

ATTACHMENT: SUMMARY OF SUBMISSIONS – PLANNING PROPOSAL 2020-4094 (LLEP AMENDMENT 5)

FOUNDATIONS SITE PORTLAND

Submitter Name/Identification	Submission Summary – Key Points	Planning Response/Action
Heritage NSW	<p>Conservation Management Plan The 2017 Niche Conservation Management Plan (CMP) is not the most recent version. A CMP for the site was conditionally endorsed by the Heritage Council in October 2019. It is against the latter version of the CMP that the comments are based and against which the potential impacts are assessed.</p>	Noted
	<p>Moveable Heritage CMP states that “Portland Cement Works” contains significant remnant equipment and machinery, fixtures and fittings that contribute to the significance and interpretation of the individual buildings and the....site as a whole”. Recommends these to be conserved and a moveable heritage conservation strategy be finalised before the preparation of a DA.</p>	This requirement can be considered in the preparation of the site-specific Development Control Plan for the site.
	<p>Interpretation CMP policies include guidance on heritage interpretation. An interpretation plan and interpretation strategy have not been provided with Planning Proposal. Recommends that before commencement of detailed design these documents be completed. Supports interpretation of Aboriginal Cultural Values of this site and its place within surrounding landscape in conjunction with local Aboriginal Stakeholders.</p>	Revisit this recommendation in the preparation of the site-specific Development Control Plan for the site.
	<p>Heritage Impact Statement (HIS) The proposed adaptive re-use and activation of the site is commended. It is recommended that a Heritage Impact Statement be prepared to inform any future development application for the site.</p>	The site-specific Development Control Plan can consider more detailed design considerations and impact on State Heritage Register items as well as the local Heritage Conservation Area and items. A HIS will be the minimum heritage document to support future development applications.

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	<p>Historic archaeology It is noted that some areas of high archaeological potential have been identified on part of the site. It is recommended that if any archaeological relics are identified at any stage of the site's redevelopment, standard provisions for notification under S146 of the Heritage Act 1977 would apply.</p>	<p>Noted. Planning Proposal does not hinder the current regulatory requirements.</p>
	<p>Aboriginal cultural heritage considerations under the National Parks and Wildlife Act 1974. Understanding the potential for Aboriginal cultural heritage associated with the site should inform any future proposal. Early assessment provides the best opportunity to identify and protect Aboriginal cultural heritage values. Recommend that the proposal consider impacts to the Aboriginal cultural landscape, including potential impacts upon visual corridors. Understanding potential impacts can only be understood by consultation with the Aboriginal community. If the Planning Proposal proceed the proponent would need to consider the potential for Aboriginal Cultural heritage impacts within their environmental assessments.</p>	<p>Part of the site are owned by Bathurst Aboriginal Land Council. Further, the crown lands on the site and surrounding the site are affected by unresolved Native Title and Aboriginal land claims. It is therefore important that proponents of future development consult and engage with the local aboriginal community. This can be reinforced through development control plan provisions.</p>
<p>DPIE – Crown Lands</p>	<p>Crown Parcels Identifies ten crown land parcels on the site, most of which are small, isolated pieces of crown land reserved for Future Public requirements or are generally reserved. Management of these parcels has defaulted to the Minister. The parcels include several sections of Crown Public Road including roads named Hill and Limestone Streets. Crown Lands understands that Native Title continues to exist on the listed reserve parcels but would be extinguished on Crown roads Crown lands does not object to the Planning Proposal.</p>	<p>Noted. The proponent and Council will continue to liaise with Crown Lands and the appropriate aboriginal land councils in relation to the interests and implications of the Native Title Claim and Aboriginal Land Claims.</p>

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DPI- Fisheries	<p>DPI Fisheries are responsible for ensuring that fish stocks are conserved and that there is no “net loss” of key fish habitats upon which they depend.</p> <p>DPI Fisheries have no objection to the proposed zoning amendment. Despite Limestone Creek not being mapped as Key Fish Habitat, DPI Fisheries believe that the protection of the riparian land within 20m of the bed or banks of the creek will provide an adequate riparian buffer zone to nearby development.</p>	Noted.
NSW EPA	<p>The EPA does not have regulatory involvement in the Planning Proposal. However, would like to remind Council of its obligations under State Environmental Planning Policy 55 (Remediations of Land) and to ensure that any future sources of fill for earthworks is suitable for future intended uses of the site even if the source is from within the site itself.</p>	<p>Noted.</p> <p>Compliance with SEPP 55 and controls for fill and earthworks will be included in the site-specific development control plan and/or development assessment processes.</p>
Water NSW	<p>As the site is outside the Sydney Drinking Water Catchment Water NSW has no comment to make on the Proposal.</p>	Noted
DPIE -Biodiversity, Conservation and Science Directorate	<p>Advise that the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulations 2017 (S.7.1) apply to subdivisions. When assessing subdivisions Council must consider the clearing of native vegetation. If subdivision will impact native vegetation and the clearing required exceeds the biodiversity offsets (BOS) threshold, a biodiversity assessment report is required to assess and calculate the biodiversity offset credit requirement.</p>	Noted
Endeavour Energy (EE)	<p>Raises no objection to the Planning Proposal subject to the recommendations outlined in submission as well as recommendations already provided for two current DA's.</p> <p>Should development facilitated by the Planning Proposal proceed, the site will no longer be eligible for a High Voltage Connection Service.</p>	<p>Noted. These matters will be addressed in detail at the design and planning application stage of development.</p> <p>The submission containing full technical information and</p>

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	<p>Wherever possible, easements are to be entirely incorporated into public reserves and not burden private lots. Any development that does not satisfactorily address this matter is likely to be opposed by Endeavour Energy.</p> <p>If subdivision does result in Endeavour Energy easement into new lots, the easements, rights and restrictions, covenants must be retained, and if required amended to ensure EE can access and manage its existing electricity infrastructure within the easement.</p> <p>The electricity network required to service the development must be fit for purpose and meet the technical specifications, design, construction, and commission standards based on EE's risk assessment associated with the implementation and use of the network connection/infrastructure for a bush fire prone site.</p> <p>The above also applies to any flood prone site.</p> <p>EE has noted that the Phase 1 Environmental Site Assessment does not appear to identify the electricity infrastructure on or within the vicinity of the site (some of which is likely to become redundant assets as a result of the development facilitated by the Planning Proposal) as potential areas of environmental concern (AEC) and associated contaminants of potential concern (COPC). The decommissioning and removal of the redundant electricity infrastructure will be dealt with by EE's Network Connections Branch as part of the application for connection of load for the new development.</p>	<p>advice will be passed onto the proponent.</p>
Private 1 (Resident)	<p>No objection to the Plan in fact it looks like a brilliant plan.</p>	<p>Noted</p>
Private 2 (Resident)	<p>It is important to the present business owners in the town centre to know the type and scale of future services at the Foundations, will add rather than detract from their potential earnings.</p>	<p>The B4 Mixed Use zone has a specific objective to “promote development that does not detract from the role of the town centre core commercial precincts.”</p>

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	<p>The range of housing proposed is a “win for security and diversity of housing, Portland businesses, employment and Council’s revenue base”.</p> <p>As a member of the National Trust, I applaud Council’s position on encouraging the adaptive reuse of the site’s heritage items and places. Council recognizes “The Foundations” as a significant heritage asset to the region and the potential for raising the heritage profile of Lithgow/Portland in the tourism industry.</p> <p>Fully supports the Planning Proposal in its entirety.</p>	<p>This objective must be demonstrated in any development application for the site within the mixed-use zone.</p> <p>The urban design concept for the site seeks to integrate and compliment the adjoining commercial and community areas of Portland.</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>
<p>Private 3 (Resident)</p>	<p>Supports the economic and cultural revitalisation aspects of the proposed rezoning.</p> <p>Concerned by the density of the proposed residential lots and the amendment to remove a minimum lot size. This type of density attracts new residential estate type development which invariably and permanently detract from the natural and built heritage of the area and risks undermining the intended result of the planning proposal – to improve and maintain the historic and environmental value of the site and attract activities that are based on its historic and environmental value.</p>	<p>Noted</p> <p>The majority of the site is not currently subject to any minimum lot size under the 1994 LEP.</p> <p>The density of development will be a consideration of the</p>

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	<p>Ensure any development is in keeping with the historical and environmental elements which draw people to visit, and to live in this beautiful area.</p>	<p>required site -specific development control plan. When considered within a DCP, several measures or controls can be used to best control development outcomes such as lot averaging, lot yield caps or lot/dwelling density bands for each precinct across the site. This will allow much greater integration of a suite of controls used to manage built form and scale across the site.</p> <p>The community will be provided further opportunity to comment on the proposed site-specific development control plan when it is prepared and placed on public exhibition.</p>
<p>Private 4 (Resident)</p>	<p>Object to the Planning Proposal as we like where we live and don't want people running up our street day and night. Most residents are older people, and we don't want our rates to go up.</p>	<p>Land use change in urban settings is inevitable. The required development control plan will set the development controls for the site.</p>

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		<p>The matters raised in the submission are not planning matters.</p>
<p>Private 5 (Resident)</p>	<p>Residents along Kiln St are concerned about the loss of water views.</p> <p>Vulnerable native species of fauna need to be protected such as the superb parrot.</p> <p>Removal of minimum lot size may lead to slum conditions and object to the removal of minimum lot sizes across the site.</p>	<p>As the Crown land to the west including the western most water body are not included in this Planning Proposal, water views from Kiln are not affected through this proposal.</p> <p>The site is currently severely degraded. Any future removal or clearing of vegetation or fauna habitat would be assessed as part of any future development application.</p> <p>The majority of the site is not currently subject to any minimum lot size under the 1994 LEP.</p> <p>The density of development will be a consideration of the required site -specific development control plan. When considered within a DCP, several measures or controls can be used to best control development outcomes such as lot averaging, lot yield caps or lot/dwelling density bands for</p>

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	<p>Explanatory material is difficult to understand. Should arrange digital meetings so that questions can be asked.</p>	<p>each precinct across the site. This will allow much greater integration of a suite of controls used to manage built form and scale across the site.</p> <p>The community will be provided further opportunity to comment on the proposed site-specific development control plan when it is prepared and placed on public exhibition.</p> <p>Developments that are appropriately planned and designed with good urban design principles will not lead to “slum” conditions.</p> <p>The Planning Proposal was exhibited in accordance with Council’s Community Participation Plan 2020.</p> <p>A summary of the PP was included in the resident’s notification with a link to Council’s webpage where further supporting documentation was available</p>

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	<p>Concerns regarding increased semi-detached dwellings in addition to those that already exist.</p> <p>No major problem with development of caravan or camping area so long as it complies with relevant legislation.</p>	<p>for viewing. The webpage also included an enquiry form and a call back form to assist with enquires whereby a member of the Strategic Planning Team would respond throughout the exhibition period.</p> <p>Some of the matters raised in the PP were of a complex nature and did include some planning jargon however planning staff were available to clarify this information if requested.</p> <p>The Planning Proposal encourages a diversity of housing types to address the housing of needs of our community which is a Planning Priority supported by Council within the Lithgow 2040 Local Strategic Planning Statement.</p> <p>Noted</p>

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	<p>Existing pine plantations along Kiln St provide habitat for black cockatoos and gang gang parrots.</p> <p>Overburden near Albion Road turnoff may contain asbestos and toxic materials.</p> <p>Some land slippage occurring along Kiln St- Is the company liable?</p> <p>Concerned about historic bottle kilns of national importance. Are they located in the Urban Release Area? What are plans to preserve these historical items?</p>	<p>Pine trees along Kiln St are within Crown lands not included as part of this Planning Proposal.</p> <p>A detailed site investigation under State Environmental Planning Policy 55 (Remediation of Land) will be required to accompany any development application involving a change of land use on the site.</p> <p>This is a legal question that it not a consideration for this Planning Proposal.</p> <p>The site of the bottle kilns is included in the Urban Release Area and is proposed to be zoned B4 Mixed Use. The bottle kilns and Raffan’s Mill are included in the State Heritage Register (SHR 01739). The heritage significance of this site is preserved through the Heritage Act 1977. The</p>

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	<p>Concerns that public exhibition was undertaken in lockdown when information cannot be viewed.</p> <p>Thinks as do many others that the development of the site is a great idea but want restrictions placed on the company so that it does not run its own race in our little town. Better communication with the ratepayers could alleviate concerns.</p>	<p>proponent has prepared a Conservation Management Plan that was conditionally endorsed by the Heritage Council in 2019.</p> <p>Approvals under the Heritage Act are required for each development application that will impact or potentially impact this heritage item.</p> <p>Heritage conservation is a head of consideration for the require site-specific development control plan.</p> <p>This is unfortunate however usual business and regulatory processes cannot be delayed unnecessarily when alternative digital consultation methods are available.</p> <p>Noted. Request for further consultation with the local community has been passed onto the proponents. Council will continue to consult and engage with the local community as required under</p>

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		Council's Community Participation Plan 2020.

NOTE 1: NSW Health have advised that they are yet to have the capacity to respond to referred planning proposals through the NSW Planning Portal and therefore Council can proceed without comments from NSW Health at this stage.