



PLANNING PROPOSAL

Lithgow Local Environmental Plan 2014:
Housekeeping Amendments

March 2025

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VERSION

1.0	Submission to Gateway September 2024
2.0	Revision & Resubmission March 2025
3.0	Revision Post Gateway Determination September 2025

Part 1 – Objectives and Intended Outcomes

The objectives and intended outcomes of this planning proposal are to correct various errors and anomalies identified within the Lithgow LEP 2014.

This Planning Proposal recommends changes to the Lithgow LEP 2014 written instrument and the Lithgow LEP 2014 maps.

Rectifying these errors and anomalies will provide a more accurate planning instrument and reduce the potential for confusion, should development be proposed where the errors and anomalies exist.

The consolidation of these matters as a single set of proposed changes to Lithgow LEP 2014, known as a “Housekeeping Amendment”, provides for a more efficient use of time and resources to amend Lithgow LEP 2014 compared to proceeding with individual planning proposals for each individual change.

Part 2 – Explanation of Provisions

The objectives and intended outcomes of the planning proposal will be achieved by amending Lithgow LEP 2014. The proposed changes are presented in this Part of the Planning Proposal.

The changes are grouped under the following categories:

- Instrument amendments only
- Mapping amendments only
- Instrument and mapping amendments

Part 2.1 – Instrument Amendments Only

Table 1: Proposed instrument amendments to Lithgow LEP 2014

No.	LEP Amendment Application	Explanation of Provisions	Proposed Instrument Changes
1.	Inclusion of 'Recreational Facility (Outdoor)' in the C3 – Environmental Management Zone	It is proposed that Council amend the Land Use Table within the LEP 2014 to permit with consent the land use 'Recreational Facility (Outdoor)' in the C3 Environmental Management zone. The intent of this amendment is to allow sympathetic development in our C3 Environmental Management zoned areas such as mountain bike trails on privately owned land. The definition of 'Recreational Facility (Outdoor)' is: <i>Recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).</i> The proposed addition of this land use will support the economic development and tourist attraction offerings within these area within the Lithgow LGA. Addition of this definition into the land use table within the C3 Environmental Management Zone is not considered to	Zone C3 Environmental Management 3 Permitted with consent Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Information and education facilities; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreational facility (outdoor); Research stations; Roads; Secondary dwellings; Tank-based aquaculture; Water recycling facilities; Water supply systems

be a policy change as the C3 zone already permits with consent similar land use activities such as Community Facilities and Recreational Areas.

The inclusion of the definition within the land use table is not inconsistent with the objectives of the zone and will provide a greater degree of flexibility to enable Council to consider such land uses without requiring a full Planning Proposal process.

Council has consulted with WaterNSW in accordance with Direction 3.3(2)(f) under s9.12 of the EP&A Act in regards to permitting Recreational Facility (Outdoor) in the C3 zone. WaterNSW preliminary response to the amendment has been provided in Appendix 3.

Council acknowledges WaterNSW's concerns regarding the range of uses that would become permitted with consent and their potential impact to water quality should the amendment be made. It is Council's position that the notation of permitted with consent under a land use table only allows a development to be considered by the relevant authority and does not in any way restrict or reduce the requirement of evidence needed to justify the capability of the land for development. Council's full response to WaterNSW has been provided in Appendix 4. Council will continue to consult with WaterNSW about this issue through the public exhibition period.

This action is supported by the preliminary June 2024 draft of the Lithgow Employment Lands Strategy.

2. Inclusion of ‘Artisan Food and Drink Industry’ Definition and Land Use.	An additional land use term ‘Artisan Food and Drink Industry’ was introduced by the former Department of Planning and Environment through an amendment to the standard instrument on the 31 August 2018 to provide clarity for the growing artisan and craft food/drink industry. As per the definition of Artisan Food and Drink Industry, the land use is permitted with consent where light industry is permitted, and as such is automatically permitted in the following zones in the Lithgow LEP 2014: • MU1 Mixed Use • E3 Productivity Support • E4 General Industrial Council is yet to apply the land use to other land use tables within the LEP 2014. The definition of ‘Artisan Food and Drink Industry’ is as follows: <i>artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—</i> <i>(a) a retail area for the sale of the products,</i> <i>(b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,</i> <i>(c) facilities for holding tastings, tours or workshops.</i>	Zone RU1 Primary Production 3 Permitted with consent Agritourism; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Artisan food and drink industry; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Markets; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Service stations; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems Zone RU2 Rural Landscape 3 Permitted with consent
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It is proposed to add this new land use term as permissible with consent in zones RU1 – Primary Production, RU2 – Rural Landscape and RU5 – Village. The proposed addition of this land use term aims to support the economic development and value adding opportunities for businesses in these areas of the Lithgow LGA in keeping with the recent incentives of the Agritourism reforms.

Agricultural produce industries; Agritourism; Animal boarding or training establishments; Aquaculture; **Artisan food and drink industry**; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cemeteries; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Markets; Plant nurseries; Recreation areas; Roadside stalls; Secondary dwellings; Water recreation structures; Water supply systems

Zone RU5 Village

3 Permitted with consent

Agricultural produce industries; Amusement centres; **Artisan food and drink industry**; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Business premises; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Community facilities; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Highway service centres; Home-based child care; Home businesses; Home industries; Hotel or motel accommodation;

			Information and education facilities; Jetties; Kiosks; Local distribution premises; Markets; Neighbourhood shops; Office premises; Oyster aquaculture; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Service stations; Serviced apartments; Sewage treatment plants; Shops; Tank-based aquaculture; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies
3.	Removal of Access Handles in Calculation for Minimum Lot Size.	It is proposed to amend Clause 4.1 to improve the development outcomes of battle-axe lots created by subdivision. It is proposed that area used for accessing an allotment (otherwise known as a 'handle') of a battle-axe subdivision be removed from the calculation of the minimum lot size required by subdivision. This is to avoid creating allotments which lead to poor built-form outcomes for future residential dwellings where building orientation, private open space requirements and consistent streetscape design cannot be sufficiently achieved. A definition is to be inserted into the Lithgow LEP dictionary for “battle-axe lot” to give effect to this new clause. This definition is consistent with the State Environmental Planning Policy (Exempt and Complying	4.1 Minimum subdivision lot size (1) The objectives of this clause are as follows— (a) to minimise the cost to the community of— (i) fragmented and isolated development of rural land, and (ii) providing, extending and maintaining public amenities and services, (b) to ensure that the character and landscape setting of an area is protected and enhanced by any development, (c) to promote development on appropriately sized lots and to ensure access to available essential services. (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development

	Development Codes) 2008 and other LEP's such as Penrith Local Environmental Plan 2010 and Shoalhaven Local Environmental Plan 2014.	consent and that is carried out after the commencement of this Plan. (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. (3A) In calculating the size of a battle-axe lot, the area of the access laneway must not be included. (4) This clause does not apply in relation to the subdivision of any land— (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or (b) by any kind of subdivision under the Community Land Development Act 2021. (4A) Despite any other provision of this clause, land identified as “Area 1” or “Area 2” on the Lot Size Map may not be further subdivided. Dictionary battle-axe lot means a lot that has access to a road by an access laneway.
4.	Introduction of Standard Instrument Clause 5.22 Special Flood Considerations.	On the 14 July 2021, the NSW State Government implemented the Flood Planning Package which changed how Councils are to assess flood impact on future development. A part of this implementation was the optional Clause 5.22 Special Flood Considerations being added to the Standard Instrument which gave direction on how assessment was to be undertaken for ‘sensitive and hazardous’ development undertaken on lands affected by flooding between the Flood Planning area (1-in-100-year flood level in addition to freeboard) 5.22 Special flood considerations (1) The objectives of this clause are as follows— (a) to enable the safe occupation and evacuation of people subject to flooding, (b) to ensure development on land is compatible with the land’s flood behaviour in the event of a flood, (c) to avoid adverse or cumulative impacts on flood behaviour,

and the Probable Maximum Flood Extent (PMF). The 'sensitive and hazardous' developments applicable to this clause include the following land uses:

- (a) boarding houses,
- (b) caravan parks,
- (c) correctional centres,
- (d) early education and care facilities,
- (e) eco-tourist facilities,
- (f) educational establishments,
- (g) emergency services facilities,
- (h) group homes,
- (i) hazardous industries,
- (j) hazardous storage establishments,
- (k) hospitals,
- (l) hostels,
- (m) information and education facilities,
- (n) respite day care centres,
- (o) seniors housing,
- (p) sewerage systems,
- (q) tourist and visitor accommodation,
- (r) water supply systems.

Council did not opt-in to Special Flood Consideration Clause during the rollout of the Flood Planning Package in 2021. This opt out was due to Council being in the process of developing a Floodplain Risk Management Study and Plan and awaiting the recommendations of the plan to guide strategic implementation of planning controls within the flood prone areas. In 2023, Council supported the NSW DPE proposed amendments to the Standard Instrument to make Clause 5.22 Special Flood Considerations mandatory in all LEP's, however no

- (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
- (e) to avoid adverse effects of hazardous development on the environment during flood events.

(2) This clause applies to—

- (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
- (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—

- (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
- (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (c) will adversely affect the environment in the event of a flood.

(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.

(5) In this clause—

further action was taken by DPE in implementing the proposed changes.

The Lithgow Floodplain Risk Management Study and Plan 2023 recommended Council adopt Clause 5.22 Special Flood Considerations into Lithgow LEP 2014. The FPRMS&P also recommended Council adopt new development controls within the Lithgow Development Control Plan 2021 to provide further development standards for development in the Probable Maximum Flood in addition to the Flood Planning Area. An amendment to the Lithgow Development Control Plan 2021 is being prepared concurrently with this Housekeeping Planning Proposal. A copy of the amendment to the Lithgow DCP 2021 can be found in Attachment 1 - Proposed Flooding Control Updates to the Lithgow Development Control Plan 2021.

Considering Flooding in Land Use Planning Guideline—see clause 5.21(5).

flood planning area—see clause 5.21(5).

Flood Risk Management Manual—see clause 5.21(5).

probable maximum flood has the same meaning as in the Flood Risk Management Manual.

sensitive and hazardous development means development for the following purposes—

- (a) boarding houses,
- (b) caravan parks,
- (c) correctional centres,
- (d) early education and care facilities,
- (e) eco-tourist facilities,
- (f) educational establishments,
- (g) emergency services facilities,
- (h) group homes,
- (i) hazardous industries,
- (j) hazardous storage establishments,
- (k) hospitals,
- (l) hostels,
- (m) information and education facilities,
- (n) respite day care centres,
- (o) seniors housing,
- (p) sewerage systems,
- (q) tourist and visitor accommodation,
- (r) water supply systems.

5. Re-classification of certain lands from Community to Operational.

Council seeks to reclassify four (4) Council owned/controlled public land sites from ‘Community’ to ‘Operational’ classification through an amendment to the Lithgow LEP 2014. Appendix 6 of this report contains maps identifying their location.

Part 1 Land classified, or reclassified, as operational land—no interests changed

Table 2: Lands to be Reclassified with no interest changed

Column 1	Column 2
Locality	Description

The Housekeeping Planning Proposal recommends that the Lithgow LEP 2014 be amended by adding the land as identified in table 2 and 3 to Schedule 4 *Classification of public land*.

Clause 27 of the Local Government Act 1993 requires reclassification of public land from community to operational to be made by a local environmental plan.

The proposed reclassifications will be undertaken consistent with the Department of Planning, Housing and Infrastructure's LEP Practice Note PN 16-001 – Classification and reclassification of public land through a local environmental plan. This is being undertaken to ensure cotemporary and community held objectives and outcomes for public land are achieved and/or achievable within the framework established by the Local Government Act 1993. Reference sheets have been drafted to demonstrate compliance with the practice notes and are located in Appendix 6.

The purpose of the classification changes includes:

1. Identify lands that have no public use and have no ongoing need to consult the community in the continued management of the land.
2. Allowing Council to be responsive to the current and future needs of assets or services and facilities.
3. Maximise the economic use of Council's land holdings while maintaining its environmental and social obligations.

Bowenfels	Lot 5, DP 1304125
Lithgow	Part Lot 2, DP 1077295

Part 2 Land classified, or reclassified, as operational land—interests changed

Table 3: Lands to be Reclassified with interest changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Bowenfels	Lot 1, DP 246233	Nil
Lithgow	Part Lot 45, DP 1096536	Nil

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4. Fixing incorrect classifications from the introduction of the public land classification process.
 5. Correctly classify Council land that has a pure operation focus and function.

Council will be seeking the Governor's approval for the removal of the public reserve status over lot 1 DP 246233 and lot 45 DP 1096536 under s.30 of the Local Government Act 1993 (LG Act) for the subject areas seeking to be reclassified as illustrated in Appendix 6.

Council must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). After the exhibition period has ended, at least 21 days public notice is to be given before the public hearing. A report which includes the results of the hearing will be made publicly available no later than 4 days after the hearing as per s.47G of the LG Act.

Part 2.2 – Mapping Amendments Only

Refer to Part 4 – Mapping of this Draft Planning Proposal for accompanying maps to the proposed changes.

Table 3: Proposed Mapping Amendments to Lithgow LEP 2014

No.	LEP Amendment Application	Explanation of Provisions
6.	Amending Zoning of Various National Park Estate.	Since the adoption of the LEP 2014, a number of rural lands within Lithgow LGA have been reserved and dedicated to the National Parks and Wildlife Service (NSW NPWS) under the provisions of Section 30A(1)(a) of the National Parks and Wildlife Act 1974 (NPW Act). NPWS is responsible for managing all land-use and development activities within these lands, overriding any environmental planning instrument (i.e. LEP 2014).

Pursuant to the Department of Planning Practice Note PN 11-002, land reserved for national parks and nature reserves in accordance with the NPW Act 1974 should be zoned C1 zones (previously referred to as E1) as per the recommendation below:

E1 National Parks and Nature Reserves

Application

This zone is generally intended to cover existing national parks and nature reserves, and new conservation areas proposed for reservation that have been identified and agreed by the NSW Government. All uses currently authorised under the National Parks and Wildlife Act 1974 will continue to be permitted without consent in this zone.

It is proposed that all lands below that have been reserved through the NSW Government Gazette since 2014 are to be rezoned to C1 National Parks and Nature Reserves and have their applicable minimum lot size removed.

Table 4: Gazetted lands since December 2014 to be rezoned/lot size amended.

MAP REF	NAME	GAZETAL DATE	CURRENT CONTROLS	PROPOSED CONTROLS	LOT (OR OTHER DESCRIPTION)	DP
1 Figure 31-32	Wollemi National Park	06/05/2022	RU3 Forestry	C1 National Parks and Nature Reserves	No lot or DP available. See schedule 1A Reservation of land, Section 4 of the National Parks and Wildlife Act 1974 as amended by the National Parks and Wildlife Amendment Bill 2021	
2 Figure 37-38 71-72	Wollemi National Park	03/12/2021	RU2 Rural Landscape 40ha	C1 National Parks and Nature Reserves Nil.	5-8 Section 20	758770

3 Figure 37-40 71-74	Wollemi National Park	13/03/2015	RU2 Rural Landscape	C1 National Parks and Nature Reserves	1 & 2 1	935262 753824
				Nil.		
4 Figure 37-38 71-72	Wollemi National Park	06/09/2019	RU2 Rural Landscape	C1 National Parks and Nature Reserves	5 Section 28 8 Section 29 13 Section 34	758770 758770 758770
				40ha Nil.		
5 Figure 11-12 53-54	Wollemi National Park	11/12/2020	RU1 Primary Production	C1 National Parks and Nature Reserves	10	1257903
				40ha Nil.		
6 Figure 1-2 45-46	Mugii Murum-ban State Conservation Area	07/10/2016	RU2 Rural Landscape	C1 National Parks and Nature Reserves	67	722329
				40ha Nil.		
7 Figure 23-24 27-32 67-70	Gardens of Stone State Conservation Area	30/06/2022	RU2 Rural Landscape	C1 National Parks and Nature Reserves	No lot or DP available. See schedule 1A Reservation of land, Section 6 of the National Parks and Wildlife Act 1974 as amended by the National Parks and Wildlife Amendment Bill 2021	
				40ha Nil.		
8 Figure 19-36 61-64	Gardens of Stone State Conservation Area	06/05/2022	RU3 Forestry RU2 Rural Landscape	C1 National Parks and Nature Reserves	No lot or DP available. See schedule 1A Reservation of land, Section 5 of the National Parks and Wildlife Act 1974 as amended by the National Parks and Wildlife Amendment Bill 2021	
				40ha Nil.		
9 Figure 9-10 23-24 51-52	Gardens of Stone State National Park	18/05/2018	RU2 Rural Landscape	C1 National Parks and Nature Reserves	Parish Goollooinboin, 142.45 hectares being Lots 90 and 108 DP751640. Parish Goollooinboin, about 2.96 hectares being the Crown road within Lot 90 DP751640 and the Crown road separating Lots 108 and 56 DP751640 from Lot 10 DP751640.	
				40ha Nil.		
10 Figure 23-26 31-32 63-66	Gardens of Stone State National Park	06/05/2022	RU2 Rural Landscape	C1 National Parks and Nature Reserves	No lot or DP available. See schedule 1A Reservation of land, Section 6 of the National Parks and Wildlife Act 1974 as amended by the National Parks and Wildlife Amendment Bill 2021	
				40ha Nil.		

11 Figure 1-2 45-46	Capertee National Park	30/10/2020	RU2 Rural Landscape	C1 National Parks and Nature Reserves	County of Roxburgh, Parish of Capertee, 1,034.88 hectares, being Lot 33 DP755763.
			40ha	Nil.	County of Roxburgh, Parish of Capertee, about 22.83 hectares, being the Crown road within Lot 33 DP755763 and that part of Port Macquarie Road within Lots 33 & 35 DP755763 and separating Lot 2 DP739047 from Lot 55 DP755763.
12 Figure 1-2 45-46	Capertee National Park	05/03/2015	RU2 Rural Landscape	C1 National Parks and Nature Reserves	County Roxburgh, Parish Airly, 18.51 hectares being Lot 14 DP 755757.
			40ha	Nil.	County Roxburgh, Parishes Airly and Morundurey, about 21.9 hectares being the Crown road reserve and the bed of Oaky Creek (as shown in the Government Gazette Map).
13 Figure 1-4 45-48	Capertee National Park	08/04/2016	RU2 Rural Landscape	C1 National Parks and Nature Reserves	Parishes Airly, Capertee and Morundurey, about 2694 hectares being Lot 1 DP 739046, Lot 72 DP 755757, Lot 1441 DP 1153535, Lot 155 DP 722292, Lot 1 DP 739047 and that part of Lot 67 DP 722329 and part of Lot 7012 DP 1056868 (as shown in the Government Gazette Map).
			40ha	Nil	Parishes Airly, Capertee and Morundurey, about 39 hectares being the Crown roads within Lot 2 DP 739046, Lots 35 & 55 DP 755763, Lots 1 & 2 DP 739047, Lots 66, 67 & 68 DP 722329, Lot 155 DP 722292, Crown road separating Lots 1 & 2 DP 739046 from Ulumbra Creek, Crown road separating Lot 2 DP739046 from Capertee River and Crown road separating Lots 1 & 2 DP 739047 from Capertee River.

14 Figure 1-6 45-50	Capertee National Park	03/12/2021	RU2 Rural Landscape 40ha	C1 National Parks and Nature Reserves Nil.	County of Roxburgh, Parishes of Airly, Capertee and Morundurey, about 126.53 hectares, being Lot 7003 DP1050959 and that part of the bed of Capertee River and Ulumbra Creek (as shown in the Government Gazette Map).
15 Figure 41-42 75-76	Hartley Historic Site	21/11/2014	RU1 Primary Production 40ha	C1 National Parks and Nature Reserves Nil.	4 1067449
16 Figure 17-18 59-60	Kanangra-Boyd National Park	18/05/2018	RU2 Rural Landscape 40ha	C1 National Parks and Nature Reserves Nil.	County Westmoreland, Parishes Konangaroo, Jenolan and Ganbenang, about 231.5 hectares comprising Lot 5 DP 757055, Lots 1 and 2 DP 1178133 and Lots 24, 25 and 29 DP 757059 (inclusive of the crown road separating Lots 24 and 29 DP757059 from Lot 49 DP728898 and the bed of Big Oak Creek separating Lot 25 DP 757059 from Kanangra-Boyd National Park).

There are also a number of lands in the ownership of NSW NPWS or that are privately held that were not properly mapped in accordance with the C1 zone when the LLEP 2014 maps were created. The table below identified these lands.

Table 5: Gazetted lands prior to December 2014 to be rezoned/lot size amended.

MAP REF	NAME	GAZETAL DATE	CURRENT CONTROL	PROPOSED CONTROL	LOT	DP
17 Figure 9-10 23-24 31-32	Gardens of Stone National Park	11/08/2006	RU2 Rural Landscape	C1 National Parks and Nature Reserves	56 55	751640 751640
18 Figure 9-10 23-24 31-32	Gardens of Stone National Park	30/11/1994	RU2 Rural Landscape	C1 National Parks and Nature Reserves	Part of Crown Road separating Lot 124 & 116 DP 751640	
19 Figure 13-14 55-56	Wollemi National Park	14/12/1979	RU1 Primary Production 40ha	C1 National Parks and Nature Reserves Nil.	Part 121	1155980
20	Removed.					

	21 Figure 15-16 57-58	Turon National Park	16/08/2002	C1 National Parks and Nature Reserves	RU2 Rural Landscape	No lot or DP available	
	22 Figure 77-78	Wollemi National Park	12/04/2013	Nil. Area 1	40ha Nil.	25	753777
	23 Figure 79-82	Winburndale Nature Reserve	16/08/2002	Nil. 40ha	40ha Nil.	Part of Sugarloaf Trail separating Lot 120 DP 755770 and Lot 110	
	24 Figure 43-44 83-84	Gardens of Stone National Park	30/11/1994	RU1 Primary Production	C1 National Parks and Nature Reserves	Crown Road on the south-eastern boundary of Lot 11 & 18 DP 755766	
	25 Figure 7-8	Mugii Murum-ban State Conservation Area	04/03/2011	40ha RU2 Rural Landscape	Nil. C1 National Parks and Nature Reserves	6 Section 1	758011
7.	Rezoning of Lithgow City Council Works Depot at Wallerawang	The subject land is known as Lot 1 DP 390626, Brays Lane, Wallerawang, with an area of 11,848m² and is currently zoned RE1 Public Recreation with no applicable minimum lot size. The subject site is currently classified as operation land. At the time of making Lithgow LEP2014 Council was pursuing a strategy of developing a new centralised works depot integrating both the Lithgow Works Depot and Wallerawang Works Depot. The site of the Wallerawang Depot was therefore zoned having regard to the potential future use of the site as an expanded sports precinct. This strategy has since been abandoned by Council. The current RE1 Public Recreation zoning of this parcel of Council land is inconsistent with its current and proposed foreseeable land use. The current zoning restricts the operational requirements of the current works depot due to the reliance on existing use rights provisions under the EP& A Act, 1979. This is untenable moving forward. It is proposed that the subject site be rezoned to SP2 Council Depot.					
8.	Rezoning of Lithgow General Cemetery	The Lithgow General Cemetery is consistent of three allotments: • Lot 1 DP 1133793 • Lot 7306 DP 1142901 • Lot 2 DP 1040909 The subject lands Lot 1 DP 1133793 and Lot 7306 DP 1142901, with an area of 39,679m² and 12,120m² respectively, are zoned SP2 Infrastructure (Parks and Public Reserves) and have no applicable minimum lot size. The subject land known as Lot 2 DP 1040909, with an area of 9,294m², is currently zoned R1 General Residential, an applicable minimum lot size of					

600m² and has a restriction on title, limiting the use of the land as a public cemetery.

Since the preparation of the Lithgow LEP 2014, the Lithgow General Cemetery has expanded operations into Lot 2 DP 1040909. Cemeteries are currently not permitted within this zone under Lithgow LEP 2014.

It is proposed that all three lots be rezoned to SP2 Infrastructure (Cemetery) and remove all applicable minimum lot size to remove any confusion regarding the use of the land and to provide the ability for the cemetery to continue its expansion undertaken in 2010 through the purchasing of Lot 2 DP 1040909.

As a result of the proposed above rezoning, a small slither of R1 General Residential zoning will be created on the adjacent privately owned lot (Lot 5 DP 1230208). Due to the location of the strip and its irregular narrow shape, the land would not be suitable for future residential development under the current planning controls.

The intent to remedy this anomaly is to rezone the R1 General Residential portion to C4 Environmental Living and apply a 40ha minimum lot size to be consistent with the existing adjacent C4 Environmental Living zone.

Part 2.3 – Instrument and Mapping Amendments

Refer to Part 4 – Mapping of this Draft Planning Proposal for accompanying maps to the proposed changes.

Table 6: Proposed Instrument and Mapping Amendments to Lithgow LEP 2014

No.	LEP Amendment Application	Explanation of Provisions	Proposed Instrument Changes
9.	Erection of Dwellings Within the Cullen Bullen Township	Pursuant to Clause 4.2B(3)(a) of the Lithgow LEP 2014, a minimum of 4000m² is required to grant consent for the erection of a dwelling house within the Cullen Bullen village area. The prescribed 4000m² was adopted in the Lithgow LEP 2014 pursuant to best practice for on-site effluent disposal systems (Environment and Health Guidelines On-Site Sewerage Management for Single Households, DLG 1998 “Silver Book”) and as supported by the Sydney Catchment Authority for sites that were unsewered to avoid failure of on-site effluent disposal systems. Council through their regular inspection of on-site effluent disposal system within the township identified signs of failure of these systems within the village. To address these ongoing issues, Council in April 2024 commissioned the Cullen Bullen Sewer Treatment Plant and provided connections for all existing dwellings within the village which provides reticulated sewerage, no longer needing to rely on on-site systems. Advice from Council's Water and Wastewater department is that there is still significant capacity within the system for further development post connections to connect all existing vacant lots in the Cullen Bullen RU5 Village Zone.	4.2B Erection of dwelling houses, dual occupancies and secondary dwellings in Zone RU5 and Zone R5 (1) The objectives of this clause are as follows— (a) to ensure that development is undertaken on appropriately sized lots that have access to available essential services, (b) to manage development density affected by subdivision patterns approved under the planning instrument in force immediately before the commencement of this Plan. (2) This clause applies to land in the following zones— (a) Zone RU5 Village, (b) Zone R5 Large Lot Residential. (3) Development consent must not be granted for the erection of a dwelling house, dual occupancy or secondary dwelling on land to which this clause applies, and on which no dwelling house, a dual occupancy or a secondary dwelling has been erected, unless the lot— (a) is not smaller than the minimum size shown on the Lot Size Map in relation to that land, or (b) was created by a subdivision for which development consent was granted under an environmental planning instrument, and on which the erection of a dwelling house, dual occupancy or secondary dwelling would have been permissible, immediately before the commencement of this Plan, or

No.	LEP Amendment Application	Explanation of Provisions	Proposed Instrument Changes
		An analysis of the existing allotment arrangements has been undertaken for the Cullen Bullen RU5 Village Zone and has shown that there are 37 vacant lots, ranging from 424m² to 1962m². These lot sizes are consistent with the overall holding pattern within the township at an average of 1523m², including some outliers in large holdings including the Cullen Bullen Public School and large unsubdivided private holdings on the southern side of the township. Council proposes that the identified vacant allotments should have their dwelling entitlements reinstated as the development outcomes for these lands would be consistent with the existing built environment. Council would only consider the erection of a dwelling on these lands subject to connection to the reticulated sewerage service. An amendment to Clause 4.2B is proposed where the township of Cullen Bullen is to be excluded from the requirement of 4000m² minimum lot size for the erection of a dwelling house accompanied by an overlay on the minimum lot size map to identify the extent of the applicable area. The 4000m² minimum lot size will remain in the Lithgow LEP 2014 for the purpose of subdivision within the Cullen Bullen Village. Council will continue to resist any future planning proposals that would allow for further subdivision of the Cullen Bullen township in-line with Council's adopted Local Strategic Planning Statement until the Growth Management Strategy, which includes the Housing	(c) resulted from a subdivision for which development consent was granted under an environmental planning instrument, and on which the erection of a dwelling house, dual occupancy or secondary dwelling would have been permissible, if the plan of subdivision had been registered before the commencement of this Plan. (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land within "Area 3" of the <u>Lot Size Map</u>, but only if the dwelling house is to be connected to a reticulated sewerage system.

No.	LEP Amendment Application	Explanation of Provisions	Proposed Instrument Changes
10.	Renaming of Environmental Sensitive Areas Map	Strategy component, is completed and a recommendation is made on where new housing should be located and in what form. This amendment is to remove the reference to Environmentally Sensitive Areas notation in the title of the Water, Biodiversity and Land Overlay Maps, definitions and clauses within Lithgow LEP 2014. This amendment will remove any ambiguity in the operation of Complying Development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> (Codes SEPP). Pursuant to Clause 1.17A(1)(e) of the Codes SEPP, complying development cannot be undertaken on lands within an environmentally sensitive area. Council’s LEP 2014 currently contains three series of maps which refer to environmentally sensitive areas. They are: • Environmentally Sensitive Area - Biodiversity Overlay Map • Environmentally Sensitive Area - Water Overlay Map • Environmentally Sensitive Area - Land Overlay Map While the maps contained within the LEP 2014 do refer to environmentally sensitive areas in their title, the prescribed overlays do not reflect the definition of environmentally sensitive areas under the Codes SEPP. There is no definition of Environmentally Sensitive Areas	7.4 Terrestrial biodiversity (2) This clause applies to land identified as “Biodiversity” on the <i>Biodiversity Overlay Map</i>. 7.5 Groundwater vulnerability (2) This clause applies to land identified as “Groundwater Vulnerable” on the <i>Water Overlay Map</i>. 7.6 Riparian land and watercourses (a) land identified as “Sensitive Waterway” on the <i>Water Overlay Map</i>. 7.7 Sensitive lands (2) This clause applies to land identified as “Sensitive Land Areas” on the <i>Land Overlay Map</i>. Dictionary <i>Biodiversity Overlay Map</i> means the <i>Lithgow Local Environmental Plan 2014 Biodiversity Overlay Map</i>. <i>Land Overlay Map</i> means the <i>Lithgow Local Environmental Plan 2014 Land Overlay Map</i>. <i>Water Overlay Map</i> means the <i>Lithgow Local Environmental Plan 2014 Water Overlay Map</i>.

No.	LEP Amendment Application	Explanation of Provisions	Proposed Instrument Changes
		within the LEP 2014 or Standard Instrument. Under Clause 1.5 Interpretation - general of the Codes SEPP, environmentally sensitive areas are defined as: <i>environmentally sensitive area means any of the following—</i> <i>(a) the coastal waters of the State,</i> <i>(b) a coastal lake identified in State Environmental Planning Policy (Resilience and Hazards) 2021, Schedule 1,</i> <i>(c) land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map, within the meaning of State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2,</i> <i>(d) land reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997,</i> <i>(e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,</i> <i>(f) land within 100m of land to which paragraph (c), (d) or (e) applies,</i> <i>(g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,</i> <i>(h) land reserved under the National Parks and Wildlife Act 1974 or land to which Part 11 of that Act applies,</i> <i>(i) land reserved or dedicated under the Crown Land Management Act 2016 for the preservation of flora, fauna, geological formations or for other environmental protection purposes,</i>	

No.	LEP Amendment Application	Explanation of Provisions	Proposed Instrument Changes
		<i>(j) land identified as being critical habitat under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994.</i> None of the above series of maps relate to matters as defined within the Codes SEPP definition outside of the Biodiversity Overlay Map which identifies areas of High Biodiversity in accordance with (g). It is therefore proposed that the map titles be amended to remove the definition discrepancy. To achieve this outcome, it is proposed that all maps as listed above be renamed to remove their association with Environmentally Sensitive Area and their associated reference in LEP 2014 Clause 7.4(2), 7.5(2), 7.6(2) and 7.7(2) and Dictionary be updated.	
11.	Updates to Schedule 5 Environmental Heritage	This planning proposal seeks to address errors and anomalies in Schedule 5 – Environmental Heritage of the LEP 2014 and the associated heritage maps. The proposed changes are a result of the following: 1. Update of items from local significance to state significance where certain items have achieved State Heritage listing. 2. Change of an item's heritage curtilage as part of a prior subdivision. 3. Updating property addresses, names, and descriptions. 4. Introduction of new state heritage items.	A schedule of amendments can be found in Appendix 2 which describes the changes proposed as part of this planning proposal.

Part 3 – Justification of Strategic and Site-Specific Merit

This part of the Planning Proposal presents the need for the proposed amendments to Lithgow LEP 2014, the relationship with the strategic planning framework, the impacts of the proposed changes, and State and Commonwealth interests.

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

No, the draft planning proposal is not a result of any strategic study or report. The amendments have been identified by Council staff and are considered to be minor in nature.

A report was tabled at the Ordinary Meeting of Council 22 July 2024 regarding the scoping of the matters included in this planning proposal.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

All matters covered by the Planning Proposal relate to statutory controls within the Lithgow LEP 2014. As such, the only mechanism for achieving the intended outcomes is to amend the Lithgow LEP 2014 through a Planning Proposal.

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is generally consistent with the Central West and Orana Regional Plan 2041. The proposed amendments are mostly administrative and will generally have little to no impacts on the objectives and strategies within the plan.

Table 7: Assessment against the Central West and Orana Regional Plan

Objective Name	Strategy	Consistency
Objective 5: Identify, protect and connect important environmental assets	Strategy 5.1	Consistent.
	Strategy 5.2	Through the process of renaming the environmental constraints maps in the Lithgow LEP 2014, Council is giving effect to the intended application of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, in particular ensuring consistency in the definition of 'environmentally sensitive area'.
	Strategy 5.3	The renaming of the environmental constraints mapping does not preclude the exclusionary consideration of high biodiversity as mapped within the biodiversity maps contained within the Lithgow LEP 2014 as required under Clause 1.17A(1)(e) of the Codes SEPP. Consideration of all biodiversity values will be retained as per the relevant clauses and maps within the Lithgow LEP 2014 in the assessment of future development applications.

Objective Name	Strategy	Consistency
Objective 6: Support connected and healthy communities	Strategy 6.3	Consistent. The proposal seeks to reclassify four pieces of land owned by Council from community to operational, two of which have functions relating to public open space. The following comments are made regarding each individual reclassification against the strategy within the CWORP: 1) Lot 1 DP 246233 & Lot 5 DP 1304125 The lots small, isolated lots as described above are historical anomalies and have not provided any role in Council's open space network as the sites had been submerged during the establishment of Lake Lyell in the 1980's. The reclassification does not impact the principles and future intended use of the Lake Lyell recreational area as identified in the <i>Lithgow Open Space and Recreational Needs Study 2010</i>. The land is intended to be transferred to Energy Australia to be consistent with all other adjoining lands that make up the waterbody. There is no benefit or net gain to retain the lots for open space as the land had never been used as part of the open space network since the transfer of the holding and is not envisaged to change in the future. 2) Part Lot 45 DP 1096536 The purpose of this reclassification is to resolve a historical encroachment from the Club Lithgow bowling greens on Queen Elizabeth Park. The reclassification will give effect to resolution 24-170 (see Appendix 8) in where Council resolved to agree to a land swap between Council and the Lithgow City Bowling Club Limited. The result of the land swap would see 2,595m² of land currently being used as bowling greens be swapped with 544m² of land being used for Council infrastructure. As a result of the reclassification, the true extent of the open space network within Queen Elizabeth Park will be formally identified while maintain the recreational opportunity provided by the Club Lithgow Bowling Club.

Objective Name	Strategy	Consistency
Objective 7: Plan for resilient places and communities	Strategy 7.1	Consistent. The proposed addition of clause 5.22 Special Flood Considerations and flood development controls to the LEP 2014 ensures consistency with the NSW Flood Development Manual 2023 by ensuring development and essential infrastructure is managed to reduce impacts from severe flood events.
Objective 8: Secure resilient regional water resources	Strategy 8.1	Consistent. Developments that can be undertaken as complying development through the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> are to be considered low-impact and as such are not to cause harm to groundwater quality.
Objective 9: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	Strategy 9.1 Strategy 9.4	Consistent. The administrative updates to Schedule 5 of the Lithgow LEP 2014 are to ensure that the significance of local and state heritage item(s) is reflected in the relevant environmental planning instruments. The proposed amendments will provide a more accurate record of heritage in the Lithgow LGA, allowing for more effective management and interpretation.
Objective 13: Provide well located housing options to meet demand	Strategy 13.1 Strategy 13.3	Consistent. The provision of new housing in the Cullen Bullen township is in response to the new sewer treatment plant which opened in 2024, addressing the infrastructure and health concerns within that region. The planning proposal only seeks to reinstate dwelling entitlements for already existing lots. Any further expansion of the township's boundaries will be investigated in a future housing strategy.
Objective 22: Support a diverse visitor economy	Strategy 22.1	Consistent. By permitting with consent recreational facility (outdoor) and artisan food and drink industries into more areas in the Lithgow LGA, it encourages an increase in tourism activity and visitation.

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Council's LSPS sets the 20-year vision for the Lithgow LGA. The LSPS explains how council is implementing the planning priorities and actions in the CWORP in conjunction with the Lithgow Community Strategic Plan.

The draft PP compares with the following relevant Planning Priorities identified in the Lithgow LSPS, as noted in Table 8 below.

Table 8: Assessment against the Lithgow 2040 Local Strategic Planning Statement

Planning Priority	Comment
Priority 1: Establish a Framework for Sustainable Growth	The updating of development controls applicable to Cullen Bullen township allows for infill which is consistent with the desired development patterns of the towns. Any further boundary expansions of the towns will be investigated as part of a future housing strategy.
Priority 3: Plan and Appropriately Manage Rural Lifestyle Development	See priority 2.
Priority 4: Recognise, Preserve, Promote and Activate our Heritage	The updates to the descriptions and identification information of the various heritage items within the Lithgow LEP 2014 will ensure any current controls remain clear and enforceable.
Priority 5: Align Development with Essential Infrastructure	N/A
Priority 6: Provide the Community with Access to Attractive, Healthy, and Green Public Spaces and Places	N/A
Priority 7: Increase the Visitor Economy	The inclusion of artisan food and drink industries, and recreational facility (outdoor) to more land use tables applicable to the Lithgow LEP 2014 will provide for more tourism development opportunities and visitor growth.
Priority 8: Protect the Economic Values of Rural Areas Through Managing Land Use Conflict	N/A
Priority 9: Attract Investment and Grow Local Jobs	See priority 7.
Priority 10: Manage Natural Waterways and Water Resources	See priority 11.
Priority 11: Protect Areas of High Environmental Value	The updates to the environmentally sensitive maps will increase the accuracy of information regarding these environmental values and will assist in their continued protection while ensuring consistency with SEPP's. Council will continue to assess

Planning Priority	Comment
	development applications against relevant sections under part 7 of the Lithgow LEP 2014.
Priority 12: Adapt to Natural Hazards and Climate Change	The inclusion of Clause 5.22 Special Flood Considerations and the removal of the LEP flood maps ensures Council is promoting development away from high-risk flood areas accordance with the Flood Risk Management Manual 2023.

The Lithgow Community Strategic Plan 2035 sets the strategic direction for Council’s Delivery Program and Operational Plans. The themes and directions outlined in the plan inform Council’s activities towards achieving the identified community outcomes and outlines the visions and goals for the Lithgow LGA over the next 10 years.

Table 9: Assessment against the Lithgow Community Strategic Plan

Objective	Consistency
CC1: To plan and provide quality community and recreational facilities and services for a healthy, vibrant and harmonious community that embraces challenges and has the resilience to adapt to change	N/A
CC2: To work together to support, celebrate and expand the social and cultural diversity of our community whilst promoting healthy, active lifestyles in a safe environment.	N/A
SE1: To provide sustainable and planned growth that supports a range of lifestyle choices and employment options.	The inclusion of artisan food and drink industries, and recreational facility (outdoor) to more land use tables applicable to the Lithgow LEP 2014 promotes and supports economic diversity in our rural areas which is consistent with their localities.
SE2: To explore and discover the richness in our society through the pursuit of educational, creative and cultural opportunities to diversify our economy, skills base and employment opportunities.	The updates to the descriptions and identification information of the various heritage items within the Lithgow LEP 2014 will ensure that the rich heritage of the Lithgow LGA is appropriately protected and maintained.
SE3: The Lithgow region is seen as a desirable place to work, live, visit and invest.	See SE1.

Objective	Consistency
BE1: To plan for suitable infrastructure to promote sustainable and planned growth, while enhancing the existing identity of the towns, villages and rural areas of the local government area.	The provision for more housing opportunities in Cullen Bullen is supported by recently constructed Cullen Bullen Sewer Treatment Plant.
BE2: To ensure sustainable and planned growth through the provision of effective public and private transport options, and suitable entertainment and to enhance the lifestyle choices of the community.	N/A
NE1: To conserve and preserve the natural environment whilst balancing the impact of development to ensure a sustainable and healthy community.	The inclusion of Clause 5.22 Special Flood Considerations and the removal of the LEP flood maps ensures Council will ensure that sensitive developments be located away from flood hazards areas. The updates to the environmentally sensitive maps will facilitate development that is consistent with the biodiversity and other environmental values located on the land.
NE2: To work together to enhance, manage and maintain the Lithgow region's distinct and exceptional natural environment for the enjoyment of current and future generations.	N/A
GL1: To be a proactive Council that sets the long term direction for the local government area and Council to ensure a sustainable future for the Lithgow local government area.	The amendments to the planning controls over the Lithgow General Cemetery and Wallerawang Works Depot ensure the orderly operation of Council assets and facilities into the future.
GL2 To be a Council that focuses on strong civic leadership, organisational development and effective governance with an engaged community actively participating in decision making processes affecting their future	N/A

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The draft Planning Proposal is not inconsistent with any State or regional strategies. The Proposal is local in scale, and minor in nature, dealing only with minor administrative updates and some limited, site-specific, changes to zoning and planning controls. As such, an assessment against the higher order objectives of specific State and regional strategies is not considered necessary.

6. Is the planning proposal consistent with applicable SEPPs?

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs), as demonstrated below, due to the proposed changes being of minor significance.

Table 10: Assessment against applicable SEPPs

SEPP Name	Consistency	Consistent
State Environmental Planning Policy (Primary Production) 2021	The Planning Proposal does not contradict the provisions of this SEPP.	Yes
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The Planning Proposal seeks to remove the ambiguity of Clause 1.19(1)(e)(iv) between the Lithgow LEP 2014 and the Codes SEPP.	Yes
State Environmental Planning Policy (Resources and Energy) 2021	The Planning Proposal does not contradict the provisions of this SEPP.	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021	The Planning Proposal does not contradict the provisions of this SEPP.	Yes
State Environmental Planning Policy (Industry and Employment) 2021	The Planning Proposal does not contradict the provisions of this SEPP.	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	The Planning Proposal does not contradict the provisions of this SEPP.	Yes
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The Planning Proposal does not contradict the provisions of this SEPP.	Yes
State Environmental Planning Policy (Planning Systems) 2021	The Planning Proposal does not contradict the provisions of this SEPP.	Yes
State Environmental Planning Policy (Precincts – Regional) 2021	The Planning Proposal does not contradict the provisions of this SEPP.	Yes

7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The Minister for Planning and Environment issues Local Planning Directions that councils must follow when preparing a planning proposal. This planning proposal is considered to be consistent with all applicable Section 9.1(2) Directions, as demonstrated below.

Table 11: Consistency with 9.1 Local Planning Directions

Directions	Comment
1.1 Implementation of Regional Plans	Consistent. This Planning Proposal is generally consistent with the Central West and Orana Regional Plan 2041 as shown in table 4.
1.2 Development of Aboriginal Land Council Land	N/A
1.3 Approval and Referral Requirements	Consistent. This Planning Proposal does not introduce and new concurrence or consultation provisions or any additional designated development types.
1.4 Site Specific Provisions	Consistent The site-specific minimum lot size controls for the erection of dwelling houses in Cullen Bullen is consistent as “Dwelling Houses” are permissible with consent in the RU5 Village zone.
1.4A Exclusion of Development Standards from Variation	N/A
1.5 to 1.22	N/A
3.1 Biodiversity and Conservation	Consistent The renaming of the environmentally sensitive lands maps does not reduce the consideration of environmentally sensitive areas as the maps and related provisions under the Lithgow LEP 2014 will still apply to development applications while allowing complying development to occur (subject to exclusions in the Codes SEPP).
3.2 Heritage Conservation	Consistent The Planning Proposal seeks to update, amend or delete heritage items listed under the Lithgow LEP 2014. The purpose of these changes is to contemporise provisions and correct anomalies. The Planning Proposal does not seek to alter or adversely affect the heritage significance of affected items.
3.3 Sydney Drinking Water Catchments	Consistent Council has written to WaterNSW to satisfy condition (2)(f) which is attached in Appendix 3. Council is seeking to permit with consent Recreational Facility (Outdoor) into areas zoned C3 Environmental Management within the Lithgow LGA. The purpose of considering this land use in the zone is to allow Council to consider development applications for minor developments such as walking tracks and downhill mountain biking courses. Under 6.5 of Chapter 6 of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> , it is envisaged that higher intensity developments that would be permitted under Recreational Facility (Outdoor) such as golf courses would be

Directions	Comment
	unable to demonstrate neutral or beneficial effect on water quality. Council will consult with WaterNSW regarding the issue of development within the C3 Environmental Management zone both pre and post gateway.
3.4 to 3.10	N/A
4.1 Flooding	Consistent The Planning Proposal is consistent with this Direction as the changes are a direct result of Council's recently adopted Floodplain Risk Management Study and Plan prepared under the NSW Flood Risk Management Framework. The following comments are made in respect to 4.1: 1) The proposed actions are supported by the Lithgow Floodplain Risk Management Study and Plan 2023 as adopted by Council. 2) The proposal does not seek to rezone any lands within the flood planning area for any uses as described by the direction. 3) A) The PP does not seek to rezone any lands within a floodway B) The scope of changes within the PP would not allow for any sizeable development to occur that was not already permissible under the current LEP provisions. C) No areas of high hazard are being identified for new residential accommodation. D) The scope of changes within the PP would not allow for any sizeable development to occur that was not already permissible under the current LEP provisions. E) The development controls proposed by the DCP amendments give effect to this direction. F) N/A G) The scope of changes within the Planning Proposal would not allow for any sizeable development to occur that was not already permissible under the current LEP provisions. H) No changes to industrial permissibility are proposed by this Planning Proposal within the FPA. The development controls proposed by the DCP amendments give effect to this direction. 4) As mentioned in 3), the proposal does not seek to create any intensification of land use within the FPA which may result in increased flood risk to the community. 5) The FPA has been set by the Lithgow Floodplain Risk Management Study and Plan 2023 which was done in accordance with the Floodplain Development Manual 2005/Flood Risk Management Manual 2023.
4.2 Coastal Management	N/A

Directions	Comment
4.3 Planning for Bushfire Protection	Consistent Council will consult the NSW Rural Fire Service on the Planning Proposal post Gateway Determination, which will provide the information to demonstrate compliance with the provisions of this Direction
4.4 to 4.6	N/A
5.1 Integrating Land Use and Transport	The Planning Proposal is consistent with this Direction as the changes are of minor significance and would result in minimal development via infill.
5.2 to 5.5	N/A
6.1 Residential zones	Consistent. This Planning Proposal seeks to permit an increase of housing availability through infill development in the township of Cullen Bullen which is now connected to reticulated water and sewer services. This is consistent with the direction and state and local strategies.
6.2 Caravan Parks and Manufactures Home Estates	N/A
7.1 to 7.3	N/A
8.1 Mining, Petroleum Production and Extractive Industries	N/A
9.1 Rural Zones	Consistent The Planning Proposal only seeks to increase residential density permissibility within the existing Cullen Bullen township.
9.2 Rural Lands	Consistent. The Planning Proposal seeks to rezone various rural holdings which have been reserved and dedicated to the National Parks and Wildlife Service since the adoption of the Lithgow LEP 2014. There are no proposed changes as part of this Planning Proposal that would impact rural economic activities.
9.3 to 9.4	N/A

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?*

No, there is no likelihood that critical habitats, populations, or ecological communities will be adversely affected by future development as a result of this Planning Proposal.

9. *Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?*

No environmental effects are likely to occur as a result of the draft Planning Proposal.

10. *Has the planning proposal adequately addressed any social and economic effects?*

As the nature of the amendments within this Planning Proposal relate to rectifying errors and anomalies in Lithgow LEP 2014, it is unlikely that any critical habitats or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal.

It is not envisaged that the scale of the proposed amendments made as part of this Planning Proposal would lead to any unintended economic impacts.

11. Is there adequate public infrastructure for the planning proposal?

The Planning Proposal will not trigger an upgrade or reliance on public infrastructure in excess of current capacity. The increase of public infrastructure generated through the intensification of residential use in the Cullen Bullen township has been addressed through the commissioning of the Cullen Bullen Sewer Treatment Plant which was made operational in May 2024.

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

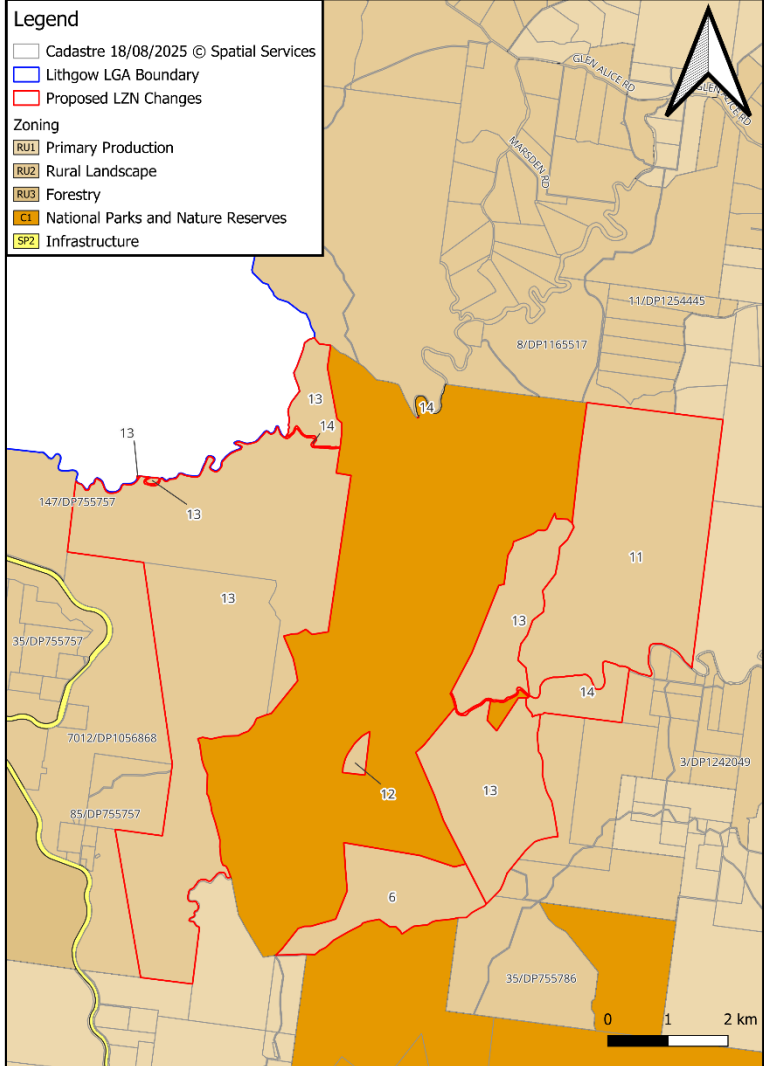
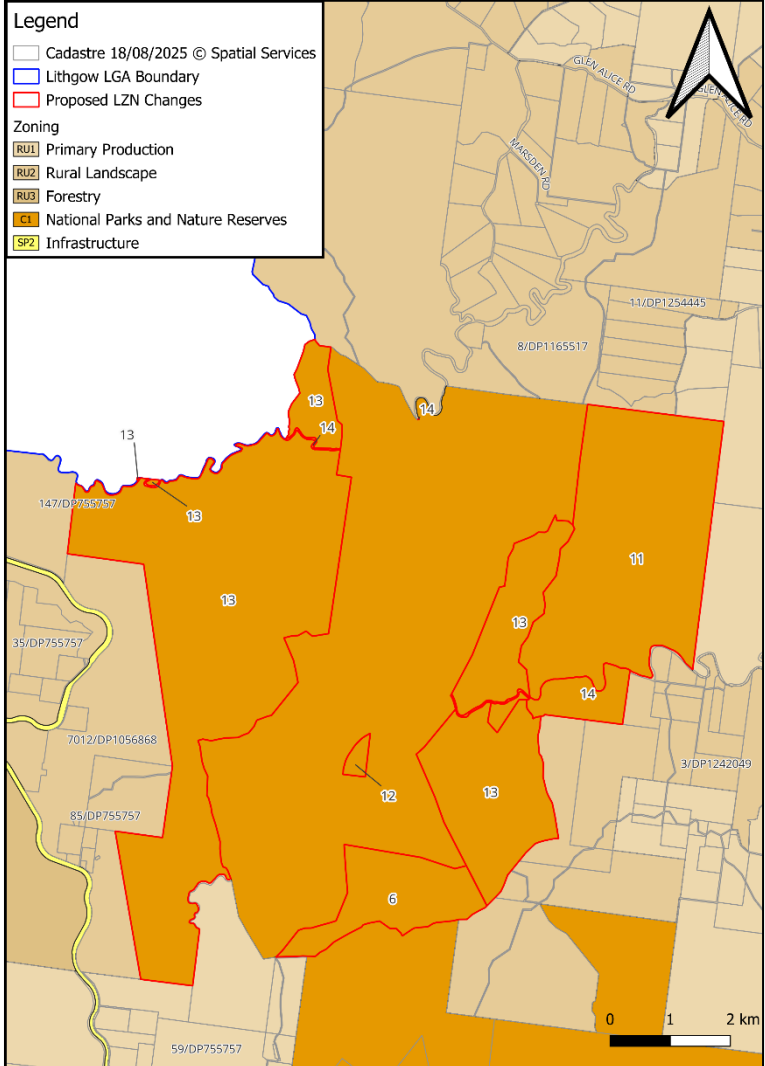
It is anticipated that Lithgow City Council will consult relevant public authorities in accordance with the provisions of the EP&A Act 1979 and EP&A Regulation 2021 and any specific requirements of the Gateway Determination.

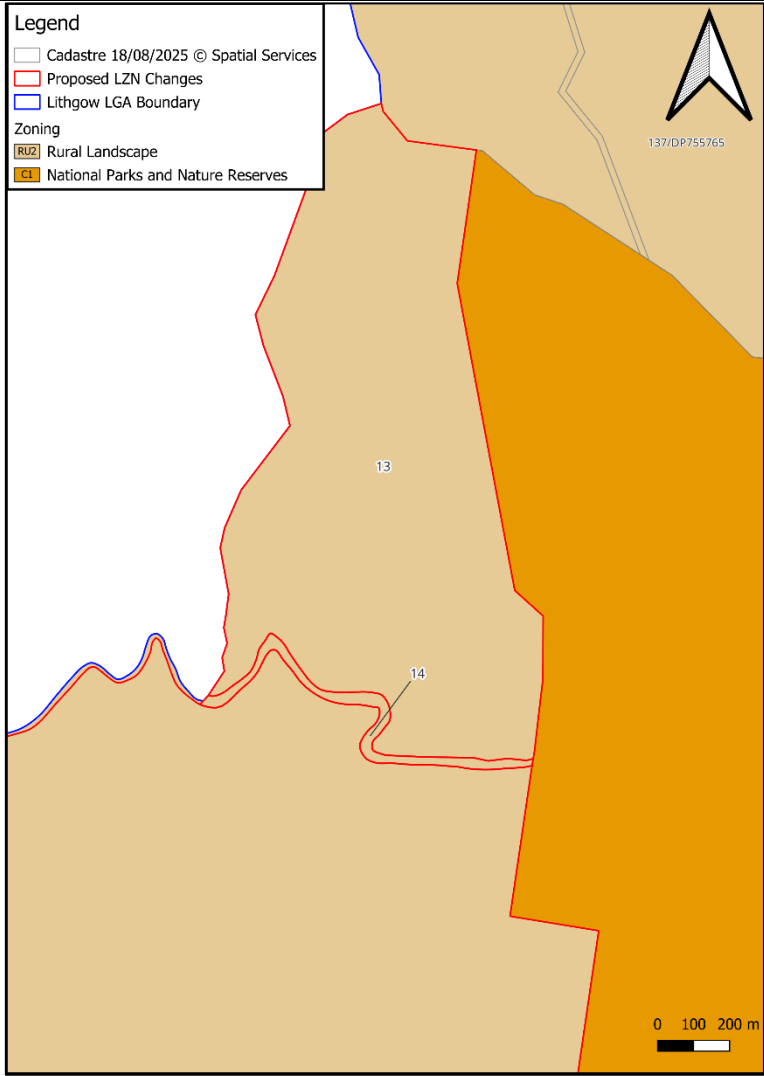
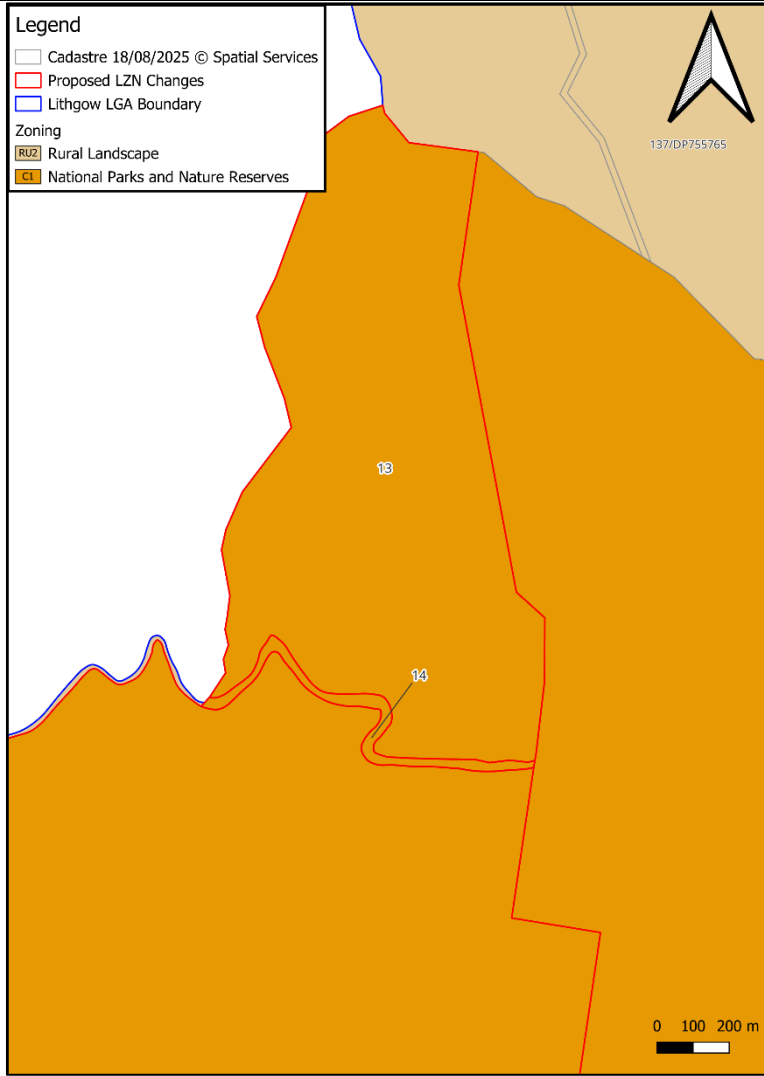
Council has initiated consultation with WaterNSW in accordance with direction 3.3 of the Local Planning Directions. The response from WaterNSW has been attached to this report in Appendix 3.

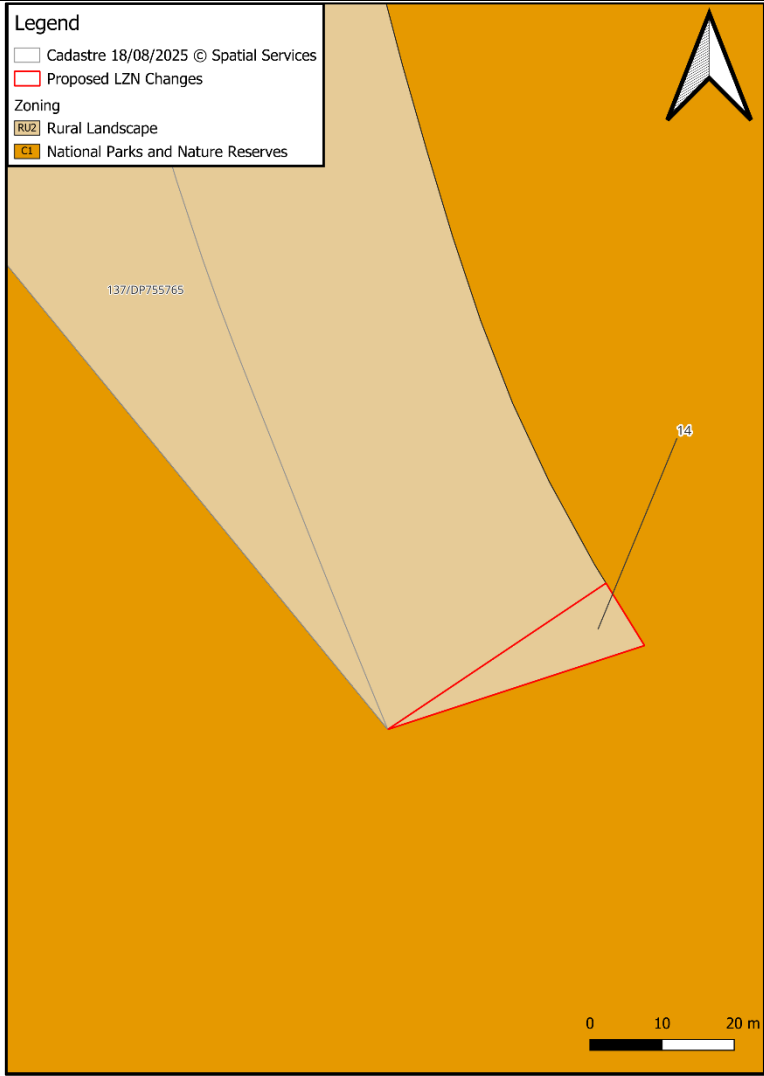
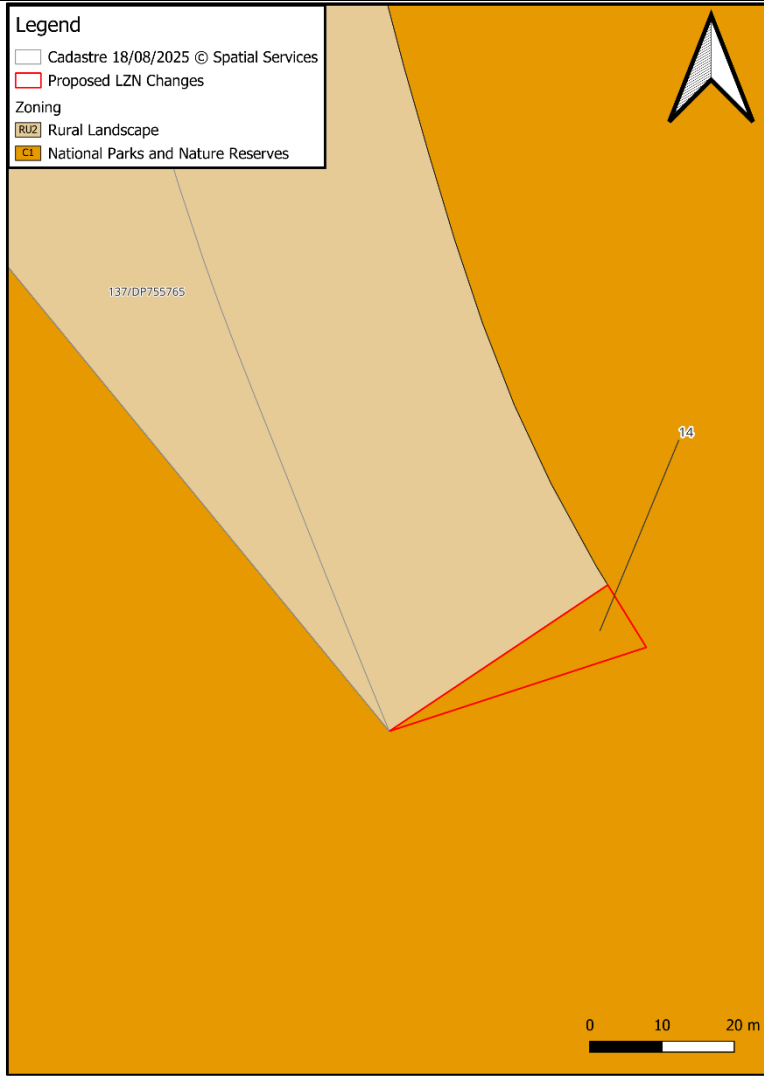
Part 4 – Mapping

The following maps are proposed to be amended as part of the Planning Proposal.

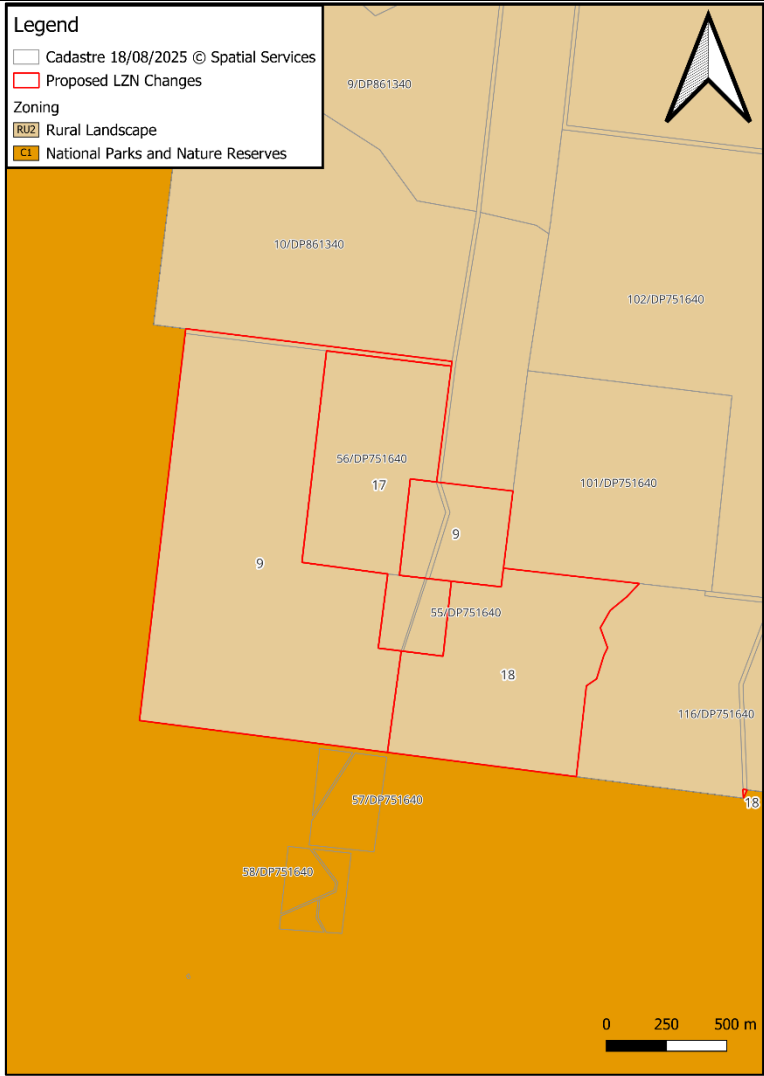
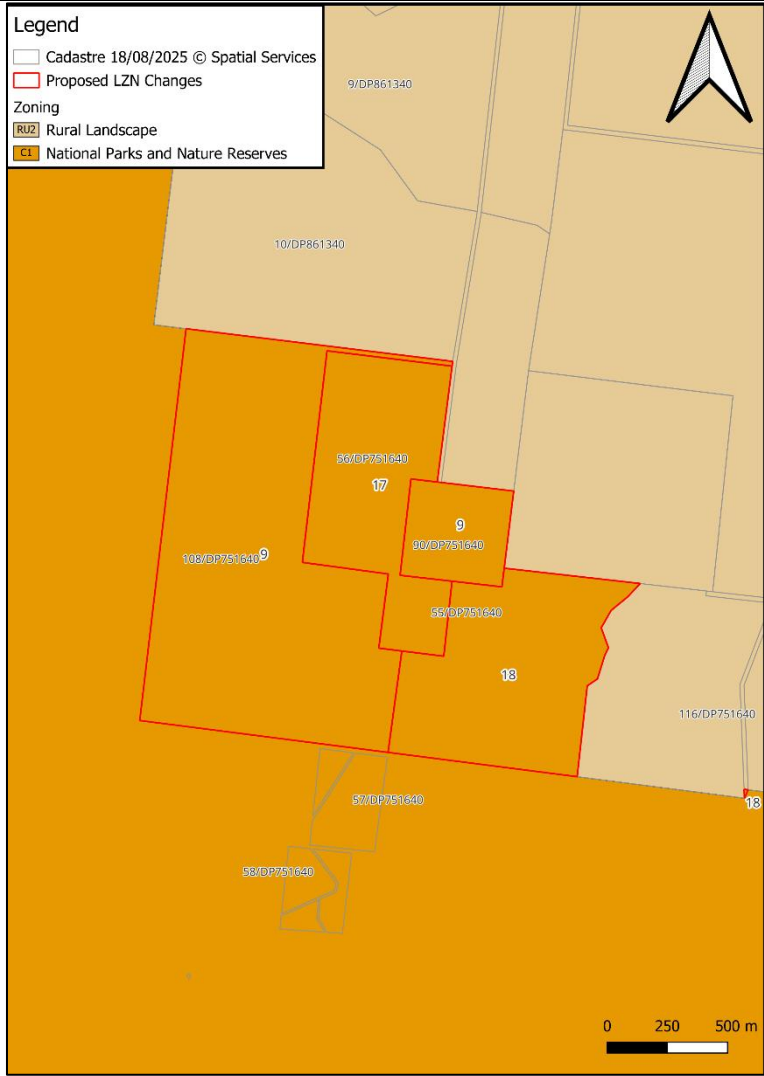
Table 12: Proposed LEP Mapping Changes

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	Legend - Cadastre 18/08/2025 © Spatial Services - Lithgow LGA Boundary - Proposed LZN Changes Zoning RU1 Primary Production RU2 Rural Landscape RU3 Forestry C1 National Parks and Nature Reserves SP2 Infrastructure  Figure 1: Current zoning over Capertee National Park and surrounding area.	Legend - Cadastre 18/08/2025 © Spatial Services - Lithgow LGA Boundary - Proposed LZN Changes Zoning RU1 Primary Production RU2 Rural Landscape RU3 Forestry C1 National Parks and Nature Reserves SP2 Infrastructure  Figure 2: Proposed zoning over Capertee National Park and surrounding area.

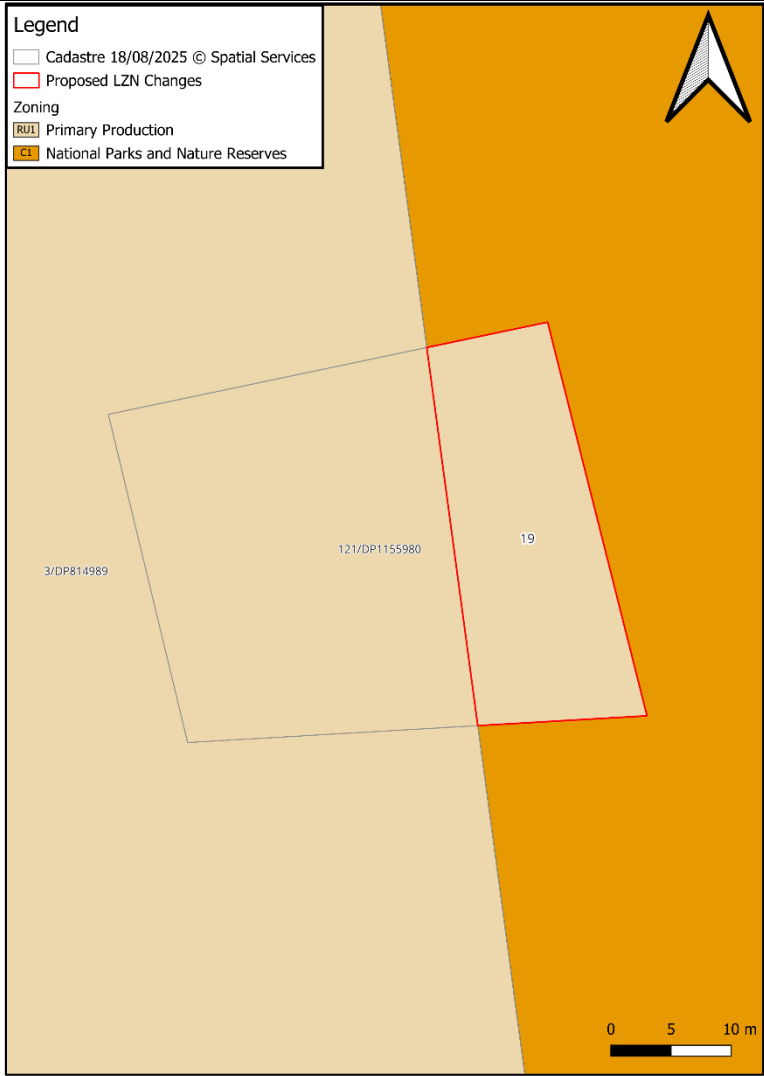
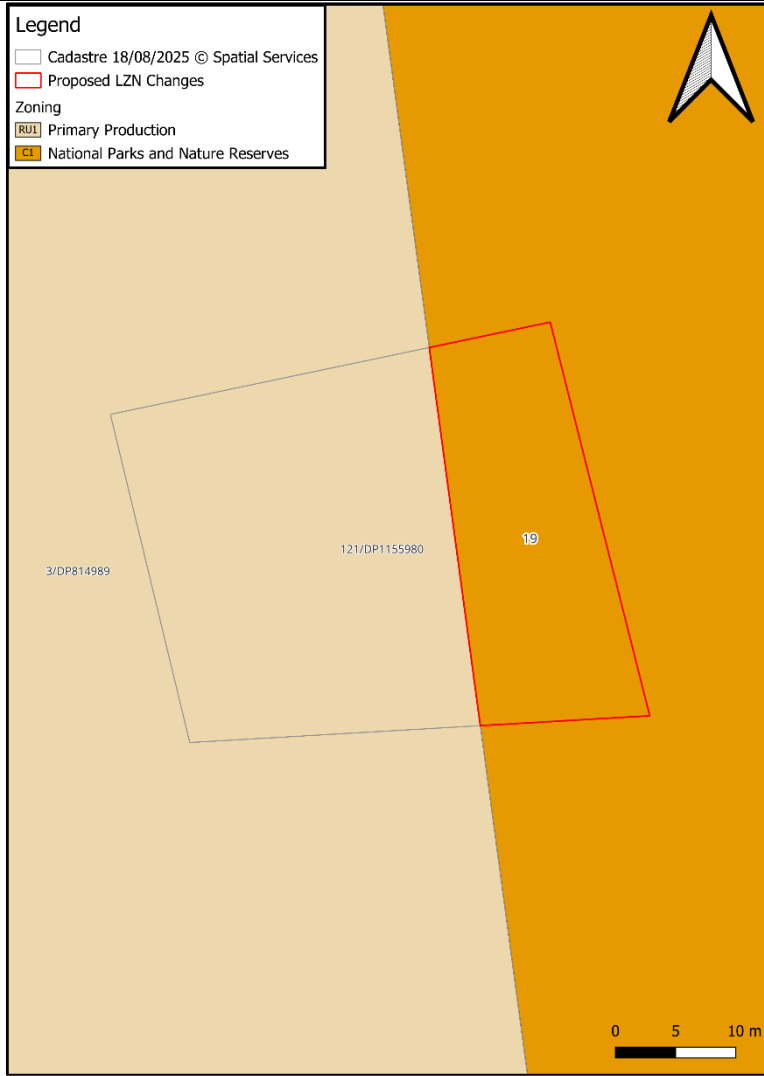
Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	 Figure 3: Current zoning over unnamed Crown Road in Capertee National Park.	 Figure 4: Proposed zoning over unnamed Crown Road in Capertee National Park.

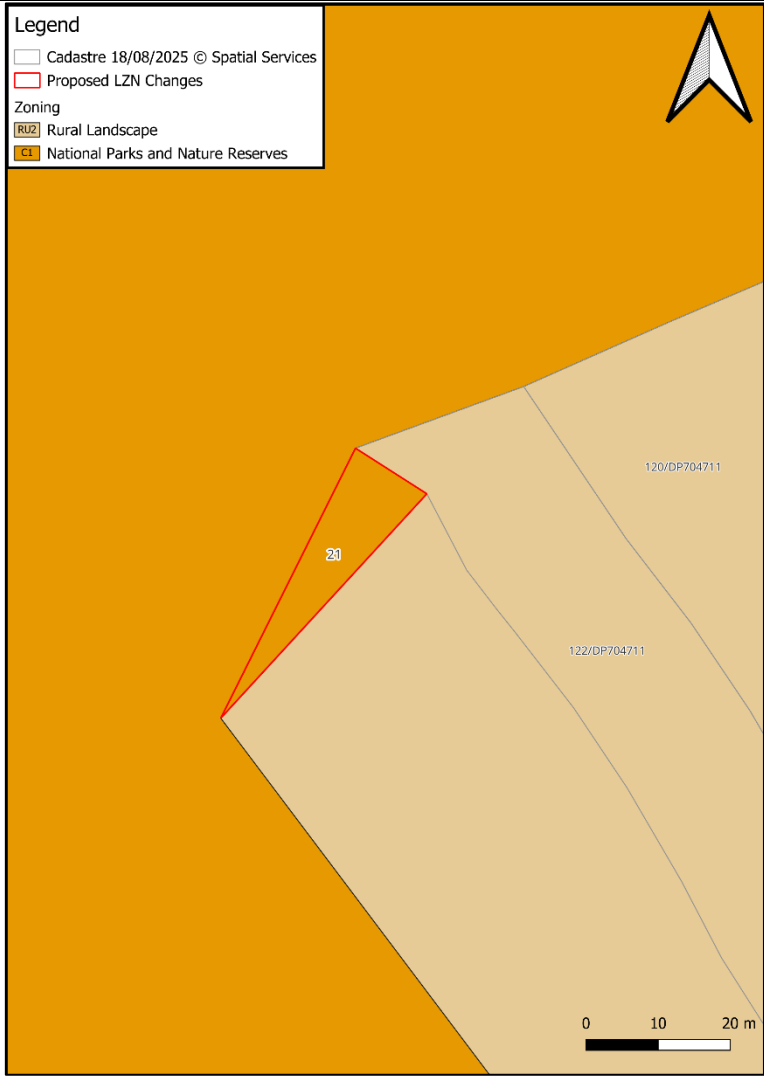
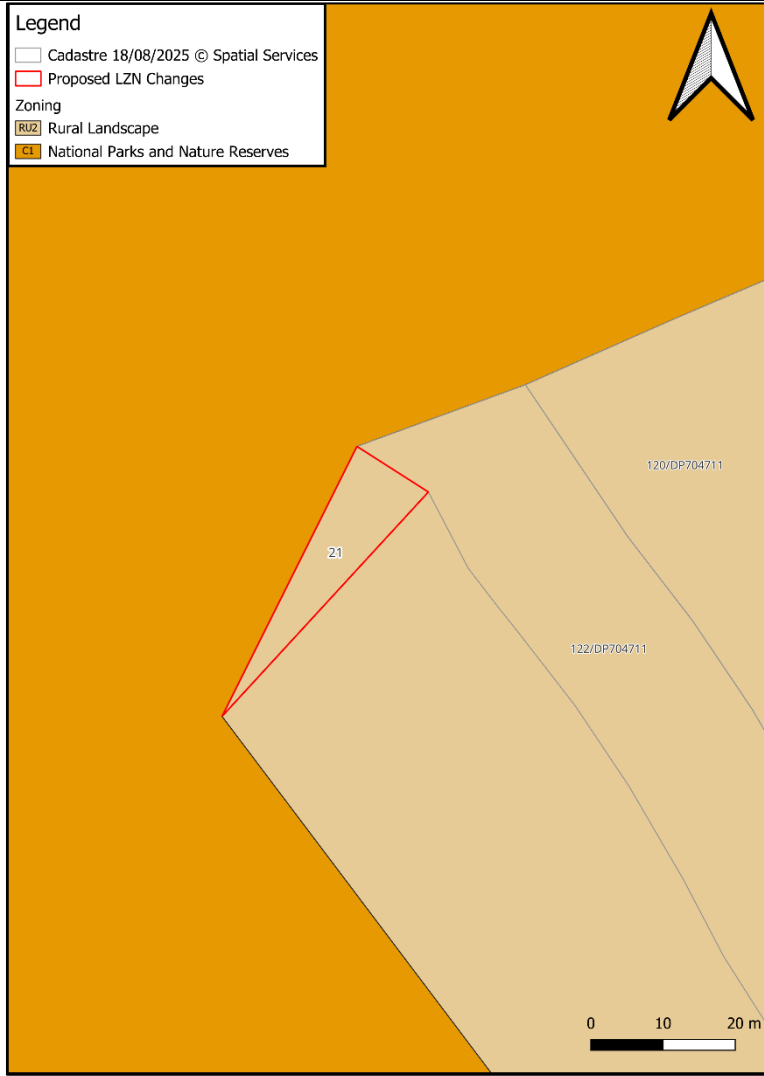
Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	 Figure 5: Current zoning over Crown Road in Capertee National Park.	 Figure 6: Proposed zoning over Crown Road in Capertee National Park.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	Legend - Cadastre 18/08/2025 © Spatial Services - Proposed LZN Changes Zoning - RUL2 Rural Landscape - C1 National Parks and Nature Reserves Figure 7: Current zoning within Mugii Murum-ban State Conservation area.	Legend - Cadastre 18/08/2025 © Spatial Services - Proposed LZN Changes Zoning - RUL2 Rural Landscape - C1 National Parks and Nature Reserves Figure 8: Proposed zoning within Mugii Murum-ban State Conservation area

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	 Figure 9: Current zoning of the Gardens of Stone National Park area towards Glen Davis Road off an unnamed Crown Road.	 Figure 10: Proposed zoning of the Gardens of Stone National Park area towards Glen Davis Road off an unnamed Crown Road.

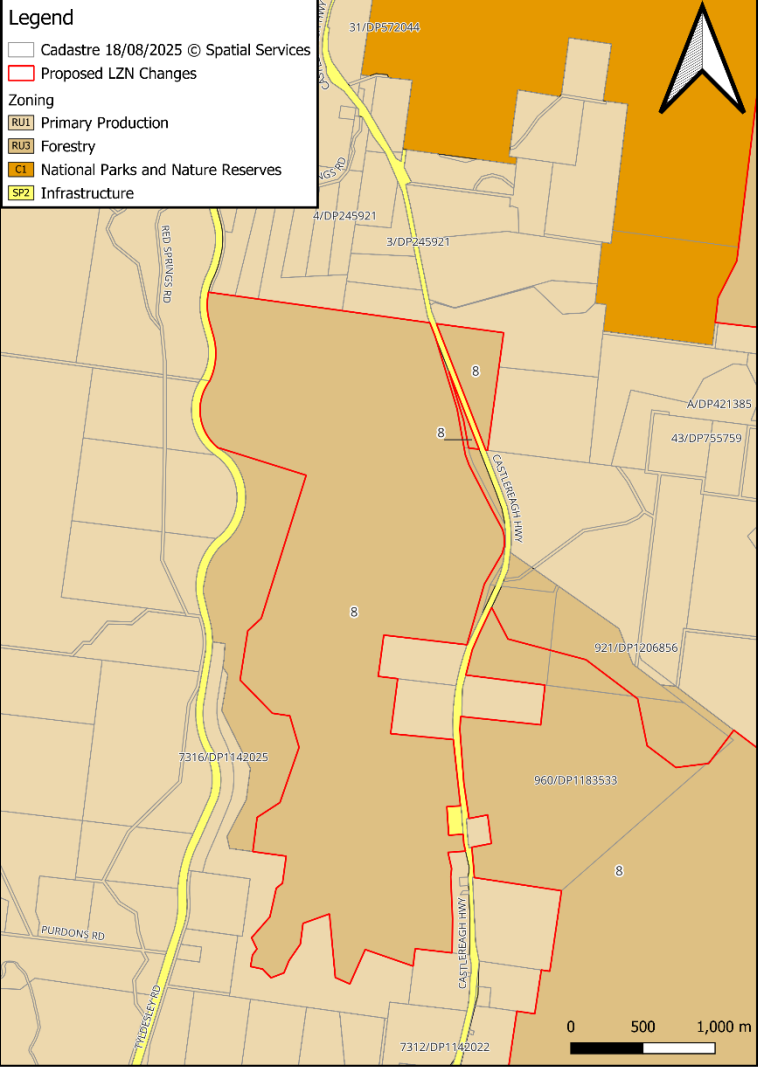
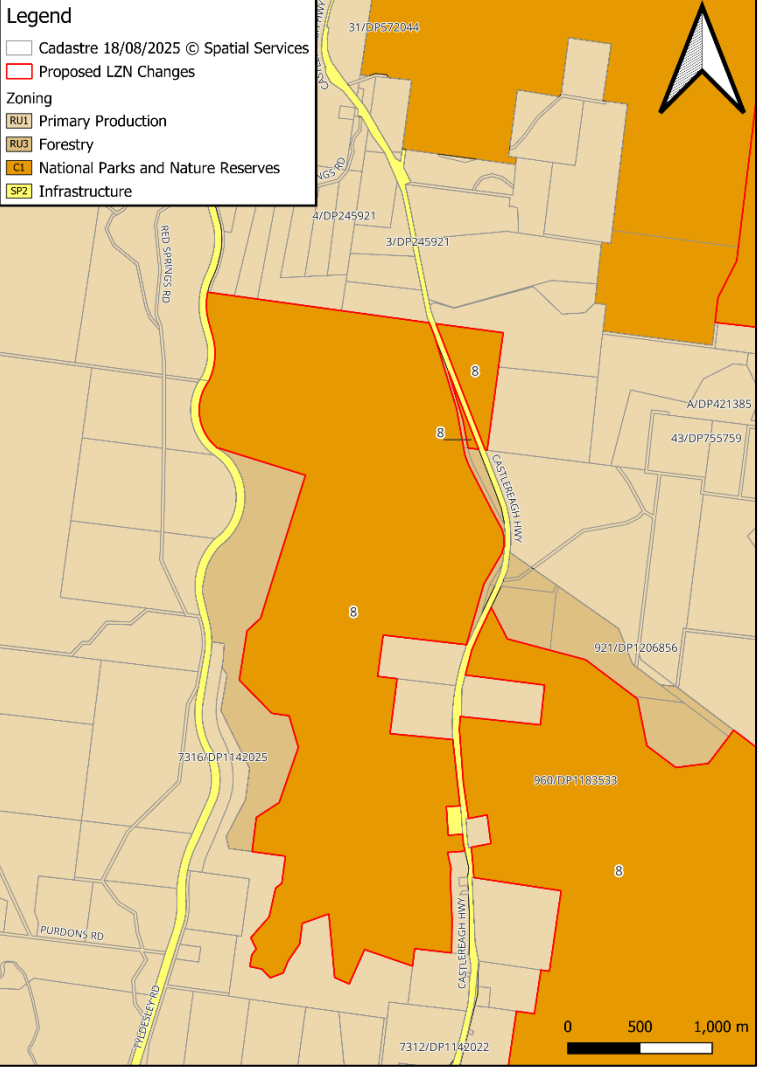
Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	Figure 11: Current zoning of the Wollemi National Park area south of Glen Davis and The Gullies Road.	Figure 12: Proposed zoning of the Wollemi National Park area south of Glen Davis and The Gullies Road.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	 Figure 13: Current zoning of Wollemi National Park area south of Glen Davis Road off an unnamed Crown Road.	 Figure 14: Proposed zoning of Wollemi National Park area south of Glen Davis Road off an unnamed Crown Road.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	 Figure 15: Current zoning of the eastern section of Turon National Park area off Turon Creek Road.	 Figure 16: Proposed zoning of the eastern section of Turon National Park area off Turon Creek Road.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	Figure 17: Current zoning of the north-eastern section of the Kanangra-Boyd National Park area accessed by Pardons Road.	Figure 18: Proposed zoning of the north-eastern section of the Kanangra-Boyd National Park area accessed by Pardons Road.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	Figure 19: Current zoning of the Marrangaroo National Park.	Figure 20: Proposed zoning of the Marrangaroo National Park.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	Legend Cadastre 18/08/2025 © Spatial Services Proposed LZN Changes Zoning RU1 Primary Production RU3 Forestry C1 National Parks and Nature Reserves SP2 Infrastructure  <i>Figure 21: Current zoning of the western section of the Gardens of Stone State Conservation Area intersected by the Castlereagh Highway.</i>	Legend Cadastre 18/08/2025 © Spatial Services Proposed LZN Changes Zoning RU1 Primary Production RU3 Forestry C1 National Parks and Nature Reserves SP2 Infrastructure  <i>Figure 22: Proposed zoning of the western section of the Gardens of Stone State Conservation Area intersected by the Castlereagh Highway.</i>

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.		

Figure 23: Current zoning of the Gardens of Stone State Conservation Area.

Figure 24: Proposed zoning of the Gardens of Stone State Conservation Area.

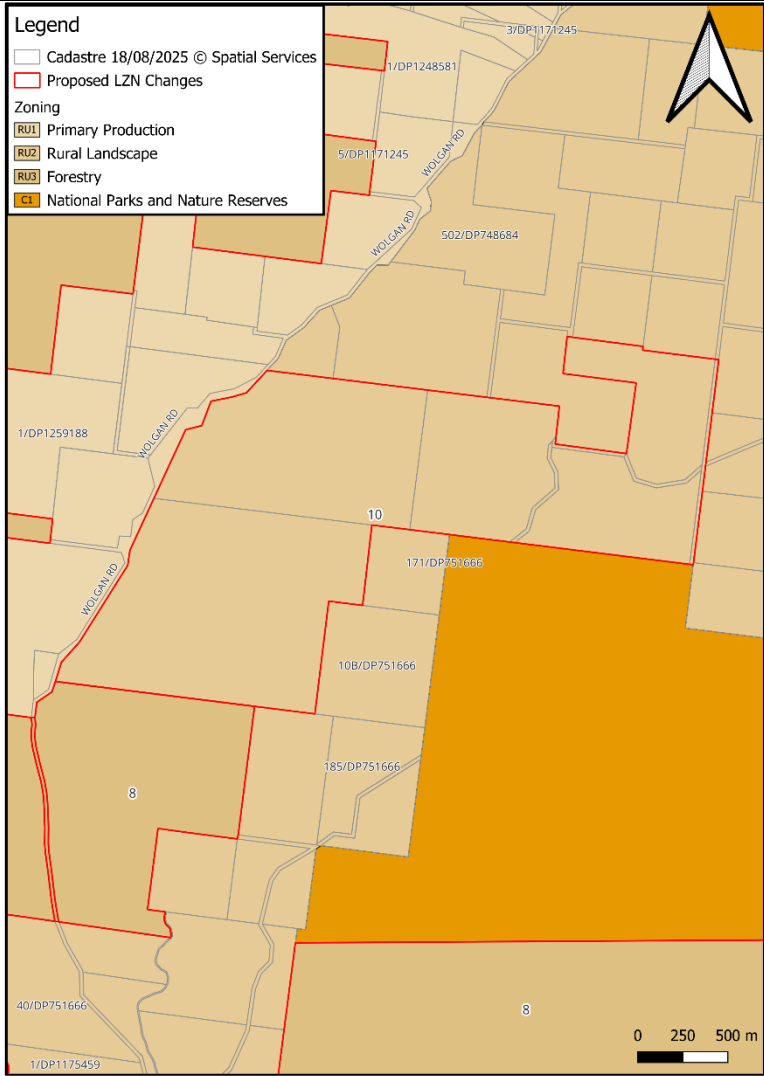
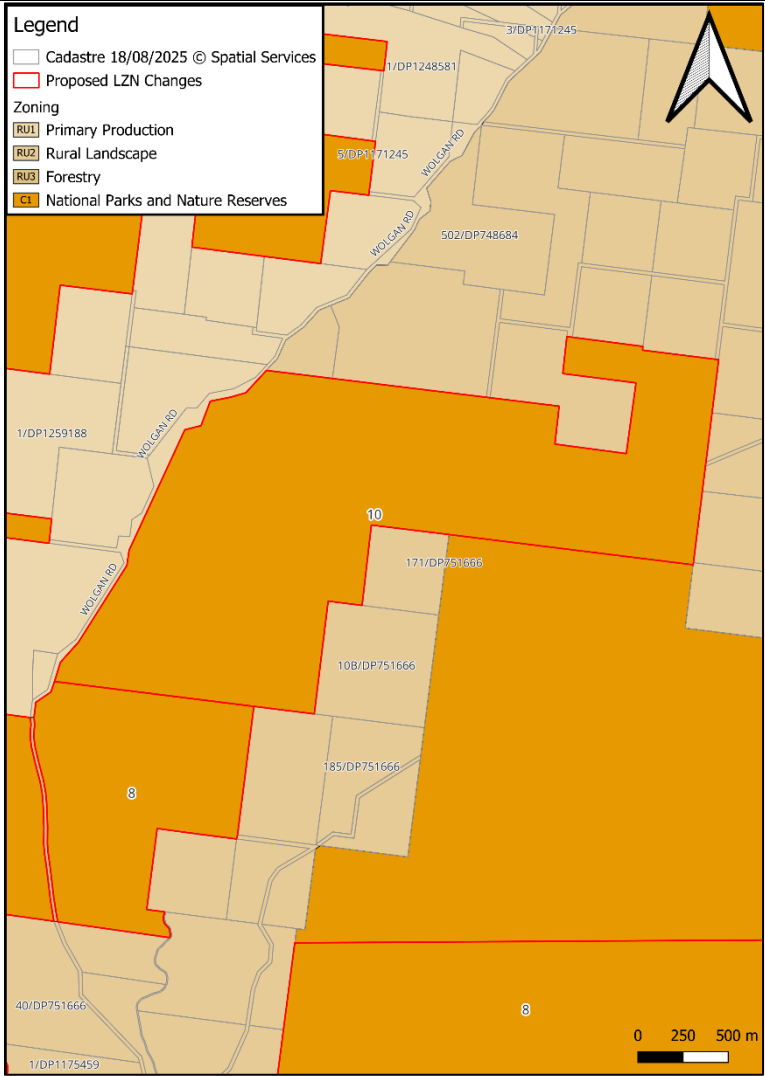
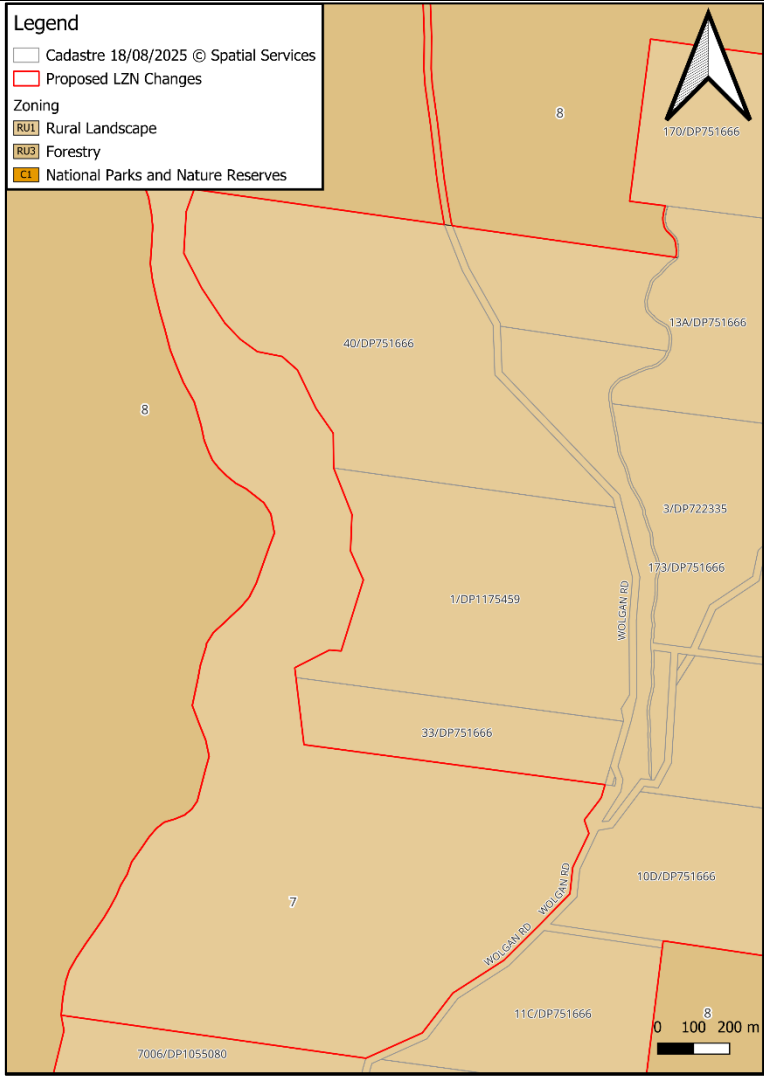
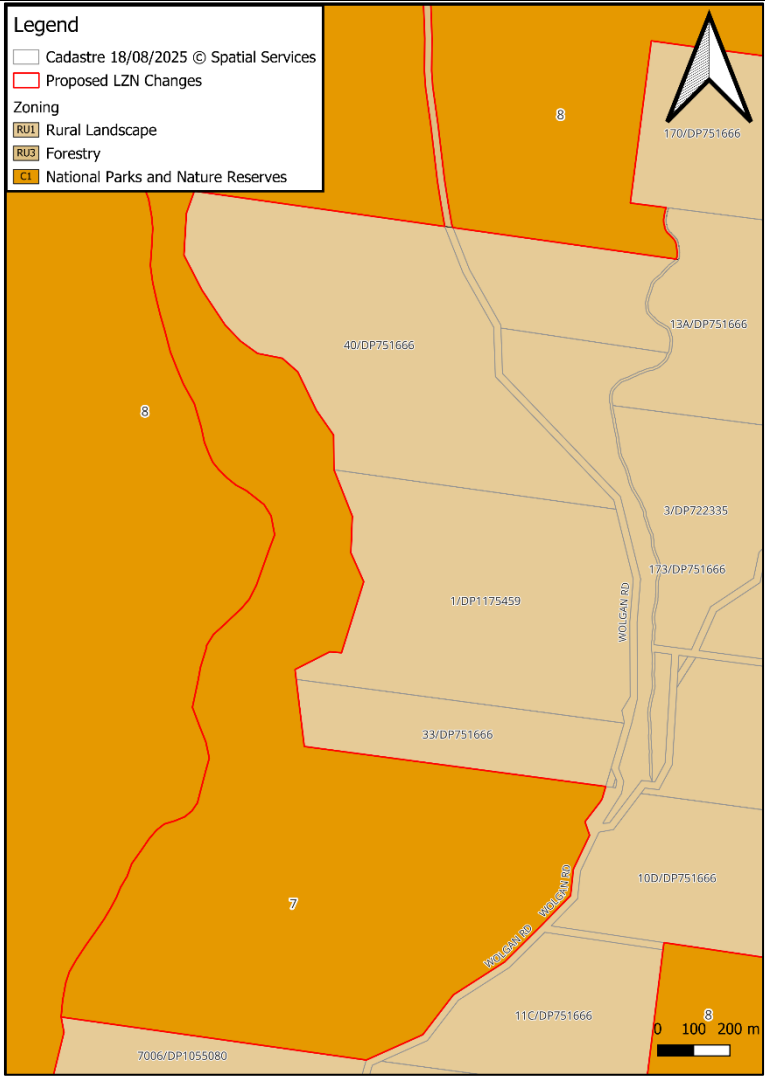
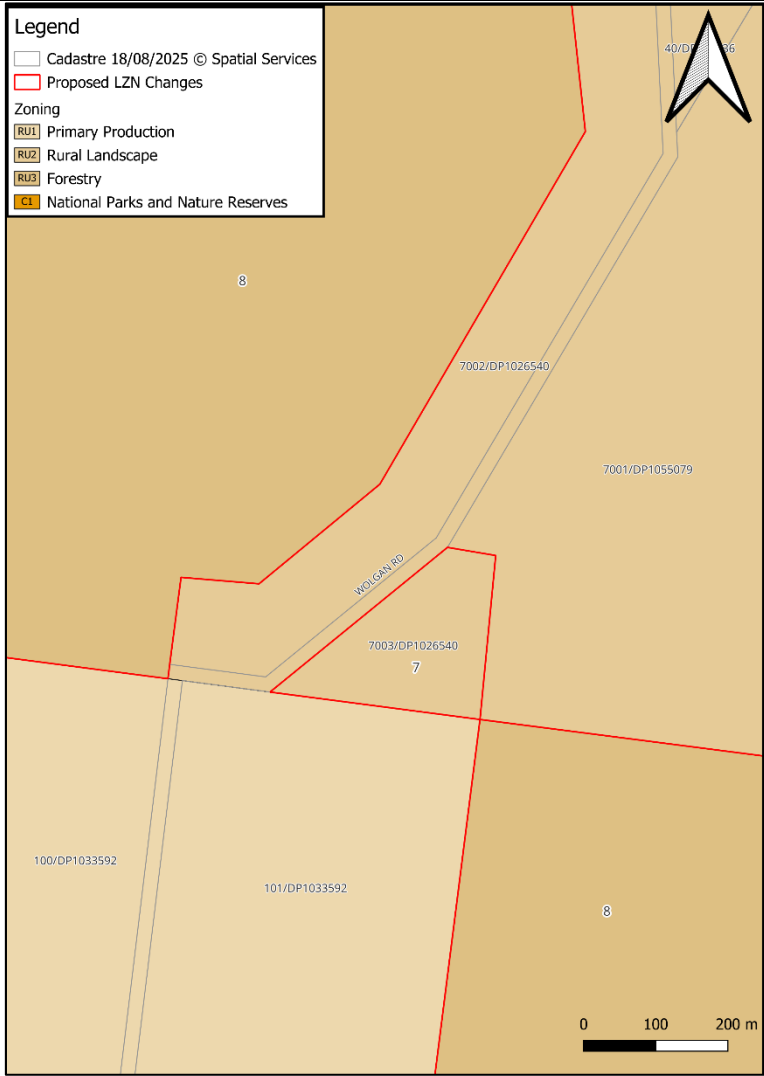
Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.		

Figure 25: Current zoning of the Gardens of Stone State Conservation Area intersected by Wolgan Road.

Figure 26: Proposed zoning of the Gardens of Stone State Conservation Area intersected by Wolgan Road.

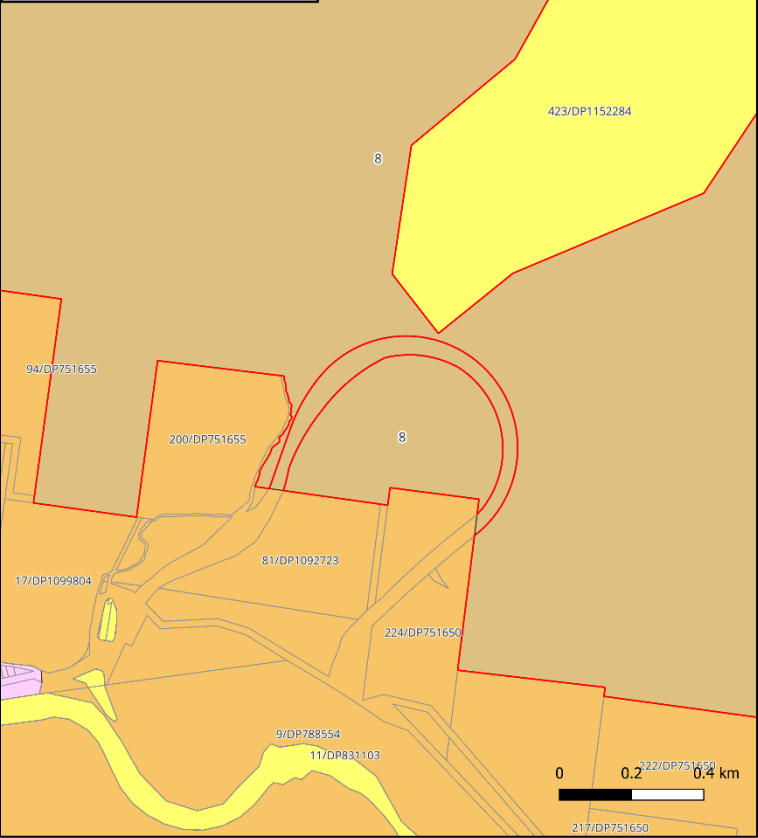
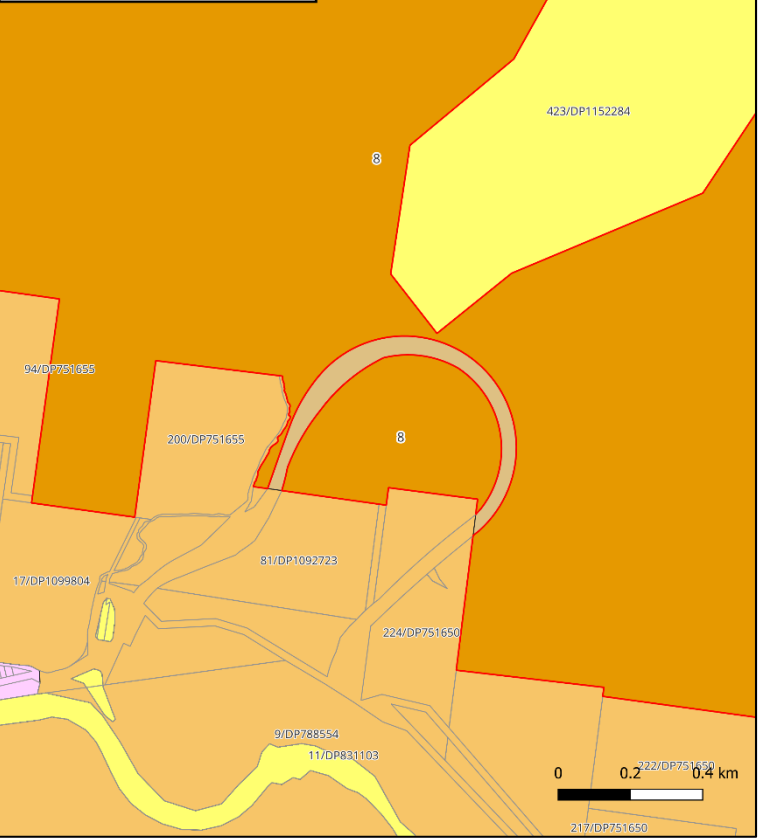
Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	 Figure 27: Current zoning of the Gardens of Stone State Conservation Area along Wolgan Road.	 Figure 28: Proposed zoning of the Gardens of Stone State Conservation Area along Wolgan Road.

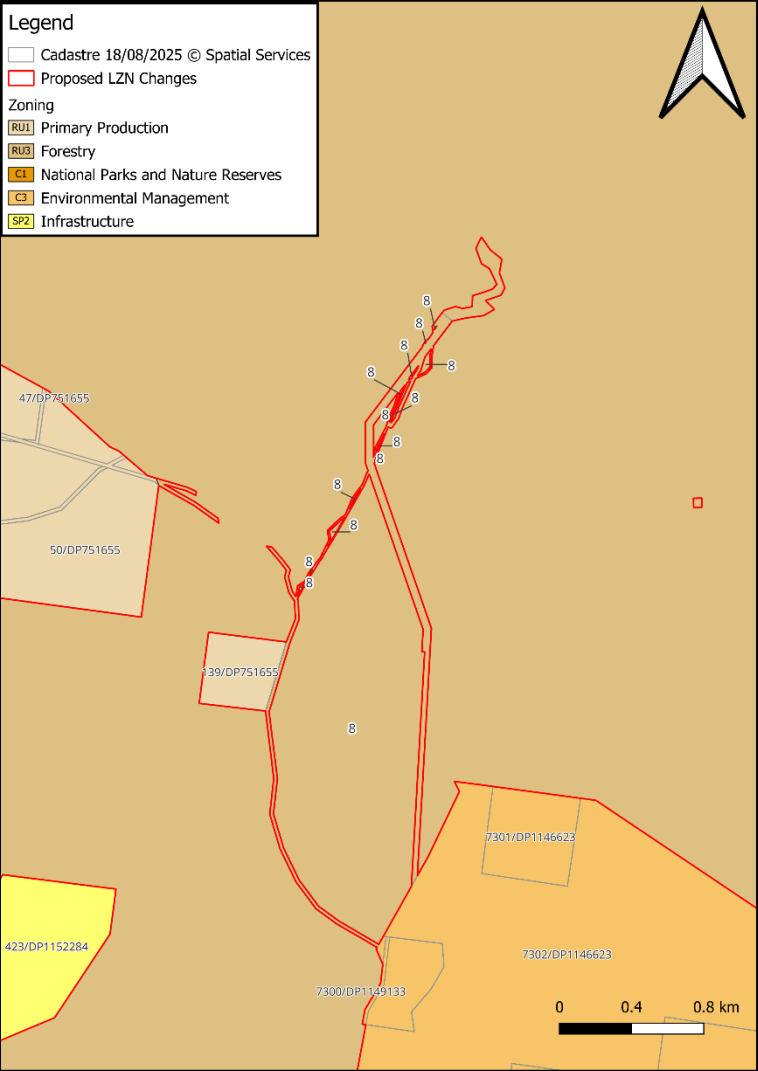
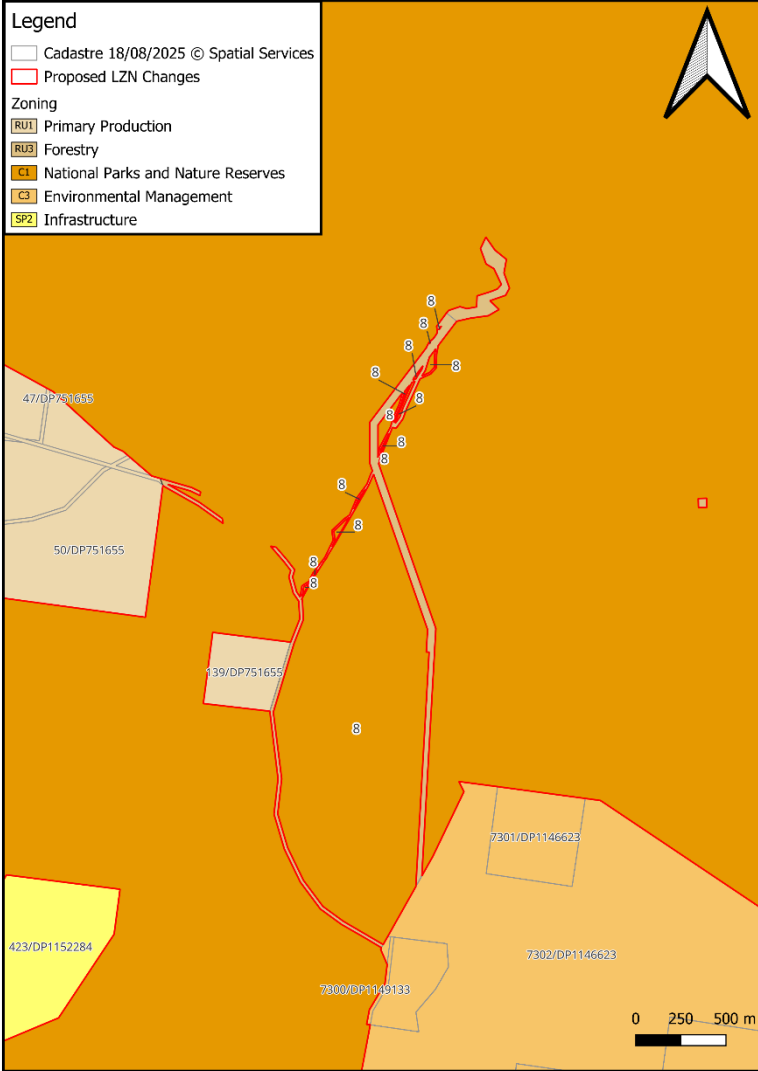
Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	 Figure 29: Current zoning of the Gardens of Stone State Conservation Area along Wolgan Road.	 Figure 30: Proposed zoning of the Gardens of Stone State Conservation Area along Wolgan Road.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.		

Figure 31: Current zoning of the Gardens of Stone State Conservation Area and Wollemi National Park.

Figure 32: Proposed zoning of the Gardens of Stone State Conservation Area and Wollemi National Park.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	Legend □ Cadastre 18/08/2025 © Spatial Services □ Proposed LZN Changes Zoning RU3 Forestry R1 General Residential C1 National Parks and Nature Reserves C3 Environmental Management SP2 Infrastructure  Figure 33: Current zoning of the southern interface of the Gardens of Stone State Conservation Area and Lithgow Township near Council's water treatment facility.	Legend □ Cadastre 18/08/2025 © Spatial Services □ Proposed LZN Changes Zoning RU3 Forestry R1 General Residential C1 National Parks and Nature Reserves C3 Environmental Management SP2 Infrastructure  Figure 34: Proposed zoning of the southern interface of the Gardens of Stone State Conservation Area and Lithgow Township near Council's water treatment facility.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	Legend - Cadastral 18/08/2025 © Spatial Services - Proposed LZN Changes Zoning RU1 Primary Production RU3 Forestry C1 National Parks and Nature Reserves C3 Environmental Management SP2 Infrastructure  Figure 35: Current zoning of the Gardens of Stone State Conservation Area to the north-west of the Clarence Colliery.	Legend - Cadastral 18/08/2025 © Spatial Services - Proposed LZN Changes Zoning RU1 Primary Production RU3 Forestry C1 National Parks and Nature Reserves C3 Environmental Management SP2 Infrastructure  Figure 36: Proposed zoning of the Gardens of Stone State Conservation Area to the north-west of the Clarence Colliery.

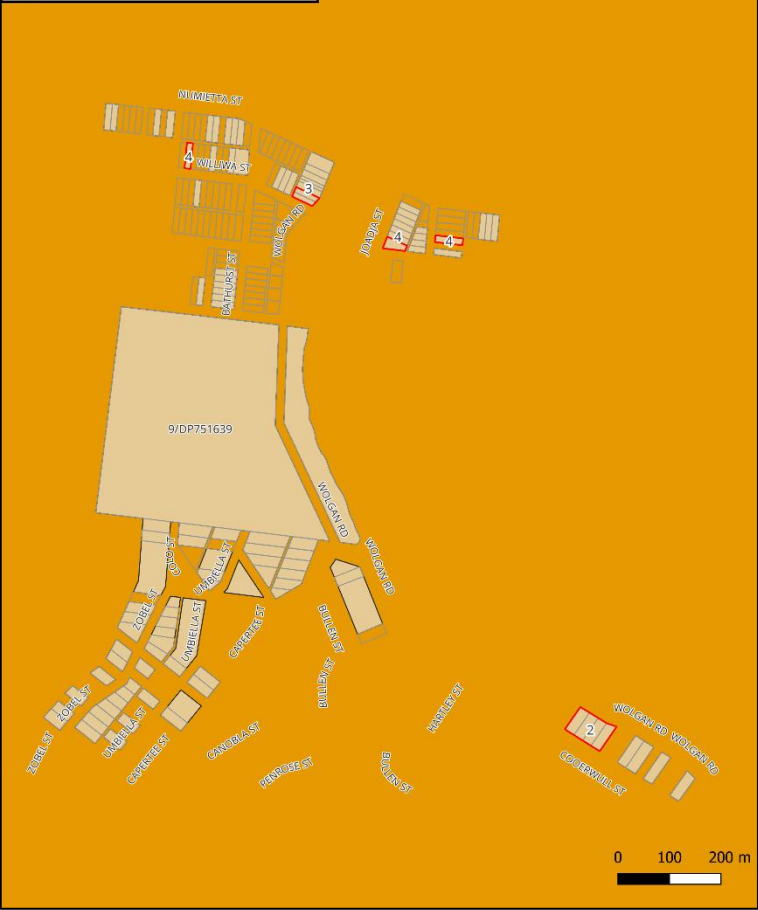
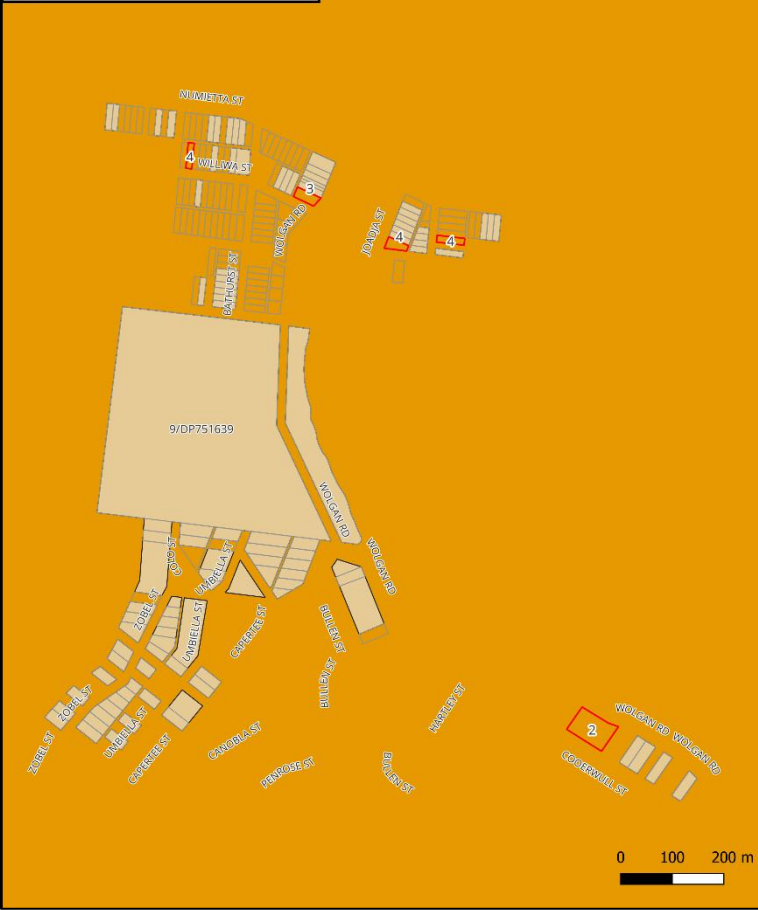
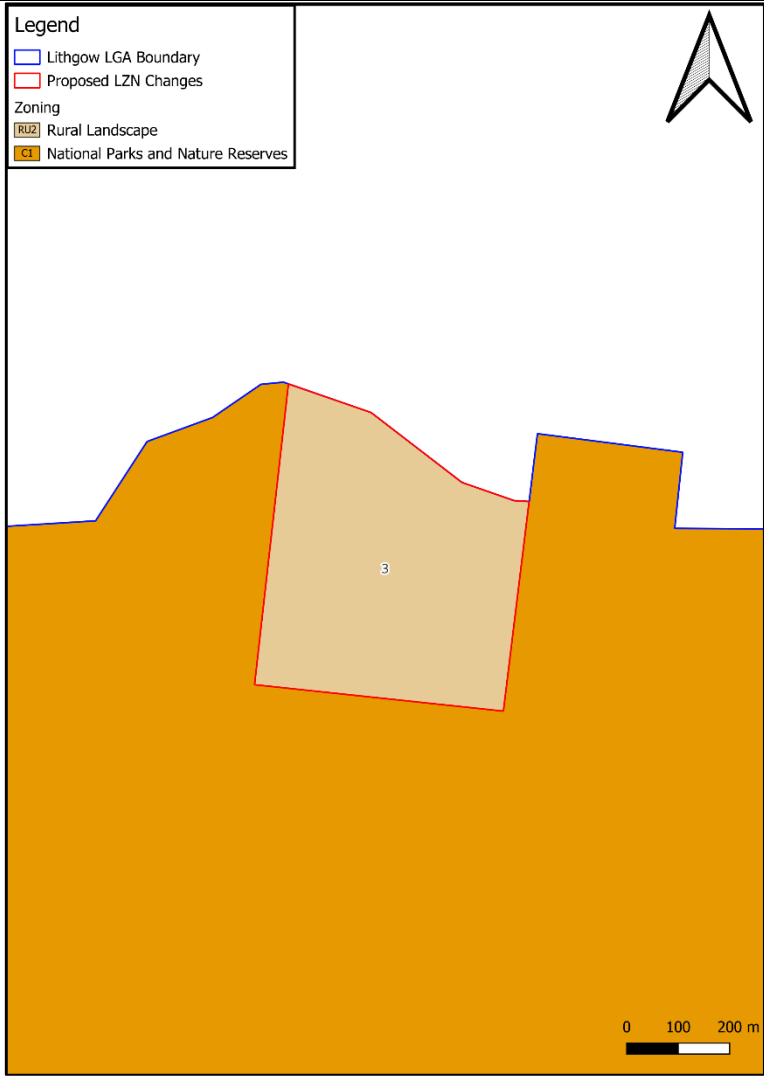
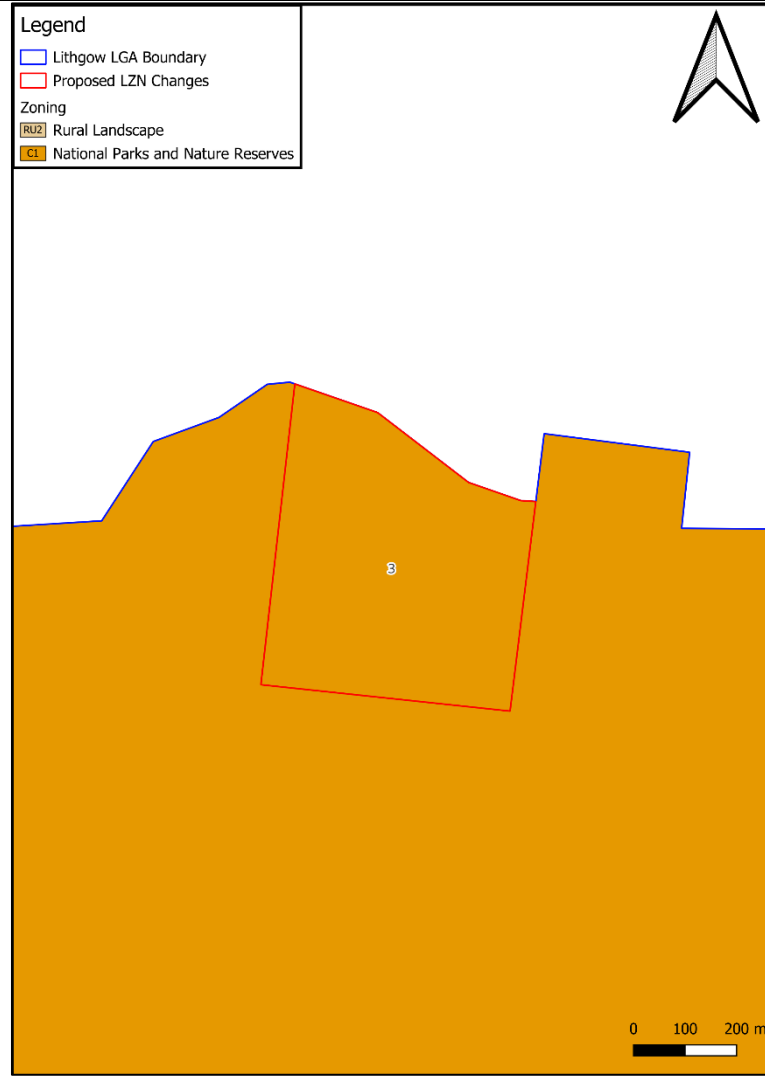
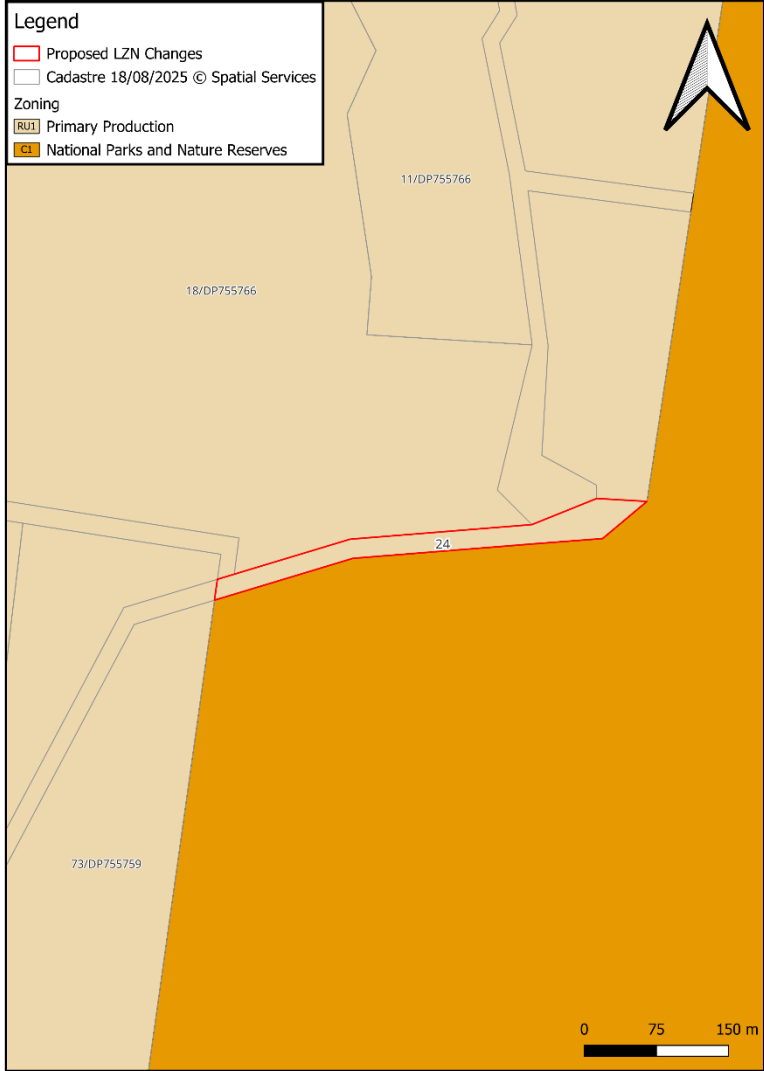
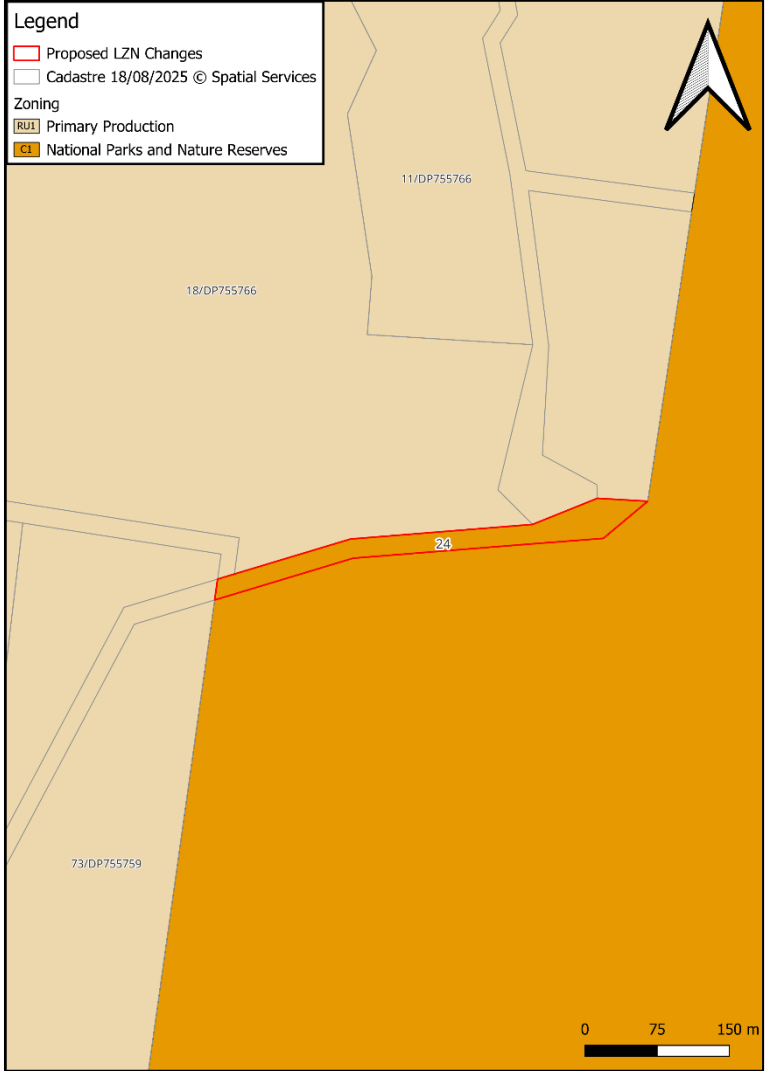
Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	Legend  Cadastre 18/08/2025 © Spatial Services  Proposed LZN Changes Zoning  Rural Landscape  National Parks and Nature Reserves 	Legend  Cadastre 18/08/2025 © Spatial Services  Proposed LZN Changes Zoning  Rural Landscape  National Parks and Nature Reserves 

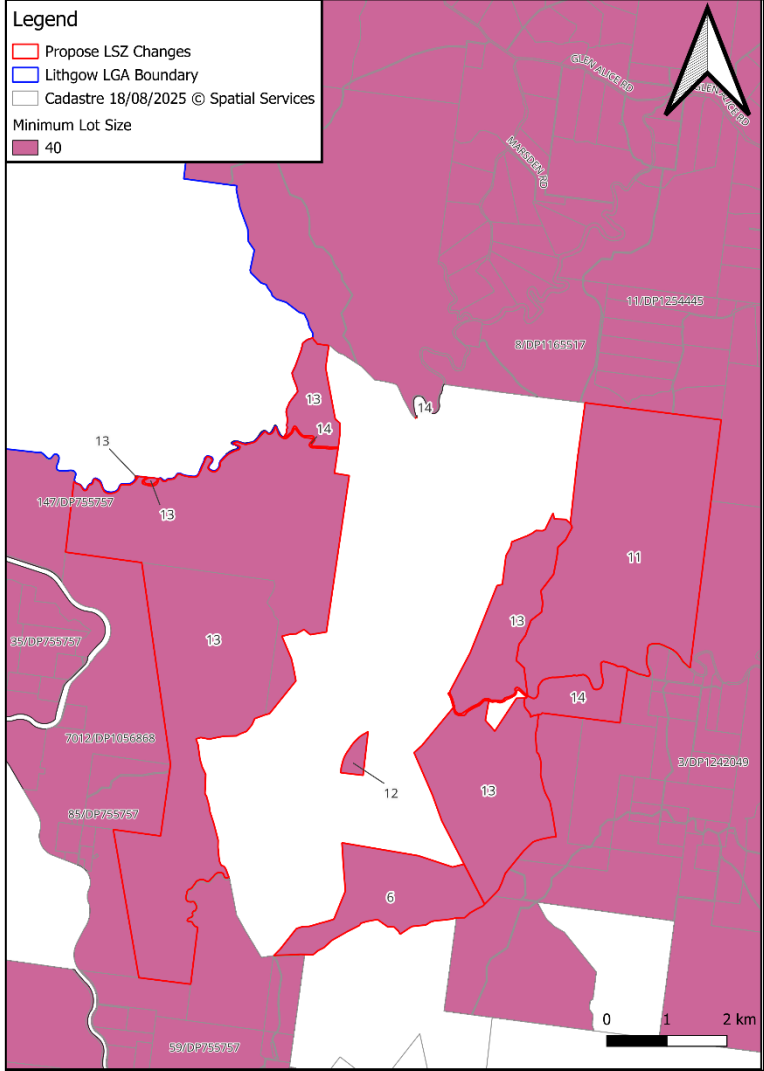
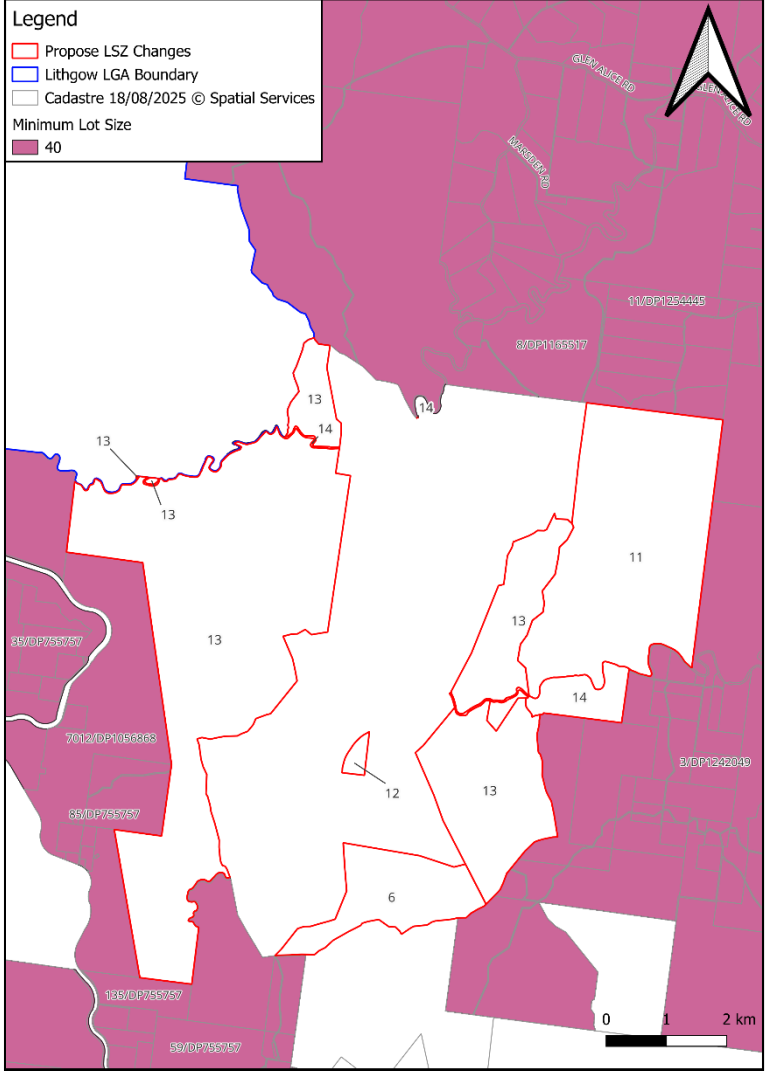
Figure 37: Current zoning over the Newnes settlement inside the Wolgan Valley.

Figure 38: Proposed zoning over the Newnes settlement inside the Wolgan Valley.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	Legend - Lithgow LGA Boundary - Proposed LZN Changes Zoning - Rural Landscape - National Parks and Nature Reserves  Figure 39: Current zoning of Lot 1 DP 753824 located on the border of the Lithgow LGA and Singleton LGA within the Wollemi National Park.	Legend - Lithgow LGA Boundary - Proposed LZN Changes Zoning - Rural Landscape - National Parks and Nature Reserves  Figure 40: Proposed zoning of Lot 1 DP 753824 located on the border of the Lithgow LGA and Singleton LGA within the Wollemi National Park.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.		

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Nil.	 Figure 43: Current zoning over unformed Crown Road located north of Ben Bullen off the Castlereagh Highway.	 Figure 44: Proposed zoning over unformed Crown Road located north of Ben Bullen off the Castlereagh Highway.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_001	Legend - Propose LSZ Changes - Lithgow LGA Boundary - Cadastre 18/08/2025 © Spatial Services - Minimum Lot Size 40  <i>Figure 45: Current MLS over Capertee National Park and surrounding area.</i>	Legend - Propose LSZ Changes - Lithgow LGA Boundary - Cadastre 18/08/2025 © Spatial Services - Minimum Lot Size 40  <i>Figure 46: Proposed MLS over Capertee National Park and surrounding area.</i>

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_001	Figure 47: Current MLS over unnamed Crown Road in Capertee National Park.	Figure 48: Proposed MLS over unnamed Crown Road in Capertee National Park.

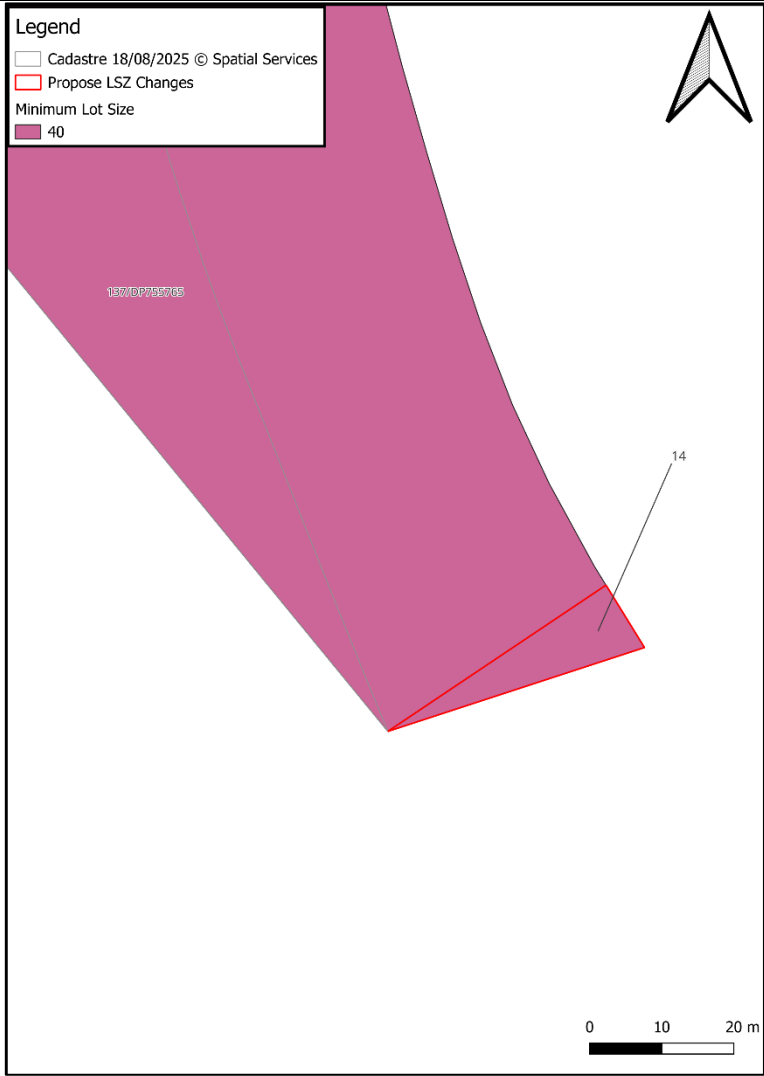
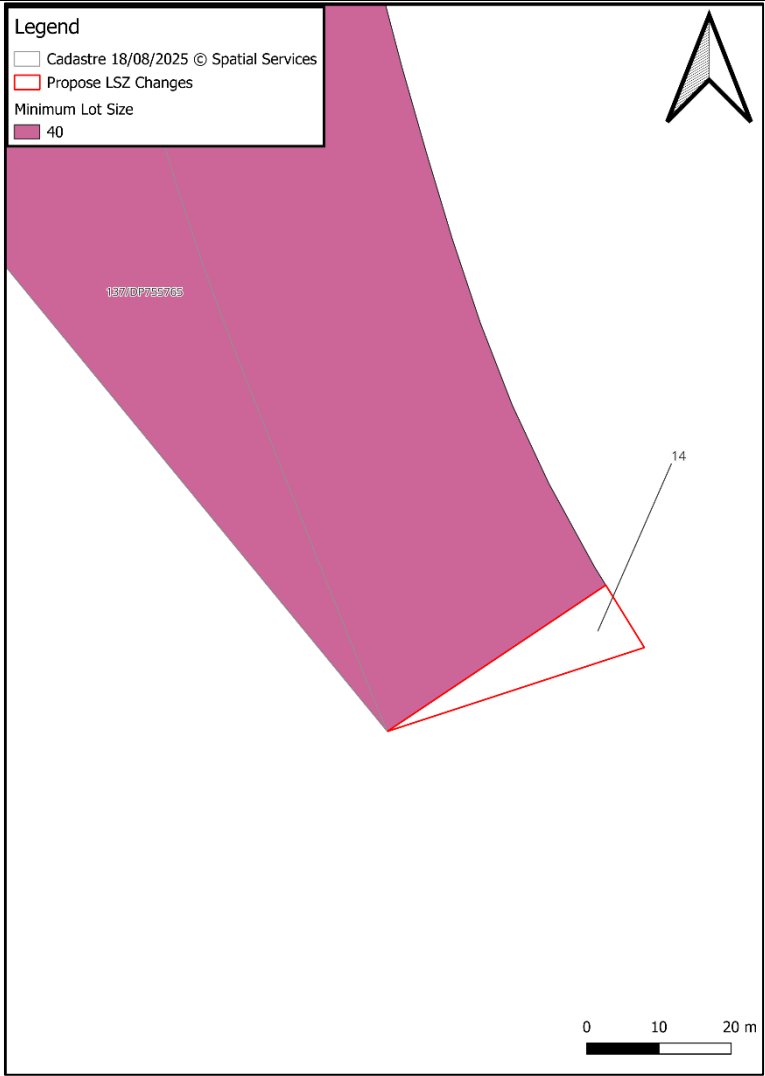
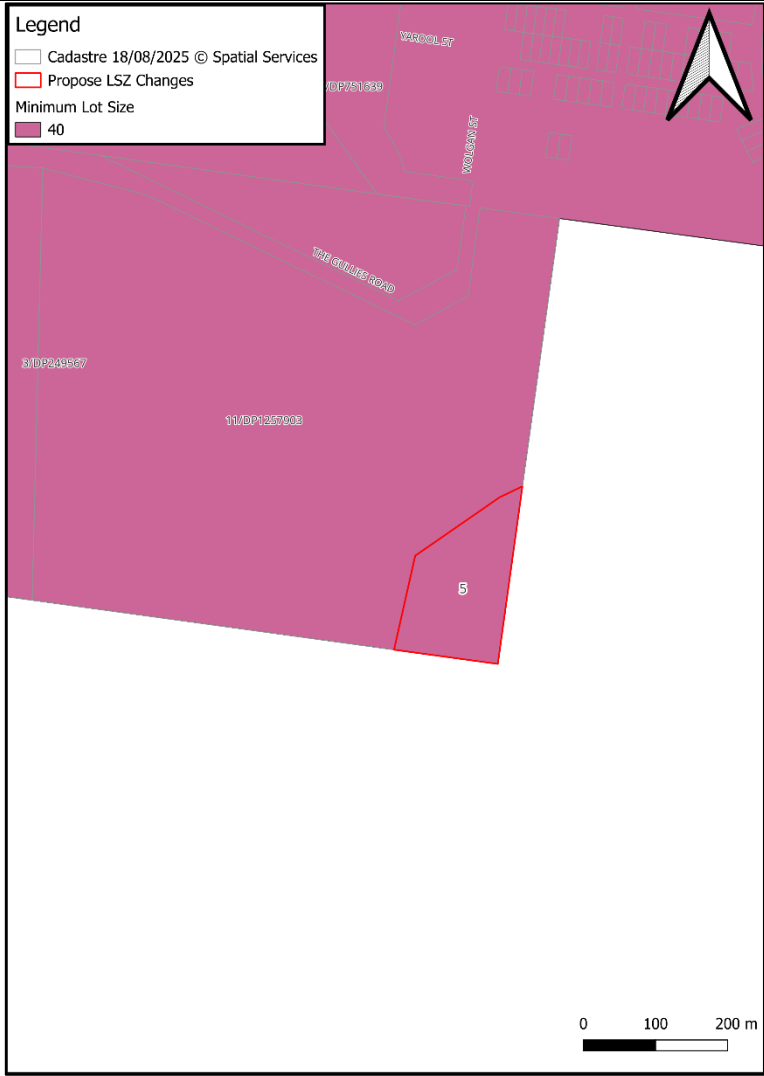
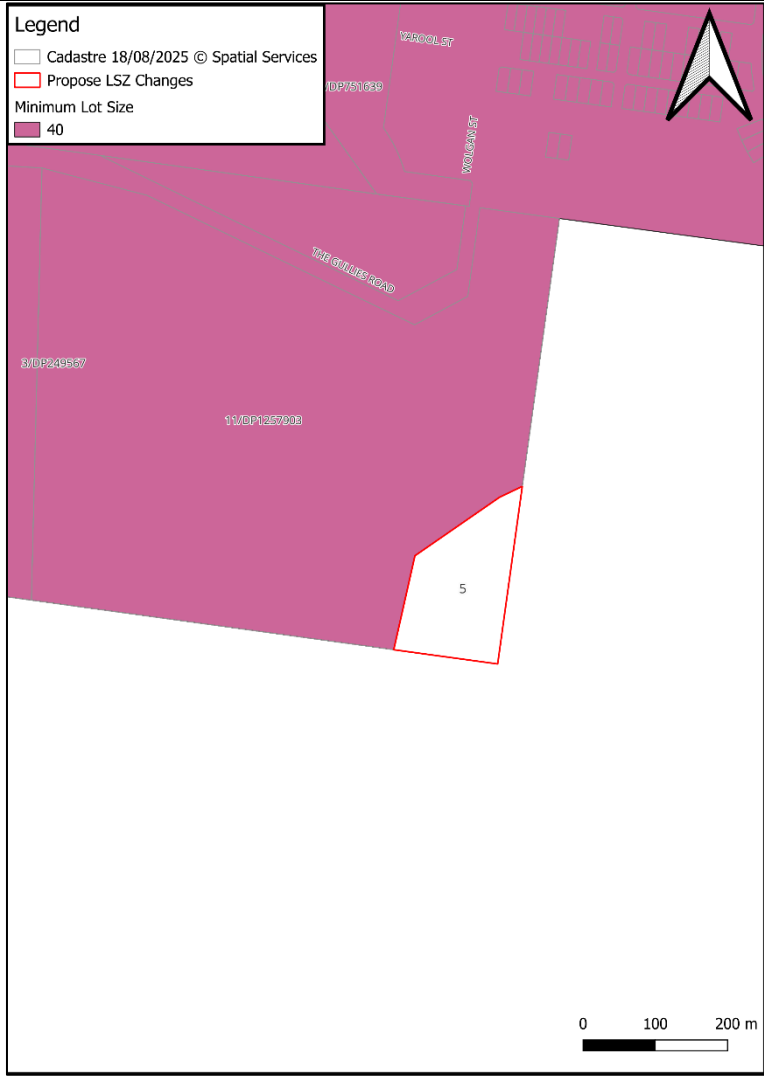
Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_001		

Figure 49: Current MLS over Crown Road in Capertee National Park.

Figure 50: Proposed MLS over Crown Road in Capertee National Park.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_002	Figure 51: Current MLS of the Gardens of Stone National Park area towards Glen Davis Road off an unnamed Crown Road.	Figure 52: Proposed MLS of the Gardens of Stone National Park area towards Glen Davis Road off an unnamed Crown Road.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_004	 Figure 53: Current MLS of the Wollemi National Park area south of Glen Davis and The Gullies Road.	 Figure 54: Proposed MLS of the Wollemi National Park area south of Glen Davis and The Gullies Road.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_001	Figure 55: Current MLS of Lot 121 DP 1155980, adjacent to Wollemi National Park area south of Glen Davis Road off an unnamed Crown Road.	Figure 56: Proposed MLS of Lot 121 DP 1155980, adjacent to Wollemi National Park area south of Glen Davis Road off an unnamed Crown Road.

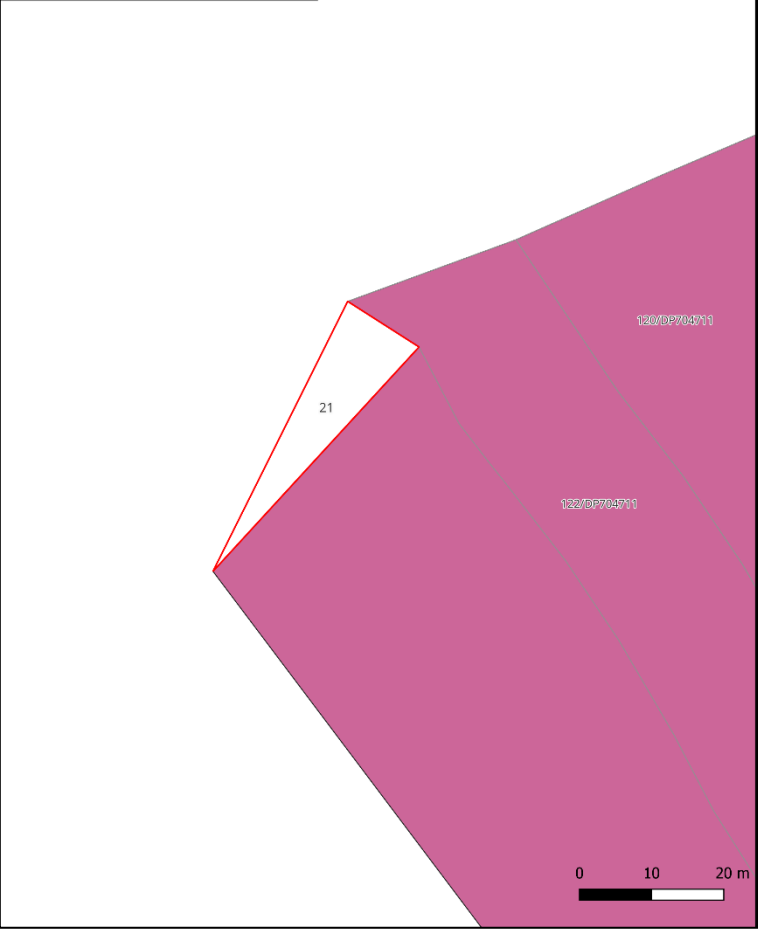
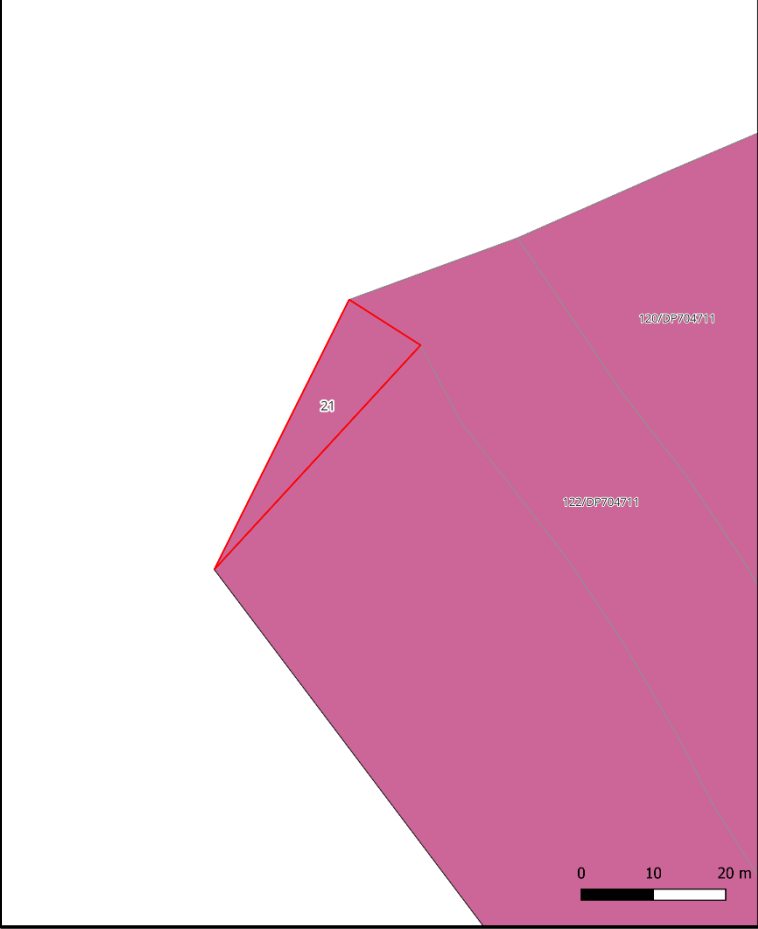
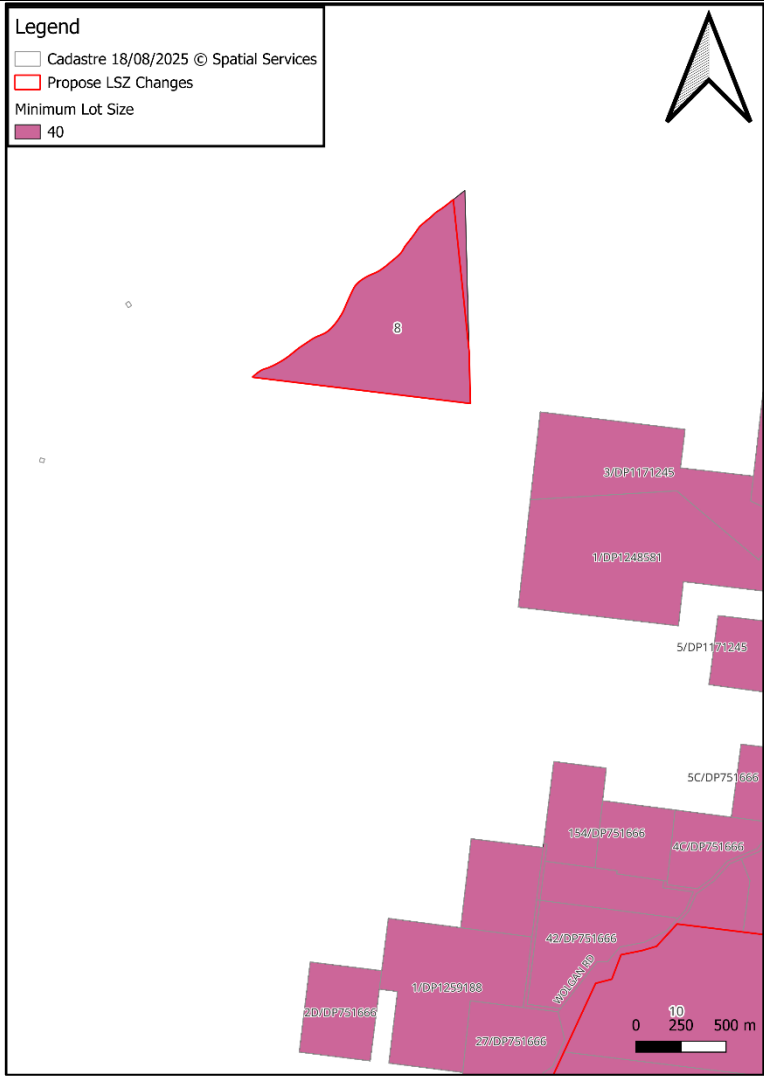
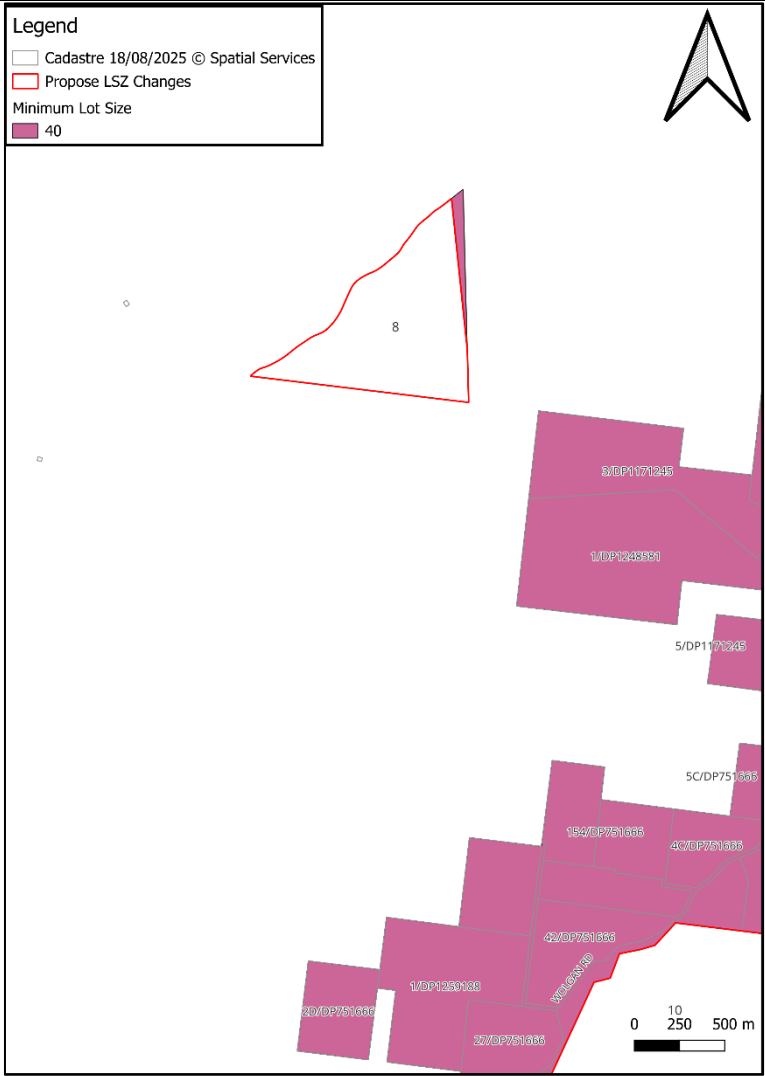
Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_002	Legend Cadastre 18/08/2025 © Spatial Services Propose LSZ Changes Minimum Lot Size 40 	Legend Cadastre 18/08/2025 © Spatial Services Propose LSZ Changes Minimum Lot Size 40 

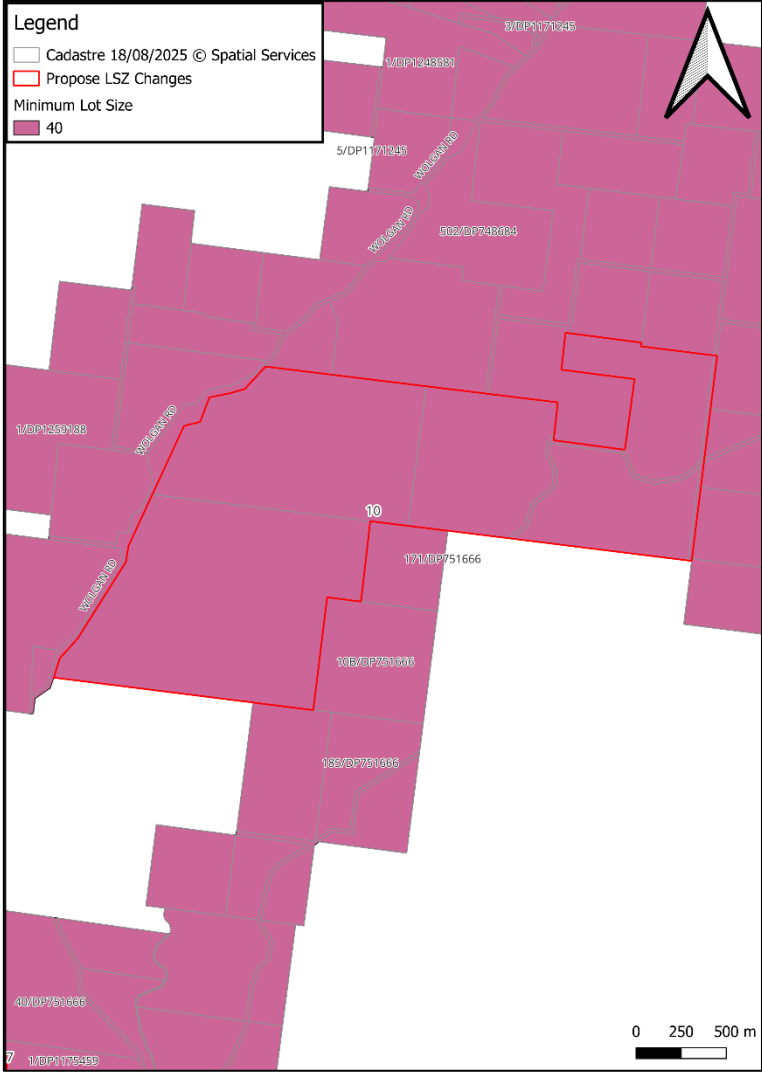
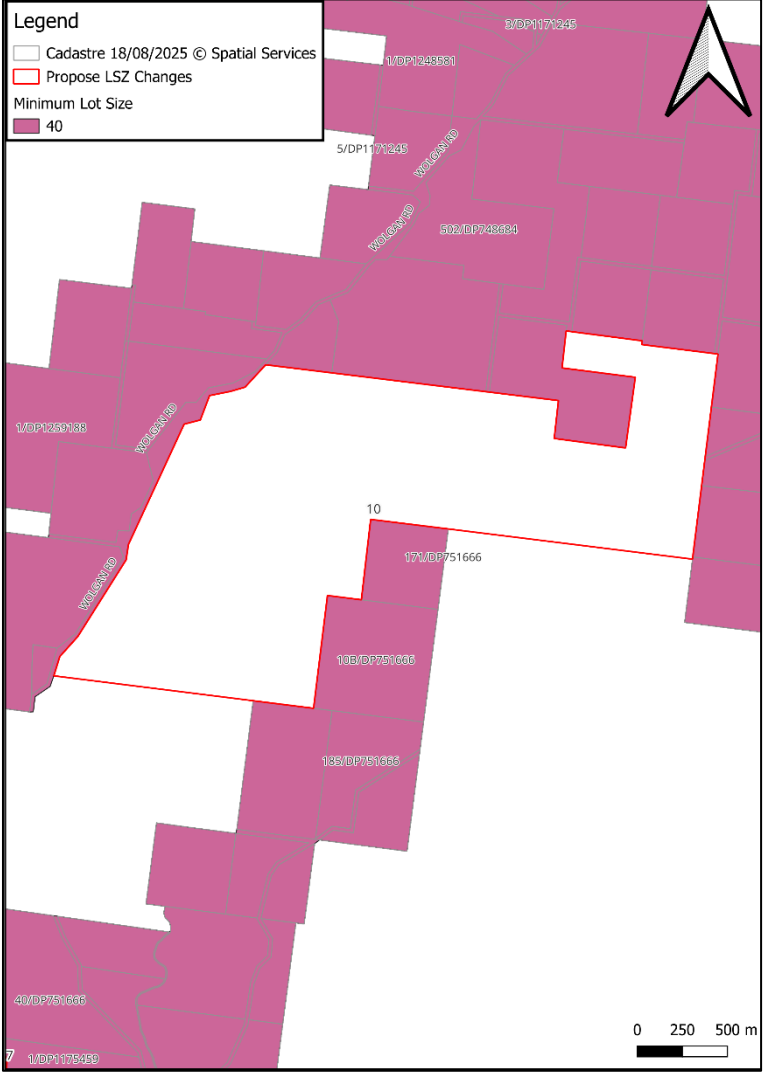
Figure 57: Current MLS of the eastern section of Turon National Park area off Turon Creek Road.

Figure 58: Proposed MLS of the eastern section of Turon National Park area off Turon Creek Road.

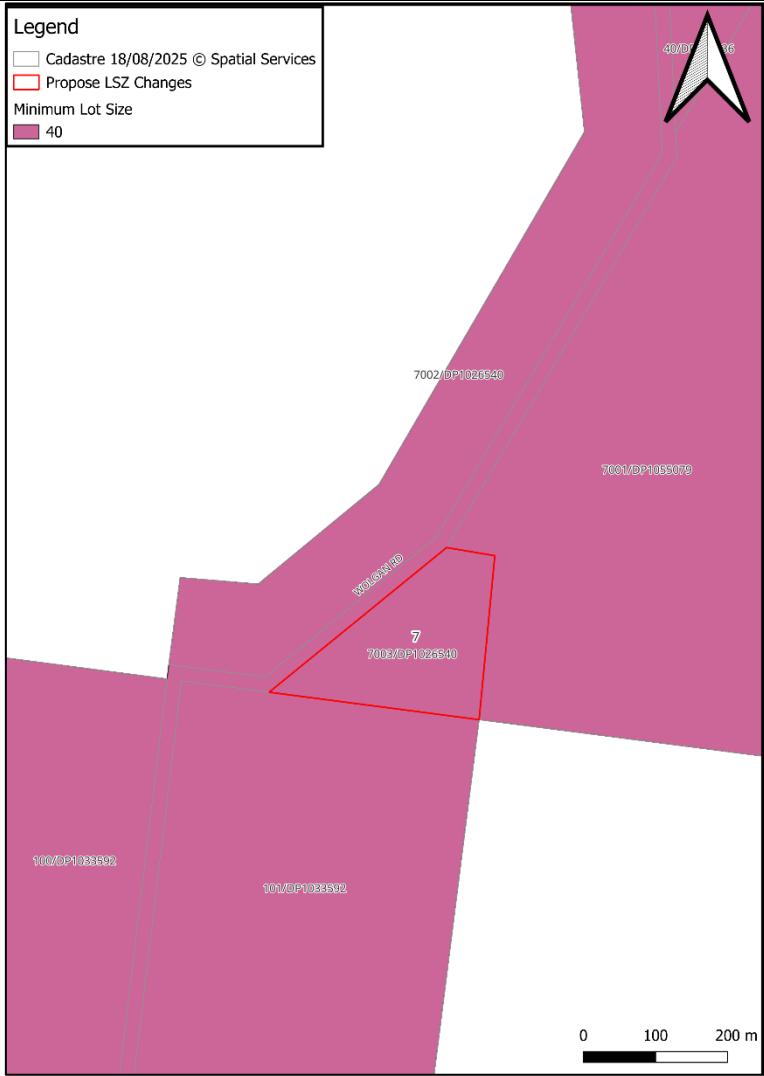
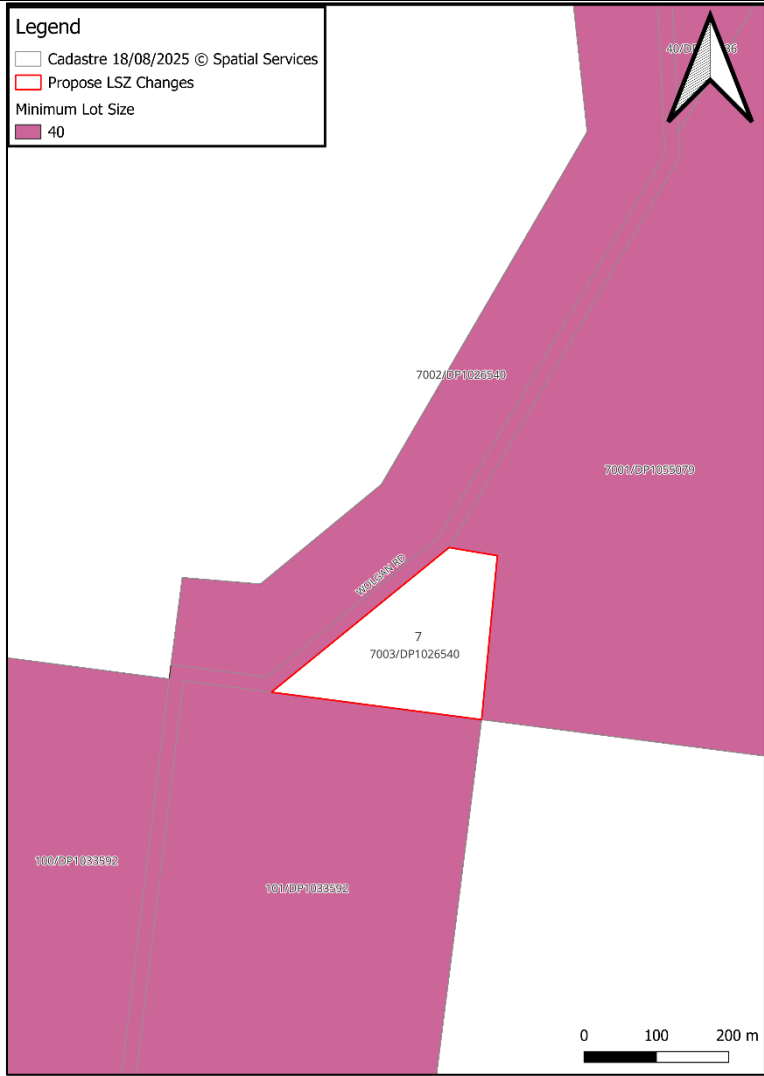
Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_003	<i>Figure 59: Current MLS of the north-eastern section of the Kanangra-Boyd National Park area accessed by Pardons Road.</i>	<i>Figure 60: Proposed MLS of the north-eastern section of the Kanangra-Boyd National Park area accessed by Pardons Road.</i>

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_002	Figure 61: Current MLS on the eastern boarder of the Gardens of Stone State Conservation Area north-west of Wallerawang Township.	Figure 62: Proposed MLS on the eastern boarder of the Gardens of Stone State Conservation Area north-west of Wallerawang Township.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_002	 Figure 63: Current MLS on the northern border of the Gardens of Stone State Conservation Area north-east of Cullen Bullen within the Wolgan Valley.	 Figure 64: Proposed MLS on the northern border of the Gardens of Stone State Conservation Area north-east of Cullen Bullen within the Wolgan Valley.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_002	 Figure 65: Current MLS on the northern border of the Gardens of Stone State Conservation Area north of Lidsdale within the Wolgan Valley.	 Figure 66: Proposed MLS on the northern border of the Gardens of Stone State Conservation Area north of Lidsdale within the Wolgan Valley.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_002	Figure 67: Current MLS on the border of the Gardens of Stone State Conservation Area north of Lidsdale at the entrance to the Wolgan Valley.	Figure 68: Proposed MLS on the border of the Gardens of Stone State Conservation Area north of Lidsdale at the entrance to the Wolgan Valley.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_002	 Figure 69: Current MLS on the border of the Gardens of Stone State Conservation Area north of Lidsdale at the entrance to the Wolgan Valley.	 Figure 70: Proposed MLS on the border of the Gardens of Stone State Conservation Area north of Lidsdale at the entrance to the Wolgan Valley.

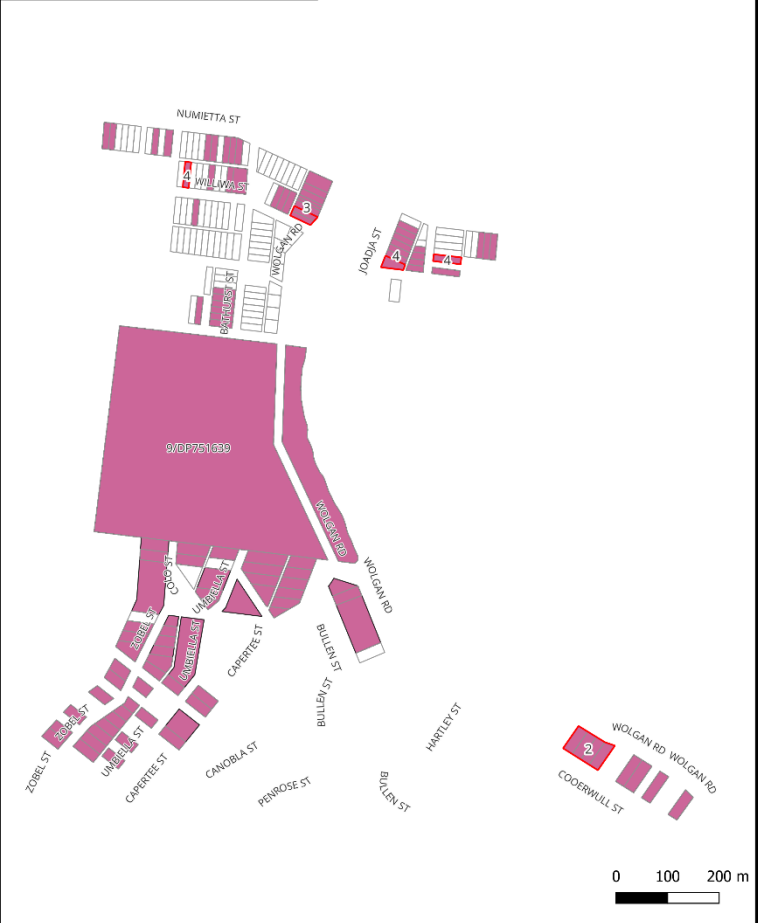
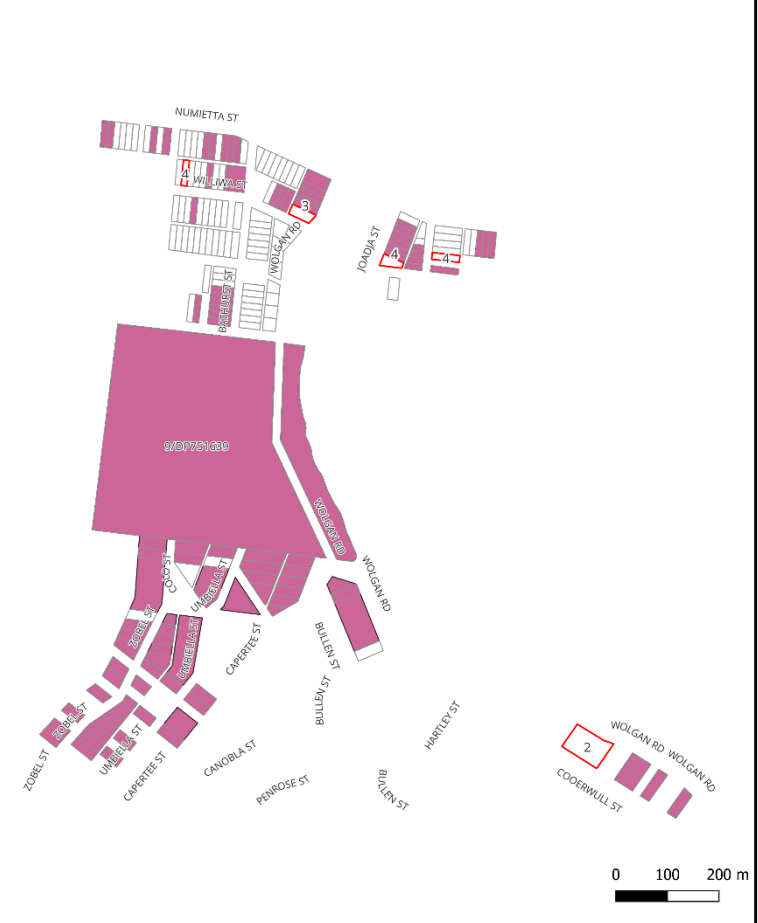
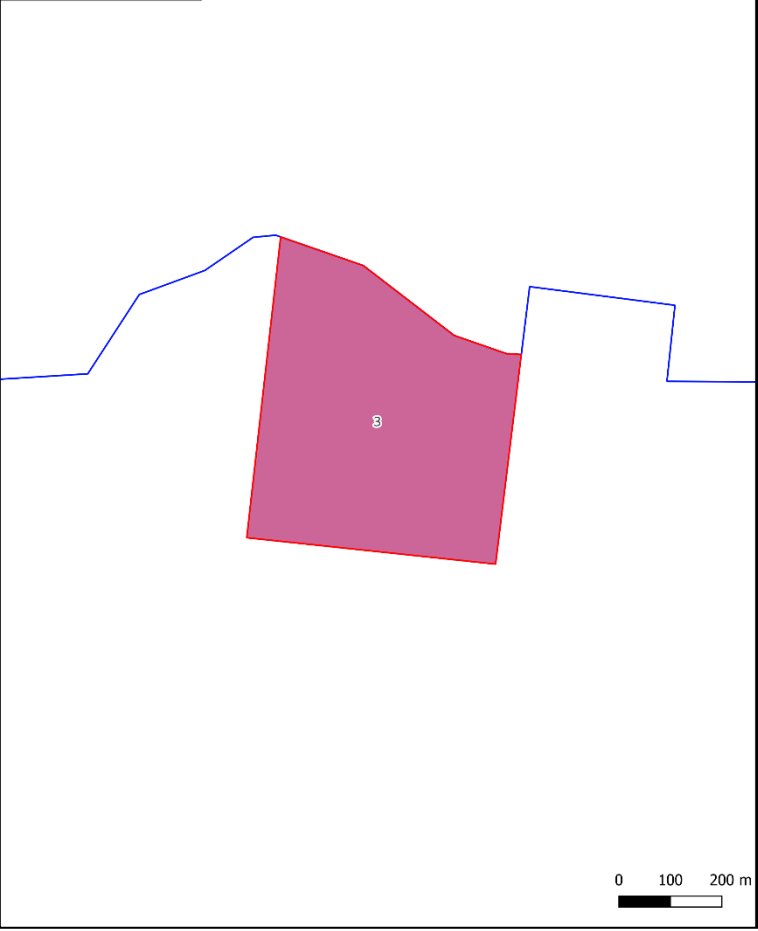
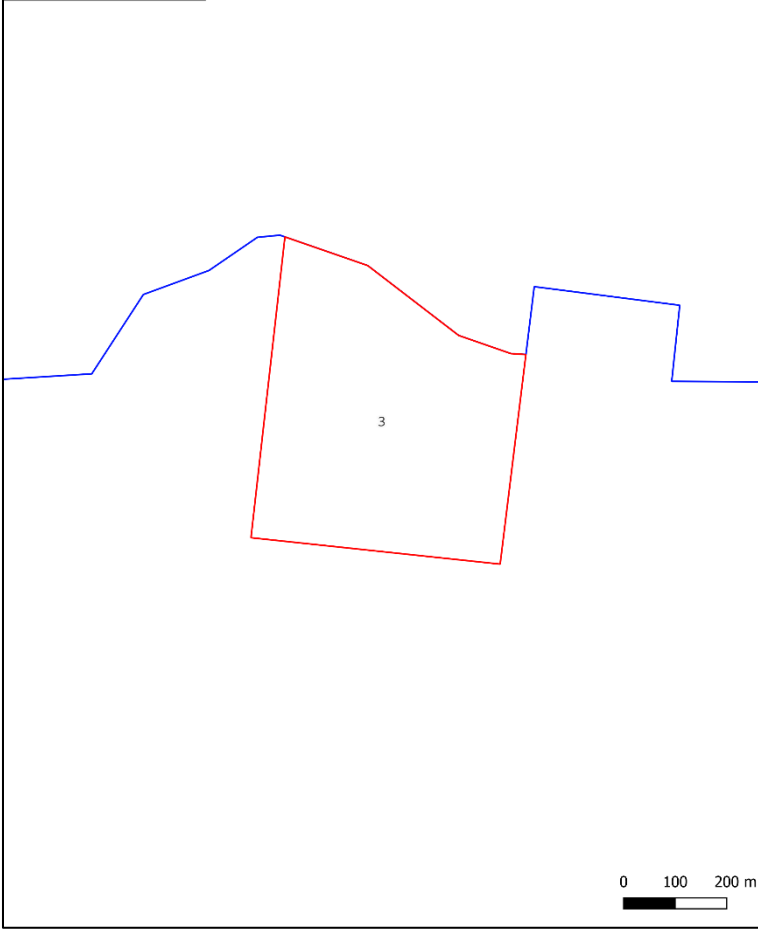
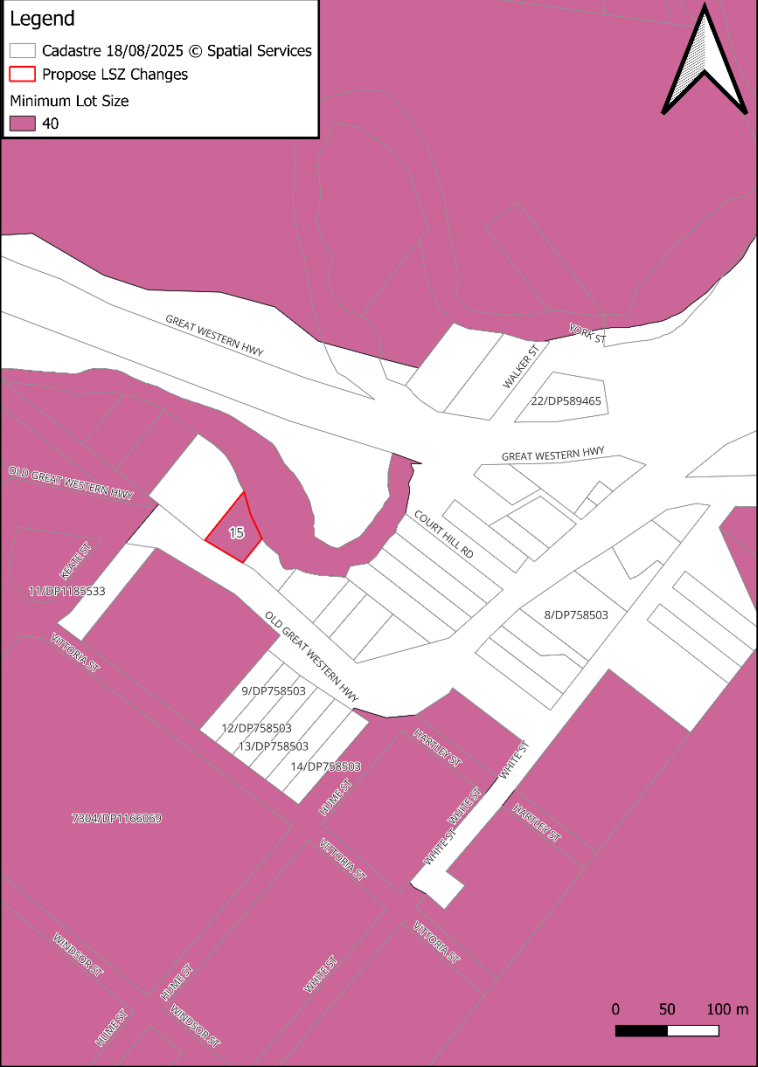
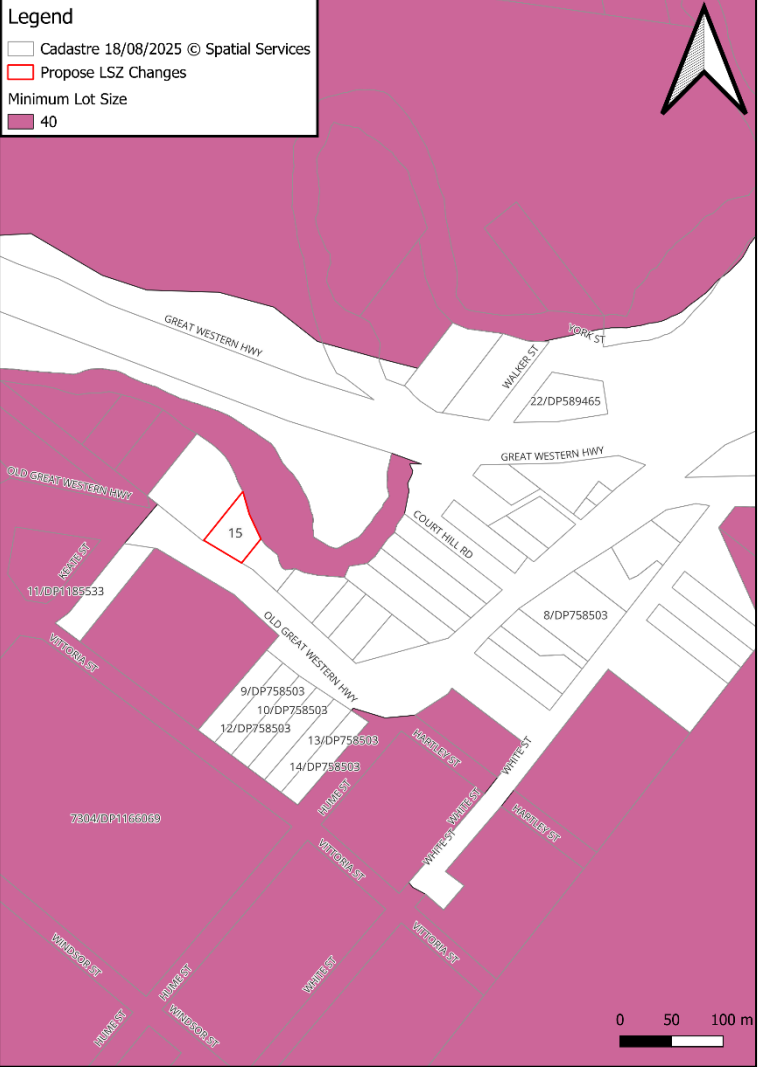
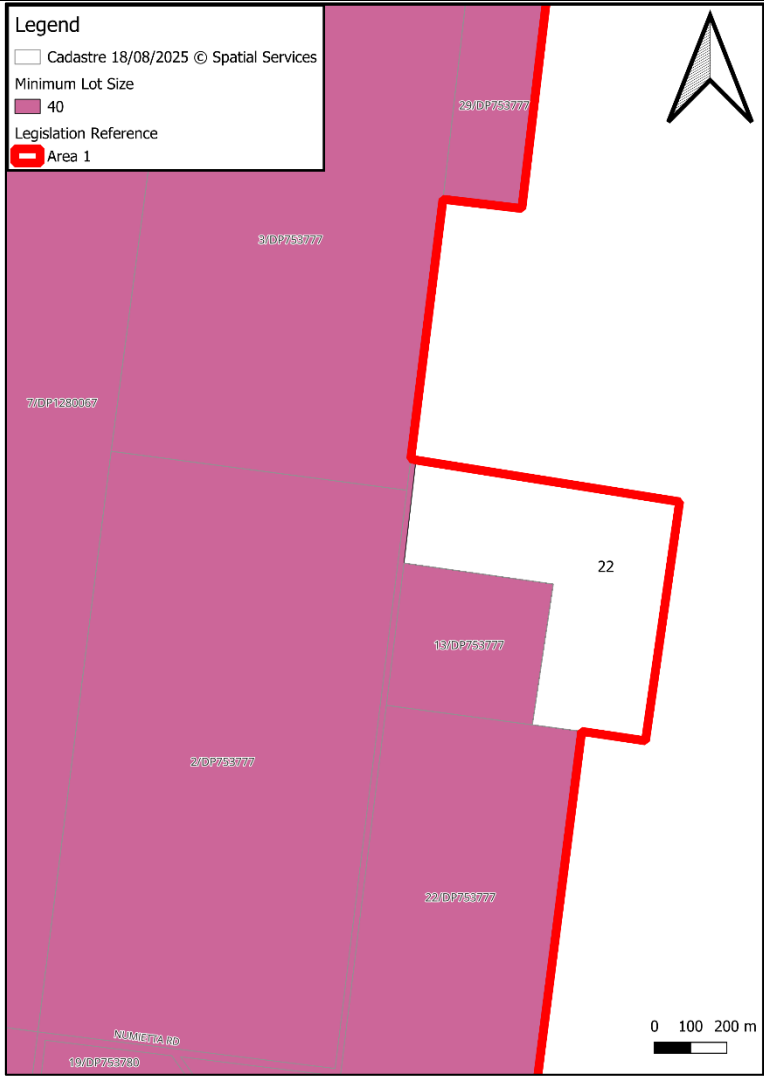
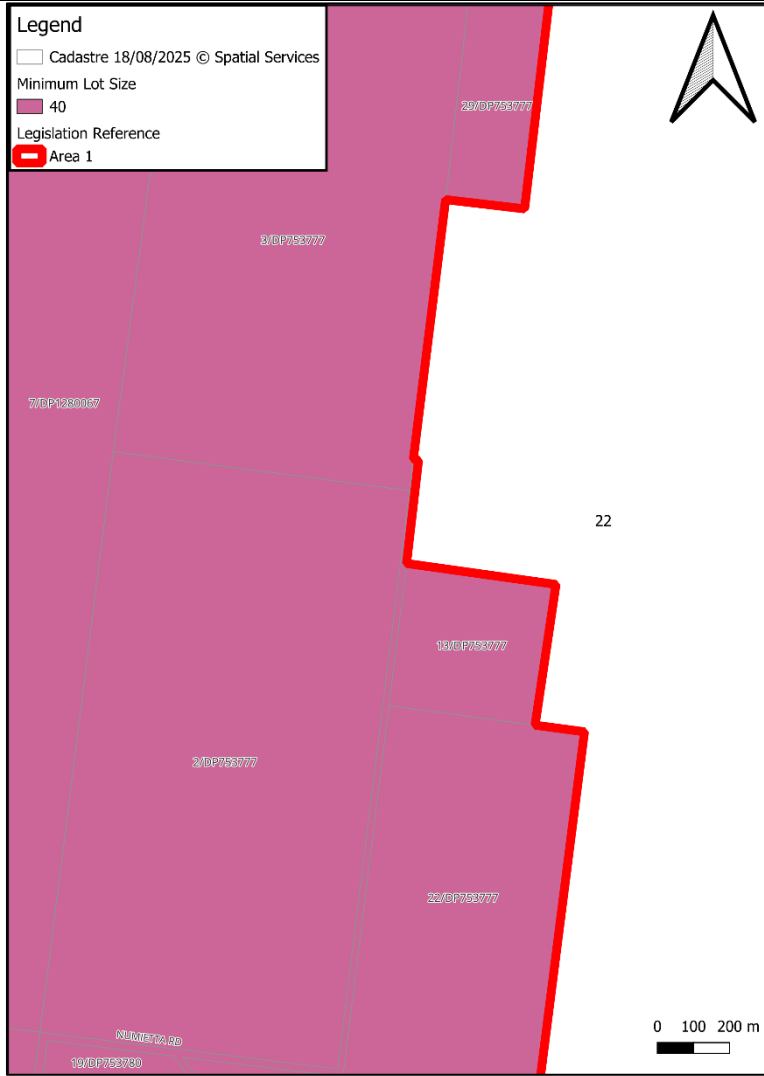
Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_002I	Legend Cadastre 18/08/2025 © Spatial Services Propose LSZ Changes Minimum Lot Size 40 	Legend Cadastre 18/08/2025 © Spatial Services Propose LSZ Changes Minimum Lot Size 40 

Figure 71: Current MLS over the Newnes settlement inside the Wolgan Valley.

Figure 72: Proposed MLS over the Newnes settlement inside the Wolgan Valley.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate.	Lot Size Map - Sheet LSZ_004	Legend - Lithgow LGA Boundary - Propose LSZ Changes - Minimum Lot Size 40  Figure 73: Current MLS of Lot 1 DP 753824 located on the border of the Lithgow LGA and Singleton LGA within the Wollemi National Park.	Legend - Propose LSZ Changes - Minimum Lot Size 40 - Lithgow LGA Boundary  Figure 74: Proposed MLS of Lot 1 DP 753824 located on the border of the Lithgow LGA and Singleton LGA within the Wollemi National Park.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate	Lot Size Map - Sheet LSZ_003		
		Figure 75: Current MLS of Lot 4 DP 1067449 within the Hartley Historic Village.	Figure 76: Proposed MLS of Lot 4 DP 1067449 within the Hartley Historic Village.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate	Lot Size Map - Sheet LSZ_001 And Lot Size Map - Sheet LSZ_004	 Figure 77: Current application of Area 1 within the Wollemi National Park to the east of Upper Nile Road.	 Figure 78: Proposed removal of Area 1 within the Wollemi National Park to the east of Upper Nile Road.

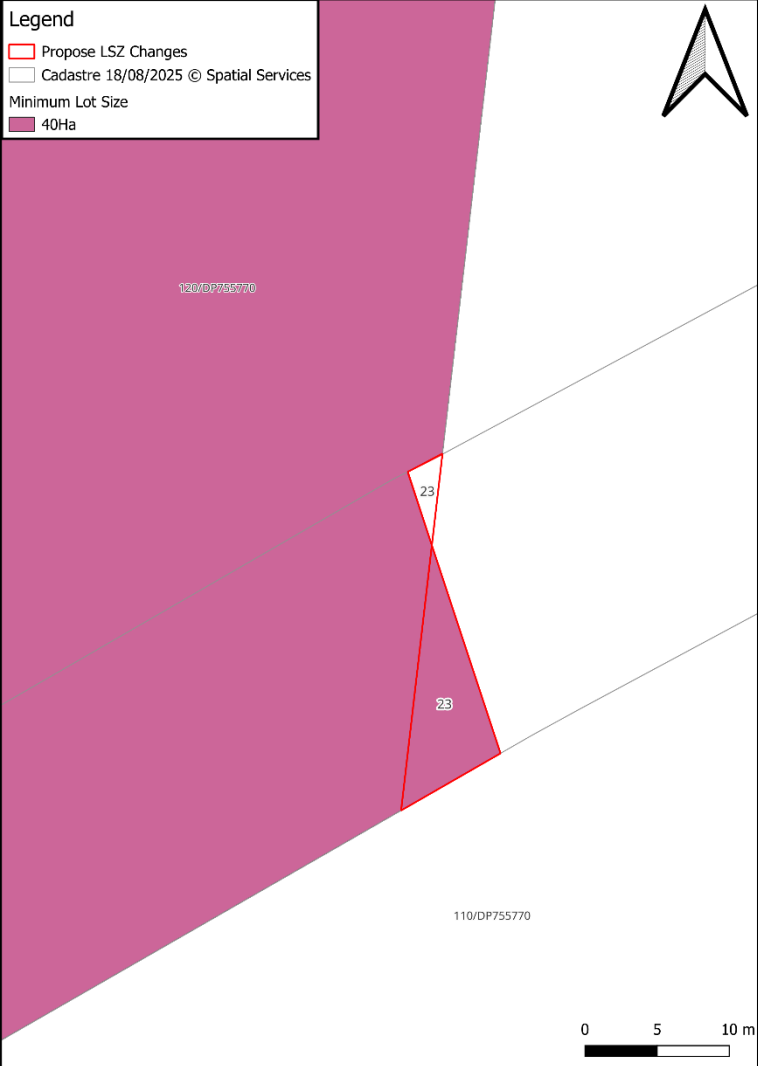
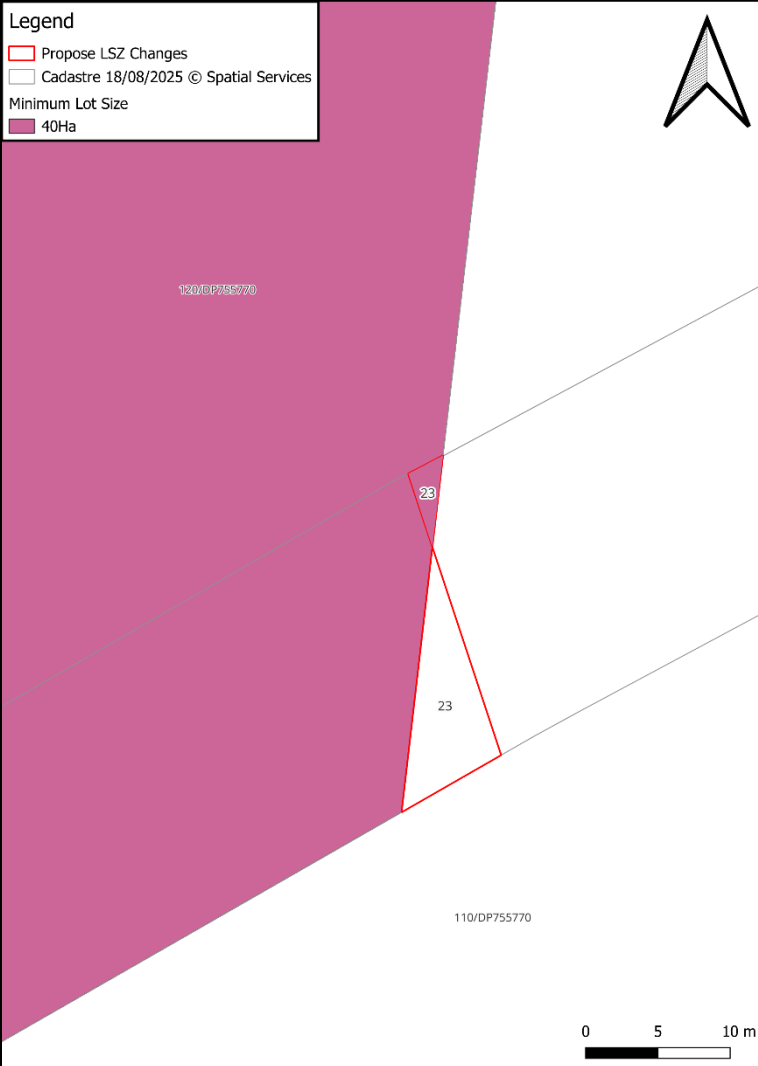
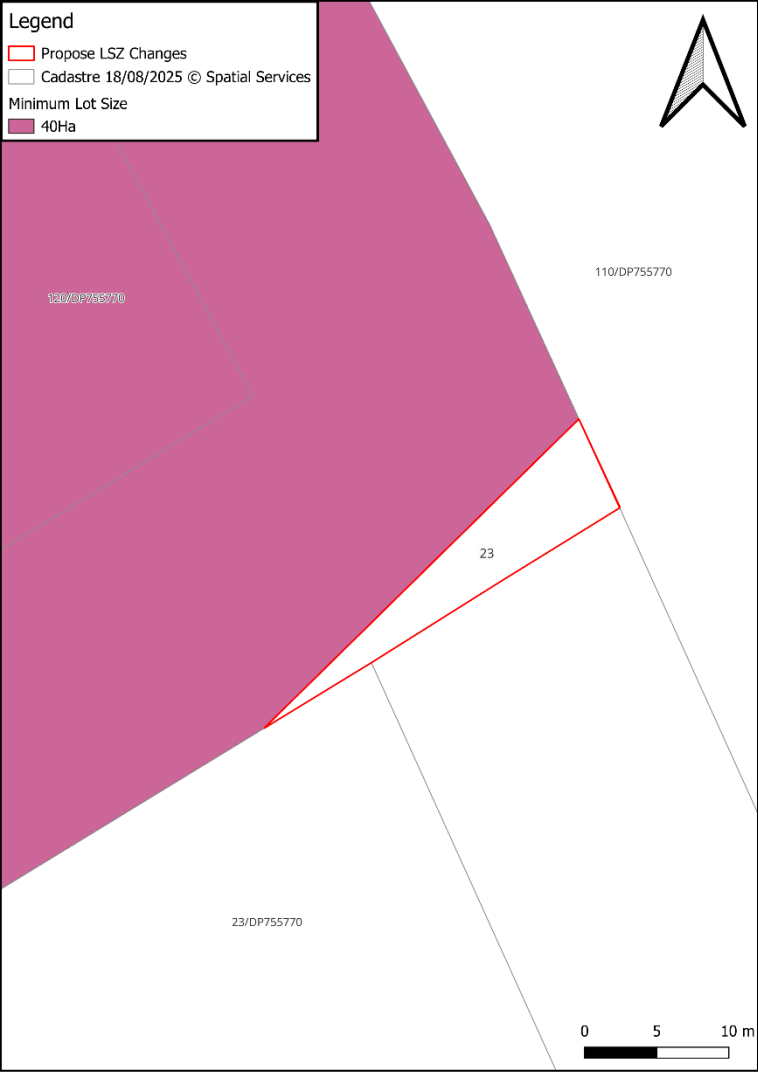
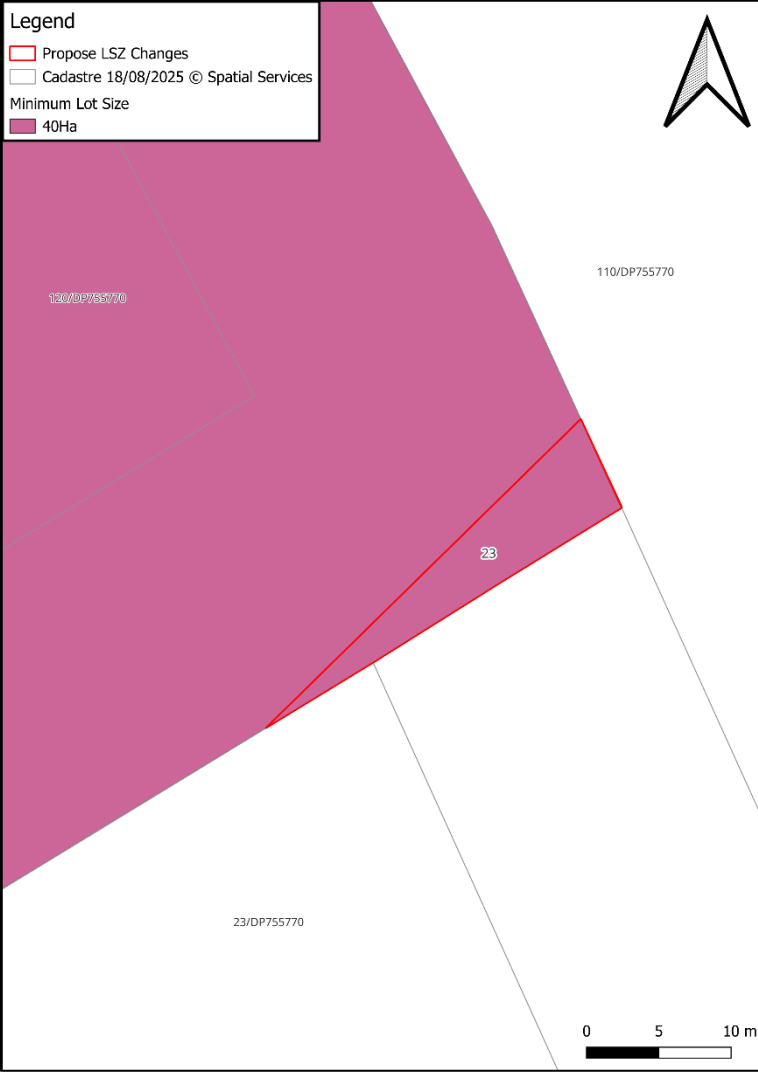
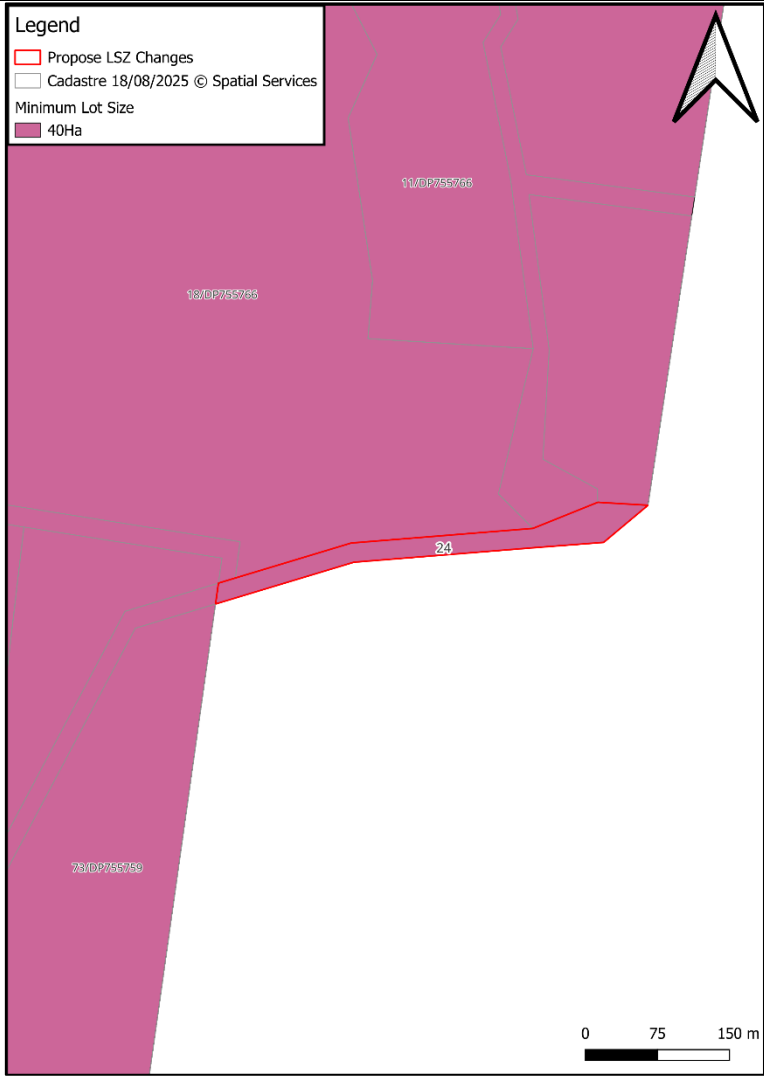
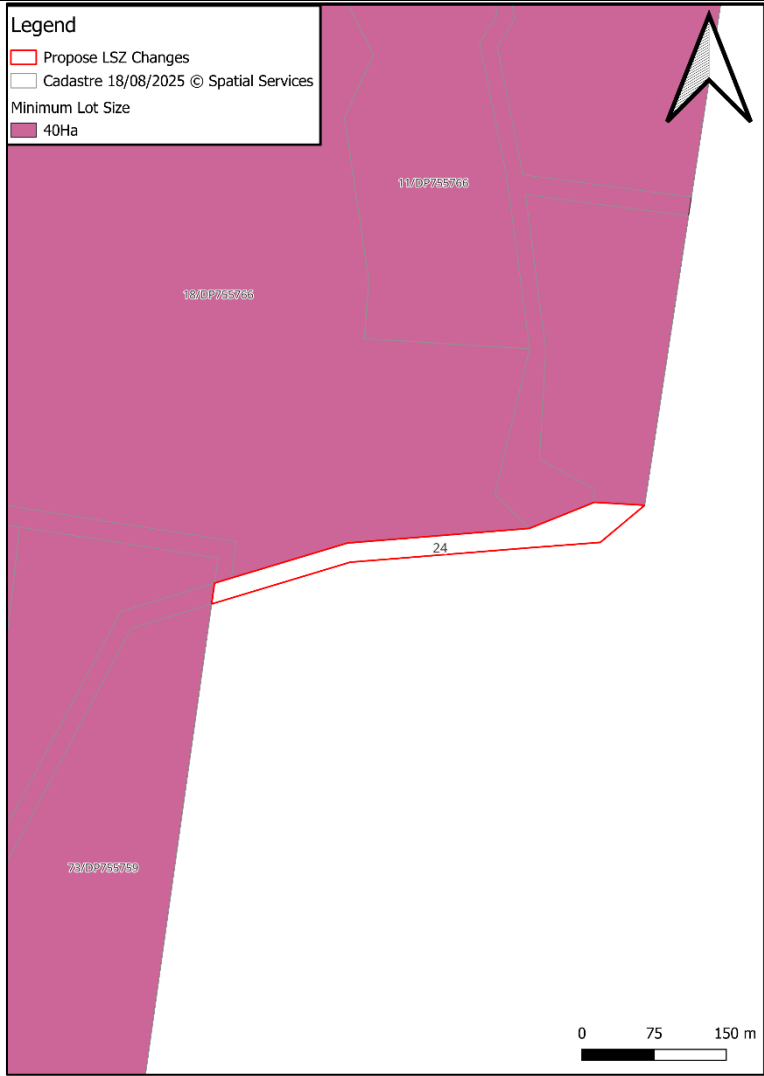
Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate	Lot Size Map - Sheet LSZ_002	Legend Propose LSZ Changes Cadastre 18/08/2025 © Spatial Services Minimum Lot Size 40Ha  120/DP755770 23 23 110/DP755770 0 5 10 m	Legend Propose LSZ Changes Cadastre 18/08/2025 © Spatial Services Minimum Lot Size 40Ha  120/DP755770 23 23 110/DP755770 0 5 10 m

Figure 79: Current MLS over Sugarloaf Trail separated by Lot 120 DP 755770 and Lot 110 DP 755770.

Figure 80: Proposed MLS over Sugarloaf Trail separated by Lot 120 DP 755770 and Lot 110 DP 755770.

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate	Lot Size Map - Sheet LSZ_002	Legend Propose LSZ Changes Cadastre 18/08/2025 © Spatial Services Minimum Lot Size 40Ha  Figure 81: Current MLS over Sugarloaf Trail separated by Lot 120 DP 755770, Lot 110 DP 755770 and Lot 23 DP 755770	Legend Propose LSZ Changes Cadastre 18/08/2025 © Spatial Services Minimum Lot Size 40Ha  Figure 82: Proposed MLS over Sugarloaf Trail separated by Lot 120 DP 755770, Lot 110 DP 755770 and Lot 23 DP 755770

Item No. Reference	Map Sheet	Current	Proposed
6. Amending Zoning of Various National Park Estate	Lot Size Map - Sheet LSZ_002	 Figure 83: Current MLS over an unformed crown road on the border of the Gardens of Stone National Park.	 Figure 84: Proposed MLS over an unformed crown road on the border of the Gardens of Stone National Park.

Item No. Reference	Map Sheet	Current	Proposed
7. Rezoning of Lithgow City Council Works Depot at Wallerawang	Nil.	Legend - Cadastre 18/08/2025 © Spatial Services - Subject Area Zoning - RU1 Primary Production - R2 Low Density Residential - RS Large Lot Residential - E1 Local Centre - E4 General Industrial - RE1 Public Recreation - RE2 Private Recreation - SP2 Infrastructure Figure 85: Current zoning of Council's Depot in Wallerawang.	Legend - Subject Area - Cadastre 18/08/2025 © Spatial Services Zoning - RU1 Primary Production - R2 Low Density Residential - RS Large Lot Residential - E1 Local Centre - E4 General Industrial - RE1 Public Recreation - RE2 Private Recreation - SP2 Infrastructure Figure 86: Proposed zoning of Council's Depot in Wallerawang to SP2 Infrastructure (Depot).

Item No. Reference	Map Sheet	Current	Proposed
8. Rezoning of Lithgow General Cemetery	Nil.	Legend Cadastre 18/08/2025 © Spatial Services Subject Area Zoning R1 General Residential R2 Low Density Residential E1 Local Centre R2 Public Recreation C4 Environmental Living SP2 Infrastructure	Legend Cadastre 18/08/2025 © Spatial Services Subject Area Zoning R1 General Residential R2 Low Density Residential E1 Local Centre R2 Public Recreation C4 Environmental Living SP2 Infrastructure

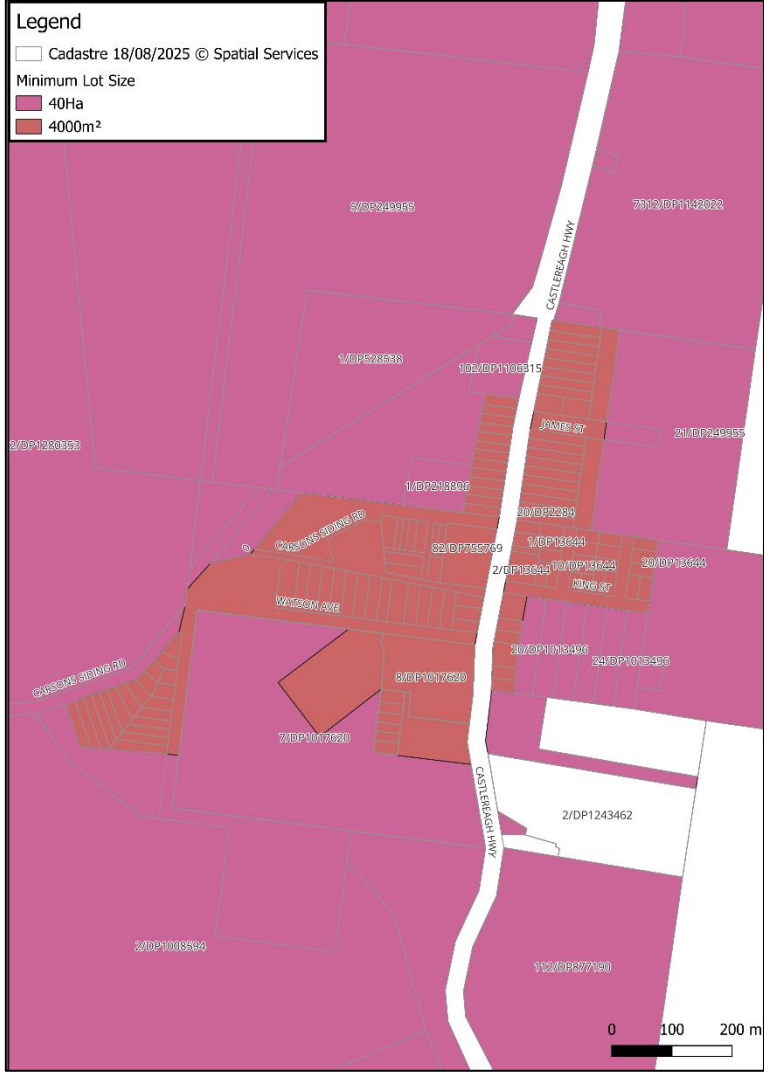
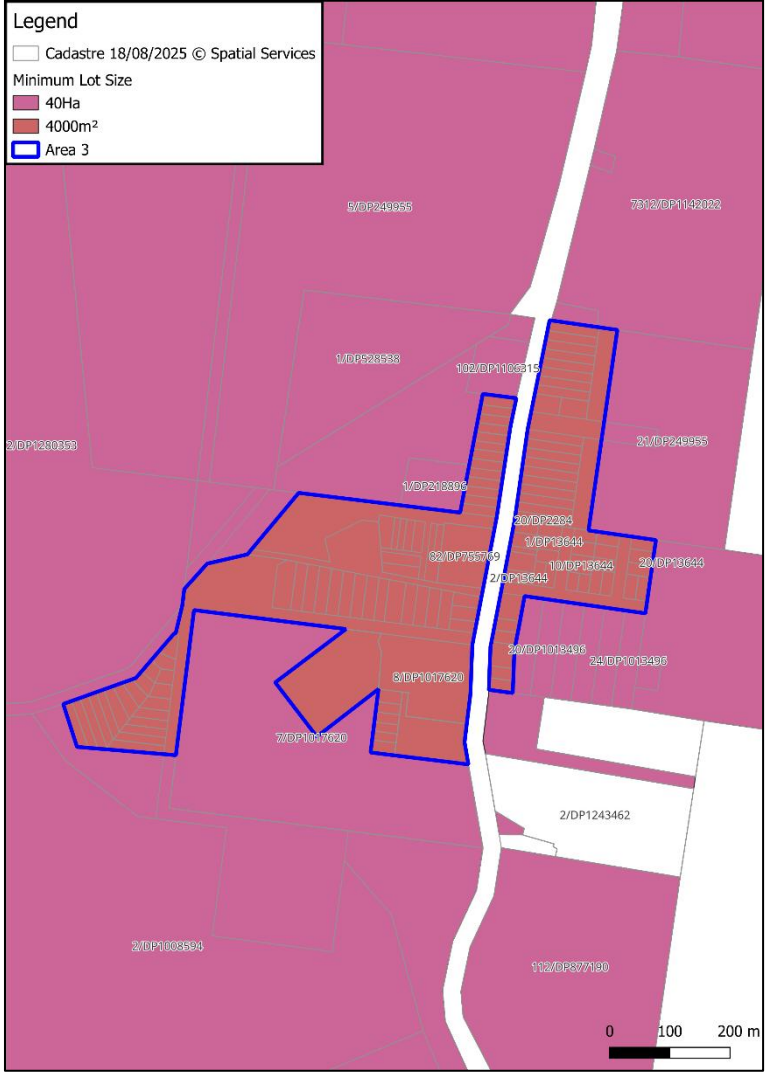
Figure 87: Current zoning of the Lithgow General Cemetery and surrounding lands.

Figure 88: Proposed zoning of the Lithgow General Cemetery and surrounding lands.

Item No. Reference	Map Sheet	Current	Proposed
8. Rezoning of Lithgow General Cemetery	Lot Size Map - Sheet LSZ_002G	Legend - Cadastre 18/08/2025 © Spatial Services - Subject Area - Minimum Lot Size 20Ha 400m² 600m² 800m²	Legend - Cadastre 18/08/2025 © Spatial Services - Subject Area - Minimum Lot Size 20Ha 400m² 600m² 800m²

Figure 89: Current MLS of the Lithgow General Cemetery and surrounding lands.

Figure 90: Proposed MLS of the Lithgow General Cemetery and surrounding lands.

Item No. Reference	Map Sheet	Current	Proposed
9. Erection of Dwellings Within the Cullen Bullen Township	Lot Size Map - Sheet LSZ_002C	 Figure 91: Current MLS over the Cullen Bullen township.	 Figure 92: Proposed extent of Area 3 application over the Cullen Bullen township.

Part 5 – Community Consultation

The Planning Proposal will be publicly exhibited as per the Gateway Determination conditions set by the Gateway Authority.

The Planning Proposal will be publicly exhibited at Council’s administration building and Lithgow City Council Libraries, located in Lithgow, Wallerawang and Portland. In addition to physical copies being available at the above locations, Council will also be hosting the planning proposal and supporting documentation on Council’s website.

Notice of the public exhibition will be placed in the local newspaper, on Council’s website and social media/newsletters.

In accordance with Direction 3.3 of the Local Planning Directions, Council has undertaken preliminary consultation with WaterNSW. A copy of the response has been provided in Appendix 3.

As Council proposes to seek the reclassification of community land to operational and the partial removal of public reserve status on two of the proposed lots, a public hearing will be scheduled in accordance with the EP&A Act s.57 & LG Act s.29. Upon the completion of the exhibition period for the planning proposal, a minimum of 21 days notice is to be given before the public hearing.

Part 6 – Project Timeline

Table 13: Proposed Project Timeline

Milestone	Expected completion date
Submission for Gateway Determination	March 2025
Gateway Determination	June 2025
Report to Council to proceed with public exhibition	August 2025
Public exhibition & public authority consultation	October 2025 - November 2025
Public Hearing	December 2025
Review of submissions & report to Council on public exhibition and public hearing	January 2025
Submission to DPHI for finalisation	February 2025
Gazettal of LEP amendment	April 2026

Appendix

Appendix 1 – Council Resolution to send Planning Proposal for Gateway Determination

MINUTES

Ordinary Meeting of Council - 22 July 2024

3.13. P&P - 22/07/2024 - Lithgow Local Environmental Plan 2014 Housekeeping Planning Proposal

Councillor D Goodwin left the meeting at 7:29 pm.
Councillor S Ring left the meeting at 7:29 pm.

Councillor S Ring returned to the meeting at 7:30 pm.
Councillor D Goodwin returned to the meeting at 7:30 pm.

24 -167 RESOLVED

THAT:

1. Council endorse the preparation of a Planning Proposal to amend the Lithgow Local Environmental Plan 2014 in accordance with items outlined within this report.
2. The Planning Proposal document, once prepared, be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
3. Council undertake consultation with relevant government agencies as required. Council is to consult with WaterNSW prior to the issuing of a Gateway Determination and Rural Fire Service prior to undertaking consultation.
4. Council advise NSW Department of Planning, Housing and Infrastructure that it proposes to seek approval to use the delegated functions under S.3.36 (2)-(4) to make the plan following compliance with a Gateway Determination.
5. A **DIVISION** be called in accordance with the requirements of Section 375A (3) of the Local Government Act, 1993.

MOVED: Councillor S Ring

SECONDED: Councillor A Bryce

CARRIED

A **DIVISION** was called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodwin, Councillor S Lesslie, Councillor S McGhie, Councillor E Mahony, Councillor C O'Connor and Councillor S Ring

AGAINST: Nil

Appendix 2 – Schedule 5 Environmental Heritage Updates

Table 14: Proposed Schedule 5 Updates

Locality	Item Name	Address	Property Description	Significance	Item No	Type of Change(s)	Justification	Text Amendments to Schedule 5	Mapping Amendments
Little Hartley	Bonnie Blink	Baaners Lane 108 Baaners Lane	Lot 12, DP 1036076 Lot 2 DP 1220880	Local	I042	Address, Property Description	The amendment will update the address to its current description in addition properly identify the curtilage of the heritage item. In 2013, lot known as Lot 2 DP 1220880 was subdivided (DA230/13) which split the property into three different allotments. The curtilage of the heritage item, being the towered house, has been identified as being solely contained within Lot 2 DP 122088.	☒	☒
Rydal	Chapel House Farm	22 Market Street 18 Coach Road	Lot 1, DP 1001275 Lot 11 DP 1246417	Local	I138	Address, Property Description	The amendment will update the address to its current description in addition properly identify the curtilage of the heritage item.	☒	☒

Locality	Item Name	Address	Property Description	Significance	Item No	Type of Change(s)	Justification	Text Amendments to Schedule 5	Mapping Amendments
							In 2012, the lot known as Lot 1 DP 1001275 was subdivided (010/08DA) which split the property into two different allotments. The curtilage of the heritage item, being the Chapel House Farm, has been identified as being solely contained within Lot 11 DP 1246417.		
Lidsdale	Windmill Lad Stud The Junction Inn	35 Ian Holt Drive	Lot 1, DP 531335	Local	I197	Name	The amendment will update the name of the heritage item. Prior to the 1970's, the property was named as the "Junction Inn" to which was the predominant reason the item was listed as a heritage item.	☒	☐
Lithgow	Newvale Colliery and Coke-Ovens Vale Colliery	Ida Falls Gully	Lot 2, DP 574705	Local	A140	Name	The amendment will update the name of the heritage item. The heritage has been incorrectly described	☒	☐

Locality	Item Name	Address	Property Description	Significance	Item No	Type of Change(s)	Justification	Text Amendments to Schedule 5	Mapping Amendments
	and Coke-Ovens						and should be “Vale Colliery and Coke Ovens.”		
Lithgow	State Mine Heritage Park	State Mine Gulley Road	Lot 1, DP 242977 Lot 11, DP 1240259 & Lot 10, PD 1240259	Local	A127	Property Description, Item Status	The amendment will update the location of the heritage item in addition to changing the item from an Archaeological site to a Heritage item.	☒	☐
Lithgow	Cottage (former Coorwull Academy)	993 Great Western Highway	Lot A, DP 345053	Local	1067	Removal	The amendment will remove this item from Schedule 5. Further investigation has revealed that the site of the former Coorwull Academy Cottage is located at 999 Great Western Highway. Further investigation will need to be undertaken for final re-listing.	☒	☒
Sodwalls	Cox’s Road and Early Deviations	Cuthill Road (off)	Lot 204, DP 1078651 & Lot 4, DP 1132182	State		Addition	Item was added to the State Heritage Register as No.01958 on the 25/03/2015.	☒	☒

Locality	Item Name	Address	Property Description	Significance	Item No	Type of Change(s)	Justification	Text Amendments to Schedule 5	Mapping Amendments
Hartley	Cox's Road and Early Deviations	The Old Bathurst Road		State		Addition	Item was added to the State Heritage Register as No.01957 on the 25/03/2015.	☒	☒
Lithgow	Great Zig Zag Railway and deviation tunnels Great Zig Zag Railway and Reserves	Bells Line of Road	Lot 9, DP 788554 Lot 11, DP 831103, Lot 9 DP 788554, Lot 7 DP 788554 & Lot 10 DP 831103	State	I443	Property Description, Name	The amendment will update the name of the heritage item as well as the current property curtilage. The proposed amendment will be in-line with the State Heritage Register.	☒	☒
Lithgow	Great Zig Zag Railway deviation tunnels	Bells Line of Road		State		Addition	The amendment is to decouple the current listing in the Lithgow Local Environmental Plan 2014 to be in-line with the State Heritage Register and to identify the curtilage of the railway deviation tunnels.	☒	☒
Lithgow	Eskbank House	70 Inch Street	Lot 1, DP 365722	Local State	I312	Significance	Item was elevated to State Significance as	☒	☐

Locality	Item Name	Address	Property Description	Significance	Item No	Type of Change(s)	Justification	Text Amendments to Schedule 5	Mapping Amendments
							No.02008 on the 24/08/2018		
Little Hartley	Victoria Pass and Berhofers Pass	Great Western Highway	Lot 10 DP 1187573, Lot 12 DP 1187573	State		Addition	Item was added to the State Heritage Register as No.02084 on the 08/03/2024.	☒	☒

Appendix 3 – WaterNSW Pre-Gateway Consultation



12 September 2024

Christian Matthews
Strategic Land Use Planner
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

Contact: Justine Clarke
Telephone: 0457 535 955
Our ref: D2024/79356

Lithgow Housekeeping LEP 2024 Planning Proposal – Pre Gateway

Dear Mr Matthews,

I refer to your letter dated 20 August 2024 seeking preliminary comment from WaterNSW on the contents of a Draft Housekeeping Planning Proposal for the Lithgow Local Environmental Plan 2014, initiated by Lithgow City Council.

We understand the Proposal initiates the following amendments, which affects land within the Sydney Drinking Water Catchment:

1. Inclusion of 'Recreational Facility (Outdoor)' in the C3 – Environmental Management Zone
2. Add 'Artisan Food and Drink Industry' Definition and Land Use
3. Introduction of Standard Instrument Clause 5.22 Special Flood Considerations
4. Removal of Flood Mapping
5. Renaming of Environmental Sensitive Areas Map
6. Strata Subdivision in Large Lot and Village Zones
7. Removal of Access Handles in Calculation for Minimum Lot Size
8. Re-classification of certain lands from Community to Operational
9. Zoning of Various National Park Estate
10. Rezoning of Lithgow City Council Works Depot at Wallerawang
11. Rezoning of Lithgow General Cemetery

WaterNSW has some specific comments about the proposal to include 'Recreational Facility (Outdoor)' in the C3 – Environmental Management Zone and the renaming of the Environmental Sensitive Areas Maps. WaterNSW has no comments or objections to the other proposed amendments.

Proposal to include 'Recreational Facility (Outdoor)' in the C3 – Environmental Management Zone

Council proposes to amend the Land Use Table within LEP 2014 to permit with consent the land use 'Recreational Facility (Outdoor)' in the C3 Environmental Management zone. The definition of 'Recreational Facility (Outdoor)' is: *recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).*

WaterNSW ABN 21 147 934 787
169 Macquarie Street Parramatta NSW 2150
PO Box 398, Parramatta NSW 2124
t. 1300 662 077 e. Customer.Helpdesk@waterNSW.com.au

WaterNSW | We're at the source

We note that the objectives of the C3 zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To facilitate the management of environmentally sensitive lands and riparian areas.*
- *To protect and conserve the vegetation and escarpment landscape surrounding Lithgow.*
- *To maintain or improve the water quality of receiving water catchments.*

We recognise that the sensitivity of C3 zoned land is acknowledged in the LEP 2014, as much of it consists of mapped Environmentally Sensitive Areas for sensitive waterways, groundwater vulnerability, land areas and biodiversity.

WaterNSW having regard for the above considers that several of the specific land use types within the definition of recreation facility (outdoor) are inappropriate within existing C3 zoned land and inconsistent with the objective of the zone. Of particular concern to WaterNSW are *golf courses, golf driving ranges, lawn bowling green, equestrian centre, go-kart track, rifle range, water-ski centre or any other building or place of a like character*. WaterNSW considers that these land use types would be unlikely to have a neutral or beneficial effect on water quality (including groundwater). Further WaterNSW considers that these land use types are unlikely to be matched to land and water capability assessments.

Therefore, WaterNSW disagrees with the proposal to amend the Land Use Table within LEP 2014 to permit with consent the land use 'Recreational Facility (Outdoor)' in the C3 Environmental Management zone.

Proposal to Rename the Environmental Sensitive Areas Maps

Council proposes to remove the reference to Environmentally Sensitive Areas notation in the title of the Water, Biodiversity and Land Overlay Maps, definitions and clauses within Lithgow LEP 2014. The intent of the amendment is to remove any ambiguity in the operation of the Complying Development State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). Pursuant to Clause 1.17A(1)(e) of the Codes SEPP, complying development cannot be undertaken on lands within an environmentally sensitive area.

WaterNSW notes that:

- a. Clause 1.19(1)(j)(i) of the Codes SEPP states that *To be complying development specified for the Housing Code, the Inland Code, the Low Rise Housing Diversity Code, the Rural Housing Code, the Agritourism and Farm Stay Accommodation Code or the Greenfield Housing Code, the development must not be carried out on unsewered land in the Sydney Drinking Water Catchment, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m².*
- b. Clause 1.19(4) of the Codes SEPP states that *To be complying development specified for the Housing Alterations Code or the General Development Code, the development must not be carried out on unsewered land in the Sydney Drinking Water Catchment, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250m².*
- c. Clause 1.19(5) of the Codes SEPP states that *To be complying development specified for the Industrial and Business Buildings Code, the development must not be carried out on unsewered land in the Sydney Drinking Water Catchment.*

As the above provisions are contained within the Codes SEPP and they aim to protect water quality in the Sydney Drinking Water Catchment, WaterNSW has no objection to the proposal to remove the reference to Environmentally Sensitive Areas notation in the title of the Water, Biodiversity and Land Overlay Maps, definitions and clauses within Lithgow LEP 2014.

Final Comments

If the draft Proposal proceeds to Planning Proposal stage, then it will also need to include a detailed response to how the provisions of Direction 3.3 are being addressed.

Please note that this is an initial assessment of the Proposal. Other issues relevant to our charter may arise in the later assessment of any draft Planning Proposal submitted to us. When prepared, the draft Planning Proposal should be referred to us at environmental.assessments@waternsw.com.au.

If you have any questions regarding this letter, please contact me at justine.clarke@waternsw.com.au.

Yours sincerely,



JUSTINE CLARKE

A/ Environmental Planning Assessments & Approvals Manager

Appendix 4 – Lithgow City Council Response to WaterNSW

Reference: HLEP2014



17 September 2024

Justine Clarke
PO Box 398
Level 14, 169 Macquarie Street
Parramatta NSW 2150

environmental.assessments@waterNSW.com.au

Dear Sir/Madam,

Response to WaterNSW's comments on the Lithgow Housekeeping LEP 2024 Planning Proposal – Pre Gateway consultation

I am writing to WaterNSW in response to the comments provided as part of the pre-gateway consultation undertaken as part of the Lithgow Housekeeping LEP. Lithgow City Council would like to thank WaterNSW for their prompt response regarding the matters raised in Council's previous correspondence sent on the 20 August 2024.

Council acknowledges that WaterNSW has raised particular concern regarding the proposal to include 'Recreational Facility (Outdoor)' into the C3 Environmental Management land use tables in the Lithgow LEP 2014. The concerns raised in WaterNSW's response letter dated 12 September 2024 highlight the issue in permitting with consent the uses included in the definition under the Standard Instrument which includes, but is not limited to golf courses, rifle ranges, equestrian centres, lawn bowling greens, water-ski centres and their ability to demonstrate neutral or beneficial effect on water quality.

The following is Lithgow City Council's response in regard to the provided response from WaterNSW:

Purpose and definitions

The intent of the housekeeping LEP is to allow low impact tourism/recreational developments such as walking trails, mountain bike tracks and similar developments to occur on appropriate privately owned sites in the Lithgow LGA. The key candidate sites for these activities to occur are within areas with special natural characteristics and proximity to other tourism opportunities as well as other supportive services. These areas are predominantly located within the C3 zoned areas.

As noted above, the definition of 'recreational facility (outdoor)' encompasses a vast array of land uses which do not have equivalent definitions or child/parent terms to help separate high intensity and low intensity activities under the Standard Instrument.

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Tel: (02) 6354 9999 Fax: (02) 63514259
Web: www.lithgow.nsw.gov.au Email: council@lithgow.nsw.gov.au

It is Council's position that intensive activities permitted under the definition of 'recreational facility (outdoor)' would be filtered out during the assessment process of a development application. The notation of permitted with consent under a land use table only allows a development to be considered by the relevant authority and does not in any way restrict or reduce the requirement of evidence needed to justify the capability of the land for development.

Constraints

On visual inspection of the land identified as C3 Conservation Management in the Lithgow LEP, most lands are considered as constrained by either one or multiple layers under the LEP. These constraints include steep topography (over 20% slope), high and moderate biodiversity vegetation, riparian areas, groundwater vulnerable and are not serviced by utilities or roads.

It is for these factors above that any development in the C3 Conservation Management zone should be sympathetic and not be of a scale that would substantially alter the natural environment. It is Council's opinion that an appropriately sited and managed walking and cycling trail would be able to address most to all constraints pursuant to appropriate reports and studies.

Legislation

It is Council's understanding that the concerns raised by WaterNSW can be managed through Environmental Planning Instruments that are already enforced in the Lithgow LGA. Clause 6.61, 6.63 and 6.64 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 require all development applications to ensure neutral or beneficial effect on water quality is achieved within the Sydney Drinking Water Catchment. Other relevant legislation that must be complied with include Part 7 of the Biodiversity Conservation Act 2016, Part 7 of the Lithgow Local Environmental Plan 2014 and the Lithgow Development Control Plan 2021.

Furthermore, the development of recreational tracks is permitted without consent under Clause 2.73(3)(ii), Division 12 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 if undertaken by a public authority in the C3 zones. It is Council's opinion that what would be proposed on privately owned land would be similar to that which would occur on crown/government land.

Strategy

Council has recently completed the Lithgow Emerging Economy Project (LEEP) in collaboration with the NSW State Government and local industries to assist in the transition of the local economy away from coal mining and coal-fired power generation to other industries. A major pillar of the transition plan is the tourism sector in its ability to offer diverse experiences, utilising the scenic natural assets endowment present in the Lithgow LGA. The LEEP project identifies the growth sectors for tourism in eco-tourism, extreme sports and regional tourism (i.e. paddock to plate experiences) of which walking trails and mountain bike paths are closely aligned.

As a subproject of the LEEP, Council committed to undertake an Employment Lands Strategy to review the planning framework over employment lands within the

Lithgow LGA, including the lands zoned C3 Environmental Management for tourism purposes. A draft version of the strategy prepared by HillPDA Consulting was submitted to Council in mid-September to review. One of the key recommendations made through the strategy was to reconsider the planning controls relating to tourism in rural and environmental zones. The document refers to the lands within C3 Environmental Management zones as the sites best suited for potential eco and adventure tourism, noting the environmental sensitivities and hazards may inhibit certain types of tourism development. The strategy does highlight that out of the 9225.66 hectares of currently zoned C3 Environmental Management land, approximately 200ha (2.2%) of C3 zoned land is suitable for permanent development structures.

In addition, Council is currently preparing to undertake a Growth Management Strategy to manage the future social and economic implications of growth whilst protecting and protecting the environmental values of the Lithgow LGA. The Growth Management Strategy will be made up of three main components which will talk to each other:

1. Housing Strategy
2. Rural and Rural Residential Strategy
3. Employment Strategy (based of the Employment Lands Strategy)

As part of the Rural and Rural Residential Strategy, Council will be reviewing the planning controls and zoning framework of our rural and conservation zones to inform a future revision of Council's Local Strategic Planning Statement and Local Environmental Plan. It is envisaged that the results of this strategy work will be finalised within the next 12 to 18 months.

It is for the reason as mentioned above that Council is of the opinion that permitting with consent 'Recreational Facility (Outdoor)' in the C3 Environmental Management zone can meet the objectives of the zone and ensure compliance with water quality standards.

Lithgow City Council will continue discussions with WaterNSW post gateway determination to find a resolution to this matter.

If you have any questions regarding the contents of this letter, please contact Christian Matthews at Christian.matthews@lithgow.nsw.gov.au.

Yours sincerely



Christian Matthews
STRATEGIC LAND USE PLANNER

PO Box 19, LITHGOW NSW 2790
Tel: (02) 6354 9999 Fax: (02) 63514259
Web: www.lithgow.nsw.gov.au Email: council@lithgow.nsw.gov.au

Appendix 5 – Certificates of Title



LAND
REGISTRY
SERVICES



LegalStream Australia Pty Ltd
An Approved NSW LRS Information Broker
ABN: 80 002 801 498

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/246233

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
24/11/2022	3:11 PM	-	-

VOL 12626 FOL 147 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 1 IN DEPOSITED PLAN 246233
AT RYDAL
LOCAL GOVERNMENT AREA LITHGOW CITY
PARISH OF LETT COUNTY OF COOK
TITLE DIAGRAM DP246233

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF BLAXLAND

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING
REGISTRATION OF INSTRUMENTS NOT AUTHORISED BY THE
PROVISIONS OF THE LOCAL GOV ACT, 1919, RELATING TO
PUBLIC RESERVES

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

SDP/EA

PRINTED ON 24/11/2022

Search Date/Time: 24/11/2022 3:11PM

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/1077295

SEARCH DATE	TIME	EDITION NO	DATE
13/12/2022	12:13 PM	1	1/3/2005

LAND

LOT 2 IN DEPOSITED PLAN 1077295
AT LITHGOW
LOCAL GOVERNMENT AREA LITHGOW CITY
PARISH OF LETT COUNTY OF COOK
TITLE DIAGRAM DP1077295

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF LITHGOW

SECOND SCHEDULE (8 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 369872 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE AFFECTING THE PART SHOWN SO INDICATED IN THE TITLE DIAGRAM
- 3 I69113 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE AFFECTING THE PART SHOWN SO INDICATED IN THE TITLE DIAGRAM
- 4 344966 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE AFFECTING THE PART SHOWN SO INDICATED IN THE TITLE DIAGRAM
- 5 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE AFFECTING THE PART SHOWN SO INDICATED IN THE TITLE DIAGRAM
- 6 D796007 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE AFFECTING THE PART SHOWN SO INDICATED IN THE TITLE DIAGRAM
- 7 DP1077295 RIGHT OF CARRIAGEWAY 3 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 8 DP1077295 EASEMENT TO PERMIT ENCROACHING STRUCTURE TO REMAIN 1 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

SDP/PN103992

PRINTED ON 13/12/2022

Search Date/Time: 13/12/2022 12:13PM

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 5/1304125

SEARCH DATE	TIME	EDITION NO	DATE
27/5/2025	8:22 AM	1	23/4/2024

LAND

LOT 5 IN DEPOSITED PLAN 1304125
AT SOUTH BOWENFELS
LOCAL GOVERNMENT AREA LITHGOW CITY
PARISH OF LETT COUNTY OF COOK
TITLE DIAGRAM DP1304125

FIRST SCHEDULE

LITHGOW CITY COUNCIL (CA177234)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- 2 LAND ABOVE DESCRIBED IS PUBLIC ROAD

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

SDP

PRINTED ON 27/5/2025

Search Date/Time: 27/05/2025 8:22AM

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 45/1096536

SEARCH DATE	TIME	EDITION NO	DATE
11/10/2023	12:18 PM	1	18/4/2006

LAND

LOT 45 IN DEPOSITED PLAN 1096536
AT LITHGOW
LOCAL GOVERNMENT AREA LITHGOW CITY
PARISH OF LETT COUNTY OF COOK
TITLE DIAGRAM DP1096536

FIRST SCHEDULE

LITHGOW CITY COUNCIL (CA98845)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE
- 2 EXCEPTING LAND BELOW A DEPTH FROM THE SURFACE OF 20 METRES
- 3 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
- 4 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

SDF/PN104702

PRINTED ON 11/10/2023

Search Date/Time: 11/10/2023 12:18PM

LEGALSTREAM AUSTRALIA - hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

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Appendix 6 – Maps of Lands to be Reclassified

Table 15: Lands to be Reclassified

	Locality	Street	Lot/DP	Functional Use	Common Asset Name
1.	Bowenfels	Off Magpie Hollows Road	1/246233	Submerged public reserve at Lake Lyell	N/A
2.	Bowenfels	Off Magpie Hollows Road	5/1304125	Submerged land at Lake Lyell	N/A
3.	Lithgow	67 Bridge Street	227 m ² area of 2/1077295	Tin Shed al fresco area	N/A
4.	Lithgow	2 Lithgow St/Main St	2,595 m ² area of 45/1096536	Bowling green	N/A

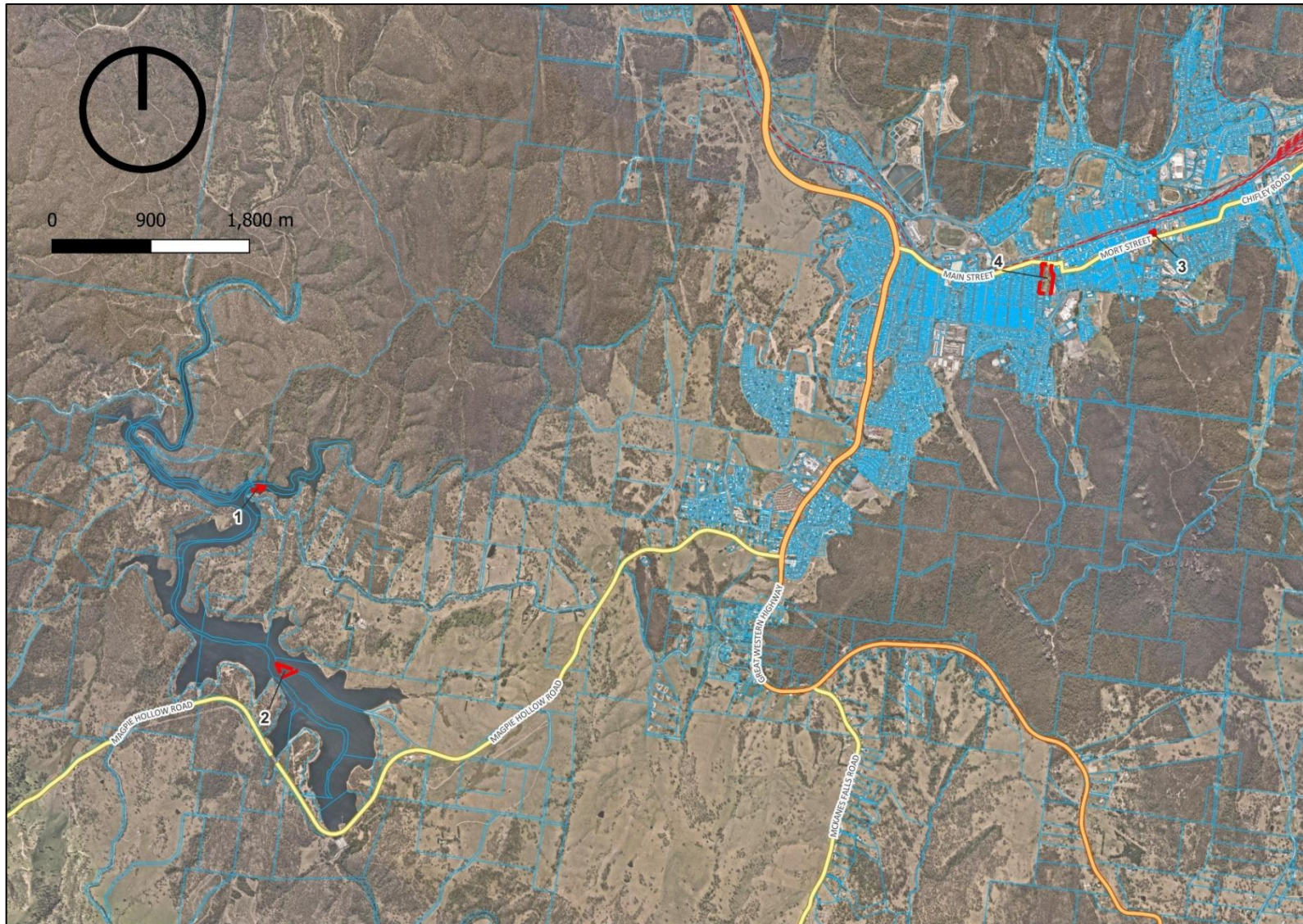


Figure 93: Overview map of lands seeking to be reclassified.

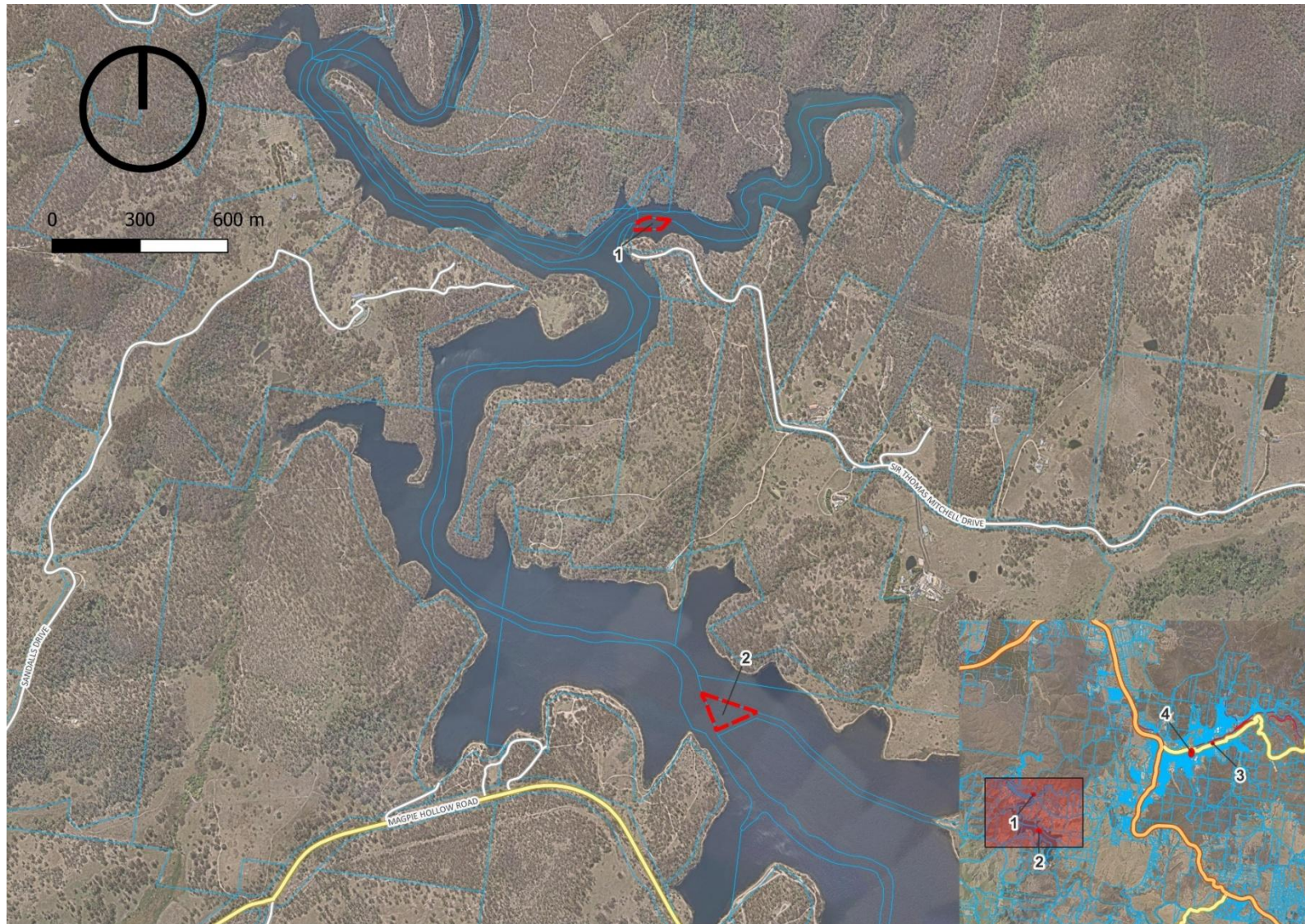


Figure 94: Lands seeking to be Reclassified at Lake Lyell.

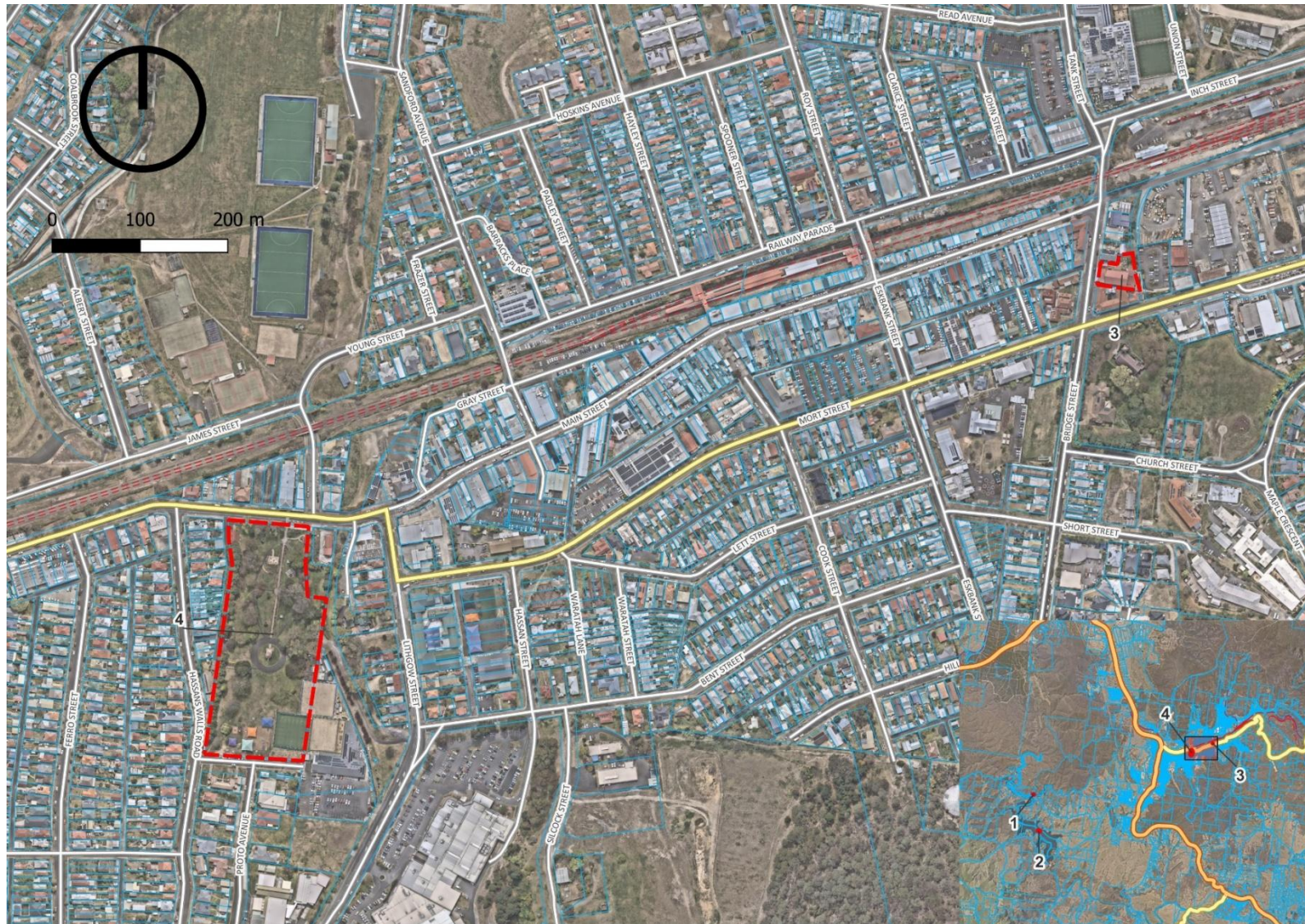


Figure 95: Lands seeking to be reclassified in the Lithgow Township.



Figure 96: Extent of the area to be reclassified along the northern boundary of Lot 2 DP 1077295 (Union Theatre), at the rear of Lot 1 DP 1077295 (The Lithgow Tin Shed).



Figure 97: Extent of the area to be reclassified along the south-eastern boundary of Lot 45 DP 1096536 (Queen Elizabeth Park).

Appendix 7 – Reclassification Sheets

Housekeeping amendments 2024

Lithgow City Council Reclassification Reference:	LCC1
Property Information	
Locality	South Bowenfels
Functional Use	No functional use
Common Asset Name	Lake Lyell
Street	Sir Thomas Mitchell Drive
Legal Description	Lot 1 DP246233
Land Area	3449 m ²
Current Zoning	SP2
New Zoning	SP2
Classification	Community to Operational
Date Classified	Min No 568 14/06/94
Public reserve	Yes. Public reserve status is recorded in the second schedule of title 1/246233 by way of Caveat K200000P. Council requests that the subject portion of land ceases to be a public reserve under Lithgow LEP and consequently that the land by operation of the plan be discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for: a) any reservations that except land out of a Crown grant relating to the land, and b) reservations of minerals (within the meaning of the Crown Land Management Act 2016).
Interests in land	Lithgow City Council is the registered proprietor. Registrar General – Caveat K200000P forbidding registration of instruments not authorised by the provisions of the Local Government Act, 1919, relating to public reserves. (Request interest is extinguished at the time of re-classification). EnergyAustralia NSW Pty Ltd holds a beneficial interest in the land as the owner and operator of the Lake Lyell dam for electricity generating purposes.
Council's interest in the land	Registered proprietor/owner
Lease/Licence	Not applicable
CT Reference	Volume 12626 Folio 147
Related Doc	603967
Property No	101073
Secondary Property No	Not applicable
Asset No	9453

*The fundamental parameters that have underpinned the proposed reclassifications include:

1. Where there appears to be no actual public use of the land and or no ongoing need to consult or involve the community in the continued management of the land. 2. The Community's changing needs now, and in the future will, require Council to be responsive and flexible in how its assets are applied to services and facilities. 3. Council is seeking to maximise the use of its land holdings economically but in balance with the community's environmental and social priorities. 4. Incorrect classification of Council land around the time of the introduction of the public land classification process. 5. To correctly classify Council land that has a pure operational focus and function.

Housekeeping amendments 2024

Reason for reclassification*	1. Correct an historical anomaly. It appears that this lot was inadvertently omitted from the land acquisitions made by Electricity Commission of NSW in the early 1980s. 2. The land was submerged under Lake Lyell when the Lake was established for electricity generation purposes in conjunction with Wallerawang Power Station in the mid 1980s. 3. There has been no actual use of the land by the public since the mid 1980s.
Effect of re-classification	The land is submerged under Lake Lyell and its practical purpose is to support a body of water that was developed in the mid-1980s to support electricity generating purposes. The effect of re-classification will be to enable transfer of the lot to the beneficial owner.
Nature of Councils interest in the land	Freehold ownership
How and when interest acquired	The land was transferred to the Council of the Shire of Blaxland on 19.11.1974. The land automatically vested in Lithgow City Council following amalgamation of the two Councils in 1977.
Reason council acquired interest	Amalgamation with Council of the Shire of Blaxland.
Any agreements over land	No.
Financial gain or loss/types of benefit that could arise	No.
Asset management objective being pursued	It is intended to transfer the lot to EnergyAustralia NSW Pty Ltd following re-classification so that ownership of the land is consistent with all other land that makes up the waterbody at Lake Lyell. (refer Minute 24-132 of council meeting 24 June 2024). The purpose of the transfer is to correct an historical anomaly and therefore no payment will be received by Council for the transfer.

*The fundamental parameters that have underpinned the proposed reclassifications include:

1. Where there appears to be no actual public use of the land and or no ongoing need to consult or involve the community in the continued management of the land. 2. The Community's changing needs now, and in the future will, require Council to be responsive and flexible in how its assets are applied to services and facilities. 3. Council is seeking to maximise the use of its land holdings economically but in balance with the community's environmental and social priorities. 4. Incorrect classification of Council land around the time of the introduction of the public land classification process. 5. To correctly classify Council land that has a pure operational focus and function.

Housekeeping amendments 2024

Lithgow City Council Reclassification Reference:	LCC2
Property Information	
Locality	South Bowenfels
Functional Use	No functional use
Common Asset Name	Lake Lyell
Street	Lockyer's Line of Road
Legal Description	Lot 5 DP1304125
Land Area	1.086ha
Current Zoning	SP2
New Zoning	SP2
Classification	Community to Operational
Date Classified	1 July 1994 pursuant to clause 6(7) of Schedule 7 of the Local Government Act 1993
Public reserve	No
Interests in land	Lithgow City Council is the registered proprietor. EnergyAustralia NSW Pty Ltd holds a beneficial interest in the land as the owner and operator of the Lake Lyell dam for electricity generating purposes.
Owned/Controlled	Owned
Lease/Licence	Not applicable
CT Reference	5/1304125
Related Doc	Not applicable
Property No	Not available
Secondary Property No	Not applicable
Asset No	Not applicable
Reason for reclassification*	1. Correct an historical anomaly. Until recently it was thought that this land formed part of Lockyer's Line or Road. However, a road status search has revealed that this land remains to be an individual parcel. 2. The land was submerged under Lake Lyell when the Lake was established for electricity generation purposes in conjunction with Wallerawang Power Station in the mid 1980s. 3. There has been no actual use of the land by the public since the mid 1980s.
Effect of re-classification	The land is submerged under Lake Lyell and its practical purpose is to support a body of water that was developed in the mid-1980s to support electricity generating purposes. The effect of re-classification will be to enable transfer of the lot to the beneficial owner.
Nature of Councils interest in the land	Freehold ownership
How and when interest acquired	The land was transferred to the Council of the Shire of Blaxland by Conveyance Book 1946 No. 904 dated 6 June 1944. The land automatically vested in Lithgow City Council following amalgamation of the two Councils in

*The fundamental parameters that have underpinned the proposed reclassifications include:

1. Where there appears to be no actual public use of the land and or no ongoing need to consult or involve the community in the continued management of the land. 2. The Community's changing needs now, and in the future will, require Council to be responsive and flexible in how its assets are applied to services and facilities. 3. Council is seeking to maximise the use of its land holdings economically but in balance with the community's environmental and social priorities. 4. Incorrect classification of Council land around the time of the introduction of the public land classification process. 5. To correctly classify Council land that has a pure operational focus and function.

Housekeeping amendments 2024

	1977.
Reason council acquired interest	Amalgamation with Council of the Shire of Blaxland.
Any agreements over land	No.
Financial gain or loss/types of benefit that could arise	No.
Asset management objective being pursued	It is intended to transfer the lot to EnergyAustralia NSW Pty Ltd following re-classification so that ownership of the land is consistent with all other land that makes up the waterbody at Lake Lyell. (refer Minute 24-132 of council meeting 24 June 2024). The purpose of the transfer is to correct an historical anomaly and therefore no payment will be received by Council for the transfer.

*The fundamental parameters that have underpinned the proposed reclassifications include:
 1. Where there appears to be no actual public use of the land and or no ongoing need to consult or involve the community in the continued management of the land. 2. The Community's changing needs now, and in the future will, require Council to be responsive and flexible in how its assets are applied to services and facilities. 3. Council is seeking to maximise the use of its land holdings economically but in balance with the community's environmental and social priorities. 4. Incorrect classification of Council land around the time of the introduction of the public land classification process. 5. To correctly classify Council land that has a pure operational focus and function.

Housekeeping amendments 2024

Lithgow City Council Reclassification Reference:	LCC3
Property Information	
Locality	Lithgow
Functional Use	Al fresco area
Common Asset Name	Union Theatre
Street	Bridge Street
Legal Description	Lot 2 in DP1077295 (part only)
Land Area	Total land area is 1,363 m ² . Council is seeking to re-classify a portion only, being 227 m ² .
Current Zoning	E1 Local Centre
New Zoning	E1 Local Centre
Classification	Community to Operational
Date Classified	1 July 1994 pursuant to clause 6(7) of Schedule 7 of the Local Government Act 1993
Public reserve	No.
Interests in land	Lithgow City Council is the registered proprietor. All interests in the land shown in the second schedule of the title are to be retained. No interests are to be discharged.
Owned/Controlled	Owned
Lease/Licence	Leased to third party
CT Reference	2/1077295
Related Doc	346634
Property No	103992
Secondary Property No	NA
Asset No	9052
Reason for reclassification*	The reclassification relates to part of the lot only (ie, 227 m ²). The affected part is located behind the adjoining property which is a café. The affected part is leased to the café owners for use as an alfresco area. If the affected part is reclassified to operational land, it is Council's intention to subdivide the affected part from the remainder of the land.
Effect of re-classification	There is no adverse effect of re-classification given that the portion of land is leased to the adjoining café owner for alfresco purposes.
Nature of Council's interest in the land	Freehold ownership
How and when interest acquired	Land transferred to Council on 1 March 2000
Reason council acquired interest	Building for community use. The building is not affected by this proposed reclassification which relates only to 227 m ² of land area.
Any agreements over land	Lease to Kenwood Industries Pty Ltd
Financial gain or loss/types of benefit that could arise	Possible financial gain as reclassification could extend Council's dealings in the land.

*The fundamental parameters that have underpinned the proposed reclassifications include:

1. Where there appears to be no actual public use of the land and/or no ongoing need to consult or involve the community in the continued management of the land. 2. The Community's changing needs now, and in the future will, require Council to be responsive and flexible in how its assets are applied to services and facilities. 3. Council is seeking to maximise the use of its land holdings economically but in balance with the community's environmental and social priorities. 4. Incorrect classification of Council land around the time of the introduction of the public land classification process. 5. To correctly classify Council land that has a pure operational focus and function.

Housekeeping amendments 2024

Asset management objective being pursued	The asset management objective is to subdivide the land into two lots, resulting in one lot being 1,136m² and the other lot being 227m². The lot comprising 1,136m² will remain in Council ownership and retain the community classification. The lot comprising 227m² will become operational land and may be sold and transferred to a third party, potentially to the adjoining landowner who leases the portion of land for alfresco café purposes.
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*The fundamental parameters that have underpinned the proposed reclassifications include:

1.Where there appears to be no actual public use of the land and or no ongoing need to consult or involve the community in the continued management of the land. 2. The Community's changing needs now, and in the future will, require Council to be responsive and flexible in how its assets are applied to services and facilities.3.Council is seeking to maximise the use of its land holdings economically but in balance with the community's environmental and social priorities. 4.Incorrect classification of Council land around the time of the introduction of the public land classification process. 5.To correctly classify Council land that has a pure operational focus and function.

Housekeeping amendments 2024

Lithgow City Council Reclassification Reference:	LCC4
Property Information	
Locality	Lithgow
Functional Use	Bowling greens
Common Asset Name	Not applicable
Street	Lithgow Street / Main Street
Legal Description	Lot 45 in DP1096536 (part only)
Land Area	Total land area is 28,064m ² . Council is seeking to re-classify a portion only, being 2607m ² .
Current Zoning	RE2
New Zoning	RE2
Classification	Community to Operational
Date Classified	Min No 568 14/06/94
Public reserve	Yes. Public reserve status is recorded in the second schedule of title 45/1096536. Council requests that the subject portion of land (2,607m²) ceases to be a public reserve under Lithgow LEP and consequently that the land by operation of the plan be discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for: c) any reservations that except land out of a Crown grant relating to the land, and d) reservations of minerals (within the meaning of the Crown Land Management Act 2016).
Interests in land	Lithgow City Council is the registered proprietor. Lithgow Bowling Club Ltd has a beneficial interest as bowling greens were developed on the portion of land with Council approval issued in 1977.
Owned/Controlled	Owned
Lease/Licence	Not applicable
CT Reference	45/1096536
Related Doc	271479
Property No	104702
Secondary Property No	Not applicable
Asset No	9096
Reason for reclassification*	This reclassification relates to part of land only. The purpose is to rectify an encroachment by bowling greens.

*The fundamental parameters that have underpinned the proposed reclassifications include:

1. Where there appears to be no actual public use of the land and/or no ongoing need to consult or involve the community in the continued management of the land. 2. The Community's changing needs now, and in the future will, require Council to be responsive and flexible in how its assets are applied to services and facilities. 3. Council is seeking to maximise the use of its land holdings economically but in balance with the community's environmental and social priorities. 4. Incorrect classification of Council land around the time of the introduction of the public land classification process. 5. To correctly classify Council land that has a pure operational focus and function.

Housekeeping amendments 2024

Effect of re-classification	There is no adverse effect arising from re-classification of the portion of land given that bowling greens are located on the portion of land.
Nature of Councils interest in the land	Freehold ownership
How and when interest acquired	Unknown
Reason council acquired interest	Public park
Any agreements over land	Nil
Financial gain or loss/types of benefit that could arise	Nil
Asset management objective being pursued	The asset management objective is to subdivide the land into two lots, resulting in one lot being 25,457m² and the other lot being 2,607m². The lot comprising 25,457m² will remain in Council ownership and retain the community classification. The lot comprising 2,607m² will become operational land and be transferred to Lithgow Bowling Club Ltd to correct a long-standing encroachment. In exchange, Lithgow Bowling Club Ltd will transfer land to Council which is currently used by Council for operational purposes.

*The fundamental parameters that have underpinned the proposed reclassifications include:

1. Where there appears to be no actual public use of the land and or no ongoing need to consult or involve the community in the continued management of the land. 2. The Community's changing needs now, and in the future will, require Council to be responsive and flexible in how its assets are applied to services and facilities. 3. Council is seeking to maximise the use of its land holdings economically but in balance with the community's environmental and social priorities. 4. Incorrect classification of Council land around the time of the introduction of the public land classification process. 5. To correctly classify Council land that has a pure operational focus and function.

Appendix 8 – Council Resolution for Proposed Land Swap with Lithgow Bowling Club

3.16. F&G - 22/07/2024 - Lithgow Bowling Club Proposed Land Swap

24 -170 RESOLVED

That Council:

1. Agree to a land swap between Lithgow City Bowling Club Limited and Lithgow City Council as outlined in Point 1 of the proposal to rectify the land discrepancy. (page 73 of report)
2. Authorise the Administration to take the necessary steps to re-classify the affected section of Council owned land to operational land.
3. Authorise the General Manager to sign all documents and do all things necessary to give effect to the matters outlined in this report.
4. That the Council pays all survey and registration costs.
5. Each party to pay their own legal costs arising from this land swap.

MOVED: Councillor S Lesslie

SECONDED: Councillor S Ring

CARRIED

A **DIVISION** was called by Councillor S Lesslie

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor S Lesslie, Councillor S McGhie, Councillor E Mahony, Councillor C O'Connor and Councillor S Ring

AGAINST: Councillor D Goodwin

Appendix 9 – Heritage Advice for Delisting of 993 Great Western Highway, Lithgow

Christo Aitken + Associates ■ PO Box 7299 Leura NSW 2780 ■ P 02 4784 3250 ■ M 0427 375260 ■ E christoaitken@bigpond.com

Heritage Advice

Council : Lithgow City Council
From : Christo Aitken LCC Heritage Advisor
Attention : Lauren Stevens, Development Assessment Planner
Copy : Jim Nichols Manager Environmental Services
Subject : 993 Great Western Highway, Lithgow



Date : 25/10/14

No of Pages : 1/6

Dear Lauren

Lithgow – 993 Great Western Highway, Lithgow, Demolition

I refer to the above Development Application (DA 147/14) for demolition of a cottage within the above property at 993 Great Western Highway on the eastern outskirts of Lithgow. A site inspection occurred on 5th August 2014 with Council staff and the current owners (Lauren Stevens, CA, Cheri and Dale Morgan). This report is based on that site inspection and related discussions together with the subsequent documentation recently received from the owners including the following: Sketch drawings of the proposed new cottage; structural report prepared by Calare Civil (Garth Dean) dated 26th June 2014; advice from LCC strategic planner (Sheralyn Hanrahan) dated 22nd July 2014; and subsequent Statement of Heritage Impact prepared by Ian Rufus of Hillcrest dated September 2014. A recent meeting also occurred at Council (Lauren Stevens, CA, Cheri and Dale Morgan) to discuss details of documentation and clarification required.

Background

The property is currently not included as a heritage item in *Schedule 1 of the LCC LEP 1994*. An inventory sheet was prepared as part of the Greater Lithgow Heritage Study 1997-8 recommending heritage listing of the property. The subsequent heritage reviews retained the listing recommendation and the property is currently included on the draft heritage schedule of the DLEP now with the Department of Planning for comment and finalization.

The 1997-8 heritage study assessed the property as being of high local significance. The basis of that recommendation relied on the assessment information at the time suggesting a direct association between the cottage and Coerwull Academy. The brief history included in the inventory sheet stated the following *"Andrew Brown, the wealthy grazier of Coerwull, founded the boy's boarding school Coerwull Academy in 1883. Instead of having a sick-bay in the school buildings a small cottage hospital was built to the south. It seems to have been built at the same time as the main school and is shown on a sub-division plan of 1887 as the 'Cottage Hospital'."*

The heritage study further noted *"Coerwull Academy is an institution of high state significance...separate hospital buildings for such schools are very rare in the state and otherwise unknown in Greater Lithgow"*. The heritage inventory sheet concluded *"It is significant as an expression of educational concern for the health of pupils and an awareness of the occasional need for isolation for infectious diseases. Because of its long use as a private dwelling and its poor state of repair, it is of high local significance but not state significance"*.

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The heritage inventory sheet ascribed the following Historical Themes to the significance of the cottage *State Themes* - “*Health*” and “*Education*”. *Local Themes* – “*Hospitals*” and “*Private Schools*”. The heritage inventory sheet ascribed the following evaluation criteria to the significance of the cottage “*Historic – Rare*”. The inventory sheet briefly described the cottage, its simple form and unmaintained condition but did not include any “aesthetic, social, scientific or other” criteria to its significance other than its historic associations with Coorwull Academy.

Site Meeting 5th August 2014

A preliminary inspection of the exterior of the cottage and discussion with the owners. The cottage was leased out to others and currently occupied. It appeared to be in fair condition apart from typical maintenance issues for some historic buildings including repainting, protection of timberwork and joinery, repairs to the timber front verandah and associated stone footings.



It appeared that maintenance of the rainwater system had been an issue in the past as there were signs of minor settlement cracking which had been patched and repaired. The roof and gutters had been recently replaced. There were also signs of previous trees close to the eastern footings which would have contributed to the ground movement. It appeared that the eastern wall had been underpinned in recent years and likely that movement and cracking was now under control. Access internally to inspect the cottage was not offered, however, a view through the windows suggested that it was well-presented and in good condition.

The heritage study and subsequent reviews together with the recent community consultation were outlined to the current owners. All owners of potential heritage items in the LGA had been contacted on a number of occasions by Council in the lead up to the amendment of the LEP. However, the owners of this cottage stated they had not been contacted.

The owners noted that they had local information suggesting that the cottage was not the former Coorwull infirmary for pupils. If this was the case it was explained that the process was relatively straightforward and they should simply forward copies of the available history to Council for analysis before proceeding with their DA documentation and/or a statement of heritage impact. They had also spoken with Council Strategic planning staff in July who had advised them similarly.

In the event that the cottage had historic significance a range of adaptive reuse design options were suggested with demolition of the later rear sections of the cottage and retention of the core of the original cottage. A sketch of their ideas were tabled and it was noted that the basic footprint, form and front facade design of the proposed cottage differed little from the existing cottage and therefore would be no imposition to consider retaining and extending the original cottage to retain a sense of local authenticity.

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SOHI Research / Documentation

A statement of heritage impact for demolition of the cottage was subsequently lodged with Council. The document includes recent research to support the owners claim that the cottage at 993 Great Western Highway is not the former Coerwull "Cottage Hospital". The document bases this information on the following points:

1. Research into the chain of title and property ownership appears to show that the property at Lot 4 DP 2288 (993 GWH, Lithgow) has not been owned by Bill Perkins and his family as suggested in the 1997-8 heritage study. The 1997-8 study notes that after the closure of Coerwull Academy in 1916 *"the hospital cottage became a private house: from the 1930s until 1988 it was owned by Bill Perkins and his family"*. (An issue in the SOHI required clarification by the owners – a copy of an early title deed appeared to note the land as being DP2285 whereas the cottage at 993 GWH is located at DP2288. The original documents will be checked by the owners and Council advised).
2. Research into the 1887 subdivision plan referred to in the 1997-8 heritage study Inventory Sheet (ref No B067) in its *"Information Sources"* could not be sourced to confirm the details.

The SOHI concludes that the cottage at 993 GWH is not the school hospital but *"a nearby dwelling which from appearances could have been built about the same time as the school"* was the original hospital cottage. The location of the other cottage was not cited. Research into the available history of the other cottage was also curiously not included in the SOHI despite the fact the writer had the information.

Supplementary Research at Local Studies Library

Recent research by the heritage adviser and planning staff through the Local Studies section of Lithgow Public Library has revealed the following information in Yvonne Jenkins comprehensively researched oral history of the Bowenfels area *"Bowenfels, People, Places, Past and Present"* 2008 publication:

- Max Snow's Recollections of South Bowenfels in the 1940s (ref p165)
Perkins : Bill, stone house opposite was originally the Cottage Hospital for the Boys' Academy (now La Salle Academy). Bill always had a large garden. He was a brother to Bob Perkins. The home was in the Perkins family until 1988. When Bill died, his son John sold the property to Christopher Glynn who subsequently sold it to the present (2008) owner, Chris Milroy. J.
- Reminiscences of Margaret Downey (nee Perkins) (ref p149)
"Our final move was in 1938 to the stone cottage which at one time was the Coerwull Academy Hospital. Betty, June, Val and Joy Woods lived near us, opposite Sweetbriar, and rode bikes to South Bowenfels School".

The above references from knowledgeable local residents and a Perkins family member, suggest that the former hospital cottage is a different cottage located further to the west on the Great Western Highway. That cottage has not been inspected yet as part of this report but only been viewed from the highway. It appears to be a stone cottage dating from the 1880s. It was extended in weatherboard possibly in the 1950s, and its original verandahed front visible from the highway now slightly obscured perhaps making identification difficult in 1997-8. It is located closer to the former Coerwull Academy property boundary; which also reinforces the likelihood of its early association with the Academy. It is understood that the former and / or current owners may have been aware of the previous Perkins family ownership.

The aerial photograph below illustrates the proximity of the two stone cottages and their relationship with each other on the highway and with the original property boundary of the former Coerwull Academy.

It certainly appears that the cottage at 993 GWH has been confused with the stone cottage at 999 GWH and nominated for listing in the 1997-8 heritage study in error. It is again curious that this issue has not been formally raised with Council at some time during the past 15 years with each successive community consultation as the information was known to those living in the area. The cottage at 999 GWH was not included in the 1997-8 heritage study and has not been subsequently identified or brought to the attention of staff or Council.

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Issues

The following heritage / urban design issues arise from the proposals:

Regarding the DLEP Heritage Schedule re 993 GWH

- Based on the new information outlined above, the cottage at 993 GWH is not the former Coerwull Academy "Cottage Hospital". However the physical description and photographs on the related inventory sheet do relate to the cottage at 993 GWH as did the reference to the owner in 1997-8.
- The 1997-8 heritage study was clear that the significance of the cottage was its former association with the Coerwull Academy and its use as a hospital for pupils. Other aspects of significance were not noted.
- Therefore, as there were no other aspects of significance noted in the 1997-8 heritage study the cottage at 993 GWH should be recommended for deletion from the draft LEP and its heritage schedule.

Regarding re-assessment of 993 GWH for retention in DLEP Heritage Schedule

- A brief re-assessment based on recently available information is noted below based on the standard Heritage Division criteria for assessment of significance:
Criterion (a) Historic : The land on which the cottage sits was originally granted to Robert White Moore and then became part of the Brown family estate and landholdings, as was much of the Lithgow area. It was part of a 115 acre subdivision by J.L. Brown, son of Andrew Brown in 1889.

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Lot 4 was sold to John Davies in 1889. Lot 4 was then sold to Daniel Davies of the Corrimal Mine in 1912 who appears to have subdivided the Lot into portion A and B and sold part to William Newell in 1941 and part later to Geoffrey Alan Dean in 1944. The Land Title Transfer notes in the transfer from Davies that Dean was 'of the residence'. It is uncertain whether this refers to the cottage. William Newell is noted on the Land Title Transfer papers as being a munitions worker. He transferred the property to Arthur Newell, possibly his son, in 1983.

The cottage appears to date from the 1880s, however its exact date of construction is unclear from the available title records. It may have been built during the Davies period of ownership but it is also a possibility that it may predate the 1889 subdivision and was built by the Brown family.

Criterion (b) Historical Association: There do not appear to be major aspects of significance in this criterion or the historic criterion unless the cottage was built during the Andrew Brown family ownership as a worker's cottage on the estate.

Criterion (c) Aesthetic: The building is a late Victorian modest cottage with form, scale and massing typical of a small worker's cottage from the period. The use of stonework for the footings and some of the rear 'additions' gives it slightly more character. The external walls have been rendered and therefore their construction materials are uncertain at this stage. The chimneys are constructed in brick and have not been rendered. A recent structural report, prepared by Calare Civil in June 2014 notes long-term structural movement noted being equivalent to Category 2 Damage (AS2780-2011 moderate). Other issues noted in the 2014 structural report included springy floors, external cracking, moisture damage and deterioration of some external elements. Estimated repair costs are suggested by the structural engineer but are not supported by quotes from builders.

Criterion (d) Social: Based on the available information from the land title records there does not appear to be any aspects of significance in this criterion.

Criterion (e) Scientific: The design and construction methods and materials appear to be typical of the period. An internal inspection has not been carried out other than the references in the recent SOHI.

Criterion (f) Rarity: Modest late Victorian worker's cottages in the Lithgow area are not regarded as particularly rare and the draft heritage schedule includes a number of similarly scaled cottages from the period.

Criterion (g) Representativeness: The cottage is representative of many small worker's cottages from the late 1800s in its form, scale and design.

In conclusion, the cottage is likely to have low local significance in its aesthetic and historic values. Its past and possibly ongoing deterioration also impacts on its significance and potential for repair and restoration if the cottage had sympathetic owners.

Regarding the Proposed Demolition of the Cottage

- The current DA for demolition of the cottage is accompanied by a SOHI addressing some of the required issues. As noted above, the document suggests removal of the draft heritage listing from the property and states that the building is consistent *"with a large swathe of Lithgow. Without the association with Coorwull Academy, the house is very similar to hundreds of other houses in the town of Lithgow, none of which have been included in Council's updating of the heritage study"*. Illustrated examples of the other similar cottages were not included.
- Despite its low heritage significance, the cottage is obviously adaptable and could be extended and modified. There are fewer 19th C cottages on the eastern approach to Lithgow than in the past and the retention and integration of this cottage into modern development could be encouraged if practicable. Adaptive reuse is also a sensible and practical approach from a sustainability viewpoint

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because of embodied energy within existing buildings.

- However, the available evidence suggests that the cottage has low significance, should be removed from the draft LEP and thus removing objection to demolition on heritage impact grounds. The DA for demolition is also supported by a SOHI prepared by a local heritage consultant and a structural condition assessment prepared by a well-known regional firm both supporting its demolition.
- If Council approve removal from the draft LEP and demolition it is recommended that the cottage be photographically recorded and original 19th C building elements be salvaged and incorporated into the new development or offered for reuse locally.

Regarding Assessment of 999 GWH and inclusion in the DLEP

- The evidence appears to suggest that the stone cottage at 999 GWH, Lithgow was overlooked in the 1997-8 heritage study and it was the original "Cottage Hospital" for Coorwull Academy. If this is the case, the property should be included in the DLEP. This could occur with the first amendment to the LEP together with removal of the listing of the cottage at 993 GWH, Lithgow.
- The owners of the cottage at 999 GWH should be contacted and an inspection arranged. A SHI Inventory Sheet will need to accompany the suggested additional heritage listing.

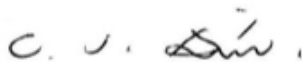
Recommendations

The following suggestions may assist in the determination:

- Clarify the Land Title Deeds reference to DP2285 (as opposed to DP 2288) as noted above.
- Clarify the construction date of the cottage and whether there is / is not a direct association between the cottage and the Brown family estate buildings in Bowenfels.
- Source the subdivision survey drawing referred to in the 1997-8 heritage study to confirm that the Coorwull Academy hospital was located at 999 GWH and not 993 GWH. I understand from recent discussion with the Local Studies Librarian that the heritage consultant for the 1997-7 heritage study has recently given Council copies of all background material for the study and many boxes of materials and records have recently been handed to the library.
- Encourage the existing owners to employ an adaptive reuse approach for the new development. If not, then to incorporate aspects of the appropriate form, design and materials into the new development.
- Carry out a methodical photographic record of the cottage following the Heritage Division guidelines as a pre-cursor to demolition.
- Identify and ' earmark ' sound 19th C building elements from the cottage (ie stonework, brickwork, windows, doors joinery etc) for salvage, storage and reuse as noted above. Retain and integrate any historic shrubs, trees and other plantings into the new development.
- Confirm with available Council records the ownership of the other stone cottage at 999 GWH to confirm that the historical information noted above is correct and its former use as the former Coorwull Academy cottage hospital.
- Initiate formal research and investigation into the cottage at 999 GWH as a fore-runner to inclusion on the DLEP. Make contact with the owners and arrange a site inspection. Prepare a SHI sheet for the property. Liaise with La Salle School in view of the association with the former Coorwull Academy and possible interest from the School..

Should you require any further assistance or research through the Local Studies section or advice as regards adaptive reuse of the existing cottage I would be happy to assist.

Regards



Christo Aitken
LCC Heritage Advisor

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