the intended urban design outcome for The Foundations is to become a tourism and community-based ecosystem celebrating the area's unique offerings, place attributes, and people.

As per the Regional Plan, the top three economic opportunities for the Lithgow LGA are:

- Transport and logistics; ▪ Tourism; and ▪ Coal mining.

Direction 18 of the Regional Plan relates to improved freight connections to markets and global gateways, which will unlock access to consumer markets. Clustering of inbound containerised freight is forecast to increase in the Mid-Western Regional and Lithgow LGA's in the region. This could result in opportunities for new intermodal terminals and supporting rail infrastructure. Potential network improvements have been identified along existing freight corridor, which would improve efficiency and remove heavy vehicle access restrictions, reducing freight costs and freight movement timeframes. Transport for NSW has also committed to delivering additional rail network capacity west of Lithgow through new and longer crossing loops and new signalling. Upgrades to these corridors would help to improve efficiency and access over the Blue Mountains.

The Foundations could benefit from this increased freight infrastructure, as this would improve access to a range of products outside the Lithgow LGA. Future development of the Foundations itself is not anticipated to significantly impact the surrounding road and rail networks. These matters would be addressed further in a future DA to enable development of The Foundations.



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The Regional Plan identifies how the region's population growth will not be evenly distributed, with the highest rates of growth projected across larger urban centres in the Central West, including Orange and Bathurst, followed by Mudgee, Parkes and Lithgow. This is in comparison to some smaller towns and villages in the region, where populations are predicted to decline. The Regional Plan recognises how investment in health and education services, and commercial, retail and industrial activity will drive and spread the benefits right across the Central West and Orana.

This PP would enable a range of residential developments in close proximity to retail, commercial and recreational land uses. It would therefore respond to this projected population growth for the Lithgow LGA.

The Regional Plan asserts that Lithgow has significant social housing stock while there is currently an undersupply of appropriate seniors' housing. The Lithgow LGA is predicted to have one of the largest proportions of people aged over 65 within the region (30 percent). Future development of The Foundations would include a range of residential typologies, including town houses, cottages, large residential lots and senior's living, and therefore responds to Direction 25 of the Regional Plan (increase housing diversity and choice) and Direction 26 (increase housing choice for seniors). While the Foundations does not propose to include social housing, the Regional Plan does not identify this as an outstanding need for the Lithgow LGA.

**Table 4** responds to the relevant actions stemming from Direction 26 of the Regional Plan.

<b>Table 4 Relevant Actions under Direction 36 – Central West and Orana Regional Plan 2036</b>	
<b>Action</b>	<b>The Foundations Response</b>
Promote ageing-in-place by adopting elements of Liveable Housing Australia's Liveable Housing Design Guidelines in development controls for housing, where possible.	Future built-form DA's to enable seniors' accommodation at the Foundations would respond to these design and locational matters.
Promote opportunities for retirement villages, nursing homes and other senior's housing in local housing strategies.	The Lithgow Ageing Strategy (refer to <b>Section 4.2.2.1</b> ) carries forward the high-level need to promote seniors' living under the Regional Plan, detailing specific seniors' living needs for the Lithgow LGA. As shown in <b>Section 4.2.2.1</b> , future development of The Foundations would respond to the needs identified in the Lithgow Ageing Strategy.
Remove planning barriers to provide a range of low-care and independent seniors' accommodation options in appropriate locations.	This PP seeks to apply suitable planning controls across the entire site to enable future subdivision at the site for a range of residential, tourist, environmental protection and village
	centre uses, including 72 seniors' apartments and villas on six lots (with an average lot size of around 1,000m <sup>2</sup> ).  This PP therefore seeks to rezone the site to permit these uses to ensure the intended future land uses can be developed at The Foundations.
Review State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 to make it more applicable to private developers in regional areas.	This SEPP is considered in <b>Table 5</b> of <b>Section 4.2.3</b> . It is outside the scope of this PP to make recommendations to amend this SEPP.
Locate new housing for seniors close to existing services and facilities, and on land free from hazards.	The Foundations is a suitable location for seniors' living, as it is close to existing services and facilities, and not near any known hazards.

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Work with councils to investigate the demand for seniors' housing and to identify barriers to providing low-care and independent senior's accommodation options.	The current site cannot be redeveloped until it is rezoned and amalgamated into the LLEP2014. This PP therefore helps overcome some of these barriers to providing seniors' living at the site.
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### 4.2.2 Is the planning proposal consistent with the local council's community strategic plan or other local strategic plan?

#### 4.2.2.1 Lithgow Ageing Strategy

The Lithgow Ageing Strategy (Ageing Strategy) acknowledges how Lithgow's population is rapidly ageing, at a rate above a number of surrounding areas as well as the NSW average. This is due to both the ageing of Lithgow's existing population and the migration of older people to Lithgow, increasing the demand for seniors' housing.

The Ageing Strategy notes how there is a mismatch in Lithgow between the housing needs of seniors and the available housing stock. While a large number of seniors in Lithgow live alone, the majority of new housing stock is multi-bedroomed separate dwellings. Overall, there is currently a lack of housing diversity within Lithgow, limiting housing choices and affordability for seniors and those living alone.

Moreover, Lithgow's population has not increased significantly in recent years and is not projected to increase in the next 20-25 years, posing significant challenges for Council, other levels of government, the non-government sector and the community itself.

The Ageing Strategy also recognises how longer life expectancies mean that seniors need to plan for a long, health, socially engaged, active and financially secure retirement.

The Foundations is consistent with the housing recommendation stemming from the Ageing Plan, which suggest older people should have housing choice and access to suitable, well located housing that allows them to age in place. New seniors' housing stock would also meet current in-house safety requirements and energy efficiency standards, improving in-home safety and financial burden of housing utilities for seniors.

The Foundations is also consistent with Action Plan recommendations relating to the promotion of active ageing, service and facility planning and provision, and community safety, by making land suitable to be redeveloped for a range of seniors' living arrangements within a safe, active community. Indeed, Lithgow residents experience a number of lifestyle related diseases and health conditions at higher rates than the average of the Sydney West Area Health Service region and NSW in general. However, The Foundations encompasses active recreation areas close to where residents and tourists are to be accommodated, further promoting an active lifestyle for seniors, other community members, and outside visitors to Portland.

#### 4.2.2.2 The Lithgow Economic Development Strategy 2015

The Lithgow Economic Development Strategy 2015 (Economic Strategy) identifies tourism as a priority area with the following objectives identified to support tourism growth as part of the business and industry development priority area:

- Industry development and diversification;
- Boost local supply chains to assist import replacement;
- Business support services; and
- Building capacity for innovation.

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The Foundations is aligned with these objectives as it would encompass a range of tourist experiences and create a new tourist destination through place-making in its own right.

It also has the potential to facilitate employment creation, attract and retain talent and address unemployment, thereby addressing the priority area of workforce skills and development.

The Lithgow Economic Development Strategy 2015 (Economic Strategy) suggests the following actions to drive economic growth within Portland:

- Council's economic development officer to work with landowners to support and facilitate the rezoning and redevelopment of the cement works site;
- Extend Celebrate Lithgow events to incorporate events in Portland and Wallerawang;
- Promote Portland in conjunction with Hartley historic village, online and through signage at Hartley, or online, as well as signage on the Great Western Highway directing tourists to 'Historic Portland;'
- Provide a community transport service to allow residents in Portland to access the town centre, or to travel to Lithgow;
- Consider rezoning business areas to appropriate alternative uses; and
- Adopt design guidelines for the conversion of old shop fronts to alternative uses. This can be incorporated within a development control plan, supporting the principle LEP.

This PP is most directly aligned with the first action listed above. It also rezones land to support appropriate alternative uses at the site and would help create suitable conditions at the site so that the remaining actions could be undertaken at the site in future, where appropriate circumstances arise.

The Economic Strategy recognises the proposed redevelopment of the site as a key economic opportunity for the area, and recommends implementing the following Economic Development actions from the Tourism Strategy (refer to **Section 4.2.2.10**):

- Identify potential sites for Recreational Vehicles to encourage visitation in Lithgow, Portland and Wallerawang;
- Use the Lithgow Land Use Strategy (refer to **Section 4.2.2.6**) to identify and map potential employment lands (industrial land, commercial sites) in Lithgow, Wallerawang and Portland. Liaise with landowners to promote development opportunities;
- Ensure regular contact with Portland Cement Works developers and actively support this revitalisation - promote through website, rates notices, etc.;
- Identify means of improving the liveability of Wallerawang and Portland taking into consideration their particular characteristics; and
- Extend 'Celebrate Lithgow' events to incorporate events in Portland and Wallerawang. Time frame Medium.

This PP is most directly aligned with the recommendations to use the Lithgow Land Use Strategy and to actively support the revitalisation of The Foundations site. It would also help create suitable conditions at the site so that the remaining recommendations could be undertaken at the site in future, where appropriate circumstances arise.

### 4.2.2.3 The Business and Retail Strategy 2010

The Business and Retail Strategy 2010 (Retail Strategy) identified the current and future retail hierarchy of the Lithgow LGA and recommended actions to encourage business development while strengthening existing businesses. Portland is considered the one of the centres of the Lithgow LGA under the Retail Strategy, providing local services and retailing but with no defined office precinct.

Significant business and retail challenges recognised for the Lithgow LGA in 2010 included additional retail floorspace oversupply which was unlikely to be met by projected population growth, increased visitation and affluence.

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At the time of preparing the Retail Strategy – in 2010 – Portland's role was recognised primarily as that of a local centre, and as a small village accommodating a range of businesses: Foodworks, a bakery, pharmacy, take away, pub, hairdresser, post office, bank, St Vincent de Paul, butcher, RSL Club, aromatherapy store, real estate agent and youth centre. In September 2009 there were 10 vacant shop fronts. At the time of preparing the Retail Strategy, there were around 3,400 shoppers within Portland's local catchment. Sixty eight percent of those shoppers were from Portland, with most of the remaining from the nearby suburbs of Cullen Bullen, East Portland, Wallerawang and Lithgow.

Portland's future role was recognised as presenting a distinct opportunity for the LGA, including as a heritage tourism destination. The Retail Strategy emphasised how the local role of Portland should also be preserved, and how The Foundations site could rejuvenate the town centre and facilitate a tourism role for the centre. It suggested that Council should explore avenues to promote tourism, for example through events, within Portland, in parallel with other initiatives, such as encouraging businesses to extend trading hours.

The Retail Strategy recognised the Portland retail catchment as having the following opportunities:

- The Foundations site – this site occupies a prominent position within the town centre and contains a number of heritage buildings, currently in disrepair;
- Heritage tourism – linked to other locations within the LGA such as Hartley;
- Temporary uses in vacant shop fronts; and
- Direct tourists and visitors through both Wallerawang and Portland by creating tourist trail.

Threats were identified to include:

- Heavy reliance on the mining and power generation industries – the health of retailing in turn is tied to the general affluence of Lithgow LGA residents;
- Further population decline – potential decline in the market for retailing;
- Continued 'brain-drain' – young people continue to leave the area for education and training or employment; and
- The ageing of the population should there be no jobs growth stimulus.

This PP and the proposed future development of the site to facilitate The Foundations would capitalise on the site's heritage status as a new heritage and recreation-based tourist precinct. This would allow for increased tourist accommodation at the site while making adaptive reuse of the site and its extensive heritage precinct. The Foundations would create new opportunities for employment in the tourist sector and respond to the region's ageing population by providing additional seniors' accommodation.

As Portland does not offer higher order retailing, the Retail Strategy did not support the addition of significant new retail floorspace within Portland. However, as the Lithgow LGA's population increases to 25,000 people, an additional 11,000m<sup>2</sup> of retail floorspace could be supported between the centres of Lithgow, Wallerawang and Portland (with around 2,000-3,000m<sup>2</sup> within the Portland town centre). This is likely to result in a slight oversupply across the LGA. This would form part of the Retail Strategy's aim of reinvigorating Wallerawang and Portland CBDs as secondary centres within Lithgow whilst not placing undue retailing pressure on Lithgow.

Reference was also made to the Cultural Plan (refer to **Section 4.2.2.4**), under which it is suggested to offer rental subsidies to attract new businesses to the area, along with the development of a strategy to encourage creative/cottage industries and promote Portland as a cultural heritage tourism destination. It was also recommended to extend the 'Celebrate Lithgow' events to incorporate events in Portland and Wallerawang. The Foundations would create significant opportunities for such events to take place.



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Overall the Retail Strategy recognised the Portland town centre as a distinct opportunity for Lithgow LGA - a heritage tourism destination promoted in conjunction with other heritage attractions within the local area. It also emphasised how the local role of Portland should be preserved. The Foundations also directly meets the Retail Strategy recommendations of:

- Using the old 'Boral site' to rejuvenate the Portland town centre and facilitate Portland's tourism opportunities.
- Working with Council's economic development officer to support and facilitate the rezoning and redevelopment of the site;
- Planning for the renewal of the site, such that it is integrated within the Portland town centre, allowing for additional open space, housing and residential development
- Providing clear urban design and planning principles and guidance in relation to the adaptive reuse of buildings and the retention of as much of the built fabric as possible;
- Planning for development at the site which is integrated with the Portland town centre, rather than forming a separate enclave;
- Retain heritage buildings at the site;
- Extending Celebrate Lithgow events to incorporate events in Portland and Wallerawang;
- Promoting Portland in conjunction with other heritage attractions to improve visibility of and visitation to the site; and
- Improving public access to the site.

The Foundations would also create opportunities to further investigate funding of improved community transport services to allow residents in Portland to access the town centre or travel to Lithgow.

The Foundations site, located adjacent to the town centre, was recognised as a key opportunity for renewal within Portland. Discussion with the landowner at that time suggested that in future the site could be used for a mixture of residential and light industrial land uses. The future role of The Foundations site was also captured in a local survey undertaken as part of the Retail Strategy, whereby comments were received from locals expressing the need to redevelop The Foundations site. This PP and the proposed future development of the site to facilitate The Foundations would directly respond to these suggestions.

Indicative, potential land use options for the site and desired land use principles were provided in the Retail Strategy (refer to **Figure 14** and **Figure 15**). The Foundations concept plan builds upon these suggestions so as to result in a suitable urban design outcome which will meet the objectives of this PP (refer to **Section 2.1**).

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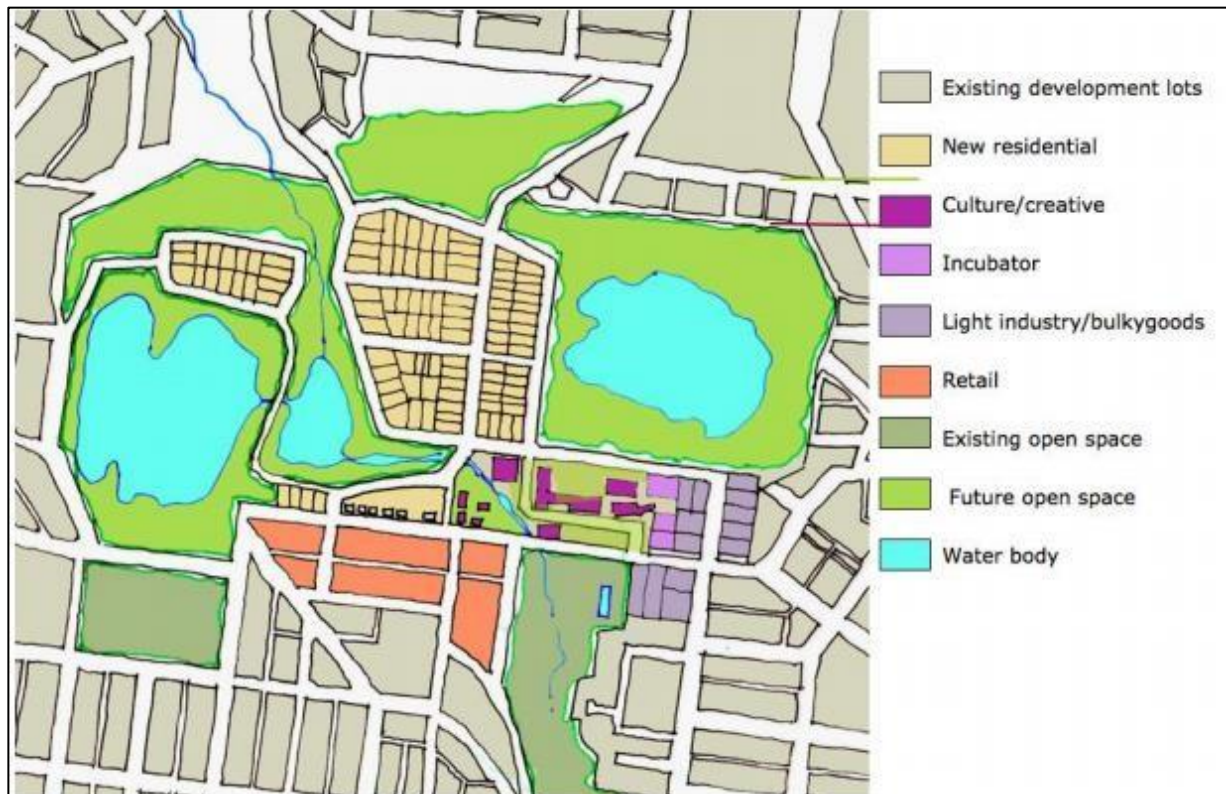


Figure 14 Possible Future Urban Form (Lithgow City Council, 2010)

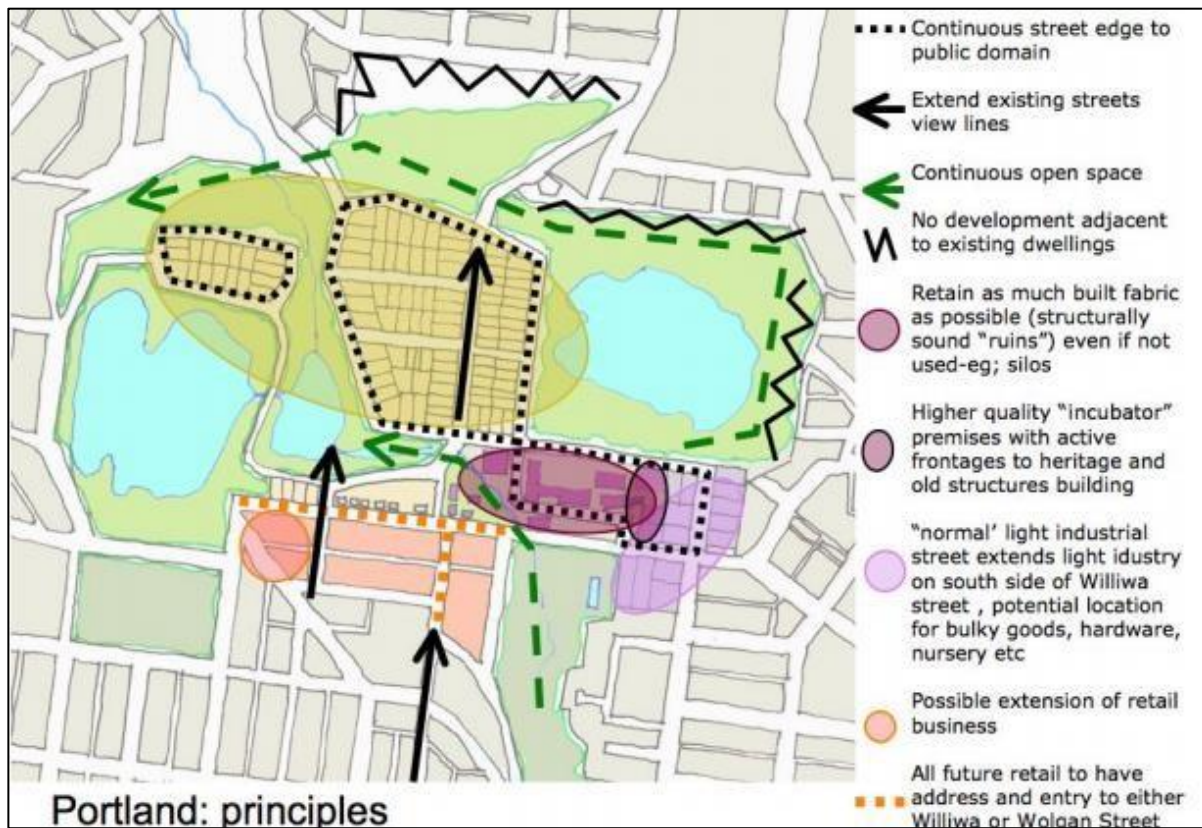


Figure 15 Portland Urban Design Principles (Lithgow City Council, 2010)

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### 4.2.2.4 Lithgow City Council Cultural Plan 2008-2013

The Lithgow City Council Cultural Plan 2008-2013 (Cultural Plan) identifies The Foundations site as a local landmark, with the township proudly promoting itself as “the town that built Sydney.” The Cultural Plan suggests that Council work with the landowner and the Portland community to find a positive resolution to the longstanding issue of the site’s rehabilitation in a manner that conserves its cultural heritage and landmark value.

During community consultations, the following suggestions were made in relation to the site:

- Redevelopment to incorporate a museum;
- Rehabilitate the quarry for residential development;
- Make adaptive reuse of the cement works precinct and other heritage buildings within the Portland township;
- Develop a function centre at the site; and
- Investigate redevelopment of the quarry lakes for parks/gardens.

It is noted that the land use zones proposed to be applied at the site would permit the above listed land uses. Indeed, it is the intent of this PP to create sufficiently flexible land use controls for the site so that uses like those listed above may take place at the site in future. The suitability of each of these uses would then be considered in the future as built-form DA’s are progressed, in consultation with proposed land purchasers, residents and future tenants at the site as appropriate. This PP therefore adequately responds to this community vision for the site.

In terms of cultural heritage tourism at the site, the Cultural Plan recognises how the Portland community is dedicated to the further development of the town and sees the exploration of economic development strategies which encourage growth through creative and cottage industries along with cultural heritage tourism as a way to move forward. It also identifies the need to develop new cycle ways linking the towns and villages such as Wallerawang/Portland/Cullen Bullen.

The Cultural Plan proposes that Council work with the community of Portland to develop a masterplan for the future growth of the township, including the following areas which were identified during community consultations:

- Community aspirations and resources;
- Economic development;
- Identification and interpretation of the heritage and history of the township;
- Promotion of the township;
- Funding, sponsorship and partnership opportunities;
- Opportunities for youth activities;
- Signage;
- Town beautification program;
- Further development of the events calendar;
- Development of Arts & History Trails;
- Walking tours; and
- Connectivity of local cultural and environmental heritage sites to Portland including:
  - o The Town Common;
  - o Thompsons Creek Dam;
  - o Signs of Yesteryear; and
  - o The Portland Cement Works Site.

This PP responds to these matters raised during community consultations, as it creates suitable land zonings which can facilitate many of these land uses at the site.



The Cultural Plan suggests new business incentive programs for Portland, including:

- The provision of a rental subsidy to encourage retail businesses to relocate to Portland revitalizing the Wolgan and Williwa Street Shopping Centre area;
- Developing a strategy to encourage creative/cottage industries to relocate to Portland; and
- Promoting Portland as a cultural heritage tourism destination.

This PP is most directly aligned with the third incentive listed above. However, it would also help create suitable conditions at the site so that the first two incentives could be applied at the site in future, where appropriate circumstances arise.

#### **4.2.2.5 Disability Inclusion Action Plan 2017-2021**

The Disability Inclusion Action Plan 2017-2021 (Disability Action Plan) commits Lithgow City Council to the principles of the NSW Disability Inclusion Plan, the United Nations Convention on the Rights of People with Disability, the National Disability Strategy, and to fostering a culture of inclusion in Lithgow.

The Disability Action Plan identifies the need to progressively improve the continuous accessible paths of travel including parking, footpaths and kerb ramps in Portland to key destinations such as recreation and community facilities. The masterplan for The Foundations would include improved access for locals and visitors to the area.

#### **4.2.2.6 Lithgow Land Use Strategy 2010-2030**

The Lithgow Land Use Strategy 2010-2030 (Land Use Strategy) recognises how the lack of critical infrastructure, in particular the provision of sufficient bulk water supply, is the largest determinant of residential growth into the future of the LGA. Sewage treatment capacity is specifically recognised as a constraint to further development in Portland. However, it is understood that the sewage treatment plant has recently been expanded, meaning that there is now capacity to service The Foundations site in future. The matter of limited stormwater capacity of Portland (being comprised of a series of clay and concrete pipes which flow into Limestone Creek) would be addressed in future built form DA's to support development of The Foundations. Indeed, This PP would support the transition of the site from its current state into a modern, usable site that can achieve sufficient economic return so as to justify providing services such as formalised roads and utilities, and delivering built-form development.

The Land Use Strategy sets out the following Planning Principles which are to be used to guide the development of residential lands within the LGA:

- 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. This PP would encourage more diverse forms of housing to be supplied within Portland, supporting the existing Portland town centre;
- Define the limits to outward growth of the townships and villages and prevent urban sprawl. This PP defines the outer limits of The Foundations site, ensuring the overall site is both defined along its boundaries and suitably transitions into larger lot style residential areas nearby;
- Recognise and protect local character and heritage values in the provision of new residential development. This PP would enable The Foundations masterplan to be delivered, which has been specifically tailored to suit the surrounding local character and heritage context of Portland;
- Recognise and protect environmentally sensitive lands. This PP would encourage investment within The Foundations site, enabling important environmental features at the site to be appropriately managed and become publicly accessible where this is appropriate;
- Protect the scenic landscapes that surround the existing towns and villages and consider appropriate development for the interface. The Foundations would include a sensitive built-form transition with:



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- Higher-density building typologies concentrated in the south of the site, in proximity to the Portland town centre; ○ Low density subdivisions encouraged in the north of the site;
- Higher intensity activation encouraged in the south of the site with legible pedestrian links to Portland; and
- Physical connections to the quarry lakes onsite to create recreational and communal amenity;
- 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. This PP would encourage The Foundations site to supply homes satisfying the demand for greater housing diversity and smaller dwellings, allowing ageing in place. It would also set the context for suitable supporting infrastructure to be funded and delivered at the site;
- Identify opportunities for seniors housing. This PP would encourage the provision of seniors'-specific living at The Foundations, which is currently under-provided in the area;
- Residential development and occupation to respond to environmentally sustainable design principles and natural and cultural values. This PP would enable The Foundations masterplan to be delivered, which has been specifically tailored to suit the surrounding environmental and heritage attributes of the site. New residential and commercial developments at the site would be subject to standard BASIX and BCA Section J sustainability requirements;
- Provide for high quality living environments with links to town centres and open space networks via pedestrian, cycle ways and roadways. This PP would enable The Foundations masterplan to be delivered, which has been specifically tailored to meet these requirements;
- 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. This PP would support the transition of the site from its current state into a modern, usable site that can achieve sufficient economic return so as to justify providing services such as formalised roads and utilities, and delivering built-form development;
- Provide for water sensitive urban design in all future residential development. This can be incorporated into future built form development design and assessment at The Foundations;
- 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. This can be incorporated into future built form development design and assessment at The Foundations

The Land Use Strategy also emphasises the role of SEPP 55 – Remediation of Land (refer to **Table 5**) in redeveloping The Foundations site. A Phase One Environmental Site Assessment has been prepared and is included in **Appendix 4** (refer to **Table 5** in **Section 4.2.3** for a summary).

Relevant recommendations in the Land Use Strategy include:

- That the town of Portland become a heritage conservation area – this has now been enacted under the latest LLEP (refer to **Figure 5** in **Section 1.2**);
- That many of the areas surrounding The Foundations site to the north, east and west be rezoned for large lot residential purposes. These planning controls were adopted as part of the LLEP2014;
- The town of Portland has the highest capacity to absorb growth due to its size and current level of services;
- The Foundations site is free of the strategic primary constraints used within the Land Use Strategy to identify land suitable for urban expansion;
- Development at The Foundations site would be required to be of high urban design due to the central location of the site and its proximity to the commercial centre of Portland;
- The Foundations site provides opportunities for light industrial land uses within the existing Cement Works heritage precinct (refer to **Figure 16**); and
- The Foundations site also provides opportunities for mixed business land uses commercial land uses to stimulate activity in this site and encourage adaptive reuse of the significant heritage buildings (refer to **Figure 17**).

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Whilst the Land Use Strategy did not forecast significant take up of new residential lands within Portland, it is considered that facilitating development within The Foundations site would increase the take up of such residential lands, due to the following:

- There is a well-known correlation with weekend tourist trails from the Sydney CBD and increased visitation of real estate websites/real estate enquiries for residential properties within those locations. The PP would enable the site's existing and exciting State Heritage features to be better accessed by the public, which is expected to spur such interest and improve opportunities for land sales and infrastructure funding to support this future community, as well as drive development contributions payable to Lithgow City Council;
- Given the changing nature of today's workplace, where location independent tasks are able to be undertaken, as well as the fact that Lithgow is easily reached from Greater Sydney, it is considered that increased weekend visitation to the site would make the proposed housing stock well sought after;
- This PP proposes to define significant open space, tourist and visitor accommodation and employment lands within The Foundations;
- The above measures would turn would increase both the temporary and permanent populations of Lithgow, moreover, supporting the existing retail and centres hierarchy of the LGA through increased patronage.

The limitations on residential land take up noted within the Land Use Strategy must therefore be considered in light of the fact that the PP seeks to act as a Catalyst to change this trend of low residential land take up. It is also considered that providing residential lands within The Foundations itself provides the opportunity to reside within the near vicinity of significant natural and environmental features, significant heritage places, and the existing, historic town centre of Portland. Not all of the existing residential land within Portland can offer such an opportunity for interested land purchasers.

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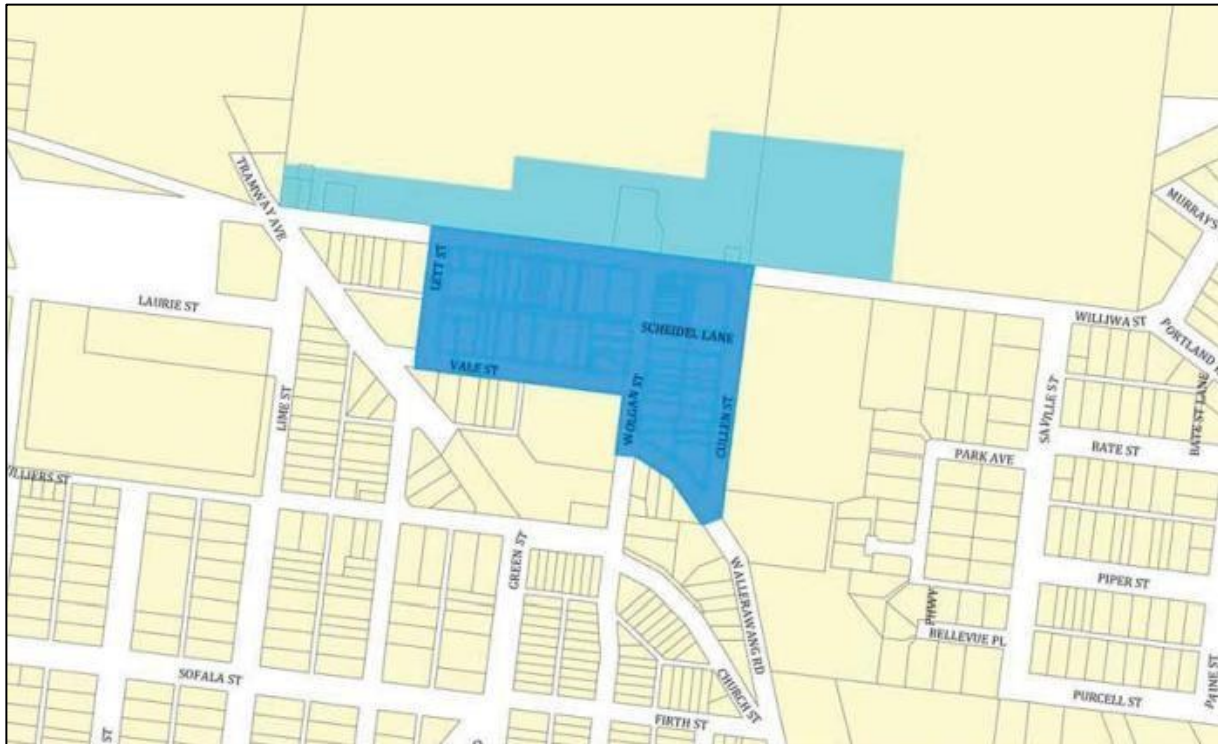
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**Figure 16 Portland – Future Industrial (Lithgow City Council, 2011)**

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**Figure 17 Portland Future Commercial (Lithgow City Council, 2011)**

This PP responds to these ideal land zonings by applying the B4 Mixed Use zones to the areas within The Foundations site which are shaded purple and blue on **Figure 16** and **Figure 17**. Under the LLEP2014, the B4 Mixed Use zone permits a wide range of commercial and light industrial type land uses.

The Land Use Strategy also identifies how rural residential forms of development remain in high demand within the area, and are likely to increase in popularity into the future as the trends towards “tree change” lifestyle in rural settings in close proximity to metropolitan areas continue. This PP includes compatible residential zonings to support these identified lifestyle choices.

### **4.2.2.7 Section 94 Development Contributions Plan for Lithgow City Council 2015**

For the Lithgow LGA, new development as well as the ageing population will increase the demand for new and improved public amenities and services. Future proposed development to facilitate The Foundations is therefore likely to require Section 94A contributions to be paid to Lithgow City Council to help fund such amenities and services.

### **4.2.2.8 Lithgow City Council Social Plan 2006-2011**

The Lithgow City Council Social Plan 2006-2011 (Social Plan) identified Portland as one of the LGA’s urban centres, with a population of 1,882 at the time of the 2006 Australian Census (however, note that in 2011 the Australian Census this had increased to 2,307). It also has the highest median age in the LGA (at 42 years) and the highest percentage of indigenous persons. Only 10.4% of households had no motor vehicle, indicating that car transport is the primary mode of transport for residents of Portland. However, the employment rate was 9.9%.

Community consultations undertaken as part of the Social Plan recognised the need for additional medical services (including GP and ambulance services and better utilisation of Portland Hospital) and improved walking/riding tracks in Portland.



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It also identified how almost all of the aged care nursing home and hostel facilities in the Lithgow LGA currently have a waiting list. At the time of preparing the Social Plan, Tabulam Cottage in Lithgow was planning to move to a new premises collocated with the Hospital.

This PP would rezone the site to create opportunities to address the matters raised above with respect to unemployment, transportation and ageing in place.

### 4.2.2.9 Lithgow City Council Strategic Plan 2007

The Lithgow City Council Strategic Plan 2007 (Strategic Plan) identifies the following actions for the Portland area:

- Prepare design masterplans;
- Lobby for the extension of natural gas to Portland;
- Conduct a feasibility study into a combined sewage treatment plant for Wallerawang and Portland; and
- Assess the existing residential and future urban areas in Lithgow, Portland and Wallerawang, and the rezoning requests against the urban land assessment criteria and consider the strategic land and water capability assessment for the drinking water catchment during the preparation of Land
- Use Strategy (refer to **Section 4.2.2.6**) and the comprehensive Lithgow Local Environmental Plan.

This PP directly responds to the first action listed above. It is understood that the sewage treatment plant has recently been expanded, meaning that there is now capacity to service The Foundations site in future.

With respect to the final action listed above, refer to **Section 4.2.2.6** which identifies how this PP corresponds with the Land Use Strategy.

### 4.2.2.10 Lithgow Destination Management Plan – A Tourism Strategy for Lithgow 2013

The Lithgow Designation Management Plan – A Tourism Strategy for Lithgow 2013 (Tourism Strategy) recognises how the site has the potential to become one of the main attractions for the Lithgow LGA, and possibly for the surrounding region.

The Tourism Strategy recognises how parts of the site, including its heritage buildings, could be used as venues for events/activities, and possibly also for much-needed visitor accommodation. The quarry lakes, being scenically valuable, create the potential for walking and cycling trails connecting the town centre to the Bottle Kilns and linking through (via the Limestone Creek corridor – wetland to the north of the Kilns) to The Common (the area which includes around 300ha of native bushland bordering Williwa Creek and used by the local community for bushwalking, picnicking and mountain-biking).

The Tourism Strategy also suggests the use of Crown Lands areas at the site should be incorporated into the proposed future tourism and recreation activities. It recognises how there are a number of vehicle tracks in this area that could be used for walking and mountain biking, however also that opening up this area may require erecting a fence around the Lake foreshore to prevent access to the waterbody. Alternatively, consideration should be given to building a Lake viewing platform/lookout area in Kiln Street.

Factors recommended to be taken into account when creating a master plan for the site as per the Tourism Strategy are:

- Site for tourist accommodation – e.g. boutique motel, cabin complex, small resort, combined with design principles that deliver a quality development. Potential sites include the area along Williwa Street between the existing cottages and the Church or the area behind the cottages. Alternatively, it may be possible to convert one of the existing buildings and/or use the Williwa Street cottages for boutique style accommodation. To maximise economic returns from a new building, the

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accommodation should be located within easy walking distance of the town centre and have views of and / or frontage to the quarry lakes;

- Provisions in the planning instrument to allow the heritage cottages in Williwa Street to be used for retail and related activities (e.g. galleries, cafes, lifestyle shops) and for self-contained tourist accommodation. This will provide the opportunity for new tourism / lifestyle related businesses to establish in the town. One of the main issues for smaller towns that become tourist destinations (e.g. Millthorpe, Morpeth, Tilba) is that there is minimal opportunity for new businesses to establish);
- Providing a network of cycling and walking tracks through the site, to connect the town centre and bottle kilns and to take advantage of the views afforded by the quarry lakes. Ideally, the trails should extend into the remnant pine forests onsite and also link through to the Common. Viewing platforms, bird hides and interpretation would also enhance the visitor experience;
- Providing road access to and car parking in close proximity to the Bottle Kilns;
- Ensure that the activities permitted in the industrial – commercial zone do not exclude tourism related retail activities; and
- Galleries and lifestyle outlets – preferably in the town centre or as part of The Foundations site, but also the option for homebased businesses.

The proposed land zonings to be applied under this PP would allow the abovementioned land uses to take place at the site in the future.

The Tourism Strategy also acknowledges that there are limited visitor accommodation options (including hotel, self-contained, caravanning and camping) and dining options within Portland. This PP would enable such land uses to take place in the site in the future.

The Tourism Strategy further requires that any development at the site provide a quality tourist attraction and recreational asset for Portland and protect and enhance the scenic value of the quarry lakes. This PP responds to those requirements.

Significant potential tourist markets identified for Portland within the Tourism Strategy include:

- Coach tours;
- Business/work-related;
- Touring by car;
- Touring caravans and motorhomes;
- Sporting groups; and
- Speciality interest activities and activities (such as off-road 4WD, trail and mountain-bikes, sailing, fishing, orienteering, bird watchers, hunters, golf).

Ultimately it is proposed to develop scenic driving routes throughout the region which would increase the access and visibility of Portland's future tourist assets. This PP is considered to align with this overall strategic tourist vision for the site under the Tourism Strategy.

### 4.2.2.11 Lithgow City Council Youth Strategy and Action Plan 2015-2020

At the time of preparing the Lithgow City Council Youth Strategy and Action Plan 2015-2020 (Youth Strategy), Portland had a youth unemployment rate of 10.8%. This PP would apply suitable planning controls at the site so as to effect increased tourism, commercial and other employment-type land uses at the site. This could, in turn, create further opportunities for youth employment within Portland.

#### **4.2.2.12 Lithgow 2040 Local Strategic Planning Statement**

The Lithgow 2040 Local Strategic Planning Statement (LSPS) was endorsed in June 2020 and provides an overarching strategic direction of how Lithgow City Council is planning for the present and the future. In relation to the planning proposal itself, it is important to note that the LSPS identifies a short-term action of the LSPS is to review the Lithgow LEP to facilitate the activation and redevelopment of the Foundations Portland site. This is further established in the Structure Plan prepared for Portland in the LSPS. The planning proposal is considered to demonstrate significant local strategic merit in responding to the priorities identified in the LSPS. This is particularly the case in relation to the local strategic aims to housing growth and diversity; increasing visitor economy; and growing more local jobs. These matters are discussed further below.

##### **Planning Priority 1 – Establish a Framework for Sustainable Growth**

Lithgow has targeted its population growth to 25,500 by 2040, an increase of almost 4,000 people in the space of 20 years. The LSPS provides that to achieve these growth targets will require a collaboration of government and private organisations to influence drivers of change such as providing attractive lifestyle choices for residents by leveraging competitive advantages through planned liveable communities.

To provide for well-planned and serviced growth, Council has adopted a growth strategy, as depicted in the Structure Plan Maps, which will see new growth being centralised in major population centres of Lithgow, Wallerawang and Portland. The Portland Structure Plan identifies The Foundations site as 'The Foundations Redevelopment Site' acknowledging the need and for change in this location and benefits this can have in achieving sustainable growth in the right areas.

The proposed development for The Foundations site as presented in this planning proposal represents modest growth in close to the existing Portland town centre thus reducing the potential for further urban sprawl and aligning development to defined infrastructure capabilities within and around existing centres. Locating redevelopment and growth at The Foundations site would also ensure the sustainability and unique rural character of these areas are not compromised.

The planning proposal and future redevelopment of the Foundations site provides an opportunity to deliver attractive lifestyle choices for residents through a proper planned community and in a location, which can leverage of existing infrastructure and population. Accordingly, the planning proposal provides a positive response to Planning Priority 1 in delivering an opportunity for well-planned and sustainable growth.

##### **Planning Priority 2 – Plan for a Diversity of Housing**

The LSPS identifies the importance of housing diversity and its role in attracting new residents to the area as well as allowing residents to relocate within their local area and stay connected to community services, friends and family whilst achieving the lifestyle they desire at different life phases and economic circumstances. New dwellings in the LGA have typically been large homes on medium to large lots in the newer residential areas or rural residential housing. There has been limited development of medium density housing options within the wider housing market.

By the year 2036 it is expected that two in every three homes in the LGA will have only one or two occupants being couples without children or lone person households. A significant number of these homes will be occupied by persons over the age of 60. Therefore, more one- and two-bedroom homes and smaller homes such as secondary dwellings, dual occupancies and townhouse/villas on smaller lots will be needed, having good access to town infrastructure and services.

The LSPS provides that in the short-term, it is expected that there will be pressure for those residential and mixed use areas close to central retail, services, transport and cultural facilities in Lithgow, Portland and Wallerawang town centres to undergo some degree of change to accommodate new housing options. These areas would also be the focus for new seniors housing developments.

The planning proposal for The Foundations site provides an opportunity to contribute to greater housing diversity as well as new seniors housing development in the short-medium term in a well-positioned area

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close to the existing Portland centre. Providing these medium density housing opportunities at The Foundations site would deliver residents a rural-residential lifestyle with ample open space and social infrastructure to support the population growth in this area. The planning proposal therefore provides an opportunity to respond to Planning Priority 2 of the LSPS in delivering appropriate housing diversity in a strategic location.

### Planning Priority 7 – Increase the Visitor Economy

Lithgow has established itself as the backyard playground for the Sydney region, particularly focusing on nature based and adventure tourism. The council through scoping mechanisms identified the competitive advantages Lithgow can leverage to increase tourism by focusing on assets such as the strong industrial heritage at The Foundations site.

Council's 2014 Destination Management Plan (DMP) is the lead document of tourism development and management in the Lithgow LGA. One of the key areas identified in the DMP include the utilisation of existing assets such as parks and showgrounds in addition to our natural assets. In this respect, the unique characteristics and heritage significance of The Foundations site presents a prime opportunity to further increase and strengthen tourism in Lithgow. As detailed within this planning proposal, a key objective is to provide for tourism opportunities within The Foundations and leverage off these characteristics and anticipated growth in the area. Accordingly, the planning proposal would provide for a valuable contribution in responding to Planning Priority 7 of the LSPS.

### Planning Priority 9 – Attract Investment and Grow Local Jobs: Commercial and Retail

Because of Lithgow's market catchment compared to surrounding region, Bathurst and Penrith act as regional centres for Lithgow's more specialised retail and commercial needs. To attract large chain retailers and more high-end specialised retail opportunities, as well as to recapture escape expenditure, the LSPS acknowledges that Lithgow would need to substantially increase its market catchment and population size.

Whilst it is acknowledged that the LSPS identifies that there has been a retail oversupply in the past, the delivery of The Foundations site and commercial offerings available will be able to respond to any new demands as they arise. In this respect, The Foundations site would provide for retail land uses as the population of The Foundations site, and those surrounding, increases, so as to not draw from existing demand in existing commercial centres within the LGA. It is also important to note that the zoning/permissibility amendments sought under the planning proposal would in fact reduce the potential commercial floor space availability with The Foundations site.

It is anticipated that commercial opportunities within The Foundations site would be realised in the medium to long term as demand for such land uses increases overtime. In this respect, the planning proposal is considered to respond to Planning Priority 9 of the LSPS and the aims to further attract investment and grow local jobs.

#### 4.2.2.13 Lithgow Regional Economic Development Strategy 2018-2022

The Lithgow Regional Economic Development Strategy 2018-2022 (the Strategy) provides a framework for identifying actions crucial to achieving the regional vision. The Strategy sets out a long-term economic vision and associated strategy for the Lithgow LGA and recognises the needs to leverage off the LGA's endowments as strengths that can play a key role and that Lithgow can capitalise on to strengthen its economy.

One such endowment of the region identified in the Strategy is The Foundations site as a cultural and artistic hub. In this respect, the Strategy identifies an early stage priority action being to support the redevelopment of The Foundations as a cultural hub for the region which will foster a collaborative and vibrant community led by a diverse and inclusive culture.

Further to the above, the Strategy identifies the need to prioritise lifestyle infrastructure and local place-making. New communities such as that offered at The Foundations site under this planning proposal provides a prime opportunity to deliver a lifestyle and good place-making which attract people to participate in activities and create a sociable environment that people want to live in and visit. The Foundations site has



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the ability to deliver connected greenspaces, improved walk and cycle ways and unique playgrounds for residents and visitors in places.

This Strategy is closely linked to developing tourism opportunities and encouraging people travelling through Lithgow to think of it as a destination, rather than simply a thoroughfare. Tourism growth is a key priority of The Foundations redevelopment and facilitating these outcomes through this planning proposal would further strengthen Portland's role as a tourist and cultural hub.

In light of the above, the planning proposal is considered to demonstrate an opportunity provide a significant contribution to the local regional economy through the redevelopment of The Foundations site and respond to the aims and priorities of the Strategy.

### 4.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

This PP is consistent with the relevant State Environmental Planning Policies (SEPPs), as outlined in **Table 5**.

Table 5 State Environmental Planning Policies	
Policy	Details
SEPP 19 – Bushland in Urban Areas	The site is not within an LGA listed in Schedule 1 of SEPP 19 to be an area where SEPP 19 applies.
SEPP 55 – Remediation of Land	<p>The site has been previously used for mining and cement processing purposes. A Phase One Environmental Site Assessment has been prepared and is contained in <b>Appendix 4</b>. This Phase One Assessment was undertaken for the southern portion of the site and adjacent lands, including the following parcels:</p> <ul style="list-style-type: none"><li>▪ Part of Lot 53 in Deposited Plan (DP) 755769;</li><li>▪ Part of Lot 1 in DP1130700 (now Lot 1 DP1227369);</li><li>▪ Lot 1 in DP109592;</li><li>▪ Lot 1 in DP115461 (church hall);</li><li>▪ Lot 1 in DP922029 (part Anglican church); and</li><li>▪ Lot 1 in DP923398 (part Anglican church).</li></ul> <p>The key findings of this Phase One Assessment are as follows:</p> <ul style="list-style-type: none"><li>▪ Ash materials from the former boilers has been spread across large areas of the site, and as a screen behind the residential properties along Williwa Street;</li><li>▪ Contamination has therefore been previously identified on the site, including:<ul style="list-style-type: none"><li>○ Water in Quarries 1 and 2 to the north of the site contain hexavalent chromium (0.06 to 0.08 mg/L) and have a pH of up to 10; and</li><li>○ Surface soil samples collected around the residential buildings along the northern side of Williwa Street contain concentrations of some metals detected above threshold concentrations;</li></ul></li><li>▪ Coffey Geosciences Pty Ltd prepared a Remediation and Validation Plan (RVP) in 2004 for a proposed residential subdivision of cottages on the northern side of Williwa Street. The RVP presented a methodology for site</li></ul>

	<p>remediation and validation under the Contaminated Land Management Act 1997;</p> <ul style="list-style-type: none"> <li>▪ Limited stockpile characterisation of ash material located on the northern side of the residential buildings on Williwa Street indicated that polycyclic aromatic hydrocarbon concentrations were below the limit of reporting and inorganics concentrations were also below the adopted guidelines. These results were consistent with those from previous investigations of ash material generated onsite;</li> <li>▪ Potential current and historical onsite sources of soil/groundwater contamination identified during the site inspection include two underground storage tanks, one above ground storage tank, two former oil storage sumps, a former maintenance pit, old vehicle batteries, a bunded drum storage area, herbicide storage, as well as one current and four former transformers;</li> <li>▪ Potential sources of offsite soil and/or groundwater contamination identified during the site inspection included the BP service station located on Williwa Street to the south of the site and the Integral Energy substation located on Saville Street to the south of the site;</li> <li>▪ Asbestos containing materials are thought to be present in the roof of the former workshop and locomotive shed, and in the residential buildings. Polychlorinated biphenyls may be present in the transformer onsite. The four former transformers were also stored onsite in a vacant area to the west of the power house building;</li> </ul> <p>A Land Use Suitability Assessment has also been prepared in support of the proposed development and is included in <b>Appendix 6</b>. This included a review of available contamination studies for the site, as well as soil sample investigations where data gaps were evident. The relevant data was then collated to determine the proposed land use suitability for the various zonings proposed under this PP.</p> <p>Appropriate site-specific threshold values were referenced to assess the risks to both human health and to the environment. The analytical data provided by the laboratory was collated and compared with the relevant threshold values</p> <p>With the additional sampling program and inspections undertaken by the Land Use Suitability Assessment, it is possible to provide the required level of confidence to determine the suitability of the site for its proposed land uses. The proposed zonings limit potential exposure pathways in the former works area and the heritage housing area to occupational activities and visitors to the site. The fragmented asbestos observed around the houses and the workshop area will require remediation and a clearance in accordance with SafeWork NSW: Code of Practice – How to Safely Remove Asbestos, 2016.</p> <p>In terms of remediating the heritage listed buildings to eliminate the risk of lead paint contamination and hydrocarbon staining, any proposal would need to be negotiated with the appropriate government bodies. The presence of the concrete hardstand across most of the area provides significant protection from rainwater infiltration and thereby limiting the potential for any mobile contaminants to be transported. Previous data from Dames &amp;</p>
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	<p>Moore, whilst sparse, suggests that the potential for contaminants to be distributed across this area in any quantity that would present a risk to the environment or human health is acceptably low.</p> <p>Auspower also carried out testing of the transformer oil in November 2018 and it was found to be free of PCB's. Due to the absence of historical records for transformer types and maintenance, it is recommended to undertake validation soil testing once the unit is removed from service.</p> <p>Access roads to the east and north of Quarry 4 will require some of remedial work or control to prevent potential future exposure. The extent of work will be dependent on the final subdivision plan and may range from removal or covering of the contamination to restricting access to the area, which may align with the necessity to limit access to the dam for safety reasons. The roads are not within the proposed residential area and the extent of contamination is expected to be below the bonded criteria of 0.01%w/w. If access is expected; however, the upper 0.1m will need to be free of all asbestos containing material.</p> <p>Asbestos containing material was not identified in representative soils samples or by visual inspections around Quarry 1 and Quarry 2. In addition to the data provided by the Dames &amp; Moore report, this area is considered suitable for the proposed recreational land use. Similarly, the HWD area being proposed for standard residential lots is considered suitable for that proposed land use based on the Coffey 2012 data and supported by recent visual assessment.</p> <p>The north east proposed residential zone is also considered to have a very low likelihood of contamination based on visual assessment and was found to be predominantly natural ground. The proposed residential area to the northwest was observed to contain significant amounts of fill material including ash. Test pit observations and chemical analysis of representative samples indicates there is negligible risk of contamination. The area may, however, require substantial geotechnical stabilisation to provide for the construction of housing and further advice should be sought from a geotechnical engineer.</p> <p>Based on the available information it considered that the site can be made suitable for the proposed land use with the implementation of the required remedial work identified in the Land Use Suitability Assessment.</p> <p>A search of the EPA's public register of notices issued under the Contaminated Land Management Act 1997 on 12 December 2017 indicates that there are no current and two former notices relating to the site. Blue Circle Southern Cement Ltd was issued an Investigation Order by the EPA on 17 August 1995. A Revocation Notice was issued by the EPA on 6 October 1999.</p> <p>Overall, it is considered that the site can be made suitable for residential land uses (which are the highest form of land use proposed at the site).</p>
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	Willowtree also notes that, as per Clause 6(2) of SEPP 55, only a Preliminary Site Investigation is required to be prepared at the rezoning stage. Clause 7(3) of SEPP 55 goes on to require that, at DA stage, a Detailed Site Investigation may thereafter be required before consent is granted for a DA. However, there is no equivalent requirement at the PP stage to provide such Detailed Site Investigation for the purposes of SEPP 55. The information provided at this stage is therefore considered to be sufficient.
SEPP 64 – Advertising and Signage	Any signage associated with future commercial premises on the site would be assessed and approved in accordance with SEPP 64.
SEPP 65 – Design Quality of Residential Flat Buildings	Future development for residential accommodation will be designed in accordance with the requirements of SEPP 65 and the Apartment Design Guide.
SEPP 70 Affordable Housing (Revised Schemes)	The site is not located within an area identified in Clause 9 of SEPP 70 as requiring the provision of affordable housing.
SEPP (Affordable Rental Housing) 2009	As this PP and the future development of the site would not lead to a reduction in existing, affordable rental housing, SEPP (Affordable Housing) is not applicable to the site.
SEPP (Building Sustainability Index: BASIX)	<p>Clause 3 of BASIX SEPP clarifies that the EP&amp;A Regulations require an agreed list of sustainability commitments to be carried out at a new residential development prior to the construction certificate being issued.</p> <p>These matters would require consideration in future DAs prepared to support residential development at the site.</p>
SEPP No 21 – Caravan Parks	<p>Clause 8 of SEPP No 21 – Caravan Parks requires that consent be obtained for development of a caravan park. Clause 10 sets out matters which must be considered by the consent authority before granting such a consent, as follows:</p> <ul style="list-style-type: none"> <li>▪ Whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence;</li> <li>▪ Whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence;</li> <li>▪ Whether there is adequate low-cost housing, or land available for low-cost housing, in that locality;</li> <li>▪ Whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park;</li> <li>▪ Any relevant guidelines issued by the Director; and</li> <li>▪ The provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.</li> </ul> <p>These matters would be dealt with in a future DA for a caravan park at the site.</p>
SEPP (Sydney Drinking Water Catchment) 2011	The site lies outside of the area captured by SEPP (Sydney Drinking Water Catchment) 2011.



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SEPP (Vegetation in non-Rural Areas) 2017	Lithgow is not listed in Clause 5 of SEPP (Vegetation in non-Rural Areas) 2017 as being an LGA to which the SEPP applies.
SEPP (Housing for Seniors or People with a Disability) 2004	This SEPP sets out site related requirements, design requirements, design principles and development standards to be complied with when developing land for seniors' living. These matters would be dealt with as part of future DAs for seniors' living at the site, including application for relevant site compatibility certificates.
SEPP (Exempt and Complying Development Codes) 2008	The relevant approvals pathway for future development will be determined in light of the relevant LEP and Exempt and Complying Development Codes.
SEPP (Infrastructure) 2007	<p>State Environmental Planning Policy (Infrastructure) 2007 provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services for concurrence.</p> <p>Referral may be required for the erection of new premises, or the enlargement or extension of existing premises where their size or capacity satisfy certain thresholds. Schedule 3 lists the types of development that are defined as Traffic Generating Development.</p> <p>Details of the development of the site will be confirmed at the DA stage ensuing the rezoning of the land and any requirement for the referral of the application to RMS confirmed at this stage.</p>
SEPP (Koala Habitat Protection) 2019	Any tree removed at the site would be assessed against the Koala Habitat Protection SEPP at the DA stage to confirm whether the site contains any core or potential Koala habitat.
SEPP (Educational Establishments and Child Care Facilities) 2017	Any future educational establishments or child care facilities proposed within the site would be subject to the Education SEPP for consideration at the DA stage.
SEPP (Aboriginal Land) 2019	Due to the significant past disturbances which have taken place at the site, it is considered unlikely for items of Aboriginal archaeological significance to remain at the site. Notwithstanding, the Aboriginal Land SEPP only applies to certain Darkinjung land within the central coast region. Therefore, it is unlikely that the SEPP would apply specification to any redevelopment of the site in the future.

### 4.2.4 The planning proposal consistent with the applicable ministerial directions (Section 9.1 Directions)?

**Table 6** assesses this PP against the Section 9.1 Ministerial Directions.

Table 6 Section 9.1 Ministerial Directions	
Direction	Comment
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	<p>Currently, the site is primarily zoned 2(v) Village under the LCLEP1994 and B4 Mixed Use under the LLEP2014. A broad range of Commercial Premises, including Business Premises, are currently permitted within these zones, and therefore at the site. A range of Industries are also currently permitted within the 2(v) Village zoned land at the site, whereas Light Industries are currently permitted within the B4 Mixed Use zone under the LLEP2014.</p> <p>The site is also directly opposite the road from the Portland town centre, which is zoned B2 Local Centre under the LLEP2014. The Portland Town Centre</p>

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	<p>consists of a range of retail, commercial and services uses such as cafes, restaurants, service station, childcare centre, pub, grocery stores, Australia Post, hairdressing salon. The Regional Plan (refer to <b>Section 4.2.1.2</b>) identifies Lithgow as a Strategic Centre, which can capitalise on its proximity to Sydney, and will provide new options and opportunities for surrounding networks of communities. Portland itself is described in the Regional Plan as a town.</p> <p>Ministerial Direction 1.1 therefore applies to this PP. However, it is significant to note that Portland is not an "Identified Centre" as per Direction 1.1, given its description in the Regional Plan as a town, and in the LSPS as a local centre only.</p> <p>In response to Clause (4) of this Ministerial Direction, the PP would:</p> <ul style="list-style-type: none"><li>▪ Encourage employment growth at the site by opening it to new investment opportunities;</li><li>▪ Open the site to be able to be used for employment purposes, as well as other land uses that support employment;</li><li>▪ Support and not detract from the viability of the nearby Lithgow Strategic Centre, which is located around 26km south-east of the site;</li><li>▪ Reduce the total potential floor space area for employment and industrial areas within the current 2(v) Village zone, albeit by providing a greater mix of land uses at the site to support the continued viability of the existing retail and centres hierarchy within Lithgow;</li><li>▪ Retain the existing B4 Mixed Use land at the site; and</li><li>▪ Be consistent with the Regional Plan and the LSPS, which identifies Portland as a town and local centre respectively, and Lithgow as a Strategic or Sub Regional Centre.</li></ul> <p>It is noted that, whilst the site is currently zoned to allow for a range of Commercial Premises and Industrial land uses, the majority of the site is not in a suitable state to support such land uses at the present. This is due to the site's industrial history and lack of internal infrastructure, despite suitable rehabilitation works having been undertaken. This PP would support the transition of the site from its current state into a modern, usable site that can achieve sufficient economic return so as to justify providing services such as formalised roads and utilities and delivering built-form development.</p> <p>However, it is acknowledged that development of The Foundations, as envisaged under this PP, would be largely achievable with the current land zonings in place. Indeed, most of the land uses proposed at the site are in fact currently permitted. Therefore, this PP cannot be construed, from a statutory perspective, as making additional Commercial and Industrial land uses permitted at the site.</p> <p>Indeed, where the B4 Mixed Use zone is proposed to be extended at the site under this PP, this will repeal and replace the current 2(v) Village zoning. The B4 Mixed Use zone under the LLEP2014 specifies 57 land uses which are prohibited at the site. As there are approximately 180 land uses recognised in NSW under the Standard Instrument – Principal Local Environmental Plan, this leaves around 123 land uses which are permitted in the B4 Mixed Use zone at the site. In contrast, under the current 2(v) Village zoning, only seven land uses are specifically prohibited, with the other 173 land uses in NSW permitted at the site. This PP would therefore reduce the number of permitted land uses at the site. It would moreover introduce residential and open space zonings, further reducing the balance of land within The Foundations that could, in theory, be</p>
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	<p>used to support traditional Commercial, Business and Industrial Premises. As such, the PP is considered to be consistent with the following objective of the B4 Mixed Use zone under the LLEP2014:</p> <p><i>To promote development that does not detract from the role of the town centre core commercial precincts.</i></p> <p>The proposed development would also support the site, and the Lithgow LGA more broadly, to attract several niche sectors of the visitor economy, including but not limited to, camping/caravan park users (noting this visitor infrastructure is often insufficient during peak holiday periods), outdoor recreation enthusiasts, day-trippers from Sydney who are interested in the site's modern history as "the town that built Sydney," and those following the broader tourist trails from the Sydney CBD towards Mudgee wine country, as well as the well-travelled route between Sydney and Bathurst. Opening the site up to the visitor economy also has the potential to activate other sites within the LGA, such as Wallerawang (also identified as a town under the Regional Plan). Indeed, "directing tourists and visitors through both Wallerawang and Portland by creating tourist trail" is identified as a key opportunity under the Retail Strategy and regional Economic Development Strategy. Opening the site to the visitor economy would further encourage increased visitation to the Strategic Centre of Lithgow itself.</p> <p>It is noted that this PP also proposes residential land uses at the site. There is a well-known correlation with weekend tourist trails from the Sydney CBD and increased visitation of real estate websites/real estate enquiries for residential properties within those locations. Given the changing nature of today's workplace, where location independent tasks are able to be undertaken, as well as the fact that Lithgow is easily reached from Greater Sydney, it is considered that increased weekend visitation to the site would make the proposed housing stock well sought after. This in turn would increase the permanent population of Lithgow, moreover supporting the existing retail and centres hierarchy of the LGA through increased patronage.</p> <p>The fact that this PP would, in theory, reduce the amount of floor space that could be legally provided as employment or industrial developments (given the site's current land zonings) is considered insignificant in light of the fact that this current 2(v) Village zoning is so broad that there was never any guarantee that it would have been only used for employment generating and/or industrial land uses. Indeed, under the current 2(v) Village zoning, the majority of the site could be legally developed for residential purposes.</p> <p>Changing the mix of zonings allowed at the site therefore cannot be construed as a direct reduction in the allowable employment floorspace at the site.</p> <p>In terms of potential impacts to the adjoining B2 Local Centre zoned Portland town centre more specifically:</p> <ul style="list-style-type: none"><li>▪ The Regional Plan (refer to <b>Section 4.2.1.2</b>) identifies how small towns in the Region are predicted to experience population decline, whereas larger town centres are experiencing increases. This can be seen in the growth Lithgow City is experiencing, whereas towns like Portland are not. However, the Regional Plan and the Regional Economic Development Strategy also recognises how investment in health and education services, and commercial, retail and industrial activity will drive and spread the benefits right across the Central West and Orana.</li></ul>
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	<p>Development of The Foundations site can therefore be understood as a means of boosting the ongoing viability of the Portland town centre; and</p> <ul style="list-style-type: none"> <li>The Retail Strategy recognised how, as the Lithgow LGA's population increases to 25,000 people, an additional 11,000m<sup>2</sup> of retail floorspace could be supported between the centres of Lithgow, Wallerawang and Portland (with around 2,000-3,000m<sup>2</sup> within the Portland town centre – refer to <b>Section 4.2.2.3</b>). This is likely to result in a small undersupply in Portland and a slight oversupply in Wallerawang and Portland. This would form part of the Retail Strategy's aim of reinvigorating Wallerawang and Portland CBDs as secondary centres within Lithgow whilst not placing undue retailing pressure on Lithgow. The PP is consistent with this approach outlined in the Retail Strategy. Moreover, the PP itself would actually reduce the area at the site which could, in theory, be used to provide permissible Commercial and Business Premises, as it will rezone significant portions of land which is currently zoned 2(v) Village (currently permitting Commercial land uses) for residential and open space purposes.</li> </ul> <p>Overall, it is considered that this PP's 'reduction' in permissible employment/industrial floorspace is both consistent with the Regional Plan, Regional Economic Development Strategy and LSPS and is of minor significance.</p>
1.2 Rural Zones	A small portion of Lot 1 in DP122739, along its western boundary, is currently zoned E3 Environmental Management under the LLEP2014. However, this represents a very small proportion of this Lot, and appears to be a result of a minor boundary error during the previous rezoning process. These existing E3 Environmental Management lands are considered to be of minor significance, as it would not be feasible to utilise them for significant agricultural production.
1.3 Mining, Petroleum Production and Extractive Industries	The site was previously extensively quarried previously and does not currently hold any potential to be mined or to support extractive industries for the mining, winning or production of petroleum or extractive materials.
1.4 Oyster Aquaculture	Not Applicable.
1.5 Rural Lands	A small portion of Lot 1 in DP122739, along its western boundary, is currently zoned E3 Environmental Management under the LLEP2014. However, this represents a very small proportion of this Lot, and appears to be a result of a minor boundary error during the previous rezoning process.
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	This PP does not propose to rezone any land at the site which is currently zoned for environmental protection purposes. However, this PP does propose to apply a RE2 Private Recreation zoning to vast areas of the site. This would allow for the continued protection of natural resources on these lots as well as maintenance of biodiversity values and protecting native vegetation and important water resources whilst allowing for compatible recreational uses such as camping, walking, cycling, orienteering, and complementary tourist and visitor accommodation.
2.2 Coastal Management	Not Applicable.
2.3 Heritage Conservation	As outlined in <b>Section 4.3.2</b> , this PP includes provisions to ensure the ongoing preservation of, and the future adaptive reuse of, the site's significant heritage items.
2.4 Recreation Vehicle Areas	At this stage it is not proposed to seek a recreation vehicle area designation for land at The Foundations.



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2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	The site is not located within the far north coast region.
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	<p>The PP would affect land both within an existing and proposed residential zone, given that a range of residential land uses are currently permitted at the site under the 2(v) Village and B4 Mixed Use zones. This PP would also introduce R2 Low Density Residential and R1 General Residential zoned land to the site. Ministerial Direction 3.1 therefore applies to this PP.</p> <p>Specifically, this PP would create suitable planning controls under the LLEP2014 to enable future built form development for:</p> <ul style="list-style-type: none"> <li>Seventy-one R2 Low Density Residential lots;</li> <li>One-hundred and three R1 General Residential lots; and</li> <li>Employment and entertainment land.</li> </ul> <p>In response to the matters for consideration under this Section 9.1 Ministerial Direction, this PP would:</p> <ul style="list-style-type: none"> <li>Encourage the provision of housing at the site;</li> <li>Enable a broad range of residential building types to be made available for the local housing market;</li> <li>Support the transition of the site from its current state into a modern, usable site that can achieve sufficient economic return so as to justify providing services such as formalised roads and utilities, and delivering built-form development;</li> <li>Support the delivery of housing directly adjacent to the centre of Portland, which is recognised as a town under the Regional Plan and LSPS;</li> <li>Encourage the provision of dwellings at the site which are of good design, through the future Foundations Development Control Plan at the site (refer to <b>Section 3.1</b>);</li> <li>The Foundations can be adequately serviced by existing service utilities infrastructure, or by new/augmented infrastructure (refer to <b>Section 4.4.4</b>);</li> <li>Heritage values at The Foundations can be maintained as utility servicing infrastructure is upgraded at the site (refer to <b>Section 4.3.2</b>); and</li> <li>This PP would slightly increase the density of residential dwellings permitted at the site, rather than reducing this density.</li> </ul>
3.2 Caravan Parks and Manufactured Home Estates	The Foundations proposes to include areas suited to camping/glamping and caravan park uses. This would be facilitated through land use zones where these uses are currently permitted under the LLEP2014 (i.e. RE2 Private Recreation in the case of caravan parks, and RE2 Private Recreation in the case of camping).
3.3 Home Occupations	Home occupations would be permissible with consent in the R1 General Residential and R2 Low Density Residential land uses zones proposed for the site. Home occupations are already permissible without consent in these land use zones under the LLEP2014.
3.4 Integrating Land Use and Transport	The site is accessible via Castlereagh Highway, which links the region's destinations together from Mudgee to Lithgow along an accessible drive or potential cycle highway, where the distances between each destination does not

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	<p>exceed 30 minutes. The site is also located at an ideal stopping point along the Sydney-Bathurst route.</p> <p>The Foundations would include legible pedestrian links to the nearby Portland town centre and physical connections to the quarry lakes onsite to create recreational and communal amenity. It would also create active linkages to the site's State-listed heritage items and celebrate Portland's industrial heritage. By allowing tourism opportunities to develop near to where people live, The Foundations has the potential to reduce commuter times for those tourism industry workers living onsite or within the greater Lithgow region.</p>
3.5 Development Near Licensed Aerodromes	The nearest aerodrome – Rylstone Airport/Aerodrome – is around 88km north of the site and is therefore unlikely to be impacted on by future built form development to facilitate The Foundations.
3.6 Shooting Ranges	Not Applicable
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	Given the location of the site, acid sulfate soils are not likely to be present.
4.2 Mine Subsidence/Unstable Land	The site contains lands which have been previously extensively quarried and which would therefore require stabilisation works.
4.3 Flood Prone Land	<p>The site is not mapped as being flood prone. Nevertheless, the Desktop Stormwater Study provided in <b>Appendix 5</b> considers this issue in more detail, as does the Preliminary Flooding Assessment contained in <b>Appendix 7</b>.</p> <p>There is anecdotal evidence of flooding occurring within the site's heritage precinct in the past. Flash flooding has also been known to occur along Limestone Creek to the north-west of the site. As the site is situated at the natural low point of the Portland township, stormwater has the potential exceed the capacity of the Council-owned pipework under Williwa Street during heavy rain events. This could lead to overland flow across Williwa Street, adjacent to Saville Park.</p> <p>Measures have since been implemented to manage overland flows at the site, such as a stormwater bund and retaining walls to deal with the potential overflow issue. This includes the construction of a stone planter box and installation of a bund to direct overflow downhill towards the drainage channel through the site, eventually flowing into Limestone Creek. It is considered that these measures have successfully managed overland flow into the site, including its heritage precinct.</p> <p>An overland flow path is present through on the site. The flow path conveys stormwater from catchments to the south of the site, in a northerly direction through a series of open channels, culverts and storage dams (as part of previous activity on the land).</p> <p>The upstream contributing catchment has an area of approximately 163 Ha and comprises a mix of rural, residential and bushland catchments, as shown on Figure 2 within <b>Appendix 7</b>. Given the relatively small upstream catchment, storms which would produce overland flow would be intense and short in duration. The catchment is sensitive to intense storms of short duration which result in rapidly increasing and decreasing flows and peak flows (and hence maximum flood depths) occurring over short durations.</p> <p>An assessment of the 1% AEP design flows from the catchment has been made via the Regional Flood Frequency Estimation Model (ARR2016) tool. The 1% AEP design flow (at Williwa Street) has been calculated to be 32m<sup>3</sup>/s with a lower</p>

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	<p>bound confidence flow of <math>13.1\text{m}^3/\text{s}</math> and an upper bound confidence flow of <math>78.7\text{m}^3/\text{s}</math>.</p> <p>A check of the above design flow against ARR87 rational method calculation shows that, with a time of concentration of 30 minutes (per Friends Equation) and 60% impervious surfaces, the 1% AEP peak of <math>27\text{m}^3/\text{s}</math> can be expected. A 1% AEP design flow of <math>32\text{m}^3/\text{s}</math> was conservatively adopted for the purposes of this assessment. Whilst some flow storage areas are available in Saville Park and other public areas upstream and downstream, this was not allowed for in the assessment for the sake of taking a conservative approach.</p> <p>Figure 3 in <b>Appendix 7</b> shows the 1% AEP flow and estimate of flow extent at the site and its nearby surrounds.</p> <p>At Williwa Street, approximately <math>6\text{m}^3/\text{s}</math> would be captured and conveyed by the existing <math>1900\text{w} \times 900\text{d}</math> culvert under Williwa Street from Saville Park. This results in <math>26\text{m}^3/\text{s}</math> of overflow over the road carriageway. It is estimated that the maximum depth of flow at the low point in Williwa Street would be 0.5m over a length of approximately 100m. The existing bund and stone planter on the northern side of Williwa Street will contain overland flow in the roadway and direct overflow back to the open channel north of Williwa Road within the site.</p> <p>The overland flow is then directed in a north-west direction into an open vegetated drainage channel and three 1800mm diameter pipe culverts. These culverts have an estimated capacity of <math>29\text{m}^3/\text{s}</math>. A smaller resulting overflow of <math>3\text{m}^3/\text{s}</math> can be expected at this hydraulic restriction.</p> <p>The stormwater flows then continues north-west within an open vegetated drainage channel downstream of the triple culverts. This channel is expected to be able to convey the 1% AEP design flow with sufficient capacity and freeboard. This drainage channel then discharges to a storage pond further to the northwest which then overflows further north through the subject site.</p> <p>Based on our preliminary review of the overland flow paths and flooding on site, it is expected that the proposed residential development would have limited affect from, or affect to the existing flooding and overland flows from the 163 Ha contributing upstream catchment.</p> <p>A review of the pre and post-development flows from the site were calculated at the downstream end of the site. The pre-development flow for the site (including flow from the upstream catchment) is approximately <math>37\text{m}^3/\text{s}</math>. The post development flow for the site is approximately <math>44\text{m}^3/\text{s}</math>. The difference between the pre and post development flows (<math>7\text{m}^3/\text{s}</math>) is approximately 19% of the total flow in the 1% AEP.</p> <p>Consideration to the considerable storage in the three dams as noted above should be made pertaining to offsite runoff volumes. The change between pre and post development is considered minor, and our expectation of the flood extent and flow paths post-development will remain similar to existing.</p> <p>Overall, it is considered that future development of the site as contemplated within this PP would have limited effect on existing flood behaviour and that existing flood behaviour would have limited effect on the proposed development. Subject to more detailed flooding assessments being undertaken at the relevant time, it is therefore considered that the site can be rezoned and developed without undue flood impacts or affectation.</p>
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4.4 Planning for Bushfire Protection	This site is not mapped as being bushfire prone.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies (Revoked October 2017)	Not Applicable.
5.2 Sydney Drinking Water Catchments	As identified in <b>Table 5</b> , the site lies outside of the area captured by SEPP (Sydney Drinking Water Catchment) 2011.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not Applicable.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable.
5.8 Second Sydney Airport: Badgerys Creek	<p>Once the future Western Sydney Airport is developed, it would be the closest international airport to the site (around 129km to the south-east). This would benefit local residents at the site and creating an improved domestic and international tourist network for the site.</p> <p>As the site is located around 129km north-west of the proposed Western Sydney Airport, the site would not be subject to any Obstacle Limitation Surface heights, Procedures for Air Navigation – Aircraft Operation surface limitations, or significant noise impacts.</p>
5.9 North West Rail Link Corridor Strategy	Not Applicable.
5.10 Implementation of Regional Plans	As outlined in <b>Section 4.2.1.2</b> , this PP and The Foundations overall are considered to be consistent with the Central West and Orana Regional Plan 2036.



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6. Local Plan Making	
6.1 Approval and Referral Requirements	<p>This PP does not:</p> <ul style="list-style-type: none"><li>▪ Create requirements for concurrence, consultation or referral of a DA to a Minister or public authority; or</li><li>▪ Identify additional development types as designated development at the site.</li></ul> <p>This PP is therefore consistent with the objectives of this Ministerial Direction.</p>
6.2 Reserving Land for Public Purposes	<p>This PP would rezone a significant portion of the site for RE2 Private Recreation purposes. Any requirements from the Minister if Planning with respect to this land would be considered once this PP is reviewed by the Department.</p>
6.3 Site Specific Provisions	<p>This PP seeks to rezone the site to a range of land use zones already available under the LLEP2014. While this PP contains details of the overall masterplan for The Foundations, it does not contain any detailed built form drawings.</p>
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	<p>As identified in <b>Section 4.2</b> of this PP, the Lithgow LGA is not directly encompassed within A Plan for Growing Sydney or any of the Greater Sydney Commission's District Plans. As such, consistency with those plans is not required to be assessed.</p>
7.2 Implementation of Great Macarthur Land Release Investigation	<p>The site is not located within the Greater Macarthur Land Release Investigation area.</p>
7.3 Parramatta Road Corridor Urban Transformation Study	<p>The site is not located within the Parramatta Road Corridor.</p>
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	<p>The site is not located within the North West Priority Growth Area.</p>
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<p>The site is not located within the Greater Parramatta Priority Growth Area.</p>
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<p>The site is not located within the Wilton Priority Growth Area.</p>

### **4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

#### **4.3.1 Is there any likelihood that critical habitat of threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

A small portion of the site in the north-west is identified on the Environmentally Sensitive Areas – Biodiversity Map under the LLEP2014, following the flow of Limestone Creek. The majority of the site is also identified on the Environmentally Sensitive Areas – Groundwater Vulnerable Map under the LLEP2014

The site contains areas of derived grasslands as well as forested pockets dominated by of Conifer and Eucalypt/Myrtaceae species. The understorey is sparse in areas. Along some edges of the quarry lakes with less steep grades, reeds and rushes are present, creating habitat for aquatic fauna and aves. The quarry lakes have been stocked with fish species in consultation with the Department of Primary Industries which would be suitable for recreational fishing at some future time. Turtles were also encountered at the site during a Department of Primary Industries – Fisheries site visit. This indicates that water onsite is meeting sufficient quality parameters to support aquatic fauna.

Despite being historically significantly disturbed, the site now contains many potential habitat features for a range of fauna species, including birds, mammals, reptiles and amphibians.

A search of the NSW Bionet Atlas was undertaken on 5 December 2017. This search identified 12 species listed as threatened in NSW under the Biodiversity Conservation Act 2016 as being previously identified or predicted to occur within 10km of the site as follows:

- *Callocephalon fimbriatum* (Gang-gang Cockatoo);
- *Climacteris picumnus victoriae* (Brown Treecreeper (eastern subspecies));
- *Daphoenositta chrysoptera* (Varied Sittella);
- *Petroica boodang* (Scarlet Robin);
- *Petroica phoenicea* (Flame Robin);
- *Chalinolobus dwyeri* (Large-eared Pied Bat);
- *Falsistrellus tasmaniensis* (Eastern False Pipistrelle);
- *Miniopterus schreibersii oceanensis* (Eastern Bentwing-bat);
- *Vespadelus troughtoni* (Eastern Cave Bat);
- *Paralucia spinifera* (Purple Copper Butterfly, Bathurst Copper Butterfly); ▪ *Eucalyptus cannonii* (Capertee Stringybark); and
- *Persoonia marginate* (Clandulla Geebung).

It also identified four threatened ecological communities listed under the Biodiversity Conservation Act 2016 which have previously identified or predicted to occur within 10km of the site as follows:

- Blue Mountains Basalt Forest in the Sydney Basin Bioregion;
- Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions;
- Tableland Basalt Forest in the Sydney Basin and South Eastern Highlands Bioregions; and
- White Box Yellow Box Blakely's Red Gum Woodland.

A search of the Commonwealth Department of Environment's Protected Matters Search Tool was undertaken on 27 November 2017. This search identified 30 species listed as either vulnerable, endangered or critically endangered at a national level under the Environment Protection and Biodiversity Conservation Act 1999 as being previously identified or predicted to occur within 1km of the site as follows:

- *Anthochaera phrygia* (Regent Honeyeater);
- *Calidris ferruginea* (Curlew Sandpiper);

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- *Grantiella picta* (Painted Honeyeater);
- *Lathamus 61ggregage* (Swift Parrot);
- *Numenius madagascariensis* (Eastern Curlew);
- *Rostratula australis* (Australian Painted Snipe);
- *Maccullochella peelii* (Murray Cod);
- *Macquaria australasica* (Macquarie Perch);
- *Litoria booroolongensis* (Booroolong Frog);
- *Paralucia spinifera* (Purple Copper Butterfly, Bathurst Copper Butterfly);
- *Chalinolobus dwyeri* (Large-eared Pied Bat);
- *Dasyurus maculatus* (Spot-tailed Quoll);
- *Nyctophilus corbeni* (Corben's Long-eared Bat);
- *Petauroides 61ggreg* (Greater Glider);
- *Petrogale 61ggregage61e* (Brush-tailed Rock-wallaby);
- *Phascolarctos cinereus* (Koala – combined populations of QLD, NSW and the ACT);
- *Pseudomus novaehollandiae* (New Holland Mouse);
- *Pteropus poliocephalus* (Grey-headed Flying-fox);
- *Acacia bynoeana* (Bynoe's Wattle);
- *Astrolasia elegans*;
- *Eucalyptus aggregata* (Black Gum);
- *Eucalyptus pulverulenta* (Silver-leaved Mountain Gum);
- *Eucalyptus robertsonii* subsp. *Hemisphaerica* (Robertson's Peppermint);
- *Euphrasia argute*;
- *Leucochrysum albicans* var. *tricolor* (Hoary Sunray);
- *Philothea ericifolia*;
- *Prasophyllum petilum* (Tarengo Leek Orchid);
- *Prasophyllum* sp. *Wybong* (a leek-orchid);
- *Thesium australe* (Austral Toadflax); and
- *Aprasia parapulchella* (Pink-tailed Worm-lizard).

It also identified two critically endangered ecological communities listed under the Environment Protection and Biodiversity Conservation Act 1999 which have previously identified or predicted to occur within 1km of the site as follows:

- Natural Temperate Grassland of the South Eastern Highlands;
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland.

There are also 12 bird species listed as migratory species under the *Environment Protection and Biodiversity Conservation Act 1999* which are known to occur, or may occur, within the locality.

While this PP would facilitate future built-form development at the site, it would also rezone a significant portion of the site as RE2 Private Recreation and facilitate future nature-based activities such as camping, caravanning, hiking, birdwatching, and fishing, as well as complementary tourist and visitor accommodation. Therefore, this PP is not likely to have significant impacts on the key ecological features at the site. Rather, this PP would facilitate future land uses which would complement the existing ecological features of the site. Any required land clearing to support the future development of The Foundations would be supported with relevant ecological impact assessments where required.

### **4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

This PP would facilitate future built form development of The Foundations. Any built form development has the potential to create environmental impacts. Potential impacts to existing heritage items at the site would be managed under the Portland Cement Works Draft Conservation Management Plan (Niche, October 2017 – refer to **Appendix 2**).

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The Draft Conservation Management Plan makes the following recommendations:

- New work should be identifiable and where possible be reversible without damage to significant fabric;
- Future work on the place should be in accordance with the principles of the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter) and its Guidelines;
- Conservation action should be appropriate to the level of significance of individual elements;
- Identify, record and assess significant fittings, fixtures, equipment and machinery and conserve these to the appropriate level of significance;
- Undertake a detailed grading of significance for each element and its associated features/component;
- Urgent repairs should be carried out within the next 12 months of commencement of this CMP;
- Conservation works should be undertaken within the nominated timeframes;
- The approach to these works should be as much as necessary and as little as possible;
- A Maintenance Plan should be adopted for each heritage element and the site as a whole;
- The Maintenance Plan should identify short, medium and long-term activities;
- The Maintenance Plan should also identify preventative measures that incorporate a cyclical inspection regime and recording;
- A dedicated budget should be allocated for maintenance works;
- Painted elements of the buildings should be repainted in the original colour schemes;
- Do not paint unpainted areas such as face brickwork;
- Original colour schemes and finishes should be derived from an assessment of documentary and physical evidence;
- Undertake any remediation and rehabilitation works to any remaining areas as matter of priority;
- A new use should be found that will ensure the sites long term viability as a heritage items of State significance;
- A mixed use facility is the most appropriate use of the site;
- The size and configuration of the heritage building should dictate the use; the use should not result in unsympathetic alterations to significant buildings;
- An Interpretation Plan should be prepared for the Portland Cement Works;
- The Plan should incorporate Historic precincts and Historic themes;
- Signage and lighting should be in harmony with the historic character of the site;
- Free standing signage systems should be used for major directional signs with smaller signs applied to selected areas with a minimum of fixings;
- Signs should not be attached to the brickwork walls of the buildings;
- Electronic security and fire alarm systems should be used instead of fitting grilles and mesh to doors and windows;
- Services should be minimised in their extent and service runs carefully planned to minimise damage to significant fabric;
- Services should be run in existing conduits and ducts wherever possible;
- Ceiling-mounted fittings, such as detectors and light fittings with minimal fixings are recommended;
- Surface-mounted vertical risers are permitted, provided their style and finish is compatible with the cultural significance of the space through which they pass. Wherever possible, vertical risers should be located in minor spaces of least cultural significance;
- Light fittings and electrical accessories (switch plates, GPOs) should not be period reproductions but discrete modern fixtures;
- Air-conditioning units should be discreet in location and appearance. Any associated works should be positioned to avoid damage to significant fabric;
- External air-conditioning units should be concealed from view, not located on the front façade of the building and positioned to avoid damage to significant external fabric;
- Introduction of new fabric should not lessen the cultural significance of the place;
- New work should be identifiable and where possible be reversible without damage to significant fabric;



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- Compliance with the Building Code of Australia should focus on responding to the spirit and intent of the ordinances if strict compliance would adversely affect the significance. An alternative engineered solution may need to be sought if deemed-to-satisfy provisions cannot be met. Uses which require an unacceptable degree of intervention for upgrading to code compliance should be avoided;
- Appropriate funding arrangements for maintenance and urgent repairs identified in this CMP should be put in place by The Foundations Portland Pty Ltd;
- A comprehensive long-term maintenance plan with a dedicated budget should be implemented to guide on-going maintenance work on the significant elements identified in this CMP;
- Appropriate funding arrangements for maintenance and urgent repairs identified in this CMP should be put in place by The Foundations Portland Pty Ltd;
- All tenants of the buildings should be made aware of the cultural significance of the item. Any modifications that are proposed by tenants should be installed and removed without any impact;
- Persons with relevant expertise and experience in conservation projects should be engaged for the resolution of conservation issues, as well as for input into the design and administration of conservation work on the place;
- A complete review is required 10 years after commencement, or when major changes that significantly affect the place occur, such as major refurbishments, disposal by the owners, change in use or significant damage to, or destruction of fabric including by natural disaster;
- All reviews should amend the inventory of significant elements and include changes to descriptions of the physical condition of the fabric, as needed;  
Keep a collection of archival material available to those undertaking aspects of conservation works including; plans, specifications, reports, photographs and future maintenance plans;
- Provide a copy of relevant material to local council and Heritage Division Library;
- Movable items should be assessed and recorded by suitably qualified persons and conserved onsite or protected in off-site storage;
- Movable item should be assessed for suitability for incorporation in an Interpretation Plan for the site;
- Undertake an archival photographic record of any fabric or equipment that is proposed and approved to be demolished. The works should comply with Photographic recording of heritage items using film or digital capture (Heritage Office 2001, revised 2006) guideline;
- Provide a copy of the archival record to local council and the Heritage Division library;
- Any excavation in areas of high archaeological potential should be carried out under archaeological supervision by a qualified archaeologist;
- Location entry points, new roads, buildings and infrastructure should be based on analysis of historic circulation routes, interrelationship of built elements and location of mains services;
- The location and design of new buildings and structures should respect relevant Historic precincts in terms of curtilage, form and character;
- The visual curtilage and views to and from the Portland Cement Works precinct and Raffan's Mill and bottle kilns precinct should be maintained and conserved;
- New materials and finishes should be sympathetic; and
- Develop a concept landscape design that addresses historic elements including the character of historic precincts.

This PP would not contradict any of these recommendations which have been made in the Conservation Management Plan.

Future DA's to enable built form works at the site would require further investigation into the following matters of potential environmental impact:

- Geotechnical stability;
- Groundwater and surface water impacts (to the Limestone Creek, quarry lakes and existing groundwater exchanges at the site);
- Aquatic ecology;
- Vegetation clearing and terrestrial ecology;

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- Legacy site contamination; and
- Acoustic and traffic impacts in the Portland locality both during and after construction works.

It is proposed to manage these potential matters of environmental impact at such time as DA's are prepared for the various stages of built form works at the site.

### 4.3.3 How has the planning proposal adequately addressed social and economic effects?

This PP would promote the orderly development of the site. It would make use of a rehabilitated mining/industrial site and add value to it by providing new residential land, seniors' accommodation, sites for tourism and events, as well as commercial and light industrial land uses. It therefore meets the demand for new housing supply and stimulates various economic activities within the Lithgow LGA. This PP would therefore lead to positive social and economic effects for the region.

## 4.4 STATE AND COMMONWEALTH INTERESTS

The site is located within 1km upstream of four wetlands of international importance (refer to **Section 4.3.1**). There are also two critically endangered ecological communities listed under the Environment Protection and Biodiversity Conservation Act 1999 which may occur within the area, as well as 30 listed threatened species and 12 listed migratory species which are known to occur, or may occur, within the locality (refer to **Section 4.3.1**).

Commonwealth land identified within 1km of the site includes land owned by the former Australian Telecommunications Corporation and the Commonwealth Trading Bank of Australia (refer to **Appendix 2**).

This PP and the future built form development to facilitate The Foundations would not significantly impact on these abovementioned matters of National Environmental Significance as identified under the Environment Protection and Biodiversity Conservation Act 1999.

Several lots to the west of the site is subject to registered native title claim no NC2013/001 on behalf of the Warrabinga-Wiradjuri under the Native Title Act 1993. However, these lots do not form part of this Planning Proposal application.

It is noted that RE2 Private Recreation zoned land at the site would ideally be transferred to private ownership under the site's development corporation, or another, similar landowner.

As outlined in **Section 1.2**, the site contains portions of the State listed heritage item (number 01739) Portland Cement Works (traversing Lot 53 in DP755769, Lot 1 in DP109592, and Lots 1 and 4 DP1227369 – and shown as Item 296 in **Figure 5**). The State listed heritage item (number 01738) Raffan's Mill and Brick Bottle Kilns Precinct is also shown on **Figure 5**, in the north of the site (SHR item number 01738).

A section of the historic Lithgow railway line also bisects the site, although it is noted that this railway line is not subject to any specific local or State heritage listing.

As outlined in **Section 4.3.2**, this PP includes provisions to ensure the ongoing preservation of, and the future adaptive reuse of, the site's significant heritage items (including those listed under the Heritage Act 1977. Consultation has been undertaken with the NSW Office of Heritage in relation to suitably amalgamating these State-listed heritage items into the future built form development of The Foundations (refer to **Section 4.4.2**).

The site is located more than 5km from the nearest National Parks listed under the *National Parks and Wildlife Act 1974*. Due to the significant past disturbances which have taken place at the site, it is considered unlikely for items of Aboriginal archaeological significance to remain at the site.

**4.4.1 Is there adequate public infrastructure for the planning proposal?**

The future redevelopment of the site pursuant to this PP would place additional demands on infrastructure. However, these matters would be dealt with during the DA stage as per further consultation with Lithgow City Council and the relevant service infrastructure providers.

Catalyst prepared a Site Constraints Analysis in 2015 which assessed the condition of servicing infrastructure as it existed at the time.

This found that Endeavour Energy operates and maintains the electrical network including Portland. There is an existing onsite high voltage substation which is not owned by Endeavour Energy (No 14833 with an 11kv three phase supply located on Lot 1 DP1227369 and fed by overhead wires). Boral, the previous owner of the site, was a High Voltage customer of Endeavour Energy. Boral owned and managed its owned HV assets. The Portland Zone Substation (around 320m away) transformed the 66kV supply to 11kV. It has 2 x 10 MVA Transformers providing a total installed capacity of 20MVA. Given the onsite substation has a rating of 11kV, it is assumed that a direct feed from the Zone Substation was provided to the onsite substation. A new LV connection will share the 11Kv feeder.

This substation is currently not operational, and it's decommissioning, and removal is likely to be required in consultation with an approved operator who has the required capabilities to decommission such infrastructure. At the appropriate time, an application would therefore be made for Connection of Load with Endeavour Energy, to service The Foundations site with electricity. This is likely to require a maximum demand calculation for the site, and a new substation.

There are several other direct electrical connections to the site as follows:

- To the Small Arms Factory Annex building on Lot 1 in DP109592 via underground;
- To the Sewer Pump Station No. 1 on Lot 4 in DP1227369 via direct pole;
- To the 'Tidy Towns' building on Lot 1 in DP109592 via direct pole;
- To Cottage 1-2 on Lot 1 in DP1227369 via direct pole;
- To Cottage 5-6 on Lot 1 in DP1227369 via direct pole;
- To Cottage 11-12 on Lot 1 in DP1227369 via direct pole;
- To Cottage 13-14 on Lot 1 in DP1227369 via direct pole; and
- To the Administration Building on Lot 53 in DP755769 via direct pole.

There is also a direct pole connection to the Sewer Pump No. 01 on Lot 1 in DP115461.

Power generation is now conducted in the local area by the Mount Piper Power Station which has two 700MW coal-fired steam turbine generators. This power station provides power to approximately 1.18m homes in NSW. Even though the Wallerawang Power Station is no longer operating, the Bulk Supply Point (owned by Transgrid) is still operating and supplies Endeavour Energy and Essential Energy with both 66kV and 132kV supply. The Wallerawang Bulk Supply Point provides supply to Lithgow Zone Substation, Meadow Flat Zone Substation, Portland Zone Substation, Katoomba North Transmission Station and Lawson Transmission Station.

The Portland Zone Substation is normally supplied by transmission line 823 from Wallerawang Bulk Supply Point and is supplied from Mount Piper Bulk Supply Point through transmission line 828 on changeover. The Wallerawang Bulk Supply Point is winter loading, meaning the winter months have a higher electrical demand than the summer months.

The transmission system emanating from the Wallerawang Bulk Supply Point to the Portland Zone Substation (Line number 823) has a capacity of 27 MVA and a current and forecast demand of 3.7MVA, meaning that there is ample capacity in this transmission line to allow for significant future increase in demand (including for development at The Foundations).

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Lithgow City Council owns and operates the Portland Sewage Treatment Plant. It is understood this has been recently upgraded to provide for significant additional capacity. Council's Strategic Planners have advised that they have made an allowance in the upgrade design capacity for potential lot yields in Portland well above the projected growth, so as to include future development at The Foundations.

Council also advised that there has been no consideration for upgrade of the associated Sewer Pump Stations (also Council owned) and there has been no investigation on the capacity of these Sewer Pump Stations. It is recommended that these Sewer Pump Stations be assessed for capacity constraints. Sewer Pump Station No. 02 is located near the intersection of Cullen Street and Williwa Street. It pumps to Sewer Pump Station No. 02 (located behind the Church in Williwa Street). Sewer Pump Station No. 02 pumps to a sewer pit near the corner of Kiln Street and Laurie Street, which then gravity falls to the Sewage Treatment Plant.

In terms of other services availability at the site, there does not appear to be any gas mains in the vicinity of the site. There is telephone service available to the site and will need to be connected. However, Telstra is generally willing to provide any details until an application for connection is made. No fibre optics services were identified at or near the site through service provider searches. These matters would have to be further investigated in the future to support development at The Foundations.

There is existing water reticulation infrastructure along the site boundaries. Portland is serviced by the Fish River Water Supply Scheme (FRWSS). The Oberon Dam supplies the FRWSS. Bulk water supply to Portland is acutely affected by the vagaries of varying climatic and operating conditions. The extended drought from 2006 lowered the Oberon Dam to a critical level and raised serious concerns regarding the ongoing capacity of the FRWSS to meet current and future water needs of the Lithgow LGA. These matters would have to be further investigated in the future to support development at The Foundations.

As set out in **Appendix 7**, the site is supported by the following stormwater infrastructure:

- Existing 1900mm wide x 900mm deep culvert beneath Williwa Road to the north of Saville Park.
  - The capacity of this culvert is approximately  $6\text{m}^3/\text{s}$ ;
- A vegetated channel running from the culvert under Williwa Street to the north-west, and towards 3 x 1800mm deep culverts. These culverts have a capacity of approximately  $29\text{m}^3/\text{s}$ ;
- Beyond the culverts, the channel continues to the north-west and towards a large storage dam associated with previous use on the land; and
- Existing stone planter box and bund to the north of Saville Park and Williwa Street constructed on the previous Portland Cement site with the intention of controlling overland flow from the upstream catchment and directing overland flow from Saville Park towards the drainage channel.

The upstream catchment overland flow will be discussed further in the following section.

On the site itself, a series of clay and concrete pipes that flow into Dam 3 and then into Limestone Creek. It appears that the only stormwater management structure in place is Dam 3 and the reed system to the north of Dam 3. Future DA's to facilitate built form development at the foundations would need to consider these matters.

### **4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with Gateway Determination?**

No consultation with Commonwealth authorities has been carried out to date.

It is acknowledged that Lithgow City Council will consult with relevant public authorities following the Gateway determination.

A meeting was held with the NSW Office of Heritage on 27 October 2017. The following matters were discussed:



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- This PP should clearly identify the area of works the State Heritage Register listings or outside of the State Heritage Register listings;
- The Office of Heritage is not concerned about areas outside of the State Heritage Register listings at the site;
- Overall, the Office of Heritage responded positively to the concept masterplan for The Foundations;
- Maintaining the relationship between Raffan's Mill and the Cement Works Precinct was encouraged;
- Consideration of mixed-use reuse options for State Heritage Register items at the site (including residential, recreational, retail and commercial) were generally supported;
- The approval process from the Office of Heritage's perspective was outlined as follows:
  - If previous Conservation Management Plans (CMPs) prepared for the site are not endorsed, it may be prudent to apply for endorsement of a new proposed CMP so that The Foundations masterplan can be assessed against that CMP;
  - Office of Heritage endorsement of the CMP may take up to six months;
  - The Office of Heritage recommended excluding the Statement of Heritage Impact (SoHI) from the CMP, and submitting the SoHI as a separate report; and
  - Two possible approvals pathways suggested for the proposed rezoning were (i) lodge PP for areas outside the State Heritage Register curtilage and a separate PP for areas within the State Heritage Register curtilage, or (ii) submit a PP for the entire site.
- That the following sites be referred to as precedents in managing State Heritage Register items: Cockatoo Island, Hill End, Quarantine Station, Parkes, Glen Davis, Dubbo RAAF (light industrial use) and Eurobodalla.

The Office of State Heritage recommended the following next steps:

- Lodge the current CMP for endorsement by the Office of State Heritage; and
- Progress the masterplan drawings and SoHI for submission to Lithgow City Council under this PP.

The Conservation Management Plan (refer to **Appendix 2**) is currently pending endorsement from the Office of State Heritage. This PP would not contradict any of these recommendations which have been made by the Office of State Heritage.

A **Pre-Lodgement meeting** was held with Lithgow City Council planning staff on **29 November 2017**. The following matters were discussed during this meeting:

- Proposed rezoning and future urban design outcomes at The Foundations site;
- Land zoning to permit some light industrial or similar type of employment uses;
- Council advised it would consider additional permitted uses at The Foundations where appropriate;
- Future servicing and infrastructure of residential lots;
- Maintaining the integrity of Portland's existing commercial core;
- Retail/commercial land uses would be introduced into the B4 Mixed Use area within the Cement Works Precinct;
- Future plans of management would be required to manage a range of open space issues at The Foundations;
- Some previous contamination investigations which have been undertaken at the site;
- One of the quarry lakes being stocked with fish species in consultation with the Department of Primary Industries which would be suitable for recreational fishing at some future time.
- Submission of a Draft Conservation Management Plan with this PP pending the final Conservation Management Plan being endorsed by the Office of Heritage; and
- Council requested that this PP include details of community consultation to date, alignment with local strategies and the Central West and Orana Regional Plan 2036, any potential environmental impacts, and consideration of future site servicing.

A further meeting was held with Lithgow City Council planning staff on **31 July 2018**. The following matters were discussed during this meeting:

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- Council requested further review and gap analysis of the site contamination studies which had been prepared for the site so far;
- Confirmation of whether the PP can proceed with or without several lots at the site which are still under the ownership of the NSW Crown, due to outstanding landowner's consent matters;
- Amending the proposed RE1 Public Recreation lots at the site to RE2 Private Recreation to allow for tourist and visitor accommodation land uses whilst providing comfort to Lithgow City Council that recreation-zoned land at the site would not be abandoned and required to be acquired by Council at some future time;
- Further justification as to why an SP2 Infrastructure zoning has been pursued for the eastern lake at the site;
- The application of an Additional Permitted Use for the B4 Mixed Use zoned heritage cottages in the south of the site to permit adaptive land uses at the site;
- Further consideration and justification for the creation of Large Lot Residential areas at the site. This is to be supported by site analysis mapping to show how potential future residential lot boundaries would overlay onto steep grades at the site, as well as potential land use conflicts;
- Further information on site flooding behaviour is to be provided, using anecdotal information (as further flooding information is not available in the public domain);
- Confirmation that the hot water dam area is suitable for residential land uses from a geotechnical perspective; and
- Lithgow City Council requests that an overlay of the proposed site zoning map is prepared indicating the site's contours.

These matters have been dealt with throughout previous sections of this PP. It is noted that this PP now seeks R2 Low Density Residential and R1 General Residential land zonings at the site in lieu of the R5 Large Lot Residential land zone.

Further commentary was provided by Lithgow City Council via email on **2 September 2019**. **Table 7** sets out how the Applicant has responded to these matters.

<b>Table 7 Response to Lithgow City Council's RFI – 2 September 2020</b>	
<b>Matter Raised</b>	<b>How/Where Addressed</b>
<b>Section 9.1 Ministerial Directions</b>	
The PP does not sufficiently address Planning Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones	Additional commentary is provided in <b>Table 6</b> within <b>Section 0</b> .
The PP states that 1.1 Business and Industrial Zones does not apply to the PP. The direction does not only relate to existing zones within the site itself. This Planning Direction applies to any PP that will affect land within an existing business or industrial zone either on or off the site.	Additional commentary is provided in <b>Table 6</b> within <b>Section 0</b> .
The PP should therefore identify and address any social or economic impact upon the existing Local Centre B2 zone being the town centres core commercial precinct and how it is proposed to manage that impact.	Additional commentary is provided in <b>Table 6</b> within <b>Section 0</b> .

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<p>The PP proposes to extend the B4 zone beyond the Heritage Conservation Area boundaries and introduce further commercial land use (fine grain built form) which may have the potential to detract from the local town centre precinct by replacing such with a new "village centre." The PP should address the B4 Zone Objective – "To promote development that does not detract from the role of the town centre core commercial precinct."</p>	<p>Additional commentary is provided in <b>Table 6</b> within <b>Section 0</b>.</p>
<p>The 2010 Business and Retail Strategy found that there was approximately 8000m<sup>2</sup> oversupply of commercial/retail floor space within the current commercial precinct. How does the PP reconcile increasing this oversupply?</p>	<p>It is considered that the PP would not only provide for retail floorspace, but also for residential, open space, entertainment, employment, and tourism purposes. The PP would in fact facilitate the opening of The Foundations site to the general public on a more permanent basis. This in turn would attract a greater number of tourists and residents to the site, dispelling any issues with retail oversupply in the locality. The Applicant also notes that, with the current zonings in place, many of the proposed land uses at The Foundations could in fact already be carried out with development consent. As such, this PP itself should not be considered to be creating an oversupply of strictly commercial floorspace.</p>
<p>The PP should address its impact on residential land supply and demand. The current demand for residential land use in the Portland planning precinct as determined through annual DA's for dwellings between 2014-2019 is 8 per year. The 2010-2030 LUS as implemented through the LLEP2014 identified that there was sufficient supply of residential land in Portland to meet current demand rates for in excess of 60 years. The PP will need to justify the proposed increase in supply (some 174 lots / an additional 21 years) and its impact upon existing and future residential lands as identified in the Lithgow LUS2010-2030. The structure plan concept identifies a residential target of around 174 lots.</p> <p>The PP however, does not identify a MLS for the residential zone. No justification for this position is provided, nor does the PP propose any alternative LEP provisions to determine future maximum development yield and infrastructure demands.</p>	<p>Further commentary is provided in <b>Section</b> Error! Reference source not found..</p> <p>Whilst the Land Use Strategy did not forecast significant take up of new residential lands within Portland, it is considered that facilitating development within The Foundations site would increase the take up of such residential lands, due to the following:</p> <p>There is a well-known correlation with weekend tourist trails from the Sydney CBD and increased visitation of real estate websites/real estate enquiries for residential properties within those locations. The PP would enable the site's existing and exciting State Heritage features to be better accessed by the public, which is expected to spur such interest and improve opportunities for land sales and infrastructure funding to support this future community, as well as drive development contributions payable to Lithgow City Council;</p> <ul style="list-style-type: none"> <li>▪ Given the changing nature of today's workplace, where location independent tasks are able to be undertaken, as well as the fact that Lithgow is easily reached from Greater Sydney, it is considered that increased weekend visitation to the site would make the proposed housing stock well sought after;</li> <li>▪ This PP proposes to define significant open space, tourist and visitor accommodation and employment lands within The Foundations;</li> <li>▪ The above measures would in turn increase both the temporary and permanent populations of</li> </ul>

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	<p>Lithgow, moreover supporting the existing retail and centres hierarchy of the LGA through increased patronage.</p> <p>The limitations on residential land take up noted within the Land Use Strategy must therefore be considered in light of the fact that the PP seeks to act as a catalyst to change this trend of low residential land take-up. It is also considered that providing residential lands within The Foundations itself provides the opportunity to reside within the near vicinity of significant natural and environmental features, significant heritage places, and the existing, historic town centre of Portland. Not all of the existing residential land within Portland can offer such an opportunity for interested land purchasers.</p> <p>Whilst it is understood that Council seeks further clarity and certainty surrounding the dwelling yields through the adoption of a Minimum Lot Size development standard, or another LEP provision, it is proposed that specific housing products, controls and lot sizes be implemented under the site-specific Development Control Plan and subsequent Precinct Plans so as to allow a greater level of flexibility for the development of the site. The DCP would also provide for a maximum dwelling yield across the site. Whilst it is acknowledged that such a mechanism does not provide a guarantee of the ultimate dwelling/lot yield under this PP for the purpose of proceeding to Gateway, it is proposed that Council consider likely residential impacts of the proposal based off the existing dwelling yield prescribed in the PP.</p>
<p>The PP structure plan identifies the creation of residential "eco villages". Further detail on what is meant by this and how it will be achieved is required.</p>	<p>It is noted that "eco-villages" are generally understood to be an alternative to urban sprawl. This type of community features clusters of housing, whilst retaining land for recreation and agriculture. Four hamlets offer complimentary commercial centres based on the themes of arts, agriculture, health and education (refer to <b>Section 1.5.1</b>, as well as <b>Appendix 1</b> for examples).</p> <p>This is an urban design term only and should not be considered against any of the formal land use definitions under the Standard Instrument.</p>
<b>Crown Lands</b>	
<p>The revised PP has simply removed the majority of Crown Lands from the proposal.</p> <p>The PP is required to address the implications of the crown lands on the future development of the site, its future interface and relationship with the site and demonstrate consultation with Crown Lands to resolve any issues.</p>	<p>Additional commentary is provided in <b>Section 5.1</b>.</p>



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<b>Suitability of the Site</b>	
<b>Contamination</b> The PP has provided a further Land Use Suitability Assessment report that indicates with a reasonable confidence level that the site can be made suitable for the intended land uses based on the broad development concept. However, the report, and discussions with its author, do indicate that further more detailed assessment may be required to verify the findings and to inform appropriate remediation measures for each individual precinct. In this regard it is important to note the assumptions and limitations of the preliminary investigation phase. The PP should identify and discuss proposed LEP/DCP provisions to ensure that these matters are suitably addressed at the development phase and to satisfy the provisions of SEPP 55 and the Contaminated Land Planning Guidelines. The Gateway will then determine if this satisfactory to progress the LEP.	<p>It is considered that these matters have already been adequately dealt with within <b>Table 5</b> and <b>Appendix 6</b>.</p> <p>Willowtree also notes that, as per Clause 6(2) of SEPP 55, only a Preliminary Site Investigation is required to be prepared at the rezoning stage. Clause 7(3) of SEPP 55 goes on to require that, at DA stage, a Detailed Site Investigation may thereafter be required before consent is granted for a DA. However, there is no equivalent requirement at the PP stage to provide such Detailed Site Investigation for the purposes of SEPP 55. The information provided at this stage is therefore considered to be sufficient.</p>
<b>Geotechnical Assessment</b> A geotechnical assessment is required for the north east large lot residential area, the area of the former hot water dam and the accessible areas around Quarry 4. These areas have been subject to previous earthworks and filling and two of the areas are also subject to steep slope. The PP is required to consider the suitability of the areas to sustain the proposed land uses and if required identify and discuss proposed LEP/DCP provisions to address the issue at the development phase.	<p>A geotechnical assessment has been prepared by GDK Keighran Geotechnics provided in <b>Appendix 8</b>. The geotechnical assessment focused largely on the north eastern portion of the site where large lot residential areas are proposed as part of the PP, as well as the former hot water dam and accessible areas around Quarry 4.</p> <p>The geotechnical assessment provides that the areas tested demonstrated between 'very low' or 'high' stability risks in relation to the proposed development within these areas. A number of development recommendations have been provided for each stage of the development including subdivision construction and residential dwelling construction. GDK Keighran Geotechnics have concluded that prior to subdivision development, all development proposals should be reviewed by the appointed geotechnical engineer to allow investigation to confirm the suitability or otherwise and allow the optimum footing system to be adopted.</p> <p>In light of the findings of the geotechnical assessment, and recommendations provided within, it is considered</p>

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	<p>reasonable to conclude that the future development of these areas as proposed is suitable subject to further geotechnical investigations being carried out prior to development of each stage.</p> <p>Given the recommendation for further testing at the development stage, it is proposed that the future DCP prepared for site identifies the need to carry out detailed geotechnical investigations for these areas as part of the preparation of each precinct plan or development application.</p>
<b>SP2 Infrastructure Zone – Structural Integrity Works – Eastern Lake</b>	
<p>The PP identifies SP2 zone for the eastern most quarry, however does not specifically identify the infrastructure purpose. The PP states that the likely extensive filling of the site may require approval as a waste or resource management facility. This would indicate that it may be proposed to use recovered waste material as fill. Is this correct? This would require further detail and discussion. Council would be concerned if this zoning opened the door to use of the site as a longer term waste or resource management facility. It is considered that the proposal may be an inappropriate use of the Special Purposes Zone, SP2. The intent of the SP2 infrastructure zone is to provide for public infrastructure. The quarry void/ lake is not public infrastructure. Are the required structural integrity works more appropriately characterised as "Environmental Protection Works" with ancillary "resource recovery facility" (depending on the scale) under the LLEP2014, or even more simply as "earthworks"? If so, the works may be permissible under the RE2 Private Recreation Zone. The PP is required to provide more information and characterisation of end land use to appropriately identify land use zoning.</p>	<p>The previously proposed SP2 zoned is now proposed as RE2 Private Recreation which will accommodate the envisaged dam filling and environmental protections works for this area of the site.</p> <p>The landowner is currently defining the scope of proposed future filling activities in this eastern man-made quarry so as to ensure the dam remains structurally sound. Any fill emplaced within the eastern man-made quarry would be done after relevant development consent is obtained, including consultation with the NSW Environment Protection Authority where required. It is important to note that it is not proposed to emplace general putrescible wastes or other contaminating items into the eastern manmade quarry. The correct classification of any fill materials to be emplaced within the eastern man-made quarry would be undertaken as per relevant guidelines issued by the NSW Environment Protection Authority.</p>

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Stormwater Control and Management	
<p>The PP should provide a flood/stormwater management study to assess the ability of the site to accommodate the pre and estimated post development flows through the site at the appropriate flood design levels for each concept land use area. The detailed design of the major system would then be required at the development phase. Depending on the findings of the study LEP/DCP provisions may need to be considered to ensure future appropriate design is undertaken. Appendix 5 of the revised PP is considered to be insufficient and lacks technical basis for conclusion</p>	<p>Additional information has been provided in <b>Table 6</b> and a Preliminary Flooding Assessment has been prepared by Costin Roe and provided in <b>Appendix 7</b>.</p> <p>This assessment considers the flooding behaviour at the site and the development proposed under the PP. The review shows the site will have limited affect on existing flood behaviour and that existing flood behaviour will have limited affect on the proposed development. Costin Roe concludes that, subject to completion of more detailed assessment phases of the development, the site can be rezoned and developed without undue flood impact or affectation.</p> <p>Given the finding and recommendation of Costin Roe, it is proposed that the future DCP prepared for site identifies the need to carry out detailed stormwater and flood investigations and accompany any future development application for subdivision.</p>
Additional Permitted Uses	
<p>The use of additional permitted use clauses should be minimised if at all possible.</p>	<p>Sufficient justification has been provided for all of the Additional Permitted Uses which are sought at the site (refer to <b>Sections 3.1</b> and <b>4.1.2</b> above).</p>
State Listed Heritage Cottages	
<p>The PP seeks to rezone the state listed heritage cottages to B4 mixed use zone with an additional permitted use for residential accommodation. The only residential accommodation forms prohibited in the B4 zone are dwellings and dual occupancies.</p> <p>The zoning of these cottages and their curtilages requires further consideration. If it is intended that the cottages will be restored for primarily for a full range of residential accommodation than the land zoning should reflect this using the R1 General Residential zone. If a further mixed use is then proposed to support the adaptive reuse of the heritage items then the appropriate mechanism to use is Clause 5.10 (10) Conservation Incentive, not the additional permitted use clause.</p>	<p>Additional information is provided in Section 4.1.2 to explain why the Clause 5.10 (10) Conservation Incentive pathway proposed by Lithgow City Council would be inadequate.</p>
State Listed Heritage Cottages	
<p>The PP seeks to rezone the state listed heritage cottages to B4 mixed use zone with an additional permitted use for residential accommodation. The only residential accommodation forms prohibited in the B4 zone are dwellings and dual occupancies.</p>	<p>Additional information is provided in Section 4.1.2 to explain why the Clause 5.10 (10) Conservation Incentive pathway proposed by Lithgow City Council would be inadequate.</p>

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<p>The zoning of these cottages and their curtilages requires further consideration. If it is intended that the cottages will be restored for primarily for a full range of residential accommodation than the land zoning should reflect this using the R1 General Residential zone. If a further mixed use is then proposed to support the adaptive reuse of the heritage items then the appropriate mechanism to use is Clause 5.10 (10) Conservation Incentive, not the additional permitted use clause.</p>	
<b>Camping Grounds</b>	
<p>The PP seeks to include camping grounds in the proposed Residential zones with a sunset clause to expire on the date of first residential subdivision. This is a highly unusual request. Further information and justification for this clause is required to better understand its intended impact.</p>	<p>The Additional Permitted Use for camping has been removed from the PP.</p>
<b>Further Discussion</b>	
<p>What are the risk/issues associated with "deferred matter" status? Could some land areas of the PP requiring more detailed justification be delayed?</p>	<p>Retaining further areas at the site as deferred matter risks momentum on this PP being lost, noting that the impetus has come from Lithgow City Council to remove this land from its deferred matter status.</p>
<p>Should the PP be staged to progress through Gateway more smoothly?</p>	<p>As per above, the risk of losing momentum on this PP creates concerns that The Foundations may not be removed from its deferred matter status and potential delays to some built-form development being realised.</p>
<p>When should the relevant matters be addressed? What is the risk if these matters are not addressed at rezoning phase?</p>	<p>Should additional matters for assessment be raised, the Applicant is willing to undertake further investigations at the Gateway stage of this PP.</p>
<p>Would the level of risk from rezoning be reduced through proposed LEP provisions or a provision requiring a Development Control Plan to be prepared and adopted prior to any significant built form development on the site, or alternatively a DCP produced to support the LEP to gateway.</p>	<p>As set out in <b>Section 3.1</b>, the Applicant is willing to prepare a site-specific Development Control Plan to guide future development at The Foundations site. It is considered that the optimal timing for preparing this site-specific Development Control Plan would be once the PP has been formalised and built-form DAs are being scoped within areas subject to PP rezoning. To this end, it is considered appropriate that such a site-specific Development Control Plan comply with Clause 6.3(3) of the LLEP2014 which requires various specific matters be included in a Development Control Plan prepared for urban land release areas.</p>



## **PART 5 COMMUNITY CONSULTATION**

### **5.1 PREVIOUS CONSULTATION**

Since May 2015, The Foundations Portland Pty Ltd and the project team have engaged with the community, offering an opportunity to visit the site and take pictures before works commenced in 2015, as well as hosting multiple information sessions. The information sessions, located in Portland RSL, have been attended by as many as 150 people from the town and beyond.

Public were invited to add their input into parts of the site to be redeveloped and expressed any concerns and questions. The early phase of community consultation served to reveal the grand vision for the site, including the launch of the project branding and vision. More recently, the consultation session hosted on 11th August 2017 revealed the long-term plan for Portland Cement Works based on the masterplan and program prepared by RobertsDay.

Transparent consultation has ensured that the community have remained informed, despite a number of obstacles which have impeded the progress of the project, such as the transfer of the adjoining Crown Land and resolution of the Boral Mining Leases. Despite these delays and uncertainty, community were advised that The Foundations Portland Pty Ltd had decided to progress with the preparation of a Planning Proposal for re-zoning of the site. At this stage, those Crown Lots have been removed from this PP. A timeline of consultation undertaken with Crown Lands regarding this PP is as follows:

- Mar 2016 – Meeting with Paul Toole (Local State Member) at Portland Art Show. Discussed issues with transfer of Crown Land parcels;
- 6 Mar 2016 – Email Paul Toole with details of the Contract of Sale including Crown Land Parcels and requesting a meeting to discuss pathway forward for transfer;
- 7 Mar 2016 – Paul Toole scheduled to meet with head of Crown Lands to discuss pathway;
- 30 Mar 2016 – Paul Toole confirmed the matter was raised with Crown Lands and committed to follow up on 31 Mar 2016;
- 1 Apr 2016 – Kris Leck (Project Manager for GM Portland Developments) spoke with Grant Marsden (Area Manager South West, Crown Lands) requesting a meeting with Crown Lands, Paul Toole and Lithgow Mayor to discuss Crown Land transfer;
- 3 May 2016 – Kris Leck followed up with Grant Marsden;
- 9 May 2016 – Grant Marsden advised that Thomas Delgatto is handling the matter;
- 16 May 2016 – Kris Leck met with Thomas Delgatto (Manager, Strategic Sales and Disposals) in Newcastle to discuss issues and process for direct negotiation for purchasing crown parcels;
- 8 Jul 2016 – Thomas Delgatto was invited to visit the site;
- 12 Jul 2016 – Thomas Delgatto confirmed that he was not able to attend site;
- 11 Aug 2017 – Meeting with Boral and Paul Toole (then Minister for Crown Lands) to discuss Planning Proposal, Landowners Consent and desire to acquire parcels and Aboriginal Land Claims;
- 21 Aug 2017 – Sedrick Dahdah (GM Portland Developments) contacted the John Barilaro's (Deputy Premier, Minister for Regional NSW) office in writing about the Crown Land parcel transfer issue;
- 18 Sep 2017 – Meeting with Ed Frater (Business Development officer from the Office of Regional Development, Department of Premier and Cabinet) to discuss Masterplan and Crown Parcel issues;
- 12 Oct 2017 – Ed Frater confirmed he had spoken to Crown Lands and confirmed that Crown believed there was a way forward with direct negotiation with the organisation making the land claim/s;
- 28 Oct 2017 – Met with Ed Frater on Site and discussed issue;
- 24 Nov 2017 – Ed Frater requested confirmation of Aboriginal Land Claims on the site from Crown Lands;
- 27 Nov 2017 – Shane Smith (Coordinator Case Management – Aboriginal Land Claim Investigation Unit at Crown Lands) confirms which lots are subject to Aboriginal Land Claims. Ed Frater confirmed he is looking into any Federal Native Title Claims on the site;
- 16 Apr 2018 – Issue Planning Proposal to Paul Toole requesting Landowners Consent to include Crown Land Parcels;

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- 19 Apr 2018 – Request Ed Frater to advise best process for seeking Landowners Consent for above;
- 1 Aug 2018 – Meeting with Council – council requested confirmation if PP includes Crown Parcels in PP due to outstanding Landowners Consent;
- 21 Dec 2018 – Boral advised Renate Sherring, (Principal Case Manager Aboriginal Land Claims Unit in the Department of Crown Lands Dubbo) appeared to be of the opinion that the claim is not valid and is ready to finalise the claim but waiting on Mines Dept to provide feedback;
- 24 May 2019 – Advised Council that PP would remove Crown Land Parcels – only parcels owned by GM Portland Developments to be included;
- 27 May 2019 – Lodged Revised PP with Crown Land parcels removed;
- 17 July 2019 – Council requested Crown Lands contact details. Provided next day;
- 22 Aug 2019 – Council request meeting with applicant, Crown Lands and Council regarding PP and Crown lands Parcels.
- 11 Sep 2019 – Meeting with Council and Crown Lands. It was agreed at this meeting that due to current environmental constraints, the Crown Lands should be excluded from the PP until such time as these constraints have been mitigated appropriately.

In terms of integration with and potential impact to these Crown Land lots to the west of the site now subject to this PP, an assessment was undertaken against the Planning Principle on lot isolation as set out by the Land and Environment Court of NSW in *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251. The relevant matters are considered as follows:

1. Is amalgamation of the sites feasible? The principles to be applied in determining this question were set out by Brown C in *Melissa Grech v Auburn Council* [2004] NSWLEC 40 as follows:

- i. Where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

Whilst amalgamation of the Crown Lands with the site subject to this PP is feasible, extensive negotiations have been undertaken with Crown Lands in an attempt to incorporate those lands into this PP. Such negotiations have therefore been undertaken well and truly before the built-form development stage of works has commenced. In any event, this PP and the development proposed to be facilitated by it would not result in the adjoining Crown Lands breaching any minimum lot size requirements.

- ii. Where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

A timeline for these negotiations has been set out in detail within this **Section 5.1** above.

- iii. Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s4.15 of the Environmental Planning and Assessment Act 1979.

The issue which has frustrated initial offers to purchase Crown Lands at the site is the pending Aboriginal Land Claim over these lots, rather than monetary value. The question of whether any such offers have been made reasonably is therefore not relevant.

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2. Can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible? The matters to consider in answering this question were set out by Tuor C in *Cornerstone Property Group Pty Ltd v Warringah Council* [2004] NSWLEC 189 as follows:
  - i. The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as noncompliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.
  - ii. To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.
  - iii. The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.

It is considered that the adjoining Crown Lands are generous in size and are able to be accessed via Carlton Street. The development proposed as per this PP would therefore not frustrate further development of these Crown Lands.

Ideas for early activation and positive announcements were well-received by local residents at the consultation session in August and featured in positive news coverage of the project. These announcements included:

- Internationally renowned artist Guido Van Helton has painted the cement silos;
- Lithgow City Council approved some amendments to the subdivision of the heritage cottages on Williwa St, allowing the subdivision to commence, and the cottages offered for sale;
- The Glen Museum has almost completed a restoration of the Casino Building and the project team are in the process of negotiating a Licence Agreement which could see occupation by the Museum this summer;
- There have been positive discussions with Wallerawang CAS branch and NSW Fisheries to investigate the viability of stocking trout and Murray Cod in some of the dams onsite;
- There have also been discussions with a 'glamping' operator and investigations into grants available for the construction of boardwalks;
- The Foundations Portland has a digital presence both as a website (including press releases) and a Facebook page which present alternate ways for the community to stay updated and get involved; and
- A number of people have commented and shared ideas for the site, as well as personal anecdotes and images. This proposal respects and responds to the tapestry of these rich stories and connections between the place and the people of Portland.

## 5.2 FUTURE CONSULTATION

Schedule 1, Clause 4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway Determination. It is anticipated that this PP will be required to be publicly exhibited for 28 days in accordance with the requirements of DP&E's 'A guide to preparing local environmental plans.'

It is anticipated that the public exhibition would be notified by way of:

- A public notice in local newspaper(s);
- A notice on the Lithgow City Council website; and

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- Written correspondence to adjoining and surrounding landowners.

This PP and its Gateway determination would be publicly exhibited at Lithgow City Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.



## **APPENDIX 1 URBAN DESIGN REPORT**

## **APPENDIX 2 PORTLAND CEMENT WORKS CONSERVATION MANAGEMENT PLAN**

## **APPENDIX 3 EPBC ACT PROTECTED MATTERS REPORT**

## **APPENDIX 4 PHASE ONE ENVIRONMENTAL SITE ASSESSMENT PORTLAND CEMENT WORKS**

## **APPENDIX 5 DESKTOP STORMWATER STUDY**



## **APPENDIX 6 LAND USE SUITABILITY ASSESSMENT**

## **APPENDIX 7 PRELIMINARY FLOODING ASSESSMENT**

## **APPENDIX 8 GEOTECHNICAL REPORT**

**APPENDIX 9 CURRENT ZONING AND PROPOSED LAND USES AT THE SITE**

## **APPENDIX 10 PROPOSED LAND USES AND POTENTIAL ZONINGS FOR THE SITE**