

Draft LDCP 2021 Reference	Submission Summary	Planning Comment	Action
Private Submission – Identical Submission submitted by 3 persons			
2.2.3 C1 Local character and context	Control to consider local existing and desired future character of the area is overly onerous and conflicting when the future character may not be defined, and it restricts innovation.	Good design responds and contributes to its context. Context includes the key natural and built features of an area, their relationship, and the character they create when combined. Land use zone objectives and tables as well as Council strategy documents assist in identifying desired future character. As identified in S.2.2.3 Council is working to identify local character statements for established areas as well as those undergoing change.	No Change
2.2.4 C1(a) Visually Prominent Sites	Control to locate buildings below key ridgelines is likely to devalue land that has been purchased for the view.	This control relates to those sites that are visually prominent such as ridge top locations, escarpments, environmentally sensitive sites on sloping land, elevated allotments etc that have the potential to dominate the visual amenity and character of an area. The Courts have acknowledged that views from a person’s home or site can have considerable value. However, that does not mean that a person has the power to protect and maintain their view as a legal, proprietary right. There must be a balance achieved through good design to as far as possible capitalise views for the individual whilst protecting the visual landscape character for all.	No change

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2.2.4 C1(c) Visually Prominent Sites	Control to retain significant vegetation will likely lead to increased construction costs due to increased bush fire hazard risks due to vegetation.	Retention of significant stands of vegetation on visually prominent sites will assist in minimising visual and environmental impact of development. Construction materials and asset protection zones are governed by Planning for Bushfire legislation not the DCP.	No change
2.2.4 C1(d) Visually Prominent Sites	Control to use cluster of small buildings rather than one large building on rural sites is more expensive to construct and unlikely to be suitable, e.g., Hayshed.	Clustering of small buildings is a widely accepted design practice for rural and urban landscapes that reduces bulk and scale of development and minimises land use conflicts and environmental impact. Large farm buildings are not likely to be located on visually prominent sites.	No change
2.2.5 O1 Reflective Materials	Objective to avoid excessive reflectivity and glare from external materials and finishes that are visible from a public road or neighbouring dwelling may restrict the use of large glass doors and windows requiring sky lights and additional heating.	Well designed development will respond to its context and setting within a landscape. In some circumstances large expanses of glass will be inappropriate.	No change
2.3 O1(a) Slope Response, Earthworks and Retaining Walls	Objective to encourage site layout and building design that responds to site topography and natural drainage and minimises the need for earthworks may prevent significant earthworks to address natural drainage and erosion to ensure structural integrity.	This objective requires a design response that considers site topography and natural drainage. Structural integrity is not only achieved through significant reshaping of the land it can be achieved through design methods that build to the site such as split-level design and siting to avoid significant natural drainage flows.	No change
2.3 O3	Objective to minimise earthworks in close proximity of the boundaries of a site and	Each development site will be assessed on merit however responding to site context and constraints in	No change

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Slope Response, Earthworks and Retaining Walls	adjoining land and avoid need for maintenance works across property boundaries may prevent works to sure up poor soil.	the design of development is preferred over excessive engineered controls for building construction.	
2.3 O4 Slope Response, Earthworks and Retaining Walls	Objective to ensure there is adequate information submitted with DAs to determine the impact of future development including earthworks or changes in levels of land is considered overly onerous and conflicting when the future development works are not defined.	This information is critical to determine the overall impact of the development being assessed.	No change
2.4 O3 Stormwater Management	Objective to minimise disturbance to natural drainage lines may not allow construction of a dwelling on the site of a hill without natural drainage being diverted leaving some lots unable to be built upon. The area disturbed may be greatly increased to allow safe installation of water retention facilities.	Yes, this may be the case on some sites that are impacted by significant natural drainage. Site constraints and hazards should determine the development potential of the site.	No change
2.5.2 C5 Vehicle Access and Driveways Direction of Travel	Control to require vehicle access and egress to/from a lot occurs in a forward direction for other than single dwellings and small-scale residential development adds a significant additional cost and significantly decreases land value and aesthetics to have to put a turning area in a residential development. Bulk of residential developments do not comply with this requirement and any alteration to these buildings would put a significant additional cost to comply.	This control is to ensure vehicular and pedestrian safety and to minimise traffic conflict both on and off site.	No change
2.5.2 C6(b)	Control to design vehicular access to cross the footpath at right angles to the	Alternate solutions are able to be considered in exceptional circumstances.	No change

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Vehicle Access and Driveways Access to the street	centreline of the road may not always be practical or possible.		
2.5.2 C7 Vehicle Access and Driveways Slope	Control to design driveways and carparking areas in urban areas not to exceed a maximum grade of 25% may not be possible on steeper lots.	This control is to avoid vehicle scraping and impact from drainage flows. Alternate solutions are able to be considered in exceptional circumstances.	No change
2.5.2 C 8(a) (b) Vehicle Access and Driveways Driveway width	Controls to require minimum widths for driveways may not be practicable or feasible in rural areas where long driveways are cut into the sides of hills and may cause additional water control issues. It assumes that the access to a frontage is at least 3.5m which may not be the case.	Sites access below 3.5m in width in rural areas would be extremely rare. Concealed driveways and tight access points should be avoided as they pose a significant risk to traffic safety.	No change
2.5.4 C 5 Parking Location, Design and Circulation Sealed Vehicle Areas	Control to require sealing of all vehicle manoeuvring areas in urban areas to be sealed and to prohibit gravel surfacing may cause conflict with other requirements and cause issues with drainage.	Sealing of vehicle manoeuvring areas in urban areas is necessary to manage drainage impacts and to minimise environmental impact such as noise, dust, and erosion. Council may be able to consider gravel surfaces on heritage sites if required.	No change
2.5.4 C14 Parking Location, Design and Circulation Sealed Vehicle Areas	Control to integrate parking areas to minimise visual dominance and impact when viewed from the street/public domain may not be practicable with the shape of a lot.	Some sites may prove more difficult than others to achieve this control. The DCP does enable assessment of each development on its merits considering its site context and how well it responds to the objectives of this control which is to maintain visual amenity.	No change
2.5.7	Controls to provide for bicycle parking is considered overly onerous additional cost to development when a garage is	This control is to provide for alternate forms of transport promoting a healthy lifestyle for occupants and visitors to higher density residential development	No change

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Parking Location, Design and Circulation Bicycle Parking	provided. The requirement for surveillance may conflict with other laws.	types and development within commercial and community precincts.	
2.6.2 C2 Pedestrian Access, Mobility and Safety Pedestrians Entrances	Control to require entrances to buildings are clearly visible from the primary street frontage is not practicable with a multi-unit development.	This control is for all development types to improve legibility and accessibility. Each development will need to demonstrate how its design achieves these objectives.	No change
2.7 O1(c) Designing for Crime Prevention	Objective for large developments and subdivision to provide appropriate lighting that enhances safety and security whilst minimising light spill - enhancement may not be practicable.	Lighting will almost always assist with improving public safety and security.	No change
2.9.1 C3 Solid Waste Management Hazardous Materials and Asbestos	Control to restrict re-sited homes containing hazardous materials (asbestos) unless all hazardous material removed prior to relocation may limit the saving via relocation of historic buildings.	This control places public safety over individual monetary gains. Relocation of heritage buildings will require additional consideration such as a heritage impact statement.	No change
6.2.3 O1 Landscaping and Tree Protection Retention	Objective to encourage the retention of trees and other significant vegetation and integration of these features into the design of building and open space particularly of outside building footprint and have ecological, scientific, or cultural significance. Significant vegetation may be undesirable, i.e., blackberry infestation	Significant vegetation in this regard does not relate to removal noxious weeds.	No change
6.2.4 O3 Fencing	Objective for fencing to be located and designed to meet security and privacy needs of a development whilst avoiding fencing that dominates a street or prevents casual surveillance to/from the	Each development would be considered in its context, however individual security and privacy needs should not be at the expense of overall neighbourhood character, visual amenity, and safety.	No change

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	street. A high fence and secured access may be appropriate to comply with crime prevention requirements.		
6.2.4 C 3 Fencing	Control to prevent installation of solid metal (colourbond) fencing in locations such as front fences, frontage to public open space and recreation areas, on heritage items or within heritage conservation areas. This style of fencing may be appropriate to meet security requirements.	Solid metal fencing has the potential to significantly impact visual amenity and neighbourhood character and prevents passive surveillance from the public domain which is necessary to maintain community safety.	No change
6.3.1 C1(a) Dwellings/Secondary Dwellings/Dual Occupancies (Large Lot Residential, Rural and Environmental Zones) Siting and Setbacks	Control requiring setback of dwellings to a highway of 100m. Most properties on the GWH in Lithgow are only 60m deep. How can you build a house these lots? More information around this control is required.	This control relates to the Large Lot Residential, Rural and Environmental Zones >4000m ² lots not urban lots with reduced depths.	No change
6.3.3 C1(b) Dwellings/Secondary Dwellings/Dual Occupancies (Large Lot Residential, Rural and Environmental Zones) Garages, Carport, Outbuilding & Sheds	Control to limit cumulative floor area of garages, carport, and outbuildings to 300m ² and any one detached building of 150m ² on R5 land is unreasonable, each application should be considered on merit, a person may have a significant collection of historic vehicles to display within a garage.	This control is necessary to control the bulk and scale of ancillary development and to maintain the principal use of the lot being residential land use in a rural setting.	No change
6.3.3 C1(d) Dwellings/Secondary Dwellings/Dual	Control to limit wall heights to a maximum ridge height of 4.2m measured from the highest point of the building to the natural	The height of building is relevant to the natural ground level to enable the visual impact of bulk and scale to be minimised.	No change

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Occupancies (Large Lot Residential, Rural and Environmental Zones) Garages, Carport, Outbuilding & Sheds	ground level immediately below does not allow for earthworks (cut and fill) and those levels should be considered.		
6.4.7 C2 Dwellings/Secondary Dwellings (Urban Areas) Garages, Carport, Outbuildings & Sheds Cumulative Floor Area	Control to limit cumulative floor area of garages/carports/shed and outbuildings is unreasonable, each application should be considered on merit, a person may have a significant collection of historic vehicles to display within a garage.	This control is necessary to control the bulk and scale of ancillary development and to maintain the principal use of the lot being residential land use.	No change
6.4.7 C5 Dwellings/Secondary Dwellings (Urban Areas) Garages, Carport, Outbuildings & Sheds Garage Door widths/Setbacks	Control to limit garage door widths may not be reasonable depending on the shape of the block.	Alternate solutions are able to be considered in exceptional circumstances.	No change
6.6.1 C3 Water tanks, Pools & Spas & Equipment Pools	Control to require pools to be in the rear yard and have a minimum setback of 1m from any side or rear boundary prevents pools in front yards on lots where there is more space at the front than the rear.	Development will be considered within its context, however swimming pools located in front yard have a greater potential to impact visual amenity from the public domain.	No change

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		Not all lots will be capable of supporting a private swimming pool.	
6.6.2C3 Temporary Accommodation Number of Buildings	Control to limit the number of buildings used for temporary residence to 1 shed, one caravan or one shed and one caravan. One shed is not enough and there is maximum size limit on sheds.	This control relates to temporary accommodation in limited circumstances to enable temporary residence on a building site during the construction of a primary residence. Alternate arrangements for storage such as offsite storage facilities may need to be considered in individual circumstances.	No change
6.6.7 Shipping Containers	Is there a control to the amount of shipping containers if they do not visually impact public domain?	This control relates to urban areas and is limited to one.	No change
R3 Zoning	Is there any restriction on height?	This is the Medium Density Residential Zone which is not used in the Lithgow LEP 2014.	No change
8.5.3 C4 Farm Buildings & Ancillary Structures Cumulative Building Area	Control to limit cumulative building area/footprint of all farm buildings. The stated areas are significantly low, a common standard of 2.5% of the lot size would be fairer and support future development.	The control allows for a greater footprint the larger the allotment size. The suggested change would result in a reduction of footprint not an increase on larger allotments.	No change
Wolgan Valley Association Submission			
	Critical that the planning controls in Lithgow LPE are refined and elaborated through a DCP. Believe the draft DCP contains appropriate provisions of the majority of development applications likely to be made pending the review of the LEP.	Agree. The DCP will become more detailed and nuanced over time to provide a higher level of support to the LEP. It is critical to get this first stage of controls in place and build upon them for the majority of development scenarios rather than delay implementation until gaps for those development types less likely are filled.	Noted No change

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	<p>Given the enormity and speed of the economic changes facing the LGA, it would have been preferable to undertake a fundamental review of the LEP prior to settling the DCP controls.</p>	<p>The DCP is not a set and forget document. As the LEPs and SEPPs are reviewed and amended over time either through State Government or local amendments, so too will the DCP controls be reviewed and if appropriate added to and/or amended.</p>	<p>Noted No change</p>
	<p>Parts of the DCP, at least as they apply to the Wolgan Valley are inconsistent with the current LEP and may therefore create confusion as to whether they are operative and should be applied.</p>	<p>The LEP defines land use permissibility through its land use zone table and definitions in the LEP dictionary.</p> <p>Tourist and Visitor accommodation is a group/parent term which includes separately defined development types.</p> <p>Lithgow LEP has not applied the group/parent term within its land use table instead opting for selective inclusion of some but not all of the relevant accommodation types as permissible with consent.</p> <p>Section 8.2 of the DCP applies to the selected accommodation types permissible in the RU1 and RU2 zones such as bed and breakfast and farm stay accommodation.</p> <p>All other accommodation types under the group term are currently prohibited in these zones.</p>	
	<p>A whole of LGA DCP is less than ideal given both the sensitivity and diversity of LGA's landscapes, environments, industries, and uses and where the DCP's treatment is general and takes little</p>	<p>Agreed. A more nuanced DCP would be preferable, and it is proposed to build upon this base document over time as more strategic planning work is undertaken for these areas.</p>	<p>Noted</p>

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	account of these differences other than in Lithgow's town centre and a limited number of precincts. Since the coverage of the DCP is so geographically broad, keeping its controls general is unavoidable and appropriate, especially given the pace at which some land uses, and industries are changing.		
Capertee Valley Business and Farmers Community			
	The DCP does not include or reflect the proposed NSW Agritourism and Small-scale agriculture development amendments.	<p>At this time, NSW DPIE have not finalised its proposed amendments for Agri-tourism and small-scale agricultural development.</p> <p>These amendments will not be made through the DCP but through amendments to the Standard Principal LEP and the State and Environmental Planning Policy (Exempt and Complying Development Codes).</p> <p>Council officers have highlighted that once these amendments have been made it will be necessary to review Lithgow DCP 2021 to consider controls for those newly defined development types taking the development application approval pathway.</p>	No change
	DCP significantly restricts economic development in the Capertee Valley.	<p>The DCP is a guidance document only and does not restrict or prohibit development.</p> <p>The changes highlighted in this submission will need to be considered through the LEP itself.</p>	No change
8.3 O1 Retail and Business (Rural and	Objective to limit retail activities in the rural and environmental zones to those related to rural activities, produce, and	Retail activity is predominantly prohibited within the rural zones. The objective in the DCP reflects this.	No change

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Environmental Zones)	needs in the area in these areas but do not significantly undermine retail and business activity in nearby town or village centres. This objective is objectionable in our society and planning decision applying this objective could be illegal as the objective is anti-competitive.	<p>Strategic land use planning as implemented through LEP's inherently seeks to manage land uses for a wider public benefit and to maintain critical mass for economic, social, and environmental sustainability.</p> <p>The recent NSW DPIE proposed amendments for agri-tourism and small-scale agricultural developments will assist in reducing planning barriers to sustainable primary production communities and economies.</p>	