

9 April 2020

Contact: *Stuart Little*  
Telephone: *02 9865 2449*  
Our ref: *D2020/31040*

General Manager  
Lithgow City Council  
PO Box 19  
LITHGOW NSW 2790

Attention: Sherilyn Hanrahan  
Strategic Land Use Planner

Dear Sir/Madam

### **Lithgow Local Strategic Planning Statement**

I refer to the Council's email of 3 March 2020 advising WaterNSW of the public exhibition of the Lithgow Local Strategic Planning Statement (LSPS).

WaterNSW's main interest in the LSPS is due to part of the Lithgow Local Government Area (LGA) being located within the Sydney Drinking Water Catchment (SDWC), and the location of the Fish River Scheme that WaterNSW owns and manages (see Attachment 1).

In providing our comments, WaterNSW acknowledges that the LSPS includes consideration of water quality related issues and particularly focuses on improving water management and protecting waterways.

### **Sydney Drinking Water Catchment**

WaterNSW supports the LSPS provisions that identify that portion of the Lithgow LGA that is within the SDWC (approximately 83,000 ha, which is 18% of the LGA), and the requirement for all development within the SDWC to have a neutral or beneficial effect (NorBE) on water quality in accordance with the requirements of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SDWC SEPP). Importantly, the LSPS notes that the health and quality of waterways and groundwater systems is vital for the safe supply of drinking water to Greater Sydney.

### **Development Control Plan (DCP)**

WaterNSW understands that all Lithgow DCPs relevant to the Lithgow LGA appear to have been repealed in 2017, and that Council does not currently have a comprehensive DCP in place. However, the LSPS is written as if there is an existing DCP. The absence of a comprehensive DCP limits Council's ability for guiding development in an appropriate and sustainable way while protecting key environmental values, including water quality (Aim; p 50). There is also no action in the LSPS for a comprehensive DCP to be developed. WaterNSW believes that a key action of the LSPS should be for Council to prepare and implement a new comprehensive DCP for the LGA.

### **Urban Planning**

WaterNSW is generally supportive of the LSPS provisions and actions relating to other urban planning initiatives. To ensure water quality in the SDWC is protected from new development, WaterNSW requests we are consulted when the following are being developed:

- Proposed 'growth framework' (Action 1.1)
- Local Housing Strategy (Actions 1.1, 2.1)
- Rural and Rural Residential Strategy (Actions 1.1, 3.1)
- Employment Lands Review (Action 1.1)
- Planning for Growth Areas in the Lithgow LGA (Action 1.2)
- Review the housing controls of the LEP and DCP to implement the Local Housing Strategy (Action 2.2).

## **Water Security, Water & Wastewater Infrastructure**

### ***Planning Principles***

WaterNSW generally supports the intention of Planning Principle 3 that seeks to 'ensure all new urban developments in the Development Service Plan Area are serviced with appropriate water and wastewater infrastructure', and makes the following comments:

- Greater clarity is required regarding the location of the 'Development Service Plan Area' as it is not described and there is no map of that Area. It is unclear if this applies to Marangaroo and the areas depicted on the 'Edge of Water and Wastewater Infrastructure' maps as presented on page 33.
- It would be beneficial for water and wastewater infrastructure to be provided in accordance with water sensitive urban design (WSUD) principles, and reference made to WSUD in the Planning Principle.
- Planning Principle 3 may benefit from an associated action (suggested Action 5.4) which would seek to: 'Review/update the Development Service Plan Area to ensure all new urban developments in the Area are serviced with appropriate water and wastewater infrastructure, and in accordance with WSUD principles'.
- Planning Principle 4 alludes to the incorporation of WSUD features into development, which harvests stormwater and maximises the retention of water in the landscape. To this end, the Principle could be expanded by including the phrase 'through Water Sensitive Urban Design' (if this is indeed the intention).

### ***Fish River Scheme***

The LSPS could include greater context for the Fish River Scheme (p. 32) which WaterNSW owns and operates. The Scheme provides water to Wallerawang and Mount Piper power stations, to Oberon and Lithgow councils for domestic and industry use, and to about 230 properties along its route. On occasions, the Scheme is also used to supplement town water supplies in the upper Blue Mountains.

### ***Other Water-related Infrastructure***

The LSPS (p. 32) notes the past upgrades that have occurred to a number of Sewage Treatment Plants with a new smaller treatment plant being considered for Cullen Bullen. WaterNSW made significant contributions towards the Lithgow and Wallerawang upgrades mentioned here.

The discussion on page 32 relating to the preparation of an Integrated Water Cycle Management Study (IWCMS) would benefit by cross-referring to the more detailed discussion about the IWCMS under Planning Priority 10 and in relation to Action 10.1.

The Infrastructure section may benefit by including a new action seeking the development of a DCP chapter for infrastructure-related development which would include stormwater management and related water quality protection provisions based on WSUD principles; it currently proposes no water-related actions.

## **Waterways and Water Resources**

WaterNSW supports the dedicated consideration to waterways, water resources and stormwater management issues under Planning Priority 10 (Managing Natural Waterways and Water Resources) within the Environment theme. We make the following comments:

- In terms of values, the section on waterways focuses on the importance of riparian areas for ecological reasons. The LSPS would benefit by noting that protection of riparian areas also acts to protect hydrological processes, natural flow paths and water quality.
- An additional dot point could be added under the IWCMS relating to protecting riparian vegetation for water quality and ecological benefits.
- Wetlands are not specifically mentioned in the LSPS. It would be helpful if the LSPS discussed whether and how wetlands are protected by the provisions of the LEP or other planning initiatives of Council.
- WaterNSW is supportive of the initiatives being undertaken for Farmers Creek including the development and implementation of the Farmers Creek Precinct Masterplan.

Planning Priority 10 of the LSPS gives rise to three key actions. We make the following comments on those actions:

- WaterNSW strongly supports Action 10.1 and requests we are consulted in the development of the IWCMS.
- WaterNSW strongly supports Action 10.2 and requests we are consulted in developing the WSUD Guidelines for the DCP. The IWCMS, WSUD Guidelines and Lithgow Floodplain Risk Management Study and Plan (p.53) are all likely to be inter-related. These documents may need to be informed by one another to optimise measures to manage flood risks and impacts from stormwater runoff.
- WaterNSW strongly supports Action 10.3 and requests we are consulted in developing the Urban Waterways and Riparian Areas Strategy as we are currently exploring opportunities to improve riparian protection in the SDWC.

The Lithgow LEP already contains strong provisions for water quality protection, however, as there is no current DCP for the LGA, the LSPS may benefit by an additional action:

- Review and update the riparian and water-related provisions of the Lithgow LEP and DCP.

### **Flood Risk**

WaterNSW strongly supports Action 12.1 that seeks to prepare and implement the Lithgow Floodplain Risk Management Study and Plan. This is important as flooding of Farmers Creek can directly impact the Lithgow town area and potentially adversely affect downstream water quality.

### **Liveability**

Council may consider adding another Planning Principle on page 22 seeking to improve liveability by linking blue and green grid and open space networks.

### **Community – Public Spaces and Places**

The LSPS may benefit from including an additional dot point in the list under Planning Priority 6 on page 35 about flooding risk, relating this to the need for increased impervious surfaces, effective stormwater management and WSUD.

### **Other**

- The document would benefit by collating all of the proposed Actions and providing these at the front or back of the LSPS.
- The pink and purple cross-hatchings on the Structure Plan maps (pages 14-17) do not match the hatchings depicted in the map legends.

### **LEP Provisions**

As the LSPS will lead into a review of the LEP provisions, WaterNSW has taken the opportunity to examine the LEP provisions for water quality to both inform our review of the LSPS and to possibly improve the LEP.

We note that the current Lithgow LEP includes a comprehensive range of provisions to protect water quality and water-related resources. Indeed, it is unique in that 19 of its 21 land use zones have zoning objectives that seek to protect water quality within drinking water catchments. Such provisions reinforce water quality outcomes for permissible uses across drinking water catchments within the LGA and are supported.

The LEP also contains an extensive range of stand-alone clauses on water-related issues. These include dedicated clauses for Flood Planning, Stormwater Management, Groundwater Vulnerability, and for Riparian Land and Watercourses. The Stormwater Management clause is also supported by an Essential Services clause which, amongst other matters, requires new development to provide for the disposal and management of sewage, and stormwater drainage or on-site conservation. The Riparian Land and Watercourse clause imposes particular water quality and other environmental considerations on any development within 40m of the bank of a mapped watercourses. Together, these provisions provide strong and comprehensive support for protecting water quality beyond the provisions of the SDWC SEPP, and provide a strong framework for water-related DCP provisions developed.

We make the following suggestions to improve Lithgow LEP over the longer term.

#### ***LEP Aims:***

Currently the Lithgow LEP includes the aim 'to manage, facilitate and encourage sustainable growth and development that ... avoids or minimises the impact of development on drinking and environmental water catchments to protect and enhance water availability and safety for human consumption and the maintenance of environmental and recreational values' (clause 1.2(c)(vii)). WaterNSW strongly supports this aim.

However, the aims of the LEP could be improved by referencing 'water quality' and including additional water-related aims to specifically protect watercourses, water resources, riparian areas, groundwater systems, groundwater, wetlands, and aquatic habitats. The aims could also be expanded to promote water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and WSUD. Such aims would give further credence and support to the water-related stand-alone clauses. Council may wish to consult the Blue Mountains, Kiama, Leichhardt and Manly LEPs which have aims giving effect to issues mentioned above.

#### ***Wetlands***

The LEP has no dedicated Wetlands clause and it is unclear whether and how wetland areas have been mapped and whether they are implicitly afforded protection under other clauses (e.g. Terrestrial Biodiversity, Riparian Land and Watercourses). It is also unclear whether water quality considerations apply in the heads of consideration of any relevant LEP clause. The relationship of the LEP provisions to wetlands should be clarified in any later LEP review.

#### ***Stormwater Management***

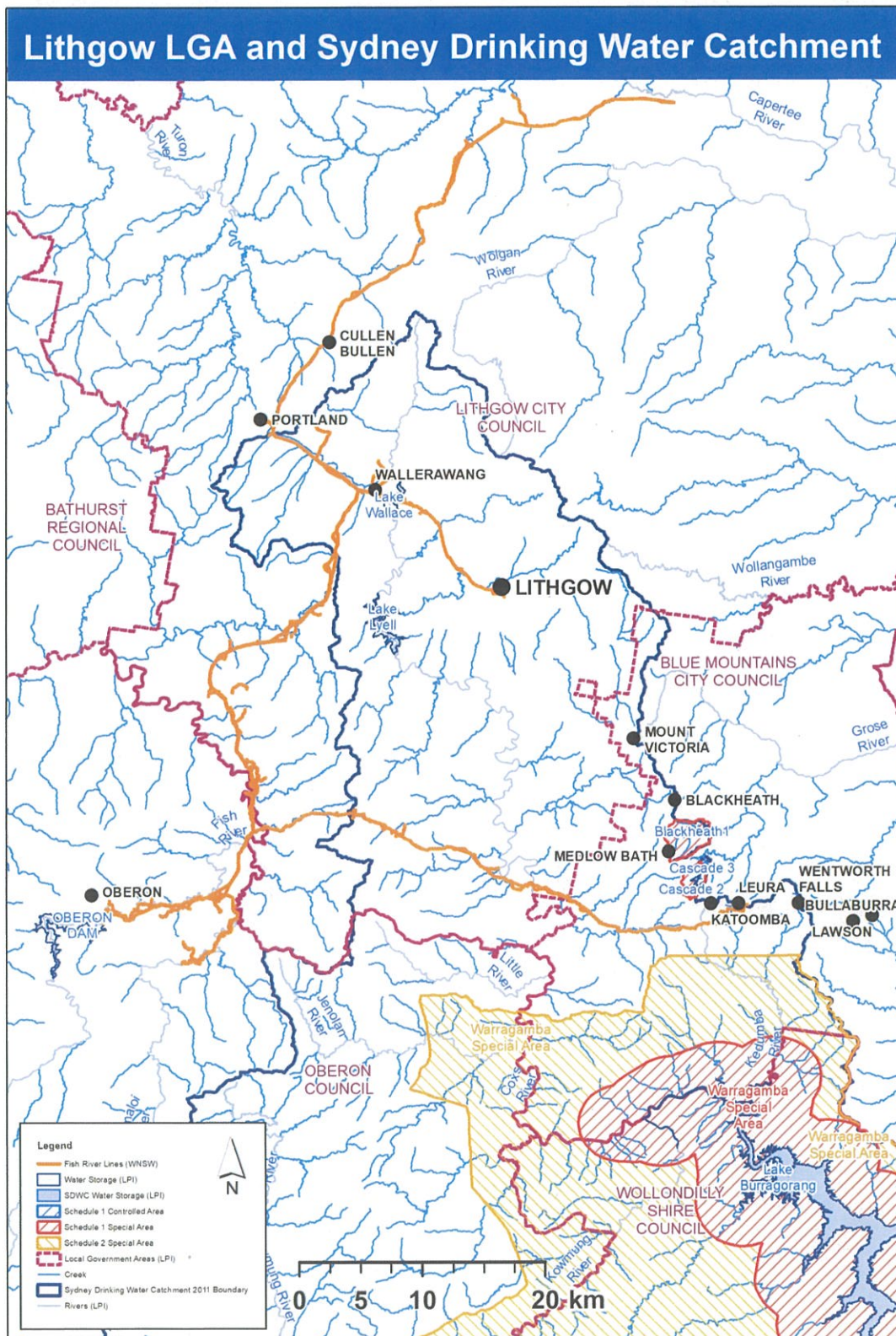
We strongly support the inclusion of a Stormwater Management clause in the LEP as currently occurs. However, this clause could be extended to apply to all land use zones and make reference to WSUD.

Should you have any questions, please contact Stuart Little ([stuart.little@waternsw.com.au](mailto:stuart.little@waternsw.com.au)).

Yours sincerely



**CLAY PRESRAW**  
**Manager Catchment Protection**



**Map 1** – Lithgow LGA and Sydney Drinking Water Catchment boundary and showing location of the Fish River Scheme.