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Gateway determination report – PP-2020-4094

Lithgow City Council – Rezoning of Portland
Foundations Site – Williwa Street, Portland

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Planning proposal – Amendment to part Lithgow Local Environmental Plan 2014 (LEP 2014) as it applies to various lots at Williwa Street, Portland. Prepared by Willowtree Planning Pty Ltd on behalf of Roberts Day, November 2020

Lithgow City Council Report – Ordinary Meeting of Council 23 November 2020

1 Planning Proposal

1.1 Overview of planning proposal

Table 1 Planning proposal details

LGA	Lithgow
PPA	Lithgow City Council
NAME	Rezoning of Portland Foundations Precinct site – Williwa Street, Portland
NUMBER	PP-2020-4094
LEP TO BE AMENDED	Lithgow LEP 2014
ADDRESS	Williwa Street, Portland
DESCRIPTION	Lot 1 DP 109592 Lot 1 DP 842890 Lot 5 DP 749907 Lot 6 DP 749908 Lot 7 DP 749909 Lot 24 Sect 46 DP 758855 Lot 53 DP 755769 Lot 104 DP 755769 Lot 1 DP 1227369 Lot 4 DP 1227369
RECEIVED	22/12/2020
FILE NO.	IRF21/41
POLITICAL DONATIONS	There are no known donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal

Overview

The planning proposal proposes the following amendments:

- Remove the 'deferred matter' status from the site and bring the land within Lithgow LEP 2014 (LEP 2014) by amending the Land Application Map of Lithgow LEP 2014.
- Rezoning the site from 2(v) Village (Lithgow LEP 1994) to a combination of zone R1 General Residential, R2 Low Density Residential, B4 Mixed Use and RE2 Private Recreation;

- Apply an additional permitted use to two areas of the proposed B4 Mixed Use zone to permit dual occupancy (attached and detached), dwelling houses and multi-dwelling housing;
- Remove all minimum lot size requirements from the site; and
- Require the preparation of a site-specific development control plan prior to development on the land addressing the matters outlined in the standard clause 6.3(3) of LEP 2014 by mapping the area as an Urban Release Area.

It is proposed to create a residential, business/commercial, tourism, heritage and recreational precinct drawing on the site's history as the former cement works and quarry, and also provide opportunities within the township of Portland for entertainment spaces (i.e. concerts, functions etc).

It is noted that a portion of the former cement works site are still within Crown Lands ownership, and have been excluded from the planning proposal, marked as 'Deferred Matter' on proposed zoning and minimum lot size mapping included with the proposal. The proponent and Council are continuing discussions with Crown Lands to transfer ownership to the proponent and remove the 'Deferred Matter' status from these areas.

The Bathurst Local Aboriginal Land Council owns land within the 'Deferred Matter' area and this land has been excluded from the planning proposal. For land ownership please refer to Figure 8 page 43 of Council Report dated 23 November 2020.

Site History

The site operated as a limestone quarry and cement manufacturing plant from the late 1800's until its closure in 1991. The site is identified as having state and local significance and is listed in both the Lithgow LEP 1994 and Lithgow LEP 2014 (Heritage Item I296). There will be no changes to the heritage provisions as a result of this LEP amendment however Council will need to ensure the heritage mapping in LEP 2014 is appropriate to reflect the increased area that will now be covered by LEP 2014.

Between 1991 and 2014 the site was decommissioned and rehabilitated to enable a mine closure plan to be implemented.

The subject land is currently zoned 2(v) Village under the provisions of the Lithgow City LEP 1994 (LEP 1994). The site was identified as a 'Deferred Matter' in the Standard Instrument making process for the Lithgow LEP 2014 (LEP 2014) notified on 19 December 2014, as the site was undergoing the final stages of rehabilitation and mine closure works, with the future land use requirements for the site unknown at that time.

Key planning considerations

Land Use Zones

It is proposed to rezone the site from 2(v) Village LEP 1994 to a combination of zone R1 General Residential, R2 Low Density Residential, B4 Mixed Use and RE2 Private Recreation under the provisions of the LEP 2014. These zones are already utilised within the LEP 2014 and no changes to the land use tables are proposed.

Development Control Plan

A local provision (clause 6.3(3)) currently exists within the LEP 2014 to require the preparation of a site-specific development control plan (DCP) to address built form and future subdivision of identified urban release areas.

The site specific DCP will address:

- Staging of the development;
- Infrastructure requirements;
- Transport movement hierarchy;

- Landscaping requirements;
- Passive and active recreation areas;
- Stormwater and water quality management controls;
- Natural and environmental hazard controls;
- Urban design controls;
- Commercial and retail land use controls;

The DCP will also provide:

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

It is recommended that the Foundations Precinct be identified as an Urban Release Area (URA) to support the requirements of Part 6 of the LEP 2014, requiring the preparation of a DCP in accordance with the requirements of 6.3(3).

Council is supportive of a site-specific DCP. It is not expected that the DCP will be completed for exhibition of the planning proposal.

Minimum Lot Size

It is proposed that the future site density and lot yield will be controlled through the DCP and no minimum lot size provision would be applicable to the site applied under the LEP 2014.

The proponent has justified no mls within the planning proposal as it would provide greater flexibility and response to market demands and staging requirements for the precinct. The Department agrees with this justification and supports no mls in this case. Council is also supportive of this approach for this site.

Additional Permitted Use

The planning proposal identifies two areas of the proposed B4 Mixed Use zone which seek a greater level of flexibility for residential outcomes in this area. The proposal seeks to include the following as Additional Permitted Uses (APUs) within Schedule 1 of the LEP 2014 zone as follows:

- Dual occupancy (attached and detached);
- Dwelling house; and
- Multi dwelling housing.

It is proposed that the above residential land uses are compatible with the proposed B4 Mixed Use zone as it would allow flexibility specifically within the Foundations precinct for commercial and employment land uses, without altering the existing land use table for the B4 zone which applies across other B4 zones in the Lithgow LGA.

It is proposed that the APUs will be further managed through the site-specific DCP.

Council is supportive of this approach and the Department agrees in this case.

Crown Lands

A significant portion of the site was previously owned by Crown Lands. The property ownership is identified in the Council report dated 23 November 2020 (page 42 and Figure 8 page 43). The ownership of most of these parcels have been transferred to the Proponent. There is a small area owned by Bathurst Local Aboriginal Land Council and some Crown Land.

While these lots are excluded from the proposal at this time, Council proposes to continue to consult with Crown Lands and Bathurst Local Aboriginal Land Council in relation to these lands. This consultation is reflected in the Gateway determination where it will be conditioned to require

an updated planning proposal covering all deferred land prior to exhibition which will allow repeal of LEP 1994. The objective of the Department is to have 'Deferred Matter' areas resolved so that a single contemporary LEP applies to all land in the Lithgow local government area.

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Provide 103 x zone R1 General Residential lots;
- Provide 71 x zone R2 Low Density Residential lots;
- Provide seniors housing development;
- Provide employment and entertainment land;
- Provide private recreation land;
- Include a range of mixed-use business and commercial land;
- Undertake environmental works; and
- Facilitate the adaptive reuse of heritage cottages and conserve the existing heritage of the site

The planning proposal intends to progress towards finalising outstanding 'Deferred matter' in the LEP 2014, and will move lots currently covered by LEP 1994 to LEP 2014. However, under the submitted planning proposal some parcels would still be retained in LEP 1994. It is being recommended that all land in LEP 1994 be transferred to LEP 2014.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Lithgow LEP 2014 per the changes below:

Table 2 Current and Proposed controls

Control	Current	Proposed
Zone	2(v) – Village (Lithgow City LEP 1994)	R1 General Residential R2 Low Density Residential B4 Mixed Use RE2 Private Recreation
Minimum lot size	N/A	No minimum lot size is proposed
Number of dwellings	N/A	174
Number of jobs	N/A	600

In addition to the changes above, the following additional amendments are proposed:

- Remove the 'deferred matter' status from the site and bring the land within LEP 2014 from LEP 1994;

- Apply an additional permitted use to two areas of the B4 Mixed Use zone to permit dual occupancy (attached and detached), dwelling houses and multi-dwelling housing; and
- Map the land as an urban release area to trigger the requirement for preparation of a site-specific development control plan prior to development on the land addressing the matters outlined in the standard clause 6.3(3).

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject land is identified locally as the Foundations Site, being the former Portland Cement Works, and lies immediately north of the Portland town centre.

The site is bound by Forest Street to the north, Carlton and Kiln Streets to the west, High Street and Williwa Street to the east and Laurie Street to the south (Figure 1). Main access to the site is provided by Williwa Street.

The site drains towards four large man-made quarry lakes. Limestone Creek traverses the site from north to south. Two unnamed creek tributaries traverse the site from south-southwest and from the north-east.

The site is mostly vacant and cleared, and a number of original buildings remain on the southern portion of the site.

A 66kv electricity transmission line bisects the south-eastern corner of the site.



Figure 1 Subject site and context (source: Planning Proposal)

1.5 Mapping

The planning proposal includes extracts of mapping showing the proposed changes to following maps:

- Land Application Map

- Land Zoning Map LZN_002
- Land Zoning Map LZN_002A
- Lot Size Map LSZ_002
- Lot Size Map LSZ_002A

Additional Permitted Use and Urban Release Area Maps will also be required. Council should also consider whether an amended Heritage map is required as parts of the site will be 'moved' from LEP 1994 to LEP 2014 as a consequence of this amendment.

The final LEP mapping will be required to be prepared in accordance with the Department's Technical Standards for mapping prior to the plan being made.

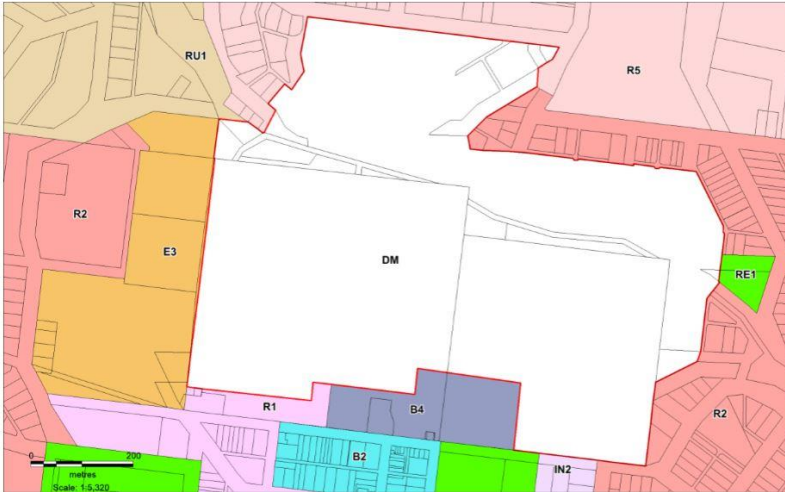


Figure 2 Current zoning map

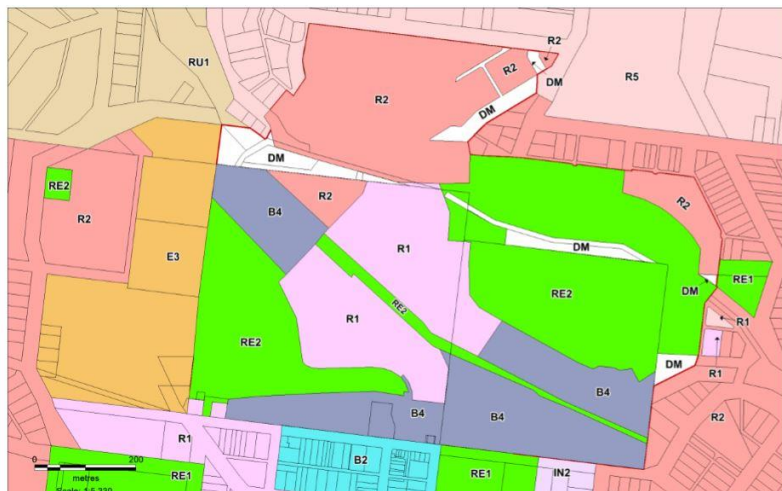


Figure 3 Proposed zoning map

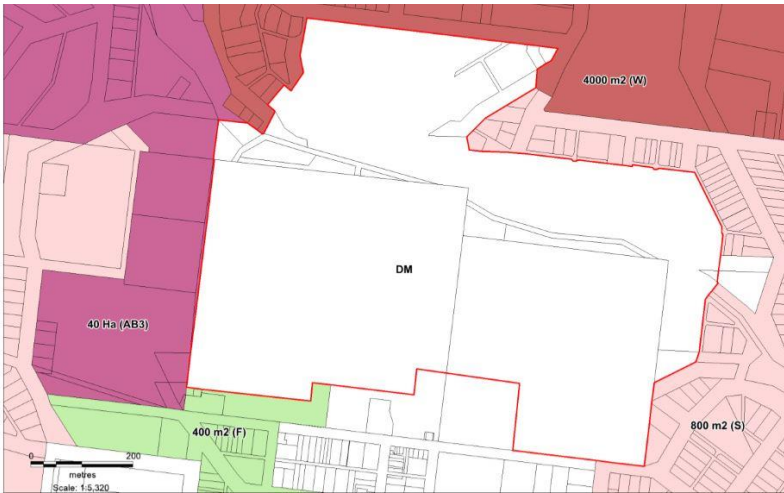


Figure 4 Current minimum lot size map

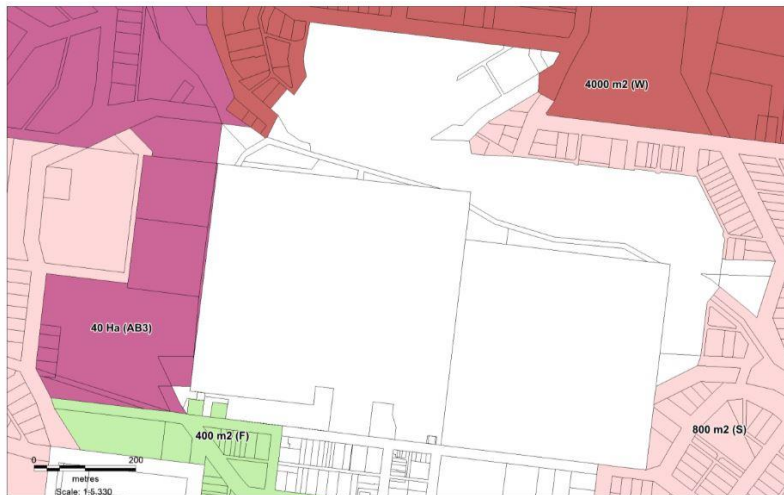


Figure 5 Proposed minimum lot size map



Figure 6 Proposed areas of additional permitted use to allow dual occupancies, dwelling houses and multi dwelling housing

2 Need for the planning proposal

The planning proposal is not the result of any strategy, study or report.

At the time of the making of the LEP 2014, the subject site was undergoing the final stages of rehabilitation and mine closure works, being the former cement works. The future land use requirements were unknown at that time, and the site was identified as a 'Deferred Matter' in the LEP 2014.

Since that time, the landowner and Council have been in negotiations in relation to the land use requirements for the site, and various technical and urban design reports have been undertaken to determine the best re use options for the site.

The proposed amendment is the best means of achieving the objectives and outcomes. There is no alternative method to rezone the land or extinguish the 'Deferred Matter' status of the land within the LEP 2014. There is an opportunity with this planning proposal to resolve the 'Deferred Matter' area and a condition is being recommended for Council to amend the planning proposal to include all deferred land prior to exhibition. This will result in the repeal of LEP 1994 and ensure that only LEP 2014 applies to land in the Lithgow local government area.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West and Orana Regional Plan.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 4 – Promote and diversify regional tourism markets	The planning proposal is consistent with Direction 4, with the proposed B4 Mixed Use zone providing opportunities for tourism related uses within the site.
Direction 10 – Promote business and industrial activities in employment lands	The planning proposal is consistent with Direction 10, with the proposed B4 Mixed Use zone providing for a range of business, commercial and tourism opportunities within close proximity to the existing town centre of Portland. It is also the intention of the proposed DCP to provide guidelines around the appropriate type, scale and future of land uses so they do not detract from the existing town centre.
Direction 12 – Plan for greater land use compatibility	The proposed zone mapping has identified the majority of mixed-use zones to be located along the southern portion of the site, keeping any retail/commercial uses near the town centre of Portland. Proposed RE2 Private Recreation land is located towards the centre of the site and is surrounded by R1 General Residential and R2 Low Density Residential land. There may be a potential land use conflict between the residential and recreational land, as the final use of the recreation land is unknown. The planning proposal has identified that a site-specific DCP will be required to be prepared to address land use compatibility. The DCP will seek to ensure consistency with this Direction.

Direction 17 – Conserve and adaptively reuse heritage assets	The planning proposal is consistent with this Direction, as the existing heritage significance and buildings are proposed to be retained and repurposed within the zone B4 Mixed Use land.
Direction 22 – Manage growth and change in regional cities and strategic and local centres	The proposed residential precinct of the site (zones R1 General Residential and R2 Low Density Residential) will provide opportunity for an additional people living and working at Portland. The proposed tourism and recreation areas will also provide additional facilities for residents and visitors of Portland. Council has advised that this increase in population would not significantly change Portland's role and function within the adopted settlement hierarchy of the Lithgow LGA. The proposal is considered to be consistent with this Direction.
Direction 23 – Build the resilience of towns and villages	The residential, tourism and commercial components of the proposal will directly build the economic and social resilience of the community of Portland and the greater Lithgow LGA, through the increased job opportunities (both during the construction phase and ongoing through the commercial precinct) as well as increasing tourism to the region. The proposal is therefore considered to be consistent with this Direction.
Direction 25 – Increase housing diversity and choice	The Foundations Precinct proposes to provide a range of housing options, including low and medium density, as well as seniors housing and aged care. No minimum lot size is proposed within the LEP instrument for the precinct and provide flexibility, however large and small allotment sizes are proposed to be provided for within the site-specific DCP to be prepared. The proposal is consistent with this Direction.
Direction 26 – Increase housing choice for seniors	As detailed above in relation to Direction 25, the proposal will provide for a range of housing choice, which includes independent living seniors housing, aged care and smaller allotments suitable for downsizing. The proposal is consistent with this Direction.
Direction 29 – Deliver healthy built environments and better urban design	The proposal provides for a large portion of recreational land (being R2 Private Recreation) and includes integrated residential and commercial precincts to encourage walkability around the precinct and within the Portland town centre. The proposal is consistent with this Direction.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Lithgow 2040 Local Strategic Planning Statement	<p>The planning proposal is generally consistent with the wider strategic land use direction of the Lithgow 2040 LSPS as follows:</p> <ul style="list-style-type: none"> Planning Priority 2: Plan for a Diversity of Housing – the planning proposal provides for a mix of housing types across the R1 and R2 zones, including 71 low density residential lots, 103 general residential lots and the possibility of medium to high density residential accommodation within the B4 Mixed Use zone. This is provided in response to the LSPS identifying

	<p>central areas of town centres within the Lithgow LGA will experience a demand for an increase in residential accommodation.</p> <ul style="list-style-type: none"> - Planning Priority 4: Recognise, Preserve, Promote and Activate our Heritage – the subject site contains a number of State and local heritage items, including the remnants of the Portland Cement Works, Raffan's Mill, Brick Bottle Kilns and workers cottages. The proposal is seeking to protect and preserve the heritage of these items through adaptive reuse and tourism opportunities. The proposal is consistent with this priority. - Planning Priority 5: Align Development with Essential Infrastructure – The proposal will be connected to the existing reticulated water and sewer supply. It is noted that the connection of the proposal to the existing infrastructure is likely to utilise the remaining allocation of wastewater and sewer for the township of Portland when completed. Council has not raised a concern with this. The proposal is consistent with this Priority. - Planning Priority 6: Provide the Community with Access to Attractive, Healthy and Green Public Spaces and Places – The proposal provides a significant increase in recreational space for the township of Portland and the Foundations Precinct. The proposal is consistent with this Priority. - Planning Priority 9: Attract Investment and Grow Local Jobs – Approximately 16 hectares of zone B4 Mixed Use is proposed to cater for a range of potential future land uses, including light industrial, commercial and tourism related uses. The proposed B4 Mixed Use zone is a continuation of the existing mixed-use zone along the main commercial hub of the Portland Town Centre along Williwa Street. The proposal intends to rejuvenate the Portland Town Centre, as well as provide unique commercial opportunities at the Foundations site. The proposal is consistent with this Priority.
Lithgow Land Use Strategy (LUS) 2010-2030 – endorsed by DPIE 24 May 2012.	The Lithgow LUS 2010-2030 identifies the importance of the Portland Town Centre and providing new employment precincts within Portland, however, does not specifically identify the Foundations Precinct. The proposal is considered to be consistent with the LUS, through the implementation of the LSPS as identified above.
Lithgow Community Strategic Plan (CSP) 2030	The proposal is generally consistent with the community priorities in the Lithgow Community Strategic Plan. The redevelopment of the Foundations site was identified in the adopted and endorsed Lithgow LUS and endorsed LSPS as a key priority. The priorities within the CSP are aligned with the LSPS, and the proposal is consistent with the LSPS, as detailed above.

3.3 Local planning panel (LPP) recommendation

The proposal was considered at the Lithgow City Council Ordinary Meeting of Council on 23 November 2020. The Council resolved unanimously to forward the proposal as submitted to Council to the Department for consideration at Gateway.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial zones	Yes	The existing 2(v) Village zone under the provisions of the LEP 1994 permits a similar range of development permissibility as the proposal intends to provide through the proposed rezoning. The proposal will provide additional employment floorspace within the Portland town centre and is consistent with local strategic planning documents.
2.3 Heritage Conservation	Yes	<p>The proposal contains provisions to ensure the ongoing preservation of, and the future adaptive reuse and interpretation of, the sites significant heritage items.</p> <p>The State and local heritage items and places are listed within Schedule 5 of the LEP 2014 and will continue to be regulated through the use of clause 5.10 of the LEP. Part of the site is also identified as a heritage Conservation Area under LEP 2014.</p> <p>The Portland Cement Group is identified as a Heritage Item under LEP 1994 and also as a State Heritage Item (I296) in the Lithgow LEP 2014.</p> <p>In addition, a Heritage Conservation Management Plan (Appendix 2 of the planning proposal) has been prepared for the site.</p> <p>The proposed LEP Amendment will not change the heritage provisions as they currently relate to the land.</p>
2.6 Remediation of Contaminated Land	Inconsistent	<p>The subject land was included as a deferred matter in the LEP 2014 due to unfinished site remediation works. The subject land was previously used for mining and cement manufacturing processes and is potentially contaminated.</p> <p>Preliminary site contamination reports are provided as Appendices 4 and 6 of the planning proposal.</p> <p>Council, as the Planning Proposal Authority has considered these preliminary investigations in accordance with the land planning guidelines and is satisfied that the land can be remediated to the standard suitable for the proposed uses. Further detailed investigations will be undertaken and</p>

		<p>considered at the Development Application stage when the actual development is known.</p> <p>The proposed site specific DCP will require potential contamination and remediation work to be undertaken.</p> <p>The inconsistency is therefore considered to be justified at this time to allow the proposal to proceed to Gateway determination. No further work is required is required at this time.</p>
3.1 Residential Zones	Yes	<p>The planning proposal intends to convert a portion of the site from the existing 2(v) Village zone within the LEP 1994 to the zones R1 General Residential and R2 Low Density Residential within the LEP 2014.</p> <p>It is proposed to provide the following additional housing at the site:</p> <ul style="list-style-type: none"> - 71 x zone R2 Low Density lots; and - 103 x Zone R1 General Residential lots. <p>Additional employment and entertainment land is also proposed.</p>
3.2 Caravan Parks and Manufactured Home Estates	Consistent	<p>The proposal does not seek to permit caravan parks or manufactured home estates in any zones not currently permitted under LEP 2014.</p>
3.3 Home Occupations	Consistent	<p>The planning proposal does not seek to alter the current land use tables of the existing LEP 2014.</p>
3.4 Integrating Land Use and Transport	Consistent	<p>The concept plans shown in the planning proposal include integrated land use and transport throughout the site. The site is accessible via Williwa Street, which links to both the Castlereagh Highway and Great Western Highway. Active linkages within the site between the commercial, entertainment, tourism, residential and recreational land uses are proposed, as well as active linkages encouraging walkability from the site to the nearby Portland town centre.</p>
4.4 Planning for Bushfire Protection	Inconsistent	<p>The site is partially identified as bush fire prone land Category 3 and buffer on Council's bushfire prone land map.</p> <p>Consultation is required with the Rural Fire Service (RFS) to resolve this inconsistency. This will be required as a condition of Gateway and will need to be completed prior to the commencement of public consultation.</p>

5.10 Implementation of regional Plans	Consistent	As discussed in Section 3.1 of this report, the proposal is generally consistent with the Central West and Orana Regional Plan.
6.3 Site specific provisions	Inconsistent	<p>The planning proposal intends to require a site-specific development control plan (DCP) to be prepared for the site to resolve built form development, minimum lot sizes and subdivision of the site.</p> <p>This will be triggered by Part 6 of the LEP 2014, as the precinct will be required to be identified as an Urban Release Area (URA) for this complex site.</p> <p>This is considered to be appropriate and the inconsistency is considered to be of minor significance. No further work is required at this time.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
55 – Remediation of Land	Clause 7(3)	<p>The subject site has been previously used for mining and cement manufacturing processes. Previous environmental investigations conducted on the site have identified the presence of potential contamination.</p> <p>Preliminary site investigations (Appendices 4 and 6 of the planning proposal) indicate the site can be remediated to a standard as required for the proposed uses.</p> <p>Council is satisfied that adequate preliminary work has been undertaken to indicate the site can be remediated.</p> <p>A detailed site contamination investigation will be required at the Development Application stage.</p> <p>The proposal therefore meets the requirements of the SEPP for the purposes of the Gateway determination at this time.</p>	Yes

Koala Habitat Protection 2019	Clause 9 Schedule 1	Schedule 1 of the Koala Protection SEPP identifies Lithgow LGA as having potential koala habitat. Further investigations will be required to determine whether any Koala Use Tree Species are present and utilised for koala habitat on the site at Development Application stage.	Yes / No
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4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Contamination	See above discussion in Section's 3.4 and 3.5 in relation to site contamination and remediation. Based on the preliminary work indicates the site can be remediated to the standard required for the proposed uses.
Heritage	<p>The following heritage items are identified on the site:</p> <ul style="list-style-type: none"> - State Heritage Register Listing 01739 – Portland Cement works precinct. This includes the significant industrial and administration buildings on the site and the historical workers cottages; - State Heritage Listing 01738 – Raffan's Mill and Brick Bottle Kilns precinct; - LEP 2014 (Schedule 5) Listing I296 – Includes both State Heritage items above and their curtilages. - Part of the site is within a heritage Conservation Area under Lithgow LEP 2014. <p>The site is also adjacent to locally listed item I297 St Stephens Anglican Church and Hall with several other locally listed heritage items within the vicinity.</p> <p>The planning proposal does not propose to remove or destroy any of the heritage items. It is proposed to undertake some adaptive reuse of the significant buildings on the site.</p> <p>A Conservation Management Plan (CMP) Appendix 2 of the planning proposal has been prepared to assist with the heritage management and development of the site. This is considered appropriate.</p> <p>Detailed heritage considerations will be undertaken as the Development Application stage. No amendments to the heritage registers of Schedule 5 in the Lithgow LEP 2014 are required.</p>

Bushfire	<p>The site is partially identified as bush fire prone land Category 3 and buffer on Council's bushfire prone land map.</p> <p>Consultation is required with the Rural Fire Service (RFS) to resolve the inconsistency with the 9.1 Direction. This will be required as a condition of Gateway determination and will need to be completed prior to the commencement of public consultation in accordance with the terms of section 9.1 Direction 4.4 Planning for Bushfire Protection.</p>
Flooding	<p>The subject land is not identified as flood prone land, however the planning proposal is accompanied by a preliminary flooding assessment (Appendix 7).</p> <p>An overland flow path is present through the site, which conveys stormwater from catchments to the south of the site in a northerly direction through a series of open channels, culverts and storage dams.</p> <p>Detailed investigations in relation to the overland flow levels will be undertaken at the Development Application stage.</p> <p>It is not intended to amend the flood mapping within the Lithgow LEP 2014.</p>
Environmental Protection Works	<p>It is identified in the planning proposal that some environmental protection works will be required for the lakes and quarries that are to be rezoned to RE2 Private Recreation.</p> <p>In addition, given the history of the site, further rehabilitation works may be required across the precinct.</p> <p>It is proposed that these will be considered on a case by case basis, and appropriate approvals will be sought at the time.</p> <p>In addition, the site-specific DCP proposes to include provisions in relation to potential environmental impact for consideration at the development application stage.</p>

4.2 Social and economic

The activation and redevelopment of the Foundations Precinct has been identified in Council's Community Strategic Plan, LSPS and Land Use Plan, and also by the community since the cement works closure in 1991.

It is considered that the redevelopment of the precinct will have a positive social and economic impact on the town of Portland by providing employment, infrastructure and additional residential services within the Lithgow LGA.

4.3 Infrastructure

Essential services of water, sewer, electricity, stormwater and telecommunications are all available to and within the vicinity of the site.

Given the size of the site, it is considered appropriate to identify the site as an Urban Release Area (URA). This will trigger Part 6 of the LEP 2014 for consideration of state infrastructure requirements and the requirement for a site specific DCP.

The proposal has the potential to significantly increase the population and demand for resources within Portland. Consultation will be required to be undertaken with the NSW Department of Education and the Local Health District to determine any additional social infrastructure requirements.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms part of the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the following agencies be consulted on the planning proposal and given 28 days to comment:

- Heritage NSW
- NSW Rural Fire Service
- Bathurst Local Aboriginal Land Council
- DPIE Crown Lands
- DPI Fisheries
- DPIE Biodiversity and Conservation Division
- Water NSW
- Transgrid
- Endeavour Energy
- NSW Environment Protection Authority

It is also considered appropriate to consult with the following additional agencies given the proposed increase to population and future service requirements within Portland:

- NSW Department of Education
- NSW Health – Nepean Blue Mountains Local Health District

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. To monitor progress Council is required to advise the Department of key plan making milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal is strategically justified and Council has no interest in the ownership of the land, the Department recommends that it be conditioned that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal is strategically justified, and the planning proposal document provides sufficient site-specific merit; and
- The remediation and redevelopment of the brownfield site and adaptive reuse of the heritage buildings on the site will provide an appropriately planned precinct within close proximity to the town centre of Portland.
- This is a key site in Portland and the ongoing reuse of the site is important for Portland, Lithgow LGA and regional NSW.

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- Update the planning proposal to include the requirement for Additional Permitted Use (APU) and Urban Release Area (URA) mapping
- Update the planning proposal to include all land currently deferred to allow repeal of the Lithgow LEP 1994. This matter has been discussed with Council (verbal comm. 1 February 2021)

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 2.6 Remediation of Land and 6.3 Site Specific Provisions are minor and justified with no further work required at this time.
- The inconsistency with section 9.1 Direction 4.4 Planning for Bushfire Protection requires consultation with NSW RFS before the inconsistency can be satisfied.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be revised to include:-
 - the 'Deferred Matter' area of land that is Crown Land and land owned by the Bathurst Local Aboriginal Land Council with the appropriate Lithgow LEP 2014 land use zone and related mapping; and
 - the Foundations Precinct as an Urban Release Area (URA) with the inclusion of relevant mapping.
2. Prior to community consultation, consultation is required with the following public authority:
 - NSW Rural Fire Service to address the inconsistency with section 9.1 Direction 4.4 Planning for Bushfire Protection
3. Consultation is required with the following public authorities:
 - Heritage NSW
 - NSW Rural Fire Service
 - Bathurst Local Aboriginal Land Council
 - DPIE Crown Lands
 - DPI Fisheries
 - DPIE Biodiversity and Conservation Division
 - Water NSW
 - Transgrid
 - Endeavour Energy
 - NSW Environment Protection Authority

- NSW Department of Education
 - NSW Health – Nepean Blue Mountains Local Health District
4. The planning proposal should be made available for community consultation for a minimum of 28 days.
 5. Updated mapping is to be prepared to the Department's Technical Standards prior to the finalisation of the planning proposal. This mapping is also to include the subject site as an Urban Release Area and Additional Permitted Use areas mapped.
 6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
 7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.

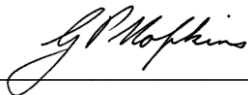


(Signature)

02.02.21 (Date)

Wayne Garnsey

Manager, Western Region



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