

10.2.2.4. ECDEV - 25/10/2021 - Lithgow Development Control Plan (Amendment 1) - Chapter 9 Pottery Estate Precinct

Prepared by Sherilyn Hanrahan - Strategic Land Use Planner
Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Reference

Min No 21-187 Ordinary Meeting of Council 23 August 2021

Summary

The purpose of this report is to inform Council of the outcomes of the public exhibition phase of Lithgow Development Control Plan Amendment 1 – Chapter 9 Pottery Estate Precinct. This report recommends that Council approves the amendment to Lithgow Development Control Plan 2021 (Chapter 9), as exhibited with minor amendments. It further recommends that final amendments and adoption authority be delegated to the General Manager to facilitate consideration of Heritage NSW review and comment in a timely manner.

Commentary

Context

Section 3.44 of the EP & A Act, 1979 (Act) enables an environmental planning instrument (LLEP2014) to require a development control plan to be prepared before any development, or kind of development may be carried out and make provision with respect to the preparation and content of any such plan.

Clause 7.12(3) of Lithgow Local Environmental Plan 2014 calls up the requirement for a Development Control Plan (DCP) in respect of land as shown in the Pottery Estate Development Map.

Draft Chapter 9 Pottery Estate Precinct has been developed on behalf of the landowners, Ceedive Pty Ltd, by a team of consultants managed by Midson Group Pty Ltd.

The provisions of the location specific controls for Pottery Estate Precinct (Chapter 9) will apply to the areas shaded yellow in Figure 1 below:

The public exhibition program included:

- Notification in the Village Voice within Council's Column in each of the publications throughout the exhibition period.
- Notification on Council's Facebook Page and Website - "On exhibition." The Webpage included opportunities for on-line submissions, to make an enquiry and to lodge a 'call back' request.
- Written notification to adjoining and adjacent landowners.
- Continuing internal referral to relevant divisions of Council.

Due to the NSW Health Covid restrictions, the relevant documents were not able to be available for viewing at Council's Administration Centre or the town libraries as is the normal practice. However, after concerns were raised from a resident, a hard copy of the relevant documents was provided directly to that resident to alleviate the issues with accessing the information.

Council's strategic planning team also attended to phone enquiries from the community and residents seeking further explanation throughout the exhibition period.

A total of nine (9) private submissions were received during the exhibition period, two of which were identical in content to other submissions. These submissions have been summarised along with planning responses and/or recommended actions in Attachment 1 to this report. A copy of the full submissions (redacted only for privacy details) is included in Attachment 2.

The key issue areas arising from the submissions and Council internal division responses received were:

- The proposed collector road extension of Hill Street and the subsequent traffic impacts on the existing road network.
- The potential traffic impact of future development on Kirkland Link/Lithgow Street intersection and Valley Drive.
- The future built development impacts on the existing local character of the area.
- The potential development impacts upon local flora and fauna.
- Impact of mine subsidence on future development and public assets.
- Potential soil contamination from past site activities including extensive earthworks and filling.
- Potential off-site flood and stormwater impacts from future development.

Heritage Considerations

Future development in the precinct has the potential to impact the conservation and preservation of state and local heritage items and places including archaeological relics.

A substantial portion of the Lithgow Valley Colliery and Pottery Site is listed on the State Heritage Register (SHR 00078 -LLEP A124)) and is within the area to which Chapter 9 – Pottery Estate Precinct applies.

The Pottery Estate Precinct also surrounds and/or adjoins the local Pottery Estate Heritage Conservation Area "C11" and local heritage item A186 Lithgow Valley Colliery Quoits Field. These areas fall under Chapter 4 of Lithgow Development Control Plan 2021.

Chapter 9 – Pottery Estate Precinct is supported by a Statement of Heritage Impact prepared by Ray Christison of High Ground Consulting that has been used to inform the development controls for the precinct. The consultancy has engaged with Heritage NSW in preparing Section 9.4 Heritage and Cultural Conservation of Chapter 9.

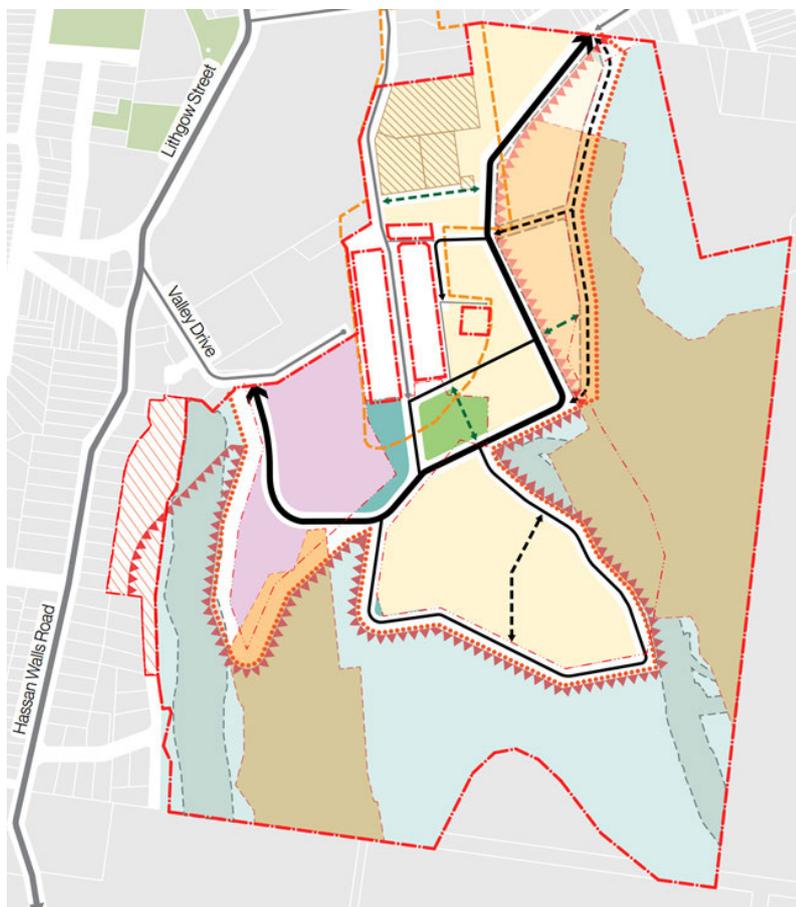
Council also referred the exhibited version of Chapter 9 to Heritage NSW for review and comment during the exhibition period. At the time of writing of this report, no formal response had been received from Heritage NSW. However, Council was notified on 8 October 2021 that the referral has been sent to the appropriate division and under consideration stating that a response should be made within 21 days (end of October).

Future development of land covered by SHR 00078 triggers Section 4.46 of the Environmental Planning and Assessment Act, 1979 as integrated development, and will require approval of Heritage NSW to enable the issuing of a development consent. In this respect, any requirement of Heritage NSW would prevail over any local development control. However, if the local development controls align with Heritage NSW heads of consideration, future development planning and assessment processes should become more streamlined.

For the reasons above, it is necessary for Council to await the review and comments from Heritage NSW to finalise Chapter 9 heritage development controls. To expedite the adoption process of Lithgow Development Control Plan 2021 (Amendment 1), it is recommended that Council grant delegation to the General Manager to finalise this matter upon the receipt of Heritage NSW response, or by 1 November 2021. Should the response from Heritage NSW identify any issues that cannot be resolved at officer level, or any objection to the DCP amendment proceeding is made, a further report be brought back to Council and the adoption of the DCP amendment be delayed until the issues/objections are resolved.

Structure Plan Collector Road Connectivity – Hill Street Extension and Valley Drive Intersection

An indicative local road hierarchy and design is shown in the “Pottery Estate Indicative Structure Plan below.





Future development is to be generally consistent with these plans subject to the findings and recommendations of further technical road planning and design reports. These reports will consider amongst other things topography, geotechnical, mine subsidence and slope constraints, traffic volumes and any mitigating traffic controls or calming measures required for both the new roads and integration with the existing road network.

The road layout within the structure plan has been supported by a Traffic and Transport Report prepared by The Transport Planning Partnership (TTPP).

Hill St Extension

The extension of Hill Street into the Pottery Estate Precinct has been identified in previous draft planning documents since at least 2005. It represents logical connectivity to the existing local road network.

Hill St extension has been proposed as an additional road connection to distribute local traffic flows throughout the site and to provide the benefit of increasing local road and pedestrian connectivity between established residential neighbourhoods and one of Lithgow’s major commercial and retail precincts.

Hill St currently terminates at the boundary of the Pottery Estate site although it is not formed as a terminating cul-de-sac. The sealed width of the western most section of Hill St conforms to a collector road standard as outlined in Council’s Engineering Guidelines.

There has been a level of local community objection to the extension of Hill Street as outlined in the summary of submissions attached to this report.

Hill St extension is preferred over Silcock St as a collector road for the development site for the following reasons:

- Silcock Street is currently a local road dissecting a Heritage Conservation Area with sandstone kerbs of heritage significance.
- Silcock St has restricted ability to be widened to conform to collector road standard.
- The current priority-controlled intersection with Bent St has existing localised traffic conflicts. This is due to its proximity to the Bent St Valley Plaza major access and bus route with poor sight distances due to the crest of Bent St in that location. It is also exacerbated by the intersection's proximity to St Pats Public School’s Bent St access.

Valley Drive Intersection

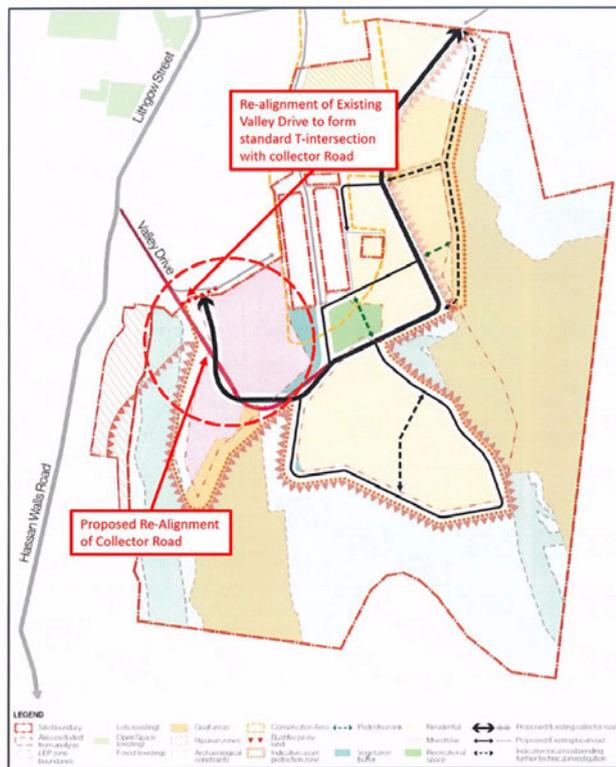
The structure plan identifies the collector road connecting from along the edge of the B4 Mixed use zone to Valley Drive at its point of curvature, directly opposite the western most carpark entry to the Pottery Estate Plaza.

At this location, Council is currently dealing with a past issue relating to the construction of Valley Drive outside the boundaries of the gazetted road reserve, affecting both private land and Council’s public reserve. A process is now underway to correct this issue by creating the required public road reserve to accommodate the existing constructed road alignment.

The indicative structure plan in Chapter 9 as exhibited shows the gazetted road reserve not the constructed alignment.

At the end of the exhibition period, a submission was received from PGH Environmental Planning acting on behalf of Project Innovations Pty Ltd/Ceedive Pty Ltd recommending an amendment to the southwestern and western alignment of the proposed Collector Road (affecting the area shown by red hatched circle in the Figure below) and its connection to Valley Drive within the Indicative Structure Plan.

The intent of the amendment is to create a more regular alignment that is responsive to the existing B4 zoning and to allow for regular subdivision pattern in the future. The amendments would have regard to the Valley Drive alignment as constructed and allows the creation of a standard T intersection as shown in solid red lines in the Figure below.



The proposed realignment would further dissect Councils public reserve, being Lot 603 DP1051775. This land is classified ‘community land’ under the Local Government Act (LG Act), 1993. Land classified as ‘community land’ cannot be dedicated as new public road unless it is in accordance with the provisions of S.47F of the LG Act. The circumstances of this case do not satisfy those provisions.

The Public Reserve is also listed as a heritage item, A186 Lithgow Valley Colliery Quoits Field. This item is listed of local significance but has been identified in the heritage inventory sheet and the High Ground Pottery Estate Statement of Heritage Impact (SHI) as having assessed state significance due to its rarity. The High Ground SHI states that *“The Quoits Field appears to be extremely rare and is of state significance. Historical research and site survey indicate that archaeological remains exist on the surface only. Despite ongoing site disturbance, some relics may remain in situ. It is considered to have the potential to yield archaeological information and physical evidence relating to this sport.”*

For Council to consider the realignment of any proposed new road as indicated in solid red lines in the Figure above the following matters would firstly need to be investigated and resolved:

- The land classification of the Public Reserve would need to be reclassified to ‘operational’ and the public reserve status of the land removed. This would require an amendment to Local Environmental Plan 2014. A public hearing must also be held as part of this process.

This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

- A heritage management document should be prepared to specifically address the impacts of proposed road construction upon the potential archaeological and any remaining surface relics located upon the public reserve and to consider the recommendations for heritage management as outlined in S.2.24 and S.3 of the High Ground SHI.
- Impacts of proposed road construction and stormwater end of line treatments/assets upon the riparian corridor and the functioning of the natural and man-made drainage systems.
- The road reserve realignment and any land dealing issues that may arise from the proposal.
- Options for alternative intersection treatments with Valley Drive including a round-a-bout to distribute and prioritise traffic flows based on traffic demand and point of entry.

Therefore, it is not recommended to alter the southwestern and western alignment of the collector road as identified the indicative structure plan at this time until the above matters are investigated and resolved. This is a separate process for Council consideration, and should Council be of a mind to explore this matter further it should be aware that the process can be complex and lengthy. If this were to be pursued at this juncture it would hold up the finalisation of the DCP for a considerable time. This matter should be the subject of a separate more detailed report to Council.

It is important to remember the Development Control Plan is a document that provides guidance for future development applications that does not have statutory power under the EP & A Act, 1979. In relation to the indicative collector road layout, developments are required to be generally consistent with that plan. This provides flexibility for the final road layout and design to be considered at the development application stage along with further technical reports and issues such as the above in relation to land it affects.

Implementation Process

After considering any submission made in relation to the Draft DCP amendment, Council

- May approve the plan as exhibited
- May approve the plan with amendments, or
- May decide not to proceed with the plan.

Council must publish notice of its decision on its website within 28 days after the decision is made. Should Council decide not to proceed with the plan, Council must include the Council's reasons in the required notice of decision placed on its website.

The new Plan if adopted becomes effective from the date it is published on Council's website. Council is also required to upload any adopted Development Control Plan to the NSW Planning Portal.

Proposed Amendments to Exhibited Draft

Proposed minor amendments to Chapter 9 and some consequential amendments to Lithgow Development Control Plan 2021 are required prior to adoption of the amended Plan.

As this is a late report, there was insufficient time to make the amendments directly to the document. A table summarising the required amendments including the DCP reference, amendment details and the nature of amendment is attached to this report.

Planning Comments

The site-specific controls within Chapter 9 Pottery Estate Precinct communicate the planning design and environmental outcomes against which Council will assess future development applications (DA's). Many of the controls relate to identifying the further technical reports and regulatory processes required to accompany applications.

As stated in the previous report on this matter, further concept planning at the sub-precinct scale involving identification of development yields for commercial and residential precincts and more detailed technical investigation, is considered a missed opportunity for this site and it will defer this burden onto the first major development application for each sub-precinct and the existing regulatory framework.

That being said, inclusion of these controls at the site-specific level provides an important link between the urban design analysis and consideration of site opportunities, constraints and hazards that will assist future development planning and decision- making processes.

Disclosure of political donations and gifts

Under Section 10.4(4) of the Environmental Planning and Assessment Act a person who makes a relevant planning application (including a request to Council to make a Development Control Plan for a particular site) must disclose the following reportable gifts (if any) made by any person with a financial interest in the application within the period commencing two (2) years before the application is made and ending when the application is determined:

- 1.All reportable political donations made to any local councillor or council.
- 2.All gifts made to any local councillor or employee of that Council.

No disclosure has been made in relation to this planning application.

Recording of Voting on Planning Matters

Under Section 375A of the Local Government Act, 1993 a division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or Council Committee. Adopting a Development Control Plan is a planning decision for the purposes of this Division.

Policy Implications

Nil

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - N/A

Legal and Risk Management Implications

The preparation, public participation, approval, and administration of Development Control Plan is to accord with Part 3 Division 3.6 of the EP & A Act 1979 and Part 3 of the Environmental Planning and Assessment Regulations 2000.

Attachments

1. Summary of Submissions [2.2.4.1 - 11 pages]
2. Copy of Submission [2.2.4.2 - 28 pages]
3. Table of Amendments [2.2.4.3 - 2 pages]

Recommendation

THAT

1. Council approves the making of Lithgow Development Control Plan (Amendment 1) (Plan) subject to the amendments outlined in the Attachment 2 (Table of Amendments) of this report and Recommendation 2.
2. Council:
 - a. Grant delegation to the General Manager to make the Plan upon the receipt of Heritage NSW response (including any minor amendments required). Should there be any significant amendments proposed or an objection is raised by Heritage NSW to the making of the Plan, the matter be reported back to Council.
 - b. Grant authority to the General Manager to proceed with making of the Plan in the case that a response from Heritage NSW has not been received by 1 November 2021.
3. A future report be brought to Council in relation to the proposed Valley Drive Road reserve realignment and the proposed new collector road alignment through Council's public reserve.
4. A Division be called pursuant to Section 375A of the Local Government Act 1993.

ATTACHMENT 2: SUMMARY OF SUBMISSIONS – CHAPTER 9 POTTERY ESTATE DEVELOPMENT CONTROL PLAN (LITHGOW DEVELOPMENT CONTROL PLAN AMENDMENT 1)

| Submitter Name/Identification | Submission Summary – Key Points | Planning Response/Action |
|--------------------------------------|--|--|
| <p>Private 1 (Resident)</p> | <p>Development of the estate will result in a loss of visual amenity and will change the existing 'secluded' character of existing dwellings.</p> <p>Residents are concerned about the potential loss of existing views from Hill Street. This is further exacerbated by the DCP only encouraging, not mandating, single story building heights.</p> <p>Residents are concerned that new developments will reduce the amount of privacy currently provided by the enclosed street.</p> <p>New developments have the potential to increase light spillage on to properties.</p> | <p>The Pottery Estate precinct has always been zoned for urban development. The permissible developments that can be undertaken within the Pottery Estate area are identified under the LLEP2014.</p> <p>The activities and locations of proposed development as identified within the Pottery Estate indicative structure plan, such as residential and commercial land uses, are consistent with the regulatory planning framework identified in in the Land Use Tables in the Lithgow LEP 2014 and the desired future character identified in the objectives of the relevant zones.</p> <p>Development controls in the Lithgow DCP 2021 limit the visual intrusiveness of new development by limiting the building height of new residential developments to 8.5m and 10m for commercial developments.</p> <p>It is also noted that S.9.6.1(2) of Chapter 9, building heights may be capped in some areas to 1 storey to be compatible with Mine Subsidence Constraints.</p> <p>Hill St is part of the local road network and has been identified in past planning documents as having the potential for extension and through connectivity to facilitate development in the Pottery Estate.</p> <p>Any future development will need to satisfy the controls located with the Lithgow Development Control Plan 2021. This matter is to be</p> |

| Submitter Name/Identification | Submission Summary – Key Points | Planning Response/Action |
|------------------------------------|---|---|
| | <p>Should the Pottery Estate proceed to development, property values of existing allotments near the estate may decrease.</p> <p>Has Council consulted with Water NSW regarding the easement running along to Estate boundary for the mains water supply scheme (Fish River)?</p> | <p>resolved at the development application stage for each new proposed development.</p> <p>This is not a planning consideration and cannot be assessed as part of the Development Control Plan.</p> <p>There is an easement for water pipeline identified on land title. This will remain in any future development unless relevant authorities have granted consent to extinguish the easement. Any impact by future development upon that easement will be determined at the appropriate development assessment stage.</p> |
| <p>Private 2 (Resident)</p> | <p>The proposed road connection from Pottery Estate to Hill Street is not supported as the road reserve does not have the capacity to service greater volumes of traffic due to the width of the road reserve in addition to on-street parking occurring on both sides. This is in addition to reduce sightlines caused by on-street parking and the topography of the street.</p> <p>The proposed road connection from Pottery Estate to Hill Street will exacerbate existing traffic flow issues at the intersection between Hill Street/Cook Street, especially during school drop-off and pick-up times.</p> <p>The steepness of Hill Street and connecting roads may encourage dangerous driving behaviours and place pedestrian safety at risk.</p> | <p>Hill St in the western most section has a carriageway and reserve width to accord with collector road status as determined by Council’s Civil Engineering Guidelines.</p> <p>Any future development application that increases traffic onto the local road network will be required to submit a traffic report prepared by a suitably qualified traffic consultant.</p> <p>SIDRA modelling has been undertaken as part of the traffic and transport report for Cook St/ Hill St. The intersection has been assessed with a Level of Service (LoS) of ‘A’, indicating good intersection operation with capacity for future traffic movements.</p> <p>The road will be designed for an appropriate design speed in accordance with Council’s Engineering Guidelines.</p> |

| Submitter Name/Identification | Submission Summary – Key Points | Planning Response/Action |
|--|--|---|
| | | Driving behaviour is a matter for police enforcement and local traffic committees. |
| <p>Ian Rufus of ‘Hillcrest’.</p> <p>On behalf of Sala Pty Ltd.</p> | <p>The increase of vehicle movements from the proposed development will compromise existing intersection around the northern side of Valley Drive. The DCP should identify the necessary upgrades and the costs be shared by the new developments.</p> | <p>SIDRA modelling has been undertaken as part of the traffic and transport report. The intersections along Valley Drive have been assessed with a Level of Service (LoS) of:</p> <ul style="list-style-type: none"> • Kirkland Link/ Valley Drive: A • Lithgow St/ Kirkland Link: A <p>Any future developments that generate significant vehicle movements will need to undertake a traffic assessment to ensure the LoS of the intersections along Valley Drive and Kirkland Link do not degrade.</p> <p>The TTPP traffic report, states “Development yields for potential land uses have not yet been defined for the Pottery Estate Precinct. As such at this time, traffic generation from related development has not been estimated. Notwithstanding the latter, the analysis of the existing surrounding road network has identified that there is substantial spare capacity within the existing road network to accommodate additional traffic”.</p> <p>Should significant road network upgrades be required, the cost of such will be borne by each individual proponent as a condition of development consent.</p> <p>As Chapter 9 has not been able to be informed by more detailed development yields at the sub-precinct level, traffic impacts and mitigating solutions resulting from future development has not been able to be estimated with any certainty. Therefore, development of a precinct wide development contributions plan is not able to be developed to estimate the reasonable costs and apportionments required at this time.</p> |

| Submitter Name/Identification | Submission Summary – Key Points | Planning Response/Action |
|-------------------------------|---|--|
| | <p>Site cover and sealing controls within the northern catchment may end up being subverted by unauthorised works, leading to a change in flood behaviour. Would a detention within the catchment be a better solution? Was the entire catchment included in the study?</p> <p>Has the land identified for development in the Pottery DCP been assessed with the latest mine subsidence information?</p> <p>Has the proponent considered proper interpretation of the chimney and water tower/clay store on Council land?</p> | <p>Future development will need to address stormwater impacts as outlined in S.2.4 of Lithgow Development Control Plan 2021.</p> <p>On site detention may be required where there is a significant modification between pre and post development flows or where the downstream hydraulic capacity of one or more components in a drainage system is inadequate for the design flow.</p> <p>Only low impact development is able to be considered without development consent (exempt development). “Unauthorised works” if they occur will be dealt with by Council’s regulatory compliance processes.</p> <p>Development within the Mine Subsidence District will trigger S. 4.46 of the EP & A Act as integrated development. This requires approval from Subsidence Advisory NSW in accordance with the relevant Surface Development Guidelines.</p> <p>The urban design analysis undertaken by the consultants preparing Chapter 9 identified areas of the precinct impacted by GOAF areas and have excluded these areas from the developable areas in each precinct.</p> <p>Council is preparing its own Conservation Management Plan for these relics upon Council land within the SHR 00078 curtilage.</p> <p>S.9.4.4.1(3) of Chapter 9 requires an “Integrated Interpretation Plan” prepared by a qualified Heritage Consultant when an initial development/subdivision is proposed within the curtilage of SHR00078(A124).</p> |

| Submitter Name/Identification | Submission Summary – Key Points | Planning Response/Action |
|--|---|--|
| | The business element of key elements in Table 1 of the Pottery DCP (page 5) should be updated to identify the role of the Lithgow Valley Plaza. | Agreed. Amendment to include in Point 1 Business Element Pg. 5 Chapter 9. |
| <p>Ceedive Pty Ltd and PGH Environmental Planning.</p> <p>Identical attachment of TTPP letter.</p> | The proposed future 'collector road' that is to connect with Valley View Drive as displayed in Figure 3: <i>Pottery Estate Indicative Structure Plan</i> should be redesigned to form a straight connection to Valley View Drive to create a standard T-intersection. | <p>For Council to consider the realignment of any proposed new road as indicated in the Figure above the following issues would firstly need to be resolved:</p> <ul style="list-style-type: none"> • The land classification of the Public Reserve would need to be reclassified to 'operational' and the public reserve status of the land removed. This would require an amendment to Local Environmental Plan 2014. A public hearing must also be held as part of this process. This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum. • A heritage management document be prepared to specifically address the impacts of proposed road construction upon the potential archaeological and any remaining surface relics located upon the public reserve and to consider the recommendations for heritage management as outlined in S.2.24 and S.3 of the High Ground SHI. • Impacts of proposed road construction and stormwater end of line treatments/assets upon the riparian corridor. • Any land compensation issue that may arise from the proposal. • Options for alternative intersection treatments with Valley Drive including a round-a-bout to distribute and prioritise traffic flows based on traffic demand and point of entry. <p>Therefore, it is not recommended to alter the southwestern and western alignment of the collector road as identified the indicative</p> |

| Submitter Name/Identification | Submission Summary – Key Points | Planning Response/Action |
|------------------------------------|---|---|
| | | <p>structure plan at this time until the above matters are investigated and resolved.</p> <p>This matter should be the subject of a separate more detailed report to Council.</p> |
| <p>Private 3 (Resident)</p> | <p>Objects to Hill St Extension. The proposed extension from Pottery Estate onto Hill Street is not necessary as access to the Pottery Estate or the Lithgow Valley Shopping Centre can be easily accessed from Bent Street and Lithgow Street.</p> <p>Council should consider the impacts upon existing Hill St residents.</p> | <p>Hill St extension is preferred over Silcock St as a collector road for the development site for the following reasons:</p> <ul style="list-style-type: none"> • Silcock Street is currently a local road dissecting a Heritage Conservation Area with sandstone kerbs of heritage significance. • Silcock St has restricted ability to be widened to conform to collector road standard. • The current priority-controlled intersection with Bent St has existing localised traffic conflicts. This is due to its proximity to the Bent St Valley Plaza major access and bus route with poor sight distances due to the crest of Bent St in that location. It is also exacerbated by the intersection's proximity to St Pats Public School's Bent St access. <p>Hill St has for many years been a terminating local road and it is recognised that residents will notice some loss of existing amenity due to proposed increased traffic flows. However, the street is located within an established urban setting and is the road has the capacity to carry the resultant traffic flows.</p> <p>Each development application will be required to assess traffic impact and mitigate where possible any adverse impacts on the surrounding local network.</p> |

| Submitter Name/Identification | Submission Summary – Key Points | Planning Response/Action |
|------------------------------------|---|---|
| <p>Private 4 (Resident)</p> | <p>There is no benefit to residents on the western end of Hill Street. Any future development increases the level of disruption to accessing their homes and garages.</p> <p>The area at the end of Hill Street was listed by the NSW Coal Board as it was originally a quarry and mine workings. The area is known as having a significant subsidence risk to properties.</p> <p>Should the Cul De Sac be opened up, the volume of traffic will rise and make the street less safe for pedestrians and in particular children.</p> <p>Any increases to the traffic volumes along Hill Street may disrupt natural fauna movements including the Antechinus, a rare and endangered marsupial mouse.</p> <p>The camber of the road surface would have to be altered which would affect access to garages and front accesses from the street. These works will also impact on subterranean services such as water and NBN services, creating a greater disruption to the street's residents, visitors, and essential services.</p> <p>Given the state of global warming, the Pottery Estate should be left as a green zone and re-vegetated properly. Any future development</p> | <p>See comment directly above.</p> <p>Noted. The Pottery Estate precinct is within the declared Lithgow Mine Subsidence District and is also identified as a Problem Site S.5.6 AS 870-1996. Any future development applications within the areas identified within the mine subsidence district will require approval of Subsidence Advisory NSW.</p> <p>Future development will require the construction of a formal footpath along the Hill St Road reserve, thereby improving the safety of pedestrians within this area. Refer to amendment to S.9.7.7 (1).</p> <p>Hill Street is an urban road within a highly developed urban neighbourhood.</p> <p>The future Hill St extension and integration with the existing road network will be further considered in traffic design reports required as part of any future development application.</p> <p>The Pottery Estate Precinct has been identified and appropriately zoned for urban development following the closure and rehabilitation of the former Lithgow Valley Colliery and Brickworks.</p> |

| Submitter Name/Identification | Submission Summary – Key Points | Planning Response/Action |
|-------------------------------|---|---|
| | will further stress and exacerbate the already ailing water and services and infrastructure. | <p>Significant areas of the site have been identified as environmental protection areas that will remain substantially undeveloped.</p> <p>Council's water and wastewater division has advised that the site can be provided with appropriate services.</p> |
| Private 5 (Resident) | Is there a detailed flora/fauna study within Sheedy's Gully and what will be lost if the development takes place? | <p>An Ecological Constraints Assessment Report has been prepared by Narla Environmental on behalf of the proponent which identifies the unique flora and fauna found within the Pottery Estate Precinct, in particular the types and locations of threatened species.</p> <p>As part of the report, three levels of ecological constraints have been identified, based on the potential for future development and the associated impact on the local ecology.</p> <ul style="list-style-type: none"> • Low Constraints – Green • Moderate Constraints – Orange • High Constraints – Red <p>The constraint levels have been adopted into chapter 9 (Figure 10) and controls in S. 9.3.4 and form an integral part towards the consideration of developable areas within the structure plan.</p> <p>The amount of clearing for the purposes of development is also limited by the Biodiversity Conservation Act 2016 through the Biodiversity Offset Scheme (BOS).</p> <p>Council proposes to insert an additional control into Chapter 9 to require a permit (Part 3 SEPP Vegetation in Non-Rural Areas 2017) for clearing of the vegetation identified in the E3 Environmental Management zone that is not associated with any proposed development and is below the BOS threshold.</p> |

| Submitter Name/Identification | Submission Summary – Key Points | Planning Response/Action |
|-------------------------------|---|---|
| | <p>What does 'backpacker lodges' and 'retirement village' mean?</p> | <p>This will provide greater assessment of the impacts upon local flora and any fauna habitats.</p> <p>As per the definitions located with the LLEP 2014, backpacker's lodges are defined as:</p> <p>backpackers' accommodation means a building or place that—</p> <ul style="list-style-type: none"> (a) provides temporary or short-term accommodation on a commercial basis, and (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and (c) provides accommodation on a bed or dormitory-style basis (rather than by room). <p>Note— Backpackers' accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.</p> <p>A retirement village is a form of residential accommodation identified as seniors housing. It is defined in the LLEP 2014 as:</p> <p>seniors housing means a building or place that is—</p> <ul style="list-style-type: none"> (a) a residential care facility, or (b) a hostel within the meaning of clause 12 of <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>, or (c) a group of self-contained dwellings, or (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), <p>and that is, or is intended to be, used permanently for-</p> |

| Submitter Name/Identification | Submission Summary – Key Points | Planning Response/Action |
|-------------------------------|---|--|
| | <p>What are the reassurances the principles outlined in Section 9.2.2 will be abided by?</p> <p>Is there a list of ecologically significant flora/fauna as suggested in Table 1 – <i>Open Space and Landscape</i></p> | <p>(e) seniors or people who have a disability, or (f) people who live in the same household with seniors or people who have a disability, or (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,</p> <p>but does not include a hospital.</p> <p>Note— Seniors housing is a type of <i>residential accommodation</i>—see the definition of that term in this Dictionary</p> <p>Both backpacker accommodation and seniors housing are permissible with consent within the General Residential (R1) and Mixed Use (B4) Zones. Both land uses are prohibited within the E3 Zone.</p> <p>The principles as outlined in Section 9.2.2 form the basis of all controls found within Chapter 9. All development applications that apply to developments within the Pottery Estate area will need to address each applicable development control. Where a control cannot be achieved or an alternative solution demonstrates a neutral or net-positive outcome, a variation to the Lithgow Development Control Plan 2021 can be submitted for assessment.</p> <p>Future development will be subject to Council’s regulatory development and compliance processes.</p> <p>As mentioned above, an Ecological Constraints Assessments Report has been prepared to inform the controls and principles</p> |

| Submitter Name/Identification | Submission Summary – Key Points | Planning Response/Action |
|------------------------------------|---|--|
| | <p>Are there any intermediate plans to save what is left of the hollow-bearing trees?</p> <p>As the development will be intensive and will occur over a significant period of time. What restrictions will be in placed regarding ongoing noise, dust, and associated gradations of construction?</p> | <p>within Chapter 9. Council will have regard to this report when considering future development applications.</p> <p>Development Control 3 of 9.3.4 recommends that the removal hollow-bearing trees be avoided where possible. Where the removal of the hollow-bearing tree cannot be avoided, it is to be replaced at a ratio of 2:1 with augmented hollows or artificial nest boxes of the same size as the hollows lost.</p> <p>Construction impacts are required to be identified and addressed in any future development application. Any mitigating measures required to manage construction impacts will be addressed in the conditions of development consent.</p> |
| <p>Private 6 (Resident)</p> | <p>Refer to submission content Private 1 above.</p> | <p>See comments Private 1 above.</p> |

OBJECTION TO 9.5.5 & 9.6.0 Residential subdivision/development

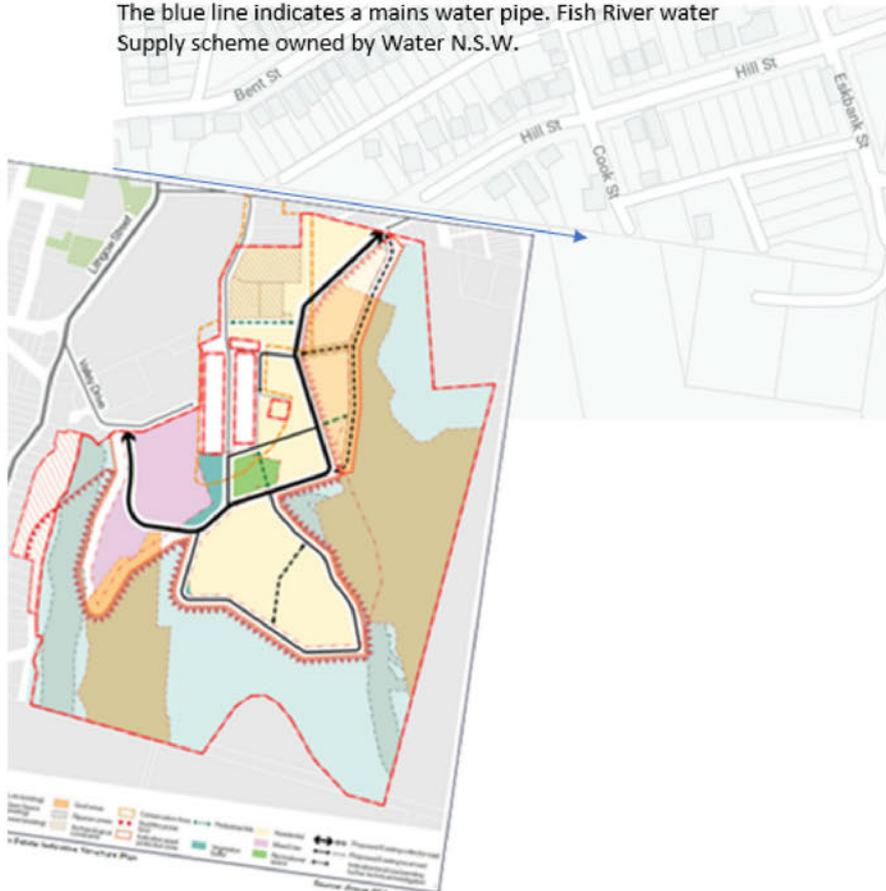
Chapter 9 of the Development Control Plan 9.5.5.2 states “Applications for subdivision in the vicinity of, or within the goaf areas (areas extensively mined and likely to have structural instability) ...” this according to Mine subsidence District maps on page 32 of Lithgow City Council DCP 2021, covers a large component of this area. Chapter 9 (9.4.3) also states that “The Pottery Estate has been significantly impacted by high levels of disturbance associated with quarrying and mining activities that have occurred over the past 150 years or more.” We were (informally) advised when we purchased our property in 2009 that the adjacent vacant land in front “would never be built on as it is an old quarry which has been filled in.” Peace and privacy were deciding factors in the purchase of our home.

The following constitutes the basis of this objection in the absence of the provision of geotechnical reports and the details of a site analysis and thus does not address concerns regarding mine subsidence and soil contamination at this point. The Lithgow DCP only states that these “may” be required, consequently giving no assurance of safety controls.

- Loss of visual amenity – The entire length of the front of our south facing property is adjacent to the “Pottery Estate”. The area in front of the house is wire fenced to take in the views and capture the openness of the space. Our house is situated approximately 30m from the street and at the low end of a slope, which provides seclusion. This essentially forms the character of our homelife, which would be lost if the land were subdivided for residences.
- Loss of Views – Concerns that views would be lost and replaced by houses. This is further exacerbated by the fact that “single storey dwellings are encouraged within the Pottery Estate” (9.6.1.2) but this not a requirement in the North Precinct
- Loss of privacy – Currently we have only 1 neighbouring property. Established trees provide screening and contribute to privacy. This will not be immediately available with new properties, particularly if they are not single storey. Noise from surrounding dwellings is also a concern.
- Light spillage – House lights, car headlights and the streetlights lining the associated roads, have the potential to illuminate our property and distract from the seclusion it currently provides whilst causing substantial disturbance.
- Perceived loss of property value – All of the above reasons contribute to this perception. Evidence to be provided at a later date, when confirmed.

I am therefore strongly opposed to any residential development occurring in the “North Precinct” of the “Pottery Estate” due to the resulting detrimental effects on our home.

The blue line indicates a mains water pipe. Fish River water Supply scheme owned by Water N.S.W.



Above is a map (not joined to scale) showing a water main with a blue arrow (line). The blue line also indicates, to my understanding, an easement. If this is the situation, the potential developer and Council do not have freehold rights over the said easement adjoining our property, however the proposed residential map indicates development to our boundary. Previous conversations with the owner of the land in question have been about weed control. He indicated he does not own this strip of land and it is a Water N.S.W (Fish River) responsibility. My neighbours and myself have taken it upon ourselves to maintain the vegetation and keep the access clear, while reducing the potential for snakes to enter our properties.

Has Council, the land owner and/or developer, discussed or informed Water N.S.W. of the proposed residential development or the proposed roadway?

The blue line also indicates a pedestrian throughfare which begins at the end of Hill St and continues to Silcock St. This has been used by the surrounding community for well over 50 Years.

██████████

██████████████████

██████████

Submission for the Draft Development Control Plan – LDCP 2021 A1

This submission objects to the part of the Development Plan which proposes the extension of the western end of Hill Street to form a “collector road” that connects to Valley Drive. The reasons behind the objection are listed below.

There is no objection to the development of the Pottery Estate area itself.

1. Hill Street Road Reserve and Resident Parking

Hill Street maintains a 20 metre wide road reserve but due to the lack of street access to properties, residents tend to park their vehicles within the road reserve.

With special reference to the vicinity of the intersection of Hill and Cook Streets, this activity effectively narrows the road reserve by as much as 5 metres and does cause visual interference on approach to the intersection from the east (see *Figure 1*).

Living relatively close to this intersection, I have personally witnessed a number of near-misses at this intersection and most have occurred when vehicles have exited Hill Street without giving way or have excessively cut the corner as they turn into Cook Street.



Figure 1: Resident vehicles interfere with motorist visibility at the intersection of Hill St and Cook St. Note the lack of a “Give Way” sign on the right hand side.

Beyond the intersection, the western end of Hill Street kinks sharply to the left and slopes severely to the north. Resident vehicles are always parked right on this bend in the road which again effectively narrows the width (see *Figures 2 and 3*).



Figure 2: The western end of Hill Street where the road kinks and slopes severely. Also note the shadow of the power pole in the bottom right, indicating the position of the morning sun which is directly behind the camera position (photograph taken 8:52AM on 11 Sep 2021).



Figure 3: Viewing from the opposite direction on a different day demonstrates the angled nature of the western end of Hill Street and the narrowing of the effective road space due to the proximity of parked vehicles.

In addition to this, the road surface in the western end of Hill Street has a history of poor maintenance. It is often crumbling, uneven and strewn with gravel.

All of these factors will combine to create a dangerous environment for traffic should the road be extended. At present, vehicle movements are respectful of the fact that this is a cul-de-sac and those using this portion of the road drive with due care.

2. Nature of the Traffic Flow

The bulk of the traffic flow through this area occurs during school drop-off and pick-up times. Whilst the Hill Street/Cook Street intersection experiences a significant traffic volume, Eskbank Street does funnel most of it.

This development will change that as motorists will promptly identify a more timely transit to the western end of town via Hill Street and Valley Drive. On completion of the associated Bunnings development, an increase in heavy vehicle movements will naturally follow.

The Hill Street/Cook Street intersection is not designed for this sort of traffic flow. The nature of the steep uphill at the top of Cook Street will create visibility issues and guarantee that motorists will undercut the corner which will bring them onto the wrong side of the road and into the path of oncoming vehicles (see *Figure 4*).



Figure 4: The intersection of Cook Street and Hill Street occurs on a steep upslope which will create hazards that do not exist at present.

As mentioned, the majority of traffic is school-related with Lithgow High School and the Lithgow TAFE both nearby. This factor indicates that a high proportion of inexperienced motorists are contained within the associated motoring demographic and allows us to predict that driving misbehaviours are likely to occur when these people are given the opportunity to do so.

It is worth noting that the downhill nature of the “collector road” (see *Figure 5*) will cause this road to become a veritable speedway for the many local motorists who are not able to control themselves. The outcome of this would remind council of what has recently occurred in Clwyd Street between Boundary and Mort Streets and why this section of road has concrete barriers installed within it.



Figure 5: The extended road will have to include a steep downhill grade along the pictured bank which will become an attraction for miscreant drivers.

3. Safety of Pedestrians

As previously mentioned, this road will contain a steep and curving gradient which will attract misbehaviour no matter what the posted speed limit. This will not be limited to P-plated students or other miscreant road users. “Professional” heavy vehicle drivers will also exceed posted limitations on this proposed road.

These factors will place all pedestrians at great risk. The DCP does not provide any information on pedestrian movements and given that a significant volume of high school students transit to and from the shopping centre and/or home via this route, we can expect that this will continue.

4. Alternatives

The DCP fails to suggest that any remodelling of the intersections of Valley Drive/Kirkland Link and Kirkland Link/Lithgow Street will be undertaken. Both of these already dangerous intersections will attract increased traffic movements during and the construction of this development and after it is completed.



Figure 6: The intersections of Valley Drive/Kirkland Link and Lithgow Street/Kirkland Link are both hazardous. The redesigning of these in combination with the widening of Valley Drive would create a more functional and safer road environment for this development.

Figure 6 shows the Valley Drive/Kirkland Link corner which is already treacherous as many road users exiting Valley Drive fail to give way let alone STOP as the existing signage demands. Further, vehicles entering Kirkland Link from Lithgow Street (south) often transit the intersection at speed and often with a left turn indicator still running. This activity stems from the poor road design as it stands.



Figure 7: The widening of Valley Drive and the remediation of the intersections beyond provide a more appropriate point of egress for traffic.

Widening Valley Drive and giving it priority over Kirkland Link will alleviate some of this. As *Figures 6 and 7* show, there is more than enough unused space on the south side of Valley Drive to widen and straighten this road to remove the dangerous intersection at the Kirkland Link.

Widening Valley Drive and extending it into a controlled intersection (roundabout or traffic lights) at the corner of Lithgow Street will produce a much safer and user-friendly road environment that will be able to safely cater for the movement of heavy vehicles.

It would be safer for the community at large if these roads were modernised to account for the increased traffic volume rather than simply funnel vehicles through residential road corridors that will only impact on safety.

Summary

As I said at the beginning of this document, I live close to the corner of Hill Street and Cook Street and I have personally witnessed numerous near crashes as motorists turning right from Hill Street into Cook Street fail to give way (and rarely look to their left). If council requires evidence of this they only need to observe this intersection during non-lockdown times between 3.00 PM and 3.45PM Monday to Friday.

When you add the position of the rising sun in the mornings (again, come up and have a look), I can only imagine the negative impacts on the safety of responsible road users and pedestrians that this will bring.

Lithgow has a vehicle-centric demographic. Due to this fact the community should be granted roads that are safe to drive on, reside alongside and move around, not just cheap and nasty alternatives. At this point in time, the publication of this "Plan" demonstrates that Council is angling for the latter.

This objection is not about the effect on liveability that this development would have on the residents of the western Hill Street area. It is only about function and safety for all.

██████████
██████████
██████████████████

IAN RUFUS of "HILLCREST"



ABN 19827122986
"Hillcrest" Off Eskbank St,
Lithgow NSW 2790
(02)6351 2095
0437 470 346
ian.rufus@gmail.com
<http://www.rufushillcrest.com.au>

Planning / Heritage / Development

30 September 2021

Craig Butler
General Manager
Lithgow City Council
council@lithgow.nsw.gov.au

Submission on Draft Development Control Plan - Pottery Estate, Lithgow

Dear Craig,

I act for the owners of the Lithgow Valley Shopping Centre, whose land adjoins and also appears to be partially mapped as part of this DCP. The owners have only just become aware of the proposal and have some concerns about the development which the DCP foreshadows.

I understand the owners emailed Council last week and requested an extension of the exhibition period, but as yet do not have a reply. I think it would be unreasonable for Council to not extend the exhibition to give the major adjoining owners time to examine the issues and respond. We would have preferred that, as the adjacent major owners, they be allowed input to the DDCP as such a broad area needs to be for the benefit of the whole area rather than just one major property owner. The DCP also specifically includes and also directly abouts parcels of land owned by my clients.

This letter is to flag the issues of concern, and ensure that they have sufficient time to cover these issues and possibly further issues that may affect their property and the functioning of the adjoining land uses.

Road layouts

Our clients have some concerns about the road locations and how it affects the access to the whole area from Hassans Walls Road which has difficult geometry and sight lines. We consider it is only due to the current low tenancy of the major development along the northern side of Valley Drive that the intersection has not come to notice. Further business and residential development with the extension of Hill Street being marked as a collector road and 20m road reservation, which will increase size and number of vehicles, will obviously place pressure on the intersection. The necessary upgrade of course needs to be flagged in the DCP so that overall cost be shared by the new developments that will be generating the extra and larger traffic.

Floodwaters and detention

Your current (2017) mapping of the floodway and flood fringe at the current time and its impact on my clients property is also noted. We also understand there is already a downstream flooding issue which has seen substantial works done by Council. There is a substantial catchment involved given that the area proposed for development is within that catchment this is cause for concern. Part of the solution seems to be control of building size on the new development, residential in particular. It appears that the site coverage of new residential development, at least in the northern catchment is to be restricted to 30% with all sealed areas to be previous. While this is simply a matter for

development control, it appears that many new houses in recent subdivision in many areas of Lithgow have sealed quite large areas and built substantial sheds or garages in the backyards. We submit that such site cover and sealing controls may end up being subverted by unauthorised works, and the impact of flooding be far greater than Council might consider from the upper catchment of the site. We consider that suitable detention within that catchment is a better solution.

On the subject of the Flood Study itself, a great deal of the catchment areas appear to be excluded from the study. We would like assurance that the entire catchments were included.

Subsidence issues

While these are not so much of an issue to my client's land directly, the zonings were apparently drawn from mine subsidence on old information. We seek assurance that the development capability of the zoned land is drawn from the latest information, even though it may have come from the NSW website. The Pottery land has for many years now a blight on the central area of Lithgow. We seek assurance that at time of development the actual capability of the land to be developed is assessed. My clients wish to be assured that land adjacent to their property does not lie derelict for even longer than it already has, due to failure to recognise the actual current constraints.

Open space

Also responsibility for the larger part of the colliery land should include proper interpretation of the whole site, desirably on the land which Council owns with the chimney and water tower/clay store. This is adjacent to the historic stables building complex which has been tenanted by artists over the years. The Development Control Plan should flag the issue and Council should ensure such a plan is implemented and development contribution requirements or suitable works applied direct to the Council land by the developer.

Heritage issues on my client's land

We are not sure why "conservation area" marked on the DCP plans intrudes to my client's Lot 5. This matches the zoning shown on LEP2014 of which they were not aware. Could you please advise of why this area was so identified apparently previously, as this may impact on any future plans to extend my clients development.

Key elements of the DCP

My clients are very proud of the role played in the central business area of Lithgow by their property. They wish Council to add to the Business element on page 5, to confirm this importance:

To provide a mixture of compatible land uses that do not detract from the role of the Lithgow town centre including Lithgow Main Street and the Lithgow Valley Plaza.

Further information

Given that my clients were not aware of the DCP, this submission has been prepared in urgency. They wish this to be taken as their formal submission to the Draft, but that there may be further detail and issues necessary to discuss between them and Council.

Regards,



MPIA BTP MHC



Our Ref: 21305

28 September 2021

Ceedive Pty Ltd
c/o- Project Innovations Pty Ltd
Unit 11, 26-30 Linda Street
HORNSBY NSW 2077

Attention: Mr Craig Heaton

Dear Craig,

**RE: LITHGOW DEVELOPMENT CONTROL PLAN 2021
SUBMISSION REQUESTING AMENDMENT TO THE POTTERY ESTATE INDICATIVE STRUCTURE PLAN
TRAFFIC ADVICE**

As requested, please find herein The Transport Planning Partnership (TPPP)'s consideration of the Pottery Estate Indicative Structure Plan as presented in the draft Lithgow Development Control Plan 2021 Amendment 1 – Chapter 9 'Pottery Estate' Precinct.

It is noted that the draft amendment to the DCP, namely the Pottery Estate Precinct is currently on public exhibition for public review and comment.

The following traffic review of the Pottery Estate Indicative Structure Plan has been provided with regard to the potential development of the mixed-use area to the south of the existing Valley Road alignment.

Background

The proposed amendment to the Lithgow DCP 2021 as currently on exhibition is the inclusion of Chapter 9 Pottery Estate Precinct DCP. The amendment sets out planning controls and guiding principles for the future development of the Pottery Estate Precinct.

The DCP amendments for the Pottery Estate include an Indicative Structure Plan for the precinct. The Indicative Structure Plan includes indicative road networks with connections to the surrounding road network and connectivity within the Pottery Estate Precinct.

The Transport Planning Partnership
Suite 402 22 Atchison Street
ST LEONARDS NSW 2065

Document Set ID: 1939717
Version: 1, Version Date: 01/10/2021



As described in the DCP amendment the Indicative Structure Plan is 'indicative' and has been set out with an objective to:

"ensure the key elements of the structure plan are delivered whilst providing a degree of flexibility in the final layout and design of the Pottery Estate".

With regard to the indicative road layout, the key elements of the DCP amendment are to:

- New streets & pedestrian pathways to create a permeable movement network that links into the existing streets adjoining the site
- The inclusion of a perimeter road between the developable areas and the adjacent bushland
- Provide linkages to surrounding fire trails
- Provide linkages that promote pedestrian access to heritage assets located within and immediately adjoining the DCP precinct.

Thus, it is considered that amendments to the road network as shown in the Indicative Structure Plan are envisaged as the detailed planning of the potential development of the Pottery Estate Precinct occurs.

However, amendments to the road network will need to address the objectives and key elements set out in the DCP.

Proposed Suggested Amendment to Road Layout

Upon review of the Indicative Structure Plan and the layout of the road network in relation to the mixed- use land use zone, it is considered that an amendment to the proposed 'collector road' through the Pottery Estate will facilitate improved flexibility of the mixed-use zone and its ability to accommodate potential large format retail / commercial developments.

The proposed amendment to the Collector Road shown in the Indicative Structure Plan is shown in Figure 1.

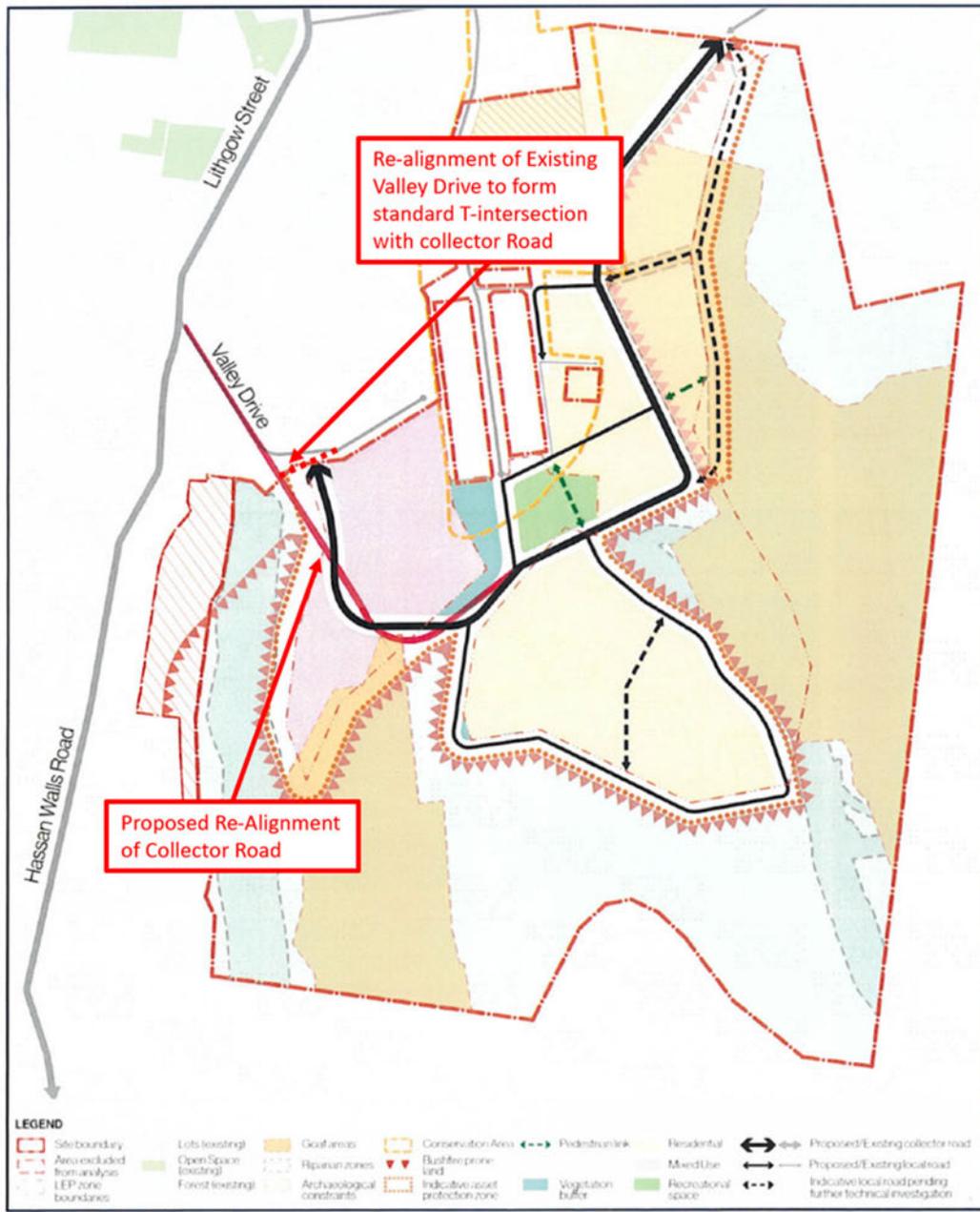
As shown in Figure 1 the proposed re-alignment of the future 'collector road' combined with a realignment of Valley Drive will enable the formation of a standard T-intersection with the stem approach of the T-intersection meeting at 90 degrees to the straight approaches (top of the T).

The existing curved nature of Valley Drive (not represented clearly in the Indicative Structure Plan) would not facilitate an ideal road connection to the future collector road. The provision of a standard T-intersection would provide a safer road user outcome.

The straightening of the collector road alignment would also facilitate a more efficient lot layout for the mixed-use zone and any associated vehicle access driveways for mixed-use developments.



Figure 1 – Proposed Amendment to Collector Road Alignment





Furthermore the proposed amendment to the collector road alignment would continue to be consistent with the objective and key elements set out in the draft DCP amendment and described above.

Summary

In summary, from a traffic perspective, TTPP considers that the proposed realignment of the Pottery Estate collector road as documented herein would represent a positive improvement to the Pottery Estate Precinct and would achieve the desired future outcomes for the precinct as envisaged by the DCP.

Should you have any queries regarding the above or require further information, please do not hesitate to contact the undersigned on 8437 7800.

Yours sincerely,

A handwritten signature in black ink that reads 'Jason Rudd'.

Jason Rudd
Director

Our Ref: PGH: 21-0933 ID:401

2 October 2021

The General Manager
Lithgow Council
PO Box 19
Lithgow NSW 2790



Dear Sir/Madam,

Property: Draft Lithgow DCP Chapter 9 "Pottery Estate" (LDCP 2021 A1)

We act for Project Innovations Pty Ltd/Ceedive Pty Ltd and provide the following submission for Council's consideration.

Pottery Estate Indicative Structure Plan (ISP) - We attach a submission from The Transport Planning Partnership (TTPP) recommending an amendment to the south western and western alignment of the proposed Collector Road and its connection to Valley Drive.

The intent is to create a more regular alignment that is responsive to the existing B4 zoning and allows for a regular subdivision pattern in the future.

In particular it is noted that Valley Road is not located entirely within the road reserve, upon which the ISP is based. Therefore, the proposed realignment has regard to Valley Road (as constructed) and allows the creation of standard T- intersection as illustrated in the TTPP submission.

We request that Council amend the ISP in the manner recommended by TTP. We are available to discuss with Council officers if required.

Yours faithfully
PGH Environmental Planning

A handwritten signature in blue ink, appearing to read 'Patrick Hurley', with a horizontal line extending to the right.

Patrick Hurley
Director
Encl
TTPP Correspondence 280921

PotteryEst_DraftDCP_LTC_021021.docx

PGH Environmental Planning | ABN 48 104 323 024 | PO Box 714 Springwood NSW 2777
Phone 02 4751 1522 | Email info@pghep.com.au | Web www.pghep.com.au



Our Ref: 21305

28 September 2021

Ceedive Pty Ltd
c/o- Project Innovations Pty Ltd
Unit 11, 26-30 Linda Street
HORNSBY NSW 2077

Attention: Mr Craig Heaton

Dear Craig,

**RE: LITHGOW DEVELOPMENT CONTROL PLAN 2021
SUBMISSION REQUESTING AMENDMENT TO THE POTTERY ESTATE INDICATIVE STRUCTURE PLAN
TRAFFIC ADVICE**

As requested, please find herein The Transport Planning Partnership (TPPP)'s consideration of the Pottery Estate Indicative Structure Plan as presented in the draft Lithgow Development Control Plan 2021 Amendment 1 – Chapter 9 'Pottery Estate' Precinct.

It is noted that the draft amendment to the DCP, namely the Pottery Estate Precinct is currently on public exhibition for public review and comment.

The following traffic review of the Pottery Estate Indicative Structure Plan has been provided with regard to the potential development of the mixed-use area to the south of the existing Valley Road alignment.

Background

The proposed amendment to the Lithgow DCP 2021 as currently on exhibition is the inclusion of Chapter 9 Pottery Estate Precinct DCP. The amendment sets out planning controls and guiding principles for the future development of the Pottery Estate Precinct.

The DCP amendments for the Pottery Estate include an Indicative Structure Plan for the precinct. The Indicative Structure Plan includes indicative road networks with connections to the surrounding road network and connectivity within the Pottery Estate Precinct.

The Transport Planning Partnership
Suite 402 22 Atchison Street
ST LEONARDS NSW 2065

Document Set ID: 1939791
Version: 1, Version Date: 05/10/2021



As described in the DCP amendment the Indicative Structure Plan is 'indicative' and has been set out with an objective to:

"ensure the key elements of the structure plan are delivered whilst providing a degree of flexibility in the final layout and design of the Pottery Estate".

With regard to the indicative road layout, the key elements of the DCP amendment are to:

- New streets & pedestrian pathways to create a permeable movement network that links into the existing streets adjoining the site
- The inclusion of a perimeter road between the developable areas and the adjacent bushland
- Provide linkages to surrounding fire trails
- Provide linkages that promote pedestrian access to heritage assets located within and immediately adjoining the DCP precinct.

Thus, it is considered that amendments to the road network as shown in the Indicative Structure Plan are envisaged as the detailed planning of the potential development of the Pottery Estate Precinct occurs.

However, amendments to the road network will need to address the objectives and key elements set out in the DCP.

Proposed Suggested Amendment to Road Layout

Upon review of the Indicative Structure Plan and the layout of the road network in relation to the mixed- use land use zone, it is considered that an amendment to the proposed 'collector road' through the Pottery Estate will facilitate improved flexibility of the mixed-use zone and its ability to accommodate potential large format retail / commercial developments.

The proposed amendment to the Collector Road shown in the Indicative Structure Plan is shown in Figure 1.

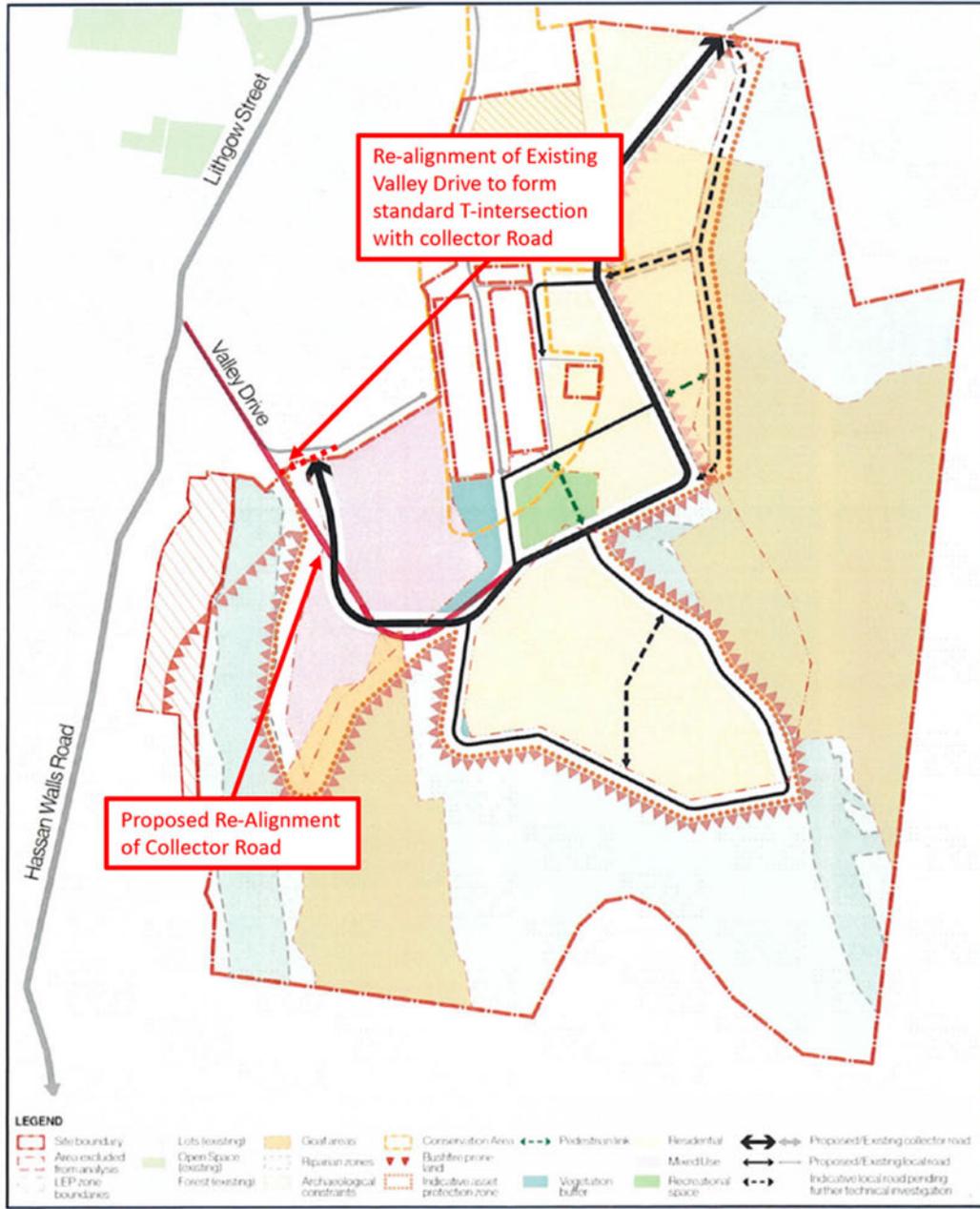
As shown in Figure 1 the proposed re-alignment of the future 'collector road' combined with a realignment of Valley Drive will enable the formation of a standard T-intersection with the stem approach of the T-intersection meeting at 90 degrees to the straight approaches (top of the T).

The existing curved nature of Valley Drive (not represented clearly in the Indicative Structure Plan) would not facilitate an ideal road connection to the future collector road. The provision of a standard T-intersection would provide a safer road user outcome.

The straightening of the collector road alignment would also facilitate a more efficient lot layout for the mixed-use zone and any associated vehicle access driveways for mixed-use developments.



Figure 1 – Proposed Amendment to Collector Road Alignment





Furthermore the proposed amendment to the collector road alignment would continue to be consistent with the objective and key elements set out in the draft DCP amendment and described above.

Summary

In summary, from a traffic perspective, TPP considers that the proposed realignment of the Pottery Estate collector road as documented herein would represent a positive improvement to the Pottery Estate Precinct and would achieve the desired future outcomes for the precinct as envisaged by the DCP.

Should you have any queries regarding the above or require further information, please do not hesitate to contact the undersigned on 8437 7800.

Yours sincerely,

A handwritten signature in black ink that reads 'Jason Rudd'.

Jason Rudd
Director

29 September 2021

General Manager
Lithgow City Council
180 Mort Street
LITHGOW NSW 2790

Lithgow City Council
Scanned

29 SEP 2021

Doc Set ID
GA Ref
Years

Re: Lithgow DCP 2021 Amendment 1 – ‘Pottery Estate’.

Dear General Manager

As a long-term resident adjacent to the ‘Pottery Estate’, I would like to make the following submission on the proposed Lithgow Development Control Plan 2021 Amendment 1 – ‘Pottery Estate’ which is currently on Public Exhibition.

Whilst I appreciate that the Pottery Estate may represent a development opportunity located adjacent to the Valley Plaza and near the Lithgow town centre, I call upon the Council and Councillors to in future consider the adjacent resident’s concerns when considering any future mix of housing, employment, and retail services with access to public transport, the local and regional road network and existing services and facilities.

In particular, any future opening up or extension of the adjacent currently and historically closed off western end of Hill Street, Lithgow.

I am dead against any current or future DCP or Development Application that may seek to open up or extend Hill Street in a westerly direction into Silcock Street (Pottery Estate) and then onto Valley Drive in the Lithgow Valley Shopping Centre.

The currently closed off western end of Hill Street is used by local residents and pedestrians including those from both the TAFE, Lithgow High School and St Pat’s Primary School students.

It does not need to be opened up to through Heavy and Light vehicle traffic seeking to accessing either the Pottery Estate or the Lithgow Valley Shopping Centre. Both of these areas are both already easily accessible now from Bent and Lithgow Street’s and as such, neither need any further new or future access routes.

Whilst I would like to be kept in the loop on this proposed DCP, I have no email address but can be contacted at my mobile 



**Submission in Objection to the Hill Street Extension
And the "Pottery estate Precinct"**

To whom it may concern
Attention: of the City Planners office
Lithgow city Council
Reference: **LDCP 2021A1**

Points of objection:

1) The Hill Street extension.

There is no clear benefit to the residents of the western end of Hill Street, which is currently a "Cul de Sac" terminating in land that was originally a quarry and mine workings.

As far as I am aware, this ground, been listed by the NSW Coal Board and the mines as a major subsidence area ever since the workings were decommissioned. And was originally posted at regular points on the perimeter with signage advising people to stay off it.

On studying the Lithgow City Council Draft Development Control Plan for Hill street / pottery estate, it seems clear that this part of the plan benefits only the developer clearing the way for any further development plans the developers may have. The level of disruption to residents legitimately accessing their homes and garages, and high risk of further subsidence and damage to property seems to make this a pointless exercise. I further note that the lane that runs behind Hill street one used to exit into Silcot Street has been blocked by two large concrete barriers of the type used in road construction to block or divide lanes. I do not recall any community discussion surrounding the placement of these barricades and assume therefore that it has been carried out without council knowledge or consent.

The immediate effect of these obstructions is that the garbage and recycling trucks now have to back all the way back along the lane and turn around in the road. An accident waiting to happen.



20/9/21

2) **Safe Corridor**

For the 28 years that I have lived at this end of Hill street the Cul De Sac has provided several generations of Children with a relatively low traffic corridor from the sports fields to the high school and back.

A Safe Corridor, that will disappear for future generations of Children if the Cul De Sac is opened up. The volume of traffic would rise, making the street far less safe for people, pets and the range of wildlife that we enjoy.

As a demonstration in point, you only have to look at the huge increase in traffic that is accessing Mid Hartley Road. Since it was sealed, not just cars but larger vehicles of every type are now regularly traversing what was, not all that long ago a nice quiet road.

3) **Pets and Wildlife**

The Cull De Sac currently enjoys a peace and calm that is clearly absent on other roads in close proximity such as Cook street or Bent street. A peace that allows pets, people and a wide range of wildlife to move about, with minimal risk of being hit and killed by the stream of traffic that travel the other streets in the area,

And which would surely follow any opening of the Cul De Sac I am concerned that any alteration to Hill Street would see a rise in speeding vehicles and drivers who don't acknowledge give way signs.

4) **Road surface levels of Hill street**

The camber of the road surface would have to be seriously altered, either by excavation of southern side of the road, or filling of the northern side to levels that would effect access to garages and front access from the "street". Also impacting on subterranean services, such as water and internet (NBN) services and result in even greater disruption to the street's residents, Visitors, delivery vehicles and essential services.

There is **No reason why Silcot street should not be used to access the pottery estate** and leave our Cul De
Sad in tact.



30/9/21

To whom it may concern
Attention: of the City Planners office
Lithgow city Council
Reference: **LDCP 2021A1**

The Pottery estate Precinct,

Given the state of global warming and the desperate need to mitigate increasing temperatures leading to more frequent storms and resulting property and infrastructure damage.

I believe that the area know as **the Pottery estate should be left as a green zone and re-vegetated properly** in the manner in which the developer was advised to do originally.

I believe that the constructing of housing will further stress and exacerbate, the already ailing water and services infrastructure, causing more bursts and other damage. At the Cul de Sac end of Hill street we already have reduced water pressure, which we were told was the result of the mains bursting when the pressure was increased.

2) The Pottery estate is also home to a wide range of small animals and a pleasant corridor for people and animals to move through freely. I have reason to believe that aside from the regular small animals, there is also the very rare and endangered Marsupial Mouse, the antichinus. Which is I believe already afforded a high protection status by Parks and Wildlife and the state and federal Governments, and which, if it is in bush-land here, would be destroyed for no good reason at all.

3) Subsidence

The is clear evidence of subsidence on the borders of the Pottery estate, with large cracks appearing in the ground above what used to be the quarry. And damage to brickwork and property in the surrounding area. I believe the risk of sinkholes opening in this area has always been and is now a major concern, not to mention the legal; action that would surely ensue and the cost to lives and property.



20/10/21

To whom it may concern
Attention: of the City Planners office
Lithgow city Council
Reference: **LDCP 2021A1**

4) Over burdening of services.

I don't believe there is a single resident of Lithgow that is not acutely aware of the poor state of the roads and other infrastructure such as water mains that keep failing. And, in the case of Hill street, were described by council Plumbers on their multiple visits to the street to repair damaged services, as being, "So poor that we don't even turn the water off to remove or attach services." And " the pressure had to be turned right down at source because the main cannot cope. All things which have remained Un-resolved or unfixed, for years, while council is adding more and more domestic dwellings and businesses.

I respectfully call upon the council to leave the Hill Street Cul De Sad alone, and strongly consider the benefits of re-vegetating the pottery estate and replanting trees and native shrubs to help offset Carbon emissions, in stead of cutting down more trees, laying more concrete and tarmac and adding to the growing pressure our environment is under.

Thank you for your time is considering this Objection to the Hill Street/ Pottery estate plan.

Regard



3rd October, 2021

LITHGOW NSW 2790

Lithgow City Council,
PO. Box 19,
LITHGOW N SW 2790

Dear Sir,

REF: AMENDMENT 1 LITHGOW DEVELOPMENT CONTROL PLAN 2021 – CHAPTER 9 “POTTERY ESTATE” PRECINCT

WITHOUT PREJUDICE

As an adjacent landowner to the ‘Pottery Estate’ precinct, I would like to “HAVE MY SAY,” on the inevitable, significant and sensitive development of this prime location.

Yes, I agree it is well positioned to provide retail services, commercial enterprise and employment – all beneficial to Lithgow. However, with the unique heritage and bushland environment, surely there must be a focus to preserve and showcase a large proportion of the bushland, instead of clustering it with medium to high density housing.

Lithgow Tourism advertises as a region for the outdoor enthusiast with breathtaking landscapes, natural beauty, abundant flora and fauna, indigenous heritage and world heritage listed national parks. Here in Pottery Estate / Sheedy’s Gully we indeed have an inspiring bushland setting with an abundance of birdlife. Although Sheedy’s Creek has been partly blocked with development landfill and contamination from development waste, there are still some amphibians and vegetation struggling to survive.

As a growing and evolving City, we need to provide recreation for all citizens, not just bike parks, skateboard parks and adventure playgrounds. Being close to transport, the Pottery Estate precinct is accessible to everybody and recreational areas need to be expanded.

I have been residing in Hassans Walls Road since 2008 and as an avid bird watcher, I have taken great delight in watching the diverse range of birds from my back yard. The birds frequent, and nest, in the natural eucalypt forest and woodlands of Sheedy’s Gully. Since the earthworks and destruction of the shrubs and trees during Stage 3, I have rarely seen the Easter Yellow Robin. The last few years, and indeed in recent months, has seen more removal of trees and shrubbery with a further decline in bird life. Some of the varieties I have observed include Regent Honeyeaters, Superb Lyrebirds, Bell Miners, Red Wattlebird, Crimson Rosellas, Australian King Parrots, New Holland Honey Eaters, Eastern Rosellas, Magpies, Currawongs, Galahs, Kookaburras, and Sulphur Crested Cockatoos. The Yellow Tailed Black Cockatoos visit annually but to only a few selected trees. The Eastern Whipbird has a distinct sound and needs dense scrub for its habitat. I have registered these birds with Birdlife Australia. In fact, their next Birdcount is from 18 to 24th October, 2021 and no doubt I will be recording fewer birds. With the proposed development these birds will seek new habitats as trees, feed and breeding grounds are lost. The Bathurst Copper Butterfly is now a rare occurrence in my yard. Is there a detailed flora/fauna study within Sheedy’s Gully and what will be lost if the development takes place?

1

The front page image on the Development Control Plan 2021 for Chapter 9 depicts the magnificence of the bush from an aerial view and indeed could be included in a tourism brochure. However, the plan seems to be to eradicate this environment and scour the landscape not just with a small area of housing, but medium to high density “rental housing and/or seniors housing.” What does this mean – backpacker lodges and a retirement village?

Section 9.2.2 outlines Development Principles. Based on the despoliation of the stream, rubbish dumping, felling of trees and heavy machinery on the creek banks, causing erosion and destroying vegetation, which I have witnessed over the years (and I believe reported to Council by other parties), where is the reassurance these Principles will be abided by?

Table 1 – Open Space and Landscape - Facilitate the retention and protection of ecologically significant flora/fauna. Is there a list of such flora/fauna. I have already witnessed the loss of some flora and fauna, so the facilitation would have to happen rapidly before more trees and vegetation are destroyed.

9.3.4 Development Controls Are there any intermediate plans to save what is left of the hollow-bearing trees, considering there has been considerable felling in the last few months?

This proposed development is intensive and no doubt will occur over a considerable time. As a resident I am concerned about the ongoing noise, dust and associated gradations of construction. If construction times are deemed a 0700 to 1800 on weekdays and 0800 to 1300 on Saturdays, do we only have one day a week respite for years to come?

As my property adjoins Lot 26 DP1244557 (DA 148/15) which was approved in 2015, we will be also subject to earthworks, road and drainage construction and tree removal. Once this has been completed there will be the ongoing building construction and associated works. Lithgow Council advised us in a letter that work would be commencing this year.

I strongly believe the area of Sheedy’s Gully needs to be identified as an **environmental asset** and residents and ratepayers in close vicinity of the proposed new development deserve further due consultation and consideration.

Yours faithfully,

A solid black rectangular box used to redact the signature of the author.

OBJECTION TO 9.5.5 & 9.6.0 Residential subdivision/development

Chapter 9 of the Development Control Plan 9.5.5.2 states “Applications for subdivision in the vicinity of, or within the goaf areas (areas extensively mined and likely to have structural instability) ...” this according to Mine subsidence District maps on page 32 of Lithgow City Council DCP 2021, covers a large component of this area. Chapter 9 (9.4.3) also states that “The Pottery Estate has been significantly impacted by high levels of disturbance associated with quarrying and mining activities that have occurred over the past 150 years or more.” We were (informally) advised when we purchased our property in 2009 that the adjacent vacant land in front “would never be built on as it is an old quarry which has been filled in.” Peace and privacy were deciding factors in the purchase of our home.

The following constitutes the basis of this objection in the absence of the provision of geotechnical reports and the details of a site analysis and thus does not address concerns regarding mine subsidence and soil contamination at this point. The Lithgow DCP only states that these “may” be required, consequently giving no assurance of safety controls.

- Loss of visual amenity – The entire length of the front of our south facing property is adjacent to the “Pottery Estate”. The area in front of the house is wire fenced to take in the views and capture the openness of the space. Our house is situated approximately 30m from the street and at the low end of a slope, which provides seclusion. This essentially forms the character of our homelife, which would be lost if the land were subdivided for residences.



View from front door



End of Hill St & front entrance to no.46

- Loss of Views – Concerns that views would be lost and replaced by houses. This is further exacerbated by the fact that “single storey dwellings are encouraged within the Pottery Estate” (9.6.1.2) but this not a requirement in the North Precinct.



View from front yard



View from front gate

- Loss of privacy – Currently we have only 1 neighbouring property. Established trees provide screening and contribute to privacy. This will not be immediately available with new properties, particularly if they are not single storey. Noise from surrounding dwellings is also a concern.
- Light spillage – House lights, car headlights and the streetlights lining the associated roads, have the potential to illuminate our property and distract from the seclusion it currently provides whilst causing substantial disturbance.
- Perceived loss of property value – All of the above reasons contribute to this perception. Evidence to be provided at a later date, when confirmed.

I am therefore strongly opposed to any residential development occurring in the “North Precinct” of the “Pottery Estate” due to the resulting detrimental effects on our home.

ATTACHMENT 3 - LITHGOW DEVELOPMENT CONTROL PLAN 2021 (AMENDMENT 1)

TABLE OF AMENDMENTS

| DCP REFERENCE | AMENDMENT | NATURE OF AMENDMENT |
|--|--|--|
| Lithgow Development Control Plan 2021 | | |
| Ch 1Pg. 3 | Update Table of Amendments to detail Amendment 1 | Administrative |
| Whole document | Amend the Page Footers to align with amendment dates | Administrative |
| Ch 1 S.1.3 Pg. 4 | Remove 1.3 (b) to enable LDCP to apply to the land within the Pottery Estate Development Map. | Administrative |
| Chapter 9 Pottery Estate Precinct | | |
| Whole document | Amend the Page Footers to align with amendment dates | Administrative |
| Ch9 S.9.1.3 Pg2. | Text box. Amend effective date of LDCP 2021 | Administrative |
| Ch9 S.9.2.3 Table 1 Pg. 5 | Business – Dot point 1 add after town centre “Lithgow Valley and Pottery Estate Plaza and surrounding Business and Retail”. | Arising from submission. To recognise the role of the existing “out of centre retail and commercial precincts within the locality. |
| Ch9 S.9.2.3 Table 1 Pg. 5 | Business – Dot point 3 remove “big box or bulky goods” and replace with large retail format | Administrative To correct terminology. |
| Ch 9 S.9.3.1 | Copy the text box provided in S.3.7 of LDCP Ch3 Pg. 31 into Chapter 9 | Administrative To provide consistency of information and to reinforce its importance. |
| Ch 9 S.9.3.2 Pg. 13 | 1 st para line 2 remove “till” and replace with ‘until’. | Grammar |
| Ch 9 S.9.3.2 | Insert text box to reference SEPP 55 similar to S.3.4.1 Ch 3. | Administrative To provide consistency of information and to reinforce its importance. |
| Ch 9 S.9.3.4 Pgs. 14-15 | Insert a new control and map to require a permit to be obtained under Part 3 SEPP (vegetation in non-rural areas) 2017 for any clearing of land not associated with a development and not exceeding the BOS threshold over land zoned E3 Environmental Management in the precinct. | Arising from recent legislative changes relating to clearing of land in non-rural areas. Removes potential for progressive clearing of land without consent and assessment of environmental impact. |
| Ch 9 S.9.3.6 Pg. 16 | Update S.9.3.6 to include current references to Flood planning Clause and controls in LLEP 2014 and providing a new control and map to reflect information within Councils Flood Study | Required to correct errors and omissions in S.9.3.6 in relation to flooding information. |

